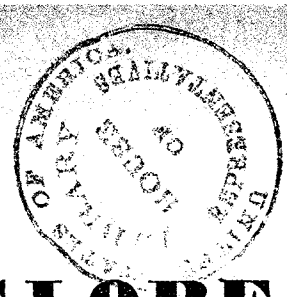
THE



CONGRESSIONAL GLOBE,

CONTAINING

SKETCHES OF THE DEBATES AND PROCEEDINGS

OF THE

TWENTY-FIFTH CONGRESS.

BLAIR AND RIVES, EDITORS.

SECOND SESSION----VOLUME VI.

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CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, DECEMBER 11, 1837. VOLUME 6.....No. 1.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

IN SENATE,

MONDAY, December 4, 1837.

The second session of the twenty-fifth Congress convened this day, in conformity with the Constitution of the United States, when the following Senators were in attendance:

Messrs. Allen,	Messrs. Norvell,
Benton,	Pierce,
Brown,	Prentiss,
Buchanan,	Rives,
Clay of Ala.	Roane,
Clay of Ky.	Robbins,
Clayton,	Robinson,
Crittenden,	Smith of Conn.
Davis,	Smith of Ia.
Fulton,	Strange,
Grundy,	Swift,
King of Ala.	Tipton,
Knight,	Walker,
Linn,	Wall,
Lyon,	White,
McKean,	Williams,
Morris,	Wright,
Niles,	Young.

On motion of Mr. GRUNDY,

Ordered, That the Secretary of the Senate inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

On motion of Mr. WRIGHT,

Ordered, That a committee be appointed to join such committee as may be appointed on the part of the House of Representatives to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress is assembled, and ready to receive any communication he may be pleased to make.

Messrs. WRIGHT and KNIGHT were appointed on the part of the Senate.

A message was received from the House of Representatives, informing the Senate that a quorum of that body had assembled, and were ready to proceed to business; and that it had appointed a committee to join that appointed by the Senate to wait n the President, and inform him that Congress was ready to receive any communication he might be pleased to make.

On motion of Mr. WRIGHT,

Ordered, That the Secretary of the Senate be directed to furnish the Senators with such newspapers as they may select, not exceeding the price of three daily papers.

On motion of Mr. CLAY of Kentucky,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, December 4, 1837.

This being the day set apart by the Constitution of the United States for the annual meeting of the two Houses of Congress, at 12 o'clock, m. the SPEAKER called the House to order.

The roll of the members of the House was then called over by States, when the following answered to their names:

MAINE.

Hugh J. Anderson,	Thomas Davee,
Timothy J. Carter,	John Fairfield,
Jonathan Cilley,	Francis O. J. Smith.

NEW HAMPSHIRE.

Charles G. Atherton,	James Farrington,
Samuel Cushman,	Jared W. Williams.

MASSACHUSETTS.

John Quincy Adams,	Richard Fletcher,
George N. Briggs,	George Grennell, jr.
William B. Calhoun,	Levi Lincoln,
Caleb Cushing,	William Parmenter.

RHODE ISLAND.

Robert B. Cranston,	Joseph L. Tillinghast.

CONNECTICUT.

Elisha Haley,	Isaac Toucey,
Orin Holt,	Thomas T. Whittlesey.
Lancelot Phelps,	

VERMONT.

Heman Allen,	Isaac Fletcher,
Horace Everett,	Hiland Hall.

NEW YORK.

John T. Andrews,	Robert McClellan,
Bennet Bicknell,	Ely Moore,
Samuel Birdsall,	William H. Noble,
Isaac H. Bronson,	John Palmer,
Churchill C. Cambreleng,	Amasa J. Parker,
Edward Curtis,	Luther C. Peck,
John Edwards,	Zadock Pratt,
Millard Filmore,	John H. Prentiss,
Henry A. Foster,	David Russell,
Albert Gallup,	Mark H. Sibley,
Abraham P. Grant,	James B. Spencer,
Thomas B. Jackson,	William Taylor,
Nathaniel Jones,	Obadiah Titus,
Arphaxed Loomis,	Abraham Vanderveer,
Richard P. Marvin,	Henry Vail.

NEW JERSEY.

John B. Aycrigg,	Joseph F. Randolph,
William Halstead,	Charles C. Stratton,
John P. B. Maxwell,	Thomas Jones Yorke.

PENNSYLVANIA.

William Beatty,	Mathias Morris,
Richard Biddle,	Samuel W. Morris,
Andrew Buchanan,	Henry A. Muhlenberg,
Edward Darlington,	Lemuel Paynter,
Edward Davies,	David Petriken,
Jacob Fry, jr.	David Potts, jr.
Edward B. Hubley,	Daniel Sheffer,
John Klingensmith, jr.	George W. Tolland,
Tho. M. T. McKennan,	David D. Wagener.

MARYLAND.

John Dennis,	William Cost Johnson,
Benjamin C. Howard,	Isaac McKim,
Daniel Jenifer,	John T. H. Worthington.

VIRGINIA.

Andrew Beirne,	James M. Mason,
James W. Bouldin,	Charles F. Mercer,
Walter Coles,	William S. Morgan,
Robert Craig,	Isaac S. Pennybacker,
George C. Dromgoole,	Francis E. Rives,
James Garland,	John Robertson,
George W. Hopkins,	Archibald Stewart,
Joseph Johnson,	John Taliaferro.
John W. Jones,	

NORTH CAROLINA.

Edmund Deberry,	Augustine H. Shepperd,
James Graham,	Edward Stanley,
William Montgomery,	Lewis Williams.

SOUTH CAROLINA.

John K. Griffin.

GEORGIA.

Seaton Grantland,	Jabez Jackson,
Charles E. Haynes,	George W. B. Towns.

KENTUCKY.

John Calhoon,	Edward Ramsey,
John Chambers,	William W. Southgate,
William J. Graves,	Joseph R. Underwood,
James Harlan,	John White,
Richard Hawes,	Sherrod Williams.

TENNESSEE.

John Bell,	Abraham McClellan,
William B. Campbell,	James K. Polk,
William B. Carter,	Ebenezer J. Shields,
Richard Cheatham,	Hopkins L. Turney,
John W. Crockett,	Christopher H. Williams.
Abraham P. Maury,	

OHIO.

James Alexander, jr.	Calvary Morris,
William Key Bond,	Joseph Ridgway,
Alexander Duncan,	Mathias Sheplor,
Daniel Kilgour,	Elisha Whittlesey.
Samson Mason,	

INDIANA.

Ratliff Boon,	William Herod,
George H. Dunn,	James Rariden,
John Ewing,	Albert S. White.
William Graham,	

MISSISSIPPI.

Samuel J. Gholson.

ILLINOIS.

Zadok Casey,	Adam Snyder.
William L. May,	

ALABAMA.

Reuben Chapman,	Joab Lawler.

MISSOURI.

John Miller.

MICHIGAN.

Isaac E. Crary.

WISCONSIN TERRITORY.

George W. Jones, *delegate*.

Mr. YELL, of Arkansas, was then qualified and took his seat.

Several other members came in during the day.

The CHAIR then announced 163 members as being present, and the House proceeded to business.

On motion of Mr. MUHLENBERG, a message was ordered to be sent to the Senate, to inform that body that a quorum of the House of Representatives had assembled, and that the House was ready to proceed to business.

On motion of Mr. MUHLENBERG, a committee of three was appointed, in conjunction with such committee as might be appointed on the part of the Senate, to wait upon the President of the United States, and inform him that the two Houses of Congress had convened, and were ready to receive any communication he might be pleased to make.

On motion of Mr. HARLAN, the usual order for furnishing the members with newspapers to the extent of three daily papers, was adopted.

Mr. WHITTLESEY of Ohio then submitted a resolution ordering the appointment of the several Standing Committees, and moved to postpone its further consideration till to-morrow.

Mr. CUSHMAN moved to postpone it until Thursday next.

Mr. WHITTLESEY hoped the gentleman from New Hampshire would not press that motion, for he saw no necessity at all for wasting three or four days at the commencement of the session. He hoped they had come there now for the purpose of transacting business, and in that hope he had moved this order.

Perhaps the gentleman from New Hampshire might be under the impression that, by the rules of the House, as now existing, no member could be appointed on a committee unless he were present. That was not the case. Any member elected to the House at that time might be appointed on a committee, whether present or not. He trusted, therefore, there would be no objection at all to the motion he had made. He reiterated the hope that they would have commenced this session with a firm determination to transact the business necessary and important for them to transact At the last regular session of Congress there were between seven and eight hundred bills remaining upon the calendar undisposed of; and why? Because they came there prepared to spend one month in holidays, consuming the whole of the first week in just meeting to adjourn, get their eight dollars a day, and then go gossipping through the city. He was admonished not to make such charges, but he had no allusion to any gentleman. His remark was a general one, but he was, nevertheless, extremely solicitous that the truth should be told, and they might as well commence telling it at the beginning of the session as toward the end, and what he had stated was known to all.

Now, the excuse had heretofore been, that the committees could not be appointed at so early a period, because the Speaker was unacquainted with the members. That was a reason generally entitled to much weight; but not in the present instance, for the Chair was as well qualified to appoint the committees now as he would be a week hence. Then Mr. W. would again ask, why should this whole week be consumed in idleness? Were there no pensioners to be provided for? no long standing claims of various kinds Why, in

the private claims growing out of our land system alone, there were numerous cases reported favorably two years ago, but unacted on for the simple reason that there was not time. Now it seemed to him that they had been making this excuse to the people of the country long enough, and they ought to come there with a fixed determination to dispose of whatever public and private business came before them without loss of time, and at least not dissipate one whole week of the session. For the purpose of determining whether they were to dispose of the business of the country or not, he hoped the House would indulge him with the yeas and nays on the question of postponement.

The yeas and nays having been ordered,

Mr. CUSHMAN varied his motion to postpone till Wednesday instead of Thursday.

Mr. C. said he joined in the wish expressed by the gentleman from Ohio, that they would commence this session with a determination of going on with the public business as speedily as possible, but his motion did not contemplate delay. He had made it merely for the purpose of giving the Speaker an opportunity to appoint the committees in a judicious manner, by revising, where necessary, the appointments made last session. Heretofore it had never, he believed, been the practice to appoint the committees, or order their appointment, on the first day, but to postpone it till Thursday. Mr.C. however, was willing to make it a day earlier. The duty was a very important one, requiring great judgment and knowledge of the members. It is well known that the business of the House depended very much upon the organization of the committees; and it was therefore all-important that they should be well organized for the whole business. As, then, it was so highly expedient that the Speaker should be acquainted with the members, he hoped the House would concur with him in the necessity of granting sufficient time for that officer to perform the duty.

Again: they were all pretty well satisfied of the fact that they should not receive the President's Message till to-morrow; and the requirement of the gentleman's order on that day would assuredly interfere with the reception of that document.

Mr. WHITTLESEY interposed. He said the gentleman appeared to be laboring under an erroneous impression as to the object of his (Mr. W's) motion. He had mentioned, at the time he submitted the order, that he should not move its consideration then, but to-morrow; and he would, therefore, suggest whether the gentleman from New Hampshire had not better withdraw his motion, and when it came up to-morrow the House might then postpone or dispose of it.

Mr. CUSHMAN having expressed his assent,

The further consideration of the order was accordingly postponed till to-morrow.

On motion of Mr. MORGAN the daily hour of meeting was directed to be 12 o'clock, m. until otherwise ordered.

Mr. UNDERWOOD said he wished to submit an amendment to the rules, and he inquired of the Chair whether the rules of the last session were to be re-adopted, or did they govern through a whole Congress.

The CHAIR replied that the practice had heretofore been that the rules adopted at the first session of that Congress were the rules until otherwise ordered.

Mr. UNDERWOOD then submitted the following as an additional rule, which lies over one day:

"It shall also be the duty of the Clerk to compile a separate journal of the yeas and nays in such manner as to exhibit the questions decided, and the vote of each member; and at the end of every session he shall cause to be printed as many copies thereof as will be sufficient to furnish one copy for every thousand free male inhabitants above the age of twenty-one years in the United States, the number of such free males to be determined by the Clerk from the latest statistical information; and he shall distribute such copies among the Executives of the several States, in proportion to the relative number of such free males in each State."

Mr. UNDERWOOD, on leave, then submitted the following resolution, which, under the rule, lies over one day:

Resolved, That the Secretary of War be directed to lay before Congress copies of all orders and instructions given to the commander in chief of the force in Florida, authorizing him to raise troops or to call into service any portion of the militia, or to accept the services of volunteers for the purpose of suppressing Indian hostilities, and that said Secretary report what measures, if any, have been adopted to enlist and procure the services of other Indian warriors to fight against the Seminoles, the number of Indians so enlisted or taken into the service of the United States, the tribes to which they respectively belong, the length of time they have been engaged to serve and the amount of pay promised them; and that the said Secretary also report the number of troops of all classes engaged and called into service for the purpose of prosecuting the war in Florida at the present time.

The SPEAKER laid before the House a report of the balances of unsettled accounts on the books of the Fourth Auditor; which, on motion of Mr. WHITTLESEY of Ohio, was ordered to lie on the table and be printed.

On motion of Mr. BOON,

The House adjourned.

IN SENATE,

TUESDAY, December 5, 1837.

Mr. HUBBARD of New Hampshire, and Mr. TALLMADGE of New York, arrived and took their seats.

Mr. WRIGHT, from the committee appointed in conjunction with that of the House of Representatives, to wait on the President with the information that a quorum of both Houses was in attendance, and ready to receive any communications he should be pleased to make, reported that the duty required had been performed, and that the President would send a message, in writing, to both Houses of Congress, at 12 o'clock this day.

The following Message was received from the President of the United States, through his private secretary, A. VAN BUREN, esq.

Fellow-Citizens of the Senate and House of Representatives:

We have reason to renew the expression of our devout gratitude to the GIVER OF ALL GOOD for his benign protection. Our country presents, on every side, the evidences of that continued favor, under whose auspices it has gradually risen from a few feeble and dependent Colonies to a prosperous and powerful Confederacy. We are blessed with domestic tranquillity, and all the elements of national prosperity. The pestilence which, invading, for a time, some flourishing portions of the Union, interrupted the general prevalence of unusual health, has happily been limited in extent, and arrested in its fatal career. The industry and prudence of our citizens are gradually relieving them from the pecuniary embarrassments under which portions of them have labored; judicious legislation, and the natural and boundless resources of the country, have afforded wise and timely aid to private enterprise; and the activity always characteristic of our people has already, in a great degree, resumed its usual and profitable channels.

The condition of our foreign relations has not materially changed since the last annual message of my predecessor. We remain at peace with all nations; and no efforts on my part, consistent with the preservation of our rights and the honor of the country, shall be spared to maintain a position so consonant to our institutions. We have faithfully sustained the foreign policy with which the United States, under the guidance of their first President, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges; rendering and demanding justice in all cases; advancing their own, and discussing the pretensions of others, with candor, directness, and sincerity; appealing at all times to reason, but never yielding to force, nor seeking to acquire any thing for themselves by its exercise.

A rigid adherence to this policy has left this Government with scarcely a claim upon its justice, for injuries arising from acts committed by its authority. The most imposing and perplexing of those of the United States upon foreign Governments, for aggressions upon our citizens, were disposed of by my predecessor. Independently of the benefits conferred upon our citizens by restoring to the mercantile community so many millions of which they had been wrongfully divested, a great service was also rendered to his country by the satisfactory adjustment of so many ancient and irritating subjects of contention; and it reflects no ordinary credit on his successful administration of public affairs, that this great object was accomplished, without compromising, on any occasion, either the honor, or the peace of the nation.

With European powers no new subjects of difficulty have arisen; and those which were under discussion, although not terminated, do not present a more unfavorable aspect for the future preservation of that good understanding, which it has ever been our desire to cultivate.

Of pending questions, the most important is that which exists with the Government of Great Britain, in respect to our northeastern boundary. It is with unfeigned regret, that the people of the United States must look back upon the abortive efforts made by the Executive, for a period of more than half a century, to determine, what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States, and of the neighboring territory, was for a season such, that this perhaps was not indispensable to a faithful performance of the duties of the Federal Government. Time, has, however, changed this state of things; and has brought about a condition of affairs, in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised, that with full confidence, often expressed, in the desire of the British Government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate satisfactorily this dispute, by proposing the substitution of a conventional line, if the consent of the States interested in the question could be obtained. To this proposition, no answer has as yet been received. The attention of the British Government has, however, been urgently invited to the subject, and its reply cannot, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that Government to maintain them upon their present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you, how cordially it is reciprocated by the Government and people of the United States. The conviction, which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement cannot be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session, I laid before you the recent communications between the two Governments, and between this Government and that of the State of Maine, in whose solicitude, concerning a subject in which she has so deep an interest, every portion of the Union participates.

The feelings produced by a temporary interruption of those harmonious relations between France and the United States, which are due as well to the recollections of former times as to a correct appreciation of existing interests, have been happily succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. The opinion, undoubtedly correct, and steadily entertained by us, that the commercial re-

lations at present existing between the two countries are susceptible of great and reciprocally beneficial improvements, is obviously gaining ground in France; and I am assured of the disposition of that Government to favor the accomplishment of such an object. This disposition shall be met in a proper spirit on our part. The few and comparatively unimportant questions that remain to be adjusted between us, can, I have no doubt, be settled with entire satisfaction, and without difficulty.

Between Russia and the United States, sentiments of good will continue to be mutually cherished. Our Minister recently accredited to that Court, has been received with a frankness and cordiality, and with evidences of respect for his country, which leave us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly existed between the two countries. On the few subjects under discussion between us, an early and just decision is confidently anticipated.

A correspondence has been opened with the Government of Austria, for the establishment of diplomatic relations, in conformity with the wishes of Congress, as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prusia, and with the States of the German empire, now composing with the latter the Commercial League, our political relations are of the most friendly character, whilst our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of its Treasury, the inevitable consequence of long-continued and exhausting internal wars. The last instalment of the interest of the debt due under the convention with the Queen of Spain has not been paid; and similar failures may be expected to happen, until a portion of the resources of her kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon the vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25, 1832, declaring that fact; and the duties on forreign tonnage which were levied upon Portuguese vessels in the United States, previously to the passage of that act, are accordingly revived.

The act of July 4, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed upon the application of that Government, through its representative here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that country upon the cargoes of American vessels; and as the act referred to vests no discretion in the Executive, it is for Congress to determine upon the expediency of further legislation on the subject. Against these discriminations, affecting the vessels of this country and their cargoes, seasonable remonstrance was made, and notice was given to the Portuguese Government that unless they should be discontinued, the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that Government, received at the Department of State through our Charge d'Affaires at Lisbon, in the month of September last, afforded no ground to hope for the abandonment of a system so little in harmony with the treatment shown to the vessels of Portugal and their cargoes in the ports of this country, and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples, and Belgium, a friendly intercourse has been uninterruptedly maintained.

With the Government of the Ottoman Porte and its dependencies on the coast of the Mediterranean, peace and good will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.

Our commerce with Greece is carried on under the laws of the two Governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the Governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received, and the treaties made public, since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the Sultan of Muscat prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts toward one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the Islands of Cuba and Porto Rico still labors under heavy restrictions, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries, at the expense both of the United States and Spain.

The independent nations of this continent have, ever since they emerged from the colonial state, experienced severe trials in their progress to the permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the Governments formed out of the Republics of Colombia, and Mexico, are still pending, although many of them have been presented for examination more than twenty years. New Granada, Venezuela, and Ecuador, have recently formed a convention for the purpose of ascertaining and adjusting claims upon the Republic of Colombia, from which it is earnestly hoped our citizens will, ere long, receive full compensation for the injuries originally inflicted upon them, and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that Government. The progress of a subsequent negotiation for the settlement of claims upon Peru, has been unfavorably affected by the war between that power and Chili, and the Argentine Republic; and the same event is also likely to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico, and a variety of events touching the honor and integrity of our Government, led my predecessor to make, at the second session of the last Congress, a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this Government and by our citizens. He recommended a final demand of redress, with a contingent authority to the Executive to make reprisals, if that demand should be made in vain. From the proceedings of Congress on that recommendation, it appeared that the opinion of both branches of the Legislature coincided with that of the Executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed, with the President, that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power; but that there was an indisposition to vest a discretionary authority in the Executive to take redress, should it unfortunately be either denied or unreasonably delayed by the Mexican Government. So soon as the necessary documents were prepared, after entering upon the duties of my office, a special messenger was sent to Mexico, to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire, on the part of that Government, to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate; that in this examination, it would be guided by the principles of public law and the obligation of treaties; that nothing should be left undone that might lead to the most speedy and equitable adjustment of our demands; and that its determination, in respect to each case, should be communicated through the Mexican Minister here.

Since that time, an Envoy Extraordinary and Minister Plenipotentiary has been accredited to this Government by that of the Mexican Republic. He brought with him assurances of a sincere desire that the pending differences between the two Governments should be terminated in a manner satisfactory to both. He was received with reciprocal assurances; and a hope was entertained that his mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican Republic, and well known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that Government, and in restoring to the intercourse between the two Republics, that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply to have found in the recent communications of that Government so little reason to hope that any future efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number, and many of them aggravated cases of personal wrongs have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican Minister. By the report of the Secretary of State, herewith presented, and the accompanying documents, it will be seen, that for not one of our public complaints has satisfaction been given or offered; that but one of the cases of personal wrong has been favorably considered; and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican Government.

Not perceiving in what manner any of the powers given to the Executive alone could be farther usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to Congress, as one calling for its interposition. In accordance with the clearly understood wishes of the Legislature, another and formal demand for satisfaction has been made upon the Mexican Government, with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs, to decide upon the time, the mode, and the measure of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the councils of our country.

The balance in the Treasury on the first day of January, 1837, was forty-five millions nine hundred and sixty-eight thousand five hundred and twenty-three dollars. The receipts during the present year from all sources, including the amount of Treasury notes issued, are estimated at twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, constituting an aggregate of sixty-nine millions four hundred and sixty-eight thousand five hundred and four dollars. Of this amount, about thirty-five millions, two hundred and eighty-one thousand three hundred and sixty-one dollars will have been expended at the end of the year on appropriations made by Congress; and the residue, amounting to thirty-four millions one hundred and eighty-seven thousand one hundred and forty-three dollars, will

be the nominal balance in the Treasury on the first of January next. But of that sum, only one million eighty-five thousand four hundred and ninety-eight dollars is considered as immediately available for, and applicable to, public purposes. Those portions of it which will be for some time unavailable, consist chiefly of sums deposited with the States, and due from the former deposite banks. The details upon this subject will be found in the annual report of the Secretary of the Treasury. The amount of Treasury notes, which it will be necessary to issue during the year on account of those funds being unavailable, will, it is supposed, not exceed four and a half millions. It seemed proper, in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measures. The Departments were, therefore, desired to prepare their estimates accordingly; and I am happy to find that they have been able to graduate them on so economical a scale. In the great and often unexpected fluctuations to which the revenue is subjected, it is not possible to compute the receipts beforehand with great certainty; but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity.

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which, in consequence of those embarrassments, has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the Treasury notes, which have been issued during the present year, will be redeemed, and that the resources of the Treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The Report of the Secretary of the Treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year; a period which, for the amount of public moneys disbursed and deposited with the States as well as the financial difficulties encountered and overcome, has few parallels in our history.

Your attention was, at the last session, invited to the necessity of additional legislative provisions in respect to the collection, safe-keeping, and transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty again to bring the subject to your notice.

On that occasion, three modes of performing this branch of the public service were presented for consideration. These were: the creation of a national bank; the revival, with modifications, of the deposite system established by the act of the 23d of June, 1836, permitting the use of the public moneys by the banks; and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both Houses of Congress on the two first propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity since your adjournment, not only to test still further the expediency of the measure, by the continued practical operation of such parts of it as are now in force, but also to discover—what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people. The national will is the supreme law of the Republic, and, on all subjects within the limits of his constitutional powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal communication with your constituents. For one State only has an election been held for the Federal Government; but the early day at which it took place, deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for State officers have, however, been held in several of the States, at which the expediency of the plan proposed by the Executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember, that questions of far deeper and more immediate local interest, than the fiscal plans of the National Treasury, were involved in those elections. Above all, we cannot overlook the striking fact, that there were at the time in those States more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture—other large portions upheld only by special and limited legislative indulgences—and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the State Legislatures to be then chosen. Apprised of this circumstance, you will judge, whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connection with the then pending elections, and the feelings it was calculated to infuse into the canvass, have exercised a far greater influence over the result, than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the General Government, more remote and far less important in its bearings upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety, either in the fiscal affairs of the Government, or in the pecuniary transactions of individuals and corporations, so long as a connection exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiassed exercise of political opinion—the only sure foundation and safeguard of republican government—would be exposed by any further increase of the already overgrown influence of corporate authorities. I cannot, therefore, consistently with my views of duty, advise a renewal of a connection which circumstances have dissolved.

The discontinuance of the use of State banks for fiscal purposes ought not to be regarded as a measure of hostility toward those institutions. Banks, properly established and conducted, are highly useful to the business of the country, and will doubtless continue to exist in the States, so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the States to decide. Upon their rights, or the exercise of them, the General Government can have no motive to encroach. Its duty toward them is well performed, when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the Constitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connection with the Federal Government, nor on the use of the public money for their own benefit. The object of the measure under consideration is, to avoid for the future a compulsory connection of this kind. It proposes to place the General Government, in regard to the essential points or the collection, safe-keeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade, and confide them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people, and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the Treasury; to preserve the measures of the Government from the unavoidable reproaches that flow from such a connection, and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject; formed after careful reflection, and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important, on a subject so interesting, could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests; so long as they pursue only the general good, and are discussed with moderation and candor, such diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light; and more especially if they should be satisfied that the measure proposed would not be acceptable to the people; I shall look to their wisdom to substitute such as may be more conducive to the one, and more satisfactory to the other. In any event, they may confidently rely on my hearty co-operation to the fullest extent, which my views of the Constitution and my sense of duty will permit.

It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law; and, if possible, at your present session. Besides the plans above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the State banks in special deposite. This plan is, to some extent, in accordance with the practice of the Government, and with the present arrangement of the Treasury Department; which, except, perhaps, during the operation of the late deposite act, has always been allowed, even during the existence of a National Bank, to make a temporary use of the State banks, in particular places, for the safe keeping of portions of the revenue. This discretionary power might be continued, if Congress deem it desirable, whatever general system be adopted. So long as the connection is voluntary, we need perhaps anticipate few of those difficulties, and little of that dependence, on the banks, which must attend every such connection when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of Government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the public money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the Government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree, accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the Government from those of individuals or corporations. With these observations, I recommend the whole matter to your dispassionate reflection; confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give safety and stability to the fiscal operations of the Government, and be consistent, on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary, on this occasion, any allusion to the late National Bank. There are circumstances, however, connected with the present state of its affairs, that bear so directly on the character of the Government and the welfare of the citizen, that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges on the fourth of March, 1836, continued its corporate powers two years more, for the sole purpose of closing its affairs, with authority "to use the corporate name, style and capacity, for the purpose of suits for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate, real, personal and mixed, but for no

other purpose or in any other manner whatsoever." Just before the banking privileges ceased, its effects were transferred by the bank to a new State institution then recently incorporated, in trust, for the discharge of its debts and the settlement of its affairs. With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the Government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests, has been executed, would, under any circumstances, be a fit subject of inquiry; but much more does it deserve your attention, when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and cancelled the outstanding notes of the bank, but has reissued, and is actually reissuing, since the third of March, 1836, the notes which have been received by it to a vast amount. According to its own official statement, so late as the first of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncancelled notes of the late Bank of the United States to the amount of twenty-seven millions five hundred and sixty-one thousand eight hundred and sixty-six dollars, of which six millions one hundred and seventy-five thousand eight hundred and sixty-one dollars were in actual circulation, one million four hundred and sixty-eight thousand six hundred and twenty-seven dollars at State bank agencies, and three millions two thousand three hundred and ninety dollars *in transitu;* thus showing that upwards of ten millions and a half of the notes of the old bank were then still kept outstanding. The impropriety of this procedure is obvious: it being the duty of the trustee to cancel and not to put forth the notes of an institution, whose concerns it had undertaken to wind up. If the trustee has a right to reissue these notes now, I can see no reason why it may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special provision for enforcing it; nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States, in settling with the trustee for their stock, have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent; and should they result unfortunately, the interests of individuals may be deeply compromised. Without undertaking to decide how far, or in what form, if any, the trustee could be made liable for notes which contain no obligation on its part; or the old bank, for such as are put in circulation after the expiration of its charter, and without its authority; or the Government for indemnity, in case of loss, the question still presses itself upon your consideration, whether it is consistent with duty and good faith on the part of the Government, to witness this proceeding without a single effort to arrest it.

The report of the Commissioner of the General Land Office, which will be laid before you by the Secretary of the Treasury, will show how the affairs of that office have been conducted for the past year. The disposition of the public lands is one of the most important trusts confided to Congress. The practicability of retaining the title and control of such extensive domains in the General Government, and at the same time admittin the Territories embracing them into the Federal Union as coequals with the original States, was seriously doubted by many of our wisest statesmen. All feared that they would become a source of discord, and many carried their apprehensions so far as to see in them the seeds of a future dissolution of the Confederacy. But happily our experience has already been sufficient to quiet, in a great degree, all such apprehensions. The position, at one time assumed—that the admission of new States into the Union on the same footing with the original States, was incompatible with a right of soil in the United States, and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated—has been wisely abandoned. Whether in the new or the old States, all now agree that the right of soil to the public lands remains in the Federal Government, and that these lands constitute a common property, to be disposed of for the common benefit of all the States, old and new. Acquiescence in this just principle by the people of the new States has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally conceded, that whilst the mode of disposition adopted by the Government, should always be a prudent one, yet its leading object ought to be the early settlement and cultivation of the lands sold; and that it should discountenance, if it cannot prevent, the accumulation of large tracts in the same hands, which must necessarily retard the growth of the new States, or entail upon them a dependent tenantry, and its attendant evils.

A question embracing such important interests, and so well calculated to enlist the feelings of the people in every quarter of the Union, has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed, are, to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase, and accomplishing a double object of promoting their rapid settlement by the purchasers, and at the same time increasing the receipts of the Treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the Government, which they have a voice in controlling; to bring them into market no faster than good lands are supposed to be wanted for improvements, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the Government; thus diminishing the amount to be raised from the people of the States by taxation, and giving each State its portion of the benefits to be derived from this common fund in a manner the most quiet, and at the same time, perhaps, the most equitable, that can be devised. These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of the Government, have, in their execution, produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upwards of seventy millions of acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new States and Territories created out of the public domain, increased between 1800 and 1830 from less than sixty thousand to upwards of two millions three hundred thousand souls, constituting, at the latter period, about one-fifth of the whole people of the United States. The increase since cannot be accurately known, but the whole may now be safely estimated at over three and a half millions of souls; composing nine States, the representatives of which constitute above one-third of the Senate, and over one-sixth of the House of Representatives of the United States.

Thus has been formed a body of free and independent landholders, with a rapidiy unequalled in the history of mankind; and this great result has been produced without leaving any thing for future adjustment between the Government and its citizens. The system under which so much has been accomplished cannot be intrinsically bad, and with occasional modifications, to correct abuses and adapt it to changes of circumstances, may, I think, be safely trusted for the future. There is, in the management of such extensive interests, much virtue in stability, and although great and obvious improvements should not be declined, changes should never be made without the fullest examination, and the clearest demonstration of their practical utility. In the history of the past, we have an assurance that this safe rule of action will not be departed from in relation to the public lands; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new States, is desirous of any radical alterations. On the contrary, the general disposition appears to be, to make such modifications and additions only as will the more effectually carry out the original policy of filling our new States and Territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsaleable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps for ever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value. The leading considerations urged in favor of the measure referred to are, that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the Government price downwards; that these lands will not be purchased at the Government price, so long as better can be conveniently obtained for the same amount; that there are large tracts which even the improvements of the adjacent lands will never raise to that price; and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlement in the new States, and to retard the full development of that wise policy on which our land system is founded, to the injury not only of the several States where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction of prices according to the length of time the lands have been in market, without reference to any other circumstances. The certainty that the efflux of time would not always in such cases, and perhaps not even generally, furnish a true criterion of value; and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value, so far as that can be accomplished without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the States as the basis of taxation—an actual valuation of lands, and classification of them into different rates? Would it not be practicable and expedient to cause the relative value of the public lands in the old districts, which have been for a certain length of time in market, to be appraised, and classed into two or more rates below the present minimum price, by the officers now employed in this branch of the public service, or in any other mode deemed preferable, and to make those prices permanent, if upon the coming in of the report they shall prove satisfactory to Congress? Cannot all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it avoided? It would seem to me that such a step, with a re-

striction of the sales to limited quantities, and for actual improvement, would be free from all just exception.

By the full exposition of the value of the lands thus furnished and extensively promulgated, persons living at a distance would be informed of their true condition, and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new States would be made more compact, and large tracts would be sold which would otherwise remain on hand; not only would the land be brought within the means of a larger number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands, rather than emigrate further west in pursuit of a smaller quantity of better lands. Such a measure would also seem to be more consistent with the policy of the existing laws—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the West, to occupy in groups the best spots of land, leaving immense wastes behind them, and enlarging the frontier beyond the means of the Government to afford it adequate protection; but in encouraging it to occupy, with reasonable denseness, the territory over which it advances, and find its best defence in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantages of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country, most of the public lands have been sold, and the registers and receivers have very little to do. It is a subject worthy of inquiry whether, in many cases, two or more districts may not be consolidated, and the number of persons employed in this business considerably reduced. Indeed, the time will come when it will be the true policy of the General Government, as to some of the States, to transfer to them, for a reasonable equivalent, all the refuse and unsold lands, and to withdraw the machinery of the federal land offices altogether. All who take a comprehensive view of our federal system, and believe that one of its greatest excellencies consists in interfering as little as possible with the internal concerns of the States, look forward with great interest to this result.

A modification of the existing laws in respect to the prices of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject. Many who have not the ability to buy at present prices, settle on those lands, with the hope of acquiring from their cultivation the means of purchasing under pre-emption laws, from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody, and only enter upon the waste domain; that they give additional value to the public lands in their vicinity, and their intention ultimately to pay the Government price. So much weight has from time to time been attached to these considerations, that Congress have passed laws giving actual settlers on the public lands a right of pre-emption to the tracts occupied by them at the minimum price. These laws have in all instances been retrospective in their operation; but in a few years after their passage, crowds of new settlers have been found on the public lands, for similar reasons, and under like expectations, who have been indulged with the same privileges. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should, by law, be thrown open to all. That which is intended, in all instances, to be legalized, should at once be made legal, that those who are disposed to conform to the laws may enjoy at least equal privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entries and payment of the Government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish. It would seem, therefore, to be the part of wisdom and sound policy to remove, as far as practicable, the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for those intrusions as the graduation of price already suggested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lower prices, and leave him without apology for settling on lands not his own. If he did not, under such circumstances, he would enlist no sympathy in his favor; and the laws would be readily executed, without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law, and now ask the enactment of another to enable them to retain the lands occupied, upon payment of the minimum Government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the Treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the nett revenue of only six cents an acre more than the minimum Government price. There is no reason to suppose that future sales will be more productive. The Government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connection with the preparatory steps toward the graduation of the price of the public lands, and further and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appear to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions to guard against abuses in the execution of a pre-emption law, will necessarily attract the careful attention of Congress; but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the Government on industrious settlers, are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the Secretary of War will bring to your view the state of the Army, and all the various subjects confided to the superintendence of that officer.

The principal part of the Army has been concentrated in Florida, with a view, and in the expectation, of bringing the war in that Territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers of their entire garrisons, for the purpose of assembling in the field an army of less than four thousand men, would seem to indicate the necessity of increasing our regular forces; and the superior efficiency, as well as greatly diminished expense of that description of troops, recommend this measure as one of economy as well as of expediency. I refer to the report for the reasons which have induced the Secretary of War to urge the reorganization and enlargement of the staff of the Army, and of the ordnance corps, in which I fully concur.

It is not, however, compatible with the interest of the people to maintain, in time of peace, a regular force adequate to the defence of our extensive frontiers. In periods of danger and alarm, we must rely principally upon a well-organized militia; and some general arrangement that will render this description of force more efficient, has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has been since frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the Constitution that renders it necessary to adopt an uniform system of organization for the militia throughout the United States, presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War, for the organization of volunteer corps, and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps, both of military and topographical engineers, has been more than once recommended by my predecessor; and my conviction of the propriety, not to say necessity, of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The Military Academy continues to answer all the purposes of its establishment, and not only furnishes well-educated officers to the Army, but serves to diffuse throughout the mass of our citizens individuals possessed of military knowledge, and the scientific attainments of civil and military engineering. At present, the cadet is bound, with consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged; thus exacting only one year's service in the Army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense; and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the Army and Navy of the United States, has been heretofore recommended, and appears to be required in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles, and graduate the supplies to the wants of the Government, as well as to regulate their quality and ensure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the Ordnance office. The establishment of a manufactory of small arms west of the Alleghany mountains, upon the plan proposed by the Secretary of War, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic States, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson in 1804, has been steadily persevered in by every succeeding President, and may be considered the settled policy of the country. Unconnected at first with any well defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the West; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them, for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen, by referring to the report of the Commissioner of Indian Affairs, that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi, have, for the most part, abandoned the hunter state, and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction; and I cannot too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the band of the Wyandotts, the Six Nations in New York, the Menomonees, Mandans and Stockbridges in Wisconsin, and Miamies in Indiana. With all but the Menomonees, it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some of the tribes, even after treaties had been made with them to that effect, has arisen from various causes, operating differently on each of them. In most instances they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important; and in some by the personal influence of interested Chiefs. These obstacles must be overcome; for the Government cannot relinquish the execution of this policy without sacrificing important interests, and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the States and Territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor, and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws, and be made sensible of the blessings of free government, and capable of enjoying its advantages. In the possession of property, knowledge, and a good Government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever present conviction of the importance of union, of peace among themselves, and of the preservation of amicable relations with us. The interests of the United States would also be greatly promoted by freeing the relations between the General and State Governments from what has proved a most embarrassing incumbrance, by a satisfactory adjustment of conflicting titles to lands, caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the State and General Governments, and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the Government to fulfil its treaty stipulations, and to protect the Indians thus assembled "at their new residences from all interruptions and disturbances from any other tribes or nations of Indians, or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostility its own border settlements, stretching along a line of more than one thousand miles. To enable the Government to redeem this pledge to the Indians, and to afford adequate protection to its own citizens, will require the continual presence of a considerable regular force on the frontiers, and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defence, the results of which will be presented to you by the Secretary of War at an early day, together with a plan for the effectual protection of friendly Indians, and the permanent defence of the frontier States.

By the report of the Secretary of the Navy, herewith communicated, it appears that unremitted exertions have been made at the different navy yards to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship of the line Pennsylvania, and the complete repairs of the ships of the line Ohio, Delaware, and Columbus, may be noticed, as forming a respectable addition to this important arm of our national defence. Our commerce and navigation have received increased aid and protection during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in cooperating with officers of the Army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad leaves at our disposal the means of conveniently providing for a home squadron, for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval service for the year 1838.

The naval officers engaged upon our coast survey have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without danger, must afford important commercial advantages to that harbor, and add greatly to its value as a naval station. The accurate survey of George's shoals off the coast of Massachusetts, lately completed, will render comparatively safe a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons, and assistant surgeons, in the Navy. These additions were rendered necessary, by the increased number of vessels put in commission, to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the Secretary, for the improvement of the naval service.

The report of the Postmaster General exhibits the progress and condition of the mail service. The operations of the Post Office Department constitute one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an extent of about one hundred and forty-two thousand eight hundred and seventy-seven miles, having been increased about thirty-seven thousand one hundred and three miles within the last two years. The annual mail transportation on these routes is about thirty-six millions two hundred and twenty-eight thousand nine hundred and sixty-two miles, having been increased about ten millions three hundred and fifty-nine thousand four hundred and seventy-six miles within the same period. The number of post offices has also been increased from ten thousand seven hundred and seventy to twelve thousand and ninety-nine, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and postmasters in general are represented as attending to their duties with most commendable zeal and fidelity.

The revenue of the Department, within the year ending on the thirtieth June last, was four millions one hundred and thirty-seven thousand and fifty-six dollars and fifty-nine cents; and its liabilities accruing within the same time were three millions three hundred and eighty thousand eight hundred and forty-seven dollars and seventy-five cents. The increase of revenue over that of the preceding year was seven hundred and eight thousand one hundred and sixty-six dollars and forty-one cents.

For many interesting details I refer you to the report of the Postmaster General, with the accompanying paper. Your particular attention is invited to the necessity of providing a more safe and convenient building for the accommodation of that Department.

I lay before Congress copies of reports submitted in pursuance of a call made by me upon the heads of Departments, for such suggestions as their experience might enable them to make as to what further legislative provisions may be advantageously adopted to secure the faithful application of public moneys to the objects for which they are appropriated; to prevent their misapplication or embezzlement by those entrusted with the expenditure of them; and generally to increase the security of the Government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends; and I have little to add to the recommendations submitted in the accompanying papers.

By law, the terms of service of our most important collecting and disbursing officers in the civil departments are limited to four years, and when reappointed, their bonds are required to be renewed.

The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers entrusted with the collection or disbursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of Departments as you may think useful, a general provision, that all officers of the Army or Navy, or in the Civil Department, entrusted with the receipt or payment of public money, and whose term of service is either unlimited or for a longer time than four years, be required to give bonds, with good and sufficient sureties, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the first of October to the first of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats, which have so frequently happened during the year, seem to evince the necessity of attempting to prevent them, by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the Secretary of the Treasury in his last annual report, and will be again at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia, and I should not again ask it, did not their entire dependence on Congress give them a constant claim upon its notice. Separated by the Constitution from the rest of the Union, limited in extent, and aided by no Legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted. This District, however, unfortunately, has been left to linger behind the rest of the Union; its codes, civil and criminal, are not only very defective, but full of obsolete or inconvenient provisions; being formed of portions of two States, discrepancies in the laws prevail in different parts of the territory, small as it is; and although it was selected as the seat of the General Government, the site of its public edifices, the depository of its archives, and the residence of officers entrusted with large amounts of public property, and the management of public business, yet it has never been subjected to, or received, that special and comprehensive legislation which these circumstances peculiarly demand. I am well aware of the various subjects of greater magnitude and immediate interest that press themselves on the consideration of Congress; but I believe there is not one that appeals more directly to its justice than a liberal, and even generous, attention to the interests of the District of Columbia, and a thorough and careful revision of its local government.

M. VAN BUREN.

WASHINGTON, *December 5th*, 1837.

Mr. WRIGHT moved for the printing of five thousand copies of the Message, and fifteen hundred copies of the accompanying documents; which motion was agreed to.

Mr. GRUNDY gave notice that he would, on to-morrow, introduce a bill for the better security of lives and property entrusted to steam vessels.

Mr. CLAY of Kentucky than rose and said, that in the absence of the only surviving Senator from Maryland, (whose duty it would have been to have announced the demise of his colleague) the melancholy task would devolve upon him, of detailing to the Senate what already was but too well known, to wit: the lamented death of Governor KENT, who expired on the 24th of last month, aged 69 years. Mr. C. feelingly and eloquently alluded to the long friendship that had subsisted between himself and the distinguished deceased, and spoke of his services to his own State, in her Legislature, in the Executive chair, &c. all which stations he had filled with consummate ability, and with general satisfaction to the people. No one, Mr. C. maintained, had ever brought into the public councils more integrity of purpose, or a greater share of strong discriminating sense. It was true he seldom spoke in debate, but when he did it was always to the purpose, without being ambitious of the ornament of language. Twenty-six years ago Mr. C. entered public life with the deceased in the House of Representatives, since which brief space of time how many things had occurred, how many questions arisen, that were supposed would shake the Confederacy to its very centre? Still he was gratified to find that the stars and stripes floated triumphantly, and the country was marching onward to its high destiny, unchecked in its career. Mr. C. adverted to the private worth of his deceased friend: his mansion was the seat of generous hospitality, and his heart ever replete with kindness; his loss was not only to Maryland, to the Senate, but to the country at large, and to none more than the people of this District, whose firm and zealous friend he had ever been, all of whom would recollect the thrilling appeal made in their behalf not sixty days ago. His place would soon again be filled—ably and respectably filled; but no successor could bring a purer heart or sounder head. It now only remained for them to discharge the last melancholy duties due to departed worth; for which purpose, he would introduce the following resolutions:

Resolved, That in token of respect for the memory of the Hon. J. KENT of Maryland, the Senators wear crape on the arm for thirty days.

Resolved, That the Senate do now adjourn.

Which resolutions were unanimously adopted.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 5, 1837.

Mr. MUHLENBERG, from the joint committee appointed to wait on the President of the United States and inform him that a quorum of the two Houses had convened, and were ready to receive any communication he might be pleased to make, reported that they had performed that duty, and that the President would transmit a Message, in writing, this day at 12 o'clock.

The annual Message of the President was then received by the hands of his private secretary, ABRAHAM VAN BUREN, esq.

The Message having been read by the Clerk,

Mr. HAYNES moved a resolution that it be committed to a Committee of the Whole on the state of the Union, and that fifteen thousand copies thereof, with the accompanying documents, and five thousand copies without the documents, be printed for the use of the members of the House.

Mr. WHITTLESEY of Ohio moved to amend the motion by limiting the number of copies, with the documents, to ten thousand, and extending the number of the Message alone to ten thousand which, after a few words from Mr. W. and Mr; HAYNES, was disagreed to, and the original resolution was agreed to.

On motion of Mr. HAYNES,

The House then adjourned.

IN SENATE,

WEDNESDAY, December 6.

Agreeably to notice, Mr. GRUNDY asked and obtained leave to bring in the following bill:

A BILL to provide for the better security of the lives of passengers on board of vessels propelled in whole, or in part, by steam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of all owners of steamboats, or vessels propelled in whole or in part by steam, on or before the first day of October, one thousand eight hundred and thirty-eight, to make a new enrolment of the same, under the existing laws of the United States, and take out from the collector or surveyor of the port, as the case may be, where such vessel is enrolled, a new license, under such conditions as are now imposed by law, and as shall be imposed by this act.

SEC. 2. *And be it further enacted*, That it shall not be lawful for the owner, master, or captain of any steamboat, or vessel propelled in whole, or in part, by steam, to transport any goods, wares, and merchandise, or passengers, in or upon the bays, lakes, rivers, or other navigable waters of the United States, from and after the said first day of October, one thousand eight hundred and thirty-eight, without having first obtained, from the proper officer, a license under the existing laws, and without having complied with the conditions imposed by this act; and for each and every violation of this section, the owner or owners of said vessel shall forfeit and pay to the United States the sum of five hundred dollars, one-half for the use of the informer; and for which sum or sums the steamboat, or vessel so engaged, shall be liable, and may be seized and proceeded against summarily, by way of libel, in any district court of the United States having jurisdiction of the offence.

SEC. 3. *And be it further enacted*, That it shall be the duty of the district judge of the United States, within whose district any ports of entry or delivery may be, on the navigable waters, bays, lakes, and rivers of the United States, upon the application of the master or owner of any steamboat or vessel propelled in whole, or in part, by steam, to appoint, from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery employed in the same, whose duty it shall be to make such inspection when called upon for that purpose, and to give to the owner or master of such boat or vessel duplicate certificates of such inspection.

SEC. 4. *And be it further enacted*, That the person or persons who shall be called upon to inspect the hull of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running. And he or they shall also state whether, in his or their opinion, the said boat or vessel is sound, and fit to be used for the transportation of freight or passengers; for which service, so performed upon each and every boat or vessel, the inspectors shall each be paid and allowed by said master or owner applying for such inspection the sum of five dollars.

SEC. 5. *And be it further enacted*, That the person or persons who shall be called upon to inspect the boilers and machinery of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, make a certificate, in which shall be stated the pressure which the said boilers are allowed to carry in steam; and he or they shall moreover provide a suitable hydraulic pump, and, after examining into the state and condition of the boiler or boilers of such boat or vessel, shall test the strength and soundness of said boilers, by applying to the same a hydraulic pressure, equal to three times the pressure that the said boilers are allowed to carry in steam; and if he or they shall be of opinion, after such examination and test, that the said machinery and boilers are sound and fit for use, he or they shall so state, together with the age of said boilers, in the same certificate, and duplicates thereof shall be delivered to the owner or master of such vessel; one of which it shall be the duty of the said master and owner to deliver to the collector or surveyor of the port whenever he shall apply for a license, or for a renewal of a license; the other he shall cause to be posted up, and kept in some conspicus part of said boat, for the information of the public; and, for each and every inspection and test of the boilers so made, each of the said inspectors shall be paid by the said master or owner applying, the sum of dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the owners and masters of steamboats to cause the inspection provided under the fourth section of this act, to be made at least once in every twelve months; and the examination and trial of the strength of the boilers of his boat, required by the fifth section, at least once in every six months; and deliver to the collector or surveyor of the port where his boat or vessel has been enrolled or licensed, the certificate of such inspection; and, on a failure thereof, he or they shall forfeit the license granted to such boat or vessel, and be subject to the same penalty as though he had run said boat or vessel without having obtained such license, to be recovered in like manner.

SEC. 7. *And be it further enacted*, That whenever the master of any boat or vessel, or the person or persons charged with navigating said boat or vessel, which is propelled in whole or in part by steam, shall stop the motion or headway of said boat or vessel, or when the said boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel, or passengers, he or they shall keep the engine of said boat or vessel in motion sufficient to work the pump and give the necessary supply of water, and to keep the steam down in said boiler to what it is when the said boat is under headway, and at the same time shall open the safety-valve, so as to keep the steam down in said boiler to what it was when the said boat or vessel is under headway, under the penalty of two hundred dollars for each and every offence.

SEC. 8. *And be it further enacted*, That it shall be the duty of the owner and master of every steam vessel engaged in the transportation of freight or passengers, the tonnage of which vessel shall not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons, it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than four long boats or yawls, of the same or larger dimensions; and for every failure in these particulars, the said master and owner shall forfeit and pay three hundred dollars.

SEC. 9. *And be it further enacted*, That it shall be the duty of the master and owner of every steam vessel to provide, as a part of the necessary furniture, a suction-hose and fire engine and hose, suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and for a failure to do which, they and each of them, shall forfeit and pay the sum of three hundred dollars.

SEC. 10. *And be it further enacted*, That it shall be the duty of a master and pilot of a steamboat, except those navigating tide water, when descending any river or stream in the night, where the descending boat shall come within one half mile of an ascending steamboat, to shut off steam, and permit his boat to float upon the current of the river until the ascending boat shall have passed; and it shall then be the duty of the master, pilot, and owner of the ascending boat to steer clear of the descending boat; and they shall be respectively liable for any damages sustained in consequence of a failure to comply with these provisions.

SEC. 11. *And be it further enacted*, That it shall be the duty of the master and owner of every steamboat, running between sunset and sunrise, to have two lights suspended, one at the bow, and the other at the stern of his vessel, the former of which shall be at least three feet, and the latter ten feet above the upper deck of the vessel, under the penalty of two hundred dollars.

SEC. 12. *And be it further enacted*, That the penalties imposed by this act, may be sued for and recovered in the name of the United States, in the District or Circuit Court of such district or circuit where the offence shall have been committed, or forfeiture incurred, or in which the owner or master of said vessel may reside, one half to the use of the informer, and the other to the use of the United States.

SEC. 13. *And be it further enacted*, That every captain, engineer, pilot or other person employed in navigating any steamboat or vessel propelled in whole or in part by steam, by whose misconduct, negligence, or inattention to his or their respective duties, the life or lives of any person or persons on board said vessel, may be destroyed, shall be deemed guilty of manslaughter, and upon conviction thereof before any Circuit Court of the United States, shall be sentenced to confinement at hard labor for a period not less than two nor more than ten years.

The bill, having been read twice, was referred to a committee consisting of Messrs. GRUNDY, WALL, CLAYTON, BENTON, CALHOUN, WEBSTER, and WALKER, and ordered to be printed.

Mr. GRUNDY moved that the Chair appoint the standing committees.

Mr. CLAY said he had no particular feeling on the subject: he had no objection to the course proposed at this time.

Mr. KING of Alabama thought the regular mode of proceeding would be to give notice to amend the rule, if it were desired to get rid of the present mode of appointing committees. Previous to the rule, the Vice President did not appoint the committees; it was the habit for that officer to resign the seat some days before the close of the session, and a chairman to be appointed pro tem.. on whom that duty devolved. It would be recollected that some years ago there was a long and animated discussion on the powers of the Vice President. It was doubted by some whether that officer should be trusted with the authority to call the Senate to order. In the present instance he had no objection to the Vice President appointing the committees, but was unwilling to rescind the rule.

Mr. GRUNDY explained his object to be to save time and trouble, and as his object could only be reached by unanimous consent, he hoped there would be no objection.

Mr. CLAY said he concurred in the views of the gentleman from Tennessee.

Mr. HUBBARD moved that the Senate proceed, on to-morrow, to appoint the standing committees.

Mr. BUCHANAN said, on the present occasion, he was for dispensing with the rule, but would be unwilling to rescind it. High as he thought of the occupant of that chair, he was not disposed to vest him with the power to appoint the committees. He concurred, however, with the views of the gentleman from Tennessee, (Mr. Grundy) that the mode suggested by him would save time; and as the ballot of last September would furnish a guide, he presumed the mode would be most desirable.

Mr. HUBBARD having withdrawn his motion, the CHAIR was vested with the power of appointing the standing committees, by the unanimous consent of the Senate.

Mr. TIPTON gave notice that he would, on to-morrow, introduce a bill to amend the act entitled "An act to provide for the exchange of lands with the Indians residing in any of the States and Territories, and for their removal east of the Mississippi;" also, a bill to provide for the relief of Peter Nomer.

Mr NORVELL gave notice that he would, on to-morrow, introduce a bill to authorize the President of the United States to cause to be designated and marked the boundary line between the State of Michigan and the Territory of Wisconsin.

Mr. LYON gave notice that he would, on to-morrow, bring in a bill granting to the county of Kalamazoo, in the State of Michigan, the right of pre-emption to a quarter section of land, and for other purposes.

Also, a bill to create an additional land office in the State of Michigan, and for other purposes.

Mr. LINN gave notice that he would on to-morrow bring in a bill to authorize the President to designate the northern boundary line of the State of Missouri.

Mr. BUCHANAN gave notice that he would on to-morrow introduce a bill to explain and amend the fifth section of the act of the 30th June, 1834, for the better organization of the United States marine corps.

The VICE PRESIDENT presented a communication from the Secretary of the Treasury, containing his annual report on the finances.

TREASURY DEPARTMENT,
December 5, 1837.

In obedience to the "Act supplementary to the act to establish the Treasury Department," the undersigned respectfully submits the following report:

1. *Of the Revenue and Expenditures.*

The balance in the Treasury on the 1st of January, 1836, including some trust funds hereafter explained, was - - - $26,749,803 96

The receipts during the year 1836, from all sources except the Post Office and trust funds, were - 48,873,964 36

Viz: from

Customs -	$23,409,940 53
Lands -	24,877,179 86
Miscellaneous	586,843 97

These, and the balances before mentioned, constituted an aggregate of - - - - 75,623,768 32

The expenditures during the same year, exclusive of the Post Office and trust funds, were - - 29,655,244 46

Viz:

Civil list, foreign intercourse, and miscellaneous -	5,388,370 58
Military service, including fortifications, Indian affairs, pensions, arming the militia, Florida war, improvement of harbors and rivers, roads, arsenals, and armories - -	18,466,110 63
Naval service, including gradual improvement and exploring expedition -	5,800,763 25

Hence there was left in the Treasury on the 1st of January, 1837, a balance of - - - - 45,968,523 86

The receipts during the first three quarters of the present year, with similar exceptions to those before mentioned, are ascertained and estimated to be - - 15,144,916 00

Viz: from

Customs -	$8,908,878
Lands -	5,650,221
Interest from deposite banks, and other miscellaneous and incidental receipts -	585,817

The receipts of the fourth quarter, including those from the issue of Treasury notes to the amount of four millions three hundred thousand dollars, are estimated at - - - - - 8,355,065 00

Viz: from

Customs -	1,750,100
Lands -	900,000
Miscellaneous and incidental receipts -	40,000
Issue of Treasury notes	4,300,000
First bond due from the United States Bank, excluding what belonged in trust to the Navy Pension Fund	1,364,965

These combined make the total receipts for the year as ascertained and estimated - - 23,499,981 00

With the balance on the 1st of January last, they constitute an aggregate of - - - 69,468,504 86

The expenditures for the first three quarters of the present year, with the like exceptions, are ascertained to have been - - 25,418,916 57

Viz:

Civil list, foreign intercourse and miscellaneous	4,024,823 10
Military service, including Florida war, other Indian affairs, fortifications, roads, harbors, pensions, &c.	16,310,208 35
Naval service, including Exploring expedition, gradual improvement, &c.	5,061,865 87
Public debt	22,019 25

See particulars in the document annexed.

The expenditures for the fourth quarter, including those under the recent as well as former appropriations, are, on facts presented by the various Departments, estimated at - - 9,86 ,445 00

Making an aggregate for the year of - - - - 35,281,361 57

This computation would leave in the Treasury, on the first of January, 1838, a balance of - 34,187,143 29

Before adverting to other topics, it will be proper to explain what portion of this balance will not immediately be either available or applicable to public purposes.

The first three instalments of deposits with the several States, which have recently been placed to the credit of the Treasurer for safe-keeping, in conformity to the provisions of the act of 23d June, 1836, are included in it.

As the subsequent law of October 14th, 1837, prohibits the recall of those deposits till otherwise directed by Congress, their large amount will till then be unavailable for any purposes of the General Government. It is $28,101,644 97.

All the funds in the Treasury, which in any former years, from the foundation of the Government, have become unavailable, being chiefly such as are still due from insolvent banks, are likewise embraced in the balance above mentioned. Their amount is not far from $1,100,000.

Another portion consists of what is yet unpaid by the banking institutions, which, during the last spring and summer, suspended specie payments, and thereby, under the imperative provisions of the deposite act, were discontinued as public depositories. The amounts in their possession that have been or probably will, under the act of 16th of October last, be postponed, and will remain unavailable, one-third till July next, one-third till January, 1839, and the residue till July, 1839, are estimated at $3,500,000.

Another sum, not immediately applicable to general purposes, is that part of the amounts transferred to the mint, which being now in active employment for the objects specified in the acts of June 23, 1836, and of January 18, 1837, cannot, without serious inconvenience and some delay, be otherwise used. This sum is about $400,000.

If the aggregate of all these, amounting to $33,101,614 97, be deducted from the balance of $34,187,143 29 above mentioned, the residue of the public money that on the 1st of January next will probably be then both available and applicable to general purposes will be $1,085,498 32.

Perhaps, in strictness, the sum of about $370,797, which was in the Treasury on account of several small trust funds, and was included in the balance on the 1st of January, 1836, ought also to be deducted from what is now considered applicable to public purposes.

Most of it has been, or probably will be, required for the special objects to which it belongs.

Previous to the consideration of other matters connected with the finances, the undersigned would add, that the appropriations which will remain unsatisfied at the end of the year, are estimated at $14,503,483. These, with the exception hereafter mentioned, will be chargeable on that balance, and on the revenue subsequently received.

To prevent misapprehension on this point, it may be proper to observe, that this is the amount of those appropriations considered as unsatisfied, after deducting all the money which has been actually paid to the public claimants, and all the advances which, having been made to the various disbursing officers, are still in their hands for the purpose of being paid over to such claimants. It is supposed that $10,351,091 of the outstanding appropriations will be required to accomplish the objects contemplated by them.

Of the residue, about $361,839 will go to the surplus fund, or in other words, will not be used at all; and it is proposed to apply $3,782,551 in aid of the service of the ensuing year without reappropriation, as explained in the estimates.

It is proper also to explain, that by the act of

May 20, 1836, an amount sufficient to pay the principal of the debt due in Holland, on account of the cities of the District of Columbia, equal to $1,500,000, was appropriated, and is still outstanding. But this sum has not been included in the foregoing statement of outstanding appropriations, as the reimbursement of the loan cannot commence, under the stipulations upon which it was contracted, until 1841; and the amount required may be partly reimbursed by the sale of the canal stocks pledged for that purpose.

2. *Of the Public Debt.*

The payments on account of the funded and unfunded debt since the first December, 1836, have been as follows:

1st. On account of the principal of the funded debt - -		$14,197 26
This leaves unclaimed and undischarged - - -		$327,737 91
Viz: principal -	$76,169 74	
Interest, with dividends - -	251,568 17	
The latter consisting of the amount due 1st Dec. 1836,	$250,416 00	
Add excess of repayments since - -	1,152 17	
2d. On the unfunded debt there has been paid, including $199 51 for interest on Treasury notes of 1815, the sum of - - -		$706 66
This leaves the amount of certificates and notes payable on presentation - - - -		$36,933 40
Viz: certificates issued for claims during the revolutionary war, and registered prior to 1798	$27,293 31	
Treasury notes issued during the late war, - -	5,320 00	
Certificates of Mississippi stock - -	4,320 09	

3. *Estimates of the revenue and expenditures for the year* 1838.

The receipts into the Treasury from the ordinary sources during 1838, may, under the explanations and conditions hereafter mentioned, be estimated at - - - - - $31,959,787

Viz: Customs, including about four millions, which is expected to be collected on postponed duties - -	$17,500,000
Lands, including one and a half million for estimated sales under another pre-emption law, if one passes, and of new tracts brought into market - -	5,000,000
Second bond of United States Bank with interest due in September, 1838 - -	2,293,121
First instalment of the principal due from the former deposite banks in July, 1838, estimated at	1,666,666
Interest on the same, with incidental and miscellaneous receipts	300,000
New issues of Treasury notes in 1838 - -	5,700,000

These, and the estimated balance of $1,085,498, which will be in the Treasury on the first of January, 1838, available and applicable to public purposes, constitute an aggregate of - - - - 33,045,285

The expenditures for the year 1838, including the redemption of the Treasury notes, which may be paid in for public dues, or become reimbursable within that year, are estimated at - - - - - $31,926,892

Thus the new appropriations called for are - -	20,523,249
Viz: Civil, foreign intercourse, and miscellaneous -	$3,172,885
Military service, etc. -	11,664,612
Naval service, etc. -	5,685,752
The permanent appropriations for the service of 1838, made by former acts are - -	2,262,000

For the details of new and permanent appropriations, reference may be had to the estimates.

Appropriations expected to be made by Congress beyond the estimates submitted - -	$1,000,000
These new and permanent appropriations amount to -	$23,785,249
The outstanding appropriations at the end of this year, after deducting what will go to the surplus fund, are computed at -	14,141,643
All the appropriations, then, which are chargeable to 1839, constitute an aggregate of -	37,926,892
Of these, it is supposed that not over eleven millions will remain outstanding at the end of the year, and consequently that the expenditures on account of the whole will, in 1838, be about - -	26,926,892
Add to this for redemption of Treasury notes by purchase, and by receipt of them for public dues—they not being reissuable -	5,000,000
Making an aggregate of the whole equal to - - - -	$31,926,892

The balance that will thus be left available, and applicable to public purposes on the 31st of December, 1838, is estimated at $1,118,393.

In the fluctuating condition of our receipts and expenditures, it may appear, before the close of the present session, that results are likely to happen essentially different from some of these calculations.

But it must at present be very questionable whether the receipts in 1838 will exceed the expenditures, so as to produce any surplus, which can be deposited with the States for safe-keeping on the 1st of January, 1839, as required by the existing laws. On the contrary, any considerable departure from the estimates, either by increasing the appropriations, or reducing the receipts, or by paying in for public dues a larger amount of Treasury notes, will necessarily create a deficiency. Little certainty, therefore, can be attained in any calculations on these points, till further facts are developed concerning the revival of commerce, the probability of a speedy improvement in the currency, and the success in effecting, as fast as is compatible with the public interests, that reduction in the appropriations which, in the present, as well as prospective state of the Treasury, is, it may be presumed, anxiously desired by all.

4. *Exports and Imports in* 1837.

The value of the exports and imports during the year which ended on the 30th of September last, may be seen, accompanied by some interesting details, in the annexed table. The exports are ascertained and estimated to have been $116,906,069.

Of these, about $95,183,199 were of domestic, and $21,722,861 of foreign origin.

They show, since the previous year, a diminution in the former of $11,733,481, and in the latter of only $23,499.

The decrease in the value of domestic exports has been occasioned chiefly by the great fall in the price of cotton during the last spring. They would otherwise have been very large. The exports of foreign merchandise have been prevented from falling much below their former amount by the commercial embarrassments of the times. These, particularly in the last quarter, led to an export of foreign articles, unusual in proportion to the imports, for the double purpose of obtaining the drawback on many of them in specie, and of discharging the large debt due abroad.

The value of the imports for the same year was $140,852,980.

This is $49,127,055 less than the value of those during the previous year.

The imports during the last quarter ending September 30th, were only $23,829,611, or at the rate of but $91,318,444 a year.

Perhaps a stronger illustration could not exist of the extravagant over-trading during 1836, than the fact, now officially ascertained, that the imports, which, in a natural condition of business, should be less than those of 1837, were nearly fifty millions larger, and were about one hundred millions beyond the rate of imports during the last quarter.

The exports during that quarter were $19,159,034, being $13,105,510 of domestic origin, and $6,052,524 of foreign growth. By this result, it will be gratifying to see that the imports, though diminished, were not all needed for home consumption, and that a greater proportion of them than in the former quarters has been sent abroad to reduce the foreign debt. Yet the whole exports were smaller than many anticipated. They have also very unexpectedly been $3,533,313 less in amount than the imports during the same quarter. But if freights, commissions, and profits, as well as remittances in stocks of various kinds, are taken into computation, the probabilities are, that the foreign debt, so far from having been increased within that period, has been lessened some millions, but not to so great an extent as most persons have supposed. In the last report on the finances, some suggestions were made, which further experience has served to verify, respecting the influence which the sudden fall in the price of cotton had exerted during the year in producing commercial embarrassments, as well as a diminution in the value of our exports.

It may be useful to advert a moment to the unusual effect upon both of those subjects, caused by the fluctuations in another article.

In seasons of common crops, and in times when, under the guidance of ordinary prudence, industry was directed more to the cultivation of the soil, the United States were accustomed, under the blessing of Providence, to receive, rather than pay, large sums for the great necessary of life. For a series of many years, the value of the grain and flour imported did not exceed a few thousand dollars, while that exported was, on an average, quite $6,000,000. Sometimes it exceeded even $14,000,000, and so late as 1833, '34, and '35, amounted to nearly $5,000,000 annually. But in the year ending September 30th, 1837, the exports of them fell off nearly a million, while the imports were augmented in value to the unprecedented amount of more than four and a half millions.

This revulsion, so great and so sudden, from bringing home a small amount to importing so many millions' worth of products, mostly for a single purpose, and that one so important in domestic economy as bread stuffs, was of itself sufficient to create a severe shock. From whatever cause the necessity of it may have happened, the result conveys warnings, which it is believed have recently exerted a salutary influence in aiding to restore a judicious system of agriculture, and to promote an increased attention to habits of productive industry.

A moment's reflection on the detailed effects of the high prices, which attended the revulsion, will show, that they and the burdensome change of five or six millions in our exports and imports, must, when united, have affected the pecuniary difficulties of the country, and, indirectly, its trade and currency, much more sensibly than most people have imagined. Besides the grain which is distilled, or employed in the arts, or consumed by domestic animals, it is believed that, on an average, one pound of flour or meal per day to each person is used for bread stuffs alone.

The whole quantity for a population of 15,000,000, would at that rate be nearly 5,500,000,000 pounds a year. At the price of three cents per pound for wheat flour, and only one and a half cents per pound for meal from the cheaper varieties of grain, which is not far from the average of 1834 and 1835, the cost for bread alone, (if only one-half the poulation used wheat flour, and the rest materials less costly,) would be about $124,000,000.

But the average price to consumers during the past year was increased in most places quite eighty per cent. Whether this great rise should be attributed to short crops, to an undue portion of labor bestowed upon the production of other articles, to depreciation in the value of the circulating medium, in consequence of excessive issues of paper, or to all these causes combined, it seems to be clear, that the increase in the cost of bread alone exceeded $100,000,000

If only half of the whole population not raising their own grain, were obliged to purchase it at such

an enhanced price, the new tax imposed on that class alone, on account of their bread, would exceed $50,000,000.

This addition to their burdens was nearly seven dollars per head; and when for this no remuneration was made to many persons, as there was only to some, by higher prices obtained for their labors and merchandise exchanged, the increase alone was four times as much as the average tax imposed by means of all the great duties on foreign merchandise. On the present occasion, the undersigned would forbear from entering further into the consideration of various other matters connected with this interesting subject. But when the influence of it upon different portions of the country is traced into some of its numerous bearings and carefully weighed, new topics of inquiry are presented, which will be found to have an intimate connection not only with the value of some of our staple exports, but in other respects with the vital prosperity of large portions of the Union.

5. *Further explanations as to the Revenue and Expenditures for* 1837, *and the effect upon them by laws passed at the late special session.*

It may be interesting to Congress to have a few more details concerning the receipts and expenditures of the current year.

The receipts within it have been diminished by recent legislation over four millions. Had the duties not been postponed, the revenue from all sources, after deducting the expenses of collection and other charges, usually imposed on it, would not, in the aggregate, have differed materially from the estimates formed by the Department in December last.

The receipts, during the current half of the year, have also thus far corresponded with the views presented by it at the late session, except that the postponement of duties, subsequently authorized by Congress, has not been so uniformly accepted as was anticipated, and a portion of the current expenses of collection, including debentures and bounties, has under a new law, been paid from the Treasury, instead of being deducted as formerly from the accruing revenue, before it goes into the Treasury.

It should also be explained, that the estimates of receipts for any particular quarter or year, though made accurately, will often vary from the subsequent official statements; because the money is not carried by warrant upon the books of the Register, till after it is placed in some public depository, or actually paid out by the collecting officer on special drafts.

In ordinary times the results would not be much changed by this circumstance. But during fluctuations, such as have characterized the last two or three years, the difference caused by it may occasionally extend to some millions. Thus large sums will be technically carried into the Treasury in the last quarter of 1837, and stand on the books credited to that quarter, when, in fact, the money was collected, and subject to the orders of the Treasurer, in the first half of the year.

The expenditures have not yet essentially varied from the amount anticipated in September. In order to defray them it was then supposed to be necessary, under the existing laws and liabilities, to postpone the fourth instalment of deposites with the States, or adopt some other auxiliary measure. Experience since has confirmed the opinion that, under those laws, it could not have been placed in the custody of the States, except in funds and in a manner very inconvenient, as well as with consequences requiring an immediate recal of other deposites with the States, which would have been exceedingly embarrassing to the finances of both them and the General Government.

The postponement of that instalment, therefore, afforded great relief to all concerned, and left the resources of the Treasury entirely at liberty to be applied in the necessary discharge of the appropriations made by Congress.

Those resources would have been sufficient for that purpose, had no further legislation taken place. But the delay which was afterwards granted beyond the year for the payment of almost all the duties, and the still longer delay which was proffered to the former deposite banks, and accepted by several of them, for the adjustment of what they owed to the United States, gave rise to the necessity for a temporary issue of Treasury notes. The Department, with the aid of them and its remaining resources, has, notwithstanding those indulgences to the public debtors, been enabled to meet the great demands upon it with punctuality, and in a manner which, considering the severe embarrassments of the times, is believed to have generally proved satisfactory.

It now appears probable that, during the next year, means will be possessed, without any permanent loans, recall of former deposites, or increase of taxes, sufficient to redeem seasonably the Treasury notes that become payable, as well as to meet all the ordinary appropriations.

Some difficulties have arisen in the construction of the laws granting further delay to the merchants and the former deposite banks; but they have thus far been enforced under a liberal view of their object, and in this manner are supposed to have afforded sensible relief, not only to those immediately interested, but, through them, to the people at large.

In respect to the act for settling with the banks, some of them since September have paid over all the public money which then stood to the credit of the Treasurer. Others are supposed to have executed bonds according to one of its provisions, and several are preparing to do so with a view to receive further indulgence. The remainder are expected to discharge, without suit or bond, the amounts they respectively owe, as may, from time to time, be needed to meet the public exigencies.

The payments which will probably be longest postponed, will chiefly be from some institutions situated in the West and Southwest. The accumulation happening to be there, not by transfer from other quarters, but by receipts on the spot from the sales of public land, it was unavoidable under the existing laws. Nor could it, during the excessive over-actions of the times in banking and speculations of all kinds, have been lessened any further than was attempted by issuing the specie circular—and by refraining to offer any new tracts at public sale, unless laws had been passed, as was recommended, to restrict the sales to actual settlers, or, as since proposed, to authorize the receipt of payments elsewhere.

But a suitable portion of the money, after being received in the West and Southwest, was in due season put under transfer to the Atlantic States. In May last, the stoppage of specie payments, and the consequent discontinuance of most of the public depositories, prevented many of the drafts for remittance, which were then outstanding, from being executed. In order, therefore, to discharge satisfactorily the current payments of appropriations, and the July transfers to the States on the Atlantic, it became indispensable to draw larger amounts from the banks situated in the latter quarter of the country. While this afforded a longer indulgence to the West and Southwest in the use of the surplus which had accumulated there, it is gratifying to reflect, that all just cause of jealousy has been removed, and any sectional benefits from delay in paying over the public money equalized in a great degree, as the Eastern, Northern, and Middle States were at the same time allowed to enjoy a like indulgence, through their merchants rather than banks, in the use of the money due to the Government for duties instead of lands.

In the execution of the other prominent measure adopted at the last session, which permitted an issue of Treasury notes, the Department has not yet been required by the public exigencies to make a large one.

Nor is any occasion to keep out a great amount of these notes anticipated. Entertaining such opinions concerning the currency as have been formerly expressed by the undersigned, any event would be greatly deprecated which should lead to a permanent emission of such notes, or any kind of Government paper, except for temporary purposes, and in small amounts, unless it be founded entirely on specie, and redeemable under circumstances similar to those explained at the last session.

The range of the financial operations of the present year has been very extensive. If the receipts from postages, from the sales of the Chickasaw lands, from foreign indemnities, and all other trusts, were included in the condensed statement of the finances, the entire amount carried into the Treasury during the year, with the balance on the 1st of January last, would exceed $79,000,090. But without entering here into explanations in detail under those heads, it will appear, in the appropriate reports, that so far as connected with this department, an attempt has been made to conduct the whole in as close conformity as possible to the acts of Congress. Notwithstanding the unusual magnitude and difficulties of the duties devolved upon the Treasury Department during the year, it has scrupulously endeavored not to assume any doubtful powers. Nor, as a mere Executive branch of the Government, has it felt justified, under circumstances or reasons however plausible, to permit the public funds to be employed otherwise than on objects and in a manner that appeared to be clearly warranted by the limitations of the laws, and those principles strictly applicable to mere financial operations.

6. *Explanatory remarks on the estimates of receipts and expenditures for* 1838

The receipts from duties during the next year have been estimated quite four millions higher, in consequence of the recent act of Congress, bringing within it the payment of a still larger amount, which originally fell due in the present year.

Independent of that circumstance, it is not considered probable, that they would much exceed $13,500,000. The reasons for this opinion are, that a further reduction of two-tenths of the present duties which remain at a rate of more than twenty per cent. takes effect after the 31st instant, and that the depression of trade during the last half of the year has been severe, and is likely to continue so for some time. The actual imports during the quarter ending in September having been only at the rate of about ninety millions annually; and the average imports from 1824 to 1830, before the commencement of the late excesses, having been about eighty-two millions, it is deemed safe to compute that they will not in 1838 exceed forty per cent. on that average, or about one hundred and fifteen millions. On the supposition that one-half of them will be free, and the nett duties received on the other half will not exceed twenty-five per cent. the amount paid into the Treasury for them within the year, independent of the postponment above-named, would not vary much from thirteen and a half millions.

The receipts from the sales of public lands have likewise been estimated one million and a half more than they would have been, if considerable sums were not expected to be derived from the increased sales of tracts newly brought into market, and from the anticipated passage of another preemption law. It is supposed that this last measure, deemed so important by many of the pioneers on our frontiers, whose hardy pursuits, exposures, and various privations, are often so useful to the country at large, will meet with fewer objections, if it be more strictly guarded and limited than others of the kind have heretofore been. Those objections will perhaps be lessened still further, if it is considered that the revenue to be at once derived from the measure, would conduce much to the efficiency of our fiscal operations, and that from the experience of many years, the nett receipts from the sales of public land are not likely ever to surpass, in any great degree, the minimum price per acre, which is paid by those having preemptions.

Without the passage of some such law, or the offer of large quantities of new lands, the undersigned is unable to perceive any sound reason for estimating the sales very differently from what has been done by him for some years past. Public sales cannot be needed for cultivation much beyond three millions of acres a year, while so many private lands are in the market as have been bought for resale within the last three years. If a demand should exist for more than that quantity, except the gradual increase with the increase of our population, it would probably be the result of

causes accidental, or transient, or of new legislation.

It may be useful to add a few general illustrations of the reasons for some of the small estimates now submitted, and of the intrinsic difficulties in attaining much certainty concerning them during crises of over-action and revulsion like the past and the present. Whether they occur from over-trading, over-banking, or other excesses, and the depressions consequent from them, the financial history of this country shows strikingly how much our system of business is exposed to them, and the astonishing fluctuations they produce.

During the two years before the revulsions in commerce in 1819, and including that year, the sales of public land exceeded the unusual amount of nearly thirty millions of dollars, while in the three following years they fell to only about four millions, or less than one-seventh. The system being changed from credit to cash, may have co-operated in producing this result; though, at the same time, the minimum price per acre was reduced, in order, in some degree, to counteract the effect of that change. In the second and third quarters of 1836, also, the receipts from the sales of land increased to nearly fourteen millions of dollars, while in the corresponding quarters of 1837, they diminished to only two and one-fourth millions.

In truth, the number of acres sold since the first of January, 1835, has reached the extraordinary quanty of thirty-seven and a half millions, and thus have the sales so widely departed from all precedents, and every ordinary principle of calculation, as to equal in less than three years, however incredible the fact may appear, the whole made during the forty-five years which had before elapsed from the adoption of the Constitution.

Similar fluctuations have happened in the amount of our imports, and consequently in the amount of duties.

Thus, in 1808, the imports, affected by restrictive legislation, and other causes, fell off at the unprecedented rate of over eighty millions of dollars; while in 1815, influenced by the transition from war to peace, an increase of imports equal to one hundred millions, and an increase of duties from customs alone equal to nearly thirty millions occurred in a single year. It may be remembered, also, that from 1818 to 1822, the vibrations from mere commercial causes were almost as sudden as those incident to war or any great changes in legislation.

Thus the imports diminished from over one hundred and twenty-one millions in 1818, to only about eighty-seven millions in 1819, and to only about one-half, or sixty-two and a half millions, in 1821. They fell nearly sixty millions in value in only three years, and, in the last two of them, the revenue from duties diminished also more than one-third. It deserves special notice that these were years embracing a period of peace, of free commerce, and the full operation of the United States Bank. The price of cotton also fell, during the same period, over one-half, and the price of flour from ten to only four and five dollars a barrel. The extent of these vacillations has been so unexpected at some periods, that, in 1816, the receipts from customs exceeded the estimates by nearly fifteen millions of dollars, though the latter were made by Mr. Dallas several months after the relations of peace had been restored, and its influence experienced.

The imports during the last quarter of the commercial year just ended have furnished another signal illustration on this branch of the subject. As before mentioned, they so fluctuated that, if continued for twelve months at their reduced rate, the falling off would nearly equal the extraordinary amount of one hundred millions of dollars.

Some further explanations concerning the estimates for the expenditures may be useful.

The addition of between two and three millions which has been made on account of the large amount of appropriations, exceeding fourteen millions, left outstanding and chargeable to the next year, will be found reasonable, when it is remembered that the average amount annually left has not, in general, exceeded six millions. The propriety of adding, also, the contingent sum of at least one million to cover appropriations made by Congress beyond the estimates, has been so fully tested by the experience of several years past, that the correctness of the measure may be considered no longer doubtful. But the usual excess of appropriations thus made by Congress is not imputed by the undersigned to any special inattention or extravagance. This item has of late years been introduced into the estimates, because it was found that new treaties, hostilities, or other events, often require the Departments, before the session is closed, to offer estimates for further appropriations. Sometimes commendable measures, of a public as well as private character, originate in Congress, and, consequently, are not included in the estimates of the Departments, but which justify additional appropriations. Sometimes, likewise, acts are passed for an indefinite amount, which involve in the end an expenditure far beyond what was, or could by any ordinary foresight be anticipated, during the passage of them.

The estimate as to the receipt of Treasury notes has been placed at five millions of dollars, or only a little beyond the amount which falls due and is obliged to be redeemed within the year.

But as all of those issued, whether due or not, have been made by law receivable at any time for public debts, and the right to reissue them even during the year is prohibited, it must be manifest, that the receipts or redemption of them will be likely much to exceed that amount, and to produce to that extent a deficiency, if the banks do not resume specie payments, so as to aid in supplying a sound currency to pay into the Treasury, instead of them; or unless the prohibition to reissue them during the year be removed.

The whole expenditures during 1838, for new appropriations, have been estimated lower than those of last year, on account of the reduced wants of the Government, and a wish to economise wherever the public interests will permit.

It is believed, that if wars, or other expensive contingencies, do not intervene, the expenditures can gradually be diminished till their average in ordinary times shall not exceed seventeen or eighteen millions of dollars annually.

The expectations of such a reduction, which were formerly cherished and explained by the undersigned, were likely to be realized, when an extraordinary increase in the revenue induced Congress to adopt the system of completing sooner many public works of great usefulness, and of effecting an earlier extinguishment of Indian titles with a speedier removal of the Aboriginals beyon the Mississippi.

The charges on the Treasury, during each of the last two years, for these objects, as well as for grants to the District of Columbia, and for expenses of the Florida war, have nearly equalled the whole excess of expenditures in each year above that average. As the surplus has ceased to exist which was one chief inducement to any increases of expenditure except on account of the Florida war, and was, at the same time, one ground for their justification, it seems probable that all the suitable reductions can soon be accomplished. A rigid regard to economy, and sound principles of public policy, if persisted in, will easily save the country from the burthen of a national debt; and without any wastefulness in expenditure, will enable it to sustain every valuable institution in a vigorous condition.

Should some questions unfortunately occur which involve national honor, or are intimately connected with public liberty, any sacrifice of money within the constitutional powers of the Government, that may be necessary to the security of those great objects, can then be made from our ample financial resources, without producing any general distress, or departing from those habits of frugality in public, as well as private life, which are so indispensable to sustain republican institutions.

7. *On the banks, and other matters connected with the collection, keeping, and disbursement of the public money.*

The views of this Department upon several topics connected with the collection, keeping, and disbursement of the public money have been so recently presented, that only a few additional remarks concerning them will be offered. The condition of the banks was one of the most prominent of those topics. To prevent any misapprehension, it may be proper to repeat the assurance, that no wish has ever been felt to interfere improperly with those institutions. While chartered and used solely for local purposes, the regulation and control of them are supposed to belong exclusively to the States. But their organization, as well as responsibilities, and an early reform in both, became questions of great importance to the Treasury, when connected with them, as heretofore, in the capacity of either public depositories or the sources of a portion of the currency received for public dues. Experience for several months past is full of instructive lessons on these points. Indeed, every crisis in our pecuniary affairs has tended greatly to strengthen the conviction that evils exist in banking in this country, which are inherent in the system, as well as in the administration of it. A wide departure has been made from the original principles of having its issues of paper rest on a foundation consisting of specie alone, and that used in deposite chiefly for commercial objects. While regulated substantially in this manner, banking was not only an instrument of convenience to trade, and sometimes to fiscal operations, but safe in practice, and not inconsistent with any sound theory as to currency. But when the system is changed, so that the paper issued rests like mere bills of exchange, almost exclusively on credit, and that credit not always guarded in the best practicable methods, such a currency, however profitable or convenient to those interested, must become exposed to many of the vicissitudes of commerce, forfeit most of its original character as the actual representative of money, and lose its security in a considerable degree as a circulating medium for the use of either the community or the Government, Under such circumstances, that calamity, to a greater or less extent, will often ensue, which happened during the last spring.

As the failure to redeem their bills in specie, then extended to most of the banks that had been employed in the capacity of public depositories, it became proper to explain to Congress, at its late session, the injurious influence of the measure on the financial operations of the Government, and the losses thus caused to its numerous creditors among the various classes of society, with those preventives, as well as guarantees against them hereafter, which seemed appropriate and feasible. Perhaps it is not now necessary to enter further into that subject in order to discharge the painful duties which such a state of things imposed upon the head of this Department. In consequence of what occurred, Congress passed an act to facilitate a settlement with the deposite banks, which, as before observed, is in the course of execution, and which is the only new measure of legislation adopted by both Houses that indicates the future relations intended to be preserved with these institutions. But as the condition of most of the banks throughout the United States, since the suspension of specie payments, might have an important bearing on this and other subjects connected with fiscal concerns, an extensive correspondence has been opened in relation to it.

The result, so far as their affairs can be ascertained, with much accuracy, will now be presented. Their condition, as a whole, does not appear to have altered very materially during the year, in respect to the relative proportion of all their immediate means and liabilities, but in several other respects the changes have been essential. One portion of the new returns which have been procured, is dated near the 1st of January, 1837, a few months before the suspension of specie payments, and another portion, classed separately, is dated a few months subsequent to the suspension. Within that time the whole discounts appear to have been reduced only about twenty millions of dollars, still being over five hundred millions. The nett or active circulation of bank paper is supposed to have been curtailed but sixteen or seventeen millions, leaving over ninety-nine millions. The deposites have been lessened thirty-six, but they are still in the large amount of ninety-three millions of dollars, and the specie on hand has decreased more

than eight millions of dollars. How much of these data depends on estimates, and how much on actual returns, can be seen in the tables annexed. The second one, though less full, contains some striking evidence on the comparative and very different ability to sustain specie payments in different quarters of the country, as well as on the different exertions which have been made to resume them. From its contents, the unreasonableness mentioned in September last seems still more apparent of expecting the exertions of many, and the duties of the whole, to wait in these respects on the means or convenience of a few.

These returns exhibit some improvement in the affairs of the banks in the aggregate, as the sources of much of the currency. But they furnish at the same time new confirmation of the great excesses in issues, which in some places, notwithstanding numerous cautions, had before been indulged in. They show, too, that the whole reduction in the active circulation, had not at their dates, equalled by nearly twenty millions the amount which, as long ago as last December, it was computed by this Department would be required to restore the paper currency generally to a safe basis, and make it, with the specie in actual use, bear a just proportion to the real wants of the community. But the continued reduction in circulation and deposites which, since August, has probably been persisted in by several of the banks, must, if effected in the most judicious course, by a curtailment of their discounts, have served, by this time, to place those institutions in a more eligible condition to resume specie payments. Where this reduction has been accompanied by any considerable increase rather than diminution of specie, the ability to resume, and with proper restrictions and care hereafter to sustain, specie payments must approach very near the point requisite to insure public confidence. Because the rate of foreign exchange has been so far reduced, as to be near the real par in specie, and seldom to permit the export of it to advantage, and the liabilities of the banks to the Government, which otherwise might press upon them in case of a resumption, are in most cases either discharged, or in a train of postponement, or inconsiderable in amount.

The recent imports and exports of specie have an important bearing in forming a correct opinion on these questions. The imports appearing on the custom-house books have, during the year ending September 30, 1837, been ascertained by the weekly returns to be $10,954,332; while the exports during the same period have been only $6,714,990. Other returns, when all received, may slightly differ. Undoubtedly the whole actual imports and exports, whether on the books or not, have exceeded these amounts; and though the excess has probably been greater on the part of the exports, yet these last cannot safely be computed to have gone beyond the imports.

The invariable laws that govern trade and the currency have thus indicated a healthier condition of our system than would otherwise be inferred from the general and protracted suspension of specie payments by most of the banking institutions.

The addition of about forty-five millions of specie, which, within four years past, has been made to the quantity that was before in the United States, may have enabled persons to increase bank capital and bank issues in places where the restrictions on the latter were loose. But that the natural tendency of it, as supposed by some, has been to derange the currency, as well as the commerce, not only of these States, but of Europe, is an opinion that cannot have much foundation in any safe principle of political economy, when it is considered that the currency of Europe, in specie alone, is computed to exceed eleven hundred millions of dollars, and of the world, to be nearly two thousand millions, and its gold and silver, in various uses, to equal from five to seven thousand millions. It is worthy of notice, also, that the addition of specie above mentioned, though large compared with the amount previously possessed, has hardly equalled the nett profits on the single article of cotton shipped from this country in the years 1835 and '36.

But whatever obstacles may still exist to a general resumption of specie payments, few can doubt that as early an one as can be sustained is urgently demanded by the strongest obligations of morals and law; by justice to the public creditors, consisting of numerous contractors, mechanics, laborers and pensioners, as well as officers; and by all the true interests of the people, whether in private affairs or in the concerns of their Government. In both are their interests in this respect inseparably connected; and in both, do they severely suffer by depreciated paper—as the tax thus imposed finally reaches the community in either case, and usually in a ratio quite equal to the rate of discount on the paper below specie. The powers of the General Government to hasten such a resumption are circumscribed to the use of some constitutional authority of a restrictive or penal character, such as taxation, or a bankrupt law when the suspension appears in its origin or long continuance to be clearly unjustifiable; or, when otherwise, to the furnishing of some incidental aid in the exercise of other rights. The latter course is the only one, which, during the present suspension, it has yet appeared proper to adopt. In pursuance of it, the mode of making most of the public payments since May last; the manner in which the July instalment was placed with the States; the delay granted for more than a year in paying the fourth one, giving thereby a temporary aid, as substantial to several of the banks as to the Treasury, and the liberal indulgence offered to them, for the balances still due to the United States, were all measures of relief, and have contributed to strengthen their immediate means for the resumption of specie payments. Beyond such incidental aid to some of the banks, with which may have existed fiscal connections, not generally equaling one twentieth of the whole number, it is doubtful whether the General Government, however solicitous to see that object accomplished, would be able, constitutionally, to provide any special assistance in effecting it. It must be manifest to all who examine the subject dispassionately, that either the possession by a few banks of the usual small amount of public deposites, liable at any time to be recalled, or the receipt of their bills for public dues when redeemed in specie on demand, and frequently presented for that purpose, must often be a check rather than an aid—and prove of doubtful advantage in promoting a resumption among the whole number. It must be equally manifest, that the chief reliance of banks to perform their legal obligations, must, like that of individuals, always be placed on their own resources.

The highest considerations require that these should be regulated by all suitable legislative restraints, and employed with foresight, moderation, and the strongest sense of justice to the public, to sustain on a par with specie the currency they issue, and which, except on the condition it should be thus sustained, the public would never have confided to them a power almost sovereign to create.

It has been a source of some inconvenience, under the existing laws, that none of the banks have resumed specie payments since the late session, which are known to be willing and competent, under all the provisions of the deposite act, to be selected as fiscal agents. Several, which are paying specie, have expressly declined taking the public money, under those provisions. The mode of keeping it is, therefore, imperfect without further legislation. Every exertion within the powers now existing has been made to increase the security of it; and the department has for several months been enabled, by unremitted attention, to conduct successfully the temporary arrangements which are in force for that purpose. But till Congress shall sanction some new system, or revive the whole of the old one in force before 1836, or till specie payments are resumed, and the deposite act materially amended, these arrangements must be greatly enlarged by doubtful constructions, or remain exposed to several of the inconveniences incident to all these plans, without some of the remedial powers and advantages of either.

On the practicability of keeping the public money under new legislative provisions, without using banks at all as fiscal agents, the views of this department have been so recently explained, as to render a repetition of them unnecessary. It was the endeavor of the undersigned to present with impartiality the advantages and disadvantages of both systems; to show the expediency, if not the necessity, of the new one, in the existing unfortunate attitude of most of the banks; and to leave the result, where it is now left, to the superior wisdom of Congress.

A similar course was pursued in respect to the kind of money to be received for public dues, which he regarded, and still considers, a question entirely distinct, though often viewed by others as inseparable.

While offering reasons why bank paper was occasionally more convenient than coin as a currency for the large and distant purposes of commerce, and why the exclusive use of coin for all kinds of payments could not at present be introduced, and might never be desirable,—it was insisted, that so far as it should be employed in public affairs, and with whatever limitations as to time or amount, care must be exercised to adhere to the spirit of the Constitution and the first principles of political economy, by always requiring it, when and where taken, to be equivalent in value to specie.

This opinion was not conceived in any hostility to the true principles of credit, or to banking institutions duly regulated, or to a sound currency for the people. On the contrary, it is supposed to favor them all, and to be indispensable to uphold the true standard of value for property and labor throughout the country, to sustain the just obligation of contracts, and, in a pecuniary view, preserve the real worth of all private as well as public rights.

The ensuing session will, by its length, probably afford ample time to place our whole financial system on a proper basis. Nothing new will be required, except such measures as are rendered necessary to its efficiency, by the changes which have arisen from the final discharge of the national debt, and by the more fluctuating character of the receipts and expenditures, as well as by the recen suspension of specie payments on the part of most of the deposite banks.

The undersigned, feeling a deep conviction that the fiscal affairs of the Government cannot hereafter, under any system, be managed with such facility and vigor as the public service requires, without adopting several legal provisions heretofore recommended, hopes to be excused for briefly inviting the attention of Congress once more to a few of them.

First. That a contingent authority be given to some appropriate officer, to invest safely any considerable surpluses which shall casually occur in the receipts beyond the expenditures, and to dispose of such investments when deficiencies may happen which require it.

Second. That a limited power be granted to issue Treasury notes for mere temporary purposes, in case of deficiencies, when no such surpluses exist, and to redeem them as excesses may happen. Beside other obvious reasons in favor of such a provision, it would enable the Department to administer the finances with at least two or three millions less in the Treasury at any one time than would otherwise be necessary. In fixing the system on a durable basis, the grant of both these powers seems expedient, as a provident arrangement, whatever course may at any future time be pursued in regard to the recall of the present large deposites placed by the General Government with the States.

Third. That the additional duties of general depositories be imposed on all receivers and collectors of public money, and on the Mint and its branches, as well as the Treasurer at the seat of Government, under such regulations, in respect to disbursements and transfers, as have before been indicated. This change might judiciously include an authority to employ separate depositories, special or general, individual or corporate, under the circumstances and responsibilities suggested at the late session, if the amount in possession of any collecting officer should generally exceed what is well secured by official bonds.

Whether these provisions be, in the discretion of Congress, left to constitute the whole system of keeping and disbursing the public money, or only a

part of it, they form a change which would undoubtedly be very salutary.

Fourth. That permission be given to receive payment in advance for the public lands, at such places as this Department may appoint, for the convenience of both the Treasury and the community.

Fifth. The extension of the warehouse system, in connection with requiring all duties on imports to be paid when the goods are taken out for consumption, is another change which, though less urgent in some points of view, is very desirable in respect to the collection and security of the most important portion of the public revenue. In the consideration of these propositions, the present condition of the finances and of the country is a circumstance of the first and most decisive importance. We are without any national debt to absorb and regulate surpluses, or any adequate supply of banking institutions which provide a sound currency for general purposes by paying specie on demand, or which are in a situation fully to command confidence, for keeping, disbursing, and transferring the public funds in a satisfactory manner. It will not, then, be a matter of surprise, that the undersigned, feeling daily and most sensibly the difficulties, as well as great responsibility, of conducting the concerns of the Treasury without the adoption of these measures, should press them upon the earliest consideration of Congress, with an earnestness and perseverance that might otherwise not appear justifiable.

8. *Several miscellaneous matters.*

Occasion will be taken during the session to present separate reports concerning the Mint, the Land Office, and some other subjects under the general superintendence of this department.

A revision of the number and compensation of custom-house officers has for some years received the attention of Congress.

The public welfare, as well as equal justice to various incumbents, appears urgently to require further legislation upon this subject at the first practicable opportunity.

The recent law, postponing the payment of duties, has for some time deprived several of those officers of a great part of their compensation, and new legislation is required not only for temporary relief, but to remunerate the losses which must happen in many instances in case of death, resignation or expiration of office.

The reorganization of the Treasury Department, so as to empower one of the present Comptrollers to act solely in the capacity of Commissioner of the Customs, devolving on him, also, all the other appropriate business of the marine hospitals, revenue cutters, and light-house establishments, was on a former occasion recommended, and is still considered by the undersigned a measure very deserving of attention.

Considerable progress has been made in the interesting subjects of the survey of the coast, and the preparation of standard weights and measures for the several States, as well as for the United States. It will be fully explained in special communications.

Some further authority to sell or apportion the Spanish inscriptions, which belong to the claimants under the treaty of indemnity, is desirable, as the payments on them seem exposed to considerable delay. It is gratifying to be able to communicate the fact, that, under the French treaty, in addition to what has heretofore been paid to the claimants on the first four instalments, another sum for interest, amounting to one million and twenty-two thousand one hundred and eighty-five francs, has probably been paid, which will be apportioned among them as soon as it can be remitted to this country.

Several resolutions of one or the other House of Congress, calling on the Department for special information to be submitted at the present session, have received careful attention.

The most important of them are such as relate to a system of telegraphs—to the proper sites for more light-houses on a part of the Atlantic coast—the plans most suitable for several marine hospitals—the defaults unadjusted of all collecting and deposite agents since the foundation of the Government, and copies of the returns of specie and bank paper from the land offices and public depositories since the adoption of the Specie circular. These are all ready to be reported on at an early day.

This Department, by a resolution of the House of Representatives, has also, for some years, been engaged in procuring, through the Franklin Institute, a series of experiments to be made on the strength of the materials employed in steam-boilers, and the best methods of preventing explosions. Several able communications concerning these matters have been made by the Institute, and were heretofore submitted to Congress.

A final report on the whole subject has been completed since the last annual session, and a printed copy of it for each member will be laid before the House in a few days. An anxious hope is felt that the great care evinced by the Institute in an inquiry so momentous to the security of property and life, and guided by all the lights of science, will not have been so long devoted in vain, but will lead to useful legislation by the General Government, as well as the State Legislatures. The increased and increasing importance of the subject must be offered as an apology for the earnestness with which its early consideration is again pressed.

The disasters of the past year have been so frequent and appalling, that they seem to call with more urgency than usual for the passage of laws the most rigid, and, in some respects, penal. Their provisions might well be directed to ensure proper strength in the original materials for the boilers; to provide the best securities for the safe construction of both them and the vessels; and to exact, by exemplary punishments, vigilance and promptitude in the adoption of all approved safeguards against the calamities of explosions, conflagrations, and wrecks. When we advert to the extensive sea coast, the large lakes, and numerous rivers within our jurisdiction, which are covered with machinery propelled by a power so vast, either for good or evil, it must be obvious that the consideration and due disposal of these questions at an early day are important, not only to the preservation of much property, but to public tranquillity and the cause of humanity.

Respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

Hon. R. M. JOHNSON,
Vice President of the United States and President of the Senate.

On motion of Mr. KNIGHT, the report was laid on the table, and fifteen hundred additional copies ordered to be printed.

The VICE PRESIDENT also presented a communication from the Treasurer's office, in relation to the accounts of the General Post Office.

On motion of Mr. BENTON, it was laid on the table and ordered to be printed.

A message was received from the House of Representatives, stating the passage of a joint resolve in relation to the election of Chaplains for the present session; which was,

On motion of Mr. HUBBARD, laid on the table,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Dec. 6, 1837.

On motion of Mr. MORGAN,

Resolved, That two Chaplains of different denominations be appointed for the present session—the one by the Senate, and the other by this House; to interchange weekly.

The SPEAKER laid before the House the following Executive communications:

I. A communication from the Secretary of the Treasury, being the annual report on the state of the finances; which, on motion of Mr. CAMBRELENG, was laid on the table, and 10,000 copies ordered to be printed.

II. A communication from the same, containing a statement showing the number and names of the banks employed as depositories of the public money, together with their condition, the amount of public money deposited in them, etc.; which, on motion of Mr. CAMBRELENG, was laid on the table, and ordered to be printed.

III. A statement from the same, of the receipts and expenditures of the United States for the past year; which, on motion of Mr. BRIGGS, was laid on the table.

4. A communication from the Clerk of the House, transmitting a statement of the annual expenditures out of the contingent fund of the House of Representatives; which, on motion of Mr. GRENNELL, was ordered to lie on the table, and be printed.

5. A communication from the Comptroller of the Treasury, transmitting a statement of the accounts unsettled, or on which balances remain due, more than three years prior to September, 1837, on the books of the Second Auditor of the Treasury; which, on motion of Mr. WHITTLESEY of Ohio, was ordered to lie on the table, and be printed.

6. A communication from the Treasurer of the United States, in compliance with the provisions of the act of 1789, establishing the Treasury Department, containing accurate copies of all accounts by him, from time to time, settled with the accounting officers of the Treasury for the past year; which, on motion of the same gentleman, was similarly disposed of.

7. A communication from the Treasurer of the United States, transmitting a statement of the accounts of the Treasury so far as regards the Post Office Department; which was also laid on the table, and ordered to be printed.

Mr. CRAIG submitted a resolution providing for the election of a Chaplain to the House on Monday next, for the present session of Congress, which, by general consent, lies over.

FOURTH INSTALMENT.

Mr. SNYDER submitted the following, which lies over:

Resolved, That the Committee of Ways and Means be instructed to report a bill providing for the repeal of so much of the act entitled "An act to postpone the fourth instalment of deposite with the States," as postpones the payment of the same until the first of January, 1839; and that they report a bill to provide for the immediate payment of the same.

NATIONAL ARMORY.

On motion of Mr. BIDDLE, it was

Resolved, That there be reprinted for the use of the House, the Message of the President of the United States of 18th January, 1825, on the subject of the national armory on the Western waters, with the accompanying documents.

FLORIDA VOLUNTEERS.

Mr. MAURY submitted the following, which lies over one day:

Resolved, That the Secretary of War be, and is hereby, directed to communicate to this House copies of such documents on file in his office as may have relation to the claims for compensation of the company or companies of volunteers, mounted men, who, in conformity with the proclamation of the Governor of Tennessee, issued under the authority of a requisition from General Gaines, organized and equipped themselves for the Florida campaign, but who were not mustered into the service of the United States.

EXPLORING EXPEDITION.

Mr. C. JOHNSON submitted the following:

Resolved, That the President of the United States communicate to this House the causes which have delayed the sailing of the South Sea Surveying and Exploring Expedition; and also to cause to be laid before Congress all the documents and correspondence within the control of the Navy Department, calculated to inform this House of the true causes of the delay.

Which, under the rule, lies over one day.

APPOINTMENT OF COMMITTEES.

The order offered by Mr. WHITTLESEY of Ohio, on Monday, for the appointment of the standing committees of the House coming up—

Mr. EVERETT moved to postpone it till tomorrow, and gave, as a reason for the motion, his desire to have a more full House, many valuable members being at present absent, and his impression being that the absentees would be excluded from being placed on the committees.

Mr. WHITTLESEY wished the sense of the House taken on that point, and he propounded an inquiry to the Chair in relation to it.

The CHAIR believed that he had no power, under the rules and all former practice, to appoint any member to a committee who might be absent.

Mr. WHITTLESEY expressed a hope that the practice might be varied hereafter, so that the public time might not be wasted by so much delay at the commencement of every session.

The motion to postpone the further consideration of the order till to-morrow was then agreed to, *nem. dis.*

MENDMENT OF RULES.

The House then took up the following, submitted by Mr. UNDERWOOD, on Monday last, as an additional rule of the House.

"It shall also be the duty of the Clerk to compile a separate journal of the yeas and nays in such manner as to exhibit the questions decided, and the vote of each member; and at the end of every session he shall cause to be printed as many copies thereof as will be sufficient to furnish one copy for every thousand free male inhabitants above the age of twenty-one years in the United States, the number of such free males to be determined by the Clerk from the latest statistical information; and he shall distribute such copies among the Executives of the several States, in proportion to the relative number of such free males in each State."

After some remarks from Messrs. UNDERWOOD, HAYNES, CRAIG, and HAMER, it was laid on the table, on motion of the last gentleman.

FLORIDA WAR.

The following resolution, submitted by Mr. UNDERWOOD, on Monday last, was then taken up:

Resolved, That the Secretary of War be directed to lay before Congress copies of all orders and instructions given to the commander in chief of the force in Florida, authorizing him to raise troops or to call into service any portion of the militia, or to accept the services of volunteers for the purpose of surpressing Indian hostilities, and that said Secretary report what measures, if any, have been adopted to enlist and procure the services of other Indian warriors to fight against the Seminoles, the number of Indians so enlisted or taken into service of the United States, the tribes to which they respectively belong, the length of time they have been engaged to serve, and the amount of pay promised them; and that the said Secretary also report the number of troops of all classes engaged and called into service for the purpose of prosecuting the war in Florida at the present time.

Mr. BRIGGS offered the following amendment; which Mr. UNDERWOOD accepted as a modification: "The amount of money expended, and the whole number of troops employed since the commencement of the war."

The resolution, so modified, was then agreed to, *nem. dis.*

WESTERN ARMORY.

Mr. CARTER asked leave to submit a resolution referring that portion of the President's message relating to the establishment of a Western Armory, to a select committee, and that said committee be instructed to report by bill or otherwise.

The CHAIR ruled it out of order, as the whole Message had already been referred to the Committee of the Whole on the state of the Union, wherein, when the House went into committee, the motion would be in order.

Mr. CARTER accordingly withdrew it.

On motion of Mr. BRIGGS,

The House adjourned.

IN SENATE,

THURSDAY, December 7, 1837.

The Chair, in accordance with the passage of the resolution of yesterday, announced the following as the standing committees of the Senate for the present session:

On Foreign Relations.—Messrs. Buchanan, Tallmadge, Clay of Kentucky, Rives, and King.

On Finance.—Messrs. Wright, Webster, Nicholas, Benton, and Hubbard.

On Commerce.—Messrs. King of Alabama, Davis, Brown, Ruggles, and Norvell.

On Indian Affairs.—Messrs. White, Sevier, Tipton, Linn, and Swift.

On Manufactures.—Messrs. Niles, Buchanan, Preston, Strange, and Pierce.

On Public Lands.—Messrs. Walker, Fulton, Clay of Alabama, Allen, and Prentiss.

On Private Land Claims.—Messrs. Linn, Sevier, Bayard, Martin, and Lyon.

On Post Office and Post Roads.—Messrs. Robinson, Grundy, Knight, Brown, and Niles.

On Claims.—Messrs. Hubbard, Tipton, Crittenden, Spence, and Young.

On Revolutionary Claims.—Messrs. Brown, White, Crittenden, Norvell, and Smith of Connecticut.

On the Judiciary.—Messrs. Grundy, Morris, Wall, Clayton, and Strange.

On Naval Affairs.—Messrs. Rives, Southard, Tallmadge, Cuthbert, and Williams.

On Agriculture.—Messrs. Smith of Connecticut, Spence, Linn, McKean, and Black.

On Military Affairs.—Messrs. Benton, Preston, Tipton, Wall, and Allen.

On Militia.—Messrs. Wall, Swift, Clay of Alabama, Mouton, and Smith of Indiana.

On Patents and Patent Office.—Messrs. Ruggles, Strange, Davis, Prentiss, and Robinson.

On Roads and Canals.—Messrs. Tipton, McKean, Nicholas, Young, and Lyon.

On Pensions.—Messrs. Morris, Prentiss, Pierce, Roane, and Williams.

On the District of Columbia.—Messrs. Roane, Williams, Nicholas, Spence, and Bayard.

To audit and control the Contingent Expenses of the Senate.—Messrs. McKean, Fulton, and Black.

On Engrossed Bills.—Messrs. Clay of Alabama, Smith of Indiana, and Norvell.

Reports from the President and Secretaries of State, War, and Navy were laid on the table, and ordered to be printed.

Mr. WRIGHT presented a memorial from sundry merchants of the city of New York, praying for remission of duties on goods destroyed at the late fire: referred to the Committee on Finance.

Also, a petition from Daniel Redfield, praying remuneration for a sloop destroyed in the Revolutionary war: referred to the Committe on Revolutionary Claims.

Mr. McKEAN presented a memorial from the citizens of Philadelphia, praying the erection of a custom-house: referred to the Committee on Commerce.

Mr. TIPTON presented a petition from sundry citizens of Indiana, residing on the public lands, praying Congress to pass a law granting pre-emption rights: referred to the Committee on Public Lands.

Also, a memorial from Isaac Bates, praying a pension for military services: referred to the Committee on Pensions.

Also, a memorial from the Mount Carmel Railroad Company: referred to the Committee on the Public Lands.

Mr. NORVELL presented several memorials; which were referred to appropriate committees.

Mr. BUCHANAN presented a petition from Robert Beverly, President of the Union Bank of Georgetown, praying an extension of charter solely to wind up its affairs, and for no other purpose: referred to the Committee on the District of Columbia.

Also, a memorial from Richard H. Harrison, late First Auditor of the Treasury, praying remuneration for moneys expended for the United States: referred to the Committee on Foreign Relations.

Mr. RIVES presented a memorial from Capt. John H. Hall, praying compensation for his improvement in fire arms: referred to the Committee on Military Affairs.

Mr. CRITTENDEN gave notice that he would, on to-morrow, ask leave to bring in a bill to repeal so much of the act of the 2d of July, 1836, and of all other laws, as authorize the Postmaster General to establish an express mail in addition to the ordinary mail.

Mr. NORVELL gave notice that he would, on to-morrow, ask leave to bring in a bill to provide for issuing patents for certain lands at Green Bay, Wisconsin Territory; also a bill, in addition to the act supplementary to the act, to amend the judicial system of the United States.

On motion of Mr. WALKER, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at the cities of Vicksburg and Grand Gulf, in the State of Mississippi.

Mr. PRENTISS obtained leave to introduce a bill for the relief of Elisha Town; which was twice read, and referred to the Committee on Finance.

Also, a bill for the relief of Erastus Fairbanks and Thadeus Fairbanks; which was twice read, and referred to the same committee.

Mr. HUBBARD said he presented two petitions last session from Lieutenants Ridgeway and Long, in relation to increase of pay, which he now moved to have referred to the Committee on Naval Affairs: agreed to.

Mr. WALKER, in compliance with his notice of yesterday, obtained leave to bring in

A bill to allow the States to tax the lands sold by the United States;

A bill to graduate the price of public lands;

A bill to relinquish the 16th section for school proposes, and to allow the selection of other lands.

These bills were twice read, and referred to the Committee on Public Lands.

Mr. PRENTISS gave notice that he would on to-morrow introduce a bill to authorize the President of the United States to cause the public vessels to cruise upon the coast, and relieve coasting and other vessels.

On motion of Mr. HUBBARD, it was

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of amending the act of July, 1836, granting pensions to widows in certain cases, so as to have the benefit of the act extend to all persons whose marriage took place at any time before the close of the Revolution, and who may have since become widows.

On motion of Mr. HUBBARD, it was,

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of amending the acts of Congress, granting pensions for disabilities incurred during the war of the Revolution, and during the last war, *so as to have* the pensions of invalids commence at the time their disabilities were received.

On motion of Mr. NORVELL, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing for the publication of maps, showing the post offices and post roads in the United States, and that the papers now on the files of the Senate relative thereto be referred to the said committee.

On motion of Mr. SMITH of Indiana, it was

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the act supplementary to the act entitled "An act to amend the judicial system of the United States," as to provide that the circuit court for the seventh circuit be held hereafter at Indianapolis, in the State of Indiana, on the first Monday in June and December in each year.

Mr. KING of Alabama presented a memorial from the Nasketa Railroad Company, praying a grant of land to aid in the construction of said road; referred to the Committee on Roads and Canals.

Mr. KING also presented the memorial of S. H. Thompson, praying remuneration for the capture and detention of his ship, the Argo, by the officers of the United States on the New Orleans station; the circumstances connected with which he briefly explained, and moved its reference to the Committee on Naval Affairs.

Mr. KNIGHT introduced a bill allowing drawback on cordage manufactured from foreign hemp; which was twice read, and referred to the Committee on Finance.

Mr. BUCHANAN introduced a bill to explain and amend the fifth section of the act of June 1834, for the better organization of the marine corps; which was twice read, and referred to the Committee on Naval Affairs.

So much of the President's Message as related to the different subjects embraced therein was referred to the appropriate committees.

The joint resolve from the House of Representatives was taken up and adopted.

On motion of Mr. GRUNDY, the Senate pro-

ceeded to the election of Chaplain, when there appeared for

Mr. Slicer	-	-	26
———	-	-	1
O. B. Brown	-	-	1
Dalla	-	-	1
McCulloch	-	-	1

So Mr. Slicer was declared duly elected.

On motion of Mr. CLAY, of Kentucky, the Senate adjourned till Monday next.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 7, 1837.

Mr. McKENNAN, on leave, offered the following resolution, which, under the rule, lies over one day for consideration:

Resolved, That the Secretary of War be directed to report to this House a plan for the erection of fences or guard-posts where they may be necessary for the safety of the travel on the National road from Cumberland to Wheeling, accompanied with an estimate of the expense in making the improvement.

On motion of Mr. BRIGGS, five thousand extra copies of the Report of the Secretary of the Treasury in relation to the deposite banks were ordered to be printed for the use of the House.

On motion of Mr. McKIM, it was resolved that, when the House adjourn this day, it adjourn to meet on Monday next.

On motion of Mr. HOWARD, the Clerk was ordered to procure a new clock for the hall.

The SPEAKER laid before the House,

1. A communication from the Secretary of the Treasury, being a report prepared in answer to a resolution of the House on the subject of steamboat boilers, which, on motion of Mr. E. WHITTLESEY, was laid on the table.

2. From the Secretary of War, a communication, in pursuance of the act of 1836, containing a statement of the expenditures out of the contingent fund of the War Department; which was also laid on the table, and ordered to be printed.

3. A similar communication from the Secretary of State, which was disposed of in the same way.

The following Message in writing was received from the President of the United States by the hands of his private Secretary, ABRAHAM VAN BUREN, Esq.

WASHINGTON, December 5, 1837.

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, exhibiting a transfer of appropriation that has been made in that Department, in pursuance of the power vested in the President, by the 1st section of the act of Congress of the 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

M. VAN BUREN.

The Message having been read, was, on motion of Mr. CAMBRELENG, laid on the table and ordered to be printed.

The resolution offered by Mr. WHITTLESEY of Ohio, on Monday last, ordering the appointment of the standing committees of the House, was taken up and agreed to.

Mr. HAYNES moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of taking up and referring the President's Message.

Mr. BELL inquired if it was not altogether unusual to do this before the committees had been announced? He should like first to see their complexion.

Mr. HAYNES explained his object to be to accelerate business.

Mr. BELL hoped it would not be pressed then.

Mr. HAYNES left the motion at the disposition of the House

Mr. WHITTLESEY, of Ohio, inquired if there had ever been an instance of the House going into committee on the President's Message till after the appointment of the standing committees?

Mr. CAMBRELENG suggested that the gentleman from Georgia have his resolution printed, as a notice of a motion to submit hereafter.

Mr. HAYNES assented, and made that motion, which was agreed to by the House.

The following resolution, offered yesterday by Mr. MAURY, was taken up and agreed to:

Resolved, That the Secretary of War be directed to communicate to this House copies of such documents on file in his office as may have relation to the claims for compensation of the company or companies of volunteer mounted men, who, in conformity with the proclamation of the Governor of Tennessee, issued under the authority of a requisition from General Gaines, organized and equipped themselves for the Florida campaign, but who were not mustered into the service of the United States.

EXPLORING EXPEDITION.

The following resolution, also offered yesterday, by Mr. JOHNSON of Maryland, was then taken up.

Resolved, That the President of the United States communicate to this House the causes which have delayed the sailing of the South Sea Surveying and Exploring Expedition; and also cause to be laid before Congress all the documents and correspondence within the control of the Navy Department, calculated to inform this House of the true causes of this delay.

Mr. J. modified his resolution by the following substitute, which was considered and agreed to by the House.

Resolved, That the President of the United States communicate to this House the causes which have delayed the outfit and preparation of the South Sea Surveying and Exploring Expedition, required by the act of Congress of May, 1836, making appropriation for the naval service. And also that the President cause to be furnished copies of all letters, documents and communications, which have passed between the Secretary of the Navy, the Commissioners of the Navy Board, the officers appointed to the chief command, and of all other officers or persons, relative to all matters connected with the preparation, outfit and sailing of the said expedition. And that the President also communicate to this House the causes which now delay the sailing of the expedition.

On motion of Mr. GRIFFIN,

The House adjourned.

IN SENATE,

MONDAY, December 11, 1837.

Messrs. BAYARD, RUGGLES, and SPENCE, appeared and took their seats.

Mr. ROBBINS moved that the CHAIR appoint a committee of three members to direct the expenditure of the money appropriated for the Library of Congress, in conformity with the joint resolution passed at the last session of Congress.

Messrs. ROBBINS, ALLEN, and WALL, were accordingly appointed.

Petitions of a private nature were presented by Messrs. ROANE, WALL, SMITH of Indiana, PRENTISS, WRIGHT, CLAYTON, KING of Alabama, TIPTON, YOUNG, BAYARD, LYON, and others; and referred to appropriate committees.

Mr. YOUNG presented a petition from sundry citizens of Illinois, praying right of pre-emption to the lands on which they reside, and relief from the encroachments of certain Polish exiles and their agents: referred to the Committee on Public Lands.

Mr. McKEAN presented a memorial from sundry citizens of Pennsylvania, soliciting that all executions ordered under the laws of the United States, be directed to take place in the prison yards, as required by the laws of Pennsylvania. Mr. McK. made some allusion to the collection of idle and dissolute persons, which the disgusting exhibition of public executions never failed to attract, and mantained that they were without that salutary effect upon the public morals which had been attributed to them, as might easily be shown from the excesses which had been committed at places of public execution in this country.

Mr. McK. moved the reference of this memorial to the Committee on the Judiciary, and that it be printed; which was agreed to.

Mr. TALLMADGE presented a petition from Silas M. Stilwell, a citizen of New York, in relation to the abolishment of imprisonment for debt in the United States. Mr. T. said the petitioner in this case was a gentleman of standing, and had been for many years a member of the Legislature of that State; in fact, he believed, at the very time the odious system of imprisonment for debt had been abandoned. Notwithstanding this, the anomaly has existed of persons being imprisoned for debt under the laws of the United States, which laws infringed on the personal liberty of the citizens of New York, in violation of the express will of the State. The just and humane enactment of the Legislature had been rendered a mere nullity, because persons from other States had the privilege of bringing their suits in the United States courts; indeed, there had been instances of persons removing from the State of New York in order to acquire a residence in another State, for the very purpose of availing themselves of the United States courts. Mr. T. said what the petitioner desired, was an entire abolishment of the odious practice; but if so enlightened a body as Congress should not agree with his views, he (the petitioner) prayed that it would at least so far acquiesce, as to make the United States laws conform with the laws of those States wherein imprisonment for debt was abolished. This petition was referred to the Committee on the Judiciary, and ordered to be printed.

On motion of Mr. BENTON, it was

Resolved, That the Committee on Finance be instructed to inquire into the condition of the currency of the District of Columbia, and to report such bills as they may deem necessary to improve the condition thereof in said District.

On motion of Mr. RIVES, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the District Judge of the Eastern District of Virgina.

On motion of Mr. WALKER, two memorials from the Legislature of Mississippi, presented by him at the last session, were taken from the files, and referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS asked leave to introduce a bill authorizing the President of the United States to direct the public vessels to cruise on the coast during the winter season, for the purpose of relieving distressed seamen, &c. Mr. D. said he gave notice, he believed, at the close of the last session, that he would, at an early period of the present one, ask leave to introduce such a bill. As the present season was already so far advanced, an early action on the bill would be obvious to the minds of all those who looked to the great loss of property and sacrifice of human life, to which the Northern coast of this country was subject during the winter. Mr. D. explained that vessels from Europe, at this season of the year, had to encounter adverse winds, which not unfrequently detained them until they were short of provisions, which together with the extreme cold, so far impaired the physical energies of the crew, as to oftentimes lead to the loss of property, and the still more lamentable loss of human life. The object of the present bill, was to cause the public vessels to cruise on the coast, for the purpose of affording to the distressed mariner the relief he might need. Mr. D. felt that the bill would meet the hearty cooperation of the citizens of this country, as he knew it would of the gallant officers of our Navy, who were ready at all times to lead their aid in the relief of suffering humanity. Leave having been granted, this bill was read a first and second time, and referred to the Committee on Commerce.

Mr. CRITTENDEN obtained leave to introduce a bill in relation to suppressing the Express Mail; which was twice read, and referred to the Committee on Post Offices and Post Roads.

Mr. NORVELL obtained leave to bring in a bill to amend the bill relating to the judicial system of the United States; which was twice read, and referred to the Committee on the Judiciary.

Mr. LYON introduced a bill creating an additional land office in Michigan; which was twice read, and referred to the Committee on Public Lands.

Also, a bill granting to the county of Kalamazoo, Michigan, the right of pre-emption to a quarter section of land, and for other purposes.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, DECEMBER 18, 1837. VOLUME 6.....No. 2.

BY BLAIR & RIVES. —WEEKLY— PRICE $1 PER SESSION.

[*Continued from No.* 1.]

Also, a bill authorizing the issuing of patents for lands on Green Bay, Wisconsin Territory; twice read, and referred to the Committee on Private Land Claims.

Also, the petition of Susan Johnston, and the heirs of John Johnston, praying Congress to confirm his claim, reported upon favorably by the board of land commissioners at Detroit, for two tracts of land at the Sault Ste. Marie, in the State of Michigan.

Mr. CRITTENDEN offered a resolution in relation to obtaining from the Postmaster General certain information of the cost of the Express Mail.

This resolution having been read—

Mr. CLAY of Kentucky thought it might improve the value of the information if the resolution was made to discriminate between the amount received from the Government, as he understood some considerable portion of the revenue arising from this mail was derived from that source.

Mr. GRUNDY said he believed there was a proposition to extend the Express Mail far beyond its present limits. If the object of the resolution was to inquire the whole cost, he thought the resolution should take a wider range. At present, the mail was carried only through the most populous parts of the country; and if the receipts and expenditures of that part alone were considered, we might be led into great error. All he wished was to act understandingly on the whole subject; and he thought if the resolution were made to embrace the probable cost of the proposed extension, and upon what routes the mail was now carried, the object would be effected.

These suggestions having been admitted, the resolution was adopted, and reads as follows:

Resolved, That the Postmaster General be directed to report to the Senate the amount of postage which has accrued from the Express Mail since its first establishment under the act of 1836, *discriminating* between that portion of it paid by the Government, or any department or officer thereof, and that paid by private individuals; and to report also the total amount of cost or expense incurred by the Government in the establishment and maintenance of the said Express Mail from its origin; and also to report what will be the *annual* cost of said establishment as it now exists, and according to existing contracts and arrangements; and also what will be the probable cost of the proposed extension not yet contracted for, and upon what routes the said mail is now carried.

On motion of Mr. HUBBARD, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs of Dr. Nathan Babbit, late of New Hampshire, deceased, the pay due to said deceased, for his services, as a Surgeon's mate, in the army of the Revolution, from the 7th day of July 1778, to the first day of December in said year.

Mr. HUBBARD also moved, that the papers relating to the petition of Nathaniel Gunnison, presented by him at the last session, be referred to the Committee on Naval Affairs.

Also, that the papers relating to the petition of James Wheeler be referred to the Committee on Pensions.

Mr. HUBBARD also submitted a resolution which was adopted, inquiring into the expediency of allowing G. Morse to surrender a certain land patent, and receive in lieu thereof a patent for a like quantity of land suitable for cultivation.

Mr. CLAY of Alabama moved that the petition of Samuel Miller, heretofore presented by him, praying a reward for the apprehension of a Cherokee Indian, guilty of murder, who had broken jail, be referred to the Committee on the Judiciary.

Mr. DAVIS presented the petition of a Mr. Pickering, praying remuneration of duties paid by him on certain paper machines.

Mr. BAYARD presented a petition from Captain Shubrick, of the Navy, praying increase of compensation.

Mr. WRIGHT presented the petition of sundry citizens of Potsdam, in the State of New York, remonstrating against the annexation of Texas to the United States: laid on the table. Also, the petition of Elizabeth Patrick, praying to be allowed certain back pay alleged to be due her husband, an officer in the late war.

Mr. CLAYTON presented a petition praying an alteration in the post route in Milford, which it was represented would materially shorten the distance: referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS moved that the petition of the Nantucket Steamboat company, for remuneration for carrying the mails from Wood's Hole to New Bedford, be taken from the files of the last session, and referred to the Committee on the Post Office and Post Roads.

Mr. BENTON moved that the papers relating to the claim of Henry Morfit be removed from the files, and referred to the Committee on Revolutionary Claims.

Mr. ALLEN gave notice that he would, on to-morrow, ask leave to bring in a joint resolution to so far amend the Constitution of the United States, as related to the election of President and Vice-President thereof.

Mr. WRIGHT, from the Committee on Finance, reported the following bills without amendments, which were severally ordered to a second reading:

Bill remitting the duties on certain goods destroyed by the late conflagration at New York.

Bill repealing the duties on foreign cordage and hemp.

Bill for the relief of Elisha Town.

Bill for the relief of Thadeus and Erastus Fairbanks.

On motion of Mr. CLAY of Alabama, the following resolution, submitted by him on Thursday last, was taken up and adopted:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a new land district in the State of Alabama, to embrace the territory ceded under the late treaty with the Cherokee Indians.

On motion of Mr. WHITE, the Senate went into Executive business; and, after a few moments, the doors wer re-opened.

The VICE-PRESIDENT presented a report from the Secretary of the Treasury, in relation to expenses growing out of treaties with the Chickasaw Indians. Read and ordered to be printed.

Also a report from the Postmaster General, exhibiting the contingent expenses of the office for the year 1837. Referred to the Committee on Finance, and ordered to be printed.

On motion of Mr. TIPTON,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Dec. 11, 1837.

The following Standing Committees were announced from the CHAIR:

A Committee of Elections.—Messrs. Buchanan, Griffin, Hawkins, Kilgore, Maury of Tennessee, Towns, Bronson, Pennybacker, and Hastings.

Committee of Ways and Means.—Messrs. Cambreleng, McKim, Hamer, Sergeant, Jones of Virginia, Fletcher of Massachusetts, Atherton, Haynes, and Rencher.

Committee of Claims.—Messrs. Whittlesey of Ohio, Chambers, Darlington, Russell, Campbell of Tennessee, Clark, Carter of Maine, Stuart, and Williams of New Hampshire.

Commerce.—Messrs. Smith, Phillips, Cushman, DeGraff, Toland, Curtis, Mason of Virginia, Worthington, and Hunter of Ohio.

Public Lands.—Messrs. Boon, Williams of N. Carolina, Lincoln, Casey, Chapman, Harrison, Yell, Shields, and Gholson.

Post Office and Post Roads.—Messrs. Montgomery, Briggs, Hall, Hopkins, Hubley, Calhoon of Kentucky, Towns, Duncan, and Palmer.

District of Columbia.—Messrs. Bouldin, Jenifer, Dawson, Prentiss, Hawkins, Beirne, C. H. Williams of Tennessee, Davee, and Petrikin.

Judiciary.—Messrs. Thomas, Robertson, Toucey, Corwin, Garland of Virginia, Bruyn, Samuel W. Morris of Pennsylvania, Turney, and Cilley.

Revolutionary Claims.—Messrs. Muhlenberg, Craig, Underwood, Taliaferro, Parmenter, Harper, Birdsall, A. H. Shepperd of North Carolina, and Joseph L. Williams of Tennessee.

Public Expenditures.—Messrs. Haley, Alexander, Titus, Stratton, Rumsey, Fletcher of Vermont, Crockett, Patterson, and Sheffer.

Private Land Claims.—Messrs. May, Calhoun of Massachusetts, Lawler, Harlan, Beatty, Rariden, Leadbetter, Loomis, and Cheatham.

Manufactures.—Messrs. Adams, Webster, Slade, Biddle, Tillinghast, Vail, Naylor, Foster, and Hunter of Virginia.

Agriculture.—Messrs. Deberry, Logan, Phelps, Weeks, Spencer, Noyes, Davies, Randolph, and Stone.

Indian Affairs.—Messrs. Bell, Everett, Chaney, Parker, Campbell of South Carolina, Murry of Kentucky, Graham of North Carolina, Crary and Pennybacker.

Military Affairs.—Messrs. McKay, Coles, Grennell, Miller, Rives, Kemble, Mason of Ohio, McClellan of Tennessee, and Halstead.

Militia.—Messrs. Wagener, Carter of Tennessee, Holt, Allen of Ohio, Griffin, Gallup, Dunn, Southgate, and Dennis.

Naval Affairs.—Messrs. Ingham, Milligan, Reed, Wise, Grantland, Moore, Kilgore, Paynter, and Anderson.

Foreign Affairs.—Messrs. Howard, Cushing, Jackson of Georgia, Dromgoole, Claiborne, Fairfield, Patton, Legare, and Hoffman.

Territories.—Messrs. Bronson, Potts, Pearce, Borden, Jones of New York, Farrington, White of Kentucky; Hammond, and Charles Shepard of North Carolina.

Revolutionary Pensions.—Messrs. Morgan, Klingensmith, Bond, Fry, Johnson of Virginia, Sibley, Ewing, Whittlesey of Connecticut, and Childs.

Invalid Pensions.—Messrs. Taylor, Williams of Kentucky, Allen of Vermont, McClellan of New York, Herod, Stanly, Mallory, Aycrigg, and Plumer.

Roads and Canals.—Messrs. Mercer, Evans, McKennan, Snyder, Filimore, Johnson of Maryland, White of Indiana, Graves, and Grant.

Patents.—Messrs. Fletcher of Vermont, Phelps, Menifee, Bicknell, and Mathias Morris of Pennsylvania.

Public Buildings and Grounds.—Messrs. Lincoln, Legare, Pratt, Mercer, and Jackson of Georgia.

Revisal and Unfinished Business.—Messrs. Sheplor of Ohio, Noble, Southgate, Henry, and Peck.

Accounts.—Messrs. Johnson of Virginia, Johnson of Maryland, Samuel W. Morris of Pennsylvania, Bicknell, and Harris.

Mileage.—Messrs. Dawson, Howard, Briggs, Miller, and Claiborne.

Committees which stand through the whole Congress.—appointed last session.

Expenditures in the Department of State.—Messrs. Mathias Morris, Jackson, Sheplor, Yorke and Andrews.

Expenditures in the Department of the Treasury.—Messrs. Allen, Sheffer, Aycrigg, Gray and Holsey.

Expenditures in the Department of War.—Messrs. Clowney, Vanderveer, Holt, Morris of Ohio and Marvin.

Expenditures in the Department of the Navy.—Messrs. Brodhead, Maxwell, Goode, Edwards and Graham.

Expenditures in the Department of the Post Office.—Messrs. Childs, Dennis, Hawes, Gallup and Plumer.

Expenditures on the Public Buildings.—Messrs Sawyer, Cranston, Menifee, Dunn and Ridgway

The SPEAKER laid before the House the report made by the superintendent of the coast survey, which, on motion of Mr. WHITTLESEY of Ohio, was laid on the table.

The SPEAKER also laid before the House a report from the Secretary of the Treasury on the subject of establishing a system of telegraphs for the United States, which was similarly disposed of.

Mr. WHITTLESEY of Ohio asked the consent of the House to present a list of bills reported in the last Congress by the Committee of Claims, and to move that they be referred to that committee.

Mr. CRAIG suggested a modification so as to include all the bills reported by the other standing committees, and unacted on.

Mr. WHITTLESEY preferred the distinct motion. He then submitted his motion, embracing the following list:

Bills No. 272 for the relief of Alexander Macomb; 274, Samuel Sanderson; 331, Ebenezer A. Lester; 354, Jesse E. Dow; 355, Edward Burges; 785, Daniel T. Patterson; 364, William Bailey, Samuel Bailey, and Delord; 371, John McCarty; 383, William H. Bell; 397, David Caldwell's representatives; 403, Benjamin F. Mackall; 414, James J. Patterson; 424, Daniel Davis; 425, James Baker; 428, Roswell Lee, representative of; 430, Thomas F. Canless; 464, Joseph Hall; 486, Jonathan Davis; 493, Albion T. Crow; 513, William R. Taylor, administrator of Jonathan; 515, John Addoms, representative of; 525, Thos. W. Bacot, representative of; 528, Allen R. Moore; 530, Elias Johns; 539, James McMahon; 536, Sarah Murphy; 557, Abraham Lansing; 558, Thomas J. Lawler and S. M. Miles; 561, N. Hedges; 567, P. N. O'Bannon; 600, F. Gardner; 601, Benj. Moore; 602, Eli Horton; 603, M. Gelston, executor of David; 607, John M. Oliver; 906, John Kreps; 608, Christopher Clark; 609, Philip Marshal, *et al;* 613, Curtis Grubb; 627, John B. Perkins; 632, Wm. Eadus; 639, Hannah Mudlong; 640, Robert Peebles and John Graham; 646, Edward Duval, administrator; 651, Richard Frisby; 652, John P. Austin and Edward N. Taylor; 653, Alexander G. Morgan; 655, Jonathan Elliott; 656, John Wilson; 673, John Downes; 692, Christ. Werner; 693, David H. Maxwell; 460, Teakle Savage, administrator of law; 711, Thos. Tynor, *et al;* 713, Melancton T. Woolsey; 745, Joseph Nourse; 762, James L. Kenner; 767, James Herron; 830, H. W. Russell; 850, Truman Brady; 936, Wm. Tharp; 942, William and James Crooks; 943, James Callan; 944, Farrow and Harris; 945, Converse and Rees; 954, Joseph Radcliff; 965, Robert Fulton's heirs; 968, Thomas Fillebrown, jr.; 969, Levy Court, Calvert county, Maryland; 972, Hugh McDonald; 973, Charles Benns.

Mr. PATTON suggested a modification so as to include all petitions, etc. now on the files of the House, and undisposed of, which Mr. W. accepted, and so modified the resolution was agreed to.

Mr. YELL of Arkansas, in pursuance of the above order, sent the following to the Clerk's table:

Resolved, That the following petitions, memorials and resolutions be referred to the same committees heretofore having charge of the same, to wit:

A memorial from the Legislature of Arkansas, praying an appropriation to complete the Memphis and Little Rock road.

A memorial from the Legislature of Arkansas, asking an appropriation to complete the road from Helena to the mouth of Cache, and to finish the road from Jackson to Fort Smith, and from Jackson to Fort Towson via Little Rock, and from Little Rock to Van Buren, near the western boundary of the State of Arkansas, and from Columbia to Little Rock, and to complete the road from St. Francis to intersect the Jackson road at Izard C. H. via Litchfield and Batesville; also a memorial praying the sale of the 16th section in Arkansas; the petitions of Lewis Evans referred to the Committee of Indian Affairs; also, the petition of Benjamin Murphee, L. N. Clark and J. Bland referred to the same committee. A memorial on the subject of the defence of the western frontier of Arkansas, referred to the Committee on Military Affairs; and a new land district in Arkansas, and a bill to defer the pre-emption act of 17th June, 1834, &c. which were severally referred.]

The resolution submitted by Mr. McKENNAN on Thursday, directing the Secretary of War to report a plan of guard posts for the National road from Cumberland to Wheeling, was taken up and agreed to.

On motion of Mr. CAMBRELENG, the annual report of the Secretary of the Treasury on the subject of the finances, and the estimates of appropriations for 1838, were taken up and referred to the Committee of Ways and Means.

On motion of Mr. CRAIG, the House took up the resolution for the election of a Chaplain to the House for the present session; and the same having been concurred in—

Mr. GARLAND of Virginia nominated the Rev. Mr. FOWLER;

Mr. CUSHMAN, the Rev. Mr. JOHNSON;

Mr. McKIM, the Rev. Mr. REESE;

Mr. LOGAN, the Rev. Mr. QUAY.

The following gentlemen were appointed tellers: Messrs. GARLAND, CUSHMAN, McKIM, LOGAN and LINCOLN.

The result of the first ballot was as follows; there being no choice:

Whole number of votes given in	171
Necessary to a choice	86
Rev. Mr. Fowler received	47
" Mr. Johnson	50
" Mr. Reese	63
" Mr. Quay	10
Scattering	1

Mr. TAYLOR of New York then nominated the Rev. Mr. JOHN OWEN.

The second ballot resulted thus:

Whole number of votes	194
Necessary to a choice	98
For Mr. Fowler	49
" Mr. Johnson	50
" Mr. Reese	74
" Mr. Quay	5
" Mr. Owen	15
Scattering	1

There being no choice, the House proceeded to a third ballot, the result of which was announced to be—

Whole number of votes	179
Necessary to a choice	90
For Mr. Fowler	41
" Mr. Johnson	44
" Mr. Reese	83
" Mr. Quay	2
" Mr. Owen	8
Scattering	1

There still being no choice, a fourth ballot was had, and the following was the result:

Whole number of votes	171
Necessary to a choice	86
For Mr. Fowler	33
" Mr. Johnson	30
" Mr. Reese	103
" Mr. Quay	4
" Mr. Owen	4
Scattering	1

The Rev. LEVI R. REESE having received a majority of all the votes given in, was declared duly elected the Chaplain to the House for the present session.

On motion of Mr. WILLIAMS of North Carolina, the use of the hall was granted, for to-morrow evening, to the American Colonization Society, for their annual meeting.

The CHAIR laid before the House:

1. A report from the Postmaster General of the expenditures out of the contingent fund of that Department; which, on motion of Mr. M'KAY, was laid on the table.

2. From the Secretary of the Treasury, transmitting a statement of the funds received under the treaty with the Chickasaw tribe of Indians; which, on motion of Mr. HAYNES, was laid on the table.

3. From the Secretary of the Treasury, an additional report of the monthly returns from receivers of the public money; which, on motion of Mr. McKIM, was laid on the table.

Mr. SMITH, on leave, presented a certain paper in relation to the erection of a light-house; which was referred to the Committee on Commerce.

The joint resolution from the Senate for the appointment of a Joint Library Committee, was taken up and concurred in.

Mr. LAWLER offered the following, which was read and postponed till the 18th instant:

Resolved, That is is expedient to reduce, according to some equitable scale of graduation, the price of such portions of the public lands as will not sell within a reasonable length of time at one dollar and twenty-five cents per acre; and that the lands which cannot be sold at such reduced prices, after being so offered for the term of —— years, should be relinquished to the States severally in which they are situated.

On motion of Mr. ADAMS,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of reporting a bill to prohibit the making or declaring any dividend to the stockholders of any bank in the District of Columbia at any time when the specie payments of such banks shall be suspended.

On motion of Mr. HOWARD,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a naval academy.

On motion of Mr. SHIELDS,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of ceding to the State of Tennessee all the right, title, claim, and interest which the United States have in and to the vacant unappropriated and refuse lands within the chartered limits of the said State of Tennessee, south and west of a line commonly called the Congressional reservation line, on such conditions as will secure the occupants thereon in their occupant claims, according to the existing laws of said State, at a price not exceeding twelve and a half cents per acre, and as will be consistent with the compact between the States of North Carolina and Tennessee and the United States relating to said lands, and the laws and ordinances of the United States making provision for school lands in the new States.

On motion of Mr. GARLAND of Virginia,

Resolved, That the ten per cent. allowed to the clerks in the several offices of Government, by the general appropriation law of 1837, be allowed to the postmaster of the House, and be paid by the Clerk.

On motion of Mr. CARTER,

Resolved, That a Select Committee be appointed, whose duty it shall be to inquire into the expediency of extending the provisions of the act of Congress for the benefit of the surviving officers and soldiers of the Revolutionary army, passed the 7th of June, 1832, so as to embrace those who were engaged in the wars of the United States which occurred between the treaty of peace with Great Britain, in 1783, and the treaty of Greenville with the Indians, in 1795, and that the said committee have leave to report by bill or otherwise.

On motion of Mr. JOHNSON of Va.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of restoring to the United States court for the western district of Virginia its former jurisdiction.

Mr. BOND offered the following, which lies over one day:

Resolved, That the Secretary of the Treasury be directed to furnish to this House a statement of the several amounts paid in specie by the deposite banks on the checks or orders of the Treasury Department since the 13th of May last, and the amount and date of any such checks on which said banks refused payment in specie in part or in whole.

Mr. CHAPMAN of Alabama submitted the following resolution, viz:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting the land remaining unsold in the Huntsville land district in Alabama, and the proceeds of such as may have been sold since the first of January, 1836, to the State of Alabama, to be applied to the further prosecution of the public im-

provements at the Muscle and Colbert's shoals, on the Tennessee river.

Mr. CARTER offered the following amendment, which was accepted:

"And for the purpose of extending the said improvement up the Tennessee and Holston rivers, by removing the obstructions in them up as far as Kingsport, in East Tennessee, commencing at Colbert shoals."

Mr. WILLIAMS of North Carolina proposed further to amend by adding the following; which was agreed to:

"And that the said committee be further instructed to inquire into the manner in which former appropriations of land or money for that object have been expended."

On motion of Mr. TAYLOR,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of so altering the laws relating to bounty lands as to allow those entitled to them to locate on any public land subject to entry at private sale, or to receive land scrip in lieu of bounty land.

On motion,

The House adjourned.

IN SENATE,

TUESDAY, December 12, 1837.

Mr. CUTHBERT, from Georgia, arrived and took his seat.

Sundry private petitions were presented by Messrs. STRANGE, GRUNDY, McKEAN, LYON, ALLEN, RIVES, SMITH of Indiana, TIPTON, ROBINSON, DAVIS, HUBBARD, and others; and, on motion, referred to their appropriate committees.

Mr. McKEAN presented a memorial from a large number of citizens of the State of Pennsylvania, remonstrating against the annexation of Texas: laid on the table.

Mr. ALLEN presented a memorial from forty-six citizens of Ross county, Ohio, remonstrating against the annexation of Texas: laid on the table.

Also, a petition from H. Kingsbury, of Cleveland, Ohio, asking a repeal of so much of the post office law of 1810 as relates to opening the mails on Sundays, &c.

Mr. ALLEN said the petition was of considerable length, and as the petitioner had requested that it might be printed, he would move the Senate to that effect, and that the petition be referred to the Committee on the Post Office and Post Roads. He would take this occasion to observe that he had understood from a gentleman of the House of Representatives, that the petitioner was a good and excellent citizen.

Mr. NILES presented a petition from Com. Isaac Hull, praying compensation for extra services in the Washington Navy Yard: referred to the Committee on Naval Affairs.

Mr. KING introduced a bill to amend an act, entitled "An act for the better organization of the district courts of the United States, within the State of Alabama: read twice and referred to the Committee on the Judiciary.

Mr. CLAY of Alabama, introduced a bill for the relief of certain persons therein named: which was twice read and referred to the Committee on the Post Office and Post Roads.

Mr. GRUNDY introduced a bill to alter and amend an act relating to the punishment of certain crimes within the United States: twice read and referred to the Committee on the Judiciary.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill to establish the boundary line between Michigan and the Territory of Wisconsin, with an amendment.

Mr. KING, from the Committee on Naval Affairs, reported a bill to authorize the President to cause the public vessels to cruise on the coast during the winter season, without amendment.

Mr. KING made some few remarks on the necessity of a speedy action on this bill; which was taken up in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. CLAYTON, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at New Castle, on the Delaware.

On motion of Mr. TALLMADGE, it was

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of so altering the pension law as to allow pensions to widows who may have married after the war.

Mr. LYON presented a petition from George Johnson, praying compensation for services as Indian interpreter; referred to the Committee on Claims.

Mr. GRUNDY presented a petition from the heirs of Francois Cazeau, late of Montreal, praying remuneration for losses sustained by said Cazeau during the Revolutionary war; referred to the Committee on Revolutionary Claims.

On motion of Mr. NORVELL it was resolved that the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the District Judge of the State of Michigan.

The VICE PRESIDENT presented a communication from the Secretary of the Treasury, containing a report from Mr. Hasler, showing the progress of the survey of the coast, and continuation of the standard of weights and measures: ordered to be printed.

Also a report from the Secretary of the Treasury, in compliance with a resolution of the Senate, in relation to the location and cost of marine hospitals on the western waters, and the regulation of the marine hospital fund: referred to the Committee on Commerce, and ordered to be printed.

On motion of Mr. BENTON, 500 additional copies were ordered.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 12, 1837.

Petitions and memorials were presented by Messrs. EVANS, SMITH, and CARTER, of Maine.

Messrs. ATHERTON and CUSHMAN, of New Hampshire.

[Mr. CUSHMAN presented the petition of sundry inhabitants of Portsmouth, N. H. Boston, Mass. and others, praying for an appropriation to improve Rye harbor—referred to the Committee on Commerce; of Nathaniel Gunnison, of New Hampshire, relative to the distribution of the residue of the prize money made by the ship Bon Homme Richard, Commodore John Paul Jones—referred to the Committee on Foreign Affairs; of Nathaniel Gunnison, stating that in 1779, the Continental squadron, commanded by John Paul Jones, captured from the enemy three vessels, called the Union, Betsy, and Charming Polly, valued at fifty thousand pounds sterling, which were sent into Bergen Norway. The King of Denmark and Norway ordered them to be restored to the British, on the alleged ground that Denmark, not having acknowledged the independence of the United States, she could not consent to have them detained as legal prizes of war. This act on the part of Denmark has been a subject of negotiation between the United States and that Government, but whether indemnity for those prizes were included in the compact between the United States and Denmark, the petitioner does not; but whether it was or not, he thinks the United States ought to respond therefor, and prays that his distributive share, as the representative of one of the captors, may be paid to him—referred to the Committee on Foreign Affairs; of James Wheeler, praying the passage of an act allowing pensions to the widows and children of non-commissioned officers and soldiers, who may lose their lives in the service of the United States—referred to the Committee on Military Affairs.]

Messrs. GRENNELL, BRIGGS, CALHOUN, REED, PARMENTER, CUSHING, LINCOLN, PHILLIPS, HASTINGS, BORDEN, ADAMS and FLETCHER, of Massachusetts.

[Mr. ADAMS presented several memorials against the annexation of Texas, and moved their reference to a select committee, with instructions to consider and report thereon.

Mr. HOWARD moved their reference to the Committee on Foreign Affairs.

The above motions lie over till to-morrow.

Mr. ADAMS presented a petition, praying for the abolition of slavery and the slave trade in the District of Columbia, and moved that it and the petitions presented by himself and colleagues at the late special session on the same subject, embracing upwards of 50,000 signers, be referred to the Committee for the District of Columbia, with instructions to consider and report thereon.

Mr. WISE moved to lay that motion on the table.

Mr. POTTS asked for the yeas and nays on that motion; which were ordered, and were—yeas 135, nays 70, as follows:

YEAS—Messrs. Alexander, Anderson, Atherton, Aycrigg, Beirne, Bell, Birdsall, Boon, Bouldin, Brodhead, Buchanan, John Calhoon, Cambreleng, Wm. B. Campbell, John Campbell, W. B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cilley, Claiborne, Clark, Cleveland, Clowney, Coles, Craig, Crary, Crockett, Cushman, Dawson, Deberry, DeGraff, Dromgoole, Edwards, Ewing, Farrington, Fairfield, Fry, Gallup, J. Garland, Gholson, J. Graham, Grantland, Graves, Griffin, Haley, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, J. Jackson, Jenifer, J. Johnson, W. C. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Lawler, Legare, Logan, Loomis, Lyon, Mallory, Martin, Maury, May, McKay, A. McClellan, McClure, McKim, Menifee, Mercer, Miller, Montgomery, Morgan, Muhlenberg, Murray, Noble, Palmer, Pearce, Pennybacker, Petriken, Phelps, Plumer, Pope, Pratt, Prentiss, Rhett, Rives, Robertson, Rumsey, A. H. Shepherd, C. Shepard, Shields, Sheplor, Smith, Snyder, Southgate, Spencer, Stanly, Stewart, Stone, Stratton, Taliaferro, Taylor, Thomas, Titus, Toucey, Turney, Underwood, Vail, Vanderveer, Wagener, Weeks, A. S. White, J. White, L. Williams, Sherrod Williams, J. W. Williams, C. H. Williams, Wise, Worthington, and Yell—135.

NAYS—Messrs. Adams, H. Allen, J. W. Allen, Bicknell, Biddle, Bond, Borden, Briggs, Bronson, Wm. B. Calhoun, Childs, Corwin, Cranston, Curtis, Cushing, Darlington, Davies, Duncan, Dunn, Everett, R. Fletcher, Fillmore, Foster, Goode, W. Graham, Grant, Gray, Grennell, Hall, Harper, Hastings, Henry, Herod, Hoffman, Ingham, T. B. Jackson, Kilgore, Lincoln, Marvin, S. Mason, Maxwell, Robert McClellan, McKennan, Milligan, M. Morris, Samuel W. Morris, C. Morris, Naylor, Noyes, Ogle, Parker, Parmenter, Patterson, Peck, Phillips, Potts, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Slade, Tillinghast, Toland, Webster, E. Whittlesey, Thos. T. Whittlesey, and Yorke—70.

So the motion to lay on the table was decided in the affirmative.

Mr. ADAMS presented several other petitions from Massachusetts, Pennsylvania, etc. on the same subject, and made the same motions of reference, which were severally laid on the table, on motion of Mr. WISE.

Mr. ADAMS then presented another of the same tenor.

Mr. LAWLER raised the preliminary question of reception, on which

Mr. ADAMS asked for the yeas and nays, which were ordered, and were—yeas 144, nays 60, as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Anderson, Andrews, Atherton, Aycrigg, Bell, Bicknell, Biddle, Birdsall, Bond, Borden, Briggs, Brodhead, Bronson, Buchanan, William B. Calhoun, Cambreleng, Timothy J. Carter, William B. Carter, Casey, Chaney, Cheatham, Childs, Cilley, Clark, Cleveland, Corwin, Craig, Crary, Cranston, Curtis, Cushing, Cushman, Davee, Davies, DeGraff, Duncan, Dunn, Edwards, Evans, Everett, Ewing, Farrington, Fairfield, Richard Fletcher, Fillmore, Foster, Fry, Gallup, Goode, William Graham, Grantland, Grant, Graves Gray, Grennell, Haley, Hall, Hammond, Hamer, Harrison, Harper, Hastings, Haynes, Henry, Herod, Hoffman, W. H. Hunter, Ingham, T. B. Jackson, J. Jackson, Joseph Johnson, Nathaniel Jones, Kemble, Kilgore, Klingensmith, Lincoln, Logan, Loomis, Marvin, Samson Mason, Maxwell, McKay, Robert McClellan, McClure, Mc Kennan, Menifee, Milligan, Morgan, Mathias Morris, Samuel W. Morris, Calvary Morris, Muhlenberg, Murray, Naylor, Noble, Noyes, Ogle, Palmer, Parker, Parmenter, Patterson, Peck, Phelps, Phillips, Plumer, Pope, Potts, Prentiss, Rariden, Randolph, Reed, Ridgway, Rives, Russell, Sheffer, Augustine H. Shepperd, Sheplor, Sibley, Slade, Smith, Snyder, Southgate, Spencer, Stratton, Tayler, Tillinghast, Titus, Toland, Toucey, Vail, Vanderveer, Wagener, Webster, Weeks, Albert S. White, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Worthington, and Yorke—145.

NAYS—Messrs. Beirne, Bouldin, John Calhoon, William B. Campbell, John Campbell, Chapman, Claiborne, Clowney, Coles, Crockett, Dawson, Deberry, Dromgoole, J. Garland, Gholson, J. Graham, Griffin, Hawes, Hawkins, Hopkins, Howard, Hubley, Robert M. T. Hunter, William Cost Johnson, John W. Jones, Lawler, Legare, Lyon, Mallory, Martin, Maury, May, Abraham McClellan, McKim, Mercer, Miller, Montgomery, Pearce, Pennybacker, Petriken, Pratt, Roncher, Rhett, Robertson, Rumsey, Charles Shepard, Shields, Stanley, Stewart, Stone, Taliaferro, Thomas, Turney, Underwood, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yell—59.

So the petition was received.

When the name of Mr. RIVES was called, that gentleman rose in his place, and inquired of the Chair the effect of this motion prevailing.

The CHAIR replied that it left the petition still at the disposition of the House.

Mr. RIVES said then he should vote for the re-

cention, in order to give this petition the same disposition as had been given to the others, viz: laying them on the table.

Mr. WISE explained, that the reason he had not originally raised the question moved by the gentleman from Alabama, was, that the question just decided had already been decided so often by the House, by Southern as well as by Northern members voting to receive abolition petitions. It was for that reason he had moved to lay the motion of reference on the table, for he was determined to meet the question at every step where it could be met. Mr. W. asked the gentleman from Massachusetts to include all his petitions in one motion.

Mr. ADAMS said he could not assent to it.

Mr. ADAMS then presented a petition for the abolition of slavery in the Teritories of the United States, and moved its reference to the Committee on the Territories; whereupon,

Mr. WISE moved to lay that motion on the table.

Mr. ADAMS asked for the yeas and nays; which were ordered; and were—yeas 127, nays 73, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beirne, Bell Boon, Bouldin, Brodhead, Cambreleng, William B. Campbell, John Campbell, T. J. Carter, Wm. B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cilley, Claiborne, Cleveland, Clowney, Coles, Craig, Crary, Crockett, Cushman, Dawson, Deberry, Dromgoole, Edwards, Farrington, Fairfield, Fry, J. Garland, Gholson, James Graham, Grantland, Graves, Griffin, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, Wm. H. Hunter, R. M. T. Hunter, Jabez Jackson, Jenifer, J. Johnson, W. C. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Lawler, Legare, Logan, Loomis, Lyon, Mallory, J. M. Mason, Martin, Maury, May, McKay, A. McClellan, McClure, McKim, Menifee, Mercer, Miller, Montgomery, Morgan, Muhlenberg, Murray, Noble, Palmer, Patton, Pearce, Pennybacker, Petriken, Phelps, Plumer, Pope, Pratt, Rencher, Rhett, Rives, Robertson, Rumsey, Augustine H. Shepperd, Charles Shepard, Shields, Sheplor, Snyder, Southgate, Spencer, Stanly, Stewart, Stone, Taliaferro, Taylor, Thomas, Titus, Toucey, Turney, Underwood, Vanderveer, Wagener, Weeks, Albert S. White, John White, Lewis Williams, Sherrod Williams, J. W. Williams, J. L. Williams, Christopher H. Williams, Wise, Worthington, and Yell—127.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Biddle, Bond, Borden, Briggs, Bronson, Buchanan, W. B. Calhoun, Childs, Corwin, Cranston, Curtis, Cushing, Darlington, Davee, Davies, DeGraff, Duncan, Dunn, Evans, Everett, R. Fletcher, Fillmore, Foster, Goode, W. Graham, Grant, Grennell, Haley, Hall, Harper, Hastings, Henry, Herod, Hoffman, Ingham, Thos. B. Jackson, Kilgore, Lincoln, Marvin, S. Mason, Maxwell, Robert McClellan, McKennan, Milligan, C. Morris, Naylor, Noyes, Ogle, Parker, Parmenter, Patterson, Peck, Phillips, Potts, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Slade, Smith, Stratton, Tillinghast, Toland, Webster, E. Whittlesey, and Thomas T. Whittlesey—73.

So the motion of reference was laid upon the table.

So the petition was laid on the table.

Messrs. CRANSTON and TILLINGHAST of Rhode Island.]

Petitions and memorials were then further presented by

Messrs. TOUCEY, INGHAM, HOLT, HALEY, and WHITTLESEY of Connecticut.

Messrs. HALL, ALLEN, SLADE, and EVERETT of Vermont.

Messrs. LOOMIS, BICKNELL, MOORE, FILLMORE, VANDEVEER, KEMBLE, CURTIS, MARVIN, TAYLOR, PARKER, BRONSON, CAMBRELENG, RUSSELL, DE GRAFF, GRANT, GREY, HOFFMAN, and SPENCER of New York.

Mr. HALSTEAD, of New Jersey.

Messrs. HENRY, MUHLENBERG, BEATTY, PETRIKEN, BUCHANAN, PLUMER, TOLAND, MORRIS, POTTS, WAGENER, FRY, and McKENNAN, of Pennsylvania.

The SPEAKER laid before the House the following Executive communications:

1. From the Secretary of the Treasury, transmitting the annual reports of the Commissioner of the General Land Office.

On motion of Mr. CASEY, laid on the table.

2. From the same, transmitting a statement of the contingent exdenditures of that Department.

On motion of Mr. CUSHMAN, laid on the table.

3. From the same, containing the survey of the coast south of Chesapeake Bay, with reference to the construction of additional light-houses, beacons, buoys, &c.

On motion of Mr. HAYNES, referred to the Committee on Commerce.

Mr. WHITTLESEY of Ohio asked leave to report the bills referred to the Committee of Claims yesterday; but it was objected to.

On motion of Mr. TILLINGHAST,

The House adjourned

HOUSE OF REPRESENTATIVES, }
Dec. 12, 1837. }

GENTLEMEN: In the report of the proceedings of this House yesterday, as published in your paper of that date, on the resolution offered by myself for a further appropriation of land to Alabama, to continue the improvements at the Muscle and Colbert shoals, it is erroneously stated that I accepted the amendment offered by General CARTER of Tennessee.

I refused to accept the amendment alluded to, and stated my reasons fully to the House.

Your ob't servant,

R. CHAPMAN.

Messrs. BLAIR and RIVES.

IN SENATE,

WEDNESDAY, Dec. 13, 1837.

Messrs. BLACK and SOUTHARD appeared and took their seats.

The Hon. WILSON LUMPKIN, Senator elect from Georgia, and the Hon. A. H. SEVEIR, Senator elect from Arkansas, were duly qualified and took their seats.

Private petitions were presented by Mr. SMITH of Indiana, PRENTISS, WALL, KNIGHT, CLAYTON and others, and referred to the appropriate Committees.

Also, on motion, papers of a private character presented on last session were removed from the files and severally referred.

Mr. RUGGLES presented the petition of Mr. Perkins, a citizen of the United States, though for many years a resident of Great Britain, stating that he was the inventor of an improved mode of warming the public buildings, and praying that the officer charged with the issuing of patents, may be specially authorized to issue in his favor, though absent: referred to the Committee on Patents.

On motion of Mr. PRENTISS, it was

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of establishing a pension agency at Montpelier, in the State of Vermont, for the payment of all pensioners of the United States resident in the counties of Washington, Orange, Caledonia, Orleans, Essex, and Lamoille, in said State.

On motion of Mr. TIPTON, it was

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate copies of all instructions to registers and receivers of the different land offices respecting pre-emption rights, and the other description of claims on the public lands, commonly called "*floats*," with copies of the opinions of the late or present Attorney General respecting these claims.

Also, on motion of Mr. TIPTON,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the constructing a road in the States of Ohio, Indiana and Illinois.

On motion of Mr. WHITE, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of providing by law for the payment of the heirs and representatives of Lieutenant William Redmond, deceased, the commutation money promised the officers of the continental line who should continue in service to the end of the war of the Revolution, and that the said committee report by bill or otherwise.

Agreeably to notice given, Mr. KING introduced a bill for the encouragement of the employment of boys in the vessels of the United States: read twice and referred to the Committee on Commerce.

Mr. HUBBARD introduced a bill to authorize the payment of invalid pensioners in certain cases: read twice, and referred to the Committee on Pensions.

Mr. YOUNG introduced a bill for the relief of John Newton. Mr. Y. said he would take this occasion to mention that the case in question had before been presented, and had been favorably acted on, but had been lost in the other House for want of time: no doubt existed in his mind of the merits of the case. The bill having been reap twice, was referred to the Committee on Public Lands.

Mr. YOUNG also introduced a bill to authorize certain soldiers of the last war with Great Britain to surrender their bounty lands, and to select others: read twice, and referred to the Committee on Public Lands.

Also, a bill for the relief of Jane Warner; which was twice read, and referred to the Committee on Claims.

Mr. CLAY of Kentucky introduced a bill for the benefit of the executrix of the late R. H. Lee: read wice and referred to the Committee on Foreign Relations.

Also, a bill to amend an act, entitled, An act to amend the several acts in relation to extending copy rights to foreigners in certain cases: read twice, and referred to the Committee on Patents.

Mr. LYON introduced a bill making appropriations for certain roads in the Territory of Wisconsin: read twice, and referred to the Committee on Roads and Canals.

Also, a bill for the creation of the office of Surveyor of public lands in Wisconsin Territory: read twice, and referred the Committee on Public Lands.

Mr. CLAY of Alabama gave notice that he would on to-morrow introduce a bill for the relief of William C. Easton.

The VICE PRESIDENT announced the receipt of sundry papers of claimants for their services, etc.; which were, on motion, referred to the Committee on Pensions.

Mr. WRIGHT, from the Committee on Finance, to whom had been referred the resolution inquiring into the condition of the currency of the District of Columbia, reported a bill in part. This bill having been read by its title—

Mr. CLAY said he hoped the bill would be read; that he liked to hear every thing in relation to the currency When the provisions of the bill having been read by the Secretary of the Senate—

Mr. CLAY remarked, that bill imposed very heavy pains and penalties, and wished to inquire why this devoted District was to be thus doomed. Before any thing was done with it, he would inquire of the chairman if the committee was full when he was instructed to report it, and whether the consent of all the members of the committee had given sanction to the report?

Mr. WRIGHT said he was happy to give the gentleman the information he desired, though he deemed it rather a strange proceeding at so early a stage as the second reading of the bill. He would state, for the gratification of the gentleman, that three of the members of the committee were present who had instructed him to report the bill; it was the same, verbatim et literatim, as that presented at the last session, which had been discussed at length in the Senate, and the yeas and nays taken thereon.

The VICE PRESIDENT announced a communication from the Secretary of the Treasury, containing a report from the Commissioner of the General Land Office, showing many interesting details in relation to the same: ordered to be printed.

On motion of Mr. WALKER, five hundred additional copies were ordered for the use of the Land Office.

At the same the VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, showing an abstract of the expenditures for the year 1837; laid on the table, and ordered to be printed.

A message was received from the President of the United States, transmitting certain information in accordance with a resolution of the Senate of the 12th October last, containing copies of correspondence in relation to the seizure and sequestration of the American ship Mary, by the Dutch Government, at the island of Curracoa in 1810.

Also, a message from the President, in obedience to a resolution of the 13th October, requesting information in relation to obtaining from the Mexican Government an acknowledgment of the claims of American citizens.

Mr. CLAY said he presumed these contained

what had already been before the Senate; he thought it unnecessary to print them; but afterwards observed he was under a wrong impression, and moved for the printing, which was accordingly ordered.

ORDERS OF THE DAY.

The Senate then took up the bill to authorize the public vessels to cruise on the coast during the winter season; which was read the third time and passed.

On motion of Mr. GRUNDY, the bills to remit the duties on goods destroyed at the late fire in New York, and to allow a drawback on hemps and cordage, were taken up, and Messrs. WRIGHT and KNIGHT having given explanations in relation to the same: they were severally ordered to be engrossed for a third reading.

The Senate then went into executive business, and after a few minutes, adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Dec. 13, 1837.

Mr. FLETCHER of Massachusetts asked permission of the Chair to make some statements in reference to a publication which had appeared in the Globe of that morning, signed by certain members of the Committee of Ways and Means.

The publication alluded to is as follows:

The undersigned have seen, with surprise, an attack made upon the majority of the Committee of Ways and Means, by the Hon. Richard Fletcher, of Massachusetts, a member of that committee at the late extra session. In a speech purporting to have been delivered in Faneuil Hall, and published in the Atlas and other papers at Boston, the place of that member's residence, the following statement and charges are made, and have not, to their knowledge, been disavowed by him. He says that:

"During the session, the business projects upon which the House were called to act, came almost entirely from the Committee of Ways and Means. There are nine members of that committee, only two of whom are understood to be opposed to the general policy of the Administration. I suppose you would like to know the manner in which the business was arranged for the House. I will tell you the *Ways*—the *Means* you will all see in due time. You doubtless suppose that this Committee of Ways and Means has some duty to do; some ways to devise; some means to find out; some plans to originate and mature for the action of the House. The Committee, you imagine, look over the Message; see what is recommended to be done for the benefit of the country; consult together as to the best measures, and lay the result of their deliberations before the House. Is this your idea, Mr. President? Is this what you think, fellow-citizens? If it is, I am sorry to inform you, that you labor under a very great mistake. I once entertained the same ideas; but I soon found my error. No such thing, sir—no such thing. *The chairman of the committee steps up to the White House, and there receives from the President or the Secretary of the Treasury such bills as they wish to have passed by the House. The chairman puts the bills into his pocket; takes them to the committee, without any examination; the majority of the committee approve them;* the minority can do nothing; the bills are presented to the House, and received as the doings of the committee.

"*I aver to you that every important bill passed by the House, came to the House, ready drawn, from the Executive.* The Representatives are mere machines. Every measure is an Executive measure. I mean by the Executive, the President, and the heads of Departments; the cabinet. *They originate every thing, put every thing into the precise shape they wish, word for word, letter for letter, comma for comma; and the Executive majority in the House pass each bill forthwith, without alteration—and so far as depends upon them, without debate—just as it comes from their masters at the white house.*"

The member from Massachusetts alleges that the chairman of the committee "steps up to the white house, and there receives from the President or the Secretary of the Treasury, such bills as they wish to have passed by the House. The chairman puts the bills into his pocket, takes them to the committee, without any examination the majority of the committee approve them."

The chairman of the committee states in reply, that he had no consultation whatever with the President concerning any one of the bills reported by the committee, nor did he receive either of the bills, or any part of either, from him. The usage from the commencement of the Government has been for the committee, through its chairman, to consult the head of the Department in regard to such measures as he may recommend for the consideration of Congress; for the Secretary to attend on, and confer with, the committee, if invited, and to furnish drafts of bills embracing his own propositions, when requested to do so. This is but an act of courtesy to the officer who recommends a measure connected with the business of his department, and whose duty it is, when the law is enacted, to construe and execute it.

The chairman of the committee did consult the Secretary of the Treasury about the bills referred to, and he did so with the knowledge and assent of the committee. At his request the Secretary of the Treasury transmitted to him drafts of most of the bills; but the undersigned declare it to be utterly untrue that any one of them was adopted by the committee. The measures recommended in the Treasury report were duly considered by the committee, but not one of the bills reported corresponded in form with any prepared by the Secretary, and most of them essentially differed in principle from the suggestions of that officer.

The member from Massachusetts not only alleges that the majority of the committee approved the bills "without any examination," but he "avers that every important bill passed by the House came to the House, *ready drawn*, from the Executive," and that "the Executive majority in the House passed each bill forthwith, without alteration—and, so far as depends upon them, without debate." The bills reported by both committees, differing as they do, and the proceedings of the two Houses upon them, prove these statements to be untrue. The two Houses had assembled at an extra session, and there was a general desire, without regard to party, to make it a short one. From its different organization, the Senate was enabled to appoint its committees on the 8th of September; those of the House were not announced till the 11th of that month. Before the Committee of Ways and Means met on the 12th, the Committee on Finance of the Senate had been for some days employed in preparing the bills; consequently, the former had no opportunity to act upon them until after they had been matured by the latter committee. Both Houses were anxious that all the bills should be reported without delay, and the Committee of Ways and Means were in session daily till the most important were submitted to the House. In examining these bills, it will be found that the majority of the Committee of Ways and Means not only differed with the Senate committee, but with the report of the Secretary of the Treasury, both in principle and in detail.

The bill of the Senate authorized Treasury notes to be issued bearing interest; the bill reported to the House directed them to be issued without interest. The former proposed interest from the date, and for twelve months only, the latter provided, that if they were not redeemed at the expiration of that term, the interest should then commence. The details of the two bills were consequently essentially different. At the suggestion of a member of the committee, an additional penal section was introduced into the bill, with the concurrence of the member from Massachusetts. The Secretary of the Treasury, in his report, proposed an issue of Treasury notes of small denominations; the bill of the Committee of Ways and Means authorized none to be issued under one hundred dollars. The former recommended that they should be re-issued; the latter contained no such provision.

The next and the most important bill, commonly called the "divorce bill" was essentially amended. The bill reported to the Senate related wholly to the safe keeping of the public money, and contained no provision as to the medium in which it was to be collected. The Committee of Ways and Means added another section providing for this material point, and altered the title of the bill accordingly.

The bill further postponing the payment of merchants' bonds, as reported to the House, contained an additional section, giving a credit on the duties on merchandise remaining in the public stores upon which the duties were payable in cash: a provision not suggested in the Treasury Report, nor embraced in the Senate bill. The Committee on Ways and Means, subsequently, and unanimously, instructed its chairman to move to strike out the 2d section of the Senate bill, which proposed to make the additional credit upon bonds applicable to importations, for one year from and after the 1st October, and to insert the section referred to, extending the credit to three and six months on all merchandise which was then in the public warehouses, or might arrive before the 1st of November. Amendments were also made to other bills, but those mentioned were the most material.

The member from Massachusetts is still more particular in his statements about the origin and history of these bills. He says that the President and the Heads of Departments "originate every thing, put every thing in the precise shape they wish, word for word, letter for letter, comma for comma, and the Executive majority in the House pass each bill forthwith, without alteration—and so far as depends upon them without debate—just as it comes from their masters in the White House!"

The undersigned, to ascertain whether these grave and extraordinary charges were founded in truth, have compared the drafts of the bills furnished to the chairman by the Secretary of the Treasury, with the bills reported by the Committee of Ways and Means. No drafts were received of the bills relating to the fourth instalment under the deposite act, the banks in this District, or the warehousing of merchandise. It is proper here to state, that a warehousing bill was reported at a former session by the present chairman of the Committee of Ways and Means, and prior to the recommendation of the Secretary of the Treasury. The bills received from the Secretary were those for adjusting claims on the deposite banks; extending the merchants' bonds; making public officers the keepers of the public money, and authorizing Treasury notes to be issued. The bills relating to the merchants' bonds, and the claims upon the banks reported by the Committee of Ways and Means, differ both in language and principle from those prepared by the Secretary. Of the ten sections of the bill providing for the safe-keeping of the public money, but three correspond with those framed by that officer. Some of the provisions in the Treasury note bills correspond; they are, however, generally such as are transcribed from the Treasury note act of 1815. But to prove how utterly unfounded are the statements of the member from Massachusetts, that the Secretary's drafts were adopted by the Committee of Ways and Means "word for word, letter for letter, comma for comma," and as a specimen of the general resemblance of these bills, the undersigned present the three first sections of the Secretary's draft, and of the bill reported by the Committee relating to Treasury notes:

Draft of the Secretary of the Treasury.	*As reported by the Committee of Ways and Means.*
Be it enacted, &c. That whenever the available money in the Treasury applicable to public purposes, and not on deposit with the States, shall be at any time hereafter less than five millions of dollars, the President of the United States is hereby authorized to direct the issue of acknowledgments of indebtedness, in the form of Treasury notes, whenever the public officers and creditors are willing to receive the same at par in payment of their claims, or others are willing to advance money on them at par, to aid in accomplishing the same payment.	*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized to cause Treasury notes, not bearing interest, for such sum or sums as he may think expedient, but not exceeding, in the whole amount of notes issued, the sum of twelve millions of dollars, and of denominations not less than one hundred dollars for any one note, to be prepared, signed, and issued in the manner hereinafter provided.
2. That the amount of said notes which may from time to time be issued shall not exceed the sum necessary to defray the estimated current demands on the Treasury during the current year beyond the amount of the current receipts and the five millions aforesaid, to be kept in the Treasury to meet sudden contingencies, and re-	SEC. 2. *And be it further enacted,* That the said Treasury notes, authorized to be issued by the first section of this act, shall be reimbursed and redeemed by the United States, at the Treasury thereof, after the expiration of one year from the dates of the said notes respectively. The reimbursement herein provided for shall

der its operations prompt, easy, and useful.

3. That said notes may be in their denominations not less than twenty dollars, and in form running to the creditor, public officer, or purchaser, and order or to bearer, redeemable at the pleasure of the Government, and transferrable by delivery and endorsement of the original payee thereon when to order. They shall, as checks on each other, and for public safety, be signed by the Treasurer and Register of the Treasury, and an accurate account be kept by each of them of the amount issued and redeemed, the Treasurer being charged and required to account quarterly for all delivered to him by the Register for signature. They shall in all cases be receivable for dues of all kinds to the United States, and bear no interest, unless it be found, on trial, that a sufficiency of them to meet the public engagements will not be voluntarily received by the public creditors and officers in payment, or by others (or specie, without interest; in which case interest may be stipulated to be paid on the face of them not to exceed six per cent. per annum, the rate to be fixed by the President; and money may be raised thereon by sale or delivery at not less than par, sufficient to meet the current expenses as aforesaid. If any of said notes on interest be issued, they shall not be receivable for public dues of any kind, unless otherwise directed by the President, until the Department is ready to redeem them, and may then adopt that mode, or any other, for such purpose, under such regulations as to their redemption, return, and cancelling, as may be deemed most safe and convenient.

be made at the Treasury of the United States to the holders of the said notes respectively, upon presentment; and in case of presentment and non-payment of said note or notes after they become due, the holder or holders shall be entitled to receive interest at the rate of five per cent. per annum from the date of demand of payment. And for this reimbursement, according to the provisions of this act, the faith of the United States is hereby solemnly pledged.

SEC. 3. *And be it further enacted*, That the said Treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be respectively signed, on behalf of the United States, by the Treasurer thereof, and countersigned by the Register of the Treasury; and that those officers respectively shall, as checks upon each other, and to secure the public safety, keep separate, full, and accurate accounts of the number, date, denomination, and amount of all the notes signed and countersigned by them respectively; which said accounts shall be carefully preserved and placed on file in the Treasury Department; and, also, similar accounts, kept and preserved in the same manner, of all the said notes redeemed, as the same shall be returned and cancelled; and the Treasurer shall further account quarterly for all such notes delivered to him for signature or issue by the Register. The Treasurer and Register of the Treasury are hereby authorized, by and with the consent and approbation of the Secretary of the Treasury, to employ such additional temporary clerks, as the duties enjoined upon them by this section may render necessary: the compensation of each clerk so employed to be fixed by the Secretary.

In the same speech the member from Massachusetts says:

"A resolution was introduced into the House from the Committee of Ways and Means, declaring that it is inexpedient to charter a national bank. You may feel some interest to know how that resolution was got up. I will tell you. You will recollect that there were only two Opposition members on the committee. The majority *would* do nothing for the people, and the minority *could* do nothing, except to report the doings of their masters in the committee and the House to *their* masters, the people; and this at least I, for one, am resolved to do. Very many petitions, from almost all the States, were sent into Congress for the establishment of a national bank. These petitions, as they were presented, by a mutual understanding, were referred to the Committee of Ways and Means, and *suffered to lie on the table till the whole should come in, when, as was supposed, they were to be taken up and considered. So the matter stood; when, on the last day but one on which that committee sat, the chairman, without preface or explanation, introduced the above resolution. It was opposed by one Opposition member, the other being absent; and the chairman was asked what had become of the petitions?* They yet lay on the table; but the majority passed the resolution, without opening or reading one of them. The resolution was sent in, and by the help of the previous question, was forced through the House. *No doubt can be entertained that this resolution came down from the Executive in the precise form in which it passed.* Here was a great and most manifest outrage on the liberties of the citizens. At least they have the right to petition, if they have no other; and yet, in a time of the greatest anxiety, when it was of the most vital importance that the views of the people should be communicated to their representatives, here was a successful attempt on the part of the Executive to cut off this intercourse; to prevent the voice of the people from being heard; to erect a barrier between the people and their constituents."

The member from Massachusetts states that "on the last day but one on which that committee sat, the chairman, without preface or explanation, introduced the above resolution." The question was three times before the committee, and twice postponed at the request of the minority—once at the suggestion of the member from Massachusetts himself; and was ultimately postponed to a particular day, with a distinct understanding by every member that the question was then to be finally disposed of in the committee. He further says that the chairman was asked "what had become of the petitions?" The memorials, petitioning for the incorporation of a national bank, were generally printed copies of a memorial which had been some months previous prepared by the Board of Trade of New York, and circulated and published throughout the Union. Numerous copies of the same memorial had been printed by order of the House, laid upon the tables of the members, were in the possession of the members of the committee, and many copies of the same were on the table of the committee, in view of the member from Massachusetts, at the time he says the inquiry was made, "what had become of the petitions?" The contents of the memorials being familiar to all, the reading was not asked for by any member of the committee, and was not required even by the member himself, who subsequently appears as the advocate of the petitioners. The member from Massachusetts adds, "no doubt can be entertained that this resolution came down from the Executive in the precise form in which it passed." The resolution was drawn by the chairman of the committee after a discussion as to its form, and in the presence of the committee, and of the member himself.

The undersigned regret that the absence of Mr. Owens of Georgia, prevents him from uniting with them in repelling the unwarrantable and unfounded charges of the member from Massachusetts.

C. C. CAMBRELENG of New York,
ISAAC McKIM of Maryland,
THOMAS L. HAMER of Ohio,
J. W. JONES of Virginia,
CHAS. G. ATHERTON of New Hamp'
R. BARNWELL RHETT, of S. C.

WASHINGTON, Dec. 11, 1837.

The question having been put, and the leave accorded,

Mr. FLETCHER observed that the article in relation to which he wished to make an explanatory statement, referred to a publication which had appeared in some of the papers of Boston, and purporting to be a speech delivered by him on a late occasion in that city. In reference to that publication, he had to say that it had not been made by him, or revised by him; nor had he seen it until it appeared in the public prints. The publication was in no sense his; nor was he in any sense responsible for it; nor had his attention been called to it until the article in the Globe of this morning had been shown to him. One member of the Committee of Ways and Means resided in New Hampshire, (Mr. Atherton,) near him; the chairman of the committee (Mr. Cambreleng) had his house in the city of New York, within twenty-four hours' communication of him at any time; yet he had never heard from any one of the members of the committee any thing on the subject of the publication in question. He had received no communication from any member of the committee until he had seen that which was contained in the Globe of this morning. The remarks alluded to had been published by the Boston papers early in November, some weeks before the present meeting of Congress; it was now the second week of the session, and he now, for the first time, heard anything from any of the gentlemen of the committee touching that publication.

He saw in the statement in the Globe that the gentlemen who had affixed their signatures to the article expressed regret at the absence of Mr. Owens, another member of the committee, and who, as they said, would concur with them in all they had stated. They said nothing, however, of another member of that committee, Mr. Sergeant of Philadelphia, now absent, but who had been in this city since the commencement of the present session. Had Mr. F. received any intimation of an intention to submit such a statement to the public, he should have deemed the presence of that gentleman desirable. Mr. F. might then have had an opportunity of applying to him in relation to this matter, and the other members of the committee might have obtained his statement of the facts. Those facts Mr. F. now wished distinctly to state.

At the late session of Congress he had been put, a stranger, and an inexperienced member of the House, on the Committee of Ways and Means. At an early meeting of the committee, he could not say whether at the first meeting, though he thought it was, certain bills were submitted to the committee by its chairman, which, as he understood, had been drawn up by the Secretary of the Treasury. In fact, the statement of these gentlemen itself admitted that most, at least, of those bills had been drawn by that officer. The statement said that the chairman of the Committee of Ways and Means had consulted with the Secretary of the Treasury in relation to those bills, and that this had been done with the knowledge and consent of the committee.

Mr. F. could speak only for himself; he at least had had no knowledge of such consultation until the bills had been introduced into the committee, nor did the statement assert that such consultation with the Secretary was known to the committee before the bills in question were laid before it. Mr. F. did understand, distinctly, that the bills originated with the Secretary; had received their form from him; and in that form had been submitted to the committee by its chairman. Now, whether ignorantly or otherwise, Mr. F. had supposed that such a course of things was improper; that it was a wide and dangerous departure from the theory and principles of our Government, which required that the Legislative and Executive departments should be kept entirely distinct from each other. This was not, and could not be, any matter of secresy; and he had considered it no violation of courtesy to speak of it; he accordingly had stated the case to several gentlemen of the House during the late session, and asked their opinion in regard to it; he found but one opinion on the subject—that the course was very improper. In the debate which took place in the House on these bills, it had been distinctly averred by one of the speakers that those bills did not originate with the committee, and this assertion had not been, at that time, denied or answered by any one. When he went home, he went under the impression that there was an improper interference of the Executive with the Legislative department of the Government.

He had afterwards been called on by his constituents, at a meeting held in Boston, to express his views in relation to our national affairs. That meeting, however, was not, as described in the Globe, a meeting called for the celebration of victories. It was the regular, customary meeting annually held previous to the annual election in Massachusetts. He had been, as he had said, called upon by his constituents to speak to them on our national affairs; and, in so doing, he had stated, in reference to the manner of conducting the business of the Committee of Ways and Means, that the bills reported from that committee originated with the Executive—came to the committee from the Executive drawn up in form, and were Executive measures. He had stated, in terms, however, that, in calling them Executive measures, he had not reference to the President simply, but also to the heads of departments. This had been his statement, and his comments upon the facts had been that this was, in his view, an improper and dangerous interference by the Executive with the legislative action of this Government. The subject of his remarks had been simply the danger of such an interference. The gentlemen, in their article, spoke of an attack on the majority of the committee. He had not so understood himself;

his comment related to the impropriety of Executive interference.

Now, as to the details contained in the publication of the Globe, he only had to say that they were almost all founded on particular expressions contained in the report of the Boston papers of Mr. F's speech—expressions which were not his, and for which he was not responsible. The gentlemen who prepared that article must surely have made an exceedingly low estimate of his understanding if they supposed he could have said such things as had been there imputed to him. The article attributed to him the assertion that the Executive majority of the House passed each bill forthwith, without alteration; and this, when all the journals of the country contained the debates of the House on these very bills, and when the alterations which they had undergone in the House were so notorious that none could remain ignorant of them. To suppose that he should have had the folly to make such a statement at a public meeting, was, as he had said, putting rather a lower estimate upon his common sense than he had supposed some of those gentlemen would have done. Yet, a large portion of the details of the article in the Globe were founded on that supposed statement, and another equally unfounded as attributed to him. It was said that this course on the part of the chairman of the Committee of Ways and Means was the usual, the customary course of business. As to that he had said nothing, and had nothing to say: he had only stated what he believed to be the fact in the matter, and which was substantially admitted by the gentlemen themselves. If that was, indeed, the usual course of business in that committee, then the remarks of Mr. F. on that subject might have no validity. As to that point he said nothing.

As to the resolution on the subject of a national bank, what occurred had been simply this. At an early stage of the meetings of the committee mention had been made of the petitions in relation to a bank, and Mr. F. had suggested whether it would not be better to refrain from considering that question until all the petitions should be before the committee. It was said in the article of the Globe that the subject had been up in the committee three different times. Mr. F. could not deny this, but he did not so recollect; he had no recollection of any thing being said about it until at the last meeting. It was said that the resolution finally reported in reference to a bank had been drawn up in his presence. He had come to the committee-room on that morning late, and his first recollection of the resolution was its being read by the chairman, and the question being put whether it should be reported to the House. Mr. F. never had stated what was the origin of that resolution; what he had said was a mere suggestion as to its origin; no fact had been stated by him; and he had, and claimed to have, no knowledge of its origin. What he did say at the meeting had been that the petitions on the subject of a bank had not been read in the committee, and he made a suggestion as to the origin of the resolution reported. This was all he had said or done in relation to that matter. He had said nothing upon any of these subjects which was not true, and which, as appeared to him, had not been substantially admitted to be true in the article in the Globe. He had done nothing which he had not deemed it his duty to do. Whether he was to be sustained in the discharge of duty was a question to be submitted to the justice of that House. If he might not rightly say all he had said, then had we no rights left which were worth possessing; and it was well that we should know, and the people should know, the ground on which we stand. He had, he repeated, endeavored to discharge his duty at all times decorously toward the House and every member of it. But, from the course which gentlemen had deemed it proper to take toward him personally, he judged it suitable that he should be discharged from remaining longer a member of the Committee of Ways and Means, and he now made that request.

Mr. CAMBRELENG said he had a very brief reply to make, for he could not, after what had been passing for the last four weeks; after all the denunciations which had been heaped upon himself in all the Opposition prints; after the manner in which the member's speech had been printed and circulated; he could not, now or hereafter, make an issue with the gentleman—with the member from Massachusetts. He could appeal to his colleagues to disprove the truth of what the member had now said. Whether he had seen the speech published in his name, he did not know; this he knew, that the speech had been printed in extra quantity, and circulated in New Hampshire. He would leave it to the gentleman's—to the member's own notions of what was right, whether he should let a publication be circulated through his own State, and through the nation, for four weeks, and then come here and tell this House that he had never seen it, till he had seen it this morning in the Globe. Mr. C. should leave the member's speech in explanation, and the article in the Globe, to go together before the world.

Mr. FLETCHER rose to explain. He had not said that he had not seen the published report of his speech till he had seen it referred to and quoted in the Globe. What he had said was, that he had not seen it prior to its publication in the Boston papers, and that no particular attention to it had been given by him.

Mr. ATHERTON of New Hampshire (a member of the Committee of Ways and Means, who did not come into the House until Mr. FLETCHER had nearly concluded his remarks) observed that the member from Massachusetts had said that he had endeavored to discharge his duty as a member of the House and as a member of the committee with all due fidelity. Mr. A. claimed to have discharged his own with equal fidelity. The member from Boston had made no complaint to the committee as to the manner of conducting the business which came before it. He had always been treated by its members with the most perfect courtesy and kindness. What, then, was his surprise on seeing the report of a speech delivered by him, and with which Mr. A. understood him to acknowledge himself satisfied, denouncing the members of the committee in the severest manner! The speech had not been confined to the newspapers, but had been benevolently circulated by him, or his constituents, among the people in Mr. A's State. It was a speech in which there was more misrepresentation than he believed had ever been conveyed in so many words before; and it had been industriously circulated with a view to affect Mr. A's character, and also the ensuing election in New Hampshire. He would ask whether it had not been incumbent upon the member from Boston to suggest any fault he had to find with the proceedings of the Committee of Ways and Means at the time the impropriety occurred? and not sit silent and see the wrongs proceed, and make no complaint, and afterwards attack the character of the members of the committee in an abusive public speech, and by a tissue of the grossest misrepresentations? The member has intimated that he said in that speech nothing but what was true. Had he not said that the bills reported by the committee were reported word for word, letter for letter, comma for comma, just as they came from the Secretary of the Treasury?

[Mr. FLETCHER. I never said so.]

He intimated as much. For he says that all the important bills of the last session were reported from the Committee of Ways and Means, and passed by the House, word for word and letter for letter, as they came down from the Executive. Is it *true*, that these bills were passed by the House, word for word and letter for letter, as they were reported by the committee or came from the Executive? It is enough to refer to the form of the bills as they were laid before the committee, and then as they were afterwards reported to the House. His statements are proved to be not correct, not only by the testimony of the gentlemen associated with him, but by written records on the files of the House, and in the hands of the chairman. The gentleman—the member from Boston, says that he made no assertion that the resolution on the subject of a national bank came from the Executive. What *did* he say? There could *be no doubt* that it came from the Executive in the very form in which it was reported by the committee. Now the truth is, that the first time the subject came up in committee, there was a discussion as to the form in which the resolution should be expressed; the *member* KNEW this, for he was himself present, and all the gentlemen of the committee knew it.

He says it was introduced without preface by the chairman of the committee. It was not introduced by the chairman at all, until he had been directed by the committee to draw it up. Surprising, indeed, that the member should make such an assertion, when the consideration of the subject was postponed once, if not twice, I am certain it was once, at his own request; and the last postponement was for a number of days, almost, if not quite, a week, with the understanding that the next time it was brought up, the committee would take some definite action in regard to it. I think the member's explanation only places him in a worse situation than before. I can only say that, until he disavows every word and every letter of the charges published as his, I can receive no explanation from him; and I here say that I shall take an opportunity of replying before my constituents in such a manner as I think his speech deserves.

Mr. JONES of Virginia, (another member of the Committee of Ways and Means,) said he did not know that he yet correctly understood the gentleman from Massachusetts. He rose to ascertain whether he did or not; for on that would greatly depend what he had to say to the House. Did the gentleman from Massachusetts disavow the extracts from his speech, contained in the article in the Globe of this morning?

Mr. FLETCHER. Yes: the report of my speech was made without authority from me.

Mr. JONES resumed. These extracts being now disavowed by the gentleman, I shall trouble the House with but few remarks. I was, at the last session, without any solicitation on my part, as you, Mr. Speaker, can testify, honored with a seat upon the Committee of Ways and Means. Seeking no place, but resolved to decline no duty which might properly be assigned to me, as one of the representatives of the people, I proceeded to the discharge of the duties which devolved upon me, honestly and conscientiously; and now, when I look back upon my acts as a member of that committee, I am not conscious of having done any thing which my own conscience does not approve. In the discharge of our duties, it was our practice to bestow upon the very important subjects which came before us our best consideration. When the bills were taken up in committee, they were carefully read over, section by section, and adopted, rejected, or amended, as seemed to the committee best calculated to promote the interest of our common country. The conduct and deportment of the members toward each other was such as I had supposed calculated to secure to each, and, to every one, the respect and esteem of the others. No time for reflection or investigation was ever asked by the member from Massachusetts, which was not unhesitatingly, and, I believe, unanimously, accorded to him. No objection was at any time made by him, to the course of proceeding, or to the manner in which the business was transacted; and I was not aware that so much as even an unkind feeling was harbored by any member of the committee toward the gentlemen associated with him, until I reached this city, when, for the first time, I saw the speech attributed to the gentleman from Massachusetts. You, sir, can well imagine what was my astonishment, when I learnt that the slanders contained in that speech had, through the medium of the public press, been heralded to the world, under the sanction of his name.

To-day, for the first time, (so far as I am informed,) they have been disavowed by him. If in that disavowal, it had appeared that the charges had been published and circulated without his agency, and without his knowledge, whatever might have been the consequences to myself, in the charity of my heart I could have forgiven all, and been saved the necessity of this public notice of the act; but how stands the fact? That gentleman, in his explanation just made to the House, has informed us that he was not ignorant of their publication in the newspapers of the day; that he had seen them. Sir, they were published in the newspapers of the city of Boston, the place of his residence; read, doubtless, by his friends, and

in the whole circle of his acquaintance; sent forth to the world under the sanction of his name, and never, (so far as I am informed) until this day, has he raised either his voice, or his pen, to contradict them. I could not doubt but that the publication was authorized by himself. If not, was it not due to those who were thus grossly and publicly slandered and traduced—was it not due to himself, as a man of honor, to correct so unfounded a calumny on the reputation of those with whom he had acted? Upon this subject there can be but one opinion.

I, sir, know no difference between the act of a man, done by his own volition, where he himself gives currency to a false charge, and the act of the same man, who permits to go, uncontradicted, a calumny calculated to affect so seriously the reputation of others.

I have taken occasion to state, that the course of conduct pursued by the members of the committee was such as appeared to me calculated to insure the respect and esteem of each other; but it now plainly appears, from the gentleman's own showing, that at the very time he was holding out to his colleagues the appearance of those feelings which gentlemen should cherish towards their companions on a committee, he was hunting up materials for striking a deadly blow at their reputation; for he has just stated, that he inquired of several gentlemen at the time whether the course which he represented the committee to have pursued was not unprecedented; and that he received for answer, that it was without a parallel. Thus it appears, that, while he made no disclosure of unkind feelings indulged in by himself, while he made no effort to correct the error of which he complained to others; he was laying up materials in preparation for a deadly blow. Sir, I envy not the feelings of that man who, while his lips speak the language of friendship, meditates in his heart how he may inflict the most deadly stab.

It is my duty to repel the charges which have been made; it is an unpleasant duty, but one rendered necessary by the circumstances of the case; and when I have to choose between inclination and duty, I trust I shall never hesitate.

I am well aware that the charges contained in the speech attributed to the gentleman from Massachusetts, have already received a circulation which puts it out of the power of those intended to be affected by them, entirely to counteract their influence. The poison has been infused into many a bosom, where the antidote can never reach it. Calumny flies on the wings of the wind, while truth follows but slowly in its path. As in all such cases, many, very many, will hear the charges, who will never hear the contradiction: the slander will reach many, who will never see the refutation.

I deem it proper to say, that, while respect for this House will restrain me from the use of terms with which the act deserves to be characterized, as these charges have been circulated in all directions, it is a duty I owe myself to say that they are without foundation in truth, and basely false.

Mr. FLETCHER was then discharged by the House, at his request, from any further duty as a member of the Committee of Ways and Means.

TEXAS.

The House then proceeded to the consideration of the motion made by Mr. ADAMS yesterday, to refer certain memorials presented at the present at the present and late special session of Congress by himself and colleagues, against the annexation of Texas, to a select committee.

The question pending was the motion of Mr. HOWARD to refer them to the Committee on Foreign Affairs.

Mr. ADAMS addressed the House at length in support of his motion, and against the reference proposed by Mr. HOWARD, because the subject did not belong to that committee, and for the further reason that they were already committed against the prayer of the petitioners, two-thirds of them, six out of the nine, being slave-holders. Mr. A. addressed the House at length on the subject generally, being several times called to order by the Chair, and Messrs. LEGAR PETRIKEN, SNYDER, and RHETT, when, having taken his seat, he moved for leave to proceed, and asked for the yeas and nays, which were ordered. The objections were then withdrawn, and Mr. A. concluded his remarks.

[The grounds upon which Mr. SNYDER called the gentleman from Massachusetts to order, were for referring to the death of Lovejoy, and accusing the people of Alton as guilty of murder and arson.

Mr. SNYDER demanded of the Speaker, whether he would be permitted to answer the remarks made by the gentleman from Massachusetts, arraigning the conduct of the people of Alton, charging them with murder and arson. If he (Mr. S.) was permitted to answer them, he would give his consent for the gentleman to proceed, but if not, he was, in justice to his constituents, bound to call him to order.

The CHAIR remarked, that any reply to remarks made out of order would, of itself, be out of order.

Mr. ADAMS, at this stage, asked leave of the House to proceed, stating that he would not again refer to Lovejoy, and demanded the yeas and nays, which having been ordered—

Mr. SNYDER withdrew his objection, after th avowal of the gentleman from Massachusetts tha: he would not again advert to the subject.]

Mr. WISE then moved to lay the motion of reference and the petitions themselves on the table.

Mr. RHETT and Mr. DAWSON severally appealed to Mr. WISE to withdraw the motion, but he declined.

Mr. GRENNELL then asked for the yeas and nays, which were ordered, and were: yeas 127, nays 68, as follows:

YEAS—Messrs. Alexander, Anderson, Atherton, Beirne, Bell, Birdsall, Boutdin, Brodhead, Bronson, Bruyn, John Calhoon, Cambreleng, William B. Campbell, Timothy J. Carter, Wm. B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cilley, Claiborne, Clark, Cleveland, Coles, Craig, Crockett, Cushman, Deberry, DeGraff, Dennis, Dromgoole, Edwards, Ewing, Farrington, Fairfield, Gallup, J. Garland, J. Graham, Grantland, Graves, Griffin, Hamer, Barlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, R. M. T. Hunter, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, Wm. C. Johnson, N. Jones, J. W. Jones, Kemble, Lawler, Legare, Leadbetter, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Abraham McClellan, McKim, Menefee, Mercer, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Palmer, Patton, Pearce, Pennybacker, Petriken, Phelps, Plumer, Pope, Pratt, Prentiss, Randolph, Rencher, Rives, Robertson, Rumsey, A. H. Shepperd, Shields, Shepler, Smith, Snyder, Southgate, Spencer, Stanly, Stewart, Stone, Taliaferro, Taylor, Titus, Toucey, Underwood, Vail, Wagener, Webster, John White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Jos. L. Williams, Wise, Worthington, Yell—127.

NAYS—Messrs. Adams, H. Allen, John W. Allen, Ayerigg, Bicknell, Biddle, Bond, Borden, Briggs, Buchanan, Wm. B. Calhoun, Clowney, Corwin, Cranston, Cushing, Darlington, Dawson, Davies, Duncan, Dunn, Evans, Everett, Richard Fletcher, Fillmore, Gholson, Goode, Wm. Graham, Grennell, Haley, Hall, Halstead, Hastings, Henry, Herod, William H. Hunter, T. H. Jackson, Lincoln, Marvin, Samson Mason, Robert McClellan, McKennan, Milligan, Mathias Morris, Naylor, Noyes, Ogle, Parker, Parmenter, Patterson, Peck, Phillips, Potts, Reed, Rhett, Ridgway, Russell, Sheffer, C. Shepard, Sibley, Slade, Stratton, Tillinghast, Toland, Turney, A. S. White, Elisha Whittlesey, Christopher H. Williams, and Yorke—68.

So the whole subject was laid on the table.

COAST SERVICE.

Mr. SMITH moved that the House take up the bill from the Senate to authorize the President of the United States to cause public vessels to cruise upon the coast in the winter season, to relieve distressed navigators.

Mr. EWING of Indiana rose and objected.

Mr. SMITH moved a suspension of the rules; which prevailed.

The bill was then taken up, and having been twice read,

Mr. SMITH moved its engrossment.

Mr. WISE said he wished to make this bill much more liberal and extensive in its provisions, and he therefore moved its postponement till tomorrow; which was agreed to.

MILEAGE OF MEMBERS.

Mr. DAWSON, on leave, from the Committee on Mileage, reported a resolution instructing that Committee to report a bill to make more uniform the pay allowed to members for mileage; which was agreed to.

Petitions and memorials were then called for.

[Mr. RUSSELL of New York presented yesterday the petition of Abraham Wright, of New York, praying the enactment of a law authorizing the issuing of a new land warrant in the place of one lost; which was referred to the Committee on Private Land Claims. Also, the petition of Wiliam Meacham and others, of Essex county, New York, praying the establishment of a new mail route, and for other purposes; which was referred to the Committee on the Post Office and Post Roads. Also, the petition of Prudence Barton, of Lansingburg, New York, widow of Lieutenant Rufus Barton, a commissary, etc. praying the payment of several sums of money due her said husband from the United States at the close of the war of the Revolution; which was referred to the Committee on Revolutionary Claims. Also, the petition of Lewis Hatch, of New York, a soldier of the Revolution, praying a pension for Revolutionary services; which was referred to the Committee on Revolutionary Pensions. Also, the petition of Earl Durfee, of New York, a soldier of the Revolution, praying a pension for Revolutionary services; which was referred to the same committee. Also, the petition of Stephen Truman of New York, the committee of the person and estate of Elijah Truman, a lunatic, who was a soldier of the Revolution, praying for the award of pension which accrued between the time of lunacy and the appointment of the petitioner; which was referred to the Committee on Revolutionary Pensions. Also, the petition of Samuel Pettingill of New York, a soldier of the Revolution, praying a pension for Revolutionary services; which was referred to the Committee on Revolutionary Pensions. Also, the petition of Simon Moss of New York, a soldier of the Revolution, with the like prayer; which was alike referred. Also, the petition of Nathan Law of New York, a soldier of the Revolution, praying for arrears of pension, intermediate the time of suspension and that of resuming payment. Also, the petition of A. R. Moore, praying compensation for property taken for the use of the American army, on the Northern frontier, in the late war with Great Britain.]

Messrs. McKIM, PEARCE, THOMAS, HOWARD, WORTHINGTON, JOHNSON, and JENIFER.

[Mr. McKIM presented the following:

Memorial of William Wilson and Sons, praying relief from the operation of the tariff act of 1828; which was referred to the Committee of Ways and Means Also, the memorial of Samuel D. Walker, praying for return duties on Spanish tobacco, under the act of July 14, 1832; which was referred to the Committee of Ways and Means. Also, the petition of Henry Brice, praying a pension for wounds received in the late war with Great Britain. Also the petition of Wm. Shaw, keeper of the light-house near Baltimore, praying compensation for property lost by the fire at the Lazaretto; which was referred to the Committee on Revolutionary Claims. Also, the petition of Elizabeth Sadler, praying for the payment of lost certificates issued during the war of the Revolution; which was referred to the Committee on Revolutionary Claims. Also, the petition of Susanna Bailey, praying for the renewal of a lost certificate for bounty land, as also a pension; which was referred to the Committee on Revolutionary Claims. Also, the petition of Samuel Deal, praying for a pension for services rendered during the war of the Revolution; which was referred to the Committee of Claims. Also, he petition of Charles Carter, praying compensation for his father's Revolutionary services, and his own during the late war with Great Britain; which was referred to the Committee on Revolutionary Claims. Also, the memorial of Ann Le Vacher de Van Bran, praying for the commutation pay of her late husband, a Revolutionary officer; which was referred to the Committee on Revolutionary Claims. Also, the petition of the heirs of the late Lieut. Col. Peter Adams, and Lieut. Adams, of the army of the Revolution, praying for the renewal of lost land certificates; which was referred to the Committee on Revolutionary Claims. Also, the memorial of the Visiters and Governor of St. John's College, Annapolis, praying a portion of the public lands to the endowment of every incorporated college in the United States; which was referred to the Committee on Public Lands. Also, the petition of Martha Bradshaw, praying for a pension for services rendered by her husband during the war of the Revolution; which was referred to the Committee on Revolutionary Claims. Also, the

petition of James Chalmers, praying that his pension may be increased to full pay for services rendered during the Revolutionary war; which was referred to the Committee on Revolutionary Pensions. Also, the petition of George Armstrong, a blind soldier, who served 15 years in the army, and now prays for a pension; which was referred to the Committee on Invalid Pensions. Also, the petition of Somerville Pinkney, administrator of S. Neth; which was referred to the Committee on Foreign Affairs]

Messrs. PATTON, MERCER, HUNTER, CRAIG, MORGAN, WISE, JONES, ROBERTSON, TALIAFERRO, BOULDIN, DROMGOOLE, JOHNSON, BEIRNE, MASON, and GARLAND of Virginia.

[Mr. BOULDIN presented the petition and papers of General Walter Jones, in relation to his claims against the United States.

Mr. BOULDIN said that he would briefly state the contents of this petition. This was common, and according to the rule; but in this case it seemed to him to be strikingly necessary. No doubt he said, there were those who knew the fact, that General Jones stood indebted to the United States, by judgment confessed, for a large sum of money, which judgment stood still not discharged. To such it would naturally be a surprise to be informed that he claimed to be a creditor, and not a debtor on a settlement.

Mr. BOULDIN said it was easily and naturally explained. The judgement was confessed for $10,000 to be discharged by payment of $4,622 13¾, with interest and costs, subject to a credit of all and any sums that General Jones could make appear to be due him from the United States, on account before the proper accounting officers of the Government, be within the term of six months. This he failed to do in proper form, in proper time, and so has received neither a credit on the judgment nor payment of the account, and has failed until now to state his accounts with such particularity, that they could be audited. The accounting officers having neglected his accounts long since, not for this want of justice, but for their want of form, and want of legal proof produced, although that proof was then, and is still matter of record entirely, appearing by the report of the Auditor, now presented. Thus has it happened, as it does but too often happen, that through negligence of pecuniary interest, genius pays a tax for its high distinctions, and conscious rectitude, disregarding form, finds itself somewhat embarrassed in appearance, for the want of those barriers, which greater circumspection, growing out of conscious weakness upon that point, might have so easily thrown around it.

There are few, however, if any, whose genius can better bear the tax, nor are there any whose character for honor and honesty will more easily and certainly relieve them from the embarrassment of thus being for a long time the *apparent* debtor of the Government, all the while being in fact the creditor.

This may appear strange to those not acquainted with General Jones, but to those acquainted with him there is nothing remarkable in it at all.

The papers were, on Mr. B's motion, referred to the Committee on the Judiciary.]

[Mr. GARLAND presented the petitions of the heirs of William Lewis, dec'd; Charles Lewis, dec'd; James Dillard, dec'd; Tarpley White, dec'd; John Piper, dec'd; John Goodall, dec'd; John Marks, dec'd; John Robinson, dec'd; Thomas Wheat, dec'd; John White, dec'd; Maj. Thomas Massee, dec'd; Surg. Samuel Gay; for revolutionary services: referred to the Committee on Revolutionary Claims.

The petitions of sundry cttizens of Albemarle and of sundry citizens of Nelson and Augusta, for mail routes]

On motion, the House adjourned.

IN SENATE.

THURSDAY, December 14, 1837.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, in relation to the expenses of light-houses and light-boats for the year 1837; which, on motion, was laid on the table and ordered to be printed.

Also, a communication from the Department of State, showing the number of American seamen registered in the different ports: laid on the table and ordered to be printed.

Petitions of a private nature were presented by Messrs. SOUTHARD, NILES, TALLMADGE, PRENTISS, RIVES, WRIGHT, TIPTON, and others; which were severally referred to their appropriate committees.

Also, a variety of papers presented at the last session were, on motion, removed from the files and sent to the proper committees.

Mr. YOUNG presented the memorial of the Board of Public Works of the State of Illinois, praying for a grant of public lands.

Mr. FULTON presented a resolution from the Legislature of Arkansas, asking appropriations for a line of fortifications to be established on the western frontier of that State.

Mr. DAVIS presented the memorial of A. P. Quimby, claiming the invention of a certain test to ascertain the quantity of water in steam boilers.

Mr. D. said this petition had been presented at the last session, and was referred to the Committee on Commerce. As the matters connected with this petition were not generally understood, he would move that it be printed, with the accompanying papers, among which were letters from scientific and professional gentlemen of distinction, among whom were some distinguished chemists. The object of the petitioner was to ask that an experiment may be directed by the Government to test the validity of his invention, which the petitioner was unable to do.

Mr. KING thought it would be better to refer this subject to a select committee, in order that its merits should be specifically inquired into.

Mr. DAVIS thought it might be more appropriately referred to the select committee of which Mr. GRUNDY was chairman, and which already had that subject before them.

Mr. GRUNDY was not willing that it should be so referred. It was not the province of that committee to interfere with the improvements of machinists or artists; it had already plenty on its hands, without adding tests of steam boilers to its other duties. This was an invention of a novel character, and might be a great improvement for all he knew, but the proper place for reference was the Committee on Patents, composed of scientific gentlemen, who were presumed to be acquainted with such things.

Mr. DAVIS still contended that the proper committee was the *one on the preservation of human life*, (he believed that was the title of the gentleman's bill.) This was not a question of patents, but preservation of human life, and certainly was cousin germain to the matter which the gentleman had under his investigation.

Mr. GRUNDY not assenting, after some further facetious remarks, the petitions was referred to the Committee on Patents.

On motion of Mr. RUGGLES, it was

Resolved, That the Secretary of War be directed to communicate to the Senate copies of the surveys, estimates and maps which have heretofore been directed by the Senate to be made at the harbor of Owlshead, and of Cobscook Bay, in Maine.

On motion of Mr. ROBINSON,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a separate office of Surveyor General for the State of Illinois; also, for establishing a new land office at Peoria in the same State.

Mr. ALLEN, agreeable to notice given, introduced the following joint resolution, which was read and referred to a select committee of nine, and ordered to be printed:

A JOINT RESOLUTION proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President of the United States.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following amendments to the Constitution of the United States be proposed to the Legislatures of the several States; and which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intends and purposes as part of the Constitution:

That, hereafter, the President and Vice President of the United States shall be elected in the manner following: Each State shall be divided by the Legislature thereof into districts equal in number to the whole number of Senators and Representatives to which such State may then be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons entitled to be represented under the Constitution, and to be laid off, for the first time, immediately after the ratification of these amendments; and afterwards, immediately after each successive apportionment of representatives shall have been made by the Congress of the United States. That, on the first Thursday, and succeeding Friday, in the month of August, of the year one thousand eight hundred and forty, and on the same days in every fourth year thereafter, the citizens of each State, who possesses the qualifications requisite for electors of the most numerous branch of the State Legislature, shall meet within their respective districts, and there vote for a President and Vice President of the United States; one of whom shall not be an inhabitant of the same State with themselves; and the person receiving the greatest number of votes for President, and the one receiving the greatest number of votes for Vice President, in any district, shall be holden to have received the electoral vote of that district; which fact shall be immediately certified to the Governor of the State, to each of the Senators in Congress from such State, and to the President of the Senate. The right of fixing the places in the districts, at which the elections shall be held, the manner of holding them, of canvassing the votes, of deciding in case of equality of votes in the district, or of a contest of the electoral vote of the district, and of certifying the returns, is reserved exclusively to the Legislatures of the States. The Congress of the United States shall be in session on the second Monday in October, of the year one thousand eight hundred and forty, and on the same day in every fourth year thereafter; and the President of the Senate, in the presence of the Senate and of the House of Representatives, shall, as soon as convenient and practicable, proceed to open all the certificates and returns, and the electoral votes of the district shall be thereupon counted. The person having the votes of the greatest number of the electoral districts, for President, shall be President, if such number be a majority of the whole number of districts; but if no person have such majority, then a second election shall be held on the first Thursday and succeeding Friday in December the next ensuing, which second election shall be confined to the two persons having received the two highest numbers of electoral votes for President at the preceding trial; but in case two or more persons shall have received the votes of an equal number of the electoral districts, and such number be less than, but next to, the number received by the person having the highest number, but less than a majority of the whole, at the preceding trial, then such second election shall be confined to the person having received the highest number, and to the elder or eldest of the two or more persons having received the next highest, and an equal number, at the preceding trial: which second election shall be conducted, the result certified, and the votes counted, in the same manner, in all respects, as in the first; and the person having the votes of the greater number of the electoral districts for President, at such election, shall be President. But if the two persons voted for, at the second election, shall have received the votes of an equal number of districts for President, then the House of Representatives shall proceed to elect between, and one of them for President; and, in such election by the House, each State shall have a number of votes equal to the whole number of Senators and Representatives to which such State may then be entitled in Congress, and a majority of the aggregate number of the votes of all the States shall be necessary to an election. The person having the votes of the greatest number of districts

for Vice President at the first election shall be Vice President, if such number be a majority of the whole number of votes given; and if no person have such majority, and if a President shall not have been elected at the first trial, then a second election shall, on the same days that an election is held for President, take place between, and to be confined to, the persons having the two highest numbers for Vice President, at the first trial; but in case two or more persons shall have received the votes of an equal number of the electoral districts for Vice President, and such number be less than, but next to, the number received by the person having the highest number, but less than a majority of the whole, at the preceding trial, then such second election shall be confined to the person having received the highest number, and to the elder or eldest of the two or more persons having received the next highest and an equal number at the preceding trial; and the person having received the votes of the greatest number of electoral districts for Vice President, at such second election, shall be the Vice President; and such second election shall be conducted, and the result certified, in all respects, in the same manner as the first; but if the two persons voted for as Vice President shall have received an equal number of votes in the second election, then the Senate shall elect one of them for Vice President, as is now provided in the Constitution. But when a second election by the people shall not be necessary for the office of President, and a Vice President shall not have been elected by a majority of the districts at the first trial, then the Senate shall elect a Vice President from the persons having the two highest numbers in the first election; but in case two or more persons shall have received the votes of an equal number of the electoral districts for Vice President, and such number less than, but next to, the number received by the person having the highest number, but less than a majority of the whole, at the preceding trial, and no second election for President shall be necessary, then the Senate shall, in electing a Vice President, choose between the person having received the votes of the greatest number of districts for Vice President at the first trial, and the elder or eldest of the two or more persons having received the next highest, and an equal number of votes of the electoral districts, at the first trial for Vice President.

On motion of Mr. HUBBARD, the bill for the relief of the legal representatives of John J. Bulous deceased, was taken up.

Mr. HUBBARD went into a full explanation of the merits of the case, and urged the immediate passage of the bill. Mr. H. called the attention of the Senate to the law of 1816, in relation to Indian depredations. By that act it was made necessary to inquire into the damage sustained, and to make a true report thereon; and when the law was complied with, payment was awarded to the claimants. The Government had appointed commissioners to inquire into the losses sustained, in the late war with the hostile tribes, who had made considerable progress, he believed, in Georgia, but not in Florida; the bill before the Senate was the same as that reported last session. The facts in the case were, that the plantation of Mr. Bulous was taken possession of by the American General commanding in Florida, and in consequence thereof was destroyed by the Seminoles. Mr. Bulous, who had taken up arms in defence of his country, had been killed. The principles involved in this case were precisely the same as those of claims allowed under the laws of 1816, and he thought Congress bound by every principle of law and justice to pass the bill.

Mr. KING said he did not pay particular attention to the case in question at the last session of Congress; if he had, he would have been more disposed to have voted for it then than now. So far from the United States soldiers having occupied property being the cause of its destruction, it was in many cases the means of its being saved; and the troops were often solicited to take possession, for the very purpose of preserving it. Government had appointed commissioners to go into that country, and ascertain the damage sustained, and make some estimate of the value of property destroyed; that commission was now in the discharge of that duty, and he presumed it would not be long before the Senate would have the report of the commissioners. At all events Mr. K. said, he was not disposed to act on an isolated case. If this mode of proceeding were adopted, the result would be, that some two or three claimants would be paid to the prejudice of others. He wished justice extended to all the claimants, and would go as far as any one in advocating it; but really, in the present state of the case, he thought it safer to postpone the further consideration of the bill for the present. Although he would make no motion to that effect, he submitted to the Senator (Mr. Hubbard) whether it would not be better for him to consent to such a proposition.

Mr. HUBBARD replied at some length. He thought the passage of the present bill would not interfere with any case, nor would it prejudice the claim of any individual. It came within the principle recognised by the Government for the last twenty years, and he hoped there would be no further delay, but that justice might at once be done to the claimant.

Mr. DAVIS said that the suggestions of the gentleman from Alabama, (Mr. King,) were, in his opinion, entitled to much weight. Precedents might be established by a too hasty proceeding that might involve the country in an immense expense, and he would therefore move to lay the bill on the table.

Mr. CLAY of Alabama saw no reason why claimants ought not to be remunerated; but, in his opinion, the first object should be to ascertain how far Government was bound to indemnify individuals for their losses. Repeated applications had been made to the Department of War for forces to protect the property of the citizens, which, if attended to at the time, would, in all probability, have prevented these applications for indemnification; but it appeared that the Secretary paid more attention to the suggestions of those immediately around him, than to those who were acquainted with the state of the country; and hence property was consequently left unprotected. He was not now, however, disposed to discuss the question at present.

Mr. NILES thought it was proper to delay the subject until it could be looked at in all its various bearing. The Government had acted wisely in appointing commissioners to go into that country, and judge from personal observation, to obtain all the facts, all the precise circumstances on which the claims were founded, and then to make their report. He saw no reason why one case should be acted on, when a commission had been appointed to report on the whole subject. It might be that some delay would be occasioned to the sufferers, but, on the whole, it would be the wiser and safer policy, in his opinion, to postpone the bill.

The bill was laid on the table, when Mr. HUBBARD expressed his intention of calling it up in the ensuing week.

Mr. WRIGHT, from the Committee on Finance, reported a bill to remit the duties on certain paper machines imported by Henry J. Pickering: read, and ordered to a second reading.

The bill to remit the duties on certain goods destroyed by the great fire in New York, was read a third time; and, on motion of Mr. ROANE, (Mr. WRIGHT assenting,) was laid for the present on the table.

On motion of Mr. DAVIS, the bill allowing drawbacks on cordage made from imported hemp, having been read a third time, was postponed till to-morrow, with a view to extend the benefit of its provisions.

The bills for the relief of E. Town, and that for the relief of Erastus and Thadeus Fairbanks, were read a third time, and passed.

The bill to ascertain and designate the boundary line between Michigan and Wisconsin was discussed by Mr. NORVELL, LYON, and GRUNDY, was amended, and ordered to be engrossed for a third reading. By this amendment the plat of the boundary is made returnable to Congress at its next annual session.

Mr. WRIGHT moved to take up the bill relating to the District currency; when

Mr. KING said, as the Senate was not as full as he could wish it when a bill of such importance was to be discussed, he would move to postpone it until Tuesday next, and make it the order of the day for that time.

THE EXPUNGING RESOLUTION.

Mr. BAYARD rose, and said that at the last regular session of Congress he had presented the resolution of the State which he had the honor in part to represent, against the defacement of the journal by what has been commonly called the *Expunging Resolution*, and at that time gave notice that he should at the ensuing session, and so long as he had the honor of a seat here, contend against that measure. When he gave that notice, appearances were much against the probability of success, but the dawn of a brighter and better day had broken upon us, which led him to hope the accomplishment of his purpose was near at hand. The Senator from Pennsylvania (Mr. Buchanan) had, in the benevolence of his feelings, when he (Mr. Bayard) announced his intention of introducing a rescinding resolution at the last session, expressed his hope that he might live to see its adoption; meaning, no doubt, to bestow upon him a lengthened term of existence, if not an immortality, in the same spirit of complaisance in which a Spaniard wishes you may live a thousand years. But, Mr. B. said, he should be very sorry to have his life cut short as speedily as it was now probable that event would occur.

The resolution he presented was merely to rescind the expunging resolution, without professing to express any opinion on the merits of the original resolution of 1834. He contended against the right of expunction, and his purpose was solemnly to disavow that principle. He moved that the resolution which he now presented might be laid upon the table, and printed for the use of the Senate.

Mr. B. then offered the following preamble and resolution:

Whereas, the Senate of the United States, in the exercise of its functions as a deliberative assembly, did, on the 28th day of March, 1834, adopt the following resolution:

"*Resolved*, That the President, in the late Executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

And whereas, afterwards, to wit, on the 16th day of January, 1837, the Senate, in reference to the above resolution, adopted another as follows:

"*Resolved*, That the said resolve be expunged from the Journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session of 1833-4 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the words following: Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837."

And whereas the Constitution of the United States expressly requires that each House of Congress shall keep a journal of its proceedings, meaning thereby to preserve a faithful and permanent record of those proceedings:

And whereas the Senate of the United States, independently of its legislative, executive, and judicial functions, has the inherent right, as a deliberative assembly, to express its opinions, which can be done only by resolutions:

And whereas its opinions, when thus expressed, become part of its proceedings, of which the Constitution provides that a permanent record shall be kept:

And whereas the resolution of the 16th of January, 1837, and the act of the Secretary of the Senate in compliance with it, was a violation of the Constitution, inasmuch as, in legal contemplation, it destroyed, and in fact defaced, the record of the proceedings to which it refers: wherefore,

Resolved, That the resolution of the 16th of January, 1837, commonly called the expunging resolution, be, and the same is hereby, rescinded, and

shall for ever hereafter be held as naught; and that, in all future publications of that portion of the Journal which contains the resolution of 1833-4, and in all copies which may hereafter be made of the same, for any official or legal purpose, the said resolution of 1833-4 shall be published and copied as it was originally entered upon the said Journal, without any notice whatever of the superscription, which was erroneously, irregularly, and unconstitutionally made, in pursuance of the resolution of the 16th of January, 1837.

Mr. BUCHANAN said the Senator from Delaware must desire a very long existence in this vale of tears, if he expected to live until what was asked by the resolution was adopted. The Senator has been pleased to say he would not be willing to die so soon. He certainly wished the Senator long life and prosperity; but to remain until his aim was accomplished, would be to render him miserable, unless he feasted on the Medean herb to renovate his youth. The gentleman has been pleased to allude to the dawning light which he fancies is beginning to glimmer on *his* political prospects. I admit (said Mr. B.) that there have been some few dark clouds in *our* Northern horizen; but we turn from them to the brilliant, sunny skies of the South, where all is bright and cheering. The gentleman and his friends are encouraged, I know, and I am willing they should hope on, having no disposition to throw obstacles in the way of their anticipations; but, unless I am more mistaken than I ever was in all my life, there will come a frost, a nipping frost—[Here some Senator observed "a killing"]—well, "a killing" frost, that will blight all their fair crop of hopes. I should not have made even this short reply, if the gentleman had not alluded to a quaint remark of mine, made at the last session.

The Senate then adjourned until Monday.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 14, 1837.

Mr. BRIGGS was announced as having been appointed to fill the vacancy in the Committee of Ways and Means, occasioned by the resignation of Mr. FLETCHER.

RELIEF OF DISTRESSED SEAMEN.

Mr. SMITH asked the consent of the House to take up the bill from the Senate authorizing the President of the United States to cause public vessels to cruise upon the coast in the winter season, and to relieve distressed seamen.

Some objections being heard—

Mr. WISE said he hoped no gentleman would persist in objecting, for it was very important that it should be passed as soon as possible, and, upon examination, he had found that this bill had no necessary connection with the provisions he wished to see adopted.

Mr. WHITTLESEY of Ohio inquired if the bill did not require to be committed to a Committee of the Whole.

Mr. WISE said the bill involved no appropriation.

Mr. WHITTLESEY. But it involved a charge upon the Treasury.

The CHAIR decided its commitment to be unnecessary.

The bill was then taken up, without objection, ordered to a third reading, and then read the third and passed.

Petitions and memorials were then presented by

Mr. JOHNSON, of Virginia.

Messrs. GRAHAM, DEBERRY, C. SHEPARD A. H. SHEPHERD, and WILLIAMS, of North Carolina.

Mr. LEGARE, of South Carolina.

Messrs. DAWSON, CLEAVELAND, and GRANTLAND, of Georgia.

[Mr. CLEAVELAND presented the petition of Matthew St. Clair Clarke, agent for and on behalf of the State of Georgia, praying to be paid the amount of a final settlement certificate issued by John Pierce, Paymaster General and Commissioner of Army Accounts, on the 18th May, 1785, to the State of Georgia, for $123,283 70, for payments made by that State to her officers of the Revolutionary army, on continental establishment, for the commutation of their half pay, and for other pay due, together with the interest thereon now due.]

Messrs. UNDERWOOD, CALHOON, HAWES, MENIFEE, RUMSEY, WILLIAMS, HARLAN, SOUTHGATE, and GRAVES, of Kentucky.

Messrs. STONE, MAURY, CARTER, SHIELDS, CHEATHAM, TURNEY, McCLELLAN, and BELL, of Tennessee.

Messrs. WHITTLESEY, HARPER, BOND, ALLEN, MASON, RIDGEWAY, DUNCAN, WEBSTER, KILGORE, GOODE, SHEPLER, CORWIN, and MORRIS of Ohio.

[Mr. WEBSTER presented the petition of sundry citizens of the western part of Ohio, praying Congress to grant pensions to those engaged in the Indian wars of the West, prior to the treaty of Greenville.]

[Mr. KILGORE presented the petition of 301 females, resident in the State of Ohio, praying the abolition of slavery in the District of Columbia.]

Messrs. BOON, HEROD, RARIDEN, DUNN, WHITE, EWING, and GRAHAM of Indiana.

[Mr. BOON presented the memorial of the president and board of directors of the Mount Carmel and New Albany railroad company, praying Congress to grant to said company a portion of the refuse public lands to aid in the construction of the said road: referred to the Committee on the Public Lands.]

[Mr. RARIDEN presented the petition of sundry citizens of Allen, Steuben, and De Kalb counties, praying a post road from Fort Wayne to the county seat of Branch county, Michigan, passing divers intermediate points therein named; which was referred to the Committee on the Post Office and Post Roads. Also, the memorial of the yearly meeting of Friends, embracing Friends of Indiana, Illinois, and the western part of Ohio, remonstrating against the annexation of Texas to the United States. Also, the remonstrance of citizens of Union county against the annexation of Texas. Also, the remonstrance of 288 citizens of Wayne and Randolph counties against the annexation of Texas. Also, the remonstrance of citizens of Richmond and vicinity against the annexation of Texas; which memorial and remonstrances were severally laid on the table.

Mr. R. asked and obtained leave to withdraw from the files the petition and evidence of Benjamin Sayers; and the same was referred to the Committee of Claims.]

[Mr. WHITE presented a memorial of the settlers upon the unsold lands in the counties of Porter and Lake, in the State of Indiana, praying the passage of a pre-emption law.]

Messrs. CASEY, SNYDER, and MAY, of Illinois.

[Mr. CASEY presented the petition of Timothy Guard, of Gallatin county, Illinois, praying to be relieved from the payment of interest on a debt for which he is bound as security to the United States, upon condition that he pays the Government the whole amount of the principal on or before the 1st day of March next; which, on his motion, was referred to the Committee on the Judiciary.]

[Mr. MAY presented a number of petitions praying the establishment of mail routes in various parts of Illinois. Also, a petition from a number of citizens of Boon county, Illinois, praying for the right of pre-emption to four sections of land, for the use of a college. Also, a petition from Thomas Morgan, of Sangamo county, Illinois, praying that a pension be allowed him for injuries received during the late war. Also, a remonstrance from a number of citizens of Lasalle county, Illinois, against the annexation of Texas to the Union. Also, the petition of W. C. Osborne, of Whiteside county, Illinois, praying for the right of pre-emption, survey, etc. to certain lots in the town of Albany, in said county. Also, the petition of Asa Lee Davison, and others, praying for the right of pre-emption to certain lands therein set forth. Also, the petition of Clarke Hollenbeck, and others, praying indemnity for losses sustained during the late Indian disturbances in Illinois. Also, a petition of a number of citizens of Wisconsin Territory, praying the erection of a light-house at Southport, Racine county, in said Territory. Also, a petition from a number of inhabitants residing in the northern part of Illinois, praying for the passage of a pre-emption law. Also, the petition of John Painter, of Green county, Illinois, praying that he be allowed a pension. Also, the petition of Asher Holmes, Sidney Wood, and Rufus Rice, of Will county, Illinois, praying for the right of pre-emption to three islands in the Kankakee river. Also, a petition from a number of citizens of Fulton county, Illinois, praying for an extension of the pre-emption laws.]

Messrs. MARTIN, CHAPMAN, LAWLER, and LYON, of Alabama.

[Mr. CHAPMAN presented the petitions of Joel Chandler, Abraham Woodal, William Walker, Jehu Hollinsworth, Janus A. Williams, and Wm. James Arons, praying to be relieved from the consequences of mistakes in the entry of lands.

Mr. C. presented the petition of Isaac and Wm. Wilborne, asking the confirmation of title to a reservation of land; the petition of Elisha Moreland, Wm. N. Kenedy, Robert Kenedy, and Mason E. Lewis, asking privilege of entering other lands in lieu of their pre-emptions taken by an Indian reservation; the petition of Willis Stephens, asking confirmation of title to land.

Mr. CHAPMAN also presented the memorial of citizens of the Creek nation, who were deprived of their pre-emptions under the act of 1834, by the location of Indian reservations, praying the privilege of entering other lands in lieu; the petition of the citizens of Cherokee county, Alabama, praying a new land district in the Cherokee country, and the location of the land office in that county. A memorial was presented by Mr. Chapman, praying a grant of pre-emptions to the settlers on the public lands in that part of the Cherokee country situated in Alabama.

Mr. C. introduced several petitions for mail routes, viz: from Decatur, Ala. to Rome, Geo.; from Somerville to Bennetsville, in Alabama; from White Plains, passing Cane Creek and Tallapoosa, Ala. to Carrollton, Georgia.]

Messrs. MILLER and HARRISON, of Missouri.

[Mr. MILLER presented a petition from Joseph Evans and others, asking Congress to grant them pre-emption rights to certain lands in the State of Missouri, therein mentioned. Also, a petition from Harvey H. Colgan, asking Congress to grant him a pre-emption right to a certain tract of land in the State of Missouri, therein mentioned.]

[Mr. HARRISON presented sundry petitions from the citizens of Missouri, praying a grant of land for the construction of a road from the seat of Government in Missouri to the seat of Government in Arkansas. Memorial of the Legislature of Missouri, asking Congress to pass a preemption law. The petition of sundry citizens, praying the establishment of a mail route from Troy in Lincoln county, to Danville in Montgomery county. The petition of James A. Clark for a pre-emption right. The petition of sundry citizens of Audrain county for a mail route from Columbia, in Boon county, to Mexico in said county. Of sundry citizens of Cole county for a mail route from Marion, in said county, to the town of California. Petition of James Allen for pension. Of William Turney for a pension.

Mr. HARRISON then moved that the following petitions, &c. laid on the table at the end of the last session of the last Congress, be taken up, and be again referred to the several committees to which they were respectively then referred: The petition of sundry citizens of Missouri, praying additional protection to the western frontier. A resolution instructing the Committee on Military Affairs to inquire into the expediency of placing at the disposal of the State of Missouri, for the use of that State, cannon, carriages, &c. complete for the field, for two companies of light artillery, to be used for the protection of the State. The petition of sundry citizens asking pre-emption rights upon such French and Spanish claims as were rejected by the Board of Commisioners. Petition of the citizens of Ray county, praying for an additional land district. Of the citizens of Boone county, praying for a land office at Columbia in said county. Memorials from the Legislature of Missouri, for a grant of land for primaro schools; to appropriate the interest arising

from the sale of the seminary lands to the purpose of primary schools; for a new land office; for the passage of an act authorizing a change in the application of funds appropriated in support of a seminary of learning; for the passage of a law allowing pre-emptions. The petition of sundry citizens of Crawford, Pulaski, Franklin, and Gasconade counties, for a new land district. Of sundry citizens, asking the privilege of improving the navigation of Salt river. Resolution instructing the Committee on Roads and Canals to inquire into the expediency of improving the navigation of the Merrimack river. Memorial of the citizens of St. Louis, relative to the location of the Cumberland road. Petition of the citizens of the town of Carondelet, asking the passage of a law to authorize a division of their land. Memorial of the citizens of Clay county, asking for a superintendency of Indian affairs on the western frontier. Memorial of the Missouri and Mississippi Railroad Company. Petition of the citizens of Lewis and Clarke counties, for a mail route. Petition of Wm. Monroe and sundry other citizens, asking remuneration for Indian depredations. Petition of Jefferson Greer and John Wiley, for compensation for land taken from them which they had bought of the United States. Of Jonathan Boone, for change of entry. Of Jno. Whitsett, praying relief as set forth in his petition. Of Hiner Stigermire, for change of entry. Of Henry Duchuquette and others, for relief respecting their claim to land. Of Jno. Wilson, for compensation for services rendered during the Black Hawk war. Of the heirs of Lewis Vanier. Of Jos. Barkley, of Jos. V. Garnier, of Barney Ragan, of Jno. Mulanphy's heirs, of Jno. Campbell, of Susan Labeaume, of Albert Tison, of Pierre La Forge, of Wm. Alley, of Chs. McPherson and others, of Telford Taylor, of James Butler and Alex. Morgan, of Thos. P. Copes, of Richard B. Brumfield, of Wm. Murray.

Mr. HARRISON also presented the petition of the heirs of Daniel Boone, praying compensation for the services of their ancestor.]

Mr. YELL of Arkansas.

Mr. CRARY of Michigan.

[Mr. CRARY presented the following petitions:

A petition of certain inhabitants of Brownstown, in Wayne county, for the establishment of a mail route. A petition of certain inhabitants of Calhoun county for a mail route from Marshall to the Grand river. A petition of 26 citizens of London, in Monroe county, against the annexation of Texas to the Union.]

Mr. JONES of Wisconsin.

[Mr. JONES of Wisconsin, presented the following petitions:

Petitions from the people of Buffalo, N. Y. of Cleveland, Ohio; of Erie, Pa. of Milwaukie, Wis. Ter.; of Berrien, Michigan, praying for the construction of a harbor at Racine, at the mouth of Root river, in Wisconsin. A petition of inhabitants of Wisconsin, on the subject of the Northern boundary of Missouri. The petition of John Daugherty, of Iowa county, Wisconsin, who prays for the passage of a law to authorize him to enter certain lands in said Territory at the minimum Government price. The proceedings of a convention of the people of Wisconsin Territory, west of the Mississippi river, who pray for the establishment of a separate Territorial Government, west of the Mississippi river. Also, for the passage of a pre-emption law; and also, the adjustment of the Northern boundary line of Missouri. A petition from many citizens of Brown county, Wisconsin, who pray for the construction of a light-house and harbor at Rewannee, in said Territory. A petition from citizens of Brown county, praying for the establishment of a custom-house at Green Bay, and for making said place a port of entry. A petition from the widow of George C. Willard, deceased, for the right to enter a part of the sixteenth section in the Mineral Point land district. A petition of William, Henry, and Thomas Jenkins, praying for the right to enter a quarter section of land, each, in the Mineral Point land district, at the minimum Government price. Petitions from citizens of Jonesville; of Van Buren and Lee counties; of Milwaukie, etc. of DuBuque; of Chicago, Ill.; of Rockingham; of Hennepin, Ill.; all praying for the establishment of post routes. A petition from several citizens of Belleview, for the amendment of the law authorizing the laying off said town. A petition from the citizens of Prairie Du Chien, Wis. T. praying that the Fort at that place be granted to a board of trustees for a seminary of learning, whenever the same be not needed as a military post. Memorials from the Legislative Assembly of Wisconsin Territory, praying for the construction of a road from Lake Michigan to the Mississippi river; from Fort Winnebago to intersect the road from Chicago, Illinois, to Green Bay, between the former place, and Milwaukee; from Fort Winnebago to Fort Howard, and from Green Bay to Lake Michigan; for a ship canal from Sheboygan to Lake Winnebago; for Light Houses, Harbours, and Surveys; for the improvement of rivers, and for placing buoys in Fox river. A petition of citizens of Fort Madison for post routes. Memorial of citizens residing on Lake Michigan, praying for the construction of a light house at the mouth of Sauk river. The petition of the administrator of Henry Gratiot, deceased. A memorial from the Legislative Assembly, who pray that arms, &c. may be furnished for the defence of the Territory by its inhabitants in the event of war. A petition of citizens of Wisconsin Territory, for the passage of a pre-emption law, and for the restriction of sales of public lands to actual settlers. A petition for roads from Chicago to Green Bay, &c. A petition for a harbor and light-house at Milwaukie. A petition praying for the construction of a harbor at Kewanee, Wisconsin Territory. A petition for harbors at Root river and at Milwaukie. A resolution for the division of Wisconsin Territory. The petition of the administrator of Henry Gratiot, dec'd, which was referred to the Committee of Indian Affairs.]

Mr. GRIFFIN of South Carolina.

On motion of Mr. EWING,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for investigating and deciding all such "militia," and "heads of family," and other claims to tracts of land in the Vincennes land district, as were not fully inquired into, nor decided upon their merits, by former commissioners, but are noted in their report; also into the expediency of providing for all such confirmed rights as are mentioned herewith in the letter from the Land Commissioner, not yet surveyed or located, or satisfied, by allowing unsold lands to be entered in lieu thereof; also into the expediency of making some further special provision to indemnify individuals for serviceable improvements made on public lands, when the pre-emption was not obtained under former laws; also into the expediency of authorizing the State of Indiana to rescind a clause in the compact entered into when she formed her Constitution, so that she may be at liberty to equalize her tax upon lands, from and after the day of sale; also into the expediency of granting to the officers and privates in the service of the United States, as rangers and militia for six months altogether, during the last war, a tract of land each, apportioned according to rank and services.

Resolved, That a memorial herewith of the citizens of Indianapolis and its vicinity, in relation to the Cumberland road, be referred to the Committee on Roads and Canals, with instructions to inquire if it would not best comport with public interest, and be expedient, to abridge the duties of the chief superintendent, by confining his attention to the work required in one State, and to release him of the incumbrance of keeping and paying out the money appropriated, by providing for an arrangement with the Treasury Department and the State Bank of Indiana; and also to make an ample appropriation for the vigorous prosecution and completion of the grading, metaling, and bridging, required on the road through the State of Indiana.

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of authorizing the appointment of suitable and competent military inspectors, to muster and train and discipline the commissioned and non-commissioned militia officers of the several States in field encampment sixty days of each year, and paying said officers as cadets are now paid during the period of their instruction in camp.

Resolved, That the Committee of Claims be instructed to inquire into the justice and expediency of amending "An act to provide for the payment of horses lost or destroyed in the service of the United States," approved January 18, 1837, so as to embrace and provide for horses lost and private property consumed or wasted by mounted rangers, and militia, and volunteers, in the authorized Wabash campaigns of 1811, and prior to the formal declaration of war in June, 1812.

On motion of Mr. BOON,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Evansville, on the Ohio river.

On motion of Mr. A. G. HARRISON,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending to the district court of the United States, for the State of Missouri, its original jurisdiction, and of allowing two terms in the year to the circuit court of the United States for said district.

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a mail route from Carrolton in Carrol county, to the town of Far West, in Caldwell county, Arkansas.

Mr. JONES of Wisconsin moved to refer to the Committee on Public Lands a resolution adopted at the last winter's session of Congress, inquiring into the expediency of establishing two land offices west of the Mississippi river, in Wisconsin Territory.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of restoring to the United States District Court at Huntsville, Alabama, the jurisdiction of which it was deprived by the act establishing the Circuit Court of that place, and of altering the time of holding said District Court.

On motion of Mr. CASEY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of the Great Wabash river.

On motion of Mr. MAY,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Carrolton, in Green county, Illinois, via Eaton's mills, Wilmington, and Glasgow, to Winchester in Morgan county.

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of so altering the mail route from Chicago to Galena, as to have the same pass through the seats of justice of Kane, De Kalb and Ogle counties, thence to West Grove, Cherry Grove and Williams Grove to Galena.

On motion of Mr. YELL, the following bills were referred to committees, viz:

Bill No. 87, making appropriations to complete certain roads in Alabama. Referred to the Committee on Roads and Canals.

Bill No. 457, providing more effectually for the defence of the Arkansas frontier. Referred to the Committee on Military Affairs.

Bill No. 802, granting pre-emption rights to actual settlers on public lands. Referred to the Committee on Public Lands.

Bill No. 908, establishing additional land duties in Alabama. Referred to the same committee.

Bills No. 947 and 483, to repair Little Rock and other roads. Referred to the Committee on Roads and Canals.

Also a number of private bills.

On motion of Mr. TURNEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of discontinuing the mail route from Winchester, the county seat of Franklin county, to Jasper, in Marion county; and also the route from Winchester to Bellfonte, Jackson county, Alabama; and establishing in lieu thereof a route from Winchester to Bolivar, in Jackson county, via Crow creek, &c. That the committee also inquire into

the expediency of establishing a mail route from McMinnville, the county seat of Warren county, to Jasper, in Marion county, Tennessee, by way of Beersheba Springs.

On motion of Mr. CROCKETT,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a District Court of the United States at Jackson, in West Tennessee.

On motion of Mr. BOON,

Resolved, That the Committee of Commerce be instructed to inquire into the expediency of establishing a port of entry at Evansville, on the Ohio river.

On motion of Mr. HAMER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of John M. Pike, of Adams county, Ohio, to the sum allowed to a lieutenant in the Revolutionary army.

On motion of Mr. KILGORE,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of Ohio.

On motion of Mr. HAMER,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of allowing a pension to Adam Shrofe, of Brown county, Ohio, for wounds received during the late war with Great Britain.

On motion of Mr. MASON of Ohio,

Resolved, That the petition of James Rigden and the vouchers in support thereof, now on the files of this House, be referred to the Committee on Indian Affairs; and that the petition of James Smith of Ohio, and —— McClelland of Pennsylvania, be referred to the Committee on the Judiciary.

On motion of Mr. HARPER,

Resolved, That the Committee of Claims inquire into the expediency of allowing compensation to Adam Smith, of Licking county, Ohio, for materials furnished by him for the erection of the Cumberland road, west of the river Muskingum.

[Mr. SHIELDS yesterday presented the memorial of sundry citizens of the county of Lincoln, State of Tennessee, praying Congress to authorize the sale of a township of school land therein described; which, on his motion, was referred to the Committee on Public Lands

On motion of Mr. SHIELDS,

The petition of Major William Smith, of Tennessee, asking an increase of pension, and the evidence and papers relating to said claim, were referred to the Committee on Revolutionary Claims.

On motion of Mr. SHIELDS,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of remunerating the legal heirs and representatives of William Anderson, for property taken or destroyed by the Cherokee Indians about the year 1788; and that the papers relating thereto, on file of the House, be referred to the same committee.]

Mr. HAYNES moved that the House resolve itself into a Committee of the Whole on the state of the Union on the President's Message.

Mr. WHITTLESEY of Ohio objecting, on the ground that he desired that the standing committees should first report,

Mr. HAYNES moved a suspension of the rules: lost.

Reports were then called for from the standing committees.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill for the relief of Chastellain and Ponvert: read twice, and committed.

Also, a bill for the relief of Robert Dickey, of New York: read twice, and committed.

Mr McKIM, from the same committee, reported a bill for the relief of the president and directors of the Baltimore and Susquehanna Railroad Company: read twice, and committed.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported all the cases referred, under the order, to that committee on Monday last.

The following is a list of the bills, viz: for the relief of—

Gen. A. Macomb	Francis Gardiner
Samuel Sanderson	Benjamin Mooers
Ebenezer A. Lester	Eli Horton
Jesse E Dow	M. Gelston, executor of
Edward Burges	David Gelston
Daniel T. Patterson	John M. Oliver
Wm. Bailey, surviving partner of Bailey & Deford	John Kreps
John McCarty	Christopher Clark
William H. Bell	Philip Marshal, *et al.*
David Caldwell, reps. of	Curtis Grubb
Benj. H. Mackall	John B. Perkins
James J Patterson	William Eadus
Daniel Davis	Hannah Mudlong
James Baker	Robt Peebles and John Graham
Roswell Lee, reps. of	Edw'd Duval, administrators of
Thomas F. McCanless	Richard Frisby
Joseph Hall	John P. Austin and Edward N.
Jonathan Davis	Tailer
Albion T. Crow	Alexander G. Morgan
Wm. R. Taylor, administrator	Jonathan Elliot
of Jonathan Taylor	John Wilson
John Addoms reps. of	John Downes
Thomas W. Bacot, reps. of	Christopher Werner
Allen R. Moore	David H. Maxwell
Elias Johns	Teakle Savage, administrator
James McMahon	of Bolitt Laws
Sarah Murphy	Thomas Tyner, *et al.*
Abraham Lansing	Melancthon T. Woolsey
Thomas J. Lawler, and Smith	Joseph Nourse
M. Miles	James L. Kenner
Nicholas Hedges	James Herron
Presley N. O'Bannon	H. W. Russel
William Tharp	Freeman Brady
Wm. and James C. ooks	Robert Fulton, heirs
James Callan	Thomas Fillebrown, jun.
Farrow and Harris	Levy Court, Calvert county,
Converse and Rees	Maryland
Joseph Radcliff	Hugh McDonald
	Charles Benns

All the foregoing bills were read twice, and committed to a Committee of the Whole House.

The CHAIR laid before the House the following Executive communications:

1. From the Commissioner of the General Land Office, a report in relation to some land claims.

On motion of Mr. YELL, referred to the Committee on Public Lands.

2. From the Department of State, an abstract of the number of American seamen, etc.

On motion of Mr. SMITH, referred to the Committee on Commerce.

3. From the Secretary of the Treasury, a report on the subject of building light-houses, light-boats, beacon lights, and buoys.

Referred to the committee on Commerce, on motion of Mr. SMITH.

4. From the Secretary of the Navy an abstract of the contingent expenses of that Department.

On motion of Mr. WHITTLESEY of Ohio, laid on the table.

The following resolution submitted by Mr. BOND, on Monday last, was taken up, and agreed to.

Resolved, That the Secretary of the Treasury be directed to furnish this House a statement of the several amounts paid in specie by the deposite banks on the checks or orders of the Treasury Department since the 13th of May last, and the amount and date of any such checks on which said banks refused payment in specie, in part or in whole.

On motion,

The House adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, Dec. 15, 1837.

Mr. HAYNES asked the unanimous consent of the House to move that the House resolve itself into a Committee of the Whole on the state of the Union on the President's Message.

Objection being made,

Mr. HAYNES moved a suspension of the rule; which was agreed to—ayes 119, noes 37.

Mr. OWENS gave notice that on Monday next he would ask leave to bring in a bill to provide for fixing the Northeastern boundary line.

REFERENCE OF THE MESSAGE.

On motion of Mr. HAYNES, the House then went into committee, Mr. ADAMS in the chair, on the President's Message.

Mr. HAYNES then submitted the resolutions offered by him some days since, with a modification.

The first and second resolutions were agreed to without a division, as follows:

1. *Resolved*, That so much of the President's Message as refers to the political relations of the United States with foreign nations be committed to the Committee on Foreign Affairs.

2. *Resolved*, That so much of said Message as relates to the commerce of the United States with foreign nations be referred to the Committee on Commerce.

The third resolution was then taken up as follows:

3. *Resolved*, That so much of said Message as relates to the finances, and every thing connected therewith; to the safe-keeping of the public moneys, and every thing connected therewith; and so much thereof as relates to the Bank of the United States, be referred to the Committee of Ways and Means.

Mr. CAMBRELENG suggested to the mover that the questions submitted to Congress by the President, in reference to the reissue of the notes of the old Bank of the United States, belonged rather to the Judiciary Committee than to that of Ways and Means. He therefore moved to strike out that part of the resolution relating to the Bank of the United States, and moved a fourth resolution as follows:

4. *Resolved*, That so much of the President's Message as relates to the reissuing of the notes of the late Bank of the United States, be referred to the Committee on the Judiciary.

Mr. WISE said he cared nothing about the amendment offered by the gentleman from New York, and he rose to object to this third resolution in the whole.

The CHAIR (Mr. Adams) reminded the gentleman that the amendment would alone be pending, and it would not, therefore, be strictly in order to debate the whole resolution at that time.

Mr. WISE would postpone his remarks for the present.

Mr. HAYNES accepted the modification of the third resolution; and the question recurring thereon,

Mr. WISE spoke at length against the resolution, and in reference to the various portions of the Message having relation to the subject of the finances. Mr. W. was opposed to any reference of this subject, unless it might be to a committee of one from each State; and he expressed his dissent to both of the plans adverted to in the Message—the Sub-Treasury and the Special Deposite system.

Mr. HAYNES said it was not his design to have said a single word on the subject of the resolutions, prepared by him, before the House. But in relation to the resolution referring to the finances, he had strong doubts as to whether the last clause, which had been withdrawn by him, might not have been more properly referred to the Committee on the Judiciary, as suggested in the modification proposed by the chairman of the Committee of Ways and Means. He, Mr. H. could not refrain from expressing his surprise at the course pursued by the gentleman from Virginia (Mr. Wise) who had remarked at such length on matters not then before the House, the question pending being one of mere reference. He considered a great portion of the gentleman's speech as entirely irrelevant and foreign to the subject before them, and he would not attempt to follow the gentleman through his unnecessary and irrelevant remarks, but hoped that nothing would be said but what was applicable to the question before them.

Mr. BOON said he had not risen for the purpose of making a speech, but simply to express his great astonishment at witnessing the terrible fluttering among the "wounded pigeons," that had been produced by a simple proposition to have referred to one of the standing committees of the House a portion of the President's annual message to Congress. Why (inquired Mr. B.) all this bustle and alarm in the ranks of the modern Whig party, if it be true, as has been stated by the Opposition, that the measures recommended by the President have been disapproved and condemned by the people? We are told that the people are opposed to the Sub-Treasury scheme as recommended by the present Chief Magistrate; and the late local elections in New York, and some few other States, had been adverted to, as proof positive of the will of the people touching the Sub-Treasury scheme. One would be led to believe, from the declarations of the Whigs, that the little Magician, as they are pleased to call the President, was, to use a common phrase, literally "*used up*" in several of the States. Now, Mr. Chairman, if the oft-repeated declarations of the Opposition be true

in this respect, why the necessity of endeavoring to increase the excitement in the country, which is already too highly excited, by additional exciting and alarming speeches being made here, and sent forth to the country, before the President's Message had been referred to the appropriate standing committees of the House, and before any report having been made thereon? Mr. B. said that he viewed such a course of proceeding not only unfair toward the Administration, but as being without a precedent in the history of any former Congressional proceedings, and could not, therefore, be productive of any beneficial results to the people and the country. But, sir, we are told that the Administration and its friends are running counter to the sovereign will of the people. Mr. B. said there was not a public man living, who held the sovereign will of his constituents in any higher or greater reverence and respectful awe than he himself did; yet he felt disinclined to be seen playing off the part of a political *demagogue* in that House or elsewhere. He would, he said, on all questions of public policy, endeavor faithfully to represent the will of his constituents, whenever made known to him; and he presumed that there was not a member of that House who would intentionally misrepresent the will or the wishes of his immediate constituents. Mr. B. said that he was in favor of the proposition of the gentleman from Georgia, (Mr. Haynes) that of referring the subject of the public revenue, and every thing connected therewith, to the Committee of Ways and Means; and when that committee shall have made their report to the House, it would then be competent for the majority of the House to adopt or reject the same, either in whole or in part. A different course, said Mr. B. would only tend to delay the final action of the House upon the great and exciting question as to the future safe-keeping of the public revenue.

Mr. B. added, that he had a few words to say in conclusion, in reply to some remarks which had just been uttered by the member from Massachusetts, (Mr. Reed) who had last addressed the committee. That gentleman, in his attack upon the late and present Administrations of the General Government, stated in his place, that this Government would no doubt lose a very considerable amount of the public revenue which had been deposited by order of the late Administration in the State banks. We are told that the Treasury of the United States is now bankrupt, and that the Government is in danger of losing a very considerable amount of the public money now on deposite in the State banks!

Sir, from what party does this *suspicion and charge of bank delinquency come?* Does it come from any friend of the late or present Administration? No, sir: it comes from a *leader* of the *modern Whig* party! This suspicion and charge of State bank delinquency comes with a bad grace from the *bank Whigs themselves.* When President Jackson caused the money of the people to be deposited in the *Whig banks* for safe-keeping, he then thought and believed, as I did myself, and others who favored the measure, that the managers of those "Whig" banks were *honest men*, and that they would not, by any possible means, defraud the Government and the people out of one cent of their money.

Mr. B. said that eighty-eight State and local banks had been selected by the late Administration as depositories of the public revenue, and of that number he would hazard the declaration, without official information being given, that at least eighty-five of those deposite banks were under the control and management of "*Whigs.*" The public moneys of the people, thus deposited for safe-keeping, are in the hands of the "*Whigs*," and if any portion of it should be lost to the Government, it it would be justly chargeable to the dishonesty of the "*Whig*" *banks, and those who control and manage* the operations of those institutions, and not to any act of the late or present Administrations of the General Government, as has been charged by the modern "Whigs."

The debate was continued by Messrs. BOND, REED and EWING; when, without taking the question, on motion of Mr. CAMBRELENG, the committee rose and reported, and the first two resolutions were concurred in.

On motion of Mr. ADAMS, it was

Resolved, That, when the House adjourn this day, it shall adjourn till Monday next.

On motion of Mr. ADAMS, the use of the hall, to-morrow, at 11 o'clock, was granted to the Rev. Mr. Wolff. Mr A. prefaced his motion by some eloquent remarks on the objects and mission of Mr. Wolff.

The SPEAKER laid before the House a communication in relation to some private claim; which, on motion of Mr. REED, was referred to the Committee on Naval Affairs.

Also, from the Commissioner on the Public Buildings, a report of the expenditures thereon during the present year; which, on motion of Mr. WHITTLESEY, of Ohio, was laid on the table.

The message from the Senate for the appointment of a joint committee on enrolled bills, was taken up, and concurred in.

Two bills from the Senate, viz:

1. An act for the relief of Elisha Towns, and

2. An act for the relief of Erastus Fairbanks and Thaddens Fairbanks, were taken up, read twice, and referred to the Committee on Patents.

On motion of Mr. BRONSON,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of amending the act entitled "An act for the relief of John P. Becker," passed March 3d, 1837, so as to allow the said Becker a pension of ninety-six dollars per annum.

On motion of Mr. GARLAND,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to pay to Elisha Jackson, of Virginia, the amount of the drafts drawn on the 29th day of December, 1834, by William Smith, late mail contractor, in favor of said Jackson: one for $237, payable the 1st day of August, 1835; another for $237, payable the 1st day of November, 1835; and another for $237, payable the 1st day of February, 1836; which were duly accepted by the treasurer of the department, and have been protested for non-payment.

On motion,

The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Dec. 18, 1837.

As soon as the Journal was read,

Mr. BRIGGS rose and addressed the Chair as follows:

Mr. SPEAKER: A few days since my colleague was excused from serving on the Committee of Ways and Means of this House. The Speaker did me the honor of appointing me to fill the vacancy occasioned by his withdrawal. The circumstances under which that vacancy occurred, which I deeply regret, seem to render it improper that I should occupy the place on that important committee. This, with perhaps one or two exceptions, is the opinion of all my colleagues from Massachusetts. I therefore, sir, respectfully decline the appointment, and ask the House to excuse me from serving.

Mr. B. was accordingly excused, and the Chair ordered to fill the vacancy.

Petitions and memorials were then presented by Mr. DOWNING of Florida.

Messrs. CHAPMAN and MARTIN of Alabama.

[Mr. CHAPMAN presented the petition of Isaac Morrow of Madison county, Alabama, praying a right to enter at Government price, a one-quarter section of land, in lieu of his former pre-emption taken by a sixteenth section.]

Mr. CASEY, of Illinois.

[Mr. CASEY presented the petition of sundry citizens of Lawrence county, Illinois, praying Congress to grant to Jacob May, of said county, the right of pre-emption to one hundred and sixty acres of land, in towaship five north, range fourteen west; which, on his motion, was referred to the Committee on the Public Lands.]

Messrs. HEROD, EWING, and RARIDEN, of Indiana.

[Mr. RARIDEN presented the petition of sundry citizens of De Kalb county, Indiana, praying for the establishment of a weekly mail route from Fort Wayne, Allen county, Indiana, to Denmark, Williams county, Ohio, thence, intersecting a contemplated route from Defiance, Ohio, to Lima, Indiana, passing through the villages of Orange and Vienna: referred to the Committee on the Post Office and Post Roads.]

Messrs. WHITTLESEY, HARPER, MORRIS, LOOMIS, and MASON, of Ohio.

Mr. Speaker POLK, Messrs. CAMPBELL and CARTER, of Tennessee.

Mr. SHERROD WILLIAMS of Kentucky.

Messrs. HAYNES, JACKSON, and DAWSON of Georgia.

[Mr. JACKSON presented the petition of sundry inhabitants of Cass, Paulding, and Campbell, counties, Georgia, praying the establishment of a post route from Campbellton to Cassville, in the said State: referred to the Committee on the Post Office and Post Roads.]

Messrs. BOULDIN, COLES, CRAIG, JOHNSON, BEIRNE, MORGAN, and JONES, of Virginia.

Messrs. McKIM, JENIFER, THOMAS, and HOWARD, of Maryland.

Mr. MILLIGAN of Delaware.

Messrs. PAYNTER, HENRY, NAYLOR, DARLINGTON, BIDDLE, TOLAND, M. MORRIS, S. W. MORRIS, POTTER, HAMMOND, and PLUMER of Pennsylvania.

[Mr. M. MORRIS presented three petitions of similar import, signed, one by 49, another by 99, and another by 100 women of Bucks county, Pennsylvania, for the abolition of slavery in the District of Columbia and the Territories, and the slave trade between the States; which he moved to be referred to the Committee for the District of Columbia; but, on motion, they were laid on the table.]

Messrs. HALSTEAD and STRATTON of New Jersey.

Messrs. PARKER, McCLELLAN, FILLMORE, MARVIN, NOBLE, TAYLOR, LOOMIS, CHILD, GRANT, BRONSON, CAMBRELENG, BIRDSALL, HOFFMAN, RUSSELL, TITUS, KEMBLE, CLARK, MITCHELL and BRUYN of New York.

[Mr. BRONSON presented the following petitions, viz: Petition of Chauncey Calhoun of Watertown, praying the allowance and payment of the balance due him from the United States for work done on the Madison barracks at Sacket's Harbor, New York: referred to Committee of Claims. The petition of Mary Snow, widow of Jonas Snow, a revolutionary soldier, deceased, praying for a pension: referred to Committee on Revolutionary Pensions. Petition of sundry inhabitants of Jefferson county, New York, for the construction of a ship and steamboat canal around the Falls of Niagara.]

[Mr. TAYLOR presented several petitions from inhabitants of the towns of Salina, Pompey, Fabius, Truxton, Cincinnatus, and Chenango, for the establishment of a mail route from Binghampton to Syracuse, New York, to pass through Lisle, Cincinnatus, East Solon, Truxton, Fabius, Pompey, and Jamesville. Also, the petition of Barbara Reily, for arrearage of pension.]

Messrs. EVERETT, SLADE, HALL, ALLEN, and FLETCHER, of Vermont.

[Mr. SLADE, in presenting an abolition petition, gave notice that he should address the House; and the subject lies over till to-morrow.]

[Mr. FLETCHER presented the remonstrance of Stephen Watkins and five others, of Kirby, county of Caledonia, State of Vermont, against the admission of Texas to the Union. Remonstrance of W. Chaplin and eighty-four men and women of Lyndon, county of Caledonia, and State of Vermont, on the same subject. Remonstrance of David Young and eighty-eight men and women, of Kirby, county of Caledonia, State of Vermont, upon the same subject. Petition of Charles Stone and seventy-three others, inhabitants of Lyndon, county of Caledonia, Vermont, for the abolition of slavery and the slave trade in the District of Columbia. Petition of fifty-nine women, of Burke, Newark, and Sutton, upon the same subject, county of Caledonia, Vermont. Petition of David

Young and eighty-five inhabitants of Kirby, county of Caledonia, Vermont, upon the same subject.

[Mr. ALLEN presented the petition of H. B. Sawyer, lieutenant in the navy of the United States, for a pension, for disabilities incurred in the service of his country. Also, the petition of John Baittie for a pension, for disabilities incurred in the last war. Also, the petition of Major Chapin for a pension, for disabilities incurred in the war of 1812.]

Messrs. WHITTLESEY, INGHAM, HOLT, and HALEY, of Connecticut.

[Mr. WHITTLESEY presented the petition of Samuel Dean for arrears of pension. Also, that the petition of Walter Bradly be removed from the files, and referred to the Committee of Ways and Means.]

[Mr. HALEY presented the petition of Coddington Billings and others, in New London, Groton, and Stonington, in Connecticut, praying for the erection of a light house on the west end of Fisher's Island at Race Point, near the main land, in Connecticut, and moved its reference to the Committee on Commerce. Also, the petition of Joshua Bill, praying for an increase of his pension in consequence of a wound received in the war of the Revolution, and moved its reference to the Committee on Invalid Pensions. Also, the petition of 142 men in Norwich, Connecticut, praying for the abolition of slavery and the slave trade in the District of Columbia, and moved its reference to the committee for said District. The petition, however, was laid on the table, on motion of Mr GARLAND of Virginia.]

Messrs. TILLINGHAST and CRANSTON of Rhode Island.

Messrs. LINCOLN, REED, GRENNELL, HASTINGS, PHILLIPS, ADAMS, and PARMENTER, of Massachusetts.

[Mr. ADAMS presented a memorial from some Peace society, praying that Congress will accede to a proposition of the Legislature of Mexico: that all matters in issue between the two countries should be amicably arranged, or submitted to arbitration.

Mr. A. moved that it be referred to a select committee, "with instructions to read, consider, and report thereon."

Mr. HOWARD remarked that the subject had already been referred to the Committee on Foreign Affairs, under the order of the House of Friday last. He inquired if the motion was in order, without first repealing that order?

The CHAIR ruled the motion to be in order.

Mr. HOWARD moved to refer it to the Committee on Foreign Affairs. With reference to the instructions "to read," Mr. H. inquired of the gentleman if he ever knew an instance of that committee reporting on any subject without reading it?

Mr. ADAMS replied that he never knew that committee to do so, but an instance did exist of another standing committee not only doing so, but a majority of that committee had admitted it in a publication over their own signatures.

The CHAIR said the petition giving rise to debate must lie over till to-morrow.

Mr. ADAMS presented an anti-abolition petition from citizens of his district, and moved its printing and reference to the Committee for the District of Columbia; but, on motion of Mr. DROMGOOLE, it was laid on the table.

Mr. A. presented many other petitions on the subject of slavery and Texas; which, on motion of Mr. DROMGOOLE, were all laid on the table.]

[Mr. PARMENTER presented the petition of Thomas B. Gannet, and 124 others, of Cambridge; of Elijah Ruffer and Nabby Willis, with 14 males and 34 females of Saxonville; of R. Hurlbut and Mary P. Hurlbut, with 57 males and 91 females, of Sadbury; of Isaac Smith and 26 others, of Waltham, all in Massachusetts; remonstrating against the annexation of Texas to the Union. Mr. P. also presented the petition of Elijah F. Valentine and 72 others, of Cambridge; of N. H. Grace and 116 others, legal voters of Westford; of John Barker and 29 others, legal voters of Watertown; of Levi Brigham and 20 others, of Dunstable, all in Massachusetts, for the abolition of slavery and the slave trade in the District of Columbia. Also, the petition of N. H. Grace and 116 others, legal voters of Westford, Massachusetts, for the abolition of slavery and the slave trade in the Territories of the United States.]

Mr. CUSHMAN of New Hampshire.

[Mr. CUSHMAN asked leave to offer the following resolution:

Resolved, That all petitions, memorials, and other papers, remonstrating against the admission of Texas into the Union, be laid on the table, until an application be made therefor on the part of that Government.

Objection being made,

Mr. C. moved a suspension of the rules, and asked for the yeas and nays, but they were not ordered, and the House refused to suspend the rules.

Mr. C. also moved that the following petitions be taken from the files and again referred to appropriate committees, with additional evidence, viz:

The petition of Benjamin Watson, praying for a pension in consequence of disabilities incurred in the late war: referred to the Committee on Invalid Pensions. Also, the petition of William B. Parker, stating that during the late war with Great Britain, in the absence of the captain, he was, for thirteen and a half months, charged with the command of a company in the fortieth regiment of the United States infantry, and asks the difference in pay and rations between his rank as first lieutenant and a captain of infantry: referred to the Committee on Military Affairs. Also, the petition of Elizabeth Gavett, praying that her name may be placed on the pension list: referred to the Committee on Invalid Pensions.]

Messrs. EVANS, FAIRFIELD, CARTER, SMITH, and NOYES, of Maine.

[Mr. FAIRFIELD presented sundry petitions, and also offered the following resolution:

Resolved, That the President of the United States be requested to communicate to this House whether any application has been made by the British Government to the Government of the United States, for leave to march troops over the territory now in dispute between the Governments aforesaid; and, if so, the action of this Government thereon.

Also, the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of Well's harbor, in Maine.]

A message, in writing, was received from the President of the United States, by the hands of his private secretary, ABRAHAM VAN BUREN, esq. and, on motion of Mr. SMITH, referred to the Committee on Commerce.

The SPEAKER laid before the House a communication from the Secretary of War, covering a report from the Chief Engineer, in reference to the improvement of Little Egg Harbor, which, on motion of Mr. SMITH, was referred to the Committee on Commerce.

Mr. DAWSON offered the following, which lies over one day:

Resolved, That the Secretary of War be requested to communicate to this House what number of the Cherokee tribe of Indians is yet remaining within the limits of the State of Georgia; how many have gone west of the River Mississippi, in conformity with the late treaty between that tribe and the Government of the United States; whether he apprehends any difficulty in removing those who yet remain, when the time stipulated for their removal shall arrive; what portion, if any, of said tribe have signified their intention to conform to said treaty; whether he has any information in his Department indicating a hostile intent among said Indians toward the citizens of Georgia; and whether he has any reason which may incline him to apprehend that said Indians or any part of them may commit acts of violence upon the citizens or depredations upon the property, about the time they shall by the treaty be required to remove; what military force he has established in that section of the Union to secure the enforcement of the treaty, if necessary, and to prevent acts of violence or depredations by the Indians; whether he contemplates an increase of military strength in that section; to what extent and at what time. And that the Secretary be requested to say whether any precautionary measures should be adopted on the part of Congress to aid his Department in causing the execution of the treaty with the Cherokee tribe of Indians, and preventing acts of violence and depredations from said Indians or any part of them.

On motion of Mr. WHITE of Kentucky,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pitsville, Kentucky, to Logan Court-house, Virginia; also, to establish a mail route from Richmond, Kentucky, to Nicholassville, Kentucky, via the mouth of Silver creek; also, to establish a mail route from Harlan Court-house, to intersect the mail route leading from Perry Court-house, Kentucky, to Scott Court-house, Virginia, at the Poor Forth post office.

On motion of Mr. RARIDEN,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reviving and continuing in force the act authorizing certain soldiers of the last war to surrender the bounty lands drawn by them, and to locate others in lieu thereof.

On motion of Mr. CHILDS,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for establishing a term of the District Court of the United States for the northern district of New York, at Rochester, in the county of Monroe.

On motion of Mr. WHITTLESEY of Connecticut,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill making Bridgport, in the district of Fairfield, Connecticut, a port of entry for the admission of foreign vessels.

On motion of Mr. BRONSON of New York, the following resolution was adopted:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of constructing a ship and steamboat canal around the Falls of Niagara, and that the report of the Secretary of War to the House of Representatives, bearing date the 14th of April, 1836, together with the maps and accompanying documents, (which document is numbered 214 of the first session of the 24th Congress) together with all other papers on file with the Clerk of this House relating to that subject, be referred to said committee.

Mr. CHAMBERS of Kentucky offered the following, which lie over one day:

Resolved, That the Secretaries of State, Treasury, War, and Navy be directed severally to report to this House the amount of postage paid on letters and papers transmitted from their respective departments by the Express mail since its institution.

Resolved, That the Postmaster General be directed to inform the House, whether in estimating the amount of money received for postage on letters and papers transmitted by the Express mail, he includes any estimate of postages on letters or papers transmitted by that mail from himself or any officer or officers of his Department, having the privilege of franking, through the ordinary mail; and if so, what amount of postages in letters and papers from his Department are so included, or is subject to be included, from the first establishment of the Express mail.

On motion of Mr. GRAHAM,

Resolved, That the petition of F. Carter, as administrator of Charles Williamson, with the accompanying papers on the file of the House, asking corporation for public lands bought by them, and for which they cannot get patents, be referred to the Committee on Private Land Claims.

Mr. MALLORY offered the following, which lies over:

Resolved, That the Secretary of War be directed to cause a continuation of the survey for an inland route between Charleston, South Carolina, and Norfolk, Virginia, (authorized by an act of the last Congress,) beginning at the northeastern termination of the Dismel Swamp Canal, and extending to Hampton Roads, and also the country between the canal and Gosport, with a view to ascertain the expediency of continuing the canal to that place, or improving the river.

On motion of Mr. J. JOHNSON,

Resolved, That the Committee on Public Lands

be instructed to inquire into the expediency of making appropriations of lands to satisfy the warrants or scrip which have been issued, or which may hereafter issue, according to the resolutions and laws of the United States, and of the State of Virginia, for Revolutionary services.

On motion of Mr. CRAIG,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Liberty, in the county of Bedford, to Buchanan, in the county of Botetourt, State of Virginia.

On motion of Mr. PENNYBACKER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of allowing to the clerks in the Post Office in this city, the ten per cent. allowed to the clerks in the several offices of Government by the general appropriation law of 1837.

On motion of Mr. STEWART,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Patrick court-house in Virginia, to Mount Airy in the State of North Carolina.

On motion of Mr. McKIM,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill to encourage the employment of boys in the merchant vessels of the United States, when bound to foreign ports.

On motion of Mr. HAWKINS,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of issuing a duplicate military land warrant, heretofore issued to Crawford Johnson, a soldier of the Revolution; which has been lost.

On motion of Mr. CLARK,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of allowing to Jonathan Chandler, a soldier of the Revolution, a pension, and that the petition and papers of said Chandler now on file, be referred to said committee.

On motion of Mr. CURTISS,

Rssolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law to abolish imprisonment for debt, on process issuing out of the Circuit and District Courts of the United States, in each of the States wherein imprisonment and arrest for debt have been abolished by the laws thereof.

Mr. SLADE offered the following, which lies over one day:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement showing the number of acres of public lands which have been purchased under the laws granting the right of pre-emption, distinguishing the several laws under which, and the several States and Territories in which such purchases have been made: and that he also be directed to communicate any information which may be in possession of his department, touching any associations which may have been formed by intruders on the public lands, for the purpose of adjusting their relative rights of occupancy, and of putting down competition at the public sales of such lands.

Mr. TAYLOR offered the following, which lies over one day:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled "An act granting half-pay to widows or orphans, when their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the Revolution, whose husbands were entitled to a pension.

On motion of Mr. HOLT,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of refunding to Jonathan Clark, esq. of Hampton, Conn, the sum of thirty dollars, by him paid into the Treasury of the United States for a patent which was not taken out, and he has abandoned the same.

On motion of Mr. THOMAS,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment of the claim of Henry Hoffman, for military services rendered in the Revolutionary war.

On motion of Mr. HOWARD,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of continuing an act of Congress, passed the 10th of March, 1828, for the collection of tonnages on vessels at the port of Baltimore, to be applied towards the preservation of the harbor.

On motion of Mr. WORTHINGTON,

Resolved, That the Committee on Revolutionary Claims, be instructed to inquire into the propriety of allowing to the heirs of Edward Pannell, the amount due on a certificate signed by Lord Butler, assistant deputy quartermaster general of the army of the United States, in the Revolutionary war.

On motion of Mr. LINCOLN,

Resolved, That the Committee on the Public Buildings be instructed to inquire into the condition of the buildings occupied as offices of the Navy Department, and the occasion for additional convedient accommodations to the officers and clerks employed therein; and into the expediency of enlarging the building and providing the means of greater security from destruction by fire of the valuable papers and records which it contains.

On motion of Mr. PHILLIPS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a beacon upon the ledge of rocks at the mouth of the harbor at Manchester, in the State of Massachusetts, or of removing the same.

On motion of Mr. FAIRFIELD,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of Wells' Harbor in Maine.

On motion of Mr. REED,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing the rate of postage.

On motion of Mr. CALHOUN of Massachusetts,

Resolved, That the Committee on Invalid Pensions consider the expediency of making further provision for the surviving soldiers of the "Old Fourth Regiment of the United States Infantry."

On motion of Mr. MORRIS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to David King of Bradford county, Pennsylvania.

On motion of Mr. CHILDS,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for establishing a term of the district court of the United States, for the northern district of New York, at Rochester, in the county of Monroe.

On motion of Mr. PHILLIPS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making permanent provision for releasing seamen from the payment of hospital money.

Mr. FAIRFIELD offered the following, which lies over:

Resolved, That the President of the United States be requested to communicate to this House whether any application has been made by the British Government to the Government of the United States for leave to march troops over the territory now in dispute between the Governments aforesaid; and, if so, the action of this Government thereon.

Mr. GRANT offered the following, which lie over one day:

Resolved, That the Postmaster General be directed to report to this House the whole amount of postage collected by his Department, on newspapers, for six months, ending June 30, 1837.

Resolved, That the Postmaster General be directed to report to this House a statement, exhibiting a list of all persons with whom he has contracted to carry Express mails, the length of each contract by measurement or estimate, the offices at which the Express Mail is opened on each route, the average weight of each mail, and the annual compensation stipulated to be paid to each and every contractor on Express mail routes, and the duration of each contract.

On motion of Mr. SLADE,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making compensation to the Vermont volunteers, who went to Plattsburg upon the invasion by the enemy, in September, 1814.

Mr. ADAMS offered the following, which lies over:

Resolved, That the President of the United States be requested to communicate to this House a copy translation of all the pamphlets in the Spanish language, stated in the report of the Secretary of State to this House to have been printed and circulated by the late Minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the Diplomatic functionary from a foreign Government who communicat- a copy of said pamphlet to the Secretary of State.

On motion of Mr. GRENNELL,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of granting a quarter section of land to Moses Pierce, of Massachusetts, late a soldier in the army of the United States, in consideration of his faithful service therein, for the term of twelve years, commencing in the year 1808; the said Pierce having failed in the benefit of the bounty in land granted by the Government to soldiers in the late war with Great Britain.

On motion of Mr. PARKER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to William Andrews his pension of eighty dollars a year, to commence at the time the same was reduced by the Commissioner of Pensions.

On motion of Mr. FILLMORE,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of erecting a sea-wall or embankment, extending from the pier at Buffalo Harbor along the shore, at the foot of Lake Erie, sufficiently far to protect the public works, harbor, and city of Buffalo, from injury by inundation from the lake in case of high water; and also, into the expediency of making any other improvements in the public works at Buffalo Harbor, or additions thereto, necessary to screen said works and protect said harbor and the adjacent lands from injury by the sudden rise of the waters of said lake, and report to this House.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring the District Court of the Northern District of New York to be held a portion of the time at the city of Buffalo; and of requiring causes arising within a a certain district of territory adjoint thereto, to be tried at the terms of said court held in the said city of Buffalo.

On motion of Mr. LYON,

Resolved, That the Committee on Commerce inquire into the expediency of increasing the appropriation heretofore made for the erection of a marine hospital in the city of Mobile, to an amount sufficient to purchase a suitable site for the same, and to complete the requisite buildings.

On motion of Mr. GRANTLAND,

Resolved, That the petition of F. Carter and the administrators of Charles Williamson, with the accompanying papers on the file of this House, asking compensation for public lands bought by them, and for which they cannot get patents, be referred to the Committee on Private Land Claims.

On motion of Mr. LAWLER,

Resolved, That the application of the president and directors of the Gainesville Railroad Company for a right of way over the public land, and for the right to use such timber and materials as may be necessary in the construction of the road, be referred to the Committee on Public Lands.

On motion of Mr. SNYDER,

Resolved, That the Committee on Public Lands inquire into the expediency of establishing a Surveyor General's office for the State of Illinois.

On motion of Mr. BOON,

Resolved, That the Committee on Public Lands

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, DECEMBER 25, 1837. VOLUME 6.....No. 5.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 2.*]

be instructed to inquire into the expediency of reducing the price of the public lands, and of graduating the price of the refuse public lands, having reference to the period of time that such lands shall have been subject to sale at private entry; and of granting to the settlers upon the public lands the right of pre-emption to a quantity not to exceed one-quarter section to each head of a family, including his or her improvement.

On motion of Mr. HOPKINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from St. Clair's, Balton, to Rye Valley in the county of Smyth and State of Virginia.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the house of Major Samuel Williams, in the county of Smyth to the mouth of Willson's Creek, in the county of Grayson, in the State of Virginia.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lebanon in the county of Russel, via Nashford, Honakers Store, to Richland post office, in the county of Tazewell.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Grayson C. H. Virginia, to the Grayson Sulphur Springs.

On motion of Mr. MORRIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Sisterville, in Tyler county, Virginia, through the town of Brownsville, in Washington county, Ohio, Graysville, Van Buren, by the mouth of the Elk Fork of Duck Creek, to McCoystown, in Monroe county, and thence following the State road to the town of Zanesville, in Muskingum county; also a post route from Woodfield, in Monroe county, through Graysville to McIntosh's Post Office, in Washington county, Ohio.

On motion of Mr. SHIELDS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mount Pleasant, Tennessee, to Waynesboro, Tennessee.

On motion of Mr. SOUTHGATE,

Resolved, That the Committee of Claims be instructed to inquire into the propriety of compensating Colonel Robert Wallace of Kentucky, for the horses lost in the public service during the late war.

On motion of Mr. TURNEY,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the State of Tennessee to sell the school lands within the limits of said State.

On motion of Mr. EVERETT,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Beriah Wright, a soldier.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the provisions of the pension act of 4th July, 1836, to widows who were married prior to the 1st of January, 1785, and to widows whose husbands may have died, or shall die after the 4th of March, 1831, or whose husbands were killed in the Revolutionary war.

[Mr. RUSSELL presented the petition of Isaac Fowler, of New York, a soldier of the Revolution, praying a pension for Revolutionary services, which was referred to the Committee on Revolutionary Pensions. 2. Also, the petition of William Abeel of New York, a soldier of the Revolution, praying a like pension, for like services, which was alike referred. 3. Also, the petition of Amos Savage and eighty-five other electors of the town of Granville, in the county of Washington and State of New York, praying for the abolition of slavery and the slave trade in the District of Columbia, and in the Territories subject to the jurisdiction of Congress; and also, praying the passage of a law prohibiting the internal and coasting slave trade between the several States in the Union, and that effectual measures may be taken to prevent the exportation of slaves from the District of Columbia or any other port or place in the United States, to Texas or to the dominions of any foreign power. 4. Also the petition of Isaac Hartley and 109 other inhabitants of the county of Montgomery, in said State of New York, praying, 1st, for the abolition of slavery and the slave trade in the District of Columbia; 2d, for the abolition of slavery and the slave trade in the Territories of the United States; 3d, so to regulate the commercial intercourse between the several States in this Union as to prevent commerce in slaves being carried on between them; 4th, remonstrating against the admission of any new State into the Union whose constitution tolerates domestic slavery; 5th, remonstrating also against the annexation of Texas to the Union. Of the two last-mentioned petitions, so much as relates to the District of Columbia Mr. R. moved to refer to the Committee for the District of Columbia; and so much as relates to slavery and the slave trade in the Territories, Mr. R. moved to refer to the Committee on the Territories; and so much as relates to the coasting slave trade between the several States in the Union, Mr. R. moved to refer to the Committee on Commerce; and so much as relates to the transportation of slaves to Texas, and the annexation of Texas to the Union, Mr. R. moved to refer to a select committee. 5. Also, the petition of John C. Parker and fifty-three other electors of said town of Granville, praying for the abolition of slavery and the slave trade in the District of Columbia. 6. Also, the petition of John Carlisle and one hundred and three electors of the town of Hartford, in said county, concluding with the like prayer. 7. Also, the petition of John Reed and forty-nine other electors of the town of Argyle, in said county, praying for the same objects. 8. Also the petition of Gilbert Robertson and sixty-one other electors of said town of Argyle, concluding with the like prayer. 9. Also, the petition of Garret Wendell, Julius Phelps, Josiah Dunton, and forty-seven other electors of the town of Cambridge, in said county, for the like purpose. 10. Also, the petition of John Dobbin and twenty-five other electors of the town of Jackson, in said county, for the like purpose. 11. Also, the petition of Ethan Bragg and eighty-nine other electors of the town of Easton, in said county, concluding with the like prayer. 12. Also, the petition of William Mowry and two hundred and forty-five other electors of the town of Greenwich, in said county, concluding with the like prayer. 13. Also, the petition of Caroline Culver and two hundred and eight other females of the said town of Greenwich, praying for the same object. 14. Also the petition of Maria Savage and twenty-four other females of the town of Granville, in the said county, for the like purpose. 15. Also, the petition of Mary Gibbs and 21 other females of said town of Granville, for the like purpose. 16. Also, the petition of Robert L. Foster and 23 other inhabitants of the county of Washington, praying the abolition of slavery and the slave trade in the District of Columbia. 17. Also, the petition of Joseph Dobbin and 24 other inhabitants of the county of Washington, in the State of New York, praying for the same object. 18. Also, the petition of George Armstrong and 43 other inhabitants of said county, for the like purpose. 19. Also, the petition of Elias S. Volentine and 31 other inhabitants of said county, for the like purpose. 20. Also, the petition of William Dobbin and 22 other inhabitants of said county, for the like purpose. 21. Also, the petition of Mary S. Dayton and 634 other women of the city of New York, for the like purpose. 22. Also, the petition of Elizabeth Hurlburt and 47 other women of Arkport, in the State of New York, for the like purpose. 23. Also, the petition of Mary Brown and 104 other women of the city of New York, concluding with the like prayer. The last 19 petitions Mr. R. moved to refer to the Committee for the District of Columbia. 24. Mr. R. also presented the remonstrance of Robert Tompkins and 104 other inhabitants of the county of Montgomery, in the State of New York, against the annexation of Texas to the United States. 25. Also, the remonstrance of Jonathan Green and 96 other inhabitants of the county of Washington, against the annexation of Texas to the United States. 26. Also, the like remonstrance of E. S. Volentine and 36 other inhabitants of the town of Salem, in the said county of Washington. 27. Also, the remonstrance of Anderson Simpson and 31 other electors of the town of Jackson, in said county, against the admission of any new State into the Union, whose constitution tolerates domestic slavery: which said 4 last mentioned remonstrances Mr. R. moved to refer to a select committee. 28. Mr. R. then presented the petition of James S. Gibbons and 121 other young men of the city of New York, praying Congress to pass such laws for the government of the District of Columbia as shall secure *equally, to all the inhabitants* thereof, the enjoyment of life, liberty, and the pursuit of happiness. 29. Also, the petition of Horan Dressin and 252 other young men of the city of New York, concluding with the like prayer. 30. Also, the petition of Charles D. Field and 407 other young men of the city of New York, for the like purpose: which 3 last mentioned petitions Mr. R. moved to refer to the Committee for the District of Columbia.]

On motion,

The House adjourned.

IN SENATE,

MONDAY, Dec. 18, 1837.

Mr. CALHOUN, appeared and took his seat.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in obedience to a resolution of the 3d February last, relative to alledged abuses in the importation of goods charged in a letter from M. Dodge. The Secretary states that the abuses were inquired into, but answers had only been received in one instance.

Mr. KING did not see that any thing of consequence would have been elicited if the questions set forth had been answered; he would, however, move that it lie on the table and be printed, as it might be called up hereafter, if necessary: agreed to.

The VICE PRESIDENT also presented a communication from the Secretary of the Navy, in obedience to a resolution of the Senate of the 13th October last, showing the condition of the Navy Pension fund; which was laid on the table, and ordered to be printed.

Also, a communication from the Commissioner of the Public Buildings: laid on the table.

Mr. BUCHANAN presented a memorial from sundry citizens of the city and county of Philadelphia, without distinction of party, representing the ruinous consequences of the paper system, and praying that all banks may be dispensed with: ordered to be printed, and referred to the Committee on Finance. Also, from sundry citizens of Philadelphia, praying the erection of a new custom-house: referred to the Committee on Commerce. Also, two memorials from citizens of Pennsylvania against the annexation of Texas: laid on the table. Also, from the trustees of Alleghany College, praying for a grant of land; also, in relation to the Erie road: both of which were appropriately referred.

Mr. WALL presented a memorial from twelve men and thirteen women, remonstrating against the annexation of Texas to the United States.

Mr. PRESTON rose to make a single remark. It appeared to him that *political philanthropists* were endeavoring to force this subject upon the attention of Congress, at least it would appear so from the number of memorials that were continually pouring in upon the Senate. He gave notice that

he would at an early day, a very early day, introduce a joint resolution that would place that subject at rest.

Mr. WALL said he had no further object in view in the presentation of these petitions, than to do his duty to his constituents, and was not desirous of doing any thing to provoke debate.

SLAVERY IN THE DISTRICT.

Mr. WALL presented the petition of 115 ladies, inhabitants of Gloucester county, in the State of New Jersey, praying the immediate abolition of slavery in the District of Columbia. These petitioners, he would add, so far from being actuated by the spirit of fanaticism, were, he was convinced, very sincere and conscientious in what they desired. He would move to lay the petition on the table.

Mr. HUBBARD moved to lay that motion on the table.

Mr. MORRIS asked for the yeas and nays.

Mr. CLAY wished the motion withdrawn for a moment. It was manifest that the subject of slavery in the District of Columbia was extending itself in the public mind, and daily engaging more and more of the public attention. His opinions, as expressed in the Legislature of the country, were, he believed, perfectly well known. He had no hesitation in saying that Congress ought not to do what was asked by the petitioners without the consent of the people of the District of Columbia. He was desirous of inquiring of the Senator from New Jersey, or any other conversant with the subject, whether the feeling of abolition in the abstract was extending itself in their respective States, or whether it was not becoming mixed up with other matters—such, for instance, in the belief that the sacred right of petition had been assailed. It became the duty of the Senate to inquire into this business, and understand the subject well.

There were many, no doubt, of these petitioners, who did not mean to assert that slavery should be abolished, that were contending for what they understood to be a great constitutional right. Would it not, then, under this view of the subject, be the best course to allay excitement, and endeavor to calm down and tranquilize the public mind? Would it not be wiser to refer the subject to the Committee for the District of Columbia, or some other committee, that would elicit all the facts, reason coolly and dispassionately, presenting the subject in all its bearings to the citizens of non-slaveholding States, and in a manner worthy of the great subject: would not such a proceeding be well calculated to insure harmony and amity in all parts of the Union. On this subject there was, he was aware, great diversity of opinion, and he rose merely for the purpose of making these suggestions to the Senate.

Mr. WALL said he did not believe, so far as his State was concerned, that the feeling for abolition was on the increase; but he did believe the subject was mixed up with the right of petition: many of the petitioners believing that right was invaded by the manner in which these memorials were treated. He thought if this matter had been in the onset referred to the Committee on the District of Columbia, and a report made therefrom, (sanctioned by the Senate,) calmly expressing the feeling of the American people, that there would have been no further trouble. There was no disposition on the part of these people to interfere with the rights of the States; there was nothing offensive in their petitions; he would undertake to say, not an objectionable word; they were merely acting in accordance with what they believed a right in relation to the District of Columbia, over which they believe Congress has jurisdiction.

Mr. CALHOUN, said he had foreseen what this subject would come to; he knew its origin, and that it lay deeper than was supposed. It grew out of a spirit of fanaticism, which was daily increasing, and if not met *in limine* would by-and-by dissolve this Union. It was particularly our duty to keep the matter out of the Senate, out of the halls of the National Legislature. Teese fanatics were interfering with what they had no right. Grant the reception of these petitions and you will next be asked to act on them. He was for no conciliatory course, no temporising; instead of yielding one inch he would rise in opposition, and he hoped every man from the South would stand by him to put down this growing evil. These was but one question that would ever destroy this Union, and that was involved in this principle. Yes: this was potent enough for it, and must be early arrested if the Union was to be preserved. A man must see little into what is going on, if he did not perceive that this spirit was growing, and that the rising generation was becoming more strongly imbued with it. It was not to be stopped by reports on paper, but by action, and very decided action.

Mr. SWIFT said he had been entrusted with various memorials of a similar character to this; and he, therefore felt called on to say a few words. When these petitions were referred, as was the former practice, to the Committee for the District, there was very little excitement on the subject. There was a great difference of opinion on the subject, some thinking that slavery in the District ought to be abolished by Congress, and others thinking differently; but from the moment that the petitions were refused, to the present time, the excitement had been continually increasing. And the petitioners were not the miserable fanatics which the Senator from South Carolina supposed; they were among the most intelligent and respectable of the community; and the Legislature of Vermont had adopted resolutions on this subject, instructing their Senators and requesting their Representatives, to urge the subject on the consideration of Congress.

[Mr. CUTHBERT asked whether the Legislature asked Congress to indulge the full right of petition, or to abolish slavery in the District.]

Mr. S. resumed. The Legislature had asserted the right of Congress to abolish slavery in the District; but Mr. S. firmly believed that if the petitions had been referred to the District committee, as formerly, for them to report upon them, it would, in a great measure, have allayed the excitement. The most of the petitioners were not those generally called abolitionists; and they would have probably had no feelings on the subject, if the former course of referring the petitions had been pursued. Neither was it a question of party in Vermont; but men of all parties were engaged on the subject, and on this subject they could unite. Mr. S. hoped the suggestion of Mr. Clay would prevail.

Mr. ROANE, of Virginia, said, that warm, ardent, and strong as were all his feelings, and fixed as was his opinion, on this subject, he should perhaps not have opened his lips on the present most unexpected occasion, but for the relation he happens to bear towards the Committee for the District of Columbia, to which it is proposed to refer this whole subject. It is one of vast importance, involving the dearest rights and interests of millions of our citizens, and perhaps the Union of these States. A committee, raised to take charge of the local concerns of the people of this District is not, I humbly apprehend, the suitable committee for such a subject. That committee was not constituted with reference to questions of such magnitude and extensive bearing; and I do trust that, should this body unfortunately agree to receive and refer these petitions, with a view, as we are informed, to have a calm, deliberate, and full discussion of their merits, they will send them to some other committee—nay, raise a special committee, composed of gentlemen who have the talent and the taste for such discussion; for I take this occasion to say that, neither in committee nor elsewhere, will *I* ever consent to argue and discuss the *merits* of this tender and vital question. No, sir; when my life and my property are assailed, I protect them not by argument and discussion.

Sir, the Senator from Kentucky (Mr. Clay) has asked whether the multiplication of these petitions in the North, and the spread of feeling which prompts them, is not mainly attributable to a belief, on the part of the people there, that the great right of petition has been invaded by the direction which this body has given to them for the last two years? He has been answered in the affirmative by the Senator from Vermont, (Mr. Swift,) and it is utterly denied that fanaticism constitutes any part of the spirit which actuates our Northern brethren, in thus eternally stirring a question which they must know is *vital* to us of the *South*. Oh, no—it is not fanaticism, it is not humanity, it is not philanthropy, but it is *patriotism!* it is only to assert and maintain inviolate the great right of petition! I perceive, sir, that one of the petitions presented this morning is signed by, I think, one hundred and eleven women. Allow me to ask when before, on what other occasion, on what other great question, have the females thought it their imperious duty to step forth as the asserters and champions of the great right of petition? Allow me to believe, sir, that such a motive constituted no part of their feelings, never for one moment entered into their brain; no, sir, it is the *false* fire of philanthropy, so easily kindled in their warm and tender hearts, and too easily fanned into flame by fanatical, vile, and designing men.

No man, sir, in this wide extended empire, more dearly loves, or would more sacredly guard, than I, the great, the inestimable right of petition, as asserted and practised in England, and thence engrafted into our own *written* Constitution; but, like all other good things, *it* is liable to abuse, and has *its* limits; and I for one am bold to say, that the subject now before the Senate presents a limit to this right. The people have a right peaceably to assemble and petition—for what? To take away my right to enjoy "life, liberty, and the pursuit of happiness?" No, sir: but to redress grievances; grievances to which the law-making power can apply a remedy or corrective. The petitions must not only be sent to a tribunal competent to hear them, but must relate to a subject on which that tribunal can legally and authoritatively act. Sir, the people are occluded; they have occluded themselves; they are occluded by the sacred compromises of the Constitution—the charter of all their rights—from bringing this subject before Congress in any manner whatever as one of ordinary legislation. It is in vain to say that this right of petition has no limits. We have been told this morning, that *we* are the servants of the people; yet we —this Senate—requires that every petition which is offered to it, shall be respectful, in its language and decorous in its form. This, sir, is a limit; and one liable to abuse; and why not, I seek to know, require that they shall also be pertinent in their *matter* and legitimate in their *object?*

I ask gentlemen who are so sensitive in their feelings, and so latitudinous in their notions, about the right of petition, what they will do if a "*respectful*" petition was presented to the Senate, praying them to pass a *law*, directing that, in future, each one of our twenty-six sovereign States should have on this floor but *one* instead of two Senators, as *guarantied*, ay, *compromised*, by the Constitution? Is there a member here who would not scout from this chamber such a petition, as going far beyond any thing contemplated by the terms or spirit of our association? The right of petition, as secured in the Constitution, was intended to redress all grievances within the pale of the law and the Constitution, but not to subvert either.

We are told, sir, that these petitions only relate to the District of Columbia. Who, sir, that has at all looked at passing events can for a moment believe this statement? Who can believe that the humanity, the philanthropy, or the *patriotism* of our Northern brethren can be sated by emancipating the few slaves who inhabit this ten miles square? No, sir, this nondescript District of Colnmbia, because of some plausible constructions given to certain equivocal expressions about the "*exclusive* jurisdiction of Congress" has been adroitly made the nucleus around which the abolitionists are to rally their forces for a concentrated movement on the States. It is here, sir, in this District, that they wish to enter the wedge, with which they would rend asunder this great and glorious Union.

Sir, said Mr. R. we have been told by the Senator from Vermont that, on this question, there is no division of sentiment in his State; that on this only question, all parties in politics, and all sects in religion, come together and agree. Sir, let me inform that Senator, and the whole North, that the entire country south of the Potomac, without any regard whatever to party, or any thing else, is as firmly united as can possibly be the people of Vermont, and will boldly face and defy the storm of abolition, come when and whence it may. Gen-

tlemen may talk as they will about the right of petition, and all that, but the very fact which the Senator from Vermont has stated, proves incontrovertibly to my mind, that this question is solely and wholly one of power and aggrandizement; to which politics, religion, morality, and patriotism are all subservient; I repeat, sir, that it is a struggle for power—I cannot view it otherwise. I did not intend or expect to have said so much.

Mr. PRENTISS said that he entirely concurred in the representation which his colleague had made in relation to the state of public opinion in Vermont. He had no doubt that the public mind had become much more agitated, and that the number of those disposed to favor the views of the petitioners had greatly increased within a year or two past; and he had as little doubt that the increased excitement on the subject, and consequent accession of strength to the abolitionists, as they were called, had arisen, in no inconsiderable degree, from the course which had been pursued in this and the other House in relation to the petitions which had been presented to Congress. How had the petitions been treated here? At one time they were received, and then the prayer rejected instanter, without a hearing, without consideration. This mere formal reception, followed with an immediate and instantaneous rejection of the prayer of the petitions, the people of the North had regarded as trifling with their rights, as substantially a refusal to receive the petitions, and, consequently, a denial of the right to petition. More recently the form had been changed. Now, a motion to receive was necessary, which was immediately followed by a motion to lay that motion on the table. Now, said Mr. P. to the plain common sense of the people of the State he represented, this proceeding was nothing more or less than a refusal to receive the petitions. It was this infringement of a constitutional right which had done much to agitate the public mind. Many who had signed petitions were influenced mainly by that consideration. Their purpose was to assert and maintain the right to petition, and they would persist in sending petitions here until that right was fully recognised, by treating the petitions with the same respect as petitions on other subjects are treated.

Mr. NILES remarked that he had no wish to prolong this debate, or to participate in it. His only object was to put himself right, and explain the reasons which would influence his vote. He considered that the Senate had, during the last regular session, by inattention, fallen into a course of disposing of these petitions inconsistent with their deliberate decision made two years ago, after long debate. At that time, a petition praying for the abolition of slavery in this District was presented by the Senator from Pennsylvania, (Mr. Buchanan,) and the Senator from South Carolina (Mr. Calhoun) objected to its being received, and moved that it be not received. This motion was debated for several weeks, and finally decided against the motion, or, that the petition be received, by a very large majority. It was then moved that the prayer of the petition be rejected, which prevailed also by a large majority. Whilst this motion was pending, and the discussion going on, other similar petitions were offered, and the like motion made, that they be not received; and it was then moved that that motion be laid on the table which was adopted. But this was not considered as a final disposition of the petitions, but only a temporary disposition of them, until the question under debate was decided. These petitions, however, were not afterwards called up. This temporary disposition of this class of petitions two years ago, seems to have led to a similar course the last session as a final disposal of them.

Mr. N. said he did not last session vote to lay the motion to receive a petition on the table, as a final disposition of the petition, as he considered it equivalent to a vote to refuse to receive the petition. He regarded it as only an indirect way of excluding petitions. A petition cannot be received when objected to, without the consent of the Senate. A motion is made to obtain such consent, and that motion is indefinitely postponed, or, what is equivalent, is laid on the table, with the understanding that it is not to be taken up again. Of course, the petition is not received; it cannot be received without the consent of the body, and that consent is not given, but is virtually refused.

He could not give his sanction to a proceeding of this kind, which seemed to him to be in direct violation of the solemn and deliberate decision of the Senate two years ago. He had no objections to such a disposition of these petitions as was made two years since; to receive them, and then reject the prayer, or lay the petitions on the table. Still, in his opinion, a different course would be preferable. We all have the same object; we only differ as to the means of attaining it. We all desire to allay the excitement on this subject, to quiet and tranquillize the public mind, and to stop a course of proceedings which can do no good, and tend to much mischief. In answer to the inquiry which had been made as to the state of public opinion on the abolition question at the North, he was sorry to say that the spirit of abolition appeared to be extending. He did not think it was increasing much in his own State, but thought it was spreading in many of the eastern States. In a recent election in a neighboring State, the candidate for the Chief Executive office of one party, and the prevailing one, was understood to be an abolitionist; and this seems to have been regarded as so far a recommendation that the candidate of the other party was induced to publicly declare that he was in favor of abolishing slavery in this District. From these facts, he inferred that abolition opinions of some sort prevailed very extensively in the State referred to. If he was incorrect, the gentleman from Massachusetts could set him right. The course pursued the last two years in regard to abolition petitions, does not appear to have checked that spirit; but from that, or some cause, it has increased; and he believed it would be wiser to refer these petitions, and obtain a sound, candid, but strong report, setting forth the reasons against abolishing slavery in this District. Are we to presume that the people will not be influenced by facts, by reasons and arguments? We are a thinking and a reasoning people; and all our institutions and all our rights rest on public opinion. He did not despair that even this delicate and difficult question might be settled and put at rest, before the great tribunal of public opinion.

Mr. STRANGE expressed his regret that this discussion had arisen: he regretted, also, to hear it asserted that the abolition principle had extended itself; but he thought that that circumstance was no sufficient reason for receiving the petitions in question. It might be, as it had been asserted, that those who were not fanatics favored those principles, but for his part he maintained that the whole of the agitation proceeded from the mere spirit of fanaticism. As to the constitutional right alleged to exist, it had not fallen under his observation, upon a close examination of the Constitution. [Mr. S. here cited the constitutional provision, "Congress shall pass no law," &c.]

This part of the Constitution (Mr. S. maintained) was not at all violated by the disposition made of these petitions. Congress was left free as to all petitions when presented. It had an undoubted right to exercise its discretion upon the merits of all petitions. It would be merely farcical to receive the petitions, or to inquire whether their prayer should be granted; for there did not exist a single individual in Congress who was prepared to grant the prayer of these petitioners. No benefit, therefore, whatever could result; whereas, great evils would flow from the agitation of the question consequent upon their reception. A great proportion of Southern people are excited dangerously and fatally; thoughts are raised which otherwise would never be entertained in the South. With these views, he should renew the motion to lay upon the table.

Several Senators intimating a desire to speak,

Mr. STRANGE withdrew his motion for the present.

Mr. DAVIS took this occasion to repeat an observation made by him two years ago, viz: "if you wish to make abolitionists, then only continue to pursue the course you have hitherto pursued." No course, in his opinion, could be more surely calculated to increase the excitement already existing than the rejection of these petitions. How the practice of laying these petitions on the table on the objections of any member, had crept into the Senate, he (Mr. D.) could not conceive. To him it, however, was the same thing, whether these petitions were laid on the table or whether they were merely received, and then rejected: it was in either way tantamount to a total rejection: it was an infraction of the sacred right of petition. He (Mr. D.) did not doubt that this attack on the right of petition had multiplied greatly the number of petitioners. To call them all fanatics was most unjust; they were irritated on to petition by the violation of their rights of petitioning. Before war was made by Congress on the right of petitioning, this excitement was not in existence; it had been raised and created by the opposition, by the resistance, and by the particular and invidious discrimination made with respect to these petitions. So long as petitioners were treated respectfully, no excitement had prevailed. Change, therefore, your course, said Mr. D. treat the petitioners as other petitioners, receive their petitions, and the excitement will be allayed.

As to the merits of this matter, no doubt southern gentlemen have come to their conclusions that the petitioners have no right to come here, in a manner satisfactory to themselves; but if this be true, he would ask, would it not be most expedient to meet them *in limine*, at once, and say that they have no right, or else to give their prayer due consideration, and give at least some reasons, if there exist any, against the right which they claim? They believe that Congress has the power and control over this subject in this District; and, if it be so, where is the impropriety in their coming here? Be their opinion right or wrong, it is their opinion and belief that Congress has the right and the power and the duty of controlling this matter in this District.

Their prayer is reasonable, temperate, and just; it is two-fold, 1st, abolish slavery in this District, or, if not, pass at least laws to regulate in a better manner the slave trade in this District. They disavow the intention of interfering with slavery in any of the States. Such a principle is deliberately avowed in the resolutions of most, if not all, the Abolition Societies in the North. They have no purpose of interfering with the rights of the South. The documents they have published to the world would prove this. If their proceedings agitate the minds of Southern gentlemen, that is their own fault; it is because they choose rather to interfere with the Abolition Societies, and not that the Abolition Societies interfere with them. But let us grant even that the Constitution is totally silent as to the right of petition, yet who is there can doubt the right. It is a solecism in terms; it would be absurd to suppose that the petitioners have not a right to come before the Government and demand their rights. Government is the servant of the people, and it is its business to attend to the prayers and demands of the people, its masters.

No case can be supposed to justify the rejection of the right of petitioning. If men petition for only two Senators, as the Senator from Virginia (Mr. Rives) has supposed a case, why, let them do so. The right is not to be put down on supposed cases of abusing it. The member from South Carolina (Mr. Calhoun) says, will you deliberate where your mind is made up? He (Mr. Davis) would immediately answer "yes!" It is due to the country to meet this subject with deliberation, and to send forth the reasons of our rejection of the prayer of two-thirds of the population. But how can you do this, if you refuse to deliberate at all upon the subject? The course Congress had hitherto pursued had created alarm and augmented excitement.

Mr. KING said that some sessions past, he had advocated the reception of petitions of this description: he would concisely state his reasons for having then been in favor of such a course. He considered them as coming from a miserable set of fanatics and deluded females, who were too contemptible to excite apprehension. He was unwilling to give them weight, by adding to their number those who might honestly believe the right of petition had been denied. For many years petitions of this character were received without

comment, referred to a committee, and no further notice taken of them. They slumbered until the close of the session, and the committee was then discharged from the further consideration of them. Mr. K. regretted most sincerely that this unfortunate question, so intimately connected with the permanency of this Union, was pressed by gentlemen upon the consideration of the Senate. They urge their reception: for what purpose? For none other under Heaven, that he could perceive, than to produce excitement; to irritate and inflame the public mind. So long as it was confined to deluded females and fanatics, it was of little import; but now it has entered into the politics of the country. Mr. K. had recently seen interrogatories addressed to persons, candidates for high offices, to learn how far they were prepared to sustain those who were industriously laboring to destroy the rights of the South; and he could not express his astonishment when he found such men degrading themselves by condescending to give an answer. Yes, said Mr. K. it has entered into the politics of the country: unprincipled aspirants have seized on it, and it has, from that cause alone, become alarming. Mr. K. feared not the great mass of the people, even in New England: they were sound to the core. Not so with the politicians: they were sinning against light and knowledge. They desired, and should receive, the stern rebuke of this body; and their efforts to elevate themselves at the expense of the Union should be promptly put down. He would not receive or give any countenance to these incendiary p titions.

Mr. DAVIS, in explanation, said he would not suffer himself to be excited by any observations made in reference to himself. He gave way to no one in a desire of maintaining harmony; and his remarks were not made, as imputed to him, in the view of creating discord. He wished the member from Alabama (Mr. King) was better informed of the great respectability of the petitioners; if he (Mr. K.) could but know the real state of things in the North, he would not speak so contemptuously of the petitioners. As to politicians, Mr. D. maintained that until the question came on *here*, no politics were mixed up with the subject in any way whatever. It was a question of conscience, of morals, of propriety; men of all parties concurred in these petitions; there was no intermixture of interested politicians, as the gentleman had presumed.

Mr. HUBBARD remarked that he was not aware that any petition for the abolition of slavery in the District of Columbia had ever originated in that part of New Hampshire where he resided. He was certain that since he had been a member of the Senate he had not been called upon to present to the Senate any such memorial. And, since he had been a member of Congress, very few petitions in relation to this subject had been forwarded to him from any section of the State he had the honor, in part to represent. If such memorials had come hither from New Hampshire, they must have been committed to the care of others. He was assured that the prevailing sentiment with the people of his own State was, *to let this whole matter alone; that it was a subject with which they had no concern; that it was their bounden duty, as good and peaceable citizens, not to interfere with the rights of others;* that they regarded the question of slavery as a sectional, *a local question;* and however much they might regret its existence in any portion of this Union, yet they well knew that its existence was sanctioned by the Constitution of the land; and with the continuation of its existence in those parts of the Confederacy, they ought not, and they could not, with propriety, make any interference, unsolicited and unasked by those whose interests were affected by it. These were the sentiments of his own State; they certainly were, to a great extent, the opinions of the people of New Hampshire. He was perfectly aware that this was an exciting subject; a subject which addressed itself to the passions, the prejudices, the feelings of the community, and, he was sorry to add, it was assuming, as far as he understood its course, a political character, he would not say exclusively so, but it would not be denied that a great proportion, a decided majority, of those who professed to be abolitionists, were among the opponents of the present Administration. This, most assuredly, was the fact within the limits of his own State. He had said, with much truth, that this was an exciting subject, and nothing could tend more effectually to keep alive the excitement than this and similar discussions in either House of Congress. The public mind should be unagitated, undisturbed, by any debate on this subject within this hall. If the Senate should pursue steadily such a course, in his judgment, quiet and tranquillity would inevitably be the result. The Senators from Vermont and Massachusetts have both said that the course pursued by the Senate for the last two years with reference to these memorials, had tended greatly to augment the number and the zeal of the abolitionists. It may be so. He was not aware, however, of any increased engagedness upon this subject within the limits of his own State. He could not say to what extent the excitement existed on the other side of the Connecticut, within the limits of Vermont, and he was equally ignorant as to the true state of abolitionism within the Commonwealth of Massachusetts. For himself, he felt a pride and a pleasure in repeating that the feeling of New Hampshire was to let this subject alone. He had, on a former occasion, very fully expressed his views in relation to this matter. That occasion must be fresh in the recollection of the Senate. It was on the presentation of a certain memorial by the gentleman from Pennsylvania, from the Society of Friends, praying for the abolition of slavery and the slave trade within the District of Columbia. The subject was long before the Senate; it was much debated; one of the questions involved in that debate was the right of the people to petition Congress for the redress of grievances, and the duty of Congress to receive and dispose of their memorials. Another question involved in that debate was, what ought to be done with memorials and petitions for the abolition of slavery? How should these be disposed of? These questions were fully discussed and debated by many of the members of the Senate.

He then advocated the right of petition. He then maintained that the right was sacred and absolute in the constituent—that the very Constitution of our free and representative Government presupposed the existence of such a right in the people. That it was the duty of Congress to receive all proper memorials and petitions presented in respectful language. And he also, on that occasion, contended that it would be manifestly unjust to interfere with the question of slavery in this District, unasked and unsolicited by the inhabitants of this District. Since that time, the Legislature of his native State had had the subject of slavery generally, and particularly slavery as it exists in this District, under their consideration. It was referred to a select committee, and that committee had made a full report, and had recommended the adoption of certain resolutions. The report and the resolutions of the Legislature of New Hampshire were before him, and he was happy in adding that they fully sustained him in the course he had previously pursued. Before he adverted to those resolutions, he would say a word or two upon the subject now immediately claiming the consideration of the Senate. The question proposed now does not, as he regarded it, at all interfere with the right of petition. It does not deny that right; and, so far from taking any such course, the Senate had, on another occasion, by its express vote, asserted that right. The Senator from Kentucky himself advocated the propriety of receiving this particular petition for the avowed purpose of reference; for the express object of drawing from the Committee for the District of Columbia an argument against the prayer of the memorialists. He has not said that a vote in favor of the proposition of the Senator from Tennessee would in effect take from the memorialists the right of petition. But his wish seemed to be to get a report, an argument against the object of this memorial. When the petition presented by the Senator from Pennsylvania was under consideration, it was ordered to be received by the vote of the Senate, and the prayer of the same memorial was, on the motion of the same Senator, rejected by a vote of 34 to 6. The Senate received the memorial, it is true, and instantly voted to reject it. His friend from Connecticut (Mr. Niles) voted with him on that occasion, and he was well satisfied that that gentleman was as much opposed to the prayer of these memorialists as any member of this Senate.

He could not be ignorant of the views of that Senator. He voted to receive the petition, and he also voted at the same time to reject the prayer of the petition. For the last twenty years, in both Houses of Congress, the course pursued has been a very decided indication that the abolition of slavery in this District, as petitioned for by this class of memorialists, ought not to receive favorable consideration. In both Houses these petitions had been committed to the Committee for the District of Columbia. They had quietly remained with that committee till near the close of the session, when the committee had asked to be discharged from their further consideration. These memorials had in many instances been received and ordered to lie on the table. In only one instance, according to his recollection, within the last twenty years, had these memorials elicited from either House of Congress a special report; and *that able report* had been sent forth to the American people very recently. But it had produced no effect upon the abolitionists. Within the last two sessions, the course of the Senate has uniformly been, on the presentation of these memorials, to check discussion upon them at once. A motion has been made, or what was equivalent thereto, that the memorials be not received, and instantly some Senator moves to lay that motion on the table The effect of this proceeding is to cut off debate and that is the whole effect of it. If the motion be adopted, the memorial is necessarily received, and goes upon the files of the Senate.

The Senator from Connecticut objects to this course because he says it impairs the right of petition. He says he would receive and then vote to lay them on the table, or he would receive and vote as he has heretofore done to reject the prayer. The course now proposed was in his judgment no denial of the right of petition, nor was it any infringement of that right. It was merely saying what the Senate had repeatedly said, and what the other House of Congress had repeatedly said, that this subject, presented to their consideration as it was, ought not to receive the favorable action of the Senate. It was merely saying *at this time, under existing circumstances*, the Senate deem it inexpedient to act upon these memorials. This is all that can fairly be inferred from the vote to lay the motion of reception on the table. And in his judgment it was no more disrespectful to the memorialists than the course which was formerly adopted, viz: to receive and to lay on the table—to receive and reject the prayer; and from the view which he had taken upon this subject, he was unable to see the force of the objections urged by his friend from Connecticut. The adoption of the motion proposed by the Senator from Tennessee, cannot, in his view, be considered as equivalent to a vote against the reception of the memorial. As he had observed, if the proposed motion is adopted, the memorial is received and placed on the files of the Senate. The whole effect of this motion is, then, to preclude debate; that the Senate deem it inexpedient at this time to legislate on this subject; to lay the whole matter upon the table; to do precisely in effect what the Senate has invariably done with this class of memorials—*to refuse to comply with or to yield to the wishes of the memorialists.* He would now, in conclusion, ask leave to read the following resolutions which were adopted by the Legislature of his own State at their session in January, 1837:

"*Be it resolved by the Senate and House of Representatives in General Court convened*, That we recognise the constitutional right of the several States of the Union to exercise exclusive jurisdiction within their own limits, on the subject of domestic slavery.

"*Be it further resolved*, That Congress cannot, without a violation of public faith, abolish slavery in the District of Columbia, unless upon the request of the citizens of that District, and of the States by whom that territory was ceded to the General Government.

"*Be it further resolved*, That as the Union of the

States can only be maintained by abstaining from all interference with the laws, domestic policy, and peculiar interests of every other State, the conduct of those who would coerce our fellow-citizens in other States into abolition of slavery, by inflammatory appeals addressed to the fears of the masters and the passions of the slaves, is in the highest degree censurable, as tending to alienate one portion of our countrymen from another, and to introduce discord into our sister States, and as a violation of that spirit of compromise in which the Constitution was framed, and a due observance of which is necessary to the safety of the Union."

The first resolution was adopted with great unanimity, and the second by a vote of *one hundred and twenty-four* to *twenty-one*. And he verily believed that the result of the vote upon those resolutions was a fair index of popular opinion in that State as to the power of Congress over the subject of slavery generally, and particularly upon the subject of slavery in the District of Columbia. According to the sentiment of New Hampshire, it would be a violation of the public faith to abolish slavery in the District of Columbia, unless upon the request of the citizens of this District, and of the States by whom this District was ceded to the General Government. He fully concurred in this opinion, and until there shall be such a request from this District, and from the States of Virginia and Maryland, communicated to Congress, any action upon the subject of abolishing slavery in this District would be founded in manifest injustice.

Mr. NILES, in explanation of his former remarks, said he did not approve of crooked courses. The gentleman from New Hampshire (Mr. Hubbard) says that the petition is before us if we lay it on the table, and that so far, it is received; and yet he says that, by laying it on the table, the petition is rejected. He (Mr. N.) could not reconcile this contradiction. He wished the petition to be received; and he would like to have a good and wholesome report from a committee of the Senate made upon it.

Mr. RIVES replied to the argument, that receiving the petition, and having a report made, would quiet the excitement. Not so: this had been already done two years ago. Then, in the other House, a select committee, composed chiefly of northern men, had presented an elaborate report, and this had been so far from allaying the excitement, that now gentlemen come forward and tell us that the excitement is increased; therefore, it would be perfectly nugatory to go round the same circle again. To him (Mr. R.) it appeared that the most pacificatory course to be pursued was to act as hitherto, and to lay the motion to receive upon the table. This course he had recommended on a former occasion; and he still adhered to that opinion. Mr. R. repelled the idea that this course involved a violation of the right of petitioning. It appeared to him that the petitioners would never be satisfied until they got a report in their favor. He should, therefore, move again to lay on the table, in hopes of silencing for ever this ceaseless clamor.

Mr. PRESTON wished to say a single word. Once, perhaps, there was a time when these petitions might have been received; now, however, he thought the time had passed by; it was no longer safe to receive them. It is stated that the excitement has increased. Though the doors of Congress had been thrown open, and they had been heard, yet the fire is spread wider, and is spreading wider and wider. Why so? It is said because the right of petitioning is violated; were it not for this, we are told that the excitement would have died away. But this assertion is in face of the fact that the right of petition was given and secured to the petitioners. We, the South, said at the time that the concession would lead to more concessions, and so it has proved; the fire is not put out, but is kindled worse and worse. We went as far as we could go, for the sake of peace; we gave an amnesty, we received their petitions, and they are not satisfied. Now we say "*nulla vestigia retrorsum*," we must now go a step further, instead of going backward, and do now, as ought to have been done then, namely, shut altogether the doors of Congress against them. Has the South no sensibilities and prejudices to be considered? Has the North only prejudices, and feelings, and conscience, to be taken into consideration, and have we none? If you consider their views, will you not rouse us? Will you not interfere with them, for fear of irritating them; and shall no such regard be paid to us?

But the period for argument with these people is past. They demand you to adopt their principles and policy. The discussion of these matters was not agreeable to him, (Mr. P.) He thought that if Congress does not protect the South, it will be obliged to protect itself. What the South wants is peace; let not this question be let in to light up the torch of discord. Mr. P. said he should not resort to discussion, but to measures, to acts, for the protection of the South. The South must be protected, and he was disposed to do it quietly if possible; but, if not, he would say, with great emphasis, "we will protect ourselves."

Mr. CUTHBERT said, as the subject had been considerably discussed, he should confine himself to the remarks which had fallen from several Senators; and he would confidently ask, whether in the history of great affairs, involving the fate or the welfare of nations, it had not been found as highly, nay, much more important, to adhere to one course, than to change it even for a better. Mr. C. thought it peculiarly so on this subject. The Senate had been calmed in this case, by the uniformity of their course, whether it was the best or not. It was no forced conclusion, but the dictate of common sense, that perseverance in the same course would quiet the country.

But there was another point, on which Mr. C. would touch with perfect calmness. Mr. C. would not now speak of his regard to the Union; the attachment of gentlemen to the Union had been fully illustrated. But what were they now told? That a certain mode of maintaining the rights of the South would overturn those rights; that a mere error, in point of order, was to destroy the rights of the South. Was this language to be held, that Southern rights rested on so frail a basis that the slightest error would overturn them? For the Union Mr. C. was not so much alarmed as others; there was a disease in the body politic, which would have its course; but the virus would work out in time. This disease had been imported from Europe, and especially from England. Mr. C. said he was astonished at the remarks of a gentleman of so sound sense and extensive information as the Senator from Massachusetts, (Mr. Davis.)

Mr. PIERCE concurred fully with the Senator from South Carolina, (Mr. Preston,) in the opinion that no valuable end was to be attained by discussion here upon this deeply agitating subject, and he did not rise to participate in the debate, which had sprung up, as he believed, most unexpectedly to every member of the Senate. He rose merely to express the hope that the motion to lay the question of reception on the table might not be renewed. He was in favor of the reception, and that question he desired to meet distinctly, and unembarrassed by any other motion.

When petitions of this character should be received, he would be prepared to act upon them without delay: to reject the prayer of the petitions, to lay them upon the table, or give them any other direction that might be thought best calculated to silence the agitators, and tranquillize the public mind. As a member of the select committee of the other House, of which Mr. PINCKNEY of South Carolina was chairman, he had fully concurred in the sentiments of the report presented by that gentleman at the first session of the twenty-fourth Congress; and further examination and reflection had only served to confirm him in the opinions which he at that time entertained; but mad and fanatical as he regarded the schemes of the abolitionists, and deeply as he deplored the consequences of their course upon all sections of the Union, he could give no vote that might be construed into a denial of the right of petition, and thus enable them to change their position, and make up a false issue before the country.

Mr. CLAY said he would concur with the Senator from Georgia, if the Senate, by persisting in their past course, could produce the same calmness in the country which it had done among themselves. But it was much more important that the country should be quiet than the Senate. Mr. C. had asked whether the excitement had been increased, and by what causes; with the view to ascertain if any thing could be done by the Senate to allay the excitement, and render the people quiet and happy. The reply was, that the excitement was extending, and chiefly by the impression that the great republican right of petition had been assailed, which the petitioners chose to assert, by acting with those with whom they really had no sympathy. Mr. C. preferred that the two classes of petitioners should be separated, to deprive the abolitionists of the advantage of mixing their peculiar objects with other matters.

The petitions, Mr. C. said, were first to be received; but was this all? Was not this understood to imply deliberation on the question? The cold, simple act of reception, followed by an instant rejection, amounted to not receiving, and must give color to the charge that it is a substantial denial of the right of petition. It had been said that this was not a case for argument. Not a case for argument! What was it that lay at the very bottom of all our free institutions? Argument, inquiry, reasoning, consideration, deliberation. We were a reasoning people, and it was our greatest boast that we possessed reasoning powers capable of comprehending the various subjects relating to a free Government. Mr. C. thought the best course was to receive these petitions, and refer them to the Committe for the District, to act on them as they pleased; and if the country should not then be quiet, let them make a report, embodying with the argument the various facts relating to the subject, several of which Mr. C. enumerated. The consequence of this would be, that those who were described as fanatics would be separated from those who believed that the right of petition had been assailed. The Senator from Virginia (Mr. RIVES) had stated that this course had been taken in the other House. But let it be taken by both Houses of Congress.

Mr. GRUNDY expressed his regret at the views of the Senator from Kentucky. For two years past the Senate had pursued the course of laying the questions relating to these petitions on the table. During that time there had been little or no discussion in that body; and it was the discussion in Congress that was doing more mischief on the subject than any thing else. If the coming in of the petitions was to be prevented, how could it be done? By preserving silence upon them. Every time the petitioners observed discussion in Congress, they were encouraged to proceed; but if the Senate persisted in the course to which they had sometime adhered, their hopes would be cut off. But if this course were now abandoned, they would say that the Senate had been driven to change their ground, and they would consider it as a gain on their part. And could an abler report be made on the subject by any committee than that by the select committee of which Mr. Pinckney was chairman? And had that produced any effect? Gentlemen said no: the excitement was increasing. And could the Senate produce any effect by a report? No: it would give the petitioners hope that they would finally prevail. Mr. G. would vote to receive the petitions, because he questioned whether a contrary vote might not abridge the right of petition. But he hoped that for the sake of teaching these people that this subject must not be interfered with, they would be laid on the table.

Mr. CALHOUN said he believed that the course proposed by Mr. Clay was calculated the most of all to produce an excitement. If a single step was yielded, the fanatical spirit would be reanimated with new excitement; and those, therefore, who so yielded, incurred a fearful responsibility. Mr. C. despaired, as far as the Northern part of the country was concerned, on the question of abolition. It was interwoven with the political condition of the North, in the nature and state of parties; and it would run, and must run, into their struggles for State ascendancy. It was impossible to prevent its having a control over the political parties of the North. The great mass of Northern people believed that this Southern institution was radically wrong. The result would be this: that abolition efforts would begin with the lowest grades of so-

ciety, and by gross misrepresentations, but it would go upward and spread; and Mr. C. told a distinguished Senator four years ago, while discussing another subject, that the spirit of abolition would spring up in the North, and however much he, and others like him, were opposed to the doctrine, it would one day spread so as to drive him from public life, or compel him to yield to its dictates.

The Senator from Kentucky had insisted that receiving petitions implied considering, discussing, deciding upon them. But in what situation would all this put the Southern States? It would convert the halls of Congress into places for the discussion of abolition. Mr. C. did not ask how the North would be affected; his object was to keep the South united on this subject, with a susceptibility always alive. They must first preserve themselves, for this was a question involving the very existence of the whole South. Their next object was to preserve the Union; and there was no other course for them to do this but by a united and firm resistance to these encroachments; and the earlier the better, for the country was sounder to-day than it would be to-morrow, and delay would leave it to proceed from worse to worse.

Mr. C. expressed these sentiments on no sectional ground; he would prevent, by what he had suggested, the destruction of the Union. The measure proposed by Mr. CLAY, he thought, would fail of its object, and he considered the reverse mode the best.

Mr. CLAY said he looked to the whole Union, and not to any one part or section more than another. But he had no such despondencies as the Senator from South Carolina, as to the effects of the slave, or any other conceivable question, on the Union. He had no fears for the Union; but he had a desire to tranquillize every part, and give no just cause of complaint to any portion. The question was not the same as to slavery in the District and slavery in the States. But what question was that in human affairs, so weak or so strong, that it could not be approached by argument and reason? This country would, in every emergency, appeal to its enlightened judgment, and its spirit of union and harmony, and the appeal would not be unsuccessful. Mr. C. remembered that, when the public mind was sick with discussions on the late war, he had said to an illustrious man, now no more, We must stop this everlasting discussion, this endless diplomacy; let us go to work, and appeal to the valor of our countrymen to sustain us; no other alternative is left us. But he replied, in his calm and dignified way—Mr. CLAY, recollect our institutions rest on public opinion, on reasoning and argument.

Mr. CLAY had no fear for the Union; and if the Senator from South Carolina would propose a joint resolution of the two Houses, that the man who expressed a doubt in regard to its stability should be immediately called to order and stopped, it would obtain Mr. C's hearty concurrence. The Union would last, he hoped, for ever. Mr. C's object was merely to preserve the Union in its true spirit; and separate fanaticism from those who were capable of listening to reason. There would be no loss of ground by arguing; and that cause was a bad one which did not admit of reasoning upon it.

But there was another recommendation to the course which Mr. C. proposed; it would satisfy their own consciences.

Let us show our reasons, (said Mr. C.,) and then, if we fail, we shall at least have acquitted ourselves of our duty. The best course was that pursued by the Government down to two years ago, in which these petitions were often sent to the District Committee, and there allowed to sleep; or, as was sometimes done, followed by reports. Let such reports now go the North; Mr. C. knew sentiments in favor of the Union were not less ardently felt there than elsewhere.

Mr. CALHOUN said there were cases in which reasoning and argument were both absurd and cowardly. If a man should call him a rogue, should he stop to argue the point? There were things which were to be met not with reasoning, but with instant indignation. Suppose a petition were sent here to burn the manufactories of the North, would the Senator stop to reason about such a petition? Or that the property of the rich should be given to the poor; would he reason about that?

The petitions proposed abolition in the District of Columbia; but on what ground? That Congress were bound to receive petitions in all cases, to discuss and decide upon them. But if they were bound to do so in regard to the District, Mr. C. would ask the Senator if the same rule would not hold in reference to the States. Were they bound to receive petitions for abolition in the States? [Mr. C. waited for a reply.] If not, he resumed, then the right did not exist at all. The universal sentiment with the abolitionists was, that abolition in the District was the first step to abolition in the States. Every abolitionist would say so. The first step would be in the District; the next would be to destroy the trade between the States, making the slaves serfs to the soil; and then an attempt would be made to abolish slavery in the States. What, then, would be the situation of the South? Congress would then discuss their right to property guarantied to them by the Constitution; and the Southern man who would permit it thus to be drawn into discussion; sacrificed the rights of the South. Mr. C. was in favor of the Union as much as others; but unlike the Senator from Kentucky, he was not in favor of silence when he saw danger approaching. To discern and to announce it was the best way to avoid it. The North were not well informed on this subject.

Mr. CLAY remarked, in reply, that the Senator had put extreme cases. He might just as well have supposed the abolition of the christian religion, as the abolition of slavery out of the District. But did he not see that his argument went against receiving all petitions, as much as Mr. CLAY's was in favor of receiving all without distinction? The power of Congress to abolish slavery in the District was believed to exist, and Congress had determined, by their action, that it was right to receive petitions on the subject. Was that to be confounded with a case where Congress had certainly no power?

Mr. C. regretted that they could not agree. His object was to discover a healing measure; and he thought his course the truest one.

Mr. CUTHBERT replied to the argument of Mr. CLAY, that it would be the simplest method to allay this excitement, by receiving the petitions and giving them consideration, and maintained that that argument was to be deprecated, for it would cause debate, and raise up a fury of discussion. Argument (said Mr. C.) teaches what it ought to put an end to; it foments what it is intended to allay. He solemnly appealed to the Senator from Kentucky to maintain his character of peacemaker. In former situations he (Mr. Clay) had been obliged to relent the severity of his principles, and to compromise with the South. Having first been a grand disturber in his manufacturing zeal, he had been forced to become a grand pacificator; he begged him (Mr. Clay) not to depart now from the principle of pacification.

Mr. WALL having introduced the memorial, would say a few words on the subject before the question to lay on the table was put. Mr. W. then proceeded to vindicate the character of the petitioners. They were not, he observed, fanatics; they were reasonable, sensible and temperate men; and though he (Mr. W.) did not agree with them, and though he was ready to say that the prayer of the petition ought to be rejected, yet he was not prepared, as the gentleman from South Carolina, (Mr. Calhoun,) to say that his constituents should come to the door, and that then it should be shut in their faces. The right of petition belonged to the people, and the duty of consideration and respectful attention to all the petitions of all citizens of every kind belonged to Congress, as a portion of the Governmen; to the people belonged the right, and to the Government appertained the duty of considering and attending to that right. The right of petition would interfere with no other rights. The South was not rendered insecure in its rights, by granting to the North the enjoyment of its common and natural rights. Mr. W. insisted that resort should be had to reason and to argument, instead of putting down the right of petition by violence and contempt. If the South seeks to stop the mouths of the North, and prevent petitions from being heard, by so doing they raise a force and arouse an energy which cannot be put down. The right of petitioning is a very different thing from the abolition question, and it is this right which is now at issue.

Mr. W. entreated the gentleman from the South not to complicate this question, so important to hem, by bringing on to the other side the question of the right of petition; by changing the issue, and setting themselves in opposition to the most sacred rights of the people.

He (Mr. W.) had no desire to touch one hair of the rights of the South; the petitioners felt the same; but they thought Congress could and ought to interfere on the question of the slave trade in the District of Columbia.

This was a question which admitted of argument, and ought to receive calm consideration. He differed with them on the question, but could not see how they could be debarred of the right of being heard by their servants and representatives, sent here expressly to do justice to all, and to maintain, not to put down, the rights of the people.

Mr. BUCHANAN said, he did not rise for the purpose of entering upon a general discussion of this question. He thought it had already been amply discussed on former occasions, and that a further discussion of it at this time was to be deprecated. The subject was now fully understood by the people. He thought the debate which had taken place this day in the Senate would do much injury, and tend to revive the irritation and excitement throughout the country, which this question was so well calculated to produce.

During the session of 1835–6, he had presented a petition from a portion of the Society of Friends, requesting Congress to abolish slavery in the District of Columbia. And here, in justice to that respectable society, he must observe, that so far as he was acquainted with them in his own neighborhood, although they were decidedly opposed to slavery in the abstract, they were not abolitionists as that term was now generally understood. The Senator from South Carolina, (Mr. Calhoun,) had then objected to the reception of this petition. Upon the question, "Shall the petition be received," the constitutional right of petition was distinctly raised. After a long, powerful, and interesting debate, in which he (Mr. B.) had exerted his best efforts to sustain this right, the petition was received by the Senate, by a vote of 36 to 10. The constitutional right of petition was thus solemnly recognised by the Senate.

After this petition had thus been received by the Senate, he (Mr. B.) had made a motion to reject the prayer of the petition. This opened a discussion upon the question, Shall slavery be abolished in the District of Columbia or not? After a long debate, it was decided in the negative: only six Senators voting against his motion.

Now it has been said that this course of proceeding had interferred with the right of petition; but with what justice? Had not these petitions been received by a solemn vote of the Senate; and had not their prayer been deliberately considered, discussed, and rejected? The right of petition had been as clearly maintained, and the subject had been as distinctly brought before the Senate, as if the petitions had been referred to a committee. In the first place, the petitions had been received; and then the Senate had decided that slavery ought not to be abolished in the District of Columbia, and that their prayer ought to be rejected.

After these solemn proceedings had taken place, were the Senate bound, whenever a new petition of a similar character was presented, again and again, on each succeeding day, to discuss and decide the right of petition?

This course would have exasperated the feelings of the people, interfered with the transaction of the business of the country, and must have resulted as it had resulted before. In this situation, the course was adopted, in the session of 1836–7, of moving to lay the question of the reception of these petitions upon the table. This was the only mode of avoiding everlasting debate. It left the former decision in favor of the right of petition in full force, and

merely decided that we would not then again discuss and decide that question. This motion decided nothing whatever but that we would defer the decision of the question to a more convenient season, and would not suffer it to interfere with the transaction of the current daily business of the Senate. The motion to lay upon the table decides nothing but that the subject shall lie upon the table for that day, subject to be again called up for consideration at any future day. The motion prevailed by a majority of 31 to 15; and this has been the course ever since pursued by the Senate.

Upon reflection, (Mr. B. said,) he never had been better satisfied with the course which he had pursued on any question than that now before the Senate. He should now purposely avoid saying any thing more upon the subject. Let us enter at this moment upon a discussion of this question, and the debate will continue for weeks, and will light up a flame over the whole country. We have already solemnly discussed and decided the question. Let us now adhere to that decision firmly. He should not have risen to say a word, had it not been asserted that to vote to lay the motion of reception upon the table was inconsistent with the right of petition, a right which he had always asserted and should ever maintain.

Mr. HUBBARD here renewed the motion to lay the motion to receive the petitions on the table; which motion was decided in the affirmative, as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Norvell, Preston, Rives, Roan, Robinson, Sevier, Strange, Walker, White, and Young—25.

NAYS—Messrs Allen, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Morris, Niles, Pierce, Prentiss, Robbins, Ruggles, Smith of Connecticut, Smith of Indiana, Swift, Tallmadge, Tipton, Wall, and Williams—20.

Mr. GRUNDY presented the memorial of L. D. Teakle, of Maryland, presenting a plan of national currency: referred to the Committee on Finance, and ordered to be printed.

Agreeably to notice, Mr. SEVIER introduced a bill to ratify and confirm certain acts of John Pope, late Governor of Arkansas: read twice, and referred to the Committee on Private Land Claims.

Mr. FULTON introduced a bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians.

Mr. KING presented the petition of Wm. Slacum; which was ordered to be printed.

Several other petitions were presented; and

The Senate adjourned.

IN SENATE,

TUESDAY, December 19, 1837.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, which was laid on the table, and ordered to be printed.

Also a message from the President of the United States, in obedience to a resolution of the 12th of October last in relation to the treaty with the Choctaw Indians, and the expenses incurred in relation to the same.

On motion of Mr. WHITE, ordered to lie on the table, and be printed.

Numerous private petitions were presented by Messrs. McKEAN, CLAY of Alabama, NORVELL, RIVES, and others, and others removed from files, and again referred to appropriate committees.

Mr. LINN presented a memorial from two companies of Missouri volunteers, commanded by Capt. David R. Atchison and Smith Crawford, claiming pay, &c.: referred to the Committee on Naval Affairs. Also, memorial from the Legislature of Missouri, for a port of entry at the town of Independence, in that State, and for drawback of duties on goods re-exported to Mexico; also for the establishment of a land office at the town of Liberty, in Missouri: referred to Committee on Commerce. Also a memorial from the trustees of the Wisconsin University, praying the donation of a tract of land: referred to the Committee on the Public Lands. Also a memorial from the heirs of De Villemont, praying confirmation of their claim to a tract of land: referred to the Committee on Private Land Claims. Also, a memorial from Humphrey Marshall, stating that the payment of his pension had been suspended until a certain sum of money received by him should be refunded, praying that the said pension be released: referred to the Committee on Pensions. Also, a petition from Jos. Placy, for payment of claims for advances made to Gen. Geo. Rogers Clark in his campaign against the Indians during the Revolutionary war: referred to the Committee on the Judiciary.

Mr. SWIFT presented a memorial and certain resolutions from the Legislature of Vermont, in relation to Texas and slavery in the District of Columbia. Mr. S. said he would move that this paper be printed and laid on the table.

Mr. NORVELL of Alabama called for the reading of the document.

The SECRETARY having read the document,

Mr. KING rose and said he considered it an infamous libel and insult on the South, let it come from what quarter it would; it was a false statement in relation to the people of the South, when it charged them with disregard for the laws, and he expressed his surprise that gentlemen should present such papers which they could not but feel were untrue. If it be so deep a disgrace to receive into this Union a State tolerating slavery, how was it we have been, and still continue, together? Coming from a State, if it had been couched in proper terms, he would not have objected to lay it on the table; but the language and import were of such a nature that he should be compelled to vote against its reception. He would not have voted

Mr. SWIFT hoped he should never prove so recreant to the interest of his constituents, as to refuse the performance of his duty, especially to present resolutions coming from the Legislature of his State. The document was the result of no party effort, it was the united voice of the whole State of Vermont, and he hoped to receive no censure for rendering due obedience to instructions emanating from so high authority.

Mr. CALHOUN deemed the present moment one of the deepest importance. A great step had been taken in the progress of events. The circumstance of the morning had come upon him wholly unexpected. He had never heard that the resolutions in question had been passed by the Vermont Legislature; yet he might have anticipated as much. He had long foreseen the present state of things; and now the time had actually come, when it was to be determined whether we are longer to remain as one united and happy people, or whether this blessed Union was to be dissolved by the hand of violence. Vermont has struck a deep and dangerous blow into the vitals of our confederacy. It was a time for action, and he could not, would not, entertain the idea of rejecting or losing sight of the document before the Senate, but as he was unprepared at present to act on the subject, he would move that the memorial be laid upon the table, pledging himself not to oppose the Senator from Vermont, should he see fit to call it up hereafter; and more, would call it up himself when he had time to prepare his mind for action on the subject: determined the subject should not rest until it had received the final action of the Senate. It was his belief that the North were sound in the matter at issue, but some seemed even to prefer the prevalence of this dangerous doctrine to the preservation and continuance of the Union. His mind was unalterably fixed, and nothing should prevent him from putting his views into execution.

Mr. MORRIS thought some respect was due to the source whence these resolutions had emanated—the Legislature of Vermont—and hoped they would at least be laid on the table, and be printed.

Mr. CALHOUN had no objection to the printing, nor would he, if laid on the table, suffer it to remain there a long time.

Mr. CUTHBERT called for the reading of the fifth resolution: granted.

Mr. ALLEN said: I wish, with the consent of the Senate, to make an observation or two, explanatory of the position which I occupy upon the subject of this and all kindred petitions and memorials. In order to do this, it is necessary to state my views as to the *effect* of the pending motion, which is the same as that made yesterday, on the presentation of the petition to abolish slavery in this District.

This motion has, in my judgment, the effect of *refusing* to receive the petition; and it is for this reason only that I will now, as I did in a like case yesterday, vote against it. But it is said that such is not the effect. I will state the proposition in a form which will itself test this question. One Senator presents a petition; another Senator makes a motion that the petition be *not received;* a third Senator moves to lay *that* motion upon the table. This latter motion, if successful, puts an end to the business. Now, I ask, where is the petition? Is it in the Senate? Certainly not: because the very form of the motion that the petition be not received, is a declaration that it *has not* been received, and the very object of that motion is to *prevent* it from *being* received. If the petition *had* already *been received*, then the motion not to receive would be absurd, and the other motion to lay that motion on the table would effect nothing, because the sole object of this latter motion is to exclude the petition. If this be not its object, what is it? That such are the object and effect of this latter motion is evident from the fact, that if it be agreed to, the petition is then *not* in the Senate, and this is equally evident from the fact that the Senate cannot proceed to take any further order on the petition. It is, therefore, clear that the effect of the motion now before us is to refuse to *receive* the petition; and, as I am not prepared to deny the right of petition, I shall, for that reason, vote against the motion. But I do not understand the right of petition to involve consequences so extensive as those ascribed to it, yesterday, by the Senator from Kentucky, (Mr. Clay.) The right of the citizen to petition, carries with it an obligation on the Senate to hear—to receive his petition, and leaves the Senate no discretion on the question of reception, if the subject matter of the petition be within the constitutional rights of the citizen, and within the constitutional competency of Congress. But when the petition has been received, then it becomes a matter of discretion with the Senate, as to what disposition shall be made of it: whether it shall be laid upon the table, referred, or otherwise disposed of. Either of these acts is an act of deliberation, of judgment, of discretion. They are acts of a deliberative body, responsible not to the individual petitioner, but to the nation and to the States for these and all other acts. The right of the citizen to petition in the cases I have supposed, is coercive upon the Senate so far as reception is in question; and then the right of the whole people, and the States acting through the Senate, commences, and the Senate, as their representative, must, in the exercise of this right, exert its own discretion over the subject of the petition; but if this coercive right of the citizen continue *after* the petition is received, and extend to the mode in which it shall be treated, and the disposition which shall be made of it by the Senate, then it would lose the character of a *petition*, and assume that of an *order*. If this be admitted, the Senate would no longer enjoy the faculty of deliberation, and one man coming forward, in the character of a petitioner, might compel the grant of the object he desired, and would control the entire legislation of Congress. Such would be the tendency of the principle, that the right of the petitioner extended to the *manner* in which his petition should be disposed of.

I, therefore, shall vote against this motion, as I did that on yesterday, because I acknowledge the right of petition, and the correlative obligation on the Senate to receive it. And then, sir, as I *do not* acquiesce in the *prayer* of the petitioner, nor admit his right to control the action of the Senate on his petition after it has been received, I will vote for a motion to lay the petition on the table. Upon this ground I stand.

Mr. CLAY of Kentucky hoped that the memorial would be withdrawn by the Senator from Vermont, and to give notice that he would introduce it at a future day, when the Senate was more prepared to act.

Mr. PRESTON had no objection to the withdrawal, but wished that the document might be printed for the use of the Senate.

Mr. SWIFT inquired if in case of withdrawal the printing would be done?

Mr. CLAY of Alabama contended that the Senator had no right to withdraw; the memorials were now in the possession of the Senate.

Mr. SWIFT expressed his willingness to withdraw, but should certainly present the memorial again. No threats from any quarter would prevent him from doing his duty to his constituents.

Mr. KING asked the Senator from Vermont to repeat his last remarks.

Mr. SWIFT complied.

Mr. KING demanded if the language had personal allusion to himself.

Mr. SWIFT had no allusion to any Senator in particular, but there had been threats relative to a dissolution of the Union.

Mr. CALHOUN. The honorable Senator must, then, allude to me. I have made frequent allusions to the dissolution of the Union. Whatever I said, I meant. I am able to defend my ground, but I make no threats toward any Senator. My feelings on this momentous subject, and my remarks, are public, not private, in their bearing.

Mr. SWIFT withdrew his memorial, and gave notice that he would introduce it again on Tuesday next.

On motion of Mr. CLAY,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of granting additional compensation in land to the officers and men who composed the battalion of *twelve months'* Alabama volunteers, who served in the late campaign in Florida, under the command of Lieut. Col. Caulfield, and in like proportions to the families of those who fell in battle or died of wounds received, or diseases contracted, during said term of service.

Mr. RIVES introduced a bill to establish and regulate navy rations and for other purposes: referred to the Committee on Naval Affairs.

Mr. RIVES, from the Committee on Naval Affairs, reported a bill to amend the 5th section of the act of 3d June, 1834, for the better organization of the marine corps, without amendment.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill to alter and amend the act for the punishment of certain crimes against the United States, passed 1790, with amendments.

Also a bill amending the acts respecting the judicial system of the United States.

Mr. ROANE, from the Committee on the District of Columbia, reported a bill authorizing the erection of a hospital in the city of Washington; which was passed to a second reading.

Mr. WRIGHT, from the Committee on Finance, reported a bill to revoke the charters of such banks of the District of Columbia as shall not resume specie payments by the 1st of May, 1838.

Mr. PRENTISS introduced a bill to establish a Board of Commissioners to examine and hear claims against the United States: referred to the Committee on the Judiciary.

Mr. LINN introduced a bill authorizing the Washington Turnpike Company of Missouri to construct a road through the public lands: referred to Committee on Roads and Canals.

Also a bill to settle contested claims that have arisen under the pre-emption laws: referred to Committee on Private Land Claims.

Mr. YOUNG introduced a bill to provide for the payment of horses and other property lost or destroyed in the military service of the United States: referred to the Committee on Military Affairs.

On motion of Mr. FULTON, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a half section of land to all settlers who shall continue to occupy and cultivate, for a limited time, any of the public lands bordering on the country to which the Indian tribes have been removed, as a means of adding to the defence and security of States so situated.

On motion of Mr. ROANE, it was

Resolved, That the Committee on Military Affairs inquire into the expediency of authorizing the Secretary of War to make certain experiments in projectiles, at the public expense.

Resolutions were introduced and adopted inquiring into the expediency of raising the salaries of the United States judge of the western district of Virginia; also that of the judge and district attorney for the district of Indiana; also the judge of the district of Mississippi; and increase the pay of jurors attending the United States courts.

The bills to allow drawback on imported hemp, when manufactured in this country; to remit the duties on goods destroyed at the fire in New York; and to designate the boundary line between the State of Michigan and the Territory of Wisconsin, were severally read a third time, and passed.

The Senate went into Executive business, and shortly after

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 19, 1837.

Mr. EVERETT was announced as appointed to fill the vacancy on the Committee of Ways and Means, occasioned by the resignation of Mr. BRIGGS.

Mr. HAYNES rose and asked the unanimous consent of the House to submit a motion that the House resolve itself into a Committee of the Whole on the state of the Union, on the reference of the President's Message; but withdrew it temporarily at the request of

Mr. EVERETT, who remarked that he was not present when the journal was read, but was informed that he had been announced as appointed on the Committee of Ways and Means, to supply the place of the gentleman from Massachusetts, (Mr. Fletcher) vacated some days ago. Considering what took place, Mr. E. said he could not, consistently with the friendship and the high respect he bore that gentleman, accept the appointment. He added that he had come to this conclusion from his own sense of propriety, without consulting any one. He therefore asked to be excused from serving on that Committee, which was accorded by the House, and the vacancy directed to be filled by the Chair.

REFERENCE OF THE MESSAGE.

The motion of Mr. HAYNES having been agreed to, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. ADAMS in the Chair, on the reference of various portions of the President's Message to the appropriate standing committees.

The question pending was on agreeing to the modified resolution of Mr. HAYNES, to refer every thing embraced in the Message on the subject of the finances of the country, to the Committee of Ways and Means.

The resolution was sustained, at length, by Messrs. DUNCAN and HOLSEY,

And opposed by Messrs. WILLIAMS of Tennessee and CUSHING.

Mr. CUSHING concluded his remarks by submitting the following amendment to the resolution:

Whereas the influence of the Executive Department of the Federal Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished.

Resolved, therefore, That in order to correct the said abuse, so much of the President's Message as relates to the collection, safe keeping, and transfer of the public moneys be referred to ————, with instructions to report—

First, Such method of keeping the public treasure, effects, and other property, as in the judgment of said committee shall most conduce to promote the welfare, and to rescue the liberties of the people, and

Secondly, Such other reform in the practice of the Government, as in their opinion shall tend to bring back the administration thereof to the standard of the original purity of the Constitution.

On motion of Mr. UNDERWOOD, the committee rose at the suggestion of Mr. CAMBRELENG.

Mr. CUSHING moved that his resolution be printed, which was agreed to.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting a report of the examination of the waters of New York bay and vicinity, in reference to the establishment and construction of dry docks; which, on motion of Mr. REED, was referred to the Committee on Naval Affairs.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting reports of the Paymaster General, accompanied with copies of documents relative to certain claims of Indian volunteers: on motion of Mr. FILLMORE, laid on the table.

On motion, the House adjourned.

IN SENATE,

WEDNESDAY, December 20, 1837.

Mr. GRUNDY presented petitions from sundry citizens of Wisconsin, praying that West Wisconsin may by laid off in a separate territory.

Mr. LINN presented a petition from Major Alphonsa Wetmore, praying an increase of pension.

Mr. LUMPKIN presented a petition from C. and J. ————, praying remission of duties on two iron steamboats imported. Also, a memorial from Mathew St. Clair Clark, praying relief.

Mr. LINN presented a petition from Col. Charles Morgan, praying a grant of two tracts of land in Louisiana.

Mr. DAVIS presented a petition of Lucy Eaton, praying for relief as widow of a Revolutionary pensioner. Also, that the petition of Erastus Perry be taken from the file, and referred to the Committee on Pensions.

Mr. KING presented a memorial of citizens of Springfield, Sprigg county, Alabama, praying alteration of a mail route.

Mr. CLAY of Alabama presented a memorial from sundry citizens of Wisconsin, praying an extension of the right of pre-emption in their cases.

Mr. RIVES presented the petition of the heirs of Dr. Horton, a Revolutionary Surgeon, for relief.

The above petitions were all appropriately referred.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill abolishing public executions in capital cases; which was twice read.

Also, a bill to amend the Judicial system of the United States.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of Joseph Burton and Peter Bucher and others: read twice.

Mr. KNIGHT, from the Committee on Commerce, reported a bill for the relief of the Nantucket Steamboat Company: read twice.

Mr. RUGGLES, from the Committe on Commerce, reported a bill to authorize examiners to inquire into the merits of A. P. Jumby's invention of testing the relative strength of steam boilers: read twice.

On motion of Mr. CALHOUN, it was

Resolved, That the Secretary of War be directed to transmit to the Senate a copy of a report by Colonel Long, of the engineers, relating to the Western and Atlantic railroad of the State of Georgia, with the accompanying map.

Mr. C. made some few explanatory remarks relative to the importance of the projected improvement. It would connect the States of the Atlantic with the Mississippi at the most central point of the Western country, and could not fail of producing more beneficial results to the Western and Southern country than any internal improvement heretofore adopted.

On motion of Mr. NORVELL, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for the election, by the cities of the District of Columbia, of a Delegate to the House of Representatives, to represent in Congress the interests of the said cities.

On motion of Mr. WALL, it was

Resolved, That the Committee on the Judiciary be instructed to inqnire into the expediency of pro-

viding, by law, for the punishment of persons guilty of forgery or counterfeiting foreign coins.

Mr. PRESTON introduced a bill explanatory of an act establishing the pay of brevet officers: referred to the Committee on Military Affairs.

Mr. GRUNDY introduced a bill to extend the charter of the Franklin Insurance Company: read twice and referred.

Mr. YOUNG introduced a bill for the relief of the widow of Dr. C. Clitherall, surgeon in the Revolutionary army: read twice, and ordered to be printed.

Mr. TIPTON introduced a bill to provide for the security of Indian and other emigrants west of the Missouri and Arkansas: referred to the Committee on Indian Affairs.

Mr. LINN introduced a bill for the relief of Thomas H. Smith: referred to the Committee on the Judiciary.

Mr. YOUNG introduced a bill relinquishing reversionary interests of the United States to certain Indian reservations of lands in Illinois: referred to the Committee on Indian Affairs.

Mr. PRENTISS introduced a bill to continue in force an act to provide for persons disabled by wounds received in the Revolutionary war: referred to the Commmittee on Pensions.

On motion of Mr. WALL, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of revising the laws in relation to the punishment of United States criminals in certain cases.

On motion of Mr. WILLIAMS, it was

Resolved, That the Secretary of War communicate the result of the surveys in Kenebeck river.

Mr. BENTON introduced a bill for the relief of the clerk in the office of the Attorney General.

Also, a bill to increase the compensation of the chief clerk in the Adjutant General's office.

Also, a bill to provide for the uniform payments for horses lost in the service of the United States.

ORDERS OF THE DAY.

The bill to restrain the issue of small notes in the District of Columbia was taken up in Committee of the Whole, when

Mr. WRIGHT observed, that as this bill was connected with one of a similar character reported yesterday, he thought it would perhaps be better to defer its further consideration until to-morrow, when both might be acted on together; and he would therefore make a motion to that effect. Agreed to.

The bill to authorize Peter Warner to purchase a certain half-section of land in Indiana;

Also, the bill for the relief of J. H. Pickering; were taken up and ordered to be engrossed for a third reading.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, December 20, 1837.

Mr. COFFIN, member elect from the State of Ohio, appeared, was qualified, and took his seat.

Mr. POPE was appointed on the Committee of Ways and Means, to fill the vacancy therein.

Mr. CUSHMAN moved that the House resolve itself into a Committee of the Whole on the state of the Union, on the resolutions to refer the different subjects embraced in the President's Message to appropriate standing committees: lost

The first business in order was the motion made by Mr. SLADE, on Monday, to refer two memorials, presented by him on that day, praying for the abolition of slavery and the slave trade in the District of Columbia to a select committee.

Mr. SLADE addressed the House at great length on the subject. He commenced by remarking that the business of the country was transacted here, by a reference of all subjects to their appropriate committees, and that matters of the most trivial nature met with no opposition to such reference. But no sooner did any member present a memorial relating in the slightest degree to a certain subject, the abolition of slavery, than it was directly attacked and placed under prohibition He said that were he to present a petition from a constituent involving the small sum of twenty dollars, even that would not be denied a reference, inasmuch as it might involve an important principle; but here were a large class of petitions, signed by hundreds of thousands, asking the action of Congress on a subject of the greatest interest, and yet they were disposed of with no ceremony at all. He then alluded to the course pursued by certain members in opposition to such petitions, and exprssed his belief that all the movements in relation to the subject had been preconcerted with the regularity of clockwork.

Mr. WISE explained that, as he had hitherto taken upon himself to oppose the reference of such petitions, he would say, once for all, that as far as his knowledge was concerned, there had been no preconcert in relation to the opposition to this subject, neither had he received any intimation from the Speaker, or any one else, as to the mode of proceeding.

Mr. DAWSON wished to ask the gentleman from Vermont if he intended to include him in the charge of preconcerting measures in opposition to the subject.

Mr. SLADE disclaimed any intention of imputing dishonorable motives to the gentlemen who had thought it their duty to adopt such a course. He would not say but that they had acted from pure and conscientious motives; but he had stated what his own impression was, and what must be the impression of all who had observed the course pursued.

Mr. S. then made the motion to refer the memorials to a select committee, with instructions to report a bill providing for the abolition of slavery and the slave trade in the District of Columbia.

Mr. LEGARE hoped the gentleman from Vermont would allow him to make a few remarks before he proceeded further. He sincerely hoped that gentleman would consider well what he was about before he ventured on such ground, and that he would take time to consider what might be its probable consequences. He solemnly entreated him to reflect on the possible results of such a course, which involved the interests of a nation and a continent. He would warn him, not in the language of defiance, which all brave and wise men despised, but he would warn him in the language of a solemn sense of duty, that if there was "a spirit aroused in the North in relation to this subject," that spirit would encounter another spirit in the South full as stubborn. He would tell them that, when this question was forced upon the people of the South, they would be ready to take up the gauntlet. He concluded by urging on the gentleman from Vermont to ponder well on his course before he ventured to proceed.

Mr. SLADE again resumed his remarks; and aftar proceeding for some time, he entered into an argument touching the subject of slavery in the State of Virginia, and was about to read a paper on the same subject, whereupon

Mr. WISE interposed, and said that the gentleman had been discussing slavery in the South, slavery in the State of Virginia, slavery in his district; and he now asked his colleagues to retire with him from that hall.

Mr. HOLSEY made the same request to his colleagues from Georgia, and expressed a hope that the whole southern delegation would retire.

Mr. GRANTLAND also joined in the same wish.

Mr. RHETT. The whole of the delegation of South Carolina has already signed an agreement.

Mr. ROBERTSON. One remark, Mr. Speaker.

Mr SLADE. I claim the floor.

The CHAIR. Does the gentleman from Virginia rise to a question of order?

Mr. ROBERTSON. No, sir. I wish to make one observation.

Mr. RHETT. I rise to a point of order.

Mr. ROBERTSON. I wish simply to propose to the Southern delegation—

Mr. RHETT. I rise to a point of order. The question of order is, whether the member from Vermont has a right to go into the consideration of slavery in the State of Virginia? I say he has not; and if it is insisted upon, I request the whole Southern delegation to go into the room of the Committee for the District of Columbia.

The CHAIR reminded the House that he had repeatedly interposed when the gentleman from Vermont had been going into the question of slavery in the States. He was not permitted to give his own opinions, but they might readiiy be inferred by the House. He felt it his duty to state, that if it were possibly in his power to allay excitement, and to prevent discussions of this sort, he would do it.

Mr. TURNEY rose, he said, to a question of order.

Mr. SLADE. I ask leave to read a paper, and to state what that paper is.

Mr. GRANTLAND. I object to the reading of it.

The CHAIR. The gentleman will take his seat.

Mr. JOHNSON of Maryland. Will it be in order, Mr. Speaker, to take the sense of the House whether the member from Vermont shall be permitted to proceed?

The CHAIR replied negatively.

Mr. McKAY. Mr. Speaker, has not the member from Vermont been declared out of order?

The CHAIR. He has.

Mr. McKAY. Then has he a right to proceed?

The CHAIR. No gentleman has raised that question.

Mr. McKAY. Then, sir, I make that question. I object to his proceeding. I object to his resuming his remarks, and I hope the House will not permit him.

The CHAIR then, under the rule, directed Mr. SLADE to take his seat, and pronounced the gentleman out of order for discussing the question of slavery in the State of Virginia. Referring to the 22d rule, the CHAIR added that the gentleman could no longer proceed without the leave of the House; and he was about to propound the question, when

Mr. SLADE said he wished to state the position in which he stood. I propose, said he, to read a single paper——

Mr. TURNEY. I object to the gentleman's proceeding at all.

The CHAIR said the rule was imperative. The gentleman could not proceed, under the question made by Mr. McKAY, without leave of the House.

Mr. SLADE. The question now is, whether it is in order for me to ask for the reading of a paper.

The CHAIR. The other question is also before the House, and must be decided by its vote, without debate.

Mr. SLADE. I ask if I am out of order while proceeding with the leave of the House, going on for at least twenty minutes, and then merely asking leave to read a paper.

The CHAIR states that his power to commence was when the question of order was made. Thereafter, the rule was imperative, directing its decision without debate.

Mr. SLADE, (who was still on his feet) Mr. Speaker—

The CHAIR. The gentleman will take his seat.

Mr. SLADE then pledged himself, if the House would permit him to resume, not to discuss the question of slavery in the States.

The CHAIR then propounded the question to the House that the gentleman from Vermont have leave to proceed.

Mr. ALLEN asked for the yeas and nays; which were ordered.

Mr. RENCHER moved that the House adjourn.

Mr. SLADE asked for the yeas and nays; which were ordered, and were—yeas 106, nays 63.

Mr. CAMPBELL then gave notice that the southern delegations were then assembled in the room of the Committee for the District of Columbia; and he said he was instructed by their committee to request the attendance of all gentlemen representing slaveholding interests on that floor immediately.

The House then adjourned.

IN SENATE,

THURSDAY, December 21, 1837.

Mr. McKEAN presented the petition of sundry citizens of Delaware county, Pennsylvania, remonstrating against the annexation of Texas: laid on the table.

Mr. LUMPKIN presented the petition of the Georgia Railroad Company, praying the remit-

tance of duty on certain iron spikes imported for said road in 1832: referred to the Committee on Roads and Canals.

Numerous petitions of a private nature were presented by Messrs. RIVES, TALLMADGE, WALL, BLACK, and others, which were severally and appropriately referred.

Mr. LINN moved to take from the files the following memorials and petitions:

Memorial of the Legislature of Missouri for the establishment of marine hospitals on the northern lakes: referred to Committee on Commerce. Also, memorial of the same, that all the lands returned, as not worth surveying, be surrendered to the States: referred to Committee on Public Lands. Also, memorial of the same for an extension of the right of pre-emption, and for a graduation of the price of public land in proportion to its quality: referred to Committee on Public Lands. Also, memorial of the same, that the terms of the United States district court be held alternately at St. Louis and Jefferson city: referred. Also, of the same, to change the location of school lands where they may prove unproductive or valueless: referred. Also, of the same, for a grant of 500,000 acres, (*a modest request,*) of land for the purposes of education: referred. Also, from the inhabitants of Palmyra district to be allowed the benefit of pre-emption laws: referred. Also, from the Legislature of Missouri, for an additional land district: referred. Also, from the same, to have annexed to the State an Indian reservation of land, between the Mississippi and Des Moines rivers: referred. Also, of citizens of Clay county, for an additional land office in Missouri: referred. Also, two memorials from the same county, for the same purpose. Also, of a number of citizens of St. Louis, for indemnity for French spoliations previous to 1800: referred. Also, of sundry citizens of Missouri, for a post route from Lexington to Springfield: referred. Also, of the Mayor and Aldermen of St. Louis, for the rejection of any claim to land within the limits of the common in that city. Also, the muster-roll of Capt. Stevenson's company of Missouri volunteers, mustered into service in 1829: referred. Also, petition of representatives of Philip Pieviere, to be confirmed in their claim to a tract of land: referred. Also, of Michael Busbois, for remuneration for property taken at Prairie du Chien in 1816, by order of an officer of the United States army: referred. Also, of sundry citizens of Wisconsin, for the creation of a board of commissioners to settle claims to lots in certain towns in that Territory: referred. Also, of citizens of Wisconsin, for the construction of a road from Milwaukie to Cassville, and from Chicago to Green Bay: referred. Also, of Major W. V. Cobbs, of the United States army, for pay on account of his brevet rank: referred. Also, of Charles Hoit, for a donation of land, to remunerate him for recruiting services in the last war: referred. Also, of the Assembly of Wisconsin, for a depot of arms, ammunition, etc.: referred. Also, of the same, for an appropriation for a road from lake Michigan to Mississippi river: referred. Also, of Jean B. Valle, to be permitted to locate a tract of land, reserved under the treaty of 1818 with the Delaware Indians. Also, of the Assembly of Wisconsin, for the appropriation of the proceeds of certain town lots to the erection of wharves, etc. in said towns: referred. Also, of J. M'Donnell, for compensation for property taken by the enemy during the late war: referred. Also, of citizens of Wisconsin, for the passage of a pre-emption law: referred. Also, of the Assembly of Wisconsin, for a road from Fort Winnebago to intersect the road from Chicago to Green Bay: referred. Also, of the same, for a road from Fort Howard to Winnebago, and from Green Bay to Lake Michigan: referred. Also, of heirs of Antoine Pettier, for money advanced to General Clark's regiment in 1780; referred. Also, of J. Groin and S. Fugit, for permission to locate unsurveyed lands. Also, of the Assembly of Wisconsin, for a law granting pre-emption rights: referred. Also, of S. Beauchamp, to enter a tract of land located by him by mistake: referred. Also, of Lieut. S. L. Alexander, to be allowed pay as aid-de-camp: referred. Also, of H. Perrine, for a grant of land for the encouragement of the growth of tropical plants: referred. Also, of V. D. Rease and Co. for right to construct a railroad through public lands from the Mineral district to Mississippi river: referred. Also, of Job Wood, a soldier of the late war, for a pension: referred. Also, of citizens of Wisconsin, for a road from Milwaukie to Cassville, and from Chicago to Green Bay: referred. Also, from the same, for a similar purpose: referred. Also, of James Baggy, for leave to correct an error in the entry of a tract of land: referred. Also, of J. Crow, a soldier of the late war, for a pension. Also, of the authorities of St. Louis, for an appropriation to remove a bar opposite the city: referred.

Mr. PRESTON introduced a bill explanatory of an act regulating the pay and emolument of brevet officers: read and referred to the Committee on Military Affairs.

Mr. BLACK introduced a bill giving effect to the 8th article of the treaty of 1819 with Spain: read and referred to the Committee on Foreign Relations.

Mr. CALHOUN introduced a bill for the relief of Capt. Samuel Wallace: referred.

Mr. TIPTON reported a bill granting an appropriation for an extension of the Cumberland road through the States of Ohio, Indiana, and Illinois: read and ordered to a second reading.

(This grant amounts to one million one hundred thousand dollars.)

Mr. SEVIER reported a bill for the relief of James Murphy: ordered to a second reading.

Mr. YOUNG reported a bill for the relief of Samuel Ferguson.

The bill authorizing Peter Warner to purchase a half section of land in Illinois, and that for the relief of H. J. Pickering, were severally read a third time and passed.

DISTRICT OF COLUMBIA.

The bill to restrain the issuing of small notes in the District of Columbia was then taken up.

Mr. WRIGHT explained the object of this bill, and suggested that thirty days would be an appropriate period to fill the blank.

Mr. CLAY said that no one more ardently desired the resumption of specie payments than himself; but he doubted the expediency of forcing the banks of this District to resume at a period of uncertainty as to when those of the surrounding country should adopt such a measure. He had that morning received news from New York of the resumption of another of their banks, and that, taken in connection with information derived of late from various quarters, inspired him with much stronger hopes than he had formerly entertained, that the banks would, at an early day, return to specie payments throughout the country. With regard to the banks of this District, it was futile to suppose that they could attempt to pay specie, when those with whom they were so intimately connected did not do so. He thought the wisest, as well as the most prudent step, would be to postpone the matter to an early period in January—say first or second week—when there might be a similar movement on the part of the Baltimore and Richmond banks. Congress could then with more certainty fix the time when these banks must resume, or have their charters revoked. He thought it wrong for Congress to legislate too hastily for a people under its immediate charge, without reference to the position in which they stood to their neighboring population. As the holydays were approaching, (a period when Congress was not presumed to be subject to any very grave legislation,) he thought the banks might be longer indulged, and he hoped, therefore, there would be little or no opposition to his suggestion.

Mr. WRIGHT remarked, that the District banks were never authorized by their charters to issue notes of a less denomination than five dollars. Now, however, it had become their habit, in common with individuals, to issue notes from twenty-five to six and a fourth cents. "*Shin-plasters*" (a distinguishing term, and one he disliked as much as any one else) had been necessarily used for change, because the people had in a measure been *forced* to do so, by the suspension of these banks; but this small money business he believed was carried to a greater extent in this district than in any other portion of our country. The honorable Senator from Kentucky, in his remarks, threw out the idea that the banks of this District were dependent on their relative position with those in Maryland and Virginia for resumption! Suppose the case was reversed, and the Legislatures of those States depended on the action of Congress to force the banks of this District to resume, under forfeiture of their charters: at what future period should we look for so desirable a result. Mr. W. had reviewed this subject in his own mind, in every light, and had come to the conclusion that the banks here should resume on the 1st of May next, or be made to suspend operations altogether. He could see no reason why it should be longer deferred. Should the action of Congress be postponed to a future day, when the period fixed by law should arrive, the banks might ask: Why was it postponed? Here we have only some thirty or forty days' notice given us; whereas, had the law passed at a proper time, we should have been prepared.

Mr. CLAY said he could see no good reason why Congress should not extend a corresponding courtesy to the District banks, with that of the Legislatures of the several States to their moneyed institutions. Would it not be better to postpone the day to a later period, when the Legislatures of Virginia and Maryland would be in session, and an opportunity afforded of witnessing the action of those bodies on the matter?

With regard to these small bills, if immediately suppressed, what was to be done? There was no silver to supply the vacuum; and members of Congress had found this small money very convenient on many occasions. Hackmen, waiters and others could not be dispensed with; and without this kind of change, how could their services be requited? Another objectionable feature in the bill was, that it imposed a penalty alike on the stranger and citizen, for the passage of these bills, whether issued here, or brought from abroad. He had in his purse notes from one dollar down to six cents, originating in the different places through which he had passed from Newport, Kentucky, to Washington city, in the District of Columbia; in fact, business could not progress without them. And would it not be a legal imposition on a stranger to pass this bill with such provisions? Could it be expected that a stranger passing through this small space of ten miles square, could stop to inquire into our laws? nor would a traveller once suspect the danger in offering a note, the issue of a neighboring State, in change, of being pursued by a constable, and arrested on a writ.

If the chairman of the Committee on Finance could only throw into the District a sufficient supply of silver change, he (Mr. C.) would go with him hand and heart in the annihilation of these substitutes; but it was rather hard, after the experiment had deprived us of our substantial currency, that we should be deprived also of the only substitute. Mr. C. thought great caution was necessary in pursuing this subject, and he hoped it would be postponed until the second week in January, and made a motion to that effect.

Mr. BENTON objected to the postponement. The argument was to postpone both bills,—the shin plaster bill, and the bank bill,—and that not to a certain day, but indefinitely, and until adjoining States should first act upon the same subjects. This was the argument of the Senator from Kentucky. (Mr. Clay.) His motion was for a postponement until the second Monday in January, but the argument was for indefinite postponement, and for contingent action; and it was evident, from the two speeches just made by that Senator, (Mr. Clay,) that if the postponement was granted, that another would be demanded when it was out; for the whole tenor of his two speeches was, that the shin-plasters were not to be suppressed, nor the bank in this District required to resume, until the adjacent States had first led the way in the same work. This was indefinite postponement, and contingent action. It was the attempt to do here precisely what had been effected by the party opposed to resumption in the bank convention in

New York; it was non-action! it was to do nothing! and get rid of the subject without fixing a day!

Mr. B. denied that there was any validity in any of the reasons given by the Senator from Kentucky for delaying either of the bills. There was no necessity for these filthy shin-plasters. The Senators alone received for their compensation more hard money than the District required for change. They had received all their pay in gold and silver at the called session, and they were now receiving their pay in hard money and Treasury notes, in the proportion of two-thirds hard money and one-third Treasury notes. This is the manner in which the Senate is paid, its officers and all, and all its expenses. He presumed the House of Representatives was paid in the same way; and as the expenses of the two Houses exceeded three thousand dollars a day, it would follow that upwards of two thousand a day in specie was receivable by the members and officers of Congress. This was the daily supply; so that, leaving all other sources of supply out of the question, Congress alone disbursed vastly more hard money in the District than its business could absorb, and it was accordingly purchased up for exportation by agents whose advertisements could be seen in every newspaper.

The Senator from Kentucky (Mr. Clay) has declared that members of Congress cannot get change without taking these shin-plasters; that all are obliged to take them; that he has to take them himself; and he has even made profert of a bundle of them here in the Senate, by way of giving emphasis to his asseveration. But it is a mistake. No member of Congress is obliged either to give or to take shin-plasters. The two-thirds of his pay which he gets in hard money will pay all his current expenses; and as for change, he will always get the kind he gives. If he pays out shin-plasters, he will get the same in change; if he pays out hard money, he will get hard money in change. This was the invariable practice. Every body knew it. It was seen every hour of the day. Two persons making payment at the same time, and to the same person, one paying in hard money, the other in shin-plasters, receive their change, in the presence of each other, in the same medium which they use. The Senator from Kentucky (Mr. Clay) had said people could not travel except upon these shin-plasters. The experience of himself (Mr. B.) authorized him to gainsay this assertion. He (Mr. B.) had travelled six thousand miles this summer, and no one had ever offered him shin-plasters or broken bank notes. The reason was, that he offered such trash to nobody, and nobody offered it to him. Every where that he had travelled, as well as in this District, he received hard money change, and that without asking for it, it being a matter of course, wherever he had travelled or sojourned, to give the change in the same kind of money in which the payment was made. Upon this statement of facts, Mr. B. would abide the decision of the Senate, and of the community, upon the issue which he had joined with the Senator from Kentucky, namely, that there was no necessity for postponing the shin-plaster bill.

Mr. B. adverted to the other bill—the one to compel the district banks to resume payment by the first of May—and declared all the reasons given by the Senator from Kentucky, in favor of delaying that bill to be invalid and insufficient. One of those reasons was, that the banks of the District could not resume until their neighbors did—that there must be a general resumption, or the resuming banks would be destroyed. Mr. B. knew this to be the common argument with all those who were for delaying the resumption, and if it prevailed, there would be no resumption at all, as many banks were either unable or unwilling to resume, and would never agree to any time that could be named. The Finance Committee had looked to this contingency, and had framed their bill on a new principle—on a principle which would enable the banks of any State, District, or Territory, to resume when the legislative authority pleased, and that with perfect safety to themselves, although no other bank in the country, or in the world, should resume. The principle was to illegalize the circulation of any non-specie paying bank paper from the day of the resumption, and to make the passers of it liable for it as its issuers, with a right of summary recovery against them. Here is the section:

"SEC. 3. *And be it further enacted*, That from and after the first day of May, in the year one thousand eight hundred and thirty-eight, it shall be unlawful for any person, company, or corporation, within the District of Columbia, to pass, or offer to pass, any bank note, or paper currency, issued by any bank, banker, or company, not redeeming its notes and currency on demand in gold and silver; and every person offending against this act shall be subject to a fine of one hundred dollars for each offence, and, moreover, shall be deemed and held to be the maker and issuer of such note or currency, and shall be liable to pay the amount thereof, on demand, to any holder thereof, with all costs incident to the protest and legal collection thereof, with fifty per centum damages for non-payment on demand, to be recovered by motion, on notice given, or process served, summarily and without delay, and with a right of immediate discovery on oath in all cases where the defendant shall deny the passing or attempting to pass the notes, or currency, in question; and in case of judgment for the plaintiff, execution shall be had thereon forthwith. And it shall be the duty of the district attorney of the District of Columbia to commence prosecutions for the recovery of the penalty incurred, against all persons and every corporation offending against this section, of which he shall have knowledge or probable information; and in case of corporations, the prosecution shall be against the president, or any director or cashier thereof, for the time being."

By this section, continued Mr. B. the banks of this District will be perfectly safe in resuming on the 1st of May next, although no other banks in the country, or in the world, shall resume at that time; for the notes of no non-specie paying bank can come into competition with them. All such are excluded from the District—banished—outlawed; and if any person shall bring any such into the District, he, and every successive passer of it, is made in law what he is in fact, the issuer of it within the District, and is made liable for its contents, with summary proceedings for the recovery. Under this section, either no such notes will be brought into the District, or if they are, the passers of them, each in his turn, will be liable for their contents; and so it will cease to be uncovertible, and will be payable at the will of the holder. This does away all reason for waiting for a general resumption, and sets an example, which being followed by the States, each for itself, will enable each one to resume when its Legislature pleases.

Mr. B. gave an additional reason for speedy resumption: it was the state of the foreign exchanges, now three per cent. on the specie standard, in favor of the United States. The non-resumption party in the bank convention in New York were enabled to succeed in preventing the fixing of a day for resuming, solely by an objection to the foreign exchanges, then against us. This we learn from Mr. Johnson's speech. Since that time these exchanges have become decidedly in our favor. There is then a total removal, at this time, of the ground which the non-resumption party then stood upon; and if this change had taken place one hour before the convention adjourned, one of three results must have been produced, viz: either the non-resuming party must have agreed to fix a day for a general resumption; or, invented some other pretext for not agreeing; or, openly taken ground in favor of indefinite suspension; and so established their title to the appellation of the Universal Broken Bank and Shin-plaster party.

Mr. B. said the country was now cursed with a pestiferous circulation of irredeemable bank notes and shin-plasters; and this curse, by a large political party, was charged upon General Jackson and his friends; but he believed that events were impending which would enlighten the public mind on that point, and show to the country who were for, and who were against, a broken bank and a shin-plaster currency. The events in the New York bank convention, and the votes—not the speeches, but the votes—which would soon take place in Congress, and in the State Legislatures, would develope the true position of each political party, and would make each known, not by its words, but by its works. By that test he was willing to abide, and should await its decision.

Mr. B. said that General Jackson and his friends had been the subjects of many attempts at wit, for what was called their experiments on the currency, and he presumed that many had repeated that phrase, without precisely knowing what those experiments were. To all such he had a little information to give; and that was, to show them what these experiments were, what success has attended them, and what it is that the opposers of these experiments have been, and now are, opposing. This was easily done, for they were compressed into three resolutions, which he (Mr. B.) had the honor, some years since, to draw up, and to submit to the Senate. They were:

"*Resolved*, That a committee be appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report to the Senate and to the House respectively, what alterations, if any, are necessary to be made:

"1. In the value of the gold coined at the mint of the United States, so as to check the exportation of that coin and to restore it to circulation in the United States.

"2. In the laws relative to foreign coins, so as to restore the gold and silver coin of foreign nations to their former circulation within the United States.

"3. In the joint resolution of 1816, (for the better collection of the revenues,) so as to exclude all bank notes under twenty dollars from revenue payments after a given period, and to make the revenue system of the United States instrumental in the gradual suppression of the small note circulation, and the introduction of gold and silver for the *common currency* of the country."

These were the experiments, *first* to correct the gold standard; *secondly*, to restore foreign coins to circulation; *thirdly*, to effect the gradual suppresion of paper currency under twenty dollars. These were the objects; but, before we see what success has attended our exertions to accomplish them, let us see what was the actual state of the currency at that time, to wit: at the veto session of 1832. It was this: Of gold, there was not a single piece in circulation; of silver there was, according to the estimate of a Senator from Massachusetts, (Mr. Webster,) speaking on data furnished by the Bank of the United States, "*from twenty to twenty-two millions of dollars;*" and of bank notes there was a general deluge of the smallest denominations, down to one dollar. This was the state of the currency in 1832, when General Jackson and his friends undertook to improve its condition. Now for the result of their labors. Of gold, the circulation had been created, from nothing, to twelve or fifteen millions of dollars, and the standard adopted by us has been found to be so precisely accurate that the premium on American gold and American silver is now exactly the same! Our silver has been increased till it amounts, with the gold, to upwards of eighty millions of dollars; and the small note circulation under twenty dollars was in a course of gradual suppression in every State in which the political friends of General Jackson were in the majority. This was the state of the experiment in May last, when all the banks in the Union suddenly closed their vaults, and have remained closed ever since. They all closed, though all could not have desired to do so; and which did not, and which did, will be as distinctly seen in the division on the impending question of resumption, as if it had been openly declared at the time the banks shut up.

To show the merit of the reform in the currency effected by General Jackson and his friends, Mr. B. had recourse to another test, that of the exports and imports of specie; and he read a table which he had obtained from the Treasury Department. Is only went back to the year 1821, which was the earliest date that could be obtained; and from that time until 1832, the year of the veto on the United States Bank charter, the results stood thus:

	Imports.	*Exports.*
1821	$8,064,890	$10,478,059

1822	3,369,846	10,810,189
1823	5,097,896	6,372,987
1824	8,379,835	7,014,553
1825	6,150,765	8,797,055
1826	6,880,960	4,704,553
1827	8,152,130	8,014,880
1828	7,489,741	8,243,476
1829	7,403,612	4,924,020
1830	8,155,964	2,178,773
1831	7,305,945	9,014,931
1832	5,907,504	5,656,340

This presents a period of twelve years of imports and exports; and these twelve years cover that precise portion of the existence of the Bank of the United States which is celebrated by its friends as the *ne plus ultra* of perfection; and what was the result? Why, that our exports of specie exceeded our imports; that our exports amounted to the enormous sum of $85,280,368, while our imports amounted to $83,356,662, and that the effect of this excessive exportation was to leave the country with no more than twenty or twenty-two millions of specie to sustain all its banking, and all its commercial operations!

In the year 1832, the year of the veto message, General Jackson and his friends first commenced their efforts to improve the currency; and the result is shown in this table:

	Imports.	*Exports.*
1833	$7,070,368	$2,614,952
1834	17,911,632	1,676,258
1835	13,131,447	5,748,174
1836	12,166,372	4,435,815
1837	10,954,432	6,714,990

Behold the difference, said Mr. B. Here in the short space of five years, we have an import of upwards of sixty-two millions; an export of almost nothing. Making an allowance for the gold coined at the mint, the specie brought in by passengers, and not registered at the custom-houses, and the actual increase of specie for the last five years, averages twelve millions per annum; and this great increase has been the salvation of the country, and enabled it to ride out the storm of the present bank suspension, and to triumph over it; for complete and proud will be the triumph of the country over the diabolical design to impose upon it a broken bank paper, and shin-plaster currency! If there had been no more specie in the country in May last, than there was at the time of the veto message in 1832, the country would have been crushed! but eighty millions, instead of twenty, has saved the country; and shown that it is able to stand the shock of a universal suspension of specie payments by the baks. Such is the strength of General Jackson's policy—so wisely is it founded in correct principles, that even in this year of bank suspensions, and in defiance of all attempts to drive specie from the country, there has been an importation of near eleven millions, and an export of only six millions and three quarters; and we are now ready to begin another year, with the double advantage of the foreign exchanges in our favor, and the whole of the last year's crop just ready to go to market. The imports of specie for this year must then be immense, probably as great as they were the year after the panic, when they amounted to near eighteen millions reported at the customs, besides several millions brought by emigrants, and not reported. Such is the fruit of General Jackson's policy; and if that policy can be continued a few years longer, our stock of gold and silver will continue to increase until every part of the Union, like Holland and France, is saturated with the precious metals, and until the most undaunted advocate for shin-plasters and broken bank notes will be forced to admit that there is no necessity for such vile and filthy substitutes for specie.

Mr. B. contrasted the five years' result of General Jackson's experiment with the preceding twelve years' regulation of the currency by the Bank of the United States. The difference was, a LOSS of two millions of specie in the twelve years of bank, and A GAIN of sixty millions in the five years of of General Jackson's experiment. This was the difference; and this difference shows, that if the experiment had only began a few years sooner, we should now have had as much gold and silver as the business of the whole Union could possibly employ; and if it can now be continued a few years longer, we shall soon have as much as can possibly be used. Look at the imports! they are always large. They are the natural effect of the exportation of our annual crop of one hundred millions' worth of cotton, tobacco, rice, and other articles. These have brought, are bringing, and will continue to bring, annually, eight, ten, fifteen, eighteen millions of dollars, to say nothing of what is brought by emigrants. If the experiment continues, the mass of these annual imports will remain in the country until the country is saturated with specie; then the surplus will overflow of itself. But if the enemies of the experiment succeed, and especially if they succeed in changing the experiments, then the old policy of the Bank of the United States will prevail. Exportation of specie will be the order of the day! The States will again be drained of forty-two millions, as they were from 1817 to 1832. The whole will go to England. Exports will be made to exceed imports; and at the end of some years we shall be brought back to that vaunted period of 1832, with from "*twenty to twenty-two millions of specie;*" and the whole business of the country—crops, commerce, exchanges, real and personal property, stocks, and every Government, State and Federal—the prey of the Bank of the United States.

Having shown that the specie in the country was increased from 1832 to 1837, from twenty millions to eighty millions, Mr. B. wished the friends of the non-resumption banks to reconcile an apparent contradiction. It was this: that with only twenty millions of specie in 1832, they held the currency to be soundest, safest, and finest upon earth! and now, with eighty millions of specie in the country, they hold the country to be utterly ruined, and totally unable to raise *vicayunes* and ninepences to carry to the post office, or to the market! This was a contradiction which he wished to see reconciled; and until it was reconciled, he must be permitted to believe that, as eighty millions is four times greater than twenty-millions, so is the country this day four times more able to pay specie in 1837 than it was in 1832.

Mr. B. besought gentlemen not to be distressed at the thoughts of parting company with their dear shin plasters. It was quite possible to live without them, and to live well. He had experience on this subject. There were no shin-plasters in Missouri, and there was no distress or misery there. All was flourishing and happy; real estate, personal estate, produce, labor, all bearing the highest prices ever known before, and hard money in every man's pocket. He had a letter from one of the principal mechanics of St. Louis, in answer to an inquiry made of him, which stated the prices of labor in St. Louis, and which with the leave of the Senate he would read. The letter was as follows:

"ST. LOUIS, Nov. 20, 1837.

"SIR: After my best respects to yourself and family, in compliance with a wish expressed by you to me a few days before you left this city for Washington, I write to give you a statement of the wages given to mechanics and laborers in this city and adjoining districts, which are as follows: For house carpenters, two dollars per day; for boat builders or ship carpenters, two dollars and fifty cents per day; bricklayers, three dollars per day; stonemasons, two dollars and fifty cents per day; stonecutters, three dollars per day; plasterers, two dollars and fifty cents to three dollars per day; painters, two dollars per day; blacksmiths, two dollars per day; cabinet makers, piece work, fifteen dollars per week; saddlers, piece work, say from fifteen to eighteen dollars per week; tailors, piece work, say from twelve to twenty dollars per week; quarrymen, one dollar and fifty cents per day, and the superintendent or foreman of a quarry, two dollars per day; laboring hands, digging cellars and working in the streets, one dollar and twenty-five cents to one dollar and fifty cents per day; laboring men to work on a farm, twenty dollars per month, and found.

"Respectfully, your sincere friend,

——— ———.

"HON. THOMAS H. BENTON."

Such are the prices of labor in St. Louis,—such the rewards of labor in that place;—and this only gives one view of the state of things in that city. Its commerce was still more striking; and certain he was that he saw more commerce in the port, and on the wharf of St. Louis, the day he left there, than he had seen from that place to Washington city, including all that he saw in all the cities, towns and villages on the Ohio river put together. And that without banks; for the one chartered last winter was more in name than in substance, and issued no notes except for specie deposited, dollar for dollar. Mr. B. expressed his belief that St. Louis, in point of arriving and departing tonnage, was now the *third* city of the Union; that New York was first, New Orleans second, and St. Louis *third;* and that she had attained this eminence without banks and without shin-plasters, and was advancing at this moment with a degree of rapidity, and enjoying at this moment, a degree of CREDIT, *prosperity*, and *happiness* which nobank-ridden or shin-plastered city in America can boast of.

Mr. B. said the policy of General Jackson would succeed. It was right in itself, and would succeed. It might be frustrated temporarily by a combination of banks, and was now frustrated by them; but there were good banks and bad banks in the country, and a division would take place among them; and in that division every bank and every political party will take its own station. Gold and silver, now four times more abundant in the United States than they were five years ago, will continue to increase; the public determination to have them will increase just in the proportion to the efforts to deprive the country of them; detestation of shin-plasters and broken bank notes will increase in proportion to the efforts to continue them in circulation; and, eventually, the day of recoil, of revulsion, must come. Shin-plasters will be put down, no matter who defends them; broken bank notes will be put down, no matter who cherishes them; banks will have to resume or die, no matter who opposes the resumption; gold will come into circulation, no matter who hates gold; hard money will be the common currency of the country, no matter who wishes the contrary; a pestiferous issue of small bank notes under twenty dollars, will be suppressed, no matter who is for small notes; banks will be made responsible for their debts, no matter who is for irresponsibility. These things will come to pass, not because this or that man says so, but because they are right in themselves; and what is right in itself will eventually succeed in every moral and intelligent community. Yes! "*the experiment*" has increased our specie, in five years, from twenty millions to eighty millions; it is now increasing it at the rate of many millions per annum; it will continue to increase until the whole country is filled with gold and silver, until the quantity is so great that resistance can no longer be made to its circulation; and then broken bank paper, shin-plasters, and all their friends and supporters, will sink together. These things will happen; they will come to pass, but not without contest and arduous struggling. Great will be the effort to keep up the broken bank and shin-plaster system—an effort doubly directed to force the circulation of this trash, and to resist all measures to restore the constitutional currency. We see this circulation forced and pushed every where; we see all attempts to check it universally and systematically opposed. In the New York Convention of banks, in the Congress of the United States, in the State Legislatures, it is all the same thing, and by the same party. Opposition! opposition! opposition! to all the measures proposed for the resumption of specie payments, and no proposition of any measure in place of those opposed, to coerce the resumption. This opposition is made by the Bank of the United States and its friends. That institution and its friends now stand as the SOLE OBSTACLES to the resumption of specie payments. They struggle against the public good, and against the swelling tide of public opinion. But this unnatural struggle will cease; it will cease under the accumulated massess of gold and silver which "the experiment" has brought, is bringing, and will continue to bring, into this bank-ridden and shin-plastered nation.

Mr. NILES then rose and addressed the Senate

for more than an hour in opposition to the postponement. He had no disposition to oppress the banks of this District; but he thought they, in common with others, had forfeited their claims to public favor. He was in favor of an early action by Congress, on account of the moral effect it would have in setting a good example to the States.

[As soon as this speech can be written from the Reporter's notes it will be given.]

Mr. TIPTON said that he would vote for the motion of the Senator from Kentucky (Mr. Clay) to postpone the consideration of the bill now before the Senate to the second Monday of January next, to afford time for us to hear from the Legislatures of the States now in session. He was opposed to the issue and circulation of the small bills or notes, familiarly called "*shin-plasters*," and would go for freeing the people of the District of Columbia from that species of trash. He also felt it to be his duty, so far as his vote would go, to compel the banks of the District to resume specie payments at the time we exclude shin-plasters from circulation here; but he would not now give a vote to coerce the banks of this District to pay specie at an earlier day than that at which the banks of the different States should resume specie payments. It had been indicated from different quarters, that the first of May was the time that would possibly be fixed on by all solvent banks to resume specie payments. He hoped and believed that the bank of his own State would not wish to put off specie payments to a later day. The Legislature of Indiana was now in session, and would certainly not adjourn without taking steps to produce a result so desirable to every one. It was due to the reputation of the States, as well as to the note holders and to public justice, that all such banks should be compelled, if compulsion was necessary, to resume at a day not more distant than the first of May. So far as the bank of Indiana was concerned, no one need doubt her inclination, as well as her ability, to resume at an early day.

Mr. T. said, while on the subject of banks and paper currency, he would take occasion to say that he was in favor of a *mixed currency—paper, bottomed on a metallic basis, convertible at the pleasure of the holder into gold and silver.* On such a currency the State which he had in part the honor to represent here had grown to its present important standing among her sister States. She had established a bank, which had been ably conducted, and was, beyond doubt, in a wholesome condition, both able and willing to resume specie payments at any time. He was anxious to see all banks resume specie payments: let those, if any there be, that are not able to resume, be known. He had no doubt that the banks of this District were ready to resume; and he thought the first of May a suitable time to force these small bills out of existence, and let metal take their places to furnish change to the people of the District. He could not doubt the ability of the District banks to supply gold and silver for change for the people of this vicinity.

Mr. WRIGHT said he felt himself bound to call for the yeas and nays on the motion to postpone; when there appeared for the postponement, 15; against it, 26.

Mr. SEVIER, having mistaken the question, afterwards recorded his vote against it; so that the vote stood as follows, 14 to 27.

YEAS—Messrs. Black, Clay of Kentucky, Clayton, Cuthbert, Knight, McKean, Prentiss, Preston, Robbins, Ruggles, Smith of Indiana, Swift, Tallmadge, and Tipton—14.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Crittenden, Fulton, Grundy, Hubbard, Lumpkin, Linn, Lyon, Morris, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Conn. Strange, Walker, Wall, White, Williams, Wright and Young—27.

The bill under went a long discussion in relation to its details, in which Messrs. WRIGHT, BENTON, HUBBARD, and GRUNDY participated.

On motion of Mr. HUBBARD, the blank in the third line was filled with the 10th of April, so as to make it penal to issue notes of a less denomination than five dollars, after that date.

Mr. YOUNG moved an amendment which after being discussed, was adopted, and reads as follows:

SEC. 2. *And be it further enacted*, That from and after the passage of this act, it shall be unlawful for any individual, company, or corporation, to issue *de novo*, or knowingly to pass, or procure to be issued, passed, or circulated, within the District aforesaid, any note, check, bank bill, or other paper medium, evidently intended for common circulation, as for, and in lieu of, small change in gold and silver, or for any other purpose whatever, and which shall be issued or circulated for the first time, after the period above limited in this section, under the penalties prescribed in the foregoing act.

Amendments offered by Mr. SMITH, of Indiana, and other were debated until a late hour, when the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, Dec. 21, 1837.

Mr. SLADE moved a correction of the journal in relation to the record of the question of order of yesterday, but it was not agreed to.

Mr. PATTON then asked leave to submit the following resolution:

Resolved, That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves, in any State, District, or Territory, of the United States, be laid on the table, without being debated, printed, read, or referred, and that no further action whatever shall be had thereon.

Mr. ADAMS objected.

Mr. PATTON moved a suspension of the rule.

Mr. CUSHMAN asked for the yeas and nays, which were ordered, and were yeas 135, nays 60, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Boon, Bouldin, Brodhead, Bronson Bruyn, Buchanan, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Timothy J. Carter, William B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cilley, Claiborne, Cleveland, Clowney, Coles, Corwin, Craig, Crockett, Cushman, Deberry, DeGraff, Dennis, Dromgoole, Edwards, Farrington, Fairfield, Fry, James Garland, James Graham, Grantland, Grant, Graves, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Jabez Jackson, Joseph Johnson, William Cost Johnson, John W. Jones, Kemble, Kilgore, Klingensmith, Lawler, Legare, Logan, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Menefee, Mercer, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Palmer, Parker, Patton, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Pratt, Prentiss, Reily, Rencher, Robertson, Sawyer, Augustine H. Shepherd, Charles Shepard, Shields, Sheplor, Smith, Snyder, Southgate, Spencer, Stanly, Stewart, Stone, Taliaferro, Taylor, Titus, Toucey, Turney, Underwood, Vail, Wagener, Webster, Weeks, Albert S. White, John White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yell—135.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bond, Borden, Briggs, William B. Calhoun, Coffin, Cranston, Cushing, Darlington, Davee, Davies, Duncan, Dunn, Evans, Everett, Ewing, Isaac Fletcher, Fillmore, Foster, Goode, Grennell, Haley, Hall, Harper, Hastings, Henry, Herod, Ingham, Lincoln, Marvin, Samson Mason, Maxwell, McKennan, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Peck, Phillips, Potts, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Slade, Stratton, Tillinghast, Toland, Elisha Whittlesey, and Yorke—60.

So the rules were suspended.

Mr. PATTON said he had offered this resolution in the spirit of peace and harmony. It involves, (said Mr. P.) so far as I am concerned, and so far as concerns some portion of the representatives of the slave holding States, a concession; a concession which we make for the sake of peace, harmony, and union. We offer it in the hope that it may allay, not exasperate excitement; we desire to extinguish, not to kindle a flame in the country In that spirit, sir, without saying one word in the way of discussion; without giving utterance to any of those emotions which swell in my bosom at the recollection of what took place here yesterday, I shall do what I have never yet done since I have been a member of this House, and which I have very rarely sustained, when done by others: I move the previous question.

Mr. ADAMS rose and said: Mr. Speaker, the gentleman precedes his resolution—(Loud cries of "Order! order!" from all parts of the hall.) Mr. A. He preceded it with remarks—("Order! order!")

The CHAIR reminded the gentleman that it was out of order to address the House after the demand for the previous question.

Mr. ADAMS. I ask the House—(continued cries of "Order!" which completely drowned the honorable member's voice.)

Mr. ADAMS then demanded tellers on the second to the previous question, which were ordered; and Mr. CLAIBORNE of Mississippi, and Mr. BRIGGS of Massachusetts, having been appointed, the motion prevailed, 124 voting for it.

So the demand for the previous question was seconded by the House.

On the question; "Shall the main question be now put?" being propounded—

Mr. CALHOUN of Massachusetts asked for the yeas and nays, which were ordered, and were—yeas 129, nays 62, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bruyn, Buchanan, John Calhoun, Cambreleng, W. B. Campbell, T. J. Carter, William B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cilley, Claiborne, Cleveland, Clowney, Coles, Craig, Crockett, Cushman, Deberry, DeGraff, Dennis, Dromgoole, Duncan, Edwards, Farrington, Foster, Fry, James Garland, James Graham, Grantland, Grant, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, J. Jackson, J. Johnson, W. C. Johnson, John W. Jones, Kemble, Kilgore, Klingensmith, Lawler, Legare, Leadbetter, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robt. McClellan, A. McClellan, McClure, McKim, Mercer, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Palmer, Parker, Patton, Paynter, Pennybacker, Petriken, Phelps, Pope, Pratt, Prentiss, Reily, Robertson, Sawyer, Augustine H. Shepperd, Shields, Sheplor, Smith, Snyder, Southgate, Spencer, Stanley, Stewart, Stone, Taliaferro, Taylor, Thompson, Titus, Toucey, Turney, Underwood, Vail, Wagener, Webster, Weeks, T. T. Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Joseph L. Williams, C. H. Williams, Wise, and Yell—129.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Davies, Dunn, Evans, Everett, Ewing, Isaac Fletcher, Fillmore, Foster, Goode, Grennell, Haley, Hall, Hastings, Henry, Herod, Hoffman, Lincoln, Marvin, Samson Mason, Maxwell, McKennan, Milligan, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Peck, Phillips, Potts, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Slade, Stratton, Tillinghast, Toland, Albert S. White, John White, and Elisha Whittlesey—62.

So the main question was ordered to be put.

The main question, being on agreeing to the resolution, was then propounded.

Mr. CALHOUN of Massachusetts asked for the yeas and nays, which were ordered, and were—yeas 122, nays 74, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bruyn, Buchanan, John Calhoun, Cambreleng, Wm. B. Campbell, John Campbell, Timothy J. Carter, Wm. B. Carter, Casey, Chapman, Cheatham, Cilley, Claiborne, Cleveland, Clowney, Coles, Craig, Crockett, Cushman, Deberry, DeGraff, Dennis, Dromgoole, Edwards, Farrington, Fairfield, Fry, Jas. Garland, James Graham, Grantland, Graves, Hammond, Harlan, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Jabez Jackson, Joseph Johnson, Wm. C. Johnson, John W. Jones, Kemble, Klingensmith, Lawler, Legare, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Mercer, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Palmer, Parker, Patton, Paynter, Pennybacker, Petriken, Phelps, Pope, Pratt, Prentiss, Reily, Rencher, Robertson, Augustine H. Shepperd, Charles Shepard, Shields, Snyder, Southgate, Spencer, Stanley, Stewart, Stone, Taliaferro, Taylor, Thompson, Titus, Turney, Underwood, Vail, Wagener, Weeks, John White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Joseph L. Williams, C. H. Williams, and Yell—122.

NAYS—Messrs. Alexander, Heman Allen, John W. Allen, Biddle, Bond, Borden, Briggs, Bronson, William B. Calhoun, Chaney, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Davies, Duncan, Dunn, Evans, Everett, Ewing, R Fletcher, J. Fletcher, Fillmore, Foster, Goode, William Graham, Grennell, Haley, Hall, Hamer, Hastings, Henry, Herod, Hoffman, Ingham, Kilgore, Leadbetter, Lincoln, Marvin, Samson Mason, Maxwell, McKennan, Milligan, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Peck, Phillips, Potts, Potter, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sheplor, Sibley, Slade, Smith, Stratton, Tillinghast, Toland, Toucey, Webster, Albert S. White, Elisha Whittlesey, and Yorke—74.

[When the name of Mr. ADAMS was called, that gentlemen rose, and said: "I hold the resolution to be in violation of the Constitution of the United States." [Loud cries of "Order!" "order!" from every part of the Hall.]

The SPEAKER said, the gentleman from Massachusetts violates order, and must resume his seat.

Pending the question being propounded,

Mr. DUNCAN inquired of the Chair if he could assign the reasons for the vote he should give.

The CHAIR replied in the negative.

Mr. WISE (who had not voted) inquired of the Chair the rule in relation to a member being excused from voting, and at what stage the reasons for making such a request must be made.

The CHAIR said before a division of the House, or before the commencement of the call of the yeas and nays.

Mr. WISE said, as he could not assign his reasons at length, he desired, at least, that his constituents might know that he was present. He could not vote for the resolution, because it implied or admitted a principle he denied—the right to receive those petitions.

After the vote was taken,

Mr. ADAMS rose, and moved that his reason for not voting on the resolution be entered on the journal.

The CHAIR said it was out of order.

Mr. ADAMS then notified his request to the Clerk to make an entry of his motion, and that it was pronounced by the Chair to be out of order.]

REFERENCE OF THE PRESIDENT'S MESSAGE.

On motion of Mr. HAYNES, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. ADAMS in the chair, on the resolutions to refer the different subjects embraced in the President's Message to appropriate standing committees.

The question pending was the following resolution, as modified, submitted by Mr. HAYNES:

3. *Resolved*, That so much of said Message as relates to the finances, and every thing connected therewith; to the safe-keeping of the public moneys, and every thing connected therewith, be referred to the Committee of Ways and Means.

And the amendment moved thereto by Mr. CUSHING, as follows:

Whereas the influence of the Executive department of the Federal Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished:

Resolved, therefore, That in order to correct the said abuse, so much of the President's Message as relates to the collection, safe-keeping, and transfer of the public money be referred to

with instructions to report—

First, such method of keeping the public treasure, effects, and other property, as in the judgment of said committee shall most conduce to promote the welfare and to secure the liberties of the people; and,

Secondly, such other reforms in the practices of the Government as in their opinion shall tend to bring back the administration thereof to the standard of the original purity of the Constitution.

After some explanatory remarks from Mr. CUSHING,

Mr. EWING wished to make a few observations in relation to what had been said the other day by the gentleman from Cincinnati, (Mr. Duncan.) He contended that Mr. D. had evaded the questions propounded, by offering him a prescription, and calling upon him to define what Federalism was. He certainly felt much affected by the kindness of that gentleman, but he begged to tell him that, when he wanted medicine, he would employ a regular physician. He considered the prescriptions hitherto prepared by the Committee of Ways and Means, as inadequate to effect a cure of the present evils, and concluded his remarks by giving Mr. D. some advice as to the course of reading he ought to pursue in order to obtain a just idea of the true state of the country.

Mr. DUNCAN was much amused at the speech just made by the gentleman from Indiana, and his learned disquisition on medicine. The last time he had administered a *cathartic* to the gentleman, but as that did not appear to produce the effect intended, he would, on the next occasion, administer an *anodyne*.

Mr. UNDERWOOD should make but a few observations. He considered it an undeniable fact that all the present difficulties of the country were attributable to the organic construction of the Government, the continual tendency of which was to concentrate power in the hands of the Executive. In his opinion the only remedy was so to amend the Constitution as to prevent that tendency, and at some future time he would take occasion to offer resolutions to that effect. Mr. U. then referred to the various Executive departments, in which he said there was much which called for the attention of the House. He adverted at some length to the "Exploring Expedition;" to the Florida war, and to the alledged grievances in the Post Office Department, which he charged with great neglect in the transportation of papers sent by members to their constituents. He complained that the President was giving them lectures on the New York elections, instead of suggesting measures of reform. He then expressed his views in reference to the establishment of a National Bank, which he contended was the only means of regulating and producing a uniform currency, and on that ground was opposed to the reference of the subject to the Committee of Ways and Means, as that Committee had at the late special session reported a resolution adverse to the establishment of such an institution.

Mr. MALLORY addressed the committee on the subject of a resolution heretofore offered by him, calling for information respecting the delay of the sailing of the South Sea Exploring Expedition. He gave a statement of the appropriations made at various times for that object, and charged the Secretary of the Navy with gross mismanagement in relation to it. He also took a general view of the navy, and maintained that its condition was such as imperatively demanded an investigation.

Without taking the question, on motion of Mr. GRANT, the committee rose.

The SPEAKER laid before the House a message of the President of the United States, in relation to the construction of the new Treasury building, &c.; which, on motion of Mr. LINCOLN, was referred to the Committee on the Public Buildings.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in relation to insolvent debtors; which, on motion of Mr. McKIM, was laid on the table.

Several bills from the Senate were taken up, read twice, and referred.

On motion of Mr. SMITH, five thousand copies of the designs to the report in relation to the establishment of marine hospitals on the western waters, was ordered to be lithographed for the use of the House.

On motion of Mr. PETRIKEN,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the present state of the currency within said District, and report to this House such measures as may be necessary, in their opinion, to improve its condition.

On motion of Mr. GARLAND of Virginia,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of so amending the act of the 5th July, 1832, entitled "An act to provide for liquidating and paying certain claims of the State of Virginia," as to embrace officers entitled to five years' full pay, in lieu of half-pay, for life; and the said committee be further instructed to inquire into the expediency of providing for the payment of such judgments as have been, or may be hereafter, recovered against the State of Virginia for half-pay or commutation pay, under the act of the Legislature of Virginia of May, 1779.

On motion of Mr. GRANT, the following resolutions, submitted by him on the 18th instant, were taken up and agreed to:

Resolved, That the Postmaster General be directed to report to this House the whole amount of postage collected by his department on newspapers for six months, ending the 30th day of June, 1837.

Resolved, That the Postmaster General be directed to report to this House a statement exhibiting a list of all persons with whom he has contracted to carry the Express Mail; the length of each contract by measurement or estimate; the offices at which the Express Mail is opened on each route; the average weight of each mail, and the annual compensation stipulated to be paid to each and every contractor on express mail routes, and the duration of each contract.

On motion of Mr. TAYLOR of New York, the following resolution was taken up:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled an act granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes, approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the Revolution whose husbands were entitled to a pension.

Mr. CUSHMAN moved to amend the resolution by adding—"and also to inquire into the expediency of placing on the pension roll, those children whose fathers died in the service, and also those children whose fathers have been Revolutionary pensioners."

Before the question was taken, on motion,

The House adjourned.

The following petitions were presented in the House of Representatives on Monday.

Mr. FOSTER presented the petition of 187 citizens of the State of New York, living in the vicinity of Lake Ontario, praying for the construction of a ship and steamboat canal around the Falls of Niagara, and asking of Congress an appropriation to effect that object.

Mr. CAMBRELENG presented the petition of 180 merchants of the city of New York in favor of the construction of said ship canal.

Mr. HOFFMAN presented the petition of John H. Lord and 286 other citizens of New York, praying for the construction of said canal.

Mr. GRANT presented the petition of Christian J. Bunkle and 551 other citizens of the State of New York, inhabiting the northern boundary of the United States, praying for the construction of said ship and steamboat canal, and asking an appropriation for that purpose.

Also, the petition of John Robinson and 480 other inhabitants of the county of Niagara, in the State of New York, in favor of the same project.

Mr. BIRDSALL presented the petition of William Wickham, of Sodus, New York, praying Congress to pass a law to secure to him the use of a fishery in waters adjacent to lands conveyed by the petitioner to the United States for the erection of a light-house; which was referred to the Committee on Commerce. Mr. B. also presented the papers of Mr. Fitzhugh, the keeper of the light-house at Sodus, in opposition to the prayer of the above petition; which was referred to the Committee on Commerce.

TO THE EDITORS OF THE GLOBE.

GENTLEMEN: The resolution submitted to the Senate by me, yesterday, was not the resolution published as mine in the Globe of this morning. The following is that which I laid on the table, to be called up on a future day:

"*Resolved*, That the Committee for the District of Columbia be instructed to inquire into the expediency of authorizing the people of the said District to elect a delegate to the House of Representatives of the United States, to enjoy the rights and privileges of the delegates of the respective Territories of the United States."

In the Globe of yesterday, Mr. CLAY of Alabama is represented to have called for the reading of the resolutions of the Legislature of Vermont, presented to the Senate by Mr. SWIFT, in favor of the abolition of slavery in the District of Columbia, the suppression of the domestic slave trade between the States, and against the annexation of Texas to the United States. This is also a mistake. I called for the reading of those resolutions, because they were not distinctly described by the Senator presenting them; because, in consequence of this, the Southern Senators seemed not to have noticed their presentation; because, having previously read them, and deeming much of the language in the resolutions, and in the report which accompanied them, to be unconstitutional, inflammatory, and calculated to inflict a serious blow upon the Union of the States, I deemed it my duty to call the special attention of the Senate to them.

Very respectfully,

JOHN NORVELL.

Dec. 21, 1837.

HOUSE OF REPRESENTATIVES,
FRIDAY, December 22, 1837.

After the reading of the journal—

Mr. ADAMS stated that, as his name did not appear among the yeas and nays on the vote on Mr. Patton's resolution of yesterday, nor was his objection entered on the journal, it would not appear that he was present on the occasion.

The SPEAKER informed the gentleman that, as he had not answered either "ay" or "no" when his name was called, his name, as a matter of course, could not be recorded:

Mr. ADAMS. I moved at the time that the answer I gave should be entered on the journal, but the Speaker said it was not in order. I then requested that it might be entered on the journal that I made the motion, and that it was declared to be out of order.

The SPEAKER again informed Mr. A. that the reason it did not appear on the journal was, that it was not in order; and referred him to a case precisely of the same nature which occurred during the first session of the last Congress, and which had been so decided by the House.

Mr. ADAMS, after some further remarks, moved that the journal be so amended as to include his objection to the resolution, and his reasons therefor, in the following words:

"I hold the resolution to be a violation of the Constitution of the United States, of the right of my constituents, and of the people of the United States to petition, and of my right to freedom of speech, as a member of this House."

Mr. BOON moved to lay the motion to amend on the table.

Mr. ADAMS asked for the yeas and nays; which were refused, and the motion to lay on the table was agreed to without a count.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making appropriations for certain fortifications of the United States for the year 1838: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. CAMBRELENG, from the same committee, also reported a bill making appropriations for the support of the army of the United States for the year 1838: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. MERCER, desired to inquire of the chairman of the Committee of Ways and Means if it was intended to report any bill touching the clearing out the raft of Red River, or the Cumberland road.

Mr. CAMBRELENG replied, that those bills were under the charge of the gentleman from Kentucky (Mr. Pope) and at that time in his hands.

Mr. CAMBRELENG, from the same Committee reported the Senate bill to remit the duties upon certain goods destroyed by fire in the city of New York; which was committed to a Committee of the Whole on the state of the Union.

Mr. CAMBRELENG remarked that there was among the estimates not yet printed an appropriation for completing the erection of barracks at Fort Leavenworth, though the Committee of Ways and Means did not find any express law authorizing it. They deemed it expedient, however, that the Committee on Military Affairs should have an opportunity of examining the subject, and that, if they thought proper to do so, they might report a bill for the purpose. The Committee of Ways and Means did not feel authorized to do it; and they had, therefore, directed him to report the following resolution, which was agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing an appropriation to complete the erection of permanent barracks and quarters at Fort Leavenworth, on the frontier of Missouri, for four companies of dragoons, including stables for their horses, according to a plan approved by the Secretary of War.

Mr. McKIM, from the same committee, moved that the Committee of the Whole be discharged from the further consideration of the bill for the relief of the Baltimore and Susquehanna Railroad Company, and that the same be recommitted to the Committee of Ways and Means; which was agreed to.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported without amendment Senate bill for the relief of Erastus Fairbanks and Thaddeus Fairbanks; which was committed.

Mr. WHITTLESEY, from the same committee, reported without amendment Senate bill for the relief of Elisha Towns: committed.

Mr. RUSSELL, from the same committee reported a bill for the relief of Nathaniel Goddard and others, read twice and committed.

Mr. SMITH, from the Committee on Commerce, reported a bill for the relief of Sears and others; read twice and committed.

Mr. SMITH, from the same committee, reported a bill for the relief of Henry Tunis: read twice and committed.

Mr. SMITH, from the same committee, reported a bill for the relief of Frederick Reese: read twice and committed.

Mr. SMITH, from the same committee, reported a bill for the relief of Sophia Sterne: read twice and committed.

Mr. SMITH, from the same committee, reported a bill providing for the reorganization of the Treasury Department.

The bill having been read twice,

Mr. S. explained that the bill was substantially the same as had been heretofore considered, and as it was a matter of great interest to the department that it should be passed as speedily as possible, he moved that it be made the special order for the first Wednesday in January.

Mr. E. WHITTLESEY expressed a hope that, after the inconvenience so often experienced, no more special orders would be adopted.

Mr. SMITH having so varied his motion, the bill was committed to a Committee of the Whole on the state of the Union.

Mr. SMITH, from the same committee, reported a bill, providing for the employment of boys in the merchant vessels of the United States: read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. SMITH, from the same Committee, reported, without amendment, Senate bill to allow a drawback on duties upon imported hemp when manufactured into cordage and exported: committed to a Committee of the Whole on the state of the Union.

Mr. SMITH also reported a resolution for the printing of two thousand copies of the report of Professor Hassler on the standard of weights and measures; which was agreed to.

Mr. SMITH, from the same committee, also reported a bill making appropriations for the erection of a marine hospital at Portland Harbor, Maine: read twice and committed to a Committee of the Whole on the state of the Union.

Mr. CUSHMAN, from the same committee, reported a bill for the relief of Nathan Smith and others: read twice and committed.

Mr. CUSHMAN, from the same committee, also reported a bill for the relief of the owners of the schooner Three Brothers: read twice and committed.

Mr. CUSHMAN, from the same committtee, reported a bill for the relief of Moses Merrill: read twice and committed.

Mr. CUSHMAN, from the same committee, also reported a bill for the relief of Joseph D. Shields: read twice, and committed.

Mr. CUSHMAN, from the same committee, also reported a bill for the relief of Nathan Levy: read twice, and committed.

Mr. DEGRAFF, from the same committee, reported a bill for the relief of Ferdinand Clark: read twice, and committee.

Mr. PHILLIPS, from the same committee, reported a bill for the relief of Thomas Cushing: read twice, and committed.

Mr. HUNTER of Ohio, from the same committee, reported a bill for the relief of John A. Peterson: read twice, and committed.

Mr. CASEY, from the Committee on the Public Lands, reported a bill providing for the establishment of a surveyor general's office in the State of Illinois: read twice, and committed.

Mr. CHAPMAN, from the same committee, reported the following bills, which were read the first and second time, and referred to the Committee of the Whole House, and made the order of the day for to-morrow:

1. A bill for the relief of Isaac and Wm. Wilkinson.
2. A bill for the relief of Elisha Nowland, Wm. N. Kennedy, Robert J. Kennedy, and Mason E. Lewis.
3. A bill for the relief of Wm. Walker.
4. A bill for the relief of Abraham Woodall.
5. A bill for the relief of Joel Chandler.
6. A bill for the relief of John A. Williams.
7. A bill for the relief of John Hollinsworth.
8. A bill for the relief of William James Aarons.

Mr. YELL, from the same committee, reported,

1. A bill to establish an additional land district in the State of Arkansas; and

2. A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians: read twice and committed.

On motion of Mr. YELL, a memorial from the Legislature of Arkansas, praying a survey to reclaim the inundated land on the Mississippi and Arkansas rivers, was taken from the files, and referred to the Committee on Roads and Canals.

Mr. SHIELDS, from the same committee, reported—

1. A bill to authorize the Legislature of the State of Tennessee to sell the lands heretofore appropriated for the use of schools in that State; and,

2. A bill to amend the act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described within said State."

Both bills read twice and committed.

Mr. MONTGOMERY, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Patrick Green: read twice and committed.

Mr. TALIAFERRO, from the Committee on Revolutionary Claims, reported the following bills:

1. Bill for the relief of the heirs of Dr. Phillip Turner, deceased.
2. Bill for the relief of Nathaniel Adams and others.
3. Bill for the relief of the administrators of Wharton Quarles, deceased.
4. Bill for the relief of the administrators of William T. Smith, deceased.

All the above were read twice, and committed.

Mr. MUHLENBERG, from the same Committee, reported the following bills:

1. For the relief of the heirs of Lieutenant Col. Richard Campbell.
2. For the relief of the heirs of Lieutenant James Conway.
3. Of the heirs of Wadleigh Noyes.
4. For the relief of Hannah Richardson.
5. Of the heirs of Major Peter Helphenstein.
6. Of Elizabeth Hunt, and the heirs of Captain William Hendricks.
7. Of the legal representatives of Captain John Winston.
8. Of John Clark.
9. Of Lieutenant John McDowell.
10. Of the legal representatives of Col. George Gibson.
11. Of the legal representatives of William Hooker Smith.
12. Of the legal representatives of Capt. Charles Snead.
13. Of the heirs at law of Joseph Fanning.
14. Of the children and heirs at law of John Chilton.
15. Of the children and heirs of Lieut. Col. Henry Irwin.

All the foregoing were read twice, and referred to a Committee of the whole House.

Mr. CRAIG, from the same committee, reported the following, viz:

1. Bill for the relief of Crawford Johnson.
2. Bill for the relief of William B. Bunting.
3. Bill for the relief of the legal representatives of Timothy Feeling.

The above were severally read twice, and committed.

Mr. PARMENTER, from the same committee

reported a bill for the relief of the legal representatives of Dr. William Johonnot: read twice, and committed.

Mr. UNDERWOOD, from the same committee, reported bills for the relief of sundry individuals, as follows, viz:

1. For the relief of Francis Vigo.
2. Of Colonel Willis Reddick.
3. Of the representatives of Nathan Tracey and Thomas Gordon.
4. Of William Vawter.
5. Of John B. Ashe.
6. Of John Gordon.
7. Of James Witherell.
8. Of Apollos Cooper.
9. Of Francis Taylor.
10. Of the representatives of Joseph Young, deceased.
11. Of Levi Chadwick.
12. Of Thomas Knowlton.
13. Of Lathrop Allen.
14. Of Samuel Jones.

All the foregoing bills were severally read twice, and committed.

Mr. BIRDSALL, from the same committee, reported the following, viz:

1. A bill for the relief of the heirs of Crocker Lumpson, deceased.
2. A bill for the relief of the legal representatives of John De Treville, deceased.
3. A bill for the relief of the legal representatives of Captain John Marks, deceased.

The above bills were severally read twice and committed.

Mr. A. H. SHEPPERD, from the same committee, reported

1. A bill for the relief of the heirs of Dr. Charles Taylor, deceased.
2. A bill for the relief of the legal representatives of James Purvis, deceased.

The above were read twice and committed.

Mr. LAWLER, from the Committee on Private Land Claims, reported—

1. A bill for the relief of William Moore.
2. A bill for the relief of James Moore.
3. A bill for the relief of the heirs and legal representatives of the late Robert Palmer, deceased.

Severally read twice, and committed.

Mr. HARLAN, from the same committee, reported the ensuing, viz:

1. A bill for the relief of Farish Carter, and the heirs of Charles Williamson, deceased.
2. A bill for the relief of Stephen (Etienne) La Lande of Alabama, read twice, and committed.

Mr. LEADBETTER, from the same committee, reported the following; which were severally read twice, and committed.

1. A bill for the relief of the legal representatives of Daniel Warner, deceased.
2. A bill for the relief of Henry L. Riviere.
3. A bill for the relief of Margaret Kingsbury.

Mr. MAY, from the same committee, reported the following, which were read twice and committed:

1. A bill for the relief of Amelia Leach.
2. A bill for the relief of Oliver Welch.

Mr. RARIDEN, from the same committee, reported a bill for the relief of the heirs of Francis Jarvis: read twice, and committed.

Mr. ADAMS, from the Committee on Manufactures, moved that the report made at the last Congress on the subject of the culture and manufacture of silk, be again referred to that committee; which was agreed to.

Mr. EVERETT, from the Committee on Indian Affairs, reported a resolution directing the Clerk of the House to purchase, for the use of that committee, some copies of the collection of Indian treaties; which was agreed to.

Mr. BELL, from the same committee, reported the following bills, which were severally read twice and committed:

1. A bill for the relief of Us-se-yoholo, a Creek Indian.
2. A bill for the relief of Milly Yates.

Mr. REED, from the Committee on Naval Affairs, reported the following, which were read twice and committed:

1. A bill for the relief of Commodore Hull
2. A bill for the relief of Thomas B. Parsons.

Mr. KILGORE, from the same committee, reported a bill for the relief of the legal representatives of Henry Richardson, deceased: read twice and committed.

Mr. ANDERSON, from the same committee, reported a bill for the relief of Benjamin Hewitt: read twice and committed.

Mr. WISE, from the same committee, reported the following:

1. A bill to provide compensation to James Barron, for the use of his invention, called "A Ventilator of Ships;" and
2. A bill to allow additional compensation to William Early: read twice and committed.

Mr. BRONSON, from the Committee on the Territories, reported without amendment Senate bill to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin.

Mr. B. moved that the bill be committed to a Committee of the Whole.

Mr. WHITTLESEY of Ohio inquired if it involved an appropriation? because, if not, it would be expedient to pass it over without delay.

Mr. BRONSON replied that it did, and the bill was accordingly committed.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported the following:

1. A bill for the relief of Samuel Edgecomb.
2. For the relief of Isaac Hilten.
3. For the relief of Neill McNeille.
4. For the relief of Isaac Austin.
5. For the relief of Amos Thompson.
6. For the relief of Daniel Davis.
7. For the relief of Oliver Peck.
8. For the relief of Benjamin Gannet, widower of Deborah Gannett, a soldier of the Revolution.
9. For the relief of William York.
10. For the relief of Huldah Taylor.
11. A bill extending the provisions of the act entitled "An act supplementary to the act entitled an act for the relief of certain surviving officers and soldiers of the revolution, passed June 7, 1832."

All the above bills were also severally read twice, and referred.

Mr. KLINGENSMITH, from the same committee, reported the ensuing:

1. A bill for the relief of Solomon Ketchum.
2. A bill for the relief of Ann West.
3. A bill for the relief of William Fitzgerald.
4. A bill for the relief of William Jenkinson.
5. A bill for the relief of Joseph Veazie.
6. A bill for the relief of Simeon Smith.

All severally read twice, and committed.

Mr. JOHNSON of Virginia, from the same committee, reported the following, which took the same course:

1. A bill for the relief of Conrad Widrig.
2. A bill for the relief of Frederick Hill.

Mr. WHITTLESEY of Connecticut, from the same committee, reported the following, which were read twice and committed:

1. A bill for the relief of Ichabod Beardsley.
2. A bill for the relief of Christopher Dennison.

Mr. HEROD, from the Committee on Invalid Pensions, reported the following, which had the same disposition:

1. A bill for the relief of Isaac Parker.
2. A bill for the relief of Charles Coffin.
3. A bill for the relief of Josiah Westlake.
4. A bill for the relief of George Barkley and John Weaver.

Mr. WILLIAMS of Kentucky, from the same committee, reported:

1. A bill for the relief of Fielding Pratt.
2. A bill for the relief of John Bosworth.
3. A bill for the relief of Samuel Brown.
4. A bill for the relief of William Pease.
5. A bill for the relief of Thomas Allen.

All severally read twice and committed.

Mr. ALLEN, of Vermont, from the same committee, reported:

1. A bill granting a pension to Bradbury True Jepson.
2. A bill for the relief of Daniel Raridon.

Read twice and committed.

Mr. BOND, from the Committee on Revolutionary Pensions, reported the following, which had the same disposition:

1. A bill for the relief of John M'Clellan.
2. A bill for the relief of Josiah Clark.
3. A bill granting a pension to Alexander Gillis.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill to restore to certain invalid and other pensioners the amount of pensions by them relinquished: read twice, and committed.

Mr. PAYNTER, from the Committee on Naval Affairs, reported a bill for the relief of Spencer C. Gist: read twice, and committed.

Mr. SIBLEY, from the Committee on Revolutionary Pensions, reported the following; which were read twice, and committed:

1. A bill for the relief of Frederick Wilhead
2. A bill for the relief of Elizabeth Case.
3. A bill for the relief of Simeon Moss.
4. A bill for the relief of Thomas West.
5. A bill for the relief of Chauncey Ross.

On motion of Mr. BRONSON, and by general consent, it was

Resolved, That when the House adjourn to-day, it adjourn over to Tuesday next.

The House then, pursuant to the order, went into Committee of the Whole—Mr. MUHLENBERG in the Chair, and considered a large number of private bills; after which the committee rose, reported them to the House, and they were severally read the third time and passed, as follows:

1. An act for the relief of Chastelain and Ponvert.
2. An act for the relief of Robert Dickey of New York.
3. An act for the relief of Major General Alexander Macomb.
4. An act for the relief of Samuel Saunderson.
5. An act for the relief of Ebenezer A. Lester.
6. An act for the relief of Jesse E. Dow.
7. An act for the relief of Edward Burgess.
8. An act for the relief of Daniel T. Patterson.
9. An act for the relief of William Bailey, survivor of Bailey and Delord.
10. An act for the relief of the legal representatives of John McCarty, deceased.
11. An act for the relief of William H. Bell.
12. An act for the relief of the legal representatives of David Caldwell, deceased.
13. An act for the relief of Benjamin H. Mackall.
14. An act for the relief of James J. Pattison.
15. An act for the relief of Daniel Davis.
16. An act for the relief of James Baker.
17. An act for the relief of the legal representatives of Roswell Lee, deceased.
18. An act for the relief of T. M. Canless.
19. An act for the relief of the legal representatives of Bolitha Laws.
20. An act for the relief of Joseph Hall.
21. An act for the relief of Jonathan Davis.
22. An act for the relief of Albion T. Crow.
23. An act for the relief of William R. Taylor, administrator to Jonathan Taylor, deceased.
24. An act for the relief of the legal representatives of John Addoms.
25. An act for the relief of Allen R. Moore.
26. An act for the relief of Elias Johns.
27. An act for the relief of James McMahon.
28. An act for the relief of Sarah Murphy.
29. An act for the relief of Abraham Lansing.
30. An act for the relief of Nicholas Hedges.
31. An act for the relief of Thomas J. Lawler and S. M. Miles.
32. An act for the relief of John Crepps.
33. An act for the relief of Presly N. O. Bannon.
34. An act for the relief of F. Gardiner.
35. An act for the relief of Benjamin Mooers.
36. An act for the relief of Eli Horton.
37. An act for the relief of M. Gelston, administrator to David Gelston.
38. An act for the relief of John M. Oliver.
39. An act for the relief of Christopher Clark.
40. An act for the relief of Phillip Marshall and the legal representatives of John Marshall.
41. An act for the relief of Curtis Grubb.
42. An act for the relief of John B. Perkins.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JANUARY 1, 1838. VOLUME 6.....No. 4.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 3.*]

43. An act for the relief of William Eadus.

44. An act for the relief of Hannah Budlong.

45. An act for the relief of Robert Peebles and John Graham.

On motion of Mr. SNYDER,

Resolved, That the memorials and resolutions of the State of Illinois, heretofore presented to this House on the subject of the continuation and location of the Cumberland road through Illinois, be referred to the Committee on Roads and Canals.

On motion of Mr. LOOMIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into, and report to the House at an early day,

1. As to the expediency of reducing the rates of postage to the lowest amount that will enable the Post Office Department to sustain itself.

2. As to the expediency of having the expense of transmitting such proportion of the mail as is comprised of free parcels, to be annually estimated by the Postmaster General, and paid out of the general Treasury of the United States.

On motion of Mr. ALLEN of Ohio,

Resolved, That the Secretary of War be instructed to transmit to this House, copies of any reports made by Captain Henry Smith, in reference to the surveys made by him at the mouth of the Myuhoza river, in the State of Ohio, under the instructions of the War Department.

Mr. PETRIKIN offered the following, which lies over one day:

Resolved, That the Secretary of the Navy report to this House as soon as he conveniently can, a full list of all officers, seaman, and marines in the naval service, disabled by wounds or injuries received while in the discharge of their duty, who have claimed and received the benefit of the act of Congress, approved 3d of March, 1837, with the names of the pensioners, the amount of back pensions received by him, the rank he held at the time he was disabled, the rank he now holds in the navy, and the degree of disability reported to entitle him to a pension, and if not now in the service, the rank such officer held at the time of his claiming the arrearages of pension under the act of Congress aforesaid.

On motion of Mr. C. JOHNSON,

Resolved, That a committee of one from each State be appointed by the Chair, to inquire into the propriety of reporting a bill to appropriate, for the purposes of free schools, academies, and the purposes of education, an increased portion of the public lands, for the benefit of all the States and Territories.

On motion of Mr. CURTIS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law for the allowance of a drawback of duties on imported wheat, when manufactured into flour, and exported.

On motion of Mr. LAWLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of changing the post route from Washington, in Autauga county, by way of Kingston, Independence, Hamilton, Oakridge, and Valley creek, to Perry court-house, so as that the same may run by the way of Perryville, in said county of Perry.

On motion of Mr. TAYLOR of New York, the following resolution offered by him on Thursday was again called up:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled "An act granting half pay to widows or orphans when their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the Revolution, whose husbands were entitled to a pension.

The question pending was the amendment of Mr. CUSHMAN, viz. to add and also to inquire into the expediency of placing on the pension roll, those children whose fathers died in the service, and also those children whose fathers have been Revolutionary pensioners.

The question was taken on the proposed amendment, when it was rejected: the resolution was then adopted.

On motion,

The House adjourned till Tuesday next.

[Our reporter misconceived the tenor of a portion of Mr. EWING's remarks of yesterday, which we hasten to correct. Mr. EWING's note of what he did say, is as follows:

"The Globe reads that Mr. D. (the member from Cincinnati) evaded my questions by calling upon me to define what Federalism was; when in fact I had propounded the question, 'What does the member mean by *his* term *Federalist*? I desire of him to define that appellation.' And I charged that it was evaded, left undefined, but a prescription proffered suitable only for his own case. The Globe also omits my rejoinder to the member's 'next occasion *anodyne*.' It was, that his prescriptions, whether in the shape of an emetic, cathartic, or anodyne, should only be administered hereafter to those who confided in his skill."]

IN SENATE.

FRIDAY, December 22, 1837.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, enclosing a plan for the relief of certain insolvent debtors; which was laid on the table, and ordered to be printed.

Also, a communication from the Treasury Department, in relation to the receipts at the land offices, and the claims for pre-emption rights: laid on the table and ordered to be printed.

On motion of Mr. WALKER,

Five hundred additional copies were directed to be printed; and

On motion of Mr. TIPTON,

One hundred for the use of the land office.

Mr. CLAY presented a petition from two citizens of the District of Columbia, John Lutz and Jesse Lipscomb, praying remuneration for money lost by permitting improper access, as they charge, on the part of the Post Master, to the office.

This petition sets forth that certain sums of money, regularly mailed in the Post Office at Georgetown, arrived at due time in the city of Baltimore—that at the time the mail must have been received there, a certain editor of a newspaper was allowed to come into the office while the mails were lying exposed—that said editor was in the habit of purloining packages of letters, and was detected in the fact, and the memorialists state they have no doubt their money was among the packages the aforesaid editor stole out of the office. And that this having been done through an indulgence contrary law, on the part of an officer of the Government, they ask whether that Government be not liable. They solicit an investigation, and that adequate reparation be made for the losses they have suffered.

Mr. NORVELL presented a memorial—name not heard: referred to the Committee on Land Claims.

Mr. LYON presented the petition of Joseph Campau, praying Congress to permit him to locate six hundred and forty acres of land, in lieu of a private claim of equal quantity, to which he would have been entitled had he filed his claim in season with the board of land commissioners at Detroit. Also, the petition of Marie Germain, praying to be authorized to locate 422 acres of land in Michigan, in lieu of a like number of acres of a private land claim, which was recommended for confirmation to her by the board of land commissioners at Detroit, and was afterwards sold by the Government. Also, the petition of Anne Smith, praying Congress to grant her an equivalent in lands for certain lands claimed by herself and her sister, which have been sold by the Government.

Mr. KING presented the petitions of R. H. Robinson and others for relief: referred.

Mr. ALLEN presented petitions from Anne Flynn, also from Daniel, praying grants of land: referred to the Committe on the Public Lands.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill for the relief of T. A. Smith; which was ordered to a second reading.

Mr. GRUNDY, from the same committee, asked to be discharged from the further consideration of the petition of C. Corning, and that the same be referred to the Committee on Patents: granted.

Mr. HUBBARD, from the Committee on Claims, asked to be discharged from the further consideration of the petition of Amos Jones, and that the same be referred to the Committee on Private Land Claims.

On motion of Mr. YOUNG, it was

Resolved, That the Committee on Public Lands inquire into the expediency to grant to the Rev. Philander Chase, of Peoria county, State of Illinois, the right of pre-emption to the unappropriated lands of the United States situated in township ten, north of range six, east of the fourth principal meridian, in that State, for the purpose of aiding him in the establishment of a college in that township.

The bill for the relief of Samuel Warren was then taken up.

Mr. CALHOUN explained the circumstances on which this was introduced. Captain Warren was a young gentleman of very brilliant prospects at the commencement of the American Revolution; he was also the protege of a very rich maiden aunt, who, in her zeal for the Crown, had determined that her nephew should enter the English army. This not suiting the views of the young gentleman, who was ardently devoted to liberty, and some interruption occurring in the harmony subsisting between himself and aunt, determined him to attach himself to the cause of the rebels, as they were then termed, and he came to America and embraced the cause of the Colonists. The aunt, shocked at the want of loyalty in her nephew, very humanely wished that he might receive some deep and dangerous wound. In the course of the war, Captain Warren lost his leg, from a wound by a cannon ball; and recollecting the wishes of his aunt in relation to his course, the amputated limb was embalmed, and sent home to her as a trophy of his gallantry, and an evidence that her very kind and charitable wishes had been fulfilled. Mr. Warren was then rich, and while so would have disdained to receive any thing from his country; but the scene was now changed, and though highly respectable, and honorably connected in life, he was compelled to ask the assistance of his country.

The bill was then read a second time, and ordered to be engrossed.

The bill to restrain the issue of small notes in this District, was then taken up, and debated in detail by Messrs. MORRIS, PRESTON, CLAY of Kentucky, WRIGHT, BROWN, STRANGE, HUBBARD, ROANE, WALL, and others.

Mr. PRESTON contended that the measure being confined to this poor disfranchised District should have emanated from the Committee on the District of Columbia; that it was not the province of the Committee on Finance to have reported the bill; that it was legislating for the wants of a people with whom they had no interest in common; and moved to commit it to the Committee on the District of Columbia.

Mr. WRIGHT had no personal feeling in the matter; if it were the wish of the Senate that it go to the Committee on the District, be it so; but he called the attention of the Senate to a resolution passed on the 11th inst. which referred the subject to the Committee on Finance; and the bill before

them was but a transcript of what had passed the Senate at the extra session.

Mr. CLAY urged the commitment of the bill, and spoke of it as a picayune business of which the Committee on Finance ought to be ashamed—that it was calculated to do no good, but was in fact a bill of pains and penalties against the poor people, the negroes and beggar girls of this destitute disfranchised district.

Mr. BROWN opposed the motion to commit, and defended the Committee on Finance from the wanton aspersions thrown upon them. At one time the great Democratic party was a miserable set of *Loco Foco sans cullottes*; now the Were the haughty aristocrats, seeking to inflict penalties on the poor and wretched. He left gentlemen of the opposition to reconcile these inconsistencies.

Mr. YOUNG said the very extraordinary sympathy indulged in by the Senators from Kentucky and South Carolina, in relation to this "*poor, devoted, neglected, disfranchised District,*" reminded him of an old anecdote of a member of the Illinois Legislature. The member in question, to increase his popularity, had introduced a bill to provide for the marriage of the poor of his county, without any expense. He had no idea that the loves of the young and joyous should be impeded by any tariff on marriage, and he would oblige the clerk of the court to grant certificates without fee, and intimated that he had made arrangements with a philanthropic clergyman to the same effect. Well, the result of all this was that the member who was so desirous of removing what he considered an onerous burden, was well nigh frowned down by the very people he was so anxious to serve, and their remonstrances very soon obliged him to make an active retrograde movement to retain his seat. Might not the feeling of the people of this District be something of a similar character, and might they thank them for the sympathy evinced in endeavoring to fasten upon them this odious and disgraceful system of currency.

Mr. ROANE, as Chairman of the Committee on the District, opposed the reference. Whilst the matter was under debate at the last session, not a single citizen of the District had ever made a communication to him on the subject.

Mr. HUBBARD also opposed the reference, and desired the yeas and nays. This being granted the question stood for commitment 9, against it 30: as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Davis, Knight, Morris, Prentiss, Preston, Robbins, and Spence—9.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King of Alabama, Lumpkin, Linn, McKean, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Robinson, Smith of Connecticut, Smith of Indiana, Strange, Tipton, Walker, Wall, White, Williams, Wright, and Young—30.

The question was then taken on the amendment of Mr. SMITH of Indiana, which was adopted by a vote of 21 to 16, as follows:

YEAS—Messrs. Buchanan, Clayton, Cuthbert, Fulton, King, Knight, McKean, Morris, Nicholas, Norvell, Prentiss, Preston, Rives, Roane, Ruggles, Smith, of Indiana, Strange, Swift, Tipton, Wall, and Williams.—21.

NAYS—Messrs. Allen, Benton, Brown, Clay, of Alabama, Grundy, Hubbard, Lumpkin, Linn, Niles, Pierce, Robinson, Smith of Connecticut, Walker, White, Wright, and Young—16.

A motion was then made to adjourn, on which Mr. WRIGHT asked the yeas and nays, when the motion was withdrawn.

The bill having been reported as amended, on the question to engross for a third reading,

Mr. WRIGHT asked for the yeas and nays, and the result was, yeas, 31; nays, none.

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Linn, McKean, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Tipton, Walker, Wall, White, Williams, Wright, and Young—31.

NAYS—None.

The bill as amended reads as follows:

A BILL to restrain the circulation of small notes, as a currency, in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, after the tenth day of April next, it shall be unlawful for any individual, company, or corporation, to issue, pass, or to offer to pass, within the District of Columbia, any note, check, draft, bank bill, or any other paper currency, of a less denomination than five dollars; and if any person or corporation shall violate the provisions of this section, the person so offending, or, in case of any corporation so offending, the officers of any such corporation for the time being, shall be liable to indictment by the grand jury of the county within the District where the offence shall have been committed; and the person so offending, or the officers of the corporation so offending, shall, on conviction thereof, be fined in a sum not exceeding fifty dollars, at the discretion of the court, for every offence: one-half of said fine shall be paid to the prosecutor, the other half shall be for the use of the county where the offence shall have been committed: *Provided*, That should the prosecutor offer himself, or be admitted, as a witness for the prosecution, he shall forfeit all claim to any part of the penalty, and the whole shall go to the county, and the court shall give judgment accordingly; and the person so offending, and the officers of any corporation, shall also be liable to pay the amount of any note, bill, check, draft, or other paper, constituting part of such currency, to any holder thereof, with all costs incident to the protest and legal collection thereof, with fifty per cent. damages for non-payment on demand, to be recovered by action of debt; and in case of judgment for the plaintiff, execution thereon shall be had forthwith; and it shall be the duty of the district attorney of the District of Columbia to commence prosecutions against all persons and every coporation offending against this section, of which he shall have knowledge or probable information; and, in case of corporations, the prosecution shall be against the president, or any director or cashier thereof, for the time being; and it shall be the duty of the grand jurors to present all such offences of which they shall have knowledge or probable information; and, that no member of a grand jury shall be ignorant of his duty in this particular, it shall be the duty of the court having cognizance of all offences against this section to give the same in charge to the grand juries, at the commencement of the first term after the passage of this act.

SEC. 2. *And be it further enacted*, That from and after the passage of this act, it shall be unlawful for any individual, company or corporation, to issue, *de novo*, or knowingly to pass, or procure to be issued, passed, or circulated, within the district aforesaid, any note, check, bank bill, or other paper medium, evidently intended for common circulation, as for, and in lieu of small change in gold or silver, or for any other pretence whatever, and which shall be issued and circulated for the first time after the period above limited in this section, under the penalties provided in the foregoing section.

The Senate then adjourned.

IN SENATE.

TUESDAY, December 26, 1837.

Mr. McKEAN presented the memorial of sundry citizens of Philadelphia, for an appropriation for a dry dock at the navy yard at that city: referred. Also, the memorial of the Philadelphia Chamber of Commerce for a new custom-house in Philadelphia: referred. Also, the petition of 143 citizens of Chester county, Pa. against the annexation of Texas: laid on the table. Also, the petition of Daniel Sherrod of Virginia, for compensation for work done on the Cumberland road: referred.

Mr. SWIFT gave notice, that at the suggestion of many Senators now absent, he would postpone the presentation of the Vermont Legislative resolutions to some early day when the Senate was full.

Mr. GRUNDY presented the petition of the trustees of the Kentucky Baptist Education Society of Georgetown, college, for a grant of land: referred.

Mr. WALL rose and offered the memorial and resolutions of the Legislature of New Jersey; moving, at the same time, that the documents be laid on the table and printed.

Mr. CLAY of Kentucky thought it expedient that the Senate should know the subject of the documents before taking action thereon.

Mr. WALL believed it was the creed of a class relative to matters therein contained.

Mr. CLAY moved the reading: adopted.

The Secretary then read the memorial and resolutions: laid on the table, and ordered to be printed.

[The memorial related principally to the constitutional right of Congress to provide for the safe keeping of public moneys, instead of this duty being delegated to the Executive; also deprecating the Expunging resolution passed by the Senate in 1836, and denouncing the Specie circular as not justified by law.]

A message was received from the House of Representatives, announcing the passage of sundry private bills; which, in the course of the proceedings, were severally read twice, and appropriately referred.

Mr. SMITH of Indiana presented a petition of sundry citizens of Indiana, praying alteration of certain post routes: referred to the Committee on the Post Office and Post Roads.

Mr. BUCHANAN presented a petition of sundry citizens of Pennsylvania, praying for the erection of a dry dock at the navy yard at Philadelphia: referred to the Committee on Naval Affairs.

Mr. WILLIAMS presented a memorial of the Farmers' Bank of Alexandria, praying an extension of charter: referred to the Committee on the District of Columbia.

Mr. HUBBARD presented a petition from sundry citizens of Florida, praying remuneration for losses sustained by the Seminole war: referred to the Committee on Claims.

Mr. CLAYTON, from the Committee on Claims, reported a bill for the relief of Thomas L. Winthrop and others, constituting the New England Mississippi Land Company: read, and ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, reported a resolution discharging that committee from the petitions of James Irvin and Richard T. Bank, and a reference of the same to the Committee on Indian Affairs: adopted.

Also, reported a bill for the relief of John Kurtz, owner of ship Alleghany: read, and ordered to a second reading.

A message was received from the President, in obedience to a resolution of the Senate of the 16th of October last, calling for the correspondence between the Government of the United States and any foreign power, in relation to the occupancy of the territory of the United States west of the Rocky Mountains and bordering on the Pacific.

The documents were laid on the table, and ordered to be printed.

On motion of Mr. PRESTON, the papers of Mr. Easby were removed from the files, and referred to the Committee on Naval Affairs.

Mr. LINN introduced a bill authorizing the President of the United States to cause the southern boundary of the Territory of Wisconsin to be ascertained and marked: read, and referred to the Committee on the Judiciary.

Mr. TIPTON, from the Committee on Claims, made an unfavorable report on the petition of William C. East; which was adopted.

Mr. WALL, from the Committee on the Judiciary, reported a bill for the relief of the heirs of the late Francis Newman: read, and ordered to be printed.

On motion of Mr. WHITE, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of extending a grant of land to the heirs of Emanuel Triebel.

On motion of Mr. RUGGLES, it was

Resolved, That the Committee on Commerce inquire into the expediency of disposing of a certain

site of a custom-house at Bath, Maine, and purchasing another.

Mr. RUGGLES, on leave, introduced a bill asking the Commissioner of the Patent Office to issue a patent to James Smith: read, and referred to the Committee on Patents.

Mr. YOUNG introduced a bill for the relief of Samuel Gibson: read, and referred to the Committee on Claims.

A message from the President of the United States announced his having given his signature to the bill for the coast relief squadron.

Mr. WALL presented the petition of Margaret S. Wallace, widow of a Revolutionary officer, for relief: referred to the Committee on Pensions.

Mr. CLAY of Kentucky presented the petition of James T. Ewbank, for relief: referred to the Committee on Claims.

Mr. RIVES presented the petition of William A. Weaver, praying redress from the sentence of a court martial: referred to the Committee on Naval Affairs.

Mr. SEVIER presented the resolution of the Legislature of Arkansas, protesting against the location of certain lands in that State: referred to the Committee on Indian Affairs.

ORDERS OF THE DAY.

The bill for the relief of Captain Samuel Warren was read a third time and passed.

The bill restraining the issue of small notes in the District of Columbia: was read a third time, and on the question should the bill pass—

Mr. YOUNG begged leave to propose, by unanimous consent, an amendment describing the denomination of notes to be affected by the provisions of the first section of the bill.

Mr. CLAY of Kentucky expressed himself in favor of the amendment, as at the last session Congress had authorized the issue of ten millions of Treasury notes, without particularly specifying their denomination; and should this point not be determined, there might be a danger in passing even the currency authorized by Congress itself. He contended that the relation of the two bills exhibited a curious manner of legislation. The Senate had not on a former occasion scrupled to issue a paper irredeemable in specie, and now they were about to force on this District a course directly opposite. But the notes authorized at the late session were large, (of the denomination of $50 and $100,) adapted solely to the purposes of the rich. While we were now about to append penal denunciation on every thing less than five dollars, applicable directly to the wants of the poorer classes, and to prosecute the offenders before a grand jury: it was an odious sheme at best, and he could see no justice in the measure. The bill, it was true, presented to his mind less objections now, since it had undergone important and salutary modifications. That odious clause regarding the summary mode of punishment and the requisition of oaths, had been stricken out, and, as it now stood, he should have no objection to its passage if it presented features alike applicable to the whole country. He was unwilling to make this little, miserable, ten mile square do that which it was impossible to effect by the efforts of the whole country united. It was true he had hopes, but *only* hopes, that this desirable issue would be effected throughout; but he could see no reason why this little District, which had always been behind in legislation, should now be forced in advance, and made to bear the brunt for the whole country. It would seem that the whole efforts of the Committee on Finance had been concentrated and expended to produce this little abortion of a bill, affecting only this poor, miserable District, and applicable only to the poor and wretched, the provisions of which, even when broken, could not be construed into crime. This grand national committee, he contended, should have a higher aim in view; it should seek to improve the deranged currency of the whole country, and to do this there was but one applicable remedy, namely: to establish a National Bank, to be conducted by a disinterested corporation, and not by the Executive alone, blending public and private interests; this, he was aware, would not now be done, nor would it be recommended; the hands of the President were tied by this House; it had declared, even at the last session, we should not have a bank, though prayed for by a full majority of the people. He had a special reference in urging the last proposed amendment; he did not wish to see that good functionary, the Secretary of the Treasury, arraigned among the first for a violation of this law, as he most assuredly might be if the amendment was not adopted.

Mr. BUCHANAN said he never entertained an idea that the debate on this bill would have extended to such an unreasonable length as it had on Friday last, when the discussion was of so stirring a nature; and the more was he surprised, as this identical bill had passed at the extra session, with scarcely any opposition, after the clause relating to the banks of this District had been stricken out. Least of all did he expect to hear the honorable Senator from Kentucky denounce the measure in the violent manner he had. The course pursued by him had rendered it manifest who were the opposers of this wretched system of currency, and who its advocates: however doubtful it might have been upon whom the odium of this shin-plaster system rested, that question was now decided! Mr. Buchanan expressed himself not a little astonished at the course pursued by the enemies of the bill. They had, it appeared, retired when the question was taken on ordering the bill to be engrossed, and the result was a unanimous vote. Why did not gentlemen remain to record their votes against the measure? He felt persuaded that if the question could be submitted to the people of this District, the result would be a decision as unanimous as that of the Senate. Mr. B. contended that the poorer classes were the greatest sufferers from the circulation of these small notes. In many places he had heard and believed, there were large amounts of counterfeit notes of individual issue in circulation, the united effect of which was to injure and embarrass, making the system the greatest curse to the poor. Mr. B. denied altogether the necessity of issuing these shin-plasters on account of the suspension of specie payments. Silver quarter dollars and smaller change had never been exhausted by exportation; that description of money had never, to any extent, been an article of trade; it was hoarded up in bags or old stockings, from whence it would never find its way into circulation, unless forced out by dispensing with the use of those small pieces of irredeemable paper representatives. In some of the western counties of Pennsylvania, where he had been last summer, in which there were no banks, and had been no issue of small notes, he found specie change circulating as formerly; and he doubted not it did generally in the interior, and there the miserable trash was unknown. Should the banks now resume, as he had hopes they speedily would, these paper rags would fall dead in the hands of the holders; and who then would be the greatest sufferers, the poor or the rich? The measure before them was one eminently calculated to benefit the people, by placing among them a sound currency. The law, in Mr. B's opinion, was wise, just and politic. A large majority of the Senate had approved it at the called session, when the time allowed was only thirty days, while now it was extended to the 10th of April next. He thought the amendment of the gentleman from Illinois (Mr. YOUNG) was not necessary; but he was willing it should be adopted.

Mr. CLAY denied the right of the Senator from Pennsylvania (Mr. Buchanan) to charge him with retiring to elude the responsibility of his vote. Was it not presumed when a Senator left the Hall, it was done for legitimate purposes? Had the honorable gentleman himself never retired for legitimate purposes? When, said Mr. C. was I ever known to shrink from meeting any man or any question? Mr. C. said he did not care much about the bill; he did not know but it might have been hammered into something suitable for its purposes, before it was passed.

The Senator from Pennsylvania (said Mr. C.) has made the great discovery that *we* and our friends are the great supporters of *the paper system*. Have we not called on the party in power, over and over again, to bring forward some proposition calculated to cure the diseased state of the currency, and how have we been met? Why with a little miserable bill of pains and penalties against the poor people of this ten miles square. Who were the chief actors in the ruin which had overtaken the currency? Why the Senator from Pennsylvania and his co-laborers had produced the fatal consequences, and vain and fruitless would be the attempt to escape from the effects of their blind and deluded measures. We have been told (said Mr. C.) there is plenty of specie in Illinois and Missouri; yes, sir, and how did it get there, but by the baneful operation of that specie circular, which drew it from its legitimate channel, and helped to work the very evil of which the gentleman are complaining? Mr. C. said he had no doubt if the alternative were presented to the poor of specie or these notes they would prefer specie; but this was not the present alternative: it was these notes or nothing!

Mr. C. submitted to the honorable Senator, whether he believed it possible that the banks of this District could pay specie while paper was the universal medium every where else? Mr. C. thought it impossible. There was but one step to take to cure the ill: to establish a United States Bank, which, for forty years, had insured safety to the currency and equality to the exchanges. The Senator from Pennsylvania could not take that course. He had entrenched himself behind the President, behind the Senate, where a negative proposition had been forced through the body, telling the people that if there was a majority in favor of the measure, they should not have it; and yet, (said Mr. C.) while we are deluged with Treasury notes, we are asked to put down the most valuable of the two.

Mr. C. appealed to the VICE PRESIDENT, whether, for the thirty years he had been conversant with the public business, business pertaining to the District had ever been taken from its legitimate sphere, the District of Columbia, to give it to the Committee on Finance? Such a course, he maintained, was unexampled. Why was this business thrust upon Congress from the Committee on Finance, at this early period of the session? Why was it that this committee, supposed to be pre-eminent for its wisdom, for its skill, for its knowledge on national topics, should descend from high station to legislate for this miserable, disfranchised ten miles square? Was such a course statesmanlike? Mr. C. said he was no more a friend to the banks than the Senator from Pennsylvania ought to be, but he did not like this eternal denunciation against them for measures which had been forced upon them by the acts of the Administration.

The conventions, and resolutions coming from New Jersey and elsewhere, were refreshing evidence that something would be done ere long, if the party did not stop in its wild career? Mr. C. maintained that it was not the resolution of Congress that brought about the resumption of specie payments in 1816, but that it was produced by the Bank of the United States; and the same happy result might again be realised, were it not for the unfortunate pledges of the President, and the manifestations of this and the other body that had cut us off for the present from our only resource. Mr. C. cared little further for the bill, since its most objectionable feature had been modified; but he thought the amendment offered by the gentleman from Illinois was indispensable, or else the Secretary of the Treasury might be the very first to be indicted under the law.

Mr. BUCHANAN did not mean to charge the Senator from Kentucky with withdrawing for the purpose of avoiding the vote; he was aware the gentleman never shrunk from responsibility, let it come in what shape it might. Mr. B. had come into the Senate on Friday after the bill had been discussed, and saw such a beggarly account of empty boxes at the time the question was taken on its engrossment, and that, in conjunction with the enemies of the bill not voting against it, gave room for such an inference: he was willing, however, to take the Senator's own views, and particularly with regard to himself. Mr. B. made some further remarks in reply to Mr. Clay, and maintained that the resumption of 1816 was the result of the resolution of Congress, which forced the measure; many of those banks, however, never did resume,

but fell through. Mr. B. was in favor of having these institutions restrained, limited in their operations, so as to make them a public blessing rather than a curse. He wished them to guard in prosperity their discounts, so that the first touches of adversity would not compel them to shut their vaults upon the people, and increase the public misery. Mr. B. avowed himself not entirely a hard money man—that is, he was not in favor of a purely metallic currency, but rather a mixed currency, which should always be convertible at the will of the holder.

Mr. B. said the Senator from Kentucky had asserted that hope was beaming, and appeared to indulge the idea that the present crisis, like that of 1816, was only to be relieved by this sovereign panacea, a United States Bank. Were he (Mr. B.) to admit that institution had been useful in regulating exchange, it might not be more than simple truth; but as things at present stood, he would rather "we bear the ills we have, than fly to others which we knew not of." Rather than have a great institution, with its one hundred millions, spreading its branches every where, concentrating its power here and in England, sapping liberty, and corrupting the elective franchise, he would be willing to pay one, or even two per cent. difference on our exchanges, and think ourselves cheaply off at that. The honorable Senator from Kentucky had indulged much sympathy for the Secretary of the Treasury; but even if the amendment proposed were not adopted, he (Mr. B.) thought the Senator, with his ingenuity and skill, could extricate the Secretary from the difficulty here indicated. Mr. B. knew the Senator's kind feelings would induce him to act as counsel on the occasion. Mr. B. concluded by observing that if we proscribe the circulation of these small notes by the passage of this bill, we should have sound change as a medium, instead of the wretched and filthy rags with which the country was now deluged.

Mr. CLAY had no personal sympathy for the Secretary of the Treasury; for, said Mr. C. should that functionary ever get into difficulty through the action of this law, I would, so help me God, be the last man to help him out. I would never risk my reputation in so hazardous an adventure.

He had made frequent allusion to the Finance Committee. The whole result of their labor in this matter had been like a mountain in labor, and had brought forth a mouse. He wondered the more at the result, as the honorable Senator, at the head of the committee, was proverbial for his abundant lore and love of research; that he, whose lofty demeanor and statesmanlike bearing, should come here and recommend this as a healing measure, was to him remarkable. The gentleman and his colleagues had, since the commencement, strained every nerve, and had produced this six-penny bill to put down shin-plasters. The gentleman from Pennsylvania (Mr. Buchanan) deserved in turn his thanks for his noble concession; that he was no hard money man, but yet he expressed his fears of applying as a remedy for small money, and our present derangements, a United States Bank. Rather let him fear, for our present, our Sub-Treasury scheme, in the hands of one man, the President. Yes, the whole currency of the country subject to the arbitrary will of one individual. He (Mr. C.) contended that the calamities of a war, in the most horrid extreme, were less to be feared than the continuance of such a scheme. But his opposers need not fear; he should not shock their modesty by offering any plan for a national bank while he continued with his hands tied as they were at present. This movement must now come from them when they should see the misery and destruction of their own course.

Mr. BUCHANAN could see no good ground for the honorable Senator's (Mr. Clay) allusions to the Committee. He seemed particularly horrified at the idea of a Sub-Treasury plan, and to this he would prefer even the misery and calamity of a war in its worst features. The whole ground of his opposition seems to be the fact that the Government can disburse its claims without recourse to the bank. He had likened the Committee to a mountain and the bill to a mouse; yet he confessed this was unexpected, as from the gentleman's well known courage and chivalry, he would not have supposed he would so long have fought a mouse whether large or small. He must attribute his course to motives of pity for the mouse in question, not from fear of any danger it might produce.

Mr. PRENTISS expressed himself in favor of the amendment.

Mr. NILES said that if he could be surprised at any thing which might occcur here, he should have been at the extraordinary opposition which this bill had encountered. He had himself no strong feeling on the subject; at the late session, after the sections were stricken from the bill which related to the banks of the District, he cared little what became of it, and took no further part in the matter. But at that time, after those sections were stricken out, all opposition to the measure appeared to be given up, and it passed without scarcely a dissenting voice. Then there appeared to be no one who was prepared to resist a measure having no other operation than to discountenance and drive out of circulation the small notes issued by any body and every body, and which all appeared to regard as a common nuisance. But, sir, we now witness a very different state of things. This measure, which we are in one breath told is a *picayune* bill, too small and trifling a matter to be brought before the Senate, and the committee are severely reproached for reporting it: in the next, it is treated as a measure of the utmost importance, and it is assailed in the most vehement manner, and by bursts of indignant passion, fierce denunciation and violence, not surpassed since the memorable panic session of 1834.

Sir, whence proceeds this violent opposition to a measure declared to be of so little importance? Does it come from a solicitude and regard for the people of the District? Not so, for we hear nothing from them; they have not moved or taken any interest in the matter. The bill having passed the Senate at the late session, they had reason to suppose that it would be interduced again at the regular session, and have had ample time and opportunity to oppose it. Where are the petitions, the remonstrances from the people of the District against it? He had heard of none: the gentleman have referred to none: there is then no opposition from the District.

Sir, the opposition to this little *picayune* bill, comes from a higher source; it comes from the same quarter, and from the same considerations, whence have proceeded the opposition to every other measure, whatever might be its object, in relation to the currency: it comes from the advocates of a national bank; from those who seem determined that the monetary affairs of the country shall remain in confusion and disorder, until they can be regulated in their way, and by their favorite measure. Sir, we have, fortunately, a key which opens this whole matter; which removes all doubt, if any could otherwise exist. The country has been explicitly and frankly told, by the very organ of the bank and the bank party, that that measure is not to be carried by discussion; that the time for argument had gone past; that it was only by the *sufferings* of the people that they could ever be induced to give their sanction to a national bank. The currency is not to be restored; the panic and distress, if possible, are to be prolonged, and the disquietude in the public mind is to be continued. The people are to be made to *feel* the importance of a national bank; they are to be forced into that measure by their "sufferings." Hence the opposition to this bill, intended to improve the currency of the District.

But the honorable Senator from Kentucky, (Mr. Clay,) says this is beginning at the wrong end; and he calls on the majority to come forward with their comprehensive measures, adapted to the condition of the country, and calculated to restore the currency from the confusion and disorder into which it has been thrown by the Administration. But he (Mr. N.) believed it would be difficult for the committee to find the right end at which to commence their measures, or the right measures to introduce, so far as the Senator was concerned, unless they were prepared to recommend a National Bank. The gentleman calls on the committee for some general measure for relieving the disorders in the currency of the whole country; but how does he treat the measures of that description which were proposed, and some of them adopted, at the late session?

We have just heard his opinion of one of those measures—that of authorizing the issue of Treasury notes. He has treated these notes, resting on the faith and credit of the United States, as being more worthless than that currency which this bill is designed to suppress, and which is so vicious and polluted that the Senator would not make use of the term by which it is usually designated. The Treasury notes, he says, are depreciated below the shin-plasters of this District. Such is the estimation in which the gentleman holds one of the measures adopted for the relief of the country. But how are the facts? Is it not known to every body, that these Treasury notes are at a premium as compared with bank notes, and, in some parts of the Union, at a considerable premium? These notes circulate through the country, and, in that respect, have an advantage over the best bank paper in the country; and yet they are denounced as worthless, worse than the miserable spurious currency of the District. Is it not apparent that no other than the Senator's favorite currency will answer? Every thing else is worthless.

And what does the Senator say of another measure, which received the sanction of the Senate at the late session? I refer to the bill providing for the keeping and disbursement of the public revenues. In his remarks upon this bill, when on its second reading, he denounced that bill, no way connected with the subject under debate, as an "execrable measure." Mr. N. said he heard the remark at the time with astonishment and with some emotion, and expected that it would have been replied to and repelled on the spot. He had forborne to notice it, thinking that older and more experienced members of the body would not suffer it to pass. But as it had not been noticed, he would now repel the opprobious denunciation, and throw it back from whence it came. Is it so, that a measure which has received the sanction of one co-ordinate branch of this Government, and, after full debate, has passed one branch of the Legislature, is to be denounced as an "execrable measure," as an accursed measure—for that is the meaning of the language—is to be anathematized, and attempted to be held up to public scorn? And on what ground does the honorable Senator thus characterize this measure? He did not condescend to inform us. Would he have the public believe that this measure violates the Constitution, or that it was a blow aimed at the liberties of the country? In all the anathemas which have been hurled against it, he had not heard it charged as a violation of the Constitution.

Is the measure denounced on the ground that it has been repudiated by public opinion? Sir, that remains to be determined, the question is still pending; it is now before the great tribunal of public opinion, and the verdict of the people has not yet been rendered. The gentleman may suppose that public sentiment is against it; but others think very differently; the question has been but a few months before the country; there has hardly been time for it to be fully discussed and examined: for his own part, he was fully satisfied, that time and opportunity for a full examination of its merits were all that was wanted to command the approbation and approval of a decided majority of the people of the United States. He sincerely believed that measure was destined, not only to be approved, but to become pre-eminently popular with the people of this country.

But, said Mr. N. suppose the fact was so, that a majority of the people had disapproved of this measure, would that justify its being denounced as execrable? Will the Senator rest his anathemas on that ground? He thought that would be a dangerous position for the Senator to take. He had himself been the author of too many favorite schemes, projects, and hobbies, most of which had received their quietus from public opinion. Where is the Senator's American system, which, for a time, was the idol that received his homage and that of his party? Where are his high tariffs, internal improvements? Where his land bill, and

numerous schemes for distributing surpluses? Have not all these measures received the stamp of public condemnation? Yet, much as he, Mr. N. disapproved of most of those measures, he should not think of characterizing them as "execrable." And how stands the case as to the Senator's favorite measure—a National Bank, which he and his friends are attempting to force upon the country, through the sufferings of the people? Has not that also received the reprobation of public opinion, and that more than once? What other measure has ever been so distinctly brought before the public, and an issue so directly formed, as that of a National Bank? More than once has the question of bank or no bank been before the country, and decided by the people. But are its advocates satisfied? Far from it. And if there ever was a question upon which adventitious circumstances and sinster influences were brought to operate, it was this question. This institution, with its thirty-five millions of capital, did not lie still and quietly wait the decision of the question. Instead of this, it openly took the field, and brought all its immense power and influence to bear on public opinion. Whilst it poured out its money free as water to hire writers and orators, it applied the screws itself, and appealed to the "sufferings" of the people. An immense influence was thrown into its scale from the interest of its stockholders, customers, and debtors, with their thousand ramifications throughout the country. It appeared from the examination of the committee of Congress, that no less than ninety-four thousand dollars were expended during this bank war for publishing the speeches of the honorable Senator and his friends, and other matter designed to sustain the bank. Yet with all this sinister influence bearing on the question, the integrity and patriotism of the people prevailed, and the bank was condemned.

Sir, does it become those who are now pressing on the country this thrice repudiated measure, to denounce other financial measures, upon which the nation has not yet decided, as "execrable?" Sir, the divorce bill, as it is sometimes called, is not the only measure which has been denounced as execrable. What did the Senator say in 1834 of the pet bank scheme? Was not that then denounced as an execrable measure—as a measure tyrannical and corrupt, which gave the President the entire control of the public purse, and enabled him to buy up the State banks, and use them for purposes of corruption and to control the elections? Then the pet bank system, which now seems to be coming into favor, was execrable, abominable, corrupt, and comprised all the evils of Pandora's box.

And yet the Senator asks for our measures for restoring the currency. There is but one measure that will answer for him; all others, no matter what they are, are "execrable," and that one measure is to be forced upon the country by prolonging the disorders of the currency, and by the sufferings of the country. The independent spirit, the honest patriotism, the incorruptible integrity of the people, are to be humbled and subdued, and all are to be compelled, to pay their homage to the great Bank Idol, the paper money Juggernaut, which can boast of more victims, and of more illustrious victims, crushed beneath its blood stained car, than the grim Moloch of India.

Mr. SWIFT expressed his entire indifference as to the passage of the bill. It would prove useless legislation at best, as laws to the same effect had been passed in other quarters, and were never in one instance observed. The people would in any instance consult their own convenience as far as possible in the matter of the small change in use as a currency.

Mr. WRIGHT had no choice, personally, whether the bill with or without the amendment should be adopted or rejected. He regretted making a single remark at this time, but felt himself called upon to do so from the frequent allusions which had been made to himself and the Committee on Finance, of which he was chairman.

The bill had met with signal opposition from its first introduction, and, in connection, he had not been exempted from blame. He had done but what he considered a duty, in compliance with a resolution of the Senate inquiring of that committee the expediency of a bill to the effect the one in question was calculated to produce.

A bill of a character precisely similar, and in nearly the same words, had passed the Senate the last session, and as that proceeding had expressed the sense of the Senate on the subject, he had expected no opposition at present.

The Senator from Kentucky (Mr. Clay) had objected to reporting the bill when so many of the members of the committee were absent. Five of the members were in town at the time, and why they were not present with the committee he could not tell, nor was it his duty to inquire. When the bill was reported last session the great leader (Mr. Webster) of the interests the honorable Senator (Mr. Clay) so ably advocated, was a member of the committee, and the provisions thereof met at the time his full concurrence. This distinguished member was now absent—why, he knew not.

He asked to be remembered in justice on either hand. If the committee in its present state could not act upon bills of higher importance, nor on those of a nature to the one in question, how were they to proceed in performance of their duty to the Senate or the nation? That it deserved the epithet of a picayune bill, was not his fault: it was just what the committee instructed him to report. Of little note as it might be considered, it had proved itself of sufficient importance to draw forth the highest indignation from sources most vitally important in his estimation.

There was another point of view. The committee had, in the course of debate, been told they ought to be ashamed of themselves for reporting such a bill. Himself, a leading member of the committee, had felt severely castigated by the remark, coming as it did from so distinguished a source; yet was he confident of exemption from censure by the Senate. He considered that the honorable Senator (Mr. Clay) had but ill estimated his position, or the ground he had taken, in applying censure to the committee for the matter in which the bill had been reported. For himself he had a higher aim in view, which was the conscientious discharge of his duty.

Mr. CLAY denied having censured the committee for reporting the bill at the early day they did, or when they were not all in session. He never doubted or questioned the power of the committee to report at an earlier or later period. He had merely inquired if the bill was first reported by unanimous consent of the committee. Nor would he object to the provisions of the bill as now amended, were it not from its motive calculated, or by the committee intended, to extend its influence beyond the confines of the District. His objection was, and had been, that it was a local measure brought forward, tending to produce a general effect with regard to the epithets he had bestowed upon the bill. He contended that it was in accordance with parlimentary usuage, when a bill was under discussion, to make use of any language best expressive of the Speaker's views. He had said, and still contended, that the features of the bill as first presented, were *abominables* and it was to the clauses therein contained which referred to the *summary* disposal of offenders, and the *oaths* prescribed, that he alluded when he remarked "the committee ought to be ashamed for presenting them;" as the bill was now no longer the same, it no longer called for his reprehension. He had hoped as the Senator from New York (Mr. Wright) had suffered these reflections to rest for a week without notice, that he (Mr. C.) should have been spared this *eclaircissement* at so late an hour.

Mr. WRIGHT replied that the honorable Senator (Mr. Clay) must be mistaken, if he for a moment supposed that he (Mr. W.) complained of any personalities; yet, possessing his (Mr. C's) chivalrous temperament, he could never have expected him to remain silent under remarks which, if not personal, were, to say the least, mortifying. As regarded the limited or general effects of the bill, he had never given it a thought; but he could see nothing objectionable in its features if it should prove so general in its application as to drive this depreciated small money out of the country.

Mr. CLAY inquired if the Senator from New York supposed the effect of the bill would be to produce specie payments throughout the country. If so, he would give it his hearty concurrence. It was inefficient, both in a local and general view; yet he should be quite happy if it should prove potent enough to produce the effect just alluded to. But as the bill was now so far stripped of its odious features, and likely in its present form to be so harmless in its direct effect, he would, to gratify his friend from New York, acquiesce in its final passage, and give it the support of his vote.

Mr. PRESTON had no objection to the bill, as amended, and should give it his support.

Mr. NILES, said the Senator was greatly mistaken if he supposed that he, Mr. N. had excepted to his remark, denouncing the measure referred to as execrable solely or mainly on account of its having been recommended by the President: it was more on account of its having received the sanction of a majority of this body, after a very long debate, distinguished by unusual ability. It was because the measure was still pending before the country, and had met the approbation of a large portion of the people, whether a majority or not no one could say, and had been approved almost unanimously by one of the sovereign States of this Union. To denounce a measure as execrable to which a majority of the Senate have given their support, he considered as disrespectful and highly offensive to the body, or to the majority. The Senator thinks differently, and regards such language as within the proper license of parlimentary debate, and he has again repeated the same denunciation. Mr. N. said he should join no issue with the gentleman on that point; he raised no question of order; if it was a right of the Senator to denounce and execrate measures which he had supported, he could only say, that he should claim, and fearlessly exercise the right, which belonged to him, of repelling such denunciation, such unfounded imputations, with the contempt and indignation they deserved. He was for always balancing accounts on the spot. He should not dispute the gentleman's right to deal out his anathemas, but he would say that such language was unworthy of him, and unworthy of the place.

It might be more convenient to denounce measures, and to endeavor to fix upon them a bad name, than to refute the arguments by which they were supported. He should prefer, however, to have the Senator attempt to answer the arguments of the friends of this reprobated measure; he should like to see him refute, if he can, the triumphant argument of his friend from Pennsylvania, (Mr. Buchanan,) to say nothing of those from many other gentlemen. When he has done this, when he has fairly met and overthrown the arguments of the friends of the measure, his denunciations might not appear quite so objectionable. The Senator complains that this matter had been suffered to rest three or four days, and after this lapse of time, and after the Sabbath had intervened, it was brought forward as a subject of reproof, and that he (Mr. N.) had read a lecture to him. Mr. N. said he had already explained why he did not notice the matter at the time; he had waited for some more experienced and able member to do so; but as it had not been done, he had availed himself of the first opportunity. As to the Sabbath having intervened, he regarded that as a fortunate circumstance, as he presumed the gentleman had employed that holy day in sober, serious, if not religious, meditations; and he was happy to perceive that there was evidence that such had been the case. The storm of Friday has not recurred to-day; the Senator appears more calm and composed, and with subdued emotions; for which we are no doubt indebted to his serious reflections during the Sabbath.

But (said Mr. N.) I have read no lecture to the Senator. I never have, and never shall, read lectures to any Senator, and, last of all, to that gentleman. There are two sufficient reasons against it. The first, that it would be presumption for him to do it; and the second, he was persuaded that it would be labor entirely lost. He should lecture no one, he should reproach no one, and should endeavor to give no one occasion to lecture him,

He should go on in his quiet, calm, "amiable" way; but should endeavor candidly, fairly and fearlessly, to discharge his duty to his constituents and to the country, regardless of denunciations, or reproaches, or hard words, or hard names, let them come from what quarter they might.

Sir, no one better understands or more dexterously practices, the maxim, "that names are things," than that gentleman; in his long course of political warfare, he has found that names are cheaper than facts or arguments, and are a ready resource when the latter may not be at hand. Like the honest and humane quaker, who abhorred taking life or shedding blood, he could not even kill his dog, yet he could go into the street, and give him a bad name; he could cry "Mad dog!" And the Senator, when he cannot successfully oppose measures by argument and fair discussion, thinks he can destroy them by denunciations, execrations, and by giving them a *bad name*. The gentleman and his friends have had much experience in this way; the adroit use of names is a game they have long been playing. They have improved on the maxim that names are things, as they seem to suppose that names will *alter* things, will change principles, will make right wrong, and wrong right. Yes, sir: it seems to be believed by these experienced tacticians, that the people can be hoodwinked and deceived by a skilful use of names discreetly applied; that good men and good measures can, by fixing upon them a bad name, be rendered unpopular, odious, and execrable; and that bad measures—measures which have been thrice repudiated by the people—and, he would not say bad men, but men who have lost the popular favor and forfeited the public confidence, could, simply by the magic of a good name, a popular name, regain the character they had lost, and become once more the favorites of the people.

Mr. CLAY had but a word to say. He hoped his amiable friend from Connecticut (Mr. N.) would spare him a little—would not crucify him outright—but when viewing his (Mr. C's) motives, would put on different spectacles. He (Mr. N.) had had his eyes, too long, perhaps, turned toward a certain building he could name. Should the honorable Senator, instead, study a little more of parliamentary etiquette, he might find to what length epithet might be applied to sentiment.

Mr. NILES. The Senator alludes to the "White House," and intimates that he (Mr. N.) was under some magic influence from that quarter; he could assure him he was entirely mistaken; the White House had no special attractions and no terrors with him; he asked nothing, expected nothing, and feared nothing, from that quarter; he, however, respected the present occupant of the White House as a man, and had full confidence in his capacity, his sound discretion, his integrity, and his enlightened and patriotic sentiments, as Chief Magistrate of this great Republic. He had also more than respected—he had felt the highest admiration for—the illustrious and venerable man who had recently occupied that House, but he had neither asked or desired any thing from either. I can say (said Mr. N.) this much in relation to the White House. Can the Senator say as much? Has the White House no attractions for him? Has he never cast a longing eye toward it? Has it no influence on his actions here? Sir, (said Mr. N.) I hope I shall be excused for referring to a fact communicated to me the other day by one of the city wags, which was, that a distinguished Senator, who had not visited the White House for more than eight years, had recently been there; he regarded the circumstance as highly important and very suspicious, but was well satisfied in his own mind that the object of the Senator was to examine the premises, and to satisfy himself whether they would be likely to be in a tenantable condition about three years hence.

The yeas and nays were then taken, at the suggestion of Mr. BUCHANAN, on the final passage of the bill, and resulted as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Cuthbert, Fulton, Grundy, Hubbard, King of Alabama, Knight, Linn, Lyon, Lumpkin, McKean, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Strange, Tipton, Walker, Wall, White, Williams, Wright and Young—37.

NAY—Mr. Swift.

The Senate then went into Executive business, and at the conclusion of which,

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, Dec. 26, 1837.

After the reading of the journal,

Mr. CAMPBELL asked leave to make a statement in relation to a paragraph which had recently appeared in a newspaper headed "Dissolution of the Union." Leave being granted, Mr. C. read the paragraph alluded to, which stated, in substance, that Mr. C. had invited the southern delegation, among other objects, to meet for the purpose of considering a proposition for the dissolution of the Union.

Mr. C. then observed, that if he alone were interested in the matter, he would not have called the attention of the House to a paragraph emanating from an irresponsible letter-writer, but as other members, Messrs. Bouldin and Johnson of Virginia, as well as himself were involved in the charge, he deemed it his duty to state to the House, that on the occasion alluded to, no reference was made, either directly or indirectly to the dissolution of the Union; it being evident to all that the course adopted on that occasion, was calculated to allay excitement, rather than to affect the stability of the Union.

MEXICO.

The first business in order was on the reference of a memorial presented by Mr. ADAMS on Monday week, from the New York Peace Society, and other individuals friendly to the peace cause, praying Congress to accede to the proposition of the Mexican Congress.

[This proposition was couched in the following terms, contained in a decree of that Congress, dated May 20, 1837, viz:

"The Government is hereby authorized to compromise the claims which the Government of the United States has instituted, or may hereafter institute; and those in which they cannot agree, may be submitted to the decision of a friendly Power, the United States of America agreeing thereto."]

Mr. ADAMS had moved to refer the memorial to a select committee, with instructions "to read, consider, and report thereon."

Mr. HOWARD moved to refer it to the Committee on Foreign Affairs; which motion taking precedence,

Mr. ADAMS moved to amend it, by adding the same instructions to that committee.

Mr. A. now modified his amendment, by omitting the instruction "to read."

Mr. ADAMS proceeded to address the House at length in support of his motion, and made some allusions to the conduct of the Committee of Ways and Means at the last session, in reporting a resolution adverse to a national bank, without reading the memorials thereon. He was several times admonished by the CHAIR for irrelevancy of argument. The House gave Mr. A. leave to proceed, by a vote of 118 to 30.

Mr. HOWARD replied to Mr. A. and urged upon the House not to require one of its committees to report upon a subject which had not been officially communicated to it; for no such proposition had ever been made to the Government of the United States by Mexico.

Mr. CAMBRELENG said, after two or three hours had been already occupied in this very grave discussion, for they had been two hours and a half in determining whether one committee or another should be instructed to report upon this question, and in its introduction the gentleman from Massachusetts had done Mr. C. the honor to notice him specially, and he should say now, what must be evident to all, that the gentleman from Massachusetts was about to employ this session as he did the last and the preceding ones, in hunting up materials for attacks upon the Speaker of the House, and upon the Committee of Ways and Means; a very laudable object, and one worthy of his high ambition!

Mr. C. however felt it due to say to the House, once for all, that the duty he owed to himself, the regard he had for the dignity of the House, and the respect he had for the exalted station that gentleman once filled, would always prevent him from imitating his example in violating decorum and the rules of order. He should regret to be called to order, and to be directed day after day, by the Speaker and the members of the House, to take his seat for transgressing the rules. The gentleman appeared as the champion of one of his (Mr. A's) colleagues. Mr. C. congratulated both the champion and the ——— but he would not designate the gentleman.

The gentleman from Massachusetts had attacked the Committee of Ways and Means for not reading the memorials presented at the late session for the establishment of a National Bank. Here they are, said Mr. C. (holding them in his hand.) Five and forty of them from every quarter of this Union; forty-four of them beginning with the following annunciation: "That in the midst of profound peace, embarrassed by no great political struggles." He took up a second and a third commencing with the same. Some of them are in manuscript and some printed, coming from every State and Territory, but all commencing with "that in the midst of profound peace, embarrassed by no great political struggles." They had been printed twenty times over, by order of the House. Every member of the committee had read them a half dozen times over.

Now, sir, (continued Mr. C.) if these questions should ever come before us again, this *novel*, this *fresh*, this interesting subject, of the establishment of a Bank of the United States, I think I should propose in the committee that a sub-committee be appointed to read all these memorials *seriatim;* and I should, by way of assurance that the selected committee would do its duty, ask the House to appoint the Committee on Manufactures (of which Mr. Adams is chairman) to perform that task in their leisure hours. Then, undoubtedly, all these forty-five memorials would be read upon this novel, this fresh, this interesting question. But, if the majority of that committee are so reprehensible, if they merit the contempt and scorn of this nation, if the gentleman from Massachusetts is so horrified at their conduct, pray what must the gentlemen think of the *minority* of that committee who did not ask for the reading of the very petitions they advocated, when the question was three times brought before the committee. What was the who were, before the meeting of Congress, so exceedingly anxious for a national bank, but who, after all these professions, came there and proposed no such thing. The petitions were before the committee; they were bound to act upon them, and they reported against them.

Mr. HAYNES said he should address himself very briefly to the attention of the House, nor should he, whatever might be his feelings, take up any of the irrelevant topics which had so unnecessarily been drawn into this discussion. He would only offer a very few observations in addition to what had been said by his honorable friend from Maryland, (Mr. Howard,) and his honorable friend and colleague, (Mr. Dawson.) When the memorial under discussion was presented, he had very strong doubts whether it ought to be referred either to a select or standing committee of the House. Further reflection has satisfied him that it should be referred to the Committee of Foreign Affairs, and reported on by that committee. The memorial alleges a fact which, so far as we have been informed by the chairman of the Committee of Foreign Affairs, has never been communicated to the American Government. That alleged fact has been spread before the country, not only by the memorial itself, but by the remarks of the honorable gentleman who introduced it, (Mr. Adams) and he was not willing it should pass unexamined by the appropriate committee of this House, nor that an impression should be suffered to rest upon the public mind, that a proposition of conciliation and peace had been tendered by Mexico to this country, when no such proposition had ever been com-

municated to the American Executive. But, (he said) he had decided objections to the instructions proposed by the honorable gentleman from Massachusetts, (Mr. Adams.) The purpose of those instructions was obvious enough; but the honorable mover, who was not in the habit of concealment, had distinctly told the House that their original terms were intended in reference to a recent affair between the members of another committe of this House.

He objected to the proposed instructions, because they were new and unusual. This House was not in the habit of instructing its committees upon any subject, unless it had determined upon some particular course of legislation. For example, upon the recommitment of a bill which has been considered, the committee is sometimes instructed to report particular provisions; but it is altogether unusual to instruct upon a mere matter of reference to a committee. But there was another and fundamental objection to the proposed instructions. They conveyed an unjust imputation, not only on the Committee of Foreign Affairs, but upon every other committee of this House. He could not, therefore, consent to their adoption. The honorable gentleman from Rhode Island, (Mr. Tillinghast,) when proposing a modification of the instructions, by withdrawing the offensive part, insists upon retaining so much as requires the committee to report. Since I have risen, a friend has turned my attention to the seventy-sixth rule, which prescribes the duties of the Committee of Foreign Affairs. By that rule, it is made the duty of the committee to consider and report their opinion upon all subjects touching our foreign relations, which may be referred to them. Why, then, the necessity of this tautology, this work of supererogation, of instructing that committee to do what, by the law of this House, it is already their duty to do?

After some further remarks from Messrs. ADAMS, DAWSON, and HOWARD,

Mr. TILLINGHAST moved to strike out the word "to consider;" which Mr. ADAMS accepted as a modification.

The amendment was then rejected—ayes 51, noes 84.

The question recuring on the reference to the Committee on Foreign Affairs,

Mr. ADAMS again addressed the House on the subject of our relations with Mexico, &c.

Mr. HOWARD briefly replied; after which the question was taken on his motion of reference to the Committee on Foreign Affairs; but there being no quorum present,

On motion of Mr. WILLIAMS of North Carolina,

The House adjourned.

IN SENATE,

WEDNESDAY, December 27, 1837.

Private petitions were presented by Messrs. PRENTISS, NICHOLAS, TIPTON, and others, and severally appropriately referred.

On motion of Mr. CLAY of Alabama, the report of the Commissioner of the General Land Office was referred to the Committee on Indian Affairs.

Mr. WRIGHT presented the memorial of C. C. Cammell, and other offices of the Mississippi Land Company: referred to the Committee on Indian Affairs.

Also of the pilots of New York for the repeal or amendment of the laws of the last session, relative to the appointment of pilots of that port: referred to the Committee on Commerce.

Mr. LYON presented the memorial of Vittore Musi of Milan, the legal representative of Joseph Musi, deceased, for many years a naturalized citizen of the United States, and resident of Pennsylvania; also, the memorial of Jacob Ridgway of the city of Philadelphia, a native citizen of the United States, stating that the memorialists are the owners of large tracts of land in Wisconsin Territory, in what is commonly called Carver's Grant, and they pray the Senate to receive their memorials as a solemn notice of the existence and validity of said grant to Carver, so that the rights of the memorialists may not be prejudiced by any action of the Senate on a treaty or treaties now under consideration, for the purchase of some portion or all of said tract of the Indians: referred to the Committee on Indian Affairs, who have the treaties referred to under consideration.

Mr. MORRIS presented the memorial of the Yearly Meeting of Friends resident in the eastern section of Ohio, and the western section of Pennsylvania, against the annexation of Texas: read, laid on the table, and ordered to be printed.

Mr. KING presented the memorial of the President and Directors of the Bank of Washington, praying an extension of their charter: ordered to be printed, and referred to the Committee on the District of Columbia.

Mr. FULTON presented a petition of W. and H. Pulford, heirs of a Revolutionary officer, for relief: referred to Committee on Claims.

The bill authorizing the States to tax lands within their respective limits was then taken up, and discussed to a late hour—Mr. CLAY of Kentucky opposing, and Messrs. CLAY of Alabama, NORVELL, WALKER, ALLEN, BUCHANAN, and others, advocating it.

The vote on the engrossment for a third reading was taken by yeas and nays; when there appeared 35 for, and 4 against it, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Linn, Lyon, Lumpkin, McKean, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Rives, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tipton, Walker, White, Williams, Wright, and Young—35.

NAYS—Messrs. Brown, Clay of Kentucky, Clayton, and Southard—4.

On motion of Mr. SEVIER,

Resolved, That the Committee on Public Lands inquire into the expediency of authorizing the Legislature of Arkansas to sell certain lands for the benefit of education.

On motion of Mr. BENTON,

Resolved, That the Secretary of the Treasury be directed to inform the Senate, as nearly as the same can be ascertained, or estimate, what amount of specie has been received from the customs, and what from the land offices, since the suspension of specie payments in May last, and what amount in specie has been paid since that time in payment of debentures, and in payment of indemnities under treaties with foreign powers, with detailed statements of such payments, and the correspondence in relation to such payments. Also, that he inform the Senate of the aggregate amount of specie which has been paid out for all purposes since the said stoppage of specie payments in May last, and specifying the general objects for which the payments have been made.

On motion of Mr. HUBBARD,

Resolved, That the Committee on the Judiciary inquire into the expediency of increasing the salary of the District Judge of New Hampshire.

On motion of Mr. TIPTON,

Resolved, That the Committee on the District of Columbia inquire into the expediency of making provision, at the expense of Government, for the education of the deaf, dumb and blind in the District.

On motion of Mr. KING,

Resolved, That the Committee on Roads and Canals inquire into the expediency of authorizing the Wetumpka Railroad Company to run their road through the public lands.

Mr. CALHOUN then submitted the following resolutions.

Resolved, That in the adoption of the Federal Constitution, the States adopting the same acted, severally, as free, independent, and sovereign States; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, *domestic* as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

Resolved, That in delegating a portion of their powers to be exercised by the Federal Government, the States retained, severally, the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them, and that any intermeddling of any one or more States, or a combination of their citizens, with the domestic institutions and police of the others, on any ground, or under any pretext whatever, political, moral, or religious, with the view to their alteration, or subversion, is an assumption of superiority not warranted by the Constitution; insulting to the States interfered with, tending to endanger their domestic peace and tranquillity, subversive of the objects for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

Resolved, That this Government was instituted and adopted by the several States of this Union as a common agent, in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity; and that, in fulfilment of this high and sacred trust, this Government is bound so to exercise its powers as to give, as far as may be practicable, increased stability and security to the domestic institutions of the States that compose the Union; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions, instead of strengthening and upholding them, as it is in duty bound to do.

Resolved, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognised as constituting an essential element in the distribution of its powers among the States; and that no change of opinion, or feeling, on the part of the other States of the Union in relation to it, can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States, respectively, on entering into the Constitutional compact, which formed the Union, and as such is a manifest breach of faith, and a violation of the most solemn obligations, moral and religious.

Resolved, That the intermeddling of any State or States, or their citizens, to abolish slavery in this District, or any of the Territories, on the ground, or under the pretext, that it is immoral or sinful; or the passage of any act or measure of Congress, with that view, would be a direct and dangerous attack on the institutions of all the slaveholding States.

Resolved, That the union of these States rests on an equality of rights and advantages among its members; and that whatever destroys that equality, tends to destroy the Union itself; and that it is the solemn duty of all, and more especially of this body, which represents the States in their corporate capacity, to resist all attempts to discriminate between the States in extending the benefits of the Government to the several portions of the Union; and that to refuse to extend to the Southern and Western States any advantage which would tend to strengthen, or render them more secure, or increase their limits or population by the annexation of new territory or States, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the Constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slaveholding States, withholding from them the advantages, while it subjected them to the burthens, of the Government.

Mr. PRESTON remarked that his feelings in regard to the subject of the resolutions were in full unison with those of his colleague, (Mr. Calhoun) but from the simple reading, he could but gather the sentiments they contained in an abstract form. Yet he would suggest the propriety of some delay in the action of the Senate thereon; as the resolutions from the State of Vermont, shortly to be offered by the Senator from that State, might bring the subject forward in a more applicable form, and anticipate the spirit and sentiments of the resolutions just offered. It had been some years since

remarked on the floor of the Senate, that the time had gone by when legislations, by means of resolutions, would be sufficient to meet the wishes of the country on a subject so vitally important. He was still of the same opinion. The settlement of mere abstractions of principles will never answer the desired end. These remarks he had made simply to remind the Senate that it had been his intention, and was so still, to bring the matter forward in some more forcible and effective form at a future day.

Mr. CALHOUN remarked that this was a brief and direct mode of reaching the subject. He did not feel disposed to await any action on the Vermont resolutions. He was prepared to act now; and as the resolutions just offered contained the whole gist of the matter at issue, he saw no necessity for further delay. He hoped there would be no opposition to the motion to print, as then each member would be enabled the more readily to determine in his mind what course was proper to pursue, let the subject come in whatever shape it might.

The motion to print was then agreed to.

And the Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Dec. 27, 1837.

The SPEAKER laid before the House the following message of the President of the United States:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, in answer to their resolution of the 9th of October last.

M. VAN BUREN.

WASHINGTON, Dec. 26, 1837.

[The resolution referred to was in relation to any settlements on the Columbia river.]

The Message having been read, was, on motion of Mr. CRAIG, laid on the table.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting the examinations made by the Department of War on the claims of the State of Massachusetts, for military services and expenditures during the late war with Great Britain; which, on motion of Mr. GRENNELL, was laid on the table.

MISSISSIPPI ELECTION.

The SPEAKER said he had had placed in his hands a communication from Messrs. S. S. Prentiss and T. J. Wood, claiming seats as Representatives from the State of Mississippi on the floor of the House.

Mr. WILLIAMS of North Carolina called for the reading of the papers.

They consisted of a letter from the two gentlemen, and the certificate of Governor Lynch of their return, etc.; and having been read,

Mr. CAMBRELENG moved their reference to the Committee of Elections, and that they be printed.

Mr. BELL understood the application of the two gentlemen was, to be admitted to their qualification and sworn, and he supposed the Chair, or rather the House, would have to decide upon this application. The gentleman from New York had stated no grounds upon which he moved the reference, and Mr. B. had considerable difficulties about what course should be adopted. In the case of Arkansas, he believed the gentleman from that State had been admitted and was sworn by the Speaker, on motion of a gentleman. He begged leave to inquire of that honorable member whether he had resigned his seat?

Mr. YELL replied that he had not.

Mr. BELL resumed, that if he had not been misinformed, in relation to the questions contested at the last session, the case of the gentleman from Arkansas was precisely the same as that of the gentleman from Mississippi. Upon what principle the gentleman from Arkansas was qualified a second time, he could not say. If he were already a member, the oath could not be administered to him a second time. He made these remarks, in order that the House might act consistently, though he admitted the case was one of some difficulty. It would, perhaps, be better to refer it to the House, who might take an order on it, for it was without precedent. If the gentleman from New York had made his motion to refer the subject to the Committee of Elections, on the ground that there were other gentlemen claiming the same seats, that would offer a reason; but really the case of Arkansas seemed to have been regarded by the Chair, and by the House, too, in making no objection, as if there had been a vacancy. The journals would show, in the absence, certainly, of a word to the contrary, that it was taken for granted by the House that there was a vacancy in that case, and the gentleman from Arkansas had presented the evidence of his new election, had qualified, and had been admitted by the Chair to qualify as a member elect. Mr. B. had stated these circumstances that the House might come to some decision that might maintain their conformity and consistency.

Mr. CAMBRELENG had not thought it necessary to state his reasons for the motion of reference, because he felt satisfied the members on all sides would see the necessity of adopting the usual course. It was a question always heretofore referred to the Committee of Elections.

Mr. YELL said it was perhaps due to all the gentlemen that he should say something in reply to the gentleman from Tennessee, in drawing a parallel between the case of Arkansas and Mississippi. It was true that Mr. Y. was sworn in at the present session; but he nevertheless considered his case different from that of Mississippi. Although he had been elected by the people at the called session, it was on the distinct understanding, in Arkansas, that it was for the called session only. His friends, it was true, thought otherwise, and that he was entitled to his seat for the whole Congress; but that no excuse should be made, that no censure should be cast upon him, no question should be raised in reference to his election, he determined to waive all the right, and told the people if he should not be elected again he would resign his seat. Now, having submitted his claim to the people a second time, he should have been derelict in his duty and professions to them if he had claimed his seat under the first election, and not have qualified over again. He had, therefore, thought it due to the people of Arkansas and to himself, even if he had been legally and constitutionally elected the first time, to claim his seat under the ensuing election. Moreover, he thought it no harm to be sworn over again; for he believed if the House was sworn once a month it would do no harm; for if the House should have contended that he was not elected for two years, then he would have been sitting there without having been sworn at all.

Mr. BELL said that he did not mean to impugn the gentleman.

Mr. YELL did not so understand the gentleman. Mr. Y. was only explaining his course. Now, if he understood the question, these gentlemen, the sitting members, had not submitted the question to the people of Mississippi. He had done so; and that made his an entirely different case.

Mr. GRAVES suggested to the gentleman whether it would not be as well to adopt the usual course, viz: to admit the gentlemen claiming to seats on the floor, in order to hear what was said, and to permit them to address the House, if they chose, on their case. The question might then be fairly argued on its merits.

Mr. YELL had not risen to argue the question, or even to point out any particular course he might deem necessary. As to the gentleman's suggestion, he himself had no objection to their having places on the floor, but he should object to their being sworn until a committee of the House had reported, or some action had been had on the question. His own opinion was that it ought to be referred to the Committee of Elections.

Mr. GRAVES had reference only to what had been the invariable practice heretofore. It had always been usual, in matters of this sort, that persons contending for seats there, had places assigned them on the floor, with leave to say whatever might be necessary in their own case. He therefore made a motion to that effect.

Mr. HAYNES said, neither did he himself, nor, he supposed, did any other member of the House, object to giving these gentlemen seats on the floor, for the purpose of hearing what was said, and of participating in the debates that might grow out of the question which their alleged return as members of that House might bring up. It had always been usual to extend that courtesy to persons claiming seats there. But, he believed, that if the journals of the House, touching any and every contested election, from the establishment of the present Government down to the present time, should be examined, it would be found that in no instance had such courtesy been extended to claimants for seats until after the reference to, and a report from, the Committee on Elections. He therefore considered the gentleman's (Mr. Graves) resolution as entirely premature. It would be reversing what Mr. H. believed to have been the uniform practice of the House in all similar cases. Surely, they must all recollect the course pursued by the House, two years ago, on the contested election from North Carolina. The claimant, in that instance, did not come within the hall, or participate in the discussions of the House, until after the report of the Committee of Elections was brought in. Why, what an interminable discussion might grow out of the adoption of the gentleman's motion. They would have nothing to act upon, nor could have, until the subject had been first referred to the proper organized committee of the House, and that committee had brought in its report upon it.

A single word or two to the gentleman from Tennessee, (Mr. Bell.) Mr. H. could not, for the life of him, help being struck with the analogy the gentleman maintained to exist between the present case and that of the member from Arkansas. It forcibly reminded Mr. H. of the analogy between the course proposed by the gentleman, and that of the case of individuals, who had been already tried and acquitted, being called up again to receive judgment, because others had suffered judgment to go by default.

Mr. POPE was in favor of the proposition of the gentleman from New York, as a general principle, but not in the present instance; on the contrary, he was utterly opposed to the commitment of this subject to the Committee of Elections, because they had, at the late session, given, at least a majority of the members composing the committee, a decision in favor of the sitting members. They had already prejudged the case. Moreover, this was not an ordinary case of a contested election, for there was no contest at all. It was a case *sui generis*, perhaps, without precedent, and could be decided without commitment. He would therefore make a proposition which should at once bring the whole question before House. It was in substance as follows:

Resolved, That Mr. Prentiss and Mr. Word be qualified to take their seats as members of this House for the present Congress, and that the resolution of the last session, in favor of Mr. CLAIBORNE and Mr. GHOLSON, be rescinded.

He asked, why commit this subject to a standing committee? Surely the constitutional and legal question could be met at once, and the House was fully competent to decide it. If, however, it was considered necessary to refer it to a committee at all, it ought to be referred to a select committee, and that committee ought to be composed of members favorable to the gentlemen claiming the seats; for he was at a loss to conceive with what propriety the House could send it to a committee, who had already declared those gentlemen were not entitled.

Mr. P. was understood to say that he had never heard of the Mississippi and Arkansas cases till some short time before he came on at the called session. A friend had then asked his opinion about the proclamation of the Governors of Mississippi and Arkansas; and Mr. P. had told him that he did not believe these Governors had any right to issue one for a special election. When, however, Mr. P. came to Washington, and took his seat, and an honorable gentleman from Virginia (Mr. Mercer) objected to Messrs. Claiborne and Gholson taking their seats, he (Mr. Pope) declined supporting the objection, on the ground, that if those gentlemen had not been admitted, the State of Mississippi would not have been represented

on that floor. He thought it better, therefore, to waive the constitutional or legal right than to deprive the States of Mississippi and Arkansas (for the latter must have been included) of their voice here. This was the reason for the vote he then gave. Now the question assumed a totally different form. The question now is, whether that House should elect two members to represent Mississippi on that floor, or whether the people of Mississippi should elect their own members. He should, therefore, when in order, submit a resolution similar to the one he had indicated

Mr. GRAVES then modified his resolution, so as to read thus:

Resolved, That S. S. Prentiss, and T. J. Word, who claim their seats as members from the State of Mississippi, be admitted to seats on the floor of this hall, and, if they choose, have leave to participate in any debates that may grow out of it.

Mr. G. explained that his motion had no reference to, nor was intended to interfere with, Mr. CAMBRELENG'S motion. Mr. G's was a preliminary motion.

Mr. HAMER had but a few words to say on this subject at present. The gentlemen, who had presented their memorials, had not been introduced upon the floor and sworn as members, according to what he understood to be the intimation of the gentleman from Tennessee. There were already two members there from the State of Mississippi, occupying their seats in accordance with the decision of the House, and it would, indeed, be a strange anomaly to admit two more members, a double delegation, to take seats also. The latter could not possibly, at this stage, be admitted and qualified by the Speaker.

Mr. H. was also opposed to the proposition of the first gentleman from Kentucky, (Mr. Graves,) because he believed it to be both unusual and improper to admit those gentlemen on the floor until a report on the subject was made by a committee of the House.

What was the question then before them? It was the question, and that alone, what should be done with the memorial presented by the gentlemen claiming to be entitled to seats occupied by others. And that was a question to be determined by the House first, without hearing any argument that might be made for the object of the memorial. Why, they might reject it, or not receive it, or lay it, or the motion to receive it, on the table. They might serve it as they did the abolition memorials. Those gentlemen stood in the same predicament precisely as all other memorialists did—subject to the preliminary disposition of the memorial itself. Other memorialists were not allowed to come in upon the floor, and partake in debate on their memorials; and why should they? He should, therefore, vote against that proposition.

Mr. H. was in favor of referring this matter to the Committee of Elections, because he wanted to see a written argument, if these gentlemen chose to present one in support of their claim, and have it printed and laid upon the tables of the members. He wished also to see the constitution of Mississippi, or such parts of it as bore upon the case, printed. He desired also to see all the laws in relation to it printed and laid on their tables, together with every other document that could illustrate the case. This was the uniform practice of the House, and this was his reason for referring the subject to a committee. Let all these matters be reported upon, and laid upon the tables of the members, and time be given to consider them, and then, with great pleasure, he would vote to hear these gentlemen address the House in support of their claims.

One of the gentlemen from Kentucky, (Mr. Pope,) had remarked that the subject should not be sent to the Committee of Elections, because they had once made a decision in the case. Now Mr. H. took two exceptions to this argument: first, he denied that they had decided this case, for this claim had never been before them. It was true, they decided that the gentlemen who now occupy the seats were then entitled to them; but it might be that, upon a review of this case, upon an examination of all that might now be presented, they might decide the other way. There was, too, even then, a strong minority in the committee, who were of a different opinion, and they presented the other side of the question.

Secondly: if it be a reason that this subject should not be referred, as a preliminary step, to a committee, because a majority of the committee had once made a decision, surely it was equally a reason why the House itself was incompetent to decide it, because a majority of that House had once decided in favor of the sitting members. The one was as applicable as the other; and then it might as well be asked, why present the memorial at all? If the committee were incompetent, so was the House.

The gentleman furthermore informs us that the claims of these gentlemen for their seats must be sent, or ought to be sent, if sent at all, to a committee composed of members favorable to the claimants. Why, how was the Chair, or how was the House to ascertain that fact? Could either know the opinions of individual members? Why, even supposing the sitting members were to vacate their seats, who could at once say that the claimants had brought papers, certificates, and documents, to prove they were entitled to them? Could it be said that the House would, even in that case, take upon itself to decide without a reference to the committee having charge of the subject?

In conclusion, in every view which Mr. H. was able to take of this case, he was for sending the papers to the Committee of Elections, and let them take the usual course of all similar papers, viz: be printed, laid on the tables of the members, and then duly examined.

Mr. GRAVES had expressed no opinion, either in favor or against the claimants, nor even an opinion as to the propriety of reference. The latter was a point not necessary to be decided, or even discussed at that stage, in order to decide upon his proposition. The discussion of that question, however, only rendered the adoption of his resolution the more requisite as a preliminary step; for he held it to be proper that the claimants should be heard on the motion of reference if they wished it.

Mr. TILLINGHAST, in reply to the member from Ohio, Mr. HAMER, contended that the gentlemen now claiming their seats were not placed in the same situation as other memoralists, who never had their memorials referred to the judges, who had voted against them. In his opinion, as a simple matter of justice, the claimants had a right to seats on the floor, in order to meet and answer any arguments in the House against them, and coming from an interested source, and to trace them to their foundation. The subject was one of paramount importance, affecting the representation of the nation; and therefore it was imperative on the House to give every opportunity of investigating the charges before it, and of probing the matter to the bottom. The member from Ohio had referred to the decision of the Committee of Elections at the late special session; but he would ask him on what did that committee decide? They had reported on the warrant of the Governor, which called upon the people of the State of Mississippi to vote for the election of representatives to serve until the period arrived for the regular annual elections. Yet, in the face of that and other facts, they had made a report which declared that Messrs Claiborne and Gholson, representatives from the State of Mississippi, had been duly elected to serve for the whole of the twenty-fifth Congress. He was therefore averse to the reference of the subject again to that committee, as it would place them in an unpleasant position, and compel them either to fortify their former decision, or to revoke it entirely. He considered that a reference to any other committee would answer the purpose equally as well, as all they had to do was simply to ascertain the facts. But to refer the subject a second time to the Committee of Elections would be of no utility, as they had already examined the facts, and reported thereon.

Mr. W. THOMPSON thought that, as a matter of abstract right, the gentlemen from Mississippi ought to be admitted on the floor. He did not know whether those gentlemen desired a reference of the subject, or not; but he would like to hear them, and would have liked to have heard them at the last session, before he gave his vote on the subject. But still he was in favor of a reference of the matter to a committee.

Mr. CLAIBORNE said that, so far as he was personally concerned, so far as his wishes on this subject could influence the action of his friends, he hoped that all opposition to the resolution of the gentleman from Kentucky (Mr. Graves) would be withdrawn. When the question was in abeyance at the extra session, relative to the right of his colleague and himself to their seats, although we did not participate in the debate here, we appeared before the Committee of Elections, and submitted an argument in support of our claims. The gentlemen from Mississippi (Messrs. Prentiss and Word) appear here with their certificates of election, and ask to be heard. I hope that they will be. I wish them to have an opportunity of submitting any statement of fact, any argument, any appeal, they may think proper. If the proposition was to *qualify* these gentlemen I should object decidedly; for I could never so far surrender my rights here. Sir, what are the facts? My colleague and myself were elected in July last; we claimed our seats; an honorable member from Virginia objected; the objection was overruled; and after the usual process of investigation, this House decided that we were members for the entire twenty-fifth Congress; we did not submit our names again as candidates; we considered the question as adjudicated, finally decided; that there could be no appeal, and so thought our political friends in Mississippi. A majority of them refused to attend the polls. But, sir, the gentlemen at the bar think otherwise; *their* political friends think otherwise; they were voted for; *they* conducted the canvass with great fairness and liberality; and I should do injustice to my own feelings to oppose any wish they may entertain to appear, at this stage of the proceeding, before the House.

Mr. TAYLOR thought there could not be the slightest objection to the gentlemen from Mississippi occupying seats in the House, as a matter of courtesy, until the case should have been finally decided; but he could not agree to their being allowed to take their seats, with a view of discussing the merits of the question before the House.

Mr. REED thought it was nothing more than fair to presume that the people of Mississippi had in fact elected four representatives. At the late special session, it was true that the House had declared the two present members as elected for the whole Congress; but was not the voice of the people to be regarded? The *people* of Mississippi had now sent two representatives, and *their* voice ought to be regarded. He thought the claimants, under those circumstances, were entitled to take their seats, in order to discuss the question. They were sent by the people, and they had a right to be heard. They came with their certificates from the people; and whether they had been legally elected or not, the people of Mississippi thought so. He applauded the remarks of the gentleman from Mississippi, (Mr. Claiborne,) one of the present members; for even he had expressed his respect for the opinions of the people. He (Mr. R.) saw no reason why the gentlemen should not be permitted to take their seats.

Mr. BOON agreed with the gentleman from Massachusetts, that the voice of the people of Mississippi ought to be respected. But he would ask that gentleman, if their voice had not been already heard? He would ask, if it had not been heard during the recent session, when the present subject was fully discussed and deliberated upon by the House? The fact was, the people of Mississippi could have but two representatives, and those two men the present members who had been previously elected, and whose election had been confirmed by the House for the whole Congress; and how, he would ask, could two more be admitted, without the expulsion of those gentlemen.

Mr. BELL regretted to see that, from a mere preliminary question of reference, the discussion had branched out into the merits of the subject. But only one side of the question had been stated. Under those circumstances, he thought it his duty to give the opposite side of the question. That opposite side was, that there had been no decision of the House where the people of Mississippi had been heard. They had not been heard on the question

neither by agents nor counsel; nor by any one to represent them. On one side the proceedings were wholly *ex parte*. In no proper and just sense had the case been adjudicated. It was denied that the people of Mississippi had been heard in the decision of the House. Here was the issue. It was also denied that the decision was made in accordance with the Constitution and the laws of the land.

He (Mr. B.) was in favor of the gentlemen being permitted to take their seats on the floor; and he believed such a privilege had never been denied on any occasion. From the nature of the present case, it appeared to him that there was no necessity that the subject should be referred to a committee at all; but if it appeared that the majority of the House was in favor of such a reference, he would not be tenacious about it.

Mr. FOSTER referred to the decision of the House at the last session. Two questions had then arisen: first, whether Messrs. Claiborne and Gholson had been legally elected; and, secondly, whether they had been elected for the whole twenty-fifth Congress. Both those questions had been adjudicated and decided by the House, after a full and deliberate discussion. It had just been said that the proceedings on that occasion were *ex parte* Such was not the case: he denied it. The matter had been adjudicated by the House in accordance with the provision of the Constitution which provided that, in all cases of contested elections, not that the House *might*, but that it *should* determine, etc

Mr. EVERETT rose to a point of order; he contended that the gentleman from New York had no right to discuss the merits of the main question, the subject before them being merely one of reference.

The SPEAKER ruled that Mr. F. was in order.

Mr. F. resumed, and continued his argument in opposition to the claimants being permitted to take their seats; inasmuch as the present members had been declared by the House to have been elected for the whole term, and that the delegation from Mississippi was of course full and complete. If all four of them had presented themselves previously to the decision of the House, then there could have been no objection to the proposition; but as the decision had been made, there was not the slightest ground for the resolution to be entertained. He had no objection to their taking seats by courtesy, but he had a decided objection to their being allowed to participate in a debate with members who were duly qualified in all respects. He begged gentlemen to consider well before they entertained a proposition admitting persons who were not members to come and give their views to the House, and reply to those of others. He thought the only true course was to refer the matter to the Committee of Elections.

Mr. EVERETT had no objection to the subject being referred to the Committee of Elections, with instructions to report thereon; but when the merits of the case came up before the House, he considered the petitioners ought to be permitted to take their seats on the floor. He was opposed to any discussion on the merits of the question before such reference.

After a few remarks from Messrs. GRAVES and YELL,

Mr. CAMBRELENG considered the course of the gentleman from Kentucky as entirely objectionable, and sent to the Clerk to be read a resolution formerly adopted in the case of Mr. Newland, when that person was permitted to address the House in support of his claims, *after* a report from the committee.

Mr. LEGARE was opposed to any course which should give the claimants the privilege of a seat on the floor. He considered it contrary to all parliamentary usage to allow individuals to take their seats for the purpose of discussing the merits of a contested election after the matter had been solemnly adjudicated by the House.

Mr. BRIGGS considered the gentlemen had a right to be heard, as had any one who had a claim to a seat on the floor.

Mr. THOMPSON made some brief remarks.

Mr. CLOWNEY said he was satisfied that the proper course was to refer the subject to a committee, and therefore moved to lay Mr. GRAVES's resolution on the table.

Mr. CHAMBERS asked for the yeas and nays; which were ordered, and were—yeas 90, nays 87.

So the resolution was laid on the table.

The question then recurring on Mr. CAMBRELENG's motion to commit the subject to the Committee of Elections,

Mr. WILLIAMS of Kentucky said he would make a motion which would bring the House to a direct vote on the question, and dispose of it at once He, therefore, moved a resolution that Messrs. Prentiss and Word were duly elected members of the 25th Congress from the State of Mississippi.

The CHAIR decided that the motion of that time was not in order.

Mr. UNDERWOOD then moved to commit the subject to a Committee of the Whole on the state of the Union, which motion taking precedence,

Mr. EVERETT moved to instruct the committee to report to the House on all the facts of the case.

Mr. BOON remarking that such a motion was entirely without precedent, in all former cases of this kind, from the origin of the Government to the present time, moved to lay it on the table.

The CHAIR reminded the gentleman that his motion would cohere to the whole subject, and thereby lay the whole on the table; whereupon,

Mr. BOON withdrew his motion.

Mr. YELL then suggested to Mr. UNDERWOOD that he had better not press his motion, unless he made the subject the special order for to-morrow; inasmuch, in Commitee of the Whole on the state of the Union, it might not be reached for a month or more to come.

Mr. UNDERWOOD, agreeably to Mr. BELL's suggestion, withdrew his motion; and the question again recurring on referring the subject to the Committee of Elections,

Mr. EVERETT renewed his instructions to that committee, which were agreed to; and the motion of reference being also agreed to, as amended, the subject was referred to the Committee of Elections.

The SPEAKER laid before the House a communication from the Secretary of the Navy, enclosing his opinion, called for by the resolution of the House, as to the expediency of establishing a navy yard for sloops of war at Charleston, South Carolina, which was referred to the Committee on Naval Affairs.

On motion,

The House adjourned.

IN SENATE,

THURSDAY, December 28, 1837.

Mr. CLAY of Kentucky presented the petition of sundry inhabitants of the northwestern section of Ohio, praying for the sale of certain alternate sections of public lands, and that the proceeds, over and above the Government price, may be devoted to the purposes of internal improvement in that State.

Mr. NILES introduced a bill providing for the erection of a monument to the memory of Captain Nathan Hale: read, and referred to the Committee on Military Affairs.

Mr. TIPTON introduced a bill for the relief of Michael Cassady: read, and referred to the Committee on Public Lands.

Mr. DAVIS introduced a bill to provide for the final settlement of the claims of States upon the United States, for interest on payments or advances made during the war: read, and referred.

Mr. BUCHANAN presented the petition of the Union Bank of Georgetown, to be reimbursed for money lost at the Baltimore post office, through the admission of an improper person by the postmaster: referred to the Committee on the Post Office and Post Roads.

Mr. LYON introduced a bill for the relief of the heirs of John Campbell: read, and referred to the Committee on Private Claims.

Mr. KING presented the memorial of sundry citizens of Alabama, praying alteration of a mail route: referred to the Committee on the Post Office and Post Roads.

On motion of Mr. NICHOLAS, it was

Resolved, That the Committee on Public Lands inquire into the expediency of confirming by law the surveys in the southeastern district of Louisiana.

On motion of Mr. SEVIER,

Resolved, That the Committee on Roads and Canals inquire the expediency of making further appropriation for opening Red river raft.

Mr. WRIGHT, from the Committee on Finance, reported a bill for the relief of Wm. H. Robinson and others: read, and ordered to a second reading.

The consideration of the resolutions requesting the opinion of the Postmaster General, &c. was resumed, and Mr. NILES offered a substitute for that resolution, requiring the Postmaster General to communicate to the Senate his *opinion* of the propriety and advantages of authorizing by law the transmission in the mail of sums of money, not exceeding severally a certain amount, at the risk of the Department; the rate per centage which ought to be charged by the Department for that risk; and such other information on the subject as he might think, and within his power.

Mr. CLAY of Kentucky was desirous of knowing if there was on record any precedent for a requisition from the Senate upon one of the heads of departments for an opinion simply upon any subject before that body. Sir, we had frequent examples of a call being made upon these officers for information on subjects relative to their special departments. He would instance the Secretary of the Treasury, who was often required to attend in person upon the Committee on Finance to give information requisite. If the Senate establish this as a rule, requiring the simple opinions, it might as well adopt the English parliamentary style, and invite the whole cabinet to take seats in joint committee on the floor. If the Postmaster General be required to give his opinion, it surely was but right that he appear in committee and defend it. He would not object to receiving information from this quarter, but could never consent to a consultation of opinions. He therefore expressed his hope that the resolution, in its present shape, would not be adopted.

Mr. NILES should have no objection to modifying the resolutions to meet the views of the Senator from Kentucky, (Mr. C.); but he considered them as they stood, as presenting precisely the same general view. He admitted the impropriety of asking on any occasion the opinion of individuals; but he considered the present instance as a simple requisition for information. This course would apply with equal force to either branch of Congress. The present he considered an inquiry of importance to the whole country, though not in a shape requiring details on the subject. It was a matter of doubt whether, if adopted, this mode of obtaining information would not be preferable to that of introducing bills on many important subjects. Such information was more direct and explicit, and better calculated for the purposes of legislation.

As an instance of the advantage of the proposed measure, which would render money throughout the country local in itself, and of equal value, he adverted to the publication of, and subscription for, newspapers. It was for the more convenient manner of transacting the minor descriptions of business he wished to effect. He would not constitute the department agents for the transaction of business of heavy amount. It would clothe it with a power he did not intend or think proper.

Mr. CLAY would not give his opinion of the utility of the proposed measure. It was only the manner of effecting the object that met with his objection. He would vote for the proposed inquiry if the honorable Senator (Mr. Niles) would so amend it as to require information instead of opinions. If the adoption of the resolutions was urged in the present form, he should ask the yeas and nays, to see how far it was the voice of the Senate to call in the heads of departments to assist in the usual routine of legislation

Mr. GRUNDY would oppose the resolution in any form. He was opposed to the proposition which might ultimately result from the adoption of the principal features; and moreover, he had never yet known, nor did he wish to know, of the Senate

having asked an opinion from a head of a department. It is part of the duty of these officers to give all requisite information when called upon, and this was all-sufficient for the purposes of the Senate. He had no idea of taking into the Senate twelve thousand advisers. This would be the result of the precedent they were about to establish. It was virtually asking advice of the twelve thousand postmasters of the Union. Nor did the public good require the appointment of twelve thousand additional fiscal agents. This would be the result of the measure if carried out. Newspapers, and other matters of the kind, might bear their own responsibility, as they were wont to do now. The provisions of the resolution would establish every little petty postmaster of the wild woods a public insurer for a trifling sum of five dollars, if sent by mail. It was a novel and trivial measure, stamped as such upon its very face; and he hoped never to be called upon to vote either for or against it.

Mr. NILES was sorry that the honorable Senator from Tennessee (Mr. Grundy) was so much in fear of the resolution as to dread its very touch, or even afford it a look. He, however, was not particularly urgent on the subject at this time, and was willing to see the sense of the Senate expressed thereon.

On motion, the resolution was laid on the table.

Mr. NORVELL rose and remarked that at a previous day, on the occasion of the presentation of the Vermont resolutions, he had given notice that he had prepared a series of resolutions on the subject of abolition, which circumstances had prevented his offering till the present moment.

Mr. N. then presented the following:

Resolved, That the Government of the United States is a National Government only for the general purposes specified in the Federal Constitution.

That the States of this Union, in all their reserved rights and powers, are separate, independent, and sovereign political communities.

That any interference by one or more States, or by the people of one or more States, with the domestic institutions of any other State of this Union, or with any of its reserved rights and powers over those institutions, is a palpable and dangerous infraction of the spirit of the Constitution of the United States, tending directly to disturb the peace and tranquillity of the Union, and to sever the links which connect us together as one people.

That the Senate of the United States, composed of the representatives of the States in their sovereign capacities, and bound to protect the reserved rights and powers left to them in the compact of Union, would regard any attempt, on the part of the Federal Government, under the pretext of regulating commerce among the several States, or under any other pretext whatever, to prohibit the domestic trade between any of the States, or the citizens of any of the States, allowed by them in any kind of property, recognised as such by their laws, as unconstitutional in spirit and in letter: Therefore,

Resolved, That the Senate of the United States will neither receive, nor entertain, any petition, memorial, resolution, or other paper, praying Congress to prohibit any such trade.

Resolved, That, as it would be a breach of the public faith of the nation to abolish slavery in the District of Columbia, without the consent of the people of the District, the Senate will neither receive, nor entertain, any petition, memorial, resolution, or other paper, praying for the adoption of such measures, unless it proceed from the people of the District of Columbia.

The resolutions being read, they were laid on the table, and ordered to be printed.

MR. CALHOUN'S RESOLUTIONS.

Mr. CALHOUN said, in calling up these resolutions, it was not his intention, at the present time, to enter into any discussion of their merits or demerits, but merely to repel such objections as might be urged against them. The resolutions spoke definitely, and to all points, for themselves. This confederacy consisted of free, sovereign, and independent States, each vested with supreme and indisputable rights! Some there were, however, who considered this a great National Republic, made up of individuals, with rights common to all; of this class might be deemed the party termed Abolitionists, in the North. It was the object of these resolutions to bring forward the facts, and display them in their true light. He wished the deep deliberation of every Senator, as he desired to make the question, on their rejection or adoption, a *test* question. All present, every Senator, without exception, had confessed himself opposed to the fanatical doctrine of abolition; yet the South had no rallying point on which to stand; and, although their measures were justified by a great portion of the North, yet there was among them another party, zealots in the cause of Abolition, chiming aloud under the sacred right of petition. Many, doubtless, were drawn into that snare, who, in the first instance, were *conservative* in their views. Whatever might be the diversity of opinion, of this great country, on other points, on the matter now at issue no one could disagree. These resolutions, if adopted, would present ground where all could stand, and express their real opinions without trenching on or affecting the rights on other points. With regard to the right of slavery, his opinion was unalterable, and he held it an insult to have his rights attacked on the question. He hoped the Senate would take sufficient time to discuss calmly the subject, and that each Senator would express his individual opinion.

He did not desire them to pass by a bare majority; he wished them to pass by a unanimous vote; be that as it might, however, he would repeat what he had before said, that he wished it to be considered a *test question*. If these propositions were rejected, the Senate will have said to the South "come here no longer for protection;" by such a vote the Senate would legalize a continuance of these assaults. If, on the contrary, they were adopted, it would be a holy pledge of that body to protect it from further aggression; but if postponed or eluded, it would be incontrovertible evidence of the unwillingness of the Senate to express an opinion; and consequently must be considered a silent acquiescence in the insults offered to Southern rights and Southern feelings. If adopted, they would have a salutary effect in tranquillizing the public mind. He looked to these resolutions to create an awakening spirit in the country in favor of the Constitution. The idea that this Republic was made up of one great aggregate of individuals, tended to increase the zeal of these fanatics, and a more rapid spread of their doctrines. The remedy must be found in the promulgation of opposite doctrines; and until this course was adopted, we could look for nothing but a continuance of their importunities. When the Republic was in danger, he must look to State rights, (the only true conservative principles,) and on this depended the preservation of the Union; and any other view must prove fatal to its peace.

The cause before the Senate he (Mr. C.) considered of great magnitude and importance, and hence he did not desire to urge on its progress; and if there was no other motion desired to be made by any Senator, he would move to postpone it to Wednesday next, with the understanding that the Vermont resolutions were not to be presented until a later period; he was anxious for a calm and deliberate expression from the Senate, before the question arose in the opposite shape, in which it had already been so angrily discussed.

Mr. PRESTON spoke for some time in answer to Mr. CALHOUN. He had not as yet had time to consider the resolutions; he had seen them for the first time in the Globe of this morning. Mr. P. confessed himself of opinion that it was now too late to reach the extent of the evil by the presentment of mere abstract questions. Mr. P. wished to heaven they might have such an effect; but he had looked too long at the growing extent of the evil of abolition to suppose it could be put down in any other way than by the South presenting one firm, unbroken phalanx.

Mr. CALHOUN replied to Mr. PRESTON, and said that the object he had in view was to test the state of feeling in the Senate to the extent of the limits proposed in the resolutions. He (Mr. C.) had already stated that his own mind had long since been fixed; he had long seen, and still feared, that the South must find the remedy within herself. He had also stated that the resolutions presented common ground. He would not be understood, however, as establishing a ground on which to meet the Abolitionists. It was that on which the opposers of the doctrine could meet. He, for one, and he hoped he had a ready response in the bosom of every Southern man, would no longer meet in argument fanatics that would violate any moral and political principle to obtain their ends. It was the test ground on which to decide in what manner the South was to assert her rights.

Mr. PRESTON made a short reply to Mr. Calhoun. His objections to the introduction of the resolutions was, that they allowed ground for discussion; and that the subject ought never to be allowed to enter the halls of the Legislative Assembly, was always to be taken for granted by the South. Again: what would abstract propositions of this nature effect? He had them in the decalogue, but did they prevent crime?

Mr. STRANGE said that no measure could be considered child's play when wives, children, property, all that was dear to man, was at stake. Could he be otherwise than excited (said Mr. S.) when this subject is brought on the tapis. He felt sorry that the resolutions had been introduced; it was true he had been consulted, but his mind had not yielded assent, because he was of opinion that the South always lost ground by discussion, and he wished to avoid it from the very bottom of his soul. When a memorial had been presented from the Grand Jury of this District, praying that slavery might not be abolished in the District of Columbia, he had voted against the printing of that memorial, simply because he did not wish the question to go before the world. If the North sets us the example of excitement, why did we follow it? So far as he was concerned, he agreed with the whole spirit of the resolutions, but still did not think them sufficient to meet the exigency of the case. He was opposed to their postponement, because it would result in a long and protracted discussion, in which the South could not fail to be the sufferer. Let whatever action be had upon them, on this question, as in all others of magnitude, the greatest good must result from the most speedy action. A postponement, though definite, would be actually, in the views of our opponents, equal to an indefinite one, and was just so much grounded yielded to the Abolitionists. What good (asked Mr. S.) would result, if the resolutions were ultimately adopted? Come when they would, he should give them his cordial support.

What did they set forth but abstract principles, to which the South had again and again certified? What bulwark of defence was needed stronger than the Constitution itself? Every movement on the part of the South only gave additional strength to her opponents. The wisest, nay, her only safe course, was to remain quiet, though prepared, at the same time, to resist all aggression. The question was not, in his mind, a sectional one; but rather one in which the interests of the whole country were alike involved—the North, the South, the East, the West. Questions like this only tended to excite angry feelings. He had no doubt a large majority of the North had not their heads addled with this spirit of fanaticism, and by indulging too strongly in sectional feeling, we might array the pure and good of that portion of the country against us. Violent excitements of any kind were to be deplored. All past history show their danger. Why, then, should we seek to set the ball in motion by these angry and exciting discussions? We of the South should not be the first to assume a hostile position, but be ever prepared to meet danger, come when it might, with a firm and manly front. Would it be wise to attempt to still the waves of the ocean by rushing against them? None but a maniac would do it. Why, then should we attempt it?

The current of fanaticism which has crossed the Atlantic, (said Mr. S.) has, we but too plainly see, swept away in its course one of our sovereign States; and how many more were doomed to follow, God only knew. Our forefathers saw the danger to which we were subject, and provided against it when they established the Constitution, behind which we could entrench ourselves, and be safe. What need have we of any thing more than this

sacred compact which I hold in my hand—*the Constitution?*

Mr. S. said the greatest objection he had to the resolutions, was the danger of producing mischief by the discussion—mischief by the excitement that must necessarily be created in dipping into these disquieting topics. The proper course for the South, was, as he had before observed, was to remain still, and pay no attention to the movements of these idle fanatics. When these Abolition movements came from a higher source, he would point to the Constitution, and that under that instrument our possessions are guarantied. Vermont he thought had degraded herself by the adoption of the resolutions, (which on a former occasion, had been read in the Senate,) and by the presentation of them to this body, had forfeited her claims to respect. He was willing to believe that a majority of her citizens were opposed to their adoption, and that by some fatuitous circumstances, her Legislature had become momentarily filled with abolitionists! He hoped for her everlasting credit, that the result of her earliest deliberations, would be to retrace her steps, and retract the odious document directed to be presented. Mr. S. concluded, by observing that he was decidedly in favor of voting against the reception of all petitions, memorials, or resolutions, (come from whatever quarter they might,) in relation to the subject of slavery.

Mr. SWIFT said he had observed, as well during the present as at previous discussions, that unpleasant allusions had been made to the resolutions which he had offered, and improper reflections passed upon the State of Vermont. He trusted gentlemen would forbear any further allusions, either to the documents or the State from which they emanated, during the present discussion, and which was manifestly on a different subject. He thought it would be time enough when the memorial from his State should be brought before the Senate, which, in accordance with a notice he had previously given, he should do at an early date

Mr. CALHOUN said the Senator from North Carolina, (Mr. Strange,) was averse to the discussion of this subject; so was every one else; but he ought to *preach* that to the abolitionists, not to the defenders of the sovereignty of the States. Was it not better to meet the quesiion a little offensively than not to meet it at all? With regard to the doctrines of the Constitution, all might be well acquainted with them; and yet how were they observed? Was the South to sit still and see the Constitution trodden under foot, and its principles assailed? Would it not be better to try and rally around that body all who were orthodox in their political adherence? Look to the alien and sedition law. Was that odious measure defeated by sitting still, and quoung the authority of the Constitution? Was it not rather by a series of brief, summary, and abstract resolutions? By that straight-forward, manly course we would protect our own rights, and at the same time show that it was our aim to defend to the last the charter handed down to us by our forefathers. He wished these resolutions by no means to be considered as strictly a southern measure. He hoped that the vote that would be given upon them, would be a northern and western, as well as southern vote, and he appealed to the honorable Senator whether a strong vote would not tend to restore, throughout the Union, that confidence so much to be desired, and whether it would not also have a tendency to avert this fatal tide of fanaticism?

Mr. STRANGE said that he had already pledged himself to give the resolutions his cordial support, come up when they would. The Senator from South Carolina charged him with preaching to one side. Perhaps he had sermonised too long for the patience of the Senate; but then he had *preached* to all sides. It was the agitation of the question, in any form or shape, that rendered it dangerous. The Senator was pleased to quote the alien and sedition law; but in his (Mr. S's) opinion, there was no analogy: there were certain truths about which it might be dangerous to reason. Why address a packed jury, or reason with a madman? Of all species of madness, there was none more dangerous than the madness of fanaticism. To reason, then, with those creatures, was to cast pearls before swine. The arguments used by all parties would go forth, and act differently on different minds; and we all know the anxiety that is manifested by a *certain set* to hear what is going on in relation to this matter. Agitating this question in any shape was ruinous to the South. It was like that game played on the unfortunate wight: "heads I win, tails you lose." If we succeed, by our discussions, in convincing our Northern brethren, what becomes of our homes after the poison has reached that quarter. He repeated, that it would have an incalculably mischievous effect; that we had every thing to lose, and nothing to gain.

The question was then taken on the postponement to Wednesday next, and carried.

The bill for the relief of Samuel Y. Keene; the bill for the relief of J. McCrarey; the bill for the relief of the heirs of H. Morfit, deceased; were severally read a third time and passed.

The bill authorizing the States to tax public lands, sold within their respective limits, was read a third time and passed.

The bill authorizing the relinquishment of the sixteenth section, and the entry of other lands in lieu thereof, was taken up, and ordered to be engrossed for a third reading.

The bill for the relief of Daniel Bush was then taken up, and ordered to be engrossed for a third reading.

The bill for the relief of John Newton was taken up, and, after being discussed at some length, was finally laid on the table.

On motion of Mr. SMITH of Indiana,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, Dec. 28, 1837.

Mr. BRIGGS, on leave, submitted the following:

Resolved, That the Committee on Accounts be instructed to inquire into the expediency of paying to J. C. Noys, a member of this House, two hundred and fifty dollars, being the amount of three Treasury notes, which he received from the Sergeant-at-arms, and which were accidentally destroyed by fire.

After some remarks from Messrs. WHITTLESEY and ADAMS,

Mr. JOHNSON of Virginia moved to amend the resolution, by striking out "Committee on Accounts," and inserting "Committee of Claims."

Some further observations were made by Messrs. GARLAND, BRIGGS, HASTINGS, REED, and HAMER; when the question was taken on the proposed amendment, and rejected.

The question then recurring on the adoption of the resolution, it was agreed to.

On motion of Mr. CAMBRELENG,

The rules were suspended for the purpose of giving the Committees an opportunity to report.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills:

Bill making appropriations for the civil and diplomatic expenses of the Government for the year 1838.

Bill making appropriations for the naval service for the year 1838.

Bill making appropriations for the Revolutionary and other pensioners of the United States, for the year 1838.

Bill providing for the adjustment of certain accounts under the provision of the general appropriation act of 1834.

[All the foregoing bills were committed to the Committee of the Whole on the state of the Union.]

Mr. CAMBRELENG also reported a bill for the relief of John P. Lasalle of New York.

On motion of Mr. CAMBRELENG the communication from the War Department, relative to the claims of Massachusetts for services and expenditures in the late war, was taken from the table and referred to the Committee of Ways and Means.

Mr. HAYNES, from the same committee, reported a bill for the relief of James W. Osgood of Boston.

Mr. McKIM, from the same committee, reported a bill for the relief of the President and Directors of the Baltimore and Susquehanna Railroad Company.

Mr. POPE, from the same committee, reported a bill making appropriations for the Cumberland road: committed to a Committe of the Whole on the state of the Union.

Mr. SMITH, from the Committee on Commerce, reported a bill relating to consular certificates, invoices, &c.

Also, a bill to continue in force an act therein mentioned, relating to the port of Baltimore.

On motion of Mr. SMITH, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill providing for the employment of boys in the merchant vessels of the United States, and the same was brought into the House and postponed till to-morrow.

Mr. CURTIS, from the same committee, reported a bill for the relief of Lewis P. Willis, formerly acting Deputy Surveyor for the district of Mississippi.

Mr. BOON, from the Committee on the Public Lands, reported the following two bills, the first of which was accompanied by the report herewith subjoined:

A BILL to graduate and reduce the price of the public lands subject to private entry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, from and after the 30th day of June, 1838, all the public lands of the United States which remain unsold after having been offered at private sale at one dollar and twenty-five cents per acre, for five years, shall be subject to entry at one dollar per acre; and all those which shall have been so offered for ten years, shall be subject to entry, at seventy-five cents per acre; and all those which shall have been so offered for fifteen years, shall be subject to entry at fifty cents per acre; and all those which shall have been so offered for twenty years shall be subject to entry at twenty-five cents per acre.

The Committee on the Public Lands, to which was referred a resolution of the House of Representatives, and sundry petitions and memorials on the subject of a reduction and graduation of the price of the public lands, and granting preemption rights to actual settlers, report:

That they have carefully bestowed upon the subjects referred to them that consideration which the importance of those measures seemed to require.

Previous to the formation of the Federal Constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States, for the purpose of raising a fund to meet the expenses growing out of the war of the Revolution. This recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North Carolina, South Carolina, and Georgia, ceded to the United States a portion of their vacant lands for the object above stated.

The first policy adopted by the General Government, in the management and sale of the lands thus acquired, was to offer them to purchasers at public sale, to the highest bidder, and such of them as would not sell for a price exceeding two dollars per acre, were afterwards subject to entry at two dollars per acre; one-fourth of the purchase money being required in advance, and the other three-fourths being required in three equal instalments, of two, four, and six years, from the date of any such purchase or entry of any of the public lands. Under this system, competition in the purchase of lands between individual purchasers at public sales, in some of the districts, became so great that in many instances lands were run up to seventy-five, and in some instances to over one hundred dollars per acre. Shortly after these high sales and purchase of the public lands, a sudden revulsion took place in the price of produce and property of every description, by reason of which, many of the purchasers of those lands became involved in a debt to the Government which they were unable to pay; consequently, a considerable portion of the lands thus purchased, became forfeited to the Government for non-payment of the purchase money.

Under this state of affairs, it was perceived that the purchasers of those lands and the Government

would be brought into unpleasant collisions; to avert which, Congress passed a law in the year 1820, to reduce the price of the public lands to one dollar and twenty-five cents per acre, and requiring cash payment therefor, and providing that those persons who had purchased lands under the credit system, or became the legal holders of certificates of purchase as aforesaid, should be permitted to relinquish to the Government the certificates of purchase of those on which full payment had not been made, and to apply the part so relinquished in completing payments for other lands by them retained.

From the 30th June, 1820, it has been the policy of the Government to sell her lands to purchasers at private entry, at one dollar and twenty-five cents per acre, after their having been offered to the public for sale to the highest bidder at public vendue. Since the adoption of the present land system, various schemes have been proposed in regard to their future disposal; but no one of the schemes that have been proposed to change or alter the present system, has received the approbation of Congress. The extinguishment of the national debt having been finally accomplished, and the public lands being no longer needed as a source of revenue to the General Government, it would be an act of the greatest possible injustice toward the new States to tax the people of those States in the purchase of the public lands, merely for the purpose of raising a *surplus* revenue, to be distributed among the several States; a project certainly never contemplated by the several compacts between the States and the General Government, by which these lands became the common property of all the States of the Union.

Previous to the final extinguishment of the national debt, the revenue which accrued to the general Government from the sales of the public lands, and that which was received from duties imposed upon foreign merchandise, was held and used by the Government as a fund to "pay the debts and to provide for the common defence and general welfare of the United States." It does not seem, therefore, that any good reason can now be given in favor of separating these two great sources of public revenue to the Government. A graduation and reduction in the price of the public lands has long been a subject of the greatest possible solicitude with the people of the new States, as may be seen by reference to the various and numerous petitions, memorials, and Legislative resolutions, which have, from time to time, been presented, and pressed upon the consideration of Congress.

The committee are of opinion that Congress does not possess the constitutional power to lay and collect taxes merely for the purpose of raising a fund to be distributed among the several *States* of the Union, nor for any other purpose whatever, except to pay the debts and to provide for the common defence and general welfare of the United States.

When the money of the people shall have been drawn from their pockets by any system of taxation whatever, it would be impossible for the wisdom of man to devise any plan by which the same would be returned to each individual from whom it shall or may have been collected, in the same ratio in which it shall have been drawn from their pockets. It would be unjust, therefore, to tax the many for the purpose of benefiting the few. Upon the most liberal view of the subject, the committee are of opinion that the period has fully arrived when the public lands should cease to be a source of revenue to the Government, except for the payment of those general charges which grow out of the acquisition of the lands, their survey, and their sale.

In some of the land districts, there remains only the refuse lands, some of which have been subject to private entry for a period of from thirty to forty years; and it is not to be supposed that those lands will be purchased at the present price of one dollar and twenty-five cents per acre for many years yet to come, if ever. If the lands which remain unsold, after having become subject to sale at private entry, for a period of five years and upwards, were graduated and reduced in price, the consequence would be that, while the Government would be no loser by such a policy, many an honest poor man would thereby be enabled to procure a home that he could call his own; and the States in which the public lands are situated, would be earlier possessed of additional sources of revenue, to the States respectively; and the still more important advantage to those States, would be cultivated fields and green meadows, in the place of an unproductive forest.

It is a fact well established, that the wealth and strength of the country are its population, and the better portion are the cultivators of the soil; and while the burdens of the South and East are diminishing by the reduction of the duties on the luxuries of life, it seems but equal justice that the chief burdens of the West should be lightened at least in an equal degree.

The immense value that has been given to a vast portion of the public domain, which was acquired first by conquest, and afterwards by purchase, has been mainly produced by the dauntless courage and unspeakable sufferings of the hardy adventurous sons of the West. But for the many privations in life which were encountered by the early pioneers of the western wilds, the whole fertile region of country west of the Alleghany mountains, would, until the present day, have remained an unproductive forest, inhabited only by savages and beasts of prey. It is a fact worthy of the most serious consideration, that although the people of the new States of the West, are separated from the old thirteen States, by mere geographical divisions and boundary lines, they are nevertheless brethren and fellow kinsmen, having one and the same great common interest to support and sustain, by strengthening those cords which bind together our glorious Union.

In concluding this report, the committee cannot better express their views, in reference to the subject which has been referred to them, than by adding one or two extracts from President Jackson's annual message to the two Houses of Congress in 1835, in which he says: "It seems to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that, in convenient time, this machinery be withdrawn from the States respectively in which it lies."

"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy, paid into the Treasury a large portion of forty millions of dollars; and of the revenue received therefrom, but a small part has been expended amongst them. When to the disadvantages of their situation in this respect, we add the consideration that it is their labor which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy, after the payment of the public debt. To avert the consequences which may be apprehended from this cause and to put an end *for ever* to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise, the opportunity of securing an independent freehold; it seems to me therefore, best to abandon the idea of raising a future revenue out of the public lands." Again, the present Chief Magistrate in his late annual Message to Congress, takes the following view of the same subject. He says—"A large portion of our citizens have seated themselves on the public lands without authority, since the passage of the last pre-emption law, and now ask the enactment of another to enable them to retain the lands occupied, upon payment of the minimum Government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the Treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the nett revenue only of six per cent. an acre more than the minimum Government price, and there is no reason to suppose that future sales will be more productive.

The Government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others. Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connection with the preparatory steps towards the graduation of the price of the public lands, and further and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appear to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions against the abuses in the execution of a pre-emption law, will necessarily attract the careful attention of Congress; but under no circumstances is it expedient to authorize floating claims in any shape. They have been heretofore, and doubtles would be hereafter, most prolific sources of fraud." In these views of the subject, the committee fully concur, believing it to be the true policy of the Government as well as just to its citizens, so to regulate the price of the public domain, as to enable every poor man to procure a home which he can call his own. Such a policy would not be alone confined to the people of the new States. Its benefits would be equally open to every citizen of all the States. It is due to the new States that a liberal policy should be adopted in the sale of the public lands within their respective limits, with a view to promote their early settlement and improvement.

In some of the new States, where the public lands have been in market upwards of thirty-five years, there is yet remaining large tracts of unsold refuse lands, which will not sell for the present minimum Government price, by reason of which, the settlement and improvement of those States have been greatly retarded, and the States and the General Government, respectively, have been thereby considerably curtailed in their revenues, which would have accrued to both from an early sale and settlement, and consequent cultivation of those lands.

Under any and every view of the subject in which it presents itself for consideration, whether as relates to the interest of the General Government, or to that of the States in which the public lands are situated, the committee are of opinion that he mutual interest of both requires that the public lands should be reduced in price, at a rate proportioned to the length of time they shall have been brought into market and subject to sale at private entry, and that the present settlers on the public lands ought to be secured in their settlement by pre-emption rights.

The committee reports bills accordingly.

A BILL to grant pre-emption rights to settlers on the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every actual settler of the public lands, who was in possession on or before the first day of December, eighteen hundred and thirty-seven, and cultivated any part thereof in said year, shall be entitled to all the benefits and privileges of an act entitled "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-ninth, eighteen hundred and thirty; and the said act is hereby revived and continued in force two years: *Provided*, That where more than one person may have settled upon and cultivated any part of one quarter section of land, each one of them shall have an equal share or interest in said quarter section, but shall have no claim, by

virtue of this act, to any other land: *And provided, always*, That the provisions of this act shall not extend to any land to which the Indian title has not been extinguished, or to any specially occupied or reserved for town lots, or other purposes, by authority of the United States: *And provided, further*, That nothing herein contained shall be construed to effect any of the selections of public lands for the purpose of education, the use of salt springs, or for any other purpose, which may have been or may be made by any State, under existing laws of the United States.

The above bills and report were committed to a Committee of the Whole on the state of the Union.

Mr. CASEY, from the same committee, reported a bill for the relief of the heirs or legal representatives of George C. Willard.

Mr. YELL, from the same committee, reported a bill for the relief of William W. Stevenson;

Also, a bill for the relief of John Davilan.

Mr. HARRISON, of Missouri, from the same committee, reported the following, viz:

Bill for the relief of Robert Murray.

Bill for the relief of John Wylie and Jefferson Green.

Bill for the relief of John Wilson.

Bill for the relief of Jonathan Boon.

Mr. A. H. SHEPPERD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Samuel O. Petus, deceased.

Mr. RARIDEN, from the Committee on Private Land Claims, reported a bill for the relief of Wm. Morley.

Also, a bill for the relief of Stephen Masters.

Mr. CAMPBELL of South Carolina, from the Committee on Indian Affairs, reported a bill for the relief of Willis Stevens and another.

Mr. EVERETT, from the same committee, reported a bill for the relief of Thomas P. Cripple.

Mr. BELL, from the same committee, reported a bill for the relief of Reuben Gentry, William Monroe, and others.

Mr. MASON of Ohio, from the Committee on Military Affairs, reported a bill for the relief of Jesse Cook.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of the widow Parker.

Mr. JOHNSON of Virginia, from the same Committee, reported a bill for the relief of William Davis.

Also, a bill for the relief of William Faris.

Mr. TAYLOR of New York, from the Committee on Invalid Pensions, reported the following:

Bill granting a pension to Samuel M. Edwards.

Bill granting a pension to Josiah Strong.

Bill granting a pension to Samuel Romali.

Bill granting a pension to Samuel W. Edwards.

Bill granting a pension to Samuel H. Hugo.

Bill granting a pension to Emanuel Srofe.

Bill granting a pension to Robert M'Bride.

Bill granting a pension to Samuel J. Smith.

Mr. McCLELLAN of New York, from same committee, reported the following, viz:

Bill for the relief of Jacob Shade.

Bill for the relief of Gilbert Sprague Fish.

Mr. PLUMER, from the same committee, reported the following, viz:

Bill granting a pension to William Bowman.

Bill for the relief of George McFadden.

Bill granting a pension to Robert Lucas.

Mr. ALLEN of Vermont, from the same committee, reported the following, viz:

Bill for the relief of Randolph Carter.

Bill for the relief of John J. Wiley.

Bill for the relief of James H. Bradford.

Bill for the relief of David Wilson.

Mr. MORGAN, from the select committee to whom the subject had been referred, reported a bill for the relief of Peter Yarnell and others.

All the foregoing bills were read twice and committed.

Mr. BIRDSALL, from the Committee on Revolutionary Claims, to which was referred the petition of John Crofts, praying an increase of pension, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

Mr. BIRDSALL, from the same committee, to which was referred the petition of Casandana Campbell, Mary Banning, and Juliana Watts, heirs at law of Gen. Henry Miller, deceased, made an unfavorable report on the same; which was laid on the table, and ordered to be printed.

Mr. RARIDEN asked leave to offer the following resolution:

Resolved, That the Clerk be directed to furnish such members of the present House of Representatives as have not received the same under former orders with the following books, being such as have been supplied to members of the last and preceding Congress, viz: the Diplomatic Correspondence; the Documentary History of the Revolution; the Land Laws; American State Papers; Register of Debates; Contested Elections; Commercial Regulations; Elliot's Debates: but nothing herein contained shall be construed to authorize the reprinting of either of the above works.

Mr. PETRIKEN objecting,

Mr. RARIDEN moved a suspension of the rule, but Mr. RENCHER calling for the yeas and nays, Mr. RARIDEN withdrew his motion.

Mr. HAYNES asked the consent of the House to permit him to submit a motion that the House resolve itself into a Committee of the Whole on the state of the Union on the President's Message; but it was objected to.

MEXICO.

The next business in order was on the reference of a memorial presented by Mr. ADAMS on Monday week, from the New York Peace Society, and other individuals friendly to the peace cause, praying Congress to accede to the proposition of the Mexican Congress.

[This proposition was couched in the followed terms, contained in a decree of that Congress, dated May 20, 1837, viz:

"The Government is hereby authorized to compromise the claims which the Government of the United States has instituted, or may hereafter institute; and these in which they cannot agree, may be submitted to the decision of a friendly Power, the United States of America agreeing thereto."]

The question pending was on referring the memorial to the Committee on Foreign Affairs.

The motion pending being on referring said memorial to the Committee on Foreign Affairs.

Mr. HOWARD, from a sense of duty which he owed to the House and to himself, would ask indulgence for a few moments, while he made some brief remarks in relation to the subject then before them.

It would be recollected that when the question was last before the House, he had stated, that "he had taken some pains to inquire from the proper authorities, but found that no proposition had been presented from the Mexican Government of the nature of the one alluded to in the petition."

When the proposition had come before the House, a few days ago, a sketch of the proceedings, together with the observations of the gentleman from Massachusetts, and a few briet remarks of his own, appeared the next day in one of the daily papers of the city, and the proceedings were afterwards commented on by another daily paper. He considered it his duty to be particularly careful to make himself understood, and to express himself in such a manner as would guard against misconstruction. With that view he felt himself bound to say, that when he made that statement he believed it to be literally correct; but since that time it had become otherwise; and lest it should hereafter appear that he had suffered the statement to remain uncontradicted, he felt it incumbent upon him to say, that a communication bearing date of the 23d instant, at Philadelphia, had been received by the Department of State from the proper authority, enclosing an official copy of the decree of the Mexican Congress alluded to. But he would still maintain that he was correct in his former assertion, that no proposition of reference had been made by Mexico, nor any greater willingness expressed by the Executive of that country, to execute the power contained in the first than the second branch of the decree. He regretted to say that he was not able to see in the time and manner of communicating the decree, any stronger evidence of a friendly spirit than in the decree itself. But, in order to explain the reasons of this opinion, he begged leave to send to the Chair a copy of the decree in the Spanish language, and a translation thereof, which he had obtained, and asked that the latter might be read for the information of the House and the nation. For this unusual and irregular mode of introducing such a document into the House, he must throw himself upon their kindness, which he would not have appealed to, if it had not been for the very extraordinary character of this debate, and the necessity of guarding the public mind from erroneous impressions upon this deeply interesting topic.

Mr. H. then sent to the Chair the following paper, which was read:

DECREE.

DEPARTMENT OF FOREIGN RELATIONS.

His Excellency the President of the Mexican Republic has been pleased to address to me the following Decree:

The President of the Mexican Republic to the inhabitants. Be it known, that the General Congress has decreed as follows:

ART. 1. The Government is authorized to arrange (or compromise, *transigir*) with regard to the claims preferred, or which may be preferred, by that of the United States of the North, and to commit to the judgment of a friendly Power the decision of those upon which they cannot come to a determination, provided the United States themselves agree to this.

ART. 2. The Government is also authorized—in case the United States should deny the satisfaction which we should ask on our part, or delay it beyond the time which shall be fixed conformably with the treaty, or should continue the open agressions already committed—to close the ports to the trade of that nation, to prohibit the introduction and use of its manufactures, to establish a period for the consumption or exportation of those already on hand, and to take all measures required for the purpose, and for the safety of the Republic.

MIGUEL VALENTIN, President.

TERSO VIEJO, RAFAEL DE MONTALVO, } Secretaries.

Therefore, I order it to be printed, published, circulated, and carried into due fulfilment.

Palace of the National Government in Mexico, May 20, 1837.

ANASTASIO BUSTAMENTE.

LOUIS GONZAGA CUEVAS.

And I communicate it to you, that you may be informed of it, and act accordingly.

God and Liberty! CUEVAS.

May 20, 1837.

Mr. H. then resumed his remarks, and was commenting upon the decree, and the singular fact that the petition before the House entirely suppressed all notice of the second part, when

The SPEAKER begged to remind the gentleman from Maryland that to discuss the subject of our relations with Mexico would be entirely out of order, any allusion thereto being irrelevant on a mere question of reference.

Mr. HOWARD said he would submit to the decision of the Chair with the greatest pleasure. His chief objects were already accomplished by protecting himself against any future suspicion that he had been uncandid in the statement previously made to the House, and by bringing to the notice of the House the decree of the Mexican Congress, which had been utterly misrepresented in the petition which gave rise to this debate.

Mr. PETRIKEN moved to postpone the further consideration of the subject until Thursday next.

Mr. ADAMS hoped the question would be decided by the House at once. He did not see what was to be gained by delaying its consideration for another week. Mr. A. then adverted to the course of Mr. Howard, and begged to ask him if he did not think it inconsistent, first to take upon himself to deny positively that there had been any proposition, and afterwards to give a qualified denial. He (Mr. A.) hoped that to whatever committee the memorial might be referred, the committee should be required to report. The petition was on

one of the most important subjects that could occupy the deliberations of the House. It was a question involving peace and war, now established beyond all contradiction by the gentleman himself. He hoped it would be referred to a select committee, with instructions to report thereon. And truly it was a subject which required the most careful examination, and most elaborate report. He must say that the objections of the gentleman, showed a mind already made up, and that was an additional reason why it should not be referred to the committee, of which he was chairman.

Mr. A. then adverted to the slight change which had been made in the Committee on Foreign Affairs since the late special session, and expressed his opinion that the change had increased, instead of diminished, his objections, as he believed the minds of all of them had been previously made up, that they were all committed on the subject, and had prejudged on the measure before them. In his opinion, no stronger proof was required of the resolution formerly offered in relation to that subject, and of stopping all further debate. It was a duty he owed to himself and the petitioners to have the case referred to a committee which would examine and deliberate, without being influenced by preconceived opinions. For these, and other reasons, Mr. A. said he hoped the House would see that the Committee on Foreign Relations was not the proper committee to which the petition ought to be referred. The message of the President, stimulating a war between this country and Mexico, had been already referred to that committee; and what reason could they have for objecting to report on this petition? Why to him it appeared plain that the chairman had his war report on the Message already in his mind; and it would not, perhaps, be convenient for him to report on the honorable proposition before them at the same time. Mr. A. concluded his remarks by asking the yeas and nays on the motion to refer to the Committee on Foreign Affairs; which were ordered.

Mr. HOWARD asked if he should trespass beyond the endurance and patience of the House, if he were to say a few words more upon a subject of which, he was aware, they were heartily tired. He had been dragged into the debate, which was entirely irregular. Unwilling to encroach upon the rules of order, he felt himself continually fettered in his remarks, by being obliged to keep constantly present to his mind the conformity of what he was about to say with the rules of the House. But he was constrained to refer again to what he had said, in order that his exact position might not be mistaken. The first debate occurred in this House on Monday, the eighteenth instant, a summary of which was published on the next morning, in one of the daily papers of this city, and commented upon on Wednesday the 20th. In the course of that week he (Mr. H.) had satisfied himself, upon due inquiry, that no proposition of reference had been made by the Mexican to the American Government, nor had the decree of the Congress of the former been communicated in any official shape whatever. When the debate was renewed on Tuesday, the 26th, he had stated this to the House. But he was afterwards informed that a communication from the Mexican Minister, dated on the 23d, at Philadelphia, had been received at the Department of State, enclosing a copy of the decree. Without stopping to comment upon the expedition with which this communication followed the notice of this subject in this House, he would merely refer to the improbability, if not impossibility, that he should on the 26th be acquainted with the existence or contents of an official paper, dated on the 23d, at Philadelphia. He now asserted that he was totally ignorant of both. But, as soon as he was informed thereof, he determined to state what he knew to the House, although he was perfectly aware of the irregularity of such a proceeding. He desired that no person might ever have the slightest ground or pretext for saying or thinking, that he tampered with a body which he held in such entire respect, and therefore he had felt it a duty to the House as well as himself, to pursue the only course which was open to him, by stating the whole matter with perfect frankness. He had done this. Upon examining the Decree, it was easy to account for its never having been communicated to this Government from June until December, when the perverted account of it which had been brought before this House, seemed suddenly to have drawn it forth from that obscurity in which it ought to have been permitted to repose. The second part is essentially hostile in its character. It may be well to contrast the conduct of the two Governments. Whilst the Committee on Foreign Affairs of this House, and the other branch also, were disinclined to confer upon the Executive the power which he had formally stated to be necessary at our hands, of resorting to strong measures for the purpose of redressing the long list of grievances for which he had in vain sought redress, the Congress of Mexico were absolutely vesting in their President all the power which we had withheld from ours. Under some undefined contingency, which, in fact, amounted to an absolute discretion, they had authorized him to close the ports of their country against our vessels, to prohibit the introduction of our manufactures, and even to fix upon a time at which those already in their country must be consumed or exported, under penalty, I presume, of confiscation and forfeiture. What would have been said, if, at our last session, we had conferred such a power upon our President, and the Mexican Congress had abstained from doing so? It requires some effort of the imagination to conceive it, since, when the state of things is precisely reversed, all the fault is still thrown upon our side.

But what shall be said of those who got up this petition, who seem to have been in possession of the entire decree, and yet suppressed the most important half? Is it such a Peace Society as is in favor of universal peace, with the single exception of war upon their own Government, which they wage in a spirit of exterminating hostility? He was unwilling to charge the authors of this petition with a wilful suppression of the truth, because the case did not warrant such an imputation; but he would say that they were guilty of a culpable omission in not setting forth the entire decree, if it was in their possession, or of negligence in omitting to ascertain, as they might easily have done, whether the power to make the proposition of reference had been executed by the President of Mexico. On a former occasion he had remarked, upon the circumstance of nearly all the signatures being in pencil, and compared this condition of the signatures with the evident care and expense with which the memorial had been prepared, to show that the signers were not the authors of it. Who the real authors were he could not undertake to say, but he thought it became them to explain the apparent mystery of their having used so much of the decree as had upon its face an amicable expression, without brinuing also to view the hand below, which was armed with a drawn dagger.

It had pleased the gentleman from Massachusetts to say that the Committee on Foreign Affairs had made up their minds in favor of a war with Mexico, and that the chairman especially was committed to such a course by the report which he had made to the last Congress. Had he known that the report would be criticised with the minuteness with which the honorable gentleman seemed inclined to examine it, he would have been more careful in its preparation; for it was written in one evening, in the interval between dark and bed time. But he was willing to stand upon it as it was, and defied criticism. He knew that it expressed his honest sentiments, and would abide by them. He had made up his mind to two propositions. The first was, that peace was the settled policy of this nation, for all our institutions were founded upon this theory. War is an unnatural and forced position. As long as it was possible to preserve peace, without sacrificing the rights or honor of the nation, he would struggle to maintain it. We held in our hands the destinies of a great people, and must not rashly or lightly put them in jeopardy. This was his first proposition. His second was, that the American nation cherished a lofty sense of honor, and would not only justify, but require their rulers to govern themselves accordingly. If driven by the injustice of any foreign power to seek what redress they could obtain by the exertion of their own strength, they might lament the necessity, but would perform the duty. These were the opinions with which he would approach the consideration of our relations with Mexico, so pregnant with painful anxiety. It had pleased the gentleman from Massachusetts to say that he (Mr. H.) probably had his war report already prepared. In reply, he would content himself with saying that after the committee should have fully investigated the subject in all its bearings, with the feelings which became them as representatives of a magnanimous people, studious to preserve their best interests, if it should please that committee to instruct him to draft a report, then, and not till then, would he undertake the task.

Mr. PETRIKEN moved to postpone the further consideration until Thursday next: lost.

The motion to commit was then agreed to—yeas 117, nays 51.

So the memorial was referred to the Committee on Foreign Affairs.

The SPEAKER laid before the House a communication from the First Comptroller, transmitting abstracts of moneys advanced, &c. which was laid on the table.

Mr. EVERETT offered the following, which lies over one day:

Resolved, That the President of the United States be requested to transmit to this House copies of all correspondence between the Government of the United States and Mexico, and all instructions given to our Ministers at the Court of Mexico since the date of the Mexican Treaty of 1828 not heretofore communicated to this House; and also, that he be requested to transmit copies of all correspondence since the date aforesaid, and not heretofore communicated to this House, between the Executive of the the United States, and our Minister at the Court of Mexico, and which in his opinion may be communicated without prejudice to the public interest.

On motion of Mr. EWING,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post road from Spencer, Owen county, through New Brunswick, Clay county, and thence, via Thomas Springer's, to Merom, in Sullivan county, Indiana. Also, a post road from Bedford, Lawrence county, via Mr. Short's, on Indian creek, to Bloomfield, Green county; thence, via Scaffold Prairie, to Bowling Green, Clay county, Indiana. Also, a post road from Bedford, Lawrence county, via Spice Valley, to Mount Pleasant, Martin county, Indiana. Also, a post road from Vincennes, via James Stewart's, to Ramsay's mill, at the rapids at Wabash; thence to Mount Carmel, Illinois.

On motion of Mr. YELL,

Resolved, That the Committee on Public Lands be instructed to inquire into the propriety of authorizing the Legislature of the State of Arkansas to sell the land set apart for schools and seminaries of learning in said State. And also the propriety of granting to each county and parish the right of pre-emption to one quarter section of land for seats of justice, upon more liberal terms than heretofore provided by law.

On motion,

The House adjourned.

SELECT COMMITTEE

On the resolution proposed in the Senate by Mr. ALLEN, *of Ohio, to amend the Constitution, passed in the Senate some days since:*

Messrs. ALLEN, Chairman,
WRIGHT,
CALHOUN,
BUCHANAN,
WEBSTER,
BENTON,
RIVES,
CRITTENDEN,
CLAYTON.

HOUSE OF REPRESENTATIVES,
FRIDAY, December 29, 1837.

Mr. WHITTLESEY of Ohio made a request to the House to suffer, by general consent, the committees to report this morning, and afterwards proceed with the business on the private calendar.

Mr. REED and others suggested that petitions had better be presented first.

The CHAIR remarked that petitions were the first thing in order.

Mr. WHITTLESEY'S motion being objected to, he moved a suspension of the rules, which was disagreed to.

Petitions and memorials were then called for in the order of States, and a number were presented by—

Messrs. EVANS, FAIRFIELD, ANDERSON, NOYES, DAVEE, and CILLEY, of Maine.

[Mr. DAVEE presented the petition of Thomas A. Hill and 102 others, for a new mail route from Bangor, via Waterville, to Augusta, Maine. Also, the petition of Spaulding Robinson and 87 others, for a mail route from the military road to Fisk's mills, State of Maine; which were referred to the Committee on the Post Office and Post Roads.]

Messrs. CUSHMAN and WILLIAMS of New Hampshire.

[Mr. CUSHMAN moved that the following petitions be taken from the files, and again referred, viz: Petition of sundry inhabitants of Portsmouth, N. H. praying for an appropriation for the improvement of that harbor, by erecting a breakwater between New Castle and Goat Island. Petition of sundry inhabitants of Rye, praying for an appropriation for the improvement of that harbor. Petition of sundry inhabitants of Exeter, praying for an appropriation for the improvement of that harbor and the navigation of Exeter river: referred to the Committee on Commerce.]

Messrs. REED, BRIGGS, CUSHING, CALHOUN, LINCOLN, GRENNELL, BORDEN, PARMENTER, and ADAMS, of Massachusetts.

[Mr. PARMENTER presented the petition of Susan Bassett and 1,568 other women of Charlestown, Massachusetts, for the abolition of slavery and the slave trade in the District of Columbia; the same against the annexation of Texas. Also, the petition of Samuel Gott and others for a surveyor of the customs to reside at Sandy bay, in Gloucester, Massachusetts. Also, the petition of Major Thomas Harrison, for increase of pension. Also, the petition of Henry Hatch, administrator, for indemnity for captures by the French prior to 1800.

The petition on the abolition of slavery was laid on the table, under the order of the House.

Mr. P. moved to refer the Texas petition to a select committee; but on motion of Mr. MORGAN of Virginia, it was laid on the table.]

[Mr. ADAMS, after presenting sundry petitions in relation to the cultivation of the mulberry tree and the manufacture of silk, said he would now present the petition of Sarah Payne, and 119 others, inhabitants of Halifax, praying the abolition of slavery in the District of Columbia. Mr. A. observed, that as he had before declared the resolution adopted by the House "laying all such petitions on the table" was unconstitutional, and consequently null and void, he did not hold himself bound by that resolution any further than he was bound to submit to physical force. With that view he considered he still had the right of moving a reference of the petition to a committee, and also all other petitions with which he might be entrusted. He had in his possession a petition, which he intended to offer, *demanding* that the resolution should be rescinded by the House. He did not propose to offer the petition then, but he would offer it, and he gave notice that at the same time he should offer a resolution to rescind the former resolution. With that understanding, he would postpone the presentment of the petition until a fit opportunity. He would also inform them, that since the adoption of that obnoxious resolution, a great number of petitions had arrived from Philadelphia and other cities expressing, in the strongest terms, the indignation of the petitioners at that tyrannical and unjustifiable measure.

Mr. LAWLER wished to know what question was before the House.

The CHAIR intimated to the member from Massachusetts that his remarks were irrelevant to the subject before the House.

Mr. ADAMS. I was merely giving notice of my intention to move to rescind that infamous resolution. I do not submit to that resolution, any more than I am obliged to submit to the power of the House: I denounce it as unconstitutional and oppressive.]

Mr. TILLINGHAST of Rhode Island.

Messrs. INGHAM, HOLT, HALEY, and WHITTLESEY, of Connecticut.

[Mr. HOLT presented the petition of Amasa Clark, esq. of Hampton, Ct. and one hundred and fifty-six males, and one hundred and seventy-nine females, praying Congress to abolish slavery in the District of Columbia. Also, the petition of said Clark, and one hundred and sixty males, and one hundred and eighty females, praying the immediate abolition of slavery in the Districts and Territories in the United States. Likewise, the petition of said Clark, and one hundred and fifty-three males, and one hundred and seventy-nine females, praying Congress to regulate commerce in slaves among the several States. From the same, and one hundred and sixty-one males, and one hundred and eighty-three females, asking Congress not to admit any State or Territory into the Union whose Constitution admits of domestic slavery. And, also, a remonstrance from the same, and one hundred and seventy-four males, and one hundred and eighty-five females, remonstrating against the annexation of Texas to the Union.]

Mr. HALEY presented the petition of Gilbert A. Smith and others, praying for bounty on a fishing voyage; and moved its reference to the Committee on Commerce. Also, the memorial of William Prentice and 190 others, citizens of Norwich, in Connecticut, remonstrating against the annexation of Texas to this Union: moved its reference to a committee.

Mr. HALEY asked the consent of the House to introduce a resolution, which was read.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation for defraying the expense of buoys recommended to be placed at or near the mouth of the harbor of Mystic, in Connecticut; and moved its reference to said committee.]

Messrs. ALLEN, FLETCHER, and EVERETT, of Vermont.

[Mr. ALLEN presented the petition of Noah Chittenden, praying for a pension for wounds and disability incurred in the war of the Revolution. Also, Abraham Story, praying for a pension for wounds and disabilities incurred in the last war. Also, Joseph Bumar, for a claim against the United States. Sam'l Holgate, for a claim against the U. States. Of the Rev. John Scott, and 140 other citizens of Johnson, in the county of Lamoile, and State of Vermont, praying for the abolition of slavery and the slave trade in the District of Columbia. Also, the petition of 63 citizens of Hyde Park, in the county of Lamoile, containing a similar prayer. Also, a similar petition of 271 citizens of Morristown, in the county of Lamoile. Also, the petition of 100 citizens of Milton, in the county of Chittenden, in Vermont, praying for the immediate abolition of slavery and the slave trade in those territories of the United States where they exist. Also, the remonstrance of 115 citizens of said Milton, against the admission of any new State into the Union, whose Constitution tolerates domestic slavery. Also, the petition of 138 citizens of Wayne county, in the State of Michigan, against the admission of Texas into the Union. Also, the petition of 123 citizens of Wayne county, in the State of Michigan, praying for the abolition of slavery in the District of Columbia.]

[Mr. FLETCHER presented, 1. Petition of 312 inhabitants of Waterbury and Duxbury, Vermont, praying that all propositions for annexing Texas to this Union be rejected. 2. Petition of 73 men and women of Wheelock, Vermont, for the abolition of slavery and the slave trade in the District of Columbia. 3. Remonstrance of 73 men and women of Wheelock, Vermont, against the admission of any State to the Union whose Constitution tolerates slavery. 4. Petition of 72 men and women of Wheelock, Vermont, for the abolition of the domestic slave trade. 5. Petition of 74 men and women of Wheelock, Vermont, for the abolition of slavery in the Territories of the United States. 6. Remonstrance of Simeon Farnsworth and 128 inhabitants of Walden, Vermont, against the admission of any new State whose Constitution tolerates domestic slavery. 7. Remonstrance of E. P. Spencer and eleven inhabitants of Newark, Vermont, against the admission of Texas into the Union. 8. Remonstrance of David Young and eighty-four inhabitants of Kirby, Vermont, against the admission of any new State into the Union whose Constitution tolerates domestic slavery. 9. Petition of Perez Mason and forty-two inhabitants of Sutton, Newark, and Burke, Vermont, for the abolition of slavery in the District of Columbia. 10. Petition of David Young and eighty-five others, of Kirby, Vermont, for the abolition of the domestic slave trade. 11. Petition of Leonard F. Edwards and one hundred and twenty-three others, of Walden, Vermont, for the abolition of slavery and the slave trade in the District of Columbia.]

Messrs. CAMBRELENG, KEMBLE, MOORE, McCLELLAN, JACKSON, MITCHELL, MARVIN, CURTIS, JONES, FILLMORE, GRANT, BRONSON, BIRDSALL, DEGRAFF, PRENTISS, CLARK, SIBLEY, GRAY, RUSSELL, TAYLOR, LOOMIS, SPENCER, BRUYN, and EDWARDS, of New York.

[Mr. CAMBRELENG presented a memorial from the pilots of the city of New York, praying for a repeal of the pilotage law of the late Congress; also, a petition from the same city, praying for a repeal of the duty on brass wire.]

[Mr. MCCLELLAN presented the petition of Benjamin Southard, asking a pension for services performed and disabilities incurred in the Revolutionary war: referred to the Committee on Invalid Pensions.]

[Mr. GRANT presented the petition of Richard Langer and 120 other citizens of the State of New York, inhabiting the northern boundary of the United States, praying for the construction by Government of a ship and steamboat canal around the Falls of Niagara. Also, the petition of 129 citizens, residing in the vicinity of Lake Ontario, asking an appropriation by Congress to construct said ship and steamboat canal. Also, the memorial of 141 inhabitants of the county of Niagara, in the State of New York, asking an appropriation by Congress for the same object.]

On motion of Mr. GRANT it was

Ordered, That when the House adjourn to-day, it adjourn to meet on Tuesday next.

[Mr. BRONSON presented the petition of sundry inhabitants of Jefferson county, New York, praying the construction of a ship and steamboat canal around the Falls of Niagara; referred to the Committee on Roads and Canals. Also, the petition of 260 citizens of the counties of Lewis and Jefferson, in the State of New York, praying the establishment of a mail route from Turin Four Corners, by way of Houseville, Martinsburg, West Martinsburg, West Lowville, Harrisburg, Copenhagen, Kilbornville, and Rutland, to Watertown, in Jefferson county; referred to the Committee on the Post Office and Post Roads.]

[Mr. BIRDSALL presented the petition of *Orlande Hubbard*, and sixty-one others, citizens of Seneca county, New York, praying the abolition of slavery in the District of Columbia, and in other territories over which Congress rightfully exercises exclusive legislation, which, under order of the House, and on motion of Mr. B. was laid on the table. The memorial of Levi Laing and sixty-seven others citizens of Seneca county, New York, remonstrating against the annexation of Texas to the United States; which, on motion of Mr. B. was laid on the table. The memorial of Joseph S. Fonton and others, citizens of Palmyra, Wayne county, New York, praying that Indian Key, Florida, may be made a port of entry, and for the establishment of a custom house and admiralty court on that Island; which, on motion of Mr. B. was referred to the Committee on Commerce. Sundry papers and documents from B. C. Fitzhugh, of Sodus, New York, in opposition to the passage of a law by Congress, grant-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JANUARY 8, 1838. VOLUME 6.....No. 5.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 4.*]

ing to William Wickham, of Sodus, N. Y. the use of a fishery in waters ajacent to the light house at Sodus Point, N. Y.; which, on motion of Mr. B. was referred to the Committee on Commerce]

[Mr. CURTIS of New York presented a petition of Euphemia Dobson and others, widows of persons slain on board private armed vessels during the late war, praying for the re-enactment of an expired law granting them pensions.]

[Mr. SIBLEY of New York presented the following petitions, viz: Of 231 voters of the town of Farmington, New York, for the abolition of slavery and the slave trade in the District of Columbia; of 35 men and 28 women of East Bloomfield, New York, for like object; of 213 voters of Farmington, New York, for the abolition of slavery and the slave trade in the Territories of the United States; of 228 voters of the same town, for the prohibition of the "domestic slave trade;" also, a remonstrance of 244 voters of the same town, against the admission of any new States which shall tolerate slavery into the Union. All laid on the table under Mr. PATTON's resolution.]

Mr. CURTIS of New York gave notice, that when it shall be in order, he will ask leave to introduce a bill for the relief of certain debtors of the United States, and to repeal certain acts relating thereto.

[Mr. SPENCER presented the petition of Gabriel Lambard, the petition of Yates Hoit, the petition of Uriah Kingsley, the petition of Brudock Dickinson.]

Messrs. MAXWELL and RANDOLPH of New Jersey.

Messrs. POTTS, NAYLOR, HENRY, HUBLEY, TOLAND, M. MORRIS, PAYNTER, McKENNAN, POTTER, HAMMOND, BEATTY, PETRIKIN, BUCHANAN, McCLURE, LOGAN, BIDDLE, DARLINGTON, and OGLE, of Pennsylvania.

[Mr. M. MORRIS presented two remonstrances against the annexation of Texas to the United States; one signed by 15, and another by 20 females, of Bucks county, Pennsylvania. Also, three petitions for the abolition of slavery in the District of Columbia, and the territories of the United States and the slave trade between the States; one signed by 11, another by 14, and another by 33 women, of Bucks county, Pennsylvania.]

[Mr. PETRIKIN presented a petition in behalf of the sufferers of Wyoming Valley and their representatives during the Revolutionary war, praying for relief; which was, on motion, referred to the Committee on Revolutionary Claims, and that it be printed.]

Messrs. McKIM, THOMAS, HOWARD, and JOHNSON, of Maryland.

Messrs. BEIRNE, JOHNSON, BOULDIN, TALIAFERRO, CRAIG, HOPKINS, and MORGAN, of Virginia.

Mr. DEBERRY of North Carolina.

Messrs. GRIFFIN and LEGARE of South Carolina.

Mr. OWENS of Georgia.

Messrs. CALHOON, UNDERWOOD, SOUTHGATE, S. WILLIAMS, RAMSEY, MENIFEE, GRAVES, MURRAY, and CHAMBERS, of Kentucky.

Messrs. Speaker POLK, CARTER, SHIELDS, TURNEY, CHEATHAM, CROCKETT, and BELL, of Tennessee.

Messrs. HARPER, GOODE, ALLEN, MASON, HUNTER, CORWIN, WEBSTER, CHANEY, C. MORRIS, WHITTLESEY, RIDGEWAY, LEADBETTER, and SHEPLER, of Ohio.

[Mr. HUNTER moved that the claim of David Caswell for an arrearage of his pension, together with all papers on file relative thereto, be referred to the Committee on Revolutionary Claims. Also, that the petition and papers of Joseph Wilson on file be referred to the Committee of Claims. Also, that the petition and papers of Talcott Read be taken from the files, and referred to the Committee on Revolutionary Claims. Mr. H. presented the petition of E. H. Haynes and others, asking for an appropriation for the improvement of the harbor of Port Clinton, in the State of Ohio; referred to the Committee on Commerce. Also, the petition of John Woods and others, for the establishment of a post road from Lower Sandusky, Sandusky co. Ohio, to Montgomery Cross Roads, in the county of Wood.]

[Mr. WEBSTER presented the following petitions: Of Levi Weston, a surviving soldier of the Revolution, asking to be placed on the pension list; of Amos Evans and others, for a mail route from Waponkaunetta, through Hartford, Austria, to Sugar Grove, Ohio. The petition of James M. Swan, and other men, and of Ann Hart, and other women, praying the abolition of slavery and of the slave trade within the District of Columbia; and of Joseph Douglass, and others, praying that the sipplcation for the admission of Texas may be rejected.]

Messrs. WHITE, DUNN, and EWING, of Indiana.

Mr. CASEY of Illinois.

[Mr. CASEY presented the petition of the citizens of the late Calage township, in Fayette county, Illinois, stating that the petitioners had resided upon said township for a number of years, the greater portion of which time the township was the property of the State. Some years ago, Congress passed a law authorizing the State to select another township in lieu of the one above described, by which it became the property of the United States again. Several pre-emption laws have been passed by Congress since their residence upon the land, but, from the construction of the law, none were permitted to enter in said township until a few days previous to the expiration of the last pre-emption act, very few of the citizens knew that the land could be entered at all; they, therefore, pray the passage of a pre-emption law for their benefit; referred to the Committee on the Public Lands. Mr. C. also presented the petition of sundry citizens of Montgomery county, praying the establishment of a post route from Hillsboro to Shelbyville; also the petition of sundry citizens of Coles county, praying the establishment of a mail route from Charleston in Coles county, through Independence, and New Albany, to Urbanna in Champaign county; the latter two petitions referred to the Committee on the Post Office and Post Roads.

Messrs. LAWLER, LYON, and CHAPMAN, of Alabama.

[Mr. CHAPMAN presented a number of petitions from about twelve hundred citizens of the Cherokee nation, in Alabama, praying pre-emption rights, and the establishment of a new land district within that territory; and asked that so much of said petitions as related to pre-emptions be referred to the Committee on the state of the Union, to which the bill on that subject had been referred; and so much as relates to a new land district, be referred to the Committee on Public Lands: which were referred accordingly.]

Mr. MILLER, of Missouri.

[Mr. MILLER presented the following petitions: The petition of George Lynch, praying Congress to grant him additional pension. Also, the petition of Major Thomas Harrison, of Washington City, late of the army of the United States, praying Congress to grant him compensation for extra services performed by him, while performing the duties of military storekeeper. Also, papers in the case of James Morrison, of Missouri, assignee of Charles Denny; referred to the Committee of Private Land Claims. Also, the petition of Captain Lewis Bissell, of Missouri, praying Congress to grant him compensation for a trespass committed on his property by an officer in the service of the United States.

Mr. M. moved that the petition and accompanying papers of James Morrison, assignee of Charles Denny, heretofore presented to Congress, praying the confirmation of a certain tract of land, be taken from the files of the House, and referred to the Committee on Private Land Claims. Also, that the petition and accompanying papers, heretofore presented to Congress by George Lynch, praying Congress to grant him a pension, be taken from the files of the House, and referred to the Committee on Invalid Pensions. Also, that the petition and accompanying papers of Lewis Bissell, heretofore presented to Congress, praying compensation for a trespass committed on his property by an officer in the service of the United States, be taken from the files of the House, and referred to the Committee of Claims.]

Mr. CRARY, of Michigan.

[Mr. CRARY presented the petition of the inhabitants of Huron, Wayne county, for the establishment of a post route from Monroe to Ypsilanti. He also asked and obtained leave to present and have referred the following resolutions and memorials: A joint resolution of the Legislature of the State of Michigan, relative to certain propositions made by Congress to said Legislature. Also a joint resolution for the establishment of a port of entry at the town of St. Joseph. Also a joint resolution in relation to the improvement of certain harbors and the construction of certain light-houses on the lakes. Also, a memorial of one hundred and seventeen citizens of Michigan, praying for the construction of a ship canal around the Falls of Niagara. Also, a memorial for the improvement of the harbor at the mouth of Clinton river.]

Mr. DOWNING of Florida.

Mr. JONES of Wisconsin.

[Mr. JONES of Wisconsin presented petitions praying for the passage of a pre-emption law. Petition of John Hord. Memorial for a harbor at Kewaukee. Petition of Henry Baird and others. Memorials of the Legislative Assembly of Wisconsin Territory, praying for the passage of a pre-emption law; for the improvement of the navigation of Fox river; for a road from Milwaukie to the Mississippi river; for a harbor at the mouth of the Milwaukie river; for harbors at Twin, Manitowac, and Sheboyagan rivers; for a road from Chicago to Green Bay; for a division of the Territory of Wisconsin; for the construction of a harbor at Root river; for the granting of the right of pre-emption to the occupants of mineral lands. Also, resolutions of the same body, on the subject of the northern boundary of Missouri; and on the subject of the franking privilege. Memorial of citizens of the State of New York, praying for the construction of a ship and steamboat canal around the falls of Niagara. Petition of citizens of Racine for a harbor at the mouth of Root river. Resolution of the Legislative Assembly of Wisconsin, on the subject of a ship canal around the falls of Niagara. Petitions from the people of Wisconsin, on the subject of the northern boundary of Missouri. Petition for a mail route from Madison to Columbus, Wisconsin Territory.]

On motion of Mr. FAIRFIELD,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of allowing to the legal representatives of the late Edmund Roberts, (who died at Macao in June, 1836, while engaged on an embassy to the eastern courts of Asia,) a continuation of his salary till the return of the United States ship Peacock, or until his effects reached this country.

On motion of Mr. CALHOUN, of Mass.

Resolved, That the Committee for the District of Columbia be instructed to consider the expediency of providing for the establishment of a hospital for the insane within the district of Columbia, substantially upon the plan of the hospital for lunatics in Massachusetts.

On motion of Mr. SMITH,

Resolved, That the petition, and report thereon, of Bartlett Holmes, praying for a pension, be taken from the files of the House, and referred to the Committee on Invalid Pensions.

On motion of Mr. PARKER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension list the name of Wm. Walker, of Delaware county, in the State of New York, a Revolutionary soldier.

On motion of Mr. GRENNELL,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of extending the benefits of five years' half pay now allowed by law to the widows and orphans of officers and soldiers of the militia and volunteers who died in the service of the United States, to the widows and orphans of officers and soldiers of the regular army who have died, or shall die, in the service, or in consequence of wounds received while in the line of their duty.

On motion of Mr. EVANS,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of authorizing the Secretary of War to issue a land warrant for 300 acres of land to the heirs of Captain Redini W. Bell, deceased; the warrant formerly issued to said heirs for that amount having been lost by accident, and remaining unpaid.

On motion of Mr. JONES of New York,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to William A. Cuddeback, of Orange county, in the State of New York, for his services as a soldier in the Revolutionary war.

On motion of Mr. NOBLE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of improving the harbor at Little Sodus Bay, on Lake Ontario, in the State of New York, and that the papers on file, relating to the subject, be referred to said committee.

On motion of Mr. HALEY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation to defray the expense of buoys recommended to be placed at the mouth of the harbor of Mystic, in Connecticut.

On motion of Mr. EVERETT,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of Ebenezer Dewey, heretofore granted by special act of Congress.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing to Uziel Holt, an invalid pensioner, a pension from the time his disability occurred to the date of his pension certificate.

On motion of Mr. BRONSON,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for improving the harbor at the mouth of Big Sodus Creek, in the town of Ellisburg, in the county of Jefferson, New York, and that all the papers and documents now on file with the Clerk of this House relating to that matter, be referred to said committee.

On motion of Mr. WHITE of Indiana,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of the Wabash river.

On motion of Mr. BICKNELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bouchville, Madison county, by Pratt's, Hollow Stockbridge and Bennett's Corners, to Oneida Castle; and that the petition on file, presented at a former session on this subject, be referred to said committee.

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of granting to Ashbel Mason, a soldier of the Revolution, his claim to bounty lands, or a gratuity equivalent; and that the papers in his case, on file in the War Department, be referred to the said committee.

On motion of Mr. CURTIS,

Resolved, That it be referred to the Committee on Revolutionary Pensions to inquire into the expediency of making provision by law, so that the soldiers of the Revolution who served six months shall receive pensions at the same rate of compensation for their term of service, as is adopted by the law fixing the pension of soldiers who served nine months in the Revolutionary army.

On motion of Mr. CURTIS, also,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law for the establishment of a hospital for the accommodation and relief of disabled seamen, at some suitable site within or near the city of New York.

On motion of Mr. DAVEE,

Resolved, That the petition of Aaron Tueker, praying for a pension, with the accompanying papers, be taken from the files, and referred to the Committee on Invalid Pensions.

On motion of Mr GRENNELL,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of extending the benefits of five years' half-pay, allowed by law to the widows and orphans of officers and soldiers of the militia and volunteers who die in the service of the United States, to the widows and orphans of officers and soldiers of the regular army who have died, or shall die, in the service, or in consequence of wounds received in battle.

On motion of Mr. JONES of New York,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to William A. Cuddeback, of Orange county, New York, for his Revolutionary services.

On motion of Mr. JONES of New York,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire whether Jacobus Swartout is not entitled to a pension for services rendered as an officer or private in the war of the Revolution.

On motion of Mr. GRANT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of abolishing by law the postage upon newspapers, and that said committee report to this House, first, as to the policy of abolishing postage upon all newspapers distributed per mail in the respective counties where each paper so distributed may be published, and, secondly, as to all newspapers sent per mail into any part of the United States.

On motion of Mr. GRANT,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of extending the benefit of a drawback of the duties to all goods, wares, and merchandises which may hereafter be exported in original casks, cases, chests, boxes, trunks, or other packages, either from the district where they were originally entered, or from any other district to any foreign dominions, whether immediately adjoining the United States or otherwise; and, also, as to abolishing the duties on foreign wheat and ashes.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Commerce instructed to inquire into the expediency of making an appropriation for the erection of a custom-house and public store-house in the city of New Orleans; and into the expediency of extending the limits of the port of New Orleans, so as to include the city of Lafayette.

On motion of Mr. WHITE,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of the Wabash river.

On motion of Mr. LAWLER,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a third district of the United States Federal Court, to be held at the town of Tuscaloosa, to consist of the counties of Marion, Fayette, Walker, Pickens, Sumpter, Marengo, Green, Perry, Bibb, Autauga, Coosa, Tallapoosa, Randolph, Chambers, Benton, Taladega, Jefferson, and Tuscaloosa.

On motion of Mr. LYON,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Nawafolia, in Marengo county, via Hosea's store, Dumas Settlement, the Upper Peach Tree and Lower Peach Tree, in Wilcox county, and Packer Settlement, to Monroeville, Monroe county, Alabama.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Jacksonville to Ashville, in Alabama, crossing the Coosa river at Sawyer's ferry. Also, a route from Jacksonville, Alabama, by Tallapoosa, to Cambleton, Georgia. Also, to discontinue the route from Bellefonte, by Larkinsville, Trenton, Lownesville, Hazle Green cross roads, to Athens, Alabama, and from Salem, Tennessee, by Larkin's Fork and Scraper, to Bellefonte, Alabama; and establish a route from Salem, Tennessee, by Larkin's Fork, Trenton, Larkinsville, Santa, Longston, Wyatt, Coffee, or Ben. Snodgrass' store, to Claysville, Alabama; and a route from Bellefonte to Scraper, Alabama.

On motion of Mr. CRARY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing the following ports of entry, to wit: at St. Joseph, at the mouth of St. Joseph river, at Saginaw, on Saginaw river, and at St. Mary, on St. Mary river.

On motion of Mr. DOWNING,

Resolved. That the Committee on the Territories be instructed to inquire into the expediency of establishing an additional judicial district in the Territory of Florida, to consist of the counties of Jackson, Washington and Franklin.

Mr. JONES, of Wisconsin, offered the following resolutions, which lie one day:

Resolved, That so much of the report of the Secretary of War as relates to the sale of the mineral lands of the United States, be referred to the Committee on the Public Lands, and that the Secretary be requested to furnish this House with all the information in his Department touching this subject.

Resolved, That the Secretary of War be requested to furnish this House with the surveys, plans and estimates for the improvement of the mouths of the Manitowoc, the Sheboygan, the Kewaunee, the Root river, and of the Havre bay, in Wisconsin Territory, and of the mouth of the Milwaukie river.

Resolved, That the Secretary of War be directed to cause surveys to be made of the following rivers in Wisconsin Territory, viz: the Des Moines, the Iowa, the Waubosepinicon, the Macoquetor's, the Rock, the Pecatonica, the Fox, together with plans and estimates for the improvement of the navigation of the same.

On motion of Mr. JONES, of Wisconsin, the committee were also instructed to inquire into the expediency of providing for the loss of horses and other property pressed into the service in the Sac war of 1832.

Mr. MILLER offered the following, which lies one day:

Resolved, That the Secretary of War be directed to report to this House the plan that has been adopted for the improvement of the harbor of St. Louis; what progress has been made in said work; and whether any further appropriation will be necessary for its prosecution the ensuing year; and if so, what amount will be required.

On motion of Mr. MILLER,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting an appropriation for the improvement of the navigation of the Mississippi river above the mouth of the Ohio, and the Missouri river, from its mouth, as high up said river as Fort Leavenworth.

On motion of Mr. PARKER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension list the name of William Walker, of Delaware county, New York, a Revolutionary soldier.

On motion of Mr. NAYLOR,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of improving the harbor of Little Falls, Sodus bay, on Lake Ontario, in New York, and that the papers

on file relating to the subject be referred to said committee.

On motion of Mr. GRAHAM,

Resolved, That the Committee of Claims be instructed to inquire into the expediency and propriety of amending the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, so as to extend the benefits of said act to all cases of horses or other property of officers as well as other soldiers, and to mounted rangers, in the military service of the United States, lost or destroyed in such service since the 18th day of June, 1812; and,

On motion of Mr. WADDY THOMPSON, a Senate bill for the relief of Captain Samuel Warren was read twice and referred.

And then the House adjourned until Tuesday.

IN SENATE,

FRIDAY, December 29, 1837.

Mr. WEBSTER appeared and took his seat.

Mr. M'KEAN presented a petition on the subject of Texas.

Also a petition on the same subject by Mr. MORRIS.

Mr. KNIGHT presented the petition of the Rhode Island Temperance Society, for an amendment of the law authorizing the supply of ardent spirits in part rations for the navy: referred to the Committee on Naval Affairs.

Mr. CLAY of Alabama presented the petition of the clerks of the Patent Office, for increase of salary: referred to the Committee on Finance.

Mr. GRUNDY, from the Committee on the Judiciary, reported a resolution discharging that Committee from the further consideration of the memorial of the Legislature of Arkansas, relative to the relinquishment and re-location of certain bounty lands in that State, and that the same be referred to the Committee on Public Lands: adopted. Also, a bill appointing commissioners to examine individual claims upon the United States, with amendments: read and ordered to a second reading.

Mr. TIPTON, from the Committee on Roads and Canals, reported a bill making appropriations for the removal of the Red River raft: read and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims reported a

Bill for the relief of John B. Keeting;

Bill for the relief of Jesse E. Dow;

Bill for the relief of John M'Cartey;

Bill for the relief of Maj. Gen. Alexander Mc Comb;

Which were severally read and ordered to a second reading.

Reports from the same committee unfavorable to the petitions of James Pardoe; also, James M'Donald; also, John Burke; also, on a bill from the House on the petition of Thomas M'Candless. Reports adopted.

Mr. MORRIS offered the following resolutions, remarking that he had prepared them by way of amendment to those offered by the honorable Senator from South Carolina, (Mr. Calhoun.) In drafting them he had, as far as his own opinion would permit, followed the text of those to which he had alluded, yet with variations calculated, in his view, to protect the right of petition, the freedom of speech, and the liberty of the press.

In offering the resolutions, the Senator from South Carolina had thrown the *glove*, and with expressions of triumph asserted that none in the Senate could vote, in his opinion, against his views. He, however, dared to enter the lists single-handed, and engage with him. He wished the resolutions laid on the table and printed, and, when considered, that they be taken up and acted upon one by one, in order.

[These resolutions were given in the Globe yesterday.]

After being read by the Secretary,

Mr. CALHOUN had expressed his hopes that his proposition would meet with general favor from the Senate. He had expected some trifling opposition, but nothing in the light of the present movement. It was, however, now decided that no concession or sacrifice would satisfy the opposition. We had here a fair specimen of the doctrine in full color. Yes, here was displayed the absolute *creed* of the Abolitionists fully developed; and from this he had little hope that his desire to promote the harmony of the Union would be gratified. He, however, sternly denied throughout the charges brought against him by the gentleman who had offered the resolutions.

The motion to print was then agreed to.

Mr. LINN presented the petition of the widow of Capt. Patrick, late of the army, for relief: referred to the Committee on Military Affairs.

The following bills were read a third time and passed:

Bill for the relinquishment of the 16th section of School lands

Also, bill for the relief of Daniel Bush.

Also, bill to ratify certain acts of John Pope, late Governor of Arkansas.

On motion of Mr. DAVIS,

Resolved, That the Secretary of War be, and hereby is, instructed to communicate to the Senate such information as he has, and the Department contains, upon the following matters, to wit:

The number of troops, including allies, which have been employed in the war with the Seminole Indians from its commencement to this time;

The number now in the service;

The authority under, and by which, allies have been employed, and the terms and conditions upon which they do or have served;

The amount of naval force, if any, that has been employed on this service, and whether, and to what extent, it has been employed on land; if steam vessels have been employed, and how many, and for what kind of service;

The number of persons employed by the United States that have been killed, or have perished from wounds, or other causes, in the several campaigns;

The entire disbursements made by the United States to carry on this war up to this time;

The probable arrearages now due;

The whole number of the Seminole population at the commencement of hostilities; the number of warriors there; the number killed, and the number taken prisoners by the United States; the number that has come in, and voluntarily surrendered; the number of warriors that have emigrated; the number still remaining; the number of other corps who have emigrated, and the number remaining; the probable number of arms possessed by the Seminole Indians at the commencement of the war, and the sources from which they have obtained supplies of ammunition.

Mr. FULTON, from the Committee on Public Lands, to which was referred "a bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and Choctaw Indians:" reported the same with an amendment.

On motion of Mr. BENTON,

Resolved, That Secretary of War be directed to communicate to the Senate a statement of the amount annually paid for Revolutionary pensions in each State and Territory, and in the District of Columbia, from the year 1789, to the present time; also, the annual aggregate amount of the same payments for pensions during the same period.

On motion of Mr. SMITH of Indiana,

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of providing by law for the payment of the militia, called out by the Indian Agent at Logansport, Indiana, to suppress a threatened riot, at the payment of the annuity at that place, in the year 1836.

On motion of Mr. LYON,

Resolved, That the Committee on Commerce be instructed to inquire in expediency of making appropriations for constructing harbors at the mouths of the Kalamazoo, North and South Black rivers, Pigeon river, and for building a pier on which to erect a light-house at the mouth of Grand river, in the State of Michigan.

The CHAIR presented a report from the Secretary of War, in obedience to a resolution of the Senate, relative to the surveys of the Atlantic and Western railroad: laid on the table, and ordered to be printed.

The resolution by Mr. NILES for information from the Postmaster General relative to the expediency of transmitting money by mail, &c. was, in an amended form, adopted.

The bill to amend the act of 1790, providing for punishment of certain crimes against the United States, was taken up for consideration, and an amendment substituting for "death" that of "imprisonment to hard labor for a term not less than *ten years*, or for life, at the discretion of the court," for the crime of burning public buildings or documents, was adopted—yeas 23, nays 16, as follows:

YEAS—Messrs. Brown, Buchanan, Clay of Kentucky, Davis, Knight, Lumpkin, McKean, Niles, Norvell, Pierce, Prentiss, Rives, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Swift, Walker, Webster, Williams, and Young—23.

NAYS—Messrs. Allen, Benton, Black, Clay of Alabama, Clayton, Fulton, Grundy, Hubbard, King, Lyon, Nicholas, Sevier, Strange, Tipton, White, and Wright—16.

The bill, with other amendments, was then ordered to be engrossed for a third reading.

The bill for the relief of the executrix of the late Richard W. Meade was taken up in Committee of the Whole, and discussed at some length; and, after the adoption of some amendments, was finally ordered to be engrossed for a third reading.

The bill for the erection of a hospital in the District of Columbia was debated in Committee of the Whole.

The blank, on motion of Mr. WILLIAMS, was filled with $50,000.

An amendment, offered by Mr. SEVIER, was discussed, giving the privilege of admission to marines and soldiers of the United States; when,

On motion, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, Jan. 2, 1838.

Petitions and memorials were called for in the order of States and Territories, commencing with the latter, and the following gentlemen severally presented, viz:

Mr. DOWNING of Florida.

Mr. CRARY of Michigan.

[Mr. CRARY presented a petition for a mail route from Cassopolis to Keelersville; also, a petition of two hundred and seventy citizens of Berrien county, for the passage of a general pre-emption law; also, a petition of John Wood and others, of Livingston county, for the abolition of slavery and the slave trade in the District of Columbia.]

Mr. MILLER of Missouri.

[Mr. MILLER presented the following petitions: The petition of Benjamin Carnahan, and 212 others, praying the establishment of a mail route from Columbia, in Boone county, Mo. to Mount Vernon, in Cooper county; thence by the way of Pisgah, Palestine, Mount Carmel, and Anator, to Georgetown, in Pettis county, in said State: referred to the Committee on the Post Office and Post Roads. Also, the petition of Bryan Mullanphy and others, members of the bar at St. Louis, Mo. praying Congress to pass a law increasing the number of terms of the Circuit Court of the United States for the District of Missouri, and for other purposes: referred to the Committee on the Judiciary. Also, the petition of William Gillis and John King, of Missouri, praying the passage of a law granting them the right of pre-emption to certain lands therein named: referred to the Committee on Public Lands. Also, the petition of Henry Coleman, of Missouri, praying Congress to grant him relief, in consequence of damages sustained in a contract entered into by him with an authorized agent of the United States: referred to the Committee of Claims. Also, papers in the case of Enoch Matson, of Missouri, relating to his location of 640 acres of land, by virtue of New Madrid certificate No. 155, by which he makes application to Congress for authority to remove the same, in consequence of its interference with certain Spanish grants, and for permission to re-locate the same, on any of the public lands in the State of Missouri not otherwise appropriated, the sale of which is authorized by law: referred to the Committee on Public Lands.

Resolved, That the Committee on Public Lands

be instructed to inquire into the expediency of authorizing Enoch Matson, of Missouri, to remove his location of 640 acres of land made by virtue of New Madrid certificate No. 155, issued by Frederick Bates, recorder of land titles at St. Louis, in consequence of said location interfering with and covering portions of certain Spanish grants, now confirmed, and allow him to re-locate said New Madrid certificate on any of the public lands in the State of Missouri not otherwise appropriated, the sale of which is authorized by law.

Mr. MILLER moved that the petition and accompanying papers of Francis Cooper, of Missouri, praying compensation for depredations committed on his property by certain Indians, heretofore referred to Congress, be removed from the files of the House, and referred to the Committee of Claims. Also, that the petition and papers of John G. and Robert A. Heath, of Missouri, praying compensation for depredations committed on their property by certain Indians, heretofore referred to Congress, be taken from the files of the House, and referred to the Committee of Claims. Also, that the petition and papers of James Anderson, of Missouri, praying compensation for depredations committed on his property by certain Indians, heretofore presented to Congress, be taken from the files of the House, and referred to the Committee of Claims.]

Mr. CHAPMAN of Alabama.

Mr. CASEY of Illinois.

[Mr. CASEY presented the memorial of Thomas S. Hinde and Jacob Lesher, of Mount Carmel, Wabash county, Illinois, praying the establishment of an armory at the falls of the Great Wabash; which, on his motion, was referred to the Committee on Military Affairs, and ordered to be printed.]

Mr. RARIDEN of Indiana.

[Mr. RARIDEN introduced the petition of sundry citizens of Knightstown and vicinity, praying for the erection of a bridge across Blue river, on the Cumberland road: referred to the Committee on Roads and Canals.]

Messrs. MORRIS, ALEXANDER, KILGORE, GOODE, and DUNCAN, of Ohio.

[Mr. KILGORE presented the petition of thirty-one females of Harrison county, Ohio, praying the abolition of slavery and the slave trade in the District of Columbia; also, the petition of thirty-one females of the same county and State, remonstrating against the annexation of Texas to the United States; also, the petition of thirty one females of the same county and State, praying the abolition of slavery and the slave trade in the Territories of the United States; and, also, the petition of thirty-one females of the same county and State, praying Congress not to admit into the Union any new State whose Constitution tolerates slavery.]

Mr BELL of Tennessee.

Messrs. CALHOUN and RUMSEY of Kentucky.

Messrs. OWENS and HOLSEY of Georgia.

On motion of Mr. DAWSON, the following resolution, submitted by him some days since, was taken up:

Resolved, That the Secretary of War be directed to communicate to this House what number of the Cherokee tribe of Indians are yet remaining within the limits of the State of Georgia; how many have gone west of the river Mississippi, in conformity to the late treaty between that tribe and the Government of the United States; whether he apprehends any difficulty in removing those who yet remain, when the time stipulated in the treaty for their removal shall arrive; what portion, if any, of said tribe has signified their intention not to conform to said treaty; whether he has any information in his Department indicating a hostile intent among said Indians towards the citizens of Georgia; and whether he has any reason which may incline him to apprehend that said Indians, or any part of them, may commit acts of violence upon the citizens, or depredations on their property, about the time they shall be required by the treaty to remove; what military force he has established in that section of the Union to secure the enforcement of the treaty, if necessary, and to prevent acts of violence or depredations by the Indians; whether he anticipates an increase of military strength in that section, to what extent and at what time, and that the Secretary be requested to say whether any precautionary measures should be adopted, on the part of Congress, to aid his Department in causing the execution of the treaty with the Cherokee tribe of Indians, and preventing acts of violence and depredations from said Indians, or any part of them.

Mr. WISE submitted the following, which Mr. DAWSON accepted as a modification:

"Also, whether any report has been made by the agent lately sent to the Cherokees, and if so, and not incompatible with the public interest, that the Secretary of War be requested to communicate the said report to this House."

Mr. GRAHAM of North Carolina submitted the following, which Mr. DAWSON also accepted: Strike out "State of Georgia" wherever it occurs, and insert "the said tribe of Indians east of the Mississippi river."

Mr. EVERETT submitted the following amendment thereto:

"And that the President be requested to lay before this House copies of all documents relating to the regulation of the late treaty with the Cherokee Indians, and of all communications of the Cherokee Indians relative thereto."

After some brief observations from Mr. DAWSON on the resolution,

Mr. WISE wished to ask whether a report had not been already made by commissioners appointed by the Executive. He understood that at least a thousand cases of fraud had been made out, but which had never been reported to the House. He said he gathered his information from an agent, recently returned from among the Cherokees, whom he knew to be a gentleman, and any statement he made respecting those oppressed people might be safely relied upon as correct. Mr. W. then alluded to the practice of making citizens of foreigners, whose views were frequently inimical to our own, and asked upon what principle of justice the Government refused to grant the prayer of the Cherokee Indians, who wished to become naturalized. Thus (said Mr. W.) they might be permitted to remain on the land of their forefathers, enjoying all the benefits of our institutions. As a further reason why their wish should be granted, Mr. W. adverted to their high state of civilization. He thought it highly desirable that the report of the agent recently arrived from the Cherokees should be made to the House, in addition to the former information.

Mr. DAWSON had no objection whatever to such a course. The object of his resolution was simply to ascertain the exact state of affairs at that time in relation to the treaty, and to lay all the information before the House.

Mr. WISE proposed to amend the resolution, by adding to the end thereof: "also, if any report has been made by the agent lately sent to the Cherokees, and if not incompatible with the public interest, that he communicate said report to this House;" which modification was accepted.

Mr. HOLSEY had no desire to enter into a debate on this subject, but some observations, made by the gentleman from Virginia, made it his duty to say a few words in reply. That gentleman had spoken of the Cherokees as an "oppressed people." Without going into any argument on the subject, he would simply allege, that they were within the jurisdiction of the State of Georgia, and for her policy, Georgia held herself responsible to none but God and her conscience. When the gentleman spoke so strongly and feelingly about oppression, he evidently had his eye fixed on the policy of Georgia. He (Mr. H) would repel the charges and insinuations thrown out against the State which he had the honor of representing. He would tell him that Georgia would stand upon her reserved rights, and would never relinquish them. He would tell him that the people of Georgia would never consent to have naturalized Indians among them, who, civilized as they were said to be, were not fit to associate with free born citizens of the United States. What, he would ask, were they to have a nation of semi-barbarous people thrust upon them, and fastened forever upon the jurisdiction of Georgia? That policy was one which would be repelled at all hazards; and her people would never submit to have a set of harpies forced upon her, to prey upon her substance. Whenever such an attempt should be made, it would meet with a determined resistance.

Mr. WISE was of opinion that the gentleman, in his remarks, had exhibited a great deal of unnecessary zeal about Georgia, as, in his observations on the oppression of the Indians, he had alluded to the General Government, and not to the State of Georgia. He had not "the policy of Georgia in his eye," but the Legislative and Executive branches of the General Government, which were the oppressors of the Indians, and by whose officers a treaty had been forced upon them. Yes, if they would give him but twelve honest men of the State of Georgia, he would prove it by that jury that the treaty had been forced upon the Cherokees in the face of the officers of our own standing army, and thus incurring the liability of a war. Mr. W. then made some allusions to the former and present policy of Georgia. He contended that notwithstanding what had been said by the member from that State, about the resistance which would be made to any attempt to naturalize the Cherokees, it was his conviction that there was no lawyer in Georgia who would deny the right of the General Government to accomplish it. In his opinion, the Government had just as good a right to make an Indian a citizen, as an Irishman; and if they were made citizens, it would be no disparagement to the citizens of Georgia. They had now in the city a Georgian, who was Secretary of State; and they had, also, an Indian from Georgia of the Cherokee tribe, named John Ross, who would, at any time, compare in intellect and moral honesty with John Forsyth. He wished to know why such Indians as these were not as eligible to become citizens as the hordes of foreigners from the old world. The Cherokees had assisted in fighting the battles of our country, and had fought side by side with the white man in the struggle for her liberties; and what reason could be assigned why they should not share in its beneficial results?

Mr. GLASCOCK regretted that any unnecessary discussion had arisen on the resolution offered by his colleague. He understood the motives of his colleague were simply to put the House in possession of the instruction which was needed, and to let the people of Georgia know what they might expect from the General Government in relation to the fulfilment of the treaty, and their peculiar situation. He regretted that his colleague should have deemed it necessary to allude to the remarks of the gentleman from Virginia, (Mr. Wise;) but as the policy of Georgia had been attacked, he would observe that Georgia had assumed a certain line of conduct in relation to the Cherokees; and she would, at all hazards, pursue that policy. It seemed to him, that if the gentleman had any measure to propose in relation to John Ross, or the naturalization of the Indians, the most proper course would be to bring in a special bill for that purpose, as it was totally irrelevant and unconnected with the present question. With regard to the intellect of John Ross, he was willing to admit that he was a man of excellent judgment; but when an attempt was made to compare him with the Secretary of State, he thought it a most extraordinary comparison, coming from a man of such discernment as the gentleman from Virginia.

But the people of Georgia were anxious to know what course the General Government intended to pursue, in order that they might take their own measures accordingly. The treaty having been made, Georgia expected all the facility in the power of Government to carry it into effect, and that all the requisite assistance would be granted by the Secretary of War.

The gentleman talked about fraud and oppression; but he would ask him if this were the proper occasion for such a charge, now that the treaty had received the sanction of both Houses, and become the law of the land? If he recollected right, the gentleman from Virginia himself voted in favor of the treaty.

Mr. WISE. No. I beg to say that such was not the case. I battled it for four years.

Mr. GLASCOCK. Well, it received the sanc-

tion of a large majority in this House and in the Senate; and it is enough for our purpose that the treaty *was* made the law of the land, and carried into effect. Mr. G. then proceeded at some length to trace the probable evil results of the present discussion, and the bad feeling it would cause among the Cherokees. It would, in a manner, countenance their resistance to the fulfilment of the treaty, and hence it was possible that depredations might arise, and the same scenes again attempted, which made humanity shudder.

Mr. GRAHAM moved to further modify the resolution, by striking out "State of Georgia," and inserting "the said tribe of Indians east of the Mississippi river."

Mr. DAWSON felt glad that the resolution had given rise to the present discussion, as it had thrown open the subject in such a way as to give him and his colleagues an opportunity of stating the true condition of things. He, for one, was proud to avow to the world that the Cherokee Indians were the most moral of any tribe in the United States. But to what cause was it to be attributed. He would tell them. Their high state of civilization had grown out of the humane policy pursued toward them by their neighbors. It was the people of Georgia who had accomplished it, by establishing missionaries among them, and adopting other salutary measures. The Legislature of Georgia had thrown her protection around them, and placed them upon the same footing as the white man, and injuries could no more be inflicted upon an Indian with impunity, than thay could upon their own citizens. But his object in offering the resolution, was that the true state of affairs might be made known to the country. Georgia desired not to interfere with any arrangements of the General Government, but in justice to herself required information, as to the course the Government intended to pursue.

Mr. EVERETT made some remarks, in which he endeavored to show that no treaty had ever been made by the Cherokees, and that the agents who claimed to have represented them had not been authorized so to do; consequently, it would be extremely unjust to attempt to force them from their country, in pursuance of a pretended treaty, when, in fact, none such had ever been made or agreed to by them. With that view, he moved an amendment to the resolution, as follows: "and that the President be requested to lay before this House copies of all documents relating to the regulation of the late treaty with the Cherokee Indians, and of all communications of the Cherokee Indians relating thereto."

Mr. HOLSEY replied at length. He urged that, the treaty having been made and confirmed by Congress, the Executive had a right to make use of the standing force of the nation to compel its fulfilment.

Mr. WISE was in favor of the amendment offered by the gentleman from Vermont, (Mr. Everett;) for he was certain that, when all the documents came to be examined, there was no man who would say that the treaty had ever been ratified by the Cherokees.

Mr. DAWSON made an ineffectual attempt to induce Mr. EVERETT to withdraw his amendment.

After some further remarks from Messrs. EVERETT and GLASCOCK,

Mr. HAYNES said it was obvious that there was no connection between the original resolution, as offered by his colleague, (Mr. Dawson,) and the amendment proposed by the honorable gentleman from Vermont, (Mr. Everett.) The purpose of the resolution was to obtain information from the War Department touching the progress made in the execution of the Cherokee treaty, and the measures which might hereafter become necessary to enforce its fulfilment. We desired to obtain that information for the purpose of quieting the minds of our constituents living in the Cherokee country: that was all. From the amendment itself, proposed by the honorable gentleman from Vermont, it was manifest that his object was to bring up the question of treaty or no treaty. But that honorable gentleman had distinctly avowed it to be his object to raise that question. It was, he believed, the first time he had ever heard it avowed that this House was the treaty-making power. Mr. H. would not request the honorable member from Vermont to withdraw his proposed amendment, as he did not suppose he could be more successful in appealing to his courtesy than others had been, to whom it had been denied. He would not go into the numerous topics which had been drawn into this discussion. Of the arguments of the honorable gentleman from Vermont, (Mr. Everett,) and the honorable gentleman from Virginia, (Mr. Wise,) he would say, that their sum and substance was this: that a treaty was very good if they liked it, and very bad if they did not like it.

Mr. DAWSON again expressed a hope that the amendment of Mr. Everett would be withdrawn.

Mr. OWENS moved to lay it on the table; but the question being taken on his motion, it was lost.

After some further debate between Messrs. WISE, GRANTLAND, TOWNS and EVERETT, the question was taken on Mr. Everett's amendment, and rejected without a division.

The resolution, as modified by Mr. Wise, was then agreed to.

Mr. EVERETT submitted the following: "And that the President be requested to lay before this House copies of all documents relating to the regulation of the late treaty with the Cherokee Indians, and of all communications of the Cherokee Indians relative thereto."

Some further remarks were then made by Messrs. EVERETT, WISE, GRANTLAND, TOWNS, and GLASCOCK; when

Mr. OWENS moved to lay the whole subject on the table: lost.

Mr. HAYNES then spoke for some time against the proposed amendment of Mr. EVERETT; when the question was taken, and it was rejected, without a division.

The resolution as modified was then agreed to.

Petitions and memorials were then further presented by—

Mr. ELMORE, of South Carolina.

Messrs. GRAHAM, CONNOR, and WILLIAMS, of North Carolina.

Mr. WISE, of Virginia.

On motion of Mr. GOODE,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill providing for the selection of other school lands for the Indian reservation in the State of Ohio (hereinafter mentioned) latterly purchased of the Indians by the United States. The section sixteen in these reservations having been decided not to be appropriated for the support of schools.

The reservations are Blanchard creek, Acqugnoxas village, Lewistown, Wappankannitta, Hoa creek, Big Spring, Seneca, and Ottawa.

On motion of Mr. THOMPSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of re-establishing the mail route from Slainterville to Pendleton village, in the State of South Carolina.

On motion of Mr. RUMSEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Greenville, in Muhlenberg county, Kentucky, by the mouth of Muddy river, to Morgantown, in the county of Butler.

On motion of Mr. SHIELDS,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of allowing interest on the amount of a claim granted to the legal representatives of James Brown, deceased, by act of Congress of June, 1834.

On motion of Mr. SOUTHGATE,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing Capt. Jacob White, of Kentucky, on the pension list.

On motion of Mr. UNDERWOOD,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the propriety of making an appropriation to complete the improvements under contract upon Green and Big Barren rivers, in Kentucky; and to make such other improvements as shall carry slack water navigation upon those rivers to the highest navigable points.

On motion of Mr. GRAVES,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Shelbyville to Connorsville, in Shelby county, Kentucky; and another from Newcastle to Wallaceville, Henry county, Kentucky.

On motion of Mr. SOUTHGATE,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of placing Mrs. Frances Chandler on the pension roll, on account of the services of her deceased husband, Daniel Chandler.

On motion of Mr. OWENS,

Resolved, That the President of the United States be requested to communicate to this House the causes which have prevented a compliance with the resolution of this House passed the 24th February, 1837, in relation to alleged frauds committed upon the Indians.

On motion of Mr. CHANEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Reynoldsburg, in Franklin county, via West Carrollton, to Lancaster, in the county of Fairfield, O.

On motion of Mr. ALLEN, of Ohio,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Warren, in the county of Trumbull, O. by the way of Garrettsville and Aurora, in the county of Portage, to the city of Cleaveland, in Cuyahoga county.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the purpose of defraying the expenses of draining Field's Lake and Bayou ——, near the river ——, State of Louisiana.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation to defray the expenses of draining Lake Fields, and Bayou L'Eaubleue, near the river La Fourche, in the State of Louisiana

On motion of Mr. SHEPARD of North Carolina,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Waynesborough, North Carolina, to Strabane, in the county of Lenoir, passing by Whitefield's Mills to Jericho; also, a post route from Washington, North Carolina, to Portsmouth, within the same State.

On motion of Mr. A. H. SHEPPERD,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring the name of William Cumming and Christopher Eaton of North Carolina to the pension roll.

On motion of Mr. DEBERRY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Norwood's Store, North Carolina, to Mt. Comfort, by the way of the Rocky River Springs and Jacob Eford's.

On motion of Mr. KILGORE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Monroeville, Jefferson county, to New Lisbon, Columbiana county, Ohio.

On motion of Mr. E. WHITTLESEY,

Resolved, That the Committee on Accounts be instructed to report the number of messengers and pages that are necessary for the despatch of the public business of this House, with the compensation that should be given to them in full for their services.

On motion of Mr. MAURY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill making the town of Paducah, Kentucky, situated at the mouth of the Tennessee on the Ohio river, a port of entry.

On motion of Mr. POPE,

Resolved, That the Committee on the Post Office

and Post Roads be instructed to inquire into the expediency of establishing a mail route from Louisville by Jefferson, Taylorsville, Bloomfield, &c. to Maxwell, in Washington county, Kentucky.

On motion of Mr. C. H. WILLIAMS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of adding Memphis to the number of sites for marine hospitals on the western waters, already selected by the medical board appointed for that purpose, and reported by them to this House at the present session.

On motion of Mr. MONTGOMERY,

Rtsolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing, for the use of the Post Office Department, maps showing the post offices and post roads.

On motion of Mr. MONTGOMERY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so altering the present tariff of postage charged upon letters, pamphlets, &c. transmitted by mail, that it shall correspond with the coin of the United States.

On motion of Mr. HAMER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route through Georgetown, in Brown county, through Feesburg and New Boston, to Felicity, in Clermont county, Ohio; also, a post route from Russelville through Arnheim to Sardinia, in Brown county, Ohio.

Mr. WISE, on leave, submitted the following resolution:

Resolved, That a committee, to consist of ——— members, be appointed, to inquire into the expediency of so amending the Constitution of the United States, as to prohibit the appointment of members of Congress to Executive offices during the time for which they are elected Senators or Representatives, and the time of two years thereafter.

After some remarks from Messrs. WISE, HAYNES, WILLIAMS of North Carolina, UNDERWOOD and YELL, and before the question was taken, on motion,

The House adjourned.

IN SENATE,

TUESDAY, January 2, 1838.

Mr. BUCHANAN presented the memorial of Benoit Henri Lubitsh-Klimkiewitch, late a lieutenant-colonel in the Polish service, and nephew of Thaddeus Kosciusko, for relief.

Mr. B. remarked that the petitioner was now in Philadelphia in great distress. He only asked of Congress a grant of land to which he could retire, and by his exertions sustain himself; or would even be satisfied to purchase a section of land, on risk of his own ability to pay for the same at Government price in the course of one or two years: referred to the Committee on Public Lands.

Mr. McKEAN presented petitions of citizens of Pennsylvania, against the annexation of Texas: laid on the table.

Mr. RUGGLES presented the petition of Anna Boyd, widow of a Revolutionary officer, for relief: referred.

Mr. NORVELL presented the petition of 100 citizens of Berrien county, Michigan, for the enactment of a general pre-emption law: referred.

Mr. RUGGLES presented memorials of citizens of Maine, against the annexation of Texas, and on the subject of the abolition of slavery: laid on the table.

Mr. BUCHANAN presented the memorial of a large number of citizens of Philadelphia, relative to the sudden discharge of five hundred mechanics from the navy yard in that city, and asking an appropriation for the completion of the frigate Raritan, now on the stocks; thus affording employment for said mechanics.

Mr. BUCHANAN, in presenting this memorial, would make a single remark in relation to it. A very large number of industrious and skilful mechanics had been suddenly deprived of employment at the navy yard in Philadelphia, at this inclement season of the year. Many of them with large families, were now in a suffering condition, without the hope of relief during the present winter, unless the Government will afford them employment. They ask only that they may be permitted to give a fair equivalent in labor, when it is required to be performed by the public interest, for bread for themselves, their wives and their children. It had been represented to him, and was so stated in the memorials, that the frigate Raritan was then decaying on the stocks in the navy yard at Philadelphia. If this were the fact, and he had no reason to doubt it, the interest of the United States required that these mechanics should be employed upon this frigate. Public policy thus harmonised with the claims of humanity. He begged leave, therefore, to commend the claims of these suffering mechanics to the favorable and immediate attention of the Committee on Naval Affairs.

The memorial was referred to the Committee on Naval Affairs.

Mr. BUCHANAN also presented ten memorials from citizens of Pennsylvania, against the annexation of Texas. Also, three on the subject of abolition; a motion to receive which was laid on the table.

Also, two from the same, for the alteration of certain post routes: referred to the Committee on the Post Office and Post Roads.

Also, a memorial of citizens of Philadelphia, for a dry dock in that city: referred to the Committee on Naval Affairs.

Mr. ROBINSON presented a memorial from sundry citizens of Illinois, praying the establishment of a national army at the falls of the Wabash river: referred to the Committee on Military Affairs.

Mr. RIVES presented the memorial of the District of Columbia Temperance Society, to abolish the use of ardent spirits in the navy: referred to the Committee on Naval Affairs.

Private petitions were also presented by Messrs. GRUNDY, TIPTON, PRESTON, SOUTHARD, NILES, CUTHBERT, and KING, and severally appropriately referred.

Mr. WHITE introduced a bill for the relief of the heirs of Henry Fisher: read twice, and referred to the Committee on Claims.

Mr. WILLIAMS introduced a bill for the relief of the heirs of Gustavus Warner; also for the relief of the heirs of Wm. Ramsay: severally read, and ordered to a second reading.

Mr. GRUNDY, from the Judiciary Committee, reported a bill for the relief of R. S. Cox;

Mr. WALL, from the same, reported a bill to prevent the counterfeit of foreign coins: severally read, and ordered to a second reading.

Mr. BENTON introduced a bill to abolish duty on Indian blankets and Indian goods generally: read, and referred to the Committee on Finance.

On motion of Mr. SEVIER,

Resolved, That the Secretary of War report to the Senate the result of a survey of the Black, White, and St. Francis rivers, together with estimates of the expense of rendering the same navigable.

On motion of Mr. LUMPKIN,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of altering post routes from Rome, Ga. to Somerville, Ala. and other places; also, the reference of seven petitions on the same subject to the same committee: adopted.

On motion of Mr. CLAY of Alabama,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of increasing the salary of the Commissioner of the General Land Office, so as to bear a just proportion to the salaries of other officers in the Executive Department.

ORDERS OF THE DAY.

Resolutions and reports of the Committee of Claims, adverse to petitions of John Burke; also, James Pardee; also, John M'Donald; which were adopted.

Bill to amend the act of 1790, relative to the punishment of certain crimes against the United States, in capital cases, was read a third time and passed.

The bill for the relief of the executrix of the late Richard W. Meade, was then taken up, and on the question of its passage,

Mr. WRIGHT said he would like it to be postponed until the day after to-morrow, in order that he might have time to look into its merits with some degree of care. He had examined it ten years ago, when he was first in the House of Representatives, but not since that period. It was a bill involving an important principle, as well as the appropriation of an immense amount of money, or he would not have asked this delay on the question of its final passage. He would pledge himself not to ask for a further postponement.

Mr. CLAY of Kentucky said he had no objection to the postponement, convinced, as he was, that the more it was examined, the more would its justice become apparent.

The motion to postpone was adopted.

The bill to authorize the erection of a hospital in the City of Washington, and for other purposes, was then taken up, when

Mr. CLAY of Alabama moved its recommitment to the Committee on the District of Columbia, on the ground that they were called on to appropriate money for the erection of a hospital, without proper data or plan. He thought the true course would be to have a full report from that committee, setting forth the plan of the building, the expense of erection, cost of maintenance, on which the Senate could act understandingly.

Mr. WILLIAMS had hoped that the chairman of the Committee for the District of Columbia would have been in his place when this bill should be acted upon, but as he is not, would state, as well as he could, the reasons which induced the committee to report it. The bill provides for the erection of a hospital in the District of Columbia, for the accommodation and relief of the insane of the District, for such sick and indigent soldiers, seamen, and others, as may be admitted under regulations hereafter to be adopted.

Is there necessity for such an establishment, and is it such an object as calls for the favor and patronage of the nation?

It is now well understood that insanity is a disease as capable of being relieved and cured by proper treatment, and with suitable accommodations, as other acute diseases to which men are subject; and when attended to in its early stages, the proportion of cures is as great in this as in other diseases. A principal instrument in procuring relief and recovery for the insane is comfortable and cleanly accommodations, and kind treatment; and these cannot often be had without some such an establishment as is proposed by the bill under consideration. The committee were not informed of the number of insane persons within the District, but it is believed that in the United States the average is about one in a thousand of population; and as the population of the District of Columbia is said to be from 30 to 40,000, it is safe to estimate that there are from 30 to 40 insane persons in the District. Beside the insane, there are many persons annually who come to the seat of Government to ask of Congress what they consider to be due to them; and they remain pursuing their claims until their means of support are exhausted, and many of them are compelled to ask charity from their representatives, or be thrown upon the District for relief. Many of these are soldiers and seamen who have served their country, and think themselves entitled to the bounty of their Government, but whose means are not adequate to their support while waiting the slow progress of the acts of Congress for their relief. Now, unless such persons can obtain charity from their representatives in Congress, or friends whom they may happen to find here, they must be thrown upon the city authorities for support. And why should the city be at the charge of furnishing support to such persons, not belonging to the city? There is not only no reason for it, but the city has not, in fact, the means of affording it. The only building provided by the city for the relief of the poor is a poor-house, or asylum, which is already filled by persons belonging to the city, and who have a right to be supported there. Is it not, then, right and proper that the nation should be at the expense of providing such accommodation as is contemplated by the bill? Is it not an object worthy the endowment of Congress? In reply to inquiries as to the size of the building contemplated to be erected, and

the cost of it, he would state that the President of the Board of Health had furnished an estimate of the cost of such a building as he supposed might be proper, prepared by Mr. Mills, Architect of Public Buildings, and which was to consist of one principal centre building 100 feet long and 58 feet wide, with wings at each end 25 feet wide, projecting 20 feet in front, and 37 feet in rear, of the centre building; to be three stories high, and made of hammered stone, would cost from 110 to 115,000 dollars, and would accommodate 120 patients and 30 insane persons, with all attendants, matrons, and assistants. The committee were disposed to adopt a less expensive plan, and reported an appropriation of 50,000 dollars, relying that the President, under whose control the whole subject was to be placed, would take all necessary means to ascertain the best plan, before he would sanction it.

Still, however, if the Senate were not satisfied with the information now communicated, he had not the least objection to the recommitment of the bill to the committee who reported it.

Mr. SEVIER said when it was under consideration the other day he had offered an amendment going to embrace seamen, soldiers, and every body else; he thought if it were contemplated to build an immense poor house in the District it was as well to make it as extensively useful as possible. He would withdraw his amendment, however, as in this city he found that said soldiers and sailors (of which there were very few) were already provided for, and there was a poor house, for the poor of the District, provided by its authorities. If we built an immense hospital here in the shape of a general alms-house, we should have the poor and beggars from all quarters asking to be received, where they could have a living better even than those who labored honestly for it. Another great objection to his mind was, that no estimate had been furnished—no ground on which to go—and if we went on to legislate thus loosely, we might be called on to make appropriation after appropriation, like we had for the Treasury and Patent Offices, which would cost millions before they were finished.

Mr. NILES wished the bill recommitted, in order that there might be some specific plan. He was opposed to the erection of a magnificent edifice in the metropolis, for the purpose named. He wished the whole proposed plan before the Senate, and alluded to appropriations which had before been made, and fallen short of the accomplishment of their objects, and the one now contemplated might be graduated on the same scale of magnificence.

Mr. WILLIAMS made a reply to Mr. Niles, and had the memorial of the Board of Health of the District read.

The bill was ordered to be recommitted to the Committee for the District of Columbia.

The bill for the relief of James Witherall was then taken up, and, after being amended, was ordered to be engrossed for a third reading.

The bill for the relief of John Newton came up, and was so amended, on motion of Mr. FULTON, as to apply to all similar cases, and authorizing all claimants to bounty lands to surrender them and to locate anew; said law to continue in force five years. The bill was then read, and ordered to be engrossed.

The bill for the relief of the heirs of Frederick Leigle; also, of Samuel Miller; also, of David Stone; also, to amend the act for the better organization of the marine corps; also, for the relief of Andrew Armstrong; also, of Gaetano Carusi; also, of the heirs of Moses Elmer; also, of John Gordon; also, of the heirs of Maj. Peter Helferstein; also, to abolish public executions in capital cases; also, for the relief of Joseph Boggy; also, of Sebastian Butcher; and the bill to enforce the act of July 9, 1832, for the adjustment of private land claims in Missouri, were severally read, and ordered to be engrossed for a third reading.

The bill to revoke the charters of certain banks in the District of Columbia was then taken up; and, on motion of Mr. WRIGHT, the further consideration thereof was postponed till Monday next.

And then,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 3, 1838.

Mr. TOWNS, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing the claim of Zachariah Philips, for property destroyed by the Creek Indians in the years 1817 and 1818; and that all papers relating to said claim be referred to said committee.

Mr. HAYNES asked leave to move that the House resolve itself into a Committee of the Whole on the state of the Union on the President's Message, but it was objected to.

MISSISSIPPI ELECTION.

On motion of Mr. BELL, the rules were suspended to enable him to offer the following resolution:

Resolved, That the Committee of Elections, in making a report agreeably to the order of the House, of the facts in the case of the application of S. S. Prentiss and J. J. Word, to be admitted and qualified as members of the 25th Congress from the State of Mississippi, be directed to discriminate between the evidence submitted to the Committee of Elections at the late called session, under the resolution of the House directing an inquiry whether J. H. Claiborne and S. J. Gholson were entitled to their seats as members from the same State, and the evidence submitted at the present session.

Mr. HAMER saw no necessity for the adoption of this resolution, as under the recent order, the committee were required to make a full statement of all the facts, and to give a complete view of the case, and it seemed to him, as a matter of course, that they must notice what took place at the late extra session. It seemed really to be a work of supererogation to require the committee to discriminate, and unless he heard some good reason assigned, he should vote against the resolution.

Mr. BELL said, that when he offered the resolution he was not aware that the order of the House had instructed the Committee to report on the facts and evidence adduced at the last session. But it was his opinion that the literal construction of the order did not require the Committee to make that statement, at least not a full statement. He thought it material that the House should know on what evidence its former decision had been made. It was nothing but right that the House should have the advantage of any new facts which may have come to light, or it might appear that there had been a mis-statement of facts, or fraud, at the former adjudication, although he did not mean to say that such had been the case.

Mr. TILLINGHAST was of opinion that to those gentlemen who looked upon the decision of the last session as a judgment, it was important that the case should be again renewed, if new evidence could be adduced.

Mr. HAMER saw no reason to induce him to withdraw his opposition to the resolution. The facts of the case at the last session were familiar to every gentleman in the House, and all the evidence taken before that Committee could easily be obtained.

After some further remarks from Mr. BELL,

Mr. CILLEY saw no necessity for adopting the resolution, in as much as the committee would report on all the facts, when the House could discriminate for itself. But with a view of removing all objections, he would move to amend the resolution, by instructing the committee to report on all the facts at the called session as well as at the present.

Mr. WISE viewed the members of the committee as analogous to commissioners in chancery, who were almost invariably instructed to present their accounts in a certain form. He could see no disrespect in instructing the members of the committee, or any other public servants, to do their duty.

Mr. PATTON suggested to Mr. BELL that his resolution appeared rather calculated to confuse the question. He was of opinion that the order already made by the House would cover all the ground contemplated.

Mr. PARKER was opposed to the resolution as wholly unnecessary, and uncalled for by the circumstances of the case. With that view, he moved to lay it, together with the amendment on the table.

On this motion, Mr. BELL asked for the yeas and nays; which being ordered—were yeas 96, nays 92. So the resolution was laid upon the table.

Mr. REED moved a suspension of the rules for the purpose of calling the residue of the States for petitions, commencing at the point where the House left off yesterday, (at Virginia;) which was agreed to—106 to 34.

Petitions and memorials were accordingly presented by Messrs. PATTON, MERCER, JONES, and TALIAFERRO, of Virginia.

Messrs. JENIFER, McKIM, and C. JOHNSON, of Maryland.

Mr. MILLIGAN of Delaware.

Messrs. OGLE, HENRY, DAVIS, FRY, PAYNTER, PLUMER, POTTER, DARLINGTON, NAYLOR, WAGENER, TOLAND, M. MORRIS, PETRIKEN, and LOGAN, of Pennsylvania.

[Mr. FRY presented the petition of twenty-two ladies of Montgomery county, Pennsylvania, against the annexation of Texas to the United States. Also, the petition of same twenty-two ladies, praying the abolition of slavery and the slave trade in the District of Columbia. Also, the petition of the same twenty-two ladies, and one other, making twenty-three, for the same purpose. Also, the petition of the same twenty-two ladies and six others, praying an entire prohibition of the slave trade. Also, the petition of the same twenty-two ladies and eight others, praying Congress to admit no new State into the Union which tolerates slavery. Also, the petition of eighty-seven other ladies of Montgomery county, Pennsylvania, earnestly praying Congress immediately to abolish slavery in the District of Columbia, and in the Territories of the United States. Also, the petition of the heirs of the late Gen. Stephen Moylan, for relief.]

[Mr. M. MORRIS presented eleven petitions, one signed by 45 persons, against the admission of any new State into the Union, that tolerates slavery. Two petitions signed, the one by 23 and the other by 51 women, for the abolition of slavery in the District of Columbia; and one other petition, signed by 39 persons, for the abolition of slavery in the District of Columbia. Also, two petitions, one signed by 52 and the other by 57 women, against the annexation of Texas to the United States; and five other petitions against the annexation of Texas to the United States, one signed by 9, another by 15, another by 36, another by 44, and another by 73 persons, all of the county of Bucks, Pennsylvania.]

Mr. HALSTEAD of New Jersey.

Messrs. BROADHEAD, JONES, PARKER, McCLELLAN, VANDERVEER, PRENTISS, GRANT, GALLUP, CURTIS, CHILDS, DE GRAFF, and MARVIN of New York.

[Mr. PARKER presented the petion of March Farrington of Delhi, Delaware county, N. Y. to be put on the invalid pension list: referred to th Committee of Invalid Pensions.]

[Mr. GRANT presented the following petitions: The petition of Somerville Johnson, jr. and seventy-five other legal voters of the town of Palermo, in the county of Oswego, and in the State of New York, and Lucretia Powers and eighty-three women of the same place, praying the immediate abolition of slavery and the slave trade in those Territories of the United States where they exist. The petition of Lewis Johnson and eighty legal voters, and of Hannah Mason and eighty-six women of the same town and county, against the admission into this Union of any new State whose Constitution tolerates domestic slavery. The petition of William K. Burt and seventy-five other legal voters, and of Amy Ruth and eighty-five women of the same place, praying the immediate abolition of slavery and the slave trade in the District of Columbia. The petition of John Petit and seventy-three legal voters, and of Betsey A. Raymond and seventy-nine women of the same place, praying Congress to regulate the commerce in slaves among the several States, and that it may be immediately abolished. The petition of Amos Hungerford and twenty-three

habitants of said town and county, and of Laura Denton and twenty-two women of the same place, for the immediate abolition of slavery and the slave trade in those Territories of the United States where they exist. The petition of George R. Jackson and twenty-four inhabitants of said town, and of Maria Burdick and twenty women of the same place, for immediate abolition of slavery and the slave trade in the District of Columbia. The petition of L. Blackman and 28 other inhabitants, and of Pervey Ayer and twenty-one women, all of the same town, against the admission into this Union of any new State whose Constitution tolerates domestic slavery. The petition of Joseph Kellogg and twenty-two other inhabitants, and of Elmira Jackson and twenty-two women of the same town, praying Congress so to regulate the commerce in slaves among the several States that it may be prohibited. The petition of Nelson Burdick and twenty-seven inhabitants, and of Eliza L. Douglass, of the same town, against the admission into the Union of any new State whose Constitution tolerates domestic slavery. The petition of A. C. Lord and twenty-seven inhabitants, and Matilda G. Seymour and twenty-seven women of the same town, for the immediate abolition of slavery and the slave trade in those territories of the United States where they exist. The petition of A. C. Lord and twenty-seven inhabitants, and of Matilda G. Lyman and twenty-three women of the same town, for the immediate abolition of slavery and the slave trade in the District of Columbia. The petition of S. Blake, jr. and twenty-eight inhabitants, and of Eunice Leavitt and twenty-eight women of the same town, praying Congress to regulate the commerce in slaves among the several States, that it may be immediately prohibited. The petition of William Dalloway and one hundred and eighty-six other citizens of the State of New York, inhabiting the northern boundary of the United States, praying for the construction of a ship and steamboat canal around the Falls of Niagara. The petition of thirty-one legal voters of the county of Oswego, in the State of New York, praying for the immediate abolition of slavery and the slave trade in those Territories of the United States where they now exist. The petition of thirty-one legal voters of the county of Oswego, in the State of New York, praying the abolition of slavery and the slave trade in the District of Columbia. The petition of twenty-two legal voters of the county of Oswego, in the State of New York, praying Congress to reject all proposals for the annexation of Texas to this Union. The petition of thirty legal voters of the county of Oswego, in the State of New York, praying Congress not to admit any State into this Union, whose Constitution tolerates domestic slavery.]

[Mr. CURTIS presented the memorial of Thaddeus Phelps and Co. and others, holders of Neapolitan indemnity stock certificates, proposing a transfer of the same to the United States, either for cash or in exchange for public stock of the United States. Also, the petition of John Havirs and others, concerned in the navigation of Long Island sound, proying that buoys may be placed as beacons at the mouth of Milford harbor, Connecticut.]

[Mr. CHILDS presented the memorials of James Sherry and eighty other persons, inhabitants of the town of Henrietta, State of New York, asking the abolition of slavery and the slave trade in the District of Columbia and the Territories of the United States.]

Mr. ALLEN of Vermont.

Messrs. WHITTLESEY, HOLT, HALEY, INGHAM, and PHELPS, of Connecticut.

[Mr. HOLT presented the petition of Elias Carpenter, of Sturbridge, Massachusetts, praying an increase of pension. Also, the petition of Jesse E. Dow, asking compensation for bearing despatches from the Mediterranean to the United States in 1836.]

[Mr. HALEY presented the petition of 256 females, of the city of New London, in Connecticut, praying for the abolition of slavery in the District of Columbia, and the slave trade in the States. Also, the petition of 271 females in the city of New London, in Connecticut, praying that Congress will not admit Texas into this Union, and moved its reference to the Committee on Foreign Affairs.]

[Mr. INGHAM presented the following petitions: Rebecca Noys and others, heirs of Paul Noys, asking payment of a debt due the deceased for Revolutionary services: referred to the Committee of Claims. Elizabeth Mays, asking an additional allowance as a navy pension: referred to the Committee on Naval Affairs. Widow of Colonel Jacob Kingsbury, asking payment of a Revolutionary claim due her late husband: referred to the Committee of Claims. Citizens of Milford, Connecticut, asking an appropriation for buoys on certain rocks in the harbor of that place: referred to the Committee on Commerce. Eli Kimberly, keeper of the light-house on Falkner's Island, asking an increase of compensation: referred to the Committee on Commerce. Sixteen petitions of citizens of Middlesex county, Connecticut, praying for the abolition of slavery, etc. in the District of Columbia: laid on the table, under the standing order of the House.]

[Mr. PHELPS presented a petition of inhabitants of Beaver county, Pennsylvania, in favor of fixing on the falls of Beaver, in that county, as a proper site for a national armory West of the Alleghany Mountains. Also a petition of certain inhabitants of Hartland, Connecticut, and of Tolland, Massachusetts, in favor of the extension of a mail route.]

Mr. TILLINGHAST of Rhode Island.

Messrs. BRIGGS, REED, LINCOLN, GRENNELL, CALHOUN, CUSHING, HASTINGS, BORDEN, PARMENTER, and ADAMS of Massachusetts.

[Mr. CUSHING moved that certain joint resolutions of the Legislature of Massachusetts, presented by him last Congress on the right of petition be taken from the files, and referred to a select committee, with instruction to report a resolution rescinding the (Mr. Patton's) resolution, ordering all abolition papers on the table.

Mr. WISE requested the decision of the Chair, whether this motion did not itself come under the latter order?

Before the CHAIR replied,

Mr. OWENS raised the question of consideration, which was decided to be the preliminary one.

Mr. JOHNSON of Maryland, moved that the House adjourn. Lost.

Messrs. WISE and BELL raised the question that the point of order should be first decided, on the ground that otherwise the House might be called upon to vote on a proposition which might be out of order, or even impertinent.

Mr. ADAMS inquired if the subject, being a petition, must not stand over for debate.

The CHAIR replied that the petition was not then under discussion, but the question of order. He added that there was some weight in the suggestions on that point, and referring to a statement made by Mr. CUSHING of the contents of the aforesaid joint resolutions, which were to repeal Mr. PINCKNEY'S resolution, (in substance the same as that of Mr. PATTON.) He then decided that the whole subject came under the order of the House ordering all papers relating to abolition to be laid on the table.

The motion was accordingly so disposed of.]

[Mr. PARMENTER presented the petition of Abigail G. Greene and 69 other women of Stoneham; of Mary P. F. Browne and 72 other women of Shirley; Relief W. Crafts and 69 other women of Newton; Eliza W. Harding and 91 other women of Waltham; Sarah Osgood and 230 other women of Westford; Catharine Moore and 208 other women of Hopkinton; Harriet C. Kenrick and 47 other women of Newton; Eliza H. Bryan and 159 other women of Chelmsford; Sarah C. Rugg and 199 other women of Groton; Sally Dana and 65 other women of Dunstable; Mary S. P. Haywood and 114 other women of Ashby; Harriet N. Hartwell and 118 other women of Pepperell; Sally Fletcher and 54 other women of Carlisle; Ruhannah Parker and 38 other women of Newton; Eliza Philbrook and 89 other women of Brookline; Sarah P. Carter and 111 other women of Charlestown; M. Dana and 61 other women of Watertown; Harriet S. Gridley and 1400 other women of Lowell; Melania A. Parker and 415 other women of county Middlesex—all the above in Massachusetts, and for the abolition of slavery in the District of Columbia. Also, the petition of Harriet N. Hartwell and 18 other women of Pepperell, and of Mary Brawn and 158 other women of Chelmsford, against the annexation of Texas to the Union.]

Mr. CUSHMAN of New Hampshire.

Messrs. WILLIAMS, EVANS, SMITH, and NOYES, of Maine.

[Mr. SMITH presented the petition of the "Portland Marine Society," for additional buoys near the entrance of Portland harbor, Maine. Also, petition of James Wyman for relief against injuries received by him in the revenue cutter service of the United States. Also, remonstrance of ninety-five legal voters of the town of North Yarmouth, Maine, against the annexation of Texas to the Union.]

Petitions were also further presented by Messrs. GOODE, TALIAFERRO, RENCHER, and HARLAN.

The CHAIR laid before the House two Executive communications—

1. From the Postmaster General, transmitting a list of the clerks in that Department.

On motion of Mr. HAYNES, laid on the table.

2. From the Secretary of War, in relation to the protection of the western frontier.

On motion of Mr. McKAY, referred to the Committee on Military Affairs.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year 1838.

Mr. C. explained as the reason why this bill had not been reported in twenty days, as required by the rule of the House, that the estimates from the Department did not all come in till the 17th day of the session.

The bill was then read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. CAMBRELENG, from the same committee, also reported a bill for the relief of Henr Lynch: read twice and committed.

Mr. CAMBRELENG, from the same committee, reported a resolution referring certain estimates of the Indian bureau to the Committee on Indian Affairs; which was concurred in.

Also, a similar resolution, referring similar matters to the Committee on the Post Office and Post Roads: concurred in.

Also a resolution referring certain matters therein referred to the Committee on Naval Affairs.

Mr. C. explained why the Committee of Ways and Means moved their discharge from those subjects. By a rule of the House that committee could not report appropriations for any object, unless it had been authorized by a pre-existing law. He also drew the attention of the House to another very excellent rule, making it out of order to move any amendment for which no law had been passed.

Mr. RENCHER, from the same committee, reported Senate bill for the relief of Timothy J. Pickering, with a recommendation that the same do not pass: committed.

Mr. POPE, from the same committee, reported a bill making appropriations for certain roads, for the year 1838: read twice and committed.

Mr. ATHERTON, from the same committee, reported a bill for the relief of Samuel G. Walker of Boston: read twice and committed.

On motion,

The House adjourned.

IN SENATE,

WEDNESDAY, January 3, 1838.

The CHAIR communicated a report from the Secretary of War, in obedience to a resolution of the Senate, relative to the protection of Indian and other emigrants on the northwestern frontier;

Also, from the office of the Commissioner of Indian Affairs, and from the Post Office Department, specifying the number of clerks for the year 1837; which were severally laid on the table, and ordered to be printed.

Petitions and memorials were presented as follows:

Mr. BUCHANAN presented a petition of John Healey, an aged citizen of Philadelphia, for an appropriation to erect a monument to General Washington: laid on the table, and ordered to be printed.

Also, from the starch manufacturers of Philadelphia, praying the abolishment of the duties on imported flour, the more effectually to encourage the domestic starch manufactory: referred to the Committee on Domestic Manufactures.

Also, three memorials from the citizens of Delaware county, Pennsylvania, remonstrating against the annexation of Texas; which were laid on the table.

Mr. SMITH of Indiana presented a petition for the right of way through the public lands: referred to the Committee on Roads and Canals.

M. WEBSTER presented the petition of Lucy Still a widow and daughter of Samuel Patton one of the Vermont seven martyrs of the Revolution, who was killed at the skirmish of Lexington, 19th April, 1795: referred to the Committee on Revolutionary Claims.

Also, of J. H. Ryan for authority to issue a patent: referred to the Committee on Patents.

Also, of Anna Leggitt, a legal representative of a Revolutionary soldier, for a pension: referred to the Committee on Pensions.

Also, from J. W. Wells, praying for return of sundry surplus duties paid by him: referred to the Committee on Commerce.

Also, of Aaron Baldwin for similar purposes: referred to the Committee on Commerce.

Mr. WALL presented the petition from Royal Colton of Morristown, New Jersey, praying remuneration for property lost during the war, under the circumstance of his having at the time resided in Canada, and leaving which country to join the American standard, his property was confiscated: referred to the Committee on Claims, and ordered to be printed.

Mr. RIVES presented a memorial from numerous officers of the United States Navy, remonstrating against the return to rank of those who have resigned or been dismissed from the service: referred to Committee on Naval Affairs.

Also of Lydia Morris for a pension: referred to Committee on Pensions.

Mr. DAVIS presented the petition of Eleanor Pierce, widow of a Revolutionary soldier, for a pension: referred to the Committee on Revolutionary Pensions. Also, a memorial from John Lang navy pensioner, praying for arrears of pension under the late act: referred to the Committee on Naval Affairs.

Petitions and memorials were presented by Messrs. WHITE, PIERCE, CLAY of Alabama, NICHOLAS, and HUBBARD.

Mr. WEBSTER gave notice that he would, on to-morrow, ask leave to introduce a bill refunding duties paid on Napier printing presses.

Mr. DAVIS gave notice that he would on to-morrow, introduce a bill to remunerate the captors of the privateer Lydia.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill for the relief of the widow of ——— Holen: ordered to a second reading.

Mr. TIPTON, from the Committee on Roads and Canals, reported a bill authorizing examination of the improvement of A. P. Qimby's safety steamboiler: ordered to a second reading, and made the special order of the day for Thursday next.

On motion of Mr. WEBSTER,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of altering and amending the laws, relative to the grant of consular certificates.

On motion of Mr. SMITH of Indiana,

Resolved, That the Committee on the Judiciary inquire into the expediency of establishing by law a more uniform system in the Courts of Equity.

On motion of Mr. TIPTON,

Resolved, That the Committee on the Judiciary inquire into the expediency of making an appropriation for the improvement of the navigation of the Wabash river

On motion of Mr. WALL,

Resolved, That the Committee on Commerce inquire into the expediency of establishing, as a port of entry, Jersey City, in the State of New Jersey.

Mr. YOUNG introduced a bill granting the right of way through the public lands in Illinois for railroads and other internal improvements: read and referred to the Committee on Public Lands.

ORDERS OF THE DAY.

The bill for the relief of James Witherell;

The bill for the relief of the heirs of Dr. John Ramsay;

The bill for the relief of Frederick Seigle;

The bill for the relief of Samuel Miller;

The bill for the relief of David Stone;

The bill for the relief of Andrew Armstrong;

The bill for the relief of Gætano Carusi;

The bill for the relief of the heirs of Moses Elman;

The bill for the relief of the heirs of Peter Helphenstein;

The bill for the relief of Joseph Bogy;

The bill for the relief of Sebastian Butcher and others;

To explain and amend the act of June, 1834, for the better organization of the marine corps;

To abolish public executions in capital cases;

To continue in force the acts of July, 1832, and March, 1833, for the adjustment of private land claims in Missouri;

Were severally read a third time, and passed.

The bill for the relief of the legal representatives of John Jordon was also read and passed; but, on motion of Mr. HUBBARD, the vote was reconsidered and the bill laid on the table, in order that the committee might make some amendments.

The bill for the relief of certain persons therein named was taken up, and discussed at length. The bill was advocated by Messrs. CLAY of Alabama and KING, and opposed by Mr. SEVIER, and finally, on motion of Mr. CALHOUN, was laid on the table, for the purpose of taking into consideration the special orders of the day.

MR. CALHOUN'S RESOLUTIONS.

[A slight sketch of these proceedings only is given. The remarks of the several speakers will be given from time to time, as they are prepared from the reporters' notes.]

The resolutions having been read by the Secretary,

Mr. CALHOUN said he did not rise with a view to discuss the merits of the doctrines in the resolutions, but to repel the ground assumed by those opposed to them in their peculiar regard for freedom of speech, freedom of press, and the *sacred* right of petition. His chief object in urging an early action was, that the ground taken by these resolutions was distinctly different from that assumed by the other side; and his main wish in asking that the resolutions from Vermont might be postponed, was a desire to meet them in a manner which he deemed most consonant with the duties he owed to the South as an individual, and the relation he bore to the country as a firm and unflinching supporter of the Union. He had remarked, at the time the Vermont resolutions were presented, that if no other member called them up, he pledged himself to do so. In the mean time, he had consulted his own mind as to the best mode of meeting the momentous subject, and had come to the fixed conclusion that the resolutions he had presented were the best calculated to fix the ground on which *all* could meet, and dispassionately and sincerely consult the interests of the whole The resolutions from Vermont were to have been presented to-morrow; and had he retained his former opinion, he would have voted against their reception; but they, coming from a sovereign State, (and being himself the advocate of State rights,) he should urge a free and full discussion concerning them, as having a higher claim than the petitions of infatuated individuals. As an advocate of State rights, he would not feel himself bound to vote against hearing these resolutions, but as a southern man, feeling his dearest privileges so dangerously assailed, he could not vote for their reception. Thus trammelled as he was, he felt unwilling to leave the field, and in order to obtain a right to present his own views, he had prepared these resolutions as best adapted for the purpose, by presenting an antagonist course. His wish was to *test* the entire strength of the Senate on the subject, and to decide whether any neutral ground could be adopted, on which to rally, and check this dangerous and fatal doctrine. It was the one and the *only one*, as he before observed, of sufficient magnitude to endanger the Union, and this already had force enough to shake one political system to its very centre. On one side, there was a portion of the people of the North, who assert and maintain that our domestic institutions are sinful and immoral. On the other we claim our institutions as secured to us under the Constitution, which we will not suffer them to interfere with, and there was the point at issue. On this subject there were two modes of action: the one to repel attack and aggression; the other to stay the tide, if possible, by the means he had introduced.

Mr. C. professed himself a firm, unflinching friend of the Union. He was averse to making professions, but he had on that head been shamefully and grossly misrepresented there and elsewhere. But here was an occasion for the true friends of the Union to come forward and show themselves. On this subject he wanted a *direct vote*, such as was due to the magnitude of the occasion, and that the wishes and feelings of all should be known. If the resolutions were defective in principle, let them be voted down; if incorrect in phraseology, let them be amended; but he would ask those who believed them correct to give them their cordial support.

Mr. MORRIS asked to take the vote on each separate amendment. The resolutions in themselves were, to his mind, broad, sweeping, and denunciatory. What was the object of these resolutions? Was it not that a free discussion on an important question should not only be discountenanced, but silenced by a vote of that body; they were partial in their bearing, speaking on one side, and not on the other. Mr. M. for one, did not believe that Southern rights existed antagonist to those of any other portion. Why talk of attacks on Southern interests and Southern feelings? Such sentiments might lead to geographical distinctions, but could never lead to the peace and happiness of the whole country. Mr. M. professed himself a State rights man, and had as high a devotion to the Union as any one; but he did not agree with the views of the Senator, that this Republic was a Confederacy of separate and independent States. He considered the Constitution to be adopted and ratified by the united voice of the people. Mr. M. wished to know what the Senator from South Carolina meant by interfering with domestic policy? Would that gentleman contend that because he (Mr. M.) talked of slavery in the abstract as a moral sin, that he should have his rights abridged? Freedom of speech, of the press, and the sacred right of petition, were all sought to be put down at one fell swoop. If we could not meet together and discuss subjects, and compare conditions with others, for evil or for good, we should, instead of progressing in our high destiny, retrograde, and be the merest ciphers. Was such a state of things contemplated by the framers of the Constitution? He should think not. Mr. M. intended to offer his resolutions as amendments; he would not now do so, but intimated his intention to press them on the notice of the Senate hereafter. He conceived the resolutions of the Senator from South Carolina liable to the strongest objections, and as warring against the dearest rights and privileges of freemen. The memorial from Vermont had said that slavery was considered a moral and political evil, and asked that it might be abolished in the District of Columbia; and had not that State a right to ask such a measure at the hands of Congress if it thought such a step would tend to the national honor and prosperity?

Mr. M. said when war was made on the freedom of speech, of the press, and the right of petition, these inalienable rights must and would be defended: they were Heaven's best gift to man. He would at this time content himself with a vote on these resolutions, reserving the right to discuss his own as indepeadent resolutions, when they should be brought before the Senate.

Mr. PRESTON suggested some little modification, which was accepted by Mr. CALHOUN.

Mr. ALLEN suggested that it might be as well to strike out the word *religious*, as all discussions in relation to it were, in his opinion, improper and not called for.

Mr. CALHOUN said that the whole spirit of the resolution hinged upon that word.

Mr. ALLEN would not insist, if the Senator deemed the word important to the spirit of the resolutions.

Mr. MORRIS then moved to strike out the words "moral or religious;" on which he asked the yeas and nays.

Mr. PRESTON thought the difficulty might be obviated by letting the resolution read, "under any pretence whatever."

Mr. CALHOUN objected. This spirit of abolition was nothing more than that fanaticism that had carried thousands of victims to the stake. What aroused that demoniacal spirit, but the opinion that the faith of one man was criminal in the sight of another. Here the same spirit was attempted to be revived, under the name of abolition, and he trusted to the good sense of the nation to put it down. It was impossible for him to consent to the suggestion of his colleague. The South had been assailed upon the principle that slavery was wicked, and immoral; and could we meet it by such a milk-and-water measure, as that "*under any pretext whatever*," which, to his mind, was depriving it of its very essence.

Mr. C. expressed his attachment to the specific terms used in the original resolution.

Mr. BUCHANAN would express his opinion as firmly and decidedly as any man, in relation to the subject; not wishing to excite prejudices in the minds of any, he thought the resolution quite as strong with the modification as without it.

Mr. ALLEN was unwilling that there should be any allusion to religion in any way whatever; it was not a subject for discussion in the Legislatures of States or in the Senate; it was a matter left entirely to the citizen himself. He deemed the resolution sufficiently comprehensive without the word *religious*. Mr. A. was opposed to any specification, as it might lead to the ground that those not particularly specified might be supposed to be excluded.

The ground was further debated by Mr. MORRIS and Mr. ALLEN.

Mr. YOUNG thought nothing short of the resolutions of the Senator from South Carolina would have the desired effect. He (Mr. Y.) had many friends in Illinois, who were decided Abolitionists, with whom he had reasoned on the danger of their course to the Union, to which all were attached; but with them it was considered a religious duty they had to perform; and hence was of opinion that the provision ought not to be stricken out.

Mr. BAYARD took a constitutional view of the question; and, though he denounced the spirit of abolition as dangerous and wicked in the extreme, yet he did not feel himself authorized to vote for the resolutions. If the doctrine contained in them was correct, then nullification was correct; and, if passed, might hereafter be appealed to as a precedent in favor of that doctrine, though he acquitted the Senator of having the most remote intention of smuggling any thing in relation to that doctrine under cover of these resolutions.

Mr. CALHOUN was glad the Senator acquitted him of any such intention, and regretted that the resolutions should be considered so deeply imbued with "poison." He wished merely to cover the common creed of the State rights party, and he had appealed to gentlemen directly antagonists to him, that if they saw any thing in the resolutions at all savoring of what had been suggested by the Senator, he would immediately pass his pen through it. Mr. C. answered Mr. BAYARD at length, in reply to the constitutional objection.

Mr. BAYARD followed Mr. CALHOUN in reply.

Mr. LUMPKIN addressed the Senate for some time in favor of the resolutions, and retaining them as originally drafted by the Senator from South Carolina. He still believed that there were a very large portion of the North sincerely attached to the Union, and had neither part nor lot in these mischievous proceedings. Mr. L. thought that although they had not the power to check this spirit of fanaticism in that quarter, the Senate might stay the proceedings of these infatuated and misguided people. Mr. L. also took a constitutional view of the subject.

The question was taken on Mr. MORRIS's motion to strike out the words "moral and religious," when there appeared for it 14, against it 31, as follows:

YEAS—Messrs. Bayard, Buchanan, Clayton, Davis, McKean, Morris, Prentiss, Robbins, Ruggles, Smith of Indiana, Southard, Swift, Tipton, and Webster—14.

NAYS—Messrs. Allen, Black, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Cuthbert, Fulton, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, White, Williams, Wright, and Young—31.

The question was then taken by yeas and nays on the adoption of the first resolution, and carried, 31 to 13, as follows:

YEAS—Messrs. Allen, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—31.

NAYS—Messrs. Bayard, Clayton, Davis, Knight, Morris, Prentiss, Robbins, Smith of Indiana, Southard, Swift, Tipton, Wall, and Webster—13.

Mr. WEBSTER had no disposition to enter in detail into a discussion on the merits of the resolutions. He admitted the necessity of some definite action on the subject on the part of Congress; but his objection to the adoption of the resolutions now under consideration was based solely on the belief that they were at variance with the correct interpretation of the Constitution. He contended, that though the States might have certain vested rights, yet they were such as were strictly of a local nature, and limited in their extent to strict compliance with constitutional provisions. The constitution and laws of each State in the Confederacy were always founded on this basis, and any variation therefrom became at once illegal.

If the resolutions set forth that all domestic institutions, except so far as the Constitution might interfere, and any intermeddling therewith by a State or individual, was contrary to the spirit of the confederacy, and was thereby illegal and unjust, he would give them his hearty and cheerful support, and would do so still, if the Senator from South Carolina would consent to such an amendment; but in their present form he must give his vote against them.

The Confederacy could never have existed without this prevailing power of the Constitution, and could no longer exist without its continuance. It was difficult to define what domestic institutions were without the pale of the Constitution. Judicature was one of the class, and so with commerce, except inasmuch as the making of treaties was concerned. Yet it was not so as regards slavery. It was the express power of Congress to prohibit the importation of slaves, though the institution was in itself guarantied by the Constitution.

If the resolutions could be modified to meet the constitutional requisitions, asserting that the Constitution *permitted* slavery, and protected the institution, he would then vote for them. Without such admission, the vote of Congress would be but a dead letter. An assertion here that the Constitution cannot meddle with domestic institutions, if supported, utterly deprives it of power or effect. The doctrines here set forth he viewed as a sweeping declaration against the letter and spirit of the Constitution.

Mr. CALHOUN inquired if the gentleman intended to assert the States had no domestic institutions?

Mr. WEBSTER replied by no means. All institutions in the States, such as have solely the State protection, were of that class.

Mr. CALHOUN would be happy to hear them named, that he might procure a catalogue.

Mr. WEBSTER would explain, by naming the institution of mints, as they existed before the Confederacy. This was one of what he termed domestic institutions.

Mr. CALHOUN assumed that there were now many institutions so far domestic as to be wholly within the control of States wherein they existed. Such was negro slavery. The gentleman's views evidently differed materially from his. No one could support an argument against his views respecting slavery. He could name a long catalogue of institutions controlled wholly by States on the same ground. He would not, in establishing such control, inquire and mark out the dividing line of public opinion in the premises. It was alike the sacred right of all, whether of the North or South. These rights, were institutions growing out of the Constitution, and which must be maintained, and could never be meddled with by others, but with the greatest danger to the confederacy.

Mr. WEBSTER inferred from the gentleman's argument, that the question was not whether there were not some domestic institutions beyond the reach of the Constitution, but it claims that all such were beyond its control. It was on this point his principle objections were founded.

Mr. CALHOUN had no objection to striking out *all* to meet the views of the Senator from Massachusetts, (Mr. Webster,) if it was the wish o the Senate so to amend.

Mr. MORRIS moved to strike out certain words in the second resolution; on which the question was taken by yeas and nays, and lost—12 to 32, as follows:

YEAS—Messrs. Bayard, Clayton, Davis, Knight, McKean, Morris, Prentiss, Robbins, Smith, of Indiana, Swift, Tipton, and Webster—12.

NAYS—Messrs. Allen, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Sevier, Smith of Connecticut, Southard, Spence, Strange, Walker, Wall, White, Williams, Wright, and Young—32.

Mr. YOUNG proposed a further amendment, which was agreed to.

Mr. SOUTHARD objected to further amendment. There was now nothing left of the second resolution but simply a declaration that the States "have just what rights they have."

Mr. DAVIS moved that the Senate adjourn—a division being called for, there were 18 for and 21 against it.

The question was then taken by yeas and nays on the adoption of the second resolution, and carried, 31 to 9, as follows:

YEAS—Messrs. Allen, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Sevier, Smith of Connecticut, Spence, Strange, Walker, White, Williams, Wright, and Young—31.

NAYS—Messrs. Davis, Morris, Prentiss, Smith of Indiana, Southard, Swift, Tipton, Wall, and Webster—9.

Mr. SWIFT gave notice that it was not his intention to present the Vermont resolutions to-morrow, as had been understood, nor would he name any particular day for that purpose.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 4, 1838.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill for the relief of John H. Pease.

Mr. WORTHINGTON, from the same Committee, reported a bill for the relief of Gilbert A. Smith and others.

Also, a bill for the relief of Frederick Fry and Co.

Mr. CURTIS, from the same committee, made an unfavorable report on the petition of Stephen Wolverton.

Mr. CASEY, from the Committee on the Public Lands, reported a bill providing for the establish-

ment of the Peoria Land District, in the State of Illinois.

Also, a bill to establish two additional land offices in that part of Wisconsin Territory west of the river Mississippi.

Also, a bill to create the office of Surveyor of the Public Lands in Wisconsin Territory.

Mr. CHAPMAN, from the same committee, reported a bill to allow such purchasers of the public lands as in the years 1818 and 1819 were permitted to take credit by law, the same relief as was extended to those who availed themselves of the credit system.

Mr. LINCOLN, from the same committee, reported a bill for the relief of the heirs of John Braham, late receiver of public moneys at Huntsville, Alabama.

Mr. SHIELDS, from the same committee, reported a bill for the relief of James Middleton Tuttle, of Arkansas.

Mr. BOULDIN, from the Committee for the District of Columbia, reported a bill relating to the Orphan's Court in the county of Alexandria, in the District of Columbia.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of Capt. Presley Thornton, deceased.

Also, a bill for the relief of the heirs and legal representatives of Garland Burley, deceased.

Mr. CRAIG, from the same committee, reported the following, viz:

A bill for the relief of the legal representatives of James Burton, deceased.

A bill for the relief of the legal representatives of Captain Thomas Cooke, deceased.

A bill for the relief of the legal representatives of Captain Tarpley White.

A bill for the relief of the legal representatives of William Vaux.

Mr. TALIAFERRO, from the same committee, reported the following:

A bill for the relief of Thomas E. Sudler and others.

A bill for the relief of the heirs of Thornton Taylor, deceased.

A bill for the relief of Nancy Haggard.

Mr. A. H. SHEPPERD, from the same committee, reported a bill for the relief of the legal representatives of Martha Woodlef.

Mr. HARLAN, from the Committee on Private Land Claims, reported a bill for the relief of John Dixon.

Also, a bill for the relief of Thomas Todd.

Mr. LEADBETTER, from the same committee, reported a bill for the relief of Polly Lemon.

Also, a bill for the relief of William Washington Bigham.

Also, a bill for the relief of Aaron Stout.

Mr. LOOMIS, from the same Committee, reported a bill for the relief of James Cooper.

Also, a bill for the relief of John Borey.

Also, a bill for the relief of William Clark.

Also, a bill for the relief of Zebulon Baxter.

Mr. LAWLER, from the same Committee, reported a bill for the relief of William C. Hazard.

Also, a bill for the relief of Mary Sroupe.

Mr. KEMBLE, from the Committee on Military Affairs, reported a bill for the relief of John H. Hall.

Mr. REED, from the Committee on Naval Affairs, reported a bill to authorize the Secretary of the Navy to purchase a tract of land belonging to the heirs of John Harrison, deceased, being within the limits of the navy yard, at Charlestown, Massachusetts.

Mr. GRANTLAND, from the same Committee, reported a bill for the relief of U. Walker.

Mr. MILLIGAN, from the same committee, reported a bill for the relief of Samuel Hamilton.

Mr. HOWARD, from the Committee on Foreign Affairs, reported the following resolution, which lies over one day, under the rule:

Resolved, That the President of the United States be requested to communicate to this House, as far as the same may be consistent with the public interest, all the information in either of the Departments, respecting the capture, by the United States sloop of war Natchez, of the Mexican vessel of war the General Urrea, and its subsequent restoration by the United States to the Mexican Government.

Mr. DROMGOOLE, from the same committee, reported a bill for the relief of Benjamin Hewitt.

Also, a bill for the relief of the legal representatives of Benjamin Hodges, deceased.

Also, a bill for the relief of Cornelius Manning.

Mr. CUSHING, from the same committee, reported a bill for the relief of the legal representatives of William Tudor.

Mr. FRY, from the Committee on Revolutionary Pensions, reported the following, viz:

A bill granting a pension to Richard Elliott, of the District of Columbia.

A bill granting a pension to Seth Whitney, of New York.

A bill granting a pension to Benjamin Price, of New Jersey.

A bill granting a pension to William Harper, of South Carolina.

A bill granting a pension to Presly Gray, of Kentucky.

Mr. MORGAN, from the same committee, reported a bill for the relief of John M'Cormick.

Mr. JOHNSON of Virginia, from the same committee, reported a bill for the relief of James Francher.

Mr. EWING, from the same committee, reported the following, viz:

A bill for the relief of William Smith;

A bill for the relief of Ann Bloomfield;

A bill for the relief of Primus Hall, alias Trask;

A bill for the relief of Catherine Rollins, alias Catherine Mosely.

Mr. WILLIAMS, of Kentucky, from the Committee on Invalid Pensions, reported the following:

A bill for the relief of James McFarland.

A bill for the relief of James Fleming.

A bill for the relief of Taudy Walker.

Mr. M'CLELLAN, of New York, from the same committee, reported the following:

A bill granting a pension to Richard Hall.

A bill granting a pension to John R. Midwinter.

Mr. ALLEN of Vermont, from the same committee, reported a bill for the relief of Myra Chapin.

Mr. JOHNSON of Virginia, from the Committee on Accounts, reported a resolution directing the Clerk of the House to pay to the Hon. Mr. Noyes the sum of $250, being the amount of Treasury notes paid to Mr. N. to that amount, accidentally destroyed by fire; which was concurred in.

Mr. TALIAFERRO, from the select committee appointed on the subject, reported a bill authorizing a subscription to a stereotype edition of the laws of the United States.

All the foregoing bills were severally read twice and committed.

Bills from the Senate on their first and second reading, were then taken up. Most of them were private bills. The following are those of a public character:

Act to restrain the circulation of small notes in the District of Columbia.

Mr. HAYNES moved to refer it to the Committee of Ways and Means.

Mr. GARLAND of Virginia said he thought this bill ought not to be referred to that committee; and he therefore moved to refer it to the Committee for the District of Columbia; which was agreed to.

An act authorizing the reliquishment of the 16th sections granted for the use of schools, and the entry of other lands in lieu thereof.

On motion of Mr. CASEY, referred to the Committee on the Public Lands.

An act authorizing the States to tax any lands within their limits sold by the United States.

On motion of Mr. CASEY, referred to the same committee.

An act to revive an act authorizing certain soldiers in the late war to surrender their bounty lands, and locate other lands in lieu thereof, and for other purposes.

On motion of Mr. CASEY, referred to the same committee.

An act amendatory of the act of 1834, for the better organization of the United States Marine Corps.

On motion of Mr. INGHAM, referred to the Committee on Naval Affairs.

An act to continue in force the acts for the final adjustment of private land claims in Missouri.

On motion of Mr. MAY, referred to the Committee on Private Land Claims.

An act to abolish public executions in capital cases.

On motion of Mr. HAYNES, referred to the Committee on the Judiciary.

On motion of Mr. CAMBRELENG, the bill providing for the employment of boys in the merchant vessels of the United States was further postponed till this day two weeks.

PRESIDENT'S MESSAGE.

On motion of Mr. HAYNES, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. ADAMS in the Chair, on the President's Message.

The question pending was on the resolution of Mr. HAYNES, which is as follows:

"*Resolved*, That so much of the President's Message as relates to the finances, and every thing connected therewith; to the safe-keeping of the public moneys, and every thing connected therewith; and so much as relates to the Bank of the United States, be referred to the Committee of Ways and Means."

And the amendment moved thereto by Mr. CUSHING, as follows:

Whereas the influence of the Executive Department of the Federal Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished—

Resolved, therefore, That, in order to correct the said abuse, so much of the President's Message as relates to the collection, safe-keeping, and transfer of the public money, be referred to ——, with instructions to report—

First, such method of keeping the public treasure, effects, and other property, as in the judgment of said committee shall conduce to promote the welfare and to secure the liberties of the people; and,

Secondly, such other reforms in the practices of the Government as in their opinion shall tend to bring back the administration thereof to the standard of the original purity of the Constitution.

Mr. POTTER of Pennsylvania addressed the House at length in reply to Messrs. CUSHING and others. [Mr. P's remarks, at length, will appear in to-morrow's Globe.]

As soon as Mr. P. had concluded,

On motion of Mr. MURRAY, the committee rose, without coming to any conclusion, and then, on motion,

The House adjourned.

IN SENATE,

THURSDAY, January 4, 1838.

Mr. TIPTON presented the petition of the Indiana Manufacturing Company: referred to the Committee on Manufactures.

Mr. LINN presented the petition of Captain Knox, asking compensation for an injury sustained by his schooner, whilst employed in transporting ammunition for the United States. Also, the petition of Charles S. Hemstead, to be released from further liabilities as one of the securities of Thomas Hempstead. Also, the petition of a number of lawyers of the St. Louis bar, for a change in the law regulating the forms and modes of proceeding at law in the circuit court of the United States for the district of Missouri. Also, the petition of Ettienne Govero, for the confirmation of a Spanish grant to fifteen arpens of land in the State of Missouri.

Mr. MORRIS presented the petition of a postmaster, praying compensation additional to that afforded by his office: referred to the Committee on the Post Office and Post Roads.

Petitions were also presented by Messrs BROWN, SEVIER, YOUNG, BENTON, KING, and WALL, for individual private claims: severally referred to the Committee on Claims.

Mr. TIPTON, from the Committee on Roads and Canals, reported a bill authorizing the New Albany railroad company the right of way through the public lands: ordered to a second reading.

Mr. KING introduced a bill for the relief of certain ship owners, therein-named for property lost: read, and referred to the Committee on Claims.

Mr. WEBSTER introduced a bill granting right to import free of duty one Napier printing press, as a model: read, and referred to the Committee on Finance.

Mr. DAVIS introduced a bill remunerating the captors of the privateer Lydia: read and referred to the Committee on the Judiciary.

On motion of Mr. WEBSTER,

Resolved, That the Secretary of the Treasury report to the Senate the amount of custom house bonds executed for the year ending September 30, 1837. Also, that the same officer communicate to the Senate the amount of Treasury Notes issued under the late law.

On motion of Mr. LINN,

Ordered, That one thousand additional copies of the report of the Secretary of War, of 30th ult. with the accompanying documents and map, relative to the defence of the Western frontier, be printed, and that one hundred copies be transmitted to the Secretary of War for the use of that Department.

On motion of Mr. LINN,

Resolved, That the Committee on the Public Lands inquire into the expediency of purchasing the Mount Vernon property, now belonging to the family of President Washington, for the Government of the United States.

Mr. PRESTON introduced the following resolution:

Whereas the just and true boundary of the United States, under the treaty of Louisiana, extended on the southwest to the Rio Grande del Norte, which river continued to be the boundary line until the territory west of the Sabine was surrendered to Spain by the treaty of 1819:

And whereas such surrender of a portion of the territory of the United States is of evil precedent and doubtful constitutionality:

And whereas many weighty considerations of policy make it expedient to re-establish the said true boundary, and to re-annex to the United States the territory occupied by the State of Texas, with the consent of the said State:

Be it therefore resolved, That, with the consent of the said State previously had, and whenever it can be effected consistently with the faith and treaty stipulations of the United States, it is desirable and expedient to re-annex the said Territory to the United States.

Which were laid on the table, and ordered to be printed.

Mr. CALHOUN'S resolutions then came up, and amendments were offered by Mr. NORVELL, Mr. SMITH of Indiana, and Mr. ALLEN, and discussed to a late hour, when, on motion of Mr. BUCHANAN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 5, 1838.

Mr. ADAMS moved that the following resolution, reported by Mr. HOWARD, from the Committee on Foreign Relations, yesterday, be taken up:

Resolved, That the President of the United States be requested to communicate to this House, as far as the same may be consistent with the public interest, all the information in either of the Departments, respecting the capture, by the United States sloop of war Natchez, of the Mexican vessel of war the General Urrea, and its subsequent restoration by the United States to the Mexican Government.

Mr. WHITTLESEY submitted to Mr. A. the propriety of withdrawing his request for the present, in order that reports might be received from the standing committees.

Mr. ADAMS could not consent to withdraw it, as he considered it involving a subject of the highest importance, and with that view he moved that the resolution be taken up and considered at this time.

Objection being made,

Mr. ADAMS moved a suspension of the rules. He considered it of the greatest importance that it should be considered without a moment's delay, more especially as in the papers of that morning it would be seen that the peace of the United States was not only endangered with Mexico, but in another quarter. Mr. A. then alluded to the events which had recently transpired on the Canadian frontier.

On the motion to suspend, Mr. WILLIAMS of North Carolina asked for the yeas and nays; which, being ordered, were—yeas 79, nays 112.

So the rules were not suspended.

NORTHERN FRONTIER.

A Message, in writing, was received from the President of the United States, by the hands of his private secretary, A. VAN BUREN, Esq.

[The message will be found in the proceedings of the Senate.]

The Message, and accompanying letter, having been read, were, on motion of Mr. HOWARD, referred to the Committee on Foreign Affairs.

Mr. FILLMORE then asked leave to offer the following resolution:

And be it further resolved, That the President be requested to communicate to this House any information in his possession of acts endangering the amicable relations between this Government and that of Great Britain, either by the subjects of Great Britain, or by our own citizens on the Canadian frontier, and what measures have been adopted by the Executive to preserve our neutrality with said kingdom, or repel invasion from a foreign country; and that he furnish the information called for by each of these resolutions in separate communications.

Mr. HOWARD thought the resolution not necessary after the Message just read.

Mr. FILLMORE said he should press it, but withdrew it at that time to give an opportunity to the committees to report.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making appropriations for the suppression of Indian hostilities for the year 1838.

Mr. POPE, from the same committee, reported a bill for the relief of Thomas H. Perkins.

Mr. E. WHITTLESEY, from the Committee of Claims, reported Senate bill for the relief of Samuel Miller, without amendment.

Mr. CUSHMAN, from the Committee of Commerce, reported a bill for the relief of John Kerr and John P. Yorke.

Mr. BOON, from the Committee on the Public Lands, reported, without amendment, Senate bill to authorize Peter Warner, of Indiana, to enter a certain half section of land.

Mr. WILLIAMS of North Carolina, from the same committee, reported a bill for the relief of John McGowan, jr.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of William Gregory, deceased.

Mr. HARLAN, from the Committee on Private Land Claims, reported Senate bills for the relief of Daniel Bush; for the relief of Joseph Bogy; for the relief of Sebastian Butcher, and the heirs of Bartholomew Butcher; and the bill to continue in force the act in relation to private land claims in Missouri.

Mr. HARLAN also reported a bill for the relief of the legal representatives of John Dawson, dec'd.

Mr. COLES, from the Committee on Military Affairs, reported a bill for the relief of Daniel Parker.

Mr. COLES also reported the following resolution, which was concurred in:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of carrying into effect the resolution of the Continental Congress, granting monuments to the memory of general officers of the Revolutionary army, and the resolution to erect a marble column at York, in Virginia.

Mr. INGHAM, from the Committee on Naval Affairs, reported a resolution referring to that committee all the unfinished business of the Naval Committee of the last Congress; which was concurred in.

Mr. REED, from the same committee, reported the following resolution, which was concurred in:

Resolved, That the Secretary of War be directed to lay before this House a chart, in a reduced form, of the harbor of Provincetown, in the State of Massachusetts.

Mr. WILLIAMS of Kentucky, from the Committee on Invalid Pensions, reported a bill for the relief of Samuel M. Asbury.

Mr. ALLEN of Vermont, from the same committee, reported the following, viz:

Bill for the relief of Nathaniel Davis.

Bill for the relief of Robert Whitlett.

Mr. HEROD, from the same committee, reported a bill for the relief of Isaac Boyd.

Mr. FILLMORE then renewed his motion to submit the resolution previously submitted by him.

Objection being made,

Mr. FILLMORE moved a suspension of the rule: lost.

The resolution of Mr. HOWARD (as given above) coming up in its order,

Resolved, That the President of the United States be requested to communicate to this House, as far as the same may be consistent with the public interest, all the information in either of the Departments respecting the capture, by the United States sloop of war Natchez, of the Mexican vessel of war the General Urrea, and its subsequent restoration by the United States to the Mexican Government.

Mr. ADAMS now moved to amend the resolution by adding thereto the following:

"And also copies of all instructions to the officers of the Government of the United States and all correspondence with them, with the Governors of any of the States, and with the Governments and officers of Mexico and of Great Britain concerning the preservation of the neutrality of the United States in the civil wars and insurrections in Mexico, and in any of the British provinces north of the United States, since the year 1829, and particularly of a letter from the late President of the United States to the Secretary of the Territory of Arkansas, dated on or about the 10th December, 1836."

Mr. FILLMORE then moved to amend the amendment by adding thereto the following:

"And that the President be requested to communicate to this House any additional information in his possession of acts endangering the amicable relations between this Government and that of Great Britain, either by the subjects of Great Britain or by our own citizens, on the Canadian frontier, and what measures have been adopted by the Executive to preserve our neutrality with said Kingdom."

Mr. FILLMORE, in support of this amendment, remarked that the House were probably aware that there had been, and now was, a great excitement existing on the Niagara frontier, and that there had been movements in Buffalo in reference to the revolution now raging in Canada. They were also probably aware that an armament had been fitted out, mostly by American citizens, which had made a stand upon Navy Island, which is within British territory, in Niagara river, twenty miles from Buffalo, and two or three miles above the Falls: the lowest point at which a crossing can be effected, safely, from the main shore. The line between the two countries passes between Navy Island, which is well fortified, and Grand Island, which is in the territory of the United States.

Mr. F. understood from letters and papers of very late dates, then before him, that there were upon Navy Island some 1,500 men, who are undergoing a course of military discipline. He had letters to the 30th ult. advising him that a small steamboat, called the Caroline, had been taken down the river from Buffalo, to run as a ferry-boat from the American shore to Navy Island. It seemed that on the 29th an armed force came from the British side, in Canada, and attacked this steamboat, which had been running through the day, and which was then lying within the United States lines, killing some and wounding others, then setting the boat on fire, and sending it over the falls, and, as some accounts alleged, with the wounded still remaining on board. And here Mr. F. read extracts from the letters, which he averred were from the very highest and most responsible sources,

confirming his statements as to these incidents. Having done which, he observed that his object now was to ascertain if the Executive had any information upon the subject.

Mr. HOWARD said that this resolution had been reported by a committee. It was not in his power to accept or assent to any amendment—a remark which he would make in relation as well to the amendment offered by Mr. Adams, as to that proposed by Mr. Fillmore. The fact is indisputably true, that the position of affairs upon the Canada frontier was full of interest, and even of jeopardy, to the relations existing between this Government and that of Great Britain. This he should not controvert.

But the remark had been made by Mr. Fillmore, and, Mr. Howard believed, also by Mr. Adams, in offering their respective amendments, that this nation was on the eve of war with Great Britain. He had regretted to hear this remark. He trusted it was not correct. So far as documents go to show the intentions, and, indeed, the efforts, of both Governments, they had been, and still were, directed to the preservation of peace, and the security of neutrality. He trusted that those intentions would not be changed, and that those efforts would be continued; and that, if there were no laws now in existence to prevent breaches of neutrality on the part of our citizens, that such laws would be enacted. He hoped we were on the eve of no such war. He believed we were not; but that, on the contrary, the country was still preserving, and inclined to preserve, the most lofty grounds in the preservation of neutrality. He knew of no differences existing between this Government and Great Britain, excepting only that arising out of the position of the northeastern boundary question. Perhaps, said Mr. H. this may be thought, by some, to be a favorable opportunity to press that subject upon Great Britain; but it was not so, in his judgment.

Mr. H. again averred that he thought the country far from any danger of a war with Great Britain, and he trusted a large majority of the House agreed with him in this opinion. He remarked that the subject had been referred to a committee, (Foreign Affairs,) which would give it a serious and anxious consideration.

As to the inquiry proposed by the gentleman from New York, (Mr. Fillmore,) in regard to the recent events upon the Niagara frontier, they were so very recent that Mr. H. doubted if any official information can have been received with regard to them. At all events, he was for keeping the information asked for from the Executive, in relation to this subject, and that regarding the Mexican question, distinct and separate. He was for keeping each by itself. He was opposed to both the amendments proposed.

Mr. ADAMS regretted that the chairman of the Committee on Foreign Affairs had thought it necessary to oppose the adoption of his amendment, and that proposed by the gentleman from New York. Without intending to misrepresent him, the gentleman (Mr. H.) had imputed to him language he had not used. He had not said that he thought the country on the eve of war with Great Britain. He had said that he viewed the nation as in imminent danger of such a war, which was quite another statement; and he hoped that what the House would now do, and what the Executive would also do, in consequence of the proposed action of the House, would avert that danger.

The gentleman from Maryland had said that he had now no control over the resolution he had reported from the Committee on Foreign Affairs, and that he was not authorized to assent to the proposed amendments. That (Mr. A. said) was undoubtedly true; but it was also as true that he was not authorized by that committee to oppose such amendments. He opposed them, if at all, upon his own personal and individual responsibility; and it was upon that ground that he (Mr. A.) was replying to his objections against those amendments. The Committee on Foreign Affairs have no more dissented from these amendments than they have assented to them. It was, therefore, to be regretted that such opposition had been made to them by the chairman of that committee, and the more because the gentleman from New York (Mr. F.) and himself, (Mr. A.) who had offered them, do not belong to that majority in the House which, upon every occasion, are expected to "toe the mark" there. Sir, (said Mr. A.) we are likely soon to be called upon to "toe the mark" in matters upon which I hope in God we may not be divided by party lines. We are nearing, I fear, a state of things, when it will hardly do to reject propositions upon important matters, because they do not come from a particular side of this body.

The question for us to consider now is, whether these amendments of my friend from New York and myself are proper, in the present state of things, to be adopted, and not from what quarter of the House they may come. The resolution of the Committee on Foreign Affairs alludes to a single act of hostility on the part of an officer of our own Government against the Mexican Government, acknowledged afterwards to have been such by the subsequent conduct of that officer. I wish, and the gentleman from New York wishes, to go a little further in this inquiry for information. We desire to obtain from the President of the United States all the information in his possession as to the differences existing between Mexico and this Government, and between Great Britain and this Government; information, without which the House cannot possibly act advisedly and effectively. He had (he continued) offered his proposition before the Message of the President had been transmitted to the House, because he saw the necessity of obtaining all the information in possession of the Executive in relation to the differences existing between this nation and Mexico on the one side, and Great Britain on the other. This message had come in as a confirmation of the propriety and necessity of that step of his, referring, as the House would perceive it does, as well to our relations with Mexico, as to those with Great Britain, and touched upon our Northern as well as Southern dangers. And now all he asked was, that the representatives of the people should request of the President of the United States what is the actual situation of the country; what had been done, what was proposed to be done in relation to it; what was demanded on the one side, and what claimed on the other. He had hoped that a proposition so reasonable would have been permitted to pass without opposition. Some other rule should be observed, he remarked, in matters so momentous, than "toe the mark." The divisions of party should be broken up upon questions like these, and they who are not in the confidence of the Executive should be permitted to have an opportunity of doing their duty by their common country, as well as the chosen sect.

The chairman of the Committee on Foreign Affairs, continued Mr. ADAMS, tells the gentleman from New York that if he will, for the present, purge his amendment of so much as relates to the subject-matters already treated of by the President of the United States, in the Message just read to the House, he would have no objection to it as it now stands, at the proper time, and in a distinct form. Now, does not that gentleman *know* that if the member from New York and myself were to forego this inquiry upon that suggestion, and the resolution were then to pass, the time would never come when we might bring up our propositions? Would we not both be declared out of order, were we to make such an attempt? And so we should be put off till, perhaps, some time in June next, while, in the midst of a war, with the candle burning at both ends, when our resolutions of inquiry might be, at least, "in order?" The information we demand is asked not alone for the Committee on Foreign Affairs, but for the members of this body—for their consideration and the basis of their action.

This Message, continued Mr. ADAMS, is a very important one. It demands men—it calls for the expenditure of money—for millions more to be added to the millions already lavished in the attempt to check Indian hostilities, and for a purpose rather more deeply important, he would remark, than the prevention of any Indian hostilities. A great increase of the army would become necessary to carry out the suggestions of the President. How great an increase, and how large an expenditure, he could not say; probably all this would be known when the desired information shall come from the Executive.

This message (continued Mr. ADAMS) says nothing on the subject of any violation of neutrality on the Canada side. Yet such a violation, and one of the grossest character, had actually taken place on that side, and admitted, as it appears, to be such, by the British officer himself.

Mr. A. said he thought it *probable* that this Message was prepared before the information which had just been laid before the House was received. Whether this be so or not, this House, as well as the Executive, have a part to take in the matter—a highly responsible and important part: a duty to perform, in seeing that a strict neutrality is observed on the part of this Government, and also that that neutrality be not violated on the other side to the extent of a single hair, without demanding and insisting upon the most perfect and full satisfaction.

He hoped that, if the Chairman of the Committee on Foreign Affairs does not feel himself authorized to accede to the proposed amendments of his resolution, the House will feel otherwise disposed, and take such order in relation to the subject as will not postpone the consideration of questions so important until it shall be too late for any practical good purposes.

After making such a modification of his amendment as to make it consistent with the original resolution,

Mr. FILLMORE said he could not conceive how his proposition could possibly tend to embarrass the action of the House upon the resolution offered by the Committee on Foreign Affairs. It was certainly very easy for the President to distinguish between the different kinds of information sought for by the different propositions. He had tried every other way to bring his proposition before the House, and could not present it in any form which would secure its immediate consideration, excepting that in which it now stood. For if it were offered as an independent resolution, it would take its place behind all others now on the Speaker's table. Its great importance would not permit him to expose it to such a risk, and he had, therefore, offered it in the form of an amendment to the original resolution of the Committee on Foreign Affairs, in which shape he hoped it would pass.

As to the expression which he had used in relation to the disturbances of the Niagara frontier, that this country was on the eve of a war with Great Britain, perhaps it was too strong an expression. But certainly all the facts demonstrated that there was imminent danger of such a result. The citizens of the United States, while in the peaceful pursuit of their business, had been attacked by an armed force from a foreign nation, and a portion of the militia of the country is even now ordered out to repel such hostility.

He well knew that the spirit of the people on the United States side of that frontier would not permit them to stand tamely by, and witness such assaults. These were facts, vouched for by respectable citizens as true, and authentic; and he must ask if they were not such as to warrant the offering of such a proposition as he had moved. It makes no difference, he contended, whether one or one hundred miles of the territory of the United States has been invaded by the arms of a foreign nation; the jurisdiction of this country is co-extensive with the utmost limits of her territory. Even if the vessel which was attacked had been carrying munitions of war to the revolutionists on Navy Island, she was only liable, he contended, to be attacked while within the British lines. As it was, he agreed with the gentleman from Massachusetts, (Mr. Adams,) that there was scarcely a parallel to this act upon the pages of our history as a nation; and it was to suppose an absolute impossibility, for a moment to imagine that the people on that frontier will ever submit to the occurrence of such acts without complaint and redress. It was, therefore, in any view, highly important that the House should obtain all possible information upon a subject so important.

Mr. HAMER had no intention of entering into a discussion on the subject, but there were sentiments just expressed which, in his opinion, re-

quired some notice. It sounded very strangely in his ears for gentlemen to rise and declare, when any opposition was made to their measures, that it came from a majority of the House who were always required to *toe the mark* upon every question, while they who thus complained pretended that they were not influenced by any such feelings, or actuated by party motives. He could easily appreciate the feelings of those who thought they had been treated with injustice by the majority upon that floor; but he thought they ought at least, on some occasions, to be charitable enough to admit that the opposition from the other party was actuated by motives as pure and disinterested as their own.

He fully agreed with the gentleman (Mr. Howard) who had offered the resolution, in his objection to the proposed amendments. The general practice of the House would show, that in a resolution reported from a committee, the mover had no power of himself to accept a modification.

It had been contended that we were "on the eve of a war with Great Britain;" but, for his part, he could perceive no sign or indication of such an event. He did not believe there was the least danger of a rupture between the two countries, as each of them understood its interests too well to admit even the thought of such an occurrence. So convinced was he of this, that he had no hesitation in saying that, in the present state of things, a war between Great Britain and the United States would be the greatest calamity that could possibly befall the civilized world. It were folly to suppose that two great and free nations, cemented together by all the ties of language, interest, and blood, would suffer that harmony to be destroyed by the hare-brained rashness of a few people scattered along the frontier of Canada. It might just as reasonably be supposed that two individuals, who had subsisted together for years in the most intimate friendship, would quarrel over a slight difference between two of their children. If gentlemen would reflect, they would see that the true policy of the two Governments was to adopt wise measures to remedy the evil; and in that way all differences could be easily settled, without the remotest danger of involving the two countries in a bloody war, as had been anticipated.

He then recapitulated the incidents of the affair, as they appeared from the papers, and from the letters read to the House by Mr. FILLMORE, and contended that the attack was probably the rash act of a subaltern officer, who was sent to cut out the boat while on the Canada side, at Navy Island, and who transcended his orders, in making that attack after the boat was within the United States lines. He doubted whether there were any wounded persons on board the boat when she was sent (on fire) over the Falls, and repudiated the idea that any portion of the people of the British provinces could possibly have been guilty of an act so barbarous.

Mr. H. did not believe any occasion of war existed between this Government and that of Great Britain. British troops, he admitted, might have crossed disputed territory, or even over our acknowledged territory, to reach those who had violated our laws in carrying arms and other aid in favor of those with whom that country were at war; but even from that fact, allowing it to exist, it is not the necessary consequence that there should be a declaration of war on the part of the United States against Great Britain. He alluded to the law of nations, and to our own history, in proof of his assertion, and contended that the fact of a few troops passing over neutral ground for the purpose of reaching an enemy, was not necessarily a sufficient cause for making war.

He had no objection to either of the proposed amendments, provided they could be kept distinct, as he was perfectly willing for the House to receive all the information which could be obtained.

Mr. CILLEY adverted to the remarks of Mr. HOWARD, in relation to the mild and lofty course which that gentleman thought the Government, under existing circumstances, should pursue. Mr. C. could not agree with the gentleman in his recommendation for mild measures, when he took into consideration the aggravating conduct of Great Britain for many years past, in relation to the northeastern boundary of Maine. Mr. C. then took a review of that question, and entered into a detail of the circumstances attending it. He expatiated on the long forbearance of the people of Maine, and contended that the dispute was not owing to the boundary not being clearly defined, but to a desire of the British Government to obtain part of Maine, for the purpose of connecting their provinces.

Mr. C. proceeded to state that he would make a few remarks in reply to the gentleman from Ohio, who had undertaken to apologize for the British, and to throw the whole blame of the steamboat attack at Niagara on an officer who had disobeyed orders.

Mr. HAMER wished to inform the gentleman, that in his allusions to that affair, he had not spoken on his own responsibility, but his remarks were founded on the information contained in the letters read by the gentleman from New York, (Mr. Fillmore.)

Mr. CILLEY was sorry he had misunderstood the gentleman; but what had the British done on the borders of his State—Maine? Had they not, times without number, arrested American citizens, and put them in prison? The people of Maine had borne it, because they were desirous of preserving peace; but none but themselves could form any idea of what they had to suffer. They would bear it as long as they could; but gentlemen might depend upon it, that they would not submit to further aggression, but would resist to the utmost, until British tyranny should cease from the land. He was willing to go as far as any gentleman to invest the Government with power to preserve neutrality, but nothing on earth could make him suppress his feelings for the sons of liberty, when they were struggling in a just cause. It was the duty of Government, in the first place, to aseertain that they were right, and having determined that, it was also their duty to follow up its measures with proper courage. If their cause was a just one, they ought to proceed; and no matter if the fires of war did burst out at both ends of the country at once, they were abundantly able to blow it out.

Mr. BRONSON alluded to the defenceless state of the northern frontier, owing to the military troops having been drawn away for the purpose of prosecuting the war in Florida. He considered that troops at this time were as necessary for the protection of the northern frontier as they were in Florida; but, at the same time, he deprecated such remarks as that we were upon the eve of a war with Great Britain. He trusted that the good understanding between the two countries would continue to exist, and that the existing difficulties would be speedily settled by the adoption of prudent measures. He would, however, call the attention of the House to the true state of that frontier. The recent ebullition of feeling and excitement, was but a speck compared with what was continually going on in all the provinces, and along the whole line.

Mr. B. then adverted to the fact of 1,000 or 1,500 men, probably mostly from the American side, having entrenched themselves on Navy Island, under the command of an individual of high family in the city of Albany, and undergoing the strictest discipline. Also to the circumstance of arms having been taken almost openly from the armories, and the high state of feeling along the whole line as far as Plattsburg, as all the gentlemen from Vermont were perfectly acquainted.

Mr. B. proceeded to show the state of the public mind in Canada. He said that since the recent occurrences had taken place, the regular exchanges between our newspapers and those of Canada had been stopped; but from a few Canadian papers brought over the lines, and which had been forwarded to him, it was very evident that the tone of the people of Canada could not be mistaken. Mr. B. then read several extracts from the papers; after which he said it would be evident to the House that the amendments ought to be adopted, as it was of the highest importance that all possible information should be obtained. He also wished to call the attention of the House to another important subject, viz: that of the increase of the army. The military posts of the country had been stripped for the purpose of sending the forces to Florida, and the department was now unable to send troops to the North, for the simple reason that there were none to send. He urged on them the necessity of adopting speedy and decisive measures to preserve neutrality, as well as to protect our citizens from aggression.

Mr. HOWARD would repeat what he had before said, that it was not his intention to *oppose* the amendments calling for information, but to *separate* them. He did not, as an individual, feel himself at liberty to assent to any modification of a resolution reported, through him, by the committee; but the subject had been referred to that committee, and he could not believe that, when they reported to the House, they would keep back a single particle of information which might be necessary to the formation of their judgment. It was well known that, when the Committee on Foreign Relations presented any measure, they threw open every avenue of information. His wish was to keep the several calls for information distinct, as no benefit could arise from trammelling one with another.

If the gentleman from Maine had understood him to say that he admitted any doubt as to the territory in dispute, he must have expressed himself very imperfectly. He would take that opportunity to state that he had examined that subject for many years, and had come to the conclusion that the claim of the State of Maine was established and sustained on every ground, and that he saw no legal title in the British Government. But he would ask, now that the subject had remained unsettled for upwards of twenty-five years, would it not appear ungenerous to press the subject when Great Britain was involved in domestic troubles of her own. Would not the nations of Europe infer that such an act was a proof of our weakness, in seizing on such a moment of embarrassment to obtain that which we had sought in vain for a whole generation? Were an individual, having a quarrel with another which he had failed to prosecute for years, to rush upon his enemy when he was attacked by a third person, it would be esteemed an unmanly and cowardly act. Therefore, as we had suffered the affair to lie dormant so long, he trusted that, under the present peculiar circumstances, it would not be pressed. Yet he coincided fully with the gentleman from New York, (Mr. Fillmore,) that the Government of the United States ought to protect our frontier, and he trusted that the interest and honor of the nation would be guarded with the greatest zeal, and if it should be proved that aggressions had been made, he was convinced that the legislative and executive powers would not express the will of the people if they did not insist on reparation.

Mr. SIBLEY, when reviewing our present position, was convinced that peace could not long remain, unless more energetic measures were adopted. He had felt afraid that the Executive had not adopted such measures as the laws now existing placed in his power. But if, after all those means had been tried and found ineffectual, he would then be willing to grant additional power.

Mr. PATTON, although he believed the fears of the gentlemen who had offered the amendments to be wholly unfounded, thought that much time might be saved, and the end attained, by further amending the resolution, so as to call on the President to furnish information on the various propositions in separate communications.

Mr. FILLMORE had no objection to accept of the amendment; but before he took his seat, he would state that the charge of arms having been taken from the public arsenals, was a mistake. It was true that a quantity of arms had been taken from Buffalo, but not from any of the arsenals.

After some brief remarks from Messrs. CUSHING and F. O. J. SMITH, the amendments of Messrs. FILLMORE and ADAMS were severally agreed to; and the question recurring on the original resolution as amended, it was adopted.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the statements of the incorporated banks of the District of Columbia; which, on mo-

tion of Mr. HAYNES, was refered to the Committee for the District of Columbia.

Also, a statement from the Secretary of State of the number of, and compensation to, the clerks in that department; which, on motion of Mr. HAYNES, was laid on the table.

On motion of Mr. RENCHER, it was

Ordered, That when the House adjourn this day, it adjourn to meet on Monday; and then, on motion,

The House adjourned.

The following petitions, presented on Tuesday last, were accidentally omitted in the proceedings of that day:

Mr. BRODHEAD of New York presented a petition of Einathan Sears, of Sullivan county, New York, for additional pension. Also, a petition of Henry Muskeneaugh, of the county of Ulster, New York, praying for a pension; which was referred to the Committee on Revolutionary Pensions. Also, a petition of 44 legal voters of the county of Ulster, New York, to abolish slavery in the Territories of the United States, and especially in the District of Columbia; which was laid on the table, on his motion. Also, a petition of 33 legal voters of the town of Plattahill, New York, not to admit any new State into the Union the Constitution of which tolerates domestic slavery.

IN SENATE,

FRIDAY, January 5, 1838.

Mr. McKEAN presented the petition of citizens of Philadelphia, relative to the completion of the frigate Raritan: referred to the Committee on Naval Affairs.

DISTURBANCES ON THE NORTHERN FRONTIER.

The CHAIR communicated the following message from the President of the United States, on the subject of the war in Canada:

To the Senate and

House of Representatives of the United States:

Recent experience on the southern boundary of the United States, and the events now daily occurring on our northern frontier, have abundantly shown that the existing laws are insufficient to guard against hostile invasion, from the United States, of the territory of friendly and neighboring nations.

The laws in force provide sufficient penalties for the punishment of such offences, after they have been committed, and provided the parties can be found; but the Executive is powerless in many cases to prevent the commission of them, even when in possession of ample evidence of an intention on the part of evil-disposed persons to violate our laws.

Your attention is called to this defect in our legislation. It is apparent that the Executive ought to be clothed with adequate power effectually to restrain all persons within our jurisdiction from the commission of acts of this character. They tend to disturb the peace of the country, and inevitably involve the Government in perplexing controversies with foreign powers. I recommend a careful revision of all the laws now in force, and such additional enactments as may be necessary to vest in the Executive full power to prevent injuries being inflicted upon neighboring nations by the unauthorized and unlawful acts of citizens of the United States, or of other persons who may be within our jurisdiction, and subject to our control.

In illustration of these views, and to show the necessity of an early action on the part of Congress, I submit herewith a copy of a letter received from the Marshal of the northern district of New York, who had been directed to repair to the frontier, and take all authorized measures to secure the faithful execution of existing laws.

M. VAN BUREN.

Washington, January 5, 1838.

The message, with the accompanying papers, having been read by the Secretary—

Mr. CLAY rose to express his full conviction of the necessity of some early action on this important subject. No spectacle could be more revolting to the feelings of a free people, than a war either among themselves or with another country. The views of the Executive met his highest approbation, but it was the duty of Congress to examine, and, if the existing laws were not adequate to prevent the alleged interference of our citizens, others should be forthwith enacted for the full accomplishment of an object so desirable. Mr. C. adverted, in connection, to the vexatious and unsettled state of our Northern boundary, which state of things tended to increase the danger which now threatened us. He had witnessed a similar course of policy on the part of our citizens during recent occurrences of a similar character in another quarter; on which subject, however, he had never expressed his opinion, nor should he do so now.

If the people of this country choose to renounce their citizenship, it was perhaps allowable; but any interference with a rebellion in a country with which we were at peace, should meet the earliest attention of our Government. We might, as citizens, freely, and in any manner we thought proper, express our sympathies with either belligerent party, but in no case lend them aid or countenance. He did not consider he had any right to express an opinion relative to the course of the Canadians. They might be right, or they might be wrong, in the course they were pursuing. It was the duty of every citizen to remain quiet, nor even express opinions, till such expression had been made by the Government.

He hoped that to whatever committee the subject might be referred, they would examine with the greatest care and strictest scrutiny the question on both sides. Examine whether or not the action of our citizens had not been limited to some disputed territory, or whether arms, munitions of war, or supplies, had been furnished, and which, if proved true, such conduct must be viewed by Government as in the highest degree reprehensible.

He would express no opinion, nor make a motion as to the reference, but should think that either the Committee on the Judiciary or on Foreign Affairs the most appropriate.

Mr. CALHOUN had felt from the beginning of the troubles in Canada the greatest anxiety, and a fear that it might result in difficulties to this country. He hoped the existing laws, prohibiting the interference of our citizens, would be rigidly enforced; and if, on examination, they should be found insufficient to meet the exigencies of the case, that new ones would be speedily enacted. He would set forth in the strongest light the terrible consequences of a war with Great Britain at the present time.

He urged, in the most emphatic manner, the necessity of clothing the Executive with all needful additional power, if the laws in force were in this respect too limited. He moved the reference to the Committee on Foreign Relations.

Mr. NORVELL said that no portion of the people of the United States were more deeply interested in this subject than the inhabitants of the State which he had the honor, in part, to represent. Between a part of that State, and the Upper Province of Canada, there was a river, the dividing line, only of one mile wide. The peace of our citizens in that quarter was daily and hourly exposed to violation in the progress of this civil war in the adjacent Province. Persons belonging to both of the parties in this foreign contest would seek refuge, sympathy and aid from our people, among whom there might be individuals disposed to jeopard the neutrality and peace of the country, in their anxiety to strengthen the cause which they espoused. It was exceedingly desirable that this should, if possible, be prevented. Our own rights and liberties were too precious to be jeoparded in those premature and badly digested civil broils between different portions of the same foreign people. The honorable Senator from Kentucky had expressed the proper sentiment on this subject. But Mr. N. had only risen to express his earnest solicitude, that to whatever Committee the Executive message might be referred, an early and prompt report would be made. He only regretted that in other and previous cases of beligerent controversies between different portions of other foreign States, an equally rigid course of neutrality had not been pursued. He knew that, so far as the Executive had been concerned, all its means had been exerted to preserve our neutral position. But the laws were inadequate to the object, and ought to be revised and made stronger.

Mr. DAVIS most heartily concurred with the sentiments of the Senators who had preceded him, and also in the views of the Executive, on this momentous subject. Congress, he considered, were under the most sacred obligations to preserve the present pacific relations between ourselves and foreign powers. It was a duty we owed to ourselves and to other nations, to preserve to the utmost, obedience to the treaties existing, and to enforce rigidly their observance on the part of our citizens with such nations, while with them we continue at peace.

It seemed to him there had been too long manifested by our citizens a disposition to interfere with the affairs of our neighbors of the frontiers, and it would appear that the efforts of those whose duty it was to enforce the laws had urged on and encouraged such measures, rather than laboring to suppress them. He had no opinions to express relative to these facts, as connected with recent difficulties on our southern border, or in the affairs of Canada. It was a matter of deep regret that the Government had not more strictly enforced this duty, and equally did he regret that the attention of Congress had not been earlier called to the subject.

Some definite and decisive measures had now become necessary, in order effectually to preserve our good faith and character as a nation. If the Executive power was not strong enough, by all means enlarge it, by enacting new laws on the subject. Of all evils that could now befall this nation, the most deplorable in its effects would be a war with Great Britain.

We all well know the strength and power of that country, and equally well we know that our progress, improvement, and success, is but a growing weakness. He would express his thanks to the Senator from Kentucky, (Mr. Clay,) for having made mention of our unhappy differences relative to the settlement of our northeastern boundary. He contended that it was more forcibly evident that our Government had too long slumbered and slept on this subject. Our difficulties would now, on this score, be greatly augmented. In entering into an investigation on the subject directly before Congress, it became also their imperative duty to investigate this matter also. It was due to the country to know whether Great Britain does or does not make practical use of this disputed territory. Whether, if there are not really roads and regular mails established throughout, it is not made of practical utility; and if, over this same district, there have not been transmitted troops, munitions of war, and supplies of provisions, for the use of their forces. It is not to inquire, at this time, if she has occupied the territory by a civil force or jurisdiction, but if she has no further made use of it than to carry troops across, her point is gained. It is all the privilege the Government of Great Britain would ask of us. It is all she wants. The territory is to her not worth having, except for such practical purposes.

After some remarks by Mr. BENTON in favor of the motion to commit, the documents were referred to the Committee on Foreign Relations.

Mr. MERRICK, the Senator elect from Maryland, appeared, was qualified, and took his seat.

Mr. BUCHANAN presented the petition of James Miller, to be indemnified for the loss of his plantation in the Florida war: referred to the Committee on Claims.

Mr. RIVES presented the petition of James Morgan, for compensation for expenses incurred in the public service: referred to the Committee on Claims.

Mr. BUCHANAN presented two memorials from citizens of Philadelphia, for the completion of the frigate Raritan: referred to the Committee on Naval Affairs.

Mr. ROANE presented the memorial of several banks in the District of Columbia, for an extension of their charters: referred to the Committee on Finance.

Mr. BENTON introduced a bill for the relief of the heirs of General William Eaton: read and ordered to be printed.

Also, a bill providing for the uniform payment for horses lost in the United States military service: ordered to a second reading.

Mr. YOUNG, from the Committee on Claims, reported a bill for the relief of ——— Hoben.

Bill for the relief of Eli Horton.

Bill for the relief of Benjamin Morse.

Bill for the relief of Francis Gardner;

Bill for the relief of John M. Holland;

Which were severally read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, reported a bill for the relief of Jonathan Davis: ordered, with the report, to be printed.

Mr. WALL, from the Committee on Military Affairs, reported a bill explanatory of an act establishing the pay of brevet officers: ordered to a second reading.

Mr. NORVELL gave notice, that to-morrow he should ask leave to introduce a bill supplementary to the "act to provide for the adjustment of titles of land in the town of Detroit and Territory of Michigan, and for other purposes;" and a bill for the relief of Augustus A. Nicholson.

On motion of Mr. NORVELL,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a mail route from Mackinac to the Sault Ste Marie, in the State of Michigan.

Mr. NORVELL presented a memorial from the Mayor, Recorder, and Aldermen, of the city of Detroit, praying for the passage of a bill supplementary to the "Act to provide for the adjustment of titles to land in the town of Detroit, and Territory of Michigan, and for other purposes:" referred to the Committee on the Public Lands.

Mr. N. also presented a memorial from sundry inhabitants of the State of Michigan, praying for an appropriation to improve the harbor of Port Sheldon, at the mouth of Pigeon river, on Lake Michigan: referred to the Committee on Commerce.

Mr. N. also presented a petition from Francis Cicotte, of the county of Wayne, State of Michigan, praying a grant of land: referred to the Committee on Private Land Claims.

Mr. LINN introduced a bill for the relief of C. Maraud and others: read, and referred to the Committee on Revolutionary Claims.

Mr. WALL, from the Committee on Military Affairs, reported a bill accompanied by a special report for the relief of Mary A. Kirkpatrick: read, and ordered to be printed.

On motion of Mr. WALKER,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of extending certain post routes in Mississippi.

Also, from same committee, reporting adverse to the petition of James Allen: adopted.

Also, from same commitee, reporting adverse to the petition of the Union Bank of Georgetown, for compensation for money lost at the Baltimore Post Office; which report was, on motion of Mr. BUCHANAN, laid over for one day.

Mr. PRESTON from the Committee on Military Affairs, reported a bill to amend the act of 1828, establishing the pay of brevet officers: ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, reported adverse to the petition of John Lute and another, for compensation for money lost by transmission by mail.

Mr. CLAY desired to know of the Committee whether they had examined the facts relative to the money being transmitted by mail, and lost while in charge of, and through neglect of the agents of the Department.

Mr. ROBINSON replied that the Committee had no evidence brought before them except such as was furnished simply by the memorials themselves. It was true, it had come to their knowledge indirectly, that some editor of a newspaper of Baltimore had been privileged to enter the post office in that place, and had been found guilty of robbing the mail, and was now suffering due punishment for the offence; yet there was no proof that the money alleged to have been lost was among that which was purloined at the time.

Mr. CLAY admitted that the legal conclusions of the committee were perfectly correct, yet he wished that the inquiry into the matter might not stop here. It was a subject which interested the citizens of every section of the country. It was understood to be the practice in many places to admit certain persons into the offices, and to examine the contents of the mail. Such admissions on the part of postmasters he thought highly reprehensible. He wished to inquire to what extent the practice was carried. It was a good opportunity to make a thorough investigation of the matter. For any individual to be permitted to break open the mails, and handle the letters and other contents, was contrary to the spirit of the institution, and should receive the strict scrutiny of Congress.

Mr. C. wished also to inquire whether the particular case in question had been investigated by the Postmaster General?

Mr. ROBINSON replied, that he understood the whole matter had received a thorough investigation by that officer.

Mr. CLAY then moved that the report be laid on the table; which motion was agreed to.

The report of the Committee on Naval Affairs, adverse to the petition of Nathan Gunnison, was adopted.

A report from the Secretary of State, relative to the number and salaries of clerks employed in that department; also, from the Treasury Department, stating the condition of the banks of the District of Columbia; also, from the War Department, relative to a survey of Owls Head and other harbors, in Maine: severally laid on the table, and ordered to be printed.

On motion of Mr. PRESTON, the resolutions offered by him yesterday relative to the annexation of Texas to the United States, were taken up; and he moved that the consideration thereof be made the special order of the day for Tuesday week next.

Some objection to the motion being made by Messrs. CLAY of Alabama and MORRIS,

A motion fixing on the first Monday of February for that purpose was agreed to.

The consideration of Mr. CALHOUN'S resolutions on the subject of abolition was resumed. A discussion thereon was continued till a late hour, without taking a vote on any question except the adoption, offered by Mr. ALLEN, of an amendment to an amendment to the third resolution offered yesterday by Mr. SMITH of Indiana. This amendment was adopted—yeas 32, nays 14, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Southard, Strange, Walker, White, Williams, Wright, and Young —32.

NAYS—Messrs. Bayard, Black, Clayton, Davis, Knight, McKean, Morris, Prentiss, Robbins, Ruggles, Smith of Indiana, Swift, Tipton, and Wall —14.

When, on motion of Mr. CLAY,

The Senate adjourned.

[On Wednesday, Mr. NORVELL presented a memorial from sundry inhabitants of the county of Berrien, State of Michigan, praying for the passage of a general pre-emption law. The memorial was, on the motion of the same Senator, ordered to be printed.]

IN SENATE,

SATURDAY, Jan. 6, 1838.

Mr. WALKER presented the petition of citizens of Mississippi for alterations in the mail routes: referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented the memorial of W. A. Davis, offering to the Government certain copies of the United States Laws: ordered to be printed.

Mr. NORVELL introduced a bill supplementary to an act providing for the adjustment of land claims in the town of Detroit and Territory of Michigan: read and referred to the Committee on Public Lands.

Mr. M'KEAN said he hoped, in these times of extraordinary resolutions, it would not be thought presumptuous in him to offer some small evidence that even he, humble as he was, was not wholly irresolute; he therefore proposed to lay the resolutions which he held in his hand, on the table, to come up in their order:

1. *Resolved*, That Congress possess no power under the Constitution to abolish slavery where it exists in any of the States of this Union.

2. *Resolved*, That it is inexpedient, at this time, to legislate on the subject of slavery in the District of Columbia.

On motion of Mr. ALLEN, the petition of James Smulley for relief, on which the Committee on Military Affairs had reported adversely, was recommitted to the same committee.

Mr. ROBBINS introduced the resolutions of the General Assembly of Rhode Island, etc. remonstrating against the admission of Texas into the Union of the United States: laid on the table.

Mr. LINN, from the Committee on the Public Lands, reported a bill for the relief of Philip Legare, accompanied by a report: read, and ordered to be printed.

Mr. BUCHANAN gave notice that he should, on Monday, introduce a bill to repeal duties on certain imports.

On motion of Mr. HUBRARD,

Resolved, That the Secretary of the Senate compile or cause to be printed for the use of the Senate an alphabetical list of all the petitions for private claims which have been presented for the last twenty years, with the action of the Senate on each.

On motion of Mr. DAVIS,

Ordered, That the Secretary of the Navy cause to be printed an edition of two thousand copies of the report embracing Professor Hassler's survey of the coast, for the use of Government and for distribution.

On motion of Mr. WALL,

Ordered, That the papers relating to a certain survey of Prince's and other bays, be taken from the files and referred.

The consideration of Mr. CALHOUN'S resolutions was then resumed.

Mr. MORRIS spoke at length in favor an amendment offered by him on the amendment proposed by Mr. ALLEN to the third resolution. This amendment was rejected by a vote, as follows:

YEAS—Messrs. Davis, Knight, McKean, Morris, Prentiss, Robbins, Smith of Indiana, Swift and Webster—9.

NAYS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Merrick, Nicholas, Niles, Pierce, Preston, Rives, Roane, Robinson, Smith of Connecticut, Strange, Walker, White, Williams, Wright and Young—32.

Messrs. NORVELL and SEVIER subsequently came in, and asked leave to record their votes, which was objected to.

The question then recurred on the adoption of Mr. SMITH'S amendment, as amended by Mr. ALLEN, and rejected, with an understanding that it was to be offered and appended to the resolutions after their passage, and which reads as follows:

"That nothing in the foregoing resolutions is intended to recognise the right of Congress to impair, in any manner, the freedom of speech, or of the press, or the right of petition, as secured by the Constitution to the citizens of the several States, within the States respectively."

After some further discussion on the adoption of the third resolution as amended—

Mr. BAYARD proposed to further amend it, by striking out the words "several States of this Union," and to insert from the Constitution,

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JANUARY 15, 1838. VOLUME 6.....No. 6.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 5.*]

"The people of the United States," on which question he asked the yeas and nays, when there appeared for it 8, against it 34, as follows:

YEAS—Messrs. Bayard, Clayton, Davis, Knight, Prentiss, Smith, of Indiana, Swift, and Webster—8.

NAYS—Messrs. Allen, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Merrick, McKean, Morris, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—34.

On taking the question on the adoption of the third resolution, the vote resulted as follows:

YEAS—Messrs. Allen, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—31.

NAYS—Messrs. Bayard, Clayton, Davis, McKean, Morris, Prentiss, Ruggles, Smith of Indiana, Swift, Tipton, and Webster—11.

Mr. PRESTON moved that when the Senate adjourn, it adjourn to Tuesday next, which was carried.

The Senate then went into the consideration of Executive business, and afterwards adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 8, 1838.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ABRAHAM VAN BUREN, Esq.

To the Senate and

House of Representatives, United States.

In the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic Majesty's dominions. Every precaution was therefore taken on our part authorized by the existing laws, and as the troops of the provinces were embodied on the Canadian side, it was hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighborhood, and in the whole border line, and that the excitement previously existing has been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia to be posted on that frontier. The documents herewith presented to Congress, show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity for resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British minister accredited to this country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. VAN BUREN.

WASHINGTON, Jan. 8, 1838.

Mr. Rogers to the President.

BUFFALO, Dec. 30, 1837.

SIR: Enclosed are copies of affidavits which I have prepared in great haste, and which contain all that is material in relation to the gross and extraordinary transaction to which they relate. Our whole frontier is in commotion, and I fear it will be difficult to restrain our citizens from revenging, by a resort to arms, this flagrant invasion of our territory. Every thing that can be done will be by the public authorities to prevent so injudicious a movement. The respective sheriffs of Erie and Niagara have taken the responsibility of calling out the militia, to guard the frontier, and prevent any further depredations.

I am, sir, with great consideration,

Your obedient servant,

H. W. ROGERS,

District Attorney for Erie county, and acting for the U. S.

To his Excellency M. VAN BUREN,

President of the United States.

—

STATE OF NEW YORK, *Niagara county, ss.*

Gilman Appleby, of the city of Buffalo, being sworn, says, that he left the port of Buffalo on the morning of the 29th instant, in the steamboat Caroline, owned by William Wells, of Buffalo, and bound for Schlosser, upon the east side of the Niagara river, and within the United States. That this deponent commanded the said Caroline, and that she was cleared from Buffalo with a view to run between said Buffalo and Schlosser, carry passengers, freight, etc. That this deponent caused the said Caroline to be landed at Black Rock, on her way down; and that, while at Black Rock, this deponent caused the American flag to be run up; and that, soon after leaving Black Rock harbor, a volley of musketry was discharged at the Caroline from the Canada shore, but without injury. That the said Caroline continued her course down the Niagara river unmolested, and landed outside of certain scows or boats attached to Navy Island, where a number of passengers disembarked, and, as this deponent supposes, certain articles of freight were landed. That from this point the Caroline ran to Schlosser, arriving there at three o'clock in the afternoon; that, between this time and dark, the Caroline made two trips to Navy Island, landing as before. That, at about six o'clock in the evening, this deponent caused the said Caroline to be landed at Schlosser, and made fast with chains to the dock at that place. That the crew and officers of the Caroline numbered ten, and that, in the course of the evening, twenty-three individuals, all of whom were citizens of the United States, came on board of the Caroline, and requested this deponent and other officers of the boat to permit them to remain on board during the night, as they were unable to get lodgings at the tavern near by; these requests were acceded to, and the persons thus coming on board retired to rest, as did also all of the crew and officers of the Caroline, except such as were stationed to watch during the night. That about midnight, this deponent was informed by one of the watch that several boats filled with men were making towards the Caroline from the river, and this deponent immediately gave the alarm, and before he was able to reach the deck the Caroline was boarded by some seventy or eighty men, all of whom were armed. That they immediately commenced a warfare with muskets, swords, and cutlasses, upon the defenceless crew and passengers of the Caroline under a fierce cry of "G—d damn them, give them no quarters; kill every man; fire! fire!" That the Caroline was abandoned without resistance, and the only effort made by either the crew or passengers seemed to be to escape slaughter. That this deponent narrowly escaped; having received several wounds, none of which, however, are of a serious character. That immediately after the Caroline fell into the hands of the armed force who boarded her, she was set on fire, cut loose from the dock, was towed into the current of the river, there abandoned, and soon after descended the Niagara Falls; that this deponent has made vigilant search after the individuals, thirty-three in number, who are known to have been on the Caroline at the time she was boarded, and twenty-one only are to be found, one of whom, to wit, Amos Durfee, of Buffalo, was found dead upon the dock, having received a shot from a musket, the ball of which penetrated the back part of the head, and came out at the forehead. James H. King and Captain C. F. Harding were seriously, though not mortally wounded. Several others received slight wounds. The twelve individuals who are missing, this deponent has no doubt were either murdered upon the steamboat, or found a watery grave in the cataract of the falls. And this deponent further says, that immediately after the Caroline was got into the current of the stream and abandoned, as before stated, beacon lights were discovered upon the Canada shore, near Chippewa; and after sufficient time had elapsed to enable the boats to reach that shore, this deponent distinctly heard loud and vociferous cheering at that point. That this deponent has no doubt that the individuals who boarded the Caroline were a part of the British forces now stationed at Chippewa.

GILMAN APPLEBY.

Subscribed and sworn, December 30, 1837, before me, S. B. Piper, Commissioner of Deeds, etc. for Niagara county.

—

STATE OF NEW YORK, *Niagara county, ss.*

Charles F. Harding, James H. King, Joshua H. Smith, William Seaman, William Kennedy, William Wells, John Leonard, Sylvanus Staring, and John Haggarty, being sworn, severally, depose and say that they have heard the foregoing affidavit of Gilman Appleby, read; that they were on the Caroline at the time she was boarded as stated in said affidavit, and that all the facts sworn to by said Appleby as occurring after the said Caroline was so boarded as aforesaid, are correct and true.

C. F. HARDING,
JAMES H. KING,
J. H. SMITH,
WM. SEAMAN,
WM. KENNEDY,
WM. WELLS,
JOHN LEONARD,
SYLVANUS STARING,
JOHN C. HAGGARTY.

Sworn and subscribed, December 30, 1837, before me, S. B. Piper, Commissioner of Deeds for Niagara county.

—

Mr. Poinsett to Gen. Scott.

DEPARTMENT OF WAR,

January 5, 1838.

SIR: You will repair, without delay, to the Canada frontier of the United States, and assume the military command there.

Herewith you will receive duplicate letters to the Governors of the States of New York and Vermont, requesting them to call into the service of the United States such a militia force as you may deem necessary for the defence of that frontier of the United States.

This power has been confided to you in the full persuasion that you will use it discreetly, and extend the call only so far as circumstances may seem to require.

It is important that the troops called into the service should be, if possible, exempt from that state of excitement which the late violation of our territory has created, and you will therefore impress upon the Governors of these border States the propriety of selecting troops from a portion of the State distant from the theatre of action.

The Executive possesses no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating the laws, by making incursions into the territory of neighboring and friendly nations, with hostile intent. I can give you, there-

fore, no instructions on that subject; but request that you will use your influence to prevent such excesses, and to preserve the character of this Government for good faith and a proper regard for the rights of friendly powers.

The militia will be called into the service for three months, unless sooner discharged; and in your requisitions you will designate the number of men, and take care that the officers do not exceed a due proportion.

It is deemed important that the administrative branch of the service should be conducted, wherever practicable, by officers of the regular army.

The disposition of the force, with regard to the points to be occupied, is confided to your discretion, military skill, and intimate knowledge of the country; and the amount of that force must depend upon the character and duration of the contest now going on in Canada, and the disposition manifested by the people and the public authorities of that colony.

The President indulges a hope that outrages, similar to that which lately occurred at Schlosser, will not be repeated; and that you will be able to maintain the peace of that frontier without being called upon to use the force which has been confided to you.

Very respectfully,
Your most obedient servant,
(Signed) J. R. POINSETT.
Bvt. Maj. Gen. WINFIELD SCOTT,
Washington City.

Mr. Poinsett to Gov. Marcy.

DEPARTMENT OF WAR,
January 5, 1838.

SIR: The territory of the United States having been violated by a party of armed men from the Canada shore, and apprehensions being entertained, from the highly excited feelings of both parties, that similar outrages may lead to an invasion of our soil, the President has thought proper to exercise the authority vested in him by law, and call out such a militia force as may be deemed necessary to protect the frontiers of the United States

I am, in consequence, instructed by the President to request you will cause into the service of the United States, and place under the command of Brevet Major General Scott, such militia force as he may require to be employed on the Canada frontier, for the purpose herein set forth.

Very respectfully,
Your most obedient servant,
J. R. POINSETT.
His Excellency W. L. MARCY,
Governor of N. Y. Albany, N. Y.
[Same to his Excellency, SILAS H. JENNISON, Governor of Vermont, Montpelier, Vermont.]

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, Jan. 5, 1838.

SIR: By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this Department of an extraordinary outrage committed from Her Britannic Majesty's province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property, and assassination of citizens of the United States on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavoring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon Her Majesty's Government. This communication is made to you under the expectation that, through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible. Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character, and to make known to you that if it should occur, he cannot be answerable for the effects of the indignation of the neighboring People of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

To HENRY S. FOX, Esq. &c. &c.

The message having been read,

Mr. HOWARD said that seeing the President, in the conclusion of the Message, called for an appropriation, he should move its reference to the Committee of Ways and Means, otherwise he should have moved to refer it to the Committee on Foreign Affairs. He also took that opportunity to inform the House that the Committee on Foreign Affairs held a meeting on Saturday, and again this morning, on the message referred to them on Friday, but that they were not, as yet, prepared to report any measures.

Mr. DE GRAFF called for the reading of the accompanying documents, which was ordered; and the same having been read—

Mr. FILLMORE inquired of the Chair if the message just read was in response to the resolution making a call for information on the subject of Canada on Friday last?

The CHAIR replied that nothing appeared in that document to induce the belief that it was.

Mr. THOMPSON moved that so much of the Message as related to the call for appropriations be referred to the Committee of Ways and Means, and the residue thereof to the Committee on Foreign Affairs.

Mr. T. said he had no special preference between those committees; but it was a matter of infinite importance that so weighty a subject should be referred to the different committees selected with a view to the particular subjects to be brought up to their consideration. He said that it became the House to be cautious and guarded in the extreme, for no man could tell the extremities to which he might be disposed to go, if he suffered his private feelings to prevail on this most outrageous and barbarous massacre. He had confidence that the matter would be properly conducted by the Federal Executive, though he must say that he looked upon the letter of Mr. Forsyth as altogether too vague. The act referred to was a murder—a foul, wilful, deliberate, unmitigated murder, He was as sensible as any man of the tremendous consequences of a war between this country and Great Britain. The history of he world did not present such; but still there were circumstances in this instance that demanded the fullest atonement.

Mr. CAMBRELENG should not, in the present position of this question, go into any debate on the possibility or probability of a war between this country and Great Britain, or on the very atrocious circumstances now disclosed, for he considered that it would be premature; but he rose to suggest to the gentleman from Maryland to adopt the modification of the gentleman from South Carolina.

Mr. HOWARD assented to the suggestion, and so modified his motion.

Mr. HAYNES said that he should not say one word on the present occasion, had it not been for the remarks of his honorable friend from South Carolina, (Mr. Thompson.) He stood here the defender and apologist of no man. But he was sure, when the Secretary of State characterized the outrage referred to as *assassination*, and demanded the *punishment* of its perpetrators, he had used no *vague language*.

Mr. GRAY called for the reading of Speaker McNabb's letter to Mr. Rogers, the District Attorney at Buffalo, dated Dec. 29, 1837, disclaiming any intention to infringe the neutrality, which was done.

Mr. FILLMORE insisted that that letter was only in relation to Grand Island, and was no disclaimer of the particular act referred to, since it was written before these outrages.

Mr. GRAY did not rise for the purpose of excusing the deed which was said to have been done, but he was opposed to any course during the present state of things which would have the least tendency to place us in a warlike position with Great Britain. He thought it the duty of gentlemen to investigate the facts calmly, before they expressed themselves so warmly, more especially at this particular period, when we were engaged in a war on the southern frontier.

Mr. TILLINGHAST thought it extremely important that the feeling of excitement in the North should not be further excited by discussions in that Hall. If such a course were pursued, the people would in all probability be misled, and infer that something ought to be done. But he thought it impossible that gentlemen should, with all the information before them, suppose that there was any more danger of war now than there was before the occurrences in question took place. No gentleman knowing the high and liberal policy of Great Britain could suppose that she would refuse to discountenance and deliver up those murderers, provided the facts alleged were properly established. He felt persuaded that she would never sanction such acts committed by her subjects, but, at the same time, he considered it highly necessary that our citizens on the frontier ought to be protected from such attacks, and not to be left defenceless. He hoped that troops would be sent on immediately to preserve the peace, and to prevent a retaliation from our own people, if possible, still more violent. But, said Mr. T. this state of things ought to have been foreseen more than a month ago, and measures provided accordingly. Yet the Executive had not done so; the troops had been withdrawn to another extremity of the Union, and the upper coasts left entirely unprotected; the people might take arms from the public arsenals, or pursue any other lawless course, without the least check upon them. But now matters had assumed such an aspect, and the subject come up in proper form, he was in favor referring so much of it as required an appropriation to the Committee of Ways and Means, and the residue to the Committee on Foreign Relations.

Mr. BRONSON regretted to see that there was a greater disposition to make war on the Administration than on Great Britain. He was as much averse to a war with Great Britain as any one, but he could not restrain his surprise that gentlemen should come forward and throw the whole blame of the recent occurrences upon the Administration. He would ask if the Administration had not done all that was possible it could do under all the circumstances of the case? Was the Administration to be blamed for the peculiar situation of that portion of our frontier, and because a party from the other side had come over and murdered a number of our citizens? He contended, that until within the last thirty days there were no indications in that quarter which would authorize the Executive to adopt such measures as were now necessary. Although there were disturbances in a distant portion of Canada, yet, until very recently, peace reigned along the whole frontier; and there was no more reason to apprehend that troops would be required there, than that they would be wanted on this side of the Potomac.

It was true that the military posts had been stripped, but had not the troops been sent to protect our southern and southwestern frontier; and was there any reason in time of peace that those garrisons in the north should be filled with troops, when their services were required in another quarter? Since the disturbances on the Canadian frontier had broken out, it had been impossible in the nature of things to withdraw the troops from Florida, but the Executive had done all it was able to do in affording protection to the northern frontier, and he could scarcely conceive why gentlemen should be so ready to charge the Administration with neglect, when, if they would but reflect on the facts, they would see that the Department had done all in its power. He must certainly say, that the charge appeared quite gratuitous.

The gentleman from South Carolina had spoken of "the tameness of the Secretary of State;" but he would ask that gentleman whether it would not be well to restrain such expressions until all the facts of the case should be known? It might be that the people and the Government of the United

States were in "glass houses" in this case. Suppose it. Suppose it should turn out that 1,000 or 1,500 men, most of them American citizens, had located themselves on an island in a foreign territory, furnished with arms and ammunition from the State of New York, and aiding a rebellion of the lawful subjects of a foreign power—suppose it should turn out that the steamboat Caroline had been employed in transporting arms and men from our own frontier to the island in question, and that at the time of the outrage, it was employed for that purpose? He imagined if these things should be proved, gentlemen would not be quite so ready to express themselves so warmly on the subject. He (Mr. B.) did not intend by that to justify the act so justly complained of; the attack on the steamboat must be looked upon by all as a most horrible and violent outrage, sufficient to make the blood of any man tingle to his finger ends; but still it was possible there might be some little apology for the outbreak of passion of the Canadian troops, owing to the treatment they have previously received. He therefore desired a proper investigation of the subject, and he approved of the motion to refer it to appropriate committees.

Mr. RHETT deprecated any premature expression of opinion on the subject. He thought the House should, in the first place, look at the matter calmly, and ascertain who was to blame. One gentleman had said that it was the fault of the Administration, another gentleman had laid it all on Great Britain, while others had taken a different view. Under these circumstances, he considered it highly important that it should be carefully investigated, and ascertained where the blame really lay. Was it with the Administration? Candor, certainly, would declare not, whilst not a regular soldier was available at its command; and the civil officers on the frontier, who had been called upon to repress the excitement, appear by their conduct to have been the instruments of increasing and continuing it. How, sir, asked Mr. R. had the difficulty commenced? Was it not caused by a fugitive from Canada, a traitor according to the laws of his country, for whose head a price had been offered, coming over the lines into the United States, and in open day, in the streets of Buffalo, by his inflammatory speeches, inducing the citizens of the United States to take up arms, and assist in a rebellion of the subjects of a friendly power, who was rightfully endeavoring to maintain her institutions? This fugitive had not only been harbored and entertained by us, but recruits from amongst our citizens were openly mustered to his standard. Now have we forgotten the laws of nations as we applied them when Gen. Jackson seized upon Pensacola, because her authorities harbored our Indian enemy, and furnished them with munitions of war? He then ably demonstrated, by the gentleman from Massachusetts, then Secretary of State, that for such a cause we had a right to take possession by the sword of the city of a friendly nation; and have the citizens of Buffalo done less than the Governor of Pensacola? He commented at some length on the law of nations, so far as related to the pursuit of enemies over neutral ground, and the practice of our own Government in such cases. He said it would be well for gentlemen to reverse the matter, and to suppose ourselves in the situation of the Canadas. Suppose the subjects of Great Britain should gather together upon our frontiers, in combination with some discontented, factious citizens, with the avowed purpose of overturning our republican institutions—how would we bear it? and how would we tolerate the idea that munitions of war, provisions, and fire-arms, should be furnished these our enemies by British subjects? Unquestionably we would consider ourselves as grossly wronged, and would be very slow in recognising any spirit of friendship as dictating such measures. We would not look to individuals; we would properly look to the Government, whose duty it was to control its citizens. Inefficiency was no plea, for then we ought to cease our existence amongst the family of nations. As to the steamboat affair, before he made up his opinion as to any outrage committed by the British soldiery, he must know all the facts. Should it turn out that this steamboat was actually in the possession of the hostile islanders, used for carrying articles contraband of war, he was not sure that the act was not perfectly justifiable according to the laws of nations. At all events, it was a gallant enterprise, and such as, he doubted not, every bold man on this floor would have deemed himself morally justifiable in undertaking. But we were ignorant of all the facts. So far, however, as they were known, the citizens of the United States were the aggressors throughout. As they would get all the glory, they should also take all the responsibility, in defiance of the laws of their country, of assailing a friendly nation.

Mr. R. was not going into a war upon such indefensible causes. One war, with a debt of 180 millions, was enough for one generation. War was dangerous to the liberty of any people, but especially so under our free institutions, whose very existence was based upon a jealousy of power accumulated in the hands of Government. In this affair we had, so far, nothing to be proud of. We had been the first aggressors, and should act the part of an honorable aggressor, knowing that we were wrong. Mr. R. concluded by urging on the House to pursue an honest policy, and to exhibit an upright, honorable bearing on the subject, worthy of a free and enlightened nation.

Mr. MENIFEE fully concurred in the opinion that it was the duty of Congress to look at the matter calmly, and to pursue a liberal and statesmanlike course in relation to it; but he considered it extremely unwise for gentlemen thus prematurely to express themselves in a manner calculated to produce a hostile state of feeling between the people of this country and Great Britain. It was to be presumed, as a matter of course, that this nation would vindicate its rights; but let not gentlemen anticipate what we would do, before the state of the case arises. If any great principle were involved, such as "the right of search," or the "impressment of American seamen," it would, he admitted, be a different affair; but as no such great principles were involved in the present case, in the absence of that, he was extremely unwilling that we should be forced into a state of things when we should be influenced by passion, contrary to the dictate of principle. He considered the expression of hostile feelings toward Great Britain as absolutely preposterous. Gentlemen seemed to forget that between us and that country war was growing unfashionable, and that we were actuated and governed by a nobler principle: that of the advancement of human liberty.

Mr. M. endeavored to show that greater causes had been at work, previous to the attack on the steamboat Caroline, to produce the present state of things. He alluded at some length to the policy of this Government toward Mexico, which, he contended, had engendered a lawless and dishonorable feeling in our citizens, and had influenced their conduct in relation to Canada. He was in favor of a reference of the whole subject to committees.

Mr. THOMPSON said he hoped that he had given evidence, since he had been a member of this body, that he was not disposed unnecessarily to involve the country in war. He had, when he was first up, deprecated a war with England. If he had not expressed himself on this point as strongly as other gentlemen, it was only because he could not. He had said, and he repeated, that nothing could be more disastrous to both countries, if not fatal to the cause of human liberty. He could nevertheless conceive of a case in which we could not hesitate—a case involving the honor, the very existence of our Government. Such, he did not hesitate to say, would be the case if the facts stated in the affidavits we now heard read are true. He knew nothing of the facts—he would not pre-judge the case—he would not rely upon newspaper and ex parte statements on either side; he wanted information in an authentic form. But if that statement is true, (and the President seems to think it so,) it is a cold blooded, unmitigated, and savage murder of unoffending American citizens with circumstances of atrocity unprecedented among civilized nations, even in a state of actual war. He sincerely hoped that there were facts which would excuse or explain the statement which we now have. If there are not, no disclaimer on the part of the British Government, no atonement by that Government short of a surrender to our tribunals of the ferocious assassins, should, or would satisfy the American people. The gentleman from Kentucky (Mr. Menifee) had said that there was no danger of war; that there was no principle involved; none such as the right of search. No principle involved! Gread God! sir, are we to be told that there is no principle involved in the invasion of our territory by a hostile band of another nation, and the murder, with fiendish atrocity, of our sleeping and unoffending citizens? The gentleman has alluded to another topic, which, although Mr. T. had anticipated, he did not expect from that quarter. The gentleman said, that the course of our Government towards Mexico had been infamous, cowardly, but that we were now about to be forced by England, our peer, our equal, to do that which our sense of justice had not prompted towards Mexico. Mr. T. confessed that he had no wish to see our Government presented in this light to the civilized world. It would be one of the strangest changes in these times, when nothing is certain but change, that he (Mr. T.) should become the apologist of this, or of the last Administration. But he was not disposed to assail improperly even this Administration, and to embarrass or weaken it in its foreign intercourse and disputes. The first duty he held to be to sustain our Government in its controversies with foreign powers to the utmost extent of justice and right. The second, to break down this dangerous and pernicious Administration, which no man more than he desires to see trampled down as it deserves to be. Mr. T. had watched the course of the Administration through the whole progress of the war in Texas, and he was prepared to prove that our Government had exerted every power under the Constitution and laws to enforce neutrality.

The laws upon that subject are, in the main, penal, not preventive. There was no power to prevent our citizens from expatriating themselves to Texas or any other country, nor to prevent them from bearing arms in the wars of their new country. Such was almost, in every instance, the case with our citizens who went to Texas. Not one in one hundred has gone there with other view than of permanent settlement. The only law which could have prevented this was the act of 1818, forbidding enlistment for foreign service. In all cases, along our whole border, the district attorneys were earnestly and repeatedly urged to enforce the law. If they did not, it was no fault of the Government. It resulted from a universal sympathy of our people with the gallant struggle of the Texans, which rendered the enforcing the law impossible. *Quid voleant leges sine maribus.* You never can enforce a law which violates the general feeling of the country, without breaking down the most sacred guaranty of public liberty—the trial by jury. So much, sir, for the infamous violation of our neutrality, for which the gentleman from Kentucky desires to see us forced to a different course by the power of England. I agree with my friend and colleague, (Mr. Rhett) in his reprehension of the conduct of some of our citizens on the Canada frontier. Their conduct is not only wrong; it is criminal. Every citizen is bound, in law and in honor, to respect the treaty stipulations of his Government. There is scarcely a political crime more dangerous in its consequences than a violation of this duty. But I do not see justification or excuse in the fact of some of our citizens having, as individuals, gone to Canada, and engaged in the insurrection, for an armed band, said to be a portion of the Canadian army, invading our soil, and murdering our citizens who were innocent (and such is the statement) of any participation in the war now raging in Canada. The cases are wide as the poles apart. Mr. T. doubted not that the national honor would be taken care of by those who administer our Government. No Administration dare do

otherwise. The note of the Secretary of State to Mr. Fox may, and no doubt does, go as far as is proper at this moment. If it had expressed the purpose on the part of our Government, in the event of the statement which we have heard read turning out to be true, to demand the actors in this horrible butchery to be tried by our tribunals, Mr. T. would have regarded it as not going an inch too far.

Mr. WISE addressed the House at some length, and concluded by moving the previous question on the motion of reference; which, being ordered, the question was then taken on the main question, and the same was agreed to, without a division.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report from the Secretary of State, as follows:

To the President of the United States:

DEPARTMENT OF STATE,
Washington, Jan. 8, 1838.

The Secretary of State, to whom has been referred certain resolutions of the House of Representatives, bearing date the 5th instant, the last of which requests the President "to communicate to that House any additional information in his possession, of acts endangering the amicable relations between this Government and that of Great Britain, either by the subjects of Great Britain, or by our own citizens, on the Canadian frontier, and what measures have been adopted by the Executive to preserve our neutrality with said kingdom, or repel invasion from a foreign country," has the honor to report to the President, that, excepting two papers, which it is understood will accompany an Executive communication to Congress to-day, all the information in the possession of this Department, as requested by the above recited resolutions, is contained in the copies of documents transmitted to the President with the report of this date, in answer to the second resolution of the Senate, to which the Secretary begs leave respectfully to refer.

(Signed) JOHN FORSYTH.

Mr. Fox to Mr. Forsyth.

WASHINGTON, Nov. 28, 1837.

SIR: I am informed by Major General Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, that Her Majesty's 43d regiment of light infantry is under orders to proceed from that Province to the Province of Lower Canada; and that, marching by the route of the Grand Falls, and the Madawaska Settlement, the regiment will cross a part of the territory in dispute between the two countries.

Sir John Harvey has requested me to explain to the Government of the United States, and he is desirous that the same explanation should be given, through the proper channel, to the Government of the State of Maine, that this movement of troops, which will probably take place in the first week of January, is in no way whatever connected with any recent occurrences in the disputed territory; but that it is undertaken, in pursuance of superior orders, for the sole purpose of reinforcing the British military station in Lower Canada.

The route by the Grand Falls and the Madawaska Settlement has all along been made use of for the transmission of the post, and for other ordinary communications between the two Provinces.

I have the honor to be, sir, with great respect, your obedient and humble servant,

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, December 2, 1837.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, apprizing me that you had been informed by Major General Sir John Harvey, Lieutenant Governor of New Brunswick, that Her Majesty's 43d regiment had been ordered to proceed to Lower Canada, and would cross a part of the territory in dispute between the two countries, about the first week in January, and that you had been requested by Sir John Harvey to explain to this Government, and through the proper channel to the Government of the State of Maine, that this movement is in no way whatever connected with any recent occurrences in the disputed territory; but that it is undertaken in pursuance of superior orders, for the sole purpose of reinforcing the British military station in Lower Canada.

I avail myself of this occasion to renew to you the assurance of my high consideration.

JOHN FORSYTH.

Mr. Forsyth to Governor Dunlap.

DEPARTMENT OF STATE,
Washington, Dec. 5, 1837.

SIR: I transmit herewith, for the information of your excellency, the copy of a note addressed to the Department on the 28th ult. by the British Minister at Washington, with the view of explaining to the Government of the United States, and through it to that of the State of Maine, an intended movement of Her Majesty's 43d regiment of light infantry from the Province of New Brunswick to the Province of Lower Canada, which will, probably, take place in January next, through that part of the disputed territory on our Northeastern frontier over which the British mail passes. This explanation, as you will perceive, is made to the Federal Government by the request of Major General Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, in order to guard against any apprehension, in any quarter, of the movement referred to, of British troops; and it is now communicated to you, in accordance with his wish. Although the necessity of explaining a circumstance so little likely to be misapprehended by the Government or people of the United States, or of individual States, is not apparent, the motive of that explanation should be duly appreciated.

A printed copy of the President's annual Message to Congress, delivered to-day at 12 m. is enclosed.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *Jan.* 4, 1838.

SIR: I have the honor to enclose to you an official despatch, dated the 23d ultimo, which I have received from Sir Francis Head, Lieutenant Governor of Upper Canada.

It appears from the statement contained in this despatch, and I lament to say that the same facts are fully and notoriously confirmed by information which has reached me through various other channels, that a part of the British territory of Upper Canada is at this moment actually invaded, the peace and safety of the inhabitants disturbed, and the existence of the Provincial Government threatened by a formidable body of armed men, proceeding from the United States, furnished with artillery and ammunition, and fully equipped for war. These piratical invaders, who are now established at a point called "Navy Island," on the Canadian side of the river Niagara, consist, in part, of outlaws who had fled from Upper Canada after the suppression of the late partial insurrection; in part also of American citizens, and of men of other nations who have been recruited for the present felonious attempt within the confines of the United States. They are commanded by a native American of the name of Van Rensselaer. They continue openly and publicly to procure, from a number of American towns near to the Canadian frontier, provisions, arms, ammunition, and all other things necessary to sustain their criminal enterprise. Their strength and numbers, and means of violence, are daily increasing, by recruits and contributions raised within the United States, in defiance of the known laws of the Republic, in defiance, also, of the recorded wishes and feelings of all respectable classes of the American people, and to the scandal of public order and good neighborhood between peaceful nations.

I well know that the President and Government of the United States do equally with myself deplore and condemn these strange and unlawful proceedings, which threaten no less a calamity than the waging of an unprovoked war, by a portion of the American people, against a neighboring portion of Her Majesty's subjects, at a time when the two people in general, and their Governments, are not only united in peace, but are studying to enlarge the sphere of a happy and beneficial intercourse, and to strengthen the bonds of national affection and friendship. I feel, therefore, that I am doing no unfriendly act in pointing out to the Government of the United States the facts which have been brought officially to my knowledge, showing how the laws of the Republic are transgressed, and the wishes of its best citizens defied, to the detriment of a friendly and kindred people; and I solemnly appeal to the supreme Government of the Republic promptly to interpose its sovereign authority for arresting these disorders, before they shall have produced a train of disasters and of national resentments, which it is equally the devout wish of both Governments to avert.

I have the honor to be, sir, with high respect and consideration, your most obedient and humble servant.

H. S. FOX.

Lieutenant Governor Head to Mr. Fox.

GOVERNMENT HOUSE,
Toronto, Upper Canada, Dec. 23, 1837.

SIR: It is my duty to lose no time in apprizing your excellency that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded, by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara river, and within the territory of Upper Canada.

Your excellency has, no doubt, learned from the public papers that, in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt as rash and hopeless as it was wicked was lately made by three or four hundred persons in this vicinity to involve this Province in the miseries of civil war. In concert with this movement an endeavor was also made to excite the people in another district to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal militia of this Province, unaided by any military force. Most of the deluded persons who were engaged in this rash and criminal enterprise have surrendered themselves or been taken; but the principal leader, William Lyon McKenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York.

It was soon reported to me that at Buffalo, to which place these traitors fled, strong symptoms were shown by numbers of American citizens to aid them with men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this Province.

That the public authorities in Buffalo and the more respectable portion of the inhabitants would discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a nation with which the United States hold the strictest relations of amity and peace, I immediately addressed a letter to his Excellency Governor Marcy, at Albany, a copy of which is herewith sent.

No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government at Buffalo to repress this hostile rising of their people.

Since that letter was written, McKenzie has been joined by some hundreds of American citizens from Buffalo and the adjacent villages, and they have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States

The paper printed at Buffalo, which I send you, will show the spirit in which this movement is urged forward.

I am, of course, taking all possible means to repel invasion and insult, and I believe that in a few days a considerable military force will be at hand to sustain our gallant militia in this extraordinary and unlooked-for conflict.

I need not remark to your excellency how unfair and unjust it is that a rebellion, which, within this province, was so insignificant that it was instantly

crushed by the civil inhabitants of the country, should be renewed and rendered formidable by the direct and active encouragement of the American people; and that during the existence, not merely of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the empire, if it be necessary.

They are conscious, also, that they deserve kinder offices at the hands of the American people, and I appeal to you, in their name, and as the representative of their sovereign, to urge upon the Government of the United States the immediate exertion of military force to suppress a movement of their people so insulting and injurious to a neighboring nation, and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a national war, in which any wrongs committed against the people of this colony will, under the protection of a just Providence, be amply redressed.

I beg your excellency will not fail to assure the American Government of my sincere conviction that the facts of which I complain will certainly meet with their most unqualified reprobation.

I have the honor to be, sir, your excellency's most obedient, humble servant.

F. B. HEAD,
Lieutenant Governor.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
WASHINGTON, *January* 5, 1838.

SIR: I have had the honor to receive your communication of the 4th instant, with the official despatch of the 23d ult. from the Lieutenant Governor of Upper Canada. The President, to whom they were immediately submitted, has directed me to reply, that he perceives with great satisfaction that you are duly sensible, not only of the wishes and feelings of this Government in relation to the unfortunate state of things on the frontiers of the United States, but of the general disposition of the people and authorities of this country to cultivate and extend that beneficial intercourse with Great Britain, so well adapted to strengthen the existing bonds of national affection and friendship between the two nations.

You have already seen, in the public journals, the efforts that have been made, and are now making, both by the General and State Governments, to prevent any of our misguided citizens from interfering in the disturbances of the neighboring territory of the Canadas. I have had the honor, also, to make you acquainted with other measures which are in progress to the same effect, founded upon the information received from the officers of the United States, who were sent to the frontiers to prevent violations of our laws; and I now repeat to you formally, for the satisfaction of your Government, and to relieve the anxieties of the authorities of Upper Canada, that all the constitutional power vested in the Executive will be exerted to maintain the supremacy of those laws which were passed to fulfill the obligations of the United States to all friendly nations who may be unfortunately engaged in foreign or domestic war.

Assurances to that effect, to the authorities of Upper Canada, may be given in the strongest terms; and the President does not doubt that this object, so desirable in the present crisis to both Governments, will be accomplished, if insurmountable obstacles are not thrown in the way by the rashness of persons within the dominions of Her Britannic Majesty, who, in their resentment or apprehensions, may think themselves authorized to make aggressions upon the United States for injuries committed by individuals who are violators of our laws, and who escape prosecution and punishment under a temporary excitement produced by the events on the frontier, and by the menaces directed against our own people by some of Her Majesty's imprudent subjects.

With great respect and consideration, I have the honor to be your obedient servant,

JOHN FORSYTH.

On motion of Mr. CUSHING, referred to the Committee on Foreign Affairs.

The SPEAKER also laid before the House a message from the President of the United States, transmitting a report from the Secretary of State, as follows:

DEPARTMENT OF STATE,
Washington, Jan. 8, 1837.

The Secretary of State, to whom have been referred certain resolutions of the House of Representatives, dated the 5th instant, the second of which requests the President of the United States to communicate to that body "copies of all instructions to the officers of the Government of the United States, and all correspondence with them, with the Governors of any of the States, and with the Governments and officers of Mexico and of Great Britain, concerning the preservation of the neutrality of the United States in the civil wars and insurrections in Mexico, and in any of the British provinces north of the United States, since the year 1829; and particularly of a letter from the late President of the United States to the Secretary of the Territory of Arkansas, dated on or about the 10th of December, 1830," has the honor to report to the President the accompanying papers, embracing all the instructions and correspondence requested by the resolution above cited, not already published, with the exception of the letter from the late President of the United States to the Secretary of the Territory of Arkansas, said to be dated on or about the 10th of December, 1830. The files of this Department have been carefully examined, but no letter has been found from the late President of the United States to the Secretary of Arkansas.

Submitted. JOHN FORSYTH.

On motion of Mr. HOWARD, referred to the Committee on Foreign Affairs.

The SPEAKER also laid before the House two Executive communications, viz:

1. From the Secretary of War transmitting a copy of the report of the proceedings of the Court of Inquiry, convened at Fredericktown, Maryland, in relation to the operations against the Seminole Indians.

On motion of Mr. PATTON, laid on the table.

2. From the same officer, transmitting the reports of the Second Auditor of the military expenditures of 1837.

On motion of Mr. CAMBRELNG, laid also on the table.

3. From the Seeretary of the Treasury, transmitting a statement of the condition of the State deposite banks.

On motion of Mr. HAYNES,

It was laid on the table.

4. From the same, transmitting certain information as regards the quantity of public lands, brought into market within a given period, the quantity now unsold, &c.

On motion of Mr. CASEY,

It was referred to the Committee on the Public Lands.

Petitions and memorials were then called for in the order of States, and were presented by—

Messrs. EVANS, FAIRFIELD, CARTER, CILLEY, and DAVEE, of Maine.

[Mr. DAVEE presented the petition of Alexander Crawford and others, for a mail route from Palmyra to Waterville, in the State of Maine; which was referred to the Committee on the Post Office and Post Roads. Also, the memorial of David Shepherd and others, remonstrating against the annexation of Texas to the United States; which he moved be referred to the Committee on Foreign Affairs; but, on motion, it was laid on the table.]

Messrs. CALHOUN, REED, LINCOLN, BRIGGS, CUSHING, HASTINGS, ADAMS, BORDEN, of Massachusetts.

Messrs. CRANSTON and TILLINGHAST of Rhode Island.

Messrs. PHELPS, INGHAM, HALEY, and HOLT, of Connecticut.

[Mr. HALEY presented the petition of James Denison and others, of the towns of Lyme and Waterford, in New London county, State of Connecticut, praying for the establishment of a post route; and moved its reference to the Committee on the Post Office and Post Roads. Also, the petition of Walter Loomis and Abel Gay, praying for compensation for extra work done by them on the Cumberland road; and moved its reference to the Committee on Roads and Canals.]

Messrs. FLETCHER, ALLEN, and HALL, of Vermont.

[Mr. FLETCHER presented the remonstrance of thirty inhabitants of Holland, Vermont, and of thirty-one females of the same town, against the annexation of Texas to the Union. Also, the petitions of Sybil Colton, Elijah Cleaveland, and J. C. Robinson.]

[Mr. HALL presented the petition of Joseph Adams, a Revolutionary soldier, for a pension.]

Messrs. CAMBRELENG, PATTERSON, FILMORE, HOFFMAN, CURTISS, M'CLELLAN, MOORE, GALLUP, GRANT, PALMER, JACKSON, BRONSON, PECK, DEGRAFF, PRENTISS, CHILDS, and RUSSELL, of New York.

[Mr. CAMBRELENG presented a memorial from the Chamber of Commerce at New York, remonstrating against the repeal of the pilotage law of last Congress. Mr. C. also presented a number of private petitions.]

[Mr. GRANT of New York presented the petition of seventy-five citizens of Oswego, in the State of New York, praying the construction of a harbor at the mouth of Eighteen Mile creek, on Lake Ontario, in the county of Niagara, in said State.]

[Mr. MCCLELLAN presented the petition of Jacob Becker, of Schoharie, New York, praying to be restored to the pension roll: referred to the Committee on Revolutionary Pensions. Also, the petition of Daniel Reynolds and Brothers, of Kinderhook, New York, setting forth that they have invented an engine to throw balls without the use of gunpowder; that the machine will prove a powerful engine of national defence, and praying Congress to purchase the patent: referred to the Committee on Military Affairs.]

[Mr. GALLUP presented the petition of Gen. Stephen Van Rensselaer, Gov. W. L. Marcy, Gen. Solomon Van Rensselaer, and 261 others, citizens of the State of New York, in behalf of Revolutionary pensioners, praying that $96 per year may be allowed to each pensioner, without regard to the time served.]

[On motion of Mr. BRONSON, the following petitions and papers were ordered to be taken from the files, and referred to the Committee of Claims, viz: petition and papers of the heir of Frederick White, deceased; also, the petition and papers of William Vaughan.

Mr. B. also presented the petition of sundry citizens of Sackett's Harbor, N. Y. praying for the improvement of the harbor at the mouth of Eighteen Mile creek on Lake Ontario.]

[Mr. CURTIS presented the memorial of all the Marine Insurance Companies of the city of New York, remonstrating against the repeal of the "Act concerning pilots," passed the 2d March, 1837.]

Messrs. RANDOLPH and YORKE of N. Jersey.

Messrs. POTTS, DAVIS, HENRY, PAYNTER, NAYLOR, HAMMOND, TOLAND, SHEFFER, DARLINGTON, PATTON, and S. W. MORRIS of Pennsylvania.

[Mr. SHEFFER presented the memorial of Adam West and sixty-seven other voters of Adams county, Pennsylvania, remonstrating against the annexation of Texas into the Union: moved to refer the same to the Commiitee on Foreign Affairs.]

[Mr. S. W. MORRIS, presented a memorial of Elizabeth Matthewson, widow of Major Elisha Matthewson, praying to be allowed a pension.]

Messrs. McKIM, JENIFER, THOMAS, HOWARD, and JOHNSON of Maryland.

Messrs. PATTON, WISE, HUNTER, BOULDIN, MERCER, BERINE, and JOHNSTON of Virgina.

Some resolutions of a private character were offered by Messrs. BOULDIN, ROBERTSON, JOHNSON of Virginia, GARLAND of Virginia, and MASON of Virginia; when,

The House adjourned.

HOUSE OF REPRESENTATIVES,
TUESDAY, January 9, 1838.

On motion of Mr. BRIGGS, 5,000 extra copies of the report of the Secretary of the Treasury on the condition of all the State banks of the United States, were ordered to be printed for the use of the members.

Mr. WISE propounded an inquiry to the chairman of the Committee of Elections, as to when it was probable that committee would report on the Mississippi election case.

Mr. BUCHANAN replied that he expected the committee would bring in its report in the course of the week.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved to discharge the Committee of the Whole from the further consideration of the Naval Service bill; which was agreed to.

Mr. C. then reported an amended bill for the same service; which was committed.

Mr. CAMBRELENG, from the same committee, made a report on the subject of the unexpended balances, which was committed to a Committee of the Whole on the state of the Union.

Mr. SMITH, from the Committee on Commerce, reported a bill to extend the privileges of drawbacks, and abolish distinctions in ports of entry.

Mr. CUSHMAN, from the same committee, reported a bill for the relief of Marcus Quincy and William Gorham.

Mr. MASON of Virginia, from the same committee, reported a bill for the relief of William Culver.

Also, a bill for the relief of George Innes.

Mr. CURTIS, from the same committee, reported a bill for the relief of William Wickham.

Mr. CASEY, from the Committee on the Public Lands, reported a resolution to refer the annual report of the Commissioner of the General Land Office to the Committee on the Public Lands, and ordering 5,000 extra copies, with the drawings, to be printed for the use of the House.

Mr. EWING moved 10,000 copies, instead of 5,000, which was lost; and the original resolution was agreed to.

Mr. CASEY also reported the Senate bill, without amendment, authorizing the relinquishment of the 16th sections for the use of schools, and granting other lands in lieu thereof.

Mr. LINCOLN, from the same committee, reported a bill for the relief of the heirs and assignee of Peter Alba, deceased.

Mr. HARRISON of Missouri, from the same committee, reported a bill for the relief of Henry Duchuquette and others.

Also, a bill for the relief of Hiner Stigermire and others.

Mr. BOON, from the same committee, reported a bill granting to the Mount Carmel and New Albany railroad company, the right of way through the public lands of the United States.

Mr. YELL, from the same committee, reported a bill for the relief of Marcy Tucker, of Arkansas.

Mr. CALHOON of Kentucky, from the Committee on the Post Office and Post Roads, reported that it was inexpedient to allow the clerks in the Post Office Department the 10 per cent. allowed to the other clerks of the Government; which was concurred in.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill for the relief of James P. Carleton.

Also, a bill for the relief of certain heirs and legal representatives of James Wilson, late of Alexandria, in the District of Columbia.

Mr. GARLAND of Virginia, from the same committee, reported a bill to restore certain jurisdiction to the District Courts of the Western District of the State of Virginia.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Nathan Lamme, deceased.

Mr. HARPER, from the same committee, reported a bill for the relief of Joseph Prescott.

Mr. MUHLENBERG, from the same committee, reported a bill for the relief of the representatives of Col. White.

Mr. BIRDSALL, from the Committee on Revolutionary Claims, made an unfavorable report upon the petition of the heirs at law of Thomas Johnson: to lie on the table and be printed.

Mr. B. from the same Committee, moved that the Committee be discharged from the further consideration of the petition of Timothy Shay, and that it be referred to the Committee on Revolutionary Pensions: referred accordingly.

Mr. B. from the same Committee, made an unfavorable report upon the petition of John Wallace: to lie on the table and be printed.

Mr. B. from the same Committee, made an unfavorable report on the petition of John and Nathan Thomas; laid on the table and ordered to be printed.

Mr. LEADBETTER, from the Committee on Private Land Claims, reported a bill for the relief of John and Samuel Rougle.

Mr. GRAHAM, from the Committee on Indian Affairs, reported a bill for the relief of Poas Hadjo, a Creek Indian

Mr. FAIRFIELD, from the Committee on Foreign Affairs, reported a bill for the settlement of the claims of Edmund Roberts, late Diplomatic Agent of the United States to Muscat.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Robert Casey.

Mr. ALLEN of Vermont, from the same committee, reported a bill for the relief of Isaac Justice.

Mr. JOHNSON of Maryland, from the Committee on Accounts, reported the following resolution; which was concurred in:

Resolved, That the Committee on Accounts, in addition to the inquiries ordered by the resolution of January 2d, of this session, extend their inquiries in relation to the subordinate officers of this House, with a view to define their respective duties; and also, to designate the officers who shall have the power of appointing and removing the messengers and pages required for the service of the House, and of regulating their respective duties.

Mr. OWENS, from the Select Committee on the subject, reported a bill to authorize the President of the United States to apply the invention of Samuel Raub, Jr. to steam engines owned by or in the use of the United States.

Mr. RUSSELL, from the Committee of Claims, reported a bill for the relief of Ebenezer Lobdill.

Mr. CHILDS, from the Committee on Revolutionary Pensions, reported

A bill for the relief of Daniel W. Kinney.

Also, a bill for the relief of James Boylan.

Mr. CARTER of Tennessee, from the Select Committee on the subject, reported a bill to extend the pension law of 1832 to western Indian fighters between 1783 and 1795.

All the foregoing bills were read twice, and committed.

Mr. EVERETT, on leave, submitted the following resolution, which was agreed to.

Resolved, That the Committee on the Library be instructed to inquire into the expediency of procuring stereotyped plates of the laws of the United States.

MAINE BOUNDARY.

Mr. DAVEE rose and asked the consent of the House to submit the following resolution:

Resolved, That the President of the United States be requested to communicate to this House what measures, if any, have been taken by the Executive for the release of Mr. Greely, a citizen of Maine, now imprisoned in the Provincial jail of New Brunswick, at Frederickton, for an alleged violation of the jurisdiction of said Province, over the territory claimed by the British Government; and also to communicate any correspondence which the Executive Department may have had with the British Government, or the Executive of Maine, upon the subject of said Greely's imprisonment, so far as a communication of the same may be deemed by him not incompatible with the public interest.

Objection being made,

Mr. D. moved a suspension of the rules to enable him to submit it; but the motion, requiring two-thirds, was disagreed to.

Mr. MILLER of Missouri, made an ineffectual attempt to call up the resolution offered by him some days since, calling upon the Secretary of War for his report on the improvement of the harbor at St. Louis.

The orders of the day were then announced.

Mr. CAMBRELENG gave notice that, on Thursday next, he should move the House to take up and consider the bills for the support of the Government, adding that some of the appropriations were exhausted. He should also include the bill for the suppression of Indian hostilities in Florida.

PRESIDENT'S MESSAGE.

On motion of Mr. HAYNES, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. ADAMS in the Chair, on the President's Message.

The question pending was on the resolution of Mr. HAYNES, which is as follows:

"*Resolved*, That so much of the President's Message as relates to the finances, and every thing connected therewith; to the safe keeping of the public moneys, and every thing connected therewith; and so much as relates to the Bank of the United States, be referred to the Committee of Ways and Means."

And the amendment moved thereto by Mr. CUSHING, as follows:

"Whereas, the influence of the Executive Department of the Federal Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished:

Resolved, therefore, That, in order to correct the said abuse, so much of the President's Message as relates to the collection, safe keeping and transfer of the public money, be referred to ——, with instructions to report—

First, such method of keeping the public treasure, effects, and other property, as in the judgment of said committee shall conduce to promote the welfare, and to secure the liberties of the people; and,

Secondly, such other reforms in the practices of the Government as in their opinion shall tend to bring back the administration thereof to the standard of the original purity of the Constitution

Mr. MURRAY of Kentucky being entitled to the floor,

Mr. SMITH asked him to give way, to enable him to move to lay aside, for the present, the pending resolution, and proceed with the others, which would occupy but a short time, so that the subjects embraced in them might be put in charge of the appropriate standing committees.

Mr. HAYNES was as anxious as any one that the whole should be disposed of as soon as possible, but he questioned if the course suggested by the gentleman would expedite action upon the resolutions, for there was one other of them that would probably elicit considerable discussion.

The motion was objected to by other gentlemen, and Mr. MURRAY proceeded with his remarks, and addressed the House at great length; when,

On motion of Mr. GARLAND of Virginia, the committee rose.

The SPEAKER laid before the House a communication from the Secretary of War, in response to the resolution in relation to the Cherokee tribe of Indians.

On motion of Mr. HAYNES, laid on the table.

MAINE BOUNDARY.

Mr. DAVEE, on leave, then offered the resolution given above, and the same having been read, on Mr. D's motion the House agreed to consider it at this time.

Mr. CUSHING then offered the following amendment, which was agreed to:

"And that the President of the United States be requested, if it be not in his judgment incompatible with the public interests, to communicate to this House any correspondence or communication held between the Government of the United States and that of Great Britain at different times, respecting the wardenship, occupation, or actual possession of that part of the territory of the State of Maine which is claimed by Great Britain."

The resolution, as thus amended, was then agreed to.

On motion of Mr. CUSHING,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of pur-

chasing a series of portraits of the five past Presidents of the United States, painted by the late Gilbert Stuart, for the purpose of having the same suitably placed and preserved, either in the Capitol or in the Executive Mansion.

On motion of Mr. EWING,

Resolved, That the Joint Committee on the Library be instructed to inquire into the expediency of providing for the formation of new and accurate indexes to the whole series of journals, reports, and documents, since the organization of our Government, alphabetically pointing to each subject-matter, with the year, volume, and page of record; and that a letter from Thomas H. Gordon, herewith submitted, be referred to said committee.

On motion of Mr. W. C. JOHNSON,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of reporting a bill, making appropriation for McAdamizing and completing that part of the great western mail route between Rockville and the Monocacy in Maryland.

Resolved, That the Committee on the Library be instructed to inquire into the expediency of directing the Clerk of this House to subscribe for —— number of copies of such Journal or Register as may publish regularly, and be suitable for the Journal of proceedings and the ayes and noes of this House, and also the laws of Congress, for the purpose of distribution by the members of this House.

On motion,

The House adjourned.

IN SENATE,

TUESDAY, January 9, 1838.

A message was received from the President of the United States, by Mr. A. VAN BUREN, his private secretary, on the subject of the recent invasion of our territory on the Canada frontier, and destruction of the lives of our citizens, by the British authorities of Upper Canada.

[It is the same document as that given in our House proceedings of yesterday.]

The message having been read,

Mr. CLAY of Kentucky rose, and moved that that portion of the message which relates to an appropriation be referred to the Committee on Finance; and that the other portion of it, relating to our foreign affairs, be referred to the Committee on Foreign Relations. While up, Mr. C. said he must take occasion to say that he did think that the recent outrage committed on the soil of the United States, and on the lives of its citizens, was of the most atrocious nature in its character and consequences—wholly unjustifiable, and not in the slightest degree palliated by any thing which preceded it. And, sir, (said Mr. C.) there was a character of deliberation attending it which aggravates the enormity. It was in the dead hour of the night; it was from a shore in a belligerant condition, and therefore in a state of constant watchfulness; it was after a state of preparation, which must have been at least three or four hours, showing that the commander of the British forces was apprised of it, and the destination of the attacking force. It was altogether impossible that he was ignorant of the fact that this vessel was lying quietly at anchor within our jurisdiction, and therefore in a condition which could not justify an attack. It was under all these circumstances that the attack was made. Neither the people of the United States, in the aggregate, nor those in the immediate neighborhood of the disturbed district, nor the Government of the United States, had done any thing to justify this most unparalleled outrage. I want no further evidence (said Mr. C.) than that now presented to me, to satisfy me that there is nothing to justify it. It was to be regretted (Mr. C. said) that in our own history examples had been furnished by which this outrage might be palliated. Without, however, adverting to them, or to any recent occurrences, he would only say that the true ground for a great nation to place itself on, was that of justice; that it should respect the rights of all nations, the weak as well as the powerful; and to abstain from all acts which might hereafter be brought up as precedents against them. While he made these remarks, he by no means wished to be understood as desiring to kindle up a spirit of war between this country and Great Britain; though he thought that ample, prompt and full indemnity should be given us. He should, as much as any man, deplore a war; but, looking to the vast resources of our country, the valor of our citizens, and our achievements in former times, he would not fear the result. If (said Mr. C.) it should be a war with Great Britain, he would deeply deplore it; but in this cause it would be a just war, and he would be ready to meet it. With the present friendly relations between this country and Great Britain, with the exception of the recent occurrences in the northeast, he did not see any cause to apprehend it.

Mr. CALHOUN expressed his hopes that, in this early stage, and before we were fully advised, that no attempt would be made to excite the feelings of the public by debating the subject, which must be the natural result of such a course. He had hoped that all the papers relative to this important matter would be carefully examined before taking further steps.

The late difficulties on our frontier might, by any reasonable person, have been anticipated. There are so many ties which necessarily bind the feelings of the population on either and both sides of the boundary line on that part of our frontiers, which has been the scene of bloodshed and outrage, that any attempt by either Government to oppress such population, would call forth the sympathies of the other; and in case of any movement in Canada, what could we expect but that our citizens would take part with the inhabitants, even though their wrongs were but pretended, in case due care was not taken by Government to prevent such interference?

What more distressing event could come than a war between two such nations as Great Britain and the United States? The human mind cannot conceive of a greater calamity. And this may be averted by a careful examination of all the facts on both sides of the subject as now presented for our consideration. Many wrongs may have been committed by our citizens of which we are now unadvised, and many palliations may be produced in favor of the other side.

We must reverse the order of the question.

Suppose an attempt was made by the State of New York to rebel against, and overturn the Government of this country. The rebels were joined from the Canada side. A rendezvous established, perchance at Navy Island.

Boats were constantly employed in supplying, from the opposite shore, the enemy at such post with arms, ammunition, and provisions. Should we so hastily and deeply condemn the conduct of the commanding officer of our Government, were he to cut out, seize, burn, and destroy such a boat? Should we then be as ready to grant, as we now are to demand redress? or should we not rather, in reply to such demand, wish time to investigate, and deliberately examine, all the causes leading to the commission of the outrage?

It would, in his opinion, be time enough to discuss the question after the report of the Committee on Foreign Relations should have been heard. We should be then better advised as to a future course of conduct. Mr. C. implored the Senate, in the consideration of this subject, not to adopt any rash or hasty measures.

Mr. BENTON said that before this question went out of the Senate, he must be permitted to say a solitary word arising out of it. A statement had been made on the other side of the chamber, (by Mr. Clay,) which he was unwilling should go forth to the world uncontradicted. After characterizing this outrage in very appropriate language, and in a manner becoming an American, the member said, as it had caught his ears, that "this outrage had a precedent in our conduct towards other nations." Now, lest the British should derive an excuse for it, from hearing it said in this chamber, that an example for this outrage had been given by our Government, he (Mr. B.) would take this occasion to say, emphatically, that he knew of no such example to be found in our history.

A report from the Secretary of the Treasury, in conformity with a resolution of the 5th instant, specifying the amount and character of the Treasury notes issued under the law of the last session, having been read,

Mr. WEBSTER remarked, he should move the printing of the report, and should hereafter move its reference to the Committee on Finance. At the last session the issue of these Treasury notes had been authorized by law, and when the bill was on its passage, it was then proposed that the same should bear no interest, and a movement was made to strike out the clause specifying the interest. This plan, however, did not succeed, and the issue was authorized *with interest*.

The rate of interest to be fixed upon the notes was left to the discretion of the President, with the proviso that such rate should not exceed six per cent.

The friends of the measure urged its adoption on the ground that it was a good mode of securing a loan to Government. It seemed, from the report, that some of the notes had been issued on interest, at the rate of six per cent. and others at the mere nominal rate of one mill. It was on this point he should hereafter express his opinion, and inquire whether, in this respect, the Secretary had performed his duty, according to the spirit of the law. Nor was this all. He should inquire into the manner in which these notes had been disposed of, and here would repeat the question he so often put at the last session. Does any man voluntarily receive a less per centage than the limits of the law allows him? Or would any man receive for a debt due five per cent. less than par, when he was entitled to par?

These persons might involuntarily receive this depreciated paper, rather than surrender a valuable contract, without which such contracts could not be fulfilled, yet they would expect the difference to be made up from some quarter, and how was this difference to be obtained.

Why all heavy contractors will, of course, come to Congress with their petitions, and demand, and of right expect, remuneration for this loss or difference. He had already been frequently applied to to petition for an appropriation for this purpose. He should take an early day to inquire of the Committee on Finance, the expediency of amending the law so as to meet these exigencies.

A report relative to the business of the General Land Office for the present year; laid on the table, and ordered to be printed, with, on motion, an addition of 1000 copies.

The CHAIR presented a communication from the War Department, embracing the report of the Second Auditor, of the expenditures for the military service for the year 1837; also a report of the surveys, by Col. Long, of the Western and Atlantic railroad: severally laid on the table, and ordered to be printed.

Petitions were presented

By Mr. McKEAN.

By Mr. BUCHANAN, of citizens of Philadelphia, remonstrating against the discontinuance of the express mail: referred to the Committee on the Post Office, &c. Also, of the same, praying for an appropriation for the completion of the frigate Raritan: referred to the Committee on Naval Affairs. Also, of sundry importers of hardware of Philadelphia, for the repeal of the act of July, 1832, imposing duties on certain imports: referred to the Committee on Finance. Also, of citizens of Pennsylvania, for alteration in the mail routes: referred to the Committee on the Post Office and Post Roads.]

By Mr. NORVELL of Michigan.

By Mr. ROANE, of certain Revolutionary soldiers for Pensions: referred to the Committee on Pensions.

By Mr. WRIGHT, of the New York Chamber of Commerce, remonstrating against the repeal of the pilot laws of the last session: referred to the Committee on Commerce.

By Messrs. HUBBARD and RUGGLES.

By Mr. KING, of sundry importing merchants of the city of Mobile, for an extension of certain custom-house bonds, and for the remission of fees paid by them where suits have been commenced; referred to the Committee on Finance.

By Mr. CLAY of Alabama.

By Mr. YOUNG, of 400 citizens of Cooke co. Illinois, for alteration of mail routes. Also, of 90 citizens of Pike county, for the same: referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG gave notice he should to-morrow introduce a bill authorizing the sale of certain lead mine lands, in Illinois.

On motion of Mr. GRUNDY,

The bill providing for the better security of life and property on board of steamboats, was made the order of the day for Monday next.

Mr. CLAY of Alabama, from the Committee, reported a bill establishing a Surveyor General's office in Illinois: ordered to a second reading.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported adverse to sundry petitions for relief. Adopted.

Mr. BUCHANAN, from the Committee on Foreign Relations, reported a bill to enforce the laws relating to the neutrality of the United States.

Mr. BUCHANAN after the reading of the bill, remarked that he would not name any particular day when he would call up the bill for consideration; but, from its importance, he would urge upon the Senate the necessity of acting upon it at an early day as possible: ordered to a second reading.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported:

A bill granting commutation pay to Isaac Bronson;

A bill for the relief of the heirs of Dr. Thomas Carter, deceased; and

A bill for the relief of the heirs and representatives of William Jones, late of the State of Maryland, deceased.

Mr. NORVELL, from the same committee, made an unfavorable report on the petition of John and Henry Fulford; which was laid on the table: and also moved to discharge the said committee from the further consideration of the petition of the representatives of George Gilmer, deceased. The motion was agreed to.

Mr. HUBBARD, from the Committee on Claims, reported sundry bills for the relief of persons therein named: severally ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, to whom was referred the communication of the Secretary of War on the subject, reported a bill for the relief of the Great and Little Osage Indians. [The bill provides for the immediate payment of the appropriations or annuities due to the tribe for the year 1838.]

On motion of Mr. WHITE,

The bill was read twice and ordered to be engrossed for a third reading.

Mr. BAYARD presented the petition of a large number of citizens of Kent county, Maryland, remonstrating against the agitation of the subject of abolishing slavery in the District of Columbia. Laid on the table.

Mr. BENTON, from the Committee on Military Affairs, reported a bill for the increase of the army of the United States. Read and ordered to a second reading, and to be printed.

The unfinished business of Saturday, the consideration of Mr. Calhoun's resolutions, was then resumed.

The resolutions of Mr. CALHOUN were then taken up, and the fourth resolution after being modified in its phraseology, was passed by a vote of 34 to 5, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—34.

NAYS—Messrs. McKean, Morris, Prentiss, Smith of Indiana, and Swift—5.

The debate was further continued until 5 o'clock; when

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 10, 1838.

Mr. RUSSELL, from the Committee on Claims, reported a bill for the relief of Thomas Sinnard.

Mr. CAMPBELL of Tennessee, from the same Committee, reported a bill for the relief of Archibald R. S. Hunt.

Mr. YELL, from the Committee on the Public Lands, reported Senate bill, without amendment, to revive an act entitled an act authorizing certain soldiers of the late war to surrender their bounty lands, and to locate other lands in lieu thereof.

Mr. TOUCEY, from the Committee on the Judiciary, reported a bill for the relief of Benjamin Fry.

Mr. ROBERTSON, from the same committee, reported a bill for the relief of William Sanders and William R. Porter.

Also, a bill to change the time of holding the spring terms of the Circuit Court of the United States for the eastern district of Virginia, and of the District Court of the United States for the eastern district of Virginia, directed by law to be held in the city of Richmond; which was ordered to be engrossed for a third reading to-day.

At a subsequent stage of the proceedings, this bill was read a third time and passed.

Mr. TURNEY, from the same committee, reported a bill for the relief of Thomas Cook.

Mr. RARIDEN, from the Committee on Private Land Claims, reported a bill for the relief of James Minnie.

Mr. R. also made an unfavorable report on the petitions of Charles A. Grignon, and on the petition of James Akin; which was ordered to lie on the table.

Mr. CHEATHAM, from the same committee, reported a bill for the relief of Mary Shepard, and other heirs at law of Captain Frederick M. Bell, deceased.

Mr. LEADBETTER, from the same committee, reported a bill for the relief of Zebulon Sheetz.

Mr. McKAY, from the Committee on Military Affaires, moved to discharge the Committee of the Whole on the state of the Union from the further consideration of the report of the Secretary of War, accompanying the President's annual message; and that the same be referred to the Committee on Military Affairs.

Mr. BELL wished to know the grounds for making this motion.

Mr. McKAY replied that, by the rules of the House, one of the duties of the Committee on Military Affairs was to take charge of all matters in relation to the military defence of the country. Now, they were in the second month of the session, and nothing of a public nature had as yet been referred to that committee. The annual report of the Secretary of War, which contained all the recommendations that, in his opinion, should be adopted by Congress—that report was contained in the President's Message, and, with that document, was then before the Committee of the Whole on the state of the Union. Now, the House very well knew the present condition of the country, and if it was intended that any action should be had on subjects so important, it was time the reference should be made; for, he repeated, the committee had nothing before it but private claims; not a single object of inquiry of a public nature, with the exception of one for extending the pension system. Among the recommendations were those for the defence of the western frontier, and the increase of the army, and though he would not say it was probable the committee would concur in them, still, as they had been urged from time to time by the Executive, it was due to him that they should be taken into consideration. Because the matter was referred, or because the committee asked the reference, it did not follow that they would report in favor of all, or even any one of the recommendations.

Mr. BELL said if it should be thought by the House that there was any thing peculiar, or any thing pressing, in the nature of the public service, requiring the reference asked for, he should have no objection to it; but it appeared to him that there was no greater urgency in this case than might be alleged by other standing committees having charge of subjects alluded to in the Message.

The main reason, however, of Mr. B's objecting to this proposition was, because he was aware that, to some extent, there was a disposition to press the question of a great increase of the regular army immediately, and it was to resist, so far as lay in his power, this mode of action upon that subject, that he rose to ask for an explanation of the honorable chairman of the Military Committee. The House would remember that the late increase of the army—and they must not forget that they had had an increase—was voted upon a very slight examination, scarcely a gaze, by the House, and that was an increase, too, of from five to upwards of seven thousand men, perhaps, altogether. The House would also remember the circumstances of the panic, or the allegations that were made upon that occasion, which were thought sufficient to justify that departure from the former policy of the Government. Not only that, but they authorized the Executive to call out ten thousand men upon an emergency, and they all knew how this power had been used by the Executive. Now, Mr. R. protested against any mode of acting upon this subject which should be precipitate. He did not mean, however, to express an opinion against some increase of the army, but the increase proposed was an extraordinary one, and was pressed with extraordinary circumstances, being a proposition to increase the standing army to some fifteen thousand men. It was true the gentleman said the Committee might not adopt those recommendations, but the House all knew that there was a general disposition to do so, and out of doors it began to be talked about as if the bill had already passed.

But the gentleman from North Carolina, (Mr. McKay,) adverted to other questions, and appealed to the House to know if it desired the committee to take charge of measures for the western frontier. Did the gentleman allude to the Canada frontier? If he did, could he expect any action on the part of that committee, even the House itself, or sufficient to repress the disorders or arrest the difficulties on that border? Did he allude to the condition of the western frontier as of one likely to be immediately critical? If so, the House had no proof of the fact before them. Even were it so, what ought to be done? What was the condition of the regular army? Almost wholly withdrawn from our whole frontier, and concentrated in Florida, and the only remedy would be undoubtedly to recall one-third of them.

On this point Mr. B. begged to state that, for one, before he should be prepared to act on the proposition, which he expected to be brought forward, to augment our army by some seven or eight thousand men, he should urge the propriety of calling upon the most experienced officers in the country—men who had spent the better portion of their lives on the Western frontier—to know if there was an indispensable necessity for it, and to ascertain whether it was or was not their opinion that a reform in the head of the army at this city was not more greatly needed. He should urge upon the House the necessity of an examination, for their own satisfaction, before a committee of this House, of the experienced working men of the army—men who had seldom visited this city, but had spent fifteen or twenty years west of the mountains. He wanted to hear from them where the defect was: whether in the troops, their number, the number of regiments, quality of the material of the army, etc; or whether the defect did not exist elsewhere. In conclusion, unless the gentleman should state the necessity of immediate action upon some of these subjects, Mr. B. should suppose the regular course would be that this portion of the Message should take its turn with the rest; for he saw, at present, no reason for giving it a preference.

Mr. CAMBRELENG remarked that it seemed to him the gentleman himself had furnished to the House a very powerful argument in support of the proposition before it. The gentleman appears to admit the necessity of doing something for the defence of the frontier, though he appears to differ from the War Department, and is against an increase of the army. He then tells them that he himself requires an examination, and admits it to be very proper that an examination should take place in the Committee of Military Affairs. Where, then, can be the objection to the motion now pending? They had been already in session six weeks; and Mr. C. appealed to every gentleman

if the course pursued did not present a novel and extraordinary spectacle, entirely unprecedented except at the "panic" session, of so long a time discussing the reference of the President's Message? He asked them candidly if they were not pursuing a course, the continuance of which must defeat every measure, great or small, necessary or unnecessary, that should come before them? He appealed to the House to say whether the measures they were called upon to examine were to be postponed, at the rate of a speech a day, to the end of the session? Mr. C. hoped the motion would prevail; and even if the discussion alluded to should go on, at least let one of the standing committees have some public measures before it.

Mr. BELL had not admitted the necessity of action in relation to the western frontier, but suggested what he believed to be the true remedy, namely, to recall a portion of the troops in Florida, say one thousand out of the ten thousand now there for the purpose of hunting up five hundred or a thousand Indians.

Well, in reference to the delay: who was responsible for this extraordinary delay? Mr. B. had seen it alleged in the newspaper organ of the Government that it arose from a concerted design on the part of certain political gentlemen on that floor and out of the House. So far as he was concerned, there was not the slightest foundation for it; nor did he believe there was any concert whatever. None had come to his knowledge.

Then as to the delay, let him ask, who had the power in that House? Why, the gentleman from New York, (Mr. Cambreleng,) had only to rise in his place, and, if the exigency became urgent, call around him his forces, and arrest the further discussion. Where was the gentleman from Ohio, (Mr. Hamer?) He had not summoned up to his aid the troops generally at his command, which he could do at any moment. Mr. B. denied any intention of thwarting the public business, and even putting all the hours together spent in the debate referred to, it would not make over two or three working days of the House. But even if it should be important that the whole message should be referred, they had only to stay in their places, and if the discussion became too long, sit them out, and force those gentlemen to speak who would speak. That had been the course heretofore.

Mr. McKAY said the gentleman from Tennessee had misapprehended the object of the committee in reporting that resolution to the House. The gentleman had discussed it as if there were a distinct proposition then before the House to increase the standing army of the United States to fifteen thousand men. Now, there was no proposition of that kind before them. The object of the committee, on the contrary, was to avoid the very thing the gentleman himself so much depreeated, viz: acting on measures without examination. The Executive was charged by the Constitution with the defence of the country, and, in pursuance of this duty, the officer at the head of the War Department thinks there should be an increase of the army. This was also recommended by the Executive repeatedly. But it did not follow that the committee would concur in the recommendation, and report a bill to the number asked for by the Secretary of War; and why should the gentleman make such remarks for the purpose of alarming the House and the country, that there is to be a large standing army quartered upon it? Why there was no such proposition before it. All the Committee on Military Affairs sought by the introduction of the resolution, was the very time the gentleman himself thought to be so important, and which, from what had occurred up to this time, there seemed but little probability of being afforded to them They were then in the second month of the session, and had not yet referred the third branch of subjects embraced in the President's message, and, from present appearances, the discussion on that point alone might continue two or three months longer; for it was a general political discussion, ranging over and embracing in review the whole policy of the Government for years past, and every act of the late and present Administrations.

The gentleman remarked that this discussion might be brought to a close. True. But still it might be protracted for two or three months more, and what would be the consequence? Why this very evil, of having a proposition brought in and forced through the House, as in that case it necessarily must be, without sufficient time being allowed for deliberation. That would be the inevitable effect of voting down this motion; or let him ask, was it intended to withhold this report of the Secretary of War from the Military Committee altogether?

Mr. BELL said "No."

Mr. M'KAY. The gentleman says "no," then whence his objection? Where the necessity of delay? Why not refer it at once? Ah, but says the gentleman, two or three years ago, under the influence of a panic, the standing army was increased by an addition of two thousand men, and he was unwilling to be so operated upon again. The gentleman was mistaken as to the number, for the two additional regiments ordered upon that occasion did not comprise more than about twelve hundred men rank and file. But still it did not follow, as he before remarked, that the committee would adopt the recommendations of the Executive; and in reference to the occasion of the former increase, Mr. M'K. was not sure that the gentleman did not vote for it, while he himself voted against it.

Mr. M'K. concluded by saying, that he was the last man who wished to repress debate, nor was the present proposition intended, nor would it have the effect, to restrict the discussion going on upon the resolution, to refer the subject of the finances to the Committee of Ways and Means. Let the gentlemen, and those who wish it, proceed with it, in the widest range, all he asked then was, at least to permit one of the committees to be in possession of something upon which they might act. As to an unnecessary increase of the standing army, no man was more opposed to it than Mr. M'K. was, as his votes would prove.

Mr. CUSHING wished to say a few words in reply to the gentleman from New York (Mr. Cambreleng.) That gentleman had referred to the very extraordinary delay in referring the President's Message to the appropriate committees, and adduced the panic ression as offering the only parallel. Now, how many times had the Committee of the Whole discussed this matter? He believed it had sat four times only in the course of six weeks; the last two had been productive each of a single speech, and those two speeches were by friends of the Administration. Was that a delay meriting of condemnation? Two of them, surely, the gentleman would exclude from censure; and during the other two, Mr. C. would insist that there had been nothing more than proper, reasonable, judicious debate, and that debate equally participated in by both sides of the House. If, then, there had been an unusual delay, it certainly was not of an intemperate and excessive character, nor upon mere grounds of opposition, but grew out of other causes and considerations. In reference to the question before the House, Mr. C. was not only in favor of it, but of going still farther. He had no objection to discharge the Committee of the Whole from all the resolutions of reference of the President's Message, except that on the subject of the finances, and should vote for such a proposition.

Mr. UNDERWOOD, adverting to the allegation of the Globe cited by Mr. BELL, said that so far as the charge of concert or combination to produce delay applied to him, it was utterly false. In reference to the resolution under consideration, he wished to state, at that time, a few facts.

Mr. McKAY wished to make a single explanatory remark. Even if the House should adopt this resolution, it would not preclude discussion on the subject of the army in Committee of the Whole on the President's Message, since it had no reference to so much of it as was embraced in that document. The resolution applied only to the annual report of the Secretary of War.

Mr. UNDERWOOD so understood the question, and it was one reason why he was inclined to vote for the resolution. However, he had another reason too, and that was, that he wanted to see how the Military Committee would act on all those subjects.

Mr. U. by consent, then read a letter he had received from a gentleman in Tennessee, which went on to state that there were, at this time, more fighting men in Florida than Indians all told, including women and papooses.

Mr. BYNUM could not suppress his astonishment at the course pursued by the gentleman who had just read that letter. For his part he was at loss to divine the motive which had influenced that gentleman. Did he suppose that the introduction of a letter from an unknown individual could have any weight with the House, or be considered as any kind of proof to the allegations. Did he imagine that it would have the least influence on the Chairman of Military Affairs, or did he produce it with a view to affect the character of the Executive in relation to the army in Florida.

Mr. UNDERWOOD explained, that he knew the writer of the letter, who was a respectable individual. That letter stated that the number of troops in Florida exceeded the whole population of the Seminole nation, including squaws and children. It also states that $10 was given for wagons, etc. when the same could be obtained for one-half the sum. His object, therefore, in reading the letter was, that the committee and the House might investigate those charges, and ascertain whether they were correct.

Mr. BYNUM was still of opinion that the gentleman had pursued a very singular course, for if he wished to satisfy his mind as to the correctness of the allegations, why did he not introduce a resolution to that effect? Mr. B. had the greatest objection to the introduction of such letters in the House. If such a practice were admitted, then any vindictive individual, who had been discharged from office for misconduct, might thus gratify his malice by writing slanderous letters against the Executive. For his part he would protest against such a course of calumniating the Administration, and of wasting the time of the House.

With relation to the resolution offered by the chairman of the Committee on Military Affairs, he thought it so reasonable and plain, that no objection could possibly be made; but as gentlemen had thought proper to raise objections, he would observe that the reference to that committee would not preclude, in the least, any discussion on the subject of increasing the standing army, when it came up in order before the House. If any individual would cast his eyes along our frontier, he must see that at all times there was a necessity for a standing army; and it would also be obvious that under the present peculiar circumstances in relation to our southwest, as well as our northern frontier, it was necessary to increase that force, and that immediate action was required on the subject.

He could not refrain from adverting to the inconsistent course of those who were opposed to the Administration. It was but the other day, during a debate on the subject of Canada and our Northern frontier, that one gentleman had laid all the blame on the Executive, whom he accused of inactivity and gross neglect in not providing troops beforehand for that emergency. But now that measures of that very nature were proposed by the Executive, the same party turned round, and said, "Oh! there is plenty of time; there is no reason for such precipitancy," and such like expressions. Now, (said Mr. B.) what is the Administration to do? One day its friends are blamed for their inactivity, and on the next, when they propose the very measures which they had been charged with neglecting, an alarm was raised of "haste, hurry, and of precipitating subjects without debate."

He took that opportunity to state that he was as much opposed to the unnecessary increase of the standing army of the country as any one else, inasmuch as he believed its existence dangerous to the institutions of a free people. But that there was a necessity for increasing our army to a certain extent at the present time, no man could possibly deny. He was not prepared to say that he would vote to increase it to the number of 15,000, but it was his firm belief that the necessity for an increase of the army to some extent, was becoming more apparent every day of our lives. He was an advocate at all times for full and free discussion upon every subject proposed by the Administration, and if those measures would not stand the test

of discussion, he sincerely hoped they would fall. But the fact of the case was, that the gentlemen on the other side had themselves shrunk from discussion, when they had on all occasions full scope to express themselves on all subjects. He hoped the subject would be taken from the Committee of the Whole, and referred to the Committee on Military Affairs.

Mr. BRIGGS saw no objection to the reference, as there would be hereafter a full opportunity for an ample discussion on the merits of the subject. He believed there were many important particulars which could be entertained in the Committee on Military Affairs, that would not engage the attention of the Committee of the Whole in a general discussion.

Mr. TOUCEY asked for the yeas and nays on the question, which were ordered.

Mr. BELL assured gentlemen that they were mistaken, if they supposed he had opposed the reference, because he might have an opportunity of addressing the committee. Such was not his motive, as he did not know that he should open his lips on the subject. He opposed it on the ground that it would be establishing a bad precedent. He protested against any hurried legislation on the subject, but still, at the same time, he was not an advocate for unnecessary delay.

Mr. GRENNELL was in favor of the reference, as such a course would take nothing from the grasp of the Committee of the Whole. He wished it to be understood that in voting for the resolution, he did not consider himself pledged either to an Executive or any other measure; but in this case there were investigations to be made, and facts to be ascertained, which object could not be so well attained by any other mode. Mr. G. adverted to the state of affairs on the southern frontier, as requiring the services of the army; and said that since it had been made the policy of Government to remove the Indians, while he had a seat in that House, he should think it his duty to protect those tribes, and also to protect our own citizens. He wished to say, once for all, that he was not an enemy to debate, and as the question of reference embraced no proposition for final action on the subject, he saw no good reason for refusing it.

Mr. BELL, after some further observations, proposed to amend the resolution by striking out all after the word resolved, and inserting:

"That the Committee of the Whole on the state of the Union be discharged from the further consideration of all the subjects referred to in the annual message of the President, except so much thereof as is proposed to be referred to the Committee of Ways and Means."

Mr. SMITH moved to amend the amendment of Mr. BELL by adding the following:

"That the Committee of the Whole House on the state of the Union be discharged from the further consideration of the annual message of the President of the United States, excepting only so much as relates to the finances, and every thing connected therewith; to the safe keeping of the public moneys and every thing connected therewith; and so much thereof as relates to the Bank of the United States."

Mr. TAYLOR was an advocate for debate on that or any other subject. He was perfectly willing that every measure of the Administration should be investigated to the utmost, and if it was consistent with their duty, and did not impede the action of committees, they might indulge in debate for three months, or for a longer period if they thought proper.

Mr. JOHNSON of Maryland moved to add an amendment, referring the subject of a cannon foundry to a select committee, but subsequently withdrew it.

Mr. J. said he wished to be understood that in offering the amendment, he meant no disrespect to the regular standing committees; but gentlemen would be aware that the subject had already been twice before Congress, without any action having been had thereon, as it had been dismissed for want of time. He thought the object would be more speedily attained by a reference to a special committee. Mr. J. was then proceeding to comment on the circumstances attending the Florida war, when

The SPEAKER reminded him that it would not be in order to discuss the merits of that subject upon a mere question of reference to a committee.

Mr. HAYNES then moved as an amendment, the resolutions proposed by him in Committee of the whole on the state of the Union, commencing with

Resolved, That so much of said Message as relates to the public lands, and every thing connected therewith, be referred to the Committee on the Public Lands.

That so much of said Message as relates to Indian affairs, except what relates to the defence of the frontiers against Indian hostilities, and the protection of the Indians against the intrusions of citizens of the United States, be referred to the Committee on Indian Affairs.

That so much of said Message as relates to the defence of the frontiers against Indian hostilities, and the protection of the Indian tribes against the intrusions of citizens of the United States; so much thereof as relates to the establishment of a "manufactory of gunpowder," and a "manufactory of small arms west of the Alleghany mountains," together with so much as relates to the report of the Secretary of War, and the public interests entrusted to the War Department, except the subjects embraced in the immediately preceding resolutions, be referred to the Committee on Military Affairs.

That so much of said Message as relates to the militia of the United States, be referred to the Committee on the Militia.

That so much of said Message as relates to the report of the Secretary of the Navy, and the interests entrusted to the Navy Department, be referred to the Committee on Naval Affairs.

That so much of said Message as relates to the report of the Postmaster General, and the condition and operations of the Post Office Department, and every thing connected therewith, be referred to the Committee on the Post Office and Post Roads.

That so much of said Message as relates to a "uniform system of local government," and to "special and comprehensive legislation" for the District of Columbia, be referred to the Committee for the District of Columbia.

That so much of said Message as relates to the "casualties in steamboats, and the necessity of attempting to prevent them," be referred to the Committee on the Judiciary.

The amendment, as above modified, was accepted by Mr. BELL as his motion.

Mr. BELL thought, upon further reflection, it would be best to modify his motion so as to divide the questions of discharging the committee, and referring the parts of the Message now proposed to be referred, to the respective committees.

Mr. HAYNES said it would economise the time of the House by including both questions in a single motion, and the House could act more distinctly by taking up the resolutions offered by him, singly, and acting on them in their regular succession. By so doing, an opportunity would be afforded to the honorable gentleman from Maryland (Mr. Johnson) to renew his amendment when the House should reach the resolution of reference to the Committee on Military Affairs. While up, he would say that it had been his intention, in the course of a very few days, if no further progress should be made, to move to discharge the Committee of the Whole on the state of the Union from the further consideration of the Message, and to bring the subject into the House for its immediate decision. So far as the proposition to discharge the committee now goes, it was but an anticipation of the motion covering the whole subject, which he had intended to offer at an early day.

Mr. BELL accepted the amendment of Mr. Haynes as a modification of his own.

Mr. JOHNSON of Maryland subsequently moved to amend the resolution on the subject of a cannon foundry as follows:

"And that so much of the Executive communication as relates to the establishment of a national foundry for cannon, to be common to the service of the Army and Navy of the United States, be referred to a select committee, to report by bill or otherwise;" which was agreed to.

Mr. CARTER of Tennessee moved to amend, by referring the subject of an armory on the Western waters; which amendment he briefly supported.

Mr. BIDDLE and Mr. WHITTLESEY of Ohio followed on the opposite side.

Mr. HAYNES then said, that no one held in higher estimation the zeal of his honorable friend from Tennessee (Mr. Carter) than he did. He was very well assured, from his own recollection, and from the remarks of the honorable gentleman from Ohio, (Mr. Whittlesey) that the only obstacle heretofore existing to the establishment of an armory upon the Western waters, had been the conflicting interests of individuals representing different localities considered favorable for such an establishment. He was satisfied that this was the only difficulty now existing on this subject. Is it, therefore, probable that this difficulty would be removed, by referring the subject to a select committee, probably enough, constituted of gentlemen representing the conflicting interests already adverted to? That reference had been urged by the honorable gentleman from Tennessee (Mr. Carter) on the ground of analogy to the course just taken by the House on the subject of a cannon foundry for the use and equipment of the Army and Navy. To his mind the honorable gentleman was not borne out by any such analogy. The subject of an armory on the Western waters was one belonging to the peculiar jurisdiction of the Committee on Military Affairs. Not so the subject of the foundry for cannon. That subject is one of *common* jurisdiction between the Committees on Military and on Naval Affairs. There could not, therefore, be any impropriety in referring it to a select committee. It might further be of importance to send the proposed reference to the Military Committee, not only on the ground of its peculiar jurisdiction, but because it would be free from the influence of those conflicting interests which have so long deferred the establishment of the proposed armory. Further: the mode of proceeding might be wholly different between the Military Committee and the select committee proposed by the honorable gentleman from Tennessee. That select committee might find itself embarrassed by an attempt to select a site for the proposed armory, and might, perhaps, fail to arrive at any practical conclusion upon the subject. The Military Committee might simplify the affair, by proposing a board of commissioners to select a site for the armory, or might confer that authority on the Secretary of War, or the President, whose decision should be final.

He had told some of his friends from the West, in conversation with them on this subject, that they would never obtain their object—the establishment of an armory on the Western waters—while their contest for its location existed. He therefore hoped that the amendment proposed by his honorable friend from Tennessee (Mr. Carter) would not prevail.

The amendment was disagreed to.

Mr. MALLARY then moved that the subject be referred to a select committee, consisting of one member from each Atlantic and Gulf State: lost.

Mr. BRIGGS moved the following, which was agreed to:

"*Resolved*, That so much of the message as relates to a change of the termination of the fiscal year from 1st of October to 1st of April, be referred to the Committee of Ways and Means."

The amendment of Mr. HAYNES having been accepted by Mr. BELL, as a modification of his own, was then agreed to, and so amended.

The resolution of Mr. M'KAY was also agreed to.

The orders of the day were then announced, and

The SPEAKER laid before the House a communication from the Secretary of State, setting forth the reasons for the delay in the publication of the Biennial Register.

On motion of Mr. HAYNES, laid on the table.

The bill from the Senate, entitled An act to provide for the payment of the annuities which have become due and payable to the Great and Little

Osage Indians in 1838, and for other purposes, was taken up, read twice, and,

On motion of Mr. CAMBRELENG, referred to the Committee on Indian Affairs.

Mr. RARIDEN, on leave, presented the petition of sundry citizens for a mail route from Fort Wayne, Allen county, to Murray, Wells county, thence to Mount Pelican, Jay county, to Muncey Town, Delaware county: referred to a committee. Also, a resolution directing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing a semi-weekly post route from Marian, in Grant county, Indiana, via Wabash Town, via Galleton, to Warsaw.

On motion of Mr. C. H. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Purdy, Tennessee, by Smith's Mill, Mattamora, and Ripley, in Tippa county, to Pontotoc, Mississippi.

Mr. DAWSON, from the Committee on Mileage, reported a bill amendatory of the "act allowing compensation to the members of the Senate, members of the House of Representatives, of the United States, and Delegates of the Territories, and repealing all other laws on that subject," approved Jan. 22, 1819; which was read twice.

Mr. D. moved its engrossment.

Mr. E. WHITTLESEY remarked that the bill seemed to contain some important principles, and moved its commitment to a Committee of the Whole on the state of the Union; which was agreed to.

On motion,

The House adjourned.

SELECT COMMITTEE

On so much of the President's Message as relates to an establishment of a National Foundry for cannon, to be common to the service of the Army and Navy of the United States:

Mr. JOHNSON, of Maryland.
Mr. McKAY, of North Carolina.
Mr. INGHAM, of Connecticut.
Mr. BIDDLE, of Pennsylvania.
Mr. GLASCOCK, of Georgia.
Mr. MALLORY, of Virginia.
Mr. PICKENS, of South Carolina.
Mr. PARMENTER, of Massachusetts.
Mr. PARKER, of New York.

IN SENATE,

WEDNESDAY, January 10, 1838.

The CHAIR presented a report from the Secretary of War, relative to the state of defences on our Northern and Eastern frontier, accompanied by a communication from General Scott on the same subject, and other documents: ordered, with 1,500 extra copies, to be printed. Also, a communication from the Secretary of State.

Mr. McKEAN presented a memorial from citizens of Chester county, and four of like import from citizens of Philadelphia, remonstrating against annexing Texas to the United States: laid on the table. Also, from the files of the last session, a memorial from the trustees of Dickinson College, in Pennsylvania, praying for a donation in land, was referred to the Committee on Public Lands.

Mr. NILES.

Mr. BUCHANAN presented the petition of Edward H. Clarke, Administrator of George Clarke, for compensation for services during the late war: referred to Committee on Finance, and ordered to be printed.

Also, of S. Morris Waln and Co. for remission of certain duties paid on goods destroyed by fire: referred to Committee on Finance.

Mr. CLAY of Alabama, from the Committee on Public Lands, reported a bill for the establishing of an additional Land Office in Alabama: read, and ordered to a second reading.

Also, a report adverse to petitions for two additional land offices in Missouri: adopted.

Mr. STRANGE, from the Committee on Claims, reported a bill for the relief of Armas Smith read, and ordered to a second reading.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Daniel Hall, deceased; also, a bill for the relief of the legal representatives of John Brooks: severally ordered to a second reading.

Mr. C. also gave notice that he should on tomorrow ask leave to introduce a bill for the relief of the widows and orphans of the officers of the United States schooner Wildfire.

Mr. RUGGLES.

Mr. TIPTON, from the Committee on Roads and Canals, reported a bill granting the right of way through the public lands to the State of Illinois and institutions incorporated therein for the purposes of internal improvements: ordered to a second reading.

Also, a bill for the relief of Walter Loomis and Abel Gay, contractors on the Cumberland road: ordered to a second reading.

On motion of Mr. WHITE,

Resolved, That the Secretary of War inform the Senate what amount of treaty stipulations and annuities to the Indians, payable by law in cash, have been paid in merchandise, and under what authority such payments were made, during the year 1837.

Mr. YOUNG, from the Committee on Roads and Canals, reported a bill, which had been twice read and referred to that committee, entitled "A bill making appropriations for certain roads in the Territory of Wisconsin."

Mr. Y. also, on leave, introduced a bill to authorize the President of the United States to cause the reserved lead mine lands in the State of Illinois and the Territory of Wisconsin to be sold as other public lands.

On motion of Mr. BENTON, it was

Resolved, That the Committee on Military Affairs inquire into the expediency of providing for the remuneration of United States officers, for horses lost in transporting the same by sea to Tampa Bay.

Adopted, and referred to the Committee on Military Affairs.

Mr. KING, from the Committee on Foreign Affairs, reported a bill giving effect to the 8th section of the treaty of 1819 with Spain: ordered to a second reading.

Bill for the relief of the Great and Little Osage Indians, by the immediate payment of the annuities of 1838, read a third time, and passed.

The resolution introduced by Mr. HUBBARD, authorizing the Secretary of the Senate to compile and publish a list of the petitions for claims, etc. was, on his motion, referred to the Committee on Revolutionary Claims.

Mr. CALHOUN'S fifth resolution was taken up as the unfinished business. The question being on an amendment offered as a substitute by Mr. CLAY, was discussed to a late hour, and finally adopted as modified by Mr. BUCHANAN, by a vote of 24 to 13.

The question was then taken on the adoption of the resolution as amended, and passed by a vote of 36 to 8.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 11, 1838.

The SPEAKER laid before the House a letter from Mr. DORSEY, the Sergeant-at-arms, stating that, on receiving a large sum of money from the Bank of the Metropolis, for the pay of the members at the late special session, there was a deficiency of upwards of $3,800, and that the directors had hitherto neglected to investigate the matter, though one of the board had admitted a surplus of cash in the bank, to about the amount missed by Mr. D. who had hitherto supplied it from his private funds.

Mr. JOHNSON of Maryland alluded to the well known honesty and sense of honor which characterized the Sergeant-at-arms. There could be no doubt but that there was an error on the part of the bank, which would be remedied after a proper investigation.

Mr. THOMAS of Maryland also attested to the high respectability and fidelity of the Sergeant-at-arms, whom he had known for a long period. He alluded to the request made by that officer to the directors of the bank, and contended that ample time had been afforded for them to return an answer. But as they had refused to do so, he was in favor of referring the subject to a select committee.

Mr. WHITTLESEY of Ohio had nothing to say against the integrity and honesty of the Sergeant-at-arms, but he hoped that gentlemen would not contrast his honesty with the honesty and fidelity of the officers of the bank who had no hearing in the House. Mr. W. then adverted to what he termed the imprudent manner in which the business of that officer was transacted, by his allowing gentlemen and members of Congress free access to his room, when so much money was in his possession. At the end of the late special session, when he (Mr. W.) saw so much money about, in a room to which all seemed to have access, it appeared inexplicable to him how the business could be transacted without frequent mistakes. For his part, he was not opposed to an investigation; but he considered that the character of the bank directors was as dear to them, as that of the Sergeant-at-arms was to him; and with that view, he objected to a discussion previous to the investigation, when gentlemen were liable to have their minds prepossessed on the subject.

Mr. JENIFER was not aware that any charge had been made against either the Sergeant-at-arms or the officers of the bank. It was evident that a mistake had been made, and the question was, on whose part it lay. Mr J. spoke at some length on the high character and moral worth of the Sergeant at-arms, both in his public and private capacity. He was also willing to speak to the respectability and fidelity of the officers of the bank, as far as he knew them, but the only proper course, in his opinion, was to refer the subject to a committee for proper investigation.

After some brief remarks from Mr. BOND,

Mr. EVERETT thought it very probable that the bank directors would make a report in a very short time, by which the House would be saved much trouble. He therefore moved a postponement of the subject until Tuesday next.

Mr. PEARCE thought it due to the Sergeant-at-arms that an investigation should be made without delay; and, if it shall then appear that there was no blame attached to him, it was no more than just that the House should remunerate him for his loss. He alluded to the necessarily hurried state of business at the end of the session, and the great probability of an unavoidable mistake having been made. He hoped the gentleman from Vermont would withdraw his amendment, and that the subject would be at once referred.

Mr. GLASCOCK considered it absolutely necessary, from the course the discussion had taken, that a reference of the whole matter should be made to a select committee. He considered it not only due to the Sergeant-at-arms and the officers of the bank, but it was equally due from remarks which had been made to the members of this House. One or two gentlemen had observed that the Sergeant-at-arms had transacted his business in rather a loose manner; and from the free access given by him to his room whilst paying off the members, they had looked for such losses. Such a charge, Mr. G. said, amounts to no more nor less than this: that if the Sergeant-at-arms actually received the money from the bank, he must improperly have retained it, or have paid out to the members more than they were entitled to receive, unless, perchance, it was purloined from his room. Under such a state of things, it seemed to him that an inquiry, full and free, should be had into all the circumstances connected with the transaction, and the facts reported to this House. He had doubts himself how far this House could go, but he was desirous that all the facts should be collected, and so soon as they were reported, he had no doubt the proper steps would be taken to do ample justice to all the parties interested; and that all would be relieved from any unjust and improper censure.

Mr. THOMAS again addressed the House in favor a reference to a select committee. He considered the charge of carelessness made against the Sergent-at-arms, as inconsistent. Did they suppose for a moment, that their officer was to exclude members of Congress from his room, lest he should lose part of his funds. He contended that the

practice of sending the Sergeant-at-arms with checks to the bank, was contrary to law, and formed no part of duty. After members had received their checks, it was their duty to go to the bank themselves. He alluded to the time already elapsed, and saw no reason for postponement. He was in favor of an immediate reference of the subject to a select committee.

Mr. CRAIG was in favor a reference.

Mr. McKENNAN believed that the Sergeant-at-arms was faithful and honest in the performance of his duty, but the motion to postpone would, in his opinion, be the means of bringing the matter to a much speedier termination than an immediate reference to a committee. He had been informed by one of the directors of the bank that at that time a laborious investigation was making on the subject, and it was probable that a report would be speedily made. The peculiar state of the facts rendered it necessary that there should be a careful investigation. He was informed that this was the first instance when a mistake had occurred between the Sergeant-at-arms and the bank. It had also been customary for the bank, in all former cases, to send a clerk with that officer to assist him in counting the money; but it this instance, it had unfortunately been omitted. Under such circumstances, when an investigation was going on at the bank, and there was every prospect of a speedy report, he was sure that the House would see the propriety of postponing the subject until Tuesday.

Mr. BOULDIN said that some suggestion had been made that this matter ought to go the Committee for the District of Columbia. He said that, as chairman of that committee, it might be proper for him to remark, he could not see what that committee had to do with the subject in its present situation, or what any committee could have to do with it in this shape. If the Sergeant-at-arms thought proper to trust the bank to count his money for him, without recounting it, it was a confidence either well or ill-placed. If ill-placed, Mr. B. did not know what we could do; if well-placed, it was the same. The bank, he said, was no way responsible to the House.

If the Sergeant-at-arms wished his conduct inquired into, he had no objection; but he had heard nobody charge him with any thing. His trusting the bank to count his money for him was no very extraordinary thing; nothing to impeach the conduct or character of the Sergeant-at-arms; the bank being, at the time, in good credit and respectability.

Mr. B. said there was one point of view in which this matter might be properly the subject of investigation. If the bank in question wish to obtain a renewal of their charter, which will shortly expire, it would be very material to know whether they have or have not accounted promptly and fairly and openly with their customers.

After some brief remarks from Messrs. REED, BOND, and MARVIN,

Mr. JOHNSON of Maryland moved to amend by increasing the number of members composing the committee to five.

Mr. BRONSON moved the previous question on the motion as amended, but subsequently withdrew it.

The question was then taken on the motion to postpone until Tuesday, and rejected.

The question recurring on the motion to refer to a seleet committee,

Mr. WHITTLESEY moved to amend by adding the following instructions:

"With powers to send for persons and papers, and to inquire into the allegations set forth therein, and into the manner of disbursing the money, and whether errors and mistakes were committed, and to what extent any were made, by the Sergeant-at-arms in paying the money at the said session of Congress."

These instructions were agreed to, and so amended the resolution was adopted:

Mr. McKAY, from the Committee on Military Affairs, reported a bill for the relief of W. S. Colquhoun.

Mr. LEWIS of Alabama, on leave, presented several memorials,

Mr. MALLORY, from the Committee on Invalid Pensions, reported the following, viz:

Bill for the relief of James Bailey.

Mr. BOON, from the Committee on Public Lands, reported Senate bill, entitled an "act authorizing the States to tax any lands within their limits sold by the United States," accompanied with a statement that the bill had come from the Senate without the signature or usual alteration of the Secretary of that body, and a resolution that a message be sent to the Senate notifying them of the omission, which resolution was concurred in.

Mr. THOMAS, from the Committee on the Judiciary, reported the Senate bill, without amendment, entitled "An act to ratify and confirm certain official acts of John Pope, late Governor of Arkansas."

Mr. T. moved its engrossment; which, after some explanation by Mr. POPE, was ordered; and then the bill was read a third time, and passed.

Mr. ROBERTSON, from the same committee, reported a bill making further compensation to clerks in the district courts of the United States.

Mr. CORWIN, from the same committee, reported a bill for the relief of Thomas M'Clellan and James Smith.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported Senate bill, with an amendment, for the relief of the heirs of Major Peter Helphenstine.

Also, a bill for the relief of Simeon Summers.

Mr. CRAIG, from the same committee, reported a bill for the relief of the legal representatives of Thomas Jett.

Mr. TALIAFERRO, from the same committee, reported a bill for the relief of the legal representatives of Thomas Sumpter.

Mr. UNDERWOOD, from the same committee, reported the following, viz:

A bill to authorize the issuing of land warrants in certain cases.

A bill to authorize the payment of seven years' half-pay to the widows and children of certain officers in the continental line.

A bill for the relief of the heirs of Marshal Rochambeau.

All the above bills, with the exception stated, were read twice, and committed.

AMENDMENT OF THE CONSTITUTION.

The following resolution submitted by Mr. WISE on the 2d inst. was then taken up.

"*Resolved*, That a committee to consist of ——— members be appointed to inquire into the expediency of so amending the Constitution of the United States as to prohibit the appointment of members of Congress to Executive offices during the time for which they are elected Senators or Representatives, and the time of two years thereafter."

Mr. BELL moved to fill the blank with "nine," which was agreed to, and the resolution was also agreed to.

The following, offered by Mr. LAWLER of Alabama, on the 11th of December, was then taken up:

Resolved, That it is expedient to reduce, according to some equitable scale of graduation, the price of such portions of the public lands as will not sell within a reasonable length of time at one dollar and twenty-five cents per acre, and that the lands which cannot be sold at such reduced prices, after being so offered for the term of — years, should be relinquished to the States severally in which they are situated.

Mr. MERCER suggested that, inasmuch as the Committee on the Public Lands had already reported a bill embracing the objects of this resolution, which was committed to a Committee of the Whole, it had better be referred to the same Committee of the Whole.

Mr. LAWLER assenting to the suggestion, the resolution was thus disposed of.

The following, submitted by Mr. CHAMBERS of Kentucky, on the 18th of December, was taken up and agreed to:

Resolved, That the Secretaries of State, Treasury, War and Navy, be directed severally to report to this House the amount of postage paid on letters and papers transmitted from their respective departments by the Express Mail, since its institution.

Resolved, That the Postmaster General be directed to inform this House whether, in estimating the amount of money received for postages on letters and papers transmitted by the Express Mail, he includes any estimate of postages on letters or papers transmitted by that mail from himself or any officer or officers of his Department, having the privilege of franking through the ordinary mail; and if so, what amount of postages on letters and papers from his Department are so included, or is subject to be included, from the first establishment of the Express Mail.

The following, submitted by Mr. MONTGOMERY of North Carolina were taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House—

1st. The whole amount of public lands belonging to the United States sold since they were ceded to the United States; exhibiting the nett proceeds, and distinguishing between those which have been sold within the limits of the different States and Territories.

2d. The whole amount of public lands which have been surveyed and exposed to sale in the several States and Territories, and showing the amount sold and the amount remaining to be sold, according to the last returns.

3d. The amount which has been actually patented in bounties to the Army of the United States.

4th. The amount granted to each of the States and Territories, and for what purpose.

5th. The amount set apart or reserved for schools and other purposes in the several States and Territories.

6th. The amount granted in donations for the cultivation of the vine and olive, and for other purposes, to Gen. Lafayette.

Mr. MERCER moved to add the words distinguishing each year, which Mr. Montgomery accepted as a modification; and, so amended, they were agreed to.

The following, submitted by Mr. MALLORY on the 18th of December, was taken up:

Resolved, That the Secretary of War be directed to cause a continuance of the survey for an inland route between Charleston, S. C. and Norfolk, Va. (authorized by an act of the last Congress,) beginning at the northern termination of the Dismal Swamp Canal, and extending to Hampton Roads, and also the country between the Canal and Gosport, with a view to ascertain the expediency of continuing the canal to that place, or improving the river.

Mr. CAMBRELENG and Mr. MERCER severally suggested that the resolution be referred to some committee to inquire into the expediency of authorizing such a survey; and the latter gentleman moved its reference to that on Roads and Canals, which, after a few words from Mr. MALLORY, was agreed to.

The following, submitted by Mr. SLADE on the 18th ultimo, was then taken up:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement, showing the number of acres of the public lands which have been purchased under laws granting the right of pre-emption, distinguishing the several laws under which, and the several States and Territories in which such purchases have been made. And that he also be directed to communicate any information which may be in possession of his Department touching any associations which may have been formed by intruders on public lands, for the purpose of adjusting their relative rights of occupancy, and putting down competition at the public sales of such lands.

Mr. LYON understood that the clerks in the Land Office had been engaged for some time in preparing a response, embracing all the points referred to in the above, to a similar resolution adopted at the last session; he therefore saw no necessity for adopting the present, and moved its postponement, which was agreed to.

RELATIONS WITH MEXICO.

The following, submitted by Mr. ADAMS, also on the 18th, was then taken up.

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamhlet in the Spanish language, stated in the report of the Secretary of State to this House to have been printed and circulated by the late minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The resolution having been read,

Mr. HOWARD, of Maryland, chairman of the Committee on Foreign Affairs, moved to amend it by striking out all that part of it which had reference to a disclosure of the name of the public functionary who communicated to the Secretary of State a copy of Mr. Gorostiza's letter.

Mr. ADAMS hoped that the chairman of the Committee on Foreign Affairs would not insist on the motion he had now made, inasmuch as Mr. A. considered the clause proposed to be stricken out as a very material one. It was the language of the report of the Secretary of State himself which had induced Mr. A. to insert that clause. It must (said he) be within the recollection of every member of this House, that the Message of the President of the United States, communicated to this House at the commencement of the present session, bore an exceedingly hostile aspect towards the Republic of Mexico. That in that Message it was stated that the late President of the United States (General Jackson) had sent to Congress a Message, itself very hostile in its character, proposing that he should be empowered to issue letters of marque and reprisal against the Republic of Mexico, and declaring that the relation of that Republic to the United States was such, that this Government would be justified in adopting towards it any measures authorized by the law of nations; (meaning thereby to include a declaration of war,) and that the present Executive had stated that it appeared, from the act of both Houses of Congress, that their opinion in this matter concurred with that of his predecessor. I believe there is on the Speaker's table a resolution of a late date, offered by myself, calling upon the President to inform this House by what act it ever expressed such an opinion. That resolution has not yet come before us for consideration. I hope that when it does, the House will adopt it, and that the President himself will answer the inquiry in a different manner from that in which it was responded to in this House by the chairman of the Committee on Foreign Affairs. I trust that at least the President will not say that the appropriation made by the House for the mission of a minister of peace, is a proof that this House thought it might justly declare war. If the President had no other reason than that to give, I envy not his position before the world and mankind. I hope, however, that the opportunity will be given him to assign a better reason. But in that averment by the Executive, repeated as it is in this report of the Secretary of State, I look not simply at the question of personal veracity on the part of these two great functionaries, but I look also and chiefly to the MOTIVE of that averment. There can be no other but a desire to appeal to the feelings of this nation, by the assertion that the last Congress expressed the opinion that our relations with Mexico were at that time such as would justify us in going to war, and of course that this Congress cannot express a different opinion unless it is prepared to incur questions as to its patriotism, and its disposition to assert and maintain the rights of the nation against that sister Republic. This must be the motive. The object manifestly is to make an indirect appeal to the patriotism of the members of both Houses of Congress; to say, in substance: "How dare you, the members of this Congress, question a position which was taken by your predecessors, and which concurred with mine? How can you deny that we have a right to go to war with Mexico, when as long ago as the last Congress it was decided by both Houses that the nation would be justified in going to any length within the law of nations, and that it was from mere generosity that we abstained from doing so then." It is indeed true that it was suggested that one further step should be taken, to show our extreme love of peace, and the extreme gentleness with which we were disposed to treat our neighboring Republic, viz. the appointment of a special Minister to make a solemn final demand of redress; and if that appeal should fail, we ought then to declare war.

Now the Message and the report of the Secretary both say that this last step has been taken, this final appeal has been made, and has failed. What is the inference? Obviously this: that you have no alternative, and that your duty to the nation you represent, now compels you to take justice into your own hands. I can draw no other conclusion. But I think I have already proved, on a former occasion, that even that last measure has not been taken, though it is so asserted in this document; and not only has it not been taken, but, on the contrary, one of the grossest insults has been offered to Mexico instead of it. But I pass over that, and come to the point in the Secretary's report. That report contains a long argument which is little else than one continual instigation to war; and in that argument there figures this pamphlet. After a long enumeration of grievances, real or imaginary—and I will not say that there are not real claims upon Mexico, and in relation to which, so far as they are just, I am prepared to go as far as any man in sustaining them with the whole power of this nation—there are some statements which I shall notice. In the mean time, I will just say that most assuredly, at the time when the President said that the act of this House was a declaration of its opinion that this Government would be justified in going to war with Mexico, the House knew nothing about the matter. No facts had been presented to it from which to form an opinion, and no examination had been had of any of the grounds of difference. The Secretary says:

"The answer of the Mexican Minister to the demand of the United States, founded upon the conduct of Mr. Gorostiza, is so singular as to require a particular statement of all the facts in relation to the subject of it. Soon after the late Mexican Minister asked for his passports to return home, after terminating his extraordinary mission, his last note to the Department, in which his reasons for taking that step were expressed, was published in New York, in the journal called the 'Courrier des Etats Unis.' This document had never been made public by the authority of the Department. The existence of a pamphlet by Mr. Gorostiza, printed in Philadelphia in Spanish, had been previously made known to the Secretary of State by a member of the diplomatic corps accredited at Washington, who stated that he had received two copies, and he believed that the same number of copies had been transmitted by the author to each member of the foreign diplomatic corps in Washington, expressing, at the same time, his surprise and disgust at the grossness of such an act by a retiring minister."

Now, I must say this is a very extraordinary statement of the Secretary, and I again ask for the motive. What motive could he have in informing the House that he had received a copy of a little pamphlet printed in Spanish by Mr. Gorostiza, in the city of New York? What can be the motive? It is obviously to lay the foundation of a long argument in which the honorable Secretary sets forth this fact as one of the great and commanding reasons why we ought to go to war with Mexico. He presents this as one of the great and enormous outrages against the law of nations; and so violent and unprecedented in its character that this alone would form of itself a legitimate ground for war. The printing by an ex-minister from a foreign Power of a small pamphlet in Spanish, and sending it to the foreign ministers residing here. That is the fact. Then comes a long argument to prove that this is a ground of war; and, as a basis for that argument, the Secretary states to Congress that one of these foreign ministers, in communicating a copy of the pamphlet to him, expressed surprise and disgust at such a proceeding. I ask again, what is the motive of this statement? It is to produce on us the impression that all mankind look upon the publication of that pamphlet as a gross and outrageous proceeding, so offensive that even a foreign Minister must come to the Secretary and act the part of an informer, and tell him I have received such and such a pamphlet from the late Minister from Mexico, and I cannot suppress the expression of my surprise and disgust. Then if a foreign minister was compelled by the violence of the case to consider it his duty to violate all the ties of friendship by turning himself into a common informer, in instigating a friendly Government to war by saying to our Secretary of State, "See here! what a notorious and atrocious violation of the laws of nations has been committed by the Mexican Minister! He has published this pamphlet and sent it to me: I communicate it to you with the expression of my surprise and disgust"—It is meant as a reflection on ourselves. If a foreign minister, who, from his position, is supposed to be perfectly impartial, and the friend of both parties, even thinks it necessary to come to our Government and denounce the act of his late fellow minister, and even to express his surprise and disgust at such a proceeding, what must be the feeling of every native American, the dignity of whose Government has been thus outraged? If an independent, cool, impartial foreigner is driven to this, can any American think of it with patience? Oh, no! There is but one thing to be done. We must at once go to war. First, the fact is laid as a basis, and then comes an argument occupying a great many pages—how many I do not know, but far too many for me to read to the House; the drift of the whole being to prove that an outrage so atrocious can be avenged no other way than in the blood of his countrymen and our own.

Well, sir, suppose the the fact to be as stated; what, then, I ask, must be the character of that foreign minister if he did so? What was he doing? Sir, I will not qualify such an action, because I suppose that there is such a foreign minister resident near this Government; and that he did so communicate the pamphlet, I have no doubt. But if in communicating it he expressed his surprise and disgust at the course of his friend who sent the pamphlet to him, in what office was he engaged as the minister of a friendly power? Here are two countries in a very critical relation toward each other, urging neutral complaints, and approaching to an open rupture. A minister extraordinary is sent from one of these powers to the other. He confers with the Secretary of State on the subject of the national differences, but he finds that their views are so far apart that he cannot succeed in the pacific object of his mission, and at length deems it necessary to demand his passports. On his way home, instead of waiting till he had arrived at Vera Cruz, he employs a printer in New York to print for him a little pamphlet, in which he endeavors to justify his own course and that of his Government. He sends two copies of this pamphlet to a foreign minister resident near the Government from which he has taken his departure. I do not now inquire into the propriety of this step. I am considering merely the conduct of the minister who received and communicated this pamphlet to the American Secretary of State. And I again ask, what office was he performing? All he knows is, that this minister has been unable to agree with our Government; that he has consequently taken his departure, and on his way home has written and printed this pamphlet. He immediately comes to our Secretary, betrays the confidence reposed in him by his associate minister, and attempts to blow the coals of discord between two friendly nations. He says to our Secretary, "There, you must at once go to war. See what treatment your Government has received. The Mexican minister had the audacity to print such a pamphlet as this. There it is, take it, read it, and go to war at once."

That is the exposition which the Secretary has himself put upon this transaction. It is intended as an argument to be addressed to the people of the United States, to make them go to war with Mexico. To what other end could all these circumstances have been communicated? The Secretary was under no obligation to make a communication to this House of the manner in which he got possession of Mr. Gorostiza's pamphlet. It appears to have been sent to him as a confidential communication. He did not, however, so consider it, or he would not have introduced these statements into his report.

He would, under the circumstances, have been very cautious how he stated a fact of this kind, when it was not at all material to his purpose or to the question. He might have stated the fact that such a pamphlet had been published, and might have made his argument from it, without telling this House and nation how he obtained the knowledge. But he has thought proper to put it into his report, and send it by the President to Congress. I can see no motive in this but to influence the minds of the American people against Mexico.

Under these circumstances, I hope that the chairman of the Committee on Foreign Affairs will not persist in his endeavor to screen the foreign minister here referred to from the gaze of this House and of this people; for here, in my place, I pronounce the act charged upon him by the Secretary a worse and more atrocious outrage than the publication of the pamphlet. I do not justify the printing of the pamphlet; but I do say that that foreign minister, who took it upon him to communicate this pamphlet, with an expression of his surprise and disgust, was guilty of a greater outrage, as well upon the United States as upon Mexico, than Mr. Gorostiza. I hope the honorable chairman will not attempt to screen him. Let us know who he was. He is accredited here as a minister of peace. It is important that he should be known by name to Congress, to this country, and to the world; for we must remember that all we do in relation to this Mexican Republic is done not only before Mexico, but in the face of the civilized world.

There is another reason why I wish to have the name of this individual, and which induces me to hope that the chairman of the Committee on Foreign Affairs will not insist upon its being withheld. There is a rumor very current in this city, and which has at length made its way to the public papers—I had myself heard it long before—that there is a foreign minister resident here, (I shall not name him,) who had told a number of persons in this city that he did communicate the pamphlet in question to our Secretary, but who positively denies that he expressed either surprise or disgust on the occasion. I wish to bring these two high functionaries into the presence of one another, and let us see where the truth lies. Let us remember that the character of that individual, as a foreign minister resident near our Government, we are bound to protect. As to the mere communication of a copy of the pamphlet, it is in itself an indifferent act. I do not say that in that act, in itself simply considered, there was the smallest degree of impropriety; but, when we consider that the whole statement amounts to a direct charge on his moral character, that it infers treachery toward one who had confided in him, and a disposition to kindle war between two nations in whose affairs he had no right to intermeddle, the matter has a different aspect. Let us have the facts. Let us have the name of the minister. Let the parties be confronted, and then let us see whether that minister will come forward and avow that he did express the sentiments here attributed to him; that he did play the part of an informer, and an inflamer of war. That man I want to see; and I say again, let him be confronted with the man who has thus brought him before Congress. The character of a foreign minister is implicated, and I want information. He is said to have very freely told to more than one individual that he did communicate the pamphlet, but to have positively and utterly denied any expression of surprise or disgust. I hope the honorable chairman will not persist in his motion, but if he does, then I do invoke all the independent spirit in this House not to agree with him. It is a matter which concerns this nation, which concerns the peace of Mexico, which concerns the peace of the world.

Mr. HOWARD said that he could not, for a moment, think of withdrawing his motion; he had heard nothing to convince him of the propriety of doing so. If the House chose to retain the clause calling for the name of this individual, they would, of course, do so; that was a matter for them to determine; but Mr. H. must regulate his own course by his own views of propriety. As to the pamphlet itself, (said Mr. H.) I have no great objection that the gentleman from Massachusetts should call for a copy, though it seems to me very unnecessary, because the book is sold in the public book stores, and I have no doubt as many copies can be obtained as any gentleman desires. I purchased one for myself last winter. But if the gentleman thinks that that which purports to be a translation was not in reality such, and he wishes a translation made, I shall not oppose it. I have no wish to use harsh language toward any man, but I am compelled by truth to say that a more atrocious libel on the people and Government of the United States never was published. This is my deliberate opinion. I read the book with feelings of indignation, which even now arise anew in my bosom, thought it is months ago. Yet that is the pamphlet which it was attempted insidiously to circulate among all the civilized powers of the world, by a man who took advantage of his public situation to perpetrate such an act.

The gentleman talks about a violation of confidence. Where is there the slightest ground to believe that the least degree of personal confidence or friendship existed between that man and the individual to whom he gave two copies of his pamphlet? Where is the proof? I know of none. It would appear that copies were given to all the foreign ministers. Was Mr. Gorostiza in habits of strict confidence and personal friendship with all of them? The individual who communicated the pamphlet to our Secretary of State did what it was his duty to do as the representative of a friendly power. At least there is no doubt that he thought so. Yet the gentleman from Massachusetts wishes to drag him up before this House as an incendiary, who was occupied in blowing the coals of discord between two nations. And, while he represents the act of communicating this pamphlet as a betrayal of confidence, (of which there is no evidence,) at the same time he does not pretend to justify the publication of the pamphlet, he expressly declared that he could not justify, and perhaps not even palliate it. Now, ought not this Government to know when an appeal full of the foulest falsehood is clandestinely made to the representatives of all other Governments against its acts? Should not a Government, under such circumstances, be warned by the minister of a friendly power? Was it not fit that the representatives of this Government should be apprized of this underhanded, secret attempt to take away our fair fame? Yet the gentleman, for this, insists upon confronting him with the Secretary of State, and declares the act of making such a communication a more atrocious outrage than the publication of the pamphlet. Supposing it to be so, what does the gentleman want to do? Does he seek to embroil that minister and his Government with the Government of Mexico, as if there were not already quarrels enough in the world? He wants to hold him up to public scorn and reprobation, and, I suppose, to make his Government responsible for his conduct, thus increasing our difficulties with other powers. Why should we do this? Has this House any doubt as to the truth of the fact stated by the Secretary? If that gentleman is to be put upon a public trial on a question of veracity, that is a different affair.

If the House has any doubt, let them investigate; but if they believe the Secretary of State, (an officer of this Government, whose word is not likely to be doubted,) why should they, without authority, because there is a rumor that some public minister has said something to somebody at some time, and some letter-writer has caught it up, and it has appeared on anonymous authority in some paper, pass a vote which implies a doubt of his veracity? Newspapers seem to have risen into vast magnitude and importance of late.

As to the condition of our dispute with Mexico, and the clause to which the gentleman has alluded in the Message of the President, I have only to say that that subject is not now before this House. It will be in due time, and I feel desirous that it should come up for discussion. I have heard this Administration denounced as being the true cause of our Canadian troubles, from the course it has pursued towards Mexico, and I have heard it openly declared on this floor that our Government has disgraced the country. I hold gentlemen to the proof. This sort of general denunciation will not do; though it may please certain gentlemen to represent the country as disgraced, and to charge every thing on the Administration, the people will require proof. I ask, what statute is it which the Government has omitted to enforce? I call upon gentlemen to show it to me. I demand to see that act of Congress which requires this Government to go farther than it has gone in preserving our neutrality in all its relations with Mexico. Let the gentlemen put their finger on the statutory provision which has been neglected to be enforced. Then, and not till then, shall I be ready to say that the Government has been disgraced. I cannot find any provision which requires the President to walk over the Constitution, and by his own authority seize upon every body that he thought intended to go to Texas. The gentlemen, I presume, will hardly expect this after the extraordinary sensibility they have manifested in regard to what they call infractions of the Constitution. Will they make it matter of complaint that the Executive has conformed himself to the law of the land? If reference is made to the act of 1818, I can find only two sections of that act which at all apply to the case, and these have been strictly carried into execution, whenever the occasion called for it, and the Government was informed of their violation.

But, to return to the point immediately before the House. Why should we demand the name of this minister? What good reason can be given for it? If the communication made by the retiring minister to the minister in question was made in confidence, is there not the same reason to suppose that the communication of the latter with the Secretary of State was in confidence also? Why suppose one to have been confidential, and not the other? In my judgment, neither of them was so. I see in the circumstances no mark of any such thing. Copies of the pamphlet were, I believe, communicated to all the members of the diplomatic corps. Until I shall be satisfied that there is some good reason for this demand, I cannot assent to it. I do not desire to extend the controversy any farther. The retiring minister appeals to a great Congress of nations. Why, sir, we have such a Congress in every civilized country. The diplomatic corps, accredited to any one of the great Governments of Europe, form in themselves a Congress of Nations, and to that tribunal this man made a secret appeal, with the intention of forestalling the question. He sends his atrociously slanderous pamphlet to all the Representatives of Governments in friendly communication with the United States, holding up to them this Government as having asserted an untruth. Are we to lose the favorable opinion of every friendly Government because he chose to avail himself of the last privilege within his reach to scatter his slanders over the whole civilized world?

Mr. MENEFEE said that he presumed the chairman of the Committee on Foreign Relations [Mr. Howard] had honored him by his allusion to the conduct of the Government in the maintenance of the neutrality of our citizens toward Mexico in the progress of the Texas revolt. The frightful forms of libel and detraction, excited in his imagination by the pamphlet of Gorostiza, seems to impart, in his eye, a sort of *libellous* coloring to all that is here said which denies to the Government a title to canonization for its saintship throughout our Mexican relations. He should not complain of the gentleman for indulging in this manner an imagination morbidly, it struck him, inflamed, over matters of national scandal. It was innocent enough, though perhaps not exactly amiable. But the gentleman at last ventures, rashly, he [Mr. M.] must think, to deny in cold blood the imputation against the Government, of either culpable remissness, or the least bad faith in the performance of our neutral and treaty obligations to Mexico. But, more rashly still, he ventures to proclaim, in all the solemn forms of political, and, from his position, semi-official flourish, that gentlemen in the opposition who cast such grievous and unmerited reproach upon the Government will, in due time, be required to specify and establish the grounds which justify such accusations. It was to him [Mr. M.] a source of profound satisfaction, that the

Government had thus, in substance, invited public scrutiny into its transactions in that quarter. Now, to him, [Mr. M.] it presented no difficulty whatever to specify or establish more than enough to infamize, utterly, the course of the Administration. His difficulty lay in crediting that any intelligent citizen of the United States, much less the distinguished head of the Committee on Foreign Relations, could be found willing to deny or doubt that the course of the Administration, both as to omission and commission, had been as we have described it. He even yet hoped that the honorable chairman was, in what he said, disposed to be facetious. Why, sir, said he, when I affirm that our citizens throughout the whole West and Southwest violated flagrantly their obligations of neutrality to Mexico, by affording public succor, in men and arms, to Texas, from the first stage of the revolt to the recognition of its independence, I have but to refer to the Representatives from that section of the Union. That military array, in no concealed form, but in all "the pomp and circumstance" of war, was the spectacle of every day; that avowed military recruiting, by commissioned officers, for the defence of Texas; that the character of *emigrant*, claiming the right of expatriation, first assumed, soon rose to that of *soldier;* that bodies of men with arms, uniforms, and standards, and every quality of organized military force, breathing war and vengeance against a friendly power, were publicly displayed in the heart of this country, in almost every city and village in its confines; that all this was known to the Government from the beginning of the revolt; that it transpired under the immediate observation, and often under the express countenance of the law officers of the Government; that a pretence of boundary was most unreasonably set up by the Government; that a military force was passed into Mexican territory at a most critical period of the revolt: these, sir, and multitudes of others, are my specifications, and the West and Southwest here assembled are my proofs!

Let gentlemen beware: there is more in these Mexican relations than this intemperate justification of them seems to perceive. On a fit occasion they may be developed.

But the chairman says there was no law which the Executive did not enforce; nothing undone which he could do. Does not the act of 1818, for the enforcement of neutral obligations, authorize the suppression of military expeditions, or preparations here, against a power with whom we are at peace? Look at it. Every provision almost has been violated, and not one clause enforced, or attempted, except in empty form. But suppose the law was not sufficiently comprehensive in its provisions? Why did not the Executive, charged with the conduct of our foreign relations, communicate the fact to Congress, and ask their extension? It is our duty *to compel our citizens* to do justice to other nations. Other nations have a right to demand that we should, and we are nationally responsible if we do not. Have you not lately done so in the case of the Canada revolt? Were not the aggressions of our citizens against Mexico more reiterated in number, and longer persisted in, than they have been against Great Britain? Why, then, distinguish between the two powers? Is it because Mexico was *weak* that you declined this course towards her? Is it because Great Britain is *powerful* that you fly with this haste—almost indecent—to the frontier, find the laws not adequate, and present yourself before Congress for increased authority? This is but justice to Great Britain. Yet why was not the same measure of justice extended to Mexico? How can you, under these circumstances, escape the suspicion of the civilized world, that you have at once yielded to the power of a great monarchy what you denied to an infant and distracted republic? That the *power* of Great Britain has wrung from you a justice which, under your sense of principle and treaty, you would not allow to Mexico? That your measure of justice is graduated by *the power* of the nations to whom you administer it? There is no humiliation or dishonor in doing justice to Great Britain now; the humiliation and dishonor lie in having withheld it from Mexico under like circumstances.

Before this affair is closed, I hope to be able to do myself the honor to afford the honorable chairman specifications quite as exact as he may desire, "accompanied with competent proofs;" for his due consideration of which, I shall feel at liberty to allow him more than a week, if required—the time lately allowed a foreign Government, *not so powerful as Great Britain,* to determine on a multitude of intricate and complex subjects, involving the issues of peace and war.

Mr. WADDY THOMPSON said that he cared not how hard a blow might fall on this or the last Administration, provided it was not struck in favor of Mexico against the interests of Texas, nor struck at the Administration through the national honor. Much as he had denounced the conduct of the Administration, he had not forgotten what it behooved every American, in all controversies with foreign powers to remember, that still it was the Government of his country. He would say, that could he conceive it possible he should himself ever live to charge his native country with meanness and cowardice, with violence towards the feeble, and a base truckling to the strong, it would not be in circumstances when that strong power had its arms yet reeking with the slaughter of American citizens. Men, he was aware, might be so far gone in party spirit as to take a pleasure in representing their country in the meanest and most disgraceful light to disparage a hated Administration. He must confess that, fell as was his revenge against the present and late Administration, he had no "stomach" for that.

The gentleman had inquired why, in the case of Texas, the Executive had not asked for additional powers to guard against violations of our neutrality, as he had recently done in case of England. The answer was obvious. Texas was remotely situated. It was separated from us by a wide region of wilderness, and no power could entirely prevent the evil complained of. But, on our Northern frontier, we were separated from Canada, sometimes, but by a narrow stream, while the boundaries of both countries were bordered by fortresses. The inhabitants on both sides were in a state of the greatest excitement, and had already broken out into mutual outrages. The two cases were obviously different. Laws which might have been strong enough in the case of Texas, were insufficient with regard to Canada. Deep as was Mr. T's indignation at the enormity which had been perpetrated at Schlosser, he did not deny the obligations of this Government to maintain the relations of neutrality.

Now, as to the charge which had been made of cowardice in our course towards Mexico, he believed it was the first time, much as party violence had prevailed in our country, that cowardice had ever been connected with the name of Andrew Jackson. Whatever evils that individual might have inflicted on his country, no candid man would deny that he had spread around the American name a halo of military glory; and, if remarkable above other men for any one quality, it was for an indomitable courage that blenched at no danger. Andrew Jackson! not dare to observe the same course toward Great Britain as he would toward Texas. Yes: if he would hesitate in regard to either, it would never be in respect to the stronger power. He would have been more prompt to assume a bold front to the strong than to the weak, to England than to Mexico. His blood would "more have stirred to rouse a lion than to start a hare." But what could the Government have done? The case stated by the gentleman from Kentucky did not fall within the provisions of the law of 1818. Had the Government any proof that a military expedition had been fitted out in the United States against a friendly power? The gentleman had spoken of recruiting; but Mr. T. would like to see the terms of enlistment; he rather believed it would turn out, on examination, that the men were only invited to go and settle a new country. The gentleman talked of a recruiting rendezvous at Lexington. Indeed! and where were the loyal citizens of the State of Kentucky, that they permitted all this to go on? Was there no patriotic citizen to warn the Administration of the danger, as the ever-glorious and lamented Colonel Daviess informed Mr. Jefferson of Burr's movements? Where was the slumbering patriotism, the sense of honor, in the authorities of Kentucky, if they could stand by and see the laws thus flagrantly violated? Why had not the honorable gentleman himself stepped forward and informed the Executive Department of a state of things so outrageous? There was the law; the gentleman said it covered the case; if so, there was wanting only an informer to put it into effect. But suppose the gentleman had been himself the District Attorney for the District of Kentucky, what could he have done? Suppose Mr. T. had been one of those recruited, could the gentleman have arrested him? If he had, and Mr. T. had inquired his authority, he would have replied, "I arrest you because I believe you are going to Texas." Mr. T. would have answered, "Well; and what if I am? Have I not a right to go to Texas, if I choose to remove to that country?" "Yes; but you are in arms; you mean to fight against Mexico as soon as you get there." "Well; and if, when I am a resident of Texas, I choose to fight for my adopted country against her oppressors, can you hinder me?" Mr. T. insisted that if the Government had had the entire military power of the United States there on the ground, it could not have prevented one of these emigrants from removing over the line. They had a right to emigrate, and, having emigrated, they had a right to bear arms in their new country. Any attempt to prevent it must have proved futile, and have only resulted in the promotion of that which it sought to hinder; and, after all, what violation of neutrality had been committed? What had the Government done? Mr. T. had observed from the beginning the whole struggle of that glorious people, and again he asked, what had this Government done for them? It had sent Gen. Gaines across the line. But was this to keep the Camanches off the Texans? No: but off the Mexicans, their old enemies. Those troops had been detailed to preserve the country from the inroad of savages, and Gen. Gaines had done nothing more than, in the like circumstances, would have been done by any gallant man. As to the Government, it had written letter after letter to the District Attorney, urging him to the performance of his duty. If there was a recruiting rendezvous at Lexington, how could the Government know it unless officially informed of it? And it if had been informed, what right would an American Government officer have had to turn back emigrants on their way to Texas, because they chose to have a red stripe on their pantaloons? If they had, it was something new to Mr. T. He had carefully reviewed his own course to see whether he had taken any step in relation to this matter with which he could reproach himself, before he had ventured to go forward and break a lance in defence of the Administration; and if, in so delicate a case, he had appeared as a defender of the Administration, it was only because he had heard his own Government charged with having yielded, out of fear of Great Britain, that which had been denied to the weakness of Mexico, and with suffering that to be extorted from it by the dread of British power, which was not prompted by a sense of honorable justice to a weaker power.

Mr. HAYNES said that if he had not so often, and on such a variety of occasions, heard imputations cast upon the motives of others, and by no member of this House more often, or on a greater variety of occasions, than by the honorable member from Massachusetts, (Mr. Adams,) he should not now address the House.

It seemed to him that, amidst all the questions involved in our foreign relations, that honorable member had fixed his attention upon a single subject, and that his meat, and drink, and sleep, were continually mingled with Texas! Texas!! Texas!!! Mr. H. was willing to make allowance for the effect of long continued thought and feeling in one particular direction; but, with all due allowance for the influence of such thought and feeling on the part of the member from Massachusetts, he could find no justification for the course which that gentleman had thought proper to pursue.

That gentleman had chosen to raise a question of veracity with the President, touching the action and opinion of Congress upon our then exist-

ing relations with Mexico. He did not know on what particular ground the President had placed the opinion or assertion in the Message, which had called down the animadversions of the member from Massachusetts. But, to his mind, it was justified by the language used in the clause of the act of the last session of Congress, making an appropriation for the contingent renewal of diplomatic intercourse with Mexico. That appropriation was made upon the contingency that the money should be expended "whenever, in the opinion of the Executive, circumstances will permit a renewal of intercourse honorably with that power." Our relations with Mexico were then such that diplomatic intercourse could not be honorably renewed with her. If, then, it was not honorable to renew such intercourse, would it have been dishonorable to have taken justice into our own hands?

It was surprising that a gentleman who was so sensitive about violations of confidence, should propose a course calculated to carry out and perfect such violation. He had understood the gentleman from Massachusetts, in the earlier portion of his remarks, to lay down the doctrine, that whatever may be communicated in confidence, whether treason or murder, or any thing else, must be kept sacredly confidential. He had somewhat qualified that doctrine in his subsequent remarks, but how far it affected the general proposition might well be doubted. He asked if it was proper to close up the avenue to confidential information from the members of the diplomatic corps, by dragging every such communication before the country and the world?

For his part, he should not consent to do so. Such a course might sometimes operate most injuriously upon the interests of this country. But as the honorable gentleman had raised a question of veracity with the President, it was now his object to raise such a question with the Secretary of State; and upon what ground did he propose to raise it? Upon rumor. Sir, you may hear rumors of every complexion touching every body, if you choose to listen to them. For his part, he would not indulge the member from Massachusetts in bringing up such an issue with a public officer who had continued to fill high offices for nearly twenty-five years with credit to himself and usefulness to the country, upon any one of the ten thousand rumors in daily circulation here or elsewhere. He, therefore, hoped that the amendment proposed by the honorable gentleman from Maryland, (Mr. Howard,) would prevail.

The subject was then laid over to enable the SPEAKER to present some Executive communications:

1. From the Secretary of the Navy, a statement of the number of Clerks employed in the Navy Department.

2. A similar statement from the Secretary of the Treasury.

3. A report from the Secretary of War of the number of persons whose claims for pensions have been rejected during the last year.

4. From the same, a report in relation to some private claim.

On motions of Messrs. CAMBRELENG and BRIGGS, severally laid on the table; and then,

On motion,

The House adjourned.

IN SENATE,

THURSDAY, January 11, 1838.

The SPEAKER laid before the House communications from the War Department, enclosing the annual report of the Colonel of Ordnance: ordered to be printed, and referred to the Committee on Military Affairs.

Also, the report of the Commissioner of Pensions: ordered to be printed, and referred to the Committee on Pensions.

Mr. McKEAN presented a memorial from citizens of Philadelphia county, remonstrating against annexing Texas to the United States: laid on the table.

Also, two petitions from Philadelphia; two petitions from Lancaster county; one petition from Chester county; six petitions from Susquehanna county; nine petitions from Montgomery county; four petitions from Bucks county; and one petition from Delaware county, Pennsylvania, signed by some 2,000 citizens, praying Congress to abolish slavery in the District of Columbia and Territories of the United States.

Mr. TIPTON presented the petition of sundry citizens of Mionic county, Illinois, for pre-emption lands: referred to the Committee on Public Lands.

Mr. LUMPKIN presented the petition of W. T. Hyat for a pension: referred to the Committee on Revolutionary Pensions.

Messrs. PRENTISS, BUCHANAN, and LYON, severally presented petitions; which were appropriately referred.

Mr. BAYARD presented the petition of H. W. Andrews, for remuneration for property destroyed by the Indians in Florida, in consequence of the same being occupied by the United States forces: referred to the Committee on Military Affairs.

Mr. WALKER, from the Committee on Public Lands, reported a bill for the relief of George Davenport: ordered to a second reading.

Report from the same committee, discharging them from the further consideration of the subject of granting right of way through public lands to the State of Illinois: adopted.

Mr. PRESTON presented the petition of Joseph W. Page, for remuneration for services rendered the United States: referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, reported a bill remitting duties on two iron steamboats, imported by C. Gay and another of Macon, Georgia: ordered to a second reading.

Also, a bill from the House for the relief of Chastelain and Ponvert: ordered to be printed.

Also, bill for the relief of B. Crafts and others, sureties of James Manning, late collector at Beaufort, North Carolina: laid on the table.

Also, on his motion, the committee were discharged from the further consideration of the petition of sundry merchants of Mobile, for the remission of costs of suits on duty bonds, &c. and the same referred to the Committee on the Judiciary.

Also, reported a bill repealing the act of 1832, imposing duties on certain imports, without amendment: ordered to a second reading.

Also, on motion of Mr. WRIGHT, the same committee were discharged from the further consideration of the petition of certain importers of hardware.

Mr. MORRIS, from the Committee on Pensions, reported sundry private relief bills.

Also, bill granting pensions to certain widows and legal representatives of Revolutionary soldiers.

Also, bill for the relief of Lucy Easton: severally ordered to a second reading.

Mr. TIPTON, from the Committee on Roads and Canals, reported a bill for the improvement of the Wabash river: ordered to a second reading.

Mr. CLAY of Alabama, from the same committee, reported a bill to increase the salary of the Commissioner of the General Land Office: ordered to a second reading.

Mr. CRITTENDEN introduced a bill for the relief of the widows and orphans of the officers and sailors of the United States schooner Wildcat: read twice, and referred to the Committee on Naval Affairs.

Mr. LYON introduced a bill to amend the act, establishing the northern boundary of Ohio, and admitting Michigan into the Union: referred to the Committee on Roads and Canals.

On motion of Mr. TIPTON,

Resolved, That the Committee on Indian Affairs inquire into the expediency of increasing the number of Clerks in the office of the Commissioner of Indian Affairs.

Also, that the Secretary of War communicate any information he may possess relative to the necessity of such increase.

Mr. CLAY of Alabama, from the Committee on Public Lands, reported adverse to the memorials of citizens of Missouri for an additional land office: laid on the table.

On motion of Mr. PIERCE,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of reporting a bill for the liquidation of the claim of General Duncan S. Clinch for losses sustained at his plantation, "Lang Syne," in Alachua county, Territory of Florida, in the years 1835 and 1836, in consequence of the war with the Seminole Indians. Papers in support of the claim presented at the same time: referred.

A bill from the House to change the times of holding the District Courts in Virginia: read, and referred to the Committee on the Judiciary.

Mr. LYON presented the petition of William A. Wolcott, Hiram Whitcomb, and Linval D. Bailey, assignees of Jean Baptiste Cicotte, praying authority to locate 300 acres of land, of any of the public lands in Michigan that may be subject to entry, in lieu of 300 acres which were recommended for confirmation to said Cicot by the Board of Land Commissioners at Detroit, but which, before the recommendation had been confirmed, as it afterwards was, by Congress, had been sold by the Government. Also, a petition of numerous citizens of Michigan, praying Congress to make an appropriation of money to complete certain harbor improvements commenced by individuals to improve the harbor of Brest, on Lake Erie, in said State.

MR. CALHOUN'S RESOLUTIONS.

The consideration of Mr. CALHOUN'S resolutions was then resumed.

Mr. BUCHANAN remarked, that as he had yesterday pledged himself to bring forward the additional resolution offered yesterday and suspended at his suggestion: in fulfilment of this pledge, he had restored the resolution to its original form, and would now deliver it up to its parents, the honorable Senators from Kentucky and Michigan.

Mr. CLAY, at the suggestion of Mr. SEVIER, assented to an amendment, by striking out the clause relating to the treaty with Spain of 1819.

Mr. CLAY proposed further to amend, by striking out such parts as relates to the Indians, except in cases where, by their influence, the institution of slavery has extended north of the compromise line.—[36 deg. 30 min. N. lat.]

Mr. SEVIER opposed this motion, and called for the yeas and nays, and on the question being taken, the result was as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Grundy, Hubbard, King, Lyon, McKean, Morris, Merrick, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roan, Robbins, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Williams, and Young—31.

NAYS—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Nicholas, Robinson, Sevier, Strange, Walker, and White—10.

Mr. RIVES moved, as an amendment, the following:

Resolved, That any interference with the subject of slavery in the Territories of the United States in which it may exist is inhibited by all the considerations in regard to the rights and interests of the inhabitants of said Territories, the security of the slaveholding States, and the danger to the Union, which are mentioned in the preceding resolution as forbidding any interference with, or action on, the the subject of slavery in the District of Columbia; and for the further reason that the people of those Territories, when admitted into the Union as States, will be exclusively entitled to decide the question of the existence of slavery within their respective limits for themselves.

The question on its adoption was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Calhoun, Cuthbert, Fulton, Lumpkin, Preston, Rives, Roane, Sevier, Tipton, and White—10.

NAYS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Grundy, Hubbard King, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Robinson, Smith of Connecticut, Smith of Indiana, Strange, Swift, Walker, Webster, Williams, Wright, and Young—29.

The resolution was, after considerable discussion, amended so as to read as follows:

Resolved, That any attempt of Congress to abolish slavery in any Territory of the United States in which it exists, would create serious alarm and

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JANUARY 22, 1838. VOLUME 6.....No. 7.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 6.]

just apprehension in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of such Territory, who have been permitted to settle with and hold slaves, because the people of such Territory have not asked for the abolition of slavery therein, and because that, when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves.

The question was then taken on its adoption, and carried by a vote of of 34 to 9.

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Hubbard, King, Knight, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—34.

NAYS—Messrs. Clayton, Davis, Grundy, McKean, Prentiss, Robbins, Smith of Indiana, Swift, and Webster—9.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 12, 1838.

Mr. BUCHANAN, from the Committee of Elections, made a report on the Mississippi Election case, which he moved to lay on the table and print.

The report was merely on the facts, and was submitted by the committee without comment or inference.

Mr. MAURY said he wished to submit a resolution, but it was not in order.

Mr. GRENNELL wished to have the report committed to a Committee of the Whole House.

Mr. BELL inquired of the Chair whether, if the motion to lay on the table were decided in the affirmative, it would again come up?

The CHAIR replied it would, when reached on the calendar.

Mr. BELL hoped the gentleman would not press the motion, but consent to its commitment.

Mr. BUCHANAN said he made the motion under the instruction of the committee. Moreover, the report itself came to no definite conclusion, and contained nothing upon which the House could act, being merely a statement of facts, such as they were directed to bring forward.

After several suggestions—

Mr. B. modified his motion by moving to postpone the further consideration of the report till Tuesday next, and that it be printed, which was agreed to.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making an appropriation for the protection of the northern frontier of the United States.

On motion of Mr. CAMBRELENG the estimates of the Ordinance Department for the year 1838 were laid on the table, and ordered to be printed.

Mr. McKIM, from the same committee, reported a bill to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers for the year 1838, and for other purposes.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of the Springfield manufacuring company.

Mr. STUART of Virginia, from the same committee, reported a bill for the relief of Winslow Lewis.

Mr. SMITH, from the Committee on Commerce, reported a bill to provide for the registration of vessels of the United States, for the collection of hospital money, the erection of marine hospitals for sick and disabled seamen on the Western rivers and lakes.

Also, a bill for relief of the legal representatives of Nathan Sage.

Mr. CASEY, from the Committee on the Public Lands, reported a bill for the relief of Daniel Malone.

Mr. GARLAND of Virginia, from the Committee on the Judiciary, reported a bill to require the judge of the district courts of East and West Tennessee to hold a court in Jackson, in said Sate.

Mr. BRUYN, from the same committee, reported a bill for the relief of Return B. Brown.

Mr. TOUCEY, from the same committee, reported a bill to refund a fine imposed on the late Matthew Lyon, under the Sedition laws, to his heirs and representatives.

Mr. RANDOLPH, from the Committee on Agriculture, reported a resolution instructing that committee to inquire whether there be, and if any, what encouragement may be given to promote the cultivation of the mulberry; which was concurred in.

Mr. BELL, from the Committee on Indian Affairs, reported Senate bill, without amendment, to provide for the payment of the annuities which will become due and payable to the Great and Little Osage Indians for the year 1838, and for other purposes.

On motion of Mr. B. the bill was committed, and then, on his motion, also, the House went into committee on the same, Mr. McKAY in the chair.

Mr. B. briefly explained that the suffering condition of these Indians was such that depredations and mischief were likely to arise on the one hand, or starvation on the other.

The bill was then considered, when the committee rose and reported it to the House; and it was ordered to a third reading, and then read a third time and passed.

Mr. MILLER of Mo. from the Committee on Military Affairs, reported a bill for the relief of General John E. Wool, Inspector General of the Army of the United States.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill for the settlement of the accounts of Richard Harrison, late Consular Agent of the United States in Spain.

Mr. WHITTLESEY, of Connecticut, from the Committee on Revolutionary Pensions, reported the following, viz:

Bill for the relief of Elizabeth French

Bill for the relief of Eli Eastman.

Mr. STANLEY, from the Committee on Invalid Pensions, reported a bill for the relief of Eli Whaleb Spafford.

Mr. HARRISON of Missouri, from the Committee on the Public Lands, reported the following:

"Joint resolution directing the Secretary of War to cause to be examined and surveyed the inundated lands of the Mississippi and its tributaries, and report to Congress the practicability of reclaiming the same."

Mr. HARISON also reported a bill authorizing the Missouri and Mississippi Railroad Company to locate their road throughout the public lands, and for other purposes.

Also, a bill making an appropriation of public lands, for the construction of a military road in the States of Missouri and Arkansas.

All the above, with the exception stated, were read twice and committed.

On motion of Mr. JOHNSON of Alabama, two thousand extra copies of the report of the Secretary of War, relating to the defence of the Western frontier, with the accompanying surveys, were ordered to be printed for the use of the House

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a statement prepared by the Second Comptroller of appropriations and expenditures for the year 1837; which, on motion of Mr. CAMBRELENG, was laid on the table.

The House then passed to the private orders, and, on motion of Mr. WHITTLESEY of Ohio, resolved itself into a Committee of the Whole, Mr. CASEY in the chair, and considered the following bills:

1. A bill for the relief of administrator of Edward Duval.
2. A bill for the relief of Richard Frisby.
3. A bill for the relief of Austin and Tailer.
4. A bill for the relief of Alexander G. Morgan.
5. A bill for the relief of Jonathan Elliot.
6. A bill for the relief of John Wilson.
7. A bill for the relief of Commodore John Downes.

This bill was discussed at great length, being opposed by Messrs. CAMBRELENG, CRAIG, RENCHER, and TILLINGHAST; and supported by Messrs. E. WHITTLESEY, PARMENTER, TALIAFERRO, LOOMIS, REED, MAXWELL, and LINCOLN; when the bill was laid aside to be reported.

8. A bill for the relief of Christopher Werner.
9. A bill for the relief of David H. Maxwell.
10. A bill for the relief of Thomas Tyner and others.
11. A bill for the relief of Melancton T. Woolsey.
12. A bill for the relief of Joseph Nourse.
13. A bill for the relief of James L. Kenner.
14. A bill for the relief of James Herron.
15. A bill for the relief of H. W. Russel.
16. A bill for the relief of Freeman Brady.
17. A bill for the relief of Wm. Tharp.
18. A bill for the relief of William and James Crooks.
19. A bill for the relief of James Callan.
20. A bill for the relief of the representatives of Farrow and Harris.
21. A bill for the relief of Converse and Rees.

The above having been considered, the Committee rose and reported all but No. 12 (for the relief of Joseph Nourse) on which it had leave to sit again, and all the others were ordered to be engrossed for a third reading.

The House again resolved itself into a Committee of the Whole, Mr. CALHOUN of Massachusetts, in the Chair, and took up and considered the following bills:

22. A bill for the relief of Robert Fulton.
23. A bill for the relief of Thomas Fillebrown, jr.
24. A bill for the relief of Levy Court, Calvert county, Maryland.
25. A bill for the relief of Hugh McDonald.
26. A bill for the relief of D. W. Haley.
27. A bill for the relief of Ann W. Johnston.
28. A bill for the relief of Robert Keyworth.
29. A bill for the relief of William Radcliff.
30. A bill for the relief of Charles Benns.
31. A bill for the relief of Nathaniel Goddard and others.
32. A bill for the relief of Winthrop Sears.
33. A bill for the relief of Henry Beamish.
34. A bill for the relief of Frederick Reze.
35. A bill for the relief of Squire Stearns.
36. A bill for the relief of Nathan Smith and others.
37. A bill for the relief of the owners of the schooner Three Brothers.
38. A bill for the relief of Moses Merrill.
39. A bill for the relief of Joseph Deshields.
40. A bill for the relief of Nathan Levy.
41. A bill for the relief of Ferdinand Clark.
42. A bill for the relief of Thomas Cushing.
43. A bill for the relief of the executors of John H. Peterson, deceased.
44. A bill for the relief of Isaac Wellborn, jr.

The committee then rose, and reported all the above bills except except Nos. 23 and 31 in the above list, on which the committee had leave to sit again.

Bill N. 22, for the relief of Robert Fulton, was, on motion of Mr. McKAY, postponed till to-morrow, and all the others were ordered to a third reading to-morrow; and then,

On motion,

The House adjourned,

IN SENATE,

FRIDAY, January 12, 1838.

Mr. GRUNDY rose and remarked, that, by some mistake in the reports of a morning paper, he had been made to vote against the adoption of the resolution last acted upon previous to the adjournment of last evening, when he was really absent. He therefore asked leave to record his vote on the other side; which leave being granted by unanimous consent, his vote was recorded in the affirmative.*

The CHAIR presented a communication from the Secretary of the Treasury. Also, one from the same, relative to the various expenditures of the past year. Also, from the Secretary of War. Also, from the Secretary of the Navy, relative to the number of clerks, and their several salaries, employed in that department. Severally laid on the table, and ordered to be printed.

Mr. CLAYTON presented the petition of numerous citizens of Delaware, for the establishment of New Castle as a port of entry: referred to the Committee on Commerce.

Mr. TALLMADGE presented the remonstrance of several marine insurance officers of New York, against the repeal or modification of the law of the last session relating to pilots: referred to the Committee on Commerce.

On motion of Mr. BUCHANAN, the memorial of the Philadelphia Chamber of Commerce in favor of establishing New Castle a port of entry, was taken from the files of the last session, and referred to the Committee on Commerce.

Mr. GRUNDY, from the Committee on the Judiciary, reported, with amendments, a bill to establish the southern boundary of Wisconsin Territory: amendments adopted.

Also, reported adverse to the petition of Thomas Atherton: adopted.

Also, adverse to the petition of sundry merchants of Mobile, for remission of fees of suit in case of duty bonds.

Mr. KING remarked, that the committee had made a remarkably short report; he wished the chairman would oblige him by giving his reasons.

Mr. GRUNDY replied: for the best reason in the world. There was no reason set forth in the memorial which stated why their prayer ought *to be* granted. It was not the duty of the Committee to search for reasons which were not known to exist.

Mr. KING remarked, that the law authorizing the extension of bonds on duties, had proved in many cases in effect worse than useless. It was on account of the enormous fees required by the prosecuting officer. It was never contemplated in the passage of the law that for an extension for a few months, the merchant was doomed to pay four or five hundred dollars. The object of the law was to relieve not to distress the merchants.

Mr. GRUNDY explained.

Mr. CLAY of Alabama felt some interest in the matter, and as he had not had an opportunity of examining the papers, which he wished to do before the question was taken, he moved that the report be laid on the table: agreed to.

Mr. HUBBARD, from the Committee on Claims, reported without amendment,

Bill for the relief of J. W. Jacob, of Charleston, South Carolina,

Bill for the relief of Daniel Davis.

Bill for the relief of Hannah Bradbury.

Bill for the relief of Capt W. Bell;

And on the latter moved an indefinite postponement.

On motion of Mr. HUBBARD,

The same committee were discharged from the consideration of the petition of D. J. Patterson, and the same referred to the Committee on Naval Affairs.

Mr. LYON, from the Committee on Roads and Canals, reported a bill to amend the act establishing the northern boundary of Ohio, &c. Ordered to a second reading.

Mr. TIPTON, from the committee on Roads and Canals, reported a bill for the relief of W. R. Taylor, administrator of Jonathan Taylor;

Also, a bill for the relief of Capt. S. Sanderson;

Also, a bill for the relief of Bailey and Delord; which were severally ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported a bill for the relief of Anthony Yale: ordered to a second reading.

Mr. WILLIAMS reported a bill authorizing the building an hospital in the District of Columbia for the insane, and for other purposes; with a *proviso*, "that the whole expense of erecting and finishing such building shall not exceed $75,000:" ordered to a second reading.

Mr. CALHOUN'S RESOLUTIONS.

Mr. CALHOUN'S sixth and last resolution was then taken up, when Mr. Calhoun supported it with a few preliminary observations.

Mr. PRESTON moved to lay the resolution on the table, giving the reasons on which he founded his motion; on which a short debate ensued; after which

The question was taken by yeas and nays, and carried by a vote of 35 to 9, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Webster, White, Williams, and Wright—35.

NAYS—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Roane, Robinson, Sevier, Walker, and Young—9.

The following is a copy of these resolutions, as they passed the Senate:

1. *Resolved*, That, in the adoption of the Federal Constitution, the States adopting the same acted, severally, as free, independent, and sovereign States; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, *domestic* as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

II. *Resolved*, That in delegating a portion of their powers to be exercised by the Federal Government, the States retained, severally, the exclusive and sole right over their own domestic institutions and police to the full extent to which those powers were not thus delegated, and are alone responsible for them; and that any intermeddling of any one or more States, or a combination of their citizens, with the domestic institutions and police of the others, on any ground, political, moral, or religious, or under any pretext whatever, with the view to their alteration or subversion, is not warranted by the Constitution, tending to endanger the domestic peace and tranquillity of the States interfered with, subversive of the objects for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

III. *Resolved*, That this Government was instituted and adopted by the several States of this Union as a common agent, in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity; and that in fulfilment of this high and sacred trust, this Government is bound so to exercise its powers, as not to interfere with the stability and security of the domestic institutions of the States that compose the Union; and that it is the solemn duty of the Government to resist, to the extent of its constitutional power, all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions.

IV. *Resolved*, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognised as constituting an important element in the apportionment of powers among the States, and that no change of opinion or feeling, on the part of the other States of the Union in relation to it, can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively, on entering into the constitutional compact which formed the Union, and as such are a manifest breach of faith, and a violation of the most solemn obligations.

V. *Resolved*, That the interference by the citizens of any of the States, with the view to the abolition of slavery in this District, is endangering the rights and security of the people of the District; and that any act or measure of Congress designed to abolish slavery in this District, would be a violation of the faith implied in the cessions by the States of Virginia and Maryland, a just cause of alarm to the people of the slaveholding States, and have a direct and inevitable tendency to disturb and endanger the Union.

And resolved, That any attempt of Congress to abolish slavery in any Territory of the United States in which it exists, would create serious alarm, and just apprehension, in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of any such Territory who have been permitted to settle with, and hold slaves therein, because the people of any such Territory have not asked for the abolition of slavery therein, and because when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves.

Mr. ALLEN then moved to append the following resolution:

Resolved, That nothing in the foregoing resolutions is intended to recognise the right of Congress to impair in any manner the freedom of speech, of the press, or the right of petition, as secured by the Constitution to the citizens of the several States within the States respectively.

On this question a long and animated discussion took place, in which Messrs. SMITH of Indiana, MORRIS, ALLEN, WALKER, and others, participated.

Mr. ALLEN proposed to modify his resolution, by striking out all after the word "*Constitution*," and to insert, "of the United States, and of the States respectively, to their citizens."

Mr. SMITH of Indiana moved to amend Mr. ALLEN'S proposition, by striking out all after the word "resolved," and inserting the following:

"That nothing in these resolutions should be construed or understood as intending to impair, or in any manner abridge the right of speech or of the people, or the right of petition, as secured by the Constitution of the United States, and the several States, and the right of petition is hereby expressly declared to include the duty on the part of Congress to receive and determine upon the prayer of the petitioners."

This amendment also occasioned some further discussion, when Mr. SMITH proposed so to amend it as to read:

"That nothing in those resolutions shall be construed or understood as intending to impair or in any manner abridge the freedom of speech or of the press, or the right of petition, which is hereby expressly declared to include the duty on the part of the Senate to receive and determine upon the petitions."

Pending the discussion,

Mr. NILES moved to lay the resolution and amendment on the table; and on this question the yeas and nays were called, when there appeared for the motion, 23; against it, 21—as follows:

YEAS—Messrs. Bayard, Black, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, King, Lumpkin, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Sevier, Strange, Walker, and White—23.

NAYS—Messrs. Allen, Benton, Buchanan, Clayton, Davis, Hubbard, Knight, Lyon, McKean, Morriss, Prentiss, Robbins, Robinson, Smith of Connecticut, Smith of Indiana, Swift, Tallmadge, Tipton, Webster, Williams, and Young—21.

Mr. WALKER moved that when the Senate adjourn, it adjourn to Monday next.

The Senate then adjourned.

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*One of the Reporters of the Globe, in the hurry of taking the yeas and nays on the adoption of Mr. CLAY'S amendment to Mr. CALHOUN'S fifth resolution, inadvertently placed the name of Mr. GRUNDY in the negative. That gentleman did not vote at the time. The Reporter hastens to repair the error, by presenting the vote, corrected from the Secretary's record, which is as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black,

Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Ken. Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—35.

NAYS—Messrs. Clayton, Davis, Knight, McKean, Prentiss, Robbins, Smith of Indiana, Swift, and Webster—9.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 13, 1838.

Mr. TOUCEY, from the Committee on the Judiciary, made an unfavorable report in the case of Thomas Chapman.

Mr. COLES, from the Committee on Military Affairs, made an unfavorable report in the case of Sylvester Day.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill to amend the act entitled an act for the relief of James Steele, approved 28th June, 1836, which was ordered to be engrossed for a third reading to-day.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill for the relief of Pamela Brown, widow of the late Major General Jacob Brown.

Mr. UNDERWOOD asked leave of the House to make a few remarks explanatory of his statements relative to the Postmaster General, contained in his speech as reported and published in the National Intelligencer of the 9th instant.

The House having unanimously granted leave,

Mr. U. said he had been unexpectedly called on in the course of debate, to explain a passing allusion he had made to old transactions, in which the Postmaster General took an active part, and which at the time produced a very deep sensation in Kentucky; that, in compliance with the call, he had made a statement from his best recollection at the moment. Since then, he had conversed with other gentlemen from Kentucky, whose opportunities to know and understand the facts were equal, if not superior, to his own. From such conversations and his own reflections, (said Mr. U.) I have become satisfied that so much of my former statement as holds out the idea that the Postmaster General was to "mould and touch" a pamphlet, wrote or to be written by Beauchamp, abusive of the Old Court party, or implicating any of them in the murder of Colonel Sharp, as the price or terms upon which a pardon was to be granted, is erroneous. I now believe the letter, in which the Postmaster General used the words "mould and touch," was written after Beauchamp's execution, and consequently could have furnished no evidence of a willingness to combine with Beauchamp, then dead, in efforts to procure his pardon as a reward for political services. That letter, from my present information, related to a manuscript left by Beauchamp, purporting to be his confession. It was repeatedly charged upon Mr. Kendall in the public journals of that day, that his motive in desiring to "mould and touch" the confession was corrupt; and from the course which the Argus had taken, the Old Court party, so far as my information extended, believed that Mr. Kendall had a sinister political object in view in his proposition to "mould and touch." Such was my opinion then, and I still retain it.

In speaking of these transactions of so many years' standing, it can scarcely be presumed that I should precisely recollect every circumstance. I have deemed it a duty to myself to correct the mistake into which I have fallen, as far as my subsequent information and reflection show to be proper.

Mr. WHITTLESEY of Ohio suggested that the House now proceed to the private bills.

Mr. CAMBRELENG objected, because he preferred occupying the morning hour with the public business.

Mr. JOHNSON of Louisiana, on leave, offered the following resolution, which was agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reviving the act of Congress authorizing all persons owning lands on water courses in the State of Louisiana to enter the lands in the rear of their front concessions; and into the expediency of authorizing all such claimants of land on the said water courses as may be unable to obtain, in the rear of their claims, the quantity of lands contained in their front tracts, by reason of bends in the water courses on which they are situated, or other causes, to make their entries on other public lands in the vicinity of their front claims.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution submitted by Mr. ADAMS on the 18th ult.

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamphlet in the Spanish language, stated in the report of the Secretary of State to this House, to have been printed and circulated by the late Minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of a diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike out all that part relating to the name of the diplomatic functionary, after the word "country," in the eighth line.

Mr. SHIELDS did not rise for the purpose of entering into the merits of the whole subject under debate, but solely for the purpose of repelling and protesting against the allegations which had been made against the citizens of the southwest in relation to the revolution in Texas. With regard to the resolution itself, he did not see of what benefit it could be to the country, as its principal object was to call for a copy of a pamphlet, every word of which had been already read by every member of the House. But he had risen to protest against certain conclusions which had been drawn, reflecting on the conduct of citizens whom he had the honor to represent. It had been asserted in the course of debate, that the citizens of the southwest had participated in the affairs of Texas, in direct violation of the laws of neutrality between this country and Mexico. Such was not the case. He would contradict the charge, and affirm that the citizens of the Southwest had neither in point of fact or law participated in the revolution of Texas. He would assert that there was not one man in fifty who left the United States for Texas, but who went with the *bona fide* intention of becoming a citizen of Texas. It was true they had taken with them arms and ammunition, but this was after they had expatriated themselves; and were they, under those circumstances, to be blamed for carrying means with them to defend the country of their adoption? Such individuals as went from that quarter were no longer our citizens: they were citizens of Texas, and from the first had engaged in that cause with the *bona fide* intention of uniting themselves with that Government. But there was not the least comparison between the circumstances attending the movements in the southwest, and those of the northern frontier. The individuals who left the United States to render assistance to Texas did so after the war had commenced, and were invited so to do by the Government of Texas. They therefore could not be charged with violating the laws of Texas, because they had merely accepted an invitation held out to them by that Government; and by that act he protested that they had not broken one solitary law of the United States, as there was nothing to prevent persons from expatriating themselves, and becoming citizens of another country, if they thought proper. But how was it with the North? There the matter was widely different. A portion of our citizens had, uninvited, entered the territory of a foreign power, with the avowed intention of carrying on a war, under aggravating circumstances, calculated to disturb the harmony between the two countries. Mr. S. went into a detailed statement of the affairs of our Canada border, for the purpose of showing there was not the slightest ground for instituting a parallel between the conduct of our citizens in that quarter, and that of the people of the southwest in relation to Texas.

Mr. HOLSEY did not rise for the purpose of discussing the merits of the proposition immediately before the House, but simply to reply to the observations of the gentleman from Kentucky, (Mr. Menifee,) who had on a previous day, when this resolution was under discussion, charged the late Administration with a breach of neutral relations with the Government of Mexico. He denied the imputation, and invited that gentleman to lay his finger upon a single instance in which this Government had failed to act in strict conformity to the laws of nations. There are but two modes of deriving neutral obligations—one from the *conventional*, the other from the *natural* and *necessary* law of nations. Will the gentleman from Kentucky produce the *treaty of neutrality* between the two powers? The subsisting treaty of amity, commerce, and navigation, is not of that character. It does, indeed, define the rights and obligations of neutrals, whilst the parties choose to retain that character, but does not bind either of the parties to remain neutral in a contest with a third power. The *treaty* establishes the rights and privileges of neutrals, but the question, *who are neutrals?* it leaves to be decided by the *natural* law of nations. By this law you remain neutral so long as you extend to the belligerants *equal privileges*. You shall not deny to one, in consequence of the war, what you grant to the other. *It is not a violation of neutrality to permit one of the belligerants to enlist troops within your dominions, provided you do not exclude the other.* The nations of Europe engaged in war, enter the Republic of Switzerland and enlist her citizens, whilst none of the belligerants ever complain of such permission as a breach of neutrality. Let us, then, apply the *law* to the *facts* of the case before us. I shall take the strongest case put by the gentleman from Kentucky, of the officers of Texas enlisting soldiers within our jurisdiction. Now this is a privilege granted, we will suppose, to *one* of the belligerants. Has it been *refused* to the other? Has any *discrimination* between the parties been made by the Government? It is true, sir, that the act of 1818 excludes both parties from recruiting within our limits. But this act is a *domestic* regulation—it *prohibits* that which the *law of nations permits*. A relaxation of that policy concerns this nation exclusively. With its execution or non-execution foreign nations have nothing to do. All that they demand when in a state of war, is that the door shall be opened or closed upon both parties alike. If you enforce the act against the one, you must also enforce it as to the other. If you relax it as to one, so you must as to the other. Now, sir, I affirm there was nothing in the course of the last Administration towards the two powers of Mexico and Texas, contrary to the principle just stated. If the people of the United States choose to serve under the banner of Texas rather than that of Mexico, it is not chargeable to the Government. They act only in pursuance of a perfect right allowed them by the law of nations. Nations engaged in war have no right to impute to a third power the conduct of its citizens who take part in the war. Such a practice would multiply the causes of war, and be subversive of the peace of nations. It is not recognised by the custom of the enlightened nations of Europe. But as, between Mexico and Texas, the question occurs how far foreign nations may interfere, I shall admit it to be a sacred principle, that you are not allowed to intermeddle in the domestic quarrels of other States. The incipient stages of revolt, a popular commotion, or an insurrection, do not furnish proper or legitimate ground for interference.

When, however, the contest has reached the higher appellation of *civil war*, you are at liberty to take the justice of the cause into consideration, and join the party whom you may deem to have justice on its side. Such was the conduct of France in our struggle for independence. Such was the course of the allied sovereigns who arrested the march of the *Ottoman* in the *Morea*, and prevented him from grinding to the dust a people whose ancestors are renowned in history. The war between Mexico and Texas has been of a similar character. The latter are a people cradled in American liberty, once enjoying a federal system similar to our own, but resisting the overthrow of the Constitution and the march of a military chief to a throne. The struggle soon assumed the cha-

racter of *civil war*. They were from thenceforth belligerants, governed by the laws of war. It was a right of this nation to have taken sides with Texas, had she seen proper to do so. By that act she might have abrogated the treaty of amity, commerce, and navigation with Mexico, but it would not have been a violation of the faith of treaties. The use of her liberty would only have deprived her of the rights of neutrality defined by the treaty. But this Government has *not* exercised its right to become party to a war from which it is not precluded by a *treaty of neutrality*. It has given no just offence to either of the parties, because it has been *impartial* between them. It has not arrested *its citizens* from a participation in the struggle; nor do the laws of nations *require* it. If the *ultra*-pacific policy contained in the act of 1818 has not been enforced, it is altogether a matter of *domestic* concern. If the Executive has relaxed its execution, it is for the *American people* to judge how far the nature of the contest required it, and is no just ground of complaint on the part of *Mexico*.

The SPEAKER reminded Mr. H. that a discussion upon that subject would not be in order.

Mr. HOLSEY would submit to the decision of the Chair, but he considered it impossible for him to repel the charges made against the Administration unless he drew a parallel between the two cases.

Mr. CUSHING had read the pamphlet in question, but would support the resolution because he desired to have it communicated officially to the House. With regard to its contents, he fully agreed with the views of the gentleman from Maryland, (Mr. Howard.) Mr. C. commented at some length on the objectionable nature of the pamphlet, and the conduct of the diplomatic functionary who had communicated it to the Secretary. He would ask if it was a proper act for a foreign minister to adopt such a course, and to make the remarks attributed to him? That information, said Mr. C. has been communicated to the House by the Secretary of State, and, until it is contradicted by the same authority, I shall assume it to be correct. Was the course, therefore, of that Minister a justifiable and a proper one? A course, justly remarked by my colleague, calculated to engender bad feelings, and an incentive to hostility between this country and Mexico. Was it right for a Minister of a foreign power to make such remarks, leaving alone the communication of the pamphlet itself? I say it was grossly improper, and unless the name of that individual is made known, it will throw disgrace upon the whole diplomatic corps. Until that person shall be designated, a stigma of disgrace and reproach will cling to the whole of that body. I desire that the individual be made known, that we may put a mark upon him, in order that the rest of the diplomatic corps may be exonerated from the imputation which must otherwise rest upon them.

Mr. C. proceeded to state that it had been asserted in the public press, that the individual was no other than the British Minister. He did not pretend to say whether such was the fact or not; but he desired to know if such was the case, and whether that functionary, in the present delicate situation of Great Britain and the United States, had pursued such a course, calculated to inflame the differences between the United States and Mexico. If, however, the amendment should be carried, and the inquiry suppressed, he, Mr. C. would take it for granted, that it *was* the British Minister, and no one else. He would place that construction upon it, and he desired it might go forth to the world that, if the inquiry was refused, such was the verified and established fact.

Mr. C. was proceeding in his remarks, when—

The SPEAKER announced that the morning hour had expired, and the House then passed to the orders of the day.

The SPEAKER laid before the House the following Executive communications, viz:

1. From the Secretary of War, transmitting reports from the Topographical Bureau, accompanied by sundry documents, in reference to the survey of the Kennebec river, in the State of Maine.

On motion of Mr. EVANS, referred to the Committee on Commerce.

2. From the same, transmitting a report from the Topographical Bureau, accompanied by a survey of Cleaveland harbor.

On motion of Mr. CUSHMAN, referred to the Committee on Commerce.

3. From the Secretary of State, a communication stating the amount of postages paid on letters and papers transmitted by that department by the Express mail.

On motion of Mr. MONTGOMERY, referred to the Committee on the Post Office and Post Roads.

Mr. BRIGGS laid on the table an amendment he proposed to offer to the mileage bill; when that bill should come up again for consideration; and the same was ordered to be printed.

On motion of Mr. FILLMORE, 2,000 extra copies of the message of the President of the United States, and the accompanying correspondence between this Government and the British Minister in relation to Canada, were ordered to be printed.

The House then passed to the private orders.

The following bills were read a third time and passed:

An act for the relief of the administrator of Edward W. Duval.

An act for the relief of Richard Frisby.

An act for the relief of Austin and Tailer.

An act for the relief of Alexander G. Morgan.

An act for the relief of Jonathan Elliot.

An act for the relief of John Wilson.

An act for the relief of Christopher Werner.

An act for the relief of David H. Maxwell.

An act for the relief of Thomas Tyner and others.

An act for the relief of Melancton T. Woolsey.

An act for the relief of Joseph Nourse.

An act for the relief of James L. Kenner.

An act for the relief of James Herron.

An act for the relief of H. W. Russel.

An act for the relief of Freeman Brady.

An act for the relief of William Tharp.

An act for the relief of William and James Crooks.

An act for the relief of James Callan.

An act for the relief of the representatives of Farrow and Harris.

An act for the relief of Converse and Rees.

An act for the relief of Levy Court, Calvert county, Maryland.

An act for the relief of Hugh McDonald.

An act for the relief of D. W. Haley.

An act for the relief of Ann W. Johnston.

An act for the relief of Robert Keyworth.

An act for the relief of Joseph Radcliff.

An act for the relief of Charles Benns.

An act for the relief of Winthrop Sears.

An act for the relief of Henry Beamish.

An act for the relief of Frederick Reze.

An act for the relief of Squire Stearns.

An act for the relief of Nathan Smith and others.

An act for the relief of the owners of the schooner Three Brothers.

An act for the relief of Moses Merrill.

An act for the relief of Joseph Deshields.

An act for the relief of Nathan Levy.

An act for the relief of Ferdinand Clark.

An act for the relief of Thomas Cushing.

An act for the relief of the executors of John H. Peterson, deceased

An act for the relief of Isaac Wellborn, jr. and William Wellborn.

An act to amend the act entitled An act for the relief of James Steele, approved 28th June, 1836.

The "bill for the relief of Commodore John Downes" coming up.

Mr. RENCHER moved a reconsideration of the vote by which this bill had been ordered to a third reading; which was agreed to, and the bill was postponed to Friday next.

The engrossed bill for the relief of the executors of John H. Peterson, deceased, was amended, by striking out the provision for interest; and was then read a third time, and passed.

The following Message, in writing, was received from the President of the United States, by the hands of his private Secretary, Abraham Van Buren, esq.

To the Senate and House of Representatives:

I transmit to Congress copies of a representation from a late grand jury of the county of Washington, in this District, concurred in by two of the judges of the Circuit Court, of the necessity for the erection of a new jail and a lunatic asylum in this city. I also transmit copies of certain proceedings of the Circuit Court for the county of Alexandria, at the last October term, and of a representation of the grand jury, made with the approbation of the Court, showing the unsafe condition of the court-house of that county, and the necessity of a new one.

I recommend these objects to the favorable consideration of Congress.

M. VAN BUREN.

Washington, Jan. 13, 1838.

The Message having been read, was, on motion of Mr. WHITTLESEY of Ohio, referred to the Committee on the District of Columbia.

The following Message from the President of the United States, was also laid before the House:

To the Speaker of the House of Representatives:

In answer to a resolution of the House of Representatives of the 2d inst. I transmit herewith a report of the Secretary of War, explanatory of the causes which have prevented a compliance with a resolution of that branch of Congress of February 24, 1837.

M. VAN BUREN.

Washington, Jan. 12, 1838.

[The resolution referred to in the above message was in relation to frauds committed upon the Creek Indians.]

On motion of Mr. OWENS referred to the Committee on Indian Affairs.

On motion,

The House adjourned.

HOUSE OE REPRESENTATIVES,

MONDAY, January 15, 1838.

On motion of Mr. LINCOLN, the following subject was taken up:

Mr. PATTON of Virginia on Monday last presented the memorial of the Native American Association of Washington, signed by nearly one thousand persons, praying that Congress will pass an act repealing the acts now in force providing for the naturalization of foreigners, or so to modify them as may seem best calculated to secure to the native citizens of the United States the full enjoyment of the privileges and rights which they are justly entitled to under the Consitution. And also to make ample provisions by law for the protection of the United States from any future influx of foreign paupers and convicts.

Mr. PATTON moved to refer this memorial to a select committee.

Mr. HAYNES moved its reference to the Committee on the Judiciary.

Mr LINCOLN of Massachusetts had moved the following instructions to that committee:

With instructions to consider the expediency of revising and so amending the laws on the subject of the naturalization of foreigners, as to require a term of longer residence in the United States previous to their admission to the rights of American citizenship, and greater checks and securities against frauds in the means and process of obtaining naturalization.

And further to consider the propriety and expediency of providing by law against the introduction into the United States of vagrants and paupers, deported from foreign countries, for whom no place of residence and means of employment, and certain support for a reasonable time after their arrival, have been previously prepared; and of requiring that the owners and masters of vessels by whom such persons shall be brought into the country shall be held liable for their relief, if left in distress, for —— months after their being landed.

Mr. LINCOLN now withdrew his instructions.

Mr. PATTON said it was a matter of indifference to him whether it was referred to a select committee, or the Committee on the Judiciary.

Mr. HAYNES was decidedly in favor of a reference to the Judiciary Committee. He consider-

ed the subject belonged properly and technically to that committee.

Mr. LINGOLN adverted, at some length, to the great importance of the naturalization laws, and contended that, owing to the great changes which had taken place within the last thirty-five years, it was necessary that considerable alterations should be made. He asked if gentlemen were aware of the immense evils which were inflicted on the Atlantic cities by the great influx of foreign paupers and convicts. He thought the subject ought to be referred to a select committee, consisting of gentlemen from that portion of the country who had seen and experienced the evil results of the present system.

After some brief remarks from Messrs. PAYNTER and BOON, the question was taken on the amendment of Mr. HAYNES, and it was agreed to—yeas 97, noes not counted.

Petitions and memorials were then called for in the order of States, commencing at the point suspended on Monday last, viz: the State of Virginia.

Messrs. MERCER, MALLORY, PATTON, BOULDIN, MORGAN, ROBERTSON, and BEIRNE, of Virginia.

[Mr. MALLORY presented the petitions of Thos. Peake, Maria C. Bell, John Harper; and of the heirs of James Marshall, Wm. Johnson, J. S. Pell, and John Bradford.]

Messrs. CONNOR, BYNUM, HAWKINS, GRAHAM, WILLIAMS, STANLY, and MONTGOMERY, of North Carolina.

Messrs. THOMPSON and ELMORE of South Carolina.

Messrs. GLASCOCK, TOWNS, CLEAVELAND and DAWSON of Georgia.

[Mr. DAWSON presented a petition in favor of James S. Calhoun, of Columbus, Ga. asking remuneration for losses sustained by him in consequence of the acts of the officers and agents of the General Government, by impressing his property for the public use, and violating certain contracts between Calhoun and Bass and the General Government, in relation to the use of the steamboat Anna Calhoun, running on the Chatahoochie.]

Also a petition from the President, Directors, and Stockholders, asking of Congress to recharter the Patriotic Bank, of Washington, in the District of Columbia.]

[Mr. CLEVELAND presented the petition of sundry citizens of Floyd county, Georgia, praying the establishment of two post routes: One from Cherokee Court House, Alabama, via Chatooga Old Town, in Floyd county, Georgia, and near the Alabama line, Hopkinsville post office, Beavers post office, to Island town. The other from Treadaways post office, Floyd county, via Beavers, Gambles, Sininary, to Almons, in Browntown Valley.]

Messrs. POPE, MURRAY, SOUTHGATE, RUMSEY, HAWES, GRAVES, WHITE, and UNDERWOOD, of Kentucky.

[Mr. GRAVES moved that the annual report of the President and Directors of the Louisville and Portland Canal for the year 1837, be referred to the Committee on Roads and Canals, and that the report be printed.

Also, that the petition of sundry citizens of Harrisonville and its vicinity, praying for a post route from Shelbyville to Harrisonville, in Shelby county, Kentucky, be referred to the Committee on the Post Office and Post Roads.

Also, that certain papers relating to a claim of the heirs of Capt. Thomas Lewis be referred to the Committee on Revolutionary Claims.]

Messrs. SHIELDS, STONE, CAMPBELL, CARTER, McCLELLAN, BELL, and Mr. SPEAKER POLK of Tennessee.

[Mr. SHIELDS presented the petition of Cornelius Welch, praying Congress to allow him a pension for Revolutionary services; which was referred to the Committee on Revolutionary Pensions. Also, the claim of George P. Adams of Tennessee, against the United States for the loss of a horse in the service of the United States, which was referred to the Committee of Claims. Also additional testimony in favor of the claim of Janson Loyd; which was referred to the Committee on Revolutionary Pensions, to which said claim had heretofore been referred.]

Messrs. WHITTLESEY, C. H. WILLIAMS, MORRIS, LOOMIS, ALEXANDER, HAMER, DUNCAN, MASON, ALLEN, HARPER, HUNTER, COFFIN, CORWIN, SHEPLOR, LEADBETTER and GOODE, of Ohio.

[Mr. HAMER presented the remonstrance of Rufus Richardson and thirty-three others, against the annexation of Texas to the Union; also the petition of Rufus Richardson and twenty-six others, for the abolition of slavery in the District of Colbmbia; both of which were laid on the table, under the order of the House.]

[Mr. HUNTER of Ohio, presented the following petitions: From Wm. Walker of Upper Sandusky for additional compensation. From Joseph Edwards and others, of Huron county, Ohio, for the establishment of a post route, from the centre of Bronson, Huron county Ohio, to Truxville, Richland county, Ohio. From Sandford Lesson and others, for the same: referred to the Committee on the Post Office and Post Roads.]

Mr. JOHNSON of Louisiana.

Messrs. BOON, DUNN, HEROD, WHITE, RARIDEN, and EWING, of Indiana.

[Mr. DUNN presented the petition of Capt. John Craudon, praying for a pension: referred to the Committee on Invalid Pensions.]

[Mr. WHITE presented a memorial of the General Assembly of the State of Indiana, in relation to the harbor at Michigan city: referred to the Committee of the Whole on the state of the Union, to accompany bill No. 394, and ordered to be printed. Petition of J. Roop and others, citizens of Indiana, for a mail route on the east side of the Wabash river, from Terre Haute through Montezuma, West Union, West Port, and Lodi, to Covington, in Indiana: referred to the Committee on the Post Office and Post Roads. Petition of Elliott Baggs, of Warren county, Ia. (verified by sundry citizens,) praying compensation for a horse lost in the Black Hawk war: referred to the Committee of Claims. Memorial of fifteen inhabitants of Wendell, Mass. praying the abolition of slavery and the slave trade in the Territories of the United States, where they exist: laid on the table. Petition of Jacob Bigelow, and three hundred and fifteen others, citizens of northern Indiana, praying an appropriation for a harbor at City West, at the head of Lake Michigan, in the State of Indiana: referred to the Committee on Commerce, and ordered to be printed. Petition of John Baldwin and others, masters and owners of vessels, shipping merchants and others, interested in the trade of Lake Michigan, for the same object: same order.]

[Mr. RARIDEN presented the petition of Campbell Doll, praying to be placed on the revolutionary pension roll: referred. The letter as a petition of Henry R. Burnew, praying the renewal of Government land warrant. The petition of 500 citizens of Union county, praying the abolition of slavery and the slave trade in the District of Columbia. The petition of 98 citizens of Randolph county, for the abolition of slavery and the slave trade in the District of Columbia. The petition of 119 citizens of Randolph county, praying the abolition of slavery and the slave trade in the District of Columbia. The remonstrance of 167 citizens of Randolph county, against the admission of any new slave State into the Union.]

Messrs. CASEY and MAY of Illinois.

[Mr. CASEY presented the petition of James Alexander of Coles county, Illinois, praying the passage of a law authorizing him to correct an erroneous land entry; which was referred to the Committee on Public Lands. Also, the petition of M. Duncan of Shelbyville, Illinois, praying relief; which was referred to the Committee of Claims.]

Messrs. CHAPMAN, LYON, and MARTIN of Alabama.

Messrs. MILLER and HARRISON of Missouri.

[Mr. MILLER presented the petition of J. L. Collins and others, praying the establishment of a mail route from Booneville, Missouri, by the way of Georgetown, Potter county, Rives Court-house, Oseola, in Sinclair county, to Sarcoxie, in Barry county; thence to Fort Gibson, on the Arkansas river: referred to the Committee on the Post Office and Post Roads.

Mr. MILLER moved that the petition and accompanying papers of David and Samuel Bailey and Dolly Cottle, praying Congress to confirm to them certain Spanish grants to lands in the State of Missouri therein named, be removed from the files of the House, and referred to the Committe on Pri-Land Claims.

Also, that the petition and accompanying papers of Isaac Ruland of Missouri, praying Congress to grant him compensation for services rendered by him in the army of the United States during the late war with Great Britain, and for property taken from him by an officer of the army, for the use of the United States, during said war, be taken from the files of the House, and referred to the Committee of Claims.]

[Mr. HARRISON presented the petitions of Samuel Gladney, praying Congress to pass a law allowing him to select such quantity of land on the rejected claim of Albert Tison as had been improperly taken from him under the same claim; of William H. Duncan and William H. Taylor, asking remuneration for damages sustained in consequence of the alleged seizure of their goods by the United States; of Richard Brannin for remuneration for depredations committed on him by certain Indian tribes.]

Mr. YELL of Arkansas

[Mr. YELL introduced the following petitions: William L. Widdington of Arkansas, praying for a donation of 320 acres of land under the treaty of the 24th May, 1828, with the Cherokee Indians: referred to the Committee on Private Land Claims. Leonard Keplar for the confirmation of a Spanish claim of 400 arpens in Arkansas: referred to the Committee on Private Land Claims. Petition of sundry citizens of Arkansas for the establishment of a military road from Little Rock to Fort Smith, on the south side of the Arkansas river: referred to the Committee on Roads and Canals. Petition of 200 citizens of Arkansas; praying a division of the Helena Land District: referred to the Committee on Public Lands.]

Mr. CRARY, of Michigan.

[Mr. CRARY presented two petitions for a mail route from Marshall to Allegan. Also, a memorial of 216 inhabitants of Lenawee county for the abolition of slavery and the slave trade in the District of Columbia; of 176 women of the same county, for the same object. Also, a petition of 34 inhabitants of Washtenaw county, for the same object. Also, of 28 inhabitants of the same county, for the prohibition of the domestic slave trade. Also, of 30 inhabitants of said county, that no new State be admitted into the Union, whose constitution tolerates domestic slavery.]

Mr. DOWNING of Florida.

Mr. JONES of Wisconsin.

Messrs. JENIFER and JOHNSON of Maryland.

Messrs. POTTS, HENRY, FRY, PLUMER, DARLINGTON, HAMMOND, MUHLENBERG, OGLE, WAGENER, KLINGENSMITH, NAYLOR, TOLAND, McKENNAN, BIDDLE, and M. MORRIS of Pennsylvania.

[Mr. KLINGENSMITH presented a petition from sundry citizens of Pennsylvania, for a mail route from Indiana, Pennsylvania, via Warren, Armstrong county, and North Washington, Westmoreland county, to East Liberty, Alleghany county, Pennsylvania.]

[Mr. HENRY presented the petition of Priscilla Greer of Juniatta county, Pennsylvania, the daughter and only heir of John McClelland, deceased, who was a lieutenant in the Revolutionary war, and who died in the service of his country, praying for a commutation of five years' full pay as a lieutenant, with interest; and, on motion, referred to the Committee of Revolutionary Claims. Also, the petition of Isaac McCamment of Mercer county, a soldier in the Revolutionary war, praying for pay for ten months' service in that war, for which he never received any compensation: referred to the same committee.

[Mr. M. MORRIS presented the petition of Ellen Lacy, of Bucks county, Pennsylvania, the widow of Isaac Lacy, deceased, asking for a pension, which was referred to the Committee on Revolutionary Pensions. Also, the remonstrance of 121

citizens of Bucks county, Pennsylvania, against the annexation of Texas to the United States.]

[Mr. FRY presented the petition of 105 legal voters of Montgomery county, Pa. remonstrating against the annexation of Texas to the Union: laid on the table. Also, the petition of 68 voters of the same place, praying the abolition of slavery in the District of Columbia. Also, the petition of Jacob Erb, for a pension.]

[Mr. PLUMER presented a petition signed by eighty-five citizens of Erie county, Pennsylvania, praying the abolition of slavery in the District of Columbia. One signed by eighty-five citizens of the same county, praying for the abolition of slavery and the slave trade where it exists in the Territories of the United States; and one signed by ninety-two citizens of the same county, praying that no State be admitted into the Union whose Constitution tolerates slavery; which petitions were laid on the table. Also, a memorial signed by citizens of Pennsylvania and New York, praying for an appropriation to improve the Alleghany river from Olean to Pittsburg; which was referred to the Committee on Roads and Canals, and ordered to be printed. Also, a petition signed by the executors of Thomas Atkinson, deceased, praying for exoneration from a collector's bond: referred to the Committee on the Judiciary. Also, a petition for the establishment of a mail route from Butler to Tionesta: referred to the Committee on the Post Office and Post Roads.]

Messrs. RANDOLPH, AYCRIGG, and YORKE of New Jersey.

Messrs. CHILDS, BRODHEAD, PALMER, FOSTER, McCLELLAN, FILMORE, PECK, GRAY, BIRDSALL, DEGRAFF, PARKER, LOOMIS, SPENCER, PATTERSON, RUSSEL, HOFFMAN, SIBLEY and CAMBRELENG of New York.

[Mr. CAMBRELENG presented the petition of Eliza Nichols, for a pension; of Angelica Gilbert, for a pension or some other relief; of Lewis Feuchtwanger, praying Congress to substitute certain coins in lieu of our copper coins; a memorial from certain American authors, praying for the enactment of an international copy right law; and a memorial for a canal around the falls of Niagara.]

[Mr. PARKER presented the petition of Betsy Warner, asking for a pension on account of the Revolutionary services of her late husband, Zelotus Warner: referred to the Committee on Revolutionary Pensions.]

[Mr. BIRDSALL presented the petition of Randal Hewit, Seneca Falls, New York, praying compensation for property lost in the war of the Revolution, and for services rendered in that war: referred to the Committee on Revolutionary Claims. Also, communication from J. W. P. Lewis, civil engineer, on the subject of making Indian Key, Florida, a port of entry: referred to the Committee on Commerce. Also, the petition of Gratia Ray, widow of William Ray, Seneca Falls, New York, with sundry documents in support of the same; which, on motion of Mr. B. was referred to the Committee on Naval Affairs.]

[Mr. McCLELLAN presented the petition of Jeremiah A. Winne, asking an increase of his pension as an invalid. Also, the petition of Oliver Spencer, asking a pension for services performed, and disabilities incurred, in the last war: referred to the Committee on Invalid Pensions.]

[Mr. SPENCER presented the petition of Jacob Redington.]

[Mr. SIBLEY of New York presented the following petitions: Petition of Morris F. Sheppard and 52 other male and 3 female citizens of the county of Gates, in the State of New York, for the abolition of slavery in the District of Columbia. Of Daniel W. Lockwood, and 7 other freeholders of the town of Hopewell, in the same State, for the like object. Of the same, for the abolition of slavery and the slave trade in the Territories of the United States. Of the same, for the regulation of commerce in such manner as to prohibit the slave trade between the several States. Of Lucy Sawyer and 8 other females of the same town, for the abolition of slavery and the slave trade in the District of Columbia, and in the territories of the United States. Of James Harland, and 63 other citizens of Manchester, in the State of New York, for the abolition of slavery in the District of Columbia. Of the same, for the abolition of slavery in the territories of the United States. Of the same, for the regulation of commerce in such manner as to prohibit the slave trade between the several States. Remonstrance of David W. Lockwood, and 15 other citizens of the county of Ontario, in the same State, against the admission of Texas into the Union. Of Pardon Butts, and 63 other citizens of the town of Manchester, in the same State, for the like object. Of James Harland, and 67 other citizens of the same town, for the like object. Of the same, against the admission of any new State whose Constitution admits domestic slavery.

Such of the foregoing petitions and remonstrances as relate to slavery, were laid upon the table under Mr. PATTON'S resolution; and those which relate to Texas were also laid upon the table, on motion of Mr. WISE of Virginia.

On motion of Mr. SIBLEY, the petition of Daniel McKenney, a Revolutionary soldier, for a pension, with the accompanying papers, were taken from the files and referred to the Committee on Revolutionary Pensions.]

Messrs. FLETCHER, ALLEN, and EVERETT, of Vermont.

[Mr. FLETCHER presented the petition of one hundred and thirty-two men and women of Walden, Vermont, for the abolition of slavery in the Territories; which, under the order of the House, was laid on the table.]

Messrs. TOUCEY, HOLT, and INGHAM, of Connecticut.

[Mr. HOLT presented the petition of John Snow, of Connecticut, praying Congress to redeem Continental money by him received for services rendered in the war of the Revolution.]

Mr. CRANSTON, of Rhode Island.

Messrs. PARMENTER, CUSHING, GRENNELL, FDETCHER, REED, CALHOUN, BRIGGS, LINCOLN, and ADAMS, of Massachusetts.

[Mr. PARMENTER presented the petition of Josiah Bartlett and 62 others, of Concord, Mass. and G. W. Stacy and 51 others, of Carlisle, Mass. against the admission of new States whose constitution tolerates domestic slavery. Of Josiah Bartlett and 69 others, of Concord, G. W. Stacy and 45 others, of Carlisle, for the abolition of slavery in the District of Columbia, and the slave trade in the United States. Of G. W. Stacy and 29 others, of Carlisle, for the abolition of slavery and the slave trade in the Territories of the United States.]

Messrs. WILLIAMS, FARRINGDON, and CUSHMAN, of New Hampshire.

[Mr. WILLIAMS presented a petition for a mail route extending from Andover, in the State of Maine, to Colebrook, in the State of New Hampshire.

[On motion of Mr. CUSHMAN, the petition of Julia S. Horton, praying for a pension, was referred to the Committee on Revolutionary Pensions.

Mr. C. also presented the petition of Olive Renge Watts, praying for a pension: referred to the Committee on Naval Affairs.]

Messrs. FAIRFIELD, EVANS, SMITH, DAVEE, and CARTER, of Maine.

[Mr. DAVEE presented the petition of Judah McLellan and 91 others, citizens of Somerset county, State of Maine, praying for the immediate abolition of slavery in the District of Columbia. Petition of 31 males and 24 females of the same county, for the same purpose. Also, the memorials of Joseph Locke and 72 others, citizens of Bloomfield, Maine, remonstrating against the annexation of Texas to the United States; of Andrew Barnard and 53 others, citizens of the same county, for the same purpose; of Delia B. Weston and 90 other women of Bloomfield, in the State of Maine, remonstrating against the annexation of Texas to the United States: which were severally laid on the table.]

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the amount of postage paid by that Department per Express mail.

On motion of Mr. BRIGGS, referred to the Committee on the Post Office and Post Roads.

On motion of Mr. CONNOR, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Hall's post office to Catawba Creek post office, in the county of Lincoln, N. C.

Mr. WISE begged to inquire of the Chair what had become of a resolution offered by Mr. W. at the late special session, and postponed till the present?

The CHAIR replied, that by the invariable practice that disposition of it was identical in effect with its indefinite postponement.

Mr. WISE said he was not aware of that fact, and he wished it so understood.

On motion,

The House adjourned.

IN SENATE,

MONDAY, Jan. 15, 1838.

The CHAIR communicated a report from the Secretary of War, made in compliance with a resolution of the Senate, relative to the expediency of employing an additional number of clerks in the office of the Commissioner of Indian Affairs, accompanied by a communication from the Commissioner of Indian Affairs on the same subject. Referred to the Committee on Indian Affairs.

Also, a report from the same Department, transmitting a report from the Topographical Bureau, accompanied by documents, in reference to the harbor of Southport, Wisconsin Territory, made in obedience to a resolution of the Senate of the 28th inst. Referred to the Committee on Commerce.

Also, a report from the same, transmitting a report from the Topographical Bureau, accompanied by a report and documents, in reference to the survey of Kennebeck river, in obedience to a resolution of the Senate of the 28th inst.; which, on motion of Mr. RUGGLES, was laid on the table.

Also, a report from the Navy Department, transmitting a copy of the report of Captains Kearney and Sloat, and their examination of the harbor of Princess Ann.

Mr. TIPTON presented sundry resolutions of the General Assembly of Indiana, praying for an appropriation for the improvement of the harbor of Michigan city; also, a petition from sundry citizens of Indiana, praying for the establishment of a post route: both of which were appropriately referred.

Mr. McKEAN presented a petition from sundry citizens of Philadelphia, praying for an appropriation for the completion of the frigate Raritan, now on the stocks: referred to the Committee on Naval Affairs.

Mr. McKEAN also presented several petitions from citizens of Pennsylvania, remonstrating against the admiision of Texas into the Union, and for the abolition of slavery in the District of Columbia: the question as to reception laid on the table.

Mr. TALLMADGE presented the petition of Horatio N. Crabb, late a lieutenant in the United States Marine corps; which was referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented the petition of sundry citizens of Pennsylvania, urging Congress, for many reasons, and some of them very powerful, against the passage of any international copy right law: referred to the Committee on the Library, and ordered to be printed.

Mr. CRITTENDEN presented the petition of Simeon Knight; which was referred to the Committee on Claims.

Mr. LUMPKIN presented the petition of Gillis Hitch, praying for a pension in consideration of revolutionary services: referred to the Committee on Revolutionary Claims.

Mr. ROANE presented the petition of the heirs of Daniel Trueheart, praying to be compensated for a building burnt during the revolutionary war: referred to the Committee on Revolutionary Claims.

Mr. LYON presented a memorial from twenty-eight inhabitants of Saint Joseph, in the State of Michigan, praying for an appropriation of twenty thousand dollars to improve the harbor of Port Sheldon, at the mouth of Pigeon river, in that State: referred to the Committee on Commerce.

Mr. NILES presented a remonstrance from sundry

citizens of Connecticut, against the annexation of Texas to the Union: laid on the table.

Mr. MERRICK presented the petition of the heirs at law of Daniel Zantz, praying the passage of a certain act of Congress for his relief: referred to the Committee on Claims.

A message was received from the President of the United States by Mr. A. Van Buren, his private secretary, transmitting a presentment of the Grand Jury of Washington county, District of Columbia, concurred in by two of the Judges of the Circuit Court of said District, showing the necessity of a new jail and lunatic asylum for Washington county. The Message recommends the objects of the document to the consideration of Congress: referred to the Committee on the District of Columbia.

Mr. CLAY, of Kentucky, presented the petition of sundry citizens of Philadelphia, praying for an appropriation for the construction of a dry dock at the navy yard at that place: referred to the Committee on Naval Affairs.

Mr. PRENTISS presented the petition of Luther Ball; which was referred to the Committee o Pensions.

Mr. NORVELL presented a petition from Elisha Sutton, of Michigan; which was referred to the Committee on Revolutionary Claims.

Mr. PRESTON presented the petition of the heirs at law of John D. Treville; which was referred to the Committee on Revolutionary Claims.

The following resolutions were offered:

On motion of Mr. CLAY of Alabama,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming the title of Michael Armbrister to a half section of land purchased from Usee Yoholo, a Creek Indian, who was entitled to the same as a reservation.

On motion of Mr. ROBINSON,

Resolved, That the Committee on the Judiciary inquire into the expediency of providing by law for another annual term of the circuit court of the United States in the State of Illinois.

On motion of Mr. TIPTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Marion, by Wabash and Laketon, to Warsaw, Indiana. Also, a post route from Logansport to Sparta, in Noble county. Also, from Logansport, by Pulaski court-house, Sherwood's Ferry, on the Kankikee and Valparaiso, to City West, in Porter county.

The reports of the Committee on the Judiciary unfavorable to the petitions of Joseph W. Worthington and Charles S. Hempstead, were severally taken up and concurred in.

The bill making an additional appropriation for the removal of the great raft of Red river, was read the third time and passed.

On motion of Mr. BUCHANAN,

The bill to amend the act in addition to the act for the funishment of certain crimes against the United States, and to repeal the acts therein mentioned, was taken up.

Mr. BUCHANAN observed that it was proper he should give an explanation of the principal provisions of the bill now before the Senate, and he should perform this duty with as much brevity as possible. The committee on Foreign Relations (said Mr. B.) have carefully examined the act of the 20th April, 1818, which embodied all the former laws on the subject of our neutral relations, and have found that it is well adapted to enforce the observance of our duties towards belligerent nations. They, therefore, do not propose to make any material change in its provisions. Under that law, the citizens of the United States are not prohibited from carrying on any trade sanctioned by the law of nations; nor is it the purpose of this bill to abridge or interfere with any such lawful trade. The citizens of the United States have an unquestionable right to sell arms and munitions of war to the citizens or subjects of belligerent powers who come here to purchase them, without any violation of our neutral obligations. After this purchase has been made, the buyer must get these articles to the place of their destination as well as he can. If they are captured beyond the jurisdiction of this country, by the forces of his enemy, he sustains the loss; but that enemy has no right to ask our Government to prevent such sales. Again: any citizen of the United States may carry arms and munitions of war for sale to one belligerent nation without violating the neutrality of his country towards the other. Such a trade is not prohibited by the law of nations. It is true that such articles, if captured by the enemy on their passage, will be forfeited as contraband of war; but this is the only penalty imposed on such a trade by the law of nations. It is a question in which the Government of the neutral country has no concern. Our policy has ever been to promote the greatest freedom of commerce consistent with our neutral obligations. As regards our trade by sea with all foreign nations in arms and munitions of war, this bill makes no change. It will remain precisely as it was.

What, then, is the object of this bill? We have three neighbors on our frontiers, Canada, Texas and Mexico; and the duties of good neighborhood required something more from us in relation to them than could be strictly demanded under the law of nations. In Europe, reciprocal treaties between conterminous nations generally regulate this matter. In order to preserve peace along the frontiers, it is absolutely necessary that such regulations should exist. It is against all reason and justice, that in case of a sudden commotion in a neighboring country along our frontiers, the citizens of the United States should be permitted to take part with the insurgents, by furnishing them with vessels, arms, and munitions of war, for the express purpose of aiding and assisting in such hostilities. If this be tolerated, then it is in the power of the people along the borders of our country to force the whole nation into a war, whenever any number of dissatisfied individuals rise against the established Government of a neighboring State. It is our duty to prevent our citizens from aiding in every revolutionary movement against a neighboring Government. To prevent and to remedy such evils, is the sole object of the present bill. This bill inflicts no penalties whatever: it is a measure of prevention, not of punishment. The first section provides for the seizure of any vessel belonging to a citizen of the United States, and of the arms and munitions of war which may be found therein, which is about to pass our frontier, when the circumstances of the case shall render it probable, that she is destined to be employed in carrying on hostilities against the citizens, subjects, or property of a conterminous friendly State or Territory, or in giving aid and comfort to the persons carrying on such hostilities, by conveying to their assistance men, arms, or munitions of war. The vessel and the arms thus seized are to be restored to the owner, as soon as he gives security that they shall not be employed in violating the provisions of the bill. In case he shall not give such security, they will be detained until the President orders them to be restored. It will strike every Senator at once, that such a provision is necessary to preserve the tranquillity of the country along the lakes and rivers which are the boundaries of our territory.

The second section makes a similar provision for the seizure and detention of arms and munitions of war belonging to a citizen of the United States, when the circumstances of the case render it probable that they are about to be carried across the frontier for the same hostile purposes.

Such provisions are not new to our law. The 10th and 11th sections of the act of April, 1818, afford a precedent for the first two sections of this bill. The owner of any vessel described in those sections, before it is permitted to leave the United States, is obliged to give security that it shall not be employed in carrying on hostilities against a friendly power.

Mr. B. said he deemed it unnecessary for the present to go further into the subject. He was prepared, however, to give any further explanation which any Senator might require. One observation he would make before he took his seat. In a New York paper which he received this morning, he had seen, with equal astonishment and regret, a letter from Col. M'Nabb, commanding a portion of her Britanic Majesty's forces in Canada, in which he not only avows that the outrage on the steamboat Caroline was commited by his orders, but he glories in the deed. He fancies that a Captain in the royal navy has acquired fresh laurels by becoming his agent in conducting this cowardly attack, upon our unarmed and unsuspecting citizens. If any thing were wanting to aggravate the enormity of this wanton outrage upon our territory and jurisdiction, it would be found in its open avowal of justification by a British officer, high in command. The British Government would have had an equal right to send one of their ships of war into the harbor of Boston or New York, to capture any American vessel at anchor there, which they suspected of hostile intentions against their country. The sovereignty and jurisdiction of the United States over our own territory has been grossly violated; and if any thing could prevent him from doing his duty in regard to this bill, it would be the indignant feelings which had been excited in his bosom by a perusal of this letter of Col. McNabb. But the wrong which we have suffered ought not to prevent us from doing justice. We were bound to perform our duties towards all nations; and we were imperatively bound to demand of the British Government to hold Colonel McNabb to a strict account for his conduct, and not to be satisfied without the most ample atonement.

He would now conclude by offering the three sections which he held in his hand as a substitute for the first three sections of the bill. The purpose of this amendment was to render the bill more specific, to confine its operation with greater precision to cases which might occur along our interior frontiers, and to expressly exclude any idea of interference with our trade by sea in arms and munitions of war.

Mr. RUGGLES hoped the Senator from Pennsylvania would not press the consideration of his amendment at the present time. He wished it printed, that he might have an opportunity to examine its provisions. He was not now prepared to say what effect the provisions of the bill would have upon the condition of things on our North-eastern border. He wished time to consider whether any and what modifications of the proposed amendment may be necessary to meet the case referred to. It is doubtless in the recollection of the committee, that a large portion of the territory of Maine is now, and has been for a number of years, in the possession of Great Britain. If troops or arms should be transported into that part of the territory of Maine by the Government of that State, for the purpose of taking possession of and defending it, would it be a violation of the provisions of the bill, and justify the President in ordering their apprehension and seizure? If this Government does not protect her jurisdictional rights, he trusted she would be left at liberty to defend her own soil. He saw no good reason for urging forward the action of the Senate on the bill under consideration, and hoped it would be postponed a day or two at least. He said it was understood that despatches had been recently received from the British Government, or are soon expected. They might perhaps contain something from that Government relating to the subject of the boundary. If satisfactory, very well. If the matter is left where it has been for the last eight or ten years, it will be time to consider whether our relations with that Government require the passage of this bill, or what modifications it ought to receive. He presumed the Senator would consent to a postponement of the matter for the present.

Mr. BUCHANAN had no disposition to hurry this bill; at the same time, if it were to pass at all, it would be well if it passed speedily. The amendment he had proposed to this bill did not vary its several principles in any respect; but it confined their operation, in express terms, to the foreign States and colonies conterminous with the United States. The committee thought that the bill required this amendment; otherwise it might possibly interfere with the general law which regulated our trade with foreign nations. If the Senator (Mr. Ruggles) had any amendment to offer in reference to Maine, it would be as well to consider it now as at any other time. The committee, Mr. B. said, had

charged him with the duty of bringing forward this bill at the earliest period, and it was his fault, perhaps, that it had been delayed till the abolition question was determined. If, however, the gentleman wished a postponement till to-morrow, he had no objection to grant it.

Mr. RUGGLES said he did not wish to be understood by that Senator, nor by the Senate, as having any disposition to throw unreasonable embarrassments in the way of the progress of the bill, although he must say that he should feel much less anxiety for its passage on account of the circumstance the Senator from Pennsylvania had mentioned. He alluded to the information we have received this morning, that the gross and flagrant outrage on the Niagara frontier, (he referred to the attack upon, and destruction of the Caroline,) was avowed by the commanding officer in that vicinity as having been committed by his direction. He was satisfied with the proposition to adopt the amendment as matter of form, and to have it printed for further consideration.

Mr. BUCHANAN considered that it would be very unfortunate, indeed, if the important question of the Maine boundary should be mixed up with the matters contained in this bill. That question would of itself be sufficient to command the anxious and undivided attention of Congress when it should be properly presented. At present, he understood from high authority, that an answer was daily expected at the Department of State, from the British Government, to the last proposition made by this Government. For aught he knew, it might, at this very time, have been actually received. The negotiation was about to close; and, at this moment, to take the question out of the hands of the Executive, and introduce it into a bill to preserve the peace of our frontiers, would, in his opinion, be exceedingly ill-timed.

The amendment, Mr. B. said, did no more than to define, with greater precision, the objects to which the bill was intended to apply. He trusted, therefore, that the Senator from Maine would permit the question to be taken upon this amendment. After its adoption, he would move to postpone the bill, and make it the special order of the day for to-morrow, and to print the amendment.

The amendments were then agreed to, and the bill was postponed to, and made the order of the day for to-morrow.

The bill for the relief of certain persons therein named, was taken up in Committee of the Whole, and after considerable discussion was amended, and ordered to be engrossed for a third reading.

The bill for the relief of the steamboat company of Nantucket, was amended, and ordered to be engrossed for a third reading.

The bill for the relief of Caroline E. Clitherall was ordered to be engrossed for a third reading.

The following bills were also considered in Committee of the Whole, and severally ordered to be engrossed for a third reading:

The bill for the relief of Benjamin Murphy of Arkansas.

[The bill for the benefit of John H. Hall: was after a short discussion, laid on the table.]

The bill for the relief of Samuel Ferguson.

The bill for the relief of Thomas A. Smith.

The bill for relief of the legal representatives of Francis Cazot.

The bill for the relief of the owners of the ship Alleghany or their legal representatives.

The following bills from the House were severally read twice, and referred.

The bill for the relief of Isaac Wellborn, jr. and William Wellborn.

The bill to amend the act for the relief of James Steel, approved 28th June, 1836.

The bill for the relief of Christopher Werner.

The bill for the relief of James Hellen.

The bill for the relief of the administrators of Edward W. Duval.

The bill for the relief of Jonathan Elliott.

The bill for the relief of John Wilson.

The bill for the relief of Doctor David M. Maxwell.

The bill for the relief of Thomas Tyler and others.

The bill for the relief of Melancthon T. Woolsey.

The bill for the relief of James L. Kenner.

The bill for the relief of H. W. Russell.

The bill for the relief of Freeman Brady.

The bill for the relief of Alexander G. Morgan.

The bill for the relief of Charles Bell.

The bill for the relief of Winthrop Sears and others.

The bill for the relief of Henry Bemis.

The bill for the relief of Frederick Reese.

The bill for the relief of Squire Stearns.

The bill for the relief of Nathan Smith and others.

The bill for the relief of the owners of the schooner three brothers.

The bill for the relief of Moses Merrill.

The bill for the relief of Joseph Dashiels.

The bill for the relief of Nathan Levy.

The bill for the relief of Ferdinand Clark.

The bill for the relief of Thomas Cushing.

The bill for the relief of John A. Peterson, executor of John H. Peterson, deceased.

On motion of Mr. KING, the Senate then went into Executive business.

And when the doors were opened,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 16, 1838.

MISSISSIPPI ELECTION.

The first business in order was the consideration of the report of the Committee of Elections, on the case of the Mississippi election, which had been postponed to this day.

The subject having been announced from the CHAIR,

Mr. BRONSON rose and intimated his wish to offer a resolution.

Mr. WISE inquired if it would be in order.

The CHAIR replied not, unless it related to the subject matter under consideration.

Mr. BRONSON saying that it did, the resolution was read as follows:

Resolved, That S. S. Prentiss and Thomas J. Word are not members of the 25th Congress, and are not entitled to seats in this House.

Mr. WISE moved the preliminary motion that the gentlemen referred to have leave to appear within the bar of the House, touching their right to seats therein, as representatives from the State of Mississippi.

Mr. W. at first modified his resolution, by substituting for the words "have leave," the words "are entitled," but subsequently retained the original words, at the suggestion, he said, of several gentlemen near him. At the same time, he added, he took that opportunity of saying that, by the term "have leave," these gentlemen did not waive the position they had assumed before that House, the Government and the nation, and that that House had not the power to deny the State of Mississippi the right of representation upon that floor. Mr. W. retained the expression only because it was the customary form of words.

Mr. HOWARD, after alluding to the indisposition of Mr. CLAIBORNE, stated that he had in his possession a paper from that gentleman, containing a statement in relation to the subject before the House, which he desired might be read by the Clerk, and afterwards printed.

Mr. BELL objected.

Mr. WISE had no objection to the printing of the paper, but could not consent to its reading, which would interfere with the resolution.

Mr. HOWARD observed that as the statement on the other side had been printed and laid upon the tables of members, it was no more than fair that the paper of Mr. CLAIBORNE should be laid before the House as early as possible.

Mr. BELL referred to the case of Arnold of Tennessee, and proposed to amend the resolution so as to make it conform to the precedent established in that case, as follows:

Resolved, That S. S. Prentiss and Thomas J. Word have leave to occupy seats within the bar of this House pending the discussion of the report of the Committee of Elections upon their application; and that they have leave to speak to the merits of their application, and the report of the committee thereon.

Mr. WISE accepted the modification.

Mr. FOSTER objected to the words "within the bar." He considered the resolution ought to be worded so as to preclude any debate on the part of the claimants after they had closed their argument. He did not think it right that they should be permitted to mingle in debate with members of the House after making their arguments on the question they were interested in. With that view, he moved to amend the resolution as follows:

Resolved, That S. S. Prentiss and Thomas J. Word have leave to appear *at* the bar of this House, and argue on the merits of their application for seats therein.

Mr. BELL hoped the gentleman from New York would not make any technical objections to the resolution, which was worded in strict conformity with established precedent.

Mr. FOSTER made some brief remarks in support of his amendment. He contended that the gentleman from Tennessee (Mr. Bell) had selected a single isolated case, and that all the other precedents would be found against him.

Mr. WISE regretted that any opposition of that nature should have been made to the resolution. It was a matter of no consequence to him where the claimants were heard, whether "within" the bar, or "at" the bar, so that they were heard. Mr. W. alluded to the high respectability of the gentlemen, and hoped that the House would treat them in a manner worthy of the station they occupied, as representatives sent by the people of Mississippi.

Mr. POPE objected to the word "bar" being introduced at all into the resolution. To him it gave the matter the appearance of a trial in a court of justice, and was derogatory to the highly respectable gentlemen claiming their seats. He wished the word to be struck out altogether.

Mr. WISE suggested to Mr. P. that the word "bar" had its parliamentary sense, as well as the sense when applied to a court of justice. In the present case it had a general meaning, and signified "the House."

Mr. BELL protested against the amendment of the gentleman from New York, inasmuch as it appeared to him an attempt to narrow down into the least possible compass the privileges which might be allowed to the claimants. He would ask the gentleman what there was in the present case which required such extraordinary rigor? Was it not conducted in strict conformity with the former practice of the House? Mr. B. contended that the present case was not an ordinary case of a contested election. It was a distinctive election by the people of Mississippi, not at all connected with the preceding one. If the matter were at the option of the gentlemen, he admitted it would be a different affair, but such was not the case; they came as representatives from the people of Mississippi, and could not recede. All that was asked, was the same privileges might be granted to them, as were granted in the cases of Arnold and Newland.

Mr. GLASCOCK regretted there should be any unnecessary discussion on the subject. He saw no benefit to be derived from the amendment proposed by the gentleman from New York, because, if either proposition were adopted the claimants would have the privilege of being heard, which was all that was desired. It was of no importance whether they were *within* the bar or *at* the bar, as the object contemplated would be accomplished. The amendment was a mere technical objection, and of no consequence whatever. The claimants were gentlemen of high standing, and he had no doubt that they would be treated with proper courtesy by the House, and that the question would be decided in conformity with the Constitution, at the same time with due deference to the laws of Mississippi.

Mr. HAMER saw no manner of use in the proposed amendment, as whether it were adopted or not, the result would be the same. In his opinion the original resolution was amply sufficient.

Mr. REED hoped that whether the amendment was adopted or not, the gentlemen from Mississippi would be treated with proper courtesy, and allowed

the same privileges as in former cases of the same nature.

Mr. CUSHING was opposed to the amendment.

Mr. HAYNES saw no benefit which would arise from the adoption of the amendment, as whether the claimants were said to be "within" the bar, or "at" the bar, it would amount to the same thing.

After some remarks from Mr. BIDDLE, in opposition to the amendment,

Mr. FOSTER assured the House that he had no objection to the situation occupied by the claimants. His only object in offering the amendment was to provide, that after the claimants had closed their argument, they should not then be allowed to mingle in debate with members of the House. If the original resolution would accomplish that object, he had no objection to withdraw his amendment; but as the resolution made no such provision, he would still press his modification.

Mr. BOON moved the previous question, which was ordered—ayes 85, noes not counted.

The main question was then ordered without a count, and Mr. BELL'S resolution agreed to without a division.

The SPEAKER then directed the officers of the House to provide seats for Messrs. Prentiss and Word, which were placed for them in the centre aisle, and those gentlemen having taken their seats, the Speaker communicated to them the order of the House, and informed them that they were at liberty to address the House in relation to their application.

Mr. HOWARD then renewed his application to present a paper prepared by the Hon. Mr. CLAIBORNE, one of the sitting members, who was confined to his bed from a severe attack of illness.

Mr. BELL objected; but if the one statement should be read, he should move to have the statement of the applying members read also. However, he wished the House to determine, in the first place, when they would take up this question with a view to decide it. Mr. B. had prepared a resolution for the purpose.

Mr. WISE made a brief statement in relation to the paper of the claimants, laid on the tables of the members yesterday, which produced a reply from Mr. GHOLSON, and some remarks of a most painfully personal character passed between them.

The CHAIR interposed, and both gentlemen having taken their seats, the question on reading Mr. CLAIBORNE'S statement was propounded to the House, and assented to. It was then read as follows:

MR. CLAIBORNE'S ARGUMENT.

A severe illness, which confines me to my room, will prevent my taking part, personally, in the discussion of the questions in which I am interested, growing out of the recent elections in the State of Mississippi. I feel it to be proper and necessary, therefore, to communicate, in writing, those views which, were I able, I should, at a fitting time, express on the floor of the House of Representatives. This course seems to be the more requisite, inasmuch as my collegue, who has a joint interest with me in the subject, is also confined to his room by indisposition.

I am fully aware of the kindness and ability of the friends who, in my absence, will maintain my rights; and perhaps I may only weaken the effect of their exertions in my behalf, by what I may now say. I believe, too, that no unfair advantage of my absence would by taken by any one member of the House. But it is right that the views entertained by me should be expressed, in justice to myself; so that, whatever may be the result, there may remain some evidence that I supported, to the best of my ability, what I conceive to be the cause of those whose votes entitled me to a seat upon the floor; and that there may be no ground for saying hereafter, that, from overweening confidence, or carelessness, or doubt, I did not avail myself of the best opportunity of doing so that circumstances afforded. I am fully persuaded, too, that the gentlemen who claim the seats of my colleague and myself, would themselves prefer that we should adopt this mode of presenting our views to the House; so that their success, were they to succeed even, might not, in any degree, be attributable to our absence or our silence.

At the special session in September last, the House, after full investigation, decided that my colleague and myself were entitled to our seats for the entire term of the 25th Congress. The question then settled was one of law, arising out of the Constitution of the United States and the laws of the State of Mississippi. The only facts involved were the proclamation of the Governor of that State, and the consequent election, by a majority of votes, of my colleague and myself; facts which no one then or since has pretended to deny, and the evidence of which was before the Committee of Elections, and afterwards before the House. Although we were the only persons claiming seats as members elect from Mississippi, the decision made in our case cannot be termed an *ex parte* one. An *ex parte* decision is one in which the facts on one side only are exhibited; or, all the facts being exhibited, the argument on one side only is heard. In the case of my colleague and myself, our right to qualify was denied and put in issue, when we presented ourselves for that purpose, before the House was organized. The affirmative and negative of the proposition were distinctly made out, and their respective supporters in the House were arrayed against each other. My colleague and myself were, in fact, placed, by the course that was pursued, upon the defensive; and in the prolonged debate to which the subject gave rise, the talent, industry, perseverance, and warmth manifested on both sides, left nothing unsaid which, by way of argument or illustration, could be brought to bear upon the questions involved in the discussion. Neither for want of facts nor of argument, therefore, can the decision of the House, in September last, in the matter of the Mississippi election, be called an *ex parte* one; but it must be considered as a grave and solemn adjudication deliberately made by the competent and only authority.

The question that now presents itself is, Shall the decision, thus made, be reviewed, to the end that it may be reversed; because, differing in opinion from a majority of the House of Representatives, the Governor of Mississippi, pursuing the literal tenor of a law of that State, has ordered a new election to fill a supposed vacancy in its representation, after the House of Representatives, the only constitutional judge in the matter, had determined that no such vacancy existed? Had the new election not been ordered, or had the present claimants not appeared, it is not for a moment to be supposed that the House of Representatives, of its own motion, would have reversed its decision in favor of my colleague and myself, at this or at any other time. Is there any thing in the facts which requires it to do so now? Has any new fact, necessary to a correct decision, been brought a light, which was not before the Committee of Elections and the House in September last?

I have heard it suggested that, in September, the credentials of my colleague and myself were not before the committee. Now, it is well known that the credentials of a member elect are rarely, if ever, demanded, when he presents himself to qualify; and, that, perhaps, not one-half of the members have their credentials in their possession. All that is necessary is satisfactory evidence of the election of the individual. The law points out no particular mode in which this is to be given. The House, which, by the Constitution, is "the judge of the *elections, returns, and qualifications*, of its own members," is the judge, necessarily, of the *evidence* of their election, or, in other words, *their credentials;* and cases have occurred in which the House, not satisfied with the evidence of election presented, has taken testimony to show that the party presenting it has received illegal votes; and therefore, although holding the ordinary credentials, was not entitled to his seat. The credentials of the ordinary form are, therefore, of themselves, of no binding authority; and if the exhibition of them would not estop an examination into our title to our seats, the want of them, if the House were satisfied of our election by other means, could not defeat our title: this is evident. The evidence of our right to our seats, presented in September last, was a statement from the Secretary of State of Mississippi, under the great seal of office, of the votes cast in the then recent (July) election. The ordinary certificate of election, or credentials, were forwarded to my colleague, but never received by him. Those sent to me were received; but, perceiving that they contained the limitation of the term of service mentioned in the Governor's writ to hold the election, we applied for, and obtained, the statement from the Secretary of State to be used in their stead. All this was distinctly stated by us to the Committee of Elections in September last. Now the only matter which appeared in the credentials, besides the election of my colleague and myself, was, that we were elected for the special session only. This is all that is pretended. Had this appeared in the credentials only—had we, by not presenting the credentials, withheld the only evidence of this matter, there would be some ground for the suggestion now made, that the credentials, not having been before the committee or the House, all the facts were not presented; and that the case, at this time, should be re-opened to let in a new fact. But is this so? Why, what was the question that so long occupied the attention of the House in September? Did it not grow out of the very fact, now pretended to be a new one, that the Governor's writ was for an election for the special session only? Was not the only question before the House, the question whether we were elected for the special session, or for the whole term of the Congress? And is it not strange that it should be contended now, that the House was without evidence of the fact, the existence of which—the uncontroverted truth of which—was the sole cause of all the protracted and excited debate to which the Mississippi election of July gave rise? The fact that we received a majority of the votes then cast, was undeniable. The fact that those votes were given at an election held under a writ ordering one for a less period than the entire Congress, was also undeniable; and out of this fact grew the only discussion that took place.

It has also been suggested that the official proclamation of the Secretary of State of Mississippi, summing up the whole number of votes given, was not presented by my colleague or myself to the committee in September last. Such proclamation was never given to us; but if it had been, and we had presented it, it would have only amounted to proof, in a different form, of that of which other proof had already satisfied the committee, and which was not then, nor has it since been, denied—our election by a majority of the votes cast under a writ ordering an election for a less period than the whole term of the Twenty-fifth Congress.

I have thus shown that there were no facts existing at the time the House decided the rights of my colleague and myself to our seats, which were not then known to the House; and that the matter now suggested as new, so far from being so, is the very matter that gave rise to the discussions of September. The fact is independent of the form in which it is presented: and, whether the House was informed that the election at which we were chosen representatives was held for a shorter term than the whole Congress, by the production of the Governor's writ, the proclamation of the Secretary of State, the exhibition of credentials in the ordinary form, or universal admission of the fact, is immaterial, if the House was in the possession of the fact when it came to its decision.

It has been said, however, that during the debate upon the resolution declaring us to be duly elected to the twenty-fifth Congress, parol proofs or statements were made to the House in relation to the election in July, strongly calculated to influence the judgment of the House.

During the discussions in September last, my colleague and myself remained silent from motive of delicacy, except on one occasion, when, in reply to a member from Ohio, (Mr. Mason,) who, as we supposed, had misstated our course and position, we declared, what we still believe, that those who voted for us did so under the impression that we would hold our seats during the entire twenty-fifth Congress. We also stated in an argument submitted by us to the Committee of Elections, "that the election in July was conducted with great

zeal and ardor, which was entirely inconsistent with the supposition that the people were misled, by the notion of the Governor into the belief that they were only conferring a temporary appointment for two months, to be superseded by members then to be chosen by a new election for the residue of the vacancy. So far, too, as the press may be considered indicative of public sentiment, it may be safely stated that, prior to the election, both parties assumed the ground that the Governor had the power to issue the writ; that he had no authority to abridge the constitutional congressional term; and that the members to be elected would serve during the whole twenty-fifth Congress." In addition to this, the honorable Hugh S. Legare, of South Carolina, in his argument, read an article written by a distinguished editor in Mississippi, (Mann Butler, Esq.) friendly to the election of one of the present claimants, (Mr. Prentiss,) reiterating what he had asserted when the Governor issued his writ—that the members elect would serve through the entire Congress, the Executive having no power to abridge the constitutional term.

The statements made by my colleague and myself, by the argument submitted to the committee, and by Mr. Legare in his speech to the House, were to be found in the newspapers of the day, which spoke for themselves. What weight they may have had on the House is not known; but it certainly could not have affected the decision of the *legal* question, upon which alone our right to our seats depended. That question arose upon facts with which those here stated had nothing to do.

Has any thing occurred since the decision of the House in September, which can justify a review of that decision? That the Governor of Mississippi, still satisfied of the correctness of the opinions entertained by him when he ordered the special election, and pursuing the literal tenor of the law of the State, should have ordered the late election, was to have been anticipated. The decision of the House of Representatives, however, did not require his conforming to it to make it binding. Ought the fact that, at the late election, others than my colleague and myself were chosen, to have any influence upon the present action of the House? The House, in confirming the election held in July last, decided in anticipation that an election (the late one) held in November would be a nullity. As it cannot have any influence, therefore, as a legal and competent act, any weight that it may have with members, must proceed from the belief that it exhibits the wishes of a majority of the voters of Mississippi, and is entitled to such consideration as would justify the House of Representatives in reviewing, and, if it pleases, reversing, the decision that has already taken place.

The doctrine that an election, legal in itself, may be set aside, and a member duly qualified deprived of his seat, because, after his election, a majority of his constituents become dissatisfied with him, and elect, at their own time and place, another, is indeed a novel one. The right of the people to instruct their representatives, and the duty of the representatives to obey such instructions or resign their seats, has long been admitted; but it is yet to be maintained, that the House may vacate the seat of a member because such instructions were disobeyed. Were the seats of members dependent during their terms upon the fluctuations of public opinion after their election, the tenure would be indeed uncertain. And yet the argument that would give weight to the recent election in Mississippi, merely because it was supposed to be indicative of the present opinions and wishes of the people, would, if carried out, lead to such conclusions. The fact that such election was made according to the tenor of *an existing law* makes no difference If the object of the election is illegal, it matters little whether it is authorized to be held by the Legislature or the Governor, or is the act of the people in their primary assemblies.

I have thus attempted to show, that the decision of the House of Representatives on the rights of my colleague and myself, in September last, was not an *ex parte* one; that it was made upon a full knowledge of the facts necessary to a just judgment; and that nothing has occurred since, which can impair its force or weaken its binding character.

I contend, therefore, that the decision in question is final and conclusive, and a bar to all further proceedings. I am well aware that the terms thus used by me are as strong as I could employ, and, in their strict sense, might imply than any further action of the House would be inoperative. Such, however, is not the extent of my meaning. In the case of a right vested in an individual, under an act of the Legislature, creating a contract between the individual and the State, a court of justice will interfere to protect him from any further legislation impairing or taking away his rights. There is a power in such case to restrain the action of the Legislature within the limits of the Constitution. In the present case, the Constitution makes the House of Representatives the supreme and only judge. The rights of the member, awarded to him by the House, may, so far as feeling, reputation, and honor are concerned, be far more valuable and important to him than any pecuniary interests that can grow up under a contract between the State and an individual; but, while the latter is protected by a paramount authority, the protection of the former is to be found only in the will of the Legislature; and, should this be capricious, variable, or uncertain, the individual experiences in his most valued *political rights* all those wrongs against which his *rights to his property* were effectually guarded, when the Constitution made it the duty of the courts of justice to protect them. It is the very absence of any power to restrain the action of the House of Representatives, in cases like the present—it is the very fact that its will is the law—that the rights which it gives to-day it may take away to-morrow—that make consistency in its decisions so paramount a duty. When I speak, therefore, of the binding character of the decision of the House in September last, and urge that decision as a bar to the pretensions of the present claimants, I rely upon the sense of its own dignity, its appreciation of its own duties, even where its will is unrestricted, to make the action of the House as consistent in regard to the political rights of its members, as if those rights, like the vested rights of individuals, were under the protection of the courts of justice.

Had the investigation which took place in September been imperfect, owing to any concealment on the part of my colleague or myself—had we suppressed facts or made misstatements—there would be an equitable reason for the review of the decision then made. Such was not the case, however; and, considering that decision as final and conclusive, I have not gone, nor shall I go, into any argument to show that it was correct. The questions of law involved in it were fully and ably examined; and I contend that, so far as my colleague and myself are concerned, they were conclusively settled.

The case of my colleague and myself does not address itself alone to the House as a mere legal question. It has the strongest equities on its side, growing out of the action of the House itself. The election in Mississippi was held in July, and we were in Washington on the first day of the special session. On that day, and before the House of Representatives was organized, our right to our seats was disputed; and one of the first acts of the House, after its organization, was to refer our case to the Committee of Elections. This committee reported a resolution declaring us to be duly elected, and entitled to our seats. The report was presented on the 25th September, and was finally acted upon by the House on October 3d. In the mean while, we were urging a decision by all the means in our power; stating our wish and determination, if not confirmed in our seats, to hasten back to Mississippi, to renew the canvass there before the election in November. At length, when the decision of the House was made, what was our situation? We were 1,500 miles from home. We could not accomplish the journey in less than twenty days, which would have left us about fourteen days in which to canvass the fifty-six counties of the State; counties, too, which had been but recently canvassed by one at least of the present claimants, at his leisure, without opposition and with every advantage. Had we, therefore, been inclined to return, after the decision of the House, it would not have been possible to notify all our friends of our arrival among them, before they would have been called upon to vote. Willing, as we might have been, to submit our pretensions a second time to the people, the course pursued by the House would have prevented us from doing so; and had the decision been against us, there would have been found more than one to say, that our defeat in Mississippi, had we been defeated at the November election, was more to be attributed to the tardy action of the House, than to the fair expression of the will of our constituents. Had the decision of the House been immediate, upon the objection being made to our qualifying in September, justice would have been done to us. The delay of the journey to and from Washington would have furnished no cause of complaint; for we made it at our own risk, knowing the circumstances of our election. But the decision was postponed; and the time lost here, awaiting the action of the House, was more than sufficient to enable us to conduct the canvass at home, with the certainty of succeeding.

Not only, therefore, have we the claim upon the House growing out of its decision in our favor, but the strong equity, addressed to its moral sense, growing out of the circumstances, just stated, under which that decision was made; and we have these claims in the absence, too, of any thing going to show that, at the time of the decision, the House was not in the full possession of all the necessary facts, and assisted by all the light which the arguments of talent, learning, and industry, actively employed on both sides of the question, could afford.

I have thus stated my views, supposing, for the sake of argument, that the recent election in Mississippi is indicative of the opinions of a majority of the voters. This, however, I by no means believe to be the case. My colleague and myself were absent from the State. In some of the counties all our friends voted; in many others, they did not. The decision of the House had been so recently made, that there was hardly time to circulate it; and although I believe the canvass to have been conducted in all fairness by the present claimants, still it is not pretended that the strength of the friends of my colleague and myself was at all tested. I have prepared a statement of the votes cast at the late election, and have accompanied it with such remarks as must, I think, show, that the November election furnishes no reason for believing, that my colleage and myself would not have been re-elected even then, had an opportunity been afforded us of appearing before the people, and procuring unity of action among our friends. This statement is hereto annexed.

In conclusion, I repeat that I consider this whole case settled and concluded, by virtue of the judgment of the House; a judgment founded upon a full knowledge of the law and the facts; a judgment that prevented us from entering upon a canvass that subsequently took place, and restrained a majority of our friends from the exercise, on this occasion, of their elective franchise; a judgment which the House had the express constitutional power to pronounce, and which, once pronounced, cannot be reviewed or reversed, without injustice to the parties, and disparagement to its own dignity.

JOHN F. H. CLAIBORNE.

January 15, 1838.

Statement referred to above.

The following tabular statement is based upon a table published in the Chickasaw Union of the 14th ultimo, which is believed to be accurate. If there be any variation between it and the returns in the Secretary's office, it is very slight, and not in *favor* of my colleague and myself This present statement is made with a view of showing that the people of Mississippi acquiesced in the decision of the House of Representatives, and has been laid before the Committee of Elections.

At the election in November, the entire vote was - - - -		27,702
For McNutt, (Democrat,)	- 12,922	
Grimball, (Independent,)	- 4,877	
Morgan, (Whig,)	- 9,903	
The largest vote for Congress in July was		18,346

For Claiborne - - -	11,203
Prentiss - - -	7,143
The largest vote for Congress in November was - - - -	19,909
The vote for *Congress* in November exceeded that given in July, only -	1,563
For Claiborne - - -	6,258
Prentiss - - -	13,651
The highest Democratic vote in November was for Auditor, when Saunders obtained - - - -	14,851
This exceeds Mr. Prentiss's vote -	1,200
The next highest Democratic vote in November was for Secretary of State, when Benson obtained - -	14,312
This exceeds Mr. Prentiss's vote -	661
The Democratic vote for McNutt in November was - - -	12,922
Grimball received the Democratic vote in the counties of Copiah, Hancock, Leake, Nashoba, Newton, Scott, Simpson, and Smith, as follows, -	1,331
Making the ascertained Democratic vote, say - - - -	14,253
This exceeds Prentiss's vote - -	702
The entire vote given for *Governor* at the November election was - -	27,702
The highest vote for Congress - -	19,909
Difference	7,793
Mr. Prentiss's vote falls short of a majority of the votes cast for Governor, by	200

It is contended by me that the entire opposition vote was thrown for Mr. Prentiss, and probably more; because his vote far exceeds that of any other Whig candidate, Mr. Word not excepted. It is also contended, that the excess of votes given for Governor, over the highest vote given for Congress, consisted of Democratic votes, withheld by the voters in consequence of the decision of the House, which they supposed entitled us to our seats.

Therefore, take the vote given for Claiborne in November, say - - -	6,258
Add the excess of votes for Governor above the votes for Congress - -	7,793
Makes - - -	14,051
This exceeds Mr. Prentiss's vote -	400
So also take Gholson's vote in November	6,032
Add excess of votes for Governor above votes for Congress - - -	7,793
Makes - - -	13,825
This exceeds Mr. Prentiss's vote -	174

Other comparisons might be instituted, showing that, had there been a full election, without reference to the decision of the House, there would, in all probability, have been a decided majority for my colleague and myself.

It is proper to state that one of the persons mentioned in the preceding calculations, Mr. Grimball, originally stood as the opposition candidate for Governor, and in some of the counties received the partial vote of that party, but in the counties enumerated he was run as a Democratic candidate; he was defended by the Democratic journals; and we feel authorized to state it as his own opinion, that the votes he there received were taken from Mr. McNutt.

The reading being concluded—

Mr. BELL sent to the Chair the following special order; which was read.

Resolved, That the question arising upon the report of the Committee of Elections be made the special order of the day for this day, and on each succeeding day, until the same shall be decided.

Mr. B. said he was authorized to say, that if it was expected Mr. CLAIBORNE could attend in any reasonable time, he should meet the wishes of the claimants by postponing it to a further day.

Mr. GHOLSON stated that both his honorable colleague and himself were anxious for the adoption of this order, for they desired no delay, and had no wish to address the House themselves.

Mr. BELL had understood so, and he accordingly moved his resolution.

Mr. CAMBRELENG should not oppose the motion, but he merely took that opportunity to state that the public service was very much in need of the passage of some of the appropriation bills, and if this order were not adopted, he should move to take up some of those bills.

Mr. PATTON suggested a modification to restrict it from and after one o'clock each day, which Mr. BELL accepted.

Mr. WHITTLESEY, of Ohio, inquired if the gentleman from Tennessee intended to embrace the days set apart for the consideration of private business in his order.

Mr. BELL was sorry to inform the gentleman that he did, for taking them and Mondays which were set apart for the reception of petitions, the public had only three days out of the seven remaining.

The motion of Mr. BELL was then agreed to.

The question then recurred upon Mr. BRONSON'S resolution above, declaring that Messrs. Prentiss and Word were not members of the present Congress.

Mr. UNDERWOOD then moved the printing of Mr. CLAIBORNE'S paper, and also the statement of the other gentlemen.

Objection being made, on motion of Mr. HOWARD, the rules were suspended.

Mr. HOWARD said he felt it due to Mr. CLAIBORNE to say that the paper would have been printed and laid on the tables of the members, if time had permitted it; but the statement to which it was a reply was only sent in yesterday, and the answer could not be prepared and printed in so short a time.

The motion to print was opposed by Messrs. PATTON, GRAVES, and JENIFER, and supported by Messrs. UNDERWOOD, CILLEY, and PENNYBACKER, when Mr. UNDERWOOD withdrew the motion, and Mr. CILLEY renewed it, and it was then agreed to.

So the paper of Mr. CLAIBORNE was ordered to be printed.

Mr. DAWSON then rose and said he had waited to hear a proposition in relation to what had occurred between honorable members of that body this morning, from some older member; but such not being the case, he felt it his duty, as a member of the House of Representatives, to propose some order to prevent the recurrence of such scenes. He had, therefore, drafted a resolution according to what parliamentary usage required in such cases. It was as follows:

"The Hon. SAMUEL GHOLSON, a member of this House from the State of Mississippi, and the Hon. HENRY A. WISE, also a member, from the State of Virginia, having spoken language subject to the censure of this House, be it therefore

"*Resolved*, That those gentlemen do now make submission to this body."

Mr. WISE and Mr. GHOLSON then made mutual statements, each apologising to the House as a body, without withdrawing any of the offensive language used towards each other.

Mr. GLASCOCK, feeling satisfied that such a resolution would but serve to excite, instead of to allay, the feelings of the parties, with great respect for the mover, moved to lay the same on the table.

At the request of Mr. MERCER, who promised to renew it, Mr. GLASCOCK withdrew the motion, and the former gentleman raised the point whether the resolution was in order; but the CHAIR ruling it to be in order, Mr. M. renewed Mr. G's motion, and it was agreed to.

So the resolution was laid on the table.

Mr. MERCER then moved the following:

Resolved, That Messrs. GHOLSON and WISE, members of this House, between whom warm words have passed in debate, be required by the SPEAKER to declare in their places, that they will not prosecute further the quarrel which has arisen this day between them.

Mr. JENIFER moved to lay it on the table.

Mr. MERCER asked for the yeas and nays; which were ordered, and were yeas 78, nays 123.

So the motion to lay on the table was rejected.

The subject was further discussed by Messrs. HOWARD, POPE, JENIFER, TURNEY, MERCER and GLASCOCK.

Mr. GLASCOCK moved the indefinite postponement of the resolution.

The merits of the resolution were then further discussed by Messrs. CUSHING and REED, when, without coming to any decision,

On motion of Mr. JENIFER,

The House adjourned.

IN SENATE,

TUESDAY, Jan. 16th, 1838.

Mr. McKEAN presented the petition of a large number of citizens of Philadelphia, remonstrating against the repeal of the Express Mail law: referred to the Committee on the Post Office and Post Roads.

Also, the petition of a number of citizens of Philadelphia, praying for an appropriation for the completion of the frigate Raritan: referred to the Committee on Naval Affairs.

Also, a petition from a number of the young men of Philadelphia, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. RUGGLES presented the memorial of J. H. Adams, President of the Ocean Insurance Company, and of a number of other officers of Marine Insurance companies, and of a number of merchants of Boston, for the erection, at the entrance of Boston harbor, of one of Morse's Perpetual Fog Bells. The memorial commends the invention as an important one to the commercial community; for the invention of which Mr. Morse has received a gold medal from the Mechanic's Association of Boston, and the highest reward in the power of the New York Mechanic's Institute to bestow.

Mr. R. also presented the petition of several shipmasters and branch pilots of Boston, for the same object.

Mr. MERRICK presented the petition of the executor of Joseph Williams, praying indemnity for spoliations committed by the Spaniards, prior to the Florida treaty: referred to the Committee on the Judiciary.

Mr. MERRICK also presented the petition of the legal representatives of John Ireland, praying to be indemnified for a house burnt by the British army during the last war, in consequence of its having been occupied by our troops: referred to the Committee on Claims.

Mr. FULTON presented the petition of Jacob Brown, which was referred to the Committee on Public Lands.

Mr. TALLMADGE presented the petition of sundry importing hardware merchants of the city of New York, praying for a repeal of the provisions of the second section of the act of 14th July, 1832, in relation to duties on imports; which was referred to the Committee on the Judiciary.

Mr. ROANE presented the petition of Robert White, praying for commutation for Revolutionary services: referred to the Committee on Revolutionary Claims.

Mr. PEARCE presented the petition of Joseph Bassett, praying for a pension in consideration of Revolutionary services: referred to the Committee on Revolutionary Pensions.

Mr. YOUNG presented the petition of sundry citizens of Illinois, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads.

On motion of Mr. NILES, the Committee on Revolutionary Claims was discharged from the petition of Eli Hitch, and it was referred to the Committee on Pensions.

Mr. RIVES presented the memorial of Commodore Ridgely, and other officers of the Navy, remonstrating against the reinstatement in the Navy of officers who have resigned, or who have been dismissed: referred to the Committee on Naval Affairs.

VERMONT RESOLUTIONS.

Mr. SWIFT said he had given notice of his intention at a future day to present the report and resolutions of the State of Vermont, which had been offered on a former occasion, but withdrawn. His intention was not to bring them before the Senate until the discussion on the resolutions introduced by the Senator from South Carolina (Mr. Calhoun) had been finished. As that discussion was pre-

sumed to be terminated, he would now introduce them. He would offer no other apology for presenting them now, than the duty he owed to his State. The resolutions spoke for themselves; nor did Vermont require him to vindicate them on that floor. He expressed his regret, however, that they should have been so harshly assailed as they had been. Not only the sentiments contained in them, but the motives of those who adopted them, had been subjects of unjust censure and reproach. What principles were asserted that should call forth the invectives that had fallen from gentlemen on the opposite side of the house? It was contended that Congress had the power, and it was respectfully asked to exercise that power, in abolishing slavery in the District of Columbia, over which it was presumed to have exclusive control. Could any just exception be taken to that? Nothing has been hinted by the Legislature of Vermont, that Congress ought to interfere with slavery in the States. Such an opinion was nowhere breathed in the document before them. One of the resolutions in question had not passed the Legislature, but received the sanction of the popular branch only, that might have asserted doctrines offensive to the South. It was not Vermont only that was opposed to the extension of slavery, but it was the general feeling throughout the Northern States. The annexation of Texas, which was looked to by the South to give it predonderance over the North, was presumed by many to involve principles of high national importance. And should not a State be permitted to present a memorial in relation to subjects which so vitally concerned the whole? It is contended by many, that the grant to Congress to regulate commerce implies the right to suppress the slave trade in the States.

A Senator from North Carolina had been pleased to say that Vermont had disgraced herself by the adoption of those resolutions. He (Mr. S.) was willing to leave others to judge whether the doctrines of humanity and justice were more degrading than those of an opposite character. Another Senator, from Alabama, had pronounced them an infamous libel on the people of the South. He would undertake to say that every fact contained in that report was drawn from the newspaper statements of the day, of outrages upon individual rights that had remained unpunished, and these were solemnly believed at least. It could not be denied that evils did grow out of a state of slavery, and the people of the South had set forth, in glowing colors, the same thing. If the people of Vermont believe so, shall they not be permitted to give, in a full and open manner, their reasons for doing so? With regard to the epithets which had been thrown out, they were estimated for what they were intrinsically worth, and could have no effect in changing Vermont. That State was not to be driven from the right to express her opinions, either by menace or invective. The declarations that had been made were not magnanimous, and he hoped to hear less of them. He could tell gentlemen they would do no good, and might do much harm. In presenting the document before them, he was doing merely his duty to his constituents.

Mr. PRESTON addressed the Senate for some time in reply. He presumed the document would not have been presented, unless under authority of command, in obedience to higher powers, where the servant could exercise no discretion. Coming from a sovereign State, we were, he presumed, bound to treat it with respect and deference. This subject ought to be managed with great caution. Vermont certainly had the right to come here, and her memorials were entitled to reception and consideration. But the question was whether we were to respect *that* Government more than *this* Government. Respect was certainly mutual and co-relative. He was disposed to speak with great forbearance on the subject. Here was a report wantonly presented, characterized by language which, if used by any individual or Senator of this body, would be rejected with disdain. In it the South is charged with immorality and irreligion; and when, with becoming dignity, we repel the charge, we are "uncourteous" and "offensive" in our language. Yes, sir, (said Mr. P.) at the very moment of presenting to this body a document, in language so justly characterized by the Senator from Alabama as false, scandalous and libelous—at the very moment of presenting a document deliberately concocted by order of the Vermont Legislature, the member presenting it complains of the indignant retort of those whose feelings are outraged and insulted by it. While we are stigmatized as debauched, sensual, immoral, sinful, God-offending creatures, and when we speak of fanatics and incendiaries, we are rebuked and chidden. Was this fair? was it proper? So long and so tamely had the South borne all this, that when a proper reply was made, she was greeted as the assailant; and if she bore it much longer, Mr. P. would agree that she was all she had been represented. Here was one wide-spread denunciation of the people of the South, in which wives and children all were included—to what extent was their patience to be tried? Was this motion to be treated with more respect because it came from a sovereign State? Did legislative scandal sanction it? A subject indecorous in itself could not be made less so, because it emanated from a sovereign State. When did the South, in the bitterest time of high tariff memory, ever present such a memorial as that against the North? He told gentlemen they were mistaken in relation to the South; their laws were supreme, and they were more secure from mobs, or popular outbreakings, than the people of the North. More blood had been shed out of the South by mobs than in it by mobs and slaves put together. If he was disposed to retort, he might point to Vermont at this time, where the law was trodden under foot by the turbulence of some of her citizens. He might, if he were so disposed, point to the single distinguished city of Boston, where more lives had been lost, and property of unoffending females sacrificed, than in the whole South; but he would not choose to do so. He maintained that the people of the South were more law binding than any people on the face of the earth. A constable with his staff would do as much towards preserving peace any where south of the Potomac as an army with banners.

Mr. PRENTISS made some further remarks in reply. He was not prepared to say there was quite as much fervor in the Legislature of Vermont as was expressed in the resolutions. He disclaimed, however on the part of the report, any disposition to interfere with the interests of the South, or any desire to compromise her dignity. As far as he was concerned, he had been careful to make no improper or exciting remarks; he had not only a high respect for the people of the South; but respect their feelings in relation to these questions. Mr. P. however, did not like to hear the people of Vermont branded as fanatics and incendiaries, because they chose to assert the constitutional power of Congress to abolish slavery in the District of Columbia. Mr. P. read from an old pamphlet some strictures, to show that the people of this District had, on a former occasion, expressed themselves as adverse to slavery.

Mr. CUTHBERT observed that the Senator from Vermont had alluded in the course of his remarks, in connection with the fifth resolution, to the manner in which it had been adopted. The Senator stated that this resolution did not pass both branches of his Legislature, but was only passed by the popular branch. Do I understand the Senator correctly, asked Mr. C. in stating this?

Mr. SWIFT made a few explanatory remarks.

Mr. CUTHBERT believed that he understood the operation by which these resolutions had been passed in the Vermont Legislature. This resolution proceeded from a joint committee of both branches of the Legislature. That joint committee reported to each House, and were acted upon not jointly, but severally. It comes to us, therefore, continued Mr. C. under the sanction of the one House acting under the authority of both Houses, and therefore comes to us just as any other resolution does.

Mr. PRENTISS said he had no other feeling in this matter than a desire to discharge his duty to his Legislature. He must be allowed, however, to express his regret at the course pursued when these resolutions were before the Senate at a prior period. The remarks indulged in at the time, were, in his opinion, more calculated to augment than to allay excitement. The resolutions were offered with no other view than to be laid on the table and printed, and yet this simple request had been met with objections of a very uncourteous character. By whom had this been opposed? By those who held that this was a confederate compact. How could gentlemen in favor of State rights refuse, on any just principle, to receive and print a document emanating from such a source? He (Mr. P.) deeply regretted the course pursued, because he considered it disrespectful to the State of Vermont, and her inhabitants, than whom a more virtuous, intellectual, moral, and exemplary people, was no where to be found; and were such a people not to be allowed to present their views on subjects of high national import, without incurring reproach? They suppose the admission of Texas to be fraught with evil to the nation, because it would be the means of extending and perpetuating slavery in this counrty. They regard slavery in the District of Columbia as a national reproach, and deeming Congress to have the power to abolish it there, they ask that it may be done. Certainly every State had the right to interest herself in matters which she believed relate to the general good. There was nothing, he contended, in the report offensive to the South, (certainly not intentionally offensive;) none of her rights or interests were assailed. Mr. P. was of opinion that much of the excitement which at present prevailed in the New England States, was occasioned by the manner in which this subject had been met by the people of the South.

Mr. STRANGE said a few words in reply to Messrs. SWIFT and PRENTISS, justifying the language in which he had characterized the Vermont report. Mr. S. as one of those complained of by the Vermont Senators, held that it was the duty of every honorable man whose language was complained of, either to retract or justify it. If he was conscious that he had characterized these documents in terms too harsh, or that they did not merit, it would give him great pleasure to acknowledge his error; but when he had uttered a truth, he never could retract it. He solemnly believed that the Vermont Legislature, when it passed these resolutions, had degraded itself by so doing; and he wished the Senators from Vermont to understand that when he spoke of the resolutions, he referred to the whole of them, as well as the report on which they were based. This report spoke of the base incendiaries who have been prowling from one part of the southern country to another, exciting the slaves to insurrection as martyrs to liberty, and recommended deeds of murder and arson. If he was to utter the real feelings of his heart, Mr. S. said that the gentleman from Vermont would have something more to complain of than the comparatively mild terms he had used. It was a gross libel on the people of the South to say that they were in a state of anarchy, as represented in that memorial. They had been justly characterized by the Senator from South Carolina (Mr. Preston) as a law-loving people. It was a part of southern pride, and a pride that was highly commendable, that they were devotedly attached to the laws and institutions they themselves had created. One-half of the population of the country, Mr. S. said, was grossly insulted in this report. It was an attack on their feelings, their lives, and their personal security; for the language of this report directly applauded the man who should stir up a servile war in the South. Now Mr. S. asked if such a paper as that was to be received, and placed on the records of the Senate? Mr. S. ended by moving to lay the question of reception on the table, but withdrew it temporarily, at the request of Mr. KING.

Mr. KING observed that, when he took his seat this morning, he found the Senator from Vermont speaking on the resolutions of the Legislature of his State, which it appeared he had just presented. He (Mr. K.) had not supposed, from what had formerly taken place, that these resolutions would have been presented without some previous notice, so that those Senators whose States were attacked in them might be prepared to meet them. When, at a previous day, the Senator (Mr. Swift) intro-

duced these resolutions, he (Mr. K.) had characterized them as they deserved. He understood the Senator had characterized his remarks as unbecoming. He had not heard the Senator. He asked him to say whether he would now, in his place, characterize his (Mr. K's) language as unbecoming?

Mr. SWIFT said he had no opinion on the subject, further than to say, that the people of Vermont would hold the gentleman's language for what it was really worth. As he was up, he would remark that he did not know, when he presented his resolutions, that the Senator from Alabama was not in his place.

Mr. KING resumed. He did not, on a former occasion, neither was it now his design to censure the conduct of the Senators from Vermont, in discharging what they supposed to be their duty. It rested with them (Mr. K. said) to discharge their duty according to the dictates of their own judgment; but he said to them, that in doing so, they must take the consequences if they present and sustain resolutions, accompanied by a report calculated to wound the feelings of those thus disrespectfully, thus slanderously spoken of. If they (the Vermont Senators) had acted in this matter as high-minded honorable men (as he doubted not they were) should, they would have taken care to free themselves from all participation in these resolutions, that they did not justly represent the characters of those of whom they complained. That they were not characterized by truth was known to those Senators. Why, then, in asking for their printing, be the means of promulgating these slanders? He could not (Mr. K. said) respect the course of the Vermont Senators. In presenting these resolutions, they had, in their remarks, indirectly endorsed the libels they contained; they could not—no man dared openly to endorse them here. He had characterized these resolutions as false and slanderous, he cared not who presented them. It had been said by the Senator from Vermont, that we of the South, as State rights men, could not refuse to receive and give a respectful attention to the proceedings of a sovereign State. Yes, sir, (said Mr. K.) we are State rights men—we defend the legitimate rights of the States, but we do not defend a sovereign State when she asserts calumny and falsehood. It was painful (Mr. K. said) to have to rise and defend the section of country he represented from the basest aspersions; he would not condescend to do it. Was there an honorable, upright man in the community, not blinded by fanaticism, who was capable of getting up on that floor and defending the language of that Vermont report? No: there was not one. Was it because he had characterized these resolutions as they deserved that he had been complained of by the Vermont Senators? Did they expect him, a Southern man, to speak of them only in the most soft and soothing language? No: the authors of this report might hear what he had said, and "*take it for what it was worth,*" but he held men capable of making such charges in the utmost contempt, and he did not hesitate to avow it. For the people of Vermont he entertained the respect they were fairly entitled to, as a gallant, high minded, virtuous people; nor would he believe they could ever be brought to approve these slanders upon their brethren of the South. The whole tenor of this report was calculated to convey a false impression. It held that the people of the South, from the very circumstance of slavery existing among them, were a degraded, and not a law submitting people; that they of Vermont have always been opposed to slavery, and that it would be considered that they had cooled in their ardor for civil liberty if they should suffer themselves to be drawn into the fraternal embrace of slaveholding States. Now we of the slaveholding States, continued Mr. K. do not feel so proud of the fraternal embrace; we consider our own States as standing as high in honor and moral worth as any in this Union. But how did it happen, he continued, that the State of Vermont, with this ardor for civil liberty, suffered themselves to be drawn into the fraternal embrace with slaveholding States under the present Constitution—with the old thirteen? This fifth resolution, they had been told by the Senator from Vermont, was not passed by both branches of his Legislature. It had been shown that it was the result of a joint report, sanctioned by one branch and presented here for our adoption. It refers to what the gentleman called the slave trade. He would tell the gentleman that he had not characterized this resolution correctly. The South was as much opposed to the slave trade as any portion of the Union, and had been the first to move in its suppression. But that was not the question presented by this resolution. It was not levelled against the slave trade, which the South as well as the North condemned, but it went to violate the constitutional rights of the States—to prevent the transfer of slaves from one State to another, and was so utterly at variance with the Constitution that no man could justify it.

He had only risen for the purpose of vindicating himself from the charge that he had used discourteous language towards the people of a sovereign State, and having done so, he would, as far as he was concerned, leave the whole matter in the hands of gentlemen from non-slaveholding States, who might take it up and act upon it in their own way. If they chose to receive it and place it among the archives of the Senate, why let them do so; if they chose to refer it to a committee, let them do so; and he trusted that if they did, it would be to a select committee of gentlemen from the non-slaveholding States, and that they would make such a report as to show to the South the ground they intended to stand upon. For himself, Mr. K. said he intended to take no part in the matter, and he trusted that the Senator from North Carolina (Mr. Strange,) would withdraw his motion.

Mr. STRANGE replied that he could not consent to withdraw his motion; on the contrary, h was the more convinced that he ought to persist in it. Mr. S. however withdrew it temporarily at the request of Mr. WHITE.

Mr. WHITE gave his views at length in relation to this subject. Part of the excitement, he said, in the non-slaveholding States, might have been produced by the manner in which these petitions had been treated. They suppose the right of petition and freedom of speech are violated by the course. He had voted against the reception of petitions asking to abolish slavery in the District of Columbia, because he believed they violated the rights of the people here, and he had adopted that course as best calculated to allay excitement. Slavery was a settled question, in his opinion, not an open one; and he was not sent there to discuss the question whether it was immoral or irreligious. He argued that Congress had no power to abolish slavery in the District. Was it to follow that, because Congress was the only Legislature for this ten miles square, that it could do what it pleased, exercise a censorship over the press, or adopt any particular creed? The powers here were as necessarily limited as elsewhere. What power had Congress more than the Legislatures of the States to take the property of the citizen contrary to his will? When a man in a slaveholding State wishes to liberate slaves, the question arises, will the Legislature permit him to do so? They look to the great interests of the whole, and will not allow him to free his own slaves without making the rest of the community safe. It would be time enough when the people of this District come here and asked to be permitted to deprive themselves of their slaves, to legislate upon the subject. Mr. W. said, in treating with respect what came from one State, it was necessary to take care that, in so doing, we did not come under reproach from other States. If he voted for the reception of this, he believed it would be bringing reproach upon his own State and others, by indirectly admitting they were in a state of anarchy and confusion. Gentlemen of the non-slaveholding States should consider the exciting nature of these topics, and the danger connected with them, and before they charged those of the South with violence and excitement should place themselves in their situation. In the North they had white servants; and suppose the people of the South tell their domestics it is sinful and immoral for them to be held in a subordinate capacity, and that they might be relieved of their burdens by cutting the throats of their masters and mistresses while asleep, or putting poison in the victuals on which they were to feed! What would gentlemen think of such a course? Would they not be very likely to *lynch* those intruders, or would they wait the slow process of the law? In this whole matter the South had been misrepresented, and the resolutions of Vermont had done the grossest injustice to that portion of the country.

Mr. PRENTISS said a few words in too low a tone to be reported, defending the Vermont resolutions, and denying that there was any thing in the report or the resolutions to impeach the character of the South.

Mr. CALHOUN said that, as a States rights man, in the strongest sense, he believed that the State of Vermont had a right to come there and be heard. Upon the best reflection he could give to the subject, he could not vote for rejecting the resolutions, and, on the other hand, he considered the language to be so exceptionable that he could not vote for receiving them. It was owing to, and foreseeing this difficulty that he had introduced the series of resolutions, on the same subject, which had been so recently discussed and disposed of, and though he made no complaint, he profoundly regretted that he had been disappointed in getting a direct vote on one important principle involved. Situated as he was, he as a representative of the South, which was so vilely calumniated in these resolutions, he could not vote for receiving them.

Mr. ROANE observed that these resolutions came here with instructions to the Senators from Vermont to use their influence to carry out the objects for which they were passed. They were equally bound, he continued, to press them forward and get them acted on in that body. He entertained no doubt that there were assertions contained in these resolutions that he, as an individual Senator, could not allow to be true. On the other hand, as they came from a sovereign State, he could not say that he would not receive them. He intended, therefore, to stand neuter; and when these resolutions should be received, as no doubt they would by the votes of the members from the non-slaveholding States, and referred, he trusted that they would be referred to a committee from those States. From the report of a committee so constituted, at least one advantage would be gained: we shall understand, said Mr. R. their true position in regard to this matter; and further, he expected that these gentlemen, from their knowledge of the Southern States and those representing them, would show whether this Vermont report justly characterized the South and its institutions.

Mr. STRANGE having renewed his motion to lay the question of the reception of the resolutions on the table, the question was here taken and decided in the negative—Yeas 12, Nays 26, as follows:

YEAS—Messrs. Black, Brown, Clay of Alabama, Grundy, Lumpkin, Norvell, Preston, Rives, Sevier, Strange, Walker, and White—12.

NAYS—Messrs. Allen, Bayard, Buchanan, Clay of Kentucky, Clayton, Davis, Hubbard, Knight, Linn, Morris, Niles, Pierce, Prentiss, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, Webster, Williams, Wright, and Young—26.

The CHAIR then said that the resolutions were before the Senate, and no one further objecting,

Mr. SWIFT said he would move that they be for the present laid on the table and printed.

Mr. CLAY of Alabama said that if the question was taken on printing, he hoped that it would be divided, and taken on printing the resolutions and accompanying report seperately. He wished to know distinctly whether the Senate would lend its aid to the publication of such a document as the latter.

Mr. SWIFT then varied his motion, so as to lay all the papers on the table, which was agreed to.

Mr. WRIGHT, from the Committee on Finance, reported the following bill; which was read, and passed to a second reading, and made the special order of the day for Tuesday, the 30th instant.

A BILL to impose additional duties as depositories, upon certain public officers, to appoint Receivers General of Public Money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be prepared and provided, within the new Treasury building now erecting at the seat of Government, suitable and convenient rooms for the use of the Treasurer of the United States, his assistants and clerks; and sufficient and secure fire-proof vaults and safes, for the keeping of the public moneys in the possession, and under the immediate control of the said Treasurer; which said rooms, vaults, and safes, are hereby constituted and declared to be, the Treasury of the United States. And the said Treasurer of the United States shall keep all the public moneys which shall come to his hands in the Treasury of the United States, as hereby constituted, until the same are drawn therefrom according to law.

SEC. 2. *And be it further enacted*, That the Mint of the United States in the city of Philadelphia, in the State of Pennsylvania, and the Branch Mint, in the city of New Orleans, in the State of Louisiana, and the vaults and safes thereof respectively, shall be places of deposite and safe keeping of the public moneys at those points respectively; and the Treasurer of the said Mint and Branch Mint respectively, for the time being, shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer and disbursements of all such moneys, according to the provisions hereinafter contained.

SEC. 3. *And be it further enacted*, That there shall be prepared and provided, within the custom-houses now erecting in the city of New York, in the State of New York, and in the city of Boston, in the State of Massachusetts, suitable and convenient rooms for the use of the Receivers General of Public Moneys, hereinafter directed to be appointed, at those places, respectively; and sufficient and secure fire-proof vaults and safes for the keeping of the public moneys collected and deposited with them, respectively; and the Receivers General of Public Money, from time to time, appointed at those points, shall have the custody and care of the said rooms, vaults, and safes, respectively, and of all the public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursement of all such wrongs, accordi g to the provisions of this act.

SEC. 4. *And be it further enacted*, That there shall be erected, prepared and provided, at the expense of the United States, at the city of Charleston, in the State of South Carolina; and at the city of St. Louis, in the State of Missouri, offices, with suitable and convenient rooms for the use of the Receivers General of Public Money hereinafter directed to be appointed at the places above named; and sufficient and secure fire proof vaults and safes for the keeping of the public money collected and deposited at those points respectively: and the said Receivers General from time to time appointed at those places, shall have the custody and care of the said offices, vaults and safes, so to be erected, prepared and provided, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer and disbursement of all such moneys, according to the provisions hereinafter contained.

SEC. 5. *And be it further enacted*, That the President shall nominate, and, by and with the advice and consent of the Senate, appoint four officers, to be denominated "Receivers General of public money," which said officers shall hold their respective offices for the term of four years, unless sooner removed therefrom; one of which shall be located at the city of New York, in the State of New York; one other of which shall be located at the city of Boston, in the State of Massachusetts; one other of which shall be located at the city of Charleston, in the State of South Carolina; and the remaining one of which shall be located at the city of St. Louis, in the State of Missouri; and all of which said officers shall give bonds to the United States, with sureties, according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

SEC. 6. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurers, and those acting as such, of the various branch Mints already erected and now erecting, all Collectors of the Customs, all Surveyors of the Customs acting also as collectors, all Receivers General of public moneys, all Receivers of public moneys at the several land offices, and all postmasters, except as is hereinafter particularly provided, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government to be transferred or paid out: and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government, which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the executive departments of the Government, as agents for paying pensions, or for making any other disbursements which either of the heads of those departments may be required by law to make, and which are of a character to be made by the depositories hereby constituted, consistently with the other official duties imposed upon them.

SEC. 7. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the Receivers General of Public Money hereinbefore directed to be appointed, shall, respectively, give bonds to the United States in such form, and for such amounts, as shall be directed by the Secretary of the Treasury, by and with the advice and consent of the President, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen and increase, their official bonds, as the Secretary of the Treasury, with the consent of the President, may direct; any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, at as early a day as possible after the passage of this act, to require from the several depositories hereby constituted, and whose official bonds are not herein before provided for, to execute bonds new and suitable in their terms, to meet the new and increased duties imposed upon them respectively by this act, and with sureties and in sums such as shall seem reasonable and safe to the Solicitor of the Treasury, and from time to time to require such bonds to be renewed and increased in amount and strengthened by new sureties to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depository, or out of any other duty or responsibility arising under this or any other law of Congress.

SEC. 9. *And be it further enacted*, That all collectors and receivers of public money, of every character and description, within the District of Columbia, shall, as frequently as they may be directed by the Secretary of the Treasury so to do, pay over to the Treasurer of the United States at the Treasury thereof, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans shall, upon the same direction, pay over to the Treasurers of the Mints in their respective cities, at the said Mints, all public moneys collected by them, or in their hands; and that all such collectors and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis, shall, upon the same direction, pay over to the Receivers General of Public Money in their respective cities, at their offices respectively, all the public moneys collected by them, or in their hands, to be safely kept, by the said respective depositories, until otherwise disposed of according to law; and it shall be the duty of the said Secretary to direct such payments, by the said collectors and receivers, at all the said places, at least as often as once in each month, and as much more frequently, in all cases, as he, in his discretion, may think proper.

SEC. 10. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of any depository hereby constituted, to the Treasury of the United States; to the Mint at Philadelphia; to the Branch Mint at New Orleans; or to the officers of either of the Receivers General of Public Money by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depository constituted by this act to any other depository constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service shall seem to him to require. And for the purpose of payments on the public account it shall be lawful for the said Secretary to draw upon any of the said depositories, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

SEC. 11. *And be it further enacted*, That the moneys in the hands, care, and custody, of any of the depositories constituted by this act, shall be considered and held as deposited to the credit of the Treasurer of the United States, and shall be, at all times, subject to his draft, whether made for transfer or disbursement, in the same manner as though the said moneys were actually in the Treasury of the United States; and each depository shall make returns to the Treasury Department of all moneys received and paid by him, at such times, and in such form, as shall be directed by the Secretary of the Treasury.

SEC. 12. *And be it further enacted*, That, whenever public moneys shall accumulate in the hands of any depository constituted by this act, other than the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the Receivers General of Public Money, to an amount beyond that secured by the bond of the officer, or which the Secretary of the Treasury shall, for any cause, consider unsafe, and it shall not be desirable to transfer the moneys so accumulated to any other depository, it shall be lawful for the said Secretary to direct the said moneys, or any portion thereof, to be specially deposited in such bank of the State, or Territory, wherein the depository who is to make the deposite is located, as he, the said Secretary, shall select and name: *Provided*, The bank so selected will agree to receive and keep the moneys deposited with it upon the terms and conditions in the next section of this act prescribed.

SEC. 13. *And be it further enacted*, That the special deposites of the public moneys authorized by the last preceding section of this act to be made in banks, shall be made upon the following terms and conditions, and upon no other, namely:

First. All such deposites shall be strictly special deposites; and the banks holding them shall be prohibited, in the most effectual manner, from making any use of the moneys deposited, by way of loans, discounts, or in any other manner, or for any other purpose whatsoever; and to secure the fulfilment of this condition, the Secretary of the Treasury is authorized, in his discretion, to furnish the banks selected as deposite banks, with safes for the keeping of the public moneys exclusively, and under the joint control of the bank and some designated officer of the Government, or to adopt such other guards as he shall prefer.

Second. Nothing but gold or silver, or such notes, bills, or paper, issued under the authority of the United States, as may be directed by law to be received in payment of the public dues, shall be offered for deposite, or received by the bank as a deposite, under the provisions of this act.

Third. All deposites shall be passed, upon the books of the bank, to the credit of the depository making the same; but no moneys deposited in pursuance of this act shall be withdrawn without the express order of the Secretary of the Treasury for the payment; and no drafts of the Treasurer of the

United States; or orders or warrants of the Secretary of the Treasury, for ordinary transfer or disbursement, shall be made upon any bank selected as a deposite bank under this act.

Fourth. A commission, such as shall be agreed upon between the Secretary of the Treasury and the bank not in any case to exceed per centum upon the moneys deposited with it, shall be allowed and paid by the United States, in full satisfaction of all claims on the part of the bank for trouble and risk growing out of the receipt, safe-keeping and repayment of the special deposites herein authorized to be made, all accounts for commissions to be audited and paid at the Treasury of the United States.

SEC. 14. *And be it further enacted*, That, in case no bank within the State or Territory wherein the depository, directed to make deposites, is located, will consent to receive the moneys of the Government upon special deposite, according to the foregoing conditions and regulations, then it shall be lawful for the Secretary of the Treasury to select some bank in an adjoining State, or Territory, such as may be most convenient for the officer to make deposites and the public service; and in case no convenient bank of either character can be found willing to receive such deposites upon the terms proposed, the Secretary may transfer the same to the Treasury of the United States, to the Mint, or Branch Mints, or to the offices of either of the Receivers General of Public Money, as shall be most convenient to the depository from whom the money is to be transferred, or to the wants of the public service in reference to disbursements.

SEC. 15. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositories constituted by this act; and for that purpose to appoint special agents, as occasion may require, with such compensation as he may think reasonable, to be fixed and declared at the time of each appointment; which said examinations, in all cases where the sum on hand usually exceeds three-fourths of the amount of the officer's bond, shall not be made less frequently than once in each year, and as much more frequently, in those and all other cases, as the Secretary, in his discretion, shall direct. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

SEC. 16. *And be it further enacted*, That, in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each Naval Officer and Surveyor, as a check upon the Receiver General of Public Moneys, or Collector of the Customs, of their respective districts; of each Register of a Land Office, as a check upon the Receiver of his Land Office; and of the Director and Superintendent of each Mint and Branch Mint when separate offices, as a check upon the Treasurers, respectively, of the said Mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the Receivers General of Public Money, Collectors, Receivers of Land Offices, reasurers and persons acting as such, and to make a full, accurate, and faithful return to the Treasury Department of their condition.

SEC. 17. *And be it further enacted*, That the said officers respectively, whose duty it is made by this act to receive, keep, and disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fire-proof chests, or vaults, or other necessary expenses of safe-keeping, transferring and disbursing said moneys: all such expenses of every character to be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, are to be strictly followed by all the said officers.

SEC. 18. *And be it further enacted*, That the Secretary of the Treasury shall, with as much promptitude as the convenience of the public business, and the safety of the public funds will permit, withdraw the balances remaining with the present depositories of the public moneys, and confine the safe-keeping, transfer, and disbursement of those moneys to the depositories established by this act.

SEC. 19. *And be it further enacted*, That all Marshals, District Attorneys, and others, having public money to pay to the United States, and all patentees, wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, at the Treasury, to the Treasurer of either of the Mints in Philadelphia or New Orleans, to either of the Receivers General of Public Money, or to such other depository constituted by this act as shall be designated by the Secretary of the Treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposite therefor.

SEC. 20. *And be it further enacted*, That all officers charged by this act with the safe-keeping, transfer, and disbursement of the public moneys, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and that if any one of the said officers shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys entrusted to him for safe-keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a high misdemeanor, and any officer or person convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than two nor more than five years, and to a fine equal to the amount of the money embezzled.

SEC. 21. *And be it further enacted*, That, in order to avoid inconvenient or injurious accumulations of gold and silver in the hands of the depositories of the Government, it shall be the duty of the Secretary of the Treasury, whenever the amount of money in the Treasury of the United States, and standing to the credit of the Treasurer, in the hands of the several depositories, shall exceed in amount $4,000,000, to invest the surplus of such moneys in securities bearing an interest, and issued upon the faith and credit of the United States, or of some one of the States of the Union; in all cases of such investments as selecting such stocks, or securities as are transferrable by delivery or assignment, and from the rate of interest payable, the time or times they may have to run, and the prices they may bear in the market, shall seem to him best to answer the purposes for which the investments are directed, and at no time paying more than the current value in the market for any such stocks or securities. And whenever the amount of moneys in the Treasury, and standing to the credit of the Treasurer, shall be so much less than the said sum of $4,000,000, as to indicate to the Secretary that the moneys invested, or any portion thereof, will be required for purposes of public disbursement, then it shall be his duty to sell such portions of the stocks and securities purchased as may be necessary to keep the balance of money in the Treasury equal to its wants: *Provided*, That in all investments to be made in obedience to the provisions of this section, the said Secretary shall confine his purchases of stocks and securities, issued upon the faith and credit of any State to such as have been actually issued by the State, and shall not be at liberty to subscribe for, or otherwise purchase, those proposed to be issued and not in actual existence, as stocks and securities in the market.

SEC. 22. *And be it further enacted*, That until the rooms, offices, vaults, and safes, directed by the first, third, fifth, and sixth sections of this act to be constructed and prepared for the use of the Treasurer of the United States, the Treasurers of the Mints at Philadelphia and New Orleans, and the Receivers General of Public Money at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the Secretary of the Treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract with such banks, incorporations, or individuals, as may be willing to contract for such use of their vaults and safes as may be required for the safe-keeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

SEC. 23. *And be it further enacted*, That from and after the thirty-first day of December, which will be in the year one thousand eight hundred and thirty-eight, the resolution of Congress of the thirtieth day of April, in the year one thousand eight hundred and sixteen, so far as it authorizes the receipt in payment of duties, taxes, sales of public lands, debts, and sums of money, accruing or becoming payable to the United States, to be collected and paid in the notes of specie paying banks, shall be so modified as that one-sixth part of all such duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the United States; and from and after the thirty-first day of December, which will be in the year one thousand eight hundred and thirty-nine, one other sixth part of all such duties, taxes, sales of public lands, debts, and sums of money shall be so collected; and from after the thirty-first day of December, which will be in the year one thousand eight hundred and forty, one other sixth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirty-first day of December, which will be in the year one thousand eight hundred and forty-one, one other sixth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirty-first day of December, which will be in the year one thousand eight hundred and forty-two, one other sixth part of all such duties, taxes, sales of public lands, debts, and sums of money shall be so collected; and that from and after the thirty-first day of December, which will be in the year one thousand eight hundred and forty-three, the remaining sixth part of the said duties, taxes, sales of public lands, debts, and sums of money, shall be also collected in the legal currency of the United States; and from and after the last mentioned day all sums accruing, or becoming payable to the United States, for duties, taxes, sales of public lands, or other debts, and also all sums due for postages, or otherwise, to the General Post Office Department, shall be paid in gold and silver only, or in such notes, bills or paper, issued under the authority of the United States, as may be directed to be received by law in payment of the public dues.

SEC. 24. *And be it further enacted*, That from and after the thirty-first day of December, which will be in the year one thousand eight hundred and forty-three, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin only, or in such notes, bills, or paper, issued under the authority of the United States, as may be directed to be received by law; and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate, the provisions of this and the last preceding section of this act, shall be dismissed from the service, and shall forfeit all compensation then due to him.

SEC. 25. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositories from the seat of Government, within which all drafts upon them respectively shall be presented for payment; and in default of such presentation, to direct any other mode and place of payment which he may deem proper.

SEC. 26. *And be it further enacted*, That the Receivers General of Public Money directed by this act to be appointed, shall receive, respectively, the

following salaries, per annum, to be paid quarter yearly, at the Treasury of the United States, to wit: the Receiver General of Public Money at New York shall be paid a salary of —— dollars per annum; the Receiver General of Public Money at Boston shall be paid a salary of —— dollars per annum; the Receiver General of Public Money at Charleston shall be paid a salary of —— dollars per annum; and the Receiver General of Public Money at St. Louis shall be paid a salary of —— dollars per annum; and these salaries, respectively, shall be in full for the services of the respective officers, nor shall either of them be permitted to charge, or receive, any commission, pay, or perquisite, for any official service of any character or description whatsoever; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

SEC. 27. *And be it further enacted*, That the Treasurer of the United States be and he is hereby authorized to receive at the Treasury, and at such other points as he may designate, payments in advance for public lands, the payments so made, in all cases, to be evidenced by the receipt of the said Treasurer of the United States, which receipts so given shall be current at the several land offices of the United States, as cash, at any public or private sale of lands, in the same manner as the currency authorized by law to be received in payment for the public lands.

SEC. 28. *And be it further enacted*, That for the purchase of sites, and for the construction of the offices of the Receivers General of Public Money, by this act directed to be erected at Charleston, South Carolina, and at St. Louis, Missouri, there shall be, and hereby is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of $——, to be expended under the direction of the Secretary of the Treasury, who is hereby required to adopt plans for the said offices, and the vaults and safes connected therewith, and to cause the same to be constructed and prepared for use with as little delay as shall be consistent with the public interests, and the convenient location and security of the buildings to be erected.

SEC. 29. *And be it further enacted*, That for the payment of the expenses authorized by this act, other than those herein before provided for, a sufficient sum of money be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. WRIGHT moved that the bill be made the special order of the day for this day week.

Mr. CLAY of Kentucky expressed a wish for a longer day than the one named by the Senator from New York. This was an important subject; public expectation was very high on it, and he understood indirectly that the details of the bill were numerous, and he thought they ought not to hurry the consideration of a measure of such momentous consequences. He hoped the chairman of the committee would see the propriety of fixing on a day for the special order more distant than the one he had named.

Mr. WEBSTER was desirous of having as much delay as was consistent with the views of the Senate, and the chairman of the Committee on Finance. This was certainly one of the most important measures that would be likely to emanate from Congress this session. He was desirous, therefore, that the bill should be as generally understood as possible in all its bearings; and would move that fifteen hundred additional copies be printed.

Mr. WRIGHT said that, in making the motion, he was only acting under the instructions of the committee. The Senate could make what disposition it thought proper of the bill. He was not for pressing it.

Mr. CALHOUN opposed the delay. The subject, he said, was not new; it had been fully discussed at the last session, and every member had made up his mind on it.

The question was then taken, and the bill was made the special order for this day two weeks; ayes 22.

On motion of Mr. WEBSTER, fifteen hundred extra copies of the bill were ordered to be printed.

Mr. GRUNDY, from the Committee on the Judiciary, reported, without amendment, the bill altering the terms for holding the circuit and district courts for the eastern district of Virginia.

Mr. SEVIER, from the Committee on Indian Affairs made a report on the memorial of Arkansas, in relation to the Osage Indians.

Mr. HUBBARD, from the Committee on Claims, reported unfavorably on the bill from the House for the relief of Freeman Brady; and favorably and without amendment on the bills from the House for the relief of Dr. David H. Campbell and Dr. James Heron.

Mr. RUGGLES, from the Committee on Commerce, reported a bill authorizing the sale of certain real estate, belonging to the United States, at Bath, Maine, and appropriating the proceeds of sale to the building of a custom house at that place: read and ordered to a second reading.

Mr. SMITH, of Connecticut, from the Committee on Revolutionary Claims, reported a bill for the relief of Moses Van Campbell; which was read and ordered to a second reading.

Mr. SMITH, of Connecticut, from the same committee, reported adversely on the petition of Thomas Curtis.

Mr. ROANE, from the Committee on the District of Columbia, reported a bill for the establishment of a criminal court in the District of Columbia; which was read and ordered to a second reading.

Mr. PRESTON, on leave, introduced a bill for the relief of Doctor Thomas Cooper; which was read and ordered to a second reading.

Mr. SEVIER submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of War be directed to communicate to the Senate all the papers of —— Duval, a Cherokee, now on file in the office of Indian Affairs, together with his opinion as to the liability of the United States for the depredations alleged to have been committed upon his property.

Mr. HUBBARD submitted the following resolution, which was considered and adopted:

Resolved, That the President of the Senate be authorized to appoint an additional member on the Committee on Claims, to serve during the present session; and that the rules of the Senate limiting the number of that committee to five be dispensed with, for the purpose above stated.

Mr. BUCHANAN moved to take up the bill in addition to the act for the prevention and punishment of certain crimes against the United States, reported by him yesterday, and urged the speedy action of the Senate on it.

This motion was not carried, a quorum not voting.

On motion of Mr. LINN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 17, 1838.

The CHAIR, on leave, presented several Executive communications:

1. From the President of the United States, transmitting a report from the Director of the Mint, showing the operations of that institution during the year 1837, and also the progress towards completion of the branch mints in North Carolina, Georgia, and at New Orleans; which, on motion of Mr. CAMBRELENG, was laid on the table.

2. A communication from the Secretary of the Navy, transmitting the amount of postages paid by that Department per Express mail.

On motion of Mr. BRIGGS, referred to the Committee on the Post Office and Post Roads.

2. From the Secretary of the Treasury, transmitting a report in relation to the defalcations of collectors, receivers, and public depositories, of the public money.

On motion of Mr. BRONSON, laid on the table, and 5,000 extra copies ordered to be printed.

4. From the Postmaster General, showing the amount of money received from the postages of letters and papers by Express mail.

On motion of Mr. MONTGOMERY, referred to the Committee on the Post Office and Post Roads.

5. From the same, transmitting the amount of postages collected by that Department on newspapers and pamphlets for the six months preceding the 30th of June, 1837.

On motion of Mr. BRIGGS, referred to the same committee as the foregoing.

6. From the same officer, transmitting the estimates required on the general account of that department ending the first day of July next.

On motion of Mr. HAYNES, referred to the Committe of Ways and Means.

7. The annual report of the Superintendent of the Patent Office.

On motion of Mr. GRENNEL, laid on the table.

Mr. LAWLER, on leave, presented certain joint resolutions of the Legislature of Alabama, embracing a proposition for the establishment of a pension agency in that State; which, on motion, was referred to a select committee of three.

On motion of Mr. MERCER, the bill from the Senate, making an appropriation for the removal of the great raft on Red river was taken up, read twice; and on motion of CAMBRELENG committed to a Committee of the Whole on the state of the Union, (a bill embracing the same object, being already reported by the House, and now before that committee.)

The SPEAKER communicated a letter from the Hon. JOHN C. CLARK, of New York, stating that the condition of his health was such that he was unable to attend to his duties on the Committee of Claims, and asking to be excused from further attendance thereon; which was agreed to, and the vacancy directed to be supplied.

Mr. HOWARD, on leave, and by request, as he stated, of the chairman thereof, submitted an order to allow the select committee on the memorial of the Sergeant-at-arms to sit during the sessions of the House; which was agreed to.

The first business in order was the consideration of the following resolution, submitted yesterday by Mr. MERCER:

Resolved, That Messrs. GHOLSON and WISE, members of this House, between whom warm words have passed in debate, be required by the Speaker to declare in their places, that they will not prosecute farther the quarrel which has arisen this day between them.

The question pending was on the motion of Mr. GLASCOCK to postpone the resolution indefinitely.

Mr. PATTON said that he had voted against laying the resolution on the table yesterday, but he was now satisfied that no benefit would result from further discussion, and he therefore moved to lay it on the table.

Mr. MERCER called for the yeas and nays, which were ordered, and were, yeas 126, nays 64.

So the resolution was laid on the table.

COMMITTEE OF WAYS AND MEANS.

On motion of Mr. CAMBRELENG, the Committee of the Whole on the State of the Union were discharged from the further consideration of the "bill making an appropriation for the suppression of Indian hostilities;" and Mr. C. reported back an amended bill.

Mr. HAYNES reported a bill to provide for the support of the Military Academy for the year 1838.

Mr. SMITH reported a bill to secure the payment of certain provisions on duty bonds connected with the customs.

Mr. S. having briefly explained the provisions of the bill, and the necessity of its immediate passage, it was ordered to be engrossed for a third reading to-morrow.

COMMITTEE ON THE PUBLIC LANDS.

Mr. BOON reported Senate bill, without amendment, entitled an act authorizing the States to tax any lands within their limits sold by the United States; which was committed to a Committee of the Whole on the state of the Union.

COMMITTEE ON THE JUDICIARY.

Mr. TOUCEY reported a bill for the relief of Daniel Ward and George Pittman.

Mr. GARLAND of Virginia reported a bill requiring the holding of semi-annual terms of the

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JANUARY 29, 1838. VOLUME 6.....No. 8.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 7.*]

circuit court of the United States for the district of Missouri.

COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. MUHLENBERG reported Senate bill, with an amendment, entitled an act for the relief of Capt. Samuel Warren.

Mr. HARPER reported a bill for the relief of the heirs of Capt. Robert Beale.

Mr. TALIAFERRO reported a bill for the relief of the legal representatives of Everard Meade.

COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. HARLAN reported a bill for the relief of certain settlers living on what is called Salt Creek reservation, in the western district of Tennessee.

Mr. LEADBETTER reported the following:

A bill for the relief of Nathaniel Plum

A bill for the relief of A. Mason

MISSISSIPPI ELECTION.

The CHAIR then announced the special order, being the consideration of the subject of the Mississippi election case.

The question pending, was on the following resolution, submitted yesterday by Mr. BRONSON.

Resolved, That Messrs. S. S. Prentiss and T. J. Ward are not members of the 25th Congress, and are not entitled to their seats in the House as such.

Mr. BELL moved to strike out all after the word "resolved," and insert one to the following effect, viz: that the resolution of the House of the 3d of October last, declaring that Messrs. GHOLSON and CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material in the case, and the same is hereby rescinded; and

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. PRENTISS addressed the House at great length, on behalf of the claim of himself and colleague to seats in the House, as members elect from the State of Mississippi, and without concluding, gave way to Mr. PATTON, who yielded the floor to enable an Executive communication to be presented.

The SPEAKER laid before the House a report from the Secretary of the Treasury, of the amount of dishonored checks and drafts on the deposite banks, since the 13th of May last.

On motion of Mr. CAMBRELENG,

Laid on the table.

On motion,

The House adjourned.

IN SENATE,

WEDNESDAY, January 17, 1838.

The VICE-PRESIDENT communicated to the Senate a report from the Secretary of War, in obedience to a resolution of the 10th instant, requiring information in relation to the payment of Indian annuities in goods, during the past year: laid on the table, and ordered to be printed.

Also, a report from the Commissioner of Patents; which was laid on the table, and 1500 extra copies ordered to be printed.

Mr. CLAY of Alabama presented the preamble and resolutions of the Legislature of Alabama, asking for the establishment of a pension agency at the seat of Government of that State. He would simply remark, Mr. C. said, that there was no pension agency within one hundred and fifty miles of that place: referred to the Committee on Pensions.

Mr. TALLMADGE presented the memorial of the Native American Society of the City of Washington, praying for a repeal or modification of the naturalization laws: laid on the table, and ordered to be printed.

Mr. KING presented the joint resolutions of the Legislature of Alabama, instructing their Senators, and requesting their Representatives, to have that part of West Florida lying south of the State of Alabama, and west of the Chattahootchie or Appalachicola, annexed to said State: referred to the Committee on the Judiciary, and ordered to be printed.

COMMONWEALTH BANK OF BOSTON.

Mr. WEBSTER rose to submit the following resolution:

Resolved, That the Secretary of the Treasury be requested to obtain information, and lay the same before the Senate, with as little delay as possible; respecting any payments of pensions, by the late pension agent of Boston, or of fishing bounties, recently made by the collector at Boston, in bills of the Commonwealth Bank of that city; and the whole amount of such payments; and that he further inform the Senate by what authority or direction payment of such pensions and bounties has been made in such bills; and that he further inform the Senate whether any, and, if any, how much, of the public money of the United States is in deposite at said bank; and, if any of such money be therein deposited, at what time or times such deposites were made.

In presenting this resolution, Mr. W. said he felt it to be his duty to call the attention of the Senate to the circumstances here alluded to, at the earliest opportunity, in order to the instituuion of an official inquiry into the facts of the case, and to obtain information with respect to the manner in which the duty of public officers had been discharged, in reference to the causes, by which a severe loss had been made to fall upon a large number of industrious and meritorious citizens. Mr. W. did not submit this resolution for inquiry on the ground of mere newspaper rumor. He had received letters from highly respectable private sources, informing him of the general facts of the case. He understood the case to be that, at the period when the fishing bounties became due—money well and hardly earned, by a laborious, industrious, and worthy class of citizens—application for payment was made to the Collector at Boston, he being the officer charged on the part of the Government with the duty and business of paying this money. That officer paid the fishermen, not as the law directs, in specie, or bills equivalent to specie, but in the bills of this now broken bank, or in checks upon it, which checks, of course, it was known would not be paid in specie. Mr. W. had been given to understand that this officer refused to pay the bounty due in Treasury notes, when asked to do so; and that he refused also to pay the money in specie, although requested; and that, substantially and in effect, the parties entitled to payment were put to the option of taking the paper of this bank, or of taking nothing at all! This, he said, was his information.

Mr. W. held in his had a letter from one of the most considerable fishing towns in the State; namely, Marblehead; and he was thereby informed that, very shortly before this bank failed, that is, within a week or two, or some such period, the money due from Government to these fishermen had been paid in the manner described, a large amount of it entirely in the bills and notes of this bank. The whole amount of bills of this bank paid out by the Government officer on the part of Government, Mr. W. could not tell. In Marblehead alone his letter mentioned ten thousand dollars; and he heard of other similar payments, in other towns; report said, the whole amounting to fifty or a hundred thousand dollars, and paid out when the bank was on the eve of a total crash, and within a few days of its failure!

Well, sir, (continued Mr. W.) when the money in these large quantities had been paid out, the bank failed; and all that these poor fishermen had received in payment from the United States is now dead on their hands.

Mr. W. wished that a proper inquiry should be made by Congress into such a state of things, and for this object he had drawn the attention of the Senate to the circumstances of the case, with a view to the obtaining of information on two points: 1st, As to the facts how far the public officer of the Government had been engaged in paying out the notes of this bank for the dues of the United States; and, 2dly, As to the authority: that is, by what legal authority the officer of the United States Government had made such payments, and whether it was done by the direction of the Secretary of of the Treasury, or whether it had been permitted and allowed by him.

Mr. W. thought that however much gentlemen might differ in opinion as to the resolution of 1816, whether that resolution was the law of the land, or whether it were a mere recommendation or admonition, as some had maintained, (though Mr. W. himself had always considered it to be a law,) however that question might be settled, Mr. W. had thought that the law now existing, respecting payments by the Government, was at least clear and indisputable; so that no one would venture to defend the act of the Government, of paying in notes of banks known to be of less value than specie.

Mr. W. begged to refer to the solemn enactment of Congress, made only two years ago. It would be found in the second section of the appropriation bill of 14th April, 1836, and is as follows:

"SEC. 2. *And be it further enacted*, That hereafter no bank notes of less denomination that ten dollars, and that from and after the third day of March, anno Domini eighteen hundred and thirty-seven, no bank notes of less denomination than twenty dollars, shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note of any denomination be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him: *Provided*, That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by an individual, or by the United States."

Would any gentleman rise up and say, in the very teeth of the law, that the passing of these large amounts of notes, known not to be equivalent to specie, and immediately before the failure of the bank, was legal, was justifiable, either on the part of Government or its officers? The law expressly says "no public officer shall offer in payment bank bills not equivalent to specie on the spot where they are offered." Will it be said that the United States officer in the present instance did not know that these notes were not equivalent to specie? This is not possible; he knew this bank, like others, had not paid specie since May last; and that since that time its bills have not been equivalent to specie. Or will it be said he did not know the law? Certainly the Secretary of the Treasury must have drawn the attention of all disbursing officers to this act of Congress.

Mr. W. thought it possible that it might be said, in excuse of this transaction, that these poor fishermen and pensioners took this now worthless money voluntarily, or at their own option. But whether the individual who is to be paid may be made willing to take such irredeemable paper or not, the law is direct and peremptory, and prohibits the officer from *offering* it. The consent of an individual, therefore, to take it, especially when he can get nothing else, will not justify that violation in any quarter. But what consent can that be esteemed, what voluntary taking is there in such cases, where a man, because he cannot get all that is due to him, is compelled to take part, rather than have none? What is there voluntary about it? This is coercion, and not consent. Congress has not yet admitted the notion, and Mr. W. hoped it never would, that the receipt of paper under par was voluntary, whenever officers of Government could prevail on those who were entitled to the payment of money from the United States to take it under the penalty of getting nothing. His letter, indeed, said that specie had been asked for, and was refused; that, whether asked for or not, or

whether the fishermen knew they were entitled to specie or not, it was equally the duty of the officer to refrain from offering these bills. Mr. W. therefore, wished to know by what authority Government, or the officers of Government, dispensed with the law? By what authority they repealed the statute, or disregarded it? By what license they had obtained the dispensing power?

It is (said Mr. W.) a notorious fact that no bank paper was, in the present state of the currency, equivalent to specie; it was refused by the Government, who demanded and obtained specie, or Treasury notes, for debts due to itself. How, then, could the collector of Boston be justified in passing bad money as a fulfilment of one of the most sacred duties of the Government, namely, the payment of the pensions of the aged and destitute Revolutionary pensioners?

It is said (though Mr. W. did not himself know the fact to be so) that there was a large amount of United States money in that bank. This was also a subject on which Mr. W. was desirous that some information should be given to the Senate, for he had heretofore understood that the public money had all, or nearly all, been drawn out of the bank. Mr. W. wished to know when, and by whom, this sum, now understood to be there, was deposited, or how it came there.

Mr. W. did not wish to anticipate debate on the Treasury system bill which was to be brought forward a fortnight hence; but he would, nevertheless, make a remark or two upon two points which he wished, as being important truths, might be kept in the constant view of Congress and the country.

The first was, that every notion and idea of justice required that there should be one mode of payment by the United States to all who were entitled to payments from Government or its officers. There was, at present, no uniform medium. Even the Treasury notes, which were issued to public creditors, were not all of equal value. Some of them carried interest at the rate of five per cent. some at the rate of two per cent. and some at the rate of *one mill per cent.* But an interest of one mill!! Mr. W. could not but consider it in the highest degree derogatory to the dignity and character of any Government, to create such a difference in its payments whereby the public creditor received a more or less valuable compensation, not according to his just demands, but according to his skill in making a bargain, according to his facility or difficulty of being put off with a larger or smaller amount!

The other point which he wished now and always to urge was, that it was his opinion that however desirable it might be, as some imagined it, to have gold and silver for Government use so long as there is a paper circulation in the country, it is not possible, in the nature of things, that Government can so conduct its transactions with the people, or keep itself safe, and keep them safe, while the general currency of the country is depreciated or deranged. In other words, there can be no safety, there can be no security nor confidence, even in transactions with Government, except by reforming and restoring the whole currency of the country, and establishing a general and uniform medium of payment. It is not possible for Government, with any practical utility, to have a sound currency *only* for itself; there must be such a currency for the people, and for the country generally. It will not be possible for the Government to stand apart, and strengthen itself, and take care of itself, and those who deal with it, and secure its own safety and theirs, while it neglects to provide for the safety, security and well-being of the whole country.

He would add nothing to these remarks, further than to say, that in this case, and in all similar cases, if loss should turn out to have been suffered by individuals in consequence of illegal payments made by officers of Government, or in consequence of payments made in a depreciated medium, if the officers themselves were not liable to make it good, he, for one, should vote to make good every such deficiency, to the utmost farthing, out of the Treasury.

The following is a copy of one of the letters referred to by Mr. WEBSTER in the course of his remarks, when he also, in referring to it, said, that it was at the service of every Senator to see and examine it. We conceive that the present mode will be the most convenient way of submitting it to general consideration:

"SIR: You will, I am satisfied, excuse the liberty I take in addressing you these few lines, the subject being of the utmost importance to my fellow-townsmen. The Government have lately paid to the fishermen of this town their bounty money, amounting to something like $20,000. Something like $10,000 of this amount was paid in Commonwealth Bank bills; the remaining $10,000 in bills of other banks. Now, sir, just look at the distress that is likely to come upon this poor town by this specie-paying Government of ours. The Commonwealth Bank has stopped, and $100 would not buy a loaf of bread. The Collector of Boston was solicited by a number of gentlemen of this town for specie, or even Treasury notes. No; he'd pay in no other way but by a check on the Commonwealth Bank. This, sir, is a hard case for the poor fishermen of this town, and I am satisfied you, sir, will do what lies in your power (if any thing can be done) for their relief. The poor widow and Revolutionary soldier come in also for their part in the distress of the town; many of them who have received pensions have been paid in Commonwealth Bank bills, and, having full reliance upon the Government, have kept the money they had paid them by the Government, believing that the Government would not pay them in bad money.

I am, dear sir, your obedient servant."

Mr. BAYARD inquired if the Senator from Massachusetts could say what particular connection there was, if any, between the Commonwealth Bank and the Government; and whether the collector at Boston, or any of the other officers of the Government, were directors of this bank, or had any particular connection with it.

Mr. WEBSTER replied that, from recollection, he should think himself justified in saying that the local officers of the Government had, more or less, been connected with the bank for a great while. He did not know that the collector was a director; but he believed the deputy collector was one of the directors; he was so recently; and the district attorney was also one of the directors. This bank was selected early as a depository of the public money. The gentlemen connected with it were very respectable, and very much distinguished for their political attachment to the last and present Administrations; and Mr. W. believed they were among the first who appeared here against the renewal of the charter of the late Bank of the United States; and gentlemen connected with the bank had not a little to do with the removal of the deposites from the Bank of the United States. This, however, Mr. W. said from recollection.

Mr. HUBBARD said that he had no objections whatever to the adoption of the resolution offered by the Senator from Massachusetts; and if the Senator had presented his resolution unaccompanied with any remark, he should not have unsealed his lips upon the subject; but as that gentleman had seen fit to submit his views somewhat at large, not only with reference to the particular transaction in Boston, but generally upon the subject of the currency, he must ask the indulgence of the Senate in saying a word or two in answer. Before proceeding, however, he would wish to learn distinctly from that Senator whether he stated, or intended to be so understood, that the Secretary of the Treasury had given any authority, directly or indirectly, to any public officer, to pay any of the public creditors in any currency not expressly warranted by the act of Congress? whether the Senator intended to be understood by his remarks that the Secretary of the Treasury had any knowledge of, or any concern with, the transaction in Boston? whether that transaction were, or were not, censurable? whether it were, or were not, in violation of law? He would not wish to proceed before he received from the Senator an answer to these inquiries.

Mr. WEBSTER replied that he had designed to intimate nothing on this point. He did not know, and had, therefore, proposed this inquiry. It was, however, an important duty, (paying bounties and pensions,) and either was, or ought to be, directed by the superior of those who did it. But whatever the Secretary of the Treasury had determined, that the law should be broken, or whether he knew it was broken, or whether it was done by his determination, Mr. W. did not know, and gave no opinion. But if he might avail himself of the characteristic privilege of that community, and guess a little, he would conjecture that the honorable member from New Hampshire was already informed on this point; and Mr. W. was inclined to inquire whether it were not so. Mr. W. would also inquire whether there had not been, since May, 1837, hundreds of instances of the payment of money, not by the Secretary, but by his subordinate officers, in bank notes. Whether they had been made with the knowledge of the Secretary, Mr. W. did not know; but he knew the fact that his constituents had been so paid.

Mr. HUBBARD remarked that the Senator was fully entitled to the character of a Yankee. He had answered his inquiries by submitting to him other questions.

The Senator asked him whether he had not heard the Secretary of the Treasury speak of this affair in Boston, and that the facts were within his knowledge; and whether there had not been since May, 1837, payments made to the public creditors in bank notes in numerous instances; and whether these things had not been done with the sanction of the Secretary; and whether he had not understood the matter from the Secretary himself. He wished not to evade the questions. He would most cheerfully and directly answer the gentleman's interrogatories. *He had never received from the Secretary of the Treasury any such information.*

The gentleman is answered, and answered truly; and, whatever might be the feeling of the Senator himself, such was his own confidence in the Secretary of the Treasury, that he would not for a single moment indulge the thought that he would connive at any violation of official duty in any public officer, or in any disregard (by any such officer) of the express provisions of the law. The Secretary of the Treasury could be guilty of no such breach of the public trust, and the Senator would not presume to make such a charge against him. The Secretary, so far from giving any authority to pay any of the public creditors in the paper of any bank since May last, that it had been his unceasing effort to dissolve all connection with the local banks, and to be prepared to receive and disburse in an entirely different currency.

An inquiry had been made, who were the directors and who were the stockholders of the Commonwealth Bank? He could not state from his own knowledge who were the directors or who were the stockholders. He lived remote from the place where the bank was located, and had never had any concern whatever with the institution; but there was not a Senator on this floor who was better informed on this point than the Senator from Massachusetts; but he was very certain that the collector was not, and never had been, a director of that bank; and whether he was, or was not, a stockholder he was unable to say.

He had said that he should interpose no objection to the passage of the resolution. If the object be to get facts, be it so; but the Senator has very plainly intimated, not only that the collector has, without law and against every moral sense, paid these creditors in the bills of the Commonwealth Bank, but has insinuated that this was done by the authority—certainly with the knowledge—of the Secretary himself. He had no doubt that if the Senator entertained any such suspicion, that he would find himself egregiously mistaken. He ventured to predict, that the Secretary of the Treasury had never acted so regardless of his high trust, as to give directions to any subordinate officer to pay the public creditors in a depreciated currency; and he also believed that the subordinate officer referred to had, on no occasion, acted so regardless *of his official duty*, and of public law, as *to offer* any such depreciated currency, without right, to satisfy the claims of public creditors. If the fact should be otherwise, he would not be behind the gentleman from Massachusetts in expressing his strongest disapprobation.

The Senator from Massachusetts had contended that it was a direct or partial violation of the act of

Congress of April, 1836, for any public officer *to offer* in payment to a creditor of the Government any bank notes of a less denomination than twenty dollars, or any bank note, unless the same shall be payable and paid on demand in gold or silver, even at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver at the spot at the will of the holder, and without delay or loss to him. All this is true: such are the clear and unequivocal provisions of the act of 1836; and he was as ready and as willing as the Senator could be, to condemn that public officer who should offer, or attempt to pass, depreciated bank paper of any denomination. He knew well the terms of that act; and he knew well, also, that in the same act was reiterated the sentiment that nothing but gold or silver should be regarded as a legal tender by the United States. But in admitting all this, he by no means admitted that the collector at Boston *had* violated that law, (even if the public creditors named by the Senator had been paid in the bills of the Commonwealth Bank.) He would not deny that since May last the bills of that bank, and the bills of all the other banks in the city of Boston, had been of a less value than specie. This had been, and still was, to a very great extent, the true condition of the bank paper of the whole country. But the Senator would not deny that the bills of the Commonwealth Bank had been, up to the hour of its failure, as current as the bills of any other bank in that city. They were used like the paper of other banks, for all the purposes of commerce and of business between man and man. Before the Senate can declare that the collector of the port of Boston is obnoxious to the charge of having violated an act of Congress, the facts must be known. The circumstances of the whole case must be well understood. The private and the public character of that officer, and his known faithfulness in the performance of his official duties, forbid the idea of any *wilful violation of law*, or of any unwarrantable departure from duty. He had said that even if the fishermen had received the bills of the Commonwealth Bank in payment of their fishing bounties, it did not necessarily follow that the collector had either departed from his official duty, or violated the provisions of the law. The Senator has supposed a state of facts, which, he was free to admit would amount to a wanton and wilful violation of the act of Congress. He has stated that these fishermen demanded gold or silver, which was refused; that they demanded Treasury notes, which were refused; and that they were told by the collector that he would pay them only in bills of the Commonwealth Bank. If this be so, he would not attempt to justify the conduct of the collector. If he had gold or silver, and refused to pay it to these creditors when demanded, or if he had Treasury notes, and refused to deliver them when demanded—if he persisted in satisfying these creditors of the Government in the bills of the Commonwealth Bank, and did so satisfy them, he was obnoxious to the charges which had been made against him. He should, however, most reluctantly yield his assent to the statement made by the Senator, on the authority of any epistolary correspondence.

But if the creditors of the Government called upon this public officer, whose duty it was to make the disbursement, and said expressly to that officer that they desired payment to be made to them in the bills of the Commonwealth Bank—that they were not only willing, but it was their wish to receive payment in that particular currency—could the collector fairly be charged with a violation of the law, if he should thus comply with the wishes of these creditors? Would not the act be most unjustifiable on the part of the collecter, to withhold from the creditor the very means which it was known the collector possessed, and the very means which the creditors were most willing and most desirous to receive? It is the intent, the motive, which gives character to the transaction. And with what grace, with what propriety, could the collector be charged either with a departure from duty, or with a violation of law, *for thus conducting?* The creditor might well know that the collector had not the specie—that he was not supplied with gold or silver—and yet might desire payment in the very kind of money with which the collector was furnished. The creditors would, under such circumstances, say to the collector—"pay us in the bills of the Commonwealth Bank; they will answer our purpose; they will enable us to pay our debt to the bank; they will supply us with means necessary for the support of our families." The collector complies with this request of the creditors; and he was unable to see, in this supposed case, wherein the collector had done aught worthy of censure or of condemnation.

If the collector had refused to comply with this request of the creditors—if he had said to them, "I cannot offer you the bills of the Commonwealth Bank, because they are not equal to specie, and are not convertible into gold or silver upon the spot," and had actually withheld from the creditors this kind of money, which they were so ready and so willing to receive, he would like to know what would then have been said of the collector. What would the Senator from Massachusetts have said of such conduct on the part of the collector. He was sure that it would receive universal condemnation. There are many men who would prefer to receive paper to specie, who would prefer current bank bills to gold and silver, for the purpose of transacting the ordinary business of life; and, for himself, he was free to say, that were he to receive, for his own use, from any individual, a sum of money, as it is not his fortune long to hold, what he is entitled to receive; as he has ever had, and probably always shall have, an immediate use for all his pecuniary means—he would much prefer to receive current bank paper to gold or silver; it would suit his convenience better; and for that very reason, when he was fairly entitled to gold or silver, and could have received either, he has preferred to take current bills, and has been content therewith. He dare say that others might think and might act as he thought and acted; yet he was by no means for substituting, for the use of the Government, paper money for gold and silver. He had mentioned these facts, to show that such may have been the circumstances, in relation to the disbursement made by the collector at Boston in satisfaction of fishing bounties, as wholly to exonerate him from the charge of "*a violation of law—of a disregard of his public duty.*"

The Senator had presented another view of this matter. He had regarded it with reference to the rights of the fishermen, and with reference to the rights of the pensioners, who, it is stated, have also received their pittance in the bills of the Commonwealth Bank. And he had said to the Senate that he should feel himself called upon to indemnify these public creditors from any loss they may have sustained in receiving this kind of money; that they were entitled to gold or silver, or to an equivalent; that having been paid in this depreciated currency, they were justly entitled to have the difference in value between this description of paper and gold and silver, made up to them. There might possibly be a case which would present a good claim upon Government. Such cases have occurred; they may again occur; but he would like to learn from the Senator what principle of morals or of law, what claim in justice or in equity, these creditors could have upon the Government, if they have voluntarily, at their own instance and request, received in payment current money, and which has depreciated in their hands?

The Senator says that it is idle to talk of a voluntary taking in payment that which is of a less value than gold or silver; that it is necessity, dire necessity, which compels the creditor to receive a depreciated currency; that it is a wrong on the part of the Government to offer such a currency in payment; and that the act of taking such sort of money in payment of an honest claim, would not stop him from making the money so received equal to the precious metals. There may be, as he had before stated, cases justly calling upon the Government for remuneration. They must be, however, of a very different character from any which the Senator himself had mentioned. The Government is bound to satisfy its creditors. This obligation rests no more upon the Government than upon individuals. Every man is bound, in honesty and in good faith, to pay his debts: the Government is equally bound. An individual may honestly, may justly, may with perfect fairness, satisfy the claim of his creditor, without advancing either gold or silver. The Government may also satisfy its creditors, without the aid of hard money. A voluntary receipt of payment, a willing acknowledgment of satisfaction, was, according to his creed of morals, according to his notions of law and of right, the end of the matter; and it would be a most flagrant act of injustice and of wrong for an individual, under such circumstances, to appeal to Congress for indemnity from a loss occasioned by a depreciation of the very paper in which he had received payment, after it had passed into his hands. As he had before stated, a creditor having a claim upon the Government, calls upon the collector at Boston for payment, and designates the very money in which he wishes payment to be made to him. He neither asks gold or silver, but receives, with his own consent, at his own request, and to his heart's content, current bank bills.

What right, what sense of morals, what principle of law, would sanction an appeal to Congress to make good to the creditor any loss which he might subsequently sustain, or to make that which he elected to receive, equal to specie, which he at the time spurned? He knew of no right, and he could realize no moral sense or legal principle which could justify such an appeal. And he would only say to the Senator, before he pledges himself to give his support to such applications, first to put the Government in the wrong; to show that gold or silver are within her reach, and that she has wilfully withheld it from her honest creditors. Let the Senator first show that, by the existing policy of the country, the public revenues are necessarily received in the metallic currency; and the same currency should be disbursed to satisfy Government liabilities. If he could show this, he would have much better and safer ground to stand on. He hoped that the time was not far distant when the Government would collect and disburse its revenue independent of banks.

The Senator from Massachusetts says that the public creditors should be paid in gold and silver; that they are entitled to receive hard money in satisfaction of their claims upon the Government; that any thing short of this would be doing great injustice to them; and a payment in any currency of a less value than gold or silver would also be a direct violation of law. He was rejoiced to hear this from the honorable Senator. He had declared, on this and another occasion, that he should be ready at all times to vote to any creditor a remuneration for any loss he may have sustained by receiving from the Government any currency in payment of his claim, if that currency was, at the time, of a less value than gold or silver. After the avowal of such sentiments, he trusted that the gentleman from Massachusetts would be found cooperating with him in the support of that very system which contemplates an entire separation of the Government from the banks; which looks to the very object which the Senator seems to have so much at heart—the exclusive collection of the revenue in gold or silver; which is intended to provide the very description of means which the Senator himself says, and says most truly, the public creditors are entitled to claim, and which the Government is bound to pay. The Senator would hardly contend that this Government ought to collect its revenues in a paper currency, and disburse those revenues in gold or silver; and he congratulated himself and his friends that they were to have the aid of the powerful talents of the honorable Senator from Massachusetts in sustaining the Sub-Treasury system—a system which is to cut loose from all local banks; which is intended to collect from the debtors of the Government hard money, and to disburse to the public creditors the same currency. This subject of the currency, he was free to admit, was of great importance to the whole community; and the bill which had been recently reported from the Committee on Finance ought to have received the earliest possible consideration from the Senate. It was due to the Government, it was due to the country—a sense of common justice seemed to him

to demand an immediate action upon this all-important measure; and although its importance has been admitted, yet the Senator, by himself and friends, has put this subject beyond the power of the Senate for two weeks to come. He regretted this; and he could not but hope that some Senator who voted with the majority would move this morning for the reconsideration of the vote postponing that bill. He wished for its immediate consideration. He desired to have it taken up, examined, debated, and disposed of, without delay. Recent events called loudly upon the Senate for action. The very occurrence in the city of Boston which has induced the resolution now before the Senate, demands from this body the earliest possible consideration of the measure reported yesterday from the Committee on Finance.

He looked forward with deep solicitude for the adoption of that measure. He was certain that all were ready to admit that the time had come when all connection between the Government and the local banks should be dissolved. That any man who will look abroad and see for himself; that any man who will faithfully realize the consequences—the disastrous consequences—which have resulted, and which are daily resulting, from that connection, must admit that the honor of the Government, the prosperity and peace of the community, and the best interests of the local banks, al demand a divorce, a permanent, a lasting, separation between them and the Government.

The gentleman from Massachusetts had, on a former occasion, and had, on this occasion, seen fit to allude to the manner in which the Executive had executed the Treasury note law of the last session; and he asked, with his usual confidence, whether there was any member of the Senate who was prepared to justify the course of the Executive under that act. He said he had heard of but one individual who had approved the course. The gentleman from Massachusetts said that he believed that the spirit of that act had been perverted, if not its letter violated.

He had on the former occasion, by a resolution, called on the Secretary of the Treasury for information. He had received an answer to that call; it was in the possession of the Senate; and, for one, he hesitated not to declare, in the most unequivocal manner, that the law had been executed, and faithfully executed, according to its letter and its spirit. Was that act designed to give authority to the Executive to borrow ten millions of dollars? Was such the conclusion of the committee who reported the bill? Was such the debate on this floor? He denied the fact. The bill was intended to be, what it purports to be, a bill for the accommodation and convenience of the Treasury Department—a bill to enable the head of that department to carry on the fiscal operations of the Government without embarrassment. The funds, the whole pecuniary means, of the Government, by one universal and sad catastrophe, had been put beyond the immediate control of the Treasury Department. This was then a mere temporary measure—a relief bill; and what are the terms of this bill? That the President is to cause Treasury notes to be issued to an amount not exceeding ten millions of dollars, and not of a less denomination than fifty dollars; that they were to be redeemed after the expiration of one year, and were to bear no interest after the expiration of said year. The rate of interest is to be expressed upon the face of the notes. The bill provides that the rate of interest upon each several issue of notes shall be fixed by the *Secretary of the Treasury*, with the approbation of the President, but the rate of interest shall in no case exceed six per centum per annum.

Language could not make this matter more plain; it seemed to him that there is no room for cavil. The notes are not to draw interest after the expiration of one year; and the rate of interest is to be fixed by whom? By the Secretary of the Treasury. It is not prescribed by the act itself; the only limitation is, that the rate shall not exceed six per centum per annum. Beyond that the Secretary has no power to go; but up to this point the rate of interest is committed to the discretion of that officer, with the approbation of the President. The Senator admits the authority to fix the rate at six per cent. Whence is that authority derived? From the act itself: and by the same act the Secretary can fix any less rate of interest, according to his discretion. If he has power, which none can deny, to fix the rate at six, he has equally the right to fix it at two. The Secretary is at perfect liberty to act, with reference to this whole matter, as his own good sense and sound discretion should dictate. He might find one portion of the community ready to part with their gold and take notes bearing an interest of ten per cent.; he might find another class willing to receive them at a less rate of interest; he might find others requiring a higher rate of interest; he might find a class of public creditors who would receive these notes at one mill interest. The Secretary had only one limit; he could not fix the rate at over six per centum per annum. The rest was entirely and most properly left to his discretion, to be exercised as circumstances should require.

And is there a Senator on this floor prepared to say, that if he had applied to the Secretary, and said that he would part with his gold for Treasury notes at one per centum per annum, that the Secretary could not, consistent with that discretion with which he was invested by the act, accept the offer? The Secretary either had or had not the power to regulate the interest according to his own discretion. And this matter must be determined by the inspection of the law itself. To the law then he would appeal, and to the terms of that act of Congress he would submit. But if there is any thing clear in legislation, free from all ambiguity and doubt on this subject, it is to be found in that act of Congress of the last session, giving authority for the issue of Treasury notes.

If the act does not speak the language which the gentleman from Massachusetts intended it should, or supposed it did, the Secretary cannot be blamed. If the act was designed merely to give authority to the President to borrow money, why was not the act in terms so drawn? If it was intended that Treasury notes should be issued, only at such a rate of interest as would enable the Government to go into the market and convert them at once into specie, why was the purpose of the act kept out of view? Why was not its intent fully declared? If such had been the exclusive object of the law, it would have been necessary at the time to have fixed the maximum of interest at a much higher rate than six per cent. These were not the exclusive objects of the bill. The Secretary might find it necessary to make an issue of Treasury notes to supply himself with gold and silver for the public use. He might make an issue of these notes to satisfy the public creditors. He was bound to receive them back for all public dues; and whether issued for one purpose or another, the rate of interest was matter for Executive regulation, and expressly committed to Executive discretion. There was but one limitation to the exercise of that discretion, and that has already been stated. He had not only thoroughly examined the act of the last session, but he had carefully perused the remarks of the honorable Senator made to the Senate a few days past in relation to this matter; and he had brought his mind to the conclusion that the Executive had, in the execution of that act, not only complied with its provisions in letter and in spirit, but had also, in its execution, faithfully and honestly regarded the best interests of the country. He was not one of those to complain of the Executive for not having issued these Treasury notes at a rate of six per cent. when all the purposes of the Government could be as well attained by fixing the rate at one or two per cent.

The gentleman from Massachusetts may condemn this act of the Executive; he may find others to agree with him; he may think that the law has been wholly perverted, and its purposes unaccomplished. All that he had to say was, that if such were the opinions of the Senator, he wholly differed from him in sentiment. In the execution of this act, the Executive has done his duty, and his whole duty. He had looked upon the resolution which the Senator had offered the other day—and he looked upon this resolution just presented by the Senator—as a thrust at the head of the Treasury Department. That officer did not seem to enjoy the confidence of the Senator. As the friend of the Secretary, he could not desire a more perfect protection from the attack made upon his public conduct, than was afforded him from the implied charge involved in the resolution presented by the Senator, with reference to the manner of executing the Treasury note law of the last session.

With reference to the last branch of the resolution, he would remark, that he was perfectly sure that the Secretary of the Treasury has not made any deposite of the public funds since May last, in any of the selected banks which had refused to redeem its bills with specie. There may be, and there probably was, in deposite in the Commonwealth Bank some portion of the public money; but the Secretary of the Treasury could not have so disregarded his public duty as to have made such a deposite since the suspension of specie payment. If any of the public funds were now in that bank, they must have arisen from transfer drafts, drawn in favor of that bank previous to May last, and which drafts may have been answered since; he had from some quarter been informed that by the shipment of cotton to the North, such a transfer draft had been complied with by one of the southern banks, and its amount had been placed to the credit of the Government in the Commonwealth Bank. He therefore stated, that if there were any portion of the public money now in deposite in the Commonwealth Bank, it had occurred in the way and manner he had stated; for the fact was known to him, and he presumed, to the Senator from Massachusetts, that the necessities of the Government had induced the Treasury Department to draw very closely upon the northern deposite banks; and in the course of the summer and autumn, by reason of the failure of the southern and southwestern banks to answer the Treasury drafts, that almost every dollar of the public money in the deposite banks, in New England, had been drawn for. He was, therefore, well satisfied that the Secretary of the Treasury would be found to be in no way blameable for the money which may now be in deposite in the Commonwealth Bank. But he trusted that in case there was a portion of the public money now in deposite in that bank, the bond which the Secretary of the Treasury had required, and which he had taken, would be found to be fully adequate for the protection of the Government against any ultimate loss.

Mr. NILES did not rise to prolong a debate, so unnecessarily commenced. He was not opposed to the inquiry sought by the resolution, but was rather in favor of it. He presumed the object of the mover was to obtain information, to be laid before this body, in relation to the great financial operations of the Government; and he also presumed that the gentleman was looking at higher game; that his object was to get at the connections of this Government with the deposite banks. That (said Mr. N.) is also my object; and whether these banks were in the hands of one party or the other, was entirely another question. Let us (said Mr. N.) have the whole fruits of this system before us, the bitter as well as the sweet. For this purpose, and not to oppose or retard the inquiry, but to get all the information necessary for the guidance of the Senate before them, he submitted the following amendment:

"And that he further report to the Senate whether the late Bank of the United States has yet paid, or accounted with the Government, the sum of one hundred and sixty thousand dollars, fraudulently detained, on the pretence of a claim of damages for the non-payment of the draft drawn on the French Government, and also to report what loss the United States have sustained by depositing the public revenues in banks, or by receiving the notes of banks which have failed, or their bills become depreciated."

Mr. WEBSTER said the latter part of this additional call would require a great deal of time; and if it was insisted on, he hoped the member would agree to offer it as a separate resolution, and not delay an answer to his (Mr. W's) call, which it was desirable to have immediately, by attaching this amendment to it.

Mr. NILES then modified his amendment, so as to require the answer on the first branch of the

inquiry immediately, and on the latter part as soon as possible.

Mr. BAYARD objected to the word "fraudulent" in the first part of the amendment It was true the bank detained the money, but they claimed it, and were ready to abide a legal adjudication. He hoped the Senate would not attempt to characterize the transaction by the term. That matter should be decided on by another tribunal.

Mr. NILES replied, that as the gentleman seemed very sensitive in relation to that bank, he would substitute the word *unjustly* for fraudulently, though he believed the transaction both fraudulent and unjust.

Mr. BAYARD said there was the same objection to the word *unjustly* as to *fraudulently*. Why express any opinion? He disclaimed any sentiveness about the bank, but was averse to the Senate expressing an opinion in this matter. Mr. B. then moved to strike out *unjustly*.

Mr. STRANGE said that, had the Senator from Massachusetts (Mr. Webster) introduced his resolution unaccompanied by any remarks, he would have cheerfully voted for it, and opposed the amendment offered by the Senator from Connecticut, (Mr. Niles,) as well as every other amendment calculated to embarrass the original resolution. The Senator from Massachusetts had professed a great unwillingness, and indeed a determined purpose, not to anticipate the debate upon the most important measure likely to engage the attention of Congress at its present session. I leave motives, said Mr. S. to the great Searcher of Hearts; but of the conduct of men, which is immediately before me, I have a right to judge, and to speak of its tendency. The resolution of the Senator from Massachusetts proposes an inquiry, and yet, in anticipation of the answer to his inquiry, he furnishes us with *ex parte* statements of facts, upon which he makes his own comments, answering in advance the very inquiry which he makes. Now, I might appeal to the Senator himself whether, whatever may be his motives, he does not believe the facts he has disclosed, and the comments he has made upon them, are calculated to make an impression upon the public mind affecting the great question which has been for some months before the country? The answer, I know, must be affirmative; and I, for one, can not consent that these facts and comments should go forth unaccompanied by comments from another quarter. Every one knows that the Senator from Massachusetts is in favor of a United States Bank; that he is opposed to the present Administration, and both to the Sub-Treasury system, as it is called, and the system of deposites with the State banks; and he doubtless supposes that the facts he has disclosed have a tendency to convince the country of the necessity of a United States Bank. Now, sir, believing, as I do, that they lead to a very different conclusion, (admitting the facts stated to be true, and I am not now disposed to question them) I feel it my duty to say so.

I must, however, in the first place, endeavor to show that the charge of illegal conduct so suddenly brought against the Collector of the port of Boston, and which the Senator from Massachusetts seems to think he has triumphantly made out, is altogether groundless. Allowing the fact assumed by the Senator from Massachusetts, that the Collector had paid out to Government creditors the notes of the Commonwealth Bank of Boston, to be true, I must admit the conduct of the Collector to be in collision with the act of 14th April, 1836; but the proof adduced by the Senator from Massachusetts does not support the existence of that fact. Now, sir, I have no information upon the subject except that derived from the letter read by the gentleman himself; and it is plain, that although both the gentleman himself and his correspondent have jumped to the conclusion, that the collector of the port of Boston had paid out Commonwealth Bank notes to Government creditors, the fact is otherwise. The Collector it is true has given checks upon the Commonwealth Bank, but has not paid out a dollar of its notes; and the two things are, in my judgment, altogether different. The act of April, 1836, prohibits the disbursing officers of the Government from paying out the notes of any bank which are not equivalent to specie. The payment of the notes of the Commonwealth Bank to a public creditor, would be a violation of this act. But the Collector has not paid out the notes of the Commonwealth Bank, and therefore has not in that respect violated the law. But he has given checks on the Commonwealth Bank. True, and where is the law prohibiting his doing so? On the contrary, is he not in so doing, acting in direct conformity with the law? Your deposite act requires all public officers to deposite the public moneys with State banks to be selected. The Commonwealth Bank was one of those selected, and consequently it was the duty of the Collector to make his deposites there. Being made, what was to become of them? When a public creditor applies for his money, what can the disbursing officer do, but give him a check upon the deposite bank? This check, when presented, is redeemable in specie; and when so presented, and not redeemed, who is to blame, the officer or the bank? If the creditor, who has a right to make his own arrangements with the bank, chooses, rather than protest the check and look to the Government for indemnity, to take the bank's own notes in payment, of whom has he a right to complain? not of the Government surely or its officers. I have thus noticed as briefly as possible this charge of illegal conduct against the officer. A few words now upon the main subject. The Senator from Massachusetts says there should be one common medium for the payment of all public creditors from the highest to the lowest—from Maine to Florida. In this I fully agree with him. The Senator doubtless thinks that a United States Bank only can furnish this common medium, and to this conclusion he wishes the public mind to come. In this I do not agree with him. Gold and silver, in my opinion, are the only things which, by the laws of nature, can be this common and immutable medium. I admit the argument is so far in favor of a United States Bank, as its notes will approximate this great standard more nearly than the notes of local banks. But the argument does not stop there; it leads us irresistibly past a United States Bank to that standard sanctioned by nature, time, and universal usage, by which all values must be tested, the precious metals. Upon this broad foundation the Sub-Treasury is based, supported as it is by the facts, admissions and comments, just furnished by the Senator from Massachusetts. A sort of dialogue has taken place between the Senator from Massachusetts and the Senator from Delaware (Mr. Bayard) in which it has been brought out that the officers of the Government, or some of them, are in some way connected with the Commonwealth Bank, either as stockholders, or officers, or both. For what purpose these things have been thus dramatically brought forward every one must judge for himself; but if these things be so, they furnish a strong argument for a dissolution of all connection between the Government and the banks. As has been said by the Senator from Connecticut, human nature is human nature, and banks are banks. As long as the public officers may be connected with banks—and there is no law prohibiting their being so—it is natural that they should think most favorably, and be most anxious for the prosperity, of the banks with which they are so connected, and thus a most subtle and corrupting appeal is made to their hearts to mould their official conduct conformably to the best interests of those banks. The Sub-Treasury system cuts us off from this source of corruption, and thus improves our political condition. Having thus shown, as he conceived, that two strong arguments were furnished by the facts disclosed by the Senator from Massachusetts in favor of the Sub-Treasury system, and that the public officer at Boston, so far as yet appeared, had not transgressed the law, he would not longer detain the Senate.

Mr. WEBSTER, with a view to prevent further debate, read the whole of the letter from which he had chiefly derived the facts which he had stated. Mr. W. also repelled the imputation of having any indirect object whatever in view.

Mr. STRANGE rejoined that this was no personal affair between him and the Senator from Massachusetts, but a matter of great public concern. He had been anxious, therefore, that the present transaction might go before the country in its true light. The effect of the Senator's remarks, whatever might be his object, was to impugn the conduct of the collector of the port of Boston, and to show that nothing could save us from dishonesty in our fiscal dealings, and corruption in the administration of our revenue, but the establishment of a U. S. Bank. Believing that the charge against the officer was groundless he (Mr. S.) had offered a few words in his vindication, showing that payment in the notes of a bank, and giving checks thereon, had been improperly confounded; that while one was illegal and the other not, the officer had done that only which was legal; that if the creditor had received any notes in payment of the check, it was a voluntary arrangement between him and the bank. In farther illustration of which, he would refer to the practice which had been adopted from the necessities of the Government, produced by the infidelity of the banks, of issuing warrants, which being protested, were put forth in lieu of other modes of payment. The public officers having no mode of payment but checks on the deposite banks were not only justified, but would have been guilty of a breach of duty, had they hesitated in giving these checks, and when given, it was for the creditor either to receive payment from the banks in what they might offer, or protest them, and look to the Government. Upon the other branch of the subject, Mr. S. had endeavored to show that the facts disclosed by the Senator from Massachusetts, instead of proving the necessity of a United States Bank, showed fully that nothing could render us just as debtors, and free us from corruption in our fiscal administration, but a total disconnection with all banks, and the receipt and disbursement of our revenue in gold and silver.

Mr. CLAY of Alabama had no objection to the resolution of the Senator from Massachusetts. It was one of inquiry merely, purporting to inquire into the conduct of certain public officers—the collector of the port of Boston, and perhaps the Secretary of the Treasury. To this inquiry not a single member of the Senate had offered, or would have offered, the slightest objection; it would have passed without debate, had not the Senator himself thought proper to accompany its presentation with remarks, in his opinion, altogether premature and unnecessary. He (Mr. C.) was as ready as any man, when facts were adduced, to pass censure on the conduct of public men; but his object in rising was to protest against the course taken by the Senator from Massachusetts, passing censure on public officers by means of inferences drawn from facts not yet established. He protested against implicating the conduct of public men on a mere inquiry to elicit facts, and he protested against any man rising in his place and endorsing *ex parte* statements in the letters of his correspondents or in newspapers. In all conscience (Mr. C. said) the newspapers are licentious enough, and he hoped that this licentiousness was not to be transferred to this body. He need not say whether the individuals thus unnecessarily implicated were guilty or innocent, but justice required that their guilt or innocence should not be pronounced on till the facts of the case were brought out. This was not only in accordance with the principles of constitutional law, but with the immutable principles of eternal justice. He had said that there would have been no objection to the immediate adoption of the resolution without debate or amendment, had not the Senator from Massachusetts himself accompanied it by remarks calculated to implicate public officers in advance. As it was his wish that all the facts should be brought out, he would vote for the resolution, and also for the amendment; but he could not, by silence, give his sanction to implications thus cast on individuals before they were heard in their defence. Would it be contended that it was either immoral or illegal to pay that kind of money to a man which he is willing to receive? If so, Mr. C. said it must be founded on a system of ethics, and principles of law, entirely new to him. Till he saw some authority to sustain the position, he could not assent to its soundness,

To establish the doctrine that a man who had voluntarily received bank bills, which afterwards became depreciated, could claim the amount of depreciation, would lead to most ruinous consequences—would unsettle thousands of transactions, and throw society into utter confusion.

But, Mr. C. repeated, his object in rising was not to engage in the discussion, but to protest against Senators rising in their places, and making charges by insinuation against the characters of men, before the facts are known, or can be known, and before they have had an opportunity of explaining or defending their conduct. He was aware that the privileges of this body had been pleaded as a sanction to this unwarrantable practice; but he was not for allowing privilege to shelter the member whose imputations injuriously affect the character of an absent individual; and Mr. C. said he would take this occasion to say, if a constituent of his were assailed in this manner, privilege or no privilege, he should hold the assailant as a calumniator; and if he undertook to avail himself of the protection of his privilege, he should denounce him as still worse.

Mr. C. said he was for getting all the information on the subject that the Senator from Massachusetts required, and also that desired by the Senator from Connecticut, (Mr. Niles,) and, when that was done, if it should be found that the public officers were justly censurable, he would be ready to give them his condemnation. But justice, as well as humanity, forbade that he should condemn any man in advance, by inference or implication, from *ex parte* statements or charges.

Mr. WEBSTER said he undertook to endorse nothing but the respectability of the writer of the letter which he had read; and he believed there were fifty letters now in the city, confirming his statements, which he also believed to be true. But he now proposed an inquiry, that all doubt might be settled on all sides, and that it might be ascertained how such a state of facts existed, if they did exist. Mr. W. had characterized nothing. He had in this respect avoided the course of the Senator from Connecticut. But he believed there had been a clear breach of the statute on this subject, and he wanted to know whether there was any thing to justify it. He was not disposed to treat public officers with extreme delicacy: he had drawn his resolution hastily, but without intending any disrespect.

Mr. CLAY of Alabama replied that he had made no objection whatever to the inquiry. On the contrary, he stated distinctly that he was in favor of it; and if, when the facts were brought out, the public officers concerned should be found to be censurable, he would be ready to pronounce judgment on them. But the Senator from Massachusetts denied that he had charged these public officers by implication. It was true that the Senator did not undertake to charge them, on his personal knowledge, with having violated the laws, to the injury of the public creditors; but what did he do? He (the Senator) stated in his place that these things were said of them, and that he believed them to be true. Now Mr. C. asked the Senator from Massachusetts where was the propriety of making insinuations calculated so deeply to implicate the conduct of individuals on a mere resolution of inquiry? Did any Senator resist the adoption of the resolution? No one: for it was not usual to resist an inquiry, whether it related to the conduct of public officers or not. Then had he not a right to complain that when an inquiry was instituted, and before the individuals concerned had an opportunity of uttering a word of explanation or defence, the Senator came forward with implications of the most damning character against them, and endorsed them by representing the man who made them as a man of high character and respectability.

The Senator from Massachusetts might, as he said, have gone no farther than had been frequently done on such occasions; but if such was the custom in the Senate, it was a bad one, and the sooner it was abolished the better it would be for its dignity and respectability.

Mr. HUBBARD offered a substitute for the former part of Mr. WEBSTER's resolution, which Mr. WEBSTER objected to as too general, and which, at the request of Mr. CLAY of Alabama, Mr. HUBBARD withdrew.

The amendment of Mr. NILES was then modified, to read as follows:

"And that he further report to the Senate, whether the late Bank of the United States has yet paid, or accounted with the Government, the sum of one hundred and sixty thousand dollars, unjustly detained, on a pretence of a claim of damages for the non-payment of the draft drawn on the French Government, and also to report what loss the United States have sustained by depositing the public revenues in banks, or by receiving the notes of banks which have failed, or their bills become depreciated."

In this shape it was agreed to, and the resolution of Mr. WEBSTER, as amended by Mr. NILES, was adopted.

After its adoption, Mr. BAYARD said that the Secretary of the Senate was in doubt whether the word *unjustly* had been retained or stricken out of the resolution just adopted.

The CHAIR said that the motion to strike out had not been put, but that motion could now be put, by leave of the Senate.

Mr. NILES said he had not withdrawn the word unjustly, but would not delay the Senate by taking a vote on it, and as the resolution had passed, he would consider the word withdrawn.

On motion of Mr. LYON,

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of reporting a bill for the purpose of making the same provision for the officers and soldiers of the army, that is made for the officers and marines of the naval service, by an act, entitled "An act for the more equitable administration of the Navy Pension fund," approved March 3d, 1837.

SUB-TREASURY.

Mr. NORVELL said, that yesterday he had voted with the majority to make the Divorce bill the order of the day for that day two weeks. Upon reflection, he thought that the postponement was too long. Great anxiety seemed to prevail, not only here, but elsewhere, for the early consideration of this great measure. He had observed letters from New York, published in the morning papers, stating that the mercantile community were at a stand, unable or unwilling to go on with the transaction of their regular business operations, because of the delay on the part of Congress in acting definitively on this currency question. It appeared to him very evident, too, from the debate which had just taken place upon a resolution of inquiry, directed to the Secretary of the Treasury, that the sooner this connection between Bank and State could be brought to an issue, the better it would be for all parties. He therefore moved a reconsideration of the vote of yesterday, with a view further to make a motion that the Divorce bill be made the special order of the day for Tuesday next.

After a few remarks from Mr. WEBSTER and Mr. WRIGHT, the question was taken, and the reconsideration was ordered—ayes 21, noes 17.

On motion of Mr. NORVELL,

The bill was then made the special order for Tuesday next.

Mr. RIVES, on leave, introduced a bill authorizing the necessary examinations and surveys for the establishment of a naval rendezvous and depot near the southern extremity of Florida; which was read twice, and ordered to a third reading.

Mr. BUCHANAN moved to take up the bill reported by him the other day for the maintenance of our neutral relations on the inland frontier; which, after some remarks from Messrs. WALKER and BUCHANAN, was adopted.

Mr. DAVIS, after some remarks, submitted an amendment, which, on an explanation from Mr. BUCHANAN, that the case was already provided for in the existing laws, he withdrew.

The bill was then ordered to be engrossed for a third reading.

The following bills were then severally read the third time and passed:

The bill for the relief of certain persons therein named.

The bill for the relief of Samuel Ferguson.

The bill for the relief of John McCarty.

The bill for the relief of Mrs. Caroline E. Clitherall, widow of Dr. George C. Clitherall, late a surgeon in the army of the United States.

The bill for the relief of the Steamboat Company of Nantucket.

The bill for the relief of Thomas A. Smith.

The bill to authorize the Secretary of War to pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken from him by the Cherokee Indians in 1828.

The bill for the relief of the legal representatives of Francis Cazot.

The bill for the relief of the owners of the ship Alleghany and their legal representatives.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 18, 1838.

Reports from committees being called for, the following bills, &c. were reported:

NAVAL AFFAIRS.

Mr. WISE reported Senate bill, without amendment, for the relief of Andrew Armstrong.

Also, a bill granting to James Low a section of land.

Mr. INGHAM reported a bill for the relief of Vincent Marcoretti.

Also, a bill for the relief of J. Loomis and James Bassett.

Also, a bill for the relief of John March.

Also, a bill for the relief of Epsom Hamilton.

Mr. GRANTLAND reported Senate bill, with an amendment, entitled an act to amend the fifth section of the act passed June 13, 1834, for the better organization of the Marine Corps.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of James Boyd.

Mr. FRY reported a bill granting a pension to Sarah Barney of Connecticut.

Mr. EWING reported a bill for the relief of William Steele of the State of New York.

INVALID PENSIONS.

Mr. PLUMER reported a bill granting a pension to James Smith.

A bill granting a pension to Thomas Fraser.

A bill granting a pension to M. M'Crea.

Mr. AYCRIGG reported bills granting pensions to John W. Jewell; to Daniel M. Rory; and to Benjamin F. Weston.

INDIAN AFFAIRS.

Mr. BELL reported a resolution directing the Committee on Indian Affairs to inquire into the expediency of increasing the number of clerks employed in the office of the Commissioner of Indian Affairs.

SELECT COMMITTEE.

Mr. McCLELLAN, of New York, from the Select Committee to whom was referred the memorial of Robert W. Murphey and others, reported a bill authorizing the erection of a monument to David Williams, one of the captors of Major Andre.

WAYS AND MEANS.

On motion of Mr. CAMBRELENG, the Committee of Ways and Means was discharged from the further consideration of the report of the Secretary of War on the claims of the State of Massachusetts for services and advances during the late war, and that the same be referred to the Committee on Military Affairs.

JUDICIARY.

Mr. THOMAS reported Senate bill, without amendment, to abolish public executions in capital cases.

Also, a bill for the relief of Joseph Wallis.

Also, a bill to provide for the settlement of the claims of Walter Jones against the United States.

REVOLUTIONARY CLAIMS.

Mr. MUHLENBERG reported a bill for the relief of the legal representatives of Lieut. Col. William Fulton.

Mr. UNDERWOOD reported a bill for the relief of the heirs of William Langford.

Also, a bill for the relief of the heirs of Thomas Glascock.

Mr. CRAIG reported a bill for the relief of the corporation of the First Presbyterian Church of

Hanover, now Yorkville, in Westchester county, New York.

PUBLIC LANDS.

Mr. CHAPMAN reported a bill for the relief of certain persons who have been deprived of their rights of pre-emption under the act of the 19th of June, 1834, by the location of Indian reservations.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution, submitted by Mr. ADAMS on the 18th ult.:

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamhlet in the Spanish language, stated in the report of the Secretary of State o this House to have been printed and circulated by the late minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike out all that part relating to the name of the diplomatic functionary, after the word "country," in the eighth line.

Mr CUSHING, who was entitled to the floor, resumed his remarks He said he wished to make an explanation to the House, in relation to a portion of his remarks when he had previously spoken on that subject. It was with reference to an implied charge that Mr. Fox, the British minister, was the individual who had communicated the pamphlet of Mr. Gorostiza to the Secretary. Of course, said Mr. C. that minister did not consider it incumbent upon him to notice the affair, so long as the imputation rested on mere newspaper statement; but when it was repeated on the floor of that House, in debate, Mr. Fox considered it necessary to make a declaration on the subject. From that communication, Mr. C. was enabled to state that Mr. Fox had no connection whatever with the history of the pamphlet of Mr. Gorostiza; that he was not the individual who presented the pamphlet to the Secretary of State; that he did not communicate to the Secretary the intelligence of the existence of such a pamphlet, nor did he make use of the expressions which had been the subject of debate in the House.

Mr. C. said it gave him great pleasure to be able to make that statement, for two reasons: first, that all imputation was thus removed from the representative of a foreign power; and, secondly, that, as hitherto suspicion had rested upon the whole of the diplomatic body, a great step had been taken towards ascertaining the real individual; for by thus ascertaining who it was *not*, was a beginning towards discovering who it *was*; and he was glad to see the fog begin to lift away from this singular affair.

Mr. C. explained further, that when, in his former speech, he had alluded to the pamphlet, he had left it to be supposed by the House that it had been published, and might be obtained from any of the booksellers. He now deemed it proper to state, that the copy which he had read was loaned to him by a friend; but wishing to procure a copy for himself, he applied to the booksellers, and was by them informed that the pamphlet had not been published, and was not for sale.

Mr. C. then adverted to a publication which purported to be a review of the pamphlet of Mr. Gorostiza, and which only professed to give a translation of the introductory portion of the pamphlet, and sundry extracts from the body of the work. From this, and from the report of Mr. Forsyth himself, it was evident that the entire pamphlet, with the various documents, had not been translated. Mr. C. here read that portion of the report of the Secretary of State referring to it, and contended that it was highly important that the House should be placed in possession of the original papers in Spanish, that they might have an opportunity of judging for themselves. That the entire pamphlet had never been published in its; popular sense, was confirmed beyond all doubt and this formed a conclusive reason why it should be obtained by the House, in order to judge if a proper construction had been put upon the various points, which often depended upon the turn or idiomatic expression of the language from which they were translated. Mr. C. said, that in making this remark, he did not mean to impeach the good faith or intelligence of Mr. Greenhow, the translator of the Department of State, whom he highly respected; but only to assert a general principle. Beside which, the fact that the pamphlet had not been published here (in the popular sense) by Mr. Gorostiza, was material to the question of the bearing of the transaction upon the relations of the United States with the Mexican Republic.

Mr. C. observed that the hour having expired, he would defer his remarks on the main question.

The SPEAKER laid before the House a communication from the Postmaster General, containing a statement of the contracts, routes, &c. of the Express mail.

On motion of Mr. BRIGGS,

Referred to the Committee on the Post Office and Post Roads.

MISSISSIPPI ELECTION.

The House then resumed the consideration of the Mississippi election case, the questions pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who on yesterday moved to amend by striking out all after the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such;

Mr. PRENTISS addressed the House at length against the sitting members; and, without concluding, gave way to

Mr. CHAMBERS, on whose motion

The House adjourned.

IN SENATE,

THURSDAY, January 18, 1838.

The CHAIR communicated a report from the Post Office Department, made in compliance with a resolution of the Senate of the 11th ultimo, in relation to the express mail; which, on motion of Mr. GRUNDY was laid on the table, and ordered to be printed.

The CHAIR also communicated a report from the Secretary of the Treasury, in answer to a resolution of the Senate, showing the amount of specie received at the Treasury from the various sources of revenue; which, on motion of Mr. BUCHANAN, was laid on the table, and ordered to be printed.

Mr. MERRICK presented the petition of Charles Stewart, praying compensation for an alleged breach of contract on the part of the Navy Department; which was referred to the Committee on Naval Affairs.

Mr. WALKER presented the memorial of sundry citizens of Mississippi, praying for the passage of a general pre-emption law; which was referred to the Committee on Public Lands.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the memorial of the pilots of the city of New York, and the remonstrance of the Chamber of Commerce on the same subject, made a report unfavorable to the prayer of the memorialists; which was laid on the table, and ordered to be printed.

Mr. WHITE, from the Committee on Revolutionary claims, to which had been referred the bill for the relief of the heirs and legatees of Everard Mead, deceased reported a bill for their relief; which was read, and ordered to a second reading

On motion of Mr. MORRIS,

The Committee on Pensions was discharged from the further consideration of the petition of D. Bingham.

On motion of Mr. MORRIS,

The same Committee was also discharged from the further consideration of the petitions of Silas Williams, Humphrey Marshall, John Howe, Robert Mann, Benjamin Bancroft, Isaac Bates, Catharine Mayhew, and Ann E. Crittenden.

Mr. KING, from the Committee on Commerce, reported without amendment, the bills for the relief of Joseph Dashiells and Nathan Levy, severally without amendment.

Mr. NILES, from the Committee on the Post Office and Post Roads, to which had been referred the memorial of Jabez L. White and Asa White, reported a bill for their relief; which was read and ordered to a second reading.

Mr. CLAY, of Alabama, from the Committee on the Public Lands, to which had been referred the bill to settle contested claims that have arisen under the pre-emption laws, reported the same with an amendment, striking out all after the enacting clause, and inserting a substitute designating what classes of claims shall be allowed.

The Senate took up the report of the Committee on Indian Affairs, on the memorial of the Legislature of Arkansas, in relation to the Osage Indians; and after some conversation between Messrs LINN and SEVIER, it was, on motion of the former, laid on the table, with an understanding to take it up to-morrow.

Mr. WALKER, from the Committee on Public Lands, reported the bill for the relief of James Dunn, without amendment; and also reported unfavorably on the bill to grant a township of land to the French University at St. Louis.

Mr. WALKER, from the same committee, reported, without amendment, the bill supplementary to the act to provide for the adjustment of titles to lots in the town of Detroit.

Mr. WALKER, from the same committee, to which had been referred the memorial praying for the creation of a board to settle certain titles to land in Wisconsin, moved to be discharged from the further consideration thereof, inasmuch as the power already existed by law in the receivers of the land offices to adjust those titles: the motion was agreed to.

The bill to amend the act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, approved the 20th April, 1818, was read the read time and passed.

Mr. PRESTON made some few remarks in relation to the question which had been taken the previous day to reconsider the vote, making the Sub-Treasury bill the order of the day for Tuesday fortnight. He felt much surprised to find, on coming to the Senate this morning, that such a course had been pursued; the vote on the occasion was less in number than the original vote, and he therefore expressed a hope that some action might be had, by which the time could be fixed for Tuesday fortnight, as previously agreed on. If in order, he would therefore move to rescind the vote.

[A long and animated discussion here took place on a point of order, in which Messrs. KING, WALKER, RIVES, CLAY, CALHOUN, CRITTENDEN, WRIGHT, BROWN, and others participated.]

Mr. CLAY of Kentucky expressed his regret that the vote for reconsideration should have taken place on yesterday. Here was a bill with twenty-nine or thirty sections, pregnant with interest to the people, which had not yet been printed and spread upon our tables, yet we were to be precipitated into action, (when three days out of the six had already expired,) on a measure more odious in itself than the far-famed alien and sedition laws. Why, asked Mr. C. was it pressed here? Why was the measure not brought forward in the popular branch, to which it properly belongs? Mr. C. hoped the time, as originally fixed, would be restored.

Mr. WRIGHT replied to Mr. CLAY, saying that the charge of precipitancy came with a bad grace from the gentleman, who, on a former occasion, had taunted the committee for not bringing forward the measure at an earlier period.

Mr. CALHOUN was decidedly opposed to any delay; it was all-important to the commercial interest of the country that the measure should be decided on at once. He thought it better to fix the first early day for the consideration of this very important bill, when the chairman of the Committee on Finance could make his explanations and suggestions; that, in his opinion, would be the best mode of proceeding. If gentlemen at that time did not find themselves prepared to go on with the discussion, he, for one, would be disposed to grant it; but would govern himself as the exigency of the case might require.

Mr. ROANE said, from a desire to extend any possible courtesy to those who asked for a longer time for consideration on this all important matter, he would, as he had voted with the majority yesterday for a reconsideration, move to reconsider that vote.

The discussion having been continued for some time,

Mr. WALKER moved to lay the motion to reconsider on the table.

Mr. CLAY of Kentucky called for the ayes and noes, which were ordered; when there appeared for the motion 19, against it 27, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Niles, Norvell, Smith of Connecticut, Walker, Wright and Young—19.

NAYS—Messrs. Bayard, Black, Brown, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Morris, Nicholas, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, Webster and White—27.

Mr. CALHOUN still pressed an early consideration of the bill: southern interests were already suffering.

Mr. CRITTENDEN opposed the measure.

Mr. RIVES thought the delay of a few days could be a matter of no consequence to the commercial interests of the country, but would be of vast importance to Senators. He thought the time before fixed on would have a tendency to accelerate rather than retard the public business; by that period every Senator could digest the subject, and prepare his mind for prompt action. Here was a bill which the committee had been six or seven weeks in preparing, and when seven or eight days were asked, to prepare to meet the measure, gentlemen were disposed to deny us even that time. Was there any thing unreasonable in asking such a postponement? If it had taken seven weeks to prepare this bill, with all the aid and stimulus of the Senator from South Carolina to help it on, should we, who were opposed to the measure, be denied a few days? He trusted not.

Mr. BROWN spoke at length against the motion to reconsider. He thought the sooner a decisive and prompt action was had on the subject, the better for the interests of the people and the Government. He did not know how gentlemen could reconcile the inconsistency of their conduct in relation to the matter. When the friends of the Administration were desirous of bringing it forward, they were charged with a disposition to force it upon the consideration of the Senate at an early and improper period. When they were preparing and arranging its details, they were charged with dilatoriness, and taunted with a wish to surrender the question. It had been said, in and out of the House, that we did not intend to carry through the measure; that it was a mere *ad captandum*, gotten up for political effect. He, (Mr. B.) as one of its friends, was willing to give an earnest of his desire to prosecute it to a complete fulfilment. Never did any thing come with a worse grace than these complaints from the source they do. In a discussion which took place in this body some weeks since, it was asked, and sneeringly asked, "Why did not the Committee on Finance bring forward their Sub-Treasury scheme, instead of a picayune bill for this ten miles square?" And when the commercial and other interests of this great country were requiring that Congress should act promptly on this matter, we are told that we are endeavoring "to force upon them a system more odious than the alien and sedition law itself." Sir, (said Mr. B.) this system, thus denounced by the friends of a paper currency, was the system of the framers of the Constitution, and wiser and better men never lived. Banks were never contemplated by the fathers of the Constitution as agents of Government, and experience had shown us that the Government should not again put it in their power to embarrass its operations. Mr. B. thought we were bound by every consideration not to delay the subject any longer, and he trusted the motion would not prevail.

The question was then taken on the motion to reconsider the vote of yesterday, and carried by a vote of 23 to 20, as follows:

YEAS—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Morris, Nicholas, Prentiss, Preston, Rives, Roan, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, Webster, and White—23.

NAYS—Messrs Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Niles, Norvell, Robinson, Smith of Connecticut, Walker, Wright, and Young—20.

The question to reconsider the vote of yesterday being carried, the question was then taken on fixing the day for making this bill the special order, when Tuesday week was agreed on by vote of 23 to 20.

The CHAIR communicated a report received from the Secretary of the Treasury, in obedience to a resolution of the Senate, showing the amount of specie received at the land offices, &c. which was laid on the table, and ordered to be printed.

The bill for the relief of the executrix of Richard W. Meade then came up on its third reading, when

Mr. WRIGHT rose and addressed the Senate until a late hour against the bill. He regretted that he felt it a paramount duty to resist it, from considerations of justice to the country and his own conscience. He entered into a succinct history of this case from the time of Mr. Meade's visit to Cadiz in 1803, up to the period when the claim was made on this country, under the provisions of the treaty with Spain, from which he maintained that Mr. Meade had no well-founded claim on the United States, but that the claim was between himself and the Government of Spain, growing out of transactions of a private nature The bill, in its present shape, it was true, appropriated nothing; but it nevertheless delegated the important powers of Congress to three individuals, which course, he conceived, whatever might be the virtues and acquirements of the gentlemen, (and he did not believe three better could be found,) was dangerous in itself, and wrong in principle. Even if the commission to whom it was proposed to refer it should decide against the claim, still the passage of the bill by the Senate might be looked on hereafter as a solemn recognition of the justice of the claim.

On motion of Mr. HUBBARD, the further consideration of this bill was postponed until to-morrow.

Mr. FULTON, on leave, introduced a bill to authorize the location of pre-emption certificates by the register of the land office at Batesville, Arkansas, under act of 26th May, 1834: read twice, and referred to the Committee on Private Land Claims.

On motion of Mr. WALKER, the Senate proceeded to the consideration of Executive business; and soon after

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, Jan. 19, 1838.

On motion of Mr. HOWARD,

Who adverted, as a reason for making it, to the importance of the bill, in relation to the Canada frontier, sundry bills from the Senate, lying on the Speaker's table, were taken up, read a first and second time, and referred to their appropriate standing committees.

The bill entitled an act to amend the act of 1818, for the punishment of certain crimes against the United States, [viz, to provide for the better protection of the western frontier] was read twice, and

On motion of Mr. HOWARD,

Referred to the Committee on Foreign Affairs.

The following bills were also read twice, and commited to the appropriate standing committees:

An act for the relief of certain persons therein named.

An act for the relief of Samuel Ferguson.

An act for the relief of the heirs of Francis Cazeau.

An act for the relief of John M'Cartney.

An act for the relief of the Steamboat Company of Nantucket.

An act for the relief of Catherine E. Clitherall.

An act for the relief of Thomas A. Smith.

An act to authorize the Secretary of War to adjust and pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians in the year 1828.

An act for the relief of the owners of the ship Alleghany, and their legal representatives.

The SPEAKER laid before the House sundry Executive communications:

1. From the Secretary of War, transmitting a report of the officers charged with the Topographical bureau of the survey of Provincetown harbor, Massachusetts.

On motion of Mr. GRENNELL, laid on the table, and on motion of Mr. REED, 1,000 copies of the chart ordered to be engraved.

2. From the Secretary of War, transmitting a statement of the amount of postages paid on letters and papers transmitted by Express mail.

On motion of Mr. MONTGOMERY, referred to the Committee on the Post Office and Post Roads.

3. From the Secretary of War, transmitting an abstract of all the pension laws now in force, together with the instructions issued thereunder from time to time.

On motion of Mr. HOWARD, laid on the table.

Mr. HOWARD moved to print 5,000 extra copies.

Mr. GRENNELL moved 10,000; which was agreed to.

CANADA AFFAIRS.

Mr. FILLMORE asked the consent of the House to submit the following resolution:

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to this House any information possessed by him, respecting the capture and destruction of the steamboat Caroline at Schlosser, during the night of the 29th of December last, and the murder of citizens of the United States on board, and all the particulars thereof not heretofore communicated. And especially to inform the House whether said capture was authorized, commanded or sanctioned, or has been avowed by the British authorities or officers, or any of them. And, also, what steps have been taken by him to obtain satisfaction from the Government of Great Britain on account of said outrages. And to communicate to the House any correspondence relative thereto, which has passed between the Government of the United States and Great Britain, or any of the public authorities of either.

Objection being made,

Mr. F. moved a suspension of the rule, but the House refused.

Reports from standing committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG reported a bill for the relief of Quertier and Albey, of New Orleans; which was read twice, and postponed till Friday next.

Also, a bill respealing certain provisions of the act to alter and amend the several acts imposing duties on imports, approved 14th July, 1832.

The bill having been read twice,

Mr. CAMPRELENG moved to postpone it, for further consideration, till this day two weeks.

Mr. TITUS moved its reference to the Committee on Manufactures; which motion was sustained by Messrs. TILLINGHAST, BIDDLE, and EVERETT, and opposed by Messrs. CAMBRELENG and HAYNES, when Mr. CAMBRELENG'S motion was agreed to—ayes 92, noes 69.

MISSISSIPPI ELECTION.

The House then resumed the consideration of

the Mississippi election case, the questions pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House us such.

The question pending being on the motion of Mr. BELL, who on yesterday moved to amend by striking out all after the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Misssippi, in November last, and are entitled to take their seats as such;

Mr. PRENTISS, one of the contestants, concluded his remarks, and he was followed, very briefly, by Mr. GHOLSON, and by Mr. FOSTER, of New York, at some length; when, without concluding, the last gentleman gave way to

Mr. HOLSEY, on whose motion,

The House adjourned.

IN SENATE,

FRIDAY, January 19, 1837.

Mr. SMITH of Indiana presented a petition of McKee, Harding and Co. and 190 citizens of Wheeling, Virginia, praying Congress to authorize a subscription on the part of the General Government to the stock of the Jeffersonville and New Albany Canal Company.

Mr. SMITH said he had received the petition yesterday at too late a period to present it. The petitioners include almost the entire business portion of the citizens of Wheeling, as he understands. They represent the object of the petition to be, to enlist Congress in aid of the construction of a canal around the falls of Ohio, on the Indiana side, of sufficient capacity to pass steamboats of the largest size at all seasons of the year A charter had been granted to the company by the Legislature of Indiana. The work, he said, was one of great national importance, and he hoped and believed it would receive from the Committee on Roads and Canals, to which he proposed to refer it, all the consideration its importance entitled it to. It was one only of a number of petitions emanating from different places on the Ohio, that would be presented to Congress on this subject; and as it was a subject of mere than ordinary importance, he asked that the petition might be printed, which was ordered accordingly, and referred to the Committee on Roads and Canals.

Mr. WILLIAMS presented a memorial from sundry citizens of Portland, Maine, praying an appropriation for the erection of a beacon on St. George's shoal, in the entrance of that harbor; which was referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented a memorial from sundry citizens of Philadelphia praying that the frigate Raritan, now on the stocks, might be completed; which was referred to the Committee on Naval Affairs.

Mr NORVELL presented a petition from a number of Mechanics and other inhabitants of the city of Philadelphia, praying that Congress should make an appropriation for the completion of the construction of the frigate Raritan, now on the stocks in that city, as soon as practicable: referred to the Committee on Naval Affairs.

Mr. RUGGLES presented the petition of Seward Porter; which was referred to the Committee on Commerce.

On motion of Mr. DAVIS,

Resolved, That the Secretary of the Treasury furnish to the Senate a list of all articles of merchandise of import subject to duties and the rate of said duties; also, a list of all articles of import admitted free of duty.

On motion of Mr. WEBSTER,

Resolved, That the Secretary of War be directed to transmit to the Senate a list of all persons and corporations appointed pension agents, under act of the 20th April, 1836, or under any other authority; and communicate copies of all orders and regulations prescribed to such agents.

Mr. SMITH of Indiana offered the following resolution, which lies one day on the table:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to the State of Indiana the pre-emption right to the lands obtained by the late treaty with the Miami Indians, in that State, on such terms and at such price as shall be just, to aid the State in her works of internal improvement.

The reports of the Committee on Pensions adverse to the petitions of Robert Mann, John Howe, Benjamin Bancroft, Isaac Bates, Catharine Painter, Anne E. Crittenden, and sundry others, were severally considered and concurred in.

Mr. NORVELL, from the Committee on Revolutionary Claims, moved to discharge that committee from the further consideration of the petition of Elisha Sutton, and to refer it to the Committee on Pensions. The motion was agreed to.

Mr. N. also moved a recommitment of the report on the petition of William and Henry Fulford, with additional documents, which he presented to the Committee on Revolutionary Claims.

The motion was agreed to.

The bill for the relief of the executrix of the late Richard W. Meade then came up as the unfinished business of yesterday.

Mr. WALKER addressed the Senate for some time, with much zeal, in favor of the claim, and chiefly in answer to the remarks of Mr. Wright of yesterday. He maintained that the claim was founded in justice, and not to meet it would be a violation of every principle of justice; a violation of the solemn treaty with Spain, which released that Government from all debts due to our citizens.

Mr. NILES said he had supported the bill on another occasion, and felt still disposed to do so, if it were modified to suit his views. He thought it would be better to so amend it, that a board might report all the facts in the case, and its opinion in relation to the whole subject, when the Senate would be better prepared to act definitely. Mr. N. therefore moved an amendment, to the effect that the board created by the first section of the bill shall report the facts of the case, and the principles applicable to such facts; and whether, in their opinion, any thing was due, and what sum of the original claim of said Meade against Spain; and whether, in law or equity, the United States was bound to pay said claim to the heirs of R. W. Meade.

Mr. CLAY of Kentucky wished that the Senator would withdraw his amendment. He thought it calculated to produce delay, and to embarrass the final passage of the bill. There was no danger, as had been remarked before, about other claims growing out of the passage of this act. The claim of the Meades stood isolated and alone. [Here Mr. C. went into a long detail of all the circumstances connected with the case, contending for the justice of the claim, and the injury the family of the Meades had sustained by the long delay of the Government to do them justice.]

Mr. HUBBARD moved to recommit the bill, with instructions to amend it, by striking out the second section, and substituting that offered by the Senator from Connecticut, (Mr. Niles.)

Mr. BUCHANAN was of opinion that the best course would be to pass the bill in its present shape. Congress had already spent more time in the discussion of this subject than would pay the claim (large as it was) twice over. He would undertake to say that the claim might be examined, item by item, by every Senator, and that no more would be known when they were done than when they began, and that the opinions of no two Senators would be alike on its merits. He thought no better mode could be adopted than that of reference to a board of three commissioners; and those named here were as competent as any under the Government, and, in fact, there was no other way of getting rid of it.

Mr. HUBBARD was opposed to the claim in all its features: he did not believe in its justice; but if it were correct, by adopting the amendment, he should then have a distinct opinion expressed, which would in truth expedite its liquidation rather than retard it. And besides, we should not delegate the powers of Congress to individuals; he was opposed in principle to any such proceeding.

Mr. WALKER hoped the motion would not prevail; it was the same in substance, though not in language, with the one offered by the Senator from New Hampshire on another occasion, and lost. It was not possible for any board to examine the case, and report on it, in time for the action of Congress this session. There were over three thousand documents to be examined, and the whole transactions in the case exceeded four millions of dollars, being from 1807 to 1814. Can any Senator believe it possible to do so? The thing was impossible! He would undertake to say, that if that course were pursued, the youngest child of the Meades would not be living to see it perfected. Why did the Senator object to the reference? If he were satisfied to vote on the opinion of a board, expressed in favor of the claim, why not on their final decision on the claim itself.

Mr. HUBBARD replied, that though he had entire confididence in the individual's named, yet it would be involving principles which he was not disposed to sanction.

Mr. SMITH of Connecticut, made some few observations in favor of recommitting the bill. He had not had sufficient light to enable him to vote on the bill understandingly.

The question was then put on Mr. HUBBARD'S motion to recommit.

Mr. WALKER asked for the yeas and nays, when there appeard for the motion 17, against it 24, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Clayton, Davis, Hubbard, Morris, Niles, Pierce, Robbins, Robinson, Ruggles, Smith of Connecticut, Strange, Tipton, Williams, Wright, and Young—17.

NAYS—Allen, Bayard, Black, Brown, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Fulton, King, Knight, Lumpkin, McKean, Merrick, Nicholas, Norvell, Preston, Rives, Roane, Southard, Spence, Swift, Tallmadge, and Walker—24.

The question then recurring on the passage of the bill—

Mr. WALKER asked for the yeas and nays.

Mr. WRIGHT offered a few observations not distinctly heard.

The question being put, was carried by a vote of 23 to 16, as follows:

YEAS—Messrs. Allen, Bayard, Black, Brown, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Fulton, King, Knight, McKean, Merrick, Nicholas, Norvell, Preston, Rives, Roane, Southard, Spence, Swift, Tallmade, and Walker—23.

NAYS—Messrs. Calhoun, Clay of Alabama, Clayton, Davis, Hubbard, Lumpkin, Morris, Pierce, Robbins, Robinson, Smith of Connecticut, Strange, Tipton, Williams, Wright, and Young—16.

The Senate then adjourned till Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, Jan. 20, 1838.

Reports from standing committees were called for.

WAYS AND MEANS.

Mr. CAMBRELENG made an adverse report on the memorial of Lewis Feuchtwanger, proposing a substitution of German silver for copper coin; also, an adverse report on the petition of the proprietors of the Neopolitan indemnity stock [for the Government to assume it,] both of which were laid on the table.

Mr. M'KIM reported a bill for the relief of Zachariah Jellison.

CLAIMS.

Mr. DARLINGTON, reported a bill for the relief of Sylvester Phelps and the heirs and legal representatives of Charles Landon dec'd.

JUDICIARY.

Mr. BRUYN reported a bill for the relief of John Balch, Jr.

REVOLUTIONARY CLAIMS.

Mr. MUHLENBERG reported Senate bill,

with an amendment, for the relief of James McCrory.

Also, Senate bill for the relief of the heirs of Dr. John Ramsey, deceased, with an amendment.

Also, Senate bill for the relief of the heirs of Frederick Seigle, with an amendment.

MILITARY AFFAIRS.

Mr. COLES reported a bill to carry into effect the resolutions of the Continental Congress, for erecting monuments to the memory of certain General officers of the Revolution, and for erecting a marble column at Yorktown, in Virginia.

FOREIGN AFFAIRS.

Mr. HOWARD reported a bill to provide for the satisfaction of the claims due to certain American citizens for spoliations committed on their commerce prior to the 32st of July, 1801—(the French spoliation claim.)

Mr. H. moved the printing of two thousand extra copies of the report.

Mr. CAMBRELENG remarked, that when this subject was under the consideration of the Committee on Foreign Affairs two or three years ago, two statements were prepared, one in favor of the claim and the other against it, and Mr. C. suggested that both these statements be printed.

Mr. HOWARD replied that they were included in the documents accompanying the present report, as were all the reports made on former occasions.

Mr. CUSHING remarked that the subject of this report interested a large number of persons, and as it was not long, he would ask for its reading, which was ordered.

The bill having been twice, was committed to a Committee of the Whole on the state of the Union, and two thousand extra copies of the report and documents ordered to be printed.

Mr. CUSHING called up the resolution reported by him on the 12th inst. from the Committee on Foreign Affairs, requesting the President of the United States to consider the propriety of entering into negotiations with the court of Denmark, for the purpose of obtaining therefrom a just and equitable indemnification for the value of two prizes taken by Com. Paul Jones.

[As explained by Mr. HOWARD, these were two British vessels captured by Com. Jones, in 1797, taken to Denmark, and released by the Danish Government on the application of the British, Minister, on the ground that the United States were not then an independent Government.]

Mr. TALIAFERRO wished the subject postponed till to-morrow, to enable him to prepare a more definite proposition for the recovery of this claim, the justice of which had once been admitted by the Government of Denmark, and a sum of money tendered, but refused. He was opposed to leaving it to the discretion of any body, but suggested a modification requesting the President to cause to be carried out the resolution of the Continental Congress on the subject, by opening an immediate negotiation therefor.

Mr. CUSHING replied in support of the resolution, and in opposition to the proposed modification. He contended that the Continental Congress, from which emanated the first resolutions on the subject, was an Executive Congress, whereas the present Congress was not; therefore, it would be improper to re-adopt those resolutions, because the present Congress possessed no powers to compel any action on the part of the President; but could only make suggestions and recommendations Mr. C. recapitulated the facts of the case, and explained that the Government of Denmark had given up the prizes to the British, on the ground that they had been taken piratically, and that the thirteen colonies of America were in a state of rebellion at the time.

Mr. C's remarks were arrested by the expiration of the morning hour.

MISSISSIPPI ELECTION.

The House resumed the report of the Committee of Elections, with the motion of Mr. BRONSON, and the amendment proposed by Mr. BELL.

Mr. FOSTER resumed his remarks from yesterday, and spoke at great length in reply to Mr. Prentiss; and, after speaking for upwards of two hours, gave way to Mr. DE GRAFF, on whose motion, the House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 22, 1838.

CHEROKEE MEMORIAL.

Mr. EVERETT moved that the House take up the memorial of a Delegation of the Cherokee nation, remonstrating against the treaty of New Echota of December, 1835, presented by him on Monday last, and lying over.

Mr. E. explained that he did not desire to debate it, but merely to move its reference to the Committee on Indian Affairs.

Mr. OWENS objected to the memorial being taken up, and called for the yeas and nays on the motion, which were ordered.

Mr. CAMBRELENG inquired whether it would not be in order for the gentleman to submit his motion when the State of Vermont should be called for petitions?

The CHAIR replied that it was equally in order now.

Mr. CAMBRELENG inquired further whether the memorial would not come up as a matter of course when that State was called, having been presented by a gentleman therefrom?

The CHAIR replied that it would not under the new rules.

The House determined to consider the memorial—yeas 86, nays 83.

Mr. EVERETT then moved to refer the memorial to the Committee on Indian Affairs, with instructions "to report the facts in the case."

Mr. HAYNES moved to lay the whole subject on the table.

Mr. EVERETT called for the yeas and nays on that motion, which were ordered.

Mr. WISE inquired if it would be in order to call for the reading of the memorial.

The CHAIR replied that it would not, on a motion to lay on the table.

Mr. WISE wished to know how the House could vote understandingly on a subject it had never heard read?

The CHAIR said the question had been so decided by his predecessor, and assented to by the House.

Mr. OWENS informed the gentleman from Virginia that the memorial, and all the accompanying papers, had been printed under the order of the House, and laid on the tables of the members.

The motion to lay on the table was decided in the negative—yeas 93, nays 94, as follows:

YEAS—Messrs. Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bruyn, Buchanan, Bynum, Cambreleng, Timothy J. Carter, Casey, Chapman, Cilley, Coles, Craig, Crary, Cushman, De Graff, Dromgoole, Duncan, Edwards, Farrington, Foster, Fry, Gallup, Gholson, Glascock, Gray, Griffin, Hammond, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Lawler, Lewis, Logan, Lyon, James M. Mason, Martin, May, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Owens, Parker, Parmenter, Paynter, Pennybacker, Petriken, Phelps, Pickens, Plumer, Pratt, Prentiss, Reily, Rencher, Richardson, Rives, Sheffer, Sheplor, Spencer, Stewart, Stone, Taylor, Toucey, Towns, Turney, Vail, Wagener, Weeks, Jared W. Williams, Worthington, and Yell—93.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Boyd, Borden, Briggs, William B. Calhoun, John Calhoon, William B. Campbell, William B. Carter, Chambers, Cheatham, Childs, Clowney, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davee, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, William Graham, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Henry Johnson, W. C. Johnson, Leadbetter, Lincoln, Loomis, Mallory, Marvin, Samson Mason, Maxwell, McKennan, Mercer, Mathias Morris, Calvary Morris, Murray, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Pope, Potts, Rariden, Reed, Ridgway, Ramsey, Russell, Sawyer, Augustine H. Shepperd, Charles Shepard, Sibley, Smith, Southgate, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Webster, Albert S. White, John White, Elisha Whittlesey, Sherrod Williams, Christopher H. Williams, Wise, and Yorke—94.

So the House refused to lay the subject on the table, and the question recurring on Mr. EVERETT'S motion to commit with the instruction.

Mr. HAYNES rose, and said that if they were to have a Cherokee war, he believed it was as well to have it then as at any other stage of the proceedings, and he therefore moved the indefinite postponement of the whole subject.

Mr. EVERETT was unwilling to go into a discussion of this matter before the facts of the case were reported upon; but if we must have a discussion at this time, he would take occasion to make a few remarks at present in relation to this memorial. He considered it a question of very great magnitude, of perhaps as great magnitude as any which would present itself to the consideration of the House at the present session, and he was surprised to find that motions should be made to lay it upon the table for the purpose of preventing a hearing of these petitioners. The question was of importance, not only so far as it related to the rights of the Cherokees, but so far as it related to the character of the American Government. There were many things which recommended the memorialists to the favorable consideration of the House. This tribe has at all times been friendly to the United States, and he was gratified to see it stated, in a speech of an officer of the Government, that they had stood side by side with us heretofore, fighting for the common cause of liberty; and on this ground he looked upon them as being entitled to the consideration of the House and the nation. It was also to be recollected that these people had arrived at a high state of civilization, as nearly as much so as those of our inhabitants in that vicinity. This treaty, then, which they complain of, when carried into force, proposes to remove them from their homes which have been improved and made comfortable, and send them into the wilderness to seek new abodes. This seemed to be doing them injustice, and of all the various species of injustice, that is most intolerable which cloaks itself under legal forms. There might be great injustice done to these people from other causes, but they were as nothing compared with this which they now complain of. We to be sure have a treaty, and that treaty has been ratified by the Senate, but they assert that this treaty was not the act of the nation, and they ask this House to inquire into the facts of the case. They state that their nation consists of about eighteen thousand persons, while the treaty was made by about eighty, and that this eighty were unauthorized by the nation. Now the Government had evidence of a treaty being made, but as it was not made by the Cherokee nation, as these memorialists represented, he would ask whether it would be expedient to plunge the country in a war, for the purpose of carrying it into effect. At any rate, he trusted the House would not refuse to consider this memorial, and inquire into the facts set forth by the memorialists.

The CHAIR here announced that the hour had arrived for proceeding to the special order of the day.

Mr. HOPKINS gave notice of a motion to reconsider the vote refusing to lay the subject on the table.

The CHAIR having entertained the motion by directing its entry on the journal,

Mr. MERCER raised the point of order, that the motion could not intervene in the remarks of the gentleman from Vermont, and insisted upon the entry of his objection on the journal.

The subject was then ordered to lie over, the special order coming up.

MISSISSIPPI ELECTION.

The House then resumed the consideration of the Mississippi election case, the question being on the following resolution, heretofore offered by Mr. BRONSON of New York:

Resolved, That Sergeant S. Prentiss and Thomas J. Word are not members of the 25th Congress, and are not entitled to seats in this House as such.

And the amendment of Mr. BELL to strike out all after the word "resolved," and to insert one to the following effect, viz: that the resolution of the House of the 3d of October last, declaring that Messrs. GHOLSON and CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material in the case, and the same is hereby rescinded. And

Resolved, further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. FOSTER resumed his remarks in support of the sitting members, in opposition to the contestants, and in reply to Mr. Prentiss, one of the latter. Without concluding, Mr. F. gave way to

Mr. BRONSON, on whose motion,

The House adjourned.

IN SENATE,
MONDAY, Jan. 22, 1838.

The VICE PRESIDENT communicated a letter from the Hon. JOHN BLACK, Senator from the State of Mississippi, resigning his seat in the Senate of the United States; which was read.

The VICE PRESIDENT also communicated a report from the Post Office Department, in compliance with the resolution of June 25, 1836, showing the emoluments derived by the deputy postmasters from their boxes, and the amounts charged on each box: laid on the table, and ordered to be printed.

Mr. SWIFT presented a memorial from the Governor of the State of Vermont, asking Congress to extend the franking privilege to the Governors of the States: laid on the table.

Mr. WRIGHT presented the petition of the Harlaem Railroad Company, praying permission to import iron for the use of their road free of duty: referred to the Committee on Finance.

Mr. BUCHANAN presented the petition of Robert Milnor, late United States gauger for the port of Philadelphia, praying remuneration for certain gauging instruments purchased by him for the use of the United States. Also, the petition of Robert Milnor, for himself and John Thompson, praying to be compensated for extra gauging: both of which were referred to the Committee on Claims.

Mr. McKEAN presented the memorial of 4,757 women of Philadelphia, praying Congress to abolish slavery in the District of Columbia, the Territories of the United States, and to suppress the slave trade between the different States. Also, a memorial of ninety-eight women of Chester county, Pennsylvania, of similar import. Also, a memorial from Robert McAlister and others, praying Congress to abolish slavery immediately in the District of Columbia.

On motion of Mr. STRANGE, the question as to the reception of the above petitions was laid on the table.

Mr. SWIFT presented a number of petitions from Vermont, praying for the abolition of slavery in the District of Columbia, and to prohibit the transfer of slaves from one State to another.

The questions as to the reception of them were, on motion of Mr. STRANGE, laid on the table.

Mr. SWIFT presented the petition of sundry citizens of Vermont, against the annexation of Texas to the Union: laid on the table.

Mr. LYON presented a petition from 382 male inhabitants of Kalamazoo county, in the State of Michigan, praying Congress to abolish slavery in the District of Columbia. Also, a petition from 384 males of the same county, praying Congress to prohibit the domestic slave trade among the several States. Also, a petition from 414 male inhabitants of the same county, praying Congress not to admit any new State into the Union whose constitution tolerates domestic slavery. Also, a petition rom 387 males of the same county, praying Congress to abolish slavery and the slave trade in those Territories of the United States where they exist. The motion to receive said petitions was laid on the table.

Mr. LYON also presented the petition of John Ryley, of St. Clair county, Michigan, praying the confirmation of his title to a tract of land in said county: referred to the Committee on Public Lands.

Mr. BUCHANAN presented the petition of a number of women of Chester county, Pennsylvania, praying Congress to abolish slavery in the District of Columbia, and the slave trade between the States.

On motion of Mr. STRANGE, the question of reception was laid on the table.

Mr. BUCHANAN presented the petition of a number of citizens of Philadelphia, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. MORRIS presented a number of memorials from citizens of Ohio, praying for the abolition of slavery in the District of Columbia, praying Congress to prohibit the transfer of slaves from one State to another, and remonstrating against the annexation of Texas to the Union. The question as to receiving these petitions was laid on the table, with the exception of those relating to Texas; which were received, and laid on the table.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the memorial of Mr. Feuchtwanger, of Philadelphia, praying Congress to substitute the German silver, of his invention, for the copper coin of the United States, moved that the committee be discharged from the further consideration thereof, and that the report of the director of the Mint on the subject be printed; which motion was agreed to.

Mr. WRIGHT, from the same committee, to which had been referred the memorials of S. Morris Waln and others, and Zenas Wood, severally made unfavorable reports thereon.

Mr. WRIGHT, from the same committee, to which had been referred the bill allowing James Watson Webb to import, free of duty, the model of a new and improved Napier press, reported the same with amendments, which were read, and ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the House bill No. 93, for the relief of Henry ———, reported the same unfavorable, and said that when it should come up, he was instructed to move that it be indefinitely postponed.

Mr. DAVIS, from the same committee, to which had been referred the bill for the relief of Winthrop Sears, reported the same without amendment.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which had been referred the memorial of Gen. Thomas Sumpter of South Carolina, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. LUMPKIN said, in compliance with a resolution of the Senate, a communication from the War Department has been made, and has been lying on your table for a week or more past, furnishing copies of the correspondence held with that Department in connection with the subject of the execution of the Cherokee treaty of 1835.

Mr. TIPTON inquired if the document which the Senator referred to was the memorial of John Ross and others, presented at the last session, and laid on the table.

Mr. LUMPKIN replied that it was not, and again explained the nature of the document.

My object (continued Mr. L.) in rising at this time, is to ask for the printing of the communication referred to, together with the accompanying correspondence. Although I have not had an opportunity of examining fully what has been communicated upon this subject, I take it for granted that the requirements of the resolution have been complied with; and if so, I deem it important that the Senate and the country should, without delay, be put in possession of the information communicated. The importance which I attach to having this information diffused, arises from the consideration that it will tend effectually to disabuse the minds of those who labor under the misapprehension which has been created by Mr. John Ross and his associates in regard to the validity of the treaty referred to.

While Mr. Ross continues to protest against the validity of the treaty, and is remonstrating to every department of the Government against its execution, this communication will show that the Government not only considers the treaty the supreme law of the land, but has steadily progressed in its execution, and that the treaty has actually, to a very great extent, been already executed. That much, *very much*, has been done towards the execution of the treaty, which cannot be undone.

With me, sir, the present condition of the Cherokee people is a subject of great solicitude. In whatever light I may be viewed here or elsewhere in regard to my feelings and policy towards this people, I am conscious that the day will come, and is not now far distant, when my course of policy towards these people, from first to last, will receive the general approbation of all those who are well informed on the subject. At this moment, sir, nothing hinders the consummation of this treaty with the Cherokee people, which would make them not only comfortable, but place within their reach the means of making them the most independent and best provided for people of any community in these United States, but the opposition of Mr. John Ross and his associates, aided as they are by many influential and talented individuals, whom I am forced to believe are laboring under great misapprehension, in regard to the true state and condition of these people, and the impending dangers which are threatening them at the present moment.

This treaty, sir, has been made and ratified according to the forms of our Constitution. It was negotiated with a delegation of the Cherokee people, who, in point of intelligence, patriotism, education, morality and probity of character, will not only bear a fair comparison with Mr. Ross and his delegation, now perhaps in the hearing of my voice, but they would gain by a comparison with any delegation of the aboriginal race who have ever negotiated and signed a treaty with the United States.

I have seen, and read, sir, Mr. Ross's memorial, and its appendages, to the present Congress, which has been printed by the other branch of Congress, and laid upon our tables. In that memorial, he greatly derogates from the character, and impugns the motives, of the individuals who negotiated and signed the treaty of 1835. And that document being printed and circulated by order of one branch of Congress, I will now notify the Senate that I have in my possession a document, written by Mr. Elias Boudinot, late Editor of the Cherokee Phœnix, and one of the principal agents who negotiated and signed the late treaty of 1835, in the nature of a reply to the various allegations contained in the writings of Mr. Ross herein referred to. Mr. Boudinot is a man of education, refinement, probity, and high moral sense and character, and has at all times been the able and efficient advocate and defender of the rights of his people. He has been with them in their six troubles, and is not disposed to forsake them in their seventh. If left to his guidance, he would gently lead them out of all the difficulties by which they are now surrounded, and plant them in a land of excellent promise. Mr. Boudinot is not only a nominal Cherokee; he is identified by blood and feeling with these people, having but little mixture of the white blood in his veins.

The propriety of printing the communication, and reply to which I have adverted, arises from the fact, that the Cherokee people are kept in a state of delusion and misapprehension in regard to their present condition. They unfortunately believe that Mr. Ross is here, *doing something* to abrogate or overturn the late treaty, and no doubt many of them believe that no valid treaty has been made. This is a ruinous delusion to these unfortunate people, for the time is now drawing to a close when they must take their departure for their new homes in the West. The time stipulated for their final departure is in May next; and when the time arrives, go they must: no power can obrogate or overturn this treaty. And these people, instead of being kept back by the operations of Mr. Ross, ought to yield to the advice of better friends, who stand ready to take them by the hand, and lead them forth to their promised land of rest, where I trust these unfortunate people will cease to be troubled by the white population. Payments have been made under the provisions of this treaty to a very large amount. Nine-tenths of the most intelligent and wealthy Cherokees have availed themselves of the advantageous and liberal provisions of the treaty, and have become recipients under its provisions, and have and are going to the West. The only difficulty is with the ignorant and deluded, who are still looking to the operations of Mr. Ross and his delegation, who, I understand, still remain here, and I am informed are writing letters home that their prospects are encouraging. Now, every one here very well knows that this treaty will be executed; bnt these unfortunate Cherokees are still deluded through the channel pointed out.

Mr. TIPTON now understood the document to which the Senator from Georgia alluded, and he was highly in favor of printing it. Not understanding at first what the document was that the Senator wished to print, he was under the impression that it was the memorial of John Ross, whose conduct in staying in this city, and writing home letters to his people, to induce them to oppose obstacles in the way of the execution of the treaty, was producing the most injurious effects, not only

to the Cherokees themselves, but to the Government. As this treaty had been executed almost entirely, with the exception only of so far as related to that small portion of the tribe yet adhering to John Ross, he thought it highly desirable that the documents should be published, that the country might properly appreciate its beneficial tendencies—that the pernicious counsels of John Ross might be counteracted, and that it might be shown to the world at large that the Government was resolutely determined, mildly, but firmly, to carry out with this people its benevolent policy of removing them from their present dangerous situation, without which it is impossible the race can be preserved.

The question then being taken on printing 500 extra copies of the communication from the War Department, it was agreed to.

Mr. LUMPKIN then offered the following resolution, which was considered and adopted:

WHEREAS, A memorial, acccompanied by various other documents, of a delegation of the Cherokee nation of Indians, remonstrating against the validity of the Cherokee treaty of 1835, has been printed by order of the House of Representatives; and whereas said memorial and documents not only call in question the validity of said treaty, but greatly derogate from the character, and impugn the motives, of those individuals of the Cherokee nation who negotiated and signed said treaty on the part of the nation:

And whereas, Elias Boudinot, late editor of the Cherokee Phenix, and one of the principal agents of the Cherokee nation, who negotiated and signed said treaty, has written a reply to the various allegations set forth in the memorial referred to: therefore be it

Resolved, That fifteen hundred copies of the reply of Mr. Boudinot referred to be published for the use of the Senate.

Mr. STRANGE presented the petition of Samuel Potter, which was referred to the Committee on Commerce.

REGULATION OF STEAMBOATS.

The bill to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, being taken up—

The chairman having explained the amendments suggested by the committee, they were severally concurred in. The amendments were to strike out all in the fifth section, relating to testing the strength and soundness of the boilers, by the application of a hydraulic pressure equal to three times the pressure boilers were allowed to carry.

In the sixth section, striking out all relating to the same, as in the preceding section.

The seventh section was also so amended as to strike out that part which related to keeping the engine in motion sufficient to work the pump, and give the necessary supply of water, to keep the steam down to what it was when the boat was under head-way.

The eighth section was so amended as to compel all boats over two hundred tons to carry not less than *three* long boats or yawls capable of carrying twenty persons each—

The tenth section was stricken out, which compelled a descending boat to shut off steam when within one half mile of an ascending boat, and permitting the boat to float upon the current until the ascending boat passed.

Mr. SEVIER thought the 11th section, relating to the lights, might be dispensed with also. He was of opinion that the lights, as contemplated by the bill, would have no other effect than to blind and bewilder the pilot.

Mr. CLAYTON was opposed to striking out the section. He thoughts the lights, as designated, would occasion no inconvenience to the pilots, and that little expense would be incurred in fixing lights that would not in any manner interfere with the vision of those entrusted with the navigation.

Mr. SEVIER explained that the necessary lights were all over the boat, and that there was no difficulty in descrying the boat from the fires of the furnaces, and lights from the decks and berths.

Mr. BAYARD thought if lights were required by law, that there ought to be two at least.

Mr. STRANGE thought it better to leave the matter to experienced men, who would, no doubt, take all the necessary precautions for the safety of boat and passengers. He thought the last section covered all the ground necessary on the occasion, which made misconduct, negligence, or inattention, on the part of the captain, engineer, or pilot, penal.

Mr. DAVIS moved to amend the 11th section by inserting that "boats running between sunset and sunrise, should carry one or more signal lights that might be seen by boats navigating the same routes; which amendment was adopted.

Mr. SMITH of Indiana said he rose to inquire of the chairman of the committee, whether the bill, with the modifications and amendments just proposed and accepted by the chairman, contained any provision against racing with steamboats, or any provision requiring an examination of the pilots and engineers employed on the boats. He (Mr. S.) had not been able to ascertain, owing, he supposed, to his not having been able to hear the amendments which had been accepted as modifications of the bill by the chairman, whether the bill did or did not, as amended, contain these provisions. He thought it ought to contain them. He believed much of its desired utility would be lost, unless some provisions on these points were incorporated in the bill. He would not, however, anticipate the reply of the honorable chairman to his interrogatories.

Mr. GRUNDY (the chairman) said the committee had considered the proposition to require an examination of the engineers and pilots employed on boats; and although they believed the object to be desirable, they had foreseen so much difficulty in carrying it into effect, that they had abandoned it at this time, believing that it would retard the operations of the bill, but that it might be resorted to with advantage hereafter. As to the other inquiry of the Senator, he (Mr. G.) thought it provided for in the fifteenth section of the bill, which was the only provision on the subject.

Mr. SMITH said he had seen the section of the bill which the Senator supposes meets the case to which the injury was directed. The Senator was certainly mistaken in the object and legal operation of that section. He (Mr. S.) would read it to show that it did not embrace the case. [Mr. S. then read the 13th section of the bill.] It appears clear from this section, said Mr. S. that it only punishes the offence in cases where life is lost by the negligence or misconduct of the captain, pilot, engineer, or other person employed in navigating the boat. This provision does not cover the offence he wished to punish. He wished to punish the offence of steamboat racing, whether lives are lost or not. On the other portion of his inquiry, he still thought some provision of the kind important, as he was well satisfied that steamboat disasters frequently occur from the absolute ignorance and want of skill of those engaged as pilots and engineers. He was apprized that there might be some difficulty in carrying into effect this desirable object, yet he would not despair of drafting a section that would meet the object, should no other Senator feel disposed to do it, before the bill left the committee. On the other branch of the inquiry to which he had first alluded, he would in a moment draw an amendment, to come in at the close of the section he had read to the Senate.

Mr. S. then offered the following amendment: "And every such captain, engineer, or other person employed as aforesaid in navigating any steamboat or vessel propelled in whole or in part by steam, who shall be guilty of racing with any other boat, on any pretext whatever, although no loss of life shall be occasioned thereby, shall be guilty of a high misdemeanor, and shall, upon conviction, be fined in any sum not exceeding ten thousand dollars, nor less than one hundred dollars, at the discretion of the court."

Mr. BAYARD thought that the explosion should be considered *prima facie* evidence of negligence or inattention, and the burden of proof ought to be thrown on the persons concerned in the boat; otherwise conviction would never follow. All the officers would be linked together, and sustain each other.

Mr. SEVIER was of the opinion that it would be impossible to carry out the amendment. He thought the thirteenth section even went farther than was necessary. If life and property were endangered, that provision contained the remedy. It would be always difficult to determine what racing was. Boats left for their destination by dozens at a time, and that boat which was the fastest invariably got all the passengers. Persons wishing to travel on the western waters made it their business to inquire for the boat of the greatest velocity. Every one, in travelling, was anxious to get on with the least possibly delay; and he had been in boats where the passengers had entreated the captain not to let the other boats pass them.

Mr. CLAYTON was opposed to the amendment. It would, in his opinion, be difficult to determine when boats were racing. He had been in boats which were side by side, and, in other instances, not fifty yards distant, the whole trip; and though they might appear to be racing to casual observers, yet they were going only at their ordinary rate. He thought that it would be subjecting the masters and pilots of these boats to malicious prosecutions.

Mr. SMITH of Indiana begged the indulgence of the Senate but for a few moments, while he attempted to sustain his proposition, and to answer the objections of Senators who had spoken in opposition to it. He (Mr. S.) believed the amendment absolutely necessary, to give effect to the bill. The 13th section, to which his amendment was offered, provided only for cases where lives are destroyed. It punishes the offence *after* it has occurred, accompanied with the loss of life. *After* the injury is sustained, *after* the boat and passengers are blown up or sunk: it locks the door *after* the horse is stolen. There was such a thing, as he understood, as *preventive* justice, as well as the punishment of crimes *after* they had been committed. These distinctions run through the whole catalogue of offences known to our books. We have the different degrees of offences and crimes from the simple assault, to the killing with malice aforethought, in offences against the person. So in all other cases, we have, and we punish the different grades of criminal acts and misdemeanors; and it may well be said that justice is more certain in her aim and purpose in the punishment of the incipient stages of crime, than she is in the more aggravated; for as the punishment rises in the scale of consequences, the proofs become more difficult, and the punishment more uncertain.

He (Mr. S.) believed that racing was the incipient stage of the awful calamities with which the papers of the day are filled, occurring by steamboat disasters, produced by bursting of boilers, collapsing, contusions and contacts with other boats, snags, sawyers, and other solid substances. The papers were filled with these most awful calamities daily. The great dangers to which the travelling public were subjected at every point called aloud for the most efficient remedy as a preventive; and he hoped he would not be accused of hostility to the bill, or the section to which he had offered his amendment, when he said that he would rather be the means of saving the lives of the crew and passengers of one boat, than of punishing, by incarceration in the walls of a prison, all the surviving officers of boats that may be blown up in the world. His object was to save lives, not to punish survivors; and the surest way to do this was to punish the incipient offences before the final catastrophe occurred—to meet the offender at the threshold—to stop him at once—to say to him, you shall not endanger the lives of your crew and passengers—to meet him in *limine*—to *prevent* the commission of the offence for which he must suffer, under circumstances that could afford no consolation to the dead or dying.

The Senator from Delaware (Mr. Clayton) thinks the term racing is too uncertain in the first place to be defined and proved; and in the second place he objects to the amendment, because he says it will give rise to malicious prosecutions. To the first of these petitions he (Mr. S.) would say that the term was one of very general, and he believed well known, signification; and as to the proof, it was like all other facts, it would be proved in the ordinary way; and the fact whether the defendant be or be not guilty of racing, will be for the jury to determine. From all the circumstances of

the case, he could see no great force in the objections of the Senator. The same difficulty will arise in every part of the bill. What is *negligence*, and the difficulty of proving it, will at once strike the Senator as equally affected by his remarks; and yet the bill could not define negligence more particularly than it had. These were facts to be left to the jury, who would determine what was and what was not negligence, from all the facts before them. So in the case of racing. He thought the objection of the Senator lies as well to one as the other. The Senator says that malicious prosecutions may occur under the amendment. He (Mr. S.) would say to the Senator that he had no such fears. He thought the great danger would be that too few prosecutions would take place. There would be the great difficulty. Passengers who escape uninjured, will not be willing enough to be delayed in their journey to attend a criminal prosecution. He would repeat, he believed that objection the least entitled to weight of any that could be urged, with due deference to the opinion of that learned Senator.

The Senator from Arkansas (Mr. Sevier) says that the amendment will prevent boats from running at their best speed, and that it is the quality in a boat that she is the fastest boat in port that gets her the passengers. He (Mr. S.) would say to that Senator, that the term racing with other boats would not at all apply to the ordinary speed of a steamboat. Whether she be a fast or a slow boat, she has her speed; that speed is known by her ordinary trips, and by it she secures her passengers. The amendment is intended to apply to those races growing out of strife between the boats, where instantaneously the steam is pressed to its greatest power, to increase the velocity of the boat, reckless of the lives of the passengers. The Senator says that he came up the Ohio last fall in a boat with him, (Mr. S.) and that the passengers stimulated the captain to suffer no boat to pass her. This is very true, and what does it prove? Why, sir, the greater necessity for the amendment; for there are few persons who have travelled on either steamboats or stages, who do not know that in moments of excitement the feelings of rival and competing officers extend to the passengers on either side; and they, like the officers, become excited, take part with the competitor, and lose sight entirely of the safety of the boat, or stage and passengers, in their anxiety to prove victorious in the race. This was the very state of the case he wished to meet. He wished to put a stop to it at once. Let the officers know the penalty, and they will be very careful not to stimulate the passengers to join them in a reckless exposure of life and property. He believed he had answered the only objections he had heard to the amendment. He knew the difficulty of satisfying a committee that had drafted a bill, that it required amendment; and should he have failed, he would at least have the consolation of having proposed the amendment, and having his vote recorded in its favor. He would, therefore, ask for the ayes and noes.

The question was then taken by ayes and noes, and lost by a vote of 15 to 21, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, McKean, Niles, Prentiss, Rives, Roane, Robinson, Ruggles, Smith of Indiana, Spence Strange, Tipton, and Williams—15.

NAYS—Messrs. Allen, Brown, Buchanan, Clay of Alabama, Clayton, Cuthbert, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Lyon, Morris, Nicholas, Norvell, Pierce, Sevier, Smith of Connecticut, White, and Wright—21.

Mr. NORVELL then moved an amendment, compelling these boats to carry life preservers for each passenger. Mr. N. alluded to the calamitous case of the steam packet between Charleston and New York, and the number of lives lost that might have been saved, had this vessel been provided with these essentials. If the expense were objected to, the additional charge might be imposed on passengers.

Mr. RUGGLES made some observations in favor of the amendment of Mr. NORVELL, and suggested modifications, to which Mr. N. assented.

Mr. KING thought the whole matter impracticable. Here we were about to impose penalties for not furnishing life preservers for each and every passenger. How was it possible for the Captain to tell how many passengers he was to have? It was no uncommon thing for boats to stop and take way passengers for a few miles, and were these machines to be prepared for them also? or was the Captain to stop and ascertain his increase, and then go to a shop to procure them? He thought it infinitely better that every traveller should carry his own life preserver with him. He thought this feature would render the bill more objectionable than any other in it.

The question was taken on this amendment and lost.

Mr. NILES thought it essential to the bill that there should be a provision introduced making it obligatory on the runners of boats to have at least one skilful engineer. Mr. N. adverted to the danger that must ensue from the want of skilful and scientific officers of that description, and moved the following amendment, to come after the sixth section:

"And it shall be the duty of the owners and masters of steamboats, licensed in pursuance of the provisions of this act, to employ on board of their respective boats at least one skilful and experienced engineer; and in case of neglect to do so, the said owners and masters shall be held responsible for all damages to the property or any passengers on board of any boats, occasioned by an explosion of the boiler, or any derangement of the engine or machinery of said boat; and in case any life is lost from the same cause, the owners shall be deemed guilty of manslaughter, and on conviction be subject to the same punishment as provided in the last section of this act."

To this it was objected by the Chairman, that so many skilful engineers could not be had as was required; that the duties devolved on careful and experienced firemen, who were raised to that station as they were found worthy or efficient.

The question was taken on the adoption of this amendment, and carried by a vote of 14 to 12.

Mr. SEVIER thought the thirteenth section entirely too broad, inasmuch as it subjected to the penalties of the law all persons in said boat. The captain of the boat was entitled to obedience from all the subordinates, and would exact it. Would it, then, be reasonable to subject that class to the rigors of this act, many of whom were slaves hired in these boats?

The bill to provide for the security of passengers conveyed in vessels propelled in whole, or in part, by steam, was taken up; and after being debated at some length, and various amendments and modifications adopted,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 24, 1838.

Mr. JOHNSON of Louisiana, asked the consent of the House to submit a resolution instructing the Committee on Private Land Claims to inquire whether any, or if any, what further provisions ought to be made by law, for the legal decision of claims for land.

Objection being made, Mr. J. moved a suspension of the rule, but the House refused.

On motion of Mr. SMITH, and by general consent, the House took up the engrossed bill, postponed some days since, entitled "An act to secure the payment of certain commissions on duty bonds to collectors of the customs," and after a few explanatory remarks between Messrs. M'KAY, E. WHITTLESEY and SMITH, the bill was passd.

Mr. HOFFMAN moved a suspension of the rules for the purpose of calling the States for petitions and memorials; but the House refused—90 to 59: not two-thirds.

SEMINOLE INDIANS.

Mr. CAMBRELENG, on leave, reported a bill making a partial appropriation for the suppression of Indian hostilities for the year 1838.

The bill having been read twice, Mr. C. sent to the Clerk's table, to be read, a letter from the Secretary of War, and another from the Acting Quartermaster General, setting forth the absolute necessity for an immediate appropriation.

Mr. C. then explained that he had been unanimously instructed by the Committee of Ways and Means to report this bill of one million of dollars, the amount required for the year being $2,480,000. When that bill should come up, there would, undoubtedly, be a general debate; but, in order that the operations of the War Department might not be stopped, and that the necessary payments might be made, the committee had directed him to report this bill, and ask the House, when it was referred to the Committee of the Whole on the state of the Union, to go at once into committee upon it.

Mr. DOWNING expressed his hope that the motion of the gentleman from New York would prevail, for it was indispensable that this bill should be passed without delay. He was daily receiving the most pressing letters on the subject, setting forth that, at this time, the troops in the field were absolutely suffering severely for want of subsistence, and that the people, ere long, would be compelled to resort to what they were before driven to, to feed upon horse flesh. Two thousand of the Florida militia have been disbanded without having been paid. If this course is followed up, and moneys are not appropriated, the result will be, that the people in that section of country will lose confidence in the Government, and it will not be in its power hereafter to enlist men into the service. It was his opinion that this war would be brought to a speedy termination, if the means were put in the hands of the Government for carrying it on; and gentlemen need not be apprehensive of its prolongation. The late efforts made there were decisive, and he believed the war would be brought to a close in a very short time.

The bill having been committed—

Mr. CAMBRELENG moved a suspension of the rules to enable him to submit a motion that the House go into Committee of the Whole on that, and the bill for the protection of the northern frontier.

Mr. WISE inquired if the motion was a debateable one.

The CHAIR replied that it was not.

Mr. WISE said if it had, he should have offered some objections to going into committee on this bill, for he saw no reason for taking up a partial bill when there was a general bill already before the House.

Mr. CAMBRELENG might be permitted, after the remark of the gentleman from Virginia, to repeat what he had before said, that, when the other bill came up, he anticipated a general debate, but the necessity of the present bill was shown from the fact that the War Department had nothing to pay but drafts, and they were returning protested.

Mr. WISE. If the appropriation is now made, there will be nothing to debate about.

Mr. BELL had examined, as well as he could, the grounds upon which this partial appropriation was made; and he believed that there was a necessity for some amount—how much, it would be for the House to ascertain.

Mr. CAMBRELENG'S motion was agreed to—ayes 139, noes not counted.

The House accordingly went into Committee of the Whole on the state of the Union, Mr. CONNOR in the chair, and proceeded to the consideration of the above bill.

As soon as it had been read by the Clerk—

Mr. WISE inquired if this bill did not also contain appropriations for other branches of the Indian service.

Mr. CAMBRELENG said this bill was like all appropriation bills. It was for appropriations for the suppression of Indian hostilities generally.

The bill was then read by the Clerk.

Mr. WISE said this bill was precisely of the character which he expected, before the House went into committee. Instead of its being a mere partial appropriation bill for the immediate exigencies of the service in Florida, it was a general appropriation bill for all expenditures in the Indian service. It was in this way that appropriations were extracted from this House, like teeth, without the proper investigation and inquiry. The officers of Government waited until appropriations were immediately wanted, and then they called upon the House to pass them, without investigation,

without inquiry, and without discussion. In this manner that nine-tenths, if not all of the eight, nine or ten millions of dollars which had been appropriated for this fatal, disastrous, disgraceful Seminole campaign had been obtained. We have been told by the delegate from Florida that the troops had been discharged without being paid; and the chairman of the committee tells us this money is wanting, without examination and without debate. Was this the way appropriations were to be made? Would any corporation or company take thirty millions of dollars to pay the expenditures of this disgraceful Indian war. He, for one, would take the responsibility of saying, and acting out what he said, that he would not appropriate another dollar for this purpose until he had some information as to the manner in which former appropriations had been expended, and until he had correct data as to the sums now needed. He wished to know how much had been expended for steamboats which had performed no service to the Government, and the amounts paid to heartless contractors, who rendered no equivalent for the money paid them. He wished information, too, in relation to the perfidy which had been practiced by officers of the army towards these Indians, with all other necessary information, before he was prepared to vote for any other and further appropriations; as he believed the greatest outrages had been committed upon them, which was the only reason of the war being kept up. He felt sufficiently humbled by this outrageous and disgraceful war, and he would rather vote to secure those unfortunate Indians in their hammocks than from them.

Mr. DOWNING said it was with the deepest regret that he had listened to the remarks of the gentleman from Virginia. He had in his possession information which would show the House the necessity of making this appropriation.

The gentleman had charged that the war was iniquitous in its inception, base and infamous in its uses, and would be ridiculous in its conclusion. But he would tell that gentleman, and he defied contradiction, that the war was based on a solemn treaty with the Indians, made deliberately, and with their full consent. Hitherto, there had not been the slightest charge against its validity; not even a whisper had been breathed about unfairness or fraud. The treaty had been executed on the part of Government, not in a hurried manner, but in a calm and deliberate way; the chiefs on the part of the Indians having had ample time to reflect and consider the proposition. But it was with the Seminoles as it was with the Cherokees; who, after having received our money beforehand for their lands, when the time arrived for their evacuation, they then set up the cry of fraud, of unfairness, and of the treaty having been made without their consent, etc. This trait in the Indian character was fully known to all conversant with them; and they might rest assured that as in this, so in every other case, after the money had been squandered and spent, the Indians would refuse to comply with their agreement, and invariably raised such groundless and idle objections.

The gentleman had called it an unfortunate war. So it was. The war had been prolonged beyond the calculation of any human being. But whose fault was it that it had been so prolonged? Was it the fault of the troops engaged in it, or the militia raised for its suppression? No: its prolongation had been caused by the gentleman, and the friends of the gentleman, who now opposed the appropriation. It was well known, and he challenged proof to the contrary, that every officer engaged in the war had acted his part zealously and effectively; but the evil was, that they had to check their efforts, because they were compelled to bend to that sympathy manifested so generally for the "red man" in the North and other portions of the Union, where the true state of things was not known. The only reason that the war was not ended long ago, was, that the troops had been compelled by that sympathy to hold out the white flag to the "poor devils," to give them time to make peace, when they were entirely in our power. If the people of Florida had heard nothing from the pulpit and the press about the wrongs of the "poor Indians," and such ebullitions of blind feeling, the war would long since have been suspended. Had the people of Florida been permitted to adopt their own measures, and if the rope and the gallows had been used, as they would in the case of white men committing such enormities, the affair would have been settled long before this.

But, notwithstanding the atrocious conduct of these villanous objects of sympathy—notwithstanding they had murdered our citizens, destroyed our property and besieged our towns—notwithstanding all this, yet the gentleman refused to grant an appropriation for the purpose of protecting our citizens from a recurrence of such outrages.

But public sentiment and sympathy was ever ready to exert itself for the red man and the negro. The white men of the South might be butchered by hundreds, and the act looked upon with indifference; but when colored skins were concerned, then it was that an outcry was raised. It was for the Indian and the negro for whom public sympathy boiled and bubbled over.

The gentleman had intimated that the people of Florida were "fattening upon the appropriations." He would ask that gentleman to cast his eyes upon their desolated cities, their wasted and impoverished country, and then say from whence had they the means of "fattening on the appropriations." Their horses, their wagons, their provisions and sustenance was gone, and the whole of their property had been destroyed and taken by the enemy. Had the gentleman been able to show but one instance where the public money had fell to the share of the people of Florida, and been improperly used; could he adduce one instance of fraud on their part? It was true that charges had been made in the House, through the medium of anonymous letters, about $10 being paid for wagons, when the same could be had for $5, etc; and it had also been alleged that a certain quartermaster had aken a receipt for more than an article had cost, for the purpose of pocketing the money. But were they thus to be influenced by charges through such sources? If gentlemen knew of any such cases where fraud *had* been practised, it was their duty to make complaint to the proper department, when they might rest assured that ample redress would be obtained. But for the people of Florida to be told, when they had been deprived of the necessaries of life, that they were getting rich and fattening upon the spoils—

Mr. WISE assured the gentleman that he was laboring under a mistake. He had charged nobody, but had merely expressed a hope that the House would direct its inquiry to the points where suspicion existed. He did not allude to the people of Florida, but to the Government contractors.

Mr. DOWNING begged to inform the gentleman from Virginia, that in the whole Territory of Florida, there was not a single Government contractor. The contracts were made elsewhere, the horses being chiefly obtained from Kentucky, and the provisions and ammunitions from New York and Charleston. The poor citizens of Florida had received nothing but the small pittance of six dollars per month for all their labor, their sweat and their blood; and of even that small sum, gentlemen sought to deprive them, by refusing to vote for the appropriation. Was that proper, after the citizens had been engaged to fight the battles of their country, to refuse to grant them that slender recompense?

Mr. WISE did not mean to be understood as opposing the payment of any just claim against the Government. All he wished for was, that if an appropriation were made, that steps should be taken to insure the people of Florida in getting their due, and to prevent the money from being swallowed up by harpies, feeding on the carrion of that war.

Mr. DOWNING contended that it was the duty of Government, having contracted a debt, and when satisfied of a just claim, to pay it immediately; and then, if any fraud was suspected on the part of agents and others, to make it an after subject of investigation. He had not the slightest objection for a full investigation of the conduct of Government in relation to the war, as he was confident the Government could be justified in every act. The business had been transacted through the means of agents, and if the agents themselves had been deceived was that the fault of Government? Had there been any abuses made known to the proper authorities, which had not been rectified? But because one out of the thousand officers of the militia, who from necessity were made disbursing officers; because one of these had acted dishonestly, was the Government to be held responsible? Was it upon such charges that the appropriation was refused, the time of the House wasted, and the Government assailed?

Mr. D. then alluded to the treachery of the Seminoles, and said he was ready to prove, that although here they pretended to desire peace, yet when they returned to their tribes, they breathed nothing but war. He adverted to the conduct of the two chiefs, Jumper and Alligator, in instigating the enemy to hold out to the end of spring, as Congress would make no appropriation, etc. He referred to three letters which he had received in proof of it, and which were being published in the newsapers of Florida.

It has been charged by the gentleman from Kentucky, (Mr. Underwood,) that there were more troops in Florida than the whole number of Seminoles, including squaws and children. For his part, he did not profess to know the exact number of the enemy, but if from the obstacles presented it was found that ten thousand troops were not sufficient, why it was their duty to send twenty thousand. But one gentleman had proposed to draw the troops from Florida. This was certainly a strange course, and he (Mr. D.) was entirely at a loss to ascertain by what rule of arithmetic the gentleman had acted, when because ten thousand were not enough, he proposed to leave but two or three thousand.

Mr. D. then alluded to the peculiarity of the Florida war, and the impossibility of meeting the Indians in a body, so as to attack them with any chance of success. Sir, said Mr. D. they are scattered over the country, east, west, north, and south; they are here and there, and yet nowhere. They were just like a flea, the moment a man put his hand upon one, thinking he had caught him, that instant it would be in some other place. He appealed to the gentleman, if, for the sake of a few paltry dollars, they would sacrifice the lives of our troops, when fighting with a white enemy, by sending out only a certain number. When the war commenced, it was thought that an appropriation of five millions would be sufficient. He thought so too. But because, from a combination of unlooked for events, a greater amount was required, gentlemen complained that the war was unjust, and demanded an investigation. It was the first time he had been told that, after the people of Florida had suffered so severely, their savage foes were to be pitied. He wished gentlemen who said so, would first take the trouble to go and examine for themselves. Mr. D. here drew an amusing comparison of the notorious Nat Turner, once concealed in the Dismal Swamp, and the Florida Indians. He then alluded to the many efforts and applications from various quarters to induce the citizens of Florida to allow the Indians to locate on their territory, and to free their slaves; but he would assure them that they would never submit to dictation; for the people of Florida would *not* free their slaves, neither would they allow the Indians to remain among them.

Mr. D. went on at some length to comment on the numerous obstacles presented to the troops in carrying on the war, the chief of which was the misplaced sympathy of the public, which compelled the officers to relax from a policy which otherwise could not fail to bring the contest to a speedy termination. He alluded to the unhealthy climate of Florida, which prevented any action during the summer months, and contended that the whole of the fighting season, from the commencement of the war, did not amount to more than nine months. By that means almost insurmountable obstacles were presented, for the provisions had to be recarted, the lost time to be regained, and then the season for exertion was so short that scarcely any thing could be accomplished. Mr. D. concluded by maintaining the justice of the treaty, and the utter

falsity of the charges of fraud made by the Indians.

Mr. WISE reiterated his former charges as to the character of the war and its inception, and declared he would prove them, if the House would give him a committee of investigation for that purpose. He expressed his surprise, that the gentleman from Florida had never heard the fairness of the Seminole treaty questioned, for it had been designated as a fraud upon that floor a year ago. It had never been ratified by the Indians, and was no more a valid treaty than was the Cherokee treaty.

Mr. DOWNING explained that he would not take the testimony of Indians or negroes in opposition to that of white people, and the validity of the treaty had never been questioned in Florida.

Mr. WISE said that he would take the testimony of the Government, of our own agents and our own people; and their testimony was that the treaty had not been fairly obtained, and that it was never made with the Seminole nation, as a nation. In making treaties with the Indians, they are to be heard as well as ourselves. He would appeal to the delegate from Florida, who was a lawyer, to say whether it was not necessary when a treaty was made, that both parties should be heard? And he would now say that he believed when the whole matter was fully investigated and exposed, that it would be found and proved that there was no treaty made but a fraudulent treaty. He believed it could be fairly shown and proved that these Indians had been infamously treated, and he would now take occasion to say that he had been furnished with a letter by Secretary Cass from Governor Eaton long before hostilities broke out, asking that a force might be sent there to overawe the Indians and suppress Indian hostilities; yet no force was sent, and no appropriations were asked for, until hostilities actually broke out. The gentleman, therefore, would find it a harder task than he was aware of, to sustain the War Department in the course it had taken in relation to these Indian hostilities. The people of Florida have been struck down, and they ought to know who was responsible to them for the destruction of their houses and their property. He (Mr. W.) had been the friend of these people, and had voted appropriations for their defence without inquiring as to their amount; but these appropriations have been mismanaged by your Government, and the war procrastinated by the course of those in power; and he would not now vote for an appropriation which would go still further to desolate the homes and the altars of the suffering citizens of Florida, until he knew how it was to be expended. He would not wait for the Committee which he desired for investigating this subject, with all the delays and embarrassments which were attendant upon investigations instituted by this House; but he would inquire of the Chairman of the Committee of Ways and Means for a statement of the amounts that might be necessary, and if they were not informed on the subject, he would call upon the Secretary of War to communicate it to the House for the information of all who desired to look into the matter. He was told that the present expenditures in Florida, for the suppression of Indian hostilities, amounted to $73,000 a day. We have already expended eight or nine millions of dollars, and we are no nearer the end of the war, to all appearances, than we were when the predecessor of the gentleman from Florida made his first sympathetic appeal to the House on the subject of the sufferings of the inhabitants of Florida from Indian hostilities.

He (Mr. W.) had voted time after time, and year after year, for appropriations to suppress these Indian hostilities, without inquiry, until the amount of money struck him with surprise, and he was compelled to pause and inquire into the matter. He considered it a public duty that he should do so, after eight or nine millions had been expended, and troop after troop had been defeated; and the Indians, although but a handful at first, still remained masters of the soil. What a spectacle we were presenting to the world! A short time ago this Government threatened France with a war, and were now talking about calling upon England for an explanation; yet with all her surplus millions, her regular army, her marines, her chosen Tennessee troops, and all her militia, could not put down some eight hundred or a thousand Indians. It was impossible for the gentleman to defend the War Department after such management as it had been guilty of, and he contended that that department was responsible for the act of every one of its agents, whether petty or important agents. He went on to charge perfidy and treachery upon the officers of the Government, in seizing upon Oceola and Micanopy, while they were under the white flag which ought to have protected them. He charged upon the War Department or its agents, the employment of a delegation of Cherokees as mediators, and after they brought in some of the leaders of the Seminoles, they were treacherously seized upon by Gen. Jesup, and sent to prison. The Seminoles were tempted to a consultation in consequence of an arrangement being made with the Cherokees for that purpose, and when they came into the consultation, they were seized and held as prisoners of war.

Mr. DOWNING stated that the Indians alluded to came in after General Jesup had stated to them, through persons that had seen them, that he would receive nothing at their hands but an unconditional surrender. Mr. D. knew not what information the gentleman from Virginia might have in his possession, or what testimony might be given by others on the subject; but this that what he had stated he believed to be the facts; and furthermore, he would say, taking into consideration the cold-blooded and inhuman murders these Indians had committed, if he (Mr. D.) had been in General Jesup's place, he would have hung them up on the crooked limb of a yellow pine tree.

Mr. WISE said, that the gentleman's personal feeling might have led him to do an act of inhumanity which he would have repented afterwards; but he could not believe, if the gentleman had made a pledge to these Indians, as Gen. Jesup undoubtedly did, that he would have been guilty of perfidy in disregarding that pledge. If he had caught the Indians by fair means, or by a stratagem laid without violating a pledge to them, it would have been a very different matter, and then he might perhaps have been justified in using harsh means towards them. Mr. W. then went into some details in relation to the Cherokee mediation: that they had been employed by the Government; that they had gone out to consult with the Seminoles; that they had brought in some of the Seminole chiefs at the second consultation, and that they had failed in their third consultation because of the perfidy of General Jesup; which news had been carried to them by an Indian runner, sent up by the Seminoles to await the issue. Mr. W. then stated that letters had been written to the Cherokee delegation, as well as to the Secretary of War, by General Jesup, testifying to the manner in which the mediation had been conducted by these Cherokee Indians.

Mr. EVERETT here produced the letters alluded to, and they were read from the Clerk's table.

Mr. DOWNING then produced and read letters addressed to himself, from persons acquainted with the facts, setting forth that the Cherokee delegation had informed the Seminoles, that if they held out this winter, that they would be left in possession of their country, as Congress would make no appropriations to carry on the war.

Mr. GLASCOCK remarked that the delegate from Florida might state that it was understood that General Jesup himself now believed that the Cherokee delegation had proved treacherous.

Mr. WISE proceeded, and stated that the gentleman from Florida had been guilty of precisely that which had been charged upon him (Mr. W.) —the reading to the House of an anonymous letter; but (as he had looked into the gentleman's letter by this permission) he would now tell the delegate from Florida, that the same person who wrote that letter should come up as a witness, in consequence of other letters which he had written him (Mr. W.) in case he ever obtained an investigating committee. He went on again to charge a double perfidy on the officer at the head of affairs in Florida, in the taking of the Indian chiefs before alluded to. He then referred to, and read extracts from, a letter of Gov. Eaton's, written in March, 1835, being the March preceding the December in which the war broke out, in which the Governor doubted the legality of the treaty, and the propriety of carrying it into effect; but recommended, if it was to be carried into effect, that a large force might be sent to overawe the Indians, otherwise the consequences might be fatal.

Mr. DOWNING explained that Gen. Eaton had retracted all that had been said in that letter; and legislative action had been had upon it in Florida, and he believed the Governor was ashamed that he had ever written it. The fact was that every citizen of the United States, who went into that Territory, went there with his heart overflowing with sympathy for those Indians; but after removing there, and seeing the treachery and dishonesty of them, their opinions soon became very much changed. He had no doubt if the gentlemen who had so much sympathy for them on this floor, had had their cattle and servants stolen, and their relations murdered, that their opinions would change.

Mr. WISE resumed, and went on to detail the manner in which Mr. Eaton had been induced to retract what had been said in the letter just referred to. He (Mr. W.) had called upon the War Department for information in relation to the Seminole war, and Mr. Cass himself had sent him various letters, which, he said, were sent confidentially, and in those letters he had learned how it was that Gov. Eaton had been induced to retract what he had before said. These letters were sent to him as confidential when he called for information, but he was not to regard letters as confidential when they were the regular letters of the Departments on their files.

Mr. W. referred also to a number of other letters confirmatory of the views, and recommending the same advice, as Governor Eaton, and then entered into a review of the Indian policy of the Government, which he was convinced would, in the end, result in a general combination of them on the whole of our western frontier.

Mr. CILLEY defended the policy of the Government; which, he insisted, was humane and benevolent. The sympathy evinced for the tawny red men, he described to be of the same character as the hobby professed for the race a little darker in the North. When he found his country at war, he was not for staying to inquire into its origin, or to investigate little, petty, miserable details about it, but to take such measures as would be most likely to bring it to a favorable termination. Whether the Government had pursued the best course or not, whether there had been a prodigal expenditure, he feared there had, he could not say, but he was for continuing the war with vigor, on the old New England plan, where the Indians had been wholly exterminated; for it was false policy and false philanthropy to carry on a feeble war.

Mr. WADDY THOMPSON expressed his regret that this discussion had been brought on; the only relief for his pain at it was in the bold truths told by the last gentleman. Mr. T. then entered into a reply to Mr. Wise. He denied that Mr. W. could prove there was no treaty; and if he could, he had not proven there was no necessity for this appropriation to give meat and bread to those who had been fighting the battles of their country, nor was this the fitting occasion to go into that question. Mr. T. then entered into a review of the circumstances of the Florida war, and defended the plan originally proposed by General Scott. Mr. T. adverting to the sympathies at the North for the Indians, said he could not shut his eyes to the fact that it arose from a hatred to their own race. He expressed his strong disapprobation and unmeasured condemnation of what he regarded as the dishonorable capture of Oceola, offering, as it did, the first instance in the history of this country where an American officer had refused to respect a flag of truce.

Mr. EVERETT then obtained the floor, and expressed his regret that any debate should have arisen on this subject at this time; the more so,

because he had every reason to believe that the House and the country would be perfectly satisfied with the response of the Secretary of War to Mr. E's resolution on the topics adverted to in this discussion. This was in relation to the capture of Oceola.

Another subject upon which he wished to make a remark or two was a more painful one, viz: in reference to the capture of Sam Jones and his companions. Mr. E. had every reason to know that these men came in under the most sacred pledges, and that it was with the greatest difficulty the Cherokee delegation could induce them to come in. And when they did, what was Gen. Jesup's first proposition? Why, as preliminary to any negotiation, that those people should bring in their wives and children; and what was Sam Jones's answer? Why, that he never heard of such a preliminary to a treaty as that of surrendering the children and arms, and that he could not assent to it.

After some further remarks, Mr. E. avowed himself unwilling to carry on this war any longer, though he was not for yielding. He wished a pacificatory course to be tried. He would arm the Executive with authority and appropriations to enable him to adopt a course which should terminate it pacifically.

Mr. HAYNES said, without intending to answer, or attempting to reconcile, the mistaken opinions he had heard, and many of which he had regretted to hear, he had risen solely for the purpose of bringing back the committee to the question before it. Some weeks ago the Committee of Ways and Means reported a bill to cover the whole sum necessary for the current year. Since that bill was reported, the committee had been called upon or notified by the War Department that drafts were lying over for services already performed, and supplies already furnished, and there was no money to meet them. Upon this representation the Committee of Ways and Means had come to the House and asked a suspension of its rules, for the purpose of considering the propriety of making a partial appropriation for the suppression of Indian hostilities. Now, neither the committee, nor, as Mr. H. believed, had any other friend of the Administration, who proposed to support this bill, designed taking the House by surprise. The very document read at the Clerk's table gave to the House the information that this partial appropriation was asked for under extraordinary circumstances; and it was equally well known that the bill covering the whole sum estimated for the service by the Secretary of War then remained untouched, for as general, liberal, violent discussion as gentlemen pleased. Why, then, should so many irrelevant topics be brought in now, of national honor, the validity of the treaty, the conduct of the war, the treatment of the Indians, the conduct of the Cherokee delegation, or any thing else? The state of the case called upon them to act promptly; it asked them for an appropriation under circumstances of great stress upon the Department of War; and he did hope, under these considerations, and with feelings as strong upon some of the topics introduced to-day as any other man, and as willing, if not as able, to discuss them; he implored the committee to report this bill, and take a future occasion, when the general bill was brought up, to enter upon the general debate.

Mr. BELL adverted to the remarks made by him this morning in favor of the bill, and wished the House to bear them in mind, for he was opposed to the course of his friend from Virginia. He then made some strictures upon a letter from the Washington correspondent of the Richmond Enquirer, which he pronounced to be an unfounded, false, and malicious slander.

After some further remarks by Messrs. ROBERTSON and CAMBRELENG, which will appear hereafter,

Mr. WISE moved to amend by striking out "one million," and inserting "five hundred thousand dollars;" when, without taking the question,

On motion, the committee rose and reported,

And the House adjourned.

SENATE,

TUESDAY, January 23, 1838.

Mr. HUBBARD presented the petition of Jacob Marks, praying for increase of pension; which was referred to the Committee on Naval Affairs.

Mr. HUBBARD also presented the petition of Julius S. Fox; which was referred to the Committee on Pensions.

Mr. ROBINSON presented the petition of William Patton; which was referred to the Committee on the Judiciary.

Mr. BENTON presented the petition of the inhabitants of Baring county, Missouri, praying for the establishment of a new post route: referred to the Committee on the Post Office and Post Roads.

Mr. McKEAN presented a petition from sundry citizens of Pennsylvania, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the memorial of Jacob Lang and others, made an unfavorable report thereon.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petition of Charles Hoyt.

Mr. HUBBARD, from the same committee, reported without amendment the bills for the relief of James Callan and Ann W. Johnson.

Mr. BROWN, from the Committee on Revolutionary Claims, moved that the committee be discharged from the further consideration of the petition of Daniel Trueheart; and,

On motion of Mr. ROANE, the same was laid on the table.

Mr. WEBSTER rose in his place, and made the following remarks:

Mr. PRESIDENT: Having received, some days ago, unquestionable information of the payment of fishing bounties and pensions in Massachusetts, in bills of the Commonwealth Bank of the city of Boston, by which payment heavy losses had been sustained by meritorious and well-deserving persons, I felt it my duty to call the attention of the Senate to the subject, and to move an inquiry, for the purpose of obtaining information respecting the circumstances from the proper quarter.

In consequence of this public proceeding, dictated, on my part, by nothing but a sense of obligation, the official paper of the Administration in this city, on Saturday last, published the following paragraph:

"DEBTORS TO THE COMMONWEALTH BANK OF MASSACHUSETTS.—The names of five or six gentlemen, friends of the Administration, are given as debtors to the exploded bank at Boston, and its bankruptcy is held up as the consequence of loans to them. The truth is, the only real Democrats whose names are paraded as borrowers, owe it only a few thousand dollars, which they are able to pay thrice over. If all its loans were as safe as those thus exhibited to show the reason of its insolvency, the bank would be the soundest in the Union, for it would be without a bad debt. The *Conservative* loans ruined it. We understond that Mr. Webster has had his bills protested in this bank for $10,000 at a time.

"In his resolution of inquiry into the state of the bank, therefore, we find no demand made as to the amount of bills protested in it any time, nor for the names of the drawers."

Now, sir, if I owe the Commonwealth Bank a dollar, I am not conscious of it. If I ever did owe it a dollar, I do not remember it; nor do I recollect, or believe, that any note signed by me, or any bill accepted by me, or by any agent, or clerk of mine, in my behalf, was ever protested at that bank, or delayed in payment.

Having said this, sir, I may be relieved from making any remarks of my own on the character of this publication. I will only read a remark of the Editor himself, in the same column, which contains the publication, and which remark is in the following words:

"These attacks upon the private concerns of public men, for party purposes, are exceedingly despicable."

So thinks the Editor, and I, for one, concur with him in opinion.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which had been referred the memorial of the inhabitants of Palmyra, praying to have the benefits of the pre-emption laws allowed them, of which they had been deprived in consequence of being adjacent to certain reserved tracts, moved that the committee be discharged from the further consideration of the same, inasmuch as the general pre-emption law, now before the Senate, embraces the case of the memorialists.

The motion was agreed to.

On motion of Mr. CLAY of Alabama, the same committee was discharged from the further consideration of the resolution of the Senate, directing them to inquire into the expediency of purchasing the Mount Vernon estate. Also from the further consideration of the memorial of the Rev. Philander Chase, asking for a pre-emption to a certain tract of land, for the purpose of aiding him in the establishment of a college.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which was referred the bill for the relief of Pierre Menard and others, reported the same with amendments; which were read, and ordered to be printed.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, to which had been referred the bill from the other House for the relief of Curtis Grubb, reported the same without amendment.

Mr. CRITTENDEN, from the same Committee, to which had been referred the memorial of the legal representatives of Patrick McGibbons, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. BENTON presented the memorial of C. Wall of St. Augustine, which was referred to the Committee on Commerce.

Mr. PRENTISS presented several petitions from Vermont, praying for the abolition of slavery in the District of Columbia; and,

On motion of Mr. CLAY of Alabama, the question as to their reception was laid on the table.

Mr. WALKER, from the Committee on Public Lands, submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of War be requested to communicate to the Senate, as soon as practicable, the extent of the mineral lands of the United States so far as ascertained; the quantity of said lands already leased; the time for which said lands have been leased; the rent received by the United States, and the injury, if any, sustained by the working of said mineral lands.

Mr. DAVIS submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of adopting measures to obtain such information as is necessary to enable Congress to reorganize the custom house branch of the public service, in a manner more economical and better adapted to the public exigencies.

The Steamboat bill was taken up, discussed for some time, and after being amended, was ordered to be engrossed for a third reading.

The bill to revoke the charters of such of the banks of the District of Columbia as shall not resume specie payments within a limited time, was taken up as the next general order; and,

On motion of Mr. WRIGHT, it was postponed to, and made the special order of the day for, Thursday next.

REGULATION OF STEAMBOATS.

Mr. MORRIS moved to reconsider the vote given yesterday on the amendment of Mr. SMITH of Indiana; which motion was lost.

Mr. DAVIS suggested the reconsideration of the vote given on the amendment of Mr. NILES.

Mr. CLAYTON was of opinion that the amendment went to a most unreasonable extent. These boats were not unfrequently owned by large incorporated companies; in some instances as many as from five hundred to one thousand persons, and some of these widows. To make them in any way liable for the negligence or culpability of others did not comport with his ideas of justice; and if the amendment were retained, he would undertake to say that no jury would ever be found to convict the parties. He thought the amendment had pass-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, FEBRUARY 5, 1838. VOLUME 6.....No. 9.

BY BLAIR & RIVES. —WEEKLY— PRICE $1 PER SESSION.

[*Continued from No.* 8.]

ed yesterday, without being duly looked into and considered.

Mr. NILES had no objection to the vote being reconsidered.

Mr. SEVIER then suggested that if this amendment was to be adopted in some other shape, that two engineers would be indispensable, as one could not at all times be present; and to subject that officer to punishment for the ignorance and incapacity of others, would be going further than he was disposed to do.

Mr. NILES asked if there was any thing more criminal than jeopardising the lives of passengers through the ignorance or incapacity of the engineer. Mr. N. knew very well how these affairs were managed with some of these boats: they first had a skilful engineer at $100 per month, and next they took a fireman for the duty at $20 or $30 a month; and it was not unfrequently from the incapacity of these persons that so many accidents had occurred. He was for placing such guards as might prevent these evils in future: he thought he could modify his amendment so as to meet the objections of gentlemen. Mr. N. then so modified it as to make the owners and masters responsible for all damage to property and person; and it was adopted.

Mr. NORVELL renewed a motion, made by him yesterday, and lost, in relation to compelling boats to have a life-preserver for each passenger, and so modified it as to compel steamboats to have a life-preserver for each berth.

Mr. DAVIS said there might be some utility in these life-preservers: he was not prepared to say there was not; but why make them applicable only to steamboats? Why not extend them to all the packets—in short, to make them applicable to every kind of marine conveyance? Human life was not more valuable in steamboats than elsewhere. He (Mr. D.) was willing to go on and make the bill as perfect as practicable; but, after all, he must confess that he had very little confidence in the measure. Something in relation to the subject is certainly due, however, from Government. On this head there was much to grapple with—carelessness, ignorance, intemperance, &c. He was for the strongest measures that could be adopted to render the bill efficient. Mr. D. adverted to the circumstance that no dangerous occurrences had taken place in the steam navigation between New York and Providence, and contended if more care were observed, that these fatal injuries would not so often happen.

Mr. NORVELL alluded to the frightful loss of human life on board the steamboat "Home" for the want of this article. If a tithe only of the persons drowned on that melancholy occasion have been saved by the adoption of "preservers," he thought it indispensable that vessels should be provided with them. At all events, the experiment was worth trying, and he hoped no objection would be made.

The question was then taken on the adoption of Ms. NORVELL's amendment, and lost by a vote of 16 to 18.

Mr. SMITH of Indiana then made an offer to introduce his amendment in a modified shape, which was argued for some time between Messrs. STRANGE, BAYARD, and others, on the bearing of the law.

The amendment was lost; and the bill having been reported to the Senate, was ordered to be engrossed for a third reading.

The bill, as amended, reads as follows:

A BILL to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of all owners of steamboats, or vessels propelled in whole or in part by steam, on or before the first day of October, one thousand eight hundred and thirty-eight, to make a new enrolment of the same, under the existing laws of the United States, and take out from the collector or surveyor of the port, as the case may be, where such vessel is enrolled, a new license, under such conditions as are now imposed by law, and as shall be imposed by this act.

SEC. 2. *And be it further enacted,* That it shall not be lawful for the owner, master, or captain of any steamboat or vessel propelled in whole or in part by steam, to transport any goods, wares, and merchandise, or passengers, in or upon the bays, lakes, rivers, or other navigable waters of the United States, from and after the said first day of October, one thousand eight hundred and thirty-eight, without having first obtained, from the proper officer, a license under the existing laws, and without having complied with the conditions imposed by this act; and for each and every violation of this section, the owner or owners of said vessel shall forfeit and pay to the United States the sum of five hundred dollars, one-half for the use of the informer; and for which sum or sums the steamboat or vessel so engaged shall be liable, and may be seized and proceeded against summarily, by way of libel, in any district court of the United States having jurisdiction of the offence.

SEC. 3. *And be it further enacted,* That it shall be the duty of the district judge of the United States, within whose district any ports of entry or delivery may be, on the navigable waters, bays, lakes, and rivers of the United States, upon the application of the master or owner of any steamboat or vessel propelled in whole or in part by steam, to appoint, from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery employed in the same, whose duty it shall be to make such inspection when called upon for that purpose, and to give to the owner or master of such boat or vessel duplicate certificates of such inspection.

SEC. 4. *And be it further enacted,* That the person or persons who shall be called upon to inspect the hull of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running. And he or they shall also state whether, in his or their opinion, the said boat or vessel is sound, and fit to be used for the transportation of freight or passengers; for which service, so performed upon each and every boat or vessel, the inspectors shall each be paid and allowed by said master or owner applying for such inspection the sum of five dollars.

SEC. 5. *And be it further enacted,* That the person or persons who shall be called upon to inspect the boilers and machinery of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, make a certificate, in which he or they shall state his or their opinion whether said boilers are sound and fit for use, together with the age of said boilers, and duplicates thereof shall be delivered to the owner or master of such vessel; one of which it shall be the duty of the said master and owner to deliver to the collector or surveyor of the port whenever he shall apply for a license, or for a renewal of a license; the other he shall cause to be posted up, and kept in some conspicuous part of said boat, for the information of the public; and, for each and every inspection so made, each of the said inspectors shall be paid by the said master or owner applying, the sum of *five* dollars.

SEC. 6. *And be it further enacted,* That it shall be the dutty of the owners and masters of steamboats to cause the inspection provided under the fourth section of this act to be made at least once in every twelve months; and the examination and trial of the strenth of the boilers of his boat, required by the fifth section, at least once in every six months; and deliver to the collector or surveyor of the port where his boat or vessel has been enrolled or licensed, the certificate of such inspection; and, on a failure thereof, he or they shall forfeit the license granted to such boat or vessel, and be subject to the same penalty as though he had run said boat or vessel without having obtained such license, to be recovered in like manner. And it shall be the duty of the owners and masters of steamboats licensed in pursuance of the provisions of this act, to employ on board of their respective boats, a competent number of experienced and skilful engineers; and in case of neglect to do so, that said owners and masters shall be held responsible for all damages to the property or any passengers on board of any boat occasioned by an explosion of the boiler or any derangement of the engine or machinery of said boat.

SEC. 7. *And be it further enacted,* That whenever the master of any boat or vessel, or the person or persons charged with navigating said boat or vessel, which is propelled in whole or in part by steam, shall stop the motion or headway of said boat or vessel, or when the said boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel, or passengers, he or they shall open the safety-valve, so as to keep the steam down in said boiler as near as practicable to what it is when the said boat or vessel is under headway, under the penalty of two hundred dollars for each and every offence.

SEC. 8. *And be it further enacted,* That it shall be the duty of the owner and master of every steam vessel engaged in the transportation of freight or passengers, at sea or on the Mississippi river, the tonnage of which vessel shall not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons, it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than three long-boats or yawls, of the same or larger dimensions; and for every failure in these particulars the said master and owner shall forfeit and pay three hundred dollars.

SEC. 9. *And be it further enacted,* That it shall be the duty of the master and owner of every steam vessel to provide, as a part of the necessary furniture, a suction-hose and fire engine and hose, suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and for a failure to do which they, and each them, shall forfeit and pay the sum of three hundred dollars.

SEC. 11. *And be it further enacted,* That it shall be the duty of the master and owner of every steamboat, running between sunset and sunrise, to carry one or more signal lights that may be seen by other boats navigating the same waters, at some suitable point near or at the bow of said boat.

SEC. 12. *And be it further enacted,* That the penalties imposed by this act may be sued for and recovered in the name of the United States, in the district or circuit court of such district or circuit where the offence shall have been committed, or forfeiture incurred, or in which the owner or master of said vessel may reside, one-half to the use of the former, and the other to the use of the United States, or the said penalty may be prosecuted for by indictment in either of the said courts.

SEC. 13. *And be it further enacted,* That every captain, engineer, pilot, or other person, employed on board of any steamboat or vessel propelled in whole or in part by steam, by whose misconduct, negligence, or inattention to his or their respective duties, the life or lives of any person or persons on board said vessel may be destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof, before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period not less than two nor more than ten years.

The bill for the continuation of the Cumberland road in the States of Indiana and Illinois, was taken up, and postponed to, and made the order of the day for, Friday next.

PRE-EMPTIONS TO SETTLERS.

The bill to grant pre-emption rights to settlers on the public lands, was taken up, and considered as in Committee of the Whole.

Mr. CLAY of Kentucky observed that this was a very important measure, and he presumed that no Senator intended to press it. Its discussion would take up a good deal of time, and he thought that Senators should have some time allowed them to prepare for it. He would propose to postpone the bill, and make it the order of the day for next Monday week.

Mr. CLAY of Alabama thought that, if the motion prevailed, it would be equivalent to postponing it for some months to come. He was satisfied that the Senator from Kentucky did not wish to give the bill the go-by in that manner. Tuesday week, Mr. C. said, was set apart for the consideration of the important measure in relation to the finances. Another important measure, the bill relating to the banks in the District of Columbia, was set for Monday; and other measures of importance would come up about the time named by the gentleman. He did not apprehend that this pre-emption bill would occasion so much discussion as the Senator supposed. There was nothing novel in it, nothing extraordinary—the subject was well understood, and this bill was so simple in its provision that he could not see how it could create any difficulty. The obnoxious feature in the pre-emption bill of the last session—that relating to floating claims—had been stricken out, and it now contained no provisions to which any well founded objections could be urged. He hoped the Senator from Kentucky would consent to a postponement to a shorter day.

Mr. CLAY of Kentucky said that the bill did contain some novelty, notwithstanding. Certainly, said he, we have had pre-emptions enough; but to throw open the whole public domain to every man who will call himself a pre-emptioner, was a novelty reserved for this bill. He did not, however, intend to enter into the merits of the bill, but he made these observations for the purpose of showing that it was not the harmless measure that gentlemen supposed. He was sure that when they did take it up it would not be one day nor two days under discussion, but would perhaps occupy them for weeks.

Mr. WALKER wished the bill to have an early consideration, because extensive land sales had lately been ordered, and if these took place before the passage of the bill, many meritorious individuals would be deprived of its benefits. If Congress was disposed to give to the actual settlers a portion of the land improved by them, it was important that the bill should pass at an early day, so that the lands might not be sold before the industrious cultivator could have an opportunity of securing his improvements. Mr. W. concluded by moving to make the bill the order of the day for Thursday next.

Mr. KING of Alabama was in hopes that the Senator from Kentucky would have seen nothing in this bill of the alarming character which he seemed to apprehend. The bill of the last session, Mr. K. said, embraced other and more extended provisions than were to be found in the one before them, which occasioned the protracted discussion the Senator referred to. It was in the provision relating to the actual settlement on which so much time was consumed. Mr. K. believed that there was always a disposition to give to actual settlers a portion of their improvements; and he had hoped that for so small and reasonable a matter the Senator from Kentucky would have permitted it to pass by quietly and without unnecessary delay. The reason assigned by the Senator from Mississippi was a good one, and he hoped it would have its due weight with the Senate. The objectionable features having been removed from the bill, he indulged the hope that it would not have to encounter the opposition of the Senator from Kentucky, and that he would see the propriety of either modifying his motion so as to give it an earlier consideration, or that he would accept the motion of the Senator from Mississippi.

Mr. CLAY of Kentucky said the Senator from Alabama was certainly very coaxing; but he could not view the matter in the same light the Senator from Alabama did. He would undertake to say that we should have applications for the passage of pre-emption laws to the end of time. These people would go on choosing the best parcels of the public land, and applying to Congress for pre-emption rights, until they reached the Pacific. We had been told by the President, in his message, as well as by the Senator from Alabama, "only pass this bill, and it shall be the last." Mr. C. however, did not believe these claims would ever cease. He thought the time rather short, and would prefer that the bill should be fixed for a later period.

Mr. CLAY of Alabama hoped that the consideration of the bill would not be delayed beyond Friday next. The proposition, he said, was now in a more simple form than it had ever been presented to the Senate, and he was satisfied that a majority of the Senate would approve of it in its present form, or with a few modifications.

Mr. BENTON was opposed to any delay. If the bill were postponed for two weeks, it might be delayed for months, from the circumstance of losing its place in the calander. There was no Senator, he presumed, who was not familiar with the subject and prepared to vote at once without a word being said, as their minds were made up on one side or the other. While up he would take occasion to say that he hoped the practice of the Government for the last forty years would not be reversed or discontinued. He was entirely in favor of the system. The best evidence of the pre-emptionist wishing to become a cultivator, was his going into the forest, cutting down the trees, and erecting his little cabin; he was in favor of all such settlers.

The question was then taken on Mr. CLAY'S motion to postpone until Monday week, and lost.

The question was next taken on Mr. WALKER'S motion, and carried, so that the bill was postponed to, and made the order of the day for Friday next.

The bill from the House to secure the payment of certain commissions on duty bonds to collectors of the customs, was read twice, and referred to the Committee on Finance.

The bill to create the office of surveyor of public lands in the Territory of Wisconsin, was taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill for the relief of Thomas L. Winthrop and others, directors of an association, called the New England Mississippi Land Company; was, on motion of Mr. BUCHANAN, postponed until Monday next.

The bill for the relief of William East, was taken up and considered; and after being explained and advocated by Messrs. CLAY and KING of Alabama, and opposed by Mr. TIPTON, the bill was ordered to be engrossed for a third reading.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 24, 1838.

SEMINOLE WAR.

As soon as the journal was read,

Mr. CAMBRELENG asked the consent of the House to go into Committee of the Whole again on the "bill making a partial appropriation for the suppression of Indian hostilities for the year 1838."

The motion was assented to without a division, and the House accordingly went into committee, Mr. CONNOR in the chair, and resumed the consideration of the above bill.

The question pending was on the motion of Mr. WISE to reduce the appropriation from $1,000,000 to $500,000.

As soon as the question had been announced,

Mr. THOMPSON, referring to what he had said yesterday, said that he had not said that the whole North felt sympathy with the Indians, only because they were our enemies. He did not believe such to be the universal feeling of the North. He hoped and believed that it was not now even the general feeling. If he thought so, he would not hesitate one moment to leave, to cut loose, if need be, from the Confederacy. That a portion of the northern people were influenced by such feelings, he did not doubt.

Mr. BIDDLE said it had been his wish to speak on the subject before the rising of the committee yesterday, and nothing had occurred in the intervening period to change his views. He could not suppress his surprise at the course pursued yesterday. The debate which then took place commenced with the appropriation bill, and left off in a discussion on the abolition of slavery. That discussion was provoked by a struggle between the gentleman from Virginia and the gentleman from South Carolina, as to which was the most bitter opponent to the North.

Mr. WISE stated that the gentleman had totally misunderstood him. He was not an enemy of the North. He had always been a friend to the North, but at the same time he was a friend to the South.

Mr. BIDDLE went on to complain of the unfairness of Southern gentlemen in making denunciations against the North in relation to abolition, when the Representatives of the North were tied down from replying by a resolution of the House, which forbid all discussion on the subject. But he would tell those gentlemen that if ever the abolition question came to a crisis, the whole responsibility and calamity of the result would fall upon them. Mr. B. was proceeding, when

Mr. PATTON protested against any further discussion on that subject, which was quite foreign to the question before the committee.

Mr. BIDDLE said he would waive any further remarks on that subject, and confine his remarks to the question of appropriation. He asked what were the reasons urged for requiring this enormous appropriation from the pockets of the people. They were told that the emergency of the case required it, and, on this ground, the House was called upon to act precipitately. But his short experience had given him an opportunity of examining such pretexts, and of the manner of forcing bills through the House by such pressing importunities. They were invariably taken by surprise in these cases, and the appropriations were not asked until there was an "emergency," and then there was no time to discuss the matter. He would ask if such had not been the practice during the whole eighteen months of General Jesup's command in Florida. He, for one, would protest against voting any more money under such pretexts. He, for one, was willing to assume the responsibility, and to go home to his constituents, and tell them that he had refused to vote for an appropriation of another million, without knowing to what use it was to be applied. The treasures of the country had been squandered long enough. The main artery of the Treasury had been bleeding for a long time, and it only required a few gallons more to complete its exhaustion. Yes, he was willing to go back to his constituents, and to say, that after fifteen millions had been expended in that war to no purpose, he refused to grant fifteen millions more, until some satisfactory explanation had been given as to its object.

The gentleman from Florida had said much about the employment of the Cherokees, and had contended, that if those Indians had not been employed, the war would have been ended long ago. But who was it who employed the Cherokees? Was it the action of that House? No. Was it the action of the Government? No. But it was an idle experiment of General Jesup, who had superseded General Scott, and who had pledged himself to undo all that had been done by the latter. Mr. B. reviewed, at some length, the proceedings of the court of inquiry, in relation to the conduct of General Scott, whom he contended was a brave and gallant officer, who had been recalled from Florida at the moment he was striking the decisive blow, by the dishonorable conduct of Gen. Jesup, in writing a private letter to the editor of the Globe, condeming the course of his commanding officer. He adverted to the early history of General Scott, his gallant conduct in the war with Great Britain, and other matters laudatory of that officer.

He concluded by commenting on the alleged in-

trigues constantly carried on at the seat of Government, and contended that until the time should arrive when the officers of our army and navy could rely entirely on the protection of Congress, our national honor would never be secure.

Mr. UNDERWOOD was unwilling to be driven into a hasty passage of this appropriation without due examination, for he had already voted cheerfully for upwards of ten millions to put an end to the Florida war. There was another reason. At the commencement of the session, a resolution introduced by him had been adopted, calling upon the Secretary of War for information in relation to the proceedings there; but no response had yet come in. He would not say that the withholding of this information would induce him to withheld the money. On the contrary, he was disposed to give the money, and should continue to do so, for the present at least, on the principle that when his house was on fire he would try and first put it out, and inquire into the cause of the conflagration afterwards. Mr. U. deprecated the course of these *ex parte* trials and condemnation of Generals Scott and Jesup. Take the case of the capture of Oceola, for which the latter had been censured: had they all the facts before them? They had not; but the letter of Gen. Jesup justified that act, for it appeared that Oceola had come in with a perfidious intention, and Mr. U. adduced parallel instances in the early wars of the West, known to all. He objected, however, to such denunciations, on either side, before all the facts were ascertained. With reference to Gen. Jesup, he had before read to the House a letter from that officer, in which he stated that he (Gen. J.) wished a most full and ample inquiry into all his transactions, both in the Creek and Seminole campaigns. As to the letter to F. P. Blair, he held that it had been improperly used; but the writer was not responsible for that, for he had marked it "private," and did not address it directly to the President of the United States; but even if it had been addressed to the President directly, Mr. U. held that the second in command had a right, and it was his duty, to make known what he believed to be the truth to the commander-in-chief. Take the case of Gen. Hull: supposing him to have been guilty of intriguing with the enemy, and that his second in command knew it, would any one have censured the latter for making that fact known to the then commander-in-chief, the President of the United States? Again, it should be remembered that Gen. Jesup had voluntarily retracted all he had said in relation to Gen. Scott. Mr. U. did not, however, believe that the delay of this war was the fault either of our Generals or the army, for he believed they had all done the best they could. The fault lay in sending too large a force, ten or twelve thousand men, *en masse*, and the remedy, he thought, would be to pursue the same course they did in Kentucky many years ago: act by detail, in small parties, protected by forts, &c.

Mr. GLASCOCK said, that in consequence of the latitude which this debate had taken, he felt it to be a duty which he owed to himself, as well as to the section of the country which he in part represented, to make some remarks in reply to gentlemen who had preceded him on this question. He exceedingly regretted the course which this discussion had taken; but inasmuch as this course of debate had ensued, he wished to be permitted to make some remarks in reply. At the commencement of the present debate, charges serious in their character had been made against the General Government as to the policy it had pursued towards those Indian tribes; but he was convinced, if the gentleman who made the charges had given to the subject that attention which he generally gives questions which he investigates, he would have come to the conclusion that some of the remarks which he made were not justified by the facts in relation to the treaty made with the Seminole Indians. One charge of the gentleman from Virginia, who had but followed up the remarks of the gentleman from Vermont on a former occasion, was, that the treaty with those Indians was a fraudulent treaty. He (Mr. G.) well recollected the time when that charge was first made by the gentleman from Vermont, and he also well recollected the bold and manly reply which was made to it by the then delegate from Florida on this floor. The general charge in relation to the treaty not being valid, was predicated on the ground that the time for carrying it into effect had expired before it was ratified by our Government. He would say to gentlemen, however, if they would take the trouble to refer to the treaty itself, and to the ground then assumed by the delegate from Florida, they would find that every doubt would be removed as to the validity of that treaty with the Seminoles, notwithstanding all their sympathies for these Indians; and they would at once admit that the Indians had been treated with the utmost humanity and liberality by the General Government. They would find, also, that the delay complained of as the cause of rendering the treaty null and void, was occasioned by the act of the Indians themselves. In the treaty of Fort Moultrie with these Indians, there were certain conditions precedent, which it was not necessary here to enter into, but which all could see, who chose to refer to it; and in the subsequent treaty of Payne's Landing, one of the conditions of it was that some of the principal chiefs should visit the country to which it was contemplated to remove them; and upon their being satisfied with the country, and making certain arrangements with the Creeks, the treaty was to be ratified and carried into effect. This treaty was made in 1833; and if the treaty was not sooner carried into effect, it was because the Indians had not sooner complied with their part of the treaty, as gentlemen would see by a reference to a history of the matter. Gentlemen were entirely mistaken in supposing that it was the fault of the Government that the treaty was not sooner ratified: it was the fault of the Indians themselves; and even if this House had the power to render this treaty null and void, the facts of the case would not justify it. Well, after the treaty was ratified, and it was found that Gen. Clinch, acting under the authority of the Government, was unable to remove them within the time specified, another year was given them, so that they might not be put to any great inconvenience. This was done in 1835, and at that time not a voice was raised in Florida against the validity of the treaty; but all fully acknowledged it as binding upon them. Furthermore: when this General Government, which was now charged with so much inhumanity and perfidy towards these Indians, found them in a starving condition, appropriations were made for their support and maintenance, and many of them owed their lives to the liberality of the Government in thus providing for them. With what justice, then, could gentlemen stand up here and say that it was attempted by our officers to destroy this whole race of unfortunate people? Gentlemen, too, in referring to the history of the transactions in Florida, have extolled Oceola to the skies, and held him up as an example worthy of imitation, whilst our own officers have been held up to public indignation and scorn. They should, however, recollect the murders which that Chief has committed, before they attempt to eulogize him; they should recollect the cold-blooded murder of General Thompson by this chief with the very instrument which he had been entrusted with in confidence, before they bestow on him their praises; and they should recollect that it was his perfidy which laid low a brave and a gallant officer who had placed the utmost confidence in him. If such a deed as this had been committed by a foreign enemy, or by one of our own officers, it would have subjected him to eternal infamy; yet for this act this chief is proclaimed a brave, a gallant, and a noble warrior, by gentlemen on this floor. Mr. G. admitted Oceola to have been a desperate foe. He believed him to be a brave man, and so are many assassins; so are many murderers. They fear nothing in the day or in the night, and are prepared to commit the most daring acts of bravery, and will arrest your civil authority; but are these the men to be held up to public admiration by honorable gentlemen on this floor?

The gentleman from Pennsylvania (Mr. Biddle) had used language, and resorted to arguments, which he (Mr. G.) little expected on the present occasion. When, however, he recollected the gentleman's known hostility to every movement of the General Government, he was willing to make some allowance for him. Mr. G. would ask what had the proceedings of the Government in relation to Treasury notes, and what had the characters of Generals Jesup and Scott, to do with the present question before the House? He concurred entirely in the remarks of the gentleman from Kentucky, (Mr. Understood,) that it was improper to pronounce condemnation upon the officers of our army without giving them a full and a fair hearing. A blow, says the gentleman from Pennsylvania, has been aimed at General Scott's integrity, and the sword has been struck from his right hand by a blow from behind. Well, sir, might he not retort upon the gentleman in the same manner, and say that an attempt was now making to do the same thing with regard to another officer of our army? The gentleman had referred us to the fields of Chippewa and Niagara for the gallant exploits of General Scott, and has told us how his youthful bosom glowed when he heard of the triumph of our arms on those occasions; but had the gentleman forgotten the valorous deeds of Jesup on those same battle fields, and that General Brown himself had said that this gallant officer was foremost in the blaze of battle? No man, said Mr. G. can read the history of those times, or can look back to them, without awarding to General Jesup praises for as great bravery as any of his brother officers. If a blow has been aimed at the character of General Scott, so also is General Jesup, who is now fighting the battles of his country, about to be condemned without a hearing. Mr. G. was ready and willing to award due praise to all our gallant officers, and would condemn none of them without a hearing, as he thought such a course little fitting a grave deliberative assembly. With regard to the treachery of the Cherokees which had been alluded to, he hoped they might be enabled to clear themselves of it, as he should be sorry to see such an imputation rest upon them; and as the gentleman from Virginia (Mr. Wise) had admonished the delegate from Florida not to make this charge against those Indians without proof, he hoped the gentleman from Virginia would take the same admonition from him, not to make charges against the Executive Departments of our Government without the proof. If the gentleman would take of him this admonition, he anticipated that many unpleasant discussions would be avoided, and much unpleasant feeling prevented. But it had been said by the gentleman from Pennsylvania that, if these Cherokees had proved treacherous, and evil had resulted from their mission, those who employed them were to blame for it. Now, Mr. G. had no doubt that this delegation had been employed at the instance, or at least with the sanction, of the Secretary of War; but he was far from believing that that officer was censurable for thus employing them. His motive in their employment was good, and it was wrong to censure him for the failure of the mission. Mr. G. also denied that the principal was responsible in all cases for the act of the agent, as had been asserted by the gentleman from Virginia. Suppose the gentleman and himself had employed an agent to perform a certain service in the making of a contract or otherwise, and tha agent had committed a fraud, were they to be held accountable for that fraud? He thought not. In regard to the statements represented to have been made by the Cherokees to the Seminoles, that if they would only hold out this winter, Congress would refuse to make farther appropriations, and the war would cease, he had only to say that there was a remarkable coincidence between the statement of the Cherokees and the course of certain gentlemen on this floor.

Mr. G. proceeded at some length to reply to the remarks of the gentleman from Pennsylvania, (Mr. Biddle,) and concluded by urging upon the House the propriety of making the appropriation asked for by the bill under consideration.

Mr. BYNUM commented, at some length, at the inconsistent course of the gentleman in opposition to the appropriation. He deprecated the idea of making it a party question. For his part,

his aim would invariable be, first for the good of his country, and next for his party. He adverted to the history of ancient republics, and adduced instances to show, that in all cases their ruin had been accomplished by faction, and by party contests. He could scarcely conceive how gentlemen could oppose the appropriation, and enter into an investigation of the conduct of their officers, at the very time when the war was going on. Such a course was calculated to retard every measure, to dishonor the commander, and unnerve the soldiers. Such a course was wholly unprecedented, for a Government to go into an investigation of the conduct of an officer, while that officer was engaged in the field. Mr. B. adverted to the conduct of the Government during the war with Great Britain, and in relation to Mexico, and the course of the Opposition in relation to it. He went into a history of the movements of that party; and said it was evident that the war which the Government had most reason to fear, was the war of a Bank of the United States.

Mr. B. was proceeding to reply to some of the arguments of the gentleman from Pennsylvania, (Mr. Biddle,) in relation to the abolition question; when

The CHAIR suggested that such a course was not in order.

Mr. BYNUM said that if he had digressed, he was but following the example set by others, and he would cheerfully submit to the suggestion of the Chair. He then resumed his defence of the Administration, and expressed his opinion that there was not a single member who had a serious doubt on the propriety of granting the appropriation, unless they had made up their minds to refuse all appropriations and make an infamous peace with savages.

Mr. POPE gave a statement of the facts which had induced the Committee of Ways and Means to report this bill, substantially the same as that given by Mr. CAMBRELENG yesterday, and that it had been therein unanimously acted upon. He beseeched his friends, of all parties, to arrest the farther progress of this discussion, and report the bill. The war was now going on, it had been recognised by both Houses of Congress, and they were compelled to appropriate money for its suppression. He was anxious for investigation, and whenever the proposition was brought forward to go into an examination of its origin and causes, and its subsequent proceedings, he should give it his cordial support. Some investigation was necessary. It had already cost the country some fifteen millions of dollars. The people of Kentucky desired it, for the committee of inquiry at Fredericktown had cost more money than had been expended in the acquisition of the two States of Kentucky and Tennessee, the fairest portion of North America.

Mr. CAMBRELENG united his voice to that of the gentleman from Kentucky, for the immediate passage of this bill. The Committee of Ways and Means, in reporting this partial appropriation had done it for the express purpose of avoiding all discussion, and not interfere with the other bill, which would open the whole merits of the question. Mr. C. stated, in addition, that he had received, since yesterday, a communication from the Secretary of War, stating that the Subsistence and the Quartermaster's Departments were without funds, and that the Paymaster General had drafts upon him to the amount of upwards of $100,000 without the means to meet them. He again stated that the general bill would offer ample opportunity to discuss this whole subject.

The question was then taken on Mr. WISE's amendment, and it was rejected without a division.

The bill was then laid aside to be reported to the House.

CANADA FRONTIER.

The committee then took up and considered the "bill making an appropriation [of $625,500] for the protection of the Northern frontier of the United States," and then rose, and reported the two foregoing bills to the House.

Mr. RENCHER called for the yeas and nays on ordering the Indian appropriation bill to be engrossed; which were ordered, and were—Yeas 164, Nays 2, and the bill was then read the third time and passed.

Before the vote was announced—

Mr. HAWKINS of North Carolina rose, and stated that he was momentarily out of his seat when his name was called; and the vote on the bill being so near to unanimity, he hoped therefore that he might be permitted then to record his vote in its favor, but it was objected to.

The "bill making an appropriation for the protection of the northern frontier of the United States" was then ordered to be engrossed for a third reading, and having been engrossed, was read the third time, and passed.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting a statement of the appropriations and expenditures of that Department under each specific head.

Also a communication from the Secretary of War, transmitting a statement of the names, duties, periods of service, salaries, &c. of the Clerks in that Department.

On motion of Mr. CAMBRELENG,

The above were severally laid on the table; and then,

On motion,

The House adjourned.

IN SENATE,

WEDNESDAY, January 24, 1838.

The CHAIR announced a communication from the War Department, transmitting a report from the Commissioner of Indian Affairs in answer to the resolution of the Senate of the 16th instant, relative to the claim of George Duvall: laid on the table, and ordered to be printed.

Also, a report from the Secretary of War, made in compliance with the ninth section of the act of the 20th April, 1818, transmitting a statement of the names of the several clerks employed in the War Department, with the compensations paid to each: laid on the table, and ordered to be printed.

Also, a report from the Navy Department, transmitting the annual statement of appropriations made for that Department for the year 1837: laid on the table, and ordered to be printed.

The CHAIR communicated the preamble and resolutions adopted by a meeting of the citizens of Georgetown, D. C. and that part of Washington county west of Rock Creek, remonstrating against the passage of any law by Congress interfering with the circulation of the notes of the Georgetown corporation; also, remonstrating against the interference by any of the States or their citizens with the institution of slavery as it exists in this District; which were read, and,

On motion of Mr. GRUNDY, that part of the memorial which relates to the corporation notes was referred to the Committee on the District of Columbia; and the other part, relating to slavery, was laid on the table.

Mr. CLAY of Alabama presented the petition of N. Grant, praying to be allowed to commute his pension for a section of land in the late Creek territory of Alabama: referred to the Committee on Pensions.

On motion of Mr. MERRICK, the petition and papers of John Burke were again referred to the Committee on Claims.

Mr. CALHOUN presented the petition of Frances Moore, executrix of Elias Moore; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS presented the petition of Isaac Collier; which was referred to the Committee on Commerce.

Mr. MORRIS presented the petition and papers of Joseph West, praying for a pension: referred to the Committee on Pensions.

Mr. LYON presented a petition from thirty-five resident citizens of Port Sheldon, in the State of Michigan, praying Congress to make an appropriation for improving the harbor at that place; also a petition from thirty-three citizens of Western Michigan, for the same object: referred to the Committee on Commerce.

On motion of Mr. HUBBARD,

The petition of William G. Parker, on the files of the last session, was again referred to the Committee on Claims.

Mr. KING presented the memorial of the Chamber of Commerce of the city of Mobile, asking that a naval force adequate to the object may be employed to protect the commerce of the Gulf of Mexico: referred to the Committee on Naval Affairs.

Mr. KING also presented the memorial of George Fisher, administrator of John H. Boyd, praying to be permitted to locate other lands in lieu of that taken from him by an Indian reservation: referred to the Committee on Public Lands.

Mr. SPENCE presented the petition of Juliet Onion, formerly Julia Pendergast, praying to be placed on the pension roll, under the act of July, 1836, and the supplement thereto of March, 1837; which was referred to the Committee on Pensions.

Mr. TALLMADGE presented the memorial of the Board of Trade of the city of New York, praying for the passage of a law to expedite the regular mail and to discontinue the express mail.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, moved that that committee be discharged from the further consideration of the communication from the Governor of the State of Vermont, asking for an extension of the franking privilege; and also from resolutions of the Legislature of Mississippi on the same subject; which motion was agreed to.

On motion of Mr. NILES,

The Committee on Manufactures was discharged from the further consideration of the petition of the Indiana Pottery Company, praying for a donation of land.

Mr. CALHOUN submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be directed to lay before the Senate the report of the engineers of the Charleston and Cincinnati railroad, made in October, 1837.

Mr. ALLEN submitted the following resolution; which was considered, and adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to this Senate copies of all correspondence, if any, which may have passed between his department and the banks of the District of Columbia, after the passage of the deposite act of June, 1836, and previous to the suspension of specie payments, relative to the increase of their loans and discounts within that period.

Mr. CLAY of Alabama submitted the following resolution, which lies on the table one day:

Resolved, That the Secretary of War be directed to cause to be made an accurate and complete survey of the Tennessee river, from its mouth to the highest point of steamboat navigation, exhibiting the nature of the several obstructions to that mode of navigation which still exists, the most effectual plan of removing the same, and estimates of the cost of removing said obstructions respectively.

Mr. BAYARD submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be requested to transmit to the Senate the report made to the Department of War since the first session of the Twenty-fourth Congress, by the District Attorney of the United States for the district of New Jersey, concerning the claim of Henry Gale and others to the Pea Patch island in the river Delaware, together with the opinion of the Attorney General, and any other documents in the Department relating to the subject, not heretofore communicated to Congress.

The resolutions submitted by Messrs. NORVELL, McKEAN and MORRIS, on the subject of slavery, coming up in their order, were severally laid on the table.

Mr. RUGGLES, from the Committee on Finance, to which had been referred the memorial of Charles M. Keller and Henry Stone, reported a bill for their relief; which was read and ordered to a second reading.

On motion of Mr. BENTON, the report of the Secretary of the Treasury, made some days since, conveying the returns of the Bank of the United States, was, with the documents, ordered to be printed.

The reports of the Committee of Finance unfa-

vorable to the petitions of Zenas Wood and George W. Lantz, were severally concurred in.

On motion of Mr. LUMPKIN, the map of the Cherokee country, accompanying the report of the Secretary of War on the subject of the Cherokee treaty, was ordered to be printed.

The following bills were severally read the third time and passed:

The bill to provide for the better security of passengers in vessels propelled in whole or in part by steam;

The bill to create the office of Surveyor of the Public Lands in the Wisconsin Territory;

The bill for the relief of William East; and

The bill authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosion.

The bill to provide for the legal adjudication of certain land claims in Louisiana and Arkansas, was taken up, and, on the suggestion of Mr. MORRIS, laid on the table.

INCREASE OF THE ARMY.

Mr. BENTON then moved to take up the bill to increase the present military establishment of the United States. Mr B. explained all the leading features of the bill, and said he believed there was no diversity of opinion in relation to the necessity of an increase of the army; but he believed there did exist much diversity, as to the best mode of effecting so desirable a result. Some thought it more advisable to fill up the companies, without increasing the regiments, while others were for increasing the number of regiments. The bill before them was the same as that resolved on at the last session; though, if any gentleman was desirous of recommitting the bill, in order to test the strength of the Senate in relation to an increase of of the number of regiments, he should be satisfied for it to take that course. Mr. B. read a letter from the Secretary of War, recommending an increase of three regiments, and filling up the companies to the number of sixty-eight.

Mr. BAYARD spoke of the lamentable deficiency of officers experienced on many occasions lately, and the general necessity there existed for an increase of the army. The only difference on the subject was, whether the skeleton should be filled up, or the frame still further extended. He would move to recommit the bill, with instructions to increase the regiments to the number of three, and fill up the companies to the number of sixty-eight.

Mr. PRESTON spoke generally against an increase of the officers; he thought they were sufficiently numerous without increasing them; it was men that were most wanted; in many places there were not enough to keep up the ordinary drill. The rank and file might no doubt be increased advantageously, without much expense, and without any increase of the patronage of the Government.

Mr. TIPTON was of opinion it would be most advantageous to increase the rank and file, rather than officers. The staff, in his opinion, was already sufficiently large. If men were added, the officers would be rendered more efficient.

Mr. CALHOUN thought if an increase of the army was needed, it would be safest to increase the regiments. Experience has shown that where there were good officers, a tolerable good soldier could be made in seven or eight months.

Mr. PRESTON asked for the ayes and noes on the motion to recommit, when there appeared for the motion 15, against it 27, as follows:

YEAS—Messrs. Bayard, Benton, Clay of Alabama, Clayton, Fulton, King, Lumpkin, Lyon, Nicholas, Pierce, Robbins, Ruggles, Sevier, Strange, and Tipton—15.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Kentucky, Crittenden, Cuthbert, Grundy, Hubbard, Knight, Linn, Merrick, Mouton, Niles, Norvell, Preston, Roane, Robinson, Smith of Connecticut, Smith of Indiana, Spence, Swift, Walker, White, Williams, Wright, and Young—27.

Mr. BENTON then proposed to amend the bill by adding to the commissariat of subsistence one assistant commissary general of subsistence, with the rank and emolument of a lieutenant colonel of cavalry; one commissary, with the rank and emolument of a quartermaster, and three commissaries, with the rank and pay of assistant quartermasters; which amendment was concurred in.

Mr. CRITTENDEN wished the bill recommitted. We had already more officers than were necessary, and yet they were asked to increase them to a still greater extent. He would, therefore, move to recommit the bill to the committee, with instructions to strike out that portion relating to an increase of the officers, and increasing the staff of the army.

Mr. BENTON said an increase of the staff of the army had been touched on, he believed, by every Secretary since the last war. Mr. B. went on to show the absolute necessity that existed for the contemplated increase. We had twenty millions of property scattered over a surface of upwards of eight thousand miles, and in some cases there was not a responsible officer to take care of or guard it from injury. We had to employ civil engineers at a greater expense, and to far greater extent, than any contemplated increase by that bill; men not subject to the rules and articles of war; in short, men over whom they had no control.

Mr. B. here read statements from the Secretary of War, and high military officers of the army, to sustain the views he had taken. Orders had been given from the Department, which it was physically impossible to carry into effect, for want of the proper officers. Mr. B. alluded to a large appropriation made for some purpose at the mouth of the Mississippi, which could not be effected for want of a proper officer.

Mr. BUCHANAN was of opinion that some increase of the topographical and military engineers was necessary. While up, he would be glad to learn from the chairman whether any provision was contained in the bill to prevent the employment of engineers by private companies. He was not aware, indeed, that the regulations now permitted it; but he believed it was formerly practiced, and to some considerable extent. Then there was some reason for it, as civil engineers were scarce; but now the necessity no longer existed, as they were scattered all over the country. Mr. B. said he understood from men of tried experience, that an augmentation of the ordnance, topographical and military engineers was necessary. He hoped the Senator from Kentucky would withdraw the motion to recommit, and let him hear what the military gentlemen in the Senate would suggest.

Messrs. TIPTON, NICHOLAS, and BENTON followed.

Mr. TIPTON then moved to amend the ninth section by striking out "the two assistant quartermaster generals and the two deputy quartermaster generals," provided in that section.

The motion was taken on this amendment and lost—there being 15 for and 16 against it.

Mr. BUCHANAN said, since he had made the allusion to the circumstance of officers of the army being employed by railroad and canal companies, he had additional evidence that such had been the practice to a great extent, and that officers of the army had accumulated large fortunes in the service of these companies, while the business of the Government was neglected. He would, therefore, offer the following amendment to the second section of the bill:

"Provided that no officer of the said corps shall be employed in any service, for any State or company, for which he shall receive any compensation except his pay from the United States."

This amendment being concurred in, the bill was further amended, so as to give the President the authority to cause two regiments of infantry to act as a regiment of riflemen when expedient.

The bill having been reported as amended, was ordered to be engrossed, and reads as follows:

A BILL to increase the present military establishment of the United States, and for other purposes.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be added to each company of artillery of the army of the United States, one sergeant major, in lieu of the present first sergeant, one quartermaster sergeant, two corporals, and fifty-eight privates; and to each company of infantry, one sergeant major, in lieu of the present first sergeant, one quartermaster sergeant, one sergeant, two corporals, and fifty-eight privates; and to each company of dragoons, one sergeant major, in lieu of the present first sergeant, one quartermaster sergeant, and one saddler, which saddler, in addition to his clothing and subsistence, shall be allowed twenty dollars per month; and there shall be added two principal musicians to each regiment of artillery. And the force authorized by this act to be added to the present military establishment, and the officers herein authorized to be appointed, shall be subject to the laws and regulations which now govern, or may hereafter govern, the military establishment of the United States.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to add to the corps of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and six second lieutenants; and that the pay and emoluments of the said corps shall be the same as those allowed to the officers of the regiments of dragoons, provided that no officer of the said corps shall be employed in any service for any State or company, for which he shall receive any compensation, except his pay from the United States.

SEC. 3. *And be it further enacted*, That so much of the act passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "an act making further provision for the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby, repealed; and that the paymaster, so authorized and provided, be attached to the pay department, and be, in every respect, placed on the footing of other paymasters of the army.

SEC. 4. *And be it further enacted*, That the corps of topographical engineers shall be organized and increased, by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

SEC. 5. *And be it further enacted*, That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and twenty four; that the pay and emoluments to the officers of said corps shall be the same as are allowed to officers of similar rank in the regiments of dragoons.

SEC. 6. *And be it further enacted*, That the authority to employ civil engineers, in the act of the thirtieth of April, eighteen hundred and twenty-four, be, and the same is hereby, repealed, after the passage of this act.

SEC. 7. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to appoint so many assistant adjutants general, not exceeding four, with the brevet rank, pay, and emoluments of a major, and not exceeding four, with the brevet rank, pay, and emoluments of a captain of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and, in addition to their own, shall perform the duties of assistant inspectors general, when the circumstances of service may require.

SEC. 8. *And be it further enacted*, That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the Line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

SEC. 9. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to add to the quartermaster's department not exceeding two assistant quartermaster generals, with the rank of colonel, two deputy quartermaster generals, with the rank of lieutenant colonel, and

eight assistant quartermasters, with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermaster's department shall be the same as are allowed to officers of similar rank in the regiments of dragoons: *Provided*, That all appointments in the quartermaster's department shall be made from the army, and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank, and be separated from the line of the army; and that promotion in said department shall take place as in regiments and corps.

SEC. 10. *And be it further enacted*, That the quartermaster general be, and he is hereby, authorized, from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive each forty dollars per month, and three rations per day, and forage for one horse; and neither of whom shall be interested or concerned, directly or indirectly, in any wagon or other means of transport employed by the United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

SEC. 11. *Be it further enacted*, That there be added to the commissariat of subsistence one assistant commissary general of subsistence, with the rank, pay and emoluments of a lieutenant colonel of cavalry, one commissary of subsistence, with the rank, pay and emoluments of a quartermaster of the army; and three commissaries of subsistence, with the rank, pay and emoluments of assistant quartermasters.

SEC. 12. *And be it further enacted*, That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing, and rations of a sergeant of ordnance; and, at all other posts, the pay, clothing, and rations of the first sergeant of a company of infantry.

SEC. 13. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to add to the ordnance department, whenever he may deem it expedient to increase the same, by and with the advice of the Senate, two majors, ten first lieutenants, and ten second lieutenants, and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiments of dragoons.

SEC. 14. *And be it further enacted*, That so much of the fourth section of the act passed fifth April, eighteen hundred and thirty-two, for the organization of the ordnance department, as authorizes the officers of ordnance to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act passed second March, eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases: *Provided*, That the officers of the ordnance department claiming the compensation for such duties and responsibilities, shall have been actually in the command of enlisted men of the ordnance, and thereby incurred the aforesaid responsibilities.

SEC. 15. *And be it further enacted*, That from and after the passage of this act, the army ration, when not received in kind, shall be estimated at twenty-five cents per ration; and that every commissioned officer of the line, or staff, shall be entitled to receive one additional ration per diem for every five years that he may have served or shall serve in the army of the United States; and the paymaster general, surgeon general, and commissary general of purchases, shall each be allowed six rations per diem, and the additional ration allowed in this section.

SEC. 16. *And be it further enacted*, That from and after the passing of this act, the monthly pay of the non-commissioned officers, musicians, and privates of the army of the United States, shall be the same with that established for the monthly pay of the non-commissioned officers, muscians, and privates of the marine corps, by the first section of the act entitled "An act to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion," approved March second, eighteen hundred and thirty-three.

SEC. 17. *And be it further enacted*, That the fifth section of the aforesaid last mentioned act shall be, and the same hereby is, repealed; and that the premium to officers for enlisting recruits, and the bounty to recruits, shall hereafter be the same as before the passage of that act; but the payment of one half of the bounty shall be deferred until the recruit shall have joined the corps in which he is to serve.

SEC. 18. *And be it further enacted*, That the allowance of sugar and coffee to the non-commissioned officers, musicians, and privates, in lieu of the spirit or whiskey component part of the army ration, now directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar to every one hundred rations; to be issued weekly, when it can be done with convenience to the public service, and, when not so issued, to be paid for in money.

SEC. 19. *And be it further enacted*, That it shall be lawful for the officers composing the council of administration at any post, from time to time, to employ such person as they may think proper to officiate as chaplain at such post; and the person so employed shall, on the certificate of the commanding officer of the post, be paid such sum for his services, not exceeding forty dollars per month, as may be determined by the said council of administration, with the approval of the Secretary of War; and, in addition to his pay, the said chaplain shall be allowed four rations per diem, with quarters and fuel.

SEC. 20. *And be it further enacted*, That the chaplain at the Military Academy shall hereafter be relieved of the duties of the professorship connected with his office by the act of April fourteenth, eighteen hundred and eighteen; and that, for the performance of such duties, an additional professor be appointed, with the pay and emoluments now allowed to the professor of mathematics; and, also, that an additional professor be appointed to instruct in the studies of chemistry, mineralogy, and geology, with the like pay and emoluments.

SEC. 21. *And be it further enacted*, That, whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, paymasters be, and hereby are, authorized and empowered to employ citizens to perform that duty, at salaries not to exceed five hundred dollars per annum, each.

SEC. 22. *And be it further enacted*, That all letters and packages on public business, to and from the commanding general, the chief engineer, the colonel of ordnance, the surgeon general, and the head of the topographical corps, shall be free from postage.

SEC. 23. *And be it further enacted*, That the President shall be, and he is hereby, authorized, whenever he may deem the same expedient, to cause not exceeding two regiments of infantry to be armed and equipped and to serve as a regiment of riflemen, and one other of the regiments of infantry to be armed and equipped and to serve as a regiment of light infantry.

SEC. 24. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be, and the same are hereby, repealed.

After an executive session, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 25, 1838.

Mr. SMITH made an ineffectual attempt to induce the House to take up sundry bills from the Senate, on the Speaker's table, for reference to their appropriate committees.

CLAIMS ON DENMARK.

The first business in order was the consideration of the following resolution, reported on the 12th inst. from the Committee on Foreign Affairs, and which was under consideration on Saturday last:

Resolved, That the President of the United States be requested (if, in his opinion, not inconsistent with the public interest) to consider the propriety of entering into negotiations with the Court of Denmark for the purpose of obtaining therefrom a just and equitable indemnification for the value of three prizes sent by John Paul Jones, in one thousand seven hundred and seventy-nine, into Bergen, in Norway, and which were there delivered up by the Crown of Denmark to the English, viz: the letter-of-marque ships Union, of London, and Betsey, of Liverpoll, and the brigantine Charming Polly.

The resolution was then concurred in.

Reports from Committees were then called for.

FOREIGN AFFAIRS.

Mr. HOWARD reported Senate bill, with amendments, amendatory of the act of 1818, for the punishment of certain crimes, which was postponed till to-morrow.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Soloman Pruett.

Mr. FRY reported the following, viz:

A bill granting a pension to James J. Coffin, of Massachusetts.

A bill granting a pension to Benjamin Mitchell, of Maine.

A bill granting a pension to John Jost, of New York.

A bill granting a pension to Jacob Erb, of Pennsylvania.

Mr. BOND reported a bill to enlarge the provisions of the act entitled an act granting half pay to widows and orphans whose fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes.

Also, a bill for the relief of James B. Rice.

Mr. WHITTLESEY of Connecticut reported a bill in favor of Lewis Hatch.

Mr. CHILDS reported a bill for the relief of Sarah Pemberton.

Also, a bill for the relief of Philip Hartman.

INVALID PENSIONS.

Mr. TAYLOR reported a bill for the relief of Eliza Causin, daughter and heir of Col. John H. Stone, deceased.

Also, a bill for the relief of Joseph W. Knipe.

Mr. ALLEN of Vermont reported a bill for the relief of Joseph Salmonds.

Mr. MALLORY reported a bill for the relief of John Casey.

Mr. STANLY reported a bill for the relief of Ann Ross.

ROADS AND CANALS.

Mr. GRANT of New York reported a bill to provide for the construction of a ship canal round the Falls of Niagara.

AMENDMENT OF THE CONSTITUTION.

Mr. WISE, from the Select Committee on amending the Constitution of the United States, reported the following resolution, which was read twice, and committed to a Committee of the Whole on the state of the Union. [Mr. W. remarked that the resolution had received the unanimous sanction of the committee.]

"The select committee appointed under the resolution of the House of Representatives, January 11, 1838, to inquire into the expediency of so amending the Constitution of the United States as to prohibit the appointment of members of Congress to Executive offices during the time for which they are elected Senators or Representatives, and the time of two years thereafter, beg leave to report the following joint resolution:

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, two-thirds of both houses concurring, That the following amendment to the Constitution be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the Constitution of the United States, to wit:

"No Senator or Representative shall be nominated or appointed by the President to any office during the time such Senator or Representative

shall serve in the Congress of the United States, and for two years thereafter."

PENSION AGENCY AT TUSCALOOSA.

Mr. LAWLER, from the select committee on this subject, reported a bill to provide for paying certain pensions at Tuscaloosa, in the State of Alabama; which was read twice, and ordered to be engrossed for a third reading to-morrow.

WAYS AND MEANS.

Mr. RENCHER reported a bill for the relief of Samuel M'Comb.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill providing for paying three companies of militia in the State of Indiana, called into the service of the United States.

Also, a bill for the relief of the Louisville Savings Institution.

Also, Senate bill for the relief of Thomas A. Smith, with a recommendation that it do not pass.

Mr. CHAMBERS reported a bill for the relief of Adam Smith.

COMMERCE.

Mr. SMITH reported a bill to define the number, compensation, and duties of officers of the customs.

DISTRICT OF COLUMBIA.

Mr. BOULDIN reported Senate bill, without amendment, to restrain the circulation of small notes in the District of Columbia, and for other purposes.

Mr JENIFER said he had given notice to the committee that he should offer some amendments to this bill, one which he regarded as of more importance to the interests of the District than any other measure that would be brought forward this session; and he therefore moved that this amendments be printed, and that the bill be made the special order for Tuesday week.

Mr. BOULDIN preferred the usual course, to commit the bill to a Committee of the Whole on the state of the Union.

Mr. JENIFER then waived his motion for the special order, and the bill and proposed amendments were ordered to be printed.

Mr. JENIFER reported a bill authorizing the officers and managers of the Washington Monumental Society to erect a monument to the memory of George Washington on the public mall; which was read twice, and ordered to a third reading to-morrow.

Mr. GARLAND of Virginia reported a bill to restore the jurisdiction of the United States district court in the northern district of Alabama.

Also, a resolution declaring it inexpedient to establish a district court at Tuscaloosa, in the State of Alabama; which was concurred in.

REVOLUTIONARY CLAIMS.

Mr. MUHLENBERG reported a bill for the relief of the heirs of Richard Shute.

Mr. HARPER reported a bill for the relief of the heirs of Isaac Honeywell.

Mr. A. H. SHEPPERD reported a bill for the relief of the legal representatives of John Mandeville, deceased.

Mr. UNDERWOOD reported Senate bill, with an amendment, for the relief of James Witherall.

Also Senate bill, with an amendment, for the relief of the legal representatives of John Jordon, deceased, late captain in the continental line of artillery officers.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported the following resolution, which was concurred in:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of reporting a bill to repeal or limit the THIRD SECTION of the act approved the 2d of March, 1829, entitled "An act confirming the reports of the Register and Receiver of the Land Office for the District of Saint Stephens, in the State of Alabama, and for other purposes."

The CHAIR then announced the special order, being the consideration of the case of the

MISSISSIPPI ELECTION.

Mr. BRONSON had heretofore moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who had moved to amend by striking out all after the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr FOSTER concluded his remarks in support of the sitting member, and was followed on the same side by Mr. PENNYBACKER; who, after speaking for some time, gave way to a motion to adjourn.

Sundry bills from the Senate, lying on the Speaker's table, were, on motion of Mr. SMITH, taken up, read twice, and referred to the appropriate standing committees.

Mr. GARLAND of Virginia, at the request, he said, of one of the members from Alabama, moved a reconsideration of the vote by which the adverse report for the establishment of a district court of the United States at Tuscaloosa had been concurred in; which was agreed to.

On motion,

The House adjourned.

IN SENATE,

THURSDAY, January 25, 1838.

Mr. HUBBARD presented the petition of John McLeran, which was referred to the Committee on the Judiciary.

Mr. NICHOLAS presented the petition of sundry inhabitants of Louisiana, remonstrating against the confirmation of a claim to land called the Houmas claim; referred to the Committee on Public Lands.

Mr. ROANE presented the petition of Thomas Griffin, heir at law of Corbin Griffin, praying for bounty land: Referred to the Committee on Revolutionary Claims.

Mr. TIPTON presented the petition of sundry citizens of Miami county, Indiana, praying for the passage of a pre-emption law: referred to the Committee on Public Lands.

Mr. CLAY of Kentucky presented two petitions from the merchants of Philadelphia, praying that an appropriation may be made for the completion of the frigate Raritan, now on the stocks: referred to the Committee on Naval Affairs.

Mr. ALLEN presented two petitions, one asking the abolition of slavery in the District of Columbia, and signed by thirteen ladies of Garrettsville, in Portage county, Ohio; the other, against the annexation of Texas, and signed by fifteen citizens and fifteen ladies of the same place.

Mr. A. said, that these petitions came in a letter addressed to his friend, the Hon. J. W. ALLEN, of the House of Representatives, from Ohio; but that, as the letter requested that the petitions should be presented in the *Senate*, his friend of the other House had supposed that the letter was intended for himself, (Mr. ALLEN of the Senate,) and had therefore handed the petitions to him, with a request that he would present them in the Senate.

The petition relative to Texas was then laid upon the table, and the motion to receive the other petition was also laid upon the table.

Mr. ALLEN also presented a memorial signed by sundry citizens of the county of Belmont, in the State of Ohio, and remarked, that this memorial comprehended three several subjects arising out of the unquiet state of our relations with the Governments of Great Britain and Mexico. He said that the memorialists, after, in the first place, stating the circumstances attending the destruction of the steamboat Caroline and the murder of our citizens within the American jurisdiction, by a body of English subjects, acting under the authority of British commissioners, pray that our Government may accept of no atonement for this outrage from the British Government, short of a surrender to our tribunals of the guilty persons, to be tried and punished according to the forms of our law. The memorialists then proceed to express their hope, that no law may be passed, and no measures taken by our Government, to restrain our citizens from interposing, as individuals, in behalf of the patriots of Canada; and that if any such law exists, it may be repealed. A statement is then given, by the memorialists, of what they are informed and suppose to be the conduct of the British Government in reference to the subsisting relations between this country and Mexico; and they ask that our Government may take such measures in this matter, as may be necessary to sustain the rights, the honor and the dignity of this nation.

I shall, sir, (said Mr. A.) submit a remark or two upon but one of the subjects embraced in this memorial—that of the destruction of the Caroline, and the slaughter of our citizens on board. It is due to ourselves to arrest the impression sought to be made upon the judgment of the world, that this outrage is justified, as an act of retaliation, for like offences charged to have been previously committed by our citizens within the British territories of Canada. The facts authorize no such conclusion. Whatever may have been the indiscretion of some of our citizens in yielding to those impulsive sympathies for the patriots of Canada so natural to our countrymen, yet it is evident that, *as a nation*, we are in these transactions "more sinned against than sinning."

If a few of our citizens, thoughtless of the danger to which their conduct might expose the neutrality of their country, have interposed in the affairs of Canada, they have done so *as individuals*, each man upon his own responsibility, without the sanction of our law, or the authority of our Government. If they have voluntarily withdrawn from their own country, and placed themselves within the jurisdiction of the British empire, they stand exposed to the penalties of the British law, for any infraction of its provisions, not as citizens of the United States, but as individuals found there, without regard to the fact of their citizenship in any particular country. As individuals acting severally beyond the limits and without the authority of this Government, this Government is not responsible for their acts. Government can act upon individuals no longer than whilst they are within its jurisdiction, or employed in its agencies abroad.

In anticipation of these movements of our citizens, whilst yet within our limits, our Government has taken every precautionary measure exacted by the most rigid obligations of neutrality. But, on the other hand, how stands the case of the destruction of the Caroline, and the murder of our people? Was that the act of *individuals*? No: it was the result of an organized authoritative movement—a movement in obedience to the orders of a British Colonel; executed, in person, by a Captain of the Royal Navy, with her Majesty's commission in his pocket. It was a *public* act, in violation of neutrality, in violation of the public law of the civilized world; it was the act of a Government, and will so stand through all time, if not expressly disowned and amply atoned for by the primary Government of England. It is to be hoped that it will be so disowned, and that atonement made which justice to an injured nation requires.

As matters now stand, the same justice requires us not to anticipate the possibility that the present incumbent of the British throne could so far sully he incipient glories of a virgin reign as to sanction midnight assassination, committed upon the sleeping citizens of a friendly power, under the color of a British commission. But, in any event, I doubt not, that the American Executive will take such measures in relation to this important subject as will best comport with the interests, exact atonement for the wrongs, maintain the rights, and guard the honor, of the Republic.

Mr. A. then moved that the memorial be referred to the Committee on Foreign Relations; which was done accordingly.

Mr. NILES presented the petition of a number of publishers of Hartford, Connecticut, remonstrating against the passage of an international copy right law: referred to the Committee on Patents.

Mr. WILLIAMS presented the memorial of Seward Porter and others, praying for a beacon

light at St. George's Bank: referred to the Committee on Commerce.

Mr. WRIGHT, from the Committee on Finance, reported with amendments, the bill from the House, to secure the payment of certain commissions on duty bonds.

Mr. FULTON, from the Committee on Public Lands, to which had been referred the petition of Jacob Brown, reported a bill for his relief; which was read and ordered to a second reading.

Mr. PEARCE, from the Committee on Pensions, made an unfavorable report on the petition of Gabriel VanHorn; also reported without amendment, the bill for the relief of James Steele.

The following resolutions were severally submitted:

By Mr. TIPTON:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of compensating Jesse Wadden and others, members of captain Pierre Audrei's company of mounted rangers, in the years 1813 and 1814.

By Mr. NORVELL:

Resolved, That the Committee on Public Lands inquire into the expediency of granting to the State of Michigan five hundred thousand acres of land for the purpose of internal improvements: adopted.

By Mr. RUGGLES:

Resolved, That the Secretary of Treasury communicate to the Senate the representations made to him relative to the light-houses of the United States by the Messrs. Blunt of New York; and also the report to him of the Commissioner of the Revenue thereon: adopted.

By Mr. YOUNG:

Resolved, That the Secretary of War be instructed to communicate to the Senate with as little delay as practicable, a copy of the recent report and survey of Lieut. Lee of the Engineers, in relation to the removal of the obstructions in the channel of the Mississippi river at the Rock river and Des Moines Rapids, with appropriate drawings of the river at those points, indicating the course of the channel and the obstructions to be removed, with estimates of the expenses necessary to accomplish said object: adopted.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry or delivery as may appear most proper and necessary at the cities of Chicago and Alton, in the State of Illinois: adopted.

By Mr. ALLEN:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws as to admit to the rights of citizenship, without further delay, such men of foreign birth as may have faithfully served a full term of enlistment in the army of the United States, upon their taking the usual oath: adopted.

By Mr. ROBBINS:

Resolved, That the Secretary of the Senate be directed to furnish to each member of the Senate one copy of the documents on the subject of the public lands, directed to be compiled and printed by the resolutions of the Senate of the 26th February, 1833, and 3d January, 1834.

Resolved, That the Secretary of the Senate be directed to furnish to such members of the Senate as have not received the same under former resolutions or orders, a copy of the American State Papers printed by Gales and Seaton.

On motion of Mr. LINN,

Resolved, That the Secretary of War be requested to inform the Senate what amount of money has been expended on the improvement of the Missouri river.

Mr. KING, from the Committee on Commerce, to which was referred the resolution of the Senate on the subject, reported a bill to establish a port of entry at Vicksburg, Mississippi; which was read, and ordered to a second reading.

The resolution submitted yesterday by Mr. CLAY of Alabama, on the subject of a survey of the Tennessee river, with a view to the removal of the obstructions in the same, etc. was considered and adopted.

The report of the Committee on Finance unfavorable to the petition of S. Morris Waln and others, was considered and concurred in.

The following bills were severally read the third time, and passed:

The bill to authorize the Commissioner of the Patent Office to issue a patent to James Smith; and

The bill to increase the present military establishment of the United States.

The following bills from the House were severally read twice, and referred:

The bill making appropriations for the protection of the Northern frontier of the United States; and

The bill making a partial appropriation for the suppression of Indian hostilities for the year 1837.

PRE-EMPTIONS TO ACTUAL SETTLERS.

The bill granting the right of pre-emption to actual settlers on the public lands, came up as the order of the day.

Mr. WALKER arose, and explained at great length the merits of the bill, going into a critical examination of the bearings of its provisions upon the actual settler, and the happy influence it would have in enhancing the value of the unsold lands of the country. By the bill, in its present shape, Mr. W. contended that no frauds on *float* exemptions could take place. It excluded all grants, and simply confined the settler to the space he occupied, giving him preference in the purchase, at the Government price, over the speculator. It prevented him from interfering with the sites reserved for town lots, or lands reserved for purposes of education or internal improvement by the States, under the law of the United States. It was, therefore, not so broad in its provisions *"as to extend to the Pacific!"* but limited in its nature confining the settler to States and organized Territories, where the Indian title was extinguished. The simple operation of the bill was merely to give the hardy and adventurous pioneer of the West a preference over the greedy speculator, and what injury could accrue to the Government from such a proceeding? That settler who left the comforts of civilization to seek a new home, reclaiming the lands from their rude state, subduing the forest and building his cabin in the before untrodden wilds of the wilderness, was surely entitled to such a preference; and unless it could be shown that some great loss would accrue to the Government, from the establishment of the pre-emption principle, the Senate must be convinced that the preference ought to be given to the pre-emptionists. Mr. W. here read a statement showing that of all the immense amount of public land thrown into the market, the price was not affected more than two cents an acre on the average by pre-emption rights; and that so far from these pre-emptionists being an injury to the public property, they gave an increased value to it. It was population in the immediate neighborhood that gave value to the public lands, which otherwise would bring little or nothing, however fertile; because destitute of settlers. But suppose the Government could get two cents more from the speculator, should the honest and hardy cultivator be driven from his property that he had toiled so hard to secure? He would like to take the Senator from Kentucky through the new States, and show him the worthy and enterprising citizens from the North and South, applying at the Register's office to buy in their farms, and that cold and heartless speculator trying to overbid him, he would then have his eloquent and powerful support in favor of the measure, instead of his present opposition to it. We have been told, said Mr. W. of the many frauds that occur under the system, but he had yet to have them authenticated before he lent a credulous ear. But suppose a fraud had occurred, was that to prevent the passage of the law? If we legislate on such a principle, we might as well blot out the statute book. Where was it that frauds had not taken place? Look to the revenue. As well might we say that we would repeal the tariff, because frauds have occurred at the custom-house. He, Mr. W. would undertake to say that where one fraud had occurred under the pre-emption laws, that a hundred had taken place in avoiding the payment of duties. Pre-emption affidavits had not yet become proverbial, like custom-house oaths. Where one fraud had occurred under the laws of pre-emption, hundreds would take place in the absence of it. Speculators had in fact traversed the country, making memoranda of the farms, and presenting themselves to the settlers, extorted money from them, by telling them that unless they paid so much, they (the speculators,) would bid against them at the land sales. In this way thousands upon thousands of dollars had been filched from the poor. From 1807 to the present time, pre-emption laws have been passed, giving a preference in purchase to the actual settler, and should we abandon the system now, because we are told they will go on for ever asking the passage of the same laws. Yes, said Mr. W. God grant they may go on adding to this glorious Republic State after State, until we have one long line of States to the Pacific. Who helped to give to the Union, Indiana, Illinois, and others, but these same actual settlers. Yes, this meritorious and excellent class aided materially in adding these new stars to our national flag. Mr. W. thought it mournful to see the change of feeling that has come over Congress in relation to this pre-emption law. Once it was the favored child of the Republic, and was a principle incorporated with the Government as far back as it could be traced. Why change the system now? Had the cultivator become less useful or less meritorious? He appealed to every Senator to say whether there was not a sense of justice within him compelling him to vote to extend this privilege to so useful a class of citizens.

Mr. CLAY of Kentucky inquired whether there was any statement showing the amount above the minimum price for which lands had been sold at the public sales? If he understood it, the average price had been taken by mixing up together all the land sold, both at public and private sale.

Mr. WALKER did not know whether the discrimination alluded to by the Senator from Kentucky had been made, but he was prepared to show that the average was what he had stated.

Mr. WHITE moved the following as an amendment:

"Provided always, that this act shall not be so construed as to give right of pre-emption to any person or persons in consequence of any settlement or improvement made *before* the extinguishment of the Indian title to the land on which such settlement or improvement was made.

Mr. WHITE said that the object of his amendment was to give to every man who was an actual settler on the public lands on the first of December last, a pre-emption, provided the Indian title was extinguished at the time he made the settlement. If the pre-emption law was so extended as to give its benefits to those who have, in violation of treaties, settled on the Indian lands, it would operate to encourage persons to do so in future. It would be in vain for us to think that we can keep peace with the Indians, if we establish the principle that the man who intrudes on their lands shall be rewarded with a pre-emption as soon as a treaty is made for his contempt of the laws and violation of their rights. We have information (said Mr. W.) that there are thousands of persons now in the Indian country, every man of whom will be entitled to a pre-emption under the bill as it is, provided treaties are held and the Indian titles extinguished this winter.

Mr. WALKER replied that the language of the bill excluded the cases cited by the Senator from Tennessee. Mr. W. read extracts from the bill, showing that the Indian title must have been extinguished before any individual can avail himself of any of its provisions. In addition to this, he said the bill contained the following proviso: "The provisions of this act shall not extend to any lands to which the Indian title *has not* been extinguished." Pre-emptions would not, therefore, be granted to lands to which the Indian title may be extinguished by treaties that may be held this winter. He could not think, therefore, that the bill would embrace the cases cited by the Senator from Tennessee.

Mr. CLAY of Alabama opposed the amendment, as it would interfere with the rights of many of his constituents whom he wished to have the benefits of the bill, and who settled in the Indian country in Alabama with the consent of the Indian proprietors, and without any injury to the United

States. Mr. C. was as much opposed as any man, to any violation of the rights of the Indians or of the United States; and would go for the amendment with a proper modification. He would, therefore, before the question on the amendment was taken, submit an amendment to the text of the bill, which he hoped would be acceptable to the Senator from Tennessee, and would obviate the necessity of his amendment. Mr. C. then moved to amend the bill by inserting a proviso that it shall not apply to any lands to which the Indian title has not been extinguished six months.

Mr. CLAY of Kentucky said he rose to thank the Senator from Tennessee (Mr. WHITE) for the suggestions thrown out, and embraced by the amendment offered; and they were the more gratifying, coming, as they did, from so distinguished a source as the head of the Committee on Indian Affairs. The object of the amendment (if he understood it correctly) was to secure from intrusion lands not settled by treaty.

He (Mr. C.) would ask the Senator from Mississippi what became of his argument in favor of the bill, if the amendment suggested by the Senator from Alabama prevailed? The Senator from Mississippi says that his bill precludes from pre-emption all those who have settled on the public lands prior to the extinction of the Indian title; while the other seeks to include those in the rights who had settled there *in anticipation of such an event*, by invitation from the Indians themselves—a bargain made with Indians in anticipation of the surrender. If such a system were to prevail, where would it stop? Who was there that did not anticipate the extinction, in process of time, of the Indian title to the whole wide range of land to the Pacific itself? He hoped that all trespasses on the public land, or Indian lands, would be prevented. These pre-emptions were mere struggles to get possession of the public domain, and had ever a tendency to violate the rights of the Indians. Let us, at least, (said Mr. C.) if we cannot protect the public property from lawless intrusion, endeavor to protect the poor Indians, whose rights we were so solemnly pledged to shield from aggression.

Mr. CLAY of Alabama said he was as much opposed to the violation of treaties, or of Indian rights, as the Senator from Kentucky, or any other man, and would be the last man to give any sanction to it. But he denied that in the case of the Alabama settlers any injury had been done to the Indians or the Government. He was under the impression that individuals had been permitted, under the authority of the officers of Government, to occupy the improvements they purchased from the Indians.

Mr. NILES made a few observations in favor of the amendment of the Senator from Tennessee, and condemnatory of the practice of intruding on the lands of the Indians.

Mr. KING of Alabama defended the officers of Government (certifying agents, &c.) from the implications of the Senator from Tennessee. He had taken great pains to inform himself, and he was satisfied that, with one exception only, a more faithful, vigilant, and efficient set of officers never were in the public service. One of the certifying agents had been dismissed for improper conduct, and the certifying of another had been set aside on the ground that he had been imposed on by persons bribing Indians not entitled, to personate those who were entitled, to reservations. He was sorry that his friend from Tennessee had thought proper to make such sweeping denunciations, as he was satisfied that the officers were vigilant, faithful, and efficient. While up he would take occasion to say that, in general, it was a very good rule that an individual should not get a pre-emption in consequence of his having encroached on the Indian lands. But if they adhered strictly to that rule in a pre-emption law, many an individual, whose claim was meritorious, would be excluded.

Mr. WHITE said that these frauds were spoken of by an agent of the Government. He hoped they were not so numerous as had been represented. He would be glad to exempt the persons by name from participation in any such deeds. That frauds have been committed, of a most gross and sickening nature, there could be no doubt. Not only had they induced one poor Indian to personate another Indian in the purchase of these reservations, but had taken the lands, in many instances, for the paltry sum of ten dollars; and even that was taken from them when they left the certifying office. He believed it before, and still believed it, that these frauds were on a much larger scale than was generally supposed. In the first instance, one set of agents had been sent *to certify*, and then another to *examine the certificates;* and last, a board of commissioners had been appointed, that had alreayd been in session some two or three years, without giving us any thing authentic; and when they would, God only knew. He had said, and still maintained, that the main cause of our disturbances grew out of the corrupt practices of the agents that had been sent among these people, and were not owing to the *reservations*, as had been affirmed. It was always painful to him to advert to such things, and he would not voluntarily have introduced the topic. His remarks had grown out of the observations of the Senator from Alabama, (Mr. Clay,) on the question whether the amendment ought to provide that no man should have a pre-emption right who had settled on lands prior to the time the Indian title had been extinguished. He thought it became the Senate especially to set its face against the violation of any treaty or stipulation with the Indians.

Mr. TIPTON said that he should vote for the amendment offered by the Senator from Tennessee, (Mr. White,) prohibiting the granting of pre-emption rights to settlers on the public lands, who had settled and made improvements on lands owned by the Indians. He thought we owed it to our own reputation, as well as to the solemn obligation of our treaties with these people, to protect the rights of the Indians; and those who entered and made improvements on their lands, had no right to expect a pre-emption, even if those lands have since been purchased from the Indians.

Sir, (said Mr. T.) I cannot vote for the amendment of the honorable Senator from Alabama, (Mr. CLAY,) prohibiting pre-emptions on lands that were not purchased from the Indians more than six months before the first of December last; and it is proper that I should state my reasons for this vote. They are these: in 1834 a treaty was negotiated with the Miami Indians in Indiana, by which they ceded a portion of the most valuable lands in that State, situated on the line of our canal, near to our flourishing villages; but the President of the United States refused his sanction to that treaty at that time. He placed it in the hands of a commissioner, with instructions to obtain the consent of the Indians to the modifications. It has been modified; and the Senate will recollect that this treaty was ratified at the late extra session of the Senate in October last. He had read and presented to the Senate petitions from citizens of Miami county, Indiana, asking Congress to pass a pre-emption law. He did not pretend to say that these petitioners were entitled to pre-emption, or that Congress should permit pre-emption on these valuable lands; but he could not vote to prevent his own constituents, *his own neighbors*, from the benefits extended to others. The State would probably ask Congress to grant her all these lands at $1 25 per acre, to aid her in constructing her public works. He was in favor of giving the State those lands on the terms he had indicated; but he could not vote to take away the supposed right of the persons referred to, though he did not believe their case a very strong one.

Mr. CLAY of Alabama said, while he was endeavoring to defend one right, he was not aware that he would be trenching upon others, he would withdraw his amendment.

Mr. SMITH of Indiana expressed his regret that the amendment should have been withdrawn, and he should feel compelled to renew the motion. He had a high respect for the feelings which actuated his colleague in relation to these settlers, many of whom were also his (Mr. S's) friends; but he was impelled by a higher consideration, to wit: the duty he owed his State. Mr. S. here went into a long explanation in relation to these lands; the best, he said, in any country, and had been set apart to aid the State in her internal improvements. These lands were not frontier lands, but situated in the middle of the State, and had been taken possession of by those families with the full knowledge of all the facts in relation to them; and hence they could not expect to have a pre-emption right.

Mr. TIPTON said that he regretted to differ from his colleague, but he could not vote for the motion, for the reasons before stated. If he can vote to disfranchise our own constituents, he must not expect me to go with him. He had supported the internal improvements in which the State they represented was embarked. He would do every thing in his power to obtain the grant to the State; but a regard should be had to individual justice. He did not believe that pre-emption rights could rest on the late purchase from the Miami tribe of Indians.

He had a fellow feeling for settlers in the western woods. He had spent all his life with them, knew well what they suffered in penetrating the forest, felling the timber, and breaking the soil to raise bread for their families. They make roads, build mills, extend civilization. They do more: they repulse the enemy, and defend the soil; and he could give no vote to withhold justice from this meritorious class of people. He was in no way interested, directly or indirectly, in pre-emption claims. He would go as far as his colleague to obtain aid to the State, and thought it could be done without prejudicing their own constituents who are asking Congress to pass a pre-emption law.

Mr. CLAY of Kentucky here submitted the following resolution; which, by general consent, was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the quantity of all the public lands which has been sold at public sale, the aggregate amount of the purchase money, and the average price of each acre so sold: distinguishing between the sales made prior and subsequent to the introduction of the rule of cash sales.

Mr. C. now moved that the Senate adjourn.

Mr. WALKER hoped not, and asked the yeas and nays: the question on adjournment was decided in the negative, by a vote of 25 to 21, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Knight, McKean, Merrick, Morriss, Prentiss, Roan, Robbins, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and Williams—21.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Walker, White, Wright and Young—25.

Mr. CLAY of Kentucky called the attention of the Senate to the amendment. One of the Senators from Indiana was in favor of the lands going to the poor man, while the other was for claiming them for the poor State. In this vote he would go for the whole State, rather than the few individuals in violation of what was deemed right.

The question was then taken on Mr. SMITH's amendment, and lost by a vote of 28 to 18, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Roane, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, and Tallmadge—18.

NAYS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—28.

Mr. SMITH then moved to amend the amendment of Mr. WHITE, by inserting after it the words, "nor to any land on which the Indian title had not been extinguished six months prior to the first day of December last."

On this question the yeas and nays were ordered, and there appeared for it 18, against it 29, as follows:

YEAS—Messrs. Bayard, Clay of Alabama, Clay

of Kentucky, Crittenden, Davis, King, Knight, McKean, Merrick, Niles, Prentiss, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, and Tallmadge.—18.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—29.

Mr. YOUNG moved to amend the bill by inserting after the word before, the words "the date of any treaty by which"—the effect of which was to include pre-emptions where the land was settled before the date of the treaty extinguishing the Indian title. This amendment was lost without a division.

The question then recurred on the amendment of Mr. WHITE, which was also taken by yeas and nays, and decided in the affirmative—yeas 36, nays 10, as follows:

YEAS—Messrs. Allen, Bayard, Buchanan, Calhoun, Clay of Ky. Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, Knight, Linn, Lumpkin, Mc Kean, Merrick, Morris, Mouton, Nicholas, Niles, Pierce, Prentiss, Roane, Robbins, Ruggles, Sevier, Smith, of Conn. Smith, of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Tipton, White and Williams—36.

NAYS—Messrs. Benton, Clay, of Alabama, Pulton, King, Lyon, Norvell, Robinson, Walker, Wright and Young—10.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 26, 1838.

The first business in order was the motion of Mr. GARLAND of Virginia, to reconsider the adverse report on the establishment of a district court of the United States, at Tuscaloosa, Alabama. The report was reconsidered, and

On motion of Mr. LAWLER,

The subject was committed to the Committee on the Judiciary, Mr. L. intimating that his desire was to name some other point for the consideration of the Committee.

Mr. RARIDEN, from the Committee on Private Land Claims, reported a bill for the relief of Joseph Stafford and the other heirs at law of Joseph Stafford of the revolutionary line of New Hampshire.

DISTRIBUTION OF BOOKS.

Mr. RAIRDEN asked leave to offer the following resolution, which was read.

Resolved, That the Clerk be directed to furnish such members of the present House of Representatives as have not received the same under former orders with the following books, to be paid for out of the contingent fund of this House, being such as have been supplied to members of the last and preceding Congress, viz:

The Diplomatic Correspondence, The Documentary History of the Revolution, The Land Laws, American State Papers, Register of Debates, Contested Elections, and Commercial Regulations, Elliott's Debates, and Elliott's Diplomatic Code—

But nothing herein contained shall be construed to authorize the reprinting of either of the above works.

Objection being made—

Mr. R. moved a suspension of the rule, which was agreed to—yeas 129, nays not counted.

Mr. CUSHMAN called for the yeas and nays on agreeing to the resolution, which were ordered.

Mr. HAYNES thought that some of these books had never been furnished to old members.

Mr. McKAY would be glad to know from the gentleman who offered this resolution, if there was not a proviso attached to the bill making appropriations for the contingent expenses, expressly prohibiting any portion of the expenditure to be made therefrom, except for the ordinary purposes of the House. If that be the case, this resolution was not in order, because it would be necessary to make a new appropriation, which must be considered in Committee of the Whole.

In reference to the merits of the resolution, he said it was a practice which, if not put a stop to, would form an indefinite claim upon the Treasury, for there would always be new members, and they would claim copies of all the books ever given to members of old Congresses. He was not prepared to say what expense this resolution involved, but he supposed somewhere about about forty or fifty thousand dollars.

Mr. BRIGGS understanding that it had never been given to members before, moved to strike out "Elliott's Diplomatic Code."

Mr. RARIDEN only desired to include the same books given heretofore to the old members.

Mr. EVERETT thought that book had been one of the number.

Mr. McKAY adverted to the Documentary History as represented to have been supplied to former members, which was not the case, for not a single copy had been furnished to them. The resolution, therefore, stated what, in point of fact, was not true.

Mr. TILLINGHAST contended that, if the resolution embraced the same books heretofore ordered, it was not material whether the books had been received or not. It was but right and fair that the new members should be placed on the same footing as the old. If it was proper for the nation to furnish books to its legislators, it was only right that all should be furnished equally; and if there was any difference, it should be in favor of the new members, who might be supposed to be more in want of them than the old.

Mr. BRIGGS, understanding that the "Diplomatic Code" was included in the former resolution, withdrew his amendment.

Mr. RARIDEN sent to the Clerk's table a resolution including that work, but, on referring to the proceedings of the House upon it, it appears to have laid on the table.

Mr. BRIGGS therefore renewed his amendment.

Mr. BRONSON, in reply to Mr. McKAY, remarked that the contingent appropriation bill had not been passed, and therefore they were not tied up by the proviso alluded to.

Mr. CAMBRELENG apprehended his colleague was mistaken if he thought the proviso would not be passed by the House, unless the present Congress differed very essentially in opinion from the two former Congresses. It had been invariably introduced into each bill for the last four years, and was designed to correct what Mr. C. considered a growing abuse, of paying matters entirely foreign to it out of the contingent fund. The same proviso was in the bill reported this session, and he believed would be again sanctioned by the House. Whether the books were purchased or not, he did hope that appropriations of this character would not be charged upon the contingent fund of the House, by which it had been enormously increasing, from year to year, by the action of the House itself. If this appropriation were made, let it be done by law in the usual way.

Mr. BOND expressed his surprise that the House should suspend its rules, and set aside all its business, for the purpose of considering a resolution of this kind; a resolution looking alone to the personal benefit of the members. He strenuously opposed the measure, and asked if the House was aware of the expense it involved? When the former resolution was under consideration, he recollected that a then member from Tennessee, (Mr. Cave Johnson,) made a calculation demonstrating that it was about one thousand dollars to each member, in the aggregate upwards of one hundred thousand dollars. Mr. B. insisted that they had no right, in the present exhausted state of the Treasury, thus to give to themselves the people's money; and if Congress had committed a mistake originally, they ought to correct it.

Mr. BOON had voted against this project originally, but having received the books under the former resolution, he thought it would hardly be fair to withhold that from the new members which he had once received the benefit of. He thought, however, it ought to be restricted to the present members, those now in the seats or otherwise, in case of death or vacancy, several copies might be furnished for the representation of a single district.

On the subject of an exhausted or bankrupt treasury, which had been brought into review, Mr. B. trusted that those who had voted for the suspension of the fourth instalment of deposite with the States would not be again questioned for it, when they were now told (by Mr. Bond) by those who complained of that suspension, that the Treasury was absolutely bankrupt, for if such was its condition, there was nothing to pay it with.

Mr. B. added that he would move an amendment to the effect he had indicated.

The CHAIR remarked that it would not be in order till the pending amendment had been disposed of.

Mr. RARIDEN inquired of Mr. BOND, if under the influence of the opinions he had expressed, he had allowed himself to accept the books ordered under the former resolutions of the House.

Mr. BOND would state frankly, that the books having been sent to his lodgings, he had sent them home, and should do so again, unless under some general order to return them, which he should willingly yield obedience to; still he was opposed to the principle, always had been, and should continue to be so.

Mr. RARIDEN had, to the best of his belief, inserted no book in the resolution which had not been ordered before.

Mr. TILLINGHAST was in favor of equality in regard to sources of information furnished at the public expense. He held it to be for the interest of the constituents that the representatives should be in possession of the acts and doings of the Government at all periods.

Mr. WILLIAMS of Kentucky, sent the following amendment to the table, giving notice that he should move it when the present amendment was disposed of.

Resolved, That the late members of the House of Representatives of the 23d and 24th Congress, who have received, or are entitled to receive books, under the resolutions of the 23d and 24th Congress, are hereby directed and required to place them in the Library of Congress for the use of their successors, who shall have the right to use them whilst members, and during the sessions of Congress, and who shall replace them in the Library for the use of their successors; and said books shall be thus kept for the use of the members of the House of Representatives, and to be used and replaced in the Library of Congress from time to time as aforesaid. [The books were named in the amendment.]

Mr. McKAY raised the question of order, that this resolution, involving a distinct appropriation of money, should be committed to a Committee of the Whole House.

The CHAIR ruled against the point, but said that it might be used as an argument to the House.

Mr. McKAY contended that no proposition for paying money could be authorized without being committed. The fact of the contingent bill not being passed, rather strengthened his point.

Mr. McK's remarks were interrupted by the special order, being the case of the

MISSISSIPPI ELECTION.

The House then resumed the consideration of the Mississippi Election case, the question pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who on yesterday moved to amend by striking out all the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved, further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. PENNYBACKER resumed and concluded

his remarks from yesterday, in reply to Mr. PRENTISS. He entered into an elaborate and critical examination of the arguments adduced by the latter, and contended that there was not the slightest ground whereon the contestants could rest their claim. [Want of room prevents our giving even an outline of his speech.]

Mr. MAURY rose and stated, that it had been his intention to submit some remarks upon this question, but, as there appeared to be some disposition to take the question, he would now yield the floor, if it should be understood that the debate was here to close. If any other gentlemen had a desire of addressing the House, they would intimate their intention now; and, if no gentleman did so, he would yield and permit the question to be taken.

Mr. BRONSON said, as a member of the Committee of Elections, he should feel it to be his duty to address a few remarks to the House, before the question should be taken. He should promise, however, that his remarks should be brief.

Mr. LEGARE, also intimated his intention of addressing the House for a short time.

Mr. MAURY then declared his determination to make some remarks on the subject, but gave way to

Mr. SHIELDS, on whose motion,

The House adjourned.

[*Omitted in the proceedings of yesterday.*]

Mr. CRAIG, from the Committee on Revolutionary Claims, made unfavorable reports on the petition of the heirs of Col. John Holcomb, and the petition of the heirs of Lieut. William Boyer.

IN SENATE,

FRIDAY, Jan. 26th, 1838.

The CHAIR announced a communication from the War Department, in answer to the resolution of the Senate of the 10th instant, transmitting a report from the Colonel of Ordnance, in reference to the correspondence relative to the lead mines; and

On motion of Mr. YOUNG, the report and documents were referred to the Committee on Public Lands, and ordered to be printed.

The CHAIR also communicated a report from the Treasury Department, in answer to the resolution of the Senate of the 25th instant, transmitting a communication from the Messrs. Blunts of New York, on the subject of the light-houses of the United States; which was ordered to be printed.

Mr. MERRICK presented the petition of Elizabeth Reynolds, heir of Major William Bailey of the Revolutionary army.

Mr. LUMPKIN presented the petition of William Fuller, which was referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented the petition of sundry citizens of Missouri, praying for the passage of a pre-emption law: referred to the Committee on the Public Lands.

On motion of Mr. SEVIER, the petition and papers of John Rodgers of Arkansas, were referred to the Committee on Public Lands.

Mr. CLAY of Alabama presented the joint memorial of the Senate and House of Representatives of the State of Alabama, in reference to the improvement of the navigation of the Tennessee river, asking for an appropriation for further improvements: referred to the Committee on Commerce.

Also, a joint memorial from the same, on the subject of losses sustained from Creek Indian depredations in the years 1836 and 1837: referred to the Committee on Indian Affairs.

Also, a remonstrance from the same, against the execution of a contract for the transfer of certain Creek reservations: referred to the same committee.

Mr. MOUTON presented the petition of ——, praying for additional compensation for carrying the mail: referred to the Committee on the Post Office and Post Roads.

Mr. MORRIS presented the petition of sundry citizens of Crawford and Seneca county, Ohio, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads.

Also, the petition of —— Andrews, praying for a pension: referred to the Committee on Pensions.

Mr. ALLEN presented the petition of sundry citizens of Litchfield, Medina county, Ohio, on the subject of the mode of disposing of the public lands; which was referred to the Committee on the Public Lands.

Mr. HUBBARD, from the Committee on Claims, made an unfavorable report on the petition of Richard Lucas; and the committee was discharged from the further consideration thereof.

Mr. H. from the same committee, reported several bills from the House without amendment.

Mr. NORVELL, from the Committee on Commerce, to which had been referred the bill from the other house for the relief of Ferdinand Clark, made an unfavorable report thereon; which was read.

Mr. N. from the same committee, also reported unfavorably on the bill for the relief of David Smith and others.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the memorials of the Georgia Railroad and Banking Company, and of the New York and Harlem Railroad Company reported bills for their relief; which were severally read, and ordered to their second readings.

Mr. W. from the same committee, to which had been referred the bill from the House making partial appropriations for the suppression of Indian hostilities for the year 1837; and the bill from the House making an appropriation for the protection of the Northern frontier, reported them severally without amendment; and the same having been, by general consent, severally considered as in Committee of the Whole, were read the second and third time, and passed.

Mr. KING submitted the following resolution, which was considered and adopted.

Resolved, That the Secretary of War be requested to communicate to the Senate such information as may be in his department, showing the number of Creek Indians which at any time during the year 1836 and 1837 were engaged in hostilities against the United States.

Mr. TIPTON, on leave, introduced a bill fixing the compensation of officers of the army employed on duty in the military bureaus; which was read twice, and referred to the Committee on Military Affairs.

ORDERS OF THE DAY.

The resolution submitted by Mr. ROBBINS, directing the Secretary to purchase, for the use of each new Senator, a copy of Gales and Seaton's American State Papers, and copies of certain publications on the subject of the public lands, was taken up, and after some remarks from Messrs. KING and ROBBINS, was laid on the table.

PRE-EMPTIONS TO ACTUAL SETTLERS.

The bill to grant pre-emption rights to settlers on the public lands, was taken up, as the unfinished business.

Mr. WEBSTER said he would call the attention of the chairman of the committee to a subject not necessarily connected with the bill, but of great importance. It was the propriety of making some provision in the bill to settle questions arising at the General Land Office, and the local land offices, with respect to the mode of finally deciding on disputed land titles. He would suggest to the chairman of the committe, (Mr. WALKER,) whether a provision should not be made to give to the courts of the United States, in the States, competent jurisdiction over all disputed land titles, arising not only under the pre-emption laws, but in all other cases. He though if the circuit or district courts were authorized to entertain jurisdiction over the matter at home, a great deal of trouble would be saved, both here and there; and the advantage of uniformity in practice and decision would be obtained. He did not purpose to offer any amendment himself, as he did not deem it essential to the bill, which he supposed, constituted as the Senate was, must pass; but he threw out these suggestions to the chairman of the committee for his consideration while the bill was pending. Under the bill, some such provision being necessary, it would be as well to be introduced now as at a future time.

Mr. WALKER replied that he would like to take more time to consider this suggestion of the Senator from Massachusetts, particularly as that gentleman seemed to think that this jurisdiction should extend not only to pre-emption claims, but to other cases arising out of disputed land titles. He could not say whether it would not be better to provide for such cases by a general law. He had not made up his mind fully on this subject as yet. One of the difficulties which presented themselves to him was, the expense which would be incurred by carrying conflicting cases before the United States courts. The parties in general were poor, residing at a distance from the courts; they would be compelled to procure strictly legal evidence on the various points to be determined by the courts, and to employ lawyers, all of which would involve an expense too heavy for the majority of them to bear; and in many cases the entire value of the quarter section would be swept away by this expensive mode of litigation. Now he had no objection to a provision extending this jurisdiction with the consent of parties; but to compel one party to go before these courts without the consent of the other, would involve a heavy cost, which he would hesitate long before he would consent to impose on them. He should also have no objection to an appeal in the last resort to either of the United States courts, where either party was dissatisfied with the decision of the General Land Office. He threw out these suggestions to the Senator from Massachusetts, and probably might hereafter consent to some provisions, sufficiently matured and guarded, that would meet the views of the gentleman.

Mr. WEBSTER observed that his object was general—to give a direct power to the courts of the United States to entertain jurisdiction over all disputed cases whatever. The gentleman's greatest objection appeared to be founded on the expense to be incurred by carrying these cases before the United States courts. Now, the first inquiry was, was there any existing mode short of judicature by which these conflicting cases could be settled? Here were two conflicting cases. A and B dispute the right to a patent, and the President decides in favor of A. Now, did that end the case? No, surely. It must be made the subject of private litigation; and the only difference was, if the two parties were inhabitants of the same State, they might avail themselves of the State courts. Now, all the objections as to expense, distance, and legal strictness of evidence, existed as well with regard to the State courts as to the circuit and district courts, and it was as easy to try the cases in the latter as in the former.

One great object (Mr. W. said) was to have a process which should be uniform in the decision of these important cases; and whether this would not be easier obtained in the United States courts than in the various courts of the States, where various forms and opinions prevailed, and where the only mode of bringing the cases before the United States court would be by the circuitous process of a writ of error to the Supreme Court, was submitted to the judgment of the chairman of the committee.

Mr. CLAY of Alabama did not know what views he might entertain with respect to the proposition of the Senator from Massachusetts, were it made in a distinct form; but he trusted that it would not, at all events, be made as an amendment to embarrass the bill under discussion. The proposition was a new one, and some views with respect to it which had been taken by the chairman of the committee were worthy of the deliberate consideration of the Senate. He referred to the great expense attending this mode of litigation, as presenting the strongest objections to it. He himself was not aware that there was any objection to the jurisdiction of the State courts over these disputed land cases; all of them had chancery jurisdiction, as well as law; and although there might not be the same uniformity of process and decision in them as there was in the United States courts, yet they, without doubt, dispensed justice as surely and as cheap. There was another view to be taken of this question. Suppose both parties were residents of the same State, as would most generally be the case, and no question involving the constitutionality or validity of a law of the United States, could jurisdiction, in such cases, be given to the Circuit Courts of the United States? He (Mr. C.) was

not prepared himself to say, conclusively, what might be his opinion on that subject. His attention, he said, had not for some time past been directed to such questions, and, without giving an opinion, he threw out the suggestion for the consideration of the Senator from Massachusetts.

At all events, though he had not given due consideration to the proposition of the Senator from Massachusetts, he trusted that it would not be incorporated into a bill intended to secure their homes and improvements to the meritorious and industrious cultivators of the public domain. If the Senator believed that a provision of this nature was important, he hoped that he would introduce it in a separate bill, and he, for one, pledged himself to give it the most attentive consideration. There seemed to him, however, to be no such great difficulty about the matter. These cases were ordinarily determined here, in the last resort, by the Commissioner of the General Land Office, with the aid of the Solicitor of that Department, and with a reference, in cases of difficulty, to the Attorney General. No great complaints of this mode of decision had ever been made, at least, very few, Mr. C. said, in his State. Whenever difficulties occurred, the practice of the Commissioner of the General Land Office was to suspend the decision till a report was had from the local land office, and all the parties were fully heard on the subject. Then the Commissioner, who has for some years past been a lawyer, and certainly always ought to be, decides with the assistance of the best legal counsel.

This mode of decision, Mr. C. believed, had generally given satisfaction, was the most convenient to the parties, and attended with little expense. Mr. C. concluded by repeating the hope that the proposition of the Senator from Massachusetts would be brought forward in a distinct form, and not permitted to embarrass a measure of such importance as the present, and one which Mr. C. wished determined on its own merits. If sent to the committee to which he belonged, it would receive the most prompt and attentive consideration, and be decided on by the Senate with reference to its own intrinsic merits.

Mr. WEBSTER did not propose to offer any amendment, nor did he intend to bring in any bill; but he believed that before another year passed, they would be called on to create a new tribunal to settle these conflicting land cases, and the course he suggested was to obviate the difficulty by what seemed to him the easiest mode. Now, as these questions would arise under the laws of the United States, he supposed there was no doubt of the power of Congress to give the United States courts jurisdiction over them. This had been done in many cases, and Mr. W. cited the jurisdiction given to the United States courts in cases arising out of the collection of the customs.

Mr. WALKER concurred with the Senator from Massachusetts in some of the views expressed by him, but, at the same time, thought it would be better to have another bill on the subject referred to the appropriate committee. He himself, if no other Senator did, would bring the subject before the Senate. He had no doubt of the power of Congress to give to the courts of the United States jurisdiction over all cases arising under the laws or Constitution of the United States, and any cases involving a construction of a statute of the United States, or at least involving a title to property derived from the public domain under a law of Congress. As at present advised, he should have no objection to a resolution directing the Judiciary Committee to bring in a bill to permit the parties to resort to the courts of the United States at once, instead of first going to the State courts, and then coming by appeal to the Supreme Court. He thought, however, the matter was one of importance and great delicacy, and should be provided for in a separate bill.

Mr. YOUNG observed that the proposition of the Senator from Massachusetts would necessarily involve an expense that would be ruinous. He considered that all the parties were well protected as the law now was. The register of the local land office first decided on the claim, and if the parties were dissatisfied, they applied to the Commissioner of the General Land Office, who had the opinion of the Attorney General to aid him in making up his decision. Now he would ask if the parties were not as well protected by this mode of decision, as if they resorted to the circuit or district courts; and an appeal to the Supreme Court he looked upon as involving an expense too great to be borne in most of the cases? He recollected a case mentioned to him by the late Senator Kane—a case involving the value of a single slave—cost, by being carried up to the Supreme Court, upwards of five hundred dollars.

Mr. CRITTENDEN, after some remarks at considerable length, in which he commented on the frauds alleged to have been practised under the pre-emption laws, submitted an amendment to define more accurately the settlement and cultivation necessary to acquire a right to a pre-emption. Mr. C's amendment was to strike out that part of the bill relating to settlement and cultivation, and to insert, in lieu thereof, the following: "by actual residence thereon, on or before the 1st day of December, 1837, and the cultivation of at least one acre in corn, and continued residence and cultivation to this time."

Mr. WALKER had no objection to defining more accurately the habitation and cultivation; but he hoped the gentleman would not confine the cultivation to corn, as that would exclude a great many meritorious cultivators who did not grow that article.

Mr. CRITTENDEN said he had named corn particularly, because the bill professing to provide for the poor man, who cultivated the soil for the support of his family, this kind of grain would embrace the cultivation of all persons of that class. The very first thing a poor man naturally, did if he intended a bona fide settlement, was, after building his cabin, to plant corn for the support of his family. This seemed so consistent with the natural course of conduct of a bona fide settler in a new country, that in the first laws passed by the Legislature of Virginia for the benefit of that class of persons, the previous planting and cultivation of corn was made an indispensable requisition to obtain a title to the land.

Mr. WALKER contended that it would be invidious to require that in all the States of the Union the cultivation suited to Virginia should be the indispensable prerequisite to the acquiring a right to a pre-emption. He hoped the gentleman would not adhere to this branch of the amendment. Let him go (said Mr. W.) to the banks of the Mississippi, and he will find hundreds of settlers who plant cotton the very first year, and buy all their corn from the constituents of the gentleman. In Louisiana, Arkansas, and Mississippi, the settler will plant his twenty and thirty acres of cotton and not one grain of corn; and why? Because in some years cotton bore such prices that it was considered most lucrative to grow nothing else. He submitted to the gentleman from Kentucky whether it would not be most for the interest of his constituents to leave the matter of cultivation to the settler himself, and let him, if he finds it to his interest, buy his corn.

Mr. CLAY of Alabama suggested to the Senator from Kentucky, who he no doubt had only in view the defining more strictly an actual settlement and cultivation, to modify his amendment by striking out "corn," leaving the nature of the cultivation to be determined by the land office. As the Senator from Mississippi had remarked, it would be extremely hard to confine the cultivation to corn, as many cultivators bought all they used, though he (Mr. C.) regarded it as a very injudicious way of farming, and one that no doubt resulted very much to the advantage of the constituents of the gentleman from Kentucky, as there were times when every bushel of corn carried down the Mississippi was worth from a dollar to a dollar and sixty-five cents per bushel.

Mr. CRITTENDEN then modified his amendment by adding "wheat and cotton."

Mr. KING intended to have voted for the amendment of the Senator from Kentucky without going further. The general term of "corn" included wheat and all other small grain as much as it did "Indian corn," and he was perfectly satisfied with this designation of the degree of cultivation required. He knew of no instance himself where a poor man made a settlement that he did not plant Indian corn the first year. Mr. K. believed that many frauds had been practiced under the old law by individuals obtaining their pre-emptions without sufficient cultivation, and that they ought, in the present one, to define the degree of requisite cultivation so clearly as to admit of no doubt. His object was, in good faith, to give to men who settled on the public domain their homes, and their little improvements, to enable them to support their families, and further than that he was not willing to go. He was not willing by any loose or indefinite phraseology to enable persons to go through the country and take up the best lands under a pre-emption for the purpose of selling to others at a profit. His object was to benefit the honest, industrious settler and cultivator only, and he wished it to be so clearly expressed in the bill.

Mr. WALKER said it might be true that corn was raised in Alabama, but he hoped they would not on that account seek to deprive settlers in other States from raising such crops as they conceived most advantageous. He was well aware that, high up the streams in that State where gentlemen lived, they were obliged to raise corn, because they could not purchase it from the surrounding country. But he had known repeated instances in Mississippi, where settlers had planted cotton the first year, and purchased their corn. Because the course pursued in Alabama varied from that of Mississippi, would it be right to compel her settlers to adopt it? If the amendment prevailed, it would exclude so large a portion of settlers in his State as would compel him to vote against the bill.

Mr. CLAY of Kentucky observed, that he now learned with regret, that in many parts of Mississippi they did not raise corn. Now he would advise them to do it at once, for of all the blessings which Providence had conferred upon man, he looked upon this as the greatest. But the great object of his friend and colleague in limiting the cultivation to corn was the facility of its culture, and the abundance of its yield, in the new and fertile lands of the West, rendering it the most natural crop for a poor man to begin with. This reminded him of a glowing account, given by an old friend of his, of one of the great grain counties of Kentucky. His friend described the land as producing twenty barrels of corn to the acre, with planting and cultivation together. If planted only without ploughing, he said it would produce ten; but if it was neither planted nor ploughed, it would yield a very tolerable crop of five barrels to the acre. This, however, was no fiction, for he had seen with his own eyes, as good a crop of corn growing in a field where there had been neither planting nor ploughing, as was to be found in a great number of the cornfields on both sides of the Potomac. He must explain, Mr. C. said, how this happened, or incur the imputation of having told what was incredible. The corn was growing in an enclosed field, where cattle had been fed, and sprung up from the grain wasted by them in feeding. With respect to the mode of cultivation to be provided for in the bill, he did not approve of limiting it to corn. He thought the cultivation ought to include small grain, as well as cotton and sugar cane.

Mr. LYON suggested the addition of potatoes, an esculent vegetable, and very much relied on in Michigan.

Mr. BENTON said he was opposed to the amendments proposed by the Senator from Kentucky, (Mr. CRITTENDEN,) and should notice them before he sat down. His first object was to repel the imputation of fraud which had been so industriously lavished upon western settlers. He denied, out and out, the justice of this imputation. He denied, out and out, the truth of these stale fabrications, generally invented by speculators, and worn threadbare forty years ago. The story of the catnip seed—of corn in a spring of water for the spring of the year—of Johnny Black and Billy Black, meaning negroes—with all the rest of such stories with which the Senate had been entertained on former occasions, were all inventions to prejudice the settlers of the new countries. He knew those settlers well. He went among them in Ten-

nessee near forty years ago, and had been among them all over the West, from that time to the present. He knew them well. There was not, upon the face of the earth a better population. They were the hardy pioneers whose meritorious exertions gave value to the country. Their object was to cultivate the land which they settled on; and the cultivators of the soil had been admitted in all ages, and in all countries, to constitute the most meritorious body of citizens. All the Western States had been settled by these hardy pioneers, and their posterity is now among the most valuable of their citizens. British travellers and British reviews had stigmatized the frontier settlers of the United States; but that was their vocation, and nothing better was expected of them; but Senators in Congress should not repeat things of the truth of which they have no knowledge, and which, in fact, are so unfounded.

We are told by some (said Mr. B.) that the pre-emption system ought to be put down—that it ought to cease—that no more pre-emptions should be granted. On the contrary, Mr. B. was for preserving and perpetuating it. The system was as old as the Government, and he hoped would continue as long as the Government had public lands to be sold. What is a pre-emption? It is nothing but a right of first purchase. It is no donation—it is no gift—it is no gratuitous distribution of the land. It is only a privilege in the man who has settled upon the land, to buy it at Government price; and that price is $1 25 per acre. The pre-emption merely exempts the settler from the competition of speculators at the auction sales, and these auction sales have in reality produced nothing for the public Treasury. The auction system has been the fruitful source of combinations among capitalists, and of oppression to settlers, but has produced nothing to the Treasury. There is now official evidence of this fact; for a return of the Commissioner of the General Land Office shows that on all the lands sold for fifteen years past, to wit: from 1823 to 1837 inclusive, there is but a gain of two cents and a half per acre on the minimum price. To be precise, it is not two and a half cents, but two cents and nine-twentieths of a cent. The whole number of acres sold in that time is 59,410,556 acres, and the amount received is $75,723,102, which gives an average of $1 27 9-20 per acre. Thus the Government has gained nothing by the auction system; and of the two systems he would prefer to see the auction system abolished, rather than the pre-emption system.

Mr. B. said he was opposed to this amendment, and to all provisions about cultivation. There was no object now in requiring cultivation. Formerly, in the infant settlements of the country, it was an object to induce a settler to raise a crop, as that crop was necessary to sustain the forthcoming emigration; but now it is no object. Settlement is now the object. It is the settler against the speculator that now claims attention; and all we want is evidence of the intention to be a settler; and building a house, and preparing for cultivation, constitutes that evidence as fully as actual cultivation. All he wanted in the bill was residence—a settlement—a house and a commencement to improve and on this he was willing to grant the pre-emption right. He objected to cultivation as a prerequisite, and would wish to see every present settler on the public lands allowed the privilege.

Mr. B. had spoken of the meritorious character of the western cultivators, and a document on the table gave evidence of it. It was a document from the Treasury Department, in answer to a call from the Senator for the amounts of specie received and disbursed by the Federal Government since the stoppage of the banks in May last. That document showed that there had been received from customs, during that period, no more than the sum of $1,325,317, of which $800,000 had been paid back to the merchants, leaving but $525,317 for the whole amount of revenue received in specie from the custom-houses in that period; while the same document shows that there has been received from the land offices, in hard money, during the same time, the large sum of $3,474,735, not one dollar of which has been refunded to farmers for debentures; for that is a case in which the doctrine of debenture does not apply. Here there is proof of their merit. The banks shut up; the merchants ceased to pay specie; the Government was in danger of being reduced entirely to the use of irredeemable paper; but the farmers, the cultivators, the settlers, had poured out their hard money to the Government. In spite of the stoppage of the banks, they continued to pay hard money for public land, and actually purchased as much as ever had been bought before the two years of speculation on bank facilities. They paid three and a half millions in eight months, since the stoppage of the banks, which is at the rate of five millions per annum; and five millions per annum is more than the lands ever brought previous to the two years of speculation—the years 1835 and 1836—speculations which the most glorious Treasury order put an end to. That order put an end to bank-facility speculations. It expelled the speculators from the field, and saved the lands for cultivators. These cultivators paid three and a half millions in hard money after the stoppage of the banks last year, and they will pay double or treble that amount this year. They will pay double or treble that amount this year; for the new surveys, withheld from sale by the wisdom and firmness of General Jackson in 1836, will come into market in 1838; and the farmers will buy them, and pay for them in hard money, whether the banks resume or not. These meritorious settlers are not dependants of banks. They do not hang upon bank favors; they do not live upon bank facilities. They cultivate the earth; they raise the food which sustains the life of man and beast; they work hard, and they love hard money, and are wise enough to demand it, and have it; and then they are patriotic enough to give it to their Government for its lands. Mr. B. expatiated upon the wisdom of General Jackson, both in issuing the most glorious Treasury order, which stopped the sale of the lands for bank notes which cannot be redeemed; and also for withholding all the new surveys from market in 1836. By these two measures he had saved many tens of millions of acres of fresh lands from falling into the hands of speculators for the notes of banks which suspended payment as soon as the Treasury was full of their notes; and he had reserved all these new lands for farmers, and for a resource to the country during the failure of the banks, and the merchants, to pay hard money. The only resource of the Government for hard money has been, for eight months past, and may be for a year or two to come, in these settlers on the public lands; and a safe resource it is; for if all the new surveys are brought into market this year, eight or ten millions of acres will be sold, and hard money will be paid for it. Mr. B. did not take another view of this large specie payment for land made since the banks stopped, but every body must see in that effect the highest proof of the Treasury order, and also the highest proof of the wisdom of the Divorce bill—that bill which goes to separate the Government from the banks, and to exclude their paper from its Treasury. It is an omnipotent fact to prove that the Government can collect all its revenues in gold and silver; for, when farmers, who handle comparatively but little money, can buy more lands and pay in hard money during the stoppage of the banks, than ever was done before the two years of speculation, what cannot be done when the banks resume?

Mr. B. did not enter into invidious comparisons; his object was to defend, and not to attack—to defend the settlers in the new States from unjust, unfounded, and unjustifiable imputations upon them; but it was impossible to look at the document to which he had referred, without seeing how *little* the merchants had done, and how *much* the farmers had done towards sustaining the Government in the loss of its revenues by the banks. The farmers had paid three and a half millions in hard dollars since the bank suspensions; the merchants, after deducting the amount refunded in debentures, had only paid about half a million. Yet the merchants were the class to which we grant every favor, while the poor privilege of pre-emption—a mere protection against speculators, is here vehemently denied them! We keep up ambassadors all over the civilized world for the benefit of commerce; we send fleets, and ships of war, into all seas for its protection; we have brought home indemnities in gold from France and Naples for the benefit of the merchants; we have given them delays on their bonds; we have done all for them they can ask, yet they have paid only half a million of hard dollars to the Government in its distress, while these farmers, who have paid three and a half millions in the same time, are to be deprived, if possible, of the humble privilege of the right of pre-emption.

Mr. CRITTENDEN said he would not contend with the gentleman about the glory of the Treasury order, or the wisdom of the immortal Jackson; they were subjects that might very safely be left to the kind and indulgent feelings of the Senator from Missouri. With regard to the amendment, however, which he had the honor to offer, he must say that it was only intended to show *who* were *actual settlers*. Nothing of a stigmatising or reproachful nature against them had fallen from his lips; but he did say that imposters had come in and wrested from the actual settler his claim. He was satisfied in his own mind that numerous frauds had taken place under these pre-emption laws, and that persons had by perjury and by subornation of perjury secured to themselves lands to which they had no claim. The object of his amendment was, then, to make the claimant give evidence of a bona fide intention to reside on the land, by raising a crop and otherwise improving it; and unless it was intended to allow these persons to take possession of the public domain, whether they cultivate it or not, where could there be raised any objection to the system he proposed? Various precautionary measures had been concurred in at the former session, and why not now, when he asked to guard the bill at so small a point?

Mr. KING said he could not suppose the Senator from Missouri alluded to any remarks of his, which made it, in his opinion, necessary for him to vindicate the character of the settlers upon the public lands. [Mr. BENTON said certainly not.] He, (Mr. K.) from the position he occupied, from the decided support he had ever given to pre-emption laws, was the last man who could be suspected of casting censure on the settlers on the public lands as a class. That frauds had been perpetrated under the pre-emption law of 1830, was not to be questioned. In legislating, therefore, on this subject, we should carefully guard against all possibility of fraud. Would this be to cast censure upon actual settlers? Certainly not. As well might it be objected to your revenue laws, that to require oaths was to cast censure on the whole body of the merchants of the country.

Mr. K. here stated the rules required by the land office, to prove the settlement and cultivation, etc. The facts required by these rules were necessary to be proved before the claimant can get the pre-emption; and this was done by order of the Department, to guard against persons getting the choice spots of land without being settlers and cultivators. He stated that he was prepared to vote for any amendment which would define distinctly what should be the kind of settlement and cultivation to entitle the claimant to a pre-emption. Such was the design of the amendment offered by the Senator from Kentucky. Include more articles of cultivation, if necessary, but let them be distinctly stated. Although the pre-emptioners paid nearly as much as the average price received for the public domain, still the laws operated as a bounty to them, for they got the choice lands at the minimum price. If it was not a favor conferred on them, why did they ask for it? Why not take their chance with the other purchasers of the public lands? He wished to secure to these men the particular spots selected for their cultivation—to guard them against being turned out of their houses, and driven into the woods, by the heartless speculators, who had more capital than themselves. He was not disposed to lay any unnecessary restrictions on those persons who settled in good faith on the public lands where the Indian title had been extinguished, whether their cultivation was in Indian corn, cotton, or any other crop by which they supported their families, and he hoped gentlemen would extend it to all the usual crops. In guard-

ing against the possibility of fraud, he should be sorry for the Senate to suppose that he was diposed to stigmatize as fraudulent those who settled on the public lands; for if he did so, he would stigmatize nine-tenths of the most respectable people of Alabama, for that country was principally settled by that class of persons.

Mr. CLAY of Alabama, thought that the more the privilege of pre-emption was restricted, the more danger there was of doing injustice to many meritorious persons. The honorable Senator from Kentucky (Mr. CRITTENDEN) ascribed too much importance to the charges of fraud which had been rung throughout the country by interested persons. Now, what had been the result of these charges? A special commission had been appointed by the Treasury Department to go into the country, where they were said to have been committed, and they had found, as Mr. C. understood, only sixteen cases of frauds having been committed under the old pre-emption laws. Now, he asked, if this small number of cases was to operate as a restriction to the numerous cases of meritorious claimants? As his friend from Mississippi remarked they had, after the fullest investigation, obtained the proof that only sixteen cases of frauds had been discovered; while on the other hand, the benefits conferred on a vast body of our meritorious fellow-citizens, had resulted in no loss to the Government. It had been found that the average price received for the public lands, in 1828 and 1829, amounted to only one cent more than the price paid by the pre-emptioner; the average price of the lands sold in these years, being only one dollar and twenty-six cents per acre. This was before any general pre-emption law was ever passed. Again, the report of the Commissioner of the General Land Office, made eight years ago, showed that in three preceding years, in three of the States, (Indiana, Illinois, and Missouri,) the average excess amount to only six mills over the minimum price; and on this state of things was predicated the first general pre-emption law.

The few frauds that had been discovered upon investigation, were sufficient to show that it was not necessary to throw around this bill new restrictions. He thought the honorable Senator from Kentucky had not sufficiently looked at the bill, and the instructions of the Commissioner of the General Land Office under the old law, which this was intended to revive. Abundant power was given to provide against those difficulties, which this amendment was intended to avoid. Mr. C. then read from the 3d section of the act of 1830 as follows:

"SEC. 3. *And be it further enacted*, That prior to any entries being made under the privileges given by this act, *proof of settlement* or *improvement shall be made*, to the satisfaction of the register and receiver of the land district in which such lands may lie, *agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose*," &c.

The application made under this law to the register and receiver accorded with the rules established by the Commissioner of the General Land Office; one of which was, that there must be a house built on the land, and another that there must be a sufficient cultivation, the description of which must necessarily be left to the discretion of the register and receiver. Further: in the last resort, an appeal is had to the Commissioner of the General Land Office. Now, he would submit to the Senator from Kentucky, whether this was not restriction enough, and whether, if they went further, there would not be danger of excluding many meritorious claimants. One restriction was adopted on the motion of the Senator from Tennessee yesterday, which was with regard to the extinction of the Indian title before allowing a pre-emption; and another, he was sorry to say, had been incorporated in the bill by its best friends, excluding what are called floats, merely because sixteen cases of fraud had arisen under them. He was sorry that this last restriction had been introduced, because many meritorious persons would, where two or more were settled on the same quarter section, be compelled, in the division of it, to take indifferent land, and too small a quantity, instead of being permitted to go and select the quantity to which they were entitled elsewhere. As he had observed before, it would be found that, during eighteen years of the operation of the cash system, not more than two and a half cents per acre above the minimum price had been received by the Government. Now would any man say that it was an unjust policy to accord the same privilege to the industrious settler who opened and cleared a new country, and by whose labors the value of the public domain was enhanced, as to those who purchased for the purpose of speculation? He thought that the same indulgence should be granted to the settler, whether he cultivated corn or any thing else. In his section of the country it had been no uncommon thing for combinations of men to engage in speculation, and sometimes force hush money from the settlers for their homes and improvements; and at other times to purchase up large districts at the public sales, and afterwards have auctions of their own and sell off at a large profit. He had seen this, and seen men driven with their families from their homes by these heartless speculators whom gentlemen proposed to encourage by these harsh restrictions. It was this description of fraud which he wished to put down, and confine the public domain to the cultivators alone. He could not believe that it would be for the advantage of any State of the Union, or that it would add to its strength or resources, that the public domain should be monopolized by speculators. It seemed to him that the evils of speculation had been so completely shown in this discussion, that the honorable Senator would see fit not to press his amendment.

Mr. WEBSTER thought the bill ought to be guarded in every possible manner, or the whole object of the law would be defeated. It was not unfrequently that pride put on the air of humility, and there might be those in the character of humble pioneers of the West availing themselves of the privileges of this law, to the injury of the actual settler. He thought that personal residence was the best evidence of the settler's intention; cultivation might be left in a general sense, or else made so particular as not to be mistaken.

Mr. WALKER read some extracts from the circulars of the General Land Office, showing the rules prescribing the nature of the habitation and cultivation necessary to acquire a right to a pre-emption; among which was the rule requiring a dwelling-house, a suitable fence and cultivation, and excluding any settlement by means of agents or overseers.

Mr. CLAY said, in no shape in which the bill could be placed, could he be brought to vote for it. The whole pre-emption system was a violation of all law, and an encouragement to persons to go on the public lands and take the choicest portions of them, as suited their interests or their inclinations. He, at least, would not be deterred from opposing it by any menace or threat which might be thrown out. He stood there as the representative of the whole Union, and, as such, should contend against a system which had for its object to take from the Government the possession of these lands to throw them into the hands of the speculators.

He held in his hand a document, which, recent as it was, seemed to have been lost sight of by the advocates of the bill. Gentlemen had argued, again and again, that the Government had lost nothing by the pre-emption system, and calculations had been read from the Land Office to show that the whole difference obtained in the amount received for the last fifteen years did not make a difference of more than two or two and a half cents an acre on the average. He (Mr. C.) was aware how easy it was to have accounts made by those charged with that branch of this business; but he would take occasion to read from a report of a late commissioner, (Gov. Brown,) a man whom he believed more conversant with the public lands than any other in this country, which clearly showed that great losses were sustained by the Government; that the system was full of abominable fraud, alike scandalous to the Government that countenanced it and infamous to the perpetrators of it. Mr. C. said he did not mean to denounce all who had availed themselves of the pre-emption law—far be it from him to do so. There were doubtless many worthy and excellent men among them; but he did denounce the whole system of pre-emption as a fraudulent, heartless, scandalous, abominable speculation (Here Mr. C. read from the report of Mr. Brown the late commissioner, and discanted at length upon the information contained in the report.) As soon as it was ascertained that a Territory was to be established, there was one wild precipitous rush to get possession of all the choice spots of land, to be claimed under a pre-emption right, by men who overawed honest purchasers, forbidding them under pains and penalties to interfere with their locations. It was in this way that Government was despoiled of her lands by lawless and violent men. Against all such proceedings, he would speak as long as God gave him strength to do so. These people should be kept from the public land—they destroyed all fair competition in the purchase, subjecting the Government to great losses, and the honest purchaser to inconvenience and extortion.

Mr. WALKER commented on the report of the late Commissioner of the General Land Office, referred to by the Senator from Kentucky, which he characterized as wholly incorrect, and founded on calumny and misrepresentation. It was partly on the representations of an anonymous letter writer, who had charged him (Mr. W.) with being the holder of half a million's worth of pre-emptions in Arkansas, (and he had conclusively shown that he never owned a dollar's worth,) that Mr. Commissioner Brown founded this report, stigmatizing the honest settlers of the West with having obtained their pre-emptions by fraudulent practices. Another letter writer was the district attorney, who said that three hundred and fifty fraudulent floats had been laid on the route of Atchafalaya railroad. And here, said Mr. W. is the official report made by the visiter of the General Government to the land office, which refutes the charge. There, Mr. Brown was corrected by his own agent, who stated that it was not true that three hundred and fifty floats had been laid there.

Thus (said Mr. W.) when you look at all the complaints against this pre-emption system, you will find that they were made by persons interested, like this district attorney. These interested speculators wished to get the farms of the settlers at a few cents above the minimum price; and therefore they were so ready to oppose obstacles in the way of the execution of the pre-emption laws. Mr. W. replied at length to Mr. CLAY, reviewing and commenting on the report of the Commissioner of the General Land Office alluded to, and showing that it was little to be relied on.

Mr. CLAY of Kentucky was aware how unequal the contest was. The determination to push this bill through, by the majority, was evinced by the manner in which its provisions were eulogised as equitable to all, and specially calculated to give homes to the poor man; but with regard to some insinuations which had been thrown out, of a "grasping spirit," he begged leave to repel the charge, and would throw it back to where it belonged, viz: on the new States. He denied that any such feeling was evinced by the old States; that grant after grant had been given to the new States for internal improvements, for endowing colleges, and for other purposes calculated to promote their interests.

It was but the other day that Michigan asked a grant of near half a million of acres. Where was the grasping spirit connected with the distribution law? That measure proposed to leave the land system where it found it, under which we had gone on so well and for so many years. It proposed simply to distribute the proceeds of the sales among the old States as well as the new, giving to the latter a per centage of some 10 or 15 per cent. for purposes of education, &c.; where was the grasping spirit there?

Insinuations, too, had been thrown out against the officer from whose report he had just read statements in relation to the pre-emption system. Had not that officer been appointed a minister to a foreign court, and to other high and responsible stations, by "the immortal Jackson?" And yet he was not to be credited here, because his reports

were adverse to the views of gentlemen! If they would not credit the documents of their own officer, who would they credit? The Senator from Mississippi says that of all these cases alluded to in that report, there were but nineteen fraudulent cases; and that out of them, the district attorney from whom the information had been derived had *five*. Mr. C. said he should like to know who the agent was that had been sent to investigate. Might he not, on the other hand, been interested in some ten or fifteen cases out of the nineteen? The fact was, that the whole pre-emption system putrefied and corrupted all it touched. Mr. C. alluded to the Miami reserve; lands worth from $10 to $40 per acre had been intruded upon by lawless men, in violation of the rights of the Government; and yet these "poor, honest settlers" were to have the rights of pre-emption. What right had these men to the public lands? By what power did they seize upon and rob the United States of their possessions? As well might they seize upon the dollars in the public Treasury; on the forts, arsenals, and public ships, as on the public lands. Mr. C. read from an Indiana paper a debate in relation to this reserve, where the system of pre-emption was investigated. He had some experience in relation to these matters in Kentucky; and of all the numerous pre-emptionists who had lived in that State, he knew of but one single individual who had remained on his quarter section. The auction system was a wise and cautious system; it gave a full and fair chance for competition in the purchase of the public lands, by which the Government was benefited, and the individual also.

Mr. CLAY of Alabama would say one word in regard to the report of the Commissioner of the General Land Office, alluded to by the chairman of the committee. He understood that the Commissioner had represented that we had lost in a single year three millions of dollars by the operation of the pre-emption laws. On this subject he wished to call the attention of the Senate to the documentary facts, and especially that of the Senator from Kentucky, to the assertion that the lands would sell for more at public auction than they brought under the pre-emption laws. If gentlemen would look at the documents on their tables, they would find that in 1822 the sales amounted to but three cents more than the minimum price; that in 1823 the excess was only five cents, and in 1824 the excess was only two cents. Now Mr. C. asked were there any pre-emption laws in those years? No. At that time no general pre-emption law had ever been enacted. Again: in two subsequent years we find (said Mr. C.) a falling off greater than before; for in 1828 the excess was only one cent, and in 1829 the same. He hoped the Government was *honestly* administered in 1828. The Senator from Kentucky himself would be able to answer on that score;* and yet it was found that in those years the average excess was only one cent. Was not this fact sufficient to put down the assumption that the pre-emption laws had diminished the sales and the amount received from the public lands. In 1836 no excess was found, though half a million of acres had been offered for sale at public auction. These facts were incontrovertible, were on record, and conclusively showed that the report was wrong in asserting that the operation of the pre-emption laws had diminished the receipts from public lands three millions. The Senator from Kentucky had seized on an apparent discrepancy between the Message of the President and the report of the Commissioner of the General Land Office, with a view to excite prejudice against those officers, and the measure under consideration. Mr. C. said it would not be very difficult to reconcile this seeming contradiction.

The Senator from Kentucky (Mr. Clay) to accomplish the purpose alluded to, had referred to a single sentence in the President's message, in which he remarks: Upon a "critical examination, it is found that the lands sold at the *public* sales, since the introduction of cash payments, in 1820, have produced, on an average, the nett revenue of only six cents an acre more than the minimum Government price." The report of the Commissioner of the General Land Office embraces all descriptions of sales, *public* and *private*, at auction, and under the pre-emption laws, from the commencement of the cash system, on the 1st of July, 1820, to the 30th of Sept. 1837, a period of more than seventeen years—and makes the *general average excess* above the minimum price only two cents and 4-5ths of a cent. per acre. And, said Mr. C. the message of the President not only referred to public sales alone, but it was sent to the two Houses of the 5th of December last, more than a month before the date of the Commissioner's report. That was made in obedience to a resolution of the Senate, adopted on the motion of him (Mr. Clay of Alabama) on the 20th of September last; had occupied almost four months in its completion by all the available force of the office; and was the only report, embracing the entire sales under the cash system, which had ever been made. Mr. C. said it was more than likely, too, that the President referred to some isolated period of the system, as shown in in some former report. It certainly referred only to public sales.

The Senator from Kentucky (Mr. Clay) had also remarked that these pre-emption laws had been made the instruments of the most stupendous frauds. Mr. C. said he would take leave to tell that Senator, with perfect deference, that he was wholly mistaken, and his charge utterly unfounded, as regarded the operation of the system generally. The pre-emption laws had been the most effective instruments to prevent fraud, to save the honest settler and cultivator, and put down the most nefarious and heartless system of specula ion ever devised. Such efforts to defeat bills of this character, Mr. C. said, were not new to him. When he was a member of the House of Representatives, he recollected, on the eve of taking up a bill like the present, documents containing the most injurious imputations and reflections on a portion of the occupants of the public domain, were printed and laid upon the desks of members; but fortunately there were persons present from the district of country implicated, who were able to brand the authors of those documents as interested speculators, and show their allegations to be wholly groundless. What was done in another instance had been shown by his honorable friend, the Senator from Mississippi, (Mr. Walker.) In that instance the individual making the charge, as Mr. C. understood it, was himself a speculator, and the perpetrator of the fraud.

Sir, said Mr. C. the Senator from Kentucky (Mr. Clay) alleges that this bill holds out, and provides bounties for violations of law. What sort of bounties, sir? Is it a bounty to let the man already in possession of a tract of the public land have it at the same price for which you could sell it to another? Is it a bounty to suffer the man who has gone forth into the forest, and by his own labor and industry, opened his farm and built his cabin, to retain possession, and enjoy the fruits of his toil and enterprise, for the same money you would receive from the speculator? Sir, said Mr. C. it is no bounty, and the records of the General Land Office, and the documents on the desks of every Senator, show conclusively that such is not the fact. He said it had already been shown that the general average before the passage of the pre-emption law of May, 1830, (the first general law of the kind,) was no better than it had since been. The cash system commenced in 1820; in 1822, the average price per acre was only $1 28; in 1823, it was only $1 30; in 1824, it was only $1 27; in the years 1828 and 1829, each, it was only $1 26. All this (said Mr. C.) happened before the first pre-emption law was passed, which was not till 1830, and proves the groundlessness of the assumption that this bill gives a bounty.

No, sir, said Mr. C. the bill offers no bounty for violations of law. The naked question which it presents, is, "will you suffer the settler, who has improved and cultivated a little spot of the public domain, to take the limited quantity of one quarter section for the same money that would be received from the speculator, and no less?" It is a bill for the prevention of frauds and speculation, instead of being the instrument of them.

Mr. C. said the auction system, instead of pre-emptions, had been prolific of frauds, which the Senator from Kentucky might well have denounced as "scandalous to Government and to individuals." Such epithets would be much more appropriate to the combinations, who attended auction sales, and bought land merely for speculation, and not for settlement or cultivation. If the Senater were to see a large combination of capitalists in attendance upon an auction land sale, holding their immense capital in terror over the settler, at one time demanding of him a certain sum per acre not to bid against him, and at others deterring competition, purchasing up vast quantities of land at Government price; and, at the close of the Government sale, holdding an auction of their own, and wringing from the hard hands of the laborious cultivator, from two to five dollars per acre profit, and sometimes more, he might find fit subjects for the application of his epithets, of "frauds scandalous to the Government and to individuals." Mr. C. said, as he had intimated on another occasion, he had personally witnessed such transactions as he had described; and it was to prevent their recurrence, and to protect meritorious settlers from such impositions, while it would not lessen the receipts of the Government, that he wished this bill passed.

Mr. C. said he knew the character of the population which constituted the settlers on the public lands; that he had lived amongst them, and had had much intercourse with them, and could inform gentlemen that they were not renegades, vagabonds, or outlaws. As a class, he said, they could boast of as many virtues as any other. Many of them, he knew, were distinguished for their intelligence and respectability; and all were distinguished for their generous hospitality, honest independence, and bold enterprise.

The Senator from Kentucky (Mr. Clay) had declared that he would not be deterred from the course he had marked out for himself by denunciations, come from whom, or what quarter they might. Mr. C. said he did not know to whom the Senator from Kentucky alluded; but, if that Senator escaped the denunciations of the hardy pioneers and settlers of the West, whom he had charged as violaters of the law, trespassers who had seized upon the public property, and whom he had stigmatized as perpetrators of the most disgraceful frauds, in terms so injurious to their characters and feelings, he would be fortunate indeed. Mr. C. said he knew, from his residence amongst them, how unjust such imputations against the settlers were; and that, if fraud was intended to be suppressed, the most effectual way of attaining the object was by passing the bill before the Senate.

Mr. YOUNG observed that the object of all the members from the new States was to secure to the settlers on the public lands the right of pre-emption to their improvements. Now by the provisions in this bill, and the nature of the amendment, it was declared that the persons to be benefited by it, must not only be settlers, but cultivators also. But where was the necessity of requiring proof of cultivation? Suppose a man settled down as a blacksmith, was not his claim a meritorious one, and was he and his family to be driven from his improvements because he supported himself and them by laboring at the forge, instead of the plough? Suppose a man settled down on a prairie, (and there were hundreds of such cases,) and broke up the land, and put in his wheat, without enclosing it; was he to lose his labor and improvements, because he did not make his fence within the time required? Mr. Y. held it only necessary that the claimant should be an occupant; and that to require cultivation would, in a number of cases, produce great hardship. Those who lived in the new States knew that hundreds of the poorer class of persons went there without the means of cultivating. Many of them having large families of children, built their little log cabins, and were compelled to labor for their support. He prayed gentlemen, therefore, not to exclude this numerous class of meritorious persons from the benefits of the bill. It would be doing full justice to all to require that there should be a *bona fide* settlement; but if cultivation was required, a large class of settlers

*During the administration of John Quincy Adams, when Mr. Clay was Secretary of State.

would be excluded, who were equally entitled to the benefits intended by the bill.

After some further remarks by Mr. CRITTENDEN, the question was taken on Mr. CRITTENDEN's amendment, and it was agreed to—yeas 26, nays 21, as follows:

YEAS—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, King, Knight, McKean, Merrick, Morris, Nicholas, Niles, Pierce, Prentiss, Preston, Roane, Robbins, Smith of Connecticut, Smith of Indiana, Southard, Spence, Swift, Tallmadge, and Webster.—26.

NAYS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, Linn, Lumpkin, Lyon, Mouton, Norvell, Rives, Robinson, Sevier, Tipton, Walker, White, Williams, Wright, and Young—21.

Mr. BAYARD then submitted an amendment, requiring that this act shall be construed in conformity with the rules which have been prescribed by the Commissioner of the General Land Office, under the former pre-emption law.

Mr. KING said that this amendment would produce some difficulty, as the set of rules first prescribed by by the General Land Office having been found, on practice, defective, had been set aside, and new ones established, which worked well, and were in present use.

Mr. CLAY of Alabama suggested a modification of the amendment, so as to require the act to be construed in conformity with such rules as have been prescribed by the Commissioner of the General Land Office and are now in force; which modification was accepted by Mr. BAYARD.

Mr. BENTON expressed himself as entirely opposed to such a proceeding. The rules were infinitely more voluminous than the bill, and might tend to embarrass its provisions; and besides, he was averse to legislating official rules into a law.

Mr. KING also opposed the amendment, after which

Mr. BAYARD moved to postpone the further consideration of the bill till Monday, in order to give members time to look into the rules of the General Land Office, with regard to the construction of the pre-emption laws.

The question being taken on the motion to postpone, it was lost—yeas 23, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Morris, Prentiss, Preston, Roane, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, and Webster—23.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Sevier, Smith of Connecticut, Walker, White, Wright, and Young—25.

Mr. BAYARD then modified his amendment so as to read as follows:

Insert after land, in the fourteenth line, "and that prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the Register and Receiver of the Land District in which such lands may be, agreeably to the rules which have been prescribed by the Commissioner of the General Land Office for that purpose, and are now in force."

Mr. MORRIS then moved an adjournment; which was carried by a vote of 30 to 17.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 27, 1838.

Mr. JOHNSON, of Louisiana, renewed his application to submit a resolution instructing the Committee on Private Land Claims to inquire whether any, and if any what, further provisions ought to be made by law for the final settlement and legal decision of claims for land, but it was unsuccessful.

Reports from the committees were then called for.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported a bill for the relief of George Rowe.

INDIAN AFFAIRS.

Mr. CAMPBELL, of South Carolina, reported a bill to authorize the settlement with George Fisher, for property drstroyed by the troops of the United States.

MILITARY AFFAIRS.

Mr. McKAY reported a bill for the relief of Roger Jones, Adjutant General of the Army.

Also a resolution authorizing the Committee on Military Affairs, in case they should find it necessary to the performance of their duties, to send for persons and papers, which was concurred in.

NAVAL AFFAIRS.

Mr. INGHAM reported a bill for the relief of Robert Ramsey.

Also, a bill for the relief of Ezekiel Jones.

Also, a bill to amend the act of 1835, to regulate the pay of the navy of the United States.

Mr. GRANTLAND reported a bill for the relief of Elizabeth Champney.

FOREIGN AFFAIRS.

Mr. HOWARD reported a bill for the relief of Charles G. Ridgley.

INVALID PENSIONS.

Mr. MALLORY reported a bill for the relief of Barton Hooper.

COMMERCE.

Mr. WORTHINGTON reported a bill establishing certain collection districts, and creating ports of entry therein.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported a bill for the relief of the heirs of Dr. Samuel Kennedy.

Mr. GRENNELL moved a suspension of the rule for the purpose of submitting a motion to print some extra copies of the report of the Superintendent of the Patent Office; but the House refused.

DISTRIBUTION OF BOOKS.

The House then took up the unfinished business of the morning hour, being the following resolution, submitted on yesterday by Mr. RARIDEN:

Resolved, That the Clerk be directed to furnish such members of the present House of Representatives as have not received the same under former orders with the following books, to be paid for out of the contingent fund of this House, being such as have been supplied to members of the last and preceding Congress, viz:

The Diplomatic Correspondence, The Documentary History of the Revolution, The Land Laws, American State Papers, Register of Debates, Contested Elections, and Commercial Regulations, Elliott's Debates, and Elliott's Diplomatic Code—

But nothing herein contained shall be construed to authorize the reprinting of either of the above works.

Mr. BRIGGS had moved to strike from the above "The Diplomatic Code."

Mr. RARIDEN accepted this as a modification of his resolution.

Mr. BRIGGS then moved to amend the resolution by inserting after the word "orders" the following: "and who shall in writing notify the Clerk of their wish to receive them."

Mr. RARIDEN accepted of this also, as a modification of his resolution.

Mr. WILLIAMS, of Kentucky, then moved to strike out all after the word "resolved," in the original resolution, and insert the following:

Resolved, That the late members of the House of Representatives of the 23d and 24th Congress, who have received, or are entitled to receive books, under the resolutions of the 23d and 24th Congress, are hereby directed and required to place them in the Library of Congress for the use of their successors, who shall have the right to use them whilst members, and during the sessions of Congress, and who shall replace them in the Library for the use of their successors; and said books shall be thus kept for the use of the members of the House of Representatives, and to be used and replaced in the Library of Congress from time to time as aforesaid. [The books were named in the amendment.]

Mr. BRONSON would inquire of the gentleman from Kentucky if he was aware of any authority to enforce obedience to the mandates of the resolution, in case it was adopted by the House?

Mr. WILLIAMS presumed if the House had authority to appoint committees with power to send for persons and papers, that it would have power to enforce obedience to a resolution of this kind.

Mr. BRONSON replied, that if the gentleman knew of any authority by which the resolution could be enforced, he would give it his support.

Mr. WILLIAMS had no doubt but that there was an authority in the House to enforce the resolution; but he supposed that, if this resolution was solemnly adopted by the House, there was no member of the Twenty-third or Twenty-fourth Congress who had received the books that would retain them.

Mr. BRIGGS could inform the gentleman from Kentucky of one member of that Congress who would retain them.

Mr. WILLIAMS had only to say, then, that he did not think any member ought to retain them, after a resolution of this kind should be adopted. He had no idea of an appropriation of this kind being made indirectly, through the means of the contingent fund of the House. If members of Congress did not receive a sufficient compensation for their services, let them say so. If eight dollars a day was insufficient, let their per diem be increased by a direct appropriation; but do not be charging the Government with six or eight hundred dollars for each member, in the shape of books. It was, in fact, but an increase of the salary of the members, so far as the United States was concerned, although they, the members, derived but little benefit from it. He had understood that these books had frequently been sold here by members of Congress at one-fourth the price which the Government had paid for them. He was credibly informed that the American State Papers, which cost the Government from twelve to fifteen dollars per volume, had been sold here for two dollars a volume. He thought it entirely improper that the money of the Government should be expended in this way, and he hoped, if it was necessary, that the information which these works contained should be furnished the new members of Congress, that the resolution he proposed should be adopted, so that the works might be retained here in the library of Congress, so that one set for each member might always be at hand. He had received the books which had been furnished heretofore, but he had received them upon the principle that General Jackson accepted of a second nomination to the office of President. He should now, however, yield up those works for the benefit of his successors, in case the resolution he had moved was adopted. He trusted, therefore, that the House would see the propriety of adopting his amendment.

Mr. RARIDEN was sorry that the gentleman from Kentucky had seen proper to move to strike out his resolution for the purpose of moving the amendment which had been moved. It seemed to him that his resolution, as he had modified it at the suggestion of the gentleman from Massachusetts, would prove satisfactory to a majority of the House. He (Mr. R.) conscientiously desired to have these works, but he did not desire to force them upon those who had any conscientious scruples about receiving them; therefore he had accepted of the modification of the gentleman from Massachusetts, so as to make it necessary for every gentleman who wished to have the books, to notify the Clerk of the same. Mr. R. then slightly modified his resolution further, and urged upon the House the propriety of adopting it.

Mr. MERCER then went into a detail of the description of books which Congress had heretofore seen proper to order to be printed for the information of members of Congress and the public.

Mr. MORGAN moved the previous question, which was seconded by the House.

Mr. BOND called for the yeas and nays on ordering the main question, but the House refused to order them, and the main question was ordered to be put without a division.

Mr. BOND then called for the yeas and nays on the main question, which was on the adoption of the original resolution, as modified by the mover, which were ordered, and were—yeas 113, nays 71.

So the resolution was agreed to.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, FEBRUARY 12, 1838. VOLUME 6.....No. 10.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 9.*]

The CHAIR announced the special order of the day.

Mr. HOWARD, chairman of the Committee on Foreign Affairs, gave notice, that so soon as this election question should be disposed of, or so soon as an opportunity offered, he should ask leave to take up the bill of the Senate, now on the Speaker's table, to preserve the neutrality of the United States on our frontiers.

MISSISSIPPI ELECTION.

The HOUSE then announced the special order of the day, being the consideration of the Mississippi election.

The question pending, being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending, being on the motion of Mr. BELL, who on yesterday moved to amend by striking out all after the word "resolved," and inserting as follows:

"That the resolution of this House of the 3d October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded.

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. MAURY, who was entitled to the floor, addressed the House for a few minutes, in favor of the claim of the applicants to a seat on the floor, and stated to the House that it had been his intention to go into the subject generally, but as there seemed to be a disposition to take the question as soon as possible, and as he believed the House to be fully prepared to take the question, he would not interpose any obstacle; therefore he should decline making any further remarks on the subject.

Mr. BRONSON, after making some introductory remarks, said that he was not sure that he could shake any of the positions taken by the gentleman who had addressed the House, (Mr. Prentiss,) but he would try. Before he proceeded, however, he could not refrain from paying a tribute to the eloquence and zeal with which the gentleman had defended what he called the rights of the State of Mississippi. Mr. B. went on to show that the question had been presented to the House in a false light by the contestants, for he contended that no indignity whatever had been offered to the State of Mississippi; her rights of representation had been respected and defended, and the simple question was, a question between individuals as to who should have the right of so representing her.

Mr. B. contended that the decision of the House at the late special session was a judicial decision, and could not be altered; and, whether it was so, or not, that, previous to the special session, there existed a legal and constitutional vacancy, which the Governor was authorized to fill, and which he did fill.

Mr. B. entered into a long argument to prove that the Governor of Mississippi was authorized by the Constitution to fill a vacancy. He then portrayed, in glowing colors, the disastrous consequences which would ensue if the various Legislatures had not that power. He said the country might be ravaged by an invading enemy, or might be at war with ten nations at once, without having the power of calling together and assembling the House of Representatives to act on the subject. He was fully aware of the strength of the arguments adduced by one of the contestants, (Mr. Prentiss,) viz: that the Governors of States might thus anticipate, defeat or destroy the regular election. But it would be obvious to every reflecting mind that there was not the slightest probability of such a course ever being adopted; and, if it were, there were ample means of speedy redress.

Perhaps the most important question, after assuming that the Governor had the power, was, "did he exercise that power?" It had been contended that such was not the case, and that the proclamation of the Governor was a mere nullity. For his part, he maintained that the Governor had a right to fill the *whole* vacancy, or none. He was not authorized to fill a part of a vacancy, but the whole; therefore, if the gentlemen elected in July were elected at all, they were elected for the whole term of the Twenty-fifth Congress.

Mr. B. commented at some length on the absurdity of the argument, that because the Governor had inserted a superfluity in his writ and proclamation, the whole was thereby rendered void. He maintained that the decision of the House at the late session, was a judicial decision, made after a full and complete investigation of all the facts, and that therefore it was binding and could not be reversed. He denied that the decision was *ex parte* as had been alleged, and was proceeding in proof thereof, when he gave way to a motion of adjournment. And the House adjourned.

IN SENATE,

SATURDAY, Jan. 27, 1838.

Mr. GRUNDY presented the petition of sundry citizens of Davidson county, Tennessee, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented five petitions from citizens of Michigan, praying for an appropriation for the improvement of the harbor of Preston, and for the construction of a light house at Stony Point: referred to the Committee on Commerce.

Mr. PRENTISS presented a petition from sundry citizens of Vermont, praying for the abolition of slavery in the District of Columbia; and,

On motion of Mr. ROANE, the question on receiving the petition was laid on the table.

Mr. SMITH of Indiana presented the joint resolutions of the Legislature of that State, asking for the extension of the franking privilege to the Executives of the States: laid on the table.

Mr. LYON presented a petition numerously signed by the inhabitants of the country lying in the vicinity of the road commenced by the United States, and running from Toledo, on the Maumee river, to Michigan City, in the State of Indiana, setting forth the importance of that road in a national point of view, and praying Congress to make an appropriation to complete it with as little delay as practicable: referred to the Committee on Roads and Canals.

Mr. ALLEN presented the petition of Caleb Atwater, praying compensation for services rendered as commissioner to treat with certain Indian tribes: referred to the Committee on Claims.

On motion of Mr. MORRIS, the Committee on Pensions was discharged from the further consideration of the petition of the daughter of John Sherburne, late of the army of the Revolution.

Mr. M. from the same committee, made an unfavorable report on the petition of Garrett Tennison, and the committee was discharged from the further consideration thereof.

Mr. KING presented the petition of William Fisher, praying confirmation of his claim to a tract of land under a Spanish grant: referred to the Committee on Private Land Claims.

Mr. NILES presented the petition of sundry citizens of Connecticut, praying for the establishment of a light-house: referred to the Committee on Commerce.

The report of the Committee on Commerce, unfavorable to the petition of Joseph W. Page of Charleston, was considered and concurred in.

The Senate then took up the bill granting preemption rights to settlers on the public lands, and, after the adoption of several amendments, the bill was ordered to be engrossed by a vote of 26 to 12.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 29, 1838.

A message in writing from the President of the United States, received on Saturday last, was laid before the House; and having been read, on motion of Mr. WHITTLESEY of Ohio, was laid on the table.

The message communicated a report of the commission in relation to spoliations by the Creeks and Seminoles.

NORTHEASTERN BOUNDARY.

The following message and accompanying report were received at the same time, and now laid before the House:

To the House of Representatives of the United States:

I herewith communicate to the House of Representatives a report from the Secretary of State, with accompanying documents, in answer to their resolution of the 9th instant.

M. VAN BUREN.

Washington, Jan. 26, 1838.

DEPARTMENT OF STATE,
Washington, January 25, 1838.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, dated the 9th inst. requesting the President to communicate to that body what measures, if any, have been taken by the Executive, for the release of Mr. Greely, a citizen of Maine, now imprisoned in the provincial jail of New Brunswick, at Fredericton, for an alleged violation of the jurisdiction of said province, over the territory claimed by the British Government; and also, to communicate any correspondence which the Executive Department may have had with the British Government, or the Executive of Maine, upon the subject of said Greely's imprisonment, so far as a communication of the same may be deemed by him not incompatible with the public interest.

And likewise requesting the President, if not incompatible with the public interest, to communicate to that House "any correspondence or communication held between the Government of the United States and that of Great Britain, at different times, respecting the wardenship, occupation, or actual possession, of that part of the territory of the State of Maine which is claimed by Great Britain," has the honor to report to the President the accompanying documents, which embrace the information and correspondence not heretofore published by Congress, called for by the above cited resolution.

Respectfully submitted.

JOHN FORSYTH.

To the PRESIDENT OF THE UNITED STATES.

On motion of Mr. EVANS, the further consideration of the subject was postponed till Thursday next.

The SPEAKER laid before the House a communication of the Secretary of the Navy, transmitting a statement of the contingent expenses of the Navy Department; which, on motion of Mr. CAMBRELENG, was laid on the table.

CHEROKEE MEMORIAL.

The House then resumed the consideration of the memorial of John Ross and other Indians of that tribe, remonstrating against the treaty at New Echota.

The question pending was on the motion of Mr. HOPKINS to reconsider the vote of the House of Monday last, refusing to lay the memorial on the table.

Mr. EVERETT inquired if the motion to reconsider was debateable?

The CHAIR replied that generally a motion to reconsider opened the whole merits of the question; that is, if the original motion under it was a debateable one; but the motion to lay on the table not being debateable, consequently, that to reconsider it could not be.

After some further conversation between the CHAIR and Mr. EVERETT, the latter gentleman asked for the yeas and nays on the motion to re-

consider, which were ordered, and were—yeas 121, nays 82, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, John Calhoon, Cambreleng, Timothy J. Carter, Casey, Chambers, Chaney, Chapman, Cilley, Cleveland, Clowney, Coffin, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, Dennis, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, Gholson, Glascock, James Graham, Grantland, Grant, Gray, Griffin, Haley, Hammond, Harrison, Hawes, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Klingensmith, Lawler, Legare, Lewis, Logan, Loomis, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McKim, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Noble, Owens, Palmer, Parker, Parmenter, Patton, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Rencher, Rhett, Richardson, Shields, Sheplor, Smith, Southgate, Spencer, Stewart, Stone, Taylor, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Weeks, John White, Jared W. Williams, Joseph L. Williams, Worthington and Yell—121.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Bond, Borden, Briggs, William B. Calhoun, William B. Campbell, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Darlington, Davies, Deberry, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, Graham, Graves, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Robert M. T. Hunter, Daniel Jenifer, William Cost Johnson, Lincoln, Mallory, Marvin, Samson Mason, Maury, Maxwell, McKennan, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Noyes, Ogle, Patterson, Pearce, Potts, Rariden, Randolph, Reed, Ridgway, Robertson, Rumsey, Russell, Augustine H. Shepherd, Sibley, Stanly, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Webster, Albert S. White, Elisha Whittlesey, Sherrod Williams, Christopher H. Williams, Wise, and Yorke—82.

So the House resolving to reconsider the vote, the question recurred upon the motion to lay the memorial on the table; on which,

Mr. FILLMORE asked for the yeas and nays, which were ordered, and were—yeas 123, nays 86, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, John Calhoon, Cambreleng, Timothy J. Carter, Casey, Chaney, Chapman, Cilley, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, Dennis, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Richard Fletcher, Foster, Fry, Gallup, Gholson, Glascock, J. Graham, Grantland, Grant, Griffin, Haley, Hammond, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Lawler, Legare, Lewis, Logan, Loomis, Lyon, James M. Mason, Martin, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Noble, Owens, Palmer, Parker, Parmenter, Patton, Paynter, Pennybacker, Petriken, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Rencher, Rhett, Richardson, Rives, Sawyer, Shields, Sheplor, Smith, Southgate, Spencer, Stewart, Stone, Taylor, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Jared W. Williams, Jos. L. Williams, Worthington, and Yell—123.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, William B. Campbell, William B. Carter, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Darlington, Davies, Deberry, Dunn, Evans, Everett, Ewing, Fillmore, Rice Garland, Goode, William Graham, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Henry, Herod, Ogden Hoffman, Robert M. T. Hunter, William Cost Johnson, Lincoln, Mallory, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Noyes, Ogle, Patterson, Pearce, Potts, Rariden, Randolph, Reed, Ridgway, Robertson, Rumsey, Russell, A. H. Shepperd, Charles Shepard, Sibley, Slade, Stanly, Stratton, Taliaferro, Tillinghast, Toland, Underwood, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, and Yorke—86.

So the memorial was laid on the table.

Petitions and memorials were then called for in the order of States and Territories, and were presented by

Messrs. EVANS, FAIRFIELD, CARTER, ANDERSON, SMITH, CILLEY, DAVEE, and NOYES, of Maine.

[Mr. SMITH presented the petition of the citizens of Portland, Maine, in favor of a general bankrupt law. Also, of Samuel Goldsbury. Also, of Henry R. Stickney.]

At the hour of 1 o'clock the CHAIR announced the special order, being the case of the Mississippi Election.

Mr. CALHOUN of Massachusetts moved a suspension of the rules, for the purpose of continuing the presentation of petitions; and the motion being taken by tellers, was decided in the negative, ayes 105, nays 71, not two-thirds.

The House accordingly resumed the consideration of the

MISSISSIPPI ELECTION.

The question pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who had moved to amend by striking out all after the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Misssippi, in November last, and are entitled to take their seats as such.

Mr. BRONSON, who was entitled to the floor, proceeded with his remarks, and replied to the arguments of one of the applicants for a seat on the floor (Mr. Prentiss) in relation to the decision of the last session of Congress as being ex parte, and contended that that decision was decisive on the question, and must be binding. Mr. B. went into an examination of the meaning of the words *ex parte*, and contended that the decision of the House at the extra session was not ex parte, there being discussion, and evidence produced on both sides of the question; and, in his opinion, it would be unjust to reverse that decision, because the sitting members had asserted on the floor of the House, that if it decided in their favor, that they would not be candidates in the canvass then going on in Mississippi. The whole facts of the case were laid before the House at the extra session, and the matter was therefore fully discussed, so that there could be no mistake in relation to the decision made at that time. He then went generally into an examination of the various documents on the subject, and the acts of the Governor of Mississippi in relation to it, and contended that in whatever light you might view it, the decision of the House at the extra session must be binding, and that it was impossible that gentlemen could be constitutionally elected members of this House at the November election, when there was no vacancy in the representation of Mississippi, this House having decided that the sitting members were entitled to seats during the whole Congress.

The House having decided they were thus entitled to their seats, they were not candidates in November, and in many counties where they received large majorities in July, they received not a vote in November; their friends refraining from voting at all for members of Congress, believing the decision of the House to be final, and that there was no vacancy in the representation of the State. This was borne out by the fact, that at the November election there were upwards of eight thousand more votes given for Governor than for members of Congress. Would it, therefore, he would now ask, be right to reverse this decision, even if it was incorrect. If it was incorrect, which he would only admit for the sake of the argument, it would be doing the greatest injustice to reverse it. The election of November was held under the decision of this House, and many of the friends of the sitting members, on the faith of that decision, remained at home on the election day, or at least refused to cast their votes for members of Congress. It was not to be believed that an election held in this way could express the will and wishes of the people of Mississippi.

Mr. B. replied at some length to the arguments of the contestant to a seat on this floor, and concluded by hoping that the House would not reverse the decision of the extra session.

Mr. JENIFER replied, at some length, to the arguments of the gentleman who had preceded him in support of the decision of the House at the extra session, and contended that new evidence was now presented to the House, and that if the decision of the extra session was wrong, that now was the proper time to correct the error. He went generally into a detail of the evidence presented at the called session, and that now presented, for the purpose of showing that the question was now presented to the House in an entirely different light from what it was when the decision was made. The whole evidence in the State of Mississippi, the Governor's proclamation, the writs of election, the certificates of the Governor and Secretary of State, all went to show that the sitting members were elected only for the extra session. This was the opinion, too, he contended, of the people of Mississippi, as was evidenced by the fact of their holding an election for members of Congress in November last. He replied to the arguments of the gentleman from New York, (Mr. BRONSON,) in relation to the vote for the Governor of the State being larger than for members of Congress; and asserted that the contestants had a larger vote than had ever before been given in the State of Mississippi.

Mr. ROBERTSON followed on the same side, and spoke at some length in support of the right of the contestants to seats as representatives of the State of Mississippi.

Mr. LEGARE obtained the floor, but stated that as the hour was late, he thrown himself upon the indulgence of the House, by asking a more favorable hour for addressing the body. He thereupon moved that the House adjourn.

Mr. GARLAND of Louisiana called for the yeas and nays on this motion, but the House refused to order them, and

The House then adjourned.

IN SENATE,

MONDAY, January 29, 1838.

The CHAIR communicated a report from the Treasury Department, transmitting sundry documents in answer to the resolution of the 24th inst. requiring copies of the correspondence between that Department and the banks of the District of Columbia, after the passage of the deposite law and the suspension of specie payments, relative to the increase of their loans and discounts; and,

On motion of Mr. ALLEN, the report and documents were laid on the table, and ordered to be printed.

The CHAIR also communicated a report from the War Department, transmitting, in compliance with the act of March, 1837, the report of the agents appointed to inquire what depredations have been committed by the Seminole and Creek Indians on the property of the citizens of Florida, Georgia, and Alabama; and,

On motion of Mr. CLAY of Alabama, it was laid on the table, and ordered to be printed.

The CHAIR also communicated a report from the War Department, transmitting the report of the Chief Engineer, in answer to the resolution of the Senate of the 25th inst. relative to the amount expended on the improvement of the navigation of the Missouri river; which, on motion of Mr. LINN, was laid on the table, and ordered to be printed.

The CHAIR also communicatod a letter from the War Department, transmitting two reports from the Chief Engineer, accompanied by certain documents relative to the claims of Henry Gale to the Pea Patch island, in the Delaware; and

On motion of Mr. BAYARD, it was laid on the table and five hundred extra copies were ordered to be printed.

The CHAIR also communicated a report from the War Department, accompanied by certain surveys in reference to the Rock river and Des Moines rapids of the Mississippi, made in compliance with a resolution of the Senate; and

On motion of Mr. YOUNG, it was laid on the table, and fifteen hundred extra copies were ordered to be printed.

The CHAIR also communicated a report from the Navy Department, made in compliance with the provisions of the 2d section of the act of the 9th May, 1836, showing the expenditures under the contingent fund, of the office of the Secretary of the Navy, and the office of the Commissioners of the Navy; which was laid on the table and ordered to be printed.

Mr. SWIFT presented the memorial of sundry citizens of Knox county, Illinois, remonstrating against the annexation of Texas to the Union; which was laid on the table.

Mr. CALHOUN presented a communication from the Governor of the State of South Carolina,

inclosing the resolutions passed by the Legislature of that State, asking an appropriation for the preservation of Charleston harbor: referred to the Committee on Commerce.

Mr. McKEAN presented the petition of sundry citizens of Pennsylvania, praying Congress to abolish slavery and the slave trade in the District of Columbia; the question on the reception of which was, on motion of Mr. CLAY of Alabama, laid on the table.

Mr. BUCHANAN presented the petition of twenty-four youths of the city and county of Philadelphia, asking for the speedy extinction of slavery in the District of Columbia and Territories of the United States; and ,

On motion of Mr. CLAY of Alabama, the question of its reception was laid on the table.

Mr. WALL presented a petition from Robert Achison of New Jersey, to the same purport, which was similarly disposed of.

Mr. WALL presented a petition of sundry citizens of Philadelphia, praying for an appropriation to complete the frigate Raritan, now on the stocks; and

Mr. WEBSTER presented two similar petitions for the same object; both of which were referred to the Committee on Naval Affairs.

Mr. WEBSTER presented a memorial from sundry citizens of Massachusetts, remonstrating against reducing the duties on woollen blankets: referred to the Committee on Manufactures.

Mr. WEBSTER also presented the petition of Hannah Laighton, widow of Isaac Bates, praying for a pension; which was referred to the Committee on Pensions.

Mr. WALL presented the petition of Robert Montgomery, praying for a pension; which was referred to the Committee on Pensions.

Mr. YOUNG presented the petition of sundry citizens of Illinois, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. LINN moved that the papers in relation to the claim of the heirs of Wade Hampton to a tract of land in Louisiana, be printed; which motion was agreed to

Mr. CUTHBERT presented a memorial from sundry citizens of Darien, Georgia, praying for an appropriation for the survey of the Altamaha river: referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ROANE presented sundry documents in support of the claim of J. S. Stubbs; which was referred to the Committee on Revolutionary Claims.

Mr. MORRIS presented documents in support of the claim of David Robb; which were referred to the Committee on Claims.

Mr. KNIGHT presented the petition of Asa Armington, praying to be relieved from the payment of a duty bond: referred to the Committee on Commerce.

Mr. RUGGLES presented the petition of Hazard Knowles, of the Patent Office, praying to be allowed to take out a patent: referred to the Committee on Patents.

Mr. LINN submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the navigation of the Missouri river, from its mouth to Fort Leavenworth.

Mr. SEVIER submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to the heirs of Peter Craig, deceased.

Mr. NORVELL submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Roads and Canals inquire into the expediency of making an appropriation for the construction of a macadamized or railroad from Milwaukie or Lake Michigan, by the most direct, eligible route through the mineral region, to some point on the Mississippi, in the Territory of Wisconsin.

Mr. WALL submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be requested to communicate to the Senate the report of the survey of Crow shoal, in Delaware bay, made in pursuance of an act of Congress for the purpose of ascertaining the expediency of constructing a breakwater or artificial harbor, and other papers accompanying the same, if such report has been made; and if not, to state the reasons why the same has not been made.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which the memorials relating to them had been referred, reported the following bills; which were severally read, and ordered to a second reading:

A bill for the relief of the widow and heirs of Col. Albert Paulding, deceased.

A bill for the relief of the legal representatives of Captain Robert White, deceased; and

A bill for the relief of the heirs of Capt. Thomas L. B. Goodwin, deceased.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the memorial of Michael ———, reported a bill for his relief; which was read, and ordered to a second reading.

The report of the Committee on Pensions unfavorable to the petition of Garrett Lewis, was considered and concurred in.

On motion of Mr. HUBBARD, the bill for the relief of Francis Newman was taken up; and, after a brief explanation from Mr. WALL, was ordered to a third reading.

The bill to grant pre-emption rights to settlers on the public lands was read a third time; and on the question, Shall it pass? a debate ensued, in which Messrs. WEBSTER, CLAY of Kentucky, HUBBARD, CLAY of Alabama, FULTON, LYON, and CALHOUN took part. The debate lasted until 4 o'clock, when Mr. WHITE rose to address the Senate, but gave way on a motion of Mr. BENTON to adjourn.

HOUSE OF REPRESENTATIVES,

TUESDAY, Jan. 30, 1838.

The CHAIR laid before the House several Executive communications, viz:

1. From the Secretary of War, transmitting copies of all orders to the commanders of the forces in Florida.

On motion of Mr. McKAY, referred to the Committee on Military Affairs.

2. From the same, communicating a report of the Chief Engineer in reference to the erection of fences or guard posts, where necessary, on the National Road between Cumberland and Wheeling.

On motion of Mr. McKENNAN, referred to the Committee on Roads and Canals.

3. From the same, transmitting certain annual reports from the Commissioner of Indian Affairs, accompanied by a statement of all the persons employed in that branch of the public service during the year 1837.

On motion of Mr. BELL, laid on the table.

4. From the Secretary of the Treasury, transmitting a report of the Commissioner of the General Land Office, containing a statement of the whole amount of the public lands belonging to the United States sold since they were ceded to the United States, distinguishing the amount in each year, etc.

On motion of Mr. MONTGOMERY, laid on the table.

Reports from the standing committees were then called for.

COMMITTEE OF CLAIMS.

Mr. WHITTLESEY of Ohio reported Senate bill, with an amendment, for the relief of William East.

COMMERCE.

Mr. SMITH reported Senate bill, with an amendment, authorizing certain persons to test the strength of steam boilers.

Mr. CURTIS reported a resolution requesting the Secretary of the Navy to communicate to the House of Representatives the report and survey made by Lieutenant Wilkes of George's Bank and shoal; and that the report be printed, together with 5,000 extra copies of the chart, under the superintendence of Lieutenant Wilkes; which, after a few words from Messrs. McKAY and CURTIS, was concurred in.

PUBLIC LANDS.

Mr. CASEY reported a bill for the relief of Samuel Dickerson.

JUDICIARY.

Mr. THOMAS reported, without amendment, Senate bill entitled an act to alter and amend the acts for the punishment of certain crimes against the United States.

Mr. CORWIN reported a resolution instructing the Committee on the Judiciary to inquire into the expediency of changing the times of holding the Circuit and District Courts of the United States in the States of Ohio, Indiana, Illinois, and Michigan; which was concurred in.

Mr. GARLAND of Virginia reported a bill to reorganize the District Courts of the United States in the State of Alabama.

PRIVATE LAND CLAIMS.

Mr. MAY reported a bill for the relief of the legal representative of Philip Barbour, deceased.

INDIAN AFFAIRS.

Mr. BELL reported a bill for the relief of Geo. C. Johnson.

Mr. CHANEY reported a bill for the relief of John Bouldin.

Mr. EVERETT reported a bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas.

MILITARY AFFAIRS.

Mr. McKAY reported a bill to increase the army of the United States, and for other purposes.

Mr. McKAY explained, for the information of the House, that this bill related merely to an increase of the rank and file of the army, and did not touch at all the subject of the reorganization or increase of the staff. That subject was still under the consideration of the committee, and they expected shortly to be prepared to report upon it.

Mr. GRENNELL reported a bill for the relief of Anne S. Heilman.

TERRITORIES.

Mr. BRONSON reported a bill to establish a new Judicial District in the Territory of Florida.

Also, a bill to authorize the President of the United States to cause to be surveyed and ascertained the boundary line between the State of Missouri and the Territory of Wisconsin.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Hallman Tucker.

Mr. FRY reported a bill granting a pension to Cottan Evans of Vermont.

INVALID PENSIONS.

Mr. WILLIAMS of Kentucky reported a bill for the benefit of the widow of Noah Chittenden.

Also, a bill for the relief of William Collins.

Mr. PLUMER reported a bill granting a pension to Gideon Shelby.

PUBLIC BUILDINGS AND GROUNDS.

Mr. LINCOLN reported a resolution instructing the Committee on Public Buildings and Grounds to cause the walls of the late Post Office building to be surveyed and examined by a skilful architect, for the purpose of determining on the propriety of their immediate removal, or of repairing or reconstructing the building, and the purposes to which it shall be applied, &c. which was concurred in.

PATENTS.

Mr. PHELPS reported Senate bill, without amendment, to authorize the Commissioner of the Patent Office to issue a patent to James Smith, and it was ordered to a third reading, then read a third time and passed.

On motion of Mr. MENIFEE, 5000 extra copies of the annual report of the Commissioner on Patents were ordered to be printed.

DISTRICT OF COLUMBIA.

Mr. DAWSON reported a bill for the relief of Eliza Davis.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution, submitted by Mr. ADAMS on the 18th ult.

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamphlet in the Spanish lan-

guage, stated in the report of the Secretary of State to this House to have been printed and circulated by the late minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike ont all that part relating to the name of the diplomatic functionary, after the word "country" in the eighth line.

Mr. HOWARD, remarking that the gentleman from Massachusetts (Mr. CUSHING) entitled to the floor being absent from indisposition, moved to postpone the further consideration of the subject till to-morrow.

Mr. ADAMS deemed it of great importance that the pamphlet in question should be in the possession of the House, from the attitude of our relations with Mexico; and, consequently, that the resolution should be soon adopted, because it would take some time to translate the pamphlet. He, therefore, expressed a hope that the gentleman from Maryland would withdraw his objection, or that the House would take the question at once.

In reference to the merits of the call, Mr. A. insisted that the information was indispensable to the House. Here was the country brought to the very verge of a war by the course of the Executive, and yet they were denied the information upon which the President had brought the country to this point. Mr. A. said "denied," for, in the call of the House for the correspondence between this Government and that of Mexico, all communication between the ministers of the two countries had been expressly and positively withheld or suppressed, under the restrictive clause in the call so strenuously insisted upon by the gentleman from Georgia, (Mr. HAYNES) viz: that saying if, in his (the President's) opinion, not incompatible with the public interest. Now, if there were negotiations pending at this time between Mexico and the United States, that would be a sufficient reason for the President to deny communicating these papers; but when they were told that no negotiations were pending, for they were informed that the President had exhausted all argument for negotiating, and nothing more was to be done but for Congress to assume their power, it did seem the most extraordinary thing in the world that all the information in possession of the Executive, could not be at once communicated. What! were they to go to war without this information? Was this conntry to be drawn into a declaration of war, without being put in possession of the information necessary to show the grounds of such a step? Surely they ought to have a copy of that pamphlet, a pamphlet described, in a *demi-semi* official response to it as an outrage without precedent. Mr. A. did not justify the act of Gorostiza, which might be called an act of indiscretion, but it did not merit all that had been said of it. Nor was it without precedent, and he particularly referred to the case of Gwinnett.

Mr. A's remarks were cut off by the annunciation of the special order, being the case of the

MISSISSIPPI ELECTION.

The question pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who had moved to amend by striking out all after the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. LEGARE, who was entitled to the floor, addressed the House at considerable length in support of the right of the sitting members, Messrs. CLAIBORNE and GHOLSON, to retain their seats. Mr. L. went into a lengthy argument to prove that the sitting members were duly elected by the people of Mississidpi, and that they were entitled to seats for the whole Congress. He based his argument on the Constitution of the United States, it being over and above the acts of the Governor and people of Mississippi; and the argument of gentlemen that it was only intended to elect the sitting members for the extra session by the people, he considered entirely erroneous.

Mr. EVANS addressed the House at some length in support of the rights of the contestants to seats, and in reply to the arguments of the gentleman from South Carolina, (Mr. LEGARE,) and others, who had spoken in favor of the sitting members.

Mr. CUSHMAN then stated that as this question had consumed a great deal of the time of the House; and as he presumed every gentleman had now made up his opinion in relation to the question, he now demanded the previous question.

Mr. WISE called the attention of the gentleman from New Hampshire to the facts that one of the members now asking seats on this floor had not had the opportunity of saying a word, and that it was the wish of the other gentlemen again to address some remarks to the House, in reply to the arguments which gentlemen had made in opposition to their right to seats in this Congress.

Mr. CUSHMAN replied that if this was the case, he would withdraw the motion, to enable the contestants to address the House, if they desired it.

Mr. PRENTISS then rose, and intimated a wish to address some remarks to the House, but gave way to

Mr. MASON of Virginia, who addressed the House for a few minutes in explanation of the vote he had given at the extra session. He stated that at the extra session he had voted in favor of the sitting members taking their seats in this House; but from subsequent examination and reflection, he had come to the determination that the better plan would be to send both the delegations back to the people.

Mr. PRENTISS then obtained the floor, and addressed the House a few minutes; when he gave way to

Mr. WISE, on whose motion,

The House adjourned.

IN SENATE,

TUESDAY, January 30, 1838.

The CHAIR communicated a report from the Treasury Department, in compliance with the resolution submitted by Mr. WEBSTER, inquiring whether any of the pensions and fishing bounties paid at Boston, were paid in notes of the Commonwealth Bank of Massachusetts, &c.

Mr. WEBSTER said he would not detain the Senate, by requiring the reading of the document, but would merely move for the printing of it. He would, however, take occasion to say, as the Secretary and collector put the payment of these pensions and bounties in Commonwealth Bank notes, on the ground that they were voluntarily received. Now it happened that he had this morning received by mail an affidavit, relating to the payment of a pension, which he would read to the Senate.

Mr. W. here read an affidavit of an individual, named Asa Pickering on the subject, and moved that it be printed together with the report and documents from the Treasury Department.

Mr. CLAY of Alabama supposed the Senator did not mean to print the affidavit as a part of the documents belonging to the Treasury report.

Mr. WEBSTER replied certainly not. He wished it to be printed separately.

The report and documents were then ordered to be printed, as was also the affidavit just read.

The CHAIR also communicated a report from the War Department, showing the number of persons employed in the Indian Department for the year 1837; which was laid on the table.

Mr. SOUTHARD presented the petition of a number of Cherokee pensioners, praying provision for injuries sustained in the late war: referred to the Committee on Pensions.

Mr. S. also presented a memorial from A. and G. Ralston of Philadelphia, praying to be refunded certain duties paid by them for the Newcastle and Frenchtown Railroad Company to the collector of the Wilmington district, under (an alleged) misconstruction of the act of July 1, 1836: referred to the Committee on Finance.

Mr. CALHOUN presented a memorial from the Chamber of Commerce, in Charleston, sanctioning a memorial from certain citizens of North Carolina, in relation to the railroad from Halifax to Wilmington, which they ask to have made a mail route, and show the comparative advantages that will result therefrom. The memorialists state that the mail, as at present carried, takes ninety-eight hours from Halifax to Augusta, which they can accomplish by their road in fifty-eight hours. And again, the mail from Halifax to Charleston, S. C. as now carried, takes ninety-four and a half hours, while their line, after the first of May, will carry it the same distance in forty-six hours, making a clear saving of forty-eight hours. In a very little while they will do away the necessity of the Express mail, as no other mode can compete with them in point of velocity.

Mr. WILLIAMS presented two petitions from citizens of Maine, praying for the abolition of slavery in the District of Columbia. Also, a petition remonstrating against the annexation of Texas to the Union. The question of receiving the first of these was laid on the table, and the last petition itself was laid on the table.

Mr. ROANE presented the petition of the president and directors of the Bank of the Metropolis, asking for a renewal of their charter: referred to the Committee on the District of Columbia.

Mr. WALL presented the petition of sundry citizens of Burlington, New Jersey, praying Congress to exercise what the petitioners call its constitutional power to prohibit the slave trade between the States—the question as to receiving this petition was laid on the table.

Mr. LINN presented the petition of the Bolivar and St. Louis rail road, praying right of passage through the public lands.

Also, the petition of Richard Cogan, praying permission to enter certain lands at Government price.

Also, from the citizens of Scott county, Missouri, praying pre-emption rights or privilege of entering improvements.

Also, a petition of the citizens of Platte county, Missouri, praying for a mail route from Platsburg to Black Snake Hill, near the mouth of Rodway river and Missouri river.

Also, a petition from G. M. Davis, Joseph Baker, sr. and others for establishing a mail route from Frankfort Illinois, Brownsville, Gill's Ferry to Jackson, Missouri, so as to run from Frankfort via Brownsville, Breesville, Illinois, Manning's store, More and Manning's store, to Frederickton.

Also, from citizens of Clay county, for a post route from Liberty, Clay county, to Black Snake Hills.

The above petitions were all appropriately referred.

Mr. KNIGHT presented the resolutions of the Legislature of Rhode Island in opposition to the Independent Treasury bill; which were laid on the table.

Mr. KING presented the petition of the Alabama Railroad Company, praying permission to enter five hundred thousand acres of land within ten miles of the road, on a credit of five years: referred to the Committee on Roads and Canals.

Mr. HUBBARD presented the memorial of John W. Matthews; which was referred to the Committee on Claims.

On motion of Mr. WALL, the petition and papers of John H. McIntosh were referred to the Committee on Claims.

Mr. BUCHANAN presented several memorials praying an appropriation for the completion of the frigate Raritan: referred to the Committee on Naval Affairs.

On motion of Mr. DAVIS, leave was granted to John Edmonds to withdraw his petition and papers.

Mr. GRUNDY, from the Committee on the Judiciary, made an unfavorable report on the petition of William Patton.

Also, an unfavorable report on the petition of John McClelland.

Mr. GRUNDY, from the same committee, reported a bill to change the time of holding the Circuit Court of the United States for the 7th circuit.

Also, a bill to change the times of holding the Circuit Court of the United States for the 9th circuit.

Which were severally read, and ordered to a second reading.

On motion of Mr. GRUNDY, and by general consent, the first named bill was read the second time, and ordered to be engrossed for a third reading.

Mr. GRUNDY, from the same committee, in pursuance of a resolution of the Senate, reported a bill to amend the act supplementary to the act to amend the judicial system of the United States.

Mr. SMITH of Connecticut, from the Committee on Revolutionary Claims, to which had been referred the memorial of the heirs and representatives of Major Andrew Leach, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. SMITH, from the same committee, to which had been referred the memorial of the heirs of William Coggswell, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. McKEAN, pursuant to notice, and on leave granted, introduced a bill further regulating writs of error and suits for penalties in the courts of the United States; which was read a first and second tind, and referred to the Committee on the Judiciary.

Mr. NORVELL, from the Committee on Public Lands, to which had been recommitted the memorial of the heirs of Captain John Fulford, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. TIPTON, from the Committee on Claims, reported, without amendment, several bills from the House that had been referred to that committee.

Mr. SEVIER, from the Committee on Private Land Claims, to which had been referred the memorial of General Matthew Arbuckle, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the Message of the President in answer to the resolution of the Senate of the 14th of October last, on the subject, reported a bill to amend the act entitled an act for the appointment of Commissioners to adjust and settle claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians: read, and ordered to a second reading.

Mr. TALLMADGE, on leave, introduced a bill for the relief of the heirs of Henry Eckford, deceased; which was read twice, and referred to the Committee on Naval Affairs.

Mr. LINN, on leave, introduced a bill for the relief of Reuben E. Gentry, William Munroe, and others; which was twice read and referred.

Mr. BUCHANAN rose to make an explanation, by the unanimous consent of the Senate. He said that a few days ago, when the Military bill was before the Senate, he had stated, upon what he then deemed satisfactory information, that officers of the corps of Military Engineers had often been employed as engineers in the service of railroad and canal companies. Since that time, he had learned that this remark ought to have been confined to the officers of the Topographical Corps of Engineers. Upon a complaint having been made to him, he had immediately instituted an inquiry on the subject; and the result was, that no officer belonging to the Military Engineers proper had thus been employed. He made this explanation most cheerfully, as it always afforded him pleasure to repair any injustice which he might have inadvertently committed.

The bill for the relief of Francis Newman was read the third time and passed.

The bill providing for the legal adjustment and final settlement of claims to land derived under the grants to the Baron Bastrop, the Marquis of Maison Rouge, and others, in Louisiana, and Gabriel Winter, and others, in Arkansas, was read the third time; and on the question, "Shall the bill pass," a debate arose, in which it was supported by Messrs. LINN, BUCHANAN, SEVIER, and PRESTON, and opposed by Messrs. MORRIS and CRITTENDEN; after which,

The question was taken by yeas and nays, and decided in the affirmative—yeas 29, nays 10.

YEAS—Messrs. Bayard, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Niles, Norvell, Prentiss, Preston, Robbins, Robinson, Sevier, Smith of Connecticut, Southard, Swift, Tallmadge, Webster, White, and Young—29.

NAYS—Messrs. Allen, Brown, Clayton, Crittenden, Morris, Pierce, Roane, Smith of Indiana, Spence, and Tipton—10.

The bill to amend the act for the relief of James Steele, was read the third time and passed.

PRE-EMPTION TO SETTLERS ON THE PUBLIC LANDS.

The Senate resumed the consideration of the bill to grant pre-emption rights to settlers on the public lands, as the unfinished business, it being on its passage, having been read the third time; and after a debate, in which the bill was supported by Messrs. WALKER, WHITE, YOUNG, WEBSTER, and LYON, and opposed by Messrs. CLAY and DAVIS, the question was taken, and the bill was passed—yeas 30, nays 18, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Sevier, Smith of Connecticut, Tallmadge, Tipton, Walker, Webster, White, Williams, Wright, and Young—30.

NAYS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Morris, Prentiss, Preston, Roane, Robbins, Smith of Indiana, Southard, Spence, Swift, and Wall—18.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 31, 1838.

The SPEAKER laid before the House a letter from the Postmaster General, transmitting the annual report of the contracts made for the transportation of the mails of the United States, within the year ending the 1st of July, 1837; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Postmaster General, transmitting a report of all the fines imposed, and deductions made from the pay of the contractors, for carrying the mails during the year ending on the 30th of June, 1837; which was laid on the table, and ordered to be printed.

Mr. SMITH asked the consent of the House to go into Committee of the Whole on the State of the Union on the bill in relation to testing the strength of steam boilers.

Mr. EVERETT objecting—

Mr. SMITH moved a suspension of the rule, to enable him to submit the motion; but the House refused—ayes 72, noes 69, not two-thirds.

Mr. LOOMIS, on leave, laid on the table an amendment he proposed to submit to the bill in relation to the laws of neutrality; and the same was ordered to be printed.

Reports from standing committees were then called for.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of Cornelius Tiers.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported a bill for the relief of Theodore Middleton.

Mr. J. L. WILLIAMS of Tennessee, reported a bill for the relief of the heirs of Bennet Shurley, deceased.

When the Committee on Public Expenditures was called—

Mr. WISE rose and begged leave to inquire of the chairman of that committee if the committee had held a meeting this session, and if it was probable they would make any report.

Mr. HALEY (the chairman of that committee) would cheerfully respond to the inquiry. The committee had held a meeting, but had as yet come to no conclusion in relation to the subject for which they were nominally organized. The fact was that their duties appeared to be superseded by other committees, viz: the Committee on Public Buildings took charge of the expenditures under that head; the Committee of Ways and Means of the general expenses, and other committees of different branches of the service, as pointed out by the rules of the House. Mr. H. added that they were ready and willing to go into any examination which the House thought proper, and would report the result of their investigations to the House.

Mr. WISE did not hear the gentleman's reply correctly, but if he had rightly understood him, it was, in substance, that the committee had not gone into any examination as yet, because they were not informed of their duties. Mr. W. would inform the gentleman, that if he would look into the rules of the House, he would find what the duties of that committee were. No one could be mistaken in them.

MILITARY AFFAIRS.

Mr. MASON of Ohio reported a bill for the relief of Joseph E. Nourse.

Mr. GRENNELL reported a bill for the relief of Mary A. Patrick.

ROADS AND CANALS.

Mr. JOHNSON of Maryland reported a bill making an appropriation to complete that part of the great National road between Rockville, in Maryland, and the Monocacy river.

When the "Committee on the Expenditures in the Department of State," was called,

Mr. WISE inquired if that committee had held a meeting, and if it was probable that they would take up the subject committed to them, and make any report?

No response was given.

When the "Committee on the Expenditures in the Department of the Treasury" was called,

Mr. WISE propounded the same inquiry.

Mr. ALLEN of Vermont (the chairman) stated that the committee had not, as yet, held any meeting; but they would do so, and expected to make a report in due season, as they should find it necessary.

When the "Committee on the Expenditures in the Department of War" was called—

Mr. WISE renewed the same inquiry.

Mr. CLOWNEY (the chairman thereof) replied that the committee had held one meeting this session, but had done nothing as yet.

Mr. WISE propounded the same interrogatory when the "Committee on the Expenditures in the Department of the Navy" was called, but no response was given.

The "Committee on the Expenditures in the Department of the Post Office" being called—

Mr. WISE would make a *special* inquiry of the chairman of that committee, if they had looked at all into the expenses of the Past Office Department, or if it was probable that they would?

No response was given.

The same interrogatory was propounded by Mr. WISE when the "Committee on the Expenditures on the Public Buildings" was called, but the result was the same as on the preceding.

Mr. JOHNSON of Maryland, from the select committee appointed on the memorial of the Sergeant-at-Arms, in relation to a deficiency of money received from the Bank of the Metropolis at the late special session, made the following report:

The committee to whom the memorial of the Sergeant-at-Arms of the House of the 11th of January was referred, respectfully report that, in pursuance of the orders of the House, they proceeded to examine the books and papers of the Bank of the Metropolis and of the Sergeant-at-Arms. This examination resulted in the discovery, as the committee unanimously believe, that at the close of the late extra session of Congress an unintentional error was committed at the bank in paying in gross and in specie, the checks of the Speaker for the pay of the members.

The opinion of the committee that there is in the bank three thousand eight hundred and eighty-six dollars and seventy-one cents, to which the Sergeant-at-Arms is entitled, has been communicated

to the board of directors, and they have paid the sum promptly to Mr. Dorsey.

The committee are much indebted to the board of directors for the use of a room in their banking house to conduct their examination, and ask the House to discharge them from the further consideration of the subject.

The report, having been read, was ordered to lie on the table and be printed.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution, submitted by Mr. ADAMS on the 18th ult.

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamphlet, in the Spanish language, stated in the report of the Secretary of State to this House to have been printed and circulated by the late minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike out all that part relating to the name of the diplomatic functionary, after the word "country" in the eighth line.

Mr. ADAMS, who was entitled to the floor, proceeded with his remarks upon the resolution until the expiration of the morning hour; when

The CHAIR here announced the order of the day.

MISSISSIPPI ELECTION.

The question pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who had moved to amend by striking out all after the word "*Resolved*," and inserting as follows: "That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. BELL now modified his amendment as follows:

Strike out all after the word "*resolved*," and insert "That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress be rescinded, and that Messrs. GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress.

Resolved, That S. S. Prentiss and T. J. Word were duly elected members of the 25th Congress on the first Monday and day following in November last, and that they are entitled to take their seats in this House as such.

Mr. B. explained his object to be to make the latter a distinct proposition.

Mr. PRENTISS resumed, and concluded his remarks in reply to the gentlemen who had addressed the House in support of the sitting members.

Mr. CUSHMAN then demanded the previous question.

Mr. PARKER moved a call of the House.

Mr. BOON called for the yeas and nays on that motion; which were ordered, and were—yeas 190, nays 19.

So a call of the House was ordered, and was proceeded in for some time, the names of the absentees called over, and all excused but four, when

Mr. BRONSON moved that all further proceedings in the call be dispensed with.

Mr. WISE asked for the yeas and nays on that motion, which were ordered, and were—yeas 122, nays 98.

So the further proceedings on the call were dispensed with, and the question recurring upon seconding the motion for the previous question, tellers being ordered, it was decided in the negative—ayes 107, noes 111.

So there was no second.

Mr. HAYNES then briefly addressed the House in support of the sitting members.

Mr. WISE called for a division of the question on the amendment, so as to take the question separately on the latter part of the amendment of the gentleman from Tennessee.

The CHAIR stated that the motion to strike out and insert was not divisible by the rule.

Mr. BELL then withdrew the latter part of his amendment.

Mr. CUSHMAN then called for the yeas and nays on the amendment of Mr. BELL; which were ordered, and were—yeas 119, nays 112, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoon, William B. Campbell, William B. Carter, Chambers, Cheatham, Childs, Clowney, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Griffin, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, William Herod, Ogden Hoffman, George W. Hopkins, Robert M. T. Hunter, Jenifer, Henry Johnson, W. C. Johnson, Lawler, Lewis, Lincoln, Lyon, Mallory, Marvin, James M. Mason, Samson Mason, Maury, Maxwell, McKay, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Pickens, Pope, Potts, Rariden, Randolph, Reed, Rencher, Richardson, Ridgway, Robertson, Rumsey, Russell, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—119.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, John Campbell, T. J. Carter, Casey, Chaney, Chapman, Cilley, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Glascock, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, William H. Hunter, Ingham, T. B. Jackson, Jabez Jackson, J. Johnson, N. Jones, John W. Jones, Kemble, Klingensmith, Legare, Leadbetter, Logan, Loomis, Martin, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rives, Sheffer, Sheplor, Smith, Snyder, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vandeve r, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—112.

So the amendment was agreed to; and the question recurring upon the resolution as amended—

Mr. HOWARD rose and remarked that they had arrived at a stage in these proceedings at which he wished to pause, and wished the House to pause, in order to see in what direction they should next shape their course. He would not question the validity of the decision just made; but so much doubt hung upon the whole subject, that he had taken into his serious consideration the suggestion thrown out yesterday by the gentleman from Virginia, (Mr. MASON) to send the election back to the people.

After some further remarks, Mr. H. submitted a proposition to that effect, as an amendment to the amendment just adopted.

Mr. THOMPSON of South Carolina rose, and stated that he was requested to announce that Messrs. Prentiss and Word, members elect from the State of Mississippi, were now in attendance before the House, and were ready to be qualified.

The CHAIR informed the gentleman that the House had adopted no resolution. It had adopted an amendment, but had adopted no resolution in relation to this matter.

Mr. McKAY stated that he had voted for the amendment of the gentleman from Tennessee, because he believed the election, held in the State of Mississippi, in July last, was not in conformity with the Constitution of the United States. He further stated that it was not his intention, by that vote, to give the seats vacated to the members here claiming seats. He was of the same opinion expressed on yesterday by the gentleman from Virginia; and he was in favor of sending back to the people of Mississippi the whole matter. Mr. McK. went on and briefly explained his view of the constitutional question.

After some further remarks by Messrs. BELL, CAMBRELENG, and THOMPSON,

Mr. OWENS moved that the House adjourn: lost.

Mr. WILLIAMS of Kentucky moved the previous question, but the House refused to second it—ayes 95, noes 119.

Mr. BRIGGS called for the yeas and nays on the amendment of the gentleman from Maryland; which were ordered.

Mr. HOWARD, at the suggestion of Mr. McKAY, modified his amendment by declaring that Messrs. Prentiss and Word were not duly elected.

Mr. McKAY suggested that the gentleman modify his amendment so as to declare that Messrs. Prentiss and Word are not duly elected members of the 25th Congress.

Mr. HOWARD modified his amendment as follows: "And that Messrs. Prentiss and Word are not entitled to seats in this House as members of the 25th Congress; and that their seats be declared vacated, and that the Speaker of this House inform the Governor of Mississippi of that fact."

Mr. THOMPSON then moved to amend the amendment, by striking out all after the names of Messrs. "Prentiss and Word," and substitute the words "are duly elected, but are not entitled to seats."

After a few remarks by Mr. TILLINGHAST—

Mr. THOMPSON withdrew his amendment.

Mr. BELL moved an adjournment. Lost without a division.

Mr. PATTON made a few remarks in opposition to the amendment of the gentleman from Maryland.

Messrs. HAYNES and GLASCOCK supported the amendment in a few remarks, and it was opposed by Messrs. POPE and UNDERWOOD.

On motion of Mr. UNDERWOOD,

The House then adjourned.

IN SENATE,

WEDNESDAY, Jan. 31, 1838.

The VICE PRESIDENT presented a communication from the Postmaster General, containing a list of fines imposed on, and deductions made from the pay of, contractors, ending 1st July, 1837.

Also, a statement of contracts entered into, and offers made, for carrying the mail during the year ending on the 1st July, 1837.

Which were laid on the table, and ordered to be printed.

Mr. TALLMADGE presented the petition of Timothy Powers, a soldier of the Revolution, praying a pension under the act of 1832: referred to the Committee on Pensions.

Mr. SOUTHARD presented the petition of Caroline A. Reeves, praying for a pension: referred to the Committee on Pensions.

Also, a memorial from sundry citizens of New Jersey, (529,) praying for the abolishment of slavery in the District of Columbia: the motion to receive was laid on the table.

Mr. S. also presented some documents in relation to an increase of the pay of certain clerks connected with the Marine Corps: referred to Committee on Naval Affairs.

Mr. WALL presented a memorial from the citizens of Burlington county, in New Jersey, remonstrating against the annexation of Texas: ordered to lie on the table.

Also, the memorial of the anti-slavery society of Pennsylvania, recently assembled at Harisburg, remonstrating against annexing Texas to the Union.

Also, one of similar purport, from citizens of Berks county, Pennsylvania: laid on the table.

Mr. NILES said he rose to do what he had never before been called on to perform while in that body, to wit: to present petitions in relation to the abolition of slavery. He would present them, in compliance with his duty. They were signed by 150 persons, men and women. One asked for the abolishment of the slave trade in the District of Columbia, the other for its abolishment in the Territories, and one against the slave trade in the States; also, one remonstrating against the annexation of Texas. That relating to Texas was laid on the table, and on those relating to slavery, the motion to receive was laid on the table.

Mr. TIPTON, from the Committee on Claims,

reported a bill for the relief of E. W. and H. Smith. accompanied with a report, which was ordered to be printed.

Mr. TIPTON, from the same committee, moved to be discharged from the further consideration of the report communicated from the War Department, in relation to the improvement of the navigation of Black, White, and St. Francis rivers, and that the same be referred to the Committee on Commerce.

On the question as to the most appropriate reference, some incidental remarks were made by Messrs. LINN, SEVIER, and TIPTON, showing the magnitude of these rivers, and their vast importance to the inland navigation of the Western States.

The motion was laid on the table at the suggestion of Mr. KING, who pledged himself to do all in his power to favor the views of those gentlemen, consistent with his duty to the Constitution and the people.

Mr. RIVES, from the Committee on Naval Affairs, to which had been referred the several memorials, praying for an appropriation for the completion of the frigate Raritan, made a report thereon.

On motion of Mr. ROANE, the Committee on the District of Columbia was authorized to employ a clerk.

The reports of the Committee on the Judiciary, unfavorable to the petitions of John McCleary and William Patton, were severally considered and concurred in.

Mr. WILLIAMS, from the Committee on Claims, made an unfavorable report on the petition of William Hunter.

Mr. LINN submitted the following resolution, which was considered and adopted.

Resolved, That so much of the different reports of the commissioners appointed under the acts of July, 1832, and 1833, for the final adjustment of private land claims, in the State of Missouri, as have not been acted on by Congress be referred to the Committee on Private Land Claims.

On motion of Mr. HUBBARD, leave was granted to John McCleary to withdraw his petition and papers.

The bill to change the times of holding the Circuit Court of the United States for the seventh circuit, was read the third time and passed.

The bill to amend the act entitled "an act to provide for the appointment of commissioners to adjust and settle claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians," was also read the third time and passed.

INDEPENDENT TREASURY BILL.

The CHAIR announced as the special order "the bill to impose additional duties as depositaries, upon certain public officers, to appoint Receivers General of Public Money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States."

Mr. CLAYTON observed that there were some other bills on the special order, which had the precedence over this bill.

Mr. TIPTON observed that the Cumberland Road bill was before the one just announced, though he should not press its claims at present, being willing to let the discussion commence and progress on the latter; but he gave notice, that if the debate should continue long, he would feel it his duty to move to lay by the bill, and take up that for the Cumberland Road.

Mr. HUBBARD then moved to postpone the previous orders, for the purpose of taking up the Sub-Treasury bill.

Mr. CLAY rose, and addressed the Chair as follows: Mr. President, the proposition of the Senator from New Hampshire, as I understand it, is to postpone all the orders of the day which precede that measure which is usually called the Sub-Treasury bill, for the purpose of taking that bill up. Sir, for myself I am ready, and always ready, to meet that bill when it does come up, and to discharge my duty in respect to it as far as I can, with such power and humble ability as I possess. But I have risen on the present occasion to make a oposition, or rather to recommend to the friends of this bill themselves to make one.

It has been said, and said correctly, by the honorable chairman of the Finance Committee, that this bill is of immense importance; and, sir, it is my deliberate opinion that there has been no bill, from the commencement of the Government, of such momentous magnitude, or fraught with such tremendous consequences, as this. Sir, I have no desire to create undue prejudice against this measure, but I declare my full and solemn conviction that all the calamities of war with the most potent power on earth would be a blessing compared with the consequences of this measure. Sir, I believe it will lead to the consolidation of the Government, or rather the powers of the Government, in its Federal authority, and that it will tend to destroy the power and influence of the States themselves. It will place at the feet of the Secretary of the Treasury a power equal to the combined power of the 800 or 900 banks dispersed throughout the Union; and, superadded to this, the whole power of the late Bank of the United States. All this, sir, would be the ultimate result of this measure, if adopted; it will place all this power at the feet of the Secretary of the Treasury, who himself lies at the feet of the President of the United States!

Entertaining these opinions of this measure, it is my wish, not on my own account, nor on that of the friends with whom I am in the habit of acting, but for the sake of the country, that this measure should not now be taken up. I wish that we should receive from our constituents, the States and the people, such instruction or expressions of their will and opinion as they may choose to transmit to this city. The Legislatures of several States are now deliberating on the subject, and some of them have adopted resolutions upon it which have not yet reached us. At Richmond we know something has been done. Sir, I want to hear from the West, from Albany, from Richmond, from all quarters of the country that are so deeply and vitally interested in this measure, before we take the vote upon it; and from Harrisburg especially, though last not least, that we may hear what the Keystone State has to say on this subject.

Sir, I say, with surprise, that I cannot comprehend the recent reversal of the course of legislation in Congress. In the good old days of former times, what was the course of legislation? Then, all great measures originated—where? In this branch? No, sir: they originated with people's representatives in the other end of the capitol. Measures relating to taxes, the public treasure, to our armies and navies, originated where they ought to originate, with those who are nearest the people. There these great and important measures were matured and sent to the Senate. But this safe, Republican, Democratic course of legislation has been totally reversed. Sir, why is this? Is it the result of any peculiar composition of the Senate, making it nearer the Executive, or a better mirror of its views, that these reversed proceedings have been adopted. At this session the army bill has originated here; yesterday the land bill (that great Agrarian project) was passed here; and now we have the Sub-Treasury project here introduced. Sir, is this the proper branch of Congress for the origin of such vast measures? Why are they originated here?

But again: is it not a consideration of peculiar fitness, that we should hear from the other House before we send them this bill again? Last year we sent it, nearly as it now is, except that the present bill is far more objectionable, mischievous, and monstrous than it was; and what became of it? Sir, it was unacceptable to the representatives of the people. They did not choose to adopt this new experiment on our prosperity, and they laid it on the table, where I hoped it would lie in perpetual and eternal repose. Why, then, is this measure again brought before us, before we hear from the other House? Let it be considered there, and let us hear from the representatives of the people their views on this subject.

Sir, I do not know what will be fate of this measure; but I put it to the consideration of the honorable chairman of the committee and his friends, whether it is not more in character for the Senate to wait for these instructions from legislative bodies and other proper and popular sources, in relation to this measure, rather than thus to hurry its passage. Sir, is it right thus to act—to commit ourselves, our judgment, and our opinions, to this measure, till these high and legislative authorities shall be heard from?

I shall make no motion: I have risen for no such purpose; but to recommend to the friends of the measure to wait a few days or weeks longer, till we hear from those bodies who have the subject under consideration.

Mr. WRIGHT, in reply, went briefly into the history of the progress of this bill, again alluded to the complaints of delay which he said had been made by the opponents of the bill, and expressed his readiness to submit to the will of the Senate as to further delay. He would not now discuss the propriety of originating such measures in the Senate.

Mr. CALHOUN remarked on the alleged object of former delay, that it was to have time for Senators to examine and consider the bill, and to prepare substitutes and amendments, and said that a good deal of feeling was excited when it was hinted that the real object was to gain time. He was not disposed to doubt the sincerity of these reasons for delay; but could any Senator now take that ground for farther postponement?

He agreed with the Senator from Kentucky that this bill was of the deepest import; it claimed the profoundest and earlies attention of this body; and the Senator could not have greater confidence in the correctness of his opinions than Mr. C. had in his.

The Senator says it will greatly augment Executive patronage.

Mr. CLAY. I did not say so; but I now say it will.

Mr. CALHOUN. I shall be glad to meet the Senator on that question; for if ever there was a question about which I had perfect confidence, it is that. So far from augmenting, it will diminish, not only Executive patronage, but that of the Government generally, more than any other measure. I will not discuss that question now; but, come when it will, I stand prepared to make good my ground.

It was formerly urged by the Senator from Kentucky that this measure would create disunion; but, as it is out of order now, I suppose, to speak of disunion, it is therefore now urged by the Senator that it will cause consolidation. Sir, I feel equal confidence in my ability to meet this question as to meet the other.

But the Senator says the State Legislatures are in session, and wishes to hear further the expression of public sentiment. This is a reason for progressing with the bill. Let us argue here and let our arguments go to the States, pro and con; we can discuss the subject better than the States, as we are necessarily possessed of full information; and, before we come to a decison, most of the State Legislatures will have adjourned. The political friends of the Senator in the Legislatures would, I doubt not, like to be enlightened by his views on the subject. But there are other reasons for proceeding at once. The state of commerce and the business of the country demand an early decision.

But the Senator complains that the order of business has been reversed; that great measures, formerly originated only in the House, are now originated in the Senate. The Senate is a smaller body; and, from the necessity of the case, it has taken the lead. The Senate formerly sat with closed doors on legislative as well as executive business; and if the Senator's argument is good, they should do so now. But the Senate is more numerous and popular now than it was then. I hope the bill will be taken up, and let the argument proceed, even if we do not come to a decision before we obtain all the information which the Senator desires. We can wait for the decision, and let the arguments go on.

Mr. CLAY said, the honorable Senator with a vast deal of self-complacency, avows his readiness at all times to meet and repel arguments from any quarter on the points to which he has alluded. Sir, it is not my habit to give challenges in advance; but the Senator may rest assured, that with whatever

ability he may prove there is no augmentation of Executive patronage by this measure. I think far less ability may prove the contrary, when the question comes up; and that consolidation, also, of the powers of the Government is a necessary consequence of the measure under consideration. I shall not enter into the argument now; all my argument is designed to show the vast importance of this measure, and to invite the Senate to wait the expressions of opinions which we have cause to expect from all quarters of the Union.

But the Senator thinks we ought not to wait, but first argue the subject here, and send out our opinions to the jury of the country. But suppose a Senator commits himself for or against the measure, and instructions come directing him to take the opposite course; what is he to do then? Must he take back his argument and eat his words? No, sir: let us inquire, and get our instructions in the good old way, and let us obey them. Let us not commit ourselves one way or the other, till we hear from our constituents.

Mr. C. again urged that important measures ought to originate, as formerly, in the other House.

He would make no motion to delay this bill, and no objection to Mr. HUBBARD'S motion. If the friends of this measure, said Mr. C. will not wait for further information, let them come on; we are prepared for them, and ready to meet even their redoubtable champion from South Carolina, and to show that the tendency of this measure is to overturn the liberties of the people, and to give to one man the powers of the Government.

The Senator says it is not now in order to speak of disunion; and he does not see that this measure can lead both to consolidation and disseverance. Sir, I said at the last session, and I now repeat, that the want of a uniform currency is unfavorable to union, and its tendency is unfriendly to its existence; and I say, also, that consolidation is a result of this measure; that it is dangerous and destructive to the Union, because it will appear that it is ruinous to the best interests of the country, and destructive to liberty.

As to the Senator's readiness to repel arguments whenever the question shall arise, I trust I can show to the country, to every unprejudiced man, that the consequences which I have mentioned will ensue from this measure.

Sir, let the motion of the Senator from New Hampshire prevail, if the friends of this measure are not disposed to wait and hear from the high authorities that are now considering it; and let them precipitate themselves down the road to ruin in which they are proceeding, the ruin not only of the Administration, but of the country; we are ready to act for their salvation in the best manner we can.

Mr. HUBBARD said that, if he understood the Senator from Kentucky, he would make no further objection to the adoption of the motion which he had made to postpone the previous orders for the purpose of taking up, for consideration, the Sub-Treasury bill, (as it had been called.) At the same time, the Senator said he would appeal to the friends of this bill to give their assent to a further postponement of this measure; and he had submitted the reasons which ought, in his judgment, to induce the friends of this measure to comply with his request. He had attentively heard those reasons; he believed that he well understood them; and, according to his poor understanding, the reasons which he has urged for delay, are reasons which should induce an early *and an immediate action upon this subject.*

The Senator, in stating the importance of this measure, remarked "that all the calamities of war with the most potent power on earth, would be a blessing compared with the effects of this measure upon the country." If this bill is fraught with consequences so disastrous, *so fatal* to the prosperity of the country, it is time that its pregnant evils hould be portrayed, and for one he was most anxious to have this measure examined, and thoroughly considered, for he had regarded it in an entirely different light from the Senator from Kentucky; and if the effects of this measure would be more calamitous to the country and ruinous *than a war with the most potent power on earth*, it was high time that the people, and the representatives of the people and of the States, should be enlightened, so that they may discover the alarming, but hidden, evils of this all important measure The fact stated by the Senator furnishes no reason for delay, *but presents every inducement for immediate action.* Another consideration has been named by the Senator from Kentucky, which he thinks of sufficient importance to induce the friends of this bill to postpone it for the present, and that is, that the Senate should first receive information from the Legislatures, now in session, before they take up the bill. He has informed the Senate, that the Legislatures of a number of States are now considering this very subject, and that the Senate should delay action until these Legislatures are heard from.

The Senator says he wants to hear from Richmond and from Albany before he acts. This suggestion ought not to delay the action of the Senate. There was no certainty that the Legislatures would adopt any definite resolutions in relation to the subject. If they did, they would have, and they should have, an influence upon the course of those Senators who might receive instructions from the people through the State Legislatures. When instructions arrived, he had no doubt that they would be treated by the members of this body with all the respect to which they would be entitled. *The question is*, should the fact of the pendency of this subject before the State Legislatures deter the Senate from performing its duty? The discussion here on this interesting subject may have an influence elsewhere. He was for going forward, to do what ought to be done, and leave the action and the consequences of the action of the Senate for the consideration and judgment of the people.

The Senator from Kentucky has urged as a further reason why the Senate ought not now to proceed, that this bill should have originated in the House of Representatives.

The Senator says that things of late seem greatly changed; that the Senate of the United States recently has became the originator of important measures, which ought to have had their origin in that branch of the Government nearest to the people; that the long settled and approved practice of the legislative branches of the Government in relation to the commencement of the public business, has undergone a great revolution. Does the recollection of the Senator well serve him? Does he not remember that the compromise bill, and the bill for rechartering the Bank of the United States, measures near and dear to that honorable Senator, had their origin in the Senate of the United States? Is it not known that the latter measure was actually forced through the House of Representatives without debate, by the power of the previous question? And is it not within the recollection of every man present, that other most important measures have had their origin in the Senate? He would refer gentlemen to the memorable articles of impeachment which were presented against the late President of the United States. They had their origin in this branch of the Government. Each branch has ever acted, and will continue to act, upon its own responsibility. Each branch of the legislative power of Congress will originate such business as may be deemed proper and expedient, consistent with their limitations upon their power as expressed in the Constitution. There can be no doubt that it was entirely competent for the Senate to have originated this bill. The measure is within their jurisdiction; and it is in no sense interfering with the rights of the House of Representatives for the Senate to have presented to their consideration, and to the consideration of the American people, this particular measure.

The Senator advises that the friends of this bill in the Senate should not proceed to act until they shall have heard from the House of Representatives, as this body passed at the last session a bill less objectionable than the one now before the Senate; and that bill was, by a vote of the House, laid upon its table. This furnishes no reason for delay. The Senate is bound to do its duty, and leave the House of Representatives to do theirs. But he entirely differed from the Senator from Kentucky in supposing that this particular measure was more objectionable than that. He, for one, believed that this bill now before the Senate would be found more acceptable (so far as relates to details) to the American people than that. There was not, however, any difference in principle between the two bills; they both looked to an entire separation of the Government from banks in the collection and disbursement of the public revenue; they both looked to an important change in the character of the currency in which that revenue was hereafter to be collected and disbursed.

He had noticed all the reasons which the Senator had presented, and which he had regarded as sufficient to induce the friends of this measure to postpone for the present its consideration. *As one of the friends of this bill*, he must say that the reasons stated are far from satisfying his mind as to the propriety of the wished-for postponement. He considered them as furnishing powerful inducements for immediate action; and he trusted, after what the Senator had said, that there would be no further opposition to the adoption of his motion.

The previous orders were now postponed, and the bill taken up.

Mr. WRIGHT then addressed the Senate in a speech of considerable length, explaining and advocating the provisions and objects of the bill, and answering the objections to it; after which,

On motion of Mr. KING,

The Senate went into the consideration of Executive business; after which, it adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, Feb. 1, 1838.

Mr. RHETT called the attention of the Chair to the omission of his name in the vote of yesterday, on the amendment of Mr. BELL on the Mississippi election case. Mr. R. had voted in the negative, and the House directed the correction to be made, thereby making the result—yeas 119, nays 113.

Reports from committees were then called for.

REVOLUTIONARY CLAIMS.

Mr. UNDERWOOD reported Senate bill with an amendment, for the relief of the legal representatives of Henry Morfitt, deceased.

INDIAN AFFAIRS.

Mr. PARKER reported unfavorably on the claim of Lewis Evans; and on his motion, it was referred to the Committee of the Whole House.

FOREIGN AFFAIRS.

Mr. FAIRFIED reported a bill for the relief of Alexander Scott.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution, submitted by Mr. ADAMS on the 18th ult.

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamphlet, in the Spanish language, stated in the report of the Secretary of State to this House to have been printed and circulated by the late minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike out all that part relating to the name of the diplomatic functionary, after the word "country," in the eighth line.

Mr. ADAMS, who was entitled to the floor, proceeded with his remarks upon the resolution until the expiration of the morning hour, when

The CHAIR announced the special order of the day.

Mr. JENIFER made an unsuccessful effort to induce the House to take up on their first and second reading, sundry bills from the Senate lying on the Speaker's table, merely for their commitment to the appropriate committees.

MISSISSIPPI EEECTION.

The House then resumed the consideration of the Mississippi election case, the question being on the amended resolution of Mr. BELL adopted by the House yesterday.

"*Resolved*, That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F.H. CLAIBORNE were duly elect-

ed members of the 25th Congress, be rescinded, and that Messrs. GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress."

The question pending was on the following amendment of Mr. HOWARD:

"And that Messrs Prentiss and Word are not entitled to seats in this House as members of the 25th Congress, and that their seats be declared vacated, and that the Speaker of this House inform the Governor of Mississippi of that fact."

Mr. UNDERWOOD being entitled to the floor, he gave way to

Mr. HOWARD, who modified his amendment as follows:

"*Resolved*, That Samuel S. Prentiss and Thomas J. Word are not members of the Twenty-fifth Congress."

Mr. H. said, if that amendment should be agreed to by the House, he should then move the following, as an addition:

"*Resolved*, That the Speaker of this House do communicate a copy of the above resolutions to the Governor of the State of Mississippi."

Mr. UNDERWOOD again gave way to

Mr. POPE who read, and stated his intention to submit the following amendment:

"*And further resolved*, That ARCHIBALD YELL is not entitled to a seat in this House, as a member of the twenty-fifth Congress, and that the seat of the representative from the State of Arkansas be, and the same is hereby, declared to be vacant, and that the Speaker of this House inform the Governor of the State of Arkansas of that fact."

The CHAIR remarked that the proposition being on a subject having no connection with that under consideration, was not in order.

The question being then propounded on the amendment of Mr. HOWARD as modified—

Mr. UNDERWOOD inquired of the CHAIR if the question was not susceptible of division, of striking out and inserting, as he had reason to believe the CHAIR had reviewed his decision in the negative last night.

The CHAIR stated that since the adjournment of the House last evening, he had conferred with the gentleman from Kentucky himself, with a member from Massachusetts and others, and had carefully reviewed his decision, which had been hastily given. His opinion was based upon the "Parliamentary Manual," but the forty-first rule of the House laid down a different doctrine, and by another rule of the House it was provided that the "Manual" should be the law, where it did not conflict with the rules. The rule, therefore, having the preference, the Chair accordingly now decided that the question was susceptible of division.

Some conversation ensued between the CHAIR and Mr. BELL as to an incidental point of order; but no action grew out of it.

Mr. UNDERWOOD then proceeded to address the House in opposition to Mr. HOWARD's amendment, and against sending the election back to the people of Mississippi.

Mr. CILLEY followed in reply.

Mr. ROBERTSON moved to strike out the word "not," in Mr. HOWARD's amendment, so as to declare affirmatively that Messrs. Prentiss and Word were entitled to their seats.

Mr. TILLINGHAST then spoke at length in support of Messrs. Prentiss and Word, and against returning the election to the people.

Mr. MASON of Virginia gave his reasons at length for the course he advocated some days since, for sending the election back.

Mr. MENIFEE replied to Mr. MASON, and insisted that Messrs. Prentiss and Word were the duly elected members.

Mr. WHITE of Indiana was in favor of a reference of the case back to the people, and gave the reasons of his opinion at length.

Mr. HOWARD explained the effect of his amendment, which was to negative the claims of all the parties, and send the election back.

Mr. WHITE moved an adjournment: lost—ayes 80, noes 104.

Mr. PRENTISS replied to Messrs. MASON and WHITE, and argued at length against the proposition of reference to the people.

The House then adjourned.

TO THE EDITORS OF THE GLOBE.

I have seen in several newspapers an account of the debate on Mr. CALHOUN's resolutions, in which is a mistake as it regards my colleague (Mr. ALLEN;) I am made to refer to Mr. ALLEN as denying the right of trial by jury, to persons claimed as fugitive slaves. I have no recollection that Mr. ALLEN said any thing on that subject. My remark was made in reply to Mr. YOUNG, and his name ought to be where Mr. ALLEN's has been placed by mistake. This is my recollection of the matter, and justice to my colleague, (Mr. ALLEN) requires of me this explanation.

THO. MORRIS.

Senate Chamber, Feb. 1, 1838.

IN SENATE,

THURSDAY, February 1, 1838.

Mr. BUCHANAN presented the petition of Major R. L. Baker, Brevet Major in the ordnance corps of the United States, praying Congress to grant him his brevet pay, for reasons set forth in the petition: referred to the Committee on Military Affairs.

Mr. BUCHANAN also presented two memorials from a number of citizens of the city and county of Philadelphia, protesting against the passage of the international copy right law: laid on the table, (the bill on the subject having been reported,) and ordered to be printed.

Mr. BUCHANAN also presented a memorial from a number of umbrella manufacturers of the city of Philadelphia, asking a return of duties which the petitioners allege have been exacted from them against law: referred to the Committee on Finance.

Mr. LINN presented a memorial from a number of citizens of Missouri, praying for an appropriation to indemnify them for property taken from them by a decision of the Supreme Court: referred to the Committee on the Judiciary.

On motion of Mr. SEVIER, the report of the Secretary of War in the case of John Rodgers and others, was referred to the Committee on Indian Affairs.

Mr. YOUNG presented the petition of a large number of citizens of Rock river, Illinois, on the subject of pre-emption rights: laid on the table, and ordered to be printed.

Mr. MORRIS presented several petitions, both from men and women residing in New York and Ohio, remonstrating against the annexation of Texas to the Union.

Mr. MORRIS also presented several petitions signed by men, and some signed by women, praying for the abolition of slavery and the slave trade in the District of Columbia, and moved that the petitions be received.

Mr. WHITE moved that the motion to receive these petitions be laid on the table: carried.

Mr. FULTON, from the Committee on the Public Lands, to which the subject had been refefred by a resolution of the Senate, reported a bill setting apart a tract of land on the western borders of Missouri and Arkansas as bounty lands for persons engaged for a term of years in the defence of the frontiers. The bill was read and ordered to a second reading; and the report of the committee accompanying the bill, with the documents, was ordered to be printed.

On motion of Mr. FULTON, fifteen hundred extra copies of the report and documents were ordered to be printed.

On motion of Mr. WHITE, the Committee on Indian Affairs was discharged from the further consideration of the petition and papers of John Rodgers.

On motion of Mr. MORRIS, the Committee on Pensions was authorized to employ a clerk.

Mr. RUGGLES presented the petition of Thomas Martin, praying remuneration for expenses incurred in defending himself against an unjust prosecution: referred to the Committee on Commerce.

Mr. NORVELL presented three sets of resolutions from the Legislature of Michigan, on the subject of harbors, light houses, &c.; which, without reading, were referred to the Committee on Commerce.

On motion of Mr. KING, the report of the Secretary of War, with the examinations showing the necessity of certain light houses, beacons, buoys, &c. in Raritan Bay, was ordered to be printed.

The report of the Committee on Naval Affairs, unfavorable to the petition of Charles G. Hunter, was taken up and considered, and, on motion of Mr. WALL, laid on the table.

On motion of Mr. GRUNDY, the bill supplementary to the act to amend the judiciary system of the United States was taken up; and after being amended, on motion of Messrs. SEVIER and LINN, was ordered to be engrossed for a third reading.

Mr. KING moved to take up the report of the Secretary of War on the examinations of White and Black river, in Arkansas; which was agreed to, and the same was referred to the Committee on Commerce.

Mr. RUGGLES submitted the following resolution, which lies one day for consideration:

Resolved, That the Secretary of the Treasury communicate to the Senate the report or statement made to him by Captain M. C. Perry, on the subject of the light house system of the United States.

Mr. SEVIER submitted the following resolution, which lies one day for consideration:

Resolved, That the Committee on the District of Columbia be, and they are hereby, instructed to inquire into the state and condition of the Orphans' Court in the county of Washington, and to ascertain what legislation may be necessary in relation thereto, with power to send for persons and papers.

INDEPENDENT TREASURY.

The Senate took up the bill to impose additional duties as depositaries upon certain public officers, and to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public moneys of the United States.

Mr. WEBSTER addressed the Senate in a speech of considerable length, in opposition to the bill.

The amendments submitted yesterday by Mr. WRIGHT, one to authorize the Secretary of the Treasury to hire, temporarily, suitable rooms for the offices of the Receivers General, and the other providing that the receipts given by the Treasurer, authorized by the 2d section, for money deposited for the purchase of land, shall not be negotiable by transfer or assignment, were severally adopted.

Mr. CALHOUN moved to amend the bill by striking out the 21st section, which relates to funding the surplus that may be in the Treasury, when it exceeds four millions, by investment in State or United States securities, bearing interest.

Mr. WRIGHT said he had, in the course of his explanations of the bill yesterday, stated that this provision was introduced to obviate the objections of those who contended that the bill would have the effect to accumulate money in the Treasury. He had nothing farther to say on the subject now, than to request that the question on the amendment might be taken by yeas and nays.

Mr. CALHOUN said that he had read the bill with great care, and considered it exceedingly well drawn, and calculated to produce the most beneficial effects. But this provision he considered not in accordance with its general principles, and he therefore wished it to be struck out. One of the most important objects of this measure was to avoid having a surplus. He thought, therefore, it would improve the bill to strike out the section.

The question was then taken, and Mr. CALHOUN's motion was adopted, yeas 24, nays 13, as follows:

YEAS—Messrs. Allen, Brown, Buchanan, Calhoun, Clayton, Davis, Fulton, Grundy, Knight, Linn, Lumpkin, McKean, Mouton, Norvell, Pierce, Rives, Robinson, Ruggles, Smith of Indiana, Spence, Walker, Wall, White, and Young—24.

NAYS—Messrs. Clay of Alabama, Cuthbert, Hubbard, King, Lyon, Nicholas, Niles, Roane, Sevier, Smith of Connecticut, Tipton, Williams, and Wright—13.

The amendments made as in Committee of the Whole were concurred in; and the question then being on engrossing the bill for a third reading,

Mr. BUCHANAN called for the yeas and nays on this question; which were ordered.

Mr. WRIGHT then moved to fill up the blank in the twenty-eighth section with $10,000, for the purchase of a site and construction of an office for the Receiver General at St. Louis, and for fitting up rooms in the custom-house at Charleston, S. C. for the same purpose; which was agreed to.

Mr. W. moved to fill the blank for the salary of the Receiver General at New York, with the sum of $3,000.

Mr. CLAY called for the yeas and nays on this question; which being ordered, it was decided in the affirmative—yeas 28, nays 17, as follows:

YEAS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Walker, Wall, Williams, Wright, and Young—28.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Robbins, Smith of Indiana, Southard, Spence, Swift, Tipton, Webster, and White—17.

Mr. WRIGHT then moved to fill up the blanks in the eighth, ninth, and eleven lines, for the salaries of the Receivers General at Boston, Charleston, and St. Louis, with the sum of $2,500 each; which was agreed to without a division.

Mr. RIVES then said that he had the project of an amendment, which he designed to offer. He had not anticipated, nor did he suppose any gentleman had, that any question would be taken so early, and, therefore, was not prepared with his amendment; but by to-morrow, if the Senate would indulge him so long, he would have the amendment ready.

Mr. CALHOUN suggested that the bill be passed over informally, by general consent, so that it might still retain its precedence on the orders; which was agreed to.

The bill for the relief of the legal representative of John J. Bulow, jr. deceased, was taken up on the motion of Mr. HUBBARD.

Mr. KING alluded to the commission that had been appointed by the Government to go into the States of Georgia, Alabama, and Territory of Florida, and ascertain the losses that had accrued, and to make a proper report thereon. These Commissioners had been through Alabama and Georgia, and had made a partial report, and would, no doubt, be prepared to make a report during the present session; or, indeed, if they did not, he would submit it to the gentleman from New Hampshire, whether it would not be better to wait until authentic reports were made by the persons selected for that purpose, than go blindly into the adoption of a measure which might hereafter be seized on as a precedent to obtain improper payments from Government. We all know, (said Mr. K.) how these things are gotten up; the statements were generally *ex parte*, and would always present the fairest side on the part of the petitioner. Let us, then, wait until we hear from the Commissioners, who would have an opportunity of cross-examining witnesses, etc. and ascertaining from the facts, as they occurred on the spot, whether the property ought to be paid for or not.

Mr. HUBBARD contended that the case came clearly within the principle establised by the law of 1816, and he believed on that subject there was no diversity of opinion. He had examined the case with some care, and he thought the evidence conclusive, at least it was so to his mind. Another reason why it ought to be acted on, was that further legislation would be necessary before the commission alluded could act, as every dollar of the appropriation was exhausted.

Mr. SEVIER wished to know on what principle this money was claimed? Were the troops in possession of the House at the time it was destroyed, and if not, how long had it been evacuated? He wished some uniform principle established on the subject, as there was a vast amount of property ruined in Florida, and numerous applications would doubtless be presented to Congress. Mr. S. offered an amendment to the effect that the destruction of the building should be in consequence of the occupancy by the United States troops.

Mr. DAVIS, though friendly to the claimant, because he believed that he had been subjected to great loss, yet thought it better to wait for all the facts. The bill, as it stood, involved principles that he was not disposed to sanction.

The bill, as amended, was ordered to be engrossed.

The bill to extend the charter of the Franklin Insurance Company was taken up, and after being amended, by striking out "forty" and inserting "twenty" [the number of years for the duration of the charter,] it was ordered to be engrossed for a third reading.

On motion of Mr. CLAY of Kentucky,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, Febuary 2, 1838.

The CHAIR laid before the House a message from the President of the United States, communicating the ninth annual report of the Board of Commissioners of the penitentiary at Washington, D. C.

On motion of Mr. WHITTLESEY of Ohio, laid on the table.

Reports from standing committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG stated that, some time since, the Committee of Ways and Means had reported adversely against sundry memorials of claimants under the Neapolitan indemnity, praying Congress either to authorize the purchase of stock, or the issuing of stock in exchange for it. Against these two propositions, the committee had reported.

In one of the memorials there was a third proposition, that the claimants should be authorized to sell the indemnity and become their own agents for its disposal, to which Mr. C. supposed there would be no objection. It was an inquiry, however, belonging not to the Committee of Ways and Means, but to that on Foreign Affairs, and he, therefore, moved that the former be discharged from that portion of the subject, and that it be referred to the latter; which was agreed to.

Mr. RENCHER reported adversely on the memorial of Richard Clay and James Lowell; which was laid on the table.

CLAIMS.

Mr. WHITTLESEY of Ohio reported Senate bill, with a recommendation that it do not pass, for the relief of Caroline E. Clitherell.

COMMERCE.

Mr. SMITH moved that the report of the Secretary of the Treasury, in relation to the number and compensation of officers of the customs, be printed for the use of the House; which was agreed to.

POST OFFICE AND POST ROADS.

Mr. MONTGOMERY reported a bill to provide for additional clerks in the Post Office Department, in the Auditor's office connected therewith, and for other purposes.

JUDICIARY.

Mr. TOUCEY made an unfavorable report on the petition of Abraham Morrison.

On motion of Mr. TOUCEY, the unfavorable report made some days since in the case of Thomas Chapman, was recommitted to that committee.

Mr. CILLEY reported a bill for the relief of John H. Shepherd, administrator of Abiah Wool.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported a bill to limit the operation of the third section of the act of the 4th of March, 1829, entitled "An act confirming the reports of the register and receiver of the land office of the district of St. Stephens, in the State of Alabama, and for other purposes."

Mr. HARLAN also reported a resolution directing the Committee on Private Land Claims to inquire into the expediency of reviving, for a limited time, the act of the 26th of May, 1824, entitled "an act to enable claimants to land within the limits of the State of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," and the act relating to the same of the 24th of May, 1828; which was concurred in.

Mr. LOOMIS made an unfavorable report on the memorial of Eli Hallbay, which was laid on the table; but, at the request of Mr. LEGARE, the report was withdrawn, and again referred to the committee.

INDIAN AFFAIRS.

Mr. PENNYBACKER made an unfavorable report in the case of Basil Brown; which was laid on the table.

INVALID PENSIONS.

Mr. M'CLELLAN of New York reported a bill for the relief of Frederick Sammons.

Mr. SMITH made an unsuccessful effort to induce the House to take up sundry bills from the Senate, with a view to their commitment to the appropriate committees.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution, submitted by Mr. ADAMS on the 18th ult.

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamphlet, in the Spanish language, stated in the report of the Secretary of State to this House to have been printed and circulated by the late minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike out all that part relating to the name of the diplomatic functionary, after the word "country," in the eighth line.

Mr. ADAMS, who was entitled to the floor, proceeded with his remarks, and contended that the cases he had heretofore cited were much more offensive to the Government than the publication of the pamphlet by Mr. Gorostiza; that the Government then pursued a very different course from the course pursued now; that our Government was wrong in the position it had assumed, and that it must retrace its steps; that the position the Administration had pursued, was calculated to prevent our citizens from obtaining the claims which they had upon Mexico; and that the perpetual appeal by our Government to Jones Thuraeler, ill comported with its former course of action. Mr. A. went into considerable details as to the course of our Government formerly, and contended that the Administration must retrace the steps it had taken. He also contended that the name of the diplomatic functionary who communicated Gorostiza's pamphlet to the Secretary of State, ought to be communicated, not merely from the fact of his having communicated it, but from the remark which had accompanied it. He trusted that the House would permit the name of this diplomatic functionary to be given; but at any rate he hoped the resolution would not be rejected, but that it would be adopted speedily.

Mr. HOWARD said, as the gentleman from Massachusetts had concluded his remarks with an expression that the House would decide this question immediately, he would not detain it long. He would have been willing, at the outset of the gentleman's remarks, that the House should have decided the question, without further debate upon this collateral point, which he did not think of very much consequence, and which had already occupied too much of the time of the House. But, as the gentleman from Massachusetts (Mr. ADAMS) had seen proper to present his views to the body somewhat at length, Mr. H. trusted the House would excuse him for delaying them some little time further, while he endeavored, as well as he could, to reply to the remarks of the gentleman. The gentleman from Massachusetts had made a request of him that he would withdraw the amendment to strike out that part of the resolution calling for a communication of the name of the diplomatic functionary who transmitted Mr. Gorostiza's pamphlet to the Secretary of State; and it was with great pain that he (Mr. H.) ever refused a request coming from that gentleman. In consequence of a repetition of that request he had re-examined the subject, and still he was unable to come to the conclusions which his wish to gratify the gentleman from Mas-

sachusets would lead him. He was, therefore, after full examination, compelled to adhere to his first resolution, and urge upon the House the adoption of his amendment, as he was unable to see any good which would result from a communication of the name of the diplomatic functionary alluded to. He was unable to see any sufficient reason for this House to exercise the high power which it possessed of bringing from the recesses of the Department of State the name of a particular individual who had done an act so simple as this. It struck him that in whatever point of view you looked upon this matter, whether as impugning the veracity of the Secretary of State, or as an offence in the Minister who communicated this pamphlet, that no good could result from the adoption of this part of the resolution. The House, perhaps, might have a curiosity to know the name of this individual, or the gentleman from Massachusetts might feel a curiosity to know it; but he would ask, if that was a sufficient reason to induce the House to make a formal call for this information without there being any good likely to result from it? He must, therefore, adhere to his first opinion, and insist upon the vote of the House upon his amendment.

Before proceeding further, Mr. H. deemed it proper that he should be correctly understood in relation to a point of difference between himself and the colleague of the gentleman from Massachusetts, (Mr. CUSHING.) Mr. H. said that when this resolution first came up before the House, he had stated a belief that the pamphlet in question—Gorostiza's pamphlet—had been circulated very freely through this country; that it was for sale in the bookstores of this city; that he himself had purchased a copy of it from a bookstore, and read it; and he, therefore, saw no necessity for procuring another translation of it, unless it was correct, as was suspected by the gentleman from Massachusetts, (Mr. CUSHING,) that this translation of it was not a genuine one. He, however, had stated that he had no objection to having the pamphlet communicated in an official form from the Department of State. The colleague of the gentleman from Massachusetts had expressed the opinion, when he addressed the House, that the pamphlet which was for sale was not an entire translation of the original pamphlet published by Gorostiza, and gentlemen would well remember the force of this remark.

Now, in order to set himself right, Mr. H. said that he held in his hand one of the original pamphlets, as he had good reason to believe; he, to be sure, had not a personal knowledge of this fact, but he had such a knowledge of it as satisfied him that the pamphlet he now held in his hand was one of those issued by Mr. Gorostiza. He also held in his hand a translation, which he had purchased in this city, and he had gone over them page by page with a gentleman who was well acquainted with the Spanish language, and he found every sentence and paragraph in the translation which was in the original, except two orders of Gen. Gaines, which were not material, and which had been published in the papers of this city. With these two exceptions, the English edition corresponded every where with the Spanish, so that he believed it was a mistake in supposing that the translation was imperfect. He would say further, that perhaps the gentleman from Massachusetts (Mr. CUSHING) may have been led into the error into which he had fallen by the circumstance that another pamphlet which he (Mr.H.) had seen, was defective, in having one sheet omitted. It was possible, therefore, that one of these defective pamphlets had fallen into the hands of the gentleman. Sir, in this way he may have been led into the error. If this was the case, the gentleman was very correct in saying that the copy of the pamphlet which he read was not a correct translation from the original. Mr. H. did not therefore at all wish to be understood as impugning the veracity of the gentleman from Massachusetts; neither did he consider the gentleman as impugning his veracity; and he (Mr. H.) corrected the error which he conceived the gentleman had fallen into, merely for the purpose of making good his own assertion, that the pamphlet to be obtained at the bookstores was a perfect translation of the Spanish copy published by Mr. Gorostiza. Notwithstanding this, he had no disposition to oppose the adoption of the resolution, further than to urge upon the House the adoption of his amendment. The gentleman from Massachusetst (Mr. ADAMS.) had gone into a great many details to make out a satisfactory case to the House, which he had done, no doubt, to the satisfaction of the House, but he (Mr. H.) should attempt to-morrow to show—as he had not time to do it to-day—the hour having expired—that the cases presented by the gentleman, were not similar to the case now before the House.

The CHAIR here announced the orders of the day.

The SPEAKER laid before the House a communication fsom the Postmaster General, transmitting a report, in part of the contracts by that department, in 1837.

On motion of Mr. BRIGGS, referred to the Committee on the Post Office and Post Roads.

Mr. BOON renewed the request previously made by Mr. SMITH to take up, and refer the bills from the Senate on the Speaker's table, but it was objected to.

MISSISSIPPI ELECTION.

The House then resumed the consideration of the Mississippi Election case, the question being on the amended resolution of Mr. BELL adopted by the House yesterday.

"*Resolved*, That the resolution of this House of 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, be rescinded, and that Messrs. GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress."

The question was on the following amendment of Mr. HOWARD:

"*Resolved*, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress."

And the pending question on the amendment to the amendment, proposed by Mr. ROBERTSON, to strike therefrom the word "not."

Mr. PATTON was entitled to the floor, but he yielded it to

Mr. PRENTISS, who again addressed the House against the proposition to send the election back to the people.

Mr. YELL gave a statement of the circumstances producing his second election, which amounted to the fact that it was voluntary on his part, for he held his July election to have been a good one, and for the whole term of the 25th Congress.

Mr. GHOLSON made a brief statement to the House, to the following effect: His colleague and himself were not before the people at the November election, and they distinctly stated to the people, in a printed circular addressed to them, that they were not candidates upon that occasion. That circular was published, and it was announced, at least in all the Democratic papers in the State, that they were not candidates. Mr. G. also wrote at least a hundred letters to his friends in different parts of the State, declaring that, in consequence of that decision, he was not a candidate.

Mr. G. further stated that, in twenty counties, where no votes were given for himself and his colleague in the November election, they received about five thousand votes at that of July; thus showing, conclusively, that there was no general turn out of the people at the November election, induced, as he firmly believed, not to vote by the decision of the House. That was the main fact he wished to state. The House, by its vote, had said the election of July was void. Mr. G. was as well satisfied with that decision as any one else, but he wished them to vote, at least, with a knowledge of the facts.

In addition, Mr. G. had good grounds to know that the election in many other counties was partial, from the fact of his colleague and himself not being before the people, and therefore, by no kind of calculation, was the strength of parties tested in November. The people had been misled by the decision of the House.

Mr. G. said his physical debility rendered him unable, if he was otherwise able, to go into the argument, and would conclude with the hope that the House would take the vote as early as practicable.

Mr. PATTON addressed the House, at length, in opposition to Mr. HOWARD's amendment, and was followed by Mr. LEGARE in reply.

Mr. BIDDLE then took the floor, and spoke at length in support of the claim of Messrs. Prentiss and Word, and against the reference of the case back to the people.

Mr. MENIFEE obtained the floor, but before proceeding with his remarks, moved an adjournment.

Mr. CUSHMAN called for the yeas and nays on this motion; which were ordered, and were—yeas 90, nays 118.

So the House refusing to adjourn—

Mr. MENIFEE proceeded with his remarks in reply to the gentleman from South Carolina (Mr. LEGARE) and others, and contending that Messrs. Prentiss and Word were constitutionally elected, and entitled to seats in the House of Representatives.

Mr. BELL next obtained the floor, but without proceeding with his remarks, moved an adjournment, which was carried; and

The House adjourned.

IN SENATE,

FRIDAY, February 2, 1838.

The VICE PRESIDENT communicated a report from the Secretary of the Treasury, in obedience to a resolution of the 17th January, relative to the claim of the Bank of the United States for damages on account of a protested draft on account of the French indemnity: laid on the table, and ordered to be printed.

On motion of Mr. NILES, two thousand additional copies were ordered.

Mr. WEBSTER suggested that a like number of the first part of the information received from the department also be printed; which was concurred in.

Also, from the same department, a communication from Captain M. C. Perry, in relation to the light-house establishment.

Also, from the Department of War, in obedience to a resolution of the Senate, calling for the orders, &c. given to pension agents: laid on the table, and ordered to be printed.

On motion of Mr. WEBSTER, 500 additional copies were ordered.

Also, from the same department, containing a report of the survey of Crow shoals, in obedience to a resolution of the Senate of the 29th January: laid on the table, and ordered to be printed.

Also, a report from the same department, containing the survey of the Charleston and Cincinnati Railroad: laid on the table, and,

On motion of Mr. CALHOUN, 500 additional copies were ordered to be printed.

Mr. McKEAN presented a memorial from sundry citizens of Pennsylvania, remonstrating against the annexation of Texas, or any other Territory that tolerates slavery: laid on the table.

Mr. CLAYTON presented the petition of Geo. McCall, praying a pension. Mr. C. stated that the petitioner was a sailor on board the private armed vessel "Saucy Jack," cruising as a letter of marque during the late war; that in attempting to board a large English ship, which was afterwards captured, he was so desperately wounded as to become a cripple ever since. The petition was referred to the Committee on Naval Affairs.

Mr. GRUNDY presented the petition of William W. Corcoran and others, praying that certain suits now pending might not be abated in consequence of the expiration of the charter of the United States Bank in this city: referred to the Committee on the Judiciary.

Mr. WRIGHT presented the petition of Mrs. ———, praying remuneration for property destroyed during the late war: referred to the Committee on Claims.

Mr. SMITH presented the petition of John Allen and others, praying commutation pay: referred to the Committee on Revolutionary Pensions.

Mr. BUCHANAN presented the petition of Colonel S. Miller, of the Marine Corps, praying compensation for property lost during the last war,

and for services rendered in preserving public property at Bladensburg: referred to Committee on Naval Affairs.

Mr. MERRICK presented the petition of Sybilla Carberry, praying a pension, in consideration of the services of her late husband: referred to Committee on Pensions.

Mr. NORVELL presented a resolution from the State of Michigan, recommending the passage of a law providiug for the reduction of the price of the public lands lying within the limits of the several States, and that the same be sold in limited quantities, and for actual improvement: referred to the Committee on Public Lands.

Mr. BENTON presented the memorial of Wm. Armstrong, praying to be authorized to locate a certain tract of land: referred to the Committee on Private Land Claims.

Mr. KING, from the Committee on Commerce, made an unfavorable report on the petition of Isaac Collier; which was ordered to be printed.

Mr. WHITE, from the Committee on Indian Affairs, reported a bill granting four additional clerks to the office of Indian Affairs.

Mr. HUBBARD, from the Committee on Claims, made an unfavorable report on the petition of Joseph Shaw.

Also, from the same committee, an unfavorable report on the petition of Joseph Good.

Mr. HUBBARD, from the same committee, asked to be discharged from the further consideration of the petition of Joseph Atwater and James Robb, and that they be referred to the Committee on Indian Affairs; which was concurred in.

Mr. SPENCE, from the Committee on Claims, reported a bill for the relief of George J. Knight.

Also, bill from the House of Representatives, No. 86, for the relief of Robert Keyworth, without amendment.

Mr. YOUNG, from the Committee on Claims, to which was referred the bill from the House of Representatives, for the benefit of the Levy Court, reported the same without amendment.

Mr. BENTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the names of the Receivers of the Public Moneys, if any, who have violated the Treasury order of July 11th, 1836, in any of its particulars, so far as the same may appear from their own returns, or the returns of the banks in which they made deposites, or by the reports of examining agents, and that the particulars of each violation, if any such be found, be fully stated.

Mr. WILLIAMS submitted the following resolution, which lies over one day for consideration:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to the Senate, in such manner as he may deem proper, all the correspondence recently received and had between this and the Government of Great Britain and the State of Maine, on the subject of the Northeastern boundary, which, in his opinion, may be communicated consistently with the public interest.

The bill for the relief of the legal representatives of John J. Bulow, deceased, was read a third time, and, on motion, postponed until to-morrow.

The bill to extend the charter of the Franklin Insurance Company of the District of Columbia, was read a third and passed.

The bill for the relief of Thomas L. Winthrop and others, was read a third time; and on the question, "Shall the bill pass?"—

Mr. BUCHANAN rose and addressed the Senate for some time in opposition to the general principles of the bill.

Messrs. CLAYTON, DAVIS and GRUNDY supported the bill.

Mr. HUBBARD moved to recommit the bill to the Committee with instructions to bring in a new bill, referring the matter to the Third Auditor.

After some further remarks from Messrs. DAVIS, WILLIAMS and GRUNDY, the question was taken by yeas and nays, and decided in the affirmative; yeas 23, nays 17.

Pending the discussion of the above bill,

Mr. WRIGHT asked the Senate by unanimous consent to take up the Sub-Treasury bill with a view of allowing the Senator from Virginia (Mr. RIVES) an opportunity of offering his amendment; which was agreed to: when; Mr. R. offered an amendment which was ordered to be printed.

Mr. RIVES proposed the following amendment to the bill "to impose additional duties as depositaries upon certain public officers, to appoint Receivers General of Public Money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States," viz:

Strike out all after the enacting clause, and insert the following:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the number of banks authorized by the act of June 23, 1836, to be employed as depositories of the public money, shall not exceed twenty five, (any thing in the said act to the contrary notwithstanding;) that they shall be chosen from among the most solid and respectable banks in the States or Territories in which they are established, and their locality, as well as number, shall be determined purely with reference to the wants and convenience of the Treasury in conducting its fiscal operations.

SEC. 2. *And be it further enacted*, That no bank shall be so selected or employed, which shall not pay its bills and notes, and all other demands upon it, promptly in specie, when required; nor until it shall first have furnished to the Secretary of the Treasury a statement of its condition and business, a list of its directors and officers, a copy of its charter, and such other information as he may require, to enable him to judge of the soundness of its condition.

SEC. 3. *And be it further enacted*, That the banks to be employed as depositories as aforesaid, shall be selected by the Secretary of the Treasury in the following manner, to wit: if the selection be made during the session of Congress, it must, before it take effect, be first approved by joint resolution of both Houses; and if made during the recess, it shall be submitted to Congress, at the commencement of their next session, to be in like manner confirmed or annulled by them.

SEC. 4. *And be it further enacted*, That the said bank, before they shall be employed as the depositories of the public money, shall agree to receive the same on the following terms and conditions, to wit:

First. Each bank shall furnish to the Secretary of the Treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and business, as prescribed in the second section of this act, except that such statements need not contain a copy of the charter of the bank; and the said banks shall furnish to the Secretary of the Treasury and to the Treasurer of the United States a weekly statement of the condition of his account on their books; and the Secretary of the Treasury shall have the right, by himself, or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to the staid statements: *Provided*, That this shall not be construed to imply the right of inspecting the account of any private individual or individuals with the bank.

Secondly. To credit as specie all sums deposited therein to the credit of the Treasurer of the United States, (excepting Treasury notes, or other Government obligations, that may be receivable in payment of public dues, and which are properly chargeable to the United States,) and to pay all checks, warrants, or drafts, drawn on such depositesites, in specie, if required by the holder thereof.

Thirdly. To give, whenever required by the Secretary of the Treasury, the necessary facilities for transferring the public funds from place to place, within the United States and the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange.

Fourthly. To render to the Government of the United States all the duties and services heretofore required by law to be performed by the late Bank of the United States and its several branches or offices.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized, and it shall be his duty, whenever, in his judgment, the same shall be necessary or proper, to require of any bank, selected and employed as aforesaid, collateral or additional securities for the safe-keeping of the public moneys deposited therein, and the faithful performance of the duties required by this act.

SEC. 6. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to enter into contracts, in the name, and for and on behalf of the United States, with the said banks so selected and employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act.

SEC. 7. *And be it further enacted*, That no bank which shall be employed as a depository of the public money, shall be discontinued as such, or the public money be withdrawn therefrom, except for he causes hereinafter mentioned; that is to say: if, at any time, any of the said banks shall refuse, or fail to perform any of the duties prescribed by this act, and stipulated to be performed by its contract, or if any of the said banks shall at any time refuse to pay its notes in specie, or if the Secretary of the Treasury shall have reason to believe that any of the said banks is no longer a safe place of deposite for the public moneys; in any and every such case, it shall be his duty to discontinue such bank as a depository, and withdraw from it the public moneys which it may hold on deposite; and, in case of the discontinuance of any of the said banks, it shall be the duty of the Secretary of the Treasury to report to Congress immediately, if in session, and if not in session, at the commencement of its next session, the facts and reasons which have induced such discontinuance: *Provided, however*, That nothing herein contained shall be construed to prevent Congress, at any time, from passing any law for the removal of the public money from any of the said banks, or from changing the terms of deposite, or to prevent the said banks at any time, from ceasing to act as depositories of the public money, upon paying over, or tendering to pay, the whole amount of public moneys on hand, according to the terms of their agreement with the Secretary of the Treasury.

SEC. 8. *And be it further enacted*, That it shall be the duty of the banks selected as depositories of the public money, to make settlements with all the banks in their vicinity with which they have transactions, as often as once a week; and the balances due shall be demanded or paid, as the case may be, in specie, whenever and to whatever extent such requisition, with the approbation of the Secretary of the Treasury, shall be deemed necessary to check a tendency to over-issues, and to preserve the soundness of the currency.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to adopt all such means as he can properly employ, to induce the banks selected as depositories of the public money, to enter into mutual arrangements for receiving and crediting as cash in payment of the public dues the notes of each other, whenever the same may be offered in such payments.

SEC. 10. *And be it further enacted*, That the revenue of the United States, whether arising from duties, taxes, debts, postages, or sales of lands, shall be collected and received in gold and silver, or in Treasury notes, or in the notes of banks which are payable and paid on demand in the legal coins of the United States, subject to the following restrictions and conditions in regard to the receipt of bank notes, to wit: from and after the expiration of one year from the passage of this act, the notes of no banks which shall issue or circulate bills or notes of a less denomination than five dollars, shall be received in payment of the public dues; and from and after the expiration of two years thereafter, the notes of no banks which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; *Provided, however*, that the notes of no bank whatever shall be received in payment of the public dues by the

collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash; and *Provided, also*, that the notes of no bank which now fails, or may hereafter fail, to redeem its notes in gold and silver, shall, at any time, be received in payment of the public dues, unless such bank shall, on or before the first day of July, eighteen hundred and thirty-eight, have *bona fide* resumed payments in specie.

SEC. 11. *And be it further enacted*, That nothing in the preceding section shall be so construed as to prohibit receivers or collectors of the dues of the Government from receiving for the public lands, any kind of land scrip or Treasury certificates now authorized by law, but the same shall hereafter be received for the public lands in the same way and manner as has been heretofore practiced; and it shall not be lawful for the Secretary of the Treasury to make any discrimination in the funds receivable between the different branches of the public revenue, except as is provided in this section.

SEC. 12. *And be it further enacted*, That no bank shall be employed as a depository of the public money which shall not conform, as to the denomination of notes issued or circulated by it, to the condition herein before imposed on those banks whose paper is allowed to be received in payment of the public dues.

SEC. 13. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to lay before Congress, at the commencement of each annual session, and as often thereafter as either House may require, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of public money deposited in each, as shown by their returns at the Treasury, with every other particular which may assist Congress in forming a satisfactory judgment of the safety of the public moneys, and of the soundness and responsibility of the depositories to which they are committed.

SEC. 14. *And be it further enacted*, That all acts, and parts of acts, coming within the purview of this act, are hereby repealed.

The bill supplementary to the act to amend the act relative to the judicial system of the United States was read a third time and passed.

The Senate then adjourned until Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, Feb. 3, 1838.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting two hundred and fifty-five copies of the Army Register.

On motion of Mr. E. WHITTLESEY, laid on the table.

Also, a communication from the Secretary of the Navy, transmitting a statement of the contracts entered into by the Navy Commissioners during the year 1837.

On motion of Mr. E. WHITTLESEY, laid on the table.

Mr. McKIM moved that the bills from the Senate on the Speaker's table be taken up, with a view to their reference to the appropriate committees.

Objection being made,

Mr. BOON said he should be compelled to move a suspension of the rule, for some of the bills had been lying on the Speaker's table for several days. Whereupon, the objection was withdrawn, and the following bills were taken up, read twice, and referred:

An act for the relief of the heirs of Francis Neuman, late collector of the internal revenue and direct tax in Maryland.

Mr. E. WHITTLESEY moved its reference to the Committee of Claims.

Mr. McKIM moved it to the Committe of Ways and Means.

Mr. WHITTLESEY had no great objection, though that class of cases had been generally committed to the former committee.

Mr. McKIM's motion was agreed to.

An act for the legal adjudication and settlement of claims for land under the grants or concessions made to Baron Bastrop, Marquis de Baton Rouge, and others in Louisiana, and to Elisha Williams and others in Arkansas.

On motion of Mr. LAWLER, referred to the Committee on Private Land Claims.

An act granting pre-emption rights to settlers on the public lands.

On motion of Mr. BOON, referred to the Committee on the Public Lands.

An act to amend the act entitled an act for the appointment of commissioners to adjust the claims for reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians.

On motion of Mr. HARLAN, referred to the Committee on Private Land Claims.

An act to change the times of holding the circuit courts of the United States in the seventh circuit.

On motion of Mr. CORWIN, referred to the Committee on the Judiciary.

An act to amend and extend the charter of the Franklin Insurance Company.

On motion of Mr. PETRIKEN, referred to the Committee on the Judiciary.

An act to amend the act of the 3d of March, 1837, entitled, an act supplementary to the act entitled an act to amend the judicial system of the United States.

On motion of Mr. CUSHMAN, referred to the Committee on the Judiciary.

On motion of Mr. TALIAFERRO, the morning business was set aside, to proceed with the special order.

MISSISSIPPI ELECTION.

The House then resumed the consideration of the Mississippi election case, the question being on the amended resolution of Mr. BELL, adopted by the House yesterday.

"*Resolved*, That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, be rescinded, and that Messrs. GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress."

The question was on the following amendment of Mr. HOWARD:

"*Resolved*, That Sergeant S. Prentiss and Thomas J. Word, are not members of the Twenty-fifth Congress."

And the pending question on the amendment to the amendment, proposed by Mr. ROBERTSON, to strike therefrom the word "not."

Mr. BELL, who was entitled to the floor, addressed the House at some length in support of the claim of Messrs. Prentiss and Word to seats in the House of Representatives, and against sending the election back to the people.

Mr. RHETT addressed the House briefly in reply to the arguments of the gentleman from Tennessee, (Mr. BELL,) and in support of the proposition to send the election back to the people. He contended that the people of Mississippi had representatives on the floor of the House at the extra session by the decision of the House itself, and that decision being considered as binding upon the people, the election of November was a one-sided election; therefore he would send it back to the people, so that a fair election might be had.

Mr. CUSHING then made an explanation in relation to his objections at the commencement of the extra session to the system of organizing the House, by the Clerk calling over a list of members of the House, cut from the newspapers, and presumed to be elected members thereof.

Mr. POPE addressed the House at some length, going into a constitutional argument to prove that the Governor of Mississippi had no right to order an election to be held in July; that it was unconstitutional and void, and had been decided so the other day by the House, by rescinding the resolution of the House of October last. The election, then, held in November, which was in conformity to the Constitution and laws of the State of Mississippi, must be considered as good by this House; therefore, the members here claiming seats, Messrs. Prentiss and Word, ought to be decided as entitled to seats.

Mr. MARTIN obtained the floor; but, without proceeding, moved that the House adjourn.

Mr. HOPKINS called for the yeas and nays on this motion; which were ordered, and were—yeas 108, nays 90.

So the House adjourned, at 5 o'clock, p. m.

HOUSE OF REPRESENTATIVES,

MONDAY, February 5, 1838.

The CHAIR laid before the House a communication from the Secretary of the Navy, transmitting the report and survey of George's bank and shoals, accompanied by two charts, one of George's shoal, and the other of the bank.

Mr. Smith, remarking that the printing of the charts having been ordered some days since, in the concurrence of a resolution to that effect from the Committee on Commerce, moved that the communication be now laid on the table; which was agreed to.

Petitions and memorials being then in order—

Mr. HAYNES moved to postpone the morning business, for the purpose of proceeding with the Mississippi election case.

Mr. ADAMS hoped the people of the United States might be allowed to be heard at least once in three weeks; and he therefore asked for the yeas and nays on Mr. H's motion, but they were refused; and the motion itself was rejected without a division.

Petitions and memorials were then presented by Messrs. CUSHMAN, ATHERTON and WILLIAMS, of New Hampshire.

[Mr. WILLIAMS presented the petition of Samuel Roley for pension arrearages; and the petition of Francis Lambert for compensation for medical services rendered the Washington Volunteers.]

[Mr. CUSHMAN presented petitions of John B. Hill and Elijah Davis, praying for pensions; and of John Crawford and Rhoda Gale, praying for increase of pensions; all of which were referred to the Committee on Revolutionary Pensions.]

Messrs. PARMENTER, CUSHING, FLETCHER REED, BRIGGS, LINCOLN, CALHOUN, PHILLIPS, and ADAMS of Massachusetts.

[Mr. PARMENTER presented the petition of Josiah Brackett and 276 other legal voters of Charlestown, Massachusetts; of Ebenezer Newhall and 24 others, of Lincoln, Massachusetts; of Sarah B. Newhall and 46 others, of Lincoln, Massachusetts; of James Kimball and 65 men, and Rachel Kimball and 107 women, of Lincoln, Massachusetts, for the abolition of slavery in the District of Columbia. Also, the petition of Sarah B. Newhall and 46 others, against the annexation of Texas. Also, the remonstrance of Betsey Kelsey and 54 other women, of Shirley, Massachusetts; of Sally Fletcher and 38 other women, of Carlisle, Massachusetts; of Hope Brown and 16 others, of Shirley, Massachusetts, against the resolution passed by the House of Representatives December 21st, in relation to petitions on the subject of slavery, and praying that said resolution may be rescinded. Mr. P. also presented the petition of the heirs of Timothy Page for compensation for Revolutionary services; and the memorial of the Major Commandant of the United States arsenal at Watertown, Massachusetts, in relation to the purchase of land for the use of the United States.]

[Mr. LINCOLN presented a memorial purporting to be signed by a number of legal voters of Massachusetts, asking that the resolution of the House of the 21st December last, ordering all Abolition memorials and other papers of a similar character on the table, be rescinded.

Mr. L. moved its reference to a select committee, with instructions to report a resolution declaring the other resolution to be a violation of the Constitutional guaranty of the right of petition in the people, and subversive of the freedom of debate in their representatives, and declaring said resolution to be rescinded.

Mr. PATTON raised the question of consideration.

Mr. BOON moved to lay that question on the table.

Mr. BRIGGS called for the yeas and nays, which were ordered.

Mr. HOLSEY inquired if the petition would go on the table with the motion of consideration,

The CHAIR replied that the coherent accompanied the primary question.

Mr. WISE raised the point of order, whether the petition itself did not come under the operation of the resolution of the 21st of December?

The CHAIR thought not.

Mr. WISE. Was not the memorial substantially praying for what would open the whole subject of abolition?

The CHAIR was well advised of the point, which had been decided some weeks ago, immediately after the presentation of the first proposition of this character, since which several similar petitions had been offered, and the House had acquiesced in that decision. The Chair had no doubt that this petition was in order, and did not come within the operation of the resolution of the 21st December.

Mr. WISE. Then I must be permitted to say that, if that be the correct construction, that resolution was of no manner of use whatever.

The question was then taken, and decided in the affirmative—yeas 128, nays 75.

So the question of reconsideration was laid on table.]

[All the members from Massachusetts presented petitions for the abolition of slavery, which went on the table under the order of the 21st of December; a number remonstrating against the annexation of Texas, and several praying the recission of said order, all of which took the same course on respective motions]

Before Mr. ADAMS had got through, the CHAIR announced the arrival of the hour for the special order.

Mr. ADAMS moved a suspension of the rule to enable him to present the petitions communicated to his charge, and asked for the yeas and nays.

Mr. HOFFMAN would vote for the gentleman's motion, limited as it was; but he preferred its extension to all the other States behind Massachusetts.

Mr. ADAMS modified his motion according to Mr. H's suggestion, but the House refused the yeas and nays, and declined to suspend the rule.

MISSISSIPPI ELECTION.

The House then resumed the consideration of the Mississippi election case, the question being on the amended resolution of Mr. BELL adopted by the House on Wednesday last:

"*Resolved*, That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, be rescinded, and that Messrs GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress."

The question was on the following amendment of Mr. HOWARD:

"*Resolved*, That Sergeant S. Prentiss and Thomas J. Word are not members of the Twenty-fifth Congress."

And the pending question on the amendment to the amendment, proposed by Mr. ROBERTSON, to strike therefrom the word "not."

Mr. MARTIN of Alabama being entitled to the floor, rose to proceed with his remarks, but gave way to

Mr. GLASCOCK, who stated that he had this morning received from the Hon. Mr. CLAIBORNE a brief statement, in writing, of several important facts in relation to the question before the House, and which he considered essential should be read; and as the health of Mr. C. still prevented his attending in person, he (Mr. G.) felt it his duty to make the motion that the paper he then held in his hand be received, and read at the Clerk's table. It was due to the sitting members to say, that they wished no motion made to print.

WASHINGTON, *Feb.* 5, 1838.

SIR: I herewith transmit to you the proceedings of the Democratic members of both branches of the Mississippi Legislature, which I desire may be laid before the House. At a moment when there is so much contrariety of opinion as to public sentiment in the State of Mississippi, and after the gentlemen who claim to supersede my colleague and myself, have expressed an opinion that not *ten* citizens of that State believe we are entitled to our seats for the whole of the twenty-fifth Congress, I am gratified at being able to furnish *such* evidence of the popular will. It must be recollected that the gentlemen who attended this meeting compose a majority of the Legislature, and that they represent the opinions of a large body of the people. They are familiar with the history of this contested election from the emanation of the writ, down to the decision of the House in October, and the incidents subsequent thereto; they are fresh from communion with an enlightened constituency, and, in all probability, are better informed as to the real state of opinion, than either the honorable claimants, or ourselves, or representatives from other States. The names that appear on the face of those proceedings are among the most distinguished in the State for the high stations they occupy, for talents, for integrity, for all that can give impartiality to evidence or weight to character, and I trust their testimony, thus solemny and publicly rendered, will have its due influence with the House.

I feel bound to repeat, on this occasion, what I have before declared, that *prior* to the July election, my colleague and myself distinctly took the ground, that *we* considered the election as not for the special session only, but for *two years*. The papers friendly to us advanced the same opinion. When the decision of the House was made, confirming us in our seats for the entire 25th Congress, we addressed a Circular to the people, (which was widely distributed,) from which the following is an extract:

"TO THE PEOPLE OF MISSISSIPPI.

"FELLOW-CITIZENS: In July last, it is well known, we were elected under the Proclamation of the Governor, and according to the forms of the law, to represent you in Congress. When the Governor issued his writ, the opinion of the press and of the people, so far as we are informed or believe, was, that he had the power to do so: that the exigency of the times required him to exercise that power; but that he had no right to abridge the constitutional term of two years, for which members of Congress are elected; that so much of his writ was void, and that the members chosen would serve not only in the extra session, but throughout the twenty-fifth Congress. This was our own opinion. It was every where freely expressed by us, and we believe that nine-tenths of those who voted at the late [July] election went to the polls with such an impression."

The people were thus distinctly notified of the action of the House, and assured that we would continue to hold our seats.

Prevented as I am by the state of my health, from appearing in the House to vindicate the rights of those I represent, I feel bound to express *my* solemn conviction that a majority of the freemen of Mississippi acquiesced in the judgment of the House. I *believe*, upon evidence which would be conclusive in a court of justice, that the 6,500 citizens who sustained me in November, did not doubt the validity of the July election as conferring office for two years, or the binding effect of the decision of the House.

On the other hand, I *know*, as positively as any fact can be known, that upwards of 8,000 voters, chiefly in counties almost unanimously favorable to us, REFUSED to cast their votes a second time, on the ground that the judgment of the House was binding, and that they were satisfied with it. I have no doubt but that 15,000 freemen of Mississippi, if an opportunity offered, would at this moment sanction that judgment at the polls. I feel convinced they would declare that no vacancy could exist in the representation from that State, to be filled at the November election, after the decision of the House, the constitutional and only competent tribunal, that we were members of the whole 25th Congress. That decision was pronounced after searching and protracted examination; and upon the *same* evidence which is *now* before the House, it persuaded *us* that the whole matter was settled; it gave to the *claimants* the benefit of a canvass without opposition; it restrained 8,000 *freemen* from casting their votes; and should the House now decide finally against us, however highly its character is generally appreciated, the moral sense, the proper and honorable pride, of an enlightened people will revolt at the injustice of such a course.

If this was not my solemn conviction; *if* I was not, as I believe, fully informed as to the *intentions* of those who voted for me in July, and of their *wishes* and *opinions* now; *if* I could be convinced that the claimants received a majority of the whole number of votes cast at the November election—*ex parte* as that election was, and without opposing candidates—I would at once close this controversy by RESIGNING my seat. I feel satisfied that my colleague would pursue the same course. Although disfranchised by the House, and prevented from being candidates by their resolution declaring us members for two years, *if* the claimants had presented themselves here with a clear and properly ascertained *majority*, we would cheerfully have resigned our places, and submitted the matter to the people. Such, however, in my opinion, is not the case. I believe that the popular will in Mississippi was adverse to those gentlemen at the election, and that it is still so; and however my waning health or inclinations might otherwise influence me, my duty to those who have, for a series of years, sustained me with large and uniform majorities, will induce me to hold my seat until I am ejected by the verdict of the House. That verdict has been once *recorded* in our favor; and I trust the House will pause long before reversing it, and the rights and equities it carries with it. I trust it will deliberate long before it assumes the alarming prerogative of *appointing* others to the places that we hold by the votes and will of the PEOPLE OF A SOVEREIGN STATE.

Unable to defend my cause in person, or to assert with becoming spirit the views and opinions of a high-minded constituency, I appeal to the House, through you, for its dispassionate and impartial judgment. Regarding it as a tribunal too grave to be influenced by passion, and too just to render final judgment without *positive* knowledge of the facts, I appeal to it, not for my colleague and myself, but for those we represent; *not* for the empty honors of office, but for *justice* to a people jealous of any encroachments on their rights.

I have the honor to be,
Very respectfully,
Your obed't servant,
JOHN F. H. CLAIBORNE.

To the Hon. THOS. GLASCOCK.

The following is a copy of the proceedings referred to in the above statement of Mr. CLAIBORNE:

Proceedings of a meeting of the Democratic members of the Legislature, and others of the party, then at the city of Jackson, held in the Senate Chamber on the evening of the 20th instant.

The meeting was organized by calling the Hon. George B. Augustus, Senator from Noxubbee, to the chair, as President of the meeting; General Arthur Fox, member from Lawrence, was elected Vice President; General A. G. Brown, member from Copiah, and Charles M. Price, were appointed Secretaries.

Mr. Besancon, President of the Board of Bank Commissioners, offered the following preamble and resolutions, which were unanimously adopted:

Whereas an attempt is being made against our worthy representatives in Congress, Messrs. Claiborne and Gholson, by asserting that they were elected for the called session only, and not for the whole 25th Congress, and that they are not now the choice of the people of the State; and whereas, in the opinion of this meeting, Messrs. Claiborne and Gholson were and are at this time the choice of a large majority of the people of this State, therefore,

Resolved, That, as the people are satisfied with the decision of Congress in relation to the seats of our Representatives, this meeting is of the opinion that Messrs. Claiborne and Gholson would *disobey* the wishes of a large majority of the people of this State by resigning their seats at this time.

Resolved, That the charge of deception which has been preferred against our Representatives, relative to the duration of their term of service, is entirely groundless and without foundation.

Resolved, That in voting for the separation of the Government from all banking institutions, and in voting against the proposition to charter a national bank, our Representatives have acted in conformity with the will of a large majority of the peo-

ple of this State, and in so doing deserve well of their country.

On motion of Mr. Holland of Marshall,

Resolved, That the stand taken by our Senators and Representatives in Congress, against the discussion of slavery, meets our hearty approbation

On motion of General Brown of Copiah,

Resolved, That in the opinion of this meeting, to resign their seats in Congress during its present session, Messrs. Claiborne and Gholson would leave the State entirely without representation in the popular branch of the National Legislature; and, therefore, the people do not *wish* or *expect* it.

On motion of Gen. Price, of Hinds,

Resolved, That a committee of five be appointed, to whom shall be submitted the resolutions adopted by this meeting, with instructions to draft an address to the people of Mississippi, more fully expressive of the opinions of this meeting.

The following named gentlemen were appointed to constitute said committee: Dr. Hancock of De Soto, L. A. Besancon of Natchez, V. C. Howard of Jackson, K. S. Holland of Marshall, and Felix H. Walker of De Soto.

On motion, the President, Vice President, and first Secretary, were added to the committee: the President made chairman of the committee.

On motion, *Resolved*, That the proceedings of this meeting be published in the Democratic papers of the State, and that a copy be forwarded to our representatives in Congress, signed by the officers of this meeting.

The meeting was addressed by Messrs. Tucker, Besancon, Holland, Brown, Harley, Fox, Howard, Butler, Runnells, Hancock, Stone, Walker, Dow, Granberry, and Ellis, respectively, with eloquence, power, and effect.

GEO. B. AUGUSTUS, President.
ARTHUR FOX, Vice President.

A. G. BROWN, Secretary.
CHARLES M. PRICE, Assistant Secretary.

Mr. WILLIAMS of Kentucky inquired what paper the proceedings of the meeting of members of the Legislature of Mississippi was read from?

The CHAIR replied that the proceedings were read from the Globe of Thursday last.

Mr. WILLIAMS then asked that the introductory remarks of the editor of that paper be read by the Clerk.

Mr. OWENS and many other members objected.

The question was put, and the House refused to order the reading of the notice—ayes 80, noes 90.

Mr. GLASCOCK then stated that he held in his hand the original proceedings; but they being cut up into narrow slips at the printing office, he preferred sending the paper to the Chair to be read. He would, however, have the original read, if any gentleman doubted the correctness of the proceedings as published in the newspaper.

Mr. McKAY then rose, and proposed to the gentleman from Maryland, that as the gentleman from Tennessee, (Mr. BELL,) on Saturday, had raised some critical objections to it, as being a mere truism, he hoped it would be modified so as to conform to former precedents of the House, declaring that the gentlemen claiming seats (Messrs. Prentiss and Word) were not entitled to seats as members of the 25th Congress.

Mr. HOWARD said that he had drafted his resolution in this way in the first place, but had modified it afterwards at the suggestion of some gentlemen on this floor. He had no objection, therefore, now to modify his proposition to meet the suggestion of the gentleman from North Carolina. Mr. H. then modified his amendment as follows: "and that Messrs. Prentiss and Word are not entitled to seats on this floor as members of the 25th Congress."

Mr. MARTIN, who was entitled to the floor, addressed the House at some length. He was of opinion that the sitting members were fairly elected at the election held in Mississippi in July last, under the writ of election issued by the Governor; and that, even if the Governor did attempt to limit that election to the called session, that the attempt was void, and the sitting members were entitled to their seats during the whole of the 25th Congress. The House so decided at the called session. The other day, however, it had virtually decided, by the adoption of the amendment of the gentleman from Tennessee, that the election of July should be set aside; and now it is demanded by gentlemen that Messrs. Prentiss and Word are entitled to seats on this floor, because they were elected in November last. The election of November, however, (Mr. M. contended) was a one-sided election, the applicants for seats here being the only candidates, and they not receiving one-half of the votes cast at that election for State officers. Under these circumstances, he thought they could not claim to represent the people of Mississippi. He considered it a dangerous precedent for this House to reverse the solemn decision of the House made at the called session; but if that decision was reversed, he contended that the only mode of obtaining a fair expression of the people on the subject, was by sending the election back again to the people; because it was evident from the number of votes which Messrs. Prentiss and Word had received, that the decision of the House had had an influence on the election.

Mr. BELL made a brief explanation in relation to a reference which he had made on Saturday last to a gentleman from South Carolina.

Mr. CAMPBELL addressed the House briefly, in explanation of the votes he had given on this subject heretofore, and announced his intention now to vote to send the whole subject back to the people.

Mr. PARKER addressed the House briefly, in favor of the proposition of the gentleman from Maryland to send back the whole matter to the people of Mississippi. When Mr. P. concluded,

Mr. UNDERWOOD moved a call of the House, and upon this motion asked for the yeas and nays, which were ordered, and were, yeas 196, nays 5.

So the House determined that there should be a call of the House.

The roll being called through by the Clerk, the doors were closed, the absentees called, and excuse rendered for all except four members.

Mr. HAYNES moved that the Sergeant-at-Arms request the attendance of those members, for whom no excuses had been offered, which was agreed to.

Mr. CLOWNEY moved to suspend all further proceedings under the call.

Mr. GRAVES called for the yeas and nays—

Mr. CLOWNEY then withdrew his motion to suspend.

Mr. REED moved to dispense with all further proceedings.

Mr. FOSTER called for the yeas and nays on this question.

Mr. REED then withdrew the motion.

The CHAIR then announced that as all the members were present who were not excused, all further proceedings under the call expired.

Mr. CLOWNEY then addressed the House briefly, contending that the election of July was void, and that the election of November was constitutional and legal. Therefore, he must vote against the amendment of the gentleman from Maryland, and in favor of admitting the claimants to seats on this floor.

Mr. ROBERTSON withdrew his amendment.

Mr. RICE GARLAND then moved an amendment, proposing to strike out all after the word "that," and insert a preamble which he sent to the CHAIR, setting forth that an election was held in November, and that Messrs. Prentiss and Word were elected members to the 25th Congress, and that they were entitled to seats on this floor.

After some few remarks by Messrs. PICKENS, ADAMS, LEGARE, WISE, ROBERTSON, and McKAY,

Mr. GARLAND withdrew his amendment.

Mr. CUSHMAN then called for the yeas and nays on the amendment of the gentleman from Maryland, which were ordered.

After a few remarks by Messrs. EWING and ADAMS,

The question was taken on Mr. HOWARD'S amendment, declaring "that Messrs. Prentiss and Word are not entitled to seats in this House, as members of the 25th Congress," and decided—yeas 117, nays 117, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, John Campbell, Timothy J. Carter, Casey, Chaney, Chapman, Cilley, John C. Clark, Jesse F. Cleveland, Walter Coles, Henry W. Connor, Craig, Crary, Cushman, Daves, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, Jabez Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Legare, Leadbetter, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Zadock Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Albert S. White, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—117.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoon, William B. Campbell, William B. Carter, Chambers, Cheatham, Childs, Clowney, Coffin, Thomas Corwin, Robert B. Cranston, John W. Crockett, Edward Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Griffin, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, Henry Johnson, William Cost Johnson, Lawler, Lewis, Lincoln, Lyon, Mallory, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pickens, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—117.

The CHAIR voted in the affimative, so the amendment was agreed to.

Mr. HOWARD then moved the amendment he had before submitted, directing the Speaker to inform the Governor of the decision of the House.

Mr. WISE rose, and pronounced the decision of the House as unprecedented, and declared that if he was the Governor of Mississippi, he would not obey the mandate of this House, and if he was one of the gentlemen who had been elected in November last, he would present himself to the CHAIR, and demand to be qualified.

Mr. BOON rose and said that it had not until very recently been his intention to do or say more, in the settlement of the question then pending before the House, than to give his silent vote. But, said Mr. B. when I see gentlemen rise in their places upon this floor, and hear them declare, in a tone of arrogant self-confidence, that all those who may differ with them in opinion are mere tramplers under foot of the Constitution and the rights of the people, I feel myself called upon to express my utter contempt of him who would attempt to *dictate* to others. Sir, I never will consent for any man, *with* or *without* a beard, to dictate to me what is the true meaning of the Constitution and laws of the land. Happily for the people of this land of liberty, they are blessed with a Constitution which permits every individual who shall take an oath to its support, to construe it in a manner that will give peace and quiet to his own conscience and constitution, and to suit his or their own *party* purposes. Sir, why insult the intelligence of the American people by exclaiming against the influence of *party* here, when almost every vote taken in this House is so highly seasoned with party?

Mr. B. said that he was pleased to hear the honorable member from Tennessee (Mr. BELL) come out so honestly as he did on Saturday last, in his *five minutes' speech*, which consumed the greater part of *two hours* in delivering it. That gentleman freely admitted the influence of *party* feeling; and never, Mr. Speaker, was there a stronger appeal made to *party* feelings than was made by the distinguished gentleman from Tennessee. When this question shall be settled by yeas and nays, then will the people of this country see whether the *Constitution*, or the monster *party*, has had most to do in the settlement of this question. And the people will see, too, whether or no there be any member of this House who shall not have represented the feelings of those who sent him here. Sir, this House, at the called session, solemnly adjudicated this question; and with all the material facts in the case being then discussed and fully considered, it was declared, by a majority of this House, that Messrs. CLAIBORNE and GHOLSON were duly elected members of the 25th Congress,

and as such were admitted to seats on this floor. Now, sir, should this House reverse its own solemn decision thus pronounced, what confidence can then be placed by the American people in the decisions made by this House? I answer, none, sir; none whatever.

Sir, the question which this House has just passed upon, *is* a question deeply involving *party* principles; and I am gratified that the question has been decided in accordance with my views and feelings.

Mr. PRENTISS, one of the contestants, then addressed the House at some length, protesting against the decision of the House, so far as it was made, depriving the people of Mississippi of a representation on this floor, replying to remarks of gentlemen made on former occasions, and declaring that, if he was spared life till the next session of Congress, and he saw any prospect of then having justice done the people of Mississippi, he would again present himself, and see if he could not have this unconstitutional resolution rescinded, as the one was which was adopted in September last.

Mr. DAWSON moved that the House adjourn: lost.

Mr. HOWARD'S amendment was then agreed to.

The question then recurred on the resolution as amended.

Mr. UNDERWOOD called for a division of the question, so as to take the vote on the first part, rescinding the resolution of September last; and on this part of the resolution he called for the yeas and nays, which were ordered, and were—yeas 121, nays 113.

So the first branch of the resolution was agreed to.

The question was then taken on the second branch of the resolution, declaring "that Messrs. Prentiss and Word are not entitled to seats in this House, as members of the 25th Congress," and decided in the affirmative—yeas 118, nays 116.

The question was then taken on the third branch of the resolution, directing the Speaker to inform the Governor of Mississippi of the decision of the House, which was decided in the affirmative—yeas 122, nays 88.

Mr. RHETT asked leave to present a resolution directing the Clerk to pay Messrs. Prentiss and Word the same per diem and mileage which members of Congress receive.

Objection being made,

On motion of Mr. OWENS,

The House adjourned.

IN SENATE,

MONDAY, February 5, 1838.

The CHAIR announced a communication from the Secretary of the Treasury, enclosing a statement from the First Comptroller, in answer to the resolution of the 19th ultimo, requiring a list of articles of imported merchandise on which duties are assessed, with the rate of duty on each, together with a list of all articles that are imported duty free; which,

On motion of Mr. HUBBARD, was laid on the table and ordered to be printed.

The CHAIR also communicated a report from the Navy Department, containing a statement of the contracts made by the Commissioners of the Navy for the year 1837: laid on the table, and ordered to be printed.

Mr. McKEAN presented resolutions passed by the Legislature of Pennsylvania, requesting their Senators and Representatives in Congress to vote for, and use their best exertions to obtain, the passage of a law authorizing the construction of a Macadamized road from the National road, at some suitable point west of the western base of the Laurel Hill, by way of the United States arsenal near Pittsburg and the State arsenal at Meadville, to the harbor of Erie, and appropriating a sufficient sum of money out of the Treasury of the United States for its immediate commencement and speedy completion: referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. McK. also presented the memorial of J. G. Palmer and others, and the memorial of Justus Davis and others, of Wyalusing, in the State of Pennsylvania, praying Congress promptly to reject all propositions for the annexation of Texas to the Union, come from what source they may: laid on the table.

Mr. WEBSTER presented the petition of Joseph Home, praying for the payment of certain bounties: referred to the Committee on Commerce.

Mr. LINN gave notice that he would to-morrow ask leave to bring in a bill providing for the occupation of the Columbia or Oregon Territory.

Mr. TALLMADGE presented two petitions from sundry citizens residing in New York and Vermont, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. GRUNDY presented the petition of Robert Wilmer: referred to the Committee on Revolutionary Claims.

Mr. WALKER introduced three petitions; one from the citizens of the Choctaw purchase of Mississippi; one from the citizens of Kemper county, Mississippi; one from the citizens of Kane county, State of Illinois; all praying the passage of a preemption law; and upon Mr. W's motion, these petitions were ordered to be printed and laid on the table.

Mr. MORRIS presented a petition from sundry citizens of Ohio, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. MORRIS also presented four petitions from citizens of the county of Richland, Ohio, praying for the abolition of slavery and the slave trade in the District of Columbia. The question as to receiving these petitions was laid on the table.

Mr. WEBSTER submitted a resolution directing the Committee on Finance to inquire into the propriety of relinquishing the duties on certain chain cables, imported into the United States by John E. May.

Mr. BUCHANAN presented eight memorials, numerously signed by citizens of Pittsburg, calling the attention of Congress to the justice and necessity of establishing a marine hospital at that place. The memorialists set forth, that from the geographical position and extensive commerce of their city, they were fully justified in indulging the hope that their city would be selected as a site for one of the six hospitals, contemplated by the act of the 3d March, 1837; but to their surprise, and the grievous disappointment and astonishment of the thousands of navigators who throng their city, the medical board appointed under that act, explored the river as high as Steubenville, without giving Pittsburg an examination. They protest against the proceedings of the medical board, and after setting forth the many advantages which recommend Pittsburg to the favorable consideration of Congress, pray the enactment of a law to establish a hospital of the first class for western boatsmen at the city of Pittsburg: referred to the Committee on Commerce.

Mr. NORVELL presented two memorials from sundry citizens of Michigan, praying for an appropriation for the improvement of the harbor of New Buffalo, and to build a light-house: referred to the Committee on Commerce.

Mr. WRIGHT presented the petition of the Baltimore and Susquehanna railroad company, praying that certain duties paid by them on railroad iron be refunded: referred to the Committee on Finance.

Mr. YOUNG presented the petition of the trustees of McDonough College, Illinois, praying for a grant of lands in aid of the funds of that institution: referred to the Committee on Public Lands.

Mr. Y. also presented the petition of sundry citizens of Illinois, praying for the establishment of a mail route: referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON presented the petition of the widow of John Robertson, a soldier of the late war, praying the renewal of a bounty land warrant: referred to the Committee on Private Land Claims.

Mr. TALLMADGE presented the petition of William Wegton, late major in the service of the United States, during the war with Great Britain, praying for balance of pay and emoluments alleged to be due him: referred to the Committee on Military Affairs.

Mr. NICHOLAS presented the petition of John Lacy, praying to be indemnified for losses sustained by him, under a contract with the United States; which was referred to the Committee on Claims.

Mr. RUGGLES presented the petitions of John Norwood and William Brier, praying indemnity for French spoliations prior to the year 1800; which was referred to the Committee on Commerce.

Mr. HUBBARD presented the petition of the representatives of Captain Nathaniel Goodwin; which was referred to the Committee on Claims.

Mr. CRITTENDEN presented the petition of the heirs of Captain John McCarty; which was referred to the Committee on Revolutionary Claims.

Mr. LINN submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of War be requested to furnish the Senate with the surveys of plans and estimates for the improvement of the mouths of the Milwaukie, the Root, the Manitowac, the Sheboyagan, and the Kewaunee rivers, and the Havre bay.

Mr. WALKER, from the Committee on Public Lands, to which was referred a resolution directing an inquiry into the expediency of granting certain lands to the Territory of Wisconsin, for the establishment of a University, reported a bill granting two townships of land for that purpose.

Mr. WALKER, in pursuance of notice, introduced, upon leave, a bill authorizing the State of Mississippi to invest the two per cent fund.

Mr. LYON, from the Committee on Public Lands, to which had been referred the bill from the House for the relief of the heirs of John Campbell, reported the same without amendment.

Mr. CALHOUN, on leave, introduced a bill to cede the public lands within the strict limits of the new States, on certain conditions; which was twice read and referred.

Mr. RUGGLES, from the Committee on Commerce, reported without amendment the bill from the House for the relief of Thomas Griffin.

Mr. YOUNG, in pursuance of previous notice, and on leave, introduced the following bills, which were severally twice read and referred:

A bill for the relief of James H. Ralston;

A bill for the relief of Alfred Westfall; and

A bill for the relief of Jacob Hanks.

The report from the Committee on Claims, unfavorable to the petition of John Good, was considered and concurred in.

The resolution submitted by Mr. WILLIAMS on Friday, calling on the President to communicate, if not incompatible with the public interest, copies of the correspondence which has taken place between the Governments of the United States, Great Britain, and the State of Maine, on the subject of the Northeastern boundary, was considered and agreed to.

Mr. KING, from the Committee on Commerce, to which the subject was referred by resolution of the Senate, reported a bill to establish a port of entry at Jersey City; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Library, reported a joint resolution to provide for the purchase and distribution of certain books for the use of the committee rooms; which was read, and ordered to a second reading.

The bill for the relief of the legal representatives of John J. Bulow, deceased, which was laid on the table on Friday last, was then taken up, the question being on its passage, when

Mr. KING opposed it, on the ground that it would be inexpedient to legislate upon an isolated case, before the proper and authentic report had been made by the regularly authorized agents of the Government. He would go as far as any man to do what was just in the matter, and to afford such relief as might be done consistent with what was due to other interests; but until such report was made, he could not feel himself authorized to vote for that or any other bill of a like character. There might be cases of great individual hardship, and this probably was; but admit the fact: he still thought it better that an individual case should be delayed for a short period, than we should run the risk, by a too hasty legislation, of involving the country in a vast amount of cost, such as, in fact,

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, FEBRUARY 19, 1838. VOLUME 6.....No. 11.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 10.]

would be incalculable. Mr. K. denied that the principles recognised in civilized warfare, applied to savage warfare, where there almost always was one wide destruction of life and property; and that in Florida, so far from the United States troops having had possession of the estates leading to their destruction, it was a well known fact that in most cases they were invited to do so for the purpose of protection.

Mr. HUBBARD advocated the claim with much zeal, declaring it to come clearly within the principle recognised by the law of 1816, but that the bill before them only asked to authorize the Secretary of the Treasury to take such evidence as would satisfy him that the claim was just, and came within the principle recognised in 1816; that was all the bill asked for.

Mr. NILES thought it better to proceed with great caution; the passage of the bill might involve the country to an immense amount of money. Mr. N. did not know whether savages had any code by which they recognised the laws of civilized people in their mode of warfare. He was inclined, however, to think it was distinct in principle. In civilized warfare private property was respected, unless in the occupancy of troops or used for martial purposes; then, in fact, the shield which the custom of civilized nations threw over it was removed; and when it fell into the hands of an enemy, it was destroyed in consequence of that possession. Did the same principle pertain among savages? He was inclined to think not. Their usual mode appeared to him to be indiscriminate slaughter and indiscriminate destruction of property, private as well as public. In this case, it was incumbent to show that this property was destroyed in consequence of such occupation. He thought the present case did not come within the principle claimed for it by the Senator from New Hampshire. The proof, he maintained, ought to be irresistible before any action was had on an isolated case, involving so many important items for consideration. After the report was made by the Government commissioners, some principle might then be settled on which Congress could act understandingly on the subject.

Mr. TIPTON said he could show cases of a like character with that before the Senate, that had occurred in the Northwestern Territory, where the parties injured had never thought of asking for remuneration. He would therefore move to lay the bill on the table.

Mr. HUBBARD expressed some surprise at the remarks of the gentleman, (Mr. TIPTON,) as he was on the committee when the bill was unanimously reported, and no objections made.

Mr. TIPTON said he had never agreed to the features of the bill when in committee.

Mr. HUBBARD wished the motion withdrawn for a moment; but that not being acquiesced in, the motion to lay the bill on the table prevailed.

INDEPENDENT TREASURY.

The Independent Treasury bill was then taken up, the amendment of Mr. RIVES being under consideration.

Mr. RIVES said he indulged the hope that, after the failure of this measure in the other branch of the National Legislature, and the opinions so clearly manifested by the recent elections, that this subject would not again have been pressed upon the consideration of the Senate, but that the Committee on Finance would have presented some scheme upon which the great interests of the country might have harmonized. Mr. R. contended that this bill was a re-production of that of the last session, with additional deformity of feature, calculated to increase the patronage of the Executive to a far greater extent, and with the same tendency to create disorder and convulsion in the currency. Mr. R. spoke until near 4 o'clock, and gave way to a motion to adjourn, without having concluded his argument.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 6, 1838.

Mr. CARTER of Tennessee, asked leave of the House to correct an error, which appeared in the published list of the vote of last evening, on the Mississippi election, in the "Globe." He was represented as having voted in the affirmative for Mr. HOWARD'S amendment, but he voted in the negative, and it was so recorded on the Journal. Mr. C. asked the favor of the Globe reporters to make the correction. [The error occurred through inadvertency in transposing the names of Mr. CARTER of Maine, and Mr. CARTER of Tennessee.]

The SEEAKER laid before the House a letter from the Secretary of War, in obedience to the requirements of the act of March 2, 1803, transmitting abstracts of the general returns of the militia of the United States, and of their arms, accoutrements and ammunition for the year 1837.

On motion of Mr. GRENNELL, laid on the table.

Reports from committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG reported a bill authorizing the purchase of certain books for distribution among the members of the House of Representatives, according to the resolution of the 27th of January, 1838.

Mr. C. explained, for the information of the House, the reason why the Committee of Ways and Means had reported this bill. It was not with them a matter of choice, but of necessity. A rule of the House expressly prohibited any amendment being engrafted on an appropriation bill, not previously authorized by law; and, therefore, neither the committee, nor the House itself, had any power to insert an item in the bill to meet the expenses under the resolution for the books. For this reason, the committee had directed him to report this bill.

Mr. CAMBRELENG moved that the Committee of Ways and Means be discharged from the further consideration of a communication from the War Department, in relation to the purchase of lands at Key West, and that the same be referred to the Committee on Military Affairs: concurred in.

Mr. C. also moved the discharge of the same committee from the further consideration of a communication from the Treasury Department, in relation to extra compensation to the packers in the General Land Office, and the reference of the same to the Committee on the Public Lands: concurred in.

Mr. POPE reported a bill for the relief of Lewis H. Bates and William Lacon.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of William Colt and William Donaldson.

Mr. WHITTLESEY also reported, with an amendment, Senate bill for the relief of David Stone.

Mr. CHAMBERS reported a bill for the relief of the legal representatives of Michael Fenwick, deceased.

Mr. RUSSEL made a report against the petition of Hiram McElroy, executor of Edward Willet, deceased.

PUBLIC LANDS.

Mr. BOON reported Senate bill, with an amendment, granting pre-emption rights to settlers on the public lands.

[The amendment was to the effect of excluding the Miami reservation from the operation of the bill.]

Mr. LINCOLN obtained leave to lay on the table, and have printed, an amendment he intended to submit when the bill came up for consideration.

DISTRICT OF COLUMBIA.

Mr. BOULDIN reported a bill for the continuance for four years after the expiration of the present charter of the Union Bank of Georgetown.

JUDICIARY.

Mr. CORWIN reported Senate bill, with amendments, to change the times of holding the circuit courts of the United States in the seventh circuit.

The amendments were to add the "district," and to provide that the courts should be held at the seats of Government in Ohio, Michigan, and Indiana.

On motion of Mr. CRARY, the further consideration of the bill was postponed till to-morrow.

Mr. TOUCEY made a report against the petition of Timothy Guard.

Mr. THOMAS made a report against the petition of Thomas Atkinson.

Mr. GARLAND of Virginia reported a resolution instructing the Committee on the Judiciary to inquire into the expediency of abolishing the Circuit Court of the United States held at Lewisburg, in the State of Virginia, and that the memorial against the abolishing that court, now lying on the table, be recommitted to that committee: concurred in.

REVOLUTIONARY CLAIMS.

Mr. CRAIG made unfavorable reports on the petition of Isaac McCammant and John Snow.

Mr. MUHLENBERG made a report against the petitions of Gen. James Hogan and Jonas Bartlett.

Mr. PARMENTER reported a bill for the relief of Henry Hunt.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported a bill to revive an act to enable claimants to land within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims, approved the 26th of May, 1824, and the act reviving the same, approved the 24th of May, 1828.

INDIAN AFFAIRS.

Mr. PARKER reported Senate bill, without amendment, to authorize the Secretary of War to adjust and allow the claim of Benjamin Murphy of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians, in December, 1828, without amendment.

NAVAL AFFAIRS.

Mr. INGHAM reported a bill for the relief of Nicholas Verplast.

Also, a bill for the payment of certain pensions heretofore paid out of the privateer pension fund.

FOREIGN AFFAIRS.

Mr. LEGARE reported a bill for the relief of John Randolph Clay.

Mr. DROMGOOLE made a report against the petition of George W. Biscoe.

TERRITORIES.

Mr. BRONSON reported a bill to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill authorizing the Secretary of War to allow compensation to pension agents.

Also, a bill for the relief of Elizabeth Jones and others.

Mr. BOND reported a bill for the relief of Asahel Kingsbury.

Mr. KLINGENSMITH reported a bill for the relief of Erastus Pierson.

Also, a bill for the relief of William Andrews of the State of New York.

Also, against the petitions of Wm. L. Marcy and others, of Albany, in behalf of Revolutionary pensioners, George Cook and Hannah Newton.

Mr. JOHNSON of Virginia made a report against the petition of Darius Dewey.

Mr. CHILDS made a report against the petition of Betsey Newton.

INVALID PENSIONS.

Mr. TAYLOR made a report against the petition of John Thompson.

Mr. MALLORY reported a bill for the relief of Benjamin McCulloch.

Mr. M. also made a report against the petitions of William Warden, Benjamin Southard, and Jacob Miller.

Mr. H. ALLEN made a report against the petitions of Isaac Cummings and Daniel Palmer.

Mr. HEROD made a report against the petitions of William Marryott, Jeremiah A. Winney, and Bela Sprague.

Mr. STANLY made a report against the petitions of Joseph Larrabee, Thomas Morgan, and Asa Derrington.

Mr. PLUMER made a report against the petitions of Zebedee Smith, Eber Holden, John Manning, and Charles Carter.

ROADS AND CANALS.

When this committee was called,

Mr. GRANT asked leave to submit a motion to print 5000 extra copies of the report in relation to the construction of a ship canal round the falls of Niagara, but it was objected to.

SELECT COMMITTEE.

Mr. DUNCAN, from the select committee, on the memorial of Boyd Reily, reported a bill to purchase and use the apparatus invented and patented by Boyd Reilly, for applying gas or vapor to the human body in the naval and military service in the hospitals and in the penitentiaries of the United States.

LIBRARY.

Mr. PATTON moved that the joint Committee on the Library be discharged from the further consideration of the resolution of the House directing that committee to inquire into the expediency of purchasing the series of portraits of the first five Presidents of the United States, painted by the late Gilbert Stuart, for the purpose of having them preserved either in the Capitol or the Executive mansion, and that the same be laid on the table.

Mr. CUSHING said that he was aware, when he offered the resolution, that it did not strictly pertain to the jurisdiction of any one of the standing committees of the House. He had no objection to have the Committee on the Library discharged from its consideration, but hoped it would be referred to a select committee. It was contrary to his usual course in the House to make such a request; but he was induced to do it in this instance, from a conviction that on investigation it would be found that no more appropriate ornament could be placed in the Executive mansion than these admirable portraits of our early Presidents, from the pencil of so eminent an American artist.

The question being put, the Committee on the Library was discharged, and the subject was referred to a select committee.

AMENDMENT OF THE RULES.

Mr. BELL, on leave, submitted a resolution, providing that there be added to the standing rules and orders of the House, a rule that all the States and Territories shall be called for resolutions at least once a month during each session. Those giving rise to debate lying over as under the operation of the present rules,

Mr. MERCER was in favor of the resolution, but had doubts about its infrequency. He should prefer its operation to be made once a fortnight.

Mr. BELL had no objection to such a modification.

Mr. WILLIAMS of North Carolina moved to extend it to once a week.

Mr. BOON was understood to advocate twice a month.

Mr. REED was in favor of once a fortnight.

Mr. BELL thought that would, perhaps, meet the general sense of the House.

Mr. WILLIAMS was willing to accept once a fortnight, if he failed in getting it once a week.

Mr. BELL thought it better to make it once a fortnight—say the second and fourth Tuesday in each month.

Mr. WILLIAMS'S amendment was then disagreed to without a division.

Mr. BELL then modified his resolution, by making the days for calling for resolutions the second and fourth Tuesdays in each, and varying the phraseology of the other parts accordingly.

Mr. HAYNES said it seemed to him that it would be better to make it every alternate petition day, Mondays. He suggested to the mover so to modify it.

Mr. BELL would be willing to do so if he thought it would be acceptable to the House, for he considered it a grievance that one out of the four public business days should be occupied in receiving petitions.

Mr. HAYNES. True, it was a grievance to some extent, but if they appropriated another day to resolutions, the grievance would be worse.

Mr. BELL suggested to the gentleman from Georgia to move such an amendment, and take the sense of the House upon it.

Mr. HAYNES accordingly moved so to amend the resolution.

Mr. BRONSON said, if he apprehended the effect of the amendment, it would be to prevent them from presenting petitions oftener than once a fortnight. This, he thought, would be restricting the right of petition rather too much; for even now, when one day in every week was open, not one petition in ten could be presented by those charged with them.

Mr. CAMBRELENG said that, whatever disposition the House might make of this new rule, which he thought a very proper one, he hoped they would not entrench further upon the four days allowed to the business of the nation. They had amended the rules, upon a number of occasions, for the last ten years, until, at length, they had cut down the time for public business to four days only in each week, and the consequence was, that the session had been prolonged at least six weeks beyond what would otherwise have been necessary. He protested against taking one more day from the business of the country, for it would add another month to the session.

Mr HAYNES'S amendment was then agreed to, 84 to 53.

The resolution, as amended, was then agreed to, by a vote of two-thirds, and ordered to be added to the standing rules of the House, in the following words:

"All the States and Territories shall be called on each alternate Mondays for resolutions during each session of Congress, and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion under the rules of the House already established; and the whole of said day shall be appropriated to resolutions until all the States and Territories are called through."

MISSISSIPPI ELECTION.

Mr. RHETT asked leave to offer the following resolution:

Resolved, That the Clerk of this House pay to Messrs. Prentiss and Word the same compensation per diem and mileage that is allowed to members of Congress, computing the per diem from the day of presenting their claim to seats in this House.

Mr. WILLIAMS of North Carolina objecting—

Mr. RHETT moved a suspension of the rule; which was agreed to—ayes 100, noes not counted.

And the question being on agreeing to the resolution—

Mr. CONNOR of North Carolina, and Mr. GRIFFIN of South Carolina, simultaneously rose and called for the yeas and nays, which were ordered.

Mr. DAWSON, of Georgia, said that no gentleman in that House could be more willing than he that the gentlemen named in the resolution should, if it were proper, be allowed their expenses, as proposed; for he was one of those who believed that they were justly entitled to the seats which they had been denied on this floor, having been legally and constitutionally elected. But he also held that this House had an indisputable right to decide on the election and qualification of its own members; and the House had decided that Messrs. Prentiss and Word were not members of this body, or Representatives from the State of Mississippi. If not, what right could the House possess to allow them their per diem and travelling expenses? He could not see that such a measure was justified by the Constitution. The Constitution was not a mere premissive instrument; it spoke that it might command, and commanded that it might be obeyed. Mr. D. here read from the 6th section of the first article of the Constitution: "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States." What was a Representative, in the sense of this passage? One who had been recognised as such by the House of Representatives. But these gentlemen had not been so recognised, were not therefore Representatives, and could not rightfully receive pay as such.

Mr. WISE observed that this was the resolution which the gentleman from South Carolina had attempted to offer yesterday, and which he had given notice that he should ask leave to offer this day. Mr. W. was proud and happy in being authorized by Mr. Prentiss to say, in behalf of himself and his colleague, to this House and to the people of Mississippi, that the claims of the people of Mississippi having been refused by that House, and her just and constitutional representation denied to her, he could not consent to have his own personal claims either recognised or refused as distinct from hers; and he therefore declared, proudly, that he would not touch a dollar of his pay until the rights of the State of Mississippi should be recognised. Mr. W. said, however, that, notwithstanding this honorable disclaimer on the part of that gentleman, he should still vote to allow the pay. And why? Because, according to Mr. W's view of the case, that gentleman was, according to both the Constitution of the United States and the laws of Mississippi, at that moment, in every thing save the oath of office, as much a member of that House as Mr. W. was. If he believed otherwise he never would vote for this resolution. On that point he entirely agreed with the gentleman from Georgia, (Mr. DAWSON;) but, under his own views of the case, he should vote the pay. The gentleman from Mississippi might accept of it, or not, as he pleased. He repeated, however, that gentleman's own declaration, that he was too prond to touch the pay without discharging the duties of a member.

Mr. ADAMS wished to understand from the gentleman from Georgia how it was that he considered the principles he had laid down as applicable to Messrs. GHOLSON and CLAIBORNE, and not to Messrs. Prentiss and Word?

Mr. DAWSON explained, (though in so low a voice as scarce to be heard by the reporter.) He was understood to say that Messrs. GHOLSON and CLAIBORNE had been sworn, and had been pronounced by a vote of the House duly elected; and as he held the House to have the sole right of judging respecting the election and qualification of its own members, he felt bound to submit to its decision, and therefore to recognise Messrs. GHOLSON and CLAIBORNE entitled to their pay, while the other gentlemen were not, being, in both respects, in precisely opposite circumstances.

Mr. ADAMS. I do not understand the force of this distinction. Messrs. GHOLSON and CLAIBORNE were sworn, under a decision of the House, declaring them duly elected, which decision has since been pronounced unconstitutional, null, and void, and has been rescinded as such. On what ground, then, is it, that they are to be considered as entitled to their compensation and indemnity, while the same is to be withheld from those who come here with real credentials, *which they produce*, and which are duly authenticated by the Governor and the broad seal of the State, but who were denied their seats in the House by a majority of one? On what principle this distinction can be made, I confess I am not able to comprehend. The substance of the argument sets a decision of this House over both the Constitution and laws of the land; and that is precisely the ground on which I hold, and always have held, the resolution of this House of the 3d of October, as null and void, and in which I hold the resolution adopted last night to be equally so. They are both utterly unconstitutional, null, and void, and are in no wise binding on the people of Mississippi, or of any other portion of the U. States.

It is not by virtue of any express law that gentlemen taking their seats here are entitled to compensation and indemnity. The gentleman from Georgia does not contend that there is any necessity, under law, to pay them as if they had been duly elected; and yet, though there is no law for that, he thinks it is proper to allow those who, as he admits, were not duly elected, their pay and mileage, while he holds it not proper to allow it to those who were duly elected, and why? Because the one set of gentlemen were recognised by a vote afterwards rescinded, and the other set were rejected by a majority of one vote.

Mr. WISE. Of half a vote. (A laugh.)

Mr. A. I have no disposition to contest the right of Messrs. GHOLSON and CLAIBORNE to represent the people of Mississippi for the whole of the Twenty-fifth Congress, when not one of the people of Mississippi voted for them with any such intention. Nor do I object to their receiving their pay. I desire not to be understood as objecting, in the slightest manner, to their receiving their full pay to the last cent. But I call upon this House (if I am to call in vain upon the gentleman from Georgia) to point out the distinction on which these individuals shall receive it, and the others not, who, I say, are as legally the representatives in this House of the State of Mississippi, as I am a representative of the State of Massachusetts, with this simple difference, that I was admitted without the production or exhibition of any credentials at all, and these gentlemen did produce and exhibit full credentials, in due and authentic form. The gentleman, it is plain, rests on the decision of this House: that is, upon the election, by this House, of persons to represent the people of Mississippi; and I understand the gentleman, (though he did not now say so in express words,) from the tenor of his argument when this question was under discussion before, that the House, being the judge of the election qualification and returns of its own members, possesses an unlimited, unqualified, unbounded power to admit whom it pleases within these walls, whether elected by the people of a State or not.

[The CHAIR here interposed, and reminded Mr. ADAMS that the question having been decided yesterday, was not now open to debate, and that it would not be in order to answer, now, arguments which were urged then.]

Mr. A. resumed. *Suppose*, then, that the gentleman from Georgia has given as his reason for opposing this resolution that the House has power to decide as it pleases, and having decided for Messrs. GHOLSON and CLAIBORNE, they are entitled to their pay, while those who were duly elected, but excluded by the House, are not entitled. I *suppose* that he holds that until the decision of the 3d of October was rescinded, it was binding on every man, woman and child in Mississippi and in the United States. I hold the reverse.

[Here the CHAIR again interposed, and reminded Mr. A. as before, that this question was not now open to argument.]

Mr. A. Well, I will endeavor to keep within the pale of order as well as I can. I ask, why are not Messrs. Prentiss and Word entitled to their pay? The gentleman from Georgia says because by a decision of the House they have not been received as members, while the others have.

Mr. DAWSON here again explained. Under the Constitution members alone were to receive compensation: the House had declared Messrs. PRENTISS and WORD not to be members, and therefore he could not vote to pay them.

Mr. ADAMS. Yes, I still understand that he adheres to the decision of this House, admitting Messrs. GHOLSON and CLAIBORNE, as the reason why they are entitled to their pay; although that resolution was rescinded, and the House has declared that GHOLSON and CLAIBORNE are not, and of course never were, members of this House. Now, I say, that if the resolution of the 3d of October, declaring them members, was a nullity, it was a nullity so far as to destroy their claim to pay. I look for an equitable distinction (there can be none other) between the cases; an equitable reason why one should get the pay and the other not.

As to whether the gentlemen from Mississippi will receive the money, or not, that is not a question for this House; it is no question for my consideration; that is their own affair. What I have to consider is, whether these gentlemen are entitled to receive it, after they have come up here, sent by the people of Mississippi, under every provision of the Constitution and of the laws, and this House has refused to admit them? It would surely be the most extraordinary thing in the world, if compensation for their expenses and time, in fulfilling the will of the people of their State, shall be refused them, while it is allowed to those whom this House has pronounced not to be the Representatives of the State of Mississippi.

Mr. BOULDIN said he should vote to pay both parties. Whose rights, he asked, were in controversy? The rights of the people of the United States, and especially of the State of Mississippi. At whose expense was this question to be contested? Surely at the expense of the people. If the question was of so doubtful a complexion that it was decided but by a majority of one vote, and the people were contending for their rights, (they asked no more) the expense of testing those rights ought to be paid for at the expense of the contenders, namely, the people. Through whom could they contend, if not through the candidates for seats here? But if these candidates were to be saddled with their own expenses, who would be found willing to run the risk? Some gentlemen had asked, was the House to pay the expenses of any persons that chose to come here, and claim a seat? Certainly not. But here was a case where the claims were so fair on both sides, and so evenly balanced, that the matter was decided by a bare majority of one, (or, as his colleague said, *half a one.*) As to the pride of the gentlemen from Mississippi, Mr. B. trusted in God that none of the parties would have any pride about the matter, save in contending for the rights of the people of Mississippi. But, pride or no pride, he hoped they would be paid. One set of claimants certainly had the form, but it was just as clear to him that the other set had the substance. His vote had gone for the substance. But he would never vote to compel them to pay their own expenses.

Mr. WISE here offered an amendment providing that Congress should pay the people of Mississippi the expenses of an election which had been caused by the error of that House.

He then, to prevent misunderstanding, and obviate the idea that he meant to be ill-natured to the Speaker, explained what he had meant by saying that the question last night had been decided by "half a vote." He had alluded, not to the Speaker, but to the Representative from Arkansas, (Mr YELL,) whose claim to a seat stood on precisely the same ground with that of these claimants. It was a striking fact that the vote had been brought to a tie by the vote of the member from Arkansas, who, in the very act of trying the question of Prentiss and Word, disqualified himself. He took one step on land and the very next into the water: his own vote went to exclude himself; and yet it was that vote which made the tie, and enabled the Speaker to give the casting vote. Deduct this vote, and Messrs. Prentiss and Word were entitled to their seats at this moment. Mr. W. did not impugn the right of the gentleman from Arkansas, or mean in the least to reflect upon him. According to that gentleman's explanation of the matter, he had a right to his seat; but according to the principle of the decision of the House, he had not, and ought now to be wending his way back to Arkansas, in company with Messrs. Prentiss and Word.

Mr. W. said the House was taking advantage of its own wrong if it rejected the resolution. And as to the amendment, certainly the State of Mississippi had had enough in paying for two elections already; as the House had now forced her into a third, the House ought to pay her for it.

The CHAIR decided that the amendment was a distinct and substantive proposition, and did not adhere to the resolution; it was therefore, as an amendment, out of order.

Mr WISE said he should not insist. He had supposed it to be *in pari materi*, a part of the *res gestæ* of this remarkable affair.

Mr. HOPKINS of Virginia, alluding to the amount of time already consumed by the debate, moved the previous question.

The motion was sustained by the House—ayes 71, noes 61.

The previous question was then put, and carried, and the question on the resolution decided by yeas and nays, as follows: yeas 136, nays 41.

COMMITTEE ON FOREIGN AFFAIRS.

On motion of Mr. HOWARD, chairman of the Committee on Foreign Affairs, the Speaker was requested to appoint a member of that committee, vice Mr. CLAIBORNE.

NORTHEASTERN BOUNDARY.

The orders of the day being announced, Mr. EVANS said there was an Executive communication on the table, relative to the Northeastern boundary, and the arrest and imprisonment of a citizen of Maine by the British authorities, which had been postponed some days ago, and had not yet been acted upon. He would not, at so late an hour of the day, ask for its consideration, but gave notice that to-morrow, at 1 o'clock, when it would be in order, and would have precedence in the orders of the day, he should move for its consideration.

WESTERN TERRITORY OF THE UNITED STATES.

Mr. CUSHING moved to take up and refer an Executive message, on the table of the House, giving information concerning the extreme western territory of the United States. Mr. C. said that Great Britain was, at the present moment, pursuing, or at least permitting, a series of gross encroachments on that part of the territory of the United States; encroachments flagrant, palpable, monstrous, which it was time the whole nation should understand.

The message was accordingly taken up, and referred to the Committee on Foreign Affairs.

APPROPRIATION BILLS.

On motion of Mr. CAMBRELENG, the House resolved itself into Committee of the Whole on the state of the Union, Mr. HOWARD in the Chair, and, on motion of Mr. C. took up and considered the "bill making appropriations for the Revolutionary and other pensioners of the United States for the year 1838."

Mr. CAMBRELENG made a brief explanation of the reason of the increase of $500,000 in this bill over that last year, owing to the addition of 1,300 hundred new pensioners. After being amended in in one of its provisions, it was laid aside to be reported.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. CAMBRELENG, the committee then took up the "bill making appropriations for the civil and diplomatic expenses of the Government for the year 1838," and the same having been read through by the Clerk, was taken up by sections.

On motion of Mr. SHEPPERD, the following item was stricken out.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, twelve thousand dollars.

When the appropriations for the salaries of certain foreign ministers were read,

Mr. EVERETT said the bill contained no appropriation for the salary of a minister to Mexico. He asked whether the appropriation of $18,000 of the last session for that mission remained unexpended; if expended, we should wish an appropriation made now.

Mr. CAMBRELENG replied that the appropriation was unexpended, and would be applicable to the object for two years.

When the clause in relation to the salaries of public ministers was read,

Mr. JENIFER wished to know if the appointments of ministers to Prussia and Austria had been filled up, or if it was in contemplation to do so, because, if not, it would be needless to make the appropriation.

Mr. CAMBRELENG had been informed, though he knew nothing certain about it, that such appointments were, or one of them was, in contemplation.

After some further conversation in relation to some of the other items of the bill, the committee rose and reported the first bill to the House; when,

On motion of Mr. HOWARD,

The House adjourned.

IN SENATE,

TUESDAY, February 6, 1838.

TENNESSEE RESOLUTIONS OF INSTRUCTION.

Mr. GRUNDY rose and remarked, that he had risen to present to the Senate a preamble and resolutions adopted by the General Assembly of the State of Tennessee. By one of these resolutions, the Senators are positively instructed, and the representatives in Congress from the State are requested, "to vote against any law which may propose to enforce the Sub-Treasury system of finance recommended by the President of the United States in his Message to Congress of the 4th day of September last."

Mr. G. considered the bill reported by the Finance Committee, and now under discussion in this body, as embraced by this resolution; and, believing, as he had always done, and still did, in the right of instruction by State Legislatures to their Senators in Congress, he felt no difficulty in declaring he should comply with the instructions in good faith, by voting against the bill in all its stages. As to questions which may arise in the progress of the bill, he should, without advising with or consulting any one, give such votes as in his judgment ought to be given by a fair and honorable opponent of the measure.

Mr. G. further remarked, that he should lose no time in informing the members of the General Assembly of Tennessee of the course of conduct adopted by him on this subject.

He then moved that the preamble and resolutions should be read, laid upon the table, and printed.

The resolutions were then read; after which they were laid on the table, and ordered to be printed.

The CHAIR communicated a report from the Secretary of War, transmitting an abstract of the general returns of the militia of the United States, together with a statement of their arms, equipments and munitions of War: referred to the Committee on the Militia, and ordered to be printed.

The CHAIR also communicated a report from the War Department, transmitting a report from the Commissioner of Indian Affairs, in answer to the resolution of the 11th ult. in relation to the Indian boundary, referred to in the act authorizing the people of Missouri to form a State Government; which,

On motion of Mr. LINN, was laid on the table and ordered to be printed.

Mr. MERRICK presented the petition of Richard B. Mason, praying indemnity for the non-performance of a contract with him by the Commissioners: referred to the Committee on Naval Affairs.

Mr. MERRICK also presented the petition of R. C. Hardesty, postmaster at ——, Anne Arundel county, Md. praying to be compensated for extra services: referred to the Committee on the Post Office and Post Roads.

Mr. McKEAN presented memorials from sundry citizens of Pittsburg, praying for the establishment of a marine hospital at that place; which were referred to the Committee on Commerce.

Mr. BUCHANAN presented four memorials from the citizens of Pittsburg, of the same character, which were similarly referred.

Mr. KING presented the joint memorial of the two Houses of the General Assembly of the State of Alabama, asking Congress to pass a pre-emption law; a law graduating the price of the public lands; a law authorizing the relinquishment of the 16th section of land granted for the use of schools, where they may be unproductive, and the location of other lands in lieu thereof; and a law to cede he refuse lands to the States in which they lie: referred to the Committee on Public Lands.

Mr. WEBSTER rose to move that the report of the Secretary of the Treasury, in answer to the resolution of the Senate, calling for information respecting the amount of the public moneys in the Commonwealth Bank, at Boston, be referred to the Committee on Finance.

In this report, said Mr. WEBSTER, the Secretary says that no instructions were ever given by the Treasury Department to tender bank notes of any denomination to public creditors or officers; and he says, at the same time, that it was impracticable to pay all the public creditors, especially on the seaboard, in specie, as sufficient could not be collected. The law, therefore, has been plainly one way, and the practice the other. The act of Congress says no bills not equivalent to specie shall be *offered* in payment; and I commend this report to the particular and careful perusal of those who suppose they can maintain a specie currency for Government, while they suffer the general paper currency of the country to be depreciated. In my opinion, the state of things detailed in this report is a correct sample, or a foretaste of what we shall experience, on a large scale, when the Sub-Treasury bill shall have become law, and a nominal specie currency, for revenue purposes, shall have been established. Although the law now existing is precise and positive, that Government officers shall pay all public creditors in specie, or bills equivalent to specie, and shall offer them nothing else, yet the Secretary says that it has been impracticable to obtain specie for this purpose either of the banks or the merchants; and this he says at a time when there is supposed to be a large quantity of specie in the country. Here, then, is exactly such a state of things as we propose to establish by Sub-Treasuries and an exclusive specie currency. We see here precisely how the system will work. While there are banks (and banks there will be) the specie will inevitably get into the banks; and whenever any disaster happens to the banks, so that they suspend specie payments, neither the Government nor the merchants can get the specie out. Dues to Government, therefore, will not be received in specie, and dues from Government will not be paid in specie. On the other hand, if the banks maintain their credit, and redeem their notes in specie on demand, an exclusive specie currency will be useless and unnecessary. The result of all will be, that an exclusive specie currency will be always either unnecessary or impracticable. It will be a superfluity or an impossibility.

The following sums of public money appear, by the Secretary's report, to be now in deposite in that bank:

1st. The sum standing to the credit of the Treasurer of the United States -	$39,639
2d. Sum reported as standing to the credit of the collector - - -	65,941
3d. Amounts to the credit of the late pension agency - - - -	154,848
4th. Amount standing to the credit of the commissioners for building the custom-house - - - -	70,000
5th. Amount to the credit of Major Craig, Ordnance Department - -	1,119
6th. Amount to credit of the Post Office Department - - - -	7,644
7th. Amount to the credit of the Paymaster General - - -	346
Making a total of - -	$339,537

The Secretary represents these deposites to have been made, generally, before the suspension of specie payments; but that $150,000 was received by the bank in October and December last, on drafts which had been issued by the Treasury in favor of the bank before the suspension. No money has been directed to be deposited in the bank since the suspension. It is not stated what security exists for the payment of this large sum, or what is the chance of its payment.

As to the manner in which the bank paid pensions and bounties, I find attached to the report a letter from the President of the bank, in which he says, that "in all cases were the bills of this bank, or any other bank, have been paid by this bank to pensioners, or their attorneys, they were voluntarily received by them!" The nature of these voluntary receipts of payments, in depreciated paper, has been sufficiently shown by the letter and the affidavit which I have laid before the Senate. The affidavit seems not to be deficient in facts.

The statement is—

I, Asa Pickering, of Bellingham, in the Commonwealth of Massachusetts, residing at present in Boston, as a member of the Legislature, on oath do declare and say: That, on the third day of October now last past, I called at the office of the Pension Agent in the city of Boston, to receive a pension due to my father, Benjamin Pickering, for Revolutionary services. He already had on hand a quantity of the bills of the Commonwealth Bank, and instructed me to procure other money, if possible. I called, and was requested to step into a room to make the necessary affidavit, for which I was charged, and paid in specie, twenty-five cents. I then received a check for sixty-three dollars, and was directed to present the check at the opposite counter. I did so, and had tendered to me a fifty dollar bill of the Commonwealth Bank; also a ten and a three dollar bill of the same bank. I declined receiving them, and stated that I wanted something better. I told them at least I wanted a little specie. I should like the thirteen dollars in specie. They told me I must take that or nothing. I asked them for the ten or the three in specie: both were refused. I then asked at least for the twenty-five cents in specie which I had just paid, and it was refused. I then read one of their bills to them, and asked if they would pay old Revolutioners in nothing but lies. I was obliged to take their bills, contrary to my wishes and instructions.

ASA PICKERING.

This too, is a fair specimen of what will happen hereafter, when we shall have, nominally, a system of exclusive specie payments and receipts. Forty statutes could not forbid payments of bank notes more distinctly and peremptorily than the present law forbids all payments in *depreciated* bank notes. Yet, here it is admitted, both by the disbursing officers and by the Secretary himself, that such depreciated bank notes have been offered in payment and received; although the very *offering* of them, that is, the act of proposing to make payments in such notes, is in the teeth of the act of Congress. So it will be hereafter. The law will be positive that nothing but gold and silver shall be offered; yet paper will be offered, and often taken; and just such contests will arise as that which arises in this case; the Government officers insisting that the paper was voluntarily received, and the party receiving it, on the other hand, insisting, and making oath that he resisted the receipt of it as long as he could, and took it at last simply because he could get nothing else. I think any man must be short-sighted, who does not perceive that occurrences of this sort will be constantly happening under a system in which the Government uses, or pretends to use, one currency, and the people another.

But, sir, there is another important matter disclosed in this report, to which I wish to call the attention of the Senate.

It is known that during the existence of the Bank of the United States, the United States pensions were paid by that bank, without cost or charge, and as the bank was a safe depository, no losses happened to Government or to individuals.

When the bank charter expired, Congress was called on to make some other provision for paying pensions, and the act of April 20, 1836, was passed. That act provides that, in future, payments of pensions shall be made by such persons or corporations, as the Secretary of War may direct, "but no compensation or allowance shall be made to such persons or corporations for making such payments, without authority of law."

This act was passed under that clause of the Constitution which authorizes Congress, by law, to vest the appointment of such inferior officer as they think proper, in the Heads of Departments.

Under this law the Secretary of War appointed these officers, and a list of them has been recently sent by him to the Senate. It will appear from the report from the War Department that, like other disbursing officers, they have been called on to give official bonds; and there is no manner of doubt that, to all intents and purposes, they are officers under the Government of the United States.

But now to their pay. The act of April 20, 1836, creating the office and providing for the appointment of the officer, declares, as I have already said, that no allowance or compensation shall be made to them, without authority of law. Now Congress has passed no further law on the subject, and yet how stands the matter of their pay?

It will be remembered that, in 1834, the President, or Secretary of War, before the bank charter expired, undertook to transfer the pension funds from the Bank of the United States to the deposite banks; and on that occasion, those deposite banks were told, as will be seen by this report, that, in consideration of the benefits which they would derive from the deposites, no commission or salary would be allowed.

The same course was adopted after the act of 1836 passed; so that, from that time to the present, pension agents, appointed by the Secretary of War, get their pay by the use of the Government funds their hands. And I find, by inquiry at the proper source, that the general rule is, to advance the necessary funds six months before they will be needed; so that the agent has the use of the money for that period; and when the time comes for paying it to the pensioners, he pays it, and immediately receives from the Treasury an advance for the next six months. So that he has, the whole year round, the use of a sum of money equal to one-half the whole annual amount of pensions paid at his office.

For instance, the whole annual amount of pensions, paid at Boston, is three hundred and twenty thousand dollars, or thereabouts. One-half this sum is one hundred and sixty thousand dollars; and the agent, as his compensation for paying the

pensions, actually enjoys the use of this sum the whole year.

Suppose the use of the money to be worth six per cent. per annum, the compensation thus made to the pension agent in Boston is more than nine thousand dollars.

So in New Hampshire, where there are two pension agencies, one at Portsmouth, and one at Concord. At the Portsmouth agency, thirty-three thousand dollars, or thereabouts, is annually paid out. The agent, therefore, has usually on hand the one-half of this sum, say fifteen thousand five hundred dollars, the interest of which would be near a thousand dollars.

At the Concord pension office, the amount of annual payments is sixty six thousand dollars. One-half of this sum being usually on hand, the agent receives, for discharging the duties of his office, the use of that one-half, say of thirty-three thousand dollars, which, at the rate of six per cent. per annum, amounts to nineteen hundred, or two thousand dollars. These sums are taken from official statements, and I believe are correct; and the other general facts obtained from authentic sources.

It will probably strike the Senate, in the first place, that these rates of compensation are exceedingly large, especially in these days of professed economy and reform; and, in the next place, all will admit that this mode of making compensation is the worst in the world, as it places the funds of the Government every day at hazard. How this mode of making compensation, or this amount of compensation, can be reconciled to the words of the act of Congress, which declare that there shall be no compensation without authority of law, I hope some gentleman will undertake to explain.

In most cases, but I believe not in all, the list will show these agents are presidents of State banks; but the appointments, nevertheless, are personal appointments, and the banks themselves are not responsible for the agent's fidelity. As I have already said, the agents, like other disbursing officers of Government, give bonds for the due discharge of the duties of their office. I trust, sir, that the Committee on Finance will see the necessity of some further legal provision on this subject.

Since I am speaking on this subject, I will (said Mr. W.) take leave to make a remark or two on a personal matter. The Globe of Saturday, still pursuing a course of meddling with the private concerns of public men, which course, nevertheless, it admits is exceedingly despicable, reiterates charges of my having had paper dishonored at this Commonwealth Bank. The obvious object of all this, as of the former article, it is evident, is to hold out an appearance that I owe the bank, or have owed it in times past. I think it very likely that, by the time this statement of the Globe gets a hundred miles from Washington, it will be so amplified as to represent me as an acknowledged debtor to the bank to a great amount; and, by the time it gets over the mountains, the failure of the bank will be mainly ascribed, very possibly, to its loans to me. I repeat, therefore, that I never owed the bank a dollar, so far as I remember, nor ever had any pecuniary transaction with it whatever.

The statement is, that a bill drawn by me, and accepted was sent to the bank for collection, and not duly paid by the acceptor. It was, of course returned upon the drawer, and duly paid and taken up by him. All this is very unimportant and innocent; but it is stated as if with studious design, to represent me as a debtor to the bank; whereas, in the first place, the bank had no interest in it whatever; and, in the second place, it was duly paid by the drawer on the acceptor's neglect. As to any acceptance of my own, sent to that bank for collection, being protested, I never heard of it, to my knowledge. If such a thing happened, it must have been accidental, and owing to some mistake as to the day, which was seasonably corrected. Nor can it be true that any note or bill with my name on it was handed over to another bank on the failure of this Commonwealth Bank, unless it was some dead note or bill which had been already paid to those who were entitled to receive payment. This apparent and obvious purpose of representing me, as a debtor to the bank, or as ever having been a borrower at it, is founded in sheer misrepresentation and falsehood.

I perceive that the directors, or officers, of this bank have been busying themselves to help out the statements of the Globe; yet no one them says I ever owed the bank a dollar in the world; they might, I think, be better employed. It has been stated publicly that these officers have helped themselves to loans, from their own bank, to an amount exceeding the amount of all its capital, and then failed, bank and all, leaving a prodigious mass of unredeemed paper upon the hands of the public. I know not how this may be; but, until the charge is cleared up, one should think they might find better employment than in attempting to bolster up slanderous imputations against their neighbors, and attacking people who have not the misfortune to owe them any thing.

Mr. NILES said he had no intention to interfere in the personal contention between the Senator from Massachusetts and the Editor of the Globe. He thought they were very well matched, and both quite competent to take care of themselves. He would only add, that he was glad to hear that the gentleman had paid his protested drafts, and that the Commonwealth Bank, which appeared to be in a bad way, had sustained no loss from that quarter. His object in rising was to say that he believed the gentleman was mistaken, if he asserted, as he (Mr. N.) understood him to do, that the pension agent at Boston had personally received the benefit of the use of the funds which had been advanced for the payment of pensions, some months previous to the period when they were required for disbursement. He (Mr. N.) had some knowledge on this subject, having been once a director in a deposite bank, the president of which was a pension agent. The practice was to appoint the presidents of deposite banks agents; but the bank itself was considered as the real agent, and the use of the funds went to compensate the bank for its expenses in performing the pension agency. The president was not personally benefited by the funds, or, at least, that was the case of the president of the deposite bank in his own State, and to which he had referred; and he presumed the practice had been uniform, as the directors of that bank applied to the Secretary of the Treasury to have a different person appointed, which the Secretary declined, saying that he considered the bank as the real agent; that he regarded the president as acting for the bank, and that he could not appoint any other person. Although the law did not expressly require his appointment, yet such had been the practice. Mr. N. believed, therefore, that the Senator was entirely mistaken in supposing that the pension agent had pocketed the benefits of the use of the funds remitted to pay pensions.

In regard to the advancement of pension funds some months before they were to be disbursed, it was done as a compensation to the bank for its services and the expenses of the pension agent, where it had not other funds in deposite sufficient for that purpose. The bank could not afford to hire one or two clerks to perform the service for nothing; the law contemplated that the bank was to be remunerated by the use of the public moneys. The bank to which he had referred, in his own State, incurred an expense of something like fifteen hundred dollars a year, and its receipts from the public revenue were merely nominal; and if moneys to be disbursed were not remitted until they were to be paid out, it would have increased this expenditure, without any remuneration, directly or indirectly. He believed that the law never contemplated this; neither did he believe that there was any loss to the Treasury, so far as respects the use of the funds, as they may as well be in one deposite bank as in another, as the Government received nothing for them, or not previous to the act of 1836, and under that only, in certain contingencies, the allowance of two per cent.

If the Treasury has sustained any loss from this practice, it was the result of the deposite system, which rested on a false and dangerous principle. He thanked the Senator for bringing this matter before the Senate, as it presented a strong case to illustrate the dangerous and corrupting tendencies of the deposite system. That system was based on the principle of paying for public services by the use of the public revenues, and a more pernicious principle could not be conceived. Whether the public funds are deposited in a National bank, or State banks, the principle is the same. He hoped the system would be abandoned, and for ever, and that we should return to the early, simple, and honest practices of the Government. Let us take care of our own funds, and pay our public agents for their services. If the Treasury has sustained any loss in the cases referred to by the Senator, it has resulted from this preposterous system of throwing our funds into the hands of corporations, not to be kept, but to be *used* as a compensation for services performed for the Government. How can we complain of losses which are the legitimate fruits of a bad system? If we allow our moneys to be sported with, or used in speculation, and the gambling transactions of individuals, can we with any justice or propriety complain if they are squandered and wasted. As we are now about to settle the fiscal policy of the Government, he hoped that examples like these would not be without their influence on the minds of all who had a single eye to the safety af the public revenues, and the interest of the people.

Mr. WEBSTER replied, that the law provided, in so many terms, that these pension agents shall receive no compensation without provision by law. The Senator from Connecticut argued, therefore, that as it was necessary to make the laws, it was necessary for the head of the Department to supersede the laws. In the next place, the law provided that the Secretary might appoint such persons or such corporations as he pleased. But these appointments were always personal appointments, and the person appointed was an officer of the Government, and gave bond for the fulfilment of his duty, like any other officer, and as he (Mr. W.) understood it, the bank of which he was an officer was, in no way, responsible for his good conduct. It was a personal affair altogether. This matter had nothing to do with the deposite system. All he had to say was, that a pension agency was a particular appointment, under a particular law. The subject was for the attention of Congress, and no matter whether the compensation went to a bank or to an individual, it was too large. He only desired to call the attention of the Committee on Finance to the existing state of things, in order that they might apply the remedy.

Mr. NILES remarked, that he believed there was no law providing for the appointment of individuals as pension agents, which declared that they should perform that service without any compensation. If there was, it would certainly be a very extraordinary law. He believed the fact was, that the act incorporating the Bank of the United States, required that institution to perform the services of commissioners of loans, among other services, in consideration of receiving the deposites of the Government. When the deposites were removed from that bank and placed in State institutions, they were required to perform the same services, and for the like consideration. The act the gentleman has read, provides for the appointment of either individuals or corporations as pension agents, and he believed, that in practice, corporations only had been appointed.

Mr. WEBSTER said that the letter of the Comsioner, fixing the compensation which has been adopted as the basis of the arrangement, spoke for itself. Mr. W. then read the law of the 20th April, 1836, before referred to.

Mr. NILES rejoined that the law spoke of "*persons or corporations.*" He was not aware that any other than corporations had been appointed.

Mr. CRITTENDEN said this report was quite an anomaly. Of the public money $70,000 were gone in one sum by this bank; and Mr. C. observed that early in October, 1836, the Secretary of the Treasury had deposited $200,000 with the commissioner for building the new custom-house at Boston, and afterwards $50,000 more, making the sum of $250,000, and of this sum, when the bank failed, there were $70,000 remaining in it. If the Senator from Connecticut was so tenacious in maintaining the uprightness of Treasury management, perhaps he could furnish some excuse for

this. Here a loss by a deposite and by a disbursing officer had been sustained, and the money had been two years in his hands. If the $200,000 only had been given, there would still have been a loss of $20,000; but while the hands of this agent were already overflowing with the public money, the Government in April gave him $50,000 more; and the period, it would be recollected, was a very critical one with the banks. Why take this large sum of money out of the Treasury, and put it on deposite in the hands of any public agent? It might be necessary to sustain the bank, but could not be necessary to sustain the officer. He was already flooded with money, which he could not expend, when the $50,000 were added. And there was a loss now by this bank of $70,000. If things were managed in this way, Mr. C. did not see occasion for a Sub-Treasury bank, or any bank at all. It seemed as if this required some remedy.

Mr. BUCHANAN said that, at this rate, to borrow the language of the Senator from Kentucky, (Mr. CRITTENDEN,) we had very great occasion for a Sub-Treasury. He had watched the progress of the discussion on this Commonwealth Bank affair, and it appeared to him that if any arguments were wanting to prove the necessity of divorcing the Treasury from banks as fiscal agents, what they had heard in relation to the proceedings of this bank was conclusive. *Audi alteram partem* had always been a maxim with him, and therefore he would not at present pronounce any opinion with regard to the management of that institution, or to the conduct of the Treasury Department, in advancing to it deposits of public money to meet the present pensions. He was glad the motion had been made to refer the subject to the Committee on Finance, because, by this means, justice would be done to all parties. But as long as the late system of depositing the public funds continued, there would always be the same complaints that were now made. Place the power in the hands of the Secretary of the Treasury to deposit and withdraw the public funds as his discretion may dictate, and suspicion, jealousy, and distrust, will always follow his proceedings, whether they be right or wrong; and if any future Secretary should be dishonest—if he should desire to use the public money to elevate himself to the high places of the nation, the country could never be safe with such a power in his hands.

After all the clamor which had been raised against the Independent Treasury, it was only a simple measure to receive from the public debtors the amount they owe, to keep it safely in the custody of our own responsible officers, and to pay it out again to those to whom we are indebted, without the agency of such banks as that of the Commonwealth.

It had been said of this bank, that it had loaned out all its money to its own directors.

Mr. WEBSTER said he had heard this, but did not state it as of his own knowledge.

Mr. BUCHANAN continued. He feared that, on investigation, other banks would be found to have acted in a similar manner. If, said he, you want to save the public money for the use of the people, and prevent it from becoming the instrument of Executive influence, you must keep it yourselves, under the control of the law, until it is wanted for the public service.

He was sorry any thing had been said in the public newspapers that rendered it necessary, in the opinion of the Senator from Massachusetts, to defend himself on that floor. He thought it bad policy for a member of the Senate to come here and defend himself against newspaper attacks; for if he did, he would be almost certain to get the worst of the bargain. And whether a member was innocent or not, he thought it better for him to leave his defence to his friends out of doors. After all, no charge had been made against the Senator from Massachusetts, affecting either his honor or his integrity. We had nearly all, perhaps, been under protest at some period of our lives, by accident, or from inability to meet our pecuniary engagements on the very day they became due. Surely this was no crime.

With respect to the advances to the Commonwealth Bank, spoken of by the Senator from Massachusetts, he believed it would turn out to be nothing more than this: the Secretary of the Treasury, having the unlimited control over the funds of the Government, has thought it just to place a certain portion of them, in advance, on deposite, to meet the accruing demands of the pensioners. But the Secretary of the Treasury ought to have no such power; and he entirely concurred with the Senator from Massachusetts in the opinion that no emolument in the use of the public funds should be given to the pension agents, or any other agents under the Government. But this was the fault of the system, not of the Secretary. We should keep our money ourselves, and pay it out to the public creditors when due them; and then we should hear no such complaints.

Mr. CLAY said this incidental debate was a little unexpected by him; but as it has come up, said he, I will take the opportunity to say a few words. The Senator (Mr. BUCHANAN) says that these astounding disclosures, for so I regard them, afford satisfactory proof of the necessity of adopting the Sub-Treasury system, alias the *Government* Bank of the United States, which is now before the Senate. And what is it he tells us now of the favorite system which was adopted in 1834, and of which he was then and since the strenuous advocate? He says now it is dangerous, and the Senator from Connecticut (Mr. NILES) says it is corrupting, and that it is not thought worthy of confidence. But why this discrepancy? Why, when the member and his friends had rejected a system and an institution which for near half a century had taken care of the public money without the loss of a single cent—why, when that faithful institution was discarded, did they resort to this, which he now calls unsafe and corrupting? Sir, having found that the system which they adopted three years ago has failed, they are now for giving us another of their prescriptions, which we must take from these same doctors, although their former prescription failed, which was the grand catholicon in 1834. And in three years more, they will call this new system, which they now want to force upon us, just as unsafe and corrupting as the former.

Sir, who are these Sub-Treasurers, and what satisfaction have we that they will be angels, pure, faithful, and always acting with fidelity and advantage to the finances of the country? If rumor does not misinform us, we are already in the way to lose millions in the hands of individuals. And will the same individuals do better under this new system? No, sir, under no system whatever; and some three years hence we shall find those who are now denouncing their own experiment, again denouncing this their other experiment. Sir, I ask, how can you expect that an individual should have half a million of the public money in his hands, without danger of his helping himself or his friends at the public expense? When this new experiment shall prove a failure, as fail it will, if we adopt it, we shall then have some other experiment to delude and deceive the credulity of the American people Give me no more of these Sub-Treasury schemes, no more of these experiments, these nostrums.

Sir, (said Mr. C.) when I entered the Senate this morning, my ears were delighted with a sound which came from a quarter quite unexpected. The Senator (Mr. GRUNDY) got up, with his instructions in his hand, and in a manly manner declared that he would conform to those instructions. Sir, I hope they will be conformed to by others in this Senate. Some of my friends do not hold that they are bound to obey such instructions; and they therefore acted with perfect consistency—declined to conform to them. I (said Mr. C.) am among the number who, with certain qualifications, do hold to the doctrine of instruction. Let those who hold to the doctrine act consistently. Let instructions come; and I hope, if the Senator from Pennsylvania receives his, he will be guilty of no evasion, but meet them boldly, and either obey them, or resign and go home, and leave his place to one that will conform. And the Senator from New York, too, if am not misinformed, when he was asked what was to be done in relation to his colleague, replied, *instruct him;* if I am correctly informed, such was his language. I hope the instructions will come, and come I am confident they will, from that source which gentlemen of the party say they are bound to obey—from the people and the representatives of the people. And Virginia, too; but, sir, I believe the party there is a hung jury; however, at the next election the people will order a *venire de novo* against the Sub-Treasury. And in the State from which the Senator (Mr. GRUNDY) this morning presented the resolutions, in the Legislature of that State the instructions were adopted by a majority approximating to unanimity. In the Senate of that State there 18 to 7, and in the House of Representatives 39 to 19—39! the Mosaic law—forty save one—and very properly applied to such a system as this Sub-Treasury project. And the great leading State of the West; that State to whose opinions we are all disposed to bow with respect—she, too, declares her opinions in very intelligible language. How will her Senators act? Sir, I will answer for myself, that if instructions come from the Legislature of my State against this Sub-Treasury scheme, I pledge my word that I will conform to them. (A laugh.)

On the whole (said Mr. C.) I think the Senator from Pennsylvania can draw no conclusions of comfort from these transactions at Boston. It appears to me, on the contrary, that this system which three years ago was to give perfect security to the public money, and to give us, too, a far better currency, having failed, I think, when the Sub-Treasury comes to replace it, millions will be lost, where one dollar was lost even by that now exploded system.

Mr. WRIGHT observed that his purpose in rising was principally to remove from the honorable Senator from Virginia the embarrassment in which he was placed by this incidental discussion. We seem, said Mr. W. to be passing into what may become a protracted incidental debate; and having had his speech, on repeated occasions, suspended in the same way that the gentleman's now was, he would not himself prolong the discussion. He had, however, one word to say in reply to the Senator from Kentucky, and he would not say that word if it was not a personal affair to himself, and necessary to give a refutation to the unfounded report which had found its way into some of the newspapers, of some remarks of his in reference to his colleague. He was obliged, therefore, to the Senator from Kentucky for bringing this report before him; for, as it was not his habit to enter into conflict with the editors of newspapers, he had not before an opportunity of giving the report a public refutation. He would now, therefore, say that the whole story was entirely false from beginning to end. If he had ever done his colleague, personally or politically, any unkind act, it was wholly unintentional and without his knowledge. He knew that it had been reported, and he believed he had seen the report, that, on his passage home from this place in October last, he drew up resolutions to instruct his colleague; but he took the occasion to say that the whole matter was absolutely false. He now asked the Senate to pass over the question before them, in order to allow the Senator from Virginia (Mr. RIVES) an opportunity of going on with his argument on the Sub-Treasury bill.

Mr. PRESTON moved to lay the subject under discussion on the table.

Mr. BUCHANAN was agreed to the motion with regard to the position of the Senator from Virginia, (Mr. RIVES,) but, as he always endeavored to pay his debts promptly, he had rather do so now.

The question was then taken on Mr. PRESTON's motion, and it was carried.

The Independent Treasury bill was then taken up; when

Mr. RIVES resumed his speech begun yesterday, and concluded, after occupying the floor till near 4 o'clock.

Mr. HUBBARD intimated his intention to address the Senate on the subject, and submitted an amendment to amend the text of the bill providing that all payments to be made from the Treasury Department, shall be by the drafts of the Treasurer of the United States, upon warrants

drawn on him, (according to the present usage of the Department,) and further fixing the rate of compensation to be paid to the clerks provided for in the bill.

Mr. CLAY of Kentucky said, the gentleman from New Hampshire has intimated his intention to address the Senate on this subject to-morrow, and has brought forward an amendment. There is a point in regard to this bill, which has attracted my attention very particularly, and I wish now to mention it, that his attention may be drawn that way.

I was very much struck, on reading the first section of the bill, at the extraordinary display of skill manifested by those financiers who are to lead the country by this measure out of all its difficulties. The Senator from New York, (Mr. WRIGHT,) in the course of the address with which he favored the Senate, stated the remarkable fact that, from the origin of the Government to the present time, there had been no designation of a Treasury of the United States, that is, of no particular buildings, rooms, or vaults, which were necessary to constitute a Treasury; and that in this bill this defect was remedied by providing that certain rooms in the new building, now in a course of erection in this city, are to be declared by law to be *the Treasury of the United States.*

I had supposed (continued Mr. C.) that the Treasury of these United States and the treasure were identical; and that wherever was the treasure, whether in custom-houses, in banks, or any where else, there also was the Treasury. If, for example, a part of the public money was in the hands of the Barings of London, or the Hopes of Amsterdam, it would be still in the Treasury, just as much as if it were in vaults in the city of Washington. But it seems the Senator from New York has made another discovery, in addition to the necessity for rooms, vaults, strong boxes, safes, or old cupboards, in which to keep secure the public money; and that is, that it is also necessary that there should be some particular place to be regarded as the Treasury.

I draw the attention of the Senate to this, that they may see what results must follow. The Constitution has provided that no money shall be drawn from *the Treasury* but in pursuance of previous appropriations made by law, and whatever is *in* the Treasury, in the meaning of the Constitution, cannot be drawn from it except by process of law under the Constitution. But (said Mr. C.) for whatever is *without* the Treasury, there is no constitutional provision; they may draw it out at their discretion, and send it any where, or dispose of it as they please.

And what farther is there? All the money which will be placed in the Treasury provided by this bill will be the little that will be collected or scraped together in this District of ten miles square; and this, of consequence, will be the whole amount which will be subject to the constitutional provision to which I have referred. All that is in New York, where a moiety of the public revenue is collected—all that is in Boston, Philadelphia, Baltimore, New Orleans, constituting nearly the whole of the actual treasure of the United States, is excluded from the Treasury by the bill, and according to the Senator from New York, will be all placed without the power of the law and the Constitution, and may be disposed of by the Secretary and Treasurer as they may think proper. I saw this (said Mr. C.) as soon as I read it, and numerous other things alike objectionable, which I will not notice now. But that the Treasury is to be limited to the ten miles square, and to the miserable gleanings to be found in this District, can there be any thing more preposterous?

There were other defects in the bill, and other amendments had been offered, but I did not care about voting upon them. On the stock-jobbing section, for instance, (said Mr. C.) which the Senator from South Carolina (Mr. CALHOUN) moved to strike out, I did not vote on that; and why? The whole measure is so hideous, so monstrous, that it is incapable of being placed in any form that would command my approbation; and I could not think it proper in any shape whatever.

But I had another reason (said Mr. C.) for taking no part in the motion of the Senator from South Carolina to strike out that section. The Senator from New York (Mr. WRIGHT) opposed the motion; the Chancellor of the Exchequer differed from the new Premier of the Administration on this point, and I wanted to see how the party would vote; I wished to see how the household troops would move; which they would follow; the Chancellor or the Premier. Sir, the Chancellor was left in a minority, and, according to the usage of the Governmen from which we derive much of our political system, and our customs, the Chancellor ought immediately to have thrown up the seals.

The amendments of Mr. HUBBARD being agreed to—

The Senate went into the consideration of Executive business—

After which, it adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 7, 1838.

Mr. BYNUM was announced as having been appointed to fill the vacancy of Mr. CLAIBORNE on the Committee on Foreign Affairs.

Select Committee on the subject of purchasing Gilbert Stewart's original portraits of the first five Presidents of the United States.

Messrs. CUSHING, of Massachusetts.
RICHARDSON, of South Carolina.
GARLAND, of Louisiana.
HUNTER, of Virginia.
HOFFMAN, of New York.

Reports from committees were then called for.

CLAIMS.

Mr. CAMPBELL of Tennessee reported a bill for the relief of Abel A. Parks and others.

COMMERCE.

Mr. SMITH reported a supplement to the report on the number, compensation and duties of custom-house officers, and also a resolution that 2000 extra copies of the whole report, documents, and bill on the same subject be printed, which was concurred in.

REVOLUTIONARY PENSIONS.

Mr. EWING reported a bill granting a pension to Martha Strong.

When the Committee on the Expenditures of the Post Office Department was called upon,

Mr. WISE begged to inquire of the chairman of that committee, (Mr. CHILDS, of New York,) whether that committee had had any meeting, or proposed to do so, or contemplated making any report at all, or if they had discharged any of the duties belonging to them, this session?

Mr. CHILDS not being in his seat, no response was given to Mr. WISE's inquiry.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported Senate bill entitled "An act to provide for the legal adjudication and settlement of the claims to land of Baron Bastrop, Marquis de Baton Rouge, and others, in Louisiana, and sundry persons in Arkansas," with a recommendation that the same do not pass, and moved its commitment to a Committee of the Whole.

Mr. GARLAND of Louisiana moved its recommitment to the Committee on Private Land Claims; which, after a few words in support of the motion by Mr. JOHNSON of Louisiana, was agreed to.

Mr. GARLAND of Virginia, on leave, submitted the following resolution:

Resolved, That the Secretary of the Treasury be authorized to employ as many temporary clerks as shall be necessary to enable him to report, during the present session, the correspondence called for by a resolution of this House of the 12th day of October last, in relation to public defaulters.

Mr. G. gave as a reason for offering this resolution, the fact that the Secretary of the Treasury had not sufficient force in the Department to comply with the call.

Mr. WISE begged the fact to be noted that the number of the public defaulters was so great that it is necessary to adopt this resolution to make out a list of them.

Mr. McKAY presumed when the gentleman got the information, it would not present such a formidable list of defaulters as he contemplated.

Mr. McK. was not opposed to the object of this resolution, but he objected to its form, since under it the Secretary of the Treasury might appoint as many clerks as he pleased, without authority of law; and if this were once conceded, it might be augmented to any amount. It was violative, in its present form, of every principle of constitutional law.

Mr WISE suggested that, in order to render the resolution unexceptionable to his friend from North Carolina, it be made in the form of a joint resolution.

Mr. McKAY added that the list of defaulters was already complete, and the object of his friend from Virginia (Mr. GARLAND) was to procure the correspondence between the Secretary of the Treasury and receivers and collectors.

Mr. GARLAND nodded his assent.

Mr. WISE understood the resolution of the late special session, calling for the number of defaulters, he did not remember its exact terms, had not been complied with, and that the head of the Treasury Department wanted additional force to enable him to answer it.

Mr. GARLAND would say nothing about what the document would, or would not, disclose. Of that he should be prepared to speak when the disclosures were made, and he now asked nothing or sought nothing but what every member of the House might desire, and that was, to ascertain what was the true state of the mode of collecting and disbursing the public money by the agents of the Government. The resolution, in addition to the response already furnished to the House, called for the correspondence of the three years of '35, '6, and '37, and the Secretary had reported a list of the defaulters, the amount of their defalcations, and the steps taken to recover them, but the Solicitor of the Treasury said he could not comply with the latter part of the resolution, because the correspondence was so extensive, and his force inadequate.

Mr. G. stated that he did want to show one fact, viz: that there had been more loss, and more embarrassment from conducting the public finances through individual agency than through the State banks.

Mr. G. then modified his resolution, by adopting it to the form of a joint resolution, and it was read twice, the question being on its third reading.

Mr. CAMBRELENG said he did not rise to oppose the resolution, for, on the other hand, he should give it his most cordial support; but on this investigation about public defalcations, he would call the attention of the gentleman from Virginia, and the members of the House on all sides, to the document already published in pursuance of his resolution.

A more complete libel upon dead men never was published by order of Congress. For one, he was not altogether sorry that this document had been published, because they had been in the habit of publishing without examination, and it might make them more cautious in future. Let any gentleman peruse this report, and he would find a record in it of every defaulter from the origin of the Government to the present time, not one half of whom were defaulters, and a large proportion of whom were in their graves. Upon the adjustment, too, of most of those accounts at the Treasury, those balances of a hundred and two hundred thousand dollars had not only been, in a majority of cases, reduced to nothing, but, upon a final settlement, it was found that the Government itself was in debt. And yet the House had sent five thousand copies of this libel abroad to the world, impugning the characters of dead men of the highest respectability, who never owed the Government a dollar.

In proof of this, Mr. C. adduced the instance of the district attorney at Philadelphia, (Mr. Ingersool,) who was represented to be a defaulter for upwards of $75,000, when the fact was, that on the final decision of the court, only $3,000 was found to be due by him, and he had vouchers in his possession, ruled out by the court, because not previously presented to the Treasury, for $7,000, thereby making him a creditor, instead of a debtor to the Government. This great balance had appeared against him from the practice of the Government in charging the district attorneys with the bonds, whether they were paid or not.

The same erroneous impression, too, had been been made in reference to a late collector at New York. Upwards of $55,000 was charged against him, whereas he did not owe a solitary dollar, so far as Mr. C. knew; and this balance was still standing, after twenty years. He had cited these two facts to gentlemen on all sides, that they would not, in the pursuit of one object, inflict a stab through the ribs of men as honest as ever lived, and that the public might be aware of the nature of the document.

Mr. GARLAND knew not a single individual when he moved his resolution, but there would enough be shown to prove the system of individual agency a bad one.

Mr. CAMBRELENG. Not more so than under the Bank of the United States, or the gentleman's own system.

Mr. GRAVES had some objection, on the ground of the expense, for the printing would probably cover some five or six thousand pages.

After some further remarks from Messrs. REED, McKENNAN, CAMRRELENG, SMITH, and E. WHITTLESEY, the House, without taking the question, passed to the orders of the day.

EXPLORING EXPEDITION.

A Message, in writing, was received from the President of the United States, by the hands of his private secretary, ABRAHAM VAN BUREN, esq. communicating a report of the causes which have delayed the sailing of the Exploring Expedition.

Mr. CUSHMAN moved to lay the Message and documents on the table, and that they be printed.

Mr. FILLMORE moved the printing of 10,000 extra copies; but it was objected to.

Mr. MALLORY moved their reference to a select committee.

Mr. HAYNES moved the Committee on Naval Affairs.

The motion to lay on the table prevailed.

Mr. WISE gave notice that, as soon as it was in order to do so, he should move to take this subject from the table, in order that it might be duly investigated.

NORTHEASTERN BOUNDARY.

In pursuance of the notice given on yesterday by Mr. EVANS, as stated in the proceedings of that day, the House took up the message from the President of the United States on the subject of the Northeastern boundary, etc.

Mr. EVANS said that before he proceeded he should ask leave to introduce a bill—

The CHAIR said it was not now in order to do this.

Mr. EVANS said he had stated at an early part of this session, that he would ask leave to bring in a bill on this subject. If it was not now in order to do so by the rule, he should ask the general consent of the House to do so; and if leave was not granted, he would then move to refer the subject to the Committee on Foreign Affairs, with instruction to report the bill he referred to. He now asked the general consent of the House to submit a motion for leave to introduce a bill.

Objection being made,

Mr. EVANS then moved to refer the message of the President to the Committee on Foreign Affairs, with instructions to report the following bill:

A BILL to provide for surveying the northeastern boundary line of the United States, according to the provisions of the treaty of peace of 1783.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause the boundary line between the United States and the adjacent British provinces from the source of the St. Croix river, directly north to the highlands which divide the waters that fall into the Atlantic ocean, from those which fall into the river St. Lawrence, thence along said highlands from the northwest angle of Nova Scotia to the northwesternmost head of Connecticut river, as particularly defined in the treaty of peace, concluded at Paris, the third day of September, seventeen hundred and eighty-three, to be accurately surveyed and marked, and suitable monuments to be erected thereon, at such points as may be deemed necessary and important.

SEC. 2. *And be it further enacted,* That for th purposes aforesaid, the President be, and is hereby authorized, if in his judgment it shall be necessary, in addition to the services of the corps of Topographical Engineers, to appoint, by and with the advice and consent of the Senate, one commissioner and one surveyor, who shall perform such duties respectively as may be assigned to them by the President, and who may employ such assistants under the direction of the President, as shall be necessary, and who shall make an exact return of their proceedings to the President, together with a correct map of the country over which said line passes, exhibiting the prominent points of its topography, and the location of the works and monuments by them made and erected.

SEC. 3. *And be it further enacted,* That the compensation of said commissioner and surveyor shall be respectively at the rate of ——— dollars per annum.

Mr. EVANS begged leave to assure the House that it was not his disposition to take up the time of the House in a discussion of this matter, if his duty would permit him to do so. He should, however, consider that he would be wanting in the duty he owed to the State of Maine, if he neglected to take the first opportunity which presented itself of bringing this important subject to the consideration of the National Legislature. He would now say that he had most sedulously sought an opportunity of bringing this matter to the consideration of the House. He was the more anxious to bring the matter to the consideration of the House, because the subject had never been discussed, and was but little understood in this House, or in the other branch of the National Legislature, and because it was a question of the most deep and abiding interest to the States of Maine and Massachusetts. It had been alluded to in the Message of the President of the United States as an important subject, and it was considered by him in his Message as a matter of great surprise that this Government had been organized for half a century, and yet does not know its own limits. Now, he wished to bring to the notice of the House a proposition for the purpose of accelerating the movements of the General Government towards a settlement of the question. The object of the bill he had brought to the notice of the House was to take one step, on the part of our Government, towards a final settlement of this question to the satisfaction of all parties. He desired the legislative power of the country to come to the aid of the Executive in relation to this matter, and the object he had in view by the bill was to bring the two Houses of Congress to sustain and aid the Executive in the settlement of this question. He begged leave here to say that this measure was not a measure of his alone, but it was a measure of the people and State of Maine. It was not a measure required by him alone, but it was required and called for by the Legislature of the State of Maine. It was called for by resolutions of that Legislature, now lying upon the tables of members, and these resolutions ask the General Government to do the identical thing proposed by the bill he had introduced. It had also been urged upon the General Government by the Governor of the State of Maine. He must say, in relation to this matter, that he had cause to complain of the neglect of the General Government towards the State of Maine. He had to make complaint of the General Government in not protecting the citizens of the State of Maine from wrongs committed against them by a foreign Government.

In making there complaints, he made them in the name of the State of Maine, for he had been long enough here to learn that when complaints of this kind were made, they were generally set down to some political hostility to the Administration. This matter, however, was not a political matter, as all branches of the Government of the State of Maine, made these complaints. A Democratic Governor, a Democratic Legislature, and Democratic public journals had made these complaints; and this showed that it was no political question, as all parties concurred in relation to the matter. He trusted, therefore, that these complaints would not be looked upon as being caused by political feeling.

Mr. E. then went into a very lengthy detail with respect to the northeastern boundary line, and the correspondence between the two Governments in relation to the same, for the purpose of showing that the boundary claimed by the Government of the United States was the true boundary.

Before Mr. E. had concluded, he gave way to Mr. LINCOLN, for a motion to adjourn, who, however withdrew the motion at the request of

Mr. GARLAND of Virginia, on whose motion the bill from the Senate "to prevent the abatement of suits and actions now pending, in which the late Bank of the United States has been a party," was read twice, and committed to the Committee on the Judiciary

The Senate bill to establish a new collection district in the State of Mississippi, at Vicksburg, was twice read, and, on motion of Mr. SMITH, committed to the Committee on Commerce.

On motion of Mr. CAMBRELENG, and by the general consent of the House, the bill making appropriations for the payment of Revolutionary and other pensioners of the United States, for the year 1838, was put upon its third reading; and, after some explanatory remarks between Messrs. BELL, CAMBRELENG, CURTIS, WISE, and HAYNES,

On motion of Mr. DAWSON,

The House adjourned.

IN SENATE,

WEDNESDAY, February 7, 1838.

The VICE-PRESIDENT communicated to the Senate a report from the Secretary of War, in obedience to a resolution of the 26th ult. containing the number of hostile Creek Indians, as estimated by the commanding general, and from data in the office of the Commissioner of Indian Affairs.

Also, from the same Department, a report in obedience to a resolution of the Senate of the 5th inst. containing surveys of Milwaukie and other rivers in Wisconsin Territory.

These were laid on the table, and ordered to be printed.

The following petitions and memorials were presented and referred:

By Mr. McKEAN: A memorial of the delegates now assembled at Philadelphia to alter the State Constitution, praying Congress to adopt measures to improve the Alleghany river from Pittsburg, in the State of Pennsylvania, to Olean Point, in the State of New York: ordered to be printed.

By Mr. MOUTON: From the collector at Franklin, Louisiana, praying the erection of certain lighthouses and certain improvements in navigation.

By Mr. CLAY, of Kentucky: From citizens of Philadelphia, praying the completion of the United States frigate Raritan. [Mr. C. expressed the hope that the Committee on Naval Affairs would act speedily on this subject, and report one way or the other. The winter was rapidly passing off, and if any thing should be done, the earlier the better.]

By Messrs. NICHOLAS, LINN, and BUCHANAN, on individual claims.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill to abolish the United States Circuit Court at Huntsville, Mississippi, and for other purposes: read twice, and ordered to be engrossed for a third reading.

On motion of Mr. NORVELL, a call was ordered on the Secretary of the Treasury for statements as to the amount of revenue lost to the Government in consequence of the non-payment of duty bonds on imported articles, in 1837–8, with the names of the delinquents.

On motion of Mr. SEVIER, a call was ordered on the Secretary of War, and inquiries in relation to a certain report on the boundary line, &c. of Arkansas.

OREGON TERRITORY.

Mr. LINN, of Missouri, on leave, introduced a bill authorizing the occupation of the Columbia or Oregon river, [establishing a Territory north of latitude 42 degrees, and west of the Rocky Mountains, to be called the Oregon Territory; authorizing the establishment of a fort on that river, and the occupation of the country by the military force of the United States; establishing a port of entry,

and requiring that the country should then be held subject to the revenue laws of the United States; with an appropriation of $50,000.]

The bill having been read twice, Mr. LINN moved to refer it to the Committee on Military Affairs. He expressed his regret that some other Senator had not moved in this matter; he had failed in his endeavors to that effect, and had in consequence now presented the subject himself as one of great importance. There was reason to apprehend that if this Territory should be neglected, in the course of five years it would pass from our possession.

Mr. CLAY of Kentucky said he thought the Senator and the committee would do well to make inquiries as to the stipulations of the present treaty with Great Britain, and whether we could occupy this country now without giving cause of offence. The country had been taken possession of by Great Britain, in contravention of the treaty of Ghent. There was a clause in that treaty, or rather a word, which was intended to cover this identical case, connected with the Oregon, and which covered no other case. It was founded on these circumstances: A settlement had been made on the Oregon by Mr. Astor, and the establishment was called Astoria. During the war it was taken possession of by a British armed vessel. In the stipulation of the mutual surrender by the two countries of places taken during the war, Mr. C. had introduced the word "*possession*" as descriptive of the hold which we had on the Oregon country prior to the war. Mr. C. hoped the treaty would be examined before any decisive step should be taken on this subject.

Mr. LINN said he was aware of that provision, and it was his intention that the inquiry should be made. He designed to get all the information he could on the subject, and lay it before the committee or the Senate, that the Senate might make such modifications of the bill as they might think proper. He wished the bill to be made as perfect as it could be.

Mr. LYON remarked that he knew of one of his constituents being desirous of going west of the Rocky Mountains for the purpose of settling and carrying on a farm.

Mr. BUCHANAN said that he was very glad that his friend from Missouri had moved in this business; and he had done himself injustice when he said it might have been moved more appropriately by another person. The time had come when we ought to assert our right to the Oregon country, or abandon it forever. We know, by information received from an agent of the Government, that the Hudson Bay Company were establishing forts in that quarter, cutting down the timber and conveying it to market, and acquiring the allegiance of the Indian tribes; and while they had been thus proceeding, we had patiently looked on during a long period of years. Our right ought to be now asserted; but it should be done in a prudent and delicate manner. We were obliged by the treaty to give a year's notice. The time had arrived to settle this question, and there were too many such questions unsettled with the British Government already. While we should be careful to violate no treaty stipulations, we ought promptly to assert our right to this country.

Mr. BENTON urged the propriety of having this subject referred to a select committee, of which his colleague should be the chairman: he knew of no one better qualified.

Mr. LINN, after some demurring, assented, withdrew his motion of reference to the Military Committee, and the subject was referred to a select committee of five, of which the VICE PRESIDENT was authorized to make the appointment.

On motion of Mr. PRESTON, the resolution offered by him, authorizing the Joint Library Committee to cause the Madison papers to be printed and published, was taken up, changed to the form of a joint resolution of both Houses, on the suggestion of Mr. CLAY of Kentucky, read twice, and, after some conversation, it was referred, on motion of Mr. SEVIER, to the Committee on the Library.

The bill to prevent the abatement of suits and actions now pending, to which the late United States Bank is a party, and

The bill to establish a new collection district in Mississippi, at Vicksburg,

Were severally read a third time, and passed.

The resolution for an inquiry as to placing the staff officers of the Revolution on the same footing, as to grants of land, with the officers of the line, was taken up, and agreed to.

INDEPENDENT TREASURY BILL.

The Senate resumed the consideration of the bill imposing additional duties as depositaries on public officers in certain cases, etc.—the question being on Mr. RIVES's substitute for the bill.

Mr. HUBBARD spoke at large on the subject, in favor of the bill, and in reply to Mr. RIVES; and, before he concluded, he gave way for a motion of adjournment, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 8, 1838.

Reports from committees were called for.

REVOLUTIONARY PENSIONS.

Mr. WHITTLESEY of Connecticut reported the following, viz:

Bill for the relief of Eleanor Clark.

Bill for the relief of Marcy Richards.

Bill for the relief of Francis Chandler.

JUDICIARY.

Mr. ROBERTSON reported, with an amendment, Senate bill entitled "an act to prevent the abatement of suits and actions now pending, to which the late Bank of the United States may be party."

The amendment was in the follwing words: "or which may be pending on the 4th day of March next."

Mr. R. moved the third reading of the bill.

Mr. ADAMS inquired if the attention of the committee had been drawn to the fact, how far it was competent to commence suits after the 4th of March next.

Mr. ROBERTSON replied that that question had been presented to, and discussed in the committee, but they had refused to amend it further for fear of jeopardising the speedy passage of the bill in the Senate.

Mr. ADAMS expressed a wish that an additional section to that effect be engrafted on the bill, for as it stood, it led to the impression that all suits commenced against the Bank of the United States, and not terminated on the 3d of March next would be, *ipso facto*, abated, and the bank thereby relieved from all responsibility of redeeming the reissue of the old bills, after the two years allowed to wind up its affairs from the expiration of the charter.

Mr. ROBERTSON said it was not understood by the committee to be the intention or effect of this bill to decide that suits pending on the 4th of March, by, or against the bank, would or would not abate. The bill had been prepared in the abundance of caution, and was considered a matter of such importance, as to require its immediate passage by the House, leaving the question of instituting suits against the bank, after the 4th of March, to be submitted at another time. He would suggest to the gentleman from Massachusetts to suffer this bill to pass, and to introduce a resolution requiring the Committee on the Judiciary to take into consideration the subject of extending the time.

Mr. ADAMS explained his motive to be to secure the creditors of the bank, which, by implication, at least, appeared to be lost sight of by this bill. He desired to see some act of Congress putting it in the power of the creditors of the bank to recover their claims against it, and he thought it better to recommit the bill.

Mr. CILLEY stated that he had not had an opportunity of giving this bill that full examination its importance required, for the committee had been suddenly called together, on a day different from their ordinary days of meeting, and had come to a very hasty determination. Mr. C. addressed the House at some length, and concluded by expressing his accordance with the suggestion of Mr. ADAMS, to recommit the bill.

Mr. LOOMIS stated that he most heartily concurred with the gentleman from Massachusetts, (Mr. ADAMS,) in the object sought to be obtained by him—the security of the holders of the bills of the late Bank of the United States, issued by the present bank; but he doubted whether the object could be attained, as suggested by that gentleman, by an act authorizing suits at law to be commenced against the bank after the final expiration of the time to which its corporate existence had been limited to enable it to close its affairs, and which would take place on the 4th of March next. No suit could be instituted against a corporation after it had expired. It had a mere legal existence, and, by the expiration of its charter, it became defunct—there was no longer any thing to sue or be sued; but surely some remedy must be adopted to secure the holders of bills issued (he thought the circumstances would justify the expression) *fraudulently* issued by the present Bank of the United States, and which she was not liable to pay. Well might the bill-holders ask, who is liable to pay these bills? He had, within a few days past, received a letter from one of his constituents—a highly respectable citizen—stating that there had been recently paid out in that vicinity $40,000 of the bills of the old Bank of the United States for the produce of the country, and stating that the people were getting alarmed in respect to them, and were anxious to know to whom they were to look to redeem them, and asking his opinion and advice as to whom the people were to look for their redemption. What answer could be made to such an inquiry? The only remedy he could conceive, was for some person or corporation who had, by purchase or otherwise, acquired a sufficient amount to warrant the expense, to institute proceedings in chancery in the United States courts, to have a receiver appointed, to reduce the assets of the old bank into money, and pay off its liabilities. He was certainly not disposed to continue the existence of the charter of that bank, which he had shown would be necessary in order to make it subject to actions at law. As he understood the matter, the funds and property of old bank were now in possession of the new bank or its officers, in the character of trustees, to close up its concerns, and collect its funds, and pay off its liabilities. Instead of faithfully discharging this trust, and getting in its circulation, they had been engaged in extending it; instead of paying off its notes, for which purpose they took the funds, they were issuing old notes. They had done so to the amount of several millions. Surely this state of things ought not to be suffered. This Government have created the corporation, and given it all its power; and it seemed to him it was bound to take all necessary measures to prevent the abuse of this power, and to protect their citizens from frauds and losses.

He had thought of introducing a resolution, either directing, in the first instance, or directing an inquiry into the expediency of passing a law, requiring the Attorney General of the United States to institute proceedings for the appointment of a receiver of the funds and property of the late bank, and paying off its liabilities, and closing the concern. The present trustees had not proved faithful to their trust, and ought to be removed. In a short time the funds and property of the late bank would be so changed, that they could not be identified. As yet it was probable that a sufficient amount to pay off its liabilities might be traced and identified; but if the present trustees were continued, they would soon be so amalgamated with the funds of the present bank as not to be distinguished. If there was any thing in the charter to prevent the application of this course before the 4th of March, a law might be made prospective, to take effect at that time. He preferred that this whole subject should come up together; it was all connected, and immediate action on this part of it seemed to him very important. He was, therefore, in favor of recommitting the report to the Committee on the Judiciary.

Mr. GARLAND of Virginia explained that this bill had come from the Senate on yesterday, and that it was simply a bill to prevent the abatement of suits now depending, and which may be brought against the institution, or by it, prior to the 4th of March next. He was opposed to the connection of the matter brought to the notice of the House

with this bill, because it was necessary that it should be passed immediately, as the 4th of March was near at hand, and if this matter was connected with it, he feared it would elicit not only a lengthy discussion in relation to the propriety of the measure, but that it would introduce a political bank discussion, which, in all probability, would not be brought to a close by the 4th of March. The whole bank question, he anticipated, would be opened up by it, and all the alleged abuses of the bank would be again brought to view. He would here state, that he had no friendly disposition towards the Bank of the United States, notwithstanding that he had been charged with being friendly to it from a certain quarter in this city. This bill was of the utmost importance, inasmuch as there was no provision in relation to the continuance of suits in the charter after the 4th of March next. He trusted, therefore, that the bill would pass the House, and then if there was any thing further necessary, let a new bill be introduced to that effect.

Mr. TOUCEY hoped the bill would be recommitted to the committee, so that it might be considered at a full meeting of the committee, because this morning there had only been five members of the committee present, the other four not having a knowledge of the meeting of the committe or of the character of the bill. He, therefore, trusted that the motion to recommit would prevail.

Mr. ROBERTSON said he was notified to attend a meeting of the Judiciary Committee, for the purpose of taking up and considering a bill of great importance. He attended, and found five members of the committee in attendance. The whole of the members present concurred in the importance of the bill, and in reporting it to the House with the amendments which had been presented. It was true the gentleman from Maine had raised some objections, but he subsequently waived the objections, and agreed that the bill should be reported to the House.

Mr. CILLEY explained that he had agreed it should, in case it was shown to the absent members of the committee before it was reported to the House.

Mr. ROBERTSON said he was desirous that it should have been submitted to the absent members, and for this purpose he had waited until after the Committee on the Judiciary had been called by the Chair; and no opportunity presented itself, as the gentlemen were not to be found by him. As to the remark of the gentleman, that he did not know any of the provisions of the bill, he thought it strange, because he thought that every member of the House was aware that this bill was to prevent the abatement of suits brought by and against the Bank of the United States. He hoped the bill would be speedily adopted by the House.

Mr. BOND said that this bill was not a measure proposed for the benefit of the Bank of the United States, but it was a measure for the benefit of the people of this country. The people of this country were larger creditors of the bank than debtors to it; therefore, it was a measure for the benefit of the people. The bank had sold out her branches in the different States to individuals and State banks, and in many cases suits were depending both by and against the bank to the amount of several millions; therefore, it was highly proper that this bill should be passed, so that these suits might not be abated.

Mr. CAMBRELENG stated that he was in favor of the passage of this bill; but he should like to have it go back to the committee, so that it might be acted upon at a full meeting of the committee. As the majority of the committee had already reported it to the House, he had no doubt it would immediately be reported by the committee after being considered in a full committee. This would satisfy the House; and he trusted this course would be pursued.

Mr. EVANS called for the orders of the day; which motion was disagreed to.

Mr. TURNEY said that this bill had been referred to the Committee on the Judiciary late last evening, on the motion of the gentleman from Virginia, (Mr. GARLAND.) A partial meeting of the committee was held this morning, although this was not the usual time for the meeting of the committee, and without the usual notice being given. The subject was considered, and it was true that a majority of the committee agreed to report the bill to the House, still he thought it ought to have been considered at a full meeting of the committee.

Mr. GARLAND stated that it was true that he had on yesterday moved to have this bill committed to the Committee on the Judiciary; and from that fact, and the remarks of the gentleman this morning, it might be supposed that he had called the committee together. He begged leave, however, now to say that he had not made that call.

Mr. TURNEY said it was not his intention to cast any reflection upon any member of the committee. He had merely stated the facts of the case, and he hoped, considering those facts, that the House would see the propriety of sending the bill back to the committee.

Mr. ATHERTON concurred in the remarks of of the gentleman from Tennessee, and hoped that the House would send back this bill; because he would be very unwilling that it should be passed by the House, without having been fully considered at a full meeting of the committee.

The question was then taken, and the bill was recommitted to the Committee on the Judiciary.

On motion of Mr. CURTIS, a communication from the Secretary of the Treasury, covering a report on the subject of Telegraphs, lying on the Speaker's table, was taken up and referred to the Committee on Commerce.

NORTHEASTERN BOUNDARY.

The first business in order was the motion of Mr. EVANS to refer a message of the President of the United States, with sundry accompanying documents, to the Committee on Foreign Affairs, with instructions to report a bill to provide for surveying the Northeastern boundary line of the United States, according to the provisions of the treaty of peace of 1783.

The objection made yesterday for leave to bring in this bill being withdrawn,

Mr. EVANS accordingly brought in the bill, moved its first and second reading, and reference to the Committee on Foreign Affairs.

Mr. E. then resumed his remarks at the point left off yesterday, going into an extended review of the whole subject, referring to the correspondence and other documents bearing upon it. Mr. E. concluded by moving also the printing of three thousand extra copies of the document referred to.

Mr. FAIRFIELD then took the floor, but gave way to Mr. CARTER of Maine, on whose motion, the House adjourned.

IN SENATE,

THURSDAY, February 8, 1838.

Mr. SMITH of Indiana presented a petition numerously signed by the business men of Cincinnati, Ohio, praying Congress to aid in the construction of the steamboat canal about to be constructed round the falls of the Ohio, on the Indiana side, by subscribing for stock in the Jeffersonville and New Albany canal company. Mr. S. also presented the charter of the company; which, together with the petition, was referred to the Committee on Roads and Canals.

Mr. PIERCE presented certain documents in support of the petition of Joseph Bassett; which were referred to the Committee on Pensions.

Mr. WALL presented a petition numerously signed by citizens of Philadelphia, praying that an appropriation may be made for the completion of the frigate Raritan, now on the stocks: referred to the Committee on Naval Affairs.

Mr. WALKER, from the Committee on Public Lands, to which was referred the bill to authorize the State of Mississippi to invest the two per cent. und of that State, reported the same without amendment.

Mr. LINN submitted the following resolution, which was considered and adopted:

Whereas, the papers, documents, records, and archives, which are kept and deposited in the offices of the Recorder and Surveyor General of the United States respectively, at St. Louis, State of Missouri, are of the highest value and importance, and a great number of which, namely, those relating to French and Spanish land titles in the province of Upper Louisiana, if lost, purloined, or destroyed, could either not be replaced at all, or only replaced at great labor, expense, and inconvenience. And whereas, those records, which are exclusively of proceedings and surveys anterior to the treaty of cession of Louisiana to the United States, could not, if destroyed, be replaced without great labor, and an expenditure of at least a million of dollars; and whereas they are now in continual and imminent danger of being lost, stolen, or destroyed, in consequence of the very exposed and insecure state of the buildings in which these offices are now kept, at St. Louis; and whereas it is in the highest degree expedient and necessary to provide, without delay, for the safe-keeping of these all-important records and archives, it therefore

Resolved, That the Committee on Finance be instructed to inquire and report whether any, and what, measures should be adopted by Congress to secure the papers, documents, records, and archives now deposited and kept in the offices of the Recorder and Surveyor General of the United States, respectively, at St. Louis, State of Missouri, from fire or other accidents; and what amount of money it would require to provide suitable iron safes or buildings at St. Louis, in which said offices might be held, and the above described papers, documents, records, and archives safely kept and deposited.

The bill to abolish the Circuit Court of the United States at Huntsville, Alabama, was read the third time and passed.

INDEPENDENT TREASURY BILL.

On motion of Mr. WRIGHT, the Senate resumed the consideration of the bill imposing additional duties as depositaries on public officers in certain cases, etc.—the question being on Mr. RIVES's substitute for the bill.

Mr. HUBBARD then addressed the Senate at length in opposition to the substitute of Mr. RIVES, and in conclusion of his speech commenced yesterday.

Mr. TALLMADGE said he did not rise with the view of going into the merits of the bill; whatever he might have to say on that subject, he should reserve for the further progress of the debate. His object was to repel insinuations which had been thrown out from high authority, and endorsed by the Senator from New Hampshire, last up, in relation to the influence said to be exercised by the banks in the November elections in his State. Mr. T. maintained that if any improper influence had been exercised, that it was more on the side of the Administration than against it. The greatest change which had taken place in the public feeling was in those counties where banks were not located; and this change, which had so surprised the President, was no subject of astonishment to Mr. T. He had all along told them that if the contemplated measure was attempted to be carried through, that New York would speak for herself in a language not to be misunderstood. She had so spoken; and he warned the friends of the Administration against the ides of November, if they persisted in a scheme of such madness and folly.

Mr. T. contended that the change which had taken place in the popular sentiment was occasioned by the alarm in the minds of the better sort of the party, lest the views of English Radicals, *Loco Focos*, and others of that stamp, were to be forced upon the country. It was that fear that produced the change in New York and other places; the people thought they saw a fixed determination of those in power for the destruction of all banks, the repeal of charters and vested rights. He would not say that such was the design; but it was thought to be so, from the course pursued by the official organ of the Executive. After the war against the United States Bank was over, and the monster dead, and after the State banks had been used in part as agents in effecting that destruction, then came a warfare, more violent and unrelenting in its nature against the State banks, than had ever been waged against the Bank of the United States. Many who had enlisted in the first war were not disposed to serve through the second; they could not be brought to enlist in a crusade against the State institutions; and now that they had been de-

prived of the United States Bank, they began to appreciate its benefits.

The gentleman from New Hampshire had said there was no design to interfere with the institutions of the States. If that were so, what were the people to infer from their acts? Look to the bankrupt laws, as recommended by the Executive at the extra session. Whatever the President recommended, he must have presumed at least that it would have been acted on; and then what would have been the effect produced? Why that all the banking institutions throughout the whole country would be placed under the hands of commissioners, and they under the revision of the President, the result of which would have been, that all the great interests of the country, commercial and inland, would have been sacrificed. Had the President forgot that while a Senator from New York, in 1826, he had declared in this body that the bankrupt law was unconstitutional; and yet in this short period, he was the first to recommend a measure, which, if it could have been carried out, would have ended in one wide-sweeping destruction over all the moneyed institutions of the States.

Mr. T. said that another reason why the people had taken the alarm was, that every man who lifted his voice against these schemes was proscribed by the "*official organ*," as it was called. They saw their representatives denounced and vilified for the stand they had taken. They saw, too, the acts of the Executive, in recommending one measure, and then, when they were ready to carry it into effect, they were ordered to wheel about and march off. They had seen the Specie circular, with the feelings of both Houses of Congress against it, retained, to the great injury of the country. They saw, too, that this identical measure now before them, when introduced by a representative from Virginia some time since, was denounced as revolutionary in its bearing, as injudicious and unsafe, and that all the force that could be rallied in its favor did not amount to more than thirty-two votes. And yet, said Mr. T. this scheme is now presented by the Executive, and we are called on and expected to vote for it. He, as a party, took ground against it at that time, and he, as one of that party, was pressing the same principle he then pursued; and yet the opponents of this scheme were treated in a manner that showed that freedom of speech and thought was no longer cherished; that the very theory of government was reversed; and when Executive power had become such that all who opposed its views were to be proscribed and denounced, it was time for people to take the alarm; and he would tell gentlemen, if these means were persisted in, that New York would speak in November in a voice louder than the mighty cataract on her western border.

Mr. T. said that there was nothing to justify the allegation that the banks had exerted their influence; there was not the slightest foundation for such an assertion; yet what a picture did it present to the world of Republican institutions! What would be the opinion in England, with whom we had more intercourse than all others, when a Chief Magistrate charged upon a State, and that the Empire State, that her elective franchise had been corrupted through the influence of local banks.

Mr. WRIGHT said, he rose more because he supposed the Senate would expect him to reply, than because he was disposed to do so. The remarks of his colleague had been principally confined to questions belonging to the State which they had the honor to represent here, and its citizens, and not to questions involved in the discussion before this body.

It had been his object, and he believed his habit, to confine himself to the debate before the Senate, and he could not be induced now to vary from a rule which he had found so salutary. In the part he had taken in those debates, he had endeavored to discuss every topic with temper and moderation, and to respect the feelings and courtesy due to every member of the body, whatever opinions he might hold.

That, too, he intended to do now. And as it was certain that any discussion between himself and his colleague, upon questions which did not pertain to our duties here, which related to the action of their common constituents, and to the results of elections, and the like, would be almost certain to throw them into conflict, to develope a radical difference of opinions and views between them, and perhaps to excite personal feeling, he declined all such discussions wholly.

He had, as he had had occasion to say, upon a very recent occasion, intended to treat his honorable and respected colleague with every kindness, and he could not follow him into a debate which might place the full execution of that intention beyond his power.

They could yet both agree in one opinion: that they represented a people as intelligent, as free, as uncorrupted and incorruptible, as the constituency of any two Senators upon the floor. Whatever then might be their opinions of the causes which influenced a particular election, or to which its results were attributable, or whatever they might think of the influence of pending questions upon future elections, they could not claim that their opinions, or wishes, would materially influence that constituency. If they were free, and intelligent, and uncorrupted, this inference was not authorized.

The only question, then, which, as between themselves, they could properly debate was, in cases in which they were compelled to differ, which represented that constituency truly. This was a question which he could not discuss with his colleague here. It might be interesting to an audience, but it could not be useful to the country to hear them wrangle upon such a point.

He had not another single remark to make in reply to his colleague. He (Mr. TALLMADGE) had understood the late annual Message of the President to cast an imputation upon the independent electors of the State of New York, of corruption at the November election in that States. This was the first construction of that character which had been put upon that document in any quarter. He (Mr. W.) did not so understand it. The President referred to the fact that the election was exclusively for State, and not at all for Federal, officers. He also referred to the immense State, and local, and corporate, and private interests which must be presented to the State Legislature then to be elected, and ventured to infer that the action of the people at the polls might be supposed to have been influenced by these great considerations, and not by the questions of a national character then depending before the country, and which might come before the present Congress. This was his understanding of the sentiments of the Message; but the document was before the country, and was as well understood by the constituents of his colleague and himself as by them. A large portion of those constituents were as capable of placing a proper construction upon the language of the President as they were; and he must, therefore, decline any further discussion of that point with his colleague here.

He must say, however, that he felt the deepest consciousness, and he knew his colleague ought to feel the same, that the President was incapable of making a charge of corruption against the people of his native State; that he had not done it in fact, and certainly had not in intention.

Mr. TALLMADGE said, when he first rose, he remarked that he did not mean to go into the merits of the bill, but to repel the charge which he conceived to be made against the people of his State, and which he knew, from his own personal knowledge, to be without foundation. No man, he said, was less in the habit of wandering from the subject under discussion than himself; but when the people of his State were aspersed, he felt it his duty to defend them at all times and on all occasions.

Mr. CLAY said it was not his intention to enter into any argument at this time on the main question under discussion; but he had risen to express his thanks to the Senator from New York, who first addressed the Chair, (Mr. TALLMADGE,) for the notice he took of the President's Message. The Senator's colleague, (Mr. WRIGHT,) in declining to meet him on that ground, showed that he acknowledged the truth of the maxim that "discretion was the better part of valor." He was shocked (Mr. C. said) at the President having undertaken in his Message to comment on the result of the local elections. It was unprecedented, and, he must be allowed to say, undignified. It was the first example in which the President spoke of the elections, not of the General Government, but of the State Governments. He recollected when, some years ago, an illustrious man, now no more, who was the Chief Magistrate of the State of New York, called the attention of the Legislature to the interference of the Federal officers with the State elections. A resolution was adopted, asking him to give evidence of the facts charged by him, which, from the nature of the circumstances, it was not in his power to give; but had the facts been established, the whole country would have sympathised with him and expressed the deepest abhorrence at the conduct of which he complained. A State Chief Magistrate might, in his message, refer to the result of his elections in his own State, but what decent pretext had a President of the United States to take notice of the result of State elections, and assign causes, dishonorable causes, for them. The Senator from New York (Mr. WRIGHT) said that he would not occupy the attention of the Senate with subjects foreign to that under discussion. If it was improper for the Senator to do it, how came the President to do it, and assign dishonorable causes for the result? for no man could read the Message without seeing that there was a direct insinuation of bank influence. Sir, said Mr. C. if the President had ventured to take such notice of the elections in my State, not one day, not one hour, should have passed, without my offering a resolution, notwithstanding the expunging resolution stands on the record, severely reprehending such conduct. He did hope that one of the Senators from New York or Pennsylvania would have risen and vindicated his State against the unfounded and unworthy imputations contained in that Message. He agreed with the Senator from New York who had first spoken, (Mr. TALLMADGE) that the result of the New York elections was owing to the conduct of the last and the present Administration. If ever there was an instance of a great people moved by a sense of danger to preserve their interests against a course of measures utterly destructive of them; if ever there was a spontaneous movement of a people, unprompted by the usual appliances which attend elections, to assert their rights against the madness, wickedness, and folly of an Administration, it was that of the New York election. He thanked the Senator from New York (Mr. TALLMADGE) for bringing this matter to the attention of the Senate. It was known to his friends that he was ready with a resolution calling on the Chief Magistrate for the evidence on which he made his allusions to the New York elections, but refrained from offering it, merely because the matter did not relate to his own State.

Mr. WRIGHT said the Senator from Kentucky (Mr. CLAY) was over kind to his colleague; that if a controversy must arise between him and his colleague here, he (Mr. W.) should have more than he could well attend to, to meet upon equal terms his colleague alone, without the weight of the distinguished Senator in the scale against him. It was, therefore, wholly unnecessary that the patriotic gentleman should have interposed himself as a shield to his colleague upon the present occasion.

He could not, however, forbear one remark in reply to the Senator himself. That distinguished and experienced statesman had told him that, in declining the controversy with his colleague, he had illustrated the maxim that "discretion is the better part of valor." This was a sound maxim, and he (Mr. W.) had intended, in all his actions here, to bear it constantly in mind. Since hearing the views of the Senator upon that part of the message of the President to which his honorable colleague had alluded, and his declaration as to the resolution in censure of the President, which he says he was inclined and prepared to offer, but which he finally omitted to present, he must say that, upon one single occasion, the gentleman had consulted the rule which he had so promptly complimented him for following. In this case, discretion was, most clearly, the better part of valor in his action.

Mr. CLAY, (good humoredly) All pretty fair, very fair, sir.

After the consideration of Executive business, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, February 9, 1838.

The SPEAKER laid before the House a letter from the Hon. H. A. MUHLENBERG, notifying that he had this day forwarded his resignation, as a member of the House, to the Governor of the State of Pennsylvania.

Mr. WISE rose and said, that in coming to the House this morning, he had met the gentleman from Pennsylvania, (Mr. MUHLENBERG,) and he must say, when he saw that gentleman departing, that he felt some personal regret at his taking his leave of us. I (said Mr. W.) have known that gentleman ever since I have been in public life; and permit me to say, although a political opponent, that he goes from this body with my personal regard and good wishes. I have observed his course as chairman of the Committee on Revolutionary Claims of this House for a number of years; and I have observed particularly his course as a member of the select committee, of which I was chairman, during the last winter; and I can say, on behalf of that gentleman, that personally, his kind manner and amiable disposition endeared him to all who were connected with him; and as a politician, I can say that he was one of the most faithful of the party, and he bore his burthens with exemplary patience. I regret that he has thus escaped the resolution I offered the other day; but I rejoice that he has been removed by the Executive from this scene of turmoil here, and sent to a haven of rest abroad.

Reports from committees were then called for.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of Francis Mallory.

PUBLIC LANDS.

On motion of Mr. BOON, the vacancy on this committee, occasioned by the seat of Mr. GHOLSON being declared vacant, was ordered to be filled up.

Mr. CHAPMAN reported a bill for the relief of Sutton Stevens.

JUDICIARY.

Mr. TOUCEY reported a resolution to discharge the Committee of the Whole on the state of the Union from the further consideration of so much of the Message of the President as relates to the late Bank of the United States, and the reissue of its notes by its present trustee, and that the same be referred to the Committee on the Judiciary; which was concurred in.

REVOLUTIONARY CLAIMS.

Mr. CRAIG moved that a member on this committee be appointed to fill the vacancy occasioned by the resignation of Mr. MUHLENBERG; which was agreed to.

PRIVATE LAND CLAIMS.

Mr. CHEATHAM reported a bill for the relief of Don Lewis R. Orillon.

AGRICULTURE.

Mr. PHELPS moved that so much of the report of the Commissioner on Patents as relates to the subject of agriculture, be referred to that committee; which was agreed to.

INDIAN AFFAIRS.

Mr. BELL reported S. nate bill, without amendment, entitled "an act to amend an act entitled an act for the appointment of commissioners to adjust the claims to reservations of lands, under the 14th article of the treaty with the Choctaw Indians in 1830."

Mr. B. explained the object of the bill to be to extend the time of the committee to the first of August next; and, on his motion, the House went into committee on the bill, Mr. OWENS in the Chair.

Mr. LYON said he considered this bill should be amended. By the former act the commissioners were empowered to issue subpœnas, but no provision had been made for their being served. Mr. L. submitted an amendment, making it the duty of the United States

Mr. BELL hoped he would not press it then, but suffer the provision to be made in a separate bill.

Mr. LYON had no desire to delay the passage of this bill, though he was satisfied some stich provision as he had proposed should be made; and he withdrew the amendment.

The committee then rose, and reported the bill without amendment; and, after a few remarks from Messrs. McKAY, BELL, DAWSON, and LYON,

Mr. DAWSON moved its postponement till Monday next.

Mr. HAYNES briefly opposed the motion; and, after a few further remarks by Messrs. DAWSON, BELL, HAYNES, PARKER, and POPE,

Mr. DAWSON modified his motion so as to postpone the bill until to-morrow, and make it the special order of the day for the morning hour; which motion was agreed to.

The bill from the Senate to abolish the Circuit Court at Huntsville, Alabama, was taken up, read twice, and, on motion of Mr. THOMAS, referred to the Committee on the Judiciary, [after an ineffectual effort, by Mr. CHAPMAN, to procure its third reading.]

Mr. THOMAS, from the Committee on the Judiciary, reported, without amendment, Senate bill to amend the act of the 3d of March, 1837, entitled an act supplementary to the act to amend the judicial system of the United States.

PRIVATE ORDERS.

The CHAIR then announced the private orders.

Mr. EVANS asked if the Executive communication from the President of the United States, in relation to the Maine boundary, was not the first subject in order?

The CHAIR replied that it was not.

Mr. CAMBRELENG hoped the CHAIR would not decide that private business took precedence of Executive communications on the Speaker's table, as it was with great difficulty that the public business could now be reached.

The CHAIR then stated the question to the House, and took its sense upon it; and the House decided that private business should take precedence.

Mr. FAIRFIELD then moved a suspension of the rule, for the purpose of proceeding to-day with the Executive communication on the Speaker's table; which motion was disagreed to.

The bill authorizing the Washington National Monument Society to erect a monument to the memory of George Washington on the public grounds, was read a third time and passed.

The bill to establish a pension agency at Tuscaloosa, in the State of Alabama, was read a third time and passed.

The bill for the relief of the heirs of Robert Fulton, was taken up on its third reading.

Mr. McKAY moved to postpone its further consideration until Friday next.

After a few words by Messrs. CALHOUN of Massachusetts, WHITTLESEY of Ohio, McKAY, and PETRIKEN, the motion to postpone was disagreed to.

Mr. OWENS then called for the reading of the report accompanying this bill; which being read, Mr. O. briefly opposed the bill in its present form, because it was based upon a report which he could not consent to as being correct. He was willing that the heirs of Robert Fulton should receive some compensation for his invaluable services, but he was not disposed to give it in its present form.

Mr. WISE briefly supported the bill in its present form, because it was not intended to give the heirs of Robert Fulton a gratuity. It was to give that to the heirs which they were entitled to rereceive, as a compensation for Mr. Fulton's services to the Government.

After some further remarks by Messrs. McKAY, WHITTLESEY, HOFFMAN, CRAIG, and RUSSELL,

Mr. RUSSELL moved to reduce the appropriations from one hundred thousand to twenty-five thousand dollars.

After some further remarks by Messrs. HOFFMAN, RUSSELL, WHITTLESEY, and McKAY.

Mr. RUSSELL modified his motion so as to strike out the whole appropriation, so as to leave it to be a blank, to be filled by the House.

After some remarks by Messrs. HOFFMAN, LEGARE, CHAMBERS, and BIDDLE,

Mr. DUNCAN, after a few remarks, moved to postpone the further consideration of this bill until the first Friday in March; which was disagreed to.

Mr. PETRIKEN moved that the House adjourn: lost.

Mr. McKAY gave notice that if the motion to strike out prevailed, he should move to fill the blank with $50,000.

Mr. RUSSELL then called for the yeas and nays on the motion to strike out, which were ordered, and were—yeas 80, nays 111.

So the motion to strike out was disagreed to.

Mr. HAYNES moved to strike out $100,000, and insert $50,000.

Mr. WISE moved the Previous Question; which was seconded by the House—ayes 91, noes 72, and the main question was ordered to be put.

Mr. GRIFFIN called for the yeas and nays on the engrossment of the bill; which were ordered, and were—yeas 112, nays 69.

So the bill was ordered to be engrossed, and read a third time to-day.

Mr. DUNCAN then moved a call of the House: lost.

The bill was then read a third time and passed.

Mr. GRIFFIN moved a suspension of the rules for the purpose of making a motion that when the House adjourns, it adjourn to meet on Monday next; which was agreed to.

Mr. G. then submitted his motion, and

Mr. WHITTLESEY called for the yeas and nays upon said motion; which were ordered, and were, yeas 77, nays 61.

So the motion was agreed to.

The SPEAKER then laid before the House a communikation from the Secretary of the Treasury, on the case of Charles S. Sibbalet, referred to that Department from the Committe of Claims; which, on motion of WHITTLESEY of Ohio, was referred to the Committee of Claims.

Also, a communication from the Secretary of War, transmitting a report from the Commissioner of Indian Affairs, in answer to a resolution of the House of the 11th of January last, in relation to certain claims of Indians in the State of Missouri; which, on motion of Mr. CUSHMAN, was referred to the Committee on Indian Affairs.

On motion of Mr. REED,

The House then adjourned to meet on Monday next.

IN SENATE,

FRIDAY, Feb. 9, 1837.

Mr. MOUTON presented the petition of the heirs of Nancy Collins, praying confirmation of her claims to lands in Louisiana: referred to the Committee on Private Land Claims.

Mr. KNIGHT presented the memorial from the Historical Society, praying certain documents in Great Britain in relation to American history: referred to the Committee on the Library.

Mr. CLAYTON, from the Committee on the Judiciary, reported bill which had been recommitted, for the relief of Thomas L. Winthrop and others, with an amendment.

Mr. SEVIER, from the Committee on Indian Affairs, reported a bill for the relief of the legal representatives of George Duvall and others.

Mr. MORRIS, from the Committee on Pensions, reported a bill granting a pension to David Gilmore.

Mr. BENTON, from the Committee on Military Affairs, reported a bill authorizing the Missouri volunteers to be paid for horses lost or cast away in the voyage from Tampa Bay.

Mr. RUGGLES, from the Committee on Patents, reported a bill to authorize the issuing a patent to Andrew March Perkins and George Howard Kyant; which was read, and ordered to a second reading.

On motion of Mr. SEVIER, the bill for the relief of the legal representatives of George Duvall and others was taken up; and after a debate, in which Messrs. SEVIER, LINN, and KING, took

part, the bill was ordered to be engrossed for a third reading.

Mr. CLAY presented four petitions from sundry mechanics and others, of Brooklyn and New York, praying for an appropriation for the completion of the frigate Raritan, now on the stocks: referred to the Committee on Naval Affairs.

Mr. WRIGHT presented the petition of sundry merchants of New York, remonstrating against the discontinuance of the Express mail: referred to the Committee on the Post Office and Post Roads.

Mr. ROANE presented the petition of the Navy Yard Beneficial Society of the city of Washington which was referred to the Committee on the District of Columbia.

Mr. NILES presented the petition of Clement L. Larkin and Hugh Maxwell, praying for compensation for services performed as contractors for constructing Fort Schuyler, at Throg's Point, New York: referred to the Committee on Claims.

Also, the petition of Clark Case, praying for increase of pension: referred to the Committee on Pensions.

Mr. MERRICK presented the petition of James and Maria Linville, praying remuneration for property destroyed by the British during the late war with Great Britain: referred to the Committee on Claims.

On motion of Mr. MERRICK, leave was granted to Susan Brewer to withdraw her petition and papers.

On motion of Mr. RUGGLES, the papers on the files of the last session relating to the improvement of Owls Head harbor and ——— bay, were again referred to the Committee on Commerce.

Mr. ROBINSON presented a petition from sundry citizens of Illinois, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads.

On motion of Mr. BAYARD, the petition of sundry inhabitants of Delaware, in relation to the harbour of Delaware City, on the files of the last session, were again referred to the Committee on Commerce.

Mr. YOUNG presented the petition of William Berry, praying for a pension: referred to the Committee on Pensions.

Also, the petiuon of sundry citizens of Illinois, praying for an appropriation to aid in the improvement of the navigation of Fox river: referred to the Committee on Roads and Canals.

Also, the petition of sundry citizens of Illinois and Wisconsin, praying for the establishment of a mail route: referred to the Committee on the Post Office and Post Roads.

Mr. CLAY of Alabama submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of relinquishing to the State of Alabama the two per cent. fund which has accrued, or may accrue, from the proceeds of the sales of public lands within said State since her admission into the Union, to be applied toward the construction of a railroad to connect the Tennessee river with the waters of Mobile bay.

Mr. BENTON submitted the following resolutions, which were considered and adopted:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the annual amounts of balances of public money in the Treasury at the end of each year, from the year 1789 to the present time.

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the names of the banks which declined to receive the public deposites in the years 1833 and 1834, or surrendered the said deposites after having received them, with all the correspondence in relation to such refusals and surrenders.

On motion of Mr. WEBSTER, the report of the Secretary of the Treasury relative to the payment of pensions and fishing bounties in bills of the Commonwealth Bank of Boston, was taken up, and the motion pending, to refer it to the Committee on Finance, was agreed to.

Mr. YOUNG, from the Committee on Indian Affairs, made an unfavorable report on the petition of E. W. and Moses Smith.

The resolution to furnish the committee rooms with certain books, together with the report of the Committee on the Library thereon, was taken up, and the resolution, after being amended so as to provide for the purchase of Gordon's Digest, was agreed to.

On motion of Mr. GRUNDY, the bill to change the times of holding the Courts of the United States for the Eastern District of Virginia, was taken up, and, after being amended, was ordered to be engrossed for a third reading.

The Senate resumed the consideration of the Independent Treasury bill as the unfinished business; when

Mr. SMITH of Indiana rose and addressed the Senate for two hours and a half in opposition to the bill, and in favor of the substitute offered by Mr. RIVES; after which,

On motion of Mr. NILES,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Feb. 12, 1838.

CHARGE OF CORRUPTION.

Mr. WISE rose, and said, Mr. Speaker, I have a subject of the deepest importance to bring to the attention of this House, a subject which involves the honor and the purity of Congress, and the purity of the whole Government. Sir, I bring to the attention of the House a direct and unequivocal charge, against a member of the Congress of the United States, of corruption; a charge which is openly made by the editors of two responsible papers in this country, who vouch that the charge can be proved by a responsible witness or witnesses. Sir, I will read it, as I have extracted it from the New York Courier and Enquirer, and upon this paper I shall demand, from this House, an investigation.

Mr. W. then read the statement referred to, which will be found reiterated in his motion below, after having read it.

Mr. W. resumed as follows: Now, sir, this "Spy in Washington" is an anonymous writer, and I shall not notice him in the proceeding, but here is a responsible editor, who vouches that this charge can be proved. The charge is made in the most direct manner, and Congress is called upon to defend its own character and its own honor; and I therefore ask this House, at once, to appoint a committee, and give them full power to send for these witnesses, to inquire who they are, and who that member of Congress is, and let the whole matter be investigated and reported upon to the country. Here was an opportunity now offered.

In conclusion, Mr. Speaker, I will say that I will not be responsible that this charge can be proved: far from it. I hope it may turn out either to be false or a mistake. I believe myself that corruption, in an *indirect* form and in a *general* sense, does exist, but I have never supposed that any one had been daring enough to offer to sell his Executive influence. Sir, if this be true; if influence is to be sold to contractors or speculators by members of either House, I will adopt the sentiment I have lately heard pronounced "reform or revolution, liberty or death." Sir, I hope the House will not refuse to grant the committee.

Mr. W. then moved the following resolution:

Whereas, the following publication appears in the New York Courier and Enquirer, to wit:

"CORRUPTION IN CONGRESS.—We yesterday published a letter from 'the Spy in Washington,' directly charging a member of Congress with corruption, and offering to *prove* the charge before a committee of either House, when called upon for that purpose. We republish the charge to-day, and call upon Congress promptly to institute the investigation thus challenged, both as an act of justice to itself and to the country. 'The Spy in Washington,' it may be said that he is not an ostensible or responsible person; but we desire at once to obviate this difficulty, by stating, as we now do, that he is known to us, and that whenever called upon by a committee of Congress, we pledge ourselves that he shall be forthcoming, and that he is one whose standing warrants an immediate proceeding on the part of Congress.

Extract from yesterday's Courier and Enquirer.

"The more brief my statement, the better it will be understood. It is in my power, if brought to the bar of either House, or before a committee, and process allowed me to compel the attendance of witnesses, to prove, by the oath of a respectable and unimpeachable citizen, as well as by written documentary evidence, THAT THERE IS AT LEAST ONE MEMBER OF CONGRESS WHO HAS OFFERED TO BARTER HIS SERVICES AND HIS INFLUENCE WITH A DEPARTMENT OR DEPARTMENTS FOR COMPENSATION. 'Why, sir,' said the applicant for a contract, 'if my proposition has merit, it will be received. If it has not, I do not expect it will be accepted.' And what do you think was the answer of the honorable member? I will give it to you in his own emphatic language. 'MERIT,' said he; 'WHY THINGS DO NOT GO HERE BY MERIT, BUT BY PULLING THE RIGHT STRINGS. MAKE IT MY INTEREST, AND I WILL PULL THE STRINGS FOR YOU.'"

Therefore, *Resolved*, That a select committee of members, with power to send for persons and papers, be appointed to inquire into the charge of corruption therein contained against a member of Congress, and they report to this House; that as soon as the committee ascertain the name of the person accused, they give him notice to appear before them and attend such examination, and that they report to this House.

Mr. CILLEY said that as the course proposed to be pursued on this occasion was novel and extraordinary, he hoped the House would pause before it embarked in this business, on such authority as was produced. This charge comes from an editor of a newspaper, and we all know that in a country where the press is free, few men can expect to escape abuse and charges of a similar description. Ordinarily, when we are about entering upon a business of this kind before a magistrate—a conservator of the peace—the charges submitted are obliged to be made distinctly, clearly, and under the solemnity of an oath; and why should we now depart from this well known and well settled rule? He knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some $52,000 from the same institution, and gave it his hearty support, he did not think that his charges were entitled to much credit in an American Congress. If he has charges to make, let him make them distinctly, and not vaguely. Let him make them under the solemnity of an oath, and then it will be quite time enough to act. He trusted the House would not go into an investigation of this kind, on a mere newspaper statement, without any proof.

If we look, we will see what had been said by the public press against Washington, Jefferson, Madison, the two Adamses, Jackson, and Van Buren, yet the people passed upon the merits of all these men, and afterwards the press retracted much that it had said against them. If the House thought differently from him, it could pursue a different course; but it seemed to him that some more definite charge than this ought to be made out before it acted. It was giving too much importance, in his opinion, to this newspaper editor for this House to institute an investigation upon his mere statement, without any proof whatever. He considered that all public men were liable to have charges of this kind made against them; and if their characters were not sufficient to bear it without an investigation into the matter before a committee of the House, they were not fit to be the representatives of the people. If a man was slandered in this way, the people would do him justice, and afterwards the press would do him justice, because "truth is mighty and will prevail." He was in favor of the utmost freedom of the press; but this was an inconvenience attending its freedom, which every man ought to be prepared to bear. He thought the gentleman from Virginia himself, upon reflection, would come to the conclusion, that this charge was too vague and undefined to warrant the action of the House upon it.

Mr. BRIGGS said that, after the very extraordinary and unaccountable opposition which the gentleman from Maine had made to this resolution, and the very singular reasons he had adduced in

opposition to it, he must call for the yeas and nays on its adoption.

The yeas and nays were thereupon ordered.

Mr. MERCER said that no gentleman had a greater aversion to making this body the arena for the introduction of paragraphs from newspapers in order that gentlemen might vindicate themselves from the charges made in them, than himself; still he considered this matter of such a character as to require the notice of this House. The individual who made this charge was a known and responsible individual, and if the charge turned out to be untrue, he could be made answerable before the tribunals of the country in heavy damages. It had been made after due consideration, and attaches itself to every member of the House; then are we to sit here under a direct imputation, a direct charge, of this kind hanging over us? He trusted no opposition would be made to the inquiry. He regretted exceedingly that matters of this kind should be brought before the body, but in this instance he thought the House ought to institute the inquiry into the matter asked for.

Mr. WISE said the gentleman from Maine had started with the old tune that you must have specific charges preferred before an investigation can take place. That is the amount of the gentleman's idea, and that was the idea of the whole party at the last session of Congress, from the President of the United States down to the officers in the lowest departments. Before you make charges every thing must be known, every thing must be specific, and the whole case made out. Now he (Mr. W.) would pledge himself, although he was not able just now to lay his hands upon the evidence, to show instances of investigations being gone into on newspaper charges more vague and general, and less specific, than this; and he trusted that no man who was jealous of his own honor, of the honor of the House, and purity of the Government, would stop to inquire about the specifications, when he was thus impeached. This House ought not to hesitate to go into this inquiry; and he would now say to the gentleman from Maine, that gentlemen of his party ought to be the last to hesitate about this inquiry. The name of the person implicated is not given there, but he wished to be permitted to say to the gentleman from Maine, that that gentleman was much more likely to be meant than him, (Mr. W.) because, said Mr. W. I have no influence with the Executive Departments to sell—none whatever. I can go home to my constituents free from any such suspicion; for just as certain as I apply for any thing for one of my constituents, he is sure not to get it; and if I tell the department that one of them is a rogue, that one is sure to be appointed to office. Who is it that has influence to sell? It is those who belong to that party with which the gentleman from Maine acts. He hoped the charge might prove to be untrue; but he hoped there was not one other gentleman of that party who, in all probability, was implicated, that would hesitate about making this inquiry. What is the object of this inquiry? It is to make that certain and fixed, which is now uncertain and doubtful. It is to ascertain the name of the member of Congress, and the head and front of his offending, that this inquiry is asked; and he trusted that no pleas of specific charges would now be urged against it. He considered this charge sufficiently specific; and he would tell those gentlemen who alone could be implicated by it, that they had better pause before they voted against this inquiry. They could go on, and, if they chose, vote nay on this occasion; but he would tell them that they need not try to shield themselves under cover of the freedom and licentiousness of the press, because the imputation would rest upon them, if they refused to institute the inquiry, and clear the matter up. The member ought to be known, be he Senator or be he Representative. The Editor of the paper alluded to, was responsible for the charge he had made, and although the letter to which the Editor referred was anonymous, still it was over the signature of the "Spy in Washington," and that letter writer is as well known here as the Editor of the Courier and Enquirer. This letter writer referred to documentary evidence to prove the fact which he asserts, so that the name of the member of Congress must be to this agreement, or whatever it may be, and he should like to see that gentlemnn's signature who would place it to such an instrument as this.

Mr. BOULDIN said he was under considerable suspense as to what he should do when he first heard his colleague announce this subject, and he was struck with the great indefiniteness of the charge. His colleague, however, had since rendered it a little more specific, and now charged that it was some one among the friends of the Administration.

Mr. WISE explained that the presumption was that it was some who had influence to sell.

Mr. BOULDIN said whoever was alluded to was unknown to him, perhaps much more so than to the gentleman himself, for it was impossible for Mr. B. to know any thing about it. But when the character and honor of the members of this House were thus implicated, in the first instance all being involved, and then again one side taken out, and all on that side indiscriminately involved, while the other was entirely excluded, and he himself a member of the side included, he could not remain altogether silent. Mr. B. knew what was the effect of such matters; and he had witnessed, on a previous occasion, the imprudence of gentlemen saying any thing when these round charges were made. In the instance alluded to, the whole House was generally charged with having been drunk on a certain occasion, and a man undertaking to say something for the House was condemned, so far as Mr. B. knew, throughout the United States, as a drunkard, though Mr. B. never saw him take a glass in his life. So would it be again if, when any of their brethren got up and made a charge against the whole House, or against half of it, the member who would get up to repel it would himself run the risk of being held guilty of it.

Mr. B. said he never felt so much at a loss in his life to know what sort of a vote to give, though he was at no loss to know the effect the resolution would have upon the House, and every member of it as a member; for they, none of them, could, by any sort of exception, so contrive as to except themselves. In so much, and as far as, the House itself was disgraced by being indiscriminately charged with this, or that, or the other offence, no man, a member of it, could possibly be excepted, no man could help involving himself. He would not make any charge, but could they expect to bring together two hundred and fifty men, without some of them being not quite as good as they might be, and were they to set about ferreting out the truth or falsehood of every malicious and lying paragraph of the newspapers that chose to publish these things? They were, however, in this position: that, if they refused to investigate, it would be in the mouth of some that they were afraid to go into it, and if they did go into an investigation of this kind, they would soon have very little character to investigate.

Mr. BOON said that he understood that another Committee of *Investigation* was asked for to inquire into the alleged dishonesty and corruptions of members of Congress, brought before the country by irresponsible spectacle letter-writers, who have been permitted to lounge about this hall, to vilify and slander the members of this House. Sir, these letter-writers charge that a certain member of Congress offered to *sell* his influence to the Administration; and, by another of these letter-writers it is alleged that a sum of money was lately stolen from the Sergeant-at-Arms by members of Congress. Sir, knowing as I do, that neither of these foul charges apply to me individually, I shall not, by my vote, give importance to these base slanderers of the reputation of honest men. Sir, let one of these letter-writers dare to apply their false charges to myself personally, and I will settle the matter by applying my *fist* to his spectacles. Sir, I repeat that, if one of these spectacle letter-writers will dare to apply such basely false charges to myself personally, and will avow himself to be the author of the calumny, I will, so help me God, punish him out of this House, with those weapons which the God of Nature has endowed me with.

Mr. WHITTLESEY of Ohio was understood to express his regret that this resolution had been introduced, but inasmuch as the charge implicated every member of the House, and affected the honor and character of the House itself, its reputation demanded that this investigation should take place. The plan proposed was, in his opinion, the most suitable one, and the history of this country was replete with precedents, a number of which were cited by Mr. W.

Mr. POPE considered that the House of Representatives was bound to institute this investigation, and referred to various precedents to show that inquiries had been instituted into charges of a similar character.

Mr. GLASCOCK said, that although this charge was not as definite as he could wish it, still he thought the resolution ought to be adopted. He should, however, like to have it modified, so as to state whether it was a member of this House which was charged, because he thought it improper in this House to institute an inquiry in relation to charges against members of the other House. If, however, the charge was against a member of this House, he thought it due to the character of the House, and to the character of the individual, whoever he might be, that the investigation should be had. He was unwilling that this imputation should rest against any member of this House, because he did believe that it would turn out to be unfounded, or, if the language used should turn out to be true, that it would be so satisfactorily explained that the individual will be exonerated from all criminal intention, or intention of doing a corrupt act.

He hoped, however, that the gentleman from Virginia would make the modification he had suggested, so as to make the resolution point to the fact, whether it is a member of this House, which may be implicated.

Mr. WISE said this was made as though he was making the charge. The charge was made by another and a responsible, and all he asked was that the House might inquire into the facts, and see if the charge was true. If it was found to be a Senator, instead of a Representative, the committee could report that fact to the House, and it can do no harm.

Mr. DAWSON would suggest to the gentleman to make his resolution a joint resolution.

Mr. GLASCOCK presumed it was known by some one here whether this charge was against a Senator, or member of this House, and whom it was made against. It had been said, to be sure, that the letter alluded to was anonymous; but it must be recollected that the "Spy in Washington" is well known here, and he presumed that person would not hesitate a moment to give the name of the individual referred to, or at least to go so far as to say whether he was a member of this or the other branch of Congress; and if this individual, (the Spy) who was now within the hearing of his voice, would come down from his present position, and say whether it is a member of this House, he believed this resolution would be agreed to by an overwhelming majority.

Mr. WISE. Suppose it is a member of the Senate.

Mr. GLASCOCK. Then I would move to lay the resolution on the table.

Mr. WISE. Have we not as much right to investigate corruption in a member of the Senate, with a view of impeachment, as of a member of this House?

Mr. GLASCOCK. This might be all right enough, but he thought the most proper course for us to pursue in relation to this matter, was first to ascertain whether it was against a member of this House, and then we could more properly institute the inquiry. If it was against a member of the other branch of Congress, he had no doubt but that body would institute the proper inquiry. He thought this matter ought to be more specific; still he was prepared to vote for it.

Before he sat down, he would state that other charges of a serious character had been made against members of this House, by a letter writer for a Boston paper, based upon remarks made by two honorable members from the State of Ohio on this floor; charges which were against the whole body calculated to fix a stain upon the charac-

ter of every individual member of the House. He alluded to the difficulty which had arisen between the Sergeant-at-Arms and a bank of this city, in relation to a certain money transaction which had been brought to the notice of the House. Well, sir, the letter writer alluded to did indirectly, if not directly, charge the members of this body with having purloined the money from the Sergeant-at-Arms. He thought it at the time due to the House that this matter should have been inquired into, and more especially so in consequence of the remarks made on the occasion by the gentleman from Ohio.

Mr. WHITTLESEY of Ohio said that he must certainly have been misunderstood in the remarks which he had made on the occasion alluded to. He had certainly not charged upon any member of the House the taking of the money lost by the Sergeant-at-Arms. He had spoken of the loose manner in which the money had been kept, it being in a room where every person that pleased might have access to, and he had said that it might have been lost in this way; but he disavowed having made a charge against, or entertaining any suspicion of, any member on this floor having taken the money.

Mr. BOND also disavowed all intention of imputing the loss of the money on the occasion alluded to to any member of this body.

Mr. GLASCOCK was glad that those gentlemen had disavowed all intention of imputing the loss of the money to members of the House, and was happy to receive their explanation; but he believed those remarks had made an impression upon persons here of a different character from this; and he presumed that the Boston letter-writer had based his assertion on the general remarks of the gentleman from Ohio. So far as the present resolution was concerned, he thought the proper course would be to adopt it; but he would greatly prefer it if it was modified to meet the suggestion he had thrown out. When these charges were made against individual members of the House, or against the character and dignity of the House itself, he thought they required that an investigation should be had into the matter, so that the purity of the body might be sustained.

Mr. WISE said he had stated that it was proper that this inquiry should take place by the House, even in case the person implicated should turn out to be a Senator, in order that he might be impeached. It had been suggested, however, that this could not be done, as none but civil officers could be impeached under the Constitution. If this should turn out to be the case, however, the committee could report this fact to the House. Gentlemen had spoken of charges being made by members of this House. I, said Mr. W. have made charges of corruption upon your Executive, your heads of Departments, and, in some instances, against this House. He would say, however, that he was at all times responsible for any thing he might say, to whoever may feel himself aggrieved.

In this case, however, he was not the accuser; but he had told gentlemen who was the accuser. His colleague (Mr. BOULDIN) had referred to an occurrence which took place here some years ago, when he (Mr. W.) had charged some of the members of the House with being drunk, and his colleague seemed to be ridden with the ghost of that charge. Now, if his colleague meant to assert that members of Congress had not been drunk in their seats, he (Mr. W) would prove that they had. So much for that.

He trusted this inquiry might be had, and he hoped the charge would turn out to be false, he feared however, that it would turn out to be true. He knew nothing of the facts himself, he had seen the charge made in the public prints, and he had brought it to the notice of the House, and thus far he had discharged his duty.

Mr. BOULDIN would reply to a single remark of his colleague. What Mr. B. meant by alluding to the incident he had, he thought almost any man who had any sense at all well understood, but he would try and explain further.

What he meant was this: that, if the members of this House charge the members of this House in their places with every infirmity to which they may be liable, and publish it to the wide world, that, in doing so, they will publish but those infirmities which are common to human nature, and known to be so, and they will also publish but their own infirmities. And where is the advantage of doing so? he asked.

This he had mentioned as a case that might happen, because it did happen. If, however, any member upon this floor thinks he is clear of all infirmities, then let him be a *censor morum*. For himself, Mr. B. did not come upon this floor to charge the House of Representatives with being more liable to corruption than any other body in the world; nor did he come there to charge his brothers with any thing, nor to seek into their infirmities. Perhaps he could name things or do things about this or that person in or out of the House, but what could the House do? If it gets into investigating, and inquiring into, or alluding to, the peculiar infirmities of each member thereof, he should like to know what would be the end of it, and what would be the length of it. Mr. B. did not doubt but that the gentleman might prove that he had seen some of his brother members on this floor drunk. He would not say the gentleman could prove it, or that he could not, on any occasion, but it was a case in which, by making a broad charge against the whole House, without identifying the charge against any individual, he that submitted and kept himself quiet was condemned with the whole House, and he that said a word was condemned also.

Mr. WISE. Will you vouch for the man alluded to?

Mr. BOULDIN said he would as soon vouch for the individual referred to as for any man, for he never heard of his being intoxicated, but he had often heard of the effect produced—that it was said to have touched him particularly. Now, the gentlemen said that remark haunted Mr. B. that is, the fear haunted him so as to make him sensible that, in that case, it had the effect he apprehended every such thing would have. If gentlemen would get up on that floor, and repeat charges of newspapers, this paper may be as good as any other for aught he knew; but if they would repeat these charges, and ask for an inquiry, he that voted for it did, in Mr. B's opinion, do a thing which placed the House in a position of general guilt, and he who refused to vote for it, made himself obnoxious to the charge of being guilty.

Mr. WISE said he had made no charge, but brought the attention of the House to a charge made by another.

Mr. BOULDIN replied that what he meant to say was exactly the thing reiterated by his colleague. He comes into the House, brings a newspaper paragraph to the notice of the House, and asks the House to inquire into it; and Mr. B. insisted that, if you vote against it, or speak against it, you render yourself liable to be implicated; and if you vote for it, or speak for it, you are liable, with the balance of the House, to be set down as one of the number. That was his meaning. Perhaps Mr. B. might vote for it, though at first he was doubtful whether he should or not; for either way, if this course was persevered in, the time was not far distant when the House would have very little character to vote about.

Mr. WISE. So I think too.

Mr. BYNUM said that the position which seemed to be taken here was, that when newspaper charges were made, no matter how indefinite, there must be a committee to investigate them. This, however, was a position which he utterly denied. If this thing is carried out, we shall have nothing but confusion, degradation of this body, and anarchy in the end. We know that charges are daily manufactured here to order, and sent out through the country, for the purpose of destroying the character of those in favor of a Democratic Administration of the General Government. But, sir, before gentlemen take notice of these charges in the manner now proposed, they should look to the character of the sources of them, and inquire whether they were worthy the notice of a grave, deliberative body. Is it not known that there is a set of hirelings sent here from year to year from your large cities, which are under the influence of banking corporations, to hold a rod over the heads of your members of Congress? Well, who are your "Spies in Washington," and your host of other hirelings, employed for the purpose of defaming the representatives of the people? Why, sir, they are a set of individuals which would disgrace any man who comes in contact with them. They are a set of men who batten and fatten upon the slang and slander of bar-rooms and tippling shops, and no honorable and honest man can came in contact with them. For his own part, he would shun them as he would shun a viper. Where is the member of Congress who would associate with this herd? If there was any who was in the habit of associating with them, he should like to know it. Mr. B. confessed that he did not know how these wretches got the information which they did, without having intercourse with members of this body; but he had always thought that no member would degrade himself so much as to be caught in their company. These creatures undertake to review the characters of your members of Congress, your President, and your whole Administration; and they do so at the order of those who employ them. The manner in which they are employed shows the character of the men, for every honorable man would revolt at the idea of being employed in such a manner. He had often wished to know by what authority these creatures were admitted within the walls of this Hall, and permitted to take seats on the floor of the House. He had searched the rules of the House in vain for such authority, but he never had been able to find it. Why, sir, it would be an endless matter to go into an investigation of all these charges. Have you forgotten the bold charge which was made a short time ago in the Boston Atlas against members of Congress, alleging that they had robbed your Sergeant-at-Arms? This charge was made by one of these individuals, employed for the purpose of slandering honorable and honest men. These are the kind of men whose charges are to be made a matter of serious inquiry in this House. But he was most surprised at the gentleman from Georgia, calling upon "Old Specs" to come down here from the gallery and tell us what he meant in the charge he had made. If the gentleman was disposed to go this far, why not permit this individual in "specs" to come in take a seat among us. He was sorry to see that there was a want of firmness on the part of many gentlemen to resist a thing of this kind. He had no fear of any imputation resting upon him, and if any gentlemen would dare to make charges against him openly, he would take such course in relation, as the case might demand; but if a drunken vagabond attack him in the street, he would not stop to quarrel with him, because he would then only be bringing himself into disgrace.

Mr. THOMPSON of South Carolina, at this stage of the proceedings, on leave, made a motion to reconsider the vote on the passage of the bill, for the relief of the heirs of Robert Fulton; which was entered and lies over.

Mr. HOPKINS said if the charge was of the character described by the gentleman from North Carolina, he should have some doubts about voting for the proposition; but this was of a different character, and he would vote for the inquiry, and if the charge was sustained, he would have the member expelled. He hoped the charge would turn out to be untrue in fact, but it ought to be investigated.

Mr. DROMGOOLE said if he had been left to himself, he should have regarded the publication in this newspaper as he should the idle wind; but when it was brought before the House, he was for investigating it in the most solemn and imposing form. He could not, however, vote for the resolution in its present shape, and he submitted an amendment, in the form of a substitute, retaining Mr. WISE's preamble, and after the word "Resolved," the following:

"That the subject matter of the charge contained in the foregoing publication be investigated at the bar of this House, and that a subpœna be issued to require his attendance touching the same."

Mr. JENIFER suggested whether it would not be better to take the preliminary steps before a committee.

Mr. CILLEY and Mr. WISE made some mutual explanations.

Mr. LOOMIS said he should vote for this investigation, not upon the strength, however, of the anonymous communication, but because the character of members of the House was concerned. He was for investigating the subject in the most direct manner possible, by bringing Mathew L. Davis to the bar, and requiring him to testify as to what he knew about that paper. Mr. L. moved an amendment to that effect.

Mr. DUNCAN said he was opposed to going into the investigation. We have come here for higher and more valuable purposes than to resolve ourselves, day after day, into a court of inquiry to investigate our own characters, and at the expense of the public's money, and to the neglect of the public business. He asked if the sun had rose during the present session without bringing to light some base calumny against some member of this House, or the House aggregately, over the signature of some one of the base, corrupt, and penniless scoundrels who beset your Capitol in hungry swarms. He asked if it was intended to investigate every base charge that made its appearance; if so, we must abandon the business of the public entirely, however interesting and important it might be; and instead of being a House of Representatives, constituted to serve the public, resolve ourselves into a great court of inquiry, not to try others, (the legitimate object of every judicial tribunal,) but to try ourselves, and pronounce judgment in our own case and behalf. Sir, I hope no such policy will be adopted or commenced. This scurrilous, dirty communication is the production of one who is well known by the term of the "Washington Spy." This man, who now sits overlooking you from the gallery, brooding calumny and detraction, black, base, and foul, is the apologist and eulogist of Aaron Burr—(He is worthy of such a purpose.) But we are told by the gentleman from Maryland, (Mr. JENIFER,) that this investigation ought to go on; the charge he understands to come from a respectable source. A respectable source!!! The gentleman from Maryland would not make the statement of respectability, if he knew the general character of the "Washington Spy;" he would not defame and blacken the term "respectable" designedly, by applying it to a retch so base and degraded as the Washington Spy now in my eye. Perhaps the gentleman from Maryland has been taught, as has your humble speaker, to revere the head that is bald, and the eye that is dimmed by age, and from this laudable veneration was led to the abuse of the term "respectable," of which he has just been guilty. Sir, Elisha had a bald head, he was a just man, and feared God, but does it follow that every man who has a bald head is a just man, and has the fear of God before his eyes, or is entitled to the appellation of "respectable." It is probable that Elisha's eyes had grown dim, and that if spectacles were in his day discovered, he wore them, but I will ask my friend from Maryland, if every man who wears spectacles is an honest and an upright man. No, sir: we have a specimen of the converse of the propositions now before us, in the person of the Washington Spy. Sir, what further evidence do you want, or does the country require, that the author of this base slander, is a scoundrel, a liar, and a coward, than the fact that he has withheld his proper name. If you hear of a man at the city of Georgetown, passing himself off by the name of A B—at the city of Alexandria by the name of C D—at your Navy Yard by the name of E F—and at Bladensburg by the name of G H, what other conclusion would you be likely to come to, in relation to that man, other than that he is a horse thief, a counterfeiter, or some base felon who merits a residence in your District penitentiary. Such kind of character is presented to us in the person of the Washington Spy. But, sir, this is not the place to try him: I say we have higher duties to perform here: not the duties that appertain to ourselves, but those that appertain to the country.

Further, sir, I deny that any thing which the Washington Spy may say or publish is *worthy* of an investigation in this House or elsewhere. I say so because I consider him so morally depraved, and so degraded in the estimation of every honorable and high-minded man, that he is literally incable of the crime of slander. I mean by this, sir, that he is so notorious a liar, and so generally known to be such, that he is incapable longer of telling a falsehood. A gentleman asks me how that can be. I answer, that a falsehood is a moral perversion of the truth for the purpose of deception; but the Washington Spy is so notorious and degraded a liar that he can no longer deceive; therefore, the object or purpose intended failing, the falsehood fails with it. Sir, I shall vote against the original proposition, and if any member will move to lay the proposition and all the proposed amendments on the table, I will vote for the motion.

Mr. REED was in favor of investigation, but not in the mode proposed by Mr. DROMGOOLE; for that would defeat the object intended.

Mr. FRY said, according to his notion of this matter, he thought the House would best maintain its honor, its dignity, and its character, by abstaining from any notice of the effusions of the newspaper scribblers who infest this hall, and treat such publications with that contempt which they, when impeaching any of the members, certainly merit.

If the editor of the New York Courier and Enquirer, or any other person, wishes to make a journey to this city, and remain here a few weeks in the character of a witness before this committee, which it is proposed to raise, so as to come here at the public expense, I, for one, am not disposed to gratify them. I do not say that is the design: I speak for a contingency.

If the "apparition" that has haunted this hall since I have been a member of this House, which has been designated to me as the "Spy," has any charge to make against any member of this House, let him make it; let him publish his name; let him openly accuse him of whatever crime with which he may be chargeable. If a member were thus charged, and thought himself aggrieved, and would ask an inquiry, I would grant it; but I am utterly opposed to the House taking notice of any newspaper slang, to the exclusion of the important business of the country. In order, therefore, that the House may dispose of this subject, and go on to refer the petitions which now load our tables, I move the resolution and amendments lie on the table.

Mr. WISE asked for the yeas and nays; which were ordered, and were—yeas 14, nays 179.

The question then recurred upon Mr. LOOMIS'S amendment.

Mr. McKENNAN said the investigation had become necessary, for otherwise the charge might rest upon himself, or upon the Speaker, or upon any other member.

Mr. FILLMORE was well assured that the House was not the proper body to investigate this charge, though he thought it better that the name of the individual should be stated to the House, and then the truth of the charge might be inquired into by a committee. Mr. F. was opposed to sending the matter to a secret committee, to sit and collect testimony on the character of an individual without his having an opportunity of being heard in his defence.

Mr. POPE was in favor of having the report of a committee of investigation as a preliminary step, and then it would be the proper time for the House to take direct cognizance of the subject.

Mr. THOMAS remarked upon the injustice there had been done to some one member of the House, whom he knew not, but the discussion having progressed to this point, he wished the resolution so amended as to cause the writer to appear at the bar of the House and name the member, and then send the subject to a committee.

Mr. WISE modified his resolution so that when the name of the member was given to the committee, he should be notified thereof.

Mr. LOOMIS modified his amendment, by requiring Mr. Davis, when brought at the bar of the House, to name the person implicated, and the source of his information.

Mr. BRIGGS adverted to the inconsistency of gentlemen denouncing anonymous letter writers, while the individual was known to every one of them, and to the country, their remarks were addressed to him in the gallery, and they proposed an amendment in which his name was distinctly mentioned. Mr. B. also went on to show that it would be much more unjust to the person implicated to have his name given at the bar, and heralded forth upon every wind, than to have it disclosed to a committee, which committee would instantly notify him of the fact.

Mr. BYNUM had no doubt the charge had been made from a mere rumor, with no other foundation, and to bring so lying a scamp as the propagator to the bar of the House, would be only elevating him to consequence. A similar charge had been made by another New York letter-writer, that the respectable member from Baltimore (Mr. McKIM) had been favored with a contract, when there was not the remotest foundation for the calumny. Another had charged that the members of the House had purloined the money missed by the Serjeant-at-Arms, and both those writers were admitted to seats on the floor, and to mingle with the members. As to the present subject, Mr. B. was opposed to bringing the "Spy" to the bar, and was opposed to the whole investigation, because he would not condemn a member of that House upon such testimony.

After some further remarks from Messrs. JENIFER, FILLMORE, REED, and McKAY, at the suggestion of the latter gentleman,

Mr. WISE modified his proposition, by restricting the investigation to members of the House, and by bringing Mr. Davis to give the name at the bar.

Mr. DROMGOOLE withdrew his amendment.

Mr. RIVES moved to insert after the words "member implicated," "if a member of this House."

Mr. PATTON moved an adjournment: lost.

After some remarks by Messrs. BOON and TURNEY, Mr. RIVES'S amendment was agreed to.

Mr. UNDERWOOD then gave notice, that if this resolution should be rejected, he would move the original one.

Mr. THOMAS then moved an adjournment: lost—ayes 72, noes 91.

Mr. UNDERWOOD then moved to insert the original resolution as a substitute.

Mr. WISE preferred the original himself.

Mr. CUSHMAN then demanded the previous question, being on the substitute agreed to as above; which was not seconded by the House—ayes 83, noes 85.

Mr. CRARY moved an adjournment: lost 76 to 90.

Mr. WISE moved to strike out the words "if a member of this House."

Mr. UNDERWOOD accepted of this as a modification, on the understanding that a motion would then be made to insert it.

Mr. HAYNES then moved to insert the words "if a member of this House."

Mr. THOMAS called for the yeas and nays on this question; which were ordered.

After a few remarks by Messrs. MERCER, DROMGOOLE, HAYNES, TURNER, WISE, and UNDERWOOD, on motion of the last gentleman, and without taking the question,

The House adjourned at quarter past six o'clock, p. m.

IN SENATE,

MONDAY, February 12, 1838.

The Chair announced a communication from the Secretary of the Treasury, transmitting a statement from the Register of the Treasury, in answer, in part, to a resolution of the Senate calling for a statement of the balances remaining in the Treasury at the end of each year from the year 1789 to the present period: laid on the table.

The Chair also communicated a report from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, in answer to a resolution of the Senate calling for a statement of the public lands sold.

Mr. ALLEN presented the resolutions and declarations of the General Assembly of the State of Ohio on the subject of the public lands and the currency; which were read, laid on the table, and ordered to be printed.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, FEBRUARY 26, 1838. VOLUME 6.....No. 12.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 11.]

Mr. MERRICK presented a communication from the Governor of Maryland, containing the preamble and resolutions of the Legislature of that State in reference to the recommendation in the President's Message to establish a national foundry. The resolutions, Mr. M. said, requested the Maryland Senators and representatives to bring the subject to the notice of Congress, and to use their endeavors to get the foundry located at Havre de Grace. Mr. M. then moved that the preamble and resolutions be printed, and referred to a select committee of five.

Mr. TIPTON said he did not rise to oppose the motion of the honorable Senator from Maryland, (Mr. MERRICK,) but to inform the Senate that the subject of a national foundry had been considered by the Committee on Military Affairs, to which had been referred so much of the President's message as relates to an armory in the West, a foundry and depot of arms, and had directed him (Mr. T.) to report a bill on that subject, which he was prepared to do. The committee had not felt it to to be their duty to locate the sites of the foundry or armory. That could be more properly, and he thought, more satisfactorily, done by the Executive, or military arm of the Government. The West had a right to demand the immediate location and construction of an armory on the Western waters. The committee had before them a memorial from Gen. Hinds, proposing to furnish water power at the great falls of the Wabash. Many places in other States were proposed; but the location could, he thought, be safely left with the Executive.

Mr. MERRICK said he would then vary his motion, so as to refer the documents to the Committee on Military Affairs.

Mr. ROANE felt it a duty he owed to the State he represented, to say that she also had claims in reference to the location of this foundry; and he hoped, before the committee reported, they would take these claims into their consideration.

At the request of Senators MERRICK and ROANE, Mr. T. would suspend his report for the present.

Mr. BUCHANAN was glad that the honorable Senator from Indiana had thought proper to delay his report. His (Mr. B's) constituents had an interest on the subject, and he had received communications in relation to it from highly respectable citizens of Maryland.

He was pleased with these resolutions of the Legislature of Maryland, and was gratified to find that they approved for once of a measure recommended by President Van Buren, and hoped to see this approval followed up by others. He was also much pleased with the very amiable manner in which the Legislature of Maryland had treated their Senators: they requested instead of commanding. In his State, Mr. B. said, all parties believed, and, in his opinion, believed correctly, in the right of the Legislature to instruct. No doubt, to some, a request would be more agreeable than a command.

With regard to the site recommended by the Legislature of Maryland, so far as he knew of its locality, it was entitled to be favorably considered by the Committee on Military Affairs. It was central in its situation, and from it there was carriage by water to every part of the Union. If it should be thought that Havre de Grace would be too much exposed, there was a site in the same State, some eight or nine miles above, on the river Susquehannah, possessing equal advantages in other respects; and where, he believed, there was as great a water power as at Havre-de-Grace, and also from whence arms might be transported with the same facility to all parts of the Union.

Mr. MERRICK was glad that the Senator from Pennsylvania was pleased that one act of the President had found favor in the sight of the State he had the honor to represent. He could assure that honorable gentleman, that the good people of Maryland were always willing to award the meed of praise for any act that might tend to promote the general good. He would agree with the Senator that a request was at all times more agreeable than a command; and *at this particular juncture*, he had no doubt that the Senator felt the force of what he asserted; but with regard to himself and colleague, Mr. M. said they were at all times ready to respond to the wishes of the people; whether communicated in the shape of requests or commands. He was much pleased, however, to find the Senator favorably disposed to the measure recommended by the State of Maryland, and that he approved of the position selected. Mr. M. thought it would certainly be found to combine more advantages than any other within her limits; and went into a full description of its situation, its proximity to the great bay of the Chesapeake, its connection with the canals and railroads stretching far into the interior of Pennsylvania, its being the terminus of all the vast chain of internal improvement, and forming, at the same time, a most convenient post for an arsenal for provisions and munitions of war, thus giving to it a decided superiority over any other position that could be selected. Mr. M. said he had also a petition from sundry citizens of Havre de Grace in relation to the same matter, which he would like to have referred to the same committee.

Mr. WEBSTER presented the petition of 540 citizens of Hartford, Connecticut, remonstrating against the passage of the bill now pending in the Senate in relation to the public finances; and after some remarks from Mr. W. the petition was laid on the table, and ordered to be printed.

Mr. PRENTISS presented the petition of Moses Sergeant, praying for a pension: referred to the Committee on Pensions.

Mr. SWIFT presented several petitions from Vermont, remonstrating against the annexation of Texas to the Union, and praying for the abolition of slavery and the slave trade in the District of Columbia: those relating to Texas were laid on the table; and the motion to receive the others was also laid on the table.

Mr. DAVIS presented a large number of petitions from citizens of Massachusetts, which he said he would not trouble the Senate with particularizing, remonstrating against the annexation of Texas to the Union; and also, praying for the abolishment of slavery in the District of Columbia. The petitions relating to Texas were laid on the table, and the motion to receive the others was disposed of in like manner.

Mr. WEBSTER said he had been charged with the presentation of a number of petitions on the same subjects, which he would take the present occasion to present. Mr. W. then read a list of several petitions, praying for the abolition of slavery in the District of Columbia. Among these, was one signed by four thousand women, and when Mr. W. named that petition,

Mr. CLAY of Alabama inquired whether the memoriolists were *married* or *single women?*

Mr. WEBSTER replied, if the Senator from Alabama was a *single man*, he might ascertain on inquiry of them.

Mr. CLAY of Alabama rejoined that the object of his inquiry was to ascertain *whether they had no better employment.* He added, it might now be seen, by recollecting the votes and conduct of certain gentlemen on a recent occasion, how and by whom such memorials were gotten up.

He then moved that the motion to recommit the the memorials be laid on the table, which was carried.

Mr. WEBSTER then presented a number of memorials, remonstrating against the annexation of Texas to the Union, among which were the preamble and resolutions, adopted at a meeting of certain citizens of Boston, held at Faneuil Hall.

Mr. KING called for the reading of these resolutions, and they were read accordingly.

[The resolutions are very bitter in their denunciations of slavery, and arraign in severe terms the characters and motives of the Texans.]

Mr. WEBSTER said that he did not intend to accompany the presentation of these memorials with any remarks, but as the reading of one of them had been called for, he would say that he did not wish to be committed to any thing said on that particular one. He would state, that he did not feel any obligation to press that part of the resolutions which related to the organization of the Texas Government. The independence of Texas had been recognised by the Government of the United States, and deserved therefore to be treated by us as a sovereign State. As to the other parts of the memorial, his opinions were well known.

Mr. CALHOUN observed that he had raised his voice so often on that floor, on the subject of these resolutions, that he had almost determined not to speak on it again; but he would only say, that if Senators did not now see what was coming, they must be blind indeed. These petitioners asked what it was clearly unconstitutional for Congress to grant. The slave question in Texas was as much removed from interference here, as it was from the interference of Great Britain. The agitation of this question was a flagrant wrong done the South. We have, said he, a right to enjoy our property without question and without disturbance; and yet in that common hall of legislation, provided for them by the patriotism of their ancestors, what must be the results if it was converted into an arena for assault on one side, and defence on the other?

He asked how long this state of things was to be continued? and if it was to go on, he asked gentlemen how long? He believed that it was time for discussion on the subject here to cease. He knew that the South had seemingly been hitherto lethargic, looking on with calm indifference at the progress of her adversaries; but gentlemen were mistaken if they thought that the South looked on with indifference. Mr. C. said that this state of things was not unforeseen by him, and he had announced it in advance. He now told gentlemen that it must cease, or it would lead to the overthrow of one of the most admirable Governments that ever existed.

Mr. CUTHBERT said he would like to have the names of the presiding officers and secretaries of this meeting read; and they were read accordingly.

Mr. BENTON observed that he was attending to business on his table when the language in which Texas was spoken of caught his ear; and it struck him as strange language to be used in reference to any power whose independence we had acknowledged. He would ask the Secretary again to read that part of the resolutions relating to Texas.

The Secretary read that part of the resolutions, as follows:

"Whereas, certain persons, styling themselves representatives of other persons assuming to be the Government of Texas, have made overtures to the Government of the United States for admission into the Union," etc.

And in another part of the resolutions, it is asserted that the Government of Texas was not established in the pure spirit of liberty, but in treason, ingratitude, and fraud; and stigmatizes the officers of the Government of Texas as fugitives from justice, conspirators, etc.

Mr. WEBSTER disavowed any intention on his part of offering any disrespect to the Senate in the presentation of these petitions; and he was persuaded that no such feeling was entertained by the petitioners. It was a subject on which they felt deeply, and had expressed themselves warmly, without entertaining the slightest disrespect to any portion of the members of this confederacy.

The memorials were then laid on the table.

Mr. BUCHANAN presented a memorial of a number of citizens of Pittsburg, similar to those presented by him some days since, praying for the es-

tablishment of a marine hospital at that place: referred to the Committee on Commerce.

Mr. BUCHANAN also presented the memorial of a committee in behalf of the officers of the Army of the United States during the second war of independence, praying Congress to grant them lands and place them on the same footing with the officers of the first war of independence: referred to the Committee on Public Lands, and ordered to be printed.

Mr. McKEAN presented two petitions from citizens of Pennsylvania, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. STRANGE presented the petition of a number of citizens of Elizabeth city, North Carolina, praying for an appropriation for a light boat in Albemarle sound; also, a memorial from several citizens of North Carolina, praying for an appropriation for placing buoys in Powhatan sound and Pasquotank river; both of which were referred to the Committee on Commerce.

Mr. ALLEN presented the petition of sundry citizens of Carroll county, Ohio, asking the repeal of so much of the Post Office law as requires payment of postage on newspapers published in a county and transmitted to a post office in the same county: referred to the Committee on the Post Office and Post Roads.

On motion of Mr. NORVELL, leave was given to John Boyer to withdraw his petition and papers.

Mr. ROANE, from the Committee on the District of Columbia, reported a bill supplementary to the act concerning the District of Columbia; which was read, and ordered to a second reading.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred so much of the President's Message as relates to the reissuing of the notes of the late Bank of the United States by the new bank of the same name, chartered by the Legislature of Pennsylvania, made a report thereon, accompanied by a bill entitled "An act to prevent the reissuing and circulation of the bills, notes, or other securities of corporations, whose charters have expired." The report having been read, and ordered to be printed, the bill was read the first and second times, and made the order of the day for next Wednesday week.

Mr. WRIGHT then moved for the printing of ten thousand extra copies of the report; which was agreed to—ayes 24, noes not counted.

Mr. LINN, from the Committee on the Public Lands, reported a bill to authorize John E. Metcalf and others to locate a certain pre-emption claim to land in Indiana;

Also, a bill for the relief of the children and heirs of Wm. Fisher, deceased;

Which were severally read, and ordered to a second reading.

Mr. TIPTON presented the resolutions of the General Assembly of the State of Indiana on the subject of the continuation of the Cumberland road; which were laid on the table, and ordered to be printed.

The following bills from the House were severally read twice and referred:

The bill authorizing the managers and officers of the Washington Monument Society to erect a monument to the memory of George Washington on the public mall.

The bill to provide for paying certain pensions at Tuscaloosa, Alabama: referred to the Committee on Pensions.

The following bills were severally read the third time and passed:

The bill for the relief of the administrators of Edward W. Duvall.

The bill to change the times of holding the Circuit and District Courts of the United States for the eastern district of Virginia, held at Richmond; and

The resolution authorizing the purchase of certain books for the use of the committees of the Senate.

ORDER OF THE DAY.

The Senate resumed as the unfinished business, the consideration of the Independent Treasury bill; when Mr. NILES, who was entitled to the floor, rose and addressed the Senate in an argument of great length, and of much force and ability, in favor of the measure. Before concluding, however, he yielded the floor at a late hour to

Mr. KING, on whose motion, the Senate went into the consideration of Executive business; after which

It adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, Feb. 13, 1838.

The House resumed the consideration of the subject under discussion last evening, the question being on the motion of Mr. HAYNES to insert the words, "if a member of this House," as stated above.

Mr. WISE rose, and read a reiteration of the charge from the "Newark Daily Advertiser," the Editor of which endorsed the statement upon his own knowledge, and stated further that it was a Senator of the United States now in his place.

Mr. SMITH made a few remarks on the subject, and then moved to lay it on the table.

Mr. RIVES asked the gentleman to withdraw it, to enable Mr. R. to assign a reason for voting against the motion.

Mr. RENCHER asked for the yeas and nays, which were ordered, and were—yeas 46, nays 137.

So the House refused to lay the subject on the table.

Mr. HAYNES said he had voted to lay the resolution upon the table, in consequence of the facts stated in the paper referred to by the gentleman from Virginia (Mr. WISE) this morning. He did not now rise for the purpose of protracting this debate, which had already occupied too much of our time, but to endeavor to bring it to a close. He therefore moved the previous question; which was seconded by the House—ayes 83, noes 73: and the main question was ordered to be put.

Mr. CONNOR called for the yeas and nays on agreeing to the resolution; which were ordered, and were, yeas 140, nays 46.

So the resolution was agreed to.

The SPEAKER then issued his subpœna, directing the Sergeant-at-Arms to summon Matthew L. Davis to appear at the bar of the House.

Mr. HOWARD would inquire whether it would be in order to offer a resolution directing the mode of proceeding when the witness shall be brought before the House?

The CHAIR stated and read what the parliamentary law on the subject was, and said that it would be in order to offer a resolution directing the mode of proceeding.

Mr. HOWARD then submitted a resolution, that the Speaker be directed to have the publication in the Courier and Enquirer read to the witness, and then propound to him—first. Are you the author of the letter here published? Second. Do you allude in that letter to a member of the House of Representatives? If so, what is the name of the member? And in case the witness replies that he does not mean a member of the House, he shall be discharged, and all the proceedings before the House terminate.

Mr. UNDERWOOD would inquire if we adopt this resolution, whether it would be in order for any member of the House to propound any other inquiries to this witness. Suppose he wished to ask the witness who gave him the information upon which he had made the statement in the letter, where he resided, and whether he was a person of sufficient character to justify it, or what the documentary evidence was which he alluded to, was he to be prevented by this resolution from asking these questions?

The CHAIR replied, if the resolution should be adopted, and the witness answered the interrogatories in the negative, then all proceeding would be at an end; but if he announced them in the affirmative, any gentleman would have the right to propound inquiries to the witness.

Mr. WISE would ask the gentleman from Maryland to so modify his resolution as to do away with all technical objections to it. The interrogatories of the gentleman from Maryland were addressed to the witness as the "Spy in Washington," and as such he might refuse to answer them, when, if they were addressed to him personally, as Matthew L. Davis, he would doubtless answer them. Mr. W. drew a distinction in relation to this matter, and contended that the witness would have a perfect right to refuse to answer the interrogatories propounded to him as the "Spy in Washington." The gentleman from New York, in his resolution, had resolved to bring Matthew L. Davis to the bar of the House; and why not propound the inquiries to Matthew L. Davis, instead of the "Spy in Washington?" The inquiry, in this form, might be considered as inquisitorial, and as such he might refuse to answer it.

Mr. HOWARD said it was not his intention to throw any obstacles in the way of this inquiry, but he thought the resolution was in quite as good a form as if it was changed in pursuance of the suggestion of the gentleman from Virginia. This matter had been brought before the House on the authority of the "Spy in Washington," and the House had been challenged to institute the inquiry. Then why not propound the inquiry in this form; and if the witness refuses to answer, the charge must fall, and the House be freed from the imputation, and he should not desire to prosecute it any further.

Mr. PATTON said his colleague (Mr. WISE) had designated the first interrogatory of the gentleman from Maryland as inquisitorial. He (Mr. P.) considered the whole proceeding as inquisitorial.

Mr. WISE explained, that by putting the questions to Matthew L. Davis, he might answer them in that form, when he would not consider it proper to answer them, if they put it to him as the "Spy in Washington." Mr. W. could see great distinction between the two cases.

Mr. PATTON considered all proceedings of this kind as inquisitorial as all criminal proceedings are; but they were not to be designated as of the character of a Spanish inquisition, as some proceedings of this House had been designated on a former occasion. He considered that the witness could answer as well interrogatories put to him, in relation to a publication over a fictitious signature as over his own signature, and if he proved the charges he had made to be true, he would be considered a public benefactor, and if they proved to be false, let him stand all the penalties which may be imposed upon him.

Mr. WISE hoped that the interrogatory, "are you the author of that letter," would not be propounded to the witness, because the witness might stand mute as he had a right to do, and if he stood mute, the hurrah would be raised by your official organ and other papers of the party, that here were charges made against the Congress of the United States, that those who made them would not stand to.

Mr. EVANS then moved to strike out all after the resolution, and insert the following as a substitute for the interrogatories proposed by the gentleman from Maryland:

"First. Do you know who is alluded to, or intended to be charged, in the preceding letter? Answer yea or nay, as the fact may be, without giving the name. Second. Is the person thus alluded to a member of this House? If this is answered in the affirmative, then, Third. What is the name of the member? If the interrogatories are answered in the negative, then all further proceedings shall cease."

Mr. CRAIG preferred the original resolution to the amendment. The allegation which had been made, and which had been the basis of the action of this House, was made by the "Spy in Washington." Then, when this witness is brought before the House, let him answer if he is the "Spy;" and if he answers that he is not, then we have nothing further to do with him.

Mr. GLASCOCK could see no objection to the resolution proposed by the gentleman from Maryland. This charge had been made in a responsible paper; and he hesitated not to say that if Matthew L. Davis, or the "Spy," had any regard for his character, or for the character of the paper which contained this charge, he would not, in the face of this House, or of the country, refuse to answer the question. For one, he was disposed to have this question propounded; and if the witness thought proper not to answer, be it so; and then he would take the interrogatories of the gentleman from Maine. If he was the friend of M. L. Davis or of the Courier and Enquirer, he would not attempt to avoid these interrogatories; and if the witness attempted to shrink from them, he was a different kind of person from what he (Mr. G.) had always supposed him to be.

Mr. WISE explained that the witness might very properly decline to answer the interrogatory as propounded by the gentleman from Maryland, when he would answer it if propounded to him in a different mode.

Mr. GRENNELL briefly supported the amendment of the gentleman from Maine, as being preferable to that of the gentleman from Maryland.

Mr. HOWARD then, for the purpose of meeting the views of gentlemen around him, moved his proposition as follows:

"*Resolved*, That the Speaker direct the publication to be read to the witness, and then propound to him the following:

"1. Are you the author of the foregoing letter, and whether he declines or not, then the Speaker shall put the following to him:

"2. Do you know who is alluded to, or intended to be alluded to, in the foregoing letter, without giving the name?

"3. Is the person alluded to a member of this House? And if this is answered in the affirmative,

"4. What is the name of the member? And in case the witness states that he did not allude to a member of the House, then he is to be discharged, and all further proceedings are to cease."

Mr. ADAMS objected to the resolution in this form, and considered the last modification as even more objectionable than the original resolution. He considered it entirely improper that the House should put questions to a witness, and permit him to say whether he would or would not answer them.

Mr. HOWARD considered that the House was placed in an attitude of self-defence in relation to this matter. It was now ready to meet the inquiry in relation to the charge which had been made against it. Then let the witness shrink from the inquiry which he had challenged, and the honor of the House would be vindicated, so that there would be no necessity for for any further proceeding.

Mr. BRONSON then demanded the previous question, which was seconded, and the main question ordered to be put.

Mr. GRENNELL called for a division; and the question was then taken upon the resolution of Mr. HOWARD, in three divisions; all of which were agreed to by the House.

The Sergeant-at-arms was then directed by the CHAIR to place Mr. DAVIS at the bar, and he was brought in.

As the Speaker was about to administer the oath to the witness,

Mr. DAVIS required the form of the oath first to be recited to him, which was done; and he was then sworn, and being placed at the bar,

The SPEAKER addressed him as follows:

Mathew L. Davis: It has been made my duty, by the order of this House, to cause to be read in your hearing a publication in the Courier and Enquirer of New York, and it will be read to you by the Clerk.

The article in question, as given in the proceedings of yesterday, having been read,

The SPEAKER propounded the first interrogatory.

Mr. DAVIS then addressed the Chair as follows:

Mr. Speaker: I am arraigned at the bar of this House without counsel or aid, and I most respectfully ask you that I may be permitted to state my own case, so far as I conceive my rights invaded, that I may be permitted to present any reasons why I ought not to answer that question. (Cries of "Agreed, agreed.") I can assure you, sir, and through you this House, that I will occupy but a few minutes. ("Agreed, agreed.")

The CHAIR was propounding the question to the House if it would consent to hear the reasons why the witness declined answering the question—

Mr. DAVIS. I do not decline answering the question, sir, but wish to state the reasons why I ought not to answer it.

The CHAIR was again about to propound the question, when

Mr. BRONSON requested that the preliminary question be first propounded, whether the witness declined answering the question, because, if he did not, Mr. B. should object to the other being put to the House.

The SPEAKER to the witness. Does the Chair understand the witness declines answering the interrogatory propounded to him?

Mr. DAVIS. I beg leave, most respectfully, to state to the Chair and to the House, that I wish to present those reasons, if I have any, why I conceive I ought not thus to be interrogated. Having assigned them, it is possible, sir, that I may answer that or any other question the House may be pleased to propound to me. I respectfully ask to be heard myself, for I have no counsel.

Mr. BRONSON and Mr. TURNEY simultaneously called for the yeas and nays, which were ordered.

Mr. BRONSON, stating that he wished to debate the question on the suggestion of Mr. ADAMS, under the parliamentary law, the witness was withdrawn from the hall.

Mr. BRONSON said if he understood the question then presented, it was, substantially, whether they should permit Mr.

Davis to come before that House, and make them a speech. For one, Mr. B. was opposed to any such proceeding as that. If the witness came forward there, and said he declined to answer the question put to him, then Mr. B. would cheerfully vote that, in the absence of counsel, he might assign his reasons for so declining; but until he did positively decline to answer the question, Mr. B. never would consent to the witness standing there, and participating in the debates of the House, entitled to all the privileges of a member. Upon what principle was it that this witness should be suffered to make them a speech, perhaps of two days' duration? Did they call him before them to hear a speech from him, to hear an argument, or for him to answer a question? For one, Mr. B. would never stand there and permit the rights of the House to be violated in this manner.

Mr. BOON entered his solemn protest against permitting any individual who had assumed to himself to charge, seriously, a member of that or the other House with a grave offence, and then, when he was called upon to bring testimony in proof of it, to do nothing but abuse the House and the members of it; for that would, doubtless, be the amount of his speech, if he was permitted to make one. Moreover, this individual asked what, to Mr. B's knowledge, had never been asked of any any court of justice or any judicial tribunal on the face of the earth, viz: to answer a question by argument. It was preposterous—it was ridiculous.

Mr. B. would admonish gentlemen that there was another consideration which would present itself to the American people, and that was, the amount of money already consumed in the discussion of this question. Two days had already been taken up in thus bringing incidental party politics before the House, for it was as well ascertained and known to them all that the accused was not a member of the House as any thing could be, if they were to give credit to the unqualified newspaper statement furnished by the gentleman from Virginia (Mr. WISE) this morning. Why, then, proceed any further? It was only wasting the time and money of the people.

Mr. THOMPSON denounced the opposition to Mr. DAVIS's application as tyrannical and arbitrary.

Mr. HAYNES expressed his surprise at the remarks of the gentleman from South Carolina, (Mr. THOMPSON) That gentleman had spoken of the course proposed to be pursued towards the witness, Matthew L. Davis, as tyranny and oppression. He had represented the witness as dragged to the bar by the arbitrary power of the House, and made himself his champion, to defend him from its outrageous oppression. But what is the true history of the case? The "Spy in Washington" had dared us to bring him here to testify to a charge, involving most deeply the character and honor of the House. He was a volunteer witness, daring as to bring him up for examination; and now, forsooth, was made by the gentleman from South Carolina the victim of the grossest tyranny and oppression. It is said that the witness ought not to be compelled to answer, because he was only presumed to be the author of the letters of the Spy in Washington. Mr. H. said his answer to this was, that if not the author, the question exposed him to no responsibility whatever; and if he was the author, he was bound to answer the interrogatory. He came here at his own instance; he was a volunteer witness; had dared us to examine him touching a charge involving most deeply the character of the House, and now is to be shielded from the performance of his own voluntary pledge to testify, by his right to send out anonymous publications. His own conduct has stripped him of such defence; and he, for one, would never consent to give him permission to submit any reasons why he should, or should not, answer the proposed interrogatory. Of the character of the witness he had nothing to say; nor should he now draw any inference, either one way or the other, from his attempt to evade a responsibility which he had defied us to permit him to assume.

This question was discussed at length, the application of Mr. Davis being sustained by Messrs. WISE, LINCOLN, PATTON, THOMPSON, and SIBLEY, and opposed by Messrs. BYNUM, FOSTER, PARKER, HAYNES, GLASCOCK, and HOLSEY; when

Mr. HOWARD rose, amid the most vociferous and general cries for question, and expressing his gratification at the disposition he witnessed to take the question, said he would make a motion to facilitate their wish; I therefore, sir, added he, demand the previous question.

The House seconded the motion—ayes 119, noes not counted; and the main question was ordered, without a division.

The CHAIR then propounded the question to the House in the following terms:

Shall Mr. Davis, the witness, have leave to state his reasons to the House why the first interrogatory should not be answered?

Some conversation arose between Mr. RIVES and the CHAIR as to whether this was the precise words of the application; but the main question having been previously ordered, no change could be made.

Mr. WISE said if there was any difference, it was, at most, only the difference "between tweedledum and tweedledee."

The question was then taken, and decided in the affirmative—yeas 103, nays 90.

So the House determined that the witness should give his reasons.

Mr. EVERETT then moved that the House adjourn: lost.

Mr. Davis was then brought in and placed at the bar, and briefly gave his reasons for not answering the question. He then read the following as his answer thereto:

"I deny the right of this House to ask, and therefore decline to answer, the question, whether I am, or am not, the author of the 'Spy in Washington,' or the extract from the letter referred to in the interrogatory; but, at the same time, I respectfully state that I know the author, and I know the member to whom the Spy alludes, and am prepared to name him here or elsewhere."

"That, sir," said the witness, "is my answer."

To the second interrogatory the witness answered "I do."

To the third. "If the person alluded to is a member of the House of Representatives?" The answer was, "He is not."

The CHAIR then said, the witness, under the order of the House, is therefore discharged from further examination, and there is an end of this proceeding. He will, therefore, retire from the bar.

Mr. OWENS moved that the House adjourn.

Mr. WISE hoped that the gentleman would withdraw that motion to enable him to move a communication of this examination to the Senate. [Cries of "no, no" from all parts of the hall.]

Mr. GRAVES asked for the yeas and nays on the motion to adjourn; but they were refused, and the motion prevailing,

The House adjourned.

The following resolutions, adopted yesterday, were omitted in reporting the proceedings of that day:

On motion of Mr. KING,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for placing buoys at the mouth of St. Johns river, in Florida.

On motion of Mr. MOUTON,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of increasing the salary of the officers of the branch mint, established in New Orleans.

On motion of Mr. CLAY of Kentucky,

Resolved, That the Committee on the Patent Office be directed to inquire into the expediency of repealing or modifying the law which requires the recording of assignments of patent rights in the city of Washington.

On motion of Mr. WHITE,

Resolved, That the Secretary of the Treasury be, and he hereby is, required to furnish to the Senate a copy of the correspondence between the Secretary of the Treasury, or any officer of his Department, and the district attorney of North Alabama, or his immediate predecessor, on the subject of the debt due from the late John Brahan, deceased, as receiver of public money at Huntsville, which has not been already communicated to the Senate; and, also, a copy of any correspondence which has taken place between the said Department or any officer of it, and any other person, on the same subject.

IN SENATE,

TUESDAY, February 13, 1833.

The CHAIR communicated a report from the Treasury Department, made in compliance with the resolution of the 2d instant, calling for the names of the receivers of public moneys (if any) who have violated the Treasury order of the 11th July, 1836; laid on the table, and ordered to be printed.

Mr. PRENTISS presented the petition of sundry citizens of Vermont, praying for the abolition of slavery in the District of Columbia. The motion to receive was laid on the table.

Mr. PRENTISS also presented the petition of sundry citizens of Vermont, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. DAVIS presented the petition of Julius Nelson and others of the State of New York, praying for an appropriation for the improvement of the harbor of Silver Creek, Lake Erie: referred to the Committee on Commerce.

Mr. McKEAN presented the memorial of sundry citizens of Pennsylvania, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. SMITH of Indiana presented a joint resolution of the General Assembly of that State, requesting their Senators and Representatives to use their exertions to procure for the State the pre-emption, at the minimum price, to the lands acquired by the late treaty with the Miami Indians in that State, to aid the State in her works of internal improvement; which, on his motion, was ordered to be printed, and referred to the Committee on the Public Lands.

Mr. NORVELL said he was charged with a memorial from the Columbia Typographical Society of Washington, composed entirely of letter-press printers. The memorialists remonstrate against the passage of any law recognising or establishing the principle of international copy-right for the benefit of foreign authors. This society was composed of a body of highly intelligent citizens, as enlightened as any other body of men in the country. They were necessarily so, from their pursuits and professions in life. Their views and opinions, on this subject especially, were entitled to peculiar weight. As this subject was before the Committee on the Patent Office, he moved that the memorial be read, printed, and referred to that committee: the motion was agreed to.

Mr. LINN presented a petition from Charles Sanguenet, asking for the passage of a law to confirm his claim to a certain tract of land in Wisconsin: referred to the Committee on Public Lands.

Mr. ROBINSON presented the petition of Nathaniel Cowper, agent of College.

Mr. SEVIER presented the petition of Alvarez Fisk and the representatives of Thomas P. Eskridge, which was referred to the Committee on Public Lands.

Also, the petition of Ferguson J. Morrison, which was referred to the Committee on Claims.

Also, the petition of sundry citizens of Arkansas, praying for the establishment of a mail route: referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented the petition of sundry citizens of Michigan, praying for the establishment of certain mail routes: referred to the same committee.

Mr. YOUNG presented the petition of sundry citizens of Illinois, praying for the establishment of a mail route: referred to the same committee.

Mr. WEBSTER presented the memorial of the Board of Trade of the city of New York, on the subject of the currency; which, after some remarks from Mr. W. was laid on the table and ordered to be printed.

Mr. HUBBARD offered the following:

Resolved, That no petition or other papers which may have been referred to any committee of the Senate, and which may have been reported thereon, shall hereafter be withdrawn from the files of the Senate without leaving a certified copy of all such papers in the office of the Secretary of the Senate.

Mr. HUBBARD said he did not offer the resolution with a view to its immediate adoption. He had thrown it before the Senate, in order that it might be taken up hereafter, when duly weighed and considered. Mr. H. said he had been long enough in public life, to learn that claims grew much better, the longer they were before Congress. If, when first presented, the evidence was such as not to suit the nature of the case, the papers were withdrawn, and all the weak points fortified, and the testimony so changed as to preserve little or nothing of its original character. The object of the resolution was simply to prevent a repetition of that mode of proceeding in future, and that no original paper should be withdrawn, without leaving a certified copy in the office of the Secretary of the Senate.

On motion of Mr. ALLEN,

Resolved, That the Committee on Claims be instructed to instructed to inquire into the expediency of allowing compensation to Joseph Fletcher for the loss and destruction of a wagon and team, and other property, in the public service, during the late war; and that the papers of said Fletcher be referred to the said committee.

On motion of Mr. LINN,

Resolved, That the Secretary of War be requested to send to the Senate all the information in the possession of his Department which may relate to the Oregon Territory; and, also, that he cause to be made, for the use of the Senate, a map embracing recent discoveries of all the country claimed by the United States in the western slope of the Rocky Mountains, to the Pacific ocean.

On motion of Mr. CLAY of Alabama,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making allowances for mileage to the judges of the circuit courts of the United States, in such manner as to equalize their compensation.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of William Sanford; which was read, and ordered to a second reading.

On motion of Mr. CRITTENDEN, the same committee was discharged from the further consideration of the petition and papers of Matthew St. Clair Clarke.

On motion of Mr. TIPTON, the Committee on Claims was discharged from the further consideration of the petition and documents of Michael Hogan.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which had been referred the report of the Commissioner of the General Land Office on the subject, reported a bill for the relief of Richard Cravatt Handy Perry and David Chaney; which was read, and ordered to a second reading.

Mr. CLAY of Alabama, from the same committee, reported a bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the pre-emption law of the 19th of June, 1834; which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on Claims, to which had been referred the bills from the House for the relief of Melancton T. Woolsey, and for the relief of Captain William H. Bell, reported them severally without amendment; the latter unfavorably.

Mr. WHITE, from the Committee on Indian Affairs, made an unfavorable report on the petition of David Ross.

On motion of Mr. WHITE, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of ——— Conway, deceased.

Mr. WHITE, from the same committee, to which had been referred the resolution, directing an inquiry into the expediency of placing the officers of the staff of the Revolutionary army on the same footing with officers of the line, as to grants of land, made an unfavorable report thereon, and the committee was discharged from the further consideration thereof.

On motion of Mr. WHITE, the petition and papers of the widow of Henry L. Hommedieu, were again referred to the Committee on Revolutionary Claims.

On motion of Mr. NORVELL, the Committee on Revolutionary Claims was discharged from the further consideration of the petition and papers of Robert Fulton, and the petitioner had leave to withdraw his petition and papers.

Mr. WALL, from the Committee on the Judiciary, to which had been referred the resolution directing an inquiry into the expediency of increasing the salaries of certain of the district judges of the courts of the United States, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. YOUNG, on leave, introduced the following bills, which were severally read twice, and referred:

A bill for the relief of Richard Bennett;
A bill for the relief of David G. Bates;
A bill for the relief of Charles A. Dodd;
A bill for the relief of John Richey;
A bill for the relief of John L. Scott; and
A bill for the relief of David McNair.

Mr. MOUTON, from the Committee on Private Land Claims, reported a bill to confirm certain land claims in Louisiana; also, a bill for the relief of Charles Morgan of Louisiana; both of which were read, and ordered to a second reading, and the accompanying reports were ordered to be printed.

The bill to prevent the counterfeiting of the gold, silver, and coper coins of the United States, or of any foreign country, was read the third time and passed.

The bill to authorize the President of the United States to cause the southern boundary of the Territory of Wisconsin to be ascertained and marked, was also read the third time and passed.

The Senate resumed the consideration of the Independent Treasury bill, as the unfinished business; when

Mr. NILES resumed the floor, and finished at a late hour, the very able speech which he commenced yesterday in opposition to the amendment offered by Mr. RIVES, and in favor of the original bill. Mr. N. said though the Senator from Virginia seemed to think that his twenty-five banks constituted the whole country; but what constituted the whole country in the opinion of Mr. N. was the producing classes who were swindled out of their labor through the paper system. Mr. N. glanced at the rotten state of the banking system in this country, and its vast increase of paper, (in some instances forty-one dollars for one of specie,) until it had blown up, exploded and scattered ruin far and wide. There were banks, he said, that had not yet broken, but were now rocking and trembling; so much so, that persons in their immediate neighborhood would keep their notes no longer than they could get rid of them; and yet we were called on to deposite the treasures of Government, the common property of the people, in banks like these. That the currency of the nation was in a deplorable condition, all admitted; but the remedy was the subject of dispute. The question was one of vast magnitude, and of vital importance to the people of the nation, and it was deeply to be regretted that it should have become mixed with politics; but, unfortunately, it had so, and all the evils were charged upon the present Administration; how justly, would be left to the good sense of the people to determine. What had the Administration sought to do? Merely to increase the metallic currency, which it had effected to a very considerable extent, and to suppress the issue of small notes. This was all that had been done by the present or past Administrations to derange the currency of the country. Some gentlemen contended that it was "tampering with the currency" that had brought on its present deranged state. As well, said Mr. N. might we charge temperance societies with all the drunkenness that occurred, because they were tampering with sobriety. [As soon as the reporters can write out from their notes, this speech will be presented in the columns of the Globe.]

On motion of Mr. WRIGHT,

The Senate adjourned

HOUSE OF REPRESENTATIVES,
WEDNESDAY, February 14, 1838.

As soon as the journal of yesterday was read—

Mr. WISE moved to amend it, by inserting the oath administered to Mr. Davis yesterday, together with his answers to two of the interrogatories propounded to him.

The CHAIR stated that in no former instance had the oath ever been recorded: and it was contrary to the express and positive law, laid down in Jefferson's Manual, to insert the answers of a witness given to the House. This was only done in examinations before committees, because the House was not present.

This position was sustained by Mr. ATHERTON, Mr. PARKER, Mr. WHITTLESEY of Ohio, and Mr. TOUCEY, and contested by Mr. WISE; when, on motion of Mr. CUSHMAN, the motion was laid on the table without a division.

Mr. BOON then moved to strike from the journal the answer of the same witness to the first interrogatory, which had been spread upon the journal at the witness's request, having been handed in in writing, and so entered under the supposed implied assent of the House.

Mr. BROMGOOLE had not given his assent to it, and protested against his silence ever being construed as implying his assent to any motion.

Mr. WISE opposed the motion as an expunging process.

Mr. BOON said the gentleman had himself explained away all the odium that might be supposed to attach to the expunging process, by his previous declaration, under his own motion, that the journal was not complete; and it was surely as proper to amend the minutes by striking out as by inserting.

Mr. RIVES advocated the motion at some length.

Mr. TURNEY had not only not given his assent to the request of the witness, but had made several ineffectual attempts yesterday to obtain the floor to oppose it.

Mr. GRIFFIN moved to lay the motion to amend on the table.

Mr. MERCER asked for the yeas and nays, and inquired of the Chair if, should the motion to amend prevail, the part stricken out would be entered on the journal of to-day.

The CHAIR replied that it necessarily would, as showing the ground of the House's vote.

Mr. MERCER thereupon withdrew the call for the yeas and nays, Mr. OWENS renewed it, and they where ordered.

The motion to lay on the table prevailed—yeas 104, nays 79.

On motion of Mr. HENRY, the rules were suspended to call the States for petitions and memorials.

The CHAIR, on leave, laid before the House the usual annual communication from the Treasury Department, in relation to Consuls on the Barbary coast.

On motion of Mr. WHITTLESEY of Ohio, laid on the table.

Petitions and memorials were then called for in the order, commencing at the point last left off, viz: Massachusetts, and were presented by Messrs. ADAMS, GRENNELL, FLETCHER, CUSHING, HASTINGS, PHILLIPS, CALHOUN, LINCOLN, REED, and BORDEN, of Massachusetts.

Mr. JOHN Q. ADAMS then rose and stated that he had before him about three hundred and fifty petitions, signed by between thirty-four and thirty-five thousand names, which he had been requested to present to this House. He wished to do so with as little consumption of the time of the House as possible. He had, therefore, been obliged to alter the manner pursued heretofore in presenting petitions separately, one by one, announcing the place from which the petitions came, the name of the first petitioner, and the number of names signed to such petitions; instead of which he proposed now to offer them by classes, stating the number of petitions in each class, and, as well as he could, the number of petitioners included in each. He would state, however, that he had a considerable number of petitions in relation to which he himself entertained doubts as to whether they came under the general order of the House, which prescribed that petitions of a certain description should be laid upon the table without reading, or any other action of the House being taken upon them. It has happened, that in consequence of the decision of this and former Houses of Congress in relation to the right of petition, a great degree of excitement has been produced in a certain portion of the country, and the effect of this proceeding, on the part of the House, and of the excitement occasioned by them, had tended very much to multiply these petitions, which the House appears to be so little disposed to receive and to treat in the manner in which, in his opinion, all respectful and decent petitions ought to be treated. One of the consequences of this course of proceedings on the part of the House was, that petitions were sent to him of an anonymous character, ambiguous and equivocal. These were of two descriptions. One description came from a geographical portion of this country very much attached to the right of petition and opposed to the order of the House on this subject, and some of them would not come under that rule.

Mr. PICKENS rose to order. He only desired to know if this question was to be opened up in this direct manner, that he might be prepared to meet it.

The CHAIR stated what the usual course was in relation to the presentation of petitions.

Mr. ADAMS reiterated that he had about 350 petitions to present; and he made this statement, giving his reasons for changing his course in relation to their presentation, in order that the time of the House might not be consumed. Mr. A. was about proceeding with his statement, when

The CHAIR called him to order.

Mr. ADAMS then said if he was not permitted to make the statement to the House, he should be compelled to present his petitions separately, which would take up the whole day, and perhaps another day.

The CHAIR replied that the same law would apply to the gentleman from Massachusetts, which governed all the other members of the House.

Mr. ADAMS then proceeded to present his petitions, some separately and some by classes, some of which were referred. Those which related to the question of slavery were laid on the table, under order of the House; those in relation to the annexation of Texas, those praying for a repeal of the order of the House, and all others which were supposed to relate in any way to slavery, were laid on the table, on motions made to that effect.

Petitions were then further presented by Messrs. CRANSTON and TILLINGHAST, of Rhode Island.

Messrs. TOUCEY, HALEY, HOLT and INGHAM, of Connecticut.

[Mr. HALEY presented the petition of Wm. W. Wolsey and others, citizens of New York, Connecticut, and elsewhere, praying for an appropriation to build a light house on a small island on Homach, in Fisher's Island Sound, near the Connecticut shore. Also, to establish a floating light at or near Latimer's reef, in said Fisher's Island Sound. These, together with a small appropriation to remove a sand bar in the harbor of Stonington, Connecticut. Mr. H. also presented the petition of 73 persons, inhabitants of Plainfield, in Connecticut, praying for the abolition of slavery in the District of Columbia. Likewise, the petition of 93 persons, inhabitants of Woodstock, in Connecticut, praying for the abolition of slavery in the District of Columbia and the Territories.]

[Mr. HOLT presented the petitions of Mrs. Cynthia Trowbridge of Connecticut, asking a grant of land, in consequence of services rendered by her late husband, Ira Trowbridge in the service of the United States, who was killed by the Indians; of John Snow of Mansfield, Connecticut, praying to have his name placed on the pension list; of Stephen P. W. Douglass of the State of New York, praying Congress to adopt a resolution to enable him to receive in his own name, letters patent for an invention of Hozzara Knowles. esq.]

Messrs. FLETCHER, HALL, and ALLEN, of Vermont.

[Mr. FLETCHER offered the following petitions: Petition of M. Mory and 109 females of Greensboro, Vermont, for the abolition of slavery in the District of Columbia. Petition of John Hill and 35 others, inhabitants of Morgan, Vermont, against the annexation of Texas to the Union. Petition of M. Mory and 109 females of Greensboro, Vermont, against the annexation of Texas to the Union. Petition of John M. Robinson and 52 others of Charleston, Vermont, for rescinding of the resolution of Dec. 21, 1838. Petition of A. Packer and several others, inhabitants of Newark, Vermont, for rescinding of the resolution of the House of Representatives passed Dec. 21, 1837. Petition of John McLevan, of Barnet, Vermont, praying for remuneration for expenses, &c.]

Messrs. PARKER, McCLELLAN, BICKNELL, KEMBLE, ANDREWS, MOORE, CHILDS, BRODHEAD, MITCHELL, PALMER, MARVIN, BRUYN, HOFFMAN, CURTIS, FILMORE, SIBLEY, TAYLOR, NOBLE, LOOMIS, BRONSON, PATTERSON, GALLUP, GRAY, DeGRAFF, RUSSELL, GRANT, PECK, CAMBRELENG, and SPENCER, of New York.

[Mr. CAMBRELENG presented a memorial from a number of merchants of the city of New York, remonstrating against the repeal of the Express mail law. Mr. C. also presented several petitions for private claims.]

[Mr. McCLELLAN presented the petition of Spencer Stafford and Gorham A. Worth, praying to be relieved from further prosecution upon an official bond executed by them as sureties for a paymaster in the last war: referred to the Committee on the Judiciary.]

[Mr. ANDREWS presented two petitions from citizens of Steuben county, New York, asking an appropriation for the improvement of the navigation of the Alleghany river, between Pitsburg and Olean. One from 50 citizens of Yates county, New York, for the abolition of slavery in the District of Columbia. A petition of 78 electors of Woodhull, Steuben county, New York, for the same. A remonstrance from the same persons, against the annexation of Texas to the Union. A petition of citizens of Pulteney, Steuben county, New York, for a pre-emption right to a township of unappropriated lands in the valley of the Mississippi. A petition of Lucy Barnes for a pension.]

[Mr. TAYLOR presented the following petitions of inhabitants of the village and county of Oswego, in the State of New York, praying Congress to inquire relative to the importance of Oswego as a military post, and the expediency of repairing and arming the military positions at that place. The petition of Abigail Wood, praying for a pension for the revolutionary services of her first husband, Luke Perkins, who was killed at the storming of Fort Griswold by the British, under the command of the traitor Arnold, on the 6th September, 1781. The petition of Stephen Appleby, to be placed on the invalid pension roll. The petition of Daniel Pratt, for a pension as an invalid. Also additional papers relative to the petition of Benjamin and John Depuy, for pensions.]

[Mr. SPENCER presented the petition of Cephas L. Rockwood for relief. Also the petition of Abial Stites and 49 others, for the rescinding the resolution of the 21st day of December last, laying petitions on the subject of slavery on the table.]

[Mr. BRONSON presented the following petitions, viz: Petition of sundry citizens of Jefferson county, New York, asking for an appropriation for the preservation and protection of the harbor at Sackets Harbor, New York: referred to the Committee on Commerce. Also, petition of 76 citizens of Jefferson county, praying the House of Representatives to rescind the resolution passed by them on the 21st December, 1837, in relation to petitions on the subject of slavery. Also, petition of Daniel Redfield, praying remuneration for the loss of a vessel, destroyed by the enemy, while in the service of the United States: referred to the Committee of Claims. Also, petition of sundry mariners and others, praying for an appropriation for the making a harbor at the mouth of Big Sandy Creek, in Jefferson county, New York. Also, petition of William Rutfield, for a pension.]

[Mr. GRANT presented the following petitions: The petition of 36 inhabitants of Oswego, in the State of New York, praying an appropriation for the construction of a sea wall and the improvement of the harbor at Sackett's Harbor, on Lake Ontario. The petition of 24 males and 13 females, students of the Oswego Rensselaer Academy, in Oswego county, New York, remonstrating against the annexation of Texas to the Union. Also, the petition of 47 males and 53 females of the town of Oswego, in said State, upon the same subject. The petition of 45 males and 55 females of Oswego, New York, praying for the immediate abolition of slavery and the slave trade in the District of Columbia and in Florida. The petition of 95 inhabitants residing on the shores of Lake Ontario, in the State of New York, praying for the establishment of a daily mail route from Oswego to Sackett's Harbor, via Scriba, New Haven, Port Ontario, and Lindseyville. Also, another of 80 inhabitants, for the same. Also, another of 33 inhabitants, for the same. Also, another of 15 inhabitants, for the same. Also, another of 14 inhabitants, for the same. Also, another of 68 inhabitants, for the same. Also, another of 38 inhabitants, for the same. Also, the petition of Milton Harmon and 172 other inhabitants of the village of Oswego, in the State of New York, praying an inquiry into the expediency of repairing and arming the military positions at Oswego; which was ordered to be printed, and its consideration postponed till Monday next.]

[Mr. BICKNELL presented the petition from Samuel S. Sayles, of Madison county, New York, praying compensation for services rendered the United States in the Navy: referred to the Committee of Claims. Petition from 17 electors of the town of Terence, Madison county, New York, against the annexation of Texas to the United States, and moved to refer said petition to the Committee of Foreign Affairs: laid on the table. On motion of Mr. BICKNELL, the papers on file in the case of Coffin Tanborn, asking for a pension, was taken from the files, and referred to the Committee on Invalid Pensions.]

[Mr. CHILDS presented the following petitions; Petition praying the abolition of slavery and slave trade in the District of Columbia, signed by 345 females of the town of Ogden, New York. Petition of 99 citizens of Riga, New York, asking Congress to repeal the resolution of the 21st of December, and moved its reference to a select committee. Three petitions from Riga, New York, praying the abolition of slavery and slave trade in the District of Columbia, signed by 168 persons. Petition of 700 females of the city of Rochester, praying the abolition of slavery and slave trade in the Territories of the United States. The memorial of Jesse Torry, in relation to a currency of the United States. Petition for the improvement of Allegany river.]

[Mr. SIBLEY presented the following petitions: Petition of 86 citizens of the county of Ontario, New York, for the construction of a ship canal round the Falls of Niagara: referred to the Committee of the Whole on the bill for that purpose. Petition of Susanna Hoagland for a pension: referred to Committee on Revolutionary Pensions. Petition of John Fisher of Naples, New York, for a pension: referred to Committee on Revolutionary Pensions. Petition of 76 legal voters and 35 females of the county of Ontario, New York, for the abolition of slavery in the District of Columbia: laid on the table, under Mr. PATTON'S resolution. Remonstrance of 39 males and 30 females of East Bloomfield, New York, against the admission of any new State into the Union by whose Constitution slavery is tolerated: like disposition. Remonstrance of 76 legal voters and 43 females of the same county, against the admission of Texas into the Union: Mr. S. moved the reference of this petition to a select committee: laid on the table. Petition of 122 females of the town of Farmington, New York, for the rescinding of the resolution adopted by the House of Representatives on Dec. 21, 1837, in relation to slavery, &c. Petition of 67 legal voters of Geneva, New York, for the abolition of slavery and the slave trade in the Territories of the United States. Petition of 64 legal voters of the same place for the regulation of commerce so as to prevent the domestic slave trade, &c. Petition of 71 legal voters of the same place for the rescinding of Mr. PATTON'S resolution. Remonstrance of 69 legal voters of the same place against the annexation of Texas to the United States. Remonstrance of 74 legal voters of the same place against the admission of any new State whose Constitution tolerates slavery. On motion of Mr. S. the petition of Wm. Wickham, for compensation for buildings destroyed by the enemy during the late war, with the accompanying papers, was taken from the files, and referred to the Committee of Claims.]

[Mr. BRODHEAD presented the petition of Thomas McEwan, of the county of Sullivan, New York, praying that a law may be passed to embrace the case of his mother for a pension for services rendered by his father as a soldier in the war of the Revolution: referred to the Committee on Revolutionary Claims. Petition of Israel Belknap, of the county of Orange, New York, praying that Congress will pass a law to pay to the heirs of John Belknap, for services rendered by him as an officer in the Revolutionary war, which he was entitled to under the resolution of Congress passed 22d of March, 1783, five years' pay, instead of the half for life: referred to the Committee of Claims.

The petition of David Dickinson, of the county of Sullivan, New York, praying Congress to pass a law to authorize the Secretary of the Treasury to pay to him the reward of eighty dollars, together with the interest, for services rendered by him in the war of the Revolution as a soldier, agreeably to a resolution of Congress, passed May 15th, 1778: referred to the Committee of Claims. The petition of Maria Hornbeck, of the county of Ulster, New York, praying for a pension, and that a law may be passed to embrace her case: referred to the Committee on Revolutionary Claims, together with the papers on file.]

[Mr. CURTIS presented the petition of Hubbard and Casey of New York, and others, dealers in hardware, praying for a repeal of the 10th and 12th clauses of the 2d section of the act of July, 1832, "to alter and amend the several acts, imposing duties on imports. The petition of Sarah Davis, widow of Edward E. Davis, a Revolutionary soldier, praying for a pension. The petition of Alice Wyckoff, for a pension. The petition of Herman Harris, for return of penalty, incurred by an alleged violation of the revenue laws of the United States.

He also presented the petition of 465 inhabitants, 262 citizens, and 4,136 women, of the city of New York, for the abolition of slavery and the slave trade in the District of Columbia; 402 inhabitants, 3,536 women, and 190 citizens, for the abolition of slavery and the slave trade in the Territories; 4,042 women, 458 inhabitants, and 259 citizens, against the admission of a new slaveholding State into the Union; 3,896 women, 456 inhabitants, and 44 citizens, for the prohibition of the domestic slave trade; 38 women, 347 inhabitants, and 107 citizens, against the annexation of Texas; 120 inhabitants of Franklin, in the State of New York, against the annexation of Texas; 17 men of Weston, 655 women, 212 citizens, and 8 voters of Westchester county, 75 Methodist ministers of Genessee Conference, 150 voters of Fiskville, Dutchess county, 31 men of Ulster county, and 30 members of the Methodist Conference, against the annexation of Texas; 79 women of Hadley, and forty-seven women of Milton, for abolition of slavery in the District of Columbia; 23 citizens of Ulster county, 79 ministers, and 25 members, Genessee conference, of Erie county, for the abolition of slavery and the slave trade in the District of Columbia; 46 women of Milton county, 82 ministers, Genessee conference, and 17 citizens of Ulster county, for the prohibition of the internal slave trade; 51 women of Milton county, 20 citizens of Ulster county, 86 ministers, and 25 members, Genessee conference, of Erie county, for the abolition of slavery and the slave trade in the Territories; 49 women of Milton county, and 80 ministers, Genessee conference, against the admission of any new slave State into the Union; 71 ministers of the Methodist Episcopal church, Me. and 93 ministers of the Methodist Episcopal church, N. H. for the abolition of slavery and the slave trade in D. of C.; 79 ministers of the Methodist Episcopal Church, (Me.) 92 ministers of the Methodist Episcopal Church, (N. H.) and 34 women of Jersey City, for the abolition of slavery and the slave trade in the Territories; 11 men of Jersey City, against the annexation of Texas; 36 women of Jersey City, for the abolition of slavery and the slave trade in the District of Columbia; 19 men of Jersey City, against the admission of any new slave State; 38 citizens and 108 women of Middlebury county, against the annexation of Texas; 28 citizens and 110 women of Middlebury county, for the abolition of slavery and the slave

trade in the District of Columbia. Also the petition of 64 women of New Haven, Connecticut, and 64 do. against the annexation of Texas to the United States; 50 women of New Haven, Connecticut, and 50 do. against the abolition of slavery and the slave trade in the District of Columbia; 30 citizens of the United States against the annexation of Texas to the United States; 172 men of Ulster county, New York, and 78 women do. for the abolition of slavery and the slave trade in the District of Columbia; 46 men of Ulster county, New York, and 27 women do. for the abolition of slavery and the slave trade in the District and Territories; 81 men of Ulster county, New York, and 40 women, do. against the admission of any new State whose constitution sanctions slavery; 76 men of Ulster county, New York, and 41 women do. for the prohibition of the internal slave trade; 873 men of Westchester county, New York, and 876 women do. for the abolition of slavery and the slave trade in the Territories and District of Columbia; 887 men of Westchester county, New York, for the prohibition of internal slave trade; 824 men of Westchester county, New York, against the admission of any new State whose constitution sanctions slavery.]

Messrs. FRY, POTTER, S. W. MORRIS, McKENNAN, HENRY, POTTS, NAYLOR, PLUMER, WAGENER, DARLINGTON, TOLAND, BIDDLE, PETRIKEN, SHEFFER, and OGLE of Pennsylvania.

[Mr. S. W. MORRIS presented a petition for a post route "from Forest Lake, Post Office, in the county of Susquehanna, Pennsylvania, by Choconut creek, to Union Post Office, in the county of Broome, New York:" referred to the Committee of the Post Office and Post Roads. Petition from citizens of McKean county, Pennsylvania, for the improvement of the Alleghany river between Pittsburg, Pennsylvania, and Olean in New York: referred to the Committee on Roads and Canals.]

[Mr. PLUMER presented a memorial praying for an appropriation for improving the navigation of the Alleghany river from Pittsburg to Olean, New York: referred to the Committee on Roads and Canals, and ordered to be printed. Also, sundry memorials of citizens of Pennsylvania and New York, praying for an appropriation for building a wharf or pier near the mouth of Twenty Mile creek, on Lake Erie: referred to the Committee on Commerce. Also, sundry petitions for an appropriation for the construction of a harbor at the mouth of Elk creek, on Lake Erie: referred to the Committee on Commerce. Also, a petition of the citizens of Erie, for changing the name of the port of Presque Isle to that of Erie: referred to the Committee on Commerce. Also, a petition for the establishment of a mail route from Butler to Tionesta, by the way of Shippenville and Fetzer's Mills: referred to the Committee on the Post Office and Post Roads. Also, the petition of Stephen Olney, a Revolutionary officer, for a pension: referred to the Committee on Revolutionary Pensions. Also, resolutions of the Pennsylvania Legislature, relating to the construction of a national road from the Cumberland road to the harbor of Erie.]

[Mr. SHEFFER presented the memorial of Abraham Crook and 24 other citizens of Adams county, Pa. remonstrating against the annexation of Texas to the Union: moved that the same be referred to the Committee on Foreign Affairs. Also, the petition of Martha G. Pearson, and 28 other women of the same county and State, praying for the abolition of slavery and the slave trade in the District of Columbia, and Territories of the United States. Also, the memorial of William P. Cunningham, and 23 others, of the city of Philadelphia, remonstrating against the annexation of Texas to the Union: moved that the same be referred to the Committee on Foreign Affairs. Also, the petition and documentary evidence of Lieutenant W. Scott Ketchum, setting forth that in his capacity of Assistant Commissary of Subsistence, his trunk was robbed at Camp Sabine, Louisiana, of five hundred and twelve dollars and eighty-six cents of public moneys, and prays for relief: moved that the same be referred to the Committee of Claims.]

[Mr. HENRY of Pennsylvania presented six several petitions, signed by a large number of the citizens of Mercer county, praying for a mail route from New Castle, through Pulaski, Sheron, Clarksville, and West Greenville, in Mercer county, to Meadville, in Crawford county, twice a week: referred to the Committee on the Post Office and Post Roads. Also, the petition of a number of the citizens of the same county, for a mail route from the borough of New Castle, by the way of Eastbrook, to Harlinsburg: referred to same committee. Also, the petition of 81 citizens of the counties of Mercer and Beaver, Pa. praying that a resolution passed by the present Congress abridging the right of petition, be reconsidered and revoked: moved to be referred to a select committee; on motion, laid on the table. Also, certain resolutions passed by the Legislature of Pennsylvania, requesting their Senators and Representatives in Congress to vote for and use their exertions for the passage of a law authorizing the construction of a McAdamized road from the National road, at some point west of the Laurel Hill, by way of Pittsburg and Meadville, to the harbor at Erie, and to appropriate a sufficient sum out of the United States Treasury for the immediate commencement and completion of the same: referred to the Committee on Roads and Canals.]

Mr. MILLIGAN of Delaware.

Messrs. McKIM, PEARCE, JENIFER, THOMAS, WORTHINGTON, and HOWARD of Maryland.

[Mr. McKIM, on leave, made a brief statement in relation to the accounts of Mr. McCulloch, late collector at Baltimore. From a document that had been laid on the tables of the members, and of which a large extra impression had been ordered, containing a return of defaulters to the Government, that gentleman had been represented as a defaulter to the amount of $14,753 34. Mr. McK. held a receipt in his hand, dated the first of June, 1837, more than covering the amount to which that gentleman was indebted, and the payment of which was acknowledged by the Treasury Department on the third of June. Mr. McK. read the receipt to the House, and demonstrated, that it over paid the amount due by Mr. McCulloch, between fifty and sixty dollars.

Mr. McK. added that he imputed no design to misrepresent on the part of the Treasury Department, or to impugn the memory of the deceased, because the document had probably been prepared in pursuance of the forms of office, but it had so turned out, that he had been represented as a defaulter, when there was actually a balance due to him.]

Messrs. WISE, ROBERTSON, DROMGOOLE, GARLAND, PENNYBACKER, MERCER, MORGAN, BEIRNE, MASON, COLES, CRAIG, and HOPKINS, of Virginia.

Messrs. GRAHAM, SAWYER, A. H. SHEPHERD, C. SHEPARD, WILLIAMS, and McKAY, of North Carolina.

[Mr. McKAY presented petitions from the inhabitants of the town of Wilmington, for a mail route from Weldon, on the Roanoke, to Halifax, thence to or near Enfield, Waynesboro, South Washington, to Wilmington, and thence to Charleston, South Carolina. From A. Bryan and others, asking an appropriation for placing buoys at the mouth of Shallotte river. From Samuel Potter and James Cassidy. From William Hawkins.]

Messrs. GRIFFIN, CLOWNEY, ELLMORE, and LEGARE, of South Carolina.

Messrs. OWENS, HAYNES, and DAWSON, of Georgia.

[Mr. OWENS presented the memorial of Mayor and Aldermen of the city of Savannah, praying retrocession of Fort Wayne to the said city: referred to Committee on Military Affairs. Memorial of citizens of Savannah, praying the erection of a custom-house in said city: referred to Committee on Commerce. Memorial of citizens of Savannah in relation to the salary of collector at said city: referred to Committee on Commerce. Memorial in relation to duty on rough rice, imported into and exported from the United States: referred to Committee on Commerce. Memorial in relation to erection of a beacon at Black Beard Island, State of Georgia.]

[Mr. DAWSON presented the following petitions: One in behalf of Major General Daniel Newman, of the State of Georgia, asking certain arrearages due him from the General Government for services, etc.; one from the citizens of the counties of Elbert, Franklin and Madison, in the State of Georgia, asking of Congress the establishment of certain post routes and post offices; a remonstrance from a large, intelligent, and respectable portion of the citizens of the city of Macon, in the State of Georgia, against the passage of the bill now pending before Congress, known as the "International Copy-right law;" and a petition in behalf of the citizens of Hall and Habersham counties, in the State of Georgia, asking the establishment of stage routes between Danville and Clarksville, in said counties.]

Messrs. UNDERWOOD, GRAVES, SOUTHGATE, and WILLIAMS, of Kentucky.

Messrs. the SPEAKER, MAURY, STONE, CROCKETT, McCLELLAN, WILLIAMS, CARTER, CHEATHAM, BELL, SHIELDS, and CAMPBELL, of Tennessee.

Messrs. WHITTLESEY, DUNCAN, HARPER, ALLEN, RIDGWAY, MORRIS, CHANEY, CORWIN, COFFIN, SHEPLOR, LEADBETTER, and GOODE, of Ohio.

[Mr. HARPER presented the petition of John Wiley, and six hundred and fifty-one other male citizens of the county of Licking, Ohio, and of Sarah Powers, and three hundred and forty-four other females, remonstrating against the annexation of Texas to the United States. Also, the petition of Martha Gillispie, and eleven other citizens of the county of Muskingum, praying for the abolition of slavery in the District of Columbia. Also, the petition of sundry persons of Licking county, Ohio, sufferers and heirs of the sufferers by the massacre of Wyoming, praying for relief. Also, the petitions of sundry inhabitants of the counties of Muskingum and Licking, Ohio, praying for the establishment of a semi-weekly mail from Nashport, in Muskingum county, via Perrytown and Pallasberry, in Licking county, to Martinsburg, in the county of Knox. Also, the petitions of sundry inhabitants of the counties of Muskingum and Coshocton, praying for the establishment of a mail route from Zanesville, via Samuel Beaver's, George Smith's, and John G. Pigman's, to Coshocton, in the county of Coshocton. On motion, *Ordered*, That the petition of Robert Fulton, and the accompanying documents, be referred to the Committee of Claims. *Ordered*, That the papers of Samuel Hall, on the files of this House, praying for a pension, be referred to the Committee on Invalid Pensions. Also, the petition of G. P. Bancroft, and 185 other legal voters of the county of Licking, praying this House to rescind the resolution of the 21st of December last. Also, the petition of A. M. Lewis, and 34 male citizens of the county of Muskingum, Ohio, praying this House to rescind its resolution of the 21st December last.]

Mr. GARLAND of Louisiana.

Messrs. HEROD, GRAHAM, RARIDEN, DUNN, WHITE, and EWING, of Indiana.

[Mr. RARIDEN presented the petition of the citizens of Indiana and Ohio for a mail route from Centreville, Indiana, via Philometh, Brownsville, &c. to Cincinnati: referred to the Committee on the Post Office and Post Roads. The petition of 210 citizens of Steuben county, praying the abolition of slavery in the District of Columbia. The petition of citizens of Wayne county, Indiana, against the annexation of Texas, and for the abolition of the domestic slave trade. The petition of citizens of Steuben and De Kalb counties, for a mail route from Defiance, Ohio, to Mangoqunow, Lagrange county, Indiana. The petition of citizens of Wayne county, Indiana, against the admission of any new slave State into the Union. The petition of the citizens of Goshen, Indiana, for certain mail facilities.]

[Mr. WHITE presented the petition of Charles W. Smith and others, citizens of Indiana, for a mail route on the east side of the Wabash river, from Terre Haute to Covington: referred to the Committee on the Post Office and Post Roads. Memorial of James McDonald and others, citizens of Warren county, Indiana, praying the improvement of the Maumee river below the Rapids: referred to the Committee on Roads and Canals. Petition of Isaac W. Taylor, of Fountain county, Indiana, (a pensioner) for back pay: referred to the Committee on Invalid Pensions. Claim of David Powers, of Montgomery county, Indiana, for compensation for a horse lost in the Black Hawk war: referred to the Committee of Claims. Petition of Abraham Stiff, of Vermilion county, Indiana, praying Congress to authorize the issuing of scrip on a bounty land warrant held by him: referred to the Committee on Public Lands. Petition of the citizens of Goshen and its vicinity, for a mail route (tri-weekly) from Logansport, Indiana, to White Pigeon, Michigan, via Leesburg, Milford, Goshen, and Middlebury: referred to the Committee on the Post Office and Post Roads. Petition of the citizens of Leesburg and vicinity, for same object: same reference. Petition of the citizens of Middlebury and its vicinity, for same object: same reference.]

Mr. CASEY of Illinois.

[Mr. CASEY presented the petition of Levi Compton, praying the right of pre-emption to a certain tract of land. Also, a preamble and resolution of the Trustees of the Paris Seminary, in Illinois, asking the donation of a section of land for the use of said seminary: referred to the Committee on Public Lands. Also, the petition of a convention of the people of Kane county, Illinois, praying a grant of land to improve the navigation of Fox river: referred to the Committee on Roads and Canals. Also, a petition of a number of the citizens of the northern part of Illinois, praying the passage of a pre-empt on law: referred to the Committee of the whole House, to which the pre-emption bill was referred. Also, the petition of J. R. Allen, praying compensation for a horse lost in the military service of the United States: referred to the Committee on Claims. Also, sundry petitions for mail routes in Illinois; which were referred to the Committee on the Post Office and Post Roads.]

Messrs. LEWIS, CHAPMAN, LYON, and LAWLER of Alabama.

[Mr. CHAPMAN presented a memorial of the Legislature of Alabama, asking that the right of pre-emption at the Government price may be granted to settlers on the public lands, and especially those who reside on the lands lately acquired from the Cherokee Indians. Also, that the price of lands that have been offered, and remain unsold, may be graduated and reduced; and that such as will not sell at the reduced price, may be granted to the States; that the unproductive 16th sections may be relinquished, and other lands entered for the same object. Mr. C. also introduced the memorial of the same Legislature, asking a further appropriation to complete the improvements commenced at the Muscle and Colbert Shoals, on the Tennessee river, according to the original plan. Mr. C. presented the papers in relation to the claim of John Lowrey, for services rendered as attorney for the Cherokee Indians. The petition of citizens of Cherokee county, Alabama, asking pre-emption rights to settlers on the public lands, and the establishment of a land district in the county acquired from the Cherokees. The petition of William West, and other citizens of Cherokee county, Alabama, in his behalf, asking compensation for a horse he lost while a soldier in the late Creek war. The papers in relation to the claim of Wm. Wilson, of Jackson county, Alabama, for a pension as a soldier of the Revolution. The petition of certain citizens of Cherokee county, Alabama, asking a grant of land to Robert Bell and B. Thompson, to include some valuable mills they have erected of great public utility on Chatooga river. The petition of citizens of Cherokee county, Alabama, praying that the mail route from La Fayette, Walker county, Georgia, may pass by Hopkinsville, Chattooga Old Town, keeping in Chattooga Valley, and crossing Chattooga river at Scraper's Ford to Cherokee Court House, Alabama.]

Messrs. MILLER and HARRISON of Missouri.

[Mr. MILLER presented sundry memorials, to wit: a joint memorial of the Legislature, asking that a Superintendency of Indian Affairs may be established near the western frontier of the State of Missouri; and, also, that adequate protection be afforded to that frontier: moved that so much of said memorial as relates to the defence of the frontier, be referred to the Committee on Military Affairs, and that relating to a Superintendency of Indian Affairs, be referred to the Committee on Indian Affairs, and printed. Also, a joint memorial from the same, asking the passage of a law, providing that certain field notes be furnished the purchasers of the public land free of expense: referred to the Committee on Public Lands. Also, a joint memorial from the same, asking an appropriation for the removal of obstructions at the mouth of Des Moines river, and for the improvement of the navigation a few miles up that river: referred to the Committee on Roads and Canals. Also, a joint memorial from the same, asking the passage of a law granting the right of pre-emption to citizens of Missouri in certain cases: referred to the Committee on Public Lands. Also a joint memorial from the same, asking the passage of a law, creating a new land district in the northwestern part of the State of Missouri: referred to the Committee on Public Lands. Also, a joint memorial from the same, asking an appropriation by Congress, for the improvement of the navigation of South Grand river, from the western boundary of Missouri to Fort Gibson on the Arkansas river: referred to the Committee on Roads and Canals.

All the above memorials of the Legislature of Missouri were ordered to be printed.

Mr. M. also presented sundry petitions, viz: The petition of Robert W. Gale and others, praying Congress to grant such aid as may be deemed equitable and just, for the promotion of science and education, to the Western Academy at Boonville, Missouri: referred. Also, the petition of William C. Ranney and others, of Missouri, praying the establishment of a post route in Stoddard county, Missouri, from Bloomfield to Martin M. Woods's, in West Prairie, in said county: referred to the Committee on the Post Office and Post Roads. Also, the petition of William Nicholas, of Missouri, praying Congress to grant him compensation for two horses lost by or stolen from him by hostile Indians whilst in the service of the United States, in Captain Audrain's company of rangers, in the year 1814: referred to the Committee of Claims. Also, the petition of Samuel Murray and others, praying Congress to grant the right of way through the public lands in the State of Missouri, to the St. Louis and Bellevue Mineral railroad company: referred to the Committee on Public Lands. Also, the petition of A. Wheeler and others, praying Congress to establish a mail route from Van Buren, in Ripley county, Missouri, through the rich lands on Eleven Point, to Charles Huddleston's, thence to Izard court-house, in the State of Arkansas. Also, the petition of Woodburne Potter, of Missouri, praying Congress to grant him compensation for services rendered the United States in the year 1837. Also, the petition of Alfred Skinner, of Missouri, praying Congress to pass a law confirming to him a certain tract of land therein mentioned: referred to the Committee on Private Land Claims. Also, the petition of Samuel Mossey, of Missouri, and Thomas James, of Ohio, praying Congress to pass a law authorizing them to enter certain lands in the State of Missouri, at $1 25 per acre: referred to the Committee on Public Lands. Also, the petition of Jean B. Tattie, of Missouri, praying Congress to pass a law granting back pension for a period of time therein mentioned: referred to the Committee on Invalid Pensions. Also, the petition of John Turner, of Missouri, praying the passage of a law by Congress granting him compensation for two horses stolen from him by Sac and Fox Indians in the year 1812: referred to the Committee on Indian Affairs. Also, the petition of the heirs of James Watson, of Missouri, praying Congress to pass a law granting compensation for a horse stolen from James Watson, deceased, by Sac and Fox Indians, in 181 : referred to the Committee on Indian Affairs. Also, the petition of the heirs of Joshua Bishop, of Missouri, praying Congress to pass a law granting them compensation for two horses stolen from Joshua Bishop, deceased, by Sac and Fox Indians, in the year 1812: referred to the Committee on Indian Affairs.]

[Mr. HARRISON presented the following petitions and memorials: Petition of James Duncan, for a pension. Petition of Eliza A. Potter, widow of Nathaniel Potter, deceased, praying that the amount of money of which her deceased husband was robbed while postmaster at Franklin, Missouri, and which he had to account for, may be returned to her. Petition of James B. Mills, asking compensation for wood, furnished Fort

Leavenworth under contract with the deputy quartermaster at that place. Petition of Thomas P. Copes, asking that he may be allowed to re-locate a New Madrid claim covered by a confirmed Spanish grant. Petitions of James Journey, asking the confirmation of a grant of land made to him by the Spanish Government. Petition of sundry citizens for a mail route from Jefferson City, Cole county, to the town of California, in the same county. Petition of the trustees of the town of St. Charles, asking that such claims as have been confirmed within the commons of St. Charles, may be located elsewhere, upon any lands liable to entry at private sale. Petition of Julia Soulard and others, asking an appropriation to cover the costs of a suit which accrued under the act of 1824, allowing those holding old French and Spanish claims, to file a petition for the same in the district court of the United States for the State of Missouri. Memorial of the Legislature of Missouri, asking a drawback of duties to those engaged in the Santa Fe trade. Memorial asking that the amount of money collected by rents from the lead mines in Missouri, may be returned to the counties respectively in which the lead was obtained, for school purposes. Memorial asking for a continuation of the Northern boundary line of Missouri to the Mississippi river. Memorial asking a further extension of the laws granting pre-emption rights. Petition asking that the counties of Saline, Pettis, and Benton be annexed to the Lexington Land District. Also, a resolution instructing the Committee on Private Land Claims to inquire into the expediency of providing for the issuing of a patent for a certain tract of land to the legal representatives of Gregorie Sarpy. Memorial of Richard B. Alexander, of the District of Columbia, praying Congress may direct the Secretary of War to cause to be examined and surveyed, certain property of his in the District of Columbia, for the purpose of selecting the same, as a suitable site for either a national foundry, or a powder magazine. Petition of Harrison Snead, a soldier of the late war, praying that he may be allowed to enter other lands in lieu of his military bounty tract, represented as being worthless. Petition of Pierre Parladi and Charles Lamarche, praying remuneration for depredations committed upon their property by the United States Rangers. Petition of William White, (a free person of color,) praying to be placed on the pension list, on account of a wound received in a battle with the Indians. Petition of Rene Trudeau, praying the confirmation of a grant of land from the Spanish Government. Memorial of the Legislature of Missouri, asking pay for certain volunteers called into service from the State of Missouri. Petition of Francis Obuchon, praying that he may be allowed to locate upon any of the public lands, liable to private entry, the balance of a Spanish grant, which could not be located for the want of sufficient public lands adjacent to the original grant. Petition of Samuel Massey and Thomas James, praying that they may be allowed the privilege of entering a portion of the public lands adjacent to their iron works, at the minimum price at which the public lands are sold. Petition of sundry citizens, praying the establishment of a mail route from Lexington, in Lafayette county, to Harrisonville, in Van Buren county. Petition of James Duncan, praying to be placed on the pension list. Also, presented a correspondence on the subject of the protection necessary to the western frontier of Missouri and Arkansas.]

Mr. YELL of Arkansas.

[Mr. YELL presented the petion of John Lee of Arkansas, praying for the payment of a horse lost in the service of the United States: referred to Committee of Claims. On motion, referred to the Committee on Roads and Canals, the report of the engineer who examined White and Black rivers, in Arkansas, under an order of the War Department.]

Mr. CRARY of Michigan.

[Mr. CRARY presented a petition for a mail route from Mt. Clemens to Belvidere; for a mail route from Marshall to Allegan; for a mail route from Grandville to Port Sheldon; for a mail route from Flint to Lapeer; for a mail route from Logansport to White Pigeon; and for a mail route from Marshall to Fort Wayne; also, a petition for the improvement of the harbor at Mackinac; for the improvement of the harbor at the mouth of Pigeon Creek; for the improvement of the harbor at Brest; and for the improvement of the harbor at New Buffalo. Also, a petition of 123 inhabitants of Kent county, against the annexation of Texas to the Union; of 50 inhabitants of Calhoun county, on the same subject, and a like petition from sundry citizens of Livingston county; a petition of 37 citizens of Kent county for the abolition of slavery in the District of Columbia, and a like petition from certain inhabitants of Livingston county; a petition of 40 citizens of Kent county against the admission of a new State into the Union with a Constitution tolerating slavery: a like petition from Livingston county; also, a petition from Livingston county in favor of a prohibition of the slave trade between the States. A joint resolution of the Legislature of the State of Michigan in favor of a law providing for the reduction of the price of the unsold lands within the States; that the same be sold in limited quantities, and to actual settlers. A like joint resolution in favor of improving the harbor at the mouth of Clinton river, and constructing a light-house on Huron Point; for improving the harbor, and constructing a light-house at the mouth of the Kalamazoo river; of improving the harbor, and constructing a light house at the mouth of the river Raisin; and of improving the harbor at the mouth of Grand river, and the navigation of Flint river. A like joint resolution in favor of an appropriation for the construction of a harbor at New Buffalo, and for the completion of the harbor at the mouth of the river St. Joseph. A like joint resolution for the construction of a harbor at Brest; at the mouth of South Black river; at the mouth of North Black river; of a harbor at Mackinac; for removing the bars in Lake George; for building a light-house at Brest, at New Buffalo, at the mouth of the river St. Mary, and for a beacon light at Mackinac. A like joint resolution for an appropriation for improving the harbor at the mouth of Clinton river, at the mouth of the Kalamazoo river, and for a survey of the flats at the mouth of the St. Clair river.]

Mr. JONES of Wisconsin.

[Mr. JONES presented the following: A memorial to Congress for the passage of a pre-emption law. A memorial to Congress for an appropriation for building harbors. A petition praying for the right of pre-emption. A petition of John H. Sullivan and Adrian H. Davenport and others, praying for the right of pre-emption. A memorial of the Legislative Assembly of Wisconsin, praying for the improvement of the Pickerionica river. A petition for a post route in Wisconsin Territory. A resolution of the Legislative Assembly of Wisconsin Territory, on the subject of a new land district including Madison city. A petition of the citizens of Bloomington, Wisconsin Territory, praying for the passage of a special pre emption law for their benefit. A petition of the citizens of Belleview, Wisconsin Territory, praying the right of pre-emption may be granted to J. Bell for one quarter section of land. A petition of the citizens of Mount Pleasant, Wisconsin Territory, who pray for the passage of a special pre-emption law for their benefit. A petition for a post route from Southport to Geneva, in Wisconsin Territory. A petition of Pierre Menard and others, securities of Felix St. Vrain, deceased. A memorial for an appropriation for a road from Racine to the Mississippi. A memorial to Congress for an appropriation for building a road from Southport to Rock river. A memorial of the citizens of Milwaukee, for a grant of proceeds of the sales of lands on Fox river, for the improvement thereof. Petition of citizens of Davenport and vicinity, in Wisconsin Territory, for the right of pre-emption to the land on which that town is situated. Memorials of citizens of Milwaukee, for a light house at Kewaunee, and for a harbor at the same place. A memorial of the citizens of Milwaukee and its vicinity, for the construction of a harbor at that place, and for an appropriation for the road from Chicago to Green Bay. A memorial of the Legislative Assembly of Wisconsin Territory, praying for an additional appropriation to complete the public buildings at the seat of Government of the Territory. Memorials from the Legislative Assembly of Wisconsin Territory, praying for an additional appropriation to complete the improvement in the navigation of the Mississippi river, at the Des Moines river and Rock river rapids; for a donation of two townships of inundated lands in the Mississippi bottom, opposite to the town of Burlington, Wisconsin Territory, for the construction of a road through the said bottom; that the right of citizenship may be extended over the Stockbridge Indians who reside on the east side of Lake Winnebago, in Wisconsin Territory; for the construction of a road from Prairie du Chien to the northern boundary of Missouri, on the west side of the Mississippi river, in said Territory; also, for a road from Racine, on Lake Michigan, to some point on the Mississippi river, in said Territory; also, a memorial for the relief of Major Jeremiah Smith, for the destruction of his house by fire whilst the Legislative Assembly was in session in it. The petition of John Davis, who prays for a pension as an invalid.]

Messrs. NOYES and EVANS, of Maine.

Messrs. CUSHMAN and WILLIAMS, of New Hampshire.

Mr. SLADE, of Vermont.

On motion,

The House then adjourned, at 5½ o'clock.

IN SENATE,

WEDNESDAY, February 14, 1838.

The CHAIR communicated two reports from the Treasury Department, transmitting, in compliance with the provisions of the act of the 6th February, 1835, providing for the final adjustment of land claims in Louisiana, a report from the register and receiver of the land office at Ouchita, Louisiana and a report from the register and receiver of the land office at New Orleans, on the several claims brought before them respectively: referred, with the accompanying papers, to the Committee on Private Land Claims.

Mr. WHITE presented a communication from the War Department, with a report from the Commissioner of Indian Affairs, relative to the Indian agents; which was laid on the table, and ordered to be printed.

Mr. McKEAN presented the petition of sundry citizens of Pennsylvania, remonstrating against the admission of Texas into the Union: laid on the table.

Mr. BENTON, from the Committee on Military Affairs, to which the subject had been referred by a resolution of the Senate, reported a bill to settle the construction of the act regulating the pay of the paymasters in the army of the United States: read, and ordered to a second reading.

Mr LINN, from the Committee on Private Land Claims, to which had been referred the petition of John Riley, made an unfavorable report thereon.

Mr. LYON presented a petition from the inhabitants of the country bordering on Grand river, in the State of Michigan, and from certain ship owners and masters of vessels on Lakes Erie, Huron, and Michigan, asking an appropriation for the construction of a pier and pier light, for the protection of commerce at the mouth of that river.

Mr. WALKER submitted the following resolution, which was considered and adopted.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Mississippi, to wit:

From Ellisville via Paulding to Quitman. From Quitman to Washington court-house, Alabama. From Columbus by Winstonville, Somerville, Philadelphia, and Dixon, to Hillsboro. From Madisonville by Densonville, Ludlow, and Hillsboro, to Carthage. From Houston by Granada and Middleton, to Louisville. From Pontotoc by Red Land, (Williams's) to Houston. From Chulahoma by Oak Hill and Castlesville, to Memphis, Tennessee. From Panola court-house by Peyton, to Helena, Arkansas. From Helena, Arkansas, by Powhatan, (Coahoma county,) to White river, Arkansas. From Starksville by Lafayette and Bellefontaine, to Greensboro. From Hardin court-house, Tennessee, by Nashobee, Jacinto, and Carrolville, to Pontotoc. From Kennedy's Store, by Concord and Steen's creek, to Brandon. From Aberdeen by Fulton to Jacinto. From Fulton to Russelville, Alabama. From Tuscumbia, Alabama, by Jacinto and Ripley to Holly Springs. From Tuscaloosa, Alabama, by Jamestown, Brooklyn, Mount Pleasant, Moga-lu-sha, to Hillsboro. From Greensboro by Graysport to Grenada. From Panola court-house by Sardinia, Oakland, Preston, and Troy; to Grenada.

MISSOURI VOLUNTEERS IN FLORIDA.

Mr. BENTON offered the following resolution:

Resolved, That the President be requested to communicate to the Senate the official reports of Col. Zacharie Taylor, of the First regiment of Infantry, commanding in the action of the 25th of December last, with the Florida Indians, and giving an account of that action.

Mr. BENTON deemed it right to apprize the Senate of the object which he had in view in calling for an official communication of the reports mentioned in the resolution. He had seen these reports in the newspapers, and was of opinion that the Missouri volunteers, constituting a part of Col. Taylor's command in the action of the 25th of December, had been hardly treated, both in the action itself, and in the official reports which had been made of it. He had received no complaint from any of these volunteers on this subject; but he knew the men, and he had seen how they had been treated, and was of opinion that they had been hardly dealt with, both in the action, and in the report of it. They had been put in the fore-front of the battle, which was not their place in *such* an attack as was then made; and they had been censured for misconduct, when applause, and not censure, was due to them.

It appears from the commander's report, that the Indians, strongly posted, had waited an attack in a position where, covered from view, they could deliver a deadly fire upon an advancing line. It was clear that the first assailants must receive a deadly fire. There were nine hundred troops present, of whom about two hundred were Missouri Volunteers and Spies, and the rest regulars. The Volunteers and Spies were formed into a first line to make the attack; and of the regulars, five hundred formed a second line in the rear of the volunteers, and two hundred more formed a reserve, in the rear of the whole. In this disposition of the forces, it is clear that the Volunteers had a desperate service assigned them. They were to go forward as a forlorn hope, to draw the fire of the hidden enemy, and to absorb their bullets. It was a service for regulars, and not for volunteers—for soldiers by profession, and not for fathers of families and sons of farmers; it was a service for disciplined troops, and not for citizens fresh from the plough, who might have courage, but could not have discipline. The error of putting forward two hundred such troops, on such a service, while five hundred regulars remained behind in a second line, and two hundred more were held back as a reserve, is manifest to every observer, and seems to assume the appearance of exposing citizens to the fate of a forlorn hope.

Mr. B. was aware that volunteers were often sent forward to skirmish and to bring on an action, but this was not a case of skirmishing, but of attack upon the position and main body of the enemy, lying in wait to deliver a deadly fire upon the first assailants.

The orders to the volunteers were to fall back if heavily pressed, and to form in the rear of the second line. They were so pressed. They lost the one-sixth of their number in a few minutes, in killed and wounded, including their commander, and they fell back, some across the swamp, and employed themselves in taking care of their dead and wounded friends, and others to the rear of the second line, which they joined, and with which they continued to the end of the action. It is here that the error of the commander, in reporting this circumstance, becomes apparent. No allowance is made for undisciplined troops who had faced a terrible danger—who had lost their commander—who had suffered severely—who had their killed and wounded friends to take care of—who had discretionary orders to retreat—and who saw two hundred regulars idle as a reserve, while they themselves were urged back into the action.

The commander, in his report, disparages them without sufficent regard to these circumstances. He bestows a separate and distinctive praise upon the regular troops, which they well deserve, while the volunteers are blamed for "breaking" and retreating to the "baggage," and refusing to return in a "body" to the engagement. Now, as for breaking, it was seen that they had discretionary orders to retreat, if heavily pressed, and every retreat must become a breaking under such circumstances. None but veterans could have retreated in order under such circumstances. As for going to the baggage, it was certainly the place, and the only place, to which the wounded could be carried to receive the relief and attention which they required. And as for not returning as a corps, it is quite clear there could be but a broken corps to return, after the killed and wounded were deducted, and after the further deduction was made of those who were necessary to bring off these killed and wounded, and to give them the attendance which their sufferings required. After these deductions were made, there could not be much of a corps to return; and of the remnant left, it is stated in the official report that "many" returned, not as an organized body, but individually, and in broken companies, and fought it out to the end, while two hundred regulars, as a reserve, were only brought in at the close of the action.

Mr. B. thought the error of the commanding officer in his report, for he did not impute intentional injustice to him, was in expecting from volunteers the steadiness and the discipline of regulars.

The commanding officer takes, in the case of the Sixth Regiment, the number of its killed and wounded for the criterion of its merit and suffering in the action. The test is a fair one, and exhibits that regiment, especially five companies of it, as having encountered death with the greatest steadiness. It is a fair test; and let it be applied to all the troops, and then see how the Missourians will rank. The respective numbers and losses were thus: the Sixth Regiment, about 220 in action and 75 killed and wounded, being a loss of one third; the Fourth Regiment, 274 strong, 22 killed and wounded, being a loss of one-twelfth; the First Regiment, 200 strong, and 4 wounded, being a loss of the one-fiftieth; the Missouri Volunteers and Spies, 226 in number, and 36 killed and wounded, being a loss of the one-sixth. According to this test, the Missouri Volunteers should rank number second on the roll of merit, instead of being put to the bottom of the list, and then censured. But mere numbers will not show the relative merits and sufferings of the troops engaged. The element of time must be taken into the calculation, and then the merit of the Missourians rises to the first rank: for such was the intensity of the danger which they encountered, that they suffered their great loss in a few minutes, while the Sixth and Fourth Regiments were three hours in suffering theirs. This proves the difference in the degree of danger which the two descriptions of troops encountered.

Mr. B. said there was, in another part of the report, something of praise mixed up with censure, with respect to these volunteers. They are said to have returned the enemy's fire with spirit for a while, and to have done as well, or even better, than such a description of troops usually do. This bears a little upon all volunteers, and, he thought, erroneously, seeing how often such troops had done honor to their country. The people of the United States were constitutionally brave; and when the occasion required it, and they had a fair chance, they would always show it. They could not have discipline when fresh from their homes; and he thought the error of the reports to which he referred was in not making allowances for the want of discipline in these extemporaneous troops.

Mr. B. said he was under peculiar obligations to see that justice was done to these volunteers. They were his constituents, and had a right to look to him for a redress of their wrongs. They were fathers of families, and sons of farmers, living comfortably at home, and who had turned out at the call of the Government, generously and patriotically, to go an immense distance to serve their country. They had served it bravely and faithfully, had suffered severely, and were entitled to applause instead of censure. He had seen them at the moment of their

embarkation, when they left their homes, in October last, full of hopes and full of courage, and had promised them the exertion of all his abilities to save them from every wrong, and to obtain for them every justice and every right to which they were entitled. With their brave and patriotic commander, General Gentry, he had been in bonds of friendship for twenty years. He was with you, sir, (addressing the Vice President, Col. JOHNSON,) at the river Thames, and was one of the foremost in the charge which you then led. He was a Major General in the militia of the State, but did not hesitate, at the call of the Government, to descend to the command of a Colonel, to raise a regiment by his own exertions, to lead it into battle, and to die at its head. He would not have complained of his position, if he had survived that day. No one of his command has complained to me. As brave men, they have taken the post of danger without complaint, and have acquiesced in the fate which the fortune of war has given them. They have asked nothing; but it is the place of their representatives here, and every where, to see that they have justice; and believing that they have been hardly treated both in the action and in the report of the action, I now call for the official communications, that such inquiries may be instituted as justice may demand.

Mr. B. said he had no object in view, but to defend the volunteers of Missouri from censure. If they had not been censured, he should not have moved in the subject. He had no intention to depreciate the merits and services of the officers and soldiers of the regular army engaged in Florida. He knew their service to be one of suffering, of hardship, of difficulty and of danger—a service in which every thing was to be suffered, and death encountered, with little opportunity to add to their military fame. But they had added to it. They had shown a courage and discipline which would do honor to any troops. They had done all that men could do. They have deserved well, and are now deserving well, from their country; and he trusted that their suffering and services would be remembered and appreciated by the Government and the country.

Mr. CRITTENDEN said that he had not understood the report of Col. Taylor to cast any reflections on any troops engaged in the action of the 25th Dec. and particularly on the Missouri Volunteers. He was bound by all his sympathies and associations to entertain the strongest feelings for the gallant volunteers of the West, and would be deeply pained to hear any imputations cast on them. He must, however, do Col. Taylor, who was well known to him, the justice to say, that if he was supposed to have cast any imputations on the Missouri Volunteers, he must have done it by inadvertence. A more brave, skilful, and determined soldier than Col. Taylor was not to be found in our service.

Mr. BENTON said defence, and not attack, was his object. He had disclaimed that from the beginning. He knew Col. Taylor to be a brave and meritorious officer, but he was of opinion that he had dealt hardly by these volunteers. The place given them in the attack was that of a forlorn hope, but of this he would not have complained, if they had not been censured, and, as it seemed to him, erroneously censured.

On motion of Mr. TIPTON,

Resolved, That the Secretary of War be required to furnish the Senate with a copy of the report of a survey of the harbor of City West, Indiana, with a view to its improvement.

On motion of Mr. ROBINSON,

Resolved, That the Committee on Finance inquire into the propriety of so amending the law of 1830 as to allow States to import railroad iron wholly duty free, where it is exclusively for State purposes.

On motion of Mr. McKEAN,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of making compensation to the heirs of Benjamin Harney, deceased, for services rendered the United States during the late war.

Mr. BUCHANAN, on leave, introduced a bill supplementary to the act entitled an act regulating processes in the courts of the United States and providing compensation for the officers of said courts, and for jurors and witnesses: read twice and referred to the Committee on the Judiciary.

On motion of Mr. ROANE, the bill supplementary to the act concerning the District of Columbia was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to provide for the legal adjudication and settlement of a claim to land granted by the Spanish Government to Julien Dubuque was taken up, and considered as in Committee of the Whole; and after some remarks from Messrs. KING, LINN, and WHITE, it was laid on the table.

On motion of Mr. WALKER, the bill to change the times of holding the circuit courts of the United States for the ninth circuit was taken up: and after being amended, it was ordered to be engrossed for a third reading.

The Senate resumed as the unfinished business, the consideration of the Independent Treasury bill; when

Mr. SMITH, of Connecticut, rose and addressed the Senate for some considerable time, in favor of the bill. He deprecated the course pursued by those who were opposed to the measure, in denouncing it in advance, before it had been discussed; and inferred, from the stand taken by them, that they either had no arguments to offer against it, or that they indulged a sovereign contempt for the understanding of the people. Mr. S. was of opinion that sober reason was always best adapted for the American people, and when that was addressed to them, he never indulged a fear for the result. Mr. S. glanced at the opposition of this measure as federal, and monopolizing in its tendency, and showed that the Federal party had, for the last forty years, been denouncing the Democracy of the country as calculated to ruin and degrade it. Notwithstanding all these denunciations, these fearful prophecies, said Mr. S. the nation has grown in a manner unparalleled in history—while this party was always contending that the people were unfit to govern themselves, and would ruin the Republic, yet, from the old thirteen, the Republic had increased to twenty-six States. This party was always for *the benefit of the people*, it never considered itself, in any measure it recommended—oh no!—"the people, the dear people," were their only consideration. When our hardy and gallant seamen were impressed and torn from their families and friends, this party said never mind this poor set of miserable devils; would you endanger our property for the sake of such creatures? Yes, said Mr. S. these very miserable creatures, who afterwards won imperishable glory under the flag of their country, were not worthy of consideration in their eyes; but would have been left to pine out their lives in slavery and chains on board of foreign ships, had not the Democracy of the nation determined that the meanest of our citizens should not be subjected to ignominy or oppression. Then followed the embargo, when this same Federal party contended it was better to let the British take our ships than they should be permitted to rot at the wharves. Look to the war that ensued, when the country was bleeding at every pore, where was this Federal party then? Why denouncing their own Government, and declaring it to be wicked and immoral to celebrate our victories. Notwithstanding all this, the Democracy triumphed—the nation triumphed. The election of Gen. Jackson, and the present President, were alike causes, in their opinion, for the overthrow of the Republic, but it had then gone on to triumph, and would go on, and this very measure before them, which was much more loudly denounced than all others, would, also, be the means of enhancing the true health and happiness of the nation. Mr. S. went on until a late hour, showing the danger of encouraging moneyed monopolies, in a Government like ours, and the hazardous situation in which the Government might be placed, in trusting its funds to their keeping. (Mr. S's speech was able and argumentative, and, as soon as it can be written out, will appear in the columns of this paper.)

On motion

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 15, 1838.

CHOCTAW TREATY.

On motion of Mr. BELL, the House took up the following Senate bill, on its third reading, which had been postponed on Friday last, viz:

"An act to amend an act entitled an act for the appointment of commissioners to adjust the claims to reservations of lands, under the 14th article of the treaty with the Choctaw Indians in 1830."

The bill had been reported from the Indian Committee without amendment.

Mr. DAWSON moved its commitment to a Committee of the Whole, and made the order of the day for to-morrow, stating that he wished to amend it.

Mr. WHITTLESEY of Ohio hoped the gentleman would name some other than a private business day.

Mr. BELL thought it better to suffer the bill to pass as it came from the Senate, as it would probably have the effect of spurring on the commissioners; and the time might afterwards be extended, if it was found necessary. He had no objection, however, to such an amendment as to exclude those Indians who had emigrated west of the Mississippi prior to the first of January, 1834.

Mr. B. then proposed an amendment to that effect.

Mr. DAWSON said this amendment did not remove his objection to the bill.

Mr. BELL went into an explanation of the provisions of the treaty and the effect of the amendment, which would prevent any of the frauds alleged to have been attempted by bringing the western Indians back, and the purchase of their pretended claims by speculators.

Mr. DAWSON said it had been over and over again asserted that many of those Indians had come back for the very purpose of making claims, which claims had been bought up by combinations of speculators.

Mr. BELL admitted there might be some who went on their own account, at their private expense, and not under the conduct of an officer of the Government, and under such circumstances it was a question if these would not be entitled to benefit.

Mr. PARKER suggested a modification, to make the amendment general in its application, so as to apply to all who emigrated prior to the time stated. This, he thought, would remove the objection of the gentleman from Georgia.

Mr. BELL accepted this modification.

Mr. HAYNES would put it to the gentleman from Tennessee, whether if the treaty secured to the Choctaw Indians certain reservations, on certain conditions, one of which was, that they should remain in five years, but had emigrated subsequently, they could be deprived of their rights to reservations under the fourteenth article of the treaty by any action of ours. He would not move to amend the amendment, but he would submit it to the gentleman from Tennessee, whether cases might not arise where this provision might act to the prejudice of these persons.

Mr. BELL said, if there should exist any evidence of a case alluded to by the gentleman, though he knew of none, Congress would cheerfully grant relief. There was, however, no reason to believe that any such case existed, and not the slightest evidence of one had been exhibited.

Mr. OWENS did not doubt but that this bill was called for on the grounds stated by Mr. BELL the other day, but there was one provision of which he did not see the necessity. It was that authorizing the Commissioners to change their location or place of setting.

Mr. PARKER explained the object of that provision to be, to save a great expense to the country, in consequence of a large number of the witnesses having removed to distant points.

Mr. LYON gave an additional reason. Many of the persons entitled to reservations, being according to the number of their children, viz: half a section for each child under ten years of age, and a quarter section for each child under that age, had removed since the session, and the Commissioners, deeming it necessary that the children should be produced, this provision had been inserted to prevent the great inconvenience that would have resulted to the claimants themselves.

Mr. OWENS expressed himself satisfied with the explanation.

Mr. DAWSON stated the grounds of his opposition to this bill, under which the greatest frauds would be perpetrated. They were substantially as follows:

It would involve the Government in an expense of some ten or fifteen millions of dollars to get itself out of the very difficulty in which this law would place it; and he would prove—

First, that the census taken by Mr. Armstrong, the agent of this Government, showed that there were about 19,669 Choctaw Indians residing in the States of Mississippi and Alabama, and that 15,000 of these had been removed at the expense of the Government.

Next, that the agents of the General Government stated that there were only eighty-one Indians entitled, under that 14th article of the treaty, to the reservation contemplated by it.

He would then show that another gentleman who had been appointed, carried out the number to 572 Indians.

Further: he would show, from documents furnished by the Legislature of Mississippi, and the Indian Department at Washington, that there were now about 10,000 Choctaws in Mississippi, who claimed the right to reservations under the 14th article, notwithstanding that 15,000 had emigrated.

And he would show that, on the 22d of January, 1836, so well convinced was General Jackson that the grossest frauds were about to be practised on the Government, to an extent probably never known before in the history of this Government, he put an end to the whole proceedings, and withdrew the power from the agents to proceed any further therein.

On these heads Mr. D. dwelt at some length, and went into a detailed examination and review of the documents necessary to sustain those positions.

Before Mr. D. has concluded,

Mr. CAMBRELENG called for the orders of the day, when the vote was—ayes 39, noes 47, no quorum.

Mr. DROMGOOLE said it was evident that it would be very difficult to procure a quorum to-day on account of the interest felt at the other end of the Capitol, [it was understood that Mr. CALHOUN was was speaking on the Independent Treasury bill,] and he therefore moved that the House adjourn.

Mr. WHITTLESEY of Ohio asked for the yeas and nays; which were ordered, and were—yeas 6, nays 136.

So the House refused to adjourn.

Mr. CAMBLELENG said he knew the importance of the bill called up by the gentleman from Tennessee, and he (Mr. C.) wished it to pass; but at the same time he wished to state to the House that every branch of the public service was suffering from the want of the action of the House on the appropriation bills. He would, however, withdraw the motion to proceed to the orders of the day, with the hope that the bill under consideration would be promptly disposed of.

Mr. FAIRFIELD renewed the motion to proceed to the orders of the day; but the motion was disagreed to.

Mr. DAWSON then concluded his remarks.

Mr. BELL made a brief reply, and stated that every objection urged by the gentleman had been fully considered by the Committee on Indian Affairs, who, two years ago, had instructed Mr. B. to make a full report on the subject.

Mr. PARKER considered the remarks of the gentleman from Gergia, (Mr. DAWSON,) as more of an attack upon the policy which had been pursued by the Government towards the Indians, than as opposing this bill. He considered the bill now under consideration as one of importance, and one which ought to pass. The treaty had provided that reservations should be made, and it became necessary that an investigation should be had to see who were entitled to those reservations. A law had passed Congress at a former session, instituting a commission to make the examination, but in consequence of difficulties which had arisen in relation to this commission, by the resignation of one of the commissioners, and from other causes, the duties the commissioners had imposed upon them were not completed, and the time was now about to expire; and in consequence of this, there was a great necessity for its adoption. Mr. P. explaied the whole object of the commission, and replied briefly to the arguments of the gentleman from Georgia.

Mr. CRARY was opposed to extending this commission in committee, and was still opposed to its passage. In the treaty of Dancing Rabbit Creek, there was a provision that the claims of Indians should be presented within six months, and in that six months he believed nearly all the claims were presented that this Government ought to allow. By admitting claims, as we were now about to do, he contended that it would be introducing corruption among the Indians, because it would be holding out an inducement to every Indian in Mississippi a claimant, and every one a witness in relation to claims. An Indian will say to his neighbor, "If you will be a witness in my case, I will be a witness in your claim;" and, in this way, fraud will be committed on the Government of the United States; it will have to give back half the lands to the Indians which it has bought from them.

Mr. C. moved to amend the amendment by inserting in it the following: "Nor in relation to any claim not presented to the locating agent prior to the first Monday in December, 1835."

Mr. BELL briefly opposed the amendment proposed by the gentleman from Michigan, because, in some cases, injustice might be done to those Indians.

Mr. LYONS should vote for the amendment of the gentleman from Michigan, as well as of the gentleman from Tennessee. He considered that the better plan would be to allow each of those individuals to present his claim here, like all other claimants, than to give this extensive power to this commission. There was a particular mode pointed out in the treaty in relation to these claims, and he considered that most of them had been presented within the proper time. If, however, any of them had neglected to present their claims within the time specified, he would rather have them presented to the House separately, than to have them examined into in this extended manner by this commission.

Mr. CAMPBELL of South Carolina briefly supported the bill, contending that if we did not allow time to this commission, that injustice might be done to the Indians, and the expense to the United States would be greatly increased; but he was opposed to the amendments moved to the bill by the gentleman from Tennessee.

The amendment to the amendment was rejected; and

The amendment of Mr. BELL was then agreed to.

Mr. EVERETT moved an additional section, to strike from the list of claimants any Indians who should attempt to use or substitute the children of others, for the purpose of increasing their claims, which was agreed to.

The bill was then ordered to a third reading, and the amendment having been engrossed, was read the third time, and passed.

Mr. CAMBRELENG moved the orders of the day, for the purpose of proceeding with the subject of the northeastern boundary question.

Mr WISE moved that the House adjourn, which was agreed to; and so The House adjourned.

ERRATUM.—In the remarks of Mr GLASCOCK on Monday, on the resolution to raise a Committee of Inquiry in relation to alleged charges of corruption in a member of Congress, our Reporter misunderstood the speaker. He said: "If he was an advocate of Matthew L. Davis and the editors of the New York Enquirer, he would not hesitate in advising a prompt and decisive answer to the question propounded; and he gladly mistook the characters of the editors of that paper, if, from their publication, they would not prefer such a course."

Mr. GLASCOCK was inadvertently represented as opposing Mr. Davis's application, instead of advocating it.

IN SENATE,

THURSDAY, February 15th, 1838.

Mr. YOUNG presented a memorial from sundry citizens of Illinois, praying for the erection of certain post routes: referred to the Committee on the Post Office and Post Roads.

Also, memorials from sundry citizens, women and others, remonstrating against the annexation of Texas; which were laid on the table.

Mr. WALKER presented a preamble and resolutions from the Legislature of Mississippi, instructing their Senators to use and requesting their Representatives to use their best exertions to procure the passage of a law to regulate and improve the steamboat navigation; which was laid on the table and ordered to be printed.

Mr. KNIGHT presented a memorial from the Legislature of Rhode Island, in relation to certain documents.

Mr. BENTON presented a memorial from Richard B. Alexander, jr. in relation to a national foundry near the seat of Government; which was referred to the Committee on Military Affairs.

Mr. ROBERTSON presented a memorial from certain citizens of Kane county, Illinois, praying grants of land for the improvement of Fox river, in said State: referred to the Committee on Roads and Canals.

Mr. TIPTON presented a memorial from sundry citizens of Putnam county, Indiana, praying the erection of bridges over certain water courses, as lessening the list of transportation over the Cumberland road: referred, and laid on the table.

REPORTS FROM COMMITTEES.

From the Committee on Indian Affairs, an unfavorable report on the petition of David Croft.

From the Committee on Private Land Claims, an unfavorable report on the petition of John Riley.

Mr. MORRIS, from the Committee on Pensions, reported bills for the relief of Hannah Laighton and Lemuel White; which were read and ordered to a second reading.

Also, from the same Committee, unfavorable reports on the petitions of Amasa Brown, Rebecca Hawley and Cephas Carpenter; which were severally concurred in.

Mr. MORRIS asked to be discharged from the further consideration of the petition of Joseph Wood, and to have referred back to the Committee on Pensions the papers of Samuel Crapin; which was agreed to.

Mr. HUBBARD moved to refer the resolution, submitted by him, in relation to keeping certified copies of all petitions and documents on file in the Secretary's office, to the Committee on Claims: agreed to.

On motion of Mr. KING,

Resolved, That the Secretary of the Navy be requested to inform the Senate what progress has been made under the appropriations of Congress for 1836 and 1837, for the improvement of the naval arsenal at Pensacola; what is the present condition in regard to facilities afforded for the supply, repairs, and construction of vessels of war, and what measures have been taken for the completion of said naval arsenal on the plan approved by the President; that the Secretary of the Navy be also requested to state the reasons why the sum of $50,000 appropriated for the construction of marine barracks at the Pensacola arsenal, has not been applied to that object.

On motion of Mr. KNIGHT,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of allowing further compensation to the collecter of the customs for the District of Providence, in the State of Rhode Island.

On motion of Mr. BENTON,

Resolved, That the Committee on Public Lands be instructed to inquire whether any, and if any, what further legislation is necessary to give effect to the act of Congress of June 30, 1834, making a grant of land to certain Polish exiles.

Mr. YOUNG called up the following resolution submitted by him yesterday:

Resolved, That the Secretary of the Treasury be requested to report to the Senate, detailed statements of the accounts of such of the Collectors and Receivers of Public Moneys, as have been reported defaulters to either House of Congress during the present session; including in each case all superseded and rejected items of credit, connected with any such account, and which, if passed to the credit of any such defaulter, would cover or extinguish, in the whole or in part, the amount of the deficits which are reported as standing on the books of the Department, against any such defaulter, with suitable explanations in each case, showing why such items have been suspended or rejected, and why they ought not to be allowed as credits to such defaulters. The said report to include all such suspended or rejected items of credit as are remaining in the said department, up to the present period.

Mr. YOUNG explained the object he had view in offering the resolution. He said that many persons had been improperly reported as defaulters, who were not so; his object was that the proper distinction should be drawn in these statements, that Congress and the people might know, at a single glance, who were and who were not defaulters, and the reputation of public officers saved from injurious aspersions.

The resolution was adopted.

Mr. TIPTON said on yesterday he gave notice of a motion for leave to introduce a bill authorizing the Secretary of the Treasury to sell the stock owned by the United States in the Louisville and Portland canal, and for the investment of the proceeds of the sales of the stock in stock of the Jeffersonville and New Albany Canal Company. The Jeffersonville and New Albany Company was incorporated by the General Assembly of Indiana. That Company at this time stands in need of the aid of the General Government. The Louisville and Portland canal is completed. The stock owned by the United States in that canal is about $300,000. It is profitable stock, yielding from 13 to 18 per cent. profit per annum. He was informed for several years past this large profit was made on the United States stock in that canal, by levying most enormous and oppressive tolls on the commerce of the Ohio river, above the falls. He did not think it is the policy of this Government to stand by and become toll-gatherers from the people of one portion of the United States, for the benefit of another. All that he now asked was to sell out the stock on the Kentucky side, and invest it in similar stock on the Indiana side, where we will certainly construct a larger and safer canal, for the passage of steam and other boats. The construction of the canal on the Indiana side would reduce the tolls to navigators, and cheapen the transportation of the produce raised and exported from the Ohio river above the falls. As soon as the canal was finished on the Indiana side, he would have no objection to selling out that stock, and investing the proceeds in similar works in some other quarter.

The bill was read twice and referred.

The bills for changing the time of holding the Circuit Courts of the United States in the ninth judicial district, and that supplementary to an act relating to the District of Columbia, (appointing an additional judge for the Orphans' Court,) were severally read a third time and passed.

The following bills were ordered to be engrossed for a third reading:

Bill for the relief of Daniel Steinrod.

Bill for the relief of certain citizens of Arkansas.

Also, the bill making appropriations for the completion of certain military roads in Arkansas.

ORDERS OF THE DAY.

The Senate resumed the consideration of the bill imposing additional duties as depositaries on certain public officers, etc. The question being on Mr. RIVES's amendment—

Mr. CALHOUN addressed the Senate in a speech of great power, and more than usual animation, which will be given in extenso hereafter.

On motion of Mr. TIPTON,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, Feb. 16, 1838.

NORTHERN FRONTIER.

As soon as the journal was read,

Mr. HOWARD rose and stated that he had received last night a communication from the Secretary of War, enclosing some papers, which satisfied him that it was his duty, this morning, to move the House to suspend its rule, in order to take up the bill now on the table for the preservation of peace on our frontier. With the leave of the House, and to show them the grounds upon which he based his motion, which were not those of expediency, but of absolute necessity, in order to support not only the military, but also the civil power, he proposed to have the papers read, and after that he thought the House would acquiesce in the opinion that the other business must necessarily yield to this. The purport of them, in a word, was to show that an expedition was preparing on the south side of Lake Erie to invade Canada, and the information rested upon the authority of an eye witness, a naval officer, who saw the assemblage, their collection of arms, and saw them in march. The information was of such a character as satisfied Mr. H. that it was necessary to have upon it the action of that House. He would send the papers to the table to be read to the House.

Mr. HARLAN wished the committees to be allowed first to make their reports.

Mr. HOWARD was sorry the gentleman had interposed an objection, for though he was willing that the House might take any time in the day they chose, yet he did think, if it was aware of the importance of the step he asked them to take, they would take it at once. He hoped, at least, the gentleman would withdraw his objection to the reading of the papers.

Mr. HARLAN withdrawing his objection, the papers were read at the Clerk's table, and are as follows:

HEAD QUARTERS. NIAGARA FRONTIER,
Buffalo, Feb. 9, 1838.

GENERAL: Captain Homans, of the Navy, arrived here last night from Detroit, in four and a half days. The information he brings is important and perplexing. The enclosed copy of a despatch, wrote and mailed *en route*, to General Brady, gives its general character. He adds, that in passing through the Black Swamp, he walked several miles in company with Lieutenant Ottinger, of the revenue service, and conversed with individuals of each straggling party, all of whom concurred in representing the force to be about 800 men. Individuals who joined the stage at lower points, carry the number still higher, the whole under the command of Mr. McCloud, Mr. Van Rensselaer's Adjutant General, stated to be a man of much energy. The latter individual left this place last evening to join these forces. Information on which I rely, represents Mr. Van Rensselaer as sanguine of making a forward movement at the head of 300 or 400 men. The point selected is probably on the St. Clair river, and the campaign to open near old Fort Sinclair, operating in the direction of Lake Simcoe. Relying upon the general accuracy of the information, viz: that there is a strong rally of the hostile force, that their direction is through Michigan, probably, or Detroit, that the quiet which happily prevails in this immediate vicinity enabled me to detach a portion of the force, and that every regular bayonet is of importance to General Brady, I have deemed it my duty to put Major Young's command in motion for Detroit, for which place sixty men, under the command of Captain Johnston, accompanied by Lieut. Thornton, Acting Assistant Quartermaster, and Assistant Surgeon Fellows, will leave in stages at five o'clock, p. m. and will reach Detroit in six, perhaps four days, a contract to that effect having been made with the stage proprietor. I am aware of the responsibility I assumed in adopting this measure, which I trust may be acceptable to you. The theatre of action is immediately transferred from this region, at least for the present. Nevertheless, I hope you may consider it expedient to push to this point all the disposable force (recruits) now at New York, and intermediate points. You are aware of the nakedness of the command in respect to officers.

Capt. Homans further says, that he examined sufficiently to satisfy himself that the wagons referred to in his letter to General Brady actually contained arms and ammunition. The people on the route have freely given their arms to this lawless band, supplied all their necessities, and recruits are joining them from all quarters. I have considered these matters of sufficient importance to justify me in sending an officer by the stage of this evening, to increase the chances of overtaking you at Albany. He also carries a copy, in case you should have left, to be mailed for New York, and a third for Washington, to your address, under cover to the Adjutant General.

I have &c. &c.

W. J. WORTH, Lt. Col. Commanding.

To Maj. Gen. Sc , &c. Albany.

MILAN, HURON COUNTY, OHIO, 5th Feb. 1838.

GENERAL: I feel it my duty to acquaint you, that on my journey to-day between Perrysburg and this place, we have passed several detachments of men, calling themselves Patriots, numbering probably about 250. They generally agreed, on conversing with them, that there were 800 of them scattered on the road, and 500 Indians of the Cattaraugus tribe, all destined to rendezvous at some place near Detroit most favorable to effect a landing in Canada. We also passed during the day about 20 loaded wagons, half that number boxed up, purposely to resemble pedlars' wagons, but containing their arms and accoutrements; the other wagons containing powder, and other munitions, put up in pork barrels, and other deceptive cases. These men had with them drums, fifes, bugles, and other instruments of music. The Indians we did not see, as they, with other bands of the Patriots, were said to have taken the lake road through Sandusky city. All we spoke with were positive of there being from 1300 to 1500 men in all, and daily augmenting their numbers by volunteers from the towns and villages through which they passed, but I question their being over 400 or 500. General Van Rensselaer was expected to join them; also McKenzie. Judging from their train of wagons, I should judge they had a large *materiel* with them.

I remain, sir, with high consideration,
Your obedient servant,
JAMES T. HOMANS, Lt. U. S. N.

Brig. Gen. HUGH BRADY, Commanding
United States forces, Detroit.

Mr. HOWARD then expressed a hope that the gentleman would withdraw his objection. He merely recalled the attention of the House to the fact, that the protection of our frontier and the preservation of our neutral relations, were now entirely thrown upon the military arm instead of the civil, and it was so, because there was no existing law to meet the case. Mr. H's object was to pass a law that would bring the interposition of the civil law into force.

The objection being withdrawn, the bill was accordingly taken up on its third reading.

The bill, as it came from the Senate, was as follows:

AN ACT to amend an act entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved twentieth April, eighteen hundred and eighteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several collectors, naval officers, surveyors, and inspectors of the customs, the marshals and deputy marshals, of the United States, and every other person who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby, respectively, authorized and required to seize every vessel or vehicle belonging to any citizen or citizens of the United States, and about to pass the frontier of the same, for any place within any foreign State or colony conterminous with the United States, when the circumstances of the case shall render it probable that such vessel or vehicle is intended to be employed in carrying on hostilities against the citizens, subjects, or property of any such conterminous State or colony with whom the United States are at peace; or in giving aid and comfort to the persons carrying on such hostilities, by conveying to their assistance men, arms, or munitions of war; and to detain every such vessel or vehicle, and all arms and munitions of war which may be found therein, until the owner or owners thereof shall enter into bond to the United States, with sufficient sureties, in double the value of the said vessel or vehicle, and of the arms and munitions of war found therein, that the said vessel or vehicle, and the said arms and munitions of war, shall not be employed by such owner or owners, nor by any other person, with his or their consent or knowledge, in carrying on or aiding such hostilities as above mentioned; or until the President of the United States shall direct the restoration of the vessel, vehicle, or property so seized.

SEC. 2. *And be it further enacted*, That the several officers and persons in the preceding section mentioned shall be, and they are hereby, also authorized and required to seize all arms and munitions of war belonging to any citizen or citizens of the United States, and about to be carried across the frontier of the United States, when the circumstances of the case shall render it probable that the same are intended to be sent to any place within any foreign State or colony conterminous with the United States, and with whom the United States are at peace, for the purpose of being used in carrying on hostilities against the citizens, subjects, or property of such conterminous state or colony; and to detain the arms and munitions of war so seized, until the owner or owners thereof shall enter into bond to the United States, with sufficient sureties, in double the value of the said arms and munitions of war, that the same shall not be employed by such owner or owners, nor by any other person, with his or their consent or knowledge, in carrying on or aiding such hostilities as above mentioned, or until the President of the United States shall direct the restoration of the same: *Provided*, That nothing in this or the preceding section contained, shall be construed to extend to or interfere with any trade in arms or munitions of war, conducted in vessels by sea, with any foreign port or place whatsoever, which might have been lawfully carried on by citizens of the United States before the passage of this act, under the provisions of the act hereby amended.

SEC. 3. *And be it further enacted*, That if any body of armed men, who have been actually engaged in carrying on hostilities against the citizens, subjects, or property of any foreign state or colony, conterminous with the United States, and with whom they are at peace, shall come within the limits and jurisdiction of the United States, whilst such hostilities are pending, it shall be the duty of the several officers and persons hereinbefore mentioned, and they are hereby respectively authorized and required, to seize and take from any such body of armed men, all weapons and arms brought by them within the United States, and to detain the same until the respective owners thereof shall enter into bond to the United States, with sufficient sureties, in double the value of the said weapons and arms, that the same shall not be employed by such owner or owners, nor by any other person, with his or their consent or knowledge, in carrying on or aiding such hostilities, as before mentioned; or until the President of the United States shall direct the restoration of the same.

SEC. 4. *And be it further enacted*, That every person apprehended and committed for trial, for any offence against the act hereby amended, shall, when admitted to bail for his appearance, give such additional security, as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

SEC. 5. *And be it further enacted*, That, whenever the President of the United States shall have reason to believe that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney, of such district, to attend at such place within the district, and for such time, as he may designate, for the purpose of the more speedy and convenient arrest and

examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place, and for the time therein designated.

SEC. 6. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act and the act hereby amended."

The Committee on Foreign Affairs had reported it back to the House with the following proposed amendment: Insert, after the word "whatsoever," near the end of the second section, the following: "other than ports or places within such conterminous State or colony."

The question was on concurring in this amendment.

Mr. HOWARD explained the principles of the bill and the amendment proposed by the Committee on Foreign Affairs, which amendment he himself did not feel very solicitous about. When the Message of the President was referred to the committee, it took it up and examined the subject carefully, and went fully into an investigation of all the various topics connected with our neutral relations with other Governments. The great object which the committee kept in view was to provide the means of executing our duties towards other countries, without interfering with what had in this country always been considered a legal and justifiable trade between the citizens of this and of a foreign country, and it was the consideration of this point which had caused much delay and difficulty in the committee. When two nations are engaged in war, the right of the merchants of this country to furnish either party with provisions and munitions, had always been claimed and exercised, and there was no disposition in the committee to infringe this right. The object of the committee was to have this right remain upon the same footing on which it formerly stood; but at the same time our Government was bound to prevent our citizens from interfering in the affairs of a neighboring Government, for the purpose of stirring up insurrection—of keeping up a civil war. If this was permitted to be done, the war might be rolled back upon us, and we would suffer for the indiscretion of a few of our citizens.

There is now a danger of our neutrality being violated, and the whole protection of that neutrality was thrown upon the military authority of the United States, and the officers who have charge of that duty are executing it under the act of Congress which this act proposes to amend. A high military officer now had charge of this delicate trust, and the object of this bill was to give the civil authority cognizance of the matter, or at least to bring it to the aid of the military power, which would make it much more effective. With this view this bill had been reported to the House, and he hoped it would be speedily acted upon.

Mr. HOLSEY must confess that he was not altogether satisfied with the provisions of this bill. He thought we ought to pause before we made any fundamental alteration in those principles in relation to our export trade, which had existed since the foundations of our Government. He considered that our citizens had a perfect right to carry on a trade with either of the belligerent parties in a neighboring Government, where a foreign war existed, without affecting the neutrality of the Government; and he would be sorry to see any restrictions imposed upon this just and proper trade, such as he feared this bill would impose. The proper provision to make on this subject, would be to prevent our citizens from interfering personally in a dispute in a neighboring Government; but this bill went far beyond that, and put it in the power of this Government, or the officers of the Government, to seize any vessels having on board arms, or any other things which it was supposed it was conveying into a neighboring territory, for the purpose of being used there for carrying on the war. For one, he was not disposed to go this far in placing it in the hands of the Government, or the officers of the Government, to use this discretionary power to the prejudice of the citizen, or the seizure of the property of the citizen. Our citizens, he maintained, had a perfect right to trade with either of the contending parties to a war which might be going on on the continent of Europe, without compromitting the neutrality of the United States; and he would not now consent, by his vote, to have such restrictions as were proposed by this bill imposed on the citizens of this country. The framers of our Constitution had guarded our export trade so that no restrictions should be imposed upon it in the shape of a tax; and why should we in this manner attempt to place restrictions upon it, in contravention of the spirit of the Constitution, if not of the letter of it. He considered this bill of a character calculated to do great injustice to the people of this country; and he called upon the House to pause and reflect, before it acted upon it.

Mr. LOOMIS, of New York, had risen reluctantly to propose an amendment to the bill under consideration. He would propose a substitute for the whole bill.

The CHAIR remarked that it was not at that time in order to propose an amendment, as that reported by the Committee on Foreign Affairs was now pending.

Mr. LOOMIS said that he should offer it when in order. In the mean time, he would briefly submit his views upon the bill, as it stood before the House. He was not opposed to the principle which seemed to lie at the foundation of the bill. One of the very highest duties of the Government was to prevent the unlawful interference by our citizens with the quarrels of countries with whom the Government is at peace; and it was equally the duty of the citizens to refrain from such interference. In this principle, and in its general application, therefore, he fully agreed with the chairman of the Committee on Foreign Affairs. But he could not consent to go for the measure in the form in which it had been proposed by that gentleman.

Mr. LOOMIS reviewed the circumstances connected with the recent disturbances upon the Canada frontier, and contended that they were of a peculiar character. There was a long line of frontier, separating the two countries from each other, yet placing so narrow a barrier between them as to render it impossible that local disturbances breaking out on one side of that line should not spread to the other. The inhabitants of the American side were peculiarly sensitive on this point. Their native love of liberty, and deep-rooted hatred of tyranny, were inflamed, very naturally, whenever an appeal was made to those noble principles. Thus it happened that they were very easily led to take a deep interest, if not an active part, in those struggles. Abstractedly taken, he would do nothing to check or to discourage that holy principle, or to extinguish the bright spark of liberty which burns in the heart of every true American citizen. Yet something, he must remember, was due to national right and national obligation; and for the preservation of these, too, he would do every thing possible; but he insisted upon it that that should be according to the well-established principles of law.

He deemed the bill inefficient to answer the end it professes to reach. What did it propose to do? To give to United States marshals, deputy marshals, and other officers, power to seize, without process of law or any other limitation than their own individual discretion, any vessel, or vehicle, suspected of being used for the purpose of bearing arms or munitions of war into the conterminous country, to aid in its civil contests, and to detain them until satisfactory surety should be given that they should not be used. Suppose the officer in whom this extraordinary power was vested, to have exercised his discretion, and, in excution of this power, to have seized the property of a citizen: what does the latter do? The bonds are fixed; it may be assumed, fairly fixed; the surety is found, and the party proceeds on his way over the line, into the adjoining country, in the very face and eyes of the officers of Government. Who is to prevent this? Nothing in this law gives any power of prevention to any body. What becomes of the bond? It is in the hands of one of these officers; perhaps it may, by good fortune, have been put into the hands of a district attorney. How is he to know whether the obligation has been violated—the bond broken? How is he to prove that these arms or munitions of war, or whatever else had been seized and given up upon the bond, have been used in the manner designated? Does his jurisdiction extend to the only place where these facts can be ascertained—beyond the line?

There is another objection to the bill. It vests dangerous and unusual powers in the officers of Government. This feature was one which stamped the bill as unconstitutional, and against the whole policy of our laws. It gives to the Executive vast discretionary powers, unparalleled by any ever proposed before to be vested in that branch of the Government. The officer is not only empowered to seize, but to hold, the articles designated. Who is to judge of their value? For it is upon an estimate of their value that the terms of the bond are to be predicated. The same individual who seizes them! And he may fix that value at nothing, so as to expedite the passage of the person whose property has been seized out of the country; or he may make it so exorbitant as to be oppressive, and to amount to a forfeiture of the whole. What was to prevent any one of these officers from stopping a citizen riding in his carriage upon that frontier—ay, in this very city! and saying, "I arrest this carriage as a vehicle contemplated by this bill?" The presumption is, that the officer will do but his simple duty; but the law throws a strong temptation in the way of the officer to do otherwise.

But this bill proposes not only a violation of private rights, but a gross violation of the Constitution. By it any officer may seize the arms of another, at discretion; and this in derogation of a right expressly guaranteed to the citizen by the letter of the Constitution.

Again, the Constitution guaranties to the citizen perfect freedom from arrest without due process of law. [See the fourth amendment of the Constitution.] And this bill proposes to vest arbitrary power in the hands of United States officers to violate this sacred right, also. For, are not the seizure and detaining of arms, and the holding them over to give bonds for their use, violations of the most manifest character of these rights. It could not be doubted.

By this bill, moreover, there was no liability of the officer, in case of wrong seizure or detention, as in all acts upon the statute book, in similar cases.

The only true way, Mr. L. contended, to accomplish the objects of the bill, was to pursue precisely the same mode as that taken in other cases; as in that of arrests of persons, with their instruments and implements, suspected of intending to utter counterfeit money. The presence of the instruments proves the intention, though the act is not proved, and the statute imposes the penalty accordingly. But here, in this bill, the presence of the arms or munitions of war, or whatever else may be seized, does not prove an intention to commit a violation of any law, nor is it made unlawful for the citizen to do that, for the imputed intention of doing which he is held to give bonds, and to have his person and property seized and detained. The bill is thus wanting in the first great principle of all penal acts. If the thing intended to be done be unlawful, the act should declare it, with a proper penalty affixed. It should declare (in order to carry out the recommendation of the President of the United States in relation to this subject) that such use of arms was unlawful, and that the person detained had arms, etc. with intention to use them unlawfully, and the person, being arrested on that ground, would be arrested by a good legal process; and, what is more important, there would then be impending over him the personal fear of seizure to deter him from taking the overt step.

Mr. L. found still more to which to object in the third section of the bill. That section made it the duty of all those officers, designated in the first section, to seize the arms of any body of men who have been engaged in aid of a country with whom this Government was upon friendly footing. He supposed a case, to illustrate the application of this section. Suppose, said he, a war should occur between England and another nation; a national ship of the latter should put into the port of New York; in that ship is a body of armed men, (in the language of this act.) Suppose Russia to be at war with England, and this a Russian national vessel, this Government is certainly bound, by the laws of nations, to protect that vessel, and the rights of her owners, while upon neutral ground. Yet this law would make it the duty of the custom-house officers of that port to seize that vessel, and to hold her and all on board, till bond should be given in accordance with the requisitions of the third section of the bill.

The bill lacks the one great principle of all penal laws: the cause of the seizure of property which the bill proposes should be first made a penal offence, before the seizure under it can be constitutional.

Mr. L. regretted to have felt himself obliged to occupy the time of the House upon this subject; but he could not suffer a measure so important to pass without offering the views which he had expressed.

Mr. SHIELDS considered that it was impossible for the House to act upon this subject advised to-day. He therefore moved to postpone the further consideration of the bill until Tuesday next, and make it the special order of the day for that day.

Mr. FILLMORE believed that this bill contained provisions which ought to be discussed deliberately in committee, and not acted upon hastily. He therefore moved to commit the bill to the Committee of the Whole on the state of the Union, and make it the special order of the day for Tuesday next.

Mr. CAMBRELENG hoped that the House would make no more special orders, as gentlemen must have seen the bad effects of special orders heretofore. From the disposition manifested, he expected this bill would be discussed pretty generally; and he should be sorry to see it thrown in the way of the appropriation bills, by making it the special order for Tuesday. The public service was now suffering in almost every branch, for the want of the passage of those bills; and he anticipated from the rule, which prevented any new appropriation from going into the regular appropriation bills, that those bills would be passed with but little discussion, when they were once reached.

Mr. FILLMORE modified his motion, so as to commit the bill to the Committee of the Whole on the state of the Union simply.

Mr. HOWARD was at a loss to conceive why this bill could not undergo as free and as full a discussion in the House as in Committee of the Whole. Gentlemen could not complain, with any reason, that the bill had been hastily taken up, for two weeks ago he had given notice that he would call it up as soon as certain measures then pending should be disposed of.

Mr. SHIELDS withdrew his motion to postpone, and that of Mr. FILLMORE, to commit to the Committee of the Whole on the state of the Union, then recurred.

Mr. HOLSEY moved its recommitment to the Committee on Foreign Affairs, but the first motion took precedence.

Mr WHITTLESEY, of Ohio, thought the bill should be discussed fully, either in the House, or in Committee of the Whole. He was indifferent as to which. When, on another occasion, the House had this subject brought before them, they suspended all other business, and attended exclusively to the discussion of this topic. Now there was more danger, he thought, of serious results, than before; and he verily believed that, unless it were speedily attended to, it would be impossible for this Government to keep out of a war with Great Britain another month. He had hoped that other business might have been attended to to-day, being one of the days usually devoted to private business; but he was so impressed with the superior importance of this subject, that he could not but hope that the House would determine to sit until the bill was passed. [Cries of "Agreed! Agreed!"]

Mr. SMITH coincided in this opinion. He held this measure, however, to be one of the most odious, one of the most execrable propositions ever brought before the Congress of the United States to disarm its citizens; and he was convinced that, in its present form, it would not pass.

Mr. CAMBRELENG suggested to his colleague to withdraw his motion.

Mr. FILLMORE did so.

Mr. SHIELDS then moved to postpone the bill till Tuesday next.

Mr. CAMBRELENG said if that motion prevailed the bill would not be reached again for a month to come, and he thought it better for the discussion to progress to-day.

Mr. HAYNES could not, for a moment, doubt that the mind of every member was made up upon all the important principles embraced in this bill. He meant this remark to apply to the motion of the gentleman from Tennessee, (Mr. SHIELDS,) for he hoped no member supposed he meant that they should vote upon a question of such consequence without considering it. But it did appear to him that they were as ready to go into the consideration of it then as next Tuesday, or any other reasonable time they might wish to postpone it to. The necessity of adopting some measure for the preservation of the peace of the country must suggest itself to every mind, and he, therefore, hoped the motion to postpone would be rejected.

Mr. McKIM said as he considered this a very important measure, he should ask for the yeas and nays; but subsequently withdrew the call.

Mr. HOLSEY wished the bill recommitted to the Committee on Foreign Affairs, with instructions so to amend it as alone to provide against any interference by the citizens of the United States in a popular commotion for sedition against any foreign nation with which the United States may be at peace.

The question to postpone was then taken, and disagreed to; and that to concur in the amendment of the Committee on Foreign Affairs then recurring,

The CHAIR suggested that, if it was desired to discuss the bill, it would be better to take the vote thereon, one way or the other, as the amendment did not open the merits of the measure.

The House assented to the suggestion, took the question, and agreed to the amendment.

Mr. FILLMORE then went on to give his reasons at length against this bill, and was followed on the same side by Mr. SMITH of Maine.

Mr LOOMIS then moved the following substitute for the whole bill, and went into a detailed explanation of its provisions as contrasted with the original bill:

Strike out all after the enacting clause, and insert as follows:

That no person, being a citizen or a resident of the United States, shall build, fit out, purchase, or procure any vessel or vehicle, or purchase, procure, or collect any arms or munitions of war, within the United States, with intent to have the same taken out of the United States, to be used or employed in carrying on, or in aiding to carry on, hostilities against any foreign state or colony conterminous with the United States, and with which the United States are at peace, or against the Government, the citizens, or property of any such colony or state. And every person so offending shall be deemed guilty of a misdemeanor, and shall be fined not more than three thousand dollars, and imprisoned not exceeding three years.

SEC. 2. *And be it further enacted*, Whenever it shall be made to appear by proof, by oath, or affidavit stating the facts and circumstances, satisfactory to any judge of any United States court, or to any special commissioner to be appointed by the President pursuant to this act, that there is good cause to suspect that any one or more persons, being a citizen or resident of the United States, has been guilty of a violation of the preceding section, the said judge or commissioner shall issue his warrant, directed to any marshal, deputy marshal, collector, or inspector of customs, requiring them to arrest such suspected person, and also to seize all such vessels, vehicles, arms, or munitions of war, as shall belong to such suspected person, or be found in his possession, custody, or control. And every such officer to whom such warrant shall be directed or delivered, shall thereby be vested with all

the powers necessary to execute the same which are by law vested in the marshals of the United States for execution of any other process.

SEC. 3. *And be it further enacted*, That the officer to whom such process shall be directed, and any other such officers whose aid he may require, shall proceed to execute such warrant, and, in case he shall make an arrest thereon, or shall seize any property thereon, or both, shall immediately make return of such process, with his certificate of such execution thereof, to the judge or commissioner who issued the same, or to any other judge or commissioner residing near to the place of such execution. And any person so arrested may be let to bail in like manner, and by such judge or commissioner, or other officer having authority, as in other cases of criminal prosecution on behalf of the United States, and for want of sufficient bail may be held under arrest or imprisoned, as in other cases. And, in case any seizure of property shall be made under such process, such officer shall forthwith make a true inventory thereof, and cause the same to be appraised by two disinterested citizens, upon oath, to be selected and sworn by such officer, and shall return a copy of such inventory and appraisement to the judge or commissioner who issued such warrant, and shall retain such property until the owner or owners thereof shall, with at least two sufficient sureties, enter into bonds to the United States, with a penalty of double the appraised value of such property, conditioned that such property, nor any part thereof, shall be taken out of the United States, to be used for any of the purposes prohibited in the first section of this act, or until the President of the United States shall direct the restoration of such property.

SEC. 4. *And be it further enacted*, That the judge or commissioner who shall issue any warrant under the second section of this act, shall immediately notify the district attorney of the United States for the district in which such warrant shall be issued, who shall thereupon take charge of the matter in behalf of the United States.

SEC. 5. *And be it further enacted*, That the President of the United States is hereby authorized to require the temporary attendance of any United States district judge at or near any frontier in his district, and also to appoint so many special commissioners to execute the duties required by this act, whenever circumstances render it probable that any violation of this act may be attempted on such frontier; and such special commissioners shall hold such office as long as such exigency shall exist, or until notified by the President of the discontinuance of their commissions. And the several officers of whom duties are herein required shall receive such reasonable compensation for any such services as the President shall determine; and the President may authorize rewards to be offered by any marshal of any district of the United States, not exceeding two hundred and fifty dollars in any case, for information which shall lead to the apprehension and conviction of any person who shall violate the first section of this act.

The debate was further continued by Mr. FLETCHER of Massachusetts, in opposition to the bill.

Mr. TAYLOR said it was obvious, that more time was required for gentlemen to prepare themselves to discuss this bill, and he, therefore, moved a postpone its further consideration till Tuesday next, but subsequently withdrew it.

Mr. HOWARD then replied to the objections of Mr. SMITH, and went into a full exposition of the provisions of the bill, and on examination of Mr. LOOMIS's supplement, which he contended to be more obnoxious to the objections urged against the bill than the bill itself.

Mr. HOLSEY admitted that the explanations of Mr. HOWARD had removed many of his objections. He still had one to a part of the proviso, and moved to strike therefrom the words "conducted in vessels by sea," which would leave the trade equally open by land or sea, and he could perceive no good reason for the distinction.

Mr. SHEPARD supported the bill.

Mr. MASON of Ohio said it was evident that it was not possible that the question would be taken that evening, and he therefore moved an adjournment; but withdrew it at the request of

Mr. THOMPSON, who read the fourth amendment to the Constitution of the United States, and said he wished the bill committed to the Committee on the Judiciary, in order to introduce some provision to protect the rights of the citizens under that clause. Mr. T. then renewed the motion to adjourn, which prevailed, and

The House adjourned.

IN SENATE.

FRIDAY, February 16, 1838.

The CHAIR communicated a report from the Secretary of the Treasury, transmitting a statement of all contracts made by the Department for the year 1837; which was laid on the table, and ordered to be printed.

Mr. CRITTENDEN presented the petition of 171 individuals, praying for a reduction in the price of the public lands, and for the passage of a law granting pre-emption rights to actual settlers: laid on the table, and ordered to be printed.

Mr. LINN presented the memorial of sundry citizens of Milwaukee, Wisconsin, praying a grant of land in aid of the improvement of Fox river: referred to the Committee on Roads and Canals.

On motion of Mr. TALLMADGE,

Resolved, That the Secretary of the Treasury be directed to report to the Senate what amount has been received into the Treasury, or by the agents of the Department from the Governments of France and Naples, on account of the indemnities due from these Governments, according to the existing treaties between them and the United States, specifying each sum received, whether in specie or otherwise, how transferred from the places where received to the United States, through what agents, at what expense, and what were the nett proceeds of each instalment, when converted into money of the United States. Also, in what manner the nett proceeds of each of these instalments have been paid over to the persons entitled thereto, whether in specie or notes of specie paying banks or otherwise, at what dates, and through what agents. Also, what settlements has been made with the Government of France respecting an arrearage of the four first instalments, claimed by our Government, and recently allowed by that of France, and how the same as well as the last instalment now due from France, is to be transferred to the United States, through what agents, and upon what terms.

On motion of Mr. MOUTON,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a land office at Nachitoches, in the State of Louisana.

The reports of the Committee on Pensions unfavorable to the petitions of Amasa Brown, Cephas Carpenter, and Rebecca Hawley, were severally considered and concurred in.

Mr. ROANE, from the committee to which had been referred the bill of the House of Representatives authorizing the agents and managers of the Washington Monument Society to erect a monument in memory of GEORGE WASHINGTON on the public mall, reported the same without amendment.

On motion of Mr. ROANE, the Committee on Revolutionary Claims was discharged from the further consideration of the resolution directing an inquiry into the expediency of establishing in this District an institution for the education of the indigent blind.

Mr. DAVIS, from the Committee on Commerce, reported a joint resolution, authorizing the State of Massachusetts to levy and collect a tonnage duty on vessels entering the port of Boston, for the purposes therein specified; which, by general consent, was read the first and second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. DAVIS, from the same committee, reported a bill for the relief of Noah Miller, of Lincolnsville, in the State of Maine; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of the heirs of William Bailey; which was ordered to be printed.

Mr. TIPTON, from the Committee on Roads and Canals, reported, without amendment, the bill to authorize a subscription on the part of the United States to the stock of the Jeffersonville and New Albany Canal Company.

Mr. ROANE, from the Committee on the District of Columbia, to which had been referred the memorial of the Navy Yard Beneficial Association, reported a bill to incorporate the same; which was read, and ordered to a second reading.

The following bills were severally read the third time and passed:

An act for the relief of Daniel Steinrod.

An act for the relief of sundry citizens of Arkansas, who have lost their improvements in consequence of the treaty between the United States and the Choctaw Indians; and

The bill making appropriations to complete certain military roads in Arkansas.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Jean de Mallet

The bill for the relief of William H. Roberts, Samuel H. Garrow, and J. W. Symington.

The bill from the House for the relief of Jesse E. Dow.

The bill from the House for the relief of the legal representatives of John McCarty, deceased.

The bill from the House for the relief of John B. Perkins; and

The bill from the House granting to the county of Kalamazoo, State of Michigan, a quarter section of land, on the terms and conditions therein mentioned.

The Senate took up the bill to amend the act entitled an act for the appointment of commissioners for the adjustment of claims to reservations of land under the Choctaw treaty, returned from the House of Representatives with amendments; and,

On motion of Mr. WHITE,

The amendments were concurred in.

INDEPENDENT TREASURY BILL.

Mr. TIPTON spoke at considerable length, in opposition to the bill, as more objectionable than a State bank system, and still less to be preferred to a National Bank.

Mr. CLAY, of Kentucky, then rose, and said he was desirous to express his views on this subject, but the state of his health was such at this time as to induce him to ask the Senate, if it was too early to adjourn, to suspend the proceedings on the bill for to-day, and pass to other business.

On motion of Mr. LINN, the Senate went into an Executive session. After the doors of the Senate were again opened,

Mr. WEBSTER rose and said, that on coming into the Senate on Tuesday morning, he found on his desk a letter from one of the members from Maine, which he would now read:

WASHINGTON, TUESDAY MORNING, *Feb.* 13.

SIR: A friend called at my room last evening, and informed me that it had been ascertained that an article in a New York paper charging one or more members of Congress with some sort of corruption (for I have not seen the article) was a blow aimed at me. Without stopping to inquire in what motive the charge orginated, I feel it a duty I owe myself, as well as the Senate, to request that it cause an inquiry to be made into the matter by committee or otherwise; and may I ask the favor of you to present the subject in such manner as you may deem fit and proper? I am aware that neither our personal or political relations give me any claim on you for this service, and my apology in addressing this note to you is to be found in my desire to avoid even the appearance of seeking immunity in the kindness of personal or political friendships.

I am, sir, very respectfully,

Your obedient servant,

Hon. DANIEL WEBSTER. J. RUGGLES.

Senate, United States.

Having read the letter, Mr. W. said that immediately on receiving it he spoke to the writer, and signified his readiness to present the letter, if the writer thought it necessary; observing that he was not surprised at his anxiety to remove any suspicion or doubt which the charge alluded to might cast on his character or conduct; but that he thought it might be doubtful, until something further should appear, whether the Senate would think it proper to institute any inquiry.

The request, however, having been since repeated, Mr. WEBSTER said he felt it his duty to communicate this letter, in conforming to the wishes of the member, and, in pursuance of the same wishes, he should move a resolution for raising a committee. He wished to say further, that, in making this motion, he must not be understood as pressing himself to institute or carry on any inquiry, or as expressing an opinion upon any part of the subject. What he did was simply to bring the matter in the usual form before the Senate at the request of the party interested; and he desired to add, that if the Senate should be of opinion that a committee ought to be raised, he hoped it would not place his name upon the list of its members, as indispensable engagements would occupy his attention of several days to come.

"*Resolved*, That a committee be appointed to inquire into the subject-matter of the letter of the Hon. JOHN RUGGLES, of the 13th inst. to a member of the Senate, which was laid before the Senate this day."

This resolution lies on the table, by the rules, for one day, and will come up at the next sitting.

The Senate then adjourned to Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, February 17th, 1838.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting to the House a statement of he contracts made by the Department of War for the year 1837; which,

On motion of Mr. HOWARD, was laid on the table and ordered to be printed.

Also, a communication from the Secretary of the Navy, transmitting two hundred and seventy-five copies of the Navy Register, for the year 1838; which,

On motion of Mr. HOWARD, was laid on the table and ordered to be printed.

After some conversation as to priority of business, on motion of Mr. HOWARD, the rules were suspended till one o'clock, to enable the committees to report.

COMMITTEE OF WAYS AND MEANS.

On motion of Mr. CAMBRELENG, this committee was discharged from the further consideration of a communication from the Navy Department, in relation to some increased compensation to certain officers in the navy, and the same was referred to the Committee on Naval Affairs.

On motion of Mr. C. the committee was also discharged from the further consideration of a communication from the same, in relation to increased compensation of the clerks therein; which was referred also to the Naval Committee.

On motion of Mr. C. the committee was also discharged from the further consideration of a communication from the Department of War, relative to a pension agent in the State of Alabama, who had declined the agency; and the same was referred to the Committee on Revolutionary Pensions.

COMMERCE.

On motion of Mr. SMITH, this committee was discharged from the further consideration of a memorial from certain citizens of Dover, praying for improvements in the river there, and the same was referred to the Committee of Ways and Means.

PUBLIC LANDS.

Mr. CASEY reported Senate bill, with sundry amendments, entitled an act to create the office of Surveyor of Public Lands in Wisconsin Territory.

Mr. YELL reported a bill to authorize the Legislature of the State of Arkansas to sell the school lands of said State, and for other purposes.

Mr. Y. also reported a bill to establish the St. Francis land district in Arkansas.

Mr. SHIELDS reported a bill to grant an additional quantity of land to location of Revolutionary bounty land warrants.

Mr. LINCOLN reported a bill for the relief of Solomon Sturgis, assignee of ——— Fraser.

Also, a bill directing the Commissioner on Public Lands to ascertain the quantity and value of lands contained in S. 16, T. 4, S. of R. 2 East, in Ohio, granted to Anthony Shane and Lewis Godfrey; which was ordered to a third reading on Monday next.

POST OFFICE AND POST ROADS.

Mr. MONTGOMERY reported a joint resolution authorizing a subscription of 500 complete sets, of thirteen each, of Brown's maps of the United States.

Mr. HOPKINS reported a bill for the relief of Elisha Jackson, of Virginia.

Mr. HALL reported a bill for the relief of Avery, Saltmarsh and Co.

JUDICIARY.

Mr. THOMAS reported Senate bill, with an amendment, entitled an act to prevent the abatement of suits and actions now pending, to which the late Bank of the United States is a party, the consideration of which was postponed till Tuesday next.

Mr. T. also reported Senate bill, without amendment, to abolish the circuit court at Huntsville, in the State of Alabama, and for other purposes; which, on Mr. THOMAS'S motion, was ordered to a third reading, and then read a third time, and passed.

Mr. T. also reported a resolution directing the Committee on the Judiciary to inquire whether any, and, if any, what further legislation is required to insure the administration of justice in the circuit court of Louisiana.

Mr. RICE GARLAND made some remarks in reference to the inconveniences now experienced by the people of Louisiana by the present mode.

Mr. THOMAS said that the Committee on the Judiciary had not formed and did not intend to intimate an opinion as to the inconveniences alleged to have been experienced by the people of Louisiana under the present Circuit Court system. The resolution before the House has been reported at the instance of the members from Louisiana. It was designed to give jurisdiction to the Judiciary Committee over the subject matter complained of, and the committee, if the resolution be adopted, will be prepared to hear and act upon any suggestions that may be made from any quarter pertinent to the question.

After a few words from Mr. MARTIN, the resolution was concurred in.

REVOLUTIONARY CLAIMS.

Mr. SHEPPERD reported a bill for the relief of the legal representatives of Tarleton Woodson, deceased.

Mr. TALIAFERRO reported a bill for the relief of the legal representatives of Captain Thomas Triplett.

PUBLIC EXPENDITURES.

When this committee was called upon for reports,

Mr. HALEY, the chairman, rose and said, that he was instructed to inform the House, that the committee had had several meetings on the subject generally committed to them, and found that there were six other standing committees, specially charged with the supervision of the expenditures of separate departments. In consequence of this, the committee over which he had the honor to preside, did not deem it expedient to enter on their duties, or rather such duties as might be supposed to be committed to them, until those special committees had reported, and then, if they deemed it necessary, they would enter into a re-examination of such reports. This appeared to be the only duty they could perform.

PRIVATE LAND CLAIMS.

On motion of Mr. RARIDEN, the Committee of the Whole was discharged from the further consideration of the bill for the

relief of James Mina, and the same was recommitted to the above standing committee.

Mr. R. made an unfavorable report on the petition of Henry M. Fleury.

AGRICULTURE.

Mr. DEBERRY reported a bill to encourage the introduction and promote the cultivation of tropical plants in the United States.

MILITARY AFFAIRS.

Mr. McKAY reported a bill to authorize the Secretary of War to purchase of the authorities of Key West so much of the streets therein as intersected the grounds owned by the United States.

FOREIGN AFFAIRS.

Mr. HOWARD reported a bill for the relief of Alexander H. Everett.

Mr. H. also, reported a bill for the relief of Alexander Hammett.

Mr. H. also reported a resolution to take from the files the bill reported in the last Congress, "fixing the compensation of public ministers and consuls general, and for other purposes," and refer it to the Committee on Foreign Affairs; which was concurred in.

Mr. H. also made an unfavorable report on the petition of Daniel Brent.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a resolution to refer the "bill authorizing the Secretary of War to allow compensation to pension agents" to the Committee of the Whole on the state of the Union; which was concurred in.

Mr. M. also reported a bill for the relief of Anne Rewalt.

Mr. FRY reported a bill granting a pension to Phebe Champe, widow of Sergeant John Champe of Ohio.

Mr. CHILDS reported a bill for the relief of Capt. Allen.

Mr. SIBLEY reported a bill for the relief of David Mellon.

INVALID PENSIONS.

Mr. HEROD reported a bill for the relief of Levi M. Roberts.

Mr. McCLELLAN of New York reported a bill for the relief of David Rollins.

Mr. WILLIAMS of Kentucky reported a bill for the relief of Elijah Blodgett.

Mr. ALLEN of Vermont reported a bill for the relief of Aaron Tucker.

Mr. A. also moved that the committee be discharged from the further consideration of the resolution proposing to make provision for the old (Massachusetts) regiment of infantry. Mr. A. stated that the committee were of opinion that relief should be afforded, but the subject was one not within their jurisdiction.

On motion of Mr. CALHOUN of Massachusetts, the subject was referred to a select committee of five.

ROADS AND CANALS.

Mr. MERCER reported a resolution calling upon the President of the United States for any information he might deem it proper to communicate, respecting the action of the Executive Department, in relation to the resolution of the Senate of the 3d of March, 1835, requiring the President of the United States to consider the expediency of opening negotiations with other nations, and especially the Government of Central America, for a ship canal across the Isthmus of Darien; which was concurred in.

Mr. GRANT reported a resolution to print 3,000 extra copies of the report in favor of the construction of a ship canal around the falls of Niagara; which, under the rule, lies over.

PUBLIC BUILDINGS AND GROUNDS.

Mr. LINCOLN reported a resolution, authorizing the House committee on this subject to confer with the corresponding Senate committee, on all matters appertaining to their duties, or within their appropriate province; which was concurred in.

NEUTRALITY BILL.

The House then proceeded to the consideration of the neutrality bill, published in a preceding column.

The question pending was on the substitute proposed by Mr. LOOMIS.

Mr. MASON of Ohio, who was entitled to the floor, addressed the House at considerable length on the subject of the bill generally. He was not opposed to the object which he doubted not the Committee on Foreign Affairs had in view in bringing this bill before the House, but he had objections to many of the provisions of the bill. By the first section of the bill, certain United States officers are authorized to seize all vessels and vehicles which it is thought probable are about to cross the frontier, to be used in carrying on a war against the citizens or subjects of a neighboring State. If, however, gentlemen would examine the language of the first section of the bill in connection with the provision of the following section, they would find, if he was not greatly mistaken, in it, that our citizens were only prevented from supplying arms and munitions of war to the parent State, while they were left free to supply the rebellious individuals who had taken up arms against the mother country. This was his construction of the two sections, and if the committee entertained different views, he should like them to explain.

With regard to the condition of things on our southern border, he should like to know how the provisions of this bill would apply there. He did not apprehend that it would apply to Texas at all, because it provided that the United States officers were only to act when vessels were about to take arms into a neighboring territory for the purpose of being used against the citizens or subjects of said conterminous country. Then, with regard to Texas: the war which might be going on there being all on one side, the whole population of Texas being engaged against the authority of Mexico, he presumed the provisions of this bill would not apply so as to authorize the seizure of any arms about to be taken into that territory by citizens of this country. Practically, then, by the provisions of this bill, we would be prevented from furnishing arms to Mexico, while we would be permitted to furnish Texas with all kinds of munitions of war. This was the way he understood it, but the chairman of the Committee on Foreign Affairs said he was mistaken.

Mr. LEGARE said that, in his view of the matter, this law, if it passed, would not apply to Texas, because it was recognised by our Government to be an independent State.

Mr. MASON supposed, then, that this law was not intended to apply at all to our southwestern frontier.

Mr. LEGARE said he had merely alluded to the Government of Texas and to no other portion of the southwestern frontier.

Mr. MASON presumed there would be a great contrariety of opinion in relation to this matter, in the House. He desired to ascertain what the practical application of this law would be with regard to existing difficulties, and difficulties which might arise hereafter.

Mr. HOWARD rose to explain. He had, on yesterday, attempted to explain the difficulties which presented themselves to the committee, when this bill was before them. There were three gradations through which a nation must pass before it can take its stand as an independent nation. He alluded to a colonial government. The first step was revolt or insurrection. The next was civil war: that is, when an insurrection has become of sufficient magnitude to entitle it to that appellation. And the third and last was, when its independence was recognised by other Governments.

Now the object of this bill was merely to apply to the first of these cases. It was admitted to be a matter of great difficulty to provide in a law in advance, any conditions on which the Executive or Congress should undertake to say precisely when any people passed from the first to the second of these stages. There were certain cases where every body would admit that a people were in the first; and so with the second of these stages; but there might be great doubt as to the particular time when it passed from the one to the other. With regard to the present condition of things in Canada, no body would believe that a civil war was raging there.

It was yet but a revolt, and there was no telling whether it would ever be any thing more. Then, as there was to be discretionary power in relation to this matter placed somewhere, it was deemed by the committee most proper to leave this with the only constitutional power—the Executive power. The committee, therefore, introduced a provision to authorize the Executive to restore property which might be seized, on certain contingencies; for, in case of civil war, our citizens have the right to send arms, and this right they had always maintained; but in the first case—that of revolt—they had not. He would answer the gentleman, then, by saying that it would be competent for the people of this country to avail themselves of their usual right of exporting arms and ammunition to either party, in case they chose to run the risk of confiscation. It is well known that the laws of nations permitted this sort of trade to be carried on without involving the nations whose citizens participate in it in a war. The citizens carried on the trade at the risk of having their property confiscated.

Mr. MASON considered that these provisions of the bill were not calculated to effect the object which it ought to be the intention of every person desirous of preserving the neutrality of this Government. Great Britain and Mexico were now making loud and serious complaints of the interference of our citizens in their affairs, and it was the duty of the Government of the United States to restrain its citizens from intermeddling in the affairs of foreign Governments. Mr. M. proceeded at considerable length to answer the arguments of the gentleman, in relation to these provisions of the bill, and concluded by sending to the Clerk's table, certain amendments which he intended to submit to the first and second sections of the bill, when it would be in order to do so.

Mr. HOWARD then sent to the Clerk's table, and had read, two letters which he had received from the War Department; the one from General Brady, and the other from Governor Mason, setting forth the condition of things on the frontier, and urging the passage of the bill under consideration.

Mr. BYNUM addressed the House at some length in support of the bill, but in opposition to some of its provisions. He considered that our citizens had rights in this matter which ought not to be infringed. Our people had a perfect right to trade with the people of Canada, of whatever party they might be, in the articles referred to in the bill, without the Government of Great Britain having any right to take exception to it. There was no treaty between us and Great Britain which would prevent our citizens from carrying on this trade, and it was expressly permitted by the laws of nations; therefore, he was opposed to interfering with it in this wise. He would go against our Government interfering in any way with the affairs of other Governments, but he would not go to place restrictions upon our people which the laws of nations did not require or demand.

Mr. HOLSEY withdrew his motion to strike out a part of the proviso of the original bill, and gave notice of an amendment he should move when it was in order.

Mr. EVERETT, also, gave notice of an amendment he designed to submit, and moved its printing.

Mr. FILLMORE moved that all the amendments be printed.

Mr. WHITTLESEY of Ohio also moved an amendment to strike out certain parts of the bill.

Mr. ADAMS also gave notice of certain amendments.

Mr. LOOMIS submitted a modification of his substitute.

All the amendments were then ordered to be printed; the bill was laid aside, and sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

On motion of Mr. LINCOLN, the bill in relation to the north-eastern boundary was ordered to be printed, and then, on motion,

The House adjourned

HOUSE OF REPRESENTATIVES,

MONDAY, February 19, 1838.

The business in regular order, under the new rule, being to call the States and Territories for resolutions,

NEUTRAL LAWS.

Mr. HOWARD moved a suspension thereof, for the purpose of proceeding with the "Neutrality bill."

Mr. CAMBRELENG said, as this was a very important question, he would ask for the yeas and nays; which were ordered, and were—yeas 93, nays 51.

So the House refused to suspend the rule, two-thirds not voting in the affirmative.

On motion of Mr. PATTON, and by general consent, the bill and various amendments were all recommitted to the Committee on Foreign Affairs.

Mr. BEATTY, on leave, presented a number of petitions and memorials; which were appropriately referred.

[The petitions presented by Mr. B. were as follows: A petition signed by a large number of citizens of Armstrong county, praying for the establishment of a post route therein mentioned. Also, a remonstrance, signed by a very respectable number of citizens of Butler county, against the annexation of Texas to this Union. Also, joint resolutions of the Pennsylvania Legislature, in favor of a Macadamized road from some point on the National road to the town of Erie. Also, the petition of a large number of the citizens of Western Pennsylvania, praying an appropriation to improve the Alleghany river to Oleant Point, in the State of New York. Also, a petition from Western Pennsylvania, in favor of an appropriation to Elkcreek Harbor, on Lake Erie.]

Mr. CURTIS, in pursuance of notice heretofore given, reported a bill for the relief of certain debtors of the United States, and to repeal certain acts relating thereto; which was committed to the Committee on the Judiciary.

On motion of Mr. FAIRFIELD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Saco to Alfred, in the State of Maine, by the way of Goodwin's Mills, in Lyman.

On motion of Mr. ANDERSON,

Resolved. That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Gardiner, in the State of Maine, through Windsor, Patricktown, Washington, Liberty, Appleton, Leasmont and Belmont, to Belfast, and of discontinuing the parts of routes now existing between said points.

On motion of Mr. SMITH,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the provisions of law "for the relief of certain insolvent debtors of the United States," passed on the 2d day of March, 1831, to all cases of the denomination provided for in said act, that has arisen, or shall arise hereafter.

On motion of Mr. EVANS,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the construction of the Military road, in the State of Maine, authorized by the joint resolution of Congress, approved March 2, 1829, or with such alterations and variations of the same as public interest and the security of the frontier may require.

Mr. ADAMS submitted the following resolution, which, giving rise to debate, lies over by the rule:

Resolved, That the just claims of citizens of the United States upon the Government of the Mexican Republic for indemnity for injuries upon their persons or property committed by officers or other persons subject to the jurisdiction of the Mexican Confederation, ought not to be sacrificed or abandoned by the Government of the United States.

Resolved, That the existing relations between the United States and the Mexican Republic cannot justify the United States, on any principle of international law, in resorting to any measure of hostility against the Mexican Government or people.

Resolved, That in the present state of the relations between these United States and Mexico, nothing has occurred which can justify the continued suspension of amicable negotiations between them.

Resolved, That the President of the United States be requested to resume amicable negotiations with the Government of the Mexican Confederation.

On motion of Mr. BORDEN,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring the name of Benjamin Durfee, a soldier of the Revolutionary war, to the pension rolls; and that the Commissioner of Pensions be requested to furnish the committee with the papers of said Durfee, now on file in his office, and upon which he was allowed a pension.

On motion of Mr. FLETCHER,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of altering the law as to the jurisdiction of the courts of the United States in cases where a corporation is a party.

On motion of Mr. WILLIAMS of New Hampshire,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to James Whidden, a Revolutionary soldier.

On motion of Mr. CALHOUN of Massachusetts,

Resolved, That the Secretary of War lay before the House the papers in the case of Noel Parsons, a Revolutionary pensioner.

On motion of Mr. LINCOLN,

Resolved, That the Committee on the Judiciary be instructed to consider the expediency of revising and so amending the laws on the subject of the naturalization of foreigners, as to require a longer term of residence in the United States previous to their admission to the rights of American citizenship, and greater checks and securities against frauds in the means and process of obtaining naturalization.

Resolved, That the same committee be further instructed to consider the propriety and expediency of providing, by law, against the introduction into the United States of vagrants and paupers, deported from foreign countries, for whom no place of residence, and means of employment, and certain support for a reasonable time after their arrival, have been previously prepared; and requiring that the owners and masters of vessels, by whom such persons shall be brought into the country, shall be held liable for their relief, if left in distress upon their being landed.

On motion of Mr. INGHAM,

Resolved, That the Secretary of War be directed to cause the survey and map of the harbor and mouth of Connecticut river, made under the direction of the Topographical Bureau in 1836, to be communicated to this House; and that he cause the map to be reduced, if necessary, to prepare it for publication.

On motion of Mr. ATHERTON,

Resolved, That the Secretary of the Treasury be requested to communicate to this House—

1. The amount of balances against all banks which have been used as public depositories that is not secured, or will probably be lost; adding thereto the estimated loss that has occurred by taking on public account depreciated bank notes.

2. The amount of balances against all kinds of collecting officers which has not been secured, or will probably be lost.

3. The amount of losses which have accrued through failures in payment of duty bonds.

On motion of Mr. HOLT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of allowing the clerks of the Post Office Department the same per centum upon their salaries that was allowed to the clerks of the other Departments of the Government by the appropriation act of the last session of the 24th Congress.

On motion of Mr. HALEY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation relative to the completion of the custom-house and public grounds connected therewith, in New London, Connecticut.

On motion of Mr. WHITTLESEY of Connecticut,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing John Rogers, of Connecticut, on the pension roll.

On motion of Mr. ALLEN of Vermont,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the law of 1836 as to allow to widows of the first marriage the pensions which their husbands were entitled to under the statute of 1832.

On motion of Mr. EVERETT,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting pensions to Simon Chase, Eli Plant, Ezra Spalding, and Sarah Chase, widow of Solomon Chase.

On motion of Mr. MARVIN,

Resolved, That the Secretary of War be requested to communicate to this House the report of the survey of the Allegheny river, made during the past season, under a resolution of this House, at the second session of the 24th Congress.

On motion of Mr. PARKER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of Christopher Roff, of Delaware county, New York, a Revolutionary soldier.

On motion of Mr. DE GRAFF,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the law of the 4th July, 1835, granting pensions to widows, as to embrace within its provisions those who have become widows subsequent to the 4th July, 1836.

On motion of Mr. HOFFMAN,

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of purchasing as many copies or volumes of "Scott's Tactics for Infantry, Light Infantry and Riflemen," as may be necessary to supply, according to rank, the militia officers in the States and Territories of the United States.

On motion of Mr. GRANT,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of the General Government repairing Fort Ontario, in the village of Oswego, in the State of New York, and establishing a military post at said village.

Mr. FILLMORE submitted the following resolution, which, by the rule, lies over one day:

Resolved, That the President of the United States be requested, if not incompatible with the public interest, to communicate to this House any information possessed by him respecting the capture and destruction of the steamboat Caroline, at Schlosser, during the night of the 29th December last, and the murder of citizens of the United States on board, and all the particulars thereof, not heretofore communicated; and especially to inform the House whether said capture was authorized, commanded, or sanctioned, or has been avowed, by the British authorities or officers, or any of them; and also whether steps have been taken by him to obtain satisfaction from the Government of Great Britain on account of said outrage; and to communicate to the House all correspondence or communications relative thereto, which have passed between the Government of the United States, or any of the public authorities of either.

Mr. LOOMIS submitted the following resolution; which, by the rule, lies over one day:

Resolved, That the Postmaster General furnish to this House an estimate showing, as near as he can ascertain,

1. What proportion of the mails of the United States consists of free parcels estimated by weight.

2. What proportion consists of free parcels estimated by amount of postage on parcels that pay postage, and accounting all printed documents at pamphlet postage.

3. What would be the proportion of the amount of postage to be paid by the Government in case all free parcels were charged to Government at the same rate that printed parcels pay.

4. To how low a rate the tariff of postage can be reduced, and sustain the Department, in case all parcels conveyed in the mails were chargeable with postage.

On motion of Mr. BROADHEAD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the village of Ellenville, in the county of Ulster, by the way of Greenfield Southwick's settlement, in said county, to Wakeman's settlement, Miller's settlement, to the village of Monticello, in the county of Sullivan, in the State of New York, a distance of twenty-six miles.

On motion of Mr. SPENCER,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of revising the provisions of the act entitled an act granting bounty lands, and extra pay to certain Canadian volunteers, approved the 5th March, 1816; and an act to amend said act, approved 3d March, 1817.

Mr. GRANT submitted the following resolution, at the request of Mr. BRONSON, who was confined to his room by indisposition, and it was adopted.

Resolved, That the Secretary of War be requested to communicate to this House the following information, viz:

1. How many volunteers and militia have been mustered into, or employed in, the service of the United States, within the last six years, and the number of mounted men.

2. When, where, and for what purpose, such volunteers or militia were employed or mustered into the service of the United States, and the length of time they continued in such service.

3. The difference in the expense, if any there has been, between the employment of such volunteers or militia, and the troops of the regular army; and generally the estimated difference of expense between the employment and maintenance of regular troops and militia or volunteers.

On motion of Mr. GRAY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the propriety of constructing a canal from the North Branch Canal, in the State of Pennsylvania, to the Chemung Canal, at Elmira, in the State of New York, or from said North Branch Canal to Owego or Binghampton, in said State of New York, and that the report made by G. W. Hughes, on the same subject, be printed.

[The remainder of the resolutions will be given in our next.]

On motion of Mr. EVANS 3,000 extra copies of the document in relation to the northeast boundary were ordered to be printed.

Mr. GRANT made an ineffectual attempt to call up the resolution to print some extra copies of the report in relation to a canal round the Falls of Niagara.

On motion of Mr MONTGOMERY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Hilisboro, in Orange county, North Carolina, by Daniel S. Lates's Store, Mount Willing, and Col. John Stockart's, to Rock creek or Fogleman's Post Office, in said county.

On motion of Mr. JOHNSON of Louisiana,

Resolved, That the Secretary of the Treasury be requested to report to this House whether any, and if any, what orders or instructions have been given from his Department, by which the lands fronting on bayous and other water courses, which have been surveyed under the provisions of the second section of the act of the 24th May, 1824, have been declared not to be subject, under the provisions of the act of the 4th April, 1832, to subdivision or sale in smaller tracts than those into which they were originally surveyed, under the said acts of 1811 and 1824; and also whether any, and if any, what divisions have been made by his Department by which the benefits of the preemption privilege are given to all actual settlers by the last proviso to the said act of 1832, have been withheld from any person claiming the same in consequence of their settlements being made upon lands so surveyed under the acts of 1811 and 1824.

On motion of Mr. JONES, of Wisconsin,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at Green Bay, and at Milwaukie, in Wisconsin Territory.

On motion of Mr. DOWNING, of Florida,

Resolved, That the Committee on the Territories be instructed to inquire into the expediency of authorizing the Territory of Florida to take the census, and to adopt a Constitution, preparatory to an introduction into the Union.

On motion of Mr. CRARY, by consent,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the survey of the waters and islands of the upper ports of Lake Erie, Detroit river, Lake St. Clair, the Flats at the mouth of St. Clair River, Saginaw Bay, Thunder Bay islands, the Straits of Mackinac, the islands at the foot of Lake Michigan, the straits and waters leading from Lade Huron to Lake Superior, and other waters and islands of Green Bay.

Also, into the expediency of making an appropriation for the erection of a light-house at or near *Point aux Barques*, at or near Presque Isle Harbor, or Manitaw Island, on Big Beaver Island, at the mouth of Gallien River; of South Black River; of North Black River; of Muskegon River; of St. Marys River; of Clinton River; at Stoney Point; and at *Point Detour*. Also, a beacon-light at Mackinac, and at the artificial entrance of the River Raisin.

On motion of Mr. CRARY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making a grant of land to the State of Michigan to aid said State in the construction of a ship canal around the Falls of St. Mary river, connecting Lake Huron with Lake Superior.

On motion of Mr. YELL, for the State of Mississippi, by request:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of removing the land office for the Augusta Land District, in the State of Mississippi, from the town of Augusta to the town of Paulding, in the county of Jasper, in the State of Mississippi.

On motion of Mr. HARRISON of Missouri,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of constructing a military road from Jefferson Barracks, in the State of Missouri, to Fort Leavenworth, on the western frontier of said State.

On motion of Mr. YELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Arkansas, to wit:

From the mouth of *Cache*, on White river, via Pine Bluffs the county seat of Jefferson county, to *Caraapabra*, the county seat of Union county.

Also, a post route from Little Rock, via Erwin's settlement, to White county court-house, and thence to Litchfield, Jackson county, thence to Powhatan, Lawrence county, and thence to Jackson.

Also, a post route from Ozark, the county seat in Franklin county, to Sevierville, Madison county, and thence to Osage, Benton county.

Also, a post route from the mouth of Cache on White river to Searcy, the court-house of White county, and thence to Clinton, Van Buren county.

On motion of Mr. MILLER of Missouri,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Oseola, in Sinclair county, Missouri, to Sarcoxie, in Barry county, in said State; thence to Fort Smith on the Arkansas river, via Gowshin, Beaty's prairie, Vine Yard, &c. Also, into the expediency of establishing a mail route from Springfield, Green county, Missouri, to Sarcoxie, in Barry county, in said State.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Independence, in Jackson county, Missouri, by the way of Willis H. Alexanders, the Low Jack, to the seat of justice of Johnson county, in said State.

On motion of Mr. LYON,

Resolved, That the Committee of Claims inquire into the expediency of releasing the securities of H. H. B. Hays, late a postmaster at Claiborne, Alabama, from the payment of so much of a judgment obtained against them by the Post Office Department as accrued in the way of penalty for the default of their principal, upon the payment of the debt and interest actually due from the postmaster.

On motion of Mr. LAWLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Hickory Level, in Taladega county, crossing Tallapoosa river at Alabama river, passing Abacoochee to the Canal Gold Mines, in Alabama; and that the same committee be instructed to inquire into the expediency of allowing to Messrs. Jamison and Williamson, late mail contractors in Albama, for extra services performed and losses sustained by them, in consequence of the late war with the Creek Indians, as will appear by proofs in the Post Office Department.

On motion of Mr. CASEY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for a survey, with a view to the improvement of the following rivers in Illinois, to wit: the Little Wabash river, the Embarrass river, and the Big Vermilion river, of the Wabash.

On motion of Mr. J. L. WILLIAMS of Tennessee,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing Knoxville, on the Holston river, State of Tennessee, as a port of entry.

On motion of Mr. WEBSTER of Ohio,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Greenville in Dark county, to Troy, in Miami county, Ohio.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of increasing the pay of volunteers when in the service of the United States; also, of granting a quantity of land, in proportion to rank, to each officer and soldier who has served for twelve months during the present war with the Seminole Indians in Florida.

On motion of Mr. BOON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Petersburg to Boonville, in the State of Indiana.

On motion of Mr. RARIDEN,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating a sum sufficient to complete the Cumberland Road through Ohio, Indiana, and Illinois, and to place the same under the direction of the Secretary of War, to be expended as that service may require.

On motion of Mr. BOND,

Resolved, That the Committee on Public Lands, who are already instructed to inquire into the expediency of granting certain appropriations of said lands to officers and soldiers of the Virginia State line in the Revolutionary war, be, and the same are hereby, also instructed to inquire into the expediency of extending such appropriations to all other American officers, soldiers, seamen, and marines of that war, so as to equalize the bounty of each; and if any reason for discriminating in favor of the officers and soldiers of the Virginia line exist, that the same be reported to this House.

On motion of Mr. GARLAND of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Alexandria, by Hinestown, on the Calcasieu River, to Jenkins's and Droddy's Ferry, on the Sabine, in the State of Louisiana: also a route from Natchitoches, by Grand Cove, to Shreeveport or Coate's Bluff, in said State.

On motion of Mr. COODE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Greenville, Stark county, Ohio, (by the way of Jacksonville, Houston Post Office, and Hardin,) to Sidney, Shelby county, Ohio.

On motion of Mr. E. WHITTLESEY of Ohio,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law for the survey of a shoal on Sunken Island, near the Western Sister, and to the southward thereof, in Lake Erie, and for marking the boundary of said shoal, on Sunken Island, by suitable buoys.

On motion of Mr. EWING,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Fairfax, Monroe county, via Marysville, Springville, and Frazier's Store, Lawrence county, to Hamersly's Mill, and thence to Mount Pleasant, in Martin county, Indiana.

On motion of Mr. CHANEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from McConnelsville to Francis Trebelcack's, thence to Peter Heith's, and thence to Oliver Post Office, in Morgan county, Ohio.

On motion of Mr. SHEPLOR,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Cadiz, in Harrison county, Ohio, by way of Leesburg, in Carroll county, Sandyville, in Tuscarawas county, to Bethlehem, in Stork county, Ohio.

On motion of Mr. COFFIN,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of continuing to Elizabeth Kenton, widow of General Simon Kenton, deceased, the pension allowed to her husband by the act of 28th May, 1836.

On motion of Mr. HARPER,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of releasing, in whole or in part, A. Avery, A. P. Pritchard, and W. P. Taylor from the payment of two promissory notes for the sum of $1,711 87½ cents each, given by them to secure the payment of a judgment in favor of the United States against the Granville Alexandrian Society, obtained June term, 1822, in the District Court of the United States for the district of Ohio.

On motion of Mr. WHITE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Indiana, viz: From Rockville, via Annapolis, West Union, West Port and Lodi to Eugene. From Fort Wayne, via Warsaw and Plymouth, to Laporte.

On motion of Mr. CORWIN,

Resolved, That the Secretary of the Treasury be directed to furnish this House a statement, showing the quantity of land sold by the United States, either at public auction or by entry out of the lands ceded to this Government by the Shawnee Indians, under the convention made at Wapaghonetta on the 8th of August, 1831; and that said Secretary state to the House how much, if any thing, is due to said tribe of Indians in virtue of the stipulations contained in the 7th article of said convention.

On motion of Mr. LEWIS,

Resolved, That the President of the United States be re-

quested to furnish the House of Representatives copies of the following papers:

1. A copy of a certain contract made between Gen. Thomas S. Jesup, certain Creek Indian Chiefs and James C. Watson and Co.

2. Copies of all letters addressed to, or transmitted from the War Department to any official, or other persons, concerning said contract.

3. Copies of the legal opinions of Messrs. Crawford and Balch, commissioners appointed to investigate the frauds practised upon the Creeks, in the sale of their reserves upon said contracts, together with copies of the evidence before them, and arguments of counsel.

4. A copy of the ratification of said contract by the Executive, and of any papers purporting to be the assent of the Creek reservees to said contract of said Jesup, Creek Chiefs, and said Watson and others.

5. Also a copy of any other contract made for Creek reservations by Chiefs of the Creek nation, purporting to be on the behalf of their people, since the month of August, 1836, and on file in the War Department.

On motion of Mr. DUNN,

Resolved, That the Secretary of the Treasury be requested to furnish this House with all the information in his possession as to the manner of renewing the bonds given for duties, under the act of last session entitled "An act to regulate the fees of district attorneys in certain cases;" by what officers the same have been renewed; what fees have been charged therefor; whether fees have or have not been charged by district attorneys on bonds which were renewed by the respective collectors under the above act, and upon which no suit had been commenced, and what fees (if any) have been so charged, and by what law or authority the same have been charged; together with a copy of all instructions given by the Secretary of the Treasury upon the subject to collectors, attorneys, or others.

On motion of Mr. MONTGOMERY,

Resolved, That the Secretary of the Navy be instructed to report to this House,

1st. The names, class, and number of vessels that have been built or selected for the Exploring Expedition. What number (if any) have been selected or built that have been abandoned; by whom selected or built, and the causes why they have been rejected, and upon whose recommendation.

2d. The number of officers and persons appointed to said service, with their names, rank, pay, dates of appointment, and the duties of those not ordinarily attached to a marine corps.

3d. The amount already appropriated for said service, the amount expended, with a statement of what will be the probable amount yet required before sailing. The amount that will be required annually to support said expedition while out.

4th. A copy of the orders under which the squadron are to sail.

On motion of Mr. MERCER,

Resolved, That the Secretary of War be directed to lay before this House a statement of the relative cost attending the enlistment, clothing, equipment, and maintenance, including the transportation for a given distance, of mounted men, or cavalry, and infantry, in the service of the United States.

On motion of Mr. ELLMORE,

Resolved, That the Secretary of the Treasury be directed to report to this House, (as far as the same is practicable from official documents, and where they are deficient, from the most authentic sources of information in his power,) statements exhibiting the annual value of the exports of each State before and since the Declaration of Independence; showing what amount was of domestic, and what of foreign growth or manufacture; the annual value of imports into each State during the same period; the amount of duties chargeable each year on said imports, and the amount actually collected; the amount of such imports liable to duty, and what was duty free; the amount of drawbacks paid annually in each State, and on what articles; and also what was the average of the rate of duties in each of said years.

On motion of Mr. RHETT,

Resolved, That the Secretary of the Navy do report to this House, whether any survey has been made by order of the Navy Department, of St. Helena bar, in the State of South Carolina, with a view of ascertaining whether any buoys, beacons, or light-houses, are necessary for the safe navigation of that bar, and the places where they should be placed; and what will be the probable expense of the buoys, lights and beacons, recommended by the survey, if any has been made.

On motion of Mr. HENRY, the following was agreed to:

Whereas, the great mass of both public and private business, demanding the attention of Congress for a few years past have far exceeded what could be reasonably attended to and passed upon, and at the present session it appears to have vastly increased, which renders it imperative that some mode should be employed with relation to a portion of that business at least, that more prompt and definite action may be had thereon:

Whereas, the delay and expense attending the present mode of settling and adjusting private claims, it is believed, can be advantageously remedied by constituting a Board of Commissioners for that purpose, consisting of three or five competent persons, whose duty it shall be to examine, adjudicate, and pass upon all private claims against the Government with the least possible delay; whose determination shall be final and conclusive, and who shall be allowed a reasonable compensation for their services. Therefore,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of establishing by law a Board of Commissioners for the adjustment and final settlement of all private claims against the Government.

On motion of Mr. McKENNAN,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of so altering or amending the existing laws, as more effectually to suppress gambling and gambling houses within the District.

On motion of Mr. WISE,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of receding, under proper restrictions and reservations, with the consent of the people of this District, and of the States of Maryland and Virginia, the said District to the said States.

On motion of Mr. THOMAS,

Resolved, That the Secretary of War be directed to communicate to this House copies of all papers on file in the War Department, concerning the title of the United States to Friends' Ore Bank, near Harpers Ferry, in Jefferson county, Virginia.

On motion of Mr. LEGARE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of ordering a survey of the bar of Charleston, and especially the northern channel thereof, and making adequate appropriation for that purpose.

On motion of Mr. GRIFFIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lynchburg, Tennessee, via W. W. Gill's store, Eliza Flacks and Petersburg, to Connersville, Tennessee, as as to connect with the present mail route from Campbellsville to Connersville.

On motion of Mr. CAMPBELL of Tennessee,

Resolved, That document No. 34, now on the files of this House, be referred to the Committee of Claims, and that said committee inquire into the expediency of paying the company of Tennessee volunteers therein mentioned, and such other company or companies of infantry or mounted Tennessee volunteers, as organized and equipped themselves for the Creek and Florida campaigns in the year 1836, but who were not mustered into the service.

On motion of Mr. HARLAN,

Resolved, That the Committee on Public Lands inquire into the expediency of providing by law that, hereafter, the officers who may be engaged in selling the public lands shall not be engaged, either directly or indirectly, in the sale or purchase thereof, during their continuance in office.

Mr. RHETT submitted the following joint resolution, which was read twice, and lies over under the rule:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes, as part of the Constitution, to wit:

No person who shall have been elected President of the United States shall be again eligible to that office.

Mr. McKAY submitted the following resolution; and debate arising thereon, it laid over under the rule:

Resolved, That a select committee of five be appointed to inquire into the manner in which the public printing of Congress and the Executive Departments has been executed; whether it has been done conformable to law; whether any, and what change can be made for the promotion of the public good, and that said committee have leave to report by bill or otherwise.

Mr. HOPKINS submitted the following resolution, and debate arising, it was laid over under the rule.

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the Federal Government, with a view to the speedy correction of the same by the adoption of such a system of reform and retrenchment in the contingent expenses thereof, as the public good may require; and that the said committee be instructed, also, to inquire into the expediency of divorcing, by law, the Government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. PATTON submitted the following resolutions, which, giving rise to debate, lie over under the rule:

1. *Resolved*, That the power of removing executive officers is vested in the President of the United States.

2. *Resolved*, That this power was conferred to enable the Executive "to take care that the laws are faithfully executed," and cannot be exercised arbitrarily or capriciously, without an abuse of power, tyrannical in its operation, corrupting in its tendency, and converting a remedy for unworthiness and misconduct into a terrible engine of executive power.

3. *Resolved*, That the patronage of the Executive Department has increased to an alarming extent, and ought to be restricted and diminished so far as is compatible with a safe and faithful execution of the laws.

4. *Resolved*, That it is the right of the Representatives of the people to examine into all abuses and usurpations which may be apprehended to exist in any of the Executive Departments, in order that they may be corrected and prevented, if possible, by legislation; and in flagrant and wanton cases, exposed and punished.

5. *Resolved*, That the power of appointment and removal from office, vested in the Executive, may be greatly abused, and its exercise ought, therefore, to be watched and strictly guarded, so as, if possible, "to prevent the power and patronage of the Executive from being brought into conflict with the freedom and purity of elections."

6. *Resolved*, That the Representatives of the people in this House have a right to inquire into the causes for which any executive officer has been dismissed from office by the Executive.

7. *Resolved*, That, in prosecuting such inquiry, the House of Representatives has a right to call for and have furnished to it all official documents, papers, and letters, relating to the removal of such officer, which may be on file among the records of any of the executive departments.

8. *Resolved*, That a select committee of members be appointed, whose duty it shall be to inquire whether any "honest, capable, and faithful" officers have been dismissed from office, not on grounds of error, negligence, incapacity, misconduct, or unfitness; and, also, to consider and report whether any and what restrictions can be imposed by law upon Executive patronage, so as more effectually to guard against abuse and corruption in the exercise of the power of removal from and appointment to office.

On motion of Mr. SHIELDS,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of paying to Col. Joseph Brown the balance claimed by him to be due, for the property lost in the Seminole campaign, by the following persons to wit: Hugh McBride, John Lupell, Jacob Ellison, Hugh Long, David Ridge, John Stephens, James Saylor, Isaac Patterson, and Samuel Walker, and transferred by them to the said Joseph Brown, and now on the files of the House.

On motion of Mr. RUSSELL,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing to the several persons provided for in the act of 7th June, 1832, allowing pensions to certain officers and soldiers of the Revolution, a pension for six months service, if his name shall be found upon the rolls of those who served in said war, without any other evidence of service.

And that said committee be instructed also to inquire into the expediency of allowing to all widows of said persons pensions, whose intermarriage took place previous to the ratification of the definitive treaty of peace with Great Britain, negotiated at Paris, and concluded on the third of September, 1783.

And said committee be instructed further to inquire into the expediency of allowing said widows to establish the fact of such intermarriage, by such proofas would be admissible in the prosecution of a civil right in a court of common law jurisdiction.

On motion of Mr. PETRIKEN,

Resolved, That the Committee on Commerce inquire into the expediency of having the chart of the survey of the harbor of Havre de Grace, at the mouth of the Susquehanna, which accompanied the report of Mr. Hughes, made to the 24th Congress, lithographed.

On motion of Mr. KLINGENSMITH,

Resolved, That the Committee on the Post Office and Post Roads be and are hereby directed to inquire into the expediency of establishing a mail route from Blairsville, Pennsylvania, via New Alexandria, Greensburg, and Mount Pleasant, to Union Town, Pennsylvania: also a mail route from New Alexandria, Westmoreland county, Pennsylvania, via New Derry, to Johnstown, Cambria county, Pennsylvania: also a mail route from Greensburg, Westmoreland county, Pennsylvania, via Murraysville, to Logan's Ferry, on the Alleghany river; thence, by way of Ater's Store, to North Washington; thence, by way of McInvain's Store and Congruity Meeting, in Salem township, to Greensburg: also a mail route from Skelocta, Indiana county, Pennsylvania, via Warren, Armstrong county, North Washington, Westmoreland county, to Pittsburg, Pennsylvania.

On motion of Mr. CAMPBELL, of South Carolina,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Marion court-house, in the State of South Carolina, to Allen's Bridge, on Little Pedee; thence by Hallusville and Clio to Bennitsville, in the same State. Also, from Kingstree, by Murrays and Lunds' Ferry, on the Santee river, to Georgetown, in South Carolina.

On motion of Mr. CRAIG,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Floyd Court-house to Comping Spring Post Office, in the county of Grayson, in the State of Virginia.

On motion of Mr. STANLEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the mainland, in Hyde county, North Carolina, to some point on Chickawacomico banks, in said county.

On motion of Mr. SOUTHGATE,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing additional public buildings to be erected at the military post at Newport, Kentucky.

On motion of Mr. STUART,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Chambersburg, in the county of Bedford, to the Big Lick, in the county of Botetourt, in the State of Virginia.

On motion of Mr. STONE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Kingston, in Roane county, Tennessee, via Ten Miles, Decatur, Kincannon's Ferry, on the Hiwassee river, to Ross's Landing, Tennessee, thence via Landrey, down to Jacksonville, Alabama.

On motion of Mr. DENNIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Princess Ann to Ford and Wister's store, in Somerset county, Maryland.

On motion of Mr. TALIAFERRO,

Resolved, That the resolutions of the General Assembly of the Commonwealth of Virginia, addressed to the Senators and Representatives of that Commonwealth in the Congress of the United States, and herewith presented to the House, be referred to the same Committee of the Whole to which bill No. 516 was committed, and also to the Committee on Revolutionary Claims.

On motion of Mr. WILLIAMS of North Carolina,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road directly from Statesville, in Iredell county, to Mount Airy, in Surry county, North Carolina.

On motion of Mr. CHARLES SHEPARD,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the purpose of removing the obstruction in the mouth of the Scuppeway river, North Carolina.

On motion of Mr. RENCHER,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of allowing the representatives of William Loman, of Davidson county, North Carolina, the amount of pension due the said William Loman from the time it was suspended in the year 1821, until he was again placed on the roll in 1834, upon the same declaration and proof.

On motion of Mr. JOHNSON of Virginia,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Susannah Roe, widow of John Roe, late a pensioner of the United States from the State of Virginia.

On motion of Mr. CHAMBERS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route agreeably to the prayer of the petition of W. G. Lee and others, (addressed to the Postmaster General, which accompanies this resolution.)

Mr. ROBERTSON submitted the following resolutions; and debate arising thereon, they were laid on the table one day under the rule:

1. *Resolved*, That Congress possesses no power under the Constitution to establish a National Bank.

2. *Resolved*, That provision ought to be made by law for the due collection and administration of the public revenue.

3. *Resolved*, That for the purpose of carrying into effect the foregoing resolutions, the Committee of Ways and Means be, and they are hereby, instructed to report, with all convenient despatch, a bill, as far as practicable diminishing the power and patronage of the Executive Department, and asserting the proper authority and caution of Congress in reference to the collection, custody, and disbursement of the revenue, avoiding all connection, pecuniary and political, between the Govern-

ment and the banking institutions, and especially prohibiting the latter from using such public deposites as may be made therein, directly or indirectly, as the basis of discounts or otherwise, for their own benefit, and preventing in future the accumulation of, or, where that cannot be effected, providing for, the speedy reduction of any surplus in the Treasury beyond its reasonable wants.

Mr. BELL gave notice of his intention to ask leave, when in order, to move for leave to introduce a bill to secure the freedom of election; which was entered on the journal.

Mr. UNDERWOOD submitted the same joint resolution, which he laid on the table, on the 2d of January last, to amend the Constitution of the United States, which was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. JOHN QUINCY ADAMS, by leave, moved the following:

Resolved, That at the commencement of the first session of every Congress of the United States, every person claiming a seat in the House of Representatives shall, before taking his seat, furnish the Clerk of the House the credentials authenticating his election as a member of the House; and in calling over the roll of members appearing to take their seats, the Clerk of the preceding House shall not include in the call any person who appears without producing his credential.

Debate arising on the said resolution, it was laid on the table.

On motion of Mr. BEIRNE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route between Guyandotte, in Virginia, and Cincinnati, in Ohio.

On motion of Mr. RICHARDSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Sumpterville, in the State of South Carolina, to Plowden's mill and Brewington, in the same State.

On motion of Mr. MASON of Virginia,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into expediency of establishing a post route between Winchester and Parkersburg in Virginia, by the Northwestern turnpike road.

On motion of Mr. MORGAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Morgantown, in Monongalia county, Virginia, via Dent's mills, and David Sander's to Rivesville; also, a route from Smythfield, on the Cumberland road, in Pennsylvania, via Brandonville, Kingwood, and Evansville, in Preston county, to Morgantown, in Monongalia county, Virginia.

On motion of Mr. CLEVELAND,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Carnesville, via Jefferson, to Lawrenceville, in Gwinnette county; also, a route from Rome, in Floyd county, Georgia, via Gaylesville, Lynchburg, Van Buren, Warrenton, to Summerville, in Alabama; also, a route from Campbelton, in Campbell county, via Burnt Hickory, in Paulding county, Parker's Cross Roads, to Cassville, in Cass county, Georgia.

By Mr. DROMGOOLE:

RESOLUTION proposing an amendment to the Constitution of the United States in relation to the election of President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the Constitution:

"The electors shall meet in their respective States, on such day as Congress shall determine, and vote for President and Vice President, in the manner prescribed by the twelfth article of amendments to the Constitution. In addition to the lists required by the said twelfth article of amendments, the electors shall make distinct lists of all persons voted for as President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the United States, or, if there is no President, to the person exercising the powers of said office, within days, to be opened and examined by him. If it shall appear, upon examination, that no person has received a majority of the votes of the electors appointed, the President of the United States, or the person exercising the powers of said office, shall forthwith, by proclamation and by notifications to the Executives of each State, publish the number of votes given to each person as President. Whereupon, the said electors, or such others as may be appointed in their stead by each or any of the States, in such manner as the Legislature thereof may direct, shall meet on such day succeeding the first meeting as Congress shall determine, and vote for one of the two persons having the highest numbers on the lists of those voted for as President at the said first meeting. Or if it should happen that more than two persons shall have received the highest, and also equal, numbers of votes, the said electors shall vote for one of them as President. Or if it should happen that one person shall have received the highest number, and not a majority of the whole number of votes, and two or more persons shall have received the next highest, and also equal, numbers of votes, the said electors shall vote either for the person having the highest number, or for one of those having the next highest number of votes as President.

"The electors at the said second meeting, should it take place, shall make distinct lists of all persons voted for as President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes given by the electors at their first meeting shall be counted, and also the votes given by the electors at their second meeting, should such second meeting have taken place; if it shall appear that any person has been duly elected President of the United States, according to the Constitution, by the electors at their first meeting, such person shall be the President; if not, and it shall appear that any person shall have received the greatest number, and also a majority, of the votes of the electors at their second meeting, such person shall be her President; but if it shall happen that no person is duly elected President of the United States, either at the first or second meeting of the electors, then the Senate and House of Representatives shall immediately, by ballot, each member of both Houses giving one vote, proceed to elect a President of the United States from the persons duly voted for at the second meeting of the electors. The said joint meeting shall consist of at least a majority of the members of each House, and a majority of the votes of all the members present at the said joint meeting shall be necessary to a choice of the President of the United States. But if no person shall receive such majority on the first, or on a second, ballot, then a plurality of the said votes shall decide the election."

The resolution was twice read, and referred to the Committee of the Whole House on the state of the Union.

On motion of Mr. GRAHAM of Indiana,

Resolved, That the memorial and resolutions of the General Assembly of Indiana, asking Congress to authorize the said State to purchase, at the minimum price of Government lands, all the lands lately purchased from the Miami Indians in said State, be referred to the Committee on Public Lands, and that the memorial and joint resolutions be printed

The House adjourned.

IN SENATE,

MONDAY, February 19, 1838.—*Continued.*

Mr. BUCHANAN presented the resolutions of the Legislature of Pennsylvania, as follows:

RESOLUTIONS FOR THE POSTPONEMENT OF THE SUB-TREASURY BILL.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Representatives in Congress be requested, and our Senators instructed, to vote and use their influence for a postponement, until the next session of Congress, of the act introduced by the Hon. Silas Wright, of New York, commonly called the Sub-Treasury bill, or any other act or acts of a similar character, and that they vote at this session for no act of a similar nature; and that we have full confidence in Martin Van Buren, and in the wisdom and intelligence of our Democratic Senators and Representatives in Congress; and our Senators are hereby further instructed, and our members requested, to vote for such a mode of receiving, keeping, and disbursing the public moneys, as will separate, as far as practicable, the banks from the Government.

Resolved, That the Governor be requested to transmit a copy of the above resolution to our Senators and Representatives in Congress.

LEWIS DEWART,
Speaker of the House of Representatives.
J. R. BURDEN,
Speaker of the Senate.

Approved, the 16th day of February, 1838.

JOS RITNER.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
Harrisburg, February 16, 1838.

This is to certify that the above is a true copy of the original resolutions on file in this office.

THO. H. BURROWES,
Secretary of the Commonwealth.

Mr. BUCHANAN addressed the Senate as follows:

Mr. PRESIDENT: I rise to present to the Senate a resolution of the Legislature of Pennsylvania, which I received from Governor Ritner on yesterday afternoon, requesting their Representatives in Congress, and instructing their Senators, "to vote and use their influence for a postponement, until the next session of Congress, of the act introduced by the Hon. SILAS WRIGHT, of New York, commonly called the Sub-Treasury bill, or any other act or acts of a similar character; and that they vote at this session for no act of a similar nature." The Legislature also, by the same resolution, declared that they "have full confidence in MARTIN VAN BUREN, and in the wisdom and intelligence of their Democratic Senators and Representatives in Congress;" and further instruct and request their Senators and Representatives "to vote for such a mode of receiving, keeping, and disbursing the public moneys, as will separate, as far as practicable, the banks from the Government."

I feel confident that the Senate will pardon me, considering the peculiar position in which I am placed, for making a few remarks in explanation of the course which I intend to pursue under this resolution. It is well known, both to the Senate and to the country, that at the last session of Congress, I presented my views in detail in favor of a separation of the Treasury from all banks, as fiscal agents of the Government. My opinion upon this subject remains unchanged: nay, it has been confirmed by subsequent events and subsequent reflection. After a careful examination of the bill reported by the Senator from New York, as it has been since amended, I think, in the main, it is well calculated to carry into practice this principle of separation. Whilst it increases Executive patronage to a very small extent, and no more than is absolutely necessary to carry into effect its principles, it confers no power whatever upon the Secretary of the Treasury over the public money, except that which he has exercised ever since the origin of the present Government: and a provision of the bill, which has never existed heretofore, renders it impossible that the ordinary Treasury drafts which are delivered to the public creditors should ever be used as currency. With some further amendments, which I need not now specify, but which I had intended to move, on a proper occasion, I should have given a cheerful support to this bill. But I am instructed: and it remains for me to decide what course I ought to pursue, under this change of circumstances.

Ever since I was capable of forming an opinion upon this subject, I have believed that the Legislatures of the several States had a right to instruct their Senators. In my opinion, this right results from the very nature of our Constitution, which is a Federal compact between distinct and sovereign States. It has ever been considered, with but few exceptions, a fundamental article in the political creed of that party to which I am proud to belong. I have, in public and in private, in the face of the Senate and before the country, often expressed this opinion; and I shall never preach one doctrine of political faith, and practice another. I shall never shrink from what I conceive to be my duty, because, in performing it, I may apply the torture to myself.

I know that some of my most valued friends in Pennsylvania, who hold the right of instruction to be sacred, are of opinion, that, under the peculiar circumstances of this case, I ought to disobey these instructions. But do they not perceive that if the Senator can look behind his instructions, the right is at once abandoned? Under the pretext, or, if you please, under the honest belief, that they do not speak the voice of the people, or that they have been corruptly or improperly obtained, a Senator could always justify himself to himself for disobedience. I shall, therefore, not disobey my instructions. My only alternative, then, is either to obey or to resign.

Upon questions of mere expediency, in which no constitutional principles are involved, it ought to be a very strong case to induce the Senator to abandon his post. If every difference of opinion between the Senator and his Legislature should produce this effect, the right of instruction itself would soon grow into disrepute, and the Senatorial term of six years, as fixed by the Constitution, would terminate whenever such a conflict of opinion should arise.

I can conceive of extreme cases in which, on questions of mere expediency, an honorable man might feel himself disgraced in even becoming the agent to give the vote of his State. No person, of any party with whom I have conversed, considers the present to be such a case; and I am confirmed in my own opinion upon this subject by the example of the Senator from Tennessee, (Mr. GRUNDY.) I shall, therefore, obey my instructions honestly and in good faith; and, like him, on every question of proposed amendments, shall give such a vote as a fair and honorable opponent of the bill ought, in my judgment, to give.

It is scarcely necessary to add that, as I am not instructed to support the substitute for the bill, offered by the Senator from Virginia, (Mr. RIVES,) I shall exercise my own opinion, and vote against its adoption.

I shall take leave to express my high gratification at one clause contained in the resolution of instruction. The Legislature of Pennsylvania have shown to the world that they justly appreciate the merits of the statesman whom the people of the United States have placed at the head of the Government, by declaring "their full confidence in MARTIN VAN BUREN." Such a well-deserved tribute to superior merit might be considered as the incense of flattery, had it been offered by his political friends. The reverse is the case upon the present occasion. The resolution containing this expression of confidence, on its final passage, received the vote of every Opposition member of the House of Representatives, and, I am informed, of the Senate, whether Whig or Antimason, and was approved by Joseph Ritner, Governor. Thus, even his very enemies are made to praise him. I ought to say that I have not yet received any statement of the votes of the individual Senators.

A compliment equally well deserved is paid by the resolution to the Democratic portion of the Representatives of the State in Congress. I heartily commend the Legislature for expressing full confidence in their wisdom and intelligence. A more

firm, faithful, intelligent and patriotic set of men has never represented Pennsylvania.

We are also instructed, in the conclusion of the resolution, "to vote for such a mode of receiving, keeping and disbursing the public moneys, as will separate, as far as practicable, the banks from the Government." Now it is our duty, if possible, to reconcile and render consistent the first with the last clause of the instruction, and to give to each of them its proper weight. My conception of their meaning, when thus fairly construed, is, that whilst we are bound to oppose the separation of the banks from the Government in the manner proposed by the bill of the Senator from New York, or by any bill of a similar nature, yet we are equally instructed to support any other and different "mode of receiving, keeping, and disbursing the public moneys, which will separate, as far as practicable, the banks from the Government." In short, the Legislature are friendly to such a separation; but they are opposed to its accomplishment in the manner proposed by the bill now before the Senate. Whether any other practicable mode of effecting this separation can be devised, I shall not at present pretend to say. I shall not now participate in the general debate on this bill, as I had intended, and will, therefore, have ample time for reflection on the subject; and should I become convinced that any mode can be devised of accomplishing the same object, different in its nature and character from this bill, I may perhaps present it hereafter in the form of an amendment.

Mr. BUCHANAN then presented the resolutions, and on his motion they were read, and ordered to be printed, and laid upon the table.

He also gave notice that he would, at the first convenient opportunity, after consulting his colleague, move, in obedience to his instructions, to postpone the bill reported by the Senator from New York, until the next session of Congress.

Mr. WALKER presented the credentials of the Hon. J. F. TROTTER, Senator elect from Mississippi. Mr. TROTTER was then duly qualified, and took his seat.

The VICE PRESIDENT communicated to the Senate a report from the Secretary of War, in relation to the construction of a harbor at City West, Indiana; which was read, and ordered to lie on the table.

Mr. McKEAN presented numerous petitions from sundry residents of Philadelphia county, in Pennsylvania, remonstrating against the annexation of Texas: laid on the table.

Mr. MERRICK presented a memorial from Elias Davis, praying remuneration for detection of certain mail robbers: referred to the Committee on Claims.

Also, from sundry citizens of the town of Havre de Grace, Md. in relation to the erection of a national foundry: referred to the Committee on Military Affairs.

Mr. WRIGHT presented a memorial from certain citizens of Niagara county, praying the adoption of certain measures in relation to the proceedings on the part of the British authorities in burning the steamboat Caroline: referred to the Committee on Military Affairs, and ordered to be printed.

Mr. W. also presented a memorial from citizens of Albany, New York, praying erection of a harbor at Milwaukie in Wisconsin: referred to the Committee on Commerce.

Mr. YOUNG presented the petition of certain citizens of Illinois, praying the passage of a pre-emption law to settlers on the public lands: ordered to lie on the table, and be printed.

Mr. WALKER presented a petition of certain citizens in the county of Coahuma, in the Choctaw purchase, praying the passage of a pre emption law: laid on the table and ordered to be printed.

Mr. NORVELL presented a petition from Justus D. Ingall and others, in relation to a post route: referred to the Committee on the Post Office and Post Roads.

Also, a petion from Charles McKenzie, praying reimbursement of money paid for a tract of land unfit for cultivation: referred to the Committee on Private Land Claims.

Mr. N. also presented a preamble and resolution from the State of Michigan, instructing their Senators to urge upon Congress the immediate abolition of imprisonment for debt, in civil cases coming within the jurisdiction of the courts of the United States: referred to the Committee on the Judiciary, and ordered to be printed.

Mr. NORVELL also presented resolutions from the same State, for the passage of a law exempting newspapers from postage in the respective States in which they are printed: referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. KNIGHT presented a memorial from sundry citizens of Providence, Rhode Island, praying the rejection of the Sub-Treasury bill: ordered to lie on the table, and be printed.

Mr. WALL presented certain documents in relation to the claim of the daughter of Jonas Crane: referred to the Committee on Revolutionary Claims.

Mr. WEBSTER presented the petition of Elisha Dunham, praying indemnification for spoliations by the French authorities prior to 1800: ordered that it lie on the table.

Also, from sundry citizens of the city of Boston, Massachusetts; and of Brookfield, New York, against the annexation of Texas: laid on the table.

Mr. BENTON presented the petition of the clerks of the Bureaus of the War Department, praying augmentation of their salaries: referred to the Committee on Military Affairs.

Mr. WRIGHT, from the Committee on Finance, made unfavorable reports on the petition of James Baker, of the umbrella makers of the city of Philadelphia and on that of Theodore Victor, the latter accompanied by a report, which was ordered to be printed.

Mr. WRIGHT, from the same committee, made a report on the memorials of the directors of the Susquehanna and Baltimore Railroad Company and the Newcastle and Frenchtown Turnpike and Railroad Company, accompanied by bills remitting the duties paid by said companies for railroad iron. The bills were ordered to a second reading, and the reports were ordered to be printed.

On motion of Mr. LYON, the petition of certain ship owners and masters of vessels, for the improvement of Gun river, was ordered to be printed.

Mr. LINN submitted the following:

Resolved, That the front seats on the circular gallery be appropriated exclusively to the use of the ladies.

On motion of Mr. LYON,

Resolved, That the Secretary of War be instructed to communicate to the Senate a copy of the report and map of the survey made by Lieutenant Poole, of the United States Army, under direction of the Quartermaster's Department, of a Military road from Saginaw to Mackinaw, in the State of Michigan.

On motion of Mr. ROANE, Daniel Trueheart had leave to withdraw his petition and papers.

On motion of Mr. LYON, Joseph Vidal had leave to withdraw his petition and papers.

The following bills from the House of Representatives were severally read a third time, and passed:

A bill for the relief of Jesse E. Davis.

A bill for the relief of the legal representatives of John McCarty, deceased.

A bill for the relief of John B. Perkins.

The joint resolution authorizing the State of Massachusetts to collect tonnage duty on vessels entering the port of Boston, and the bills granting to the county of Kalamazo, in the State of Michigan, the right of pre-emption to a quarter section of land.

For the relief of John B. Valle,

For the relief of William H. Robertson, Samuel H Garrow, and J. W. Simonton,

Were read a third time and passed.

INDEPENDENT TREASURY.

The Senate then resumed the consideration of the Independent Treasury bill, when Mr. CLAY addressed the Senate until 5 o'clock.

When Mr. CLAY had concluded—

Mr. CALHOUN rose and said he wished to make a single remark. He did not think proper to interrupt the Senator from Kentucky while he was speaking; but it was due to himself to say, that the gentleman had misstated and perverted almost every argument he (Mr. C.) had advanced. He would say more: he intended to pay his respects to that Senator at the first opportunity, both with respect to his argument and his personal attack on him; and when he did so, the debt between them should be fully cancelled.

Mr. CLAY replied that whether or not he had misstated or perverted the argument of the Senator from South Carolina, was not for that Senator to say. He (Mr. C.) would appeal to a less partial judge—to the Senate. As to any intention on the Senator's part of paying, he was as ready to receive as the gentleman was to pay. He sought a contest with no man, and he should not avoid one with the Senator from South Carolina.

Mr. CALHOUN said that he knew not what the Senator meant by his being ready to receive; but he would appeal to the Senate whether his remarks were not of such a character as to demand from him what he said.

On motion of Mr. ALLEN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 20, 1838.

Reports from Committees were called for.

COMMITTEE OF CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of Capt. John Vanmetter and his company, for their services during the late war.

On motion of Mr. W. the Committee of Claims had leave to sit during the sessions of the House, the honorable member stating that the amount of business before them was so great that they could not attend.

Mr. RUSSEL reported, with an amendment, Senate bill for relief of Daniel Steward.

Mr. STEWARD made a report from the minority of the committee on this bill, which took the same reference as the bill.

PUBLIC LANDS.

Mr. CASEY reported a bill for the relief of James Alexander.

Mr. JOHNSON of Louisiana reported a bill to establish an additional land office in the State of Louisiana.

JUDICIARY.

Mr. ROBERTSON reported the bill to change the time of holding the supreme terms of the Circuit Court of the United States for the Eastern District of Virginia, and the District Court of the United States for the Western District of Virginia, held at Richmond, Virginia.

This bill had originally passed the House, and returned from the Senate with amendments. It was now reported back with sundry amendments to the Senate's amendments; all of which were now severally concurred in.

REVOLUTIONARY CLAIMS.

Mr. TALIAFERRO reported a bill for the relief of the legal representatives of Thomas Wishart.

Mr. CRAIG reported a bill for the relief of Roger Stayner.

PRIVATE LAND CLAIMS.

Mr. LEADBETTER reported a bill amendatory of the act for the relief of Paine and Arnold; which was ordered to be engrossed for a third reading to-day.

NAVAL AFFAIRS.

Mr. INGHAM reported a bill in relation to building, purchasing, and providing materials for vessels of war.

Mr. I. also reported a bill to alter and regulate the navy rations.

Mr. I. also reported a bill to regulate the pay and emoluments of pursers in the navy.

FOREIGN AFFAIRS.

Mr. PATTON reported back the bill, recommitted to this committee yesterday, in relation to our neutral laws, and the same being brought into the House,

Mr. HOWARD moved that it be made the special order of this day from and after one o'clock; which was agreed to.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Joseph Bailey.

INVALID PENSIONS.

Mr. STANLEY reported the following, viz:

A bill for the relief of Levi Johnson.

A bill for the relief of William Poole.

A bill for the relief of Isaac Gale.

A bill for the relief of Hiram Saul.

A bill for the relief of Wright Hubbard.

POST OFFICES AND POST ROADS.

Mr. BRIGGS reported a bill for the relief of John Brown and Co.

DISTRICT OF COLUMBIA.

Mr. DAWSON reported Senate bill with an amendment, entitled an act to amend and extend the charter of the Franklin Insurance Company in the city of Washington.

The amendment was concurred in, and the bill ordered to a third reading: read a third time, and passed.

The resolution reported some days since by Mr. GRANT, from the Committee on Roads and Canals, proposing to print 3000 copies of the report in favor of a ship canal around the falls of Niagara, was taken up, and concurred in.

RELATIONS WITH MEXICO.

The House then resumed the consideration of the following resolution, submitted by Mr. ADAMS on the 18th of December:

Resolved, That the President of the United States be requested to communicate to this House a copy and translation of the pamphlet, in the Spanish language, stated in the report of the Secretary of State to this House to have been printed and circulated by the late Minister from the Republic of Mexico, Gorostiza, before his departure from this country, and the name of the diplomatic functionary from a foreign Government who communicated a copy of said pamphlet to the Secretary of State.

The question pending was the motion of Mr. HOWARD to strike out all that part relating to the name of the diplomatic functionary, after the word "country," in the sixth line.

Mr. ADAMS modified the resolution, by striking out the latter clause.

Mr. HOWARD said he would therefore waive his right to address the House in reply to the gentleman from Massachusetts, in order to have the question taken.

Mr. HAYNES had intended to make a brief reply to another gentleman from Massachusetts, (Mr. CUSHING,) but that the question might at once be taken, he would refrain from doing so.

The resolution, as modified, was then agreed to.

NORTHEAST BOUNDARY.

The following resolution, offered by Mr. FAIRFIELD on the 22d of December last, was taken up:

Resolved, That the President of the United States be requested to communicate to this House whether any application has been made by the British Government to the Government of the United States for leave to march troops over the territory now in dispute between the Governments aforesaid; and, if so, the action of this Government thereon.

Mr. FAIRFIELD said, as the information called for by this resolution had been already communicated to the House, he would withdraw it; and it was withdrawn accordingly.

HASSLER'S WEIGHTS AND MEASURES.

The following resolution submitted by Mr. SMITH of Maine, on the 22d of December, was taken, and agreed to.

Resolved, That 2,000 extra copies of so much of the report made to the Treasury Department by Professor Hassler as relates to the publication of Standard Weights and Measures, be printed for the use of the House.

NAVY PENSIONS.

The following offered by Mr. PETRIKEN, on the 22d of December, was taken up, and agreed to.

Resolved, That the Secretary of the Navy report to this House, as soon as he conveniently can, a full list of all officers, seamen, and marines in the naval service, disabled by wounds or injuries received while in the discharge of their duty, who have claimed and received the benefit of the act of Congress, approved 3d of March, 1827, with the names of the pensioners, the amount of back pensions received by him, the rank he held at the time he was disabled, the rank he now holds in the navy, and the degree of disability reported to entitle him to a pension, and if not now in the service, the rank such officer held at the time of his claiming the arrearages of pension under the act of Congress aforesaid.

SCHOOL LANDS.

The resolution heretofore offered by Mr. JOHNSON of Maryland, proposing to grant a certain amount of public lands for the schools and seminaries in the United States, was taken up.

Mr. JOHNSON said it was his intention to offer a series of appropriations on this subject, and for that purpose he should move the postponement of the subject till Thursday next. Mr. J. was proceeding to explain the object he had in view, when, the morning hour being expired—

NEUTRAL RELATIONS.

The House then took up the special order, being the "Act to amend an act, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved the 20th of April, 1818."

The bill had been reported back to the House without amendment, and was therefore in the position it was before being committed, as printed in the Globe of Saturday night last.

Mr. BRIGGS moved an additional section, providing that the bill should remain in force till the first of January, 1840, and no longer; which was agreed to.

Mr. HOWARD then moved to amend the first section of the bill by substituting, in a modified form, the first section of the substitute proposed, when the bill was up before, by Mr. LOOMIS of New York, as follows:

"SEC. 1. No person shall, within the jurisdiction of the United States, purchase or procure, collect, transport, or have in possession, any vessel, vehicle, arms, or munitions of war; or collect, or employ, or imbody, or train men, with intent to the use or employment of the same, in exciting, aiding, or carrying on, or to be used in any insurrection or rebellion against the territory or dominion of any foreign prince, State, colony, district, or people conterminous with the United States, with which the United States are at peace, and every person so offending, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding dollars, and be imprisoned not exceeding years.

Mr. LOOMIS moved to fill up the first blank with $3,000, which was agreed to, and the amendment was then agreed to.

Mr. PATTON then proposed a substitute for the first two sections of the bill.

Mr. LOOMIS moved the second, third, fourth, and fifth sec-

tions of his substitute, somewhat modified, in lieu of Mr. PATTON's.

The merits of the bill were then discussed by Messrs. SMITH, FILLMORE, HOLSEY, LOOMIS, WHITTLESEY of Ohio, PATTON, LEGARE, BIDDLE, MENIFEE, PICKENS, CRARY, HOWARD, and ADAMS; when,

On motion of the last gentleman, the bill and amendments submitted to-day were ordered to be printed.

Mr. WISE moved the committment of the bill to a Committee of the Whole on the state of the Union.

Mr. PATTON and Mr. BELL briefly opposed the motion; when, on motion of the latter gentleman,

The House adjourned.

IN SENATE,

TUESDAY, February 20, 1838.

The CHAIR communicated a letter from the Secretary of the Treasury, enclosing a report from the Solicitor of the Treasury, in answer to the resolution of the Senate of the 12th instant, requiring the correspondence relative to the debt due from the late John Brahan, Receiver of Public Moneys at Huntsville, Alabama; and

On motion of Mr. WHITE, it was ordered to be printed.

Mr. McKEAN presented the resolutions of the Senate of the State of Pennsylvania, in concurring with the joint resolution of both Houses, that were presented yesterday by Mr. BUCHANAN, which were read; and

On motion of Mr. McKEAN, laid on the table, and ordered to be printed.

Mr. McKEAN presnted two memorials, one from Bradford county, Pennsylvania, the other from Philadelphia county, remonstrating against the annexation of Texas to the Union: laid on the table.

Mr. LINN presented the petition of James A. Atkins, John A. Beck and forty-six residents of the county of Wayne, asking for an appropriation for another survey of the river St. Francis: referred to the Committee on Commerce.

Also, the petition of H. E. Davis, C. T. Wood, and two hundred and ninety citizens residing in the counties of Gasconade, that part of Miller lying east of the Osage river, Pulaski, Ripley, Shannon, Washington, part of Franklin and Crawford, complaining of inconvenience in making entries of land, in consequence of the distance they have to travel to any of the land offices, and praying for the passage of a law to lay off a new land district, composed of the counties above named: referred to the Committee on Public Lands.

Also, the petition of sundry citizens of Alabama, Missouri and Tennessee, asking for an appropriation for the purpose of making a road from Columbus, Kentucky, through the low sunken grounds which embrace much public land in the county of Scott, to Jackson, Cape Girardeau county, Missouri: referred to the Committee on Roads and Canals.

Also, the petition of William Bartlett, S. M. Hudson and one hundred and fifty-three citizens residing in the southern part of the State of Missouri, asking for an appropriation for the same object: referred to the Committee on Roads and Canals.

Also, the petition of Sarah Goforth, asking for compensation as the widow of a soldier who long and faithfully served his country in the revolutionary war: referred to the Committee on Revolutionary Claims.

Mr. RIVES presented the petition of Richard H. Foote: which was referred to the Committee on Revolutionary Claims.

Mr. LUMPKIN presented the petition of sundry citizens of Athens, Georgia, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads.

Mr. SWIFT presented several petitions from Vermont, remonstrating against the annexation of Texas to the Union; which were laid on the table.

Also, several petitions from the same State, praying for the abolition of slavery and the slave trade in the District of Columbia; and the reception of the petitions being objected to, the motion to receive them was laid on the table.

Mr. BUCHANAN presented the petition of several captains, pilots, and others, engaged in the navigation of the Mississippi, Ohio, and Monongahela rivers, presenting strong reasons why Pittsburg ought to be the site of a marine hospital: ordered to be printed, and referred to the Committee on Commerce.

Mr. BUCHANAN, also, presented a memorial, signed by a number of the citizens of Pittsburg, having the same object in view, and similar to those, on the same subject, presented by him some days since: ordered to be printed, and referred to the Committee on Commerce.

Mr. BUCHANAN, also, presented the petition of sundry citizens of Pennsylvania, asking for an appropriation for the completion of the frigate Raritan: referred to the Committee on Naval Affairs.

Mr. PIERCE presented the memorial of James Merritt, asking an increase of pension: referred to the Committee on Naval Affairs.

Mr. TIPTON, from the Committee on Military Affairs, to whom the subject had been referred, reported a bill to establish a foundry and armory in the West, and arsenals and depots for arms in the several States and Territories in which none are established: read and ordered to a second reading, and the accompanying report ordered to be printed.

On motion of Mr. LINN, five hundred extra copies of the report were ordered to be printed.

Mr. YOUNG presented the remonstance of sundry citizens of Illinois, on the subject of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. ROANE presented the resolutions of the Legislature of Virginia, instructing their Senators, and requesting their representatives in Congress to use their exertions to procure the passage of a law to indemnify the State for the amount of the judgments recovered against her for the commutations of her officers in the Revolutionary army, and also to endeavor to procure a further appropriation of Government land, to satisfy the remaining claims of the officers of the Virginia Continental and State line and navy: ordered to be printed, and referred to the Committee on Claims.

Mr. WHITE, from the Committee on Indian Affairs, made an unfavorable report on the claims of Caleb Atwater.

Mr. WALL, on leave, introduced a bill for the relief of Captain Augustus A. Nicholson; which was twice read, and referred to the Committee on Naval Affairs.

Mr. HUBBARD said that when he came into the Senate this morning, the Secretary was reading the resolutions which had recently been passed by the Senate of the Legislature of Pennsylvania. The reading was nearly through; and he had been informed that one of the resolutions referred to certain proceedings which had taken place in New Hampshire, asking for the removal of the Hon. Mr. Mason from the office of president of the Branch Bank of the U. States at Portsmouth. The same allusion had been made yesterday by the Senator from Kentucky in his speech; and he then attempted, without success, to get the floor to reply to the Senator, with a view to set history right. This transaction, he believed, had been before alluded to, since the commencement of this session. He merely desired to have the resolutions of the Senate of Pennsylvania referred to the Committee on Finance, that a detailed report may be made, setting forth the facts in their true light.

The movement to remove the president of the branch bank at Portsmouth, which took place, he believed in 1829, was made in consequence of the course pursued by the then president and directors of that institution, in the management and direction of its concerns. That course had been, it was alleged, of a most oppressive character. He knew nothing of the facts, except what he derived from the printed documents and the history of the times, and if any reliance can be placed on this evidence, nothing could be more unjust than the charge which had been often repeated, that the present Secretary of the Treasury, the present Governor of the State of New Hampshire, and their political friends, had set this ball in motion to effect the removal of Mr. Mason, for the accomplishment of their political purposes, or to attain their party objects. This he could not believe, and he was well satisfied that, if this matter could be examined, it would be found that this movement was not made to accomplish the political ends of those who engaged in it, but to prevent this "United States Branch Bank" from being used exclusively as a party engine against them and their political friends. He would go no further at this time; he only wished for the reference of the resolution at this time, and he trusted that the report of the committee would but confirm what his late respected colleague (Mr. HILL) had once said on this floor, with so much effect, with reference to this subject.

Mr. WEBSTER remarked that it was no more true that the bill before the Senate came from the Committee on Finance, or that the message received at the commencement of the session came from the President of the United States, than it was true that the application to remove the president of the Bank of Portsmouth was a political matter entirely. The whole matter was established by documentary evidence. There was a letter written by a gentleman to the Secretary of the Treasury; and in that letter the writer gives, as a reason why the president of the bank should be removed, that he belonged to the party opposed to the Administration. There was another letter by the side of it, written to a gentleman then holding an office here under the Government, and now Governor of New Hampshire; and that letter says that this is expected to be done by the friends of General Jackson. Now what did the Senator from New Hampshire mean, when he said that the application was made by men of both political parties? In the steps taken to get signers to such a petition, it was very easy to get signers of all political parties, by appealing to men who wish to get money easier. If the gentleman wished to get the matter before the Committee on Finance, why let him come on; he (Mr. W.) was ready to meet him.

Mr. HUBBARD said he was agreed; he would most cheerfully, *most willingly, accept the challenge of the Senator.* He wished to go into the examination; he desired to collect the facts; he would not wish to prejudge this case. He had for himself a very decided opinion; he might, however, be wrong, but he must have been greatly in error if he should not be able to present the facts in this case to the satisfaction of himself at least, and, he trusted, to the satisfaction of the Senate and of the country, that this branch was managed at the time, not to favor the mercantile community of Portsmouth, but its favors were distributed to partisans friendly to the men in the charge of the branch.

He was certain that the individual who headed the Portsmouth memorial, was the strong political friend of Mr. Mason. Up to this moment, he was the active supporter of a United States Bank. Others would be found on the list, equally friendly to the political views of the incumbent. One of them, if he could rely upon the newspapers of the day, was busily engaged at this time on his mission in scattering "party tracts" to enlighten the people of New Hampshire, preparatory to the coming election. That memorial, it will be found, was made up of men without party distinction, and for the sole purpose of correcting what they regarded as an oppressive evil.

Let then the facts be collected, and be presented. The Senator and myself are both members of the Committee on Finance; and he had no doubt that the truth of this whole matter would be elicited. His object was to exempt the Governor of New Hampshire and the Secretary of the Treasury from the censure which was repeatedly cast upon them in relation to this transaction.

He had no other feeling but that of respect for the distinguished gentleman who at that time presided over the branch at Portsmouth. He knew him well, perhaps not as well as the Senator himself. His only purpose was, in moving the reference, to collect the facts; and if they showed an organized party movement to convert the influence of the bank to the promotion of their political purposes, so let it be. If the facts will show that the movement was to prevent the use of the power of the bank to accomplish the objects of those politically opposed to the then Administration of the Government, so let it be. He, in conclusion, would only say, that he would be ready with the Senator most willingly at any time to enter upon this examination.

Mr. WEBSTER said he gave no challenge. He only accepted one. He was not desirous to go into details; but if the gentlemen chose to take such a course, entertaining the respect he did for the character of the parties implicated, he was ready to meet him. The question was not whether it was exclusively a movement on a certain side; the question was as to the origin of the movement. He now contended that the movement was entirely political, and he would tell how it turned out. The president of the Bank of the United States, on receiving the application, went to Portsmouth to inquire into the facts, and sent a complimentary notice to all who had signed it to call on him and explain the nature of the complaints. They came; and some said that they had signed the petition because they had been asked to do so; some said that they had no knowledge of the subject; and others said that they had signed it because of the difficulties they found in getting discounts.

Mr. BUCHANAN said, "when Greek meets Greek, then comes the tug of war." It was not his purpose to take any part in the high contest between the two distinguished Senators. He desired merely to observe, that, in obeying his instructions, he should construe them fairly, according to their own import and language; and not according to the construction which had been placed upon them, after their passage, by the Senate of Pennsylvania, which constituted but one branch of the State Legislature.

He had stated yesterday, that he had been informed that every member of the Opposition party in the Senate had voted for the resolution. He knew that this statement was true in regard to the House; but he perceived from the Harrisburg papers, which had been since received, that the resolution in the Senate had been divided into three distinct clauses, and that six members of the Opposition had voted against that clause of them which expressed full confidence in MARTIN VAN BUREN, and in the intelligence and wisdom of their Democratic Senators and Representatives.

He made the correction, because he would never willingly state any thing in the Senate or elsewhere which did not exactly conform with the truth.

INDEPENDENT TREASURY.

The Senate then resumed the discussion of the Independent Treasury bill, when

Mr. ALLEN rose and addressed the Senate until near five o'clock.

On motion of Mr. KING, the Senate went into Executive business; and, after a few moments spent therein,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 21, 1838.

On motion of Mr. HOWARD, the bill in relation to the preservation of neutrality on the frontier was made the special order after one o'clock this day.

Mr. REED asked leave to submit a resolution, granting the use of the Hall of the House of Representatives to the Congressional Temperance Society on Tuesday evening.

Objection being made—

Mr. REED moved a suspension of the rule, and asked for the yeas and nays, (no quorum voting on the first count,) which were ordered, and were—yeas 82, nays 43, not two-thirds, so the rule was not suspended.

Mr. POTTS moved a suspension of the rule, to enable him to submit a motion to print 2000 extra copies of the communication of the Secretary of the Navy in relation to the causes which have delayed the sailing of the Exploring Expedition; but the House refused.

Reports from committees were then called for.

Mr. WHITTLESEY of Ohio, Mr. STUART of Virginia, and Mr. DARLINGTON, severally made unfavorable reports from the Committee of Claims.

MILITARY AFFAIRS.

On motion of Mr. McKAY, the Committee of the Whole was discharged from the further consideration of the "bill to increase the army of the United States, and for other purposes," and the same was recommitted to the Committee on Military Affairs.

COMMERCE.

Mr. TOLAND reported a bill for the relief of Joseph R. Folsom and the owners and crew of the schooner Galaxy, of Bucksport, in the State of Maine.

REVOLUTIONARY CLAIMS.

Mr. J. L. WILLIAMS made an unfavorable report on the petition of Edward Cavena.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported Senate bill, providing for the legal adjudication and settlement of the claims for land under grants to the Baron Bastrop and others in Louisiana, and of sundry persons in Arkansas, with a recommendation that it do not pass, and moved its committment.

Mr. GARLAND of Louisiana said this was a very important measure, involving the settlement of two counties in Louisiana, and of large tracts in Arkansas, and had been reported on favorably by every committee of both Houses for several years past, and bills passed by one body or the other, and he therefore moved the recommitment of the bill, with instructions to the Committee on Private Land Claims to report some other bill for the settlement of these claims.

Mr. YELL united in the wish of the gentleman from Louisiana, that this subject should be definitively disposed of. It was true, that a portion of his State was interested in it; but the great body of the people there felt none, and all he desired was to see the question settled one way or the other. The claims involved about a million of acres in Arkansas, and at out twice as much in Louisiana, all of which the Government had sold, without paying any sort of regard to these claims. Now, if the claims should turn out to be good—he would pronounce no opinion about them, but many believed them to be so—the Government must either satisfy the claimants, or refund the money to the purchasers. It was important, therefore, in every point of view, that the subject should be disposed of. This might be done in either of two ways—by referring it to a special commission, or by leaving it, as the Senate proposed to do, to the Judiciary. Those who wished the matter settled were indifferent which mode should be adopted, so that it was disposed of.

With reference to an examination by the House itself, Mr. Y. said it would be impracticable, and the expense of a single session upon its discussion would amount to more than the whole supervision of the subject as proposed by the bill. It had now been several years before Congress, and would continue to be presented for as many years to come, unless Congress passed some measure to quiet it. Both as a matter of economy and policy, it seemed to him that the subject should be at once disposed of.

Mr. JOHNSON of Louisiana took the same side, and stated that the people of Louisiana felt a deep and lively interest in the subject, and had great cause to complain of the Government which had suffered these claims to remain in abeyance for thirty-four years. Mr. J. was proceeding, when the hour of one having arrived, the Chair announced the special order.

NEUTRAL RELATIONS.

The House then took up the special order, being the "Act to amend an act, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved the 20th of April, 1818."

The question pending was the motion of Mr. WISE to commit the bill to a Committee of the Whole on the state of the Union.

The question was now taken, and disagreed to.

The question then pending was the substitute for part of

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MARCH 5, 1838. VOLUME 6.....No. 13.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 12.]

the first and the whole of the second sections of the bill submitted yesterday by Mr. PATTON.

Mr. HOWARD stated that the principles on which this bill was based, had been the uniform principles of this Government ever since its formation. It had always been the policy of this Government to remain at peace with all nations, and to enforce its neutrality whenever it become necessary to do so. This principle was adopted in the act of 1794, which he wished the House to bear in mind. At that time this country began to feel the situation in which it was placed by being called upon by a foreign power to enforce its neutrality. Congress then passed a law to prevent the enlistment of men, within the jurisdiction of the United States, for the purpose of carrying on hostility against any Government with which we might be at peace. The bill went on to provide that no vessel, for this purpose, should be fitted out within our waters, and that no vessel of a foreign nation shall increase its armament for the purpose of carrying on such war.

This bill vested power in the President to employ the army and navy for the purpose of enforcing this law. This bill, then, only provided for the prevention of the fitting out of naval expeditions, and the enlisting of soldiers within our territory, to carry on war against a nation with which we might be at peace. Afterwards, when a war broke out between France and England, it became necessary to make further provision to preserve our neutrality in consequence of the change of circumstances. It then became necessary to prevent the fitting out of privateers in our waters; and in addition to the provisions of the law of 1794, it became necessary to vest in the President power to authorize the collectors to seize upon vessels fitting out in our waters. Now, the face of things has again changed, and it becomes necessary for us to make further changes in our legislation. In consequence of the small number of our collectors on the frontier, it became necessary that the President should call to his aid other officers, for the purpose of enforcing our neutrality. It became necessary for us to bring the aid of the civil power to co-operate with the military power in preserving our neutrality, as that duty is now conferred almost exclusively on the military power. This he considered to be improper, and hoped gentlemen were not disposed to keep up such exhibitions as we have had for the last few weeks. He hoped we were not to have a body of armed men marching to and fro, arresting and disarming persons who might be about to violate our neutrality, when that duty could be as well and better performed by the civil authority. We have recently seen a part of the army of the United States, engaged in marching several hundred miles, for the purpose of arresting and disarming some two or three hundred persons, who had assembled for the purpose of entering Canada. This was a spectacle which he did not desire to see kept up, and he hoped the House would make such provision speedily as would supersede the necessity of such military operations. The civil authority, he maintained, ought first to be applied, and when it failed, there would be time enough to call in the aid of the military power. The civil power, however, he believed would be amply sufficient to preserve our neutral relations with Canada.

With regard to the amendment of the gentleman from Virginia, (Mr. PATTON) he considered it, in point of substance, as pretty near meeting his views, and, for the sake of compromise on this matter, he would have no objection to vote for it. Then if it was adopted, he thought he could lay before the House some amendments to some of the remaining sections of the bill as would meet the views of the members of the House generally. In conclusion, he would suggest to the gentleman from New York (Mr. LOOMIS) the propriety of moving to reconsider his amendment, with a view to making some alterations in the phraseology of his amendment, which would make it more acceptable to many members of the House.

Mr. LOOMIS then moved a reconsideration of the vote on agreeing to the amendment to the first section of the bill, in order to meet the views of the gentleman from Maryland; which motion was agreed to, and the vote was reconsidered.

Mr. L. then proposed to modify his amendment by striking out the words "insurrection and rebellion," and insert, "military operation or expedition."

Mr. ADAMS suggested to the gentleman from New York the propriety of substituting the word "within" for the word "against," immediately after the word "rebellion." If this modification was made, this part of the bill would meet his views.

Mr. LOOMIS accepted of this suggestion, and modified his amendment accordingly.

The question then recurred on agreeing to the amendment of the gentleman from New York, (Mr. LOOMIS.)

Mr. MERCER replied to the arguments of the gentleman from Maryland, (Mr. HOWARD,) and contended that the power under the laws of 1794 and 1818, was ample for the purpose of arresting all the expeditions which might be undertaken against Canada. The defect was not in the law, but in the administration of the law. It was with infinite surprise that he had seen the President of the United States call upon the Governor of New York to issue his proclamation to enforce a law, when the Executive should have issued his own proclamation, as it was a law of the United States which was to be enforced.

Mr. SHIELDS concurred entirely in the view taken of this question, by the gentleman from Virginia. He thought that the existing laws sufficient for all purposes, and with a view of getting rid of this embarrassing question, he moved to lay the whole subject on the table.

Mr. WISE hoped the gentleman would withdraw this motion, so as to enable the friends of this new fashioned alien and sedition law to make it as perfect as possible.

Mr. SHIELDS could not consent that the time of the House should be taken up with this matter, otherwise he would withdraw the motion to oblige the gentleman from Virginia.

Mr. HOWARD called for the yeas and nays on the motion to lay on the table, which were ordered, and were—yeas 20, nays 161.

So the House refused to lay the bill on the table.

Mr. TOUCEY hoped that the amendment proposed by the gentleman from New York would not be adopted. He concurred in the sentiments expressed by the gentleman from Virginia, (Mr. MERCER,) that this amendment, if incorporated in the bill, would make it substantially the act of 1818. It did not materially alter the law as it now stands, except that it carried the law to an extent which he utterly deprecated. By the provisions of the bill under consideration, if it should be adopted, it would authorize the United States Government officers to seize any vessel at any future time, of any persons in Canada, who might be resisting the Government, and holding them to security in a large amount. No matter under what circumstances the patriots of Canada might be driven into our borders, this bill authorized and directed the officers of the United States Government to seize upon them, and hold them in security to a large amount. The effect of it then would be that, if any persons, at any future time, who might be struggling against the power and oppression of a Government which they considered tyrannical, should be driven by their oppressors within our borders, they were to be seized upon and fined and imprisoned. This was a principle which he never could consent to, and he hoped it would not meet the concurrence of a majority of this body. For his own part, he much preferred the bill as it came from the Senate, and he was surprised to hear the bitter opposition which was raised against it in that shape. Mr. T. addressed the House at some length in opposition to the amendment proposed by Mr. LOOMIS.

Mr. HOLSEY supported the bill in a speech of some length. He considered it to be the duty of this Government to preserve its neutrality towards all nations with which it might be at peace, and, he contended, that there was no way of doing this but by the Government preventing its citizens from interfering in the affairs of foreign Governments. This was the duty of our Government, and he would ask gentlemen if the existing laws were sufficient for this purpose? They certainly were not.

This principle had been held by this Government from its foundation, and he would ask gentlemen if they were prepared now to pursue a different course of policy? He referred to the correspondence between Mr. Madison, when Secretary of State, and Mr. Pinckney, our minister at that time in Spain, in which Mr. Madison took the ground that it was the duty of that Government not only to restrain its own citizens from fitting out expeditions against foreign Governments, with which that Government might be at peace, but that it was the duty of that Government to restrain foreigners within their borders from interfering or meddling with the affairs of other Governments.

This doctrine he held to be the correct doctrine; and it being correct, we would be held responsible for the acts of our citizens, if we neglected to provide the proper means of restraining them from interfering in the affairs of neighboring Governments with which we were at peace. The policy of our Government he held to be a policy of extreme caution; and that being the case, we ought to provide all proper means for preventing our citizens from interfering in the affairs of Canada. He replied to the arguments of Mr. TOUCEY, and supported the object of the bill, at some length.

Mr. CAMBRELENG did not rise to engage in debate, but he felt himself called upon to draw the attention of the House not only to the nature of the question itself, and the imperative necessity of acting upon it promptly, but also of the great mass of public business, of a character almost equally urgent, remaining to be acted upon. It might be very convenient for them to be going on, from day to day, and from month to month, in protracted discussions, while they were supported by the credit of the officers of the two Houses, but when they considered the nature and present condition of the public service throughout the Union, he earnestly appealed to gentlemen to have some little compassion for those in the public service who had had nothing to support them since the first of January.

In regard to this measure, what a spectacle did they present. By the last intelligence it was stated that an expedition to cross our frontier and invade the province of Canada, was to cross the frontier to morrow (the 22d). Now, Mr. C. appealed to gentlemen, and especially to legal gentlemen, to look seriously at the nature of this question. They were arguing it as if it was as an ordinary case between billigerents, or as if it was one on the Texas frontier, where a vast wilderness of a thousand miles intervened between the two countries, and they seemed to forget that this was a case of two nations face to face as it were, in close contact to each other, and that our great duty was to endeavor to preserve peace between us. Both Governments, both nations, were earnestly desirous to avoid a war, and how could we do it but by giving our officers on the frontier the means of stopping these expeditions from our territory.

Mr. C. added that, upon a question of this character, he could not stop to inquire about this mode or that mode, for it was a question between two great nations, and involved the question of war between this country and Great Britain. They now saw hundreds about to cross the frontier; these would be met by British troops; these hundreds on both sides the frontier might be followed by thousands, and then by tens of thousands, and in spite of all the ardent desire of two great nations, these struggles on the frontier might lead to war, and all this was commenced, and might be going on, while that House was engaged in debate. But he would not go further into the question. What they had to do upon this subject must be done efficiently and promptly, if it was to answer any purpose at all; and he appealed to the House to decide this question one way or the other, either by adopting some measure, or rejecting the subject altogether.

Mr. ADAMS denied that any haste was necessary, for this was not a case of the tomahawk and scalping knife character. Mr. A. went on, at some length, to argue against the original, though he believed he should vote for the modified substitute to the first section, submitted by Mr. LOOMIS, and that of Mr. PATTON.

Mr. WISE then moved that the House adjourn.

Mr. HOWARD called for the yeas and nays, when Mr. W. withdrew the motion.

Mr. THOMPSON again drew the attention of the House to the amendment of the Constitution providing against illegal seizures and searches, and argued upon it at some length.

Some other amendments were laid on the table, to be submitted hereafter, when, without taking any question, the bill was laid aside.

The SPEAKER laid before the House the annual statemen of the First Comptroller of the Treasury of the unexpended balances, which, on motion of Mr. BRIGGS, was laid on the table. The House adjourned.

IN SENATE,

WEDNESDAY, February 21, 1838.

The CHAIR communicated a report from the Secretary of War, in answer to the resolution of the 7th instant, requiring information whether a site has been purchased for a fort near the western frontiers of Arkansas; whether a good title to the land can be procured; and, if so, why an appropriation has not been asked for the purchase and construction of the fort.

Mr. SEVIER moved to refer the report to the Committee on Military Affairs. He would take this occasion to say that he was disappointed very much, not only as regarded the want of action on the part of the War Department, but as regarded their present report in excuse of it. Henceforth, he would give up all hopes from that quarter, and throw himself on the kindness and justice of his friend from Missouri, the chairman of the Military Committee, (Mr. BENTON;) and when he got such a report from that committee as he anticipated, he would endeavor to carry a bill through Congress by his own exertions, aided by his friends. Situated as the frontiers of Arkansas and Missouri were, they did not know at what moment a war might break out; and yet, though they had been relying for years on the War Department, it did not seem that they thought the having a fort on that frontier at all necessary. Henceforth, (Mr. S. said,) he would rely on the Military Committee, and throw aside the reports of the Secretary's brigadiers, major generals, and all.

The report was then referred to the Committee on Military Affairs.

The CHAIR communicated a letter from the Secretary of War, enclosing the official report of the battle fought on the 25th December last, between the United States troops and the Seminole Indians, as follows:

DEPARTMENT OF WAR,
February 20, 1838.

SIR: In obedience to the resolution of the Senate of the 14th instant, I have the honor to transmit herewith a copy of Col. Taylor's official report of the action of the 25th of December last, between the troops under his command and the Seminole Indians.

As it has been supposed that some expressions contained in that report cast unmerited censure upon the Missouri Volunteers, I avail myself of the occasion to remove so erroneous an impression. The patriotic feelings which led these brave men to volunteer their services in Florida, and to leave their homes to engage in a campaign against the Indians, was duly appreciated by the President and by this Department; and in their opinion the pledge thus given to the country has been amply redeemed. The fact that they broke and retired in disorder, under the murderous fire of an enemy as advantageously posted as if they had been behind regular entrenchments, is not stated to disparage the character or the efforts of the young soldiers. The heavy loss they sustained, in killed and wounded, affords sufficient proof of the firmness with which they advanced upon the enemy under a galling fire. It was not expected that their unaided efforts could drive the enemy from his strong hold, and the gallant manner in which they led the attack contributed, no doubt, to the success of the day. I may be permitted to say, that no blame can rightly be attached to the gallant officer who commanded the troops, on that occasion, for placing the Volunteers in the front rank of the action. The enemy occupied a position that could not be turned, and from which he could only be driven by the utmost efforts of the regular forces. The task of storming such defences could not be entrusted to the Volunteers; nor would an experienced officer rely upon irregular troops to form the reserve, as on the steady conduct of this force the fate of the action often depends; and on all occasions it is, or ought to be, composed of the choicest and best disciplined troops of the army. If, therefore, the Volunteers were to be brought into action at all, they were placed where alone they could do good service by commencing the action as skirmishers; and their conduct on that occasion was all that could be expected from undisciplined troops, who, for the first time, find themselves in so trying a situation.

Very respectfully,
Your most obedient servant,
J. R. POINSETT.

HON. R. M. JOHNSON,
President of the Senate.

Mr. BENTON said he had to express his great satisfaction at the letter of the Secretary. It was entirely satisfactory to him, and he had no doubt it would be equally so to the volunteers of the whole country. All that he asked was, that the papers might be printed and laid on the table: agreed to.

The CHAIR also communicated a report from the Secretary of War in answer to the resolution of the 29th December last, in relation to the conduct of the Seminole war; which, on motion of Mr. DAVIS, was laid on the table and ordered to be printed.

Mr. LINN, in pursuance of notice given, and on leave, introduced a bill to encourage the introduction, and promote the cultivation and growth, of tropical plants: read twice, and referred.

Mr. YOUNG, in pursuance of notice given, and on leave, introduced a bill for the relief of Benjamin Parsons; which was trice read, and referred.

Mr. WALKER presented the memorial of —— Thompson, a scientific gentleman of the Southwest, setting forth a plan for reclaiming the low grounds on the borders of the Western rivers and bayous: referred to the Committee on Public Lands.

Mr. WALKER moved that the Committee on Public Lands be discharged from the further consideration of the petition of the trustees of McDonough college, asking for a grant of lands: agreed to.

Mr. LINN presented the petition of Daniel Marsack, praying for the right of pre-emption to a quarter section of land on Grand river: referred to the Committee on Public Lands.

Mr. LINN gave notice that he would, to-morrow, ask leave to bring in a bill to provide for the purchase of the right to use the Vapor Bath of Dr. Boyd Reilly, in the army and navy of the United States.

Mr. NICHOLAS submitted the following resolution, which lies one day on the table for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for

a survey of the coast of Louisiana, from the Baliza to the Sabine, and of the intermediate harbors, bays, and bayous, with a view to report to Congress at the next session, on the practicability and cost of rendering such harbors, bays, and bayous, more easy and safe of access.

Mr. McKEAN submitted the following resolution; which was considered and adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making an allowance for house rent to the officers of the Navy Yard at Philadelphia.

Mr. NICHOLAS submitted the following resolution which was considered and adopted.

Resolved, That the Committee of Finance be instructed to inquire into the expediency of granting a remission of the duties on certain goods of J. W. Zacharie and Co. destroyed by fire in the city of New Orleans, on the 3d of January, 1838.

Mr. YOUNG submitted the following resolution, which was considered and adopted.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Jonesborough, in Union county, Illinois, by way of Willard's and Smith's ferries, on the Mississippi river, to Jackson, in Cape Girardeau county, in the State of Missouri; and, also, a post road from Liberty, on the Mississippi river, in Jackson county, Illinois, down along the bottom of said river, by way of Willard's ferry, to Clear Creek Landing, in Alexander county, in said last mentioned State.

Mr. TALLMADGE presented the memorial of the Agricultural Convention of New York, praying for the passage of a law providing for the procuring of valuable foreign seeds and plants, and the establishment of an office at the Seat of Government for their distribution: referred to the Committee on Agriculture.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the resolution directing an inquiry into the expediency of granting to the State of Indiana the right of preemption to the lands in that State, acquired by the late treaty with the Miami Indians, together with the memorial of the said State on the same subject, moved that the committee be discharged from the further consideration thereof.

Mr. TIPTON moved to amend Mr. WALKER's motion, by recommitting the memorial of the General Assembly of Indiana to the Committee on Roads and Canals, with instructions to bring in a bill in conformity with the wishes of his State. It would be recollected by the Senate, (Mr. T. said,) that in 1827, Congress granted to the State of Indiana the one-half of the lands lying within five miles of the line of a canal, to connect at navigable points the waters of the Wabash, with the waters of Lake Erie. Eighty miles of canal was finished and navigable within the State of Indiana. Ohio had seventy-eight miles of this canal line within her limits; she has accepted the grant made for that part of the work; had put it under contract. That part of the canal in Indiana not completed was rapidly progressing to completion. Funds were needed to carry on the work. The lands lately ceded by the Miami Indians, were situated near the canal, and were valuable. The quantity ceded was about 215,000 acres, a large portion of which was enhanced in value by the industry of the people of Indiana. The Legislature asked Congress for the right to purchase these lands at the minimum price, and he (Mr. T.) would not conceal the fact, that by granting what the General Assembly asked it would be greatly beneficial to the State, and would increase her internal improvement fund $100,000.

Mr. WALKER said the memorial that the committee wished to be discharged from the further consideration of, was a request on the part of the State of Indiana, that Congress would grant her a pre-emption right, at the usual price of one dollar and a quarter an acre, to the lands lately obtained from the Miami Indians, and which were considered highly valuable. In looking over the grants to that State, it would be found that she had already received grants for 534,000 acres of land, for purposes of internal improvement, while he was prepared to show that several of the new States were carrying on works much more extensive than those of Indiana, without having obtained an acre. Mr. W. gave an account of the works chartered, and in progress, in the State of Mississippi, to which there had been upwards of four millions subscribed, and paid up, and upwards of eight millions subscribed and secured. And yet Indiana, which had already received 534,000 acres, was making a demand for more, while the States carrying on more extensive improvements had received nothing.

Mr. W. thought that before Indiana, asking for the further bounty of the Government, she ought at least to assist in carrying a bill through Congress, to give something to her sister States, who had not been so liberally dealt with. But what did the Senator from Indiana ask? He asked the Senate to commit itself, by directing a committee to bring in a bill granting to the State what she asked, without looking at the documents, and without considering the reasonableness of the prayer. If this was to be done, the Senate would commit itself, by building up one or two States, while they were refusing an acre to States, whose claims were equally as great, if not greater.

Mr. SMITH of Indiana said the debate in this instance had sprung up very unexpectedly to him. He certainly did not expect a report from the Committee on Public Lands in relation to this subject; indeed, the other business before the Senate forbade the idea that we should have had a report of any kind at so early a period. He did not rise, therefore, to debate the general proposition of the grant of the Miami lands to the State of Indiana, nor did he think the Senate prepared, at this time, to discuss the question. He came to the Senate this morning fully expecting the Cumberland road bill to be taken up, and for this he was prepared, and would not, at this time, be driven into a debate on the pre-emption question. When, however, that should come up, he hoped to be able to show that the arguments of the Senator from Mississippi (Mr. WALKER) were neither sound nor tenable.

He was surprised that the arguments of the chairman of the Committee on Public Lands should be so diametrically different from those used in the discussion when the general pre-emption bill was under consideration. In that debate he understood the honorable chairman to say that the whole number of settlers on the public lands to whom pre-emption rights had been granted, had not affected the sales more than one cent the acre, the average being about a dollar twenty-six cents. What had the State of Indiana asked, but to be permitted to have these lands at the minimum price, to aid her in the works of internal improvement which she had commenced, and by which the Government had received more than an equivalent in the enhanced value of the public lands in that State? Was there any donation in that? Did not the General Government receive within one cent of the average rate, according to the Senator's own showing? He thought the subject might very properly be referred to the Committee on Roads and Canals; and when that committee had examined the subject fully and impartially, and reported a bill, the Senate would then be prepared to act as the justice and equity of the proceeding would warrant. Mr. S. thought it would be no bounty to any of the States to be permitted to take the public lands within their limits at the minimum price; but, on the contrary, that it would be the best contract the Government could possibly make.

Mr. WALKER observed, that to cut short the debate, he would propose to the Senator from Indiana to modify his motion, so as to refer the memorial to the Committee on Roads and Canals, without saying any thing about instructions. If the Senator would so modify his motion, he would vote for it. [Mr. TIPTON declining]—Then, said Mr. W. the Senate must decide as it thinks best on the motion. He stated the fact just now, that Indiana had received 534,000 acres of land for internal improvements, while Mississippi, who was carrying on more extensive works, had not received an acre. The same fact also applied to Alabama, who was carrying on her works of internal improvement in a more extended way than those of Indiana. He would state further, that upwards of a million of dollars of the two per cent. fund of Indiana had been drawn and expended, while Mississippi had not drawn a cent of her fund. Under these circumstances, he must therefore say, that if Indiana succeeded, he would regard it as a monopoly. He admitted that he did state in his remarks on the pre-emption bill, that the receipts of the sales to the pre-emptioners was within a cent of the whole average price. The Senator, therefore, quoted him correctly. But his remarks were applicable only to the settlers on the frontiers—to the pioneers who opened the lands, and gave them additional value. How was it, though, with the State of Indiana, and these lands acquired from the Miami Indians? Was that State a pioneer, and were these lands on the frontiers? On the contrary, the lands were in the heart of the State, and a great many of them, as admitted by one of the Indiana Senators, worth $40 per acre. Mr. W. said he was opposed to any further grants to Indiana till the other new States received an equal share of the Government's liberality.

Mr. CLAY of Kentucky, was glad to perceive that the dissensions exhibited on the subject would be likely to lead to a proper adjustment, wherein the rights of the old States might be properly respected. Mr. C. said he was for doing justice, liberal justice, alike to knew and old. He had not risen for the purpose of discussing the subject, for that was out of his power just now if he were so inclined, being entirely too unwell to enter into it, but merely to recommend to the Senator from Indiana (Mr. TIPTON) the acceptance of the suggestion offered. The subject could be recommitted, not with the instructions moved for, but with instructions to inquire into and report all the facts in relation to the matter, and that, in his opinion, would be the better course. So far as he, Mr. C. was concerned, he had no hesitation in avowing that if the question was whether the State should have the lands, or those who had seized upon them without sanction of law and in violation of public authority, he should go for the State. Indiana asked them to aid her in completing her great works of internal improvement, works that would not only redound to the honor of Indiana, but to the true interest of other States. He was not prepared to say that he was altogether willing to grant the preemption to Indiana at the minimum price, as the land was said, in many instances, to be worth thirty, forty and even fifty dollars per acre; but he was prepared to say that he was willing the State should have it at the price lands had risen to on the Ohio canal, which were understood to average some four or five dollars. At all events, if the question was between the State, and the individuals alluded to, he should take great pleasure in giving the State the preference.

Mr. TIPTON said that his purpose would be best effected by persisting in the motion to commit with instructions, as at first presented. His object, as at first stated, was to secure for his State the pre-emption these lands, for the purpose of enabling her to carry on the important works now in progress, to which he had just referred. No individual right of pre-emption could vest in these lands; and as the State was under a heavy debt for carrying on her works, he had hoped that there would be no objection to her obtaining the privilege by which nobody would be injured. It was all important that his State, and the people should know at an early day what they were to expect. If they were to have this grant, they ought to know it in time to make their arrangements, before the working season commences, and if they were not to have it, it was equally important to them to know it in time to look out for other resources. This was the principal reason why he could not accede to the gentleman from Mississippi's request to committee the memorial without instructions, for by that course they might not get a direct vote until the season for commencing work had gone by. He had no other object in view than that of a Senator who was serving his State, feebly perhaps, but with his best abilities. He, therefore, could not consent to the modification of the motion, and asked for the yeas and nays on the question.

The yeas and nays were accordingly ordered.

Mr. KING was fully aware of the zeal with which the Senator from Indiana (Mr. TIPTON) advocated the interests of the State he represented; but he thought that, on this occasion, the Senator manifested more zeal in favor of a case which could not be sustained than was usual. The Committee on Public Lands, which was as well constituted a committee as any in the Senate, had given this subject a thorough examination, and had reported against it. What then did the Senator from Indiana propose? After a full examination of the subject, and a report against it, he asked the Senate to send it to another committee to which it did not properly belong, with instructions to report in favor of it. Was not this asking rather too much from the Senate when its members had had no opportunity of being informed of the merits of the case? It was not only an unusual case, but is not consistent with reason and justice. He would not enter into an examination of the comparative justice of the claims of the new States for grants of land for internal improvements. He knew that Indiana had received a great deal from the Government, and he admitted that she had expended it, not only to her advantage, but to that of the Union. But as to any increased value given to the public lands through which her improvements passed, he presumed that it was pretty much like what it was elsewhere, and that the lands when sold had not brought more than the minimum price.

Mr. K. thought that they should not, without examination, make large grants to the States. The Treasury wanted money, and the lands should be sold. The Senator from Kentucky (Mr. CLAY) said that he would prefer giving the pre-emption to these lands to the State instead of giving it to individuals; and that, in consequence of the increased value given to them by settlements around them, and a dense population, he would ask three or four dollars an acre. Now he (Mr. K.) would not bargain in that way with one of the States of this Union. If, said he, we give the lands to the State, let us give them liberally. He had more feeling towards the unfortunate settlers on the public lands than the Senator from Kentucky. He appreciated the merits of the new States, whose works of internal improvement were giving value to the public domain, yet he had strong feelings for the settlers. They were the men who had performed the labor, whose hard hands had felled the trees, and cleared the forest, and brought the wilderness into cultivation; and he would not hesitate to give them the preference over a State.

Mr. K. said, in conclusion, that he was for first discharging the Committee on Public Lands from the further consideration of the memorial, and then the question might subsequently be taken on reference to another committee.

Mr. LINN suggested to the Senator from Indiana a further modification, to which he thought both parties might assent, to wit: that the said committee be instructed to report a bill granting to the States all the unsurveyed lands within their limits covered by water. It was well known that large portions of land in some of the States were at times covered with water to an immense extent, which the Government officers had reported as not worth the cost of survey. If these lands were ceded to the States in which they lie, it might be attended with the most beneficial results. Those inundated lands were a curse to the States; they were the very hotbeds of disease, generating that dreadful malaria so fatal in its influence upon the surrounding country. If all such were given to the States, at least such as were deemed unworthy the cost of survey, they might be reclaimed, so as to prevent the ill effects usually arising from them.

Mr. DAVIS said he thought that we were now in a fair way of driving a bargain in relation to public lands. One State wants the lands for purposes of carrying on internal improvement, while another asks for them that she may be allowed to reclaim such as the Government deem worthless. Before he could vote for ceding such lands to the States where they lie, he should like to have all the necessary information before him. Mr. D. said he had some experience in these matters years ago. When in the other branch of the Legislature, he had introduced a plan by which the States had given to them, for canals and other improvements, each alternate section where the improvements were. The committee had judged, and he thought wisely, that if the improvements were what they ought to be, each alternate section would be worth the whole; and he was glad to find that his early impressions were correct. What he should like to know, however, was, whether the Government or individuals had received the benefit. Had we not, by careless legislation on this subject, given individuals license to go on and avail themselves of all the benefits of these improvements? If no one else did, he would himself introduce a resolution requiring the Committee on the Public Lands to inquire into and report on the matter. The question now was, whether we should give the State of Indiana the lands or her improvements at the minimum price; and for that he was not prepared to vote just now. He wanted further information before he would feel justified in giving his vote. He must be allowed to say that he did not consider the remarks of the Senator from Alabama as at all applicable to him.

Mr CLAY of Kentucky said he would repeat what he had said in relation to those people who had gone on the public lands, and they might make the most of it. "He had denounced all persons who had gone on the public lands without the authority of law as intruders and trespassers on the public domain." That was what he said, and what he still maintained; and in relation to the Miami reserve, he would go for the State against all those persons.

Mr. LINN expressed himself determined to battle for his amendment: there was no difficulty in ascertaining the quantity of land. All had been returned on the plots surveyed, and a gentleman from Missouri had made a most elaborate and eloquent report on the very subject, one among the most able and comprehensive document, he would say that had ever emanated from any source. If public officers had reported these lands not worth the cost of surveying, Congress would be giving very little.

On motion of Mr. SMITH of Indiana, the whole subject was then laid on the table.

Mr. WALKER presented the memorial of the members of the bar of Columbus, Mississippi, requesting the establishment of a district court for the northern part of the State; and in furtherance of that object, submitted a resolution referring the subject to the Committee on the Judiciary.

Mr. TIPTON moved to postpone the previous orders, for the purpose of taking up the bill for the continuance of the Cumberland road; and, after a debate, in which Messrs. TIPTON, SMITH of Indiana, WRIGHT, LINN, ROBINSON, and YOUNG took part, the question was taken, and decided in the negative—yeas 21, nays 21, as follows, the VICE-PRESIDENT giving the casting vote against the motion.

YEAS—Messrs. Allen, Bayard, Clay of Kentucky, Crittenden, Davis, Fulton, Knight, Merrick, Morris, Prentiss, Rives, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Tipton, Webster, White, and Young—21.

NAYS—Messrs. Benton, Brown, Calhoun, Clayton, Cuthbert, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Strange, Trotter, Walker, Wall, Williams, and Wright—21.

Mr. WEBSTER moved to take up the resolution submitted by him some days since at the instance of the Hon. Mr. RUGGLES, as follows:

Resolved, That a committee be appointed to inquire into the subject-matter of the letter of the Hon. JOHN RUGGLES, of the 13th inst. to a member of the Senate, which was laid before the Senate this day.

The motion having been agreed to, and the resolution being before the Senate,

Mr. NORVELL moved to amend it by the insertion of the usual words "and that the committee be authorized to send for persons and papers."

This motion was agreed to; when

Mr. CALHOUN moved further to amend the resolution by inserting the words "and to inquire into other similar charges;" and this amendment having been also agreed to,

The Senate proceeded to ballot for a committee of five, when it appeared that Messrs. WHITE, DAVIS, WEBSTER, STRANGE, and TALLMADGE were chosen.

Mr. STRANGE then asked to be excused from serving on

the committee. In the first place, he said that possibly some information might be demanded from him by the committee; secondly, he had had conversations on the subject with the member, supposed to be implicated; and lastly he boarded with that member in the same mess.

On taking the vote, Mr. STRANGE was excused.

Mr. WEBSTER asked to be excused on the ground that his engagements would not permit him to serve; and he also was excused.

Mr. DAVIS asked to be excused from serving on the plea of having more business to attend to in the committees of the Senate, than he could well perform; but on taking the vote, the Senate refused to excuse him—yeas 15, nays 17.

The two members who had recived the next highest number of ballots, Messrs. YOUNG and CRITTENDEN were then declared to be members of the committee, in place of Messrs. STRANGE and WEBSTER, excused. The committee therefore consists of Messrs. WHITE, [chairman,] DAVIS, TALLMADGE, YOUNG, and CRITTENDEN.

ORDER OF THE DAY.

The Independent Treasury bill was then taken up as the order of the day; but

Mr. CRITTENDEN intimating a wish to address the Senate on the subject, and stating his inability to go on then from indisposition,

Mr. WRIGHT said that he was perfectly willing to pass the bill by informally, and go on with some other business. This being agreed to by general consent,

CUMBERLAND ROAD.

On motion of Mr. TIPTON, the bill for the continuation of the Cumberland road in the States of Indiana, Illinois, and Missouri, was taken up.

Mr NORVELL submitted the following amendment, and moved to lay the bill on the table, and print the amendment.

SEC. 2. *And be it further enacted*, That there shall be granted to each of the States of Mississippi, Louisiana, Missouri, Arkansas, and Michigan, a quantity of public land lying within their respective limits, equal to the number of acres which have been granted by Congress to the State of Ohio, for purposes of internal improvement; and that there shall be granted to each of the States of Indiana, Illinois, and Alabama, a quanty of land, lying within their respective limits, which, with that which has been heretofore granted by Congress to those States respectively, for purposes of internal improvement, shall equal the number of acres granted by Congress to the said State of Ohio, for the like purposes of internal improvement; to be selected insuch manner as the Legislatures thereof shall direct, and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land subject to entry at private sale; which said locations may be made at any time within five years after the lands of the United States in said States, respectively, shall have been surveyed and offered at public sale according to existing laws.

SEC. 3. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise directed by a law of the United States; and the nett proceeds of the sales of said lands shall be faithfully applied to objects of iuternal improvement within the States aforesaid, respectively, namely: roads, bridges, and canals, and improvement of water-courses, and draining swamps; and such roads, canals, bridges, and water-courses, when made or improved, shall free for the transportation of the United States mail and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

At the request of Mr. TIPTON, Mr. NORVELL temporarily withdrew his motion to lay the bill on the table; and

Mr. TIPTON, after some remarks, called for the yeas and nays on the question; which were ordered.

Mr. NORVELL then renewed his motion, and the question was taken and decided in the negative—yeas 18, nays 19, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Cuthbert, Fulton, Hubbard, King, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Walker, Wall, and Williams—18.

NAYS—Messrs. Allen, Benton, Clay of Kentucky, Crittenden, Grundy, Knight, Merrick, Morris, Robinson, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, and Young—19.

Mr. NORVELL then moved to postpone the further consideration of the bill till to-morrow. The amendment, he said, was a very important one, and one that properly ought to be tacked to the bill. It was a kindred subject also; and by moving to attach it to the bill, he wished to learn whether the treasures of this Government were to be monopolised by two or three States only. He did not, however, wish to go into this part of the subject at this time. All that he wanted was for the Senate to extend the usual courtesy to his motion.

Mr. BENTON said the bill before him was an old acquaintance. He had been familiar with it as long as he had been in public life, and had always voted against any proposition to amend it, by attaching any matter not exclusively pertaining to itself. So far as the amendment of the Senator from Michigan (Mr. NORVELL) went, he was entirely in favor of it; and if the Senator would introduce a bill to that effect, he would give it his most hearty concurrence. As an amendment to the bill before them, however, he held it to be an incumbrance, and calculated to embarrass its passage. It had related to nothing but the road for the last twenty years: it never had any other matter appended to it. The appropriations asked were for that object, and that alone.

Mr. NORVELL replied that the distinguished Senator from Missouri was an old member, and the subject was therefore entirely familiar to him. The subject was also familiar to him (Mr. N.) but not to the same extent. He asked for a postponement but for one day, for the purpose of having his amendment printed, and laid before the members of the Senate, which was a request he had never seen denied. The bill proposed, in the present embarrassed state of the Treasury, an appropriation in money of upwards of a million of dollars for one or two States only, and here was an amendment which measured out something like equal justice to others of the States, and he was even denied a hearing on it. Now this did not appear to him to be either courteous or correct; but it was for the Senate to decide the question, and to them he would leave it without further remark.

Mr. SEVIER opposed the amendment: was against acting on it without the necessary surveys and estimates were furnished. He had some little acquaintance with this bill himself, though not so long as the Senator from Missouri, because he had not been so long in public life. But he had always seen that when any specific object was in view, that surveys were made, and the estimates furnished. The question was, shall we embark in it or not? If it was considered beneficial in a national point of view, like the motion before us, and an appropriation was made, it was generally considered that we were bound to go on with it, and the appropriations were made from time to time; but in the case of the amendment, we were asked to attach it to a bill belonging to an exclusive object, without surveys, estimates, or any thing to guide us in our research. He appealed to the Senator not to embarrass the bill, by insisting upon his amendment. Mr. S. said he had no objection that the Senator should obtain what he could for purposes of internal improvements, and we all had, he presumed, the same object in view; and he (Mr. S.) certainly would not be very nice about getting all he could for his own State. He had objected to the amendment of the Senator, not because he was opposed to the principles of the amendment, but because it sought to attach to the bill before them, which had one specific object in view, crude and undigested subjects, that might prove fatal to its passage.

Mr. KING could not but admire the exceeding liberality of the honorable Senator from Arkansas. The gentleman went for appropriation after appropriation for roads in Arkansas, because he said they were "*roads commenced and not completed.*" We appropriated the other day, said Mr. K. for roads in Arkansas, and they were called military roads, because they lead to a temporary garrison, which the Secretary of War may abandon at his pleasure. But, continued Mr. K. when we tried to get a small appropriation for a military road in Alabama, on which twenty thousand dollars had been expended, we could not get it either on the plea of its having been commenced and not completed, or of its being a military road. We were told, said he, that it was altogether unconstitutional; that when the appropriation was first made it was rightly done, because the road was in the Indian country, but that now the Indian title was extinguished, the State of Alabama must make the road herself. He then tried to get the road out of the two per cent. fund belonging to his State, but this appropriation of a few thousand was refused, on the ground that the two per cent. fund was to be reserved for making roads leading to the State, and this was within it

Now where was the evidence that this Cumberland road in the State of Illinois, for which the bill appropriated $300,000, was now commenced? Have you not heard the difficulty which sprung up this morning between the Senators from Missouri and Illinois, as to the location of the road? Was it a road commenced when they did not know where it was to be? Because that was called the Cumberland road, and was commenced from the two per cent. fund, gentlemen seemed to be forgetting all constitutional scruples with regard to it. But how much beyond the two per cent. fund had been expended on it? At least ten times as much. There never was so extravagant an expenditure of the public money, as had been made on some parts of this road, and such a road as some considerable portion of it was not to be seen in any country. Several years ago, when the Senator from Kentucky took part in the debate on this road bill, he showed that it was not possible to construct an important part of it, without such an expense that ought not to be thought of. He showed conclusively, from the nature of the soil, and the scarcity and dearness of materials, that it would involve an expense that ought not to be encountered. The Senate, therefore, limited the appropriation to the opening of the road. Now they were called on for these heavy appropriations, without knowing where this road was to go, or what further expenses it would involve

Whether it was in the end to go to Texas, or across the Rocky Mountains, and terminate at the mouth of the Columbia river, they did not yet know. He had looked at this Cumberland road for many years. It was an old offender against the Constitution and law of the land; so much so, that gentlemen who supported it had no means to satisfy their constitutional scruples but by putting a direct fraud in the bill. A clause in the bill declared that the appropriation was to be paid out of the two per cent. reserved for making roads to these States, when it was notorious that every dollar of this fund had been long ago exhausted, and that there would not be another dollar of it for a hundred years to come. He was sorry that he was obliged to treat the subject in this manner; but the proposition of his friend from Michigan, (Mr. NORVELL) so reasonable and so just in itself, having been met at the outset with such strenuous objections, he thought it right to inquire into the propriety of continuing the bounty of the Government to two or three States, and refusing it to others, who had received nothing. With his ideas of the constitutional principle involved, he was compelled to announce at once that he should vote against this bill; but yet he wished to see an amendment made to it, which would be doing something like equal justice. The original object in view was to get across the mountains; and when that was done, it ought not to have gone farther.

Mr. WALKER was glad to find that the Senator from Alabama had taken up the subject. It was not in that State alone that the two per cent. fund had been drained, not for making roads in the State, but leading to the State. When the two States of Alabama and Mississippi wanted an appropriation for internal improvement, it was voted down in the Senate, and now we see (said Mr. W.) two or three States, that have received donations of millions of acres for purposes of internal improvement, calling upon an exhausted Treasury for a million of dollars, which we should have to borrow. He wished the Senate to look at the enormity of such a measure, and the prejudicial bearing it would have upon the whole Confederacy. The people of Alton and St. Louis were quarreling about the point at which the road should pass, and by and by we should have the same disputes about passing Texas or the Rocky Mountains. If the Senate did not check it now, it would never stop. Mr. W. contended that the bill contained an open fraud on its face, by attempting to show that the money was to be repaid from the two per cent. fund, which, according to a report from the Secretary of the Treasury, was less than half a million of dollars, and would never exceed one million and a half; and yet we had already appropriated seven millions on this *two per cent.* and now one more was asked for, making eight millions, to be refunded out of a fund that never could do it. The bill was a palpable fraud upon the very face of the documents, and yet we were called upon to vote for it. The system, said Mr. W. if carried out, would be partial and unjust in all its bearings; it was not a national object, but was for the benefit, at most, of three or four States, for which his constituents were taxed from year to year, and the money taken out of their pockets. Mr. W. said it was partial, iniquitous, and unjust, and he, for one, would never see injustice or inequality prevail without lifting his voice against them.

Mr. SMITH of Indiana said this was the old opposition renewed with a laudable zeal. The gentlemen from Alabama and Mississippi had opposed the bill on constitutional grounds, and its friends had no right, therefore, to expect their support. His views were directly the reverse of theirs, and he should feel himself bound to vote for it. Mr. S. said he concurred entirely with the Senator from Missouri, (Mr. BENTON,) that the bill should stand on its own bottom, and not have any thing extraneous attached to it. He had not examined the amendment offered by the Senator from Michigan, and would not, therefore, be considered as opposing it on its merits, but simply because it embraced objects new in themselves, and in no wise connected with the plain and simple matter before them. If, whenever the Senator from Michigan should see fit to introduce a bill relating to any important improvement in his State, that Senator would always find him willing to give the measure his cordial support; and he hoped the amendment would be withdrawn, and that the bill would not be further postponed.

Mr. SEVIER observed that when he was up before, he had no idea of a discussion on the merits of the Cumberland road. He had given his reasons why the Senator from Michigan should not press his amendment at this time, and the Senator from Alabama, in replying to the remarks he made, referred he hoped not ironically, to his exceeding liberality. He could say with sincerity that there was no Senator whose good opinion he was more desirous of retaining than that of the Senator from Alabama, and he had always relied on him as the best authority for the construction of the rules and the order of proceeding in the Senate. The Senator, in the course of his remarks, had brought up the old subject of the Alabama road, and he would, therefore, inquire why that measure had not before this been brought before the Senate in the proper form. Neither the Senator himself, nor his colleague, nor the Alabama delegation in the other House, had ever thought of bringing it up except in the manner just done to embarrass the bill before them.

Now, he asked the Senator if this was consistent with liberality? The Senators from Mississippi and Alabama talked much about the two per cent. fund, and, with a commendable zeal in favor of the interests of their own States, complained that they could not have roads out of it within their States. But where was the hardship of the case? It was a bargain, and no one had a right to complain of it. Again, the Senator said that the insertion of a clause in the Cumberland Road bill, that the appropriations were to be reimbursed out of the two per cent. fund, was a palpable fraud, because the fund has been long ago expended; and it, therefore, never can be reimbursed. He would ask his brother Jackson men how this clause came to be in the bill? He had voted against it, and it was struck out; but, on the bill being sent to the other House, it was ascertained that it would be vetoed without the clause; and it was, therefore, put in there by way of amendment; and, coming back to the Senate, passed through, notwithstanding the constitutional scruples of gentlemen who had before voted against it. General Jackson, the great Apollo of the South, required it to hold the States to their bargain, and it was put in to remove his constitutional scruples and to sooth the consciences of his friends. To say, therefore, that this clause was a palpable fraud, came with a bad grace from gentlemen on that side, when it was put in to satisfy their constitutional scruples. He would ask the Senator if the clause was not struck out, and again inserted in the way he had stated?

[Mr. KING. The gentleman will find my vote against it however.]

Mr. SEVIER continued. The gentleman from Alabama announced his constitutional objections to the bill, and that he should vote against it in any event; why, therefore, did he insist on tacking this amendment to it? He was surprised that the Senator, who was so particular in his adhering to rules and established customs, should be willing to bring in an appropriation of the importance of that in the amendment, without estimates, without surveys, and without any information whatever on the subject. Suppose (said Mr. S.) we pass the bill with this amendment. It will go the other House and be stopped there, because that body never will pass an appropriation, without having the estimates, and all other necessary information before them. And more: the President who professes to follow in the footsteps of his predecessor will veto the bill, because it contains new objects, and then we shall have no Cumberland road at all. As to borrowing money, which was so much dreaded by the Senator from Mississippi, he saw nothing so very alarming in it. We had borrowed money before, and if it was for a proper object, there would be no harm in borrowing it again.

Mr. NORVELL said it was a little extraordinary to him that the Senator from Arkansas should talk about surveys and estimates, and old and new roads, when the proposition was not for the construction of a road, but for a grant of land to certain of the new States for the purposes of internal improvement, who had hitherto received nothing of the kind—a grant which had been made several times before. When he made the proposition to amend the bill, it was done in good faith; and, if the amendment prevailed, he should vote for the bill, provided the clause about reimbursement was stricken out. But he could not, consistently with his ideas of justice, vote for it without the amendment.

Mr. YOUNG was against the adoption of the amendment. The course pursued by gentlemen was of a very extraordinary nature—a kind of dog and manger policy. Because they could not get what they wanted, they would vote against the bill. Such a proceeding was suicidal. The whole country had been more or less benefited by the Cumberland road, and he hoped gentlemen would not now seek to embarrass or defeat it.

The little dispute about the point of crossing, between the people of Alton and St. Louis, had been adverted to as a source of objection; but in his opinion that had no connection with the matter before the Senate, and could at any time be adjusted by the people of their respective States, without trouble. Mr. Y. contended that the measure was one of peculiar benefit, in which a great portion of the States were interested, and spoke of the wide extended prairies of the West, through which the roads were at times almost impassable. Mr. Y. concluded his remarks by expressing an earnest wish that gentlemen would not pursue a policy so unwise and so illiberal.

Mr. WALKER replied that there could be no more just groundsfor voting against an appropriation than because it was unequal. If the appropriation was for the benefit of the whole Union, it would be a different affair; but it was rather unreasonable for twenty-three States to be told that they are wanting in liberality and public spirit, because they vote against a monop-

oly. In other words, that, notwithstanding this monopoly ex sts, they should be asked to tax their constituents and take the money out of their pockets for the purpose of perpetrating this system of monopoly, was asking more of these States than they could reasonably be expected to grant.

After some remarks from Mr. MORRIS,

At the suggestion of Mr. CLAY of Kentucky, the amendment was ordered to be printed, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 22, 1838.

Mr. HOWARD moved that the bill in relation to the neutrality be made the special order at one o'clock every day till disposed of; but the vote being ayes 70, noes 23, no quorum—

Mr. BRIGGS moved a call of the House: but

Mr. HOWARD modified his motion by limiting it to one o'clock this day, remarking that a quorum was obviously present; which was agreed to.

The first business in order was the consideration of the Senate bill providing for the legal adjudication and settlement of the claims for land under grants of the Baron Bastrop and others in Louisiana, and of sundry persons in Arkansas, reported yesterday from the Committee on Private Land Claims.

Mr. GARLAND of Louisiana had moved the recommitment of the bill to the same committee, with instructions to report some bill to settle these claims.

Mr. JOHNSON of Louisiana now moved to refer it to the Committee on Public Lands.

Mr. PICKENS moved to commit it to the Committee on the Judiciary.

After some remarks from Messrs. JOHNSON, HARLAN, PICKENS, REED, MERCER, CHAMBERS, BOON, LAWLER, and LOOMIS,

Mr. TOLAND moved to recommit the bill back to the Committee on Private Land Claims, with instructions to make a written report upon the subject, with a view of ascertaining the opinions of that committee on the subject.

After some further remarks by Mr. PICKENS,

The original motion, to commit to a Committee of the Whole House to-morrow, was agreed to—86 to 45.

The SPEAKER laid before the House a communication from the Commissioner on Pensions, transmitting the papers in support of the claim of Benjamin Durfee.

On motion of Mr. WHITTLESEY of Ohio, referred to the Committee on Revolutionary Pensions.

Mr. C. H. WILLIAMS, on leave, laid on the table an amendment he proposed to submit to the bill providing for the support of the West Point Academy, when said bill should come up for consideration; which was ordered to be printed.

NEUTRAL RELATIONS.

The house then took up the special order, being the "Act to amend an act, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved the 20th of April, 1818."

The question pending was on agreeing to the modified amendment of Mr. LOOMIS, to the first section of the bill, which was reconsidered on yesterday, as stated before in the Globe.

Mr. TOUCEY said it had been objected that the fourth article of the Constitution of the United States came into conflict with this bill as to the right of seizure. He apprehended, however, that there was no foundation for this objection, as, in his opinion, the fourth article applied merely to general search warrants, and had no application to the kind of seizures referred to in this bill. He supposed the case of an embargo law being passed, would any one doubt that the officers of the Government would have a right to seize vessels about to violate that law. Again: in the case of goods about to be smuggled, would there be any doubt of the right of Government officers to seize the goods. This was his idea in relation to this article of the Constitution of the United States on this subject. But he must protest against this amendment which had been introduced by the gentleman from New York, and which was now under consideration, because he looked upon it as being utterly repugnant to every principle of our Government, and to all our institutions.

The Constitution of the United States declares that the right of the people to bear arms shall remain inviolate. Then how does this amendment apply to the case? and how are the people to be secured in their right to bear arms, if this amendment passed. Why, if this amendment was adopted, any citizen of the United States who might be found with arms or munitions of war in his possession, and he expressed an intention of using them in carrying on hostilities in a conterminous country, he is guilty of a high crime by your law, and subject to fine and imprisonment. Not only this, but if he has any wagon, vessel, or vehicle of any description, and he says he is going to use those vehicles in carrying on any war in a conterminous territory, they are liable to seizure, and the person is liable to a fine of $3,000, and imprisonment for three years.

These were the principles of this amendment, and these were principles which he entirely detested and abhorred, and he protested against this kind of legislation. Further than this, the amendment under consideration would apply in a most odious manner to persons emigrating from this country to a country conterminous with our country. If a citizen of this country should attempt to pass from this country to Mexico or Texas, and hostility should be going on there, he might have his property seized, and himself fined and imprisoned under the provisions of this section, as it was proposed now to amend it. Further than this, every citizen of the United States on the frontier who might have arms or ammunition in his possession, and might express an intention of using them in the prosecution of hostilities in a conterminous country, he would be subject to the penalties provided in this section.

Again: if Mexico should invade Texas, and a citizen of Texas in this country should attempt to go home to his own country to defend his own soil, he would be subject to the penalties of this bill, and thrown into jail. If, on the other hand, Texas should invade Mexico, and any citizen from Mexico should attempt to go from this country to defend his country, he would be held liable to fine and imprisonment. Again: if any Canadian or any subject of the King of Great Britain, who might be in this country, should attempt to go home while hostilities were going on there, he would be subject to the penalties here imposed. He contended, if this bill was passed, as it was attempted to amend it, and it was attempted to carry out its provisions, that it would involve us in interminable difficulties

The act of 1818, in his opinion, went far enough, and as far as any act ought to go, and he would not consent to go beyond the principle contained in that law, and the principles under which we had acted, without being involved in difficulties, for the last half century. The bill of the Senate was drawn up with an eye to these principles, and so far as it went, he was willing to go, but no further. That bill was framed with great caution and wisdom, and he hoped there might be found a majority of the House who would be willing to unite upon the Senate bill, and pass it. Furthermore, he hoped it might be passed to-day, and the subject be disposed of, as there were other matters of great moment which it was necessary to have acted upon speedily. There was a bill with regard to the abatement of suits brought by and against the late Bank of the United States, which it was all important should be passed before the fourth of March next.

Mr. UNDERWOOD opposed both the amendment submitted by the gentleman from New York and the original bill, as a measure entirely improper to be adopted by this country. By the provisions of this bill, he expected that, in case of difficulties between Mexico and Texas, the citizens of the West might be prohibited from trading in horses and mules, as well as arms and ammunition, with the people of Texas or Mexico. It might also prevent emigration from the South and West to those countries, or it may prevent emigration from the United States to Canada. Suppose a party of a hundred families going from the West to Texas, of course they would take their rifles and ammunition with them. Then, if your United States officer met them, and asked them what use they were going to make of the arms they were taking with them, and they said they would use them to carry on a war with Mexico, in case their rights were invaded, they would be subject to arrest and imprisonment by this bill.

It was nothing more nor less than a bill to trammel trade and commerce, and he hoped every gentleman who was in favor of a free trade upon the principles laid down in the laws of nations, would oppose it. He maintained that it was the right of the citizens of the United States to carry on a trade with any country that had a war raging within her borders; and he maintained further, that if there were two hostile armies at the present time in Canada, (the one on the one side of one of their great rivers, and the other on the other side,) we had a perfect right to trade with both, and furnish both with bread and beef, without, in any manner, compromiting our neutrality. This bill imposed penalties which were never thought of at any former time in our history. It would impose a penalty on the citizens of a foreign country who might be driven into this country by the stress of circumstances with arms in their hands. Such persons were liable to be seized, fined, and imprisoned.

Now this was a monstrous principle; and he hoped never to see it carried into execution in this country. Suppose the case of two European nations being engaged in carrying on a maritime war, and one of the fleets should be driven into the harbor of New York by a superior force. Would you seize that fleet, and hold the officers and seamen guilty of a high crime, and fine and imprison them? He thought not. It would be our duty to protect them, whilst in our waters. Again: suppose a superior force at Malden should drive out a part of the inhabitants who might be in arms, and those inhabitants of that place should take refuge in Detroit; would you seize upon them? hold them guilty of a high crime, and subject them to a fine and imprisonment? Was this the principle you were about to establish? If it was, he must say that he utterly detested any such principle.

The British authorities in Canada went upon the principle of protection so far that they gave protection to all our renegado slaves who escaped and went within their dominions, and why should we be prevented from giving protection to the oppressed of their people. As this bill had undergone so many phases, he hoped that it might yet undergo a total eclipse, because it was a measure which he believed calculated to do very great injury to the people of this country. He had no idea of making a law of this kind, which was only to apply to conterminous countries, and thought if any bill of the kind was passed, that it ought to be general in its character. With the view of testing this question, whether the House was disposed to legislate solely with reference to conterminous territories, he moved to strike out the words "*conterminous with the United States.*"

Mr. ROBETSON inquired of the Chair, whether it would now be in order to move to recommit this bill with all the amendments to the Committee on Foreign Affairs.

The CHAIR replied that this motion would be in order.

Mr. ROBERTSON then said that before he made this motion, he would beg leave to submit a few remarks to the House, for the purpose of showing that there was no necessity for precipitation, in relation to this bill, if there was any necessity for legislation at all. The crisis he apprehended had passed; yesterday or to-day the great event was to have occurred, which this bill was intended to have prevented. Then, as the crisis itself had passed away, why should the House precipitate itself into measures of this kind, which seemed to him to be utterly repugnant to every principle of constitutional liberty.

He would ask if there was any member of the House prepared to give his vote on this bill to-day, coupled, as it was, with some eight or ten amendments, some of which have just been laid upon the tables of members, and without knowing how the bill will read if any of these amendments be adopted? He thought it would be proper that this bill should go back to the Committee on Foreign Affairs, in order that they might make it more conformable to the views of the majority of the House, if it was intended that it should pass at all; but he believed that no legislation was necessary upon this question. He believed the law of 1818 was amply sufficient for the present occasion, and that there was no danger of war, and there would be no cause of complaint from Great Britain in case we refused to legislate further on the subject.

He referred to the provisions of the act of 1818, and showed that it provided for the prevention of all military expeditions against any country with which we might be at peace. He also contended that the power proposed to be invested in officers of the United States was too great and dangerous to the liberties of the people. He had no idea of having the President or the Secretary of the Treasury directing their subordinate officers to violate the rights of the citizens. Mr. R. addressed the House at some length in support of the position he had taken; and concluded by moving that the bill and amendments be recommitted to the Committee on Foreign Affairs.

Mr. REED was in favor of recommitting for one purpose, at least, that of amending the bill, and especially that part of it providing for seizures.

Mr. HAYNES had objected several days ago to the recommitment of the bill, or rather its commitment to the committee on the Union, and his opposition arose from the very strong doubts upon his mind whether any time would be gained or saved, nor did he now believe any economy of time would be the result at present, for he believed they were as well qualified and as well prepared to discuss it, and to bring it to some determination, pro or con, then as after another reference. When reported back, it would still be subject to the same embarrassment, with reference to the various propositions to amend, as it was now, and he was, therefore, opposed to the motion to recommit.

Mr. HOWARD said if he thought it possible that the committee could be governed by the opinions of the House, so as to frame the bill acceptable to it, he would cheerfully accede to its recommitment; but those opinions could not be ascertained unless the House voted on some of the amendments. Moreover, the committee had reported precisely what gentlemen said they would, viz: a distinct measure; and, unless the House would take a vote on some of the propositions, the Committee on Foreign Affairs could not possibly ascertain the wishes of the House.

Mr. FILLMORE suggested to the mover to change the proposed committee to that on the Judiciary.

Mr. ROBERTSON thought the subject so properly within the sphere of the Committee on Foreign Affairs that he could not vary his motion.

Mr. PATTON could see no possible good to be gained by recommitting the bill, and urged the House either to adopt or reject some of the amendments.

Mr. BELL said that the Executive power having asked for more power, the refusal to grant it would, or might, lead the borderers to infer that Congress was indisposed to restrain them, and would encourage them in acts of violation. In this way the House might go on debating till they found themselves brought to the issue of voting actually for or against a war. He was in favor of passing some measure, and he was not very particular as to the details. Mr. B. then moved to commit the bill to a Committee of the Whole, with instructions to report the following as a substitute, which was the same Mr. EVERETT had given notice of his intention to move yesterday, in the following modified form:

Strike out all after the enacting clause, and insert:

That if any person, after the President of the United States shall have, by his proclamation, declared that an insurrection, or hostilities exist, or that there is imminent danger thereof, within the territory, or dominions of any foreign State or colony conterminous with the United States, with which the United States are at peace, shall, within the United States, or any territory belonging to the same, fit out any vessel of war, or purchase, procure, or collect any arms or munitions of war, with intent that the same shall be used or employed in exciting, aiding, or carrying on such hostilities within any such foreign State or colony, such vessel, arms, and munitions of war shall be forfeited to the United States, and shall be liable to be seized and proceeded against in the manner provided by law for the seizure and condemnation of goods forfeited for being imported in violation of the revenue laws: *Provided*, That nothing in this act shall be construed to prevent any customary trade with such foreign State or colony.

Mr. MERCER was not opposed to the object of the bill; but he contended that it was unnecessary, the existing law being sufficiently comprehensive to meet the exigency of the present case, and ample in all its provisions.

Mr. WISE said the modification of the gentleman from Tennessee presented the bill in its most objectionable form; but he was opposed to every and any extension of the law of 1818. Mr. W. then went on to contrast the course of the Government in the case of Canada and that of Texas. In the latter, the violations and disregard of our neutral relations with Mexico were open and notorious, whereas, in the case of Canada, they were about to anticipate a possible collision. He insisted that the act of 1818, so far from being deficient of power, went further than he would go, if such a measure were proposed to be enacted now. It provided for every possible case that could arise, and the President's excuse of his want of power under it was not a valid one.

The bill under consideration proposed to invest precisely the same Executive arbitrary power upon the President and upon his minions too, as the alien act which had been frowned down in its day, and condemned by posterity, though the latter was aimed against aliens endeavoring to embroil this country with either France or England, while the present bill was intended to punish our own citizens for taking part in a foreign collision. Mr. W. then went on at length to oppose the bill, and declared that nothing could ever induce him to vote.

Mr. PATTON, obtained the floor, but gave way to numerous calls for an adjournment, though opposed to it himself; and

Mr. GRAVES making the motion, it prevailed, and

The House adjourned.

IN SENATE,

THURSDAY, February 22, 1838.

Mr. McKEAN presented the preamble and resolutions adopted at a meeting of sundry citizens of Pittsburg, Pennsylvania, in opposition to the Sub-Treasury bill, and urging the necessity of a National Bank: read, printed, and laid on the table.

Mr. TALLMADGE presented a communication from the Speaker of the House of Representatives of the State of New York, enclosing certain resolutions adopted by that body, in opposition to the Sub-Treasury bill; which, after some remarks from Mr. T. were read, laid on the table, and ordered to be printed.

Mr. MORRIS, from the Committee on Pensions, reported a bill granting a pension to Jonathan Crow; and a bill for the relief of John McLeod; which were severally read, and ordered to a second reading.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petition of John Thompson.

Mr. LINN, on leave, and in pursuance of previous notice, introduced a bill to purchase the right to use the vapor bath of Doctor Boyd Reilly; which was read twice, and referred to a select committee, consisting of five members, to be appointed by the Chair.

The resolution introduced by Mr. LINN, appropriating the circular gallery exclusively to ladies, was taken up, and agreed to.

The resolution submitted by Mr. NICHOLAS, directing the Committee on Commerce to inquire into the expediency of making an appropriation for a survey of the coast of Louisiana, from the Balize to the mouth of the Sabine, was taken up.

Mr. KING expressed some astonishment that this very important coast had not been surveyed long since. He spoke of

its importance in a commercial point of view; it was a long line of coast, on which smuggling could be carried on to an almost indefinite extent. Mr. K. said, when the subject came before him, he should cheerfully give it his earliest attention.

The resolution was accordingly adopted.

On motion of Mr. KING, the resolution laid on the table some days ago for distributing certain copies of the Land laws and American State Papers, now in the hands of the Secretary, was taken up, and, after a brief explanation, agreed to.

The report of the Committee on Finance unfavorable to the petition of Theodore Bicknell and George F——, and the report of the same committee unfavorable to the petition of Jacob Baker, were severally considered and concurred in.

The report of the Committee on Indian Affairs unfavorable to the claim of Caleb Atwater; and

The report of the Committee on Revolutionary Claims unfavorable to the petition of William Baily's heirs, were also severally considered and concurred in.

The amendments of the House of Representatives to the bill to amend the charter of the Franklin Insurance Company, were considered and agreed to.

The following bills were severally read the second time, and considered as in Committ e of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the heirs and devizees of Dr. Gustavus Horner, late surgeon's mate in the army of the Revolution;

The bill for the relief of the heirs of Dr. William Ramsey, deceased;

The bill for the relief of John Spitfarrow;

The bill for the relief of Albion T. Crow;

The bill for the relief of Joseph Hall;

The bill for the relief of the heirs of Lieutenat Wm. Rushworm, deceased, and

The bill for the relief of the heirs of John Hawkins, deceased.

ORDER OF THE DAY.

At one o'clock the Senate resumed the consideration of the Independent Treasury bill, as the order of the day; when

Mr. CRITTENDEN rose, and addressed the Senate at length in opposition to the bill, concluding his speech at near three o'clock; when

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, Feb. 23, 1838.

Mr. HOWARD moved a suspension of the rules, for the purpose of proceeding, at one o'clock, to the consideration of the neutrality bill.

Mr. CAMBRELENG called for the yeas and nays on this motion; which were ordered, and were, yeas 90, nays 38.

So the rules were suspended.

Mr. CALHOON of Kentucky, in behalf of Mr. MURRAY, detained from the House by indisposition, presented several petitions.

Mr. LAWLER moved to discharge the Committee of the Whole from the bill in relation to the Bastrop claims, and to refer the same to the Committee of the Whole on the state of the Union; which was agreed to.

WAYS AND MEANS.

When this committee was called,

Mr. PICKENS rose, and said he desired to know of the honorable chairman of the Committee of Ways and Means if the House was to expect a report and bill upon the subject of the currency, and upon the regulation and disbursement of the public funds; and also when they were to expect it, and what they had to look for on that subject? Mr. P. propounded the interrogatory most respectfully, because the subject was one on which the country was deeply and vitally interested, and, in his opinion, ought to be met with promptness, and decided. It was due to the House and to the country.

Mr. CAMBRELENG would cheerfully respond to the inquiry, and state that the Committee of Ways and Means would have reported on that subject at an earlier period of this session, but for the absence of two of their members, and their desire to have a full committee on the consideration of a subject of so much importance. They would, however, be prepared to report early next week, perhaps by Tuesday or Wednesday, and would bring in a bill accompanied by a detailed report on the subject.

Mr. C. also took that opportunity to notify the House that, as soon as the appropriation bills were disposed of, he should ask it to take up the important and urgent subject embraced in the gentleman's inquiry.

COMMERCE.

Mr. TOLAND reported a bill for the relief of James Selden.

JUDICIARY.

Mr. THOMAS gave notice that as soon as the bill in relation to the frontier was disposed of, it was his intention, under instructions to that effect from the Judiciary Committee, to ask the House to take up and consider the bill to prevent the abatement of suits in which the late Bank of the United States is a party.

MILITARY AFFAIRS.

Mr. McKAY reported Senate bill, with sundry amendments, entitled an act to increase the present military establishment of the United States, and for other purposes.

Mr. McCLELLAN of Tennessee reported a bill for the relief of Daniel Bloom.

REVOLUTIONARY PENSIONS.

Mr. JOHNSON of Virginia reported a bill restoring the name of John Davis to the pension roll.

Also, a bill restoring the name of John Cathron to the pension roll.

Mr. EWING reported a bill for the relief of Jacob Becker.

Mr. KLINGENSMITH reported a bill for the relief of Jacob Grist.

Also, a bill for the relief of Mary Phelps.

INVALID PENSIONS

Mr. McCLELLAN of New York reported a bill for the relief of Oliver Dorsett.

Mr. AYCRIGG reported a bill for the relief of Captain James Hunt.

PUBLIC BUILDINGS AND GROUNDS.

Mr LINCOLN reported a resolution instructing this committee to inquire into the expediency of enclosing and planting the public grounds now lying waste between Pennsylvania avenue and the Potomac river; which was concurred in.

Mr. REED asked leave to offer a resolution granting the use of the hall to the Congressional Temperance Society on Tuesday evening next; objection being made,

Mr. R moved a suspension of the rule, and first asked for the yeas and nays, but subsequently withdrew the call, and upon a count the rules were suspended, 91 to 38.

Mr. BOON asked for the yeas and nays on agreeing to the resolution, but they were not ordered, and the resolution was adopted.

The SPEAKER laid before the House a communication from the Secretary of War, communicating a report from the Commissioner on Pensions, in answer to a resolution of the House in the case of Noel Parker; which was referred to the Committee on Revolutionary Pensions.

NEUTRAL RELATIONS.

The House then took up the special order, being the "Act to amend an act, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved the 20th of April, 1818."

The question pending was on agreeing to the modified amendment of Mr. LOOMIS, to the first section of the bill, which was reconsidered, as stated heretefore in the Globe.

Mr. ROBERTSON had moved to recommit the bill, and all the amendments, to the Committee on Foreign Affairs.

The question pending was on the motion of Mr. BELL to commit the bill to a Committee of the Whole, with instructions to report the following as a substitute, which was the same Mr. EVERETT had given notice of his intention to move yesterday, in the following modified form:

Strike out all after the enacting clause, and insert:

That if any person, after the President of the United States shall have, by his proclamation, declared that an insurrection, or hostilities exist, or that there is imminent danger thereof, within the territory or dominions of any foreign State or colony conterminous with the United States, with which the United States are at peace, shall, within the United States, or any territory belonging to the same, fit out any vessel of war, or purchase, procure, or collect any arms or munitions of war, with intent that the same shall be used or employed in exciting, aiding, or carrying on such hostilities within any such foreign State or colony, such vessel, arms, and munitions of war shall be forfeited to the United States, and shall be liable to be seized and proceeded against in the manner provided by law for the seizure and condemnation of goods forfeited for being imported in violation of the revenue laws: *Provided*, That nothing in this act shall be construed to prevent any customary trade with such foreign State or colony.

Mr. PATTON thought the bill and amendments were sufficiently understood to take the vote upon it, without referring it the Committee of the Whole, as proposed by the gentleman from Tennessee, (Mr. BELL.) He thought, therefore, that the better plan would be for the House to take the vote, in order to see whether the House preferred the original bill or the amendment under consideration to the one which had been brought to the notice of the body by the gentleman from Vermont, (Mr. EVERETT.) This, in his opinion, would be the better course to pursue; and then, if the House refused to adopt the amendments proposed by the gentleman from New York (Mr. LOOMIS) and himself, the amendment of the gentleman from Vermont would be next in order, and the House could then adopt it in case a majority were satisfied with it. But as the gentleman from Tennessee, (Mr. BELL,) who had manifested a disposition to sustain the Committee on Foreign Affairs in the enactment of some bill for the purpose of preserving our neutrality, and as the gentleman had shown himself so favorably disposed towards the amendment of the gentleman from Vermont, he would undertake to show the gentleman that its provisions were far more objectionable than the amendments proposed by the gentleman from New York and himself.

That amendment was, by far, more rigorous than the amendment he had alluded to, which the gentleman from Virginia (Mr. WISE) had so much denounced. Both of these amendments were obnoxious to the constitutional objections which had been made by several gentlemen; but the amendment of the gentleman from Vermont was by far the most objectionable, because it made the property of the citizen irrepleviable until the matter was litigated upon. Then, by this amendment, the property of the innocent citizen may be seized, and held in the hands of the Government officer until the question has gone through a regular legal trial, without there being any possibility of relief for him. Does this recommend the amendment of the gentleman from Vermont to the gentleman from Tennessee, and the gentleman from Virginia (Mr. WISE)? Now the only new provision which the Committee on Foreign Affairs had introduced, was giving the President power to relieve the property of the citizen when it was, in his opinion, wrongfully taken. It was in the nature of the pardoning power. It was giving him power, when he became satisfied that no offence had been committed by the citizen, to restore the property which may have been seized. This was the difference between the amendment of the gentleman from New York, in connection with the amendment submitted by himself, and the amendment of the gentleman from Vermont; and it seemed to him that it must be apparent to the House that these amendments were infinitely more mild than the amendment of the gentleman from Vermont.

With respect to the argument of several gentlemen, that this bill violated the fourth and fifth amendments to the Constitution of the United States, he thought it had been sufficiently answered by the gentleman from South Carolina, (Mr LEGARE.) But gentlemen had admitted that cases might arise where warrants might be dispensed with, and when they admitted this, they, in his opinion, conceded the whole ground.

Mr. WISE said that he had drawn a distinction with respect to seizures merely on suspicion of crime.

Mr. PATTON knew that many gentlemen had attempted to draw nice distinctions, but they were such distinctions as reminded him of the man in the play, who would not tie on his cravat without due process being issued to that effect from the squire.

The gentleman from South Carolina, (Mr. THOMPSON,) had made constitutional objections to this bill, which, it seemed to him, were not well founded.

Mr. THOMPSON explained that the constitutional distinction which he had drawn was this: that an arrest might be made without a warrant, but no seizure of property could be made without due course of law.

Mr. PATTON proceeded. Did not the gentleman perceive that the Constitution applied as much to the one case as the other? The provision is, "that no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons *or things to be seized.*" There was no such distinction as the gentleman had drawn; and this whole argument had been set te rights, as he had before stated, by the gentleman from South Carolina, (Mr. LEGARE.)

Mr. P. then replied to the remarks of various gentlemen, with regard to the Executive appointing tools and minions to interfere with the rights of the citizens, and contended that they had strangely perverted the salutary principles upon which every Government must act. What, he asked, was the authority proposed to be given to the Executive by this bill? It was nothing more nor less than an authority to direct certain United States officers to perform certain duties; and if they were insufficient to perform them, to appoint others to aid them. It was merely an authority to appoint a set of special constables, to carry into effect the laws.

Mr. ROBERTSON would inquire of the gentleman if there was any clause in the Constitution which authorized the President to appoint special constables?

Mr. PATTON would reply to his colleague, by asking him if there was any thing in the Consitution or laws of Virginia to authorize the sheriffs to appoint bailiffs and assistants. He believed there was not yet this power is exercised by every sheriff, every constable, and by the watchmen of your cities in the night, for the purpose of preserving the peace and order of society. This was a power which must necessarily be exercised by all officers on particular emergencies, in order to carry into execution the laws which were enacted by your Legislative bodies. He then replied to his colleague, (Mr. WISE,) with respect to the exception which he had taken, relative to the arrest of citizens on suspicion. This was a thing which in a Government like ours every man was subject to. His colleague must know that he was now subject to be arrested upon the oath of the greatest vagabond which might happen to be in the land, and all that was in it, was that he would have his remedy in damages, if he was wrongfully arrested.

Mr. WISE here again explained, and begged to call the attention of his colleague to the distinction between these cases of arrest. In the one case, the arrest was made on the oath of an individual complaining on behalf of some injury done, or supposed to be done, to himself, and the matter was taken before a judicial officer; but, in the other, the complaint was made on behalf of another. The person who made the complaint was both the accuser and the judge in the case.

Mr. PATTON thought the gentleman's distinction was a distinction without a difference. The seizure was made under the provisions of this bill, by an Executive officer—by an officer of the law. So that, in both cases, there was an officer of the law to take cognizance of the matter. This whole matter, he took it, was in accordance with the long settled principles of our Government from its foundation, and he apprehended that it was not so objectionable as many gentlemen imagined. He next replied to the arguments of his colleague, (Mr. WISE,) who had denounced this bill as another alien and sedition bill. Mr. P. contended that there was no analogy between the provisions of this bill and the alien and sedition law, and went into an examination of the various provisions of that law, in order to show that he was correct in what he had stated.

After some explanatory remarks by Messrs. WISE and ROBERTSON,

Mr. PATTON said that he would not go into the discussion with regard to Mexico and Texas at this time, which had been so frequently brought in while this bill was under discussion. "Sufficient for the day was the evil thereof." It would be sufficient for him to enter into that matter when it was brought fairly before the House. He did not know whether there was any hostile feeling on the part of the President towards Mexico, or any favorable feeling towards Texas, but he knew there was but little of that feeling prevailing in this House.

With regard to the insinuations or imputations which had been thrown out, that this Government pursued one policy towards Mexico and another towards Great Britain, he thought there was no foundation for it. He believed this country had never been disposed to disregard the rights of Mexico, and, on the other hand, she would not play the part of the truckling coward to Great Britain. He believed this nation would be as ready to assert and maintain her rights against a Government of Europe as against any other Government.

Mr. TAYLOR spoke at some length on the merits of the various propositions. A sketch of his remarks will be given, from the Reporter's notes, in to-morrow's paper.

Mr. HOWARD said it was necessary to pass some measure, and that promptly, and he had risen to do what appeared to be the wish of many gentlemen of the House for the last day or two, and effect some compromise of the various opinions and propositions that had been heard and submitted. Mr. H. had accordingly prepared a proposition, which was read to the House for information. It was in the form of a substitute for the whole bill, and was then so moved by Mr. H.

To this Mr. DUNN submitted an amendment, and

The subject was further debated by Messrs. MARVIN, MAXWELL, FILLMORE, DUNN, McKAY, HAYNES, ROBERTSON, and WISE.

Mr. BELL modified his motion by accepting of the amendment of Mr. HOWARD, excepting the proviso.

Mr. DUNN then renewed his amendment.

After some remarks by Messrs. MERCER and ADAMS,

On motion of Mr. SAWYER,

The House adjourned.

IN SENATE,

FRIDAY, February 23, 1838.

Mr. WALL presented a memorial from sundry citizens of Atlantic county, New Jersey, praying a survey of the inlet of Great Egg harbor: referred to the Committee on Commerce.

Also, a memorial from Digby Smith, praying that the lighthouses on the coast may be lighted on the plan invented by a certain citizen of Great Britain: referred to the Committee on Commerce.

Mr. ALLEN presented a memorial from six hundred citizens of Highland county, Ohio, remonstrating against the course pursued by the misguided and fanatical zeal of certain of their citizens in relation to abolition petitions. The petitioners pray that the Senate will not act in conformity with the wishes of these misguided and deluded people, nor interfere in any way with the delicate and subsisting rights of the Southern States, or the rights of a similar character subsisting in the District of Columbia. They pray, also, that Congress will not heed the prayer of these fanatics, who now seek to rescind the resolutions offered by Mr. Calhoun, but that they be suffered to re

main on the journal as the true interpreters of the great political compact: ordered to lie on the table.

Mr. NORVELL presented the petition of Robert Grignon, praying the payment of a sum of money secured to him by a provision of a treaty with the Menomonee Indians: referred to the Committee on Indian Affairs.

Mr. PRESTON presented the memorial of B. F. Hand and G. Longstreet, praying compensation for extra services for carrying the mail: referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE presented a memorial from sundry citizens of Buffalo, New York, praying the construction of a harbor at Milwaukie, Wisconsin Territory: referred to the Committee on Commerce.

Mr. CALHOUN presented a memorial, which he represented as a long and able one, from the citizens of Charleston, South Carolina, praying that a navy yard, depot, and dry dock may be constructed at that city: referred to the Committee on Naval Affairs.

Mr. McKEAN presented five memorials from citizens of Philadelphia city and county, and one from citizens of Bucks county, Pennsylvania, remonstrating against the annexation of Texas to the Union: laid on the table.

Also, six memorials from citizens of Philadelphia city and county, praying Congress to abolish slavery in the District of Columbia.

Mr. SPENCE, from the Committee on the District of Columbia, reported a bill to incorporate the Medical Society of the city of Washington: ordered to a second reading.

Mr. YOUNG, on leave, introduced a bill for the relief of Isabella Hall and others; which was read twice, and referred.

The following bills were severally read a third time and passed:

Bill for the relief of the heirs of John Hawkins, deceased.

Bill for the relief of the heirs of William Russum, deceased.

Bill for the relief of John Spitfathom.

Bill for the relief of the heirs of Doctor William Ramsay, deceased.

Bill for the relief of the devisees and heirs of Dr. Gustavus Horner, late surgeon's mate in the Revolutionary army.

Bill for the relief of Robert Hickey, of New York.

Bill for the relief of Joseph Hall.

Bill for the relief of Albion T. Crow.

On motion of Mr TIPTON,

Resolved, That the Committee on Pensions be directed to inquire into the expediency of placing Abram Goble, of Indiana, on the roll of invalid pensioners of the United States, in consequence of disability, occasioned by a wound received by him at Fort Montgomery, New York, in the year 1777.

Mr. SMITH of Indiana submitted the following:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate as follows:

1st. The number of acres of land that have been granted for all purposes by the General Government to the States of Ohio, Indiana, Illinois, Alabama, Mississippi, Louisiana, Missouri, Michigan and Arkansas, including the lands granted to them while Territories, designating the purpose of the grant, and the number of acres granted to each.

2d. The number of acres of public lands that have been sold in each of the States aforesaid at public or private sale, and the average price produced by the sale per acre, and the number of acres remaining unsold in each of the States aforesaid, including all the lands within those States, and designating between those lands to which the Indian title has been extinguished and those held by the Indians.

3d. The whole number of acres of public land in the State of Indiana that has been sold by the Government and the amount received from the sale.

Mr. NORVELL said he had no objection to the resolution, but would like to so modify it, as to include the quantity sold at private sale as well as at auction.

Mr. KING would suggest that the resolution be made to read at "public and private sale," the document he thought would be rather voluminous, and much of the information, at least two-thirds, he believed might be found in other documents.

Mr. SMITH said he would assent to any modification desired by the gentlemen. His object was to have all the information embodied in one document.

The Committee on Pensions made an unfavorable report on the petitions of Andrew Bean, Thomas Cogswell, Nathan Grantham, and Alpheus Whetmore.

On motion of Mr. DAVIS, the report of A. Whetmore was ordered to lie on the table, and the others were severally concurred in.

Mr. WALKER would have no objection to the resolution, but that every particle of the information would be found in the documents already before the Senate. The Senator from Indiana would find a large portion of it in a detailed report made by the Commissioner of the Land Office. He could, therefore, see no necessity for its being furnished again; on the contrary, there would be a manifest impropriety in calling on the Department again.

Mr. SMITH of Indiana said he was not aware that the information had been furnished; he would, therefore, let the resolution lie for the present, until he could examine for himself.

Mr. HUBBARD moved to take up the Senate bill for the relief of Robert McCauley; which being assented to, Mr. H. said further legislation on the bill was unnecessary, as the claim had been allowed and paid by the Third Auditor. He would, therefore, move its indefinite postponement; which was agreed to.

The bill to provide for the issuing patents for certain lands at Green Bay, Wisconsin Territory, was read a second time, and ordered to be engrossed for a third reading.

The bill to authorize an examination and test of Samuel Raub's self-acting double safety valve, was read a second time, when

Mr. DAVIS said that the Senate had already passed and sent to the other House a bill for a general examination into this matter, which, he contended, would embrace this as well as any other case worthy of observation.

Mr. TIPTON called for the reading of the report which accompanied the bill, which having been read by the Secretary, Mr. T. said would explain all that was necessary in relation to the subject. The great destruction of life and property had, in his opinion, made it the duty of Government to do something to prevent a recurrence of such sad disasters. The committee were of opinion that Congress could do nothing better than to patronize an invention which scientific and practical men had recommended. In reporting the present bill, Mr. T. said, the committee had done what was considered a duty, and that duty being discharged, he was satisfied for the subject to take any course which the Senate might see fit. By the provisions of the bill, the invention would have to be tested, and its utility ascertained, by an authorized experiment, under the sanction of Government.

Mr. DAVIS said he did not rise with a view to disparage the invention; but he would submit to gentlemen if this machine were really what it purported to be, and what was claimed for it in the language of the report just read, whether there would be any necessity to pass the bill? But if he understood the business, it was matter of doubt even to the inventor who had asked an appropriation to test the principle, and whether it could be advantageously applied or not. Mr. D. said there had been another plan before the Senate, from an individual, to accomplish the same purpose, but by different means, that was considered so important that the whole subject matter was referred to a select committee; which, after being carefully investigated, was considered of so equivocal and doubtful a character, that the committee did not feel warranted in making an appropriation, though the scheme was also recommended by scientific and learned men. If there was any degree of certainty in the matter, practical men would soon perceive its utility, and it would become almost immediately adopted, and brought into general use.

Mr. D. said so desirable had it been thought to do something to prevent, if possible, all similar calamities to those which had lately been witnessed from such causes, that a bill had passed that body, in which provision had been made, authorizing the President to appoint a board of examiners, to consist of two scientific gentlemen, and one practical mechanic, versed in building, or constructing steam boilers, whose duty it was made to receive all such inventions as might be submitted to them, and report on their utility or practicability. That bill then would embrace this case as well as others. The Committee on Roads and Canals, he had no doubt, acted from the best impulses in producing the bill; but he was still of opinion, that the wiser course would be, to let this invention be submitted with the others. If the appropriations were not large enough to test it fairly, they might be increased; and with this view of the subject, he had moved to lay the bill on the table.

The bill was accordingly laid on the table.

The bills for the relief of Nathan Peter, and William Adams, deceased, and for the relief of the owners of the brig Despatch and cargo, were severally read, and ordered to be engrossed for a third reading.

ORDERS OF THE DAY.

The Independent Treasury bill was then taken up, when Mr. BROWN rose and addressed the Senate until four o'clock; when

The Senate then went into Executive business, and soon after adjourned over until Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, February 24, 1838

Mr. LAWLER, on leave, laid on the table certain joint resolutions of the Legislature of Alabama:

Reports from standing committees were then called for.

COMMITTEE ON COMMERCE.

Mr. WORTHINGTON reported the following resolution; which was concurred in:

Resolved, That the clerk of the House of Representatives cause 2000 copies of the survey and chart of the harbor of Havre deGrace and mouth of Susquehanna river, and head waters of the Chesapeake Bay, communicated to the House on the 2d of February, 1837, from the War Department, to be lithographed on a reduced scale, for the use of the House.

PUBLIC LANDS.

Mr. LINCOLN reported a bill to authorize the sale of certain public lands of the United States near the Wabash and Erie canal, in the State of Ohio.

REVOLUTIONARY PENSIONS.

Mr. JOHNSON of Virginia reported a bill for the relief of Captain Robert Lownds.

INVALID PENSIONS.

Mr. MALLORY reported a bill for the relief of Charles Risley.

GRANT OF SCHOOL LANDS.

The House then proceeded to the consideration of the resolution submitted some time since by Mr. JOHNSON of Maryland, for the appointment of a select committee of one from each State to inquire into the propriety of reporting a bill granting to each State a certain quantity of public lands, for purposes of education.

Mr. J. modified his proposition, and addressed the House till the expiration of the morning hour, when his remarks were cut off.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting a report in relation to St. Helena bar, with a view to building a light-house or light-houses; which, on motion of Mr. WHITTLESEY of Ohio, was referred to the Committee on Commerce.

Also, a communication from the Secretary of the Treasury, transmitting a statement of the amount of lands ceded by the Shawnee Indians; which, on motion of the same gentleman, was laid on the table.

On motion of Mr. HOWARD, the regular orders were set aside.

NEUTRALITY BILL.

The House then resumed the consideration of the Neutrality Bill, the question under consideration being on the following substitute of Mr. HOWARD:

"That the several collectors, naval officers, surveyors, and inspectors of the customs, the marshals and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby, respectively, authorized and required to seize and detain any vessel or other means or materials which may be provided or prepared for any military expedition or enterprise contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and retain possession of the same until the decision of the President be had thereon, or until the same shall be released, as herein after directed.

"SEC. 2 *And be it further enacted*, That when any person may conceive himself to be aggrieved by the acts of any person authorized by this act to make seizure as aforesaid, he may file his petition before the district court of the district wherein the seizure was made, (which court is hereby authorized and empowered to hear and decide upon the case) stating the facts; and thereupon, after due notice given to the district attorney, and to the person making said seizure, the said court shall summarily hear and adjudge thereupon, as law and justice may require; and if said court shall decide that the said property so seized had been provided or prepared contrary to the provisions of the sixth section of said act, then the same shall be detained by the officer so seizing said property until the President shall order it to be restored to the owner or claimant; but if the decision of said court shall be in favor of the owner or claimant, said property shall immediately be restored."

The question immediately pending was on the following amendment, as an additional section, submitted by Mr. DUNN of Indiana:

"SEC. —. *And be it further enacted*, That it shall be the duty of the officer making such seizure, with due diligence, to make application to some judge of the circuit or district court of the United States for a warrant to justify the detention of the property so seized; which warrant shall be granted only on proof, on oath or affirmation, to the satisfaction of such judge, showing good cause to suspect that the property so seized is intended to be used for the unlawful purpose aforesaid. And if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure, within a reasonable time thereafter, the said property shall be forthwith restored to the owner thereof."

In offering this amendment,

Mr. DUNN said that the object of the bill was to authorize a seizure of the property specified, without first making affidavits and obtaining a warrant; and the propriety of such seizure is maintained on the ground that the delay consequent in the procuring of the warrant, would enable the parties implicated to remove the property beyond reach. Without expressing any opinion whether the emergency of the case would justify the departure proposed from the usual course of proceeding, he must say that if it did so justify the *seizure* it afforded no justification for a *detention* of the property afterwards, without the usual formalities of the law being complied with.

As the bill came from the Senate, the owner could only obtain possession of his property by giving bond and security, or by obtaining the consent of the President of the United States for its return. The amendment offered this morning by the gentleman from Maryland, (Mr. HOWARD,) had given him another remedy; and that was the right to a summary hearing, on a demand of restoration before a judge. But the burthen of this proceeding fell upon the injured party. He was compelled to seek the judge, whose attendance he had no power to command. He had to give notice to the United States officers. In many instances, this might be highly inconvenient, and great delay arise, especially when the property of persons living at a distance should be taken. He was, therefore, disposed to go a little further; and if it was thought necessary for the public good to relax the strictness of the law as at present established, in the first instance, to permit the seizure, he would require that the usual requisitions and forms of law should be complied with as soon thereafter as possible. The necessity that is supposed to justify a seizure without warrant, does not apply to the detention without warrant; and he would impose this burthen of procuring the sanction of the law for the detention of the property, upon the persons making the seizure; making it his duty forthwith to make out such a case before a judge as would have authorized the issue of the warrant in the first instance, and the detention of the property under it; and if he failed to do so, that the property should be immediately restored. This would not deprive the owner of any remedy he now had, or which it was proposed to give him, but would be an additional safeguard over the rights and property of the citizen. He therefore proposed the amendment to the amendment offered by the gentleman from Maryland, (Mr. HOWARD.)

Mr. HOWARD said he had understood the gentleman from Tennessee, on yesterday, as moving his amendment as a substitute for the two first sections of the bill, and leave the remainder of the bill as it now stands.

Mr. BELL replied, that his motion was to substitute his amendment for the whole bill; but if it would meet the views of a majority of the House, he might hereafter modify his amendment to meet the suggestions of the gentleman from Maryland.

Mr. CROCKETT said he did not rise with a view to enter at large into the discussion of this measure, but simply to call the attention of the House to the great mass of business before it, and to entreat and implore the House to bring the discussion of this subject to a close, and come to some decision upon it one way or another. Sir, (said Mr. C.) almost three months of the session have already passed away, and what have we done? Almost half the session has passed away, and we have done nothing. We have not as yet, sir, acted upon a single measure of public importance. We have already spent a week or ten days in the discussion of this measure, and, judging from appearances, it seems that there is but little hope of reaching any conclusion in any short time. Sir, I protest against the course pursued by gentlemen in this discussion, and must express my unqualified dissent from the course taken by some of my friends in the course of the debate. It seems to me, sir, that gentlemen have involved themselves in rather an awkward predicament and in almost ridiculous inconsistencies.

The revolution in Texas had been repeatedly referred to, and the late Administration had been denounced in the most unmeasured terms for having failed to enforce the laws, and our obligations of neutrality, with Mexico; and when the present Executive asks for power to do that which they denounced General Jackson for having failed to do, the measure is denounced as arbitrary and tyrannical, and as odious as the alien and sedition law.

Sir, the citizens of the West have been denounced as violators of the laws. Sir, I repel the charge. I have a personal knowledge of the conduct of some of our citizens in relation to the revolution in Texas. I believe, sir, as many of the citizens of the district which I have the honor to represent went to the assistance of the Texans in their struggle for independence, as from any other section of the Union of the same extent; and, so far as my knowledge extends, they had violated no law, but had gone there in the exercise of their unquestionable rights with a view of becoming citizens of the country. No military expedition had been fitted out against Mexico—no organized military force had gone out from this country to the assistance of Texas. But, sir, those who did go, went as private citizens, in the exercise of their lawful rights. And, sir, continued Mr. C. however much I may be disposed to censure some other measures of the late Administration, I am bound to say that, in relation to this case, the then President did all in his power to enforce obedience to the laws of the land and our obligations of

neutrality. Did he not issue his orders to all the proper officers on the southwestern frontier to take prompt measures to enforce the laws? But a great outcry has been made because he did not issue a proclamation. I would like to know, said Mr. C. what good a proclamation would have done? It would have been as idle as to "pitch straws against the wind." A mere idle, unmeaning ceremony. Sir, I not only believe the Administration did its duty, but I believe the people who went to the assistance of Texas also did their duty by exercising their rights if they felt disposed to do so. I hope our citizens will never look with indifference upon a people struggling for civil liberty; they would merit disgrace if they did, and would not deserve the name of freemen. But, sir, it is far from my wish that our citizens should violate the laws and our duties towards foreign powers; and I view the existing laws as amply sufficient to secure these obligations, if faithfully observed and enforced. I am, therefore, Mr. Speaker, opposed to the present bill, from beginning to end, amendments and all.

In conclusion, I will repeat my desire that the House will, in the course of this day at least, come to some decision upon this measure, and allow us, at the commencement of the next week, to take up the business of the session, and attend to the duties we owe to our constituents. The country had a right, and I believed it to be their duty, to hold us to an account for this idle and prodigal waste of the public time. Mr. C. repeated that there were many important measures requiring their consideration, and some local measures in which his own constituents felt the deepest interest—measures which had been for nine or ten years before that House, but had been pressed down and kept back by measures deemed to be of more general importance. He trusted, however, that the House would lay aside these idle discussions, and enter at once upon their duties.

Mr. WHITTLESEY of Connecticut, most cordially concurred with the gentleman from Tennesse, in the hope that this House would act speedily upon this bill, so that the other important business which was pressing upon the House might be taken up and acted upon. He felt the burthen which was resting upon the House, and he had, on yesterday, opposed the suspension of the rule to take up this bill, because he believed that the facility with which we obtained a suspension of our rules added much to the length of the discussions which we had in the House. He knew the great importance of much of the business which was set aside by this bill, and he trusted that this bill would be disposed of to-day, so that we might go on with the other business which it was our duty to act upon.

With regard to the bill under consideration there were two questions involved in it. The first was, is the power proposed to be conferred constitutional? The second was, is it expedient? With regard to the first question, the constitutional power. What are the features of the Senate bill which has been designated unconstitutional? It is the power to seize and detain property, as it has no relation whatever to personal liberty. He held that no man could be deprived of his liberty or property except by due process of law; and he did not see why it was that the law of arrests had been so frequently quoted on this question, as this matter had no relation to it.

He laid down the principle that no property could be seized but by due process of law, and this was the ground taken by many gentlemen who had opposed this bill. But the seizures which were to be made under the provisions of this bill, arose out of the peculiar circumstances of the case, and, in his opinion, were perfectly justifiable, and in pursuance of the principles of law. There had been a great deal said by gentlemen about these seizures being made without a warrant, but he would beg leave to say to gentlemen, that if we passed this law the law itself would be the warrant for the seizure, and when the the officer of the Government made the seizure, then it is done by the authority vested in him by the law; and therefore seizures made under this law, in case it passed, would be as much by authority of law as though they were made under a warrant, issued by a magistrate. He, therefore, come to the conclusion that this power, great as it was, was still constitutional, and that the fourth article of the Constitution had no bearing upon this case.

Then he next question which arose, was it expedient to pass this law, supposing that we have the power? Certainly we should exercise great power, when great emergencies required it. It was exercising a great power to hang a man—to put a man to death; still the preservation of the peace of society demanded this power to be exercised on some occasions. He believed that this power should be conferred on the President. He was as much in favor of civil liberty as any gentleman, but going on the principle that we are the advocates of civil liberty, how can we better sustain it, than by repressing our citizens from interfering in the affairs of other Governments. Will we not by this involve our own Government in difficulties, and have a blow struck at civil liberty within our own borders.

If we wish to adhere to the principles of justice, is it not proper that we should act justly towards other Governments: and prevent our people from interfering in their affairs? Shall we say to the world that we are so delicately situated that we dare not exercise a power which we would call upon other Governments to exercise, if we were differently situated. This law did not propose any arrest of persons. It was an arrest of property merely which it contemplated, and he thought we were doing a great injury to this bill by discussing it too much. The principle contained in it is recognised in the acts of 1794 and 1818, and our Government has always acted under this principle.

If this bill was passed, and the President directed seizures to be made, it would not be the Executive which conferred the power to make these seizures, but it would be conferred by the law of Congress. He hoped the amendments pending to this bill would fail, so that the House might have the opportunity of voting upon it as it came from the Senate, and then it would either adopt or reject it.

Mr. GARLAND of Virginia heartily concurred with the two gentlemen who had preceded him, that this bill had occupied too much of the time of the House. He contended that we had a perfect right, under the Constitution, to pass a bill of this kind, and that the necessity of the case demanded it at our hands.

The law of 1818, he contended, was insufficient, and therefore it was the duty of the House to pass a law conferring sufficient power to preserve our neutrality. The law of 1818 was a penal law; but this law was a preventive law, and he contended that the preventive power was the most efficacious that could be exercised. Was he, then, to be told that you had no preventive power? If so, and you had no preventive power, it was high time you had such a power. But he contended that you had this power, and that it was an appendant power growing out of the national laws of every Government.

It had been contended by some gentlemen that your citizens might go on, and enlist and carry on a war in Canada, without violating our neutral relations. It would be, however, in his opinion an anomaly in the history of nations, that your citizens could be at war, while your Government was neutral. He did not believe in this doctrine, that your citizens could fit out expeditions against other Governments on the plea that they were going to expatriate themselves. Would it do for a company of men to form themselves into a corps, and march into an adjoining territory with all the munitions of war about them, and say that they were exempt from your laws, because they were going to expatriate themselves.

This doctrine he did not believe would hold good any where. If we expected other Governments at any future time to preserve a neutrality with us, we must now enforce the laws upon our own citizens, and compel them to preserve our neutrality. Mr. G. proceeded at some length to reply to the remarks of his colleague, (Mr. WISE,) and others who had spoken against the bill, and concluded by expressing the hope that the House would speedily adopt some bill having in view the preservation of our neutral relations.

Mr. RENCHER addressed the House briefly, contending that the law of 1818 was sufficient to provide a remedy for all cases which might occur on our northern or north western frontier.

Mr. HALSTEAD gave his opinion, that the law of 1818 was defective, but not so much so as to require a very forcible measure now to be enacted; a slight amendment to that act was all that was necessary.

Mr. TOUCEY entered into a brief review of the original bill as it came from the Senate and the pending amendments, and expressed a hope that the sense of the House would be taken without any further discussion.

Mr. PETRIKEN then rose and said, Mr. Speaker, I have waited patiently for five or six days, hoping each day that the speech-makers would get as tired making speeches as we who do not make speeches are of hearing them, but seeing no probability of having my hopes realized, I shall, with a view to put a stop to this debate, if possible, move the previous question.

The CHAIR explained, that the main question, if ordered, would be on the Senate's bill as amended, by limiting its operation to 1840.

Upon taking the count by tellers, the division was—ayes 64, noes 43, no quorum

Mr. ROBERTSON moved a call of the House: lost.

The question being again taken on seconding the demand for the previous question, it was decided in the affirmative—ayes 83, noes 51, and the main question was ordered without a count.

Mr. FILLMORE called for the yeas and nays on the main question; which were ordered, and were—yeas 76, nays 88.

So the bill was rejected.

Mr. PATTON moved to reconsider the vote by which this bill had been rejected. He remarked that almost every man who had participated in the discussion, and had avowed his wish to pass some measure to restrain our citizens from committing acts of aggression upon a friendly power, had been found opposing the original bill by the vote just taken, and voting with those opposed to any measure at all.

Mr. TILLINGHAST expressed a hope that the motion would prevail, so that the House might adopt some of the other propositions.

Mr. MONTGOMERY asked for the yeas and nays; but they were not ordered.

Mr. CHAMBERS of Kentucky suggested to Mr. PATTON, as the House was very thin, to withdraw his motion, and give notice of it, which would bring it up on Monday; but Mr. P. declined.

The motion prevailed without a division; and the vote being reconsidered, the bill was again before the House, with all the amendments cut off.

Mr. HOWARD then submitted a substitute similar to that of Mr. BELL'S.

Mr. MASON of Ohio moved to refer the bill, and the various propositions to amend, to the Committee on the Judiciary.

Mr. ROBERTSON moved to refer them to the Committee on Foreign Affairs.

Mr. BOON made a few remarks on the extraordinary delay this bill had produced, and expressed his intention of voting against it in any and every shape in which it could be presented, amendments and all.

The first motion was briefly advocated by Mr. BIDDLE, when it was disagreed to—ayes 54, noes not counted, and the second motion prevailing—ayes 85.

So the bill was again recommitted to the Committee on Foreign Affairs.

Mr. CAMBRELENG gave notice that on Monday next, he should from necessity be compelled, after petitions had been presented, to ask the House to go on with the appropriation bills, in consequence of the pressing condition of the public service, particularly the army.

The CHAIR laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the contracts made by the Treasury Department during the year 1837, in the construction of light-houses and similar works; which was laid on the table,

On motion, The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, February 26, 1838.

DEATH OF THE HON. JONATHAN CILLEY.

As soon as the journal was read,

Mr. FAIRFIELD rose and addressed the House as follows:

Mr. SPEAKER: An event has occurred since our last adjournment, which has spread a deep gloom over this community, and deprived this body of one of its most valuable members. I allude, sir, to the death of my late colleague, the Hon. JONATHAN CILLEY, which, it is my painful duty to announce, took place on Saturday last near this city. One hour we saw him in full life, standing in the midst of us in all the pride and vigor of manhood; the next, a helpless, inanimate corpse. It is a case, sir, most melancholy and heart-rending in all its circumstances, (of which, however, this is not the occasion to speak,) and brings home to our minds, with peculiar emphasis, the trite but solemn truth, that "in the midst of life we are in death."

My deceased colleague was a man of uncommon talents. His mind was strong, vigorous, well stored, and well disciplined. He had, moreover, that indomitable spirit of perseverance in all the pursuits of an elevated and honorable ambition, which would not rest satisfied with low attainments. He partook largely, too, of that fearless patriotism of his ancestors, which made them "pour out their blood like water," in the war of the Revolution, and which also displayed itself in the brave and chivalrous conduct of an only brother during the late war.

His fellow-citizens had often elected him to places of honor and trust in the State of his adoption, and had now given him a seat among the Representatives of the nation;—among us, who are now spared to deplore his abrupt and tragical removal. Though he had not long been a member of this body, he had established an enviable and an enduring reputation. His ready powers of debate, his warm and fervid eloquence, his manly bearing towards opponents, and courteous demeanor to all, will be readily acknowledged, and long remembered, by the members of this House.

That his sudden and melancholy death will produce a deep sensation in Maine, and indeed throughout the whole country, no one can doubt: but the announciation of the dreadful fact to the partner of his bosom, sitting in the midst of the young pledges of their mutual affection, little dreaming of the blow that awaits her, it is shocking to contemplate. No one can think of it but with feelings of the most poignant and heartfelt grief. May "He who tempers the wind to the shorn lamb," and who "will not break the bruised reed," give her that consolation and support which she needs, and which no earthly power can give.

With this brief and imperfect announcement, I beg leave to submit the following resolutions:

Resolved, That the members of this House will attend the funeral of JONATHAN CILLEY, deceased, late a member of the House from the State of Maine, at 12 o'clock to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of JONATHAN CILLEY, deceased.

Resolved, That the members and officers of this House will testify their respect for the memory of JONATHAN CILLEY, by wearing crape on the left arm for thirty days.

The resolutions were unanimously adopted.

On motion of Mr. FAIRFIELD,

The House then adjourned till 12 o'clock to-morrow.

IN SENATE,

MONDAY, February 26, 1838.

The CHAIR communicated a letter from the Secretary of the Treasury, in answer to a resolution of the Senate of the 22d instant, directing him to communicate the report of E. and G. W. Blunt, of New York, relative to the construction and improvement of light-houses, stating that no such communication had been received at his office, nor at the office of the Fifth Auditor.

Also, a report from the same, transmitting, in compliance with the provisions of the acts for the establishment of the Treasury, War, and Navy Departments, a list of contracts entered into for the year 1837: laid on the table, and ordered to be printed.

Also, a report from the War Department, transmitting, in compliance with a resolution of the Senate, a map of the military road from Saginaw to Mackinaw; which, on motion of Mr. LYON, was laid on the table, and ordered to be printed.

Mr. TROTTER presented the memorial of the Legislature of Mississippi, praying Congress to ratify and confirm certain preemption claims under the act of June, 1834: referred to the Committee on Public Lands.

Mr. SMITH of Indiana presented a memorial, signed by seventy-four of the members of the General Assembly of the State of Ohio, praying Congress to appropriate a portion of the public funds in a subscription for a part of the capital stock of the Jeffersonville and New Albany Canal Company, incorporated by the State of Indiana, to construct a canal around the falls of Ohio, on the Indiana side, of sufficient capacity to pass steamboats of the largest size.

Mr. S. said he had before had the honor to introduce memorials, numerously signed by the business men of Wheeling and Cincinnati, on this subject. Those memorials had been printed and referred to the Committee on Roads and Canals. He (Mr. S.) would only say, on the present occasion, that the great importance of the measure was admitted and felt by the whole western country.

On motion of Mr. S. the memorial was referred to the Committee on Roads and Canals.

Mr. CLAY of Alabama, presented the memorial of the inhabitants of township three, range nine west of Huntsville, Alabama, representing that the 16th section, reserved for schools, in that township is sterile and unproductive, and praying a grant of other lands in lieu of the same; which was referred to the Committee on Public Lands.

Mr. BENTON presented the memorial of sundry inhabitants of Erie, Pennsylvania, praying Congress to take measures to prevent the re-issue of the notes of the old Bank of the United States: referred to the Committee on Finance.

Mr. BUCHANAN presented the memorial of a large number of citizens of Philadelphia, asking Congress to establish a dry dock at that place, and setting forth strong reasons why such an establishment should exist there: referred to the Committee on Naval Affairs.

On motion of Mr. BENTON,

Resolved, That the Secretary of the Treasury be directed to cause to be prepared and communicated to the Senate, tables of the rates of exchange, foreign and domestic, and of the price of bank notes at different periods, from such materials as are in the Department, and such others as can be conveniently procured.

On motion of Mr. WALL the Senate took up and considered as in Committee of the Whole, the bill for the establishment of a port of entry at Jersey City; and, after brief explanations from Messrs. WALL and KING, it was ordered to be engrossed for a third reading.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, announcing the death of the Hon. JONATHAN CILLEY, a member of that House from the State of Maine, and stating that the funeral would take place from the hall of the House to-morrow at 12 o'clock.

Mr. WILLIAMS rose and addressed the Senate as follows:

MR. PRESIDENT: I came into the Senate this morning, exhausted and overwhelmed, to perform the melancholy duty of announcing to you and to the Senate of the United States the sudden and lamented death of my friend and colleague, the Hon. JONATHAN CILLEY, a Representative from Maine in the Congress of the United States.

At the last adjournment of the Senate, Mr. CILLEY was in

perfect health, full of hope and expectation of making himself useful in asserting and vindicating the violated rights of his State, and of distinguishing himself in the great questions which now so deeply agitate the public mind; full of zeal and ardent patriotism, and of devotion to the great cause of human liberty and of human rights, he considered that a crisis had arisen when his country had a right to claim the services of her sons. He obeyed the call of his constituents, relinquishing the enjoyments of the domestic circle of a wife and three children. He is now a lifeless corpse; all his hopes are blasted and destroyed, and his constituents are deprived of the services of an able and faithful representative.

Mr. CILLEY was a native of New Hampshire, and belonged to one of the most ancient and respectable families in that State. Patriotism and bravery were his inheritance. His grandfather was the distinguished patriot and brave officer of the Revolution, General CILLEY; and his brother, Captain JOSEPH CILLEY, was the gallant leader of the heroic charge under Colonel MILLER, at the battle of Bridgewater Heights, in the last war.

The deceased was a graduate of Bowdoin College, in Maine, and by his superior talents and application attained a high standing at the bar in that State. He was a good lawyer, an able advocate, and a powerful debater.

From early life Mr. CILLEY was ardently attached to the principles of free government; a zealous advocate of the rights of the *whole* people, and a determined opponent of the claim of the *few* to tyrannize over the *many*.

In 1832, Mr. CILLEY was elected to the House of Representatives in Maine, and in 1835 and 1836 was Speaker of that body, where his talents and love of country became so conspicuous, that in 1837 he was elected to Congress in a district in which the majority were his political opponents.

Of his conduct here I need not speak, for all who hear me, and all who knew Mr. CILLEY in the other end of the Capitol, will bear testimony to his ability, to his open, frank, and determined course, to the high order of his talents and powers as a debater, and to the respect and deference he paid to the rights of others.

As a man, Mr. CILLEY was warm, ardent, generous, noble; as a friend, true, faithful, abiding. He was in the meridian of his life, aged 35: the past was the earnest of the future.

In his death Maine has lost one of her brightest ornaments, and the nation is bereft of a devoted patriot, and an ardent, zealous supporter of its free institutions.

The sun which set upon the lifeless corpse of my late friend and colleague, rose bright and cheering upon his distant fireside circle, and the wife of his bosom blessed its gladsome beams, and told her innocent children that it brought the return of their father one day nearer.

Alas! nor wife nor children shall see him more. Who shall now penetrate that bereaved mansion, and witness the tears, the agony, the distraction of the widow and the fatherless? Mr. President, I cannot. May the Father of all mercies be their comforter and their support.

Of the cause and manner of the death of Mr. CILLEY, I forbear to speak; but allow me to say, that it is my solemn conviction that he entertained no ill will, and intended no disrespect, to Mr. GRAVES, in any thing that occurred; and that in accepting the call, he did nothing more than he believed *indispensable*, to avoid disgrace to himself, to his family, and to his constituents.

Mr. WILLIAMS then submitted the following resolutions, which were unanimously adopted:

Resolved unanimously, That the Senate will attend the funeral of the Hon. JONATHAN CILLEY, late a member of the House of Representatives, from the State of Maine, at the hour of twelve o'clock to morrow, and as a testimony of respect for the memory of the deceased, they will go into mourning, by wearing crape round the left arm for thirty days.

And, as an additional mark of respect to the memory of the deceased,

Resolved, That the Senate do now adjourn.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,
TUESDAY, February 27, 1838.

The House met, pursuant to adjournment, at 12 o'clock, for the purpose of attending the funeral obsequies of the Hon. JONATHAN CILLEY, late a Representative Congress from the State of Maine.

The committee of arrangements, pall-bearers, and mourners, attended at the late residence of the deceased, at Mr. BIRTH'S, at 11 o'clock, a. m. at which time the remains were removed, in charge of the committee of arrangements, attended by the Sergeant-at-arms of the House of Representatives, to the Hall, where the funeral service was performed by the Rev. Mr. SLICER, and the discourse preached by the Rev. Mr. REESE.

The funeral procession then moved from the Hall of the House of Representatives to the place of interment, in the following order:

The Chaplains of both Houses.

Committee of Arrangements, viz.

Mr. EVANS, of Maine.

Mr. ATHERTON, of N. H. — Mr. COLES, of Va.
Mr. CONNOR, of N. C. — Mr. JOHNSON, of La.
Mr. WHITTLESEY, of Ohio, — Mr. FILLMORE, of N. Y.

Pall Bearers, viz:

Mr. THOMAS, of Maryland, — Mr. CAMPBELL, of S. C.
Mr. WILLIAMS, of N. H. — Mr. WHITE, of Indiana,
Mr. OGLE, of Pennsylvania, — Mr. MARTIN, of Alabama.

The family and friends of the deceased.

The members of the House of Representatives and Senators from Maine, as mourners.

The Sergeant-at-arms of the House of Representatives.

The House of Representatives, preceded by their Speaker and Clerk.

The Sergeant-at-arms of the Senate.

The Senate of the United States, preceded by the Vice President and their Secretary.

The President of the United States.

The Heads of Departments.

Judges of the Supreme Court, and its officers.

Foreign Ministers.

Citizens and Strangers.

IN SENATE,
TUESDAY, February 27, 1838.

The Senate assembled at 12 o'clock, pursuant to adjournment; and after the journal was read,

Mr. WHITE rose and said, that in order that the Senate might carry into effect the resolution adopted yesterday in relation to attending the funeral of the deceased member from Maine, he would move that the Senate adjourn; which motion being concurred in,

The Senate adjourned until to-morrow, at 12 o'clock.

HOUSE OF REPRESENTATIVES,
WEDNESDAY, Feb. 28, 1838.

DEATH OF HON. JONATHAN CILLEY.

As soon as the journal was read—

Mr. FAIRFIELD rose, and asked leave to offer the following resolution:

Resolved, That a committee consisting of seven members be appointed to investigate the causes which led to the death of the Hon. JONATHAN CILLEY, late a member of this House, and the circumstances connected therewith, and report thereon to the House.

Resolved, That said committee have power to send for persons and papers, and have leave to sit during the sessions of the House.

Mr. BELL rose and objected. Mr. B. said he thought that whatever was done in this matter, had better be postponed until the House became more calm, and was able to act more coolly on the subject.

Mr. FAIRFIELD moved a suspension of the rule.

Mr. PARKER called for the yeas and nays, which were ordered, and were—yeas 113, nays 31, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, Anderson, Atherton, Aycrigg, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Bouldin, Briggs, Brodhead, Bruyn, W. B. Calhoun, Cambreleng, Casey, Clark, Coles, Craig, Crary, Cushman, Davies, Deberry, DeGraff, Dunn, Edwards, Elmore, Evans, Everett, Fairfield, R. Fletcher, Fry, Gallup, Glascock, Goode, Grantland, Grant, Gray, Grennell, Haley, Hall, Hammond, Hastings, Haynes, Henry, Hopkins, Hubley, N. Jones, Kligore, Lewis, Logan, Loomis, Lyon, Marvin, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKim, Milligan, Miller, Montgomery, Morgan, Mathias Morris, Samuel W. Morris, Calvary Morris, Noble, Noyes, Owens, Palmer, Parker, Paynter, Peck, Petrikin, Plumer, Potts, Potter, Prentiss, Rariden, Randolph, Reed, Rhett, Richardson, Ridgway, Rives, Russell, Sheffer, Charles Shepard, Sheplor, Slade, Smith, Spencer, Stuart, Stratton, Tillinghast, Titus, Toucey, Turney, Vandeveer, Weeks, Albert S. White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Jared W. Williams, Worthington, Yell, and Yorke—113.

NAYS—Messrs. Bell, John Calhoon, William B. Campbell, William B. Carter, Chambers, Cheatham, Cranston, Dawson, Ewing, James Garland, James Graham, Harlan, Harper, Hawes, Robt. M. T. Hunter, Wm. C. Johnson, Mallory, James M. Mason, Samson Mason, McKennan, Mitchell, Robertson, Sergeant, Shields, Snyder, Southgate, Taliaferro, John White, Sherrod Williams, Jos. L. Williams, and Christopher H. Williams—31.

[Mr. FLETCHER of Vermont came to his seat just as the Clerk, in calling the yeas and nays upon the above motion, had passed his name. Mr. F. requested the privilege of recording his name upon the motion pending, as, by the rules of the House, he could not without unanimous consent. Objection being made, the request was denied.]

So the rules were suspended.

Mr. FAIRFIELD rose and said:

Mr. President: entertaining the views and feelings which I do entertain in regard to the awful tragedy in which certain members of this House lately participated, I could not refrain from offering the resolutions which have just been read. Sir, if I had held back, and refused to move in this affair, "the voice of my brother's blood would cry to me from the ground." My late colleague and friend has been shot down and deprived of life in a manner, and under circumstances, that seem to me most imperiously to demand an investigation. It is due to the surviving family and friends of the deceased, that we should take cognizance of this affair: it is due to ourselves, to our country, to humanity, and to God; and I trust that no member will shrink from the high and solemn responsibility thus cast upon him. But, aside from the peculiar circumstances of this case, and our peculiar duties resulting from them, it appears to me that an opportunity is presented, which every good man should be quick to improve, for assailing the barbarous and inhuman practice of duelling—a practice which does violence to the laws of God, to the best feelings of our own nature, and to the dictates of reason—a practice which is entirely behind, and unworthy of the age of civilization in which we live, and which should unite the earnest and faithful efforts of every friend to his species for its extermination.

Under the circumstances of this case, however, the deceased being my friend, and my own feelings being deeply and strongly excited, I feel that there would be a propriety in the Speaker's departing from the usual rule, by omitting to place me upon the committee; and I accordingly make that request.

Mr. W. C. JOHNSON said he had voted against the suspension of the rule to introduce these resolutions, because, on hearing them read, he came to the conclusion that no good could result from them. No one could feel greater grief than himself at the calamity which befel the friends of the gentleman whose death we all now mourned, but he had voted against bringing in these resolutions because he did not know what power Congress had to suppress duelling. It was an evil in the state of society which made it necessary in some cases for gentlemen to resort to this mode of settling personal disputes, and he much regretted that it was so; but he did not apprehend that this inquiry was going to correct the evil, or that any salutary good could be effected by this inquiry. As to the particulars in this case, if it was desired to obtain them, the morning papers gave all the facts and circumstances connected with it; and if it was intended to enact an anti-duelling law, he would ask where, under the Constitution, you obtained the right to enact it. That was a matter which which belonged to the States alone, and many of them have passed laws on this subject; and, in his opinion, it would be a usurpation of power for Congress to undertake to act on this subject. He should vote against this resolution because he considered that it would be a reflection upon all the parties connected with the unfortunate occurrence alluded to in the resolution. He looked upon it as reflecting upon the wisdom and the justice of the parties engaged in it. He would ask any gentleman if either of these parties had been guilty of any moral delinquency, or of any act which would bring him so far within the rules and laws of the House as to justify his expulsion? If any gentleman would rise in his place, and state that either of them had violated the rules of honor, or done any act which would make him an unfit associate for the members of this House, he would go as far as any one to have this inquiry instituted; he would vote, not only for a committee of inquiry, but he would vote to expel such individual from the House; and he would almost go to expel him from off the face of the earth. But no such thing had been intimated against any member of the House, and what right have we to go into this matter? What right have we to inquire into the private relations of gentlemen? What right have we to institute ourselves into a board of honor to inquire into a matter of this kind. He would tell gentlemen that it would be an unpleasant duty to serve on a committee of this kind, and that it would require more than ordinary nerve to serve on it. He would tell them that if this committee was raised it would be the occasion of much strife and difficulty. He should not like to serve on such a committee unless he should prepare himself at once for such encounters. He considered it entirely improper that the House should agitate this question at the present time.

Mr. PARKER said he regretted that he found himself compelled to differ in opinion from his friend from Maryland, (Mr. JOHNSON;) that he had heard from him no good reason expressed against the adoption of the resolutions. It was said that Congress had no power to legislate on this subject, and that that power was reserved to the States. Surely Congress has the power to act in reference to the District of Columbia, and it could not be denied that the House of Representatives had jurisdiction over its own members. His friend had said that if any member would state on this floor that the unfortunate transaction had not been conducted according to the rules of the "code of honor," he would vote for this resolution. Mr. P. said he made no assertion of that kind. He did not profess to be skilled in the nice technicalty of those rules, as they were understood by some gentlemen here; that with his constituents the rules of honor were the rules of law, religion, and morality; but he would say that the transaction referred to was a violation of the laws of God and man, and called imperiously upon this House to guard against the recurrence of such heart-rending scenes; and every consideration of duty to the public and to ourselves required prompt and decisive action. His friend had said that the reference of this subject to a committee would probably lead to further collision, and a repetition of personal conflict. Mr. P. said he could not believe it. He had yet to learn that a member of this House could not on this floor, or in committee, fearlessly express his opinions, and discharge his duty, without fear of a personal attack. He had no tears on that subject for himself.

Here Mr. JOHNSON of Maryland interposed, and mutual explanations took place.

Mr. P. then proceeded. He admitted that, if the committee were to be confined to the question whether "the code of honor" had been departed from, personal controversy might grow out of it. Gentlemen might well differ in discussing unwritten rules of such cobweb fineness, and about which, sir, honorable gentlemen might well differ in opinion. Sir, that committee would look beyond such limits: they would have in view the honor and character of the nation and of this House, and the general welfare of the people.

It was said public opinion sanctioned the practice of duelling. He thought otherwise; and he was sure it would not be countenanced in those sections of the country with which he was familiar. But if public sentiment tolerated such a practice in any part of the country, it was the more important to adopt such measures on this occasion as would serve to correct it. He certainly was not disposed to act too hastily. It was proper to refer the matter to a committee. They would act deliberately, and he hoped would recommend some measures that would remedy the evil. He should therefore vote for the resolutions.

Mr. DAWSON said that no gentleman regretted more than himself, the unfortunate occurrence which had taken place, but he considered that when we were about to involve the feelings of all the gentlemen connected with the affair, that we ought to pause before we acted. He would inquire of gentlemen what the result of this inquiry would be, and what benefit could accrue to the community from it. He admitted that Congress had a right to pass a law to prohibit duelling in the District of Columbia, and for such a measure, when brought forward, he would vote; but he would ask gentlemen what good was expected to result from this inquiry. This matter had no relation to the business of the public, so that if it was gone into, it must be looked upon as an inquiry into the private doings of the members of the House out of these walls, and apart from their Legislative character. In his opinion, this inquiry would only add to the excitement, and bring the state of the public mind to such lengths, as might be regretted by all of us.

If gentlemen desired by this inquiry to get arguments in favor of a law to prohibit duelling, he thought there was no necessity for it, because, in his opinion, no argument was needed to support such a measure. In the name of morality and of religion, he would say, let such a law be passed; but he would regret to see an inquiry of this kind instituted. Pass such a law, and do all that can be done in future to prevent it, but do not institute an inquiry into the present case for the purpose of gratifying the public mind, or for any other purpose. He referred to the difficulty of making an inquiry into a matter which had been conducted solely upon the principles of honor, which were only recognised by a portion of our people, and trusted that the House would be satisfied by adopting a remedy for the future, without going into an examination of the past. To vote for such a proposition as that would be as far as he could go, and he hoped the House would go no farther.

Mr. MATTHIAS MORRIS of Pennsylvania, moved to amend the resolution, by adding at the end of it a clause making it the duty of the committee to make the inquiry with a view to bring in a law against duelling.

Mr. W. C. JOHNSON moved to amend the amendment by adding to it a clause, directing the committee to make an inquiry with regard to the strong expressions used by gentlemen in debate in the House.

Mr. MATTHIAS MORRIS said he had no disposition to take part in the discussion of this question, but on hearing the resolution read it had occurred to him that it did not reach far enough, and he had proposed his amendment with a view of having some action of Congress on this subject, which would prevent the practice of duelling in future. This was the only object he had in view, and he hoped his amendment would meet with no objection from any quarter.

Mr. BELL had hoped that no resolution of this kind would have been introduced until after the lapse of a few days, so

that the House might have acted upon it free from that excitement and feeling which now existed with respect to this unfortunate transaction. He did not doubt that the introduction of this resolution was well intended; and he had no doubt that the motive of the House, in suspending the rules for the purpose, was a very laduable one; but it was his deliberate judgment that this resolution was not calculated to produce that desirable result which was expected to arise from it. Instead of its being a benefit, he feared that it would be the cause of additional mischief. He presumed it was the intention of a majority of the House to take some action on this subject, with a view of preventing a repetition of such occurrences in future; but he would inquire whether it would not be better for gentlemen to act on the subject at a time when they could do so more calmly then at present. He did not believe, with the gentleman from Maryland, that there was any danger of violence or collision, if this resolution was adopted; but he did expect that there would be strong personal feeling and prejudice and passion and honest excitement exhibited. He regretted the occurrence as much as any person, but he thought it would be highly improper for the House now to act upon it. He therefore moved to postpone the further consideration of the whole subject until this day week.

Mr. ELLMORE said if the gentleman from Maine intended his resolution as the foundation for a law against duelling, he must vote against it; but if it was intended to inquire whether there had been a breach of the privileges of the House committed with respect to this transaction, he considered it to be the duty of every member of the body to meet and stand up to it, and that no feeling or sympathy should induce any one to shrink from it. If this was the object of the gentleman's resolution, or if he would so shape it, he would vote for it; but if it was not, he must vote against it.

Mr. BELL hoped the Chair would confine the discussion to the motion to postpone.

Mr. FAIRFIELD thought the resolution was broad enough to meet the views of the gentleman from South Carolina, and hoped he would give it his support.

Mr. ELLMORE did not consider the explanation of the gentleman from Maine as sufficiently satisfactory to induce him to vote for it.

Mr. TURNEY inquired what effect the previous question would have on this question.

The CHAIR stated that it would bring the House to a direct vote upon the resolution.

Mr. TURNEY then said that, entertaining the opinion that a discussion of this subject at this time was highly improper, and calculated to create that very state of things which had been spoken of by his colleague, (Mr. BELL,) and believing that no member of the House can act understandingly, or discuss the question properly in the dark, he felt it to be his duty to move the previous question.

The question was then taken on the second, and the House refused to second the previous question: ayes 84, nays 86.

Mr. McKENNAN said that the peculiar position in which he stood towards his constituents, demanded that he should say a word in explanation of the vote he had given against the suspension of the rule, and state the reasons why he would vote in favor of the motion to postpone the further consideration of the subject for one week. His constituents, he said, condemned the practice of duelling in the most unqualified terms; and in that condemnation he most heartily agreed with them. *He abhorred the practice, from the very bottom of his soul, and would go as far as the farthest on this floor in suppressing it.* He further said, he would yield to no gentleman in deploring the tragical event which had cast a melancholy gloom over the city, and which we had all been called upon to mourn. He *sympathized, deeply sympathized,* with the relatives of the deceased; and if he could pour the oil of consolation into the bosom of his surviving partner, nothing would afford him more satisfaction.

[Here the SPEAKER interposed, and said the question was on postponement.]

Mr. McK. said he did not wish to transgress the rule; that he would heartily go for the amendment offered by his colleague, (Mr. MORRIS,) which looked to legislation, and proposed to do something to put an end to a practice which is fraught with such lamentable consequences, and in the condemnation of which, in principle, all seem willing to unite; that the resolution of the gentleman from Maine proposed no legislation, no suppression by law of the evil, but an examination merely into the facts of the late dreadful catastrophe. They were already before the public; and it could lead to no beneficial result to hasten the investigation. If, after paying the usual honors to the memory of the deceased, it was intended to cast an imputation upon the conduct and character of the survivor, the passions of the members ought to have time to cool; the excitement, which all feel, should be allayed, and we should approach the subject with that coolness and deliberation which are so necessary to enable the House to come to a *just* and *impartial* conclusion. Justice to the characters of all concerned, demanded that the investigation should be *full* and *fair*, without *prejudice*, and without *passion*. He, therefore, hoped that the motion of the gentleman from Tennessee to postpone for a few days would prevail.

Mr. BOON said that he had voted for a suspension of the rules for the purpose of bringing this subject before the House; but he did not do so with a view of resolving the House into a court to investigate the code of honor, or because he did not profess to know any thing of that code as some gentlemen understood it.

The CHAIR here interposed, and said the gentleman was varying from the question pending.

Mr. BOON resumed. He had voted for the suspension, and should now vote for the resolution upon the ground of its being a matter of privilege, involving the right of debate in this House. Upon this ground, and this ground alone, would he vote for it.

Mr. POTTER could not see any good result which could arise from the postponement of the question to a future day. No honorable gentleman would suffer any other feelings to influence his course than those which pertain to high and pure principles of a moral character and duty to his country. If he could concur in opinion with his honorable colleague, that this proceeding cast any reflection upon the living, or the memory of the dead, he would pause, and ask for more time to consider and reflect upon the subject. In no instance should this House act precipitately or without due consideration. It more especially behooves them then to deliberate, when the censure of this House, or a reflection, is cast upon any individual. This never should be done without clear and full evidence of demerit in the individual subject to it, and in a case of which the House has cognizance. But he could not for one moment believe that any reflection was cast, or intended to be cast, on any human being, by the immediate action of the House on the subject desired to be postponed.

The subject was one deeply interesting to the moral feelings of the community, and to the effects it might hereafter produce on the community, in bringing about and sustaining a healthy feeling in public opinion on this and similar questions. He could see no good reason why it should not be speedily disposed of. It has been suggested that we should not move farther on this subject at present on account of the excitement alleged to exist. In this, he differed from the honorable gentleman from Tennessee. It was always with a distrust of his own opinion, when he so differed. But, if excitement existed, the way to allay it in this House, was to dispose of the question in some shape or to a committee, or reject the proposition. Delay in the disposal of it, only tended, in his judgment, to increase excitement. If the question was one of final action, it would be different; but as one of inquiry alone, now was the time for action, and a disposition of the question: now is the accepted time; and he trusted the House would speedily dispose of it.

Mr. FAIRFIELD then, in order to meet the views of gentlemen, modified his resolution, by adding to the end thereof the following: "And further to inquire whether there has been in the case alluded to, any breach of the privileges of this House,"

Mr. LOOMIS said it appeared to him, when they had so plain a state of facts as was here presented, that there could be no difficulty in deciding upon it at once. Where there had been a member of the body taken away of a sudden from amongst us, and his constituents deprived of his services, he looked upon it to be the duty of the House to examine into it.

The CHAIR here interposed, and reminded the gentleman that he was wandering from the question pending.

Mr. LOOMIS said he had no desire to transgress the rules of order, but it appeared to him, under the circumstances of this case, it was the duty of the House to act upon the case at once. The circumstances of the case, he thought, demanded an inquiry, and that inquiry he imagined would not involve the character of any member of the body. There was no judgment of the House asked for. It was only asked that an inquiry should be made, and he hoped that no postponement would take place.

Mr. GRENNELL had heard no good reason for immediate action on this question, and he trusted the question would be postponed until the present excitement had passed away. It would, in his opinion, be highly improper to act upon this resolution at present, and he hoped a postponement would take place until the House could act upon it more calmly and justly.

Mr. BRONSON said, that when the suggestion was first made by the gentleman from Tennessee to postpone the further consideration of this subject for one week, he was disposed to favor the idea, and it seemed to him proper; but on reflection, (said Mr. B.) and after adverting to the particular question, now before the House, he felt compelled to oppose any postponement of the subject. I feel the full force of the remarks which fell from the gentleman from Tennessee, deprecating any rash or sudden action on this subject, under the excitement of feeling prejudice or sympathy; and that we should not act until the excitement of the moment has had time to cool.

Sir, no man can feel more forcibly than I do the propriety of discarding all extraneous feeling, all passion, prejudice, and excitement, and even sympathy; and that, as members of this House, we should bring to the consideration of this subject no other feelings but those of the sternest dictates of duty and loftiest sense of right and justice; and I trust that in such a spirit this House will approach the consideration of the subject whenever it is finally brought before them for final and decisive action. At present, sir, the question is not *what* we shall do, but whether we shall act at all; whether we shall proceed to investigate the matter; whether we shall take any cognizance of the late most tragical and unfortunate occurrence.

Should the proposed committee be appointed, they will proceed to investigate the facts, but it must necessarily be many days before they can report, and probably a much longer time will elapse before their report comes in, than that to which the motion of the gentleman from Tennessee proposes to postpone the consideration of this matter. Then, and not till then, sir, we shall be called upon to take some final action in the matter, to consider the whole case. Then sufficient time will have elapsed, I trust, to allay all excitement and undue feeling.

In the mean time, sir, we are now called upon to say whether we will act at all—whether we will notice this matter, or take cognizance of it in any way.

On this point, then, if we act at all, we should act promptly. Our duty to our country and ourselves requires of us that we should entertain the resolution—that we should at once show our willingness to investigate. On this point there should not be any delay. I feel bound, therefore, to vote against the motion to postpone, and I trust the resolution to raise the committee will be adopted by the House.

Mr. REED was in favor of postponing.

Mr. TOUCEY called for the yeas and nays on postponing, which were ordered, and were—yeas 84, nays 117, as follows:

YEAS—Messrs. Alexander, John W. Allen, Aycrigg, Beirne, Bell, Biddle, Bond, Bouldin, John Calhoon, William B. Campbell, John Campbell, William B. Carter, Chambers, Chapman, Cheatham, Childs, Corwin, Cranston, Curtis, Dawson, Dromgoole, Dunn, Everett, Ewing, James Garland, Rice Garland, James Graham, William Graham, Grennell, Griffin, Harlan, Harper, Hawes, Herod, Hoffman, Howard, Robert M. T. Hunter, Jenifer, Henry Johnson, William Cost Johnson, Kemble, Lawler, Lyon, Mallory, Marvin, James M. Mason, Samson Mason, Maury, May, McKennan, Menifee, Milligan, Mitchell, Calvary Morris, Naylor, Patton, Pearce, Peck, Pope, Rariden, Randolph, Reed, Ridgway, Robertson, Sawyer, Sergeant, Augustine H. Shepperd, Shields, Sibley, Southgate, Stanley, Stone, Stratton, Taliaferro, Thompson, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Yell, and Yorke—84.

NAYS—Messrs. Adams, Heman Allen, Anderson, Andrews, Atherton, Beatty, Bicknell, Birdsall, Boon, Briggs, Brodhead, Bronson, Bruyn, Bynum, William B Calhoun, Cambreleng, Casey, Chaney, Clark, Clowney, Coles, Connor, Craig, Cushman, Davee, Davies, Deberry, DeGraff, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Richard Fletcher, Fillmore, Fry, Goode, Grantland, Grant, Gray, Haley, Hall, Hammond, Harrison, Hastings, Hawkins, Haynes, Henry, Holsey, Hubley, William H. Hunter, Ingham, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kilgore, Klingensmith, Legare, Lewis, Lincoln, Logan, Loomis, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Mercer, Montgomery, Moore, Morgan, M. Morris, Samuel W. Morris, Noble, Noyes, Ogle, Owens, Palmer, Parker, Patterson, Paynter, Petriken, Phillips, Pickens, Plumer, Potts, Potter, Pratt, Prentiss, Rencher, Rhett, Richardson, Rives, Russell, Sheffer, Sheplor, Slade, Snyder, Spencer, Stuart, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, and Worthington—117.

So the House refused to postpone.

Mr. GARLAND of Louisiana stated that if he had been in the House when the vote to suspend was taken, he should have recorded his name against it, for he was opposed to any investigation of the matter, and he had therefore voted for Mr. BELL's motion to postpone, and he went on to give his reasons against the proposition. The investigation was one that would produce the most distressing results, and could lead to no possible good. It could not be designed to asperse the dead, and such was the high character of the living in his own State that it was impossible for that House to fix a stain upon him. Mr. G. believed also it was intended to give a political turn, out of doors at least, to this transaction, and he reprobated the course of the ministers of the gospel yesterday in their allusion to it in performing the funeral obsequies.

Mr. BOULDIN, in a few remarks, expressed his intention of voting for the resolution, though he had doubts of its expediency, as he had of the original resolution out of which this matter grew, and would prefer that his friend from Maine would withdraw it.

Mr. EVANS said no one could regret more than he did the catastrophe that had taken place, and if the resolution offered was designed to do honor to the deceased's memory, he would vote for it. If it was intended to express the disapprobation of the House upon the practice that led to Mr. C's death, he would vote for it. Was it designed to take cognizance of all concerned in the matter? If so, they must go into it remotely as well as closely, directly and indirectly; and though he was at a loss to see the object, but believing some good was designed, he should vote for it.

Mr. FAIRFIELD said, it has been with feelings of surprise and pain that I have listened to the remarks of my colleague (Mr. EVANS) and the gentleman from Louisiana, (Mr. GARLAND.) And in regard to the remarks of the latter gentleman, my surprise was mingled with no small degree of indignation. That feeling, however, has now subsided. If that gentleman is incapable of entering into my feelings in moving this inquiry into the causes which led to the death of my friend and colleague, and can find no motive but a political or sinister one, I cannot dignify the feeling I entertain for him by calling it resentment. Sir, I have no wish to use harsh epithets, nor will I commence an attack upon any man; but self-defence is a right which I cannot willingly yield.

The gentleman from Louisiana has also insinuated that I knew of the contemplated duel, and stood by without making any effort to prevent it; and now that it has terminated fatally to my friend, have come into the House to move a committee of investigation. To that gentleman, sir, have no reply to make; but to the House I wish to say, that I did not know that a challenge had been sent to my colleague by the survivor in the contest until near 12 o'clock of the day on which they fought, when I was told that they had already gone out, and no one knew what ground they had selected. Neither of my colleagues, nor myself, were his confidants in this unfortunate affair.

[The SPEAKER here interrupted Mr. F. and stated that the circumstances of the duel could not be gone into under this resolution.]

Well, sir, let that pass then. But my colleague (Mr. EVANS) comes in with his inuendoes. He cannot possibly perceive the *object* of moving this inquiry. What is it? says the gentleman. What can be effected by it? what good will it do? Sir, is it possible that my colleague can seriously entertain such questions on this subject? One of our number, a Representative from the State of Maine, was shot down and deprived of life by another member; and when a resolution is moved to inquire into the circumstances, and to have the facts reported to the House, that some action may be had thereon, my colleague is at a loss to perceive the *object* of such a resolution!

He is in great doubt, and says that if any evil comes of it, he washes his hands of it. Sir, when I ask that gentleman to assume and relieve me from a responsibility voluntarily incurred by myself, I shall be so explicit as not to be misunderstood. But of all affairs in which I was ever engaged, this is the last from which I would wish to be relieved. If the country and the House will not sustain this inquiry, and I am to incur consequences from which my colleague is so desirous of washing his hands, I have only to say that a foreknowledge of all would not have changed my course. What I have done has been a matter of duty, and from the performance of that no danger shall deter me. Hence my friend from Virginia (Mr. BOULDIN) will pardon me for declining to accede to his request, and withdraw my resolutions.

Is it asked, what is *the object*? I answer, to have the facts correctly reported to the House, and then to take such action as the facts warrant. If any members have been guilty to that extent which warrants their expulsion, why let them be expelled: for one, I will not shrink from such a course if it should seem to be the proper one.

But it is said by the gentleman from Louisiana, (Mr. GARLAND,) that this thing cannot be prosecuted without *serious consequences;* and the gentleman from Maryland, (Mr. JOHNSON,) has said that if he were placed on such a committee, he should feel a necessity of going thoroughly armed. Sir, I am no duellist. I have adopted principles that forbid revengeful or vindictive feelings, much more the taking of a fellow-creature's life. But, sir, I will not be deterred from doing what I deem to be my duty, by any threats which may be thrown out from any quarter. And has it come to this, that a member of this House is to be called to account out of it for words spoken in debate, and shot down; and that, when an inquiry into the circumstances is proposed, we are told to take care—that such an inquiry cannot be had without exposing ourselves to personal danger! Sir, if we have really come to this pass, it is high time the country knew it; and it is high time, too, that some steps should be taken to prevent the evil, and to have a just and fearless representation of the people maintained. The course now proposed is taking one step towards that object, and I hope it will be followed up by such measures as will effectually secure the members of this House in freedom of debate and security of person.

Mr. CALHOUN of Massachusetts stated that he had voted

against the postponement in the hope that a subdued feeling prevailed, but it was obvious to him that they had arrived at a point where they ought to pause; and for the purpose of affording that opportunity, he moved a reconsideration of the vote rejecting the motion to postpone.

Mr. CLOWNEY demanded the previous question, which the CHAIR stated would be on the original resolution, as modified by the mover.

Mr. CALHOUN of Massachusetts then moved to lay the whole subject on the table.

Mr. PETRIKEN called for the yeas and nays; which were ordered, and were—yeas 74, nays 125.

So the motion to lay on the table was decided in the negative.

The CHAIR then stated that, upon the re examination of the point, as brought to his notice by Mr. BRIGGS, the main question would be on the motion of Mr. CALHOUN.

The House then seconded the demand for the previous question—ayes 105, noes not counted; and the main question being ordered, was rejected—ayes 75, noes 106.

So the House refused to consider.

Mr. CLOWNEY then demanded the previous question on the resolution as modified; which was seconded—ayes 105, noes not counted.

Mr. SHERROD WILLIAMS called for the yeas and nays on the question, "Shall the main question be now put?" which were ordered, and were—yeas 107, nays 86.

So the House determined that the main question, being on the adoption of the resolutions, be now put.

Mr. CUSHMAN and Mr. TAYLOR rose simultaneously, and called for the yeas and nays, which were ordered, and were—yeas 152, nays 49, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Bouldin, Briggs, Brodhead, Bronson, Bruyn, Bynum, William B. Calhoun, Cambreleng, John Campbell, Casey, Chaney, Clark, Cleveland, Clowney, Coles, Corwin, Craig, Crary, Cushman, Davee, Davies, Deberry, DeGraff, Duncan, Edwards, Evans, Everett, Farrington, Fairfield, Richard Fletcher, I. Fletcher, Fillmore, Fry, Gallup, James Garland, Glascock, Goode, Grantland, Grant, Gray, Grennell, Griffin, Haley, Hall, Hammond, Harrison, Harper, Hastings, Hawkins, Haynes, Henry, Holsey, Hopkins, Howard, Hubley, Ingham, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kilgore, Klingensmith, Lewis, Lincoln, Logan, Loomis, Lyon, Marvin, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKim, McKennan, Mercer, Miller, Montgomery, Moore, Morgan, Mathias Morris, Samuel W. Morris, Calvary Morris, Naylor, Noble, Noyes, Ogle, Owens, Palmer, Parker, Patterson, Paynter, Peck, Petrikin, Phillips, Pickens, Plumer, Potts, Potter, Pratt, Prentiss, Rariden, Randolph, Reed, Rencher, Rhett, Richardson, Rives, Russell, Sheffer, Augustine H. Shepherd, Charles Shepard, Sheplor, Sibley, Slade, Smith, Spencer, Stewart, Stratton, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Weeks, Elisha Whittlesey, T. T. Whittlesey, L. Williams, J. W. Williams, Worthington, Yell, and Yorke—152.

NAYS—Messrs. Aycrigg, Bell, John Calhoon, William B. Campbell, Wm. B. Carter, Chambers, Chapman, Cheatham, Connor, Cranston, Curtis, Dawson, Dromgoole, Dunn, Ewing, Rice Garland, James Graham, William Graham, Harlan, Hawes, Hoffman, R. M. T. Hunter, Henry Johnson, W. C. Johnson, Legare, Mallory, James M. Mason, Maury, May, Milligan, Mitchell, Patton, Pearce, Pope, Ridgway, Robertson, Sawyer, Shields, Snyder, Southgate, Stanly, Stone, Taliaferro, Thompson, Underwood, Albert S. White, John White, Sherrod Williams, and Joseph L. Williams—49.

So the resolution was agreed to.

The CHAIR laid before the House a message from the President of the United States, transmitting a copy, and translation, of Mr Gorostiza's pamphlet; which,

On motion of Mr. ADAMS, was referred to the Committee on Foreign Affairs.

Also, a communication from the Secretary of the Treasury, transmitting all the information in the possession of that Department in relation to the renewal of duty bonds authorized by the act of last session.

On motion of Mr. HAYNES, laid on the table.

Also, a communication from the Secretary of the Treasury, transmitting a statement of the amount of balances against all deposite banks not secured, or will probably be lost, together with the amount of other similar balances.

On motion of Mr. HAYNES, laid on the table.

Mr. M. MORRIS of Pennsylvania, then, on leave, the rules being suspended for that purpose, submitted the amendment before offered by him to the original resolution, as an instruction to the select committee; and it was agreed to.

Mr. JENIFER asked leave to submit another proposition providing against personalities in debate; but pending the question,

On motion of Mr. PATTON,

The House adjourned.

IN SENATE,

WEDNESDAY, February 28, 1838.

Mr. NORVELL presented a petition from sundry citizens of Michigan, praying the establishment of a certain mail route in Shiwasse county; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented a petition, emanating from Canton, in Ohio, praying an amendment of the existing laws in relation to the post office, by which newspapers might be exempted from postage in the counties where they were published: referred to the Committee on the Post Office and Post Roads.

Mr. WEBSTER presented a memorial from Daniel J. Browne, a citizen of the United States, in relation to the preservation of timber, necessary for the navy of the United States. Mr. W. said, as the memorialist was distinguished for his attainments in that particular branch of knowledge, and as the memorial contained much valuable information, he would move that it be printed, and referred to the Committee on Naval Affairs; which was agreed to.

Mr. W. also, presented a circular petition from the friends of a tried and sound currency in New York, praying the establishment of National Bank; which was laid on the table.

Mr. BUCHANAN presented the following Resolutions of the Democratic Delegation of Philadelphia County, Pa.:

At an adjourned meeting of the Democratic county delegation, (elected in August last,) held pursuant to public notice, at Berrill's hotel, February 24th, 1838, the president, Dr. Geo. W. Riter, in the chair, and Dr. P. Binder and C. V. Hagner, secretaries—

The minutes of the last meeting were read and adopted; when it was

Resolved, That a committee of five be appointed to draft resolutions expressive of the views of the delegation on the subject of a resolution offered in the House of Representatives of this State, by William F. Johnston, of Armstrong county, and adopted by that body.

The following gentlemen were appointed, viz: Messrs. C. V. Hagner, J. A. Dean, John Miller, Richard Bacon, and B. E. Carpenter; who, after having retired for a short time, reported the following preamble and resolutions, which were unanimously adopted, viz:

Whereas, the House of Representatives of this State passed a resolution, by 51 to 49, offered in that body by Wm. F. Johnston, of Armstrong county, instructing our Senators and requesting our Representatives in Congress to vote for a postponement of the bill commonly called the "Sub-Treasury bill:"

And whereas, Samuel F. Reed, one of the Representatives from this county, voted for said resolution, notoriously against the views and expectations of this body, who nominated him, and, in the opinion of this delegation, against the wishes of the Democratic party of the county of Philadelphia, who elected him:

And whereas, if he, the said Reed, had faithfully represented those who elected him to the situation he now holds, and had voted on the occasion alluded to in the negative, along with his more faithful colleagues, the aforesaid resolution would not, and could not have passed. Therefore, be it

Resolved, That, under the foregoing circumstances, our Senators and Representatives in Congress, particularly the Hon. James Buchanan, for whom, it is presumed, the blow was intended, be, and are hereby, earnestly requested to pay no regard to said resolution, but consider it *null, void*, and of *no effect*.

Resolved, That a copy of these proceedings be forwarded to the Hon. James Buchanan, with a request to lay the same before the Senate; and, also, that a copy be forwarded to Colonel L. Paymer, Representative in Congress from this county.

Resolved, That the proceedings of this meeting be published in the Democratic papers of Philadelphia. Adjourned.

G. W. RITER, President.

PETER BINDER, CHARLES V. HAGNER, } Secretaries.

Mr. BUCHANAN, in presenting these proceedings, said he regretted that he could not comply with the request of the Democratic delegation of the county of Philadelphia, that he should pay no regard to the instructing resolution of the Legislature of Pennsylvania. On this subject his determination was fixed, and could not be changed by any human power except the Legislature itself; and much as he respected the source from which this request emanated, and it was entitled to all respect, he could only refer the delegates to the remarks which he had made in the Senate, some days ago, on presenting the resolution of instruction, as a fair exposition of his views upon the subject. Had he consulted his own feelings, he would have resigned rather than obeyed; but friends, whose opinions he valued, had convinced him it was a case for obedience, and not for resignation. He was sorry to be placed in this position, because there was no man in the country who, as an individual was more decidedly and strongly in favor of a separation between the banks and the Government than he was himself.

Mr. ROBBINS, from the Committee on the Library, reported a joint resolution, authorizing the Secretary of the Senate and Clerk of the House to subscribe for ten copies of Niles's Register for each of the members of Congress, provided that he would consent to publish the proceedings of Congress, with the yeas and nays on each question so taken, and also a supplement at the end of the session, containing all public and private laws of Congress, and furnish to each member one copy of this supplement free of charge.

The resolution has had its first reading.

Mr. ROBBINS moved that it be read a second time now.

Mr. BENTON said he objected to it. It was time for this business to be stopped, and he should call for the yeas and nays on the question. The argument used, in the first instance, by gentlemen who advocated this system of book purchasing, was, that some members had been furnished with books which the new Senators had not. In this case the argument would not apply, and we had now reached that point where the whole system might be abandoned, and he hoped it would be.

Mr. ROBBINS said he would move to lay it on the table for the present.

Mr. BENTON. There let it lie, and I hope for ever.

Mr. ROBBINS said he would not consent to that.

The question being taken on laying it on the table, it was carried in the affirmative.

Mr. WALL presented a petition from sundry citizens of a county in New Jersey, signed by 80 men and 51 women, praying that Congress will not yield to any representations in relation to the annexation of Texas to this country, let them emanate from what source they may: laid on the table.

Also, a petition from Roswel L. Colt, praying confirmation of a certain tract of land: referred to the Committee on Private Land Claims.

Mr. LYON presented the petition of W. N. Terry, of Pontiac, in the State of Michigan, a soldier of the Revolution, now seventy-eight years of age, who is poor and unable to labor, and prays Congress to pay him specie or Treasury drafts for two continental bills, amounting to forty-one dollars, besides interest on the same, which he thinks ought to be paid; one of which bills he received from the hand of Gen. WASHINGTON, for his services as waiter about the time he was discharged, and the other he received shortly after: referred to the Committee on Revolutionary Claims.

Mr. WALL presented the proceedings of a large and respectable meeting of the citizens of Newark, New Jersey, expressing their opinions in relation to a variety of public measures. Mr. W. said that though he could not concur with them in the views they expressed, (and he would take occasion hereafter of expressing his dissent,) he was desirous of showing the utmost respect to these proceedings, and he moved therefore that they be laid on the table and printed.

The motion motion was agreed to.

Mr. YOUNG presented several petitions from the citizens of Illinois, praying for the establishment of new post routes, and several petitions from sundry citizens of the same State, praying for the passage of a pre-emption law: all of which were referred to the appropriate committees.

Mr. MOUTON presented the petition of Cirot Gantes, praying for confirmation of certain private land claims in Arkansas: referred to the Committee on Private Land Claims.

Mr. NILES presented the petition of the heirs of Col. A. Cleaveland, praying for a pension, or to extend the pension act, so as to embrace widows: referred to the Committee on Pensions.

Also, the petition of James Bancroft, legal representative of a Revolutionary soldier, praying Congress to provide for the payment of certain outstanding continental bills: referred to the Committee on Revolutionary Affairs.

Mr. WHITE presented the petition of sundry citizens of Tennessee, asking for the establishment of certain mail routes: referred to the Committee on the Post Offices and Post Roads.

Mr. WHITE submitted the following resolution, which was considered and adopted:

Resolved, That the special committee of the Senate, appointed on the 21st instant, be, and they hereby are, authorized to employ a clerk to perform such duties as may be assigned to him by said committee.

On motion of Mr. MOUTON,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the appointment of a separate judge in the Western District of Louisiana.

Mr. CLAY of Alabama presented a communication from the Governor of the State of Alabama, covering the preamble and resolutions of the Legislature of that State, in favor of the annexation or Texas to the Union: read, laid on the table, and ordered to be printed.

The following bills were severally read the third time and passed:

The bill for the relief of the heirs of Nathan, Peter, and William Adams, deceased.

The bill for the relief of the owners of the brig Despatch and cargo.

The bill to provide for issuing patents for certain lands at Green Bay, Wisconsin Territory, and

The bill to establish a port of entry at Jersey City.

On motion of Mr. WALKER, the bill to establish two additional land offices in that part of the Territory of Wisconsin west of the Mississippi, was taken up; and after a short discussion, in which Messrs. WALKER, SEVIER, CLAY of Alabama, LYON and KING took part, the bill was ordered to be engrossed for a third reading.

The Senate resumed the consideration of the Independent Treasury bill as the special order, when

Mr. DAVIS rose and addressed the Senate for about two hours in opposition to the bill, and gave way on a motion of Mr. WEBSTER to adjourn.

Mr. PRENTISS asked the Senator from Massachusetts to withdraw his motion for a moment, in order that he might give notice that he should ask leave to-morrow to introduce a bill to prohibit duelling in the District of Columbia. Mr. P. said he had hoped that some Senator of more influence than himself, had undertaken the subject; but, educated as he was, in principles adverse to duelling, and with which he could make no compromise, he would take the responsibility on himself.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, March 1, 1838.

The following Select Committee on the resolution to inquire into the circumstances which led to the death of the late Hon. JONATHAN CILLEY, was read from the journal this morning:

Mr. TOUCEY of Connecticut.
Mr. POTTER of Pennsylvania.
Mr. BRIGGS of Massachusetts.
Mr. ELMORE of South Carolina.
Mr. BRUYN of New York.
Mr. HARRISON of Missouri.
Mr. RARIDEN of Indiana.

Mr. BRIGGS drew the attention of the CHAIR to the fact that he was already a member of two standing committees; and by a rule of the House, he was entitled, on that ground, to be excused; and he respectfully made that request to the House.

The CHAIR said, that at the time of appointing the gentleman on the select committee, he was not aware the gentleman was a member of two standing committees.

Mr. BRIGGS was accordingly excused, and the vacancy ordered by the House to be filled up.

Mr. GRANT asked leave to present certain joint resolutions of the Legislature of New York, but it was objected to.

Reports from committees were then called for.

DISTRICT OF COLUMBIA.

Mr. BOULDIN made a report generally on so much of the President's Message as relates to the affairs of the District, and moved that it lie on the table.

Mr. ADAMS called for the reading of the report, and the same having been read from the Clerk's table,

Mr. BOULDIN moved to lay the report on the table, and print it.

Mr. ADAMS hoped that this subject would be placed in such a position that it could not be brought up at an early day.

After a few explanatory remarks by Messrs. BOULDIN, ADAMS, JENIFER, MERCER, and GRENNELL, the report was, on motion of

Mr. JENIFER, recommitted to the Committee on the District of Columbia.

Mr. BOULDIN then, on leave, presented a petition from citizens of the District.

REVOLUTIONARY CLAIMS.

Mr. BIRDSALL asked to be discharged from the further consideration of the following petitions, and that they severally lie on the table, which was ordered: The petition of Randall Hewit; the petition of Jacob Mitchlor; and the petition of Samuel Hudson.

Mr. B. asked leave to be discharged from the further consideration of the petition of the heirs of William Doyle; and the petition of Samuel Gray, and that they be referred to the Committee on Revolutionary Pensions: referred accordingly.

Mr. B. asked to be discharged from the further consideration of the petition of Samuel Gray; and that it be referred back to the Committee of Claims: referred accordingly.

Mr. B. made adverse reports upon the following petitions: The petition of the heirs of Capt. Daria Arell; the petition of Andrew M. D. Jackson; the petition of the heirs of William Pugh; the petition of George Anderson, executor, &c. of Josiah Anderson, deceased; which reports were severally laid on the table, and ordered to be printed.

Mr. HARRISON of Missouri arose, and stated that on coming to the House this morning, he found that he had been appointed a member of the select committee raised under the resolution of yesterday. He now begged leave to be excused from serving on that committee, for the reason that the State of Missouri had but few members on this floor, and he had a great deal of business to attend to, which he feared he would not be able to do justice to if he were to remain on this committee and attend to the investigation which was expected to take place.

Mr. H. was therefore excused, and the Speaker authorized to appoint another member in his place.

Mr. RENCHER, on leave, submitted the following resolutions:

Resolved, That the Door-keeper be required to execute strictly the 13th and 14th rules of the House, relative to the privilege of the hall.

Resolved, That no person shall be allowed the privilege of the hall, under the character of stenographers, without a written permission of the Speaker, specifying the part of the hall assigned to him.

Mr. HOPKINS called for a division of the question, and the first resolution was agreed to.

The second resolution being propounded—

Mr. THOMPSON moved thereto the following amendment, "and that no reporter or stenographer be admitted under the rules of the House, unless such reporter or stenographer shall state in writing for what paper or papers he is employed to report, &c." which was agreed to, and so amended, the resolution was agreed to.

Mr. CAMBRELENG moved the orders of the day, but withdrew the motion to enable Mr. HOWARD to make a report from the Committee on Foreign Affairs.

NEUTRALITY BILL.

Mr. HOWARD then reported back the "Neurality bill," which was read twice.

On motion of Mr. BRONSON, the bill was read at length.

Mr. HOWARD moved that it be made the special order for the morning hour of to-morrow. Mr. H. added that he did not think the House ought to postpone the consideration of this bill for a single day or hour longer than was necessary for a full understanding of its provisions. He sincerely hoped, and believed, too, that it had been so framed, from gathering up the suggestions and opinions of members of all sides, that it would be acceptable to the House.

Mr. JOHNSON of Maryland objected, on the ground that it would set aside his resolution, which had been partly discussed.

Mr. CAMBRELENG suggested that it would be better to let the bill remain where it was, and call it up in the morning.

Mr. JOHNSON then moved to make it the special order for to-morrow, from 1 to 2 o'clock; which, after some remarks from Mr. BRONSON on the urgent necessity of passing some measure, was agreed to.

Mr. FLETCHER of Vermont, on leave, presented the petition and remonstrance of J. A. Vail, and 187 inhabitants of Montpelier, Washington county, Vermont, protesting against the passage of Mr. BUCHANAN'S neutrality bill, and praying for the recall of all orders for the seizure of arms and ammunitions; also, that Congress would intercede in behalf of the Government prisoners at Montreal, Toronto, and other places; which was ordered to be printed.

Mr. SLADE also presented a similar petition and remonstrance from other citizens of the same State.

BANK OF THE UNITED STATES.

On motion of Mr. THOMAS, the orders of the day were postponed, and the House took up the Senate bill "to prevent the abatement of suits and actions now pending, in which the late Bank of the United States may be a party."

Mr. THOMAS said that as he saw no other mode of meeting his object, than by moving the previous question on this bill, he, therefore, moved the previous question.

Mr. ADAMS hoped the previous question would not be now sustained, so as to deprive us of the opportunity of saying whether it was constitutional or not to establish a Bank of the United States.

The previous question was then seconded, and the main question ordered, and the bill was read a third time, *and passed*.

Mr. CAMBRELENG then moved to postpone the orders of the day until this day week, for the purpose of proceeding with the appropriation bills; which motion was agreed to.

The House then took up the "bill making appropriations for Revolutionary and other pensioners for the year 1838."

The question pending was on the engrossment of the bill.

Mr. CAMBRELENG said, when this bill was last under consideration, his colleague (Mr. CURTIS) had made charges with respect to certain pension agents having the use of the public moneys for six months, as a compensation for their services; and since that time, he had seen a very full report, in a New York paper, of what had been said on that occasion, together with much that had not been said. Now, so far as this charge was concerned, he acquitted his colleague, because the same charge had been made two days before by a Senator in his speech.

The CHAIR reminded the gentleman that it was not in order to allude to remarks made by a Senator.

Mr. CAMBRELENG then proceeded. In consequence of this charge he had called at the War Department, and had obtained communications from the Commissioner of Pensions and the Secretary of War, which set this whole matter right. The state of the case was, that out of fifty of these agents, forty of them were banks, and the moneys there deposited to the credit of the Treasurer of the United States, as well as the disbursing officer, were discounted upon in the same manner in which the banks discounted upon other moneys deposited with them.

Mr. C. then sent the communications to the Chair to be read, together with communications from some of the pension agents, asking of the commissioner to furnish them with more money, as some of the pensioners had not been paid since September last, in consequence of the want of funds.

Mr. CURTIS reiterated the statement he had before made, and said that if he had fallen into error in relation to it, that he was not accountable for the error, as he had come to his conclusions from the reports made from the Departments, and laid upon the tables. He had made application to the War Department in relation to this matter, and had received for answer that it was not usual to answer communications unless made by a resolution of the House, and thus he had been prevented from getting that information which he desired. He had reason to believe, however, that there was always balances in the hands of these pension agents of some million and a half of dollars. Mr. C. then went into an examination of the documents of the House, with a view of showing that he had made his statement on good data.

Mr. CAMBRELENG replied to his colleague (Mr. CURTIS) with regard to the course pursued by the War Department. The charge, as he understood it, was that the pension agents had the use of the money placed in their hands This he denied. The money in banks was used as other moneys placed in banks; but it was not used by individual agents. The Department lately, he stated, had pursued a different course with regard to the security to be received for money placed in banks from that which it pursued formerly.

In consequence of this, and in consequence of requiring security for all the money placed in these banks by the Department, the funds in the Commonwealth Bank of Boston were saved. With regard to the statement which the gentleman had referred to, he had only to say that he did not wonder that his colleague had fallen into error with respect to it, because he (Mr. C.) himself had fallen into error on some occasion with respect to these statements. He had, however, obtained another statement from the Department, which showed the exact balances in the hands of these agents, and he laid it before the House; when it was read at the Clerk's table.

Mr. CURTIS made a few remarks in reply, contending that these moneys deposited in banks to the credit of these agents, were subject to be drawn out by them, and applied to their own private uses, the Department having no control over them, and this was the abuse he wished to see corrected.

Mr. BELL contended that it was the duty of the House to examine into this matter, and see that these moneys were properly expended, and ascertain that there was no improper practices connected with the present system of paying pensioners. He did not desire to delay the payment of the old pensioners of the United States, but he desired to correct abuses, if any existed, and he trusted the members of the House would take the responsibility of examining into this matter thoroughly.

The debate was further continued by Messrs. ATHERTON, SIBLEY, MALLORY, CURTIS, REED, CAMBRELENG, PHILLIPS, BELL, JENIFER, McKIM, and MORGAN.

On motion of Mr. LAWLER,

The House then adjourned.

IN SENATE,

THURSDAY, March 1, 1838.

Mr. McKEAN said he had received, and would present to the Senate, a memorial numerously signed by citizens of the borough and county of Erie, in the State of Pennsylvania, complaining that the medical board appointed under authority of the act of the 3d of March last, by the President of the United States, to select suitable sites for marine hospitals on the Mississippi and Ohio rivers and Lake Erie, for the benefit of sick and disabled seamen, boatmen, and other navigators on the western rivers and lakes, have, in discharging that duty, confined their examination exclusively to one or two places on Lake Erie; while the claims of all other places, many of them containing in a high degree all the requisites for such an establishment, have been overlooked and neglected; and praying Congress to order a new examination by a competent, impartial, and unprejudiced board. Mr. McK. said he could not fail to be struck with the similarity between this and the Pittsburg case, which he had the honor to present a few days since. *Poor Pennsylvania!* the Keystone, in this, as in many other cases, reminded him of the account given of one of old, who fell among *thieves*, and was shunned and passed by on either side. He could not but feel and express his astonishment and regret that two points so noted and important as Pittsburg and Erie should have been thus wantonly neglected. He moved to refer the memorial to the Committee on Commerce, and hoped that justice would be done: referred accordingly.

Mr. WALKER presented the memorial of the Legislature of Mississippi, praying for an increase of compensation for jurors in the courts of the United States, in that State: referred to the Committee on the Judiciary.

Mr. DAVIS presented the petition of sundry inhabitants of the western part of New York, praying that some measures may be taken to ascertain the facts and circumstances connected with an Indian treaty, lately held with certain Indians in their vicinity: referred to the Committee on Indian Affairs.

Mr. BUCHANAN presented the following memorial:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, delegates of the people of Pennsylvania to a convention now in session at the city of Philadelphia to reform the Constitution of the State, respectfully represent:

That in the present crisis of public affairs, the undersigned deem it their solemn duty, as well as their unquestionable right, to counteract by memorial and remonstrance the false impression which may be made in Congress as to the will of the people of this State concerning their deranged monetary interests, of which will and interests the undersigned believe they enjoy as good means of being well informed as any other representatives of the people of this State.

The people, at every election since the Bank of the United States, first, and afterwards various State banks, have, by violent and improper efforts, been struggling to compel the community to submit to a banking control, contrary to the Constitution, and the well understood public interest and will: the people have at every election chosen representatives instructed to put an end to such bank control, and restore the authority of the people; but too many of those representatives have been misled to sacrifice the will and interests of the people to those of the banks.

Your memorialists have reason to believe that there are very few, whether of the people or their representatives, not unduly influenced by banks, who do not now desire that an entire separation should be realized between Government and all banks, and as speedy a restoration, as may consist with the general welfare, of the hard money which the banks have driven out of circulation; and these two fundamental principles, viz: first, the total separation of Government from all banking operations, and, secondly, the earliest possible restoration of permanent hard money circulation, your memorialists respectfully represent to Congress as the will of the people of Pennsylvania.

The object of this memorial to Congress, therefore, is, that no delay may be suffered to prevent the accomplishment of those ends, but that forthwith, during the present session of Congress, the Senate and House of Representatives may be induced to enact such laws as, under the praiseworthy recommendations of the President, which your memorialists believe are in perfect accordance with the will of the people, may, as soon as possible, afford relief from the present banking inconvenience.

Whereupon the undersigned, by this memorial and remonstrance, respectfully but earnestly request that Congress, especially the Senators and Representatives of the State of Pennsylvania, will lose no time in accomplishing this important object.

C. J. Ingersoll	Ezra S. Hayhurst
George M. Keim	Wm. Gearhart
Wm. L. Miller	John J. W. Cohen
George Shilleto	Ephraim Banks
Wm. Curll	Wm. Overfield
Jas. Donagan	Virgil Grenell
James Clarke	James Kennedy
John Fulton	William Brown
David Gilmore	Geo. W. Riter
William High	Robt. Fleming
John Ritter	Jos. Fry, jr.
Thomas Weaver	D. Nevin
Saml. Cleavinger	R. M. Crain
Jabez Hyde	Thomas Taggart
Thomas Hastings	Alex. Magee
Mark Darrah	Jno. B. Sterigere
R. G. White	Lebbeus L. Bigelow
C. Myers	John A. Gamble
Saml. C. Bonham	Geo. T. Crawford
John Foulkrod	David Lyons
Abm. Helffenstein	Geo. W. Woodward
Jacob Stickel	John Cummin
J. R. Donnell	C. Brown
H. Gold Rogers	Thos. S. Bell
Joel K. Mann	Pierce Butler
Tobias Sellers	Andrew Bedford
Henry Sheetz	A. H. Read
Jacob Krebs	Jacob Dillinger
Wm. Smyth	Hiram Payne.
Geo. Smith	

PHILADELPHIA, *February* 15, 1838.

Mr. BUCHANAN, in presenting this memorial, said, that in point of talents, integrity and patriotism, these gentlemen were equal to any other fifty-nine gentlemen who could be selected in Pennsylvania or in any other State of the Union. He had the pleasure of knowing them all, or nearly all, personally, and their opinion on any subject was entitled to the highest consideration and respect from this body. Besides, no gentlemen could have a better opportunity than they had of knowing the feelings and wishes of the people of Pennsylvania, in regard to the Sub-Treasury Bill, or any other question of public importance.

Mr. WALKER presented the petition of sundry citizens of Mississippi, praying for the establishment of mail routes: referred to the Committee on the Post Office and Post Roads.

Mr. BUCHANAN presented a memorial from citizens of the borough and county of Erie, similar to that which had been presented by his colleague.

He said it was a subject of astonishment to him, that the Medical Board, in their examination of sites for medical hospitals, had not even noticed the claims of Pittsburg and Erie. They had entirely neglected Pennsylvania. Pittsburg was at the head of the navigation of the Ohio. It had justly been called the Birmingham of America; and was a point from which the manufactures of that city and all the immense productions of the country which centred there were scattered over the Southern and Western States, and yet it had been deemed unworthy of examination by this board. Next to New Orleans, he would venture to say, it was the most suitable point on the Western waters for a hospital.

Then, as to Erie, it was the spot where the naval armament had been fitted out which achieved the brilliant victory on Lake Erie. It was, perhaps, the only harbor on the lake where such an armament could be fitted out in time of war. And yet the memorialists state the extraordinary fact that Erie was "entirely overlooked, and the place itself not considered of an importance sufficient even to justify a visit of examination by the medical gentlemen who constituted the board." It seems they must have passed from Buffalo to Cleaveland, without even paying Erie a passing visit. He made these remarks without any personal aim at these gentlemen, for he did not even know who they were. He trusted, however, that Congress would grant the citizens of these two important places in Pennsylvania a fair hearing. That was all he asked.

Mr. WALKER, from the Committee on Public Lands, to which had been referred the bill to cede the public lands to the States in which they lie on certain conditions, reported the same without amendment.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which was referred the resolution directing an inquiry into the expediency of relinquishing to the State of Alabama her two per cent. fund, for the purpose of enabling the State to make certain roads, reported a bill for that purpose, which was read, and ordered to a second reading.

Mr. FULTON, from the Committee on Public Lands, reported with amendments the bill to authorize the location of certain pre-emption certificates.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petition of John Lacy.

Mr. WALKER submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of ceding on reasonable terms to the States in which they are situate, the public lands annually inundated by the Mississippi river, its tributaries and outlets.

Mr. MOUTON presented the resolutions of the Legislature of Louisiana, in favor of the pre-emption law, for the benefit of actual settlers on the public lands in that State, excluding floats: read, laid on the table, and ordered to be printed.

The bill to establish two additional land offices in that part of the Territory of Wisconsin west of the Mississippi, was read the third time and passed.

The bill providing for the reduction and graduation of the price of the public lands was taken up; and,

On motion of Mr. WALKER, it was postponed to, and made the order of the day for Thursday next.

The bill for the relief of Major Gen. Alexander Macomb was taken up.

Mr. HUBBARD suggested that the bill had better be passed over, as the Senator from Pennsylvania wished to address the Senate on the subject, and it was now too near the time of taking up the special order.

Mr. BUCHANAN explained that it was not General Macomb's bill that he wished to speak on, but the subject of brevet pay, which he understood was involved in it, on which he wished to say a few words. This subject of brevet pay, he said, would involve not one, but a great many cases. He was ready to say what he had to say whenever the Senator from New Hampshire chose to take up the bill.

On motion of Mr. HUBBARD, the bill was then postponed, and made the order of the day for Monday next.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of Allan A. Moore;
The bill for the relief of Edward Burgess;
The bill for the relief of Abraham Lansing;
The bill for the relief of Sarah Murphy; and
The bill for the relief of John Krepps.

The bill for the relief of Nicholas Hedges, was read the second time and rejected.

SPECIAL ORDER.

Mr. DAVIS then rose and resumed his unfinished remarks of yesterday, occupying the floor of the Senate until 3½ o'clock, when,

Mr. STRANGE intimated his intention of addressing the Senate on the subject, but, as it was then late in the day, if would, if no Senator desired to call up the business, move an adjournment.

Mr. WALKER then moved that the Senate proceed to the consideration of Executive business, which was agreed to, and the doors were accordingly closed, and, after spending a short time in secret session,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 2, 1838.

Mr. GRENNELL of Massachusetts, and Mr. GRANTLAND of Georgia, were announced as being appointed by the CHAIR to fill the vacancies occasioned by the resignation of Mr. BRIGGS and Mr. HARRISON, on the Select Committee to investigate the causes of the death of the late Hon. JONATHAN CILLEY.

In the place of Mr. MUHLENBERG, Mr. CRAIG of Virginia, is now chairman of the Committee on Revolutionary Claims, and Mr. POTTER was appointed to fill up the vacancy on said committee.

Mr. ADAMS asked the consent of the House to submit a motion to grant the use of the Hall on Tuesday evening next to Mr. Buckingham, to deliver a public introductory lecture on the subject of Egypt.

Objection being made, Mr. A. moved a suspension of the rule; when the vote being 78 to 41, no quorum,

Mr. BOON called for the yeas and nays; which were—yeas 92, nays 60.

So the House refused to suspend the rule.

Reports from committees were then called for.

MILITARY AFFAIRS.

Mr. McKAY reported a bill to authorize th

President of the United States to accept the services of volunteers.

Mr. McKAY also gave notice that, in consequence of the situation of the country, he should feel it his duty, on some day next week, to ask the House to resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the bill from the Senate, and now before the House, to provide for an increase of the army of the United States.

FOREIGN AFFAIRS.

Mr. HOWARD reported Senate bill, and amendments, in relation to our laws of neutrality, as recommitted to that committee a second time, and moved it be laid on the table, in consequence of the committee having reported a separate bill on the same subject yesterday; which motion was agreed to.

WAYS AND MEANS.

Mr. CAMBRELENG reported a bill to provide for the collection, safe-keeping, transfer, and disbursement of the public revenues.

Mr. PATTON inquired in what way the Committee of Ways and Means obtained jurisdiction to report this bill?

Mr. CAMBRELENG replied, by the report of the Secretary of the Treasury on the subject of the finances, and some dozen or more memorials in reference to a National Bank.

Mr. CAMBRELENG said he was also directed by the committee to make a report on the same subject; but, at the request of the minority of the committee, it was postponed till Tuesday next.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of Dr. Francis Lambert.

Also, a bill for the relief of John E. Alexande .

COMMERCE.

Mr. DeGRAFF reported a bill for the relief of Samuel Potter and James Cassedy of Wilmington, North Carolina, (read twice, and ordered to be engrossed for a third reading, on motion of Mr. McKAY.)

PUBLIC LANDS.

Mr. CASEY reported a bill for the relief of certain settlers of the Territory of Wisconsin.

Mr. YELL reported Senate bill, with amendments, entitled an act for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians.

Mr. LINCOLN presented certain amendments, which were committed with the bill, and all ordered to be printed with Mr. YELL's report.

Mr. CHAPMAN reported a bill for the relief of Daniel H. Hoe.

POST OFFICE AND POST ROADS.

Mr. MONTGOMERY made several unfavorable reports from this committee.

DISTRICT OF COLUMBIA.

Mr. DAWSON reported Senate bill, with amendments, entitled an Act supplementary to the act entitled entitled An act concerning the District of Columbia.

The bill was in relation to the re-organization of the Orphan's Court in the District, and had been reported in consequence of the incapacity of the present judge to fulfil the duties; and, the term being for life, he could not be removed. It provided for a second judge during his life.

The first amendment limited the term, after the demise of the present incumbent, to four years.

Mr. D. moved the concurrence of the House, and pending its consideration, the morning hour expired, and the House passed to the special order, being the

NEUTRALITY BILL,

reported by the Committee on Foreign Affairs yesterday, the Senate bill having been laid on the table this morning. This important bill was as follows:

A BILL to amend an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved twentieth of April, eighteen hundred and eighteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several collectors, naval officers, surveyors, inspectors of customs, the marshals and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby, respectively authorized and required to seize and detain any vessel or other means or materials which may be provided or prepared for any military expedition or enterprise, contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and to retain possession of the same until the decision of the President be had thereon, or until the same shall be released as hereinafter directed.

SEC. 2. *And be it further enacted,* That the several officers mentioned in the foregoing section shall be, and they are hereby, respectively authorized and required to seize any vessel or vehicle, and all arms or munitions of war, about to pass the frontier of the United States for any place within any foreign state or colony conterminous with the United States, where the character of the vessel or vehicle and the quantity of arms and munitions, or other circumstances, shall furnish probable cause to believe that the said vessel or vehicle, arms, or munitions of war, are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people conterminous with the United States, and with whom the United States are at peace, and detain the same until the decision of the President be had for the restoration of the same, or until such property shall be discharged by the judgment of a court of competent jurisdiction: *Provided*, That nothing in this act contained be so construed as to extend to, or interfere with, any trade with or by the citizens of the United States to or with any parties engaged in war: which trade is now authorized either by treaty or the laws of nations.

SEC. 3. *And be it further enacted,* That it shall be the duty of the officer making any seizure under this act, to make application, with due diligence, to the district judge of the district court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized, which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this act: and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time thereafter, the said property shall forthwith be restored to the owner. But if the said judge shall be satisfied that the seizure was justified under the provisions of this act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the President shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant, as hereinafter provided.

SEC. 4. *And be it further enacted,* That the owner or claimant of any property seized under this act, may file his petition in the circuit or district court of the United States in the district where such seizure was made, setting forth the facts in the case; and thereupon such court shall proceed, with all convenient despatch, after causing due notice to be given to the district attorney and officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this act: and the circuit and district courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this act; and all issues in fact arising under it, shall be decided by a jury in the manner now provided by law.

SEC. 5. *And be it further enacted,* That whenever the officer making any seizure under this act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the judge of the circuit or district court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people, conterminous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: *Provided*, That such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this act.

SEC. 6. *And be it further enacted,* That every person apprehended and committed for trial, for any offence against the act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

SEC. 7. *And be it further enacted,* That whenever the President of the United States shall have reason to believe that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time, as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 8. *And be it further enacted,* That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

Mr. HOWARD explained that this bill had been reported by the Committee on Foreign Affairs in consequence of the difficulty of amending the Senate's bill in such manner as to meet the views of the members of the House. He trusted that this bill would be more acceptable, and hoped that the Clerk would read it by sections, so that the amendments, if any, might be proposed in regular order to the bill.

The first section being read,

Mr. UNDERWOOD moved to strike out the words which authorized the President to release goods which may be taken in certain cases.

Mr. U. stated the reason why he moved this amendment to be, to prohibit the President from acting in a judicial capacity.

Mr. HOWARD stated that this provision was introduced, because it was considered that the President was the most competent judge in these cases. He was fully acquainted with our relations with foreign countries, which made him more competent to judge in such cases than the judges of courts. If the matter was referred to the courts, there might be difference of opinion between the judges, in consequence of the information which was in their possession; but the President, having all the information, could decide more understandingly and properly. It was a mere power to relieve property that had been seized, and might be assimilated to the pardoning power. He trusted, therefore, that the amendment proposed by the gentleman from Kentucky would not prevail.

Mr. UNDERWOOD replied, that if it was proposed to give this power to the President in conse-

quence of its being merely a pardoning power, there was no necessity for it, as he now had that power under the Constitution and laws without further legislation. His objection to the clause which he had moved to strike out, was, that it invested the Executive with judicial powers, and powers which belonged exclusively to the Judiciary department; because it enabled him to determine whether or not an offence had been committed. He apprehended it would not do in this country to vest judicial powers in the Executive.

Mr. McKAY considered that it would be entirely improper to strike out this clause. It simply gave power to the Executive, in cases where property had been seized, to release it. The law provided for the seizure of property, but not for its forfeiture; therefore, it was proper that the President should have the power to release it, under certain circumstances. In case this amendment prevailed, and the clause was struck out, goods could only be restored by the judgment of courts; and where they had been seized in consequence of a violation of the law, there must be great delay and loss to the citizens in certain cases.

The motion to strike out was then disagreed to.

The second section being read,

Mr. FILLMORE moved to strike out that part of the section which made the bill applicable only to conterminous territories. Mr. F. remarked that it might be said that there was very little danger of getting into any difficulty with countries which did not lie contiguous to the United States; but he thought our legislation ought to be uniform. He had an objection to having a law passed by Congress which subjected his constituents to a rule which was not general, and for this reason he hoped his amendment might prevail.

Mr. HOWARD remarked that it was necessary to shape our legislation to the circumstances in which we were placed. We already had laws which which were applicable to expeditions fitted out for service at sea, and against foreign countries, and it now became necessary to pass laws to preserve our neutrality with conterminous countries, and this law had been introduced to effect that object. He hoped the amendment would not prevail.

Mr. HOLSEY contended that this bill was about to place us in the same relation to conterminous countries which it did to other foreign countries, if it passed, and urged upon the gentleman from New York to withdraw his proposition to amend.

Mr. FILLMORE sustained his amendment on the ground that the bill created invidious distinctions, which ought never to exist in the legislation of any country.

Mr. PECK called for the yeas and nays on this amendment; but the House refused to order them, and the amendment of Mr. FILLMORE was disagreed to.

Mr. EVERETT moved to strike out that clause which provided that the law should not interfere with the trade authorized to be carried on by the laws of the nations: lost.

Mr. ROBINSON moved to strike out all after the enacting clause to line sixteen, and insert an amendment which he sent to the Chair, providing that in all cases of seizures, affidavit should first be made, and a warrant issued.

Mr. R. urged his amendment on the House, on the ground of the unconstitutionality of making seizures without due course of law, as was proposed to be done by the bill.

Mr. PATTON replied to Mr. R. pointing to the third section of the bill, which provided that immediately after the seizure, a warrant should be obtained in due form from some judicial officer, for the purpose of holding the property seized. This he contended was all that was necessary to guard against the abuse of power, and he argued that if a warrant under oath was to be obtained before seizure, that the law would be wholly ineffectual, as it would in almost every instance, if not in every one, be evaded.

Mr. MENIFEE then addressed the House at some length, in opposition to the bill, on the ground of its unconstitutionality.

The debate was further continued by Messrs. LEGARE, MENIFEE, MAXWELL, and UNDERWOOD; when,

Mr. CUSHMAN said, that wishing to bring the House to a direct vote on the question, he moved the previous question; which was seconded—83 to 41, and the main question ordered without a division.

Mr. PETRIKEN asked for the yeas and nays on the main question, on the engrossment of the bill; which were ordered, and were—yeas 130, nays 45, and the bill was read a third time and passed.

The bill reported this morning for the relief of Potter and Cassedy, of Wilmington, North Carolina, was read a third time and passed.

The bill directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants made to Anthony Shane and Lewis Godfrey, in section 16, township 14, range 2 east, in Lima district, Ohio, was read a third time and passed.

The bill supplementary to the act for the relief of Paine and Arnold, was also read a third time and passed.

Sundry bills and a joint resolution from the Senate were taken up, read twice, and referred to their appropriate standing committees.

Mr. ADAMS asked leave to submit a resolution calling upon the Secretaries of the Treasury, War, and Navy, for a return of the names of pension agents, agencies, &c. but it was objected to.

On motion of Mr. HOPKINS,

The House adjourned.

IN SENATE,

FRIDAY, March 2, 1838.

Mr. McKEAN presented a preamble and resolutions adopted by the Philadelphia Chamber of Commerce, on the subject of French spoliations committed on the property of American citizens anterior to 1800; which was read, ordered to be printed, and laid on the table.

Mr. ROANE presented the memorial of sundry officers of the navy, in relation to rank. The petition states that some of the lieutenants often meet and are associated in the same rank with those who were not born when they entered the service: referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LYNN presented the petition of James M. White and wife, asking the passage of a law giving the right of pre-emption to two tracts of land in the State of Missouri; which was referred to the Committee on Private Land Claims.

Mr. BUCHANAN presented a memorial from sundry citizens of Pennsylvania, praying that the frigate Raritan, now on the stocks, may be completed: referred to the Committee on Naval Affairs.

Mr. RIVES presented a memorial from the Alexandria and Falmouth Railroad Company, praying the aid of Congress: referred to the Committee on the District of Columbia.

Mr. WALL presented the petition of the children of Col. Johnson, who was killed at the battle of Long Island, praying arrearages of pension: referred to the Committee on Revolutionary Claims.

Mr. WILLIAMS presented a petition from sundry citizens of Mount Desert, in the State of Maine, praying the erection of a harbor light on Bear Island. Also, from certain citizens of Maine, praying the establishment of spindles or buoys in Kennebec river. Both these petitions were referred to the Committee on Commerce.

Mr. MERRICK presented the memorial of Joseph Murdock, praying to be relieved from a certain contract entered into by him for carrying the mail: referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG presented the petition of certain citizens of De Kalb, Kane, and Winnebago counties, Illinois, praying the establishment of a mail route on the line of the new State road from McCarty's Mills to Rockford, on Rock river: referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL, from the Committee on Commerce, reported a bill to divide the State of Delaware into two collection districts; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was recommitted the bill for the relief of William Thorpe, reported the same with an amendment.

On motion of Mr. RIVES,

Resolved, That the Secretary of War be directed to cause a survey of Elizabeth river, beginning at the northern debouche of the Dismal Swamp Canal and terminating at Sewell's Point, embracing the harbors of Norfolk and Portsmouth, Virginia, and the ship channel from the Roads up.

On motion of Mr. WALL,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the act of 1789 as requires the Secretary of State to have the acts of Congress recorded in books provided for that purpose.

Mr. PRENTISS, agreeably to leave, introduced the following bill, which was read a second time and referred to the Committee on the Judiciary:

A BILL to prohibit the giving or accepting within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall, within the District of Columbia, give or send, or cause to be given or sent to any other person, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever within or without the said District, and such challenge shall be accepted by the other party, and a meeting of the parties thereto shall be had in pursuance thereof, within or without the said District, and either of the said parties shall be killed or mortally wounded in such duel or combat, the surviving party to such challenge, and every person who shall aid or abet in the giving or sending, or causing to be given or sent, such challenge, shall be deemed guilty of murder, and upon conviction thereof in any court competent to the trial thereof, in the said District, shall suffer death.

SEC. 2. *And be it further enacted*, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in said District shall accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every person so giving or sending, or causing to be given or sent, or accepting such challenge, or being the bearer thereof; and every person aiding or abetting in the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof in any court competent to try the same in the said District, shall be punished by imprisonment, and confined to hard labor in the penitentiary for a term not exceeding ten years, nor less than five years, in the discretion of the court.

SEC. 3. *Be it further enacted*, That if any person shall assault, strike, beat or wound, or cause to be assaulted, stricken, beaten or wounded, any person in the District of Columbia, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post and publish, or cause to be posted and published, any writing charging any such person so declining or refusing to accept any such challenge, to be a coward, or using any other opprobrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary for a term not exceeding seven years, nor less than three years, in the discretion of the Court.

SEC. 4. *And be it further enacted*, That in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentments make of, all offences against this act.

On introducing this bill, Mr. PRENTISS said that, entertaining the principles and sentiments he

did, and representing a people who acknowledge no code or system of law but such as is derived from Divine authority, or from regularly constituted and established civil government, he felt it to be a duty, with which he could not dispense, to introduce this bill. In doing so, (said Mr. P.) I have been moved by no mere transient or fugitive feeling of the moment; by no mere excitement, growing out of a very recent and very lamentable event; though it is somewhat difficult, I must confess, entirely to repress or overcome the emotions which that event has produced. Although the event to which I allude has carried, as we all know it has, lamentation and wo unspeakable, unutterable anguish and agony of heart, to an innocent and unoffending family, and is fitted to awaken, here and every where, sensations of the deepest grief and sorrow; notwithstanding all this, I have nothing to do, nothing to say, concerning the transaction, in my place here. It is past and gone. We cannot recall the dead to life. We cannot repair the wrong and injury which have been done. But we can provide for the future. We can do what becomes us to prevent so fatal, so heart-rending an occurrence hereafter.

Sir, (continued Mr. P.) in bringing in this bill, I have acted, as I have said, from no mere impulse of overwrought sensibility; from no mere temporary excited feeling. I have been influenced by higher, more stable, and lasting motives; by principles of action deeper settled, more permament and enduring; principles which remain the same in all times and under all circumstances. I am influenced upon principles which look upon duelling as a crime; as an offence against high Heaven; forbidden and condemned alike by religion and morality, by the laws of God and man.

Sir, I might here, with no impropriety, speak of the spirit of insubordination and lawless violence which is abroad in the land, infecting and pervading, it would seem, entire communities, threatening the subversion of the established institutions of the country, and which, if not checked and subdued, will, it is to be feared, sooner or later, overthrow all law and all government, and open the way to brutal anarchy and misrule, to scenes of civil strife and disorder, as sanguinary, as terrific, as any which marked the ferocious and bloody annals of revolutionary France.

But, sir, my purpose is confined to a single, a particular object. It is to prohibit and suppress a practice here, which, if not stopped, must ultimately, in addition to other deplorable consequences of a private and social nature, put an end to all freedom of debate and action in your halls of legislation, banish from them all just and rightful authority, and substitute the dominion of mere brute force in its place.

Mr. President, in bringing forward this measure, I repeat I have acted from a high sense of duty. The moral and religious principles in which I have been educated, and which I regard as binding upon me in all circumstances and situations, whether public or private, in which I am placed, would not allow me to hold a seat here, and remain inactive in this matter. And I call upon Senators, upon grave, considerate Senators, head of families, fathers of the land, to interpose their authority and influence to stay a practice as unsuited to the enlightened age in which we live, as it is revolting to the moral and religious feeling of the country. I call upon them by their regard to the rising generation, upon whom the hopes of the country rest; by their regard to the eternal and immutable principles of moral rectitude; by every consideration of justice and humanity; by the duty they owe to God and their country, to give their aid and support to a measure demanded by the moral sense of the nation, and no less necessary to maintain freedom of discussion here, than it is essential to personal security, and to the preservation of law, liberty, and social order.

The following bills were severally read a third time and passed:

An act for the relief of Allen R. Moore.
An act for the relief of Edward Burgess.
An act for the relief of Abraham Lansing.
An act for the relief of Sarah Murphy.
An act for the relief of John Kreps.

The following bills were severally read a second time, and ordered to be engrossed for a third reading:

An act for the relief of Thomas J. Lawler and Smith M. Miles.

Bill for the relief of the heirs of Gen. William Eaton.

Bill to provide for the uniform payment of horses lost in the military service of the United States.

An act for the relief of Presley N. O'Bannon.
An act for the relief of Eli Horton.
An act for the relief of Benjamin Mooers.
An act for the relief of John M. Oliver.
An for the relief of Francis Gardiner.

The act for the relief of Jonathan Davis, was, on motion of Mr. MORRIS, laid on the table.

ORDERS OF THE DAY.

The Senate then took up the Independent Treasury bill, when Mr. STRANGE rose and occupied the floor until 4 o'clock in favor of the bill, and gave way for a motion to adjourn before he had concluded his argument.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 3, 1838.

The first business in order, was the consideration of the Senate bill, in relation to the Orphan's Court of the District of Columbia, reported yesterday from the Committee on the District.

The question pending, was on making the duration of appointments for four years, reported as an amendment by Mr. DAWSON, from the Committee on the District.

This amendment was briefly opposed by Messrs. PATTON and MERCER, and supported Messrs. PETRIKEN and DAWSON, when Mr. D. to meet the objection, moved that the operation of the act itself should be limited to four years, after which Congress might reject or approve of the other proposition. This was briefly opposed by Mr. PATTON, when, on motion of Mr. DAWSON, the further consideration of the bill was postponed till Tuesday next.

[The objection to the amendment was based on the ground that the authority of Congress to legislate on this matter was derived from the Constitution, under which all judges were appointed during good behavior, and that this was a United States court, and should be governed by that provision. To this it was replied, that the court was antecedent to the Constitution, having been originally organized under the laws of Maryland, prior to the cession of the District, and Congress, as the local legislature of the District, was not restricted by that clause of the Constitution.]

Reports from committees were then called for.

JUDICIARY.

Mr. THOMAS reported the Senate bill to prevent the counterfeiting of gold, silver and copper coin.

On motion of Mr. CORWIN the bill to change the time of holding the Circuit Courts of the United States, for the seventh circuit, on the Speaker's table, was recommitted to the Committee on the Judiciary.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Letitia Crane.

ROADS AND CANALS.

Mr. MERCER reported a bill giving the assent of Congress to the amendatory act of the General Assembly of the State of Virginia, incorporating the Falmouth and Alexandria Railroad Company, which was ordered to be engrossed for a third reading on Monday.

POST OFFICES AND POST ROADS.

Mr. MONTGOMERY made unfavorable reports on the petition of the Clerks in the General Post Office, praying additional compensation; on the petition of William Walker; and on that of William Cater; which were severally laid on the table.

SCHOOL LANDS.

The unfinished business of the morning hour then came us, being the resolution of Mr. JOHNSON of Maryland, proposing to set apart, for the benefit of all the States of the Union, a certain quantity of public land.

Mr. J. continued his remarks till the expiration of the morning hour, when

The CHAIR announced the private orders.

Mr. CAMBRELENG said he hoped he would have the assent of the chairman of the Committee of Claims, and the leave of the House, for a suspension of the private bills, in order to go on with the appropriation bills; and he made that motion accordingly.

The CHAIR was about dividing the House; when,

Mr. CAMBRELENG called for the yeas and nays; which were ordered, and were—yeas 121, nays 36.

So the rules were suspended.

The CHAIR laid before the House the following communications:

1. From the Secretary of War, an additional report, in answer to the resolution of the 11th of October last, transmitting certain correspondence not heretofore transmitted with General Jesup, accidentally omitted in the report thereof heretofore made to the House.

On motion of Mr. M'KAY: laid on the table.

2. From the Secretary of War, in answer to a resolution of the House of the 2d July, 1836, requiring testimony to be taken, and statements to be made to the House, respecting the claim of John Jones, for work done on Pea Patch Island.

On motion of Mr. WHITTLESEY of Ohio, referred to the Committee of Claims.

PENSION BILL.

The House then took up the "bill making appropriations for the payment of Revolutionary and other pensioners of the United States, for the year 1838," the question being on its engrossment.

Mr. CURTIS then reiterated his charges in relatoin to the use of the balances in their hands by the pension agents.

The debate was further continued on the same side by Mr. CHAMBERS.

Mr. CAMBRELENG replied, and expressed the hope that the two gentlemen would keep in mind their sound and convincing arguments against bank agencies; and when the bill came up, which he had the honor to report yesterday, to dispense with all bank agencies in the management of the public revenues, give it their hearty assent. Mr. C. entered into a variety of statements on the subject. He suggested a remedy, and the only one. The large balances said to be in the hands of pension agents, grew out of the accumulation of past pensions remaining unclaimed, and a law should be passed providing for their being returned to the Treasury after they had been unclaimed for twelve months. As a member of the Committee of Ways and Means, he should do his best to secure the introduction and adoption of such a remedy. Mr. C. also sent to the Clerk's table, to be read to the House, a number of letters from agents to the Commissioner, which went to establish the position he had taken, and to show that the money was not used by the agents individually, but by the banks in which the money was deposited.

Mr. CUSHMAN said he had heard no objection made against this bill, but all seemed to concur in the necessity of its passage.

Mr. BELL. But not to the whole amount.

Mr. CUSHMAN had, nevertheless, heard no argument against the necessity of its passage. Mr. C. then went on to reply to Mr. CURTIS, and in vindication of Gov. Hill.

Mr. HAYNES said he had devoted to this discussion all the attention which the state of his health would permit. He had been gratified by the course of the discussion, and agreed entirely with those who objected to the use of the public money by officers and agents to whom it was committed.

From the manner in which the debate had been conducted by some gentlemen, it would seem that Solomon was far less wise than mankind had generally considered him, and that those who objected to the use of the public money by pension agents, had indeed discovered something new under the sun. But he had risen, in part, for the purpose of stating that the fact is not so. That ever since the public money was taken out of the hands of the

officers of the Government, it had been used by the agents to whom it had been entrusted.

The use of the public money by pension agents was not, therefore, an exception to the general practice. The custodiar of the public money had had the use of the public money ever since the change of custody to banks from the officers of the Government. To show that the agents of the Government have been compensated by the use of the public money, it was only necessary to refer to the amount of public money in the custody of the United States Bank for fifteen years, from 1818 to 1832, during which period the average amount was near seven millions of dollars—not less than six millions six or seven hundred thousand dollars. At an interest of five per cent. per annum, less than the interest required on loans by any bank within his knowledge, the compensation upon the use of this amount of the public money would be about five millions of dollars. There was no complaint then, there is none now, to such use of the public money by the Bank of the United States, by those who so strongly object to its use by pension agents.

He agreed most heartily with those who objected to this practice, and warned gentlemen who should not vote for the Treasury bill referred to by the chairman of the Committee of Ways and Means, that they would be confronted by their own argument. For his part he was for cutting up the abuse entirely and forever, by no longer permitting the use of the public money by those to whose care it might be committed. He hoped, when the Treasury bill should be taken up, he should find gentlemen who are opposed to permitting pension agents to use the public money, standing side by side with him, and that they would, as he should, show their faith by their works.

The debate was further continued by Mr. MARVIN, when

Mr. TAYLOR said that having heard no objection to this bill, it could be nothing more than a waste of time to be discussing matters which were unconnected with it, and which had better be discussed on some other and more fitting occasion than on the appropriation bill to pay the old pensioners.

The House seconded the demand for the previous question—65 to 63.

Mr. REED called for the yeas and nays on ordering the main question; and pending the Chair ascertaining if they were ordered,

Mr. ROBERTSON moved that the House adjourn.

Mr. TURNEY called for the yeas and nays, but they were not ordered; and the motion to adjourn being taken by tellers, resulted—ayes 71, noes 70, the CHAIR, under the ninth rule, voting in the negative, the motion to adjourn was lost.

The question then recurring on ordering the yeas and nays, they were refused, and the main question ordered without a division; and on that question, being on the third reading of the bill—

Mr. TURNEY called for the yeas and nays, but they were not ordered, and the bill was then read a third time and passed without a division.

On motion,

The House adjourned.

IN SENATE,

SATURDAY, March 3, 1838.

Mr. LINN presented a petition signed by many members of the Western Academy of Natural Sciences, situated at St. Louis, Missouri, asking an appropriation to enable them more widely to extend the usefulness of said Academy: referred to the Committee on Public Lands.

Mr. YOUNG presented the memorial and remonstrance of sundry citizens of Illinois, on the subject of a mail route: referred to the Committee on the Post Office and Post Roads.

Also, the petition of Henry Gates, praying indemnity for Indian depredations: referred to the Committee on Claims.

Also, the petition of Nancy, Sally, and Betsy Contraman, praying the passage of a law authorizing the location of certain Indian reservations: referred to the Committee on Indian Affairs.

Mr. PRESTON presented the petition of the teachers of French and Drawing at the Military Academy, West Point, praying for increase of salary: referred to the Committee on Military Affairs.

Mr. NORVELL presented the petition of sundry citizens of Michigan, praying for the establishment of a new post route: referred to the Committee on the Post Office and Post Roads.

Mr. BUCHANAN presented the petition of Isabella Truxton, widow of Lieut. Payne of the revenue service of the United States, praying to be placed on the naval pension list, for reasons set forth in the petition: referred to the Committee on Naval Affairs.

Mr. PIERCE, from the Committee on Pensions, reported a bill for the relief of Joseph Bassett; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of Thomas H. Boyd, moved to be discharged from the further consideration thereof; which was agreed to.

Mr. KING gave notice that he would, on Monday next, ask leave to bring in a bill for the relief of the heirs of John Brahan, deceased.

Mr. SMITH of Indiana submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate as follows:

1. The whole number of acres of land that have been granted to the State of Indiana for all purposes.

2. The number of acres of land that have been granted to the State of Indiana under the provisions of the act of 2d March, 1827, confirming the provisions of the second article of the treaty of 16th October, 1826, between the commissioners of the United States and the Pottawatamie tribe of Indians.

3. The number of acres of land that were granted to the State of Indiana under the provisions of the act of 2d March, 1827, as the same have been located.

4. What portion of the lands granted to the State of Indiana by the act of 2d March, 1827, lie in the State of Ohio, and have been received by that State.

Several bills from the House of Representatives were read twice, and referred to appropriate committees.

The neutrality bill, that yesterday passed the House, was read twice, and, on motion of Mr. BUCHANAN, referred to the Committee on Foreign Relations.

The following bills were severally read the third time and passed:

The bill for the relief of the heirs of General William Eaton.

The bill to provide for the uniform payment for horses lost in the military service of the United States.

The bill for the relief of Thomas J. Lawler and Smith M. Miles.

The bill for the relief of Presley N. O'Bannon.

The bill for the relief of Francis Gardner.

The bill for the relief of Benjamin Moore.

The bill for the relief of Eli Horton.

The bill for the relief of John M. Oliver.

The following bills were severally read the second time and considered as in the Committee of the Whole, and ordered to a third reading:

The bill for the relief of Jonathan Davis;

The bill for the relief of Mary A. Patrick; and

The bill for the relief of Philip Riviere and his legal representatives.

SPECIAL ORDER.

The Senate then resumed the consideration of the Independent Treasury bill; when

Mr. STRANGE took the floor in continuation of his speech, commenced yesterday, and spoke until two o'clock; when

Mr. MERRICK intimated his intention of addressing the Senate on the subject at its next session.

The Senate then went into the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, March 5, 1838.

This day, by a rule of the House, being resolution day, the Speaker proceeded to call the States, commencing at Wisconsin Territory.

WISCONSIN.

On motion of Mr. JONES,

Resolved, That the Committee on Territories be instructed to inquire into the expediency of authorizing the Territory of Wisconsin to take the census and to adopt a constitution preparatory to being admitted into the Union.

FLORIDA.

On motion of Mr. DOWNING,

Resolved, That the Committee on the Territories be instructed to inquire into the expediency of reorganizing the Legislative council of Florida Territory, so as to give another branch to said council to be called a Senate.

MICHIGAN.

On motion of Mr. CRARY,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a Surveyor General's Office for the State of Michigan.

ARKANSAS.

On motion of Mr. YELL,

Resolved, That the Committee on Public Lands be instructed to inquire into the propriety of extending the time of locating the Lovely Donation claims in Arkansas.

MISSOURI.

On motion of Mr. MILLER,

Resolved, That the Secretary of War be directed to inform this House what amount of money, if any, has been expended under any act or acts of Congress making appropriations for the improvement of the navigation of the Missouri river. Also, whether the larger snag boats now in the service of the Government could not, at periods of the year when not employed on the Lower Mississippi, be transferred to the Missouri river with advantage to the public interest; and if so, to submit an estimate of the cost of working them while on that service.

On motion of Mr. HARRISON,

Resolved, That the Secretary of War be directed to report to this House what progress has been made in laying out and establishing a military road on the frontiers of Missouri and Arkansas, and of constructing military posts on the same, specifying particularly, under the provisions of the act of July 2d, 1836, at what time the work was first commenced; how much of said road has been surveyed, if any; how much cleared out and constructed, if any; at what period since the passage of the act the work, if any, was done; what fortifications, if any, have been constructed along said road; what amount of the appropriation has been expended, if any, in carrying into effect the provisions of said act; what number of the troops of the United States, if any, have been employed in the construction of said road and military posts; and, if none have been so employed, what "other laborers," if any, has been procured to execute said work; how many sets of commissioners have been engaged in surveying said road; if more than one, what cause operated to produce the additional number; and in the event that said road and military posts have not been surveyed, cleared out and constructed, as required by said act, to state specifically the causes of the delay.

On motion of Mr. MILLER,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of creating an additional land district in the northwestern part of the State of Missouri, so as to embrace within the limits of said land district what is usually called the Plot country, recently annexed to said State.

ALABAMA.

On motion of Mr. MARTIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Columbus, Mississippi, by Mill Post and Bay Spring, to Fayetteville, Alabama.

Mr. LAWLER submitted the following resolution, which lies over by the rules:

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MARCH 12, 1838. VOLUME 6.....No. 14.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 13.]

Resolved, That it is inexpedient to discontinue the receipt of the notes of specie-paying banks of the States, under proper regulations and restrictions, by the Treasury Department in the collection of the public revenues; and that to do so would be highly injurious to the interest of such State institutions, and of the citizens generally.

On motion of Mr. LYON,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Spring Hill, in Marengo county, via Boston and Dayton, to Whitehall, in said county.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Andrew J. Kirby, of Jackson county, Alabama, who was disabled on his march to Florida, in the service of the United States, in 1836.

ILLINOIS.

On motion of Mr. MAY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of constructing a light-house at New Buffalo, on Lake Michigan, and also at the mouth of the Little Calumet river in Illinois.

INDIANA.

Mr. WHITE offered the following resolution:

Resolved, That the Postmaster General be directed to lay before this House copies of all letters, petitions, or other documents, on file in his office, relative to the removal of William G Pomeroy, late postmaster at Plymouth, Marshall co. Indiana, and the appointment of the present incumbent.

Mr. W. remarked that he was aware that, by the rules of the House, resolutions calling upon a head of a Department for information, must lie over one day; but having been instructed by a respectable class of his constituents of both political parties, directly interested, to seek through this channel the information called for, he hoped the House would consent to take the vote now.

The CHAIR here reminded Mr. W. that, by the late rule, resolutions offered to-day are not debateable.

Mr. WHITE thereupon moved to suspend the rules of the House, and that said resolution be considered at this time; which motion was decided in the negative.

On motion of Mr. EWING,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making suitable provision for the survey and improvement of White river, from its junction with the Wabash and the east and west forks thereof, (reserved national highways, by compact,) as far as a certain slackwater navigation shall be found attainable.

Mr. GRAHAM offered the following resolution:

Whereas, at a meeting of the president and directors of the Jeffersonville and New Albany Canal Company, held at their office in Jeffersonville, on Saturday, the 10th day of February, 1838, the following resolution was unanimously adopted:

Resolved, That the Hon. WILLIAM GRAHAM, Representative in Congress from the State of Indiana, be authorized and empowered, in the name and on behalf of the Jeffersonville and New Albany Canal Company, to tender to the Congress of the United States a surrender of the charter of said company upon condition that the General Government will undertake the construction of said canal; and all other acts and proceedings of the said WILLIAM GRAHAM, necessary to the accomplishment of the object herein proposed, are fully authorized by this board. GEO. GRAHAM, President.
JAS. E. MCCLELLAN, Secretary.

Therefore, resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of accepting the proposition of the president and directors of the Jeffersonville and New Albany Canal Company, as set forth in their foregoing resolution;

Which was adopted.

On motion of Mr. RARIDEN,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of repealing so much of the act entitled An act to authorize the State of Indiana to open a canal through the public lands, etc. approved 26th May, 1824, as excepts certain sections of land therein named from sale, and to satify such sales as the United States, in violation of the provisions of said law, have made.

LOUISIANA.

On motion of Mr. GARLAND of Louisiana,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency and justice of granting to the State of Louisiana, in aid of works of internal improvements, and particularly the construction of levees on the western bank of the Mississippi river from Point Coupee to the northern boundary of the State, and on the southern bank of Red river, the same extent of land which has heretofore been granted by Congress to other Western States, and particularly to the States of Alabama and Ohio.

On motion of Mr. JOHNSON,

Resolved, That the Secretary of War be directed to report to this House, as soon as possible, on the practicability of removing the obstructions to the navigation of the Atchafalaya river, in the State of Louisiana, and on the probable influence of said improvement on the draining of the adjacent country, and on the floods of the Mississippi lower down; accompanied by an estimate of the cost. Also, whether the boats and machinery now employed in the removal of the Red river raft could be advantageously transferred to that service.

By Mr. JOHNSON of Louisiana:

Resolved, That the Committee on the Public Lands inquire into the expediency of providing a suitable building, with a fire-proof vault, in each surveying district, for the preservation of the records in the offices of the surveyors general, and a similar building for the registers of the respective land offices, for the preservation of the records in their offices; and, also, into the expediency of increasing the compensation of the deputy surveyors of the United States, for surveying such lands as cannot be surveyed for the fees now allowed by law.

The resolution was agreed to.

OHIO.

On motion of Mr. ALEXANDER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Senecaville, via Cambridge and Mackey's, in Guernsey county, to Dresden, in Muskingum county, Ohio.

On motion of Mr. HARPER,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of remunerating David Ballentine of Muskingum county, Ohio, for the amount of certain forfeited land stock, a certificate for which was improperly issued to John Deaffy.

On motion of Mr. ALLEN of Ohio,

Resolved, That the Committee on Claims be instructed to inquire into the expediency and justice of an additional allowance to Irad Kelly and Datus Kelly of the State of Ohio, for stone furnished on a contract with the United States for an arsenal at or near Detroit.

On motion of Mr. HARPER, by leave,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting to the representatives of John Green, the bounty land to which he was entitled, as a soldier of the Virginia line, in the Continental army.

On motion of Mr. MASON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, namely: From Springfield, Clark county, Ohio, by the way of South Charleston, Grassy Point, Bloomingsburg, Washington, and Frankford, to Chillicothe, Ross county, Ohio. From Belfontaine, Logan county, Ohio, to St. Marys, Mercer county, Ohio, crossing the Great Miami at Plums, thence to St. Johns, thence to Wapaukonetta, thence to St. Marys. From Xenia, in Green county, Ohio, to Dayton, in Montgomery county.

On motion of Mr. ALLEN,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Elijah Cheney of the State of Ohio, a Revolutionary soldier; on the pension roll.

On motion of Mr. BOND,

Resolved, That a select committee of five be appointed, with instructions to inquire into the expediency of reporting a bill providing for the sale and disposition of such lands within that part of the State of Ohio known as the Virginia Military District, as shall remain after satisfying the claims charged thereon by the deed of cession from Virginia; and further to inquire into the expediency of now providing by law for the final disposition of all the public archives, books, and papers relating to said district, and now held by the principal surveyor thereof.

TENNESSEE.

Mr. BELL, on leave, introduced a bill to secure the freedom of elections, of which he had before given notice; which was read twice, and, after some conversation between Messrs. BELL, GARLAND of Virginia, and MERCER, the bill was referred to a select committee of five.

On motion of Mr. STONE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Perryville, Tennessee, by the way of Cab Creek Springs, to Lexington, Tennessee.

On motion of Mr. SHIELDS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to Absalom Blundell, for services performed in the Revolutionary war.

On motion of Mr. TURNEY,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting commutation pay to the heirs of Major Albert A. Muller, of the South Carolina line during the Revolutionary war.

Mr. CARTER offered the following preamble and resolution, which lie over under the rule:

Whereas purity in the administration of a free Government can only be maintained by the observance of strict economy in the public expenditures; and

Whereas extravagance and prodigality in the management and disbursements of the public revenue are the sure indications of an unjust and corrupt Government; and whereas a free Government cannot exist where public officers and agents are multiplied beyond the demands of the public service, merely to gratify the increasing desire for public employment, and where the public administration relies for its support more upon the interest and attachment of dependants, and the amount of patronage under its control, than upon the impartial discernment of an enlightened community; and

Whereas public officers and employments have increased, of late, in a degree unprecedented at any former period of the Government; and

Whereas the public expenditures have increased within the last nine years, from thirteen millions of dollars, that being near the average of the annual expenditures in time of peace up to the year 1829, to upwards of thirty-two millions since that time; and

Whereas, these facts clearly indicate a great degree of laxity and weakness in the public administration, or a wilful abuse of the powers of Government, and a determination to rule by the use of patronage. Therefore,

Resolved, That a select committee be appointed to inquire into, and report to this House, the causes which have led to the late extraordinary increase of public officers and agents, and the alarming increase of public expenditure within the last nine years, and that they have power to send for persons and papers.

On motion of Mr. JOSEPH L. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Cox's Creek, Knox county, to Mount Bethel, Roane county, Tennessee.

KENTUCKY.

On motion of Mr. GRAVES,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for clearing out and improving the port of Louisville, Kentucky, and for erecting a light house near that place.

On motion of Mr. SOUTHGATE,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of granting a pension to William McGinnis, of Kentucky.

Mr. MENIFEE submitted the following resolution, which lies over under the rule:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to this House, if not incompatible with the public interest, such information as he may possess relative to the seizure of the steamboat Caroline, acquired since the date of his late message on that subject; the measures which this Government have adopted to obtain from the Government of Great Britain an explanation of said seizure; and the ground which the diplomatic representative of Great Britain here, and the provincial authorities of Upper Canada, have assumed in relation thereto.

On motion of Mr. HAWES,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Wilson Hunt, of Jessamine county, Kentucky.

On motion of Mr. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing two post roads; one from Columbia, Adrain county, Kentucky, to Glasgow, Barren county, Kentucky; the other from Somerset, Pulaski county, Kentucky, to Jamestown, Russell county, Kentucky.

On motion of Mr. CHAMBERS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to Major Geo. M. Bedinger, of Kentucky, for his services as an officer in the war of the Revolution.

On motion of Mr. HARLAN,

Resolved, That the Committee on Private Land Claims inquire into the expediency of granting to the incorporated Kentucky Asylum for teaching the deaf and dumb, further time to make sale of the lands heretofore granted by Congress to said institution.

On motion of Mr. WHITE,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing John Galloway's heirs commutation pay for the Revolutionary services of their ancestor, John Galloway, deceased.

On motion of Mr. CALHOUN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following mail routes, to wit: From Sherburn Mills, in Fleming county, Kentucky, by the way of "Pitt's Store," to Owingsville, Kentucky; from Little Sandy Saline, in Greenup county, Kentucky, by the way of "Charles N. Lewis's," to Blairsville, in Luzerne county, Kentucky; from West Liberty, in Morgan county, Kentucky, by the way of "Joseph Adkins," to Little Sandy Saline, in Greenup county, Kentucky; and so modifying the route from Mount Sterling to Paris, Kentucky, as to embrace "Darbin's Store" as a point in addition to those already prescribed.

On motion of Mr. UNDERWOOD,

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into th expediency of establishing the following post routes, viz: From Springfield, Tennessee, through Keysburg and Trenton, to Hopkinsville, Kentucky; and from Graysville, Kentucky, to Nashville, Tennessee.

GEORGIA.

On motion of Mr. HAYNES,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the names of George Greene and William Neves, of Georgia, on the pension roll.

On motion of Mr. DAWSON,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of having the name of Jno. Black replaced on the pension roll as a Revolutionary soldier and pensioner; and that all the papers relating to his claim, which have been filed in the pension office, be also referred to said committee: the said papers being not presented with this resolution.

On motion of Mr. GLASCOCK,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Columbus, Georgia, via Glennville, to Irvinton, in Barbour county, Alabama; also, from Cupitah, via Chambers county, direct to Tuskagee, in Alabama.

SOUTH CAROLINA.

On motion of Mr. CLOWNEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route in South Carolina, from Youngsville, in Fairfield district, by the way of Hazlewood and Pedensville.

On motion of Mr. LEGARE,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a suitable pension to Mrs. —— Brown, only surviving daughter of the gallant Sergeant Jasper, of South Carolina, who fell at the battle of Savannah after the most distinguished services at the attack upon Fort Moultrie, and other memorable occasions.

NORTH CAROLINA.

On motion of Mr. HAWKINS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to John Suit, of the State of North Carolina, for Revolutionary services.

On motion of Mr. MONTGOMERY,

Resolved, That the Committee on the Post Office anp Post Roads be instructed to inquire into the expediency of revising the rates of postage on newspapers and other printed matter conveyed by mail.

On motion of Mr. STANLEY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of cutting a canal for the purpose of connecting the waters of Albemarle sound with the Atlantic ocean.

On motion of Mr. BYNUM,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of restricting by law mail coaches from carrying more than a certain number of passengers, on certain penalties therein contained.

On motion of Mr. McKAY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes: from Fair Bluff, Porter, or Big Swamp offices, in Columbus, to either Lumberton or Leesville, in Robeson; from Shalbotter, by Dred. Boyeman's, to Frederick Sasser's, in Columbus; and from Beatty's office, by James Allen's, to the house of G. R. Corbett.

On motion of Mr. SAWYER,

Resolved, That the Secretary of the Treasury report to this House the cost of erecting and establishing the principal mint and its branches, including buildings, fixtures and apparatus; the salaries and expenses of the different officers; the amount expended in the purchase of bullion; the loss arising from wastage, and all other expenses, and the average length of time it requires to coin at the principal mint all the bullion with which it can be furnished; and further, what amount of coin has been struck at the several branch mints since their organization.

On motion of Mr. GRAHAM,

Resolved, That the Committee of Elections be instructed to inquire into the expediency of passing a law of the following import, constituting the Committee of Elections:

That on the third day of the first session of each Congress, the name of that member from each State who has received the greatest majority of votes for Congress among his own delegation, shall be deposited in box number one.

That the names of all the other members of Congress then in attendance shall be severally put in box number two.

That a boy under ten years old shall forthwith proceed to draw out of box number two the names of ten members, which names, so drawn, shall be placed in box number one.

That box number one, then containing thirty-six ballots or names, shall be revolved or turned three times round, to mix the ballots: and immediately a boy under ten years old shall, after each successive revolution of the box, draw out one ballot until the names of twelve members of Congress be so drawn, which twelve persons shall constitute the Committee of Elections.

That said committee shall thereupon be sworn by the Speaker to hear, investigate, and report truly, all such contested elections as may be committed to their charge, according to the Constitution of the United States and the laws of the State in which the contest may or shall originate.

That said committee shall immediately retire to their committee room, and elect their own chairman.

That, in case of a vacancy in said committee by death, resignation, or otherwise, such vacancy shall be filled by drawing one or more names from box No. 1, until the committee be again filled.

VIRGINIA.

On motion of Mr. GARLAND,

Resolved, That the Secretary of the Treasury be requested to lay before this House, as early as practicable, copies of all letters written by him to collectors and receivers between the 1st January, 1834, and the present time, having relation to defalcations, omissions to comply with the laws and regulations established for their government, and other irregularities. Also, copies of all reports made by persons appointed to examine and report on the state of the land offices within the same period.

Mr. MORGAN submitted the following joint resolution, which was twice read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the Constitution:

Congress shall have power to provide by law that no person shall be capable of holding or being elected to any post of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the Government of these United States, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having, prior to the passage of such law, fought such duel, or sent or accepted such challenge, or been seconds in such duel, or bearer of such challenge or acceptance.

On motion of Mr. STUART,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the claim of the widow and heirs at law of Tarleton Woody, (a private in the late war,) to military bounty land, and report the facts to this House, at as early a day as practicable, with a bill for their relief, if the committee shall believe them entitled to any

On motion of Mr. PATTON,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency

of placing the name of George Morris, of Virginia, a Revolutionary soldier, on the pension list.

On motion of Mr. JOHNSON,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to David W. Sleeth, of the State of Virginia, who was a soldier of the war of the Revolution.

Mr. MALLORY submitted the following resolution:

Resolved, That a select committee of —— be appointed to investigate the cause of delay in the sailing of the Exploring Expedition, and to ascertain why the resolutions of this House have failed to extract a satisfactory explanation from the Navy Department.

Mr. RENCHER moved to amend this resolution by adding thereto the following:

"And that the said committee inquire into the expediency of abandoning the said expedition."

Debate arising, the resolution and amendment were laid over.

On motion of Mr. CRAIG,

Resolved, That the Committee of Accounts ascertain as nearly as they can, and report to this House, the annual expense incurred in supplying members of Congress with the various articles covered by the general denomination of *stationery*, and that they report their opinion upon the expediency of allowing a fixed sum of money to each member, at each session of Congress, in lieu of the *ad libitum* supply of stationery now allowed.

On motion of Mr. BEIRNE,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting a pension to Wm. Neel, a solider of the Revolution.

On motion of Mr. HOPKINS,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing commutation, in lieu of five years' full pay, to the legal representatives of Captain Robert Sayers, of the Continental line.

On motion of Mr. MERCER,

Resolved, That the President of the United States be requested to lay before this House any recent information which may be received from the seat of war in Florida, which he may deem it expedient to communicate, touching the present state of the campaign in that quarter, and especially such intimation, if any, as he may have received of the disposition of the hostile Indians to treat for peace, and the terms on which they propose to negotiate.

On motion of Mr. ROBERTSON,

Resolved, That the Secretary of the Treasury report to this House a statement of the disbursements and appropriations for fortifications, light-houses, Revolutionary and other pensions, and internal improvements, including piers, breakwaters, preservation of ports and harbors, removing obstructions in rivers and creeks, etc. and the support of light-houses, including all incidental expenses; and showing, as far as practicable, the amount disbursed in each State in each year since the period embraced in his report on the same subjects, of the 17th of January, 1835.

MARYLAND.

On motion of Mr. JENIFER,

Resolved, That the President of the United States be requested to communicate to this House what steps have been taken under the resolution of the 28th February, 1887, in relation to the high duties and restrictions on tobacco, imported into foreign countries from the United States; the number and names of agents appointed under said resolution, and the Government to which they are accredited; together with such information as he may have received from our ministers and other agents abroad in relation to the same. Also, whether any specific instructions have been, or are intended to be, given to the minister lately appointed to Austria to negotiate in behalf of the tobacco trade between the United States and the Austrian dominions.

On motion of Mr. PEARCE,

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a mail route from Elkton, in Cecil county, Md. to Easton, in Talbot county, by the way of Warwick, Head of Sassafras, Georgetown Cross Roads, and Chestertown, or by any other route deemed preferable.

On motion of Mr. THOMAS,

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a post route from Marm's post office, to Old Town, in Maryland.

Mr. THOMAS moved the following as an amendment to the 20th rule, which lies over one day:

"And on the first Friday of each month, the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; private bills from the Senate having a preference over private bills of the House."

PENNSYLVANIA.

On motion of Mr. PLUMER,

Resolved, That the Secretary of War be requested to communicate to this House a copy of the report made by Maj. T. S. Brown, of a survey of the harbor of Twenty-mile Creek, on Lake Erie; also, a report of the survey of the harbor of New Buffalo, on Lake Michigan.

On motion of Mr. WAGENER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mauch Chunk to Nesquehoning, in the State of Pennsylvania.

On motion of Mr. HUBLEY,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill, extending to all persons who shall construct railways or inclined planes, the same rights, privileges, and benefits, provided for in favor of States and incorporated companies by the act of 14th July, 1832, entitled, An act to relieve from duty iron prepared for, and actually laid on, railways or inclined planes.

Mr. DAVIES submitted the following resolution:

Resolved, That the Senate and House of Representatives of the United States, in Congress assembled, will adjourn and close the present session on Monday the fourteeth day of May next.

Mr. MERCER raised the question of consideration, which was rejected, so the resolution was rejected.

On motion of Mr. FRY,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension for Revolutionary services to Job Holsey of New York.

On motion of Mr. DARLINGTON,

Resolved That the Committee on Revolutionary Pensions inquire into the expediency of granting a pension to Margaret Marshall, the widow of a Revolutionary officer.

On motion of Mr. PETRIKEN,

Resolved, That the Committee on Invalid Pensions inquire into the expediency of granting an increase of pension to Job Barton, an invalid pensioner of the late war with England.

On motion of Mr. McKENNAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Florence, Washington county, Pennsylvania, by Commettsburg and Fairview, to Wellsville, in Columbiana county, Ohio.

NEW JERSEY.

On motion of Mr. AYCRIGG,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of altering the method at present in use of estimating the tonnage of vessels.

On motion of Mr. YORKE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of ordering a survey of the bar and obstructions at the mouth of Saline Creek, on the river Delaware, with a view to the improvement of the navigation thereof, and making an adequate appropriation for that purpose.

NEW YORK.

On motion of Mr. BRONSON,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of causing a survey to be made of the navigable waters of the Northern and Western Lakes, together with the navigable rivers flowing into, connecting, and flowing out of the same, and of making a chart of the same, for the benefit of the commerce of those lakes; and whether any and what further improvement of the harbors on said lakes and rivers, is necessary to render the increased commerce on those lakes, safe, commodious, and easy at all practicable and necessary points; and to report such bill as may be necessary to accomplish these objects.

On motion of Mr. PECK,

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of providing by law for the introduction of foreign seeds and plants through our consuls, public ships and merchant vessels, and of establishing an office at the seat of Government, to be under the direction and management of the Commissioner of the Patent Office, for the reception and distribution of such seeds and plants as would tend to the advancement of the agricultural interests of the country.

On motion of Mr. PARKER,

Resolved, That the Committee on the Post ffice and Post Roads be instructed to inquire into the expediency of establishing a post route from Harpersfield centre, Delaware county, N. Y. by North Harpersfield to South Worcester, Otsego county, N. Y.

On motion of Mr. McCLELLAN,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Hellen Miller, widow of Philip P. Clum, deceased, a soldier of the Revolution.

On motion of Mr. GRANT,

Resolved, That the Postmaster General be instructed to report to this House the amount of postages received on paid and unpaid letters sent by the express mail to the city of New York, from Philadelphia, Mobile, and New Orleans, and the amount of postage received at New York on letters sent to the other offices named by the express mail between the 15th November, 1836, and the 30th September, 1837. Also, the amount of postage received at the post office in the city of New York on letters, both paid and unpaid, sent during the same period by the regular or usual mail to, and received from, the offices above mentioned. Also, the amount of postage received at the post office in New Orleans on paid and unpaid letters, sent by the express mail from Mobile, Philadelphia, and New York, and the amount of postage received at that office on letters sent to the said other offices by the express mail during the above mentioned period. Also, the amount of postage received at the post office in the city of New Orleans on paid and unpaid letters, during the period above stated, sent by the regular or usual mail from that office to Mobile, Philadelphia, and New York, and on letters received at the New Orleans post office from the said other post offices.

Resolved, That the Postmaster General be instructed to report to this House a list exhibiting all the contracts for carrying the regular mail on the several routes on which the Express mail is carried, the name of each contractor or contractors for each route, the length of the route by measurement or estimate, the sum paid for the mail transportation on each route, and the speed with which each mail is carried under each of the contracts; and whether any vehicles or carriages for the conveyance of passengers are used or employed on any of these mail routes that travel faster than the one in which the regular mail is carried.

On motion of Mr. FILLMORE,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a new post route from Aurora, via Colden, to Springville, in the county of Erie and State of New York.

On motion of Mr. HOFFMAN,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of creating the rank of Admiral in the navy of the United States.

On motion of Mr. PRENTISS,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of so extending the provisions of the act of the 3d of

March, 1837, as to include in its provisions all persons who have been, or may hereafter be, wounded in the army of the United States.

On motion of Mr. DE GRAFF,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the laws now in operation granting pensions to widows or their children, as to extend the benefits of the same, under the usual restrictions, to the widows or children of all those who died in consequence of wounds or injuries received while in the service of the United States previous to 1818.

On motion of Mr. GALLUP,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Elizabeth Truax, of Albany county, New York, for services rendered by her late husband, Abraham Truax, as an ensign in the Revolutionary war.

On motion of Mr. LOOMIS,

Resolved, That the Committee on the Judiciary be instructed to inquire into the power of the United States Government to compel the application of the assets and effects of the late Bank of the United States to the payment of its outstanding debts and liabilities; and if satisfied that such power exists, that they report to the House the proper measures to be taken for that purpose.

On motion of Mr. CAMBRELENG,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of authorizing the purchase of a sufficient number of copies for the use of the library of Congress, and the libraries of the two Houses, of a work containing the annual reports of the Treasury on the Finances, from 1789 to 1837, which work has been already published.

On motion of Mr. GRAY,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of granting compensation to Wm. Tryon, of Sackett's Harbor, New York, for property destroyed by the United States troops in 1814, in consequence of the necessary occupation of his premises by such troops, by order of the comanding officer of that station.

On motion of Mr. CHILDS,

Resolved, That the President be requested to communicate to this House (if the same can be done without prejudice to the public service) all the documents and information in his possession relative to the prosecution of the claim to the Smithsonian bequest; also, what duty has been performed, and remains to be performed, by the agent employed at London, in reference to said claim, and how the money heretofore appropriated by Congress has been applied.

On motion of Mr. TAYLOR,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law now in force for printing and distributing the acts of Congress, so as to give to them a more uniform and general circulation.

On motion of Mr. RUSSELL,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of continuing the construction of the Military road from Plattsburg, in the county of Clinton, to Whitehall, in the county of Washington, and State of New York, with a view to the greater facility of transporting Military stores and munitions of war from the interior of the State of New York to the frontier settlements at the North.

CONNECTICUT.

On motion of Mr. HALEY,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing David Mallory, of Connecticut, a soldier of the Revolution, on the Pension roll, and of granting a pension for services rendered.

On motion of Mr. INGHAM,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the survey of the harbor of New Haven, in the State of Connecticut.

MASSACHUSETTS.

On motion of Mr. LINCOLN,

Resolved, That the Committee on the Militia be instructed to report, as soon as may be, a bill for the reorganization, arming, disciplining, and governing, the militia, upon such principles, and with such provisions, as are adapted to the present state of the population, and will better conform the required service to the probable occasions of the country, and which will relieve the people from unnecessary burdens; render more equal the duties to be performed, and give greater efficiency to the organized force of the nation, in preserving the public peace, maintaining the supremacy of the laws, and repelling hostile invasions.

On motion of Mr. CALHOUN,

Resolved, That the Committee on the Post Office and Post Roads, consider the expediency of establishing a mail route from Westfield, in Massachusetts, through Montgomery, by Norwich Bridge and Chester North Village, to Worthington in said State.

On motion of Mr. BORDEN,

Resolved That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Adamsville, in the State of Rhode Island, by the way of Hick's Bridge to Dartmouth, in the State of Massachusetts.

On motion of Mr. BRIGGS,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of giving a pension to Mrs. Mary Center, of Pittsfield, Massachusetts, the widowed mother of Lieut. Jno. P. Center, who recently fell in a battle with the Indians in the Florida war.

On motion of Mr. REED,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for surveying the harbor of South Harwich, with a view to improve the same.

On motion of Mr. ADAMS,

Resolved, That the Secretaries of the Treasury, of War, and of the Navy, be directed to report to this House the names of all the persons appointed as agents for the payment of pensions from the first attempt to transfer the payment of pensions from the late Bank of the United States to other agents for said payments to the present time; specifying the authority by which such appointments have been made; the forms of the commissions issued to such agents; the sums of public moneys advanced or otherwise paid to such agents for said payments; and the dates of all such advances and payments; and the balances remaining credited to each of them at the end of each quarter; the compensation, if any, allowed to said agents for such services; the banks with which they have been respectively connected; the offices, whether under authority of the United States, or of the separate States, held by such agents; at the same time, when charged with the pension agency, and the compensation which they have received therefor.

On motion of Mr. BRIGGS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension roll of the United States the name of Elizabeth Durant, of Hinsdale, Mass. widow of Thomas Durant, of Middlefield, Mass. a Revolutionary soldier, deceased.

Mr. ADAMS of Massachusetts, presented the following resolution:

Resolved, That the letter and petition of John V. Brown and twelve others, from Rocky Mount, Franklin county, Virginia, praying, for reasons therein assigned, for the arraignment at the bar of the House, and expulsion of JOHN QUINCY ADAMS, a member of this House, be printed, with the names of the signers thereto, and referred to a committee of nine members to consider and report thereon, with liberty to send for persons and papers.

Mr. A. was about to address the Chair in support of the resolution, when the SPEAKER reminded him that, under the order of the House, if any resolution was likely to cause debate, it must be laid over.

Mr ADAMS said, that as the resolution referred to a question of privilege, he presumed that part of the rule did not apply to this resolution.

The CHAIR, having considered the resolution, decided that, as a question of privilege, its consideration would be in order.

Mr. RENCHER, of North Carolina, moved th preliminary question of *consideration*, viz: whethe the House would consider the resolution?

The CHAIR said that the question of reconsideration would take precedence of all others.

Mr. ADAMS said that the resolution concerned his own privilege as a member of the House, and of the House also.

Mr. RENCHER said he would withdraw his motion for the question of consideration.

Mr. ADAMS then called for the reading of the letter and memorial to which the resolutions referred. And they were read as follows:

ROCKY MOUNT, FRANKLIN COUNTY, VIRGINIA, *Feb.* 26, 1838.

Mr. ADAMS: As the representative of the interests and wishes of the people of the whole United States, and defending in theory so ably, and in practice so fully, the hallowed right of petition from your countrymen, we whose names are hereunto subscribed, respectfully ask you to present the following humble and needful petition to the Congress of the United States for immediate action:

To the Congress of the United States of America:

Whereas, for a long time we have seen with deep regret the course pursued by our distinguished fellow-citizen, the Hon. John Quincy Adams of Massachusetts, upon the deeply interesting question of the abolition of slavery in the District of Columbia, and acknowledging as we do the rights of petition, and the duty of Congress to attend to all petitions coming from the freemen of the United States, and as it is clearly and fully conceded by all that you have the constitutional power to keep order in your body, and to preserve harmony in the country, by all proper means, we repectfully and humbly pray that, as the aforesaid JOHN QUINCY ADAMS has pursued and is pursuing a course upon the aforesaid subject, in our opinions morally and politically wrong, and calculated, certainly, to stir up the deadliest strife between the North and South, and finally to invade our beloved country in the horrors of a civil war, and to lead to a dissolution of the Union, you do arraign him at the bar of the House, and formally and forever expel him from your most honorable body, if sufficient evidence appear to justify your adopting such a measure. Your petitioners deem it unnecessary to lay before Congress any labored argument in favor of this important measure, and will content themselves simply by stating that no feelings, but motives of patriotism, and a deep desire to silence the discussion of this most absorbing and dangerous question, here induce them to appeal to you, in their popular right, to exercise this constitutional power, clearly vested in you by the very instrument itself.

They humbly and most earnestly pray that this their petition will be attended to by your very honorable body; and, with great reverence and respect, sign themselves your most obedient servants.

Mr. STUART of Virginia, said that the memorial appeared to have come from his own district, but he had never heard any thing of it; he wished to hear the names of the signers.

[They were read by the Clerk.]

Mr. STUART then said that he was satisfied the names were all *fictitious*, and moved that the resolution be laid on the table; which was agreed to, and the resolution was laid on the table accordingly.

NEW HAMPSHIRE.

On motion of Mr. CUSHMAN,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the daily pay of jurymen who shall be summoned to attend the Judicial Courts of the United States.

On motion of Mr. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Madison, in the Territory of Wisconsin, to Dixon's Ferry, in the State of Illinois, running on the east side of Rock river.

MAINE.

On motion of Mr. FAIRFIELD,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of

increasing the pension of Joseph Rose, of Livingston, in the State of Maine.

On motion of Mr. DAVEE,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing a survey of Penobscot river, in the State of Maine, between Oldtown and its upper waters, with a view to ascertain its practicability of improvement for steamboat navigation.

On motion of Mr. EVANS,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of authorizing payment to the heirs of Captain Frederick M. Bell, a captain in the army of the Revolution, of seven years' half pay, agreeably to the resolutions of Congress of May 15, 1778, and August 24, 1780, with such interest thereon as would have accrued had a certificate for the amount been issued and subscribed upon the principles of the funding act.

On motion of Mr. NOYES,

Resolved, That the Committee on Military Affairs be instructed to inquire if any alteration is required in the law regulating the pay of officers in the army, to render it more conformable to that of officers in the navy of assimilated rank.

On motion of Mr. ANDERSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Unity, in the State of Maine, to the town of Thorndike, in said State.

After the resolutions, petitions and memorials were then called for, in the reverse order, from the States and Territories, and a number was presented, as follows:

FROM FLORIDA.

By Mr. DOWNING.

MICHIGAN.

By Mr. CRARY.

[Mr. CRARY presented a joint resolution of the Legislature of the State of Michigan, for the immediate abolition of imprisonment for debt in all civil cases coming within the jurisdiction of the courts of the United States. A like joint resolution for such alteration of the post office law as will provide that no postage be charged on newspapers in the State where they are published. A like joint resolution for the completion of the public roads begun by the United States in the State of Michigan. A like joint resolution for an appropriation for the erection of a Court House within the district of Michigan.

A petition for a mail route from Jonesville to Iowa. For a mail route from Battle Creek to Kent. For an appropriation for the completion of the bridge over the St. Joseph river on the Chicago road. Also, resolutions of a public meeting held in the county of St. Joseph, on the subject of preemption rights to the public lands. Also, petitions from sundry inhabitants of St. Joseph and Kalamazoo counties, praying for the passage of a preemption law.]

ARKANSAS.

Mr. YELL.

MISSOURI.

Mr. MILLER.

[Mr. MILLER presented the following petitions: the petition of Wm. H. Henton and others, praying the establishment of a mail route from Booneville, in Cooper county, Missouri, by the way of Georgetown, Rives Court House, Oseola, Sarcoxie, in Perry county, in said State; thence by the way of the Seneca Mills to Fort Gibson, on Arkansas river: also, the petition of Wm. Hugdins and others, praying the establishment of a mail route from the post office of Madison creek by Utica, Livingston county, Missouri, by Goliton, in the county of Davis, to the city of Far West, in the county of Caldwell, in said State: also, the petition of the heirs of Wm. Young, deceased, praying Congress to grant them compensation for services rendered by the said Wm. Young, during his life time: also, the petition of Michael Gloss, praying Congress to refund him a certain sum of money on account of a tract of land entered, as he believes, through mistake.

ALABAMA.

Messrs. LAWLER, LEWIS and CHAPMAN.

[Mr. LAWLER presented a memorial and certain joint resolutions of the Legislature of Alabama, in favor of the annexation of Texas, and moved that they be laid on the table and printed.

Mr. ADAMS moved to refer them to a select committe.

The first motion taking precedence, Mr. A. called for the yeas and nays thereon; which were ordered, and were—yeas 109, nays 40.

So the memorial and resolutions were laid on the table.]

ILLINOIS.

Messrs. SNYDER, MAY, and CASEY.

[Mr. MAY presented a number of petitions for the establishment of mail routes. Also, a petition from a convention of citizens of Lasalle county, Illinois, praying for a grant of lands for the purpose of improving the navigation of Fox river. Also, a petition from a number of citizens of Jo Daviess county, praying for a donation of four sections of land, for the purpose of endowing a manual labor college. Also, a petition praying for the passage of a pre-emption law.]

[Mr. SNYDER presented the memorial of three hundred and fifty-nine voters, citizens of St. Clair county, in the State of Illinois, "praying that Congress may adopt some measure by which all connection between banks and the General Government may be *totally dissolved*." Mr. SNYDER said he was well acquainted with nearly every person whose name appears to this memorial; they were highly respectable and influential men. He recognised the names of the judges of the county court and their clerk, the sheriff of that county, two lawyers, eight or ten justices of the peace, one member and one ex-member of the Legislature, with many other of the most influential men in that county. Neither could he (Mr. S.) omit to mention the name of John Reynolds, his distinguished predecessor, doubtless favorably known to many honorable members of this House, who had also placed his name to this *hard-money memorial*. Mr. SNYDER said he was thus particular in stating the number and character of the memorialists and their object, because he had noticed a statement in the *Vandalia Register*, printed in Illinois, stating "that a paper had been transmitted to him, (Mr. SNYDER) one of the representatives in Congress, from St. Clair county, signed by 800 voters, being a majority of the legal voters of that county, desiring him (Mr. S.) to vote for the divorce bill." This article, Mr. SNYDER said, was going the rounds of the western papers, and he thought it his duty to correct the misrepresentation; the more so because that print had, on other occasions, been guilty of similar conduct towards him. Mr. SNYDER moved that the memorial be referred to the Committee of Ways and Means, and that it be printed.

Mr. SNYDER presented the papers of William B. Livesey, of Washington county, in the State of Illinois, asking that he may be permitted to re-locate eighty acres of land entered by mistake. Also, the petition of Peter Samuel Jaccord, of Johnson county, in the State of Illinois, on the same subject; both of which he moved to refer to the Committee on Public Lands. Also, the petition of George Kinder, Jubilee Posey, and Joel Whitesides, of Madison county, State of Illinois, praying Congress to authorize the receiver of public moneys at Edwardsville, Illinois, to pay them the amovnt of money and interest which they paid over and about the amount of land purchased by them, owing to a mistake in the land office books of the real number of acres contained in the respective tracts: referred to the Committee on Public Lands.]

[Mr. CASEY presented the petition of sundry citizens of Iroquois county, Illinois, in relation to a mail route: referred to the Committee on the Post Office and Post Roads. Also, the papers in the case of Eldridge Coles, for a horse lost while in the ranger's service: referred to the Committee of Claims. Also, the papers in relation to the claim of Davis and Forman, for services rendered the Government: referred to the Committee of Claims.]

INDIANA.

Messrs. BOON, RARIDEN, GRAHAM, HEROD, EWING, and WHITE.

[Mr. GRAHAM presented the petition of Thomas Maxwell of Washington county, Indiana, praying a pension for revolutionary services: referred to the Committee on Revolutionary Claims. Also, the claim of Hannibal Durham of Indiana, for a horse lost in the military service of the United States, and the claim of Daniel S. Beem of Indiana, for a horse lost in the same service: referred to the Committee of Claims. Also, resolutions of the General Assembly of Indiana, instructing their Senators and requesting their Representatives to use their best efforts to procure the passage of a law providing that the notes of specie-paying banks be received in payment of public lands: ordered to be laid on the table and printed.

LOUISIANA.

Messrs. GARLAND and JOHNSON,

OHIO.

Messrs. HARPER, HUNTER, KILGORE, ALEXANDER, MASON, RIDGWAY, DUNCAN, LEADBETTER, SHEPLOR, and GOODE.

[Mr. HARPER presented the petition of Thomas Sinclair and 14 other legal voters of the county of Muskingum, Ohio, praying this House to rescind the resolution of the 21st of December last: also, the petition of Wm. H. Beecher and 36 other citizens of the same county, for the same purpose: also, the petition of 26 males and 30 females of the county of Muskingum, Ohio, for the same purpose: also, the petition of the same, for the abolition of slavery in the District of Columbia: also, the petition of Paul Hahn, of the county of Muskingum, Ohio, praying a pension: referred to the Committee on Revolutionary Claims.]

[Mr. HUNTER presented a petition from O. Follet and other citizens of Huron county, Ohio, requesting Congress to reject every proposition and measure for the annexation of Texas: referred to the Committee of Foreign Affairs. Also, from G. W. West and others, for the establishment of a post route from Norwalk, Huron county, to Plymouth, Richland county, Ohio: referred to the Committee on the Post Office and Post Roads. Also, from Thomas Treat and others, for a mail route from Melmore, in the county of Seneca, to New Haven, in the county of Huron, Ohio: same reference. Also, from L. Snyder and others, for a mail route from Tiffin to Fort Findley, in the county of Hancock, Ohio: same reference. Also, from J. Meredith and others, to abolish postages on newspapers: same reference. Also moved to refer a petition presented at the Second Session of the Twenty-fourth Congress, to establish a post route from Tiffin to Resden, to the same committee. Also presented a resolution of the General Assembly of Ohio on the subject of the "Maumee and Western Reserve road," and moved its reference to the Committee on Roads and Canals. Also, a resolution from the same, expressing the opinion of that body in relation to measures affecting their prosperity, and disclaiming the power to give binding instructions, etc.—(withdrawn, on the ground that it had been previously presented.) Also, additional papers in the case of David Carswell: referred to the Committee on Revolutionary Pensions.]

[Mr. KILGORE presented the following petitions, to wit: The petition of 39 legal voters of Harrison county, Ohio, for the repeal of the resolution of the House of Representatives of the 21st December last, touching abolition petitions, etc. The petition of 93 citizens and legal voters of the same county and State, against the admission of any new State into the Union, whose constitution tolerates domestic slavery. The petition of 40 citizens of the county of Jefferson, Ohio, for the abolition of slavery in the District of Columbia. The petition of 78 citizens of the nineteenth Congressional district, for the abolition of slavery in the District of Columbia. The petition of 44 citizens of Jefferson county, Ohio, against the admission of Texas into the Union. And also, the memorial of a number of the mechanics of the city of Philadelphia, asking an immediate appropriation for the erection of a dry dock in the navy yard at that city.

TENNESSEE.

Messrs. STONE, McCLELLAN, SHIELDS, and CARTER.

[Mr. STONE presented the petition of 109 citizens of Meigs and Hamilton counties, praying for the establishment of a stage route from Kingston, Roan county, Tennessee, via Decatur, to Rosses

Landing, Hamilton county, Tennessee, thence to Jacksonville, Mississippi: referred to the Committee on the Post Office and Post Roads. Also, the petition of 64 citizens of Meigs county, Tennessee, praying for the establishment of a stage route from Kingston, Roan county, Tennessee, by Decatur, to Rosses Landing, thence to Tuscaloosa, Alabama: referred to the Committee on the Post Office and Post Roads. Also, the petition of 32 citizens of Meigs and Hamilton counties, praying for the establishment of a stage route from Kingston, Roan county, Tennessee, by Decatur, to Rosses Landing, on the Tennessee river, thence to Tuscaloosa, Alabama: referred to the Committee on the Post Office and Post Roads. Also, the petition of Wm. Brown, assignee of John Dwiggins, claiming compensation for lands purchased from the Tennessee Land Company: referred to the Committee on Private Land Claims.]

KENTUCKY.

Messrs. HARLAN, UNDERWOOD, and WILLIAMS.

[Mr. HARLAN presented the following petitions: 1. of the trustees of the Centre College of Kentucky, praying for a donation in land: referred to the Committee on the Public Lands. 2. Of Andrew Tadlock, for compensation for property lost in the late war: referred to the Committee on Claims. 3. Of Mary O'Bannon, for compensation for the services of her husband in the Revolutionary war: referred to the Committee on Revolutionary Claims. 4. The papers in the case of Lewis Webb, claiming compensation for Revolutionary services: referred to the Committee on Revolutionary Claims.]

GEORGIA.

Messrs. DAWSON, CLEAVELAND, and GRANTLAND.

[Mr. CLEAVELAND presented the petition of sundry citizens of Elbert county, praying the establishment of a mail route from Elberton to Carnesville, and also a route from Rock Mills, in South Carolina, to Danielsville, Georgia. Also, the petition of Giles S. Boggess, of Georgia, praying reimbursement for losses sustained by carrying the Express Mail from Milledgeville, Georgia, to Montgomery, Alabama.

SOUTH CAROLINA.

Messrs. LEGARE and GRIFFIN.

NORTH CAROLINA.

Messrs. HAWKINS, MONTGOMERY, RENCHER, and McKAY.

VIRGINIA.

Messrs. JONES, ROBERTSON, CRAIG, MORGAN, BEIRNE, JOHNSON, STEWART, COLES, MALLORY, TALIAFERRO, GARLAND, and MERCER.

At this stage, on motion of Mr. HOWARD, the amendments of the Senate to the House bill in relation to the Northern frontier, were committed to the Committee on Foreign Affairs.

On motion,

The House adjourned.

IN SENATE,

MONDAY, March 5, 1838.

Mr. CLAY presented the petition of Jonathan Thompson, late collector of the customs at New York, praying the restoration of his official bonds, for reasons set forth in the petition: referred to the Committee on Finance.

Mr. TIPTON presented the petition of sundry inhabitants of Indiana, praying that the lands through which the Wabash and Erie Canal passes may be exposed to sale: referred to the Committee on Public Lands.

Mr. CLAY presented the petition of E. C. Watson of New York, calling the attention of Congress, in respectful and feeling language, as Mr. C. said, to the distressed condition of the country, and proposing the establishment of a great national corporation, to be called the United States Internal Improvement and Manufacturing Loan Office, with a capital of one hundred millions of dollars, to issue bank notes of from five dollars to one thousand dollars, and to have the custody of the public money: referred to the Committee on Finance, and printed.

Mr. BUCHANAN presented the petition of Captain Britton Evans, of the Philadelphia volunteers, now in Florida, praying reimbursement for his property, which was lost in consequence of the wreck of the vessel in which he took passage: referred to the Committee on Claims

Mr. LYON presented the petition of sundry citizens of Jackson, Lenawee and Calhoun counties, in the State of Michigan, praying Congress to establish a mail route on a new State road, laid out fifty-nine miles in length, from Tecumseh, in Lenawee county, to Marshall, in Calhoun county, through the villages of Brooklyn, Jefferson, Spring Arbor, Acker's Mills, Concord, Albion, and Berne, in that State: referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented the petition of William Wells, and a large number of citizens of Buffalo and its vicinity, praying for the passage of a law to pay Mr. Wells for the steamboat Caroline, which was destroyed by the British: referred to the Committee on Foreign Relations.

Mr. WRIGHT also presented the petition of Benjamin Gover, praying for a pension, as a soldier of the Revolution: referred to the Committee on Pensions.

Mr. WEBSTER presented the memorial of William E. Dayton, and other citizens of New York, remonstrating against the Independent Treasury bill, and praying for the establishment of a national bank: referred to the Committee on Finance.

Mr CLAY of Kentucky presented a petition from the citizens of Hampshire county, in Virginia, which he read. This petition states that the course pursued by the Post Office Department in exacting specie, is seeking to coerce the people to do what is physically impossible; and that, unless a change is effected in the Post Office regulations, they will speedily be deprived of all benefit from the United States mail, shut out from correspondence with their friends and the information the newspapers afford. It states, also, that Stockton and Stokes, while they are exacting specie on their contracts from the country postmasters, are deluging the county with shin-plasters, redeemable only in current bank notes or stage fare.

Mr. C. moved to refer it to the Committee on the Post Office and Post Roads.

Mr. GRUNDY said, as it related to specie, he thought it would be better to refer it to the Committee on Finance.

Mr. CLAY said he did not care to what committee it went. Of one thing he was satisfied, the result would be the same let it go where it might in that body. He thought, however, the use of the term shin-plasters might have secured it a favorable reception from certain quarters. He expressed himself satisfied with any reference which they might please to give it.

Mr. YOUNG presented the proceedings of the Board of Public Works of the State of Illinois, on the subject of the progress of internal improvements in that State: referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. ROBBINS presented the memorial of sundry citizens of Rhode Island, remonstrating against the passage of the Independent Treasury bill: referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the act of the Legislature of the Territory of Wisconsin to incorporate the State Bank of Wisconsin and Prairie du Chien, made an unfavorable report thereon, accompanied by a joint resolution disapproving and disaffirming the same.

NEUTRAL RELATIONS.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which had been referred the bill from the House of Representatives "to amend an act entitled 'an act in addition to the act for the punishment of certain crimes against the United States,' and to repeal the acts therein mentioned," approved twentieth of April, eighteen hundred and eighteen, reported the same with amendments, which were read.

Mr. BUCHANAN said that it was certainly a matter of some importance that this bill should be acted on speedily; and as the amendments which the Committee on Foreign Relations had proposed were very short, and very simple, he was ready at any time to give an explanation of them. If any Senator, however, was desirous of having the action of the Senate on this subject postponed until the amendments could be printed, he would not object; but if no postponement was desired, he would ask that the bill and amendments be now considered as in Committee of the Whole.

The bill and amendments were then taken up, and the first amendment was read as follows:

Strike out from the eighth and ninth lines of the first section the words, "other means or materials," and insert instead thereof the words, "any arms or munitions of war;" and, in the same section, after the word "enterprise," in the tenth line, insert the following words, to wit: "against the territory or dominions of any foreign prince or state, or of any colony, district, or people, conterminous with the United States, and with whom they are at peace."

Mr. BUCHANAN observed that the first section of this bill as it came from the House was entirely new, and had not been a subject of consideration by the Senate, when this question was before it, some five or six weeks ago. It would be observed that it introduced new provisions into our neutality laws, the extent of which could not well be foreseen. It was not confined to the particular exigency which had called for the passage of this act, but was co-extensive with the whole world, and might operate very injuriously against the commerce of the United States.

He would endeavor to present as clearly as he could to the Senate, the nature of this provision.

Under the 6th section of the Neutrality Act of April 20, 1818, any person who shall, within the territory of the United States, "begin or set on foot, or provide or prepare the means for any military expedition or enterprise," against a friendly power, was punishable by a fine not exceeding $3,000, and imprisonment not exceeding three years. The 8th section of the same act conferred upon the President the power of employing the army, the navy, and the militia of the United States, to prevent "the carrying on of any such expedition or enterprise," from our territory, against any power with which we should be at peace. The Senate will observe that this power of prevention was not to be exerted until the expedition had been prepared, and was ready to leave the United States for the purpose of accomplishing the object of its destination.

Although it was rendered criminal for any person "to provide or prepare the means" for such an enterprise, and after a regular trial and conviction, the offender was liable to severe punishment, yet the framers of the act of 1818, which was admirably drawn, did not deem it necessary to authorize the President to direct a seizure, in the first instance, of every article of every description which might be intended to be used as "the means" for conducting such an expedition. The Committee on Foreign Relations were of opinion that it might be very inconvenient to our citizens to entrust executive officers with such a broad and sweeping authority. Hence, in the bill which had passed the Senate, there was no authority conferred upon these officers to seize any articles except arms and munitions of war, and vessels or vehicles fitted out with apparent hostile intentions against a friendly conterminous power, and which were about to be sent, or to pass across the interior frontiers of the United States.

In the first section of the House bill, now before the Senate, none of these limitations were to be found, either in regard to the articles which might be seized, or the foreign countries to which they might be destined. Every collector, naval officer, surveyor, or inspector of the customs in all the ports of the United States, every marshal or deputy marshal, and every other person whom the President might empower for the purpose, was authorized and required to seize and detain, not merely arms and munitions of war, but any other "means or materials" provided for such an expedition, no matter whether it was destined for Europe, Asia, Africa, or America. The authority was given in the most broad and general terms. Provisions of all kinds, clothing, and every other article which might minister to the wants and comforts of such a military expedition as the bill contemplated, were thus made the subjects of seizure. How easily

a power so extensive, especially when conferred upon such a host of subordinate officers, might be abused, every Senator could at once perceive. Merchants who had fitted out vessels to trade with foreign countries in a state of war might be thus harassed and annoyed; and that too without any good reason. The present exigency demanded no such general change in our neutrality laws; perhaps in this particular, it demanded no change at all. What was that exigency? An insurrection had broken out in Upper and Lower Canada against the British Colonial Government. These two Provinces, together with Texas and Mexico, were conterminous with the United States. The duties of good neighborhood, the preservation of peace and quiet along the borders, required that the rights of our citizens, under the law of nations, should be abridged in furnishing arms and munitions of war to the insurgents. A few plain and simple, but precise provisions had been adopted by the Senate, confined to the particular case in point, and other similar cases which might arise, to prevent our citizens from sending vessels or vehicles, arms or munitions of war across the border, intended to be employed in aiding the insurgents in their hostile attempts.

Mr. B. said there was no more fruitful source of error in legislation, than to make general and indefinite provisions, when the evil to be remedied was confined to a particular and special case. You could never know to what extent your law would proceed in practice. You would thus often do more harm by embracing cases which you had not intended, than you would do good by remedying existing evils.

Considering the urgent necessity of the present crisis, and the danger that the passage of any bill might be defeated by a collision of opinion between the two Houses, the committee had determined not to move a rejection of the first section of the bill from the House. They had contended themselves with proposing such amendments as would confine its operation within proper limits. According to these amendments, the articles which might be seized were restricted to arms and munitions of war; and their places of destination would not be the world generally, but only conterminous countries. If any Senator required a further explanation, he would cheerfully give it.

Mr. CLAY of Kentucky said he considered the amendments offered such as under all the circumstances ought to be adopted. There were, he said, two considerations which, on general principles, recommended the adoption of the amendments. The first was, that the power of the Executive was probably too much extended by the bill, without the changes introduced, and the other, that the right of the citizen to conduct foreign trade and commerce was too much abridged. The subject had been so long before Congress, and there appeared such necessity for the immediate passage of the bill, that he fully concurred with the honorable chairman in expressing the hope that it might at once be finally disposed of.

Mr. NORVELL said he would like to propound one question to the honorable chairman. It was well known, said Mr. N. that these *patriots*, as they were called by some, adopted a mode of operation extremely difficult to detect. They were in the habit of procuring wagons like those used by the tin pedlers, in which were secreted arms and munitions of war; and these were driven over the lines, or hidden in the Maumee swamps, from whence they could be taken at pleasure. Mr. N. wished to know if there was any clause in the bill which would reach this case so as to prevent any violation of our neutrality laws?

Mr. BUCHANAN replied, that the bill did make a precise provision in its second section, to meet the case proposed by the Senator from Michigan.

The amendment was then agreed to.

The second amendment was then read as follows:

Section 2. Strike out the proviso at the end of this section, and insert in its stead the following: "Provided that nothing in this act contained shall be construed to extend to, or interfere with any trade in arms or munitions of war, conducted in vessels by sea with any foreign port or place whatever, which might have been lawfully carried on before the passage of this act, under the law of nations, and the provisions of the act hereby amended."

Mr. BUCHANAN said that a short explanation of this amendment was necessary. The second section of the bill seemed to be intended as a substitute for the first and second sections of the bill which had passed the Senate. Our bill had been confined to citizens of the United States: the bill of the House embraced all persons. We had believed that of the United States prevented their own citizens from aiding in insurrectionary movements in neighboring provinces or countries, we had performed our duty. He need scarcely state that under the law of nations, it was lawful for citizens of the United States to sell arms and munitions of war to foreigners, without regard to the use which was intended to be made of them. If they were captured in proceeding to a foreign country, this was the fate of war, and the foreign purchaser must suffer the loss. We had not intended to abridge this trade: and hence our bill had confined the seizures to arms and munitions of war belonging to citizens of the United States.

The provisions of the House bill might essentially interfere with our foreign commerce in arms and munitions of war, unless they were confined to the particular objects which we all had in view. For example, Mexico was a country conterminous with the United States. Suppose the existence of a civil war there, and the opponents of the Government to have obtained possession of the port and city of Vera Cruz. Under this bill, neither citizens of the United States nor foreigners could carry cargoes of arms or munitions of war to that city from any of our ports, for the purpose of selling them to the party in the civil war opposed to the Government, because it would be notorious that they were intended to be employed in carrying on military operations within the territory of a friendly power; and yet such a trade had always existed.

The object of the proposed amendment was to preserve this trade to our citizens, by confining the operation of the second section of the bill to the interior frontiers of the United States, leaving the trade *by sea* in arms and munitions of war to be regulated as it had been heretofore under the act of 1818.

He might observe that there was a palpable inconsistency between the second section itself and the proviso to it. Whilst the second section clearly and properly abridged the rights of individuals to trade in arms and munitions of war, under the law of nations, for the purpose of securing peace and harmony with friendly neighboring powers, the proviso, as it stood, declared that nothing in the act contained should be so construed as to interfere with any such trade at present sanctioned by the law of nations.

The third amendment was then read as follows:

Section three, line twelve, insert after the word "time" the words, "not exceeding ten days."

Mr. BUCHANAN said that, in almost every respect the House had adopted a much stronger measure than the Senate had deemed necessary. We did believe that where a man's property was seized upon suspicion, no matter how strong, if he would give bond and good security, in double its value, that it should not be employed in violating the provisions of the law, that it ought to be immediately restored to his possession. The House had adopted a different opinion. Under the provisions of their bill, at least three months must elapse before arms and munitions of war could be restored to the owner, upon his giving such a bond and security. The proposed amendment was intended to correct what he could not but believe was a mere omission in the House. As the third section now stood, the officer or person who had seized the property might hold it as long as he himself deemed a reasonable time without applying to the Judge for a warrant for its detention. The committee thought that some limit ought to be fixed to his discretion. The proposed amendment, therefore, provided that he should make this application to the Judge for a warrant within a reasonable time, *not exceeding ten days* from the date of the seizure.

The fourth amendment was then read and adopted, without debate; and is as follows.

SEC. 7. After the words "reason to believe in the second line," insert as follows: that the provisions of this act have been or are likely to be violated.

The fifth amendment was then read as follows:

And the following as a new section.

SEC. 9. *And be it further enacted*, That this act shall continue in force for the period of two years, and no longer.

Mr. BUCHANAN said that the last amendment proposed by the committee was, to limit the existence of this act to a period of two years. He was not at all satisfied with the bill; and he believed he might say as much for the Committee on Foreign Relations. But the crisis demanded that we should adopt some measure promptly; and they had deemed it necessary to take this measure, with all its imperfections, rather than do nothing. Such seemed to be the only alternative, under existing circumstances. There was one complaint, at least, which could not justly be made against the bill; and that was, that it did not give sufficient power to the Executive. The committee were opposed to making this a permanent law, and placing it as such upon our statute book, as part of our code to regulate our neutral relations with foreign Governments. He hoped that before two years should elapse, some well-considered and carefully-drawn bill might be adopted on the subject, which should be strictly confined in its provisions to our contiguous neighbors along our interior frontiers.

Mr. WRIGHT submitted the following resolution, which was considered and adopted:

Resolved, That so much of the annual report of the Secretary of War to the President as relates to the management and safe-keeping, or investment of money in the hands of officers of the Government to the several Indian tribes, or to individual Indians, be referred to the Committee on Finance.

Mr. KING submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of paying to the merchants of Mobile the sums paid by them in costs on the extension of duty bonds, in conformity with the provisions of an act of Congress approved the 16th October, 1837.

Mr. LINN submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to the Portage Canal Company of Wisconsin Territory, the right of pre-emption to fractional section 9, and the part of section 4 which lies between the Wisconsin and Fox rivers, both in township 12 north, range 9 east, for the purpose of enabling the said company to construct a canal between the Wisconsin and Fox rivers, as provided by the act of the Legislature of Michigan, approved March 7, 1834.

On motion of Mr. LINN,

The charter of the company, together with sundry other documents, were referred to the same committee.

On motion of Mr. YOUNG,

Resolved, That the Secretary of War be instructed to communicate to the Senate, with as little delay as practicable, a copy of the recent survey of Lieut. Stansbury of the corps of engineers, in relation to the improvement of the navigation of the Illinois and Kaskaskias rivers, with appropriate drawings of the rivers at those points where the navigation may be obstructed, and the estimate of expenses to remove the same.

On motion of Mr. WEBSTER,

Resolved, That the Secretaries of the Navy, War, and Treasury be directed to communicate to the Senate the names of all persons who in and since the year 1832 have been appointed to the office of pension agents by said departments respectively, stating the authority under which such appointments have been made, copies of all instructions to such agents, the form of the commission or letters of appointment, the sums of money advanced to such agents respectively, for the purpose of paying pensions, and the times of such advances, the amount paid annually at each office, the average

balances remaining in the hands of such agents, and also the exact balance, as near as the same can be ascertained; in the hands of each agent on the 1st day of this month, distinguishing and stating separately the sums advanced under each pension law; and also the copies of all letters from pension agents requiring advances, or in any way alluding to their own compensation.

The following bills were severally read the third time and passed:

The bill for the relief of Jonathan Davis.

The bill for the relief of Mary A. Patrick; and

The bill for the relief of Philip Revere and his legal representatives.

The Senate then took up the Independent Treasury bill as the order of the day, and Mr. MERRICK, who had the floor, addressed the Senate at great length in opposition to the bill, and in favor of the amendment offered by Mr. RIVES.

After which the bill was laid over informally; and

Mr. BUCHANAN having stated that the amendments to the Neutrality bill from the House were engrossed, it was taken up, read the third time, and passed as amended.

The Senate went into the consideration of Executive business. After a short secret session, the doors were opened, and

The bill for the relief of Peter Bargy, jr. and

The bill to establish an additional land office in the Territory of Wisconsin, were severally taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to establish a surveyor general's office in the State of Illinois, was taken up and considered as in Committee of the Whole; and, after a debate, in which Messrs. WALKER, BUCHANAN, CLAY of Alabama, YOUNG, and SMITH of Indiana, took part, the question on ordering the bill to be engrossed for a third reading was taken, and resulted—yeas 16, nays 10.

No quorum voting,

On motion of Mr. DAVIS,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, March 6, 1838.

THE LATE DUEL.

Mr. ADAMS asked leave to present a memorial from 220 citizens, stated to consist of most respectable men of all parties, in relation to the late duel, designated by them as "*an atrocious murder*," with a view, he said, to refer it to the select committee appointed to investigate that subject. At the request of Mr. A. the memorial was read.

Objection being made to receiving the memorial—

Mr. A. moved a suspension of the rules, and askep for the yeas and nays, which were ordered, and were—yeas 103, nays 43.

So the rules were suspended.

Mr. ADAMS then presented the memorial, and, on his motion, it was referred to the Select Committee, and ordered to be printed.

Mr. FAIRFIELD said he had received a similar petition, and asked leave to present it for a similar reference.

Objection being again made,

Mr. F. moved a suspension of the rules, which was agreed to—ayes 107, noes not counted, and the memorial was presented, and took the same reference as the foregoing.

Mr. WISE, on leave, presented a memorial for a Revolutionary claim.

On motion of Mr. THOMAS, the vacancy on the Committee on the Judiciary, occasioned by the death of Mr. Cilley, was directed to be filled up.

Mr. CHAMBERS asked leave to submit a resolution, directing hereafter the daily hour of meeting of the House to be 10 o'clock, a. m. Objection being made, Mr. C. moved a suspension of the rule, but it was rejected. Mr. C. then gave notice that he should renew the motion from day to day till it succeeded.

Reports from committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means, to whom were referred various memorials relating to the Currency and a National Bank, and the report of the Secretary of the Treasury on the Finances, recommending further provisions for the collection, safe-keeping, transfer, and disbursement of the public money, submit the following report:

The suspension of specie payments by the banks throughout the United States, in May last, compelled the Secretary of the Treasury, in obedience to the Constitution and existing laws, to dispense with their agency and the use of their notes, and to employ the officers of Government as the fiscal agents of his Department. The banks refused to pay the large surplus deposited with them in the only medium authorized by law, and the expenditures of Government would have been generally suspended, had not the public creditors consented to receive their dues in drafts upon banks which paid them only in irredeemable notes.

Under such extraordinary circumstances, it became obviously necessary to devise some mode of managing our finances which would prevent similar embarrassments in future. The President, accordingly, in discharging his constitutional duty, recommended, at the late session, a series of measures, calculated, as your committee believe, to give stability to the operations of the Treasury, and, at the same time, to relieve the trade and banks of the country from a connection mutually disadvantageous to them and to Government.

These recommendations were opposed by the friends of a National Bank, and by others who desired to renew our fiscal relations with the State Banks. It was, however, admitted that there was no prospect of the establishment of a national institution for some years to come, if ever; and the explosion of the State bank deposite system was too recent to warrant the expectation of its renewal at an early period, if at all. Notwithstanding, however, the condition of our finances, and the urgent necessity of some regulation to render our Treasury independent of banks, and provide additional guards for the safe-keeping of the public money, the Treasury was left amidst all its embarrassments. The same regulations are again recommended by the President; and nothing has, in the meantime, occurred to induce the committee to change their opinion, that their adoption is not only essential to the safety and independence of the public Treasury, but to the stability of trade and of every sound bank in the Union.

The events of the last three years have produced a general conviction that the public money should not be employed by banks or any other institutions, in commercial discounts, however profitable its use might be to their stockholders. During the speculations of 1835 and 1836, the deposite banks stimulated speculation to excess, and in 1837 suddenly withdrew their accommodations to meet the public demands. The accumulation and distribution of the surplus were among the most powerful causes of that alarm which produced the suspension of specie payments. When banks thus employ the public money, they deal in a fund over which they have no control, and its constant transfers and fluctuations embarrass their commercial operations. Even Government itself cannot regulate its amount, anticipate its fluctuations, or the demands upon the Treasury. Under any system of revenue, the transactions of Government would embarrass trade wherever they are united. But in this country, the connection is particularly disastrous, owing to the extraordinary fluctuations in our revenue. Our income is derived from customs and public lands, and is violently affected by the rapid growth of our wealth, commerce, and population. Under our revenue laws, as they have heretofore existed, we have repeatedly had a large surplus at one moment, and immediately after a bankrupt Treasury. By renewing the connection with banks, we shall make the public revenue again instrumental in exciting speculation, embarrassing trade, and injuring every class of the community.

It is wholly immaterial whether the public money is employed in trade by State or National bank agents. The public must, in either case, suffer from the fluctuations of our income, and the occasional efforts of the banks to meet the Treasury demands for transfer or disbursement. Had the Bank of the United States been continued as the agent of Government, and been called upon, as the deposite banks were, to repay thirty-seven millions of dollars in nine months, the shock to trade would have been more violent, and the suspension of specie payments would have occurred at an earlier period. The operations of any great institution, whether State or National, with extensive branches, and dealing largely in exchange, must convulse the trade of every country where it exists under the authority of Government, and the currency consists chiefly of bank notes. Its alarms and its efforts will be in proportion to the extent of its responsibilities; and in every revulsion of trade, its operations will be watched with apprehension. The magnitude of its transactions gives it the character of a Government; and its expansions and contractions, like the fluctuating revenues of the public Treasury, violently move the whole trade of the country alternately forward and backward, leaving at every revulsion distressing scenes of poverty and bankruptcy. The trade of no country can ever be well regulated when constantly liable to be disturbed, either by the operations of Government, or of a great and extended bank, whether State or National. Wherever the heavy transactions of both are united, trade must be subject to frequent alarms and revulsions. If commercial credit did not depend on the public revenue, and no great bank, vainly attempting to regulate currency and exchanges, existed, two of the greatest causes of panics would be removed. These would not often occur if trade were left to its own resources, to the exclusive and undisturbed use of its own capital and credit, and if it enjoyed the liberty to create and manage its own banking agents, without requiring that they should be clothed with legislative privileges, or armed with the powers of Government. Revulsions might still occur, but they would be less frequent and violent, and we should at least never witness the extraordinary spectacle of a laboring population without employment, in a country enjoying unexampled prosperity.

Such an agency is not only injurious to trade, but unjust to other banking institutions. By collecting the public revenue, whether in specie or in bank notes, all other banks are directly or indirectly made tributary to the Treasury agents. Their specie is either drawn from them, or balances are created which compel them to draw upon their debtor banks, while the deposite banks are paying the public disbursements in their own notes. Such undue advantages should be given to no banks, especially when the system is otherwise so injurious to trade and to the Treasury.

The proposed separation is essential to the steady and independent action of trade, banks, and Government. The finances of the latter must become embarrassed at every revulsion, so long as our revenue consists of bank notes or bank deposites. The convertibility of either into specie is wholly illusive, and has been hitherto sustained by confidence alone. That confidence is now destroyed. If a few banks only had suspended specie payments from bad management, confidence in other institutions might have been continued. Or if, as in war, Government had deemed it expedient to borrow their credit and sanction its abuse, it might have revived with the return of peace, and the restoration of specie payments. But it never has occurred before, that, in time of peace and amidst general prosperity, the banks of a nation have simultaneously suspended specie payments; and, what is far more important, as it regards the future, the wishes of the trading community anticipated the action of the banks, the suspension was hailed as a measure of commercial relief, our Legislatures sanctioned it, and the public were compelled to acquiesce. The effects of the suspension were little understood by those who deemed it a measure of relief. The trade of no country can be relieved by a sudden reduction of its currency. We had been for twelve months under the harsh operation of a diminution of commercial and bank credits. They had nearly, if not quite, reached that minimum from which, after a temporary stagnation of trade, they would

naturally have risen again when the suspension, (for all commercial purposes at home,) suddenly converted eighty millions of currency into merchandize, and it was withdrawn from circulation. The compound standard of specie and paper, by which the property of the Union had been measured, was abruptly reduced from about one hundred and ninety millions to one hundred and ten millions of a variously depreciated currency; or, if we consider specie as the only common standard, from a hundred and ninety to eighty millions. Foreign exchanges rose, notwithstanding this extraordinary reduction, and all the sanguine anticipations of a revival of confidence and credit were disappointed. Our reduced currency was still further diminished, the term of our commercial embarrassments was prolonged, and the revival of trade postponed to an uncertain period. These were the consequences of that measure which it was supposed would relieve the country.

But, however we may suffer by the recent suspension, we must anticipate a similar event at every revulsion. It cannot be avoided in this age of speculation, and with our system of banking. In periods of alarm, those who are threatened with bankruptcy will seek relief in any measure, regardless of consequences. The banks will certainly yield to the demands of trade in some parts of the Union, and the recollections of the run upon them in 1837 will produce a panic which must compel most, if not all, other banks to follow their example. Some portions of the Union may possibly escape; but we may certainly anticipate embarrassment in some sections, and we should accordingly prepare for it. The banking system of this country must be thoroughly reformed before confidence in the convertibility of bank notes can be permanently revived. No such reform can, at this time, be anticipated. A few more disastrous revulsions may compel us, at some future period, to correct the vices of our system; but, for the present, it is evident that our local currencies are to be still further vitiated by State legislation. With our recent experience, and with such a prospect before us, a just and patriotic regard for the public interest urgently requires that the Treasury of the United States should not be hereafter exposed to embarrassment or bankruptcy by being connected with a system liable at all times to explosion, and that it should never again be made dependant upon every vicissitude in the commercial system of the world.

The Federal Government is also bound to preserve for the States the only measure of value recognised by the Constitution, that the taxes and disbursements of our Confederacy may be collected and paid out in a common medium. If the proposed measure be rejected, we cannot hereafter anticipate any uniformity in our taxes, or any such thing as a federal currency. With our complicated banking system, the immense enlargement of commercial credit, the rapid growth of the commerce of the Southwestern States, and of the settlement of the new States generally, we cannot preserve equality in exchanges or local currencies. Our exchanges were as much deranged in 1825, while we had a National Bank, as they were in 1837; and our paper system would have exploded then, had not that revulsion originated in Great Britain. The history of our cotton trade exhibits fluctuations which defy control. The price periodically gives way; the Southwestern States are deprived of a large amount of their funds for remittance, and our exports are suddenly suspended. Such vicissitudes must continue with the rapid growth of the culture and manufacture of cotton, and with the enlargement of the paper systems of Great Britain and the United States. It is obvious that the power and the mischiefs of our banking system are about to become still more formidable, and there is too much reason to apprehend, in a few years, an explosion more distrous to all branches of industry than any we have hitherto felt. While the States continue to multiply banks authorized to supply the country with a currency, no effort of the Federal Government, whether by incorporating a National Bank, or by a perpetual issue of Treasury notes, could prevent a suspension of specie payments, while either of these measures would but increase speculation and the violence of revulsion. The only alternative left for the Government is to guard permanently against the effect of such legislation, and of such explosions upon the common medium of our Confederacy. Should we ever restore the agency of banks, or permanently invest our revenue in bank notes, we shall be compelled at every suspension to issue Treasury notes as a substitute for coin, or to collect our revenues, and make our disbursements, in the variously depreciated bank paper of the States, contrary to every rule of justice, and to the express provisions of the Constitution. Should such ever become our policy, it would end in the entire destruction of the only uniform, permanent, and universal measure of value, and of the only wholesome regulator of the trade and credit of the world. If, on the contrary, we wisely separate our Treasury from the credit of our banks, we shall secure, through all the vicissitudes of trade, and the fluctuations of our local currencies, a common medium for our taxes and disbursements, a uniform measure of value for the States, and a standard which would tend to adjust more speedily, after every revulsion, the temporary derangements in our exchanges and currencies.

The public mind is satisfied that some plan should be adopted to relieve trade from any connection with our revenues, and to render our Treasury independent of all explosions. Numerous plans have been proposed for making a partial use of banks, for the mere purpose of keeping the public money, under some special deposite system, with an obligation not to employ it in loans to trade. No such deposite can be effectual but one which secures to the Treasury the control over the money specially deposited, and leaves the daily receipts and payments to be made by public officers. Such a system would merely secure the use of the vaults of the banks as places of safety, and would be unnecessary where our public offices are supplied, as they all must be, with vaults or safes, or both, for the preservation of the public archives and treasure. If the banks have control over the public money deposited with them, all the stipulations and obligations which can be contrived will never prevent them from discounting upon it, directly or indirectly; and all the guards we can provide will not secure to the Treasury its specie fund in case of a suspension. The various regulations which have been proposed would be, in practice, mere nullities. The obligation to credit the revenue collected, as specie, has always existed, and would be and more binding hereafter than it has been heretofore; and a special deposite, exclusively controlled by the bank, would be as unavailable in case of a suspension as any other, which it would be equally bound in law to pay in specie. A stipulation that the bank shall pay the Treasury warrant in specie would be abortive, as that must be determined by the Government creditor. Whether the deposites are in specie or in bank notes, it will pay out its own notes, and increase its discounts accordingly. Periodical settlements with banks having control over the deposites, before and after the settlement, would be a mere formality. Banks might be employed under a system of joint management and control. Special collections, deposites, and disbursements might be made under the care of two sets of officers, one to be appointed by Government, the other by the banks; but such a plan would require a much greater number of officers than is now proposed; and would, at the same time, enable the banks employed by the Treasury to substitute their notes for the coin collected, and enlarge their issues and their discounts, which is one of the principal evils designed to be avoided by the separation.

The Treasury cannot, with safety to itself or to trade, part with its control over the public money, from its collection to its disbursement. After examining the subject in all its bearings, and with every desire to unite public sentiment in some measure, the committee are more than ever convinced that the simplest, most economical, and best plan, for all interests, as a permanent system, is to employ officers of Government, appointed by the President with the approbation of the Senate, to collect, keep, and disburse the public money, under such regulations, guards, and restrictions as Congress may from time to time deem expedient. Various objections have been made to this plan which deserve consideration. Some apprehend that, if not now, it will ultimately require a large addition to the number of officers in the public service, and so far increase Executive patronage. This apprehension seems founded on a mistaken idea of the duties of our public officers, as they have existed from the commencement of the Government. All the essential duties of receiving, keeping, and disbursing the public money have always been, and are now, performed by them, and the proposed measure might be carried into effect without the addition of a single officer, but for the special depositories proposed for greater security. The money for cash duties and public lands has always been collected by our own officers, and placed in banks, in the first instance, to their own credit, or kept in their own hands. Prior to 1800 all the custom-house bonds were collected at our custom-houses, and some are still so. But even when collected by banks, which was a mere Treasury regulation, the amount was carried to the credit of the collectors, and not to the credit of the Treasurer of the United States. Our receivers and collectors have always had, whether banks were employed or not, the absolute control, for a time, of the whole of our revenue from customs and public lands, amounting, since 1789, to more than $1,053,000,000. The only change now proposed is, that our officers shall not hereafter transfer the money to banks to be loaned out, but that they shall keep it and pay it over directly to the order of the Treasury. It will certainly be more convenient to pay it at their own offices than to transfer it, as heretofore, to deposite banks. The same officers will continue to be employed in discharging the same duties generally throughout the Union, without any addition to their number. At seven points of collection the duties and responsibilities will be increased by the bill proposed, and in these cases alone can any further aid be required.

For the greater security of the public revenue, it is proposed to establish seven special depositories. Having a Treasurer of the United States at the seat of Government, it is obviously more proper that the public money collected within this District and its neighborhood should be placed in his custody for public use, than that it should be, as heretofore, deposited in banks to be employed in loans. It is proposed that this officer shall take charge of and pay over, for public purposes only, all money which may be collected within this District, or which may otherwise come into his hands.

As we have mints at Philadelphia and New Orleans, with every provision for the security of the public money, it is proposed that the cash collections at the custom-houses in these places should be transferred daily, and the bonds for duties weekly, to these depositories. The duties of receiving, keeping and paying over the public money, are not new to the treasurers of the mints. The Treasury is authorized to employ a million of dollars in facilitating the coinage which is constantly passing through their hands. They also perform the same duties for banks and merchants. The duties of the treasurers will not be changed in character, but their receipts and payments for Government will be moderately increased in amount.

We have now officers employed in our custom-houses to collect the cash duties. The officer at New York received at that custom-house, in 1836, five millions of dollars. As there are to be special depositories at Boston, New York, and Charleston, with increased responsibilities, it is proposed to substitute, in their places, at these ports, officers of a higher grade, to be denominated "public receivers;" and as a similar depository is proposed at St. Louis, an officer of the same grade, in lieu of the receiver now there. These officers and the treasurers of the mints will also have charge of sums as may be transferred from other points. The increased labor and responsibility imposed on the Treasurer of the United States, the treasurers of the mints, and the public receivers, may require further aid; the Secretary of the Treasury is therefore authorized to appoint two additional clerks for

Washington, two for New York, and one for each of the other four depositories, making altogether nine clerks. No other increase of officers will be required to carry the proposed measure into full effect. This small addition is all that is proposed or required to execute a measure designed extensively to diminish Executive patronage, by dispensing entirely with the agency of banks, and by separating that branch of our Government from all control and influence over a powerful association of corporations, with thousands of directors, officers, and stockholders. If an important measure is to be rejected, because nine clerks are to be added to the number now in the public service, we should, with equal reason, stop the progress of legislation, for scarcely a session passes in which Congress is not compelled to authorize the employment of a greater number of officers to carry into effect the various laws required in the administration of the affairs of our rapidly growing country.

The same mistake as to the responsibilities of our own officers, has produced an erroneous impression that we are now, for the first time, about to place the public money in their custody. Defalcations are consequently apprehended; and to avoid these, a special deposite of the public money in banks for safe-keeping is advocated by some, who are decidedly favorable to the separation. From 1789 to the present time, the public money, in its collection, has been all placed under the control of our own officers: most of it was afterwards placed in banks, or transferred to the credit of the Treasurer on their books; and finally, it was confided to disbursing officers. We have had, generally, very inadequate security; and, in many instances, especially as it regards disbursing officers, not even the ordinary security of bonds. Under such loose regulations, the wonder is that our losses were not greater, considering the immense amount which has passed through the hands of our officers. Our collectors have had under their control a gross revenue of 946,000,000 dollars, and our land receivers 107,000,000 dollars, making 1,053,000,000 dollars. They not only had the control of this vast amount, but they were permitted to pay, without a warrant from the Treasury, and before the money passed out of their hands, all the expenses of our custom-houses and land offices, and debentures, which alone amounted to four or five millions annually, and sometimes more. Notwithstanding these temptations to commit fraud, and to employ the public money for private use, the whole amount of nominal and actual balances against all the collectors of the customs and the receivers of public lands throughout the Union, for forty-nine years, is about two millions and a half, being less than one-quarter of one per cent. on the amount received by them since 1789. But the larger proportion even of the balances now standing on the Treasury books, arises from the death of some, and the negligence of other public officers in not transmitting their vouchers, or from mere irregularity or informality. The collectors are charged with all the bonds, whether they are paid or not, and the receivers with the lands sold, whether they have received the money or not. Sometimes the vouchers are lost or destroyed, and many applications have been, from time to time, made to Congress, to enable the Treasury to settle the accounts of officers, who, though not indebted to Government, have been for years, and are still, reported as defaulters. From the best estimates that can be made at the Treasury, not more than one million of these balances is actually due to Government from our collectors and receivers of public money, leaving a probable loss of about one tenth of one per cent. of the amount under their charge and control. We have lost nothing by the disbursing officers of the army proper for twenty years past, and, as to other disbursing officers, we have generally neglected to require security of them.

These losses by public officers cannot, however, be urged as an argument in favor of employing banks, as they have, with little exception, all occurred while the latter were the agents of the Treasury. We have, moreover, at the same time, lost more in proportion by banks than by our own officers. Throwing aside the millions lost by their depreciated paper, and commencing with the Bank of the United States in 1817, and after the resumption of specie payments, our losses amounted, in seventeen years, by bank depositories, to $1,075,954, and by bank notes $178,470, making $1,254,424, of which there is no prospect of our ever recovering any part. Assuming that, from 1817 to 1834, our deposites in all the banks amounted to $350,000,000, the actual loss in seventeen years would be nearly three-eighths of one per cent. while the probable loss by all our collectors and receivers in forty-nine years cannot be estimated at more than about one-tenth of one per cent. We have besides, by the recent revulsion, a suspended debt due from the deposite banks of $5,925,800, and $4,000,000 more to the credit of our disbursing officers. What part of this we may lose cannot now be estimated. We shall be fortunate if we have not occasion hereafter to double the amount of the losses before referred to. But we have at least ascertained that, in seventeen years of peace and general prosperity, and during the existence of a National Bank, we have lost more by this connection with banks than the amount of all our losses by collectors and receivers in forty-nine years, though the former were entrusted with about $350,000,000 only, and the latter with $1,053,000,000.

While we are thus exposed to heavy losses by employing banks, the renewal of this agency would not, in the slightest degree, diminish our chance of loss by public officers. The employment of banks cannot remove the necessity of confiding to our own officers in collecting and disbursing the public money, unless we abolish our custom-houses, land offices, and disbursing agencies, and assign all the duties of Government to banks. Under no practicable system can we avoid trusting our own officers with the public money, as we have done from the origin of our Government. Fortunately, our experience of their fidelity does not warrant the withdrawal of our confidence. In collecting more than a thousand millions, our probable loss does not exceed the tenth part of one per cent. and at the principal point of collection it is far less. At the port of New York there have been in collecting the customs, since 1789, but two defalcations, one of which is still unadjusted and before Congress; but if the whole amount should be found due, the security is ample. The other, amounting to $21,700, is the entire loss at that port in collecting $357,000,000, or about six cents on every thousand dollars, being about one sixtieth part of the loss by banks, from 1817 to 1834, on $350,000,000 deposited. The operations of our mint also afford ample evidence of the confidence which we may repose in our own officers. No defalcation in the offices of that establishment is known to the Treasury, though about seventy-three millions of dollars have been coined. We thus see our banks and merchants placing millions in the custody of the very officers who, we are told, are unworthy of the confidence of the Government from which they receive their appointments.

Under the additional guards now proposed, our losses, by public officers, will be diminished, and by separating our Treasury from banks, we shall avoid that class of losses altogether. Ample bonds are hereafter to be required from all who are entrusted with public money. Collectors and receivers are not to be allowed to pay out money for any purpose, without an order from the Treasury. All money collected is to be placed at once to the credit of the Treasurer of the United States. For greater security, transfers may be made from one depository to another; and where there is no special depository, deposites may be made with banks under the joint control of the bank and the Treasury. To guard against frauds, it is made the duty of certain public officers in the different districts to examine the money and accounts of those who are entrusted with the public money, and the Secretary may, at any time, appoint other officers within the districts to make special examinations and returns. And, finally, should any officer use or embezzle the money entrusted to him, he shall be convicted of felony, fined, and imprisoned. Most of our custom-houses and land offices are already furnished with vaults or safes, or both, for the preservation of the public archives and public money; but, to provide for every such contingency, an appropriation of ten thousand dollars is proposed, which is the only new appropriation authorized by the bill. With all these additional guards for the collection, safe-keeping, and disbursement of the public revenue, the losses of Government, under the proposed plan, will be much less than under any other hitherto adopted, independent of our losses by banks and their paper.

The objection which deserves most consideration is, that a large surplus might accumulate in the Treasury, and operate injuriously upon the banks, if it consisted entirely of specie. To obviate this, the Secretary of the Treasury recommends that any surplus above four millions of dollars should be invested in stocks, to be sold whenever the Treasury should want the money. Aware of the importance of providing against an unnecessary surplus, the committee have duly considered this proposition, but feel constrained to reject it. The main object of the plan now proposed is to confine the Treasury exclusively to the collection, transfer, and disbursement of the public money by the most simple, economical, and safe means. It is not designed that the Treasury should either be a financier or a banker, further than may be absolutely necessary in the collection and disbursement of our revenue. To connect it either with stocks or banks would be incompatible with this design. The occasional investment of our surplus might also produce other evils. Our dealings in stock would be anticipated by those engaged in that trade, and speculations would be founded on the fluctuations of our Treasury. Congress too would neglect one of its first duties, which is to reduce our taxes whenever the revenue exceeds the wants of Government. A permanent law, graduating our income to our expenditure, may be hereafter adopted, when all our duties are levied ad valorem, as is proposed by the act of March, 1833, to take effect in 1842. But, for the present, no investment, or any other measure is necessary, as we have no reason whatever to apprehend a surplus. The twenty-seven millions deposited with the States is wholly unavailable, the debt of the United States Bank is payable in three annual instalments, and the six millions of suspended balances due from the deposite banks will not be paid for some time to come. Our revenue, both from customs and lands, is very much reduced, while our military expenditures are unavoidably increasing, and further and extraordinary appropriations must be made for the present year, and may be required in 1839. The Treasury notes which were authorized to be issued at the late session are receivable for public dues, and cannot be re-issued. This makes a charge of some millions on the revenue of the present year equal to the amount of the notes received at our custom-houses and land offices. It is obvious that, far from being a surplus, there will be a deficiency, which must be supplied either by a re-issue of the Treasury notes redeemed, or by an authority to issue others. There is not the least probability that our revenue, for two years to come, will be equal to the wants of Government; and if, for the next four years, it should be sufficient to meet our expenditures, and to redeem the Treasury notes which have been, or may be hereafter, issued, it will be full as much as can be reasonably anticipated. In the mean time, our tariff is in a process of reduction, and after June, 1842, the highest rate will be twenty per cent. ad valorem, payable in cash. When it is considered that one-half of our importations are free of duty, it is obvious that, so far from anticipating a surplus of revenue from this source, Government will be compelled to rely, more than it has done hitherto, on its income from public lands for its support. The proposed warehousing system would also tend to keep the revenue down, as merchandise would only be entered as it might be required for consumption. The Treasury notes required for the service of 1838 and 1839, will only be issued to discharge claims, or, as the money may be wanted, and any surplus which may accrue in 1840 and 1841, will be immediately applied to their redemption. In 1842 the ad valorem tariff takes effect, and the balance in the Treasury will be easily regulated by Congress. No surplus can, therefore, be anticipated; nor is

there the slightest foundation for the fear that the banks can be, in any manner, affected by an accumulation of revenue in the Treasury, whether it consists of specie or Treasury notes. Such apprehensions, for two years to come, we know to be unfounded; for our current expenses and existing obligations will require all our resources; the revenue must be paid out as fast as it is collected, and the balance in the Treasury must remain at its minimum. And there is no prospect, whatever, for four years at least, of a surplus, whether collected in specie or otherwise, which can, in any manner, affect injuriously the trade, credit, or currency of the country. There is certainly, therefore, no satisfactory reason for providing, at this time, for the investment of a surplus which may accrue at some future period, not now to be anticipated.

From the actual condition of our finances, and the probable state of our receipts and expenditures for the future, it is obvious, that the question as to the medium in which our revenue shall be collected, must be, for some time to come, of very little importance, so far as it relates to its practical operation upon the banks or trade of the country. After the suspension, the Treasury was compelled to collect the revenue, according to law, in specie or in evidences of public debt, and until there is a resumption of specie payments, neither Congress nor the Treasury can, by any constitutional means, direct that it shall be otherwise collected. Some of the banks may resume at an early period; but while there is evidently so little concert of action or harmony of purpose among them, it would be unsafe to invest the public money in the notes of any bank; and when a general resumption will occur is not now to be anticipated. The rejection or adoption, therefore, of the measure proposed would not now alter the medium of our collections, and could not affect trade or banks. Its adoption, however, would be so far beneficial, as it would tranquillize the public mind; while its postponement or rejection would tend only to keep alive imaginary apprehensions. The revival of trade depends upon its own and ample resources. Its temporary prostration was produced by one of its periodical excesses. It is now in a condition to start again with renewed energy, and all that is wanting to give an impulse to the prosperity of the country, is the mutual and concerted action of our banking institutions—the most efficient agents of credit, when not ascoiated with the fortunes of party, or the operations of Government.

Practically, the existing law and that now proposed is the same; and as this section of the bill would be inoperative for some time, it might, on that ground, be dispensed with; but it is of great importance to the Government and the country that a permanent system should be adopted, and most especially at a time when, from the actual condition of our finances, its introduction cannot affect any interest. The present is the most proper time to devise means gradually to take from the banks the power to make the public revenue instrumental in increasing the embarrassments of the trading community. To use their notes as a medium for our receipts and expenditures, would as effectually defeat this important object, as if we were to continue to deposite the public money with the banks. Whether the Government keep their notes in the Treasury and use them for public purposes, or deposite its revenue in banks, is wholly immaterial; for their discounts would be equally extended, and the design of the separation equally defeated. The only practical difference between the deposite system and the measure proposed, (if we are still to keep and circulate bank notes,) is that we should, under the latter, be at the expense and trouble of keeping an amount of bank notes in the Treasury as a mere substitute for an equal amount of bank deposites which would exist under the former system, without any agency, risk, or expense whatsoever, the banks would be enabled to increase their dividends by discounting to the extent of the public circulations, and on the amount of *their deposites* in the Treasury of the United States. Under either system the Government would find its Treasury precisely in the same embarrassed condition that it was in May last. As to the mere formality whether the Government or its debtors shall draw the specie from the banks, such an arrangement might be made for the convenience of the latter without detriment to the Treasury. But the permanent deposites of the public money must consist of specie or evidences of public debt, and all our payments must be made in the same, otherwise the object of separating the Government from banks is entirely defeated.

When the banks resume specie payments this section will take effect, but as it merely proposes a prospective reduction for six years, the process will be so gradual as scarcely to be felt, especially in the present reduced state of our Treasury. At some future period when a surplus may accrue, the effect of specie collections will be most salutary in moderating the excessive issues of bank notes at those points where a paper currency is most exposed to explosion, and in checking an abuse of credit in its origin. The amount of specie which would be at any time required at all our land offices and custom-houses, would be insignificant in comparison with the aggregate of our metallic currency, which is now estimated at eighty millions. A surplus of four millions, distributed in our offices throughout the Union, would be the maximum, and one-half of even that amount would be at all times represented by Treasury warrants and drafts in circulation. No transfers would ever be made in specie from one point to another, (except a limited amount for paying some of the Indian tribes,) as transfer drafts would be much more economical, convenient, and safe.

Instead of hoarding all the specie, or introducing an exclusive metallic currency, the Government would, at no time, require for all its operations one-twentieth part of the specie in the country. The tendency of the measure would be to increase the aggregate amount; but whether it should or not, certainly so small a portion might be spared for the uses of Government, when it is for the great purposes of relieving trade from its embarrassing connection with the public money, and of protecting the Treasury from periodically having its funds invested in irredeemable bank notes of variously depreciated values.

The public interest urgently requires at the present session of Congress, some measure guarding more effectually the collection, safe-keeping, and disbursement of the public revenue. The Treasury is embarrased for want of regulations adapted to the crisis, and losses may result from our neglect to provide for the security of the public money. Whether the measure be temporary or permanent, some such as that proposed ought to be adopted in the actual condition of our finances. Some time, perhaps years, must elapse, before even the opportunity will be offered, with any prospect of success, of reuniting our Treasury with banks generally, State or National. A National Bank is not now proposed, and whenever it is, as it no doubt will be, it must encounter an opposition not easily or readily overcome. The dangers of such an agent of Government to the political institutions of the country, are too well and generally understood, to warrant the expectation that we shall ever again adopt a remedy worse than the disease.

The proposition to renew the State bank deposite system, after so recent an explosion, and in the present condition of our banking institutions, is premature, if not extraordinary. It would seem to be time enough to discuss its expediency after a general resumption of specie payments; for, if now adopted, we should have in a few months a deposite bank system in the East and an Independent Treasury in the West. This new deposite bank plan has all the vices and insecurity of the one we have been compelled to abandon, with some additional provisions which render it far less acceptable. A league of twenty-five banks, controlled, as it would be inevitably, by some great institution at or near the centre of circulation and exchanges; with the power, in effect, to determine in what medium our revenue shall be collected, and authorized to discount upon the public deposites, would be essentially a National Bank, with four and twenty branches, governing every other bank, and controlling trade and currency. Confirming the selection of these banks by joint resolution of both Houses would lead to annual struggles for the patronage of Congress, and involve them still more deeply in the fluctuations of party. The demand proposed to be made weekly on other banks for specie would give special privileges to this league, and the authority thus delegated "to check over-issues, and to preserve the soundness of the currency" would confer on the Secretary of the Treasury and this league of banks the extraordinary power of regulating, at their discretion, the currency of the country. The further proposition to compel the Government to receive the notes of specie paying banks, was brought forward in the late Congress, and is again revived. Hitherto, Government has enjoyed, under the joint resolution of 1816, the right, in common with the community, of receiving them voluntarily, or demanding specie; but this right is hereafter to be sacrificed to encourage the circulation of bank notes, and to embarrass the Treasury at every revulsion. It would at least seem to be prudent to collect from the banks our six millions of suspended balances, before we inquire into the expediency of again placing the Treasury of the United States in jeopardy.

The measure recommended by the committee is the only one practicable, in the present condition of our banking institutions. It proposes nothing new, either in our laws or practice, which is not indispensable to the security of the public revenue. It is no innovation—no experiment. From the origin of our Government, our own officers have collected, kept, and disbursed the public money throughout the Union. The only change proposed is, that they shall hereafter pay it over directly to the order of the Treasury, and not, as heretofore, transfer it to banks, to be employed in commercial discounts. This use, or rather abuse, of the public money, was the great innovation of 1791, and originated with those friendly to a Bank of the United States. It was an experiment of our own for the benefit of that institution, and was not in accordance with the practice of other countries. We have felt its disastrous effects, and we are now generally satisfied that, once discontinued, it ought never to be renewed. The other proposition to collect our revenue in specie, or evidences of public debt, is an indispensable auxiliary to the first; for, without it, it is impossible to prevent the banks from discounting upon the amount of their credit in circulation and in deposite for public purposes. The measure is, moreover, irresistibly forced upon the Federal Government by State legislation, which, whether constitutional or not, defies its power to regulate both currencies by coinage. When we had but half the number of States, but few banks, and a sounder currency, we might tolerate the receipt of bank notes with safety; but with eight hundred banks, issuing every description of paper, six and twenty different systems of banking, and a rapid increase of our bank note circulations, this Government is compelled to confine its receipts and expenditures to the only medium which can be, hereafter, permanently common to the States. No improvement in our local currencies can be anticipated. The States are governed by opposite parties, contending for hostile principles of government, especially in relation to currency and banking. The reform which may be effected in some, is more than neutralized by the abuses sanctioned in other States, and only contributes to make the operations of our complicated system more irregular and more embarrassing to trade. Experience has not here, as in England, produced partial reform; for, in some of our oldest States, and where they have suffered most from broken banks, and the violence of revulsions, they still tolerate the most vicious systems of banking. Under such circumstances, if not from choice, the Federal Government is driven to the necessity of confining itself to a medium which is not regulated by State legislation, but by the unalterable law of the world.

Higher interests, however, than those of a character merely financial, are involved in the decision of this great question, whether the Treasury shall be permanently separated from banks, or whether we shall establish a perpetual union between the executive branch of our Government and the vast moneyed power of the country. While watching jealously, as we should, every increase of Executive patronage, and guarding, carefully, our Trea-

sury from Executive control, we should watch with even more vigilance and apprehension the growth and movements of a power which, when combined with the organization of party, and permanently successful, must inevitably, not only control our finances, but govern the country. Without referring to earlier contests, the struggle of the last six years affords at least some evidence of an ambitious desire among those institutions which are contending for the use of the public money and public credit, to share in the administration of our national affairs. In this great struggle the interests of trade, and the welfare of the country, have been sacrificed by the too zealous efforts of the political portion of our bankers to perpetuate their control over the National Treasury, and to secure for ever to themselves and their successors the profits on the use of the public money and public credit. Such efforts, when combined with political views, might elevate to the Presidency a Chief Magistrate who would effect a formidable union between the Executive and the immense banking capital of the country, already amounting to more than three hundred millions of dollars. If we are now so much alarmed at the influence of the Executive, with our limited revenue, what may we not fear when that powerful branch of our Government is sustained, not only by the public Treasury, but by a thousand banks and thousands of other corporations, controlled and directed by a league of State institutions with large capitals, or by a national bank with a capital of fifty or one hundred millions of dollars.

Such are the consequences involved in the issue which is now dividing the nation, and agitating its trade and industry. It would almost seem that the honest efforts of some of our banks to produce harmony of action, and to resume specie payments, are defeated to prolong our embarrassments, and to convince the nation of the necessity of assigning the most important powers of Government to the stockholders of a National Bank. This contest should be ended by the prompt adoption of the measure proposed; for trade can never enjoy a steady prosperity till Government and banks are independent of each other. The public money should be applied to public purposes alone, and the banks should be free to pursue their own profitable course, without being embarrassed by the efforts of a small portion of their number employed as Treasury agents, or by perpetual struggles with the Executive or Congress. Should this contest ever result in the triumph of an alliance of the Executive and moneyed powers of the country, it cannot be expected that a union so fearful in its consequences, could be permanently successful. Patriotism would be justly alarmed for the fate of our political institutions, and for the existence of popular rights. Another and a more powerful struggle would commence, which would prove ruinous to trade, and might involve the legislative privileges of every bank and every corporation in the Union. By continuing this as an unsettled question, the trading and banking interests will be exposed to all the vicissitudes of party, and engaged in a perpetual war, unprofitable to themselves, and ruinous to the country. By adopting the measure proposed, and making it our permanent policy, every branch of trade will be left to move on undisturbed by our national political contests, and the Executive branch of our Government would be separated from a power which, when united with it, is the most dangerous to our free institutions and to our Confederacy.

The committee, therefore, respectfully submit the measure to the consideration of the House, sincerely hoping that, whatever difference of opinion may exist as to the details of the bill, its essential principles may be adopted in some form; that this at least, among the many agitating questions, may be put to rest, that regulations so necessary to the safety of the public money may no longer be postponed; and that we may, by a thorough separation from banks, secure, at all times and under all circumstances, an Independent Treasury.

A BILL to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Treasurer of the United States to take charge of all public money which may be collected within this District, and deposited with him by the collectors of the customs, or which may otherwise come into his hands, and to collect any other public money which may be payable to the United States in this District.

SEC. 2. *And be it further enacted,* That it shall be the duty of the treasurer of the Mint of the United States at Philadelphia, and of the treasurer of the branch mint at New Orleans, in each of said districts respectively, to receive from the collectors of the customs at said ports all bonds for duties, and to collect the same; also, to receive from said collectors and all other receivers of public money within their districts, the money which may be collected by them; to collect any other money which may be payable to the United States within their districts, and to take charge of all public money which may otherwise come into their hands.

SEC. 3. *And be it further enacted,* That, in lieu of the officers now employed in collecting the cash duties at the custom-houses in Boston, in Massachusetts, in the city of New York, and in Charleston, in South Carolina, and of the receiver for the land office at St. Louis, the President shall nominate, and, by and with the advice and consent of the Senate, appoint, an officer for each of the custom-houses, and for the land office aforesaid, to be denominated "public receiver," who shall hold his office for the term of four years, unless sooner removed; and it shall be the duty of the public receivers at the custom-houses aforesaid, in each district respectively, to take charge of and collect the bonds for duties, and to collect the cash duties and custom-house charges, and any other money which may be payable to the United States in said districts, and to take charge of all public money which may otherwise come into their hands; and it shall be the duty of the public receiver at St. Louis to discharge all the duties hitherto imposed on the receiver at the land office at that place, to collect all money arising from the sales of public lands, and any other money which may be payable to the United States in his district, and to take charge of all public money which may otherwise come into his hands.

SEC. 4. *And be it further enacted,* That all the collectors of the customs, all surveyors of the customs acting as collectors, and all receivers of the public money at the several land offices, except the collectors at Boston, New York, Philadelphia, Charleston, and New Orleans, aforesaid, shall continue to collect all money which may be payable to the United States within their respective districts for duties, custom-house charges, or lands; and further to collect any other money which may be payable to the United States within their districts, and to take charge of all public money which may otherwise come into their hands. And it shall be the duty of the collectors of the customs at Philadelphia and New Orleans to continue to collect the cash duties and custom-house charges in their respective districts.

SEC. 5. *And be it further enacted,* That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurers, and those acting as such, of the various Branch Mints already erected and now erecting, all collectors of the customs, all surveyors of the customs acting as collectors, all public receivers, all receivers of public money at the several land offices, and all postmasters, except as is hereinafter particularly provided, who may be entrusted with the public money, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government, which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the Executive Departments of the Government, as agents for paying pensions, or for making any other disbursements which either of the heads of those departments may be required by law to make, and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.

SEC. 6. *And be it further enacted,* That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, the public receivers herein before directed to be appointed, and all disbursing officers of every description, shall, respectively, give bonds to the United States, in such form, and for such amounts, as shall be directed by the Secretary of the Treasury, by and with the advice and consent of the President, with sureties to the satisfaction of the Secretary of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury, with the consent of the President, may direct; any law relating to the official bonds of any of the said officers to the contrary notwithstanding.

SEC. 7. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not herein before provided for, to execute new bonds, suitable in their terms to meet the additional duties and responsibilities imposed upon them respectively by this act, and with sureties, and in sums such as shall seem reasonable and safe to the Secretary of the Treasury, and from time to time to require such bonds to be renewed and increased in amount and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other act.

SEC. 8. *And be it further enacted,* That the collectors and receivers of public money of every description within the District of Columbia shall pay over to the Treasurer of the United States weekly, or oftener, as the Secretary of the Treasury may direct; and that the collectors of the customs and receivers of public money in Philadelphia and New Orleans shall pay over to the Treasurers of the Mints in their respective cities, daily, all the public money collected or received by them.

SEC. 9. *And be it further enacted,* That all bonds for duties taken at the custom-houses in Philadelphia and New Orleans shall be transferred by the collectors of these ports respectively, at the end of every week, to the Treasurer of the Mint in each of the said places, for safe-keeping and collection.

SEC. 10. *And be it further enacted,* That no part of the public money shall be hereafter retained by any receiver or collector for the purpose of defraying the expenses of his office, or of paying the compensation of himself and his officers, debenture certificates, or for any other purpose; but that the moneys shall be placed to the credit of the Treasurer of the United States by the officer receiving the same, or transferred to the depositaries as provided by this act; and all payments as aforesaid shall be made by warrant, as in other cases, and shall be paid out of any unappropriated money in the Treasury.

SEC. 11. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury to transfer the money in the hands of any depositary constituted by this act to any other depositary authorized by the same, at his discretion, and as the safety of the public money and the convenience of the public service shall seem to him to require; and for the purpose of payments on public account to draw upon any of the said depositaries as he may think most conducive to the public interest or to the public creditors, or both.

SEC. 12. *And be it further enacted,* That the money in the custody of any of the depositaries constituted by this act, shall be considered and held as deposited to the credit of the Treasurer of the United States, and shall be, at all times, subject to his draft, whether made for transfer or disburse-

ment; and each depositary shall make returns to the Treasury Department of all money received and paid by him, at such times, and in such form, as shall be directed by the Secretary of the Treasury.

SEC. 13. *And be it further enacted*, That whenever public money shall accumulate in the hands of any depositary constituted by this act, other than the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the public receivers, to an amount beyond that secured by the bond of the officer, or which the Secretary of the Treasury shall, for any cause, consider unsafe, and it shall not be desirable to transfer the money so accumulated to any other depositary, it shall be lawful for the said Secretary to direct the said money, or any portion thereof, to be specially deposited in such bank of the State, or Territory, wherein the depositary who is to make the deposite is located, as he, the said Secretary, shall select: *Provided*, The bank so selected will agree to receive and keep the money deposited with it upon the terms and conditions prescribed in the next section of this act.

SEC. 14. *And be it further enacted*, That the special deposites of the public money authorized by the last preceding section of this act to be made in banks, shall be made upon the following terms and conditions:

First. All such deposites shall be strictly special deposites; and the banks holding them shall be prohibited, in the most effectual manner, from making any use of the moneys deposited, by way of loans, discounts, or in any other manner, or for any other purpose whatsoever; and to secure the fulfilment of this condition, the Secretary of the Treasury is authorized, in his discretion, to furnish the banks selected as deposite banks with safes for the keeping of the public moneys exclusively, and under the joint control of the bank and some officer of the Government to whom this duty may be assigned by the Secretary of the Treasury, or to adopt such other guards as he shall prefer.

Second. Nothing but gold or silver, or such Treasury notes, or other evidences of debt, issued under the authority of the United States, as may be directed by law to be received in payment of the public dues, shall be offered for deposite, or received by the bank as a deposite, under the provisions of this act.

Third. All deposites shall be passed, upon the books of the bank, to the credit of the depositary making the same; but no money deposited in pursuance of this act shall be withdrawn without the express order of the Secretary of the Treasury; and no drafts of the Treasurer of the United States, or orders or warrants of the Secretary of the Treasury for ordinary transfer or disbursement, shall be made upon any bank selected as a deposite bank under this act.

Fourth. A commission, such as shall be agreed upon between the Secretary of the Treasury and the bank, not in any case to exceed one-eighth of one per centum upon the money deposited with it, shall be allowed and paid by the United States, in full satisfaction of all claims on the part of the bank for trouble and risk growing out of the receipt, safe keeping, and return of the special deposites herein authorized to be made, and all accounts for commissions shall be audited and paid at the Treasury of the United States.

SEC. 15. *And be it further enacted*, That, in case no bank within the State or Territory wherein the depositary, directed to make deposites, is located, will consent to receive the moneys of the Government upon special deposite, according to the foregoing conditions and regulations, then it shall be lawful for the Secretary of the Treasury to transfer the same to the office of the Treasurer of the United States, to the Mint, or Branch Mints, or to the offices of either of the public receivers, as shall be most convenient to the depositary, or for the disbursement of the public money.

SEC. 16. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of each of the depositaries constituted by this act; and to direct the district attorney or marshal residing within the district to make said examinations; and in all cases where the sum on hand usually exceeds three-fourths of the amount of the officer's bond, said examinations shall not be made less frequently than once in each year, and as much more frequently, in those and all other cases, as the Secretary or either House of Congress shall direct. The agents directed to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety of the public money, may be secured thereby.

SEC. 17. *And be it further enacted*, That, in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each collector, naval officer, and surveyor, as a check upon the public receiver at Boston, New York, and Charleston of their respective districts; of each naval officer and surveyor as a check upon the collectors of the customs, of their respective districts where he is entrusted with the public money; of each register of a land office, as a check upon the receiver of his land office or the public receiver; and of the director and superintendent of each mint and branch mint when separate offices, as a check upon the treasurers, respectively, of the said mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the public receivers, collectors, receivers of land offices, treasurers, and persons acting as such, and to make a full, accurate, and faithful return to the Treasury Department of their condition.

SEC. 18. *And be it further enacted*, That the Secretary of the Treasury shall, as soon as the convenience of the public business, and the safety of the public funds will permit, withdraw the balances remaining with the present depositaries of the public money, and confine the safe-keeping, transfer, and disbursement of the same to the depositaries established by this act.

SEC. 19. *And be it further enacted*, That all officers charged by this act with the safe keeping, transfer, and disbursement of the public money, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and that if any one of the said officers shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public money intrusted to him for safe keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said money as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony, and any officer or person convicted thereof, before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than two nor more than five years, and to a fine equal to the amount of the money embezzled.

SEC. 20. *And be it further enacted*, That from and after the thirty-first day of December, in the year one thousand eight hundred and thirty-eight, the resolution of Congress of the thirtieth day of April, in the year one thousand eight hundred and sixteen, so far as it authorizes the receipt of the notes of specie-paying banks in payment of duties, taxes, sales of public lands, debts, and sums of money, accruing or becoming payable to the United States, shall be so modified as that one-sixth part of all such duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the United States; and from and after the thirty-first day of December, in each of the years one thousand eight hundred and thirty-nine, one thousand eight hundred and forty, one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, respectively, an additional sixth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirty-first day of December, in the year one thousand eight hundred and forty-three, all sums accruing, or becoming payable to the United States, for duties, taxes, sales of public lands, or other debts, and also all sums due for postages, or otherwise, to the General Post Office Department, shall be paid in gold and silver only, or in Treasury notes, or other evidences of debt, issued under the authority of the United States, as may be directed to be received by law in payment of the public dues.

SEC. 21. *And be it further enacted*, That, from and after the thirty-first day of December, in the year one thousand eight hundred and forty-three, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin only, or in Treasury notes, or other evidences of debt, issued under the authority of the United States, as may be directed to be received by law; and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate, the provisions of this and the last preceding section of this act, shall be dismissed the service, and shall forfeit all compensation then due to him.

SEC. 22. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode, and place of payment which he may deem proper.

SEC. 23. *And be it further enacted*, That the public receivers directed by this act to be appointed, shall receive, respectively, the following salaries, per annum, to be paid quarter yearly, at the Treasury of the United States, to wit: the public receiver at New York shall be paid a salary of four thousand dollars per annum; the public receiver at Boston shall be paid a salary of three thousand dollars per annum; the public receiver at Charleston shall be paid a salary of three thousand dollars per annum, and the public receiver at St. Louis shall be paid a salary of two thousand five hundred dollars per annum; and neither of said officers shall be permitted to charge any person having business with his office, or receive from him any commission, pay, or perquisite, for any official service, of any character or description whatsoever; such charge or receipt being hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

SEC. 24. *And be it further enacted*, That until the offices, vaults, and safes are constructed in the Treasury building at Washington, and in the custom-houses at Boston and New York, for the safe-keeping of the public archives and the public money, which buildings are now in the progress of construction, the Secretary of the Treasury is hereby authorized to contract with any bank, corporation, or individual, for the use of a vault and safe for the safe-keeping of the public money at each of the places aforesaid: *Provided*, That secure arrangements cannot be made in the office of the Treasurer and in the custom-houses at Boston and New York for the safe-keeping of the public money.

SEC. 25. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to provide at every custom-house and land office where they may be required, and are are not already provided with them, sufficient and secure safes or fire-proof vaults and safes as he may deem expedient, for the preservation of the public archives and the safe-keeping of the public money, and that the sum of ten thousand dollars be, and the same is hereby appropriated out of any unappropriated money in the Treasury, to defray any expenses in constructing or procuring the same

SEC. 26. *And be it further enacted*, That as assis-

tants in discharging the duties of the seven special depositaries established by this act, the Secretary of the Treasury is hereby authorized to appoint two clerks for the office of the Treasurer at Washington, two for the office of the Public Receiver at New York, and one for each of the depositaries at Boston, Philadelphia, Charleston, New Orleans, and St. Louis, at salaries not exceeding two thousand dollars per annum, payable quarterly.

SEC. 27. *And be it further enacted*, That all acts or parts of acts, which come in conflict with the provisions of this act be, and the same are hereby repealed.

Mr. SERGEANT said he deemed it proper to state that, on agreeing to this report, there was a division in the Committee of Ways and Means, and the minority would probably present their views in a counter report; but this had been read so recently, that there had not been sufficient time as yet to prepare a response to it. It was, however, understood that the minority would make a counter report, and bring it in as soon as possible.

Mr. SERGEANT reported a bill for the relief of Robinson and Co. in behalf of the Newcastle and Frenchtown Turnpike Company.

Mr. HAYNES made an unfavorable report on the petition of Joseph W. Page.

Mr. RENCHER reported a bill for the relief of John P. Rogers.

Mr. McKIM made an unfavorable report on the petition of Asa Armington.

Mr. ATHERTON reported a proposed amendment to the bill for the adjustment of the accounts of certain public officers, which was committed to the same Committee of the Whole which had charge of the bill.

Mr. POPE reported Senate bill making appropriations to complete certain military roads in the State of Arkansas, with a recommendation that it do not pass.

COMMERCE.

Mr. PHILLIPS reported Senate bill, without amendment, for the relief of the owners of the brig Despatch and cargo.

PUBLIC LANDS.

Mr. BOON reported a bill to grant additional compensation to the assistant surveyors of public lands in the State of Michigan.

Mr. HARRISON reported a bill for the relief of Enoch Watson.

Mr. CHAPMAN reported a bill to authorize the sale of the public lands in half of quarter and quarter sections.

Mr. YELL reported a bill granting the right of pre-emption to the commissioners of Paulding county, in Ohio, for a site for the public buildings of said county.

Also, a bill for the relief of James L. Corkeran, of Arkansas.

Mr. Y. moved that the Committee on the Public Lands be discharged from the further consideration of the petitions of James S. Stokes and Henry Stotri, and the same were referred to the Committee on Private Land Claims.

POST OFFICE AND POST ROADS.

Mr. MONTGOMERY reported Senate bill for the relief of the steamboat company of Nantucket, with a recommendation that it do not pass.

DISTRICT OF COLUMBIA.

Mr. JENIFER reported a bill providing for a free bridge across the Eastern Branch of the Potomac river, in the city of Washington.

Mr. J. also made a report on the report of the corporation of Alexandria, on destroying the due bills of that corporation, which was laid on the table.

Mr. J. also reported an amendment to the rules giving the District Attorney of the District of Columbia access to the privileged seats of the Hall of the House, and moved that it be considered now, but it was objected to, and the motion lies over.

REVOLUTIONARY CLAIMS.

Mr. UNDERWOOD reported a bill for the relief of the legal representatives of Dr. Absalom Baird, deceased.

Mr. CRAIG reported, without amendment, Senate bill for the relief of the heirs of Nathan Peters and William Adam, deceased.

FOREIGN AFFAIRS.

Mr. DROMGOOLE reported a bill for the relief of the legal representatives of Aaron Vail, deceased, late Consul at L'Orient.

Mr. CUSHING reported a bill for the relief of John A. Smith.

Also, a bill for the relief of the legal representatives of Charles S. Walsh.

Mr. HOFFMAN reported Senate bill, without amendment, for the relief of the owners of the ship Alleghany, and their legal representatives.

NEUTRALITY BILL.

Mr. HOWARD reported the bill, as amended by the Senate, in relation to the laws of neutrality, with a recommendation that all the amendments be concurred in, except the third, which they recommended be disagreed to.

Mr. ADAMS moved to amend the amendment limiting the operation of the bill to "two" years, by substituting "four;" which, after a few remarks from Mr. A. and Messrs. MASON of Ohio, HOWARD, and TILLINGHAST, was disagreed to.

Mr. MASON of Ohio then moved to strike out the words "and no longer," and insert the words "and until the end of the then next session of Congress;" which amendment was disagreed to.

The amendment of the Senate was then agreed to.

The third and last amendment was then taken up, the object of which was to prevent the trade of arms by land between this and conterminous countries; and, after a few words by Messrs. PATTON and CUSHING, the amendment was disagreed to.

ORDERS OF THE DAY.

Several bills from the Senate were read a first and second time, and referred to appropriate committees.

The bill giving the assent of Congress to an amendatory act of the General Assembly of the State of Virginia, incorporating the Falmouth and Alexandria Railroad Company, was read the third time and passed.

The SPEAKER laid before the House the following communications:

1. From the Secretary of the Navy a report of the estimates of the cost of the proposed improvements of the navy yard at Pensacola; and also of the expense of constructing the marine barracks at Pensacola.

On motion of Mr. INGHAM, referred to the Committee on Naval Affairs.

2 From the Secretary of War, a report in relation to the defences of the Atlantic seaboard, on the North and Eastern frontier of the United States.

On motion of Mr. BRONSON: referred to the Committee on Military Affairs.

GENERAL APPROPRIATION BILL.

On motion of CAMBRELENG, the House resolved itself into Committee of the Whole on the state of the Union, Mr. CASEY in the Chair, and resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government, for the year 1838."

The several clauses having been gone through, and some additional items agreed to, on motion of Mr. CAMBRELENG,

Mr. C. moved an additional clause of $4,694,000 for the service of the Post Office Department for the year 1838.

Mr. BELL objected to this amendment, on the ground of its not being sufficiently specific. He contended that the appropriations for this Department ought to be as specific as appropriations for any of the other Departments.

Mr. ADAMS concurred with the gentleman from Tennessee. He was surprised to see such an amendment as this introduced to an appropriation bill. You might as well make an appropriation of $4,694,000 for the expenses of the Post Office Department, as to introduce such specifications as those contained in the amendment of the chairman of the Committee of Ways and Means. You might as well make this whole bill consist of but two lines, making an appropriation of twenty or thirty millions of dollars for the public service, as to introduce such an amendment as this.

Mr. CAMBRELENG said that the opinions expressed by the gentlemen from Massachusetts and Tennessee were precisely the opinions of the Committee of Ways and Means; and if the gentleman from Massachusetts had had his accustomed memory on this occasion, he would have recollected that this very appropriation, in its present form, was voted for at the last session by himself. The Post Office Department had remained unregulated for forty years by Congress, and it was not until last year that it was required that the moneys arising from postages had been placed in the Treasury, and in consequence of this it became necessary that this appropriation should be made, so that the Postmaster General shall be enabled to carry on the business of that office. Mr. C. concluded by moving an amendment to the amendment of the committee making the appropriation specific.

Mr. CONNOR replied to the remarks of the gentleman from Massachusetts, showing the great difficulty of making specifications with regard to the appropriations for the service of the department, like those of the other departments of the Government, going into particulars to illustrate his views.

Mr. ADAMS briefly replied to the gentleman from New York, (Mr. CAMBRELENG,) expressing himself as satisfied with the amendment last offered by the gentleman for the present; but he hoped, that hereafter this appropriation might be made still more specific.

Mr. GARLAND of Louisiana was happy that the remarks of the gentleman from Tennessee, and the gentleman from Massachusetts, had drawn the amendment pending from the chairman of the Committee of Ways and Means. He thought if there was any appropriation which should be specific, this appropriation ought to be, because, in his opinion, the Postmaster General had too extensive powers vested in him. Mr. G. addressed the House at some length, referring to the course of that department in a variety of cases.

Mr. MONTGOMERY stated that the estimates for this branch of the public service had been made as specific as it was possible to make them, considering the nature of that service, where changes were constantly taking place in the mode of carrying the mail, in putting on new routes, &c. Mr. M. then enumerated the items as follows:

Transportation of the mails	$3,400,000
Compensation of postmasters	935,000
Ship, steamboat, and way letters	31,000
Wrapping paper	20,000
Office furniture	6,000
Advertising	25,000
Mail bags	40,000
Blanks	36,000
Mail locks and keys and stamps	9,000
Mail depredations and special agents	12,000
Clerks for offices	140,000
Miscellaneous	40,000
	$4,694,000

In reference to the present head of that Department, Mr. M. said it would be impossible to find any man, of any party, who could conduct the affairs of that laborious and important office with more diligence, fidelity, or ability, than did the present Postmaster General.

Mr. McKAY referred to the Postmaster General's report, showing that therein every item of estimate was specifically set forth.

Mr. REED complained of the large amount paid to newspapers for advertising, and of the omnipotence of the Postmaster General in advertising in what papers he thinks fit, and of paying therefor what he pleases. Some country papers, he said, received as much for advertising, as half the value of the papers themselves. He wished this matter regulated, and to have some report on the subject; and he asked the chairman of the Post Office committee for information on these topics.

Mr. MONTGOMERY presumed the gentleman could get all the information he desired by a call on the department.

Mr. REED said he had made repeated calls, publicly and privately, without effect.

Mr. MONTGOMERY replied, that a response to the gentleman's call would have been made earlier, but for the illness of the Postmaster General, and that a general answer would be given to all the calls upon him, as soon as practicable, in-

cluding several made by the committee of which Mr. M. was chairman.

The amendment was then agreed to, and the clause as amended was also agreed to.

Mr. CAMBRELENG moved an additional item for reprinting the annual accounts of the expenditures, &c. $9,000, and put in a letter from Mr. Smith, the Register, and an estimate from Mr. Nourse, from which it appeared that only one copy of that valuable and important document now existed.

After a few words from Messrs. CAMBRELENG and ADAMS, it was disagreed to.

Mr. CAMBRELENG moved an item of $2000 for repairing the Marine Hospital at Charleston; which was agreed to.

Mr. CAMBRELENG moved an additional section, authorizing the same compensation to be given to the custom-house officers for 1838, according to the importations of their respective ports, as they would have received if the Compromise act had not passed, limiting its operation to the passage of a bill now before the House.

After a few words from Messrs. CAMBRELENG, REED, BELL, CUSHMAN, and PHILLIPS, as to whether the bill regulating the pay and duties of custom-house officers would pass, Mr. CAMBRELENG believing it would not, the other gentlemen expressing a hope and a belief that it would,

On motion of Mr. REED,

The committee rose and reported, without taking the question.

On motion of Mr. CAMBRELENG,

The amendments were all ordered to be printed; and then,

On motion,

The House adjourned.

IN SENATE,

TUESDAY, March 6, 1838.

Mr. LINN presented the petition of the Milwaukee and Rock river canal company, and remarked that previous to his moving its, a reference to the appropriate committee, as the petition was of considerable importance to the public, and the petitioners, he begged leave to give a short statement of its contents.

The petitioners say that the Legislative Assembly of Wisconsin Territory have incorporated a company for the purpose of constructing a canal from Lake Michigan, at Milwaukie, to Rock river, whereby a navigable communication will be effected between the lakes and the Mississippi. The charter empowers the Company to ask of the General Government, on behalf of the Territory, such aid as may be deemed proper and expedient, and provides that whatever aid shall be so granted, may accrue to the benefit of the State after its organization. It also provides that the said State, at any time after its organization, without any other limitation of time than its own pleasure, may take possession of the works constructed by the company, including the canal and all its appendent privileges, by refunding the amount, and interest, by them expended in such construction, aside from any appropriation which may be made by the Government; thus securing to the State all the benefits arising from such appropriation, as effectually as if made to the State after its organization.

The memorial now presented, comes from the company thus incorporated, and asks for an appropriation in lands similar to the grants made to the States of Ohio, Indiana, and Illinois, to aid in their respective works which pass through the public lands, to be placed at the disposal of the Territorial Legislature, and the proceeds to be applied to the construction of the canal.

The memorialists further say that the canal line from Milwaukie to Rock river, lies entirely within lands owned by the Government, with the exception of from two to three miles at the eastern termination at Milwaukie; and should Congress consider this work of sufficient importance and public utility to justify such a grant in its aid as is solicited, it will be apparent that, in order to secure the full benefit of the grant, both as regards the Government in the sale of the alternate sections, and as regards the Territory in the value of the grant, and the execution of the work, it should be made before a sale of the public lands through which it passes shall take place.

The memorial presents a brief view and description of the country, and of the objects of general interest to be promoted by the proposed work. The memorialists may be regarded in the light of an agency of the future State of Wisconsin, rather than a company possessing valuable and permanent privileges, which might secure to them the control of the transit commerce, and the manufacturing power created by, and connected with the canal. Their agency is of such a nature, as to promote the public interest by the early completion of the canal, and to cease whenever the political organization of the local Government will admit, and the public interest demand.

The memorialists say that it cannot be doubted but that the contemplated canal is a work of very high importance generally, as well as locally. It not only forms a connection between the Mississippi and the Lakes, at important points, but opens the lead mine region to a direct communication with the Lakes; thus giving additional value to that important branch of the domestic production of the country, by giving to it, not only a choice of market, but free access to all the markets of the country.

The memorialists further say, that the connection here can be effected in less time, and at less expense, than at either of the great points in Ohio, Indiana, and Illinois, and by it, equally important objects effected. The length of the canal is 52 miles, the amount of lockage 380 feet; and the line in general is represented to be of the most favorable character. The estimated expense, by an experienced engineer, of well-established reputation, varies a fraction from $800,000.

The memorialists say, that considering the feasibility of the work, and the important objects to be attained by it; considering the state of the country, its rapid settlements, its valuable productions, and its want of facilities for internal trade and intercourse, a reasonable hope is indulged that Congress will give the subject that attention to which it is entitled by its merits, and their favorable action upon the memorial of the company, by granting said alternate sections of the public lands, as was granted to Ohio, Indiana, and Illinois.

Mr. WHITE presented the petition of Hannah Smith, praying compensation for a horse lost during the Florida war: referred to the Committee on Claims.

Mr. W. likewise presented the petition of William Weedeman, which, upon his motion, was referred to the same committee.

Mr. SMITH of Indiana said he rose to present to the Senate a joint resolution of the General Assembly of the State of Indiana, instructing her Senators, and requesting her Representatives, to use their best endeavors to procure the passage of a law providing that notes of all the State banks that may redeem their notes in specie, on demand, shall be received in payment for the public lands. Mr. S. said he was very happy to find that his colleague and himself were not mistaken in supposing, at the extra session, that such was the opinion of their State. He fully concurred with the Legislature on this particular point. He had already given his views at large on the whole subject, and he would not detain the Senate at this time further than to say that it would afford him great pleasure to act in obedience to the instructions, in aid of the object of the resolution. The resolution spoke of public lands alone. He went the whole. He would apply its principles to all Government dues, as embraced by the amendment of the Senator from Virginia to the Sub-Treasury bill, and he would, as he had before stated, go for that amendment as the only probable plan to carry into effect the principle, at present submitted, or likely to be submitted to the Senate.

On motion of Mr. S. the resolution was laid upon the table, and ordered to be printed.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill authorizing the Secretary of State to dispense with so much of the duties of that office as required the laws of Congress to be recorded in books prepared for that purpose.

Mr. WHITE, from the Committee on Indian Affairs, reported bills for the relief of Capt. William Williams, accompanied by a report; which was ordered to be printed.

Also, for the relief of the heirs of Lieut. John Cropper, accompanied by a report; which was also ordered to be printed.

Mr. CLAYTON, from the Committee on the Judiciary, to which has been referred the bill to prevent duelling in the District of Columbia, reported the same with sundry amendments.

Mr. C. moved to make the bill the special order of the day for Monday next.

Mr. CLAY of Alabama objected that it should be made the *special order* on that day. There were other matters of importance which he thought should claim precedence. He felt no disposition to give the bill the go-by, but was averse to yielding it a preference over matters in which his constituents were interested.

Mr. CLAYTON replied, that he had been instructed by the committee to make it the order of the day for Monday next. There were other subjects which had been made the special order of the day for that time, and he presumed no difficulty would grow out of it, as the subjects having precedence would of necessity be taken up.

Mr. KING was also of opinion that no difficulty or delay to other business would grow out of making it the special order.

The bill was then made the special order of the day for Monday next.

Mr. WALKER, from the Committee on the Public Lands, reported a bill to create a new land district in the State of Mississippi; which was read, and ordered to a second reading.

Mr. W. from the same committee, asked to be discharged from the further consideration of the petition of the citizens of Missouri, in relation to an academy of science in St. Louis; which was concurred in.

Mr. HUBBARD, from the Committee on Claims, moved to be discharged from the further consideration of the petition of Joseph Fletcher, and that he have leave to withdraw his papers.

Also, to be discharged from the further consideration of the petition of Elias Davis, and that it be referred to the Committee on the Post Office and Post Roads.

Also, from the further consideration of the petition of William Eaton.

Which were severally concurred in.

Mr. NILES submitted the following resolution:

Resolved, That the Secretary of the Treasury and the Postmaster General be instructed to communicate to the Senate any correspondence between their respective departments and the Metropolis bank in this city, and any facts in their possession, touching the conduct of said bank as a depository and fiscal agent, and particularly in relation to the conduct of said bank, if such has been the fact, in attempting to retain public moneys deposited with it in satisfaction of *pretended claims*, which had not been approved and allowed by any competent authority.

Mr. WEBSTER suggested that it take the usual course, and lie over one day, to which Mr. NILES assented.

Mr. NICHOLAS submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Commerce be instructed to inquere into the expediency of making and appropriation for the erection of a light-house at the southwest pass of the Mississippi river.

The following bills were severally read a third time and passed:

A bill for the relief of Peter Bargy and for other purposes;

A bill creating an additional land office in Michigan.

The Senate then resumed in Committee of the Whole, the consideration of the bill to establish a Surveyor General's Office in Illinois.

Mr. PRENTISS moved to strike out the salary of $2,000, as created by the bill, and insert $1,200. On this motion some debate insued, in which Messrs. WALKER, YOUNG, ROBINSON, and CLAY of Alabama, severally advocated the sum originally proposed. On this question the yeas and nays were demanded; when there appeared for the motion 20, against it 18, as follows:

YEAS—Messrs. Allen, Clay of Kentucky, Clayton, Crittenden, Knight, Lumpkin, Merrick, Niles, Pierce, Prentiss, Robbins, Swift of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, Tipton, Webster, and White—20.

NAYS—Messrs. Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lion, Lyon, Mouton, Nicholas, Norvell, Robinson, Sevier, Trotter, Walker, Wall, Wright and Young—18.

Mr. CLAY of Kentucky said he thought it better that the bill be laid on the table for the present, and made a motion to that effect.

On this motion, Mr. WALKER asked for the ayes and noes, when there appeared, for the motion 29, against it 15, as follows:

YEAS—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Hubbard, King, Knight, Lumpkin, Merrick, Morris, Niles, Prentiss, Preston, Roane, Robbins, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Tipton, Webster, White, and Wright—29.

NAYS—Messrs. Allen, Clay of Alabama, Fulton, Grundy, Linn, Lyon, Mouton, Nicholas, Norvell, Pierce, Robinson, Troiter, Walker, Wall, and Young—15.

ORDERS OF THE DAY.

The Independent Treasury bill was then taken up, when

Mr. NORVELL rose and addressed the Senate for upwards of two hours in favor of the bill. When Mr. NORVELL concluded there were cries of "*question!*" "*question!*"

Mr. TALLMADGE said the Senate was not full enough at that time to take the question on so important a matter; he would therefore move to postpone the further consideration of the bill until to-morrow.

Mr. WRIGHT said as there were other gentlemen that intended to address the Senate in favor of the substitute offered by the Senator from Virginia, he would not object to its being passed over informally for the present.

Mr. BUCHANAN said he had been waiting for some time for a proper period to move (in obedience to the instructions from the Legislature of his State,) to postpone the bill until the next session of Congress. Mr. B. thought the present occasion would afford the best opportunity for doing so, though his colleague was of opinion that the time had arrived several days ago. Mr. B. said he should now move that the bill be postponed accordingly, on which motion he should ask the yeas and nays, with the understanding that the question be taken prior to the vote on the Substitute.

The bill was then informally passed over.

The bill from the House of Representatives giving the assent of Congress to the act of the Legislature of Virginia to amend the act incorporating the Falmouth and Alexandria Railroad Company, was twice read and referred.

Mr. WALKER then moved to take up the bill to create a surveyor general's office in Illinois.

Mr. CLAY of Kentucky opposed the motion, intimating his intention, when prepared, to oppose the bill. There was, he said, a constant tending to an increase of Executive patronage in land offices, land surveyors, etc. which it was high time to check.

The question was taken on Mr. CLAY's motion, and carried —ayes 20.

The bill to amend the judicial system of the United States was taken up and discussed at some length, and finally, on motion of Mr. WEBSTER, laid on the table.

NEUTRALITY BILL.

The Neutrality bill was then taken up; when

Mr. BUCHANAN said that since the frontier Neutrality bill came into the Senate, with the disagreement of the House to its third amendment, he had had a conversation with all the members of the Committee on Foreign Relations, and they were of opinion that this amendment contained a principle of such importance that it ought to be insisted on. He would therefore move that the bill be taken up, and that the Senate do insist on the amendment, and ask a conference with the House.

This motion was agreed to.

The Senate then went into the consideration of Executive business, and soon after adjourned,

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HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 7, 1838.

Mr. ADAMS asked leave to present two memorials from certain citizens of Massachusetts on the subject of the late duel, with a view to refer them to the select committee raised on the subject.

Objection being made,

Mr. A. moved a suspension of the rule, and asked for the yeas and nays, but the call was refused; and on dividing the House twice no quorum voted, when

Mr. PATTON renewed the call for the yeas and nays, and they were ordered, and were—yeas 86, nays 55.

So the rules were not suspended.

Mr. CHAMBERS then rose, and said he had a promise to redeem by moving that the daily hour of meeting be 10 o'clock, a. m.

TERRITORIES.

Mr. BRONSON reported Senate bill, with sundry amendments, to authorize the President of the United States to cause the southern boundary line of the Territory of Wisconsin to be designated and marked.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Matthew Wiley.

Mr. M. also reported against the petitions of Hugh Davis, John Von Dyke, and Elizabeth Nicholls.

On motion of Mr. MORGAN,

The Committee on Revolutionary Pensions was discharged from the petition of Patsy Johnson, and it was referred to the Committee of the Whole.

Also, the Committee on Revolutionary Pensions was discharged from the petitions of Mary Harrison and Elizabeth White, and they were referred to the Committee on Revolutionary Claims.

INVALID PENSIONS.

Mr. TAYLOR reported a bill granting a pension to Stephen Appleby.

Also, a bill for the relief of Dr. Sylvester Nash.

Mr. ALLEN of Vermont, reported a bill for the relief of Levi Tollmans.

Also, a bill for the relief of Simeon Knight.

Mr. McCLELLAN reported a bill for the relief of Coffin Sanborn.

Mr. PLUMER reported a bill for the relief of William Sione.

Also, a bill for the relief of Wilfred Knott.

Mr. MALLORY reported a bill for the relief of Moses Eldred.

Also, a bill for the relief of William R. Inglis.

PUBLIC BUILDINGS AND GROUNDS.

Mr. LINCOLN reported a joint resolution authorizing the Commissioner of Public Buildings to cause the removal of the walls of the late Post Office building; which, on his motion, was ordered to be engrossed for a third reading to-day, and, at a subsequent stage, read a third time and passed.

SELECT COMMITTEE ON THE FREEDOM OF ELECTIONS.

Mr. BELL reported back the bill to secure the freedom of elections, stating that it had been so amended as to strike out a part of the preamble.

WAYS AND MEANS.

Mr. CAMBRELENG moved that that committee be discharged from the further consideration of a communication from the War Department, asking for two additional clerks, and that the same be referred to the Committee on Military Affairs.

Mr. C. also moved a discharge from a similar communication from the Navy Department, and that it be referred to the Committee on Naval Affairs; which was agreed to.

NEUTRALITY BILL.

A Message was received from the Senate, stating that that body insisted on their third amendment disagreed to by the House, and asked a committee of conference on the disagreeing vote of the two Houses.

Mr. HOWARD moved that the House insist on its disagreement, and appoint a committee of three on its part to meet the committee appointed on the part of the Senate; which was agreed to.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of the securities of H. H. B. Hays, late postmaster at Claiborne, Alabama.

COMMERCE.

Mr. CURTIS reported a resolution directing, in addition to the one thousand extra copies already ordered, 3,000 additional copies of the chart and report of Cape Cod and Provincetown harbors, 200 of which are to be deposited at the Navy Department for its use, and 200 in the library of Congress for safe-keeping, which was considered and agreed to.

JUDICIARY.

Mr. CORWIN reported Senate bill, with amendments, to change the times of holding the circuit courts of the United States in the seventh circuit; which was ordered to a third reading, and subsequently read a third time and passed.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported a bill to extend the time for selling the lands granted to the Deaf and Dumb Assylum of Kentucky, [to two years further,] which was ordered to a third reading, and read the third time and passed.

Mr. CHEATHAM reported a bill for the relief of Paul Poissot. Also, a bill for the relief of J. Eloi Rachal.

Mr. LEADBETTER reported a bill for the relief of Henry Stoker, William G. Belknap, and Benjamin Walker.

AGRICULTURE.

Mr RANDOLPH reported a bill in addition to the act to promote the progress of the useful arts, and for other purposes, approved July 4, 1836.

On motion of Mr. R. 5,000 extra copies of the report and documents accompanying the bill were ordered to be printed.

PORT OF BALTIMORE.

Mr. CUSHMAN asked leave to take up and consider the "bill to continue in force an act, therein mentioned, relating to the port of Baltimore," explaining that the act expired on the 4th of March; which was agreed to, and the House went into Committee of the Whole on the state of the Union, Mr. LINCOLN in the Chair, and took up said bill.

Mr. C. briefly explained the object of the bill, and of the original bills of 1791, 1800, 1814, 1822, and 1828, of which this was a continuation for five years.

Mr. REED opposed the bill, as involving the principle of levying special duties for individual cites, and if the harbor wanted improvement, let it be done by direct appropriation, and not coerce the city of Baltimore to levy extra duties upon its tonnage for that purpose.

Mr. HOWARD made his acknowledgments to the gentleman from Massachusetts for his concern for the interests of Baltimore, but he gave the gentleman his assurance that the passage of this bill was desired by that city, and both himself and his honorable colleague had received sundry letters from the Mayor and others of Baltimore to that effect, showing it was the general desire of the community.

On motion of Mr. H. the committee then rose and reported the bill to the House, and it was read a third time and passed.

CIVIL LIST BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. CASEY in the Chair, and resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government for the year 1838."

The question pending was on the following amendment, to come in as an additional section, submitted yesterday by Mr. CAMBRELENG:

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, deputy collectors, naval officers, surveyors, and their respective clerks, together with the weighers, gaugers, measurers, and markers, of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred and thirty-eight, according to the importations of that year, as they would have been entitled to receive, if the act of the fourteenth of July, one thousand eight hundred and thirty-two, had not gone into effect: *Provided*, That no officer shall receive, under this act, a greater annual salary or compensation than was paid to such officer for the year one thousand eight hundred and thirty-two: and that in no case shall the compensation of any other officers than collectors, naval officers, surveyors, and clerks, whether by salaries, fees, or otherwise, exceed the sum of fifteen hundred dollars each per annum; nor shall the union of any two or more of those offices in one person, entitle him to receive more than that sum per annum: *Provided, further*, That the said collectors, naval officers, and surveyors, shall render an account quarterly to the Treasury, and the other officers herein named or referred to shall render an account quarterly to the respective collectors of the customs were they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received, and of all expenses incidental to the respective offices; which accounts shall be rendered on oath or affirmation, and shall be in such form and supported by such proofs, to be prescribed by the Secretary of the Treasury, as will, in his judgment, best enforce the provisions of this section, and show its operation and effect: *Provided, also*, That, in the event of any act being passed by Congress, at the present session, to regulate and fix salaries or compensation of the respective officers of the customs, then this section shall operate and extend to the time such act goes into effect, and no longer: *Provided, however*, That the Secretary of the Treasury be authorized to extend to the collectors at such other ports where a surplus of emoluments have been accounted for and paid into the Treasury in the year eighteen hundred and thirty-two, the privilege granted to the collector of New York, to take effect from the first day of January last.

SEC. 3. *And be it further enacted*, That the money arising from the sale of the old furniture in the President's house shall be applied to the purchase of new furniture for the same.

SEC. 4. *And be it further enacted*, That the unexpended balances of appropriations for compensation to the clerks in the offices of the surveyors general of public lands be, and the same are hereby, appropriated, in addition to the sums appropriated by this act, for the same purpose.

Mr. CAMBRELENG moved to strike out the last proviso of the first section of the above amendment.

Mr. ROBERTSON objected to this amendment, on the ground that this was conferring a special favor upon this collector.

Mr. CAMBRELENG explained that the collectors had heretofore been in the habit of making a distribution of a certain surplus fund in their hands, as a part of the salaries of their clerks. In the instance which this proviso was intended to remedy, the money had been paid into the Treasury; and consequently, it was necessary, in the last appropriation, that this provision should be inserted, to enable these clerks to obtain their pay. He himself thought the practice was an improper one, and hoped the salaries of these clerks would hereafter be paid like the salaries of all other clerks under the Government.

Mr. ROBERTSON thought, then, that the proper course would be for the chairman of the Committee of Ways and Means to bring in a proposition to regulate the pay of these officers.

Mr. CAMBRELENG replied that it was unnecessary to introduce a proposition to regulate the pay of these officers, as there was a bill before the Committee on Commerce for this very purpose.

Mr. REED said he had a few remarks to make, but there was no House here to make them to.

The CHAIR then appointed tellers to count the House, when it was found that there but seventy two members in their seats: no quorum.

The committee then rose and reported that fact to the House.

Mr. McKAY then moved a call of the House, which was ordered, and the roll nearly called through; when,

On motion of Mr. JOHNSON of Virginia, the call was dispensed with, and the House again went into Committee of the Whole.

The motion to strike out the proviso was then agreed to.

Mr. REED was opposed to the amendment, because he considered that it would operate to the benefit of the officers at New York, and some other of the large ports, and be an injury to those at other places.

Mr. MALLORY supported the amendment of Mr. CAMBRELENG, and expressed himself as being opposed to the passage of the bill reported by the Committee on Commerce.

Mr. PETRIKEN considered that there was a great abuse existing in relation to these custom-house officers, and the abuse originated in Congress, and not with the Executive.

During the period of the high tariff system, when perhaps they had heavier duties to perform, they got their numbers increased, and salaries fixed at a high rate, and have continued to enjoy those high salaries ever since, although many of them performed but little service to the country. In fact, in some of the large cities, some of these offices were mere sinecures; and this he considered was a matter which the House ought to remedy. In the city of Philadelphia, some of these officers receive some six or seven thousand dollars a year, and have nothing to do themselves but walk about with their hands in their pockets, other persons doing all the work. There was a host of these officers throughout the country, and he trusted Congress would take up the matter, and act upon it with a view to correct the evil existing.

We have heard a great deal about corruption in the Executive departments, and all that sort of thing, in this House, but here was a chance for gentlemen to correct abuses; and he hoped they would improve the opportunity, and walk up to the work, and correct existing evils. He would meet gentlemen on this question, and give them all the aid in his power, if they would go with him in this matter. He should vote against this amendment, and in so doing, he hoped he would be enabled to vote upon the bill reported by the Committee on Commerce before the close of the present session.

Mr. CUSHMAN replied to the remarks made by the gentleman from Virginia, (Mr. MALLORY) and stated that the Committee on Commerce had examined the subject of the salaries of these officers, and he had no doubt that justice would be done to them all in this bill.

Mr. WILLIAMS of North Carolina opposed the amendment, because he considered if it was adopted it would have a tendency to prevent the passage of the bill reported from the Committee on Commerce to regulate the salaries of these officers. He was anxious to see that bill passed, so that we might know what we were giving these officers for their services, as it seemed to him that we did not now know what we were doing with respect to these officers. He trusted this amendment would not prevail.

Mr. McKIM expressed his opinion that the bill to regulate the compensation of custom-house officers, or some measure to that effect, should be passed; but, in view of the difficulty that had invariably occurred in calling it up, for years past, he could barely anticipate it, and it was on that ground that the Committee of Ways and Means had reported the amendment now under consideration. If the amendment was not concurred in, and the bill should not be reached, what would be the effect? Why, that the custom-house officers would be in danger of receiving no pay at all.

In reference to what had fallen from the gentlemen from Massachusetts and N. Carolina, he thought they labored under a mistake in saying that many of the officers received more than they were entitled to by law. It could not possibly be so; and he had turned to the "Blue Book," which demonstrated no such fact, except where the two characters of weigher and gauger may be united. But even then it appeared they received less than they were allowed, for each was authorized to receive $1500, whereas, when the two were united, they only received $2,600. The gentleman from North Carolina was especially apprehensive that they did not know what they were about. Turn to the "Blue Book" and they could see the compensation paid to every officer of the Government for years. There was no difficulty whatever on that subject.

Now, with respect to the amount of compensation proposed by this amendment, and that contemplated by the bill referred to, Mr McK. had given the subject some consideration, and he had no hesitation in expressing his belief, that the latter provided a much greater remuneration than the former.

The gentlemen from Massachusetts had also fallen into another error. The gentleman had stated that the collectors in the larger ports, such as New York, Boston, Philadelphia, &c. received, in addition to their other compensation, a commission upon the amount of duties and importations in the form of a certain per centage, thereby augmenting their salaries to more than they were entitled to. That was an obvious mistake; for, whatever they received above a certain sum, they were bound, by law to pay into the Treasury.

For instance, the collector of New York could not receive more than about $4,400 per annum, the one at Philadelphia about $4,000 he believed, and the one at Baltimore the same. All they derived over that was paid into the Treasury; but it was within his own knowledge that, for many years past, the salary of the collector at Baltimore had fallen within the compensation allowed to him. He would venture, unhesitatingly, to add, that none of the officers of that city had ever received more than they ought. If any officer, be he stationed where he might, did so, Mr. McKIM would be for instantly having him turned out

Mr. PETRIKEN mentioned some cases at Philadelphia, where the chief officer hired others to do the duty at as cheap a rate as possible, while he walked about at his leisure, with his hands in his pockets, doing no duty, and drew the whole salary, appropriating the difference to his individual profit.

Mr. McKIM did not stand there as the apologist of any officers; and all he would say to the gentleman was, that if they were guilty of such tricks in Philadelphia, they were unknown in Baltimore.

In conclusion, though he had affirmed his belief that the bill reported by the Committee on Commerce to regulate the pay of custom-house officers increased the salaries, yet he wished some measure passed for the permanent regulation of the subject, but he saw little chance of its being reached at the present session. He hoped it would, for it ought, as all salaries should be fixed by law.

Mr. REED read from the Blue Book an instance of the weigher and gauger of Boston receiving more than $2,000, and said this was one instance of more than $1,500 being received, although the gentleman from Maryland had said that these officers could not receive more than $1,500.

Mr. McKIM explained that the weigher received by law $1,500, and the gauger $1,500; and if the people of Boston united these offices, he had only to say that they did not do so in Baltimore.

Mr. REED opposed the amendment, because, he contended, it would provide for but a few cases, and it would do great injustice to many others. He intended, hereafter, to offer a resolution, calling on the Department for information in relation to these salaries, and then he hoped the House would be enabled to act upon the subject understandingly.

Mr. PHILLIPS contended that the whole system was corrupt, and needed to be reformed throughout, and he hoped the House would take up the subject and act upon it, and make such reforms as was necessary. He was opposed to the Committee of Ways and Means interfering with this subject. The matter belonged exclusively to the Committee on Commerce; that committee had paid a great deal of attention to it, and he had no doubt but they would do it all the justice which was required. He considered that we had arrived at a crisis in our financial affairs, and if we were to have a certain measure—the Sub-Treasury system forced upon us, and have the whole standard of value reduced, it was time that a reduction should be made in all the salaries of public officers. If we were to have a pressure in the country, it was proper that the officers of the Government should feel it as well as the rest of the community. He thought it was time enough to pass this amendment at the eleventh hour, if it was necessary to do so. He trusted the amendment would not prevail.

Mr. LEGARE replied to the remarks of Mr. PHILLIPS, and contended that the salaries of these officers ought not to be reduced. He referred to the price of provisions in Charleston, and contended that it would be impossible for the customs officers to live upon less salaries than they now received. He considered that the best economy was to give these officers proper salaries.

Mr. REED replied to the gentleman from South Carolina, and stated that he was in favor of equalizing the salaries of those officers. Some of them received but five or six hundred dollars, and they were the officers who did the most work, while others received three or four thousand dollars and performed but little service. He was in favor of equalization, and hoped the bill for that purpose would be taken up and acted upon at the present session.

Mr. CAMBRELENG had hoped that this bill would not excite much discussion. With regard to the amendment under consideration, he was instructed by the Committee of Ways and Means to make the amendment, because it was the opinion of that committee, that the bill introduced by the Committee on Commerce would not be passed at this session, in consequence of the discussion which it was expected would arise upon it. It was necessary that this amendment should be adopted, so that the custom-house officers in some of the smaller ports might receive the salaries which they ought to receive. If it was not passed, some of your custom-house officers would not receive sufficient to support them. With regard to the custom-house officers of New York, it made no difference at all to them, because they would receive their maximum salary without it, but it would be different with the officers at Salem, Massachusetts, Charleston, Norfolk, and some other places. He trusted the amendment would be agreed to.

After some remarks by Messrs. JOHNSON of Louisiana, and ADAMS,

Mr. BRIGGS raised the point whether this amendment was

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[*Continued from No.* 14.]

in order, under the rules of the House, and referred to the rule on the subject.

After a few remarks by Mr. CAMBRELENG,

The CHAIR decided the amendment to be out of order.

On motion of Mr. CAMBRELENG the committee then rose, and the CHAIR reported the question of order to the House.

The SPEAKER stated that this question did not come within his jurisdiction.

The House then again went into Committee of the Whole; and the amendment under consideration was decided to be out of order, and fell.

Mr. CAMBRELENG then moved another amendment in relation to an appropriation for the purchase of furniture at the President's House.

Mr. BRIGGS raised the same question; and

The CHAIR decided the amendment to be out of order; and the point was discussed for some time by Messrs. CAMBRELENG, McKAY and BRIGGS, when the committee rose and reported.

Mr. BELL gave notice of an amendment he intended to move to the above bill.

Mr. REED, on leave, submitted a resolution calling upon the Secretary of the Treasury for a report of the amount of additional compensation received by revenue officers in 1837, under the provision equalizing the same to what they would have received if the bill of 1832 had not passed; which was concurred in.

Mr. HENRY presented a joint resolution of the Legislature of Pennsylvania, instructing their Senators and requesting their Representatives in Congress to use their influence to procure the establishment of a national armory on Big Beaver river, at or near Pittsburg; and if authorized to be on the waters of Beaver, they grant the use of the water for said establishment to be taken out of dam No. 5.

On motion of Mr. H. referred to the Committee on Military Affairs.

Petitions, &c. were, on leave, presented by Mr. RANDOLPH of New Jersey, and Mr. MORGAN of Virginia; when,

On motion,

The House adjourned.

IN SENATE,

WEDNESDAY, March 7, 1838.

The CHAIR announced a communication from the Secretary of War, transmitting a report from the Topographical Bureau, together with sundry documents relative to the recent survey of the Kaskaskias and Illinois rivers, called for by a resolution of the Senate; and

On motion of Mr. YOUNG, three hundred additional copies were ordered to be printed.

Mr. McKEAN presented the proceedings of an unusually large and respectable meeting of the Democrats of the city and county of Philadelphia, friendly to the General Government, and opposed to the Independent Treasury bill as introduced into the Senate of the United States by the Hon. SILAS WRIGHT, on which occasion General Robert Patterson presided, aided by Thomas D. Grover, Richard Mackay, Houston Smith, John Floyd, jr. Hugh Catherwood, Alexander McCaraher, Peter Hay, J. M. Linnard, William Stephens, Joseph Burden, Samuel Badger, B. W. Richards, Alexander McClurg, James Pearson, John Naylor, James Goodman, and Morton McMichael, as Vice Presidents.

Mr. McK. said he could not refrain, on this occasion, from expressing his pride and pleasure in finding the course he had steadily pursued on the momentous question of the Sub-Treasury thus publicly approved by such men, and he honestly concurred in all the views of the meeting on the subject. He was personally acquainted with the most of them. They were men of the highest moral and political standing, and patriarchs of Democracy, who give healthful tone to public sentiment. He recognised among them the editor of the paper which publishes "by authority" the laws of the Union, and all of the electors, five in number, belonging to the city and county of Philadelphia, who gave their votes one year since for Mr. Van Buren; and he believed that was the only instance in which he had differed from them politically. Among other things, they "*Resolved, That we meet this question openly and fairly, without disguise and regardless of all dictation.*" He said he was pleased with this, as he liked to see men, who, conscious of their rectitude, stand firm and unwavering. It would not do (he said) to denounce such men as bank hirelings and aristocrats, or we shall soon reduce our Democratic forces too low for effective service. He moved that the resolutions be read, printed, and laid on the table.

Mr. KING asked if the gentleman from Pennsylvania was not reading from a newspaper.

Mr. McKEAN replied that he had been reading a copy of the proceedings of this meeting, which had been cut out from a newspaper, and enclosed to him in a letter by the Chairman. He hoped they would be read, and the Senate would then see what they were.

Mr. KING did not care about the reading of the paper. What he objected to, was the reception of such matters, coming in the shape of a public newspaper. It was not authentic enough to be presented to the Senate, and it was not usual to receive papers of that character. If it was the wish of the parties that these proceedings should be presented to the Senate, they had nothing to do but to send their written account of them, signed by their officers, and then they would be presented in a responsible manner. If, said Mr. K. on the other hand, we depart from this course, we shall be subjected to receiving all the newspaper controversies of the whole Union. He did not object to the reception on account of the matter contained in the paper, but to the character of the paper itself.

Mr. McKEAN said, that though it was a copy cut from a public newspaper, yet its authenticity was vouched for by the letter of the chairman, addressed to him.

Mr. KING said that the letter of the chairman did not alter the character of the paper at all. This was the mere account of a public meeting cut from a newspaper and sent here by the President. How was the Senate to know that the signatures were genuine? Were the individuals, whose names were printed in that paper, the persons who signed it. There was no certificate of this fact. If, said Mr. K. we consent to receive papers such as this, we shall have the tables of the Senate burthened with all the newspaper controversies of the country.

Mr. PRESTON said he knew of no rule which compelled the proceedings to be in the original manuscript, or that copies of the proceedings of all great public meetings should not be forwarded by the people to their representatives in any form they might deem best. Mr. P. was not aware of what the prescribed course was on such occasions, but he recollected instances where memorials had been sent to the Vice President, and by him presented to the Senate, which were slips from newspapers. The most respectful course would doubtless be, to send original papers or certified copies. In this case, the letter was the autograph of the chairman of the meeting, stating it to be the memorial adopted at the time; and appended to it was the resolution directing the proceedings to be sent to the President and Vice President of the United States, and to their Senators and Representatives in Congress; and he was persuaded there could be no well grounded objection to its reception.

Mr. BUCHANAN said that he had received a letter, some days ago, from General Patterson, of Philadelphia, requesting him to present these proceedings to the Senate. By the same mail he had received a number of the American Sentinel containing the proceedings. He would most cheerfully have presented them, as published in that respectable journal; but on consulting with members of the Senate, who had been here in 1834, when similar questions were raised, he was informed that it would be a violation of the established practice of the Senate, to present them in a newspaper of the day. He had immediately written to General Patterson, informing him of this practice, and suggesting that he should send the original or a certified copy of the proceedings, when they should be presented with pleasure.

Mr. B. was no stickler for forms. He entertained no doubt but that the proceedings presented were a correct copy of the original. He thought they ought to be received by the Senate, and hoped the Senator from Alabama would withdraw his opposition to their reception. It was at best but a question of form, not of substance.

Mr. KING observed that, having examined these papers more fully, he would withdraw his objections to their reception. The individual who signed the letter to the Senator from Pennsylvania (Mr. McKEAN) having stated, under his own signature, that the printed paper was a copy from the original minutes of the proceedings, he thought that it might be received.

The proceeding were then read, laid on the table, and ordered to be printed.

Mr. TALLMADGE presented the memorial of eight thousand some odd hundred citizens, all, he said, legal voters of the city of New York, remonstrating against the passage of the Independent Treasury bill. Mr. T. said that the people did not dream that, after this measure had been put down in the popular branch by so triumphant a majority, as it was at the extra session, it would again have been presented to the consideration of Congress. Unfortunately, these hopes had proved fallacious, and it was not until lately that fears began to be entertained that the measure would pass the other branch of the National Legislature; and hence it was that alarm had been justly excited, and the subject viewed as one of the most dangerous ever presented to the American Congress. Mr. T. said that but a few days had been employed in procuring these signatures, and no doubt the names might have been trebled in the same space of time, as not one legal voter in a hundred but would cheerfully have signed it. We might now find thousands upon thousands ready to lift their voices, and make their appeal to the Government, against the adoption of a system so fraught with destruction to all the great leading interests of the country. Commerce and inland trade were prostrated and broken down. At this season of the year, when, heretofore, in that great commercial emporium, all was life and gayety, and the busy hum of industry resounding through the streets, the stores there were shut up, and houses left untenanted; and what had occasioned this sad and melancholy change? Let the course pursued by the past and present Administrations in relation to the currency, answer! There were now hundreds upon hundreds driven from their homes in that city, seeking employment to earn that subsistence which the present state of things denied them there. To these poor wanderers in search of honest bread no relief was held out; nothing to cheer them in their expectations, or lead them to anticipate the comforts and honest independence they had before enjoyed; on the contrary, nothing stared them in the face but additional embarrassments, increased by the mad folly of persisting in measures adverse to all the interests of the people. He could tell gentlemen, if the course was persisted in, not only the Administration, but the Government itself, would be destroyed. We had now an empty Treasury; the sources of revenue dried up; commerce and inland trade were languishing to the last degree; and if this Congress adjourn without doing something for the relief of the people, the consequences would be disastrous in the extreme. New York usually contributed three-fifths of the whole revenue, but now it would raise scarcely enough to be counted any thing, and the prospect was still worse; unless that city could pay some $12,000,000 or $15,000,000 into the Treasury, there would not enough be received to carry on the Government, and it would, at this session, have to resort to another loan of $15,000,000. Why, then, should gentlemen seek to push through a measure fraught with so much evil, against the remonstrances of the people? Mr. T. then moved that the memorial be read, printed, and laid on the table.

Mr. WEBSTER observed that they had had presented this morning a series of resolutions from a large and imposing meeting held in the great city of Philadelphia, remonstrating against the Independent Treasury bill; and the honorable member from New York [Mr. TALLMADGE] now presented the memorial of 8,000 citizens of the city of New York against the same measure. The honorable member supposed that this memorial, and other late movements among the people, had been caused by a new-born fear that this measure, against which they remonstrate, would pass. Sir, said Mr. W. I wish I could say that in my judgment I have no such fears. I say that there is great danger; and I know enough of public affairs to predict the fate of a measure so important to the Administration, which has been so long in agitation. The members of both Houses had been long from their constituents; it was three months since they left their homes; and when they should come to give their opinions, it would be three months more; so that there would be six months intervening between their immediate connection with their constituents and their voting on this measure. Now, under such circumstances, he undertook to say that there was great danger of the passage of this bill, unless it was arrested by public opinion out of doors. There is danger, said he, on our side; and, on the side of gentlemen opposed to us, hope and confidence. If these proceedings indicated the alarm of people out of doors, he believed the alarm was well founded. He hoped that, instead of treating these memorials as fancies, gentlemen would pause, and seriously consider the matter they contained. But he feared that these meetings would be represented as agents and tools of the bank; and that the respectable gentlemen who attended this great Philadelphia meeting would be represented as under the paw of the monster. I do pray gentlemen, said Mr W. that, laying aside all projects and schemes, they will do something to enable the banks to resume specie payments. Without saying more, he earnestly desired to draw the attention of gentlemen to these memorials.

The memorial was then read.

Mr. WRIGHT said he should at this time, as upon all former occasions, enter into one of these incidental morning debates, arising upon the presentation of a petition, with extreme reluctance. After the remarks of his colleague, [Mr. TALLMADGE,] however, and those which had fallen from the Senator from Massachusetts, [Mr. WEBSTER,] he felt himself compelled to enter his respectful dissent from the positions taken by those gentlemen, lest his silence might, by possibility, be deemed an assent to them.

The petition was from the common constituents of his colleague and himself. It was numerously signed, and he doubted not the petitioners were as respectable as any other body of citizens, of equal numbers, who had addressed Congress upon this interesting subject. He was happy to see their expressions of opinion meet this marked attention from the Senate. These, like all the other citizens of the State, had a right to claim for their opinions and interests, the most respectful and faithful consideration of himself and his colleague. From his colleague they would certainly receive that attention, and it was his firm determination that they should receive it from him also. He rejoiced that they possessed an equal right with himself to speak here. They had spoken, and they should be faithfully and patiently listened to by him, and, so far as his convictions of duty would permit, their wishes should be binding upon him.

Still it could not be new to the Senate, or to his respected colleague, and it certainly was not new to himself, now to learn that there were many, very many, among his constituents who differed from him, radically, upon questions of political principle and questions of political policy. This petition was but one of many proofs which had come before the Senate, since he had been a member of it, to prove that fact. It had been his design, upon all former occasions, to treat such petitioners with every respect, and to give to their opinions and wishes every aid which principle and duty would permit. The same design actuated him upon this occasion, and he must not, therefore, in any thing he should say, be understood as indulging the language of complaint or censure, because this respectable portion of his constituents had condemned, in advance, a measure which he had aided in bringing before the Senate, and the adoption of which he considered essential to the best interests of the country. On the contrary, he commended them for their free expressions of opinion, upon this and all other great measures of national policy, and it was not to make a single remark in relation to any thing embodied in the petition, for which he had risen. It was, as he had before stated, to express his dissent from the remarks of his colleague made upon the presentation of the petition.

His honorable colleague had assumed, in the broadest terms, that the present derangement of business and distresses in the country had arisen from the acts of this Government. This, in his opinion, was a mistaken assumption. The immediate cause of the derangement and distresses was the present condition of the banks of the country; their inability to meet their obligations and perform their chartered duties; in short, their universal suspension of specie payments. Was there a member of this body, was there a person within the hearing of his voice, who would deny this proposition? He could not suppose there was. He knew well, however, that there was a wide difference, and a great variety of opinion, about the causes which had produced the suspension by the banks. It was not now his intention to go into that discussion. He had, upon a former occasion, given to the Senate, briefly and partially, his views upon that subject, and others had given theirs. He was satisfied that the causes assigned upon all sides had had their influence upon that result, but in very unequal proportions, and that any acts, of any department of this Government, were among the secondary of those causes. All this, however, was not very material to his present purpose, which was to compare the declarations of the banks and their friends, at the time of the suspension, with subsequent events and present representations.

What was the immediate cause of the suspension, as given by the banks and bankers, at the time it took place? Not, as all will recollect, the ulterior inability of the banks to pay their debts! No, this was strenuously denied, and the banks declared as perfectly sound and solvent as they had ever been: but it was said that we had over-traded, had imported beyond the proceeds of our exports, and had thus accumulated, in the hand of foreigners, a fearful amount of debt against our merchants; that this foreign debt was making pressing and insupportable demands upon our banks for specie for exportation; and that the banks were forced to suspend specie payments, to prevent an entire drain of the specie from the country, and give time for the crop of 1837 to be applied to the reduction of that foreign debt. A resumption was promised so soon as the foreign demand for specie should cease.

What results have time and the healthful action of a prudent business produced? How are foreign exchanges at this moment, and how have they been for about a month now last past? Bills on England are actually *below* par in the principal commercial cities. They have been at and below this point for some weeks. Will it, then, be pretended that there is yet a foreign demand for specie? that if the banks unclose their vaults, the specie will be exported and the country drained of it? No: the indications

are strong and universal of a large influx of specie, growing out of the present state of the exchanges. Such was the information he derived from the public press, and especially from several commercial papers opposed to him in politics. Still the banks had not resumed specie payments; and were they soon to resume? This was a question of the highest interest, of the most vital importance, to the business and prosperity of the country. He was most happy to be able to say he had new hope upon this point. He had seen, within the last few days, that the banks in the city of New York had resolved to resume, and make the attempt to sustain themselves in the full and perfect discharge of all their corporate duties and obligations on and after the 10th day of May next. He had not a doubt as to the ability of those banks, with possibly the exception of two or three, which were unusually involved, to sustain and carry out this just and praiseworthy resolve, if they could receive the countenance and co-operation of their neighbors in the other principal commercial towns; nay, he would go farther and say, if they were not warred upon by those neighboring institutions.

Still, at such a moment, when the first dawn of light begins to show itself in the East, we see the distinguished Senator from Massachusetts [Mr. WEBSTER] rising in his place and calling for further agitation of the public mind; inviting petitions from the people against a settlement here of a question which must continue injuriously to influence the public interests and to agitate the public feeling, until it is settled by Congress by positive legislation. They had seen panics here before. His honorable colleague and himself had seen rolls of petitions upon former occasions as large as that now upon the table. They had seen them from the same city, of which they and their State were justly so famed. They had heard invitations given here for agitation, for getting up meetings, petitions, and remonstrances, almost in the words which the honorable Senator had used in the morning. Who had forgotten the scenes of 1834 in this chamber? Who had forgotten the excitement which, from those scenes, was infused into the public mind in every part of the country during that memorable winter? Who had forgotten the deep and painful responsibility under which we all then acted? Still we were not then frightened from our sense of propriety or duty. Both himself and his colleague then stood firmly on in what they believed to be the path of principle and of duty, and neither could have forgotten what was the influence of the month of May upon that panic. It melted it away as it did the ice and snows of the winter, and all was seen to have been false and illusory; the phantom of excited minds, which, when reason returned, gave place to unexampled prosperity.

Did either the Senator from Massachusetts, or his colleague, wish to renew those scenes upon the present occasion? Did they hope that confidence in affairs of credit and money was to be established by universal and continued agitation? By a panic? It was proposed to postpone the bill to which the petition related until the next session of Congress, thus preventing any action in reference to the currency either of the Treasury, or of the country, during the present session, and both the gentlemen had declared that the motion should receive their support. Did they believe that *pecuniary* benefits to the country would result from carrying these deeply agitating questions to the polls of election? If not, why invoke agitation now? Why attempt to increase an excitement already rendered sufficiently deep and extensive by the depressed condition of our monetary affairs? And, above all, why attempt to delay action for another year, an thus force an uncertainty upon the country, for that length of time, more injurious than almost any proposed action could be?

The banks of New York deserved not only the thanks, but the countenance and support, to every possible extent to which it could be given consistently with paramount national interests, of all men and all interests. They deserved the co-operation of all the other banking institutions of the country, and most especially of those in the large commercial cities, in their earnest attempt to resume and sustain specie payments. This countenance and support he was sure his colleague and himself must feel the disposition to extend to them as far as a conscientious discharge of their public duties would permit, and as the first and most important step they could take, in his judgment, they should use their every effort to secure speedy, positive, and final action by Congress upon the subject of the currency and the safe-keeping of the money of the nation; to secure the permanent settlement of this exciting question of finance, that credit and confidence might have facts and certainties to rest upon; not a postponement of action, which would leave only hopes and fears, dangerous to credit and destructive to confidence.

He admitted that it was the duty of the banks in the city of New York to lead in the resumption of specie payments as they had led in the suspension. He admitted that their location also, and the commanding business importance of that great city, made this duty upon those banks more strongly binding. But as they were most promptly followed by all the banks of the country in the suspension, so ought they to be followed, with equal promptness and unanimity, in the resumption. Would they be so followed? Painful doubts seemed to hang around the answer to this important inquiry. He hoped, however, that they would discharge their duty to themselves, to their State, and to the country, and time would show whether the other banks would come forward and sustain and cheer them on, or would attempt an exterminating war upon them.

The most which Congress could do, was to act promptly upon the great subject now before it, and thus settle the public mind as to the course of policy which the Government was to pursue. Entertaining most deeply this conviction, he was rejoiced to hear it said here, this morning, by the opponents of the bill, that there was the prospect of its final passage. He hoped their apprehensions were well founded. He believed the very best interests of the country required that the bill should become a law. He believed that the highest and most essential interests of these respected constituents of his who had remonstrated against it, would be best served by its speedy passage. He therefore entreated Senators to turn their minds to action here, not to agitation elsewhere; to the settlement of this unprofitable controversy, not to the influences which may be exerted through its further discussion before the people of the country.

Mr. WEBSTER denied that he ever had expressed any apprehensions which he did not feel. In 1833 he did express his apprehensions that the State bank deposite system would fail; he had no confidence in it at the time, and foretold what the disasters of such a proceeding would be. The Senator from New York advocated the measure then, and predicted for it the most beneficial results. Had not his [Mr. W's] predictions been more than verified? Had not the Senator and his friends insisted that we should have a sounder currency and the exchanges better equalized; and now what was the result? Mr. W. said he did not fear to contrast his prophetic opinions with those of the Senator. The object of the prior Administration was to destroy the Bank of the United States, and the object of the present one was to get rid of the State banks. He had indulged the most serious apprehensions for the consequences that must grow out of so unnatural a warfare; and, if the measure before them was passed into a law, time would show whether these apprehensions were well or ill grounded.

The Senator from New York seemed to presume that the opposition to this measure was not aimed against the bill, but against the resumption of specie payments. So far as he [Mr. W.] was concerned, he could assure that Senator the feeling was quite the reverse. No man more ardently than himself desired to see specie payments resumed: and believing that the bill before them, if passed, would greatly impede so desirable a result, was the great reason why it was so rigorously opposed. The tendency of the measure was naturally to increase the difficulties and embarrassments, and to throw impediments in the way of the banks. And why? Because the specie, which was the basis of circulation, the Government proposed to take to itself, and keep within its own vaults. The evils the banks had to bear up against were of a twofold character, to wit: the pressure of the times, and the pressure of bad legislation, which called upon us to adopt a new system, by which the affairs of the Government were to be separate from those of the people: and this, said Mr. W. would in the end plunge the country into far greater difficulties than any which now exist. Mr. W. said that he had never believed that the resumption of specie payments by the banks would cure all the evils under which the country at present labored: it would not, for instance, settle the exchanges; that could only be effected by a well-regulated national bank. The resumption was, indeed, ardently to be desired; for he viewed the present condition of the currency as lamentable and deplorable in the extreme, such as could not long be borne by the labor and capital of the country. The great object was to restore it to its sound and pristine state; but some other mode would have to be resorted to than the present bill, which would rather retard than accelerate the measure.

Mr. TALLMADGE did not wish to call forth debate, nor did he think it likely, when the memorial was presented, that he would have done so. He felt it due, however, to the memorialists, to himself, and to the country, to place before the Senate the reasons why they presented themselves in such an attitude. They had not, until recently, believed that this measure would again be attempted to be pushed through Congress. When it was first put forth in the official organ of the Executive, under the authority of "*a Mr. Gouge*," it was looked upon as one of the wildest schemes that ever entered into the head of a wild and visionary man. Nor did any one dream that it had received the Executive sanction until it came in the imposing form of a grave recommendation to Congress at the late extra session. Well, sir, [said Mr. T.] the bill was produced, and underwent a long and animated discussion in this body, and was sent to the other house, (the popular branch of the legislature,) where it was put down by a decisive vote. Could any man have conceived, under these circumstances, that the same measure would be pressed upon the people against their solemn remonstrances? Had not the President expressed a willingness to co-operate in any measure if this should not meet the approbation of Congress and the people? Why then was this persisted in? Was it not from a settled determination to make the will of the people yield to Executive usurpation?

His colleague had said there was a great diversity of opinion among the people of New York as to the causes of the present distress; but he could tell him that it was pretty well understood to have been brought about, in a great measure, by the action of the Government? Was not the sad and forlorn condition of the country owing to the improper interference with matters that did not legitimately belong to it? He [Mr. T.] had said before, and would say now, and on all proper occasions, that the prior and present Administrations had mainly contributed to it. Mr. T. then adverted to the bill introduced for the distribution of all the surplus revenue, beyond the immediate wants of the Government, among the several States. He was satisfied with his own course on that occasion. He had deemed the measure right and proper. It was reported against in the Legislature of New York. The canals and other works of internal improvement were to be carried on, and the State had not the means to do it. It was argued that it could be effectually done if the State had her share of the surplus revenue. The affair was then taken up and supported as a party measure, and became one that was right and proper. The late President recommended it to Congress, and on another occasion reiterated the same doctrines, and held them forth to the people. When those who had constitutional scruples about the absolute division were prepared to make a mere deposite of it with the States, and after we had arrived thus far, we were suddenly ordered to wheel about and turn about, and take a back track. For that he was not prepared. All his life he had endeavored to pursue a straight forward course, and would not now be made to turn either a right or acute angle at the beck of political commanders.

The next step of the late President was the Specie Circular. He was not disposed to impute improper motives to the originator of this unaccountable proceeding; nay, he would accord honesty of purpose; but in its practical operations it had deranged the whole business concerns of the country; had broken up the exchanges, and diverted the specie from that portion of the country where it was wanted, to that where it was not. This was brought forward in the first instance as a legislative measure, in this body, and was voted down by every man save the mover. It was again brought forward in June, and again voted down with almost the same unanimity. It was then supposed a measure peculiarly adapted for legislative, and not executive, action! And yet what have we witnessed? Why, in a short time, with all the evidence before us of the manner in which it had been prostrated in the Senate, we find it adopted, in effect, as an Executive measure, in the shape of a Treasury order. When a Senator from Virginia had introduced his currency bill, calculated to do away the Specie Circular, which had passed by a triumphant majority, the President kept it for some days, and then, under the authority of the Attorney General, vetoed it. He would say there never had been known, in any country, to say the least of it, so great an act of impropriety in one branch of a Government against another. It was these things that had agitated the public mind, and occasioned one wide and general distrust for the stability and order of things.

If his colleague had lately passed through these heretofore busy streets, (Pearl and Pine,) and seen the number of splendid stores with that ominous notice "*to let*" on the doors, and the numerous houses untenanted, he could not fail to be convinced of the sincerity of the memorialists, when they asked that no additional embarrassment should be forced upon the trade of their city. Was it possible that he did not see the calls made on the humane and benevolent to come forward and aid those who had been thrown out of their daily means of sustenance at the late severe season of the year; and yet, when remonstrances were sent here, they were looked upon as emanations from panic-makers or bank agents. Mr. T. then made some allusion to the resumption of specie payments by the banks in May next, which his colleague seemed disposed to think would do much to cure the evils under which we labored. How had the banks been able to prepare for this state of things, but by calling in their entire circulation, and thus adding to the distress of the trading community? If this Indepenecnt Treasury bill was passed, it would create a demand for specie that would not only prevent the so much desired resumption, but end in the destruction of all the State institutions. Mr. T. concluded by expressing his belief that nothing was wanting but the helping hand of Government to inspire general confidence, and restore business to its wonted alacrity.

Mr. WRIGHT said, but for the necessity of correcting an essential error into which his colleague had fallen, in the reply he had thought proper to make to his former remarks, he should not have occupied the time of the Senate further in the course of this debate. His colleague had considered it to be his duty, with what particular relevancy to any of the topics involved in the discussion he had not yet been able to discover, to allude to the subject of the distribution of portions of the public revenue to the States, and to the acts and opinions of the late President of the United States and of himself, and the friends who had acted with him politically in their own State. He had spoken of their opinions upon the power of Congress over, and the policy of, these distributions, and had made them all out to have been, constitutionally and politically, friends of the system. This was the error.

It was true that, some years since, the Republicans of his State became alarmed at the rapid strides which the doctrine of prosecuting works of internal improvement within the several States, not only at the expense, but under the authority, and by the agents, and as the property of this Government, was making here. They also saw that a rapidly accumulating surplus revenue was giving to the doctrine dangerous strength and force, and that some means must be devised to avert a result so destructive to our institutions as the adoption of such a doctrine, and the extension of such a policy would necessarily prove. They saw attempts made in Congress to reduce the revenue to the wants of the Government without success; and as the less dangerous of the two alternatives, considering both as fearful evils, they did repeatedly, through their Governor, through committees of the Legislature, and, he believed, on one or more occasions, through expressions of the Legislature itself, give a preference to the plan of distribution, over that of a direct expenditure of the money by this Government upon works of internal improvement within the States. If the funds of this Government were to be applied to the construction of roads and canals within the States, they preferred that the application should be made by State authority, and that the works should be the property of the States, and under their jurisdiction, rather than that this Government should force its authority and its jurisdiction, and extend its property, its power and its patronage within the limits of those sovereignties for any such purpose. They did not, however, attempt to assume or express the opinion that Congress possessed the constitutional power to make the distribution to the States without an amendment of the Constitution for that purpose. In every message from a Governor, in every report from a committee, even including the report made by his colleague to which he had referred, and in every legislative resolution, the question of constitutional power in Congress to make the distribution to the States would be found to have been expressly reserved, as he verily believed. He spoke upon this point with great confidence, because it had repeatedly been his duty to examine those proceedings of his State since he had been a member of the Senate. Indeed he believed he had now in the drawer of his desk a printed copy of every document which would be found upon the journals and files of their Legislature. He well recollected that the first mention made of this subject was to be found in one of the messages of Governor Clinton, and that he reserved the constitutional question in express terms. He did not recollect that but one other Governor [Governor Throop] had ever brought the subject to the attention of the Legislature, and he knew he had followed, in this respect, the example of Governor Clinton. It was during his administration that his colleague made the report, as chairman of the canal committee of the Senate, to which he alludes, and he was sure, when that question was carefully guarded in all the other documents, he could not have committed himself upon it in his report. In any event, as his colleague had done him the honor to refer to his opinions, and to say that they, and all their political friends in the State, were then agreed as to the policy, he could assure him and the Senate that he had never himself entertained or expressed, but one opinion upon the point, and that opinion was that, without an amendment of the Constitution, Congress could not make the distribution proposed. That opinion had governed all his actions in Congress upon questions of such distribution, and controlled his vote against the deposite bill of 1836, in the form in which it passed the Senate, as, in that form, he considered it a distribution bill.

As to the expressions and communications of the late President of the United States, to which his colleague had so confidently alluded, he had only to say, if that distinguished statesman had ever any where contended for the power of Congress to distribute the surplus revenue among the States, without an amendment of the Constitution—had even admitted that power, or had ever expressed an opinion that it did exist—he had not seen the document; and he was confident a review of his communications to Congress would satisfy his colleague that he had mistaken their purport and meaning.

As he was up, he would reply to one single other remark of his colleague, and he begged him to believe that he made the reply without any personal ill feeling. No such feeling had existed in his mind towards his colleague, and he earnestly hoped no occasion would ever be given for the existence of such a feeling. His colleague had remarked, speaking of his own political course, that he had been all his life a straight-forward man, and that he could not now turn a right angle, or an acute angle, at the command of political leaders. He must have a curve, a rail-road turn, or, as the boys at school sometimes called it, a sweep of sixty to turn in. He [Mr. W.] did not

doubt that his colleague had intended to be a straight-forward man in his political course, and he thought it likely he had convinced himself that he had been so. He, too, had intended to be a straight-forward politician, to govern himself by certain fixed principles, and to carry them out in all his actions; but he dare not say for himself what his colleague claimed, that he had been straight upon all occasions. One of them must have turned the angle or the curve, as they were very recently together, pursuing the same course, and entertaining the same opinions, and now they seemed to him to be very nearly opposites in opinion and action. Under these circumstances, he much preferred to leave to their common constituents the decision of the question, which had turned and which had kept "straight-forward."

He thought he had kept straight forward; but he was aware that a man lost, when intending to pursue a straight line, would almost invariably describe a circle. It was evident that either himself or his honorable colleague were now, and had been for some months past, lost, and that one of them had got just about half round the circle, and, so far as he was concerned, their constituents, and not themselves, should settle the question which was the lost politician.

In justice to himself, however, he must claim that he had some marks, some guide-posts, to direct his way and determine his course. He came into this body the friend of the late Administration, of its principles, and of its measures. He was selected by those who sent him here, because such were known to be his feelings and opinions. Finding no cause to change either, he had remained the friend and supporter of that Administration during its continuance, and during the whole of the period he found the talented and distinguished body of Opposition Senators upon his right uniformly opposed to him. A change of Administration came, and he contributed his humble efforts to place at its head the present President. He had long known that individual, and they had long been personal and political friends. He, therefore, became a supporter of his administration, and still remained so. He was daily told by the Opposition Senators that the present Administration was but carrying out the principles and measures of the last, and elaborate speeches had been recently made, and were now daily making, to prove, not only to the Senate, but to the country, that this was the fact. Could he, then, be inconsistent in supporting this, as he had done the last, Administration? But, again, he found the same distinguished Senators who had during the whole eight years led the opposition in the political warfare against the late Administration, equally leaders in opposition to this. They occupy the same seats and use precisely the same weapons in the fight. Upon all questions they met him, as formerly, in open and powerful opposition. If, then, he had been lost and travelling the circle, so necessarily must they have been upon the whirl, too, for the distance between them and himself remained precisely the same. They were exactly opposite at the start, and they were exactly opposite now; nor had there been any armistice within which they could have met and crossed each other. And, again, he now found himself surrounded by, and acting with, *almost* all (he was sorry he could not say all) of those who had ever been political friends. They too, therefore, had been lost if he had been, and yet continued to pursue the course with him, whether direct or circular. These considerations would certainly not only palliate his error, if he was in error, but would furnish him some apology for being somewhat confident that his was not the circular course.

A single word as to a remark of the honorable Senator from Massachusetts, and he had done. That Senator had said that in 1834, he had no confidence in the system of State bank deposites, but that I had, and that time has shown that opinions upon that subject were then right and that mine were wrong. I had then confidence in that system, and I expressed it freely, fully, and honestly. The trial of the system was made, and in less than four years, and that too during a period of the most abundant plenty and prosperity, it failed. This experience destroyed my confidence, and convinced me that the system was bad both for the public and the banks. I cannot, by volition, restore that confidence. I cannot believe that to be good, and safe, and beneficial, which has been proved, before my own eyes, to bad, and dangerous, and injurious. Has this experience changed the former opinions of the Senator. No. He tells us this day that he has no confidence in the State bank deposite system. Still this is the system which my honorable colleague urges upon us, and desires us to force upon the country, against the recent and positive experience of every business man in it. I, for one, cannot bring myself to such a course of action.

Mr. TALLMADGE made a brief reply to Mr. WRIGHT. Whatever might have been their devious political windings, there was no hostile feeling between his colleague and himself. With regard to the course which his colleague had pursued, he had been guided by the Executive index; as that had pointed in its revolutions around the political circle, so followed his colleague; and he must take care, said Mr. T. lest, in his wandering, he should be lost like the twelve tribes in the desert. If the Executive had been a fixed star, all might have been well with his colleague; but, instead of that, he was, to all intents and purposes, an erratic comet, and wherever the light of his tail appeared, there was to be found his colleague, directing his course in pursuit.

The memorial was then ordered to be printed, and laid on the table.

Mr. BAYARD presented the memorial of the Board of Trade of Wilmington, Delaware, recommending a site on the waters of the Brandywine for a national foundry.

Mr. WALL presented the resolutions of the Legislature of New Jersey, setting forth the peculiar advantages possessed by that State for a national foundry and dry dock: laid on the table, and ordered to be printed.

On motion of Mr. FULTON, the joint resolution from the House providing for the taking down of the walls of the burnt postoffice, was carried through the different stages, and passed.

INDEPENDENT TREASURY BILL.

The Senate resumed the consideration of the Independent Treasury bill as the special order, the question being on Mr. BUCHANAN'S motion of yesterday, to postpone the bill and amendment till the next session of Congress.

Mr. CALHOUN could scarcely persuade himself that there was any hazard in taking this vote. It appeared to him to be the best measure for the relief of the country, and he could not believe in the correctness of the views of the gentleman from Massachusetts, that any postponement now would be construed by the country as a decision of the great financial question before them. The country had been greatly agitated, and until there was a decision on this question, he did not believe that the mercantile community could be restored to their former prosperity. He solemnly believed that if this question had been settled at the extra session, that the commercial interest would have been relieved from the pressure so much complained of, and that those who now resist it will incur a heavy responsibility by so doing. He could not believe that there was any hazard in taking this vote, nor that this Congress would rise, without deciding a question so important to the best interests of the whole country. An affirmative vote on this motion would have all the effect of a rejection of the bill; and those, therefore, who were opposed to the bill in any shape, would vote for the postponement. They could not do more than decide the question for this session, for it undoubtedly, if postponed, would be renewed at the next.

Mr. MORRIS observed, that, at the commencement of this debate, he did not intend to utter a single word on this subject, nor did he intend now to assign any reasons for or against the bill. He rose to correct a misunderstanding as to the effect of his vote on this motion. He should vote against the postponement, and if that motion failed, he should vote against the substitute of the gentleman from Virginia. He should then vote for certain amendments which he deemed indispensable to render this bill acceptable to him, and if these failed he should be compelled to vote against the bill. He, therefore, did not wish the vote he now gave to be considered as binding him to any future vote. If certain amendments, which he should suggest at the proper time, should be adopted, he would vote for the bill; otherwise he should vote against it.

The question was then taken on Mr. BUCHANAN'S motion to postpone the bill and amendments till the next session, and lost—yeas 23, nays 29, as follow:

YEAS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—23.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—29.

Mr. PRESTON desired to know whether it was in order, at this stage of the proceedings, to offer an amendment to the substitute proposed by Mr. RIVES? On being answered in the affirmative,

Mr. PRESTON commenced in too low a tone of voice to be distinctly audible to the reporter; but he was understood to say that he was in favor of the substitute, provided it could be amended with certain improvements. He objected, also, that any preject of this kind, to be safely carried through, must be wisely administered by the Executive Departments of the Government; and he must say that he had no confidence in the ability of the officer who was to carry it on, and who seemed to have no liking but for the most wild and visionary schemes. It is a nice question of patriotism, said Mr. P. whether we ought not to stand by and see this measure carried through, because it is a measure of the Administration—whether it would not be better to give them this measure, and let them carry it out, and make the most of it, and thus let the failure which must ensue, rouse the indignation of the country against the experiment and experimenters; or, by a vigorous resistance, defeat it. He believed that the experiment would derange the commerce of the country, and derange the currency to an unexampled degree. But though he believed all this, he was not sure that this measure would not, in the end, be better than any, even the wisest measure, entrusted to this Administration, which had heretofore administered the wisest laws so injuriously. He did not know whether it would not be better to give them [the Administration] this law, rather than let them go on and canvass with it, to advance their Democratic, agrarian and loco foco measures. Give it to them, said Mr. P. and take these catch words of rag barons, shin-plasters, and irredeemable currency, from their mouths, with which they continue to agitate the country.

It was known to every man who had a bank note, and who had a debt to pay, that the Sub-Treasury system was now in full operation; and all they want, said Mr. P. is for us to legalize what they now already have. Mr. P. here complained of indisposition, and regretted that he had not the ability to go on in full. He would have been glad to show how destructive this measure would be to the prosperity of the country, and, as a southern man, to show his disapprobation of a measure calculated to break down the agricultural States, and make them subservient to a central power. He was anxious to show that its effects would be to cripple our commerce, and, by a reduction of this revenue, produce an increase of the tariff; and, as a State rights man, "born in the purple," "porphyrogenitus," he was anxious to vindicate the straightforward principles in which he had been nurtured, and show that it was impossible for him to support a measure so directly at variance with them. If a suitable opportunity occurred, he should do so; but for the present he should content himself with offering some amendments to the substitute, with the necessary explanations.

The gentleman from Virginia [Mr. RIVES] had proposed that a system of financial agencies should be carried out through the medium of the State banks, and he would be glad to see such a system carried out; but a manifest objection to this was, the patronage which it conferred on the Executive. He had always been opposed to the union of the purse and the sword; and, if he had no other objection to the Sub-Treasury scheme, this would be a sufficient one. The same objection applied to the scheme of the gentleman from Virginia; and, to remove that, he proposed to offer this amendment.

It would be recollected that the banks to be selected as public depositories, were to be selected at the discretion of the Secretary of the Treasury. Now he proposed that this selection should be by general principles, to be established by Congress. His first amendment, therefore, proposed that the public depositories shall be selected from such banks whose stock is owned in whole or in part by the States in which they are situated: and he was happy to be able to say that in almost every State of the Union, there were, at the points where it was necessary for the Government to have financial agents, banks, whose stock was owned either in whole or in part by the States in which they were. But if it should turn out that there were none such, then he would confide the selection to the States themselves; and the amendment proposed that it should be made by the Legislatures, when in session, and by the Governors in the recess. We have already decided, Mr. P. said, that the surplus public money shall be put in deposite with the States; and the very institutions in which the States have deposited this surplus, will most probably be selected. In the other case, the selection will be given to the Secretary of the Treasury; but in this proposition, this immense source of patronage and influence will be cut off. He should also propose an amendment to reverse, in some sort, the order of that part of the proposition of the gentleman from Virginia, in regard to the mode by which he addressed himself to the banks, to induce them to resume specie payments. He should propose that the notes of all the banks in the country that are, in the estimation of the Secretary of the Treasury, sound, safe, and substantial, be taken for the dues of the Government, up to a certain day, say the first of August next; after which, none are to be taken but the notes of specie-paying banks. By these means, the Government would lend a helping hand to those banks which are not able to resume without its aid.

He had another amendment to offer which he would briefly notice. It had been supposed that

the circulation of the Government funds, by banking institutions, produced too great an expansion of the currency. But that there was nothing in this objection, it would be sufficient to say that the falling off of the revenue, would itself stand in the way of too great an expansion. It was not in conformity with the genius of this Government, to keep its funds locked up from circulation, and he believed it would be politic in some degree to let the people have the use of the public money. But to guard against any danger on this score, he would propose that when the public money in any of the deposite banks exceeded a certain portion of their capital, that then the excess should be drawn in specie, and put in special deposite. The effect of this amendment would be, that when the Government had in deposite nothing but its ordinary revenue, sufficient to meet its annual expenditures, the banks might discount on it without danger of expansion. But when there was any extraordinary excess in the Treasury, sufficient to offer temptations to speculation, that then it would withdrawn, and placed out of the way of being banked upon.

Mr. PRESTON then submitted his first amendment as follows, stating that he would submit the others to which he had adverted, subsequently:

After the word "notwithstanding," in the fourth line, insert "that there shall be employed [twenty-five banks,] whose stock is owned in whole or in part by the State in which they are established; or, if there be none such, then those shall be employed which shall be designated for that purpose by the Legislature; or if the Legislature be not in session, by the Governor of the State in which they are established, and if no such designation be made upon application by the Secretary of the Treasury, "*that they shall be chosen from the most solid and respectable banks in the States and Territories*," &c. as in the bill.

Mr. MORRIS demanded the yeas and nays on the amendment, which were accordingly ordered.

Mr. RIVES said that there was a part of this amendment to which he certainly should not object; but there was another portion of it to which there were strong objections. Believing that there was a growing opinion throughout the country in favor of the establishment of banks, the stock of which is to be owned by the States, and with their faith pledged for their solvency, he had no objection to the giving a preference to such banks as the public depositories. But with regard to the other part of the amendment, which proposed to delegate to the State Governments the functions of the General Government, by giving them the selection of its financial agents, he was entirely opposed to it. This Government was responsible for the exercise of all the functions committed to it by the Constitution; and it did not seem to him compatible with the harmony of our system that they should be delegated to another power. If the gentleman would modify that part of his amendment, and dispense with another, proposing the reception of the notes of the non-specie-paying banks, he would cheerfully go with him. His attention had been called to this latter proposition by the remarks of the Senator from Kentucky, some days ago, who threw it out as a simple suggestion, and it was now formally offered to the Senate by the Senator from South Carolina. It was this: instead of providing, as the substitute to the bill now does, that the banks should resume by a certain time, their notes shall be taken for all the public dues, the amendment proposes to make them receivable at once, and to adopt the provision in the substitute excluding them, if they shall not resume specie payments after a given day.

After careful and deliberate reflection, he thought that there were objections to it, which are insuperable. The honorable gentleman from Kentucky, [Mr. CLAY,] referred to the practice under the administration of Mr. Madison of receiving the notes of banks which did not pay specie. Now he would observe, that there was not at any time during Mr. Madison's administration, a recognition by law of the notes of non-specie paying banks. On the contrary, such recognition by law was constantly resisted in Congress, as well as by the enlighted head of the Treasury Department himself. He saw, with the Senators from South Carolina, and Kentucky, [Messrs. PRESTON and CLAY,] that there might be a temporary convenience in their plan; yet it would establish a precedent that would be fraught with the most imminent danger. If our Government pursued its true policy, it would set its face against the reception of notes of non-specie paying banks; and he believed that it was in that way that the constitutional standard is to be preserved, not by requiring payments in gold and silver exclusivly. His attention, [Mr. R. said] had been attracted to the correspondence of Mr. Cheves with the Treasury Department, when he expressed the opinion, that but for the inflexibility with which the Government persisted in not authorizing the reception of the notes of non-specie paying banks, in the trying times between 1817 and 1819, they would all have again suspended. This principle has never been departed from in the legislation of Congress, and though there might be some small temporary convenience in the amendment, yet, for the reasons given, he could not assent to it.

[Here Mr. R. quoted extracts from Mr. Cheves's letters in 1819, while president of the United States Bank, to Mr. Crawford, then Secretary of the Treasury.]

He would suggest, for the consideration of the gentlemen from South Carolina and Kentucky, the inconvenience that would result from their plan if the banks should not resume payments by the time they proposed. If the banks should not then resume, there would be the same reasons for continuing the indulgence to them from time to time as now exist.

He believed, with the Senator from South Carolina, that there was a considerable delusion with regard to the policy and practicability of special deposites, and that nothing was wanted but an experiment of that plan to put an end to it. But he had already stated his views, in full, on the whole subject, and he did not deem it justifiable to occupy more of the attention of the Senate for the purpose of enlarging on it. He merely rose to state his opinion in regard to the amendments of the Senator from South Carolina, and he hoped that the sense of the Senate would now be taken on them.

Mr. CLAY of Kentucky said, that in some remarks thrown out by him about a fortnight ago, he might have intimated that it would have been an improvement of the substiute offered by the gentleman from Virginia, to provide for the reception of notes of sound banks, though not now paying specie; but it never was his intention to propose any such modification, nor was he aware that the Senator from South Carolina was about to propose it. He thought neither project adapted to the wants of the country; and therefore, when compelled to vote, he should do so merely as a choice of evils, rather than through any confidence he had in the substitute. As the modification had been proposed by the Senator, he thought proper to offer a few words in its support.

The proposition of the Senator from Virginia, holds out to the banks, as a motive to resume specie payments, that the paper of such banks as shall resume by the 1st of July, shall be received in the Treasury. The proposition of the Senator from South Carolina, is that the paper of all sound, safe, and unquestionable banks should be received at once for the dues of Government, until, say the 1st of August, at which time, if they did not resume, then the Government shall no longer be under obligation to receive their paper. If this suggestion were adopted, it would then be seen that it was a temporary measure of Government, to lift the country out of its present distress and despondency, by bestowing on the only circulation the seal and sanction of the Government itself. What would be the effect, if the Government should take the paper of this class of banks but to restore confidence between the parties. The Government would no longer be the great competitor in the market for the specie, nor the absorbent of that article. The specie of the country would then be left where it ought to be—in the vaults of the banks. It might be said, perhaps, that the effect would be to stimulate the banks to over issues of paper; but, asked Mr. C. would this be likely under the circumstances of the case? When they were informed that, unless they did resume by the appointed time, their paper would be discredited in the country, they would not be likely to be stimulated to any improper expansion; they would be more likely, in such a state of things, to be preparing for the resumption. The Senator from Virginia was opposed to countenancing the reception of irredeemable paper, and so was Mr. C. as much so as any man, except as a temporary measure of relief.

How stands the case now, said Mr. C. The Senator from Virginia voted for the ten millions in Treasury notes. What were they but irredeemable paper, post notes payable one year after date;—and the question is, what is the difference between the irredeemable paper of the Government, and the temporary reception of the now irredeemable paper of the banks? If the Government paper was better than that of the banks, then the Government paper should have the preference. But I refer to the state of the market to show that the Government irredeemable paper is inferior to that of the banks, in the transaction of the business of the country, and the payment of debts. But the Senator from Virginia further objects that there was no precedent for this during the administration of Mr. Madison, when this kind of paper was merely sanctioned by that high dignitary, and not received under the authority of laws.

Which was the most proper, that the money should be received by the authority of law, or the discretion of the Executive? Even at the period referred to by the Senator, when the necessity of the times was so great, it would have been better that this money should have been received for a short period on the authority of law, than in violation of all laws. The proposition of the Senator from South Carolina was merely a temporary measure, to relieve the pressure of these times, and was not likely to be of long continuance. Again, the tendency of this measure was eminently conservative. It would require the Government to use what was the currency of the people, and which, in fact, procured every thing now as well as heretofore; commanding as much in value, since the suspension of specie payments, as before. Whence was this state of things, unless the most implicit confidence was placed in these notes? and why should the Government not have confidence in that money in which the people reposed such unlimited confidence? Under all the circumstances, it might be the most politic course to pursue, to do nothing, to propose nothing, but leave the responsibility where it rests, until there was a disposition evinced by the party in power to obey the public will.

Mr. BUCHANAN was glad, once more, to be able most heartily to concur with the Senator from Virginia, [Mr. RIVES,] in the sentiments which he had expressed on the present occasion. He hoped that there would yet be many occasions on which that gentleman and himself would again be found acting together; and as his instructions, even when construed in the broadest and most liberal sense, would not prevent him from expressing his opinion on this particular question, he should do so with peculiar pleasure.

The Senator from South Carolina [Mr. PRESTON] had proposed what? Mr. B. did not doubt the devotion of that gentleman to the cause of State rights; but if he were to be judged by the proposition which he had advocated, one would not suppose that he felt any peculiar dread of Executive influence. What power did the gentleman propose to confer on the Secretary of the Treasury, at the very time he declared him incompetent to discharge the duties of his office? The tremendous power of selecting from the eight hundred banks of the country such as he thought proper, and of declaring that their irredeemable notes shall be received in payment of the dues of the Government, as equal to gold and silver. The Senator had been very careful to limit, as much as possible, the discretion of the Secretary in the selection of the twenty-five deposite banks, which is to be made under the amendment of the Senator from Virginia, after the resumption of specie payments; but, before this resumption, the Secretary alone is to

decide what banks are sound and substantial, and what irredeemable paper shall be received by the Government. His discretion in this respect was illimitable. Such a discretion would be a more prolific source of Executive influence, under the existing circumstances of the country, than any other which could be devised. The power to distinguish between these banks, and to decide which of them were solvent and which were not, would place them all under the control of the Secretary of the Treasury. The truth was, that if you attempted to distinguish between them, and to give the credit of the Government to some whilst you denied it to others, when all were equally insolvent, so far as regarded the redemption of their notes in specie, you would cast yourselves loose upon an ocean of doubt, difficulty, and confusion. It would be found utterly impracticable.

But, to proceed further: What was, in substance, the proposition of the Senator from South Carolina, and what would be its inevitable effect? It was to establish this precedent, that if the banks, by overtrading, should place themselves in a condition in which they are unable to redeem their liabilities, and thus forfeit the public confidence, that then you are to interpose; and by receiving and paying out their notes, you are to give the countenance of the Government to a depreciated and irredeemable currency. Let ingenuity exert itself upon this question as it may, still this was the practical result. By the precedent which you establish, you tell the banks that in time to come, they may expand their business to any amount they may think proper, without fear of consequences. You in effect say to them, go on; do not limit your business by your means of payment, and when the explosion comes, as come it must, the Government will ease you off on a bed of down, and will receive your notes as gold and silver, until you are able to redeem them yourselves. Would not this be the effect of the Senator's amendment?

Mr. B. said he would here proclaim that he was now, and had ever been, the friend of a sound and well-regulated banking system; and no act or declaration of his life would show the contrary; but it was asking too much from his friendship to require him to receive their notes in payment of the dues of the Government, after they had been compelled, mainly in consequence of their own extravagance, to suspend specie payments. For one, he could hold out to them no such inducement to resume. He believed it would be the most effectual mode of retarding, if not forever preventing, this resumption of payments in gold and silver, which was so much to be desired.

Mr. B. said that much had been said about the suspension of specie payments by the banks during the late war, and many parallels had been drawn between that suspension and the one under which the country was now suffering. He would ask what had been the cause of the former suspension? Was it not the patriotism of the banks at that time, and their devotion to the cause of their country? The banks south of New England, (and specie-payments were not suspended there) in order to accommodate the Government, had taken its loans when they were depreciated ten, fifteen, and twenty per cent. in the market, and had given in exchange their own notes. What was the consequence? Their specie was drawn from them, and they were left without the means of redeeming those enormous issues, by means of which the war was conducted. The Government, knowing that this suspension had been occasioned in the manner he indicated, had winked at the receipt of their notes in payment of the public dues; and the consequence was, it had on hand, he did not recollect how many millions of their irredeemable paper, of which we had so often heard, under the name of unavailable funds. But Congress had never sanctioned by any law the receipt of such paper.

He would ask if any such cause existed at the date of the present suspension of specie payments. The country had been for years in the full tide of prosperity. We had long been at peace with all foreign nations; our agriculture, commerce, and manufactures were in a most flourishing condition; when in a moment, like a clap of thunder from a cloudless sky, the banks exploded, and the commerce and trade of the country were prostrated. It is true that a few sagacious men, observing the vast expansion of bank credits and other causes which were in operation, had foreseen this result; but it was wholly unexpected by the mass of the people. Under these circumstances, Congress were now asked by the Senator from South Carolina to place the notes of these banks on the same footing with gold and silver, in payment of the dues of the Government.

The Senator from Kentucky [Mr. CLAY] had asked, what was the difference between the reception by the Government of Treasury notes and of irredeemable bank paper? and had contended that they ought both to share the same fate. Mr. B. would endeavor to point out the distinction. You found yourselves, said he, under the necessity of making a loan to carry on the ordinary operations of the Government. This necessity had been forced upon you solely by the inability and refusal of the banks to pay over the money which you had placed with them on deposite. You made this loan by the issue of Treasury notes, which, on their face, are not payable until one year after date. The faith of the United States was pledged for their redemption at the end of this period. The Treasury note was the bond of the Government, given to the holder of it, contracting that, when the year expires, he shall be paid in gold and silver. Could any gentleman doubt the security?

On the other hand, what was the nature of bank notes. These notes were payable on demand; and at every instant they remained unpaid in consequence of the existing suspension, the banks were defaulters. If, said Mr. B. I were to give you my bond, payable at the end of one year, I could not be called upon to discharge it before the expiration of that period, and hence am no defaulter; but if you hold my note, payable on demand, and I either do not redeem it on demand, or proclaim myself insolvent, and declare that I will not pay it if demanded, all mankind would justly say I was a defaulter. Such is the distinction between Treasury notes and bank notes. The one is a floating debt, not yet due, contracted for the purpose of carrying on the operations of the Government, and assuming the form of Treasury notes, incidentally to aid the circulation of the country, which will certainly be paid at maturity; the other is the paper currency of the country, issued by the banks, payable on demand, and purporting on its face to be equal to gold and silver; and yet no one can say when, or whether ever, it will be redeemed. This was not a question, as the Senator from Kentucky seemed to suppose, whether the Treasury notes were below or above the specie or paper par in the market. They would be valued according to the opinion of their holders, and the uses to which they could be applied. But the public faith has never yet been sullied in regard to these notes; and it will be time enough, in case they should not be paid in gold and silver, when they become due, to compare them with irredeemable bank paper.

The Senator from Kentucky had said that to receive these irredeemable bank notes, in the manner proposed, would be eminently conservative. Mr. B. would be much pleased to examine this proposition; but he was in a narrow place, and could not perform this task as he would desire, without danger of passing the limit of his instructions.

Mr. CLAY of Kentucky, was not sure but Mr. B. had done so already. But he insisted that the true question was, which kind of irredeemable paper was of the highest value in the market. That of the banks was the money of the States and the people, and deemed of more value than the Treasury notes. If their value was precisely the same, then one was as good as the other, and as worthy of the acceptance of the Government. If their values were different, the most valuable ought to be cherished. Mr. C. further urged the importance of receiving bank notes for the public dues, to enable the banks to resume specie payments, and of sympathising with the people, by making use of the common currency.

Mr. BUCHANAN verily believed that this was a suggestion thrown out by the Senator from Kentucky without reflection; and that the more he reflected upon it, the more reason would he have to repent that it had ever been made. But his spirit was such, that when he made any suggestion, no matter how hasty, he persisted in it until the end. This debate was as little anticipated by him, as it could have been by the Senator; and until a few moments before he rose, he had not intended to take any part in it; but he would now continue it a little longer, whilst he replied to some of his [Mr. CLAY's) last remarks.

If Mr. B. understood the gentleman correctly, he had said, that, as the State Governments and the people received this irredeemable bank paper, therefore, the Government of the United States ought to act in the same manner. Now could any such inference be drawn from the premises assumed? Ought the course, which the State Governments and the people had been compelled to pursue by the conduct of the banks, be permitted to control the Constitution of the United States? That was the question. Are we to abandon that Constitution, which, when correctly construed, requires us to receive and disburse gold and silver, or paper which may at any moment be converted into gold and silver, and accept in payment of the public dues, to an unlimited extent, irredeemable bank paper? If we do, the paper currency of the country will sink into hopeless and irretrievable ruin. What had Mr. Cheves said upon this subject? As he was quoted by the Senator from Virginia, [Mr. RIVES,] he had declared that nothing had prevented a general suspension of specie payments by the banks, in 1819 or 1820, but the inflexible determination of the Government to preserve the specie standard inviolate. What will now be the effect of adhering to the same standard? Not to give ourselves a better currency than that of the people of the country, as has been contended, but to place us all upon the same level, by banishing irredeemable bank paper from circulation. The State Governments will thus be induced to place such wholesome restrictions upon their banking institutions as will hereafter prevent a general suspension of specie payments. And here he would observe, that the idea of an exclusive metallic currency for the whole people of the United States was a mere phantom, which had been conjured up to alarm the fears of the timid. The best interests of the people, however, demanded that this Government should insist upon the payment of the public dues, if not exclusively in specie, at least in paper which was equivalent to specie.

In regard to the broad line of distinction which he had drawn between Treasury notes, payable one year after date, and not yet due, and irredeemable bank paper payable on demand, the Senator had not attempted to prove that he Mr. B. had been in been in error. His answer consisted in a mere repetition of the statement, that Treasury notes were not equal in the market with bank paper. This fact, even admitting its existence, as Mr. B. had shown before, had nothing to do with the question. But even if it had, what would be the result? Throughout the whole Union, Treasury notes had uniformily, he believed, commanded a premium, varying in amount according to time and place, over the local bank paper, except in New York, where they might occasionally have been under the paper par. It would have been most strange, had this not been the case; especially when we consider not only their undoubted security, but their perfect equately with gold and silver, at all times, and in all places, in the payment of the dues of the Government. No ingenuity could induce the Senate to believe, that the Government had forfeited its credit, by not redeeming these notes in specie, before they were due.

The Senator had not noticed that part of his argument which related to the vast power which would be conferred upon the Secretary of the Treasury, if he were authorized to decide what irredeemable bank notes should be received in payment of the public dues, and what should be rejected. It was not answered, and it was unanswerable. Such a power would be greater than had ever been conferred on any Executive officer, since the foundation of the Government.

Mr. CLAY here said that this discretionary power was only proposed to be given for four months.

Mr. BUCHANAN said that four months was an age in relation to this question. The great effort was to prove that the country had reached a deplorable crisis, and it was now essential that the Government should do something to resuscitate the State banks. What more could be done for such banks as the Secretary might select, than to receive their notes as equivalent to gold and silver in the dues of the Government: and could any thing worse befall the rest, than to make this odious distinction against them, and thus have their notes discredited by the Government? A continuance of this practice for four months would decide the fate of the banks and of the currency. It would place all these institutions under the control of the Executive. Before that period shall have elapsed, the banks really solvent will have resumed specie payments; and those which cannot pay their debts will have sunk into hopeless insolvency. So far as the Government was concerned, there can be, there ought to be, but one standard in regard to the solvency of a bank—is it able and willing to redeem its notes in specie on demand? Unless this question can be answered in the affirmative, its notes ought never to be received.

Now, in regard to the resumption of specie payments by the banks—and this was a subject on which he had bestowed much reflection—he would ask, what now existed to prevent it? We had been told by the Senator from New York [Mr. TALLMADGE] at the late special session of Congress, that the country was then in debt to England forty millions of dollars. He believed that this estimate was too low, rather than too high. The rate of exchange was then heavily against us, and every effort was made to send cotton and to send specie out of the country, for the purpose of liquidating this debt. Under such circumstances, the banks could not have resumed. But all things have now changed. The energy and the enterprise of our citizens have, in a few months, reversed the former condition of our exchanges. The exports of our great staple to England have mainly produced this result. The foreign exchanges, which, a few months ago, were some twenty per cent. against us, have been reduced to six or seven per cent.; or, in other words, they are now two or three per cent. in our favor, being to that extent below the real par of exchange between the two countries. There can, therefore, now be no drain of specie from the banks to send to foreign countries. It must flow into this country, and not flow out of it. If, then, the debt which we owed to England; if the high rate of foreign exchange against us, and if the proceedings of the Bank of England compelled our banks to suspend specie payments, (and these were the reasons assigned by the banks themselves for the suspension,) what now, he would ask, compels them to continue that suspension? The Bank of England no longer, by her measures, restricts the American trade. She has become sensible of her own folly. Money is now plenty and cheap in England, and much capital there is without employment. Besides, our importations from abroad, when compared with what they were formerly, are insignificant; whilst our exports are as great as ever. And yet, with all these facts staring us in the face, we are told that the banks cannot resume without aid from this Government. Sir, they can resume, and will resume, without any such aid—I mean such of them as are solvent. Public opinion will compel a resumption.

He did not wish to set up for a prophet, or to add his name to the list of prophets on that floor. For once, however, he would venture to prophesy. He would say that the flux and reflux of the tides were not more certain, than that this country will witness a return of prosperity before the close of the present year. The one was governed by the laws of nature, the other by laws of trade almost equally certain. Let the Sub-Treasury bill pass, or let it be defeated; let the amendment of the Senator from Virginia be adopted, or let it be rejected: before the first day of January next, our trade, our commerce, our industry of every description, will revive and flourish. Nothing can prevent it, except some great national calamity, which no man can now anticipate. He judged of the future by the past. How long this prosperity may continue, he could not pretend to say. This would depend upon the action of the banks; and what length of time would be required again to expand the bubble of speculation to the bursting point.

It would be conceded by the Senator from Kentucky, that Mr. Biddle was an able financier, and that he watched the signs of the times with a skilful and practised eye. He did not doubt that gentleman's sincerity, when he expressed the opinion, a few months before the suspension of specie payments, in his letter to Mr. Adams, that the country had not over-traded. We were then proceeding so rapidly on the broad road to financial destruction, and we were all so infatuated with past prosperity, and so blind to our danger, that even Mr. Biddle considered the idea of our having over-traded as without any foundation. Now, if the Senator from Kentucky had established his great national bank, with Mr. Biddle at its head as his pilot, looking out to descry the coming storm, what would have been its condition? This bank would have gone down with all the other banks of the country. It could not have continued specie payments longer than the rest of these institutions.

The Senator from Kentucky had complained that he [Mr. B.] had made an unfair statement of one of his arguments. He knew the Senator would not accuse him of any such intention. The Senator had mistaken Mr. B's reply. He cheerfully acquitted the gentleman from Kentucky of any desire to make the present irredeemable paper system permanent. What he had said was, that should the amendment of the Senator from South Carolina prevail, it would be a most dangerous precedent for future times. The banks, looking to the present case, and expecting relief in the same manner, would expand their issues extravagantly whenever they thought proper, believing that if they were compelled to suspend specie payments, they might look to this Government for relief, by having their irredeemable notes received into the Treasury upon an equality with gold and silver.

After some remarks from Mr. PRESTON, the Senate, without taking the question, went into the consideration of Executive business.

Adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, March 8, 1838.

Mr. BRIGGS, in order to obviate a recurrence of the difficulty which had occurred yesterday under the 63d rule of the House, asked leave to submit an amendment thereto.

The 63d rule is in the following words:

"63. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Mr. B. moved to add the following:

"Or in continuation of appropriations for such public works and objects as are already in progress, with the usual contingencies for carrying on the several departments of the Government."

Under the rule, this amendment would have to lie over one day for consideration, but Mr. B. asked leave to have it considered now.

Mr. CAMBRELENG hoped it would be adopted.

Mr. REED objected, on the ground that it was a matter of too much consequence to be adopted in haste. Let it be printed and lie over a day.

Mr. BRIGGS moved a suspension of the rule, but only 73, not two-thirds, voted in the affirmative.

AGRICULTURE.

Mr. DEBERRY moved the printing of 5,000 extra copies of the report accompanying the bill, in relation to the introduction and culture of tropical plants, &c. which, after a few words from Messrs. MERCER and DEBERRY, was agreed to.

ROADS AND CANALS.

Mr. GRAVES reported a bill making an appropriation for the purchase of the Louisville and Portland canal stock, and 2,000 extra copies of the report were ordered to the printed.

PATENTS.

Mr. FLETCHER of Vermont reported a bill to authorize the Commissioner of the Patent Office to issue a patent to John Howard Kyan.

Mr. F. also made a favorable report on the petition of S. B. W. Douglass.

Mr. F. also made a favorable report on the petion of William Perkinson.

Mr. F. also made a favorable report on the petition of John Blank, so far as relates to the issue of a new patent, and unfavorable with reference to the residue thereof, all of which were laid on the table.

PUBLIC BUILDINGS AND GROUNDS.

Mr. MERCER reported a resolution instructing the Committee on the Public Buildings to ascertain the cost of providing, within the Capitol, a suitable hall for the use of the House of Representatives; and if such could not be provided, to suggest such alterations in the present hall as would be convenient for the transaction of the public business; which was concurred in.

NEUTRALITY BILL.

Mr. HOWARD, from the Committee on Conference, on the part of the House, appointed on the disagreeing votes of the two Houses on the bill in relation to our neutral laws, reported that they had performed the duty assigned to them, and that the two committees had agreed upon a recommendation to their respective bodies, which, they thought, would carry into effect the views of both. The concurrence or rejection must first come from the Senate, and as soon as it did, Mr. H. would move to take up the bill and finally act upon it.

The unfinished business of the morning hour, being the resolution of Mr. JOHNSON of Maryland, for granting land to the States for free schools, was postponed till to-morrow, on motion of Mr. HOWARD, on account of the absence of his colleague, from indisposition; and the House passed to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of Monday last, calling upon the Secretaries of the Treasury, War, and Navy for information relative to the accounts of, and appointments by, those departments respectively, of agents for the payment of pensions, accompanied by a copy of the report made to the Senate on the same subject.

On motion of Mr. CUSHMAN, laid on the table.

MAINE BOUNDARY.

The Message of the President of the United States in relation to the Northeastern Boundary line of the United States, and the bill proposed by Mr. EVANS, for running and marking the same, being the first thing in order,

Mr. FAIRFIELD, who was entitled to the floor, addressed the House for the residue of the hour, in reply to Mr. EVANS.

After Mr. F. had concluded,

Mr. CAMBRELENG obtained the floor, and said he did not mean to make a speech, but, for once, to usurp the privilege of his friend from New Hampshire, and make an appeal to the House to take the question. The proposition was a very simple one, viz: to refer the President's Message with instructions to report a bill, and he considered the discussion very premature. Moreover, it was the only question which was arresting the progress of the public business; and he, therefore, moved the previous question.

The CHAIR stated that, after the most mature deliberation, he had come to the conclusion that the main question would be on ordering the bill to be engrossed

Mr. CAMBRELENG modified his motion by moving the postponement of the subject for a month, though he was willing to assent to any motion to commit the bill, for he thought it should be acted on; but he could not consent to have all the business of the country set aside for this one bill.

After some conversation between the CHAIR and Messrs. CAMBRELENG, EVANS, and LINCOLN, the bill, by general consent, was committed to the Committee on Foreign Affairs; and the question recurring on committing the Message, and ordering 2,000 extra copies to be printed—

Mr. CAMBRELENG moved the previous question thereon; but on taking the vote by tellers, no quorum appeared to be present, being ayes 45, noes 56.

Mr. CAMBRELENG then said as it was not probable a quorum could be got together to-night, and as the CHAIR stated that the motion for the previous question would come up in the morning, he moved an adjournment; which prevailed, and so

The House adjourned.

IN SENATE,

THURSDAY, March 8, 1838.

Mr. McKEAN presented resolutions passed by the Legislature of Pennsylvania, as follows:

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That, in the opinion of this Legislature, the contemplated National Armory ought to be established either on the waters of the Big Beaver river, in the county of Beaver, or at, or near, the city of Pittsburg, in the county of Alleghany."

"*Resolved*, That should the United States select the waters of the said river for the establishment of their Armory, then there is hereby granted to the United States the privilege of using the surplus waters of dam number five, at the west side of said dam, *provided* the same can be done without injury to the canal navigation."

"*Resolved*, That the Governor be requested to communicate the foregoing resolutions to our Senators and Representatives in Congress."

Signed by the Speakers of both Houses and approved by the Governor.

The Committee on Military Affairs having already reported on the subject, the resolutions were read and laid on the table.

Mr. WALKER presented the petition of the representatives of Margaret Thompson, praying confirmation of title to a tract of land: referred to the Committee on Private Land Claims.

Mr. RUGGLES presented the petition of sundry citizens of Maine, in number twenty-six, praying for the abolition of slavery in the District of Columbia, and that the slave trade between the States may be abolished. The petitioners state that it is their intention to petition Congress on these subjects yearly till they accomplish their object.

On motion of Mr. WALKER, the motion to receive this petition was laid on the table.

Mr. MORRIS presented three petitions from Ohio on the same subject, and the motion to receive them was also laid on the table.

Mr. MORRIS presented the resolutions of the Legislature of Ohio in opposition to the annexation of Texas to the Union: read, ordered to be printed, and laid on the table.

Mr. BUCHANAN, from the committee of conference, appointed yesterday by the Senate, on the disagreeing vote of the two Houses on the Senate's third amendment to the Neutrality bill, reported that the joint committees had agreed to recommend for the adoption of their respective Houses the amendment proposed by the Senate to the second section of the bill, with the following amendment, to wit: insert after the word "whatsoever" the following words: "or with any other trade," so as to make the proviso read as follows: "*Provided*, That nothing in this act contained shall be construed to extend to, or interfere with, any trade in arms or munitions of war, conducted in vessels by sea, with any foreign port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this act under the law of nations, and the provisions of the act hereby amended."

The amendment was agreed to, and the bill thus amended sent to the other House.

Mr. KING presented several papers from Mobile, with certified copies of the costs incurred in the renewal of duty bonds at that port; which were referred to the Committee on Finance, who were charged with the consideration of the subject by a resolution adopted on motion of Mr. K. the other day.

Mr. DAVIS submitted a resolution calling for all the papers

on file in the public offices relative to light houses, etc. which was adopted.

Mr. BENTON submitted the following resolution:

Resolved, That the Secretary of State be directed to communicate to the Senate all the information and correspondence in his office relative to the project of publishing a documentary history of the American Revolution, with a statement of all appropriations and expenditures for that work, and an estimate of all further appropriations to be required therefor to supply the 21st and 22d Congresses, and also to supply the new members of the 23d, 24th, and 25th Congresses.

Mr. BENTON said his object in making the proposed inquiry was occasioned by a letter found that morning on his desk from the Secretary of State, informing him that the first volume of the fourth series of the documentary history of the American Revolution, published under the act of Congress of 1833, had been forwarded, and requesting an acknowledgment of its receipt. Mr. B. said it was well known that he had, on former occasions, made the most strenuous exertions to stop appropriations for works that appeared to have no limit, and for which a former Secretary of the Senate had considered himself entitled to thanks for reducing some four or five hundred thousand dollars less than was originally contemplated by the parties. He thought the whole matter had long since been done with, and the appropriations stopped. His memory, however, it appeared, had deceived him. Who could say where this expenditure was to stop? Might not the new members of all succeeding Congresses demand their books of the same kind? Mr. B. denounced the whole proceeding as the most extraordinary piece of extravagance that was ever imposed on the Government or the people. The original proposition had been pushed through no one knew how; and it was, upon the whole, one of the most wasteful pieces of extravagance that ever came within his knowledg ; notwithstanding which, it appeared still to be going on, and the object he had in view was to place all the necessary information before the Senate, in order that a check should be put to such proceedings. Mr. B. said he had always been opposed to purchasing books for the use of members, and the course he should feel bound to pursue would be to send back the volume to the source from whence it was derived.

Mr. CALHOUN said he had a very general and indistinct recollection of what had occurred heretofore on this subject. He remembered that his impressions were decidedly against the whole affair, and he thought that no appropriation was made. All he had now to say, was that he had received a letter similar to that received by the Senator from Missouri, and that, with his impressions, he could not receive the work, but would be compelled to return it.

Mr. KING said that this was a case which had occupied the attention of the Senate several years ago. It was certainly a very extraordinary arrangement of the Secretary of State, under which this work was first commenced, and it turned out that this contract would involve an expense that no man could estimate. Millions might be expended under it before they could see the end of it. The Senate took the matter up, and referred it to a committee, who reported on it. It was then proposed that the contract should undergo a revision by the Secretary of State, for the purpose of receiving proposals from the contractors to bring the contract within some reasonable bounds. A proposition was accordingly made by them, and after it a law was passed to authorize the continuation of the work to a certain extent.

[Mr. K. here read the law, and explained the terms on which the work was allowed to be printed.]

Mr. K. said that though he was of opinion that this contract was a most improper one in the beginning, and was made with an intention to deceive, and though he and some of his friends did all that they could to stop it, yet, as Congress had taken the matter up and passed this law, they were obliged to go on with it, unless some mode could be devised of getting rid of it without injury to the individuals. Let us (said he) pay these men liberally for what they have done, and stop the expenditure which they could not tell how far it would extend. Let us, (said he,) instead of buying these expensive works for ourselves out of the money of the people, buy them, if we must have them, out of our own money. Mr. K. said he was opposed now, as he had always been, to the purchasing of books to be given out to members of Congress, though he did not think the measure now proposed was the right way to stop it.

Mr. DAVIS would not undertake to pronounce upon the merits of the present volume, because he did not know of what it consisted; but he happened to see some of the sheets of the other volumes, and as a work of documentary history, he would say it was invaluable, and was a work that could not have reached the public under any other agency than that of the Government. From his knowledge of the Senator from Missouri, he should consider him deeply interested in the events treated of in these books. He did not know what the original proceedings were; he spoke only of the excellence of the work.

Mr. BENTON said that he did not know how he could arrest the distribution of this work, till he could get the information to enable the Senate to act. His present application was for information, and on that information, the Senate would know what to do. As to himself, his course would be to send back the book to the Secretary of State.

Mr. B. then, at the suggestion of a gentleman near him, [Mr. KING,] modified his resolution, so as to require the Secretary to stop the distribution of the work until the information was furnished and acted on.

The resolution thus modified, was adopted.

Mr. SWIFT submitted a resolution directing the Committee on Manufactures to inquire into the expediency of repealing the duty on planks, boards, and scantlings, which was adopted.

Mr. KING submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be directed to lay before the Senate, so much of the correspondence between the Governor of Alabama and said Department, in March and April, 1836, including letters or extracts from them, as had reference to the probable danger of hostilities from a portion of the Creek tribe of Indians.

Mr. WALL submitted the following resolution; which was considered, and adopted:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from New Brunswick to Flemington, via Milestone, in New Jersey.

Mr. MORRIS, from the Committee on Pensions, reported without amendment, the bill from the House, making appropriations for the payment of the Revolutionary and other pensioners of the United States, for the year 1838.

Also, without amendment, the bill to provide for persons, disabled by known wounds, received in the Revolutionary war.

The bill from the House to continue in force the act therein mentioned, relating to the port of Baltimore, was read twice, and referred.

The amendment of the House to the Senate's bill to change the times of holding the courts of the United States for the 7th circuit, was considered, and concurred in.

The Senate then took up the Independent Treasury bill, as the special order; when,

Mr. PRESTON, by consent of the Senate, withdrew that part of his amendment, which committed the selection of the twenty-five deposite banks to the Legislatures of the States.

The question being taken on the amendment thus modified, it was rejected—yeas 19, nays 32, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Knight, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—19.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clayton, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright and Young—32

Mr. BAYARD then, who was entitled to the floor, addressed the Senate in a speech of great length, in opposition to the bill, and at near six o'clock, without having concluded, gave way to adjourn.

On motion of Mr. WRIGHT,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 9, 1838.

Mr. BRIGGS asked leave of the House to take up and consider the amendment submitted by him yesterday to the sixty-third rule of the House, as printed in the Globe of last evening, but the motion to suspend the rules for that purpose did not prevail, only 51 voting in the affirmative.

Reports from committees were called for.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill for the relief of Josias Thomas.

COMMERCE.

Mr. PHILLIPS reported a resolution calling upon the Secretary of War for a copy of the report and survey of the harbor at Lynn, Massachusetts, recently completed under the direction of the War Department; which was concurred in.

PUBLIC LANDS.

Mr. CASEY reported Senate bill, without amendment, to establish two additional land offices in that part of Wisconsin Territory, lying west of the river Mississippi.

Mr. YELL reported Senate bill, with an amendment, granting the right of pre-emption to the county of Kalamazoo, in State of Michigan, to a section of land, and for other purposes.

Mr. Y. also reported a bill for the relief of William Marcus of Arkansas.

DISTRICT OF COLUMBIA.

Mr. JENIFER reported a bill making appropriation for the support of the Penitentiary of the District of Columbia.

JUDICIARY.

Mr. THOMAS reported Senate bill, without amendment, for the relief of William H. Robertson, Samuel H. Garrow, and J. W. Simonton.

PRIVATE LAND CLAIMS.

Mr. CHEATHAM reported a bill for the relief of the heirs of Joseph Nibert, deceased.

Mr. CALHOON of Massachusetts reported a bill for the relief of Joseph Pierce and others.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported Senate bill, with an amendment, for the relief of John Spitfathom.

Mr. CHAMBERS asked leave to offer a resolution changing the daily hour of meeting to 11 o'clock, a. m. and called for the yeas and nays on the motion to suspend the rule for the purpose; which were ordered, and were—yeas 59, nays 95.

So the House refused to suspend the rule.

MILITARY AFFAIRS.

On motion of Mr. McKAY the Committee on Military Affairs was discharged from the further consideration of an Executive Message, and sundry memorials on the subject of a National Foundry, and the same were referred to the select committee raised thereon.

NEUTRAL LAWS.

Mr. HOWARD moved that the House take up the report of the Committee of Conference, on the disagreeing votes of the two Houses in relation to one of the amendments to the bill amendatory of our neutral laws; which was agreed to.

Mr. H. explained the object of the amendment, (which is given in the Senate proceedings,) and stated that the conferees of both Houses were unanimous, and the Senate had already concurred in its part, and, after some further discussion between Messrs. HOWARD, FILLMORE, CUSHING, TILLINGHAST, ADAMS, HOLSEY and CORWIN,

Mr. HAYNES said, if he was capable of understanding the import of plain language, and, without pretending to scholarship, he had endeavored to understand his own language, there could be no doubt or ambiguity in the report of the Committee of Conference. It was true that there was some circuity, some circumlocution, in the phraseology of the report, but he would not quarrel about words and phrases with any gentleman who might, through the channel not most acceptable to himself, arrive at his own conclusion. The amendment proposed authorizes such trade by sea as is authorized by the law of nations and existing treaties, and goes on to give permission for carrying on *all other* trade equally authorized by existing treaties or the laws of nations. Certainly the trade by land was embraced by the broad terms "all other trade," as contained in the amendment reported and recommended to our concurrence by the Committee of Conference. We had heard much about the neutral right to trade in articles contraband of war. That point was not necessarily involved in the question now under consideration, but he begged leave to say, that such right stood, by the principles of national law, upon a very different foundation from that upon which gentlemen had attempted to place it. Sir, it was nothing more nor less than permission to the citizens or subjects of a neutral nation to run the gauntlet with contraband articles, subject to capture by the antagonist belligerant as lawful prize. The whole extent of the right contended for is, that the attempt of a citizen or subject of a neutral power to carry on contraband trade, shall not be cause of war against the nation to which he belongs. In fact, the alleged neutral right to trade in contraband stood upon no better footing than the right to smuggle. The smuggler runs the gauntlet in his attempt to violate the commercial regulations of another country, subjecting his commodites to be made lawful prize, if captured; and the nation to which he belongs shall not be considered as furnishing lawful cause of war by the illegal traffic of its citizen or subject. The right was not *national* in any aspect in either case, except so far, that neither the attempt of a neutral citizen or subject to carry on contraband trade with a belligerant, nor in any case an attempt to smuggle, shall be lawful cause of war against the nation, whose citizen or subject should engage in either of them.

Mr. FILLMORE called for the yeas and nays, which were ordered.

Mr. McKIM then moved the previous question on concurring in the report of the Committee of Conferees, which was seconded—ayes 78, noes 44, and the main question was ordered without a count.

The question was then taken, and decided in the affirmative—yeas 105, nays 51.

So the report of the Committee of Conference was concurred in by the House, and the bill, therefore, finally passed, the House having been already notified that the Senate had concurred.

The House then passed to the—

PRIVATE ORDERS.

The first question in order was the motion made on a former day, by Mr. THOMPSON of South Carolina, to reconsider the "bill for the relief of the heirs of Robert Fulton."

After a few remarks by Mr. THOMPSON of South Carolina, McCLELLAN of New York, RANDOLPH, WHITTLESEY of Ohio, CRAIG, WHITTLESEY of Connecticut, and CHAMBERS,

Mr CUSHMAN called for the yeas and nays on the question of reconsideration, which were ordered; but, without taking the question,

On motion of Mr. DUNCAN,

The House adjourned.

IN SENATE,

FRIDAY, March 9, 1838.

Mr. BUCHANAN presented fourteen memorials, signed by a very large number of the citizens of the city and county of Philadelphia, requesting Congress to establish a Dry Dock in the Navy Yard at Philadelphia; and also a communication on the same subject from Commodore Stewart and Captain Henry of the Navy.

Mr. B. said that the character of the Commodore, as a brave and skilful officer, was known to the whole country; but it might not be so well known, that he was peculiarly distinguished for that strong, practical, common sense, without which no man was fit for the important business of public life, and for the ability and skill with which he applied this talent to every subject connected with his profession. It was this circumstance which gave great value to his recommendations; and the paper itself, presented on its face, abundant evidence that he had formed a correct estimate of the Commodore's character. If it should produce the same impression upon other Senators which it had done on himself, the object of the memorialists could not fail to be accomplished. It established the necessity, in time of war, considering our extended maritime frontier, of having at least six or eight dry docks, in order to render our navy efficient and secure, instead of the two which already existed at Charlestown in Massachusetts, and Gosport, in Virginia. It demonstrated the great superiority of what was called the lock dock, over the simple or single dry dock, such as the two already established; and that the navy yard at Philadelphia was peculiarly calculated to introduce this improvement, on account of the abundant supply of water, from a sufficient elevation, which could be obtained by means of the Schuylkill water works; that whilst the position of this navy yard was sufficiently remote from the ocean to render vessels perfectly secure from hostile attack, it was sufficiently near, by the use of steam tow-boats, for every practical purpose; and that another great advantage would be, that vessels lying there in ordinary would be free from the corroding effects of sea water on the copper of their bottoms, and from barnacles and other substances which adhered to them, and did them great injury. A very strong case was mentioned to prove this position. It had been necessary to send the Ohio, which had lain in ordinary for some time at the navy yard in New York, round to Charlestown, "to be docked and newly coppered, it having been found that the salines of the water had literally eaten the copper off her bottom."

He moved that the memorials, together with the accompanying communication, be referred to the Committee on Naval Affairs, and that the communication be printed; which was ordered accordingly.

Mr. WILLIAMS presented the petition of sundry citizens of Rockingham, Windham county, Vermont, praying Congress to pass a law to suppress duelling: read, laid on the table, and ordered to be printed.

Mr. McKEAN presented the petition of Ann, widow of George Wunder of Philadelphia, praying that the pension allowed to her late husband may be continued to her: referred to the Committee on Pensions.

Mr. BENTON presented the petition of John M. Jacocks, praying for arrears of salary as inspector of the customs: referred to the Committee on Commerce.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred a resolution of the Senate on the subject, reported a bill to reorganize the district courts of the United States in the State of Mississippi; which was read, and ordered to a second reading.

On motion of Mr. GRUNDY, the Senate went into the consideration of Executive business, and after spending a short time therein, the doors were opened, when

The following resolution, submitted some days since by Mr. WRIGHT, was taken up, considered, and agreed to:

Resolved, That the Secretaries of State, of the Treasury, of War, of the Navy, the Postmaster General, and the Attorney General, be severally requested to report to the Senate—

1. The number of clerks employed in their respective Departments, and in the several bureaus connected with, or attached thereto, designating the number of clerks in each Department and bureau.]

2. The various rates of compensation paid to clerks, and the number of clerks in each Department and bureau, at each given rate of compensation.

3. The classification of the clerks as nearly as they may be able, in reference to the character of the labor to be performed, the care and responsibility imposed, the qualifications required, and the relative value to the public of the services of each class as compared with others; and especially whether, as the clerks are now paid, there be inequalities of compensation among clerks performing the same class of duties; and whether there be now classes of clerks receiving different rates of compensation where the duties performed are substantially equal in all the considerations which should govern the compensation.

4. Such changes and improvements in the classification of the clerks in the respective departments and bureaus, in reference to compensation, as justice to the clerks, and the interests of the public service, may seem to them to require.

Resolved, That the heads of the several departments above named, be requested to consult together, to compare the duties and rates of compensation of the clerks employed in each, and in the bureaus connected with or attached to each, with the others, and to make their suggestions and recommendations under the fourth sub-division of the preceding resolution, so far as they may be able, such as will secure a just equality of compensation, compared with the services required, not only among the clerks in each Department, and the bureaus thereof, but among the clerks in all the Departments and all the bureaus.

On motion of Mr. WRIGHT, the bill from the House, making appropriations for the payment of the Revolutionary and other pensioners of the United States, was taken up, and read the third time, and passed.

The report of the Committee on Claims, unfavorable to the petition of the legal representatives of George D. Mitchell, was considered, and concurred in.

The resolution submitted the other day by Mr. NILES, calling for any correspondence that may have taken place between the Treasury and Post Office Departments, and the Bank of the Metropolis, was taken up; and after being amended on motion of Mr. TALLMADGE, was agreed to.

Mr. RIVES presented certain resolutions, signed by T. Smith, Chairman, and Wm. B. Benedict, Secretary, (of what meeting is not stated,) in favor of the passage of a law to suppress duelling: laid on the table, and ordered to be printed.

The Senate resumed the consideration of the Independent Treasury bill; when

Mr. BAYARD, who had the floor, concluded his speech in opposition to the measure.

Mr. MORRIS then addressed the Senate at length, and in a most powerful and eloquent argument, supported the principal features of the bill, and showed to what part of it he objected; after which,

On motion of Mr. CALHOUN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 10, 1838.

Reports from committees were called for.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Jacob Ball.

PATENTS.

Mr. FLETCHER of Vermont, reported a bill for the relief of John Blanc.

Also, a bill to renew the patent right of William Perkins.

Also, a bill for the relief of Stephen S. W. Douglas.

JUDICIARY.

Mr. MARTIN reported Senate bill, with an amendment, to change the times of holding the circuit courts of the United States in the 9th circuit; which, after a few words of explanation from Mr. M. was concurred in.

The bill was then ordered to a third reading; read a third time and passed.

MILITARY AFFAIRS.

Mr. COLES made an unfavorable report on the petition of Jacob Brown.

On motion of Mr. GARLAND of Virginia, the House went into Committee of the Whole on the state of the Union, Mr. McKAY in the chair, on the bill to restore certain jurisdiction to the District Courts of the western district of Virginia.

Mr. GARLAND briefly explained the objects of the bill, and the necessity of its immediate passage so as to transfer the causes in time for the supreme terms.

Mr. BEIRNE opposed the bill, which, he contended, had not been called for by the people of Western Virginia, and could only benefit the members of the bar. The people had not asked for the repeal of the bill of last Congress, and he hoped it would at least have a fair trial, for which there had not been, as yet, sufficient time. Mr. B. moved to strike out the first section of the bill.

Mr. GARLAND rejoined, and said the people of all Western Virginia were greatly inconvenienced by the law of the last session; a law which had been passed for the benefit of the lawyers, and to concentrate all the business at Louisburg. As a proof that the people were in favor of the repeal of that law, he mentioned the fact that every member from Western Virginia was its advocate, except his honorable colleague who had just sat down, and he was truly representing the interests of his district, in which Louisburg was comprised.

Mr. JOHNSON of Virginia went into a detailed statement of the inconveniencies arising out of the passage of the former law, and was followed on the same side by

Mr. CRAIG, who gave notice of some amendment he intended to move to the bill, to provide for some particular cases, as was understood, not embraced in the old act proposed to be restored by the repeal of the last.

Mr. HOPKINS described the effect of the last bill, which was to concentrate all the business of Western Virginia at Louisburg, and stated that, in the district he had the honor to represent, he did not believe there was a solitary individual who did not desire its repeal.

Mr. H. added that he had no desire to take from Louisburg the courts originally held there under the original law, nor did the bill contemplate their abolition, or the slightest interference with them, other than that of restoring them to their original condition and jurisdiction.

The same concurrence in the present bill was expressed by Mr. MORGAN and Mr. STEWART, and after some remarks in reply by Mr. BEIRNE on taking the question, the ayes were 11, noes 50; no quorum. The committee rose, and reported that fact to the House.

Mr. CUSHMAN moved a call of the House, which was ordered, and proceeded in for some time; when,

On motion of Mr. DAVEE,

The House adjourned.

IN SENATE,

SATURDAY, March 10, 1838.

Mr. McKEAN presented a memorial from the commissioners of the Girard estate, on behalf of the city of Philadelphia, setting forth that the city of Philadelphia, under the will of the late Stephen Girard, is the owner of a large tract of land in the State of Louisiana, held under the Spanish grant, and praying Congress to pass an act authorizing the ascertainment of the validity of the title as against the United States, by proceeding in such court as Congress may select: referred to the Committee on the Judiciary.

Mr. BUCHANAN presented the petition of E. Littel, a citizen of Philadelphia, on the subject of the currency. The petitioner, Mr. B. said, recommended an increase of the present capital of the the Philadelphia Bank of the United States thirty-five millions, making it seventy millions. He recommended that this increase be furnished by the several States, in proportion to their representation in Congress; the United States to draw drafts on the same, in sums of from five dollars up to $1,000, endorsed by the several States, to become the circulation of the country; that after the expiration of the charters of the present banks, that the capital of the bank of the United States shall be increased to one hundred and fifty millions; and afterwards an increase of two per cent. yearly. The memorial, Mr. B. said, was ably and ingeniously drawn up, but he confessed, that it had failed to produce conviction in his mind; but, as he thought it fair the petitioner should have an opportunity of conveying his sentiments to the public, he would move that it be referred to the Committee on Finance, and printed.

Mr. KING presented several certified statements of costs, incurred by certain merchants of Mobile, in the renewal of duty bonds; which were referred to the Committee on Finance.

Mr. WALKER presented two memorials from the Legislature of Mississippi, one praying for the establishment of a new post route, the other for the passage of a law, granting pre-emptions to the settlers on the Choctaw purchase, both of which were appropriately referred.

Mr. LINN, from the Committee on Private Land Claims, made an adverse report on the petition of Nancy Collins.

Mr. KING, on leave, introduced a bill for the relief of the heirs of John Brahan; which was twice read and referred.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Isaac Bronson.

The bill for the relief of William Jones.

The bill from the House for the relief of Benjamin H. Mackall.

The bill for the relief of Irvine Shubrick.

The bill for the relief of James Baker.

The bill to establish an additional Land District in Alabama.

The bill for the relief of the heirs of David Caldwell, deceased

The bill to authorize the Secretary of the Navy to purchase a tract of land adjoining the Navy Yard at Boston.

The bill for the relief of Archibald Sneed.

The bill for the relief of the legal representatives of Daniel Duvall.

The bill for the relief of the legal representatives of John Brooks.

The bill for the relief of Walter Loomis and Abel Gay.

The bill to grant to States and incorporated companies, engaged in the construction of roads and canals, the right of way through the public lands.

The bill for the relief of the legal representatives of John Adams, was indefinitely postponed.

The Senate then resumed the consideration of the Independent Treasury bill as the special order, and, after a debate in which Messrs. CALHOUN, CLAY, and PRESTON took part,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, March 12, 1838.

Petitions and memorials were called for, under the rule, in the order of States and Territories, commencing at the point left off on Monday, as follows:

VIRGINIA.

BY Messrs. MERCER, HOPKINS, and MORGAN.

MARYLAND.

Messrs. McKIM, THOMAS, JENIFER, and HOWARD, of Maryland.

[Mr. McKIM presented the following, viz: A resolution of the Mayor and City Council of Baltimore, praying that an appropriation be made for the building of a small pox hospital, or other contagious disorders, at the Lazaretto, near Baltimore. Memorial of the Board of Trade of the city of Baltimore, praying relief for spoliations committed on the commerce of the United States prior to the year 1800. The memorial of John C. Ely, praying compensation for having raised a vessel sunk in the ship channel to the port of Baltimore. The memorial of a number of merchants, praying that J. C. Ely may be compensated for having raised a sunken vessel. The petition of Martha Lamore, praying for a pension in consequence of her father being a soldier of the Revolution, and killed in war with the Indians in 1791. The memorial of Thomas B. Dorsey and others, recommending to the consideration of Congress a location at the village of Ilchester, on the Falls of the Patapsco, for a national foundry.]

DELAWARE.

Mr. MILLIGAN.

PENNSYLVANIA.

Messrs. MATTHIAS MORRIS, TOLAND, HENRY, McKENNAN, PAYNTER, PLUMER, POTTER, HAMMOND, BEATTY, WAGENER, SERGEANT, OGLE, HUBLEY, KLINGENSMITH, SHEFFER, S. W. MORRIS, and BIDDLE.

[Mr. S. W. MORRIS presented the petition of Samuel Tubbs and others, sufferers at Wyoming. Also, a document relative to the claim of Ethan Eddy. Also, a petition from citizens of McKean county, for a post road from Sweden to Harrison Valley post office, in said county.]

[Mr. M. MORRIS presented four petitions from citizens of Bucks county, Pennsylvania, remonstrating against the annexation of Texas to the United States; one signed by 32, another by 33, another by 42, and another by 45 persons. Also, the petition of 50 inhabitants of the same county, asking that the resolution of the House of Representatives of the 21st of December, 1837, directing that all papers relating

to slavery shall be laid upon the table without reading, be immediately rescinded.]

[Mr. BEATTY presented a petition from the citizens of Armstrong country, for the improvement of the Alleghany river for steamboat navigation. Also, one from the citizens of Armstrong county, praying for the establishing of a road therein mentioned. Also, the petition of a number of citizens of Butler county, remonstrating against the annexation of Texas.]

[Mr. SHEFFER presented the petition and documents of John McCarty, a soldier of the late war, praying for a pension: moved that the same be referred to the Committee on Invalid Pensions.]

[Mr. PLUMER presented two petitions for an appropriation to improve the Alleghany river from Pittsburg to Olean: referred to the Committee on Roads and Canals. Also, a petition for an appropriation to contruct a harbor at Milwaukee, in the Territory of Wisconsin: referred to the Committee on Commerce. Also, two petitions numerously signed by citizens of the State of Pennsylvania, remonstrating against the erection of a marine hospital at Cleveland, and setting forth that the medical board, appointed to make examination on the southern shore of Lake Erie, with a view of selecting the most suitable site for the erection of a marine hospital, had limited their examination to one or two places, and that they had entirely overlooked the town of Erie, one of the most important points on the Lake, situated on one of the best harbors, and the only place where a fleet could be safely built, or a naval depot established, and ask that a new board might be appointed to make a more impartial examination: referred to the Committee on Commerce.]

[Mr. HENRY presented the petition of the heirs of Robert Vance, deceased, who served as a captain in the Virginia line, in the Revolutionary war, form 1776 to the end of the war, praying for commutation pay and interest on the same, to which their father was entitled, under the resolutions of Congress on that subject: referred to the Committee on Revolutionary Claims. Also, petition of a number of the citizens of Mercer county, Pennsylvania, for a post route from New Castle, through New Castle, through Pulaski, &c. to Meadeville, in Crawford county: referred to the Committee on the Post Office and Post Roads. Also, the petition of a number of the citizens of Beaver and Mercer, counties, praying for a stage coach mail route twice a week from New Lisbon, Ohio, to Fairfield, Unity, Petersburg, and Mount Jackson, to New Castle: referred to same committee. Also, the petition of a number of the citizens of Portage and Cuyahoga counties, praying for the repeal of part of section No. 11 of the law, regulating the post office establishment, that makes it the duty of the postmasters to deliver letters and papers every day of the week: referred to same committee. Mr. H. also, presented a joint resolution of the Legislature of Pennsylvania, instructing their Senators, and requesting their Representatives in Congress to vote and use their influence for the postponement of the Sub-Treasury bill, or any other acts of a similar character; and also, resolutions accompanying the same, passed by the Senate of Pennsylvania, on the same subject. On motion, referred to the Committee of the Whole on the State of the Union, to which the same subject is referred, and that they be referred.]

NEW JERSEY.

Messrs. HALSTEAD, RANDOLPH, YORKE, and AYCRIGG.

NEW YORK.

Messrs. CAMBRELENG, BRONSON, PECK, CLARK, BIRDSALL, DE GRAFF, GALLUP, GRAY, RUSSELL, GRANT, SIBLEY, HOFFMAM, CURTIS, MARVIN, FILLMORE, MITCHELL, McCLELLAN, MOORE, PARKER, VANDERVEER, ANDREWS, KEMBLE, JONES, PRATT, TAYLOR, TITUS, LOOMIS, BRODHEAD, EDWARDS, JACKSON, PALMER, SPENCER, and PATTERSON.

[Mr. BRONSON presented the following, viz: joint resolutions of the Legislature of the State of New York, in relation to the survey of the northern and western lakes and rivers, and the improvement of the harbors thereon. Resolutions of the Assembly of the State of New, against the Independent Treasury Bill. Resolutions of the New York State Agricultural Convention, in relation to the introduction of foreign seeds and plants. Petition of seventy-six citizens of Jefferson county, New York, in favor of the construction of the Niagara ship canal. Petition of fifty-five inhabitants of New Haven, Oswego county, New York, in favor of repairing and rebuilding the military positions at Oswego, New York. Petition of William Tryon of Sackets Harbor, New York, for compensation for property lost in 1814, by reason of the occupation of his premises by the United States troops.]

[Mr. DEGRAFF presented the petition for a mail route from the city of Schenectady to Braman's Corners, in Duanesburg. Resolutions from the popular branch of the Legislature of New York against separating the Government from the banks.]

[Mr. CAMBRELENG presented the memorial of one hundred and eight citizens of the village of Oswego, in the State of New York, praying an inquiry into the expediency of repairing and arming the military positions at Oswego.]

[Mr. SPENCER presented the memorial of thirty-nine inhabitants of the county of Oswego, New York, praying that the military positions at Oswego village be repaired and armed.]

[Mr. PARKER presented the petition of Platt Pelton and 47 other citizens of Sullivan county, New York, praying for the expulsion of those members of the House of Representatives connected with the duel that caused the death of the Hon. Jonathan Cilley: referred to the Select Committee on that subject.]

[1. Mr. RUSSELL presented the petition of Mons Robertson and 95 other electors of the county of Washington and State of New York, praying a revision of the laws of the United States, regulating the naturalization of foreigners.

2. Also, certain memorials and resolutions of the house of Assembly of the State of New York, prohibiting against the passage of the bill now pending before Congress to impose additional duties, as depositaries, upon certain public officers to appoint receivers general of the public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States; which, on motion of Mr. RUSSELL, were referred to the Committee of the Whole on the state of the Union, to which the said bill had been referred.

3. Also, the concurrent resolutions of the Legislature of the State of New York, asking for the enactment of a law at the present session of Congress, directing a survey of the waters of the northern and western lakes, and for the improvement of the harbors on said lakes, and for making a chart of said lakes, so as render safe and commodious the extensive and rapidly increasing commerce thereon; which, on motion of Mr. RUSSELL, was referred to the Committee on Commerce.

4. Also, the petition of Isaac W. Thompson and other citizens of the county of Washington, and State of New York, praying the establishment of a new mail route from Granville to Whitehall, in the county of Washington.

5. Also, the petition of Andrew Martin and 61 other citizens of the said county and State, praying the House of Representatives of the United States forthwith to rescind a resolution entered on their journals on the 21st of Dec. 1837, by which certain petitions were ordered to be laid on the table without being debated, printed, read, or referred, and declaring that no further action whatsoever should be had thereon; said resolution being in direct violation of that provision in the Constitution of the United States which secures to the people the right of petition and the *freedom* of debate and the press.

6. Also, the petition of David Gordon, and 128 other citizens of the said county of Washington praying for the abolition of slavery and the slave trade in the District of Columbia and the Territories of the United States.

7. Also, the petition of John R. Law, Ezekiel Clark, and 127 other citizens of the said county of Washington, for the like purpose.

8. Also, the petition of John S. Smith, and 147 other inhabitants of the city of Albany, in the State of New York, for the same purpose.

9. Also, the petition of Mrs. S. J. Penniman and 170 other ladies of the said city of Albany, for the like purpose.

10. Also, the remonstrance of Daniel Valentine and 48 other citizens of said county of Washington, against the annexation of Texas to the United States.

11. Also the remonstrance of Jehiel Dayton and 86 other electors of the town of Granville, in said county of Washington, for the like purpose.

12. Also, a like remonstrance, purporting to have been signed by Ruth P. Worthington and 21 other females of the same place.

13. Also, the remonstrance of Zachius Waldo and 89 other electors of said town of Granville against the admission of any new State into the Union whose Constitution tolerates domestic slavery; also, praying for the abolition of slavery in the District of Columbia and in Florida, and so to regulate commerce between the several States as to prevent the traffic in slaves being carried on between them.

14. Also, a like remonstrance, and petition for the like purposes, puporting to be signed by E. Shumway and 9 other women of the same place.

15. Also, the remonstrance of A. B McDowal and 139 other citizens of Albany aforesaid, for the like purpose.

16. Also, the remonstrance of Joseph Hawley, John T. Law, and 228 other citizens of the town of Salem, in said county of Washington, against the admission of any new State into the Union whose constitution tolerates domestic slavery.

17. Also, the remonstrance of Mrs. R. Winslow and 179 other ladies of the said city of Albany, against the admission of any new State under like circumstances.

18. Also, the petition of John Moodie, Leonard Church, and 229 other citizens of said county of Washington, praying Congress so to regulate commerce between the several States as to prohibit the slave trade which is now carried on between them.

19. Also, the petition of Mrs. M. L. De Graff and 170 other ladies of the said city of Albany, for the like object.

20. Also, the petition of D. B. Van Schombroun and 48 other citizens of Albany, for the like purpose.

21. Also, the petition of James P. Miller and 96 other citizens of the said county of Washington, praying a revision of the naturalization laws.

22. Also, the remonstrance of Jesse Campbell and 291 other inhabitants of the county of Herkimer, in the State of New York, against the annexation of Texas to the United States.]

[Mr. GRANT presented the following petitions: The memorial of William Draper and two hundred and forty other inhabitants of the county of Oswego, in the State of New York, praying that the military positions at Oswego be repaired, and for the establishment of a military post at said village. The memorial of one hundred and sixty-six citizens of the county of Niagara, in said State, praying for the construction of a ship and steamboat canal around the falls of Niagara. The petitions of eighty-four inhabitants of the counties of Oswego and Onondaga, praying that mail route No. 801, be extended from Clay, in the county of Onondaga, to the village of Fulton, in Oswego county, via Phœnix, and that a mail be carried upon said route three times per week. The similar petition of seventy-three inhabitants of said counties for the same object. The like petition of thirty-one inhabitans of Oswego county, for the same object. The following petitions, praying the establishment of a daily mail route from Oswego village, to Sackets Harbor, via, Port Ontario, viz: The petition of twenty-five inhabitants, residing upon the shores of Lake Ontario. The like of 27 inhabitants. The like of 45 inhabitants. The like of 45 inhabitants. The petition of sixty-nine citizens of Oswego, New York, against the admission of Texas into the Union. The like petition of nine inhabitants. The petition of fifty inhabitants of Oswego, praying the abolition of slavery and the slave trade in the District of Columbia. The petition of 49 inhabitants of Oswego, against the admission of any new State into the Union, whose constitution tolerates domestic slavery. The like

petition of 53 inhabitants of Constantine, in said State, for the same object. The like of 51 inhabitants of the same town, against the admission of Texas into the Union. The like of 47 inhabitants of same town, praying Congress so to regulate the commerce in slaves among the several States, that it may be immediately prohibited. The like petition of 34 inhabitants of said town, praying the House of Representatives to rescind the resolution adopted by them on the 21st of December, 1837, respecting the petitions concerning slavery; which petition Mr. G. moved to refer to a select committee; but it was, by order of the House, laid on he table.]

[Mr. FILLMORE presented a memorial in relation to the loss of the Caroline, at Schlosser, which he moved to refer to a select committee.

Mr. HOWARD moved to refer it to the Committee on Foreign Affairs; but, upon taking the question, they ayes were, first, 61 to 37; and, upon a second count, 68 to 41—no quorum.

Mr. PETRIKEN moved a call of the House, and asked for the yeas and nays, as he said, because he wanted to see where the 10 o'clock men were.

The yeas and nays were ordered, and were, yeas 102, nays 46. So the House determined that the call should be had; and, after the first name was called, on motion of Mr. HAYNES, the further proceedings thereof were dispensed with.

The question was then taken on the pending motion, and the memorial was referred to the Committee on Foreign Affairs, without a division.

Mr. F. asked leave to take up the resolution offered by him, some time since, on the same subject; but it was disagreed to.]

[Mr. MCCLELLAN presented the petition of Jacob McGinnis, praying a pension for revolutionary services. Also, the like petition of George Warner. Also, the like petition of Nicholas Warner: referred to the Committee on Revolutionary Pensions. Also, the petition of Maria Everett, widow of Jeremiah Everett, praying a pension: referred to the Committee on Invalid Pensions. Also, the petition of John Kline and Peter Kline, praying for the location of land under a land warrant, either in the State of Illinois or Wisconsin Territory: referred to the Committee on Private Land Claims. Also, the memorial of Cyrus Curtiss, Oliver Wiswall, and others, of the city of Hudson, New York, remonstrating against the repeal of the duties on foreign tallow and olive oils: referred to the Committee on Commerce. Also, the petition of Peter Vrooman, asking the redemption of $1,400 of continental money: referred to the Committee on Revolutionary Claims. Also, a memorial of John Adams, Abner Austin, Charles Sturtwart, and others, of Catskill, New York, remonstrating against the passage of an international copyright law: referred to the Committee on the Judiciary.]

[Mr. TAYLOR presented the petition of Samuel Edwards, a soldier of the Revolution, for arrearage of pension. Also, the remonstrance of Vleat Carpenter and 33 other citizens of the town of De Witt, in the State of New York, against the annexation of Texas.]

[Mr. ANDREWS presented the petition of inhabitants of Steuben and Chemung counties, N. Y. for a mail route from Corning, Steuben county, to Head of Seneca Lake, Chemung county. Also, of 30 citizens of Yates county, for the abolition of slavery in the District of Columbia.]

[Mr. JONES of New York presented the preamble, resolutions, and *protest* of the House of Assembly of the State of New York, against the passage of the Independent Treasury bill by Congress. Also, concurrent resolutions of the Legislature of New York, in favor of appropriation by Congress for surveying certain western navigable lakes and rivers.]

[Mr. TITUS said he rose to offer some resolutions of the Assembly of the State of New York, which, having been several times presented this morning, he should not have again offered them, but in consequence of some remarks that had been made by one of his colleagues. The resolutions were against the passage of the Independent Treasury bill; and his colleague had taken the occasion to say that they had passed the Assembly, which had been elected since the Extra session of Congress, by a vote of 86 to 18.

The SPEAKER informed Mr. T. that it was not in order to——

Mr. T. did not intend to violate the rules; but, as his colleague had given *his* explanation as an indication of the popular will of the State in relation to the resolutions, he wished to dissent emphatically from that opinion, and assure his colleague and the House that the result of the elections now being held in the State of New York, gave a certain indication that the Democracy of that State would resume its station among the Democracy of the Union.]

VERMONT.

Messrs. FLETCHER, HALL, and ALLEN.

[Mr. FLETCHER presented the petition of J. H. Mills and 15 others, citizens of Lemington, Essex county, Vermont, to rescind Mr. Patton's resolution of the 21st of December last. Also, the petition of Perry G. Hopkins, of Cabot, county of Caledonia, State of Vermont, praying for remuneration on account of depreciation of continental money. Petition of Adin Bartlett, praying for increase of pension. Petition of Hazard Knowles, praying for a patent.]

[Mr. ALLEN presented the petition of Amos B. Cooper and 24 others, citizens of Richmond, in the county of Chittenden, Vermont, praying for the rescinding of the resolution of the citizens of the 21st of December last, against the reception of petitions on the subject of slavery.]

CONNECTICUT.

Messrs. INGHAM, HALEY, and WHITTLESEY.

[Mr. HALEY presented the petition of Amy Williams, whose father, Captain Amos Stanton, was slain at Fort Griswold, in Connecticut, by the British troops under the command of the traitor Arnold, on the 6th of September, 1781, praying to be placed on the pension roll. Also, the petition of ninety-one persons, inhabitants of Canterbury, in Windham county, Connecticut, praying for the abolition of slavery in the District of Columbia.]

[Mr. WHITTLESEY presented the petition of 57 inhabitants of the town of Greenwich, Connecticut, praying Congress to reject all proposals for the annexation of Texas to this Union. Also, the heirs of the late Captain Thomas Wooster, praying for Captain Thomas Wooster's half pay for seven years, with interest. Also, the heirs of General David Wooster, for seven years' half pay.]

RHODE ISLAND.

Messrs. CRANSTON and TILLINGHAST.

MASSACHUSETTS.

Messrs. PHILLIPS, CUSHING, BRIGGS, REED, LINCOLN, CALHOON, BORDEN, HASTINGS and ADAMS.

NEW HAMPSHIRE.

Messrs. CUSHMAN, FARRINGTON, and J. W. WILLIAMS.

[Mr. J. W. WILLIAMS of New Hampshire, presented a petition of the citizens of Wisconsin Territory, and residents in the vicinity of Rock river, for the establishment of a mail route from Madison, in the Territory of Wisconsin, to Dixon's Ferry, in the State of Illinois, running on the east side of Rock river. A petition for a post road from East Stewartston, New Hampshire, through Clarksville, College Grant, and Indiana stream. Petition of Joshua Bailey, for a pension for Revolutionary services. Petition of John Shepard and others, for compensation for transporting the United States mail from Boston to Burlington.]

[Mr. CUSHMAN moved the claims of the State of New Hampshire against the United States, for expenses incurred in maintaining the territorial jurisdiction of that State, be taken from the files of the House, and again referred to the Committee on Foreign Affairs. Also the petition of Augustus Bradford, who was wounded in the battle with the Indians at Tippecanoe in 1811, praying for arrearage of pension: referred to the Committee on Invalid Pensions. Petition of John Taylor, a Revolutionary soldier, praying for an allowance of a pension from 1808 to 1816: referred to the Committee on Revolutionary Pensions. Petition of James Merrill, who was engaged in the naval service of the United States, praying for arrearage of pension: referred to the Committee on Naval Affairs. Petition of John Jenkins, praying for indemnity for injuries done to his premises by the United States, in conseqnence of erecting a ship house at the navy yard, near the same. Resolutions of a large assembly of Democratic citizens of Portsmouth, N. H. and vicinity, relative to the melancholy death of the Hon. JONATHAN CILLEY, late a representative in Congress, from the State of Maine: referred to the select committee having that subject under consideation.]

MAINE.

Messrs. FAIRFIELD, NOYES, ANDERSON, EVANS, and DAVEE.

[Mr. DAVEE presented the petition of Albert Church and sixty others, citizens of Exeter and vicinity, State of Maine, praying that the resolution passed on the 21st December last may be rescinded. Also, the petition of P. P. Furber and others, praying for the establishment of a mail route from Dover to Enfield, in the State of Maine.]

Mr. NOYES then moved an adjournment.

Mr. WHITTLESEY of Ohio called for the yeas and nays, which were ordered, when Mr. NOYES withdrew the motion, and Mr. ADAMS renewed it, and it being decided in the negative, Mr. A. objected to further proceedings, as there was no quorum present, only 61 having just voted, whereupon

Mr. WHITTLESEY moved a call of the House, which was ordered, and proceeded in for some time, when, on motion of Mr. CONNER, it was dispensed with, and the SPEAKER proceeded to call over the States not already called.

NORTH CAROLINA.

By Mr. MONTGOMERY.

On motion of Mr. RENCHER,

Resolved, That the Secretary of War lay before this House the paper in the case of William Lomax, of the State of North Carolina.

SOUTH CAROLINA.

Messrs. GRIFFIN and CLOWNEY.

KENTUCKY.

Messrs. CALHOON and SOUTHGATE.

TENNESSEE.

Messrs. the SPEAKER, STONE, TURNEY, C. H. WILLIAMS and SHIELDS.

[Mr. STONE presented the petition of 45 citizens of Meigs county, Tennessee, praying for the establishment of a stage route from Kingston, Roan county, Tennessee, via Ten Mile, Decatur to Rosses Landing, on the Tennessee river, in Hamilton county, Tennessee; thence via Tuscaloosa, Alabama, to Jacksonville, Mississippi.]

OHIO.

Messrs. WHITTLESEY, BOND, ALLEN, GOODE, LEADBETTER, and WEBSTER.

INDIANA.

Messrs. HEROD, GRAHAM, and DUNN.

[Mr. DUNN submitted a joint resolution of the General Assembly of the State of Indiana, requesting an examination of the White Water, at Harrison, with a reference to the establishment of a national armory. Mr. D. presented the petition of Henry Banta, praying back pay of his pension. The petition of sundry citizens of Rising Sun, praying the alteration of a mail route.]

[Mr. GRAHAM presented the petition of John Faulkner and 167 inhabitants of Scott county, Indiana, praying a post route from Lexington, via Albion, to Slateford: referred to the Committee on the Post Office and Post Roads. Also, the claim of William H. Tilford, of Monroe county, Indiana, for a horse lost by him while in the military service of the United States: referred to the Committee of Claims.]

MISSISSIPPI.

Mr. YELL.

[Mr. YELL, on leave, offered the following resolution in relation to a post route in this State, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a mail route from Helena, Arkansas, via Tunaca Court-House, Panala Court-House, Lafayette, to Pontotoc, Mississippi.]

ILLINOIS.

Mr. CASEY.

[Mr. CASEY presented the petition of G. W. Carruthers and John Ashbrook, praying to be allowed

the benefits of the late preemption law, in relation to a tract of land in Lawrence county, Illinois; which, on his motion, was referred to the Committee on the Public Lands. Also, the petition of Robert Brownfield, praying to be placed on the pension roll: referred to the Committee on Revolutionary Pensions.]

ALABAMA.

Messrs. LEWIS, LYON, and CHAPMAN.

On motion of Mr. MARTIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Fairfield to Pickensville, in Alabama.

MISSOURI.

Mr. HARRISON.

[Mr. HARRISON presented the petition of Henry Overly, for a pension. The petition of sundry citizens of Wisconsin Territory, respecting the conflicting boundaries of Wisconsin and Missouri. The petition of sundry citizens of Rives county, for the establishment of a mail route. The petition of A. and A. W. Hudspeth, for a pre-emption upon certain lands occupied and improved by them. The petition of sundry citizens of the Platte country, praying the establishment of a mail route. The petition of sundry citizens, praying the increase of the compensation of the postmaster at St. Charles. Of M. P. Le Duc, praying the confirmation of a certain tract of land granted to him by the Spanish Government.]

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Liberty, Clay county, by Rubidom to the Blocke Hills, on the Missouri river, in said State.

ARKANSAS.

On motion of Mr. YELL,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing the Governor of Arkansas to complete the location of land for a seminary of learning, and to locate other lands in lieu of those already located, which have become of no value from inundation of the Mississippi.

MICHIGAN.

Mr. CRARY:

[Mr. CRARY presented a joint resolution of the Legislature of Michigan, for a survey of, and for the removal of, any obstructions at the mouth of the St. Clair river; a petition for a mail route from Lupeer to Grand Blanee; for a mail route from Elkhart to Lafayette; for the improvement of the harbor of Milwaukie, in Wisconsin Territory.]

FLORIDA.

Mr. DOWNING.

The SPEAKER laid before the House several Executive communications, viz:

1. A Message from the President of the United Stales, transmitting a report and accompanying papers from the Secretary of War, containing information respecting the present state of the campaign in Florida, and the disposition of the Indians to treat for peace.

On motion of Mr. PETRIKIN, referred to the Committee on Military Affairs.

2. A Message from the President of the United States, transmitting, for the consideration of Congress, a report of the Secretary of State, with accompanying documents, relative to an application by the Minister of France in behalf of Captain Bezeirs, for saving a vessel and crew.

On motion of Mr. WHITTLESEY, referred to the Committee on Naval Affairs.

3. From the Secretary of the Navy, transmitting a report from the Naval Commissioners, in relation to the improvements in the navy yard at Pensacola.

On motion of Mr. McKIM, referred to the Committee on Naval Affairs.

4. From the same, transmitting a statement showing the names of all the officers and non-commissioned officers in the naval service and Marine Corps, disabled by wounds or injuries while in the line of their duty, and placed on the pension list.

On motion of Mr. CUSHMAN, laid on the table.

5. From the Secretary of the Treasury a report in relation to the addition which has been made to the compensation of revenue officers in the year 1837, by the provision which gave them the same compensation as if the importations were the same as in 1832.

On motion of Mr. CUSHMAN, referred to the Committee on Commerce

On motion,

The House adjourned.

IN SENATE,

MONDAY, March 12, 1838.

Mr. McKEAN presented the memorial of G. A. Perkins and ninety other citizens of Athens, Pennsylvania, remonstrating against the annexation of Texas to the Union, and praying Congress to reject all propositions of that kind, come from whatever source they may: laid on the table.

Mr. BENTON presented the petition of Adolphus Allen, proposing to erect a bridge across the Upper Mississippi; which was referred to the Committee on Roads and Canals.

Mr. BUCHANAN presented a memorial signed by a number of citizens of Washington county, Pennsylvania, against the practice of duelling, and praying Congress to pass a law, with suitable penalties, to suppress it: read, ordered to be printed, and laid on the table.

Mr. WALL presented a petition of a similar character, from sundry citizens of Newark, New Jersey; which was disposed of in like manner.

Mr. CLAY of Alabama presented the petition of the purchasers of the southwest quarter of section twenty-two, in township five, in range three west, in the Huntsville Land District, Alabama, from the United States, praying Congress to grant other lands in lieu thereof, to William Jones, who purchased the same quarter section from the State of Alabama.

Mr. C. also presented the claim of Capt. Edward D. Jones for the transportation of a company of troops belonging to the Alabama regiment of volunteers, which served in the Florida campaign of 1834, from Mobile to their place of residence.

Mr. TIPTON, from the Committee on Roads and Canals, reported a bill for the relief of the Alabama, Georgia, and East Florida railroad company; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of William Armstrong, reported a bill for the relief Juan Pelgar; which was read, and ordered to a second reading.

Mr. L. from the same committee, to which had been referred the memorial of Dr. Perrine, on the subject, reported a bill to encourage the introduction and promote the cultivation of tropical plants in the United States: read, and ordered to a second reading, and the accompanying report ordered to be printed.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred the petition of William Fuller, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, reported, without amendment, the bill from the House giving the assent of Congress to an act of the Legislature of Maryland, imposing a small tonnage duty on vessels entering the port of Baltimore, for the purpose of keeping its harbor open.

On motion of Mr. K. the above bill was then considered as in Committee of the Whole, and ordered to a third reading.

Mr. LYON, from the Committee on Private Land Claims, to which had been referred the petition of Daniel Marsack, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. CRITTENDEN presented the joint resolutions of the Legislature of Kentucky, in relation to the currency, and opposed to the Sub-Treasury bill, accompanying their presentation with some appropriate remarks.

Mr. RUGGLES presented the resolutions of the Legislature of Maine, asking that the franking privilege be extended to the Governors and Secretaries of the several States, and to the members of the State Legislatures: referred to the Committee on the Post Office and Post Roads.

Mr. R. also presented the petition of sundry citizens of Maine, praying for a further appropriation to remove the obstructions in Penobscot bay: referred to the Committee on Commerce.

Mr. RIVES presented the petition of Mrs. Fanning, mother of Lieut. John B. Fanning, praying for a pension: referred to the Committee on Pensions.

On motion of Mr. LYON, a call was made on the Secretary of the Treasury for information as to present circumstances, and the course proper to be pursued in relation to public lands in the south of Wisconsin and the north of Illinois.

The following bills were severally read the third time, and passed:

The bill for the relief of Benjamin H. Mackall.

The bill for the relief of James Baker.

The bill for the relief of Robert Preebles and John Graham.

The bill granting commutation to Isaac Bronson.

The bill for the relief of the heirs and representatives of William Jones, deceased.

The bill for the relief of the heirs of Doctor Thomas Carter, deceased.

The bill for the relief of Irvine Shubrick.

The bill to establish an additional land district in Alabama.

The bill for the relief of the securities of Archibald Sneed, deceased.

The bill for the relief of the legal representatives of John Brooks, deceased.

The bill in addition to the act for the relief of Walter Loomis and Abel Gay.

The Senate resumed the consideration of the Independent Treasury bill as the special order, when Mr. WEBSTER, who was entitled to the floor, addressed the Senate to a late hour in opposition to the measure. Mr. W. had not concluded his speech

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, March 13, 1838.

WAYS AND MEANS.

Mr. CAMBRELENG reported a bill directing the transfers of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States.

Mr. C. asked the House to take up the proposed amendment of Mr. BRIGGS to the sixty-third rule of the House, which was to add thereto the following:

"Unless in continuation of appropriations for such public works or objects as are already in progress, and for the usual contingencies for carrying on the several departments of the Government."

The motion of Mr. C. being agreed to,

Mr. PHILLIPS moved to strike out the word "usual," which was accepted by Mr. BRIGGS as a modification, and the amendment of the rule was agreed to by two-thirds.

PUBLIC LANDS.

Mr. BOON reported, without amendment, Senate bill to create additional land offices in the State of Michigan, and for other purposes.

DISTRICT OF COLUMBIA.

Mr. JENIFER reported a bill for the suppression of gaming in the District of Columbia.

Mr. PETRIKIN reported a bill to incorporate certain banks in the District of Columbia.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported Senate bill for the relief of the heirs of John Hawkins, with a recommendation that it do not pass, and, on Mr. C's motion, the bill was laid on the table.

Mr. SHEPHERD reported a bill for the relief of the legal representative of James Brodhead.

Mr. TALIAFERRO reported a bill for the relief of John Emerson.

Mr. T. also reported a bill for the relief of the heirs of Larkin Smith.

Mr. PATTON reported a bill for the further relief of the heirs and representatives of John Cannon, deceased.

INDIAN AFFAIRS.

Mr. EVERETT reported a resolution against the allowance of interest on the claim of James Brown; which was concurred in by the House.

NAVAL AFFAIRS.

Mr. INGHAM reported a bill for the augmentation of the United States Marine Corps.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of John England.

Mr. WHITTLESEY of Connecticut, reported a bill for the relief of William Delesdernier.

INVALID PENSIONS.

Mr. TAYLOR reported a bill granting a pension to Daniel H. Crockett.

Mr. McCLELLAN of New York, reported the following:

Bill for the relief of Henry Barton.

Bill for the relief of Henry Challer.

Bill for the relief of Miller Francis.

Bill for the relief of Lieut. John Allison.

Mr. ALLEN of Vermont reported a bill for the relief of Charles Vattier.

ROADS AND CANALS.

Mr. MERCER reported a bill ceding to the State of Ohio the interest of the United States in a certain road within that State; and it was ordered to be engrossed for a third reading to-morrow.

PATENTS.

Mr. FLETCHER of Vermont moved to take up and consider the bill for the relief of John Blanc, and stated the grounds of the claim, which was for the renewal of a lost patent, but the motion was disagreed to.

Mr. JOHNSON of Louisiana, on leave, presented a petition, which was referred to the Committee on Commerce.

FLORIDA WAR.

Mr. MERCER, on leave, submitted a resolution calling upon the Secretary of War to lay before the House, at as early a day as practicable, a statement, from the latest returns, of the number and compensation of the military forces employed in Florida, and the average monthly force, and expense attending the employment thereof, in the military operations within that Territory, during the year 1837, so far as the same can be ascertained.

The resolution, under the rule, would lie over one day, and Mr. M. moved its consideration at that time.

Mr. McKAY objected, on the ground that the information called for had been already laid before the House; and the resolution lies over.

At a subsequent stage, on motion of Mr. McKAY, the resolution was agreed to.

WESTERN DISTRICT OF VIRGINIA.

Mr. GARLAND of Virginia asked leave to submit a motion to discharge the Committee of the Whole from the further consideration of the "bill to restore circuit jurisdiction to the District Courts of the western district of Virginia."

This bill had been discussed in committee, on Saturday, between Mr. BEIRNE and the delegation from Western Virginia; the object of it was to repeal the bill of last session, which, by the construction put upon its provisions by the profession there, concentrated all the courts at Lewisburg. Mr. GARLAND now stated that all opposition to the present bill was withdrawn.

Mr. EVERETT objected to the motion.

Mr. GARLAND thereupon moved a suspension of the rule, which was agreed to, as was also the other motion, and the bill was ordered to be engrossed for a third reading to-day.

At a subsequent stage of the proceedings, the above bill was read a third time, and passed.

GRANT OF LAND FOR SCHOOLS.

The House then resumed the consideration of the resolution submitted some time since by Mr. JOHNSON of Maryland, proposing to grant a quantity of land to the old States for purposes of education, equal to that granted to the new States.

Mr. JOHNSON resumed his remarks, and went into a series of calculations to demonstrate how much each of the old States would be entitled to receive, if the same liberality, in donations of land, were extended to them as to the new States, and gave way, without concluding, to the

ORDERS OF THE DAY.

Sundry bills from the Senate, lying on the Speaker's table, were taken up, read twice, and referred to their appropriate standing committees.

NORTHEASTERN BOUNDARY.

The first business in order was the motion to commit the message of the President of the United States, on the subject of the Northeastern Boundary, and the imprisonment of Mr. Greely, to the Committee on Foreign Affairs; the question pending being the previous question, moved by Mr. CAMBRELENG. It was now seconded, and the main question ordered and put without a division.

So the message was committed to the Committee on Foreign Affairs.

The SPEAKER laid before the House—

1. A communication from the Secretary of War, transmitting the information called for by a resolution of the House in relation to the amount of money expended for the improvement of the Missouri river.

On motion of Mr. McKIM, referred to the same Committee of the Whole as had charge of the Harbor bill.

2. A communication from the Secretary of War, transmitting a report of the survey recently made of the harbor of Lynn, in the State of Massachusetts.

On motion of Mr. CUSHMAN, referred to the Committee on Commerce.

CIVIL LIST BILL.

On motion of Mr. CAMBRELENG,

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. CASEY in the Chair, and resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government for the year 1838."

Mr. REED then moved an additional item of $52,040 for building, rebuilding, and completing light-houses in New Hampshire, Massachusetts, Connecticut, and New York, in addition to the sums appropriated for that purpose by the act of the 4th of March, 1838; which, after some discussion from Messrs. REED, CAMBRELENG, McKAY, DAWSON, and CUSHMAN, was disagreed to.

Mr. HOWARD moved an item of $4,500 for the outfit of a Charge d'Affaires to Peru, on the ground, he explained, that the present Charge was about to return home.

Mr. PETRIKIN opposed it, on the ground, as was understood, that these large diplomatic appropriations, by paying mere commercial agents, under the name and character of Charge d'Affaires, were a tax upon the whole community for the benefit of a single class—the merchants. Where a representative of the Government was absolutely necessary, he was in favor of it.

Mr. McKIM supported it as an indispensable appointment on account of the large exports made from the United States to that Republic, consisting chiefly of domestic produce and manufactures. Indeed he should not object to the appointment of a minister of the first grade there, for he would have more weight. It was but a short time ago that a single vessel, out of New York, had been condemned, whose cargo was worth at least a hundred thousand dollars, that might have been saved if there had been a man of influence there.

The conversation was further continued by Messrs. BELL, McKIM, PETRIKIN, MALLORY, and HOWARD, when the amendment was agreed to.

Mr. RARIDEN moved to enlarge the appropriation for the contingent expenses of the House from $225,000 to $273,960, so as to embrace the necessary amount to cover the expenses of the books directed to be furnished to the members of the House.

Mr. CAMBRELENG raised two points of order on this amendment—

1. That there was a separate bill already before Committee of the Whole embracing this same proposed appropriation; and

2. That it was out of order to appropriate, in the bill under consideration, any money for objects for which there was no existing law.

The CHAIR ruled the amendment as sufficiently out of order on the former ground alone.

Mr. RARIDEN took an appeal on the ground that it was only an enlargement of an existing appropriation.

Mr. McKAY said that the gentleman could not obtain his object even if the amendment should be adopted, because the Clerk could not pay for these books out of the contingent fund, under the following restrictive proviso of the bill, viz: "The two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose."

Mr. RARIDEN, to meet the last objection, said he would move to insert, after the word "severally," the words, "and the books ordered to be distributed to members of the House."

At the suggestion of Mr. CAMBRELENG and Mr. BELL, Mr. RARIDEN withdrew his appeal for the present, to renew it in a fuller House.

Mr. CAMBRELENG submitted an item of an additional $20,000 for the completion of the public buildings at the seat of Government of Wisconsin Territory, under the act of Congress of 1836, and caused to be read a memorial from the Legislative Council, setting forth the reasons therefor.

Mr. McKAY caused the former appropriation to be read, which appropriated the sum of $20,000 for this object.

Mr. BELL said it was a small matter to oppose, but the original appropriation was itself a departure from all former precedent, and these buildings should not have been commenced on such a scale of magnificence as would require at least twice the sum originally intended for them. Even if they appropriated $40,000, there was no security against the Territory coming here next year and asking for another $20,000.

Mr. SNYDER made another objection to the construction of these permanent buildings, viz: that the Territory would probably soon be divided, and the present location of the seat of Government would have to be moved, as it would be on or near one side of one of those divisions.

Mr. BRONSON understood the present site had been selected with a view to division; and the present seat of Government at Madison was near the centre of East Wisconsin, or Wisconsin proper, both with reference to geographical position and population. On this point the amendment was not objectionable.

Mr. BELL contended that the expense should have been limited to the original sum.

Mr. CAMBRELENG referred to the memorial of the Council, and the act of 1836, which contained no limitation or restriction.

Mr. BRONSON held that the United States were bound to construct the buildings, and bound to complete them.

Mr. McKAY differed from the gentleman, because the sum of $20,000 had been given to the Territory, and not appropriated to be expended under the direction of the officers of this Government. If the Territory commenced buildings involving an expenditure of more than that sum, they should complete them themselves.

The amendment was rejected without a division.

Mr. CAMBRELENG proposed an item of $1,200 for distributing the first volume of the Documentary History of the United States.

Mr. C. explained the objects of this appropriation, and sent to the Chair a communication from the Department on the subject, when the amendment was agreed to.

Mr. BELL moved to strike out the following clause:

"For compensation to the clerks in said office, [Secretary of the Treasury,] per act of 23d June, 1836, $3,600."

Mr. CAMBRELENG put in a letter from the Secretary of the Treasury, setting forth the necessity of this extra clerk hire, on account of the increased duties of the office, and that it would be entirely impossible to conduct its business without this extra clerical force.

Mr. BELL wished the appropriation to be made specific, both as to duties, number of clerks, and compensation to each, and the exigency also set forth requiring the additional aid. It was known, also, that many of the clerks in the Departments, the Treasury in particular, were not fully occupied.

Before the question was taken, on motion of Mr. BELL, the committee rose and reported.

Mr. SAWYER, on leave, submitted a resolution directing the Committee on Commerce to inquire into the expediency of authorizing the construction of a light-house at Pea Island, North Carolina, which was agreed to.

On motion,

The House adjourned.

IN SENATE,

TUESDAY, March 13, 1838.

Mr. WRIGHT presented the memorial of the New York Typographical Society, remonstrating against the passage of an international copy-right law: referred to the Committee on Finance.

Mr. PRESTON presented the petition of sundry citizens of South Carolina, praying for the establishment of a new post route: referred to the Committee on the Post Office and Post Roads.

Mr. P. also presented the petition of Wm. Smith of South Carolina, asking compensation for Indian spoliations: referred to the Committeeon Indian Affairs.

Mr. NORVELL presented the petition of sundry citizens of Michigan, praying for an appropriation for the improvement of the harbor of Brest, on Lake Erie: referred to the Committee on Commerce.

Mr. N. also presented the petition of Freeman Blackely, praying for confirmation of title to a tract of land: referred to the Committee on Private Land Claims.

Mr. LINN presented the petition of John F. Goodwin; which was referred to the Committee on Indian Affairs.

Mr. YOUNG presented two petitions of a number of citizens of Illinois, praying for the establishment of mail routes.

Also, the petition of sundry citizens of Illinois, praying for the passage of a general pre-emption law: referred to the Committee on Public Lands.

Also, the petition of an individual of the Pottawatamie tribe of Indians, praying to be secured in his reservation to a tract of land: referred to the Committee on Public Lands.

Mr. SEVIER presented the petition of sundry merchants of New York, praying for the establishment of a naval school: referred to the Committee on Naval Affairs.

Mr. GRUNDY, from the Committee on the Judiciary, to which was referred the memorial of Jonathan Thompson, late collector of the port of New York, praying that his official bonds may be estored to him, moved that the committee be discharged from the further consideration thereof: carried.

On motion of Mr. GRUNDY, the same committee was discharged from the further consideration of the memorial of the commissioners of the Girard estate.

Mr. WHITE, from the Committee on Indian Affairs, reported severally, without amendment, the bill supplementary to the act to provide for the organization of the Department of Indian Affairs, and the bill to regulate the trade and intercourse with the Indian tribes, and preserve peace on the frontiers, both approved June —, 1834.

Mr. TROTTER, on leave, introduced a bill supplementary to the act to amend the act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of 1830 with the Choctaw Indians, which, after some remarks from Mr. T. was read twice, and referred.

Mr. CLAY of Alabama, from the Committee on Public Lands, reported, without amendment, the bill for the relief of the heirs of John Brahan, and the report was ordered to be printed.

On motion of Mr. C. a call was made on the Secretary of State for information relative to the number of suits on the docket, and various other matters relating to the Circuit and District Courts of the United States.

Mr. SMITH of Indiana, on leave, introduced a bill to authorize the President to cause patents to be issued to the persons, and for the lands, therein named: read twice and referred.

The bill for the relief of the legal representatives of Daniel Duvall; and

The bill to amend the act relative to the port of Baltimore, were severally read the third time and passed.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill making appropriations for certain roads in Arkansas.

The bill for the relief of Michael Cassell.

The bill for the relief of George Davenport.

The bill to authorize Charles Day of Macon, and James R. Butts of Columbus, to import two iron steamboats free of duty.

The bill for the relief of Jechonias Pigot and James Lecraft, sureties of James Manney, late collector of the customs for the District of Beaufort, North Carolina; and

The bill to provide for the repeal of certain provisions of the act to alter and amend the several acts imposing duties on imports, passed ——,1832.

The bill for the relief of Chastellain and Ponvert was indefinitely postponed.

INDEPENDENT TREASURY.

The Senate then resumed the consideration of the Independent Treasury Bill; when Mr. WEBSTER resumed the floor, and closed his remarks, commenced yesterday, in opposition to the bill. Mr. W. occupied the floor until near 4 o'clock.

Mr. ROBBINS then moved that the Senate adjourn, which motion he withdrew, at the suggestion of Mr. GRUNDY, who moved that the Senate proceed to the consideration of Executive business.

After the consideration of which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 14, 1838.

THE LATE DUEL.

Mr. PAYNTER, on leave, presented a petition of four hundred citizens of Philadelphia, on the subject of the late duel; which was referred to the select committee on the subject.

Mr. FAIRFIELD also asked leave to present several memorials on the same subject.

Mr. GARLAND of Louisiana objected; whereupon

Mr. FAIRFIELD moved a suspension of the rule.

Mr. HENRY said he had a memorial of the same import, and wished the motion to be made with reference to it also.

The CHAIR said the rule could only be suspended on the first motion.

The vote being twice taken without a quorum,

Mr. DAVEE asked for the yeas and nays, which were ordered, and were—yeas 92, nays 54; not being two-thirds, the rules were not suspended.

Mr BRIGGS, on leave, presented a petition relating to an invalid pension claim; which was referred to the committee on that subject.

On motion of Mr. HOLSEY, Mr. JACKSON of Georgia, was excused from serving on the Select Committee raised on the subject of revising the laws of naturalization, on the ground that he was already a member of two committees of the House.

Reports from committees were then called for.

PUBLIC LANDS.

Mr. CASEY reported a bill for the relief of John Dougherty of Wisconsin.

JUDICIARY.

Mr. MARTIN moved to take up the reconsideration of the vote, by which the bill was passed for changing the times of holding the circuit courts of Alabama; which was agreed to, and the same, on motion of Mr. THOMAS, was recommitted to the Committee on the Judiciary.

REVOLUTIONARY CLAIMS.

Mr. TALIAFERRO reported a resolution to assign room No. 41 to the Committee of the House on Revolutionary Claims; which was concurred in.

PRIVATE LAND CLAIMS.

On motion of Mr. HARLAN, the Committee of the Whole was discharged from the further consideration of the bill for the relief of Joseph Leibert; and the same was recommitted to the above standing committee.

Mr. WHITTLESEY of Ohio, on leave, submitted an order that the Speaker be authorized to assign two rooms to the commissioners for investigating the frauds committed in the Creek reservations, if the same are unappropriated; which was concurred in.

Mr. POPE submitted the following resolution; which was agreed to.

Resolved, That the claim of the administrator of Jacob Houne, deceased, for services rendered by said Houne in the war of the Revolution, with the proofs and exhibits, be referred to the Committee on Revolutionary Claims, to consider and report thereon.

LAND FOR SCHOOLS.

Mr. JOHNSON of Maryland, continued his remarks in support of his resolution to set apart a certain quantity of the public lands for purposes of education, and gave way, without concluding, to the orders of the day.

Mr. MARTIN then, on leave, from the Committee on the Judiciary, reported back to the House the bill to change the time of holding the Circuit Court of Alabama, &c. with an amendment in the shape of a substitute for the bill.

[It annexes Alabama to the sixth circuit.]

Mr. HAYNES said he would inquire of the Committee on the Judiciary why it was proposed so largely to increase the duties of the judge of the sixth circuit of the United States, by adding to it a State in which another judge of the Supreme Court resides? Justice to Judge Wayne required that he should make the inquiry. He did not wish to interfere with the equitable adjustment of labor between the members of the Supreme Court, but it seemed to him that the proposed change would impose an unreasonable addition of service upon the judge of the sixth circuit, and therefore he felt it his duty to inquire why it was proposed.

Mr. MARTIN and Mr. THOMPSON explained.

Mr. HAYNES replied that he did not perceive, if it was insisted that Alabama should be added to the sixth circuit, why a similar provision should not be introduced in favor of Judge Wayne to that which has been adopted in the seventh circuit, dispensing with one term of the circuit court annually in the States of Indiana and Illinois. By the proposed addition of Alabama to the sixth circuit, the travel and labor of Judge Wayne would be enormously increased, as Mobile was almost as distant from Savannah, the place of his residence, as Washington City is from Savannah, and would require of the judge almost twice as much travelling in the year as was performed in attending the annual session of the Supreme Court. He repeated that he did not desire to interfere with or disturb an equitable distribution of labor between the judges of the Supreme Court, but he did think the proposed change, by requiring the judge of the sixth circuit to preside twice a year at Mobile, would impose an unequal burden upon that officer.

Mr. THOMAS, in reply, went into a full explanation and defence of the amendment proposed, showing that its result would be to obviate the complaints which had long been made respecting the neglect of the Eastern Judicial District of Louisiana. He stated very minutely the amount of court duty performed by each of the judges, and showed that, even with the increased duty occasioned by the amendment, Judge Wayne would still have less to do than any of his brethren, Judge Barbour only excepted; while Judge McKinley would be relieved from a task too onerous to be performed by any judge. It was impracticable now to go into a general reorganization of the whole of the districts, since the time was so near when Florida, Wisconsin, and, perhaps, Ioway, would become States of the Union, that no arrangement could be made which did not look to that event; and if the districts should be so organized at this time, the plan would work unequally and unjustly in the meanwhile.

The question being put, the amendment was agreed to; the bill ordered to its third reading, read a third time, and PASSED.

The SPEAKER then laid before the House a message from the President, in answer to a resolution of the House, on the subject of a canal across the Isthmus of Darien; which, on motion of Mr.

FILLMORE, was referred to the Committee on Roads and Canals, and ordered to be printed.

Several bills from the Senate were read a first and second time, and referred to appropriate committees.

The bill ceding to the State of Ohio the interest of the United States to a certain road within that State, was read a third time, and passed.

A bill from the Senate to allow two citizens of Georgia to import iron steamboats suitable to the navigation of rivers, having been twice read,

Mr. ADAMS moved that the bill be referred to the Committee on Manufactures.

Mr. DAWSON, that it be sent to the Committee on Commerce.

Mr. GRAHAM, that it go to the Committee of Ways and Means.

Mr. ADAMS said that he was not peculiarly favorable to the interests which might be supposed to be injured by the bill; but he considered it as virtually an attack on the compromise which had been agreed to respecting the tariff.

Mr. DAWSON said that a similar bill had come from the Senate last year, and been referred to the Committee on Manufactures, who had reported against it; he apprehended a like result now, and therefore moved the Committee on Commerce, since the bill might appropriately be sent to either.

Mr. ADAMS rejoiced to hear the principle advocated by the gentleman from Georgia, that a bill ought not be sent to a committee which was supposed to be adverse to its object. He had himself been preaching that doctrine for these three years past, but the more he preached one way, the more determined the Speaker had been in deciding the other. He hoped that when he objected to sending a measure or a memorial to the Committee on Foreign Affairs, because he knew that committee to be opposed to that measure or to the object of the memorial, the principle of the gentleman from Georgia's objection would be held in remembrance.

The bill was sent to the Committee on Manufactures. The House then went into Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the

CIVIL LIST BILL.

The House then resolved itself into Committee of the Whole, Mr. CASEY in the Chair, and took up the bill making appropriations for the civil and diplomatic expenditures of the Government.

The question pending was on an amendment submitted by Mr. BELL, to strike out the appropriation of $3,600 for clerk hire, under the act of 23d June, 1836.

Mr. CAMBRELENG sent to the CHAIR a communication from the Treasury Department, showing the necessity for the continuance of those clerks; which communication was read by eth Clerk.

Mr. McKAY called the attention of the gentleman from Tennessee to the fact, that even if this item was struck out, these clerks would be continued under the act of 1836, because it was there provided that these clerks should be employed, and that they should be paid out of any money in the Treasury not otherwise appropriated. He himself thought there was not the same necessity for these clerks which there was before the suspension of specie payments, but the law was that they were to be continued, and until that was repealed, it was useless to make this amendment.

After a few remarks by Messrs. BELL, and Mr. CAMBRELENG, Mr. BELL withdrew his amendment.

Mr. CAMBRELENG moved an amendment, to apply the fund raised from sale of old to the purchase of new furniture for the President's House; which was agreed to.

Mr. M. MORRIS of Pennsylvania moved an amendment in the 423d line, so as to have "thirty" to read twenty, reducing the item for contingent expenses for *missions abroad* from thirty to twenty thousand dollars. He wished to submit a few words, in the nature of a statement, relating to one or two other parts of the bill, and explanatory of his object in making the motion.

He said that, in consequence of being placed upon the Committee on the Expenditures of the Department of State, it became his duty to make some inquiries upon the subject appertaining to those expenditures. One portion of his inquiry related to the appropriations and contingent expenditures for a few years past, and he had received a statement embracing the amount from the year 1829 to 1837, inclusive, of the appropriations for incidental and contingent expenses of the Department of State and for payments. It is as follows:

Years.	Appropriations.	Payments.
1829	$22,850	$24,691 44
1830	27,100	21,040 99
1831	20,000	20,213 92
1832	25,000	31,542 39
1833	25,000	28,354 14
1834	31,500	29,582 13
1835	25,000	23,437 82
1836	25,000	23,665 78
1837	25,000	23,414 05
	$226,450	$225,942 66

Making a difference in this length of time, in the aggregate, between the appropriations and the payments, of a little more than five hundred dollars. He understood that the amount of payments made in a year does not necessarily show the amount of the expenditures of that year, as there are accounts outstanding from year to year, and sometimes for several years, which, when paid, are included in the amount for the year in which the payment is made.

Another point of his inquiry was to ascertain what might be the danger or probability of misapplying or losing to the Governmen the excess of this appropriation beyond the actual expenditure. To this question he had received the following reply:

"That the balance so unexpended, except that part of it which may be in the hands of disbursing agents, remains in the Treasury, forming a part of the balance remaining therein at the end of the year; and for the portion of it that may be in the hands of disbursing agents, (with which they stand debited on the books of the Treasury,) they have to render accounts and vouchers, approved by the head of the Department, to the accounting officers of the Treasury for examination; so that the balance remaining from one year to the next cannot be misapplied or lost to the Government, being either in the Treasury or the hands of disbursing agents, and can be applied only to the object for which it was originally appropriated."

In connection with this examination, his attention had been drawn to the opinion expressed by the Secretary of State to the President, in a letter dated December 2, 1837. The Secretary was asked whether there was any necessity for further legislation to secure the faithful application of the public moneys to the objects to which they were appropriated, to prevent their misapplication or embezelement, and to increase the security of the Government against losses in the disbursement thereof. He replied that, in his opinion, a stricter accountability could not be attained by further legislation; that the best security was to be derived from the character of the officers to whom the moneys were entrusted.

In relation, then, to this item for the contingent expenses of the Department of State, considering how near a correspondence there has been between the appropriations and the payments, and that, according to the opinion of the Secretary, there can be no misapplication or loss of the surplus appropriation, and that it must depend upon the fidelity and character of the disbursing officers and agents, he did not see sufficient reason to make any motion, or to insist upon a reduction of it, from that reported in the bill.

He apprehended this the chief reliance for a proper and economical use of the funds of the Government was to be had upon the honesty and energy of the officers; in that particular, he agreed in opinion with the Secretary of State. There may have been too much money expended for specific purposes; the payments heretofore made may have been extravagant, and some of the items of contingent expense in the Department, mentioned in the last report, he thought might have been dispensed with, still he was not prepared to take exception to them; they appeared to be sanctioned by usage, and if they were necessary, he would not object to the appropriation for the payment.

But, although he would agree to an appropriation adequate to the wants of the Government, yet that appropriation should be somewhat in proportion to the previous expenditures, and hence he made the motion to reduce the sum for missions abroad from thirty to twenty thousand dollars.

A reduction had been proposed by the committee reporting the bill, by the advice of the Scretary, as he understood, from thirty thousand to fifteen thousand dollars, for contingent expenses of foreign intercourse. The expenses for that purpose have heretofore exceeded that amount; but it is now thought that the sum of fifteen thousand dollars will be sufficient; so that, in that particular, a diminution is admitted to be proper by the committee.

The contingent expenses for the missions abroad for the year 1836, according to the report of the receipts and expenditures, was but $15,920 10. On the 31st of December, 1836, there was a balance of appropriation unexpended for that year of $24,587 90; and for the year 1837, there was another appropriation for this purpose of $30,000. Out of this unexpended balance, and the additional appropriation of $30,000, there was expended for and during the year 1837, a sum short of $25,000, leaving a large amount in the Treasury. He proposed this reduction to $20,000, as a medium sum, which, he apprehended, would be quite sufficient to meet all the proper demands which would be made for this purpose.

He was aware that in a bill of this description, proposing to appropriate between three and four millions of dollars, containing about a hundred and eighty items, with the power of prodigality and extravagance which disbursing agents have, if they choose to exercise it, in despite of limitation, it seems to be a matter of small importance to attempt to curtail but ten thousand dollars; but he conceived it to be proper to do so to any amount, however small, unless it appeared reasonably clear that the larger sum would be wanted for service. As an advocate for a limited and economical expenditure of the public money, and considering that the members of the House were but the agents and trustees of those who send them here, he held it to be their duty to take care of the small appropriations. Although he was not disposed at present to enter into the question of retrenchment and reform for general purposes, nevertheless he maintained that in small matters, as well as greater, it was the duty of Congress to guard the finances of the country, and to remember that the *rights* of control over the public treasure were only commensurate with the wants and necessities of the public service.

He had nothing further to add, but to submit his amendment to reduce the contingent expenses for missions abroad from thirty to twenty thousand dollars, which he did with a strong conviction of its propriety.

Mr. CAMBRELENG explained that he had made application to the department in relation to this appropriation, and has ascertained that there was a balance of only $18,000 on hand on the 1st of January, 1838, and $15,000 of that sum would be needed for the expenditure of the year 1837, not yet paid. In consequence of this, he thought this appropriation could not be reduced with safety.

The amendment was then disagreed to.

Mr. CAMBRELENG moved an additional item of $20,000 for the expenses of the Supreme and district courts of the United States.

Mr. C. explained the object of this amendment to be to defray the additional expenses, which would be increased on account of prosecutions instituted in those courts on the frontiers, and sent to the table a communication on the subject.

The amendment was then agreed to.

Mr. CAMBRELENG moved an additional item of $2,000 to renew the roof on the branch Mint at Charlotte, North Carolina; which was agreed to.

Mr. McKAY then moved to strike out the item of $4,000 for salaries of Cousuls of the United States at London and Paris.

Mr. McK. explained that he made this motion, because he considered that, by the rule which the House had adopted, this item was not properly intro-

duced into this bill. The act of 1810 provided that no salary should be paid to Consuls except those to the Barbary powers; and that being the case, and there being no law to provide salaries for those officers, it was, in his opinion, improper to introduce these salaries in this bill.

Mr. CAMBRELENG explained that this was a matter which had been a very embarrassing question to the Committee of Ways and Means. In his view it was not in pursuance of law, but it had been the practice for many years to make appropriations for these officers. It would now be for the committee to determine whether these appropriations should be continued.

Mr. HOWARD called the attention of the committee to the importance of continuing these officers, and hoped the House would not strike out an appropriation of this kind, which had been inserted in this bill for a great many years.

Mr. HAYNES thought there was nothing unreasonable in this appropriation, and hoped that these agents at the great centres of the commercial world, would not be withdrawn. He considered their continuance of great importance to the commercial interests of this country, and trusted the appropriation would not be struck out.

Mr. McKAY said if these salaries were introduced and continued, it would be but a short time till you would have salaries to all our consuls introduced into your appropriation bills. If it was necessary to have salaries attached to these offices, introduce a bill to that effect; but do not attempt to give them a salary in this way, directly in the teeth of the rule of the House.

Mr. BRONSON concurred in opinion with the gentleman from North Carolina in relation to this matter, and thought that if these officers were entitled to salaries, a bill ought to be introduced to that effect. While we had a rule prohibiting the introduction into appropriation bills of new objects of appropriations, it ought to be adhered to.

After a few remarks by Messrs. MERCER, HOWARD, AUG. H. SHEPPERD, ADAMS, CAMBRELENG, and McKAY,

On motion of Mr. MALLORY, the committee rose and reported progress.

Mr. MONTGOMERY, on leave, submitted the following resolution:

Resolved, That the Secretary of War be requested to furnish this House with a copy of his answer to the letter of Gen. Jesup, dated Fort Jupiter, February 11, 1838, if not by him deemed improper.

Mr. MONTGOMERY asked for the consideration of the resolution at this time.

Mr. REED objected, on the ground that he wished an opportunity to call the attention of the House to some other letters from Gen. Jesup, laid on the tables this morning, and, therefore, he preferred its lying over till to-morrow.

Mr. MONTGOMERY moved a suspension of the rule; but

Mr. GRENNELL moved that the House adjourn; which motion prevailing,

The House adjourned.

IN SENATE,

WEDNESDAY, March 14, 1838.

Mr. SMITH of Indiana presented the petition and papers of Thomas Coyle, of Baltimore, the patentee of the American Cement, praying the appointment of a committee to examine and prove the qualities of the cement, and, if approved by the Government, that she shall purchase the right to use it in all the public works: referred to the Committee on Patents and the Patent Office.

Mr. NORVELL presented the petition of Mrs. Snelling, widow of the late Col. Snelling, of the United States army, praying compensation for services rendered by her late husband: referred to the Committee on Claims.

Also, a joint resolution from the Legislature of Michigan, asking an appropriation, for the purpose of making a survey of the river St. Clair, etc. referred to the Committee on Commerce.

Mr. BUCHANAN presented a memorial from a large number of citizens of the city of Philadelphia, praying that a dry dock may be constructed in that city: referred to the Committee on Naval Affairs.

Mr. SPENCE presented the petition of the acting clerks in the Indian Bureau, praying increase of compensation: referred to the Committee on Finance.

Mr. DAVIS presented the petition of Elisha Eldridge, praying remission of a certain penalty: referred to the Committee on Commerce.

Mr. LYNN presented the memorial of John Rudy, of Missouri, protesting against the ratification of a certain Indian treaty, confirming *Carver's* grant: referred to the Committee on Indian Affairs.

Mr. MORRIS introduced a bill to divide the Territory of Wisconsin, and establish the Territory of Ioway: read twice, and referred to the Committee on the Judiciary.

Mr. LINN, from the Committee on Private Land Claims, asked to be discharged from the further consideration of the memorial of the commissioners of the Girard estate, asking to try the validity of their claim to certain tracts of land in Louisiana, inasmuch as the case was provided for in a bill which had gone to the House of Representatives: concurred in.

Also, from the same committee, an unfavorable report on the petition of Nancy Collins; which was also concurred in.

Mr. NORVELL submitted the following resolution, intimating his intention to call it up on the succeeding day:

Resolved, That, in the opinion of the Senate of the United States, no citizen of the United States hereafter giving or accepting a challenge to fight a duel with any other citizen, or acting as second in any such duel, ought to receive or be permitted to hold any office or appointment under the Government of the United States.

Mr. FULTON, agreeably to leave, introduced a bill for the relief of Wilson W. Stephenson, J. Henderson, and Nelson Marcus; which was twice read, and referred to the Committee on Public Lands.

The following bills were severally read a third time, and passed:

Bill for the relief of George Davenport.

Bill for the relief of Michael Cassel.

Bill to repeal certain provisions of an act to alter and amend the several acts imposing duties on imports.

Bill for the relief of Jechonias Pigot and Benjamin Lecraft, sureties of James Manney, late collector of the customs for the district of Beaufort, in the State of North Carolina; and

A bill to authorize Charles Day, of Macon, and James R. Butts, of Columbus, in the State of Georhia, to import, free of duty, two iron steamboats, suited to the navigation of rivers.

Mr. LYON then moved to take up the bill making appropriations for certain roads in Wisconsin Territory, with the view to amend the same by making an additional appropriation of $5,000, for the purpose of opening a road from Lake Michigan to the Mississippi.

This amendment was opposed by Mr. KING, on the ground that there had been no surveys or estimates on which to ground the probable cost of the road, and that it might be the mere entering-wedge for extensive appropriations from the Treasury.

Mr. WALKER opposed it on the ground that it was wrong to ask for appropriations in the present state of the Treasury, and asked if Senators were prepared to borrow money for such an occasion. Mr. W. expressed himself opposed to the whole system of internal improvements, and more particularly at this time, when the Treasury was exhausted.

The appropriation was warmly advocated by Messrs. LINN, LYON, HUBBARD, and others, on the ground that the road was to be made through the public lands, which would greatly enhance the value of the same.

Mr. HUBBARD asked for the yeas and nays on the question of the amendment, when there appeared for it 17, against it 21, as follows:

YEAS—Messrs. Allen, Buchanan, Clay of Kentucky, Crittenden, Fulton, Hubbard, Linn, Lyon, Mouton, Norvell, Prentiss, Preston, Robinson, Tallmadge, Wall, Wright, and Young—17.

NAYS—Messrs. Bayard, Clayton, Cuthbert, Davis, King, Knight, Lumpkin, McKean, Morris, Roane, Robbins, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Trotter, Walker, White, and Williams—21.

Mr. LYON then moved to insert the sum of fifteen hundred dollars for the purpose of survey, on which some debate arose, when

Mr BUCHANAN said he had a very sincere desire to bring the debate on the Sub-Treasury bill to a close, and however reluctant he might feel to throw any obstacle in the way of the measure then under discussion, he should move to lay the bill on the table or pass it over informally. Mr. B. said, if he could do nothing else in the business, he should hereafter move, when the hour came for the special orders to be discussed, to move to lay all other business on the table.

Mr. LYON hoped it would be passed over informally, which was accordingly done.

The Independent Treasury Bill was then taken up; when,

Mr. ROBBINS rose, and addressed the Senate until half past two against the bill, and was followed by Mr. BENTON, who occupied the floor until five o'clock, when he gave way for a motion to adjourn.

HOUSE OF REPRESENTATIVES,

THURSDAY, March 15, 1838.

As soon as the House was organized this morning—

Mr. EVANS of Maine addressed the Chair in the following words:

Mr. SPEAKER: These badges of mourning which we still wear, denote that Death has lately been in the midst of us. Again his arrow has flown; and again has the fatal shaft been sent, with unerring aim, into a small, and already broken, rank. It is my melancholy office to announce that, since the last adjournment of the House of Representatives, TIMOTHY JARVIS CARTER, then one of its members, from the State of Maine, has surrendered up to the Being who gave it a life upon which many anxious hopes depended, and for whose preservation many an ardent prayer had gone up to the Father of all spirits. He died last evening, at ten o'clock, at his lodgings in this city, after a sickness of not very protracted duration, but of great and excruciating intensity of suffering and agony. The ways of a righteous Providence are inscrutable, and while we bow in submission, we are yet oppressed with deep and solemn awe.

Our deceased friend and colleague was a native of the State and the district which, so lately, he represented in this branch of Congress; and he, therefore, brought with him the confidence, largely bestowed, of those who had known him from his earliest years. Well did he deserve it. His character for probity, integrity, uprightness, morality, was free from spot or blemish. His principles were well founded. Loving the country of his birth, and its institutions, with all his heart, he pursued with fidelity such measures as his judgment deemed best calculated to promote the welfare of the one and the durability of the other. He was a lawyer by profession—faithful, just, discriminating, attentive, humane, in its practice.

Of manners mild, courteous, affable; and a temper kind, conciliating, patient, he won respect and attachment, even from those who differed with him in matters of opinion; and probably there lives not a human being who has a single resentment, or one unkind recellection, to bury in his grave. He has gone, in the strength of his manhood, and the maturity of his intellect, the road that all must once pass:

"—calcanda, semel, via lethi."

The ties that bound him to life are severed for ever, as all human ties must be severed.

"Linquenda tellus, et domus, et amans
Uxor; neque harum, quas colis, arborum
Te, præter invisas cupressos
Ulla, brevem dominum sequeter."

Although, when his eyes opened for the last time upon the earth and the sky, they fell not upon his own native hills; though the sod which shall cover him will not freshen in the same influences which clothe them in verdure and beauty; though he died far from his home, the companions and the brothers of his childhood were with him—the sharer of his

joys, the solace of his griefs, stood by him; and the hand which could best do it assuaged the bitter pains of parting life. The last earthly sounds which fell upon his ear were tones of sympathy, and kindness, and affection, and support—tones which ceased not, even when they vainly strove to pierce the cold and leaden ear of death. Tears shall flow copiously, and deep sighs be heaved over his lifeless form; tears not more scalding, sighs not deeper drawn, because mingled with any bitter recollections—any unavailing regrets.

If human means could have availed—if devoted fraternal sympathy and care—if constant, abiding, self-sacrificing affection, triumphing over exhausted nature and bearing up a feeble frame, unconscious of weariness, through long and painful vigils, could have saved his life, he would long have been spared to the friends who now deplore his death, and to the State and to the country which he served. To that stricken bosom we proffer—alas! how little will it avail!—our sincere sympathy and condolence. He has gone from this place of earthly honors and human distinctions, to a seat in that "house which is not made with hands, eternal in the Heavens."

As a token of our respect for his many virtues, and of our respect for his memory, I move the adoption of the resolutions which I now submit.

Resolved, That the members of this House will attend the funeral of TIMOTHY J CARTER, deceased, late a member of this House from the State of Maine, at 12 o'clock on Saturday.

Resolved, That a committee be appointed to take order for superintending the funeral of TIMOTHY J. CARTER, deceased.

Resolved, That the members and officers of this House will testify their respect for the memory of TIMOTHY J. CARTER, by wearing crape on the left arm for thirty days.

The resolutions were unanimously agreed to; and then the House adjourned till Saturday.

IN SENATE,

THURSDAY, March 15, 1838.

The CHAIR communicated a report from the Treasury Department, in answer to a resolution of the Senate, calling for information relative to the transactions of that Department with the Metropolis Bank: laid on the table.

Mr. KING presented the memorial of King and Wilson, agents in fact for Joshua Kennedy, and the memorial of Josua Kennedy, praying confirmation of title to certain tracts of land: referred to the Committee on Private Land Claims.

Mr. WALL presented the memorial of sundry inhabitants of Warren county, New Jersey, recommending the town of Belvidere, in that county, as a suitable site for the contemplated national foundry: read, laid on the table, and ordered to be printed.

Mr. WALKER presented the memorial of sundry citizens of Mississippi, praying for the establishment of a new post route: referred to the Committee on the Post Office and Post Roads.

Mr. CRITTENDEN presented certain resolutions of the Legislature of Kentucky, on the subject of a national foundry: referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUCHANAN said he had been requested, by the officers of a great Democratic meeting held in the city of Philadelphia, to present their proceedings to the Senate. He had no remarks to make on this subject, except one; and that was, that from all the accounts which he had received, he believed this was, as it had been described to be, an immense meeting; and although there was a small and respectable minority of the Democratic party of the city and county of Philadelphia opposed to the Independent Treasury bill, yet this meeting had rendered it manifest that an immense majority of that party were in its favor. He would ask that the proceedings might be read, printed, aad laid on the table.

The proceedings were then read as follows, ordered to be printed, and laid on the table.

GREAT DEMOCRATIC MEETING.

City and county of Philadelphia.

An immense assemblage of the Democratic citizens of the city and county of Philadelphia, in favor of the adoption of the bill for the restoration of the "Constitutional Treasury," reported in the Senate of the United States by the Hon. Silas Wright, and opposed to the instructing resolutions passed by the Legislature of Pennsylvania, convened in pursuance of a call made by about 2000 citizens, at the County Court-house, corner of Fifth and Chestnut streets, on Monday evening, March 12th. The meeting was organized by appointing

JOHN SNYDER, President.

Vice Presidents.

John Thompson,	Bartholomew Reese,
Jos. Worrell, sen.	Wm. H. Smith,
Isaac Wainwright,	Peter Kline,
John Rutherford, sen.	Henry Leech,
Henry Horn,	Geo. W. Smick,
George Smith,	John J. Krider,
Wm. Binder,	James Eneu, jr.
Evans Rogers,	Isaac Boileau.

Frederick Stoever, Wm. Bonsall, E. A. Penniman, } *Secretaries.*

The following preamble and resolutions, prepared in accordance with the instructions of a committee appointed at a preparatory meeting, were offered for the consideration of the meeting, who testified their approbation of the sentiments contained in them, by repeated applause; and they were adopted without one dissenting voice.

Whereas, By the 8th section of the first article of the Constitution of the United States, Congress has power "to levy and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States." "To borrow *money* on the credit of the United States." "To *coin money*, regulate the value thereof, and of foreign coin." "To provide for the punishment of counterfeiting the securities, and *current coin* of the United States."

And whereas, By the 9th section of the same article, it is provided that "no *money* shall be drawn from the Treasury, but in consequence of appropriation made by law, and a regular statement and account of the receipts and expenditures of all public *money* shall be published from time to time."

And whereas, by the tenth section, it is also provided that "no State shall coin *money*," "and the nett produce of all duties and imposts laid by any State on imports or exports shall be for the use of *the Treasury of the United States;*" all of which constitutional provisions relating to the receipts and expenditures of the United States, and particularly those defining money to be coin, and giving the entire regulation of it to the National Government, show incontestibly that the only money to be *received* by the United States was the hard money, the metallic currency, gold and silver coin, which, in all ages and countries, has been universally recognised as *money* on account of its real and intrinsic value; and that there was to be an *actual* Treasury of the United States, into which *the money* was to be paid, and from which it could only be drawn and paid out in consequence of appropriations made by law.

And whereas, the framers of the Constitution, and those who enacted the early statutes on the subject, in the emphatic language of *Daniel Webster*, "were HARD MONEY men; they had felt, and therefore fully appreciated, the evils of a paper medium; they therefore sedulously guarded the currency of the United States from debasement. *The legal currency of the United States was gold and silver coin.*"

And whereas, in accordance with these views the first collection act passed 31st July, 1789, directed the duties and fees to be collected by virtue of it, to "*be received in gold and silver coin only*," and the act to establish the Treasury Department, passed the 2d September, 1789, made it the duty of the Treasurer to "receive and keep the *moneys* of the United States," and to disburse the same "in the manner pointed out by that act."

And whereas, at the adoption of the Constitution of the United States, the continental money of the Revolution had long before passed out of circulation, and by that noble instrument the States were prohibited from emitting bills of credit, or making any thing but gold and silver coin a tender in payment of debts, and no bank was contemplated by the General Government, for a provision intended to give Congress the power to create one was stricken out of the proposed Constitution, and there were but three State banks in existence in the whole country, namely, the Banks of North America, Massachusetts, and New York, whose notes or bills were never supposed to be the money meant by the Constitution, either as a legal tender, or as forming a part of the current coin of the United States, and whose vaults or safes were not mentioned in that fundamental law, as being either the Treasury of the United States, or even as component parts of it.

And whereas, in violation of the clear and express terms and spirit of the Constitution, a Bank of the United States was established which substituted its paper and that of its sisters, the State banks, for the legal currency of the country, and was followed by a temporary league with the State banks, which was succeeded by a new National Bank, under whose auspices the paper circulating medium was extended far beyond all former limits.

And whereas, not only was the legal currency of the country changed, but the vaults of National or State banks substituted for the constitutional Treasury, and the money of the people, instead of remaining in the care of their agents, was loaned out to the favorites of these great corporate bodies in direct defiance of the words and spirit of the Constitution.

And whereas, the people of the United States having solemnly decided a second time, after a full and dispassionate examination of the whole question, that a National Bank was "unconstitutional, inexpedient, and dangerous," another temporary league was formed with the State institutions, which was dissolved forever in May last, by their voluntary declaration that they would not, and could not, fulfil the terms of their contract.

And whereas, this event has produced an entire separation of Bank from State, and has placed the nation in a position to restore the true meaning of the Constitution, and with it the constitutional Treasury contemplated by its framers, without the slightest injustice or injury to any class or body of individuals, and it is the clear interest of the people that their revenues should be collected, received, kept and disbursed by their own officers, who are directly responsible to them for all their acts. Therefore,

Resolved, That this meeting does most cordially approve the special and annual messages of the President, proposing the restoration of the constitutional Treasury, and the entire and total separation forever of Bank and State, and of the bill reported by the Hon. Silas Wright in the Senate, in pursuance of this recommendation.

Resolved, That this cardinal measure of Democratic policy has received the cordial and united support of the Democracy of Pennsylvania, who are firmly determined never to submit to the government of irresponsible corporate bodies, whether State or National, foreign or domestic, or to the domination of an upstart moneyed aristocracy.

Resolved, That a Bank of the United States is "unconstitutional, inexpedient, and dangerous," and will never be tolerated by the freemen of Pennsylvania.

Resolved, That a proposition to connect the Government with twenty-five banks, by a solemn league and a covenant, is in effect to select the miscalled Bank of the United States of Pennsylvania, which owes its existence to a direct violation of the will of the people of this great State, with its branches and agencies, and purchased and dependent banks, as the depositories of the money of the United States, and is only the first step towards a recharter ef it as a national institution, which had expired amidst the execrations of an outraged community.

Resolved, That the resolutions passed at Harrisburg, in relation to the bill reported by the honorable Silas Wright, to restore the constitutional Treasury, were in open violation of the will of the Democratic party of this State, and of a majority of the people of Pennsylvania, and were carried by the votes of a few Democrats, who must

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MARCH 26, 1838. VOLUME 6.....No. 16.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 15.]

answer to their constituents for their entire disregard of their wishes, and the betrayal of the confidence reposed in them.

Resolved, That the Democratic members of the county of Philadelphia who voted against the instructing resolutions at Harrisburg, deserve our cordial and hearty approbation.

Resolved, That copies of the foregoing preamble and resolutions, attested by the officers of this meeting, be transmitted to the President and Vice President of the United States, and also to the Hon. James Buchanan and the Hon. Lemuel Paynter, with a request that they will lay them before the two houses of Congress.

Resolved, That the proceedings of this meeting be published in the Pennsylvanian and American Sentinel, and other Democratic papers throughout the State, and in the Washington Globe.

Attest: JOHN SNYDER, Pres't.
F. STOEVER, Sec'y.
WILLIAM BONSALL, Sec'y.
Philadelphia, March 13, 1838.

Mr. TIPTON presented the petition of a number of citizens of Indiana, on the subject of a uniform currency, opposed to the Independent Treasury, and in favor of a National Bank: laid on the table, and ordered to be printed.

Mr. BUCHANAN presented the memorial of sundry citizens of Philadelphia, asking Congress to establish a dry dock at the navy yard at that place: referred to the Committee on Naval Affairs.

Mr. MERRICK presented the petition of William A. Weaver, and others, of the city of Washington, praying Congress to encourage the cultivation of the mulberry, and the rearing of silk worms: referred to the Committee on Agriculture.

DEATH OF THE HON. T. J. CARTER.

A message was received from the House of Representatives by Mr. FRANKLIN, their Clerk, announcing the death of the Hon. TIMOTHY JARVIS CARTER, late a member of that House from the State of Maine, and that his funeral would take place from the hall of that House at 12 o'clock, m. on Saturday next.

After the reading of the message, Mr. RUGGLES addressed the Senate as follows:

MR. PRESIDENT: The message from the House of Representatives, just read, communicating the melancholy intelligence of the death of the Hon. TIMOTHY J. CARTER, a Representative from the State of Maine, imposes on me the duty, which I cannot perform without the deepest emotion, of moving the customary resolutions of respect for the memory of the deceased. He died last evening at the hour of ten, at his lodgings in this city, after much severe but patient suffering—at peace with all, at variance with none.

I know that occasions of this kind have usually been improved to pronounce eulogies on the characters of deceased members; but the painful emotions which have been awakened by the last sad adieu of an esteemed friend and colleague, but poorly qualify me to speak at this time, and in this place, of his manly virtues, his purity of heart, the engaging mildness of his disposition, the unusual excellence of the character he maintained in all his domestic and social relations. It is but to say, what all who knew him as I have known him would say, that his whole life afforded constant exemplification of the strictest moral rectitude, in the upright, faithful, conscientious performance of every duty connected with his station in society.

Though yet scarcely past the morning of life, he had received many gratifying proofs of the estimation in which his talents and probity were held by the people and the councils of his State.

As a representative, he has been devotedly faithful to his trust, and fully justified the confidence reposed in his virtue and patriotism. He sought not high political distinction. He was unambitious of renown, but guided his footsteps by that calm and steady light which shines all along the pathway of duty and usefulness.

He inherited his virtue from a highly respectable parentage, and has left a wide circle of attached relatives and friends to mourn his exit; three of whom, under the ready impulses of fraternal affection, obeyed the earliest summons to his sick bed. Alas! it was but to witness, with poignant grief, the closing scene in the brief drama of human existence.

He was a husband and a father; but how can I presume here to speak of the agonized feelings of her, who, whilst she caught his latest sigh, felt that as in life, so almost also in death, his destinies were her own!

With the deceased, life's fleeting shadow has passed by, and eternity has opened its broad portals. Nothing now remains but the tears of relatives, the regrets and sympathies of friends, and the moral influence of his example for all.

The usual resolutions were then adopted, that the Senate would attend the funeral of the late Mr. CARTER, and go into mourning, by wearing crape on the left arm for thirty days.

The Senate adjourned over to Saturday next.

HOUSE OF REPRESENTATIVES,
SATURDAY, March 17, 1838.

Immediately after the reading of the Journal of Thursday, General GEORGE M. KEIM, a member elected from the State of Pennsylvania, to supply the vacancy occasioned by the resignation of Mr. MUHLENBERG, appeared, was qualified, and took his seat.

THE FUNERAL OF HON. TIMOTHY J. CARTER,
Late a Representative from the State of Maine.

At half past twelve o'clock the funeral service was performed in the Hall of the House of Representatives, by the Rev. Mr. Reese, Chaplain of the House, and, immediately after, the procession moved to place of interment in the following order:

The Chaplains of both Houses.
Physicians who attended the deceased.
Committee of Arrangements, viz:
Mr. EVANS, of Maine,
Mr. MCKENNAN, of Pa. Mr. POPE, of Ky.
Mr. WHITTLESEY, of Ct. Mr. HAMER, of Ohio.
Mr. PICKENS, of S. C. Mr. GRAY, of N. Y.
Pall Bearers, viz:
Mr. PHILLIPS, of Mass. Mr. WORTHINGTON, Md.
Mr. CAMPBELL, of Te. Mr. HOLSEY, of Ga.
Mr. TAYLOR, of N. Y. Mr. CASEY, of Illinois.
THE CORPSE.
The family and friends of the deceased.
The members of the House of Representatives and Senators from Maine, as mourners.
The Sergeant-at-arms of the House of Representatives.
The House of Representatives, preceded by their Speaker and Clerk.
The other officers of the House.
The Sergeant-at-arms of the Senate.
The Senate of the United States, preceded by the Vice President, and their Secretary.
The other officers of the Senate.
The President of the United States.
The Heads of Departments.
Judges of the Supreme Court, and its officers.
Foreign Ministers.
Citizens and Strangers.

IN SENATE,
SATURDAY, March 17, 1838.

The Senate met, and, after the reading of the Journal, adjourned, to attend the funeral of the Hon. TIMOTHY JARVIS CARTER, late a Representative from the State of Maine.

HOUSE OF REPRESENTATIVES,
MONDAY, March 19, 1838.

The SPEAKER laid before the House sundry Executive communications, viz:

1. From the Secretary of War, transmitting a report of the officer in charge of the topographical bureau, accompanied with a reduced map and survey of the mouth of Connecticut river.

On motion of Mr. INGHAM, laid on the table.

2. From the Secretary of War, transmitting copies of the report and survey of the harbor of New Buffalo and Twenty-mile creek, in the State of Michigan.

On motion of Mr. CUSHMAN, referred to the Committee on Commerce.

3. From the Secretary of War, transmitting a letter from the Commissioner of Pensions, accompanied by the original papers in the case of William Lomax.

On motion of Mr. MORGAN, referred to the Committee on Revolutionary Pensions.

4. From the Secretary of War, transmitting a report of the Chief Engineer, furnishing information respecting the expenses, &c. of removing the obstructions to the navigation of the Apalachafayla river, in the State of Louisiana.

On motion of Mr. CUSHMAN, referred to the Committee on Commerce.

5. From the Secretary of War, a statement relative to the cost, &c. attending the equipment and employment of mounted men or cavalry, and infantry, for the service of the United States.

On motion of Mr. MCKAY, laid on the table.

6. From the Secretary of the Treasury, transmitting a statement from the Register of the Treasury, exhibiting, as far as practicable, the amount disbursed in all the States and Territories, in each of the years 1834, 1835, 1836, and 1837, for fortifications, light houses, beacons, buoys, Revolutionary and other pensions, works of internal improvement, removing obstructions at the mouths of rivers and creeks, &c.

On motion of Mr. CUSHMAN, laid on the table.

The States being called over, resolutions were presented from

MAINE.

On motion of Mr. DAVEE,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Susan Adams upon the pension list.

On motion of Mr. DAVEE,

Resolved, That the Speaker communicate to the Governor of the State of Maine, that a vacancy has occurred in its representation in the House of Representatives by the decease of TIMOTHY JARVIS CARTER, late a member thereof from that State.

On motion of Mr. NOYES,

Resolved, That the Secretary of the Treasury be directed to furnish to this House a statement of the number of arrivals and clearances, with their tonnage, and value of cargoes of British and American vessels respectively, to and from ports in the British Provinces of New Brunswick and Nova Scotia, in the year commencing January 1, and ending December 31, 1828; and also in the year commencing January 1, and ending December 1, 1837, in the following districts, to wit: Passamaquoddy, Portland, and Falmouth, Boston and Charlestown, and New York.

NEW HAMPSHIRE.

Mr. CUSHMAN submitted the following resolution, which was disagreed to:

Resolved, That from and after this day this House will meet at 11 o'clock, a. m. until otherwise ordered.

On motion of Mr. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from North Haverhill, New Hampshire, by the way of McIndoes Falls, to Littleton, in New Hampshire.

MASSACHUSETTS.

Mr. LINCOLN submitted the following resolution, which lies over one day, under the rule:

Resolved, That the sixtieth rule of the House be amended, by adding thereto the following, to wit: "*And provided, also*, That resolutions and memorials from the Legislatures of the several States and Territorial Governments of the Union, shall

not be construed to be within the application of the rule, but it shall be in order to present such resolutions or memorials on any day within the first hour of the session of the House."

Mr. ADAMS submitted the following resolution, which, by the rule, lies over one day:

Resolved, That the Clerk of this House be directed to cause to be made out, and report to the House, a list of all the petitions, memorials, and papers presented to the House at the late special session, and at the present session, of Congress, and laid on the table without being read, printed, debated, or referred, specifying the name of the first petitioner, and the number of signatures to each paper so laid on the table; specifying, also, the State from which each petition, memorial, remonstrance, or resolution came, and distinguishing all such as have been laid on the table, under the general resolution of 21st December, 1837, from those which have been laid on the table by separate motions, and showing the object prayed for in each of said petitions, memorials, remonstrances, and resolutions.

On motion of Mr. GRENNELL,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the benefits of pension, which are provided in certain cases for widows of officers and soldiers of the Revolution by the third section of the Pension act of July 4, 1836, to the widows of such officers and soldiers as have died since the passage of said act.

On motion of Mr. PHILLIPS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of remodelling the Consular establishment of the United States.

On motion of Mr. CUSHING,

Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public interest, to communicate to the House whatever information may be in his possession relative to the intermeddling of any foreign Government, or the subjects or officers thereof, with the Indian tribes in Michigan, Wisconsin, the territory beyond the Rocky mountains, or elsewhere, within the limits of the United States, by the supply of munitions of war, the stated distribution of gratuities or pensions, or otherwise, and likewise all correspondence or communications had with any foreign Government respecting the title or occupation of the aforesaid territory of the United States beyond the Rocky mountains.

On motion of Mr. CALHOUN,

Resolved, That the Committee on Roads and Canals consider the expediency of an appropriation for the survey and construction of a branch railroad from the Western railroad in Massachusetts to the United States armory at Springfield.

On motion of Mr. REED,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing and instructing the Postmaster General to bargain and contract with any company or companies to take a mail from the United States to and from the Isthmus of Panama to the Pacific ocean, and back again, provided such contract can be made upon reasonable terms in the judgment of the Postmaster General.

On motion of Mr. ADAMS, it was

Ordered, That the map of the line between the United States and Mexico be printed.

VERMONT.

On motion of Mr. EVERETT,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Lydia Taylor, widow of Elnathan Taylor, a Revolutionary soldier; and that the accompanying papers be referred to the same committee.

On motion of Mr. EVERETT,

Resolved, That the Secretary of War be directed to lay before this House a copy of his answer to a letter of General Jesup of the 20th December, 1837.

NEW YORK.

Mr. LOOMIS submitted the following, which lies over, under the rule:

Resolved, That the Postmaster General furnish to this House an estimate, showing, as near as he can ascertain,

1. What proportion of the mails of the United States consists of free parcels estimated by weight.

2. What proportion consists of free parcels estimated by amount of postage on parcels that pay postage, and accounting all printed documents at pamphlet postage.

3. What would be the proportion of the amount of postage to be paid by the Government, in case all free parcels were charged to Government at the same rate that printed parcels are charged.

4. To how low a rate the tariff of postage can be reduced, and sustain the Department, in case all parcels conveyed in the mails were chargeable with postage.

5. To how low a rate the tariff of postage can be reduced, now or prospectively, *within* two years, retaining the present franking privilege, and sustain the Department, with a rate of tariff deemed judicious and proper by him, in case such reduction should bo ordered.

On motion of Mr. PARKER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Tennis Swart, of Delaware county, New York, for his services as a soldier in the Revolutionary war.

On motion of Mr. ANDREWS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting pensions to Jos. Wood and Channey Duning, Revolutionary soldiers, of Steuben county, New York.

On motion of Mr. KEMBLE,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Sornus, in the county of Westchester, in the State of New York by Southeast, and Patterson to Rawlings, in he county of Duchess.

On motion of Mr. RUSSELL,

Resolved, That the Secretary of State be directed to report to this House a statement of the number of emigrants from foreign countries, which have arrived within the United States, annually, during the last ten years; the places at which they have arrived; the countries from whence they came; the expense of their transportation hither; by whom defrayed; and their circumstances and condition generally, as far forth as may be in his power; with such other information relating to the introduction into the United States of foreign paupers, by the authority of foreign Governments, as he may possess.

On motion of Mr. VAIL,

Resolved That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the city of Troy, by way of Poestenkill, to Berlin, in the State of New York.

On motion of Mr. PRATT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of lessening the postage on letters, so as to make it only equal to the cost of transporting the mails, as near as may be.

PENNSYLVANIA.

On motion of Mr. McCLURE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route leading from Mexico, Juniata co. Pa. through Tuscarora Valley to Waterford.

Mr. HENRY submitted the following, which lies over, under the rule, one day:

Resolved, That the dissemination of knowledge to all classes of citizens is of the first importance; for in the intelligence of the people depends the permanence and stability of our Republican institutions: and one important medium through which knowledge is communicated, is that of the press, in the circulation of public newspapers. That facilities may be more amply afforded to the poorer portion of our fellow-citizens to acquire, as far as practicable, all information in relation to our public affairs, the Committee on the Post Office and Post Roads are instructed to inquire into the expediency of repealing the law that requires the payment of postage on public newspapers, so far as relates to those that are carried in the mail within the city or county where such papers are printed and published; and that, in future, the same shall be carried without charge.

On motion of Mr. PETRIKIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing, by law, a mail route from Hazleton, via East Sugar Loaf, to Wilkesbarre, in Luzerne county, Pennsylvania.

Mr. DAVIES submitted the following resolution, which was rejected:

Resolved, That hereafter the stated hour of meeting of the House shall be half past eleven o'clock.

Mr. TOLAND submitted the following resolution, which, under the rule, lies over one day:

Resolved, That the Committee on the Judiciary be directed to bring in a bill to abolish the punishment of death for all offences against the United States, except treason and murder, and to abolish the punishment of whipping for all offences against the United States.

VIRGINIA.

On motion of Mr. JOHNSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from German Settlement, in the county of Preston, by Westernford to Glady Creek Cross Roads, in the county of Randolph, in the State of Virginia.

Mr. MASON introduced the following joint resolution; which was read twice, and committed to the Committee on Military Affairs.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to convey to the Winchester and Potomac railroad company, free of charges, so much of the land belonging to the United States at Harper's Ferry, between said railroad and the Shenandoah river, and near the junction of that river with the Potomac, as may be deemed consistent with the public interest, to be used for the benefit of the said company in the deposite and accommodation of the trade of said Winchester and Potomac railroad company only, and for no other purpose whatever.

On motion of Mr. MALLARY,

Resolved, That the Committee on Naval Affairs be directed to inquire into the expediency of allowing to the officers of revenue cutters, during the time they shall be co-operating with the navy of the United States, the same pay and rations to which officers in the navy of a like rank are by law now entitled to receive.

On motion of Mr. GARLAND,

Resolved, That the Secretary of the Treasury be directed to communicate to this House, the names of such of the late deposite banks as have availed themselves of the benefit of the first section of the act of the 12th day of October last, by giving the requisite security, and such as have discharged the balances due from them at that time, and such as have failed to comply with the act in the amount of balances due from them.

On motion of Mr. HOPKINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, namely:

From Rye Valley to St. Clair's Bottom, in the county of Smythe; from Beckley's Mills to Guest's station, in the county of Russell; from Jonesville to Turkey Cove, in the county of Lee; and another from Housonville, in the county of Russell, to George Ewing's, in the county of Scott, in the State of Virginia.

NORTH CAROLINA.

On motion of Mr. MONTGOMERY,

Resolved, That the Secretary of War be directed to furnish this House with a copy of his answer to the letter of Gen. Jesup, dated Fort Jupiter, February 11, 1838.

On motion of Mr. CONNOR,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of erecting an arsenal in Lincoln county, North Carolina.

On motion of Mr. SAWYER,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a light boat off Bluff Point, in Albemarle Sound.

On motion of Mr. DEBERRY,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the benefits of the pension law of June, 1832, to such persons as performed the requisite service in the capacity of mechanics or wagoners, when put to such service by the officers in command.

On motion of Mr. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post road from New Castle, by Brier Creek and Mulberry Gap, in Wilkes county, thence to Laurel Spring and John Williams's, in Ashe county, North Carolina, to the mouth of Wilson Creek, in Grayson county, Virginia.

On motion of Mr. McKAY,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of fixing by law the number of officers, petty officers, and seamen to be employed in the naval service, or of fixing the number of officers, petty officers, and seamen to be employed on board of frigates, sloops, and other vessels of war respectively.

Resolved further, That the said committee inquire whether any, and what, provisions by law are necessary to secure the accountability of officers or agents entrusted with the custody or safe-keeping of property belonging to the United States for the use of the navy.

SOUTH CAROLINA

Mr. THOMPSON of South Carolina submitted the following resolution, which, by the rule, lies over one day:

Resolved, That the Secretary of the Treasury be directed to furnish this House with a statement of the amount of revenue received in each State or Territory during the year 1836; and also the amount, as nearly as the same can be ascertained, expended during that year in each State or Territory; and also with a statement of the whole bank capital of the United States, designating the capital of each bank, and the place where located.

On motion of Mr. CAMPBELL of South Carolina,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation for a survey of the bar and harbor of Georgetown, in the State of South Carolina.

KENTUCKY.

On motion of Mr. CALHOON,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of refunding to Thomas Downing a sum of money paid by him under a judgment of the Circuit Court of the United States, for the district of Kentucky, against him, as the security of Timothy Downing, late a post master at Minerva, in the State of Kentucky.

Mr. UNDERWOOD presented the following which lies over, under the rule, one day:

Resolved, That the President of the United States be requested to inform this House, if not deemed incompatible with the public interests, whether he has given authority to Major General Thomas S. Jesup, or any other person, to treat with the Seminole Indians, and to allow them to return a part of the Territory of Florida as a permanent residence, or whether he has instructed said Jesup to make no such treaty or stipulation with said Indians, in case they should make such proposition, and offer peace upon condition of being allowed to remain in Florida.

Resolved further, That the President be requested to inform this House, if not deemed incompatible with the public interests, whether said Indians have offered to be at peace upon condition that they be allowed to remain in Florida.

Mr. HARLAN submitted the following resolution, which was rejected:

Resolved, That the Committee on Military Affairs inquire into the expediency of providing, by law, for an increase of the number of cadets in the military academy at West Point.

On motion of Mr. SOUTHGATE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Williamstown, in the county of Grant, to Warsaw, in the county of Gallatin, in the State of Kentucky.

TENNESSEE.

Mr. SHIELDS offered the following, which lies over one day under the rule:

Whereas, many of the troops employed in the service of the United States in the present Florida or Seminole war, lost their horses and baggage in said service without any fault of theirs, because the United States had failed to provide forage for said horses, and consequently said troops were dismounted many hundred miles from home, and required to perform, and did perform, after they were thus dismounted, on foot the same services which were required of mounted men; and notwithstanding their monthly pay, while mounted, was twenty dollars, it was reduced, after they had sustained such loss, to eight dollars per month; and whereas, the horses of many of said troops died from excessive fatigue in executing extraordinary orders of the commanding officers, without any fault of their riders; and other of said horses were killed by accident or casualty, while under the immediate orders and direction of said officers, to which they would not otherwise have been liable: Therefore

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing dismounted men, who performed services as above stated, additional pay, so as to make their monthly wages equal to that of mounted men in said service; and also of providing that the property lost in said service in any of the ways above mentioned, shall be paid for by the United States.

On motion of Mr. BELL,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the benefit of the pension act of the 7th of June, 1832, to such French or other soldiers who served in the French army in the service of the United States, and who afterwards became citizens thereof.

On motion of Mr. TURNEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Millersburg, in Rutherford county, to Shelbyville, in Bedford county, in the State of Tennessee.

On motion of Mr. CROCKETT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Paris, in West Tennessee, via Caledonia, Flemings, Christmasville, and Shady Grove, to Jackson, in said State.

On motion of Mr. CARTER,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the act of 19th May, 1836, entitled "An act to provide for the payment of volunteer and militia corps in the service of the United States."

On motion of Mr. STONE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pikeville, in Bledsoe county, via James Lloyds, Thomas Cross Roads, Whealers, Hensons, Kirklands, Hilliards, and Sheltons, to Oatts Landing, in Marion county, Tennessee.

OHIO.

On motion of Mr. BOND,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a portion of the said lands yet unsold, at the land offices in Zanesville and Chillicothe, Ohio, for the purpose of continuing a turnpike road between Zanesville, in Ohio, and Maysville, in Kentucky, as authorized by an act of the General Assembly of Ohio.

On motion of Mr. HAMER,

Resolved, That the Committee on the Post Office and Post Roads be instruced to inquire into the expediency of establishing a post route from Williamsburg, through Bethel and Felicity, Clermont county, Ohio.

LOUISIANA.

On motion of Mr. GARLAND,

Resolved, That the Secretary of the Treasury be directed to communicate to this House what progress has been made in issuing patents for lands in the State of Louisiana, since the last report made to this House on that subject; stating particularly how many patents have been issued for private land claims; how many for lands purchased under the credit system; how many for lands purchased under the cash system, at public sales, and by private entry of lands that have been offered for sale; how many for lands sold under the different laws authorizing the entry at private sale of the backlands in that State; how many for purchases under each of the pre-emption laws of 1814, of May 29th, 1830, and June 19th, 1834; and how many under any other description of title. Also, how many remain yet to be issued of each of said description of titles, and the causes that delay the issuing of said patents. Also, when it is probable the patents now suspended will be issued. Also, what progress has been made in the examination of the certificates of purchase under the pre-emption law of June 19th, 1834; when the examination will probably terminate, and what law or laws the said Secretary of the Treasury or the Commissioner of the General Land Office, they or either of them, have suspended the issuing of patents under said act.

Mr. JOHNSON presented the following, which lies over, under the rule, one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of modifying the judiciary system of the United States, so as to abolish the chancery practice in the courts of the United States for the State of Louisiana, and provide that the mode of proceedings in the said courts shall be in conformity to the laws of said State.

On motion of Mr. JOHNSON,

Resolved, That the Committee on Commerce inquire into the expediency of making an appropriation to remove the obstructions to the navigation of the river La Fourche; and into the expediency of establishing a port of entry at Thibodauxville, on the said river; and also into the expediency of making an appropriation, or a grant of lands, to aid in the construction of the Barataria and La Fouche Canal.

INDIANA.

On motion of Mr. RARIDEN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Munceytown, in Delaware county, Indiana, through New Albany, on the Massawinnaway, from thence to the county seat of Wills county, to Huntington; and also to change the route from Richmond, Indiana, to Winchester, so that the same will pass from Newport, through Spartansburg, to Winchester, once a week.

On motion of Mr. GRAHAM,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Leesville, in Lawrence county, Indiana, to Yailse's Mill, in Jackson county, thence to the county seat of Brown county, and from thence to Martinsville, in Morgan county.

On motion of Mr. WHITE,

Resolved, That the Secretary of War be directed to lay before this House the report of Lieut. T. B. W. Stockton, superintendent of the harbor at Michigan City, detailing his operations during the present year, and plans and estimates for the ensuing year.

On motion of Mr. EWING,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing concession or donation grants within our territorial boundary west of the Rocky Mountains, to all citizens, heads of families, who shall have settled upon and improved the same previous to the first day of January of the year eighteen hundred and forty-one.

ILLINOIS.

On motion of Mr. CASEY,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency

of making a grant of land to the State of Illinois to aid in the completion of the various works of internal improvement in which said State is engaged.

Mr. SNYDER offered the following resolution, which, by the rule, lies over one day:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill granting to each soldier who served in the campaigns against the Indians in the Northwestern Territory, between the years 1781 and 1796, a bounty of 320 acres of land each, to be located on any surveyed lands of the General Government, not otherwise disposed of.

Mr. SNYDER offered the following resolution, which lies over one day:

Resolved, That the Committee on Commerce be instructed to report a bill to provide for the repeal of the law authorizing the payment of debentures to vessels engaged in the fishing trade.

ALABAMA.

Mr. MARTIN submitted the following resolution, which, under the rule, lies over one day:

Resolved, That the Committee on the Public Lands be instructed to inquire as to the best mode of disposing of the public lands within the several States of this Union, at as early a day as the same may be done, having a proper regard for the interests of the Government and the rights of the States; and that they be instructed to report a bill for that purpose.

Mr. LAWLER submitted the following resolution, which, under the rule, lies over one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a portion of the public lands to and in the improvement of the navigation of the Coosa, Black Warrior, and Tombeckbee rivers, in the State of Alabama.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for issuing patents to those persons who hold the equitable title to Indian reservations, after the sale of the original purchase.

On motion of Mr. LEWIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Columbus, Georgia, via Glennville, to Irwinton, in Barbour county, Alabama; also, from Cupitah, in Chambers county, to Tuskegee, in Macon county; also, from Benton, in Lowndes county, to Selma, in Dallas county.

Mr. LYON offered the following, which lies over, under the rule, one day:

Resoved, That the 13th rule of the House be so amended as to embrace the Commissioner of Indian Affairs as one of the persons entitled to admission within the Hall of the House of Representatives.

MISSOURI.

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Rocheport, in Boone county, Missouri, by the way of Connor's Mills, in Cooper county, and Pisgah, to Versailles, seat of justice of Morgan county, in said State; also, into the expediency of establishing a mail route from Plattsburg, in Clinton county, Missouri, to the Black Snake Hills, on the Missouri river, in said State; and also, into the expediency of establishing a mail route from Martinsville, in Clay county, Missouri, by the way of Yellow Bluffs and Black Snake Hills, to Elliott's Store, on the Nodaway river, in said State.

ARKANSAS.

On motion of Mr. YELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of continuing the stage road from Fayetteville, Arkansas, via Osage, and Sugar Creek post offices, Washburn Prairie, Springfied, Pulaski court house; and thence the most direct and practicable route to Jefferson city, Missouri.

MICHIGAN.

On motion of Mr. CRARY,

Resolved, That the Secretary of War be directed to communicate to this House, a copy of the report of the Superintendent of the Public Works at St. Josephs, in Michigan, and at Michigan city, in Indiana, for the year 1837, and of the papers accompanying the same.

FLORIDA.

On motion of Mr. DOWNING,

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation to fix buoys on the bar at St. Augustine, in the Territory of Florida.

EXECUTIVE PATRONAGE.

Mr. PATTON then rose and moved a suspension of the rules, for the purpose of calling up the series of resolutions submitted by him on the 19th of February, with a view, he said, when they were taken up, to make them the special order for some future day for their consideration and decision.

The resolutions were read as follows:

1. *Resolved*, That the power of removing executive officers is vested in the President of the United States.

2. *Resolved*, That this power was conferred to enable the Executive "to take care that the laws are faithfully executed," and cannot be exercised arbitrarily or capriciously, without an abuse of power, tyrannical in its operations, corrupting in its tendency, and converting a remedy for unworthiness and misconduct into a terrible engine of Executive power.

3. *Resolved*, That the patronage of the Executive Department has increased to an alarming extent, and ought to be restricted and diminished so far as is compatible with a safe and faithful execution of the laws.

4. *Resolved*, That it is the right of the Representatives of the people to examine into all abuses and usurpations which may be apprehended to exist in any of the Executive Departments, in order that they may be corrected and prevented, if possible, by legislation; and, in flagrant and wanton cases, exposed and punished.

5. *Resolved*, That the power of appointment and removal from office, vested in the Executive, may be greatly abused, and its exercise ought, therefore, to be watched and strictly guarded, so as, if possible, "to prevent the power and patronage of the Executive from being brought into conflict with the freedom and purity of elections."

6. *Resolved*, That the Representatives of the people in this House have a right to inquire into the causes for which any Executive officer has been dismissed from office by the Executive.

7. *Resolved*, That, in prosecuting such inquiry, the House of Representatives has a right to call for and have furnished to it all official documents, papers, and letters, relating to the removal of such officer, which may be on file among the records of any of the Executive departments.

8. *Resolved*, That a select committee of members be appointed, whose duty it shall be to inquire whether any "honest, capable, and faithful" officers have been dismissed from office, not on grounds of error, negligence, incapacity, misconduct, or unfitness; and, also, to consider and report whether any and what restrictions can be imposed by law upon Executive patronage, so as more effectually to guard against abuse and corruption in the exercise of the power of removal from and appointment to office.

Mr. PATTON asked for the yeas and nays on the motion to suspend, which were ordered.

Mr. BOON said that, before he voted, he wished to inquire how far back the proposed inquiry was designed to extend.

Mr. PATTON replied, that he desired to go back to the beginning of the Government.

The vote was then taken, and resulted as follows—yeas 71, nays 66, which, not being two-thirds, the rules were not suspended.

Petitions and memorials were then called for in the order of States and Territories, and were presented as follows:

MAINE.

Messrs. FAIRFIELD, DAVEE, and EVANS.

[Mr. FAIRFIELD presented the following petitions upon the subject of the late duel: Mark Harris and 487 others, citizens of Portland, Me.; Charles Sitgreaves and 38 others, citizens of Greenwich, New Jersey; Sylvanus Higgins and 96 others, citizens of Cape Elizabeth, Maine; N. Brewster and others, of New York; Reuben K. Stetson and 82 others, citizens of Hampden, Maine; Jeremiah Goodwin and 64 others, citizens of Alfred, Maine; Robert Shoemaker and 115 others, citizens of the county and city of Philadelphia; Wm. M. Boyd and 106 others, citizens of Wiscasset, Maine; Edmund Wilson and 28 others, citizens of Thomaston, Maine; Samuel Fuller and 16 others, citizens of Thomaston, Maine; John Spofford and 79 others, citizens of East Thomaston, Maine.]

[Mr. DAVEE presented the petitions of Asa Smith and 165 others, citizens of Oldtown; of Nathan Weston, jr. and 48 others, of Orono; of William Jameson and 38 others, of Orono; of Edward Bean and 47 others, of Charleston; of Aaron Haynes and 45 others, of Passadumkeag—all of the State of Maine, and on the subject of the late duel; which were severally referred, on motion of Mr. D. to the select committee who have that subject under consideration.]

MASSACHUSETTS.

Messrs. CUSHING, FLETCHER, LINCOLN, REED, and ADAMS.

CONNECTICUT.

Mr. INGHAM.

VERMONT.

Mr. EVERETT.

NEW YORK.

Messrs. McCLELLAN, JACKSON, VANDERVEER, EDWARDS, CURTIS, FILLMORE, SIBLEY, LOOMIS, PECK, DEGRAFF, and RUSSELL.

[Mr. DEGRAFF presented the memorial of John A. Corey and 86 other inhabitants of Saratoga county, New York, on the subject of the late duel. Also, of Robert Forbes and 62 other inhabitants of Saratoga county, New York, on the subject of the late duel.]

[Mr. McCLELLAN of New York presented the petition of 100 men of Durham, Greene county, New York, praying an investigation into the late duel, and for the expulsion of the surviving principal. Also, the like petition of 80 women of the same place, praying for the expulsion of the surviving principal, and both seconds: referred to the select committee raised by the order of the House.]

[Mr. RUSSELL presented the petition of W. H. Kirtland, D. S. Wright, and others, of Whitehall, in the county of Washington, and State of New York, praying an appropriation for the erection of a marine hospital at Whitehall.]

[Mr. JACKSON presented the petition of Benjamin F. Wells and 206 other citizens of Suffolk county, New York, on the subject of the late duel; which was referred to the select committee on that subject. Also, the remonstrance of sundry citizens of Sag Harbor, New York, against the repeal of the duties on foreign tallow and olive oil. Also, the petition of James Sayre, of Suffolk county, New York, praying for a pension for Revolutionary services. Also, joint resolutions of the Legislature of the State of New York, in relation to a survey of the northern lakes and rivers.

[The following petition was presented by Mr. SIBLEY, of New York, on the 19th March: The petition of Asa Messer, and 149 other citizens of the town of Seneca, in the State of New York, praying for the action of the House on the subject of duelling, and for the expulsion of all those members of the House who were engaged in the late duel: referred to the select committee on that subject. The following petitions were presented by Mr. SIBLEY on the 12th instant: Two petitions of citizens of the county of Ontario, for the construction of a canal around the Falls of Niagara; of citizens of the county of Wayne, N. Y. for the like object; of 137 citizens of the town of Richmond, N. Y. for the rescinding of Mr. PATTON's resolution; of citizens of East Bloomfield, N. Y. for the same object; of 133 citizens of Farmington, N. Y. for the same object; of Thomas Brown, for an increase of his pension; joint resolutions of the Legislature of the State of New York in relation to a survey of lakes, harbors, etc.]

NEW JERSEY.

Mr. RANDOLPH.

PENNSYLVANIA.

Messrs. POTTS, HENRY, McCLURE, NAY-

LOR, OGLE, PAYNTER, PLUMER, HUBLEY, M. MORRIS, TOLAND, and BIDDLE.

[Mr. PLUMER presented a petition numerously signed by citizens of Erie county, Pennsylvania, remonstratting against the erection of a marine hospital at Cleveland, and praying that a re-examination may be directed by a competent and impartial board, with a view of selecting the most suitable site for the erection of a marine hospital on the southern shore of Lake Erie: referred to the Committee on Commerce. Also, a petition, signed by cititizens of Pennsylvania, asking an appropriation o fortify the harbor at Erie, Pennsylvania: referred to the Committee on Commerce. Also, the petition of Sarah Harford, asking for compensation for property taken for the use of the army, during the late war.]

[Mr. HENRY presented two petitions of a number of the citizens of Beaver and Mercer counties, Pennsylvania, praying Congress to investigate the matter in relation to the recent duel that terminated in the death of the Hon. J. CILLEY, and take such measures as will effectually put a stop to the murderous practice of duelling in future; on motion, referred to the select committee to whom that subject is referred. Also, the petition of a number of citizens of Beaver county, praying Congress to recind the resolution that abridges the right of petition, passed 21st December last. Mr. H. moved its reference to a select committee, but on motion, it was laid on the table.

[Mr. M. MORRIS of Pennsylvania presented the memorial of the citizens of the Borough of Easton, in the county of Northampton and Commonwealth of Pennsylvania, recommending that place as a suit table site for a national foundry, and asking for it the consideration of Congress.]

MARYLAND.

Mr. HOWARD withdrew the papers in relation to the claim of John Smith.

VIRGINIA.

Messrs. PENNYBACKER, JOHNSON, and WISE.

NORTH CAROLINA.

Mr. MONTGOMERY.

SOUTH CAROLINA.

Messrs. RHETT and LEGARE.

TENNESSEE.

Messrs. POLK, STONE, SHIELDS, CARTER, J. L. WILLIAMS, and McCLELLAND.

[Mr. STONE presented the petition of Wm. Kerr, a Revolutionary soldier, of Bradley co. Tennessee, praying for a pension for services rendered in time of the Revolutionary war.]

[Mr. J. L. WILLIAMS presented the petition of divers citizens of Knox co. Tennessee, praying a survey, and appropriation for the improvement, of the Tennessee river: referred to the Committee on Commerce, and ordered to be printed. Also, petitions from divers citizens of Blount and Monroe counties, Tennessee, praying for the establishment of a mail strage route from Knoxville to Athens, via Louisville, Unitia, Morgantown, Eve's Mills, Rockville, and Midway: referred to the Committee on the Post Office and Post Roads.]

OHIO.

Messrs. HAMER, KILGORE and RIDGEWAY.

LOUISIANA.

Mr. GARLAND.

INDIANA.

Messrs. EWING, WHITE and HEROD.

[Mr. WHITE presented a joint resolution of the General Assembly of the State of Indiana, upon the subject of the survey of a harbor at Indiana city: referred to the Committee on Roads and Canals, and ordered to be printed.]

ILLINOIS.

Mr. SNYDER.

[Mr. SNYDER presented the petition of Robert Clark, of Randolph county, in the State of Illinois, praying Congress to authorize him to locate land in Illinois or Missouri in lieu of warrant No. 2483, issued 13th February, 1815, from the War Office, and lost in transmitting it by mail: referred to the Committee on Public Lands.]

ALABAMA.

Messrs. CHAPMAN and LYON.

MISSOURI.

Mr. HARRISON.

[Mr. HARRISON presented the petition of sundry citizens of the Lexington Land District, praying the passage of a pre-emption law; also, of Wm. M. Campbell and others, praying Congress to accept the terms of Cornelius Campbell to drain a body of water called Marais Emps Clair, in St. Charles county, Missouri.]

MICHIGAN.

Mr. CRARY.

FLORIDA.

Mr. DOWNING.

The SPEAKER again laid before the House sundry Executive communications, viz:

1. From the Secretary of the Navy, transmitting a statement of the names, class, and number of vessels built, or selected, for the exploring expedition.

On motion of Mr. INGHAM, laid on the table.

2. A message from the President of the United States, transmitting a report from the Secretary of State, accompanied with sundry documents, in relation to the Smithsonian bequest.

On motion of Mr. CUSHMAN, laid on the table.

3. A message from the President of the United States, transmitting a report from the Secretary of State, in relation to the exports of tobacco to foreign countries.

On motion of Mr. JENIFER, laid on the table.

4. A message from the President of the United States, transmitting a copy and translation of the letter of Mr. Pontois, communicating a memorial from the trustees of the house of Lafitte and Co. at Paris, in relation to a claim of that firm upon the Government of the United States.

On motion of Mr. HOWARD, referred to the Committee on Foreign Affairs.

Messrs. GRAY, BRONSON, and HOFFMAN, of New York, and Mr. PHILLIPS, on leave, presented petitions.

[Mr. GRAY presented a petition from 370 citizens of Courtland county, N. Y. praying for the expulsion of all who were concerned in the late duel; which was referred to the select committee on the subject.]

On motion, the House adjourned.

IN SENATE,

MONDAY, March 19, 1838.

The CHAIR communicated a report from the State Department, in answer to the resolution of the Senate, relative to the progress of the publication of the Documentary History of the United States, by Clarke and Force, etc: laid on the table, and ordered to be printed.

Also, a report from the Postmaster General, in answer to a resolution of the Senate of the 9th instant, on the subject of the correspondence between that Department and the Metropolis Bank, and the claim set up by the latter and disallowed by the former: laid on the table.

Mr. LINN presented the petition of the Missouri Iron Company, asking permission to enter five hundred thousand acres of land, on a credit of five years: referred to the Committee on Public Lands.

Mr. SWIFT presented the memorial of the Vermont Peace Society, praying Congress to propose the establishment of a Congress of Nations for the adjustment of international disputes: ordered to lie on the table, and be printed.

Mr. WRIGHT presented the petition of sundry citizens of New York on the subject of the currency, and in favor of the Independent Treasury bill: referred to the Committee on Finance, and ordered to be printed.

Mr. WRIGHT presented several memorials from citizens of New York, praying for the abolition of the slavery in the District of Columbia, and the prohibition of the slave trade between the States; and

Mr. MORRIS presented several petitions from citizens of Ohio, and one from sundry women of New Hampshire, on the same subject.

The questions of receiving these petitions were severally laid on the table.

Mr. WRIGHT presented a petition from several citizens of New York; and

Mr. MORRIS presented one from several citizens of Ohio, remonstrating against the annexation of Texas to the United States; which were severally laid on the table.

Mr. BUCHANAN presented a petition, signed by sundry citizens of Philadelphia, among whom were judges Baldwin and Hopkins, praying for an appropriation for the purchase of a site, and the erection of a suitable building for the accommodation of the United States Courts in that city.

Mr. B. said that the accompanying documents were very strong, and he would move to refer them, with the petition, to the Committee on the Judiciary, trusting that that committee would give all the necessary attention to the subject: the motion was carried.

Mr. B. also presented the petition of Horace Binney and sundry other citizens of Philadelphia, in which they state that a large amount of property is invested in the bookselling business, and asking an investigation for the purpose of convincing Congress that great injury and injustice would result from the passage of the international copy-right bill.

Mr. B. said that he would, at a proper time, move for the appointment of a select committee on the subject: the memorial was ordered to be printed.

Mr. SMITH of Indiana presented a joint resolution of that State, recommending a site at or near Hausin, Indiana, on the White Water Canal, as a suitable location for a national armory, and instructing her Senators and requesting her Representatives to use their exertions to procure an examination of that point, with a view to locate an armory there, or some other eligible site within the State: laid on the table and ordered to be printed, a bill having been reported generally on the subject.

Mr LYON presented the petition of Felicite McCoskry, in behalf of herself and children, for the bounty land and commutation money due her late husband, Doctor William McCoskry, formerly of the Revolutionary army: referred to the Committee on Revolutionary Claims.

Mr. WALL presented the petition of a number of citizens of Essex county, New Jersey, on the subject of a uniform currency, against the Sub-Treasury bill, and in favor of a national bank: referred to the Committee on Finance, and ordered to be printed.

Mr. KING presented the petition of E. H. Williams, administrator of Dr. Cranch, praying compensation for medical services: referred to the Committee on Military Affairs.

Mr. YOUNG presented the petition of sundry citizens of Lasalle county, Illinois, praying for a grant of land, to aid in the improvement of Fox river: referred to the Committee on Commerce.

Mr. RUGGLES presented the petition of sundry citizens of Maine, praying for the charter of a National Bank, and opposed to the Independent Treasury bill, in any form. The petitioners say they are also opposed to the amendment submitted by Mr. RIVES, regarding it as what they term one of the unfortunate family of experiments: laid on the table.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the Senate bill to change the times of holding the courts of the United States for the ninth circuit, together with the amendments of the House thereto, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the petition of James L. White, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SEVIER, from the same committee, to which had been referred the bill to authorize the President of the United States to cause patents to be issued to the persons, and for the lands therein mentioned, reported the same without amendment, and recommending the rejection of the bill.

Mr. SMITH of Indiana moved to recommit the bill, with certain additional documents.

Mr. SEVIER opposed the motion; and, after some remarks from Messrs. LINN and KING, Mr. SMITH's motion was lost.

The report was then laid on the table, and ordered to be printed.

Mr. PRESTON presented the petition of H. W. Williams, of Charleston, S. C. which was referred to the Committee on Military Affairs.

The following resolutions were submitted:

By Mr. MORRIS:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the present laws of the United States on the subject of the slave trade will prohibit that trade being carried on between the citizens of the United States and the citizens of the Republic of Texas, whether by land or by sea; and whether it would be lawful in vessels owned by citizens of that Republic, and not lawful in vessels owned by citizens of this, or lawful in both, and by citizens of both countries; and also whether a slave carried from the United States into a foreign country, and brought back or returning into the United States, is considered a free person, or is liable to be sent back, if demanded, as a slave, into that country from which he or she in part came; and also whether any additional legislation by Congress is necessary on any of these subjects. Lies over one day.

By Mr. YOUNG:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Fayette post office, in Green county, in the State of Illinois, by way of Oceola and Waverley, to Springfield, in that State: adopted.

By Mr. TROTTER:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency and necessity of establishing a mail route from Kennedy's Store, in Copiah county, Mississippi, by Haley's Ferry, Concord, Stein's Creek, Brandon, Densinville, to Carthage, in Leake county. Also, into the expediency of a mail route direct between Mobile, in the State of Alabama, and Winchester, in Mississippi, the mail to be carried on said route twice a week from Mobile to Winchester; and thence on the present route from Winchester to Columbus, Mississippi. Also, of a route from Columbus, Mississippi, by Waverley, or Millin's Bluff, in Lowndes county, to Colbert, in the same county: adopted.

On motion of Mr. CLAY of Alabama, the Senate took up the amendment of the House to the bill of the Senate, to change the times of holding the courts of the United States for the 9th circuit; and after a few remarks from Mesers. CLAY of Alabama, GRUNDY, SEVIER, and LUMPKIN, the hour of one o'clock having arrived, the subject was passed over informally.

INDPENDENT TREASURY BILL.

The Senate resumed the consideration of the Independent Treasury Bill; when

Mr. BENTON resumed his remarks, commenced on Thursday last, and addressed the Senate until past 4 o'clock; when,

On motion of Mr. SOUTHARD,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 20, 1838.

Reports from committees were called for.

CLAIMS.

On motion of Mr. WHITTLESEY of Ohio, the vacancy on this committee, occasioned by the decease of Mr. Carter, was ordered to be filled up.

COMMERCE.

Mr. CUSHMAN reported Senate bill, without amendment, for the relief of Jaconitus Pigott and others, with a recommendation that it do pass.

Mr. MASON of Virginia reported a bill for the relief of certain umbrella makers of the city of Philadelphia.

PUBLIC LANDS.

Mr. HARRISON of Missouri reported a bill for the relief of Tilford Taylor.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported a bill for the relief of Robert Wilmot.

Also, a bill to authorize the payment of the seven years' half pay due on account of Revolutionary services of Thomas H. Boyles, deceased.

A bill for the relief of the legal representatives of John Barnes, deceased.

Mr. TALIAFERRO reported a bill for the relief of the heirs of John Hopper.

INDIAN AFFAIRS.

Mr. CAMPBELL of South Carolina reported a bill for the relief of the legal representatives of Thomas Murray.

MILITARY AFFAIRS.

Mr. McKAY made an unfavorable report on a memorial of the Mayor and Aldermen of the city of Savannah, Georgia, in relation to the cession of Fort Wayne, and the same was laid on the table.

NAVAL AFFAIRS.

Mr. INGHAM reported a bill to authorize the purchase of two vessels to be employed as receiving vessels in the naval service of the United States.

Mr. S. also reported against the petition of certain citizens of Pennsylvania, asking for an appropriation for the completion of the frigate Raritan, and it was laid on the table.

REVOLUTIONARY PENSIONS.

Mr. FRY reported a bill granting a pension to Job Halsey of New York.

Mr. SIBLEY reported a bill granting a pension to Leonard Smith.

Mr. WHITTLESEY of Connecticut, reported a bill for the relief of Sibel Barnes.

Also, a bill for the relief of Elisha Davis.

Mr. MORGAN reported a bill for the relief of John Lybrook.

Mr. M. also made a report in the case of Joanna Jones; which was referred to the same Committee of the Whole to which bill No. 456 was referred.

Also, a report in the case of George Morriss; which was referred to the same Committee of the Whole as bill No. 176 was referred.

Mr. M. also made unfavorable reports on the petitions of Wilson Hunt and John Suite.

Mr. TALIAFERRO of Virginia and Mr. POPE of Kentucky, on leave, severally presented petitions.

Mr. FLETCHER of Vermont asked leave to move to discharge the Committee of the Whole from the further consideration of the "bill for the relief of John Blank," with a view to bring it into the House.

Mr. REID objected.

DISTRIBUTION OF LANDS.

Mr. JOHNSON of Maryland then resumed his remarks in support of his resolution to grant lands to the old States for school purposes.

CIVIL LIST BILL.

The House again resolved itself into Committee of the Whole, Mr. CASEY in the Chair, and took up the "bill making appropriations for the civil and Deplomatic expenditures of the Government."

The question pending was the motion of Mr. McKAY to strike out the the appropriations for Consuls at London and Paris; which motion was disagreed to.

Mr. CAMBRELENG then moved to increase the item for the relief and protection of American seamen in foreign countries, $10,000, and sent to the Chair communications from the department on the subject.

Mr. ADAMS inquired of the Chairman of the Committee of Ways and Means, if there had been any examination into the disbursement of this fund, because he feared this item had not been properly expended.

Mr. CAMBRELRNG replied, that the chairman of the Committee on the Expenditures of the Department of the State would be the most proper person to answer this inquiry. Mr. C. then made some remarks in support of the amendment he had submitted.

Mr. A. H. SHEPPERD went into an explanation of the manner in which these disbursements were made, and expressed himself as not being satisfied with the manner in which these disbursements were made.

Mr. HOWARD supported the amendment on the ground that exchange was at a higher rate than heretofore.

Mr. PHILLIPS went into a full explanation as to the manner of disbursing this fund, and urged the increase of it on the House because of the increased tonnage of the country, and the increased demands which were made upon it on account of the number of desertions and discharges of our seamen in foreign ports.

After a few remarks by Messrs. ADAMS, SHEPPERD, CAMBRELENG, HOWARD, McKAY, REED, PHILLIPS, and McKIM, the question was taken, and the vote was, ayes 49, noes 17—no quorum.

The committee then rose, and reported that fact to the House.

Mr. REED moved that the House adjourn, with a view, he said, of obtaining a quorum, while the yeas and nays would be taking on the motion.

Mr. CUSHMAN called for the yeas and nays, which were ordered, and were, yeas 9, nays 121.

So the House refused to adjourn, and a quorum appearing, the chairman resumed the chair, in Committee of the Whole, and the amendment pending was agreed to.

Mr. CAMBRELENG moved an item of $4000 for the second payment of Mr. Persico, for statues for the Capitol, and another of $8000 for the second payment for the paintings in the rotundo: agreed to.

Mr. BELL then submitted the following amendment.

SEC. . *And be it further enacted*, That, from and after the first day of October next, the salaries of all the officers for the payment of which provision is made in this act, and all compensations and allowances to agents or other persons authorized by law, the payment of which is provided for in this act, except the President and judges of the courts of the United States, and except, also, such officers, agents, diplomatic or commercial, whose duties require them to reside without the limits of the United States and the Territories thereof, shall be reduced one-fourth, or twenty-five per cent. of the amount now authorized by law: *Provided*, That any time before the said first day of October, the bill reported from the Committee of Ways and Means to the House of Representatives, entitled "A bill to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue," or any other bill of a similar tendency, or in which provision shall be made for the collection and disbursement of the public revenue in gold and silver, Treasury notes, or other evidences of debt issued under the authority of the United States, to the exclusion of current bank notes, shall become the law of the land.

Mr. CAMBRELENG raised the question of order on this amendment.

The CHAIR ruled the amendment out of order under the 43d rule, which sets forth that "no motion or proposition, on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

Mr. BELL addressed the committee at some length, to show that this amendment did not fall within the operation of that rule, and that precedent admitted this amendment to be in order; for a similar proposition had been several times discussed, on a motion to amend the same bill, for days and weeks, made by the present Governor Vance of Ohio.

The appeal was also sustained in a few words by Mr. WILLIAMS of North Carolina.

Mr. CAMBRELENG said, if the gentlemen from Tennessee and North Carolina would refer back, they might find fifty cases where the validity of the rules had been abolished by the House and the Senate; and in consequence of this, a discussion had been kept up for weeks and months on matters which had no legitimate relation to the appropriation bills with which they were connected. We have a new rule designed to prevent the introduction into the appropriation bills of any subject not *provided for by law;* and it was in consequence of this rule that he objected to this amendment. But suppose the decision of the Chair to be overruled by the House, and he should take the converse of this proposition, and move it as an amendment; suppose he should move to amend the amendment of the gentleman from Tennessee, by moving to increase the salaries of all officers of Government, in case a certain bill did not pass, would gentlemen

agree that that would be in order? If the one was in order, certainly the other would be. He held this amendment to be utterly contrary to the spirit of all the rules of the House, and hoped the decision of the Chair would be sustained. If this amendment was introduced, we would be kept here debating this bill perhaps for months to come, while the public service would be suffering for want of the appropriations contained in this bill. He trusted, therefore, that the amendment would be rejected, and that the bill would be speedily passed.

After a few remarks by Messrs. BELL, HALSTED, REED, and CUSHMAN, the decision of the Chair was affirmed—ayes 66, noes 57.

Mr. REED then rose and said his attention had been called to a report of some remarks made by him some days ago, by the Globe, as to the Postmaster General. Justice to the Postmaster General and himself required him to say that the reporter had mistaken his remarks.

I remarked, said Mr. R. upon the subject of advertising for contracts, and also upon the subject of postmasters' taxes on boxes, debated in this House two years ago; and also to a call made early in the session for a reduction of the postage; when the chairman [Mr. MONTGOMERY] said he presumed the gentleman [Mr. REED] could get all the information he desired by a call upon the Departmeht. Upon that occasion, Mr. R. replied that he had made repeated calls, meaning by resolutions, etc. and in debate, and referring to the boxes and the reduction of the postage, but did not refer to any formal call upon the Department; nor did he refer at that time, at all, to the expense of advertising.

Mr. HALSTEAD then moved to strike out the item of $4,000 for a *jet d'eau* on the south side of the central foot-way, in front of the Capitol.

Mr. H. intimated his intention of making some remarks on this subject, but gave way to

Mr. MALLORY, on whose motion the committee rose.

The SPEAKER having resumed the chair,

Mr. JENIFER asked leave to submit a motion to print 5,000 extra copies of the President's Message and accompanying documents in relation to the tobacco tade; which was granted, the motion put and agreed to.

Mr. J. moved to recommit the bill to incorporate certain banks of the District of Columbia to the Committee on the District; which was agreed to.

On motion,

The House adjourned.

IN SENATE,

TUESDAY, March 20, 1838.

Mr. McKEAN presented the proceedings of a large meeting of the friends of the late and present Administrations of the General Government, but opposed to the bill in the United States Senate, reported by the honorable SILAS WRIGHT, commonly called the Sub-Treasury, recently assembled at Pittsburg; on which occasion George A. Cook presided.

Mr. McK. said, on looking over the names of the gentlemen who made the call, and took part in this meeting, he knew many of them to be what they professed to be, "friends and supporters of the late and present Administrations; he knew, furthermore, that that they were men of respectability, and Democrats of the Jeffersonian school: read, laid on the table, and ordered to be printed.

Mr. KING presented the memorial of General Joseph Hernandez, praying compensation for property destroyed by the Indians in Florida, in consequence of its occupation by the United States troos: referred to the Committee on Claims.

Mr. BUCHANAN presented the memorial of the heirs of Thomas Lucas, praying for commutation: referred to the Committee on Revolutionary Claims.

Mr. ROANE presented the petition of Sarah Burch; which was referred to the Committee on the District of Columbia.

Mr. NICHOLAS presented the petition of Joseph de la Francia, praying remuneration for arms purchased for the use of the citizens of Florida in 1810, under the Conventional Government: referred to the Committee on Claims.

Mr. CLAY of Alabama, from the Committee on the Public Lands, reported a bill for the relief of Laurent Millaudon and others, of the city of New Orleans.

Mr. CLAY, from the same committee, also reported a bill for the relief of William Jones, of Lawrence county, Alabama; both of which were read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, to which the same had been referred, reported, without amendment, the House bills "to extend the time for selling the land granted to the Kentucky Asylum for the Deaf and Dumb," and "for the relief of Jane Waller." Mr. W. also reported a bill for the relief of the town of Southport, Wisconsin, and a bill for the relief of Alvarez Fisk, and the legal representatives of Thomas P. Eskridge; which were severally read, and ordered to a second reading.

Mr. W. from the same committee, also reported, without amendment, the bill from the House to cede to the State of Ohio the interest of the United States to a certain road in that State.

Mr. MORRIS, from the Committee on the Judiciary, to which had been referred the bill to divide the Territory of Wisconsin, and establish the Territory of Ioway, reported the same, with an amendment, which was read.

The resolution submitted by Mr. MORRIS yesterday, relative to the transfer of slaves from the United States to Texas, came up for consideration.

Mr. WALKER moved to lay it on the table; when

Mr. MORRIS calling for the yeas and nays, they were ordered, and the question was decided in the affirmative, as follows:

YEAS—Messrs. Allen, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Sevier, Smith of Connecticut, Southard, Spence, Strange, Tallmadge, Tipton, Trotter, Walker, White, Wright, and Young—32.

NAYS—Messrs. Lyon, McKean, Morris, Niles, Prentiss, Robbins, Smith of Indiana, Swift, and Williams—9.

The bill for the relief of Michael Cassel was read the third time and passed.

The Senate resumed the consideration of the bill to change the times of holding the courts of the United States in the ninth circuit, together with the amendments of the House thereto.

Mr. SEVIER moved to amend the amendment, by changing the times of holding the circuit in Arkansas, from the third Monday of March to the first Monday of October; which amendment was adopted.

Mr. SEVIER submitted a further amendment as follows:

"*Be it further enacted*, That if any of the judges of the circuit courts of the United States shall fail or refuse to hold any court belonging to the circuit or district, which had been assigned him by law, unless prevented by sickness, such judge shall be considered guilty of a high misdemeanor."

Mr. SEVIER said he thought it his duty to endeavor, in some way or other, to see that courts were held in his State. We had no circuit court last spring in Arkansas: we shall have no court there this spring. I had intended to offer an amendment to this bill, to deduct one thousand dollars from the salary of the judge for every court he failed or refused to hold. But, upon reflection, I thought such an amendment could not be adopted consistently with the provisions of the Constitution, and, on that account alone, I had not offered it. The only remedy I know of, is the one I have proposed. I know that, in raising my voice against the immaculability of the judges, I shall raise up against me a strong opposition. The Judiciary is the favorite branch of the Government. But such a consideration shall not prevent me from doing what I conceive my duty on this or any other important subject. So far as I am concerned, if the judges do not hold their courts, and discharge the duties of their high offices, I shall, for one, endeavor to make them.

Mr. PRESTON suggested that the laws were already sufficient to provide against nonfeasance as well as malfeasance in office, and that a judge, guilty of either, was liable to impeachment and conviction. Without intending to express any opinion as to the present case, he thought that an impeachment here would do more towards securing fidelity in the public officers, than any affirmation in the statute book.

Mr. CLAY of Alabama said, in reply, that the censure which seemed to be implied in the last remarks of the Senator from Arkansas, as an act of justice to the present judge of the ninth circuit, demanded some explanation. So far as any thing like neglect of duty was imputed to the judge, those remarks were founded in mistake. He said the present judge did not receive his commission until the month of May last, and after the time appointed for holding the circuit court of Arkansas of the last year had passed by. If the bill under consideration had passed as it left the Senate, the time of the court would have been fixed for the third Monday of March; and we all know the Supreme Court had adjourned at too late a period for the judge to have reached Little Rock in time, without abandoning his seat and neglecting the performance of his duty here. Hence the Senator from Arkansas had no right, thus far, to complain of the present incumbent.

Mr. C. also said, that at the times appointed for holding the courts in New Orleans and Mobile last fall, it was well known the yellow fever was prevailing in both those places, and it would have been madness for the judge to have gone there. Indeed, if he had gone, Mr. C. said, he could have done nothing, for the parties, witnesses, and jurors, could not have been induced to attend; so that, as regarded the circuit at large, Mr. C. said there had been no neglect of duty on the part of the judge.

Mr. C. said he was no apologist for any public officer who might be guilty of a neglect of duty, but he felt himself bound to do justice to all when wrongfully charged. He still thought the Senator from Arkansas had better withdraw his amendment; its object was sufficiently embraced by the general doctrine already adverted to in this debate, and there was danger of weakening, rather than strengthening, that doctrine, by such specifications as the amendment proposed.

Mr. SEVIER then, at the suggestion of Mr. C. withdrew his amendment,

Mr. PRESTON suggesting that he had an amendment to offer; but the hour of one o'clock having arrived, the subject was passed over informally, and

The Senate resumed the consideration of the Independent Treasury bill, when Mr. SOUTHARD, who had the floor, addressed the Chair in opposition to the bil, and continued his speech until a late hour, when he gave way for a motion to go into executive business; and then, after a short session,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 21, 1838.

THE LATE DUEL.

Mr. CUSHMAN, on leave, presented a petition of Joseph Fullerton and 54 other legal voters of Danville, New Hampshire, praying for the passage of a law to prevent duelling; which was referred to the committee having that subject under consideration.

Mr. INGHAM, on leave, presented a similar petition from the students of the Wesleyan University of Middletown; which was similarly referred.

CHEROKEE TREATY.

Mr. HOLSEY asked leave to move to discharge the Committee on Indian Affairs from the further consideration of a memorial from Long Island, New York, in relation to the Cherokee treaty.

Mr. STANLEY inquired why the motion was made.

Mr. HOLSEY replied, that he had made it in pursuance of his duty as a Representative from the State of Georgia.

Mr. STANLEY objected.

Mr. HAYNES moved a suspension of the rules, but it was disagreed to.

Reports from committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG moved to discharge the Committee of the Whole, on the Union, from the

further consideration of the "bill making appropriations for the suppression of Indian hostilities;" which was agreed to, and the bill recommitted to the Committee of Ways and Means.

Mr. C. then reported a bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

JUDICIARY.

Mr. THOMAS reported a resolution directing the Clerk to purchase one full and perfect copy of the Laws of the United States, for the use of each of the Standing Committees of the House of Representatives, and pay for the same out of the contingent fund; which was concurred in.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported back the bill for the relief of the heirs of Joseph Leibert, deceased, with a verbal amendment, which was concurred in, and the bill ordered to a third reading to-day, and at a subsequent stage of the proceedings read a third time and passed.

NAVAL AFFAIRS.

Mr. INGHAM reported a bill to authorize the employment of two additional clerks in the office of the Secretary of the Navy, two additional clerks in the office of the Navy Commississioners, and to increase the compensation of the warrant clerk of the Navy Department.

REVOLUTIONARY PENSIONS.

Mr. FRY reported a bill granting a pension to Stephen Olney of Pennsylvania.

Mr. KLINGENSMITH reported a bill for the relief of Peter Hedrick of the State of North Carolina.

Also, a bill for the relief of Elisha Bentley of the State of New York.

Mr. LEADBETTER reported Senate bill, with an amendment, for the relief of Philip Riviere; and the amendment having been concurred in, the bill was ordered to be read a third time to-day, and afterwards read a third time and passed.

Mr. BEATTY reported a bill for the relief of the heirs of William Graham, deceased.

Mr. JOHNSON of Virginia reported a bill granting a pension to William Ford, of the State of Virginia.

LANDS FOR SCHOOL PURPOSES.

Mr. CUSHMAN, understanding that Mr. JOHNSON of Maryland, who was entitled to the floor on his resolution to grant lands for schools, was indisposed, moved its postponement till to-morrow, for the purpose of moving that the House go into Committee of the Whole on the state of the Union, on the bill from the Senate "authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions."

The motion to postpone was agreed to, but the other disagreed to.

Mr. CLARK moved a suspension of the rule for the purpose of making the Independent Treasury bill the special order of each day, from and after Tuesday next, at 1 o'clock, until finally disposed of, but it was lost.

UNITED STATES AND MEXICO.

The following resolution, submitted by Mr. EVERETT, on the 29th of December last, was taken up and agreed to:

Resolved, That the President of the United States be requested to transmit to the House copies of all correspondence between the Government of the United States and the Government of Mexico, and all instructions given to our Ministers at the Court of Mexico, since the date of the Mexican Treaty of 1828, not heretofore communicated to this House; and also, that he be requested to transmit copies of all correspondence since the date aforesaid, and not heretofore communicated to this House, between the Executive of the United States and our Minister at the Court of Mexico; and also, that the President be requested to communicate to the House copies of all orders given to General Gaines, prior to the 15th of December last, and his reports thereon.

HARBOR OF ST. LOUIS.

The following resolution, submitted by Mr. MILLER on the 29th of December, was taken up and agreed to:

Resolved, That the Secretary of War be directed to report to this House the plan that has been adopted for the improvement of the harbor of St. Louis; what progress has been made in said work; and whether any further appropriation will be necessary for its prosecution the ensuing year; and if so, what amount will be required.

SURVEYS OF WESTERN RIVERS, &c.

The following, which were submitted by Mr. JONES of Wisconsin in December last, were taken up *seriatim:*

1 *Resolved*, That the Secretary of War be directed to cause surveys to be made of the following rivers in Wisconsin Territory, viz: the Des Moines, the Iowa, the Waubosepinicon, the Macoquetors, the Rock, the Pecatonica, the Fox, together with plans and estimates for the improvement of the navigation of the same.

On motion of Mr. BOND, referred to the Committee on Roads and Canals.

2. *Resolved*, That so much of the report of the Secretary of War as relates to the sale of the mineral lands of the United States, be referred to the Committee on the Public Lands, and that the Secretary be requested to furnish this House with all the information in his Department touching this subject.

This resolution was considered and agreed to.

3. *Resolved*, That the Secretary of War be requested to furnish this House with the surveys, plans, and estimates, for the improvement of the mouths of the Manitowoc, the Sheboygan, the Kewaunee, the Root river, and of the Havre bay, in Wisconsin Territory, and of the mouth of the Milwaukie river.

On motion of Mr. BRONSON, referred to the Committee on Roads and Canals.

SEMINOLE INDIANS.

The following, submitted by Mr. EVERETT on the 9th of January, was taken up and agreed to:

Resolved, That the Secretary of War be directed to inform this House whether any Seminole Indians, coming in under a flag of truce, or brought in by Cherokee Indians, acting as mediators, have been made prisoners by General Jesup; and, if so, to transmit to this House copies of all orders from the War Department, and of all communications from General Jesup, or from any other person or persons, on that subject.

PUBLIC LANDS.

The following, submitted some time since, by Mr. SLADE, was taken up, and agreed to:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement showing the number of acres of the public lands which have been purchased under laws granting the right of pre-emption, distinguishing the several laws under which, and the several States and Territories in which, such purchases have been made. And that he also be directed to communicate any information which may be in the possession of his Department touching any associations which may have been formed by intruders on the public lands for the purpose of adjusting the relative rights of occupancy, and putting down competition at the public sales of such lands.

EXPLORING EXPEDITION.

A resolution, heretofore offered by Mr. FILLMORE, to print 10,000 copies of the report of the causes which have led to the delay of the exploring expedition, came up in its order.

Mr. F. said, that upon examining the document, he had found it did not contain all the information that was desired on the subject, and he therefore withdrew the resolution.

DESTRUCTION OF THE CAROLINE.

The following resolution, submitted by Mr. FILLMORE on the 19th of January last, came up for consideration:

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to this House any information possessed by him, respecting the capture and destruction of the steamboat Caroline at Schlosser, during the night of the 29th of December last, and the murder of citizens of the United States on board, and all the particulars thereof not heretofore communicated. And especially to inform the House whether said capture was authorized, commanded or sanctioned, or has been avowed by the British authorities or officers, or any of them. And, also, what steps have been taken by him to obtain satisfaction from the Government of Great Britain on account of said outrages. And to communicate to the House any correspondence relative thereto, which has passed between the Government of the United States and Great Britain, or any of the public authorities of either.

Mr. McKIM said, that seeing the chairman of the Committee on Foreign Affairs [Mr. HOWARD] was not in his seat, he moved to lay the resolution on the table.

Mr. FILLMORE hoped the gentleman would not press that motion, for his belief was that the chairman of the Committee on Foreign Affairs was not opposed to it.

Mr. McKIM could not withdraw the motion, for he believed the Executive was doing every thing in his power to bring the matter to a satisfactory issue, and the effect of this resolution would be rather to impede than facilitate that object.

Mr. FILLMORE then said he must be compelled to ask for the yeas and nays; but, before they were ordered,

Mr. McKIM varied his motion, by moving to postpone the further consideration of the resolution till to-morrow.

Mr. FILLMORE said that, if the gentleman would assign some good reason for that motion, he would not object to it.

Mr. McKIM replied that he had made the motion for the same reason he had made the other.

Mr. FILLMORE rejoined that if he had not good reason to believe that the chairman of the Committee on Foreign Affairs was not opposed to the resolution, he would assent to this motion, but believing otherwise, he could not.

Mr. McKIM was decidedly opposed to the resolution, for he was sensible that the two Governments were doing every thing in their power to bring the question to a satisfactory issue, and this would only tend, if it had any effect at all, to widen the breach. In proper time all the information would be laid before them.

Mr. FILLMORE wanted it now, because he and his constituents felt a deep interest in the matter, and they had no apprehensions that the disclosures of the truth would have a dangerous tendency. Still, if any danger was to be apprehended therefrom, it would be in the power of the Executive to withhold the information. Mr. F. was so far willing to confide in the discretion of the Executive, and surely the gentleman from Maryland was not less so.

Mr. ADAMS expressed a hope that the gentleman would withdraw the motion. Mr. A. then alluded to the three letters in the National Intelligencer of this morning, between the British Minister and Secretary Forsyth, communicated by Governor Head to the Legislature of Upper Canada, and commented upon the extraordinary circumstance of the American Congress deriving its earliest knowledge of those documents through so distant and foreign a source, when it ought long since to have come in directly.

Mr. McKIM would, with pleasure, accede to the gentleman's wish, if he could do so consistently with what he held to be right and proper.

Mr. McK. had seen the correspondence alluded to, and regretted its publication as out of time. As the gentleman, however, had adverted to it, he would draw his attention to one point in the letter of the British minister, viz: that the whole affair had been transferred to London, and this presented an additional reason against further agitating the question at this time. It was premature, and could do nothing but embarrass the negotiation between the two countries.

Mr. FILLMORE again resisted the motion, and gave, as an additional reason, that the information might be indispensable in case it should be deemed expedient to arm the frontier.

Mr. FLETCHER of Vermont hoped the subject would not be postponed. The district represented by him bordered on Canada to the extent of half way across Vermont, and this outrage had produced a great excitement among the people there. Three months had now been suffered to pass, and all the information we had was furnish-

ed through the Canada press, while not the least had come from our own Government. The citizens of that section wished to know if our Government was sleeping upon it or not, and Mr. F. was of opinion that, if the answer to the call contained such information as it ought, it would greatly tend to quiet the excitement. He hoped the House would adopt the resolution, and suffer the information to go before the people.

The motion to postpone was then put and lost, and the resolution was agreed to.

Sundry bills from the Senate were then taken up, read twice, and referred to their appropriate standing committees.

CIVIL LIST BILL.

The House then resolved itself into Committee of the Whole, Mr. CASEY in the Chair, and took up the "bill making appropriations for the civil and diplomatic expenditures of the Government for the year 1838."

The question pending was the motion made on yesterday by Mr. HALSTEAD, to strike out the item of $4,000 for a *jet d'eau* on the south side of the centre footway in front of the Capitol.

Mr. HALSTEAD had no objection to making appropriations for improving and ornamenting the public grounds at a proper season; but at a time like the present, when our finances were in a most deranged condition, he thought to make an appropropriation of this kind when there was no immediate necessity for it, might subject us to the charge of extravagance. It was a matter which might well be postponed; and he thought a Democratic economical Administration ought to oppose such extravagance as this, especially when we are borrowing millions of dollars, in the shape of Treasury notes, for the purpose of carrying on the operations of the Government. If this apprpriation had been found in an appropriation under the late administration of the gentleman from Massachusetts, across the way, [Mr. ADAMS,] a great outcry would have been made about it. We all know the cry that was raised, during that Administration, about the east room, the billiard table, etc. Then let the present Administration practise upon the principles which it laid down before it came into power. He was opposed to all appropriations of this kind, which could be dispensed with without doing any injury to the public service.

Mr. H. addressed the House about two hours, contrasting the whole of the expenditures of the present Administration with the expenditures of the administration of the gentleman from Massachusetts, and comparing the principles of Democracy, as laid down by Thomas Jefferson, with the principles held by the party now in power, with a view of showing that the expenditures of the Government exceeded what they had formerly, and that the principles of Democracy of the present time were very different from the principles entertained by Mr. Jefferson, and commenting with much severity upon the course of many of the Executive officers.

Mr. BYNUM was at loss to express his feelings with regard to the course of argument which had been pursued by the gentleman from New Jersey. He was surprised to find that any gentleman would pursue such a course of remarks, after the scenes which we have had arising from debates of this kind; and he trusted, if gentlemen did not want to involve the House in disgraceful scenes, that he would cease to pursue such a course of remarks. He regretted to see these Halls, which should alone be used for the purpose of doing the business of the people, converted into an arena for the promulgation of filthy electioneering slang. He had hoped from the scenes which have passed before us, that debates of this kind would have been put an end to in the Hall of the House of Representatives of the nation. Every intelligent member of the party to which the New Jersey member was connected, had the same feeling, with regard to the remarks of the gentleman, which he [Mr. B.] entertained, and he could only account for this singular speech by the gentleman's own admission, that he was a novice in matters of legislation; that, he considered, was the only excuse which the gentleman had for making such a speech on such an occasion. The cause of such appeals as these being made to the country, could only be found in the fact that there was a dread of the ruling hand of the people. Their power at the ballot-boxes was dreaded; and gentlemen made this place a political lecture room, for the purpose of promoting their party slang and abuse, to endeavor to mislead the popular voice of the country; but the people of the country, who were cool and calm, and from from the excitement which might be got up here, would appreciate these harangues properly, especially as they come from a gentleman who acknowledged himself to be a novice. If the gentleman from New Jersey had consulted the older and more experienced members of his party, for many of whom he [Mr. B.] entertained the highest respect, he would never have made such a haraugue as the one he had just concluded. They would have told him that such attempts were not the more fruitful. He must, therefore, look upon the gentleman from New Jersey as not reflecting the opinions of the party with which he claimed to act. In fact, he had heard the opinion of many honorable and high-minded men with regard to the speech which the gentleman had delivered, and it was entirely disapproved of by many of them. He would not here attempt a vindication of the Executive Departments of the Government upon a trifling appropriation for a fountain in front of the Capitol, because, unfortunately for the gentleman from New Jersey, on this occasion, the head of the committee which reported this appropriation originally, and who urged it upon the Committee of Ways and Means and the House, was a distinguished member of the party to which the gentleman belonged. He alluded to Mr. LINCOLN, who was chairman of the Committee on Public Buildings and Grounds; and certainly that gentleman would never assent to any appropriation which was extraordinary or extravagant.

The House would recollect that the gentleman from New Jersey, who had just addressed the House, had on a former occasion, at the extra session, made a speech in most classic style, on which occasion he believed he had read a great part of the book of Horace, and he must say that his remarks of to-day ill comported with his remarks on that occasion. He had to-day designated the party opposed to him in politics as "Van Jacks," and made allusions to "darkeys" and "blackeys," which would do him but little credit in the House and out of it, and which but little comported with the oft-repeated assertion that his party was composed of all the talents and all the decency. He trusted the matter would end here, but he would say to the gentleman that he occupied a responsible situation, when he used such slang as this. He did not believe, however, that the gentleman had intended the speech for the House of Representatives of the nation, but merely for home consumption—for the use of his constitutents. Then, if this was the case, he would recommend the gentleman to address them in a manner either at home, or through some other medium, which would not be consuming the public time and public money. The gentleman's speech had cost the people and the country more than the amount of the whole appropriation, which he proposed to strike out; and he believed if his constituents were the intelligent citizens, which he [Mr. B.] took them to be, that it would operate more against the gentleman himself than those against whom it was directed. The gentleman had gone on to say that there were many appropriations for the public service which ought to be reduced. If this was the case, that the expenditures of Government were extravagant, let the gentleman introduce a proposition to reduce them, separate and apart from this bill, and he would go for it. Mr. B. had no doubt, however, but that the gentleman from New Jersey would hold on to the prolific mother of all these extravagant expenditures—the tariff.

If he (Mr. B.) was going to curtail expenditures, he should consider that the first blow ought to be struck at a high tariff; and, if this was done, where would the gentleman from New Jersey be found? He would doubtless be found opposing it. With regard to the vituperative slang of the gentleman against the late President Jackson, he thought it ill befitting a member of the House of Representatives, and it only showed the malignant hatred which the gentleman entertained for the *Demos cratia*—the ruling people of this land. Because they had honored the late President, the gentleman from New Jersey denounces him. Mr. B. addressed the House at considerable length, and with some warmth, in reply to the various assertions and charges of the gentleman from New Jersey.

Mr. LINCOLN opposed the amendment, and remarked upon the extraordinary course of Mr. HALSTEAD in making a general attack upon the Administration, and delaying the passage of this important bill, on a little item like the one under consideration; an item inserted by the chairman of the Committee of Ways and Means at Mr. L's instance. He severely reprehended these indiscriminate censures and abuse of the Administration, in which he never would join, and which he believed had lost much of the influence among the people that the party with which he acted would otherwise have enjoyed; and he was aware of the responsibility he assumed in making this declaration. Mr. L. then went on to support the proposed appropriation with much earnestness, in repy to Mr. H. and insisted that there was not a constituent of the gentleman who would not blush at the work being rejected, after being acquainted with the circumstances. There was not the shadow of an apology to reject it. The gentleman had complained of other appropriations as not being consistent with the Jeffersonian Democratic Republican Jacksonian doctrine, but whatever it was, they should have Mr. L's support. With reference to the President's Mansion, about the costliness of which the gentleman had complained so much, it was a disgrace to the country; and in many of the rooms the gentleman would not lodge his negro, if he kept one. Mr. L. had not a constituent who voted for him whose rooms were not better furnished than that in which the President received company of both sexes. The roof and wings of the building leaked, and yet the gentleman from New Jersey would withhold the appropriation to put it in repair, to stop the leaks. Mr. L. would not hesitate to empanel a jury of the gentleman's constituents on the question; and he hesitated not to say that they would not sustain him.

Mr. BELL returned his thanks to the gentleman from New Jersey, for the course he had pursued in bringing the abuses of the Government to the notice of the country, expressed his regret at the remarks of the gentleman from Massachusetts, and went into somewhat an extended explanation of Mr. HALSTEAD's remarks. Mr. B. said it was the duty of those who believed abuses to exist to expose them, and they must avail themselves of every opportunity to do so, for whatever appropriation bill came up, its speedy passage would be urged on the ground of want of money.

Mr. CAMBRELENG remarked that the gentleman had correctly stated that the cry would be, on every appropriation bill, that the money was wanted. They were then in the fourth month of the session, and there was not one single department of the Government that, for the last two or three months, had not been absolutely at the mercy of every broker, bank and shaver in the couutry. By the indulgence of the Speaker alone had the members of Congress been saved; but Mr. C. could tell gentlemen that even that indulgence was about to fail, and they would soon be in the situation of the Government officers throughout the Union. Mr. C. hoped this bill would be brought out of committee to-night, especially as there were so many important bills behind upon which they could debate these questions, for upwards of half a million of protested drafts upon the Government were already lying over. Mr. C. did not regret these speeches being made at the proper time, for they were always productive of good, but he begged gentlemen who had them in preparation to reserve them to another occasion, which would soon present itself.

After a few remarks from Mr. MERCER, Mr. HALSTEAD obtained the floor, but gave way to

Mr. BELL, on whose motion the committee rose and reported.

Mr. GARLAND of Virginia, on leave, laid on the table, with a view of having it printed and offering it on the next resolution day, the following resolution:

Resolved, That a select committee of —— members be appointed, to take into consideration the propriety of proposing an amendment to the Constitution of the United States prohibiting the several States, in incorporating banks, or other associate bodies, from authorizing the issue of notes of the same denominations of the coin of the United States, or under.

On motion,

The House then adjourned.

IN SENATE,

WEDNESDAY, March 21, 1838.

The following message was received from the President of the United States, by Mr. ABRAHAM VAN BUREN, his private Secretary; which was read:

To the Senate of the United States:

I herewith transmit to the Senate of the United State, a report from the Secretary of State, accompanied by a copy of the correspondence requested by their resolution of the 5th ultimo.

M. VAN BUREN.

WASHINGTON, March 20, 1838.

On motion of Mr. WILLIAMS, the message with the accompanying documents was laid on the table, and ordered to be printed.

Mr. WRIGHT presented the petition of sundry citizens af New York, on the subject of the late duel: laid on the table and printed.

On motion of Mr. CUTHBERT, the petition and papers of Commodore Warrington, on the files of the last session, were again referred to the Committee on Naval Affairs.

Mr. TALLMADGE presented the petition of sundry citizens of Buffalo, New York, praying that an appropriation be made for the improvement of the harbor of Silver Creek: referred to the Committee on Commerce.

Mr. BUCHANAN presented the petition of eleven citizens of Philadelphia, protesting against the annexation of Texas to the Union: laid on the table.

Mr. B. presented two petitions, one signed by fourteen, the other by forty-one citizens of Philadelphia county, praying Congress to abolish slavery and the slave trade in the District of Columbia. The question whether these petitions should be received, was laid on the table.

Mr. LINN said when he moved, some days since, for the printing of the report and accompanying documents in relation to the introduction and cultivation of tropical plants in Florida, he wished to have had a number of additional copies printed. Finding that it would be inconvenient to the publishers to keep the types standing, he would now move that 5,000 additional copies be printed at once.

Mr. BUCHANAN would like some explanation before he could consent to vote for the printing of so large a number of the documents in question.

Mr. LINN explained at large that the whole subject was one of vital interest to Florida, as well as of vast importance in a national point of view. Mr. L. was well convinced, from what he had already seen, that the introduction and cultivation of these plants would be attended with the most beneficial results to the whole country. The documents abounded with the most interesting information to the scientific agriculturalist, and might be the means of opening a wide field, in this country, for the introduction of plants, that could be converted into uses for the Government, while they would be advantageous to the citizen. Mr. L. said the documents would speak for themselves.

The question was taken, and the printing was ordered by a large majority.

Mr. KING, from the Committee on Commerce, made unfavorable reports on the bills from the House for the relief of George Dyer and Squire Stearns.

The bill to change the times of holding the courts of the United States in the 9th circuit, was taken up; and the question being on the amendment of the House—

Mr. PRESTON said he was opposed to the amendment offered by the House of Representatives, because it would have a tendency to diminish the duties of the judge of the 9th district, and increase those of the judge of South Caralina and Georgia, who in the case before the Senate, Mr. P. said might be viewed somewhat in the light of a constituent. These judges, he said, were of recent appointment, and had entered upon their duties with a full knowledge of all the labors and responsibilities attached to the station.

It was well known that Judge Wayne had performed the duties of his office to the satisfaction of every body; and hence he, Mr. P. objected to the additional labors which the amendment would necessarily impose on him. Besides, if he recollected aright, it was made ground of complaint the other day by a Senator from Arkansas, [Mr. SEVIER,] that the judge had not yet performed the duties of his office; and yet here was a proposition before them to make a change before we could tell how the system would be likely to work.

Mr. CLAY of Alabama said the Senator from South Carolina seemed to make it a personal, rather than a public, concern. If the Senator would look at the subject with his usual care, he would perceive that the change would be attended with great public convenience. It was not a question of taking from one and giving to another, but so to equalize the duties as to insure their performance to the satisfaction of the public. As the arrangement now stood, it was utterly impracticable for the judge of the ninth district to get through the labors of the office. Mr. C. then went into a long detail to show the extent of travel incident to this circuit, and contrasted it with that of the judge of the sixth judicial district. While Judge McKinley's circuit embraced an extent of upwards of six thousand five hundred miles, Judge Wayne's did not exceed thirty-six hundred.

Mr. WHITE spoke for some time in relation to the adoption of the present judicial system, and the object that was had in view in its original arrangement. He would prefer that the whole matter should stand as it does until the next session. Mr. W. took occasion to express his regret at the attempt to introduce as ystem of *mileage* for the judges, and he was pleased to see that the committee had asked to be discharged from the further consideration of the subject. If the salaries of the judges are not sufficient, [said Mr. W.] raise them, but do not establish a system alike at war with former usages, and the dignity of the station.

Mr. BUCHANAN said that as this bill would probably take up some time in discussion, and as it was near the hour for the special orders of the day to be taken up, he should move to lay it on the table, or pass it over informally.

The bill was then passed over informally, Mr. PRESTON intimating his intention, when it came up again, to move to recommit it to the Committee on the Judiciary, with instructions.

The Senate resumed the consideration of the Independent Treasury bill, when Mr. SOUTHARD resumed his argument, in opposition to the bill, and continued speaking till after three o'clock.

The question was then taken on Mr. RIVES'S amendment, which was rejected by the following vote:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—20.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—29.

Mr. PRESTON, after the result of the vote was announced, came into the Senate Chamber, and asked permission to record his vote in favor of the substitute.

The VICE PRESIDENT said, if there was no objection made, he should direct the Secretary to record the name.

Mr. BENTON objected. He had been there eighteen years, and had uniformly opposed every motion of that kind. He thought it established a bad precedent to permit Senators to record their names after the vote had been taken, and the result made known.

Mr. GRUNDY wished the Senator would forego his objections, and instanced a case during the present session where he had his name recorded by one of the reporters as voting against a measure, when, in fact, he had not voted at all. On the next morning, he stated the matter to the Senate, and asked permission to have his name recorded in the affirmative, which was granted.

Mr. KING was desirous that courtesy should be extended to the Senator, and that he be permitted to record his vote; and the course was the less objectionable, as the result could not be varied by granting the permission.

Mr. BENTON was inflexible; he had (as he before observed) for the last eighteen years, pursued the same policy, and could not consent to yield the point now. He would so far yield, however, as to move to reconsider the vote, by which means the same object could be more safely attained.

Mr. CUTHBERT here rose and observed that he had hitherto remained silent while this subject was under discussion, holding a peculiar position in relation to it. With those with whom he was accustomed to act, he agreed not in terms merely, but in sincerity of heart, in essential principles; it was, therefore, always painful to him to separate himself from them where their feelings were deeply engaged, or where they believed they were vindicating the interests or honor of the country. When he said this much, he believed there would be confidence placed in the sincerity of the motives which governed him in the course he was about to take. Having hitherto been unwilling to embarrass his friends by an expression of sentiments adverse to that policy which they believed was the best for the country, and having under this feeling been silent while this subject was debated, offering no amendment and taking no part in the discussion, he now thought that the moment had arrived when it would be proper to explain his position fully to the Senate. It was this: he essentially agreed with his friends that there ought to be a separation between the business of the Government and that of the banks, and he believed there was sufficient evidence in the last year that the country was prepared for it and would sustain his friends in effecting that separation. But he was not willing to go beyond that which was essentially necessary for effecting that object; he was not willing to go to the extent of abandoning that medium by which the commerce of the country is carried on. He could have wished to have explained himself further, but that species of indisposition which rendered it difficult for him to address the Senate, as well as the sudden surprise occasioned by taking the important vote just announced, prevented his so doing.

Under these circumstances, and saying as he did to his friends that he believed that the principles on which they acted were in accordance with the form of our Goverment and the character of our people; and believing, too, that their struggle was to maintain the rights of the people and that equality in our social compact which was essential to the preservation of our institutions—honoring and loving them as he did for the purity of their intentions, and the ability with which they sustained the cause they were advocating, and sympathizing with them, as he always had done, and should continue to do while he had life, he felt the deepest pain in making the motion he now did, to strike out the 23d section of the bill.

The CHAIR stated that the motion of the Senator from Georgia was not then in order.

The question was then taken on Mr. BENTON'S motion, and the reconsideration of the vote on Mr. RIVES'S amendment was ordered.

After a brief interval, Messrs. BAYARD and PIERCE, the two Senatorswho were absent, arriving, the question was again taken on Mr. RIVES'S substitute, and it was rejected—yeas 22, nays 30, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—22.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—30.

Mr. CUTHBERT then renewed his motion to strike out the 23d section.

Mr. CALHOUN expressed a wish to address the Senate on this amendment, and moved an adjournment, but withdrew his motion at the suggestion of

Mr. GRUNDY, on whose motion the Senate went into the consideration of Executive business, after which

The Senate adjourned.

HOUSE OF REPRESENTATIVES,
THURSDAY, March 22, 1838.

THE LATE DUEL.

Mr. FAIRFIELD, on leave, presented the following petitions on the subject of the late duel, all of which were referred to the select committee having that subject under consideration, viz: Stephen Emery and 51 others, citizens of Paris; Peter A. Hewett and 86 others, citizens of East Thomaston; Lauriston Ward and 30 others, citizens of Saco; John Elliot and 253 others, citizens of Bath; Joshua Dillingham and 42 others, citizens of Camden; Cornelius Thomas and 45 others, citizens of Camden; John Burnham and 66 others, citizens of Orland; John Bailey and 151 others, citizens of Parsonsfield; William Boune and 35 others, citizens of Wells; Levi Morrill and 44 others, citizens of Westbrook; Meshach Humphrey and 45 others, citizens of Gray; Nathan C. Fletcher and 54 others, citizens of Thomaston; Denny McCobb and 137 others, citizens of Waldoboro; William Schenck and 141 others, citizens of Waldoboro; Cornelius Holland and 31 others, citizens of the town of Canton; David K. Gleason and 33 others, citizens of the town of Mexico; John Goodridge and 44 others, citizens of the town of Mexico; William White and 183 others, citizens of New Gloucester; Enoch Wood and 62 others, citizens of Acton; Elisha Bodwell and 124 others, citizens of Sharpleigh; James Bonney and 126 others, citizens of Buckfield; Edward Fuller and 47 others, citizens of Readfield; William Gooch and 16 others, citizens of Wells: all in the State of Maine.

Mr. EVANS, on leave, presented a petition on the same subject.

Mr. PAYNTER, on leave, presented a petition on the same subject.

Mr. DAVEE, on leave, presented the following petitions on the same subject, viz: Of Nehemiah Bartlett, and 50 other citizens of Garland; of Noah Barker, and 42 others of Exeter; of Henry Campbell, and 50 others of Greenbush; of Joseph Bradford, and 39 others of Lubec; of J. W. Eaton, and 45 others of Plymouth; of Ebenezer Bickford, and 49 others of Newburgh; of Alansa Johnson, and 20 others of Atkinson; of J. M. Eddy, and 53 others of Corinth; of Daniel Forbes, and 39 others of Lincoln; of E. L. Hammond, and 54 others of Atkinson; of Edmund Pilsbury, and 80 others of Newport; of Mark L. Hill, and 29 others of Philipsburg; of Josiah Farwell, and 110 others of Pittsfield; all in the State of Maine.

Mr. HENRY presented the petition of a number of citizens of Mercer county, Pennsylvania, praying for an investigation of the late duel that resulted in the death of the Hon. J. CILLEY, and that efficient means may be adopted to put a stop in future to this murderous practice; which, on motion of Mr. H. was referred to the select committee to which that subject is referred.

Messrs. DAVIS of Pennsylvania, MORRIS of Ohio, and WILLIAMS of New Hampshire, severally presented petitions on the same subject.

All the above were referred to the select committee.

Mr. GOODE, on leave, presented a petition on the subject of the National road.

Mr. LAWLER, on leave, presented a petition for a post route in Alabama.

Mr. HOPKINS moved a reconsideration of the vote by which the resolution of Mr. SLADE, calling for information in relation to the public lands was adopted, [see proceedings in the Globe of last evening.] Mr. H. made the motion on the ground that it would be impracticable to furnish the information called for during the present session. The motion lies over.

Reports from standing committees were then called for.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported Senate bill for the relief of the heirs of Dr. Thomas Carter, deceased, without amendment.

Mr. HARPER made an unfavorable report on the petition of John Smith, one of the heirs of Ballard Smith.

REVOLUTIONARY PENSIONS.

Mr. JOHNSON of Virginia reported a bill for the relief of Susannah Rowe, widow of John Rowe, deceased.

ROADS AND CANALS.

Mr. SNYDER reported a bill authorizing the survey and continuation of the National road from Vandalia, in the State of Illinois, to Jefferson city, in the State of Missouri: read twice, committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

The SPEAKER communicated to the House a letter from Mr. HUNTER, the assistant Doorkeeper, notifying the House of the decease of OVERTON CARR, esq. the principal Doorkeeper.

Mr. MERCER then submitted a resolution in relation thereto, that the House adjourn at four o'clock this afternoon, for the purpose of attending the funeral of the late Mr. CARR; that the expenses thereof be paid out of the contingent fund of the House, and that the widow be paid the salary of the deceased to the end of the present session of Congress; which was agreed to.

LANDS FOR SCHOOLS.

Mr. JOHNSON of Maryland then resumed his remarks on the resolution submitted by him, some time since, to grant a certain quantity of the public lands to the old States for the use of schools, equivalent to that granted to the new States.

Mr. LAWLER obtained the floor, but gave way to a motion to a call for the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of War, in answer to a resolution of the House, transmitting the letter of General Jesup, dated Fort Jupiter, December 7, 1837; which, on motion of Mr. BRONSON, was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the War Department, transmitting a report from the Adjutant General and Paymaster, in relation to the number of volunteers and militia engaged in the service of the United States, and showing the difference in expense of such troops and the regular troops of the United States; which, on motion of Mr. MERCER, was laid on the table, and ordered to be printed.

CIVIL LIST BILL.

The House again resolved itself into Committee of the Whole, Mr. ——— in the chair, and took up the "bill making appropriations for the civil and diplomatic expenses of the Government for the year 1838."

The question pending was the motion of Mr. HALSTEAD to strike out the item of $4,000 for the *jet d'eau*, on the south side of the centre foot-way in front of the Capitol.

Mr. HALSTEAD, who was entitled to the floor, replied at some length to the remarks make on yesterday by Mr. LINCOLN.

Mr. BOON said that it was not his intention to follow the member from New Jersey [Mr. HALSTEAD] through the whole of his tirade which he poured forth yesterday against the late and present Administrations of the people's own choosing. He had listened attentively to the gentleman's harangue, and he must say, that he had not supposed that there was a human being to be found upon the face of the earth, who could, in the space of two hours, have detailed or brought to view so great a number of gross absurdities and undignified allusions, as were summed up in the gentleman's speech on yesterday. Nor was he ever before so sensible of the advantages of being "well-born" and "college bred." This was very strikingly exhibited in the gentleman's illustration of what constituted a *dandy*. That gentleman, in the true character of the revengeful adder, whose poison is under his tongue, commenced his attack upon the Administration by making invidious comparisons. He was pleased to call the friends of the Administration *Van Jacks*, and the Administration itself he very modestly and respectfully (according to his vocabulary of learning) pronounced to be a *dandy* Administration. A dandy, he said, generally wore *corsets* and *dickeys*, and went in debt more than it was able to pay. Such, he said, was the true character of the present Administration. The President and Vice President, he said, one or both of them, wore corsets and dickeys, but he did not know whether they were black or white. *Dickeys*, the gentleman had said, bore a very close affinity to *darkies* or *blackies*, and he had added much more of the like disgraceful slang.

The member from New Jersey made quite a display about the increase of public expenditure in the way of stationery and public printing, and introduced items to show that the heads of Departments had been furnished with a certain amount for newspapers; and, among others, had particularly dwelt upon one called the Turf Register. But the gentleman took especial care not to say any thing about the sum of public money that had been expended for his particular benefit, by way of books, newspapers, paper, pens, wafers, sealing wax, etc. He [Mr. B.] should like to know how much stationery had been consumed by the member from New Jersey, in enclosing bank Whig speeches, and other Opposition stuff of like character.

If the number of public documents have been increased during the late and present Administrations, to what party is that item of public expenditure to be charged? Surely not to the Administration party; for it will be found that in nineteen cases out of twenty, where calls have been made, calculated to swell the amount for printing and for paper, it has been by calls made by the Opposition. To have heard the gentleman's harangue, one would have supposed the gentleman to be one of the greatest economists of the age; but on looking across the hall, he discovered the gentleman standing behind a larger pile of public documents, than he had seen on the table of any member at the present session of Congress, while he was addressing the House.

But it was useless for him to say more in reply to one who (to use a backwoods phrase) had been literally "*used up*" by a distinguished "*Whig*" gentleman from Massachusetts, [Mr. LINCOLN.] In the whole Whig ranks in that House, there had, as yet, been but one solitary individual—that is the honorable member from the Nashville district, in the State of Tennessee—who could muster moral courage enough to thank the gentleman from New Jersey for his wholesale denunciation of the Administration.

It seemed to him that the gentleman from New Jersey started upon a wrong scent; and that the greater part of what he intended to be prejudicial to others, was applicable to himself also. The gentleman declared in the outset of his speech, that this Administration was a *dandy* Administration. Now, Mr. B. considered that this came with rather a bad grace from the gentleman from New Jersey, for if he had been called upon to point out one of the members of the House who, above all others, wore the most *dandy*-like appearance, he should have, unhesitatingly, pointed to the member from New Jersey. Who would suspect a gentleman of talking about dandies who had to get on a stump to look over his cravat, or take off his coat to get his fingers in the pockets of his vest. Why, sir, it is sublimely ridiculous. Mr. B. believed there would, at all times, be found in this country political demagogues who will be continually finding fault, and with such persons the gentleman might be classed. In fact,

that gentleman's speech of yesterday could be compared to nothing better than an old woman churning with a churn without a lid, who bespattered every one that came near her. But the people had been humbugged long enough by such speeches, and would pay but little attention to them. They had heard the cry of wolf, wolf, too long, when there was no wolf to put any faith in such false alarms.

Mr. LINCOLN rose and made a few remarks in reply to Mr. HALSTEAD'S remarks of to-day, explanatory of his own remarks of yesterday.

Mr. MERCER moved an amendment to Mr. HALSTEAD'S motion, so as to complete the grounds in the plan heretofore proposed; which, after a few words from Mr. EWING, was agreed to, and the amendment as amended was agreed to.

Mr. McKAY moved to strike from the bill the two items of $950 for clerk in the office of the clothing bureau, and $500 for the messenger to the same; which was agreed to, and the amount transferred to another branch of the service, on Mr. McKAY'S motion.

Mr. MALLORY sent to the Clerk's table, to be read, a letter from Commodore Dallas, in reply to Mr. M's remarks, some time since, on the navy; and, without recognising the right to be questioned for what he said on that occasion, made a statement in relation thereto, saying that the refutation of Commodore Dallas was to him entirely unsatisfactory, and he could not, therefore, retract his charge.

Mr. BELL then renewed his proposition for a reduction of salaries of one-fourth, in a modified form, by leaving out the contingency of the Independent Treasury bill passing.

Mr. CUSHMAN raised the point of order.

The CHAIR decided the amendment to be out of order, on the ground that it would be engrafting a measure to regulate salaries on a bill to appropriate money to pay those already in existence—two distinct propositions.

Mr. BELL took an appeal from this decision, and adverted to former precedents.

Mr. HAYNES did not see the force of argument of the honorable gentleman from Tennessee, inasmuch as the mere permission of the House could not be drawn into precedent in violation of its law. He very well remembered a case in which an amendment was offered by the gentleman from Tennessee, which was obviously out of order, but no exception being taken, the bare permission of the House that it should be received and acted upon, would, by that gentleman's argument, be construed into precedent. That the amendment referred to was out of order, was manifested by the decision of the House upon an amendment of similar character subsequently offered to the same original proposition, and the point of order being raised, it was ruled out by the House. Therefore, permission to offer and entertain a proposition was not such a precedent as would be an authoritative exposition of the rules of the House as to bring it within the range of order when the question of order had not been raised. Mr. H. would not make a display of learning, but would remind the honorable gentleman from Tennessee of a simple and well known maxim,

"*Malus usus abolendus est.*"

He would not, therefore, agree that the rules should be set aside by the gentleman's precedents.

Mr. BELL rejoined that the latter case alluded to by the gentleman from Georgia was excluded by the operation of a new rule.

Mr. HAYNES replied, that as the case to which he had referred might be misunderstood in consequence of the remarks of the honorable gentleman from Tennessee, it was proper that he should state it fully. That case, in its totality, was this. When the bill making appropriations for fortifications for the year 1837 was under consideration, the gentleman from Tennessee offered an amendment, proposing a distribution of such surplus revenue as might be in the Treasury on the first of January, 1838. That proposition was permitted to be entertained, no one raising the question of order. Subsequently, another amendment was proposed to the same bill, the object of which was to bring down the revenue from customs, by a revision and reduction of the tariff. To this the question of order was raised, and sustained by the House. This case illustrates the little force which we should give to precedents. Consequently, the permission to offer a proposition does not justify the inference that it was necessarily in order, when the point of order had not been raised.

The decision of the CHAIR was then sustained by the committee, without a division.

Mr. BELL moved to reduce the clause appropriating the pay and mileage of members and delegates of Congress from $567,680 to $425,760, and of the pay of the officers of the two Houses from $40,400, to $30,300; which, after a few words from Messrs. BELL, MERCER, REED, and WILLIAMS of North Carolina, was disagreed to.

On motion of Mr. CAMBRELENG, the committee rose and reported the bill and amendments to the House; and, on motion of Mr. C. the same were ordered to be printed.

Mr. CAMBRELENG then gave notice that he should call up the appropriation bills again to-morrow and next day.

The hour of 4 o'clock having arrived, pursuant to the order adopted this morning,

The House adjourned.

Mr. WAGENER presented, on Monday last, the memorial of the citizens of Easton, Pennsylvania, and its vicinity, setting forth the prominent advantages of its location for a national foundry, and asking for it the consideration of Congress, believing it to be the most suitable place that could be selected, and had said memorial referred to the select committee who have this subject under consideration, *and that it be printed.*

Mr. W. also presented the petition of the citizens of the borough of Easton, calling upon Congress for its interposition in the late unfortunate duel, and to adopt such measures as the country demands. It was referred to the select committee, who have the subject now under consideration.

TO THE EDITOR OF THE GLOBE.

HOUSE OF REPRESENTATIVES,
March 22, 1838.

SIR: In the very brief sketch of the remarks made by me yesterday, on Mr. Halstead's motion to strike an item from the Appropriation bill, I am reported to have said, in terms quite too general and unqualified, that the appropriations of which the gentleman from New Jersey (Mr. Halstead) had complained, and which he had characterized as "in accordance with the Jeffersonian, Democratic, Republican, Jacksonian policy," should have my support. My remarks, on the contrary, were explicitly restricted in their application *to such appropriations as had been recommended by the Committee on the Public Buildings*, of which I am a member, and which I contended were prudent, economical, and urgently required by a proper regard to the public interest. I further incidentally adverted to the objections insisted upon by the gentleman from New Jersey, that unreasonable and prodigal expenditures were incurred in the employment of unnecessary clerks in the *Land* and *Patent* offices; and stated that, so far from there being here present cause for complaint, a great and satisfactory reform had been effected in each of those departments, under the operation of the laws of the last Congress providing for their *reorganization*, and which had been brought about by the concurrent and united action of *both* political parties, in measures to which I had given a most cordial support. I distinctly stated that I was no friend to the Administration; that its general course of policy met my most decided disapprobation, and, in the humble measure of my ability, had received my zealous opposition, but that I would not direct an indiscriminate hostility to every proposition which might be offered, merely because they came from the Government or its agents; *that whatever my honest judgment should sanction I would adopt, contenting myself, in the faithful discharge of duty, with rejecting whatever that judgment, properly informed, requires me to condemn.*

I do not profess to give the precise language used by me on the occasion, but such was the sentiment, *distinctly expressed.* I may think proper to present the whole of my remarks hereafter, but in the meanwhile I respectfully ask that you would do me the justice to insert in your paper this correction of a misapprehension (doubtless altogether inadvertent) of your Reporter.

Your ob't servant,
LEVI LINCOLN.

IN SENATE,
THURSDAY, March 22, 1838.

Mr. KNIGHT presented the petition of Japhet Wilkinson; which was referred to the Committee on the Patent Office.

Mr. DAVIS presented the petition of sundry citizens of Massachusetts, praying that Congress will take measures to suppress duelling: laid on the table.

Mr. NILES presented the petition of Ezra Chapman, Lieutenant in the Revolutionary war, praying for a commutation: referred to the Committee on Revolutionary Claims.

Mr. KING presented the memorial of the corporate authorities of the city of Mobile, praying remuneration for expenses incurred in equipping a company of volunteers for the Indian war in Florida: referred to the Committee on Indian Affairs.

Mr. KING also presented the memorial of several citizens of Mobile, asking an appropriation, for the purpose of building a light-house at Cedar Point: referred to the Committee on Commerce.

Mr. YOUNG, on leave, introduced a bill granting to the Galena and Chicago Union Railroad Company the right of way through the public lands, and for other purposes; which was read twice, and referred.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of Captain Nathaniel Goodwin, and a bill for the relief of the heirs and legal representatives of the Baron de Kalb, late of the Revolutionary army; which were read, and ordered to a second reading.

Mr. WALKER, from the Committee on the Public Lands, reported, without amendment, the bill from the House for the relief of Joseph Nibur, deceased; and, on motion of Mr. W. the same was considered as in Committee of the Whole, and, after a brief explanation from Mr. W. was ordered to be engrossed for a third reading.

On motion of Mr. CRITTENDEN, the Committee on Indian Affairs was discharged from the further consideration of the petition of Nancy Contraman and others.

Mr. BROWN, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Joseph Morris, deceased; which was read and ordered to a second reading.

Mr. YOUNG submitted the following resolution which was considered, and adopted:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Lafayette, in the State of Indiana, and from thence down along the Vermilion of the Illinois river to La Salle, in the county of La Salle, in the State of Illinois.

On motion of Mr. DAVIS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of importing one or more sets of the most approved apparatus, now employed on the coast of Europe in the light-houses.

Resolved, That the same committee be instructed to inquire whether a more efficient, safe and useful system of locating, constructing, lighting, and managing the light-houses necessary for our coast may not be adopted.

Mr. TIPTON, from the Committee on Military Affairs, to which had been referred the joint resolution directing the expenditure of the appropriation for the removal of the troops of the United States from Fort Gibson, reported the same without amendment; and,

On motion of Mr. TIPTON, the same was taken up, and considered as in Committee of the Whole.

Mr. SEVIER advocated the bill with some zeal, showing at the same time the absolute necessity there was for its immediate adoption: the location of the fort at the exact point named in the resolusolution, was also contended for.

Mr. GRUNDY moved to amend the bill so as to

give the Secretary of War discretionary power. Mr. G. thought the price proposed extravagant; that no land in that section of country could be worth $15,000, the price stipulated to be paid.

Mr. FULTON observed, in reply to the remarks of the Senator from Tennessee, [Mr. GRUNDY,] that the value of the situation of Old Fort Smith was greatly increased by means of the improvements erected upon the point by Captain Rodgers, the present owner of the property. There were six houses of various descriptions now used as stores, dwelling houses, and warehouses, worth from eight to ten thousand dollars, and which would be of great value to the United States in uses connected with the erection and occupation of the fort. The site of Old Fort Smith was directly upon the line which separates the Choctaw lands from the State of Arkansas. The old fort was situated on the Indian lands; and the houses and other improvements of Captain Rodgers, within a few hundred feet of the fort, were within the State of Arkansas. For the use of the fort, the lands of Captain Rodgers were indispensable. They were purchased by him after the final settlement of the boundary line. This point was one of the most eligible upon the Arkansas river for purposes of defence, and for the enforcement of the intercourse laws. This point, and one other on the opposite side of the river, a few miles lower down, were the only places recommended as at all suited to the object by the commissioners. The country above upon the river, for many miles, is low and subject to inundation, and cannot be used for the erection of a fort; and the consequence is, that if the new fort is to be erected for the defence of the frontier of Arkansas, it must be built either at the point where Old Fort Smith is situated, or upon the highlands, at the mouth of Lee's Creek. The Secretary of War, said Mr. F. has already declared his preference in favor of Fort Smith; and a proposition is now in his possession, binding upon Captain Rodgers to sell to the Government the quantity of his land required, with all the buildings and other improvements upon it, for the sum of $15,000. No difficulty can, therefore, grow out of the provision in the resolution designating the place where the fort is to be erected; and knowing Captain Rodgers as I do, I feel authorized to say he will not attempt to increase the sum he has proposed to take for his lands.

This resolution has been introduced in conformity with the views of the Secretary of War, who has stated to me that he had decided in favor of Fort Smith.

As to the importance of this work of defence to the State of Arkansas, and the urgent necessity of its immediate erection, my colleague has already so fully presented those points to the Senate as to make it unnecessary for me to offer any further remarks upon the subject.

Mr. SEVIER explained at length the subject, showing the present exposed state of the frontier, and maintained that the location of the fort at the spot designated in the joint resolution was necessary to protect the settlers, and quiet their apprehensions. He could scarcely restrain his temper within bounds, when he heard gentlemen talk of dollars and cents, at a time when the lives of a whole frontier settlement were in jeopardy. Report after report had been made in favor of the spot, and yet the Secretary of War had neglected to provide what he ought to have done in relation to the subject.

Mr. PRESTON thought it would be better to leave the matter in the hands of the Secretary, whose business it was to look into such things, and whose opportunity of judging of the fitness of location, &c. were far better than any Senator could have. Besides he was opposed to forcing the Secretary to take positions at a stipulated price. He [Mr. P.] thought the sum of $15,000 really extravagant for any land in that quarter of the country, and he felt more disposed to rely on the statements of the Secretary and his officers, than on the parole statements of gentlemen who could not have the same opportunity of information.

Mr. SEVIER was sorry that the Senator from South Carolina could not preserve his consistency throughout. It was but a little while ago that Senator was for trusting as little as possible to Executive discretion in any thing. Now he is for leaving this whole matter to the option of the Secretary. Mr. S. said he thought he had shown the necessity that existed for occupying the present site of the old fort [Smith] and that year after year the Secretary had omitted to place it there, because he [the Secretary] did not conceive that the original resolution on this subject comported with his views. Mr. S. said he would agree that it should be so amended, as to direct the Secretary to purchase Fort Smith, provided the same could be obtained at a reasonable amount.

Mr. GRUNDY suggested that the words "at or near Fort Smith," be inserted; which was agreed to, and the resolution ordered to be engrossed.

Mr. YOUNG, from the Committee on Private Land Claims, reported the bill from the House, for the relief of Jacob Hawks, without amendment.

Mr. KING, from the Committee of Commerce, reported the bill from the House, for the relief of Samuel Potter and James Cassedy, without amendment. Also, without amendment, the bill for the relief of John Peterson.

The Senate resumed the consideration of the Independent Treasury bill, and after a debate between Messrs. CALHOUN and WEBSTER,

The Senate went into the consideration of Executive business; after which

The Independent Treasury bill was again taken up; and

Mr. TIPTON handed to the Chair the following amendment, which he proposed to offer, when in order:

And be it further enacted, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, upon the sales of public lands or otherwise, to be collected, and paid in the legal currency of the United States, or in Treasury notes, as by law provided and declared, or in notes of banks which are payable, and paid on demand, in the said legal currency of the United States. No such duties, taxes, or sums of money accruing or becoming payable to the United States, as aforesaid, ought to be collected or received, otherwise than in the legal currency of the United States, or in Treasury notes, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 23, 1838.

THE LATE DUEL.

Mr. ADAMS, on leave, presented petitions on the late duel, from Braintree, Mass.; Harrisburg, Pa.; Cayuga co. N. Y.; Seneca co. N. Y.; Windham co. Conn.; Poland, Me.; Chelsea, Mass.; Canton, Mass.; Holliston, Mass.; and Scituate, Mass.

Mr. MATTHIAS MORRIS, also, on leave, presented the memorial of William M. Fahnestock and 23 other citizens of Lancaster county, and parts adjacent in the State of Pennsylvania, asking Congress to pass a law for the suppression of duelling.

Mr. ANDREWS, on leave, presented a petition from citizens of Yeates co. N. Y. asking the expulsion of the members of this House who were engaged in the duel which resulted in the death of the Hon. JONATHAN CILLEY, and for the passage of a law to prevent duelling.

Mr. BIRDSALL asked leave to present a petition on the same subject.

Mr. EWING objected.

Mr. McKENNAN asked leave to present two petitions on the same subject, and no objection being then made, they were received and referred to the select committee.

Mr. ANDREWS also presented a memorial on the same subject.

Mr. NOBLE also presented a similar petiion.

Memorials on private claims were severally presented by Mr. DOWNING of Florida, Mr. LYON of Alabama, and Mr. SOUTHGATE of Kentucky.

ELECTION OF DOORKEEPER.

Mr. McKENNAN, on leave, submitted the following resolution:

Resolved, That this House will proceed, on Monday next, at 2 o'clock, to the election of a principal doorkeeper, to supply the vacancy occasioned by the death of Mr. OVERTON CARR.

Mr. JOHNSON of Maryland suggested its postponement, as the Committee on Accounts had the subject of the appointments of the officers of the Hall under consideration.

Mr. WILLIAMS of North Carolina, at the suggestion of Mr. CAMBRELENG, moved to postpone it till Monday week.

Mr. HAYNES opposed the motion.

Mr. BOON moved to postpone it till the first Monday in December next, on the ground that, by a resolution adopted yesterday, the salary of the late doorkeeper was extended to the end of the present session, and they had got along since the first Monday in September last, with only one doorkeeper.

Mr. WILLIAMS took the same ground, and thought it probable such an officer might be dispensed with altogether.

Mr. JOHNSON of Virginia, advocated a postponement, on the ground that the Committee on Accounts might throw some light on the subject committed to them, connected with this office. In reply to an inquiry from Mr. HAYNES, Mr. J. stated it as probable that they would report early in the week.

Mr. BOON'S motion was disagreed to; that of Mr. WILLIAMS agreed to; and the resolution was postponed till Monday week.

Mr. HALL of Vermont, having obtained leave of the House, sent to the Chair the Globe of last evening, (March 22,) from which the Clerk read as follows:

"On the 11th February, 1815, when the bill reported by the Committee of Ways and Means for regulating the deposite of the money of the United States in certain local banks was before the House of Representatives, Mr. ROBERTSON moved that the bill be recommitted, with instructions to the Committee of Ways and Means so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the Government.

In favor of this motion the votes of the following gentlemen are recorded on the journal (page 359) in the affirmative:

"Messrs. John Quincy Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beale, Beaty, Bell, Binney, Briggs, Burges, Campbell, Chambers, Chilton, Claiborne, Clark, Clayton, Corwin, Crane, Crockett, Darlington, Davis, Davenport, Deberry, Denny, Dickson, Evans, Everett, Ewing, Fillmore, Foster, Gamble, Garland, Gholson, Gordon, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Heath, Hiester, William Jackson, Ebenezer Jackson, Janes, Henry Johnson, Seaborn Jones, Letcher, Lewis, Lincoln, Love, Martindale, Marshall, McComas, McKennan, Mercer, Milligan, Miner, Moore, Phillips, Pickens, Potts, Reed, Robertson, William B. Shepard, Slade, Spangler, Steele, William P. Taylor, Tompkins, Trumbull, Tweedy, Vance, Vinton, Watmough, Wilde, Williams, Wilson, Wise, and Young."

Mr. HALL said he would not ask for the further reading of the paragraph. The article proceeded to state that the gentlemen whose names had just been read, himself among the number, having thus in 1835 voted in favor of dispensing with the agency of banks in the fiscal operations of the Government, were now, in 1838, opposing a measure of the same character; and then followed a dissertation upon "Federal patriotism," "Federal consistency," &c. &c. with which it was unnecessary to trouble the House.

Mr. H. said a statement similar to that in the Globe had been published in some of the papers in his own State, and his object now was to set the matter right before his constituents and the country. He never did, on that or any other occasion, give

any such vote as that represented in the Globe. In order to meet the evidence fully, he would call for the reading of the journal, to which the article in the Globe referred. The journal was accordingly read by the Clerk, as follows:

"The House resumed the consideration of the bill (No. 563) regulating the deposite of the money of the United States in certain local banks. The question recurred on the motion made by Mr. ROBERTSON, that the said bill be recommitted to the Committee of Ways and Means, with instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the Government. And after debate, the question was put on the motion made by Mr. ROBERTSON for the recommitment of the bill, and it was decided in the negative—yeas 91, nays 115."

Mr. H. said the journal might perhaps be considered as sustaining the view taken by the Globe, but he should show that the journal, if it bore such a construction, was erroneous. The fact was, no vote whatever was taken on the *instructions* moved by the gentleman from Virginia, [Mr. ROBERTSON,] but the vote which is recorded on the journal was taken on the naked question of recommitting the bill to the Committee of Ways and Means—*no vote whatever having been taken on the instructions.*

Before the vote on Mr. ROBERTSON's proposition was put, Mr. FILLMORE of New York required, as any member, by the rules of the House, had a right to do, that the question of commitment should be *separated* from the question of instructions; and the question being divided, the votes for commitment were—ayes 91, noes 115, the 91 ayes being the same gentlemen whose names are given in the Globe. The motion to commit being lost, no question could possibly be put on the instructions. In proof of the facts thus stated, Mr. H. read extracts from the three daily papers then published in Washington, giving an account of the proceedings of that day. The extracts were as follows:

Extract from the Globe of Feb. 12, 1835.

The question being on Mr. ROBERTSON's motion to recommit the (deposite) bill to the Committee of Ways and Means with instructions, &c. Mr. FILLMORE asked for a division of the question to recommit with instructions. The question was then taken by yeas and nays, which had been previously ordered, on the motion to recommit the bill, and decided in the negative—ayes 91, nays 115.

Extract from the Telegraph of Feb. 12, 1835.

Mr. FILLMORE called for a division of the question, and which having been put on that part of the motion, viz: "to recommit the bill," the motion was rejected—yeas 91, nays 115.

Extract from the Intelligencer of Feb. 12, 1835.

Mr. FILLMORE now demanded a division of the question, and it was accordingly put; first simply on recommitment, and decided by yeas and nays, as follows, viz: yeas 91, nays 115, so the House refused to recommit the bill.

Mr. HALL said he had called the attention of the Clerk of the House to this subject; who, on examination, had ascertained that a memorandum of the fact of Mr. FILLMORE requiring a division had been entered on the minute books, kept at the Clerk's desk on that day; but that, by inadvertence, a notice of the division was omitted to be inserted, in writing out the journal. The facts he now stated would appear from a correspondence he had held with the Clerk, which was now read, as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
December 19, 1837.

SIR: I have received your communication of this day's date. I handed it over for answer to Mr. Burch, the chief clerk of my office, who writes up the journal of the House. That answer I herewith enclose; and am, with the most perfect respect and esteem,

Your obedient servant,
W. S. FRANKLIN,
Clerk House of Reps. United States.

Hon. HILAND HALL,
House of Reps. United States.

OFFICE HOUSE OF REPS. U. S.
December 19, 1837.

SIR: In answer to the letter of the Hon. HILAND HALL, of this date, addressed to you, and which you have referred to me, in which he states that "it appears from the printed journal of the House, of February 11, 1835, the bill regulating the deposite of the money of the United States in certain local banks, being under consideration—that a question was taken on the motion of Mr. ROBERTSON, that the said bill be recommitted to the Committee of Ways and Means, with instructions so to amend the same as to dispense with the agency of banks; and that on the question to recommit with such instructions—the yeas were 91, nays 115," and suggesting that there is some error in the printed journal as he is confident he did not give such a vote, I make the following explanatory stated.

I have referred to the printed journal of the 11th of February, 1835, and find it stated that the House resumed the consideration of the bill mentioned by Mr. HALL, and that the question recurred on the motion by Mr. ROBERTSON on the preceding day, that the bill be recommitted to the Committee of Ways and Means, with the instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the Government, and that the question was put on the motion for the "*recommitment of the bill,*" and was decided as Mr. HALL has stated—yeas 91, nays 115. The entry does not show, as is mentioned in Mr. HALL's letter, that the instructions were involved in the vote, nor was it intended to show it.

I have, also, referred to the short notes or minutes taken by you at the table in the House. From these it appears that immediately previous to the putting the question, Mr. FILLMORE of New York called for a division, so as that the question be put separately on *recommitting*, and on the *instructions.*

Mr. FILLMORE's call for the division is not stated on the printed journal; but then it is distinctly stated that the question was on recommitment: that question failing, the separate question on the instructions could not, consequently, be put.

The only error, if error it is, is in the omission to set forth Mr. FILLMORE's call for the division. This is sometimes done, as the entries themselves commonly show the fact that a question had been divided; in the present case, the question is expressly stated to have been on the *recommitment:* if the question had involved more than the recommitment, the entry would have gone on to have said *with the instructions aforesaid.* If the question on the recommitment had been decided in the affirmative, instead of the negative, the question would then have been, of course, put on the instructions, which would have made it *apparent* that the question had been divided. In writing up the journal, often at a late hour at night, the different views which it seems, now, may be taken of the subject, did not occur to me, and hence, to save what I then deemed superfluous writing, the omission to enter the call for the division of the question. With much respect, sir,

Your obedient servant,
(Signed) S. BURCH.

Col WALTER S. FRANKLIN,
Clerk House of Reps. United States.

Mr. H. did not wish to be understood as intending to cast the slightest imputation on the clerk. He had no doubt whatever that the omission was unintentional; and the explanation of the clerk was perfectly satisfactory. Nor did he wish to be misunderstood in any other particular. In making this explanation of his own vote, he did not mean to intimate an opinion, that if, on the occasion referred to, he had voted to recommit the bill, with the instructions, that it would necessarily follow he was in favor of passing a bill in conformity with the instructions. On the contrary, he knew that it was a legitimate and parliamentary mode of making opposition to a measure, to endeavor to amend it in such manner that it would lose the support of its original friends, and become unsatisfactory to all sides of the House. He might have given such vote, though opposed to a bill of the character specified in the instructions, as the most effectual means of defeating the bill then under consideration. And there were doubtless other grounds on which a vote on a collateral question of this description might be given, without any intention of supporting the bill, when it had assumed its amended form. But he would not dwell on this matter.

Mr. H. said it was not his intention to occupy the time of the House in commenting on the evidence he had introduced to show the falsity of the statement in the Globe. He had shown, he trusted, to the entire satisfaction of the House, that in giving his vote on the 11th of February, 1835, in favor of recommitting a bill to which he was opposed, to the committee which had reported it, the question being, simply, "*shall the bill be recommitted?*" he had not voted, as had been represented in that paper, "in favor of dispensing with the agency of banks in the fiscal operations of the Government;" in fact had not voted at all on that question, and for one of the best reasons in the world, *that no such question had been put.* The object he had in view being thus answered, he would detain the House no longer.

ALABAMA VOLUNTEERS.

Mr. CHAPMAN, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying the late Governor of Alabama and his staff, for the time they were actually engaged in obtaining, organizing, mustering, and marching volunteers, during the year 1836, in consequence of the disturbances with the Creek Indians, and for expenses incurred in that service.

Reports from standing committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG stated that the Committee of Ways and Means had received certain documents from the War Department, in relation to the expenditures of the State of New York, on the Canada frontier, and he moved their reference to the Committee on Military Affairs; which was agreed to.

Mr. CAMBRELENG reported a bill to authorize the issuing of Treasury notes, [not to issue more than $10,000,000, in not more than for $100 each, at not more than 6 per cent. per annum, to be redeemed within two years.]

At the request of Mr. BOND the bill was read at lenth.

Mr. CAMBRELENG stated that it was accompanied by a report, setting forth the necessity of the bill.

Mr. SERGEANT presented a counter report, containing the views of the minority of the Committee of Ways and Means on the Independent Treasury bill. He said it might be proper to state that it had not been submitted to the majority, but had been made in pursuance of an understanding in the committee.

Mr. CAMBRELENG remarked, that as the gentleman's explanation might not be understood, it was proper to state that the minority report had not been seen by a single member of the majority.

Mr. RIVES moved that 10,000 extra copies of the reports of the majority and minority be printed; which was agreed to.

REVOLUTIONARY CLAIMS.

Mr. UNDERWOOD reported a bill for the relief of the legal representatives of Daniel Williams, deceased.

Also, a bill for the relief of the legal representatives of Nathaniel Irish.

INDIAN AFFAIRS.

Mr. PARKER reported a bill for the relief of Joseph Dukes.

REVOLUTIONARY PENSIONS.

Mr. WHITTLESEY of Connecticut reported a bill for the relief of William Ferguson.

Mr. EWING reported a bill for the relief of Jacob Miller.

ROADS AND CANALS.

Mr. MERCER reported a bill to provide for the construction of the Cumberland road through the towns of Louisburg and Salem, in the State of Ohio; which was read twice, and ordered to be engrossed for a third reading to-morrow.

PUBLIC LANDS.

Mr. CHAPMAN reported Senate bill, without amendment, to establish an additional office in the State of Alabama, which Mr. C. moved at first to

postpone till Monday next; but on the CHAIR stating that the bill required commitment, on motion of Mr. C. it was committed to a Committee of the Whole on the state of the Union.

LANDS TO SCHOOLS.

The unfinished business of the morning was then resumed, being the resolution of Mr. JOHNSON of Maryland to grant an equal quantity of land to the old States to that granted to the new, for purposes of education.

Mr. LAWLER, who was entitled to the floor, addressed the House for some time in reply to Mr. JOHNSON; but, without concluding, gave way for the orders of the day.

The SPEAKER laid before the House sundry Executive communications, viz:

1. From the Secretary of War, transmitting a report of the Commissioner of Indian Affairs, accompanied with copies of the contracts made by Gen. Jesup in relation to the removal of Indians.

On motion of Mr. BELL, referred to the Committee on Indian Affairs.

2. From the same, transmitting copies of papers relating to the title of the United States to the Friend ore bank, near Harper's Ferry.

On motion of Mr. MERCER, referred to the committee on the subject of a national foundry.

3. From the same, transmitting a report of the survey for the improvement of the navigation of the Alleghany river.

On motion of Mr. MERCER, referred to the Committee on Roads and Canals.

Mr. SIBLEY moved the printing of three thousand extra copies, which lies over.

4. From the same, transmitting a response to a reselution, calling for a copy of the answer to the letter of General Jesup, dated 20th of December, 1837, in which the Secretary of War states that, as the letter alluded to, contained only a relation of the commanding officer, and an assertion of his individual opinions, it did not, in his opinion, require an answer, and no answer was given.

On motion of Mr. CUSHMAN, laid on the table.

5. From the Secretary of the Treasury, transmitting returns of the cost of erecting and establishing the principal Mint and its branches, including the buildings.

CIVIL LIST BILL.

On motion of Mr. CAMBRELENG, the House took up the "bill making appropriations for the civil and diplomatic expenditures of the Government for the year 1838."

The amendments of the Committee of the Whole, with a few exceptions which will be hereafter noticed, were taken up, and concurred in.

The House then took up the amendment of the committee, increasing the item for the relief and proctection of American seamen in foreign coun tries, $10,000.

Mr. A. H. SHEPPERD made some few remarks, in explanation of his remarks in Committee of the Whole, and showing the manner in which this appropriation was disbursed by the Department, and contrasting it with the manner in which it had been disbursed heretofore.

Mr. HOWARD replied to the gentleman from North Carolina, setting forth the manner in which this fraud was drawn upon, and showing that there was none of it laying in the hands of Government agents unexpended, and went on to exhibit the evil consequences of not making these appropriations in due time. The uncertainty which existed in relation to the payment of these drafts was the main cause of the losses of the Government, and he hoped some arrangement might yet be made by which this fund would never be out.

Mr. ADAMS did not consider that the delay which had taken place on this bill, in consequence of the discussion of this item, would be productive of evil, because by it we had discovered the cause of the required increase of this fund. It was now discovered that it was in consequence of the manner of making remittances abroad that this fund had to be increased, and this being discovered, he hoped a remedy might be applied to meet the case. He believed a new mode of remitting this fund had been adopted, which acted most unfavorably. The new system was for the consuls to draw on the Department of State, without regard to the rates of exchange; and it was in consequence of this that bills had been negotiated at a loss of twenty-five per cent. The old system was to transmit the funds at a time when exchange was most favorable to this country, and this system he (Mr. A.) considered by far the most preferable, and he hoped the Committee on Expenditures of that Department would see to this matter, and endeavor to have it remedied.

Mr. MATHIAS MORRIS stated that, as a member of the Committee on Expenditures of this department, he had made some inquiry in relation to the disbursements of this fund, and had received communications from that department on the subject. He then sent to the Clerk's table the letters he had received from the department, which set forth fully the manner in which this fund was disbursed by that department.

Mr. CAMBRELENG said that the practice now existing was not only according to law, but he would rather have these accounts audited here by the Treasury officers than by our foreign ministers abroad, as they were formerly. He considered the rules established by the Department of State in 1834 the correct and proper rule of action, and if it might have been proper that another course should have been pursued twenty or thirty years ago, it was not proper now. Drafts could now be negotiated on New York as well as they could be on London or Paris, and he could see no objection to the present system pursued by the Department.

Mr. ADAMS reiterated his objections to this new system, and insisted that it was this system had cost the Government the additional appropriation asked for.

Mr. HOWARD dissented from the gentleman from Massachusetts, in relation to the conclusion which the gentleman had come to; and went into a brief explanation of the manner in which the fund was managed by the Department.

After a few remarks by Mr. A. H. SHEPPERD, the amendment of the committee was concurred in.

The House then took up the amendment in relation to the *jet d'eau* and the improvement of the public square around the Capitol.

After a few remarks by Messrs. HOWARD, MERCER, LINCOLN, UNDERWOOD, and HALSTEAD,

Mr. HALSTEAD called for the yeas and nays; which were ordered, and were—yeas 93, nays 56.

So the amendment was agreed to.

The House then took up the amendment of $1,200 for distrbution of the first volume of the Documentary History of the Revolution; which, at the suggestion of Mr. CAMBRELENG, was nonconcurred in.

The House then took up the following amendment:

For the service of the General Post Office for the year eighteen hundred and thirty-eight, in conformity to the act of second July, eighteen hundred and thirty-six, four million six hundred and ninety-four thousand dollars, viz:

For transportation of mails -	$3,400,000
For compensation to postmasters -	935,000
For ship, steamboats, and way letters	31,000
For wrapping paper - -	20,000
For office furniture - -	6,000
For advertising - - -	25,000
For mail bags - - -	40,000
For blanks - - -	36,000
For mail locks and keys and stamps	9,000
For mail depredations and special agents - - - -	12,000
For clerks for offices - -	140,000
For miscellaneous - -	40,000

Mr. WHITTLESEY of Ohio considered that if the item in this amendment of $140,000 for clerks for offices was agreed to, the items in the bill for the clerks and messengers in the Post Office Department ought to be struck out, because there would then, in his opinion, be a double appropriation for this purpose. He took it that it was the intention of the Postmaster General, by asking for this item, to supersede by it the necessity of the other appropriation to which he had alluded; and if this was the case, it would be proper that one of these items should be struck out.

Mr. CAMBRELENG said the gentleman from Ohio was mistaken in the view he had taken of this question. He explained that the Clerks in the Post Office Department in Washington, had always been paid out of the public Treasury, and the item for their pay had always been inserted in this bill, but the Clerks in the Post Offices throughout the country had been paid out of the Post Office fund heretofore, and no notice had ever been taken of it in the bills making appropriations for the expenditures of the Government. It had now, however, in consequence of the law of 1836, which required this fund to be paid into the Treasury, become necessary to make this appropriation in our appropriation bills. This appropriation, as it did formerly, was made from the Post Office fund, but the other appropriation, for the Head of the Department and clerks and messengers, were made out of the common fund of the nation.

Mr. WHITTLESEY did not consider that he was mistaken, and still believed these two appropriations to be for the same purpose, because it never had been the practice at the Post Office Department to keep any account of the salaries of the clerks in the different post offices. The plan pursued was for the different postmasters to pay all the expenses of their offices, for clerks as well as other expenses, out of the money which they collected; and no account was ever kept at the Post Office Department, of the salaries of these clerks; consequently, this appropriation of $140,000 in the amendment could not be for that object, unless the system of doing business in that Department had been changed lately. Perhaps the chairman of the Post Office committee could give some information as to that fact.

Mr. MONTGOMERY said he had no information other than what was contained in the public document lying on the tables of the House. He, however, had always understood that the clerks of the different post offices throughout the country were paid out of the post office fund, and that the clerks of the Department in this city were paid out of the common fund in the Treasury.

Mr. HAYNES said if the gentleman from Ohio would examine the Blue Book, he would find a list of some four hundred clerks in post offices distributed throughout the country; and, at a very moderate compensation, it would require this item of $140,000 to pay them. It would be found, he believed, that these salaries would average considerably less than four hundred dollars; and no one, he thought, could complain of these salaries. It was true we had not been heretofore called on to make this appropriation, and it was very easily accounted for. The House heretofore never made any appropriations for the expenses of the Post Office Department, except the salaries of the Postmaster General, and the clerks in his office in this city—the other expenses of the Department being paid out of the Post Office fund, without it having any connection with the public Treasury. Since the reorganization of that Department, however, it was required that the Post Office fund should be paid into the Treasury, and it being paid in, it was necessary that this appropriation should be made to get it out again.

Mr. WHITTLESEY was still convinced that he was right in relation to this matter, and that the gentleman from New York, and the gentleman from Georgia, were wrong. Taking the Blue Book as a guide, and admitting that there were four hundred clerks to be paid out of this fund, it would show that there was some mistake about it, because it would be entirely too small for that purpose. His opinion was, that the Postmaster General, considering the state of the finance of the country, and of the Post Office Department, had introduced this item for the pay of the clerks in his office with a view of having them paid out of the Post Office fund; and if that was the case, the other appropriations ought to be struck out of the bill.

Mr. HAYNES stated, in reply to the remark of the gentleman from Ohio, in regard to the item of $140,000 being too small to pay the salaries of the four hundred clerks, without having any intercourse with the Department on the subject, that the natural inference in relation to it, was that the Postmaster General might have discovered that

there were more clerks employed by the different postmasters than were necessary, and that he had restricted his estimate, in consequence of this. He knew that a very small compensation would exceed the item, and the only reasonable conclusion he could come to on the subject was that the Postmaster General intended to reduce the number of these clerks, and in consequence of this, had put this item at its present low rate.

Mr. McKAY explained the object of these items, and assured the House that they were entirely separate and distinct, and that both were necessary.

Mr. WHITTLESEY then stated that he would withdraw his objections to the amendment, for the present, and obtain the information he desired from the Post Office Department, between this time and the time when the bill would be placed upon its third reading.

Mr. CAMBRELENG gave notice of an amendment he should move to-morrow to this amendment, providing for the manner in which the money should be paid, viz: out of the receipts of the Post Office Department; which, on his motion, was ordered to be printed.

Mr. UNDERWOOD gave notice of an amendment for the reduction of salaries to the officers of the General Government, to the amount of salary paid to the Chief Justice of the States in which such officers are employed, and asked the CHAIR if it would be in order.

The CHAIR replied in the negative.

Several gentlemen rose to give notice of amendments, but, before they were submitted,

On motion,

The House adjourned.

IN SENATE,

FRIDAY, March 23, 1838.

Mr. McKEAN presented a memorial from the Pennsylvania State Temperance Society, praying Congress to repeal the law which allows daily rations in spiritous liquors to seamen in the Navy: referred to the Committee on Naval Affairs. Mr. McK. presented two petition of similar tenure from citizens of Pennsylvania, on the subject of a National Foundry: referred to the Committee on Military Affairs. Also, a petition from 128 women of Bradford, Luzerne, and McKean counties, a petition from 98 women of Bucks county, and a petition from 116 women of Columbia county, Pennsylvania, praying Congress immediately to abolish slavery in the District of Columbia.

Mr. TROTTER presented the petition of the Trustees of Sharon College, Mississippi, asking for a grant of a section of land: referred to the Committee on Public Lands.

Mr. ROANE presented the petition of a number of citizens of Richmond, Virginia, praying an examination of that place in reference to the selection of a site for a national foundry: referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUCHANAN presented the memorial of 24 citizens of Lancaster county, Pennsylvania, against the practice of duelling, and asking Congress to pass a law preventing any person who shall be engaged in a duel from holding any office of trust, honor, or profit, under the United States: laid on the table.

Mr. B. also presented the memorial of John P. Van Ness, President of the Metropolis Bank, stating that there had been some mistake in the correspondence transmitted to the Senate that had taken place between that bank and certain of the public departments, and asking for its correction: the memorial and documents were laid on the table, and ordered to be printed.

Messrs. SWIFT and PRENTISS presented several petitions praying for the abolition of slavery and the slave trade in the District of Columbia; the question of the reception of which were severally laid on the table.

On motion of Mr. GRUNDY, the bill to restore circuit jurisdiction to the District Court of the United States for the Western District of Virginia, was taken up, and after being amended, it was ordered to be engrossed for a third reading.

The bill for the relief of the heirs of Joseph Nieburt, deceased; and

The joint resolution directing the expenditure of an appropriation heretofore made for the removal of the troops from Fort Gibson; were severally read the third time, and passed.

Mr. TIPTON submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of compensating Hiram H. Lewis and William T. Lewis, for horses lost by them while in the military service of the United States.

On motion of Mr. KING, the Senate took up the bill for the relief of James J. Patterson; which was read, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The report from the Committee on Revolutionary Claims unfavorable to the petition of Philip Johnson, was considered and concurred in.

The following bills were severally taken up, and considered as in Committee of the Whole, and ordered to a third reading:

The bill granting pensions to certain widows;

The bill for the relief of Sutton Stephens; and

The bill for the relief of Ann S. Heileman.

The bill for the improvement of the river Wabash being taken up,

Mr. KING said that this bill should have been referred to the Committee on Commerce, which committee was supposed to have charge of the subjects alluded to, yet now it was reported from a different committee, and brought to the consideration of the Senate before proper time was had for giving it mature consideration. He asked, if Senators were pressed to act on such a subject, how far they were disposed to go, how much to spend in improvement of rivers and roads? He would really like to have some explanation of the business.

Mr. HUBBARD thought it extraordinary that this bill should be introduced; and, as it would be necessary to get rid of it at once, he should move to lay it on the table; on which question he would ask the yeas and nays.

Mr. LINN thought it would be better to refer the matter to the Committee on Commerce, where it would have an opportunity of undergoing ample investigation. He had not looked into the merits of the present bill; yet he expressed his intention of voting generally in favor of such measures,

Mr. HUBBARD said he had no objection to that course. He could hardly suppose it possible that he Committee on Commerce would ever report such a bill. He had examined its provisions, and never knew a bill so general in its nature. Mr. H. expressed himself perfectly contented that it should go to the committee named; but it could never receive his vote under any circumstances.

Mr. SMITH of Indiana hoped that the Senate would not be prejudiced against the bill, by the remarks of the Senator last up. The subject was one of great importance, in many points of view, which he should endeavor to show, when the proper time arrived.

Mr. TIPTON said in reply to the inquiry made by the Senator from Alabama, [Mr. KING,] that the bill to improve the navigation of the Wabash, was introduced early in the session, and referred to the Committee on Roads and Canals. This bill is not new to the Senate; it has been frequently before this body, and always referred to the Committee on Roads and Canals; that committee had reported the bill to the Senate, before the propositions for improving the navigation of White and Black rivers in Missouri and Arkansas was discussed, and referred to the Committee on Commerce. The Senator from New Hampshire, [Mr. HUBBARD,] seemed to think it extrarodinary that this bill is introduced here; the honorable member would now, by a moment's reflection, recollect that a similar bill passed in 1832; and in 1834, a bill of which the one now before us is a copy, passed the Senate, and the House of Representatives, of which latter House he was then a member. It has been the constant practice of Congress to appropriate money to improve rivers. The claims of the Hudson river, Savannah river, Cumberland river, Red river, Arkansas, Monongahela, and many other rivers of less importance than the Wabash, have been favorably reported on by the Committee on Commerce, and millions appropriated from the public Treasury to improve them. The States of Indiana and Illinois, between which this river is the line, at the point where this improvement is to be made, have organized a board of public works, and have commenced improving the Wabash; and he [Mr. T.] would propose to amend the bill, by authorizing the expenditure of the money under the authority of these States. The Wabash was the largest tributary of the Ohio, with a soil unsurpassed in point of fertility, with a population of more than half a million of people interested in its navigation. These people have a right to expect the General Government to aid in this work. He appealed not to the liberality, but to the justice of the Senate to pass the bill.

Mr. HUBBARD said such might have been the fact in relation to this bill being a copy of one which passed the Senate and House in 1834, but he was perfectly satisfied that it had never received his sanction, nor did he believe that of his colleague.

The bill was referred to the Committee on Commerce.

The Senate then resumed the consideration of the Independent Treasury Bill, when Mr. WALL addressed the Senate at great length in support of the bill.

After which

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 24, 1838.

Mr. WILLIAMS of North Carolina, on leave, presented a petition for a private claim.

Mr. McKAY, from the Committee on Military Affairs, made unfavorable reports on the petitions of Britton Evans and Captain D. Rogers.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported adversely on the petitions of Jonathan Fair, Amos Allen, and Rebecca Mills; which reports were ordered to lie on the table.

On motion of Mr. MORGAN, the petitions of John Snow and T. W. Norman were referred to the same Committee of the Whole to which general bill No. 176 was referred, it being a bill which includes their case.

Mr. PATTON, from the Committee on the Library, reported a bill to provide for the employment of an agent of the Library Committee.

Mr. PATTON, from the same committee, reported the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to subscribe for ten numbers of "Niles's Register" for each member of the House, to be delivered once a week: *Provided*, the editor of said Register will agree to publish in, or as part of, said work, at least once a week, under the direction of the Clerk of the House of Representatives, the journals of both Houses of Congress, with the yeas and nays on all questions: *Provided further*, that the editor of said Register will also agree to publish, at the end of every session of Congress, under the direction of the said officer of the House, a supplement to said work, containing all the laws passed thereat, and treaties ratified by the Senate, to which shall be prefixed a copious index, to be approved of by said officer, and furnish one copy thereof, free of charge, to each member of Congress for the time being.

Mr. PATTON said it was a matter of some consequence that this resolution should be adopted as soon as possible, though he had no objection to a brief postponement, if any gentleman desired it.

Mr. McKAY hoped the resolution would be permitted to lie over, for he was opposed to it, and hoped it would not be adopted.

Mr. MERCER moved a reconsideration of the vote of yesterday, by which the documents in relation to the title of the United States to Friends Ore Bank was referred to the Select Committee on a National Foundry; which was agreed to, and Mr. M. moved its reference to the Judiciary.

Mr. McCLURE moved its reference to the Committee on the National Foundry.

These motions were briefly discussed by Messrs. McCLURE, THOMAS, JOHNSON of Maryland, MERCER, POPE, and HOWARD.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, APRIL 2, 1838. VOLUME 6.....No. 17.

BY BLAIR & RIVES. —WEEKLY— PRICE $1 PER SESSION.

(Continued from No. 16.)

The motion to commit to the Judiciary Committee was agreed to without a division.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting the report and estimates of Lieut. Stockton, superintendent of the harbor at Michigan City, Indiana, and the same of the harbor of St. Josephs, Michigan.

On motion of Mr. WHITE of Indiana, referred to the same Committee of the Whole having charge of the harbor bill.

The SPEAKER, also, laid before the House another communication from the Secretary of War, transmitting a report of the Acting Quartermaster General, accompanied with sundy documents, respecting the measures taken to carry into effect the act of July, 1836, authorizing the laying out a military road on the western frontier, and the erection of military posts thereon.

On motion of Mr. HARRISON of Missouri, laid on the table.

CIVIL LIST BILL.

Mr. CAMBRELENG then asked the consent of the House to proceed with the appropriation bill.

Mr. GARLAND of Louisiana, objected; and gave as a reason the importance of acting on some of the five or six hundred bills on the private calendar.

Mr. CAMBRELENG thereupon moved a suspension of the rule; which was agreed to, 94 to 39.

So the House resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government for the year 1838," the question being on concurring with the Committee of the Whole in their amendments.

The amendment under consideration was the following clause for appropriations for the service of the Post Office Department for the current year:

For transportation of mai -	$3,400,000
For compensation of postmasters -	935,000
For ship, steamboat, and way letters -	31,000
For wrapping paper - - -	20,000
For office furniture - - -	6,000
For advertising - - -	25,000
For mail bags - - - -	40,000
For blanks - - - -	36,000
For mail locks and keys and stamps -	9,000
For mail depredations and special agents	12,000
For clerks for offices - - -	140,000
For miscellaneous - - -	40,000

Mr. CAMBRELENG moved the following in lieu of the above:

"For transportation of mails, compensation of postmasters, ship, steamboat, and way letters, wrapping paper, office furniture, advertising, mail bags, blanks, mail locks, keys and stamps; mail depredations and special agents, clerks for offices, and miscellaneous expenses, making, according to the estimates of the Department for each branch of these expenditures, an aggregate of four million six hundred and ninety-four thousand dollars; to be paid out of the receipts of the Post Office Department, and charged to that fund, as provided by the third section of the act aforesaid."

Mr. ADAMS opposed the amendment, because he objected to the specification being stricken out. He would not ask the chairman of the Committee of Ways and Means to assign a reason for this, because it was understood to be by order of the Postmaster General, and that, he supposed, was sufficient. Mr. A. argued for some time in support of specifying, as the only mode to secure accountability.

Mr. WHITTLESEY of Ohio stated that he had mad the inquiry which he had given notice of yesterday, and was now satisfied that the two items he had alluded to ought to be retained in the bill. With regard to the question now before the House, he thought it proper that these appropriations should be specific. Formerly the Postmaster General was accountable for all the expenditures of that Department; but this was found to be an evil, and Congress had determined to take this power from the head of that Department, and have the Post Office fund placed in the Treasury, and then appropriate it as all other appropriations were made. Well, other appropriations were specific, and why was it that this appropriation should not be specific? If this was not done, the act of 1836 was nugatory and of no effect, as it made the head of that Department no more accountable than he was before it was enacted; and if it was not necessary that this appropriation should be specific, it was not necessary that any other appropriation should be specific. His understanding of the act of 1836 was that the Postmaster General should send in his report and estimates, which might be needed for each service in his Department for the coming year, and these should be made the basis of the appropriation in the bill, each item being there specified.

Mr. CAMBRELENG stated that this item of amendment was in strict pursuance of the act of 1836. He was as much in favor of specific appropriations as the gentleman from Massachusetts or the gentleman from Ohio, but he considered it singular that in this instance the gentleman from Massachusetts had made such objections to this amendment on the ground of its not being specific, when the whole fund of this department, from the year 1789 to 1836, was at the discretion of the Postmaster General, and could not be affected or controlled by the appropriations of Congress.

During the gentleman's own administration of the affairs of the Government, there had been some twelve or fifteen millions of dollars expended by the Postmaster General without there being any control over it by Congress. He, with the Postmaster General, considered that there was no use in specific appropriations, if the Executive Department could transfer them from one service to another; and this had been done during the Administration of the gentleman from Massachusetts, not only with law, but without it; and it was this very individual whom the gentleman now thought proper to speak of with some severity, while Fourth Auditor, who had discovered and exposed this practice. He was as willing that appropriations should be specific as possible, but it was impossible to make these appropriations specific, because there was no telling what each service would cost a year before hand. In the army the salary of every officer was fixed, and consequently it was very easy to make these appropriations specific to the dollar, but this was not the case in the Post Office. No one could tell precisely what the transportation of the mails would cost, and consequently it was impossible to make specific appropriations for this service.

Mr. TILLINGHAST went into an examination of the law of 1836, and the report of the Postmaster General, with a view of showing that that officer was mistaken in saying that this appropriation is gross.

Mr. EWING of Indiana, contended that, by the construction of this amendment, it made an appropriation of $55,000,000 instead of $5,000,000, and moved to strike out the words "for each branch of these expenditures," but the motion was ruled to be out of order.

Mr. REED contended that these appropriations ought to be specific, as this was the only way in which the power of the Postmaster General, which was, in his opinion, by far too great, could be limited.

Mr. RICE GARLAND went into an argument of some length, to show that the act of 1836 required that this appropriation should be specific, and thought it most singular that such a construction should be put upon this act of 1836 as was put upon it by the gentleman from New York and the Postmaster General. He contended that no great inconvenience could result from specific appropriations.

Mr. CONNOR called the attention of the House to the appropriation bill of 1836, immediately after the law passed to place this fund in the Treasury, which made an appropriation in gross of upwards of three millions of dollars, for the expenses of the Post Office Department. This was the construction of the House in relation to this matter, immediately after the passage of the law of 1836. He contended that it was impossible to make this appropriation specific, while appropriations for the other branches of the public service might be specific. Take the item of blanks, and it was impossible to say how many would be needed. Next take the case of the mails, and how was it possible that an appropriation specific for this purpose with any accuracy? They were continually changing, and the expense of them was continually increasing; therefore it was impossible to arrive at accuracy. The Postmaster General was invested with extraordinary power by law, from the necessity of the case. This was discovered to be necessary at an early day, and why was it now that his power should be limited? He considered that some discretion was necessary in relation to this officer, and he trusted the House would not so limit him as to make him incapable of performing his duties in such manner as to be most satisfactory to the whole country.

Mr. UNDERWOOD believed that this was the first time which the attention of the House had been brought to this subject, and it now having been brought to it, in his opinion, it was proper that this appropriation should be made in the same manner in which all other appropriations were made. There was no more reason why this appropriation should not be specific than there was that other appriations should not be, and he trusted the House would adhere to its former practice, and make this appropriation like all others, as this was, in his opinion, the safest and the best mode of proceeding.

Mr. MONTGOMERY referred to the ac of 1836, and stated that, in his opinion, all it required was for the Postmaster General to send in an estimate of the amount which it was expected would be required for the use of his office. Well, this had been done; but why should these specific items be inserted in the appropriation bill? If they were, and one of these appropriations should not be half enough for the service to be performed, what was the consequence? He will not transfer any other appropriation to this service, and the service will be reduced one-half. This might operate very injuriously to some parts of the service of the Department. But if the appropriation was made in gross, he might apply any part of the fund to a service, and keep up that which would be most advantageous to the country. He was at a loss to know why it was that gentleman were so fearful to trust the head of the Post Office Department with the power he had heretofore always exercised. If they had any fear that the expenditures of that Department were not properly made, let them direct the Committee on the Expenditures of that Department, to make an examination into the matter, and lay it before the House. He was perfectly willing that this should be done, but he hoped that officer would not be censured until some evidence of misconduct was discovered. The whole affairs of that Department had, in his opinion, been well managed by the present incumbent, therefore he was opposed to binding him down in the manner in which this specific amendment would bind him down.

Mr. BELL wished to know of the chairman of the Post Office Committee what proportion of the funds of the Post Office Department had *actually* been paid into the Treasury of the United States.

Mr. MONTGOMERY said there was no document yet on the table which would give this information; a document, however, was expected shortly, which would give it. He himself could not say what was the proportion; but he referred the gentleman from Tennessee to the manner in which the money was placed in the Treasury; and he doubted not he could have all the information which he desired.

Mr. BELL considered that this matter of placing this fund in the Treasury was a mere sham, and that in fact a very small proportion of the money of that Department was ever placed there.

Mr. WHITTLESEY of Ohio said, if the gentleman from Tennessee would refer to the report of the Postmaster General accompanying the President's Message, he would there find how this money was placed in the Treasury, and he would there see that a very small proportion of it ever went there. In consequence of the great difficulty and expense of having the funds of that Department transported to Washington, and placed in the Treasury, and then sent to the places where they were needed, a system was adopted of keeping the money in the hands of postmasters and of banks until it was needed, and then paying it out from those banks; and this was, perhaps, the best system which could be adopted. But he found one objection to the manner in which the Postmaster General kept this money, and that was this: that where he had a surplus fund, he ought to place that amount of money in bank to the credit of the Treasurer of the United States, instead of keeping it to his own credit, as was the case now. It appeared, from the report of that officer, that, at the end of the year, he had some hundreds of thousands of dollars of a surplus, and that money was in banks to his credit, and in the hands of postmasters; whereas, in his opinion, it ought to be placed in banks to the credit of the Treasurer of the United States. This thing he looked upon as an evil, and hoped it might be remedied.

Mr. CONNOR said we had heard a great deal about this money never being placed in the Treasury, and perhaps the cause of it was that we never had any Treasury to put it in. He trusted, however, that we would shortly have such a Treasury. But the money of the Post Office Department was placed in the Treasury just in the same manner that all other money of the Government was put in the Treasury. All the funds have in fact to pass through the Treasury of the United States, because the Postmaster General does not draw a single draft for five dollars but by sending it to the Treasury Department, and having the signature of the Treasurer thereto. This was the manner in which the money passed through the Treasury, and this was the only way that it could be managed without the greatest inconvenience and loss. He trusted, therefore, it would not hereafter be said that this money never went into the Treasury, when it went there in the very manner provided for by the law of 1836.

Mr. HAYNES said it was due to the honorable gentleman from Ohio, [Mr. WHITTLESEY,] and to himself, as well as to the Postmaster General, to explain a remark made by him yesterday in reference to the compensation to clerks in the post offices throughout the United States. Called somewhat unexpectedly into the discussion, he had then said that he thought it probable that, in consequence of the passage of the act of July, 1836, reorganizing the Post Office Department, it might have happened, that in preparing the detailed estimate of appropriation for the service of the year to commence on the first of July next, the Postmaster General had discovered that clerks had been employed in offices not entitled to them. He had since looked into the matter, and ascertained that there were but about fifty post offices, he believed the precise number was fifty-one, at which clerks had been employed, and he believed they were all such as, by the amount of compensation to the postmasters, allowed the employment of clerks. He had a rough estimate of the aggregate amount which had been disbursed within the last post office year among all the clerks in the fifty-one offices, and found it to be a gross sum of about $175,000; so that the appropriation proposed in the bill would reduce the expenditure in this branch of the service about thirty-five thousand dollars.

He said he would now proceed to the subject immediately before the House. When it is considered that the thoughts and feelings of men are as diversified as their features, it cannot be a cause of surprise that we have heard such a variety of interpretations of the act of July, 1836, for the reorganization of the Post Office Department. By applying the well-known rule of construction to that act, the rule which requires such an interpretation of a statute as shall give effect and operation to all its parts, he did not think it would be difficult to reconcile the contrariety of opinions which had been expressed upon the meaning of that act. By the first section, all moneys arising from collections under the administration of the Post Office Department, are required to be placed in the Treasury of the United States. By the second section, it is provided that disbursements shall be made under the specific heads embraced in the amendment now under consideration.

By the third section it is required "that the aggregate sum required for the service of the Post Office Department," in each year, shall be appropriated out of the revenue of the Department, and that all payments of the receipts into the Treasury, shall be to the credit of the said appropriation.

The obvious import of this section is, that the appropriation for the service of the Post Office Department shall be made in an "aggregate sum," and that the Treasury shall open a single account with it as such, as has been well said by the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] By any other construction of the act of July, 1836, already referred to, the third section would be entirely ineffective and nugatory, when to the Treasury Department it is direct and imperative in its plainest intent and meaning. The opposite construction of the act referred to must have been erroneously drawn from those portions of the second and twenty-third sections, requiring the Postmaster General to make to Congress an annual report "of the amounts actually expended" under the specific heads therein set forth.

It must be obvious, that upon a fair comparison, neither the second nor twenty-third section conflicts in any respect with the provisions of the third, and that they are entirely consistent with the view which he had presented.

In the discussion upon the amendment now under consideration, it had been treated as a proposition to make a gross appropriation without any specification whatever. This is not so, for as much as it specifies every head of disbursement authorized by the act of July, 1836.

It is, therefore, a specific proposition, but not specific as the amendment adopted by the Committee of the Whole on the State of the Union, as it does not set apart and define the precise sum to be expended under each separate head. But how could the appropriation be made more specific, without endangering the operations of a Department so subject to constant change and extension as the Post Office Department is so well known to be, in all its branches of expenditure?

This inconvenience and embarrassment can only be prevented, by entrusting the head of that Department with an extent of discretionary power, which it would be manifestly improper to confide to any other department of the Government.

It may well be a question in what mode such discretionary power may be most safely, and, at the same time, most conveniently, confided. In the amendment under consideration, not only is the act of 1836 complied with, but the necessary discretion conferred in a manner most consistent with the operations of the department. The appropriation might be made with the specifications contained in the original amendment, coupled with an aggregate sum for contingencies, according as the expenditure under either specification may overrun the sum specially appropriated; or authority might be conferred on the Postmaster General to make transfers from one head of appropriation to another, as the exigencies of the public service may require; but either mode would confer upon that officer an equal measure of discretion. But as the mode proposed in the amendment was, in his opinion, the most convenient, and, at the same time, in strict conformity to the provisions of the act of 1836, it had his decided preference. He was sure that all the advantage to be expected from the most specific form of appropriation which could be devised, would be secured by that requirement of the act of 1836, which makes it the duty of the Postmaster General to give an annual account of his disbursements under each head specified in that act.

Mr. ROBERTSON wished the chairman of the Committee of Ways and Means to furnish the House with the specifications of the item for contingent or miscellanous expenditures, because, if that gentlemen could not do so, Mr. R. should move to strike it out.

Mr. CAMBRELENG replied that the gentleman himself must be aware, that when the Departments estimated for contingencies, it was because they could not specify the items; and if they could not, how could it be expected that the Committee of Ways and Means could do so?

To meet the objection of the gentleman from Indiana. Mr. C. modified his amendment, by striking from it the word "each."

Mr. ROBERTSON said then, as the gentleman could furnish no explanation, he moved to strike out the item for miscellaneous expenses.

The CHAIR stated that the amendment was not then in order.

Mr. HARLAN drew the attention of the gentleman to the fact that eight more clerks were employed in the Post Office Department, than were authorized by the law of 1836.

Mr. ROBERTSON did not know whether that extra clerk hire covered this miscellaneous item or not.

Mr. McKAY referred to a subsequent law, passed last session, authorizing the appointment of an additional number of clerks for the office of the Auditor, and that of the Postmaster General. Mr. McK. was as anxious as any other gentleman to make the appropriations for this Department specific, if the same authority to make transfers, from one head of expenditures to another, that was possessed by the Heads of the other Departments; but this was expressly prohibited, or not given, by the law of 1836.

Mr. ADAMS called for the yeas and nays on Mr. CAMBRELENG'S amendment; which were ordered, and were—yeas 64, nays 66.

So the amendment was rejected; and the question recurring on the amendment of the Committee of the Whole,

Mr. ROBERTSON moved to strike out the item for miscellaneous expenses: lost.

The original amendment was then concurred in.

Mr. CAMBRELENG then rose and expressed a hope that the House would order this bill to be engrossed to night, and, as the Committee of Ways and Means would, it being the long session, report a supplementary bill, gentlemen who had amendments to offer he hoped would defer doing so till that bill came up.

Mr. RARIDEN then moved to recommit the bill to a Committee of the Whole on the state of the Union, with instructions to increase the appropriation for the contingent expenses of the House from $225,000 to $273,960, [so as to embrace the books distributed to the members.]

On taking the question, it resulted as follows: ayes 61, noes 58—no quorum.

Mr. CAMBRELENG said as this motion, if it prevailed, would postpone the bill for two months, it was desirable to have a full House; and he therefore moved a call of the House.

Mr. BRONSON inquired what the gentleman meant by saying the bill would be postponed for two months, if this amendment should be adopted?

Mr. CAMBRELENG replied, because the Senate never had concurred in that amendment; and, in all probability, never would.

The motion for a call of the House was disagreed to.

Mr. BOND then asked for the yeas and nays on Mr. RARIDEN'S motion; which were ordered.

Mr. CAMBRELENG said, as this was a question involving the delay of this important bill, he moved the House adjourn, but withdrew it at the request of Mr. BELL, who, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury report to this House, at as early a day as may be found practicable, the amount of Treasury notes issued under the authority of the act of the last session of Congress, and the amount of the same which has been received in payment of the public

dues up to this time; also the amount of moneys received on account of the customs, and the public lands, during the last quarter of the year 1837, and during the first quarter of the present year, so far as the quarterly returns, or other information in possession of the Department, may show; also, what amount of moneys, of every description, available for the public service, now in the Treasury, or in the hands of receivers, liable to draft, and at what points deposited.

Mr. BELL then renewed the motion to adjourn, and, it prevailing,

The House adjourned.

IN SENATE,

SATURDAY, March 24, 1838.

Mr. RUGGLES presented the petition of sundry inhabitants of Maine, relating to the improvement of Penobscot Bay: referred to the Committee on Commerce.

Mr. MERRICK presented the memorial of a citizen of Baltimore, praying the patronage of Congress for an improved steam engine which is not liable to explosion; which, on motion of Mr. M. was referred to a select committee of five, to be appointed by the CHAIR.

The following bills were severally read the third time and passed:

The bill for the relief of Ann S. Heileman;

The bill granting half pay and pensions to certain widows; and

The bill for the relief of James J. Patterson.

The report of the Committee of Commerce unfavorable to the petition of the executor of J. Williams, was considered and concurred in.

The bill for the relief of Sutton Stephen was taken up, and after some remarks from Messrs. CLAY of Alabama, and WHITE, was, on the motion of the latter, laid on the table.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Obed P. Lacy, of Michigan;

The bill for the relief of the legal representatives of Thos. W. Bacot, of Charleston, South Carolina;

The bill for the relief of Daniel Davis; and

The bill for the relief of Hannah Budlong.

The bill for the relief of William Baily, survivor of Baily and Long; and

The bill for the relief of Bolitha Laws, were severally taken up on their second readings, and, on motion of Mr. HUBBARD, indefinitely postponed.

INDEPENDENT TREASURY BILL.

The Senate then resumed the consideration of the Independent Treasury bill; and after a debate in which Messrs. SOUTHARD, WALL, TIPTON, and CLAY took part,

Mr. KING moved to amend the 23d section of the bill, (gradually prohibiting the Government from receiving banks notes at all,) by placing the beginning of this gradual process in 1839, instead of 1838, simply delaying the process one year.

This amendment was carried by the following vote:

YEAS—Messrs. Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Fulton, Gundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Strange, Swift, Tallmadge, Tipton, Trotter, Walker, Wall, White, Williams, Wright, and Young—42.

NAYS—Messrs. Allen, Bayard, Benton, Crittenden, Davis, Morris, Smith of Connecticut, Spence, and Webster—9.

The question was then taken on Mr. CUTHBERT'S motion to strike out the 23d section, and it was carried—yeas 31, nays 21, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, McKean, Merrick, Morris, Nicholas, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Wall, Webster, White, and Williams—31.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Roane, Smith of Connecticut, Strange, Trotter, Walker, Wright, and Young—21.

Mr. TIPTON then offered the following, as an amendment, to come in as the 23d section:

And be it further enacted, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, upon the sales of public lands or otherwise, to be collected and paid in the legal currency of the United States, or in Treasury notes, as by law provided and declared, or in notes of banks which are payable, and paid on demand, in the said legal currency of the United States. No such duties, taxes, or sums of money accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or in Treasury notes, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States.

After a debate, in which the amendment was supported by Messrs. TIPTON and RIVES, and opposed by Messrs. BUCHANAN, SEVIER, BENTON, and WALKER, the question was taken on Mr. TIPTON'S motion, and it was rejected—yeas 22, nays 30, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—22.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—30.

Mr. WEBSTER then submitted an amendment in lieu of the 23d section, which was stricken out, providing that it shall not be lawful for the Secretary of the Treasury to make, or continue in force, any general order which shall make any difference as to the money or medium of payment in which the debts or dues to the Government, accruing in either branch of the revenue, may be paid or discharged.

After some remarks from Messrs. BENTON, CALHOUN, WEBSTER, WALKER, and KING,

Mr. BENTON moved to amend the amendment of Mr. WEBSTER, by adding the following:

"Nor shall there be any difference as to the credit or time of payment which shall be allowed between the sales of public lands and the payment of duties on imports, or in the kind of security which shall be required."

After some remarks from Messrs. BENTON, KING, and BUCHANAN,

Mr. YOUNG suggested a modification of Mr. BENTON'S motion, which was accepted by the latter, as follows:

"Provided that the amount receivable in payment of the customs, and all other public dues, shall be paid in cash, as in the case of the sales of the public lands."

After some remarks from Messrs. BENTON, WALKER, BUCHANAN, and DAVIS,

The question was taken on Mr. BENTON'S motion as modified by Mr. YOUNG, and it was rejected—yeas 8, nays 43, as follows:

YEAS—Messrs. Benton, Linn, Morris, Niles, Norvell, Pierce, Smith of Conn. and Young—8.

NAYS—Messrs. Allen, Bayard, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Tipton, Trotter, Walker, Wall, Webster, White, Williams, and Wright—43.

The question was next taken on Mr. WEBSTER'S motion, and it was carried—yeas 37, nays 14, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Fulton, Grundy, King, Knight, Lyon, McKean, Merrick, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Walker, White, Williams, and Young—37.

NAYS—Messrs. Allen, Benton, Calhoun, Cuthbert, Hubbard, Linn, Lumpkin, Morris, Niles, Pierce, Smith of Connecticut, Strange, Wall, and Wright—14.

After some remarks from Mr. CALHOUN, the question was taken on ordering the bill to be engrossed, as amended, for a third reading, and it was decided in the affirmative—yeas 27, nays 25, as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—27.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay of Ky. Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—25.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, March 26, 1838.

Petitions and memorials being the business of the day, were called for in the order of Territories and States, and were presented as follows, viz: from

WISCONSIN.

Mr. JONES.

[Mr. JONES presented petitions praying for the construction of a harbor at Milwaukie, Wis. Ter. for the passage of a pre-emption law to occupants of the public lands; for a grant of land to improve the navigation of Fox river; for a mail route. A petition praying a grant of land for the use of the Philandrian college, in Wisconsin Territory. A petition praying for the establishment of a post route. A petition praying for a grant of land to improve the Fox river. A resolution of the citizens of the town of Dubuque, on the subject of the establishment of certain post routes in Wisconsin Territory.]

FLORIDA.

Mr. DOWNING.

MICHIGAN.

Mr. CRARY.

[Mr. CRARY presented a joint resolution of the Legislature of Michigan, for a donation of land for the construction of a ship canal around the falls of St. Mary; with a survey of the same, by John Almy, esq. Also, certain papers in relation to the harbor at the mouth of the Clinton river and the mouth of the St. Clair river.]

ILLINOIS.

Messrs. SNYDER and CASEY.

[Mr. SNYDER presented the petitions of Isaac Miller and Philip Catner, of Union county, Ill. praying Congress to authorize them to relocate two tracts of land entered by mistake.]

[Mr. CASEY presented a claim in favor of John F. Draper, postmaster at Salem, Ill. stating that the mail arrives and departs at that place sixty times per week, and that his compensation as postmaster amounts to nine dollars per quarter, and asks a reasonable compensation for his services: referred to the Committee on the Post Office and Post Roads.]

OHIO.

Messrs. MORRIS, WHITTLESEY, HARPER, BOND, WEBSTER, KILGORE, LEADBETTER, and GOODE.

[Mr. WEBSTER presented the petition of the trustees of Oxford township, praying Congress to grant the township a section for the support of common schools, in lieu of section sixteen, granted by Congress to Miami University.]

[Mr. HARPER presented the petition of the Rev. Wm. H. Beecher, and 125 other citizens of the county of Muskingum, Ohio, in relation to the late duel.]

TENNESSEE.

Messrs. Speaker POLK, STONE, C. H. WILLIAMS, CAMPBELL and TURNEY.

GEORGIA.

Mr. DAWSON.

VIRGINIA.

Messrs. MASON, JOHNSON, MORGAN, STEWART, DROMGOOLE, ROBERTSON, HOPKINS and MERCER.

[Mr. JOHNSON presented a petition from sundry citizens of Wood and Lewis counties, Virginia, praying for the establishment of a post route.]

MARYLAND.

Messrs. WORTHINGTON and HOWARD.

DELAWARE.

Mr. MILLIGAN.

PENNSYLVANIA.

Messrs. McCLURE, KEIM, PLUMER, HENRY, WAGENER, NAYLOR, MATTHIAS MORRIS, SERGEANT, SHEFFER, TOLAND, POTTER, and HAMMOND.

[Mr. KEIM presented a petition of sundry citizens of Litiz, Lancaster county, Pa. praying an investigation into the cause of the late duel; which, on motion, was referred to the select committee on that subject.]

[Mr. HENRY presented the petition of 122 citizens of Beaver and Mercer counties, Pa. praying for an investigation into the matter of the late duel that resulted in the death of the Hon. J. H. CILLEY, and that measures may be taken to prevent the murderous practice of duelling in future; and, on motion, it was referred to the special committee on that subject. Also, a petition of 56 citizens of Mercer county, on the same subject: referred to the same committee. Also, the petition of the heirs of Hugh Mearns, deceased, who was an ensign in the Pennsylvania line in the Revolutionary war, praying for commutation under the resolves of Congress: on motion, referred to the Committee on Revolutionary Claims.]

[Mr. HAMMOND presented a petition in favor of the establishment of a mail route from Caledonia, in Clearfield county, Pa. through part of Lycoming county, to Coudersport, in Potter county: referred to the Committee on the Post Office and Post Roads. Also, the petition of Elizabeth Weitzel, of Sunbury, Pa. widow of John Weitzel, deceased, for aid on account of services rendered during the Revolutionary war: referred to the Committee of Revolutionary Claims. Also, the proceedings of a meeting, and a memorial from citizens of Lewisburg, Pa. on the subject of the late duel: referred to the select committee on that subject]

[Mr. MATHIAS MORRIS presented the petition of Caleb Clothier and 33 others, citizens of the city and county of Phiadelphia, asking Congress not to admit any new State into the Union, whose constitution tolerates slavery.]

[Mr. SHEFFER presented the memorial of James Wilson, and one hundred and one other citizens of Franklin county, Pennsylvania, praying for an investigation of the late duel which resulted in the death of the Hon. JONATHAN CILLEY, late a member of the House of Representatives, and that efficient means may be adopted to put a stop in future to such a murderous practice; which, on motion of Mr. SHEFFER, was referred to the select committee to which that subject is referred.]

[Mr. McCLURE presented the memorial of a number of citizens, inhabitants of Ickesburg, in the county of Perry, Pennsylvania, praying Congress to investigate the late duel, and adopt such measures relative to those concerned in it as the offended dignity of the country demands: referred to the select committee on that subject. Also, certain documents relative to a post route from Mexico to Waterford, in Juniata county, Pennsylvania: referred to the Committee on the Post Office and Post Roads. Also, moved the reference to the Committee on Revolutionary Claims of the petition and documents of John Smith, a soldier of the Revolution; which was agreed to.]

[Mr. POTTER presented the following memorials and petitions: Memorials of the citizens of Hollidaysburg, on the subject of the sclection of a site for the national foundry. Also, memorials on the subject of prohibiting duelling in the District of Columbia. Also, several petitions from citizens of Huntingdon co., against the annexation of Texas. Also, the memorial of John Hasson, and 152 others, citizens of Centre county, for a law to prohibit duelling within the District of Columbia: referred to the select committee on the subject.]

NEW JERSEY.

Messrs. HALSTEAD, RANDOLPH, STRATTON, and AYCRIGG.

NEW YORK.

Messrs. CAMBRELENG, GRANT, BIRDSALL, DE GRAFF, RUSSELL, PRENTISS, SPENCER, FILLMORE, MARVIN, BRODHEAD, MITCHELL, BICKNELL, JONES, ANDREWS, VANDERVEER, HOFFMAN, SIBLEY, FOSTER, GALLUP, PATTERSON, and CHILDS.

[Mr. GRANT presented the petition of 61 inhabitants of the town of Richland, Oswego county, New York, praying an inquiry into the expediency of repairing and arming the military positions at Oswego village: which was referred to the Committee on Military Affairs.]

[Mr. SPENCE presented the memorial of Luther Stark and 164 other citizens of the town of Fort Covington, State of New York, praying for the expulsion of certain members of this House who were concerned in the tragical death of the Hon. JONATHAN CILLEY, late a member of this House from the State of Maine, giving their reasons in detail why their prayer ought to be granted. Also, one other, of Otis Young and 66 other citizens of the city of Pittsburg, in the State of Pennsylvania, on the same subject: referred to the select committee on that subject.]

[Mr. N. JONES presented the resolutions of the citizens of Cornwall, in the State of New York, praying Congress to enact such laws as shall hereafter prevent, as far as possible, the practice of duelling by members of their own body, or by the citizens of Washington. Also, the proceedings and resolutions of a large meeting of the citizens of Newburg and its vicinity, in the State of New York, in reference to the late duel near the city of Washington, praying Congress to enact proper penal ordinances against principals, seconds, and abettors in duels originating within the District of Columbia.]

[Mr. BICKNELL presented a petition to establish a post route from Norwich, Chenango county, New York, through Smyrna, Earlville, Poolville, East Hamilton, North Brookfield, Sangerfield Centre to Waterville, Oneida county. Also, the proceedings of a large and respectable meeting of the citizens of Madison county, convened at Canastota, expressing their opinion relative to the late duel, and praying Congress to expel all concerned in that transaction.]

[Mr. BIRDSALL presented the proceedings of a public meeting of the inhabitants of the South Jury district of Seneca county, New York, without distinction of party, held at the court-house in that district, on the 13th day of March, 1838, of which the Hon. Jonas Seely was chairman, Henry Limpson, William T. Johnson, John Kelley, Geo. C. Beach, and Henry Schooley, esqrs. were vice-presidents; and the Hon. William Thompson and Maj. Gen. Himrod were secretaries; called for the purpose of taking into consideration the duel between the late Mr. CILLEY and Mr. GRAVES, and expressing their sentiments thereon; which, on motion of Mr. B. was referred to the select committee having that subject under consideration. Mr. B. also presented the memorial of Jared Van Vleet and others, inhabitants of Seneca county, New York, praying the interposition of Congress in reference to the late duel between Mr. CILLEY and GRAVES; which, on motion of Mr. B. was referred to the select committee having that subject before it.]

[Mr. BRODHEAD presented the proceedings and resolutions of a meeting of a large number of citizens of the town of Bloomingburg, in the county of Sullivan, New York, against the practice of duelling. Also, a petition from said county, praying that a law may be passed to vacate the seats of any members of the House of Congress that may be engaged in any duel, directly or indirectly, hereafter.]

[Mr. ANDREWS presented the petition of A. S. Palmer and others, asking the expulsive from this House, of the persons engaged in the late duel. Also, the petition of John Moore of Steuben county, N. Y. for an increase of pension.]

[Mr. DEGRAFF presented the memorials of Ichiel J. Miller, 405 others; Ezra Willson, 140 others; Wm. H. Satterbe, 44 others; Moses Haynes, 86 others; Stephen Vernan, 85 others; Seth Whalen, 105 others; Henry E. Barrett, 99 others; Seth W. Higgins, 45 others; Solomon Brown, 75 others; James G. Stebbins, 84 others; John A. Casey, 86 others; Robert Forbes, 62 others, all inhabitants of Saratoga county, N. Y. praying the interposition of Congress in reference to the late duel.

Mr. DEG. also presented a memorial of William McCamus and 202 others, inhabitants of Schenectady, praying against the Sub-Treasury, and in favor of a national bank.]

[Mr. PRATT presented the petition of 150 inhabitants for a mail route from Pine Plains, through the towns of Gallatin, Ancram, and Copake, to the village of Hillsdale, in the county of Columbia, in the State of New York. Also. a like petition, praying for a mail route from Malden, in the county of Ulster, through Wynkopsville, to Irvingville, in the county of Greene, and State of New York: referred to the Committee on the Post Office and Post Roads. Also, a resolution for a post route.]

[Mr. GALLUP presented the proceedings of a meeting of citizens of Rensselaerville, New York, praying Congress to pass a law against duelling. Also, the petition of 97 persons and firms concerned in the navigation of the Hudson river, praying for the erection of a light house between Catskill and Athens, in the State of New York.]

VERMONT.

Messrs. EVERETT, ALLEN, SLADE, and HALL.

[Mr. ALLEN presented the petition of Joseph Soule and thirty-eight others, citizens of the town of Fairfield, in the State of Vermont, on the subject of the late duel: referred to the select committee having that subject under consideration. Also, the petition of Joel Thompson, praying compensation for property used by the United States during the last war: referred to the Committee of Claims.]

CONNECTICUT.

Messrs. TOUCEY and PHELPS.

[Mr. PHELPS presented the petition of Bissell Hinsdale and sundry other inhabitants of Winchester, Connecticut, praying against the passage of the Sub-Treasury bill and in favor of a National Bank. Also, the petition of Daniel Coe and ninety-three others, legal voters of the county of Litchfield, praying that all such members of Congress as had any thing to do with the late duel may be expelled, and that Congress may pass an act punisking with imprisonment for life any persons who may hereafter be concerned in the giving or receiving of a challenge to fight a duel in the District of Columbia.]

MASSACHUSETTS.

Messrs. CALHOUN, GRENNELL, CUSHING, PHILLIPS, and ADAMS.

NEW HAMPSHIRE.

Messrs. WILLIAMS and CUSHMAN.

MAINE.

Messrs. SMITH, FAIRFIELD, NOYES, ANDERSON, and EVANS.

[Mr. FAIRFIELD presented the following petitions upon the subject of the late duel, which were referred to the select committee having that subject under consideration: Ezra Cunningham and 52 others, citizens of Edgecomb; Philo Clark and 32 others, citizens of Maine; Daniel Kendrick and 139 others, citizens of Newcastle and Nobleboro, all in the State of Maine. Also, the petition of Simon Ross and others, for a new mail route from Alfred to Newfield, through Waterboro and Shapleigh, Maine.]

[Mr. ANDERSON presented the following petitions: Robert Moor and 90 others, citizens of Cornisa; Cyrus Mewes and 30 others of Hermon, Thomas Bradley and 20 others of Hermon; Benjamin Guptial and 16 others of Hermon; Gabriel Dennis and 30 others of Liberty; Alonzo Emery and 34 others of Hampden; J. Waldron and 51 others of Clinton; James Blanchard and 70 others of Prospect; John H. Jarvis and 49 others of Castine; Joseph Gilman and 88 others of Dixmont;

all of the State of Maine, praying for an investigation into the circumstances of the late duel; which were referred to the select committee. Also, the petition of Right Stockwell and 42 others, for the establishment of a mail route from East Edington to West Edington, in the State of Maine; which was referred to the Committee on the Post Office and Post Roads.]

Petitions were further presented, on leave, by My. SHEPARD of North Carolina, Mr. MALLORY of Virginia, Mr. MAY of Illinois, Mr. BEIRNE of Virginia, and Mr. JOHNSON of Louisiana.

On motion of Mr. CALVARY MORRIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Pennsville, in Morgan county, by way of Chesterfield, in Marion township, in Athens county, to Plymouth, in Washington county.

On motion of Mr. TURNEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Smithville, in the county of De Kalb, to Manchester, in Coffee county, Tennessee.

On motion of Mr. OGLE,

Resolved, That the Secretary of State of the United States be directed to communicate to this House the names of all Ministers, and other diplomatic agents of the United States, in foreign countries on the 4th of March, 1829; the names and grade of all who have been recalled since that date; the names, grade, and date of subsequent appointments; the several periods of service of the persons so appointed; the sum allowed to each for such service respectively, as well as the amount of contingent expenses paid to each.

On motion of Mr. CALHOON of Kentucky,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Greensburg to Edminston, in Kentucky.

On motion of Mr. DAVIES,

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of leasing the public grounds west of the Capitol, within the District of Columbia, to such person or persons as shall agree, for the shortest period of time, to enclose with good and substantial fences, drain, level, and place the several lots under grass.

On motion of Mr. CAMPBELL of Tennessee,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Wither's Cross Roads, in Smith county, Tennessee, passing by Isaac Pipkin's, Reuben Roork's, and Grey Cook's, to Scottsville.

On motion of Mr. HALL of Vermont,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Wilmington, in the State of Vermont, to Springfield, Massachusetts.

On motion of Mr. SERGEANT,

Resolved, That a committee be appointed to inquire into the expediency of encouraging and aiding meteorological observations throughout the United States.

On motion of Mr. PRATT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the village of Gilboa, in the county of Scoharie, to the town of Prattsville, in the county of Green, to the town of Middletown, by way of Fly Brook, in the county of Delaware and State of New York.

On motion of Mr. YELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a mail route from Athens, the county seat of Izard county, Arkansas, to Van Buren, Missouri.

On motion of Mr. MAY,

Resolved, That the Committee on Roads and Canals inquire into the expediency of granting each alternate section of land for the purpose of aiding in the construction of a canal, four miles in length, between the Falls of Rock-river and the Mississippi, commencing at Milan, on the Mississippi river, in Rock Island county, and terminating at Sugar Hill Point.

On motion of Mr. CONNOR,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lincolnton, North Carolina, via Haylesville, Spring's Mills, Erasmus Post Office, to Yorkville, South Carolina.

On motion of Mr. HEROD,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reporting a bill authorizing the Legislature of the State of Indiana to sell and convey, according to the provisions of the act, entitled, an act to authorize the Legislature of the State of Indiana to sell and convey certain lands granted to said State for the use of the people thereof, approved, July 3d, 1832, section 32, in townhip nine, north of range two, east of the Jeffersonville District. The same having been reserved from sale by the President of the United States, for the use of section 31, township and range aforesaid, as a salt spring reserve; and which said section 32, township nine, north of range two east, was omitted in the act referred to.

On motion of Mr. CARTER,

Resolved, That the Committee on Indian Affairs be and they are hereby instructed to inquire into the propriety of passing a law to indemnify the heirs and representatives of General Nathaniel Taylor, late of East Tennessee, deceased, for his property destroyed by the Chickasaw Indians, in the year eighteen hundred.

Resolved, That the Secretary of War be and he hereby is required to communicate to the House of Representatives, all the information in the possession or power of his department, relative to the destruction of property of the late General Nathaniel Taylor, of East Tennessee, deceased, by the Chickasaw Indians, within the limits of their nation.

On motion of Mr. EWING,

Resolved, That the Secretary of War be requested to communicate to this House the aggregate number of each denomination of pensioners, now payable at the several agencies under his department, with the aggregate amount of money required semi-annually to make payment at each agency; Also, the names of pensioners who have been added to the roll of each agent, and of all who have died or been dropped off by the Commissioner of Pensions, since the last report of the pensioners, names furnished to this body. Also, a list of agents, the dates of their several appointments, the amounts and description of funds remitted to or placed in charge of each agent, since the 4th day of March, 1833, and the authority under which said remittances were made, or funds so placed. Also, a list of the several balances of unpaid pensions, and to whom due, at the several agencies; and the several balances of unexpended public money, reported to the Department, or know to be remaining in the hands of pension agent at the close of each fiscal year, since the said 4th day of March, 1833, to the present.

On motion of GRAVES,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a post route from Louisville, Kentucky, to Harrodsburg, Kentucky, by the way of Jeffersontown, Taylorsville, and Bloomfield.

On motion of Mr. HARLAN,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of paying to Thomas Ramsay of Kentucky, arrearages of a pension claimed by him to be due.

On motion of Mr. CALHOUN of Massachusetts,

Resolved, That the Committee of Ways and Means consider the expediency of providing for the importation of stationery, duty free, and upon the same footing with pictures and busts in marble.

Reports from committees were then called for.

WAYS AND MEANS.

Mr. CAMBRELENG reported a bill for the relief of Samuel Milligan; which was read twice and ordered to be engrossed for a third reading to-day.

REVOLUTIONARY CLAIMS.

Mr. TALIAFERRO reported a bill for the relief of Wm. Mattison.

On motion of Mr. GARLAND of Virginia, the House took up the Senate's amendment to the bill in relation to the United States Courts in Western Virginia, and, on Mr. G's motion, after a few words from him and Messrs. BEIRNE and MALLORY, it was disagreed to.

The House then proceeded to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the names of the deposite banks, which had availed themselves of the benefits of the act of the 12th of October last, which was laid on the table.

Sundry bills from the Senate on the Speaker's table were taken up, read twice, and referred to their appropriate standing committees.

The bill to provide for the construction of the Cumberland road through the towns of Salem and Louisburg, in the State of Ohio, was read the third time and passed.

CIVIL LIST.

The House then resumed the consideration of the "bill making appropriations for the civil and diplomatic expenses of Government for the year 1838," the question being on the motion of Mr. RARIDEN to recommit the bill to a Committee of the Whole on the state of the Union, with instructions to increase the item for the contingent expenses of the House from $225,000 to $273,960, (so as to cover the purchase of certain books to be distributed among the members.)

Mr. RARIDEN moved a call of the House: refused.

Mr. WILLIAMS of North Carolina opposed the proposed appropriation.

Mr. CAMBRELENG raised the point of order under the 63d rule.

The CHAIR ruled it to be in order.

Mr. CAMBRELENG took an appeal.

The 63d rule is in the following words: "No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law;" and under this rule, Mr. C. contended, no law having been passed authorizing this appropriation, it was not in order as an amendment.

There was also another ground of objection taken by Mr. C. Since the year 1830, the House had invariably adopted a proviso prohibiting the money appropriated for the contingent expenses of the House, from being applied to any other purpose than its ordinary expenditures.

There was also another objection. The amendment embraced an appropriation contained in another special bill before the House.

THE CHAIR reaffirmed his decision, on the ground that the amendment contained nothing from which he could be justified in drawing an inference that it contemplated to purchase of books.

Mr. HOWARD hoped the gentleman would withdraw the appeal.

Mr. CAMBRELENG did so for the purpose of having a direct vote on the proposition. If it was agreed to, he was still of the opinion that the bill would be delayed till July, for the Senate had always withheld its consent to such an appropriation, and the Chair and the House must take the responsibility of its delay, for the Committee of Ways and Means could not.

Mr. CUSHMAN, in order, he said, to bring the House to a vote, moved the previous question, but the House did not second it, only 47 voting for it.

The question on Mr. RARIDEN's motion was then taken, and decided in the negative—yeas 71, nays 96.

So the motion to commit was decided in the negative.

Mr. REED then renewed the amendment moved by him in Committee of the Whole, for building, rebuilding, and completing light-houses in New Hampshire, Massachusetts, Connecticut, and New York, $52,040.

Mr. INGHAM moved to amend this amendment, as follows:

"Next after the word "completing" in the second line of the amendment proposed by Mr. REED, insert light-houses, monuments, and beacon lights, as follows:"

In Maine.—For placing monuments on Fort Point ledge, Adams's ledge, and Buck ledge, in Penobscot river, $1,300, in addition to the sum of $3,000, appropriated by act of 3d March, 1837.

In Massachusetts.—For two small beacon lights on the north side of Nantucket island, in addition to the sum of $500 heretofore appropriated, the sum of $2,100.

For a light house on Mayo beach, in Well Fleet bay, in addition to $1,000 heretofore appropriated, the sum of $4,000.

In Connecticut.—For rebuilding the light-house at Lynde Point, in addition to the sum of $5,000 heretofore appropriated, the sum of $1,200.

For a sea wall to preserve the light-house at Fair Weather island, in addition to the sum of $5,000 heretofore appropriated, the sum of $3,000.

In New York.—For placing a beacon on Romers shoal, near Sandy Hook, in addition to the sum of $15,000 heretofore appropriated, the sum of $10,000.

For a light-house on Esopus Meadows, on the Hudson river, in addition to $3,000 heretofore appropriated, the sum of $3,000.

For a light-house on Cedar Island, Sag Harbor, in addition to $1,000 heretofore appropriated, the sum of $4,000.

In Ohio.—For securing the foundation of the light-house on Turtle Island, in addition to $8,000 heretofore appropriated, the sum of $7,000.

In Louisiana.—For a beacon-light at or near the south-east pass of Vermilion Bay, in addition to the sum of $5,000 heretofore appropriated, the sum of $10,000.

In Michigan.—For a light-house at the mouth of Kalamazoo river, in addition to the sum of $5,000, heretofore appropriated the sum of $1,000.

In Wisconsin Territory.—For a light-house at the mouth of Milwaukie, in addition to $5,000, heretofore appropriated, the sum of $1,000.

For a light-house at the mouth of Manitonic river, in addition to $5,000 heretofore appropriated, the sum of $1,000.

For a light-house at Chippewayan, in addition to $5,000 heretofore appropriated, the sum of $1,000.

For a light-house at the mouth of Root river, in addition to the sum of $5,000, heretofore appropriated, the sum of $1,000.

Mr. REED accepted this as a modification.

The amendment was discussed by Messrs. REED, WHITTLESEY of Ohio, INGHAM, in its support, and by Mr. CAMBRELENG in opposition to it.

Mr. CUSHMAN then rose and said he hoped the House would not adopt this amendment, and, in order to cut it off, he moved the previous question; which was seconded by the House—ayes 72, noes 57.

Mr. GARLAND of Louisiana asked for the yeas and nays on ordering the main question, but they were refused, and the main question was ordered, and then put and agreed to without a division; so the bill was ordered to be engrossed for a third reading to-day.

The bill having been engrossed in the interim, was put on its third reading.

Mr. GARLAND of Louisiana then moved to recommit it to the Committee of the Whole on the state of the Union, with instructions to strike from it all the clauses for additional clerk hire.

Upon this question Mr. G. after some few remarks, called for the yeas and nays, but they were not ordered.

Mr. CAMBRELENG gave a detailed statement of the items, which he showed to be in consequence of the necessity of carrying out laws passed by Congress. A law was passed, to execute which the head of a department or bureau was compelled to employ additional clerk hire, and it was better to provide for this additional force temporarily, or as long the duties under the law were necessary, than to authorize the appointment of permanent clerks, who might have nothing to do when the law ceased. It was with this view that the Committee of Ways and Means had reported these items, and they had rigidly investigated each case.

Mr. GARLAND withdrew a part of his instructions, but he still contended that the discretion assumed by the Departments in these extra appointments should be further restrained. They should not be permitted to be the sole judges whether additional clerks were necessary or not, and the object of his motion was to restrain them from the irresponsible exercise of that power.

Mr. CONNOR then demanded the previous question; which was seconded—ayes 69, noes 57, and the main question ordered, put, and agreed to without a division.

So the bill was passed.

On motion,

The House adjourned.

Mr. GOODE, on leave, yesterday presented a petition from certain citizens in the vicinity of Salem, in Montgomery county, and Lewisburg, in Preble county, Ohio, praying that the superintendent of the National road in Ohio may be authorized to examine and resurvey that part of said road, so as to run through Salem and Lewisburg, if it proves to be a good location, and it is practicable without a material increase of distance, or any increase of expense.

Mr. Goode accompanied the petition with the following statement in substance: That the object of this petition was not to open the old question of change of the National road, but for the single purpose of authorizing an examination of the route through Salem and Lewisburg, and for no other purpose whatever; and that the bill (should a bill be reported) will be confined to that object alone, without permitting any other deviation from the road as at present located; and if it cannot be passed at the present session, so as to cause no delay, the bill is to be withdrawn at the close of this session, so as not to retard the progress of the work.

IN SENATE,

Monday, March 26, 1838.

Mr. TALLMADGE presented the memorial of sundry citizens of New York, praying Congress to pass a law to suppress duelling: laid on the table and printed.

Mr. BUCHANAN presented the memorial of 121 citizens of the county of Lancaster, Pennsylvania, praying Congress to pass a law prohibiting persons who may hereafter be engaged in a duel, from holding office under the Government of the United States: laid on the table and ordered to be printed.

Also, the memorial of sundry citizens of Philadelphia, praying for the immediate abolition of slavery, and the slave trade, in those Territories of the United States in which it exists: the motion to receive this petition was laid on the table.

Mr. TALLMADGE presented the proceedings of a meeting held in Rensselaer county, New York, remonstrating against the Independent Treasury and Bill, praying for the establishment of a National Bank: laid on the table.

Mr. KING presented the memorials of Joshua Kennedy, and of the heirs of Wm. E. Kennedy, praying confirmation of titles to tracts of land derived under Spanish grants: referred to the Committee on Public Lands.

Mr. CLAY of Alabama, presented the petition of a number of the citizens of Gainesville, Sumpter county, Alabama, praying the establishment of a *direct* and *continuous* mail coach line from Tuscaloosa, the seat of Government in Alabama, by way of Gainesville, to Jackson, the seat of Government in Mississippi; which was referred to the Committee on the Post Office and Post Roads.

Mr. C. also, presented the memorial of the Trustees of the Irwinton Academy, Alabama, asking an appropriation of land to aid that institution and the cause of education: referred to the Committee on the Public Lands.

Mr. BAYARD presented the proceedings and resolutions of a town meeting held at Wilmington, Delaware, against the Independent Treasury bill, and in favor of a National Bank: laid on the table, and ordered to be printed.

Mr. SOUTHARD presented the petition of the heirs of James Caldwell, chaplain in the army of the Revolution: referred to the Committee on Revolutionary Claims.

Also, the petition of 130 citizens of Essex county, New Jersey, opposed to the Independent Treasury, and praying the establishment of a National Bank: laid on the table.

Also, the memorial of the masters in the navy of the United States, praying for increase of pay: referred to the Committee on Naval Affairs.

Also, the memorial of the heirs at law of John Law, praying for the confirmation of a claim to a tract of land in Arkansas: referred to the Committee on Private Land Claims, and ordered to be printed.

Also, the memorial of Nathaniel Amory, praying for confirmation of his claims to a tract of land: referred to the Committee on Private Land Claims.

Mr. SOUTHARD also presented the memorial of John Ross and others, a delegation of the Cherokee tribe of Indians, praying Congress to annul the late Cherokee treaty; and after a debate, in which Messrs. SOUTHARD, LUMPKIN, CLAY of Alabama, KING, and GRUNDY, took part,

CHEROKEE TREATY.

Mr. SOUTHARD presented a memorial, addressed to Congress, and signed by the deputation of the Cherokee Indians now in Washington, making representations and complaints in regard to their situation under the late alleged treaty, and praying Congress in some mode to interfere for their relief.

Also, a memorial against the enforcement of the treaty, directly from the Cherokee nation, with the signatures of 15,665 persons of that nation.

Mr. S. moved that these memorials be printed, and referred to the Committee on Indian Affairs.

Mr. LUMPKIN said: Mr. President, I must express my deep regret at the introduction of this subject here by the Senator from New Jersey, [Mr. Southard.] Even to entertain, and discuss this subject here, at this time, is pregnant with much mischief. But the subject being thus far forced upon the attention of the Senate, I wish to give to it that direction which will be productive of the least mischief, which will be, to lay the whole subject on the table, with an understanding that it will not again be taken up by the Senate.

It is proper, however, that, before I make this motion, I should ask the ear of the Senate, while I explain, in a brief manner, why the Senate should, in a prompt and decisive manner, put to rest all hopes and expectations of the Cherokee people, that John Ross can effect the slightest change in the determination of any branch of the Federal Government, to execute the Cherokee treaty of 1835. Neither would I wish to make this motion to the preclusion of other gentlemen who may desire to say something on this subject.

Sir, this Cherokee treaty, which is the subject matter of complaint with John Ross and his friends, who are now in hearing of my voice, was negotiated by a highly qualified and competent delegation of the Cherokee people, in the latter part of the year 1835. In the early part of the year 1836, the treaty was thoroughly discussed in this Senate, and received its ratification in due form. Moreover, the large appropriations necessary to carry it into effect were discussed in both branches of Congress, in the face of the opposition of Mr. Ross and his political friends, and received the sanction of Congress. From that time, the execution of the treaty commenced, and has progressed with as much success as could be expected, under all the opposing circumstances. Mr. Ross and his associates have not been able to keep back the intelligent portion of the Cherokee people from acceding to the terms of the treaty, and becoming recipients under its provisions. Yes, sir, nine-tenths of the intelligent Cherokees have emigrated to the West under the provisions of this treaty, or are preparing to go.

Amongst the emigrants, you will find Andrew Ross, the brother of John; Thomas F. Taylor, the son of Richard Taylor, who is now here as one of John Ross's delegation; and John Gunter, the brother of the Gunters who are now here aiding John Ross in his projects of mischief. Yes, sir, the nearest and most of the connections of these very men have not only yielded to this treaty, and are now settled in the West, happy and contented, but have corresponded with me, and assured me of their satisfaction with their change of residence.

Indeed, sir, they are now zealous friends of the treaty, although, at the time of its formation, Taylor and others were violently opposed to it.

There is no difficulty in regard to executing this treaty with the intelligent portion of the Cherokee people, except what has been produced by this man John Ross, who claims to be principal chief of the Cherokee people, and his pliable delegation now here. The opposing Indians, now, are ignorant and uninformed, and these would long since have cheerfully yielded, and have emigrated, but for the wicked and mischievous operations of this man John Ross, and his immediate associates.

Since the ratification of the treaty, I presume this man Ross has spent more than one-half of his time in and about this place, under the pretence of doing something which would abrogate or change this treaty. Unfortunately, he has been permitted to hold too much correspondence with the Executive officers of this Government, and received too much countenance from members of Congress, which has been calculated to keep up the delusion that the treaty would not be executed without his consent or approbation. Sir, I have been intimately connected with this subject. I have been in a position, in connection with the execution of this treaty, which enables me to understand things as they actually exist; and but for this man Ross, and his aiders and abettors, these unfortunate Cherokees would now have been quietly enjoying the benefits of this most liberal and beneficent treaty at their settled homes in the West. Hundreds and thousands of these people are this day passively waiting to receive the permission of Ross to leave their present abodes and go West. Whole neighborhoods of the Cherokees have repeatedly made up their minds to yield to the treaty, and commenced making their preparations accordingly, when news would go from John Ross and his associates here, that Ross was negotiating a new treaty; that the present treaty was undergoing modification or change, and the Indians urged not to yield to the present treaty or to the advice of the agents of the Government engaged in its execution; and thus repeated stops have been put to emigration.

The countenance given to this delusion by Congressmen and those high in authority, is fraught with the most serious evils. It threatens destruction and extermination to the remnant of this once mighty race. The twenty-third of May next, now less than two months hence, and these people, so far as Georgia is concerned, must go, and go quickly. The citizens of Georgia hold grants for the lands on which these Indians now reside in that State, and the grantees are legally authorized by the laws of the State, as well as the treaty, to take possession of their lands on and after the twenty-third of May next; and, sir, possession they will take, and the Indians will then truly be forced out of house and home. Georgia and the Georgians have long since been accused of having taken possession of all the Indian lands, houses and homes. But, sir, this was not true; it was one of the many slanders which has been propagated to disparage the State which I have the honor to represent. We have treated the Indians with all the kindness and forbearance which their interest required. But, sir, whatever conflict may arise, after the 23d of May, Georgia must, and will, be speedily relieved from this long-standing and vexatious perplexity. If the execution of this treaty is longer resisted, whatever evil may ensue, the just responsibility is chargeable to this man, Ross, and his associates, and to those who encourage his delusive hopes, and not to my constituents, or the authorities of the State which I represent. So far from avoiding, I would desire the most thorough investigation of this treaty, its execution, and every other transaction connected with the subject. But, sir, I will never consent to any investigation which shall retard the execution of the treaty, so far as the removal of the Indians is concerned. They must go, or evil will come of it.

I have in my possession various communications from officers and agents of the Government, as well as other citizens, all going to sustain the fact that the Indians will not emigrate, so long as this man, Ross, continues to communicate (or causes it to be done) that he is doing, or expects to do, something here to change the provisions of the treaty. From the beginning, nothing but the fallacious hope that this treaty would not be strictly executed, has prevented the Cherokee people from yielding to it with great unanimity. This subject is not now within the jurisdiction of Congress; it belongs to the Executive Government; and if this treaty fails of execution, to that branch of the Government I shall charge the failure, and shall use my best exertions to prevent the interference of the Legislature—that branch of the Government to which I happen to be attached. But all the combined powers of the Federal Government cannot abrogate or change this treaty, without the consent of the States interested, and that consent will never be obtained. *Honesty* is said to be the best policy: at any rate, *honesty* is a duty. Then let us not deceive, but save these people, by assuring them that the treaty will be executed.

I will forbear, as before intimated, to make the motion to lay this memorial on the table, to afford to other gentlemen the privilege which I have exercised myself, of submitting any remarks which they may have to make on this subject. I shall not, however, consent to give any other direction to this subject than that which I have suggested.

Mr. CLAY of Alabama said that, in order to understand fully the merits of the memorial presented by the Senator from New Jersey, he would lay before the Senate, and ask the reading of, certain documents which had a most important bearing on the subject before them. The first was a letter from General Smith, the superintendent of Cherokee emigration, received at the War Department, and dated the 8th March, by which the Senate would see what he thought of the matter. He was in possession of other documents, which he should ask to be read, after the Senate had heard this one.

Mr. SOUTHARD said he would also ask for the reading of the papers he had presented, in order that the whole subject, in relation to this matter, might be fully understood. It was not his wish, when he presented the memorial, to excite debate, but rather his desire that the motion should have pursued a very different course. As merely to have printed the memorial and accompanying documents, and to have referred the whole to the Committee on Indian Affairs, which would, no doubt, have reported on the subject, and put the matter at once to rest.

Mr. CLAY of Alabama replied, that under all the circumstances, he could not suffer himself to be diverted from asking the reading of these documents, for reasons which would be apparent to the Senate, when they became acquainted with the contents. Having understood, on Saturday last, that the Senator from New Jersey intended to offer this memorial, which amounted to little more than turning loose the tomahawk and scalping knife on a portion of the people he represented, he went on that morning to the War Department, for the purpose of obtaining information on the subject, and was furnished with these documents, which he was under an obligation to return in the course of the day. The Senate would, therefore, see his object in requesting that they might be immediately read. He should then make a motion to lay the whole subject on the table, in order to prevent any excitement, and put an end to any delusive hopes of setting aside the treaty which would inevitably lead to the most dangerous consequences.

Mr. KING could not but regret that his honorable colleague was not prepared to accede to the suggestion made, and suffer this matter to rest without a discussion. He knew, and every Senator knew, full well, that if any discussion was had here on the subjects treated of in this memorial, they would create hopes in the minds of these people, which never could be realized, while the false hopes thus created would probably result in the most serious disturbances. They all knew the care, the labor, and deliberation bestowed in the investigation of the subject, and the difficulties they had to encounter when the treaty was ratified. It was ratified by the solemn vote of two-thirds of this body, and concurred in by the House of Representatives, by the passage of an appropriation bill to carry it into effect. If then, said Mr. K. when this treaty is about to be carried into effect, we create in the minds of these people, the hopes and fears that must result from a discussion of the subjects embraced in their memorial, you greatly injure them, as well as endanger the peace and tranquillity of our people. The Cherokees ought to be made to understand that this thing was settled forever; that the treaty was irrevocable; that the Government was bound to carry it into effect, and that they must not delude themselves with the false hope of setting it aside.

He felt for this unfortunate people as much as any man. He knew that they were deluded and deceived by those of their own nation who were fully aware that there was not the remotest possibility of diverting the Government from its solemn obligations to carry out the provisions of this treaty. He had received much information on this subject from individuals of the Cherokee tribe, who were every way equal, if not superior, to these memorialists—honest, intelligent, and religious men, and who were convinced that the true interests of their people consisted in their removal to the West. He had hopes that his honorable colleague would have acceded to the proposition that this matter should be laid on the table without discussion, without printing, and without reference. He asked honorable Senators, as men of understanding, of patriotism and of humanity, to show by their votes to these unfortunate people, that all expectation of setting aside, or changing this treaty, must be abandoned, now and forever.

Mr. CLAY of Alabama said that if his colleague had thought proper to wait for the development of his views, he would have seen that the very course he intended to pursue was the one recommended by him. It was his intention, as soon as the documents were read, to move to lay the whole subject on the table, in order to prevent any discussion on it; and he would do this for the security not only of his own constituents, but for the security of those deluded people, the Cherokees themselves. He was in possession of information which his colleague was not aware of, that would be sufficient to satisfy the Senate of the propriety of putting an end at once to any action on this subject. His purpose was to produce no excitement, to permit no reference to a committee, or give rise to any agitating discussion. On the contrary, his object was to avoid all this; and he thought that the readiest way of doing so, was to let the reading of the documents precede his intended motion to lay the whole subject on the table, He knew as well as his colleague did, that any discussion would only tend to encourage false hopes in the minds of these unfortunate people, and involve that section of the country in war, and that they would, by any such action, as proposed by the Senator from New Jersey, bring about the re-enactment of the scenes we had recently witnessed in the Florida and Creek wars. If the Florida treaty had been promptly carried into effect, as it ought to have been, without suffering the false hopes of remaining in the country, which had arisen out of a most unfortunate delay, we should, in all probability, have avoided that expensive war, and all the bloodshed that was consequent upon it. So also as to the Creek war. If a competent force had been stationed amongst them to control them, and they had been promptly removed, all the bloodshed and expense, together with a destruction of private property to an immense amount, would also have been avoided.

Mr. C. said as he was desired by several Senators near him to state the contents of the documents he referred to, he would do so as briefly as possible; and he hoped that it would be sufficient to put down the discussion at once, and indicate distinctly to these deluded people that there was no disposition on the part of this Government to delay the execution of the treaty. The superintendent stated, what was corroborated by the three commissioners, in their letters of the 9th January and 28th February last, that these people say that they are ready to go West immediately, if they had the permission of John Ross to do so; that they are waiting the issue of his negotiations with the Government,

which they believe will result in their being permitted to remain in the country. It all, said Mr. C. amounts to this: that they are kept in the country under the delusive expectation held out by John Ross, that he can succeed in effecting such a negotiation as will annul the treaty. Again, said Mr. C. there is not sufficient force in that section of country now to remove the Indians without bloodshed, if these delusive expectations held out by Ross are permitted to continue; and although a war would be most unfortunate to our people, yet it would be a still greater scourge to the Cherokees. It would result in their extermination. Their security consisted in putting an end to the false hopes that had been held out to them. Mr. C. said he would send the documents to the Chair, that any gentleman who wished it might have an opportunity of inspecting them. He then moved to lay the memorial on the table, but withdrew the motion temporarily at the request of

Mr. SOUTHARD, who did not wish to enter into any controversy on the subject: the two Senators did not feel more regret than he did on this matter. The motion he had just made, as well as the conversations he had held with different individuals, would show he had no desire to force it upon the consideration of the Senate, with a view to a protracted discussion. These persons, claiming to be authorized agents, had put in his hands the memorial and papers containing the correspondence between the Executive and these people. He had felt it, therefore, a solemn duty to present it to the Senate. The Indians believe, whether justly or not, they had been wrongly dealt with, and ask Congress to hear them. Why not then, said Mr. S. refer the papers to the Committee on Indian Affairs, which body would, no doubt, report promptly, and let them know what they had to expect. Such, in his opinion, would be the true course for a great Government to pursue towards a poor and oppressed race. Give the answer to their prayer in a constitutional manner, and they will, no doubt, be satisfied. If you refuse them a hearing, said Mr. S. do you suppose that would destroy their hopes of remaining? No sir! no sir!—it will not. If the papers had been permitted to have taken the course he proposed, he would not have opened his mouth on the subject; but when it was sought to lay the documents on the table, without a hearing, or any understanding in the case, he would feel perfectly justified in going into this matter, and ascertaining whether these people had not been imposed upon. He felt for them because he believed them an injured and a wronged people, and that it was an imperious duty he owed to himself, to them, and to the country, to defend them with zeal. It was because he was reluctant to go into this subject that he proposed to refer it to the committee he had named; which, in his opinion, was the wisest course that could be pursued. That committee could make its report promptly, even in five lines, if it were necessary; so that he might send it to them, and let them know what was the final resolve of Government in relation to them. If, however, it was the determination of the Senate to lay this subject on the table, and refuse a hearing to these unfortunate people, he, for one, must be permitted to record his vote against it.

Mr. GRUNDY made some remarks in relation to these papers, objecting to refer them to the Committee on Indian Affairs; though he had as much confidence in that committee as any other. He thought the Indians would as well understand the motion to lay the memorial on the table to be definite, as though it were referred to the Committee on Indian Affairs. Mr. G. renewed his motion to lay it on the table, but withdrew it in order to give his colleague [Mr. WHITE] an opportunity of presenting his views.

Mr. WHITE made some remarks, which were not distinctly heard. He was understood, however, to maintain that all communications to the Government from foreign nations, or from tribes of Indians with whom treaties had been held, should be made through the Executive branch of the Government.

Mr. CLAY of Alabama said he was perfectly satisfied, that if the subject was referred to the Committee on Indian Affairs, it would not only be well examined, but promptly acted on, and in a way to produce as little excitement as possible. His object was to cut off at once the possibility of misrepresentation which might lead these deluded people to a course most unfortunate for themselves. He would not add another word, further than to say that his object in making the motion, which he now made, to lay the whole subject on the table, was to put the subject down definitively; and he wished, also, that those who were friendly to the objects of the memorial, would communicate frankly to the memorialists that there was not the slightest hope of diverting the Government from its intention to carry this treaty into effect.

On motion of Mr. CLAY of Alabama, the whole subject was laid on the table—yeas 36, nays 10, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Morris, Mouton, Nicholas, Niles, Norvell, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Strange, Tallmadge, Tipton, Trotter, Walker, Wall, White, Williams, Wright, and Young—36.

NAYS—Messrs. Clayton, Crittenden, Davis, Knight, Prentiss, Robbins, Smith of Indiana, Southard, Spence, and Swift—10.

The Independent Treasury bill was taken up on its third reading, and Mr. NORVELL having called for the yeas and nays, they were accordingly ordered.

Mr. McKEAN moved to postpone the bill until the first Monday of December next, and asked for the yeas and nays; which being ordered, the question was taken, and resulted—yeas 23, nays 29, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Inda. Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—23.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—29.

The question was then taken on the passage of the bill, and resulted—yeas 27, nays 25, as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—27.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—25.

The bill, as passed, is in the following words:

A BILL to impose additional duties, as depositaries, upon certain public officers, to appoint receivers general of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be prepared and provided, within the new Treasury building now erecting at the seat of Government, suitable and convenient rooms for the use of the Treasurer of the United States, his assistants and clerks; and sufficient and secure fire proof vaults and safes, for the keeping of the public moneys in the possession and under the immediate control of the said Treasurer; which said rooms, vaults, and safes, are hereby constituted and declared to be, the Treasury of the United States. And the said Treasurer of the United States shall keep all the public moneys which shall come to his hands in the Treasury of the United States, as hereby constituted, until the same are drawn therefrom according to law.

Sec. 2. *And be it further enacted*, That the Mint of the United States, in the city of Philadelphia, in the State of Pennsylvania, and the Branch Mint, in the city of New Orleans, in the State of Louisiana, and the vaults and safes thereof, respectively, shall be places of deposite and safe-keeping of the public moneys at those points respectively; and the Treasurer of the said Mint and Branch Mint respectively, for the time being, shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursements of all such moneys, according to the provisions hereinafter contained.

Sec. 3. *And be it further enacted*, That there shall be prepared and provided, within the custom-houses now erecting in the city of New York, in the State of New York, and in the city of Boston, in the State of Massachusetts, suitable and convenient rooms for the use of the receivers general of public moneys, hereinafter directed to be appointed at those places respectively; and sufficient and secure fire-proof vaults and safes for the keeping of the public moneys collected and deposited with them, respectively; and the receivers general of public money, from time to time appointed at those points, shall have the custody and care of the said rooms, vaults and safes respectively, and of all the public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisions of this act.

Sec. 4. *And be it further enacted*, That there shall be erected, prepared, and provided, at the expense of the United States, at the city of Charleston, in the State of South Carolina, and at the city of St. Louis, in the State of Missouri, offices, with suitable and convenient rooms for the use of the receivers general of public money hereinafter directed to be appointed at the places above named; and sufficient and secure fire proof vaults and safes for the keeping of the public money collected and deposited at those points respectively; and the said receivers general, from time to time appointed at those places, shall have the custody and care of the said offices, vaults, and safes, so to be erected, prepared, and provided, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisons hereinafter contained.

Sec. 5. *And be it further enacted*, That the President shall nominate, and, by and with the advice and consent of the Senate, appoint four officers, to be denominated "receivers general of public money," which said officers shall hold their respective offices for the term of four years unless sooner removed therefrom; one of which shall be located at the city of New York, in the State of New York; one other of which shall be located at the city of Boston, in the State of Massachusetts; one other of which shall be located at the city of Charleston, in the State of South Carolina; and the remaining one of which shall be located at the city of St. Louis, in the State of Missouri; and all of which said officers shall give bonds to the United States, with sureties, according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

Sec. 6. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurers, and those acting as such, of the various Branch Mints already erected and now erecting, all collectors of the customs, all surveyors of the customs acting also as collectors, all receivers general of public moneys, all receivers of public moneys at the several land offices, and all postmasters, except as is hereinafter particularly provided, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government to be transferred or paid out: and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government, which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the Executive Departments of the Government, as agents for paying pensions, or for making any other disbursements which either of the heads of those departments may be required by law to make, and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.

Sec. 7. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the receivers general of public money hereinbefore directed to be appointed, shall, respectively, give bonds to the United States, in such form, and for such amounts, as shall be directed by the Secretary of the Treasury, by and with the advice and consent of the President, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury, with the consent of the President, may direct; any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

Sec. 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not hereinbefore provided for, to execute bonds new and suitable in their terms to meet the new and increased duties imposed upon them respectively by this act, and with sureties, in sums such as shall seem reasonable and safe to the Solicitor of the Treasury, and from time to time require such bonds to be renewed and increased in amount and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other law of Congress.

Sec. 9. *And be it further enacted*, That all collectors and receivers of public money, of every character and description, within the District of Columbia, shall, as frequently as they may be directed by the Secretary of the Treasury so to do, pay over to the Treasurer of the United States at the Treasury thereof, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans, shall, upon the same direction, pay over to the Treasurers of the Mints in their respective cities, at the said mints, all public moneys collected by them, or in their hands; and that all such collectors and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis, shall, upon the same direction, pay over to the receivers general of public money in their respective cities, at their offices respectively, all the public moneys collected by them, or in their hands, to be safely kept, by the said respective depositaries, until otherwise disposed of according to law; and it shall be the duty of the said Secretary to direct such payments, by the said collectors and receivers, at all the said places, at least as often as once in each month, and as much more frequently, in all cases, as he, in his discretion, may think proper.

Sec. 10. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of any depositary hereby constituted, to the Treasury of the United States; to the Mint at Philadelphia; to the Branch

Mint at New Orleans; or to the offices of either of the receivers general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to require. And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

SEC. 11. *And be it further enacted*, That the moneys in the hands, care, and custody, of any of the depositaries constituted by this act, shall be considered and held as deposited to the credit of the Treasurer of the United States, and shall be, at all times, subject to his draft, whether made for transfer or disbursement, in the same manner as though the said moneys were actually in the Treasury of the United States; and each depositary shall make returns to the Treasury Department of all moneys received and paid by him, at such times, and in such form, as shall be directed by the Secretary of the Treasury.

SEC. 12. *And be it further enacted*, That whenever public moneys shall accumulate in the hands of any depositary constituted by this act, other than the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the receivers general of public money, to an amount beyond that secured by the bond of the officer, or which the Secretary of the Treasury shall, for any cause, consider unsafe, and it shall not be desirable to transfer the moneys so accumulated to any other depositary, it shall be lawful for the said Secretary to direct the said moneys, or any portion thereof, to be specially deposited in such bank of the State, or Territory, wherein the depositary who is to make the deposite is located, as he, the said Secretary, shall select and name: *Provided*, The bank so selected will agree to receive and keep the moneys deposited with it upon the terms and conditions in the next section of this act prescribed.

SEC. 13. *And be it further enacted*, That the special deposites of the public moneys authorized by the last preceding section of this act to be made in banks, shall be made upon the following terms and conditions, and upon no other, namely:

First. All such deposites shall be strictly special deposites; and the banks holding them shall be prohibited, in the most effectual manner, from making any use of the moneys deposited, by way of loans, discounts, or in any other manner, or for any other purpose whatsoever; and to secure the fulfilment of this condition, the Secretary of the Treasury is authorized, in his discretion, to furnish the banks selected as deposite banks with safes for the keeping of the public moneys exclusively, and under the joint control of the bank and some designated officer of the Government, or to adopt such other guards as he shall prefer.

Second. Nothing but gold or silver, or such notes, bills, or paper, issued under the authority of the United States, as may be directed by law to be received in payment of the public dues, shall be offered for deposite, or received by the bank as a deposite, under the provisions of this act.

Third. All deposites shall be passed, upon the books of the bank, to the credit of the depositary making the same; but no moneys deposited in pursuance of this act shall be withdrawn without the express order of the Secretary of the Treasury for the payment; and no drafts of the Treasurer of the United States, or orders or warrants of the Secretary of the Treasury, for ordinary transfer or disbursement, shall be made upon any bank selected as a deposite bank under this act.

Fourth. A commission, such as shall be agreed upon between the Secretary of the Treasury and the bank, not in any case to exceed one eighth of one per centum upon the moneys deposited with it, shall be allowed and paid by the United States, in full satisfaction of all claims on the part of the bank for trouble and risk growing out of the receipt, safe keeping, and repayment of the special deposites herein authorized to be made; all accounts for commissions to be audited and paid at the Treasury of the United States.

SEC. 14. *And be it further enacted*, That, in case no bank within the State or Territory wherein the depositary, directed to make deposites, is located, will consent to receive the moneys of the Government upon special deposite, according to the foregoing conditions and regulations, then it shall be lawful for the Secretary of the Treasury to select some bank in an adjoining State, or Territory, such as may be most convenient for the officer to make deposites, and the public service; and in case no convenient bank of either character can be found willing to receive such deposites upon the terms proposed, the Secretary may transfer the same to the Treasury of the United States, to the Mint, or Branch Mints, or to the offices of either of the receivers general of public money, as shall be most convenient to the depositary from whom the money is to be transferred, or to the wants of the public service in reference to disbursements.

SEC. 15. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries constituted by this act; and for that purpose to appoint special agents, as occasion may require, with such compensation as he may think reasonable, to be fixed and declared at the time of each appointment, which said examinations, in all cases where the sum on hand usually exceeds three-fourths of the amount of the officer's bond, shall not be made less frequently than once in each year, and as much more frequently, in those and all other cases, as the Secretary, in his discretion, shall direct. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

SEC. 16. *And be it further enacted*, That in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each naval officer and surveyor, as a check upon the receiver general of public moneys, or collector of the customs, of their respective districts; of each register of a land office, as a check upon the receiver of his land office; and of the director and superintendent of each Mint and Branch Mint when separate offices, as a check upon the Treasurers, respectively, of the said Mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the receivers general of public money, collectors, receivers of land offices, Treasurers, and persons acting as such, and to make a full, accurate, and faithful return to the Treasury Department of their condition.

SEC. 17. *And be it further enacted*, That the said officers respectively, whose duty it is made by this act to receive, keep, and disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fire-proof chests, or vaults, or other necessary expenses of safe keeping, transferring, and disbursing said moneys: all such expenses of every character to be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, are to be strictly followed by all the said officers: *Provided*, That the whole number of clerks to be appointed by virtue of this section of this act, shall not exceed ten, and that the aggregate compensations of the whole number shall not exceed eight thousand dollars, nor shall the compensation of any one clerk, so appointed, exceed eight hundred dollars per annum.

SEC. 18. *And be it further enacted*, That the Secretary of the Treasury shall, with as much promptitude as the convenience of the public business and the safety of the public funds will permit, withdraw the balances remaining with the present depositaries of the public moneys, and confine the safe-keeping, transfer, and disbursement of those moneys to the depositaries established by this act.

SEC. 19. *And be it further enacted*, That all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees, wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, at the Treasury, to the Treasurer of either of the Mints, in Philadelphia or New Orleans, to either of the receivers general of public money, or to such other depositary constituted by this act as shall be designated by the Secretary of the Treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposite therefor.

SEC. 20. *And be it further enacted*, That all officers charged by this act with the safe-keeping, transfer, and disbursement of the public moneys, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and that if any one of the said officers shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys intrusted to him for safe-keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a high misdemeanor, and any officer or person convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than two, nor more than five years, and to a fine equal to the amount of the money embezzled.

SEC. 21. *And be it further enacted*, That, until the rooms, offices, vaults, and safes, directed by the first four sections of this act to be constructed and prepared for the use of the Treasurer of the United States, the Treasurers of the Mints at Philadelphia and New Orleans, and the receivers general of public money at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the Secretary of the Treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract with such banks, incorporations, or individuals, as may be willing to contract for such use of their vaults and safes as may be required for the safe-keeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

SEC. 22. *And be it further enacted*, That it shall not be lawful for the Secretary of the Treasury to make or continue in force, any general order, which shall create any difference between the different branches of revenue, as to the funds or medium of payment, in which debts or dues accruing to the United States may be paid.

SEC. 23. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper.

SEC. 24. *And be it further enacted*, That the receivers general of public moneys directed by this act to be appointed, shall receive, respectively, the following salaries, per annum, to be paid quarter yearly, at the Treasury of the United States, to wit: the receiver general of public money at New York shall be paid a salary of three thousand dollars per annum; the receiver general of public money at Boston shall be paid a salary of two thousand five hundred dollars per annum; the receiver general of public money at Charleston shall be paid a salary of two thousand five hundred dollars per annum; and the receiver general of public money at St. Louis, shall be paid a salary of two thousand five hundred dollars per annum; and these salaries, respectively, shall be in full for the services of the respective officers; nor shall either of them be permitted to charge, or receive, any commission, pay, or perquisite, for any official service, of any character or description whatsoever; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

SEC. 25. *And be it further enacted*, That the Treasurer of the United States be, and he is hereby, authorized to receive at the Treasury, and at such other points as he may designate, payments in advance for public lands, the payments so made, in all cases, to be evidenced by the receipt of the said Treasurer of the United States; which receipts so given shall be current at the several land offices of the United States, as cash, at any public or private sale of lands, in the same manner as the currency authorized by law to be received in payment for the public lands. *Provided, however*, That the receipts given by the Treasurer of the United States, pursuant to the authority conferred in this section, shall not be negotiable or transferrable, by delivery, or assignment, or in any other manner whatsoever, but shall, in all cases, be presented in payment for lands by or for the person to whom the receipt was given; as shown upon its face.

SEC. 26. *And be it further enacted*, That for the purchase of sites, and for the construction of the offices of the receivers general of public money, by this act directed, to be erected at Charleston, South Carolina, and at St. Louis, Missouri, there shall be and hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended under the direction of the Secretary of the Treasury, who is hereby required to adopt plans for the said offices, and the vaults and safes connected therewith, and to cause the same to be constructed and prepared for use with as little delay as shall be consistent with the public interests, and the convenient location and security of the buildings to be erected: *Provided, however*, That if the Secretary of the Treasury shall find, upon inquiry and examination, that suitable rooms for the use of the receiver general at Charleston can be obtained in the custom-house now owned by the United States at that place, and that secure vaults and safes can be constructed in that building for the safe-keeping of the public money, then he shall cause such rooms to be prepared and fitted up, and such vaults and safes to be constructed in the custom-house at Charleston, and no independent office shall be there erected.

SEC. 27. *And be it further enacted*, That for the payment of the expenses authorized by this act, other than those herein before provided for, a sufficient sum of money be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

The following bills were also severally read the third time and passed:

The bill for the relief of Samuel Sanderson;

The bill for the relief of Daniel Davis;

The bill for the relief of Hannah Budlong;

The bill for the relief of Thomas W. Bacot, of Charleston, South Carolina; and

The bill for the relief of Obed P. Lacy.

Mr. TIPTON submitted a resolution to provide for the printing of the 47th rule, which designated the persons to be admitted on the floor of the Senate.

Mr. BAYARD, after some remarks, moved to refer it to a select committee of three, to be appointed by the Chair, to consider and report what amendments are proper to be made to it; and after some remarks from Messrs. TIPTON, CLAY of Alabama, KING, and BAYARD, the motion was adopted.

Mr. HUBBARD presented the petition of Gen. Jacob Bayley; which was referred to the Committee on Revolutionary Claims.

Mr. KING, from the Committee on Commerce, reported a bill for the relief of John H. Jacocks, which was read twice, and ordered to a third reading.

Mr. BENTON, from the Committee on Military Affairs, reported a bill for the protection of the western frontier; which was read, and ordered to a second reading.

Mr. BAYARD presented the memorial of sundry owners of steamboats, against the passage of the bill regulating steamboats: laid on the table.

On motion of Mr. MERRICK,

Resolved, That the Secretary of War cause the Tangier sound and its tributaries to be surveyed.

On motion of Mr. RIVES,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making provision for refunding to those who have deposited money in the Treasury, for the purpose of purchasing public lands, and who failed to do so, the sums respectively deposited by them, upon their returning the certificate which was issued when the money was deposited.

Mr. WRIGHT presented the memorial of sundry merchants of New York, against abolishing, the office of surveyor of that port: referred to the Committee on Finance.

Also, the memorial of the Brothertown Indians, resident at Green Bay, relative to their title to lands in the Wisconsin Territory, and praying that a law may be passed to permit them to become citizens of the United States: referred to the Committee on Indian Affairs.

Mr. NORVELL presented the resolutions of the Legislature of Michigan, in favor of a ship canal around the Falls of St. Marys, and in relation to publication of the laws and public documents.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 27, 1838.

Mr. PAYNTER, on leave, presented a memorial, signed by a number of citizens of Philadelphia, asking for an investigation into the late duel, which was referred to the select committee having that subject under consideration.

SUBSCRIPTION TO NILES'S REGISTER.

The business first in order was the consideration of the following resolution, reported by Mr. PATTON, from the Committee on the Library, on Saturday last, and then postponed till to-day.

Resolved, That the Clerk of the House of Representatives be directed to subscribe for ten numbers of "Niles's Register" for each member of the House, to be delivered once a week: *Provided*, The editor of said Register will agree to publish in, or as a part of, said work, at least once a week, under the direction of the Clerk, the Journals of the House, with the yeas and nays on all questions: *Provided, further*, That the editor of said Register will also agree to publish, at the end of every session of Congress, under the direction of the said officer, a supplement to said work, containing all the laws passed thereat, and treaties ratified by the Senate: to which shall be prefixed a copious index, to be approved of by said officer, and furnish one copy thereof, free of charge, to each member of Congress for the time being.

Mr. PATTON entered into a detailed statement of the object proposed by this resolution, the effect of which was merely to circulate among the people the journals, votes, and laws of Congress, to the extent of six thousand copies, at a cost of only five thousand dollars, and this too in a permanent form, where they would be always accessible for reference. Mr. Niles did not ask for any augmentation of the subscription price to the Register, but looked for remuneration from an enlarged subscription list, in consequence of the work being hereby made more intrinsically valuable. The publication of the laws alone, in ephemeral papers, cost three times as much as was involved in this resolution.

Mr. PARKER of New York said he was opposed to the resolution; that he could never consent that the members of the House should be furnished weekly, at the public expense, with more than 2,400 copies of "Niles's Register," or any other newspaper. It would involve an expense at the rate of $12,100 per annum; and he denied that this could be paid out of the contingent fund of the House, under the language of the appropriation bill, as it was passed yesterday. That bill required that the contingent fund should be expended for the ordinary expenses of the House, and "for no other purposes." He intended to move to lay this resolution on the table. If that was not sustained, he should move to strike out "Niles's Register," in the second line, and insert "Democratic Review." If any periodical was to be so largely patronised by Congress, he should prefer the latter, though he could not vote for the resolution. Mr P. concluded by moving to lay it on the table.

Mr. GRIFFIN asked for the yeas and nays; which were ordered, and were—yeas 86, nays 79.

So the resolution was laid on the table.

At a subsequent stage,

Mr. WILLIAMS of Kentucky moved a reconsideration of the vote by which the resolution for a subscription to Niles's Register was laid on the table, as, upon reflection, he thought he had given a wrong vote.

Mr. BOON moved to lay this motion on the table, and called for the yeas and nays; which were ordered, and were—yeas 88, nays 84.

So the motion to reconsider was laid on the table.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, made an unfavorable report on the case of Col. Joseph Brown; which was laid on the table.

Mr. SMITH, from the Committee on Commerce, reported a bill making appropriations for the erection of custom-houses at New Orleans, Philadelphia, and Savannah; which was read twice, and committed to a Committee of the Whole on the state of the Union.

The SPEAKER laid before the House a supplemental report to the annual report of the Commissioner of the General Land Office; which, on motion of Mr. CASEY, was referred to the Committee on the Public Lands.

THE INDEPENDENT TREASURY.

The bill from the Senate, entitled "an act to impose additional duties as depositaries upon certain public officers, to appoint receivers general of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States," having been read twice by its title:

Mr. CAMBRELENG moved its reference to the Committee of Ways and Means.

Mr. PICKENS rose, and said that before this motion was acted upon, considering the importance of the subject, he desired to be informed on certain point, so that he might know how to shape his course upon the motion, and he should apologise to the House for trespassing in this way from the acknowledged importance of the subject, and the deep interest involved in it.

Mr. P. would not have desired information upon this subject, had it not been for an article which appeared in the official journal of this morning, which he had perused most painfully, and which had an ominous bearing. He desired to know, from the honorable chairman of the Committee of Ways and Means, whether it was intended, directly or indirectly, to give this bill from the Senate the preference over the bill reported already through heir own committee, upon the same subject, to that House? He saw it intimated, that perhaps the provision [Mr. CALHOUN'S] which had been stricken out in the Senate's bill might be attached to some other appropriate bill, or introduced in an independent form, and in this article (from the Globe) he had seen not the slightest reference to the House bill upon this subject. Now Mr. P. considered this a question which, according to the theory of our Government, was peculiarly under the jurisdiction of this House; and, upon that consideration alone, he should be disposed to give their own bill the preference, as a precedent upon this subject. But he did not desire to trespass upon the House, and should not, but he most anxiously desired to know whether, in the future action of the Committee of Ways and Means, so far as the chairman was concerned, there was to be the slightest preference to the Senate's bill over that reported to the House from that committee?

Mr. P. concluded, by saying that he propounded this inquiry most respectfully, and it was due to the House to say that he had not the slightest conference with that gentleman. He asked it candidly and frankly. It was due to the House and to the country to know whether that emasculated bill, yes said he, a thing having the form of a man with the spirit of a eunuch, was to have directly, or indirectly, any preference given it over the one reported to this House on the same subject. If he was led to believe that it would not, and that our bill was was to be made the rallying point for the country, it would give him the greatest pleasure to vote with the gentleman, [Mr. CAMBRELENG,] to give it the ordinary reference to his committee. There was a great question involved in the bill, and no temptation could make him falter in his course.

Mr. CAMBRELENG would answer the gentleman most cheerfully. For himself, as a member of the Committee of Ways and Means, and he thought he could almost answer for every one of his colleagues on that committee, that he and they did infinitely prefer the bill reported to this House to the bill of the Senate. They had seriously and thoroughly examined all the provisions of the latter, and they had serious objections to many of its details; for some of its details besides those advocated by the gentleman from South Carolina, involving principles of very grave importance; and the bill reported from the Committee of Ways and Means was, almost two-thirds of it, a new bill entirely. For one, he should not depart from one single section or feature of that bill, and should certainly feel it his duty, as a measure of this character should emanate from the House, to give the House bill the preference.

Mr. SERGEANT thought the chairman of the Committee of Ways and Means had made one remark from which Mr. S. dissented. The gentleman said that he thought he could answer for *all* his colleagues on the committee.

Mr. CAMBRELENG begged to be understood as not, of course, intending to include those gentlemen opposed to both bills.

Mr. SERGEANT. He does not mean *all* the committee then, but thinks the majority are in favor of the House bill. Now, Mr. S. did not know which to prefer; that is, he did not know which was worse, and that was about the state of any opinion or judgment he then had. If the bill was what the gentleman from South Carolina had stated, an eunuch, why it was a sort of thing that, in some parts of the world, was entrusted with the care of a treasury, and if he could bring himself to believe that it was as innocent, by reason of its incompetence, as that class of persons were, he should have less objection to it; but he believed that it had vigor enough to do mischief, and that it was not safe to trust either one or the other bill; and for that very reason that those who were to be entrusted with the Treasury were perfectly competent persons to maltreat—to betray their trust—to be led by temptation to injure those who had entrusted them with the machinery. Both bills he believed to be exactly the same; the difference between them being that the one was to have the power of keeping bank notes, and the other that of keeping gold and silver, if it could get it.

All Mr. S. rose to say was, that, as one of the Committee of Ways and Means, he had no preference for either, but had strong objections to both, and was at a loss to know which was worst.

Mr. HAYNES said, that although not expressly called upon, he would, as a member of the Committee of Ways and Means, express his decided preference of the bill reported by that committee to the bill from the Senate. Desirous as he might be to answer the remarks of the honorable member from Pennsylvania, [Mr. SERGEANT,] he would not consume the time of the House by doing so.

Mr. PATTON was opposed to try this expedient in any form. He was opposed to the bill reported by the Committee of Ways and Means, and did not think there was the least necessity in such a reference of the Senate bill as that now moved. This subject had been before that committee twice already, and they had given the House the fruit of their labors and meditations upon the subject. He considered it extremely important to the best interests of this country that this question should be decided, and decided promptly; and he should, when he sat down, make a motion which he hoped would bring to the test what was the judgment of the majority of that House, in regard to the principles of this measure. He was compelled, in order to accomplish his object of quieting, if the majority of the House should be opposed to this measure of quieting the apprehensions of the country, justly excited by the continued confidence with which it is alleged that this measure, fraught, as he sincerely and solemnly believed, with the most mischievous tendency to the best interests of the country, and with the greatest danger, in a political point of view, was to be determined speedily and promptly by a vote of that House. The object he had in view, and which, in his view of the question, was so important, could not be attained but by a vote which was not in the form of a direct rejection of this measure, but which was a decisive indication, and he hoped the vote would be so regarded, of the opinions of the House against any bill containing the principles of this measure, whether it be the bill from the Senate, or that reported from the Committee of Ways and Means. He did not urge, therefore, as a reason why this matter should not be referred, the fact that a majority of that committee had examined and were opposed to it, because he did not desire that the vote which he should ask the House to take, should depend upon any differences of opinion about the details or modifications, which did not touch the great principles of the measure.

Mr. P. said he was aware that there were several gentlemen anxious to present substitutes to one or the other bill—substitutes essentially changing the details, and, in fact, the principles of both measures; and, at the first blush, gentlemen might be disposed not to sustain the motion he was about to make; but there would be no difficulty whatever. Gentlemen who had such propositions to make might make them hereafter. There were a variety of propositions before the House upon which they might be discussed, and adopted too, if the House was disposed in their favor. All the questions involved in this measure might also be discussed at large, under some of these, and there was

no good reason, therefore, as it seemed to him, for gentlemen who were opposed to the principles of this bill, being deterred from voting to lay it on the table, and thus furnishing an indication to the country that the majority of that House, if such be the fact, was opposed to the measure. And it would furnish too this additional advantage to them in presenting their propositions, viz: that as long as the friends of the Sub-Treasury, or Independent Treasury project, or what you please to call it, have the hope that they can carry their measure, they will, of course, oppose any and every substitute that can be offered for it, and any and every modification that will attack the principles of their measure. If, on the other hand, it be the opinion of the majority that the principles of this measure are not to be incorporated by their legislation, then gentlemen will find the proposed disposition of it necessary in taking the next best measure, if there be any next best, to accomplish the object they have in view, to attain the object of purifying and correcting our currency, by the next best project, or that which any gentleman might think best.

With these views, Mr. P. said he moved to lay the bill on the table.

Mr. GLASCOCK hoped the gentleman, who had made a general speech, and gone somewhat out of the rules, in his opinion, would withdraw the motion to enable Mr. G. to make a few remarks in reply.

Mr. PATTON would very cheerfully yield, if he had discussed the principles of the bill, but he had not done so, and could not, therefore, withdraw the motion.

Mr. GLASCOCK. The gentleman had given reasons why the bill should be laid on the table, and Mr. G. appealed to his liberality to allow a reply so far. Mr. G. would renew the motion.

Mr. PATTON would then withdraw it.

Mr. GLASCOCK regretted exceedingly that this motion to lay on the table had been made at the present time; and he regretted the more to see the motion come from the quarter it did. The House was well apprised of the situation which the gentleman from Virginia occupied at the present time. It is well known that that gentleman had been provided for by his own State; and it is a question whether, whenever any action shall be had on this bill here, he will be representing the majority of his constituents, which an election, however, to fill his vacancy will test. But independent of these considerations, it is well known that at the present time one of the States of this Union is unrepresented. It is well known that there are certain districts in different States unrepresented; and it is equally well known that at this present time, there were a large number of the representatives of the people absent, from the indisposition of their families and other causes, absent and necessarily absent of this city, and from the House. If we are to have this question tested, and fairly tested, let us have it taken when every member is in his seat. Where is the necessity of the motion which had been made by the gentleman from Virginia at this time? Has it been made because the gentleman is himself about to take a farewell from us all, and is it from such motives as these, that he now asks us to take this question, when he well knows there are many individuals friendly to this bill not present to vote, and are particularly anxious to do so? If the gentleman had exercised that courtesy which is usual, on all great national questions, he would have delayed his motion until every member could be here in his place to represent his constituency. He asked the House, whether it was not best to act on whatever bill the Committee of Ways and Means may report, at a time when there may be a full and fair attendance of the representatives of the people present. He knew not what effect this might have on the minds of others, but he was prepared to say for himself, that this movement, at the present crisis, was far from being such a one as he had expected from the gentleman from Virginia, for on all other occasions he had looked upon that gnetleman as acting with candor and fairness. At this very moment there are some twenty or thirty members absent from their seats—in fact, it had been suggested by some gentlemen near him, that there were at least forty who were absent. No such proposition as this had been anticipated by those gentlemen, and it is a question on which it is expected by the whole country, that every member should be present to give his vote. He would ask the gentleman then, whether in order, that absent members might be present, and to have a full vote of the House on the question, he would not consent to withdraw his motion, and permit the bill to go to the Committee of Ways and Means, and be reported upon by that Committee, in order that some measure might be brought before the House, in order that the people of the country might see whether a majority of the House were not opposed to the principle contained in the bill: namely, the divorce of the Government and banks. He knew there were some who were in favor of the principle of this measure, but who differed as to details, and all he asked was, that the country might be properly informed, whether there was, or was not, a majority in favor of the principle which he had referred to.

On this subject, he must avail himself of the privilege he now had of showing the impression attempted to be made on the people of the "Old Dominion." A report had gone forth, stating that there were some fifteen or twenty of a majority in this House opposed to the divorce. Then, sir, if the gentleman from Virginia intends that the people of his State shall be fairly informed on this important subject, let the question be brought up fairly, and let us have such a vote as will truly test the principle. Do this, and he [Mr. G.] had nothing to fear; and so far as it was concerned, he hesitated not in giving it as his decided opinion that there was a majority in favor of a divorce of Government and banks, notwithstanding all that had been said in certain papers to the contrary.

Mr. MERCER rose to order. He wished to know whether the remarks of the gentleman were pertinent to the question under consideration.

The CHAIR was of opinion that the gentleman from Georgia, as well as the gentleman from Virginia, [Mr. PATTON,] had not confined themselves strictly to the question pending.

Mr. GLASCOCK, in conclusion, would only say he regretted that this motion has been made, as it was an evidence of unfairness which he little expected from the gentleman from Virginia. He should renew the motion, as he had pledged himself to do it, but he did it with the greatest reluctance, because whatever vote was now taken could not be considered a fair test of the question. He looked upon the motion as an act of illiberality towards the absent members, and as an act of injustice to the States and districts which were now unrepresented, and from causes well known to all.

Mr. G. then renewed the motion to lay on the table.

Mr. PATTON hoped the gentleman would withdraw this motion, so that his remarks might be answered.

Mr. GLASCOCK said he would not do this, unless the gentleman from Virginia and others agreed to have it withdrawn for a general discussion of the subject.

Mr. CUSHMAN called for the yeas and nays; which were ordered.

Mr. FILLMORE moved a call of the House; which was ordered.

The call was then proceeded in for some time, when

Mr. CUSHMAN moved that it be further dispensed with.

Mr. PATTON hoped not, after what the member from Georgia had insinuated. The insinuation made by that gentleman that Mr. P. made the motion to lay this bill on the table, more with reference to the absence of the friends of the measure than otherwise, was wholly unfounded. Mr. P. had not the slightest knowledge of the subject, nor had he ever taken the least pains to ascertain who were absent or who were present. He hoped, therefore, the House would suffer the call to go on, that it might then be seen who were absent and who present. So far as he was concerned, he would say that if there were any just grounds that any vote in this form, and at this time would do injustice, or be acting unfairly, he would unquestionably, at once, desire the motion to lay the bill on the table, withdrawn.

Mr. DUNCAN here raised the point of order, that the question was not debateable; for, if it was, he might be disposed to reply.

The CHAIR said debate was not in order.

Mr. PICKENS was in favor of the motion of the gentleman from New Hampshire; but he rose mostly to protest against the construction given by the gentleman from Virginia that this would be a test vote. It would not be so.

The CHAIR here arrested further discussion.

Mr. GRENNELL then asked for the yeas and nays on the motion to suspend the call; which were ordered, and were—yeas 92, nays 94.

So the call proceeded farther; and excuses having been rendered for several absentees, it was dispensed with, on motion of Mr. HARLAN.

The CHAIR then propounded the question to lay the bill on the table, when

Mr. LEGARE expressed a hope that the motion would be withdrawn.

The question was then taken, and the vote resulted in—yeas 106, nays 98, (38 members being absent, the House, with the Speaker, consisting of 242,) as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, William B. Calhoun, John Calhoon, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, James Graham, William Graham, Graves, Gray, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Henry J. Johnson, W. Cost Johnson, Kilgore, Lawler, Lincoln, Lyon, Mallory, Marvin, S. Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Patton, Peck, Phillips, Pope, Rariden, Randolph, Reed, Ridgway, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Smith, Southgate, Stanly, Steuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, and Yorke—106.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Bynum, Cambreleng, John Campbell, Casey, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Dawson, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Foster, Gallup, Glascock, Grantland, Grant, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Geo. N. Keim, Kemble, Legare, Leadbetter, Lewis, Logan, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Palmer, Parker, Paynter, Pennybacker, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Rhett, Richardson, Rives, Robertson, Sheffer, Sheplor, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—98.

So the Senate bill was laid on the table.

Mr. GRAY then rose and remarked that he had voted in the affirmative upon the question of laying the bill upon the table, for the purpose of availing himself of the right to move a reconsideration of the question—a right afforded under the rules of the House only to those who vote with the prevailing party. He gave notice that he should move for reconsideration to-morrow.

Several other bills from the Senate were then read twice, and appropriately referred.

The bill for the relief of Samuel Milligan was read a third time, and passed.

On motion of Mr. CAMBRELENG, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. DROOMGOOLE in the chair,) and took up and considered the bill directing the transfer of pension balances into the Treasury.

ARMY BILL.

The committee then took up the "bill making appropriations for the support of the army for the year 1838."

Mr. EVERETT moved to strike from the clause "for subsistence, exclusive of that of officers, $1,040,797, including the sum of $390,885, for the subsistence of the volunteers and militia called out for preventing or suppressing Indian hostilities," the latter sum, and to reduce the former sum to $738,800.

After a few remarks by Messrs. BELL, CAMBRELENG, UNDERWOOD, EVERETT, McKAY, and MERCER,

The amendment was agreed to.

Mr. BELL wished to know, under the present circumstances of the county, whether the appropriations for the national armories might be dispensed with, as well as some other similar items.

Mr. CAMBRELENG explained that he had made inquiry of the proper departments, and the answer he had received from them, were of a character which would not authorize him as a member of the Committee of Ways and Means to strike it out. The Committee of the Whole, however, might do as it pleased, in relation to this matter, because he himself was of opinion that that some of those appropriations might be reduced somewhat.

After a few remarks by Messrs. MERCER and CAMBRELENG,

Mr. BELL moved to strike out the appropriation of $360,000 for national armories, and insert in lieu thereof $100,000.

McKAY hoped this motion would not prevail, because if the appropriation was not expended in the course of the year, it would not be lost. He did not consider that there was sufficient information in the possession of the House to justify this motion, and therefore trusted it would not prevail.

Mr. BELL said he had made this motion because of the present condition of the country. It seemed to him that it was entirely improper that the Government ought to be borrowing money to carry on such extensive operations as seemed to be contemplated by this appropriation.

Mr. WILLIAMS of North Carolina, inquired of the chairman of the Military Committee what the amount of arms proposed to be manufactured in the course of the next year.

Mr. McKAY was unable to say, because he had not the information at hand. The Military Committee, however, intended to examine into the matter; and when they did so, they would report to the House. It was well known, however, that the country was very deficient in arms.

Mr. WILLIAMS of North Carolina was entirely opposed to making these appropriations as large, when the Treasury was bankrupt, as we had been in the habit of making heretofore.

Mr. HAYNES said he should hardly have risen at present, if it had not been for the remarks of the gentleman from North Carolina, [Mr. WILLIAMS] about a "bankrupt Treasury." We had heard the cry of "bankrupt Treasury" so often repeated, upon so many occasions, that he would take leave to remind that gentleman, the House, and the country, of its immediate and efficient cause, without adverting to others associated with it, by which the Treasury had been brought to its present condition. That cause was the deposite of twenty-eight millions of the public revenue with the States. If that sum had not been diverted from the purposes for which it was intended, we should not have heard of a "bankrupt Treasury."

As he was up, he would say a word upon the amendment proposed by the honorable gentleman from Tennessee, [Mr. BELL.] That gentleman proposes to reduce the appropriation of three hundred and sixty thousand dollars asked for, for the national armories, to one hundred thousand dollars, without giving us any data by which his mind has been governed, or which shall guide and direct the conclusion of ours. He was as ready as any member of this committee to go for every measure calculated to ensure as economical administration, and as strict accountability in the expenditure of the public money, as any member of the House. All that was necessary was to convince him, by fact and argument, that any appropriation asked for was extravagant, to induce him to vote for its reduction. But the gentleman from Tennessee, without any such showing, has asked us to cut down the appropriation for our armories from three hundred and sixty to one hundred thousand dollars.

So far as he was informed, the sum required for the present year did not exceed that which had usually been appropriated for the same purpose in former years. If gentlemen would look to the annual Treasury report of last December, they would discover that in three quarters of 1837, more than three hundred and thirty thousand dollars had been expended in this branch of the public service in three quarters of the year, leaving less than thirty thousand for the remaining quarter. If the appropriation of former years, when no extraordinary necessity existed, had averaged about the sum now asked for, surely the necessity was not lessened, when we had some eight or ten thousand men in the field, and the wear and tear of military munitions must be so much increased. The importance of the national armories to the defence of the country should make us pause before we consent to reduce the appropriation necessary to continue their operations, upon mere conjecture, and without any data whatever. If we scatter and disperse the skilful artificers who have been collected at those establishments, where shall we be able to find them in the time of emergency to which all nations are liable? It was worth while to remember that there were many laborers in those establishments, whose families were dependant upon their employment in them for their bread. He would not, he could not, on the single ground of humanity to persons thus situated, consent, without any evidence whatever, so to reduce the appropriation as to throw them upon the charity of the world.

Mr. HOWARD was opposed to the reduction of this appropriation, because if it was reduced it would compel the superintendents to discharge their workmen, and afterwards it would be very disadvantageous to commence the works again when they were out of order, and when, perhaps, good workmen could not be found.

Mr. HOLSEY must oppose this amendment, unless the gentleman from Tennessee could demonstrate that we had more arms than were necessary for all contingencies.

Mr. CALHOUN was opposed to the amendment, because, if it was agreed to, it would be impossible for either of them to carry on their operations. He hesitated not to say that these establishments were conducted with the greatest skill; and if this skill was dispersed through the country, it was almost impossible to collect it again. He looked upon the policy proposed here by the gentleman from Tennessee a most suicidal policy.

Mr. BELL then withdrew his amendment.

On motion of Mr. SAWYER, the committee then rose and reported the bill to transfer the balances of the Pension fund, when this bill, having first been ordered to be engrossed, was read a third time and passed.

On motion

The House then adjourned.

IN SENATE,

TUESDAY, March 27, 1838.

Mr. KING presented the petition of Joshua Kennedy, asking confirmation to the grant of a certain tract of land in Alabama: referred to the Committee on Private Land Claims.

Mr. CLAY of Kentucky said he presented, some time ago, a memorial from certain citizens of Hampshire county, Virginia, in relation to the exaction of specie at the post office, and complaining that while Stockton and Stokes were demanding it from the postmasters in payment, that one of the contractors was deluging the country with shinplasters. Mr. C. said that these people had heard that it was denied that such issues were made, and had, consequently, enclosed him one of the notes, with a request that it be referred to the same committee to which the petition was referred; and he made that motion in accordance with their request.

Mr. KING expressed his surprise that the Senator from Kentucky should move the reference of a shin-plaster to a committee. He might have handed it over without troubling the Senate with a formal presentment of such a trifling matter.

Mr. CLAY said he was sorry that he could not gratify the Senator; that the note had been sent as a voucher, and the letter containing it came in due course of mail, requesting that it should be so disposed of; and he would therefore ask that it be referred.

Mr. GRUNDY desired that the note might be read.

The Secretary having read the note, found it signed by "*Lucius W. Stockton*," for 25 cents, and payable for stage fare at Union, and other places.

Mr. BUCHANAN said the firm of Stockton and Stokes should not have been blamed for denying that they had issued what they really had not. This was quite another affair.

The "note" was referred to the Committee on Finance, the same to which the previous petition had been referred.

Mr. YOUNG presented a petition from sundry citizens of Boone county, Illinois, praying the establishment of a land office in that county: referred to the Committee on Public Lands.

By Mr. WHITE: a communication from the Secretary of War, on the subject of Indian annuities: referred, and ordered to be printed.

By Mr. RUGGLES: from Thomas A. Smalley and others, praying the construction of a light-house: referred.

By Mr. MOUTON: from an individual, asking a pre-emption right: referred.

By Mr. CRITTENDEN: from one of the heirs of Col. Armstrong: referred.

REPORTS OF COMMITTEES.

By Mr. ROANE, from the Committee on District of Columbia, to extend the jurisdiction of Washington city over the Potomac bridge, and to authorize the sale of certain lots in that city: read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, moved to be discharged from the further consideration of the petition of Hannah Smith; also, from the petition of Fergus S. Morrison; which was concurred in.

Mr. MORRIS, from the Committee on Pensions, reported a bill for the relief of Dennis Trammel.

Also, for the relief of Margaret Wall.

Also, for the relief of Wm. Berry.

Mr. MERRICK, from the Committee on Claims, to which had been referred the bill from the House for the relief of Richard Frisby, rep orted the same without amendment.

Also, from the same committee, an unfavorable report onthe petition of Clement S. Lucas.

The bill making appropriations for the civil and diplomatic expenses of the United States for 1838, was received from the House, read twice, and referred to the Committee on Finance.

Mr. MERRICK presented resolutions of the Legislature of Maryland, in favor of a survey of Annapolis harbor and Severn river: laid on the table, and ordered to be printed.

On motion of Mr. ROANE, and after a conversation by Messrs. ROANE, KING, CLAY of Kentuck, HUBBARD, RIVES, and CRITTENDEN, a message was sent to the House asking the return of certain papers relating to a claim for interest on arrears of a pension to an individual (unheard) in Virginia, which claim had been rejected by the Senate. The recall of the papers was made with a view to a farther hearing on the case.

The bill from the House authorizing the construction of the Cumberland road through Salem and Lewisburg, Ohio, was twice read, and referred to the Committee on Roads and Canals.

The CHAIR presented a communication from the Treasury Department, with a supplement of the annual report of the Commissioner of the General Land Office, in relation to surveys and reservations of land: referred to the Committee on the Public Lands.

The following bills were read a third time, and passed:

The bill to authorize the correction of certain errors in the payment of French indemnities;

The bill for the relief of John H. Jacocks; and

The bill for the relief of the legal representatives of George Duvall, and others.

The resolution offered yesterday by Mr. MERRICK, in relation to the survey of the Tangier sound, was called up, and, after being so amended as to read—

Resolved, That the President of the United States be requested to cause Tangier Sound and the harbor of Annapolis to be surveyed, was adopted:

CUMBERLAND ROAD.

On motion of Mr. TIPTON, the Senate took up the bill for the continuation of the Cumberland road through Ohio, Indiana, and Illinois.

The subject of this bill was discussed by Messrs. NORVELL, TIPTON, STRANGE, CALHOUN,

SMITH of Indiana, MORRIS, BUCHANAN, SMITH of Connecticut, ROBINSON, WALKER, HUBBARD, CLAY of Kentucky, YOUNG, CLAY of Alabama, and KING.

The bill was opposed mainly on the ground of the existing embarrassments and bankruptcy of the Government; partly on that of the want of sufficient information, and partly on that of the inequality and injustice of the appropriation which it involved.

On motion of Mr. HUBBARD, the bill was laid on the table; whereupon,

On motion of Mr. BUCHANAN, the Secretary of War was directed to inform the Senate what portions of the estimates for the construction of the Cumberland road, in Ohio, Indiana, and Illinois, might be dispensed with without injury to the road, and without violating existing contracts.

The Senate adjourned, after an Executive session.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 28, 1838.

THE LATE DUEL.

Mr. ADAMS, on leave, presented four petitions on the subject of the late duel;

Mr. CUSHING also presented one on the same subject.

Mr. FAIRFIELD presented the following petitions upon the subject of the late duel, which were referred to the select committee having that subject under consideration, viz: Beardsly Lape and 55 others, citizens of Canajoharie, New York; Stephen Barrows and 35 others, citizens of West Camden; Jacob Traften and 36 others, citizens of West Camden; Alexander Libby and 55 others, citizens of Hartford; Joseph Dearbon and 57 others, citizens of Hartford; Philip Abbott and 147 others, citizens of Rumford; Alvan Bolster and 145 others, citizens of Rumford, all in the State of Maine.

Mr. RUSSELL presented one on the same subject from Washington county, New York, very numerously signed, without distinction of party.

Mr. GRANT of New York presented the proceedings of a public meeting held, without distinction of party, by the citizens of Fulton, in he county of Oswego, New York, at the village of Fulton, on the 14th day of March instant, in relation to the recent duel, at which Aaron G. Fisk, Esq. presided, and Thomas Johnson officiated as secretary. Among the resolutions adopted, was one praying the expulsion of all members of Congress engaged in, or in any view connected with, the said duel; which proceedings and resolutions were committed to the select committee having this matter in charge.

Mr. BEATTY of Pennsylvania also presented one on the same subject; which was referred to the select committee.

Mr. CUSHMAN, on leave, presented a remonstrance from certain citizens of New Hampshire, in relation to a proposed post route.

Reports from committees were then called for.

CLAIMS.

Mr. WHITTLESEY of Ohio reported a bill to establish a Board of Commissioners to examine and decide certain claims against the United States.

The bill having been read twice,

Mr. W. remarked that, as this bill proposed to establish a Board of Commissioners to adjudicate claims, and relieve the House and Congress of a mass of business, he hoped it would meet with its favorable consideration, and be taken up at an early day. If such a board was to be established, the sooner it was done the better. Mr. W. then moved that the bill be committed, and made the special order for Friday week; which was agreed to.

PUBLIC LANDS.

Mr. JOHNSON of Louisiana reported a bill to revive the supplementary act to the act to authorize the inhabitants of the State of Louisiana to enter a tract of land; which was read twice, and postponed till this day week.

Mr. J. also reported a bill to confirm the claim of Charles Morgan to a certain tract of land.

Mr. BOON reported Senate bill, with an amendment, for the relief of Michael Cassel, of La Porte county, Indiana.

Mr. B. having briefly explained the object of the bill and amendment, it was, on his motion, concurred in, and the bill ordered to a third reading, read a third time, and passed.

Mr. BOON then gave notice that, on Tuesday next, at 12 o'clock, he should move the House resolve itself into a Committee of the Whole on the state of the Union, on the bill granting pre-emption rights to actual settlers on the public lands.

JUDICIARY.

Mr. THOMAS reported, without amendment, bill for the relief of the securities of Archibald H. Sneed.

Mr. T. also reported a joint resolution giving the same per centum given to the clerks and messengers of other departments, to those in the office of the Attorney General; which was read twice and committed.

Mr. MARTIN reported a bill for the relief of Sarah H. B. Stith.

REVOLUTIONARY CLAIMS.

Mr. A. H. SHEPHERD reported a bill granting seven years' half pay for Revolutionary services of John McClelland, deceased.

Mr. S. also made several unfavorable reports.

Mr. HARPER made an unfavorable report on the petition of the administrator of John McHalton.

PRIVATE LAND CLAIMS.

Mr. HARLAN reported a bill for the relief of David Ballentyne.

Mr. H. also reported, without amendment, Senate bill for the relief of Abed P. Lacey.

INDIAN AFFAIRS.

CHEROKEE AFFAIRS.

Mr. BELL moved that the Committee on Indian Affairs be discharged from the further consideration of a memorial from Riverhead, in the State of New York, asking an inquiry into the validity of the Cherokee treaty, and that it lie on the table.

Mr. EVERETT asked for a division of the question on discharging and lying on the table, and made a few remarks on the subject, which were wholly inaudible, at the position occupied by the reporters of the Globe.

Mr. HAYNES said, desirous as he might be to repel the attacks made by the honorable member from Vermont, he would not follow the example he had sometimes seen set there, of making a speech, and then closing with a motion which deprived every one else of the opportunity of a reply. Mr. H. said, "I will abide my time." That time will come; and then, so far as he could, he would discuss the whole merits of the subject as well as he was able. He now demanded the previous question.

Mr. DAWSON requested his colleague to withdraw the motion.

Mr. HAYNES would willingly oblige his colleague, but he wished to stop this discussion.

The House refused to second the demand for the previous question—ayes 70, noes 76.

Mr. DAWSON then addressed the House for some time, in arguing for an immediate disposition of the subject.

Mr. HAYNES said it was very much his desire that there should be no further discussion of this subject, or he would not have made the motion, which, as he thought, had unfortunately failed; or he would have, with great pleasure, withdrawn that motion, at the request of his colleague, [Mr. DAWSON.] He concurred entirely in the remarks which had been made by his colleague. It was too late to deal with this question as a mere abstraction. The time had gone by when any practical good could result, from an inquiry into the policy which had been pursued generally towards the Indians, and particularly towards the Cherokees. He would go one step further than his colleague had gone, with respect to the accountability which would rest some where if the country should be involved in war with the Cherokee Indians. He charged no one with stimulating the Cherokees to the course they had pursued and are now pursuing. But if there were any who had instigated and stimulated them to resist the execution of the treaty, upon his head would rest the blood of the white man and the Indian, of the delicate female and prattling infant, which would be shed by the tomahawk and scalping knife, if the Cherokees should be encouraged to persist in carrying their present course to extremities. Sir, what political purpose would be answered by the reference proposed by the honorable gentleman from Vermont, [Mr. EVERETT.] Has any one but that gentleman ever taken the ground that this House has any jurisdiction over the question of treaty or no treaty? Mr. H. believed, that in the whole course of his experience, here and elsewhere, he had never known that doctrine maintained by any one but the gentleman from Vermont. The utmost extent to which any one had gone, so far as he was informed, was, that if a treaty involved an appropriation, this House might or might not make it at its pleasure. For what purpose was it proposed to investigate the conduct of the late and present Administrations in reference to this subject? The gentleman from Vermont had intimated that the result of the investigation proposed by him might be the foundation of an impeachment against the late President of the United States. If that gentleman, or any other member of this House, believed the late President has exceeded his constitutional power in negotiating the Cherokee treaty, let him bring forward articles of impeachment against him.

If he should do so, he would find himself in a most singular position, in bringing that distinguished individual for trial before a body which was *particeps criminis* in the very act for which the gentleman from Vermont had intimated that it might be proper to impeach him.

He repeated that it was not his desire to enter into a general discussion of this subject. He had been taunted on other occasions by gentlemen who had brought up irrelevant topics with a desire to evade discussion. In this gentlemen were mistaken. He had no donbt a suitable occasion would shortly occur, when it would be his duty to discuss this subject; when, to the best of his ability, he would do justice to the State one of whose Representatives he had the honor to be.

Till then, he wished it to be put at rest by such a vote as would convince the Cherokees that they must abide by the provisions of the treaty. The sooner this should be done the better.

Mr. EVERETT briefly replied to the two gentlemen from Georgia, stating that it was not his opinion that these Indians would not have to remove from the State of Georgia. He believed it to be their true interest to remove, and he believed they would have to remove under some other treaty, if they did not under this. But he asked that justice might be done to them, and that such course might be pursued by the country as would prevent boodshed. He did not believe that any one had been holding out the idea to this Cherokee delegation, that there was a chance of their remaining in Georgia. Certainly he had heard of no one who had held out this idea to them, but he did hope to see justice done them by this Government.

Mr. CAMBRELENG here called for the orders of the day; but, at the request of several gentlemen, withdrew the call.

Mr. LAWLER believed that the course recommended to be pursued by the gentleman from Vermont, would be attended with no good results. He believed, so far as he had been informed on this subject, that John Ross had determined to enter into no negotiation, until this treaty was set aside. This being the case, he deemed it to be highly important that the House should take some action now; and the decision of this question, he thought, would be sufficient evidence to the Cherokees of the course which Congress intended pursuing. If the House determines that it will take no farther action on this memorial, the delegation will know what to expect; and he hoped the vote might now be taken, and the question put at rest.

Mr. CAMPBELL of South Carolina said that the dictates of humanity should prompt us to hold out no delusive hopes to these people. He trusted the House would now determine the question, and put this vexed matter at rest for the present. Mr. C. then called for the yeas and nays on the first part of the motion, viz: to discharge the committee, which were ordered, and were—yeas 103, nays 76, as follows:

YEAS—Messrs. Anderson, Andrews, Beatty, Beirne, Bicknell, Biddle, Birdsall, Boon, Brodhead, Cambreleng, Wm. B. Campbell, John Campbell, Casey, Chambers, Clark, Cleveland,

Coles, Connor, Craig, Crary, Cushman, Dawson, Dromgoole, Elmore, Farrington, Fairfield, Foster, Gallup, James Garland, Rice Garland, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hamer, Hammond, Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, J. Jackson, H. Johnson, J. Johnson, N. Jones, Kemble, Keim, Lawler, Legare, Leadbetter, Lewis, Logan, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Morgan, Samuel W. Morris, Murray, Palmer, Parker, Patton, Paynter, Pennybacker, Phelps, Pickens, Plumer, Pratt, Prentiss, Rhett, Richardson, Rives, Sheffer, Charles Shepard, Shields, Sheplor, Snyder, Steuart, Stone, Taylor, Thomas, Thompson, Titus, Turney, Vail, Wagener, Webster, Sherrod Williams, Jared W. Williams, Christopher H. Williams, and Yell—102.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Bond, William B. Calhoun, John Calhoon, William B. Carter, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Darlington, Deberry, Dunn, Evans, Everett, Richard Fletcher, Fillmore, Goode, William Graham, Graves, Hall, Halstead, Harlan, Harper, Hastings, Henry, Robert M. T. Hunter, Lincoln, Mallory, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Peck, Phillips, Pope, Randolph, Reed, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, Sibley, Slade, Southgate, Stanley, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Wise, and Yorke—75.

The motion to lay it upon the table was then agreed to without a division.

ARMY BILL.

On motion of Mr. CAMBRELENG, the House went into a Committee of the Whole on the state of the Union, Mr. DROMGOOLE in the Chair, and took up the "bill making appropriations for the support of the army for the year 1838."

Mr. CAMBRELENG moved to strike out the item of $258,273 for arsenals, and insert the sum of $232,000 for the same purpose.

Mr. BELL thought this appropriation, considering the present state of the country, might be much more reduced. He then went into some statistics in relation to this appropriation, and concluded by moving to amend the amendment to $100,000.

Mr. YELL inquired whether this appropriation was intended to be applied to all the public arsenals, or whether it was only intended for a particular class of these establishments.

Mr. CAMBRELENG replied, that it was intended for the whole of them, there being sixteen of these establishments in the United States; and sent a document to the table, showing the appropriations which would be necessary for carrying on these arsenals for the next year, which was read by the clerk.

Mr. YELL should like, before a vote was taken, to look into the condition of some of these establishments. If the gentleman would so modify his motion, as not to make any reduction in those establishments which provided protection for the western frontier, he would not oppose it; but he could not consent, while the policy of the Government in removing the Indians upon their borders placed them in a perilous situation, to have the appropriations taken away from them which were to provide them a means of defence.

Mr. BELL thought the Secretary of War would exercise a proper discretion on this subject. He himself thought the arsenal in Arkansas ought to be kept up, but the appropriation for others might be dispensed with. He then modified his motion so as to make the appropriation $150,000.

Mr. YELL did not desire to have either the Secretary of War or the President to exercise a discretion on this subject. They were in need of the means of defence, and he trusted no discretion might be vested any where, which might deprive them of these means, by any considerations of policy or expediency.

Mr. CAMBRELENG accepted this as a modification of his motion, because he believed the estimates of the department had provided for many new works which he thought might be dispensed with for the present.

Mr. POPE disagreed from this opinion of the chairman of the Committee of Ways and Means. He thought the estimates ought to be adhered to.

Mr. McKAY concurred with the chairman of the Committee of Ways and Means on this subject. He believed the appropriations for these new works might be dispensed with advantageously, considering the present embarrassed condition of the Treasury; and he hoped the motion to reduce this appropriation to one hundred and fifty thousand dollars might prevail.

Mr. MASON of Ohio apprehended the true and fair statement of the question to be one of postponement of some of the less needful objects; and, in the present condition of the Treasury, many of them might be postponed without its being interpreted as an indication of the sense of the House against their construction at some time or other. In reference to the appropriations, Mr. M. avowed himself disposed to vote as much as would keep the objects from suffering, though he was not inclined to go for new works.

Mr. YELL moved an amendment to the amendment, that $100,000 of the $150,000, or so much thereof as may suffice, to complete the arsenals already commenced, and those on the Western frontier. He moved this because he conceived the whole Western frontier should be put in a state of defence, and he wished the Executive required to carry the former laws on this subject into effect, which had not as yet been done, for the sites, as yet, in two years, had only been purchased and marked out.

Mr. MERCER expressed himself in favor of the amendment, and complained of the large expenditures for the construction of arsenals, $14,000 being contemplated, whereas less than half the money was sufficient; and yet still larger sums were called for, and forty acres of land purchased at Little Rock. All that was necessary was a single shed, strongly built, and protected from the weather, consisting of one or two rooms, with the occasional attendance of a man to look after the arms. He was opposed to any increase of the sums proposed in the law of 1830, viz: $14,000 for each.

Mr. McKAY referred to the estimates and statements of the Head of the Ordnance Department, showing that, in addition to the $14,000, owing to the high price of materials and labor, $10,000 more would be wanted to complete the arsenal at Liberty, Missouri, $12,000 at Little Rock, and $30,000 at Memphis, Tennessee, and if the amendment of the gentleman from Tennessee was intended to restrict the cost of those works to the limit of the law of '36, they could not be constructed. In reply to Mr. YELL, Mr. McK. said the delay complained of had arisen from the fact that the money appropriated was insufficient, and the Secretary of War could not go on to complete the works till Congress sanctioned a larger sum than originally proposed.

Mr. YELL complained that the whole of the first appropriation had been withheld till Congress had made an additional one. The Executive should have gone on to use what money there was, and not wait till a larger appropriation was made. He said, that if effective measures were not taken, and that speedily, to protect the Western frontier, in less than three years half the scalps of his constituents would be lying on the coals, from the General Government sending such large bodies of Indians there. If the Government would not protect Arkansas, give the people arms, and they would, and they were well able, protect themselves. The Creeks and the Seminoles had been sent there in chains, as they would never forget their degradation. The Cherokees were about to be sent there also, and his solemn conviction was, that, in less than two years, there would be a general war on that frontier.

Mr. McKAY had not justified the Executive in delaying the execution of the law with a view to get a larger appropriation. So far from it, he held that the Executive was bound to execute the law when it was practicable, but when only a third of the amount was sufficient, would it not be better to postpone making contracts, preparing materials, &c? because its size and extent could only be ascertained from the maximum of the sum to be expended.

Mr. YELL'S amendment was then agreed to.

Mr. MERCER moved a further amendment add the words, "according to the provisions of the existing law."

Mr. YELL inquired the object of this amendment.

Mr. MERCER replied that it was to meet the argument of the gentleman from North Carolina, and to save a prodigal expenditure, or more than authorized by the existing law.

Mr. YELL. What, to limit the cost of the arsenal at Little Rock to $14,000?

Mr. MERCER. Certainly.

Mr. YELL. That will never do, for the work cannot be constructed for the money.

Mr. MERCER was convinced that $10,000 was sufficient to build an arsenal capable of containing a hundred thousand stand of arms; most probably for about half the money. The sum appropriated was abundantly sufficient, and he could not conset to sanction a violation of the existing law. He concurred with the gentleman in what he said about the necessary defence of the western frontier, rendered defenceless by the miserable policy of the Government in regard to the Indians.

Mr. YELL contended that $14,000 was insufficient, for a large supply of arms, and a magazine, were necessary at Little Rock, a point as important, at least, as that at St. Louis, which had cost $300,000. There must be quarters for two companies at least, officers, workmen, &c. and $14,000 would not begin to do it. If economy was intended, he would go with the gentleman, and knock off one-third, for his people would stand it, but then let them go through the whole bill, and cut down all other items in the same proportion. Make a general reduction of one-third, and he would be content to suffer with the rest; but the effect of the gentleman's amendment would be to cut down the three most important arsenals in the whole western country.

Mr. POPE believed the gentleman from Virginia was mistaken that an arsenal could be constructed at Little Rock for $10,000, though he regarded the cost of the ground, forty acres, at a hundred dollars an acre, as extravagant. He expressed his admiration at the spirit displayed by the gentleman from Arkansas in calling the Executive to account; but he did not apprehend the dangers spoken of, from the Indians on the Arkansas frontier, for the reason that the head-men of the Choctaws and Cherokees were men of large property, holding slaves, and cultivating the soil, whose interest it would be to repress their people. He was opposed to Mr. MERCER'S amendment, and thought it better for Mr. YELL not to have moved the one he did.

Mr. McKAY remarked that the proposed amendment was inconsistent with the one adopted, which embraced $100,000, or so much of that sum as might be necessary, to complete these arsenals; but if the amendment of the gentleman from Virginia was adopted, no more could be expended than was appropriated in the act of '36. Where, then, was the use of Mr. YELL'S amendment? Mr. McK. stated further, that the gentleman from Arkansas was mistaken in supposing that it would be necessary to have two companies of troops at the arsenal.

Mr. MERCER denied there was any inconsistency in the two amendments. His amendment was intended to exclude the idea that $30,000 more should be expended for this work than was authorized by the existing law; but if it was excluded, it would be received as an indication that the House was willing to expend a larger sum. He believed the remaining balance of $10,000 was amply sufficient to construct the work; but, if not, let a separate bill be brought in for the purpose. Moreover, Mr. M. insisted that the appropriation itself was out of order, and could only be made by a special bill.

After some further remarks by Messrs. HOLSEY and JOHNSON of Louisiana against the amendment, it was disagreed to, and the original amendment was agreed to.

The other clauses of the bill were then agreed to.

Mr. BELL then moved an additional clause for drafts lying over and unprovided for, for arrearages on account of the Florida war, $553,415.

Mr. CAMBRELENG objected to the amendment, because the item was embraced in another bill. Moreover, these heads of expenditure should be kept separate, and not an appropriation for the Florida war be included in the army bill.

Mr. EVERETT objected to the Seminole appropriation being divided.

Mr. BELL replied that the rule under which the gentleman from New York objected to this item, applied only to a whole bill, and not to a single, substantive proposition out of another bill. Nor

was there any thing in the argument that these bills should be kept separate to ascertain the precise expenditure for the Florida war, because there are in this bill already from three to five hundred thousand dollars, though indirectly, viz: in increased clothing, subsistence, etc. Again, he was desirous of paying the arrearages at once, so that the discussion on the other bill might not be hurried, on the ground of existing claims or arrearages.

Mr. CAMBRELENG confessed that he was somewhat surprised at the anxiety manifested by the gentleman to pay the Governments protested drafts; but if he would make his amendment effective, he should propose to appropriate, at once, $2,000,000. Why, did not the gentleman know that the Florida campaign was now drawing to its close? And did he not know that the great mass of this expense was already incurred? Three months' pay was already due for the present year. Mr. C. was willing that a full debate should be had upon the Florida war, and it was for that very reason he desired to keep the bills separate; but if gentlemen continued to keep up long discussions upon small items, there would be no opportunity of reaching important measures.

Mr. DOWNING suggested an amendment, so as to cover the whole of the unpaid arrearages and just claims against the Government, on account of the Florida war, up to this time.

Mr. BELL. That was my intention.

Mr. DOWNING. Then $500,000 would not meet it, nor, he believed, two millions.

Mr. EVERETT persisted in his objection to this amendment, but preferred having two bills brought into the House; one to embrace the arrearages, and the other to provide for the future expenses of the war.

Without taking the question, on motion of Mr. MALLORY, the committee rose and reported, and then, on motion,

The House adjourned.

IN SENATE,

WEDNESDAY, March 28, 1838.

The CHAIR announced a communication from the Treasury Department, transmitting, in compliance with a resolution of the Senate, a statement of the amount of custom-house bonds, collected and paid annually from the 1st October, 1827, to 1st September, 1837: laid on the table, and ordered to be printed.

Mr. BUCHANAN presented the memorial of a large number of citizens of Lancaster county, Pennsylvania, praying Congress to pass a law prohibiting any person from holding office under the Government, who has been engaged in a duel: laid on the table.

Mr. B. also presented a petition from a number of citizens of Philadelphia, asking Congress to establish a dry dock at the navy yard at that place: referred to the Committee on Naval Affairs.

Mr. MORRIS presented a petition from a number of citizens of Philadelphia, and one from sundry citizens of Starke county, Ohio, praying Congress to abolish slavery and the slave trade in the District of Columbia.

Mr. DAVIS presented a petition from sundry citizens of Massachusetts on the same subject. The motions to receive the above petitions were severally laid on the table.

Mr. MORRIS presented a petition from sundry citizens of Philadelphia, against the admission of any State into the Union, whose constitution tolerates slavery: laid on the table.

Mr. ALLEN presented the memorial of a large number of citizens of Cleveland, Cuyahoga county, Ohio, in relation to the late outrage committed on the territory and jurisdiction of the United States, by the invasion and burning of the steamboat Caroline at Schlosser. The memorial prays Congress to take such measures in relation to the outrage as the dignity, honor, and safety of the country required. Mr. A moved to refer the memorial to the Committee on Foreign Relations.

Mr. BUCHANAN had no objection to the reference of the memorial to the Committee on Foreign Relations; but he wished first to say one word, lest some misapprehension on the subject should prevail in the country. We know, he said, that the subject of this outrage is in a course of negotiation between the British Government and ours. He hoped and believed that that Government would do us justice; but it would be obvious, that whilst the negotiation was pending, it would not be proper for the committee to make any report. If the time should come—and he trusted that it never would—when it would be necessary for the committee to act, there was no doubt but they would do their duty.

Mr. ALLEN said he had as much confidence in the patriotism of the committee as any one; and it was, therefore, that he desired the memorial to take the same course that had been given to one formerly presented by him on the same subject. He did not believe that the reference of the memorial would interfere with the negotiations going on between this and the offending Government; and he had barely, in obedience to the wishes of the citizens of one of the largest and most important cities of the West, situated in the vicinity of the territories of that Government which had committed the outrage, presented their views to the Senate. He had no doubt but the committee would exercise that wise and patriotic course which was consistent with them.

Mr. BUCHANAN did not at all suppose that there was any impropriety in this large and respectable meeting presenting a petition on a subject so interesting to them. His remarks were only intended as an apology for the committee, in not making a report on the subject.

The memorial was then referred to the Committee on Foreign Relations.

On motion of Mr. ROBINSON, the Committee on the Post Office and Post Roads was discharged from the further consideration of the petition of R. C. Hardesty.

Mr. ROBINSON, on leave, introduced a bill for the relief of the heirs of James Latham, deceased; which was read, and ordered to a second reading.

Mr. ALLEN, from the Committee on Military Affairs, to which had been referred three memorials from the citizens of Easton, Pennsylvania, and Richmond, Virginia, on the subject of a national foundry, moved that the committee be discharged from the further consideratien thereof, the committee having reported a bill on the subject, leaving the selection of the site to the President. The motion was agreed to.

Mr. ALLEN, from the Committee on Military Affairs, offered the following joint resolution:

RESOLUTION to authorize the purchase of an island in the river Delaware, called the Pea Patch.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to purchase of the lawful owner thereof, a certain island in the river Delaware, commonly called the Pea Patch, and that he report to Congress the contract which he may make, to be subject to their future action.

DELEGATE FOR THE DISTRICT.

Mr. NORVELL rose and remarked, that he had, some weeks ago, introduced a resolution inquiring into the expediency of authorizing the people of the District of Columbia to elect a delegate to the House of Rrepresentatives. It was not his purpose to enter, at this time, upon the discussion of the subject, but to take up the resolution for reference. He had examined the Constitution, and all the other writings which he could lay his hands on, having a bearing upon the proposition. From these he could perceive no difficulty in carrying it into effect. A delegate, to represent the people of this District in Congress, would relieve the members of both Houses from much labor and examination, which they had very little leisure, from their own local and the national affairs, to bestow upon the peculiar interests of the District; and the measure would insure a more vigilant and just attention to those interests. He therefore moved to take up the resolution for consideration and reference.

Mr. ROANE inquired whether there was any petition or memorial on the subject from the people of the District, and, if not, in what manner the committee was to form an opinion as to their wishes. It did seem to him that it was time enough for Congress to act when requested to do so by those most immediately interested.

Mr. GRUNDY thought that the Senate ought not to move in this subject in any way, and that, as a matter of delicacy, the proposition should first come from the House of Representatives. The Senate, which had nothing to do with delegates, ought not to attempt to force a delegate on the other body, without consulting them.

Mr. NORVELL said, that if the people of the District had not petitioned Congress for a delegate, it was probably because they supposed that their petitions would receive very little attention. The subject had, on various occasions, been agitated among them; and he believed that they generally desired the adoption of the measure. If it were one proper and just in itself, as he thought it was, he could not perceive the necessity of waiting for the presentation of petitions from the people of the District, who, at present, enjoyed neither representation nor any other political rights. With regard to the only objection to the resolution, urged by the Senator from Tennessee, that the measure ought to originate in the other house, as the delegate was proposed for that house, he remarked, in justification of himself, that in a conversation with the chairman of the District, in the House of Representatives, he understood that honorable member to recommend action on the proposition here, in the first place, as it would probably pass through the Senate with greater facility, and then be acted upon with more promptitude in the House of Representatives.

Mr. GRUNDY still thought that the proposition ought to have come from the House of Representatives itself, and not in consequence of a suggestion from a member of it.

Mr. G. then moved to lay the resolution on the table; which was agreed to.

Mr. PRESTON presented a memorial from sundry citizens of South Carolina, on the subject of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr DAVIS submitted the following resolution; which lies one day for consideration:

Resolved, That the Secretary of War be instructed to state to the Senate the number of fortifications complete, the number commenced, and unfinished, the number proposed to complete the system of defence, but not commenced, the size of each, the original estimated cost of the construction and armament of each, the amount which has been expended on each, and the amount necessary to complete each.

Resolved, That he be further instructed to state to the Senate, whether, in his judgment, if steam batteries should be employed in defence of our harbors, bays, &c. any of such fortifications can be dispensed with or diminished.

Resolved, That the Secretary of the Navy be instructed to communicate to the Senate, whether in his judgment, a system of defence by armed steamers, might not be organized, which would be more effective and economical than any made hitherto employed to resist invasion.

Resolved, That he be further instructed to lay before the Senate an estimate of the expense of organizing an efficient system of defence by armed steamers.

On motion of Mr. TIPTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Fredonia by Princetown, Indiana, to Mount Carmel, Illinois.

Mr. BENTON, from the Committee on Military Affairs, reported a bill for the relief of the corporate authorities of the town of Mobile; which was read, and ordered to a second reading.

The Senate took up and considered as in Committee of the Whole, the bill for the relief of William R. Taylor, administrator of Jonathan Taylor, deceased; and after a debate, in which the claim was advocated by Messrs. CLAY of Kentucky, CRITTENDEN, GRUNDY, SMITH of Connecticut, YOUNG, WHITE, and STRANGE; and opposed by Messrs. HUBBARD, MORRIS, and PRENTISS.

The question was taken on the indefinite post-

ponement of the bill, and decided in the negative—yeas 10, nays 21, as follows:

YEAS—Messrs. Buchanan, Hubbard, King, Lumpkin, Morris, Niles, Prentiss, Smith of Indiana, Tipton, and Williams—10.

NAYS—Messrs. Allen, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Fulton, Grundy, Linn, Nicholas, Norvell, Preston, Rives, Roane, Robinson, Smith of Connecticut, Strange, Swift, Trotter, Walker, White, and Young—21.

The bill was then ordered to be engrossed for a third reading.

Mr. CLAY of Alabama gave notice, that at one o'clock to-morrow, he should move to take up the bill to reduce and graduate the price of public lands, and he hoped the members from the nine States interested would be present, and prepared to give it their support.

The amendment of the House to the Senate bill for the relief of Michael Cassel was concurred in.

The following bills from the House were read twice and referred:

The bill for the relief of Samuel Milligan.

The bill directing the transfer of moneys remaining unpaid by certain pensioners, and authorizing the payment of the same at the Treasury of the United States.

On motion of Mr. PRENTISS, the Senate took up and considered, as in Committee of the Whole, the bill to revive and continue in force the act to provide for persons disabled by known wounds received in the Revolutionary war, and ordered the same to be engrossed for a third reading.

On motion of Mr. CLAY of Alabama, the bill for the relief of Sutton Stevens, which was laid on the table the other day, was taken up, as in Committee of the Whole, when Mr. C. presented some additional documents, obtained from the General Land Office, explanatory of the claim, and, after some remarks from Messrs. CLAY and LUMPKIN, the bill was again laid on the table.

On motion of Mr. NORVELL, the Senate went into the consideration of Executive busines;

After which, it adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, March 29, 1838.

THE LATE DUEL.

Petitions on the subject of the late duel were, on leave, presented by Messrs. ADAMS, BIRDSALL, and DeGRAFF, and referred to the select committee, having that subject under investigation.

Mr. BIRDSALL, on leave, presented the proceedings of a public meeting of the citizens of Wayne county, New York, held the 16th day of March, 1838, of which Colonel Ira Jenkins was chairman, and S. Sailsbury esq. was secretary, called for the purpose of expressing their opinions upon the late sanguinary affair, at the seat of the General Government, which resulted in the death of the honorable JONATHAN CILLEY; which, on motion of Mr. B. were referred to the select committee, having the matter under consideration.

Mr. B. on leave, presented the memorial of John DeMott, and one hundred and fifty-five others, inhabitants of Seneca county, New York; also, the memorial of Lewis Johnson, and one hundred and twenty-nine others, inhabitants of the same county and State, praying Congress to expel every member of that body criminally engaged in the duel between the late Mr. CILLEY, and GRAVES, and that they be handed over to the legal tribunals of that State whose criminal code they have violated; which, on motion of Mr. B. were referred to the select committee, now investigating that subject.

Mr. B. also asked leave to present the petition of Thomas McClintock, and thirty-six others, inhabitants of Waterloo, New York, praying the House of Representatives to rescind the resolution of Mr. PATTON, of the 21st day of December, 1837, on the subject of abolition memorials; objection being made, the same was not received.

Mr. DeGRAFF presented a memorial from Eli Beecher and two hundred and ninety other inhabitants of Saratoga county, New York, in reference to the late duel; which was referred to the select committee on that subject.

MEXICAN BOUNDARY.

Mr. YELL presented a memorial from the Legislature of Arkansas, in relation to the boundary line between the United States and Mexico; which, on his motion, was referred to the Committee on Foreign Affairs.

Mr. COLES, from the Committee on Military Affairs, reported a bill to authorize, for a limited time, two additional clerks in the office of the Commissary General of Subsistence.

WESTERN FRONTIER.

Mr. HARRISON of Missouri begged leave to inquire of the chairman of the Military Committee, when it was probable that committee would report a bill to provide for the better protection of the Western frontier?

Mr. McKAY replied that he had been instructed by the committee to prepare a bill on the subject, and it would either be reported to-morrow, or, at farthest, on an early day next week.

Mr. MILLIGAN, from the Committee on Naval Affairs, reported Senate bill, without amendment, for the relief of Irvine Shubrick.

BROOKLYN NAVY YARD.

Mr. INGHAM, from the same committee, reported a bill to extend and improve the navy yard at Broolyn, and to construct a dry dock at the same.

FRENCH SPOLIATIONS.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a resolution proposing to make the "bill to provide for the satisfaction of claims due to certain American citizens for French spoliations prior to 1801," the special order from and after 1 o'clock, on Friday and Saturday, the 13th and 14th days of April next.

Mr. CAMBRELENG hoped this bill would not be made the special order, and as it proposed an appropriation of five millions of dollars, he should feel compelled to call for the yeas and nays.

Mr. C. however, withdrew the call, and the CHAIR was about to divide the House; when

Mr. HOWARD remarked that he wished to know the opinion of the House on this bill, and he therefore asked for the yeas and nays; which were ordered, and were—yeas 79, nays 63.

So the resolution was not concurred in, requiring a majority of two-thirds.

Mr. SIBLEY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Israel Parsons.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to Neil Cannon.

Mr. TAYLOR, on leave, submitted a resolution directing the Committee on Invalid Pensions to inquire into the expediency of granting a pension to Samuel Hudson; which was agreed to.

POST OFFICE BUILDING.

Mr. LINCOLN, from the Committee on Public Buildings and Grounds, reported a bill providing for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department; which was read twice.

Mr. L. moved its commitment, and that it be made the special order for Tuesday next.

Mr. YELL and Mr. CAMBRELENG severally opposed giving this bill precedence over all other business, especially as in Committee of the Whole on the state of the Union it was always competent for a majority to take it up.

Mr. LINCOLN modified his motion by referring it to the Committee of the Whole on the state of the Union; which was agreed to.

ARKANSAS LANDS.

Mr. YELL, from the Committee on the Public Lands, reported a bill to extend the further time of twelve months to the location of public donations in Arkansas.

Mr. MONTGOMERY, from the Committee on the Post Office and Post Roads, reported adversely on a memorial of certain citizens of Halifax, North Carolina, praying for additional compensation to the postmaster there.

REVOLUTIONARY NAVAL OFFICERS.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a resolution instructing that committee to inquire into the expediency of placing the officers of the United States Navy, engaged in the war of the Revolution, on the same footing, in respect to commutation, bounty lands, etc. as the officers of the army, engaged in the Revolutionary war; which was concurred in.

Mr. ADAMS, from the Committee on Manufactures, reported Senate bill, without amendment, to authorize two citizens of Georgia to import, free of duty, the materials of two iron steamboats.

LANDS FOR SCHOOLS.

The unfinished business of the morning hour was the consideration of the resolution of Mr. JOHNSON of Maryland, to grant donations of lands to the old States for seminary purposes.

Mr. LAWLER, who was entitled to the floor, moved its reference to the same Committee on the Union to which a resolution submitted some time ago, on the subject of the public lands, by Mr. L. himself, had been referred; which was agreed to.

PRE-EMPTION SALES.

The vote of the House by which a resolution of Mr. SLADE, calling for certain information on the sales, &c. of the public lands, came up for reconsideration. The resolution required the specific amount of sales under the different pre-emption laws, from time to time, as they were made.

Mr. HOPKINS explained that he had made the motion on the 22d inst. at the desire of Mr. LYON of Alabama, who had stated to him that the scope of the resolution was such, that it would produce great delay in the general business of the land office if it was complied with.

Mr. LYON had no objection to the resolution, if it was so modified as to call for the information in the aggregate; but, if the specific information was insisted upon, it would take the clerks in that office two months to prepare it, to the hindrance of all, or nearly all, the other business.

Mr. SLADE could not consent to such a modification, for the information was indispensable in the form he had called for it, to ascertain the workings and operation of the pre-emption system.

Mr. LYON contended that the aggregate was all that would be necessary, but to go into each law, for the last fifteen years, would consume a vast deal of time, and a great deal of unnecessary labor.

Mr. SLADE would modify his resolution so as to call for the amount from year to year.

Mr. BOON went on to show that the gentleman could not attain his object even in that way, on account of some of the pre-emption rights extending to two years, and as the entries came on here by what was familiarly known as "duplicates," it was not probably known at the Land Office what were pre-emptions and what not.

Mr. WILLIAMS of North Carolina, hoped the resolution would be adopted, for it was necessary to have the information, in order, by showing the operation of the system, to endeavor, if possible, to check its spirit. He held, with the gentleman from Vermont, [Mr. SLADE,] that the system was an evil, but whether it was or not, the information was indispensable.

The motion to reconsider was disagreed to, and on motion of Mr. CAMBRELENG, the House passed to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the amount of Treasury notes issued under the authority of the act therefor passed at the last session of Congress, the amount of the same received in payment of the public dues, the amount of moneys received on account of customs and the public lands during the last quarter of the year, so far as the returns received show, and the amount of public money available for the public service now in the hands of receivers, collectors, &c.

On motion of Mr. BELL, laid on the table.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole on the state of the Union, Mr. DROMGOOLE in the Chair, and took up the "bill making appropriations for the support of the army for the year 1838."

The question pending was an additional clause moved by Mr. BELL, for drafts lying over and unprovided for, for arrearages on account of the Florida war, $553,415.

Mr. BELL did not know that it was worth his while to insist strenuously on this amendment, after the opposition which had been made to it, but he thought it proper to make the motion on yester-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, APRIL 9, 1838. VOLUME 6.....No. 18.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 17.]

day, for the reasons he had then give. If, however, the committee saw proper to disagree to it, he had nothing farther to say.

Mr. DOWNING said he knew of $500,000, which were ready to be presented, but which had not been presented, merely because it was known the Treasury had not the money to pay them, until the appropriation was made. He trusted, if the gentleman expected his amendment to pass, that he would so modify it, as to provide a sum sufficient to pay all these claims. He hoped no amendment would be made which would not meet the claims, and which would give the department a discretion to make discriminations, which must, at all times be odious.

The amendment was then disagreed to.

Mr. CAMBRELENG then moved an amendment for contingencies of the army $5,000; which was agreed to.

Mr. C. moved further to amend the bill, by adding a clause for the settlement of the claim of the heirs of William Melldrom, $268; which was agreed to.

Mr. C. moved a further item, paying Adam Eckfelt for preparing gold medals for certain officers of the army and navy,

After a few remarks by Messrs. CAMBRELENG, SERGEANT, and RICE GARLAND, the amendment was agreed to.

Mr. LEGARE saw that the appropriation for arming fortifications had been reduced from two to one hundred thousand dollars. He begged leave to inquire of the chairman of the Committee of Ways and Means on what grounds these reductions had been made by the committee.

Mr. CAMBRELENG explained that heretofore the appropriation for arming fortifications had been $100,000, but, in consequence of the state of the country, and of the Treasury, at the last session, it was deemed proper to increase this appropriation to $200,000. The committee, however, considering the present embarrassed state of the Treasury, and knowing that there was a large balance of the old appropriation, they had considered it expedient and proper that this reduction in the appropriation ought to be made. Furthermore, he did not believe that more could be expended advantageously to this purpose.

The bill was then laid aside, to be reported to the House.

NAVY BILL.

The committee then took up the bill making appropriations for the support of the navy for the year 1838.

The bill being read through,

Mr. CAMBRELENG stated, for the information of the House, that the appropriation proposed to be made by this bill, was much less than that made at the last session of Congress, and went into several statements, showing in what particular items the appropriations had been reduced.

Mr. McKAY then inquired of the chairman of the Committee of Ways and Means, whether the first appropriation in the bill provided for any new navy officers? He thought there were now too many midshipmen in our navy, their number now being about four hundred and fifty; and he believed three hundred to be ample for all the exigencies of the service. There was no limitation upon the Secretary as to the number to be appointed, and the only control the House had over the subject, was by the appropriation for the purpose. He trusted, therefore, that this clause provided for no new officers.

Mr. CAMBRELENG explained in answer to the gentleman from North Carolina, that the appropriation for this purpose was made in pursuance of the estimates of the department of November last, which were in the ordinary form. These estimates were not so large as they were the previous year, which was in consequence of the surplus arising from the unexpended balances of appropriation. It might be possible that it would enable the Secretary to apply a portion of it to the payment of new officers, but if so it must be to a very limited extent, because the appropriation was less than it was the preceding year.

Mr. CAMBRELENG offered to amend the bill, by adding a clause for fixtures and other expenses of the Naval Asylum at Philadelphia, $1,200; which was agreed to.

There being no further amendment proposed, the bill was laid aside.

RED RIVER RAFT.

On motion of Mr. POPE, the committee then took up the bill from the Senate, making an appropriation of $70,000 for the removal of the Red river raft.

There being no proposition to amend the bill, it was laid aside to be reported to the House.

CUMBERLAND ROAD BILL.

On motion of Mr. MASON of Ohio, the committee took up the bill making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois.

Mr. M. moved an amendment providing a change in the mode of superintendence of the road, but subsequently withdrew the motion.

Mr. McKENNAN, in pursuance of the instruction of the Committee of Roads and Canals, moved an amendment to provide for the erection of guard fences on the road east of the Ohio, and for widening the same at Laurel Hill, and for the payment of the expense incurred in the erection of tollhouses on said road.

After a few remarks by Messrs. POPE, McKENNAN, MERCER, and McCOY, the question was taken, and the amendment agreed to—ayes 72, noes 50.

Mr. CAMBRELENG then moved that the committee rise, and report these four bills to the House.

Mr. MALLORY expressed a wish to have the naval bill so amended as to have some information about the exploring expedition.

Mr. MONTGOMERY should oppose the bill on the ground that it did embrace this appropriation, for though as warm a friend to the navy as any man in the country, he was opposed to this whole scheme, and in the House he should move to recommit the bill to the Committee of Ways and Means, for the purpose of making this appropriation specific.

Mr. CAMBRELENG should be as glad as the gentlemen, if they could call back into the Treasury the many hundred thousand dollars already expended for this prolific exploring expedition; but, as they could not so act retrospectively, it would be better now to go on with it; and as they had the officers to support, it would be better to send them to the south pole for discipline than to the Mediterranean. Mr. C. was not an advocate for the expedition originally; but thought, on a more moderate scale, it had better now proceed.

Mr. INGHAM referred the gentleman from Virginia to some documents from the Navy Department on this subject, which contained all the information that was probably required, and asked gentlemen to suspend their judgment till they had read those communications.

After some further remarks from Messrs. MALLORY and REED, the Committee rose and reported the above four bills to the House.

The House then took up the bill making appropriations for the support of the army, for the year 1838, and the amendments of the Committee of the Whole, with two exceptions; which will be noticed, were concurred in.

The House then took up the amendment, making a reduction for national armories, from $360,000 to $340,000, and it was non-concurred.

The amendment of the Committee of the Whole, reducing the appropriation for arsenals, was concurred in.

Mr. BELL moved to reduce the appropriation for national armories from $360,000 to 260,000, and urged it upon the House, because of the present condition of the country and the National Treasury. It seemed to him the true policy would be to merely make an appropriation for keeping the building and machinery in order, which would enable us at any time to put them into active operation. We had already expended about seven millions of dollars in carrying on these armories, besides the four millions which had been paid to private establishments for arms for the States.

Mr. MASON of Virginia opposed the amendment of the gentleman from Tennessee to reduce this appropriation, and contended that the true policy of the Government was to keep up these establishments, and make such appropriations for their support as would enable the Government to discontinue the practice of making purchases of small arms from private establishments.

Mr. CALHOUN of Massachusetts hoped there would be no reduction in this appropriation, because, if it was reduced, it would tend to the destruction of one of the most beautiful systems of manufacturing which was carried on in this country. We already once attempted the reduction of the appropriations for these establishments, and had seen the evil tendency of it, and he hoped the House would not again adopt this ruinous policy. He considered it a most mistaken policy to stop the operations of these establishments, after the most eminent skill had been found to exist in them, and he trusted the Government would not pursue any such course, because if the skill which was there concentrated was scattered abroad, it would be with great difficulty that it could again be brought to bear, when perhaps it might be most needed.

After a few remarks by Mr. BELL, the amendment was disagreed to.

The bill was then, after having been ordered to be engrossed, read a third time and passed.

The House then took up the bill making appropriations for the support of the navy, and the amendments of the Committee of the Whole were concurred in.

The CHAIR then announced the question to be on the engrossment of the bill.

EXPLORING EXPEDITION.

Mr. MONTGOMERY hoped the chairman of the Committee of Ways and Means would not press the question on the engrossment of the bill at the present time, as there were some items in it, in relation to which he [Mr. M.] felt considerable doubts. He was desirous of voting for the bill, and for all appropriations which might be necessary to carry on the ordinary operations of the navy; but he trusted that this House, after the decision it had made a few days since, would not pass an aggregate appropriation of the people's money of a very large amount, which was to be expended in sending an expedition to Symmes's cylindrical world. He was opposed to making an appropriation for the Exploring Expedition before we had the necessary information from the department on the subject, which would be laid upon our tables in a few days, and he trusted the gentleman would permit this bill to lie over without having any further action taken upon it, until the information to which he referred was received.

Mr. WISE thought the gentleman's objection to this bill, on account of this appropriation for the South Sea Expedition was not well founded. Under all the circumstances, he thought this appropriation ought to be made, although he was not in favor of sending out this expedition into any distant seas. Mr. W. then gave notice to the gentleman from North Carolina and to the House, that on Monday next, when resolutions would be in order, that he intended moving a resolution for the purpose of converting this Exploring Expedition into a coast squadron, for surveying our own coasts, and protecting our vessels upon them. It has been demonstrated during the last year that such a squadron was essentially necessary, for although it turned out that no piracy took place on the Capes of the Delaware, yet it was for some time seriously apprehended that one of your Phila-

delphia and Liverpool packets had been captured almost within sight of one of your greatest commercial seaports. This showed that such a capture might have taken place, and was a sufficient evidence that this squadron was necessary for our defence, as well as for the protection of our vessels in time of storms, and for ascertaining all the shoals and breakers, and dangerous places, which might now not be known. Our own coast has never been properly surveyed and examined. It is a fact well known, that the British Admiralty now know more about the waters of the Chesapeake bay than the officers of our own navy do. Then, if the House concurred with him in this conversion which he proposed, the expenditure made by this bill will not be wasted; and he felt confident that the chairman of the Committee of Ways and Means would agree with him that this squadron would afford a better school for our navy officers than the Exploring Expedition, because they could be changed at short intervals, and many more could be brought into it, than could be into the other expedition.

He was opposed to this expedition for many reasons, but mainly becanse, by the present organization of the Navy Department, to say nothing of the incompetence of the head of it, there was no hope of carrying out any great measure whatever. The responsibility of that Department was divided between the Secretary and the Navy Commissioners; and where this was the case, nothing could be done as it ought to be done.

Mr. REED did not concur with the gentleman from Virginia in his effort which he was about to make to destroy the Exploring Expedition. He agreed there was great necessity for a coast squadron, but he believed we had plenty of vessels and officers to have that and the Exploring Expedition also; and he looked upon it as being as important to commerce that we should have surveys made in distant seas as upon our own coast, because our vessels traversed every sea, and went upon every coast.

Mr. MONTGOMERY did not concur with the gentleman from Virginia in casting censure upon the Head of the Navy Department. He did not stand there the advocate of any man, but it was far from him to cast censure on any one. He was in favor of a squadron being placed upon our own coast, for the purpose of making surveys, whether they were north or south, and had always voted for these objects; but he was opposed to this scheme of sending a part of our navy into the South Seas for the purpose of making surveys and explorations, while our own coasts were but little known by many of the officers of our navy.

He apprehended that the Secretary of the Navy would be found to be more free from blame, when all the facts were known in relation to this matter, than the gentleman from Virginia was aware of, and hoped no censure might be cast upon that officer until the circumstances in relation to this expedition were all brought to the notice of the House.

Mr. M. concluded by moving to recommit the bill to the Committee of Ways and Means, with instructions to strike out the item for the Exploring Expedition.

Mr. MERCER was opposed to the scheme which the gentleman from Virginia proposed, to break up this Exploring Expedition, and hoped it would not be agreed to, when brought before the House. He expected much from this expedition; was opposed to having it broken up in this way, when it was nearly ready to sail, and considered it to be the duty of this country, it being the second commercial country in the world, to add its quota to the cause of science, which he thought would be done by this means. He looked upon it as being quite as necessary to have a knowledge of distant seas as of our own waters, and agreed with the gentleman from Massachusetts, that we might have a squadron on our coast, without interfering with this other object.

Mr. WISE considered that we ought to put our navy on a respectable footing at home, before we went abroad on an expedition of this kind. He thought we ought first to make the officers of our navy acquainted with our own coast; and he believed it to be a fact, that there was not a single lieutenant in it who could pilot a man-of-war into one of our own ports. He considered it would be necessary to make this appropriation in any event, because it provided money to pay these officers, and they would have to be paid whether they went abroad or not. He hoped, however, with that view, that this bill might lie over until we had some action on the proposition he had referred to.

On motion of Mr. WISE,

The House then adjourned.

IN SENATE,

THURSDAY, March 29, 1838.

Mr. ALLEN presented the memorial of a number of citizens of Ohio, praying for the establishment of a mail route from Chillicothe, by Frankford and Bloomingsburg, to Springfield: referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented the petition of sundry citizens of Michigan, praying for the establishment of a mail route: referred to the same committee.

Mr. BUCHANAN presented the petition of sundry citizens of Lancaster county, Pennsylvania, on the subject of duelling, and similar to the memorials lately presented by him on that subject from the same county: laid on the table.

Mr. LINN submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of a law to authorize the President of the United States to issue a patent to the heirs and legal representatives of Francis Rivard, for an island in the Mississippi river, opposite the town of Ste. Genevieve, State of Missouri, which said island was granted by the French Government to Rivard in the year 1756, and pronounced by the board of commissioners a complete title in the year 1812.

Mr. WEBSTER presented two petitions from citizens of Massachusetts, against the Independent Treasury, and two petitions from citizens of Philadelphia, against the admission of Texas into the Union: all of which were laid on the table.

Mr. FULTON presented the resolutions of the Legislature of Arkansas, instructing their Senators, and requesting their representatives in Congress to use their endeavors to obtain the passage of a law providing for running the boundary line between that State and the new Republic of Texas: referred to the Committee on Foreign Relations.

On motion of Mr. Lyon, leave was given to the heirs of Henry Mudd to withdraw their petition and papers.

On motion of Mr. KING, the bill giving effect to the 8th article of the treaty with Spain was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. BUCHANAN, the petition presented by him some days ago in relation to the international copy right bill, was referred to the Committee on Patents.

On motion of Mr. LYON, the bill making an appropriation for certain roads in the Territory of Wisconsin was taken up, and after a debate in which it was supported by Messrs. LYON, NORVELL, KING, LINN, TIPTON, YOUNG, and WHITE, and opposed by Mr. WALKER, the bill, after an amendment, was ordered to be engrossed for a third reading.

Mr. CLAY of Alabama moved to take up the bill providing for the reduction and graduation of the price of the public lands.

Mr. CLAY of Kentucky hoped the Senator from Alabama would not press the taking up of this bill to-day. He, for one, was not prepared to go into a consideration of this measure, and he hoped it would be passed over or made the order of the day for some day next week.

Mr. CLAY of Alabama replied that he did not expect to take any vote on any one question involved in this bill to-day, and he did not believe that the Senate would be unwilling to indulge the Senator with an opportunity of giving his views on it. He was unwilling, however, to accede to the proposition to postpone the bill, as he could not see how the personal convenience of the Senator would be promoted by it.

The bill was then taken up, and Mr. CLAY of Alabama explained the merits and objects of the bill at some length, and removing the objections that might be urged against it; after which,

Mr. CLAY of Kentucky again urged the postponement of the bill, and the making it the order of the day for Monday next. He looked upon this as one of the most important measures that could be brought before Congress, affecting the public domain to the amount of millions.

After some remarks from Messrs. CLAY of Alabama, NILES, and GRUNDY,

Mr. CLAY of Alabama said that if no gentleman wished now to address the Senate on the subject, he and the other friends of the bill were willing to lay it on the table till Monday, provided the Senator from Kentucky would agree to move to take it up on that day.

Mr. CLAY of Kentucky assented, and on his motion the bill was laid on the table, with the understanding that it be taken up on Monday next.

[The speech of Mr. CLAY of Alabama will be given in full as soon as it can be prepared.]

On motion of Mr. GRUNDY, the bill for the prevention and punishment of duelling in the District of Columbia was taken up, the question being on the amendments of the Committee on the Judiciary.

Mr. NORVELL said, that by the third section of the amended bill before the Senate, any person leaving this District with a view to challenge, or accept a challenge, to fight a duel without the District, was subject to indictment and punishment to the extent of twenty years' imprisonment in the penitentiary. Now, he suggested a doubt whether Congress had any power to extend its jurisdiction, in cases of this kind, into the several States of this Union. It was competent for Congress to exercise this power within the limits of the District. Here their jurisdiction in these cases was completed. He was, therefore, of the opinion that the third section of the bill was unconstitutional. It was the more exceptionable, as it proposed to punish the mere conception of an intention within the District to engage in a duel beyond its limits. He was in favor of the object which the bill had in view, that of effectually suppressing the odious practice of duelling, but he desired to accomplish that object in a proper and constitutional manner.

After a debate, in which Messrs. SMITH of Connecticut, SMITH of Indiana, CLAYTON, MORRIS, ROANE, GRUNDY, and STRANGE, took part,

On motion of Mr. GRUNDY, and without taking any question on the bill,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 30, 1838.

THE LATE DUEL.

Mr. FAIRFIELD presented the following petitions upon the subject of the late duel, which were referred to the select committee having that subject under consideration, viz: R. Lang and 72 others, citizens of Surry; John Somes and 35 others, citizens of Mount Desert; Hiram Burr and 30 others, citizens of Brewer; Jefferson Chamberlain and 54 others, citizens of Eddington; R. Long and 23 others, citizens of Surry; George Lennard and 14 others, citizens, of Thomaston, all in the State of Maine, and Thomas Graham and 73 others, citizens of the city and county of Philadelphia.

Mr. TAYLOR presented three several petitions from the inhabitants of the towns of Manlius, Cicero, and Marcellus, Onondaga county, New York, relative to the late duel, which resulted in the death of the Hon. JONATHAN CILLEY, asking Congress, "out of a regard to the freedom of debate, the character of Congress, the example to the country; out of a decent respect to the opinions of the world, and to the laws of God and the Republic, to expel every member criminally engaged in that transaction."

Petitions on the same subject were presented by Mr. GRENNELL of Massachusetts, Mr. HAMMOND of Pennsylvania, and Mr. TAYLOR of New York, which were similarly referred.

Petitions on private matters were, on leave, pre-

sented by Messrs. SOUTHGATE of Kentucky, and McCLURE and LYON of Pennsylvania.

Mr. HARPER, on leave, presented certain joint resolutions of the Legislature of Ohio, in relation to a Western armory; which were referred to the same Committee of the Whole having that subject under consideration.

Mr. SERGEANT, on leave, presented certain joint resolutions of the Legislature of Pennsylvania, on the subject of a dry dock.

Mr. JOHNSON of Louisiana, on leave, submitted the following resolution; which was agreed to:

Resoved, That the Committee of Ways and Means inquire into the expediency of increasing the salaries of the officers of the Mint at Charleston and New Orleans.

INDIAN HOSTILITIES.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved that the Committee of the Whole on the state of the Union be discharged from the bill making appropriations for the suppression of Indian hostilities; which was agreed to.

Mr. C. then reported an amended bill, making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837; which was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. C. also reported Senate bill, without amendment, to authorize the Secretary of the Treasury to correct a mistake in the payment of a sum of money awarded to Fortescue Whipple, surviving partner of Conway and Fortescue Whipple.

The bill having been read twice,

Mr. C. moved the House go into committee thereon, explaining the urgency of the claim, arising out of a mistake in paying money into the Treasury.

Mr. GARLAND of Louisiana objected to giving any one claim preference over all others.

Mr. MALLORY and Mr. POPE said a few words in favor of the motion; which was agreed to.

The House then went into Committee of the Whole, Mr. SNYDER in the chair, considered the bill, rose and reported it to the House, and it was read a third time and passed.

Mr. MONTGOMERY, from the Committee on the Post Office and Post Roads, reported Senate bill, with sundry amendments, entitled, an act for the relief of certain persons therein named.

Mr. MURRAY, from the Committee on Indian Affairs, made a favorable report on the case of D. C. Johnson; which was referred to the same Committee of the Whole having charge of a bill for his relief.

FORT GIBSON.

Mr. McKAY, from the Committee on Military Affairs, reported, with an amendment, a joint resolution from the Senate, directing the expenditure of an appropriation heretofore made for the removal of the troops from Fort Gibson.

The amendment proposed to authorize the Secretary of War to purchase a site for a fort at or near the Western boundary of Arkansas, and Mr. McK. moved it be concurred in.

Mr. MERCER inquired of the gentleman from Arkansas whether the proposed arrangement in this amendment was in conformity with the plan for the defence of the western frontier.

Mr. YELL replied that it was.

The resolution was then read a third time and passed.

Mr. RIVES, from the same committee, reported a bill for the relief of James H. Grant, —— Simpson, and —— Vorhees.

Mr. EWING, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Thomas Maxwell.

Also, a bill for the relief of the executors of Robert McFarland, deceased, late a pensioner of the United States.

Mr. ALLEN, from the Committee on Invalid Pensions, moved that the unfavorable report heretofore made by him from that committee on the petition of John W. Cox, be taken from the table, and referred to a committee of the Whole House; which was agreed to.

POSTAGES.

The following resolution, submitted by Mr. LOOMIS of New York some time since, came up in order, and was agreed to:

Resolved, That the Postmaster General furnish to this House an estimate, showing, as near as he can ascertain,

1. What proportion of the mails of the United States consists of free parcels estimated by weight.

2. What proportion consists of free parcels estimated by amount of postage on parcels that pay postage, and accounting all printed documents at pamphlet postage.

3. What would be the proportion of the amount of postage to be paid by the Government, in case all free parcels were charged to Government at the same rate that printed parcels are charged.

4. To how low a rate the tariff of postage can be reduced, and sustain the Department, in case all parcels conveyed in the mails were chargeable with postage.

5. To how low a rate the tariff of postage can be reduced, now or prospectively, *within* two years, retaining the present franking privilege, and sustain the Department, with a rate of tariff deemed judicious and proper by him, in case such reduction should be ordered.

PUBLIC PRINTING.

The following, submitted some weeks since by Mr. HOPKINS of Virginia, also came up it in its order:

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the Federal Government, with a view to the speedy correction of the same by the adoption of such a system of reform and retrenchment in the contingent expenses thereof, as the public good may require; and that the said committee be instructed, also, to inquire into the expediency of divorcing, by law, the Government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. HOPKINS said he had no disposition to debate this resolution, but would feel willing the House should at once vote upon it. A few remarks as to the reasons which had induced him to offer it, might not be out of place. He was satisfied that such a proposition was peculiarly called for, and should be adopted. It aimed at what he regarded as a growing evil. The extraordinary increase of the expenditures on the part of that House for its printing was a subject, he thought, forcibly calling for some reform. The resolution, however, related as well to the printing done for the several Executive departments, as for that done under the order of the House, the increase of the expenses of which had been enormous. During the year 1829, the whole expense of the Congressional printing only amounted to about $30,000, it was now about $100,000, He could not say what that of the Executive departments amounted to, but the evil was augmenting there also.

The object Mr. H. had in view, not only proproposed to effect an actual saving of some sixty or seventy thousand dollars a year, but another no less important object, that of separating the patronage of the Government from the public press of the country. In proposing this, he had himself no party or personal views to subserve, and the person who now did the printing for the House, had but a small party in his support there, and Mr. H. was one who voted for him. It was not to favor any particular party, or the editor of any political journal, that this proposition had been introduced, but, on the contrary, to separate, as far as possible, the Government patronage from the public press.

Nor did Mr. H. confine his object alone to the political journals published in the city of Washington. By the present arrangement of publishing the laws of the United States, there were some eighty or more newspapers throughout the Union enjoying, in this way, the peculiar patronage of the Government; and he was for taking that away also, and devising, if practicable, some scheme by which the same object could be accomplished, and which he believed might and could be devised. It could be done by a general publication in this city, in the Congressional printing office, and the dissemination of a large number of copies throughout the country. Either this or some other mode might be devised.

If the independence of the public press was important, it was no less important for the attainment of that object, to separate it from this corrupting influence, for corrupting it is, and corrupting it will continue to be whilst human nature continues what it is. He repeated that he had no desire to debate this proposition, for it was not the discussion, but the action of the House he wanted, and he had no doubt that gentlemen had sufficiently weighed and examined it to vote upon it.

The resolution proposed to raise a committee to inquire into the expediency of separating the patronage of Government from the public press. If this was desirable, and it seemed to him no one could question it, it was certainly proper and necessary to inquire whether any, and what, substitute could be devised; whether it be an evil, and if an evil, how could a corrective or remedy be applied, and what that remedy could be. He thought it could be found in the establishment of a public press, entirely separated from Government patronage, confined only to the printing of the Government, as well that of both branches of Congress as that of the Executive departments. Even as a question of economy, if they could effect a saving in one single year that would cover the entire cost of such an establishment, it was highly important, and he thought this would be the case. Why, since 1829 the annual expense of the printing of Congress had swelled from $30,000 to $100,000 a year, and, including the Executive Departments, to probably nearly $150,000; and that, too, while it was well known that the present rate of prices allowed to the public printer had remained unchanged. The Government loses the benefit of all the improvements and benefits which had grown out of the substitution of machinery in presswork for manual labor power, and all the advantages of the general reduction in the price of paper, no unimportant item.

At any rate, continued Mr. H. this resolution proposed no interference with any party. It proposed only an investigation into the expenditure of money for public printing, a subject certainly, as it seemed to him, worthy of investigation. That investigation could be made without prejudice to any party; and as it proposed a retrenchment, there could be no reasonable objection to it, especially at this crisis, when they had, only a few months ago, saddled the country with a debt of ten millions of dollars, and had a proposition before them of saddling it with ten millions more. Under the present mode, they were going on with a most profligate and uncalled for system of expenditure, whilst the Treasury was substantially bankrupt.

With reference to the necessity that might be alleged for the publication of the laws in a newspaper, it was not so indispensable, for the fact was known to Mr. H. that the selection of the papers was not always confined to that press having the largest circulation in its neighborhood, or the State wherein it was published. But whether that portion of the Government patronage had been properly or improperly dispensed, was not germane to the proposed inquiry under this resolution, for his object was, sincerely and heartily, to sever this influence, and he much doubted, if there was a single inquiry that would come before the House this session, more entitled to its grave and serious consideration.

In conclusion, Mr. H. disclaimed having any private feeling in this matter, and he knew not whether he should again have any agency in dispensing the patronage of the House. His sincere desire was to separate it on public grounds alone. In point of economy alone, it was a proposition peculiarly and forcibly recommending itself to the favorable consideration of that House. As a political question, aside from party—for, as he said before, party feeling had, or should have, no connection with it—the measure ought to meet the approbation

of al.. He hoped the House would at once vote upon it, and adopt it.

Mr. CUSHMAN was understood to say that he most cordially responded to the gentleman's desire to introduce reform and retrenchment. But, said Mr. C. it should commence in that House itself. During the last Congress, and during the late and present sessions of this, much had been said in regard to Executive abuses, Executive usurpation, and Executive corruption; and during the whole series of these repeated declamations, he, for one, had been of the opinion that the abuses in that House, in the same period of time, had been more and greater than in the Executive branch of the Government during the whole course of the late and present Administrations.

Nevertheless, Mr. C. was opposed to this resolution. He was opposed to it, because he was convinced the object sought to be attained by it was wholly impracticable. The gentleman says "let them inquire." That was all very proper, and Mr. C. was willing to go as far as that gentleman, or any other, to make necessary inquiries. But what was the present case? Now, it was well known that, since the establishment of the Government, the dominant party, whichever it might be, not only in the Federal, but in the State Legislatures also, had invariably employed what has been called, if you please, partisan printers and partisan editors. And why should they not do so? So long as the Opposition had the predominancy, they used to employ their own partisan printers, and no complaint was made about it; and why should any complaint arise now? He saw no reason for it.

It was said, however, that the expenses of the public printing by the House had very much increased during the last few years. He admitted it; but the fault was in the House itself, and there was as much power in the House to correct it without raising a select committee for the purpose as by one, and it was just as easy. The increased expenses had grown out of the increased number of documents ordered to be printed, and the evil could be corrected by gentlemen rising in their seats and objecting to it. There was, therefore, no necessity to raise a special committee for this purpose.

Again, the gentleman says that if this evil were corrected, or, in other words, that if a person could be selected, other than a partisan printer, it would, at once, reduce the expenses of the public printing. Now, Mr. C. apprehended directly the reverse would be the result, because if you ever bring into this city a person, and set up a press here under his management, for the express purpose of doing the printing of the House, the expense will be doubled, instead of being reduced. He was convinced, after much reflection, that this would be the result.

Again, says the gentleman, the Government patronage of the public press to partisan editors, not only here, but throughout the United States, ought to be taken away. Now, Mr. C. would appeal to the gentleman, and ask him into what State he would go and find a printer who was not a partisan? None: Mr. C. knew of none. Let the gentleman go into New Hampshire, and if he could find a printer there who was not a partisan, on one side or the other, he could do more than Mr. C. could, for he was wholly ignorant of any such editor. There was no such thing there. Call an individual into this city, let him set up a press or set up one for him, to do the printing of Congress, and how long would he remain here without being a partisan printer? It was not in the nature of things. It was not in human nature to be indifferent and listless upon the great and vital subjects that agitate the public mind. The feelings and impulses were the same in an editor as in every body else, and I, said Mr. C. have often made the remark, and will again attest its truth, that whenever an individual says he is not a party man, or that he is no partisan in politics, then I have a right to doubt that man's integrity, and I do doubt it. Sir, I had much rather see a man a partisan than one who is not, because then I know and believe that he is an honest man—whether he is my friend in politics or my foe, makes no difference. Let him be a partisan. It shows he takes a deep interest in the great questions that agitate the country. It is so in regard to all public editors, and should the gentleman's resolution be adopted, should this special committee be raised, and should they report a resolution declaring that the Secretary of State shall employ no editor to publish the laws of the United States who is a partisan, then, sir, your laws will go without being published at all. Editors and publishers are all partisans; either with the Administration, or opposed to it.

At this stage Mr. WHITTLESEY of Ohio called for the orders of the day, being private bills.

INDEPENDENT TREASURY.

Mr. CLARK begged leave to propound an inquiry to the chairman of the Committee of Ways and Means. It was, when he proposed moving to go into Committee of the Whole on the Independent Treasury bill?

Mr. CAMBRELENG replied, the very moment they got through the pressing and urgent appropriation bills, he should ask the consent of the House to take up that subject.

THE FULTON CLAIM.

The House then took up the motion, made on a former day by Mr. WADDY THOMPSON, to reconsider the vote by which the "bill for the relief of the heirs of Robert Fulton" was passed.

Mr. DUNCAN, who was entitled to the floor, addressed the House at some length in support of the motion to reconsider, and in opposition to the bill.

Mr. HOFFMAN replied at length, and defended the claim of the heirs of Mr. Fulton with great earnestness.

Mr. WADDY THOMPSON went into an explanation of the reason which had induced him to make the motion to reconsider, and why he should vote against the bill.

Mr. WHITTLESEY of Ohio replied at some length to the gentlemen from South Carolina and Ohio, explained the reasons which had induced the committee to report the bill, and stated why he thought it ought to pass.

Mr. CUSHMAN rose, and moved the previous question, but withdrew the motion, at the request of

Mr. BIDDLE, who replied to the remarks of Mr. DUNCAN, at some length, and supported the claim with great zeal. Mr. B. then, in accordance with the pledge given the gentleman from New Hampshire, renewed the motion for the previous question; which was seconded, and the main question ordered to be put.

Mr. MITCHELL called for the yeas and nays on the main question, which was on the motion to reconsider; which were ordered, and were—yeas 81, nays 87.

So the motion to reconsider was decided in the negative.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting copies of all letters written by the Secretary of the Treasury to collectors or receivers, between the 1st of January, 1834, and the present time, having any reference to defalcations, omissions, or any other irregularity. Also, copies of all other reports made by persons employed to examine certain land offices.

On motion of Mr. CUSHMAN, laid on the table.

On motion,

The House adjourned.

IN SENATE,

FRIDAY, March 30, 1838.

Mr. NORVELL presented six petitions from sundry citizens of Michigan, praying that appropriations may be made for the construction of a military road from Dearbornville to Brest, on Lake Erie; which were referred to the Committee on Commerce.

Mr. McKEAN presented the resolutions of the Legislature of Pennsylvania, in relation to the erection of a dry dock in the Navy Yard at Philadelphia; which were referred to the Committee on Naval Affairs.

Mr. ROANE presented the petition of the president and directors of the Bank of Alexandria, pray for an extension of their charter;

Also, the petition of a number of the citizens of Washington, praying for the construction of a pavement of wood on Pennsylvania avenue; both of which were referred to the Committee on the District of Columbia.

Mr. ALLEN said that he had received from his Excellency, the Governor of Ohio, a communication enclosing a resolution of the General Assembly of that State, which he rose to present to the Senate. The General Assembly had, he said, in this resolution, expressed their opinion that the State possessed all the local advantages necessary to entitle her to the location, within her limits, of the National Armory contemplated by Congress. He fully concurred in this opinion, and should, to the utmost of his power, act in conformity with it.

The Legislature of several other States had passed resolutions, and the people of numerous cities and towns had forwarded to Congress memorials during the present session, setting forth their respective claims, as sites for the foundry and arsenals which are also in contemplation.

These resolutions and memorials had been referred to the Committee on Military Affairs, and the committee had asked to be discharged from the further consideration of them, and that they be laid upon the table, in consequence of having previously reported to the Senate a bill embracing all those works, as well as an armory to be established in the West. This bill, the Senate would recollect, proposed to establish one foundry, one armory in the West, an arsenal in each of the States in which there now existed none, and a depot of arms and munitions of war in Missouri, Arkansas, and Wisconsin; and it refers the selection of sites for all these establishments to the President.

In thus requiring the selection of these sites to be made under the direction of the President, the committee yielded to the conviction that to fix them by law would be utterly impracticable, as had been evinced by repeated failures, within the last twenty years, to fix the site for a western armory by an act of Congress. As often as any one point has been proposed in a bill as the most eligible site, innumerable other points were immediately proposed as still more eligible; and each member refusing to surrender the claims of his particular State or district, the bill has gone down under the pressure of the contest. Such being our past experience, and such the bill now reported by the committee, Mr. ALLEN said that it remained for him only to give the resolution he had presented the same direction which had been given to the other resolutions and memorials to which he had referred. He, therefore, moved that the resolution be read, laid upon the table, and printed; and said, that should the bill become a law, he should take measures to present the claims of Ohio to the consideration of the Executive in the strongest light, and press them with all the energy which truth would allow.

Mr. LINN rose to ask whether there was a provision in the bill for a depot in Missouri. He would merely remark that two years ago an appropriation passed Congrsss for a depot in that State, and that it was now building. If this bill provided for another, it was, he presumed, put in by the committee through inadvertence.

Mr. ALLEN said that he presumed it was put in through inadvertence, as it was not intended to establish another depot in that State.

Mr. LINN said he had forborne to say any thing on the subject of the memorials presented here, or of stating the superior advantages possessed by his State, to entitle her to the location of the contemplated armory within her limits. The bill referred the selection of the sites to the President, who was to cause suitable examinations to be made, and he had, therefore, forborne from even mentioning the claims of Missouri, believing that there could not be the slightest difficulty in fixing on Missouri after the examination was made. He was perfectly willing to leave the matter to the President.

Mr. ALLEN said that it was with pride and pleasure he admitted, and that he congratulated Congress and the whole American people upon the fact, that every member of the Senate could rise in his place, and with sincerity and truth ascribe to his own particular State such beauties and resources as but few other portions of the globe en-

joyed. Whatever might be the diversity of opinions with regard to the comparative advantages of the several States, he gloried in beholding no single feature upon the broad face of our country without charms to allure, and bounties to reward, the honest labor of man with plenty, security and happiness. He should not, at this time, depart from the order of business to delineate the beauties or disclose the resources of the young, powerful, and magnificent State from which he came; nor should he now attempt to measure the water-power, both natural and artificial, which streams along her fruitful surface, or the exhaustless minerals that lie beneath it. These things are, to some extent, known to all the Western Senators, as also to some others, who have traversed that region.

The resolutions were then read.

Mr. KING could not but admire the great forbearance of the Senator from Missouri, [Mr. LINN] who forbore to urge the claims of his State, because he was satisfied that, when an examination was made, she would have the preference. Now, as it seemed to be the fashion of the day for gentlemen to make a display of the advantages possessed by the States they represented, he would merely advert to one circumstance to show that the claims of his State were not behind those of Missouri, or any other. A distinguished gentleman, whom the Senator from Missouri would at once acknowledge to be one of the most intelligent observants and judicious men in the country, [Gen. Jackson,] was of the opinion that this establishment should be located in the State of Alabama, at the foot of the Muscle shoals, where minerals, water power, and facility of transportation, existed to the greatest degree. He hoped that the Senator from Missouri would allow some weight to the opinions of the distinguished gentleman who stood so high in his estimation, and that he would abate some little of his confidence in the superior advantages of Missouri over the other Western States. He further indulged the hope that the present President would not, after the examination was made, overlook the claims of Alabama.

Mr. LINN laughingly observed, that he had great respect for the opinions of Gen. Jackson in such matters; but that distinguished individual certainly could not have reflected that there was such a place as Missouri at the time, or he never could have made the remark. He would maintain, there was not such a spot in any State, [Mr. BENTON, in an under tone: "Say in the world."] yes, he would say not in the whole world. He knew of one twenty miles square in that State which would include two iron mountains; which possessed nearly all, if not all, the requisites for armories and foundries. Iron ores of every quality, lead, copper, zinc, sulphur, alum, emery, plumbago, sal nitre, grindstones, and water power to an unlimited extent. Arms could be thence transported by the Mississippi to the Gulf of Mexico, to the western frontier by the Missouri, Arkansas, and Red rivers and their tributaries, and to the northern lakes by the Illinois, Wisconsin, and Ohio rivers. He said he felt confident that when the capacities of Missouri for such a work were examined into, the claims of the other Western States would sink into insignificance.

Mr. ALLEN asked the Senator from Missouri if there were not in some parts of his State to be found cannon and muskets already made.

Mr. BENTON said in an under tone, that there was a river in his State called "Cannon Ball river," from the circumstance of there being found in it an abundance of round stones in the shape of cannon balls.

Mr. CLAY of Ala. presented the petition of Brig. Gen. Wm. W. Garrard, asking indemnity for horses purchased for the service of the United States during the war with the Creek Indians in the year 1836; which was referred to the Committee on Military Affairs.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill from the House for the relief of Samuel Milligan, reported the same without amendment; and, on motion of Mr. W. it was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. W. from the same committee, to which had been referred the bill from the House, making appropriations for the civil and diplomatic expenses of the United States for the year 1838, reported the same with an amendment, and gave notice that he should call up this bill to-morrow, at the earliest moment after the consideration of the morning's business.

On motion of Mr. PIERCE, the Committee on Pensions was discharged from the further consideration of the petitions of John Edwards, the widow of Elisha Patterson, Ebenezer Hecock, the daughter of Col. Abram Morgan, Lemuel Patterson and Alexander McAlister, Jesse Cline and Gillis Hitt.

Mr. P. from the same committee, reported a bill for the relief of David Walrod; which was read, and ordered to a second reading.

The following resolutions were submitted:

By Mr. NORVELL:

Resolved, That the Secretary of War be requested to make to the Senate a statement,

1st. Of the amount of money now in the banks, or under the charge of the Department, or of the Commissioner of Indian Affairs, or of any other officer or person attached to, or connected with, the War Department, belonging to any Indian or tribe, or band of Indians, or Indian traders; specifying the Indian or Indians to which each portion of such money belongs, and the treaty under which the money has been received, and the terms and conditions upon which, and the object or objects for which it remains in the care and keeping of the Government, or of any officer or agent thereof.

2d. Of the present condition of such money, whether any and what portions of it have been invested, in what securities, for what terms of time, at what rates of interest, when and where payable, at what dates respectively such investments were made, what were the respective values in the market of the securities in which any such investments have been made at the times when the investments were taken; whether any portions of such money remain uninvested, and, if uninvested, whether they are deposited in banking institutions; and, if so, in what banks, and upon what terms; and, if not so deposited, in whose hands and care they now are, and upon what terms, as to security, interest, and the like.

Mr. LINN offered the following; which was adopted.

Resolved, That the Committee on the Library be instructed to inquire into the expediency of placing the bust of Thomas Jefferson (now in the Library of Congress) on a mass of iron ore, which was sent for the purpose from the Iron Mountain, by the people of the town of Caledonia, Washington county, Missouri.

Mr. L. said that this ore had been brought on by him for the express purpose named in the resolution, and which he admitted ought to have been presented before. The expense had been paid by the citizens of Caledonia, who had expressed their desire that the bust should be placed on it as a tribute of their respect for the memory of that great man under whose auspices Louisiana was acquired, the vast resources of which were every day becoming more and more developed.

On motion of Mr. LYON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Grand Rapids, in Kent county, to Ionia, in Ionia county, in the State of Michigan.

The bill from the House of Representatives, making appropriations for the support of the army for the year 1838, was read twice, and on motion of Mr. BENTON, referred to the Committee on Finance.

Mr. GRUNDY submitted a substitute for the graduation bill, by way of an amendment, which by general consent, was received informally, and ordered to be printed.

The bill for the relief of William R. Taylor, administrator of Jonathan Taylor, deceased, was taken up, and after a debate, was ordered to be engrossed for a third reading.

The following bills were severally read the third time, and passed.

The bill making appropriations for certain roads in the Territory of Wisconsin.

The bill to revive and continue in force the act to provide for persons disabled by known wounds received in the Revolutionary war; and

The bill giving effect to the 8th article of the treaty with Spain.

The bill for the prevention and punishment of duelling in the District of Columbia was taken up, the question being on the amendments of the Committee on the Judiciary.

[The following brief synopsis of the debate is given, until the speeches on the occasion can be written out.]

Mr. CLAYTON expressed his objections to duelling in a very pointed manner, and his sincere desire to do all in his power to suppress it. He very much doubted, however, the efficacy of the bill before them. Such was the severity of some of its provisions that it would be next to impossible to procure convictions under it. And there were other objections which he could not reconcile to his mind. One of the provisions sought to make the sending of a challenge felony, which was only a misdemeanor in the eye of the common law. Mr. CLAYTON argued the subject at considerable length, lated to subserve the purposes for which they were intended. While he admitted the practice of duelling to be both illegal and immoral, yet he said it was not of that class of crimes which should subject offenders to the cells of a penitentiary, and make them the associates of the vilest felons. There has nothing in the offence that was either base, mean, or sordid; neither were those likely to be engaged in it, persons who we would dare to send to a penitentiary to be classed with thieves and vagabonds. The moral sense of the community would be shocked at such a measure, and such a law would be rendered a mere nullity, from the interference of the Executive perogative. He deprecated duelling as much as any man could do, and was disposed to go all reasonable lengths to prevent it. On the whole, he believed some legal provision necessary. If he could get the modification he desired, he would vote for the bill as amended by the Judiciary Committee, although he sincerely believed it would not have the good effect its friends designed.

Mr. PRENTISS replied at some length, contending that the practice of duelling was condemned by all laws, human and divine; that it was regarded as a crime by every Government in Christendom, was subversive of the great principles of the Christian religion, and ought not to be tolerated by any Christian people. Mr. P. looked as much to the moral power that this law would have, as to its penal enactments. He asked if any man of honor could allow himself to fight a duel after the passage of such a law? The subject was, in his opinion, a momentous one. We were acting not for the present time, but the passage of this bill would have its due weight on all after generations. The people of this country expect, nay, demand of us, some enactment by which this odious and sinful practice may be discontinued and for ever prevented.

Mr. LINN was of opinion that the Senator from Delaware had treated the subject with so much sound practical sense, that little else could be left to be said on the subject. What community (said Mr. L.) could be found that would pronounce a man either a murderer or felon, who might have chanced to kill another in fair and equal combat? No man, he was persuaded, that came to act on his responsibility as a juror would be prepared to render such a verdict. Many of the States had passed severe penal enactments in relation to this matter, and yet where was the State where such laws had been carried into effect? Other legislatures again had sought milder remedies, such as punishing duelling by disfranchising their citizens, rendering them forever after incapable of holding offices of profit or trust, honor or emolument; such laws, he maintained, had a more wholesome action than those severe, unjust and cruel enactments, because the one was generally carried into effect, while the other was little better than a dead letter. To illustrate the effect of public opinion on this subject, Mr. L. instanced a case in his own State, where the people were as much adverse to fighting as those of

any other in the Union, (though he was aware that a contrary opinion prevailed among many in relation to Missouri,) where a small man, for a supposed offence, was cruelly lashed by a large one, the result of which was a challenge on the part of the small one to fight, in which duel the large man was shot twice, the last wound mortal. The survivor was found guilty under the laws of Missouri, when a petition was gotten up, signed almost unanimously by the people, and presented to the Legislature, which body remitted the penalties almost by acclamation; and so Mr. L. said it would be in all like cases, either the Legislature or Executive would step in to counteract the law. If such a bill could be introduced as would strike at the root of the evil, it would cheerfully have his support. He was aware that duelling was not defensible on principles of Christianity, neither was national warfare; and yet how frequently had it been engaged in, and justly too, by Christian nations. All the Legislatures of the Union have concurred in denouncing the practice of duelling as evil in itself, and yet have we not seen them come in to stay the laws. From what little he had seen, it appeared to him that fighting was like marrying, the more barriers that were erected against it, the surer were they to come together.

Mr. SMITH spoke long and vehemently in favor of the bill, maintaining that all enactments against crime had grown out of some past act of villany that shocked the moral sense of the community. The object of this law was not so much to prevent those fond of duelling from engaging in it, as to protect those coming from States where the people were not fond of murder or killing in any shape. For his own part he was not afraid of any man with pistol or sword; but he advocated the bill to protect the representatives of New England from those gentlemanly assassins or banditti, who might seek to call them out for words spoken in debate, and shoot them *in a fair and gentlemanly manner*. Mr. S. alluded, in no measured terms, to the late transaction, in which a representative had lost his life; and said, if the instigator of that murder had been in Connecticut, he would no more have escaped than if he had gone up and shot down his victim in the street. Mr. S. was for arresting this practice in its incipiency, by striking at once at the root of the evil, and making all persons, however remotely concerned, punishable. He thought the man that advised to such a step was as bad as the principal, and would treat him accordingly. Mr. S. could not draw any distinction between a murder in a duel, and out of it; and he maintained there was none, save that which grew out of the morbid imagination of gentlemen on such matters. Was not the effect the same to the bereaved wife—the children, made orphans? and was not the moral sense of the commumunity alike shocked? These were questions for the advocates of duelling to answer. He thought the country bound to erect some barrier against this infamous system, or, by-and-by, the people, who send their representatives to Congress, would have to accompany them with a body guard, armed with swords and pistols for their protection. If a man would, in contravention of the laws of God and man, seek to fight duels, he (Mr. S.) was clear for inflicting upon him that punishment which should be meted to the criminal of the worst dye.

Mr. CLAYTON spoke some time in favor of an amendment which he offered, to wit: subjecting persons engaged in a duel to imprisonment for a term not exceeding two years, and a fine not exceeding two thousand dollars, and to be made forever after ineligible to any office within the gift of the Government. Mr. C. dwelt on the efficacy of such laws in his own State, where duelling was once quite common, but had now entirely ceased. Even the shooting of pistols, which had been practised as an amusement, had, since the passage of the law, gone entirely out of fashion.

Mr. LINN repudiated the idea of denouncing men as murderers and felons, because they had fought duels. Some of the purest and best men on earth had been engaged in them, and should not be so stigmatized. That some duels had taken place from light and insufficient causes, was not to be denied, and certainly was much to be regretted. The question was, how is the practice to be prevented? Mr. L. would answer, not from cruel and sanguinary laws, which in all cases remained a dead-letter on the statute books. Where was there an instance of their being carried into effect? In no case could a jury of twelve men be found to give a decision that would doom a man to the gallows, or the loathsome cells of a penitentiary, and brand his name with the infamous epithets of murderer or assassin, because he had killed another fairly in a duel. Mr. L. thought there were cases of deadly insult which few men would not be ready, at all risks, to resent; and, if he could be allowed to judge from the unusual warmth and the temper displayed by the Senator from Connecticut [Mr. SMITH] in this matter, that he would be as willing and ready as any man to come forward on all proper occasions.

Mr. GRUNDY felt disposed to act in this matter without reference to any occurrences of recent date; he had found it best in all subjects of legistion, not to allude to topics calculated to excite. In the year 1829, an act, (which he had some agency in compiling,) somewhat similar to this in its provisions, was passed by the Legislature of Tennessee, providing for the punishment of not less than three nor more than ten years' confinement. There was also some penalty inflicted upon the sending of a challenge, and he thought that law had acted beneficially, as duels were certainly less frequent in his State since its passage. Mr. G. thought if this bill were passed, or something like it, in its provisions, that it would have a powerful effect on public opinion, and certainly no man that voted for it, could ever fight a duel afterwards. All the Senate could do, was to provide such enactments as were deemed best calculated to put a stop to the practice, though he was aware that, after all their care, cases might arise where the laws would not be likely to bind. Duelling had no advocates in the abstract, and all united in condemning it, and yet there were times when it was persisted in notwithstanding. Mr. G. could not agree with Senators that the difficulty of conviction in such cash rested with the juries, as such persons were generally opposed to it; but he rather thought it owing to the difficulty of obtaining proof to convict. The seconds were in the eye of the law *particeps criminis*, and either would not attend; or if they did, under the plea of not criminating themselves, would refuse to answer. He was not prepared to say that the amendment of the Senator from Delaware might not have the happiest effect, for the thought of being deprived of the power to hold office was a severer punishment in the eyes of some people, even than ten years confinement in the penitentiary.

The further consideration of the bill was postponed, and the Senate went into the consideration of Executive business at four o'clock, and remained until near five; and then

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 31, 1838.

Mr. JOHNSON of Maryland, from the Committee on Accounts, made a report, concluding with the following resolution, the further consideration of which was postponed till Monday next:

Resolved, That the Clerk of the House of Representatives appoint a competent number of pages for the service of the House, not exceeding twelve, and between the ages of twelve and sixteen years, who shall be paid out of the contingent fund of the House one dollar and fifty cents per day in full for their services.

That the Doorkeeper appoint a competent number of messengers and servants for the service of the House, not exceeding sixteen in number, who shall receive, in like manner, two dollars per day in full for their services.

That the said Clerk and Doorkeeper shall reduce the number of pages and messengers by them to be appointed, whenever it may appear to them that a less number can perform the duties assigned to them.

That it shall be the duty of the Doorkeeper to assign to the said pages and messengers their duties and services, and to have the same performed, and, in case any page shall neglect his duty, to report the same to the Clerk, who shall discharge him, or make a proper reduction of pay for such neglect.

That it shall be the duty of the Doorkeeper, whenever any new furniture or repairs of the old furniture of the House of Representatives be needed, to apply to the Commissioner of Public Buildings, who shall, if in his opinion it be necessary, give a written order to the Doorkeeper to have the same procured, and the Doorkeeper shall procure such furniture and repairs, on the best terms on which the same can be had, and shall report to the Commissioner the particulars of such furniture and repairs, and said Commissioner shall carefully examine the same, and report to the Clerk his estimate of the value of said furniture and repairs, and the same shall be by him reported to the Committee of Accounts.

That the Doorkeeper shall, immediately after the adjournment of the House, on each day of its session, cause the paper, candles, and other stationery and property of the House to be saved and preserved, so that no part shall be destroyed or used, except for the use of the members of the House.

That it shall be the duty of the Doorkeeper to have all documents and papers which may be printed by order of the House, folded and printed before the speeches or other documents of members.

That the officers of the House or pages or messengers shall not be directly or indirectly interested in any contract for the supply of stationery or any furniture or property, or work done for the use of the House.

That it shall be the duty of the Doorkeeper to collect, at the end of each session, all inkstands, sand-boxes, paper cutters, seals, and other stationery of the House, and to take an inventory of the same, and the same to keep and preserve for the use of the House; and no new stationery shall be purchased except to supply deficiencies, and no old stationery shall be sold or disposed of, except it be damaged or injured, so as to be unfit for use, (and then only by order of the Committee of Accounts.) And when a successor shall be appointed, to deliver over to him the stationery and other property of the House, with the inventory thereof.

That the Doorkeeper shall hire, at the lowest price for what they can be had, a suitable number of horses for the transportation and distribution of the mail of the House to and from the Post Office, and to the lodgings of the members, and for such other necessary business as may be, from time to time, required; and he shall superintend the faithful performance of the duties of the messengers employed in this service; and shall report to the Clerk of the House a statement of the persons employed, and the terms of the contract, which shall be reported to the Committee of Accounts; and the Doorkeeper, or other officer of the House, shall not be directly or indirectly interested in any such contract or undertaking.

Resolved, That the Speaker of the House shall, at the commencement of each session of Congress, designate to the Secretary of the Treasury some safe and suitable bank, or place of deposite, in which the Secretary of the Treasury shall deposit the money for the mileage and per diem pay of the members of the House of Representatives, subject to be drawn out by the check of the Speaker, endorsed by the member of the House entitled to mileage and per diem pay.

Resolved, That it shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of the members of the House, to prepare checks for members, and, if required to do so, to draw the money on such checks for the members, the same being previously signed by the Speaker, and endorsed by the member in whose favor the same may be drawn, and pay over the same to the member entitled thereto.

Resolved, That the Sergeant-at-Arms give bond, with security, to the United States, in a sum not less than five, nor more than ten thousand dollars, at the discretion of the Speaker, and with such security as the Speaker may approve of, faithfully to account for the money coming into his hands for the pay of the members of the House; and that, as a compensation for his increased duties and liabilities, he be allowed the sum of three hundred dol-

lars, to be paid out of the contingent fund of the House.

PUBLIC PRINTING.

The House then resumed the consideration of the following resolution of Mr. HOPKINS.

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the Federal Government, with a view to the speedy correction of the same, by the adoption of such a system of reform and retrenchment in the contingent expenses thereof, as the public good may require; and that the said committee be instructed, also, to inquire into the expediency of divorcing, by law, the Government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. HOPKINS made a brief rejoinder to Mr. CUSHMAN'S remarks of yesterday, and adduced some additional arguments in support of the proposition, both as a question of economy and for the preservation of the purity of the public press, by its disconnection from the patronage of the Government.

Mr. BOND followed on the same side, and went into a number of statistics and details on the subject, but, before he concluded, on motion of Mr. WHITTLESEY of Ohio, the House passed to the orders of the day.

Several bills from the Senate were read twice and appropriately referred.

The bill from the Senate for giving effect to the 8th article of the treaty of 1819 with Spain being twice read—

Mr. JOHNSON of Louisiana moved to refer it to the Committee on Foreign Affairs.

Mr. HARLAN moved to refer it to the Committee on Private Land Claims.

Mr. HOWARD, in a few remarks, explained the reasons why this bill should not go to the Committee on Foreign Affairs, and moved to refer it to the Committee on Public Lands, as being the most appropriate committee; when

Mr. JOHNSON withdrew his motion to commit it to the Committee on Foreign Affairs.

Mr. HARLAN then explained the reason why he thought the bill ought to go to the Committee on Private Land Claims.

After a few remarks by Messrs. RICE GARLAND and WILLIAMS of N. C.

Mr. CRAIG moved to commit the bill to the Committee of the Whole on the state of the Union.

After a few words by Messrs. LAWLER, JOHNSON of La. HOWARD, HARLAN, POPE, aad RICE GARLAND, the motion to commit to the Committee of the Whole on the state of the Union was disagreed to, and the bill was referred to the Committee on Private Land Claims.

PRIVATE ORDERS.

Mr. SHIELDS, with a view of facilitating the business of the House, moved that the House take up all bills which will not give rise to debate.

Mr. UNDERWOOD hoped this course would not be pursued, because it would block up the whole business before the committee of which he was a member.

Objection being made to this mode of proceeding, the House pursued the usual course.

The House then took up the bill for the relief of John Downs; which was read a third time and passed.

The House next took up the bill for the relief of A. Quertier and Albert, of New Orleans; which was ordered to be engrossed and read a third time to-morrow.

At a subsequent stage of the proceedings, the bill was read a third time and passed.

HOUSE OF REPRESENTATIVES,

MONDAY, April 2, 1838.

DECEASE OF THE HON. ISAAC McKIM.

As soon as the journal of Saturday had been read—

Mr. HOWARD rose and addressed the House as follows:

Mr. SPEAKER: I rise to perform a duty, the painful extent of which I did not fully appreciate until the present moment. It is from the effort required to control the feelings which are struggling for the mastery, that I am made sensible of the difficulty of the task. Sir, my friend and colleague, who lightened the toils and shared the responsibilities of our joint representation, is no more. After a brief but severe illness, ISAAC McKIM expired yesterday morning, meeting his fate with exemplary resignation and composure. Conscious of his approaching end for many days previous to its occurrence, he looked steadily at death as he drew near, step by step, with that unflinching courage which a quiet conscience only can give. Feeling and knowing, as I now feel and know, that he had tried to do his duty, he looked forward without alarm, because he looked backward without self-reproach. His course through life had been the same as his conduct in this House, where, I am sure, he has not left an unkind feeling in the breast of a single member. Engaged in the active pursuits of commerce from an unusually early period of life, he was one, and perhaps the last, of that enterprising class of merchants, whose hazardous, but successful, industry, some thirty years ago, built up, at the same time, their own fortunes and the prosperity of the city which we partly represented upon this floor; but the liberality with which he dispensed his gains around him, was equal to the sagacity which he manifested in their acquisition. Two public schools, one founded by his father and the other by himself, have long made his name blessed by the destitute widow, to whose children the rich gift of education was thus benevolently and wisely imparted. The two hundred orphan boys who have habitually attended the school of ISAAC McKIM, may perhaps be unconscious of the loss which they have sustained; but the tears of their widowed mothers, shed in secret sorrow, will attest their mingled gratitude and regret. Sir, to rescue from the temptations and dangers of idleness and ignorance, any portion of the youth of our country, is to effect a work in which patriotism and philanthropy eminently unite. But it was not in this instance alone that the kindheartedness of my deceased friend was manifested. I cannot call to mind a single individual in our extensive population whose loss will be more felt or deplored. He has passed through life with such an unstained character, that all men of integrity knew him to be their proper associate. Mild and courteous in his deportment towards others, he followed, as a guide in his own conduct, that sincerity and honesty of purpose, upon which his friends never counted in vain.

Next to his family, Mr. Speaker, his loss falls most heavily upon myself. Elected by the same constituency, we have been, for some years, in the habit of the most unreserved communication with each other upon every topic relating to our public duties, and upon his strong sagacity I have been accustomed greatly to rely. His untiring attention to business has long been conspicuous in this House. No care, no time, no labor seemed to him too great to be devoted to the public service. In this House, amongst his constituents, in his State, and by his country, his absence will be felt. It only remains for us to pay such respect to his memory as is due to it, and, for that purpose, I offer the following resolutions:

Resolved unanimously, That the members and officers of this House will attend the funeral of ISAAC McKIM, deceased, late a member of this House from the State of Maryland, at 11 o'clock to-morrow.

Resolved unanimously, That a committee be appointed to take order for superintending the funeral of ISAAC McKIM, deceased.

Resolved unanimously, That the members and officers of this House will testify their respect for the memory of ISAAC McKIM by wearing crape on the left arm for thirty days.

Resolved unanimously, That when the House adjourn to-day, it will adjourn to meet again on Wednesday next.

The resolutions having been unanimously adopted, the House adjourned over till Wednesday, meeting to-morrow, (Tuesday,) at eleven o'clock, to attend the funeral obsequies of the late Mr. McKIM.

The House then went into Committee of the Whole, Mr. LEGARE in the Chair, and took up

The bill for the relief of Joseph Nourse, which was passed over, leaving it to keep its place on the calendar.

The committee next took up the bill for the relief of Thomas Fillebrown, which was passed over without being amended.

The committee then took up the bill for the relief of Nathaniel Goddard and others; which, after a few remarks by Mr. CAMBRELENG and Mr. RUSSELL, was passed over without any action being had upon it.

The committee next took up the bill for the relief of Elisha Moreland, William Kennedy, and others; which, after some discussion by Messrs. BOND, LINCOLN, CHAPMAN, and WILLIAMS of North Carolina,

On motion of Mr. WILLIAMS, the committee rose and reported to the House the bill for the relief of Thomas Fillebrown, which was ordered to be engrossed and read a third time on Monday next.

Messrs. WILLIAMS and LAWLER, on leave, presented petitions.

On motion,

The House then adjourned.

IN SENATE,

MONDAY, April 2, 1838.

The CHAIR communicated a report from the Treasury Department, made in compliance with a resolution of the 16th ultimo, in relation to the French and Neapolitan indemnities; which, on motion of Mr. NORVELL was laid on the table, and ordered to be printed.

The CHAIR also communicated a report from the Treasury Department, transmitting a supplementary report from the Commissioner of the General Land Office, in relation to the preservation of the records in the office of the Surveyors General: laid on the table, and printed.

Mr. BAYARD presented the petition of the Philadelphia, Wilmington, and Baltimore railroad company, praying that the Government will refund to them the duties paid by them on imported railroad iron: referred to the Committee on Finance.

Mr. NORVELL presented joint resolutions from the Legislature of Michigan, in relation to the conditional surrender to the United States of certain lands selected by that State for seminary purposes. The resolutions were referred to the Committee on the Public lands.

Mr. N. also presented a joint resolution from the Legislature of Michigan, in favor of the appropriation of the whole amount of the estimate for the completion of river Raisin harbor: referred to the Committee on Commerce.

Mr. McKEAN presented the proceedings of a meeting of citizens of Chambersburg, Pennsylvania, opposed to the practice of duelling; which was read, laid on the table, and ordered to be printed. Also, two memorials from citizens of Pennsylvania, remonstrating against the annexation of Texas to the Union: laid on the table. Also, two memorials from citizens of Pennsylvania, on the subject of slavery: the question as to receiving them being laid on the table.

On motion of Mr. WILLIAMS, the Committee on Pensions was discharged from the further consideration of several petitions for pensions that had been referred to them

The bill for the relief of Samuel Milligan, was read the third time, and passed.

The amendment of the House to the bill directing the expenditure of the appropriation for removing the troops of the United States from Fort Gibson, was considered, and concurred in.

The bill from the House for the relief of the heirs of Robert Fulton, was read twice, and referred.

The bill from the House for the relief of Ebenezer A. Lester, was taken up and considered, and, on motion of Mr. HUBBARD, it was indefinitely postponed.

The following bills were severally read the second time, and considered as in Committee of the

Whole, and ordered to be engrossed for a third reading:

The bill to remunerate the captors of the privateer Lydia.

The bill for the relief of Isaac Wellborn, jr. and William Wellborn.

The bill for the relief of William Eadus.

The bill for the relief of David H. Maxwell.

The bill authorizing the sale of certain real estate belonging to the United States at Bath, in Maine, and the proceeds thereof to be applied to the purchase of another site and the building of a custom-house.

The bill for the relief of Moses Van Campen; and

The bill for the relief of the heirs and legal representatives of Everard Mead, deceased.

DEATH OF THE HON. ISAAC McKIM.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, announcing the death of the Hon. ISAAC McKIM, a member of that House from the State of Maryland, and that his funeral would take place from their hall at 11 o'clock to-morrow.

Mr. GRUNDY rose and addressed the Senate as follows:

Mr. PRESIDENT: In the absence of both the Senators from Maryland, I have been requested by the delegation in the other House from that State to move a concurrence with the resolutions of the House of Representatives, in honor of the memory of the deceased.

A few days since he was amongst us, in all the vigor of health. Within a few hours only before his death, he was actually engaged in the faithful discharge of the arduous duties assigned him by his country. He is now gone; and those who esteemed him and loved him, will see him no more.

Mr. McKIM was emphatically the author of his own fortunes. He commenced life in very moderate circumstances, without the patronage of influential friends. His industry and energy, under the guidance of a clear and discriminating intellect, enabled him to amass a fortune, not only ample, but magnificent.

He not only knew how to acquire property, but he knew how to use it. The accumulation of wealth in him did not beget the passion of avarice. Go to the city of his residence, and the inhabitants can point out innumerable instances of his noble charities, and monuments of his munificence and liberality.

He had reached a good old age. He had been honored by his fellow-citizens with a seat in the Senate of his State, and he had often been elected to fill the station he lately occupied. We his associates knew that, although he was unassuming and unpretending, he brought into our councils a stock of useful and practical knowledge possessed by few men.

The reflection that he lived worthily, and died probably without a single enemy, will comfort, and in some degree alleviate the sorrows, of her who was the partner of his bosom and sharer of his joys and griefs, and those relatives and friends who now deplore his loss.

Mr. GRUNDY then submitted the following resolution, which was adopted unanimously:

Resolved unanimously, That the Senate will attend the funeral of the Hon. ISAAC McKIM, late a member of the House of Representatives from the State of Maryland, at 11 o'clock to-morrow; and, as a testimony of respect for the memory of the deceased, they will go into mourning by wearing crape on the left arm for thirty days.

On motion of Mr. GRUNDY,

The Senate adjourned to meet to-morrow at 11 o'clock.

HOUSE OF REPRESENTATIVES,

TUESDAY, April 3, 1838.

FUNERAL OF THE LATE HON. ISAAC McKIM.

Pursuant to order, the House of Representatives convened a few minutes before 11 o'clock, for the purpose of attending the funeral obsequies of the Hon. ISAAC McKIM, late a Representative in Congress from the State of Maryland; which were performed in conformity to the order of arrangements:

ORDER OF ARRANGEMENTS

FOR THE FUNERAL OF THE HON. ISAAC McKIM, *Late a Representative in Congress from the State of Maryland.*

The Committee of Arrangements and Pall-bearers will attend at the late residence of the deceased, at Gadsby's Hotel, on Pennsylvania avenue, at 10 o'clock, a. m. Tuesday, April 3d; at which time the remains will be removed, in charge of the Committee of Arrangements, attended by the Sergeant-at-arms of the House of Representatives, to the Hall of the House.

At 2 o'clock, p. m. funeral service will be performed in the Hall of the House of Representatives, and, immediately after, the procession will move to the Railroad Depot, on Pennsylvania avenue, in the following order:

The Chaplains of both Houses.
Physicians who attended the deceased.
Committee of Arrangements, viz:
Mr. HOWARD, of Maryland.
Mr. ADAMS, of Mass. Mr. GLASCOCK, of Ga.
Mr. CAMBRELENG, N. Y. Mr. JOHNSON, of La.
Mr. TALIAFERRO, of Va. Mr. MILLER, of Mo.
Pall Bearers, viz:
Mr. McKAY, of N. C. Mr. INGHAM, of Conn.
Mr. WHITTLESEY, of O. Mr. YELL, of Ark.
Mr. LYON, of Ala. Mr. SOUTHGATE, of Ky.
The family and friends of the deceased.
The members of the House of Representatives and Senators from Maryland, as mourners.
The Sergeant-at-arms of the House of Representatives.
The House of Representatives, preceded by their Speaker and Clerk.
The other officers of the House.
The Sergeant-at-Arms of the Senate.
The Senate of the United States, preceded by the Vice President and their Secretary.
The other officers of the Senate.
The President of the United States.
The Heads of Departments.
Foreign Ministers.
Citizens and Strangers.

The body will then be placed in the car which will be provided for the purpose, and carried to Baltimore, attended by the chaplains and physicians, the committee of arrangements, the pall bearers, the delegation from Maryland as mourners, and such of the officers and members of the two Houses of Congress as may be able to attend, for whom cars will be provided.

On the arrival of the procession at Baltimore, it will move to the place of interment, in the order which is designated above.

Arrangements have been made for the return to Washington, on the same evening, of those who may attend the body to Baltimore.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 4, 1838.

THE LATE DUEL.

Memorial on the subject of the late duel were presented by Mr. CUSHMAN, of New Hampshire; Mr. FAIRFIELD, of Maine; Messrs. GRAY, PECK, PRATT, and BIRDSALL, of New York; Mr. FLETCHER, of Vermont; Mr. CUSHING, of Vermont; and Mr. WEBSTER, of Ohio; all of which were referred to the select committee having that subject under investigation.

[Mr. CUSHMAN presented the petition of Bradbury Bartlett and other citizens of Nottingham, New Hampshire, praying an investigation into the facts relative to the late duel between two members of Congress.]

[Mr. FAIRFIELD presented the following petitions upon the subject of the late duel; which were referred to the select committee having that subject under consideration, viz: Moses Sweat and 20 others, citizens of Parsonsfield; the same and 115 others, citizens of Parsonsfield; Joseph Hiltan and 81 others, citizens of Brewer; Wait W. Keen and 84 others, citizens of Brewer; Abel Gibson and 78 others, citizens of Brownfield; Daniel Osgood and 79 others, citizens of Brownfield; Isaac A. Thayer and 38 others, citizens of Oxford; Jairus S. Keith and 39 others, citizens of Oxford; James Leach, jr. and 51 others, citizens of Penobscot; Wilson Carpenter and 33 others, citizens of Penobscot; Elias M. Carter and 53 others, citizens of Bethel; all in the State of Maine; and Samuel Foljambe and 41 others, citizens of the State of Ohio.]

[Mr. FLETCHER, of Vermont, presented the petition of Wm. Heywood, jr. and 25 citizens of Guildhall, praying Congress to interfere and pass a law against duelling.]

[Mr. WEBSTER, on leave, presented the petition of many citizens of Hamilton and Rossville, and their vicinities, on the subject of the late duel and against duelling; which was referred to the select committee.]

[Mr. BIRDSALL presented the memorial of E. Price and 157 others, inhabitants of the county of Wayne, N. Y. praying the expulsion by Congress of every member of that body criminally engaged in the duel which resulted in the death of the Hon. JONATHAN CILLEY. Also, the memorial of J. W. Patton and 244 others, inhabitants of the county of Wayne, N. Y. praying Congress to expel every member thereof, who, on investigation, shall appear to have been engaged in the duel between Messrs. CILLEY and GRAVES; which, on motion of Mr. B. were referred to the select committee having the subject under consideration.

Mr. B. asked leave to present the memorial of Thomas McClintock and 36 others, Waterloo, New York, praying the House to rescind the resolution of Mr. Patton, of the 21st day of December, 1837; which was received, and laid on the table.]

[Mr. PECK presented the petition of W. H. Stanley, and sundry other citizens of Gunson, Livingston county, N. Y. on the subject of the late duel. Also, a similar petition of Shepard Pierce, and 291 other citizens of Livonier, Livingston county, N.Y. Also, a similar petition of J. A. Campbell, and 100 others, citizens of Lima, Livingston county, N. Y.]

Memorials on other subjects were presented by Messrs. WISE, PICKENS, S. WILLIAMS, THOMPSON, HENRY, and BRONSON, (for Mr. JONES of Wisconsin, who was in attendance before a select committee of the House.)

[Mr. HENRY presented the petition of George Casspady of Mercer county, Philadelphia, a soldier of the late war, who had his arm shot off in the battle of Chippewa, and prays Congress for an increase of his pension: on motion, referred to the Committee on Invalid Pensions.]

Mr. JOHNSON of Md. on leave, submitted the ing resolution, which was agreed to:

Resolved, That the Speaker communicate to the Governor of the State of Maryland, that a vacancy has occurred in the representation of the House of Representatives, by the decease of the Hon. ISAAC McKIM, late a member thereof from that State.

Mr. CUSHMAN asked leave to move an order that, from and after this day, the House meet at 11 o'clock, a. m. until otherwise ordered; but it was objected to.

Mr. PRATT asked leave to offer a resolution directing portraits of the five first Presidents to be executed by American artists, and placed in the Executive mansion; but it was objected to.

EXPLORING EXPEDITION.

Mr. WISE asked leave to offer the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency and propriety of repealing the laws providing for an exploring expedition, and of converting, by law, the vessels fitted out for the said expedition, into a squadron to be stationed on the Atlantic coast of the United States, to ascertain the soundings of its shoals, inlets, channels, bays, rivers, creeks, and harbors; to instruct the officers of the navy in the pilotage of our own waters; to train them in seamanship; to afford relief to vessels in distress; and to protect our coast.

Objection being made,

Mr. MONTGOMERY, premising that this was a subject of considerable importance, moved a suspension of the rule.

Mr. WISE remarked, that the adoption of the resolution instanter was indispensable, inasmuch as the appropriations for the expedition were already embraced in the annual navy bill.

The House refused to suspend the rule.

Mr. GRAHAM of North Carolina asked leave to submit the following:

Resolved, That this House will, from and after Monday next, meet daily at 11 o'clock, a. m. until otherwise ordered.

Objection being made,

Mr. G. moved a suspension of the rules, and asked for the yeas and nays, which were ordered, and were—yeas 110, nays 29. So the rules were suspended.

Mr. WHITTLESEY of Ohio then moved to amend the resolution, so as to take a daily recess from 2 till half-past 3 o'clock.

After some remarks from Messrs. CAMBRELENG, WHITTLESEY of Connecticut, REED, POPE and BOON in opposition to the amendment, and by Messrs. WHITTLESEY of Ohio, and REED in its support,

Mr. WHITTLESEY asked for the yeas and nays, but they were refused; and it was further discussed by Messrs. LEGARE, WILLIAMS of North Carolina, and CAMBRELENG in opposition, when the amendment was rejected without a division, and the resolution was adopted.

Mr. DAWSON then rose and said that, as a member of the Committee on Mileage, he had reported a bill on that subject, which it was absolutely necessary should be either passed or rejected. He, therefore, moved a suspension of the rules, in order to take up and consider that bill, but the House refused.

DUTIES OF OFFICERS OF THE HOUSE.

Pursuant to order, the House took up the resolutions in relation to the duties of the officers of the House.

[They are published at length in the "Globe" of Saturday evening last.]

The resolutions having been read, the first was taken up, as follows:

Resolved, That the Clerk of the House of Representatives appoint a competent number of pages, not exceeding twelve, and between the ages of twelve and sixteen years, who shall be paid out of the contingent fund of the House, one dollar and fifty cents per day, in full for their services.

Mr. McKENNAN moved to amend the first, so that it should not affect the pages now in the employ of the House, by limiting its operation to the next session of Congress.

Messrs. JOHNSON of Maryland, JOHNSON of Virginia, and CONNOR spoke briefly against the amendment, when it was agreed to—ayes 67, noes 62.

Mr. HAYNES moved further to amend the first resolution, by giving the appointment of the pages to the Doorkeeper instead of to the Clerk.

Mr. ADAMS moved to add the words, "with the approbation of the Speaker," which Mr. H. accepted as a modification.

After some remarks from Messrs. HAYNES, ADAMS, JOHNSON of Maryland, and MASON of Ohio, the amendment was agreed to, 73 to 51.

Mr. CONNOR moved that ten boys be employed, instead of the proposed number of twelve, which was disagreed to.

The other resolutions were also discussed at great length, amended, and, in their amended form, severally concurred in.

The SPEAKER laid before the House sundry Executive communications, viz:

1. From the Acting Secretary of War, transmitting a report of the Chief Engineer, containing certain information respecting the harbor of St. Louis.

On motion of Mr. CUSHMAN, referred to th Committee on Commerce.

2. From the same, transmitting a report of the commissioners appointed to lay out the military road on the Western frontier.

On motion of Mr. McKAY, referred to the Committee on Military Affairs.

3. From the same, transmitting a report of the Commanding General, and accompanying documents, from which can be derived information of the number and composition of the military forces in Florida during the year 1837.

On motion of Mr. McKAY, referred to the same committee.

4. From the same, in relation to the commercial intercourse between the British provinces of Nova Scotia and New Brunswick, and the United States.

On motion of Mr. FAIRFIELD, referred to the Committee on Foreign Affairs.

5. From the Secretary of the Treasury, transmitting a supplementary report from the Commissioner of the General Land Office in relation to the preservation of the records in the offices of the Surveyors General.

On motion of Mr. YELL, referred to the Committee on the Public Lands.

Mr. GARLAND of Louisiana, on leave, laid on the table an amendment he proposed to submit to the Pre-emption right bill; which was ordered to be printed.

On motion, The House adjourned.

IN SENATE,

WEDNESDAY, April 4, 1838.

Mr. ALLEN presented the petition of sundry citizens of Fayette county, Indiana, praying the establishment of a certain mail route: referred to the Committee on the Post Office and Post Roads.

Mr. TIPTON presented the petition of Hiram Todd, Cyrus Taber, and Alexander Hamilton, praying the passage of a law vesting the right of certain Indian reservations to them as reservees: referred to the Committee on public lands.

Mr. BAYARD presented certain papers, as evidence in the case of Alex. McCrae, a soldier in the late war; which were referred to the Committee on Pensions.

Mr. TIPTON presented the memorial of the Mississippi and Alabama railroad company, asking for a donation of land, etc. referred to the Committee on the Public Lands.

Mr. MERRICK presented the resolutions of the General Assembly of Maryland, in relation to the currency generally, and in opposition to the Independent Treasury: laid on the table, and ordered to be printed.

Mr. TIPTON, from the Committee on Roads and Canals, moved to be discharged from the further consideration of the petition of William Bancroft; and also from the memorial of the Legislature of Wisconsin: which was concurred in.

Mr. DAVIS, agreeable to leave, introduced a bill for the relief of the heirs of Silas Elbert, deceased, and for other purposes; which was twice read, and referred to the Committee on the Judiciary.

Mr. LINN gave notice that he would on to-morrow, ask leave to bring in a bill for the relief of the heirs of Philip Barber, deceased.

On motion of Mr. KNIGHT,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making a survey of the harbor of Providence, R. I preparatory to the removal of a sand bar or deposite at the entrance of the harbor.

Mr. WRIGHT, from the Committee on Finance, reported, without amendment, the bill making appropriations for the support of the army for the year 1838.

The following bills were severally read the third time and passed:

The bill for the relief of Isaac Wellborn, jr. and William Wellborn.

The bill for the relief of Doctor David H. Maxwell.

The bill for the relief of William Eadus.

The bill to remunerate the captors of the privateer Lydia.

The bill authorizing the sale of certain real estate belonging to the United States at Bath, State of Maine, and the appropriation of the proceeds to the purchase of a site, and the building a custom-house at that place.

The bill for the relief of Moses Van Campen, and

The bill for the relief of the heirs and legal representatives of Everard Mead, deceased.

The following bills from the House were severally read twice, and referred:

The bill for the relief of the heirs of Robert Fulton;

The bill for the relief of Capt. John Downes; and

The bill for the relief of A. Curtier and Albert, of New Orleans.

On motion of Mr. WRIGHT, the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1838 was taken up.

The following amendment, reported by the Committee on Finance, being under consideration:

Add to the end of first section, *Provided*, That there shall exist in the President and the Postmaster General the same power to transfer funds from one to another head of appropriation between the appropriations above made for the service of the General Post Office, as exists in the President and any other head of an Executive department to transfer funds appropriated under one head to the service of another, in any other branch of the public service.

After some remarks from Mr. CRITTENDEN, in opposition to the amendment, and from Messrs. WRIGHT, NILES, and GRUNDY, in its support, the amendment was agreed to.

Mr. CRITTENDEN moved to amend the bill by inserting a proviso that the above appropriations for the Post Office Department, together with the salary of the Postmaster General, shall be paid out of the revenues of the Post Office which are or may be paid into the Treasury agreeably to the act of 2d July, 1836.

After some remarks from Messrs. GRUNDY, WRIGHT, and NILES, in opposition to the amendment, and from Mr. CRITTENDEN, in its support, the question was taken, and the motion to amend was lost without a division.

The amendment was then ordered to be engrossed, and the bill, as amended, to be read a third time.

On motion of Mr. HUBBARD,

The bill directing the transfer of moneys unclaimed by certain pensioners, and the payment of the same at the Treasury of the United States, was taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. ROANE, the Senate took up and considered, as in Committee of the Whole, the bill to establish a criminal court in the District of Columbia; and, after an amendment, it was ordered to be engrossed for a third reading.

The bill to prohibit the giving or accepting a challenge to fight a duel in the District of Columbia, and the punishment thereof, was taken up, the question being on the amendment offered by Mr. CLAYTON.

After some remarks from Mr. PRESTON, the bill was passed over informally; and

The bill making appropriations for the civil and diplomatic expenses of the Government for the year 1838;

The bill making appropriations for the support of the army for the year 1838; and

The bill directing the transfer of moneys unclaimed by certain pensioners, and the payment thereof at the Treasury of the United States, were severally read the third time, and passed.

On motion of Mr. NORVELL,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 5, 1838.

Mr. PATTON moved the following, which was *unanimously* adopted.

Resolved, That WILLIAM J. M'CORMICK be appointed postmaster of this House.

ELECTION OF DOORKEEPER.

Mr. McKENNAN then asked the consent of the House to take up the resolution providing for the election of a principal Doorkeeper on Monday next at 2 o'clock.

Objection being made, the rules were suspended, 92 to 34.

Mr. GRAY then moved to insert to-day at one o'clock.

Mr. CAMBRELENG hoped this motion would not prevail. There were several urgent appropriation bills before the House, and this was the only public business day of the present week.

The amendment was disagreed to—ayes 69, noes 73.

Mr. WILLIAMS of Kentucky said he thought there were officers enough already, and he therefore moved to postpone the resolution till the first Monday in December next.

Mr. CAMBRELENG asked for the yeas and nays; which were ordered.

Mr. BOON stated, briefly, why he should vote for the postponement. He dissented from the principle involved in this question; for, independent of the House having got along very well with the present Assistant Doorkeeper for the best part of three sessions, there was another principle in it still stronger, viz: that the House did, on the annunciation of the death of the late Doorkeeper, direct his full salary to be paid to his widow till the end of the present session of Congress. Mr. B. did not envy the widow at all; but the same principle would apply as forcibly, and with as much justice, to every member of the House who might die during his term of service, and his per diem for the whole session paid to the widow. Now, he could not go for this principle, and more especially with the lash over him for extravagance, and the comparisons recently made between the expenditures of the House under this and the late Administrations, and former ones, every small and trifling item having been industriously enumerated. If other gentlemen were disposed to do so, they had a perfect right, and on them would rest the responsibility of paying a double salary for the performance of the duties of one officer.

After a few words from Messrs. HAYNES, EWING, BRONSON, and TAYLOR, against postponement, and a brief rejoinder by Mr. BOON, the question was taken, and decided in the negative—yeas 74, nays 91.

So the House refused to postpone the resolution.

Mr. WILLIAMS of Kentucky then moved to amend it by adding the following:

Resolved further, That the office of Assistant Doorkeeper, from and after the election of Doorkeeper, be dispensed with. Lost.

Mr. RUSSELL then moved to amend by striking out "on Monday next, at 2 o'clock," and inserting "forthwith;" which was agreed to, and the resolution, as amended, was agreed to.

Before the House proceeded to ballot—

Mr. WILLIAMS of Kentucky, moved the following order: "That in the ballotings for Doorkeeper the individual who receives the smallest vote shall be dropped, and so on," but it was disagreed to.

The House then proceeded, and the following nominations were made:

Mr. GRANT nominated Mr. Lindsey.
Mr. HALL nominated Mr. Whitcomb.
Mr. TAYLOR nominated Mr. Folansbee.
Mr. SERGEANT nominated Mr. Burch.
Mr. PATTON nominated Mr. Dade.
Mr. HAYNES nominated Mr. Beale.
Mr. CARTER nominated Mr. Hamilton.
Mr. TURNEY nominated Mr. Williams.
Mr. PENNYBACKER nominated Mr. Bogan.
Mr. RIVES nominated Mr. Hungerford.
Mr. S. W. MORRIS nominated Mr. Patton.
Mr. CHAMBERS nominated Mr. Washington.
Mr. ATHERTON nominated Mr. Harrison.
Mr. HOFFMAN nominated Mr. Palmer.
Mr. CAMPBELL of Tennessee nominated Mr. McCormick.
Mr. EVANS nominated Mr. Weightman.
Mr. SHIELDS nominated Mr. Addison.
Mr. LAWLER nominated Mr. Mount.
Mr. COLES nominated Mr. Sangster.
Mr. HAWKINS nominated Mr. Burke.

Mr. GRANT, Mr. HALL, Mr. TAYLOR, Mr. SERGEANT, and Mr. HAYNES, were appointed tellers.

There were six ballots, the last of which resulted as follows:

Whole number of votes	177
Necessary to a choice	89
For Mr. Folansbee	91
Mr. Beale	70
Mr. Washington	12
Scattering	4

So Mr. Folansbee was declared to be duly elected, and took the oath of office.

The following message in writing was received from the President of the United States by the hands of his private Secretary:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, with accompanying papers, in answer to their resolution of the 21st ultimo. M. VAN BUREN.

WASHINGTON, *April* 5, 1838.

[The report was in relation to the destruction of the Caroline, at Schosser.]

On motion of Mr. CUSHMAN, laid on the table.

Mr. LEGARE, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting to Mrs. Brown, daughter of Sergeant Jasper, the commutation pay of a subaltern officer, or such other compensation as she may be, in the opinion of the committee, entitled to under the laws and the practice of Congress.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in relation to lands sold under the pre-emption laws; which, on motion of Mr. BOON, was laid on the table.

The Senate's amendment to the general appropriation bill was taken up and concurred in.

Also, the amendment of that body to the bill relation to pension balances was likewise concurred in.

Sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

The bill for the relief of Thomas Fillebrown, was read a third time, and passed.

On motion,

The House adjourned.

[Mr. GRAY, of N. Y. yesterday presented the following: The petition of 86 inhabitants of Truxton, Courtland co. N.Y. praying for the expulsion from Congress of every member thereof who was criminally engaged in the late duel, and that the persons so engaged be handed over to the legal tribunal of the State whose criminal code they had violated. Also, the petition of sundry inhabitants of Lansing, Tompkins co. praying the same. Also, the petition of sundry inhabitants of Tompkins co. praying the same. Also, the petition of sundry inhabitants of Tompkins co. praying the expulsion of the surviving principal and the seconds in the late duel. Also, the petition of 171 inhabitants of Elmira, Chemung co. praying the passage of laws to prevent duelling.]

IN SENATE.

THURSDAY, April 5, 1838.

Mr. GRUNDY presented the petition of Robert Berry, a soldier of the Revolution, praying for a pension: referred to the Committee on Pensions.

Mr. NORVELL presented the preamble and joint resolutions of the Legislature of the State of Michigan, calling the attention of Congress to the expediency of making a survey of Detroit river, on the American side, to ascertain how far the channel required improvement, with a view to defence in case of a war with Great Britain: referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LINN, on leave, introduced a bill for the relief of the legal representatives of Philip Barber, deceased; which was twice read, and referred, with the accompanying documents, to the Committee on Private Land Claims.

On motion of Mr. WHITE, the Committee on Indian Affairs was discharged from the further consideration of the petition of the Brothertown Indians, residing in Wisconsin, praying for a title to their lands, and to be made citizens of the United States, and the same was referred to the Committee on the Public Lands.

Mr. YOUNG presented the resolutions of a large meeting of certain citizens of Illinois, on the subject of a mail route: referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG gave notice that he would, to-morrow, ask leave to bring in a bill to grant a quantity of land to the Mississippi and Rock River Canal Company for purposes of internal improvement.

The bill to establish a Criminal Court for the District of Columbia, was read the third time and passed.

The Senate took up and considered, as in committee of the Whole, the bill for the relief of the legal representatives of Henry Fisher, deceased.

Mr. BAYARD moved to amend the bill, by adding interest, at the rate of six per cent.; and after a debate, in which the amendment was supported by Messrs. BAYARD and CLAYTON, and opposed by Messrs. WHITE and NILES, this amendment was rejected—yeas 10, nays 20; after which, the bill was ordered to be engrossed for a third reading.

Mr. BENTON laid on the table the statement of the Missouri volunteers relative to the battle of Okechobee, which was ordered to be printed.

Mr. BENTON submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Finance be instructed to inquire whether any additional supplies will be needed by the Treasury during the present year; and if so, to inquire into the expediency of raising said supplies, by selling the bonds given by the Bank of the United States of Pennsylvania for the United States stock in the late United States Bank, or by loans.

On motion of Mr. LINN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route direct from Palmyra, Missouri, to Shelbyville, the seat of justice of Shelby county.

The Senate resumed the consideration of the bill to prohibit the giving or accepting a challenge to fight a duel in the District of Columbia, and for the punishment thereof.

Mr. PRESTON said he had no objection to the passage of a law against duelling, although he believed that the common law, if properly enforced, was abundantly sufficient. It might be that additional legislation was necessary to enforce it; but if so, it was worthy the consideration of gentlemen who urged this measure, whether the insufficiency of the common law was not induced by a state of public opinion, (whether intelligent or not he would not stop to inquire) which was averse to the stern execution of the law applicable to duelling. If this were so, the object which gentlemen had in view would not be attained by the introduction of other and sterner penalties. On the contrary, he (Mr. P.) thought they made the law more inefficient when they made it more severe, because it became more opposed to public sentiment.

The practice of duelling, Mr. P. said, originated in, and was sustained by, public opinion; and so long as it was so sustained, it would prevail, in despite of law, on that principle which had passed into a proverb, that when public opinion set its face against the measure, no law would be requisite. Gentlemen who were advocating this measure, seemed to think that laws against duelling had, in many instances, been successful in suppressing it. In that he thought they were mistaken, at least to the extent of the influence which they claimed for those laws. It might have happened, in a particular case, that public opinion, by some gross abuse of the practice, had been so raised against it, that the enactment of new laws had strengthened and consolidated the feeling of the community, so as to bring the institution of duelling into disrepute. Such was the case in Virginia; but whether that State had succeeded in checking the passions which gave rise to challenges, or had merely forced them into some more violent forms of ebullition, remained yet to be seen.

Duelling had undoubtedly produced much folly and much misery, but at the same time it had mitigated the indulgence of revengeful passions, which, taking the milder and more deliberate course, evaporated entirely, or assumed a less atrocious form. Was it not, asked Mr. P. manifestly less outrageous upon receiving offence to send a challenge than to draw a dirk? Time could then be had for reflection—for adjustment; but even should the affair be pushed to the extreme issue, there were circumstances and chances which would go to make it less objectionable than sudden and violent personal rencontres. It was not his purpose to vindicate the practice of duelling, or to enter into a full discussion of the proposed law, but merely to notice some of the remarks of the honorable Senator from Connecticut,

which he had heard with great regret, and which he must be permitted to say with some little degree of indignation. That gentleman had thought proper to indulge himself in no measured terms of denunciation against the actors in a recent event, which the whole community deplored, and coupled with this indecorous attack upon the gentleman, whose conduct is at this moment the subject of investigation before the branch of the National Legislature. The very extraordinary declaration that this law is intended to protect the *North* against the *South—protect* [said Mr. P.] the *North* against the *South!!* Mr. President, the gentleman is under a mistake, a grievous mistake! He thinks that if a gentleman from the South challenges one from the North, the latter must fight; that there is no escape, that his fate is settled, his doom fixed! Not so, sir! not, so. I am happy to relieve the honorable Senator from so painful a delusion. The fighting a duel is matter of mutual consent. It is a rencontre agreed upon, and deliberately arranged, by both parties. The challenged party agrees to be shot at, and agrees to shoot at the challenger; and, if indeed he had been rightfully informed, the challenged party had a wider field of selection and more important objects of choice than his adversary. The challenged party first decided whether he would fight, then the time, the place, weapons, distance, every thing according to his own wishes, and if he falls, it is by means which he thought least dangerous to himself, and most so for his antagonist. This voluntary agency seemed to have escaped the attention of the Senator. The mutual design and mutual capacity to kill have not been understood by him, nor has the very great advantage of being the challenged party—the advantage of selecting weapons with which *he* is familiar, and the *challenger* is not, and by hurrying the time so that familiarity cannot be acquired. It was by omitting to consider such facts that the Senator thought all penalties should be decreed against the challenger, and that all sympathy was to be reserved for the challenged? This very extraordinary error, in point of fact, seemed to pervade all the gentleman's logic, morality, and sensibility. The idea that the challenged party is *bound* to fight makes it necessary in his judgment to pass a law for the protection of New England. The same idea induced him to stigmatize all the parties on one side, in a recent and most melancholy transaction with all the harshest epithets known to our language, and to charge them with the highest crimes known to our laws. In his (Mr. P's) judgment, the introduction of so paiuful and exciting a topic could produce no good, and the style and temper in which it was treated, was altogether wrong. Every body lamented the sad catastrophe, and he trusted the Senator would find no example or imitators of that bitter spirit which led him to mix up this matter with the rancor of sectional prejudice, and party politics. What justification, in point of morality, what excuse, in point of decency, had the Senator for thus dragging before the Senate, on charges of conspiracy, assassination, and murder, gentlemen who are not here to be heard, and in regard to whom, if the Senator entertained these opinions, it was his duty to bring before a competent tribunal, to have his charges considered and examined—the courts were open to him! But more, much more, than that, said Mr. P. the Senator is aware that at this very moment while he accuses, judges and condemns, under the influence of a heated imagination and roused feelings, the subject of his declamation was undergoing investigation in the other end of the Capitol, before the committee of the House in daily session. I do not, said Mr. P. complain of the bitterness with which the Senator speaks of individuals, that is a matter of taste or temper; but I do take strong exception to the wanton disregard of common justice towards individuals, in condemning them pending their trial, unheard and without testimony. The Senator puts the passage of the law upon the ground of protection of himself and his friends, and at the same moment shows to what extent protection is needed by those whom he may choose to select as the subjects of vituperation. Does the gentleman think that the infliction of physical injury is the only way in which a man can be wronged? Is it less an assault and outrage upon him, to bring him upon this high theatre to be exhibited as a felon than to shoot at him? Is there but one kind of assassination? but one kind of murder? Are bodily wounds those alone which are felt? When Virginia passed a duelling law, she enacted new and wider definitions of slander, which would effectually suppress such expressions as those used by the Senator, if used elsewhere than in a privileged place. When she undertook to suppress duelling, she also essayed to suppress, not only calumny, but also insult; and the great fundamental code of morals, which enjoins that "thou shalt not kill," also enjoins that "thou shalt not bear false witness against thy neighbor." It inculcates upon us to keep our tongue from evil speaking, and exalts charity as the chiefest of virtues.

Mr. P. contended that his section of the country was as fairly entitled to protection against assaults of that kind as that of the honorable Senator to any assaults from his quarter. He knew how utterly futile was the pretence of sectional protection. It was equally offensive to the North and to the South: it was a mere phantom of the Senator's fancy. He says the people of New England are averse to duelling. If so, he who declines a challenge commends himself to public opinion, and at once satisfies his own conscience and fulfils the expectations of his own friends. The whole business of duelling is an appeal to public opinion. It is a mode by which public opinion regulates and restrains the exercise of that wild justice, as Lord Bacon calls it, which the infirmity of our own nature prompts us to take beyond the justice of the laws, or the morals of the people exempt society from the evils of inordinate passions, whether manifested by abusive language, by personal outrage, or under the forms of duelling. Doubtless, in the absence of the two first, the last would be rarely heard of.

Mr. P's object in troubling the Senate was rather to notice the remarks of the Senator from Connecticut than to discuss the bill. He doubted the necessity for any penalty beyond that of the common law, which had so long been found amply sufficient in England; but if gentlemen thought that additional legislation was necessary, he had no objection.

Mr. SMITH of Connecticut rose in reply. He said that, for the purpose of making his views fully understood on this subject, it would be necessary for him to refer occasionally to the late duel, and that his object in doing so was not to create any excitement, or to produce unpleasant feelings in the minds of any persons, whether concerned in the late tragedy or not. It was necessary for him to bring into view that transaction, which was the primary cause of action on the subject in this body, and he wished distinctly to be understood as not intending to make a personal attack on any body. But if truth, which he should endeavor only to advance, should excite such unpleasant feelings, he should regret it, though he would not shrink from doing what he conceived to be his duty on this, as well as on all other occasions. He should not have thought it necessary for him to occupy the time of the Senate on this subject further than he had done, had it not been for the remarks of the Senator from South Carolina, on which the question arose, whether it was necessary for Congress to pass a law for the purpose of preventing a repetition of that act, which has spread sorrow over this and the other body. If that act was one of common occurrence, if it was one that the American people would submit to, he certainly would not ask Congress to suppress it. If, on the contrary, it was one that was abhorrent to their feelings and principles, and from which the American people sought to be relieved, he certainly should not be prevented from urging the passage of the law. Some remarks made by him on a former occasion seemed to have deeply excited the feelings of the Senator from South Carolina. The Senator was indignant that he had called for the passage of a law to defend the Northern people from the attacks of the Southern. He believed that he did express something like it, and he believed there was a necessity for it. He meant no disrespect to the South. Their habits and feelings were different from those of the North, leading them to feelings and practices which the North condemned. The North had no such code of honor as that spoken of by the Senator from South Carolina, or rather, as he subsequently termed it, an "*institution*," which justified them in taking the lives of their fellow men on light and trivial occasions. If they had no such code, if they were governed by no such faith, there certainly could be no necessity for passing this law for the purpose of protecting them against themselves; and, therefore, if there was a necessity for passing this law, it must, of course, be for the purpose of protecting them against the South and Southwest, where this institution existed. A man of the North, whose character was not worth a pinch of snuff, who had been charged daily in his own city, and under his own eyes, as being a murderer, a bank partisan, bought up by the bank, is spoken of here in terms infinitely more mild than those used towards him at the North, and uncontradicted by him. How was it? Did not his partner at the time charge him daily with being bought by the bank, and avow that he was a witness to the transaction? And did not a charge thus made, and uncontradicted by him, place him in the same position as his quietude under an insult would at the South? Was he warranted in giving this character to the man who was the principal disturber in this tragedy? How was it that this man, who dared not appeal to the proper tribunal at the North, could come here in the presence of this Congress, select his comrades, (and where, he would ask, were they from,) and enact a scene which they must all deeply deplore? Mr. S. then went on, at some length, to argue the necessity of passing this law for the protection of the representatives from the North who were opposed to duelling. And shall we, he asked, who are the representatives of more than one-half of the people of the United States, be murdered here at the instigation of a worthless character, who has slandered the whole North, and who comes here, selects his member of Congress, and places his dagger in his hand? It was painful to him to recur to the late tragedy near this city, but it was necessary for him to do so for the purpose of illustrating the subject. What was the cause, and the whole cause, of this bloody deed and the loss of a most valuable life? It was merely, and nothing else on earth, because the deceased refused, while a gun was pointed at him, to acknowledge a man to be a gentleman who was told every day, in his own State, that he was a villain, and published as such in half the papers in the country. Now, was this valuable life taken away by a Northern man, or was it taken away by this man himself, who dared not place his character before the proper tribunal of the country, but who came here and selected some instrument for his infamous work? This was the whole cause, and nothing else. The deceased was to be forced to acknowledge what thousands and thousands of persons did not believe to be true.

After some further remarks in which Mr. S. very forcibly commented on the odious practice of duelling, he referred to some remarks of the Senator from South Carolina, [Mr. PRESTON,] in which he dignified the practice as being an institution. Now, if duelling was an institution, he said, they had another institution at the South—that of slavery—to which the North was equally opposed; and it was worth while to observe how the two institutions flourished together. He asked gentlemen to consider this, and make the most of it. He expressed no opinion himself. Mr. S. replied at length to that part of Mr. PRESTON'S argument, duelling sometimes prevented a worse state of things—such as slanderous and abusive language, personal violence, &c. and said that they had a much better institution at the North to prevent all this, which was their courts of justice, and that a resort to them was a better vindication of character, and better protection against violence, than a resort to the duel. He concluded, by saying that he was willing to take the amendment of the Senator from Delaware, if it was supposed that it would afford adequate protection to the representatives of the American people, who were opposed

to duelling against those who belonged to the infected districts.

Mr. PIERCE said: In much that the Senator from Connecticut [Mr. SMITH] has said I fully concur; but if I have understood correctly, he has uttered some sentiments which I cannot permit to pass in silence. I cannot permit the idea to be received here, or go abroad, that New England demands or requires special legislation for her protection against any other section of this Union. [Mr. SMITH explained: he had not intended to favor any sectional law; his idea was that the habits of the North required no such law.] Well, sir, I understood the Senator to say that the law was necessary for the protection of the North against the South. I regard it with a broader view. The object is to suppress an evil and immoral practice every where, and the measure most likely to prove efficient in the accomplishment of this object will receive my cordial support; but I cannot admit that the representatives of the people whom I have the honor in part to represent upon this floor, need any laws for their personal protection, which gentlemen from other sections of this Union do not need. The people of New England have shown on more occasions than one, that they well know how to protect the interests, the honor, and the glory of their country; and are the representatives of that people to ask at your hands special protection for themselves? No, sir, never: we may not resist aggression successfully, but to use a part of a phrase that has become proverbial, we'll *try* to do it. If we fail, we shall not ask you to interpose your shield for our *special* protection. It was my intention to give a silent vote for the strongest measure having prevention for its object that should be presented; and I do not propose now to discuss the provisions, either of the bill as reported by the committee, or the amendment proposed by the Senator from Delaware, [Mr. CLAYTON.] While I am up, I will make a single remark. My action on the occasion, will have no reference to the past. However strong may be my feelings, this, I am admonished, is not the time or place to express them. If I have sorrows deep and abiding, they shall have no utterance here, but be left to Time—

"Comforter
And only healer when the heart hath bled."

It has been said, in the progress of this debate, and I fear with too much truth, that penal laws upon this subject in the States, where they have been enacted, have failed to produce the salutary influence that was earnestly to be desired, and probably expected. That the form only has been changed; that street rencontres and assaults have taken the place of duels conducted with the usual ceremony. We are not without some evidence, that even the acceptance of the ordinary forms would not prevent these disgraceful and shocking occurrences. We may be assaulted at our private lodgings by armed assassins; we may have our limbs shattered, or our lives taken upon the streets, for the faithful and fearless discharge of our duties here; but this certainly furnishes no reason for inaction. My main hope, however, I freely confess, of the salutary influence of this bill, if it shall become a law, is that it will come in aid of the moral sense of the community; that it will give tone and strength and power to what I sincerely hope *may be* public sentiment in relation to this practice. If my wishes shall be realized, it will reach not only duelling, but, through that omnipotent tribunal, (public opinion,) it will reach this relic of barbarism in every form which it can possibly assume. It has been well remarked by the Senator from South Carolina, [Mr. PRESTON,] that those laws which are not sustained by public sentiment cannot be enforced, and consequently remain as a dead letter upon your statute book. Sir, they are worse than a dead letter: they give countenance to iniquity, and boldness to vice.

But if Congress shall do its duty, the law will not be violated with impunity. The power is here, and if properly exerted we may expect the most heart cheering results. Let those privileges, touching the freedom of debate, secured to us by the Constitution for the wisest purposes, be sacredly observed, and let no man, directly or indirectly, become the instrument of their violation. Nay, more: if public sentiment, upon this subject, is in an unsound and unhealthy state, let the work of reformation begin here. Let us check, on its first palpable indication, that spirit, which leads naturally, if not inevitably, to personal conflicts, if indulged in assemblies constituted like the two Houses of Congress. We are here to deliberate, to discuss when we differ, but not to lacerate the feelings of each other by wanton and rude personalities; and let the individual who shall commit the first violation of your rules upon this subject be called *instanter* to the bar of the House, and required to apologise, on the spot, or be punished by expulsion from the body. I would cheerfully submit to this myself, and I will give my vote to enforce it upon others. This would unquestionably be the most potent, if not the only effectual remedy, so far as Congress is concerned; and if it shall ever be adopted in a single instance, the influence of that instance will not be lost in the remotest corner of this Union. Will it be said your rules cannot be enforced by such severe penalties? How do you expect your severe penal laws to be enforced by others. Have the persons who are to administer the laws a nicer sense of justice and the proprieties of life, or more firmness, than those who make them. I take it gentlemen will hardly admit this. Sir, there is a morbid and unhealthy state of public sentiment here upon this subject. It is not to be disguised The most conclusive evidence of it has been furnished from time to time, ever since I have had the honor of a seat in either House. You know well what is the consequence, if personalities are directed to you, and you allow them to pass in silence. A personal attack leads necessarily to a personal reply—crimination to recrimination, and both to that which we deplore and desire to prevent.

Now, sir, for some of the indications of the state of public sentiment to which I have alluded.

When you are engaged in the discussion of questions of the highest importance, either great measures of policy or principles of constitutional law, calmly, dispassionately, like Senators, where is your audience? What is the condition of your galleries? Comparatively empty. But let notice be given, let it be understood for a single night that reminiscences are to be called up on the following day, that the conduct of gentlemen here is to be carefully criticised and scanned in a manner that must, in all probability, lead to personalities in the highest degree irritating, and what is the scene presented? You have then no naked walls. Galleries and lobbies are crowded almost to suffocation. The privileged seats are occupied eagerly, and at an early hour. Nay, even your passages and doors are literally blockaded. I refer to these things with no pleasure; but they are notorious, and disclose a state of feeling which gives countenance and nourishment to that spirit, which, if indulged, is at least likely to lead to ulterior results deplorable and fatal. I hope to see the day when there will be an instinctive shrinking in both Houses of Congress from any thing like rude personality. If that day shall arrive, we may then expect here, and throughout the country, an end of this practice, which, in the abstract, must be condemned by moral and brave men, in whatever region they may have had their birth, or under whatever influences they may have been educated.

Mr. President, I will not detain the Senate longer. I rose merely to say that I give to this measure my cheerful support for the whole Union, for the South as much as for the North; and that when the representatives from my native State upon this floor shall need any *special* legislation for their *personal* protection—when they shall cease to defend the honor and the rights of their constituents, and consequently their own, they will be regarded by that people as unworthy of their stations.

Mr. PRESTON said that the Senator from New Hampshire [Mr. PIERCE] had entirely relieved him from the necessity of replying to some parts of the remarks of the Senator from Connecticut. Nothing which the honorable Senator from New Hampshire said could be intended to defend his section of country, for it never entered in his mind to throw any reflection on the gallant people of the North and East. If he had forgotten their high reputation for deeds of gallantry, he could never have heard the name of the honorable Senator from New Hampshire, or the name of the lamented member of the other House, whose loss they so much deplored, without remembering it.

Mr. P. considered the allusions made by the Senator from Connecticut to the persons engaged in the duel, as altogether unnecessary, indecorous, and improper. He put it to the Senator, whether it was just or proper to bring that into discussion here, which was in a course of investigation before another body. The Senator was an anti-duellist, and did not his denunciations therefore fail, as much upon the unfortunate dead as upon the still more unfortunate survivor. If the survivor had perished, would not those epithets have applied to his antagonist, who voluntarily engaged in the affair, and unfortunately became the victim. Was not the latter as active and efficient an agent as the other, and perhaps more so, as he selected the time and place and weapons? The honorable gentleman seemed to suppose there was some sort of moral coercion. Could he be vilified, abused, hunted from place to place, and published in the newspapers? Now this was the ground taken by all those who sent challenges. They cannot bear to be traduced, to be vilified, to be published in the newspapers, and therefore they send challenges.

Mr. P. after replying at length to the remarks of Mr. SMITH, deprecated his allusions to the persons engaged in the late duel. They were not sitting there as moralists or preachers, but as legislators, and if the decalogue informed us that we shall do no murder, the same decalogue also said "thou shall not bear false witness against thy neighbor." What availed, he asked, all our virtues, if we have not charity.

Mr. GRUNDY spoke at some length against duelling, avowing himself favorable to any bill that would be most likely to suppress a practice alike contrary to the laws of God and man. He maintained that public sentiment was every where against the practice, whether in the North, South, East, or West. Even the very men who fought duels condemned it in their cool and reflecting moments. That measure best calculated to suppress it, therefore, was certainly most to be desired; and upon reflection, he was of opinion that the amendment of the Senator from Delaware would be, after all, the most effectual means of doing so. The original bill made the punishment death, which, he believed, was altered at his suggestion, by the Committee on the Judiciary, to confinement in the penitentiary. The first was supposed too severe, and consequently would not in all probability ever be carried into execution—the second was disgraceful, and not likely from that cause to be often inflicted. Well, what did the gentleman from Delaware propose? Why, in the first place, a fine of two thousand dollars, which to a man fond of his money was something! In the second—he was to be confined in the common jail for a period not exceeding two years! Well, that was something serious also, and likely to make men think of the penalty, when they were about to enter into any such rash engagements. The next proposition was to make them forever after ineligible to any office of profit or trust under the Government. This last proposition, he seriously believed, would have more effect than the fear of death, or horror of the penitentiary. There was the clause that touched them *in a tender point.* Those who fought duels were generally the young and high spirited, whose sole ambition was to get into power and place: and when they found themselves forever excluded by the passage of such a law, they would be cautious how they infringed its penalties.

Mr. G. went into a long argument to prove that the neglect of communities to punish for duelling, grew more out of the difficulty of proving the facts, than any indisposition to punish. One of the causes why it had not been so punished in this District, was, that, from its limited extent, while preliminaries were settled here, an hour's ride enabled the parties to reach the confines of other States, where all the disastrous consequences occurred. This amendment reached the matter in its incipiency, and he trusted it might be adopted.

Mr. PRENTISS made a few observations in opposition to the amendment. He did not think the punishment it prescribed sufficient to prevent the crime; and he thought it would be partial and unjust in its operation. The disqualification as to office did not apply to members of Congress; and those who would be most apt to commit the offence would be from those sections of the country where duelling was tolerated. The amendment would be, therefore, partial in its operation.

The Senate then went into the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES,
FRIDAY, April 6, 1838.

THE LATE DUEL.

Mr. FAIRFIELD, on leave, presented the following petitions upon the subject of the late duel, which were referred to the select committee having that subject under consideration: Thomas J. Stone, and 91 others, citizens of East Machias; Timothy Ludden, and 66 others, citizens of Peru; and James Lunt, and 66 others, citizens of Peru; all in the State of Maine.

Mr. HALL asked leave to submit the following resolution, but it was objected to:

Resolved, That the select committee appointed on the 27th of February last (in addition to any legislative measures they may think proper to recommend for the suppression of duelling) be instructed to inquire into the expediency of providing, by a rule of the House, for the expulsion of any member who, during the term for which he is elected, shall be concerned in a duel, either as principal or accessory, or who shall send, bear, or accept a challenge; and further to inquire into the expediency of providing by another rule of the House for the appointment, at the commencement of each session, of a standing committee, whose duty it shall be, without special direction from the House, to examine summarily into any personal controversy arising between members, or in which a member is a party; and if necessary to the adjustment thereof, to report to the House what order, in their opinion, ought to be taken on the same, providing in such rule for the expulsion or other punishment of any member who shall neglect or refuse to comply with such order as the House may make in the premises.

Petitions for private claims were, on leave, presented by Messrs. SERGEANT and HEROD.

Mr. CAMBRELENG moved that a member be appointed on the Committee of Ways and Means, to supply the vacancy, occasioned by the decease of the late Hon. ISAAC MC KIM; which was agreed to.

Reports from committees.

COMMERCE.

Mr. PHILLIPS reported a bill for the relief of Robert Milnor.

Mr. PHILLIPS reported a resolution directing the chart to be lithographed of the survey of the harbor of Lynn, in the State of Massachusetts; which was concurred in.

Mr. CUSHMAN reported Senate bill, without amendment, authorizing the sale of certain real estate at Bath, in the State of Maine, belonging to the United States.

Mr. C. also moved that the committee be discharged from the further consideration of two memorials—one from the Mayor, Aldermen, and Commonalty of the city of New York, and the other from the City Council of the city of Boston, praying Congress to adopt measures to prevent the introduction of foreign paupers into the country, and that the same be referred to the Select Committee of the House having a similar subject under consideration; which was agreed to.

Mr. SMITH reported a bill making appropriations for building light-houses, boats, buoys, beacons, &c. and making surveys for the year 1838.

Mr. S. also reported a bill to test the practicability of establishing a system of electro-magnetic telegraphs for the United States.

Mr. DeGRAFF reported, without amendment, Senate bill for the relief of John H. Jacobs.

On motion of Mr. DeGRAFF, the report of the War Department on the survey of Eighteen-mile Creek, on Lake Ontario, was ordered to be printed, together with the accompanying map.

Mr. MASON of Virginia reported a bill for the relief of Thomas Cushing.

PUBLIC LANDS.

Mr. CASEY reported a bill granting a bounty in land to the organized militia men, mounted militia men, mounted men and rangers, who defended the country in the late war with Great Britain.

Mr. YELL reported a bill for the relief of Abraham Stipp of Indiana.

Mr. CRARY rose and said, that some three months ago, the House authorized the printing of five thousand extra copies of the report of the Commissioner of the General Land Office. He would be pleased to be informed by some member of the Committee on the Public Lands, at what time the document would be laid upon our tables.

Mr. CASEY stated in reply, that it was upon his motion that the document in question was ordered to be printed. It was a matter in which he had felt some interest, and he had this morning inquired of one of the officers of the House when it would be printed, and had been informed that it would be laid on the tables of members in a few days. It had been delayed on account of the number of maps accompanying the same.

DISTRICT OF COLUMBIA.

On this committee being called on for reports,

Mr. WISE rose and begged leave to propound an inquiry to the chairman thereof. Some weeks ago, the House referred to that committee a resolution directing them to inquire into the expediency of receding this District, and this morning he had received sundry resolutions reported by the Senate of the State of Maryland, expressing a willingness to accept the recession, and the inquiry Mr. W. wished to propound was, whether the committee had prepared, or were preparing, a report on that subject, or whether they intended to report thereon; and if so, when it was probable they would do so. He would merely remark that it was a subject of much importance, and one which had already been gravely discussed by a portion, at least, of the District.

Mr. BOULDIN stated, in reply, that he had been compelled to be absent for some time, owing to domestic circumstances, as he had apprised the House before leaving here. At that time the subject was under investigation before the committee, and under his own deliberate examination, and he could only now state that the committee would make a general response as soon as possible. His own mind was entirely made up, and he was prepared to make his individual answer with regard to the propriety of a recession of the District at any time.

REVOLUTIONARY CLAIMS.

Mr. CRAIG reported, without amendment, Senate bill for the relief of the legal representatives of Daniel Duvall, deceased.

Mr. TALIAFERRO reported a bill for the relief of the heirs of Philip Lightfoot.

Mr. T. also reported a bill for the relief of the widow and children of Lieut. Jonathan Dyer.

Mr. HARPER made unfavorable reports on the petitions of Thomas Graves and Solomon J. Graves.

PRIVATE LAND CLAIMS.

Mr. MAY reported, without amendment, Senate bill for the relief of Jean B. Valle.

INDIAN AFFAIRS.

Mr. PENNYBACKER reported a bill for the relief of John L. Allen.

MILITARY AFFAIRS.

Mr. McKAY moved the printing of a plan for the defence of the western frontier, by General Gaines, and certain tabular statements in relation to an increase of the army of the United States; which was concurred in.

Mr. McKAY also moved that the Committee on Military Affairs be discharged from the further consideration of the resolutions of the Governor and Legislative Council of Florida, respecting the repairs of Fort Marion and of the sea-wall at St. Augustine, upon the ground that provision was proposed to be made for these works in bill No. 89, reported by the Committee of Ways and Means.

Mr. McKAY also made a report on the resolutions of the Legislature of South Carolina, respecting the preservation of Sullivan's Island, recommending that the appropriation for that object in bill No. 89 be increased so as to conform it to the estimates.

Mr. McKAY also made an unfavorable report on the petition of Sherlock S. Gregory.

REVOLUTIONARY PENSIONS.

Mr. MORGAN reported a bill for the relief of Henry Bush.

Mr. JOHNSON of Virginia reported a bill granting a pension to David W. Sleet, of the State of Virginia.

Mr. WHITTLESEY of Connecticut reported a bill for the relief of Mary Snow.

PUBLIC BUILDINGS AND GROUNDS.

Mr. PRATT reported a resolution to print 1000 extra copies of the report of this committee.

Mr. EVERETT moved its consideration at this time; but it was objected to, and the resolution, under the rule, lies over.

Mr. GARLAND moved a suspension of the rules to enable him to submit the following resolution, and asked for the yeas and nays, which were ordered:

Resolved, That the Secretary of the Treasury be directed to inform this House, as soon as practicable, whether, in the present financial condition of the country and of the Treasury, it will not be most judicious and proper to make such appropriations as will preserve the public works from injury and dilapidation alone; and if such a course will not be judicious and proper, and then he inform the House whether some or all the estimates for the service of the year 1838 already submitted, for fortifications, the improvement of harbors and rivers, the establishment of light-houses, beacons, and buoys, the construction of roads, the service of the Indian Department, and for all other purposes, cannot be reduced without injury to the public service; and if such reduction can be made, that he designate what proposed appropriations may properly be reduced, and how much; and further, that he inform the House whether some of the appropriations already made may not, without material injury to the country, be suspended for the present; if so, to designate them; also, that he inform this House whether, if all the appropriations made are expended, and those proposed are made, the amount now in the Treasury, or estimated to come into it during the present year, will be sufficient to meet them; and, if not, what will be the deficit, and in what manner it is proposed to be met.

The House refused to suspend the rules—yeas 94, nays 55, two-thirds not voting in the affirmative.

Sundry bills from the Senate were then taken up, read twice, and referred to their appropriate standing committees.

COMMISSION OF CLAIMS.

The House then passed to the special order, and went into Committee of the Whole, Mr. CORWIN in the Chair, on the bill reported by Mr. WHITTLESEY of Ohio, from the Committee on Claims, "to establish a board of commissioners to examine and decide certain claims against the United States."

The bill was sustained by Messrs. WHITTLESEY of Ohio, HENRY, CRAIG, and UNDERWOOD, and opposed by Messrs. ADAMS and SERGEANT; when, without taking the question, the committee rose, had leave to sit again, and, on motion of Mr. WHITTLESEY of Ohio, the bill was made the special order for to-morrow.

On motion,

The House adjourned.

IN SENATE,
FRIDAY, April 6, 1838.

Mr. BENTON presented the petition of Israel Beeler, in relation to a mill seat in the public lands: referred to the Committee on the Public Lands.

Mr. SEVIER presented the resolutions of the Legislature of Arkansas on the subject of the public lands: laid on the table, and ordered to be printed.

On motion of Mr. WRIGHT, the Committee on Finance was discharged from the further con-

sideration of various petitions and memorials that had been referred to them.

Mr. WRIGHT, from the same committee, reported without amendment, the bill from the House for the relief of Pelter and Albert of New Orleans.

The bill for the relief of the legal representatives of Henry Fischer, deceased, was read the third time, and passed.

Mr. MERRICK presented the preamble and resolutions of the Legislature of Maryland, asking further aid from Congress for the Chesapeake and Ohio canal, or if that cannot be granted, a surrender of the interest of the United States in said canal in consideration of the large advances made for it by the State: referred to the Committee on Roads and Canals, and ordered to be printed.

On motion of Mr. LINN, the Committee on the Public Lands was discharged from the further consideration of the petition of Nathaniel Hamer, on the ground that a general law had been passed embracing his case.

Mr. YOUNG, on leave, introduced a bill granting a quantity of land to the Missouri and Rock River canal company; which was read twice, and referred to the Committee on the Public Lands.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill to amend the act for enrolling conveyances, quietting possessions, and securing real estate to purchasers in the District of Columbia, passed the first day of May, 1832.

The bill for the relief of Joseph Dashiell; and

The bill to extend the time for selling the lands granted to the Kentucky asylum for teaching the deaf and dumb. This bill was also read the third time, by general consent, and passed.

DUELLING IN THE DISTRICT.

The Senate resumed the consideration of the bill to prohibit the giving or accepting a challenge to fight a duel in the District of Columbia, and for the punishment thereof. The question being on the amendment of Mr. CLAYTON to the amendment of the Committee on the Judiciary, punishing the offence by fine not exceeding $2,000, and by imprisonment in the common jail for a term not less than two years.

Mr. LINN observed that when he yesterday proposed passing the bill over, it was not with the intention of making any further remarks on the subject, but that he might have an opportunity of consulting with the gentleman who introduced the bill, and the Senator from Delaware, who offered the amendment, as to the propriety of introducing some provision which would enable the prosecutor under this act to obtain witnesses. He was of opinion that no punishment should be inflicted on the seconds and surgeons, and by this means witnesses might be procured. What would be considered as a challenge would be a question for the jury to settle, as it would be impossible to define it in the act. Gentlemen who intended to fight might evade the law in the easiest way in the world. They might send an invitation to take tea at some given spot, or make an appointment for any trivial and fictitious purpose, taking care that the true one should be understood. He thought it would be the most difficult thing in the world to get testimony.

Mr. CLAYTON said they could get rid of the difficulty by providing that the seconds, or any other persons aiding or assisting in the challenge, shall be competent witnesses, exempting them in such case from punishment.

Mr. HUBBARD inquired whether the amendment would now be in order.

Mr. LINN did not purpose to offer an amendment. He suggested it to the member who introduced the bill, and to the Senator from Delaware, who, as a member of the Committee on the Judiciary, seemed to have it peculiarly in his care. He proposed it to the latter, under the expectation that he would adopt it as part of his amendment.

Mr. HUBBARD expressed the hope that they would at once proceed to take the question on the amendment of the Senator from Delaware. If he understood the amendment, it was to make the offence punishable by fine and imprisonment in the common jail, which he opposed at some length, on the ground that it was too lenient, and behind the legislation of all the States who had noticed the subject at all. The State of Delaware, he said, from which the gentleman who proposed this amendment came, and all the New England States, together with several others, had made this offence felony, and punished it by imprisonment in the penitentiary; and it appeared to him that they should not, in legislating on this subject, fall below the legislation of the States.

Mr. LINN drew his conclusions directly different from the Senator from New Hampshire. If the gentleman would show him a case in any of the States where a man concerned in a duel had been pronounced a murderer, or sent to the penitentiary, then his remarks would apply. As he remarked the other day, he wanted to see a law passed that would produce some practical effects, not such a law that a jury could not be found to carry into execution. He had seen the effects of such laws in his own State. There the punishment for fighting a duel, where death ensued, was death, and yet men fought duels as if no law existed at all. But they had now a law in his State which was more effectual for the prevention of duelling than any law that had ever been passed. In cases as assault, all abusive words and defamatory language went to the jury in mitigation of the offence—

Mr. BENTON. As a justification.

Mr. LINN. Yes, sir, as a justification; and if that abusive member, the tongue, was permitted to have too free a license, the same license was permitted to the injured individual to redress his grievance. He thought if the same law was applied to the Senate of the United States, there would be little more decorum than he had sometimes witnessed. This law, of which he had spoken, had had a better effect in the prevention of duelling than any that had ever been passed, and he thought it would be better for the peace and harmony of society if such a law was more generally prevalent throughout the United States.

Mr. HUBBARD thought their legislation should be governed by the wisdom and propriety of the measure, leaving the execution of the laws to those who had them in charge.

Mr. SMITH of Indiana said he rose under a high sense of duty to his State, to take part in this debate. He did not propose detaining the Senate a moment longer than was necessary to enable him to submit, in a very brief manner, his views on the important and exciting subject before the Senate. Representing, in part, one of the great Western States, the opinions of whose citizens on this subject had never been expressed in this chamber, and firmly believing, as he did, that it was important to their character at home and abroad that they should be fairly represented in this matter, he should offer no apology for addressing the Senate a few moments. He concurred entirely with the chairman of the Committee on the Judiciary [Mr. GRUNDY] in the impropriety of dragging into the debate the recent unfortunate affair between members of the other branch of Congress; and he regretted that a single Senator had thought proper to recur in debate to that lamentable conflict. A recurrence to that circumstance is calculated to produce excitement here, and unavoidably to disqualify the Senate to legislate with that calmness and deliberation in which all highly penal laws should be enacted. If you examine particular cases, this debate cannot be confined to the recent one: it will extend to many other similar ones that have occurred at different periods of our national existence. The time of the Senate will be occupied in worse than a mere unprofitable debate. Senators will become excited, and crimination and recrimination will follow, as it may be supposed to operate on public opinion for or against parties or individuals; while the great principles of the bill will be lost in the personal contests that may grow out of the debate. He deprecated such a course, and thanked the chairman of the committee for his timely admonition.

The recent unfortunate affair, he regretted to see, had been seized upon to feed the flames of party. It had been placed on party grounds, as if one party were duellists, and the other not. This was an unjust and unwise ground on which to place that or any other similar occurrence. On this subject there were two parties, but they were not the political parties that divide the people of this nation. He was bound, in truth, to admit the fact, however much he might feel disposed to throw the mantle of oblivion over that part of the past history of the country, that neither of the great political parties can say, we are all exempt from all participation in that mode of deciding personal difficulties, and yet all parties speaking were opposed to this barbarous custom. This was not a party question; it was a question of vastly higher consideration than the mere political matters of the day. It was a question of life or death; of morality and religion on the one side, and immorality and crime on the other. It was a duelling and anti-duelling question. These questions can never be circumscribed by party boundaries, nor controlled by party considerations; they rise paramount to all political restraints, and must stand or fall upon those immutable and everlasting principles which existed anterior to the formation of civil society.

Mr. S. would briefly notice the objections that had been raised by Senators to any action of this body on this subject. The Senate had been told that it was useless to legislate; that public opinion would not carry out their enactments; that the law would remain a dead letter on the statute book; that the freedom of debate would degenerate into licentious personal abuse; that it was necessary to hold *in terrorem* over members of Congress this code of honor, as it was termed, to restrain them in the exercise of their duties here; that the common law, that punishes the homicide with death, is sufficient for the protection of society; these, so far as he had heard, were the principal objections to the proposed measure; and, while he admitted that they had been urged with much zeal, he could not yield to the correctness of the principles, nor to the reasons by which they had been sustained. The position had been assumed, and maintained with much force, that public opinion would not bear Congress out in this measure. Mr. S. believed that the truth of the case was directly the reverse. Public opinion was, at that moment, at the doors of the Capitol, in a voice of thunder requesting, nay, more, demanding of Congress to arrest this bloody code, to stay this desolating and inhuman custom. Humanity and religion were suppliants in these halls; and shall Congress turn a deaf ear to these demands, these entreaties, these supplications? Public opinion opposed to action on this subject! Impossible! Where would Senators find such a state of public opinion? Would they find it in the Eastern, the Middle, or the Southern States? Senators say no! Where then? Did they look for it in the West, the great West? If so, they would search in vain for it there. He spoke with confidence of his own State, and had no doubt but that he spoke the language of the other Western States. He was aware that in early times nearly all of the assassinations, robberies, and murders of the world were located in the West, and prejudices had been excited against the Western people. Those prejudices, however, had always been removed by an acquaintance with that people; and it was due to them, amongst whom he had lived over twenty years, to say, that the world does not contain a more industrious, enterprising, moral, law abiding, and honorable people. He entirely concurred with the honorable Senator from Tennessee, that the West required of Congress to pursue an efficient course on this subject, and would not be satisfied without such action.

It has been argued that the act, if passed, would remain a dead letter on the statute book; that it would not be executed. He could not admit such to be the fact. He was unwilling to believe that the public mind was so vicious; that there was such a morbid state of public feeling that jurors and courts would disregard their oaths to acquit the guilty. But even if this were admitted to be the case, it was no argument against this measure in his mind. Shall the Senate refuse to do its duty, lest it shall place others in a situation to violate their duty? Mr. S. could not consent to falter in the discharge of what he believed to be his duty to

himself, his country, and his God, because it had been suggested by honorable Senators that jurors would not convict, and the Executive would pardon where convictions should be had. He had resolved in his own mind to be governed by no such considerations. He would do his duty, and let the responsibility rest with those were charged with the execution of the laws. With them and the people be it. He would satisfy his own conscience, and represent what he believed to be the opinion of his State on this subject. Let others do the same, and the law will not only be passed, but he fully believed it would be executed should its provisions be violated.

The common law will still be left in full force. The bill does not contemplate interfering with the common law offence, or the common law punishment. It steers clear of the common law, and creates and punishes, with imprisonment in the penitentiary, the offence of challenging, accepting or carrying a challenge, or aiding, or abetting in it, or posting, or publishing any person who may have refused to accept a challenge or fight a duel. In a word, the bill punishes all the preliminary steps to the final duel. It meets the offender at the threshhold, and says to him, stop in your mad, in your unlawful, your unholy career. You are treading on ground covered with ignominy and penalties. You must surrender your code of honor, and submit to the laws of that society under which you enjoy all the blessings that surround you. Take not vengeance into your own hands. You shall not assail the life of a fellow-being. Nor shall you wantonly put your own life at hazard. All the States had laws similar to the bill before the Senate. The people had demanded these laws. The District of Columbia alone remained unprotected. And shall this District be left the only spot in the nation in which this work of destruction, this waste of human life, this violation of the laws of God and man, shall be tolerated and suffered to be carried on with impunity? It was already said that this was an asylum for all manner of wickedness and crime; that members of Congress, when here, were removed from those legal restraints under which they act in the States from which they came. Shall Congress give countenance to this statement, by refusing to come up to this mark, at least to the extent that the States have gone? He hoped not. It was here that much might be done to aid public opinion. He had little doubt but that the effect of the opinion of Congress on this subject will be greater on the public mind than even the penal enactments of the bill. Shall Congress not, then, set the example? shall its members not throw their influence into the scale of morality and religion, and do all in their power to arrest this bloody, this inhuman custom?

It has been contended that if we pass this law, the freedom of debate will degenerate into licentiousness and personal abuse; that if Senators and Representatives in Congress are not to be held personally responsible to the injured party for words spoken here of a personal character, the debates will become personal, vindictive, and insufferable. Mr. S. could not come to that conclusion. He thought the passage of the bill would have a salutary effect on the debates. He was, however, not willing, in the first place, to presume that any member of Congress would be willing to hazard his reputation so far as to violate that decorum which is due to himself and the body of which he is a member, in a manner to require personal satisfaction; and in the next place he thought it would be so obvious to every one that attempted such a course, that the aggressor would be the sufferer in the opinion of the body to which he belonged, that the unruly tongue would be sufficiently bridled without a resort to that misnamed code of honor under which the duellist seeks satisfaction for his real or supposed wrongs. No man of respectability would venture his reputation by attacking, with calumny, a member thus situated. But again: Was there no other way of meeting the tongue of the slanderer than by a resort to deadly weapons? Was there no other remedy but to take the life of the defamer, or suffer your own to be taken by him, to satisfy the bloody requirements of this fancied code? Surely there was: oppose truth to falsehood. decorum to indecorum, and public opinion will always prove a more salutary and efficient protection to the character of the assailed than all the duels in the world have ever done.

It had been suggested in debate, that members who vote for this bill may be charged with asking a protection for their persons and characters, which they have not the moral courage to defend. He thought there was nothing in this. The moral courage of members of Congress was not so much doubted as was their prudent forbearance to bring that courage to the test on trivial occasions. Few men lack courage: certainly more lack prudence. It had been wisely said, that true courage is not always found in rash adventures; nor does it follow that there is a defect of moral courage, where individuals refuse to recognise that sanguinary and inhuman custom, that dates its origin in the dark and barbarous ages, and which must, sooner or later, be entirely driven, by the force of morality, religion, law, and public opinion, from the shores of this enlightened nation, to hide its hideous face in the darker portions of the pagan world.

Senators who concur in the opinion that the custom of duelling was wholly indefensible, and ought to be arrested, still insisted that Congress cannot, by its action, effect a remedy. They contend that the common law, punishing the crime with death, cannot be enforced; that public opinion is against it. To this it may be answered that the public mind seems naturally to recoil from capital punishment; and all manner of excuses and doubts are thrown into the scale of the defendant on the trial, and every pretext is sought by the Executive to justify the exercise of his clemency. The exemption from punishment not unfrequently arises from the awful nature of the punishment inflicted. Humanity shudders at the punishment of death, and mercy, the darling attribute of Deity, exercises, in those cases where that punishment is inflicted, a powerful influence over the human mind. Admitting, then, all that has been stated as to the difficulty of enforcing the common law, it does not follow that Congress should not do all in its power to prevent the final catastrophe by punishing the preparatory acts; by providing a punishment proportioned to the enormity of the offence; by making the whole transaction infamous, from its incipient stages to the last act in the tragedy; by presenting a legal code, making that infamous which this false code of honor makes honorable. It is highly probable that cases would occur, in despite of all the laws there could be enacted. Such was the case with every other crime, and why should it not be so with this? There were moments in the lives of men, when, owing to some great exciting cause, they became alike reckless of human and divine laws, and rashly set both at defiance. But this admission is no argument against this bill that will not hold against all criminal laws with equal force. We are notified of the cases that do occur, and they make an impression on our minds, while the thousands that are prevented by our laws are unknown and unobserved.

In the case of duelling, Congress may not be able to prevent the commission of the offence in all cases. Desperate men, it is to be feared, will disregard all law, human and divine, and madly rush on to their own destruction. But it is the duty of Congress, within its constitutional powers, to throw every obstacle in the way of these deeds of desperation. If one victim can be saved; if one innocent family can be rescued; if a widow's tears and her orphans' cries can be turned into joy and blessings on your head, you will have received a high reward in the approbation of your own consciences.

After some remarks from Mr. PRESTON,

Mr. SEVIER said that although he was no friend to duelling, yet he disliked this bill from one end of it to the other. He believed it was a bill wholly for the protection of members of Congress, who, not satisfied with the protection afforded them by the Constitution, of exemption from arrest and from being sued for words used in debate, wanted the additional protection of this bill. A man is villified and abused in one of the Houses of Congress, and he, of course, will expect the offender to give him satisfaction in some way or other, and this bill says he shall not have it. What then will be the consequence? Why, something like the affair of Houston and Stansbury; the injured man will take the law into his own hands, chastise the traducer, and then he will be brought up to the bar of the House, from whence, after five or six weeks are unprofitably consumed in the examination, he will be dismissed with a reprimand. This bill was avowedly made to protect members of Congress, and to protect them from what? Why to protect them in abusing their masters—the people who sent them here. It amounted to this, and no more. Individuals coming to this city, or residing here, may go out and fight, and be killed too, and nothing is said of it; but let a member of Congress be killed in a duel, or be whipped in the streets, or kicked out of a boarding house, and the business of the nation must be set aside to legislate on it. If the object was solely to suppress duelling and not for the protection of the members, why not pass a law to prevent it in our other Territories as well as in the District of Columbia? Why not include Wisconsin and Florida, and our forts and arsenals? He thought this District was already sufficiently disfranchised, and he would not add any more to its disabilities. Members of Congress might talk of Tom, Dick, or Harry, as they pleased, and could not be sued for slander; and now they would take away from the injured individual the only remedy left him. I am opposed, continued Mr. S. to passing laws for our own protection, because if you pass one, the same reasons will operate in passing another; and the next time Mr. Stansberry, or Mr. any-body-else, is whipped by Houston, every member of Congress must have a corporal's guard to protect him in passing from his boarding house to the Capitol. Now he would ask if the people of the United States would be willing to be taxed for any such purpose, for it would take at least three thousand men to furnish a corporal's guard to each member, and they must therefore have an additional army, or leave the frontiers exposed. He was satisfied that more importance was attached to this subject than it deserved, and he believed out of one thousand duels, nine out of every ten of them were fought for causes that could not be got over any other way. He knew that duels were frequently fought for trivial causes, but he was convinced that it was otherwise in a vast majority of cases. He held himself responsible for every thing he said on that floor, and he would not give a vote to take away that responsibility. He did not by this, mean to say that he would fight every body or nobody; that he would think of when the occasion required; but this he did say, that he was not going to shield himself by his vote on this bill from the consequences that might be brought on him by his own language. After some further remarks from Mr. S.—

The question was taken on Mr. CLAYTON'S amendment, and it was lost—yeas 12, nays 20, as follows:

YEAS—Messrs. Clay of Alabama, Clayton, Fulton, Grundy, Linn, Nicholas, Norvell, Robinson, Strange, Trotter, Walker, and White—12.

NAYS—Messrs. Allen, Davis, Hubbard, Lumpkin, Lyon, Merrick, Mouton, Niles, Pierce, Prentiss, Preston, Roane, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Williams, and Wright—20.

The question then recurring on the amendment of the Committee on the Judiciary, which substitutes for the punishment of death, as in the bill, imprisonment in the penitentiary for a term not less than ten, nor more than twenty, years.

Mr. SMITH of Indiana moved to amend by making the imprisonment not less than five, nor more than twenty, years; which was agreed to.

Mr. NORVELL moved further to amend by striking out twenty years and inserting ten; which was also carried.

Mr. NILES moved further to amend the bill, by providing that the persons offending under this act shall be for ever incapable of holding any office or appointment under the authority of the United States.

Mr. NORVELL thought they had carried the matter far enough. They subjected the man guilty of duelling to a punishment of not less than five, nor more than ten, years' imprisonment in the

penitentiary, and now the gentleman wanted to add disqualification from office. Was it likely, he asked, that a man who shall be imprisoned in the penitentiary will ever be appointed to an office under the Government of the United States? It did appear to him that the additional penalty proposed would be rendering the bill somewhat ludicrous.

Mr. NILES spoke somewhat at length in defence of his amendment, contending that, as the punishment had been lessened by the amendment just passed, an additional penalty was necessary, and that the penalty he proposed would most probably be inflicted even if the other was not. Mr. N. could not agree with his friend from Arkansas, [Mr. SEVIER,] that this bill was for the protection of members of Congress only. It had a much higher object in view—that of suppressing an odious and criminal practice, and of securing the perfect independence of the representatives of the people. His friend from Arkansas seemed to be ambitious of martyrdom, and wanted to be shot at. Now, he would have no objection to introducing an amendment to exempt his friend from the operation of the bill, but he was anxious that it should pass for the benefit of those who had no wish, like him, to run against the muzzle of a gun.

Mr. N. made some further remarks in reply to Mr. PRESTON, and, after some remarks from the latter,

The question was taken on Mr. NILES's amendment, and it was lost—ayes 14, nays 17, as follows:

YEAS—Messrs. Allen, Davis, Grundy, Hubbard, Lumpkin, Niles, Pierce, Prentiss, Smith of Connecticut, Swift, Trotter, Walker Williams, and Wright—14.

NAYS—Messrs. Clay of Alabama, Clay of Kentucky, Clayton, Fulton, Merrick, Mouton, Nicholas, Norvell, Preston, Roane, Robinson, Ruggles, Sevier, Smith of Indiana, Strange, Tipton, and White—17.

Mr. SMITH of Indiana offered an amendment, making the surgeons witnesses, providing they shall not have advised the challenge, and exempting them from punishment.

Mr. NORVELL opposed the amendment, on the ground that it would prevent surgeons from being engaged at all—thus, breaking up a custom which humanity had originated.

After some remarks from Messrs. SMITH of Indiana and PRENTISS, the former withdrew his amendment, as he perceived that it would embarrass the bill.

Mr. SMITH of Indiana then offered an amendment, authorizing magistrates when they have sufficient reason to believe that a duel is about to be fought, to issue their warrants to bring the parties before them, when they are further authorized to compel them to give bond and security to keep the peace for one year, and in default thereof, to commit them to jail.

Mr. CLAYTON opposed this amendment as contrary to one of the fundamental principles of law, and contrary also to the Constitution of the United States, which provides that no warrant shall issue but upon probable cause, supported by oath or affirmation. This amendment, he contended, would put every man in the District in the power of any magistrate who might affect to believe that he was about to fight a duel.

After some remarks from Mr. SMITH of Indiana in support of the amendment, it was rejected.

Mr. WHITE then moved to amend the bill by striking out all after the enacting clause, and inserting a substitute providing that every person who shall hereafter be appointed to office shall, in addition to the usual qualification, take an oath that he has not, since the passage of this act, been directly or indirectly concerned in a duel. Mr. W. addressed the Senate at some length in support of the amendment; after which,

Mr. PRENTISS asked for the yeas and nays on the question; which, having been ordered, resulted—yeas 13, nays 19, as follows:

YEAS—Messrs. Benton, Clay of Alabama, Fulton, Linn, Nicholas, Norvell, Roane, Robinson, Ruggles, Sevier, Strange, Walker, and White—13.

NAYS—Messrs. Allen, Clayton, Davis, Grundy, Hubbard, Lumpkin, Lyon, Merrick, Mouton, Niles, Pierce, Prentiss, Smith of Connecticut, Smith of Indiana, Swift, Trotter, Williams, Wright, and Young—19.

The question then coming up on concurring with the amendments made in Committee of the Whole,

Mr. CLAY of Alabama asked that the question be taken on the third amendment separately. He was opposed to this amendment, because it went beyond the District of Columbia into the adjoining States.

The question was then taken on concurring with the third amendment; and it was lost—yeas 15, nays 16, as follows:

YEAS—Messrs. Davis, Grundy, Hubbard, Lumpkin, Merrick, Niles, Pierce, Prentiss, Smith of Connecticut, Smith of Indiana, Strange, Swift, Williams, Wright, and Young—15.

NAYS—Messrs. Allen, Benton, Clay of Alabama, Clayton, Fulton, Linn, Mouton, Nicholas, Norvell, Roane, Robinson, Ruggles, Sevier, Trotter, Walker, and White —16.

The other amendments were then concurred in; and the bill was ordered to be engrossed for a third reading, without a division.

And the Senate adjourned.

The bill, as it passed the Senate, is in the following words:

A BILL to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall, in the District of Columbia, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall, knowingly, carry or deliver any such challenge or message, or shall, knowingly, carry or deliver an acceptance of such challenge or message to fight a duel in or out of the said District, and such duel shall be fought in or out of the said District, and either of the parties thereto shall be slain, or mortally wounded in such duel, the surviving party to such duel, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message as aforesaid, and all others aiding or abetting therein, shall be deemed guilty of felony, and upon conviction thereof, in any court competent to the trial thereof in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, nor less than five years, in the discretion of the court.

SEC. 2. *And be it further enacted*, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in said District shall accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every person so giving or sending, or causing to be given or sent, or accepting such challenge, or being the bearer thereof, and every person aiding or abetting in the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof in any court competent to try the same in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, nor less than five years, in the discretion of the court.

SEC. 3. *And be it further enacted*, That if any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District of Columbia, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or published, any writing charging any such person, so declining or refusing to accept any such challenge, to be a coward, or using any other opprobious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary, for a term not exceeding seven years, nor less than three years, in the discretion of the court.

SEC. 4. *And be it further enacted*, That in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentment make of, all offences against this act.

HOUSE OF REPRESENTATIVES,
SATURDAY, April 7, 1838.

Mr RHETT of South Carolina was announced as having been appointed by the Speaker to fill the vacancy on the Committee of Ways and Means occasioned by the death of Mr. MCKIM.

Mr. HENRY asked leave to present some petitions on the subject of the late duel.

Mr. GRANT also rose for the same purpose.

Mr. WHITTLESEY of Ohio said he was compelled to object, because it would arrest the progress of the special order.

The resolution reported yesterday by Mr. PRATT, from the Committee on Public Buildings, to print 1,000 extra copies of the report of that committee, being the first business in order, was taken up.

Mr. SIBLEY moved 3,000 copies, which was rejected without a division; and after some brief remarks from Messrs. EVERETT, HAYNES, PRATT, and PETRIKEN,

Mr. EVERETT moved to add also the letter of the architect of the public buildings: lost.

The resolution was then rejected, ayes 61, noes 66.

Mr. HAMER then rose and stated that he had a resolution which he did not wish to offer at that time, but to ask the consent of the House to have it printed, and give notice that, on Monday next, he should call it up and move its adoption.

Considering that the business, commerce, circulation, and exchanges of the country are in a deranged and embarrassed condition; and, considering, also, that a part of the Bank of the United States have expressed a desire to resume specie payments at an early period,

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That, if the banks, or a portion of them, do thus resume, it will be the duty of the General Government, within the limits of its constitutional authority, to aid such banks, as the present Administration designs to do, in regaining public confidence, and to sustain them in their laudable efforts to fulfil their obligations, to relieve the wants of the community, and to restore to the people a sound circulating medium.

The motion to print was agreed to.

Mr. DAWSON, from the Committee on the District of Columbia, reported Senate bill, with an amendment, to establish a criminal court for the District of Columbia.

Mr. SIBLEY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Susannah Hoagland, of New York.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported Senate bill, without amendment, to revive and continue in force the act to provide for persons disabled by known wounds received during the war of the Revolution.

Mr. T. also reported a bill granting a pension to Harvey Reynolds.

Mr. GARLAND of Virginia moved a suspension of the rules to enable him to submit the following resolution, and asked for the yeas and nays, which were ordered.

The resolution was as follows:

Resolved, That the Secretary of the Treasury be directed to inform this House, as soon as practicable, whether, in the present financial condition of the country and of the Treasury, it will not be most judicious and proper to make such appropriations as will preserve the public works from injury and dilapidation alone; and if such a course will not be

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, APRIL 16, 1838. VOLUME 6.....No. 19.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 18.]

judicious and proper, he then inform the House whether some or all the estimates for the service of the year 1838 already submitted, for fortifications, the improvement of harbors and rivers, the establishment of light-houses, beacons, and buoys, the construction of roads, the service of the Indian Department, and for all other purposes, cannot be reduced without injury to the public service; and if such reduction can be made, that he designate what proposed appropriations may properly be reduced, and how much; and further, that he inform the House whether some of the appropriations already made may not, without material injury to the country, be suspended for the present; if so, to designate them; also, that he inform this House whether, if all the appropriations made are expended, and those proposed are made, the amount now in the Treasury, or estimated to come into it during the present year, will be sufficient to meet them; and, if not, what will be the deficit, and in what manner it is proposed to be met.

The House refused to suspend the rules—yeas 76, nays 60, requiring a majority of two-thirds.

DIVORCE OF GOVERNMENT AND THE PRESS.

The House then resumed the consideration of the following resolution, submitted some since by Mr. HOPKINS of Virginia:

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the Federal Government, with a view to the speedy correction of the same by the adoption of such a system of reform and retrenchment in the contingent expenses thereof as the public good may require; and that the said committee be instructed also to inquire into the expediency of divorcing, by law, the Government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. BOND resumed his remarks in support of the resolution, and continued till the expiration of the hour.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting information on the subject of the sale of the United States lead mines; which, on motion of Mr. McKAY, was laid on the table.

COMMISSION OF CLAIMS.

The House then again went into committee, Mr. CORWIN in the Chair, on the "bill to establish a board of Commissioners to examine and decide certain claims against the United States."

The question was on the amendment of Mr. WHITTLESEY of Ohio (who had reported the bill) to appoint the Commissioners during good behavior, with a limitation to the age of 65 years; and the question pending was on the following amendment to Mr. WHITTLESEY'S, moved by Mr. HENRY:

"And to serve for three years, one for six years, and one for nine years; and at the termination of these respective periods, and every nine years thereafter, a new appointment of one commissioner shall be made as aforesaid, to serve for nine years."

On moving this amendment, yesterday,

Mr. HENRY said he was satisfied with the general principles of the bill now before the committee, on the ground of economy on the part of the Government, as well as an act of justice to private claimants. He believed there must be few members in this House but are now convinced that it was impossible for Congress to act upon the private claims presented within a reasonable time, and requiring its attention. He knew there were claims standing as far back as twenty years; and one of an older date than that, from the district he had the honor to represent, had passed this session. But whilst he approbated the general features of the bill, he must beg leave to submit the amendment which he sent to the CHAIR as a substitute for the amendment offered by the gentleman from Ohio, to be inserted at the end of the sixth line in the first section.

Mr. WHITTLESEY replied, and spoke in favor of an independent board.

Mr. ADAMS propounded questions to the gentleman from Pennsylvania as to the constitutionality of limiting such appointments.

Mr. HENRY, in answer to Mr. ADAMS, said he did not apprehend there was the constitutional difficulty suggested by the honorable gentleman from Massachusetts; that this contemplated board of commissioners would not be a court, such as was recognised in the clause of the Constitution adverted to by that honorable gentleman; that this, he thought, could not be called a court, although, it is true, it would be clothed with judicial powers; but so were all auditors who adjudicate and settle accounts. He could, however, view this board in no other light than that of auditors or commissioners to pass upon accounts or claims, and could not view it as a judicial tribunal within the meaning of the Constitution.

As to the objections, Mr. H. said, made by his friend from Ohio against his substitute, and in favor of an independent permanent board, he was constrained to say he was opposed to life tenure of office, or office during good behavior. This principle of independence often made officers too independent, and they become careless and inattentive; and as to the expression of the term of good behavior, it might almost as well be said during bad behavior. No matter, scarcely, how improperly an officer acts, it is very difficult to remove him by impeachment; there are few that like to enlist in a prosecution of this kind; it is a very unpleasant task. Mr. H. said, from his experience he was led to believe, although there might be some change or fluctuation arising from party by short or limited periods in office, it was still, in his opinion, a safer mode than that of life tenure.

It was true, the commissioner appointed for three years, under the provisions of his substitute, might not by that time have had experience enough to become a very expert officer, and might, it was certain, be turned out. But he was re-eligible, and if a good and faithful officer it was not very likely that would be the case. The principle he advocated, was that of rotation in office. It was an old Republican principle, and he hoped his amendment would prevail.

Mr. BELL spoke for some time, and advocated the bill as a matter of experiment.

Mr. WILLIAMS of North Carolina, opposed the bill on the ground that Congress had no power to constitute such a board, and the claims could not be paid without a special act of legislation severally therefor.

Mr. MASON of Ohio supported the bill, chiefly in response to the constitutional objections to it, or want of power in Congress to pass such a bill.

Mr. TILLINGHAST briefly opposed it.

Mr. GRAY of New York supported it at some length, when, on motion of Mr. GRAHAM of North Carolina, the committee rose, and had leave to sit again.

On motion of Mr. WHITTLESEY of Ohio, the bill was made the special order for Friday next.

The SPEAKER laid before the House a letter from the Hon. JOHN M. PATTON, resigning his seat in Congress on account of his appointment to a State office, and the expressed desire of the Legislature that he should do so; which was laid on the table.

On motion,

The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, April 9, 1838.

As soon as the journal was read,

Mr. HAMER rose, and stated that he wished to avail himself of the earliest opportunity of making an explanation in reference to the resolution laid on the table by him on Saturday.

The resolution was as follows:

"Considering that the business, commerce, circulation, and exchanges of the country are in a deranged and embarrassed condition: and

"Considering, also, that a part of the banks of the United States have expressed a desire to resume specie payments at an early period:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That if the banks, or a portion of them, do thus resume, it will be the duty of the General Government, within the limits of its constitutional authority, to aid such banks, as the present Administration design to do, in regaining public confidence, and to sustain them in their laudable efforts to fulfil their obligations, to relieve the wants of the community, and to restore to the public a sound circulating medium."

It seemed that the introduction of the resolution produced some excitement in the House, and a number of gentlemen came to him to inquire the meaning, the true construction, &c. and among the rest a friend, in whose judgment he had great confidence, suggested to him, that if the resolution went out in the newspapers, without any explanatory remarks from Mr. H. it might be subject to the inference that he thought the present Administration really entertained hostility towards these banks, who were about to resume specie payments, and that his object, in offering the resolution, was to compel them to change their course. Mr. H. replied, at once, that he entertained no such sentiment, and that, when he got an opportunity to explain, he would show what his meaning was. However, to avoid any such construction or conclusion, and knowing that the resolution did not go on the journals, not being in the possession of the House, and entirely his own, he considered he had a right to modify it, either before or after its being printed, and he accordingly inserterted the words, "*as the present Administration design to do*," as explanatory of what was his own opinion. He did not suppose, at that time, that he was exercising a right that did not belong to him; yet, if he had done wrong in making that modification, he certainly asked pardon of the House. The resolution, without those words, was the resolution he intended to offer, and he should, in submitting it, strike out that modification, as it was merely inserted temporarily in self-defence, and in explanation of his motives. Mr. H. then asked the consent of the House to submit it at this time in that form.

Mr. PETRIKEN objected.

Mr. WHITTLESEY of Ohio hoped his colleague would not press it at this time, as he would have an opportunity to do so before the day was over.

Mr. WISE hoped the gentleman would move a suspension of the rules. Mr. W. had voted to print the resolution, though he would not have supported it with the modification, but had no doubt the gentleman had a perfect right to make it.

Mr. HAMER moved a suspension of the rules.

Mr. PENNYBACKER asked for the yeas and nays, which were ordered.

On motion of Mr. McKENNAN, a call of the House was assented to, and proceeded in until one hundred and fifty-six members had answered to their names, when, on motion of Mr. MALLORY, it was further dispensed with.

Mr. CAMBRELENG inquired of the CHAIR whether the words "as the present Administration design to do" had been stricken from the resolution by the mover?

The CHAIR replied that the gentleman had so modified it, but it was not yet before the House.

Mr. PICKENS was understood to remark that he could perceive no practicable benefit whatever to result from the adoption of this resolution.

The rules were not suspended—yeas 110, nays 61.

Mr. UNDERWOOD then asked leave to lay on the table, and have printed, some amendments he

would submit to the resolution of the gentleman from Ohio, when it should be taken up for consideration.

Mr. PETRIKEN objected.

The amendments of Mr. UNDERWOOD were as follows:

And for the purpose of affording such banks as ought to be assisted, that aid within the constitutional authority of the General Government—

Be it further resolved, That it shall be the duty of the collecting officers of the Government to receive in payment of all sums due, whether for lands, duties, or foreign merchandise, or any other account whatever, the notes of any specie-paying bank incorporated by any State in the Union, whose capital actually paid in shall not be less than two millions of dollars, and whose notes in circulation do not exceed more than double the amount of specie owned and held by the bank in its vaults.

Resolved further, That it shall be the duty of the Secretary of the Treasury to instruct the collecting and receiving officers of the Government, from time to time, what bank notes are receivable under the preceding resolution, and the collecting and receiving officers shall act in pursuance of such resolutions.

Resolved, That if any bank fail or refuse to report its condition to the Secretary of the Treasury, monthly, or at any time the Secretary shall require; or if it shall appear that the directory of any bank shall, for more than a month at any one time, permit the notes in circulation to exceed more than double the amount of specie, without adopting prompt and efficient measures to restore that ratio by withdrawing the excess of notes from circulation, it shall be the duty of the Secretary to instruct the collecting and receiving officers thereafter to refuse the notes of such banks when offered in payment.

Resolved further, That it shall be lawful for the collecting and receiving officers of the Government to receive in payment the notes of such specie-paying banks whose capitals actually paid in do not amount to two millians of dollars, as the Secretary of the Treasury, in his discretion, may direct them to receive; *Provided, however*, That the Secretary shall not authorize the receipt of the notes of any such bank, unless its specie shall be kept up to half the amount of its notes in circulation, and unless its officers report the condition of the bank to the Secretary, as is herein before required.

Resolved further, That the Secretary of the Treasury shall cause the public money to be deposited for safe-keeping in such State banks as shall pay specie for their notes, and which shall keep up the proportion of specie to the circulation herein before prescribed; and that the regulation shall continue until Congress, in pursuance of its constitutional duty, and the will of the nation, create a National Bank, to act as the fiscal agent of the Government.

Petitions and memorials were called for, in the order of States and Territories, and presented as follows:

MAINE.

Messrs. FAIRFIELD, EVANS, and ANDERSON.

[Mr. FAIRFIELD presented the following petitions upon the subject of the late duel, which were referred to the select committee having that subject under consideration: James Smith and 49 others, citizens of Vinalhaven; Ambrose Lermand and 90 others, citizens of Warren; Edward Goodwin and 42 others, citizens of Dresden; Benjamin E. Nason and 103 others, citizens of Boothbay; Francis McMullin and 61 others, citizens of Vinalhaven; all in the State of Maine. He also presented the petition of Isaac Allen for a pension; which was referred to the Committee on Invalid Pensions.]

[Mr. ANDERSON presented the following petitions: Henry S. Jones and 75 other citizens of Mount Desert; Jonathan M. Murray and 45 others, of Montville; Sewall Shute and 72 others, of Prospect; Jos. Cockey and 21 others, of Freedom; Daniel Philbrick and 63 others, of Thorndike; Holton Mansur and 48 others, of Monroe; James Trask and 37 others, of Troy; Andrew Tyler and 120 others, of Frankfort; Augustus Brown and 143 others, of Prospect; David Woster and 51 others, of Vinalhaven; H. D. Alden and 117 others, of Belfast; Joshua Randall and 32 others, of Somerset; Levi P. Sawyer and 22 others, of Denmark; Harris Gascelon and 48 others, of St. Albans; Samuel Gibson and 40 others, of Denmark—all of Maine, and praying for an investigation into the circumstances of the late duel; which were referred to the select committee.]

NEW HAMPSHIRE.

Messrs. WILLIAMS, ATHERTON, and CUSHMAN.

[Mr. WILLIAMS presented the petition of John Swells and 65 others, for an appropriation to survey a site at Lancaster, N. H. for a military fortification and depot.]

[Mr. ATHERTON presented the memorial of C. W. Cutter, praying for the allowance of a claim for money paid for rent of a room in which to keep the records of the district court of New Hampshire, and also for the further regulation by law of the fees of clerks of courts: referred to the Committee on the Judiciary.]

MASSACHUSETTS.

Messrs. CALHOUN, BRIGGS, FLETCHER, REED, HASTINGS, and ADAMS.

RHODE ISLAND

Mr. CRANSTON.

CONNECTICUT.

Messrs. HALEY and HOLT.

[Mr. HALEY presented the memorial of 77 persons, legal voters, in the town of Killingly, in the county of Windham, in the State of Connecticut, remonstrating against the annexation of Texas to this Union, and moved its reference to the Committee on Foreign Affairs.]

[Mr. HOLT presented the petition of Jabez Collins, of the town of Somers, Connecticut, praying to be restored to the pension roll, from which he has been stricken off. Also, the petition of Benjamin Price, of Brooklyn, praying for a pension. Also, the petition of Elias Burnham and wife, asking for an allowance of land for services rendered by their father, in the war of the Revolution, who was killed in battle.]

VERMONT.

Messrs. FLETCHER, ALLEN, and EVERETT.

[Mr. FLETCHER of Vermont presented the petition of William Arny, praying for an increase of pension. Petition of J. W. Hand and others, clerks in the Pension Office.]

NEW YORK.

Messrs. PECK, RUSSELL, GRANT, PATTERSON, MARVIN, PRATT, ANDREWS, MOORE, JACKSON, MITCHELL, SIBLEY, HOFFMAN, and CHILDS.

[Mr. GRANT presented the proceedings and resolutions adopted at the Annual Town Meeting held in the town of Salisbury, in the county of Herkimer, New York, in relation to the recent duel between Messrs. GRAVES and CILLEY, with the unanimous expression that all members of Congress engaged in said duel ought to be expelled. Also, the petition of fifty-one inhabitants of the town of Frankford, in said county, New York, opposed to duelling, and praying that the surviving party, as well as the seconds and friends, who are members of Congress, and were engaged, either directly or indirectly, in the late duel, be expelled. Also, the petition of 159 inhabitants of the county of Herkimer, New York, opposed to duelling, and praying Congress to pass a law that every member of Congress who shall be engaged in a duel, either as principal, or accessory, or in giving or accepting a challenge, shall be expelled; which said proceedings and petitions were referred to the select committee charged with the investigation into the recent duel. Also, the memorial of 45 inhabitants of the town of Mexico, Oswego county, New York, praying an inquiry into the expediency of repairing the military positions, and establishing a military post, at the village of Oswego; which was referred to the Committee on Military Affairs.]

[Mr. PRATT presented the following petition of John R. Hoes and 80 inhabitants of the town of Stockport, in the county of Columbia and State of New York, against a United States Bank, and in favor of a divorce between the Treasury and the banks, and likewise in favor of Mr. WRIGHT's bill, late before the Senate. Also, a petition for a post route from North Blenheim to Gilboa, through Prattsville to Middletown, State of New York. Also, a petition from Amos Cornwall for a pension for Revolutionar services. Also, a like petition for Elizur Kirtland. Also, a like petition for Justus Artman. Also, a petition from a number of citizens of Catskill, in the State of New York, on the subject of the late duel, praying the expulsion of the principal and seconds. Also, a like petition of A. Croswell and 440 inhabitants of the town of Conesville, in the State of New York. Also, the resolutions of a meeting of the citizens of the town of Prattsville, in the State of New York, in relation to the late duel, of which Dr. C. King was chairman, met on the 23d of March last.]

[Mr. ANDREWS presented three petitions from citizens of Hornellsville, Steuben county, New York, praying for the abolition of slavery in the District and Territories, and for the prohibition of the slave trade. Also, the remonstrance of sundry citizens of the same place against the annexation of Texas to the Union.]

[Mr. PECK presented the following petitions on the subject of the late duel between Messrs. GRAVES and CILLEY: Of Horatio Jones, 3d, and sundry other citizens of Leicester, Livingston county, New York; of William C. Dwight and sundry other citizens of Leicester, Livingston county, New York; of R. Sleeper and sundry other citizens of Mount Morris, Livingston county, New York; of James H. Rogers and sundry other citizens of Mount Morris, Livingston county, New York; of William Lyman and sundry other citizens of Leicester, Livingston county, New York. Also, the petition of H. A. Wilmerelling and sundry other citizens of Leicester, Livingston county, New York, protesting against the passage of the Sub-Treasury bill and in favor of a National Bank. Also, the petition of Asa Hulet for a pension.]

NEW JERSEY.

Messrs. YORK and STRATTON.

PENNSYLVANIA.

Messrs. HENRY, REILEY, POTTER, PLUMER, WAGENER, S. W. MORRIS, BEATTY, KLINGENSMITH, SERGEANT, M. MORRIS, LOGAN, McCLURE, TOLAND, S. W. MORRIS, and NAYLOR.

[Mr. HENRY presented the petition of a number of citizens of Beaver county, Pennsylvania, in relation to the late duel that occasioned the death of Mr. CILLEY, and praying Congress to adopt measures that in future will prevent this deadly and inhuman practice. On motion, referred to the select committee that has charge of that subject.]

[Mr. M. MORRIS of Pennsylvania presented a petition, signed by seventy-three citizens of the States of Pennsylvania and New Jersey, praying Congress to pass an act establishing a mail route from Philadelphia, Pennsylvania, to Pennington, New Jersey, by the way of Frankford, Fox Chase, Huntington, Sorrel-horse, Davisville, Springville, Black Bear, Newtown, Dolington and Taylorsville. He stated that the petition was signed by highly respectable individuals; and from his knowledge of the road and county, he believed it was a route much wanted for public accommodation.]

[Mr. McCLURE presented two petitions on the subject of the late duel—the one of J. B. Porter and fifty-seven others, inhabitants of Liverpool, Perry county, Pennsylvania, and the other of Samuel Edwards and one hundred and ten others, inhabitants of Landisburg, Perry county, Pennsylvania; which were referred to the appropriate committee.]

[Mr. S. W. MORRIS presented a petition for a post route from Leroy to Springfield, Bradford county, Pennsylvania.

[Mr. SHEFFER presented the proceedings of a meeting of the citizens of Chambersburg, Franklin county, Pennsylvania, in relation to the late duel: moved that it be referred to the select committee having that subject under consideration. Also, three several petitions from divers citizens of Northampton and Luzerne counties, Pennsylvania, praying for a daily mail route from Hazleton, via Sugar Loaf, to Wilkesbarre: moved that the same be referred to the Committee on the Post Office and Post Roads. Also, the petition of Porter Skinner

and 104 other persons, opposed to the Sub-Treasury, and in favor of a National Bank, wherein the several States may hold a majority of the stock: moved that the same be referred to the Committee of Ways and Means.]

[Mr. BEATTY presented two petitions from the citizens of Armstrong county, praying for the establishing of post routes therein mentioned. Also, the petition and documents of Mary Uptegraff, widow of Isaac Uptegraff, for a pension. Also, the proceedings of a meeting held at Portersville, Butler county, in favor of a Macadamized road from some point on the National Road, to Erie, Pennsylvania.]

[Mr. REILEY presented the following: Petitioa from a number of citizens of Harrisburg, praying for an investigation of the late duel: referred to the committee on that subject. Also, a petition from a number of citizens of Lebanon county, praying Congress to establish a mail route from Stempstown, via Mount Zion, to Lebanon: referred to the Committee on the Post Office and Post Roads. Also, a petition from a number of citizens of the city of Philadelphia, praying Congress to make an appropriation to finish the ship Raritan, now lying on the stocks at Philadelphia: referred to the Committee of the Whole House on the state of the Union]

DELAWARE.

Mr. MILLIGAN.

MARYLAND.

Messrs. PEARCE and HOWARD.

VIRGINIA.

Messrs. MORGAN, TALIAFERRO, BEIRNE, JOHNSON, RIVES, and PENNYBACKER.

NORTH CAROLINA.

Messrs. CONNOR, C. SHEPARD, and A. H. SHEPPERD.

[Mr. CONNOR presented the petition of Perry and Legare, contractors for building the mint in Charlotte, N. C. asking pay for extra work done on that building: referred to the Committee of Claims.]

SOUTH CAROLINA.

Mr. ELMORE.

GEORGIA.

Mr. GRANTLAND.

KENTUCKY.

Messrs. HAWES and UNDERWOOD.

TENNESSEE.

Messrs. Speaker POLK, CARTER, and C. H. WILLIAMS.

OHIO.

Messrs. HARPER, KILGORE, LEADBETTER, C. MORRIS, COFFIN, SHEPLOR, GOODE, WHITTLESEY and ALLEN.

[Mr. HARPER presented the petition of Elisha Woodruff and 28 other citizens of Licking county, Ohio, praying for the rescision of the resolution of the 21st December last]

LOUISIANA.

Mr. JOHNSON.

[Mr. JOHNSON presented the petition of B. Collins and F. G. Johnson, praying a grant of lands, for services rendered by them in taking possession of Baton Rouge, in the year 1810: referred to the Committee on the Public Lands. Also, the petition of the town of St. Francisville and its vicinity, praying the establishment of a port of entry at the mouth of Bayou Sara; which was referred to the Committee on Commerce.]

INDIANA.

Messrs. BOON, DUNN, WHITE, EWING, HEROD, RARIDEN and GRAHAM.

[Mr. DUNN presented the petition of David King, praying back pay of a pension: referred to the Committee on Invalid Pensions.]

[Mr. GRAHAM presented the petition of Hiel Morisson and 15 others, against the admission of Texas into the Union. Also, the petition of Wm. McDonald and 10 others, praying the abolition of slavery in the District of Columbia. Also, the petition of Joseph Woods and 20 others, praying the abolition of slavery in the District of Columbia. Also, the petition of Sarah Reed and 36 other women of Jefferson county, Indiana, praying Congress immediately to abolish slavery in the District of Columbia.]

ILLINOIS.

Messrs. CASEY and MAY.

[Mr. CASEY presented the petition of sundry citizens of Wabash county, in the State of Illinois, remonstrating against granting the right of preemption to Linn Compton to fraction section 27, T 1 north, R 12 west: referred to the Committee on the Public Lands.]

ALABAMA.

Messrs. MARTIN and CHAPMAN.

MISSOURI.

Messrs. MILLER and HARRISON.

[Mr. HARRISON presented the petition of sundry citizens, praying the establishment of a mail route from Sand Hill, in Lewis county, to Gathsville, in Macon county; of Alfred George, asking compensation for a horse lost in the Black Hawk war; of sundry citizens praying the establishment of a mail route from Maramec Iron Works to Jefferson City; the memorial of a number of German citizens in the southern part of the State of Missouri, protesting against the memorial and its doctrines of the American Native Association against foreigners, and praying Congress to disregard it.]

[Mr MILLER presented the following petitions: The petition of E. M. Ryland and others, asking the establishment of a mail route from Jonesboro, in Saline county, Missouri, by the way of Salt Pond Grove and Johnson's Grove, to Lexington, in Lafayette county, in said State: referred to the Committee on the Post Office and Post Roads. Also, the petition of Richard Simms, praying Congress to grant him a tract of land in the Platte country, Missouri, in consideration of his military services during the Revolutionary war: referred to the Committee on the Public Lands. Also, the petition and accompanying papers of Catharine Dodge, asking the passage of a law granting to her the difference between the original cost and present value of a tract of land purchased by her of the United States: referred to the Committee on the Public Lands.]

ARKANSAS.

Mr. YELL.

[Mr. YELL presented the following memorials: 1. Praying that the franking privilege may be extended to the Governors of the several States; 2. Authorizing the President to issue patents upon Spanish confirmation claims; 3. To cede all the public lands to the new States, upon the terms mentioned in a bill offered by Mr. Calhoun at the last session of Congress. Also, the petition of Richard Johnson and others, praying the privilege to correct an erroneous entry.]

MICHIGAN.

Mr. CRARY.

[Mr. CRARY presented a joint resolution of the Legislature of Michigan, for a survey of Detroit river: a like resolution in relation to the harbor at Monroe: a petition having reference to the late duel.]

FLORIDA.

Mr. DOWNING.

WISCONSIN.

Mr. JONES.

[Mr. JONES presented several petitions prayin the establishment of several post routes. Also, the petition of the president of the Milwaukie and Rock River Railroad Company.]

On motion of Mr. JOHNSON of Louisiana,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation to construct a road from Baton Rouge, through the parish of Eavington to Farington, in the parish of St. Tammany, for the transportation of the mail, and for military purposes.

On motion of Mr. HUNTER of Ohio,

Resolved, That the petitions heretofore presented for a survey of the harbor of Sandusky, Erie county, Ohio, be referred to the Committee on Commerce.

On motion of Mr. UNDERWOOD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Glasgow, Kentucky, to Hartsville, Tennessee.

On motion of Mr. M'KAY,

Resolved, That the Secretary of War be directed to communicate to this House the report of the engineer charged with making the survey from the Southern debouche of the Dismal Swamp canal to Winyaw Bay, in South Carolina, with a view to determine the practicability of opening an inland communication for steam navigation, from the Chesapeake Bay to Charleston.

On motion of Mr. EWING,

Resolved, That the Secretary of the Treasury be directed to inform this House, what claims confirmed by the commissioners for examining claims to land in the district of Vincennes, under the act of Congress, approved March 26, 1804, entitled "An act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes," have been located and patented, and by and to whom the location was made, and the patent obtained; what confirmed claims have been located and not yet patented, and what confirmed claims have not been located or patented; if according to the construction given to the law by the department, the title of the United States is absolutely and completely vested in the conferences after the location, and before possession is acquired and the patent issued, or if some title does not remain in the United States, until possession or patent be obtained by the proper claimant; if a territorial act imposing a land tax, could by tax sale vest title to confirmed tracts not patented, and if justice and expediency do not urge a quantity of land to be set apart equal to satisfy confirmed claims not yet surveyed, located or patented, with the appointment of commissioners, authorized to receive testimony in relation to claims rejected for want of proof, or suspended for want of due attention on the part of the claimant, as set forth in the published report of the former board, appointed to receive and decided upon said claims; and also, that he furnish this House with copies of any opinions of the Attorney General of the United States, and all instructions of his department, touching or relating to any of the points herein contained.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Winchester, Tenn. passing the settlements on Crow creek and Coon creek to Bolivar, Jackson co. Ala. Also, a route from Bolivar to Racoonsville, in Alabama.

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Baily's Landing, on the Mississippi river, in Lincoln co. Missouri, by the way of Troy, Thomas Glovers, in Warren co. Dutton's and Anderson's to Danville, in Montgomery county, in said State. Also, that the same committee be instructed to inquire into the expediency of establishing a mail route from the town of Glasgow, in Howard co. Mo. by the way of Huntsville, in Randolph co. Macon Court House, and Nathaniel Floyd's, to Clark Court House, in said State.

On motion of Mr. TAYLOR,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of making provision for giving to Richard Lawrence, now confined to the jail of this city as a lunatic, and others similarly situated, the benefit of some suitable lunatic asylum.

Mr. MORRIS of Ohio submitted the following, which after some remarks in objection to its adoption at this time by Mr. LEGARE, was agreed to.

Whereas, the statement of the expenditure of the moneys appropriated for the contingent expenses of the military establishment for the year 1837, submitted to the House by W. B. Lewis, Second Auditor, in the Treasury Department, contains an item of eight hundred dollars allowed to Samuel Lewis, by the Secretary of War, for the services of his son Edward, (a minor,) as a clerk in the Pension Bureau, War Department, from July, 1818, to July, 1819, which said services were rendered more than nineteen years since.

And whereas the said Samuel Lewis has repeatedly presented said claim to both Houses of Congress, and it has always been rejected; therefore,

Resolved, That the Committee on the Expenditures of the War Department be instructed to inquire into, and report to this House, the facts connected with the case, and why said claim was paid after having been repeatedly rejected by both Houses of Congress.

STATE REVENUE.

On motion of Mr. THOMPSON of South Carolina, the following resolution, submitted by him on the 19th of March, was taken up:

Resolved, That the Secretary of the Treasury be directed to furnish this House with a statement of the amount of revenue received in each State or Territory during the year 1836; and also the amount, as nearly as the same can be ascertained, expended during that year in each State or Territory; and also with a statement of the whole bank capital of the United States, designating the capital of each bank, and the place where located.

Mr. T. modified it by striking therefrom the call in relation to the banking capital; and, so modified, the resolution was agreed to.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to John H. Lynch

DIVORCE OF GOVERNMENT AND THE PRESS.

The House then resumed the consideration of the following resolution, submitted some time since by Mr. HOPKINS of Virginia:

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the Federal Government, with a view to the speedy correction of the same by the adoption of such a system of reform and retrenchment in the contingent expenses thereof as the public good may require; and that the said committee be instructed also to inquire into the expediency of divorcing, by law, the Government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. BOND continued his remarks till they were arrested by the orders of the day.

Sundry bills from the Senate were taken up, read twice, and referred to appropriate standing committees.

NAVAL SERVICE.

The House then resumed the consideration of the "bill making appropriations for the naval service, for the year 1838."

The question pending was on the motion of Mr. MONTGOMERY, to recommit the bill to the Committee of Ways and Means, with instructions to make the sum for the South Sea Exploring Expedition a specific one.

Mr. MONTGOMERY hoped the bill would be recommitted, and that the amount for the Exploring Expedition would, at least, be specified, and then he should be prepared to vote upon it, and to vote against it. If any Exploring Expedition was wanted, let it be for exploring our own coast. If this motion should fail, Mr. M. should then renew the motion, with instructions to strike from the bill so much as embraced that object.

Mr. CAMBRELENG remarked that it was not necessary to recommit the bill to attain the object sought after, because the gentlemen might move at once to reduce it. But, whether the Exploring Expedition was continued, or a coasting squadron ordered, the same appropriation must be made, as the officers and men were all mustered and equipped for service. With reference to the propriety of the expedition, Mr. C. had been misunderstood in being represented as opposing it, for he had expressed no such opinion. What he had said was, that he was opposed to it upon so large a scale, and he had so stated when the appropriation was first made.

Mr. WISE was also of opinion that it was not necessary to recommit the bill; but he was in favor of an inquiry into the expediency of diverting the appropriation for the "exploded" expedition, for that was its true designation, to a better object.

Mr. ADAMS earnestly advocated the continuance of the expedition, and expressed his entire confidence in the science, skill, and experience of Lieut. Wilkes to conduct it to its completion with honor to the country.

Mr. MALLORY deprecated a discussion upon the Exploring Expedition on this bill, when the service was severely suffering for the want of its passage. He preferred that subject being discussed under a distinct proposition, when he would be prepared to prove that, according to the present plan, it could never be successful, especially that of appointing an inferior officer to the command.

Mr. INGHAM remarked that there could be no necessity for recommitting the bill to ascertain the specific sum required for the Exploring Expedition, since the estimates were all before the House. He then went into a review of the causes which had led to the delay of the expedition, in vindication of the course of the Secretary of the Navy, and replied to some other charges brought by Mr. MALLORY.

The discussion was further continued by Messrs. MALLORY, WISE, CAMBRELENG, INGHAM, HOFFMAN, and MERCER, when Mr. BRONSON obtained the floor; and, on his motion,

The House adjourned.

IN SENATE,

MONDAY, April 9, 1838.

The CHAIR communicated a report from the Treasury Department, in answer to the resolution of the 22d of February last, transmitting copies of the replies made by the deposite banks to the Treasury circular referred to: laid on the table, and ordered to be printed.

Mr. LINN presented the petition of Charles Bulfinch and others, asking confirmation of title to a certain purchase made by them in the Territory of Oregon: referred to the Committee on the Public lands, and ordered to be printed.

Mr. WALL presented the petition of sundry citizens of New Jersey in relation to the location of the contemplated national foundry: laid on the table and ordered to be printed.

Mr. LINN presented the petition of Charles Durfey, asking to be reimbursed his expenses incurred in the survey of the harbor of Southport, Wisconsin Territory: referred to the Committee on Claims.

Mr. SMITH of Indiana presented the claims of Basil Brown and Samuel Beck, of that State, for horses and rifles furnished at the treaty of October, 1834, at the Forks of the Wabash, with the Miami Indians: referred to the Committee on Claims.

Mr. YOUNG presented the petition of sundry citizens of Illinois on the subject of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAY of Kentucky presented the petition of Adolphus Allen, of Des Moines, Illinois, asking the aid of Congress to make a bridge across the Mississippi at that place; also, asking for an appropriation for the constructing a military road: referred to the Committee on Roads and Canal.

Mr. NORVELL presented a petition, signed by a number of the members of the Legislature of Michigan, and other citizens of that State, asking for an appropriation for a survey for a convenient harbor on Lake Erie: referred to the Committee on Commerce.

Mr. BUCHANAN presented a petition from sundry citizens of Pennsylvania on the subject of duelling; which was laid on the table.

Mr. DAVIS presented the petition of Samuel Osgood and others, of Massachusetts, praying that the late treaty with the Cherokees may not be carried into effect: laid on the table.

Mr. DAVIS also presented the petition of Louisa F. Wilcox, and sundry other women of Massachusetts, praying for the abolition of slavery in the District of Columbia. Motion to receive it laid on the table.

Mr. LYON presented a copy of a report and resolutions, adopted by both branches of the Legislature of Michigan, relative to donations of public lands by Congress, for the purpose of internal improvement in that State: referred to the Committee on Public Lands, and ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, reported a bill to authorize the President to cause a patent to be issued to the heirs of Francis Rivard, deceased, for the lands therein mentioned: read, and ordered to a second reading; and,

On motion of Mr. LINN, and by general consent, this bill was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. WRIGHT, the Committee on Finance was discharged from the further consideration of the resolution of the Senate of the 26th March last, directing them to inquire into the expediency of refunding to those who have deposited in the Treasury of the United States money for the purpose of purchasing public lands the sums deposited by them.

Mr. WALKER, from the Committee on Public Lands, to which was referred the petition of the Milwaukie and Rock River Canal Company on the subject, reported a bill granting to the State of Illinois a quantity of land to aid in making a canal from Milwaukie to Rock river; which was read, and ordered to a second reading.

On motion of Mr. WALKER,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to communicate to the Senate, at as early a period as practicable, the amount of stock subscribed and held by the United States in any road or canal company; the present market price of said stock; and the dividends paid thereon to the United States.

On motion of Mr. CLAY of Alabama,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making an appropriation for the payment of Richard Robertson, of Madison county, Alabama, of the value of a horse lost in the service of the United States during the Creek war of 1813 and 1814.

On motion of Mr. TROTTER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from the town of Hernando, in the State of Mississippi, by way of Cartleville, Oakhill, and Chulahoma, to the town of Wyatt, in said State.

The bill to prohibit the giving or accepting a challenge in the District of Columbia to fight a duel, and for the punishment thereof.

This bill having had its third reading—

Mr. CLAY said he had taken no part in the discussion which had been going on in relation to this matter, not however from any indisposition on his part to do all that he could to aid in the very laudable objects contemplated by the bill. No man would be happier than himself to see the whole barbarous system forever eradicated. It was well known, that in certain quarters of this country, public opinion was averse to duelling, and no man could fly in the face of that public opinion, without having his reputation sacrificed; while there were other portions again which exacted obedience to the fatal custom. The man with a high sense of honor, and nice sensibility, when the question is whether he shall fight or have the finger of scorn pointed at him, is unable to resist, and few, very few, are found willing to adopt such an alternative. When public opinion was renovated, and chastened by reason, religion and humanity, the practice of duelling would at once be discountenanced. It was the office of legislation to do all it could to bring about this healthful state of the public mind, and although it might not altogether effect so desirable a result, yet he had no doubt it would do much towards it, and with those views, he would give his vote for the bill.

Mr. HUBBARD asked for the yeas and nays on the passage; which were ordered, when there appeared for the bill 34, against it 1, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Clay of Kentucky Clayton, Davis, Fulton, Grundy, Hubbard, Lumpkin, Lyon, McKean, Merrick, Mouton, Niles, Norvell, Prentiss, Roane, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tipton, Trotter, Walker, Wall, White, Williams, Wright, and Young—30.

NAYS—Messrs. Sevier—1.

The following bills also were severally read the third time and passed:

The bill to amend the act entitled an act for quieting possessions, enrolling conveyances, and

securing the estates of purchasers in the District of Columbia.

The bill for the relief of Joseph Dashiell.

GRADUATION OF THE PRICE OF PUBLIC LANDS.

On motion of Mr. WALKER, the Senate resumed the consideration of the bill providing for the reduction and graduation of the price of the public lands; the question being on the substitute proposed by the Committee on Public Lands; when

Mr. GRUNDY submitted the following amendment to the amendment, as a substitute for the original bill:

That from and after the thirtieth day of September, in the year eighteen hundred and thirty-eight all the public lands of the United States which remain unsold, after having been offered at private sale at one dollar and twenty-five cents per acre, for five years, shall be subject to entry at one dollar per acre; and all lands which shall have been so offered for ten years, shall be subject to entry at one dollar per acre for twelve months after the said thirtieth day of September, eighteen hundred and thirty-eight, and after that time the same shall be subject to entry at the price of seventy-five cents per acre; and all lands which shall have been so offered for fifteen years, shall be subject to entry at one dollar per acre for the space of twelve months, and after that time the same shall be subject to entry at seventy-five cents per acre for the space of twelve months, and after that time the same shall be subject to entry at fifty cents per acre.

Mr. GRUNDY said, in offering this amendment now, he was not actuated by any desire to discuss the general principles of the bill, but merely to show that the proposition offered by him was better calculated to subserve the interests of the United States in this matter than the original proposition of the committee. Mr. G. then went into a full explanation of the relative merits of the several propositions, contending that time was the only fair and legitimate mode of ascertaining the actual value of the public lands. His own experience had convinced him that nothing was more deceptive than the field notes of surveyors, which, from their mode of running the lines, and the nature of the country, must frequently give false impressions with regard to the value of lands. Another reason for preferring his amendment was, that while surveyors were as honest as common men, they were not more so, and might become interested in fixing upon the good lands, and make such representations in their notes as would subserve their own interests. Time was the true and only test of value. If the lands remained unsold for any number of years, it was *prima facie* evidence of the inferiority of their quality. The object of the Government, Mr. G. presumed, was not to retain any of the public domain; and when the best lands had been sold at the highest prices, it was alike consonant with justice and sound policy that the prices of inferior lands should be reduced, or the price so graduated, as, while it preserved the interests of the United States, would enable the poor to possess themselves of farms at a reduced price. Mr. G. also spoke of the expense that would be incident to a survey of these lands; and, on the whole, thought that the amendment would secure all the objects which the friends of the bill had in view.

Mr. WALKER did not consider it very important whether the amendment was adopted or not; nevertheless as this principle of valuation to which the gentleman objected had been recommended by the committee, he wished to explain the grounds on which they acted, and to correct some misapprehensions which seemed to exist on the subject. The appraisement was to be made by the Register and Receiver, aided by the Surveyor General, and by the field notes, sworn to by the deputy surveyor, and the two chain carriers—three individuals who have no interest in committing perjury. The Senator from Tennessee supposed that as the lines of the sections were only run on the exterior, that this criterion would prove deceptive; but this was the very case in which the Register and Receiver would direct an inspection. He thought, however, that the field notes were, in a vast number of cases, the best criterion to judge by. There were not only entire townships, but entire counties in which, in addition to the exterior section lines, 144 parallel lines were run, thus taking every part of the section. He would appeal to the Senator from Tennessee whether he would not rely on such field notes, sworn to by the deputy surveyor and the chain carriers, where it was shown that in all these lines there was nothing but pine barrens and fourth rate lands. In Mississippi and Alabama the Senator would find that entire counties and districts were thus returned. In nine cases out of ten the field notes would be the correct criterion to judge by. As regarded the expense, he thought the objection not a sound one. In such districts as he had referred to, the Register and Receiver referring only to the field notes, no expense would be involved. But where the district varied in value, and where the field notes afforded no criterion, then they would resort to inspection. Besides, it only cost four dollars a mile to survey, and the inspection could not come to any thing like that. He ventured to assert that the expense of inspection would not be one-eighth of one per cent. per mile.

Mr. GRUNDY was not satisfied with the explanation of the Senator from Mississippi, and maintained, that if a satisfactory survey were made the cost would be much greater than was represented. Mr. G. contended, that in many sections field notes were deceptive, and instanced Arkansas and others, where the true value could only be ascertained from consultation with persons residing at or near the premises. The only question to be decided was, whether the Senator would take the proposition offered by the committee, or the amendment, offered by himself, which he thought he had shown to be liable to less objection.

Mr. SEVIER greatly preferred the amendment of the Senator from Tennessee to that of the committee, on account of its simplicity and economy, as well as greater certainty of obtaining a correct valuation. He had no doubt but the lines run by the surveyors, and their field notes, were correct as far as they went; but, to his knowledge, they were frequently deceptive, and not to be relied on. The surveyor, in running his lines, could only note the quality of the land he saw; and on running through a canebrake, the land over which he passed might be worthless, while twenty yards to his right or left, where he could not see, the soil might be of the best quality. He had seen land described in these field notes as of great value, which was of the worst quality; while, on the other hand, he had known the very best lands to be set down as worthless. Mr. Mr. S. objected to the plan of personal inspection proposed by the committee, as leading to a great and useless expense. This inspection, he said, was to be made by the United States land officers, who, by being paid by the day—say from five to eight dollars, which was the general compensation for similar services—would find it their interest to be continually inspecting land when not engaged in the business of their respective offices. Mr. S. referred also to the great expense which would necessarily be incurred, of cutting roads through whole sections of canebrakes. Mr. S. greatly preferred the amendment of the Senator from Tennessee, but said that he would vote for the bill with the other amendment, if he could not get the former.

Mr. CLAY of Alabama remarked, that having had, as a member of the Committee on the Public Lands, something to do with bringing in this amendment, he wished to set the Senator from Tennessee and others right with regard to it. The Senator treated the amendment of the committee as if it contained nothing as to the determination of the value of the lands but the field notes of the surveyors. Now, if the Senator had read the bill attentively, he would have found that the field notes were regarded as one of the criteria only; and that the value of the land as to its location, together with the time that it had been in the market, were also looked to. He was fully convinced that there was no certain way of ascertaining the precise value of the land, but by actual inspection; but to ascertain it in that way would be so expensive that every member of the Senate would be opposed to it. In casting about for other means of coming at this value, consistent with economy and convenience, the committee adopted the three considerations of the locality of the tract, the time it had been in the market, and the opinion of the land officers, founded upon the field notes, and their own inspection when necessary. He could not agree with the Senator from Arkansas, that the field notes were so little to be relied upon. It was not to be presumed that the surveyor, in running his lines, could not see sufficiently to the right and left to form a probably correct judgment as to the quality of the section. He runs the exterior lines of the section, and is required by law to put down a half mile stake. It was true that the character of the soil and the timber often changed within half a mile; but this seldom occurred where the surveyor did not observe it. But the locality of the tract was an important principle for ascertaining its value. The proximity to a navigable stream, or to a town, would render land more valuable than that of the same quality, as to soil, which was not so advantageously situated. But the Senator would observe, that with all these considerations, no land could be reduced in price until it had been offered first four years at one dollar and twenty-five cents per acre. Secondly, it must be offered four years at one dollar per acre, before it could be reduced to seventy-five cents, and so on; always giving a sufficient time to sell, if worth the price. He agreed that the taking the time the lands had been in the market as the mode of valuing them, something like the plan of the Senator from Tennessee, would, under all the circumstances, be more likely to do justice to the Government; but, like his friend from Arkansas, he was willing to take either plan that a majority of the Senate preferred.

Mr. CLAY of Kentucky had an utter aversion to reducing the price of the public land, which is already low enough, or interfering with a system which had worked well for so long a period. It could easily be shown that the contemplated reduction ought not to be made, and that all the tests of value were merely fallacious. This was all he would say at the present, indisposed as he was. The question might be taken on the amendment offered by the Senator from Tennessee, but he gave notice that he would, at another time, express his views at large upon that interesting topic, and should oppose both amendment and original bill.

Mr. GRUNDY said the Senator from Kentucky was averse to the whole system of graduation, and would oppose it any how, so that taking the question on the adoption of the amendment, was a matter of little consequence, so far as he was concerned. He [Mr. G.] was for reducing the price of the public lands, and would prefer the question on his amendment to be taken, and, whether it should be adopted or lost, the Senator would still have an opportunity of giving his views to the Senate.

The question was then taken on Mr. GRUNDY's amendment, and it was agreed to, and it being, by general consent, considered as the original text,

Mr. NILES moved an amendment, to extend the time from five to eight years for the reduction of the price to one dollar per acre, and from ten to twelve years for the reduction to seventy-five cents per acre, and to strike out that part of the bill which reduced the land to fifty cents per acre.

Mr. N. said he did not intend to go into a general discussion of the bill, or the graduating principle. By adopting the amendment of the Senator from Tennessee, [Mr. GRUNDY,] we have decided that the true test for a reduction of the price of the public land is the time it has been in market. This he considered correct, although he was sensible that a valuation might, in some cases, afford an additional security; but he thought a valuation and classification of the public lands would be attended with considerable expense, and amount to but little, as respects the object in view. The time the lands have been in market he regarded as the most safe test, as it depended on the vigilance of individuals, whose sagacity, brought into action by private interest, would hardly fail of causing the public lands to be purchased or entered, in the order of time, according with their quality. The time that lands have been in market being adopted as the only test to determine what lands are of such inferior quality that the price ought to be reduced, the question is how long a period ought to be considered as sufficient to establish the fact. The bill proposed four years, and the amendment of the Senator from

Tennessee five years. He thought this term too short. The quantity of land offered for sale is very great, something like one hundred and thirty or forty millions of acres. Where so large a quantity of land is in market, it cannot all be taken up immediately. That only which is believed to be worth more than the minimum price of one dollar and twenty-five cents per acre, will be entered on speculation. If there is more land in market of the real value of one dollar and twenty-five cents per acre than is wanted for settlement, and which is not of sufficient additional value to be an object for speculation, it must, of course, remain, for a time, unsold. And the fact of its not being entered, cannot be regarded as an evidence that it is of less value than the minimum price. It will only prove that there are other lands in market of greater value, or which, from their situation, are more desirable. Our legislation must depend on general principles: it cannot be supposed that Congress can so adjust the price of the public lands, with reference to quality and location, as to produce a perfect equality, or to cause the sale of the public lands to be made with equal rapidity in all the districts.

That lands should have been in market five years and not taken up, would, no doubt, be evidence that other lands were in market of better quality, or preferable location; but it would not prove that such lands were inferior and worth less than the minimum price.

Time being the only evidence relied on to establish the inferiority of the lands, he thought such period should be required, as to settle the question beyond all doubt.

What, sir, are the grounds on which the graduating principle rests? It is not that it will operate beneficially to the United States, that it will aid the Treasury; but it is supported on the ground, of its being just towards the States where the lands are situated, and towards individual settlers who may have purchased adjoining lands. It is said to be unjust to hold the public lands all at the same price, when it must be apparent that they are of great difference in quality. This argument seems to assume that one dollar and twenty-five cents is the maximum price, and that the difference in quality must be adjusted, by reducing the price on the inferior qualities. But in point of fact, the entry price is the minimum price, or the average or medium price. But it is claimed that it is unjust to hold the public lands at such price as that they will not sell; that the settlement of the new States is thereby retarded, and their resources for taxation impaired, and individual settlers injured. He admitted that there was great force in these reasons, and was by no means opposed to the principle of graduation, and only wished to be cautious in its application, and to be careful that, under the appearance of graduating the price of the public lands, we do not necessarily disturb the land system, and pass a law for the reduction of the price of the public lands.

He would notice one other objection to the bill as it is: if so short a time as five years is established for the reduction of the price of the public lands, will it not induce purchasers to forbear to enter lands, until after this period has expired, so as to get them at the reduced price? Some sections, highly valuable, some choice spots would no doubt be entered; but the rest might be suffered to remain until it could be obtained at the reduced price. It appeared to him that this would be the probable result. So that, instead of promoting the sale of the public lands, your graduating principle would delay their sale, as well as diminish the proceeds. He wished to disturb the present system as little as possible, and did not think the price ought to be reduced, until the lands had been in market such a length of time, as should establish the fact beyond all reasonable doubt, that the lands were of inferior quality, and would not sell at the present minimum price; and eight years he did not think too long for that purpose.

Mr. CLAY of Alabama hoped that neither himself, nor those associated with him, would be accused of arrogance when they claimed to know more with regard to the public domain, and all the circumstances connected with it, than those who never had been upon it. The honorable Senator from Connecticut was not aware of the situation of these lands when they were first brought into market. He would give an illustration from his own personal knowledge. In the county of Jackson, Alabama, the lands were brought into market eight years ago; and there were then two thousand voters in the county, or fifteen hundred families. Many of these individuals took pre-emption rights, many bought at the public auction which was held, after which the lands were open to every body at $1 25 per acre. Now, he would ask the gentleman if it was not fair to presume that, after the lands had been culled by these pre-emptions and auction sales, the remainder were not worth less than the Government price. The gentleman must acknowledge that these auction sales and pre-emptions furnished sufficient security that the Government could make no sacrifice in reducing the price, as the bill now proposed. What was the case with regard to lands not surveyed? There were three counties in his State which might be regarded as new, and they contained a population of not less than five hundred families each. This was the territory lately acquired by treaty from the Cherokee Indians. Now, was it reasonable to suppose that, in a district thus picked and culled by the settlers, and then at auction, and afterwards subject to entry four years, the lands could not be reduced twenty-five cents per acre without injury to the Government? His friends from Indiana, Arkansas, and Missouri, who represented new States, and knew the face of the country, and the manner in which it was settled, could tell the gentleman that no sales took place until settlement, and that population always preceded the surveys, as it would be impossible, without a military force, to keep the settlers from the fresh lands. It never had been done, and was not likely to be done now. As to the idea held out by the Senator from Connecticut that an individual who wished to purchase would postpone it for five years for the sake of getting land at the reduced price, it had no foundation in reality. Would any prudent man risk the loss of a tract which he wished to purchase by letting it remain open for five years, to be bought by any body, for the sake of saving twenty-five cents an acre? He thought not, and he put it to the honorable Senator if he thought a tract was worth one dollar and a quarter per acre, and wanted it, if he would risk the loss of it, by permitting it to remain open, subject to entry by any body and every body, for five years. He hoped the Senator would see the propriety of withdrawing his amendment, and if he did not do so, then he hoped that the Senate would disagree with him and reject it.

Mr. BENTON wished, when the vote was taken on the amendment of the Senator from Connecticut, to have the question divided. He thought the period of five years, as now in the bill, very ample, and one that allowed a very good opportunity of having all the lands picked and culled over, and the best taken out. They had to recollect that these lands had first been offered at public auction, where they would not bring the $1 25 per acre, and that they had remained open to every body at that price ever since. It was known that during the last two years fifty millions of acres had been sold, and that the spirit of speculation prevailing during that time had made very heavy drafts on the public domain. Lands had been taken up by agents for persons at a distance that were not worth twelve and a half cents per acre. It was seen, by the report of the Secretary of the Treasury, that there were, in round numbers, seventy millions of acres that had been subject to private entry for five years, and could not find purchasers at the established price. Out of that seventy millions, a considerable portion, if they believed the report of the land officers, was not worth having; but that of the remainder, a great deal of it would be sold immediately, if it was offered at its real value; for it was in the midst of the settlements, mixed up with the farms of the settlers, who would be glad to have it, some for the sake of the timber, some for the water, and some for the sake of extending their farms, and keeping off a bad neighbor. The great object at present was the state of the Treasury, and it was, therefore, desirable that these lands should be sold immediately, and the money brought into it.

Mr. WALKER thought five and ten years a sufficient criterion, but if the Senate thought it best to extend the time, he would prefer five and fifteen years to eight and twelve. He suggested to the Senator from Connecticut whether he would not be willing to modify his amendment to that effect.

Mr. NILES was unwilling to change his amendment, believing that the extension of the time for the first class of reductions, from five to eight years, to be the most important.

Mr. SEVIER hoped that his friend from Connecticut, who had stood by the squatters in many a hard-fought battle, would not desert them now. In the first place, this Government was the only one on earth that ever undertook to make money by selling land. On one side of us, Texas gives her lands to the settlers who will go on them; and, on the other side, in Canada, her Majesty, Queen Victoria, gives them farms on the same easy conditions. At this very time, there were thousands of our industrious and valuable citizens, who were induced to cross the river and go into Texas, because they could get land there for nothing, while our Government would not sell it for what it was worth. He had just received the information that two of the counties of his State wanted to give themselves to Texas; and, indeed, he did not know but at this moment his State was engaged in a war with General Houston, and all because the people could get lands on better terms from the Texan Government than ours. But what he more particularly objected to, was the injustice with which the new States were treated by holding the lands up at more than they were worth, and keeping them from settlement. If the lands were offered at a fair price, they would be sold, and be subject to taxation by the State, and thus enable her to support the expenses of her Government. He asked if it was fair for this Government, in this manner, to violate the compact with the new States. He regretted much that his State had ever relinquished the power of taxing the Government land; and, for his part, he would rather have remained out of the Union a few years longer than consent to it. If the State could tax the Government lands, he ventured to assert that they would not long be kept out of market, for they had there a very effectual mode of dealing with speculators when they got them subject to taxation. Give us, said Mr. S. the taxing power over these lands, and you may then keep them up as high as you please. He hoped that his friend from Connecticut, who had stood by him so long, would come to some compromise, and modify his amendment.

Mr. NILES replied, that after the very feeling appeals of his friend from Arkansas, and taking into consideration also his magnanimous course the other day on the duelling bill, when he was so willing to suffer martyrdom on that floor, he could not refuse to make some concessions to him in the way of a compromise; and he would therefore be willing to give him one year, and make his amendment read seven instead of eight years.

The question was then taken on striking out the word five, and inserting seven, and lost—ayes 17, noes 19.

The question was next taken on striking out ten and inserting twelve, and lost without a division; and

The question was then taken on striking out all after the word acre, as in the tenth line, which was also lost—ayes 15, noes 19.

The effect of these questions was to leave the bill in the shape of Mr. GRUNDY's amendment, as printed in the beginning of the debate.

Mr. LYON then offered an amendment, which was to give to the States the right of purchasing at a reduced price the refuse lands within their limits; but withdrew it after some remarks from Messrs. CLAY of Alabama and LINN.

Mr. CLAY of Kentucky hoped that, from the importance of the measure, the Senate would consent to let it lie over for two or three days. From the votes taken to-day, it appeared that not more than two-thirds of the Senate was present, and here was a measure the effect of which was to legislate away hundreds of millions. He suggested that sufficient progress had been made in the bill for the present, and as he wished to address the Senate on it when there was a full House, he trusted that

the friends of the bill would consent to a postponement.

Mr. CLAY of Alabama was not disposed to hurry the measure, and was willing to postpone it for any reasonable time. While up, he would reply to some remarks made by the Senator from Kentucky. The gentleman said that the bill was to legislate away hundreds of millions ———

Mr. CLAY of Kentucky. I will prove it.

Mr. CLAY of Alabama replied that he challenged him to the proof, and would be glad to see how the gentleman would do it. The bill extended only to 71,000,000 of acres and a fraction, about one-half of which must have been in market and subject to private entry, at $1 25 per acre, for fifteen years and upwards, and would not bring that, while the greater part of the other half was ascertained to be of little value or unfit for cultivation. Under the provisions of the bill as it now stood, he said not an acre could be sold for less than fifty cents. He submitted to the Senate, therefore, whether it was not very extravagant to say that hundreds of millions, or even fifty or forty millions, of acres, or dollars, were involved in this measure? Why, sir, the Government has not sold from the very commencement to the 30th of September last, but about 75,000,000 of acres out of 172,374,470 acres offered for sale, in all; and the whole amount received from purchasers has been but about $106,000,000; and those sales have included, too, he most fertile and valuable lands—those of Mississippi and Louisiana, producing cotton, sugar cane, &c. How strange, then, the assertion of the Senator from Kentucky! The last clause of the bill did not propose that the lands should be reduced to fifty cents till it had been offered for seventeen years in the market He could not, therefore, imagine how the Senator came to the conclusions he did, and he hoped that no one would be frightened by his portentous forebodings. With the consent of the Senate, he would agree that the bill be laid over till the day after to-morrow, when the honorable Senator might have an opportunity of being heard. He would be glad, however, to have the bill printed as amended.

Mr. CLAY of Kentucky said he did not mean to enter into an argument with his honorable namesake at the present time. He wished a full Senate before he went into an examination of this measure, and, when the time came, he would prove all that he had said. He would propose that the bill be postponed till Wednesday next.

Mr. CLAY of Alabama assented, and the bill was postponed to, and made the order of the day for, Wednesday next.

The bill in addition to the act supplementary to the act to establish the northern boundary line of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions, was taken up, and warmly supported by Messrs. LYON, NORVELL, SEVIER and TIPTON, and opposed by Messrs. CLAY, CRITTENDEN, WALKER and DAVIS.

Mr. BUCHANAN moved to postpone the bill until the 31st day of December next, avowing himself, at the same time, friendly to it; and that he will be willing to vote for it when better times came; but, in the present embarrassed state of the Treasury, he thought the strictest economy necessary, and therefore could not vote for the bill.

After some remarks from Mr. CALHOUN in favor of the motion, and from Mr. NORVELL and TIPTON against it, the question was taken, and the motion was agreed to—yeas 23, nays 11:

YEAS—Messrs. Allen, Buchanan, Calhoun, Clay of Alabama, Clayton, Crittenden, Davis, Hubbard, Lumpkin, Merrick, Mouton, Nicholas, Niles, Prentiss, Rives, Roane, Strange, Swift, Trotter, Walker, White, Williams, and Wright—23.

NAYS—Messrs. Fulton, Grundy Lyon, Norvell, Robinson, Ruggles, Sevier, Smith of Indiana, Tipton, Wall, and Young—11.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, April 10, 1838.

Petitions were, on leave, presented by Mr. SAWYER of North Carolina, and Mr. CRAIG of Virginia.

DISTRICT OF COLUMBIA.

Mr. BOULDIN, from the Committee for the District of Columbia, reported a bill for the erection of a Court House at Alexandria, in the District of Columbia.

Mr. B. also moved that this committee be discharged from the further consideration of the resolution inquiring into the expediency of receding the District of Columbia, and that the subject, with a report thereon, be laid on the table.

Mr. HOPKINS moved to postpone it till to-morrow, on the ground that the gentleman who introduced the resolution [Mr. WISE] was not then in his seat.

Mr. BOULDIN signified his assent, and the subject was postponed accordingly.

Mr. DAWSON, from the same committee, reported Senate bill, with sundry amendments, to amend the act of 31st May, 1832, respecting enrolling conveyances, etc.

The amendments were concurred in, and the bill ordered to a third reading, read a third time, and passed.

Mr. THOMAS moved that the anti-duelling bill of the Senate be referred to the select committee on the subject of duelling, instead of the Committee on the Judiciary, to which it had been referred yesterday; which was agreed to.

Mr. INGHAM, from the Committee on Naval Affairs, reported a bill for the relief of Gratian Ray.

Mr. HOWARD moved that the vacancy on the Committee on Foreign Affairs, occasioned by the resignation of Mr. PATTON, be filled; which was ordered.

Mr. JOHNSON of Virginia, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Samuel Hatten, of the State of Virginia.

Mr. HEROD, from the Committee on Invalid Pensions, reported a bill granting a pension to John Brown.

Mr. CHILDS, from the Committee on Revolutionary Pensions, reported a bill for the relief of William A. Cuddeback.

Mr. ALLEN of Vermont, from the Committee on Invalid Pensions, made several unfavorable reports, and against the proposition to extend the pension act of 1837.

Mr. BRIGGS moved that the map accompanying the President's Message, on the subject of a canal communication across the Isthmus of Panama, be printed; which was agreed to.

On motion of Mr. C. SHEPARD, the chart of Gore sound, North Carolina, was ordered to be lithographed on a reduced scale.

Mr. JONES of New York, from the Committee on the Territories, reported a bill granting an appropriation for purchasing a law library for the use of the Court of Appeals and Legislative Council of Florida.

Mr. BOND then resumed his remarks on the subject of a divorce of the public press from the patronage of the Government, and again gave way for the orders of the day without concluding.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting reports from the Third Auditor and Commissioner of Pensions, relating to the appointment of pension agents, the time of their appointment, their compensation, the banks with which they are connected, &c.; which, on motion of Mr. CUSHMAN, was laid on the table.

NAVAL SERVICE.

The House then resumed the consideration of the "bill making appropriations for the naval service for 1838."

The question pending was on the motion of Mr. MONTGOMERY to recommit the bill to the Committee of Ways and Means for the purpose of specifying the amount required for the South Sea Exploring Expedition.

Mr. BRONSON, who was entitled to the floor, entered into a defence of the late and present Administrations in relation to this subject, and, though he disclaimed being opposed to the Exploring Expedition, either the late projected one or another, he was in favor of having the bill recommitted, because he thought it proper that the estimates should be furnished, and the sum necessary for carrying it on made distinct and separate from the appropriations necessary for the general service of the Navy. This was due to the country, for there had been upwards of $700,000 already expended, and the only result was that there was no longer an Exploring Squadron in existence, and the question was, should they order a new one to be fitted out? He thought not, especially in the present embarrassed condition of the Treasury; and he also doubted whether, in the present state of feeling towards the scheme, both throughout the country and in the navy, any of those great results anticipated by its friends would be produced. By and by, when the present excitement had passed away, such an expedition might be sent out that would redound to the honor of the country, and produce very beneficial results; and he would be willing to sustain it, but this was not the proper time. He was satisfied that no results, commensurate with the expenditure, would ensue from its sailing now.

Mr. B. also doubted the propriety of the appointment of Lieutenant Wilkes, not from his want of skill or experience, but from his being a junior officer, the effect of which would increase the present dissatisfaction and lead to dissensions. In reply to the argument that the money already expended would be so much thrown away, he had ascertained the loss would not exceed a thousand dollars, for nearly all the articles were required elsewhere, whereas twenty-five thousand dollars would be wanted to complete the two vessels now at New York.

Mr. B. concluded by suggesting a modification to secommit the bill, with instructions to the Committee of Ways and Means to report specifically what would be the additional sum necessary to sustain the Exploring Expedition over and above what it would be necessary to keep these vessels in the service, provided they be employed in the coast service, or in any other service.

Mr. MONTGOMERY stated that he had prepared a modification to that effect.

Mr. CAMBRELENG suggested to the gentleman from North Carolina to withdraw his motion to recommit the bill, for Mr. C was prepared, long since, to make a motion to strike out this appropriation altogether, and to discontinue this expedition in May next. Mr. C. then moved sundry reductions in the bill, amounting in the aggregate to $192,000, remarking that this would bring the House to a direct vote whether they would or would not continue the Exploring Expedition.

Mr. MONTGOMERY withdrew his motion, with the distinct undestanding, as he stated, that a direct vote be taken on the continuance or discontinuance of this expedition.

Mr. BRONSON disapproved of the motion of his colleague, because it contemplated a positive discontinuance of the expedition.

Mr. MERCER expressed his regret at the course proposed by the gentleman from New York, whose motion was pending.

Mr. CAMBRELENG explained that the motion was not his own, but was made by him to bring the House to a direct vote. He was understood further to say that he should vote against it himself.

Mr. MERCER continued, and went on to show the importance of the proposed expedition, and to argue against employing the vessels as a coast surveying squadron, because a triangular survey should first be completed. He was warmly in favor of the Exploring Expedition, and remarked that the only question was whether the present Administration were competent to carry it into execution. For himself, he did not believe that, take the whole of them together, with the President and Cabinet, they all had capacity sufficient to furnish instructions for it. Still he was unwilling, even in view of this fact, that the honor of the country should be tarnished by an abandonment of the scheme. Mr. M. concluded, by defending the character of Commodore Jones.

Mr. BRONSON disclaimed having, in the remotest degree, intended to cast the slightest imputation upon the character and conduct of Commodore Jones; both of which, once for all, he pronounced to be, in his opinion, unexceptionable.

Mr. CRARY did not see what the character of Commodore Jones had to do with the question under consideration, though, if it should be gone into, Mr. C. should dissent from much of the eulogy he had heard. The history of the events demonstrated that, through the agency of this very gentleman, the whole design and intention of Congress had been changed, from an exploring to a scientific expedition, when the latter object should have been an incidental one. At all events, the failure had grown out of the collision between Commodore Jones and the Head of the Navy Department, though Mr. C. considered the latter to be no head at all, for he was utterly unfit for the station he occupied. The responsibility of the failure lay with both of them, but the immediate preparations with Commodore Jones, under whose superintendence and direction vessels were constructed, which he had represented to be well qualified for the service, when they had turned out to be unfit.

Mr. C. was opposed to the expedition originally, but he was not now inclined to desert it, and as the reasons were stronger that it should sail than at first, from the amount of money expended, he hoped it would continue, and should vote for it.

Mr. MALLORY moved to amend the amendment by adding thereto the following words:

"And that no part of the money appropriated in this bill shall, after the first of May next, be applied to the use of the South Sea Expedition until the further action of Congress."

Mr. MONTGOMERY accepted this as a modification.

Mr. WISE then addressed the House at length in opposition to the continuance of the expedition, and in a review of the circumstances which had produced its failure.

Mr. REED followed in support of the expedition.

Mr. CUSHMAN then demanded the previous question, but it was not seconded, only 36 voting for it.

Mr. SERGEANT was warmly in favor of the expedition, and went into an examination of the causes of its failure, which he ascribed wholly to the Executive Department, and of a piece with the mode in which it had managed all the other affairs entrusted to it, such as the Florida war, the Treasury buildings, &c. With reference to the money already expended, he regarded it as nothing compared with the dishonor that would befal the country upon the abandonment of the project, independent of the great injustice of having called a number of individuals from their private stations, and then turning them off.

Mr. MONTGOMERY asked for the yeas and nays on the amendment; which were ordered, and were—yeas 57, nays 91.

So the amendment was not agreed to.

Mr. CAMBRELENG then submitted two or three verbal amendments; which were agreed to.

Mr. WISE suggested to some one in favor of the expedition, for he would not move it himself, to move the insertion of a provision in the bill, as the House had determined upon the continuance of the expedition, limiting the time within which it shall sail. Fix any reasonable time, say three months, or six, or twelve, or two years, or even three; but in the name of sense, in the name of economy, he did hope the House would limit the period.

Mr. MALLORY then moved the following proviso:

"*Provided*, That, in officering the exploring squadron, for which appropriations are herein made, the law of the 25th of February, 1799, be not violated in any of its provisions."

Mr. M. caused an extract of the law to be read as explanatory of his object, which was, that none under a captain could be appointed to the command of vessels of war, over a certain number of guns.

The amendment was rejected.

The bill was then ordered to be read a third time to-morrow.

On motion,

The House adjourned.

IN SENATE,

TUESDAY, April 10, 1838.

The CHAIR communicated a report from the War Department, containing the information in relation to the payment of pensions required by the resolution of the 5th ultimo: laid on the table and ordered to be printed.

Mr. LINN presented a petition signed by numerous inhabitants of Marion and Shelby counties, Missouri, asking for a post route from Palmyra to Shelbyville, by Oakdale and New Market: referred to the Committee on the Post Office and Post Roads.

Also, the petition of Francis Bouchier, praying confirmation of a lot of ground in the town of Peoria, State of Illinois: referred to the Committee on Private Land Claims.

Also, from many individuals in Missouri, asking for a removal of the land office from St. Louis to Potosi, which they say would be more central and convenient for the people: referred to the Committee on Public Lands.

Mr. FULTON presented the resolutions of the Legislature of Arkansas, instructing their Senators and requesting their Representatives in Congress to use their exertions to procure the passage of a law for the confirmation of Spanish grants to land: referred to the Committee on Private Land Claims.

Mr. F. also presented the petition of sundry citizens of Rio Hondo, in Louisiana, praying a confirmation of title to their lands: referred to the same committee.

Mr. BUCHANAN presented the petition of sundry citizens of Pennsylvania, against the passage of the international copy right law: referred to the Committee on Patents.

Mr. SWIFT presented the petition of Betsey Booth, praying for a pension; which was referred to the Committee on Pensions.

Mr. TIPTON presented the resolutions of the Legislature of Indiana, praying for a grant of land to open a canal: referred to the Committee on Roads and Canals.

Mr. BUCHANAN presented the petition of sundry citizens of Lancaster, Pennsylvania, on the subject of dueling; which was laid on the table.

Mr. ALLEN presented the petition of John Elliott, praying compensation for a horse lost in the service of the United States: referred to the Committee on Claims.

Mr. LINN, from the Committee on Private Land Claims, made an adverse report on the petition of the heirs of John Law.

Mr. NICHOLAS, from the Committee on the District of Columbia, to which had been referred the memorial of the president and directors of the Bank of Alexandria, reported a bill to extend the time allowed them for winding up their affairs: read and ordered to a second reading.

Mr. YOUNG, from the Committee on Claims, to which had been referred the bill from the House for the relief of ——— Harris, reported the same with amendments; which were read.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of Roswell L. Colt and others, praying for the passage of a law to enable them to institute proceedings in the courts of the United States to enable them to try the validity of their claims to lands in Missouri and Arkansas, reported a bill for that purpose; which was read and ordered to a second reading.

The bill to authorize the issuing a patent to the heirs and legal representatives of Francis Rivard, deceased, was, after some remarks from Mr. LINN, read the third time and passed.

The resolution submitted by Mr. DAVIS some days ago, calling on the Secretary of War for a report relative to the building and employment of steam batteries for coast defence and how far the same can advantageously be substituted for forts, was taken up, and, after some remarks from Messrs. DAVIS and BENTON, adopted.

On motion of Mr. HUBBARD, the bill for the relief of Bolitha Laws was taken up; when

Mr. H. moved to postpone the bill indefinitely; and, after a debate, in which the motion was supported by Messrs. HUBBARD, TIPTON, WHITE and PRENTISS, and opposed by Messrs. ROANE, RIVES and WRIGHT, the motion was carried—yeas 32, nays 5, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Clayton, Davis, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pearce, Prentiss, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tipton, Trotter, Wall, White, Williams, Wright, and Young—32.

NAYS—Messrs. Crittenden, Merrick, Nicholas, Rives, and Roane—5.

Mr. MERRICK presented the petition of a number of citizens of Georgetown, D. C. and of that part of Washington county west of Rock creek, praying for a retrocession to the State of Maryland: referred to a select committee of five.

On motion of Mr. KING,

The Senate went into the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 11, 1838.

RETROCESSION OF THE DISTRICT.

The first business in order, was the report of the Committee for the District of Columbia against the expediency of a retrocession of the District.

Mr. BOULDIN said the report of the committee and motion had been yesterday, at the request of his colleague [Mr. HOPKINS,] postponed for his colleague [Mr. WISE,] who had moved the original resolution, until this morning. He did not see his colleague in his seat, and was willing, if he had the power to postpone the subject still, to do so again, until the mover [M. WISE,] came in.

Mr. ADAMS said there were many subjects that this House did not choose to debate, and abolition was one of them. That question would come up if the report of the committee and motion of the chairman should be debated. He wished the question taken then—

The SPEAKER said the motion was not debateable.

Mr. BOULDIN rejoined. The committee intended to avoid a debate on abolition in asking to be discharged from this.

The SPEAKRR said the question was not debateable.

Mr. BOULDIN said he moved to lay the resolution and report on the table.

The motion was agreed to, and the subject laid on the table.

At a subsequent stage,

Mr. WISE appealed to some gentleman who had voted in favor of this motion, to move a reconsideration, in order that a motion might be made to commit it to a Committee of the Whole on the state of the Union. In his opinion, a majority of Congress would be found to differ with the Committee for the District.

Mr. BOULDIN, on leave, made an explanation. He had proposed, he said, to waive making the motion till his colleague was in his seat; but it was objected to. His colleague knew that Mr. B. was willing, in the House and out of the House, that the subject of abolition should be argued, and that the people should be fully and correctly informed of all in relation to it, and that he had yielded that opinion, openly expressed, to the will of his constituents, as he believed their opinion to be, and of all the South and his friends, and the repeated expression solemnly made of the opinion of this House, contrary to his own known opinion; for he thought the South ought to know their whole danger; but the opinion of the South generally, however expressed, had been different—that of the House was different. He believed his constituents thought differently, and the committee over which he had the honor to preside, desired that he should ask to be discharged, with a view to avoid discussion on the subject of abolition, and he felt bound, under the circumstances, to hold on to the motion, and decision to lay on the table.

The SPEAKER here interposed, and reminded the gentleman that the motion was not debateable.

Mr. BOULDIN resumed his seat.

Mr. WISE would state that his object was to put this question to rest; and he appealed to Southern gentlemen to sustain him in the motion he should make.

Mr. HARLAN then made the motion solicited

by Mr. WISE, to reconsider the vote laying this subject on the table.

Mr. WISE then gave notice of the motion he should make, if this should prevail.

Mr. MASON of Ohio moved to lay the motion to reconsider on the table.

Mr. WISE asked for the yeas and nays, which were ordered.

Mr. ADAMS said he would show the gentleman from Virginia, that the question of abolition was intimately involved in this, as well as that of a change of the seat of Government.

Mr. WISE replied that it was the Abolitionists who sought to retain the District for their own purposes, and it behooved Southern men to take the ground for retrocession in order, thereby, to destroy the last hopes of the Abolitionists.

The motion was decided in the affirmative—yeas 82, nays 63.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of Nathaniel Mitchell.

Mr. HARLAN, from the Committee on Private Claims, reported Senate bill, to provide for the issuing of patents for certain lands at Green Bay, Wisconsin Territory, with a recommendation that it do not pass.

Mr. McKAY, from the Committee on Military Affairs, reported a bill concerning the Western frontier.

Mr. McKAY also reported adversely on a resolution directing an inquiry in relation to the pay of volunteers called into the service of the United States; which was laid on the table.

Mr. JONES, from the Committee on the Territories, reported a bill for making an appropriation for a compilation of the laws of Florida.

DIVORCE OF THE GOVERNMENT AND THE PRESS.

The House then resumed the consideration of the following resolution, submitted some time since by Mr. HOPKINS, of Virginia:

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the Federal Government, with a view to the speedy correction of the same by the adoption of such a system of reform and retrenchment in the contingent expenses thereof as the public good may require; and that the said committee be instructed also to inquire into the expediency of divorcing, by law, the Government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. BOND resumed his remarks in support of the resolution, and again continued till the expiration of the time devoted to morning business.

Mr. WISE begged leave to propound an inquiry to the gentleman from Ohio, [Mr. HAMER,] viz: when he proposed to call up the resolution laid on the table by him some days since.

Mr. HAMER was about to respond, when

Mr. PETRIKIN rose and objected.

Mr. WISE accordingly moved a suspension of the rules, but the House refused—ayes 86, noes 54, not two-thirds.

The SPEAKER laid before the House a communication from the Acting Secretary of War, transmitting a report from the Commanding General of the Army, in answer to the inquiry whether any Seminole Indians coming in under a flag of truce, or were brought in by the Cherokee Indians, had been made prisoners by General Jesup.

On motion of Mr. BRIGGS, laid on the table.

NAVAL SERVICE.

The "bill making appropriations for the naval service of the United States for the year 1838," was taken up on its third reading.

Mr. MALLORY, without intending to open again the discussion on this bill, for the wants of the service required its passage, but in consequence of what had been said yesterday in reference to the character of a distinguished officer, felt constrained to cause a vindicatory statement from that gentleman to be read. Mr. M. then sent the paper from Com. Jones to the Clerk's table, which was read to the House.

The statement went on to throw the whole blame of the failure of the Exploring Expedition on the Secretary of the Navy, ascribing the failure chiefly to three radical causes:

1. The inability of the Navy Commissioners to fit out the Macedonian in time.

2. The want of confidence displayed towards the commander of the proposed squadron, the continued opposition made to almost every thing proposed by him, the indefinite and unsettled plans of the Secretary of the Navy, the repeated changes in his own plans, &c.

3. The semi-official and confidential correspondence and intercourse carried on by the Secretary of the Navy with junior officers of the navy, &c.

Mr. M. then went over a review of the facts and circumstances connected with the Exploring Expedition, sustaining the positions assumed by Com. Jones, by a reference to such documents as had been laid before Congress.

Mr. M. disclaimed being opposed to such an expedition, if properly organized; but he was opposed to the present one, from the plan by which it was intended to be carried on, and he could not agree with those who thought it a light matter to set aside the law, the rules of the service, by placing a junior officer over the heads of upwards of a hundred of his seniors. It was a violation of rank, and consequently a violation of right, and it was to obviate this, that he had submitted the proviso, offered by him yesterday, though he had nothing to object to the character of Lieutenant Wilkes.

Mr. HOFFMAN explained, that though the service contained in the list many, both his juniors as well as seniors, fully competent to conduct this expedition, yet he meant to say that Mr. Wilkes was pre-eminently qualified for it, and he insisted that the appointmentment of that gentleman did not violate the rule of seniority, since the rule only applied in time of war. A selection for a command like this should be made with reference to the scientific acquirements, as well as to nautical ability, and he instanced the cases of Captain Cooke, who was made a Lieutenant for the purpose; of Captain Ross, who was chosen to command the expedition to the North Pole, while only a commander; and of Parry, who, like Cooke, was commissioned a Lieutenant for the second voyage to the North Pole. The British admiralty passed over all the senior officers, in these cases, and no complaint was ever made by them.

Mr. WISE insisted that the appointment of Lieutenant Wilkes did disparage those who were higher on the list than himself. But Mr. W. understood that Lieutenant Wilkes had not been selected in consequence of his pre-eminent scientific attainments, or his peculiar fitness, but because he had pledged himself to dismiss a part of the scientific corps, who were obnoxious to the Department; and Mr. W. asked for some information of his friend from New York on this point.

Mr. HOFFMAN could only say that such a report had never reached him.

Mr. WISE would not vouch for the truth of this charge; but it had reached him from a respectable source; and such a rumor prevailed among a branch of the service. Mr. W. understood that Mr. Reynolds, who had done so much in getting up this expedition, was to be dismissed.

Mr. HOFFMAN felt it due to state that it was Lieut. Wilkes's opinion that the scientific corps, as proposed, was larger than was necessary, and also that a portion of them could be selected from the navy itself. Mr. H. himself should regret the dismission of Mr. Reynolds, and hoped it would not take place. Of the charge alluded to, he again expressed his ignorance.

Mr. INGHAM remarked that it was the universal opinion that the scientific corps should be reduced. Indeed, it was apparent to every one at all conversant with the expedition, that it must be too large, because the corps had been originally organized with reference to a squadron twice as large as that now contemplated. Mr. I. could not bring himself to believe that the Secretary of War (who had made the appointment) had entered into any such a combination as that alluded to by Mr. WISE.

Mr. WISE had not brought a charge, nor stated that such a combination had existed, but that it was believed by some attached to the scientific corps that the opinion of Lieut. Wilkes, that the corps should be reduced, was the peculiar fitness that led to his appointment, rather than his skill and courage.

Mr. BOON said no admendment had been proposed to the bill, and all that had been said, was merely explanatory of what had been said by gentlemen on yesterday, and, therefore, a continuance of this kind of discussion was not calculated to shed any new light upon the subject. The gentleman from Virginia, [Mr. WISE,] had said that while many of those who stood opposed in politics might be compelled to vote for extravagant appropriations, the Administration would be held responsible for the whole amount of public expenditure. Sir, [said Mr. B.] I, for one, as one of the friends and supporters of the Administration, will not shrink from my share of responsibility. And I will tell gentlemen of the Opposition, that there is another responsibility that they will be held accountable for, and that is, for the waste of time and money in making Opposition speeches, which would cost more money than the amount of appropriation that may be involved, and for their voting for the appropriation, with perhaps one or two exceptions, as was the case on the appropriation to defray the expenses of the Florida war. Mr. B. concluded his remarks by a demand for the previous question.

The previous question was seconded, 68 to 64, the main question ordered, put, and agreed to without a division.

So the bill was passed.

RED RIVER RAFT.

The "bill making an appropriation (of $70,000) for the removal of the great raft on Red river," was also read a third time, and passed.

CUMBERLAND ROAD.

The House then took up, on its third reading, the "bill making appropriations for continuing the Cumberland road in the States of Ohio, Indiana, and Illinois, and for other purposes."

The question was on concurring with the Committee of the Whole in an additional section, making appropriations for guard fences on the road east of the Ohio, for widening the road leading down Laurel Hill, etc.

Mr. UNDERWOOD moved to recommit the bill to the Committee of Ways and Means, with instructions to report a bill ceding the Cumberland road to the States through which it passes west of the Ohio, as had been done in reference to that part of it east of the river, and asked for the yeas and nays thereon.

This proposition was sustained by Messrs. UNDERWOOD and CAMPBELL, of South Carolina

Mr. BOON said he was not a little surprised at the remarks which had just fallen from the gentleman from Kentucky [Mr. UNDERWOOD.] That gentleman had declared that he considered any system of internal improvement by the General Government as being now entirely defunct! This Mr. B. was sorry to hear from a professed friend of the measure, as he had not expected to hear such a declaration from any member of a party in politics who claim to be the exclusive friends and supporters of all the great interests of the country. I, continued Mr. B. stand upon this question, at this time, precisely as I did when I first came to Congress in the year 1825. I was then, as I am now, in favor of a proper system of internal improvements by the General Government. But it seems that the gentleman from Kentucky has changed his views in reference to this subject, and he has very frankly stated his reasons for having done so; and I was pleased to hear him come out and avow his future objects in terms so bold and manly as he has done on this occasion.

The gentleman from Kentucky now proposes to cede the National road, in its present unfinished state, to the States through which the same may run, to be completed by the *States* respectively; and declares that he is in favor of distributing the whole of the proceeds arising from the sales of the public lands among the twenty-six States of this Union, for the purpose of enabling the States respectively to make their own works of internal improvement.

Sir, said Mr. B. I am utterly opposed to any system of raising revenue for the purpose of distribution among the States. Such a system was never contemplated by the framers of the Constitution. We have recently experienced the bad effects of a distribution of the surplus revenue among the several States. It was found that before the fourth instalment of the surplus revenue was deposited with the States, the Treasury of the United States was deficient in revenue over nine millions of dollars.

Now, Mr. Speaker, from what source of revenue was this large surplus of 1836 derived? Surely not from duties imposed on foreign merchandise; but from the great increase of land sales by the Government. Previous to the year 1835, the receipts into the Treasury from the sales of the public lands varied from two and a half to three and a half millions of dollars per annum. In 1835 and 1836, the amount received into the Treasury from the same source increased to nearly thirty-five millions of dollars, and notwithstanding the amount since received into the Treasury from sales of the public land, your Treasury is now deficient many millions of dollars in consequence of your distribution act. And yet the gentleman from Kentucky is in favor of withholding, or withdrawing the whole amount of revenue received from the sales of the public lands from the Treasury of the United States, to be scrambled for, and wasted by the twenty-six States of the Union. Should this policy be adopted, there must, and will be, a very large deficiency in the Treasury for the ordinary purposes of Government, which will have to be made up by an increase of the tariff. Mr. B. admonished those gentlemen who were opposed to a high tariff, not to withdraw from the Treasury the revenue derived from the sales of the public lands, to be distributed among the several States, as such a policy would inevitably lead to an *increase* of the tariff.

Mr. B. said that neither the gentleman from Kentucky nor himself, represented a manufacturing people. Our constituents, said he, are mostly farmers and mechanics, who are the *consumers* of articles manufactured, and whilst he would not knowingly give a vote to operate injuriously upon the manufacturing interest of the country, he would guard the interests of his constituents against the undue influence of chartered monopolies of every kind. Mr. B. was in favor of a tariff which had for its object the raising of revenue, and the giving of reasonable and just protection to home industry. But, said he, I come to the subject more immediately under consideration. The National road now being constructed in the States of Ohio, Indiana, and Illinois, has thus far progressed in conformity with the compacts between the General Government and those States, respectively, by which they were admitted into the Federal union. It was conditioned by acts of Congress, admitting those States into the Union, that two per cent. of the nett proceeds arising from the sales of the public lands should be applied under the direction of Congress, in the making of roads to those States, respectively. In Ohio, this road is completed to some twenty miles west of Columbus. In the States of Indiana and Illinois, the grubbing of the road has been completed, and considerable progress has been made in grading and erecting bridges, without any portion of the road having been completed in either of those States, and now the gentleman from Kentucky proposes that the General Government shall abandon this great national improvement, and surrender it, in its present unfinished condition, to the States through which it passes. Mr. Speaker, I will not take up more of the time of the House in discussing this question, but I will put it to gentlemen who have heretofore voted for appropriations for carrying on this great work of national importance, to say whether they are now prepared to abandon it to its fate. Sir, the construction of this road over the mountains and through the new States, has and will induce many thousands to emigrate to the West and purchase the Government lands, by which means your Treasury will be more than reimbursed for all that will be required to complete this great work. I hope, therefore, that the friends of this road will promptly reject the proposition of the gentleman from Kentucky, and that the bill may be passed without further delay.

After some further remarks, in opposition, by Mr. EWING;

On motion of Mr. POPE

The House adjourned.

IN SENATE,

WEDNESDAY, April 11, 1838.

Mr. McKEAN presented the proceedings of a large meeting of citizens of Philadelphia city and county, in favor of erecting a dry dock at Philadelphia: referred to the Committee on Naval Affairs.

Also, four memorials signed by 335 citizens of Pennsylvania, praying that the alleged treaty with the Cherokee Indians might not be enforced against that tribe contrary to their will: laid on the table.

Also, several memorials on the subject of slavery; the motion to receive them being laid on the table.

Mr. SMITH of Indiana, presented a joint resolution of the General Assembly of that State, praying a grant of lands, upon the terms specified in the resolution, to aid in the construction of the Erie and Michigan Canal, in that State: referred, on his motion, to the Committee on Public Lands, and ordered to be printed.

Mr. WALL presented the petition of Hiram F. Winter, asking to be compensated for his invention for raising stranded and sunken vessels: referred to the Committe on Commerce and printed.

Mr. HUBBARD, on leave, introduced a bill for the relief of Gurdon S. Hubbard; which was read twice, and referred.

The bill from the House for the relief of Ebenezer A. Lester, was taken up, and considered as in Committee of the Whole, and, on motion of Mr. HUBBARD, indefinitely postponed.

Mr. WALKER submitted the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to communicate to the Senate, at as early a period as practicable, a statement showing what portion of the public land in the several land districts of the United States has been subject to sale, at private entry, twenty-five years and upwards.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of Jabez L. White and Asa White.

The bill for the relief of James Dutton.

The bill supplementary to the act to provide for the adjustment of titles to land in the town of Detroit, State of Michigan.

The bill for the relief of James McMaher was taken up, and after a debate, in which Messrs. HUBBARD, KING, GRUNDY, ROBINSON, CRITTENDEN, NILES, and LINN took part, was laid on the table.

Mr. ROANE, from the Committee on the District of Columbia, to which had been referred the bill from the House giving the assent of Congress to the act of the Legislature of Virginia to amend the act to incorporate the Fredericksburg and Alexandria Railroad company, reported the same without amendment.

Mr. KING gave notice that he would to-morrow ask leave to bring in a bill granting to the Selma and Tennessee Railroad company an entire section of land on the Tennessee river, where the road terminates, and also granting to said company the right of way through the public lands.

RELATIONS WITH MEXICO.

Mr. WALKER rose and called the attention of the chairman of the Committee on Foreign Relations [Mr. BUCHANAN] to the state of our relations with Mexico. It would be recollected, he said, that this subject was recommended to the consideration of the Senate by a special message from the President of the United States on the 7th of February, 1837.

Here Mr. W. read extracts from the message, which recommends, "that to avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, (one more opportunity should be given to atone for the past before taking redress into our own hands,) with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it." The message adds: "To this end, I recommend that an act be passed authorizing reprisals, and that the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico." This message was referred to the Committee on Foreign Relations; and on the 18th February following, Mr. BUCHANAN, the chairman of that committee, reported the following resolution:

Resolved, That the Senate concur in opinion with the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government; the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow-citizens.

On the 27th of February, 1837, this resolution was unanimously adopted by the Senate by a vote of ayes 47, noes none. Now, said Mr. W. we all know that this demand has been again made, and that it has been ineffectual; that new insults and injuries have been superadded by Mexico since this period; that her departing Minister had grossly insulted this Government and country, and his conduct had been approved by Mexico; that her Secretary of Foreign Affairs had recently published a report most insulting to our national honor; and to close the long list of Mexican outrages, her vessels of war had recently, in our own seas, fired upon an American steamboat, carrying the American flag, and prosecuting a lawful commerce, with a neighboring and friendly power. This vessel had not only been fired upon, and an attempt made to capture her, but the balls had been fired through the American flag, as if in derision of the idea that this flag constituted any protection against Mexican outrages. The flag of our country had ceased then to be any protection to the American citizen, in our own vessels, and upon our own seas, as indeed the name of an American had long ceased to protect our citizens within the limits of Mexico. Not only had it ceased to be any protection there, but it constituted an invitation to insult, imprisonment, and spoliations. More than a year had elapsed since the adoption of the resolution above referred to. The justice of our claims on Mexico was then declared to be undoubted, and, if speedy redress was not granted, the Senate resolved unanimously that prompt measures would be required to sustain "the honor of the nation and the rights of our injured fellow-citizens." No redress has been, it is clear none will be, granted by Mexico; but every day's delay on our part only witnesses new outrages and new insults. Mr. W. said he was informed by a most respectable citizen of Pennsylvania, lately residing in Mexico, and well known to the honorable chairman, [Mr. BUCHANAN,] that our commerce, carried on by our resident merchants in Mexico, had been reduced from three millions to three hundred thousand dollars per annum; and that, unless some means were speedily taken to protect our citizens from Mexican spoliations and insults, this commerce would soon be entirely extinguished. Four months and upwards had now elapsed since the commencement of this session, and no report had been made by the Committee on Foreign Relations, and no intimation given when, if ever, any report might be expected.

Mr. W. then rose to inquire of the chairman of the committee [Mr. BUCHANAN] if it was the intention of the committee to report upon this subject;

and if so, when a report might be expected. Mr. W. said he desired no war with any foreign power, much less with such a power as Mexico, nor did he think a war would be necessary. If Congress would do what the French Government was now doing, send a sufficient squadron to demand instantaneous redress, and, if not granted, then to blockade the ports of Mexico; redress would then be granted, and never till then; but new insults and injuries would be accumulated.

Mr. BUCHANAN (chairman of the Committee on Foreign Relations) said that he had no objection whatever to answer the interrogatory propounded by the Senator from Mississippi. All that he could object to, if he were disposed to be hypercritical, was the observations of the Senator preceding the interrogatory. The Senator had given day and date, and circumstance, and all connected with the resolution which the committee had reported at the last regular session of Congress on the subject of our claims against Mexico, evidently for the purpose of showing that our present apparent listlessness was inconsistent with our former energy. This was not the case. There was no indisposition on the part of the committee to make a report on this subject whenever it might be proper. He could safely say, that there was not one of them who felt disposed to shrink from the responsibility of acting up to the spirit and letter of the resolution which they had reported, and which had received the unanimous sanction of the Senate.

The committee had held a number of informal consultations on the subject, and had come to the conclusion that it was proper to await the action of the House of Representatives. The next step we take, said Mr. B. in regard to Mexico, must be some measure that may directly lead to war, or war itself; because he thought every honorable means of conciliation had been exhausted. Now where ought such a measure to be introduced? We have, said he, examined the public archives, and find that from the origin of the Government to the present day, no such measure has originated in the Senate. Coercive measures had always originated with the immediate representatives of the people; not certainly for the want of constitutional power in the Senate; but most probably because the House of Representatives emanated more immediately from, and were more directly responsible to, the people, who must bear the burdens of war; and under the Constitution, the House alone could originate the revenue bills without which war could not be prosecuted.

He had made it his business to inquire of the chairman of the Committee on Foreign Relations of the House, and had been informed by that gentleman that the committee had then the subject under their most serious consideration, and might be expected to come to some conclusion upon it within a few days. Under these circumstances, the committee of the Senate were of opinion that they ought, at the very least, to wait a reasonable time, for the purpose of affording the popular branch of the Legislature an opportunity of expressing their opinion. This delay was rendered more proper from the consideration, that whilst the Senate, at the last regular session, had adopted the resolution reported by their Committee on Foreign Relations, the House had not then expressed any opinion on the subject. The report of their committee had not been acted upon.

Such, said Mr. B. are the feelings and impressions of the Committee on Foreign Relations. If he had mistaken them, the Senator from Kentucky, [Mr. CLAY,] whom he observed in his place, could correct him.

Mr. CLAY of Kentucky said the Senator from Pennsylvania had stated correctly what had occurred, and he perfectly agreed with him that the proper course was to leave the matter to the direction of the House of Representatives—the popular branch of the National Legislature. The present embarrassed state of the Treasury, which had been so feelingly alluded to by Senators on other occasions, and the present distracted state of the currency, should prevent, at least for the present, any resort to belligerent steps. While up, he would ask a question which probably the Senator from Mississippi could answer. He (Mr. C.) had been informed, but he hoped incorrectly, that the Minister Plenipotentiary from the United States, although appointed last winter one year, had never yet reached Mexico. An American citizen, residing in that city, had told him that the Minister had not arrived when he left Mexico, He (Mr. C.) would like to ascertain the fact, and learn where the Minister had been, and when he would be likely to reach there, &c.

Mr. WALKER said, in reply to the question propounded to him by the Senator from Kentucky, [Mr. CLAY] that our Minister to Mexico, he believed, was still in this country; but his nomination was contingent, and the contingency had not occurred upon which our Minister could depart for Mexico. Mr. W. would say one word in answer to the Senator from Pennsylvania, [Mr. BUCHANAN.] He could not agree that the Senate could with propriety delay to act upon this subject until the House acted; but if it was our duty to wait a reasonable period, that period has long since elapsed. The Senate had the same constitutional power as the House, it was conceded, to originate even a declaration of war. The Senate represents the States in their sovereign capacity; and is the honor of these States less dear to the Senate than it is to the House of Representatives? and if the House, as I do not intend now to intimate, should delay or refuse to originate the necessary measures to vindicate the National honor, must the Senate submit, and refuse to exercise their constitutional power, in regard to a subject over which the Constitution gives the same power to the Senate as to the House of Representatives? If the Senate is bound to wait the action of the House on such a subject, would it not, on the same principles, be bound to adopt the opinions of the House when it did act, however different might be the views of this body? Mr. W. said he was unwilling to place the Senate in any such humiliating attitude. Why have a Committee of Foreign Relations of the Senate, if, as regards the most important of these relations, we are to wait and abide by the action of the House of Representatives? The Senate was, with the President, the sole treaty-making, as well as on these subjects, an equal and co-ordinate branch of the law-making, power, and whenever a proper case occurs for the exercise of the powers confided to us by the Constitution, our constitutional duties are measured by our constitutional powers, and it is no excuse for delay or inaction on our part that the House delays or refuses to act upon a subject in regard to which the powers of both Houses are admitted to be equal. In relation to the pecuniary claims of our citizens against Mexico, it was, however just those claims might be, entirely unimportant, when compared to the actual outrages committed by that Government upon our flag and our citizens. Some gentlemen seemed to think that the late attack upon the Columbia is the first instance of the kind that has occurred. Why, sir, said Mr. W. there are at least half a dozen cases of insults to our flag, and direct violence previously committed upon our citizens by Mexico, equally as atrocious as the case of the Columbia; and if the nation does not speedily interpose to protect its honor, it will be regarded as having no honor to protect, and thus invite aggressions from other powers.

Mr. CLAY of Kentucky deprecated the discussion as irregular and out of place. Nevertheless, he felt it due to himself, as a member of the Committee of Foreign Relations, and due to the Senate and to the country, to say, that while there was strong ground of complaint against Mexico, if we looked to the correspondence that had taken place on this subject, we would find that on our part there was much cause for deep and serious regret. What were the facts in the case? A Mr. Greenhow, a clerk in one of the public offices, was despatched to Mexico with a large mass of documents, containing the claims of our citizens, which were to be examined and reported on within ten days, or Mr. Greenhow was to return. Now those at all acquainted with the manner of doing business in the public offices, must know that it would have been impossible to have carefully examined them in so many weeks. The Minister for Foreign Affairs of Mexico proceeded to take up these documents, and examine them one by one, admitting the justice of some, and rejecting others; and while these matters were still in progress, suddenly the whole subject is thrown upon Congress, the President telling that body he had no further negotiations to make with Mexico.

Whenever a clear case was made out, he [Mr. C.] was ready to enforce on Mexico what was due to law and justice. No man was more ready, nor more willing, than himself to do all that was necessary to sustain the honor and dignity of the nation, and to exact from others reparation for all wrongs that our citizens may have been made to suffer. While he would go thus far, he could not help saying, and all who looked to the correspondence must admit the truth, that the want of dignity and the want of temper that had been manifested by persons connected with the Government in relation to this whole matter, was greatly to be deplored.

Mr. BUCHANAN said that although this debate was entirely irregular, it had become necessary for him to say something more on the subject, even in regard to the remarks of his colleague on the committee, who had just addressed the Senate, [Mr. CLAY.]

Our complaints against Mexico were of a two-fold character. The Government of that country had not only refused to pay the just claims of our injured citizens, but, in several instances, had assailed our national honor, and insulted our national flag. For assaults and injuries of this description, pecuniary redress had never been demanded, and could never be accepted. No suitable explanation of these insults had ever been given, and no satisfaction had ever been rendered, although often demanded. The remarks of the Senator from Kentucky had not touched this part of the case. A gross insult had recently been offered to the American flag, of a character requiring the most prompt and effectual redress, if we were to credit the statement published in the New Orleans papers which had lately reached this city. It appeared that a steamboat, under the American flag, pursuing her lawful commerce in our own sea, had been repeatedly fired upon and brought to by two Mexican vessels of war. In this situation, the engineer let the steam escape; and the noise so terrified these Mexican heroes, that they fell flat on their faces on the decks of their vessels, and the steamboat was thus suffered to escape. Such was the account of this affair, given in the New Orleans Bee, and signed by the passengers in the steamboat, several of whom were known to be gentlemen of respectability by members of the Senate.

Mr. B. said he could present to the Senate, if this were the proper occasion, a number of other cases in which the honor of the American flag had been violated by Mexican officers with perfect impunity. He believed that the Senator from Kentucky would be as unwilling as any other man to suffer these insults to be passed over without any redress.

In regard to the claims of American citizens upon the Mexican Government for pecuniary redress, which had been spoken of by the Senator from Kentucky, the Mexican Secretary of State had pursued a most absurd course; but whether by design or accident, he would not at present express an opinion. After repeated and unavailing attempts had been made to obtain satisfaction for these claims, a solemn and formal demand was made upon the Mexican Government for redress, in July last, by our Secretary of State, in obedience to the stipulations of the treaty. A list of these claims was presented to the Mexican Secretary, by Mr. Greenough, a special agent appointed for this purpose, verified by competent proof. This, under the treaty, was a necessary preliminary to war or reprisals. All these claims had been examined by our Secretary of State, and none were presented which, in his opinion, were not founded upon justice. Now what course had the Mexican Secretary adopted? He had obtained possession, in some unaccountable manner, of a copy of the printed list of all the claims, good, bad, and indifferent, in which this Government had ever been asked by individuals to interpose, and which had been transmitted to Congress on a former occasion by General

Jackson. Accordingly, he went to work upon this list, instead of that which had been transmitted to him by the Secretary of State, and furnished formal answers in some ten or fifteen of the cases; in a majority of which no demand had been made by Mr. Forsyth upon the Mexican Government. Of course, these answers were triumphant in such cases as had been abandoned by our own Government.

[Mr. CLAY here observed that some of the claims had been admitted.]

Mr. B. resumed. In one or two of the other cases presented in the official list, the justice of the claims was admitted; but no rational prospect of payment was presented. At the rate of progression with which the Mexican Secretary had hitherto proceeded, it would be years before he could go through this old printed list; and from any thing which appeared, the claimants would be as far from obtaining actual indemnification at the end of this process as they were in the beginning.

He would be as far from censuring the Committee on Foreign Relations of the House for remissness, as he was confident they were from deserving it. They best knew when and how to act for themselves. He had no desire to hurry their action, or interfere with it in any manner. He had no doubt they would do their duty. If the Senator from Mississippi [Mr. WALKER] still remained unsatisfied with our conduct, let him introduce a resolution instructing the Committee on Foreign Relations to act promptly and report a war measure. From the spirit he had evinced, he appears anxious to go to war at once. For his own part, Mr. B. said, he had no disposition to act in so hasty a manner. If he moved slowly towards his object, he trusted he should move surely.

Mr. PRESTON, after making some remarks on the strong measures recommended by the Executive in relation to the affairs with Mexico, was glad that the Committee on Foreign Relations had not responded to the belligerent features recommended in the communication to Congress; for so long as there was the slightest hope that we could have our claims on that power settled without proceeding to ulterior means, he was willing to wait. War was always to be avoided, if possible; and, most of all, was it incumbent on us not to engage in it from pecuniary or sordid motives, so long as there existed the slightest chance of a proper settlement without it. But with regard to the insult offered to our flag, that was another matter. If the facts were as stated by gentlemen, why had they not been communicated by the Executive? Either the representations were exaggerated by rumor, or the Executive had failed to do his duty. If, however, it was true that our flag had been insulted in our own sea, (the Gulf of Mexico,) *mare nostrum*, as the Romans said of their own Mediterranean, he would be as ready and willing as any man to preserve unsullied that flag; and whether the insult was offered by a proud and haughty nation, or from a weak and impotent power, like that of Mexico, it should not pass with impunity.

Mr. BENTON said that the question as to how the debate originated, was easily answered. It commenced with an inquiry very properly made by the Senator from Mississippi of the chairman of the Committee on Foreign Relations, which led to an explanation which all heard. He was one of those who saw and read in the New Orleans papers, the statement made by the passengers in the steamboat Columbia. That vessel was brought to by two Mexican vessels of war, fired into, and compelled to lie to, till by the noise occasioned by the engineer letting off his steam, the Mexicans were frightened away, and the steamboat escaped. We see in this, said Mr. B. that the flag of the United States was no protection to its citizens. It was the escape pipe letting off the steam that saved the passengers, and not the flag of the United States. Since then, he had read in the New Orleans papers that the passengers in the same steamboat about sailing from New Orleans, placing no reliance on the flag of the United States, had armed themselves, as if against pirates; and it was further stated in the same papers, that when the vessel left the wharf, a vast number of persons crowded down to take leave of their friends going in a perilous enterprise. Now the point he wished to call the attention of the Senate to, was that the flag of the United States, in our own sea, *mare nostrum*, was no protection to the American citizen —he must trust to his arms. With respect to that rashness and precipation, ill temper and want of dignity, with which this Government was charged by the Senator from Kentucky, [Mr. CLAY,] for breaking off the negotiations to obtain redress for our injuries inflicted by Mexico, it was within his knowledge, and not from any information derived from Mexico, that the charge had no foundation. One of the cases was derived from Missouri. Two of its citizens, Julius De Mun, and Auguste Choteau, engaged in trade on the Arkansas river, under the license of the Governor of Missouri, and with a capital of $30,000, trading with our own Indians, and in our own territory; these citizens were seized upon by 200 Mexican dragoons from Santa Fe, one of them compelled to go up and down the river, under an escort of Mexican dragoons, to show a fort that they alleged was building to garrison 20,000 men for the purpose of invading Mexico; and when he could show no fort, he and his companion were carried to Santa Fe, and thrown into a dungeon for forty days. This was not all. They were brought to trial, and De Mun, understanding the Spanish language, repeatedly heard the Governor say to his officers, "these men must be shot." But they were not shot, though their property, $30,000 worth, was taken from them, and they, with their followers, forty in number, without arms, and without subsistence of any kind, were turned loose to make their way back, 900 miles, through a wilderness infested by tribes of savages of the worst description. They arrived safe at St. Louis, and, immediately on their arrival, made known their grievances to our Government, and from that day to this they have not received one particle of redress. All this took place twenty years ago, and although the claims of these injured citizens have been frequently pressed upon the Mexican Government, supported by the most indubitable testimony, they have not received remuneration for their property to the value of one cent. After all this, said Mr. B. we are told of precipitation, and the Administration is to be accused of rashness for breaking off the negotiations, when every man believes that if we were to negotiate till doomsday we should be as far off from redress as ever. No, sir, said Mr. B. our citizens have been plundered, our soil invaded, and our flag insulted, and we have not received, nor are we likely to receive, from that Government, one word of apology or atonement.

Mr. KING thought the debate exceedingly ill-timed, and he regretted the manner in which it had been brought up. Being a member of the committee, he had concurred with them that, under all the circumstances of the case, it would be better for the Senate to wait for the action of the House of Representatives, and he still entertained that opinion. He was a little surprised at the remarks of the Senator from Kentucky, censuring the Administration as having acted rashly and with precipitation in terminating the negotiation where they did. Surely no one would look into the documents communicated by the Government, without seeing that the greatest forbearance had been exercised for years towards Mexico, and that this Government had acted towards that power with a leniency that it would not have shown to the most powerful Government of Europe; in fact, that it had forborne till forbearance ceased to be a virtue. After all this, they were now told by the Senator from Kentucky that the President had acted with unnecessary heat and precipitation in suspending all further demands for redress, and submitting the whole affair to the action of Congress. The Administration, said Mr. K. was very unfortunately situated. The Senator from South Carolina complained that the President had been remiss in his duty in not communicating the fact of the late outrage on the steamboat Columbia to Congress, while the Senator from Kentucky, on the other hand, charged the Government with being too rash and precipitate. Why, sir, the information as to the outrage on the Columbia had been received here only two or three days past, and that, too, by a slip cut from a New Orleans paper and forwarded by the Express mail; and there was no reason to believe that the Government had as yet received any authentic or official account of the affair, though there was no doubt as to the truth of the circumstances connected with it. He himself knew the names of several of the persons signed to the statement in the newspapers, and he would take the occasion to say that they were gentlemen of respectability and veracity But would the Senator from South Carolina have the President make a newspaper statement the subject of a grave communication to Congress? This would, indeed, be acting with a degree of rashness and precipitation, of which the Senator from Kentucky would well have a right to complain.

He was fully aware that his friend from Mississippi had strong feelings on the subject. He knew his high and chivalrous devotion to the honor of his country. But while he was so regardful of the honor and interests of his own country, would he incur the risk of violating the rights of others? Let him, Mr. K. said, wait a reasonable time, and if atonement is not made, then let him recommend the course of action which honor requires. The course of the Mexican Government could be defended by no one. Still it was not necessary for the Senate to be hurried into any hasty action with regard to her. But when the time arrived when it should become necessary to act, he for one would be prepared to go any lengths necessary to vindicate our national honor, and protect our citizens from outrage or injury. He knew that many of the cases of complaint against Mexico would not bear scrutiny, and this was the case of the one brought up by his friend from Missouri, [Mr. BENTON,] for the injury there complained of was not committed under the present Government of Mexico, but by the officers of Spain.

That, however, was not now the question. All that he rose to say was to rescue the Government of the United States from the charges of the Senator from Kentucky, and to maintain that it had manifested the greatest forbearance and conciliation towards a Government that had been for years insulting our flag, and plundering our citizens, and evading, by the most flimsy pretexts, our demands for redress. The Senator from Kentucky asks, why is not our Minister to Mexico at his post? The Senator knew, or should know, that the state of things had not arisen under which the Minister, appointed during the last session, was to go to Mexico. For what purpose make it a cause of complaint? Mr. Ellis was nominated for that mission when it was known that all diplomatic intercourse with Mexico had terminated, and would not be resumed until a favorable answer should be returned to the final demand for redress, about to be sent by a special messenger. Our Minister had withdrawn from that country; and their Minister had left here, scattering his calumnies behind him. In this state of things the President, in a spirit of conciliation highly creditable to him, nominated Mr. Ellis as Minister to Mexico, in the following words, "to be sent whenever circumstances will permit a renewal of diplomatic intercourse honorably with that power." Would it, he would ask of the Senator from Kentucky, be consistent with our high sense of honor to send a Minister to that Republic while our final and solemn appeal to them for justice was unanswered? He knew that the Senator from Kentucky would not be of opinion that we should send a Minister there while the outrages and injuries of which we have so often complained, remained unatoned for. He had no intention in rising (said Mr. K.) to protract this unnecessary debate. All he rose for was, first to vindicate the Administration from the charge of precipitancy and want of forbearance; secondly, for not having communicated the circumstances of the late outrage to Congress; and lastly, to explain why it would not be proper for our Minister to go to Mexico in the present state of our affairs with that country.

Mr. CLAY still maintained that there had been a precipitancy shown in the matter, unbecoming the Executive of a great nation. Many of the claims set up against Mexico were not based on justice, and, as such, were rejected. Of this cha-

racter he might say was that alluded to by the Senator from Missouri; Mexico only became an independent nation in 1824, while the claim of Chouteau and others originated many years before, when Mexico was a province of Spain. That demand ought, therefore, rather to have been pressed at Madrid than at Mexico. Where was the injury to accrue from a spirit of forbearance? Had we not waited with France, with Spain, with Naples, and with Holland?

If the present were a suitable and proper time to go into this subject, it would only be necessary for him to advert to the correspondence to establish all he had said. Had not the clerk, Greenhow, been sent to Mexico, with instructions that, if an answer was not given within ten days, he should return back again? Well, what did Mexico do? Why, the Secretary of State proceeded with as much despatch as ministers usually do, and instructions were made out to the Mexican Minister here, showing that the claims were undergoing revision, and that fourteen of them had already been examined; and while the rest were yet in progress, the President of the United States throws the whole matter upon Congress. The demand was such, in the first place, as no power, having a proper respect for itself, would have permitted; and in the second, would not have been complied with, because much of the evidence bearing upon these claims was at Vera Cruz, and other places distant from Mexico. He [Mr. C.] would repeat what he had before observed, that he was as ready as any man in the nation to exact justice, and to vindicate the honor and the glory of the country. With respect to the affair of the steamboat, it was not before us at present. It had not been communicated to us in an official shape, and he therefore thought it would be premature to mix up that affair with the other matters, to excite angry feelings for the purpose of precipitating us, at a time when the Treasury was empty, with so weak and impotent a power as that of Mexico.

Mr. BENTON would make a single remark in relation to the claim of Mr. Choteau and others, as he had alluded to that peculiar case of tyranny and injustice on the part of the Spanish authorities. The depredation on the property of these American citizens was committed in 1817, pending the revolution which eventuated in their independence of Mexico; it was committed, too, by the local authorities, and no doubt could be entertained that Mexico was responsible for the wrong, by the law of nations.

Mr. WALKER said he merely rose to give notice that, if no report were made in regard to our relations with Mexico, within a short period, either in the Senate or the House of Representatives, he would move a resolution to test the sense of the Senate upon this subject.

Mr. BUCHANAN was extremely sorry to prolong this unprofitable discussion, and he did not care how soon the Senator from Mississippi introduced his resolution. Had any person here intimated that, under the Constitution, the Senate could not originate a war measure? Certainly not. It did not follow, however, that it was our duty to do every thing which we had the power to do, without regard to propriety or expediency; and in a case of this kind, he thought there was great propriety, as well as expediency, in leaving the introduction of any coercive measure to the House of Representatives. They came immediately from the people, and returned sooner to the people to give an account of their conduct. Besides, they, and they alone, could originate the revenue bills, by means of which war was to be conducted. Any attempt on our part improperly to hurry them, or to censure their delay, might arouse feelings which would retard, rather than accelerate, their action. He should be glad the Senator from Mississippi would introduce his resolution, and take a vote of the Senate upon the question.

A few words in reply to the Senator from Kentucky. So far as he had stated the question, he had stated it correctly; but he had commenced at the conclusion, and it was proper that the Senate and the country should understand the origin and progress of our existing difficulties with Mexico. He admitted that if the late demand upon that Government for justice to our citizens had been the first which was ever made, it would have been pretty prompt and energetic. But this was far from being the case. Our citizens had for many years been suffering repeated and aggravated injuries from Mexico, without any pretext or apology whatever, unless it might be found in the fact that, during almost the whole period of its existence, the Government of that country had been in a revolutionary state. It might be true that some of our claims were not well founded; but there were many others of the justice of which there could not be a doubt. If any Senator would take the trouble of reading all the documents, he would find that redress had been over and over again demanded, and this Government had been put off, year after year, under the pretence that further time was necessary to collect proofs, and other reasons equally frivolous. Of all these claims, redress had not been obtained, according to his recollection, in a single instance; and to all human appearance we were now as far from it as ever. After having foreborne, on account of our friendly feelings towards a sister republic, until forbearance was no longer a virtue, General Jackson sent a message to Congress, at the last regular session, recommending reprisals upon a contingency with the nature of which he need not now detain the Senate. The subject was referred to the Committee on Foreign Relations, and, upon examining the treaty with Mexico, they found that, before reprisals could be resorted to, another and more formal demand must be made in the manner prescribed by one of the articles of that treaty. It was the tone and manner of this last demand, and the short time allowed for an answer, of which the Senator from Kentucky had complained. In his, Mr. B's opinion, this article of the treaty, which required the last demand, and specified the form, was exceedingly impolitic and unwise; a remark which he thought might be made with justice, in regard to several provisions in our modern treaties. Had it not been for this article, there was no reason, either in justice or in the law of nations, why we might not have resorted to coercive measures without any such formal proceeding. Demands had been made previously, again and again, for many years, without the slightest success; unless we might except the case in which a Mexican officer was removed from his station for a gross insult to our flag, but was rewarded a short time afterwards by being elevated to a higher station.

A state of things now existed in regard to Mexico requiring the most prompt and energetic action. If something should not soon be done to bring that Government to reason, our commercial intercourse with them, secured by the faith of treaties, must be abandoned. He had been assured, from authority on which he relied, that neither the American name, nor the American flag, was any protection to American citizens in Mexico. They were rapidly leaving that country, where they had a right to engage in lawful trade, having in vain appealed to the Government of their own country for protection. American citizens were now afraid to go to Mexico at all.

Mr. B. believed that the most prompt and energetic measures had now become necessary, and that a resort to them would be the most certain means of avoiding war. He could not agree with the Senator from Kentucky that any considerations, as to the deranged state of our paper currency, should be taken into view in deciding this question. If the national honor demanded vindication, he could not consent that we should be arrested by the present state of the Treasury. This little cloud, Mr. B. said, would soon pass away, and the boundless resources of our country were yet unimpaired. The Senator from Kentucky himself, unless he had greatly mistaken his character, would be one of the last men to suffer the flag of his country to be outraged, and the property of our citizens plundered with impunity, merely because the banks had suspended specie payments. Millions to defend our rights, but not a cent for tribute.

Mr. GRUNDY rose, and observed that, as the Graduation bill was about to be taken up, he wished gentlemen interested in it to make as much progress with it as in their power, and, if possible, terminate the discussion on it before the end of the week, as he should feel it to be his duty to ask the Senate on Monday next to take up the bill to prohibit the issuing and circulating the bills and notes of the old United States Bank.

PUBLIC LANDS.

The Senate resumed the consideration of the bill to provide for the graduation and reduction of the price of the public lands; when

Mr. CLAY of Ky. addressed the Senate at some length in opposition to the bill.

Mr. GRUNDY then rose and submitted an amendment, to render the bill as already amended by him more perfect, and to do away with the possibility of a misconstruction of it, i. e. to make it operate only on lands that have been offered at public sale.

After some remarks from Messrs. CLAY of Alabama, CLAY of Kentucky, and GRUNDY, the amendment was agreed to.

After the consideration of executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 12, 1838.

Mr. FAIRFIELD, on leave, presented sundry petitions on the subject of the late duel.

Mr. McKENNAN also presented two petitions on the same subject.

EXPLORING EXPEDITION.

Mr. NAYLOR asked leave to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, at as early a time as practicable, whether the number of the scientific corps appointed to the Exploring Expedition has been, or is to be reduced; and if so, to communicate the names of those who are to be dismissed; copies of their appointments, and causes of the reduction, as also copies of all letters and correspondence which have passed between them, or either of them, and the Secretary of the Navy, Secretary of War, Commissioners of the Navy Board, or any other agent or officer of the United States, relative to the matters connected with the objects, preparation, outfit, and sailing of the Expedition.

Objection being made, Mr. N. moved a suspension of the rule, but the House refused.

Mr. NAYLOR asked leave also to submit the following:

"Whereas a resolution has passed this House on the 7th of December last, requesting the President of the United States 'to furnish to this House (among other things) copies of all letters, documents, and communications, which have passed between the Secretary of the Navy, the Commissioners of the Navy Board, the officers or persons relative to all matters connected with the preparation, outfit, and sailing of the Exploring Expedition; *And, whereas*, This House has not yet been furnished with the documents, letters, and communications called for, although upwards of four months have elapsed since the passage of the resolution, and the session is now drawing towards a close; therefore,

Resolved, That the President of the the United States be requested to inform this House whether or not he intends to comply with the request of this resolution, by transmitting the copies of the documents, letters, and papers called for; and why they have not long since been furnished."

Objection being made, Mr. N. moved a suspension of the rule, when, on taking the question, the ayes were 28, noes 57, no quorum.

Mr. HAYNES moved a call of the House.

Mr. McKENNAN appealed to his colleague to withdraw his motion, but he did not assent.

Mr. PETRIKEN asked for the yeas and nays on the call, which were ordered, and were yeas 58, nays 63, so the House refused the call.

The question then recurring on the motion to suspend the rule,

Mr. INGHAM stated that the correspondence was very voluminous, and would be sent in in a very few days.

The House refused to suspend the rule.

Mr. HAYNES asked leave to move a reference to the Post Office Committee, but it was objected to.

On motion of Mr. POPE, the vacancy on the Library Committee, occasioned by the resignation of Mr. PATTON, was directed to be filled up.

On motion of Mr CAMBRELENG, the Committee of Ways and Means was discharged from the further consideration of the memorial of the Superintendent of the Southwest Executive Building, and the same was referred to the Committee on Naval Affairs.

PRIVATE BUSINESS.

Mr. WHITTLESEY of Ohio asked leave to make a suggestion to the House in relation to the business on the private calendar. The bill for the establishment of a commission of claims had been made the special order for Friday next, and Mr. W. would suggest the expediency and propriety of extending that order, and to-morrow and next day taking up and acting on such bills as would not elicit debate, so that they might be sent to the other branch.

Mr. CAMBRELENG concurred with the gentleman in the propriety of acting on some of the private bills, but he thought the proper course would be to annul the special order, suffer the regular business to progress, and thereby leaving the House at liberty to take up the other bill at some other time.

Mr. WHITTLESEY could not assent to this, and preferred an extension of the special order.

The conversation then dropped.

Mr. WORTHINGTON, from the Committee on Commerce, reported a bill for the relief of Herman Harris.

TEXAS BOUNDARY.

Mr. YELL begged leave to propound an inquiry to the Committee on Foreign Affairs. It would be recollected that some time since a memorial had been presented to the House by him, and referred to that committee, on the subject of the boundary line between the United States and Texas. His apology for propounding the question would be found in the importance of the subject, not only to the State he had the honor to represent, but to the General Government; for that of Texas had opened a land office within what had been heretofore considered the limits of the United States, and were selling the land there.

Mr. HOWARD [the chairman of the committee] replied, that the committee had held but one meeting since that subject was referred to them; and then they found themselves in other matters of urgent importance. He could, however, state to the gentleman that he was himself aware of the propriety of some further action of Congress on this subject; and he should avail himself of the earliest opportunity of calling the attention of Congress to it.

Mr. FLETCHER of Vermont, from the Committee on Patents, reported a bill for the relief of Hazard Knowles.

WYOMING FLAG.

Mr. UNDERWOOD, from the select committee raised on the subject, reported a joint resolution authorizing the Secretary of War to deliver up to the people of that valley the Wyoming flag, now in the War Department, in case the people thereof desire.

Mr. U. made a statement in relation to this subject, stating that there were a number of misstatements and inaccuracies in Botta's history of the battle; in fact, wholly misrepresenting the whole affair. Mr. U. also corrected an erroneous impression in relation to the flag. It was not the flag of the ancestors of the people of Wyoming, as had been at first supposed, but that of the enemy.

Mr. PETRIKIN said that as the flag was not that of the Wyoming fort, but of the enemy, and as no general petition had come on from the district asking for it, but only one from a single individual, and as several respectable men from that section now in this city had stated that they did not want this banner, he moved to lay the resolution on the table. Mr. P. however, temporarily withdrew the motion at the request of

Mr. POTTER, who made a very interesting and curious statement in relation to the bloody massacre at Wyoming, exposing the gross and glaring falsehoods of the history of it by Botta. Mr. P's speech will be given as soon as it can be prepared.

Mr. PETRIKIN then renewed his motion, which prevailed, and the resolution was laid on the table.

On motion of Mr. CAMBRELENG, the House passed to the orders of the day.

CUMBERLAND ROAD.

The consideration of the "bill making appropriations for the Cumberland road, in the States of Ohio, Indiana, and Illinois" was then resumed, on its third reading, and concurrence with the committee of the whole in their amendments.

The question was on the motion of Mr. UNDERWOOD to recommit the bill to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill ceding the road to the States through which it passes.

Mr. EWING moved a proviso thereto, to the effect that the surrender should take place only in the event of an equal amount of money having been expended on the road west, that there had been on that east of the river prior to the surrender of the latter portion thereof.

Mr. POPE, who was entitled to the floor, opposed the proposition of his colleague, both on the ground of expediency, and as requiring the Committee of Ways and Means to perform a duty which was not within their province. Mr. P. then went into the subject at some length, in order to demonstrate the binding and existing validity of the compact between the United States and those States, and the expediency and propriety of completing this great work.

Mr. HOLSEY replied to Mr. POPE, and denied the force of the special compact set up as a precedent for this work, that the other States had ever consented to it, or that it was of any validity, since the States which derived the sole benefit had given no consideration for it. Mr. H. supported the motion of Mr. UNDERWOOD at considerable length.

Mr. ROBERTSON followed on the same side.

Mr. RARIDEN replied to the objections urged against the measure, and went into a history of the various enactments on the subject, &c. warmly urging its passage.

Mr. ATHERTON gave his views against the bill, and the whole system of internal improvements by the General Government, and in support of the motion to recommit the bill, disclaiming, as a member of the Committee of Ways and Means, his having given an assent to the bill being reported.

The debate was further continued by Messrs. GOODE and MERCER, in support of the bill; when

Mr. HAYNES took the floor, and yielded to a general exclamation to adjourn; and on his motion,

The House adjourned.

CORRECTION.—In the brief sketch of Mr. CAMBRELENG's first remarks in last evening's Globe, on his motion to bring the House to a direct vote on the Exploring Expedition, there is some confusion, as will be seen by referring to the subsequent remarks of Mr. C. which are consistent with the following:

Mr. C. said that he had anticipated a motion to strike out the appropriation for the Exploring Expedition, and was prepared to furnish the gentleman from North Carolina [Mr. MONTGOMERY] with the amount of the reduction which would be required under each head, in case the House should decide to discontinue it after the 1st of May. He suggested to the gentleman to withdraw his motion to recommit the bill, and to move to reduce the appropriations, so that the House might come to a direct vote upon it. Mr. C. himself should vote against the reduction, and in favor of the expedition, but made the suggestion to enable the House to come to a direct vote, and to facilitate the passage of the bill.

IN SENATE.

THURSDAY, April 12, 1838.

Mr. McKEAN presented the petition of a number of citizens of Pennsylvania, praying that the late treaty made with the Cherokees may be considered: laid on the table.

Mr. BUCHANAN presented the proceedings of a meeting held in the county of Washington, Penn. on the subject of the late duel, and recommending Congress to pass a law prohibiting any person who shall be engaged in a duel, from holding any office of honor, profit, or trust under the Government: laid on the table, and ordered to be printed.

The act supplementary to the act entitled an act to provide for the adjustment of titles to lands in the town of Detroit, State of Michigan, was read the third time and passed.

Mr. NORVELL submitted the following resolution, which was read:

Resolved, That the Secretary of the Senate be, and he hereby is, directed, in settling and adjusting the pay of the Senators, to deduct from the per diem allowance, the number of days any Senator may hereafter absent himself from the Senate, without first obtaining leave of absence, unless he may be unavoidably detained from his seat by his own sickness.

Mr. GRUNDY said it would be better to take up the resolution, and decide upon it at once, as he thought it contained an implied censure upon the conduct of Senators of that body. It did not, however, apply to him individually, for he believed he might safely say that he had never lost a day from his public duties in his life, when well enough to attend to them. It was objectionable in another point of view: though the money was but a small matter, yet how was the Secretary to ascertain, unless he called a roll, as they did in camp, who were and who were not absent? Besides, Senators had frequently to attend the public offices upon the business of their constituents, and business connected with their duties in the Senate. Mr. G. had no doubt but the Senator from Michigan was actuated by the best motives, but he thought the resolution uncalled for, and he hoped it would be disposed of at once, either by laying it on the table or rejecting it.

The CHAIR said that as the consideration of the resolution was objected to, there was no question before the Senate.

Mr. NORVELL trusted that he would at least be permitted to reply to the Senator from Tennessee. He did not offer this resolution without consultation, nor without consideration; and, notwithstanding the opinions of the Senator from Tennessee, he still thought that its adoption would produce some practical benefit. We have seen, he continued, for weeks, the Senate frequently doing business without a quorum, and several times the business actually suspended for want of one So far as he was personally concerned, it was known to the Senate that he was not subject to a charge of want of liberality in money matters; he was sorry to say that the reverse was applicable to him. But there must be some mode adopted to keep a quorum of the body in attendance. It was not right that Senators should be sitting here, laboring from day to day, while others were absent in the pursuit of their own business, or of pleasure. His object was not to save money, but to adopt some means of inducing Senators to attend to their duties, and to the great business and interests of the nation.

Mr. BENTON said there was already a rule of the Senate which forbid any member to be absent without leave. When he first came here, eighteen years ago, it was a regular thing to ask leave when a Senator wished to absent himself; in later days, however, leave was never asked; men go off, and stay off, to the prejudice of the public business. He had known instances where business had been delayed; and more: he would say that he had also known instances where it had been precipitated in consequence of such absence, and he felt pleased that the Senator from Michigan had introduced the subject. The deduction of the money was matter of little moment; but it was a matter of some moment that Senators should not be absent at a time when their services were wanted for the public business.

The resolution, according to the rules of the Senate, lies upon the table one day.

Mr. WHITE, from the select committee appointed to consider the subject of the letter of the Hon. JOHN RUGGLES, a Senator from the State of Maine, and the charges brought against him, made a report thereon, accompanied by sundry documents; the report concluding with a resolution, which the committee recommends to the Senate for

its adoption; that there is no satisfactory evidence to sustain the charge made by Henry Jones against the Hon. JOHN RUGGLES, and that it is inexpedient for the Senate to entertain any further proceedings on the subject.

Mr. W. moved that the report and documents be printed; which was ordered.

Mr. GRUNDY said that although this matter was confined to a single individual, yet in his opinion, it was matter of public concern, and as the public would necessarily feel a more than usual interest in the case, he would move to print five hundred extra copies.

Mr. WHITE made some explanatory remarks, which could not be distinctly heard.

Mr. KING opposed the printing, on the ground of its being a private affair, and therefore unnecessary; besides which, the report being short, would sood find its way into all the newspapers of the day.

Mr. GRUNDY said that so far as he was concerned, he had the fullest confidence in the committee, and was perfectly satisfied with the correctness of that report, but there might be others who preferred to draw their own conclusions from the evidence, and hence it would be as well to give them an opportunity of indulging their wishes. Again, it was probable that the whole State which the subject of that report represented in part, might feel a deep interest in the subject; he therefore hoped the motion to print would prevail. The question on printing being taken, was adopted.

Mr. NICHOLAS, from the Committee on Roads and Canals, to which had been referred the bill giving the right of way to the Chicago and Galena Railroad Company, reported the same with an amendment, which was read.

The following bills were severally read the third time and passed:

The bill for the relief of Jabez L. White and Asa White; and

The bill for the relief of James Dutton.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Elias Johns;

The bill for the relief of Christopher Clarke;

The bill for the relief of Doctor Thomas Cooper, of South Carolina; and

The bill for the relief of Philip Marshall, and the legal representatives of John Marshall.

The Senate resumed the consideration of the bill to provide for the graduation and reduction of the price of the public lands.

Mr. HUBBARD moved to strike out the following: And all lands which shall have been so offered for fifteen years, shall be subject to entry at one dollar per acre for the space of twelve months; and after that time, the same shall be subject to entry at seventy-five cents per acre for the space of twelve months, and after that time the same shall be subject to entry at fifty cents per acre. The effect of which is to leave the minimum at one dollar per acre for the space of one year for lands which shall have been in the market ten years prior to the 30th September, 1838; and after that time the minimum is to be 75 cents per acre.

Mr. TIPTON hoped the amendment would not prevail. If it did, he should care very little about the bill, as the State in which he lived was interested in the provision proposed to be stricken out more than any other.

Mr. HUBBARD suggested to the Senator from Indiana, that the provision which he wished to have stricken out, would have no operative effect for two years. If it was stricken out he would vote for the bill; but if not, as much as he was in favor of the principle of reduction, he must vote against it.

Mr. TIPTON said he should like to have the gentleman's vote, but was unwilling to pay so dear for it.

The question was then taken on Mr. HUBBARD'S motion, and it was agreed to.

The question recurring on the engrossment of the bill, Messrs. WALKER and BENTON severally addressed the Senate at length in its favor, and in reply to Mr. CLAY'S speech of yesterday; after which,

Mr. CRITTENDEN spoke briefly in opposition to the bill.

Mr. TIPTON then offered an amendment, providing that no person shall enter more than one quarter section of land under the provisions of this bill.

A debate then ensued, in which Mr. TIPTON supported the amendment, and Messrs. WALKER, SEVIER, ROBINSON, KING, and BENTON, opposed it; when

Mr. WALKER moved to amend the amendment by striking out "one quarter section," and inserting "one section;" which motion was adopted—ayes 18, noes 14.

Mr. W. moved further to amend the amendment by inserting as follows: "*Provided, also,* That no one shall be prohibited from entering any quantity, as herefore, of lands embraced in this act, at the price of one dollar and a quarter per acre."

Mr. TIPTON having accepted this as a modification of his amendment, the question was taken on the amendment, as amended, and decided in the affirmative—yeas 23, nays 14, as follows:

YEAS—Messrs. Allen, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Hubbard, McKean, Merrick, Nicholas, Niles, Prentiss, Preston, Rives, Roane, Robbins, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Walker, Wall, and Williams—23.

NAYS—Messrs. Benton, Clay of Alabama, Fulton, Grundy, King, Linn, Lumpkin, Lyon, Norvell, Robinson, Sevier, Trotter, White, and Young—14.

The bill was then ordered to be engrossed for a third reading—yeas 21, nays 16, as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Robinson, Sevier, Smith of Indiana, Tipton, Trotter, Walker, White, and Young—21.

NAYS—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Smith of Connecticut, Swift, Wall, and Williams—16.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, April 13, 1838.

THE LATE DUEL.

Mr. ATHERTON, on leave, presented a memorial from the inhabitants of the town of Antrim, in the county of Hillsborough, State of New Hampshire, which town contains three hundred and seventeen legal voters, praying, agreeably to an unanimous vote of a full meeting of the citizens of said town, for the passage of a law to suppress the practice of duelling.

Mr. DARLINGTON asked leave to present a similar memorial.

Mr. MAXWELL of New Jersey objected.

Mr. DARLINGTON moved a suspension of the rule, whereupon Mr. M. withdrew his objection, and the memorial was presented; and, together with the preceding one, referred to the select committee having the subject under investigation.

TREASURY NOTES.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill supplementary to the act authorizing the issuing of Treasury notes.

The bill was in the following words:

A BILL supplementary to the act entitled "An act to authorize the issuing of Treasury notes."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued according to the provisions of an act entitled "An act to authorize the issuing of Treasury notes," approved the 12th day of October last, in place of such notes as have been issued under the authority of the act aforesaid, and which have been paid into the Treasury and cancelled.

Mr. CAMBRELENG stated, for the information of the House, that almost the whole revenue was unavailable, as it was now paid in the Treasury notes authorized by the act of October last. As the appropriation bills created at this time heavy drafts upon the Treasury, it was obviously necessary to authorize the Secretary to replace the notes so paid in and cancelled, by others to an equal amount. He should ask the House, during the next week, to consider this bill, as it was indispensably necessary to continue the operations of the Treasury.

Mr. JOHNSON of Maryland begged to inquire if any additional issue was proposed by this bill?

Mr. CAMBRELENG replied in the negative.

Mr. WHITTLESEY of Ohio then renewed the application made by him yesterday to extend the special order till next Friday, in order to progress with such private bills as would not elicit debate; and, after a few words from Mr. WILLIAMS of North Carolina, Mr. CRAIG of Virginia, and Mr. CAMBRELENG, the first of the motion, to extend the special order, was agreed to.

The question then recurring on the second branch of the motion,

Mr. THOMAS suggested the taking up the resolution submitted by him some time since, to amend the rules so as, on the first Friday of each month, to call over the private calendar, and act on such bills as would not elicit debate; but it was objected to.

After some remarks from Messrs. WILLIAMS of North Carolina, YELL, and THOMPSON, in opposition to the original motion,

Mr. HAMER suggested a modification, that the House first act on those which would not elicit debate, and Mr. WHITTLESEY having so modified the order, it was agreed to—ayes 101, noes 46.

Mr. STEWART, from the Committee of Claims, reported a bill for the relief of Daniel Snyder.

On motion of Mr. HAYNES, the Committee of Ways and Means were discharged from the further consideration of sundry estimates for buildings at West Point, and they were referred to the Committee on Military Affairs.

Mr. CASEY, from the Committee on the Public Lands, reported Senate bill, without amendment, for the relief of George Davenport.

Mr. BOON, from the same committee, made an adverse report in the case of Wm. S. L. Dering; which was laid on the table.

DISTRICT OF COLUMBIA.

Mr. BOULDIN, from the Committee for the District of Columbia, made an unfavorable report on the case of William Graham.

Mr. HUNTER of Virginia asked the consent of the House to take up the bill to extend the charter of the Union Bank of Georgetown. [The bill was merely to enable the institution to wind up its concerns, the charter expiring on the 4th of July next; and the extension was for one year.]

The motion was assented to; and after a few words in its support from Mr. BOULDIN, the House went into Committee on said bill, Mr. HOPKINS in the Chair; and

After some remarks from Mr. FILLMORE and Mr. HUNTER,

Mr. FILLMORE moved to extend the time to 1845, for which the trustee or trustees would be liable for any debts due; which was agreed to.

The committee then rose and reported the bill, the amendment was concurred in, and the bill ordered to be engrossed for a third reading to-day.

Mr. THOMAS, from the Committee on the Judiciary, reported, with an amendment, Senate bill for the relief of the legal representatives of Francis Cazeau.

Mr. TALIAFERRO from the Committee on Revolutionary Claims, reported a bill for the relief of the widow and heirs of the late Captain John A. Hopper, deceased.

Mr. HARLAN, from the Committee on Private Land Claims, reported, without amendment, Senate bill to authorize the issuing of land patents to the heirs of Francis Rivaud.

Mr. GRENNELL, from the Committee on Military Affairs, reported without amendment Senate bill for the relief of Anne S. Heilman.

Mr. G. also reported without amendment Senate bill for the relief of Mary A. Patrick.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported with an amendment Senate bill granting half pay and pensions to widows of certain officers.

Mr. SIBLEY, from the same committee, reported a bill granting a pension to Phœbe Weeks.

Mr. MERCER, from the Committee on Roads and Canals, reported, with sundry amendments, Senate bill making appropriations for the construction of certain roads in the Territory of Wisconsin.

Mr. WILLIAMS of North Carolina, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of abolishing land districts in the United States, the receipts from which do not authorize their longer continuance.

The SPEAKER laid before the House a report from the Secretary of the Treasury, transmitting returns of exports, imports, manufactures, &c. in the States and Territories during the commercial year up to September last.

On motion of Mr. WHITTLESEY of Ohio, laid on the table.

Also, a communication from the Postmaster General, transmitting statements of all contracts, other than the regular contracts, and for the express mail, during the past year.

On motion of Mr. BRIGGS laid on the table.

PRIVATE ORDERS.

The House then went into Committee of the Whole, Mr. ATHERTON in the chair, and took up and considered the following bills, those giving rise to debate being passed over, and most of the others being informally considered, to be discussed in the House:

1. Bill for the relief of Patrick Green.
2. Bill for the relief of John Hollinsworth.
3. Bill for the relief of William James Aarons.
4. Bill for the relief of William Walker.
5. Bill for the relief of James A. Williams.
6. Bill for the relief of Abraham Woodall.
7. Bill for the relief of Nathan, Peter, and William Adams, deceased.
8. Bill for the relief of the administrator of Wharton Quarles, deceased.
9. Bill for the relief of the heirs of Dr. Thomas Carter.
10. Bill for the relief of Crawford Johnston.

A large number of bills having been objected to and laid aside on the ground of embracing payment for interest, Mr. ALLEN of Vermont, Mr. CUSHMAN of New Hampshire, and others objecting, and several ineffectual attempts for the committee to rise and rescind the restrictive order of this morning—

Mr. WISE declared that he should object to all the other bills.

A motion was then made for the committee to rise, but no quorum voting, the committee rose, the SPEAKER resumed the Chair, and the Chairman [Mr. ATHERTON] reported that fact to the House.

Mr. ADAMS then moved a call of the House, when a quorum appearing, the House again went into committee.

Mr. EWING then moved that the committee rise, report progress, and ask leave to sit again, which was agreed to.

The SPEAKER having resumed the Chair,

Mr. WHITTLESEY of Ohio moved that the order adopted this morning, for the exclusion of bills giving rise to debate, be rescinded.

Mr. ADAMS moved a call of the House, and asked for the yeas and nays, but they were refused, as well as the motion for a call.

Mr. A. expressed a wish to have the motion laid on the journal, and gave notice that he should renew the motion to-day, every time it was in order.

Mr. WISE, in pursuance of that notice, he said, moved an adjournment.

Mr. BRIGGS asked for the yeas and nays, but they were refused, as was the motion to adjourn.

Mr. ADAMS then renewed his motion for a call of the House, and for the yeas and nays; which were ordered. Mr. A. explained his object to be to get a quorum to do business, for it was discreditable to the House that they could not keep a quorum together to do the business of the nation.

Mr. WISE then renewed the motion to adjourn: lost.

The question was then taken on a call of the House, and decided in the negative—yeas 62, nays 98.

The special order was then rescinded without a division, and the House again went into committee, Mr. LYON in the Chair.

The bill for the relief of Joseph Nourse, and the bill for the relief of Nathaniel Goddard and others were severally passed over.

The "bill for the relief of John Hollinsworth" was again taken up, and discussed at some length by Mr. BOND in opposition, and by Mr. CHAPMAN and Mr. POPE in its support, when, on taking the question of reporting the bill to the House, without amendment, the vote was ayes 54, noes 23, no quorum, the committee rose and reported that fact to the House.

Mr. UNDERWOOD moved a call of the House, which was ordered, and proceeded in till 140 members had answered to their names, when the doors were closed.

Mr. ADAMS moved that the names of the absentees be recorded on the journal.

The CHAIR stated that, under the rule, this was always done.

Mr. CHAPMAN moved that the further proceedings of the call be dispensed with.

Mr. ADAMS inquired if the House should now dispense, whether the names of the absentees would go on the journal.

The CHAIR replied that the list of absentees, up to the stage of the proceedings when the doors were closed, always went on the journal.

The roll was again called over, and excuses rendered for a number of gentlemen, pending which, ineffectual efforts were made to dispense with the call by Mr. MORGAN, Mr. WISE, and Mr. CAMPBELL; when, after the roll had been again gone through,

Mr. DROMGOOLE renewed the motion, and it prevailed—ayes 98—noes not counted; and then,

On motion of Mr. DAWSON,

The House adjourned.

IN SENATE,

FRIDAY, April 13, 1838.

The VICE PRESIDENT communicated a report from the Post Office Department, containing a statement of all land and water mails established within the year preceding 1st July, 1837, and other than annual lettings and express mails; made in compliance with a resolution of the Senate.

On motion of Mr. ROBINSON, it was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. McKEAN presented eight memorials, of similar purport, signed by 867 citizens of Pennsylvania, praying that the alleged treaty of New Echota, made with the Cherokee nation of Indians, may not be enforced contrary to the wishes of the tribe: laid on the table.

Mr. BUCHANAN presented several memorials, signed by 1100 or 1200 citizens of Pennsylvania, on the same subject; and a memorial from the citizens of Lancaster co. Pa. on the subject of duelling; which were also laid on the table.

Mr. MOUTON presented the petition of Robert McCausland and the legal representatives of Mark McCausland; which was referred to the Committee on Private Land Claims.

Mr. ROANE presented the petition of Samuel Hilton, of the District of Columbia, praying remuneration for property destroyed during the last war: referred to the Committee on Claims.

Mr. R. also presented the petition of Richard Pool, praying remuneration for services during the last war: referred to the same committee.

Mr. CRITTENDEN presented the petition of the heirs of Richard K. Meade; which was referred to the Committe on Revolutionary Claims.

Mr. WHITE, from the Committee on Revolutionary Claims, reported a bill for the relief of the widow of John L. Van Brun; which was read, and ordered to a second reading.

The following bills were severally read the third time and passed:

The bill for the relief of Thomas Cooper.

The bill for the relief of Philip Marshall, and the legal representatives of John Marshall.

The bill for the relief of Christopher Clark; and

The bill for the relief of Elias Johns.

PUBLIC LANDS.

The bill providing for the reduction and graduation of the price of the public lands was read the third time; when

Mr. CALHOUN said, as the bill was now on its passage, he was desirous of stating, in a few words, the reasons which would govern him.

The bill was certainly liable but to little objection as to the details; but he could not give it his support. He felt satisfied that we had arrived at the period when one of two courses of policy ought to be pursued in relation to the publi lands—either to adhere rigidly to the laws, as they now stand, without making any material change, or to make a cession of them to the new States within whose limits they are respectively situated, on terms mutually satisfactory. It cannot be disguised, that the extent of interest involved in the public domain is too great, and the parties interested too powerful and influential, to permit the laws which regulate and dispose of the public lands to be the subject of frequent changes. Numerous and populous as those States have now become, (at which he rejoiced,) it was impossible to prevent this mighty stake from being thrown into the party struggles of the day, and from having a most pernicious effect on our politics, so long as they are under our control, unless we should abstain altogether from touching them, which he found was impossible.

It was well known that, under this impression, he was in favor of ceding them to the States, as the only practicable remedy against the evil he apprehended, and that under it he had introduced a bill to cede them. He hoped that the Committee on Public Lands would call up the bill at an early day. He was prepared to give it his best aid; and he did hope it would receive the sanction of the Senate. In the mean time, he should feel it to be his duty to vote against all measures which provided for any material change in the land laws, as they now stood.

Mr. BUCHANAN said he had intended, yesterday, to have stated, in a brief manner, his objections to the passage of this bill, but was prevented by the lateness of the hour. He should avail himself to-day of the opportunity to perform this duty, because he chose to place his vote on grounds somewhat peculiar to himself, and which he deemed firm and tenable.

Mr. B. had, upon former occasions, always opposed the graduating principle contained in this bill; but he admitted that this was no conclusive reason why he should always continue to oppose it. We had recently heard much upon this floor on the subject of consistency. For his own part, he was far from considering it, in all cases, to be a political virtue. To assume that a man has never had reason to change his opinion, was to suppose that he had been at first a pure emanation of wisdom, springing perfect like Minerva from the head of Jove. All the lights of experience, all the vast improvements of the present age, were lost upon such an unchangeable being. He [Mr. B.] laid no claim to such infallibility, and when his opinions upon any subject had really changed, he trusted he should always have the manliness to make the avowal. He had accordingly re-examined and reconsidered the question of graduation, and that, too, not without a desire to unite with his Western friends; but he yet remained unconvinced.

What had been the operation of our present land system at the minimum price of one dollar and twenty-five cents per acre? The best lands had always been entered the first at that price; whilst their settlement and improvement had given additional value to those which remained of an inferior quality. These inferior lands in succession had come into demand, and had been sold at the same rate. The country had thus been gradually settled and improved; and lands of a second and third rate quality had thus become a better bargain to the purchasers, at the minimum price, than the first rate lands originally were.

He admitted that, in all the new States, unless Illinois might be an exception, large bodies of re-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, APRIL 23, 1838. VOLUME 6.....No. 20.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 19]

fuse land would finally remain unsold, possessing little or no intrinsic value. When it shall have been clearly ascertained that any State of the Union was in this condition, he should be willing to cede these refuse lands to it upon the most liberal terms. It would be unjust to such a State forever to prevent its settlement and improvement, by holding its barren lands at a price which they could never command in competition with lands in other States of a quality greatly superior. He believed that the State of Mississippi contained a large proportion of this barren land. In the peculiar cases to which he had referred, he should most cheerfully vote for a graduating bill in favor of actual settlers.

If the benefits of the present bill had been confined to actual settlers in limited quantities, and had, in this respect, pursued the policy of the bill which passed the Senate during the last regular session, he should long have hesitated before he would have recorded his vote against it. He should, to some extent, have overstepped the limits of his own judgment in order to favor this class of purchasers. He had ever thought that the man who first went into the wilderness, and cleared away the forest to enable him to provide a home for himself and his family, had peculiar claims upon the favorable consideration of the Government. Such hardy and industrious men were the strength and the glory of any country, and in the day of danger would prove themselves to be its best defence. They reared a manly and independent offspring, on whom the Republic might rely in the time of its utmost need. His colleague [Mr. McKEAN] would bear him witness that the first political difficulty in which he had ever involved himself, when a very young man in the State Legislature, was in the cause of the actual settlers. [Here Gen. McKEAN nodded his assent.] On this question he had never changed his opinion.

Again: He had ever regarded the settlement and improvement of the new States with favor; and these States, especially such of them as lay west of the Mississippi, now had peculiar claims upon our regard. It had been our policy to remove from the States east of that river, to the frontier of these far western States, immense bands of warlike, restless, and discontented savages. *There* they were embodied, and these States must sustain the first shock of savage war. Had this bill held out any reasonable encouragement to actual settlers on this remote frontier, and thus created a barrier against the incursions of these savages, such a provision would have found favor in his eyes. We were bound by every principle of duty and honor to defend this frontier; and the cheapest and best mode of defence would be to people it with a brave and hardy race of men.

He could see nothing in this bill which held out any of these advantages. On the contrary, it appeared to him to be a measure which would encourage speculation, and retard, rather than advance, the actual settlement of the new States. It might be presumption in him to differ so widely from his Western friends on the present occasion; but he must express the honest dictates of his own judgment. What was the nature of this bill? It provided that, after the last day of the present year, all the public lands of the United States which shall then have been subject to entry for five years, at one dollar and twenty-five cents per acre, should be reduced in price to one dollar per acre; and all these lands which shall then have been subject to entry for ten years, shall be reduced in price to one dollar per acre during one year thereafter, and after that period, to seventy-five cents per acre. The bill, as it originally stood before the amendment of the Senator from New Hampshire [Mr. HUBBARD] was adopted, reduced the price of such lands as had been subject to entry for fifteen years to fifty cents per acre. There was but one limitation in the bill, and that was, that no individual should be authorized to purchase more than one section. How vain and illusory this limitation would prove in practice, every person who had the least experience in such matters would be able to decide. If a speculator wished to purchase fifty or one hundred sections, he had nothing to do but employ as many individuals to enter the land in their own names, pay for it, receive the patents, and convey the title either to himself or to any other person under his direction.

This bill would not only operate directly upon upwards of seventy millions of acres, but it established a precedent which would most certainly be pursued in regard to all the vast domain which shall hereafter be brought into market. What was that principle? That the price of all lands hereafter, which shall have been subject to private entry for five years, shall be reduced to one dollar per acre; and that which has been thus subject for ten years, shall be reduced to seventy-five cents per acre. We well know the intellectual and moral power of the West. They were a people who never put their hands to the plough and then looked back. Onward, onward! was their motto. We had been most significantly told by his friend from Alabama, [Mr. KING,] that the Senators from the new States ought not to be discouraged because the fifty cent minimum had been stricken from the bill, and that their power after the next census would be greatly increased. In his own language, "it is the first step which costs." Should this bill pass, there will ere long be a third graduated minimum, fixed at fifty cents per acre.

What would then be the consequence? The surveys of our public lands would be hastened. Vast quantities of them, far beyond the demand of purchasers, would be thrown into market. Five years thereafter, their price would be reduced to one dollar per acre; in ten years, it would be reduced to seventy-five cents; and in fifteen, to fifty cents. This graduating measure would, in effect, reduce the price of, by far, the greatest proportion of the public lands to seventy-five cents per acre; and ere long, should it pass, they would be reduced to fifty cents.

And what benefits would the new States derive from this reduction of price and this sacrifice of the public domain? It was, beyond doubt, their true policy to promote, not merely the sale, but the actual settlement, of the lands within their limits. It was an honest, industrious, and enterprising population which they wanted, and all their efforts ought to be directed to that object. None could more effectually arrest the policy than to have large bodies of their lands purchased and held, on speculation, by wealthy individuals and incorporated companies. This was one of the greatest curses which could befal any State. We had known something of it in one of the fairest portions of Pennsylvania, the settlement of which had been long delayed from this very cause. Would not this bill promote such speculations? If the spirit of speculation had raged to such an extent when the price was $1 25 per acre, that Western gentlemen themselves had become alarmed for the consequences, and had used all their efforts at the last regular session to confine the sales of land to actual settlers, what would be its fury on the return of prosperity, when these lands shall be reduced in price to seventy-five or fifty cents per acre? Large bodies of them would be monopolized; they would be held by individuals and companies; and the actual settler, instead of purchasing from the Government at a low price, would be compelled to pay a heavy profit to these speculators. He hoped he might be mistaken in his anticipations.

But how would this bill immediately and directly operate upon the settlement of the new States? Would it not retard, instead of accelerating, the increase of their population? Did it not on its face hold out a premium to delay the settlement of the country? What settler would pay a dollar and a quarter per acre for his land, when he knew that, by waiting a year or two, he could procure it for one dollar or seventy-five cents, or fifty cents? This was the natural tendency of the system; and it would be its inevitable effect. It was just the reverse of what it ought to be to accomplish the object. If you desired to promote the actual settlement of the new States, then reduce the price during a limited period in favor of actual settlers, and at the end of this period let it rise to its former standard. This would be offering a premium in favor of speedy settlement, whilst, on the contrary, the bill offered a premium for delay.

He again repeated, let the Western gentlemen introduce any reasonable measure to encourage the settlement of the new States, which should be confined to those who would actually cultivate the soil, and live and labor and die upon it, and which would not open wide the door for speculation and monopoly, and such a measure should receive his hearty and cordial support. He should never vote for any bill, however, which he believed would keep money out of the public Treasury, for the purpose of putting it into the pockets of speculators. They already derived sufficient profit from purchasing the public domain at $1 25 per acre; and if there must be a graduation in the price, let it be in favor of those, and those alone, who would till the soil.

There was one reason which would prevent him from voting for this bill at the present moment, even if none other existed. If any plan could be devised by which the just rights of the old States in the public lands could be secured, and at the same time the management and sale of them entrusted to the new States respectively, within whose limits they were situated, he should feel inclined to favor such a proposition. It would be most desirable to free the General Government from the power and the patronage of the present extended and complicated land system, and transfer it to the States, allowing them a liberal per centage on the sales, to indemnify them for their expense and trouble. Their pecuniary interest would then harmonise with that of the people of the old States, and we should not hear so much upon the subject of reducing the price of the public land. Besides, it would relieve them from that condition of dependence upon the General Government of which they so much complain. He knew the arrangement of any such system would be attended with great difficulties; still the attempt ought to be, and he understood would be, made. He merely glanced at this point for the present.

The question was then taken, and the bill was passed—yeas 27, nays 16, as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Tipton, Trotter, Walker, White, Wright, and Young—27.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Rives, Roane, Robbins, Ruggles, Swift, Wall, and Williams—16.

Mr. NILES submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of defining and limiting the term of all bureau officers connected with the departments, and of all appointments made by the heads of departments.

Mr. RUGGLES submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on commerce be instructed to inquire into the expediency of establishing a system of telegraphs for the United States, and to report thereon.

The resolution introduced yesterday by Mr. NORVELL having been called up,

Mr. NORVELL said, after examining the laws and the rule in relation to the subject, he would beg leave to offer the following as a modification:

Resolved, That in the settlement and payment of the compensation allowed by law to the members of the Senate, the per diem allowance shall be deducted for the number of days any Senator may

hereafter absent himself from the service of the Senate, unless detained from his seat by sickness; and that the proper officer of the Senate certify the compensation due to Senators, in conformity to this resolution, and to the statement of each Senator, in writing, at the close of the session, upon the subject.

Mr. LINN desired to know how the Senator meant to ascertain the sickness or indisposition of Senators: what was to be the test in relation to it?

Mr. KING said, during his public life he had never lost more than two days save from sickness. He was not prepared to vote, however, for the resolution. The law in relation to the subject was imperative in itself; and if they were governed by the law, what could they gain by the resolution? If the law was insufficient, could we expect the resolution to effect what the law could not? Besides, it implied a censure upon individuals. Senators, as honorable men, were bound, in settling their accounts, to make a deduction for the number of days they were absent, and it was presumed they would do so; but how was the Secretary to ascertain the absence of any Senator unless upon his own admission? The Senator might be at the Departments attending to his public duties, or he may have stepped into a committee room on matters connected with his Senatorial duties. And was he then to be considered absent? Mr. K. thought the Senator from Michigan, on reflection, would withdraw his resolution. He [Mr. K.] had no doubt but the Senator was actuated by the most laudable motives in introducing it; but as he deemed the law and the rule ample in themselves, he would feel bound to oppose the resolution even as modified.

Mr. NORVELL said he was actuated by no other motive, in offering the resolution, than to insure by it a prompt attendance at the Senate chamber, for the despatch of the public business. This resolution, if adopted, would have a tendency to enforce the laws, and all he desired was a simple vote on the subject, and on which he should ask for the yeas and nays.

Mr. WHITE said all who witnessed his career in public life would bear him out in the assertion, that he was neither inattentive to his public duties, or negligent in his attendance, either in the committee rooms, or the Senate chamber; but he must object to the resolution from a reason different from any that he had yet heard assigned. That document seemed to take for granted that a Senator has the right to be absent, provided he relinquished his pay for that time. Now, this was a doctrine which he never could admit. It was presumed, when we were sent here, that we were at least worthy of our seats, and he should so act as to show that the confidence inspired in us was not misplaced, which would certainly be the case, if we chose to neglect our public duties when we pleased, on surrendering the per diem. He thought it as much a matter of duty for him to stay and vote, as he did to vote right, according to the dictates of his conscience. If a Senator staid away to the prejudice of the public business, we had a right to send after him, and compel his attendance whether willing or not. Mr. W. would oppose the resolution, therefore, on the ground that it implied the right to be absent when payment was surrendered, a doctrine directly at variance with the usefulness of all legislative bodies.

Mr. CLAY of Kentucky said he could not vote for the resolution for another reason; and that was, that absence from the Senate implied neglect of public duties, which he was by no means willing to admit. He would undertake to say that he did infinitely more in his room than he did in the Senate chamber; for he was at work there night and day, either reading, digesting, or preparing matters connected with his public duties. This was the 32d year since his entrance into public life; and in all that period, he had lost less time from the public business, either by sickness, or from any other cause, than any man so long engaged in public life. In December, 1832, Mr. C. said he was absent; but it was while a highly important measure was to be brought about, in the prosecution of which he was as much engaged as though he had been present in the Senate chamber. To presume a Senator, because not in his place, to be inattentive to his public duties, was what he could not admit; and he would go further, and say that the public business would be often expedited by attending more at home, or in the committee rooms. Besides, did not the Senator from Michigan see, under his resolution, that if a Senator was absent from any cause connected with his public duties, that the little, miserable pittance of pay was withheld; and did he not also see that if persons were so disposed, that this miserable modicum of money would have no influence in restraining him? He hoped the Senator would withdraw his resolution, or suffer it to lie on the table.

Mr. NORVELL said, the doctrines held forth by some of the Senators would go towards dispensing with all law and rule whatever. Because the Senate was an honorable and respectable body, was it to be taken for granted that its members could not err in absenting themselves? Had we not often seen the public business delayed for want of a quorum, or bills defeated from non-attendance of members? All he would say further was, that he could not justify himself to his constituents on such pleas. As there appeared so many, however, opposed to the measure, he would withdraw it.

The resolution was accordingly withdrawn.

Mr. WALKER, from the Committee on Public Lands, reported a bill to authorize the selection of a section of land as therein named, and a bill to confirm certain purchases of public lands under the act of the 19th June, 1834; which were severally read, and ordered to a second reading.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Winthrop Sears.
The bill for the relief of Thomas Sumpter.
The bill for the relief of James Callan.
The bill for the relief of Ann W. Johnson.
The bill for the relief of James McMahon.
The bill for the relief of Pierre Menard.
The bill for the relief of Curtis Grubb.
The bill for the relief of Patrick McGibbony.
The bill for the relief of Alexander C. Morgan.
The bill for the relief of Jonathan Elliott.
The bill for the relief of Charles F. Keller and Henry Stone.
The bill for the relief of Moses Merrill.
The bill for the relief of John Wilson.
The bill for the relief of Freeman Brady.
The bill for the relief of James L. Renner.
The bill for the relief of Ferdinand Clark.
The bill to refund to the Georgia Railroad and Banking company the duties paid by them on imported railroad iron.
The bill to refund certain duties on railroad iron paid by the New York and Harlem Railroad company.
The bill to establish a pension agency at Montpelier, Vermont.
The bill for the relief of Thomas Tyler and others.
The bill for the relief of the widow and heirs of Col. Albert Pawling, deceased.
The bill for the relief of the legal representatives of Captain Robert White, deceased.
The bill for the relief of Francis L. B. Goodwin.
The bill for the relief of Michael Ambrister.
The bill for the relief of William Coggswell.
The bill for the relief of H. W. Russell.
The bill for the relief of the heirs and representatives of Capt. John Fulford.
The bill for the relief of Hugh McDonald.
The bill for the relief of D. W. Healy.

After the consideration of Executive business, the Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 14, 1838.

On motion of Mr. EVANS, Mr. SMITH of Maine had leave of absence from the service of the House from and after the first of May next.

THE LATE DUEL.

Mr. FAIRFIELD, on leave, presented sundry petitions on the subject of the late duel.

Mr. WILLIAMS of New Hampshire presented a petition of Caleb Rix and others, for the expulsion of those engaged in the late duel.

Mr. PECK of New York also presented petitions on the same subject.

INDIAN AFFAIRS.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill supplementary to the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier, approved 30th June, 1834.

Mr. EVERETT, on leave, submitted the following resolution:

Resolved, That the Secretary of War be directed to law before this House a statement of the amount paid, and the amount of arrears, on account of the expenses of the Seminole war, and an estimate of the sum necessary, in addition to former appropriations, to pay such arrears, and carry on said war until the first day of June next.

Mr. E. asked for the consideration of the resolution at this time, but Mr. PETRIKIN objecting, Mr. E. moved a suspension of the rule, but the House refused, only 69 voting in the affirmative, so the resolution lies over, under the rule.

On motion of Mr. HAYNES,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a mail route from Washington, in Georgia, by the way of Ray Town and Powellton, to Sparta, in said State.

On motion of Mr. WILLIAMS of Tennessee,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making a port of entry at Memphis, in the State of Tennessee.

On motion of Mr. LYON, the map accompanying the report of Gen. Gaines on the defence of the Western frontier, was ordered to be lithographed.

Mr. FRY, from the Committee on Revolutionary Pensions, reported the following, viz:

1. Bill granting a pension to Helen Miller of New York.

2. Bill granting a pension to Thornton Cornell of Rhode Island.

Mr. MORGAN, from the same committee, made unfavorable reports in the cases of David Kronklute, William Neel, and Roger Halcomb.

DIVORCE OF THE GOVERNMENT AND THE PRESS

Mr. BOND then resumed, and concluded his remarks in support of the resolution of Mr. HOPKINS of Virginia, to disconnect the public press from the patronage of the Government.

Mr. HOPKINS gave notice that, on Monday next, he should move the consideration of Mr. HAMER's resolution, and hoped there would be a full attendance of the House.

The House then passed to the orders of the day, and bills of the Senate were read twice and referred.

The bill to extend the charter of the Union Bank of Georgetown, was read the third time and passed.

PRIVATE ORDERS.

The House went into Committee of the Whole, Mr. LYON in the Chair, on the bills on the private calendar, and considered the following bills:

1. The bill for the relief of Jehu Hollinsworth: [amended.]

2. Bill for the relief of William James Androus: [amended.]

3. Bill for the relief of Joel Chandler: [amended.]

4. Bill for the relief of James A. Williams, [amended.]

5. Bill for the relief of Abraham Woodall: [amended.]

6. Bill for the relief of Patrick Green.

7. Bill for the relief of the legal representatives of the late Dr. Philip Turner, deceased.

This was a case of the allowance of interest upon commutation pay which had, in the first instance, been rejected by the accounting officer, but subsequently allowed by Congress. On this ground the interest was claimed.

The bill was opposed by Mr. ALLEN of Vermont, and supported by Messrs. CRAIG, TALIAFERRO, and UNDERWOOD; when

Mr. ALLEN moved to strike out the enacting clause, which was agreed to—ayes 66, noes 61.

8. Bill for the relief of the legal representatives of Dr. Absalom Baird, deceased.

Mr. ALLEN also moved to strike out the enacting clause of this bill, which was agreed to without a division.

9. Bill for the relief of Robert Wilmot. [Same motion prevailed.]

10. Bill for the relief of the heirs of Nathan, Peter, and William Adams, deceased.

The committee then rose and reported.

The last bill was ordered to be engrossed for a third reading on Monday next.

The amendments to bills Nos. 1, 2, 3, 4, and 5 were all severally concurred in, and ordered to a third reading.

Before taking the question on the other bills,

On motion of Mr. TALIAFERRO,

The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, April 16, 1838.

As soon as the journal was read,

Mr. HAMER rose, and asked leave to make a statement to the House, to which no objection was made.

Mr. H. then said that he had been requested to state whether he intended again to offer the resolution presented by him on Monday last. In regard to that matter he begged to advert to what had been thrown out elsewhere. He understood from the newspapers that various opinions were entertained as to the object he had in view. By some it was suggested that it had been offered as a sort of antagonist proposition to Mr. Biddle's letter. Now, it would be recollected that Mr. H. presented his resolution on Saturday, and Mr. Biddle's letter was only printed on the same day in Philadelphia. He himself did not hear of it till Sunday night, nor see it till Monday morning, and could necessarily, therefore, have no knowledge of it on Saturday.

Another suggestion had been thrown out, that Mr. H. had offered it with reference to the charter election in the city of New York. However important that election might be in itself, or however important some gentlemen might deem it, he trusted he had higher objects in view than the New York city or any other election. He looked to the great interests of the country, and to them alone.

Mr. H's object was simply this: He knew that the Bank Convention was to assemble on Wednesday last, and he had reason to believe that many gentlemen who had gone as delegates thereto entertained an apprehension that the course of the General Government, the legislation of Congress, as well as the action of the Treasury Department in carrying out that legislation, might be hostile to the resumption of specie payments. For himself, he did not believe that the Congress of the United States would pass any law, at the present session, without having special reference to the existing condition of the country, or that it would not so modify any law it might pass as to throw no hindrance in the way of resumption.

Neither did Mr. H. believe that the Treasury Department, in carrying out that legislation, did feel or would feel any disposition to throw any impediment in the way of effecting that resumption. His object, therefore, was to give such assurances to those banks which had gone into convention, as might encourage them to go on, for it was surely desired by every patriotic man in the country, of every party, that the banks should resume.

Again: the House refused to entertain the proposition on Monday; and when he was called upon, two days afterwards, to give an explanation, he was refused, and he was not disposed to put himself in the attitude of impeding the business of the House by moving, day after day, to suspend the rules.

Besides, he found that, by moving this proposition, he placed a number of his political friends in this embarrassing condition: that, although they did not disapprove of the principle involved in it, or the object sought to be attained by it, still some of them did not approve of its phraseology, and therefore they were compelled to vote against it. Many were actuated by another feeling. They feared a premature discussion on the whole currency question, which would inevitably spring up, and amendments of the resolution, which might compel them and himself to vote against a proposition, the general tenor of which, in its present shape, they approved. He understood amendments were to be offered on both sides of the House. In voting against the suspension of the rules, therefore, they would be placed in the embarrassing attitude of seeming to oppose his resolution.

Mr. BELL here interposed, and said he begged to know if it was in order to discuss these questions now.

The CHAIR remarked that the gentleman was proceeding under the unanimous assent of the House for him to make a statement.

Mr. BELL so understood it, but then the gentleman was making an argument which was to go forth to the country, and Mr. B. wanted to know if any reply would be permitted, for the gentleman was certainly exceeding his privilege. Mr. B. would, however, ask him to explain to them and the country what was the mode of relief he proposed to give to the State banks, or whether he sought only to put forth an intention to relieve them without adopting any thing specific? He asked the gentleman—

The CHAIR interposed, and reminded Mr. BELL that if the House accorded its unanimous assent to one gentleman to make a statement, a debate could not go, unless the House again assented. [Cries of "go on!" "go on!"]

Mr. HAMER had but a few words more to say. Since he had offered the resolution, the letter of the Secretary of the Treasury had come out, containing, substantially, the same declaration; and, in addition to that, the official organ of the Government (the Globe) had given a similar assurance. In addition to that, also, the Bank Convention had probably decided by this time upon the course they would pursue.

Mr. WILLIAMS of Kentucky here interposed. He said he had understood the gentleman merely to ask leave to make an explanation in relation to his own attitude; but he was now explaining for his own political party, for the organ of the Administration, and for the Secretary of the Treasury. Now if the gentleman wanted to explain for himself, Mr. W. had no objection; but he should object to his going into explanations for his own political party.

The CHAIR stated that any restriction was now beyond the power of the House, and this was one of the consequences that often grew out of gentlemen giving their unanimous consent to make statements.

Mr. HAMER had said all he intended to say on the subject, and would only add his belief, in conclusion, that the time had passed by when the adoption of the resolution would have any material effect one or way or the other; and for these reasons he did not intend to renew it, and should not, therefore, present it to the House again.

Mr. MENIFEE rose, he said, merely to make one single remark. It was simply this—

A gentleman rose and objected.

Mr. MENIFEE moved a suspension of the rule to enable him to make his remark.

Mr. PECK called for the yeas and nays, which were ordered, and were—yeas 85 to 71 nays; which, not being two-thirds, decided the motion in the negative.

TEXAS.

Mr. SHIELDS, on leave, presented the following joint preamble and resolutions of the Legislature of Tennessee:

Whereas we have been anxious and attentive observers of the progress of events in Texas, and have not been unmoved spectators of her late gallant and glorious struggle for freedom, and have seen that freedom achieved by those near and dear to us by the ties of kindred and common ancestry; and whereas we have seen, by a vote of the people of that Republic, an anxious desire manifested to become citizens of these United States; and whereas we believe that the gallant and chivalrous bravery of Texans in their struggle for liberty and free government, is an assurance of their worth, and sufficient evidence of their qualification, to entitle them to brotherhood and citizenship with us; and whereas, also, we believe that the annexation of Texas to these United States is a consummation devoutly to be wished, and an end worthy our best exertions to attain, if it can be done without an infraction of the law of nations, or a departure from the policy or principles of this Government:

Now, therefore, *Resolved by the General Assembly of the State of Tennessee*, That we desire most anxiously that Texas be acquired by these United States; and

Resolved, That our Senators and Representatives in Congress be informed of our desire to acquire the territory of Texas, and to annex it to the United States by treaty or purchase, and at such time as they may deem most expedient.

Resolved, That a copy of this preamble and these resolutions be forwarded by the Governor of this State to our Senators and Representatives in Congress, with a request that they introduce them to the consideration of both branches of Congress.

JOHN COCKE,
Speaker of the House of Representatives.
TERRY H. CAHAL,
Speaker of the Senate.

Passed Jan. 20, 1838.

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions to procure the passage of a law making an appropriation to pay such of the Tennessee Volunteers as organized under the several calls made in 1836, and were not received into the service of the United States.

Resolved, That the Governor of this State be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions. (Signed as the former resolutions.)

The latter resolution was referred to the appropriate committee.

Mr. SHIELDS then moved to refer the other, ogether with all other papers heretofore presented on the subject of the annexation of Texas, to a select committee.

Mr. BRONSON moved to lay the whole subject on the table.

Mr. SHIEDDS asked for the yeas and nays, which were ordered, and were—yeas 107, nays 75.

So the subject was laid on the table.

Petitions and memorials having been called for in the order of Territories and States, were presented as follows:

WISCONSIN.

Mr. JONES.

[Mr. JONES presented several petitions, praying the establishment of several post routes. Also, the petition of Robert C. Hoard, praying compensation for the apprehension of a fugitive from justice, under a reward from the Governor of the Territory. Also, a petition from citizens of Wisconsin Territory, west of the Mississippi, praying for a donation of land for the purpose of constructing a penitentiary in that section of the Territory.]

ALABAMA.

Mr. LEWIS.

MICHIGAN.

Mr. CRARY.

ILLINOIS.

Messrs. SNYDER and MAY.

[Mr. MAY presented the petition of Caleb Dilworth, praying compensation for a tract of land purchased by him of the United States, which had been previously patented to a soldier of the late war. Also, a petition from a number of the inhabitants of the northern part of Illinois, praying for the right of pre-emption. Also, a petition from a number of the inhabitants of Winnebago, Stephenson, and Jo Daviess counties, praying for the establishment of certain mail routes. Also, a remonstrance from a number of citizens of Peoria county, Illinois, against the petition of the Right Rev. Bishop Chase, praying for the right of pre-emption to certain lands in said county.]

OHIO.

Messrs. MASON, WHITTLESEY, ALLEN, and HUNTER.

[Mr. HUNTER presented a petition from Timothy Leister and others, praying for an appropriation for a breakwater, to improve the harbor of Sandusky. Also, from Isaac Mills and others, for an appropriation for a beacon light on Cedar Point, at the mouth of Sandusky Bay. Also, from Wm. Gallup and others, in relation to the recent duel. Also, from John Anderson and others, on the same subject. Also, from the Chiefs and Braves of the Wyandott tribe of Indians, in the

State of Ohio, complaining of neglect in the payment of their annuities: referred to the Committee on Indian Affairs.]

TENNESSEE.

Messrs. STONE and J. L. WILLIAMS.

[Mr. STONE presented the petition of John P. Lang, postmaster at Ross Landing, Hamilton county, Tennessee, and ninety-four others, citizens of Meigs and Hamilton counties, praying for the establishment of a stage route from Kingston, Roan county, Tennessee, via Decatur, Ross Landing, Tennessee, thence to Tuscaloosa, Alabama: referred to the Committee on the Post Office and Post Roads.]

[Mr. JOS. L. WILLIAMS presented the petition of A. M. Caldwell, praying the compensation due to him as an ensign in the service of the United States: referred to the Committee on Military Affairs. Also, the petition of Samuel Douthet, praying Congress to provide, by law, for the detention of so much of the Cherokee Indian annuity as will suffice to indemnify him for property taken or destroyed by said tribe, and which, by the first article of the treaty of 1785 they covenanted to surrender: referred to the Committee on Indian Affairs.]

KENTUCKY.

Mr. UNDERWOOD.

GEORGIA.

Mr. OWENS.

[Mr. OWENS presented the memorial of the Macon Steamboat company, praying to be allowed to import iron free of duty for the construction of two iron steamboats.]

VIRGINIA.

Messrs. WISE and MASON.

[Mr. WISE presented a memorial from citizens of Georgetown and county of Washington, praying for a retrocession of the District of Columbia.

Mr. W. moved to refer it to a select committee of nine, with instructions to report a bill to carry out the object prayed for.

Mr. PRATT moved to lay it on the table.

Mr. WISE, with a view, he said, to see if the House was disposed to consider the subject at all, asked for the yeas and nays. Mr. W. added that the Legislature of Maryland had signified its assent.

Mr. UNDERWOOD. Only one branch of it.

The question was then taken on laying on the table, and decided in the affirmative—yeas 89, nays 73.

Mr. WISE then gave notice, that if a favorable attempt could not be made, and that in a few years, to recede this District, he would go with the gentlemen from the West, freely and most cheerfully, to move the seat of Government.]

MARYLAND.

Messrs. HOWARD, PEARCE, THOMAS, and WORTHINGTON.

Mr. THOMAS, with the leave of the House, said that he had seen this morning, in the published journal of the House, that leave of absence had been given to a member from Maine from and after the first day of May next. He desired to have an opportunity to record his vote against such a precedent in our proceedings. This he could not have, unless some member, who was present when this leave was granted, would do him a favor, and move to reconsider that vote.

Mr. ATHERTON then made the motion to reconsider, which lies over.

PENNSYLVANIA.

Messrs. DAVIS, PAYNTER, KEIM, TOLAND, BEATTY, KLINGENSMITH, S. W. MORRIS, and POTTS.

[Mr. S. W. MORRIS presented a petition for a mail route from Blakeley, in Luzerne county, to Thompson, Susquehanna county, Pennsylvania.]

NEW JERSEY.

Messrs. RANDOLPH, YORK, and STRATTON.

NEW YORK.

Messrs. CAMBRELENG, GRANT, FILLMORE, BRODHEAD, MARVIN, CHILDS, NOBLE, PARKER, PRATT, and DE GRAFF.

[Mr. GRANT presented the following petitions. The petition of the postmasters of Ambury and Parish, and sixty-six other inhabitants of Oswego county, New York, praying that the mail route from Camden to Calosse, be extended to Mexsonville, in said county, accompanied with a map. The petition of forty-seven inhabitants of Hannibal, New York, praying the House of Representatives to repeal the resolution adopted the 21st of December last, respecting petitions and papers relating to slavery, which Mr. GRANT moved to have committed to a select committee, but, by order of the House, was laid on the table. The petition of twenty-seven inhabitants of same town, praying the abolition of slavery and the slave trade in the District of Columbia. The petition of twenty-five inhabitants of said town, praying the abolition of slavery and the slave trade in those Territories of the United States where they exist. The petition of twenty-five inhabitants of said town against the admission of any new State into the Union, whose constitution tolerates domestic slavery. The petition of twenty-seven inhabitants of said town, praying Congress so to regulate commerce among the several States as to prohibit domestic slave trade.]

[Mr. PARKER presented the memorial of Charles Lewis Fleischman, a graduate of the royal agricultural school of Bavaria, and a citizen of the United States, on the subject of improving the agriculture of this county: ordered to be printed.]

[Mr. J. C. BRODHEAD presented the petition of a number of inhabitants of the town of Neversink, in the county of Sullivan, New York, praying that a law may be passed to increase the pension of Peter Coon, a soldier and pensioner of the Revolution, to the sum of two hundred dollars per annum: referred to the Committee on Revolutionary Pensions.]

[Mr. PRATT presented the petition of 160 inhabitants of the town of Clermont, Columbia county, for a mail route from Clermont to Elizaville, thence to Jackson Corner, Dutches county, thence to Montrose, all in the State of New York.]

VERMONT.

Messrs. ALLEN, EVERETT, HALL, and SLADE.

[Mr. ALLEN presented the remonstrance and petition of Samuel B. Bogen, and 65 others, citizens of Norfolk, in the county of St. Lawrence, and State of New York, against the Sub-Treasury bill, and in favor of a National Bank.]

CONNECTICUT.

Messrs. HOLT, HALEY and PHELPS.

[Mr. HALEY presented the petition of Antis Daboll, the widow of John Daboll, a Revolutionary soldier, and moved its reference to the Committee on Revolutionary Pensions.]

[Mr. HOLT presented the petition of Lucy Knowles and others, children and heirs of Richard Fortune, praying an allowance of land for services rendered by their father in the Revolution.]

MASSACHUSETTS.

Messrs. BRIGGS, GRENNELL, FLETCHER, LINCOLN, BORDEN, ADAMS, PARMENTER and CUSHING.

[Mr. PARMENTER presented the petition of Elizabeth Adams, for a Revolutionary pension. Also, the petition of Charles Boothaker and 55 others, of Chelmsford; of Sarah C. Rugg, and 119 other women of Groton; of Martha A. Parthurst, and 122 other women of Chelmsford, of Mary H. Wildes, and 97 other women of Concord; of Mary F. Brigham and 32 other women of Dunstable; of Ezra Ripley, and 56 others, of Concord; of Martha Barnes, and 82 other women of Waltham, in the State of Massachusetts, for the rescinding of the resolution of 21st December.]

NEW HAMPSHIRE.

Mr. ATHERTON.

MAINE.

Messrs. FAIRFIELD and NOYES.

Petitions were also further presented, on leave, by Mr. DAWSON of Georgia, Mr. CARTER of Tennessee, and Mr. HOPKINS of Virginia.

Mr. MONTGOMERY gave notice that he should call up, in a few days, the joint resolution for the purchase of certain maps.

On motion of Mr. YELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a mail route from Pocahontas, Arkansas, to Stoddard, Missouri, through Green county, Arkansas. Also, from Jackson, by Strawberry, to Athens, Izard county, Arkansas.

On motion of Mr. YELL,

Resolved, That the Secretary of War be directed to communicate to this House copies of all instructions to Major General Gaines relating to the selection of sites for military posts on the western frontier of Arkansas and Missouri, whether he has entered upon the duties assigned him, and when probably a report may be expected from him; and such other information as may be in the power of the Department to communicate, touching the commencement and progress of the defence of the western frontier.

Mr. BOND of Ohio submitted the following joint resolution, which was ordered to lie on the table:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no order shall be adopted by the Executive of the United States which discriminates in the medium in which payment may be made of the debts or public dues to the Government; and that, if any such order now exist, the same ought to be forthwith rescinded.

On motion of Mr. MARTIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Blountville to Bennetsville, in Alabama.

On motion of Mr. M'KENNAN,

Resolved, That the Postmaster General be directed inform this House, whether the irregularities and failure of the great Western mail, between this city and Wheeling, have not been numerous and extraordinary for the last three months; what is the cause of these failures and irregularities, and how the evil may be remedied.

On motion of Mr. DAWSON,

Resolved, That the Judiciary Committee be instructed to inquire into the necessity of amending the laws, regulating the duties of marshal after resignation, so as to compel them or their deputies to execute all process, until a successor is appointed and qualified.

On motion of Mr. McKAY,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of repealing the law establishing the Board of Navy Commissioners.

Resolved further, That said committee inquire into the expediency of fixing by law the number of vessels; and also of officers, petty officers, and seamen to be employed in time of peace.

On motion of Mr. GRAHAM of North Carolina,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Rutherfordton, in North Carolina, by the Pleasant Gardens and Turkey cove, in Burk county, through Yancy county, to Elizabethton, in Carter county, in the State of Tennessee.

On motion of Mr. C. SHEPARD,

Resolved, That the Secretary of War be required to transmit to this House the chart of the survey of Core sound, in North Carolina, made under the superintendence of Col Kearney.

On motion of Mr. LOOMIS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Elizabeth Davidson, of New York, on the pension roll, for revolutionary services of her late husband.

On motion of Mr. A. STUART of Virginia,

Resolved, That the Committee on the Post Office and Post Roads be instruced to inquire into the expediency of establishing a post route from Elamsville, in the county of Patrick, in Virginia, to Taylorsville, in Henry county, in the same State.

On motion of Mr. FLETCHER,

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of authorizing suits against the United States, in the courts of the United States.

On motion of Mr. L. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of paying to Dabney Walker his claim for an extra allowance for running the stage fro

Greensborough, in North Carolina, to Wythe C. H. in Virginia.

On motion of Mr. OWENS,

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of refunding to the steamboat company of Georgia the duties paid by them on the importation of iron for the building of steamboats, which they applied to Congress to be allowed to import free of duty, and which application was refused.

Mr. CUSHING submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform this House whether a certain letter, bearing his signature and the date of the 18th March, 1838, which has appeared in the public papers, and which purports to make known the purpose of the Treasury Department in relation to the receipt and disbursement of the promissory notes of the State banks by the Federal Government is authentic or not; and, if it be, to communicate to the House a copy of the same, and also copies of any and every other official letter of his on the same subject matter; and that he be further directed to report to the House the views and intention of the Department in the premises, and the measures adopted, and to be adopted, in execution thereof.

The resolution, under the rule, would lie over one day.

Mr. C. moved its consideration now, but the House refused.

Mr. SOUTHGATE offered the following resolution, which, under the rule, lies over one day:

Resolved, That the Secretary of the Treasury transmit to Congress the names of all receivers, collectors and disbursers of the public money, in office on the first day of January, 1838, who were in default to the Government at that period, designating the amount of each respective liability.

On motion of Mr. C. H. WILLIAMS of Tennessee,

Resolved, That the Committe on Public Lands inquire into the expediency of indemnifying the citizens of that section of the country commonly called The Strip, (embracing that part of the State of Tennesse south of Winchester line,) for the injury they received by a disregard, on the part of the Government, of the treaty of 1818, in disposing of the lands in said county for the benefit of the Chickasaw Indians, contrary to the provisions of said treaty.

On motion of Mr. J. L. WILLIAMS of Tennessee,

Resolved, That the Committee on Indian Affairs inquire into the propriety of reporting a bill providing the rate of compensation due to such warriors of the Cherokee tribe of Indians as were wounded in the service of the United States, pursuant to the fourteenth article of the treaty between the United States and said tribe; concluded the 29th December, 1835, and ratified 23d May, 1836.

Mr. S. WILLIAMS submitted the following resolution, which, under the rule, lies on the table:

Resolved, That the Committee of Ways and Means be instructed to report a bill making it unlawful for the Secretary of the Treasury, or any other officer of this Government, to continue in force or make any general or special order making a distinction or discrimination in the medium or kind of currency in which the different branches of the revenue (either from the sales of the public lands, or from any other source) of the United States shall be collected.

On motion of Mr. C. SHEPARD of North Carolina,

Resolved, That the Secretary of the Navy be required to transmit to this House the examination and survey of the harbor of Beaufort, North Carolina, authorized by the act of March, 1837, or to inform the House why the act has not been carried into effect.

On motion of Mr. J. JOHNSON of Virginia,

Resolved, That the Commissioner of the Public Buildings lay before this House a copy of all the contracts made in his office in the year 1837, either for materials furnished, or to be furnished, or for labor performed, or to be performed, and the names of all the applicants for the said contracts, and the amount of their bids respectively, and that he make a similar report to this House at the beginning of each session of Congress.

Mr. FILLMORE submitted the following resolution, which, under the rule, lies over:

Resolved, That the Committee on Private Land Claims be directed to report a bill allowing any officer and soldier entitled to bounty lands, who has not received a patent for the same, to locate them on any lands belonging to the United States, subject to private entry; and that they also inquire into the expediency of allowing any one who has received his patent for bounty lands to surrender the same, and locate the same quantity upon any lands subject to private entry.

On motion of Mr. GRANT,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of granting a pension to Samuel Philips, of Oswego county, in the State of New York, a soldier in the Revolutionary war.

Mr. HOPKINS offered the following:

Considering the business, commerce, circulation, and exchanges, of the country, are in a deranged and embarrassed condition; and considering, also, that a part of the banks of the United States have expressed a desire to resume specie payments at an early period:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if the banks, or a portion of them, do thus resume, it will be the duty of the General Government, within the limits of its constitutional authority, to aid such banks in regaining public confidence, and to sustain them in their laudable efforts to fulfil their obligations, to relieve the wants of the community, and to restore to the people a sound circulating medium.

Mr. H. stated that this was literally a copy of Mr. HAMER's resolution; and he gave notice that, as soon as the States were called through, he should move its consideration.

On motion of Mr. T. B. JACKSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from East Hampton to Amagansett, Suffolk county, in the State of New York.

On motion of Mr. CURTIS,

Resolved, That the Postmaster General be requested to inform this House what number of failures in the arrival at the New York Post Office have occurred in respect to the Express mail between New Orleans and New York, since the first day of January last.

On motion of Mr. LYON,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of authorizing a patent to issue to J. A. Fleming, for the west half of the southwest quarter, and the southeast quarter of the northwest quarter, of section ten, township six, range four east, in the St. Stephens district, according to a duplicate receipt issued to him by the receiver of the public moneys at St. Stephens.

On motion of Mr. FAIRFIELD,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to erect a monument or beacon on York Ledge, in the State of Maine.

On motion of Mr. CUSHMAN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of confining the instruction hereafter to be given, at the Military Academy at West Point, exclusively to the elements and practice of civil and military engineering.

On motion of Mr. J. W. WILLIAMS of N. H.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to William Nute, a revolutionary soldier.

On motion of Mr. LEWIS,

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of compensating Cummings and Spykers, merchants of Montgomery, for the loss of two thousand dollars by the robbery of the regular mail, after they had paid postage on the said letter to be carried by the Express mail, from Mobile to Montgomery.

On motion of Mr. JOHNSON of Louisiana,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making an appropriation for the purchase of certain records belonging to Madame Pintado and others, relating to the grants of lands in Louisiana made by the Spanish Government, whilst that country was in possession of said Government.

On motion of Mr. BELL,

Resolved, That the Committee on Indian Affairs be directed to inquire into the expediency of refunding to the Choctaw Indians the amount of the claim allowed Joseph Bogy, by the act of the 2d July, 1836, and directed to be deducted from the annuity payable to said Indians by treaty.

On motion of Mr. MALLORY,

Resolved, That the President of the United States be requested to cause a list of the officers of the corps of engineers to be furnished to this House, with the designation of the several fortifications and other works at which each officer may have been employed during the year 1837, specifying the State and Territory where situated; also, what military engineers, if any, have been employed in 1837 on civil works of internal improvement, to the exclusion or suspension of any work for the defence of the country; and if so, the reason therefor; and what progress has been made in completing the work called Fortress Monroe, in Virginia, during the last two years; and whether any portion of the money appropriated to this fort has been transferred to other works; if so, what amount; to what work or works applied, and the reasons therefor.

On motion of Mr. TILLINGHAST,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the provisions of the pension law to such surviving officers and soldiers as rendered military service to the American cause in the war of the Revolution, by serving in America with the forces of any power in alliance with the United States, and have continued since the termination of that war, to be inhabitants of the United States.

On motion of Mr. BOULDIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of allowing additional compensation to the Deputy Postmaster General at Baine's tavern, Cumberland county, Va.

On motion of Mr. YORK,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a mail route from Pocahontas, Ark. through the northern part of Green county, to Stoddard Court House, Mo. Also a mail route from Jackson, via Longs on Strewbury river, to Athens, the county seat of Izard county, Arkansas.

On motion of Mr. CLEVELAND,

Resolved, That the Committee on the Post Office ond Post Roads be instructed to inquire into expediency of establishing a post route from the city of Macon, Bibb county, via Pine Level, Fort Valley, Bartlett, Macon Court House, to Americus, in Sumpter county, Ga.

On motion of Mr. DEBERRY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Fayetteville, N. C. up to the Cape Fear, on the west side of M'Neill's Ferry, thence crossing the river to Blalock's store, in the upper part of Cumberland county, thence to Raleigh, from thence to Johnson's store, in Johnson county, thence to Droughan's store, in Sampson county, thence to Fayetteville.

On motion of Mr. HAWKINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Raleigh, in the State of North Carolina, to Gray's hill, in Washington county.

On motion of Mr. MONTGOMERY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Hills-

boro, in Orange county, North Carolina, to Roxboro, in —— county, in the same State.

On motion of Mr. UNDERWOOD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bowling Green, Ky. by the lock and dam now in the progress of construction on Big Barren river, to Henderson, on the Ohio river, passing through Morgantown in the route.

On motion of Mr. GARLAND of Louisiana,

Resolved, That the Secretary of the Treasury be directed to inform this House, as soon as practicable, whether, in the present financial condition of the country and of the Treasury, it will not be most judicious and proper to make such appropriations as will preserve the public works from injury and dilapidation alone; and if such a course will not be judicious and proper, he then inform the House whether some or all the estimates for the service of the year 1838 already submitted, for fortifications, the improvement of harbors and rivers, the establishment of light-houses, beacons, and buoys, the construction of roads, the service of the Indian Department, and for all other purposes, cannot be reduced, without injury to the public service; and if such reduction can be made, that he designate what proposed appropriations may properly be reduced, and how much; and further, that he inform the House whether some of the appropriations already made may not, without material injury to the country, be suspended for the present; if so, to designate them; also, that he inform this House whether, if all the appropriations made are expended, and those proposed are made, the amount now in the Treasury, or estimated to come into it during the present year, will be sufficient to meet them; and, if not, what will be the deficit, and in what manner it is proposed to be met.

On motion of Mr. MASON, of Ohio,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Zanesfield, in Logan county, State of Ohio, to Dowingville, in said county.

On motion of Mr. SNYDER,

Resolved, That the Committee on Naval Affairs be instructed to provide by law for the appointment of midshipmen in the navy, so that an equal number may be chosen from each congressional district in the United States.

On motion of Mr. MAY,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Canton, in Fulton county, Illinois, via Travis's to Macomb, in McDonough county.

On motion of Mr. HARPER, of Ohio,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of granting a pension to Jeremiah Peaks, of Michigan county, Ohio.

On motion of Mr. PARKER,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of presenting to the Sultan of Muscat a small vessel or some other suitable present, as a token of acknowledgment for his kindness and liberality in relieving the officers and crew of the Peacock when in jeopardy on the coast of Arabia, in September, 1835

On motion of Mr. TURNEY,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of making compensation to the legal representatives of Allen H. Powell, deceased, for the value of a horse and equipage lost in Florida, whilst in the service of the United States.

On motion of Mr. SHIELDS,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing additional pay to such troops as have been or are employed in the service of the United States, in the present Florida or Seminole war, and have lost their horses and baggage in said service, without any fault of theirs, because the United States had failed to provide forage for said horses, and who were required to perform, and did perform, after they were dismounted, on foot, the same services which were required of mounted men in said service; and also of providing that the horses of any of said troops which may have died from excessive fatigue, in executing extraordinary orders of the commanding officers, without any fault of their riders; or such of said horses as were killed by accident or casualty, while under the immediate orders and direction of said officers, shall be paid for by the United States.

On motion of Mr. CASEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Marshall, in Clark county, to Charleston, in Coles county, Illinois.

On motion of Mr. EWING,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of allowing a balance of pension due to Charles Fitzgerald, late a pensioner of the United States on the pension list roll of Indiana, to be drawn by his son, James Fitzgerald, the administrator on his father's effects.

On motion of Mr. LEADBETTER,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for an interchange of duty by the judges of the Circuit Courts of the United States, where one or more of said judges are interested in any matter therein pending, or where trial cannot be had without prejudice to the parties.

On motion of Mr. ATHERTON,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation for continuing the work of removing the obstructions to the navigation of the Cocheco river, in New Hampshire.

On motion of Mr. ADAMS,

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, any information which he may have received, officially or otherwise, relating to an attack by a Mexican armed vessel upon the steamboat Columbia, bearing the flag of the United States, in the Gulf of Mexico.

On motion of Mr. CAMPBELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lynch Creek post office to Conwayborough, in South Carolina.

On motion of Mr. STANLEY,

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of making an appropriation for the purpose of continuing the work of removing a sand shoal in Pamlico river, North Carolina, by means of one of the dredging machines, to be employed in said State.

On motion of Mr. JOSEPH S. WILLIAMS,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the propriety of reporting a bill providing the rate of compensation due to such warriors of the Cherokee tribe of Indians as were wounded in the service of the United States, pursuant to the 14th article of the treaty between the United States and said tribe, concluded 29th December, 1835, and ratified 23d May, 1836.

On motion of Mr. WHITE of Indiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following mail routes in the State of Indiana, to wit: From Putnamville, in Putnam county, via Greencastle, Dickson's Mills, Rockville, Annapolis, West Union, Westport, and Lodi, to Eugene. Also, from Wolf Lake, in Noble county, via Oswego and Leesburg, to Plymouth, in Marshall county.

On motion of Mr. DROMGOOLE,

Resolved, That the Secretary of the Treasury be directed to furnish this House with a statement, showing the nett proceeds of the sales of lands in Ohio, by Congress, deducting all expenses incident thereto, from and after the 30th day of June, 1802, computing also five per cent. of said proceeds, and showing also, what sum is equal to two-fifths of said five per cent; and also three fifths of the same. Also, a similar statement in relation to the lands sold by Congress in Indiana, from and after the first day of December, 1816. Also, a similar statement in relation to the lands sold by Congress, in Illinois, from and after the 1st day of January, 1819. Also, a similar statement in relation to the lands sold by Congress in Missouri, from and after the 1st day of January, 1821. Also, a statement of the whole amount of money appropriated for the Cumberland Road, lying east of the Ohio river, discriminating that which is expended in Virginia, Pennsylvania, and Maryland, the whole amount for said road lying within the State of Indiana, and the whole amount of said road lying within the State of Illinois. Also, a statement of the aggregate of all moneys appropriated for the Cumberland road; a statement of the aggregate of the several sums of two-fifths, herein before required; and also, a statement of the difference between the two aggregate sums last required, with the distance said road passes through each State, and the quantity of land belonging to the United States, and exempt from taxation within each State.

On motion of Mr. HARLAN,

Resolved, That the Postmaster General be directed to inform this House whether he has collected a judgment rendered in favor of the Post Office Department against Samuel B. Crockett and Francis P. Blair, in the Federal Courts of Kentucky, and reported by him to this House the 3d March, 1837, of "balances" due the Department prior to the 1st of July, 1836, in the following words: "Suits ordered, and judgments obtained, May, 1824, for $1,827 01, credited by $431 37; penalty remitted by Postmaster General, leaving balance as stated. Application for relief, refused by the Department; December 20, 1825, *fi. fa.* issued, and returned March, 1826, no estate found; information was sought by the Department relative to the parties, November 30, 1835; referred to the District Attorney December 30, 1835; also wrote to him February 13, 1837;" And if he has not collected said judgment, what steps, if any, have been taken to enforce the collection of the same.

Resolved further, That the Postmaster General be directed to inform this House whether it is the practice of the Department to remit the penalty incurred by defaulting deputy postmasters, without the payment of the principal debt. And that he be further directed to inform this House what amount of moneys has been paid by his Department to the said Francis P. Blair for printing ordered by said Department since the rendition of the judgment and return of said writ of execution aforesaid.

On motion of Mr. GLASCOCK,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing to the corporation of the City of Augusta, Georgia, such sum of money as the said corporation advanced and expended for the benent of the United States, in fitting out a corps of Volunteers for the defence of Florida, after the massacre of Major Dade's command.

On motion of Mr. HOLT,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the law of 1830 to those who have became widows since that period, who were actually the wives of officers or soldiers at the time the services were rendered by their husbands in the army of the United States during the Revolutionary war.

On motion of Mr. FAIRFIELD,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Hannah Lord, widow of Daniel Lord, a soldier of the Revolution.

On motion of Mr. PRATT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Clermont, in Columbia, to Elizaville; from thence to Jackson Corner, in Dutchess county; and from thence eastwardly until it intersect at the village of Mountross, in the State of New York; and, also, the expediency of discontinuing the route from Upper Red Hook to Jackson Corner, in Dutchess county.

Mr. GARLAND of Virginia offered the follow-

ing resolution, which, under the rule, lies on the table:

Resolved, That a Committee of —— members be appointed to inquire into the expediency of proposing an amendment to the Constitution of the United States, prohibiting any State incorporating banks or other incorporations from issuing and circulating notes of the same or lower denomination of the highest denomination of the coins of the United States.

Mr. HOPKINS asked the House to take up and consider the resolution submitted by him this morning, [Mr. HAMER's.]

Mr. PETRIKIN rose and objected.

Mr. HOPKINS moved a suspension of the rules.

Mr. CLARKE of New York called for the yeas and nays; which were ordered, and were, yeas 116, nays 83.

Not being two-thirds, the rules were not suspended.

Mr. NOYES, on leave, presented certain resolutions of one branch of the Legislature of Maine on the subject of the currency, and moved their printing.

The SPEAKER propounding the question as if the resolutions had been from both branches—

Mr. FAIRFIELD said, as the Speaker had named these resolutions as emanating from the *Legislature* of Maine, he felt it to be his duty, that no erroneous impression should be made upon the House in regard to them, to say, that the resolutions are from *one branch* only of the Legislature. In the other branch, the Senate, the resolution denouncing the Sub-Treasury system as "anti-Republican in its character, opposed to the best interests of the community, and dangerous to the liberties of the people," was modified by striking out "Sub-Treasury system," and inserting *a National Bank*.

Mr. SMITH and Mr. ANDERSON confirmed the above statement, and made some additional ones, when the paper was referred, and ordered to be printed.

Sundry bills from the Senate were then taken up, read twice, and referred.

The amendment of the Senate to the "bill for the relief of Winthrep Sears" was concurred in.

The following bills were severally read the third time and passed:

The bill for the relief of Patrick Green of Maryland.

The bill for the relief of John Hollinsworth of Alabama.

The bill for the relief of William James Adrons of Alabama.

The bill for the relief of William Walker of Alabama.

The bill for the relief of Joel Chandler of Alabama

The bill for the relief of James A. Williams of Alabama.

The bill for the relief of Abraham Woodall of Alabama.

The bill for the relief of the heirs of Nathan, Peter, and William Adams, deceased.

On motion,

The House adjourned.

IN SENATE,

MONDAY, April 16, 1838.

The VICE PRESIDENT communicated to the Senate a letter from the Secretary of the Treasury, containing a report of the General Land Office in relation to lands subject to sale at private entry for twenty-five years and upwards: laid on the table, and ordered to be printed.

Mr. McKEAN presented a remonstrance, signed by certain citizens of Pennsylvania, against the enforcement of the Cherokee treaty: laid on the table.

Mr. NORVELL presented a joint resolution from the Legislature of Michigan asking an appropriation of $20,000 for the purpose of erecting a light-house, erecting a pier, and otherwise improving the harbor at the mouth of Clinton river in that State.

Mr. SWIFT presented a petition from certain citizens of Vermont, remonstrating against the annexation of Texas: laid on the table; also,

One from the same quarter praying the abolition of slavery in the District of Columbia. The motion to receive was laid on the table.

Mr. LYON presented the petition of Joseph Laronger, praying compensation for certain buildings destroyed by the enemy during the last war with Great Britain, in consequence of their occupation by the United States troops.

Mr. CLAY of Kentucky presented a petition from William Warden, an invalid pensioner, praying arrearages of his pension.

Also, from Leonard Stringer, in relation to the same: referred to the Committee on Pensions.

Mr. BAYARD presented a memorial from sundry citizens, owners and masters of vessels, of Delaware, remonstrating against the division of that State into two collection districts: ordered to be printed.

Mr. LINN presented the petition of Gilbert Knappe, praying compensation for services as inspector of customs, &c. referred to the Committee on Claims.

Mr. FULTON presented a resolution of the Legislature of Arkansas, asking the passage of a law of Congress to authorize a sale of the sixteenth section of land in Chicot county, in that State: referred to the Committee on Public Lands.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petitions of Richard Poole and Samuel Hilton, moved to be discharged from the further consideration of the same; which was concurred in.

Mr. WHITE, from the Committee on Indian Affairs, moved to be discharged from the further consideration of the petition of Bazil Brown, for horses sold to a certain tribe of Indians. Mr. W. said that the committee had no doubt of the honesty of the claim, so far as to the horses being actually delivered to the Indians; but the commissioner in the case, who was authorized to negotiate the treaty, was expressly directed to make no admissions of debts. Also, to be discharged from the further consideration of the petition of Mr. Beck, for guns furnished some Indians: concurred in.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of Philip Barbour, deceased; which was read and ordered to a second reading.

Mr. MOUTON, from the Committe on Private Land Claims, reported a bill confirming certain land claims in Louisiana; which was read and ordered to a second reading.

On motion of Mr. YOUNG,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Peoria, in the State of Illinois, by way of Oceola, Thermopylæ, and Wapello, to Galena, and also from Oquauska, on the Mississippi river, by way of Monmouth, Knoxville, La Fayette, Oceola, Providence, and Windsor, to Enterprise, at the termination of the Illinois and Michigan Canal, in said State.

Mr. KING said he rose with a view to introduce a resolution, calling the attention of Congress to the time when the labors of the session ought to be brought to a close. He knew by experience, said Mr. K. that unless a day be fixed, the public business is often procrastinated, and time wasted in unprofitable discussion, which ought to be more profitably employed. More was done in one week after the period of adjournment was known, than in the lapse of three, where it was not. With a view, then, to call the attention of Congress to this subject, he had prepared a resolution fixing the period for the first Monday in June next, which would be the fourth of that month. Mr. K. said he would let it lie on the table for the present, in order that Senators might consult together in relation to it; but avowed his determination to call it up at some reasonable day, with a view to decisive action upon it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses on Monday, the 4th day of June next.

The following bills were severally read a third time and passed:

An act for the relief of James McMahon.

An act for the relief of Curtis Grubb.

An act for the relief of Alexander C. Morgan.

An act for the relief of Jonathan Elliot.

An act for the relief of John Wilson.

An act for the relief of Thomas Tyner and others.

An act for the relief of James L. Kenner.

An act for the relief of H. W. Russel.

An act for the relief of Freeman Brady.

An act for the relief of James Callan.

An act for the relief of D. W. Healey.

An act for the relief of Ann W. Johnson.

An act for the relief of Winthrop Sears.

A bill to refund to the Georgia Railroad and Banking Company certain duties paid upon railroad iron.

A bill to refund certain duties upon railroad iron, paid by the New York and Harlem Railroad Company.

A bill for the relief of Thomas Sumpter.

A bill for the relief of the legal representatives of Patrick McGibbony.

A bill for the relief of Charles M. Keller and Henry Stone.

A bill for the relief of the legal representatives of Robert White.

A bill for the relief of the heirs of Francis L. B. Goodwin.

A bill for the relief of Michael Ambrister.

A bill for the relief of William Cogswell.

A bill for the relief of the heirs and representatives of Capt. John Fulford.

The bill for the relief of E. W. and H. Smith, was taken up, and ordered to be engrossed for a third reading.

SPECIAL ORDERS.

The bill to prevent the issuing and circulation of the bills, notes, and other securities, of corporations created by acts of Congress, which have expired, being taken up—

Mr. GRUNDY rose and addressed the Senate until 4 o'clock; when,

On motion of Mr. HUBBARD, the Senate went into the consideration of Executive business, and soon after

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, April 17, 1838.

After the reading of the Journal,

Mr. CAMPBELL, of South Carolina, remarked, that having yesterday, under a misapprehension of the question, voted against the consideration of a resolution offered by a gentleman from Virginia, [Mr. HOPKINS,] he would, if in order, move a reconsideration of that vote. Mr. C. would embrace the opportunity to state, that he made this motion from no apprehension that the Government would oppose unnecessary obstacles to the resumption of specie payments, or that it would not, within the limits of its constitutional powers, aid in the restoration of a sound and healthy curreney; but for the sole purpose of placing himself in a true position before his consituents upon a subject of great importance to the commercial prosperity of the country.

The SPEAKER observed that the motion would be entered.

Mr. SIBLEY, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to widow Phebe Harrington, of the county of Ontario, in the State of New York.

Mr. ADAMS, from a select committee, moved that the use of the Hall be granted on Wednesday and Thursday mornings, from 9 till 11 o'clock, to Professor Espy to deliver two lectures, but it being objected to, Mr. A. at the suggestion of the SPEAKER, waived the motion till the standing committees were called through.

Mr. WHITTLESEY of Ohio from the Committee of Claims, reported Senate bill, for the relief of Samuel Ferguson, with a recommendation that it do not pass.

Mr. BOON, from the Committee on the Public Lands, reported, without amendment, Senate bill

providing for the reduction and graduation of the price of the public lands.

Mr. CHAPMAN, from the same committee, reported a bill for the benefit of the Alabama, Florida, and Georgia Railroad Company.

Mr. HARLAN, from the Committee on Private Land Claims, reported Senate bill, giving effect to the 8th article of the treaty of 1819 with Spain, with a recommendation that it do not pass; the consideration of which was postponed till Monday next.

Mr. COLES, from the Committee on Military Affairs, reported a bill for the relief of Francis Fowler.

Mr. YELL, on leave, laid on the table a proposed amendment he intended to offer to the bill in relation to the Western Frontier; which, on his motion, was ordered to be printed.

Mr. INGHAM, from the Committee on Naval Affairs, reported Senate bill, without amendment, to remunerate the captors of the privateer Lydia.

Mr. FAIRFIELD, from the Committe on Foreign Affairs, reported the bill, without amendment, to provide for the northeast boundary line of the United States, according to the provisions of the treaty of peace of 1783.

Mr. F. gave notice that he should call up the bill this day two weeks.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported the following resolution:

Resolved, That this House will proceed, on Friday next, after 12 o'clock, to consider bills reported by the Committee on Invalid Pensions, and those which may be reported from that committee before that time.

Mr. T. stated that there were a number of bills reported from this committee two or three years ago, on which there would be no discussion, as none had been acted on or reached at the second session of the last Congress. He therefore hoped the House would give at least one day to these bills.

The motion, however, was disagreed to.

Mr. AYCRIGG, from the same committee, reported a bill for the relief of Thomas Harrison.

Mr. JOHNSON of Virginia, from the Committee on Revolutionary Pensions, made an unfavorable report in the case of Jacob McGinnis; which was ordered to lie on the table.

Mr. FLETCHER of Vermont, from the Committee on Patents, reported a bill in addition to the act to promote the encouragement of the useful arts.

Mr. F. also made an adverse report against the petition of Thomas G. Coyle.

Mr. PEARCE moved its reference to a select committee.

Mr. RENCHER opposed this reference, on the ground that its proper jurisdiction was the committee which had reported against it.

Mr. PEARCE asked the chairman of the committee on what grounds they had reported against the petition.

Mr. FLETCHER replied, that on taking the subject under consideration, the committee deemed it one not coming within their province at all. The petition was not for a patent, but for an examination into the merits of a patent already granted to him for a water cement, and into the propriety of its being used by the Government in the public works. For this reason it was returned to the House.

The motion of Mr. PEARCE was agreed to, and the committee ordered to consist of five members.

Mr. FLETCHER, on leave, submitted the following resolution:

Resolved, the Senate concurring therein, That the Commissioner of Patents have the privilege of taking books from the Library of Congress, for the use of his Department, under the rules and regulations that are prescribed to members of Congress.

On motion of Mr. PETRIKIN, the resolution was referred to the Committee on the Library.

Mr. ADAMS then renewed his motion to grant the use of the hall to-morrow and next day mornings, from 9 till 11 o'clock, to Professor Espy; the motion being made from a select committee on the subject of encouraging meteorological observations throughout the United States.

After some remarks from Messrs. CONNOR and WHITTLESEY of Ohio, in its support,

Mr. PICKENS moved to lay it on the table: lost.

The motion was further advocated by Mr. TILLINGHAST, when

Mr. McKENNAN moved the previous question; which was seconded, and ordered.

Mr. PETRIKIN called for the yeas and nays on the adoption of the motion, but they were refused; and the motion was agreed to—ayes 99, noes not counted.

Mr. CALHOUN of Massachusetts, from the select committee on the subject, reported a bill granting a bounty of land to such soldiers of the old Fourth regiment of infantry as served during any part of the war with Great Britain.

TREASURY BUILDING.

Mr. LINCOLN asked the House to go into Committee of the Whole on the bill reported by the Committee on the Public Buildings, to provide for removing the walls of the new Treasury building. He stated that there were between one and two hundred persons out of employment in consequence of the suspension of the work.

Mr. RENCHER objected to setting aside the regular business for particular objects.

Mr. WHITTLESEY of Ohio, appealed to the gentleman from North Carolina to withdraw his objection, to which Mr. R. assented.

Mr. BOON renewed the objection.

Mr. LINCOLN moved a suspension of the rules, which was agreed to without a count, and the House went into Committee of the Whole, Mr. POPE in the Chair, and took up the following bill:

A BILL providing for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized to cause the unfinished walls of the Treasury building, now in the process of construction, to be taken down, and the materials to be removed and applied to the construction of a fire-proof building of such dimensions and upon such plan of arrangement as may be required for the use and accommodation of the Post Office Department, on the site of the Post Office building recently destroyed by fire; and, for this purpose, that he be authorized to appoint a skilful architect to prepare and submit to him the necessary plans for the proper construction of such building, having regard to the use of the materials aforesaid, which being approved by him, shall be conformed to in the erection of the structure. And the said architect may be continued in the superintendence of the construction of the building, or another employed in that service, as the President may judge best.

SEC. 2. *And be it further enacted*, That, for the erection of the building authorized by the first section of this act, in addition to the materials to be removed and applied thereto, as therein mentioned, there be, and hereby is, appropriated, the sum of one hundred and fifty thousand dollars, out of any money in the Treasury not otherwise appropriated by law.

Mr. LINCOLN went into a detailed statement on the subject, and gave some explanations in reference to the report of the committee lately published. Mr. L. addressed the committee at length on the whole subject.

Mr. CAMBRELENG thought the House should do nothing more at present than arrest the present building, and not make a new or additional appropriation, in the present condition of the Treasury, of $150,000, besides $140,000 of unexpended balance. He expressed a hope that, instead of going into the merits and controversies of different architects, the committee would rise, so that the House might progress with more important and pressing business.

Mr. THOMPSON was opposed to the rising of the committee, for he was anxious that this building should go on, so necessary and indispensable for the preservation of the public documents, records, and archives, of the Treasury Department. Mr. T. expressed his confidence in the architectural skill of Mr. Mills.

Mr. PICKENS regarded the whole question as one of critical taste or judgment, in which, perhaps, no two architects could be found to agree. Every architect had his own peculiar notions of taste; and, if this building were pulled down, and another site and plan selected, that might, in its turn, be condemned by some other fastidious critic. If the precedent involved in this bill should be adopted, there would be no end to it, and they might be continually pulling down, and even destroy, all the old buildings. No matter who might be the architect of a structure, he would bring a dozen to condemn it. He preferred the present plan going on; and referring to the buildings constructed by Mr. Mills in South Carolina, stated that he had great confidence in that gentleman.

In order to test the sense of the House in regard to the propriety of this measure, and to the principles embraced in the establishment of such a precedent, he moved to strike out the enacting clause of the bill.

Mr. BOON was in favor of continuing the building under the present architect, for he supposed the controversy originated mainly from another wanting the job. He had no expectation that this bill would pass; but if the motion to strike out the enacting clause should fail, he would move an amendment, the purport of which was, that the building authorized by this act should be erected in the city of Cincinnati or Louisville, preparatory to the removal of the seat of Government west of the mountains. This bill presented a fair opportunity for such a provision.

Mr. RENCHER opposed the bill on the ground that he preferred relying on the judgment of an architect of their own, rather than on that of one who was unknown to it, and had given an opinion under circumstances of opposition, having been called in to give an opinion against the proposed structure and condemn it.

Mr. WILLIAMS of North Carolina was in favor of pulling down what was done, mainly for the reason that he would substitute a cheaper edifice, though he was of opinion that the weight of evidence, as to the stability of the proposed building, was against the Government architect.

Mr. YELL assented to the views of Mr. RENCHER, and was not disposed to throw away eighty or a hundred thousand dollars for pulling down this building, at a time, too, when appropriations were wanted for the necessities of the Government, such as the Florida war, &c. Mr. Y. proceeded, at some length, to oppose the bill, and argued with much warmth in favor of economy and retrenchment.

Mr. EVERETT supported the bill on the strength of the report of the committee, and the opinions of the architects who had condemned the building, and who had no prejudicial bias.

Mr. TALIAFERRO spoke in opposition to the bill, and especially to the policy of dispensing with the materials already collected, even if the site should be disapproved of, unless it was designed to construct a palace instead of a suitable house of business.

Mr. MERCER briefly advocated the bill, when, on motion of Mr. NAYLOR, the committee rose and reported; and,

On motion,

The House adjourned.

IN SENATE,

TUESDAY, April 17, 1838.

The CHAIR presented a communication from the Treasury Department, transmitting an abstract prepared by the Comptroller of the Treasury, showing the official emoluments of certain officers of the customs: laid on the table, and ordered to be printed.

Mr. WHITE presented the resolutions of the General Assembly of the State of Tennessee in favor of the annexation of Texas to the Union; and resolutions from the same, asking Congress to make provision for the payment of the troops of that State called into the service of the United States in the year 1832; the first of which were read, laid on the table, and ordered to be printed

and the last were referred to the Commitee on Military Affairs, and ordered to be printed.

Mr. PRESTON, in reference to the first of these resolutions, gave notice that he should call up the subject connected with them at the earliest day possible.

Mr. ROBINSON presented the petition of sundry citizens of Illinois, for a new post route: referred to the Committee on the Post Office and Post Roads.

Mr. TROTTER presented the petition of the legal representatives of J. B. D. De Verbois and F. De Verbois, praying for the confirmation of their two claims to lands in Mississippi: referred to the Committee on Private Land Claims.

Mr. STRANGE presented the petition of Arthur Marthers, praying for a pension; which was referred to the Committee on Pensions.

Mr. NORVELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of Sarah Angel and other heirs at law of Benjamin King, deceased, which was read and ordered to a second reading.

Mr. NORVELL, from the same committee, made unfavorable reports on the petitions of the heirs of David Allen, the widow of Miles Goforth, and the heirs of Thomas Lucas, and the committee was discharged from the further consideration of the same.

Mr. HUBBARD, from the Committee on Claims, made unfavorable reports on the petitions of John Elliot, Gilbert Knapp, and Joseph Orringer, and the committee was discharged from the further consideration thereof.

Mr. FULTON, from the Joint Committee on the Public Buildings, laid before the Senate the report agreed on by the Senate and House committees, and which had already been presented to the House, accompanied by a bill for removing the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department. The bill was read and ordered to a second reading, and the report and documents were ordered to be printed.

The bill for the relief of E. W. and H. Smith was read the third time, and passed.

The following bills from the House were severally read twice, and referred:

The bill to extend the charter of the Union Bank of Georgetown, in the District of Columbia.

The bill for the relief of William James Aarons.

The bill for the relief of William Walker.

The bill for the relief of Joel Chandler.

The bill for the relief of James A. Williams.

The bill for the relief of Abraham Woodall.

The bill for the relief of Patrick Green.

SPECIAL ORDER.

The bill to prevent the issuing and circulation of the bills, notes, and other securities of corporations created by Congress, which have expired, having been taken up,

Mr. GRUNDY said he had no wish to hurry this bill; and, if no Senator wished to address the Senate on it, he had no objection to its postponement.

Mr. KING said that this was a very important bill, as shown by the very able speech of the Senator from Tennessee yesterday, in its favor. The Senate was not full, and he himself was not prepared to give his vote on it. He therefore wished the bill to be laid on the table, or pass it over till to-morrow.

Mr. CLAY said if the friends of the Administration desired to pass the bill over, he had no objection to it. He was really desirous of taking the vote on this bill, and wished to see whether a majority of the Senate was prepared to assert the power claimed by it.

Mr. LINN said if his friend from Alabama wished to address the Senate on the subject, he had no objection to a postponement, as he always heard him with pleasure. But if the gentleman had no such purpose, he hoped the question would be taken at once.

Mr. KING said he had no intention of speaking on this subject; but there were some provisions of this bill which he wished to have an opportunity of examining into more fully. If gentlemen wished te take the question now, he had no objections to their doing so; he only wished to say that, under his present impressions, he must vote against the bill.

Mr. STRANGE said the acts complained of, as set forth in the eloquent and able remarks of the Senator from Tennessee, were a gross and flagrant abuse, but he doubted the power of Congress to reach the subject; and should the question be insisted on, he should be compelled to vote against the bill.

Mr. KING (in an under tone.) Exactly my case.

Mr. SMITH of Connecticut hoped the bill would be permitted to lie over until to-morrow, in order that he might have time to examine a little further into its provisions. He did not feel himself prepared to vote at that time; in fact he had no idea, nor did he believe any other Senator conceived, the question would be taken to-day, or he might have been better prepared. He expressed a wish that it might lie over, intimating his intention to call it up to-morrow, if no one else would.

Mr. WALL was averse to delaying the bill. It had already been on the tables for more than a month, which he thought ample time for investigation. Mr. W. said, so far as he was concerned, he had not the slightest doubt of the constitutionality of the measure.

Mr. SMITH of Connecticut said he did not know that he ought to ask a postponement, as it was his own fault that he had not examined it; but as he had not done so, and did not deem the question would be taken, he would prefer that it be delayed. Constitutional objections had been raised by Senators, in whose judgment he had every confidence; he was not disposed to record his vote until he had given the matter a full and impartial examination.

Mr. NILES also thought the bill too important not to undergo more discussion, and said there might be other Senators disposed to present their views. It was not improbable that he might present his own on the subject.

The bill was then laid on the table without a division.

The following bills were severally read the second time and considered as in Committee of the Whole, and ordered to a third reading.

The bill to authorize the appointment of four additional clerks in the office of the Commissioner of Indian Affairs.

The bill for the benefit of the Levy Court of Calvert county, Maryland;

The bill for the relief of the heirs of John Campbell;

The bill for the relief of Thomas L. Winthrop and others, directors of an asssociation called the New England Mississippi Land Company.

[Mr. BUCHANAN addressed the Senate on the subject of this bill. He had always been opposed to it as originally reported; but as it was now amended, he was in favor of it.]

On motion of Mr. NORVELL, the yeas and nays being desired by one-fifth of the Senators present, they were accordingly ordered, and resulted as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, King, Linn, McKean, Merrick, Mouton, Niles, Rives, Roane, Robbins, Robinson, Ruggles, Smith of Indiana, Swift, Wall, Williams, and Young—23.

NAYS—Messrs. Allen, Benton, Calhoun, Cuthbert, Fulton, Hubbard, Lumpkin, Nicholas, Norvell, Pierce, Strange, Tipton, White, and Wright—14.

The bill to authorize the Commissioner of Patents to issue a patent to Angier March Perkins and John Howard Kyan.

The bill for the relief of the children and heirs of William Fisher, deceased; and

The bill for the relief of Melancthon T. Woolsey.

The bill increasing the salaries of several of the district judges of the United States, was discussed by Messrs. SWIFT, WALL, RIVES, and PRENTISS, on a motion of Mr. SWIFT to amend the bill by increasing the salary of the judge for the district of Vermont; but before taking any question,

The Senate went into the consideration of Executive business; after which

It adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 18, 1838.

Mr. PECK asked leave to present a petition on the subject of the late duel, but it was object to.

Mr. NAYLOR asked leave to offer the resolution presented by him some days since, calling upon the President of the United States for the reasons why he had not before responded to a call for certain information on the Exploring Expedition.

Mr. INGHAM assured the House that the information called for would be sent in to-day or to-morrow.

Several objections being made—

Mr. NAYLOR moved a suspension of the rule, but the House refused without a division.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill relating to the tenure of office of subordinate officers of the customs.

Mr. C. moved that the bill be put on its passage, and made some explanations of the necessity of the measure; and after some remarks from Messrs. FILMORE, SMITH, HAYNES, ADAMS, and TOLAND,

Mr. CUSHMAN moved to postpone its further consideration till to-morrow; which was agreed to.

Mr. CORWIN, from the Committee on the Judiciary, reported, with an amendment, Senate bill to provide for the better security of the lives of passengers on board vessels impelled in whole or in part by steam.

Mr. STANLEY, from the Committee on Invalid Pensions, reported a bill for the relief of Benjamin D. Townes.

Mr. JOHNSON, of Va. from the Committee on Revolutionary Pensions, made an unfavorable report on the petition of Wm. Neves: ordered to lie on the table.

Mr. JOHNSON of Louisiana, from the Committee on Public Lands, reported against the petition of the heirs and legal representatives of John Grimball, on the ground that the relief prayed for can be obtained under an existing law of Congress.

Mr. WILLIAMS, of Kentucky, asked leave to offer the following preamble and resolutions, which were read:

WHEREAS, it was some years since declared to the people of the United States, by the illustrious Andrew Jackson, that reform and retrenchment in their Government and its expenditures were necessary: and whereas, the declaration of the late President, in relation to the promised reform and retrenchment of the expenditures of the Government, was not carried out by his friends in Congress: and whereas, instead of lessening the expenditures of the Government, they have been largely and enormously increased: and whereas, it is highly important to the people of the United States that their Government should be usefully administered upon as cheap a scale or price as is consistent with the public good:

Therefore, Resolved, That a select committee of nine members be appointed to take into consideration, and report to this House, what salaries of the officers of this Government may be reduced, what officers may be dispensed with, and what items of expenditures in the various officers or departments of this Government can be entirely or in part dispensed with; and, for the purpose of enabling the committee to make a correct report whether or not the expenses of the different Executive Departments of this Government have increased within the last ten years, and what salaries may be reduced, what officers may be dispensed with, and what items of expenditure may be lessened:

Therefore, resolved, That the Secretaries of State, Treasury, War, Navy, and the Postmaster General be, and they are respectively, required to report and communicate to this House, as soon as practicable, what were the expenses of their respective Departments, including every item of expenditure, in the year commencing on the 4th day of March, 1828, and ending on the 3d day of March, 1829, and so on for each successive year, up to the 4th day of March, 1838, placing each item of expenditure under its proper head.

Objection being made from several quarters,

Mr. W. moved a suspension of the rule, and asked for the yeas and nays; which were ordered.

Mr. McKAY requested the gentleman to withdraw the preamble, and then he would vote for the resolutions.

Mr. WILLIAMS replied that he could, on no account, consent to do that.

Mr. CAMBRELENG wished to know if the House was again disposed to set aside all the public business of the nation, as it did yesterday, to consider this proposition.

Mr. McKAY inquired of the CHAIR if the question could not be taken on the preamble and resolutions separately?

The CHAIR replied that the question was not divisible, for a proposition could not be divided till it was before the House.

Mr. McKAY reiterated that he would willingly vote to suspend for the resolutions, but not for the preamble.

Mr. TILLINGHAST solicited the gentleman to withdraw one single word of the preamble.

Mr. WILLIAMS. Not one word nor one letter.

The House refused to suspend the rules—yeas 92, nays 87.

DIVORCE OF THE PUBLIC PRESS AND THE GOVERNMENT.

The unfinished business of the morning hour was the resolution submitted some time since by Mr. HOPKINS of Virginia, to divorce the public press from the patronage of the Government.

Mr. DROOMGOLE moved to add the following to the resolution.

And that the said committee be also instructed to inquire whether the individual elected printer by this House, at the Extra session, does now execute, and has, in fact, since his election, executed the public printing at his own establishment, with the press, types, and hands employed in his own office, and subject to his immediate orders, directions, and control; or whether the public printing has not, since the period of said election, been executed, and whether it is not now executed, at the office of the political journal other than that of the printer to this House, and under the directions and regulations of other editors; and if so, to inquire upon what authority, and upon what terms, conditions, and stipulations, the public printing has been transferred to individuals other than the one appointed and required by this House to perform the same. And that the said committee inquire further, whether, prior to the final ballot, and before the close of said election of printer, there was not some bargain, agreement, or understanding, express or implied, inchoate or complete, that in the event of the election of the individual now holding the appointment, the public printing should be executed at the office of another political journal, whose editors were, at the same time, also candidates for the appointment; and that the committee report to this House, specially, the nature and the terms of any such bargain, agreement, or understanding.

And that the committee be also instructed to ascertain and state, under separate and specific heads, the various expenditures growing out of the action of the special committee of this House, appointed on the 3d day of January, 1837; and in like manner the various expenditures growing out of the action of the select committee of this House, appointed on the 17th day of January, 1837; and also the various expenditures growing out of the action of the Committee on the Judiciary on the memorial of Richard S. Coxe and William L. Brent, presented to this House on the 30th day of January, 1837; and also the expenditure incurred under the orders of this House of the 15th and 18th September last, in relation to the printing of the rules and orders of the House, with Jefferson's Manual of Practice.

Mr. WISE said he should vote for this amendment, for the reason that the bare presentation of it showed the necessity of Mr. HOPKIN's resolution being adopted. He suggested another point of inquiry to Mr. DROMGOOLE, viz: how much public patronage had been distributed during the last two years, and how much of that public patronage had gone into the pockets of the editors of the official organ.

In reference to the alleged bargain between the Madisonian and Intelligencer offices, Mr. W. disavowed any privity, though he had no doubt the parties on the other side (the Globe) would have made a similar bargain, if such existed, if they could have done so.

EXPLORING EXPEDITION.

A message in writing was received from the President of the United States, by the hands of his private Secretary, A. Van Buren, esq. transmitting a large mass of documents and correspondence in relation to the delay in the sailing of the Exploring Expedition.

Mr. INGHAM moved to refer them to the Committee on Naval Affairs. He would not move their printing at present, for the documents were very voluminous, and the committee would report at an early day what ought to be printed.

Mr. NAYLOR moved the printing of the whole.

Mr. MASON of Ohio understood that a vast amount of the correspondence had been already printed.

Mr. INGHAM confirmed that statement, and added that a great number of the other documents had also been printed.

Mr. MALLORY assented to Mr. INGHAM'S motion.

Mr. NAYLOR modified his motion, by excepting what had been already printed.

Mr. WISE was at a loss to see the necessity of referring the subject to the Committee on Naval Affairs, for the time had gone by when the information would be of service. It was locking the stable door after the horse was stolen.

The motion of Mr. NAYLOR to print was rejected.

Mr. WISE then moved to instruct the committee to inquire into and report the causes, of the failure of the Exploring Expedition.

Mr. INGHAM accepted this amendment; and, so modified, his motion to commit was agreed to.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting certain custom-house returns.

On motion of Mr. CUSHMAN, laid on the table.

Also, a communication from the Postmaster General containing statements of the postages received on paid and unpaid letters sent by express mail, from and to the cities of New York, Philadelphia, New Orleans, and Mobile.

On motion of Mr. JOHNSON, of La. laid on the table.

CUMBERLAND ROAD.

The business then in order was "the bill making appropriations for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois."

The question was on concurring with the Committee of the Whole on the amendment making an appropriation for guard fences east of the Ohio, and the improvement of the Laurel Hill descent, and that pending was the motion of Mr. UNDERWOOD to recommit the bill to the Committee of Ways and Means, with instructions to report in lieu thereof a bill to cede said road to the States respectively, through which it passes.

Mr. UNDERWOOD expressed a wish to postpone the bill, on the ground of getting a response to a call for certain information respecting it.

Mr. MASON of Ohio warmly opposed the suggestion as an indirect mode of killing the bill. There could be nothing wanting in the way of information.

Mr. UNDERWOOD wanted some information as to the cost per mile up to this time.

Mr. MASON informed the gentleman that he would find that information in a document printed at the first session of the last Congress.

Mr. BOON also insisted that the motion to postpone the bill for further information was only another mode of killing the bill, and with a view to test the sense of the House, he demanded the previous question.

On taking the second, by tellers, there was a tie, ayes 64, noes 64, but the SPEAKER voting in the affirmative, it prevailed—ayes 65, noes 64, and the main question was ordered, without a division.

Mr. MONTGOMERY asked for the yeas and nays thereon; which were ordered.

Mr. WISE moved a call of the house.

Mr. BRIGGS remarked that the motion was not in order at that stage, and the CHAIR so ruled.

The question was then taken: but,

Before the vote was announced,

Mr. ELMORE appeared in his place, and asked leave to record his vote, stating that he was in attendance on a select committee, by leave of the House, when the vote was taken.

Objection being made,

Mr. E. moved a suspension of the rule; which was agreed to—113 to 43.

Mr. ELMORE'S name was then called; and that gentleman having responded,

Mr. BELL rose and inquired if the gentleman's vote varied the vote of the House?

The CHAIR could not answer the question, as the vote had not been cast up.

Mr. BELL protested against this practice of allowing gentlemen to vote by a mere suspension of the rules, instead of by unanimous consent—a practice which had grown up within the last two or three years, and was not known previously in the ten years of which he had been a member. He raised the point as one of order.

The CHAIR decided the practice to be in order.

Mr. BELL took an appeal, and the House affirmed the decision of the CHAIR—ayes 97, noes 56.

Mr. MERCER then moved a reconsideration of the vote by which the House had suspended the rule to allow Mr. ELMORE to vote; but the motion was rejected—ayes 74, noes 89.

The vote on the engrossment of the bill was then announced as follows—yeas 96, nays 99.

So the bill was rejected.

Mr. EVERETT then moved a reconsideration of the last vote.

Mr. BRIGGS moved a call of the House.

Mr. DROMGOOLE inquired if a motion to lay the motion to reconsider on the table would be in order?

The CHAIR replied that it would, but not pending the motion for a call of the House.

The call was then ordered, and proceeded in for some time; and 203 members having answered to their names,

Mr. PETRIKEN moved that all further proceedings in the call be dispensed with; which was agreed to—ayes 96, noes 71.

Mr. DROMGOOLE then moved to lay the motion to reconsider on the table.

Mr. BRIGGS called for the yeas and nays; which were ordered, and were—yeas 85, nays 112.

So the motion to lay on the table was decided in the negative, and the question recurring upon reconsidering the vote by which the bill was rejected—

Mr. RENCHER asked for the yeas and nays; which were ordered, and were—yeas 110, nays 87.

So the House determined to reconsider the vote.

Mr. McKENNAN then moved the previous question on the engrossment of the bill, but the House refused to second it—yeas 70, nays 79.

Mr. HAYNES said, that although he did not claim his right to address the House when this bill was taken up this morning, he could not, in justice to himself, forego the present opportunity to express his opposition to it.

We had heard, over and over again, since the commencement of the present session of Congress, of the bankrupt condition of the Treasury, and those of us who are supporters of the present Administration had been reminded as often of the necessity of sustaining the Government by a resort to its credit in the issue of Treasury notes. We had heard repeatedly of the extravagance and profusion of the late and present Administrations, of the pledge of their supporters to bring back the Government to an economical expenditure; and on no occasion, since the commencement of the present session, has so fair an opportunity been offered of acting out the professions of both sides of the House than is furnished by the bill under consideration. For his part he should place little reliance upon professions of retrenchment and economy, let them come from what quarter they may, so long as gentlemen continue to vote for appropriations which the public exigencies may not require. We have heard much declamation against profusion

and extravagance in the gross, but unfortunately, when brought to the details of appropriation and expenditure, every item is earnestly and energetically supported.

In looking to the expenditures of the Government for the last few years, and the present straitened condition of the Treasury, gentlemen seemed to have overlooked some of the earliest and most efficient causes which have brought us to our present embarrassments. The original fault was here. That fault was the creation of a redundant revenue—a redundancy arising from the policy of piling one increase of duty upon another by your tariff acts from 1816 to 1828. It is thus, sir, that a redundant revenue had its origin, and the consequence has been a correspondingly increased expenditure. It may be stated as a general principle, both in public and private affairs, that revenue and expenditure will be proportioned to each other. And although the public revenue should never be greater than may be sufficient to meet the necessary expenditures of the Government; if, either by folly or any other means, a greater revenue should be created, that revenue ought to be expended, if proper and legal objects can be found upon which to make such expenditure. This Government has no legitimate power to raise revenue for the purpose of hoarding it or wasting it upon any system of corruption or favoritism whatever. How or wherefore, it is unnecessary to the present inquiry, we must borrow money in some mode or other to meet the public expenditure. What, then, should guide us in the appropriations to be made while this condition of things shall continue to exist? The dictate of a wise and considerate economy would require that we confine ourselves to such appropriations as are indispensable to the public service, and go no further. Surely the continuation of the Cumberland road is not embraced in the class of objects to which he had adverted. But he should fail in the discharge of his duty to himself and the country, if he did not reply to the often reiterated remarks heard in this House about the bankrupt condition of the Treasury. He had already spoken of the unnecessary accumulation of the public revenue as the leading cause which has brought the Treasury to its present condition. But what has become of this accumulation of revenue?

By the act of June, 1836, there had been deposited with the States about twenty-eight millions of dollars of public money. At the extra session in September last, indulgence was given to the deposite banks and importing merchants for ten or twelve millions more. But this was not all. When the Bank of the United States, the great regulator, ceased to have a legal existence in 1836, it was unable to refund the six or seven millions of stock owned in it by the Government. Thus has an aggregate amount of public money been placed beyond our reach but little short of fifty millions of dollars; and now, forsooth, because it has become necessary to borrow money, or employ the credit of the Government by the issue of ten millions of Treasury notes, we are met with the cry of "A bankrupt Treasury!" But in addition to this aggregate of more than forty millions of dollars deposited with the States, or the payment of which has been postponed by indulgence to the deposite banks, the Bank of the United States, and the importers of foreign goods, we must not forget our obligation under an act passed at the late extra session of Congress, to deposite nine millions of dollars more with the States on the first day of January next.

Sir, the amount still due from the late deposite banks, and the Bank of the United States, exceeds the whole amount of Treasury notes, issued by authority of the act of October last. In the distribution of public money by the deposite act of June 1836, about three millions three hundred thousand dollars have been received by the States of Ohio, Indiana, and Illinois, the States interested in the passage of the bill under consideration. But this is not all the public money in possession of those States and the deposite banks situated within them. The deposite banks in Ohio, Indiana, and Illinois, yet retain, under the act of October last, granting indulgence to the public depositories, more than eight hundred thousand dollars of the public money, making in all a total of more than four millions of dollars. Under this state of things, borrowing money to defray the necessary expenses of the Government, more than four millions of the public money in possession of the States, and deposite banks, of Ohio, Indiana, and Illinois, is there any one who has pledged himself to an economical expenditure, who can permit himself to vote for this bill?

The debate was further continued by Messrs. C. H. WILLIAMS of Tennessee, and GRAVES of Kentucky, in opposition to the bill, and by Mr. SOUTHGATE in its support.

Mr. UNDERWOOD then renewed his motion to recommit the bill to the Committee of Ways and Means, with instructions to report a bill surrendering the road to the respective States through which it passed; and, having spoke a short time in support of his motion, and in opposition to the bill,

On his motion,

The House adjourned.

IN SENATE,

WEDNESDAY, April 18, 1838.

Mr. WRIGHT presented the petition of Jacob H. Holt, asking compensation for services performed as a clerk to the quartermaster at the Military Academy at West Point: referred to the Committee on Military Affairs.

Mr. WRIGHT also presented the memorial of the Chamber of Commerce, of the city of New York, on the subject of the establishment by Congress of the warehousing system: referred to the Committee on Finance, and ordered to be printed.

Mr. NORVELL presented the remonstrance of the Rev. Francis V. Badin against the confirmation of a certain land claim: referred to the Committee on Private Land Claims.

Mr. MOUTON presented the petition of G. Thompson, which was referred to the Committee on Claims.

Mr. ALLEN presented the memorial of upwards of a hundred citizens of Pickaway county, Ohio, remonstrating against the interposition by Congress in the question of the abolition of slavery, either as it regards the States or the District of Columbia; and praying Congress to give no heed to the resolutions sent here from certain citizens of Ohio, asking the rescinding of the resolutions of the Senator from South Carolina, which they declare express their understanding of the structure of this Government. The memorialists further allege that, the petitions which have been forwarded here from Ohio, for the abolition of slavery, have been signed by men, women, and children. The memorial was laid on the table.

Mr. LINN presented the petition of Dr. Silvanus Fansher, of the State of Connecticut, asking for the establishment, by the General Government, of a permanent vaccine institution for the army, navy, and Indian Affairs: laid on the table, and ordered to be printed.

Mr. DAVIS presented the petition of 2,591 women of Massachusetts, praying for the abolition of slavery in the District of Columbia: the motion to receive it was laid on the table.

Mr. GRUNDY submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate copies of any reports which he may have received from the Auditor of Pennsylvania made by the Pennsylvania Bank of the United States since the 1st day of January last.

The following bills were severally read the third time and passed:

The bill to authorize the Commissioner of the Patent Office to issue a patent to Angier March Perkins and John Howard Kyan;

The bill granting a pension to David Gilmore;

The bill for the relief of the heirs of John Campbell;

The bill authorizing the appointment of four additional clerks in the office of the Commissioner of Indian Affairs;

The bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company;

The bill authorizing payment to be made to the Missouri volunteers, whose horses were lost or cast away at sea on the voyage from Tampa Bay to New Orleans;

The bill for the relief of the children and heirs of William Fisher, deceased;

The bill for the relief of Melancthon T. Woolsey;

The bill for the benefit of the Levy Court of Calvert county, in the State of Maryland; and

The bill for the relief of Thomas Cushing.

The resolution submitted by Mr. KING, providing for the adjournment of Congress on the 4th of June next, was taken up, and, after some conversation, in which Messrs. KING, HUBBARD, GRUNDY, CALHOUN, PRESTON, and NORVELL, ordered to a third reading—a motion to lay it on the table, made by Mr. NORVELL, having failed.

Mr. STRANGE, from the Committee on the Judiciary, reported a bill to limit the term of office of certain officers therein named; which was read, and ordered to a second reading.

The bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, was taken up as in Committee of the Whole; when

Mr. TIPTON addressed the Senate at length in favor of the provisions of the bill. He took a philosophical and very humane view of the condition of the Aborigines—the causes of their decline, as civilization approached, and the deep necessity there was for the Government to interfere for their protection, and the amelioration of their condition. He maintained that the red sons of the forest were susceptible of the highest state of cultivation. It was only necessary to give them a Government and laws suited to the condition of their respective tribes, to advance them in the mechanic arts, and give them a knowledge of agriculture, to insure all the best wishes of the Government towards this unfortunate race. Mr. T. concluded by moving to postpone the further consideration of the bill until Tuesday next. [The speech will be given as soon as prepared from the Reporter's notes.]

Mr. WHITE spoke of the necessity there was for the passage of the bill, and expressed his very ardent desire that when it again came up, the discussion would be continued until the subject was finally disposed of.

Mr. LUMPKIN expressed a wish that the whole Senate would turn its attention to this matter. He felt convinced that, when Senators came to look into this bill, it would not only meet their views, but also those of every considerate gentleman in the country. Mr. L. had the most entire confidence that this Government had the power (as he knew it had the desire) to extend to the remnant of this once mighty and chivalric race all the lasting benefits of agricultural improvement and civilization: nay, he even looked forward to the day when they might become part and parcel of ourselves, advancing with the same rapid strides in the pursuit of knowledge, wealth, civil liberty, and all the other requisites for human happiness and human comfort.

The bill was accordingly postponed, and made the order of the day for Tuesday next.

Mr. CLAY of Kentucky said there was a bill laid on the table yesterday which some of its friends would like to call up. He alluded to the bill which had been partially discussed, in relation to preventing the issuing and circulation of the bills, notes, and other securities of corporations created by acts of Congress which have expired.

Mr. BUCHANAN thought the bill might be brought up sooner, probably, than the Senator from Kentucky anticipated. It was one of great importance, and he wanted time to prepare and consider the subject properly. When it was brought up, he would like to hear the Senator from Kentucky, or any other Senator, justify the reissuing of the notes of the old Bank of the United States after its charter had expired.

Mr. CLAY of Kentucky said, with regard to any justification to be entered into by him, the Senator would not be gratified. All he (Mr. C.) desired to see was, what Senators in that body were prepared to assert the power to justify the features of that bill.

The bill to establish a board of commissioners to examine claims against the United States was taken up; and after some remarks, in which it was supported by Messrs. GRUNDY, PRENTISS, HUBBARD, and BUCHANAN, and opposed by Messrs. PRESTON, STRANGE, and CALHOUN, the bill underwent several amendments; after which,

On motion of Mr. CALHOUN,

It was laid on the table and ordered to be printed.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 19, 1838.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported, with an amendment, Senate bill for the relief of Peter Bargy.

Mr. ANDERSON, from the Committee on Naval Affairs, reported a bill for the relief of Jesse E. Dow.

Mr. FRY, from the Cammittee on Revolutionary Pensions, reported a bill granting a pension to Mary Uptegroff, of Butler county, Pennsylvania.

Mr. AYCRIGG, from the Committee on Invalid Pensions, reported a bill for the relief of Trueman Kellog.

Mr. THOMAS then asked the House to take up the motion to reconsider the vote granting leave of absence to Mr. SMITH of Maine, from and after the first of May next, but subsequently waived the motion on the ground of Mr. S's absence from his seat.

PUBLIC PRINTING.

The House then resumed the consideration of Mr. HOPKINS's resolution to appoint a select committee to inquire into the expediency of separating the public press from Government patronage.

The question was on the amendment of Mr. DROMGOOLE to extend the inquiry, [as printed in last night's Globe.]

Mr. WISE continued his remarks. He said, in reading the papers this morning, he observed in the amendment of his colleague, what had escaped him on hearing it read, viz: a proposed inquiry into the expenses of the investigating committees of the last Congress. To this Mr. W. had no objection; but he could inform his colleague that there was no necessity to raise a special investigation for that purpose, since the majority of one of those committees at least had been very diligent in ascertaining the amount. Whatever it had cost had not been thrown away; for the partial developments these committees had been able to make were worth far more than they cost. But Mr. W. still held the Administration responsible even for those expenses, because its conduct rendered the investigations necessary. He hoped the gentleman would extend his inquiry to the Executive departments of the Government; for even with the limited means in their power, the last two investigating committees had effected more good than the late Administration for the whole eight years of its existence.

Mr. DROMGOOLE said when he submitted his amendment he had intended to have accompanied it with some explanations, which, if his colleague had not succeeded in getting the floor first, would have rendered much that he had said unnecessary.

Mr. WISE would apologise to his colleague, for he was really not aware that Mr. D. desired the floor.

Mr. DROMGOOLE replied that no apology was necessary, for he did not complain of it. On the contrary, he returned his thanks to his colleague for the prompt support he proposed giving the amendment.

The resolution originally submitted by another colleague, [Mr. HOPKINS,] referred to abuses that had been practised in that House, and the increase of expenditures in reference to the public printing, and the particular subject to which Mr. D. proposed to extend the inquiry of the committee, seemed to him to be appropriately and directly connected with the subject his colleague proposed to investigate. Let the inquiry be a faithful and comprehensive one into all these matters, and he was willing that it should be made, and that it should be ascertained whether the manner in which the patronage of that House had been bestowed, in reference to the appointment of public printer, was such as to render it necessary that they should, in future, disconnect the office of printer to the House from any one having a connection with a public journal.

It had occurred to Mr. D. as probable that the mover of this resolution, as he had not heretofore advocated this disconnection, had been led to the conclusion of the necessity of it in this instance from some circumstances occurring at the last election of printer, and therefore Mr. D. deemed it very proper to embrace an inquiry into that matter, particularly when, immediately after that election, it was announced in another journal (the National Intelligencer) that the printing would not be executed by the individual elected as printer to the House, but by themselves. In addition to this, there were prevailing rumors up to this time that the printing was not performed by the nominal printer, but by others. This alone would render his amendment very proper on an inquiry of this character.

Before he went into an explanation of the reasons that had especially induced him to ask for this information, Mr. D. begged leave to advert to one or two remarks made by his colleague [Mr. WISE] yesterday. The gentleman had made some allusions to the spirit of the amendment, and to the spirit in which it was offered. Why the bare fact that his colleague gave it his prompt support, ought to be at once an irresistible evidence that it contained nothing improper either in its spirit, tendency, or purpose. Had Mr. D. conceived it open to a contrary interpretation, he would not have offered it, for he endeavored, at all times, to observe decorum and propriety, and never to be guilty of a violation of the rules of the House. His colleague's own advocacy of the amendment, however, admitted his own opinion of its propriety.

But to what useful purpose could they apply this amendment? It was proposed to inquire whether the individual elected by the House to perform certain duties by himself, does perform them or not. If he does not, and still receives the emoluments of the office, is it not clear that he holds a sinecure, which should be remedied? If it should turn out that this individual has received a sum in gross for the office, does not the question naturally arise whether it is not a sale of office? If the fact shall appear that he receives a sum in gross instead of the clear profits of the office, and that those who perform the work receive the balance of the profits after paying him this sum, and which reimburses them, is it not clear that the rates of printing, as at present fixed, are too high, and ought to be reduced? Hence, then, it seemed to him that the information called for was necessary, in every point of view. Whether it shall turn out that there was any bargain or agreement between these persons or not, he could not positively know. He only knew what rumor said. If the existence of such a bargain should be disclosed, he did not know whether it would be considered improper or not. It ought, however, to be known, with all the circumstances connected with it, and then the House would be enabled to judge if there was any thing improper in it, or if it called for any legislation to guard against a similar occurrence in future.

The subject presented itself in another point of view. If an individual came there to seek office, at a time when he was notoriously and avowedly unprepared to fulfil its duties, did it not present the question whether he had not perpetrated an imposition upon the House? In all these points of view, therefore, Mr. D. insisted the inquiry embraced in his amendment was a very proper one. It was simply whether an officer of that House had performed his duty. Indeed, he understood there was no objection to it, except by the nominal printer himself, which was very natural.

Now in reference to other topics embraced in the amendment, what was proposed? It was proposed to ascertain the expenses incurred in consequence of the appointment of investigating committees, not for the purpose of casting any reflection whatever upon them, but how these particular items of expenditure have increased, Mr. D. ascribed, though others differed with him, to the improper and erroneous proceeding on the part of the House, and, of course, he embraced all of every party in it who sanctioned the clothing those committees with too much power. It was known that Mr. D. had opposed the clothing these committees with the power conferred upon them of sending for every individual throughout the community at their own will. In doing so, he held that they placed an improper construction, though he believed they were sustained in doing so by a majority of the House, upon their power to send for persons and papers, which they construe into the power to send subpœnas for witnesses. Now he maintained not only that the committees had no such power, but that the House had not itself the right to confer any such power on them. Subpœnas could only be issued by the House on ascertaining the names of the witnesses, which might be furnished by the committee. This, he believed, was the long established and invariable usage of the British House of Commons.

Mr. GARLAND of Virginia said, that, as he was a member of the first investigating committee referred to in the amendment proposed by his honorable colleague and its chairman, it was proper that he should state, that, when he was first applied to, to issue a subpœna for a witness, he declined, and sent the subpœna to the SPEAKER, who also declined, saying it was the duty of the chairman. In this opinion, upon an interview with that officer, Mr. G. acquiesced, and issued all the subpœnas which went out during the investigation.

Mr. DROMGOOLE said he blamed no one, but spoke of it as a practice that had grown up and ought to be corrected; and with a view of correcting which, he desired the information he had moved for in his amendment. He understood that these investigating committees had not only exercised the power of sending for witnesses, if they pleased, in any part of the country, without their being named to the House, or the materiality of their testimony appearing, but they had gone still further, and issued commissions to take depositions when and where they pleased. Now he maintained that it was the grant of this latitudinous power, and the exercise of it, which had produced a very great accumulation of expense, which would not have occurred, if the House had taken what he held to be the proper course, while at the same time it would be giving more security to the peace and comfort of the citizens at large, and greater security to individual liberty. It was in the hope then, by showing how the expenses of the House had accumulated, and the amount of those expenses, that the House should become convinced of the error of this novel, and what he held to be objectionable practice. That was his object in wanting this branch of the information. The same remark would also apply, with equal force, to the information called for in reference to investigations by the Committee on the Judiciary.

There was another item of some importance. He alluded to the expense for printing a large edition of the rules and orders of the House, together with Jefferson's Manual; how many copies he did not recollect; one or two thousand, he believed. Now it would appear, from investigation, that this would turn out to be a large sum; and the House ought to guard against it for the future. The idea which at present suggested itself to his mind was, that the copies should be preserved for the future use of the members, as the property of the House. They might be deposited in the library of the House of Representatives, and members allowed to take them out, and return them at the end of each session. This would save the expense of another edition of this work.

It would be seen, then, continued Mr. D. that all the information he called for was with a view to some practical and beneficial result, and with no view to criminate any one, for the whole had grown out of the erroneous practices of the House itself, which had led to extravagance and abuses.

Mr. MERCER reminded his colleague that in reference to the publication of Jefferson's Manual, that work had been made a part of the rules of the House where it did not conflict with them.

Mr. DROMGOOLE was fully aware of it. He believed his colleague was chairman of the commitee which reported the revised rules, and the or-

der adopting Jefferson's Manual as a part of them; and it was upon the gentleman's motion, also, that the printing of the large edition of that work took place. It was, however, with no view of attaching blame to any one that he sought for information on this point. It was to prevent the recurrence of so large an expenditure in future. The matter had presented itself to his mind, and he thought it not an improper subject for the attention of the proposed select committee, but within the range of the original resolution.

In what he had proposed, Mr. D. said he had no design of precluding the mover of the resolution from going into the most full and ample investigation into all other subjects he chose. His colleague [Mr. HOPKINS] proposed, Mr. D. believed, to provide by law for preventing the employment of any conductor of a political journal to execute the public printing. Whether he should ultimately concur with his colleague in that object, he could not then say. He should hear the reasons for it, and be governed accordingly. It must take strong reasons, however, to induce him to vote for any law proscribing any individual, or class of individuals, from carrying on their work. If it was wrong to elect the conductor of a political journal to do the public printing, the House could apply the corrective at the time of the election. They might refuse to vote for him on that ground, but he was not disposed to pass a proscriptive law.

Mr. D. said he did not blame the zeal of his colleague, [Mr. HOPKINS,] who moved the original resolution, for desiring to withhold all the Government patronage from political journals, but it would be recollected that a short time before a colleague of theirs [Mr. PATTON] vacated his seat, he had proposed, under the direction of the Library Committee, that there should be a very large subscription to a political journal, (Niles's Register,) which would amount, according to the best calculations, to upwards of $12,000 per annum. Mr. D. was opposed to the adoption of that resolution, and voted to lay it on the table, and it was but a reasonable conclusion that all who voted as he did were also opposed to that proposition, and that all who voted against the motion to lay it on the table were in its favor. If Mr. D. was not mistaken, his colleague [Mr. HOPKINS] voted *against* laying it on the table. Now this was a proposition that was a direct proffer of Government patronage to a political journal, and, moreover, looked pretty much like a squinting of censorship over that political journal, for the Clerk of the House was directed by it to supervise the work, make indices, &c. Mr. D. did not mention this circumstance, with a view to show that there was any inconsistency on the part of his colleague, but to show that those who claimed of the baneful influence of Government patronage over the press sometimes gave votes which looked very much like it. He knew it to be very common for gentlemen to talk about the corruption of the press by the patronage of the Government, and he knew it to be, also, very commom to talk about the venality of editors, and of a subsidised press. Now all this may be very true, but if it was, it was equally applicable to all political parties. How far the election of printer for that House may have that influence he could not tell, and whether it produced that effect or not he would not undertake to say, but the rumors and charges of this corrupting influence were constantly reiterated. But was it confined to one party alone? Why he had seen a charge going the rounds of the public press that an effort was making to buy a public press, to be published in this city, and a circular was said to have been distributed over the signatures of some members of the House, soliciting contributions and support for it. This was one of the charges in currency, but he professed to know nothing either of its truth, or propriety, if true. Such charges, however, would always be reiterated by every political party against each other.

He would briefly advert to one remark made by his colleague [Mr. WISE] yesterday, in reference to another subject. His colleague had referred to Mr. D. as one of those belonging to what was denominated the Divorce party; that party which was in favor of the Independent Treasury bill. Now he did not complain of this allusion of his colleague, but he was at some loss to perceive the connection between that question and the one now before the House. Mr. D. however, had no objection of avowing, at this or any other time, his opinions on that subject. He was one of those who wished to organize the Treasury of the United States upon its constitutional ground, and to disconnect it entirely and wholly from its union with State institutions. He believed good policy required it, and he believed it to be according to the spirit and intent of the framers of the Constitution that it should be so. He believed it to be according to the settled purpose and design of the institutions of Virginia that the business and operations of each Government, State and Federal, should be kept separate and distinct, and that that great State rights principle was violated by their connection. So jealous was Virginia on that subject, that she had expressly provided in her Constitution that no officer of her's should hold any appointment under the Federal Government; such was her jealousy of any union of the two Governments, and her determination to keep them separate and distinct. Mr. D. unhesitatingly avowed that he was one of those who went for an entire separation between the revenues of the Federal Government and the State banks. When that important subject came up, Mr. D. hoped to have an opportunity of giving his views upon it more at length, and he flattered himself that he could give satisfactory reasons to his constituents for the course he should take. At present he would say no more, for it was not pertinent to the subject under consideration; but thus much he felt called upon to say, from the allusion made to him by his colleague. He concluded by expressing a hope that the amendment he had submitted would be adopted by the House.

Mr. GARLAND of Virginia then obtained the floor, but gave way to the

ORDERS OF THE DAY.

The SPEAKER laid before the House a communication from the War Department, in respect to the construction of a bridge over Blue river, at Knightstown, Indiana.

On motion of Mr. CUSHMAN, referred to the Committee on Roads and Canals.

Also, a communication from the same, in relation to a claim of Nathaniel Taylor for a Cherokee spoliation.

On motion of Mr. CARTER, referred to the Committee on Indian Affairs.

Also, a communication from the Secretary of the Treasury, transmitting a statement of the amount of revenue of each State and Territory for 1836.

On motion of Mr. CUSHMAN, laid on the table.

SEMINOLE WAR.

Mr. EVERETT begged leave to propound an inquiry to the chairman of the Committee of Ways and Means as to when he proposed to bring up the Seminole appropriation bill.

Mr. CAMBRELENG stated, in reply, that he should be compelled, from necessity, to ask the House first to consider a bill which was, in fact, to carry into effect the bill of October last to authorize the issue of Treasury notes, the bill, at present, being abortive. He did not expect that bill to take up much time, and he should take the very earliest opportunity thereafter of calling up the bill referred to by the gentleman from Vermont.

Mr. EVERETT then asked the House to take up and consider the following resolution, as it called for information on the subject of the bill referred to:

Resolved, That the Secretary of War be directed to lay before this House a statement of the amount paid, and of the amount of arrears on account of, the expenses of the Seminole war; and an estimate of the sum necessary, in addition to the former appropriation, to pay such arrears and for carrying on said war until the first day of June next.

Objection being made, Mr. E. moved a suspension of the rule, and asked for the yeas and nays, which were ordered.

Mr. McKAY informed the gentleman tha the information had already been furnished, printed, and laid on the tables of the members.

The House refused to suspend the rules—yeas 101, nays 70, not two-thirds.

Mr. LINCOLN then asked the House to resume the consideration of the bill to pull down the walls of the new Treasury building.

Mr. CAMBRELENG said he was compelled to object to it, for he could not consent to allow the public business to give way to less important matters.

Mr. LINCOLN moved a suspension of the rules, but it was rejected without a division.

CUMBERLAND ROAD.

The House then resumed the consideration of the "bill making appropriations for the continuation of the Cumberland Road in the States of Ohio, Indiana, and Illinois." The question pending being on the motion of Mr. UNDERWOOD to recommit it to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill to surrender said road to the States respectively through which it passes.

The bill was opposed at length by Messrs. UNDERWOOD and RHETT, and advocated by Messrs. CUSHING, and CALHOON of Kentucky, when

Mr. CLOWNEY obtained the floor, and, on his motion,

The House adjourned.

IN SENATE,

THURSDAY, April 19, 1838.

A message was received from the President of the United States, by Mr. A. Van Buren, his private secretary, transmitting certain surveys and examinations relative to light-houses, called for by the resolution of the Senate of the 8th instant—and,

On motion of Mr. DAVIS it was laid on the table.

The CHAIR announced a communication from the Secretary of the Treasury, transmitting, in compliance with the resolution of the Senate of the 18th instant, copies of three statements made by the Pennsylvania Bank of the United States, at the commencement of the months of February, March, and April of this year; which, on motion of Mr. GRUNDY, was laid on the table.

Mr. SOUTHARD presented the proceedings of the citizens of Rahway county, New Jersey, on the subject of the Independent Treasury bill: laid on the table.

Mr. S. also presented several petitions, one from Philadelphia, and the others from New Jersey, praying a reconsideration of the Cherokee treaty: laid on the table and ordered to be printed.

Mr. WRIGHT presented the memorial of John H. Wheeler, superintendant of the Branch Mint at Charlotte, North Carolina, requesting increase of compensation for the officers of that institution: referred to the Committee on Finance.

The joint resolution fixing the day for the adjournment of Congress was taken up.

Mr. GRUNDY thought it would be better to postpone the passage of this resolution until a more convenient season. There was no period in the history of the Government when more important business was before the national legislature than at present, and not to perfect at least a greater portion of it, might be looked on as remissness on our part. If the resolution were to pass the Senate it would then be under the control of the other House. He thought it would be better not to decide at this early day. When the bulk of the business was finished then it would not only be proper, but in some measure our duty to do so. He would therefore move to postpone the subject, say until Monday week, at which time he thought the Senate would be better prepared to act. He was aware (as was judiciously observed the other day by the Senator who introduced the resolution) that when a day was fixed both branches of the legislature were usually more expeditious; and that it did, in some measure, stimulate them to extra exertion, and after the period specified by him in his motion had elapsed he would have no objection to take up the resolution and act definitely on it. He was as anxious as any man to get away, from private reasons, but he was willing to make all matters yield to the paramount duties of a public station.

Mr. PRESTON hoped the question would not be postponed. He thought with the gentleman, that it would stimulate both Houses to additional exertions. So far as the Senate was concerned, he believed the time set forth in the resolution would be ample to finish all the subjects; but with regard to the other House, he was not prepared to say that the business of the country might not require a somewhat longer period. At all events, it would be better to show that body that we were ready and anxious to adjourn by the time fixed on by the joint resolve. Mr. P. here took a glance at the numerous bills of importance which had been matured by the Senate, and sent to the House of Representatives, which had not yet been acted on there. He alluded to the measures of finance for which the extra session had been called, and the time already spent of the present session on those subjects, and others of national importance, which were either laid on the table, or were still sleeping in the popular branch. If nothing further was to be done for the relief of the country, it was time to adjourn. On that matter the Senate seemed to have terminated its labors. The Independent Treasury bill brought forward by the Committee of Finance was dead and buried, and it would require a power little short of omnipotent to raise that new Lazarus from the tomb! What further new and untried experiment did they contemplate? If none other, and the Administration thought it had done all that was necessary, and meant to leave the result to the people, then it would be time to adjourn. But if the Executive intended to suggest, or the Administration, or any of its friends, meant to bring forward any measure calculated to relieve the country from its embarrassment, he would vote with pleasure for the motion of the Senator from Tennessee.

[Mr. GRUNDY said: I hope the Senator from South Carolina will not understand me as having made any reference or allusion to any thing connected with that measure.]

Mr. PRESTON was anxious that something should be done, in order that the Government might no longer go on in its present broken down and decrepid state, exhibiting the melancholy example of a young Government grown prematurely old, decrepid, and weak. He would be glad to see any remedy suggested, by those having the control of affairs, that would save the country from its present embarrassment. He would unite most cordially with them, and come forward in the full spirit of patriotism to their relief; but if no such measure was contemplated, the sooner we went home, and appealed to our masters, the people, to give us a lesson, the better!

Mr. WRIGHT observed that he had contented himself yesterday, when this subject was before the Senate, with giving a silent vote, without occupying its attention with any remarks; but as he hoped the Senate would sustain the motion made by the Senator from Tennessee to postpone the resolution for a short period, he proposed to occupy the attention of the Senate very briefly, while he explained why, in his opinion, they ought to do so. He certainly would not go into any political discussion in reference to the propriety of not fixing the day of adjournment at this time; but he would recount very briefly the business which they had sent to the other House, and which had not yet received the final action of that body.

Mr. W. then referred to the Independent Treasury bill; the bill for the increase of the army; the bill granting pre-emptions to actual settlers on the public lands; and the bill providing for the reduction and graduation of the price of the public lands. None of these four important measures had met the consideration of the other branch of the National Legislature. They had been told by the Senator from South Carolina, [Mr. PRESTON,] that the most important measure, that in relation to the currency, was dead—had been put to rest forever in the other House. He could not think so. There was no doubt but the House of Representatives felt as deep a conviction of the necessity of acting on that great question as was felt here; the evidence of which feeling was shown in a two months' debate.

But suppose the Senator was right—that a majority of the House of Representatives were opposed to the views of the Executive; were they opposed to all action on the subject matter? Far be it from him, Mr. W. said, to express an opinion as to the views and opinions of a majority of that body; but he hoped and believed that they felt imperatively the necessity of some action on this deeply important question, and that they would not adjourn without it.

Again, no bill had been acted on in either House of Congress to make provision for the Southern Indian war. He had been informed that the House was in daily expectation of taking up that bill; and the intelligent gentleman from whom he obtained the information anticipated a debate on the subject of some weeks. Some of the ordinary appropriation bills, also, were yet to be reported.

It might be said, that if the Senate passed this resolution the House could amend it, and fix its own day in reference to the business they had to act on; but, said Mr. W. shall I fix a time for them to adjourn that I believe to be too short; and thus, virtually, say to the country that the House will be negligent if it does not finish its business by a certain time? If it could be shown that the two Houses could get through with the important business of the country by the day named in the resolution, he would be as ready to fix the time of adjournment as any one; but as he did not believe that they could now act judiciously in this matter, he hoped that the motion to postpone the resolution would prevail. Mr. W. concluded by asking for the yeas and nays on the question, which were accordingly ordered.

Mr. CALHOUN said, when he voted yesterday for the adoption of the resolution, he voted on the ground that we had ample time to finish all the business by the first Monday in June. If, however, the action of the Senate were to be construed as expressing an opinion that the measure of finance, which had been so ably discussed in this branch, was not to be taken up in the other House, he should give no vote to countenance any such impression. He sincerely trusted the House would feel it an imperious duty to act on that measure, yea or nay. He would consider it a national calamity for Congress to adjourn without adopting some *definitive* measure in relation to this business; and he should, therefore, move to lay the resolution on the table.

Mr. KING said that when he gave notice of his intention to introduce this resolution, he distinctly stated the grounds on which he proposed to offer it; which were that the Senate might turn its attention to the propriety of an adjournment at as early a day as the business of the country would justify, and that the House of Representatives seeing that the Senate would be able to get through with their business by a certain day, might turn their attention to the business before them, and fix their day for adjournment, in reference to the probable progress of that business. With this understanding, the resolution was taken up, and he voted for it on the grounds he had stated. But the remarks of the Senator from South Carolina, placed the subject in a different position. If it was the design of a minority of the House of Representatives to defeat the important measure referred to by the Senator from South Carolina, by delaying it till too late to be acted on—if it was their design to stave off the business of the country by procrastination—if that was the design of the Senator, and those who acted with him in voting for this resolution, he Mr. K. could not go with them. If, as the Senator said, the House of Representatives were opposed to this measure, why let them vote against it, and take the responsibility; but he could not consent that it should be defeated, by delaying till the day fixed by the Senate for adjournment, and then throwing part of the responsibility on the Senate. He should, therefore, vote for the postponement or laying the resolution on the table until he saw the game that was to be played.

Mr. HUBBARD said he would prefer the motion of the Senator from Tennessee [Mr. GRUNDY] to postpone the subject to a given day. When the question was taken the other morning on laying the resolution on the table, he had voted against it, because he did not wish to countenance the opinion that the Senate would not be ready to close its session on the first Monday in June. It struck him as most proper to propose some day certain for acting on the matter, and then if business warranted, we could take it up. He Mr. H. presumed no man was prepared to say that the session should close until some definite action was had on the bill alluded to by the Senator from South Carolina—he believed there would be a definite action in favor of the bill from that body, or one of the same nature introduced in the other House.

After some further remarks from Mr. PRESTON, the question was taken on Mr. GRUNDY's motion, and it was carried—yeas 25, nays 16, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lyon, Nicholas, Niles, Norvell, Roane, Robinson, Smith of Connecticut, Tipton, Trotter, Walker, Wall, Williams, Wright, and Young—25.

NAYS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Lumpkin, McKean, Merrick, Prentiss, Preston, Robbins, Smith of Indiana, Southard, Swift, and White—16.

Mr. DAVIS submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of the Treasury be instructed to cause, for the term of one year, each officer employed in the collection of the customs, to keep a daily account, in writing, of the time he is actually employed in the public service each and every day, and what his employment each day is, stating the same so much in detail as to exhibit a clear and intelligible account of all his services from day to day.

Resolved, That such memoranda as is made by each and every officer, shall be quarterly sworn to as a full, just, and complete account of the services actually rendered, and the time actually spent by him in public employment.

Resolved, That the memoranda of each district be embodied together for the use of Congress, and that the Secretary add to it the amount of tonnage entered, cleared, or owned in such district; with the amount of revenue collected therein, and the expense of collecting the same; showing what each officer receives for all such services.

Resolved, That where any officer discharges, or claims to discharge, the duty of more than one office, his services in each shall be distinguished, as well as his compensation.

Mr. NORVELL presented the joint resolutions of the Legislature of Michigan, protesting against the annexation to the United States of Texas, or of any district of country lying west or south of New Orleans: laid on the table.

On motion of Mr. WALL, the Senate took up the bill to prevent the issuing and circulation of the bills, notes, and securities of corporations created by Congress, which have expired; and, after a debate, in which Messrs. NILES, WALL, GRUNDY, SMITH of Connecticut, PRESTON, and RIVES took part, and amendments, on motion of Messrs. RUGGLES and NILES, the bill was laid over informally; and

The Senate went into the consideration of Executive business; after which, it

Adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, April 20, 1838.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported, without amendment, Senate bill for the relief of E. W. and H. Smith.

Mr. LINCOLN, from the Committee on the Public Lands, reported a bill to enable certain townships in Ohio to obtain their school lands and for other purposes.

Mr. PETRIKIN, from the Committee for the District of Columbia, reported a bill to incorporate certain banks in the District of Columbia, [the bill had been previously reported some time since, and was again brought in, without amendment.]

Mr. THOMAS, from the Committee on the Judiciary, reported, without amendment, Senate bill for the relief of Thomas Cooper.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of

James H. Fleming, which was passed to its third reading.

Mr. HARLAN, from the same committee, reported a bill for the relief of Isaac P. Saunders.

Mr. CALHOUN of Massachusetts, moved that the bill from the Senate to give effect to the eighth article of the treaty with Spain, be recommitted to the Committee on Private Land Claims.

The SPEAKER informed the gentleman that the bill was out of the power of the House till Monday next, to which day it had been postponed.

Mr. C. then gave notice that he would make the motion when the bill came up.

Mr. RANDOLPH, from the Committee on Agriculture, reported a joint resolution, authorizing the President of the United States to lease gratuitously for ten years, any unlocated lots in the District of Columbia, for the cultivation of the mulberry and sugar beet; which having been twice read—

Mr. R. moved its adoption.

Mr. LINCOLN wished it postponed for a day or two. He was not opposed to the object of the resolution, but there were, he believed, some lots which ought to be excepted, and he suggested Tuesday next.

Mr. RANDOLPH assented, and the further consideration of the resolution was postponed till that day.

Mr. PARKER asked that the Committee on Indian Affairs be discharged from the further consideration of the claim of Richard Brannin; and on his motion, it was laid on the table.

Mr. BELL, from the Committee on Indian Affairs, reported, with an amendment, Senate bill to authorize the appointment of four additional clerks in the office of the Commissioner of Indian Affairs.

Mr. McKAY, from the Committee on Military Affairs, reported a joint resolution to authorize the Secretary of War to purchase a site in the District of Columbia for a new magazine and keeper's house.

Mr. McK. explained that the object of this resolution was merely to give effect to a pre-existing law, which provided for the work, &c. of this work, but omitted the authority for the War Department to purchase the site.

The resolution was then ordered to be engrossed for a third reading to-day.

Mr. EWING, from the Committee on Revolutionary Pensions, reported a bill for the relief of Eunice Saunders, late Eunice Pearson.

Mr. MASON of Virginia, from the Committee on Commerce, reported a bill for the relief of William Grozer.

THE PUBLIC PRESS.

The unfinished business of the morning hour was then resumed, being the resolution of Mr. HOPKINS to separate the public press from Government patronage, the question pending being on the amendment of Mr. DROMGOOLE to extend the inquiry. [It is printed at length in the Globe of Wednesday night.]

Mr. GARLAND of Virginia, who was entitled to the floor, addressed the House till the expiration of the hour, when the orders of the day were called.

The special order was the bill to establish a commission of claims.

Mr. CAMBRELENG moved to postpone it, in order to proceed with the public business.

Mr. BOON expressed a hope that the motion would prevail, so that they might go on with the Cumberland Road bill.

Mr. CAMBRELENG said as the public business was so important, he must be compelled to ask for the yeas and nays, which were ordered, and were—yeas 139, nays 46.

So the rules were suspended.

CUMBERLAND ROAD.

The House then resumed the consideration of the bill making appropriations for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois.

The question was on the motion of Mr. UNDERWOOD to recommit the bill to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill to surrender said road to the States respectively through which it passes.

The bill was opposed by Messrs. CLOWNEY and PICKENS, and advocated by Mr. CORWIN, when

Mr. CASEY then rose and said that this was a bill of the deepest importance to the interests of his State, and though he was prepared, and indeed desired an opportunity, to address the House in its support, yet, believing it had already been sufficiently discussed, he was willing, for the sake of securing its speedy passage, to do what he had never done in that House before. Sir, concluded Mr. C. I move the previous question.

Mr. PICKENS then moved to lay the bill on the table.

Mr. BRIGGS asked for the yeas and nays; which were ordered.

Mr. CAMPBELL of South Carolina moved a call of the House: lost.

The House refused to lay the bill on the table—yeas 84, nays 109.

The question then recurred on the demand for the previous question, which was seconded by the House, 92 to 61.

Mr. WILLIAMS of Kentucky asked for the yeas and nays on ordering the main question to be put, which were ordered, and were—yeas 108, nays 86.

So the House determined that the main question be put.

Mr. MONTGOMERY then moved an adjournment. Lost.

Mr. REED asked for the yeas and nays on the main question, (the engrossment of the bill) and they were ordered, yeas 100, nays 95.

So the bill was ordered to be engrossed for a third reading.

Mr. CHAPMAN then rose and stated that, while the vote was taking, he was called out of his seat by one of the messengers, on business; and he therefore asked leave to record his vote in the negative, but it was objected to.

The question being when the bill should be read a third time, the House rejected Monday; and the question being on reading it now—

Mr. FILLMORE moved an adjournment—lost: ayes 74, noes not counted.

Mr. RHETT then moved a call of the House: lost.

Mr. THOMAS then made a motion that the bill be read a third time on the first Monday in May, in order that, in the mean time, the real condition of the Treasury might be ascertained and made known. Mr. T. asked for the yeas and nays, which were ordered.

Mr. RHETT moved an adjournment: lost—74 to 87.

Mr. ELMORE moved a call of the House.

Mr. THOMPSON asked for the yeas and nays; which were ordered.

Mr. ELMORE renewed the motion to adjourn; but it was again decided in the negative; and the question recurring on the motion for a call of the House, it was decided in the negative—yeas 62, nays 107.

Mr. THOMPSON then moved an adjournment: lost.

The question recurred upon Mr. THOMAS'S motion to postpone the bill till the first Monday in May next, and it was decided in the negative—yeas 83, nays 95.

The question again recurring upon ordering the bill to be read a third time this day.

Mr. RHETT asked for the yeas and nays, but they were refused, and the bill ordered to a third reading instanter; and being put on its passage—

Mr. BOON demanded the previous question, which was seconded; and the main question on the passage of the bill ordered.

Mr. CONNOR asked for the yeas and nays on the passage of the bill; which were ordered, and were—yeas 96, nays 80.

So the bill was passed.

On motion,

The House adjourned.

IN SENATE,

FRIDAY, April 20, 1838.

The CHAIR communicated a report from the Secretary of War, enclosing a report from the Topographical Bureau, together with a map, in answer to the resolution of the Senate of the 13th February last, calling for information relative to the Oregon Territory; and

On motion of Mr. LINN, it was referred to the select committee appointed on the bill for the occupation of the Oregon Territory.

Mr. McKEAN presented a petition from citizens of Tennytown, Bradford county, Pennsylvania, and three petitions from citizens of Rush township, Susquehanna county, Pennsylvania, of like import, praying for the immediate abolition of slavery in the District of Columbia.

Mr. MERRICK, from the Committee on Claims, reported without amendment the bill from the House for the relief of M. Gelson of New York, and recommending its passage.

Mr. KING, on leave, and in pursuance of notice given, obtained leave and introduced a bill to authorize George Whitman of Alabama, to import an iron steamboat, in detached parts, with the necessary machinery, tools and working utensils, free of duty: read twice and referred, together with certain papers relating thereto, to the Committee on Finance.

On motion of Mr. NORVELL, the Committee on Revolutionary Claims was discharged from the further consideration of the petitions of the heirs of John Tebbs, the executor of Archibald Irwin, of Aaron Camp, and of the widow of William McCoskey.

On motion of Mr. PRESTON, the resolution submitted by him, providing for the re-annexation of Texas to the United States, was taken up, and made the order of the day for Monday next.

The Senate resumed the consideration of the bill to prevent the re-issue and circulation of the bills, notes and other securities of corporations created by Congress which have expired, and, after a debate, in which it was supported by Messrs. WALL, CLAY of Alabama, GRUNDY, RIVES, BUCHANAN, CALHOUN and BROWN, and opposed by Messrs. PRESTON, WHITE and PRENTISS, it was ordered to be engrossed for a third reading—ayes 27, noes 14, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Niles, Norvell, Pierce, Rives, Roane, Robinson, Ruggles, Smith of Connecticut, Tipton, Trotter, Wall, Williams, Wright, and Young—27.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, King, Merrick, Nicholas, Prentiss, Preston, Robbins, Smith of Indiana, Southard, Swift, and White—14.

The Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 21, 1838.

LIGHT HOUSE SYSTEM.

Mr. WORTHINGTON, from the Committee on Commerce, reported the following resolution, which was concurred in:

Resolved, That the memorial of David Melville, together with the several papers therein contained, praying an appropriation sufficient to enable him to make a trial of the plan proposed as an immediate remedy for the defects of the lights now in use in the light-houses in the United States, be referred to the Secretary of the Treasury, and that the committee be discharged from the further consideration of the same.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Celia Ragan, widow of Richard Ragan.

Mr. FRY, from the same committee, reported a bill granting a pension to John Black, of the State of Georgia.

Mr. SIBLEY, from the same committee, made an unfavorable report in the case of John Cooper; which was laid on the table.

Mr. EWING, from the same committee, reported a bill for the relief of the heirs of C. Fitzgerald, deceased.

Mr. J. JOHNSON of Virginia, from the same

committee, made an unfavorable report on the petition of Isaac Webb, representative of Charles Webb; which was ordered to lie on the table.

Mr. STUART, from the Committee of Claims, reported unfavorably upon the petitions of Andrew Tadlock and William W. Scott; which were severally laid on the table.

Mr. LINCOLN, on leave, laid on the table an amendment he proposed to offer to the bill providing for the removal of the walls of the new Treasury building, etc. when that bill shall again come up for consideration; and the amendment was ordered to be printed.

Mr. LEGARE asked leave to be excused from longer serving on the select committee on the subject of meteorology, on the ground that his duties on the Committee on Foreign Affairs required all the time he could devote to business out of the House; but the House refused to excuse Mr. L.

Mr. FAIRFIELD, on leave, presented sundry petitions on the subject of the late duel; which were referred to the select committee thereon.

Mr. WILLIAMS of Kentucky, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a post route from Monticello, Kentucky, via Albany, Clinton county, Kentucky, to Burksville, Kentucky.

Mr. MENIFEE, on leave, also submitted the following, which were agreed to:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Capt. Hugh Drennan of Fleming bounty, Kentucky, a soldier of the Relution.

On motion of Mr. MENIFEE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Poplar Flat, in Lewis county, to Mount Carmel, in Fleming county, Ky.

PUBLIC PRINTING.

Mr. GARLAND of Virginia concluded his remarks on the resolution of Mr. HOPKINS, proposing to raise a select committee to inquire into the expediency of severing the public press from Government patronage.

The question pending was on the amendment of Mr. DROMGOOLE to extend the inquiry, (as printed in Wednesday night's Globe.)

As soon as Mr. GARLAND had got through,

Mr. WILLIAMS of Kentucky moved the preamble and resolution submitted by him some days since, on the subject of executive expenditures, which have already been printed.

Mr. WILLIAMS addressed the House on the subject of his amendment till the expiration of the morning hour; when the orders of the day were called for.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting a report of the progress made in the survey of the shoals of George's Bank, and the harbors of Beaufort and Wilmington, North Carolina.

On motion of Mr. INGHAM, referred to the Committee on Naval Affairs.

Also, a communication from the Secretary of State, transmitting returns of foreign immigrants, &c. during the last ten years.

On motion of Mr. RUSSELL, referred to the select committee having in charge the subject of a revision of the laws of naturalization.

The bill for the relief of James A. Fleming; and

The joint resolution authorizing the Secretary of War to purchase a site in the District of Columbia for a new magazine and keeper's house, were severally read a third time and passed.

Mr. CUSHMAN asked the House to take up the postponed bill in relation to the tenure of office of subordinate officers of the customs; but it was objected to.

Mr. THOMAS moved to consider, at this time, his motion to reconsider the vote of the House granting leave of absence to Mr. SMITH of Maine, from and after the first of May.

Objection being made, Mr. T. moved a suspension of the rules, and asked for the yeas and nays, which were ordered, and were—yeas 87, nays 92. Not being two-thirds, the motion was decided in the negative.

Mr. GRAHAM moved that the bill for the establishment of a Board of Commissioners of Claims, be made the special order for Friday next: lost.

PRIVATE ORDERS.

The House then passed to the private orders.

The first was the "bill for the relief of the representatives of Dr. Philip Turner, deceased."

The claim involved in this bill was for interest on a commutation in 1808, which, having been first rejected, was afterwards allowed, and two weeks ago the bill was reported from the Committee of the Whole, with the enacting clause stricken out. The question was whether interest should commence from the time a claimant *presented* his claim, or from the time he *established* it. The opponents of the bill contended for the latter, on the ground that the *onus probandi* was on the claimant; that the Government did not seek its debtor, but was always ready to pay when the proof was made out; and that the previous rejection of this claim was *prima facie* evidence that it had not been then made out. Another objection was raised on the application of the statute of limitation.

The advocates of the claim, in reply to the latter argument, insisted that the Government had no right to avail itself of such a plea in bar to a claim upon it, because the claimant was no party to the limitation; and to the former it was contended that a subsequent admission of the petitioner's claim established his right to it on his previous application.

It is understood that the settlement of either principle will operate upon a large number of claims for interest that have been before the House for years. When up before, the discussion had occupied a large part of the day in Committee of the Whole, Mr. ALLEN, of Vermont, having solely sustained the argument in opposition to it, when his motion to strike out the enacting clause prevailed.

Mr. PETRIKIN, with a view to bring the House to a vote, moved the previous question, but it was not seconded.

The claim was now sustained by Messrs. CRAIG, SHEPPERD, TILLINGHAST, WISE, and HALEY, and opposed by Mr. ALLEN.

Mr. HALEY, at the conclusion of his remarks, moved the previous question.

Mr. CUSHMAN moved a call of the House.

Mr. GLASCOCK asked for the yeas and nays; but they were not ordered, and the House refused the call.

Mr. DAWSON moved an adjournment: lost—ayes 62, noes 68.

The demand for the previous question was seconded—ayes 75, noes 49, and the main question was ordered; and thereon

Mr. ALLEN of Vermont, Mr. CUSHMAN, and Mr. GRIFFIN simultaneously rose and called for the yeas and nays, which were ordered, and were—yeas 75, nays 76.

So the bill was rejected.

Mr. GRIFFIN moved an adjournment.

Mr. TOUCEY asked the gentleman to withdraw it, to enable him to make a report from the select committee, which Mr. G. declined; and the motion to adjourn was rejected—ayes 70, noes 72.

THE LATE DUEL.

Mr. TOUCEY then rose and informed the House that the Committee of Investigation were now ready to report, and that they had unanimously directed him to move that its consideration be postponed till next Monday fortnight, and that it be printed. He therefore asked leave of the House, at this time, to make the report.

Mr. ROBERTSON was not prepared to say, at that time, whether he should vote for the proposition to print.

The CHAIR reminded the gentleman that that proposition was not before the House, but a simple application for leave to report. When the report came in, then the gentleman might discuss the question to print, if it should be moved.

Mr. POPE objected to granting leave, and said he thought it rather a strange proceeding to print a report of this character, and postpone it for two weeks. He would be willing to receive it on Monday morning, but not to postpone it.

Mr. TOUCEY moved a suspension of the rules.

Mr. PECK moved an adjournment: lost—ayes 73, noes 80.

Mr. POPE said he would withdraw his objection; but there were others made, and the House suspended the rules.

Mr. TOUCEY then submitted the report, and moved its postponement till Monday two weeks, and that, in the mean time, it be printed. He repeated that he made the motion by the unanimous direction of the committee.

Mr. GRENNELL then, on leave, submitted the views of two of the minority of the committee, (Mr. RARIDEN and himself,) and then moved that they take the same direction as the other.

Mr. ELMORE rose, and, on leave, submitted his own views, which he moved to take the same direction. He remarked that he had not been able to agree with the views either of the majority or the minority; and, therefore, he presented such views as struck him to be proper; but, although the committee disagreed, they concurred unanimously that he should present them to the House.

Mr. ROBERTSON said, if he understood the proposition submitted by the chairman of the select committee, (Mr. TOUCEY,) he must again repeat that he was not prepared to vote for the printing of the reports, or any one of them. The questions involved in this matter were of the most deep and profound importance, not merely to those who, it is supposed, may be implicated in this report, but of vast importance to the privileges of the House itself.

Mr. R's attention, he said, had been that morning, from an intimation thrown out that the report would probably be made, drawn to the consideration of the question, what course, in the event that these reports should be offered, it became the House to pursue to protect the privileges of its members; and, unless he had greatly mistaken the doctrine of the parliamentary law upon this subject, it would be their duty to recommit all these reports to the committee which had brought them in, with special instructions that, if any member was implicated at all, to report that single fact to the House, for he was satisfied they could not move one step further until they received the order and direction of the House. He may have misunderstood the parliamentary law upon this subject; but he begged leave to refer to an authority of the highest character, whose work they had made a part of their own rules, where it did not conflict with them—he alluded to Jefferson's Manual. In that celebrated book it was laid down that when a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him.

If Mr. R. recollected the terms of the order charging upon this select committee the investigation of the matter which had been before them, it gave them no authority to adopt any resolution, or to furnish any evidence to that House, which might implicate any one of its members. The very moment, under this rule of parliamentary law, the fact became disclosed (and such he understood to be the case) that a member of the House was involved in the examination before the committee, that very moment it was their duty to have communicated it to the House, in order that the House might take such direction as it saw fit.

Mr. R. admitted that he had turned but very casually to the authority cited by Mr. Jefferson in the above passage; but as far as he had gone, he found that it covered even much higher and broader ground. It was affirmed in debate (see "Grey's Parliamentary Debates," the work, we suppose, referred to by Mr. R.) to be a privilege beyond the power of any committee, or beyond even the power of the House, to charge any committee with the power of investigating any thing touching, or affecting, or involving the privileges of the members. It is there said to be the privilege of the House alone, where any member has a right to interrogate, and where it is the privilege of the mem-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, APRIL 30, 1838. VOLUME 6.....No. 21.

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ber implicated also, and that he can only be interrogated and examined by the House.

Mr. R. did not pretend to know what was the extent to which the large volume or volumes of testimony laid before this committee might go. He only spoke from conjecture, and with a view to draw the attention of the House to this matter, at least before they attempted to print what none of them, or but those composing the committee, knew the contents of, whereby they might be spreading before the public documents containing statements, and resolutions of a committee, involving the rights and privileges of members of the House, contrary, as he understood the parliamentary law, to the provisions intended to secure them. He had no idea, either, that any member of the House would concur in the propriety of printing them till they had been read, and supposing that to be the proper course, and that it would be well to afford time for considering the other question, he moved to lay all the reports upon the table, in order also that the House might take time on a question so momentous and important, to reflect upon the course which ought to be adopted.

Before the question was propounded,

Mr. MALLORY moved an adjournment, which prevailed, and accordingly

The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, April 23, 1838.

THE LATE DUEL.

The first business in order being a privileged question, was the report of the select committee, on the subject of the late duel, made on Saturday last, and the motion of Mr. TOUCEY, under the unanimous direction of the committee, to print and postpone the further consideration thereof till this day fortnight.

The question pending was the motion of Mr. ROBERTSON to lay the whole subject on the table.

Mr. ROBERTSON withdrew that motion, and after some remarks against the motion to print and postpone, and substituted another to refer the whole subject to a committee to be denominated the Committee of Privileges, with instructions to report to the House what course, in their judgment, it is proper to pursue.

Mr. R. concluded with the expression of a wish that, should his motion prevail, he might be excused from serving on the committee.

The original question to postpone taking precedence,

Mr. TOUCEY addressed the House for some time in support of that motion.

After a few words from Mr. MENEFEE and Mr. WISE,

Mr. GLASCOCK advocated the motion to postpone and print, the latter especially, as an act of justice to all the parties implicated, both in and out of the House.

Mr. ROBERTSON again opposed both motions, and insisted upon the propriety of his own, to refer the subject to another committee.

Mr. ELMORE vindicated the course the committee had felt themselves bound to pursue under the instructions given to them by the House, and went into a brief examination of the case cited by Mr. ROBERTSON, from Grey's Parliamentary Debates, showing that it did not apply to the one before the House. He referred to the resolution raising the select committee, in which they were peremptorily ordered to do what they had done. If Mr. R's objection was a valid one, it should have been made at the time that resolution was before the House.

Mr. THOMPSON opposed the printing, and reprehended the course the committee had taken, as transcending their powers, on the ground taken by Mr. ROBERTSON, that the question becoming one of privilege, all proceedings before them should have been estopped as soon as the fact of a member of the House being involved was disclosed.

Mr. JENIFER objected to the postponement that the committee had not confined themselves to a statement of facts, and facts alone, but had presented an argument, and had charged a member with being guilty of a breach of privilege. The postponement would allow the report to go out to the country, and would operate to create prejudices, and perhaps false opinions, long before a cool discussion in the House could prevent a reaction. If the subject was ever to be taken up, it should be done at once, as soon as the report could be printed, which might be done by to-morrow morning, as it was undoubtedly in the hands of the printer, who had already made extracts from it. He then moved that the whole subject, except a bill to prevent duelling, be laid on the table, and that that bill be taken up to-morrow.

The SPEAKER said there was no such bill in possession of the House.

Mr. JENIFER modified his motion, so as to strike out the clause relating to the duelling bill; and, at the request of the gentleman from South Carolina, [Mr. ELMORE,] withdrew it, to permit him to make an explanation.

Mr. FLETCHER, of Vermont, then obtained the floor, and refused to yield it for the explanation; but proceeded to say, that he cared nothing about the postponement, but insisted on the propriety of printing. It was necessary for the House to know, before they could consider the subject properly, what the report contained. If there was any thing wrong in the report, if the committee had transcended their powers, the House ought to know it, which they could not do if the printing were refused.

Mr. DUNCAN replied to the objection that the committee had transcended their powers, that it should have been made at the time the committee was instructed. If a special report had been required, they should have been directed to make one. They had been instructed generally, and now, having reported generally, it was too late to object. He was in favor of the printing, that the House might know what the report contained. It was said that members of the House were implicated—that there was a bill on the subject of duelling, but he knew of no charge implicating any member or members, nor of any bill on this subject. When there are rules of the House, they ought to be obeyed, but when an investigation is ordered in general terms, the report ought to be made in general terms. He thought the best course was, to adopt the motion to postpone and print; and was opposed to the motion to refer to another committee, to ascertain if any member of the House is implicated, because it would cause needless delay, and perhaps prevent the action of the House upon the whole subject.

Mr. W. C. JOHNSON said he would not express his opinion upon the merits of the subject now, but would wait till the report came in another form before the House. He was in favor of the motion to commit the report to another committee, to ascertain if any member of the House was implicated; and if such was the case, it was proper that the witnesses should be examined before the House, before a member should be deprived of a seat in the House, which he considered higher than any station or privilege that could be conferred by the Government.

Mr. MENEFEE called for the reading of the resolutions.

Mr. ELMORE then said he should call for the reading of the whole report.

Mr. BELL objected to such an unnecessary consumption of time, and thought the matter now stood precisely where it should rest, until the question had been decided whether it was improper for a committee to proceed against a member, without being specially directed to do so by name. The fact has been announced by the chairman of the committee, that certain members have been proceeded against; and the question should be decided before the House took any further steps, whether that proceeding was improper.

Mr. MENEFEE said he called for the reading to establish the fact alluded to; and went on to argue that this was a subject on which the House ought to be particularly careful. He considered the proceedings of the committee irregular, and contrary to the rule of the Manual, which had been adopted and made the law of the House. He wished the trial of a member to be open before the House, when the witnesses could be subject to cross-examinations; and contended that the testimony taken in secret by the committee could not be used in a trial before the House, and therefore ought not to be printed and circulated.

The SPEAKER intimated that these remarks ranscended the proper limits of the discussion upon the motion before the House.

Mr. MENEFEE only alluded to the fact that the report could not be used, to show that it ought not to be printed.

Mr. LEGARE wished to ask how far it was proper for a committee in secret session to try a member of the House.

The SPEAKER said it was not in order to go into that inquiry on a motion to print.

Mr. LEGARE, with all deference to the CHAIR, thought if the rules of the Manual were laid down as the law of the House, it was necessary to look into the practice of Parliament, to look to the practice of this House in other cases, and to look at the fundamental principle, that, when a person is accused, he is to be confronted with his accuser and with the witnesses.

The SPEAKER replied that that would be very proper when the report should be before the House; but on an incidental motion to print a paper it was not in order.

Mr. MENEFEE concluded with an argument to show the impropriety of going on to implicate a member before a committee.

Mr. THOMAS briefly stated the distinction of the cases arising under the parliamentary law laid down by Mr. Jefferson, as originally cited by Mr. ROBERTSON. Mr. T. contended that its application was where a committee, charged with the examination of a subject, discovered, in the course of their investigations, that a member of the House was incidentally charged; but the present case was altogether of a different character, for the fact that members were implicated was notorious, the committee specially raised with reference to it, and they were specially directed to inquire into it. Mr. T. had voted for the original resolution, as he believed that common sense, as well as parliamentary law, which was founded on common sense, required that the result should be placed on the documents of the House.

Mr. FILLMORE opposed the printing of the report, on the ground, as he stated, that it was composed of *ex parte* testimony, taken in the absence of the party accused, and of the trial of a man for a criminal offence, without his having had an opportunity of hearing that testimony.

Mr. TOUCEY corrected the gentleman's statement. The committee had tried no one, and the persons supposed to be implicated had been allowed to call witnesses, and to examine and cross examine them. No one had been tried.

Mr. SIBLEY likewise opposed the printing, inasmuch the minds of the triors might be prejudiced by reading the testimony. Mr. S. was for having the witnesses examined at the bar of the House.

Mr. FAIRFIELD said, that some two months since a matter of very great importance, both to the House and the country, was referred to a select committee, with instructions, substantially, to gather the facts in the case, and to report thereon to the House. That committee, after having been industriously engaged nearly two months in prosecuting the object of their appointment, have finally reported. The usual motion is now made to print this report for the use of the House; not an extra number for distribution among the people, but the

usual number merely for the use of the members; and this motion, much to his astonishment, had met with the most zealous, and, indeed, he might say, the most violent opposition. The objection seemed so strange, that he could hardly believe, at first, that it was to be seriously persisted in. It would be strange, indeed, if the House, after having instructed a committee to investigate a particular case, collect the facts, and report thereon, and for this purpose arming them with power to send for persons and papers, should refuse to hear that committee when ready to render an account, or, in other words, refuse to receive and print the report. The three fourths of this House who voted for the appointment of this committee, are now asked to yield to the one-fourth—to undo what they have done—to admit that they had no authority to appoint this committee for any such purpose as that with which it is charged, in the opinion of a large portion of the House; or, if there be no want of authority, either on the part of the House or committee, that the latter shall not be heard—that the report shall be committed, without printing, to another committee, to be called a Committee of Privileges, who are to report what further steps shall be taken by the House. Are members prepared to treat this committee thus contumeliously? Is the House prepared to admit so readily that it has acted without authority, or unadvisedly? Is it disposed to sanction any such child's play as this course proposes? I trust not, said Mr. F. but hope that the report will be printed, and the matter will be permitted to take its usual course.

The first objection to the printing of the report of the committee, is made by the gentleman from Virginia, [Mr. ROBERTSON,] on the ground that the committee have exceeded their authority. It is contended, that when it was ascertained that a member of the House was implicated, it was the duty of the committee to have reported that fact to the House, and a paragraph from Jefferson's Manual is relied on as authority. It reads thus: "When a committee is charged with an inquiry, if a member *prove to be involved,* they cannot proceed against him, but must make a special report to the House; whereupon, the member is heard in his place, or at the bar, *or a special authority is given to the committee to inquire concerning him.*" Now, sir, said Mr. F. we are to look at this as reasonable men, and to inquire what was really and truly *intended* by it—not what *can* be made out of it either by a strict or liberal construction, but what was *meant.* Looking at it with this view, it would seem to be plain and palpable, that it was intended to embrace cases where matter pertaining to the ordinary affairs or business of the House is referred, and in the course of the proceedings of the committee, it "*proves*" or *turns out* that the character of a member is implicated; in which case, the committee is to arrest all further proceedings, and report that fact to the House. It was where it "proved" incidentally, or turned out that the character of a member was involved, that this course was to be pursued, and not where the very object of instituting the committee was to investigate a case in which it was well known that members were implicated, and whose offences constituted the very gist of complaint and investigation. This, said Mr. F. seems to be the fair, common sense construction of the rule alluded to; it could not, he thought, fairly be construed to *preclude* the House from submitting a matter to a committee, and authorizing them to proceed in its investigation, even though the House should be well informed at the time that a member of the House would be implicated in such investigation. Now, what is the fact here, sir, said Mr. F.? Why, the House well knew, every member knew, that certain members of the House were implicated in the transaction at the time the committee was appointed. But it is said the rule is imperative; that as soon as the committee ascertained that members of the House were implicated, they should have immediately reported that fact to the House. Why? To what end? Did the House *need to be informed of that fact?* Did it expect, when this committee was appointed, that it would summon witnesses before it, ask one question, receive one answer, and then come into the House, and report *that a member was implicated?* Will any gentleman say he voted for the appointment of this committee with any such views? I cannot, said Mr. F. believe that the House intended to set on foot, or participate in, any such miserable farce. If, therefore, the rule from Jefferson's Manual stood alone, he could have no hesitation as to its construction, being fully persuaded that it was not intended to apply to a case of this kind. But it does not stand alone; other matters are to be considered in connection with it, to wit: the resolutions by which this committee was appointed. It is a fair and legitimate mode of construing a rule, to look at other rules upon the same subject. Now, so far as this case is concerned, the *resolution* may be regarded as *a rule of the House;* and if these conflict, which must give way? The *resolution* was adopted last, and may therefore be fairly regarded, *quoad hoc,* as repealing the rule: it, at least, rides over and controls it. So that even if the rule from Jefferson's Manual does require a committee, under certain circumstances, to suspend their proceedings and make a special report to the House, the resolution of the House appointing this committee may be regarded as directing the committee, under those same circumstances, to proceed with the investigation *without making such special report.* If any other construction be adopted, then this rule in Jefferson's Manual will effectually deprive the House of the power of departing from it, or adopting any rule inconsistent with it. It will render nugatory that provision in the Constitution which says that each House of Congress "may determine *the rules of its proceedings.*"

The gentleman from South Carolina, [Mr. THOMPSON,] and others, have interposed a constitutional objection; that is, that the accusers here have a right to be confronted with the witnesses against them, and that the House have not the power to invest *a committee* with authority to examine witnesses and collect testimony in a case of this kind. Now, sir, on recurring to the Constitution, it will be perceived that this phrase, "to be confronted with the witnesses," relates altogether to cases of criminal trials *before a jury.* It has no reference whatever to examinations had by this House. The same Constitution authorizes this House to punish its members for disorderly behavior, and, two-thirds concurring, to expel a member; and this without the intervention of a jury, or rigid adherence to any of the rules prescribed for such cases. The gentleman says the examination of witnesses should have been before the House, and not before a committee. Sir, that argument should have been made when the committee was appointed. The House had the power to adopt either course. It decided in favor of the examination by a committee. This argument, therefore, is now out of place.

The gentleman from New York [Mr. FILLMORE] thinks the committee have transcended their powers by reporting resolutions against certain persons, members of the House. They were to inqure, said he, into the *causes* that led to the death of Mr. CILLEY, and the *circumstances* connected therewith. Nothing is said about *persons,* and therefore the committee had no right to report against persons. Now, if the transaction which the committee were to inquire into could have occurred without the *agency of persons,* then, perhaps, there might be some foundation for the argument. But there not only must have been, from the nature of the case, persons implicated, but the House well knew it when they ordered the committee. To believe that the House expected the committee, in this case, to report the *circumstances,* saying nothing about *persons,* must require a very considerable stretch of credulity, to say the least of it. Such a position, I am persuaded, said Mr. F. can find no favor in the mind of any member of this House.

Another gentleman from New York [Mr. SIBLEY] has deprecated the printing of this report, because of the apprehended undue effect it might have upon the minds of members who are to be the triors, *in case any other evidence should be laid before the House.* He thinks we should have all the testimony together, or not at all. Is it not a little singular, that the gentleman should anticipate other evidence, when the committee have been at work collecting it for near two months; the accused, as we are informed by the Chairman, being present, and having the privilege of cross examining the witnesses, and now making no intimation that they have other testimony. It seems to me, said Mr. F. to be taking a good deal of pains to pick up objections and to throw difficulties in the way. Suppose the rule of the gentleman from New York should obtain in our courts, what would be the consequence? Why, the witnesses must all testify *at the same time,* or at least there must must be no adjournment of the court until all the testimony is out. Such a position, it is apprehended, cannot be sound. From the very nature of most cases, the evidence must be received by piecemeal; but no one ever thought that this rendered the court and jury incapable of doing right. And are we willing to admit a fear that, by receiving this evidence, when other evidence is to follow, our minds will become so warped by it, as to prevent our doing what is right? I cannot, said Mr. F. believe this of any member of the House. I trust, said he, we shall be able to examine all the evidence, and to decide upon it fairly, and according to the true merits of the case.

But the gentleman seems to be much troubled to know what we shall do provided there should turn out to be other evidence. What course, said he, will the House take? He [Mr. S.] would be glad to have some gentleman inform him who knew more upon the subject. Without pretending to any superior knowledge upon this subject, Mr. F. said he might be permitted to say that the case appeared very plain to him. If one of the gentlemen charged should rise here in his place, and say that he had newly discovered evidence which he wished to place before the triors, the House might think it best that the whole matter should be recommitted to the committee, with instructions to receive the new evidence, and report it with the rest to the House; or the House might think it most expedient to receive the additional evidence without such recommitment. It was perfectly competent to decide which course was best. But it is hardly worth while, said Mr. F. to be devising means to rid ourselves of difficulties which have not, and probably will not, occur.

The gentleman from Maryland [Mr. JOHNSON] deprecates the sending out this report to prejudice and poison the public mind before it can be accompanied by the arguments and explanations of which it is fairly susceptible. It will be forestalling, he thinks, public opinion upon this subject. The first answer to this is, that the report of the majority will not go alone, but will be accompanied by *two minority reports.* Again, sir, it may be asked if there be any danger of submitting the facts in this case to the people, even though they should be unaccompanied by our commentaries. For one, sir, I think, said Mr. F. that the people are entitled to the facts in this case, and that they are capable of forming an opinion upon them, unaided by us. There can be no danger that *truth* will work wrong to any one, and this is one of the last cases in which it should be shut out from the public.

That the committee have not exceeded their authority in this case, it may be stated, in addition to what has before been said upon this point, that their course is sustained by *precedents.* They were required to *investigate* and *to report thereon.* Under this, they were clearly authorized to report a resolution of expulsion, if they deemed the facts justified it. But another argument, used by some gentlemen in the course of the debate, appears to be conclusive upon this subject. It is derived from the fact, that great numbers of petitions and proceedings of public meetings, calling for the expulsion of all who were concerned in the late duel, have been presented to this House, and by the House referred to this committee. Here there is authority for the course of the committee, if not to be found any where else. I will indulge the hope, said Mr. F. in conclusion, that the objections to the printing of this report will not be pressed further. It is a case in which the whole public have manifested a deep interest, and are now indicating

a strong desire, and he could not but regard it as a laudable one, to have the real facts in the case.

Mr. GARLAND of Louisiana, referred to the resolution by which the committee was instituted, and said it intimated no charge against any member of the House. The committee was simply directed to inquire into the causes of the death of a member of the House; and was not even required to report upon that subject.

Mr. TOUCEY said the gentleman was mistaken—the resolution put into the hands of the committee, required the committee to investigate and report. report.

Mr. GARLAND read from the printed journal, to show that the resolution, as modified, and finally passed, did not require the committee to report, that clause having been omitted.

Mr. TOUCEY explained that the resolution given to the committee, did require a report upon the subject to be investigated.

Mr. GARLAND said he read from the printed journal, and he took that to be the record of the House. He then went on to urge, that the committee ought to have stopped at the rule of the Parliamentary law. If a member was charged with an offence against the privileges of the House, be must be arrested by the Sergeant-at-arms, and has a right to be heard in his place or at the bar of the House. This was the common right of the meanest criminal, in courts of justice; and also, if any individual should commit a breach of the privileges of the House, he has the same right to be brought up and heard at the bar; and he contended that the members of the House were entitled to the same right. He referred, for illustration, to the practice of courts and grand juries, to keep the facts and testimony of a case secret, to prevent an improper influence on the public mind; and argued that, in this case, the same course should be pursued. While he hoped a strict investigation would be had into the entire merits of the whole case, he was unwilling that the testimony should be published, so as to produce influences prejudicial to an impartial spirit, and calculated to prevent a fair and candid investigation by the House and the community.

Mr. BRIGGS insisted that the law, as laid down by Mr. Jefferson, was binding and imperative, and was not ridden over, as contended by Mr. FAIRFIELD, by the resolution of the House directing the investigation. He was clearly of the opinion that the committee had transcended their powers; and coming to that conclusion, he could not assent to he printing of their report.

Mr. TURNEY replied to an objection to the publication, that it would blast the reputations of the individuals accused, by urging that the suppression of the report, with the view of saving their reputations, would have a much more injurious effect. He thought it better to let the whole truth go to the public, and then a just decision would be made. He was opposed to acting in relation to the substance of the report, or the action of the committee, without having the report read, and having the arguments the committee may have to offer in support of the course they had taken. Mr. T. went on to argue from various principles of law, as well as from the expediency in this case, in favor of printing the report, and replied to the suggestion that grand juries are sworn to keep their proceedings secret, that it applies only to their own secrets, and those of the prosecuting attorney; but it was of every day's occurrence that grand jurors were called into court to testify to what certain witnesses had sworn to before them. He was in favor of postponing and printing.

Mr. CUSHMAN regarded this as one of the most important questions to which the attention of the House had long been drawn, and it was therefore but proper that every thing should be heard upon it which could be suggested when they went forth to the country. But the question then before the House was, whether the report of a select committee, appointed for a special purpose, should be postponed to a day certain, and then taken into consideration, and in the meantime be printed, or not. That was the only question then under consideration, as he understood.

Mr. C. was in favor of this motion, and he should agree with the gentleman from Virginia in the propriety of the motion submitted by him, provided this was such a case as was contemplated under the law cited by the gentleman. But the present had no analogy to such a case. If the House should direct one of its committees, or should raise a select committee, for the purpose of inquiring into a particular subject, such as the investigation of a contract, &c. and it should turn out, on the investigation, that a member of the House was implicated, he coincided with the gentleman, that the moment that fact was disclosed, it became the duty of the committee to report it at once to the House, in order that the member might be informed thereof, and have an opportunity of defending himself. This, however, was not such a case, because the terms of the resolution directed them to the speciel duty, and the fact about which they were to inquire was notorious. In conclusion, Mr. C. asked, how it was possible, unless this report was printed, to give these gentlemen a fair, candid, and impartial trial.

Mr. ADAMS inquired of the CHAIR if a motion to recommit the report, with instructions to the committee to strike out the resolutions with which it closes, to strike out all the argumentative part of the report, and to report only the facts to the House, would be in order?

The CHAIR said that motion would not be in order till the one pending was disposed of.

Mr. ADAMS then said that not only were the privileges of the members, but the privileges of the whole House, and the privileges of the constituents of every member, staked on the issue of this case; and so far from postponing the subject for a fortnight, he wished that the House would take up no other subject, until they had decided on this. He said he should vote against the postponement, and wished to be considered in so doing, as dividing the question. Should the motion to postpone be rejected, then the motion he intended to offer, would be to strike out the resolutions and all the argumentative parts, and to report the facts. If the facts implicated any members of the House, let them say so, and then the members implicated would come properly before the House; at present, he thought they were exceedingly improperly before it. If members are to be censured or expelled, it was necessary to act with caution; and it behooved the House to protect itself from a violation of its privileges, and to bring members before the House in regular and proper order.

Mr. A. thought the committee had entirely transcended its power. He said nothing was contained in the resolution to indicate that any member of the House, or any other person, was to be tried by the committee; and he contended that the House had no power to delegate any authority to the committee to try any member, for it was the privilege of every member to be heard and tried by the House itself. He also insisted on a strict construction of the rule in Jefferson's Manual, as necesary for the security of the rights of members and their constituents. He cited some authorities, and referred to the case of Hon. John Smith, in the Senate, during the Administration of Mr. Jefferson, in support of the ground he had taken. He hoped there would be no delay in proceeding to an examination of the facts; and if the course he had indicated should be taken, there would be no need of printing at present, because the report would go to the committee to be amended.

Mr. ELMORE then moved an adjournment, but gave way to

Mr. CAMBRELENG, (the above being passed over,) on whose motion the two bills in relation to the issuing of Treasury notes, then, in Committee of the Whole on the Union, were re-committed to the Committee of Ways and Means.

Mr. CAMBRELENG then, by direction of the same committee, reported a "bill to carry into effect the act approved the 12th of October last, to authorize the issuing of Treasury notes;" which was read twice and committed.

Pending the proceedings of the day, Mr. BELL gave notice of a motion to reconsider the vote of the House on Saturday last, by which the "bill for the relief of the heirs of Dr. Philip Turner, deceased," was rejected; which was entered on the journal.

A message, in writing, was received from the President of the United States, by the hands of his private secretary, A. Van Buren, Esq. communicating a report from the Secretary of State on the attack upon the steamboat Columbia, by a Mexican armed vessel, in the gulf of Mexico.

On motion of Mr. ADAMS, referred to the Committee on Foreign Affairs.

On motion,

The House adjourned.

IN SENATE,

MONDAY, April 23, 1838.

Mr. CLAY of Kentucky, presented the proceedings of sundry citizens of Cleveland, Ohio, against the Independent Treasury bill: laid on the table and ordered to be printed.

The CHAIR announced a communication from the President of the United States in answer to the resolution of the Senate of the 7th February, 1838; which was referred to the Committee on Indian Affairs.

Mr. CLAY of Alabama, presented the petition of a number of the citizens of that State, who have purchased reservations allowed to Creek Indians, under the treaty of March, 1832, praying that *patents* may be issued directly to the *last purchaser*, or *assignee*, instead of being issued, as now done, under the regulations of the Executive, to the Indian, or *first purchaser* only; which was referred to the Committee on the Public Lands.

Mr. C. also, presented the petition of John M. Moore, chief clerk in the General Land Office, asking addition compensation for extraordinary services rendered, in said capacity, under the pre-emption laws, and as acting commissioner of the General Land Office: referred to the Committee on the Public Lands.

Mr. KING presented a memorial from a number of citizens of Alabama, relative to patents to purchasers of Creek reservations, similar to the one on the same subject just presented by his colleague, and which was referred in like manner.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the memorial of the Philadelphia, Baltimore, and Wilmington Railroad company, on the subject, reported a bill to remit the duties on certain railroad iron imported by said company: read, and ordered to a second reading.

Mr. W. from the same committee, to which had been referred the memorial of Laurent Millandon and others, of New Orleans, reported a bill to authorize them to import an iron steamboat, in detached parts, free of duty; which was also read, and ordered to a second reading.

Mr. W. from the same committee, to which had been referred the bill to authorize George Whitman, of Alabama, to import an iron steamboat, in detached parts, with the necessary machinery, &c. reported the same with an amendment; which was read.

On motion of Mr. KING, the Committee on Commerce was discharged from the further consideration of the petitions of the Board of Trade of Wilmington, Delaware, in opposition to the making New Castle a port of entry, and of George Thompson.

Mr. ROANE, from the Committee on the District of Columbia, to which had been referred the bill to extend the charter of the Bank of Alexandria, reported the same without amendment.

Mr. NORVELL, on leave, introduced a bill making an appropriation for the completion of certain roads in Michigan; which was read twice, and referred.

Mr. KING, on leave, introduced a bill for the benefit of the Selma and Tennessee Railroad company; which was read twice, and referred.

The bill to prevent the reissuing and circulation of the bills and notes, and other securities, of corporations created by Congress which have expired, was taken up and read the third time.

Mr. BUCHANAN addressed the Senate at length, in favor of the bill.

Messrs. PRENTISS, and CLAY of Kentucky, severally spoke against it;

And after some further remarks from Mr. BUCHANAN, in reply to Mr. CLAY,

The question was taken, and the bill was passed—yeas 27, nays 13, as follows:

YEAS—Messrs. Allen. Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Morris, Niles, Norvell, Pierce, Rives, Roane, Robinson, Ruggles, Smith of Connecticut, Tipton, Trotter, Williams, Wright, Young—27.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis King, Merrick, Nicholas, Prentiss, Preston, Smith of Indiana, Spence, Swift, White—13.

The following bills from the House were severally twice read, and referred:

The bill making appropriations for the construction of the Cumberland road, in Ohio, Indiana and Illinois.

The bill for the relief of ——— Benning.

The joint resolution, authorizing the Secretary of War to purchase a site in the District of Columbia for a new magazine and keeper's house.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, April 24, 1838.

Mr. HOWARD, on leave, made a statement in reference to the report of his remarks of last evening on the subject of the President's message on the outrage upon the steamer Columbia. He had not said that negotiations were pending in relation to that affair, for such was not the fact, but that the more delay there was, the more time would be afforded to the Mexican Government to make explanations.

THE LATE DUEL.

The House resumed the consideration of the motion of Mr. TOUCEY, made under the unanimous direction of the committee appointed to investigate the causes which led to the death of the late Mr. CILLEY, to print the report of that committee, and postpone it till next Monday week.

Mr. ELMORE, one of the committee, who was entitled to the floor, commenced by defending the committee from the censure cast upon them for transcending their powers, so far only as the taking of testimony was concerned.

Mr. ROBERTSON disclaimed, in what he had said, as having expressed any opinion that the committee had intentionally violated their duties or transcended their powers. He did not censure them in that spirit, but merely maintained that they had so transcended.

Mr. ELMORE continued, and remarked that the debate, as it progressed, was based upon an assumption of facts which did not exist, viz: that a trial was had, and no opportunity afforded for cross-examination. He had also been misunderstood as vindicating the course the majority of the committee had taken. So far as he agreed with them, he desired no other vindication than a statement of the facts. So far as he differed with them, he was prepared to stand by that difference, and sustain his own position. If any vindication of the majority was necessary, he presumed they were able to defend themselves.

Mr. E. then went into an examination of the objections that had been urged against the committee for taking testimony, and cited the case of Senator Smith, of Ohio, which went much farther than this. He said, as a member of the select committee, he felt compelled to go into the examination, and to investigate the evidence, with a view to ascertain whether a breach of the privileges of the House had been committed, or not; and he never felt himself able to answer that question until the testimony was closed; and then, upon an examination into that testimony, he was prepared to report that the privileges of the House had been violated, and by whom; but he was not prepared to go further, and report any resolution as to what should be the action of the House thereupon. So far he differed from the majority. He had no particular objection to any course the House might be disposed to take on the question of postponement.

Mr. LOOMIS remarked that the first question was, had the committee gone into an examination, or taken the slightest particle of evidence, not having a bearing upon the subject they were directed to investigate? That was not averred. But it was said that the committee had transcended the powers of such a committee, and, if they had done so, which he maintained they had not, whose fault was it? Not of the committee, but of the House. The House had armed them with power, and directed them what to do, and the country was awaiting the result of their investigation with the deepest anxiety, as might be inferred from the mass of petitions that had been sent there on the subject.

Mr. L. also went on to show that, in reporting the resolution, the committee had only performed its legitimate functions; for even if the resolution was silent on the point, the many petitions sent by the House to them, containing, as they generally did, a prayer for the expulsion of certain persons, were in the nature of obligatory instructions to report some definite action, in case the testimony sustained the allegations set forth.

He then went into a review of the case of Armstrong, cited by Mr. ROBERTSON, from Grey's Parliamentary Debates, showing, first, that it was at least a bad precedent, if it applied; and, secondly, that it had no applicability to the case now under consideration. To declare the resolution under which the committee acted void, would be not only to suppress all this investigation, but to deprive themselves also of the power of investigation. No one complained of the partiality or corruption of the committee, and he expressed himself at a loss to perceive any good reason for resisting the motion to print.

Mr. GRENNELL remarked that some suggestions had not been noticed. The motion to postpone and print had been made by the unanimous voice of the committee, as had been usual with the reports of select committees. The committee, he thought, had transcended its powers in the report, and it might be proper for the House to stop and set the committee right; but whether the motion of the committee should be adopted or not, depended upon other considerations. He referred to the rule of the Manual, and contended that the resolution was in strict conformity to that rule and law of the House, which he did not believe, as had been argued by the gentleman from New York, [Mr. LOOMIS,] was to be treated as a mere dictum, or marginal note, imported from abroad, and therefore not binding. On the contrary, he considered it equally binding as any other part of the law of the House. It was, then, the duty of the committee to report in conformity with the law of the House and the resolution under which they acted. They were called upon to examine the facts and make proper deductions, and that, and that only, was in their power. They had gone farther, and reported arguments, and rules for the final action of the House; but they should have stopped short at a statement of facts reported to the House.

In conducting the examination, it would probably never appear that the gentlemen implicated had substantial notice to appear before the committee as persons charged, to defend their rights, or bring them directly before the House. They had received notice to appear, but it was not such notice as to put them on their guard as if on trial before their peers; and this was important, because they were delicately situated, with their rights, privileges, and characters at stake. They should have the benefit of all doubts; and he thought, that when they came in to answer to this decision of the committee, it was a judicial decision, involving judicial powers; that they would be put unfairly before the House. For these reasons, he thought the committee had exceeded their powers. He concurred in the opinion of his colleague, [Mr. ADAMS] that this report should be printed, and laid on the tables of the members only in the form of evidence. The members implicated should have every advantage yielded to persons accused in courts of justice. Mr. G. then referred to the argument that the memorials and petitions referred to the committee enlarged their powers beyond the resolution, and contended that they had no effect upon evidence, but only showed a certain state of public opinion, which could not govern the committee or the House in their particular action, though no man held in higher respect than himself, the expression of the public opinion from various sections and large masses of people; but he thought no one could pretend that petitions praying for the expulsion of a member were to govern the action of the House unless supported by evidence, and that in accordance with the laws of the House. The petitions are entitled to full respect, for they come from people actuated by the best motives; but it is the duty of the House to protect itself, to punish for contempt, and to proceed in such matters with all the caution and solemnity of courts of justice, according to law and evidence, not being swayed by public opinion from strict justice.

Mr. G. commented upon some of the precedents referred to in the debate, and pointed out differences between the respective cases. He concluded by saying that he had concurred in the motion offered by the chairman, but he was satisfied that the argument and results ought not to be printed, and unless those parts of the report were stricken out, he should feel compelled to vote against the motion.

Mr. TILLINGHAST remarked, that he would not be supposed inclined to suppress investigation. He was anxious that the country should be informed of the course of the House in the debate, of the state of each question, and of the reasons assigned by each gentleman for his action upon the subject. He pressed upon the House the importance of the results involved in the inquiry, and urged the members to forget their own individuality, and to act upon high grounds of moral and legal principles. He contended, at length, for a strict construction of the rule in the Manual, and replied to some of the arguments used in the course of the debate, urging that it was the duty of the committee, so soon as they found a member implicated, in the course of their investigation, to stop at that point, and report that fact to the House. He was opposed to postponement, and in favor of the proposition to recommit.

Mr. POPE referred to former cases of privilege in Congress, in which he had participated many years ago, and insisted that no precedent existed, within his knowledge, of a committee prosecuting an inquiry into the conduct of a member of Congress or a Chief Executive officer, under a general power to inquire. They must have the special authority and sanction of the House before they could advance a step. The case of a member was a much stronger one than that of the highest functionary of the Government; for, in expelling a member, they were depriving twenty, or perhaps fifty, thousand people of their voice and vote in that hall. Moreover, the committee had further transcended their powers in sending for Mr. GRAVES, Mr. WISE, and the other persons implicated. It was also understood that the report and testimony had been printed, and he would like to know on what authority that had been done.

Mr. GRANTLAND (a member of the committee) would inform the gentleman. It had been printed at the request and solicitation of the *minority* of the committee. The chairman and the majority at first objected to it, but, at the earnest request of the minority, they assented.

Mr. ELMORE was understood to make a similar statement; adding that that course was sanctioned by the investigating committees of the last Congress, and, in the present instance, was intended for the benefit of the gentlemen supposed to be implicated in the investigation.

Mr. TOUCEY stated that when the resolution to print the answers of the witnesses, etc. was adopted, which was understood to have been with a view to the accommodation of others, Mr. T. was absent, as was also the member from Pennsylvania, [Mr. POTTER.] As soon, however, as the knowledge came to him that the clerk of the committee had been authorized to employ a printer, he [Mr. T.] acquiesced in it; and a printer was so employed by their clerk, and the evidence was printed, as he before stated, for the accommodation of those gentlemen whose situation was supposed to require it.

With regard to the report of the majority, it was

drinted upon the motion, and at the urgent solicitation, of the minority, in opposition to Mr. T's wish, and in opposition to his suggestions. It was printed and put into the hands of the members of the minority, and upon it they had framed their counter reports.

As to the publication of what had appeared in one of the city papers, (the Globe) it might be proper to state that Mr. Rives, of the firm of Blair and Rives, was the printer employed by the committee, and hence had access to the report. That gentleman spoke to Mr. T. about it yesterday, apologizing for what appeared in the Globe, stating that he supposed, as the report had been made, that the usual course upon it had been taken by its being ordered to be printed, and, therefore, that there was no impropriety in publishing the substance of the resolutions.

Mr. POPE resumed, and opposed the motion to postpone and print. He was for quashing the report, recommitting it, without printing, to a Committee on Privileges, and let them report what, in their judgment, ought to be done.

Mr. PARKER remarked that the objections made to the report were not offered by the persons interested, but by the members, the judges, they were the persons who, with a slight technicality, objected that the course of the committee had been irregular. The only question he thought was, whether the House, as judges, should obtain all the information in their reach, to enable them to decide correctly. Without the knowledge contained in the report, the House could not determine what kind of examination this committee had instituted, whether there had been an *ex parte* investigation, or whether witnesses had been examined on both sides, and cross-examined. He examined the original resolution, with a view to show that the committee was authorized and required to investigate all the facts, and report thereon; and he contended that this involved the necessity of reporting conclusions.

Mr. P. contended that it was proper to print the report entire, in consequence of the urgent appeals of the community for an investigation; and justified the reporting of arguments and conclusions, by reference to the doings of other select committees, which had always been accustomed to report facts and conclusions. He was unwilling to rely upon the judgment of the committee, though he had very great confidence in the gentlemen who composed it, and because he could not rely upon the decision of the committee, he was desirous to have the facts all before him, so that he could judge for himself. He thought it necessary, to enable the House to judge of the whole merits of the case, that the report should be printed; and if the examination had been fair, as no one had doubted, the printing would also tend to the advantage of the members implicated.

Mr. RARIDEN said he felt very much at ease in regard to the course the House might think proper to pursue respecting those reports. If they were printed, together with the journal of the committee, and the evidence taken, the report signed by his friend from Massachusetts, [Mr. GRENNELL] and himself, would explain very fully the reasons why they could not join the majority in the report which they felt it their duty to make. If they were not printed, but recommitted to the same committee, with the instructions suggested by the gentleman from Massachusetts, [Mr. ADAMS,] it would be adopting and carrying out the original views of the minority, as would appear by their report, and so he felt indifferent upon the subject.

Mr. R. said he did not entertain the same views of the power conferred on the committee by the resolution of the House that some others seemed to do. He esteemed the detailing of a select committee to make inquiry, as was done by the resolution of the House in regard to the duel and breach of privilege, as a proceeding touching matters proposed for the future action of the House; that such a step was founded in motives of prudence and economy, and with a due regard to the dignity of the House, and the rights of individuals whose conduct might be investigated, The appointment of such a committee seemed to him an act of caution in the House to guard itself against rashness, and to prevent its time being taken up in necessary preliminary inquiries, in order to satisfy its judgment that it should act definitely upon the subject proposed. This appeared to him to be the object of raising such committees; and it was in every way proper, because the House was less liable to imposition from that quarter than any other; and the members of such committee were not only responsible to the House for the fidelity with which they executed the trust, but responsible also at the bar of public opinion for the action the House might be led to take upon the information communicated to it through such committee.

Entertaining such views of the object of raising this committee, the minority assumed the ground, at an early stage of the investigation, that the committee would fulfil all that was required of it, by reporting to the House the evidence as it received it without comments of their own, with the simple expression of their opinions, that the evidence so taken and reported did or did not prove that the privileges of the House had been invaded in the commission of the acts and circumstances detailed as connected with the death of Jonathan Cilley, without indicating to the House what should be its action thereon, or the measure or character of the punishment proper to be inflicted for such violation. The minority, at least he himself, entertaining those views, did not choose gratuitously to compromit his judgment, especially where he was not required to do so by the House, and he had, therefore, dissented from the majority.

But, said Mr. R. if the journal of the committee, the evidence taken, and the several reports, were printed together, he was content. The journal would show how full and impartial was the examination, and whether of that broad character best calculated to elicit the whole truth or not. It would show especially what questions were propounded to witnesses and overruled by the majority, as irrelevant or impertinent, and it will then be for the House to judge whether answers to the rejected questions might not have reflected some light upon the motives of some of the actors in the scene about which the inquiry was set on foot, and enabled it the better to have adopted a proper and appropriate means of vindicating its rights and punishing the offenders.

Although it may be true that individuals whose acts and conduct connected with the duel were investigated before the committee were personally present, and put questions to witnesses, yet they could not be considered as parties on trial before the committee. It had not the power either to acquit or convict them of a violation of the privileges of the House. It might, by the facts collected and reported, have accused them to the House. But such accusation would not have, nor should it have, any force till adopted by the House as its act, nor could they, before they have been put upon trial. So might the committee have advised the House that no breach of privilege had been committed, and the House might or might not have acquiesced in the advice, as its sense of propriety dictated, but in no point of view could individuals, whose conduct might have been undergoing investigation before this committee be considered a party. The House or the constituency was the only party, and the inquiry delegated to the committee was for such facts as would enable the House to designate whom else, if any one, should be made parties to proceedings to be instituted against them in the House upon the information acquired through the committee.

As to the argumentative report of the majority, professing to receive the evidence taken by the committee, it can be esteemed only as light tendered to the House to lead its mind to the same conclusions with the majority, and certainly no part of the duty required by the House.

As to the publication of the report of the majority in the newspapers, he knew not how it happened. It was not by any direction of the committee that he was ever informed of, and he regretted that, in its published form, it (the report) appeared to be the act of the whole committee, whilst it was well known in the House that it was the act of four of the committee, adverse to the opinions of three, the residue of the committee.

Mr. TAYLOR adverted to the gradual widening of the debate, by members of the committee, by little and little detailing additional occurrences before the committee, while the House was kept in total ignorance of the contents of the document detailing those proceedings. This alone showed the necessity of its being printed. Mr. T. then replied to the objections against the course of the committee, insisting that there was neither usurpation, assumption, nor transcending of power, for the reference of the duelling petitions was an imperative direction to them from the House; the petitions closing, as they nearly all did, with a prayer for the expulsion of the parties implicated. Mr. T. earnestly advocated the motion to print.

Mr. LEGARE said he had come to a conclusion, with which he was satisfied, which he would state to the House, and which he hoped would induce the House to come to a decision of the question. He was for sending back the report to the committee, with instructions to report the facts, without any conclusions or accusations. He considered the subject the most important that had come before the House since he had been a member. It was to settle what had been in a most unsettled state heretofore, the rule by which the House should be governed, in cases where it exercised the most despotic power, uniting the functions of magistrate, jury, and executioner. The House was about to expel a member, to exercise a power analogous to the impeaching power, though that was prohibited to the House, and the result would be to degrade and disfranchise a member of the House, and to declare him unworthy of a seat in that body.

It was because the House was armed with a power so despotic, which might be used for the worst party purposes, and might at all times affect all parties, that he considered this occasion one of tremendous importance and solemnity. He contended for the rule of common sense, and of law, that a party accused shall be confronted with the witnesses; and said that the fundamental principles of liberty in the Constitution, that a man shall be tried by his peers, means also that he shall be heard, and that openly, before the country. After some comment upon various points of the debate, Mr. L. called upon the House to stop, where they now are, and to settle the law of accusation; that it should be made the rule, that a member should be charged with all publicity, and with an accurate specification in form. He hoped the report would be recommitted, and that every thing except a statement of facts would be stricken out.

Mr. ATHERTON replied to some observations of Mr. GRENNELL, and said that if a strict techinal construction of the rule must be maintained, then the moment the committee ascertained that a member was involved, it was their duty to stop, and report that fact; and by such a construction, they had no right to go on and take and report evidence. He went on to comment at length upon the rule which should govern the House, as to be inferred from the cases previously referred to in the debate, and came to the conclusion that the report ought to be printed.

Mr. SLADE then obtained the floor, and moved an adjournment, which did not prevail—yeas 79, nays 83.

Mr. S. then stated that he should vote against the proposition to print, and proceeded to give his reasons, when he gave way to

Mr. CALHOUN of Kentucky who moved an adjournment, and called for tellers, which were ordered.

Mr. LINCOLN asked for the yeas and nays, but they were refused, and the question being taken by tellers, was decided in the affirmative—yeas 90, noes 58.

So the House adjourned.

IN SENATE,

TUESDAY, April 24, 1838.

Mr. ROBINSON presented the petition of a number of citizens of New York, praying for the establishment of a fiscal agency for the Govern-

ment, and asking a charter of incorporation: referred to the Committee on Finance.

On motion of Mr. NORVELL,

The Committee on Revolutionary Claims was discharged from the further consideration of the petition of the daughter of Jonas Crane.

Mr. NORVELL, from the Committee on Revolutionary Claims, to which the memorial of the heirs of John de Treville, deceased, had been referred, reported a bill for their relief; which was read and ordered to a second reading.

Mr. WHITE presented a communication from the War Department, enclosing a report from the Commissioner of Indian Affairs on the subject of the survey and assignment of lands for emigrating Indians; which was referred to the Committee on Indian Affairs.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which had been referred the petitions of a number of citizens of Alabama on the subject, reported a bill authorizing the issue of patents to the last bona fide purchase of Indian reservations under the late treaty: read and ordered to a second reading.

Mr. CLAY, from the same committee, to which had been referred the bill from the House for the relief of Jet Fleming, reported the same without amendment.

The bill to establish a pension agency at Montpelier, Vermont, was taken up and read the third time; and after some remarks from Messrs. HUBBARD, PRENTISS and SWIFT, was passed.

Mr. CLAY of Kentucky presented a memorial, signed, as he said, by members of every class and condition of society; some of them members of literary institutions, and others merchants, in short, all classes of society, in behalf of the proposed amendment of the international copy right law. The memorialists supposed, Mr. Clay said, that the adoption of the amendment would not only conduce essentially to the interest of American literature, but be an act of justice to foreign countries, by reciprocating, in some measure, the benefits we have received from them. This subject, Mr. C. said, was presented by him to the attention of the Senate at the last session, and since then it had attracted a great deal of the the public attention, several publications having been made respecting it. He had seen several of these publications, and he took the opportunity of saying that every conviction which he entertained of the propriety of this measure at the time he first presented this subject to the Senate, now remained unshaken. The committee to which this subject had been referred, had had it under consideration for some time, and he believed that they had been waiting with very proper motives under a desire that all the parties interested should be fully heard before making their report. But as every thing that could be said or written on the subject had been exhausted, he hoped they would report the result of their deliberations to the Senate at an early day. Mr. C. concluded, by moving the printing of the memorial, and its reference to the Committee on Patents, which was agreed to.

Mr. RIVES presented a memorial, numerously signed, on the same subject, which was referred to the same committee; together wito a similar memorial from the professors of the University of Virginia, presented at the last session, and not acted on.

Mr. PRESTON also presented a memorial of a similar character, signed by different classes of persons, booksellers and others. The discussion before the public, Mr. P. said, to which the Senator from Kentucky had alluded, was mainly between authors and publishers, who had supposed themselves to have different interests on this subject, authors being of the opinion that their interests would be subserved by an international copyright law. The discussion had been one of considerable warmth, and had run out somewhat into other collateral matters. Mr. P. believed the Senate had already passed the bill asked for, and, as far as he could ascertain, public opinion was very generally favorable to it, not only in this country, but in all civilized foreign countries. A distinguished member had introduced a bill of this kind in the British Parliament, and had advocated it with much eloquence and ability. In France, also, a measure of the same kind was in progress, and in Germany, where it was of more consequence than any where else, because they were the most extensive makers of books. Mr. P. would be happy to think that the United States had taken the first step on this subject, by proposing a general system for the community of nations, and for the literary class, who exercised a very great control over public sentiment.

And there could not be said to have been a more favorable time for the adoption of this general measure than the present, at the moment when the public mind throughout the world was in a state of repose, was in a state of general sympathy and homogeneousness, and of general union on subjects connected with the happiness and improvement of mankind. This was owing to the great degree of universal peace, prosperity, and happiness, which had existed for the last twenty-five years throughout the civilized world—a degree greater than had existed before since the death of the second Antonine.

This memorial, Mr. P. said, was, to a great extent, from, booksellers and publishers, showing that there was now, on their part, a conformity with the opinions of American authors on this subject. Mr. P. moved that it be printed, and lie on the table: which was ordered.

Mr. BAYARD presented the memorial of a meeting of the Religious Society of Friends lately held in Philadelphia, being delegates from the members of that society in the four States of Pennsylvania, New Jersey, Delaware, and Maryland, upon the subject of Indian affairs generally, and expressing their views, Mr. B. said, in the mild language and benign spirit of Christianity. The memorialists express their regrets at the continuation of the war in Florida, and their hopes that Congress would listen to the appeals made in behalf of the Cherokees. Mr. B. moved that the memorial be printed, and referred to the Committee on Indian Affairs.

Mr. KING objected to the printing, on the ground that any discussion or agitation of the subject might have an injurious effect. He suggested the propriety of laying it on the table, as was done in the case of a similar memorial presented some time ago. Then the Senate, after some little discussion, and some little reflection, came to the conclusion that it was best to do nothing on the subject.

Mr. BAYARD said this was a memorial from one among the most excellent societies in the United States. It expressed, in general terms, the views of the persons composing the Society, and the great object was, he presumed, merely to place the matter on record. It recommended no measure, said not a word in relation to the Cherokee treaty, and was entirely free from any of the objections made by the gentleman from Alabama. He was desirous, as a matter of respect to the memorialists, that it be printed and laid on the table.

Mr. KING said, as the Senator from Delaware seemed desirous of the reference and printing, he would withdraw all opposition to it. The Senator, however, was mistaken in supposing that it was usual to print memorials of this character. He was well aware of the blameless character of the memorialists, of the mildness and forbearance with which they expressed their views; he respected too the purity of their motives, but in this particular question the printing of their memorial could do no good, and might possibly lead to excitement, as one branch of the subject was already definitively settled, and could not be revived without the greatest danger. He would, however, withdraw his opposition to the motion of the Senator from Delaware.

The memorial was then referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BUCHANAN presented the memorial of the Chamber of Commerce of the city of Philadelphia, on the subject of keeping open the river Delaware during the winter; also, recommending that New Castle be made a port of entry; also, asking the establishment of a winter harbor and the construction of piers low down the river Delaware: referred to the Committee on Commerce.

Mr. B. presented the memorial of Walter R. Johnson, praying the establishment of a national institution for the prosecution of experiments and researches in the physical sciences which are required for the public service and for the general welfare of the country: referred to the Committee on Patents.

Mr. RIVES, from the Committee on Naval Affairs, reported a bill to regulate the pay of masters in the navy; which was read, and ordered to a second reading.

On motion of Mr. ROANE, the bill to continue the corporate existence of the banks in the District of Columbia was taken up, and made the order of the day for Friday next.

Mr. KING, from the Committee on Commerce, reported a bill for the relief of Asa Armington; which was read, and ordered to a second reading.

On motion of Mr. TROTTER, the Senate took up the bill supplementary to the act entitled an act to amend an act for the appointment of commissioners to adjust claims to land under the 14th article of the treaty of 1830 with the Choctaw Indians. The amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

Mr. KING rose to inquire of the Senator from Mississippi whether they had proceeded in the matter, whether any thing had yet been done, and what was the present state of the business, &c.?

Mr. TROTTER was happy to state, for the information of his friend from Alabama, that they had been very actively engaged to his (Mr. T's) personal knowledge. He had occasion to call at the point where the Commissioners were engaged, and found that they had examined some sixty or seventy cases, and were diligently proceeding with the remainder, which would amount to about twelve hundred. Not more than from three to four cases could be examined a day. The testimony was taken through interpreters, and was noted down by a clerk, which necessarily caused them to proceed but slowly, besides rendering the duty tedious and perplexing. They were progressing with as much rapidity as the nature of the business would admit, and he knew they were extremely solicitous to bring the matter to a close.

ORDER OF THE DAY.

The resolution submitted by Mr. PRESTON, for the re-annexation of Texas to the United States, was taken up as the order of the day; when,

Mr. PRESTON rose and addressed the Senate until past three o'clock on the subject of his resolution. He spoke of Texas as a young and vigorous Republic, that had risen like an exhalation from the earth, and destined, at no very distant day, to be a grand and glorious empire. Mr. P. glanced at the relative condition of Mexico and Texas; the one almost a wild and unproductive waste, while the other, though but of yesterday, in matters of legislation, of jurisprudence, commercial knowledge, and agricultural science, was far, very far, in advance. And were we to forego the mighty advantage that was offered us by the annexation of this great country, from the idle dread, and wretched scruples which our Northern brethren seemed to entertain, lest it would be the means of spreading negro slavery? Mr. P. contended, that if Texas remained to herself, slavery might be extended; but if she were annexed to us, the condition of the slave would be improved, while there would be no addition to the number. [As soon as the reporter can prepare from his notes this eloquent and forcible speech, it will be presented to the public.]

The Senate went into the consideration of Executive business; and when the doors were opened,

Adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 25, 1838.

REPORT OF THE DUELLING COMMITTEE.

The House resumed the unfinished business, being the report of the committee appointed to investigate the causes which led to the death of the Hon. JONATHAN CILLEY, late a member of the House, the question being on the motion of Mr. TOUCEY, under the unanimous direction of the committee, to print and postpone it till Monday week.

Mr. SLADE continued his remarks in opposition to the printing of the report, testimony, &c. mainly on the ground that it should be first ascer-

tained whether the committee had not transcended their powers. He denied that the objection was a technical one. It was a substantial one, consistent with common sense, and founded on the nature of things. On this point Mr. S. dwelt at considerable length, illustrating it by referring to the course of committees upon other questions, which was always confined within certain rules. In this instance the committee had nothing to do with trying the individuals implicated, or making an argument to prove they were guilty, but merely, as grand jurors, to return if there was sufficient cause to put them upon their trial. The only report they were empowered to make was that Mr. CILLEY was killed by Mr. GRAVES in a duel; but they should neither have pronounced a verdict of guilty, have recommended a punishment, nor have made an argument to enforce the necessity of the verdict and punishment. Hence he was opposed to the printing of this document, was in favor of its being recommitted, and should then be unwilling to postpone it. At present, if it was sent to the people, it would be promulgating an *ex parte* statement.

Mr. TOUCEY again protested against this assertion, for, so far from the testimony being *ex parte*, every opportunity was afforded to all the individuals, interested in the examination, to cross examine witnesses, and bring others of their own.

Mr. SLADE explained, that he referred to the report as being *ex parte*, for the people in the fervor of their feelings, would take it up and make up their minds upon it; and hence, if the House should, at the end of the fortnight's postponement, come to a different decision, there would be a conflict of opinion between them and their constituents.

Mr. S. in reply to the argument that the petitions partook of the nature of instructions, admitted that, though general petitions did, this was not an analogous case, because it affected the private rights of individual members of the House.

Mr. FOSTER contended that it was not proper for the committee to present a mere report of evidence in a crude, undigested form. They were instructed to investigate the facts, and "report thereon;" and it was their duty to examine the evidence, and present it in intelligible order, with such remarks as might lead the House to an intelligible decision. He thought the committee had kept strictly within the line of their duty. If he supposed any injustice was done by the committee to the persons implicated, he would not vote for the printing. The question was, whether the report should be printed—not how it came there. He was disposed to do all justice, and would be the last man to shield a member by mere technicality, such as the cobweb technicalities that prevail in courts of law. He could not consent to establish technical rules to ride over rules of justice. He went at length into the principles of trials in courts of justice, and by impeachment. The rights of the House to expel a member, when two-thirds of the members thought it proper, was not derived from the usages of the British Parliament, nor like those usages, from prescription, but arose under the Constitution; and it was necessary and proper to institute free and full examinations, and not for the members to shield themselves under abstruse technicalities, so as to avoid those responsibilities to which other individuals are liable, from the action of the House. He also referred to the various petitions, praying for investigation, and some of them praying for the expulsion of certain members by name, all which were referred to the committee, as a sufficient reason for a full and general report. Such a report alone would satisfy the people; and if the committee had stopped short, and merely had reported the evidence, there would have been just cause of complaint, and he would have been in favor of sending the report back, for the committee to complete their duty, as other committees are required to do. In the case of John Smith in the Senate, the committee reported the evidence, with a report and resolution, and that resolution was the foundation of all the subsequent action of the Senate. The report and resolution were received then, and by the same rule should be received now. He looked upon this as a mere preliminary proceeding, and the House had the right and power, in their future action, to correct any errors the committee may have made, and to receive any additional testimony, to enable them to arrive at a just conclusion. There was no danger, he argued, of members being treated with injustice by the House; their friendly relations and daily social intercourse would forbid it. Mr. F. repelled the intimation that any members desired to circulate the report to injure the standing of any member, or to influence his re-election in case he should be expelled. He thought no member could be actuated by such unworthy motives. He did not fear excitement in the public mind: if there was excitement two month ago, it had been allayed; and the inevitable consequence of any excitement which might lead to injustice to any individual for a time, was a reaction which would more than atone for the momentary injury. There was no fear of permanent injustice to any man; and the people wanted, and had a right to have, all the evidence upon which the House was called upon to act. The question he considered to be, not whether the committee had conformed to technical forms, but whether they had done injustice; and he hoped the report would be printed, that the House might be enabled to judge of the facts and the arguments, which they could not do as long as it remained in manuscript. He construed the intention of the rule of the Manual to be simply to prevent a member being tried, and perhaps degraded, by the report of a committee in secret session, without his having any knowledge of it. This was, in no sense, such a case; and the rule could not operate.

Mr. FLETCHER of Massachusetts said he felt no scruples upon the particular point of the printing; but he felt some solicitude to know, if the report should be postponed for a fortnight, what would be the condition in which it would then come up, and in what condition some matters in relation to it would be found. With a view to understanding some of these points upon which he felt solicitous to have information, he desired to ask some questions of the chairman of the committee, and he would propound them separately.

He would first ask the chairman whether the testimony of the individuals affected by the report, or of any of them, had been taken?

Mr. TOUCEY stated, in reply, that the testimony of Mr. GRAVES was taken upon the application of Mr. WISE, as alleged, for his special benefit; the testimony of Mr. WISE was taken at his own request, and at his own solicitation; the testimony of Mr. JONES was taken without the solicitation of any one, but was his own voluntary offer.

Mr. WISE wished the chairman to repeat that statement.

Mr. TOUCEY did so.

Mr. WISE wished the chairman also to state the fact that the request was not made until after the writen testimony of Mr. GRAVES had been returned by the committee.

Mr. TOUCEY stated that the general interrogatory, put to witnesses, was furnished to Mr. GRAVES, accompanied with a proffer that his testimony, his own statement, would be received by the committee. Mr. GRAVES addressed a letter to the committee, accompanying his statement, in which he expressed himself as wishing it to be understood that the committee had interrogated him, and *called* upon him, to make a statement. The committee thereupon returned his testimony to him, and adopted a resolution, declaring that it was not the intention of the committee to put him under any obligations to answer, but simply to give him an opportunity, if he chose to avail himself of it. It was subsequent to this that a letter was addressed to the committee by Mr. WISE requesting that his statement might be taken, as necessary to his defence. That letter was laid before the committee was read, and upon it he presented his statement.

Mr. WISE would ask the chairman whether a different notification was not written to Messrs. GRAVES, WISE, and JONES, than was written to the other witnesses in the form of summons? Whether, without the examination of any testimony, and before any testimony was gone into, it was not taken for granted by the committee that these persons were to be implicated?

Mr. TOUCEY could answer that inquiry. The committee, in the first place, called upon Mr. GRAVES, Mr. WISE, and Mr. JONES, for the correspondence, which was presented by the committee. It appearing, in that correspondence, that Mr. GRAVES was interested, and that the other gentlemen acted as seconds in the duel, a resolution was then offered that the interrogatory which was put to all the witnesses should be put into their hands, and that, if they chose, the committee would receive a statement from them. This might not be the strict phraseology, but it was the substance.

Mr. WISE. But there was a difference in the notification to them from that sent to the other witnesses.

Mr TOUCEY had stated the fact as he understood it.

Mr. FLETCHER. Will the chairman allow me to ask if the testimony of those individuals was taken under oath?

Mr. TOUCEY. It was taken under oath, and all the witnesses were cross-examined.

At this stage Mr. TAYLOR rose, and drew the attention of the CHAIR to the irregularity of this proceeding, and the CHAIR ruled it out.

Mr. TOUCEY expressed a hope that he might be permitted to make a full statement in reply to Mr FLETCHER's inquiry, and begged that no one would object to it.

Mr. THOMAS should object, for the obvious reason of its irregularity. He understood these interrogatories were propounded in order to obtain from the chairman statements of what occurred in the committee room. Now it must be foreseen that this would be wholly improper.

The CHAIR stated the ground taken by him in the early part of this proceeding. It was, to exclude all statements of what occurred in the committee room, and he had attempted to rule the House down to that point. In the progress of the debate, however, although in almost every hour he had interposed, in as mild and proper a manner as he could, by suggesting to gentlemen that they were exceeding the proper limits, the debate had gradually slided beyond that point, though, to this moment, what had been referred to had been spoken of suppositiously, or for the sake of argument and illustration. When the gentleman from Massachusetts rose and propounded his interrogatory, the Chair did not, at the instant, perceive its exact bearing, but he saw enough now, however, to make it very clear that the course of the interrogatories was extending the debate too far, for statements of what occurred in the committee room, or any transactions there, were entirely irregular.

Mr. TOUCEY desired to state a fact in explanation.

The CHAIR could not suffer this debate to go on, but the House might, by its unanimous consent. It was objected to, however, by several gentlemen.

Mr. GRAVES expressed a hope that the range of debate would not be restricted, as he desired an opportunity of addressing the House on the merits of the question. As it would have to be opened, he trusted it would be opened at once.

Mr. FLETCHER resumed, and went on to say that he understood that there had been an adjudication, and that sentence had in effect been pronounced.

Mr. TOUCEY rose to explain.

Mr. FLETCHER said he had seen in a public print a decision, as a part of the report, that certain members had offended, and should be subjected to certain punishments, and that he took to be an adjudication.

Mr. TOUCEY was about to explain the action of the committee, when

The SPEAKER interposed, and said the report must speak for itself.

Mr. FLETCHER resumed, and said that as to the question of printing, he had nothing to say. But he wanted to know, when the subject should come up finally for the action of the House, how he was to stand in relation to the report. He wanted to know if the members had been put on trial and if they had

been heard in their defence. If the House was to be called upon, when the report should come up on the postponement, to act upon the resolution, as it now stands, it would lead to inextricable confusion. They would be called upon to decide, without a trial, without a hearing, and without the proper preliminary steps, whether certain members of the House deserved punishment.

Mr. BOON rose to order: he wished to know, if upon the question of printing and postponement, it was in order to discuss the punishment. Or how any member could know what was in the report.

The SPEAKER said it was not in order to discuss the question of punishment.

Mr TOUCEY said the first question was, whether any member had been guilty of a breach of privilege?

Mr. FLETCHER said, No: it was a question whether a member should be punished. Was it proposed that any member should be put on trial?

Mr. TOUCEY. Certainly.

Mr. FLETCHER said if the report recommended a trial he would go for it, but he did not understand that there was any such proposition. As he understood the report as it now stands, there was a resolution of punishment, but no proposition for the trial of any member of the House. It was for punishment without trial; and if the House was to take up the report hereafter, to act first upon that resolution, it would be involved in unavoidable and inextricable confusion. He wished that the report might be so altered now, that the action of the House could be practicable; whereas, as the report now stands it must be wholly impracticable. He desired to have such a course taken with the report now as would lead to a result directly, without postponement. There was such a course, clear and definite; and he referred to the case of John Smith as a precedent. There the committee took testimony, and reported it to the Senate, when the accused was put upon trial before that body *de novo*. That was the course that should be adopted now. But as the report now stands, he could see no course for the action of the House. It would be a mere question of punishment, without trial, without hearing, without defence, on the part of the accused. He wished the House would now put the report in some shape, so that the House could obtain the evidence, and come to a practicable action upon it, without a repetition of this debate on a matter of form.

Mr. GRANTLAND remarked, that the committee had received a great deal of censure, if not abuse, for the manner in which they had conducted their proceedings, and, strange to say, from quarters too who had voted *for* the resolution. The objection had been based on the rule laid down by Mr. Jefferson. Now was that rule known when the resolution was adopted? If so, why did not those cognizant of it call the attention of the House to it, and have the course of the committee directed under it? Why did not the learned gentleman from Massachusetts, who, above all others, had censured the committee, direct the proper course of the committee by amending the resolution? All Mr. G. could say was, that the committee had discharged the duty assigned to them to the best of their ability. Several of them were new members, and but few of them were versed in the rules of parliamentary law. If, however, any member of the House knew of that rule, and did not notify the House of it, but censured the committee, Mr. G. should say that that member was far more deserving of censure than the committee, or any member of it.

The committee had also been censured on another account, and he believed no gentleman who had participated in this debate had said one word in extenuation of them. They had been censured for moving a postponement of this subject to so distant a day, and he had hoped that when the gentleman from Massachusetts, who was a member of the committee, [Mr. GRENNELL,] occupied the House for a considerable length of time, he would have explained to the House why so distant a day had been named, because it was done for the particular convenience of the gentleman himself! The balance of the committee proposed a much earlier day—as early a day as could be named after the papers were printed, but that gentleman informed the committee that he wished to be absent from the city, and—

The CHAIR requested the gentleman to abstain from going into any proceedings before the committee.

Mr. GRANTLAND explained that several gentlemen had severely censured the committee, and he could not justify them without referring to what had been done there in relation to the point upon which they were threatened.

Mr. GRENNELL rose to explain.

Mr. GRANTLAND assured the gentleman from Massachusetts, that he did not advert to this, to censure the gentleman, but to repel the attack made upon the committee.

Mr. GRENNELL said that one week from Monday—

The CHAIR reminded the gentleman that if any thing which occurred in the committee might be stated, every thing might.

Mr. GRENNELL would merely explain, then, that he made no request, but stated the fact to the committee that he was going to be absent.

Mr. GRANTLAND, in reply, said he would appeal to every member of the committee if it was not at the suggestion of the gentleman from Massachusetts that the motion for so distant a day was adopted?

In reference to the other point, however, he must say, that if blame was attachable any where, the House, and not the committee, was to blame. The committee had reported, which was what they were directed to do, and had made three reports, or one report and two counter reports; and he should suppose one of them might please, or if neither did, the House might amend one of them. But the committee were ordered to make a report, and having done so, they were now told they had no right to make a report; and this, too, by those who had voted for that very order! Why did they not say so at the time?

It seems that the committee did not think of a rule of which nobody else thought; for, if any one had known of it, he would have acted with candor to have drawn the attention of the House to it. But they had other instructions than those embraced in the resolution. He held in his hand two out of some hundred or more petitions, signed by some twenty odd thousand people, perhaps, praying for the expulsion of members of the House, by name. These two petitions were presented by the member from Massachusetts, [Mr. ADAMS,] who had reflected so severely upon the committee, and Mr. G. would ask for what purpose they were sent to the committee, if their prayer was not to be acted upon? Why not lay them upon the table? Now the committee did consider that a strong indication of the will and intention of the House, and how could they view it in any other light? He repeated, that great injustice had been done to the committee, but it was no unusual thing to do injustice to an investigating committee, for those who disliked the object of the investigation generally attacked the committee, and tried to divert the object.

For himself, Mr. G. said, he cared very little what course was taken. He went into the committee perfectly unprejudiced, and he could assure the House that if any gentleman had brought the clause in the Manual to his notice, he certainly would have given to it his serious attention; but he had never heard of it, and he doubted if ten members of the House had had any knowledge of it. All knew that there was nothing about which they differed so much as the rules of the House; but this was not known, he believed, to one, certainly not to ten members of the House, at the time the resolution was passed. Had Mr. G. known it, he might have given a different direction to the course he pursued.

Mr. BELL went at length into an argument to show, that the parties accused had a right to a full trial before the House, if they chose to claim it; though he supposed the individuals in this case would not insist upon the extent of their rights in that respect. He also made some remarks to show that it was improper to print the evidence, as much so as to print the arguments of the committee. But he was authorized to say, that the parties implicated desired that the evidence might be laid at once, without delay, before the House and the country. Be it favorable or unfavorable, they desired that the proofs might be laid immediately before the community. But he considered that this would be a precedent, and that no departure from the strictest course of such a proceeding should be allowed, unless by general consent of the House, and the parties, and with that fact entered upon the journal. This he contended was necessary, in order to guard the rights of members who may be accused hereafter, perhaps in times of high party excitement, when political, personal, and vindictive passions might be urged on to procure the ruin of a member of the House.

Mr. PENNYBACKER said he did not rise to make a speech. He wished to make a suggestion in relation to a remark that the vote would be of a party cast. He deprecated such a result. He hoped the motion to postpone and print would not prevail; and he was emboldened to maintain that opinion by the assertion of the gentleman from Tennessee, [Mr. BELL,] that the parties had no objection to let the House have the full testimony in the case. He thought the committee had acted in good faith, though he believed they had gone a little further than the law would warrant. He was not here when the original resolution was passed; but if he had been here he should have voted for it, and should act now precisely as if he had done so. Mr. P. referred to cases reported of trials in the British House of Commons; and inferred the necessity of a notice to the House, when it is ascertained that a member is implicated, that the House may take such steps as they may deem proper; and that the member may ask leave to appear before the committee. Such, as he read, is the uniform practice of the British Parliament. He knew that it was said that the House had in their mind's eye certain members of the House, in the passage of the original resolution. But this was a judicial proceeding; and it did not judicially appear that any such persons were indicated or implicated. The recollection of the members of ther House, who may now understand the whole supposed case, would pass away, and nothing would remain upon the journal to show to those who may come hereafter, that any members were implicated. As the House was acting, not merely for the present, but setting a precedent for the government of the future, he hoped the proceedings would be corrected, and that some such resolutions as had been indicated by the gentleman from Massachusetts, [Mr. ADAMS,] might be adopted.

Mr. SERGEANT suggested to the SPEAKER and to the House, but particularly to the SPEAKER, the necessity of conforming strictly to the law; because it was no justification of a known wrong, that it had been committed in conformity to an order of the House, which in itself was contrary to law. He also looked to the result, if, in case the proceedings should be irregular, the House should pass resolutions of expulsion and censure, and the members should resist the execution of the sentence. The House was bound to follow the constitutional provisions made for the preservation of private rights and personal privileges. The party accused has a right to be openly charged, and heard in his defence in open trial.

He went at length into an examination of the doings of the committee, to show that the law had not been conformed to in the proceedings of the committee, so as to secure to the members implicated those rights and privileges, of which the House had no power to deprive them. He would go so far as to say, that a member accused had no right to waive any privilege to which by law he is entitled, because all the privileges of the law are the property and privileges of every member of the House and of their constituents; and it was important that in all cases they should be carefully maintained and held sacred.

Mr. BOON called for the reading of the report. He wished to know upon what he was called upon to vote.

Mr. BELL objected to the proceeding as a violation of the proper course.

The SPEAKER decided that the question had been settled four years ago; that no member could be called upon to vote upon a paper which had not been read.

The CLERK having been directed to proceed, read as follows:

The Committee appointed to investgate the causes which led to the death of the Hon. Jonathan Cilley, late a member of the House of Representatives, and the circumstances connected therewith, and to inquire whether there has been, in the case alluded to, a breach of the privileges of the House, and to whom were referred sundry memorials upon the subject, now ask leave to submit their

REPORT:

In discharging the trust committed to them by the House of Representatives, the committee have endeavored implicitly to obey its order, neither stopping short, on the one hand, of the full measure of the duty imposed upon them, nor transcending its just limits on the other. They were of the opinion that the investigation was instituted solely for the maintenance of the privileges of the House. It was not within the province of the House of Representatives to investigate the causes which led to the death of one of its members, or the circumstances which attended it, with a view to the punishment of any offender for a high crime or misdemeanor. That belongs, in every case, exclusively to the courts of law. Senators and Representatives are not privileged from arrest in cases of "treason, felony, and breach of the peace;" and it is a constitutional provision, that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." The inquiry, therefore, is directed to one object only—the maintenance of the privileges of the House; and the question is, what, in that view, were the causes which led to the death of Mr. Cilley, and the circumstances connected therewith, and did they involve a breach of those privileges?

In pursuing this investigation, the committee have examined all whose testimony, there was reason to believe, might be material; and Messrs. Graves, Wise, and Jones, members of the House, were permitted to attend, and to examine and cross-examine the witnesses; and the same leave was extended to Mr. Menefee, of the House, and to Mr. Pierce, of the Senate, at their request. The entire mass of the testimony is now submitted as a part of this report. One witness, Daniel Jackson, of the city of New York, who was summoned to attend, and called upon to testify, has neglected to obey the requisition, though he appeared before the committee, and interrogatories were put to him; but, from the position in which he stood, and the disclosures of another witness, it was not thought worth the time or attention of the House or of the committee to notice him further.

The late Jonathan Cilley, a member of the House from the State of Maine, fell by the hand of William J. Graves, a member of the House from the State of Kentucky, in a duel fought with rifles, near the boundary line between the District of Columbia and the State of Maryland, on Saturday, the 24th of February last.

The causes which led to his death are intimately connected with the proceedings of this House. On the 12th of February Mr. Wise, of Virginia, presented to the House a publication in the New York Courier and Enquirer, charging a member of Congress with corruption upon the authority of an anonymous writer under the signature of "the Spy in Washington;" and thereupon moved a resolution for the appointment of a select committee, with power to send for persons and papers, to inquire into the charge. Mr. Wise said: "The character of the authority upon which the charge is made, is vouched for as respectable and authentic by the editor of the Courier and Enquirer, in whose paper it appears, and the House is called upon to defend its honor and dignity against the charge."

Mr. Cilley addressed the House in opposition to the resolution. In the course of the debate he said "he said he knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some $52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress." These words, spoken by Mr. Cilley in debate, were strictly in order, were pertinent to the subject under discussion, and "did not exceed the bounds and limits of his place and duty;" and though they implied a doubt inconsistent with unblemished honor and character in the person alluded to, yet Mr. Cilley was justified in the use of them, by a report of a committee of the House of Representatives, appointed on the 14th of March, 1832, to inspect the books and examine into the proceedings of the Bank of the United States. An extract from the report, made by the majority of the committee, and published by order of the House of Representatives, is hereunto annexed, in which it is stated, that "for sixteen months" the New York Courier and Enquirer "was warmly opposed" to the Bank of the United States; that on the 26th of March, 1831, and within less than nine months thereafter, the bank made three loans, amounting "to the sum of $52,975, which consisted of notes drawn and endorsed by the editors only;" and that "on or about the 8th of April, 1831, it (the paper) changed its course in favor of the bank."

It was in reference to the facts contained in this report, and published to the world by order of the House of Representatives, that Mr. Cilley spoke the words, which had been already recited; and for thus alluding to facts put forth in the published documents of the body of which he was a member, he was called in question by the editor of the New York Courier and Enquirer. James Watson Webb, on the 21st of February last, addressed a note to him, reciting those words, apprizing him that the writer of it was the editor of that paper, and concluding with a demand of explanation, couched in very explicit terms.

GADSBY'S HOTEL,
Washington, February 21, 1838.

SIR: In the Washington Globe of the 12th instant, you are reported to have said, in the course of the debate which took place in the House of Representatives on that day, growing out of a publication made in the New York Courier and Enquirer—"He (you) knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some $52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress."

I deem it my duty to apprize you, sir, that I am the editor of the paper in which the letter from the "Spy in Washington," charging a member of Congress with corruption, was first published; and the object of this communication is to inquire of you whether I am the editor to whom you alluded, and, if so, to ask the explanation which the character of your remarks renders necessary.

Very respectfully,
Your obedient servant,
J. WATSON WEBB.

To the Hon. JONATHAN CILLEY.

This demand of explanation, under the circumstances which existed, was not susceptible of misinterpretation, and, the sequel proves, was not misunderstood. Mr. Graves was the bearer of this note, having read it, and being fully apprized of its contents, and tendered it to Mr. Cilley, in the hall of the House of Representatives, while the House was in session. Mr. Cilley declined to receive it, and thereupon a brief correspondence ensued, which terminated in the challenge and death of Mr. Cilley by the bearer of this note. The first note of Mr. Graves was delivered by himself to Mr. Cilley, on the same day on which he bore the note of Webb, that is, on Wednesday, the 21st of February, 1838, and should have borne that date. It is as follows:

HOUSE OF REPRESENTATIVES,
February 20, 1838.

In the interview which I had with you this morning, when you declined receiving from me the note of Colonel J. W. Webb, asking whether you were correctly reported in the Globe in what you are there represented to have said of him in this House, on the 12th instant, you will please say whether you did not remark, in substance, that in declining to receive the note, you hoped I would not consider it, in any respect, disrespectful to me; and that the ground on which you rested your declining to receive the note was distinctly this: That you could not consent to get yourself into personal difficulties with conductors of public journals, for what you might think proper to say in debate upon this floor, in discharge of your duties as a representative of the people; and that you did not rest your objection, in our interview, upon any personal objections to Colonel Webb as a gentleman.

Very respectfully,
Your obedient servant,
W. J. GRAVES.

Hon. JONATHAN CILLEY.

It will be observed that the note which Mr. Graves bore, is described by him as the note of Colonel J. W. Webb, *asking whether Mr. Cilley was correctly reported in the Globe, in what he was there represented to have said in the House of Representatives, on the 12th instant.* But it will be perceived that the note itself, though it is thus described by Mr. Graves whenever he speaks of it afterwards, does not contain *that inquiry.*

Mr. Cilley, on the same day, personally delivered to Mr. Graves the following note in reply:

HOUSE OF REPRESENTATIVES,
February 21, 1838.

The note which you just placed in my hands has been received. In reply, I have to state that in your interview with me this morning, when you proposed to deliver a communication from Colonel Webb, of the New York Courier and Enquirer, I declined to receive it, because I chose to be drawn into no controversy with him. I neither affirmed or denied any thing in regard to his character; but when you remarked that this course on my part might place you in an unpleasant situation, I stated to you, and now repeat, that I intended, by the refusal, no disrespect to you.

Very respectfully, your obedient servant,
JONA. CILLEY.

Hon. W. J. GRAVES.

On Thursday, the day following, Mr. Graves sent his second note to Mr. Cilley, which was delivered to him in his seat, during the session of the House, by Mr. Menefee, of Kentucky, the latter accompanying its delivery with an expression of the hope that Mr. Cilley would perceive the propriety of relieving Mr. Graves from a position which was painful to him. Mr. Cilley remarked that the note should be attended to. It is as follows:

HOUSE OF REPRESENTATIVES,
February 22, 1838.

SIR: Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient. Among other things in this, that, in your declining to receive Colonel Webb's communication, it does not *disclaim* any exception to him personally as a gentleman. I have, therefore, to inquire *whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor?* A categorical answer is expected.

Very respectfully,
WM. J. GRAVES.

Hon. J. CILLEY.

Mr. Cilley, on the same day, returned the following reply, by Mr. Duncan, of Ohio:

HOUSE OF REPRESENTATIVES,
February 22, 1838.

SIR: Your note of this date has just been placed in my hands. I regret that mine of yesterday was unsatisfactory to you; but I cannot admit the right on your part to propound the question to which you ask a categorical answer, and therefore decline any further response to it.

Very respectfully,
Hon. W. GRAVES. JONA. CILLEY.

On Friday, the 23d of February, Mr. Wise presented to Mr. Cilley, at his boarding house, a few minutes before 12 o'clock, m. a challenge from Mr. Graves.

WASHINGTON CITY, Feb. 23, 1838.

As you have declined accepting a communication which I bore to you from Colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognised among gentlemen. My friend, Hon. Henry A. Wise, is authorized by me to make the arrangements suitable to the occasion.

Your obedient servant,

WM. J. GRAVES.

Hon. J. CILLEY.

On the evening of the same day, about the hour of 5 o'clock, p. m. Mr. Jones, the delegate from Wisconsin, delivered to Mr. Graves, in the room of Mr. Wise, and in his presence, an acceptance of the challenge:

WASHINGTON CITY, Feb. 23, 1838.

Your note of this morning has been received. My friend, Gen. Jones, will "make the arrangements suitable to the occasion."

Your obedient servant,

JONA. CILLEY.

Hon. W. J. GRAVES.

Mr. Jones immediately submitted the following propositions to Mr. Wise:

WASHINGTON, February 23, 1838.

SIR: Mr. Cilley proposes to meet Mr. Graves, at such place as may be agreed upon between us, to-morrow, at 12 o'clock, m. The weapons to be used on the occasion shall be rifles; the parties placed side to side at 80 yards distance from each other; to hold the rifles horizontally at arm's length, downwards; the rifles to be cocked, and triggers set; the words to be, "Gentlemen, are you ready?" After which, neither answering "No," the words shall be, in regular succession, "Fire—one, two, three, four." Neither party shall fire before the word "fire," nor after the word "four." The positions of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon, and two other friends. The seconds, for execution of their respective trusts, are allowed to have a pair of pistols each on the ground, but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure a rifle by the time prescribed, time shall be allowed for that purpose.

Your very obedient servant,

GEO. W. JONES.

Hon. HENRY A. WISE.

About 9 o'clock, p. m. Mr. Wise replied:

WASHINGTON, February 23, 1838.

SIR: The terms arranging the meeting between Mr. Graves and Mr. Cilley, which you presented to me this evening, though unusual and objectionable, are accepted; with the understanding that the rifles are to be loaded with a single ball, and that neither party is to raise his weapon from the downward horizontal position until the word "fire."

I will inform you, sir, by the hour of 11 o'clock, a. m. to-morrow, whether Mr. Graves has been able to procure a rifle, and, consequently, whether he will require a postponement of the time of meeting.

Your very obedient servant,

HENRY A. WISE.

Hon. GEO. W. JONES.

About 8 o'clock, a. m. on the 24th, Mr. Jones left at Mr. Wise's room the following note, to wit:

WASHINGTON CITY, D. C.
February 24, 1838.

SIR: I will receive, at Doctor Reilly's, on F street, any communication you may see proper to make me, until 11 o'clock, a. m. to-day.

Respectfully,

Your obedient servant,

GEO. W. JONES.

Hon. H. A. WISE.

DR. REILLY'S, F STREET,
February 24, 1838, 10 o'clock, a. m.

SIR: I have called at this place, in conformity with your note of this morning, to inform you that Mr. Graves has not as yet been able to procure a rifle and put it in order, and cannot be ready by 12 o'clock, m. to-day. He is desirous, however, to have the meeting to-day, if possible, and I will inform you by half-past 12 o'clock, m. to-day, what time to procure and prepare a weapon he will require.

Very respectfully, &c.

HENRY A. WISE.

Hon. GEORGE W. JONES.

Afterwards, Mr. Jones left at Mr. Wise's room the following note, to wit:

WASHINGTON, 10½, a. m.
February 24, 1838.

Your note, dated at 10 o'clock to-day, is received.

In reply, I have the pleasure to inform you that I have in my possession an excellent rifle, in good order, which is at the service of Mr. Graves.

Very respectfully, &c.

GEORGE W. JONES.

Hon. H. A. WISE.

Afterwards, Mr. Jones sent to Mr. Wise's room the following note, to wit:

WASHINGTON,
February 24, 1838, 11, a. m.

SIR: Through the politeness of my friend, Doctor Duncan, I now tender to you, for the use of Mr. Graves, the rifle referred to in my note of 10½, a. m. this morning.

Respectfully, your obedient servant,

GEORGE W. JONES.

Hon. H. A. WISE.

And with this note a rifle and powder-flask, and balls, were left at Mr. Wise's room.

The rifle was procured by Mr. Jones, and sent by him to Mr. Wise, in accordance with a previous request of Mr. Wise, or in consequence of a conversation between them. Mr. Jones says it was in *strict* accordance with the *request* of Mr. Wise: and Mr. Wise says he had a conversation with Mr. Jones upon the subject, requested Mr. Jones to inform him where one could be obtained, and has no doubt that it was in consequence of this conversation that Mr. Jones sent the rifle, and that he acted with the best motive in sending it.

Mr. Wise having received the last note, called on Mr. Jones, and informed him that Mr. Graves had procured another rifle, and would be ready for the meeting at 3 o'clock, p. m. The parties met by arrangement on the road to Marlborough, in Maryland. Mr. Cilley was accompanied by his second, Mr. Jones, by Mr. Bynum of North Carolina, and Col. James W. Schaumburg, as his friends, and by Dr. Duncan of Ohio, as his surgeon. Mr. Graves was attended by Mr. Wise, as his second, by Mr. Crittenden, Senator from Kentucky, and Mr. Menefee of Kentucky, as his friends, and by Dr. Foltz, of this city, as his surgeon; and all procedded thence about 2 o'clock, p. m. to the place of meeting. Mr. Jones and Mr. Wise immediately marked off the ground. The line of fire was at right angles with the rays of the sun. The choice of positions fell by lot to Mr. Wise, and Mr. Jones had the giving of the word. Mr. Wise chose the position at the northwesterly end of the line. The distance was about ninety-two yards. There was a strong wind falling on the line of fire at an angle of about 45° against Mr. Cilley. The position of Mr. Graves was near a wood, partly sheltered by it, and that of Mr. Cilley was on higher ground, and in the open field. The calibre of Mr. Graves's rifle was nearly twice as large as that of Mr. Cilley's, and would receive a ball of about eighty to the pound; while the rifle of Mr. Cilley would receive a ball of about one hundred and thirty-two to the pound. Mr. Calhoon and Mr. Hawes, both members of the House from Kentucky, were at some distance off as spectators. Mr. Wise had two rifles on the ground, one of which, not being loaded, remained, by consent, in one of the carriages. The hack drivers were on the ground; and two other persons, (Grafton Powell and James F. Brown,) were present, without the consent of either party or their friends.

Shortly after 3 o'clock, p. m. the parties exchanged shots, according to the terms of meeting. Mr. Cilley fired first, before he had fully elevated his piece; and Mr. Graves fired one or two seconds afterwards. Both missed. Mr. Graves could not have reserved his fire, had he been disposed to do so.

The friends assembled at the request of Mr. Wise, and Mr. Jones inquired of Mr. Wise whether his friend [Mr. Graves] was satisfied? Mr. Wise immediately said: "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor; cannot Mr. Cilley assign some reason for not receiving at Mr. Graves's hands Col. Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?" Mr. Jones replied: "While the challenge is impending, Mr. Cilley can make no explanations." Mr. Wise said: "The exchange of shots suspends the challenge, and the challenge is suspended for explanation." Mr. Jones, thereupon, went to Mr. Cilley and returned; and after a few words in regard to putting in writing what had been and might be said, Mr. Jones proceeded to say: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from Colonel Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he now does, the highest respect and the most kind feelings; but that he declined to receive the note, because he chose not to be drawn into any controversy with Colonel Webb," or, "he refuses to disclaim disrespect for Colonel Webb, because he does not choose to be drawn into an expression of opinion as to him." Both expressions were used in the course of the conversation. After a consultation on each side, Mr. Wise said to Mr. Jones, "This answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent." From an examination of the evidence, it will be perceived that, although the language made use of by the persons present, in narrating what passed on this occasion, is not the same, there is yet no substantial difference between them. Mr. Cilley re-asserted the ground which he had assumed in the correspondence; that he declined to receive the note of Webb, because he chose to be drawn into no controversy with him; that he refused to disclaim any personal exception to Webb as a gentleman or man of honor, because he would neither affirm nor deny any thing in regard to his character; and that in declining to receive the demand of explanation, he had intended no disrespect to Mr. Graves. Mr. Cilley even went farther, and declared that he entertained for him *the highest respect and the most kind feelings*. The position of Graves was, therefore, not changed, except so far as the peril of life by Mr. Cilley in defence of his own position, and the subsequent voluntary avowal of the highest respect and the most kind feelings for the individual who had put him in jeopardy, may be supposed to have changed it.

Mr. Crittenden says, that it was now "urged on the part of Mr. Graves that Mr. Cilley ought to make some such explanation or declaration as had been proposed, for the satisfaction of Mr. Graves; while on the part of Mr. Cilley it was urged that Mr. Graves ought to be satisfied with the exchange of shots, without any such explanation or declaration." All the friends of Mr. Cilley urged that Mr. Graves should now be satisfied, and that the affair should now terminate, without requiring from Mr. Cilley any further concession beyond what he had already made. Doctor Foltz said he "thought the affair should end here; that there was no personal ill feelings between the parties; that they had both proved themselves men of honor and courage; and that Mr. Cilley's opinion of Colonel Webb could not be changed by the further exchange of shots or the receipt of wounds." Mr. Crittenden was understood, by nearly all present, to concur in these views, though it seems he did not intend so to be understood, but acquiesced with Mr. Wise and Mr. Menefee in insisting that the fight should go on, unless Mr. Cilley would make the concession which had been demanded. Accordingly the challenge was renewed, the parties re-

sumed their positions, and again exchanged shots in the manner prescribed by the terms of meeting. Mr. Graves fired first, before he had fully elevated his piece; Mr. Cilley fired about two seconds afterwards. They both missed. Mr. Cilley could not have reserved his fire had he been disposed to do so. Mr. Jones, Mr. Bynum, Mr. Schaumburg, Doctor Foltz, Mr. Wise, and Mr. Fuller, thought, from the motions and appearance of Mr. Graves, that he was hit. He at once said, "I must have another shot." Mr. Wise says, "he positively, peremptorily, and repeatedly insisted upon another shot."

The seconds and friends again assembled, and the challenge was again withdrawn. Mr. Jones said, "Mr. Wise, my friend, in coming to the ground and exchanging shots with Mr. Graves, has shown to the world that, in declining to receive the note of Colonel Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to render satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here." Mr. Wise replied, in substance: "Mr. Jones, Mr. Cilley has already expressed his respect for *Mr. Graves*, in the *written correspondence*, and Mr. Graves does not require of Mr. Cilley a certificate of character for Colonel Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Colonel Webb. Mr. Graves only insists that he has not borne the note of a man who is not a man of honor and not a gentleman." The challenge was again renewed, and while the friends were loading the rifles, Mr. Wise and Mr. Jones walked apart, and Mr. Wise asked Mr. Jones "if Mr. Cilley could not assign the reason for declining to receive the note of Col. Webb, that he [Mr. Cilley] did not hold himself accountable to Colonel Webb for words spoken in debate?" Mr. Jones replied, that "Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate." Mr. Wise then asked Mr. Jones whether "Mr. Cilley would not say that, in declining to receive the note of Colonel Webb, he meant no disrespect to Mr. Graves, either *directly* or *indirectly?*" To which Mr. Jones replied affirmatively, adding, "Mr. Cilley entertains the highest respect for Mr. Graves, but declined to receive the note because he chose to be drawn into no controversy with Colonel Webb." Mr. Jones says that Mr. Wise took no exception to this answer, but continued to require other concessions, as stated, to be made. Mr. Wise says that in making that proposition he went beyond his instructions; and that the propsition and the response to it were not communicated to Mr. Graves, but were communicated both to Mr. Crittenden and to Mr. Menefee. Mr. Crittenden says he does not remember to have heard them, nor to have heard of them, during the progress of the contest, and that he does not remember to have given any advice or opinion upon them. Mr. Menefee remembers the proposition and reply, and positively or by acquiescence gave the advice that the reply, *thus qualified*, was but a reiteration, in substace, of the original ground assumed by Mr. Cilley, and held to be inadmissible by Mr. Graves. Mr. Wise had in his possession, on the ground, three written propositions, neither of which was exhibited, nor their substance submitted, in any other manner than as before stated.

Mr. Jones, Mr. Bynum, Mr. Schaumburg, Dr. Duncan, and Dr. Foltz, now objected, in the strongest language, against the further prosecution of the contest, and insisted that it should now cease, and that Mr. Graves should declare himself satisfied. Mr. Crittenden was understood again, by nearly all present, to concur in these views; but it appears, from his testimony, that he acquiesced in the views of Mr. Wise and Mr. Menefee. They insisted that the fight should go on, unless Mr. Cilley would make the concessions which were demanded; either a direct disclaimer of any personal exception to James Watson Webb, as a gentleman and a man of honor, in declining to receive his note, or an indirect disclaimer, by placing the refusal to receive it upon the ground of privilege; both of which Mr. Cilley, in the correspondence and throughout the affair upon the field, had refused to do, and, persisting in it, had *twice* received the fire of his antagonist.

Immediately previous to the last exchange of shots, Mr. Wise said to Mr. Jones, "If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance." To which Mr. Jones replied, "After this shot, without effect, I will entertain the proposition." Mr. Graves had directed Mr. Wise, if they missed repeatedly, to prevent a prolongation of the affair by proposing closer quarters; in consequence of which, Mr. Wise made the proposition, which would have aggravated the severity of the terms. The rifles being loaded, the parties resumed their stations, and fired the third time, very nearly together. Mr. Cilley was shot through the body. He dropped his rifle, beckoned to one near him, and said to him, "I am shot," put both his hands to his wound, fell, and in two or three minutes expired.

Early in the day on which he fell, an agreement was entered into between James Watson Webb, Daniel Jackson, and William H. Morell, to arm themselves, repair to the room of Mr. Cilley, and force him to fight Webb with pistols on the spot, or to pledge his word of honor to give Webb a meeting before Mr. Graves; and, if Mr. Cilley would do neither, to shatter his right arm. They accordingly took measures to ascertain whether Mr. Cilley was at his lodgings; and finding that he was not, they proceeded, well armed, to Bladensburg, where it was said the duel between Mr. Graves and Mr. Cilley was to take place. Before arriving there, it was agreed between Webb, Jackson, and Morell, that Webb should approach Mr. Cilley, claim the quarrel, insist on fighting him, and assure him that if he aimed his rifle at Mr. Graves, he [Webb] would shoot him [Mr. Cilley] on the spot. It was supposed by them that Mr. Graves or Mr. Wise, or some of the party, would raise a weapon at Webb, whereupon it was agreed that Webb should instantly shoot Mr. Cilley, and that they should then defend themselves in the best way they could. Not finding the parties at Bladensburg, they followed in pursuit to the old Magazine, and thence to the shore of the Potomac, near the arsenal, at Greenleaf's Point, whence, it being after 3 o'clock, p. m. they returned to the city, to await the result. "It is unnecessary to add," say they, in a statement drawn up by Webb, signed by Jackson and Morell, and published in the New York Courier and Enquirer, "what would have been the course of Col. Webb, if Mr. Graves, instead of Mr. Cilley, had been injured. Suffice it to say, that it was sanctioned by us; and however much we deplored it, we could not doubt but the extraordinary position in which he would have been placed would have warranted the course determined upon." It is difficult to imagine what is here darkly shadowed forth, if it be not that, had Mr. Cilley survived the encounter with Mr. Graves, and had the latter suffered in it, it would then have been the fate of Mr. Cilley to have encountered an assassin.

Such were the material facts and circumstances which attended the death of Mr. Cilley. The committee, entertaining the opinion that the cause of the challenge was the cause of the death of Mr. Cilley, have sought for it where it should be found in the most authentic form, in the correspondence of the parties.

Mr. Cilley declined to receive the note of Mr. Webb, because he "chose to be drawn into no controversy with him." He placed his refusal to receive a demand for explanation of the words spoken by him in debate solely on the ground of his own *voluntary election*, without assigning any other reason. "He *chose* to be drawn into no controversy" with Webb. He declared, at the same time, that he neither affirmed nor denied any thing in regard to Webb's character, in declining to receive the note. He declared further, that he had before stated, and now repeated, that he intended by the refusal no disrespect to Mr. Graves, and that he had said this *only in reply* to a remark of Mr. Graves, that this course might place him in an unpleasant situation.

Mr. Graves, in his second note, takes but one exception to this first note of Mr. Cilley. "It does not disclaim any exception to him (Webb) personally as a gentleman." He says: "Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient; among other things in this—that, in your declining to receive Colonel Webb's communication, it does not disclaim any exception to him, personally, as a gentleman." "I have, therefore," he adds, "to inquire whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor? A categorical answer is expected."

Mr. Cilley, in his second note, regrets that his first was unsatisfactory, but cannot admit *the right* of Mr. Graves to propound the question, and, therefore, he declines any further response to it.

It is difficult to conceive that Mr. Graves, upon this correspondence of Mr. Cilley, could have challenged him for *intending disrespect to Mr. Graves;* for any such intention was positively disclaimed, and, as appears, in a most unexceptionable and courteous manner, in reply to a suggestion of his own, which called for it; or *for affirming or denying any thing in regard to the character of Webb*, in declining to receive his note; for any such affirmation or denial is also disclaimed, in equally positive terms. Mr. Cilley had declined to receive a call from James Watson Webb, for explanation of words spoken in debate in the House of Representatives, and had put his refusal solely on the ground that he chose to be drawn into no controversy with him; but he is pressed further, and interrogated beyond this limit, which he had assigned to himself, and a categorical answer is demanded to the question whether he declined on the ground of any personal exception to Webb as a gentleman or a man of honor. He denies the right to interrogate him in this manner for declining a call, which his right, and duty, as a member of the House of Representatives, and the just maintenance of the privileges of that body, required him to decline; and, denying the right to interrogate, he, therefore, refused to submit to answer any further. And it was because he refused to receive the note, and refused to answer any further, that he was challenged by another member of the same body.

This matter is not left open to inference or argument. The cause of the challenge appears in a manner which precludes all doubt. It is still further specified and avowed by Mr. Graves himself, in his own note, which contains the challenge. It is stated clearly, unequivocally, and with the utmost precision, and is assigned expressly, and in form, as the cause for which the challenge is given. "*As you have declined accepting a communication which I bore to you from Colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognised among gentlemen.*" Mr. Cilley, by his "*note of yesterday*," had refused to answer the question to which a "*categorical answer*" had been demanded: that is to say, "*whether he declined to receive Colonel Webb's communication on the ground of any personal exception to him as a gentleman or man of honor.*" The ground of challenge, therefore, is, by Mr. Graves himself, expressly stated to be, that Mr. Cilley *declined to receive the communication from Webb*, and, by his note of February 22d, *refused to answer that question, touching the honor of Webb.* This was the open and avowed cause, set forth and presented to Mr. Cilley, by which he was guided, and upon which he acted, in a matter involving the utmost extremity of human responsibility. For this cause, and for this alone, he was challenged and fell by the hand of Mr. Graves; unless it be admissible to believe that, after all verbal communication had ceased between him and his antagonist, and the difference had assumed the form exclusively of a written correspondence between them, he was challenged and fell for a cause not set up in that correspondence, not put forth as a ground of complaint, not made known to him or his friends as a matter of grievance, and in regard to which, therefore, it may be believed, he was profoundly ignorant, and had no opportunity afforded him in any way of voluntary satisfaction or explanation.

Nor is there any thing in what subsequently

occurred, as disclosed by the joint statement of the seconds, or the testimony of any witness, which gives color to a suggestion, that there was, at any time afterwards, a change of the ground of controversy.

No communication whatever, upon the subject of difference, took place between the principals, their respective seconds, or friends, after the challenge was given, before the first exchange of shots. Of course, no change of the ground of controversy could have occurred until after Mr. Cilley had received the fire of his antagonist, and had hazarded his life in defence of the position which he had assumed in the correspondence. After the first exchange of shots, as already shown, Mr. Cilley re-asserted his original position, and Mr. Wise insisted that what was then said by Mr. Jones only placed "the affair upon the original grounds," and left "Mr. Graves precisely in the position in which he stood when the challenge was sent." There was, in fact, no change whatever in the position of the parties, except what arose from the circumstance that Mr. Cilley had given Mr. Graves the satisfaction demanded of an exchange of shots, and from the further circumstance that Mr. Cilley not only repeated the disclaimer that he had meant no disrespect to Mr. Graves, but positively avowed, also, that he entertained for him *the highest respect and the most kind feelings.*

In this state of the controversy the challenge is renewed, and Mr. Cilley again puts his life in jeopardy. The challenge being once more suspended, he again insists upon his original position, *that he had declined to receive the demand for explanation of the words spoken by him in debate, because he chose to be drawn into no controversy with Webb, and that he would assign no other reason;* and while, on the other hand, it was insisted for Mr. Graves that he considered himself bound not only to preserve the respect due to himself, but to defend *the honor of his friend, Col. Webb*, and that he only *insisted "that he had not borne the note of a man who was not a man of honor and not a gentleman,"* Mr. Cilley replied affirmatively to a proposition submitted on the part of Mr. Graves, that *in declining to receive the note, he meant no disrespect to Mr. Graves, either directly or indirectly;* and declared that he entertained the highest respect for him, but declined to receive the note, because he chose to be drawn into no controversy with Col. Webb. He excluded, in direct and positive terms, every possibility of disrespect to Mr. Graves, directly or indirectly, and in effect only insisted on his right to decline a demand for explanation of words spoken in debate, because he chose to be drawn into no controversy upon the subject, without assigning any other reason. But he was interrogated for another reason, and another reason was demanded; and for resisting that demand the challenge was again renewed, and he fell a victim in defence of what he conceived to be his rights as an individual, or as a representative of the people in the House of Representatives.

The committee were disposed to pursue this inquiry in every form. Not content with tracing the cause of the challenge in the written correspondence, in the assignment of reasons for the challenge under Mr. Graves's own hand, and in the various propositions which were submitted on the field, from the beginning to the end of the contest, they proceeded to put to every witness who was believed to know any thing upon the subject, the direct inquiry, whether "Mr. Graves or his second, at any time before Mr. Cilley fell, communicated to Mr. Cilley, his second, or attendant friends, that a question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted?" Mr. Jones answered, "Certainly not to me, nor to Mr. Cilley, at *any* time, to my knowledge, either before or during the day the duel was fought. I did not hear of the existence of such a question until the Sunday or Monday after Mr. Cilley was killed. The written correspondence between Mr. Graves and Mr. Cilley does not show the existence of any such question of veracity." Mr. Bynum answered, "I heard no such communication, directly or indirectly, from either Mr. Graves or his second, made or intimated to Mr. Cilley or any of his friends, before he fell." Mr. Schaumburg answered, "I did not understand that there was a *'question of veracity'* between the parties, nor was there any conversation on the subject." Dr. Duncan answered, "They never did to my knowledge. I never heard the question of veracity assigned, during Mr. Cilley's life, as the cause of any difficulty." Mr. Pierce answered, "I never held any conversation with Mr. Graves, or 'his second or attendant friends,' in relation to the late fatal duel, nor did I ever hear, until subsequently to the 24th of February last, 'that any question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted." Dr. Foltz answered, "They did not." Mr. Wise answered, "I do not know what Mr. Graves may have communicated to Mr. Cilley at any time before he fell, as to a question of veracity between them. I presume they both knew what had passed between them, verbally. I believe that I did state to Mr. Jones, or to other friends of Mr. Cilley, on the ground, that Mr. Graves said Mr. Cilley had assigned to him the reason for declining to receive the note of Colonel Webb, that he did not choose to be held accountable for words spoken in debate. I think I so informed Mr. Jones when I asked him if Mr. Cilley could not assign this reason on the ground; but of this I am not positive." Mr. Crittenden answered, "Not that I know of. I know of no communication between any of these parties other than as before stated, so far as I now recollect. Whether those communications involve any such question it is not for me to decide; no such question was made, in terms, that I know of." Mr. Menefee answered, "Mr. Graves had no communication of any kind with Mr. Cilley, his second, or attendant friends, and of course did not communicate to them that such a question was a point of difficulty. Nor did the second of Mr. Graves, as far as I remember, make such a communication, except so far as may be implied from the propositions made by him, in connection with the correspondence, &c. One, at least, of the friends of Mr. Graves, in the presence of his second, made frequent attempts to direct the attention of the second and friends of Mr. Cilley to the difficulty which was presented by the terms of Mr. Graves's first note (giving his version of what Mr. Cilley had said) and the ground which Mr. Cilley had subsequently assumed. But it was not referred to, *in terms*, as a question of veracity. It was believed that Mr. Cilley had honorable grounds, which would be satisfactory to Mr. Graves, and at the same time compatible with the truth, which would effect the object, without making directly such a question whilst efforts were pending to accommodate. Whether the views, thus expressed, were communicated to Mr. Cilley, I know not. For the character of what occurred on this point, so far as I participated in it, the committee are referred to my general statement."

Mr. Graves said to Dr. Foltz, on the way to the field, "That he had been the bearer of a note from Colonel Webb to Mr. Cilley, inquiring if Mr. Cilley had been correctly reported in the Globe. Mr. Cilley *refused to receive the note, and declined giving his reasons, which implicated me, in consequence of which I challenged him, but I have no personal animosity towards him.*" Mr. Wise said on the field, "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor." "These men have nothing against each other; they are merely settling a point of honor."

This concurrent testimony of all, without exception, taken in connection with the written correspondence, the various propositions and answers on the field, and the further fact that Mr. Cilley had not been informed that Mr. Graves had undertaken to repeat to others any verbal communication between them, or that any misapprehension or misundestanding existed between them on that subject, utterly repels the suggestion, that any question of veracity had arisen, or had been made, or was the cause of the challenge, or of the death of Mr. Cilley. Indeed, any misapprehension on that subject would have given no more just ground of animosity, and least of all of the highly vindictive feelings necessarily aroused by a question of veracity, than the very evident misapprehension which Mr. Graves labored under in regard to some parts of the note of James Watson Webb, of which he was the bearer.

The committee will not, in justice to Mr. Graves, harbor the belief, that there were rankling secretly in his bosom any vindictive or hostile feelings towards Mr. Cilley, growing out of any question of personal veracity, and prompting him to carry on a deadly warfare under another pretext, not only without a direct and explicit disclosure of the real cause of difficulty, such as would have left no misapprehension on the mind of any one, but under circumstances which misled the other party and his friends, and left him, under that false impression, to the forfeit of his life.

The committee have, therefore, come to the conclusion, that *the words spoken by Mr. Cilley in debate in the House of Representatives, the refusal of Mr. Cilley to receive a demand for explanation of those words,* and *his refusal to assign any other reason for it, than that he chose to be drawn into no difficulty upon the subject*, were *the causes which led to the death of Mr. Cilley*, under the circumstances which have been substantially detailed.

It remains to inquire whether there has been a breach of the privileges of the House.

It is a breach of the highest constitutional privileges of the House, and of the most sacred rights of the people in the person of their representative, to demand, in a hostile manner, an explanation of words spoken in debate; to be the bearer of such a demand; to demand a reason for refusing to receive it, beyond the mere voluntary election of the member interrogated; or to demand, under any circumstances, any reason at all. No member can be questioned in a hostile way, and put to his plea, and yield to it, without subjecting himself to great disadvantages in the estimation of many, and impairing his influence and his usefulness as a member. It is a still more aggravated breach of the privileges of the House, and of the rights of the people in the person of their representative, to challenge a member, and to slay him in combat, for refusing to comply with any such demand. It is the highest offence which can be committed against either House of Congress; against the freedom of speech and of debate therein; against the spirit and the substance of that constitutional provision, that for any speech or debate in either House, the members shall not be questioned in any other place, and violates essentially the right of perfect immunity *elsewhere* for words spoken in debate *here*, which is essential to the independence of Congress, and to the existence of constitutional liberty. And when this offence is committed by a member, it calls for the exercise of the highest powers of the House to purge itself of the evil, to maintain effectually its rights and privileges, and to preserve inviolate this immunity, which is guarantied by the Constitution, not for the sake of the individual, but for his constituents and for the country.

The present case is without any circumstance of extenuation. A member of the House, in a manner most strictly parliamentary, on an occasion most appropriate, in language most decorous and moderate, in defence of the honor of the House against an anonymous and unfounded charge of corruption, had alluded to the published records of former proceedings with perfect truth and accuracy; had, in obedience to his duty, declined a hostile demand for explanation in a manner in which the committee can discover no cause of offence; had, respectfully, with expressions of regret, declined to admit *the right* to interrogate him further; had disclaimed all disrespect, directly or indirectly, towards his antagonist, and avowed for him the highest respect and the kindest feelings; and, after all this, avowed without hostility, and against the strongest protestations of others, he was required fatally, to expose himself to the third discharge of a rifle. On the other hand, Mr. Graves, a member of the House, voluntarily and unnecessarily became the bearer of a demand upon another member in attendance, for explanation of words spoken in debate; he presented it in the House while the House was in session; he demanded a reason for the refusal, beyond the voluntary election of that member to be drawn into no difficulty upon the subject; which being withheld, he

then challenged him in this city, and slew him in this vicinity, while Congress was in session. Every step of Mr. Graves in this progress, involved him deeper and deeper in a breach of the privileges of the House, until their destruction was consummated in the person of Mr. Cilley. The eye of reason can discover, in the whole course of Mr. Cilley, no offence towards those who pursued him, except that given by alluding to the records of Congress, in the faithful and upright discharge of his duty as a member, which, justly, could have given no offence at all. Nor can his death be vindicated or excused by any circumstance whatsoever, not even by that custom, the relic of unenlightened and barbarous ages, which was formerly supposed to be a proof of some degree of physical courage, but is, in fact, a signal monument of the want of the higher attribute of moral courage; which has, in these modern times, degenerated into a game of chances and a scramble for undue advantages; which can furnish no criterion for truth, justice, or honor, and deals out its inflictions of misery most severely upon the unoffending and the helpless; which is deeply deplored by all men, even those who submit to it, and is forbidden, in every stage of it, by all law, human and divine.

It is not necessary, on the present occasion, to go into any consideration of the general power of the House to punish for breach of privilege; or to inquire into the origin and foundation of that power over contempts, which has been asserted by the Parliament of Great Britain, from time immemorial, by every legislative body, by every judicial tribunal from the highest to the lowest, and, repeatedly, by one or the other House of Congress, and has been recognised as existing in the House of Representatives by the Supreme Court of the United States. Whether it be a power necessary to the continued existence of the legislative body, or a power necessary to the free exercise of its legislative functions, it is in either case a necessary power, strictly granted by the Constitution, and as fully granted as if it were literally expressed. But in the case of members, the Constitution has expressly granted the power to punish for disorderly conduct; and has, also, expressly granted the power, with the concurrence of two-thirds, to expel a member for any cause which two-thirds of the House may deem sufficient.

The committee, therefore, viewing the breach of the rights and privileges of the House, on the part of Mr. Graves, to have been an offence of this high character, against the vital principle of a deliberative assembly and of representative Government, feel constrained, by a sense of duty, to present to the House a resolution that he be expelled therefrom.

It has been decided by the House of Representatives, on a former occasion, that it was a breach of privilege to send a challenge to a member in attendance, or to be the bearer of such challenge. And it is equally so to act as second to the challenger. In the present instance it appears that Mr. Wise had no knowledge of the demand of explanation which was borne by Mr. Graves, and had never seen that paper until after the fatal catastrophe. But having been early consulted by Mr. Graves upon the first letter of Mr. Cilley, and concurred with him in his views of it, he bore the challenge to Mr. Cilley, and he acted throughout as the second of the challenger, advising and insisting that the fight should go on, until Mr. Cilley fell. The committee, therefore, deeming him deeply involved, under the circumstances which this case presents, in a breach of the privileges of the House, report a resolution that he deserves the decided censure of the House, and that he be censured accordingly.

Mr. Jones had no knowledge of the affair until the determination of Mr. Cilley had been formed as to the acceptance of the challenge, and the time, mode, weapon, and other preliminaries of the meeting. But he was the bearer of the acceptance, and acted throughout as the second of the challenged party; and it is the opinion of the committee that he was thereby involved in a breach of privilege, and that he be censured therefor.

In regard to the persons, not principal nor seconds, who were present on the field, and expressed their opinions at the request of the parties, without having advised, instigated, or procured the meeting, however they might be implicated in the courts of law, the committee entertain doubts how far they would be involved in a breach of privilege; and, under a strong conviction that the power of the House should be exercised, never in a doubtful case, always with moderation, they content themselves with presenting the facts and circumstances, so far as those persons are concerned, without proposing any action thereon.

The committee entertain no doubt that James Watson Webb has been guilty of a breach of the privileges of the House; but they also concur unanimously in the opinion, that if there be any real ground to believe that a conspiracy to assassinate actually existed, as set forth in that atrocious paper drawn up by him, signed by Daniel Jackson and William H. Morell, sworn to by the latter, and published in the New York Courier and Enquirer, he be left to the chastisement of the courts of law and of public opinion, and that the House will consult its own dignity and the public interests by bestowing upon him no further notice.

As soon as the report was read, as the Clerk was about to read the resolutions with which it concludes,

Mr. WISE asked leave to propound a question to the chairman of the committee, in justice to all the parties concerned.

Mr. TURNEY inquired if the reading of the whole paper was concluded?

The CHAIR replied in the negative.

Mr. TURNEY must then object to arresting it at this stage.

Mr. WISE would remark to the gentleman that the question came in pertinently at that time. It was a single question.

Mr. TURNEY would withdraw it for that purpose, but he should renew the objection if it arrested the reading of the report for any length of time.

Mr. WISE said it was one of serious import as respected himself as second in that affair, or he should not have interposed at that time. There was a general remark, as would be noticed by the House, in the report of the majority in relation to the general practice of duelling. Speaking of the character of that practice, they speak of it generally as a scramble for undue advantages. I merely wish, said Mr. W. to ask the chairman, to ask all the members of the committee, so that my remark may not be misunderstood by the world, or by any here present or absent, whether the least particle of the least conviction existed in the mind of any one member of that committee, that the least undue, or scramble for undue advantage, was taken, or attempted to be taken, in this fight? Whether the friends of the deceased did not think the fight was perfectly fair, and whether there was any evidence to show there was any undue advantage taken in any way, in any manner, by any of the parties?

Mr. TOUCEY said I will answer in the most positive manner, as far as I know, that it was not the intention of the committee, in that general remark, to make any application of it to this particular case, nor to accuse any one on the field for any scramble for undue advantage, or any thing that would be denominated unfair. Nor was there any evidence of any thing of the kind.

The resolutions with which the report concludes were then read as follows:

Resolved, That WILLIAM J. GRAVES, a member of this House from the State of Kentucky, in bearing to the late JONATHAN CILLEY, then a member of this House, the demand for explanation of words spoken in debate, demanding his reasons for declining to receive it, and challenging him, and engaging in a late duel with him, which terminated in his death, has been guilty of a breach of the privilege of this House.

And be it further resolved, That the said W. J. G. for said breach of privilege be, and hereby is, expelled from this House.

Resolved, That HENRY A. WISE, in bearing a challenge to the late JONATHAN CILLEY, then a member of this House, and acting as a second to the challenger in the duel, which terminated in the death of Mr. CILLEY, has been guilty of a breach of the privileges of this House, and that he deserves the decided censure of this House, and hereby is censured accordingly.

Resolved, That GEO. W. JONES, in acting as second to the challenged party, the late JONATHAN CILLEY, then a member of this House, in the duel which terminated in his death, has been guilty of a breach of the privileges of this House, and that he be therefor, and hereby is, censured accordingly by this House.

Mr. HUNTER of Virginia, at this stage, moved an adjournment: lost.

The report, or counter-report, of Messrs. GRENNELL and RARIDEN was then read through by the Clerk, and having been concluded,

Mr. BRONSON moved that the House do adjourn; which motion was carried in the negative.

The Clerk then proceeded to read the report of Mr. ELMORE, another member of the select committee.

As soon as the reading of the above report was concluded—

Mr. TOUCEY obtained the floor, and, on his motion,

The House adjourned.

IN SENATE,

WEDNESDAY, April 25, 1838.

The CHAIR communicated a report from the Navy Department, enclosing in compliance with the resolution of the 5th of March last, sundry documents in relation to Navy Pension agents: laid on the table, and ordered to be printed.

Mr. HUBBARD presented a memorial of a bank in Boston, praying to be indemnified for depreciated bank notes, received from the collector of the customs; which together with a communication from the collector on the subject, was referred to the Committre on Finance.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which had been referred the petition of Johnson and Shraver, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. BENTON, from the Committee on Military Affairs, reported a joint resolution, for the purchase of an island at the confluence of the St. Peters and Mississippi rivers; which was read, and ordered to a second reading.

The bill supplementary to the act, entitled an act to amend the act for the appointment of commissioners to adjust claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians, was read the third time and passed.

The report of the select committee, appointed to inquire into the charges against the honorable JOHN RUGGLES (declaring in substance that the said charges are wholly groundless) was considered, and concurred in.

Mr. FULTON, on leave, introduced a bill to allow the inhabitants of township eight north, range twenty-one west, to enter a section of land, in lieu of the 16th section; which was twice read, and referred to the Committee on Public Lands.

On motion of Mr. PRENTISS, the Senate took up the bill to establish a board of commissioners to hear and examine claims against the United States.

Mr. MERRICK submitted an amendment, requiring the solicitor of the board to file written arguments in behalf of the United States, when required to do so by the board, and prohibiting said solicitor from engaging in the practice of the law: agreed to.

Mr. NORVELL here addresseed the Senate generally in opposition to the bill.

Mr. KING expressed his disapprobation at the amendment just adopted. He was of the opinion that it should be made imperative on the solicitor to file answers in behalf of the United States in every case, whether required to do so by the board or not; and he intimated his intention of offering an amendment to that effect.

Mr. MERRICK replied. He thought that there would be a great many cases so plain, and so trifling in amount, as to require no argument at all, and where a plain statement of facts would be all that could be necessary. Mr. M. made a few additional observations in favor of the bill.

Mr. HUBBARD was opposed to the fifth section altogether. He thought no solicitor would be necessary, and that a competent board of commissioners would be all that was required to do justice both to the United States and to the claimants. After some remarks at length in support of the bill,

A debate ensued, in which it was supported by Messrs. PRENTISS, HUBBARD, NILES, BUCHANAN, BAYARD, and CLAY of Alabama, and opposed by Messrs. NORVELL, CALHOUN, and BENTON.

Mr. TIPTON spoke in favor of the general principles of the bill, but was opposed to the high salaries provided for. He thought $1,800 each would be amply sufficient for the commissioners, and $800 for the clerk, instead of $3,000 and $1,400. If the friends of the bill, he said, would not consent to cut down the salaries, he would vote against it.

Mr. CALHOUN moved to lay the bill on the table, with a view to the appointment of a select committee to take into consideration the subject of claims on Congress, and to devise some mode of legislation with regard to them that would remedy the evils and inconveniences that had caused the introduction of the bill.

On taking the question, Mr. CALHOUN's motion was rejected—yeas 13, nays 27, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Lumpkin, Morris, Norvell, Sevier, Smith of Indiana, Trotter, Wright, and Young—13.

NAYS—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Smith of Connecticut, Spence, Swift, Tipton, Walker, White, and Williams—27.

After some remarks from Messrs. CLAY of Kentucky, SEVIER, HUBBARD, WHITE, and LINN,

Mr. HUBBARD moved to strike out the 5th section, which provides for the appointment of a solicitor; and this motion being agreed to,

Mr. BAYARD moved to amend the bill further by making the number of commissioners two, instead of three. This amendment was also agreed to.

Mr. HUBBARD moved to strike out the 4th section, which allows claimants to appear before the Board by counsel: agreed to.

Mr. MORRIS expressed a wish to address the Senate on the subject; but, on account of the lateness of the hour, preferred postponing his remarks till to-morrow.

On the motion of this gentleman, then,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 26, 1838.

The SPEAKER, on leave, laid before the House sundry communications, viz:

1. From the Secretary of the Treasury, transmitting a report of the amount received from the sales of public lands in Ohio, Indiana, Illinois, and Missouri, in reference to the Cumberland Road, together with a statement of the amount of money appropriated for the Cumberland Road, &c.

On motion of Mr. BRIGGS, laid on the table.

2. A communication from the Secretary of the Navy, correcting an error in a former report in relation to the date of appointment of the scientific corps of the Exploring Expedition.

On motion of Mr. INGHAM, referred to the Committee on Naval Affairs.

3. From the Postmaster General, in relation to the number of failures of the New York express mail, to the first of January last.

On motion of Mr. CUSHMAN, laid on the table.

4. From the Postmaster General, transmitting a report of the irregularities and failures of the great western mail, between Washington City and Wheeling, within the last three months, together with the causes thereof, so far as they are known to that Department.

On motion of Mr. MONTGOMERY, laid on the table.

Mr. SERGEANT, on leave, presented a memorial from the Chamber of Commerce, of Philadelphia, praying for appropriations for repairing and improving the harbors of the river and bay of Delaware, with sundry accompanying documents, which, on his motion, were all referred to the Committee on Commerce.

Petitions, on leave, were also presented by Mr. BOULDIN of Virginia and Mr. LYON of Alabama.

Mr. HEROD, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of so changing mail route No. 2569, in Indiana, as to cause the same to pass through Farmington, in Hamilton county, in said State.

Sundry Senate bills, on the SPEAKER'S table, were, at the suggestion of Mr. BRIGGS, by general consent, taken up, read twice, and referred to the appropriate standing committees.

THE LATE DUEL.

The unfinished business being the report of the select committee appointed to investigate the causes which led to the death of the late Hon. JONATHAN CILLEY, was then resumed.

The question still pending was on the motion of Mr. TOUCEY, under the unanimous direction of the committee, to print and postpone the same till Monday week.

Mr. TOUCEY was entitled to the floor, but before he proceeded, Mr. WISE called for the reading of the remainder of the reports, being the testimony taken in the investigation.

The CLERK proceeded till about a quarter past 3 o'clock, when the CHAIR announced that a message was in attendence from the President of the United States, and said that with the unanimous consent of the House it would be received.

Mr. SAWYER rose and objected.

The SPEAKER said it was a very delicate question, and hoped it would not be raised.

Mr. SAWYER said he considered the subject before the House a solemn farce, and he trusted that no business would be interposed before it was settled.

The SPEAKER said he knew of no instance in which a message from the Chief Magistrate had been refused. It was a delicate question between the parliamentary rule, that pending a question of privilege no other business could be entertained, and the constitutional right of the Chief Magistrate to make a communication to the House. He repeated that he hoped that question would not be raised, as the communication would be laid upon the table, and would present no obstacle to the proceeding of the House.

Mr. SAWYER said he understood the Chair as having decided, that no business could be interposed during this proceeding.

The SPEAKER said that the Chair had decided, that according to the parliamentary rule, no business could be interposed, without the unanimous consent of the House; and inquired if the gentleman waived his objection.

[Cries of leave, leave.]

Mr. SAWYER said he adhered to his objection.

The SPEAKER said, that if the Chair was compelled to decide between the parliamentary rule, and the constitutional right of the President to send a message to the House at any time, he should decide that the message must be received; but he hoped the question would not be raised at that time; and trusted the objection would be withdrawn.

[Cries of leave, leave.]

Mr. SAWYER then waived his objection; and the message was received, by the hands of ABRAHAM VAN BUREN, esq. the President's private secretary.

Mr. HOWARD gave notice that, before the House adjourned to-day, he should ask leave to have the message read and referred.

The reading of the testimony in the duel investigation was then resumed, and proceeded in till shortly after 4 o'clock, when, on motion of Mr. WILLIAMS of North Carolina,

The House adjourned.

IN SENATE,

THURSDAY, April 27, 1838.

Mr. ROANE presented the petition of the heirs of ——— Powell, a surgeon in the Revolutionary army, praying commutation: referred to the Committee on Revolutionary Claims.

Mr. CLAY of Alabama presented a memorial, or rather a remonstrance, signed by a delegation of Cherokee and Choctaw Indians, from the west of the Mississippi, against the adoption of the Territorial Government, as contemplated by a bill now pending in the Senate. These Indians, many of whom were educated men, stated that some of the tribes were wild Indians, with whom they did not desire to be associated. Opothle Yoholo he was personally acquainted with. From information he had received in relation to this matter, he did not know when that subject came up, but he would move to postpone the bill indefinitely. He would move that the remonstrance be laid on the table and printed. The reading of the memorial having been called for, the Secretary read as follows:

WASHINGTON CITY, April 26, 1838.

To the Hon. President of the Senate, and Speaker and members of the House of Representatives:

The undersigned memorialists, having learnt since their arrival in this city, that a bill, denominated a bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, had been introduced, and is pending before the Senate of the United States, respectfully beg leave, in behalf of our nations, to represent to your honorable bodies that the provisions therein contained, are calculated to excite dissatisfaction and distrust in the minds of our people; and as we have removed and settled in the West, under the firm pledge of the Government of the United States to protect us, and that we should be permitted to remain free from the operations of any State or Territorial laws, we pray that Congress will not embrace our nations in the said Territorial limits.

R. M. JONES, GEORGE W. HARKINS, PIERRE JUZONE, Choctaw Delegation.

OPOTHLE YOHOLO, his x mark; ROLLY MCINTOSH, his x mark; FUSHATCHE HICCO, his x mark; SITCHY CORNELLE, his x mark; JAMES ISLANDS, his x mark; NE-HI YOHOLO, his x mark; JIM BOY, his x mark.

In presence of JOHN MCINTOSH, Interpreter Creek Delegation; JAS. L. ALEXANDER, BARENT DUBOIS.

Mr. TIPTON said he would oppose no obstacle to the printing of the memorial introduced by the Senator from Alabama, [Mr. CLAY.] He did not know but he would have presented it himself, if the memorialists had asked him to do so. It was not his desire to thwart the wishes of any of the Indians, if those wishes were honest and proper.

It was our duty, as he had no doubt it was the wish, of every Senator to hear all that could be said for or against the important measure, (the bill for organizing the Indian Territory,) which the honorable member had told us he would, when it came up, move to lay on the table; but, as statesmen, we had a right to look into the motives of those who present themselves here as memorialists. The first inquiry is, who are they, and what their object? The Senator has told us that he is personally acquainted with Opothle Yoholo, and some others, who had signed the paper read by the Secretary. I, said Mr. T. am acquainted with some of those whose names are appended to that paper. The name and the doings of Opothle Yoholo have made an impression on my mind that will never escape me. If we review past scenes, we cannot but remember that this same man was in our possession, and his country was ours, by the laws of war, in 1814. We spared his life, and restored his country, and condescended to purchase that same country from his tribe; and we are under obligations to find them a permanent home in the country west of the Mississippi. A majority of the Creek tribe have removed to, and located themselves in, the country given to them in exchange for their lands east of the Mississippi.

Jones, the Choctaw, whose name is appended to the paper in question, is personally known to me; he is an educated Indian belonging to the Choctaws west of the Mississippi; and what, I would inquire,

's his business here? I hope, said Mr. T. that my honorable friend from Tennessee, [Mr. WHITE,] will inform us what constitutes a part of Mr. Jones's business in this city at this time. It will, I am fearful, be found similar to that of Porkes, a Shawanoe, who left this a few days since. He [Porkes] belongs to the Shawanoes west, and came here to protest against the payment of a debt justly, as I have reason to believe, due from his tribe to G. C. Johnson of Ohio. The commissioner who negotiated a treaty with the Shawanoes, and stipulated with them for the purchase of their land in Ohio, and for their removal west, it seems, told the Indians that the Government would pay all their debts; but on an investigation of the claims against them, the debts found due amounted to more than the value of their lands. A representation of the case was made to the Government, and Congress, in 1832, appropriated thirty thousand dollars as an additional compensation for their land. The debts had been investigated in full council, and acknowledged to be just, and drafts drawn on the Executive for the sum due Mr. Johnson. This paper was signed by the chiefs and principal men of the tribe, before they left Ohio, but remained unpaid; and another paper, asking the Executive to pay the debt, it seems, was prepared and signed by the chiefs and head men, and many common Indians of the tribe, since they reached their new homes in the West. This paper bears the certificate of the Indian agent that it was read, explained, and fully understood, by the Indians in council; and yet this Mr. Porkes comes here with a remonstrance, signed by some four or five Indians, one of them a chief who had signed the papers asking the payment of the debt that Porkes now tells us is unjust. I mention this case, sir, to show with what caution we should receive petitions or remonstrances coming from chiefs, or from persons interested in these matters.

The remonstrance, we are told by the honorable member, is signed by the delegation of Creeks and Choctaws now in this city. Will he tell us how many of these men are chiefs, and by what authority they are here making an effort to control the action of this Government? Have they been brought here by an accredited agent of the Government to enter their protest?

Their protest is against a leading measure of the late and present Administration. We have, by our treaties and laws, promised to secure to the Indians a permanent home west of the Mississippi, and to secure them their lands by patent. The lands for these tribes have been set off by metes and bounds, and patents are now being prepared at the proper department, and will, in a short time, be ready for delivery. And will the honorable member persist in his intended motion to defeat the passage of the measure presented by the Administration he supports, to protect and preserve the people, and to protect our frontier States west of the Mississippi?

Indiana has but little interest in the matter. She has but about three thousand within her limits. Should they become hostile, and kill one of my neighbors, they will be swept from existence without orders from this city. But there is no fear of hostility between us and our Indians; they know us, and we understand them. Can the honorable Senator say as much for his own State? There is still within the limits of Alabama, Georgia, and Tennessee a large body of Indians, possessing not the best feelings in the world; with these Indians we have treaties in progress of execution. I would ask, is there not danger of a rupture in that quarter, by countenancing opposition to what we know to be the policy of the Government and the wishes of the people of all the States east of the Mississippi? Should one drop of blood be shed there, the people of the States interested and assailed will massacre their Indian neighbors. The fastnesses of their mountains cannot save them. There are no swamps or everglades similar to those in Florida, for the Indians of Georgia, Tennessee, and Alabama to fly to for shelter.

If we desire to be permanently beneficial to these people, we must elevate their habit of thinking or of acting. The game is all disappearing; they cannot live by hunting; we must teach them division of property and labor. We must do more: we should assist them in establishing a Government, and creating offices for the better informed to aspire to. We must elevate the character of the poorer Indians; the readiest way to do this is to divide the annuity paid these people agreeably to the regulations adopted by the late Administration, and practised only by the present, of dividing the annuity to the heads of families, and not to the chiefs.

The provisions of the act of 1834, organizing the Indian Department, provides that the annuity shall be paid to the chiefs, or to such persons as they may select. It will be recollected, said Mr. T. that when this bill was before the Senate, I objected to that provision. What I then anticipated has been fully sustained by the practical operation of that law. It has a most ruinous effect upon the chiefs, and others who influence them to permit them to receive the money due their tribe in large masses, and divide it as they think proper. The poor Indians are too often defrauded out of most or all of the money due from our Government. This mode of procuring large sums of money has a most corrupting influence on the chiefs and those who may be in their interest. Officers in the employ of our Government can easily influence the chiefs to ask leave to visit the seat of Government to complain of something that has been done or left undone. A public officer comes along, of course, and figures in steamboats and stages, on the way here, as the conductor of a delegation of Indians from the far West. Here they are introduced to public offices and officers, places of public amusement, and in the galleries of the halls of Congress, all at the public expense, not to serve the Government or to benefit the Indians. No question can arise between the United States and the Indians but can be as well settled by the agent, if he is a capable man, under the direction of the Commissioner of Indian Affairs, as by bringing them here.

Again, sir, said Mr. T. we have removed a large number of Indians from the States east, and have placed them on the western border of Missouri and Arkansas. We have promised to protect the people of these States from harm; and I have no doubt the best mode of saving the Indians, and protecting our own people, is to give them a Government, and bring them under the influence of laws.

Of the twenty-eight tribes now in the Territory, eleven have expressed a wish to come into the confederacy, and we have good reason to believe that other tribes will sanction the measure, and join the confederacy. Do those who remonstrate against the passage of the bill that the Senator mentions, know that no tribe is affected by the passage of the bill? If they do not wish to join them, let them remain on their own land, and attend to their own business, in their own way, under the protection of our Government. Mr. T. said he regretted saying so much on this motion to print, but he felt called on to expose the conduct of every one concerned in getting up this remonstrance. He did not censure the honorable member who introduced it; he was actuated, no doubt, by good motives; but he alluded to those who bring Indians here to oppose the measures of Government, and put words in their mouths for that wicked purpose.

Mr. CLAY of Alabama, rose to make a short explanation in reply to the remarks made by the Senator from Indiana. He certainly had no intention of bringing up a debate now, and he had said as little as was necessary to explain the objects of the remonstrance. With regard to the bill, to which the Senator attached so much importance, he, Mr. C. did not understand it as being for the protection of Missouri and Arkansas: he understood it to be for the purpose of organizing the Indian Territory, and that there was a separate and distinct bill for the other object. As far as his knowledge extended, Mr. C. said, he did think that the honorable gentleman had done great injustice to the Creeks, who had drawn up this remonstrance, and that he was mistaken in supposing them to be any part of the hostiles of that tribe in the late Creek war who took the field against the State of Alabama. The gentleman did great injustice to the character of Opothle Yoholo and other chiefs.

Mr. TIPTON said he spoke of the influence which the chiefs exerted in the war of 1815, in inducing the Indians to make war on the persons and property of our people.

The bill need not affect the petitioners, nor any other portion of the tribes who did not desire it. It would not compel them them to enter into the Confederation, if they wished not to do so. Eleven of the tribes asked for a Territorial Government, but if any of the tribes wished to remain out, they were at liberty to do so. This remonstrance, therefore, was entirely uncalled for, and unnecessary.

Mr. C. continued. He misunderstood the Senator in supposing that he alluded to the late Creek war, when it was the war of 1813 to which he referred. He, Mr. C. did not know what was the conduct of Opothle Yoholo, Jim Boy and others, in that war; he had reference to the late Creek war, in which he knew they were fighting on the side of Alabama. Under arrangements that he himself made with them, they took the field with more than 1000 warriors, and he well knew the prompt manner in which they complied with their engagements. With a deliberation of only fifteen minutes, they promptly answered that they were ready to take the field, and that all they wanted from the whites was to stand on one side of the swamp, to shoot down the hostiles, as they entered on the other side and drove them out of it. Now he could not forget the conduct of these chiefs, who had performed, in good faith, all that they promised. These men were not carried to the West in irons, as alluded to by the Senator from Indiana, and the Senator was, therefore, mistaken in that particular. They were hurried off under the injunctions of General Jesup, by which they had encountered serious losses, as they alleged; and though many of them might have been hostiles in 1813, as a large portion of the nation were, there was no evidence that such was the fact, and it was known that much the larger portion of the nation took part with the United States.

These memorialists allude to the fact of a treaty with the Choctaws, who, they allege, have always been friendly to the whites, in which the inducement held out to them to remove westward was that they should be permitted to govern themselves, by their own laws and usages, without any interference whatever on the part of the whites. These two tribes came forward, and asked to be excepted from the provisions of this bill. He did not know that the bill included these tribes, but they did not wish to seem to be included in it. Mr. C. would ask if it was acting in good faith, and in accordance with the spirit of the treaties with these tribes, and was it consistent with the good of the country, to force them into this Confederacy, contrary to their wishes. He would briefly state how he came to be charged with the presentation of this memorial: He received, in the first place, a message from Opothle Yoholo, with whom he had become acquainted at the late treaty, requesting a copy of the bill; this was sent to him; and, after it had been explained to him, and to the Choctaws, he sent another message, asking for a personal interview. A meeting took place in consequence, and, in answer to his objections, he was informed that it was not to him (Mr. C.) he must address himself, but to the Congress of the United States. It was in this way he supposed that the petition had come into his hands. With respect to the bill, if he found it obnoxious to the objection stated, he should vote against it, or vote to lay it on the table; as he did not see the propriety of forming this confederacy to be composed of tribes, some of which are not intelligent enough to enter into it, and others, the enlightened ones, being opposed to it altogether.

Mr. WHITE replied at some length to the allusions of the Senator from Indiana, and to the remarks of the Senator from Alabama, [Mr. CLAY,] but was not distinctly heard by the reporter. He was understood to maintain, that the bill to which the memorialists had alluded would be the means of securing to, and protecting in their just rights, all the Indians that would be embraced in its provisions. It would also materially tend to lessen the expenses of the Government in relation to that matter, and finally dispense with them entirely. He sincerely trusted that the bill would not be prejudiced by the remarks which had fallen from

the Senator. The true policy of the Government was to elevate the Indian character, by enlarging and cultivating their moral qualities, by infusing in them a proper spirit of self-respect and dependence upon their own resources, their own individual and united exertions. He would give them lands in fee simple, and issue patents to them, by which means they would be secured from the pressure and intrusion of the whites. The measure, on the part of the Government towards the Indians, was a benign and wholesome one. It never contemplated to force them into the adoption of its provisions against their will; they were left free to act; they might either come into the measure or reject it. Mr. W. expressed a wish, when the bill was taken up the other day and postponed, after the very excellent speech of the Senator from Indiana, [Mr. TIPTON,] that when it came to be discussed, that it would be brought to a final issue, and he would again repeat that desire. He felt sorry that any debate had arisen on this question; he did not intend to have opened his lips, nor should he, had not he been alluded to in the remarks. He regretted that he had been compelled to say so much. Mr. W. concluded by observing that he was well convinced that the Senator from Alabama would never withhold his vote from that bill at the instance of any red people. He was persuaded that when that Senator came to examine it with his usual care and attention, that he would not only give his vote, but his argument, in favor of a measure that he (Mr. W.) believed, before God and man, was among the most praiseworthy that had ever been entertained by any Government.

Mr. CLAY of Alabama repeated again that he had no idea of bringing on a discussion on this subject, and he confessed that he had not prepared himself by a critical examination of the provisions of the bill to go into its merits. He always felt the greatest deference and respect for the opinions of the honorable Senator from Tennessee, and placed much confidence in his experience and judgment; and he should, therefore, give every possible consideration to the subject. If, on examination, he should come to the conclusion that the bill was calculated for the protection of the frontiers as well as of the Indians, and that simplicity and economy in the management of our Indian affairs would be promoted by it, he would very cheerfully give it his support.

Mr. SEVIER said there was not a Choctaw chief in the city that he knew of; that those of that nation who were here were only *citizens* of the tribe, and not chiefs; that one or two of them were merchants, and that the balance of them were here on the private affairs of the nation. So far as he understood their business, they had no authority from their nation to speak upon this or any other general interests of the tribe; and, therefore, he must consider their movement in this matter gratuitous, wholly uncalled for, and calculated to thwart the views of the Administration, and do great injury, not only to themselves, but to the other tribes, for whose benefit it is proposed to pass the bill.

With regard to the Creek chief, Opothle Yoholo, Mr. S. said he did not know him personally, although he was a neighbor, and a kind of *quasi* constituent of his, and on that account he would, in the kindest spirit, take the liberty of giving him a little piece of good advice, not only upon this subject, but upon another. I would advise him to attend to the business which brought him here, and not to meddle in the affairs of the Government. One of the first things which he discovered his red brother to be driving at, was to get the agent of the Government for the Creeks removed. He has addressed a letter to you, sir, [Mr. KING of Alabama] and your colleague, requesting your influence with the President to get the agent removed, and to get another, (one of your constituents, Mr. Abbott,) appointed in his place. And what is the reason he assigns for wishing this change? He says that the former agent, Mr. Sandford, had promised him that he should be consulted upon this subject, etc. I will tell my red brother that Mr. Sandford had no authority to make him such a promise, and that he has got a good agent now, who will please him when he knows him, and that my advice to him is, to accept him willingly, and say no more upon this subject.

Mr. CLAY of Alabama explained. The Senator misunderstood the letter of Opothle Yoholo. The writer says that Gen. Sandford, the late agent, promised them that he would previously notify them of his resignation, in order that they might have the opportunity of advising in the appointment of his successor.

Mr. SEVIER continued. From this movement, and from what we have just seen, he thought his friend was disposed to play a great game. He had come here, as he understood, with claims on the Government for personal injuries inflicted upon him by the conduct of Gen. Jesup; and if his claims were well-founded, he was disposed to aid him as far as possible. The Senator from Alabama has spoken warmly in the praise of this Chief, and I am not disposed to detract any thing from the eulogy he has received. But he must say that he had labored under a great misapprehension, if it were true that he had always been the friend of the whites. He had thought otherwise. He had thought he had been inimical to the interests of the whites, and to the friendly Creeks. He had always understood that he was at the head of those who had murdered old McIntosh, the unwavering friend of the United States. This was the universal impression in our part of the United States. It was the impression among the Creeks themselves; for Chilly McIntosh, the son of the martyr, who is at present one of the Chiefs of the Creek Indians, and always the friend of the whites, and who had long since removed west of the Mississippi, told Yoholo he could not stay in his country, and the reason of this was, that he had murdered Chilly's father, some years before, on account of a treaty made with the Government. And here I must beg leave to relate a little history, as I have had it, and believe it to be true. Chilly had a sister, who seemed more embittered against Yoholo, than Chilly himself. She was determined he should be punished for his conduct to her father. She told Chilly he was a chief and warrior, and ought to demean himself as one, and as the son of their murdered father, he must without delay call Yoholo to an account, and decide the matter by personal combat; and that if he was too pusillanimous to do it, that she would undertake it herself. Such was the deadly feud between the parties, that Gen. Arbuckle and the superintendent had to make peace between them. Mr. S. said he would advise his friend and guardian constituent to attend to his own business, and let the concerns of the United States alone, for when he found him poaching on that manor, he Mr. S. should most unquestionably oppose and defeat his proposition if he could. Mr. S. said that all the other tribes combined which had removed, would not make up half the number of the Creeks, Choctaws, and Cherokees. These men knew very well that if the course recommended by the bill was pursued, and the individuals of the tribes enlightened, that the influence of the chiefs would sink in the dust. What was the practice with regard to these annuities? The nation, by the treaty stipulations, was to be paid *pro rata* or rather *per capite*, and some four or five chiefs generally got the whole, while a common Indian never saw a dollar of it. The bill reported by the Committee on Indian Affairs, was the only measure that would have a tendency to correct these evils; and he had not the slightest doubt but when his friend from Alabama came to investigate the subject, that so far from voting to postpone the bill indefinitely, he would be among the first to lend it his very able and zealous support.

Mr. CLAY of Alabama did not wish any erroneous impressions to go abroad with regard to these people, who had thought proper to entrust their remonstrance to his charge. They did not represent themselves as chiefs, but as delegates. Opothle Yoholo was not sent across the Mississippi in irons, though it was true that some of the hostiles were. The object of Opothle Yoholo in visiting this city was to get indemnity for property lost by him in consequence of his being hurried off by the agent of the Government before he had time to secure it. He, Mr. C. learned this from a very high-minded and honorable man, Capt. Armstrong, the Indian agent.

Mr. SEVIER said that he was mistaken in supposing that Opothle Yoholo had been sent across the Mississippi in irons, though he knew that many of the hostiles were.

Mr. CLAY of Alabama. No, sir; he fought our battles, and deserves rather better treatment than he receives.

The memorial was then laid on the table, and ordered to be printed.

Mr. BUCHANAN said that two or three days ago he presented a memorial asking Congress for an appropriation to repair the piers at Reedy Island, in the Delaware. The necessity of these repairs appeared evident from a correspondence between Capt. Valette, of the army and the Secretary of War. He, Mr. B. wished that correspondence to be printed, and referred to the Committee on Commerce; and he begged leave to call the particular attention of the chairman of that committee to the subject. The motion was agreed to.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the resolution of the Senate instructing them to inquire into the expediency of amending the law of 1830 in relation to the importation of railroad iron, moved to be discharged from the further consideration thereof: agreed to.

Mr. W. also moved that the said committee be discharged from the further consideration of two memorials from the Chamber of Commerce of the city of New York, asking the establishment of the warehousing system, on the ground that the memorialists did not ask for such a system as the committee believed that Congress would adopt, or that it would be wise to adopt: agreed to.

Mr. W. from the same committee, to which had been referred the resolution of the Senate inquiring into the expediency of refunding to certain merchants of Mobile the sums paid by them on the renewal of duty bonds, moved to be discharged from the further consideration thereof, on the ground that it would be inexpedient to legislate on the subject without passing a general law embracing all such cases: agreed to.

Mr. TIPTON, from the Committee on Roads and Canals, to which had been referred the bill from the House making appropriation for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, reported the same without amendment, recommending its passage; and gave notice that he should call the bill up at an early day.

Mr. LINN, on leave, introduced a bill for the relief of Henry H. Marsh; which was, by general consent, twice read, and referred to the Committee on Pbulic Lands.

The following resolutions were submitted, and by general consent, considered and adopted:

By Mr. TROTTER:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a post route from Aberdeen, by Fulton, to Jacinto, in the State of Mississippi; and, also, from Fulton to Russellville, in the State of Alabama.

By Mr. WILLIAMS:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of repealing, or modifying, an act for the more equitable administration of the navy pension fund, passed March 3, 1837, with leave to report by bill or otherwise.

Mr. BENTON, from the Committee on Military Affairs, reported a bill to authorize payment to be made to the Missouri volunteers, for their services in 1829 and 1836: read, and ordered to a second reading.

The Senate then proceeded to the discussion of the bill to establish a Board of Commissioners to hear and examine claims against the United States.

On motion of Mr. BAYARD, the bill was so amended that the decision of the Board of Claims, together with all the evidence in each case, and the opinion of the board, should be presented to Congress during the first ten days of each annual session.

Mr. TIPTON moved to strike out the sum of

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MAY 7, 1838. VOLUME 6.....No. 22.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 21]

$3000, as fixed for the compensation of each commissioner, and insert $2,500, and on this question he asked the yeas and nays, when there appeared for the motion 13, against it 23, as follows:

YEAS—Messrs. Brown, Clay of Kentucky, Lumpkin, Norvell, Prentiss, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, White, and Young—12.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Clayton, Cuthbert, Hubbard, King, Linn, Lyon, Merrick, Morris, Nicholas, Niles, Rives, Roane, Robinson, Spence, Trotter, Williams, and Wright—23.

Mr. BENTON moved to further amend the bill by providing an eighth section, that no member of Congress, or delegate, nor any person holding an office under the United States, should act as attorney or advocate in prosecuting any claim before the board.

The bill was warmly advocated by Messrs. HUBBARD, BUCHANAN, BAYARD, and others, and opposed by Messrs. MORRIS, CALHOUN, BENTON, NORVELL, and others.

The question was taken on ordering the bill to be engrossed for a third reading, and carried by a vote of 23 to 15, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Alabama, Clayton, Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Merrick, Nicholas, Niles, Pierce, Prentiss, Rives, Roane, Robinson, Spence, Swift, Tipton, and Williams—23.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Kentucky, Lumpkin, Morris, Norvell, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, White, Wright, and Young—15.

The following is the bill, as ordered to be engrossed:

A BILL to establish a Board of Commissioners to hear and examine claims against the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, constituted and established a board of commissioners of claims, whose duty it shall be to hear and examine with care and diligence on behalf of the United States all claims against the United States not exclusively within the province of the accounting officers of the Government to adjust and allow, or which may require the special legislation of Congress, and report a brief statement of each case, with the facts proved, and their opinion thereon, to Congress.

SEC. 2. *And be it further enacted*, That the said board shall consist of two commissioners, to be appointed by the President, by and with the advice and consent of the Senate, who shall be sworn faithfully and impartially to execute the duties of their office according to their best judgment; and shall each receive, as a compensation for his services, the sum of three thousand dollars per annum, to be paid quarterly. The said commissioners shall reside and hold their sessions in the city of Washington, and the said board shall possess the powers of a court of record for the purpose of summoning witnesses within the District of Columbia, examining them on oath or affidavit, preserving order and punishing contempts.

SEC. 3. *And be it further enacted*, That the said commissioners shall have power to make all needful rules for the regulation of the proceedings before them, and for the taking and authenticating of testimony concerning any claim; and may, whenever in their opinion it may be requisite, issue a commission to take testimony, and prescribe the mode of executing such commission, and the oath to be administered, as well to the person appointed to take the testimony as to the witnesses to be by him examined.

SEC. 4. *And be it further enacted*, That said board shall cause commissions to issue for the taking of testimony in any one of the States or Territories, or in any foreign country, under such rules, regulations, and restrictions, as may be prescribed by the said board of commissioners. And any person or persons who shall, knowingly and wilfully, swear falsely before the said commissioners, or before any person or persons commissioned by them, under the provisions of this act, within any State or Territory of the United States, or the District of Columbia, shall be deemed guilty of perjury, and on conviction thereof, shall be subject to imprisonment at the discretion of the court before which such conviction shall take place, for a term of not less than two years nor more than ten.

SEC. 5. *And be it further enacted*, That the said commissioners shall appoint a clerk, whose duty it shall be to attend upon the sittings of the said board in person, to keep a docket of all the memorials filed for the decision of the said board; to make all needful entries therein; and, in all things pertaining to his office, to obey the directions and instructions of the said board; and the said clerk shall receive, in compensation for his services herein, the sum of fourteen hundred dollars annually, to be paid quarter yearly.

SEC. 6. *And be it further enacted*, That the contingent expenses of said commissioners shall be paid under the supervision of the Secretary of State of the United States.

SEC. 7. *And be it further enacted*, That the decision of said Board of Commissioner, in all cases of claims made during the recess of Congress, with all the evidence in each case, together with the opinion of the said board, shall be presented to Congress during the first ten days of each annual session.

SEC. 8. *And be it further enacted*, That no member of Congress, or delegate from any Territory, or any person holding an office under the United States, shall appear before said board as agent, attorney, or advocate in prosecuting a claim, or act as such in any way whatever.

HOUSE OF REPRESENTATIVES,

FRIDAY, April 27, 1838.

RELATIONS WITH MEXICO.

On motion of Mr. HOWARD, and by general consent, the following message from the President of the United States, received yesterday, was taken up:

To the House of Representatives of the United States:

In partial compliance with the resolution of the House of Representatives of the 21st ult. calling for further information on the relations between the United States and the Mexican Republic, I transmit a report from the Secretary of State, to whom the resolution was referred.

(Signed) M. VAN BUREN.

Washington, 26th April, 1838.

[The message was accompanied by a report from the Secretary of State, and a mass of correspondence. The report set forth the reasons why the whole had not been sent in, substantially that all that was most material was furnished; that the whole was very voluminous, and had been received at so late a period that there has been insufficient time for translation, &c.]

On motion of Mr. HOWARD, the whole was referred to the Committee on Foreign Affairs.

The SPEAKER, on leave, laid before the House two Executive communications, viz:

1. From the Postmaster General, in relation to an unsettled balance, due from ——— Crockett, Postmaster at Frankfort, Ky. and Francis P. Blair, as security.

On motion of Mr. BRIGGS, laid on the table.

2. From the Commissioner of the Public Buildings, containing copies of all contracts made in his office, in the year 1837, with the names of the applicants for said contracts, and the amount of their respective bids.

On motion of Mr. WHITTLESEY, of Ohio, referred to the Committee on Public Buildings.

Mr. SERGEANT, on leave, presented some resolutions of the councils of the city of Philadelphia, in favor of the construction of a dry dock at that place; which were referred to the Committee on Naval Affairs.

THE LATE DUEL.

The House resumed the consideration of the report of the committee appointed to investigate the causes which led to the death of the late Mr. CILLEY. The question was on the unanimous motion of the committee (through Mr. TOUCEY, the chairman) to print and postpone it till Monday week.

The reading of the testimony was resumed, and was concluded at one o'clock.

Mr. WISE then called for the reading of the journal of the committee, saying that he considered it all-important to a correct understanding of the case.

The reading was accordingly ordered, and the clerk proceeded to read the journal which, having been completed,

Mr. TOUCEY said, the House had imposed upon the committee a most delicate and responsible duty. The committee had performed it to the best of their ability, and with fidelity. They had not been careful to inquire who would stand by them in the House, but they had performed their duty with care and impartiality. If it was the pleasure of the House to retrace their steps—to go over again the mass of evidence and memorials presented to the committee, it was no part of their duty to complain. There are now objections made to the publication of the report and evidence; and if the objection had any foundation at all, if it was correctly taken by the gentleman from Virginia, [Mr. ROBERTSON,] and by the gentleman from Massachusetts, [Mr. ADAMS,] if it was correctly taken at all, it goes to annihilate the powers of the committee, and all that they have done would be correctly suppressed. That view had not been unobserved; it had been repeatedly pressed during the discussion; and the very gentlemen who took that ground had abandoned it, and now acknowledge that it has no application at all to the present case. I am not about to contend that if a standing committee—the Committee on Indian Affairs, for instance—should be instructed to inquire into a general matter, and should find a member involved in a question of privilege, that they could go into that inquiry at all. They must report to the House, mentioning the member involved in the question of privilege, and then the House could give that committee, or some other committee, authority to inquire. The rule, he said, was a sound and salutary rule for the government of such committees, but it ought not to be perverted to a case to which it has no application at all. If the rule has application to this committee, there is no half-way ground; you must throw the report under the table. You should not let in one portion—if the rule applies—either of the report, or evidence, or journal, because the committee had no power at all. And though the committee has cause to complain of the remarks of the gentleman from Massachusetts [Mr. ADAMS] that the committee had committed a greater breach of privilege than had been committed by those whose hands were imbrued in blood, he hoped they would be excused in doing so, because they had followed the precedent set by him [Mr. A.] in his better days, while he was a member of the other branch of Congress.

Mr. T. read the rule, and then said the question of privilege was one to be decided by the whole House. It is the privilege of the whole House, and is not the peculiar privilege of a member, except as he stands in relation to the whole House. Every member may insist, and must insist, if upon a trial for a question of privilege by the whole House; and a committee is ordered upon a general inquiry, they cannot touch such a question, because the question of privilege has not been referred to them. They cannot go into an examination se-

cretly, and turn a mass of evidence into the House like a thunder-bolt. They cannot do it. They have no authority. They must report to the House. If the rule has any application whatever in this case, the committee had no authority whatever. They could only have reported the fact, (as had been mentioned,) the single fact, that these members of the House were implicated in the duel they were required to investigate.

But the gentlemen who had pressed the objection with the greatest power, abandoned it the next moment, and now say the committee had full power to go into the evidence, and throw it into the House in the usual form of proceeding of such a committee, under the authority of the House. He would say the rule had no application in this case, because the House had, at the very commencement, referred, in express terms, the whole matter to the committee, and ordered them to go into the whole inquiry, and report upon it to the House. Therefore, the order had been strictly complied with—the committee had performed their duty fully and strictly. He would maintain their grounds; and he thought no gentleman could withhold his assent to all, or deny any one of them to be true.

First. He would say the House had referred, in express terms, the whole matter to the committee, and had authorized and required them to investigate the evidence and the question of privilege, and to do all they had done.

Second. That the committee had acted in perfect conformity to every precedent set in either branch of Congress, from the commencement down to this time.

Lastly, the committee had done no more than submit propositions to the House, for its final action; after submitting the whole evidence and arguments, to be considered by the House as the House might deem fit.

A mass of memorials had been presented to the House, praying an investigation into this matter, and charging these individuals, members of the House, and praying that they might be expelled from this body; not only mentioning and describing the members, but mentioning them by name. Those memorials were referred, and the committee was ordered to inquire into the subject matter of the memorials, and report upon the prayer contained in them; and they were authorized to send for persons and papers, and to inquire into the question of privilege. The original resolution had given them that authority for the express purpose of inquiry into the question of privilege; and if members were to be named, and were named in the very documents referred to the committee, he would ask the gentleman, who was still the great champion of the right of petition, whether, if such documents referred to a particular act, and named the parties, if authority would not be granted to inquire into all the facts relating to the prayer of the memorials, and report whether that prayer should be granted or not? No man who was versed in parliamentary usage, he thought, could entertain a shadow of doubt that the committee would be authorized to inquire and report whether the prayer should be granted or refused, and also to inquire into the question of privilege. Notwithstanding some threats which had been thrown out that the committee would find it necessary to be armed, they had done their duty fully and faithfully, and trusted they would be sustained.

Mr. WISE begged to ask the chairman, as he had alluded to threats, whether he [Mr. W.] had at any time made any intimation or offer of violence to the committee at any time, and he would beg him to state in direct terms.

Mr. TOUCEY said he would answer.

The SPEAKER said he would say, in advance, that it was not in order to go into any occurrence out of the House.

Mr. TOUCEY said he trusted no gentleman would object to his giving an answer.

Mr. WISE said he should not have asked the question, but the chairman had been allowed to make the general remark, and he hoped, that in justice to him [Mr. W.] he would be permitted to answer.

Mr. TOUCEY said he would not refuse to answer. He did not refer, however, to any thing which had occurred out of the House, but to a remark in a public debate, which he had not heard with pleasure, but which did not leave it at his option to decline serving on the committee. In justice to the gentleman from Virginia, [Mr. WISE,] he would say that his conduct to the committee was decorous and proper, and courteous in the highest degree; and, to his knowledge, no member of the committee had the slightest objection to that gentleman's deportment.

Mr. W. C. JOHNSON made an explanation of a former remark made by him, which was alluded to by Mr. TOUCEY.

Mr. GRAVES said the reply of the chairman to the inquiry of the gentleman from Virginia had been confined to him alone, leaving the inference that some threat might have been used by him [Mr. G.] or some other person. He would beg the chairman to state whether he was implicated in the intimation.

Mr. TOUCEY had not made the reply broader, beeause the question was not broader. If any implication arises from his remark, he would give to the gentleman from Kentucky [Mr. GRAVES] the same answer as he had given to the gentleman from Virginia [Mr. WISE.]

Mr. T. then said that the House, knowing the transaction to be investigated, and knowing that members, and members only, were implicated; having made it the subject of debate in the House; and having clothed the committee with full powers to prosecute an inquiry, the committee had done their duty. Now if the House should turn round, and tell the committee they had exceeded their duty, after having charged them with so delicate and responsible a duty, he should acquiesce, but he would protest that it would be done in defiance of every principle of justice and Parliamentary practice. He concluded by referring to, and commenting upon, several cases of breach of privilege in Congress, to show that they sustained the course of proceeding in this case.

Mr. T. had adduced these cases to show that the present committee had been guided throughout by precedents, many of which, however, went much farther than they did, for every opportunity had been afforded to the parties implicated to examine and cross-examine witnesses, to call others, etc.

Mr. WISE said neither himself, Mr. GRAVES, nor Mr. JONES, had ever, he believed, received any notice that the committee was to pass a judgment, and recommend a sentence upon them.

Mr. TOUCEY replied that it was a total misconception to say that the committee had tried any body, or adjudicated. They had neither done so, nor intended to do so. They had merely reported a resolution, a resolution that every member of the House could have moved. The present question, however, was whether this testimony should be suppressed, or not. The motion to print, and postpone, was by the unanimous direction of the committee.

Mr. ELMORE had assented to the postponement in the committee; but the objections he had heard to that proposition in the House had struck him with much force, and he should prefer the motion referred to by Mr. ADAMS, [to recommit, and strike out the report, and the facts]

Mr. GRENNEL had readily concurred in the motion to postpone in the committee, which was made, not by himself, but in consequence of a suggestion he made, and he should support that motion now if it was put, as well as the motion to print. But, in doing so, his course was not to be considered as a departure from the ground occupied by Mr. RARIDEN and himself in opposition to the report of the majority.

Some short conversation then took place as to the omission of a vote upon the journal of the committee, between Messrs. RARIDEN, TOUCEY, and WISE, which appeared to be a clerical omission, and Mr. TOUCEY stated that he would correct it.

Mr. ADAMS expressed a desire that the report of the majority should be signed.

Mr. GRANTLAND said, for one, he would take great pleasure in signing it.

Mr. ROBERTSON again contended that the mode of procedure by the committee had been irregular, and cited the British practice in support of his positton. The committee, he insisted, should have stopped the moment it was disclosed, that a member of the House was implicated, for they could not proceed in any investigation which should affect a member's privileges. He denied that the reference of the memorials, naming the members implicated, authorized the committee to proceed as they had done. After proceeding for some time, Mr. R. gave way to

Mr. MENEFEE, on whose motion,

The House adjourned.

IN SENATE,

FRIDAY, April 27, 1838.

Mr. GRUNDY, from the Committee on the Judiciary, to which was referred a resolution of the Legislature of Alabama, recommending the annexation of West Florida to that State, asked to be discharged from further consideration of the subject: agreed to.

Mr. G. from the same committee, to which was referred the memorial of James Cox, asked to be discharged from the further consideration of the subject: agreed to.

Mr. G. from the same committee, asked to be discharged from the further consideration of a resolution of inquiry as to the expediency of a new judicial district in Louisiana: agreed to.

On motion of Mr. TROTTER, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of a new post route from Manchester, through various towns, to Greensborough, in Mississippi.

On motion of Mr. ROBINSON, the same committee were instructed to inquire into the expediency of a new post route from Williams's Ferry, in Illinois, to a certain town in Indiana.

The bill to establish a Board of Commissioners to hear and examine claims against the United States, was read the third time, and passed.

Mr. KING, from the Committee on Commerce, reported a bill for the relief of Elisha Eldridge; which was read, and ordered to a second reading.

Mr. LYON presented a petition for the establishment of a post route from Jacksonburg, in the county of Jackson, by way of South Jackson and Montgomery, to Gambleville, in the county of Hillsdale, in the State of Michigan: referred to the Committee on the Post Office and Post Roads.

On motion of Mr. WHITE, the bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas was taken up.

Mr. CLAY, of Alabama, expressed a desire to have the consideration of the bill postponed for a short time, that he might have an opportunity of giving it a sufficient examination.

Mr. WHITE made some observations deprecating the farther postponement, and advocating the expediency and necessity of the measure.

Mr. NORVELL objected to that part of the bill (the 8th section) which provides for allowing the confederated tribes to elect a delegate to represent them at the seat of Government during the sessions of Congress; and he objected particularly to the reasons assigned in the preamble to that section for allowing them to elect a delegate, as the same argument might be used hereafter in favor of a negro delegate. He never wished to see the day in this country in which an Indian or a negro would have a seat on the floor of either House of Congress. He cheerfully agreed with the friends of the bill, tha it was incumbent on us to do all that was in ou power to ameliorate the condition of this unfortunate people; and he thought the bill well calculated to effect the objects for which it was intended. But he did not think the 8th section necessary; and as it introduced a new and dangerous principle, he would move to strike it out.

Mr. LINN said the gentleman from Michigan was mistaken in supposing that it was intended that the Indian delegate should have a seat on the floor of the House of Representatives. The delegate was to reside at the seat of Government during the sessions of Congress, to attend to the affairs of his people generally, and to give such information to Congress as would enable it to be better acquainted with their condition, and to

legislate with more certainty and effect with regard to them. One of the objects of the bill was to elevate the Indian character, and to give them respect for, and confidence in, themselves; and the most effectual way of doing so would be to give them the incentive of honorable office; and the committee thought it important that such incentives should be held out to the ambitious and enterprising of this people, instead of the ambition they now have to become warlike chiefs. The bill was, in his opinion, the most effectual measure that could be devised for the security of the States of Missouri and Arkansas, on the borders of which such numbers of these Indians had been thrown, and also the only feasible plan of saving these unfortunates from utter destruction. They had been crowded back by the white population until they could go no further west, and now was the accepted time for the philanthropist to step forward and preserve them. As the State of Missouri had been alluded to, Mr. L. read several passages from the memorial of the Legislature of Missouri on the subject, in which the policy embraced in the bill was strongly urged.

Mr. LUMPKIN urged the Senate to proceed at once to the consideration of the measure, which he looked upon to be the best that could be devised, not only for the protection and security of the frontier States of Missouri and Arkansas, but of the Indians themselves, and as eminently calculated to elevate and improve their condition. The objects embraced in this bill, Mr. L. said, were not new.—The subject had been before Congress from the days of General Washington to the present time; and by a reference to the public documents it would be seen that Mr. Jefferson, and all of his successors, had viewed it as worthy of the most favorable consideration of Congress.

In the course of his remarks, Mr. L. adverted to the two able reports made on the subject by Mr. Monroe and by Mr. Calhoun, and said that the subject had been discussed until it would seem that it was not only familiar to every member of Congress, but to the whole reading portion of the community. If this, he said, were not enough, the information presented during this session, and the able speech of the honorable Senator from Indiana, [Mr. TIPTON,] so replete with information and detail, would be sufficient to call the special attention of every Senator to the subject. Mr. L. said he would not now attempt to enter into an argument in defence of the bill; for he concurred with the chairman of the Committee on Indian Affairs that this would be unnecessary, unless some more plausible objections should be urged against it than had yet been heard. Should it become necessary, he was confident that the friends of the bill would be fully able to answer any objections that might be made to it, and he himself would cheerfully contribute his mite.

Mr. CLAY of Alabama, said he had determined, after the remarks of the chairman of the committee, not to ask a further delay. He was seldom unprepared on any subject, but, owing to peculiar circumstances, he had not been able to give a particular examination to this bill until his attention was called to the subject yesterday by the remonstrance of the Choctaw and Creek delegation which he had presented. As to the objections made by these delegations, he was now satisfied that they had no foundation, and that they had no right to interfere, as no tribe would become part of this confederacy without their express consent. Mr. C. in corroboration of this, quoted the two provisions of the bill applicable to the case. With regard to the objection of the Senator from Michigan, [Mr. NORVELL,] he differed with him entirely; and he thought that the section ought to be preserved both on account of economy and of good faith. The provision objected to, was better than the present mode of treating with the Indians, by which delegations of the various tribes were frequently permitted to come to the seat of Government at the expense of the United States. One of the inducements held out to the Southwest Indians when they agreed to remove to the west of the Mississippi, was that they would be allowed to have a delegate at the seat of Government. Mr. C. was truly anxious to get rid of the Indians that were in the old States. They are, said he, in our way, and, in fact, they are in their own way, by remaining where they are. Mr. C. said that he would not persist in his motion for a postponement, though he would rather have had more time allowed him for consideration.

Mr. NORVELL here modified his amendment by striking out the provision in the eighth section for a delegate of Indian descent to reside at the seat of Government during the sessions of Congress, and to insert agent instead; and to strike out the words "with the same compensation as that of a member of Congress;" and also to strike out the preamble to the section in the following words:

"SEC. 8. And to promote the advancement of such confederated tribes in the science of civil government, to afford them a convincing proof of the desire of the United States that they may be secured the enjoyment of the benefit of free government, and to enable them at all times to represent their condition to the Government."

The object of this amendment was to allow the tribes an "agent," instead of a "delegate," as in the bill, and to leave the compensation to be settled hereafter. He wished also to strike out the preamble, because it contained precisely the words by which the attempt to establish a free negro representation in the United States might be urged. He was not opposed to the bill, Mr. N. said, but to this section.

Mr. ALLEN threw out some objections to the principles involved in the bill, with a view of eliciting inquiry, and an answer to them from some gentlemen better acquainted with the subject, than he professed to be. This Government had always acted towards the Indians under the treaty making power, treating them as communities, but now it was proposed to act towards them in a legislative capacity, treating them as individuals. He wished to understand whether they had this power. He wished also to be more enlightened as to the policy of organizing a community on the borders of two of our most exposed frontier States, and by the power of this Government, giving strength and energy to a confederacy of people who are by nature the implacable enemies of the white race. These were the scruples which he entertained, and unless they could be removed, he must vote against the bill.

Mr. WHITE said that provided he could get the benefit of having an agent to be sent here by this confederation, he did not care about the name that was to be given him. The name of agent would answer as well as that of delegate. Old as he was, he hoped to live to see the day when the Aborigines of this country would be sufficiently enlightened to have their delegate on the floor of Congress to advocate their interests. Mr. W. spoke of the advantages that would result from holding out this incentive to the honorable ambition of the Indians, and said that if he had had his way at the commencement of Gen. Jackson's administration, he would, instead of selecting broken down politicians for our Indian agents, have appointed to those stations men of Indian descent; and he knew many such who were highly moral and intellectual men, every way qualified to figure in either House of Congress. Mr. W. replied at length to Mr. ALLEN in defence of the bill.

Mr. SMITH of Indiana said he did not intend, when he came to the Senate in the morning, to participate in the debate. After the very able exposition of the details of the bill, as well as of the policy of the proposed measure of his colleague, [Mr. TIPTON,] and the chairman of the committee, [Mr. WHITE,] he had felt that duty had no other demands upon him than a silent vote in favor of the bill, and he should certainly, at this time, occupy very little time in submitting some remarks, induced entirely by the observations of the Senator from Ohio, [Mr. ALLEN.] He had heard that Senator with equal surprise and regret: surprise that such sentiments as he had expressed were entertained by any one here, and regret that they had come from a Western Senator. Mr. S. said he could not consent to suffer the remarks of that Senator to go to the world without raising his voice against them. What, sir, were the grounds assumed by that Senator? That the white man and the Indian were natural enemies; that the bill proposed an increase of the energies, and an organization of the forces, of our enemies; that the lands upon which we had located these Indians might be at some time wanted by our own people. Yes, sir, the Senator had assumed the broad ground that the white man and the Indian are by nature enemies to each other.

[Here Mr. ALLEN rose and said, that he had no particular allusion to any vindictive or hostile feeling existing personally between them.]

Mr. S. said he had no disposition to misunderstand any Senator, nor could he believe that he had misconceived the Senator from Ohio; for, sir, it is not to be disguised that a large portion of the argument of that Senator was based upon a supposed danger that was to be apprehended from a concentration of those tribes on the borders of the frontier States, and it was repeatedly said that they were our natural enemies, and only wanted concentration and organization to bring down their vengeance upon us.

[Here Mr. ALLEN again arose and affirmed what he had before said.]

Mr. S. resumed. He had no objection, he said, to be interrupted by any Senator who might suppose that he had been misconstrued, but he thought the Senator from Ohio had carried the principle beyond its legitimate purpose, by rising to explain when he had been correctly quoted. But let that pass. The Senator admits that he is now understood in the sense he desires to be.

Shall it be proclaimed to the world from this hall, Mr. President, that the white and the red man are natural enemies to each other? Shall it told, will it be believed, at this day, that the God of Nature has implanted into the breast of the white man and the Indian feelings of personal hostility that shall prove the destruction of either race? Shall the aborigines of the nation be told from this hall, that we believe them to be our enemies, and have no confidence in them? Shall it be proclaimed to them that we are their enemies—that Nature's God has erected an impassible barrier between them and us? Shall we create distrust and alarm in the minds of those Indians who have sought our protection, and who rely implicitly on our friendship? The doctrines advanced by the Senator from Ohio are the same that have drenched our country with blood; the same that have produced the extinction of so large a number of the Indian race; the same that have caused the massacre of our helpless women and children; the same that were preached by Oceola, Sam Jones, Jumper, and Wild Cat, and others, to the misguided Seminoles; the same that have driven the Southern Indians into despair; the same that have caused the best blood of the nation to be poured out, and the means of the Treasury to be almost exhausted, in a vain attempt to drive that mistaken and deluded people from their native swamps, glades, and hammocks. Impressed with the idea that the white man is only seeking his destruction, the Indian resolves on selling his life as dearly as possible; and if he must fall, to die bravely defending the land of his fathers. But, sir, how stands the case? Are the Indian and the white man natural enemies? Can this be maintained? Let the landing of the pilgrims at Plymouth, the reception of our forefathers at Jamestown, answer the question. Let the story of a Pocahontas, and a thousand other similar occurrences, answer the question Let the history of the illustrious William Penn and his associates answer the question. No, sir, they are not natural enemies; but by a series of oppressions, of gross injustice, we have, by our own acts, created enmity between us and a portion of the Indians. They met us at the shores of the Atlantic, extended to us the hand of friendship, and smoked with us the pipe of peace. Our numbers increased. We wanted their lands. We pressed upon them. They retreated back, and surrendered the shores of the mighty waters, but still they were not at rest; we followed close upon them. From time to time they made temporary stands, but all was vain; they had no home, no resting place. They have retreated from forest to forest, from river to river, from mountain to mountain. The towering Alleghany, the rapid Ohio, and the majestic Mississippi, have been passed in succession, and the rem-

nant of those once powerful nations which concluded the treaty of amity, peace, and friendship, at Philadelphia, under the celebrated elm tree, with the illustrious Penn, has at last found a resting place beyond the Mississippi, in the contemplated Territory. Then, sir, is it not possible, that if the Indian is our enemy, it is not a natural enmity, but a feeling produced by our own acts, like that which prompted the noble Logan. He was not our enemy; he was the friend of the white man. But Logan was human. If you expect the friendship of man, you must reciprocate his kind deeds in good faith. Friendship is a social attribute: cherished and reciprocated, it lives and flourishes; abused and neglected, it languishes and dies, or becomes the exciting cause of temporary hatred or deep-rooted malice. The lessons taught the world by the great and good Penn and his associates, in their intercourse with the Indians, should never be forgotten. Without carnal weapons, he met, he subdued, he conquered. By acts of personal kindness, he proved the truth of his doctrines, and the savage bowed in humble adoration. And such was the great influence that he acquired over them, that, to this day, himself and the society of which he was a member, are held in almost sacred reverence by their descendants. What, then, Mr. President, is the language we should hold on this subject? Should it be the proclamation of the Senator from Ohio—enmity, enmity, natural enmity, between ourselves and the Indians? Or should it not rather be peace, friendship, good will, protection, encouragement, and safety, to the remnant of this unfortunate people?

The Senator seems to apprehend great danger to the States bordering on the Indian Territory, if the bill becomes a law. Mr. S. thought it was an unnecessary alarm. The whole number of Indians east of the Rocky Mountains is only about 330,000, including men, women, and children; and the number proposed to be organized in the Territory could not exceed 130,000, a mere handfull compared to the white population in the immediate adjoining States. Can it be supposed for a moment, that these Indians, after having exchanged their lands at our request, and removed to this country; and after having received patents for their lands, and a Government from our wisdom, with a full knowledge of our power, would be willing to throw away all these benefits, to surrender all these advantages, and rush madly on to their own destruction—for such must be the inevitable consequence, should they go to war with this powerful nation. They would be much more likely to hail you as friends, as saviors of the little remnants of their once powerful nations. They have had wars until their hearts have become sick; till their most powerful nations have dwindled down to little tribes; till their greatest kings are reduced to chiefs of miserable bands. They do not war, they want peace, they need repose. It is a question with them, not of victory or defeat, but of life and death, of preservation or destruction, and well do they know it. Senators need not feel alarmed at imaginary dangers: there is no danger to be apprehended from that source. There is much more danger of hostilities from and amongst the separate bands than there could possibly be from this confederation when they were organized, and were brought into a close alliance with the Government, receiving the counsel and advice of the superintendent, and of their delegate here. The bill is ample in its details, and he had no doubt but that it would produce results if carried into effect, satisfactory to those who desire to see the remnant of this once powerful people not only preserved, but advancing in civilization, while it must prove highly satisfactory to those who wish to see this Government pursue a course of policy towards this unfortunate people, becoming an enlightened, high minded, honorable and philanthropic nation.

Mr. S. said he had some ten years ago, while a member of the other branch of Congress, served on the Committee on Indian Affairs, with his friend the Senator from Georgia, [Mr. LUMPKIN,] and he would congratulate that Senator on the strong probability that the policy which that committee at that time advocated, would ultimately prevail. The question then presented itself to the committee as one of preservation or destruction of the whole race. It was believed then that the Indians could not exist in the midst of, and surrounded by the whites. It was believed then that it was due to the States, and in accordance with the highest considerations of humanity, that the Indians should be removed west of the Mississippi, beyond the the limits of the States and Territories, where they could rest in safety, on lands secured to themselves and their posterity for ever. The last four Administrations recommended this policy; however much they differed as to other measures, in this they all concurred. The Indians consented to it; they examined the country, and pronounced it good, and they have removed to it. The question now is, shall we carry out in good faith our policy; shall we give them that aid and protection in their new homes, which we promised them; shall we encircle them with our paternal arms; or shall we withdraw our countenance, seek pretexts to involve them in difficulties, that we may hasten their extinction? Shall we still press upon them, until we drive them beyond the Rocky Mountains, until we hear the sound of the last groan of the Indian die on the Pacific? Let justice, let humanity, let our national honor answer these questions.

The clause of the bill that requires patents to issue to the lands set apart for the different tribes, is one of great importance: they should be assured that their title will be indefeasible. There can be little doubt but that it has been greatly owing to the uncertainty of the tenure by which the semi-civilized Indian held his land, that his permanent improvements have been greatly retarded. Few men will sow when they are doubtful who may reap; but, by giving them a title upon which they can rely, they will be stimulated to cultivate and improve their lands with a prospect of making them their permanent homes.

Senators have doubted the power of this Government to extend the principles of the bill over the Indians. Mr. S. could not perceive the objection, as the bill stands. If any could have existed, it was entirely removed by the consideration that it was not proposed to include any tribe in the confederation that did not voluntarily become a party to it. Consequently, there could be no objection to it, as it was a voluntary compact of all parties concerned.

The clause of the bill giving power to the confederation to elect an Indian delegate, to reside at Washington during the session of Congress, had been objected to, but he had not felt the force of the objection. He thought it a very valuable provision. It would tend greatly to elevate the Indian character, and to inspire confidence in the good intentions of our Government; and at the same time a delegate from their own people, in whom they had confidence, located at the seat of Government during the sessions, would add much to the facilities of transacting the necessary business of the Territory.

Mr. S. did not propose to pursue the examination of the various provisions of the bill. He thought that had been sufficiently done by others. He did not rise to make a speech, but merely to answer, on the spur of the occasion, doctrines that he thought unsound, and calculated to produce at this time a deleterious effect on the policy of the Government, and our relations with the Indians.

Mr. S. said he felt disposed to notice one other position of the Senator before he took his seat. The Senator seems to deprecate the passage of this bill, lest the lands occupied by the Indians, under its provisions, should at some period of time be wanted by the whites for their own use.

This view of the case is well calculated to arouse all the feelings of sympathy, humanity, and philanthropy of our nature. What, sir! is it possible that there are those at this day who would withhold even this little spot of earth from those who were once the undisputed owners of the soil of this whole nation? On this little spot of land situated beyond the Mississippi, beyond all the States and Territories, approximating to the Rocky mountains, even there the Indian is to be viewed as an intruder; he is to be driven still further west. Where does the Senator propose to locate him? Where is he to find a home, a resting place? This side of the rocky mountains? No; he will be in our way; he will be too near to the whites; they may want the lands, says the Senator. The west side of those mountains? No, not there! white settlements have been commenced on the Columbia river, and the whites want the lands. Where, then? where, Mr. President, but beneath the dark waves of the Pacific, shall the Indian find a resting place? Humanity shudders at the thought, and all the sympathies of our nature, as well as our national character, forbid the idea. We cannot recall the past; but let us atone as far as possible for our past policy, by carrying out in good faith the provisions of this bill. Prove to the Indian that we are his friend, and not his enemy, and he will reciprocate our kindness, and bless our exertions to save him from impending destruction.

After some remarks from Messrs. SWIFT, DAVIS, LINN, and NILES, the question was taken on Mr. NORVELL's amendment, and it was rejected—yeas 16, nays 24, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alaba, Hubbard, King, Morris, Niles, Norvell, Pierce, Smith of Connecticut, Trotter, Wright, and Young—16.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Linn, Lumpkin, Lyon, Mouton, Nicholas, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Indiana, Spence, Swift, Tipton, White, and Williams—24.

Mr. HUBBARD moved to amend the bill by striking out the preamble in the eighth section; which motion was negatived without a division.

On motion of Mr. SEVIER, the bill was amended by giving the new Territory the name of "Neosho," [the Osage name for Grand river.]

Mr. CRITTENDEN moved to amend the bill by striking out the provision allowing to the members of the Indian council their necessary subsistence, and giving them two dollars per day in lieu thereof, and made a few observations in support of this amendment; but withdrew the proposition after some remarks from Messrs. NILES and WHITE in opposition to it.

Mr. KING expressed himself as anxious to do any thing within the power of Congress to ameliorate the condition of the Indian race, and to civilize and elevate them; and he was prepared to look at this measure without reference to the future consequences adverted to by the Senator from Ohio. But while he looked at the condition of these tribes sent across the Mississippi, and believed that good policy, humanity, and the best interests of the Indians, demanded some measure like the present, he was for looking, at the same time, at the condition of the frontier States on whose borders they were thrown, and for providing, in the most effectual manner, for their protection. He believed that the bill itself would have some effect in that way, but he wished to provide against an increase of the evils it was sought to remedy. It had been supposed that the country laid off for this Territory [here Mr. K. described its bounds] was sufficiently large for their subsistence; but would they not, he asked, be acting as prudent men by putting out of the Government to throw any more tribes within these circumscribed limits, where they would not be able to live by agricultural pursuits, and must, therefore, press on the whites, or starve? He was disposed to stop where we were; he was not disposed to push the Indians on to the Rocky mountains, or crowd them in these circumscribed limits to starve. It was not his design to detain the Senate. They would see his object in the amendment he was about to offer.

Mr. K. then offered an amendment, in substance as follows: That all that portion of country belonging to the United States, to which the Indian title had not been extinguished, which lies east of the Rocky mountains, north of the Missouri river, and west of the Mississippi river, shall constitute an Indian Territory; and the faith of the United States is hereby pledged, that such part of such Indian Territory as has been, and shall be, granted to Indian tribes, shall be secured to them and to their descendants.

This amendment leaves out, Mr. K. said, all that portion of Indian country to which the Indian

title has been extinguished, and reserves this country for the northern Indians, and declares that while we have reserved the country bordering on Missouri and Arkansas for the southern Indians, no others shall be sent there; and that this country described in the amendment is to be reserved for the northern Indians, when they can be removed there. He hoped the Senate would see the propriety of adopting this amendment, for it behooved us, while we are providing for the security and protection of these unfortunate people, not to lose sight of the safety and welfare of our own people.

Mr. NORVELL was glad to find that one portion of the bill did not strike at the feelings of the Southern Senators; and but for the State of Arkansas, he would move to set apart all the territory west of the Mississippi for the Indians, to constitute a galaxy of Indian States.

Mr. Sevier warmly advocated the amendment at some length; and

After some further remarks from Mr. KING, and from Messrs. LINN and TIPTON in opposition to it,

The Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 28, 1838.

The Hon. EDWARD ROBINSON, member elect from the State of Maine, appeared, was qualified, and took his seat.

Mr. EVANS, on leave, presented certain joint resolutions of the Legislature of the State of Maine, on the subject of the Northeastern boundary, and on fortifying the frontier: the former were referred to the Committee of the Whole on the state of the Union having charge of the bill on the subject; and the latter to the Committee on Military Affairs.

Mr. NOYES, on leave, also presented certain joint resolutions of the same Legislature, on the subject of colonial trade, which were referred to the Committee on Foreign Affairs.

On motion of Mr. BRIGGS, the "bill from the Senate to establish a Board of Commissioners to hear and examine claims against the United States," was taken up, read twice, and, on motion of Mr. WHITTLESEY, of Ohio, referred to the Committee of Claims.

Mr. CUSHMAN, of New Hampshire, and Mr. MORRIS, of Ohio, severally, on leave, presented petitions for the establishment of post routes.

Mr. EWING, on leave, presented some papers in relation to the claim of Matthew Steward, which were referred to the Committee of Claims.

Mr. HAMMOND presented the proceedings of a meeting, and a memorial, from citizens of Lycoming county, Pa. recommending Lockhaven in said county, as a suitable site for the establishment of a National Foundry: referred to the select committee on that subject.

THE LATE DUEL.

The House then resumed the unfinished business, being the report of the select committee appointed to investigate into the causes which led to the death of the late Hon. JONATHAN CILLEY; the question being on printing and postponing it till Monday week.

Mr. ROBERTSON continued his remarks in opposition to the course the committee had taken in directing or recommending the action of the House; insisting that the irregularity vitiated the whole proceeding, and that the whole should be recommitted. He adverted to the publication of the report in the Globe; which, if not a breach of the privileges of the House, was, he said, indelicate, and highly reprehensible, as was also the extract published in that print from another paper, (the Philadelphia Ledger, we believe,) appealing strongly to the passions of the House. Mr. R. went at large into the argument to prove the irregularity of the proceedings of the committee, and reviewed the precedents cited by Mr. TOUCEY. He disclaimed imputing any design or motive on the part of the committee, in making a labored commentary upon the evidence, but spoke of its effect and tendency as doing injustice to the parties implicated, for it prejudged them, and found a verdict of guilty, without bringing forward a single particle of justification or extenuation. Hence he objected to the printing of the report, and also to its reception, for though not a final sentence, yet it went to prescribe a punishment, a torture upon the feelings, an outrage upon the rights, and a degradation upon the character of individuals, and those individuals members of the House. Mr. R. reprehended the course of Mr. FAIRFIELD in originally bringing forward the resolution, and said the only course the House should now take would be to retrace their steps, send back the report to the committee, with instructions to undo all that had been done.

Mr. STANLEY denied that the petitions sent to the select committee were in the nature of instructions, and put the case of anti-slavery petitions being sent to a committee, praying for the abolition of slave commerce between the States, the resolution of Mr. PATTON being rescinded, whether Southern members would approve a bill being reported in consequence thereof. This he considered a case in point. Mr. S. also replied to Mr. TURNEY and Mr. TOUCEY, and condemned the warm language of the latter, particularly in referring to the deed in sepulchral tones, as that of a man "embruing his hand in his brother's blood." This alone showed that the gentleman had exhibited a warmth of feeling that militated against his impartiality as a judge. The committee, Mr. S. designated as a "packed jury," with previously formed opinions, and they had no right to try the gentlemen they had arraigned before them.

Mr. NAYLOR also opposed the motion of the committee to print and postpone, and expressed himself in favor of the motion indicated by Mr. ADAMS to recommit. He was opposed to the course recommended by the committee upon two grounds: first, that he believed the committee had violated, he did not say intentionally, but still violated, the Constitution and laws of the land; and, secondly, they had done first wrongfully an act of commission, and then secondly they had omitted to do what the rules of the House required they should do. These grounds he sustained by insisting that the resolution did not give the committee the power to investigate the conduct of members of the House, because they were not named therein; and yet the committee had virtually tried and condemned those gentlemen; and, in the next place, their mode of proceeding conflicted with the oft-cited rule of Jefferson's Manual. All that they were authorized to do was to report the fact to the House that a member or members were implicated. Moreover, even in the course they had pursued, they had only tried a portion of the members implicated, for he would defy any man to discriminate as to the guilt of the other parties who were also involved.

As to the printing of the report, it was now become a matter of secondary importance; for, before it was known to the House, it was printed and circulated from one end of the country to the other. He was not so much opposed to the printing, however, as he was in favor of the motion of Mr. ADAMS to recommit; for, as the report was already printed, the printing by the House could have little effect one way or other.

Mr. BRONSON said, that if he did not know the question now before the House, he should suppose that the merits of the whole question were under discussion. He thought the debate had taken altogether too wide a range. He understood the motion to be to postpone for a few days, and print the report; and that the question would be divided, so as to take the vote separately upon each proposition. In regard to the postponement, he knew of no very prominent objections; but he thought the wishes of those persons involved should be consulted, and he would be in a great measure willing to be governed by their desire. In regard to the question of printing, he was not satisfied by the arguments of those who were opposed to it. He did not consider the question, whether the members involved should be put on trial, at all connected with the mere question of printing; but it seemed that the whole matter had been changed, and that the committee were now on trial. It was reduced to a question whether the report of a committee, appointed by an order of the House, should be thrown out of doors. He contended at length that the true construction of the order compelled the committee to report; and that the reference of the memorials strengthened that construction. The House had full knowledge of these facts, that certain members were implicated, not only before the passage of the order, but also from the memorials; and the House knew all the time that the committee was engaged in an investigation of the conduct of members of this House. It was, therefore, unnecessary, and would have been a mere matter of form, for the committee to have come in with a report stating nothing more than a fact already well known, and legally upon the records of the House. In fact, the committee was on trial, and to suppress their report would be to cast censure upon them, as it would be withholding from them the ordinary courtesy due to a committee of the House. It was conceded that the printing could now make no difference, for the report had been printed, and was now circulated all over the country; but it was important that a committee who had done, as they said, their duty faithfully, should not be subjected to censure; and it was really a question whether the course of the committee should be sanctioned or condemned. He contended, that the committee had kept strictly within the line of their duty; that they were bound to report something; and had done no more than the order of the House demanded of them; and he was desirous that they should not be treated with disrespect.

Mr. TOUCEY made a proposition to correct an omission in the journal, alluded to yesterday, which was not received.

Some few remarks of a personal character passed between Mr. TOUCEY and Mr. STANLEY.

Mr. WISE asked of the chairman whether any alteration, verbal or in substance, had been made by the other members of the committee in Mr. POTTER's absence, and since he had seen it.

Mr. TOUCEY replied that the committee met on Thursday, and agreed upon suggestions to be embodied in the report, and adjourned to meet on Saturday. The report was shown to Mr. POTTER on Friday night, as he wished to leave the city; and he approved of it fully. On Saturday morning the committee met and discussed the report; and some alterations, merely verbal, and not altering the meaning, were then made.

Mr. WISE then remarked that the fact was admitted. That was a report nearly touching his character; and *character* especially depended on a *word*. He would demand, that in a report affecting his character, it should be in every word, letter, and in punctuation—for in *punctuation* there is *sense* and *substance*—precisely as it was sanctioned by the committee, consisting of a majority of them; and he protested against the alteration of that report, even to the crossing of a *t*, or the dotting of an *i* by the other members, in the absence of Mr. POTTER; and he wished to know if the House, under such circumstances, would sanction the report?

Mr. BOON said he had sat patiently and heard such a general denunciation against the majority of this committee, that he become impatient. Gentlemen who had denounced the majority, all assumed for themselves to be the exclusive judges of the Constitution and a little work called Jefferson's Manual. Why, Mr. B. understood the Constitution to be as broad as the United States, and susceptible of as many constructions as there were individuals within it capable of construing for themselves; and he addressed himself more particularly to the gentleman from Philadelphia, [Mr. NAYLOR,] who was so very explicit upon the subject of the Constitution. Mr. B. had no doubt that that gentleman had fully satisfied himself that his construction of it was perfectly correct, and that the construction by others was worth nothing; but it worked no conviction upon his [Mr. B's] mind, for he felt himself left precisely where he was, when gentleman was done speaking, as he was when the gentleman began. They might as well read from the "Pottawattomie Psalm Book" to Mr. B. as to read from "Jefferson's Manual," when questions of common sense and stern justice came up for consideration. Their hair-splittings and cobweb distinctions should never direct him in his course there nor elsewhere.

When the proper time arrived—he should not do as others had done, go into it now—but when the pro-

per time arrived, Mr. B. said he should be prepared to express himself openly and fearlessly upon the merits of the question, and would stop at no half-way house. But, for the present, he had only to say to those gentlemen who construed the Constitution for themselves, that they must not tell him, because he construed it differently, that he had trampled it under foot.

Mr. HOWARD announced his intention to call for the yeas and nays upon the passage of the resolutions, and then went into an argument, at length, in reply to some arguments that had been used in debate.

Mr. CAMBRELENG rose to appeal to the members of the House of every party. He remarked that it was perfectly evident that if this trial was to go on, the public business must be indefinitely postponed. A whole week had been consumed upon a mere preliminary question, and, unless the House should come to a decision upon it to-day, he should feel compelled to move a suspension of the rules on Monday morning, to allow the House to proceed with the public business.

Mr. MENEFEE commented with severity upon the injustice of proceeding thus far in a proceeding making an assault upon the character of members, and then to cut short all opportunity for exculpation. If there had been time for accusation, there must be time, also, for justification. He intimated that friends of the Administration in the House had taken this case up as an exception to the general manner in which duels had been looked upon heretofore, and for party purposes; and whatever delay or loss of time may be occasioned, or whatever obstructions to the public business, the responsibility must rest upon those members who had introduced the proceeding, and who had carried it to a point, the most improper of all others to stop at. The trial must proceed until it is finished. The House might, he said, get rid of it, but it must be in a constitutional way, and consistently with the rights of the accused.

Mr. M. then went on to argue upon the motion before the House, and supported the proposition to commit the subject to a committee on privileges, as the best way to bring the House to a speedy and correct decision.

Mr. BELL, at this stage, moved an adjournment.

Mr. CUSHMAN called for the yeas and nays, which were ordered, and were yeas 76, nays 96.

So the House refused to adjourn.

Mr. MALLORY moved a call of the House.

Mr. JENIFER asked for the yeas and nays; which were ordered.

Mr. POTTS then moved an adjournment; which prevailed—ayes 92, noes 75; and so

The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, April 30, 1838.

Mr. KENNEDY, member elect from the State of Maryland, appeared, was qualified, and took his seat.

Mr. M. MORRIS of Pennsylvania, on leave granted, presented two petitions, signed by citizens of Pennsylvnnia and New Jersey, one of them by 57 and the other by 49 persons, praying that an act of Congress may be passed establishing a mail route from Philadelphia, Pennsylvania, by the way of Frankford, Foxehase, Huntingdon, Sorrel Horse, Davisville, Springville, Richboro, Newtown, Doliugton, and Taylorsville, to Pennington, New Jersey.

Mr. HENRY presented the petition of a number of citizens of the county of Mercer, for a post route from the town of Mercer, on the road to Scrubgrass, to the cross-road that leads from Butler to Franklin: on motion, referred to the Committee on the Post Office and Post Roads.

Mr. BRIDSALL, on leave, presented the memorial of Matthew Dorr, of Sparta, Livingston county, New York, praying a pension for Revolutionary services: referred to the Committee on Revolutionary Pensions.

Mr. DAVEE, on leave, presented the petition of Silas Hale for additional allowance as mail-carrier on post route No. 92, State of Maine; which was referred to the Committee on the Post Office and Post Roads.

Messrs. TOLAND, MAURY, and HAWKINS, also, on leave, presented petitions.

STEAM EXPLOSIONS.

Mr. CALHOUN of Massachusetts called the attention of the House to a very important bill that he considered peculiarly demanded their consideration, viz: the "bill to authorize the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam-engines against explosions;" and he expressed a hope that the Committee on Commerce, or some member of it, would ask the consent of the House to take it up at this time.

Mr. CUSHMAN joined in the wish, and hoped the House would yield its unanimous consent.

Mr. WHITTLESEY of Ohio, inquired if there was not a bill on the same subject reported from the Committee on the Judiciary?

Mr. CUSHMAN replied in the affirmative.

Mr. WHITTLESEY suggested that both bills be included in the motion.

Mr. CAMBRELENG said he must object, for there was other and far more pressing business that wanted action.

Mr. CALHOUN moved a suspension of the rules; but the motion was rejected.

Mr. WHITTLESEY suggested that, as several gentlemen were desirous to present petitions, that the rules be suspended for that purpose; but it was not assented to.

On motion of Mr. GLASCOCK,

Resolved, That the Committee on Accounts be instructed to inquire into the expediency of vesting the appointment of Librarian in this House, and of uniting the office with that of the Keeper of Public Documents.

On motion of Mr. RUSSELL,

Resolved, That the President of the United States be requested to communicate to this House copies of all correspondence and communications which have passed between this and any foreign Government, and the officers or agents thereof, relating to the introduction of foreign paupers into the United States; also, what steps, if any, have been taken to prevent the introduction of such paupers into the United States; provided such communication is not incompatible with the interest of the United States.

Mr. HUNTER of Ohio, asked the consent of the House to offer the following, but objection was made to it:

Resolved, That the Sergeant-at-arms furnish to this House a statement of the amount of specie and specie checks paid to each member of Congress during the extra session.

Resolved, That the Secretary of war be directed to lay before this House the report and survey of the harbor of Sandusky, made by Lieut. Campbell Graham, in the year 1826.

THE LATE DUEL.

The House then resumed the unfinished business, being the report of the committee appointed to investigate the causes which led to the death of Mr. CILLEY, on the motion made by Mr. TOUCEY, under the unanimous direction of the committee to print and postpone till Monday next.

The question pending, was the motion of Mr. ROBERTSON to recommit the report to a committee to be denominated a committee on privileges.

Mr. MENEFEE concluded his remarks in opposition to the report, and the propriety of printing or acting upon it, upon the ground that the committee had transcended their powers.

Mr. PICKENS then obtained the floor, and stated that he had voted for the original proposition of the the gentleman from Maine, [Mr. FAIRFIELD,] because it related to one of his colleagues, and he should have voted in the same way had any other gentleman been similarly situated. But, considering the state of the public business, and the many important, deeply important, questions, not only to the House, but to the country at large, which were held in suspense; and considering, also, that he was utterly opposed to any resolutions upon this subject, Mr. P. felt bound, under existing circumstances, to move to lay the whole matter on the table. In doing so, he premised that no solicitation, from any quarter, should induce him to withdraw it. Mr. P. then moved to lay the whole subject on the table, and asked for the yeas and nays, which were ordered.

Mr. GRAVES did trust that the gentleman from South Carolina would not thus close this debate, but allow him an opportunity of defending himself.

Mr. WISE begged leave to address his most earnest request to the gentleman from South Carolina to withdraw that motion. Not only did he appeal to the gentleman as his friend, but as a member of the House. Against such a decision he entered his solemn protest.

Mr. PICKENS would accede with great pleasure, but he could not consistently with his public duty.

Mr. PETRIKIN and Mr. CUSHING simultaneously rose and moved a call of the House; which was ordered, and proceeded in till 198 members were found to be present; when, on motion of Mr. LEGARE, it was dispensed with.

The question then recurring on the motion to lay on the table—

Mr. GARLAND of Louisiana inquired of the CHAIR whether, if this motion prevailed, the report and resolutions would appear upon the journal, or be printed among the documents of the House?

The CHAIR replied that it would not. The entry on the journal would be a simple entry of the motion to lay on the table.

Mr. M. MORRIS desired to know whether this motion would include the bill either reported, or to be reported, from that committee, to prevent the practice of duelling.

The CHAIR replied in the negative.

Mr. ROBINSON of Maine and Mr. KENNEDY of Maryland, asked to be excused from voting, on the ground of having been absent during the discussion; which was given to them.

Mr. ELMORE asked to be excused on the ground of being a member of the committee; but he was refused.

Mr. JONES of Wisconsin said, as this was a matter deeply affecting him, he would also appeal to the gentleman from South Carolina to withdraw the motion to lay on the table, for he felt that, if it prevailed, he should lie under at least the tacit censure of the House.

Mr. PICKENS did not withdraw the motion.

Mr. WISE gave notice to the House that it was useless to lay the subject on the table, for he should demand its consideration as a question affecting his privileges.

The motion to lay on the table was then decided in the negative—yeas 28, nays 167.

Mr. ADAMS then moved to recommit the report to the select committee, with instructions to strike out the argumentative part thereof, and report the facts of the case.

The CHAIR ruled it not in order, pending the motion to postpone, which latter took precedence.

Mr. ADAMS then proceeded to discuss the motion to postpone, and went over the arguments that had been used in reply to his remarks upon a former day. He argued, from several considerations, that the report ought to be printed, stamped with the seal of reprobation, that future legislators might know the precedent, and that, the report being rejected, its character might be known also.

Mr. WISE entered his protest, solemnly, for various reasons, which he assigned at length, against the reception of the report, and against any sanction of it by the House in any form; but if the House chose to print it for the purpose of reprobating it, according to the suggestion of Mr. ADAMS, he had no objection. He said that he wished no delay, and protested against it, and demanded, as his right, a trial before his peers, and openly before the House and the country.

Mr. GRAVES said he was not only willing, but anxious, that the testimony should be printed, but he protested against the printing of the report, which he described to be a partial and garbled statement. He was opposed to the postponement, but in favor of its being recommitted, with instructions to report back the evidence alone, though he submitted that it ought not to be received by the

House as evidence. He should abide his trial by his constitutional and legal peers.

The question was then taken, first on postponing, and decided in the negative—yeas 85, nays 109.

So the first branch of the proposition was rejected.

Mr. ADAMS asked if his motion would then be in order.

The CHAIR entertained the motion, and Mr. ADAMS submitted it as indicated above.

Mr. TOUCEY raised the point of order, that, as the House had ordered the yeas and nays on the whole proposition, one branch of it having been voted on, the other must be taken immediately.

The CHAIR ruled it to be in order, both under the rule on dividing propositions, and on the ground that the motion to commit was a privileged motion.

Mr. GLASSCOCK called for a division of this question, dividing the motion to recommit the report from that to recommit the motion to print.

Mr. REED called for the yeas and nays on the first branch, which were ordered.

Mr. ELMORE wished to be distinctly understood. He had wished so to discharge his duty as to feel conscious that he had done justice to others, and to his own character. If the report should be sent back, under the resolution of the gentleman from Massachusetts, he should be at a loss to know what the House wished. He could not tell what was meant by the instruction to strike out the argumentative part. Was it to take the report of the majority, and strike out the argumentative part of that? The question of privilege was left untouched. He considered the committee ordered to inquire into the question of privilege. He had done it; and unless relieved distinctly, by a vote of the House, he should feel compelled to go into that question again, with very little difference of opinion from what he had entertained heretofore. He should rejoice to be relieved from so painful a duty; but any duty imposed by the House, he would not shrink from.

Mr. PICKENS said it must be very plain that if the resolutions of the 28th of February remained unaltered, it would place the committee and his friend and colleague in a very delicate and embarrassing position; and with that view he submitted the following amendment to Mr. ADAMS's instructions:

"And report on the facts without any resolution as to punishment, or any reasoning going to show what ought to be the description or extent of it."

Mr. ELMORE remarked that so long as the original resolutions existed on the journal directing the committee to report whether a breach of privilege had been committed, the committee, however glad they might be to be relieved of that duty, could not report the evidence alone, unless again specially instructed, or relieved of the duty originally imposed upon them.

Mr. BELL made some remarks for the purpose of showing that the recommitment, was a revival of the select committee, and it was competent to recommit in any manner under any instruction. He considered that there was no report, it not having been made in conformity with the orders of the House. The committee, therefore, were still in existence, and he hoped they would be instructed merely to report the facts and evidence, and let the House afterwards set upon that evidence, or give further instructions, as might be necessary.

Mr. MERCER was in favor of recommitment.

Mr. POPE remarked, in favor of recommitment, that it was an every day's occurrence in courts of law.

Mr. RARIDEN read some instructions he would suggest as a substitute, viz: for the committee to report their journal and the evidence taken without comments, and that the committee be relieved from deducing any argument therefrom that a breach of privilege has been committed.

Mr. TOUCEY called for the reading of the journal of the select committee of the 11th of April, by which it was shown that the resolution declaring Messrs. GRAVES, WISE and JONES had been guilty of a breach of privilege, was adopted unanimously in the committee.

Mr. T. then went on to express his desire, that if the report should be committed to any committee of which he was a member, that they would do it with a distinct expression of what they expected. If the House would undo what they had done, and would rescind the order originally appointing the committee, and take from them, under the rules of the House and parliamentary law, the petitions submitted to them, so as to relieve them from the most painful part of their duty, every member of the committee would rejoice. But having imposed a responsibility under which the committee had performed their duty, he could not approve of rescinding the order indirectly, which had been imposed directly.

Mr. PICKENS modified his amendment as follows:

Resolved, That so much of the original resolution instructing this committee, as required them to inquire and report whether a breach of privilege, &c. had been committed, be, and is hereby, rescinded.

Mr. ADAMS accepted the amendment as a modification.

Mr. JENIFER offered some reasons in favor of a recommitment, with a view to have the evidence presented to the House, with the opinion of the committee, in pursuance of the original order—whether, in their opinions, a breach of privilege has been committed. He thought the committee would be bound by any instructions which might be given them now, because it would amount to a new institution of the committee. Mr. J. also made some inquiries and remarks in relation to the manner in which the report had been published, surreptitiously, as he contended, and some conversation took place between Mr. J. and Mr. GRANTLAND thereon,

Mr. ELMORE made some explanations on the same subject.

Mr. MARTIN, it being late, moved an adjournment.

Mr. BOON asked for the yeas and nays, but they were not ordered; and the House refused to adjourn.

Mr. SERGEANT suggested to Mr. ADAMS so to modify his motion as to report only on that part of the testimony relating to persons other than members; and where any member is affected, to report only the evidence. There was much of the report of the majority of which he highly approved, and he returned his thanks to the learned chairman for making it.

Mr. GRAHAM of North Carolina moved an adjournment; lost—84 to 88.

Mr. BOON made some remarks in reference to his having called for the reading of the report.

Mr. GLASCOCK spoke at a late hour, and at considerable length, upon the course taken by the committee, and with a view to give the reasons which governed his votes upon the preliminary questions.

Mr. G. withdrew the call for a division of the question, and Mr. PETRIKIN renewed it.

After some remarks from Mr. FAIRFIELD,

Mr. ADAMS again modified his resolution, so as to strike out the phrase "that the original resolution be rescinded," and to insert that "the commit ee be discharged from its further consideration."

Mr. FAIRFIELD said he had moved an adjournment with the intention of addressing the House upon this subject to-morrow, but the adjournment was refused, and he would study to be content. Considering, however, the attitude in which he stood, in reference to this question, he could not permit the vote to be taken, late as it was, and fatigued as the members were, without saying a word or two.

By the resolution of the 28th of February, a select committee was instructed to investigate a certain transaction, and to inquire whether any *breach of the privileges of this House had been committed* It passed by a vote of almost unexampled unanimity. This branch of the resolution, however, is now proposed, by the motion, as modified, of the gentleman from Massachusetts, (Mr. ADAMS,) to be *rescinded*. We are now, said Mr. F. called upon to tread back—to acknowledge ourselves in an error—to abandon an important part of the original inquiry, and to start upon a new track. Wherefore? What were the reasons for such a course? What new light had broke in upon the minds of gentlemen? For one, said Mr. F. I have been anxiously listening to hear some new and convincing reasons to justify the turning this short corner, to palliate this seeming inconsistency, but I have listened in vain. Perhaps there is something in this matter more than meets the eye or ear. The resolution of inquiry was adopted by a vote of 152 to 49, or thereabouts, and now, many of those who composed this large majority seem as anxious to rescind the resolution as they were on the 28th of February to adopt it. Has a voice come from the public, since that time, condemnatory of our course, and are gentlemen endeavoring to make amends for running counter to the wishes and interests of the people? On the contrary, I had thought, said Mr. F. that the evidence upon that point was directly the other way. Some fifteen or twenty thousand of the people have sent in their memorials approving our course, and bidding us God-speed. Indeed, most of them *demanding* the strictest investigation at our hands. But all this, and the indications of public opinion as manifested through the public prints, seem now to amount to nothing in the minds of some gentlemen: reasons far superior and paramount to these and all former considerations exist for abandoning a course so unitedly and honorably commenced. But what are they? Will some gentleman be good enough to inform us? As yet we are in the dark.

It has been insinuated by the gentleman from Maryland [Mr. JENIFER] that the movement is a political one. Sir, said Mr. F. was the vote of 152 to 49 a *political* vote? There can be no pretence for saying that. If, then, the question has *become* political, let me inquire how, and by whose agency? If it was not political *to vote* for a resolution, it surely cannot be regarded as political *to adhere* to it. One side of this House are now where they were on the 28th of February, entertaining the same sentiments of the subject of inquiry, and adhering still to the then highly-favored resolution. If any party has abandoned it, or any portion of it, and are now more desirous to baffle than to prosecute the inquiry, they best know why: so far all is left to conjecture. The reasons offered for recommitting the report, do not go to justify the rescindment of this branch of the resolution. The committee, on a re-examination, can as well inquire whether there has been a breach of privileges committed, as if their report and resolutions had excited no dissatisfaction whatever. The recommitment of part, and the rescindment of another part, have no necessary connection. Why, then, should the latter be proposed? If this matter is to be got rid of, perhaps it is thought that a *side blow* will best effect that object. It is to be hoped, however, that neither the motion to recommit or rescind will prevail, but that the case will proceed, and the House be brought to a direct vote on the resolutions reported by the committee.

Mr. PETRIKIN moved to strike out the words, "and the motion to print," in Mr. ADAMS's resolution.

Mr. MENEFEE again insisted that the report was not the report of the majority.

Mr. TOUCEY insisted that it was, and more, the result to which the committee had come, had been agreed to in committee *unanimously*, so far as that a breach of privilege had been committed. Moreover, Mr. PATTON, the now absent member had concurred in it.

Mr. GRANT moved an adjournment: lost 75 to 88.

Mr. TOUCEY resumed, and stated that if the motion of Mr. ADAMS prevailed, the reports neither of the majority nor of the minority, nor even the evidence, could be printed. The whole would be suppressed, and those who voted for that motion would virtually vote to suppress the whole testimony.

Mr. DUNCAN moved to strike out the words "papers purporting to be the," whenever they occur.

Mr. MENEFEE again insisted that, inasmuch as Mr. POTTER had not assented to the majority report, while the committee was in session, therefore that it was not the report of the majority.

Mr. DAVEE renewed the motion to adjourn: lost.

Mr. ADAMS took the same ground as Mr. MENEFEE on another point, viz. that the report was not signed.

Mr. DUNCAN, after a few remarks in its support, called for the yeas and nays on his amendment, which were ordered.

Mr. THOMAS rose to correct an erroneous statement made by the gentleman from Massachusetts, [Mr. ADAMS.] That gentleman had said that the report made by the majority of the bank committee of 1832, of which he (Mr. T.) and the gentleman were members, had been signed by those who sanctioned it. Such was not the case according to his recollection. The report o majority had been handed in by Judge Clayton of Georgia. In that case, he well remembered that some of the reasoning by which the report was sustained had not received his entire approbation: that is, if he had prepared the report, some of the arguments upon which the conclusions were founded would have been omitted, and others introduced. This was almost invariably the case in all reports. The majority concurred in opinion as to the conclusion—the result. But we all know that the chairman alone was held to be particularly responsible for the phraseology, language, and illustrations. Hence he was indulged in drawing up reports on all points not involving principles.

The statements Mr. T. made with a full knowledge of the general accuracy of the gentleman from Massachusetts, whose good memory alone was required to guard against error. But he did not fear, although years had passed since that report was made, but that it would be found he had not imprudently weighed his recollections against the gentleman.

So far then as the proceedings of the bank committee were to be relied upon, they furnished a full justification for the course which had been pursued in this instance. And he appealed to every experienced member of the House to say, whether a course like that taken in this case, and in the case of the bank committee, was not in truth pursued by almost all committees when elaborate discussions were indulged in. In fact, no other process could insure a report at all. For it would not be contended that four men could be found who would adopt precisely the same language to express their ideas in a long report. They could agree readily in opinions, but each one would have a favorite mode of reaching their objects. Mr. T. said the House might reject the report of this committee, if it pleased the House so to do, with propriety; but then it was unjust to found such a proceeding upon alleged misconduct of a committee, where none existed. And as he thought that the proceedings of a committee, of which he had been a member, had been, without warrant, brought to bear, he had been compelled, by a sense of justice, to correct the error.

Mr. PETRIKIN withdrew his motion.

Mr. MERCER and Mr. GRAY simultaneously rose and moved an adjournment: lost, 78 to 88.

Mr. PETRIKEN moved a call of the House.

Mr. BRONSON moved an adjournment, which prevailed; ayes 90, noes 67.

The petition presented by Mr. HAWKINS of North Carolina yesterday, was from a number of citizens of that State, praying for the establishment of a post route from Henderson, a depot on the Raleigh and Gaston railroad, to Oxford, in the county of Granville, and on Mr. H's motion, it was referred to the Commitee on the Post Office and Post Roads.

IN SENATE,

MONDAY, April 30, 1838.

Mr. WALL presented the petition of a number of citizens of New Jersey, praying Congress not to admit any new State into the Union whose constitution tolerates domestic slavery: laid on the table.

Also, the petition of 120 men and 84 women, praying for the abolition of slavery and the slave trade in the District of Columbia: motion to receive laid on the table.

Mr. WRIGHT presented a similar petition from 27 inhabitants of the town of Litchfield, New York, which was disposed of in like manner.

On motion of Mr. WRIGHT,

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of so modifying the law allowing a drawback of duty upon foreign goods re-exported, as that foreign coal re-exported, not to be landed at any foreign port, but to be consumed on board of vessels navigated by steam between this and any foreign country, may be entitled to a drawback of duty.

Mr. CLAY of Alabama presented the petition of Opothle Yoholo, a Creek Indian, praying compensation for a negro lost in the military service of the United States: referred to the Committee on Military Affairs.

On motion of Mr. LINN, the Committee on Private Land Claims was authorized to employ a clerk.

Mr. CLAY of Kentucky presented the petition of the New York Peace Society, praying that, in the adjustment of our differences with Mexico, the instrumentality of an arbitrator may be employed; also, suggesting the propriety of the establishment of a Congress of Nations for the purpose of settling difficulties which may arise among different nations, and for averting the evils of war: laid on the table, and ordered to be printed.

Mr. DAVIS presented a memorial on the subject of the Cherokee treaty; which was laid on the table.

Mr. RIVES presented the memorial of Ann Eliza Laurie, praying for arrears of pension: referred to the Committee on Naval Affairs.

Mr. KING presented the memorial of Francisco Gutturiez de Arajo, praying confirmation of claim to a tract of land: referred to the Committee on Private Land Claims.

Mr. CLAY of Kentucky rose to make an inquiry of the chairman of the Committee on Finance [Mr. WRIGHT.] We have arrived, said he, at a very important moment in the monetary affairs of the country. Some of the banks in Boston and New York have in fact already resumed specie payments, and others are expected to follow that example in a few days. He hoped that example would be generally imitated, at least by all the banks which have the ability to do so, except the Southwestern banks, which, he was afraid, were not prepared. But the object of his inquiry was to ascertain whether there was before the committee, or the Executive branch of the Government, any intention to bring forward any measure other than that which had passed this body, and was now lying in the House of Representatives, with a view to aid and encourage the banks in that resumption. If there was no intention on the part of the chairman or the Executive branch of the Government to do any thing to aid the banks, it had been thought by some that the duty devolved on him to suggest some such measure.

Mr. WRIGHT replied that he could answer the inquiry of the Senator. There was nothing before the committee at present in relation to the matter. What had been referred to that committee by the Senate had then been acted on. Touching any views entertained by the Executive, Mr. W. professed himself to be as ignorant of as the Senator from Kentucky.

Mr. CLAY of Kentucky then offered the following joint resolution, which was read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no discrimination shall be made as to the currency or medium of payment in the several branches of the Public Revenue, or in debts or dues to the Government; and that, until otherwise ordered by Congress, the notes of sound banks which are payable and paid on demand in the legal currency of the United States, under suitable restrictions, to be forthwith prescribed and promulgated by the Secretary of the Treasury, shall be received in payment of the revenue and of debts and dues to the Government, and shall be subsequently disbursed, in course of public expenditure, to all public creditors who are willing to receive them."

Mr. GRUNDY wished to call the attention of the Senator from Kentucky to a single point, not with any hostile views to the resolution itself, or for the purpose of expressing any opinions on the subject, but with a view to a more distinct expression of opinion; and it was this: whether the resolution ought not to restrict its operations to notes of banks in the vicinity in which they are to be received and disbursed? Otherwise the resolution might produce difficulties which the Senator perhaps did not contemplate. He supposed the Senator would not object to restricting the resolution in the way he suggested.

Mr. CLAY of Kentucky said that was matter of detail, which would necessarily come before the Senate when the subject came up for discussion. If the honorable Senator from Tennessee had attended to the reading of the resolution, he would have perceived that it did not require an indiscriminate receipt of all notes; but they were to be taken under suitable regulations, as the Secretary of the Treasury might prescribe; such notes, for instance, as the people were willing to receive in all parts of the country. These, however, were mere matters of detail, which could be made to meet the exigency when the subject came up for discussion.

The resolution was then ordered to a second reading.

The bill to grant to the States and incorporated companies engaged in the construction of roads and canals the right of way through the public lands was taken up.

Mr. LYON then moved the following amendment: to insert at the end of the fourth section the following:

"And where any of the sections through which any such road, or canal, or its branches, shall pass, have not been offered at public sale, and therefore not subject to entry, such State or company may enter the same at one dollar and twenty-five cents per acre, when the remaining lands in the district where said sections may lie shall have been proclaimed by the President of the United States, and offered for sale."

Mr. TIPTON thought the bill a very important one, and sincerely trusted that gentlemen from the new States would not embarrass it by adding amendments, the consequence of which might be to defeat the measure. There were other bills pending before the Senate where the Senator would have an opportunity of introducing the provision he so much desired. And he appealed to the gentleman to withdraw it from the bill now under consideration.

Mr. LYON said he could not have anticipated objections to so reasonable a measure. Making roads through the public lands more than trebled the value of those adjoining. Gentlemen seemed to argue that the amendment contemplated giving away the public domain: no such thing! What did the amendment propose? Merely to allow these companies the right to each alternate section at the minimum price, (one dollar and twenty-five cents an acre,) which was as much as the public land usually sold for. It would hold out inducements to these companies to go on with their improvements, and nothing tended more essentially to the improvement of States and Territories than good roads. He would venture to affirm that where one dollar would be taken from the public Treasury by the adoption of his amendment, thousands would be put into it. He spoke from a thorough knowledge of this subject, derived from personal observation. His object in offering it, was the improvement it would be the means of effecting in the new countries, and the increased value of the public domain to the Government. As it seemed, however, to meet with so much and such strong objection, he would withdraw it.

Mr. TIPTON then moved to fill up the blank in the bill with 120 feet.

Mr. KING moved to fill the blank with 200 feet. He thought that would be indispensable, as the trees of that country were usually of such immense size, being frequently 80 feet below the limbs, that, if one were to fall, it would entirely obstruct the road.

Mr. DAVIS that 80 feet was as great a width as was necessary for all the purposes. Mr. D. then adverted to Connecticut, where, he believed, the right of way was still wider than that contemplated by gentlemen, the result of which was a neglected waste on both sides of the road.

The question was then taken on Mr. KING's motion, and the blank filled with 200 feet.

Mr. LINN moved to amend the bill by extending its operations to the Territories; which was agreed to; and

The bill was then ordered to be engrossed for a third reading.

NEOSHO TERRITORY.

The Senate resumed the consideration of the bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, the question being on the amendment proposed by Mr. KING to set apart the territory of the United States north of the Missouri and west of the Mississippi, to which the Indian title has been extinguished, for the northern Indians.

Mr. LUMPKIN addressed the Senate as follows:

Mr. PRESIDENT: When I consider the magnitude of this question, in all its various bearings, and how deeply it concerns the honor and character of this Government, I can but approach it under a due sense of the responsibility which devolves on me. I regret that the consideration and progress of this very important measure should be embarrassed by the proposed amendment of the honorable Senator from Alabama—an appendage calculated, in my judgment, if sustained, to defeat the original measure itself. This amendment, in connection with the remarks made in its support, which have fallen from several honorable Senators, gives to the proposition a sectional character, which cannot fail, if the amendment be incorporated in the bill, to defeat the whole measure. I represent a portion of the Southern people who have as deep an interest in sectional questions as any other portion of this Union—a people who well understand their political rights—a people who will never demand more, or be satisfied with less, than their equal and just rights. My life, my interest, and my feelings, are identified with the people whom I represent. My obligations to watch over, protect, and defend, that portion of their interest confided to my care on this floor, can never be forgotten by me for a moment. No, sir: my obligations to the people of Georgia are peculiarly strong. But I am not to be frightened or alarmed from the pathway of duty by the cry of Southern rights, when there is no ground for that alarm, and when that sectional interest is unnecessarily introduced in a way calculated to defeat a favorite measure, which I have for many years past labored to consummate.

The bill upon your table for the organization of the Indian Territory and Government west, in its first section, defines the Territory designed to become the scene of Indian reform. This Territory embraces a country of about six hundred miles by two hundred, and may be stated to embrace a surface of 76,800,000 acres of land. The population now settled, and intended to be settled, on this surface, is estimated at 133,883, of which number about 75,000 are already located in the country.

The territory embraced in the bill is directly west and northwest of the States of Arkansas and Missouri, and from north to south extends over eight or ten degrees of latitude, the highest northern point being 43° north.

This, sir, is an accurate description of the country embraced in the bill, according to the map which I now hold in my hand, and which is said to be a near approach to accuracy.

Thus it will be seen, from the evidence here presented, that more than two thirds of the Territory designated in this bill is north of latitude 36½—the Compromise line agreed upon at the time the agitation and discussion took place in Congress upon the question of the admission of the State of Missouri into the Union. It is true that I never approved of that compromise; but so it is, that it has heretofore been acquiesced in as a settled compromise, and for one, I am averse to disturbing and agitating that question at this time, and upon this occasion. The South has no just cause of complaint in regard to the location of the Indians, from which she will be finally and forever relieved by the provisions of this bill. The Indians who have emigrated, and will emigrate from all the Southern States, will be located something north of their former places of abode; and from the provisions of this bill, it is not proposed to locate a solitary tribe of the Indians from any one of the North and Northwestern States south of 36½ of north latitude.

And what is the proposition of my honorable friend from Alabama [Mr. KING.] Why, sir, he proposes to add to the Territory designated in the bill, all the Northwestern domain of the United States, to which the Indian title has not heretofore been extinguished, and which is not embraced in any of the present States and Territories of the United States. A country undefined in extent, and thought by some gentlemen to embrace a country containing a larger surface than one-half of the organized States of this Union.

Sir, my high respect for the intelligence, and my confidence in the purity of the motives, of the mover of this amendment, [Mr. KING,] would leave me in surprise, but for the assurance which I feel that the error into which my friend has fallen on this subject, is chargeable alone to his not having duly examined and considered the measure now under consideration. Who can seriously expect to succeed in the organization of a Territorial Government for the emigrating and half civilized Indians, when the territory embraced in that Government spreads over a country so vast in extent, and a great portion of it populated by savage and wild men, who have had little intercourse with civilized man? Moreover, sir, the Indians who inhabit the country proposed to be added by the amendment, are wholly incapable and unprepared to avail themselves of the benefits extended to the more enlightened tribes by the provisions of this bill. The adoption of the proposed amendment cannot fail to destroy every reasonable prospect of accomplishing the beneficent and kind objects designed by its friends for the benefit of those tribes which have been removed from the several States and located in the West. It would render the bill an inefficient and useless measure, and change the entire prospect of benefiting those upon whom it is designed to operate.

I regret to find the honorable Senator from South Carolina, [Mr. CALHOUN,] withholding his support from this important measure, and advocating the proposed amendment offered by the gentleman from Alabama. I feel assured, that if the Senator from South Carolina had brought his gigantic mind to bear upon this deeply interesting subject, he would have been prepared to give it his support. I am justified in this conclusion, from the fact, that the very plan, in all its most important bearings, embraced in this bill, was in the year 1825 the favorite policy of that Senator. He at that time, as Secretary of War, made an able and lucid report upon this subject, which may be seen in the volume of State papers now open before me, and which substantially, to my mind, recommends every important feature embraced in this bill. The very tribes embraced in the bill, as well as the territory, together with an entire change of Indian policy approaching the provisions of this bill, are recommended in the report of the honorable Senator to which I refer. And yet, he now desires more time, to reflect and make up his mind on this important measure, and seems not to be even acquainted with the provisions of the bill on your table.

A slight examination of the bill must at once remove most of the objections suggested by the Senator. The bill forces nothing upon the Indian tribes who are intended to be benefited by its provisions. Each tribe will still be left free to make its own laws and regulations, for the government of its own people within its respective limits. The Confederacy proposed to the different tribes may be entered into or not, at their own pleasure. It is true that most of the tribes who have emigrated to the West, have been consulted on the subject of the contemplated organization and form of Government which is the subject of our present consideration, and have expressed their opinions in favor of the measure. It is also true that several of the largest and most enlightened tribes have not yet expressed a formal opinion on the subject; and it is known that many of their leading men have expressed opinions adverse to this measure. It is therefore a subject still open for investigation and consideration; and I indulge the belief that proper investigation cannot fail to counteract the opinions of the few selfish and leading men amongst the Indian tribes, who have been disposed to create opposition to the policy of the Government in regard to this matter.

I regret that this bill has not received a greater share of the attention of honorable Senators, who have manifested opposition to the measure. In the opening discussion, it was ably supported by the Senator from Indiana, [Mr. TIPTON,] in a speech chiefly composed of facts and figures. In that speech most of the material historical facts necessary to the support of this measure, together with a considerable collection of statistical information, was laid before the Senate in a condensed form, which placed within the reach of every Senator the means of correct information, without the toil and research which it must have cost the Senator who had the honor to submit it for the information of others.

This bill advances one more step towards the consummation of a most important object, which has long engrossed the minds and exertions of some few individuals, scattered through a long course of years, whose knowledge of the true character and condition of the native American race had awakened their sympathy to a sense of the necessity of some vigorous effort to arrest the extermination, and total extinction, of the aboriginal race.

In a retrospect of the past, we may with gratitude to a kind Providence congratulate ourselves at the unparalleled prosperity and advancement of our beloved country, since the first settlement of our European fathers on this continent. Our onward progress as a people is justly the admiration of the whole civilized world. Our good form of Government, our arts, our science, our towns, our cities, our agriculture, our commerce, our internal improvements, and every thing else, have sprung up in a few hundred years.

And, sir, we have wrested this delightful land from the hands of its native lords; and whether it has been done by force or fraud, the obligation which now devolves on us to rescue and save the remaining remnants is not altered or changed. The allusions made by honorable Senators to my long and untiring efforts in support of the policy which is now the subject of consideration; and my being called the parent of this measure, I should consider, if supported by facts, highly complimentary. But, sir, I have no pretensions to the honor of having originated this measure. General Washington was the first public man from whom I recollect to have seen evidence, to satisfy my mind, that he looked forward to the plan which I now have so much solicitude to see consummated. Mr. Jefferson, Mr. Madison, Mr. Monroe, Mr. Calhoun, and Mr. Adams, with many other enlightened statesmen, had given official evidence of their approbation of the policy now under consideration, before I had the honor of a position which authorized me to move in this matter.

But, sir, it is a subject of the highest gratification to me to have been the first member in either House of Congress to make a direct move on this subject; and that gratification is greatly increased by the share of success, though small which has attended my humble efforts. My first year's labor (some ten years ago,) resulted in getting an appropriation of $15,000, to defray the expense of an exploring expedition to the West, by competent agents of the Government, accompanied by delegations of several tribes of the Indians then residing in the States. That duty was performed to the satisfaction of the Government; and the report made by these exploring agents tended to remove the idle impression that a suitable country could not be found. They not only found a country, but a most delightful country—one among the many delightful garden spots of America—a country possessing all the natural advantages to make a people prosperous and happy.

It is true, sir, I did not stop here; that was only my first step, and my march has been onward ever since.

I have been inclined, and have done all that I could, to produce a radical change in our Indian policy. I have long since been disgusted, and with shame and confusion of face looked at the policy

pursued by this Government towards the Indians. Look at your volume of Indian treaties. What do you there see? One recorded farce after another, couched in language of high official and formal mockery. I rejoice, sir, that I have never had any agency in making an Indian treaty. And while I am here urging the execution of an Indian treaty at this session of Congress, I only do so because this Government will not comply with its obligations, due to the State which I represent, through any other channel.

My settled opinion, for the last twelve years, has been, that we should never make another treaty with a poor, subjugated Indian tribe.

My plan is, and has been, for the States and and Federal Government to legislate direct for their Indians, in the same manner that we legislate for orphans, minors, and other persons who are incompetent to take charge of their own rights. And as far as I have been concerned, I have acted upon this principle in my own State, and have more than once urged it upon the consideration of this Government to pursue the same course. But, sir, in my legislation for these unfortunate sons of the forest, my liberality, my care for their true benefit, my magnanimity shall be surpassed by no Senator on this floor. If, in any of these instruments called treaties, injustice may appear to have been done to any, let us speedily repair the wrong. I would willingly restore them fourfold for all the wrongs which may have been done them.

Although the policy of this Government towards the Indians, is in many respects marked by too much disregard to the true interest of the native race; yet a critical examination into the history and settlement, as well as the policy, of all the American colonies, may in many cases plead some justification. In the first instance, a plea may be founded on the weakness of the colonists, and the strength of the natives, which put in operation that first law of nature, self preservation. This weakness on the part of the first European settlers, introduced this treaty making policy. This conciliating plan, in the absence of power, was resorted to by all the colonies.

Nor do I condemn or regret the success of our race on this continent; no, sir, I have none of that spirit of fanaticism, or sickly sympathy for these interesting people, which induces me to regret that they have been supplanted by a superior race—by husbandmen, for whom the God of Nature designed the more appropriate use of the earth. I cannot desire that this flourishing land of light and liberty, with all its various and beautiful improvements, should be retroceded to the hand of uncivilized man, and again become a wild wilderness, a dense forest, for the wild man to roam and hunt in from place to place.

Thus, sir, while I see much to regret and condemn in the past policy of Europeans toward the native race; I feel it my duty to say, that it requires examination, reflection, and much consideration, in order to form a correct opinion of the past.

Up to the present period of our history, as a people, I think it must be admitted, our intercourse regulations over the Indians have been most prejudicial to their best interest. If they had been left to a state of nature, they would probably have been in a much better condition, as a whole, than they are at this time.

It does appear to me, that the policy of this Government has rather tended to encourage than restrain the barbarous habits of these people. At any rate, we have progressed in a policy that, to my mind, has become insupportable. Until the emigrating and colonizing plan was taken up by the Government, no general effort had been made to benefit the Indians of our country; and the disabilities under which they now labor are of a most perplexing character, under which they are perishing, and cannot long survive. Unless we speedily change our policy, the day is not far distant when there will not be a solitary one left to tell the sad story of his progenitors. But should success speedily crown the plan for which I have so long labored and toiled, in the face of a most powerful and talented opposition, my hopes will then be revived for the salvation of a remnant of this peculiar race of people. A people for whose real and permanent welfare I feel all the solicitude of which I am capable of feeling for any portion of the human family.

Most of those who from religious motives made efforts to better the condition of the Indians, have become fully convinced that without colonization and civil government, without laws, most of these people would perish. These conclusions have been confirmed by two hundred years' experience in the Eastern States. The hopeful beginnings of Elliot, Brainard, and others, soon disappeared. Their converts, I hope, got to a better world; but what was the condition of their Indian congregations very soon after their decease? Why, most wretched, depraved, and perishing. Missionaries have continued to labor for the New England and New York Indians ever since; but, notwithstanding all these efforts, those tribes have been constantly sinking deeper and deeper in degeneracy and wretchedness, and perishing away into insignificance and nothing. I entertain no doubt but the efforts of these good men have benefited a few individuals; but, take them as a whole people, and their condition has been constantly becoming more and more deplorable. The better prospects and condition of the Southern tribes, and particularly the Cherokees, cannot be justly attributed to missionary labors or operations. No, sir: the glory belongs to Him who overruled *evil* and brought *good* out of it.

During the Revolutionary war, and at its close, there were Tories who fled from their country, to escape the punishment due to their crimes, and joined the Indians, and fought by their sides, amalgamated with them, and took up their permanent residence amongst them. Some of these men had property, intelligence, and education, and soon acquired great influence amongst the Indians, and, in most cases, were careful to educate the children which they had by Indian mothers. These men and their descendants taught the Southern Indians the arts of husbandry, industry, and imparted to them their first ideas of a system of law, which should secure individual property. Thus they acquired a knowledge of the first principles of human prosperity; and civil order and law being thus introduced, they went on improving. The circumstance, too, of their having for a long time a large territory, unintruded upon by the whites, was favorable to their imbibing lofty feelings of character and independence, which is indispensable to the political advancement of any people. These improvements, thus made in the condition of the Southern Indians, greatly facilitated the operations of the missionaries who settled in the Indian country at a subsequent period. These missionaries were not placed among a people who were all savages, but always took up their abodes in neighborhoods far advanced in civilization.

Many of the Indians and Indian countrymen had good houses and farms, and large herds of cattle, sheep and hogs, besides household furniture, implements of husbandry, and a number of negro slaves. The missionaries, in settling among such a people as I have described, found a state of society not widely differing from that which, in former days, might often be found in newly settled countries by civilized men. Some of the missionaries who set tled among the Cherokees, were good people, and were very useful to the natives; but, at the same time, most of them advanced their own circumstances and comfort, and improved their own condition as much as they did that of the Indians. These missionary efforts in the Cherokee country have been exaggerated, and published to the world in religious magazines, which will likely be handed down to posterity, and pervert the truth on the historic page, when the present generation shall have passed away. Be assured, the greatly improved condition of the Cherokee people cannot be justly attributed to missionary labor; but to the establishment of civil order, produced by the means to which I have already adverted. Had the Cherokee people been located where they could have remained undisturbed, they might, and no doubt would, have prospered and done well. But this was not the case, the Southern States, as their white population increased, following the example of the Eastern and Middle States, and by the exercise of their own rights, found it expedient and proper to take such steps as should change their Indian population for that of the white, which they considered superior. Moreover, they found it expedient, to exercise the common right of all the States, and which the older States had done before them, to take the control and government of their Indian population into their own hands. Such a course was in accordance with what had been the common and established policy of the country, from the time of the first European settlements up to the present time. It was most unreasonable to expect that an exception with a few of the Southern States would occur, to that which had been the invariable practice every where else in America for upwards of three hundred years. For many years I clearly saw that the Southern tribes, as they became crowded by a white population, must either change their residence, as most of the Northern tribes had done, or like those who still remain, become subject to a state of things which would inevitably cause them to dwindle, perish, and pass away from the face of the earth.

In view of this state of things, I have been forced to the conclusion, that the plan which we now advocate merits the support and approbation of the wise and the good from every section of our Union. It appears to me to be a measure so vastly important to a most interesting and peculiar portion of the human family, and a people, too, to whom we are under the strongest possible obligations, that every honorable Senator on this floor should for once forget all party names and distinction disregard party or sectional interest, and each one strive to do most to preserve and save these people, who have so many just claims on our favorable consideration.

I have often been surprised at the unbelief of many intelligent and well-informed persons in regard to the practicability of the civilization and improvement of the native race of our country. Give them the same opportunity, and they will improve just like other people. Let us hereafter consider them as human beings, of like passions and propensities with ourselves; and in thus considering them, I know, from my own knowledge and observation, we shall only do them justice. Give them liberty and law, and at no distant day they will exhibit a community which will do honor to the legislation which we now urge for their benefit.

They are not only endowed with all the natural and necessary faculties for mental cultivation and improvement, but whenever the opportunity of proper cultivation has been extended to them, they have as rarely failed to make good use of their opportunities as other people of other nations. I will not dwell upon the thousands of cases, which might be individually referred to, for the purpose of establishing the fact, of the natural capacity of this race of people being as well adapted to mental cultivation, as that of the people of other nations; because the reflection and knowledge of each Senator must bear testimony to the correctness of my statement on this subject.

Let us give them a fair trial, as provided for in this bill. Let us take this first step towards elevating this people in the scale of human beings. This bill violates no existing law or treaty, but goes far to carry out and fulfil many of the existing obligations of this Government to various tribes who are embraced in the bill. This bill places these harrassed people beyond the reach of State interference; and the right of soil should be as securely guaranteed to these people, to them and their posterity for ever, as it is to the people of any State in this Union.

The institutions of these people should, as far as practicable, be assimilated to our own in every respect. Let us bind them to our great confederacy of States by the ties of union and family fraternity. Let us even look to the day when they may become a bright star in the American constellation of States. Let these people receive from our hands all the liberality and encouragement which will promote their true interest. Let us prudently aid them in the formation of suitable and and good laws for their Government. Let us watch

over and guard them from indiscreet legislation in the first stages of their new Government. The course suggested is the proper one to obliterate past injuries; and new pursuits and new prospects of a cheering and encouraging nature, are best calculated to turn their minds from the painful recollections of the past, and cause them to look forward to the prize set before them, with that hope which gives joy and peace. Increasing comfort, progressive improvement, prospective preferment and distinction, will nourish a laudable enterprise and ambition in this interesting race of long neglected people.

Such a course as the one suggested would, I trust, extinguish every unkind feeling which may have been taken with them to their new homes. Let us endeavor to obliterate from their memories all past strifes and animosities. I was desirous myself that these people should have been allowed, at once, a delegate of their own choosing on the floor of Congress, one of their own people. I know they have competent men, native Indians, who could not fail to be respected on the floor of Congress, for their intelligence, and genteel deportment. By such a course they would not only feel that their relation to us was amity and peace, but they would soon learn to feel a family and kindred interest in the welfare and prosperity of the nation and Government of which they would form a part. Then, sir, we should no longer need a military force to preserve peace and good order amongst these native Americans, whose common origin from the same great parent with ourselves entitles them to our special care and regard. Wretched indeed will always be the state and condition of any people who must be kept in subordination by a military force.

Instead of further delay and consideration on this subject, as has been recommended by the honorable Senator from South Carolina, [Mr. CALHOUN,] to my mind, now is the auspicious moment for this Government to make a vigorous effort to move forward and do something for the permanent interest and benefit of these people, by extending to them at least the advantages contemplated by this bill. Now is the accepted time for action. The Indians stand at your door and knock. Now is the most favorable time to make the best possible impression on the minds of these people. If we do not proceed now, a retrograde movement may be apprehended. Many intelligent men amongst these Indian tribes have long been looking to the state of things contemplated by this bill. Let us not disappoint them. Justice calls for this last effort to save these people. Humanity requires it; conscience demands it; posterity will admire it; and Heaven will award its blessing to those who shall be instrumental in consummating this beneficent plan to redeem from ruin an interesting portion of our fellow-men.

Mr. KING had no disposition, if his health permitted, to consume much of the time of the Senate in support of the amendment, and he was the less disposed to do so, as he was fully aware what little hopes there were of its success. He regretted the temper of the Senate on this subject, and could not but feel surprised that an amendment so important to the frontier States of the Southwest should not meet with a more favorable consideration. He had no disposition whatever to embarrass the bill which the Senator from Georgia, [Mr. LUMPKIN,] had so much at heart, and which he had been nursing with such parental care; he had no disposition to strangle it, as the gentleman feared, but at the same time he could not approve the continuation of a course of policy calculated to press heavily on the country from whence he came. While gentlemen had this extraordinary kindness for the unfortunate red men, they ought to give them a country sufficiently large to support them, and in which they would not be driven by starvation, and want of elbow room, to depredate on their white neighbors. Was it intended that all the Indians, Northern as well as Southern, should be crowded on our Southwestern borders, in order that the whole country north of the Compromise line should be kept exclusively for a white population? It was not to be disguised that it was. There were already 75,000 Indians in the Territory embraced in this bill, being as many as the country can conveniently support; and it was proposed to crowd more there—wild Indians too—and what would be the consequence? Why the plunder of their white neighbors, and this could not be prevented, for we could not keep up a standing army sufficient to keep them in awe: the States would not agree to it. Well might the Senator from Arkansas say that the object was to get more States at the Northwest; and he would ask the Senator from Indiana, if he would oppose the amendment, if he believed there would not be more States formed to the Northwest?

Mr. K. regretted that his Southern friends did not view the subject in the light that he did; but if they were willing to take the consequences, all he could say was that he warned them in time, and that his skirts were clear. He felt for the Indians as much sympathy as any man; he had always manifested the strongest desire to protect them, to promote their welfare, and to provide for their civilization and improvement. He knew that they could not be protected as long as they remained in the States, and knew that if they did, they would share the same fate which the honorable Senator from Indiana said was reserved for the Indians of his State on their first outbreak. Let them, said the honorable gentleman, take the life of one of our people, and they will be exterminated. We of the South, said Mr. K. did not exterminate them, though they have frequently been the aggressors, and have shed freely the blood of our people. Mr. K. felt that he was trespassing on the time of the Senate in vain, and that his amendment was destined to fail. He saw that his Southern friends were indifferent as to future consequences, provided they could carry out the object they had at present in view. But, if his health permitted, he could present the subject to them in such a way that they could not avoid giving it a favorable reception; and he thought he could even convince his Northern friends that the amendment was eminently calculated to preserve the race for which they expressed so much sympathy. Like many men, however, he feared that their practice did not accord with their professions. Where were their Indians? Gone, sir; destroyed—rooted out from the face of the earth; and yet they come here and talk about the oppressions of the South. Look, said Mr. K. at our tribes, the Creeks, the Cherokees, and the Chickasaws. Are they trampled down—exterminated? No, sir; they are powerful tribes. We have placed them in a fine, fertile country; the finest country that the sun shines on; with an abundance of navigable streams for their use when they become civilized enough to use them, and parts of it abounding in game for those who are not yet far enough advanced to live by agricultural pursuits. He wished gentlemen would turn their eyes to the Indians of their own country, and, weighing what has been done towards them with what has been done with the Southern tribes, strike the balance.

If the wild Indians of the Northwest are to be removed, he would ask the honorable Senator from Indiana where they are to be placed. The Senator was well acquainted with the whole Indian country—the quality of its soil, and its capacity to support an Indian population. He would ask him then were these wild Indians are to be placed, and by him to consider what will be the consequences to his proposed confederation, as well as to the neighboring whites, of crowding in the circumscribed limits of the Territory, a number of lawless savages, too wild and uncivilized to support themselves by the fruits of the earth. Mr. K. went on in continuation of his remarks, offering various reasons in support of his amendment.

Mr. TIPTON said the Senator from Alabama, [Mr. KING,] in defending his amendment, calls on me for the reasons which induce me to oppose it; and asks if my opposition does not arise out of a desire to leave room for the formation of a State north of the State of Missouri, and west of the Mississippi river?

In answer, the honorable Senator is informed that I have several reasons for opposing the amendment which he has proposed.

His amendment proposes to set apart all the country west of the Mississippi river, east of the Rocky mountains, and north of the State of Missouri, to the Canada line, excepting that to which the Indian title has been extinguished, for an additional Indian Territory, to be appropriated exclusively to the use of the Indians.

I doubt whether the honorable member has examined the maps of that portion of the United States territory, to ascertain the immense extent of country to be included within his proposed Indian Territory. Why, sir, it is large enough for a kingdom! According to the best maps, it is, in comparison to the country comprised in the twenty-six States and two Territories, as 11 is to 17½, or, it is about two-thirds as large as the whole twenty-six States and two Territories.

The United States and Territories are computed to contain 954,720 square miles. When the last census was taken, the population of the United States was 12,796,649; say that it is at this time, in round numbers, 13,000,000. If the quantity of land within the United States and Territories were equally divided among the people it would give to each soul about forty-seven acres.

The whole number of Indians east of the Rocky mountains is estimated at 233,000; the number within the mountains is reckoned at 20,000, and that west of the mountains at 80,000; in all, within the United States dominions, 333,000.

The country embraced in the amendment, including that described in the bill, contains about 636,000 square miles, equal to 407,040,000 acres. This, divided among the Indian population within the district, would give to each more than 1,746 acres, which would be thirty-seven times as much as belongs to each person in the United States; or, take the Senator's amendment, exclusive of the country and the Indians embraced in the bill, and the following will be the result:

The territory embraced by the bill contains about 76,800,000 acres, on which it proposes to locate ultimately 133,883 Indians, giving about 573¼ acres to each. This leaves within the exclusive operations of the amendment 330,547,200 acres, and less than 100,000 souls; say, in round numbers, 100,000. This would give to each person about 3,305½ acres, or seventy times as much as belongs to each person in the United States.

If, however, the Senator designs by his amendment to include only the lands between the Mississippi and Missouri rivers, and north to our northern boundary, still the proportion of land to each will be about the same as that of the last calculation. It is not pretended that these calculations are fractionally precise, but they do, I feel confident, approximate the truth.

We, who advocate this bill, as reported by the Committee on Indian Affairs, are charged by the Senator with crowding the Indians into a compass too small for their convenience.

When I addressed the Senate on this subject a few days ago, I showed that, according to the provisions of the bill, we were allowing to each individual, who would ultimately be located in the Territory, twenty-one times as much land as belonged to each person within the State of Ohio. Is not this enough? Is the committee, I ask, obnoxious to the charge now brought forward by the mover of the amendment, which is the subject of debate? I think not.

Another reason why I oppose his amendment is, because he proposes what would effectually check the growing power of the Western country, and of the nation. I do not charge the honorable Senator with moving the amendment with that object in view; but I do say that, if adopted, it will have that effect. I am confident he neither intends nor wishes to produce such a result. He is a statesman of too much experience, and indulges more comprehensive views. If he will reflect on this subject, he will perceive that my apprehensions respecting the effect of his amendment, are correct. With this evil in prospect, while he proposes to give his Indians seventy times as much land as belongs to each person within the United States at this time, I think I may be pardoned for objecting to his amendment.

The Sioux tribe is at present spread over and claims the country from Prairie du Chien, up the

St. Peters river, and westward across the vast prairies, to the Missouri river. Their number is stated to be 21,000 souls. The Chippewas, less numerous, are spread over the head waters of the Mississippi, along the southern shores of Lake Superior, and north of that lake within the British province of Upper Canada, extending westward a considerable distance. Every one knows something of the unbounded influence which foreign agents have ever wielded over these Northern tribes. A rupture with Great Britain is invariably a war with our Indian neighbors. It is now a time of profound peace in that quarter, and we should embrace the opportunity of taking such steps as would preserve this blessing.

The country now in possession of these Northern Indians, about the sources of the Mississippi, abounds with lakes of various dimensions, filled with the finest fish in the world. Fish, and the wild rice which abounds on the Fox, and many other rivers of the North, constitute the chief articles of food of these people. On the approach of white settlers, with domestic animals, the wild rice will rapidly disappear. That means of support failing, other means must be resorted to. Then it will be wise in us, and kind towards them, to induce them to remove to a more southern and mild climate, and become agriculturalists on a more favorable soil. We have a country every way suited to that object, situated southwest of the Missouri river, and north of the Great Platte, and extending up towards the Yellow Stone river. Here is room for the organization of another Territory, if it should become necessary. It is true the bill provides for including all the Indians south of Puncah river; but the principal reason for including any country north of the Platte was to afford the Ottoes, Omahas, and Pawnees, an immediate opportunity of participating in the advantages of the Territory, which we have good reason to believe they desire to do.

The bill reported by the committee of the Senate differs a little from that reported by the committee of the House on the same subject. By the bill before the House, the southern boundary of the Territory extends up Red river to the 23d degree of longitude west of the meridian of the City of Washington, thence on said line of longitude to the south fork of the river Platte; thence down said river to the Missouri river, and thence down the Missouri, and along the western boundaries of the States of Missouri and Arkansas, to the beginning. Should any Senator desire an alteration in the bill before us, making it to conform to the bill of the House, and will propose an amendment to that effect, I will consent. I view such an alteration unimportant. If made, it will reduce the quantity of land embraced in the Senate's bill, as it now reads, about 3,700,000 acres. This is too inconsiderable of itself to give rise to objection. If the altering of the bill before us, so as to make it conform to that of the House, will make it more acceptable to a single member of either House, I wish it done.

Sir, I repeat that the amendment is, in my judgment, very exceptionable, because the Territory embraced by it is disproportioned to the population which is to possess it. It will, as I have stated, allow 3,305 acres of land to every soul, which is seventy times as much as the proportion to each individual within the United States and Territories. The inhabitants would not be so compactly settled as to feel inclined to become agriculturalists. Left within a country far too large, to roam in quest of game, as it and the wild rice diminish we may expect them naturally to be impelled southward towards us, especially to spend their winters near a grain-growing country, and that they will bring with them, and communicate to our Indians, unfriendly feelings towards the people of the United States.

I am called on by the honorable Senator from Alabama [Mr. KING] to state whether an object I have in view, in objecting to give up to the Indians for ever the county north of the State of Missouri, and south of the St. Peters river, is not for the sake of reserving it for the purpose of forming another free State? To this I answer in the affirmative. I have many friends and acquaintances in that country west of the Mississippi river, who desire to form a State at no distant day, and I wish to gratify them. Does the honorable Senator expect to check the growing power of the Northwest? Sir, he might as well attempt to place himself at the mighty cataract where the waters of the great lakes descend from their level into the abyss below, and stay the current of the Niagara, as to attempt to prevent the emigration of the industrious, intelligent, and enterprising people from all parts of the United States to the Ioway Territory, west of the Mississippi river.

It is with great reluctance that I mention the subject of slavery, or anti-slavery, into which I am drawn by this discussion. But I may be permitted to state that I am decidedly opposed to the extension of slavery into any portion of our country, where it does not at this time exist. Although I have always voted for the right of petition, I profess to be as much opposed to disturbing the rights of our slaveholding States to this description of property, as any man south of the Ohio and Potomac. These views I declared in my place here two years ago, I need not again repeat them. I regret exceedingly to see the subject stirred by the inhabitants of the free States. Our forefathers entered into the compact with slaveholders of the South. The matter is therefore older than the Constitution. It is a part of our bargain with our friends of the slaveholding States, that their rights in this respect should be most scrupulously observed, and thus they should be observed by every patriot who appreciates our free institutions. If any one has a desire to live in a slave State, let him settle south of the compromise line of latitude—36° 30′. Or, if he prefer a free State, there is ample room north of that line, and north of the Ohio river. Ohio, Indiana, Illinois, or the Far West, will gladly take them in.

The Senator, in the course of his remarks, made allusion to what I had said on a former day about exterminating the Indians of Indiana, if one of my neighbors should be killed by them. I was speaking of the dangers to be apprehended from the introduction of such papers as the remonstrance presented by my honorable friend from Alabama, [Mr. CLAY.] I was endeavoring to show that we ought to do nothing to encourage a hope in the Indians that the policy of this Government in removing, and in settling them permanently in the West, could be either arrested or altered. They who encourage such an idea are treading on dangerous ground. I was apprehensive of danger in the South, in the Senator's own State of Alabama, not in the State from which I came. In 1836 there was a rupture between the whites and the Indians in that and a neighboring State, when the Chief Magistrate of the State of Alabama found it necessary to march at the head of the militia to save the white people from a massacre. The hostile Indians retreated to their fastnesses in the swamps, and the militia and volunteers surrounded the swamps to shoot down the hostiles, as the friendly Indians, fighting in our behalf, drove them from their hiding places. If, instead of these swamps, the country had been plains or open prairies, such as we find much of the country to the Northwest, there would have been extermination. And who would have blamed the Alabamians? I should not.

Sir, I have only to add, that I am inclined to think that the honorable mover of the amendment under consideration has not examined its effects with his usual care. Viewing the subject as I do, I cannot give it my support.

Mr. SEVIER spoke at some length in favor of the amendment, commenting on the evils that would result from crowding the wild Indians of the Northwest on the more civilized tribes of the South, and the dangers that would be occasioned to the adjacent States, when, the game failing these Indians, they would be driven to desperation by want of subsistence. He thought that this was the time for those Senators who had expressed so much sympathy for the poor Indians, and talked so feelingly about removing them from the graves of their forefathers, to show their sincerity. He called upon those Senators who had been presenting memorials in favor of leaving the Indians where they are, and particularly upon the Senator from Massachusetts, [Mr. DAVIS] who had just presented a memorial against the removal of the Cherokees, to march boldly up and toe the mark. Now was the time to show the sincerity of their professions, and that they had humanity, and not politics, in view. Here was an amendment proposing to secure to a number of tribes their own hunting grounds—the homes of their childhood, and the graves of their ancestors—and he called upon gentlemen to march boldly up and meet it. If the bill was good for the Creeks, the Cherokees, and the Chickasaws, it was good for the Sacs, Foxes, and Winnebagoes; and there was as much reason for providing for the security and protection of the one as for the other. When the first Indian bill was passed, it set out with declaring that the country without the limits of the organized States and Territories should be reserved for the Indians and their descendants forever. This was the law remaining on the statute book, and he was disposed preserve the principle it involved.

After some remarks from Mr. LINN, the debate was continued by Messrs. CALHOUN and KING in favor of the amendment, and by Messrs. DAVIS, SOUTHARD, YOUNG, and WHITE opposed to it, when the question was taken, and Mr. KING'S amendment was rejected—yeas 11, nays 22, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Fulton, King, Merrick, Mouton, Nicholas, Preston, Roane, Sevier, and Spence—11.

NAYS—Messrs. Allen, Benton, Brown, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, Morris, Niles, Norvell, Pearce, Rives, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, Wall, White, Williams, Wright, and Young—22.

On motion of Mr. TIPTON, the bill was amended, by reducing the salary of the Secretary of the Territory from fifteen hundred to one thousand dollars; and

After some further remarks from Messrs. CALHOUN, LUMPKIN, and WHITE,

The bill was ordered to be engrossed for a third reading—yeas 38, nays 6, as follows:

NAYS—Messrs. Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Merrick, Morris, Mouton, Nicholas, Pierce, Preston, Rives, Roane, Robbins, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Wall, White, Williams, Wright, and Young—38.

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Niles, and Norvell—6.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 1, 1838.

WESTERN FRONTIER.

The SPEAKER, on leave, laid before the House a communication from the acting Secretary of War, transmitting copies of instructions to Maj. General Gaines, relating to the selection of sites for military posts on the western frontier of Ar-Arkansas and Missouri.

On motion of Mr. YELL, laid on the table.

CONDITION OF THE TREASURY.

Mr. CAMBRELENG presented a communication from the Secretary of the Treasury, stating the condition of the Treasury on the 30th ult. by which it appears that the amount of available means was about 900,000 dollars, being, as Mr. C. stated, about 600,000 dollars less than the amount stated in a previous communication from the Secretary, of the 23d ult. Mr. C's object in submitting the communication, was to show the House the urgent necessity of a speedy action on the financial measure which had been reported by the Committee of Ways and Means. The reduction of the revenue was owing exclusively to the premature redemption of the Treasury notes authorized to be issued under the act of October last.

The following is a copy of the communication:

TREASURY DEPARTMENT,
April 30, 1838.

I transmit for the information of the Committee of Ways and Means, the enclosed statement, marked

A, showing the condition of the Treasury on this day, as to its available resources.

I remain, very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

The Hon. C. C. CAMBRELENG,
C. C. Ways and Means, House of Rep's.

A

Amount of Treasury Notes issued up to April 28th, inclusive, per Treasurer's statement - - - - -	$9,423,959 31
Will probably be issued 30 April -	135,000 00
	9,558,959 31
	$10,000,000 00
Not issued on the 1st of May, '38, about - - - - -	441,040 69
Treasury Notes received for duties, lands, and in payment of debts due to the United States, per returns received at this office up to the 30th April, '38, about - - -	$5,150,000 00
Other funds available and subject to draft, (deducting $400,000 in the Mint, and $590,000 Treasury funds,) about (less than)	$500,000 00

[Mr. HARPER presented the petition of Samuel Fish of Muskingum county, Ohio: referred to the Committee of Claims.]

Petitions and memorials of a private nature were also, on leave, presented by Messrs. WILLIAMS of Kentucky, HARPER, JONES of Wisconsin, LINCOLN, MONTGOMERY, WILLIAMS of Tennessee, and CAMPBELL of Tennessee.

The following resolutions were, on leave, submitted, and agreed to.

On motion of Mr. PRATT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the Lexington post office, to Westkill post office, all in the county of Green, and State of New York.

On motion of Mr. H. JOHNSON of Louisiana,

Resolved, That the Secretary of War communicate to this House a copy of the report of Major Bellknap, of the 3d regiment of infantry, with respect to the removal of the obstructions to the navigation of the Sabine river.

On motion of Mr. HUNTER of Ohio,

Resolved, That the Secretary of War lay before this House the report and survey of the harbor of Sandusky, made by Lieut. Campbell Graham, in the year 1826.

On motion of Mr. MONTGOMERY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Iola to St. Joseph, in Florida, on the railroad track between those places.

THE LATE DUEL.

The House resumed the unfinished business, being the consideration of the report of the select committee appointed to inquire into the causes which led to the death of the late Hon. JONATHAN CILLEY.

The question was on the motion of Mr. ADAMS to recommit "*what purported to be*" the report of the select committee, with instructions to strike out the argumentative part thereof, and report only the evidence, and also to recommit the motion to print.

The pending motion was that of Mr. DUNCAN to strike out the words in italics.

Mr. ADAMS, in reference to Mr. THOMAS's statement of last night, (as given above,) admitted its correctness, viz: that the majority report of the Bank investigating committee; but he complained that in the case before the House, nothing appeared on the journal of the committee that the report was adopted there by a majority.

Mr. A. accepted Mr. DUNCAN'S amendment as a modification of his instructions.

Mr. REED complained of the misrepresentations sent abroad of the course pursued by him and his friends. Though in favor of recommitting the partial report, he was not opposed to the publication of the facts.

Mr. MERCER called for a further division of the question.

Mr. FLETCHER, of Vermont, moved an additional amendment as follows: "and that the petitions upon the subject of duelling, heretofore referred to the committee by this House, be recommitted to the committee; and said committee are hereby directed to report thereon to this House."

Mr. F. said he was induced to move this amendment, for the purpose of bringing distinctly before the House for their action the memorials and petitions which had been received and referred to this committee. He understood that upwards of one hundred memorials and petitions upon this subject, signed by some fifteen or twenty thousand citizens, had been presented and referred to this committee for their consideration. It appeared to him that these memorials should receive some consideration, and that they should be reported upon; that it was an act of justice due to the memorialists, and a duty devolving upon the House. The doctrine of the gentleman from Massachusetts, [Mr. ADAMS,] on a former occasion, was, that the right of petition was sacred; that it involved the duty of the House to hear, examine, and *report* upon the same. Now Mr. F. insisted that the committee should not be discharged from this duty.

The SPEAKER suggested to the gentleman that the instructions referred to the petitions, and that those who voted for the instructions of course relieved the committee from the petitions

Mr. FLETCHER replied, that if that was the onstruction, the House would take the responsicbiliy upon itself, and he would therefore withdraw his amendment.

After some conversation between the CHAIR and Messrs. BOON, ELMORE, PETRIKIN, BRONSON, and MERCER, as to the position of the question under the various divisions called for,

Mr. THOMAS moved to strike out the latter branch of the instructions.

[This was to discharge the committee from the further consideration of that part of the original resolution of 22d February, directing them to inquire into and report if any breach of privilege had been committed.]

Mr. THOMAS feared that the House were about to take a step, which, instead of extricating, would involve us in still further embarrassments. We have for several days been engaged in a discussion to determine whether this committee have exceeded their powers. There is much contrariety of opinion as to the effect of the original resolution under which the committee was organized, and of the repeated orders of the House referring various petitions, which have been committed. And now, sir, with a full knowledge of this, what are we about to do? The gentleman from Massachusetts has moved to commit this report, with certain instructions. Of this motion a division has been called for; and the sense of the House will be first taken on the motion to commit, and then the House will proceed to vote upon the instructions proposed. In this mode of proceeding no inconvenience would be encountered, if *all* who vote to commit, would then vote together, as to the instructions to be given. But is it reasonable to anticipate such a state of things? Can it be doubted but that many will vote to commit who will not be united as to the nature of the instructions to be given? And may it not happen that the report will be recommitted, and yet a majority of the House be found unwilling to modify the original resolution under which the committee were appointed, or to discharge the committee from the consideration of the petitions that have been referred? In that event, we shall have the members of the committee in the same position in which they have been placed. They will be required to determine upon the extent of their powers; and the House will again be engaged in ten days' discussion to determine whether the committee have or have not exceeded the authority granted. It is time for this House to take the proper responsibility. For one, he had been prepared from the moment that this subject was introduced, to vote, directly and unequivocally, upon all the questions which have arisen. It is due to the committee that the whole House should act with candor and distinctness. Let us say what the committee are to do before we instruct them to take charge again of these delicate questions. Let us say whether they shall, or shall not, report upon the question whether a breach of the privileges of this House has been committed, or not. And let us say whether the committee shall, or shall not, present to the House measures of redress for any grievance which they may think exists. When this has been done, the House will have discharged its duty. Without this we shall have avoided, we shall not have decided, those questions, in the discussion of which we have been occupied, to the exclusion of all other business, for more than a week. We shall have evaded responsibility, and have devolved the whole upon the members of the committee. This, Mr. T. was not prepared to do. He had formed opinions upon these questions; he was prepared to spread them upon the records of the House of Representatives.

Mr. ELMORE expressed his assent to this amendment.

Mr. PETRIKIN called for the yeas and nays upon it; which were ordered.

Mr. ADAMS briefly opposed this motion, and expressed himself at a loss to perceive what further relief it could afford the committee.

Mr. MAY then moved an adjournment.

Mr. PETRIKIN called for the yeas and nays; which were ordered.

Mr. RIVES suggested that, in consequence of the confusion incident upon so many propositions to amend, it would be better to adjourn, so that they might be postponed till to-morrow.

The House refused to adjourn—yeas 7, nays 156.

The question was then taken on Mr. THOMAS's amendment, and it was decided in the affirmative—yeas 96, nays 68.

The question then recurred on the remaining branch of the instructions, to recommit with instructions to report the evidence only, being the original motion of Mr. ADAMS, on which a division had been called for; first on the motion to recommit, and then on the instructions.

Mr. RARIDEN moved a substitute, viz: that the report of the majority and views of the minority, together with the journal and evidence, be recommitted, with instructions to arrange the journal, evidence, and the questions propounded, whether overruled by the majority or not; and that they report the same to the House without comments or arguments.

Mr. TOUCEY called for the yeas and nays on the proposition, which were ordered.

Mr. ADAMS questioned the motion of Mr. R. being in order.

The CHAIR decided that it was; but after some further conversation—

Mr. RARIDEN withdrew it for the present, and the question recurred as before.

Mr. THOMAS, in order to test the sense of the House, moved to strike out the balance of the instructions.

Mr. BOON inquired, what would be the effect of a motion to lay these several motions on the table?

The CHAIR replied, that it would lay the whole subject on the table, as the report, &c. would cohere.

Some conversation then took place between Messrs. MERCER, ELMORE, TOUCEY, and ADAMS, as to the situation of the bill to prevent duelling; Mr. ELMORE stating that the committee had agreed to some amendments, and Mr. TOUCEY that he was ready to report it, the amendments having been agreed to unanimously.

Mr. ADAMS accepted Mr. RARIDEN'S proposition as a modification of his own, and adding a further instruction to the committee to report the anti-duelling bill.

Mr. LEGARE dissented from it on the ground of irregularity in calling for the journal of a committee, and the inutility of requiring any action of the House upon it. Mr. L. called for a division of the question.

Mr. THOMAS expressed his adherence to his motion to strike out the instructions, for he was opposed to any instructions further than contained in the original resolution of the House.

Mr. BELL went, at length, into a course of argument against the report of the committee.

Mr. CHAMBERS made some remarks in sup-

port of the necessity of the journal of the committee of this character forming part of the report, for as the House had to decide upon the testimony, the journal was indispensably necessary for them to judge of the admissibility or rejection of evidence, the impartiality of calling and examining witnesses, &c. He commented upon the proceeding as a party measure; but he hoped party feeling would pass away, and that the vote upon the question of privilege would be given, with a simple reference to the rights and dignity of the House, and of some of its members. With this view, he trusted the evidence would be reported with the journal, that the House might judge whether any evidence had been excluded, which ought to be in possession of the House. He referred to the circumstance that few of the members, manifestly not a quorum, were in their seats, and hoped the power of the House would not be exerted on this occasion. The business he thought too important to be ac'ed on by a mere quorum, and he was disposed to be good-natured, and take things as they are, and hoped the House would agree with him. He therefore moved an adjournment.

The motion to adjourn was withdrawn at the request of

Mr. WILLIAMS, who moved a reconsideration of the vote by which, on motion of Mr. THOMAS, a part of the instructions had been stricken from the resolution of Mr. ADAMS; which motion having been entered,

Mr. BOONE rose to a question of order, and desired it to be ascertained if a quorum was present.

The SPEAKER, after counting, said that 105 members were present—not a quorum.

Mr. ADAMS moved a call of the House.

Mr. ELMORE requested that it might be withdrawn, to allow him to make an explanation.

Mr. BELL hoped the House would adjourn. It was ungenerous to go on in the present state of the House.

Mr. CHAMBERS renewed his motion to adjourn, which had precedence of the motion to call the House.

Mr. ADAMS demanded the yeas and nays; which were ordered, and the vote was carried in the negative—ayes 60, noes 68.

Mr. ADAMS said, as by the vote there appeared to be a quorum present, he should withdraw his motion for a call of the House, and was proceeding with some remarks upon the motion to reconsider, when

Mr. McKENNAN moved an adjournment, but withdrew it for a moment to allow

Mr. TOUCEY to report the bill from the Senate "to prevent the giving or receiving a challenge in the District of Columbia, and for the punishment of the same," with an amendment; which was, by unanimous consent, received, referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

After some conversation,

Mr. McKENNAN renewed his motion to adjourn.

Mr. ADAMS called for the yeas and nays; which being ordered,

Mr. McKENNAN said it was not his purpose to fatigue the House with calling the yeas and nays, and he would withdraw his motion.

Mr. YELL suggested, that as no vote ought to be take on the subject before the House, it might be laid on the table for the present, and the House could proceed with some other business. And he moved to lay the subject on the table, and take up the army bill.

Some conversation ensued upon this motion; when,

Mr. GRAHAM moved an adjournment.

Mr. YELL called for the yeas and nays; which were ordered, and by a vote of yeas 78, nays 56,

The House adjourned.

IN SENATE,

TUESDAY, May 1, 1838.

The Senate adjourned at an early hour, without transacting any business save of a private nature.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, May 2, 1838.

Mr. PETRIKIN, on leave, presented certain joint resolutions of the Legislature of Pennsylvania, relative to the sufferers of the Wyoming Valley; which, on his motion, was referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. WILLIAMS of New Hampshire presented a petition from Horace Duncan and others for the establishment of a mail route from Haverhill, New Hampshire, to Lancaster, New Hampshire, via North Lyman

THE LATE DUEL.

The House resumed the unfinished business being the consideration of the report from the select committee appointed to investigate the causes which led to the death of the late Hon. JONATHAN CILLEY.

The question pending was on the motion of Mr. WILLIAMS of Kentucky, to reconsider the vote, by which the House rejected the latter branch of Mr. ADAMS's instructions, discharging the committee from the consideration of the question of breach of privilege, and from the memorials on the subject of the duel.

Mr. CONNOR moved a call of the House, which was ordered, and proceeded in till 175 members responded, when

Mr. MORGAN moved that it be dispensed with.

Mr. WISE hoped the House would persist in calling his judges, so that there might be a full bench, for he had no idea of the races taking his judges off the bench.

The motion was rejected, the call further proceeded in, and excuses rendered for several absentees; when

Mr. DAVIS made an ineffectual motion to dispense with the call; and it was further proceeded in, with closed doors, till the roll was nearly called through, and 180 members were ascertained to be present; when

Mr. MITCHELL moved to dispense with its further proceedings; which was agreed to—ayes 74, noes 44.

The question then recurring on the motion to reconsider, and the yeas and nays being ordered, after some remarks from Messrs. TILLINGHAST, MERCER, POPE, and McKENNAN,

Mr. WILLIAMS withdrew the motion at the request of the latter, to enable him [Mr. McKENNAN] to submit three distinct propositions:

1. To recommit the report, evidence, and other papers, with instructions to report nothing more than the evidence by them taken, and such parts of the journal as would show what evidence was offered and excluded.

2. That in consideration the House had not heretofore proceeded against any one in the numerous duels that had taken place, it would not be just to do so in this instance; but declaring that, hereafter, challenging a member for language spoken in debate, is a violation of the privileges of the House.

3. Discharging the committee from the further consideration of the original resolution, and memorials, on duelling, except so far as ordered by the first resolution.

The question, however, was on the first branch of Mr. ADAMS's instructions, requiring the committee to report only the evidence and journal.

Mr. ADAMS earnestly advocated the propriety of his own motion, and condemned, with great severity, the course of the committee, and designated the whole proceeding as an Administration measure.

Mr. THOMAS, for himself, gave this statement a most unqualified denial, and disclaimed it *in toto*. He called upon the gentleman to give the evidence of his assertion.

Mr. ADAMS referred to the journal of the votes as evidence of the fact.

Mr. THOMAS referred to his vote against receiving the petitions calling for the expulsion of members by name, and explained his object in the motions made by him in reference to the report.

[There was much angry feeling exhibited: Mr. ADAMS reiterating his charge with great warmth, and Mr. THOMAS repelling it. The debate will be given hereafter.]

Mr. ADAMS explained the object of his motion to recommit to be, to strip the report of much exciting and excitable debating matter, and relieve the House from it. He insisted that the petitions did not justify the committee in selecting a few of the individuals implicated, or that they were of that character which demanded action, because they did not come from those most interested in the question—the constituents of those members.

Mr. McKENNAN, for the purpose of not embarrassing the question, or opening a wider field, withdrew his proposition.

Mr. WILLIAMS of Kentucky then renewed his motion to reconsider the vote rejecting the second branch of Mr. ADAMS's instructions.

Mr. THOMAS then replied to the charge brought by Mr. ADAMS, of making the Administration responsible for this proceeding.

Mr. BOON said, when the member from Massachusetts, [Mr. ADAMS,] under a general assault upon the Administration, uttered what he knew to be destitute of any foundation whatever, he took the liberty, as he had an undoubted right to do, of calling the gentleman to order; and this, said Mr. B. threw that member into a fit of frenzy, and has drawn from him a train of ill-natured personal allusions towards myself. The member from Massachusetts has, in his great zeal to promote *party* purposes, declared, without qualification, that this is an Administration measure; and for this, sir, I called the gentleman to order; whereupon he was most graciously pleased to except myself from the application of his declaration, and, by way of retort, said that my *votes* would show that I was not influenced by party considerations. Sir, continued Mr. B. it is a difficult question to settle as to what party the gentleman from Massachusetts belongs, for it is, I believe, generally admitted that in politics he is a perfect *nondescript*.

The CHAIR reminded Mr. B. that it was not in order to make any personal allusions to a member in debate.

Mr. BOON said he could not reply to the remarks of that gentleman *in* order, who was notoriously known to be *out* of order whenever he addressed the House.

Now, Mr. Speaker, if my votes are to be considered as an unerring test of my fealty to the Administration, it will be seen that the gentleman from Massachusetts is sometimes found voting as I do; and I am free to declare, that whenever such happens to be the case, I have, on all occasions of the kind, seriously doubted the correctness of my vote. Sir, on a former occasion, I declared as I now do, that I was a party man for *principle*, and that I would sustain the Administration in all its rightful measures; but when any measure shall be proposed by the Administration, of which I may disapprove, I will exercise my own judgment, independent of the Administration. It has been my fortune to differ on some points with some of my political friends, and for which I feel exceedingly sorry. But so it is, and so it must be. Why, sir, it so happened that the member from Massachusetts and myself voted in favor of the appointment of the select committee, to inquire and report upon the subjects referred to them; but now that the committee have labored full two months in the faithful discharge of their duty to their God, to this House, and to the country, the member from Massachusetts is for kicking the report of the committee out of the House, as an Administration measure! Sir, allow me to say that none other than one possessing a heart overflowing with the most malignant party feelings could be capable of making the unfounded charge made by the member from Massachusetts—that this is an Administration measure. The gentleman would, if he could, create the belief that *he* is quite anxious to save the time of this House, and to prevent discussion on this subject. How far the gentleman's *professions* accord with his *acts*, in reference to this matter, may be seen by turning your eyes to the clock, and observe how much of the time of the House that member has consumed from the reading of the journal till the few minutes which were occupied in a brief reply by the gentleman from Maryland, [Mr. THOMAS,] who has just taken his seat. Sir, if the gentleman be really sincere in his

professions about the saving of time, let him give the proof thereof, by marching up to the question at once, and voting directly upon the resolutions reported by the committee. I, for one, said Mr. B. am ready and willing to meet the question now or at any time; and if the gentleman from Massachusetts, and those who act with him, will but meet the question at once, there will be an end of the matter. I am for no staving-off. To use the language of the gentleman from Massachusetts some two or three years since, let there no *dodging* the question, as he then charged upon another body, in another quarter of this Capitol, when the war question with France was under consideration, and when that gentleman made a speech on *both* sides of that question.

Mr. MURRAY then moved to lay the whole subject on the table.

Mr. POTTS asked for the yeas and nays, which were ordered, and were—yeas 47, nays 124.

So the House refused to lay it on the table.

Mr. ELMORE had hoped that what he had said in explanation of his views of duty, and in expressing his desire to have explicit instructions given to the committee, had been understood by the House, but it appeared to him to have been otherwise; and he went on at large to urge the House to say, distinctly, what was desired by the House in the recommitment.

He contended that the House had, by its original resolution instructed him to perform a duty which was most painful, and he called upon the House, if they did not desire the performance of that duty, to discharge the committee from the order, in direct terms. There were doubts existing in relation to the condition in which the committee would be found under the instructions as now proposed to the House. He was pleased with the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] because it proposed to discharge the committee from a most painful and delicate duty; and he had expressed his satisfaction, when the gentleman from Maryland, [Mr. THOMAS,] moved to strike out that clause; not because he wished the duty left upon the committee, but because he should obtain the clear expression of the views of the House. He would shrink from no duty the House might impose upon him; but if they intended to relieve the committee from the responsibility of reporting upon the question of a breach of privilege, he wished that it might be so done that there could be no misunderstanding on the part of the committee or any member of the House.

The question was then taken on the motion to reconsider, and decided in the negative—yeas 82, nays 90.

The question then recurred on the motion of Mr. THOMAS, to strike out that clause of the instructions of Mr. ADAMS, which directed the committee to arrange the testimony, and such parts of the journal as would show what testimony had been offered and rejected by the committee, without any comment thereon.

The question being taken by yeas and nays was decided in the negative—yeas 82, nays 93.

Mr. LOOMIS moved to strike out a part of the clause just decided to be retained, but it was voted by the Speaker to be out of order.

Mr. FLETCHER of Vermont then moved to amend the resolution by adding thereto, "that the petitions and memorials heretofore presented to the House upon the subject of duelling, be recommitted to the committee, and that they be required to report upon the same.

Mr. F. remarked that he wished the whole subject to go together, and to have a report upon the whole, without having reports in details. He did not wish the House to lose sight of the petitions and memorials.

Mr. MERCER suggested that the memorials had been reported on, by the report already made.

Mr. FLETCHER said he knew they had reported, but that report would not be sent back, and he wished it sent back with the petitions and memorials, that the whole matter might be acted on together.

Mr. ADAMS said he should vote against the motion to amend, for the reasons that he considered the Senate bill, reported by the committee, as a report upon the memorials; and because, if the committee were to examine the memorials and the various prayers contained in them, it would occupy many months, and would re-open all the ground already gone over.

Mr. FLETCHER contended that the right of petition involved the right to have the memorials examined by the committee, and he was desirous that the various prayers contained therein should be reported upon.

Mr. SLADE said he was in favor of the amendment of his colleague, and should be glad to vote for it; but he could not do so without a further amendment. He suggested to amend the amendment, by adding, "that the committee report any testimony they may take in relation to the memorials, without comment."

Mr. FLETCHER declined to accept the modification. He said he had not known any parliamentary usage in accordance with it. Petitions were referred to committees generally, and he could not consent that this committee should be restricted.

Mr. SLADE remarked that he wished to have the committee restricted in their investigation of the motion, as they were in relation to other parts of the investigation, and he moved to amend the amendment as he had suggested. He did not wish the committee to go over the whole ground, and again to comment and argue upon the merits of the testimony brought before them.

The SPEAKER, in answer to an inquiry of a member, stated that the effect of the previous question would be upon the passage of the resolutions reported by the committee.

The question being taken on the amendment to the amendment, it was rejected—yeas 63, nays 83

Mr. FLETCHER called for the yeas and nays on his amendment; which were ordered, and the question being taken, the amendment was adopted—yeas 89, nays 86.

Mr. LOOMIS said the Committee were required by the original resolution, and by the prayer of the memorials, to report upon the subject of a breach of privilege, and he moved to insert after the words "without comment or arguments," the words "except as to the question of a breach of privilege."

Mr. NAYLOR urged the propriety of caution on the part of the House, and protested against exercising the power of judging of breaches of privilege through the action of a committee.

Mr. FAIRFIELD called for the ayes and noes on the motion of Mr. LOOMIS, and they were ordered.

Mr. LEGARE urged the House not to act precipitately, and pressed the propriety of an adjournment which he moved.

The ayes and noes having been ordered on the motion to adjourn, it was decided in the negative—ayes 88, noes 97.

Mr. REED moved to amend the amendment of Mr. LOOMIS, by adding at the end of it the words, "and if a member prove to be involved, they shall not proceed against him, but shall make a special report of that fact to the House."

Mr. R. remarked, that his object was to avoid such embarrassment as the House had found itself involved in, in consequence of not adhering to this rule of the Manual.

Mr. MALLORY called for an adjournment.

Mr. GRANT called for the yeas and nays; which being taken, the motion was decided in the negative—ayes 88, noes 89, the CHAIR voting in the negative.

Mr. SHERROD WILLIAMS then moved a call of the House; but before taking the question thereon,

Mr. RUSSELL moved that the House do now adjourn; which question being taken by ayes and noes, was decided in the negative—ayes 88, noes 97.

The question then recurred on the motion for a call of the House; which having been ordered to be taken by ayes and noes, was decided in the negative—ayes 74, noes 99.

And then, on motion,

The House adjourned.

IN SENATE,

WEDNESDAY, May 2, 1838.

The VICE PRESIDENT communicated to the Senate, in obedience to a resolution, a statement showing the fortifications which were commenced and completed: laid on the table, and ordered to be printed.

Mr. ROANE presented the petition of the heirs of Agnes Dundas, praying that certain property exhibited to the United States may revert to them: referred to the Committee on Judiciary:

Mr. BUCHANAN presented four memorials from citizens of Philadelphia, praying that an international copy-right may not be passed. The memorials state that thirty millions of dollars capital is employed in the book selling business of this country; and that if the law were passed it would prevent numerous persons engaged in that business from obtaining employment. Mr. B. said it was a subject that demanded the serious attention of Congress, and expressed a hope that it would receive it. The memorials were referred to the committee on the subject.

Also, from a number of ship masters, and others, asking that New Castle, in the State of Delaware, may be made a port of entry: referred to the Committee on Commerce.

Also, a memorial from the President of the Philadelphia Lyceum, in relation to the important discoveries of Professor Espy, as to the causes of storms, &c.: referred to the Committee on Commerce.

Mr. B. also presented three memorials from the citizens of the county and city of Philadelphia, remonstrating against the annexation of Texas to the United States: laid on the table.

Also, from a number of citizens of Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia: the motion to receive was laid on the table.

Mr. MOUTON presented five memorials from different individuals of Louisiana relative to land claims: referred to the Committee on Private Land Claims.

On motion of Mr. MORRIS, the petition of the mayor, recorder, aldermen, and common council of Michigan city, presented at the last session, were referred to the Committee on Public Lands.

Mr. MORRIS presented the petition of sundry citizens of Ohio, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. ROBINSON presented the petition of sundry citizens of the upper part of Illinois, praying for the establishment of a mail route: referred to the Committee on the Post Office and Post Roads.

Mr. R. also presented the petition of the corporate authorities of the town of Chicago, praying for the grant of a slip of land: referred to the Committee on Public Lands, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, which was referred the resolution of the Senate on the subject, reported a bill authorizing the sale of certain bonds of the Bank of the United States belonging to the United States: read and ordered to a second reading.

Mr. BENTON submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate a condensed statement of the condition of the State banks, according to the latest returns received at the Treasury. Also, the returns on which the said statement may be founded.

The CHAIR communicated a letter from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, on the subject of the mining lands in Wisconsin and the northern part of Illinois.

On motion of Mr. LYON, referred to the Committee on Public Lands, and ordered to be printed.

The bill granting to States and incorporated companies engaged in the construction of Roads and canals the right of way through the public lands, was taken up and read the third time.

Mr. LYON, after some remarks, moved to lay the bill on the table, and after some remarks from Messrs. KING and CLAY of Alabama, in oppo-

sition to the motion, it was rejected, and the bill was passed without a division.

The bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, was read the third time.

On motion of Mr. LINN, and by general consent, the bill was amended, by substituting the original name of "Indian Territory," for "Neosho Territory."

The bill was then passed—yeas 39, nays 6, as follows:

YEAS—Messrs. Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Merrick, Morris, Nicholas, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Wall, White, Williams, Wright, and Young—39.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Niles, and Norvell—6.

The joint resolution submitted on Tuesday by Mr. CLAY of Kentucky, on the subject of the receipts and disbursements into the Treasury, was taken up and read the second time.

Mr. WRIGHT moved to refer it to the Committee on Finance, and on this motion a debate ensued, in which it was supported by Messrs. WRIGHT, CALHOUN, BENTON, NILES, BUCHANAN, and KING, and opposed by Messrs. CLAY of Kentucky, DAVIS, PRESTON, and TIPTON; after which the motion was carried—yeas 28, nays 19, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Trotter, Wall, Williams, Wright, and Young—28.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—19.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 3, 1838.

The SPEAKER laid before the House a communication from the Acting Secretary of War, transmitting a report from the Second Auditor, according to the provisions of the act of the 6th of May, 1822, regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontier.

On motion of Mr. BELL, laid on the table.

Mr. BELL moved a suspension of the rules, for the purpose of submitting a resolution for the adjournment of the House over to Monday, for the purpose of ventilating and purifying the hall, taking up the old carpets, putting down the spring matting, and other necessary alterations, which could not be done while the House met from day to day.

Mr. CAMBRELENG said he would not object, but under the circumstances in which the public business was, he could not consent to it.

Mr. MONTGOMERY asked for the yeas and nays, but they were refused, and on dividing by tellers, the vote was—ayes 85, noes 32.

Mr. YELL renewed the call for the yeas and nays, but they were again refused, and the motion to suspend was agreed to—ayes 114, noes 36, and the question being on the adoption of the resolution.

Mr. WISE inquired if Sunday was a legislative day.

The CHAIR replied that the construction given to the rule against adjourning over more than three days did not include Sundays.

Mr. TALIAFERRO moved to amend the motion, by providing that when the House adjourns to-day, it adjourn to meet on Monday, and the same motion for Thursday next week, but it was disagreed to.

The resolution of Mr. BELL was then agreed to without a division.

Mr. BELL announced to the House that it would be impossible to comply with this order unless they adjourned forthwith, and he accordingly made that motion.

Mr. CAMBRELENG said that if it was the design of the House, on Monday, to go on with the public business, and it was generally understood that they would do so, he presumed there would be no objection to the gentleman's motion; but if it was not so designed, he should feel compelled to oppose the motion. He hoped, however, it would be understood, by general consent, that they would go on with the public business on that day.

Mr. WISE gave notice to the gentleman from New York, and the whole House, that it would not be with his consent.

Mr. BELL said it had been suggested to him that certain Senate bills were on the Speaker's table, which might be committed, and he had no objection to that course; for that purpose he would withdraw the motion.

The following bills were then read twice, and referred to their appropriate committees:

Bill to grant to the States, and incorporated companies, engaged in the construction of roads or canals, the right of way through the public lands of the United States.

Bill to provide for the security and protection of the emigrant, and other, Indians, west of the States of Missouri and Arkansas.

The SPEAKER laid before the House the following messages from the President of the United States, received this day:

To the House of Representatives of the United States:

The report of the Secretary of War, transmitted by me to the House of Representatives, in compliance with their resolution of the 16th ult. respecting an attack alleged to have been made by a Mexican armed vessel upon an American steamboat, having stated that no information on the subject had at that time reached the Department, I now transmit another report from the same officer, communicating a copy of a note from the Mexican Minister, with an accompanying document, in reference to the act alluded to, which have been received at the Department since the date of the former report.

M. VAN BUREN.

WASHINGTON, 2d May, 1838.

The following are the papers which were transmitted by the President, under cover of a communication from the Secretary of State:

Mr. Martinez to Mr. Forsyth.

MEXICAN LEGATION,
New Orleans, April 20, 1838.

SIR: Whilst the notices of an insult pretended to have been committed against the flag of the United States, in the waters of Texas, by the Mexican brig of war Iturbide, were confined to the public newspapers, and I had no documents by means of which I could repel this calumny, I abstained from addressing you on the subject. But as, according to the papers, the attention of the honorable chamber of Senators of the Congress of the Union has been directed towards the charges published against Mexico, by the passengers of the steamboat Columbia, and I am in possession of an official statement from the commander of the said brig relating to the occurrence with the said boat, I have the honor to send you, sir, the annexed extract from that document, with the hope that you will submit it to the notice of his excellency the President. The captain of the Columbia, and not the captain of the Iturbide, as will be here seen, provoked the attack to which this note refers, and the former should, therefore, be responsible for the result, whatever it may be.

Permit me, sir, to repeat to you the assurance of my distinguished consideration.

FRANCIS PIZARRO MARTINEZ.

Hon. JOHN FORSYTH,
Secretary of State of the United States.

[TRANSLATION OF THE ENCLOSURE.]

Extract from the *official communication* of the commander of the Mexican brig of war Iturbide, respecting her encounter with the steamboat Columbia.

To the Commandant General of the Mexican squadron:

BRIG ITURBIDE, under sail, in latitude 29° 6′ longitude 88° 48′, west of Cadiz, five o'clock in the afternoon of this day, March 24, 1838.

At the moment when you, sir, announced, by your signals, that you saw sails in the third quarter, I made out the vessel to be a steamboat, coming from the north, and I discovered that she was not the same to which we had given chase this morning, and which was apparently on her way to Brazoria, as this boat has two chimneys, and the other only one. As soon as you gave the signal for chase with all speed, and without our closing, (*sin subjecion á famacion,*) I endeavored by a press of sail to cut her off, steering southeast, clearing away to be ready for action, and taking the other precautions; *but on seeing that she was bearing down on my starboard bow,* I ordered all my men to take their proper fire and cutting arms, to be ready for an attempt to board. While we were thus sailing towards each other, as you saw, our distance was necessarily becoming less, and seeing that her stern flag was that of the United States, I hoisted mine with a pendant, and fired a gun *without ball. I clewed up my mainsail in order that she should stop her engine for me to examine her;* but this was not done; and as, on the contrary, *her movements towards me were very suspicious,* I ordered another gun to be fired, *with ball, in a direction very wide of the steamboat, which was done as a notice* for her to stop. Instead of doing so, however, she continued on her course, *as if with a view of getting past me to the leeward.* When I got within speaking distance, I hailed her *three times* with a trumpet, and she did not design to *give any reply* to either call. On the fourth call, an individual answered, *loading me with abuse, and telling me if I wanted to see his papers, I should come on board his boat.* All this was spoken without the speaking trumpet; and although *he was called on to stop,* in order that his papers and his boat should be visited, he did not do so, but, on the other hand, continued to *insult my political insignia by the grossest obscenities and language.*

In consequence of the proceedings, I fired two cannon and three muskets, *not aimed at the steamer,* for the purpose of intimidating her, that she should do as required. She, however, took no notice of it, but continued on her way, letting off her steam, which was very high, so near me, that the ashes and some warm water fell on board of my vessel.

"God and Liberty!"

On motion of Mr. CUSHING, referred to the Committee on Foreign Affairs.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, in answer to that part of this resolution of the 19th ultimo, requesting the communication of all correspondence with any foreign Government, in regard to the title or occupation of the territory of the United States beyond the Rocky Mountains.

(Signed) M. VAN BUREN.

WASHINGTON, *April* 30, 1838.

On motion of Mr. CAMBRELENG, postponed till Thursday next.

To the House of Representatives:

I transmit herewith a report and accompanying documents from the Acting Secretary of War, which contains the information required by the resolution of the 16th ultimo, respecting the officers of the Corps of Engineers, the works upon which they were engaged during the last year, and the other matters embraced in the resolution.

Washington, May 1, 1838. M. VAN BUREN.

On motion of Mr. MALLORY, laid on the table.

Mr. ADAMS, on leave, from the Committee on Manufactures, reported, without amendment, Senate bill to refund to the Georgia Railroad and Banking Company certain duties upon railroad iron imported by them; which was committed to a Committee on the Union.

Mr. BELL would say to the gentleman from New York, [Mr. CAMBRELENG,] that so far as the public business could be expedited by his vote, or otherwise, he would do it cheerfully. Mr. B. then renewed the motion to adjourn.

Mr. YELL called for the yeas and nays, but they were refused, and Mr. BELL's motion prevailing without a division, the House adjourned.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MAY 14, 1838. VOLUME 6.....No. 23.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

IN SENATE,

THURSDAY, May 3, 1838.

A message was received from the President of the United States.

The VICE PRESIDENT communicated to the Senate a letter from the Secretary of War, transmitting the report of the Second Auditor, in accordance with the act of the 6th May, 1822, regulating trade and intercourse with the several Indian tribes: laid on the table, and ordered to be printed.

Mr. SOUTHARD presented a memorial from certain citizens of New Jersey, praying that the Cherokee treaty may not be enforced: laid on the table.

Mr. SWIFT presented a memorial, signed by men and women, praying that the Cherokee treaty may not be enforced: laid on the table, and ordered to be printed.

Mr. LINN presented memorials in relation to the improvement of agriculture, science, and the mechanic arts: ordered to be printed, and referred to the Committee on Agriculture.

Mr. SPENCE presented the petition of Daniel Job, praying a pension: referred to the Committee on Revolutionary Claims.

Mr. FULTON, from the Committee on the Public Lands, reported a joint resolution in behalf of Vespasian Ellis; which was read, and ordered to a second reading.

On motion of Mr. MORRIS, it was ordered that when the Senate adjourn it adjourn to Monday; and then,

On motion of Mr. BENTON,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, May 7, 1838.

The SPEAKER, on leave, laid before the House the following Executive communications, viz:

1. From the acting Secretary of War, covering a report from the Commanding General of the Army, accompanied by a report of Major Belknap, respecting the removal of obstructions in the Sabine river.

On motion of Mr. McKAY, laid on the table.

2. From the Secretary of the Treasury, covering a report of the progress made in issuing patents for lands in the State of Louisiana, in the examinations of certificates to purchasers, &c.

On motion of Mr. CASEY, laid on the table.

Petitions and memorials were, on leave, presented by Messrs. C. H. WILLIAMS, ALLEN of Vermont, JOHNSON of Maryland, MILLER, CUSHMAN, and STONE.

[Mr. STONE presented the petition of Major James Cain and 78 others, citizens of Bledsoe and Marion counties, praying for the extension of a mail route from Dallas, in Hamilton county, Tennessee, to Spring Place, Georgia, and asking the Post Office Department to place on said route a four horse post coach, to run from McMinnville, Tennessee, via Dallas, to Spring Place, Georgia, three times a week: referred to the Committee on the Post Office and Post Roads. Also, the petition of Capt. Benjamin B. Cannon and 40 others, citizens of Hamilton county, Tennessee, praying for the establishment of a mail route from Dallas, in Hamilton county, Tennessee, to Spring Place, in Georgia, and for the mail to be conveyed in stages three times a week upon said route, to leave the main western route at McMinnville, Warren county, Tennessee, and run to Spring Place, Georgia: referred to the Committee on the Post Office and Post Roads.]

[Mr. MILLER presented the petition of Jesse Nave and others, praying Congress to establish a mail route from Carrollton, in Carroll county, Missouri, by Utica, in Livingston county, Nave's store, to Thompson's settlement, in the territory attached to Livingston county, in said State: referred to the Committee on the Post Office and Post Roads.]

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Huntsville, in Randolph county, Missouri, by Johnson Wright's, to Macon Court House, in said State.

On motion of Mr. TURNEY,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of establishing a pension agency at McMinnville, in the State of Tennessee, for the counties of Franklin, Warren, Coffee, De Kalb, White, Overton, and Fentriss.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Blount Springs, by way of Blountville, Ashville, crossing Coosa river, at Green's Ferry, to Alexandria, in Alabama.

CONTRACTS WITH RAILROADS.

Mr. GRAY, on leave, submitted the following resolution:

Resolved, That a select committee, consisting of five persons, be appointed to inquire into the expediency of authorizing permanent contracts to be made with different railroad companies, or such of them as may be willing to make permanent contracts, for the transportation of the mail, public property and troops of the United States, from the seat of Government to Lake Erie and Lake Ontario, upon the same terms, and upon such restrictions as may be prescribed by law.

Mr. BRIGGS moved to strike out "a select committee, &c," and insert the Committee on the Post Office and Post Roads;" which was agreed to.

Mr. M'KAY moved further to amend the resolution, by striking therefrom, all after the words "United States," so as to leave the matter open generally for contracts with all railroad companies.

Mr. GRAY accepted this amendment, and so modified, the resolution was agreed to.

PUBLIC LANDS.

Mr. HAYNES asked leave to offer the following, but Mr. YELL objected to it.

Whereas, each of the States of this Union has a right to participate in the public lands, the common fund for their use and benefit according to their use and benefit, according to their respective proportions in the general charge and expenditure;

Resolved, That, as the public lands constitute a revenue fund subject to the said principle of distribution, and, as taxes are levied upon the people and not upon the States as such, that any distribution which may be made of those lands, should be made among the citizens of the several States and Territories of the Union, according to the principle by which direct taxes are regulated by the Constitution; and that a select committee be appointed, with instructions to report a bill making an apportionment of all the public lands of the United States among the citizens of the several States and Territories, according to the ratio by which direct taxes are apportioned among them.

The CHAIR announced the unfinished business, being the consideration of the report of the Select Committee on the death of Mr. CILLEY; when

Mr. CAMBRELENG rose and said he hoped the House would consent to-day, agreeably to the understanding on Thursday last, to go on with the public business, which the House, and every member of it, must be aware was very important and of pressing urgency.

Mr. ADAMS objected.

Mr. CAMBRELENG then moved a suspension of the rule for the purpose of submitting the following order:

Resolved, That the rules be suspended for the purpose of considering bills referred to the Committee of the Whole on the state of the Union.

Mr. MENEFEE inquired if it was in order to assign reasons against this motion.

The CHAIR replied that, under the rules, the motion was not debatable.

Mr. GRAVES protested against the unfinished business, in which he was affected, being laid aside.

Mr. HUNTER, of Ohio, asked for the yeas and nays, which were ordered, and were yeas 112, nays 57.

YEAS—Messrs. John W. Allen, Andrews, Atherton, Beatty, Bell, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Cambreleng, John Campbell, Casey, Chapman, Cheatham, Clark, Cleveland, Coles, Connor, Craig, Crary, Crockett, Cushman, Deberry, De Graff, Duncan, Dunn, Edwards, Farrington, Isaac Fletcher, Foster, Fry, Gallup, Grant, Gray, Griffin, Haley, Hammond, Hamer, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Hubley, William H. Hunter, Ingham, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kilgore, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Marvin, Samson Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Morgan, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Pratt, Prentiss, Randolph, Rhett, Rives, Sawyer, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Snyder, Spencer, Steuart, Stone, Stratton, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Webster, Weeks, Albert S. White, Elisha Whittlesey, Thomas T. Whittlesey, Jared W. Williams, Christopher H. Williams, and Yell—112.

NAYS—Messrs. Adams, Alexander, Heman Allen, Biddle, Borden, Briggs, William B. Calhoun, John Calhoon, Wm. B. Campbell, Chambers, Childs, Coffin, Corwin, Curtis, Cushing, Davee, Davies, Dennis, Everett, Fairfield, Richard Fletcher, Fillmore, Goode, William Graham, Hall, Harlan, Harper, Hastings, Henry, Jenifer, William Cost Johnson, Lincoln, McKennan, Menefee, Mercer, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Peck, Potts, Rariden, Reed, Rencher, Ridgway, Ramsey, Russell, Sibley, Slade, Southgate, Thompson, Tillinghast, Toland, John White, and Lewis Williams—57.

So the House refused to suspend the rules, two-thirds not voting in the affirmative.

Mr. CAMBRELENG then asked leave to submit the following:

Resolved, That the rules of the House be suspended for the purpose of considering the Treasury Note bill.

Objection being made, Mr. C. moved a suspension of the rule to enable him to offer the above, and said that, in the present condition of the Treasury of the country, he felt compelled to ask for the yeas and nays, which he did, and they were ordered, and were yeas 102, nays 77.

YEAS—Messrs. J. W. Allen, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Cambreleng, John Campbell, Casey, Chapman, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Deberry, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Foster, Fry, Gallup, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, King, Kilgore, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Moore, Morgan, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Prentiss, Rhett, Rives, Sawyer, Sheffer, Charles Shepard, Snyder, Spencer, Stuart, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Webster, Weeks, A. S. White, Elisha Whittlesey, Thomas T. Whittlesey, Jared W. Williams, and Archibald Yell—102.

NAYS—Messrs. Adams, Alexander, Heman Allen, Bell, Biddle, Briggs, William B. Calhoun, John Calhoon, William B. Campbell, William B. Carter, Chambers, Cheatham, Childs, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Dennis, Dunn, Everett, Richard Fletcher, Fillmore, Rice Garland, Goode, William Graham, Hall, Harlan, Harper, Hastings, Hawes, Henry, Hoffman, Jenifer, William Cost Johnson, Lincoln, Marvin, Sampson Mason, McKennan, Menefee, Mercer, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Ramsey, Russel, Shields, Sibley, Slade, Southgate, Stanley, Stone, Stratton, Thompson, Tillinghast, Toland, Underwood, John White, Lewis Williams, Sherrod Williams, and Christopher H. Williams—77.

So the House again refused to suspend, two-thirds not voting in the affirmative.

DUELLING REPORT.

Mr. SAWYER then rose and said that he should make a motion which would put gentlemen to the test whether they would do that directly which they sought to do indirectly; and it was to lay the whole subject on the table.

The condition, said Mr. S. in which the House was involved, had only served to bring the conviction upon his mind of the utter folly of proceeding with the subject any further. What mighty result was to be accomplished? What great principle was to be established? Where was it to terminate? These were considerations that should, he thought, address themselves to every member there, for as it was progressing, the subject was as boundless as

space. He implored gentlemen, therefore, to pause, and reflect upon what an extraordinary spectacle they were presenting to the eyes of the American nation. The whole country was laboring under deep excitement, and the public mind was absolutely sick in the anxious expectation that this body would do something for its relief; and they had now been in session upwards of five months, without making any progress or advancing one step in affording the relief asked. And here was the House engaged in an idle pursuit, in a wild crusade, after the lost rights of the members. He would say that this whole proceeding, from beginning to end, was irregular; and he admonished gentlemen that, if they persisted in pursuing this matter, he should feel compelled to introduce a resolution directing the select committee to report a recision of the original resolution.

Mr. S. concluded by expressing his sincere thanks to the distinguished gentleman from Massachusetts, [Mr. ADAMS,] for the noble and dignified stand he had taken on this occasion. That gentleman had shown himself not only the advocate of members on that floor, but the advocate of popular rights generally. Mr. S. said he proposed, in a spirit of frankness, in a spirit of peace, and for the purpose of expelling from that hall the demon of discord, to lay the whole subject on the table; and, on that motion, he asked for the yeas and nays, which were ordered.

Mr. GRANTLAND hoped the gentleman would not press that motion; and as he wished an opportunity of stating his reasons against it, he begged to be allowed to do so.

The CHAIR reminded the gentleman that the motion was not debatable.

Mr. RUMSEY inquired if, should the subject be laid on the table, it would require two thirds to call it up?

The CHAIR said that, as it was a privileged question, a bare majority would be sufficient, when it was reached.

Mr. GRANTLAND inquired if the motion to print could be coupled with that to lay on the table?

The CHAIR replied in the negative.

The question was then taken, and the House refused to lay the subject on the table—yeas 48, nays 131.

The subject was then announced from the Chair.

The question was on the motion of Mr. TOUCEY, under the direction of the committee, to print the report and testimony, with the substitute of Mr. ADAMS, to recommit with certain instructions, to report the facts, "without comments or arguments;" to which Mr. LOOMIS moved the following amendment: "except as to the question of a breach of privilege;" and Mr. REED the following to the amendment: "and if a member prove to be involved, they shall not proceed against him, but shall make a special report of that fact to the House."

Mr. RARIDAN said the resolution, with instructions, as then pending, would place the subject before the committee in its original situation. He would not take the ground that the committee was not authorized to make an investigation. He had been opposed to the argument, but in making an investigation, and coming to a conclusion, he thought they were correct, and ought to intimate to the House the course which they thought ought to be pursued. But whether there was a breach of privilege, or not, was a question of law, under the rules of the House; and he could not see what course could have been pursued by the committee, except to take the testimony, and form a conclusion. He thought the intention of the House was to instruct the committee to inquire; and having inquired, and having come to a conclusion upon the question of a breach of privilege, were they to keep that conclusion in their own breasts? The committee could not cause a member to be arrested and put upon trial, but they were instructed to inquire into all the facts connected with the death of Mr. CILLEY. The evidence was properly taken and was properly before the House. He hoped the House would take the evidence, and let all the rest pass as a work of supererogation. He had formed conclusions in his own mind, which he had laid before the House in writing, with the hope that it would be printed and go before the country. However much he wished to have the subject disposed of, he did not wish that the House should avoid the responsibility and throw it on the committee.

Mr. R. then offered a resolution, which he desired to have read for information, and said when it should be in order he would submit it to the House, as follows:

Whereas, it is manifest from the evidence taken by the select committee charged, &c. that the Hon. W. J. GRAVES, the Hon. HENRY A. WISE, the Hon. RICHARD MENEFEE, the Hon. GEORGE W. JONES, the Hon. JESSE A. BYNUM, and the Hon. ALEXANDER DUNCAN, members of this House, were connected by their acts, advice, and conduct, with the duel which terminated in the death of the Hon. JONATHAN CILLEY, and that they were therein guilty of invading and violating the privileges of this House:

Therefore, resolved, That the journal kept by, and the evidence taken before, said select committee be printed, and referred to the Committee on the Judiciary, with instructions to report a bill defining the privileges of Congress, and for the punishment of the violations thereof, and also to report a plan for the trial of the above named members, or such of them as in the opinion of said committee are, for their conduct above referred to, liable to punishment by this House.

The CHAIR said this proposition was not in order till the pending motions were disposed of.

Mr. REED was anxious that the subject should be brought to a conclusion, but in the proper way, and for this reason he had submitted his amendment.

Mr. GRANTLAND was indifferent about what instructions were given to the committee, but he insisted that the papers should be printed. It had been alleged that the testimony was not fairly taken; this he pronounced to be false, let it come from whatever quarter it might, and he urged the printing of the whole subject, so that the public might be able to judge. He denied that there was any political feeling in the committee, for their proceedings were conducted with extraordinary unanimity, and he only few differences that existed were mere shades. Mr. G. called upon all who knew him to testify whether he was one likely to be operated upon by such influences as had been stated.

Mr. DAWSON bore testimony to the fact adverted to by his colleague.

Mr. RIVES said he would make a motion which, he hoped, would be acceptable to all parties of the House, and especially so to the gentlemen implicated. He moved to postpone it till the first day of June, and asked for the yeas and nays; which were ordered.

Mr. WILLIAMS of Kentucky inquired if this motion required a vote of two-thirds?

The CHAIR replied in the negative; but the motion took precedence of the motion to recommit.

Mr. MENEFEE opposed the motion, because, he said, it was an indirect motion to get rid of it entirely, and against such a disposition he entered his solemn protest. Moreover, to print such a paper, and postpone its consideration, would be a manifest injustice to the parties implicated, who were now ready for trial, and anxiously awaiting it, as it would keep a sentence of condemnation impending over their heads.

Mr. RIVES said he was as anxious as the gentleman for bringing this subject to a correct and speedy conclusion, but the votes of this morning showed they could not do so.

Mr. BYNUM adverted to the announcement made in Mr. RARIDEN'S proposition, as changing his determination to have no participation in this debate; but, since it was announced that he and others not before named were to be tried, he must be allowed to express his opposition to the proposed postponement, while a charge affecting his honor and his character was circulating all over the country. Mr. B. was then proceeding to urge the publication of the testimony, and to give his reasons why it should not be suppressed, in justice to himself, the committee, the House, and the country; but the CHAIR ruled out the discussion, as not in order on a mere motion to postpone to a future day.

Mr. RIVES then interposed, and said that he had made the motion, in the hope that it would meet the general assent of the House, and be taken to-day; finding that not to be the case, and the gentleman from North Carolina expressing a wish to reply to the gentleman from Indiana, [Mr. RARIDEN,] he Mr. RIVES, would withdraw his motion. He again repeated the hope that the question would be disposed of to-day.

Mr. R. having withdrawn the motion, the question recurred as first stated above.

Mr. BYNUM stated that he had no particular objection to the resolution pending, nor had he any to that of the gentleman from Indiana, and should most cheerfully vote for it, but he could not help saying that it was altogether a novel proceeding, for he had had no notice given him, no opportunity of furnishing testimony, &c. The gentleman from Massachusetts had asserted that this was a party question, and, so far as one side was concerned, this movement showed that it was so. Mr. B. then defended the course of the committee, and pronounced the allegation that they had made one-sided report to be both a foul and false one.

As to recommitting, he could not see what was to be gained by it; for after the committee brought in their second report, the subject would be in the same situation before the House, that it was at this time. He was willing now to meet any charge, and he wanted all the facts to be known to the House, and to go forth to the country, and let him be judged by his constituents, by those to whom, next to that House, he was responsible. Besides, let the House carry through what they had begun, and not be intimidated or deterred by gasconades and threats, or by the apprehension of any consequences that might grow out of it. As to the objections urged against the proceedings of the committee, on the ground of want of technicality, they were ridiculous, mere spider-web and wire-drawn distinctions about mere obsolete forms, devoid of all substance or meteriality. Then let the House meet the question, without shuddering or seeking to evade the responsibility, or, if they suffered themselves to be alarmed by threats or bullying, let them tell the country so, and let others of more firmness be sent in their places. He hoped, then, that some decision would soon be arrived at, and that if he was to be tried, they would try him speedily.

Mr. THOMPSON adverted to the vast amount of public business pending in the House, and expressed his regret that any charge should be suspended over any members of the House without a hope of correct final action. He thought the House ought to share in the responsibility of the committee; and, though it was known that members were involved, yet it did not appear legally by the record; and he thought it ought not to be taken by implication, as a precedent pregnant with evil. He wished the report might go back to the committee with instructions to report the evidence already taken, and their journal, as soon as may be; and he read a resolution, which he said he should move, when in order, to that effect. Mr. T. made some remarks touching the merits of the case, which the SPEAKER ruled to be out of order. He wished the evidence might go to the world, that a correct judgment might be formed.

The question then recurred upon the amendment offered by Mr. REED to the amendment of Mr. LOOMIS, which, being taken by yeas and nays, was decided in the negative; yeas 79, nays 82.

Mr. DAWSON then moved to lay the whole subject on the table, except the evidence and journal, and that they be printed.

Mr. D. supported his motion by some remarks, tending to show that a recommitment would only produce a great consumption of time, because there were six gentlemen then presented before the House, who would each demand a trial, and those trials would require all the time that would be consumed in the session, to the postponement of the public business, and without ending, as nine-tenths of the House believed, in any definite action, or in any beneficial result.

He urged that nothing more could be effected than by a trial of the members for a violation, directly or indirectly, of the laws of God and man, to produce an impression upon the public mind,

and to aid the fanaticism which is now abroad in the country. He thought enough would be done by printing the evidence and journal, and leaving the public to judge. If the majority report was to be printed, the members ought to be allowed to reply to its allegations on that floor. The minority reports he did not think furnished a sufficient answer. The course he proposed, he thought, would enable the public to judge with impartiality and truth, and would take the embarrassing subject out of the House, so that it could proceed with public business. He was willing to have the constituents of the members implicated to read them a moral lesson at the ballot-box.

Mr. BRIGGS called for a division of the question.

The question being put on that part of the motion to lay on the table—

Mr. GRANT demanded the yeas and nays, which were ordered, and, being taken, were, yeas 56, nays 103.

YEAS—Messrs. Bell, Biddle, John Calhoon, Cambreleng, William B. Campbell, John Campbell, Carter, Chapman, Cheatham, Cleveland, Clowney, Coles, Corwin, Crockett, Dawson, Deberry, DeGraff, Dennis, Dunn, Griffin, Harlan, Hawes, Hoffman, Jenifer, Henry Johnson, W. Cost Johnson, Kennedy, Loomis, Lyon, Martin, May, McKay, Murray, Owens, Palmer, Pennybacker, Pope, Rencher, Rumsey, Sawyer, A. H. Shepherd, C. Shepard, Shields, Southgate, Stanly, Stuart, Stone, Taliaferro, Thompson, Towns, Underwood, A. S. White, J. White, C. H. Williams, and Yell—56.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Briggs, Bronson, Casey, Childs, Coffin, Connor, Cranston, Curtis, Cushman, Darlington, Davies, Duncan, Edwards, Everett, Farrington, Fairfield, R. Fletcher, Fillmore, Foster, Fry, Goode, W. Graham, Grant, Haley, Hammond, Harper, Hastings, Hawkins, Haynes, Henry, Holsey, Holt, Hubley, W. H. Hunter, Ingham, J. Johnson, N. Jones, J. W. Jones, Keim, Kilgore, Leadbetter, Lincoln, Logan, Marvin, Samson Mason, Robert McClellan, Abraham McClellan, McClure, McKennan, Mercer, Moore, Morgan, Mathias Morris, Calvary Morris, Naylor, Noble, Ogle, Parker, Parmenter, Patterson, Paynter, Peck, Petrikin, Phelps, Potts, Pratt, Prentiss, Rariden, Randolph, Reed, Ridgway, Rives, Russell, Sheffer, Sibley, Slade, Snyder, Spencer, Stratton, Taylor, Thomas, Tillinghast, Titus, Toland, Toucey, Turney, Vail, Webster, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Jared W. Williams—103.

So the House refused to lay the subject on the table.

The question then recurred upon the amendment offered by Mr. LOOMIS, to add to the instructions the words, "except as to a breach of privilege," referring to the limitation of the committee's report.

Mr. BRIGGS observed that the committee had been instructed to report upon the breach of privilege, and had done so in full. He thought the committee had fallen into an error, by overlooking the rule, referred to so often, in the Manual, but they had been led into that error by the oversight of the House; and he was in favor of supporting the committee in their action. He referred to the remark, that there was a desire to suppress the evidence; and said he knew of no one who had such a desire. No one, as far as he knew, objected to the publication of the evidence, but to the report which had been made upon it. He would at any moment have voted for the printing of the evidence and journal, but he wished the facts to go forth to the country unconnected with the reports and arguments.

Mr. SIBLEY then moved an amendment to the amendment of Mr. LOOMIS, by adding the words: "and on that subject, that they report the names of every member, who aided, assisted or abetted in the duel, which resulted in the death of Mr. CILLEY, and report as soon as possible."

Mr. BYNUM thanked the gentleman from New York for that proposition to amend. He was ready to meet any investigation, and should not shrink behind any constitutional objections or technicalities. His conduct had been fair and open, and he shrunk from no responsibility. He went on to comment with severity upon the party aspect, and the indirect movements, which had been brought to bear upon the subject from the first, and demanded a full and fair investigation, and that the whole truth might be brought before the world.

Mr. DUNCAN was glad to see the proposition now under consideration, for it was what he anticipated; and he would have been pleased if the gentleman from New York had, instead of an indirect allusion, adverted by name to JESSE A. BYNUM of North Carolina, and ALEXANDER DUNCAN of Ohio. At first they were tied down to rules; but now the whole subject was opened, and he was glad of it, for he was prepared to meet the question; and not only so, but he was willing, in his case, that every technicality, rule of order, constitutional privilege, and every other obstacle, should be disregarded. He entreated the House to go into the investigation, and spread the whole testimony before the world; for he was ready and anxious that the people should pass judgment upon him. He dreaded no such tribunal, but would abide their verdict.

As to the necessity of recommitting the report and testimony, he could not see it. What was to result from it? Was any new evidence sought? No. Was an issue to be made with other parties? If so, those parties (himself and Mr. BYNUM) were prepared to meet it; and he pledged himself to appeal to no obsolete forms, or forgotten rules of technicality. It was absurd to contend that the American Congress was shackled with the old forms of the British parliament; for, in shaking off the trammels of that power, they were surely not imperatively bound by the technical rules under which that power was exercised. But supposing the question of privilege was binding in ordinary cases, did not the resolution of the House, adopted by an overwhelming majority, overrule it? The fact about which the committee were directed to inquire was notorious, and that members of the House were involved in it was equally so; and in the knowledge of that fact the House ordered the investigation, and the committee would have been negligent of their duty if they had not gone on. As to the printing, he urged it in justice to all the parties concerned, and as due to the American people, who, whatever might be said to the contrary, were capable of forming a calm and dispassionate judgment. He had no fears on that subject.

Mr. THOMAS said he would make a motion, the effect of which would be to promote the action of the public business, and he also wanted to get a direct vote on the motion to print. At present they had come to no direct vote. He should submit a motion susceptible of being divided into two distinct propositions; 1st. To lay the whole subject on the table; and 2d. To print the reports of the majority and minority and all the accompanying documents, and he moved accordingly.

Mr. SIBLEY inquired if the motion to print was in order pending his amendment.

The CHAIR stated that it was, because the motion to print was incident to that to lay on the table.

Mr. REED called for a division of the question.

Mr. SIBLEY asked the gentleman from Maryland to withdraw the motion, to afford him an opportunity to reply to the gentlemen from North Carolina and Ohio.

Mr. THOMAS said he would cheerfully comply with the gentleman's request, so far as the gentleman was concerned; but if he did so other gentlemen would also desire to speak, and the object he had in view would be defeated.

Mr. REED asked for the yeas and nays; which were ordered.

Mr. HARLAN moved a call of the House: lost.

Mr. DUNCAN inquired if the motion to lay on the table was in order, it having been once tried to-day.

The CHAIR ruled that it was, as other business had intervened.

Mr. BYNUM inquired whether, if the motion to lay on the table prevailed, the motion to print would not be cut off?

The CHAIR. It will not.

Mr. BYNUM. How then, sir, if decided in the negative?

The CHAIR. Then the original motion having failed, the incidental one will fall with it.

Mr. BYNUM. Then, sir, I understand that a vote in the negative is a vote virtually to suppress the printing.

The CHAIR said that was a question not within his province to give an opinion on.

The question was then taken on the first branch of Mr. THOMAS'S proposition, viz: to lay on the table; and it was decided in the negative—yeas 73, nays 95.

YEAS—Messrs. Andrews, Atherton, Bicknell, Brodhead, Bynum, Cambreleng, Campbell, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Corwin, Craig, Crary, Cushman, Dawson, Deberry, DeGraff, Dennis, Duncan, Dunn, Edwards, Farrington, Rice Garland, Grantland, Gray, Griffin, Hammond, Hawes, Hawkins, Haynes, Holsey, Jabez Jackson, Lewis, Loomis, Martin, McKay, Robert McClellan, A. McClellan, Miller, Moore, Murray, Noble, Owens, Pennybacker, Petrikin, Phelps, Prentiss, Randolph, Rencher, Rives, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Snyder, Spencer, Stewart, Stone, Taylor, Thomas, Turney, Underwood, Vail, Weeks, Albert S. White, Thomas T. Whittlesey, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, and Yell—73.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Beatty, Beirne, Bell, Biddle, Boon, Borden, Briggs, William B. Calhoun, John Calhoon, W. B. Campbell, Carter, Cheatham, Childs, Coffin, Cranston, Curtis, Cushing, Darlington, Davee, Davies, Everett, Fairfield, Richard Fletcher, Filmore, Fry, Goode, James Graham, William Graham, Haley, Hall, Harlan, Harper, Hastings, Henry, Hoffman, Holt, Hopkins, Hubley, Wm. H. Hunter, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Keim, Kennedy, Kilgore, Klingensmith, Leadbetter, Lincoln, Logan, Marvin, Samson Mason, May, McClure, McKennan, Menefee, Mercer, Morgan, Calvary Morris, Naylor, Noyes, Ogle, Parker, Parmenter, Patterson, Peck, Pope, Potts, Pratt, Rariden, Reed, Ridgway, Russell, Sheffer, Sibley, Slade, Southgate, Stanley, Stratton, Taliaferro, Tillinghast, Titus, Toland, Toucey, Vanderveer, Webster, John White, E. Whittlesey, Lewis Williams, and Sherrod Williams—95.

So the House refused to lay the subject on the table.

Mr. SIBLEY then obtained the floor, but several voices calling out "adjourn," adjourn," he gave way to

Mr. FILLMORE, who moved an adjournment.

Mr. PETRIKIN called for the yeas and nays; which were ordered, and were—yeas 56, nays 103.

So the House refused to adjourn.

Mr. SIBLEY said that when he offered his amendment, he had not intended to occupy the time of the House. No one was less inclined to obtrude his individual opinions upon the House, nor was any one more inclined to dispose of the unpleasant subject before the House, speedily and quietly. He had not expected that the amendment would have called up the gentlemen from North Carolina, [Mr. BYNUM,] and from Ohio [Mr. DUNCAN.] It was not intended to apply to them any more than to any others who aided, assisted, or abetted in the unfortunate affair which caused the discussion now occupying the House. But any remarks having a personal character he would not notice upon that floor. He came not as the champion or opponent of any individuals; but in offering the amendment, in calling for the names of all the persons implicated, he was carrying out the wishes of his constituents. The people knew no distinction in the criminality of those concerned; they were educated in the principles of the common law, which knew no accessories in an affair of this kind. He wanted the memorials and petitions to be reported upon; and he thought the fact that the chairman of the committee wished to have the memorials recommitted, proved that he did not think he had reported upon them, and he inferred that there was no intention to report upon them. The memorials prayed for the expulsion of every member engaged in the duel, and he wished a report upon the whole matter.

Mr. TOUCEY explained that he voted for an amendment to the instructions for the purpose of defeating them, and he should finally vote against the recommitment.

Mr. SIBLEY went on to argue in favor of a full report, in conformity to the prayer of the petitions; and repelled the intimation that he had any desire to suppress the evidence in the case, or that any act of his could be construed to imply such a desire; and he condemned the report of the majority as a one-sided argument, contrary to his sense of justice. He condemned it as an argument made by judges, which was brought to bear upon the accused by every distortion of testimony, which would subject any judge of a court of justice to impeachment. He referred to the allusions frequently made to public opinion, and contended that the people would demand a just judgment, according to the forms of the law, which they would not allow to be broken through, that vengeance might reach a victim. He was prepared to march up to the question directly; and he hoped his amendment would prevail, that the whole merits of the subject might come fully before the House.

Mr. UNDERWOOD obtained the floor, but, at the suggestion of several members, moved to adjourn.

Mr. PETRIKIN demanded the yeas and nays, which were ordered, when

Mr. UNDERWOOD withdrew his motion, and expressed his willingness to proceed in addressing the House; but gave way to another motion to adjourn.

Mr. PETRIKIN again demanded the yeas and nays; which being ordered were taken, and resulted—yeas 82, nays 75.

YEAS—Messrs. Adams, Andrews, Bell, Borden, Briggs, Bynum, William B. Calhoun, John Calhoon, William B. Campbell, John Campbell, Carter, Chambers, Cheatham, Childs, Coffin, Corwin, Craig, Cranston, Cushing, Darlington, Dawson, Davies, Dunn, Everett, R. Fletcher, Fry, Rice Garland, Goode, William Graham, Hall, Harper, Hastings, Hawes, Henry, Hoffman, Jabez Jackson, Jenifer, Joseph Johnson, W. C. Johnson, John W. Jones, Klingensmith, Lincoln, Marvin, May, McKennan, Menefee, Mercer, Morgan, Naylor, Noyes, Patterson, Peck, Phelps, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Rumsey, Russell, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Titus, Toland, Underwood, Webster, J. White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Joseph L. Williams—82.

NAYS—Messrs. Alexander, Heman Allen, John W. Allen, Anderson, Atherton, Beatty, Bicknell, Boon, Brodhead, Bronson, Cambreleng, Casey, Chapman, Clark, Cleveland, Clowney, Coles, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Gallup, Gray, Griffin, Haley, Hammond, Hamer, Harlan, Harrison, Hawkins, Holt, Hopkins, Hubley, William H. Hunter, Ingham, Nathaniel Jones, Keim, Kilgore, Leadbetter, Lewis, Logan, McKay, Abraham McClellan, McClure, Miller, Moore, Murray, Noble, Ogle, Palmer, Parmenter, Paynter, Pennybacker, Petrikin, Pratt, Prentiss, Rives, Sawyer, Sheffer, Snyder, Spencer, Steuart, Taylor, Thomas, Toucey, Turney, Vail, Vanderveer, Jared W. Williams, and Yell—75.

So the House adjourned.

IN SENATE,

MONDAY, May 7, 1838.

The VICE PRESIDENT communicated to the Senate a letter from the Secretary of the Treasury, showing a condensed statement of the condition of the State banks used as public depositories, according to the latest returns, which was sent in obedience to a resolution of the Senate of the 2d instant: the communication was referred to the Committee on Finance and ordered to be printed.

Mr. WEBSTER presented the following petitions: From Edward Everett and others, of Boston; from Samuel Fessenden and others, of Portland; from several citizens of the city of New London, Connecticut; from citizens of the county of Oneida, New York; from citizens of Holliston, Massachusetts, and from several other places; all remonstrating against the late alleged treaty with the Cherokees, expressing the opinion that it was not conformable to the wishes of the majority of the tribe, and praying that its execution might not be forced upon them: laid on the table and ordered to be printed.

Also, from George M. Wales, praying a return of duties in certain cases: referred to the Committee on Commerce.

Also, from citizens of New York, asking the establishment of a National Bank: laid on the table.

And from citizens of Wisconsin, praying appropriations for the harbor at Milwaukie, and for a military road from Green Bay to Chicago: referred to the Committee on Commerce.

Mr. WEBSTER said he had another petition of a very interesting character, from some officers of the army at present quartered at the South, asking Congress to change the ration of whiskey, and substitute coffee and sugar in its stead. These officers state that the health, cheerfulness, and efficiency of the soldier would be promoted by it, while the quota of whiskey led to insubordination, disease, and crime. The petition was ordered to be printed, and referred to the Committee on Military Affairs.

Mr. SMITH, of Connecticut, presented the petition of certain citizens of Connecticut, stating that the best guns now in use were made of the iron of Connecticut, and praying that the contemplated national armory might be erected on the spot where the ore was procured: referred to the Committee on Military Affairs.

Mr. S. also asked leave to withdraw the papers of Colonel Wisenfelt; which was granted.

Mr. LINN presented the petition of sundry citizens of Wisconsin Territory, asking an appropriation for the survey of a route of a railroad: referred to the Committee on Public Lands.

Also, from sundry citizens west of the Mississippi, asking a donation of land for the purpose of erecting a penitentiary: referred to the Committee on Public Lands.

Mr. GRUNDY presented a petition of Samuel H. Burton, asking to be released from a certain mail contract, entered into by him with the United States: referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented a petition from Ebenezer Watson, praying the passage of a law to secure to him the exclusive right to certain inventions to prevent counterfeiting and altering bank notes: referred to the Committee on Patents.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the letter from the Secretary of War, asking the passage of a general law in relation to a survey of the lands for the Indians into small parcels, made an unfavorable report on the same, which was ordered to be printed.

On motion of Mr. GRUNDY,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making further provision, by law, to prevent the forgery of Treasury notes, and other public securities.

The bill to increase the salary of the Commissioner of the General Land Office, was taken up as in Committee of the Whole.

Mr. BUCHANAN inquired what was the salary of this officer? and was answered by Mr. CLAY of Alabama that it was $3000.

Mr. B. said he should like to know why the salary of this particular officer should be increased. For his part, he was opposed to increasing any salaries in the present condition of the Treasury, unless it could be shown that great injustice was done the officer.

Mr. CLAY of Alabama said the object of the committee in reporting this bill was to give to the Commissioner a salary commensurate with the amount of labor he has to perform, and the intelligence necessary for the discharge of the duties which devolve on him; and, in doing so, they had reference to the duties devolving on other officers at the seat of Government, heads of Departments, as well as clerks. He thought that if the Senator from Pennsylvania had taken into consideration the duties performed by the other officers of the Government here, together with the degree of intelligence necessary for their performance, and compared them with those of the Commissioner of the General Land Office, he would agree that, so far as labor, talents, and legal skill, were concerned, this officer deserved a better salary than that now given him. In order to qualify themselves for correct action on this subject, the committee had turned their attention to the amount of duties required of the several heads of bureaus at the seat of Government, and the qualifications necessary to fill those offices, and they found that they were comparatively better paid than the officer whose salary they proposed to increase. The First Comptroller and Solicitor of the Treasury received $3500 each, and it could not be said that the value of their services was equal to that of the services of the Commissioner. Their duties were not so arduous, and did not require such talents for their performance. The Comptroller has only the supervision of the accounts, and, with the exception of the laws relating to the revenue, has no legal questions before him; but the Commissioner of the General Land Office must not only be an accountant but a lawyer—in fact, a judge of all the various questions arising out of our land laws that are daily presented before him. His office requires as much legal learning as is requisite in our courts of law. He exercises a supervisory power, not only over the different clerks in his office, but he must also understand the principles of law, in order to prepare the different reports, relating to his department, that are submitted to Congress. He must also decide complicated questions, arising not only under acts of Congress, but involving principles of the laws of the country from which we have derived many of the rules which govern the transfer and titles of real estate. It was under these considerations, and with a full view of the duties of the other officers of the Government, requiring less labor and less talents in their performance, and to put the Commissioner on the same footing with them, that the committee have thought proper to report this bill. They believed that a less amount than the salary provided in the bill would not be adequate to the services performed by this officer; and that the salary ought to be of such amount that, in the event of the death or resignation of the present incumbent, they might command the services of a lawyer of the first eminence. Mr. C. took this opportunity to remark, that it was not at the suggestion of the Commissioner, or of any person for him, or inded with his knowledge, that this bill was reported.

Mr. BUCHANAN had no doubt of the merits and qualifications of the present Commissioner of the General Land Office, and from the little intercourse he had had with him in regard to the duties of his office, he believed he performed them with ability and fidelity. But that was not the question. The question was whether in the present condition of the Treasury, they must borrow a thousand dollars to add to the salary of this officer, and set an example which must be followed in regard to the Auditors of the Treasury, the Second Comptroller, and other officers of the Government. Now the other day in the Senate, they had the greatest difficulty to get the salaries of the Commissioners to hear and examine claims against the Government as high as the Commissioner now receives, though their duties would be more important than his. Besides, there is a Solicitor of the General Land Office to give his advice on all legal questions that are presented in it. Mr. B. said that if he was to give his vote to increase the salaries of any officers of the Government, it would be in favor of the two Assistant Postmasters General, whose salaries were only $2,500 each, and whose duties were exceedingly arduous and important. He would not, in the present state of the Treasury, when the Government would have to borrow money, give his consent to increasing any salaries, unless a case could be shown where great injustice was done to an officer, by the inadequacy of his compensation. Mr. B. would not say any more on this subject, but in order to test the question, he would ask for the yeas and nays on the question of engrossing the bill.

Mr. CLAY of Alabama rejoined that the duties of the office required a much higher order of talent than a mere Auditor of Accounts. There were hundreds and thousands of acres of the public domain submitted to the decision of this officer, who he [Mr. C.] had understood, from competent authority, had to devote a portion of the night, as well as the day, to the duties of his office. Mr. C. could not agree that, because there was no money in the Treasury, that a mere act of justice should not be done to a faithful and competent officer. He felt convinced that the contemplated increase was due to the office, to secure competent talent when it might be necessary to fill it hereafter.

Mr. BUCHANAN said that he wanted the principle decided now, because if it should be decided to raise any salaries, he would move to increase those of the two Assistant Postmasters General.

Mr. CLAY of Alabama, said that, as the Senate was then thin, and he wished a full vote on the question, he would move to lay the bill on the table.

This motion was lost without a division.

The question was then taken on engrossing the bill for a third reading, and it was decided in the negative—yeas 6, nays 29, as follows:

YEAS—Messrs. Clay of Alabama, Fulton, Monton, Robinson, Sevier, and Young—6.

NAYS—Messrs. Allen, Buchanan, Calhoun, Clayton, Cuthbert, Davis, Grundy, King, Linn, Lumpkin, Morris, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Smith of Connecticut, Southard, Spence, Swift, Trotter, Wall, Webster, White, Williams and Wright—29.

The bill to authorize the erection of a hospital in the City of Washington, was taken up; and,

After an explanation by Mr. ROANE,

Mr. NILES moved to amend the bill so as to confine its benefits to lunatics, seamen, and soldiers; which, after a short discussion, was agreed to—yeas 22, nays 18, as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard,

King, Linn, Lyon, Mouton, Niles, Rives, Robinson, Ruggles, Sevier, Smith of Connecticut, Trotter, Wall, White and Wright—22.

NAYS—Messrs. Clayton, Crittenden, Davis, Knight, Lumpkin, Merrick, Morris, Nicholas, Pierce, Prentiss, Preston, Roane, Southard, Spence, Swift, Webster, Williams and Young—18.

Mr. CLAY of Alabama offered an amendment, which, as modified at the suggestion of Mr. ROANE, limited the appropriation to $30,000, with a proviso that the money shall only be drawn from the Treasury as wanted.

This amendment was agreed to; and the bill was ordered to be engrossed for a third reading.

On motion of Mr. WRIGHT, the previous orders were postponed, and the Senate proceeded to the consideration of the bill to authorize the sale of certain bonds belonging to the United States.

Mr. WEBSTER said, if there was that strong necessity which the Senator had represented, he would not oppose, at least would offer no strenuous opposition to the bill. It was not, however, such a measure as he would have recommended. He thought it would have been wiser and better to meet the necessity of the case by a resort to a direct loan, or the issue of Treasury notes. If the Senate could originate no other measure in relation to the Treasury, he submitted whether it was wise to press on this, because no other offered itself.

Mr. W. extended his remarks on the subject to some length, expressing a doubt whether the bonds could be sold at par, and, if sold, what security there was that they would be paid in the constitutional currency of the country. He thought it as well to leave the responsibility where it now exists—in the House of Representatives.

Mr. WRIGHT could not perceive any occasion for taking up the time of the Senate on this bill; it went very far to explain itself, and he would, therefore, merely state the action of his own mind on the subject. From all the information he had received, the credit of this institution was high, not only in the money markets of this country, but in those of Europe; and as the condition of the Treasury required that they should raise money for the service of the Government, which must be done either by the issue of Treasury notes or by a loan, the committee thought that the sale of these bonds would supersede either of these two operations, to the amount that they sold for. Having found that money was cheap in Europe, they supposed that these bonds would furnish desirable investments at their par value. Mr. W. after stating the amount of the interest that had accumulated on these bonds, and the sum expected to be realized by their sale, said that he saw nothing in the objections of the Senator from Massachusetts, [Mr. WEBSTER,] unless that these bonds might not be payable in a currency equivalent to specie when due. If such was the fact, it must grow out of the subsequent legislation of Congress, for there was nothing at present to warrant the inference. He could not agree to any other disposition of the bill than that the Senate should pass its judgment upon it at this time. If the majority of the body should think that the committee were mistaken in the views which induced them to report it, let them say so. But his opinion was that it would be wise to make the attempt, and if these bonds should fail to bring in the market the sum the bill required for them, the Treasury would be no worse off than it now was. The selling these bonds might save the using the credit of the Government to the amount they may sell for; and if not sold, the Government would lose nothing by making the attempt.

Mr. WEBSTER made a brief reply, to the effect that if there was not at least a reasonable prospect of the measure succeeding, that it would be better not to try it.

Mr. WRIGHT observed that the first objection of the Senator from Massachusetts was one that must exist with, and be disposed of by, the purchaser. If he be not satisfied that he will receive payment in a currency which will make the purchase a good operation, he will not buy. As to the other objection, he supposed Congress would take the necessary measures to provide for the wants of the Government as heretofore. They will either authorize the issuing of a certain amount of Treasury notes, or provide for a loan, and then if the bonds should sell, it would supersede the issue of Treasury notes to that amount. So also if a law passes authorizing a loan, the amount the bonds may sell for will supersede part of the loan.

After some further remarks from Mr. WEBSTER,

The bill was ordered to be engrossed for a third reading, without a division.

The bill to increase the salaries of certain district judges of the United States was taken up, the question being on the amendment of Mr. SMITH of Indiana to increase the salary of the district judge of Indiana.

Mr. PRENTISS moved to amend the amendment by increasing the salary of the judge for the district of Vermont.

Mr. SEVIER moved that the bill be indefinitely postponed; which motion was agreed to—yeas 26, nays 12, as follows:

YEAS—Messrs. Allen, Buchanan, Crittenden, Cuthbert, Fulton, Hubbard, Knight, Lumpkin, Merrick, Morris, Mouton, Niles, Pierce, Prentiss, Preston, Robinson, Ruggles, Sevier, Smith of Connecticut, Southard, Spence, Swift, Webster, White, Williams, and Young—26.

NAYS—Messrs. Benton, Clay of Alabama, Clayton, Grundy, King, Linn, Lyon, Nicholas, Rives, Roane, Wall, and Wright—12.

The bill to revoke the charters of such of the banks of the District of Columbia as shall not resume specie payments within a certain time, was taken up as the order of the day.

Mr. WRIGHT moved to lay the bill on the table, on the ground that the charters of these banks would expire within a very short time.

This motion was agreed to.

The bill to continue the corporate existence of the banks of the District of Columbia was taken up as the next order; but, without any action being had on it,

The Senate went into the consideration of Executive business, and, after spending a short time therein,

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 8, 1838.

DEATH OF THE HON. JOAB LAWLER.

Immediately after the reading of the Journal, Mr. LYON of Alabama, rose and addressed the House as follows:

Mr. SPEAKER: I have the melancholy duty to perform of announcing to this House the death of one of its members.

My friend and colleague, the Hon. JOAB LAWLER, expired this morning at his lodgings in this city, after a brief and painful illness, which he bore with unusual fortitude and resignation.

Less than a week ago, and he was present in his place in this hall, in the performance of his part in the laborious duties assigned by the people to their representatives. He was yet in the prime of life, and has been cut off in the midst of his usefulness.

By his death, his immediate constituents and his State have lost an attentive, intelligent, and faithful representative; his family have been deprived of a husband and father; and society has lost a member, whose conduct, in every relation of life, was worthy of all imitation.

The deceased enjoyed the confidence and esteem of those who knew him well, to an extent which nothing but a course of life the most exemplary, and a character the most irreproachable, could have secured.

In his State he had filled several offices of much importance, and under the General Government he held for several years a trust of great responsibility. In all his official conduct in the various public stations held by him, he acquired a high character for integrity and capacity, which no act of his life forfeited or impaired.

His conduct as a member of this House has been in character with his whole life. While he was firm and unwavering in the discharge of what he considered his duty as a Representative, he was mild and unobtrusive in his deportment, and respectful towards his associates. He had lived the life of a Christian, and died without apprehension as to the future.

To testify our regret for his loss, and respect for his memory, I move the adoption of the following resolutions:

Resolved, That the members and officers of this House will attend the funeral of JOAB LAWLER, deceased, late a member of this House from the State of Alabama, to-morrow, at 12 o'clock meridian.

Resolved, That a committee be appointed to take order for superintending the funeral of JOAB LAWLER, deceased.

Resolved, That the members and officers of this House will testify their respect for the memory of JOAB LAWLER, by wearing crape on their left arm for thirty days.

Resolved, That when this House adjourns to-day, it will adjourn to meet to-morrow, at 12 o'clock meridian.

Ordered, That a message be sent to the Senate to notify that body of the death of JOAB LAWLER, late a representative from the State of Alabama, and that his funeral will take place to-morrow, at 12 o'clock, from the Hall of the House of Representatives.

The several resolutions were unanimously agreed to by the House; and then

The House adjourned.

IN SENATE,

TUESDAY, May 8, 1838.

A message was received from the House of Representatives, by Mr. FRANKLIN, their clerk, announcing the death of the honorable JOAB LAWLER, a member of that House from the State of Alabama, and that his funeral would take place at 12 o'clock to-morrow from their Hall.

Mr. KING then rose and addressed the Senate as follows:

Mr. PRESIDENT: Another of the members of this Congress has passed from time to eternity. This unexpected event is well calculated to produce the most serious reflections. "Be ye also ready," should be impressed upon every heart. The Hon. JOAB LAWLER, a Representative from the State of Alabama, breathed his last at his boarding-house in this city, about 9 o'clock this morning. His sickness was of short duration; but a life devoted to piety and virtue enabled him to look with calm and Christian resignation on the dread change that awaited him.

Mr. LAWLER was of humble origin. He was destitute of the advantages of a liberal education; but a vigorous intellect, combined with sterling integrity, early recommended him to the favorable notice of his fellow-citizens, and they placed him in the Legislature of his State. For years he continued to discharge his duties in that situation in a manner so creditable to himself, so satisfactory to those he represented, that they demanded his services in a more exalted station. He yielded to their wishes, and twice has he been chosen to represent their interests in the Congress of the United States. Mr. President, his mortal career has closed. His country has lost the services of one of her most virtuous citizens; his bereaved wife an affectionate husband; and his orphan children the fostering care and protection of an indulgent father. To that desolate, heart-stricken family, I would say, "mourn not as one without hope." The husband—the father—was a Christian. He died, as the Christian dieth, in the full hope of a blessed immortality. Keep, then, before your eyes the purity and holiness of his life: live as he lived, and you may go to him; to you he can never return.

Mr. K. then submitted the following resolution, which was unanimously adopted:

Resolved, That the Senate will attend the funeral of the honorable JOAB LAWLER, deceased, which will take place from the Hall of the House of Representatives; and, as an additional mark of respect for the memory of the deceased, the members of that body will go into the usual mourning, by wearing crape on the left arm for thirty days.

On motion of Mr. KING,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,
WEDNESDAY, May 9, 1838.

FUNERAL OF MR. LAWLER.

Pursuant to order, the House assembled at 12 o'clock, m. for the purpose of attending the funeral obsequies of the Hon. JOAB LAWLER, late a Representative in Congress from the State of Alabama.

The following was the order of arrangements:

The Committee of Arrangements, pall-bearers, and mourners, attended at the late residence of the deceased, at Mr. Mount's, on Pennsylvania avenue, at 11 o'clock, a. m. at which time the remains were removed, in charge of the Committee of Arrangements, attended by the Sergeant-at-arms of the House of Representatives, to the Hall of the House.

Shortly after 12 o'clock, meridian, funeral service was performed in the Hall of the House of Representatives, and, immediately after, the procession moved to the place of interment in the following order:

The Chaplains of both Houses.
Physicians who attended the deceased.
Committee of Arrangements, viz:
Mr. LYON of Alabama.

Mr. MERCER of Va.	Mr. HENRY of Penn.
Mr. HARLAN of Ky.	Mr. PARMENTER of Mass.
Mr. MAURY of Tenn.	Mr. BOON of Ind.

Pall Bearers, viz:

Mr. ELMORE of S. C.	Mr. CONNER of N. C.
Mr. CARTER of Tenn.	Mr. KILGORE of Ohio.
Mr. SIBLEY of N. Y.	Mr. BRIGGS of Mass.

The Family and friends of the deceased.
The members of the House of Representatives and Senators from Alabama, as mourners.
The Sergeant-at-arms of the House of Representatives.
The House of Representatives, preceded by the Speaker and Clerk.
The other officers of the House of Representatives.
The Sergeant-at-arms of the Senate.
The Senate of the United States, preceded by the Vice President and Secretary.
The other officers of the Senate.
The President of the United States.
The Heads of Departments.
Foreign Ministers.
Citizen and Strangers.

HOUSE OF REPRESENTATIVES,
THURSDAY, May 10, 1838.

On motion of Mr. LYON, the Speaker was directed to notify the Governor of Alabama that a vacancy had occured in the representation of that State, by the death of the honorable JOAB LAWLER.

The SPEAKER laid before the House the following Executive communications, viz:

1. From the Secretary of State, communicating the names, grades, removals, dates of appointment, &c. of all ministers and other diplomatic agents of the United States to foreign countries.

On motion of Mr. BRIGGS, laid on the table.

2. From the acting Secretary of War, a report from the Commissioner of Indian Affairs, in reference to the payment of the annuity due to the Seneca Indians for the year 1837.

On motion of Mr. FILLMORE, laid on the table.

On leave, petitions were presented by Mr. HOFFMAN, of New York, and Mr. BOULDIN, of Virginia.

Mr. TILLINGHAST asked a similar leave, but it was objected to; and his motion to suspend the rules for the purpose was rejected without a division.

On motion of Mr. HARLAN, the CHAIR was directed to appoint a member on the Committee on Private Land Claims, to supply the vacancy occasioned by the decease of Mr. LAWLER.

CONDITION OF THE TREASURY.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, Abraham Van Buren, esq.

To the Senate and House of Representatives:

I submit to the consideration of Congress a statement prepared by the Secretary of the Treasury, by which it appears that the United States, with over twenty-eight millions in deposite with the States, and over fifteen millions due from individuals and banks, are, from the situation in which these funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the Government.

The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from a prohibition in the present law to reissue such Treasury notes as might be paid in before they fall due, and may be effectually obviated by giving the Treasury during the whole year the benefit of the full amount originally authorized; the remedy would seem to be obvious and easy.

The serious embarrassments likely to arise from a longer continuance of the present state of things, induces me respectfully to invite the earliest action of Congress to the subject which may be consistent to a due regard for other public interests.

M. VAN BUREN.

MAY 10, 1838.

[The statement referred to in the above message will be found in the Senate proceedings.]

The Message and accompanying document of the Secretary of the Treasury having been read,

Mr. CAMBRELENG rose and remarked that, two or three days ago, he made a motion on the subject referred to in these documents, but which failed from its requiring a majority of two thirds. He should not, at this moment, renew the motion, but he gave notice that he should do so in the course of the day, unless the privileged question (the duelling report) was sooner disposed of.

Mr. C. then moved to refer the foregoing papers to a Committee of the Whole on the state of the Union, and that they be printed.

Mr. UNDERWOOD reminded the gentleman from New York that he [Mr. U.] was entitled to the floor on the subject referred to, but he was perfectly willing to forego it, in view of the necessity and urgency of proceeding with the despatch of public business. If it was the pleasure of the House to postpone the subject indefinitely, he would make that motion as soon as the above papers were of disposed, but if that motion should not prevail, he should go on with his remarks.

Mr. SERGEANT presumed the papers could be printed by to-morrow morning, and as there had been but an imperfect opportunity of knowing their contents from the reading at the Clerk's desk, he would suggest whether the gentleman from New York had not better postpone his motion to go on with the public business till to-morrow, and devote this day to the disposal of the other matter.

Mr. CAMBRELENG remarked that they could not proceed to the public business one moment too soon; and as it would be debated, the sooner the debate was commenced the better, for there was little probability, though he wished it were otherwise, that the subject would be disposed of in a single day. With reference to the motion adverted to by the gentleman from Kentucky, perhaps the gentleman was not aware, that on a motion to postpone indefinitely, the whole merits were open for discussion, and therefore it would not bring the House to a vote sooner than the others.

Mr. C's motion to refer and print the above papers was then agreed to.

DUELLING REPORT.

Mr. UNDERWOOD said he was fully aware of the nature of a motion to postpone indefinitely, but his object was to get clear of the whole subject during the present session; and unless it could be done, he saw no reason why the debate should not go on.

As the gentleman from New York, however, wished to test the sense of the House by renewing his motion, Mr. U. would give way for that purpose.

Mr. CAMBRELENG then moved a suspension of the rules for the purpose of considering and continuing the consideration of bills referred to the Committee of the Whole on the state of the Union.

Mr. GRAVES expressed a wish to make a few remarks in opposition to the motion, but it was not under the rule; and Mr. G. then moved a call of the House, and asked for the yeas and nays, which were ordered; and being yeas 102, nays 75, the House determined that there should be a call.

After proceeding for some time, on motion of Mr. CAMBRELENG, the call was dispensed with, and Mr. C. withdrew his proposition.

The question on the duelling report was then announced by the CHAIR.

It was, on the motion of Mr. TOUCEY, under the direction of the committee, to print the report and testimony, with the substitute of Mr. ADAMS, to recommit with certain instructions, to report the facts, "without comments or arguments;" to which Mr. LOOMIS moved the following amendment: "except as to the question of a breach of privilege."

The pending question was on the amendment of Mr. SIBLEY to Mr. LOOMIS'S, as follows:

"And on that subject, that they report the names of every member, who aided, assisted, or abetted in the duel, which resulted in the death of Mr. CILLEY, and report as soon as possible."

Mr. UNDERWOOD was proceeding in his remarks, when he was arrested by the CHAIR for going into a wide scope of discussion. Mr. U. took an appeal from the decision of the CHAIR, and argued it for some time, on the ground that the amendment of Mr. SIBLEY did open the whole subject, and asked for the yeas and nays on the appeal, which were ordered.

The point was discussed by Messrs. MERCER, and READ, when, after some conversation between the CHAIR and Mr. U. the subject was dropped.

Mr. U. then proceeded to argue against the power of the House to punish for sending a challenge to a member to fight a duel, or to punish a member for fighting a duel, since it did not violate the privileges of the members, as given them by the Constitution, and that, as against Mr. SIBLEY'S amendment, if the House could not punish the principals, it could not punish the aiders and abettors. Hence he contended that the best disposition which could be made of this subject was to postpone it indefinitely. If, however, the House was determined to punish the one, it should go on to punish the others; for the man who loaded the gun was as guilty as he who fired it, the aiders and abetters as the principals and seconds, though Mr. U. was opposed to the whole proceeding.

Mr. THOMAS, after some explanatory remarks, stating the object of the motion to be to postpone it for future action, as it could be called up by a bare majority, moved to lay the report and accompanying documents on the table, and print them. Mr. T. asked for the yeas and nays, which were ordered.

Mr. JENIFER called for a division of the question on laying on the table and printing.

Mr. GRANT moved a call of the House: lost.

The question was then taken and decided in the affirmative—yeas 102, nays 76, as follows:

YEAS—Messrs. John W. Allen, Andrews, Atherton, Aycrigg, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Cambreleng, William B. Campbell, John Campbell, Casey, Chapman, Clark, Cleveland, Clowney, Coles, Connor, Craig, Crary, Crockett, Cushman, Daberry, DeGraff, Duncan, Dunn, Edwards, Farrington, Foster, Fry, Gallup, James Garland, Rice Garland, Grantland, Grant, Gray, Griffin, Haley, Halsted, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Nathaniel Jones, John W. Jones, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Loomis, Lyon, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Murray, Noble, Owens, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Prentiss, Rhett, Rives, Augustine H. Shepperd, Charles Shepard, Shields, Snyder, Spencer, Stuart, Stone, Taylor, Thomas, Titus, Turney, Underwood, Vail, Wagener, Webster, Weeks, Albert S. White, Thomas T. Whittlesey, Jared W. Williams, and Joseph L. Williams—102.

NAYS—Messrs. Adams, Alexander, Heman Allen, Beatty, Bell, Biddle, Briggs, William B. Calhoun, John Calhoun, Carter, Chambers, Cheatham, Childs, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Davies, Dennis, Everett, Richard Fletcher, Fillmore, Goode, James Graham, William Graham, Hall, Harlan, Harper, Hastings, Herod, Hopkins, Hubley, Jenifer, Henry Johnson, Wm. Cost Johnson, Keim, Kennedy, Lincoln, Logan, Marvin, Samson Mason, McKennan, Mercfee, Mercer, Millican, Calvary Morris, Noyes, Ogle, Patterson, Peck, Pope, Potts, Potter, Rariden, Randolph, Reed, Ridgway, Robertson, Ramsey, Russell, Sergeant, Sheffer, Sibley, Slade, Southgate, Sanly, Stratton, Taliaferro, Tillinghast, Vanderve r, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, and Yorke—76.

So the whole subject was laid on the table; and the question recurring on the motion to print,

Mr. PETRIKIN then rose and said that, in order to put an end to this interminable debate on

mere incidental questions, and to progress with the business of the country, which had been, in consequence, so much retarded, he was induced to demand the previous question.

Mr. GARLAND of Louisiana asked the gentleman to withdraw the motion, to enable him to move to print the evidence and journal of the committee.

Mr. PETRIKIN declined.

Mr. GARLAND then moved to reconsider the vote by which the subject was laid on the table.

The CHAIR ruled that the incidental motion to print must be first decided, as it was only a branch of the general motion.

Mr. GARLAND took an appeal from this decision, but subsequently withdrew it, and also the motion to reconsider.

Mr. ADAMS renewed the motion to reconsider, but Mr. A. having voted in the minority, could not move it.

Mr. GARLAND then moved a call of the House, and asked for the yeas and nays, which were ordered, and were—yeas 64, nays 123.

So the call was refused.

The previous question on the motion to print was then seconded 97 to 84, and the main question was ordered.

Mr. BRIGGS called for a division of the question on printiug the reports and documents.

Mr. SLADE called for a division on the several arguments in the report.

The CHAIR could not entertain a motion to divide the same paper.

The question was then taken on printing the reports of the majority and minority, and decided in the affirmative—yeas 123, nays 74, as follows:

YEAS—Messrs. Adams, Heman Allen, John W. Allen, Anderson, Andrews, Atherton, Beattie, Beirne, Bicknell, Birdsall, Boon, Borden, Brodhead, Bronson, Bynum, Cambreleng, Casey, Chapman, Clark, Cleveland, Clowney, Coffin, Coles, Connor, Craig, Crary, Cushing, Cushman, Darlington, Davee, Davies, De Graff, Duncan, Edwards, Farrington, Fairfield, R Fletcher, Foster, Fry, Gallup, Goode, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Henry, Herod, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, T. B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kilgore, Klingensmith, Leadbetter, Lewis, Lincoln, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Calvary Morris, Murray, Noble, Noyes, Ogle, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Potts, Potter, Pratt, Prentiss, Rariden, Rencher, Rhett, Rives, Shepherd, Augustine H. Shepperd, Snyder, Spencer, Stuart, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vail, Vandeveer, Wagener, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Jared W. Williams, and Yell—123.

NAYS—Messrs. Aycrigg, Bell, Biddle, Bouldin, Briggs, John Calhoon, William B. Campbell, John Campbell, Carter, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Deberry, Dennis, Dunn, Everett, Fillmore, James Garland, Rice Garland, James Graham, Wm. Graham, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Hoffman, R. M. T. Hunter, Jenifer, Henry Johnson, Wm. Cost Johnson, Kennedy, Legare, Lyon, James M. Mason, Samson Mason, Maury, McKennan, Menefee, Mercer, Milligan, Mitchell, Naylor, Patterson, Peck, Pope, Randolph, Reed, Ridgway, Robertson, Rumsey, Sergeant, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanley, Stone, Stratton, Taliaferro, Thompson, Underwood, Albert S. White, John White, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, and Yorke—74.

The question was then taken on printing the evidence and journal, and decided in the affirmative—yeas 189, nays 4, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Andrews, Atherton, Aycrigg, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Boon, Borden, Bouldin, Briggs, Brodhead, Bronson, Bynum, W. B. Calhoun, John Calhoon, Cambreleng, John Campbell, Carter, Casey, Chambers, Chapman, Cheatham, Childs, Clark, Clowney, Coffin, Coles, Connor, Corwin, Craig, Crary, Cranston, Crockett, Curtis, Cushing, Cushman, Darlington, Davee, Davies, Deberry, DeGraff, Dennis, Duncan, Dunn, Edwards, Everett, Ewing, Farrington, Fairfield, R. Fletcher, Fillmore, Foster, Fry, Gallup, James Garland, Rice Garland, Goode, James Graham, William Graham, Grantland, Grant, Gray, Griffin, Haley, Hall, Halsted, Hammond, Harlan, Harrison, Harper, Hastings, Hawkins, Haynes, Henry, Herod, Hoffman, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, Jenifer, Henry Johnson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Kennedy, Kilgore, Klingensmith, Leadbetter, Lewis, Lincoln, Logan, Loomis, Lyon, Marvin, James M Mason, Samson Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Miller, Montgomery, Moore, Morgan, Calvary Morris, Murray, Noble, Noyes, Ogle, Owens, Palmer, Parker, Parmenter, Patterson, Paynter, Peck, Pennybacker, Petrikin, Phelps, Pope, Potts, Potter, Pratt, Prentiss, Rariden, Randolph, Reed, Rencher, Rhett, Ridgway, Rives, Robertson, Rumsey, Russell, Sergeant, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Snyder, Southgate, Spencer, Stanly, Stuart, Stone, Stratton, Taliaferro, Taylor, Thomas, Thompson, Tillinghast, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Jared W. Williams, Joseph L. Williams, Yell, and Yorke—189.

NAYS—Messrs. Hawes, Underwood, Sherrod Williams, and Christopher H. Williams—4.

Mr. EVERETT, on leave, from the Committee on Indian Affairs, reported a supplementary bill to provide for the organization of the Department of Indian Affairs, approved June, 1834.

Mr. EVERETT also reported Senate bill for the relief of the legal representatives of George Du Val, with a proposition to strike out the enacting clause: committed.

Mr. ADAMS, on leave, from the Committee on Manufactures, reported, without amendment, Senate bill to refund certain duties on railroad iron, imported by the New York and Harlem railroad company.

Mr. BOON said he was about to make a motion. During the progress of this discussion, said he, frequent appeals have been made in behalf of the "dear people," and he would now make a motion to test the sincerity of gentlemen. He would move that 20,000 extra copies of the reports of the majority and minority of the select committee, together with the evidence, on the duelling investigation, be printed for the use of the "dear people" of this country.

The CHAIR remarked that the motion required the unanimous consent of the House.

Mr. BOON would ask it, and expressed a hope that no gentleman would object.

Mr. GARLAND of Louisiana objected, and Mr. REED interposing a motion to adjourn, which prevailed,

The House adjourned.

IN SENATE,

THURSDAY, May 10, 1838.

CONDITION OF THE TREASURY.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ABRAHAM VAN BUREN, Esq.

To the Senate and House of Representatives:

I submit to the consideration of Congress a statement prepared by the Secretary of the Treasury, by which it appears that the United States, with over twenty-eight millions in deposite with the States, and over fifteen millions due from individuals and banks, are, from the situation in which these funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the Government.

The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from a prohibition in the present law to reissue such Treasury notes as might be paid in before they fall due, and may be effectually obviated by giving the Treasury, during the whole year, the benefit of the full amount originally authorized, the remedy would seem to be obvious and easy.

The serious embarrassments likely to arise from a longer continuance of the present state of things, induces me respectfully to invite the earliest action of Congress to the subject which may be consistent to a due regard for other public interests.

M. VAN BUREN.

MAY 10, 1838.

TREASURY DEPARTMENT, May, 10, 1838.

The undersigned would respectfully submit to the President the following statement concerning some fiscal embarrassments which are likely soon to happen, unless averted by early legislation.

It has been usual for the Secretary of the Treasury, except in the annual report on the finances, and in replies to special calls or directions by either House of Congress, to give information respecting all matters which appertain to his office, through letters addressed to the appropriate committees. For some months past, and on several occasions, that mode has been pursued in respect to these threatened embarrassments, by giving to the Committee of Ways and Means such information concerning them as the public exigencies and a seasonable foresight seemed to require. Some suggestions and facts connected with them have likewise been introduced into reports made to Congress. But the relief desired having not yet been granted, and a longer omission to provide for the emergency having a tendency to impair public credit, to the great prejudice of contractors and workmen, as well as of pensioners, the army, navy, and many other classes, the undersigned deems it his duty to apprize the Executive also of the impending difficulties, in order that he may take such further steps as appear proper to promote a faithful discharge of the pecuniary obligations of the Government.

The peculiarity in the present condition of the finances can be very briefly explained. It has arisen, not from any actual deficiency which has yet occurred in the amount of receipts anticipated for the year; not from any excess of appropriations which has yet been made for either ordinary or extraordinary objects; but from a prohibition to use, for the payment of the public dues, which is required by law to be received for them.

In the act of October last, authorizing the issue of Treasury notes, they were made receivable at any time for those dues, but were expressly forbidden, after such receipt, from being reissued in discharge of claims on the Treasury. From this circumstance, coupled with the protracted failure of most of the banks to resume specie payments, little has of late been received for revenue except Treasury notes. Over five and a half millions of them have already been paid in, though none fall due till about the 1st of November next. As these cannot be paid out again, or others in their place, till the restriction before mentioned is modified, it has followed that a great portion of the receipts of the year have thus far been entirely useless for aiding to defray the large expenditures charged upon it, and resort has of necessity been had to the emission of more Treasury notes under the original act, until the whole amount authorized, except $216,802, has been exhausted.

The only other means available to meet the public engagements, with the exceptions as to trusts and the Mint, detailed in a special report on the condition of the Treasury to the House of Representatives the 26th of March last, are reduced to about $347,432.

These constitute an aggregate of five hundred and sixty-four thousand two hundred and thirty-four dollars thus available, instead of a balance of from two to six millions, which it has generally been considered wise to retain on hand, in order, with the aid of the current revenue, to insure punctuality, and guard against the embarrassments incident to fluctuations and other contingencies. During the present year the revenue has been paid in Treasury notes to such an extent that only about one fourth of a million, monthly, has been received from it in money, so as to assist in discharging the current expenditures. These last, on an average, have been over two millions monthly, and in April nearly three millions.

As more than four millions of the Treasury notes are still outstanding, and the banks generally have not yet resumed specie payments, it is probable that a great part of the revenue will, for some time to come, be paid in a similar manner. Under such circumstances, and when it is considered that large sums due from the postponed custom-house bonds, the banks, and the States, are not yet payable, and that no power now exists, except in Congress, to recall the deposites from the latter; that there is no reserved fund to resort to, or any other authorized means by which the wants of the Treasury can be supplied, it is manifest that the Department is exposed weekly and almost daily to be deprived of the whole of its available means, and the credit of the Government to be injuriously affected, both at home and abroad.

Congress could readily avert these results, if approving the course suggested in the last annual report on the finances. It could remove the prohibition to reissue the notes which may be, or have been, prematurely paid in and redeemed, and, where they have been cancelled, permit others to be issued in their stead; or it could effect the same object by allowing other notes to be emitted, instead of such as have been and shall hereafter be paid in, before the year for their redemption expires. By the seasonable adoption of either of

these measures, all anticipated embarrassments during 1838, can probably be obviated. For, in that event, no provision of additional means to meet the expenditures of the year will be necessary hereafter, unless before the close of the session it shall appear that new appropriations have been made, or are likely to be made, exceeding the estimates submitted by the Department in December last, by several millions, or that the revenues received will be materially less.

On the contrary, if neither of the measures above proposed should meet the approbation of Congress, it is obvious that among the various substitutes which may be thought of, or which this Department has taken occasion to suggest in communications to the Committee of Ways and Means, some one must be selected, that can be made efficient in its operation, at a very early day, or it will be impracticable to preserve the national faith unbroken, and to avert the injuries with which the public service is threatened.

With great respect,

LEVI WOODBURY,

Secretary of the Treasury.

The CHAIR communicated a report from the War Department, made in compliance with the resolution of the Senate of the 13th March last, requiring various kinds of information in reference to the money belonging to the Indian tribes.

On motion of Mr. WHITE, it was laid on the table and ordered to be printed.

Mr. WEBSTER presented the resolutions of the Legislature of Massachusetts, on the subject of the northeastern boundary; which were laid on the table and ordered to be printed.

Messrs. WEBSTER, SMITH of Connecticut, MORRIS, and RUGGLES, severally presented petitions, remonstrating against the late Cherokee treaty; which were laid on the table.

Mr. BUCHANAN presented the memorial of the trustees of the University of Pennsylvania, asking Congress to grant a portion of the public domain to that institution, and to others of a similar character, for the purpose of promoting the cause of education. This memorial [said Mr. B.] states, and with perfect truth, "that while our country abounds in collegiate institutions, few, if any, possess those appendages which have rendered so illustrious and so perfect the institutions of older countries. Appropriate libraries, complete museums of natural science, extensive philosophical apparatus, in short, collections illustrative of the progress and attainments of science abroad, and furnishing the most perfect means of instruction at home, are yet wanting, and are not likely to be secured with the present defective means of our colleges."

The memorial was well calculated to attract public attention to this important subject. He therefore moved that it should be printed, and referred to the Committee on Public Lands; which was ordered accordingly.

Mr. YOUNG presented the remonstrance of sundry citizens of Wisconsin, against legalizing floats on certain tracts of land: referred to the Committee on Public Lands.

Mr. DAVIS, from the Committee on Commerce, made a report on the subject of light houses; which was, without reading, ordered to be printed.

Mr. RIVES gave notice that he would to-morrow ask leave to bring in a bill to reorganize the marine corps.

Mr. WILLIAMS gave notice that he would to-morrow ask leave to bring in a bill to provide for the survey of the North Eastern Boundary.

The bill for the erection of a hospital in the District of Columbia, came up on its third reading.

Mr. MORRIS opposed the bill chiefly on constitutional grounds. In the course of his remarks, he took occasion to say that retrocession was what the people of this District ought above all to advocate. He was aware of the position in which legislators stood here. If they opposed any measures of this kind, they are supposed to feel unfriendly to the interests of the District. He disavowed all such feeling, but said he should feel himself compelled to vote against any appropriation for local purposes, or those not immediately connected with Congress.

Mr. ROANE advocated the measure with much zeal and ability as having a tendency to aid the cause of humanity. He replied to the constitutional objections of Mr. MORRIS, and asked if Congress had not the same right to tax the people to establish a hospital in the District of Columbia, that it had to establish a United States arsenal at Old Point Comfort.

Mr. BUCHANAN felt as kindly feeling for the people of this district as any man, and expressed a willingness to serve them on all proper occasions. This, however, was not a proper time for appropriations for such purposes: he had just been told that the Treasury was nearly run aground; and were they, in the face of that fact, to borrow money for the purpose of building a hospital? Mr. B. did not know but he would be in favor of the bill were it not for that fact. It was from the same feeling that he was induced to vote against the appropriation for Michigan, and he was willing to place the District of Columbia on the some footing with Michigan.

Mr. B. said, in order to test the sense of the Senate in relation to the matter, he would move to postpone the bill until the first Monday in December next, and on that question he should demand the yeas and nays.

Mr. NORVELL said he did not rise to reply to the Senator from Pennsylvania, or to any thing connected with the bill; but he really could not resist the desire to thank him for the comparison he had so kindly instituted between the District of Columbia and the State of Michigan.

Mr. BUCHANAN said he hoped the honorable Senator was not offended with the remark; that Senator would be the last man, and Michigan was the *last* State, of which he would utter any thing disrespectful.

Nr. NORVELL, (laughingly,) as the gentleman has made the *amende honorable*, in the *latter* part of his remark, I must be satisfied.

Mr. CALHOUN avowed himself a silent listener to all the arguments offered on this occasion, and was constained to say that, in no view that he could take of it, could he permit himself to vote in favor of the measure. He thought it both wrong and inexpedient. He agreed fully with the views taken by the Senator from Ohio, [Mr. MORRIS,] as to its being contrary to the spirit of the Constitution, and besides he put no faith in the estimate of 30,000 dollars. We all knew when a public building was once commenced that it was never finished under five times the original estimate. Mr. C. concluded by wishing that the matter might be postponed, and, if brought up, that it would be ultimately rejected.

The question was then taken on Mr. BUCHANAN'S motion, and it was carried—yeas 23, nays 20, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Lyon, Morris, Nicholas, Niles, Robinson, Ruggles, Smith of Connecticut, Tipton, Wall, White, and Wright—23.

NAYS—Messrs. Clayton, Crittenden, Linn, Lumpkin, Merrick, Norvell, Prentiss, Preston, Rives, Roane, Robbins, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Trotter, Webster, Williams, and Young—20.

The bill to authorize the sale of certain bonds belonging to the United States was read the third time, and passed.

Mr. WALL, from the Committee on the Judiciary, reported a bill to prevent the forgery of Treasury Notes, and other securities of the United States; which was read, and ordered to a second reading.

Mr. W. from the same committee, reported, without amendment, the bill regulating writs of error in the courts of the United States.

On motion of Mr. MERRICK, who voted with the majority, the vote on indefinitely postponing the bill to increase the salaries of the district judges of the United States, was ordered to be reconsidered.

The bill to continue the corporate existence of the banks of the District of Columbia was then taken up.

Mr. BENTON avowed himself opposed to the extension of the charter of these banks for twenty years. He admitted something was due to these institutions, and he had drawn up a proposition extending to them time on certain conditions, which, when they should have been complied with, would enable them to present themselves with a better grace for an extension of their charters. They were to quit at once the shin-plaster work; to redeem their five dollar notes after the 4th of July; and, after a given time, resume in full, and cease to pay out the notes of non-specie-paying banks. In the proposition the Clerk had now read, he should move to strike out the enacting clause, and insert as follows:

That the charters of the Union Bank, and of the Farmers and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and the Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the fourth day of March, in the year eighteen hundred and thirty-nine: *Provided*, The said banks, each for itself, shall conform to the following conditions:

First. To cease receiving or paying out all paper currency of less denomination than five dollars, on or before the day of the promulgation of this act.

Second. To cease paying out the notes of non-specie paying banks, bankers, or corporations, on or before the fourth day of July, in the present year.

Third. To redeem all their notes of the denomination of five dollars in gold or silver, from and after the fourth day of July, in the present year.

Fourth. To resume specie payments in full, on or before the first Monday in December, of the present year.

Mr. ROANE spoke at some length against the amendment, and in favor of the bill as originally drafted, and which he was afraid at the time would have been considered too rigid.

Mr. HUBBARD thought it would be as well to repeal the charters at once as to pass that proviso. He did not think that any considerable portion of the Senate would be found to advocate such a measure. Mr. H. thought it would be as well to extend the charters of these banks during the pleasure of Congress. If then they did not do their duty to the community, their conduct would rise in judgment against them, and their charters could be at once repealed.

Mr. H. submitted the following, which he proposed to offer when in order:

That the existing charters of the Bank of Washington, Bank of the Metropolis, the Patriotic Bank of Washington, all in the city of Washington, and that the charter of the stockholders of the Farmers' and Mechanics' Bank, in the city of Georgetown, and that the charters of the stockholders of the Bank of Potomac, and of the stockholders of the Farmers' Bank of Alexandria, both in the city of Alexandria, shall be continued in full force and effect, after the fourth day of July next, during the pleasure of Congress, subject to any modification which may at any time hereafter be adopted, or subject to be at any time hereafter repealed by the legislation of Congress: *Provided*, That this act shall be of no effect, unless the corporations therein named shall resume specie payments for their circulation and other liabilities, on or before the first day of January next, or simultaneously with the banks of the cities of Baltimore and Richmond, should those banks resume at an earlier day.

Mr. GRUNDY was in favor of the principles in the amendment of the Senator from Missouri, though he thought it ought to be somewhat modified, being too rigid in the conditions imposed on the banks. These banks, he said, had all violated their charters, and he thought it a bad time to renew them while they were in open violation of law. But whenever they should resume payment, and act in accordance with the provisions of their charters, he would be for granting them new ones, with such conditions and restrictions as the wisdom of Congress might devise for the protection of the community. He could not now tell whether these banks

would eventually turn out to be sound and solvent, and he would therefore wait awhile, until they had an opportunity of giving some evidence of it. He believed the terms of the substitute proposed by the Senator from Missouri were too rigid. He did not know how far the banks could stand the payment of their five dollar notes, and to require them not to trade in the notes of the banks that did not pay specie, would be a hard provision, and perhaps destroy their business altogether. Under these circumstances, he would move that the whole subject be postponed for the purpose of giving it a sufficient examination, and in the mean time he wished the amendments of the Senators from Missouri and New Hampshire [Messrs. BENTON and HUBBARD] to be printed.

Mr. HUBBARD believed that the Bank of Washington was paying specie on all its notes. He was prepared to act on the bill now, but if it was the general sense of the Senate not to act on it at this time, he was willing to lay it on the table, or, by passing his substitute, leave the banks in their present situation until Congress thought proper to act definitively with regard to them. He would observe, however, that it was not his intention to press his substitute without the approbation of the committee who reported the bill.

Mr. TIPTON was opposed to the motion of the Senator from Tennessee to postpone the bill. The bill was a very important one in regard to the business of the District of Columbia—it had been prepared with great care by the committee, and was supposed, by its friends, to be as liberal a proposition as the Senate would be willing to pass. The Senator from New Hampshire, supposing that the Senate would not be willing to come up to this measure, proposed to charter these banks during the pleasure of Congress; and they had been told that too much of the session had gone by to act on the subject. This he could not agree to, for repeated examinations had been made of the affairs of these banks, and their condition was sufficiently understood to act with regard to them at once. If they postponed the subject further, what would the people of this District have to hope for? Their situation was bad enough now, and further suspense would make it worse. Every one acquainted with the business of banking knew that, for the last twenty years, the conduct of many of them had been bad enough, yet it was not just, because some of them had done wrong, to denounce the whole of them—the good as well as the bad. One of the banks of this District (the Bank of Washington) was, as the Senator from New Hampshire informed them, already paying specie, and, therefore, there ought to be no difficulty with regard to that institution. If there was a bank that had conducted itself improperly, he was for investigating its conduct, and for treating it accordingly; but the banks whose conduct was good, certainly deserved some credit. He hoped the round and sweeping denunciations of gentlemen against all the banks would not have any weight on the Senator. He was against all postponement, and he wished to hear all that could be said on both sides of the question, and particularly he wished to hear the views of those gentlemen who were opposed to the banks.

Mr. BENTON repudiated the idea that the Bank of Washington could be denominated a specie paying bank. It was better to let them know at once that Senators in their characters of legislators were not to be bamboozled by such representations. He had been in this city for five or six months, and had never seen a note of that bank in circulation, nor did he know any of his friends that had. What he understood by specie paying banks, were those institutions that had circulation, and redeemed that circulation when called on: was it the case in the instance alluded to? He thought that bank more culpable than any of the others, because it acted as a kind of conductor through which the trash in the shape of money from abroad was foisted upon the people, while that bank was called a specie paying bank. Mr. B. expressed his readiness to meet this question at any time, and said he was prepared to show that the banking business of this country as it was transacted, was fraught with danger to the community. That all the sympathies of Congress seemed in favor of banks, while the community were never thought of in the matter. His [Mr. B's] sympathies were for the community, and he would endeavor to defend that interest from the machinations of all banks that did not redeem their notes at the will of the holder.

Mr. TIPTON observed that the Senator from Missouri and himself differed very widely in their opinions on the subjects of banks and banking. The Bank of Washington, which redeemed its notes in specie, the Senator looked upon as the very worst of all banks, and at the same time was very strong in his denunciations of the banks that did not pay. Now he [Mr. T.] did not understand this. He looked with as much abhorrence on the excessive issues of banks, and an irredeemable currency, as the Senator from Missouri did; but it did not seem to him that the banks of this District were liable to censure on this score. He did not, however, justify the banks for the violation of their charters, but thought that their conduct was bad enough. He was for continuing the charters of the banks of the District of Columbia, and of all other banks that resume specie payments and continue payment in good faith; and if these banks should resume simultaneously with the banks of Philadelphia and Baltimore, he would be satisfied. This was all he contended for, and he hoped the Senate would not give the question the go-by.

After some remarks from Messrs. GRUNDY, HUBBARD, NILES, and ROANE,

Mr. DAVIS was opposed to the postponement for very obvious reasons. Congress had caused investigation after investigation into the affairs of these banks, and therefore they could not obtain additional information by any further delay. All these investigations had resulted much to the credit of the District banks. It was now said that they were not prepared to act, and a sort of rod in pickle was kept in store for these banks, which, in his judgment operated injuriously on them, and consequently, on the community. At the extra session, a bill was brought in to repeal their charters, provided they did not resume payment in sixty days, the effect of which was to stop their discounts, and injure materially the business of the District. And just so long as this subject was kept in agitation, and the charters of these banks in a state of suspense, this state of things must necessarily exist, to the great injury of the people of this District. The Senator from Missouri condemned strongly the conduct of the specie-paying banks, as well as the conduct of those that did not pay, and therefore it would be perfectly vain for them to hope to gain the approbation of gentlemen who used such arguments. Again: it was urged that there was no time specified in the bill by which it was made imperative on these banks to resume. Now he apprehended such was not the fact, for the bill provided that when the banks of Richmond and Baltimore resumed, these banks should also resume, or forfeit their charters. If they compelled the District bands to resume before the above named banks did, they must necessarily cease to transact business, or transact it at a loss.

Mr. BENTON apprehended that the Senrtor from Massachusetts did not hear his remarks, otherwise he would not have represented him as opposed to a bank paying specie. The bank of which he [Mr. B.] spoke purported to pay specie for its notes, while it had not a dollar in circulation. This was an assumption which had no foundation.

Mr. DAVIS said the gentleman from Missouri was correct in the explanation of the purport of his remarks, and he so understood him at the time. He agreed, too, with the Senator, that a bank which purported to pay specie on demand while it had no circulation, was a sort of a humbug.

Mr. BENTON. Yes, sir, a perfect humbug.

Mr. BUCHANAN thought himself that this was an appropriate time to act on the subject one way or the other; but as it was after four o'clock, and as he should like to examine into the principles not only of the bill, but of the two substitutes proposed by the Senators from Missouri and New Hampshire, he thought it better to lay the subject over informally until to-morrow, and proceed then to the consideration of Executive business, of which there was some on the table that ought to be attended to speedily.

On motion of Mr. BUCHANAN, the Senate went into the consideration of Executive business; after which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, May 11, 1838.

Mr. BOULDIN called the attention of the House to an error in the list of votes in the morning papers, and in the vote book of the House, which he was well assured, was accidental. He was represented to have voted on the duelling propositions yesterday, whereas he was temporarily out out of his seat when those votes were taken. He took that opportunity to say, that had he been present, should have voted *against* laying the subject on the table, and in *favor* of the printing.

The error was ordered to be corrected by the Clerk.

INTERNAL IMPROVEMENTS.

Mr. WILLIAMS of North Carolina asked leave to offer the following resolutions, which were received:

Resolved, That the President of the United States be requested to cause to be furnished for the information of this House, the names of Topographical and Assistant Topographical Engineers who, during any time in 1837, have been employed on civil works of internal improvement; distinguishing first such works as may be required to be executed by the General Government pursuant to acts of Congress; second, such civil works as may be prosecuted by the State Governments, or under the authority of incorporated companies, specifying under each class the description and location of each particular work.

Resolved, That the President of the United States be requested to cause to be furnished for the information of this House, a statement in such form as will exhibit at one view the sums expended in 1837 on the several objects of internal improvement, specifying the description, use, and location of each work; in what State or Territory situated; the amount expended on each object; the name of the officer, superintendent, or agent employed; the amount of compensation of every description allowed him; whether an officer of any corps of the army, or a civilian; if the latter, specify his profession and avocation, and when employed by the Government.

Resolved, That the President of the United States be requested to cause to be furnished, for the information of this House, the names of the Topographical Engineers who have been serving with the army in Florida during the recent campaign. Also, the names of such officers of that corps as may have been employed, or are intended to be employed, the ensuing season, on any civil works of internal improvement, specifying the description and location of each work; distinguishing, also, such as may be under the direction of the General Government from those prosecuted by the States or by incorporated companies.

Resolved, That the President of the United States be requested to cause to be furnished, for the information of this House, the names of all Civil Engineers and superintendents or agents now employed, or intended to be employed in 1838, on civil works of internal improvement of any kind whatever, specifying the description and location of each work, and in what State or Territory situated; the amount contemplated to be expended on each object; the amount or rate of compensation allowed, or to be allowed, to each civil engineer, superintendent, or agent; and if compensation be allowed at this time, state when the pay commenced, the funds from which drawn, and whether the rates be a per diem or a per annum.

The resolutions, under the rule, lie over one day for consideration.

Mr. GRAVES moved to print 20,000 extra copies of the testimony and journal of the Select Committee of Investigation on the late duel; which was agreed to.

Mr. CRAIG asked leave to present a petition or resolution for a post route; but it was objected to.

INDIAN ANNUITIES.

Mr. PENNYBACKER asked leave to offer the following resolution, which was agreed to:

Resolved, That the Secretary of War be directed to inform this House if the annuities engaged to be paid by the United States (in specie) to the Ottoway and Chippewa nation of Indians by the 4th section of the treaty concluded between the said United States and the said nation of Indians, on the 28th day of March, 1836, have been paid; and if paid, whether they were paid in specie or not; and if not paid, the reasons why; and that he be furthermore directed to communicate to the House any information that he may possess in regard to the purchase by the agent of the Government, for the use of the Indians, large quantities of goods from Suydham, Jackson and Co. of the city of New York; the qualities and prices of the goods so purchased; whether good, and at reasonable prices; and the kind of money, and the manner in which they were paid for by the Government; and whether any of the said goods are on the hands of the Government, and where.

Mr. FAIRFIELD asked leave to submit a motion to print 20,000 extra copies of the reports of the majority and minority on the subject of the late duel.

Objection being made—

Mr. FAIRFIELD moved a suspension of the rule, and asked for the yeas and nays.

Mr. GRAVES explained that he had intended to embrace the reports in his motion.

The CHAIR said he would so consider it, unless it was objected to.

Objection was made; whereupon,

Mr. BOON and Mr. FAIRFIELD simultaneously moved a reconsideration of the vote by which the other motion prevailed; which was agreed to.

Mr. GRAVES then submitted a motion to print 20,000 copies of the journal and evidence alone.

Mr. FAIRFIELD moved an amendment, to add an equal number of the reports.

Mr. CAMPBELL, of South Carolina, objected to the latter on the ground that it would be unjust to the parties implicated, though, if the gentleman from Kentucky choose to waive it, he would not object.

Mr. PARKER, of New York, was in favor of the amendment, and he could not agree with the gentleman from South Carolina [Mr. CAMPBELL] that there was to be no trial of those implicated. A majority could take up the subject at any time, and he should insist on proceeding with it as soon as one or two of the most urgent public bills were disposed of. As to the charge that the report of the majority was an argument against the members implicated, we should not forget that it would be accompanied by the minority report, which might, with equal propriety, be considered an argument in their defence.

Mr. WHITTLESEY of Ohio said, that as he had never voted to print a larger number of any document than ten thousand copies, he moved to reduce the number to that now.

Mr. HARLAN inquired of the gentleman from Maine whether he had any knowledge of a large edition of the report of the majority having been already published?

Mr. FAIRFIELD did not recognise the gentleman's right to propound such a question to him, but still he would respond to it. He did understand that an edition had been published, and he himself had subscribed for several hundred copies, to send home to his constituents, and if it had been in his power, should have subscribed for as many thousands.

Mr. HOPKINS moved to lay the whole subject on the table.

Mr. BOON called for the yeas and nays; which were ordered, and were—yeas 57, nays 119.

So the House refused to lay the subject on the table, and the question recurring upon Mr. WHITTLESEY's amendment to substitute "ten" for "twenty" thousand copies, with the amendment of Mr. FAIRFIELD to print the reports—

Mr. MASON of Ohio, objected to the publication of the report of the majority, because it was partial, presented a one-sided view of the subject, and, instead of summing up the evidence, in a fair and impartial manner, between the parties, had aggravated the guilt of one side and mitigated that of the other. Mr. M. was proceeding to discuss the merits of the report, when he was arrested by the CHAIR as not being in order.

Mr. M. remarked that, as the "Globe" of this morning stated they had been twenty days discussing a subject without going into its merits, he hoped he might have been permitted now to touch upon the merits a little. He did not desire to travel out of the report itself, but upon the face of that document to show that it did manifest injustice to some of the parties. Mr. M. cited that part of it setting forth that the proposition to shorten the distance was an aggravation, whereas the parties were fighting at a distance of twelve yards farther than was originally agreed upon by Mr. CILLEY himself, and there was no evidence to show that the distance was proposed to be shortened less than the original eighty yards. Moreover, in speaking of Mr. CILLEY, the report dealt throughout in superlatives, by speaking of his high character, noble bearing, and fine feeling, whereas nothing of that kind was said of the others.

He also objected to the printing, in the conviction that it would produce no good, produce no moral result, and in no way be calculated to effect that end which should have been the sole object of the committee. It was more like an electioneering document than any thing else, endeavoring to prove one party flagrantly guilty, and the other purely innocent. Upon a further ground he also objected to the printing: that a large edition had already been privately printed and circulated from one end of the country to the other; and there was thence the less necessity for printing another large edition of the same document.

At this stage, the hour for morning business having expired—

Mr. CAMBRELENG called for the orders of the day.

Mr. WHITTLESEY of Ohio, suggested to the gentleman to waive the motion for a time to give the committees an opportunity of reporting.

Mr. CAMBRELENG assented, with the understanding that, as soon as this business was gone through, his motion would be agreed to.

Reports from committees were then called for.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of Garrett Vliet.

Also, a bill for the relief of E. H. Williams, administrator of Dr. Hazel W. Cranch.

Also, a resolution referring the claim of Elijah S. Bell to the adjudication of the Secretary of War.

Mr. STUART, from the same committee, reported the following resolution, which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of John Somerville, and that the same be referred to the Third Auditor for adjustment.

Mr. S. from the same committee, made unfavorable reports on sundry petitions for claims.

NEW HARBORS AND SURVEYS.

Mr. CURTIS, from the Committee on Commerce, reported a bill making appropriations for certain harbors, and surveys for certain harbors, therein mentioned, for the year 1838.

WISCONSIN LANDS.

Mr. CASEY, from the Committee on Public Lands, reported a bill to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river.

Also, a bill in regard to the town of Southport, in the Territory of Wisconsin.

Also, without amendment, Senate bill for the relief of James Dutton.

RIGHTS OF WAY.

Mr. BOON, from the same committee, reported, without amendment, Senate bill to grant to the States and incorporated companies engaged in the construction of roads and canals, the right of way through the public lands of the United States.

TENNESSEE LAND BILL.

Mr. SHIELDS gave notice that on Thursday next, he should call up the Tennessee land bill.

Mr. CALHOUN of Kentucky, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Richard Hendley.

Mr. TALIAFERRO, from the Committee on Revolutionary Claims, reported, with an amendment, Senate bill for the relief of the legal representatives of Samuel Y. Keene.

Also, the following Senate bills, with an amendment to each:

Bill for the relief of the heirs of Dr. Gustavus Horney, deceased, late surgeon's mate in the Revolutionary army.

Bill for the relief of the heirs of William Cogswell.

Bill for the relief of the heirs of Isaac Bronson.

Bill for the relief of the heirs of William Ramsay.

Bill for the relief of the heirs of Francis L. Goodwin

Mr. T. also reported a bill for the relief of the legal representatives of James Madison.

Also, a bill for the relief of the heirs of George Yates.

Also, a bill for the relief of the heirs of Joseph Savage.

Also, a bill for the relief of the legal representatives of John Towns, deceased.

Mr. CRAIG, from the same committee, reported a bill for the relief of the legal representatives of Abner Prior.

Also, with an amendment, Senate bill for the relief of the heirs and representatives of William Jones, deceased, late of the State of Maryland.

Also, Senate bill for the relief of the legal representatives of John Brooks, deceased, with a recommendation that it do not pass.

Mr. HARLAN, from the Committee on Private Land Claims, reported a bill for the relief of James Maxwell of Pennsylvania.

MULBERRY AND SUGAR BEET.

Mr. DEBERRY, from the Committee on Agriculture, reported a resolution to authorize the printing of 5,000 extra copies of the report of that committee on the cultivation of the mulberry and sugar beet, which was concurred in.

Mr. PENNYBACKER, from the Committee on Indian Affairs, reported Senate bill for the relief of Michael Ambrister, with a recommendation to strike out all after the enacting clause, and substitute the House bill for the same object.

PENSION FRAUDS.

Mr. McKAY, from the Committee on Military Affairs, reported a bill to extend the acts for the punishment of pension frauds.

Mr. McKAY reported the following resolution, which was concurred in:

Resolved, That the map of the seat of war in Florida, prepared in the Topographical Bureau, be reduced, and printed for the use of Congress.

MILITIA REORGANIZATION.

Mr. WAGENER, from the Committee on the Militia, reported a bill more effectually to provide for the national defence by establishing a uniform militia throughout the United States, accompanied with a report: referred to the Committee of the Whole on the state of the Union, and the bill and report ordered to be printed.

Mr. LINCOLN moved to print 20,000 extra copies; which motion lies over.

PHILADELPHIA DRY DOCK.

Mr. PAYNTER, from the Committee on Naval Affairs, reported a bill making an appropriation for the building of a dry dock at Philadelphia.

Mr. LEGARE, from the Committee on Foreign Affairs, reported, without amendment, Senate bill for the relief of Thomas Sumpter.

Mr. BRONSON, from the Committee on the Territories, reported a resolution proposing to set apart the 22d and 23d of this month for the consideration of bills on the Territories.

Mr. CAMBRELENG expressed a hope that in the present state of the public business, no special order would be adopted.

Mr. BRONSON had no objection to a more distant day; and he moved, therefore, to insert the 29th and 30th, which was agreed to.

The resolution, however, was rejected.

WISCONSIN AND FLORIDA.

Mr. BRONSON, from the same committee, reported a bill to enable the people of East Winconsih to form a Constitution and State Government, and to admit such State into the Union.

Also, a bill to authorize the people of Florida to to form a Constitution and State Government, and to provide for the admission of said State into the Union.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Smith.

Mr. WILLIAMS, of Kentucky, from the Committee on Invalid Pensions, reported a bill for the relief of John Keller.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Benjamin Durkee, of Massachusetts.

Mr. CHILDS, from the same committee, reported a bill granting a pension to Elijah Foochee.

Mr. McCLELLAN of New York, from the Committee on Invalid Pensions, reported a bill for the relief of Elam Higley.

Mr. SIBLEY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Elizabeth Durant, widow of Thomas Durant.

Also, a bill granting a pension to James Thayer.

Mr. ALLEN of Vermont, from the Committee on Invalid Pensions, reported a bill for the relief of Jared Winslow.

Mr. BIRDSALL, from the Committee on Revolutionary Claims, to which was referred the memorial of Mary Gordon and Elizabeth Gordon, heirs of Captain John Gordon, deceased, praying commutation pay, asked to be discharged from the further consideration of the same, and that it lie on the table: agreed to.

Mr. HARPER, from the same committee, made an unfavorable report on the petition of the heirs of Henry D. Purcell.

Mr. MENEFEE, from the Committee on Patents, reported, without amendment, Senate bill authorizing the issue of patents to certain persons therein named; which was ordered to a third reading to-morrow.

Mr. RUSSELL, from the Committee of Claims, reported, without amendment, Senate bill for the relief of Charles M. Keller and Henry Stone.

Mr. GARLAND of Louisiana moved the printing of the map of the Sabine river; which was agreed to.

Mr. CUSHING gave notice that he would, at an early day, move to commit the President's message on the subject of the Northwestern Territory of the United States, to the Committee on Foreign Affairs, with instructions to inquire into the expediency of establishing a post on the river Columbia, for the defence and occupation of the territory of the United States watered by said river; and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign powers with the Indians of the United States.

Mr. CAMBRELENG then moved that the House go into committee of the Whole on the state of the Union; which was agreed to, and the House accordingly went into committee, Mr. INGHAM in the chair.

TREASURY NOTES.

On motion of Mr. CAMBRELENG, the committee took up the following bill.

A BILL to carry into effect an act approved the twelfth day of October, eighteen hundred and thirty-seven, "to authorize the issuing of Treasury notes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions of an act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled.

Mr. CAMBRELENG congratulated the committee on the resumption of its labors after so long an interval. The delay was unfortunate. It had been not only embarrassing to the Treasury, but highly injurious to the public creditors, and to all in any manner connected with the public service. It is an extraordinary occurrence, that a Government, whose actual resources, in proportion to its annual receipts and expenditures, were more ample than those of any other Government, should, by mere delay in legislation, be unable to discharge its obligations for current expenditures.

All that the Treasury requires is the full benefit of the act of the 12th October, as is proposed by the bill under consideration. That act authorized an issue of ten millions of Treasury notes, redeemable in twelve months from the date when issued, for the purpose of enabling the Government to collect, in the mean time, an equal amount which was receivable in 1838 from our banks and merchants. Had these Treasury notes been redeemed after the expiration of the twelve months, that is, between October, 1838 and June, 1839, the Treasury would have been able to meet all its engagements without any other financial measure. They were, however, made receivable for customs and lands, and about five millions and a half had been already paid into the Treasury and cancelled. It becomes necessary, therefore, in order to secure to the Treasury the benefit of the October act, to authorize an issue of Treasury notes equal to the amount paid into the Treasury and cancelled prior to the period fixed for their redemption. This was the extent of the aid the committee proposed, notwithstanding the impression here and the misrepresentations abroad, that twenty millions would be required.

We have heard much sir here and elsewhere about a bankrupt Treasury, loans and a public debt. Such statements and anticipations are without foundation. Were it otherwise, I trust the bankruptcy of our Treasury, and the prospect of a public debt, would not be subjects of rejoicing to any gentleman. What, sir, was the origin of these Treasury notes, about which so much has been said? The country was in the midst of a commercial revulsion, and Congress assembled for the purpose of exercising all its constitutional powers, through its financial measures, to relieve trade as far as it was practicable. There was no bankruptcy of the Treasury. The resources of the Government were ample, but the public creditors were unable to meet their engagements. We had extended the credit to the Bank of the United States to one, two, and three years, and were about to postpone the payment of our custom-house bonds to twelve and fifteen months, and the debt of the deposite banks still longer. Thus twenty millions of dollars of the revenue of 1837, and previous years, were postponed to 1838, '39, and '40. To grant this indulgence, it was necessary to make a temporary use of our credit for one-half the amount of our existing resources. Such was the origin of the Treasury note act of October.

The present embarrassment of the Treasury does not arise from any deficiency of resources, but from the mode of executing the act of October. The rate of interest on the notes was discretionary with the President, not exceeding six per cent. per annum. Had he directed none to be issued under six per cent. most of them would have been taken up by capitalists or remitted abroad, the Treasury would have been protected, and no supplementary act would have been necessary. But there existed a suspension of specie payments, a derangement of exchanges, and severe commercial embarrassment. The immediate interest of the Treasury was deemed subordinate to the general interests of the country. These interests were consulted by furnishing the public debtors with an additional medium of payment, and different sections of the Union with facilities of exchange. Nearly two millions were issued at a nominal rate of interest, nearly three at two per cent. and over four millions at five per cent. They were consequently paid into the Treasury nine months before they were due; and this is the origin of its temporary embarrassment.

There is nothing, sir, in the past or present condition of the Treasury, nor in the prospect ahead, to warrant this charge of bankruptcy, or to authorize a public debt. In October last, although we had drawn eight-and-twenty millions from the Federal Treasury and transferred it to the States, we had still due us six millions from the United States Bank, eight millions from the deposite banks, and six millions from our merchants, making twenty millions. In January last, with little more than two millions of our credit outstanding, we had due us and in the Treasury eighteen millions; and at this moment, if the debts due us from our banks and merchants, arising from the revenue of former years, were paid, we should have a balance of fifteen millions in the Treasury, even after paying off five millions and a half of Treasury notes.

The resources of the year, too, are sufficient to meet every demand upon the Treasury for ordinary and extraordinary purposes, if the act of October is carried into effect. On the 1st of January we had half a million in the Treasury. The Treasury notes not then issued amounted to seven millions. The amount receivable from merchants and banks in 1838 is about ten millions, and if the revenue from customs and lands should amount to fifteen millions and a half, (being three millions less than the estimate of the Secretary of the Treasury,) the aggregate resources of the year would be thirty-three millions of dollars. In a long session the appropriations are made at a late period. It is not, therefore, probable that the demands upon the Treasury, during the year, will exceed thirty-one millions.

Should, however, the resources of the year fall below the foregoing estimate, or the demands upon the Treasury exceed even thirty-three millions, we should still not be justified in resorting to a loan while we have a reserved fund of seven millions and a half due us in 1839 and '40 from the deposit banks and the Bank of the United States.

As to the prospect of our future revenue every thing is encouraging. Confidence and trade are evidently reviving. We must not anticipate years of stagnation because such succeeded the revulsion of 1819. There is no resemblance whatever between the condition of the country in 1815 and 1835. At the former period we had passed through eight years of commercial restrictions and war. Millions of capital had been suddenly transferred to new channels. Confidence had been destroyed and trade impoverished for years. Such was our condition in 1815, when we suddenly commenced a wild career of speculation, which was continued through 1816 and '17, and arrested in 1818. The revulsion of 1819 prostrated all classes and trades, and paralyzed every section of the country. But such was not our condition in 1835, when the speculations of that and the following year commenced. These were founded on a vast and solid capital, the accumulations of twenty years of peace and prosperity. The revulsion of 1837 overwhelmed trade, but there never was a period when the country possessed more substantial wealth, or enjoyed more general prosperity. Some cities in the Union, where they have attempted to postpone the payment of the debts, may yet suffer, but in the present prosperous condition of the country trade must soon revive.

There are other and gratifying evidences of a restoration of confidence and a revival of trade. Our northern banks have resumed specie payments earlier than was anticipated twelve months ago, and much earlier than they would have done had this Administration yielded to the demands of trade. We can now, sir, look back calmly upon the events of the past year, and judge the conduct of all parties. The time is rapidly approaching, when intelligent and candid men will do justice to this Administration, for its firmness in rejecting the counsels of fear, and in disregarding the denunciations of phrenzy—for its elevated patriotism in sacrificing temporary popularity to preserve the supremacy of the laws and the permanent welfare of the Union. Had the President faltered for one moment—had he imitated the timid and temporizing policy of some of our State Governments—had he adopted the suggestions of some of the *statesmen* of both houses of Congress—had he yielded one inch of constitutional ground, violated the laws, and sanctioned the collection of the revenue in

depreciated State bank paper—who could have anticipated the period when the banks of any State in the Union could have resumed specie payments? The firmness and wisdom of the Executive have saved us from years of embarrassment, and from a precedent which would have proved equally fatal to our currency and destructive of all integrity among men. The country will do justice to all who disregard considerations of popularity when called upon to discharge the highest of constitutional duties.

This resumption, sir, is powerfully sustained, and our northern banks have nothing to fear. At no former period have our foreign exchanges and currency been so well fortified. They are strongly sustained by an annually increasing export of cotton, and a tide of emigration to this continent. Latterly the stocks and bonds of every kind transmitted abroad for investment, form what is equivalent to a heavy item in our export trade. But a collateral aid, of no ordinary power, has suddenly fortified the banks in their resolution to resume specie payments. The troubles in Canada, the establishment of a Vice Royalty, and the introduction of a British army to sustain it, must sensibly affect our foreign exchanges, as they have done already. This is no temporary aid. The Government now established in Canada may be considered as permanent, while Great Britain holds her Northern possessions, and such a Government can only be supported at an expense of many millions annually. All these causes combined must create a heavy draft upon Great Britain for merchandise and specie. The latter is protected by our coin law of 1834, which encourages the importation of European gold, and tends to secure its circulation in this country. All the banks in the Union may now resume with safety, except the Southwestern. These will not resume till it ceases to be the interest of the cotton-speculating-banks to depreciate the currencies of Alabama, Mississippi, and Louisiana.

But among the most encouraging events of the day, is that great reform measure—the free banking law of New York. The passage of that act ought to be a subject of general congratulation; for whatever animates the centre, must give an impulse to every part of our commercial system. The union which has so long existed—the mutually embarrassing and corrupting union—between banking and legislation, is dissolved, and, I trust, forever. The question is not entirely settled. Whether paper, when substituted for the current coin of the country, is a public or private concern, is a question which remains to be adjusted hereafter. It would have been well, too, had these associations been founded on unlimited responsibility. But the great commercial point is gained. It is now the legitimate office of trade, and not the officious province of Government, to regulate the amount of capital which trade may deem it expedient at any time to employ in the business of banking. This simple and just proposition has been wisely appreciated, and successfully acted upon, for more than a century in Scotland. It was introduced into England in 1826, and must eventually become the policy of every enlightened Government.

The free banking law of New York must not only affect sensibly the trade of the Union, but operate more powerfully than all our legislative experiments, State or Federal, upon the exchanges, and local currencies of the States. Trade, which can alone regulate exchanges, has been chained down by restrictions at the centre of its power and of our circulations. New York has been, from the commencement of our Government, the victim of unjust and oppressive legislation, State and Federal. This Government has made two experiments—in 1791 and in 1816—to create an artificial centre of trade and circulation. It has attempted by the mere power of law to place the commercial metropolis of the Union—the natural centre and regulator of its exchanges and commercial system—under the control and direction of a Federal banker-general. While we were thus treated by the Federal Government, our own State Government denied us even the humble privilege of defending ourselves. We were not permitted to exercise our natural right to regulate the amount of our banking capital. The State Government usurped this office, and we were only allowed to employ about one-fifth of the amount necessary to sustain our own credit, and the exchanges of the Union. When our periodical revulsions came, the pressure of our credits did not fall upon the point selected by the Federal Government, but the whole commercial system of the United States pressed upon New York, the natural centre of exchanges. We had no banking capital adequate to the pressure, and trade was prostrated. We are now free. Banking will hereafter keep pace with and regulate all other trades; and increase in a ratio to the accumulation of wealth, and enlargement of commercial credit. Prepared at the natural centre of trade with a broad foundation of banking capital, we shall be ready to receive the pressure of commercial credit, and to moderate the shock of every revulsion. We need no chartered regulator State or Federal. Our own banking law, the perpetual charter of free trade, is all we require to bid defiance to all hostility, protect ourselves, and regulate exchanges. It is for our interest and the interest of the country that the Federal Government should never again unite banking with legislation, and that it should confine itself to its constitutional duty of regulating the coinage, and preserving a broad and solid basis for the local currencies of our confederacy.

With such evidences of a revival of confidence, and trade, and an increase of revenue, and with outstanding resources more than equal to any amount we now require, we are not authorized to resort to loans, or to make any other than a temporary use of our credit, by carrying into effect the Treasury note act of October last. As to the sale of the two bonds of the Bank of the United States, even if practicable at all to dispose of bonds of the denomination of two millions each, it would not answer the purpose of this bill; nor, at this time, afford any relief whatever to the Treasury. The Treasury will have collected a sufficient amount of its postponed debts to pay off all the Treasury notes, before the amount could be realized from the sale of these bonds. That proposition is not designed, however, to interfere with this bill; for it is admitted not to be the measure the Treasury now requires. Should such sale be authorized and effected, it will, however, so far diminish the amount of Treasury notes to be issued.

The measure proposed is the only one applicable to the actual condition of the Treasury. I am aware of, and justly appreciate, the general objections to Treasury notes. I concur with gentlemen, that where there is a deficiency of resources, Treasury notes ought not to be substituted for a direct loan. We are not, however, in that condition, and are not, therefore, justified in creating a public debt. Treasury notes of no denomination should be issued to raise money, when there are no immediate resources existing to redeem them. They never should be issued of small denomination to circulate as currency. These notes are not designed for either of these purposes. We have resources in hand to redeem them, and notes of fifty dollars and upwards cannot interfere with the circulation of our current coin.

Our case, sir, is simply this: we are to receive before the close of the year a sufficient amount from the banks and the merchants to redeem all the notes we may authorize, and we propose to make a temporary use of our credit to avoid the necessity of a loan, for which we have no occasion whatever. We only ask the benefit of the Treasury Note act of October last. Upon a question of such obvious expediency, I shall no longer detain the committee.

Mr. CUSHING said he rejoiced to perceive that trade was reviving, and that the banks were resuming specie payments; and he deprecated the action of any banks to resist the resumption of specie payments for political or other purposes. He referred to the observation of Mr. CAMBRELENG that the measures of the Government had produced this effect, and inquired what the Government had done to promote a revival of trade, or to aid or encourage the banks to resume the payment of specie. He said that after the Government had found itself in a deplorable minority, the gentleman from Ohio, [Mr. HAMER,] had offered a resolution declaring that the Government would give aid to such banks as should resume. He [Mr. C.] had offered a similar resolution, but both had been rejected by the votes of the friends of the Administration.

He referred to the action of the State of New York, and especially to the private banking act of that State, and contended that the final effect was doubtful. The measure might be prosperous—he hoped it would; but it might be adverse, and no one could yet tell which; and he argued, that the private banking act, so far from being a separation of the banks and the Government, was entirely the reverse. The Comptroller was authorized to issue Government bank notes to the private banking corporations, upon a pledge of security to the State for their redemption; and if the banking company failed to redeem them, the Government undertook to do it, out of the securities placed in their hands; and that act constituted the Comptroller the greatest banker and the greatest Government banker he had ever known. The Comptroller was allowed to issue these notes of the State, to the amount of millions, under his own sole control, and and he considered the act a reunion, a remarriage, under the strictest matrimonial bands, between Government and banks. He referred to two bills heretofore reported for the issuing of Treasury notes, and expressed a desire to know what was to be done with them. One of them was intended to authorize what he called loan certificates, payable at a future day, and, while they could be issued as a legal tender to public creditors, they would be refused in payment of duties and for the public lands, which might, at the same time, be exacted, and, in fact, collected in specie.

Mr. CAMBRELENG said these bills had been recommitted and abandoned by the committee as not necessary in the present state of the country. The committee had come to the conclusion that the bill before the committee was all that the exigency now required.

Mr. CUSHING said he was glad to be informed of that fact; and then went on to comment upon the remark that the present bill was simple. He said it was simple, and that was an objectionable feature. Some things, in appearance simple, were found in their operation to be exceedingly complex. The Secretary of the Treasury was to be authorized to issue ten millions of Treasury notes, and he could not understand under what limitations or restrictions. He wished the bill to be explicit and guarded, that he might be able to understand the limits of the power of the Treasury. He contended that the measure proposed had always been considered of a doubtful and dangerous character by all the friends of democratic institutions, and that Madison and others had always been opposed to issues of Government paper, founded not on funds or specie, but upon faith or credit, and only consented to its expediency in remarkable exigencies. He considered that the notes would be a currency, as much as bank notes. They would be issued to pass from hand to hand, in the payment of debts, and would, in effect, be money, and would enter into the system of exchanges. But he objected to such issues, because they would always tend to depreciate. Experience had shown that whatever interest they might bear, whether one mill or six per cent. they would not be above the value of the notes of good banks. These notes would be useful in the payment of duties; and so were notes of specie-paying banks, which would be equally as valuable. The interest, he contended, would not enhance their value. He had also doubts whether the Government had the constitutional right to issue bills of credit; for he maintained that these Treasury notes were bills of credit. They were not a loan, but only an issue of paper, founded on nothing but the faith and credit of the Government, against which the constitutional objection holds good.

Mr. C. said he was not prepared to decide that this was not the best expedient in the exigency of the times. He wished for information, and trusted it would be given to him in the course of the debate. But there were other plans to relieve the Government from its pecuniary embarrassment; and he alluded to the proposition to sell the bonds

of the United States Bank, which, he said, would yield four millions of dollars, and would fill up the gap in the resources of the Treasury, which would render it unnecessary to recur to the doubtful and dangerous expedient now under consideration. He concluded by again protesting against assuming to the Government the credit of the returning prosperity of the country, which was no more attributable to them than the rise of the tides or the revolutions of the planets.

Mr. THOMPSON, of South Carolina, spoke at length in relation to the unconstitutionality and inexpediency of the measure, which he considered of an infinitely prejudicial and injurious tendency. He explained the nature of bills of credit, and contended that these notes were bills of credit; and that, if they were in conformity with the Constitution, every State Government might issue similar notes. He intimated a proposition, which he said he should not move, but if it could be done by the friends of the Administration, he would pledge himself and many of his friends to vote for it; that was, if the Government was suffering from pecuniary embarrassment, to make a loan, directly and properly, in England or Germany, if it could not not be done in this country in the notes of specie-paying banks; and he went at length into a consideration of many commercial and financial subjects.

Before Mr. T. had concluded, he gave way to

Mr. UNDERWOOD, who moved that the committee rise, which was agreed to—55 to 53; and the committee rose and reported.

Mr. BRIGGS moved an adjournment.

Mr. PETRIKIN called for the yeas and nays, which were ordered.

Mr. HAYNES moved a call of the House, but the first motion taking precedence was taken, and decided in the affirmative—yeas 71, nays 69;

And so the House adjourned.

IN SENATE,

FRIDAY, May 11, 1838.

Mr. PIERCE presented a memorial from Amherst, New Hampshire, signed by 41 citizens of that town, whom he said he knew to be persons of intelligence and respectability, remonstrating against the execution of the late Cherokee treaty: laid on the table.

Messrs. MORRIS, NILES, SOUTHARD and DAVIS also presented memorials on the same subject, which were disposed of in a like manner.

Mr. DAVIS presented the resolutions of the Legislature of Massachusetts, in opposition to the annexation of Texas to the Union; which were laid on the table.

Mr. MERRICK presented the petition of Mrs. Ann Prettyman, of Baltimore, praying for a pension in consideration of the military services of her late husband during the last war with Great Britain: referred to the Committee on Pensions.

Mr. PRESTON presented the petition of sundry citizens of South Carolina, praying for the establishment of a new post route: referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented the memorial of sundry citizens of Delaware county, Ohio, relating to the Wyoming sufferers, which was referred to the Committee on Claims.

Also, the memorial of sundry citizens of Medina, Ohio, asking a modification of the post office law in reference to the transmission of newspapers by mail: referred to the Committee on the Post Office and Post Roads.

Mr. PRESTON presented the petition of Ann Pinkman, praying a pension compensation for the Revolutionary services of her late husband: referred to the Committee on Revolutionary Claims.

Mr. MOUTON, on leave, introduced a bill authorizing goods, wares and merchandise imported into the United States to be warehoused: read twice and referred to the Committee on Finance.

Mr. RIVES, on leave, introduced a bill for the reorganization of the Marine Corps; which was read twice and referred to the Committee on Naval Affairs.

Mr. HUBBARD, from the Committee on Claims, to which was referred the resolution to retain copies of original papers that may be withdrawn from the files of the Senate, reported the same as amended, and, on motion of Mr. H. the resolution was considered, and, with the amendment, agreed to.

Mr. H. from the same committee, to which had been referred the bill for the relief of William Bennett, the bill for the relief of John Richie, and the bill for the relief of John L. Scott, reported the same severally, without amendment, and recommending that they be indefinitely postponed.

Mr. H. from the same committee, reported favorably on the bill for the relief of David McNair.

On motion of Mr. H the same committee was discharged from the further consideration of the memorial of Pierre Menard and others.

Mr. YOUNG, from the Committee on Claims, to which was referred the memorial of Joseph Paxton, reported a bill for his relief; which was read, and ordered to a second reading.

On motion of Mr. LINN,

Resolved, That the Secretary of the Senate be authorized to deliver to the Secretary of the Treasury, for the use of his office, one copy of the American State Papers, title Public Lands, published by Duff Green.

Mr. ROBBINS submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, as soon as conveniently may be, the amount of goods imported into the United States on and from the 10th day of May, 1837, up to the 10th day of May, 1838.

Also, the amount of duties received and to be received on said importations for and during the same period.

On motion of Mr. PRESTON, the bill for the relief of Hard and Longstreet was taken up and considered as in Committee of the Whole; and, after being explained and advocated by Messrs. PRESTON and ROBINSON, it was ordered to be engrossed for a third reading.

The report of the Committee on Indian Affairs on the subject of the letter of the Secretary of War recommending the survey and assignment of the lands west of the Mississippi, set apart for the emigrant Indians, adverse to the proposition contained in said letter, was considered and concurred in.

The report of the Committee on Naval Affairs unfavorable to the petition of William Bellason, was considered and concurred in; but subsequently, on the motion of Mr. MERRICK, the Senate agreed to reconsider the vote, and the report was again laid on the table.

The bill for the relief of Anthony Gale was taken up, and considered as in Committee of the Whole, and, on motion of Mr. KING it was indefinitely postponed.

DISTRICT BANKS.

The bill to continue the corporate existence of the banks of the District of Columbia was taken up as the unfinished business.

Mr. NILES spoke for some time against the dangerous tendency of these chartered moneyed monopolies, which were fraught with injury to the community at large. He thought when they presented themselves to Congress to ask a renewal of their charters, that they should at least come with clean hands. Was this the case in the present instance? He thought not. These banks had suspended; he cared not whether from political motives, or from their own rottenness; but it was plain that they had twice suspended, and he was for going into the conduct of institutions that should be held responsible to the people for their fair and open dealing.

Mr. N. said it was as necessary to look back to see how the affairs of these banks had been conducted, as to look into their present condition. Some of them, he said, had depreciated their own stock, and gone into the market to purchase it up at reduced prices to the great loss of individuals. Yes, the directors of one of these banks, with a full knowledge of the state of their finances, and from which the public were shut out, had obtained the stock at forty, fifty, and sixty dollars in the hundred, from the innocent holders, many of whom were widows and orphans, and now came to Congress to ask us to renew their charters, by which the very stock would be brought up to par value. Under such circumstances, were they to do it, would it not be in a manner consummating their fraud? Mr. N. contended that the banks had profited largely by their own abuses. He had been told in some cases, even after the suspension had taken place, that large additional issues had been made for the very purpose of being bought up. Mr. N. read from a report of a committee of the House of Representatives, drawn up by Mr. Thomas, the chairman, and some of the testimony taken on that occasion, to prove what had been charged upon them. He referred to the testimony of Wm. Jewell, of Georgetown, a director in the Farmers and Mechanics Bank in that place, and to that of Mr. Todd and others, directors in the city banks. He did not know that the report did apply to all the banks; but it certainly did to some of them. Before these institutions were rechartered it became the duty of the Senate to look well into their conduct.

Mr. BUCHANAN observed that he should be pleased to vote for this bill, and should vote for it, if it was placed in such a condition as he thought it ought to be. He could not, and would not, vote for it as it stood at present. Without troubling the Senate at length with any remarks, he intended to propose two or three amendments, which he deemed cardinal, and if they failed, so far as his individual voice was concerned, the bill should be rejected. In the first place, he would move to strike out the second section of the bill, which was as follows:

SEC. 2. *And be it further enacted*, That the capital stock of the said bank shall not exceed five hundred thousand dollars, to be divided into twenty-five thousand shares of twenty dollars each; that certificates of stock shall be issued for the capital now actually paid in at that rate; and that, from time to time, as new shares may be subscribed for, prior to the first day of January, eighteen hundred and thirty-nine, certificates therefor may be issued at that rate per share: *Provided*, The same shall be paid in specie.

He did not wish to introduce any general political topics into this small discussion; but he appealed to gentlemen of all sides whether three millions of capital was not enormous for a District containing 38,000 people, with very little commerce, agriculture, or manufactures. The single county in which he resided contained more than double the population of this District, and it was emphatically commercial all along the banks of the Susquehanna river; and yet, if it were proposed to give to that county three millions of banking capital, the people would be startled. The capital of these banks was already too great, though he did not propose to diminish it. His single purpose in moving to strike out this section was to ascertain whether the Senate was willing to increase the capital of these $200,000. There were then one or two other amendments which he proposed to offer, after the question on this was decided.

Mr. ROANE was opposed to striking out the second section. It granted to the bank the capital it now had, and gave it an opportunity of increasing its capital to the amount of $500,000. By a reference to the document on the table, it would be seen what was the actual capital of these banks. He took it for granted there would be no danger in increasing their stock, as it would not be taken up, unless it should be found to be a profitable investment. There was one thing in the memorial of this bank that struck him. They looked forward to new sources of prosperity in the trade that will be opened by the completion of their great canal. The District would then probably have a considerable commerce, and it struck him that the capital, limited as it was in the bill, was not too large. Mr. R. explained that the stock of this bank was originally $500,000, but it had been lessened by taking it in payment of debts due it.

Mr. BUCHANAN said that, as this was a test question, he would ask for the yeas and nays on it. They were accordingly ordered.

After some remarks from Mr. WILLIAMS,

Mr. HUBBARD said he was sorry when the Senator from Virginia [Mr. ROANE] so strenuously opposed the amendment. It was certainly a new thing to him for a corporation to purchase in its own stock. All the object of the Senator

from Pennsylvania was to limit the capital to what is now used in the practical operations of the institution; and all he wanted was to have the second section so amended as to produce that result. Should it hereafter happen, either from a discontinuance of other banks, or from the increased business of the District, that more capital can be usefully employed, Congress would no doubt authorize the necessary increase. The Senator from Connecticut [Mr. NILES] had quoted from the report made in the House of Representatives, showing gross misconduct on the part of these banks. But the Senator might have found a report emanating from a committee of this body, which gave a very different character to these institutions. That report showed what was the cause of the suspensions that had been so much censured, and the conduct of the banks under it. In short, the committee, after the fullest investigation, expressed the opinion that these banks were safe, sound, and solvent, and ought to be rechartered. This opinion, he believed, was that generally entertained by the citizens of this District. Mr. H. spoke very favorably of the conduct of the Bank of Washington in specie payments, and said that this bank at least was not liable to the censures that had been cast on the banks of the District.

Mr. KING said he was a member of this committee, and he, together with others of the same committee had given the subject a thorough examination. At the time he was much prejudiced against these institutions, from reasons which he had heard, and consequently, had taken particular care to see whether any political or other improper influence had been made to operate on these banks, and so far as he was concerned, he would take upon himself to assert unequivocally, that no such motives could be found. The directors and others concerned took every step to satisfy the committee in relation to their business at the time of the temporary suspension alluded to by the Senator from Connecticut. He thought that gentleman must be entirely mistaken, when he said that these banks were purchasing up their own notes at a discount; on the contrary, he thought it would be seen, that they were endeavoring to regulate their affairs in the best manner for the interests of the stockholders, and that when their notes were at a discount they had taken the pains to assure the holders of them, that their condition was safe.

Mr. K. also apprehended that the Senator was equally mistaken in relation to the stock said to have been purchased up. He might be wrong, but he thought it would be found, that in relation to that matter, that individuals in debt to the banks, had agreed that the banks should take their stock in payment of their debt, at par value, and thus it was that their capital in many instances had been reduced.

Mr. K. went much in detail in relation to all the matters connected with the bill, and said he believed it prepared with much caution, and to be as well guarded as any other in the country. He expressed a wish that the Senate would take up the bill, with a view to aid the people of this unfortunate district in their present embarrassment, and not permit their minds to be improperly prejudiced against these institutions.

Mr. BUCHANAN observed that so far as he was concerned, this bill should either pass to-day, or be rejected. He did not wish the subject delayed. Every Senator understood the subject, and he should therefore limit himself to offering a few amendments, and explaining their object. The Senator from New Hampshire thought they had better preserve the second section. He thought otherwise. It provided for new stock, and he wanted the old stock and the old stockholders to remain as they now were, and to prohibit them from going beyond it. The stock was now $334,000, and he moved to make it $335,000.

After some remarks from Messrs. WEBSTER and WILLIAMS—

Mr. BUCHANAN said he should not reply to the remarks of the Senator from Maryland, farther than to say that he thought that if he would institute a comparison between the banking capital of any State in the Union and that in this District, when it will have three millions of dollars, he will find a difference of more than forty per cent. Mr. B. did most solemnly believe that the banking capital of this District was already too large. The banks themselves had found that the amount they held would not be profitable, and therefore they took it in, in payment of debts due them. He was willing to take them as they now were; to give them the capitals which they had fixed upon themselves; and if there should be an increase of business in this District, a state of things which no man wished to see more than himself, then it would be time for Congress to increase their capitals, as it no doubt would. Besides, though he was not about to condemn these banks, he did not think their conduct had been such as to give them any claims for an increase of stock. As to the Patriotic Bank, he would have no objection to giving them a capital of $200,000. But he would be unwilling to go beyond that amount, or to give to a population of the size of that comprised within this District, a banking capital of three millions of dollars.

Mr. MERRICK advocated the renewal of the charters of the several banks. He thought the amount of capital asked for was not too much for the business concerns of this great and growing District. It did not, in his opinion, bear a comparison with that employed in other parts of the Union of like population and business. It was to be recollected that in this District there were three growing cities, the commerce and inland trade of two of which, Georgetown and Alexandria, were greatly on the increase; and when he looked forward to the works of internal improvement which in a few years would be finished, there would be a still greater demand for bank capital. The whole subject in relation to these banks had been so fully and so fairly set before the Senate by the Senator from Alabama [Mr. KING] as to leave little more to be said by Mr. M. He concluded by expressing a hope that the wishes of the people might be acceded to.

Mr. DAVIS spoke generally in favor of the renewal of these charters, and went at large into the practice of banking, as pursued in his own State. With regard to the details of the bill, and the amount of capital necessary, it would depend on the amount of business. He thought it a much greater injury to have the capital too small than too large; a small amount of capital to do a large business would give a monopoly to the few. So far as his experience went, he thought the safer and best mode to pursue, to secure all the benefits of banking to a community, was a large amount of capital vested in several institutions, in which case competition was excited, and each one stood on its good behavior. In his State experience had justified making a number of banks rather than creating one with an immense amount of capital. Mr. D. contended that banks could have no motive to purchase up their own stock, as had been suggested by the Senator from Connecticut.

After some remarks from Mr. HUBBARD,

Mr. BUCHANAN said he was willing to accommodate the Senator from New Hampshire, and therefore he would modify his motion, so as to leave the second section in the bill, and to amend it by making the capital of this bank $335,000, to be divided into 16,750 shares, of $20 dollars each, instead of a capital of $500,000, divided into 25,000 shares of the same amount.

Mr. SOUTHARD said that he was a member of the same committee with the Senator from Alabama, and well recollected the care with which the whole matter was looked into by every member of that committee, many of whom were deeply prejudiced, and none he believed entirely free from it. That investigation had resulted in the full and entire conviction that there was no just ground of censure, either as to political motives, or any intention on the part of the stockholders or agents of the banks to defraud or injure the public; that if there were any faults they were those only common to pecuniary men. In the course of the debate allusions had been made to all the banks applying at the same time for their charters. This was not the fault of the institutions, but the will of Congress that desired to so place them that the charters should expire at the same time.

Mr. S. found nothing to condem in the practice of the banks taking their own stock. Individuals that wanted money sometimes pledged it as collateral security, in a d of other securities for the accommodations they wanted, and failing to pay their notes the bank took the stock.

Mr. S. thought the amount of capital asked for not too large; there were two banks in Alexandria, and two in Georgetown, whose capital was scarcely adequate for the accommodation necessary to the wants of the increased business, the growing commerce, and inland trade of those two thriving and flourishing towns. Mr. S. had heard a bank in this city condemned because it was a specie-paying bank. There was, to his mind, a strange inconsistency on the part of certain Senators in relation to these matters. At one time the banks were denounced *en masse* as swindling, fraudulent concerns; since which, the banks of New York had contracted their circulation, and became specie-paying banks, and were lauded to the skies as worthy of all imitation, while the Bank of Washington in this city, which had pursued the same plan, and by prudently curtailing its circulation, was enabled to redeem its notes, is denounced as the most culpable of all, and we have been told that the Senate was not to be "*bamboozled*" by such a pretension. "*Bamboozled*," he did not know the meaning of the word, unless from the sense in which it had been applied; nor did he know from what lexicographer it was derived.

Mr. BENTON observed, in reply, that he had an authority before him which might be serviceable on the present occasion, and he saw no reason why he should not use it; especially when by doing so he could enlighten a member of that body. Whenever he could speak from a book he liked to do it; and if he did not speak *like* a book, he was always glad to speak from one. The Senator from New Jersey [Mr. SOUTHARD] had taken notice of a word which he [Mr. B.] used three times yesterday, with a full knowledge of its meaning, and with a knowledge, also, that it was to be found in the best authors in the English language. As the Senator professed not to know the meaning of the word, he would read for his information the definition of it in Johnson's Dictionary. Mr. B. then read:

"*Bamboozle, v. a. to deceive, to impose upon, to confound.*"

Then, said Mr. B. there is appended to this definition an illustration, taken from Dr. Arbuthnot, who, though a very able and celebrated writer, was not a voluminous one. The illustration was somewhat curious, and perhaps susceptible of present application; it was in these words:

"*After Nich. had bamboozled about the money, John called for the counters.*"

Then, said Mr. B. after the verb active, is the substantive, "*a bamboozler*," defined as "*a tricky fellow, a cheat;*" and the illustration from the same author is: "*there are a set of fellows called banterers and bamboozlers that play such tricks.*"

Yes, sir, said Mr. B. "*Nick*" has bamboozled us about the money to some purpose, and when a "set of fellows played such tricks" as to pretend to pay specie for their notes while they had no notes in circulation, it was not out of the way to call them "bamboozlers." When he used the word yesterday, he meant it to imply that a deception had been practised—the thing which was not. He used it in reference to a bank which purported to pay specie for its notes whi e it had none in circulation; and he should, as an officer of the Government, acting under the deposite law, or as a legislator, tell any bank which came before him representing itself as a specie-paying bank, while it had no notes out to pay, that it did not tell the truth; he should let it know that it was a "*bamboozler*," whether its name was "*Nick*" or not. As to the trifling amount of the notes of this bank which the Senator from New Jersey represented its books show as outstanding, he presumed that it was the small amount which had been lost in the hands of the draymen and the washerwomen, and were never to come in at all; being so far a clear gain to the bank. He spoke to a Senate which had been five months in existence, and he asked of its members if they ever saw any of the notes of this bank? Our checks, said he, go to it every day, and I

should have been glad to have got their notes, as they purported to pay specie for them. The gentleman from Massachusetts opposite him, [Mr. DAVIS,] yesterday, in speaking of the assumption by this bank that it paid specie, without indeed calling it a case of "*bamboozlement*," admitted that it was a case of "*humbuggery*." Yes, sir, it is the worst species of humbuggery. He took his ground yesterday, and stated that he preferred the bank which paid out its own notes, though it did not pay specie, to a bank which purported to pay specie, while it had no notes in circulation, and paid out the irredeemable notes of other banks. He preferred the bank which did not become the conductor of the notes of others, by which he knew that he could sue them if they did not meet their responsibilities. He hoped he should hear no mere remarks on this subject. Several gentlemen had represented him as not being contented with the banks which did not redeem their notes, and at the same time dissatisfied with those that did pay. He hoped gentlemen would not continue to represent him in this point of view. He wished all who read what was said here, to understand him as alluding to banks which represented themselves as specie paying banks, while they did not and could not pay specie, because they had taken care to have no notes out.

The Senator from New Jersey, in alluding to the testimony cited by the Senator from Connecticut, [Mr. NILES] meets it by general encomiums on the conduct of these banks at an anterior period. What became of these general encomiums when there were specific charges of misconduct that had been admitted? There was the sworn testimony of the directors of these banks themselves, in which these charges were substantiated. Every gentleman knew what the law was in reference to persons who, having secret knowledge inaccessible to the rest of the community, went out and made purchases at a profit. Here were bank directors by whose resolves the bank stops, and by whose resolves the bank resumes again; they had the game in their own hands; they depress by suspension of payment the value of the notes and stock, and then buy it up, and having bought it, resume payment and raise it again. And here, he would observe, they put themselves in the situation of those who, having secret knowledge not possessed by the community at large, went out and made their purchases at a large profit, and in which there was no court of equity that would not set aside the sales. Now, he said, they were called on not only to sanction the purchases thus made, but to reward them. Take, for example, the testimony of one of these directors—William Jewell, director of the Farmers and Mechanics' Bank of Georgetown, sworn to by himself. He says: "The bank failed during my absence in Baltimore, and on my return I told Mr. William W. Corcoran that I wished to purchase its stock," &c. [The testimony went on to say that Mr. Corcoran informed him of a widow lady who had $15,000 worth of stock, and that he purchased it through Mr. Corcoran's agency, giving her Georgetown property for it assessed at $8,000.]

Here, said Mr. B. was the director's own story, and sworn to by him. Let the widow, said Mr. B. go before any court of equity, and carry nothing but this piece of paper, and the judge will set aside the sale, because the purchaser not only had secret knowledge of the value of this stock, unknown to the seller, but he could raise and depress it at his pleasure. Mr. B. said he had never yet seen a bank established, but it came in advance with a host of widows and orphans petitioning for its charter, and yet, in the end, these widows and orphans were the first to be fleeced. Every part of banking was profitable, and none more so than the explosion, when the widow and the orphan and the laborer became the prey of the more sharp sighted speculator. He, Mr. B. was astonished at the efforts made on that floor to crush the evidence made by the directors of these banks themselves, and to counteract it by general evidence in their favor, made at an anterior period. The Senator from Connecticut said that there was evidence here to show that these banks, during the time of suspension and depreciation of their notes, put out more notes to be shaved back again into bank; and here, said Mr. B. is the oath of a director to prove it, supported by the resolve of the bank, under which the issue was authorized. Here was a piece of conduct on a par with that by which the widow's stock was taken from her at half its value; and, if he were the chancellor that the case came before, the widow should have her property back again in as short a time as it would take to make a decree. The sworn testimony of Mr. Todd, one of the directors, showed that, at the time his bank stopped, its notes were put out by a resolve of the bank to be shaved back again.

[Mr. B. here read the testimony.]

Thus it would be seen that one of these banks, the very day after it stopped, agreed to gives its notes to its depositors; and the notes being thus given out, were purchased up by Mr. Prout, a broker.

[Mr. B. then read the testimony of Mr. Prout, showing the prices at which he bought stock and notes, viz: 50 and 75 cents in the dollar, and that he purchased notes to the amount of $80,000, which he sold again at a small profit.]

Sir, said Mr. B. I was here at the time, and know how these notes were depreciated, and how the holders had to sacrifice them; how they were got out of the hands of the timid, the helpless, and the ignorant, at half their value. Mr. Prout said that he made frequent sales of the notes he purchased to the directors of these banks, by whose resolves they had become depreciated; among whom were William A. Bradley, president of the Patriotic Bank, and Raphael Semmes, a director of the Farmers' and Mechanics' Bank of Georgetown. To some of these gentlemen he sold such notes, and took in payment their promissory notes, at long dates. He further said that Mr. Clement Smith, president of the Farmers' and Mechanics' Bank of Georgetown, and Mr. Wm. A. Bradley, president of the Bank of Washington, offered to exchange property with him for any amount of these notes he could get. There was a good deal of other testimony in this volume, which he would not now take up the time of the Senate to read. He would, however, advert to the letter of the officer who made payment to the hands employed at Harper's Ferry. This officer, having a draft on the Farmer's and Mechanics' Bank of Georgetown, received of that bank the amount necessary to make his payment, in its own notes, and went straight up to Harper's Ferry for that purpose. He was to have paid the money out on Saturday; but in consequence of the pay rolls not being prepared, he could not make his payments on that day; and on Sunday, the news arrived that the bank had stopped. Without that intervention, this worthless money would have been paid out to the men whose arms were employed from sunrise to sunset, and whose wives and children were waiting for the proceeds of their labor. So far as the bank was concerned, the fraud was consummated. It gave out this money with a full knowledge that it would stop payment, and that it was to be paid out to those who earned their bread with the sweat of their brows—men whose arms were going from morning till night. It was an attempt to rob men whose wives and children depended on their daily labor. Are we, asked Mr. B. to stand here and give rewards for conduct such as this? conduct which is punished in every court of justice in the civilized world? If so, there should at least be heard some voices against it, invoking the attention of the American people to what they were doing.

The immediate question before the Senate was as to the increase of the capital of these banks. He cared little about it. There was already more capital here—moonshine—than could be used. Read the report of the committee of the House of Representatives, and you will find, Mr. B. said, that the capital of these banks has literally rotted down, and you are now asked to increase it.

It was a case in which a capital of a million more or less made no difference. It was in a District which had neither commerce, manufactures, nor agriculture, and in which the Federal Government poured out its money as bountifully as the rain from heaven; and, therefore, there was no need for a banking capital. The charter provided that for every dollar of specie paid in, the banks may issue four dollars of circulation; therefore, they might issue eight millions under their present capitals, and yet gentlemen wanted to give them the power to issue more. Mr. B. here entered into a calculation to show the quantity of circulation estimated by writers on political economy to be necessary for a given population, and to show that the present capitals of the banks were much too large for the wants of a population of the size of that of this District.

There was no possible way, he said, in which they could profitably employ or consume the amount of these capitals. If I lend my money, said he, I am to get six per cent. lawful interest for it; but these banks, for every silver dollar they have, may lend out four, and thus draw twenty-four per cent. interest; and yet it is said that it is not enough. I now, said Mr. B. take the position of which I spoke some time ago; and that is, to maintain that the banking system of the United States is the most unsolid and the most delusive in the world, and that nowhere in the United States is it more unsolid and more delusive than in this District. He meant to offer some amendments to this bill to make it a little safer for the community, and he would bring them forward at the proper time. For the present, he merely rose for the purpose of illuminating the Senator from New Jersey [Mr. SOUTHARD] as to the meaning of the word "bamboozle," and to help out his friend from Connecticut, [Mr. NILES,] who, by the way, seldom needed helping out, by explaining that the testimony which he read was the sworn testimony of these bank directors themselves, and not to be invalidated by general testimony given long before.

Mr. WILLIAMS said that, having been upon the committee which reported the bill under consideration, he felt it due to himself to say that he was opposed to the renewal of the charters of the banks in the District of Columbia, for the reasons that the corporators, having enjoyed the benefits of the privileges conferred upon them during the periods for which the charters were granted, they ought now to wind up their concerns, collect and pay their debts, and divide what may remain among their stockholders; and, if there be any benefits resulting from such charters, allow others the privilege of participating in those benefits. Why should the stockholders of these banks have a monopoly of all the banking privileges in the District? Are not others as well entitled to such privileges as the stockholders in these banks? Most of these banks have existed more than twenty years, and it would seem that the persons interested in them have had their full share of privileges; but, be that as it may, they have enjoyed the benefits conferred upon them for the period for which the charters were granted; and now that the charters are about to expire, why should these corporators have a preference for the coming twenty years? Have they any claim to an extension? They have already had the benefit of the full term agreed on, and cannot complain if Congress should think proper not to renew or extend their charters.

But aside from this consideration, he contended that good policy and the best interest of all concerned, require that corporations should enjoy all the benefits conferred upon them by their charters for the term for which they are granted; and when that term shall expire, no claim for a renewal shall be recognized. If a charter be beneficial, the granters will thus have all that was proposed or granted to them; and there is no claim on their part for a continuance of the monopoly. Others have as high and stronger claims than they to future participation of the favors of Government; besides, it will, in most cases, prove better for the public, and more for the interest of the corporations, that their affairs shall be settled up and their concerns closed at the prescribed expiration of their charters, than to anticipate or realize renewals of them for indefinite periods. There must be a day of settlement, and, if it be well understood that bank charters are not to be renewed, such settlements will be seasonably provided for, and there will be less inconvenience and loss than would follow from the uncertainty whether or not a renewal could be obtained. If the existing banks require more time to collect their debts and to close

their concerns, give to them as much as may be reasonable for those objects, but nothing more.

But the application of these banks for renewal and extension of their charters, is made under circumstances that, in his judgment, forbade the granting of them. These banks have suspended specie payments; and shall Congress, by renewing their charters, sanction this state of things? It is alleged that this suspension is not the result of any mismanagement peculiar to those banks, but the consequence of a general suspension throughout the country; and that it would be vain to expect that they could pay, when all others failed to pay; and there is much reason to believe it; but still the question recurs, shall Congress set an example to the country to recharter banks which do not pay their bills on presentment? He thought not; but a majority of the committee were disposed to renew these charters upon the terms and conditions prescribed in the bill reported; and if this be proper, the bill contains many provisions tending to secure the public against loss from any future operations of these banks, and with such amendments as he trusted would be made, will go very far to prevent future suspensions, and loss to creditors of these institutions.

In regard to the amendment proposed by the Senator from Pennsylvania, he should vote for it, because it reduces the capital to the actual capital now used. He could see no reason for granting more than the bank finds it useful to operate upon, and if more capital shall hereafter be required, it may be granted to this institution, or to such others as Congress may be disposed to give it. It was not pretended before the committee that more banking capital is required for the business of the District than is now used by the existing banks, and it will be time enough to increase it when the business of the District shall demand it. As to banks owning, or purchasing in, their own stock, it is wrong in principle. If a bank may own part of its own capital, it may own the whole of it, and then the public have no security for its proper management. Stockholders will have withdrawn their capital and credit, and creditors will have what remains and nothing more. Whenever a bank shall meet with losses, it may be considered expedient for every stockholder to sell his stock to the bank, and leave the corporation to satisfy its creditors as the remaining means will warrant.

The question was then taken on Mr. BUCHANAN'S amendment; and it was carried: yeas 29, nays 12, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Ala. Clayton, Cuthbert, Fulton, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Ruggles, Smith, of Conn. Trotter, Wall, White, Williams, Wright, Young—29.

NAYS—Messrs. Crittenden, Davis, Merrick, Roane, Robbins, Sevier, Smith, of Ind. Southard, Spence, Swift, Tipton, Webster—12.

Mr. BUCHANAN moved to further amend the bill, by inserting in the 29th section, after the word "circulation," the words, "and private deposites," the effect of which is to compel the banks to keep on hand an amount of coin equal to one-fourth of their private deposites, as well as of their circulation as in the bill.

Mr. BENTON observed that the amendment offered by the Senator from Pennsylvania, touched a point which had occupied the attention of the most able financiers and political economists, both is this country and Europe. The subject had been before the House of Commons in England, and the sworn opinion of the present Governor of the Bank of England, as well as that of many men of eminence, had been taken on it. The document containing this information he had at home, and as he wished to use it, he would at this stage of the business move an adjournment.

Mr. NILES spoke in favor of the amendment, but said that he thought it did not go far enough. He proposed to add to it a proviso, to make the presidents and directors of the banks for the time being liable in their individual capacities to the holders of their bills, if they failed to conform to the provisions in this amendment.

Mr. BUCHANAN declined accepting the modification proposed by the Senator from Connecticut; but observed that the gentleman could offer it as a separate amendment, after the question was taken on his, should it prevail.

On motion of Mr. BENTON,

The Senate the adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 12, 1838.

Mr. GARLAND of Louisiana was announced as having been appointed on the Committee on Private Land Claims to fill the vacancy occasioned by the decease of Mr. LAWLER.

ALLEGHANY RIVER.

The motion made some time since by Mr. MERCER, from the Committee on Roads and Canals, to print 1500 extra copies of the report of the survey of the Alleghany river, was taken up as the first business in order, and, on the question of concurring therein, the vote was—ayes 46, noes 52: no quorum.

Mr. WHITTLESEY of Ohio hoped the business of the House would not be arrested by this matter, and he therefore moved to postpone it till Monday.

Mr. MERCER had rather it be not postponed, as the object was one of a very important character, and the expense involved was but trifling.

Mr. TALIAFERRO would vote for it if it would facilitate the work, but he was at a loss to perceive how the printing of 1500 extra copies of this work could effect the removal of a single stone.

Mr. MERCER and Mr. WHITTLESEY made a brief statement of the importance of the work, when the latter gentleman withdrew his motion.

Mr. POTTER said there has been no more important survey made for years under the orders of the National Government, than that of the Alleghany river; and the question now is, shall there be 1,500 copies of the report, chart, &c. published for information. The interests of various States are deeply involved in the navigation of this stream. Its first point of navigation for rafts, is in the State of New York; nay steamboats have occasionally gone to Olean point, and now weekly ascend from Pittsg to Warren, in Pennsylvania. The head waters of this stream penetrate into Western Pennsylvania and New York, and pass through a country abounding in the finest lumber in the world. At present, with all the difficulties that environ this navigation, the lumber of the Alleghany supplies that portion of the western prairie country, and the cities on the Ohio, Mississippi and Missouri, with this important and indispensable article. At St. Louis and Natchez, you will find the lumber yards supplied from the section of country through which this stream flows. In this point of view, the improvement is one of a national character: it is not confined to one or two States, but to numerous States. At present, the internal improvements of Pennsylvania connect this stream by canals and railroads with the Atlantic seaboard; and have commenced a work at Franklin, in Venango county, to connect it by a canal with Lake Erie. Thus that vast region of country, bordering upon the great inland seas, will, in fact, be supplied with the merchandise of the Atlantic seaboard through this channel, and the products of that rapidly improving country, conveyed to a market. View the vast region around the lakes, the accumulating population, the extent of navigation and coast, and the magnitude and importance of this improvement cannot fail to strike the mind of every reflecting individual. Nay, it is but a continuance of the navigation of the Ohio for some three or four hundred miles further up a tributary stream. The officers of the Government, under the authority of Congress, have made this survey, have perfected a chart. Why was this done? To collect and embody correct information touching a great and leading avenue of trade; to furnish accurate data, relative to one of the means of transporting arms, ammunition, &c. to be used in defending our country, if another struggle should arise with Great Britain. Now when the service has been performed, when the information has been collected, and the data ascertained, are we to render the whole action nugatory, by closing the shell like the oyster, and withholding the information from those interested. What is it the House is asked to do? To print fifteen hundred extra copies of the report, &c. For whom and for what? For the people. Who is prepared to withhold it, and on what principle? The State which I have the honor in part to represent, has, with her own means, completed a magnicient plan of improvements, which she is rapidly extending to every portion of the State. She asks no aid from this Government to her own works, but correct and accurate information touching any stream flowing through her territory is of importance. Her people are willing to acquire knowledge from any source. As it has been attained, why not furnish it?

Mr. FILLMORE admitted the importance of the work, but not to the extent stated by the gentlemen who had preceded him, especially as to the difference of time in the opening of spring navigation. He was in favor of printing the extra number of copies.

Mr. DROMGOOLE understood the usual number of copies had already been printed. He inquired if this was the fact.

Mr. MERCER replied in the affirmative.

Mr. DROMGOOLE regarded the motion as nothing more than a covert attempt to pledge the House to a revival of the system of internal improvements by the Federal Government; for when the proposition should come up, they would be told that Congress had pledged itself for the work, by ordering the extra number of copies. He hoped, therefore, that the motion to print would not prevail; and believing that something more than the printing was hereafter designed by it, he moved to lay the motion to print on the table.

Mr. THOMAS called for the yeas and nays; which were ordered.

Mr. MERCER hoped his colleague, after casting the reflections he had, would not persist in a motion which cut off the opportunity to reply.

Mr. DROMGOOLE had cast reflections upon no one, but had referred to what he conscientiously believed would be the effect of the motion, and the design to which it would be used. He could not consent to withdraw his own motion.

Mr. MERCER hoped then, under these circumstances, his colleague's motion would not prevail.

The House refused to lay it on the table—yeas 69, nays 81, and the question again recurring on the motion to print—

Mr. MERCER expressed his astonishment at the remark of his colleague, and disclaimed the existence of any covert design in the motion. Mr. M. then went into some details in reference to the importance of improving the Alleghany river, and adverted to the amount appropriated for works of internal improvement last year, to show there was no need of any secret design to revive that system.

Mr. MARVIN controverted the position that the printing of an extra number of a document would be equivalent to, or have the effect of, pledging the faith of Congress to carry on the work. As to any covert design he denied it, for it was as open as it could be, from the presentation of a large number of petitions, and this motion coming from one of the standing committees of the House. As to "reviving" the system, he did not know that it had been yet abandoned, and this work was of as national a character as any the Government ever engaged in. The whole West was interested in it, for it was but an extension of the Ohio river itself, and such was its importance that he would have preferred a much larger number of copies.

Mr. WHITTLESEY of Ohio admitted that he was mistaken in the difference of time, thirty days, between the opening of the canal and the river.

Mr. BIDDLE asked why it was that the people interested in this work should be deprived of an opportunity of examining this report as well as their Representatives? Why should poor Pennsylvania be deprived of the benefit of such a work? In ordering the committee to take charge of it, the House had some object in view.

Mr. BEATTY said the subject had been so well sustained by others, that he should have contented himself with voting in favor of the printing of the report, &c. if it had not been for the observation of one of his colleagues, that those who represented those districts in Pennsylvania most deeply inte-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MAY 21, 1838. VOLUME 6.....No. 24.

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[Continued from No. 23.]

rested in the navigation of the Alleghany, had not been heard from. Mr. B. said the district which he represented had a more immediate interest than that of any other representative on that floor, save that of his colleague, [Mr. PLUMER] who was confined by illness to his room at home, and was unable, from excessive debility, to be in his place. He would observe to the gentleman from Virginia, that that State had an interest of no ordinary magnitude in the navigation of this stream; but as that gentleman resided in Eastern Virginia, his views might not have been directed to that portion of the State west of the Alleghany mountains. The vision of many gentlemen on that floor never reached beyond the barrier of the Alleghany mountains; as the back bone, it obstructed their view, and opposed an insurmountable barrier to the liberal operation of their minds. The tide of emigration, Mr. B. said, had set to that quarter, and the day was not distant when the people west of the mountains would hold such a position in the House as would tend to enlarge the views of gentlemen. He had but one objection to the motion; the number was too small. He desired to increase it; and moved to amend by inserting that three thousand, instead of fifteen hundred, copies be printed; which was agreed to.

Mr. RENCHER then asked for the yeas and nays on agreeing to the motion as thus amended, but they were refused, and the motion was agreed to.

TREASURY NOTES.

Mr. HOPKINS then asked leave to submit the following joint resolution, with a view to refer it to a Committee of the Whole on the state of the Union:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to reissue, to the amount of two millions of dollars, Treasury notes authorized by the act approved 12th of October, 1837, under the restrictions, conditions, and limitations therein prescribed.

Objection being made, Mr. H. moved a suspension of the rules.

Mr. PECK called for the yeas and nays; which were ordered.

Mr. CAMBRELENG inquired of the Speaker if the mode by which this resolution was sought to be introduced was in conformity with the rules of the House?

The CHAIR desired the gentleman to point out the discrepancy, if he perceived any.

Mr. CAMBRELENG asked if a joint resolution, especially of this character, did not require commitment to a standing committee?

The CHAIR replied that joint resolutions could be introduced on leave, and it was for the House to make such disposition of them as it deemed fit.

The House refused to suspend the rules—yeas 68, nays 107, as follows:

YEAS—Messrs. Alexander, Heman Allen, John W. Allen, Ayerigg, Bell, Biddle, Bond, Buchanan, William B. Calhoun, John Calhoon, William B. Carter, Casey, Chambers, Chapman, Childs, Clark, Cleveland, Coffin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Dennis, Dunn, James Garland, Rice Garland, Graves, Halsted, Harlan, Hastings, Hawes, Herod, Hopkins, J. Jackson, H. Johnson, Kilgore, Lincoln, James M. Mason, Samson Mason, Maury, McKennan, Menefee, Mercer, Mitchell, Morgan, Noyes, Patterson, Peck, Reed, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sheffer, Southgate, Stewart, Stone, Taliaferro, Tillinghast, Underwood, John White, Lewis Williams, Joseph L. Williams, C. H. Williams, and Yorke—68.

NAYS—Messrs. Adams, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Brodhead, Bronson, Cambreleng, John Campbell, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, Deberry, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Everett, Farrington, Fairfield, Filmore, Fry, Glascock, Goode, Wm. Graham, Grant, Griffin, Haley, Hammond, Hamer, Hawkins, Haynes, Henry, Holsey, Holt, Howard, Hubley, Robert M. T Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, N. Jones, John W. Jones, Keim, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Logan, Marvin, May, McKay, R. McClellan, A. McClellan, Milligan, Miller, Moore, M. Morris, C. Morris, Murray, Naylor, Noble, Owens, Palmer, Parker, Paynter, Pennybacker, Petrikin, Phelps, Potts, Potter, Prentiss, Rariden, Reily, Rencher, Rhett, Rives, Robertson, Augustine H. Shepperd, Charles Shepard, Sibley, Snyder, Spencer, Stanley, Stratton, Taylor, Thomas, Thompson, Titus, Toucey, Vail, Vanderveer, Wagener, Webster, Weeks, Elisha Whittlesey, Sherrod Williams, and Yell—107.

PUBLIC LOAN.

Mr. BELL asked leave to submit a proposition of a similar nature in another shape, as follows:

Resolved, That the Committee of Ways and Means be instructed to report to the House forthwith, a bill authorizing the Secretary of the Treasury to raise, by loan or Treasury notes, the sum of two millions of dollars, to supply any demands upon the Treasury to meet which there are no available means on hand.

Some gentleman suggested "three millions," to which Mr. B. assented.

Mr. GRANTLAND suggested "five millions."

Mr. BELL would leave it blank, and the House could fill up the sum; and he further modified the resolution by omitting "or Treasury notes."

Mr. CAMBRELENG said he must object to the introduction of this and every other proposition which would retard the action of the House upon the bill they were engaged on yesterday, (the Treasury Note bill.)

Mr. BELL thereupon moved a suspension of the rules; and

Mr. CAMBRELENG called for the yeas and nays, which were ordered.

Mr. BELL inquired of the CHAIR whether, if the resolution was received, it would not be open for amendment?

The CHAIR replied, that if the House suspended the rules, the resolution would be open for amendment, modification, rejection, discussion, etc.

The question was then taken on suspending the rules, and decided in the negative—yeas 82, nays 94.

TREASURY NOTE BILL.

On motion of Mr. CAMBRELENG, the House again resolved itself into committee of the Whole on the state of the Union, Mr. INGHAM, in the Chair, and resumed the consideration of the bill to authorize a reissue of Treasury notes.

Mr. THOMPSON resumed his remarks, and argued against the constitutionality of issuing Treasury notes, on the ground that Congress possessed no power not expressly given by the Constitution, or not necessarily implied in that instrument, and this was embraced in neither of these provisions. Moreover, Treasury notes were always, and would continue to be below par, and therefore he infinitely preferred the plan proposed by Mr. BELL this morning for a loan, with certificates of stock, though he himself would not propose it, for he was not willing to relieve the Administration of the responsibility of bringing the country to the present crisis in its fiscal concerns. He insisted that the course recommended would be productive of such consequences as would hurry and drive the people to resort to a National Bank, without placing round it those checks and guards he would desire to see such an institution surrounded by. Mr. T. then went at length into the general merits of the currency question and the banking system, and in condemnation of the policy of the Government confining itself to hard money. In allusion to the divorce principle, he dwelt for some time upon the injuries it would inflict upon the South, and went into a variety of details and facts in illustration of this position.

Mr. RHETT deprecated the course of the discussion, and referred to the statements in the President's Message, showing the pressing necessity in the financial condition of the Treasury; and he thought it better to wait for the time when the general subject of finance should come before the House, and, for the present, to confine the discussion to the bill immediately before the committee. He went on to show that the Government was not bankrupt, but had abundant resources, which would, in four or five months, be available, but were not so now, in consequence of the embarrassment occasioned by the explosion of the banks. The want was merely a temporary and present one, which, in a few months, would be supplied by the natural increase of the revenue, and other sources. He replied to the suggestion that the measure was unconstitutional, and referred to the practice of the Government in years past, and during the war, when repeated resort was had to the issue of Treasury notes, to supply the necessities of the Government. He compared the operation to a simple borrowing of money, which, whether with interest or without, was a proper and constitutional transaction, and he contended that it differed in no essential particular from the issuing of stock. Both were promises to pay money at a future day, and both were constitutional. The question in the case of Missouri, under the constitutional prohibition, that no State shall issue bills of credit, was a different one. In that case, the State endeavored to lend money, and to substitute a credit and paper currency for the legal metallic currency of the country. Here it is making a credit, by promises to pay at a future day for services actually rendered. It was, in effect, borrowing money, and paying interest therefor. Authority is given to borrow money, and it made not difference whether it was done in this shape or by the issue of stock. He remarked upon the proposition to sell the stock of the bank, that it could not be done. The bonds were two, one due in one year, and the other in two years, for two millions each, and they could not be sold in time. No merchants would invest their funds for one year to such an amount, and though they might be sent to Europe, and negotiated there, yet before the transaction could be completed, the Government would have suffered all its inconvenience and embarrassment, and would not then need the aid. Mr. R. then went on to answer the remarks of Mr. THOMPSON, in favor of a permanent loan, and replied to the argument, that the measure would injure the interest of the South. He though the different propositions introduced into the House, were designed to create a diversion in another quarter; and he repelled the idea that there was any hostility on the part of the Government towards the banks, or that there was any intention to destroy the banks, as had been intimated. He had never heard such an idea advanced, either in the House or elsewhere. It had been urged that the revenues of the country should be paid in gold and silver; but that did not imply that there should be a destruction of the banks, or an exclusive metallic currency. The true controversy now going on was between the banks and the Government, the capitalists and the people. The banks had been called upon by the Government to fulfil their contracts; they had refused to do it; and, in consequence, had broken. The movements in the House, he thought, indicated a continuance of this war on the part of the banks against the Government; but where, he asked, was the evidence of any war on the part of the Government against the banks? The country had been told, from one end to the other, by Mr. Biddle, that the Government and the banks were in the field, and one or the other must perish; and that remark had been responded to by the gentleman from South Carolina, [Mr. THOMPSON.] The opposition to the present bill, he supposed, was intended to embarrass the Government, by refusing the supplies. The people had not suffered enough. They were not yet willing to yield to the banks; and the Government must be prostrated, that the cry might be raised of a ruined Administration, and that the crown of the Government had been laid at the feet of the mammoth. Mr. R. referred to a previous attempt to stop the supplies during the last war, and alluded to the reprobation the party, which attempted that ruinous measure, received from the nation. If the House was disposed to try such a measure again, let them do it—let them defeat the bill, and then adjourn and go home. He would be willing, under certain contingencies, to move an early adjournment, and let the people speak respecting

the conduct of their Representatives. If gentlemen were determined to stop the wheels of Government, let them do it; but he would bid them beware. It would not be prosperous for the country, but it would be suicidal to them. It would raise a spirit of insubordination in the people, who would resist such action of the representatives, and take the Constitution into their own hands. He said he looked upon the whole war as a war of the banks against the Government. He was in favor of the banks, and a friend to credit; but the question was, whether the whole credit of the country should be monopolized by the banks, and whether they should be allowed to use the credit of the Government to sustain themselves. He said the war had been carried on long enough; and if it should come to the destruction of the Government, there would be one wide-spread ruin, which would sweep away the banks; and he would advise gentlemen, as a friend, to beware of their connection with the banks. He understood the motives of action which governed the opponents of the bill: the more distress the better, for then would come the United State Bank; and this was the first instance in the world, in which a Bank had arrayed itself against the Government; and if the war was continued, the loyal feelings of the people would surely visit this moneyed power of the country with retribution. He made an appeal to the House to aid the Government, and fulfil their duty to the country.

Mr. MENEFEE spoke at length in favor of supporting the law and the Constitution; and contended that this proposition to issue bills of credit was unconstitutional. He said the gentleman [Mr. RHETT] had no right to hold out threats of popular indignation, and contended that there was no desire to refuse supplies to the Government, or to embarrass it; but, on the contrary, from every quarter of the House a disposition was manifested to sustain the Executive in the embarrassments they had brought upon themselves; and to hold the Government up, while they were tottering in the midst of the sufferings of the country. If, however, by Executive domination, it was determined to pass this bill or none—if the representatives were not to be allowed to procure relief in their own way—if a war was to be made by the President upon the House—the indignation of the people, which had been invoked, would fall, not on the representatives, but upon those who attempted to dictate to and control them; and he was willing to abide the issue.

Mr. SOUTHGATE obtained the floor, and said he wished to address the committee, but as it was late, he moved that the committee rise.

The question being taken, was decided in the negative—yeas 80, nays 97.

Mr. SOUTHGATE then proceeded in reply to the remarks of Mr. RHETT and Mr. CAMBRELENG, and opposed the bill at length. He contended that the condition of the Treasury was far better than was represented by the advocates of the Treasury notes, if the officers of Government were to disgorge what was in their hands. As a proof of this, he cited the last returns of the Treasury Department, which showed that there were $1,200,000 in the hands of the land receivers, $1,427,000 in the possession of the custom-house officers, and about $4,000,000 in the hands of the other officers of the Government, besides the postmasters, and the whole issue now going on was a contest between the people, on the one hand, and the office holders, on the other. This large amount of money in the keeping of the latter proved it. In further proof of this, Mr. S. went into an examination of the returns of the public defaulters, which, however, he complained were very imperfect. Had these Democratic receivers of public moneys paid into the Treasury the amounts in their pockets there would be no occasion for the issue of Treasury notes, nor would it have been necessary to have withheld from the States the payment of the fourth instalment.

Mr. HOPKINS then presented a substitute for the whole bill, empowering the President of the United States to borrow, on the credit of the United States, a sum of $10,000,000, at a rate of interest of 6 per cent. payable quarterly, and reimbursable at the will of the Government; to be applied, in addition to the moneys now in the Treasury, or which may be received therein from other sources, to defray the expenses of the Government, and to be transferrable by stock.

The foregoing was the substance of the first section of Mr. H's amendment. The remainder was of great length, and we believe, substantially, at least, if not identically, the same as the projet of Mr. RIVES in the Senate, being a revival of the State bank system, by twenty-five banks, to be selected by the Secretary of the Treasury, and approved of by the Senate.

Mr. CAMBRELENG questioned the amendment being in order on the bill under consideration, inasmuch as it proposed a system for the regulation of the deposites of the public money, with which the bill had nothing to do. Moreover, that subject had been reported upon, and was then in Committee of the Whole on the Union, on another bill; and by the rule of the House, prohibiting one bill being affixed to or substituted for another, by way of amendment, it must be obvious that this proposition was not in order.

Mr. BELL remarked, that it seemed to be a different proposition in substance from the bill reported by the Committee of Ways and Means. Besides, it was all connected with the Treasury, and all intended to supply revenue. In his opinion it was clearly in order.

Mr. CAMBRELENG admitted that the first section was in order, but he could not assent to the consistency with the rules of the House, of considering an amendment embracing a totally distinct proposition.

Mr. HOPKINS was sure of one thing, that if the amendment was not in order, from covering too broad a ground, neither was the gentleman's speech of yesterday, for that touched on every possible ground having any connection with this subject. But Mr. H. insisted that his proposition was intimately connected with the bill under consideration, for there must necessarily be a very close connection between borrowing money, and keeping it safely after it was borrowed.

Mr. ADAMS insisted that the amendment was in order, inasmuch as it was a proposition to carry out the details of safe-keeping and disbursing the proceeds of the loan, be it of Treasury notes, certificates of stock, or any thing else.

Mr. A. went further into the subject than the point of order, and among other objections to the bill, stated it as his opinion that it did not revive or re-enact all the clauses of the act of October last, and offered no security, therefore, against counterfeiting the notes. He presumed the gentleman from New York, as a lawyer, would see this. He expressed himself willing to give every indulgence to the Government, and to give it what it asked; but he wished the mode of relief to be duly considered, and for that reason he was desirous of considering the proposition of the gentleman from Virginia.

Mr. CAMBRELENG would correct the gentleman from Massachusetts in one particular. Mr. C. never had been, was not then, and probably never should be, a lawyer.

With reference to the point of order, Mr. C. said he would not have pressed it, but the committee must be aware that, if this proposition was decided to be in order, a discussion of one month in that House would be inevitable. If a discussion on the Independent Treasury bill and the deposite bank system be in order as an amendment to this bill to borrow money, he did not know what bill or what proposition might not be considered in order. If it should be ruled to be in order, they would not only have a month's discussion, but they must prepare themselves for a Treasury, without means for the whole of that time. It was only on that account he pressed the question, and he insisted upon it that it was a distinct, a perfectly distinct, proposition.

Mr. HAYNES differed from Mr. HOPKINS that the raising of money was necessarily and properly connected with its safe keeping.

Mr. MERCER insisted upon its being in order, as in Committee of the Whole there should be no restriction.

The CHAIR [Mr. INGHAM] cited the first section of the 43d rule, which is as follows:

"No motion or proposition on a subject, different from that under consideration, shall be admitted under color of amendment."

Now, in view of that rule, the first section of the proposition of the gentleman from Virginia, would be in order; but inasmuch as that section formed a substantive part of the whole proposition, and inasmuch as the balance of it was clearly a distinct proposition, having no connection whatever with the subject under consideration, the CHAIR had no hesitation whatever in pronouncing the whole to be out of order.

The Committee acquiesced in the decision without objection.

Mr. RIVES rose and said if no one wished to address the Committee, he would move that they rise and report the bill to the House.

Mr. BELL said he would not take an appeal from the CHAIR. He did not offer the amendment to embarrass the House, though he thought the decision of the House erroneous. He did not rise to discuss the merits of the bill; but he thought, considering the character of the bill, the authority by which it had been produced, and the tone and manner by which it had been supported, that it deserved full and deliberate discussion. It deserved deliberate discussion, not only on account of the tone in which it had been urged upon the House; but it was a new fiscal scheme, a plan which he supposed was to be rendered permanent as the system of the country. It had been urged that speedy action should be had upon it, because of the urgent necessity of the Government. But he wanted now accurate information concerning the state of the Treasury. Neither the report of the Secretary, nor of the chairman of Ways and Means, gave any correct information of the state of the revenue. It was impossible to tell the amount of the revenue, whether they were increasing or going backward; and he had never known a more gross, shameful, and deliberate attempt to impose upon the House and the country. In regard to the suppression of information upon financial subjects, he did not think the House had ever been treated with so much contempt. Mr. B. then alleged that the bill was deceptive upon its title and face, and was only adopted to answer its professed purpose, in case no extraordinary appropriations were made by Congress; and did not gentlemen of various sections expect increased appropriations for the army, and for Indian treaties, and Indian wars? He then alluded to funds in the deposite banks, to the trust fund, which he said might have been used, and to moneys in the hands of receivers, about which no accurate information had been given. He alluded to this to show, that a few days' discussion was proper, and that there was no urgent necessity for forcing the bill through the House, though he did not desire a protracted debate.

Mr. CAMBRELENG said the gentleman from Tennessee had made some very extraordinary charges, which he would briefly reply to. The gentleman had asserted that the Secretary of the Treasury had deceived the House and the country in the statement furnished by him of the condition of the Treasury, that they were without the necessary information, and that no communication has been sent in by him. Why it was not a fortnight since a response came in from that officer in answer to the gentleman's own inquiry; and it was within a week only that Mr. C. himself had submitted to the House a statement of the condition of the Treasury. In what had the Secretary been deficient? He had stated the whole amount which, according to law, he had the right to draw for. The gentleman asks where is the trust fund? Why, sir, said Mr. C. has it come to this, that the House expects the Secretary of the Treasury to violate the law and the Constitution, by appropriating the trust fund to the public expenses? But, said the gentleman, if it be a trust fund why not invest it? Mr. C. replied, because Congress had given him no law which would empower him to do so. If the gentleman's doctrine were correct the Secretary would have the right, of his own will, to violate every law and every pledge of public faith. If he did as the gentleman seemed to wish him to do, the gentleman himself would be

the first to arraign him, and would be wanting in his duty if he did not. Mr. C. insisted that the Secretary had given every particle of information he was required to do, and had included every fund he had a right to draw upon.

Mr. BELL still thought there was a law requiring the investment of the trust fund, but if not, there should be, and the fault was in Congress.

Mr. HALSTEAD moved that the committee rise: lost—88 to 93.

Mr. ROBERTSON said he understood the amendment offered by his colleague had been decided to be out of order, and that the discussion reverted to the original bill. He would offer an amendment confined to the first clause of his colleague's amendment, which, he understood, was decided to be in order, and he assented to the decision that the other clause was not. He objected to this indirect mode of raising money, and thought it would have been better for the chairman of the Committee of Ways and Means to have come forward fairly and candidly, and to have stated that the Government wanted money, and must have it. He was willing they should have it, so far as it depended upon his vote; but not in the way they wanted it. He would assent to a loan; or, if there was no other way to raise money, he would resort to direct taxation, and let the people feel the condition of the country. But he thought there were other means to obtain necessary funds, and he would resort to them in preference to the bill now under consideration.

Mr. R. then offered an amendment, in substance the same as the first clause of the amendment of Mr. HOPKINS, as given above.

Mr. MASON of Virginia, at half past six o'clock, took the floor, and said it must be obvious that they could not get through this bill to-night, and give it that mature deliberation its importance merited, and he therefore moved that the committee rise.

The question was taken by tellers, and lost—63 to 86.

Mr. MASON opposed the original bill, and after proceeding for some time, gave way to

Mr. MENEFEE, who moved that the committee rise: lost—60 to 84.

Mr. MASON again proceeded, and at half past 7, yielded the floor to

Mr. HOPKINS, who renewed the motion for the committee to rise, but they again refused—ayes 79, noes 89.

Mr. MASON again proceeded till 8 o'clock, when he gave way to

Mr. LEGARE, who made an earnest appeal to the committee, and moved that it rise, report, and ask leave to sit again. He remarked that they had been in continuous session for nine hours, and were all more or less considerably fatigued; and as he himself should probably be found in the majority on the bill, he did hope the motion would prevail.

The committee, however, refused to rise, the vote, taken by the tellers, being ayes 80, noes 88.

Mr. MASON resumed, and avowed himself in favor of the special deposite system for the safe-keeping of the public moneys, and notified the House that, in due time, he should submit a projet to that effect. With reference to the measure under debate, he avowed himself willing to go for such a limited issue of Treasury notes as would meet the present exigencies of the Treasury, and when they were exhausted, meet the further wants of the Government by a direct loan. He could not, therefore, vote for the proposition of his colleague [Mr. ROBERTSON] unless it was modified.

Mr. STEWART moved an additional section to the amendment of Mr. ROBERTSON, as follows:

SECTION 2. *And be it further enacted*, That, in order to meet the present exigencies of the Government, the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued to an amount not exceeding two millions of dollars, according to the provisions of the act of October last, &c.

Mr. JOHNSON of Maryland then took the floor, and proceeded for a short time, when he gave way to

Mr. CHAMBERS of Kentucky, who moved that the Committee rise; which was refused, ayes 89, noes 88; the CHAIR voting in the negative, rejects the motion.

Mr. C. H. WILLIAMS remarking that as it appeared to be a drawn battle, he would renew the motion.

It was then disagreed to—ayes 92, noes 94; taken by tellers.

Mr. JOHNSON took the floor for a moment or two; and some confusion arose on the point of the CHAIR's previous decision.

Mr. ROBERTSON insisted that the CHAIR gave its vote after he had announced the decision in the affirmative; and therefore he had no right to vote.

The CHAIR ruled that the House, having acquiesced, by consenting to vote a second time, it was too late to raise that question.

Mr. JOHNSON then proceeded for some time, when he gave way to

Mr. CHAMBERS, who moved that the Committee rise; upon which motion the tellers reported 90 in the affirmative, and 89 in the negative.

The CHAIR voted in the negative: so the Committee refused to rise.

Mr. YORKE renewed the motion to rise.

The CHAIR decided that no action having been had by the Committee since the last vote, the motion was out of order.

Mr. JOHNSON again resumed his remarks, but soon gave way to

Mr. GRAHAM, of North Carolina, who moved that the Committee rise; and appealed to the oldest members of the House to say if they had ever known any good done in the House on Saturday at midnight.

The question was taken, and decided in the negative: yeas 88, nays 90.

Mr. JOHNSON continued his remarks, and protested against the necessity or expediency of forcing a bill through the House, in the night, against so large a minority—when he yielded the floor to

Mr. CLOWNEY, who renewed the motion to rise. The vote being ascertained, was yeas 88, nays 91; so the motion was lost, and

Mr. JOHNSON again proceeded for a few minutes, and then gave way to

Mr. GRAVES, who renewed the motion to rise, which resulted in the negative: yeas 89, nays 90.

Mr. JOHNSON again resumed and proceeded about a couple of minutes, when

Mr. DUNN asked him to give way for a motion to rise.

Mr. JOHNSON, at first, dissented, unless the gentleman from Indiana would give him an assurance that the motion would prevail.

Mr. DUNN having expressed his belief that it would this time,

Mr. JOHNSON yielded the floor, and

Mr. DUNN renewed the motion, and it was again rejected, the tellers reporting ayes 87, noes 89.

Mr. JOHNSON then said he should not give way to his friends again, but would make a motion himself. He then instantly renewed the motion for the committee to rise and report progress.

Mr. HARPER of Ohio rising to address the House,

Mr. JOHNSON withdrew the motion.

Mr. HARPER remonstrated against the haste with which this important measure was urged on. He disclaimed being opposed to relieve the exigencies of the Government, but wished time to devise the best means of doing so. He then went at some length into the subject of finance and banking generally; and after some time gave way to his colleague,

Mr. COFFIN, who moved that the committee rise.

The tellers reported ayes 86, noes 87.

Mr. BRIGGS, one of the tellers, stated that two gentlemen appeared after the ayes were counted, [Messrs. EWING of Indiana and THOMPSON of South Carolina;] whereupon,

Mr. HOFFMAN moved for a second count, which was ordered, and then the tellers reported—ayes 88, noes 91; and

Mr. HARPER proceeded, and occupied the floor till 25 minutes to 12 o'clock; when, without concluding, he gave way to

Mr. HAWES, who renewed his motion for the committee to rise, but yielded it to

Mr. THOMAS, at his request, who remarked that it was better to come to some understanding on the subject; and he would suggest that, for the mutual convenience of all, they adjourn with the determination to take up the subject on Monday, at 12 o'clock, and continue in session till the subject was disposed of. Cries of "no," "no."

Mr. TILLINGHAST then addressed the CHAIR, who inquired if the gentleman from Ohio yielded the floor.

Mr. HARPER said he should not do so for any other purpose than for a motion to rise.

Mr. HAWES then made that motion; and the tellers announcing the division to be ayes 85, noes 87, the committee still refused to adjourn, and

Mr. HARPER continued his remarks for a short time, when he yielded to

Mr. ROBERTSON, who, after a few remarks in support of the expediency of adjourning, made a motion that the committee rise.

The question was then taken at 12 o'clock, and the tellers reported ayes 80, noes 83.

So the committee refused to rise.

Mr. HARPER again went on for about a minute, when

Mr. CHAMBERS raised the point of order, that it was 12 o'clock at night, and he hoped no one of his friends would vote thereafter, and let it be seen whether an equal number of men could control an equal number.

Mr. DUNCAN would like also to know whether an equal number could control an equal number.

The CHAIR then cited the decision on a similar case, the North Carolina contested election, and under that decision he would not decide the proceedings estopped, but leave it as a question for the judgment of the committee itself. The CHAIR read that case at length, and referred to others embracing the same question.

Mr. CHAMBERS requested the CHAIR to make a positive decision.

The CHAIR accordingly decided according to the previous decision of the House.

Mr. CHAMBERS took an appeal therefrom.

Mr. POPE moved that the committee rise, for the purpose of having the point decided in the House by yeas and nays, with the SPEAKER in the Chair. Though he held that Sunday was not a legislative day, he was desirous of seeing who would so declare by their votes.

The CHAIR said the SPEAKER could not take the Chair unless the committee rise.

Mr. POPE then moved that the committe rise.

Mr. DUNCAN asked if the CHAIR did not understand the motion, and the object of it.

Mr. POPE said the object of his motion was merely to obtain a decision of the House, whether they were willing to transact business upon the Sabbath; and he would be willing then to go into committee again, if the House should decide that it was proper.

The CHAIR said no conditions could be annexed to the motion; if the committee rose, it must rise positively; and the House would have it in their power to adjourn, or to proceed to any other business.

Mr. POPE said he had avowed his purpose, and he had no other object in view.

The vote being taken, the tellers announcing the division to be—ayes 83, nays 82, and the CHAIR voting in the negative, the question was lost.

Mr. REED said he had no doubt the House might, in a case of necessity sit upon the Sabbath; but he would ask if this was such a case of necessity as would warrant the House in doing so.

Mr. CUSHMAN said there could be no appeal from the decision of the committee.

The CHAIR said he had decided that it was in order to set, and he understood there had been an appeal from that decision.

Mr. POPE said he had moved that the committee rise, for the purpose of getting a decision of the House, upon the question of order. The committee had decided that they should rise; and the CHAIR ought not to have arrested that decision. He would put it to the candor of the CHAIR

whether he ought to have voted, when the very question to be decided was, whether his own decision was right. He wished it decided whether the House should rush to a decision, upon a matter of so much magnitude, at that hour of the Sabbath. He had always voted for appropriations to sustain the Government, and intended to do so now. It was no use to tell him that it would do no good to discuss the bill; that debate would do no good. It was insulting to the minority. He was willing the Government should have the money, but he preferred getting it in some other way; and he had moved for the committee to rise, for the purpose of having the question decided by yeas and nays, and in all fairness and candor, he did not think the CHAIR ought to have voted; motives of delicacy, at least should have induced him to let the question be taken by the House. He would never vote for legislating on the Sabbath, unless there was some pressing exigency.

Mr. THOMPSON said there was no privilege given to the CHAIR to vote in such a case.

[Many voices said it was not denied.]

Mr. T. inquired if there was any rule authorizing a CHAIRMAN to vote, unless in case of equal division.

Mr. DUNCAN said it was granted, because it was not denied, and the CHAIRMAN had a right to vote as much as any other member.

Mr. POPE said he did not pretend that the CHAIR had not a right to vote, but he contended that he ought to have withheld it from motives of delicacy, upon a rule recognised throughout the civilized world. He now wished the SPEAKER would take the chair, *pro tem*, to allow the House to vote upon the propriety of continuing the session.

Mr. UNDERWOOD said the question would be, shall the decision of the CHAIR stand in the judgment of the House; and as the majority was against the CHAIR, he could not say that his decision was affirmed.

The CHAIR said he had voted, because he supposed he had a right to vote. He had been called upon to vote upon another question; and it was conceded that if he had a right, it was proper to vote. It had been said the motion to rise, was for the purpose of taking a question by the House. No such proposition was made. No such condition could be annexed. If the committee had risen for that purpose, they could not control the action of the House. and it would be competent for the House to do any thing else. It was a simple motion to rise; and he had no other interest, and no other feeling, if he knew his own heart, than belonged to every other member. He thought he had a perfect right to vote.

Mr. POPE said he was not in the habit of indulging in ungenerous remarks; and he would put it to the candor of the CHAIR, whether he not propose to rise for a specific purpose, and he had no other object. If the motion should prevail, he would move to adjourn, for the purpose of testing the sense of the House, and if that motion should be lost, he would move to go back into committee.

Mr. P. then renewed his motion that the committee rise.

Mr. HAYNES requested that the motion might be withdrawn, to allow him to make a single observation.

Mr. POPE said he would withdraw it, if the gentleman, [Mr. HAYNES] would renew it.

Mr. HAYNES said he could not make the pledge, but he only wished to make a single remark.

Mr. POPE then declined to withdraw his motion.

The question was then taken, and the result was the same as before, 83 to 82, and, the CHAIR voting in the negative, the motion was rejected.

The question being on the appeal,

Mr. HAYNES wished to make the observation he had desired to make before, which was this: that the right of a member of that House to vote was not only a personal but a representative right; and it was not only the CHAIRMAN's right to vote, but his duty. Therefore, according to the doctrine of the gentleman from Kentucky, the State of Connecticut, which should have six votes there, would have but five. He remarked that he did not find fault with the gentleman [Mr. POPE] for declining to withdraw his motion

Mr. THOMAS said the question had nothing to do with a question of order. It was merely a question of morals, of propriety, and of patriotism; and he suggested that the question of order was not the proper mode for the gentleman from Kentucky to get at his object. The only way was for the committee to rise, unless they should be found without a quorum, when it was a rule to rise, and report that fact.

Mr. EVERETT would not consent to remain there unless on a most pressing emergency, and notified the House that he should then retire, and not return till 11 o'clock Monday morning.

Mr. BRIGGS made an earnest appeal to the better feelings of the members, to adjourn, and allow one, or at most but two days, to further discussion on this bill.

Mr. MORGAN was convinced that no good would, or could, arise from remaining in session after the Sabbath had commenced; and though on any other night he would remain with him who staid last, he felt compelled then to move that the committee rise.

The motion prevailed—ayes 83, noes 76; and the committee then rose and reported.

Mr. BRIGGS moved that the House adjourn.

Mr. YELL and Mr. LEWIS simultaneously called for the yeas and nays; which were ordered, and were—yeas 85, nays 72; and

So the House adjourned, at quarter past one o'clock, a. m.

IN SENATE,

SATURDAY, May 12, 1838.

Mr. LINN presented a letter addressed to his colleague, in support of the petition of Joseph Hoffman, and moved that it be referred to the Committee on Private Land Claims, to which the petition had been referred: carried.

Mr. CLAY of Alabama presented the memorial of a number of the inhabitants of Sumpter co. Ala. remonstrating against duelling, and asking Congress to take the necessary measures to amend the Constitution, so as to disqualify from office any persons who shall be engaged in a duel either as principals or seconds: laid on the table.

Mr. BUCHANAN presented the memorial of sundry citizens of Erie co. Pa. asking Congress to hear and decide on the memorial of the Cherokees; and if the allegations in it are found to be true, to rescind the Cherokee treaty: laid on the table.

Messrs. SWIFT, and DAVIS presented similar memorials, from citizens of their respective States, which were also laid on the table.

On motion of Mr. WALL, the Senate took up the bill to punish the forgery of the Treasury Notes, and other securities of the United States, and the same having been considered, and amended, as in committee of the whole, was ordered to be engrossed for a third reading.

The bill for the relief of Hart and Longstreet was read the third time; and after some rema s from Messrs. Robinson, King, and Preston, it was passed.

Mr. YOUNG presented a memorial from sundry citizens of Illinois, asking a donation of land to, and to aid in the building of, a college: referred to the Committee on Public Lands.

Mr. PRESTON presented the petition of sundry citizens of Edgefield, South Carolina, praying for a new mail route: referred to the Commitlee on the Post Office and Post Roads.

On motion of Mr. BENTON,

The Senate went into the consideration of Executive business; after which

It adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, May 14, 1838.

RESCINDING OF THE SPECIE CIRCULAR.

Mr. BOON asked the consent of the House to submit the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of June, eighteen hundred and thirty-eight, there shall be no discrimination in the kind or description of currency receivable by the Government, for customs, for the sale of the public lands, or for any debt or duty due or owing to the United States.

Mr. WILLIAMS of Kentucky raised the question of order against the introduction of this resolution, on the ground that there were already two resolutions of a similar character before the House; one offered by a gentleman from Ohio, and the other by himself, on the 16th ultimo.

The CHAIR said if that was the case, the resolution could not be entertained.

Mr. BOON explained that he had offered this resolution in obedience to what he knew to be the will of his constitu nts, and, further, in compliance with the jo nt resolution of the Legislature of the Sta'e of Indiana.

Mr. BRONSON said, if it was in order, he would move a suspension of the rule, for the purpose of considering this resolution.

The CHAIR ruled it not to be so, but suggested that it would be in order to move a suspension, to take up the other resolution.

Mr. BRONSON doubted if there was a resolution identical with this before the House.

The CHAIR referred to it and showed the object to be the same.

Mr. BOND, who had offered it, expressed his perfect readiness to waive his right and yield to the gentleman from Indiana.

The CHAIR remarked that the gentleman could only withdraw it on leave of the House.

Mr. BOND accordingly withdrew it, no objection being made.

Mr. BRONSON then moved a suspension of the rules.

Mr. TURNEY rose to object to the withdrawal of Mr. BOND's resolution, but the CHAIR decided it to be too late.

Mr. CAMBRELENG hoped the gentleman from Indiana would not press this question now.

Mr. BRIGGS called for the yeas and nays on the motion to suspend, which were ordered, and were—yeas 95, nays 53, as follows:

YEAS—Messrs. Adams, Alexander, Aycrigg, Bell, Biddle, Bond, Boon, Bouldin, Briggs, Bronson, William B. Calhoun, John Calhoon, Casey, Chambers, Cheatham, Clark, Corwin, Cranston, Crockett, Curtis, Davies, Deberry, Dennis, Everett, Evans, Fairfield, Richard Fletcher, Foster, Gallup, James Garland, Rice Garland, James Graham, William Graham, Grantland, Graves, Gray, Grennell, Haley, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hopkins, Robert M. T. Hunter, Jabez Jackson, Henry Johnson, Joseph Johnson, William Cost Johnson, Nathaniel Jones, Kilgore, Lincoln, Marvin, Samson Mason, Martin, Maury, McKennan, Menefee, Morgan, Mathias Morris, Calvary Morris, Naylor, Noyes, Peck, Potts, Pratt, Rariden, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Sibley, Slade, Snyder, Southgate, Stewart, Stone, Taliaferro, Thompson, Tillinghast, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, and Yell—95.

NAYS—Messrs. Atherton, Beatty, Bicknell, Birdsall, Buchanan, Cambreleng, Chapman, Clowney, Coles, Connor, Craig, Cushman, Dromgoole, Duncan, Edwards, Farrington, Fry, Glascock, Hammond, Haynes, Holt, Hubley, William H. Hunter, Thomas B. Jackson, George M. Keim, Klingensmith, Leadbetter, Lewis, James M. Mason, Robert McClellan, McClure, Moore, Murray, Noble, Parker, Paynter, Pennybacker, Petrikin, Phelps, Potter, Reily, Rives, Robertson, Sheffer, Spencer, Taylor, Titus, Toucey, Turney, Vanderveer, Wagener, and Jared W. Williams—53.

So the House refused to suspend the rules.

Resolutions being in order—

Mr. CAMBRELENG asked the House to proceed with the public business.

Mr. WILLIAMS of Kentucky objected.

Mr. CAMBRELENG, in order to test the sense of the House, moved a suspension of the rules.

Mr. TURNEY called for the yeas and nays, which were ordered, and were—yeas 132, nays 50.

So the rules were suspended.

TREASURY NOTE BILL.

The House then, on motion of Mr. CAMBRELENG, resolved itself into Committee of the Whole on the state of the Union, Mr. INGHAM in the Chair, on the "bill to carry into effect an act approved on the 12th day of October, 1837, to authorise the issuing of Treasury Notes."

The question was on the amendment of Mr. ROBERTSON, of Virginia, proposing to substitute for the whole bill a measure empowering the President of the United States to borrow on the credit of the United States, a sum of $10,000,000, at 6 per cent. interest, and reimbursable at the will of the Government.

The pending question was the amendment o

Mr. STEWART to authorise the issue of Treasury Notes to meet the immediate exigencies of the Government.

Mr. HARPER concluded his remarks in opposition to the bill.

Mr. HAWES then followed, and continued his observations for a few minutes, when, on account of severe indisposition, he fainted. Upon his recovery, he yielded the floor; and

Mr. DUNN proceeded to oppose the bill, and went at length into an examination of the messages of the President and the reports of the Secretary of the Treasury, for some time past, upon the subject of the currency, with a view to point out inconsistencies, and to prove that it had been intended from the first to establish a Government bank and a Government currency, and that this bill was intended, in part, to carry out that scheme.

Mr. STEWART then inquired if there was a quorum.

The CHAIR replied it was manifest there was not a quorum.

Mr. GOODE took the floor, and was going on with some remarks in opposition to the bill, when he was interrupted by

Mr. WILLIAMS of Kentucky, who rose to a point of order, and inquired if there was a quorum present. He moved a call of the House, for he wished to get out of that place before night.

Mr. GOODE begged the gentleman to withdraw his motion, and allow him to proceed. He would not detain the House long; and feeling compelled to make some observations, he would rather do it then, than at such an hour as that at which the House adjourned on Sunday morning.

Mr. WILLIAMS consented to withdraw his motion, again repeating, that he wanted to go home before midnight.

Mr. GOODE then went at some length into an examination of the messages of the President at the special and the present sessions, and into a history of the various propositions of the Secretary of the Treasury, in order to to show that the pretences that something was necessary to be done to relieve the wants of the Treasury, all ended in the prosecution of a plan to establish a Sub-Treasury or Government bank. He was willing to afford the Government all the money that was necessary to carry on its operations, and he would at any time vote for supplies, but he was opposed to the Sub-Treasury and to the issuing of Treasury notes.

Mr. SERGEANT then took the floor, and, after complaining of the short notice previous to the introduction of this bill, and of the attempt to hurry it through the House, he spoke of errors in the statements of the Secretary of the Treasury, which rendered them unworthy of confidence as the foundation of financial action; and then went at length into the discussion of various topics connected with the bill, chiefly in reply to the remarks of Mr. CAMBRELENG.

At five o'clock, Mr. SERGEANT gave way to

Mr. RUSSELL, who moved that the Committee rise.

The question being taken, resulted in the negative—yeas 79, nays 85.

Mr. SERGEANT then resumed his remarks, and objected to the bill, that it empowered the Government to make paper money; whatever name it might be called by, whether a loan or not, it in fact authorized the creation of money, which the public creditor would be compelled to take; and he compared it with the old continental money, which he thought the best of the two. This paper money, he contended, would pass as a currency, and from the first had been intended so to pass, and it would be injurious, by causing confusion in the currency, and that at the very time, when it was said that there was a redundancy of paper money; and it would tend in the present state of disorder in the currency to prevent its returning to order. It was liable to another objection; it was delusive and seductive, and would prevent a due regard to economy, and would lead to extravagant expenditures, and not only that, but it would be constantly fluctuating like any other paper money. He preferred a restoration of the currency of the country to a sound basis, and would supply the Government by making a loan from abroad.

Mr. S. having concluded—

Mr. TILLINGHAST, at half past 5 o'clock, moved that the committee rise; which was disagreed to—ayes 90, noes 94.

Mr. TILLINGHAST spoke for some time, and then gave way a few minutes after 6 o'clock to

Mr. CRANSTON, who moved that the committee rise: lost—ayes 87, noes 93.

Mr. TILLINGHAST proceeded till near 7 o'clock, when he gave way; and

Mr. ROBERTSON moved that the committee rise, and proposed that the bill should be taken out of committe to-morrow, and that the final question should be taken on the day following, provided the previous question should not be called before four o'clock.

He made this proposition in a spirit of compromise, that the House need not be wearied with a night session, and that a reasonable time might be allowed for the discussion of so important a measure.

The question was taken, and carried in the affirmative—yeas 91, nays 86.

Mr. EVANS moved an adjournment.

Mr. BRONSON called for the yeas and nays, but they were refused, 29 in the affirmative, and 128 in the negative.

The House then adjourned.

IN SENATE,

MONDAY, May 14, 1838.

Mr. McKEAN presented a memorial from sundry citizens of Bradford county, Pennsylvania, on the subject of letter postage: referred to the Committee on the Post Office and Post Roads. Also, seven memorials from citizens of Pennsylvania against the treaty of New Echota: laid on the table.

Mr. SWIFT presented the petition of Amos Northrop, praying for a pension: referred to the Committee on Pensions.

Mr. PRENTISS presented a memorial from sundry citizens of Vermont, remonstrating against the Cherokee treaty: laid on the table.

Mr. WEBSTER presented a memorial from sundry citizens of Stoneham, Massachusetts, on the same subject: also laid on the table.

Mr. NORVELL presented a petition from Solomon Class, a mail contractor, praying for an increase of compensation for carrying the mail between Pontiac and Saganaw, in the State of Michigan, and a similar petition from Benjamin F. Fox, another mail contractor, praying for an increase of compensation for carrying the mail between Detroit and Howell in the same State. Mr. N. said, that in both of these cases, the contract was to carry the mail on horseback; but the mails on both routes soon became too large to be transported in that mode, and had to be carried in wagons. They were both strong cases, calling for an increase of compensation, or for a release of the contractors from their present ruinous contracts. He would take the occasion to add, that he considered it unfortunate that the new law concerning the Post Office establishment, had divested the Postmaster General of all discretionary authority upon this subject. To the new States, at least, in which the weight of the mails generally increased so rapidly, it was important that he should have retained that authority. The petitions were referred to the Committee on the Post Office and Post Roads.

Mr. WILLIAMS, on leave, introduced a bill to provide for running the northeastern boundary line of the United States; and after some remarks from Mr. WILLIAMS, it was, by general consent, read twice and referred.

On motion of Mr. RIVES, the Senate took up the joint resolution for the relief of Vespasian Ellis; and the same having been considered as in Committee of the Whole, was ordered to be engrossed for a third reading.

DISTRICT BANKS.

The bill to continue the corporate existence of the banks of the District of Columbia was taken up as the unfinished business; the question being on Mr. BUCHANAN'S amendment, requiring the banks to keep on hand an amount of coin equal to one-quarter of that of their private deposites, excluding special deposites, in addition to coin equal to one-quarter the amount of their circulation, as in the bill—

Mr. WEBSTER spoke for some time against the amendment; after which,

Mr. BENTON addressed the Senate in favor of the principle contained in it, and concluded by moving to amend it by striking out the word "private;" which motion was lost—ayes 13, noes 15.

Mr. CLAY of Alabama spoke in favor of the amendment; and after some remarks from Mr. BUCHANAN in further explanation of it, the debate was continued by Messrs HUBBARD and BUCHANAN in favor of the amendment, and by Mr. RIVES in opposition to it; but before taking any question,

On motion of Mr. BENTON,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 15, 1838.

The SPEAKER, on leave, laid before the House a communication from the Secretary of the Navy, enclosing a list of the names of all pension agents, the amounts paid by them, etc.

On motion of Mr. ADAMS, laid on the table.

Reports from committees were then called for.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, made an unfavorable report on the petition of J. G. Lyon and others of the city of Mobile; which was laid on the table.

Mr. W. from the same committee, made an unfavorable report on the petition of Roger Leonardy, praying indemnity for losses of cattle during the Seminole war; which was laid on the table.

Mr. W. from the same committee, made an unfavorable report on the joint memorial of the Legislature of the State of Alabama, praying remuneration for losses sustained in consequence of the war with the Creek Indians; which was laid on the table.

Mr. W. from the same committee, to which had been referred the petition of Amos C. Wright, reported the following resolution; which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Amos C. Wright, and that the same, with accompanying documents, be referred to the Third Auditor for settlement, under the existing laws.

Mr. W. from the same committee, made an unfavorable report on the petition of Rebecca Conly, which was laid on the table.

On motion of Mr. CASEY, the Committee on Public Lands was discharged from the further consideration of the petition of Captain E. Shaler and others, praying for a grant of land for extraordinary services during the war; and the same was committed to the Committee of the Whole on the state of the Union.

Mr. HOPKINS, from the Committee on the Post Office and Post Roads, made an unfavorable report on the petition of Elisha Smith, which was ordered to lie on the table.

Mr. HARRISON, from the Committee on the Public Lands, reported a bill for the relief of Samuel Mussey and Thomas James.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported with an amendment, Senate bill for the relief of the heirs of Lieutenant William Russwurm, deceased.

Mr. SHEPPERD, from the same committee, reported a bill for the relief of the heirs and legal representatives of —— Nick, alias Reginald Hillay.

Mr. BIRDSALL, from the same committee, asked to be discharged from the further consideration of the petition of Peter Vroman, of New York, (praying the redemption, by the Government of the United States, of $1,400 continental money) and that it lie on the table: agreed to.

Mr. MAY, from the Committee on Private Land Claims, reported Senate bill supplementary to the act providing for the adjustment of titles to land in the town of Detroit, in the Territory of Michigan, and for other purposes, and moved that it be laid on the table.

Mr. CRARY appealed to the gentleman not to

press that motion, but permit the bill to take the usual course.

Mr. WHITTLESEY of Ohio also joined in the request; and

Mr. MAY accordingly moved the commitment of the bill; which was agreed to.

On motion of Mr. HARLAN, the Committee on Private Land Claims was discharged from the further consideration of the petition of M. P. Le Duc; and the petitioner had leave to withdraw the same.

Mr. DEBERRY, from the Committee on Agriculture, to which was referred the petition of the inhabitants of Somerset county, Maine, praying the refunding of certain duties on imported hay, reported unfavorably on the same; which was laid n the table.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill to provide for the investment of moneys received or appropriated for the use of Indians or Indian tribes.

Mr. SOUTHGATE, from the Committee on the Militia, reported the following resolution:

Resolved, That 10,000 extra copies of the report and bill reported by the Committee on the Militia be printed for the use of the House.

The resolution, under the rule, would lie over one day, but Mr. S. moved its adoption.

Mr. YELL objected to its consideration at this time.

Mr. SOUTHGATE, therefore, moved a suspension of the rule, but the House refused; 82 to 47—not two-thirds.

Mr. JOHNSON, of Va. from the Committee on Revolutionary Pensions, reported a bill granting a pension to Frances Jones, widow of John Jones, of the State of Virginia.

RECISION OF TREASURY CIRCULAR.

Mr. BOON then rose and said that, however he might regret the temporary interruption to other business, he felt constrained again to ask the leave of the House to introduce the resolution submitted by him yesterday. [See last evening's Globe.]

The CHAIR stated that, on examining the calandar, he found thereon a resolution on the same subject, and he suggested to the gentleman that he had better move to take that one up.

Mr. BOON accordingly moved to take the resolution submitted by Mr. WILLIAMS of Kentucky, on the 16th of April; which was in the following words:

Resolved, That the Committee of Ways and Means be instructed to report a bill making it unlawful for the Secretary of the Treasury, or any other officer of this Government, to continue in force or make any general or special order making a distinction or discrimination in the medium or kind of currency in which the different branches of the revenue (either from the sales of the public lands, or from any other source) of the United States shall be collected.

Mr. BOON and Mr. BRONSON suggested that the resolution was a distinct proposition from that submitted yesterday, which was a joint one. The former remarking that one specified the kind of money to be received, which the other did not.

The CHAIR ruled otherwise, on the ground that the subject it referred to was the same.

Objection being made to take up the resolution—

Mr. BOON moved a suspension of the rule.

Mr. WILLIAMS of Kentucky, called for the yeas and nays, which were ordered.

Mr. CASEY moved a call of the House, which was refused.

The House also refused to suspend the rules—yeas 94, nays 76, not two-thirds, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W Allen, Aycrigg, Bell, Bond, Boon, Borden, Briggs, Bronson, William B. Calhoun, John Calhoon, William B. Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Deberry, Dennis, Dunn, Evans, Everett, Richard Fletcher, Fillmore, Foster, Rice Garland, Goode, William Graham, Graves, Grennell, Haley, Halstead, Hamer, Harlan, Harper, Hastings, Henry, Herod, Jabez Jackson, Kilgore, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Mercer, Milligan, Mitchell, Montgomery, Mathias Morris, Calvary Morris, Naylor, Noyes, Patterson, Pope, Potts, Rariden, Randolph, Robinson, Russell, Sergeant, A. H. Shepperd, Charles Shepard, Shields, Sibley, Snyder, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Vanderveer, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Jos. L. Williams, Christopher H. Williams, Wise, Yell, and Yorke—94.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Brodhead, Buchanan, Byaum, Cambreleng, Chapman, Clowney, Craig, Cushman, Davee, DeGraff, Dromgoole, Edwards, Farrington, Isaac Fletcher, Fry, James Garland, Glascock, Grantland, Grant, Griffin, Harrison, Hawkins, Haynes, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, N. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Morgan, Parker, Paynter, Pennybacker, Petrikin, Phelps, Potter, Pratt, Reily, Rhett, Rives, Robertson, Sheffer, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Wagener, Webster, Weeks, Thomas T. Whittlesey, and Jared W. Williams—76

Mr. BOON then gave notice that he should renew this proposition every day until the House acted upon it.

TREASURY NOTES.

The House then, on motion of Mr. CAMBRELENG, again went into Committee on the Union, Mr. INGHAM in the Chair, on the bill to carry into effect the act of the 13th of October last, authorizing the issue of Treasury notes.

The question was on the substitute of Mr. ROBERTSON to authorize the raising of a loan of ten millions of dollars, at six per cent. with the amendment of Mr. STUART to authorize an issue of Treasury notes to the amount of two millions of dollars, to provide for the immediate exigencies of the Government.

Mr. TILLINGHAST concluded his remarks in opposition to the bill, but avowed himself willing to vote for a loan.

Mr. BIDDLE obtained the floor, but yielded it to

Mr. CUSHMAN, who made a very interesting statement in response to the oft-repeated charge in relation to the Branch Bank of the United States at Portsmouth, and in explanation of the whole occurrence, and the part taken therein by himself, Governor Hill, Secretary Woodbury, and others.

Mr. BIDDLE then proceeded to oppose the bill at length; and first, to review the report of the Secretary of the Treasury, (in relation to paying members of Congress in specie,) made in response to a resolution of Mr. B. at the late called session. Mr. B. then replied to Mr. RHETT, and went into an examination of the principles of finance and banking, as connected with the circulation and use of specie, and in relation to the action of the Government thereon.

Mr. BELL then took the floor, and went at length into various arguments in opposition to the bill, and spoke of the different statements of the President and Secretary of the Treasury, and of the chairman of the Committee of Ways and Means, as wholly deceptive; as also, he contended, were the bill and its title deceptive, and wilfully intended to impose upon the community. The statements of the chairman of the Committee of Ways and Means that there were funds in hand to redeem the Treasury notes, and that a permanent loan was unnecessary, he contended were not correct, and went into statements to show that the income would not be as great as was anticipated, and that the funds alluded to would not be available.

Mr. B. contended that the revenue had been reduced within a few years, by the action of the country, from forty-eight millions to ten, or twelve, or at most to fifteen millions; and said that he considered the state of the country prosperous, though it had been called bloated, when the revenue was so large, and had enabled the country to pay off the public debt, and place twenty-eight millions of surplus in the hands of the States. He said the scheme of issuing Treasury notes now, was only an experiment upon the people, to see how far such issues might be carried, and was an attempt to establish, in effect, a Treasury bank, by whatever name it might be called. He alleged that the Government was the cause of the expansion of bank paper, and read from speeches and from "the official organ" to prove that encouragements had been held out to States to charter new banks; and especially, that Pennsylvania was encouraged to charter a large institution, by the hope held out, that it would become the central depositary of the public moneys; and he considered this the worst instance of bribery and corruption ever held out by any Government, or individual, to be found in the history of bribery. He went into an argument, founded on the condition of finances in the South-western States, to show the excessive issues had been induced by the action of the Government, in relation to the affairs of banks, and the sale of the public lands. The most extraordinary facilities had been held out to the banks to induce them to expand, and Indian lands, almost to the destruction of the Chickasaw nation, had been brought into the market to encourage speculation; and when every thing was at the highest state of trade and speculation, in consequence of this action, it was suddenly arrested. Banks were denounced, speculation was condemned, the Specie Circular was issued, and the weight of the injury fell upon the proscribed States of Mississippi and Alabama. He also alluded to various expenditures, and argued that the Government had not been governed, notwithstanding their professions, by any system of practical economy. The expenditures, he said, had been extravagant, and in many cases useless.

Mr. B. then spoke of internal improvements, and said the Cumberland Road bill had been presented as a test question, and he had been particularly pointed at in the debate on that bill. He had never, during the eleven years that he had been in Congress, voted for any appropriation for internal improvement—not even for the improvement of a river that run by his own door, or for the construction of a road that run through the place of his residence; and he said that the very party now in power, which had condemned the doctrine of internal improvements, had increased the expenditure from a quarter of a million to over two millions; and that now, notwithstanding the recommendation to reduce the appropriations as low as possible, on account of the state of the Treasury and currency, the President had recommended appropriations for internal improvements to the amount of nineteen hundred thousand dollars. He then went into a review of the division of the parties as respected breaches of privilege, to show that these test votes were generally delusive and deceptive; and that with the changes of the times the sentiments and votes of members would change also. He adverted to the graduation and preemption schemes, as recommended by the President, which was designed as a test in the new States; and, after dwelling on these and other topics for some time, he concluded by expressing his solemn conviction that the bill under consideration was but the initiatory step of a general system that was in anticipation by the present Administration—the establishment of a Government bank, and the issue and circulation of Government paper.

Mr. RANDOLPH followed on the same side, and went into a review of the causes of our present embarrassments, and those in England, and by a contrast between the bank paper circulation in both countries went on to contend that ours did not arise altogether from excess of issue, or from any of the causes assigned by the President in his message at the special session. Mr. R. ascribed them to a different source, viz: to the enormous body of office seekers who left their homes to seek employment under General Jackson, after his first election. This unhinged the whole pre-existing state of things, and, the President being regarded as the only fountain of honor and profit, uprooted the antecedent principles of our Government. This position Mr. R. illustrated and sustained at length, and had not concluded when our columns were closed.

[The Treasury Note bill was brought into the House between seven and eight o'clock, the several amendments being informally acted upon for the purpose of being offered in the House, when a more full and detailed account of them will be given. The House then adjourned, without transacting any further business.]

IN SENATE,

TUESDAY, May 15, 1838.

The CHAIR communicated a report from the Secretaries of State, Treasury, War, and Navy Departments, and the General Post Office, in answer to a resolution of the Senate of the 29th of December last, requiring information with regard to the salaries of the various clerks employed in said Departments; and,

On motion of Mr. WHITE, it was laid on the table, and ordered to be printed.

THE CHEROKEE TREATY.

Mr. DAVIS presented several memorials in relation to the Cherokee treaty, praying for its revision and repeal: laid on the table.

Mr. McKEAN presented several memorials on the same subject; which were disposed of in the same manner.

Mr. LUMPKIN arose, and addressed the Senate to the following effect:

Mr. PRESIDENT: I hold in my hand a letter addressed to me by Mr. John Ridge, a Cherokee man, of the country West. This letter contains much interesting and detailed information in regard to the present state and condition of the Cherokee people, and affords a fair view of the prospects which await these people, if they could be permitted to enter into the possession of the advantages secured to them by the treaty of 1835. It is my wish, sir, to read this letter for the information of the Senate and of the country. I will add, that I have numerous letters from highly respectable Cherokees who have settled in the West, which go to sustain fully all the views and statements of Mr. Ridge. The propriety of introducing and reading this letter I trust will not be controverted, when we take into consideration the present actual state of our Cherokee affairs.

It is known that the Government, in December, 1835, entered into an arrangement or treaty with a numerous and intelligent delegation of the Cherokee people. Under which arrangement it was stipulated and agreed that the whole people should emigrate from the East to the West, under the care and superintendence of the Government of the United States, on or before the 23d of the present month, *May*, 1838; and several thousand of them, including the most intelligent, have already emigrated, and taken up their abodes in their new country, where they are quiet, happy, and contented, and are anxious to see the balance of their tribe join them in the West, and participate in their rich inheritance. Among the emigrants are Mr. Ridge, the writer of the letter to which I have referred, who is a man of strong native mind, improved by cultivation and education. He is a man of great integrity of character, whose lofty spirit became restless under the conflicts and controversies of his people with the State Governments, which terminated in the annihilation of the Cherokee Government. Under these circumstances Mr. Ridge and his friends yielded to the force of circumstances, choosing to abandon their country rather than be deprived of their native right to self government; and Mr. Ridge became the independent advocate of emigration, as the best hope of securing to his people the boon of liberty and independence. And now, with a prudent and intelligent forecast, he looks to a more honorable and endeared relation to the Government of the United States, as the only rational hope of perpetuating the existence of the native American race.

But, sir, by the indulgence of the Senate I will read the letter of Mr. Ridge referred to, and to sustain the truth of which I have in my possession ample testimony.

[Leave being granted, Mr. L. read as follows:]

SOUTH LEE, BERKSHIRE Co. MASS.
May 7, 1838.

MY FRIEND: While I was in New York, I received your kind letter of the 25th ult. in answer to mine, for which I am greatly indebted to you. It was my desire to have visited Washington, in order to have the pleasure of a personal interview with you, and also to see the result of the great Indian bill, now in a course of discussion in the Senate, but the period I have set apart to return to my country is the first of June, and I have but a short time to spend among my wife's relations.

I did not write as fully as the interesting subject of the Cherokee removal, and the nature of the country, demanded, as I then believed I should see you. Now you will allow me to relate my opinion of our country in the West, and the situation of our people.

The treaty is so liberal in its provisions for the comfortable removal of the Cherokees, that I have heard no complaints on that head, but the highest satisfaction. Those who went by water in steamboats in the spring of the year, passed with so much despatch, that most of them planted corn, and raised considerable crops. You know that good and exemplary christian, Mr. Charles Moore. He said that he planted in the month of June, and raised a greater crop of beans, pumpkins, and corn, than he ever did in Georgia under the most favorable circumstances. He said that "the land in the West was so rich, that he could compare it to nothing else than a fattened hog, which was so fat that he could not get up." I have travelled extensively in that country—once, from my residence, near the corner of Missouri and Arkansas, to Fort Smith, through Flint district, where I had the pleasure of beholding fine springs of water, excellent farms, and comfortable houses, and mills and mission schools, belonging to the Cherokees, and every evidence of prosperity and happiness was to be seen among the Cherokees as a people. I saw a number who had previously arrived, and who arrived since I had, and I heard but one sentiment—that they were happy and contented in their new country. Indeed, the soil is so exceedingly rich, and well timbered, and the navigation of the Arkansas river affords them superior commercial advantages to what they enjoyed in the East. I joked with the people, and asked them if they would return to Georgia, even if they could be re-established in their ancient rights and location in that country? They invariably said, No, by no means! Nothing would induce them to return. But they sincerely wished that the eyes of their countrymen might be opened, and break from the delusions of John Ross and his political tools, and escape to this good land. I think in this direction, I travelled over eighty-eight miles of the nation in a straight line. After this, I visited the newly acquired land, called neutral, which was added to our country west, by the treaty of New Echota. I rode over it about two days, and I their found Mr. Joseph Rogers, our Cherokee friend from the Chatahoochy, pleasantly situated in the finest region of country I ever beheld on any land in the United States. The streams here, of all sizes from the river to the brooks, run swiftly over clear stones and pebbles, and the water is clear as crystal, in which excellent fish abound in vast numbers. The soil is diversified, from the best prairie lands to the best bottom lands in vast tracts. Never did I see a better location for settlements, and better springs in the world. God has thrown his favors here with a broad cast. In this region are numerous mills, and it is of itself capable of supportinga larger population than the whole Cherokee nation. On my return, I travelled towards Fort Gibson, seventy-five miles, in another direction, and I found the richness of the soil, and natural advantages, far superior to any other country in my travels. In this trip, I visited Parkhill mission, where the Rev. Mr. Worcester and Mr. Boudinot are located, and are engaged in the translation and publication of useful religious books in the Cherokee language, and also Choctaw books prepared by the Choctaw missionaries. But what pleased me more, and which was a new thing here, in this country, those gentlemen had published a christian almanac, in Cherokee and English, calculated for the meridian of Fort Gibson! I found this extensively in circulation among the Cherokees; and in fact, I was pleased to find, that religious tracts in the Indian language, on the shelves of full-blooded Cherokees, and every one knew and seemed to love, the "*messenger*," as they call Mr. Worcester. I very often met with new emigrants from the eastern nation, either arriving, or settling the country, or on their way to Fort Gibson, to draw the balance of their dues for their lands and improvements. These *new comers* were formerly of opposite parties in the old nation; there was no disposition to quarrel, but every disposition manifested to cultivate friendship, and rejoice together in the possession of this country.

I had the pleasure of being introduced to General Arbuckle, commanding at Fort Gibson, and I found him to be an excellent man, of fine personal appearance, and intelligence. He informed me that the country next to the Osages, on the Verdigris, was the best in the country, and was yet unsettled; so you perceive that I am greatly pleased with our new country. Most all the intelligent men of our nation, our supreme judges, our sheriffs, our marshals, our legislators, and our national treasurer, are, you are aware, already removed; and all are engaged in the building of houses and the opening of farms. Many of the Cherokees htave turned their attention to merchandising, and some have supplied themselves with goods from New Orleans and New York, besides other places more convenient to the nation.

Many of the Christian Cherokees are engaged in the organization of schools and temperance societies; and there is no danger, as some supposed, that the Cherokees would indulge so much in the chase as to retrograde from civilization. And I have also the pleasure of informing you, that the utmost friendship and tranquillity prevails between the Indians and the citizens of the United States, not only those who live at the military stations, but those of your citizens who reside in Missouri and Arkansas, near the Cherokee nation. In the best state of friendship they visit and trade together on both sides of the line, to their mutual advantage. In addition to this, we have excellent saline springs, where salt is made by the Cherokees. I was told Judge Martin was about to commence to work at one of these salines. In regard to the health of the country, I find that it is good on the small water courses, and it is only on the larger water courses that the fever and ague prevails among new settlers. But it is somewhat singular, that whenever a Cherokee arrives in the country, wherever that might be, he cannot be induced to change his location for a better. He will say that there is either no better, or that his place is as good as he wants it to be.

If the people of the United States could only see our condition in the West, they would no longer assist John Ross to delude the poor, ignorant portion of our people to remain in the East, while he can speculate on their miseries.

The Cherokee Government in the West is very much like it was in the old nation before it was suppressed by the States.

They have an Executive, Legislature, and a Judiciary, and *trial by jury*.

I feel happy to ascertain that a majority of the Senate entertain such magnanimous views towards the well-being of the Indians in future. Removed as they are from State jurisdiction and conflict, with the rich advantages of christianity and civilization, the Choctaws, Cherokees, Chickasaws, Creeks, and other nations, are destined to become a mighty and a happy people in the West. I am truly pleased to find that our neighbor Senator Sevier stands by your side in this great undertaking. That was a happy thought of his, in calling the Indian Territory "*Neosho*." It means, in the Osage language, the "*Clear Waters*."

I should be glad to receive the documents connected with that bill, and all the important speeches upon the subject.

While I was in New York, I found that the religious community were entirely bewildered by John Ross, and the party slang of their papers. Instead of viewing the late treaty as a blessing to the Cherokees, and as a mode of relief to the suffering Cherokees, they considered it the source of all their afflictions. I attempted to explain John Ross's position in the papers; and many of them are convinced that the treaty and its friends are in the right; but a great many are still bewildered. They believe that John Ross *is the nation;* and could he succeed to break the treaty, the whole of the Southern States would retire from their jurisdictional charters.

I sometimes feel afraid that all is not right in these editors of newspapers. It would seem that they would be willing to have the Indians resist and shed blood, and produce a Florida scene, in order to render their Government odious. They seem to be pleased to have money expended to suppress Indian hostilities, and then blame the Government for the expenses. They well know that the Indians cannot exist in the States; and all they can possibly accomplish by their memorials, is to assist John Ross to effect a treaty, the character of which is buried deep in his breast. They all know

that in the East the Cherokees have no Government, and have had no elections for nine years past; and yet John Ross is, in their estimation, a constitutional chief over all the Cherokees; and if the President refuses to recognise this preposterous claim, and determines to see that all the Cherokees shall share alike from the avails of their land, then they proclaim him a monster, and John Ross the Cherokee christian.

I shall remain here to the first of June; and I will be obliged to you for another letter before I start for the West. I am your friend.

JOHN RIDGE.

Gov. WILSON LUMPKIN.

Thus, sir, you have the views of a man, than whom none is better qualified to judge, or more entitled to full credit. Now, sir, what a contrast does this letter of facts present, when compared with the idle, silly, and false sympathy set forth in the memorials and petitions with which we are daily inundated—coming from a distant people, who are obviously ignorant of the merits of the subject with which they are impertinently intermeddling. Yes, sir, these memorialists are made to complain upon a subject upon which, from the nature of things, they care and know but little. Sir, these good, religious memorialists are brought in as auxiliaries to a political cause. The obvious object is to bring odium and censure on the administration of your Government. I aspire not to the honor of those who are the organs of such petitioners. Sir, I am the friend of liberty and individual rights. To *petition*, *speak*, *write*, and *publish*, is guarantied to the American citizen by the Constitution of our country. I would abridge none of these rights. But I am the avowed opponent of the impertinent intermeddling of one section of our country with the local concerns of another section. And, sir, when in my closet, I sometimes tremble for the ultimate destiny of my country, when I trace the progress and movements of the present times.

We are justly and properly considered a christian people. The Constitutions of our country all recognise the Bible as a book of Divine origin and revelation, and none can have a higher regard and veneration for that standard of religion than myself. But in the formation of our Constitution, great care was taken not to blend Church and State; a religious party in politics, such as these petitioners on the Cherokee subject, was never contemplated by the framers of our Constitution. But with all our guarranties of liberty of conscience, what is the present state of facts? Look at the journals and proceedings of both Houses of Congress during the present session. All other business dwindles into mere *items*, when compared with the mass of matter, forced on the attention of Congress by a concert of professed christian spirits, who are countenanced, encouraged, and sustained by highly talented men of the political party, who are opposed to the present Administration of the Federal Government. And these pious people take the liberty, upon all occasions, of dealing out denunciation and condemnation upon the Government of their country. And yet, when conclusive testimony is introduced to expose their error, the Senator from Massachusetts [Mr. DAVIS] complains of the want of respect to these petitioners. The letter of Mr. Ridge read by me, has nothing in it unkind or uncourteous to these people, unless the exposure of their errors and ignorance upon this Indian subject may be so considered. Compare the severity and sentiments of these memorials, levelled against the Government to help out a political party, with this letter; and I may safely appeal to any tribunal for an award in favor of Mr. Ridge, upon the score of moderation, when compared with this christian party in politics. Mr. Ridge's letter certainly gives him much the strongest claim to a christian spirit of moderation and truth.

But the gentleman from Massachusetts undertakes to justify his complaining constituents and memorialists upon the ground that their complaints are confined to the validity of the late treaty. Moreover, the Senator informs us that he has never considered the treaty a valid one; that it was made with a small number of unauthorized individuals of the Cherokee people, and that fifteen or sixteen thousand Cherokees have remonstrated against the treaty during the present session of Congress. Upon this subject I will give the Senator and the Senate correct information. I wish the whole truth to be known to the country. The numerical majority of the whole Cherokee people has for many years been under the influence of Mr. Ross and his party; and, therefore, I have no doubt but a majority of the whole Cherokee people, if they had been consulted, would have joined Ross in dissenting to the treaty. But it is equally true that a majority of the Cherokees who possessed a sufficient share of intelligence to comprehend the subject, were decidedly in favor of the treaty; and are now happy and satisfied in the enjoyment of the benefits and advantages secured to them and their people under the provisions of the treaty.

My opinion of Indian treaties is known to the Senate. But I would ask, when was the validity of an Indian treaty, before this, tested by being submitted to the whole mass of an Indian people, men, women, and children? A new test has been introduced to try the validity of this treaty: it is to be tested upon the broadest principles of Democracy. It ought to be sufficient to satisfy the wise and the good, every where, that this treaty was negotiated, on behalf of the Cherokees, by the most intelligent and patriotic men that ever negotiated an Indian treaty, and that it secures to the whole people more signal advantages than were ever before secured to an Indian people, by any treaty heretofore entered into by this Government. This treaty dispenses equal justice to the rich and poor, without favor or partiality to a solitary individual.

One word, sir, upon the subject of the remonstrance of the fifteen thousand Cherokees, against the execution of the treaty. Including every Indian soul, now in the Cherokee country East, their number cannot amount to fifteen thousand—the whole of the men, women, and children, including the infants at the breast, and they do not amount to that number. Here then, Mr. President, we have a forcible illustration of the imposition practised upon honorable Senators, who become the organs of the fashionable petitioners of the present day. Sir, the facts which I state are susceptible of proof, before any tribunal whatever. I, therefore, hope we shall hear no more about the *fifteen thousand* Cherokee complainants.

But, sir, I could bear with patience and composure all this delusion and ignorance, and impertinent intermedling, but for the apprehended mischief and evil which the opponents of the Government are likely to bring upon the poor Cherokees themselves, and for whom they profess to feel such strong sympathy. The opponents of the Government, and their pious friends, will not let the Indians go. Every expedient has been resorted to for the purpose of preventing these people from entering into their goodly inheritance. I fear nothing will satisfy the tender mercies of those who are intermedling with this subject, *but another Indian war*. It requires an extraordinary share of philosophy to exercise composure under such provocations as are directly addressed to the Southern people from day to day in this chamber, under the humble garb of petition. But, sir, I will not indulge in further remarks on this subject at present; for I cannot do so without feelings which I do not wish to cherish.

Mr. CLAYTON, from the Committee on Revolutionary Claims, reported a bill for the relief of Agnes Dudley; which was read, and ordered to a second reading.

Mr. NILES, from the Committee on Manufactures, reported a bill imposing a duty on imported starch; which was read, and ordered to a second reading.

Mr. RIVES, from the Committee on Naval Affairs, to which had been referred the bill to establish and regulate the navy ration, reported the same with amendments.

Mr. BROWN presented the proceedings of a large number of citizens of North Carolina, and a memorial from the same, praying for an appropriation for the purpose of improving the navigation of —— Sound: referred to the Committee on Commerce.

The bill to punish counterfeiting Treasury notes and other securities of the United States, and the joint resolution for the relief of Vespasian P. Ellis, were severally read the third time and passed.

Mr. ALLEN submitted the following resolution, and asked for its immediate consideration, but this requiring the unanimous consent of the Senate, and Mr. TALLMADGE objecting, it lies over one day.

Resolved, That the Committee for the District of Columbia procure and report to the Senate statements of the condition of the several banks in the District of Columbia that have applied for an extension of their charters, in regard to the following particulars:

1. The names of the officers and directors of the banks, the amount of stock owned by each, and the debts due from each to the banks respectively, discriminating between the executive, legislative, and judicial officers of the Government among them, and also between residents and non-residents.

2. The stockholders of the banks respectively, the amount of stock owned by each, and of debts due from each, discriminating as above.

3. The debtors to the banks respectively, and the amount due from each, discriminating as above.

4. The number of suits that the banks respectively have instituted against their debtors since the suspension of specie payments, and the amount due from each, discriminating as above.

DISTRICT BANKS.

The Senate resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia, the question being on the amendment offered by Mr. BUCHANAN, and explained in yesterday's report.

Messrs. NILES and BENTON, severally addressed the Senate in favor of the principle contained in the amendment; after which,

Mr. ALLEN moved to lay the bill on the table, to give time to obtain the information called for by the resolution submitted by him this morning, and in consideration of the absence and indisposition of the Senator who submitted the pending amendment.

This motion was decided in the negative—yeas 15, nays 22, as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Grundy, Morris, Niles, Norvell, Robinson, Smith of Connecticut, Strange, Trotter, and Williams—15.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Hubbard, King, Knight, Lumpkin, Mouton, Nicholas, Pierce, Prentiss, Preston, Rives, Roane, Ruggles, Sevier, Smith of Indiana, Spence, Tallmadge, Tipton, Webster, and White—23.

On motion of Mr. BENTON, the Senate went into the consideration of Executive business; after which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, May 16, 1838.

RECISSION OF TREASURY CIRCULAR.

Mr. BOON rose and said, pursuant to the notice he had given yesterday, he moved a suspension of the rules, for the purpose of taking up the resolution of Mr. WILLIAMS of Kentucky for one hour, adding that he understood that gentleman would modify it, if it should be received, by adopting that of Mr. B.

The resolution was as follows:

Resolved, That the Committee of Ways and Means be instructed to report a bill making it unlawful for the Secretary of the Treasury, or any other officer of this Government, to continue in force or make any general or special order making a distinction or discrimination in the medium or kind of currency in which the different branches of the revenue (either from the sales of the public lands or from any other source) of the United States shall be collected.

Mr. WILLIAMS said that having been informed some gentlemen voted against the suspension of the rules yesterday, because they disapproved of the phraseology of this resolution, he gave no-

tice that if the House assented to the motion of the gentleman from Indiana, he would so modify his resolution as to make it a joint one, without any reference to the Committee of Ways and Means.

Mr. GRENNELL asked for the yeas and nays, but, on dividing the House, no quorum appearing,

Mr. BRIGGS moved a call of the House, which was ordered, and, after proceeding for some time,

Mr. JOHNSON, of Va. moved to dispense with it; the House then refused, but, after proceeding further, the motion was renewed by Mr. MARVIN, and prevailed.

The question was then taken on suspending the rules, and decided in the negative—yeas 111, nays 70.

A joint resolution from the Senate, for the relief of Vespasian Ellis, was taken up, read twice, and, on motion of Mr. WISE, ordered to its third reading, and then read a third time and passed.

The Senate bill to authorize the sale of certain bonds [of the Bank of the United States] belonging to the United States, was read twice, and referred to the Committee of Ways and Means.

The Senate bill for the relief of Hard and Longstreet was read twice, and, on motion of Mr. MONTGOMERY, referred to the Committee on the Post Office and Post Roads.

The Senate bill to amend the act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes, was also read twice, and, on motion of Mr. WHITTLESEY of Ohio, referred to the Committee on the Judiciary.

Mr. CARTER of Tennessee and Mr. HARLAN of Kentucky, severally had leave to withdraw some papers relating to private claims.

Mr. LINCOLN and Mr. SOUTHGATE appealed to the House to take up the motion to print 10,000 extra copies of the militia report; but it was objected to.

TREASURY NOTES.

On motion of Mr. CAMBRELENG, the rules were suspended, and the House took up the "bill to carry into effect an act approved the 12th of October, 1837, to authorize the issuing of Treasury notes," reported last evening, from the Committee of the Whole on the state of the Union.

The bill, as reported, was in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions of an act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled.

Mr. CAMBRELENG moved to amend the bill, by inserting between the 5th and 6th lines, after the word "provisions," " and subject to all the conditions, limitations, and restrictions;" which was agreed to.

Mr. C. moved to add the penal clause of the former bill against counterfeiting, etc; but, after some conversation with Mr. HOFFMAN, he withdrew it, explaining that he himself did not deem it necessary; but as others did, he had submitted it in deference to them.

Mr. ROBERTSON then renewed his amendment offered in Committee, modifying it so as to embrace also the substance of one submitted by Mr. MENEFEE, as follows:

Strike out all after the enacting clause, and insert:

That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President, to borrow, on the credit of the United States, from time to time, such sums as the President may consider requisite for the public service of the current year, not exceeding in the whole —— millions of dollars, at a rate of interest not exceeding six per centum per annum, payable quarter-yearly, reimbursable at the will of the United States, or at such periods as may be stipulated, not exceeding ——— from the ——— day of ———; to be applied, in addition to the moneys now in the Treasury, or which may be received therein from other sources during the present year, to defray any public expenditures which are or may be authorized by law. The stock thereby created shall be transferable at the Treasury of the United States, under such regulations as the Secretary of the Treasury shall prescribe; which regulations shall be published in such manner as he shall direct. *And it is hereby declared*, That it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the Register of the Treasury, for the sum borrowed, or for any part thereof, bearing an interest, payable as aforesaid, not exceeding —— per centum per annum, transferable and reimbursable as aforesaid, provided said stock shall not be sold under par.

Mr. HOFFMAN then proceeded to reply to Mr. RHETT; and having done so, propounded some questions to the Chairman of the Committee of Ways and Means.

Mr. H. inquired whether it was intended, by this bill, that the Treasury notes issued, and paid back into the Treasury, should be cancelled as they came in?

Mr. CAMBRELENG replied that, in order to obviate any misconstruction or doubt about that point, he had introduced the amendment agreed to this morning.

Mr. HOFFMAN. Then, in no case, is the issue to exceed ten millions of dollars?

Mr. CAMBRELENG. Certainly not.

Mr. HOFFMAN. And will the power to issue expire on the 31st of December, 1838, as in the act of the 12th of October?

Mr. CAMBRELENG explained that, as the bill originally stood, according to his construction of it, it carried with it all the provisions of that act; but some doubts having been expressed by various gentlemen, to obviate them he had extended the clause by inserting the words, "subject to all the conditions, limitations, and restrictions" of that act. Consequently, this bill would expire at the time indicated in the antecedent one.

Mr. HOFFMAN admitted that he had not paid strict attention to the amendment at the time it was offered. He then went on to express his dissent, and to give his reasons therefor, from the mode of relief proposed, Treasury notes were objectionable, because they were unproductive, and always would be depreciated; and quoted, in proof of this, the testimony of Mr. Gallatin. Mr. H. then adverted to the free banking scheme, which was, as yet, an untried experiment, and stated his objections to some of its features. In reference to any mode of relief, he expressed himself in favor of a direct loan.

Mr. THOMPSON made some explanations in reply to Mr. H.

Mr. JONES of Virginia went into a general defence of the bill, and in reply to the arguments urged against it by others.

Mr. WISE went at length into an opposition to the bill, upon the ground that it was better to create a loan direct, than to resort to the measure now proposed. He was willing to take it for granted that the necessity for supplies existed; and commented upon the course of the Administration, which had resulted in that effect. He said it was extraordinary that the financiers of the Government should say that they had abundant means, and yet should be compelled to use their credit to raise money; and he made statements to show that the distress and embarrassment which had fallen upon the Government and the merchants had also reached the mass of the community, and was most oppressive in the valley of the Mississippi. When the issue of Treasury notes was first proposed, the same story of abundant means and temporary expedients was held out, and it was said that time was wanted for the merchant to pay their bonds, for the deposite banks to pay what they owed, and the issue of Treasury notes would accomplish all that was desired. All this had been granted, and now, in the same way, more time was asked, and the issuing of more Treasury notes. He referred to the objection that there was not time to negotiate a loan, and said he thought, though he was not authorized to say so, that Nicholas Biddle would take the loan, and pay the ten millions in specie. That monster, he said, had withstood the colossal power of the Government when it was colossal; and had maintained the credit of his bank at home and abroad; and now that the Government was weak and was brought into contempt every where, Nicholas Biddle was able to loan the ten millions which the Government required to sustain their fiscal operations. Mr. W. went into various arguments to prove that the action of the Government in relation to the currency had been founded in bad policy, and then condemned the issuing of Treasury notes as imprudent and unsafe.

He compared the present issue with that of Continental money under the Confederation, and called this the least valuable promise, because it was not *præsenti*, but *præsenti solvendum in futuro;* and, after describing a note of the old emission, he showed and described a caricature of the Treasury notes, and inferred that the people held such expedients of the Government in derision. He concluded by again repeating that he would aid the Government with all needful funds, but he preferred the direct, open, manner of a loan.

Mr. BYNUM replied to some of the attacks made upon the Administration, and contended that the proposed mode of obtaining funds was adopted in order to prevent a pressure upon the merchants, who had asked for extension, and to prevent a sudden and oppressive call upon the States for the moneys deposited with them. It was a measure intended to aid and relieve the country, and he remarked severely upon the conduct of the opponents of the Administration, comparing it with that of the parties in olden times, when power was swayed by the hands of the priestcraft, and was used to oppress and plunder the people, whom it endeavored to blind, and keep in ignorance and submission. Since the light of knowledge had burst upon the world, and the wickedness of the rulers had been exposed, there was little danger that the people could be long enslaved; and it was in consequence of the enlightened condition of the age that the dominance of the bank had been resisted and crushed. He went fully into an examination of the charges against the Administration, and into a defence of its measures.

Mr. GARLAND of Louisiana said, if it was not the intention of the House to take the question this evening, he would prefer an adjournment; and accordingly made such a motion.

Mr. CUSHMAN called for the yeas and nays; which were ordered.

Mr. GARLAND then withdrew his motion to adjourn; and said if there were no other gentlemen disposed to address the House, he would waive his right, and permit the question to be taken.

Other gentlemen having indicated a wish to address the House,

Mr. GARLAND then proceeded to comment upon the extraordinary character of the President's message, and the communication of the Secretary of the Treasury, and continued at length an investigation of various questions connected with the state of the currency, when he yielded the floor to.

Mr. CALHOUN of Massachusetts, who moved an adjournment.

Mr. HAYNES called for the yeas and nays; which were ordered, and were—yeas 64, nays 125.

So the House refused to adjourn.

Mr. GARLAND continued his remarks, insisting that a loan was preferable to the issue of Treasury notes, and that a loan could be readily and speedily negotiated in this country; and defending the conduct of the United States Bank of Pennsylvania, in the purchase of cotton, for the purpose of aiding southern planters, and paying the foreign debt of the country. He maintained that it was better to resort to a loan in Europe, rather than to this measure, and supported that ground by reference to the practice of the Government in past times, and especially to the times of Washington, Jefferson, and Madison, who had all been in favor

of that mode of obtaining necessary supplies. When Mr. GARLAND had concluded,

Mr. CUSHMAN remarked that the subject had been fully discussed, and the hour was late, so he moved the previous question.

Mr. CRAIG moved a call of the House which was ordered—ayes 83, noes 52.

Mr. POPE, after the names had been called, moved a suspension of the proceedings in the call, and stated that he knew a number of gentlemen had paired off, upon both sides, with the intention of not returning.

The question was taken, and decided in the negative—ayes 76, noes 77.

The Clerk was then about to proceed to call the absentees, when one hundred and ninety-nine members being ascertained to be present.

On motion of Mr. GRANT, the further proceeding on the call were dispensed with—ayes 104, noes not counted

The question was then taken on the motion for the previous question, and resulted—ayes 98, noes 95, so the call for the previous question was seconded.

Mr. BELL demanded the yeas and nays on ordering the main question to be put, which were ordered, and were, yeas 99, nays 99, a tie; the CHAIR voting in the affirmative, made ayes 100, noes 99; so the main question was ordered.

Mr. GRENNELL asked for the yeas and nays thereon, which was the engrossment of the bill; and being ordered, they were, yeas 106, nays 99; as follow:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bynum, Cambreleng, John Campbell, Casey, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nath. Jones, John W. Jones, Keim, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Morgan, Murray, Noble, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Rariden, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Snyder, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—106.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoon, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Halstead, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, Robert M. T. Hunter, Henry Johnson, William Cost Johnson, Kennedy, Lincoln, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, C. Morris, Naylor, Noyes, Patterson, Peck, Pope, Potts, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—99.

So the bill was ordered to be engrossed for a third reading; and having been engrossed and put on its passage,

Mr. WILLIAMS of Kentucky moved to recommit the bill to a Committee of the Whole on the state of the Union, with instructions to report a bill to authorize the sale of the bonds of the Bank of the United States, and in the event that they could not be sold in time, then to authorize the issue of two millions of Treasury notes for the immediate wants of the Government; and also to authorize a loan of such sum as might be necessary for the actual wants of the Government, until such sale can be made.

Mr. CUSHMAN then moved the previous question; which was seconded—ayes 104, noes not counted.

Mr. WILLIAMS of North Carolina demanded the yeas and nays on ordering the main question, and having been ordered were, yeas 103, nays 94.

Mr. RARIDEN then rose to move a vote of reconsideration; but it was not in order.

Messrs. BRIGGS, ROBERTSON, and WISE, simultaneously called for the yeas and nays; but they were refused.

Mr. BELL raised the point of order, that Mr. RARIDEN'S motion was in order; but, after a few words from the CHAIR, dropped it.

The bill was then passed, and the question being on adopting the title,

Mr. ADAMS moved to strike out the words, "to carry into effect the act approved 12th day of October, 1837;" which was agreed to.

Mr. FLETCHER of Massachusetts moved to insert the following: "to meet the current expenses of the Government;" which was agreed to.

The title, as amended, was then agreed to.

Mr. RARIDEN then rose and said, for the purpose of placing himself and his friends in a correct attitude before this nation, he would give notice that he should move a reconsideration of the vote by which the bill was passed. He preferred the amendment proposing to provide means partly by loan, and partly by Treasury notes, to meet the immediate wants of the Government, though he should still vote for the bill if that proposition should be rejected.

On motion, at about quarter past 10 o'clock,

The House adjourned.

IN SENATE,

WEDNESDAY, May 16, 1838.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the joint resolution submitted by Mr. CLAY, proposing to make bank notes receivable and payable in the receipts and expenditures of the Government, made a detailed report thereon; which was read.

Mr. BENTON moved that the report be printed; which motion was carried.

Mr. ALLEN rose and said he would only observe that this was a very important paper, embracing a subject all interesting to the whole people of this country. It was also very long and elaborate—too much so to undergo a very extensive publication by the ordinary public journals of the country. To supply its absence from these journals would require a very large number of copies to be printed by order of the Senate. In looking into the journals of the Senate to see what had been the practice of the Senate on the subject, he found that the report made by the Post Office Committee in 1834, was ordered to be printed with an extra number of copies, amounting to 30,000. He also found that the numerous documents appended to this report were ordered to be printed to the number of 30,000. The order for this printing passed the Senate by a vote of 26 to 14. Mr. A. here, at the request of several gentlemen, read the yeas and nays on the occasion referred to. Believing this document to be much more important than the Post Office report of 1834, and that it was essential that the people should have the fullest information on the interesting subject involved, he was for printing the largest number of copies that had ever been ordered in that body—which was 30,000.

Mr. CLAY expressed himself willing to vote for the printing, and he only wished gentlemen to agree among themselves what number they wanted, and he would vote for it. He was surprised, however, that the chairman of the committee had not thought fit to move some disposition of the resolution upon which this report was made. It had been a sufficient time before the committee, and from the importance of the subject, the public would expect some action on it. He complained that the course of the chairman was unparliamentary, and that it was treating the resolution unfairly to throw it aside in the way that it had been done.

Mr. MORRIS entirely concurred with his colleague as to the importance of the document just read. He thought it was just such a paper as ought to be extensively circulated to disabuse the public mind on this important subject. If he could call back the money which has been expended in printing this session, he would willingly go to the expense of printing half a million of copies; but as that could not be done, he was willing to go to the extent moved by his colleague. For his part, he thought each Senator ought to have 1000 copies to distribute, and he would therefore move to print 52,000, instead of 30,000 *copies*.

Mr. CLAY still thought that it was incumbent on the chairman of the committee to which the resolution had been referred, to move for its disposition in some way or other. It was true that the chairman had made a very voluminous report on the subject referred to him; but he recommended no action whatever on the resolution, and he therefore supposed that it was his intention to consider it as finally settled.

Mr. HUBBARD observed in reply to Mr. CLAY, that when the report was introduced, it was distinctly stated by the chairman that he was directed by the Committee on Finance, to report back the resolution without amendment. The reading of the report was immediately called for, and commenced, occupying the whole morning, so that the chairman had no opportunity of making any motion whatever, if disposed to do so. Besides the resolution was reported strictly in accordance with parliamentary practice (without amendment,) and would take its place on the calendar, liable to be called up at any moment by a vote of the Senate. So far from its being unparliamentary, as alleged by the Senator from Kentucy, the report was made in the usual course, and in strict conformity with the parliamentary rule. He himself intended as soon as this debate was disposed of, to move to take up the resolution, and assign an early day for its consideration.

Mr. CLAY of Kentucky said if it was the intention of the committee to put the resolution in the Calendar, to meet its fate during the session, it was equivalent to suppressing it altogether. The subject was one of such thrilling interest to the whole community, that he supposed it was entitled to an earlier consideration, without throwing it into the mass, or rather at the tail of all the business of the Senate.

Mr. HUBBARD said that the Senator could move to take up the resolution at any time, and that it was his province to do so as much as that of any member of the committee. It was not the wish of the committee to put the resolution behind the other business of the Senate; on the contrary, he had intimated his intention of moving to assign an early day for its consideration. He would name any day the Senator pleased.

Mr. KING remarked that the Senator from Kentucky had no reason to complain of the course pursued by the committee in reporting back this resolution. The committee had reported in the usual manner, and it was competent for the Senate to move to take it up at any time. There was no disposition on the part of the committee, or, he believed, of the Senate, to delay its consideration. While up he would take notice of the motion made by the Senator from Ohio [Mr. MORRIS] to amend that of his colleague so as to print the extraordinary number of 52,000 copies. Now he, for one, was opposed to printing an unusual number of documents, to be laid on the tables of members, and thrown aside as useless. This waste in printing was an evil that was growing from day to day, and it was time that it should be ended. He was opposed to the printing of the immense number of extra copies of the Post Office report in 1834, and he was equally opposed to the printing of so unusual a number now. He admitted that the report was a very able one, and ought to be widely disseminated. He thought it was calculated to do much good; but he thought that 10,000 copies would be sufficient, and he would go for that number, and no more.

Mr. HUBBARD said he believed from his knowledge of the handwriting of the gentleman who made the report, that it would not make more than twenty-four or twenty-five printed pages of the size of the usual pamphlet in which the speeches are published.

Mr. CLAY, of Alabama, hoped the Senator from Ohio [Mr. MORRIS] would withdraw his motion, and let the question be taken on that of his colleague, to print 30,000 copies. He was not disposed to follow the example set by gentlemen in the other House, who opposed the Administration in every thing, though he was willing, on the score of economy, to limit himself to voting for the largest number that had ever been printed. In regard to this important document he was willing to go to the extent moved by the Senator from Ohio first up, [Mr. ALLEN,] which was the number printed of the Post Office Report, though it was agreed on all hands that the publication of this document would not cost more than one-tenth of what that did.

Mr. GRUNDY said the largest number ever

printed for the Senate was 30,000, which was the Post Office document. As he conceived this document one of far greater importance to the people, he expressed his readiness to vote for that number, but nothing beyond it.

Mr. BENTON advocated the printing of the greatest number, and avowed his determination to vote on each question for the largest number. The document was one of great importance to the country, and would not cost a tythe of that which had been sent from this body, some sessions since, in relation to the concerns of the General Post Office.

Mr. TALLMADGE opposed the printing of the number moved by the Senator from Ohio, and said that he would not go beyond the number suggested by the Senator from Alabama. Mr. T. adverted to the printing of 30,000 copies of the report of the Post Office Committee in 1834, which he said he voted against. His share of the copies, he said, was sent to him by mail, after he left Washington; and after they had remained in the post office of his town for some time, the postmaster begged him to take them away, saying that he had no room for them. He then took them and disposed of them to a grocer, to be used as wrapping paper in his business; and the grocer informed him that they constituted a supply sufficient to last him two years. As to the portion that had been sent to his colleage, he had been informed by him that they had been used for wadding for cannon, in celebrating political victories. Now, he did not know but these documents, if the Senate ordered the printing of so large a number, might be used in the same way, and become wadding for the cannon that shall celebrate Whig victories. Mr. T. then reviewed the report, which he considered as condemning the former action of the Senate in relation to the Specie circular.

Mr. MORRIS withdrew his motion to print 52,000 copies, so that the question recurred on printing 32,000 copies, as moved by Mr. ALLEN.

Mr. ALLEN observed, that if the gentleman from New York [Mr. TALLMADGE] should find any difficulty in disposing of his share of this document, he would gladly agree to borrow them from him, and to give him, in return, his share of the first good Whig report that should be printed. There was no danger that this document would be used as wadding for cannon to celebrate Whig victories. He thought, from its force, that it was much more likely to become a cannon itself, and reach its object.

Mr. SMITH of Indiana contended that the printing of so great a number was unnecessary, as the report only embodied the arguments set forth in the different able speeches which had been delivered on the occasion, and which were already before the public.

Mr. STRANGE regretted the Senator from Ohio had withdrawn his proposition. The document was one, in his opinion, of vast importance to the country, and could not be too liberally disseminated. Mr. S. said the people of his State were crying out for information on this all absorbing question, and claimed for the majority the advantage of its position to disseminate all reports which, like this one, were based on truth and sound argument.

The question was then taken on printing 30,000 copies, and decided in the affirmative—yeas 23, nay 19, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Lumpkin, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Trotter, Webster, Williams, and Young—23.

NAYS—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, King, Knight, McKean, Merrick, Nicholas, Robbins, Ruggles, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, and White—19.

On motion of Mr. HUBBARD, Mr. CLAY's resolution was taken up, and made the order of the day for Monday next.

Mr. WEBSTER rose and said he would send an amendment to the CHAIR, which he intended to offer when the resolution should come up, and which he now asked might be printed. It was as follows:

Strike out the first clause of the resolution, and insert the following: "That it shall not be lawful for the Secretary of the Treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the funds, or medium of payment, in which debts, or dues to the United States, may be paid."

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, May 17, 1838.

As soon as the journal was read,

Mr. RARIDEN rose to make the motion of which he had given notice last night.

The CHAIR said the consideration of the motion would regularly lie over till the expiration of the morning hour.

Mr. RARIDEN asked the House to consider it now.

Mr. GLASCOCK objected at first, but afterwards withdrew it, and Mr. CHAMBERS of Kentucky renewed the objection.

Mr. GRIFFIN moved a suspension of the rules: lost, only 61 voting in the affirmative.

The CHAIR announced the business in order to be the motion to print 10,000 extra copies of the report of the Militia Committee.

Mr. RUSSELL asked leave to offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the fifth section of the act entitled "An act to regulate the deposites of the public money," passed the 23d of June, 1836, as prohibits receiving in payment for dues to the Government, and disbursing the same, the bills of specie paying banks, which issue bills or notes of a less denomination than five dollars.

And, also, so much of the second section of the act entitled "An act making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1836," as prohibits the offering in payment, by any officer or department of the Government, notes or bills of specie paying banks, of a less denomination than twenty dollars.

Mr. LINCOLN said he must object to the interposition of any other subject till the above motion was disposed of, which would occupy but a few moments.

Mr. RUSSELL moved a suspension of the rules, and asked for the yeas and nays; which, being ordered, were, yeas 56, nays 126, as follows:

YEAS—Messrs. Aycrigg, Biddle, Bond, John Calhoun, William B. Campbell, Chambers, Cheatham, Childs, Coffin, Cranston, Crockett, Curtis, Davies, Dunn, Edwards, Evans, Everett, Richard Fletcher, Fillmore, Graves, Grennell, Hall, Halstead, Harlan, Henry, Kennedy, Marvin, May, Maxwell, Mercer, Mitchell, Calvary Morris, Noyes, Patterson, Peck, Pope, Potts, Pratt, Randolph, Ridgway, Robinson, Russell, Sergeant, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Tillinghast, Toland, Lewis Williams, Joseph L. Williams, Wise, and Yorke—56.

NAYS—Messrs. Adams, Alexander, John W. Allen, Anderson, Andrews, Atherton, Beatty, Bicknell, Boon, Borden, Bouldin, Briggs, Brodhead, Bronson, Buchanan, William B. Calhoun, Cambreleng, John Campbell, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushing, Cushman, Davee, Deberry, Dennis, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, James Garland, Rice Garland, Glascock, Goode, William Graham, Grantland, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Harper, Hastings, Hawes, Haynes, Herod, Holsey, Holt, Hopkins, Hubley, Ingham, T. B. Jackson, J. Johnson, W. C. Johnson, J. W. Jones, Keim, Kilgore, Klingensmith, Leadbetter, Lewis, Lincoln, Logan, James M. Mason, Samson Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Menefee, Milligan, Miller, Montgomery, Morgan, Mathias Morris, Murray, Naylor, Noble, Owens, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Potter, Prentiss, Rariden, Reily, Rencher, Richardson, Rives, Robertson, Rumsey, Sheffer, Augustine H. Shepperd, Charles Shepard, Sheplor, Spencer, Stuart, Taliaferro, Taylor, Titus, Toucey, Turney, Underwood, Vanderveer, Webster, Weeks, Albert S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Christopher H. Williams, Worthington, and Yell—126.

So the House refused to suspend the rules.

Mr. RUSSELL then gave notice that he should call up this resolution to-morrow, and upon each successive day thereafter till it should receive the final action of the House.

The motion to print 10,000 extra copies of the militia report was then taken up and agreed to.

STEAM EXPLOSIONS.

Mr. CUSHMAN appealed to the House to consent to take up the bill to authorize the appointment of persons to test the usefulness of inventions to prevent the explosion of steamboat boilers.

Objection being made—

Mr. CUSHMAN moved a general suspension of the rules, but varied his motion, at the suggestion of Mr. EVERETT, for thirty minutes only; the motion, however, did not prevail.

RECISION OF THE SPECIE CIRCULAR.

Mr. BOON renewed his motion to suspend the rules for half an hour, to consider the resolution to rescind the Specie Circular.

Mr. CALVARY MORRIS asked for the yeas and nays; but they were refused, and the motion to suspend was rejected.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of A. J. Pickett and another.

Also, a bill for the relief of William A. Whitehead; which was ordered to a third reading tomorrow.

Mr. LINCOLN, from the Committee on Public Lands, reported a bill granting the right of preemption to certain lots in the town of Perrysburg, in the State of Ohio.

Mr. MONTGOMERY, from the Committee on the Post Office and Post Roads, reported, without amendment, Senate bill directing the Postmaster General to settle the claim of Hard and Longstreet.

Mr. M. stated the nature of the claim, and that it was a case of peculiar emergency, from the fact of the individual interested having suffered severely by the late conflagration in Charleston. Mr. M. moved that the House go into committee upon it at once.

Mr. BRIGGS also made an earnest appeal to the House in behalf of the motion.

Mr. LEGARE also beseeched the House to assent, as an act of mercy to the claimant, under the circumstances stated by Messrs. MONTGOMERY, and BRIGGS.

Mr. ADAMS wanted to know something more about it, and why the Postmaster General did not settle it at once.

Mr. THOMPSON explained from the want of power, and appealed to the House, as an act of mercy as well as justice, to act upon the bill.

Mr. BRIGGS again explained the nature of the claim, and stated that, as a case of equity, it was strongly recommended by the Postmaster General, and unanimously reported upon by the committees of both Houses.

Mr. UNDERWOOD opposed it strongly, as he was indisposed to give this bill a preference over bills reported for the burning of houses in the Revolutionary war. He should not consent to it, and moved it be made the order of the day for tomorrow.

Mr. ADAMS also opposed the motion originally made, and the bill too, and expressed a hope that the last motion would prevail.

Mr. MONTGOMERY was very certain that if the House had consented to his motion, the bill would have been disposed of before then. It was an extraordinary case, and he did not believe there would be a single vote against it.

Mr. CAMBRELENG, at this stage, moved the orders of the day, and the bill lies over.

Mr. HOWARD asked the gentleman to withdraw the motion, in order to take up the "hardware bill."

Mr. CAMBRELENG stated that that bill was already on its final passage.

The motion for the orders prevailed.

TREASURY NOTE BILL.

The motion of Mr. RARIDEN to reconsider the vote and the passage of this bill was then announced by the CHAIR.

Mr. RARIDEN took that occasion to explain that he was himself in favor of voting all necessary supplies to the Government, but differed with the majority of the House as to the proper mode; and the object of his motion was to give himself and his friends an opportunity of setting themselves right before the country. He preferred a partial issue of Treasury notes, and the remainder to be raised by a direct loan. Mr. R. added that

time was of far more importance at this period of the session than the mode of raising means; and, so far from desiring to bring on a protracted debate, he would himself, should such spring up, vote for the previous question. He only wanted an opportunity for himfelf and his friends to place their names on the record, so that they could not be misunderstood.

Mr BOON thought this measure had already been debated long enough; and he, therefore, moved the previous question.

Mr. RIVES propounded an inquiry of the CHAIR whether, if a motion to lay the motion to reconsider on the table should prevail, the bill would cohere with it.

The CHAIR had given this question some attention, and went on to explain substantially, we believe, to the following effect; that as no motion now could be made to lay the bill on the table, *ergo* no collateral motion could have that effect.

Mr. RIVES was decidedly of that opinion, and therefore asked the gentleman from Indiana to withdraw his demand for the previous question.

Mr. BOON declined.

Mr. WILLIAMS of North Carolina moved a call of the House, which was ordered, and proceeded in till the roll had been called through once; when

Mr. CUSHING moved to dispense with it.

Mr. PETRIKIN demanded the yeas and nays, which being ordered,

Mr. CUSHING withdrew the motion.

The roll was then called through a second time, and two hundred and fifteen members having answered to their names,

Mr. CURTIS moved that it be further dispensed with.

Mr CUSHMAN called for the yeas and nays, and as they were ordered,

Mr. CURTISS withdrew the motion, but

Mr. ATHERTON renewed it, and

Mr. OWENS demanded the yeas and nays; which were ordered, and were—yeas 117, nays 84.

So the further proceedings on the call were dispensed with; and the question recurring on the demand for the previous question—

Mr. WHITTLESEY of Ohio inquired if the previous question was sustained, what the main question would be?

The CHAIR replied on the reconsideration.

Mr. BRIGGS inquired what would then be the situation of the bill?

The CHAIR said the effect would be, if the House should affirm the motion to reconsider, that the question would then be on the passage of the bill.

Mr. BRIGGS. Then, sir, should the motion to reconsider the *engrossment* prevail, would the bill be open to amendment?

The CHAIR thought it would, if that motion was in order, and a motion to recommit the bill prevail.

Mr. WISE. Would that motion then be in order?

The CHAIR said he thought it would at another stage.

The House then seconded the demand for the previous question, the tellers reporting 119 in the affirmative, and on the question "Shall the main question be now put?"

Mr. GRAY asked for the yeas and nays; which being ordered, were—yeas 141, nays 64.

So the House determined that the main question should be now put, and thereon

Mr. BRONSON asked for the yeas and nays, which were ordered, and were, yeas 110, nays 109; as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, Wm. B. Calhoun, J. Calhoon, W. B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, James Garland, Rice Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, H. Johnson, W. C. Johnson, Kennedy, Kilgore, Lincoln, Marvin, James M. Mason, Sampson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Steuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—110.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Wm. H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, R. McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Murray, Noble, Owens, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—109.

The CHAIR voting in the negative, the motion was lost.

Mr. CAMBRELENG then moved that the House go into Committee of the Whole on the state of the Union; but subsequently withdrew the motion.

Mr. JONES of Wisconsin asked leave to submit a resolution setting apart Tuesday and Wednesday, the 5th and 6th June, for the consideration of Territorial business; but it was objected to.

Mr. DOWNING, of Florida, moved a suspension of the rules, which was agreed to, 121 to 52; and the resolution was taken up and agreed to, ayes 119, noes 43.

Mr. CAMPBELL, of South Carolina, asked leave to submit the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the Secretary of War to settle, upon equitable principles, the accounts of Major Thomas W. Harltee, late commandant of the battalion of South Carolina militia engaged in the Florida service, for articles necessary to their comfort, furnished to the troops under his command, and for such expenses as were incurred at the place of rendezvous, and on the march of the said troops.

OREGON TERRITORY.

The message of the President of the United States, in relation to the title of the United States to the Territory west of the Rocky mountains, was taken up.

The question pending was on the motion of Mr. CUSHING, to commit the same to the Committee on Foreign Affairs, with instructions to inquire into the expediency of establishing a post on the Columbia river for the defence thereof, and the expediency of making further provision by law to prevent any intermeddling by any foreign power with the Indians there, &c.

Mr. CUSHING stated that this was a subject of great interest, which he wished might be presented to the people of the United States. It would lead into a discussion of dry details, which might not interest the House, but which were now most important to be understood and spread before the country. It was a question which involved our relations with other powers, and our interests must be, at any hazard, defended. He did not fear that this question would bring our nation into conflict with any other; but, if it did, that hazard must be encountered, and our rights maintained. He should contend that we had the right to the territory alluded to, to the exclusion of European powers, by the right of discovery, for he maintained that the discovery of an island, carried the whole island, against subsequent discoveries or possession of other parts. If it was a discovery of a continent, it would be governed by circumstances. If it was the discovery of a river, it not only carried the river but the lands that bordered thereon, and the tract of country to its sources. He assumed these principles to be true, because they had always been insisted upon by our country as a part of international law.

He said we had a right, by discovery, because the first discovery and exploration was made by Captain Robert Gray, of Massachusetts, who sailed there in the brig Columbia, and was the first person who visited Columbia river, which he named, after the name of his vessel, the Columbia river. This first exploration was followed by the exploration of Lewis and Clarke, which was complete from the source to the mouth of the same river; and that again was followed by the settlement of John Jacob Astor. Vancouver's discovery, upon which the English found a right, was subsequent to that of Capt. Gray, and he visited the mouth of the river, as he had stated, in consequence of information given him by Captain Gray. The occupancy of the territory, projected by John Jacob Astor in an enlightened spirit, and with the forecast which distinguishes an enterprising merchant, was made in 1805, still previous to the occupancy of any other power; though not under the patronage, yet under the encouragement of the Government of the United States. If that possession had been persisted in, it would now have precluded any foreign nation; but the war of 1812 ensued, and broke up the establishment; and the whole of Mr. Astor's great property there was sacrificed by his treacherous agent, McDougal, who, by collusion with the Northwest Trading Company of Montreal, conveyed the property to them, and became a partner in their concern.

The matter remained thus, till the close of the war, when it was settled by treaty, that the United States should be restored to any possession they had before had to any lands west of the Mississippi before the war; and in consequence of that treaty, the sloop of war Rapid was sent round to take down the flag of St. George, and restore that of the United States upon the Columbia river, yielding the command of the territory to Commodore Biddle. This was, however, merely a political possession, the actual possession still remaining in the hands of the northwest company, and so remaining to the present day. Mr. C. maintained, that the territory was in our country by the first discovery, and by treaty, and that the right was entire and perfect. We held by treaty the right of the only two European powers, which pretended even to have had a claim, besides Great Britain, which were Spain and France.

Hernando Cortez had made a discovery which was anterior to that of the English, and he gave the river the name of Oregon, which it still bears. The English pretended also to claim, under a discovery by Sir Francis Drake, a notorious pirate, who sailed under his own black flag, and who had been ennobled by England, in consequence solely of his atrocious feats of piracy; but, without questioning whether a discovery by a pirate would acquire a right to the soil, Mr. C. said that, as Drake only visited the coast for the purpose of plunder, his landings were only made on parts settled by Spain; and he did not go farther North than the coast now admitted to be within the boundary of New California, which was south of latitude 42°, the Southern boundary of our claim. But whatever right Spain might have had, had been acquired by our Government, by the treaty for the cession of Florida, which was a mutual cession of territory, and not a mere adjustment of claims. The United States had ceded all right to lands south of a certain boundary, and Spain ceded to us all right to lands in Florida, and west of the Mississippi, so that by the Spanish title, which was antecedent to the English, we had a perfect right to the territory.

The only other nation that had pretended to have a title was France, which, by an extension of territory, in consequence of the discovery and possession of Louisiana, and in consequence of the principle that the discovery or possession of the source of a river carried a title to the mouth, might have set up a claim, had conveyed and ceded whatever right or claim might have existed to the United States by the treaty of cession of Louisiana.

But Great Britain was precluded also by our treaty of 1763 with that nation, in which they ceded and relinquished all right to lands west of the Mississippi, south of the parallel of 49°; and by a treaty with Russia, it was agreed that they would make no settlement south of the 54th degree, and we agreed to make none north of that parallel, so that by the treaty with Russia, and by the construction of the principle that the discovery of the mouth or river gave a right to all the territory to its source, the title was complete to the 54th degree of latitude.

But Great Britain did not now set up a title to the territory as an original claim, but pretended that it was disputed territory, to which no nation had a title, and which was to be determined by such European nations as had any pretension to it, and by compromise or war. He considered the occupation of that territory by Great Britain now, by military posts, as in violation of national law, and in violation of an express stipulation, by which they had agreed not to occupy any portion of it; and he compared it to their encroachments upon the territory of Maine, unjust and clandestine, as he would show hereafter. But before proceeding, he would appeal to an individual present [Mr. ADAMS] who was a living record of the dipomatic history of the country, if had not truly and correctly stated the facts and treaties, so far as they related to the right of foreign nations to this territory; and if he was not right, he wished to be corrected on the spot.

Mr. ADAMS said that he believed his colleague was perfectly right in his facts, as far as he recollected, but there might be differences of opinion upon the principles, and he was not prepared to concede that the discovery of a part of an island carried the whole island. He referred to the grant of all undiscovered lands made by Pope Alexander to Spain and Portugal, and went at length into the history of various European controversies respecting titles to this continent; after which he spoke of various discoveries, such as the mouth of the Mississippi, Lake Ontario, and the Texas lands, upon which he spoke at length. He also referred to the signing of the Florida treaty, and spoke of the question of veracity raised between himself and President Jackson, two years since, upon the subject of the Mexican boundary, stating that he had placed in the hands of President Van Buren, evidence that he [Mr. ADAMS] was correct in his statements upon that subject.

Mr. CUSHING then resumed; but after proceeding a few minutes, gave way to

Mr. JOHNSON of Maryland, on whose motion,

The House adjourned.

IN SENATE,

THURSDAY, May 17, 1838.

Mr. WRIGHT presented the petition of a large number of merchants of the city of New York, praying that a drawback may be allowed on foreign coal imported for the use of steam ships.

Mr. WRIGHT also presented the petition of General Ezra ———, praying relief from a suit instituted against him by the United States: referred to the Committee on Finance.

Mr. FULTON, from the Committee on Public Lands, to which the subject had been referred by a resolution of the Senate, reported a bill to establish an additional land office in Louisiana; which was read, and ordered to a second reading.

Also, a bill for the relief of the heirs of James Latham; which was read, and ordered to a second reading.

Mr. CLAY of Alabama, from the Committee on Public Lands, asked to be discharged from the further consideration of the memorial of the University of Pennsylvania, asking a grant of land for the benefit of that institution: granted.

Also, from the petition of the trustees of —— College, Mississippi, asking a grant for the same purpose: granted.

Also, from the memorial of certain citizens of Boone county, Illinois, praying a grant of land for the benefit of Bellevue College: granted.

BANKS OF THE DISTRICT.

On motion of Mr. ALLEN, the following resolution submitted by him, on Tuesday last, was taken up:

Resolved, That the Committee for the District of Columbia procure and report to the Senate statements of the condition of the several banks in the District of Columbia that have applied for an extension of their charters, in regard to the following particulars:

1. The names of the officers and directors of the banks, the amount of stock owned by each, and the debts due from each to the banks respectively, discriminating between the executive, legislative, and judicial officers of the Government among them, and also between residents and non-residents.

2. The stockholders of the banks respectively, the amount of stock owned by each, and of debts due from each, discriminating as above.

3. The debtors to the banks respectively, and the amount due from each, discriminating as above.

4. The number of suits that the banks respectively have instituted against their debtors since the suspension of specie payments, and the amount due from each, discriminating as above.

Mr. ROANE expressed a very earnest desire to have some decision on the District bank bill. To wait until the information sought for by the resolution was obtained, would be, in his opinion, to create unnecessary delay; and as much of the information sought for by the mover was already in possession of the public, and the other portion useless for any practical purpose, he should feel nimself constrained to move that the resolution be laid on the table.

Mr. ALLEN said he presumed the motion of the gentleman from Virginia precluded debate; he would therefore have to content himself with asking for the yeas and nays on the motion, intimating his intention, if the resolution was strangled in its incipiency, to take occasion to offer his views in some stage of the discussion on the bill.

The question having been taken, was decided in the negative—yeas 17, nays 18, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Hubbard, Knight, Merrick, Preston, Roane, Robbins, Ruggles, Sevier, Smith of Indiana, Swift, Tallmadge, Tipton, and Young —17.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, King, Lumpkin, McKean, Morris, Niles, Norvell, Robinson, Smith of Connecticut, Strange, Trotter, and Wright—18.

Mr. ALLEN then said it was not his intention to enter into any discussion of the merits of the question at that time, but merely to respond to an observation of the honorale Chairman, who had asserted that much of the information sought for by the resolution, was already in possession of the Senate. If such were the fact, he was not aware of it. Mr. A. thought it was an anomaly in American legislation to undertake to charter a whole forest of banks while they were acting in open violation of the public law of the land, and to seek to do it without any investigation into their present condition or prior conduct. Congress was asked to set a *moral example*, by rewarding the violators of the law, for such in fact would be the consequence of a renewal of these charters for twenty years on the terms set forth in the bill. When Congress proposed to inquire into the conduct of these institutions on prior occasions, we were told that was a matter entirely immaterial; "that the people of this district demanded their recharter." If this were so, where were the petitions to that effect? It had been stated that these banks were indispensable to the business concerns of this district, to the wants of the people, and when a resolution was offered inquiring into the facts, it was sought to be strangled in its birth. Mr. A. wished to see whether these banks were for the benefit of the District of Columbia, or for the people of other States and Territories. He had been told the people here were the smallest participants. It was said there were more poverty and want in these ten miles square than in any part of this country. If so, how happened it to be where there are the greatest number of these banks? It had been said that we propose an inquiry into the *private* affairs of the banks! These institutions were emanations from public law, and the people had a right to know all that related to them. When they were asking for their charters they were public institutions; but when once granted, they could the very next day take shelter under the sanctity of private concerns. He denied the right of public institutions to have any private transactions, which might not be brought to light. Mr. A. was ignorant that the information he sought could affect public men; but if it did, he could not help that. He did not know a public man that owed the first dollar to any bank in the country. His object was to guard the whole community, by throwing round these institutions proper guards and proper restraints; and he, for one, was desirous of separating the Government *in toto* from all banks and banking connection; and he was prompted to this by the most solemn considerations that it would be for the benefit of the country.

Mr. A. then went into the subject at some length, to show that on another occasion a resolution had passed the Senate making inquiry into the conduct of a public man in connection with banks, (a late Secretary of the Treasury,) which had been passed without a dissenting voice. Mr. A. alluded to Mr. Taney, and the triumphant manner in which that pure, but persecuted, statesman had vindicated his public and private conduct from all aspersion.

Mr. A. read from the minutes of the Bank of the Metropolis a resolution which had passed the board, at which a judge of the Supreme Court was a director, declaring all transactions of the board confidential on the part of the directors and officers of the bank. Here, then, was a bank with a high public functionary in its direction, passing a by-law to secrete their transactions from the public eye; and was this to be tolerated, the people to remain in ignorance, and at last, in all probability, made to suffer losses from the very acts of the institution?

Mr. A. cited also the stoppage of the Bank of Washington on a certain occasion when a draft had been presented for 20,000 dollars, during the prior panic, and commented, with much severity, on the business. He concluded by expressing a hope that there would be no objection to the passage of the resolution, and maintained there was sufficient justification to be found in the very document he had quoted, which had been signed by the President of the Bank of the Metropolis.

Mr. SEVIER observed that for the last eight or ten years, no subject in this country, as far as his knowledge extended, had been so fully exhausted in the way of argument, by politicians and by every party man in the country, as that of banks and their abuses. He thought the Senate would bear him witness, that for that length of time the public had been treated with hardly any thing else. After arraigning, trying, and almost hanging like a felon the Bank of the United States, certain politicians were now entering into a crusade against the State banks. They had been told the other day that they must make the little banks of this District models for the State institutions. Yes, said Mr. S. we are to set ourselves up as examples for our masters. We are too apt in this hall, he continued, to be looking down with contempt upon what is done in the States, and to chalk out what we deem the right course for them. Some States might be tame enough to submit to this; but there was one gallant little State that would spurn at any such dictation; and would not condescend to take advice from this quarter on matters relating to her own interests We may, said Mr. S. go on attacking the banking institutions in this way, and what will be the consequence? Just the disasters of the last two years. It was time for them to be considering what they were doing, or they might expect a repetition of the treatment they had already received. He was for fostering these institutions, instead of persecuting them. The resolution of the Senator from Ohio, under consideration, asked for the private accounts of individuals with these banks, and there had been much talk about members of Congress borrowing money from them. Did the Senator allege that any body here was bribed? If so, let him point out the man, and try him upon a special warrant, and not by general accusation.

Did the gentleman from Ohio suppose there was any thing wrong in borrowing money? Why his own State did it, he himself saw her agents the other day in New York, trying to raise a loan, and he was jostled by them in Wall street, when he went there on the same business. Yes, sir, said he, they went to borrow money from the titled aristocrats of Europe—from the Barings and Rothschilds. The gentleman seemed to think that no man would vote for a bank without getting

money for it. Did he believe that there was no such thing as patriotism? There were many men in favor of banks, who did not want to borrow money, and there were others opposed to them who did borrow money. But of the class opposed to the banks, he had the most respect for those whose opposition was based on constitutional grounds.

After some further remarks in opposition to the resolution, Mr. S. expressed the opinion that the best way of disposing of it would be to lay it on the table.

Mr. HUBBARD spoke at length in opposition to the resolution. He inquired if the object of the Senator from Ohio, was to ascertain the number of public men that had accommodations in these banks, and to draw an inference therefrom, that they could not with propriety vote for their recharter. Mr. H. could not conceive that such an exhibit would do any good, and might be productive of embarrassment to individuals. It could make no difference to debtors, whether the banks were rechartered or not—if they were, they would still have their debts to pay; and if they were not, they could not be relieved from them. The recharter of these banks were asked for by the people of this District, to whom he thought some consideration was due. He presumed the banks were so managed by their directors as to insure the best interests of those institutions. Mr. H. avowed his wish to separate the Government from all connection with banks, and would go all length with the Senator from Ohio to effect so desirable an object.

Mr. ROANE begged leave to explain that his object in moving to lay the resolution on the table, was simply to avoid debate that they might proceed at once to the bill to charter the District banks. His opinion was that the information sought for by the resolution was not necessary to enable the Senate to form a correct judgment on the merits of the bill; and he deprecated the attempt to bring to light the private affairs of individuals. But, said he, let the information come: "my withers are unwrung;" he did not owe a dollar to one of these District banks, and if he did it would not prevent him from voting judiciously and honestly with regard to them all. Mr. R. did not consider that the passage of the bill would be rewarding these banks for rebelling against the laws, as the Senator from Ohio intimated. What, said he, reward them with charters on harder conditions than were ever imposed on a bank in any quarter of the United States?

After some further remarks from Messrs. CLAY and ALLEN—

Mr. TIPTON moved to lay the resolution on the table, for the purpose of ending the debate, and proceeding to the consideration of the bill to recharter the District banks.

This motion was decided in the affirmative—yeas 31, nays 10, as follows:

YEAS—Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Merrick, Morris, Mouton, Nicholas, Norvell, Pierce, Roane, Robbins, Ruggles, Sevier, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Tipton, Trotter, Webster and Young—31.

NAYS—Allen, Benton, Brown, Calhoun, Lumpkin, McKean, Niles, Robinson, Smith of Connecticut and Wright—10.

The Senate then resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia. The question being on the amendment of Mr. BUCHANAN, already given—

Mr. BENTON rose and observed that since the publication of his remarks on this bill, in which he had quoted some of the testimony given before the committee of the House of Representatives, relative to the transactions of District banks, he had been called on by Mr. Raphael Semmes, a director of the Farmers' and Mechanics' Bank of Georgetown, there referred to, and that Mr. Semmes had pointed out to him in a subsequent part of the report, which had escaped his notes, some additional testimony given by Mr. Prout, the broker, in which that gentleman states that he was mistaken in having said that Mr. Semmes was one of the directors to whom he had sold notes and stock; that on after reflection, he was satisfied that he had made no such sales to Mr. Semmes.

Mr. B. said he had also been called on by Mr. William Jewell, of Georgetown, whose testimony he had quoted in the same speech, and that Mr. Jewell had produced a certificate from the cashier of the Farmers and Mechanics Bank, stating that he was not a director of that bank at the time he purchased the $15,000 of stock from the widow, but that he was a director at the time he gave the testimony. Mr. B. said that in justice to these gentlemen he made this explanation at the earliest opportunity.

After some remarks from Messrs. BUCHANAN, CUTHBERT, CRITTENDEN, DAVIS, and HUBBARD, the question was taken on Mr. BUCHANAN'S amendment; and it was rejected—yeas 19, nays 21, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, King, Lumpkin, McKean, Morris, Mouton, Niles, Pierce, Robinson, Smith of Connecticut, Strange, and Wright—19.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Hubbard, Knight, Merrick, Nicholas, Norvell, Preston, Roane, Robbins, Ruggles, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, and Webster—21.

Mr. HUBBARD moved to amend the bill by striking out the word "fourth," and inserting "third," in the fifth line of the twenty-ninth section; the effect of which is to require the banks to keep on hand an amount of coin equal to one third (instead of one fourth) of their circulation; which amendment was adopted—ayes 32, nays 10, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Preston, Robinson, Smith of Connecticut, Strange, Swift, Trotter, Webster, Wright, and Young—32.

NAYS—Messrs. Clayton, Crittenden, Roane, Robbins, Ruggles, Sevier, Smith of Indiana, Spence, Tallmadge, and Tipton—10.

Mr. NILES moved a further amendment, by striking out in the same section, all after the word "circulation," and inserting, "and should the amount in any one quarter fall short of that proportion, the president and directors for the time being shall be responsible in their individual capacities to all the bill-holders and depositors; and in case of inability of said corporation, or expiration of its charter, or in case its charter shall be annulled, the said president and directors shall be liable in their individual capacities to each and every creditor of said corporation."

After some remarks from Messrs. GRUNDY, NILES, TALLMADGE, CLAY, KING, HUBBARD, and ROANE, the bill was laid over informally; and

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill to authorize the issuing of Treasury notes to meet the current expenses of the Government, reported the same without amendment, and gave notice that he should call it up to-morrow, immediately after reading the journal,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, MAY 18, 1838.

Mr. HENRY, on leave, presented the petition of William McMellen, who was a lieutenant in the Revolutionary war, by his daughter and only child, Margaret Patterson, praying commutation in consequence of his services to the end of the war, in pursuance of the resolutions and acts of Congress in favor of Revolutionary officers; and also the documents in relation to the services of said Lieutenant McMellen, on the files of this House, report No. 147 of January 10th, 1832; and on motion, all referred to the Committee on Revolutionary Claims.

Mr. RUSSELL renewed his application to the House to the resolution presented by him yesterday.

Objection being made,

Mr. R. moved a suspension of the rules.

Mr. HUNTER of Ohio asked for the yeas and nays; which were ordered.

Mr. WHITTLESEY of Ohio solicited Mr. RUSSELL to withdraw his motion, and permit the committees to report.

Mr. RUSSEL would do so for the present, but he should call it up the first opportunity, without encroaching upon the privileges of the House.

The motion was accordingly withdrawn.

Mr. BELL, on leave, presented three several communications from the Secretary of War: 1. A memorial of the Creek Indians, for compensation for losses suffered in their emigration west: 2. A similar one from the Choctaws: 3. A memorial from Major Graham, for Seminole losses.

The consideration of Senate bill for the relief of Hard and Longstreet was resumed.

Mr. UNDERWOOD had moved its regular commitment.

Mr. BRIGGS appealed to the gentleman to withdraw that motion.

Mr. UNDERWOOD had no objection to the claim, but was disinclined to give it a preference over numerous others equally meritorious.

Mr. ELMORE explained the circumstances of the claim, and made an earnest appeal to the House.

Mr. UNDERWOOD'S motion was disagreed to, the bill was committed for this day, and, on motion of Mr. MONTGOMERY, the House went into committee thereon, (Mr. BOON in the chair,) and was so amended, on motion of Mr. WHITTLESEY, as to provide that the amount found due to the claimants should be paid out of the funds of the Post Office Department.

The committee then rose and reported the bill to the House; and the amendment being concurred in, the bill was read a third time and passed.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of James Cox.

Mr. W. from the same committee, to which was referred the petition and papers of Clark Allen for compensation for horses and other property destroyed in the military service of the United States, reported the following resolution; which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Clark Allen, and that the same be referred to the Third Auditor of the Treasury for settlement, under the act of January 18, 1836.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill further to provide for the relief of distressed American seamen in foreign countries.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill to provide for the payment of certain judgments which have been or may be obtained against the State of Virginia.

Mr. U. from the same committee, made an unfavorable report on the petition of the heirs of John Mountjoy, praying a pension: laid on the table.

Mr. U. from same committee, reported unfavorably on the petition of the heirs of William Stevenson, praying commutation pay; also, on the petition of Elisha Adair, praying indemnity for losses by continental money; which were laid on the table.

Mr. TALIAFERRO, from the same committee, reported, with an amendment, Senate bill for the relief of the legal representatives of Robert White.

Mr. T. also reported a bill for the relief of the heirs of James Hackett.

Mr. PARMENTER, from the Committee on Revolutionary Claims, reported unfavorably on the petition of Ebenezer Lester, praying compensation for labor performed during the Revolutionary war: ordered to lie on the table.

Mr. A. H. SHEPHERD, from the Committee on Revolutionary Claims, reported unfavorably on the petition of the heirs of James Emmett, for compensation for loss of team during the Revolutionary war: ordered to lie on the table.

Mr. S. also, from the same committee, reported unfavorably on the petition of James Moore, praying compensation for loss of wagon and team during the Revolutionary war: laid on the table.

Mr. S. also reported unfavorably on the petition of Lucy Williamson, praying commutation on account of Revolutionary services of her father: laid on the table.

Mr. POTTER, from the Committee on Revolution Claims, reported unfavorably on the petition of the heirs of Gov. Rice of Virginia, for commutation pay: laid on the table.

Mr. GRAHAM of North Carolina, from the Committee on Indian Affairs, reported unfavorably on the petition of William Smith, praying indemnity for slaves taken by the Indians in Georgia: laid on the table.

Mr. McKAY, from the Committee on Military Affairs, made an adverse report on the resolution of the House of April 16, proposing to confine the instruction in the military academy at West Point to the elements and practice of civil and military engineering: laid on the table, and ordered to be printed.

Mr. McKAY, from the same committee reported unfavorably on the petition of A. M. Caldwell, praying compensation as ensign in the service of the United States: laid on the table.

Mr. McKAY, from the same committee, made an adverse report on the resolution of the House proposing to erect an arsenal in Lincoln county, North Carolina: laid on the table, and ordered to be printed.

Mr. McKAY also reported unfavorably on the petition of the Missouri Light Artillery Company: laid on the table.

Mr. TAYLOR, from the Committee on Invalid Pensions, made an unfavorable report on the petition of James Leslie, praying a pension for services rendered the United States: laid on the table.

Mr. TAYLOR, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of repealing so much of the act entitled an act for the relief of certain pensioners therein named, passed the 2d of March, 1833, as grants a pension to Jesse Cunningham.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill to establish a pension agency at McMinville, in the State of Tennessee; which was read twice, and ordered to a third reading to-morrow.

PENSION AGENCY AT MONTPELIER, VERMONT.

Mr. M. also reported, without amendment, Senate bill to establish a pension agency at Montpelier, in the State of Vermont.

Mr. M. also moved that it be put on its passage.

Mr. ALLEN of Vermont moved that it be committed to a Committee of the Whole.

Mr. FLETCHER of Vermont, inquired if it was necessary to commit this bill?

The CHAIR replied that it was not, but the House might commit it if it saw fit.

Mr. FLETCHER wished his colleague then to State the reasons for his motion. The bill, it would be seen, provided that the agency should be established on the first of June, but, if the gentleman's motion should prevail, the bill could not be reached till long after that day. If his colleague was opposed to the bill, let him say so at once, and not seek to kill it in this indirect mode.

Mr. ALLEN said that he wished to examine into the facts of the bill, and the extent of it, for he thought there were other portions of the State that could be selected far more advantageous than Montpelier, say Burlington or Windsor.

He had a further objection to the bill. There was no need of passing a distinct measure for the establishment of a pension agency at a particular point, for there was a law in force conferring the power upon the Secretary of War, or the Commissioner of Pensions, whenever they deemed it expedient, and they were the proper persons in whom such a duty should be reposed.

Mr. FLETCHER would ask then why it was that all these matters were not left to those officers? It would be seen that the House had but this moment ordered a similar bill, applying to another State, to a third reading, and had passed some two or three during the present session. Mr. F. then went to describe the inconveniences now felt by the pensioners in that part of Vermont proposed to be accommodated by this bill, many of whom had actually to pass through Montpelier if they received their pensions in person, or to employ agents for that purpose at considerable expense. To be sure, his colleague resided at Burlington, but then Mr. F. did not reside at Montpelier, and he only advocated the general interest of that whole section of country which wanted this accommodation. Mr. F. also put some questions to his colleague as to whether certain portions of the State would not be better accommodated by the agency at Montpelier than at Burlington or Windsor, and added that he objected to the commitment of the bill, because it would have the effect of giving it its death blow.

Mr. ALLEN replied that the facts about which his colleague had inquired were those which Mr. A. wished to examine into for himself, and though it might be done in the House, he thought the Committee of the Whole the more fitting place to go into them.

Mr. UNDERWOOD wished to propound another inquiry to the chairman of the Revolutionary Pension Committee. A year ago, Mr. U. had made an application both to the Secretary of War and to the Commissioner of Pensions, for the establishment of a pension agency in the southern part of Kentucky, without expense, but he was unsuccessful. Now, the pensioners in that section of country had to travel from one to two and three hundred miles to get their pensions, and he could get no relief for them under the general law, if there was one; notwithstanding which he saw there from time to time these little bills passing to accommodate other States, like Vermont, which were not one third the size of Kentucky. The question he wished to propound to the chairman of the committee was, how these things were to be managed so that his [Mr. U's] constituents might be benefitted by the information?

Mr. MORGAN replied that he was not aware that any instructions had been given to the committee, either by the gentleman himself, or by any other member from Kentucky, to that effect; but if any should come before the committee, he could assure the gentleman that it would receive its early attention; and they would report upon it as speedily as possible.

Mr. FLETCHER then called for the reading of a document from the Commissioner of Pensions, which turned out to be adverse to the establishment of an agency at Montpelier.

Mr. WHITTLESEY of Ohio complained that these bills contained no safeguards against an improper use of the public money; a subject of itself of so much importance, that it merited further investigation; and he wished an opportunity of discussing both bills.

The CHAIR remarked that the other bill was passed.

Mr. ALLEN'S motion in reference to this bill prevailed, and it was committed.

Mr. LINCOLN, from the Committee on the Public Buildings, reported a bill making appropriations for repairs and improvements on certain buildings and grounds, and for other purposes.

Mr. SERGEANT inquired of the gentleman when he proposed to call up the bill in relation to the new Treasury building. He was induced to do so on account of the distressed condition of the operatives on the building, who were understood to have been discharged without any certain prospect of their speedy re-engagement.

Mr. LINCOLN replied that, as soon as this bill was committed, he should report a resolution to take that subject up. Mr. L. took that opportunity to state that the bill referred to by the gentleman was in Committee of the Whole on the state of the Union; but, since it was last under discussion, the President of the United States had put the whole subject in commission, under the superintendence of the Secretary of State, the Secretary of War, and the Secretary of the Treasury. The Committee on the Public Buildings had received a communication from these gentlemen requesting information, to which the committee were obliged to respond, that they had no other means of information than was possessed by the Commissioners themselves. Mr. L. stated that there was a great number of laborers and artisans who would be discharged from employment in this city, many of whom had large families dependent upon them for support and daily bread, and consequently great distress would result, unless this subject was early acted upon. In view of this the committee had instructed him to report the resolution he should presently introduce.

The above bill was then read twice, and committed.

Mr. LINCOLN then reported a resolution proposing that the House go into committee at 12 o'clock to-day on the bill to provide for the removal of the walls of the new Treasury Building, and for the erection of a fire-proof building for the Post Office Department.

The SPEAKER said he felt it his duty to notify the House that he had had in his possession, for several days, a memorial from persons who had been employed on this building, but had had no opportunity of presenting it.

Mr. SERGEANT hoped the House would consent to its presentation at that time.

Mr. YELL objected, and demanded the yeas and nays on the adoption of the resolution; which were ordered, and were, ayes 70, noes 99; so the resolution was rejected.

Mr. MONTGOMERY, from the Committee on the Post Office and Post Roads, reported a bill to regulate the postage on letters, and for other purposes.

Mr. HALL, on leave, presented an amendment he gave notice he should move, when the bill came up for consideration.

The morning business being disposed of, the CHAIR announced the private orders.

Mr. CAMBRELENG said with $600,000 worth of protested drafts upon the Quartermaster's Department, now under protest, he must ask the House to go on with the public business.

Mr. WHITTLESEY of Ohio hoped the gentleman would not insist upon any motion to that effect, as it was several weeks since the private calendar had been touched.

Mr. CAMBRELENG was compelled to do so under the circumstances he had stated.

Mr. BOON, on leave, made a statement. He said that, at the request of several gentlemen who wished to vote on the resolution offered by him some days since, he should not submit it again to-day, but gave notice that he should do so to-morrow morning.

Mr. CAMBRELENG then submitted his motion to proceed with the public business; but it was disagreed to.

Mr. C. then gave notice that he should, on Monday, after the presentation of petitions, move the House to take up the public business.

The private orders were then taken.

The Senate bill to authorize the Commissioner of Patents to issue a patent to Angier March Perkins and John Howard Kyan was resumed, the question being on its third reading,

The bill was discussed at great length by Messrs. LEGARE, CUSHING, MERCER, MENEFEE, HOWARD, TOLAND, TAYLOR, CRAIG, SERGEANT, CAMBRELENG, TOUCEY, WHITTLESEY, ROBERTSON, and FLETCHER of Vermont.

After which, on motion of Mr. TAYLOR of New York, the bill was recommitted to the committee which reported it, with instructions to report the reasons on which the report was founded.

The House then went into a Committee of the Whole, Mr. ATHERTON in the chair, for the consideration of private bills; when the following bills were taken up and considered:

A bill for the relief of the administrator of Wharton Quarles, deceased.

A bill for the relief of John Barnes.

A bill for the relief of the heirs of Thomas Carter.

A bill for the relief of the representatives of William T. Smith.

A bill for the relief of the representatives of Thomas Sumpter.

A bill for the relief of the representatives of Thomas Jett.

A bill for the relief of the heirs of James Madison.

A bill for the relief of the children of Col. Henry Irwin.

A bill for the relief of the heirs of Col. Richard Campbell.

A bill for the relief of the heirs of John Chilton, deceased.

A bill for the relief of the heirs of Thomas H. Boyles.

A bill for the relief of the heirs of John Mc Clellan.

A bill for the relief of the heirs of Joshua Fanning, deceased.

A bill for the relief of the representatives of Captain Charles Snead, deceased.

A bill for the relief of the representatives of Daniel Williams.

A bill for the relief of the representatives of Wm. Hooker Smith, deceased.

A bill for the relief of the representatives of Col. George Gibson, deceased.

A bill for the relief of Crawford Johnson.

A bill for the relief of the heirs of Wm. B Bunting, deceased.

A bill for the relief of the representatives of Timothy Feely.

A bill for the relief of the representatives of Dr. Wm. Johonnot.

A bill for the relief of the representatives of Col. Francis Vigo.

A bill for the relief of the representatives of Col. Anthony Walton White.

A bill for the relief of the representatives of Col. Willis Reddick.

A bill for the relief of the heirs of William Vauter.

A bill for the relief of the representatives of John B. Ashe.

A bill for the relief of the representatives of John Jordan.

A bill for the relief of the representatives of Nathaniel Irish.

A bill for the relief of James Witherell.

A bill for the relief of the representatives of Samuel Jones.

A bill for the relief of Joseph Nourse.

A bill for the relief of Nathaniel Goddard, and others.

A bill for the relief of the representatives of Nathaniel Tracy, and representatives of Thomas Gordon.

The committee then rose and reported.

The bills for the relief of James Witherall, for the relief of the representatives of John Jordan, and the relief of the administrator of Wharton Quarles deceased, were reported without amendment, and severally ordered to a third reading.

On the bills for the relief of Nathaniel Goddard, of Joseph Nourse, for the relief of the representatives of Colonel William Reddick, and for the relief of Nathaniel Tracy, the committee had leave to sit again.

The remainder were reported severally, with an amendment to each, striking out the allowance for commutation interest *pro forma*, in order to settle the principle in the House, as before, and were all postponed till to-morrow.

Mr. KILGORE, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from North Union, via Leavitt, Dallas to Waynesburg, Ohio.

On motion, at 5 o'clock, p. m.

The House adjourned.

IN SENATE,

FRIDAY, May 18, 1838.

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of the bill from the House to authorize the issuing of Treasury notes, to meet the current expenses of the Government

Mr. CLAY of Ky. observed that this bill came to the Senate yesterday after 12 o'clock, referred to the Committee of Finance, and reported back by them in the course of the afternoon. He wanted to inquire of the chairman of the committee whether they had authority from the Senate to meet while the Senate was in session. He was aware that it had been the custom of the standing committees of this body to act on bills that were not deemed of any great importance during the Senate's hours of business, but he thought that a bill of the importance like this ought to be examined in a different manner.

Mr. WRIGHT would answer the Senator by saying that no authority was given by the Senate to the committee to meet during the session of that day, nor did any member of the committee leave the chamber to his knowledge. The bill was submitted to each member of the committee in his place, three of whom concurred with him in favor of, and in reporting, the bill without amendment; the others, authorizing the report, though dissenting from the bill. This was the action of the committee as far as he knew. Whether it was irregular or not, he did not know, but it had been frequently practised in that body, particularly with regard to appropriation bills.

Mr. WEBSTER said he did not expect to be called on to vote for the engrossment of this bill at so early a period after its reception from the other branch. Scarcely twenty-four hours had elapsed, and yet the question on ordering the bill to its third reading was called for. Before he gave his vote, he proposed to say a few words in relation to the subject. He begged leave to disclaim any disposition to thwart the measures necessary to carry on the Government, and desired that it might be distinctly understood that he wished the Government aided in carrying on all the great works of internal improvement, such as roads, harbors, etc. in which it was engaged. Mr. W. was of opinion, however, that there were other modes of raising means that might be resorted to less objectionable than that proposed by the bill before them. At the last extra session he had voted for the issue of ten millions in Treasury notes, and he did not regret it, because, at that time, he considered it necessary to provide present relief. Congress had been called together by the President in a case of great and extraordinary emergency; and yet some of the most distinguished friends of the Administration had avowed their determination never to vote for another issue of these notes. One great objection he had to this money was, that it was continually falling below par, and the Government, therefore, instead of paying its agents and public servants in the constitutional currency of the country, would be paying them in depreciated paper. Another objection presented itself to his mind; which was, that it was bad policy to get into the habit of raising money by such means. There was now no exigency, no very particular emergency; at all events, it had not been made to appear that there was an emergency to justify such a step. Congress had already been in session five good months, and yet we had heard nothing of such a crisis in the affairs of the Treasury. In fact, there could be no crisis now which a vigilant, systematic, and prudent, officer would not have earlier foreseen. Mr. W. contended that the bill was defective, inasmuch as it did not renew the penalties, and neither did it impose the same duties on collectors, &c. as in the former bill; and he contended that if the money were so much wanted, the proper mode to raise it would be by loan, and not by the issue of paper money, which would act with inequality, inasmuch as it fluctuated in value. He was against the practice of paying paper money by the Government. It was not a legal tender; and the report made by the chairman of the Committee on Finance the other day against paper, contained, also, unanswerable arguments against the adoption of this bill; and, so far as he was concerned, he could have wished thirty thousand copies more had been printed. Mr. W. said that unless the money was offered in one hand, and the paper in the other, these notes were, to all intents and purposes, a forced payment. Mr. W. moved to amend the bill by limiting the issue to two millions of dollars, to meet such bills as might be immediately due.

Mr. WRIGHT observed that he should endeavor, so far as was in his power, to discharge what was his duty in regard to this bill, without protracting debate.

Still some portion of the remarks of the Senator from Massachusetts seemed entitled to some attention. One was his commendation of the sound and valuable principle of paying the public creditor in what was equivalent to specie, and he was gratified to find that the Senator would go with him in favor of the principle that was not less valuable, that of preserving the faith of the Government. The report of his [Mr. W.] to which the Senator alluded, was an argument to show that it was highly improper for this Government to make tender in payment of its debts of the paper of local corporations; and he confessed that to some extent that argument might be applied to paper issued upon the authority, faith, and credit of the Government itself. He was among that class, who, if it were not necessary for the operations of the Treasury itself, would not adopt even that expedient. So much for that. Then the gentleman would ask him, why did he urge this bill? He answered, because he believed the necessity existed for it. We are told by the Head of the Treasury Department that even in means of this character the Treasury is so limited that it is in danger from day to day of being compelled to turn its creditors from the door. The public funds of other descriptions are postponed, and placed beyond the reach of the Treasury, by law, and the want of authority to reissue the Treasury notes puts it out of the power of the Secretary to offer payment even in this description of funds.

The gentleman had contended that there was no eminent necessity for passing this bill. Would the gentleman tell him why there was not? He says the Senate, so far as it is concerned, has given authority to sell the bonds of the Bank of the United States. He, Mr. W. remembered that the only voice raised against that measure was that of the Senator himself, on the ground that we could not sell these bonds upon the terms prescribed, in this country, and that there was not time to send them abroad for sale. He, Mr. W. felt the force of that suggestion, and submitted to the Senator that it would be necessary for Congress to provide sufficient means for the wants of the Government, by authorizing an issue of Treasury notes, or by a loan, and added that, if the bonds did sell, it would supersede the issue of Treasury notes to the amount they might sell for.

We have been told that the bill before us is not broad enough to accomplish its object. He [Mr. W.] did not apprehend any difficulty on that score. But he spoke with great distrust of his own judgment, as to construction of law, when the distinguished authority of the Senator was against him. He found, however, the bill to read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions contained in, and subject to all the conditions, limitations, and restrictions of an act, entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled.

Now, as far as his comprehension extended, the clause just read brings the whole of the act of the extra session forward, and makes it applicable to this bill. Would it be pretended that under this law a note could be issued bearing more than six per cent. interest?

Mr. WEBSTER. No.

Mr. WRIGHT. Would it be pretended that they could issue more than ten millions?

Mr. WEBSTER. Yes.

Mr. WRIGHT here read from the bill, to show that notes can only be issued in place of those that came in.

Again: the notes issued under the authority of this law are made receivable in payment of all dues to the Government. Was there any doubt of this?

Mr. WEBSTER. No.

Mr. WRIGHT. Then it appears that, with one exception, all the substantive provisions of the law of the extra session are made applicable to this, except the penal enactments. As a lawyer, he

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, MAY 28, 1838. VOLUME 6.....No. 25.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 24.]

should as confidently say that these enactments were brought forward as the others. But this was not material. I find, said he, that, as far as the action of the Senate is concerned, the case is already provided for, independently, by a bill just passed to punish the counterfeiting of these notes, and by a general law of Congress in relation to the punishment of crimes, passed in 1825, enumerating the counterfeiting of Treasury notes as one of the crimes to be punished. That law was yet in force. Again: at the present session the Judiciary Committee have provided for a supposed *casus omissus* found in both laws, which was, that there was no provision made to punish persons who should have in their possession counterfeit Treasury notes with intent to pass them. The Senate had passed this bill and sent it to the other House, so that the criminal provisions, as far as this body is concerned, are complete, without reference to this bill, or the law of October.

But the Senator suggests that there are no statements, and that, therefore, we do not know that the Treasury needs this supply. Could this be said after what had passed here within the last few days, and yet perhaps this body had been made to know less upon the subject than it ought, as most of the communications had been transmitted to the House? But his memory told him that the wants of the Treasury were so imperious as to require a special communication from the President of the United States; that that communication was made to both Houses, and was accompanied by one from the Secretary of the Treasury; that that message recommended this mode of providing for the exigency, and it seemed to him emphatically to be the correct one. Did any member of that body believe that the Treasury was not in immediate want? His information, as late as yesterday morning, was that there were but $50,000 of Treasury notes, authorized by the act of October, that remained to be issued; and that there were but some $200,000 in the Treasury scattered over the whole country. Could there be any doubt then as to the immediate and pressing necessity for passing this bill? Why, asked Mr. W. are we brought to this state of things? The Senator told us that, after passing the law of October, it was understood that one of this character would not be called for again. But the Senator did not recollect the change that was given to that act in the House of Representatives. It passed this House without any provision as to a reissue of the notes, but it came back from the House with an interdiction on such reissue; and he, Mr. W. remembered well, in moving for a concurrence with this amendment, that he said that the bill thus amended would answer till the next session of Congress, when further provision could be made, if necessary. By making these notes receivable for the dues of the Government, nearly six of the ten millions had been redeemed, and all our revenue coming in comes in that paper. The revenue is as large as was anticipated, but there was no money coming in; and, though they had issued ten millions of paper within $50,000, they were now but four millions in debt, the balance of the notes having been already redeemed and cancelled. It was not by this bill that they were incurring one dollar more of debt than was authorized by the act of October last. This bill did not authorize the reissue of a single note which has not been cancelled under that act. He would make a single remark more, which he hoped would be the last. We have been told of the depreciated character of this paper. He believed that some of the prices current had put it below bank paper, though that was at one single point of the Union only, New York; but it was now quoted there and at Philadelphia, three or four per cent. higher than that paper (United States Bank notes) which is held in such high estimation by the gentleman and his friends. His information told him that Treasury notes were higher at the South than any bank paper. In Philadelphia it was also higher, though in New York it might be quoted a trifle lower. That, however, was not the point. The question was, what were they to do? We cannot, by our fiat here, place money in the Treasury at a moment's warning. Then can we do any thing better than to give to the creditors of the Government the best paper in our power—that issued upon the faith and credit of the Government itself? The limitation proposed by the Senator's amendment would not answer. Who could tell how soon it would come back again? and how long would two millions last, when in the single port of New York it comes in at the rate of $300,000 per week? How long would it be before the Secretary of the Treasury would be compelled to come before Congress with another statement showing a deficiency of means? What danger could there be in issuing this amount? Would it run the Government in debt a dollar beyond the amount authorized by the act of October last? Not one dollar.

Mr. WEBSTER said the candor of the honorable gentleman has put this bill on the ground which expresses the different opinions between him and myself exactly; and I am desirous that it should be understood that what he says in favor of Government paper money goes to make it, on the whole, but little better than the bad money of broken banks. The Senator says it is at least as good as theirs, which is twenty or twenty-five per cent. below par. Have we contracted with our army, our navy, and the judges of our courts, to pay them in something but a little better than the depreciated paper of the banks? Was that our contract? No, sir, it was very different.

We have heard much said about the paper party, the advocates of a paper system, and a paper Government. Let us see who they are. I insist that the mouth of the Administration is shut on this subject; for all they propose to pay out is not gold and silver; and if we cannot pay our own debts in specie, or its equivalent, how can we demand it of others? What is the argument of the honorable chairman of the committee, but an acknowledgment that we cannot pay our debts? He asks what can be done? Sir, I will tell him. If Treasury notes are issued, all bearing an interest of five or six per cent. and sold to supply us with the means of paying what is due from the Government, our credit and punctuality will be sustained. He proposes that they shall not be payable under a year. Let us issue them so, bearing an interest of five or six per cent. and sell them in the market, and in two hours the Government will be able to meet the demands upon it. Why should this not be done? Sir, I put the question to Congress and to the country. They may not sell at par, but why not sell them notwithstanding? If it is not done, the Government cannot properly pay its debts; and who, in that case, is to bear the misfortune—the Government itself, or its individual creditors? The Senator is averse to this method, because there is an exigency in the condition of the Government, and it cannot pay its debts without a sacrifice. Is this the language of individuals? If there must be a loss in the payment of a debt, on whom is it to fall? Does an individual say he would have to sell his property cheap, and, therefore, he cannot pay? Sir, there is no difficulty in the way to prevent the Government from doing as I have proposed, to maintain the credit and good faith of the country; there is nothing to prevent our selling our own notes, and thus raising the money, and paying according to contract. The Senator himself admits that the method proposed amounts very nearly to a forced payment; and, sir, I say again, that what we now propose to offer as an option to our creditors is of less value, the country through, than the payment which the Senator opposes in his report, because on that the creditor can receive the specie if he prefers it; for, in the terms of the proposition, the specie is paid and payable on demand. But this Government paper is not at all of that character; it is payable only at a distant day, or in dues to the Government. I say, then, that, on the ground that it is only a little depreciated, it is as much against the principle as if it were reduced to fifty per cent. The man is entitled to the whole, and we, as his debtor, are not doing our duty unless we pay him the whole. We all know that this paper will not be at par with gold and silver at any point in the Union at any time, and, therefore, we should not sanction the principle of offering paper which we know is not at par, and, therefore, is no substantial option; the Senators themselves are the judges that there is no substantial option. We, therefore, force on our creditors something of less value than lawful money.

This bill, I am of the opinion, will not have the effect to revive all the act of October last. All that relates to the duties of the Secretary of the Treasury is duly provided for; but this bill does not revive the third section of the law of October, relating to the collector, his deposites, and receipts, and all that; and I say that it does not revive the penal part of that law. The Senator speaks of the law of 1825 as supplying this deficiency, but in the bill of the last session he thought the penal provision necessary, and I had supposed that the law of 1825 did not cover exchequer bills subsequent to that period. If the Senator means to say that this bill does not revive those provisions, then I say that it does not accomplish its object in that respect.

Sir, what is the state of the case? The four or five millions of dollars of Treasury notes are now outstanding. The gentleman says that they are all received for the customs and at the land offices, and therefore the Government gets no money. Is it not the reason of the distribution of these Treasury notes that they are to serve the same purpose as to get the money? These reports show that we have a Government currency, and have not any thing in the Treasury but this depreciated paper, and that is a state of things which I will not agree to encourage. I am opposed now, and always have been, to all introduction of paper money as a depreciated currency for the Treasury, and I ask again, if we cannot pay our own dues at par, who can? It is time for us to stop the outcry against depreciated paper, when we, with our eyes open, authorize what amounts to a compulsory payment of our creditors with something of less value than lawful money.

Mr. CALHOUN said that he had not heard, during the whole session, a stronger argument in favor of the policy, that the Government should keep its own funds, and collect them in the legal and constitutional currency of the country, than that just delivered by the Senator from Massachusetts, [Mr. WEBSTER.] He entirely concurred with him that it is bound to pay its creditors in the legal currency, and the importance of preserving the public faith from the slightest blot. But to accomplish this, the Government must always be kept in a condition to meet its engagements, and how could this be done, but by collecting its dues in the legal currency, and keeping it in its own custody? This was the only possible manner, and yet this is neither more less than the odious Sub-Treasury, which the Senator is in the daily habit of denouncing so violently!

But while he tells us that the Government is bound to pay in gold and silver, and that nothing short of that can preserve the public faith immaculate, he is the strenuous advocate of collecting its dues in bank notes or their equivalent. The fallacy consists in supposing that such notes are equivalent to specie. There is nothing equivalent to gold and silver but themselves. Nothing else can legally pay debts, or release the debtor from his obligation to his creditor. This the Senator asserts, and insists on most correctly. How then can bank notes be equivalent, unless they can always command, without the possibility of failure, the amount of gold or silver that they call for? Is such the fact? Is it the case now? On the contrary, is it not notorious that the Government has millions of bank notes collected, when the banks that issued them were specie-paying banks, but which

cannot now command a cent in specie? And is it not now compelled to dishonor its credit, and violate its faith, because it collected its dues in bank notes, and confided the safe keeping of its funds to the banks? And yet while the Senator denounces this want of ability on the part of the Government, he is the strenuous advocate to renew its connection with the banks, under the fallacious idea that bank notes and bank credit are equivalent to specie, doing; in a word, the very thing again which has subjected the Government to the necessity which he so strongly condemns! Worse than this: he proposes to repeat the process, when it is admitted by his colleague, [Mr. DAVIS,] and his distinguished friend behind him, [Mr. CLAY,] that the renewal of the connection must again be followed in a short time by another explosion, when again the Government would be compelled to do what the Senator so justly and strongly condemns! He was at a loss to understand how the Senator could reconcile the conflict between his sentiments and the course he advocated. It seemed to him, that as the zealous supporter of the good faith of the Government, he ought to be the warmest advocate of the only mode of collecting and keeping the public money by which it could be preserved.

The Senator, in his zeal to preserve the public faith, recommended that the Treasury notes authorized to be issued by this bill, should be made to bear an interest of 6 per cent. and be sold for money instead of being paid to the public creditors. He did not explain what he meant by money. If he means gold and silver, does he not see how greatly it would impede and embarrass the resumption of specie payments, for the Government to go into the market, and draw out at once eight or ten millions of specie? Would he recommend that at this critical moment, when the banks were about to resume? If he means bank notes, then it was neither more nor less than to advise the Government to exchange its credit for the credit of the banks of New York and Boston, (the only specie payments at this moment,) and give them 6 per cent. to boot, when it was notorious that Treasury notes were at par in both those places, and would be better over the whole South and West than the very notes for which he proposes to exchange them! This would certainly be a very good operation for those banks, but would be a very bad one for the Government and people. The Senator has spoken of Treasury notes as being depreciated. Such was not the fact. They had been above par every where, habitually compared with the local bank notes, except during short intervals at New York; but that did not show that they were actually depreciated. We all know that the currency of New York has been in a highly artificial state, from the necessity its banks were under to resume specie payments by a certain day, or forfeit their charters. The rate of her exchanges with London clearly proves the unnatural condition of her currency. The difference in her favor was far greater than could be explained by any operation of commerce, and if he did not mistake, was greater than the depreciation of the Treasury notes, compared with her local currency, which demonstrates that they have not been depreciated at any time, compared with London, which may fairly be considered the standard of the currency of the commercial world. Though he regretted, with the Senator, that the Government had not at all times been in the condition to meet its engagements in gold and silver, it was some consolation to reflect that substantial justice had been done to its creditors, as far as it had used its own credit throughout this embarrassing and painful crisis.

The question before them was very simple. The Government was out of money, and there were but two ways of supplying the deficiency—to borrow it, or to use its own credit; and the question was which should be done? The Senator objected strongly to the latter, but he could not possibly be more opposed to it than he [Mr. C.] was to the former. It is useless to attempt disguise. Those who advocate a loan, mean to force the Government to exchange its credit for that of the banks. There is no one so crazy as to believe that a loan ought to be made in gold and silver. Now what have we daily heard for the last six months, from those who are now so strenuous for a loan, but that the credit of the Government was so essential to the banks, that if it was withdrawn, the whole system would fall prostrate; and yet they now ask the Government to exchange its better credit for the very credit that it sustains, and give six per cent to boot! What would be thought of an individual in private life who would commit the folly of exchanging his own promissory note for that of a neighbor, which was so inferior to his as to depend upon his endorsement for its credit, and give similar difference? He would be regarded a fit candidate for Bedlam; and yet this is exactly what those in favor of a loan wish Government to do. To give a clear conception how the blending of the credit of the Government with the banks operated, both in relation to individuals and the Government, he would illustrate his conception by a statement of a case. Take three individuals, near neighbors, and of equal wealth and credit: say three planters, each worth a hundred thousand dollars, free of debt, and of equal character for fidelity in meeting their engagements, and call them A, B, and C. It is manifest that, each being of equal credit, neither would think of exchanging his credit for either of the others, much less of paying a difference in the exchange. But let Government interfere and take up C, and confer banking privileges upon him—that is, authorize his promissory notes to be received in its dues and the purchase of its domain, and give him the use of its funds between the periods of collection and disbursements, and this equality will be destroyed. A and B would now call it an accommodation to obtain C's notes in exchange for theirs; nay, C. would disdain to exchange, unless the one should endorse for the other, and pay him six per cent. difference; and to this exaction they would be compelled to submit. A, for instance, wishes to settle a son in the West; and for the purpose of purchasing land from the Government, desires to raise ten thousand dollars. Neither his note nor B's can buy land; and to obtain the means, he is obliged to go to B, get his endorsement, which, from his perfect confidence in his neighbor, he gives for nothing, and gives his note, with the joint credit of both, in exchange for C's note, deducting nearly seven dollars in the hundred, or nearly seven hundred on the whole. His son puts the note in his pocket-book, and goes off to the West, where, through the magic of banking privileges, it is converted into solid and fertile acres. Presently the Government gets out of money; and all the friends of C (a numerous host) zealously insist that, instead of using its own notes, it should sell them to C in exchange for his, and pay the same difference; and this they call a loan—borrowing money! The thing is monstrous.

Thus regarding it, he has long considered public loans among the greatest impositions; and he was accordingly mortally opposed to a public debt. When there was a deficit, it was better by far for the Government to use its own credit directly, nor did he believe it to be impossible, if the laws which govern credit and circulation were fully understood, to supersede a resort to any other resource, without burthening the public with the heavy and pernicious load of debt, contracted for the most part by the exchange of its own credit for that of the banks, in the form of bank notes. He, for one, was not willing that his constituents should be taxed for a loan, when it could possibly be avoided; and such was his repugnance to a debt, that he could scarcely imagine the case, in peace or war, that would induce him to vote for one with his present impressions.

But if Treasury notes were really below par, as asserted by the Senator, it would not be at all surprising, and might be easily explained. Their value mainly depends on their receivability in the public dues, and it might be anticipated that the liberal indulgence given to the public debtors at the extra session would tend to depress them in the market; and it is a proof of the high estimate placed on them by the public, that they have been so little affected by the course to which he has referred. Their depression during the late war, when they sunk below the value of bank notes even during the period of the suspension of specie payments, has often been urged against their use. Nothing was more easy of explanation. The Government had the weakness and folly to permit it, by its own voluntary acts, by putting bank notes of every description on a level with Treasury notes in all its transactions, while the banks on their part refused to put them on a level with theirs in their transactions. The result was, that bank notes could perform all the functions of circulation, public and private, while Treasury notes could perform only a part. There depreciation followed as a matter of course, under the known laws that regulate circulation. If the Government had reversed its course, and refused to receive the notes of any bank that discredited its notes, or rather had refused to touch bank notes at all, its notes would have been universally and greatly preferred to those of the banks, and the war might have been carried on with vastly less embarrassment, and the saving of millions.

The use of bank credit by Government had been, in his opinion, the source of great mischief, both in this country and England. It was the parent of the enormous debt that has pressed so heavily on the energies of the latter, as great as they are. He had barely touched on a range of questions little explored as yet, but intimately connected with the progress and prosperity of the country. Whenever the elements of a true and stable currency were ascertained, he felt assured that it would be found to consist partly of gold and silver, and of paper, resting not on the credit and authority of banks, but of the Government itself.

He said, in conclusion, that he would vote for the bill with pleasure, as he believed it was necessary; but his pleasure would have been increased if the notes were to be issued without interest.

Mr. WEBSTER said: I am not at all surprised to hear the Senator from South Carolina say that he has found my argument against Treasury notes a very good one in favor of separating bank and State, for the present state of the gentleman's mind is such that he would find such an argument any where, on any subject, and on any occasion. So deeply is he immersed in this, his favorite subject, that I verily believe, if he should hear a discourse on theology, or a philosophical dissertation, he would start up and say it contained fine doctrines for divorce. But what did I say touching the doctrine of divorce? I insisted that the Government should fulfil its contracts; but what has that to do with divorce? Did I contend that the Government should pay any thing not equivalent to specie? I have never done it. It is astonishing that the gentleman should so laboriously confound things so different; and before he attempts it again, let us understand the use of terms. I contend that Treasury notes can never be at par, and by that I mean at the established rates according to law. The gentleman says they are, and have been, at par, because they are equal to par in New York. But he might as well say that broadcloth, or molasses, or any other merchandise, is at par. His proposition is that they are equal to par in New York for the London market. But what of that? I mean that they are not equivalent to gold and silver, in the currency, and according to law. His par and my par, therefore, are not the same thing. If he means to meet the question whether Treasury notes are equivalent to gold and silver as the legal standard, that is the question; but if he will not meet that question, I offer no other.

He asks, how can Government pay in what is equivalent to specie, if it pay in specie paying bank notes? It has done so for many years, and never found any difficulty in doing it, and it never will. He speaks also of our exchanging credit with the banks, and paying the difference. But this a confusion of ideas, or, at least, of terms. What does he mean by credit? If he means that the Government can contract loans on as good terms as the banks, that is not denied. But what would you call a check which is given on a bank? Is that credit? It is not credit; it is a thing entirely different. To make the two cases at all alike, the Government paper must be redeemable in specie, on demand, at the Treasury; and then, I dare say, its paper would be very good. He asks if Mr. Astor would pay a bank for its credit. Mr. Astor, and every man, however large their capital and credit, borrow money of the banks when they wish

to do it, on time, because that money is payable in specie. The gentleman calls that an exchange of credit for credit. But it is no such thing. You cannot say that a note on time is equivalent to a bank note commanding the specie; they are entirely different. The gentleman says that the Government credit is the best in the world; but it is not the best in the way that the Government uses it here. If he says bank notes circulate on the credit of the Government, that does not make Government notes of this kind better than bank notes payable and paid in specie. It may do very well to help out of an emergency; but the crisis is in his argument, and the emergency in his proposition. Paper is not equivalent to specie, unless it is payable in specie.

I do not ask how it may be sold for exchange on London, but whether it will pass current as specie or as equivalent to specie. Let us try that. Will Treasury notes command the specie, at par, in any State of the Union? We all know that they will not. It is a general remark that they are under specie par; this has been admitted, and all the facts show it.

But let us look farther at what is the operation of exchanges. You may call it a transfer of bank notes. But the gentleman's suppositions are all ideal, and never take place. All great payments are made by transfers of credit, and this is the actual payment. Look at the operations of this Government. In 1816, they passed a joint resolution authorizing the collectors to receive the paper of specie-paying banks. And how did they do it? The collectors and the books of the Treasury had no separate accounts; but all was passed to the credit of the Government as specie. Look at the books for twenty years, and can you find any thing there except what is put down as specie? But the notes were not kept at all; and the gentleman's notion that we must have an armful of notes for our creditors that come here, and notes that will not at once command the specie, is going on the up-hill road, and I believe the country cannot be dragged into it. And the gentleman asks, will you sell these notes for specie? That, he thinks, would be ruinous, and for bank notes he will never sell them. He will have neither specie nor bank notes. What, then, will he do? He comes back to his project at this and the last session, of the exclusive use of paper money by the Government. He will borrow neither specie nor bank notes, but will pay out and receive Government paper as the exclusive medium. The Government must have money of its own; and, as he says, if there is an emergency, and the Government is in want of more means, what is it to do? Make more issues of paper. All this he told us before, and that the Government is to sustain it at par, for which the power of the Government is sufficient. By this he cannot mean the par of specie, but of something else; for there is no truth in the proposition as a general one, that Government credit is better than any other credit. It is convertibility which makes bank notes equivalent to specie, and it is altogether ideal that, by receiving specie-paying bank notes, we disable ourselves from paying what is equivalent to specie.

Sir, I am asked whether I would go the length of selling these Treasury notes for money, and then whether I would have it in specie. I at once say, sell them, and then every body will know that there will be a choice only between specie and something that will command specie. I say make your accounts every where in specie or its equivalent. The gentleman supposes that we are to withdraw the amount of $10,000,000 from the circulation. If we should grasp the silver and shut it up in the Treasury vaults, that would be altogether injurious, and the gentleman, therefore, uses a very good argument to-day against what he urged six months ago. He now says, if we withdraw so much specie, it would cause embarrassment; but what did he think of demanding it for revenue? He now says that this Treasury note bill is a most necessary step for all the banks. He then saw no inconvenience in demanding payment in specie; it would not embarrass the country, and was the only just mode of collecting the revenue. Let our Secretary of the Treasury be a man of just and liberal policy, addicted to no mere theories, and bound down by no party dogmas, and he will make the disposition of these notes in the market in a few days, disturbing nobody, and giving no occasion for these agitations and alarms; it is the continuing these Treasury notes, and rejecting the practice of twenty years for dreams and theories, that creates all difficulties.

But the gentleman asks, is not the Government to use its own credit? Certainly it should; and it is right that, like individuals, it should get money and pay its own debts. It should use it now; but is it a proper use of Government credit to force it, instead of the money, on its creditors? Is it justice to tell its creditors, though you prefer specie or the notes of specie-paying banks, you shall have our credit only? Like individuals, the Government should come up to the standard of the country; and, if it has not the means to pay its debts, then, like individuals, it should raise it by its credit. But it has no right to compel the creditor to receive its promise to pay, any more than individuals have the right to force on their creditors a new promise instead of paying what they owe. The gentleman calls that using credit, but it is using power, and not a use of credit.

And now to go back to his example of the three farmers, A, B, C. The gentleman supposes that the Government authorizes the receipt of the paper of C, so that he may make purchases directly of Government, which A and B cannot do without endorsed notes at interest, and he says that this is just the case with the banks. I say it is not the case, and that every idea of credit involves time and convertibility; and if it does not, it is nothing. The notes of the bank are money in effect, and to say that their paper is on time, and that there is merely an exchange of credit, is what no man can say with propriety. Suppose one of your officers in the city of New York sells a Treasury note, and he gives you a check on one of the banks paying specie, so that you can go across the street, and get it if you choose, is there any change of credit if you receive the notes of the bank, when you can go at once and get the specie? It is not an exchange of credit; it is an exchange of credit for money, if you give your note on time, for specie, or the equivalent of specie. This, Mr. Astor, or any other individual would do, if he wished to use his credit for what would give him an immediate command of specie. The terms of the gentleman, therefore, do not stand in relation to each other; they are, therefore, not just in argument. And there is no analogy between the cases to which he has applied them. In his case of the three farmers, undoubtedly the Government ought to make no discrimination; and they never should in regard to bank notes, except on the ground that they are equivalent to specie, that they are more convenient, and at the same time equal in value to specie; and if Treasury notes were so equivalent to specie, then it might be proper to place them on the same ground.

Mr. W. expressed the hope that the Senate would at an early day take into consideration the subject relating to the Treasury order. Whatever else was done or not done, that he thought ought to be rescinded. Some gentlemen thought it had done good, but could do so no longer; others thought that it had never done any good; but all concurred in the opinion that it ought to exist no longer.

Mr. CALHOUN said he would not notice the criticism with which the Senator opened his remarks, as he considered that as intended for the gallery. He had long noticed that, when hard pressed in argument, the Senator always resorted to sarcasm or ridicule; and there were few occasions in which he more needed their aid than the present. He never accused the Senator of saying that bank notes should be forced on the public creditor by the Government; on the contrary, he rested his remarks on the ground assumed by him, and which he entirely approved, that it could not, in good faith, discharge its debts in any medium but gold and silver, which he regarded as a conclusive argument why it should collect its dues in the legal currency, and keep its own funds under its own custody, that it might always be in the condition to preserve its credit. On the contrary, the Senator was in favor of receiving the notes of specie-paying banks, on the ground that they were equivalent to gold and silver. Here lies the delusion of the Senator. To be equivalent *is to be equal in all respects;* and yet, while the Senator confesses that they are not equal in the discharge of the debts due from the Government, he holds them to be equal in the payment of debts to it. He would ask him why they should be equivalent in the one case and not the other, and how the Government can possibly preserve its faith, if it cannot pay away that which it may receive?

The truth is, that it is a pure fiction to consider bank notes as equivalents to specie; and it illy becomes him who falls into one so gross to talk of the visionary theories of others.

But the Senator has gone a step farther. He says that bank notes are not credit, and do not rest on credit! Not credit! They must then be actual specie, or at least identical with it in every respect; and to this conclusion he must come to reconcile his course with the sentiments he has expressed. He would not waste his breath in dispelling so wild and strange a delusion, which all around us proclaim to be the merest phantom. So far from being specie, representing specie, or resting on specie, or being necessarily converted into specie on demand, they are nothing but credit, credit, credit, throughout.

Since the days of the deposite Bank of Amsterdam, bank notes never have represented specie. The first act of a bank, even when specie was actually paid in, which was rarely the case, was to get clear of it, except a small portion, by lending it out. The real bank capital, on which they mainly did business, was the notes discounted, which rested on the credit of the drawers and endorsers, and on their credit and solvency depended the credit and solvency of the banks. It was, in fact, their credit, converted into bank notes, and backed by the Government credit on which bank currency rested; and yet it is this, which rests on credit, piled on credit, and composed in all of its elements of credit, which the Senator denies to be credit, and considers as nothing less than the actual specie itself.

The Senator seems to think that it is impossible to bring and keep Treasury notes at par with gold and silver. In reply, he would refer to the fact already mentioned. It appeared by the Intelligencer, now on his table, that they are now at par with specie at New York. But he had a much stronger fact. The Prussian Government, which he regarded as the best administered at present in Europe, had a permanent issue of Treasury notes of a large amount, which were not only at par with specie, but habitually bore a premium; which completely refutes the assertion of the Senator. He made the statement on unquestionable authority—the highly intelligent and respectable representative of that Government to ours. There was no mystery about the matter. The Government, in all civilized countries, is the great money dealer. Its fiscal action pervades the whole community, and affects, more or less, every individual in it, and it must, of course, create a general demand for whatever it receives and disburses as money in the management of its fiscal concerns. To this our Government adds the possession of a boundless and fertile domain, which is in the course of rapid settlement, and that necessarily creates an extensive demand for whatever is received in payment for it. It is these demands which will ever keep Treasury notes at par value, unless the due proportion between demand and supply should be transcended, or bank notes, or some other medium other than gold and silver, be permitted to supply their place. It is the same relation between demand and supply, and not their convertibility, which mainly sustains the value of bank notes.

The debts due to all banks fairly conducted are greater than those due from them, and, of course, their demand for their own paper, when the quantity issued is not excessive, must keep up its value so long as their debtors are solvent, as between them and the banks it is equal to specie. There is this difference between the two: that the demand of the Government is far more universal, and may be rendered more steady, which gives it a decided superiority over the credit of the banks. Thus regarding the two, he did not doubt it was much safer and wiser for the Government to use its own credit in the collection and distribution of its reve-

nue, as far as it might be convenient, or to meet a temporary deficiency in the revenue, like the present, than to use bank notes, or resort to a loan. He did not wish to be understood as going further.

There was no contradiction between his course now and formerly, as the Senator supposed. He never doubted that the demand of the Government for gold and silver to pay its dues, would more or less disturb the process of resumption, but not to the extent for which he and others, who thought with him, contended, while he regarded the good to be attained as infinitely outweighing the evil.

It is not difficult to see, why the advocates of the banks should be so much in favor of a loan. It is a very profitable transaction to those institutions to exchange credit with Government, and receive nearly seven per cent. to boot, getting at the same time a better credit than their own.

Mr. C. concluded in showing that the Senator had not met the case he stated of A, B, and C, which Mr. C. restated, and further illustrated; and said that he would be glad to hear any one fairly state, and attempt to answer it.

Mr. WEBSTER said he did not wish to resume the discussion on the Sub-Treasury, but he would say a few words in explanation; and I wish it, said he, always to be understood that, when I insisted that the Government should pay in specie, I always added, "or the equivalent of specie," because specie-paying bank notes are equivalent to specie. Under the resolution of 1816, every thing was passed to the credit of the United States as cash. And why did we allow the payment of specie-paying bank notes? It was for the sake of convenience. But it was not said that they would not be subject to loss. It was not on account of their absolute security, but of their convenience, that the joint resolution of 1816 was adopted. There was danger of loss, or at least no absolute security; and the same may be said of specie itself, for that may be counterfeited. My argument was this: that the paper of specie-paying banks was received and paid, valuing it as a constant equivalent to specie; and this is founded on the fact that specie-paying bank paper is the representative of specie, having that which it represents always at command. The fact is known to be that the paper of such banks does pass as specie, and the Government adopted it on that ground, and that was all I said.

But I am glad of one thing: that the gentleman does not deny what I said in respect to his being in favor of a Government paper currency; but, on the contrary, has confirmed it. If this is not the tendency of the doctrine of State rights, it is the result of the doctrine of him and his friends; all tends to a Government paper, a Government bank. He has said nothing to show that I misrepresented him in this respect. He is for a Government paper, and I go against it. I am but for one standard, and that is the standard of the community.

The gentleman says that my argument carries contradiction in it. If it is in opposition to any other argument of mine, that might be shown. But, as he was rather indefinite, he may say that it is opposed to my course. [It was opposed to an inference of Mr. CALHOUN.] But what has been my course, and what opinion have I ever expressed, or what vote have I given, inconsistent with what I have expressed to-day? I do not see that Government pays in specie any the less because it uses the agency of the banks. For twenty years we have paid in specie, or its equivalent, and have used the banks as our agents, and we use them now. The gentleman says he will have nothing to do with bank paper. But what says the Secretary of the Treasury? Does he not say that he will receive bank notes; and has it not been proclaimed as a great merit in the Administration that they do receive them? Does the gentleman suppose that specie is now paid on goods imported? I understand just the reverse, and that the merchant's check is received for his bond; and this is justly considered as equivalent to specie. Therefore, if these Treasury notes were sold in New York, the merchant would give his check for them.

The gentleman seems to complain that I did not answer his case of A, B, C. It was thus, as I understood it: He supposed three farmers of equal credit, but the Government says it will receive the paper of C. If that were the case, I should say it would be a very foolish and unequal law. But if he had put in the case of C that his paper was convertible, on demand, to specie, and that the paper of the other two was not, he would then have a parallel case, and it might be an advantage to C to give his paper this respectability. But that is not the object. The great object of the Government is, and ought to be, the accommodation of the public; and, if there is an incidental benefit, that can be no objection, but a recommendation. But the object is to accommodate the public and the Government.

Mr. CALHOUN said that he wished to be distinctly understood, that he did not carry his ideas of the Government using its own credit beyond the temporary wants of the Treasury, and the conveniest management of its fiscal concerns.

If he did not censure the Administration for receiving the notes of specie-paying banks, it was because he believed that the laws left no discretion; but, with his opinion, if he were the Chief Magistrate, and believed that he had a discretion whether to receive such notes or not, he would not permit a dollar of bank paper to be received. There was a heavy responsibility somewhere. We are renewing our connection with the banks, when it was admitted that a shock must again follow at no distant day, unless some measure was adopted to prevent it. He hoped gentlemen would bring forward their plans for preventing it, so that they might be duly considered. He, on his part, regarded the separation as the most safe and simple that could be adopted, and trusted that it would not be surrendered, unless some other more eligible could be devised, of which, however, he had no hope.

Mr. PRESTON argued at length against the adoption of the bill. He would give his assent in no shape or form to the establishment of the repudiated and continental system of paper money. He should meet the crisis boldly, and not seek to hide the matter under the garb of a *re-issue* of Treasury notes. This bankrupt state of the Treasury must have been known, or at least foreseen. The sales of the public lands had almost entirely ceased; the revenue from the customs was dried up. Why, then, were the States not called on for the restoration of the deposites? He would answer, that the people might not have their eyes opened to scrutinise the conduct of the present Administration; that Administration which had promised so much in the way of trenchment and reform, and done so little! That explained the partiality for Treasury issues, that splendid financial operation, which made money for the Government by the skill of the engraver; the object of which was to conceal from the people the state of embarrassment which misrule had brought upon them. We were told last session that it was a case of great emergency and pressing distress. Give us an issue of ten millions, that shall be the last you will ever hear of it, and yet in the space of a few short months we are called on for ten millions more. It would appear that when we got out of money, all we had to do was to send to New York; a little steel, and copper, and ink, were the only ingredients necessary for the issue, as the people had already forgotten the Commonwealth paper of the Revolution and the *assignats* of France. What was the object of all this, but to bring the people by degrees to the adoption of a Treasury Bank. Mr. P. denied the constitutional right of Congress to issue bills of credit, and for so high a right as that he would claim the *express power;* we had the right to tax, and to borrow, and the enumeration of these powers showed clearly that the right to issue bills of credit was not in the grant. Mr. P. then read an amendment which he had prepared, calling on the States for the amount of the surplus fund deposited with them, in the proportions, and at the dates, prescribed by the deposite act; but which, he said, he would not offer at the present time.

Mr. CRITTENDEN opposed the bill on the ground that this mode of raising money led to extravagant issues, and therefore ought to be discouraged. In three years this Administration, with the cry of retrenchment and reform, had spent one hundred millions of dollars, and now gave out an "*emergency.*" If this were to continue, and the people called on for ten millions every few months, the sooner the Administration was in the bills of mortality the better! Nothing could cure it but keeping it from the money. Mr. C. continued his remarks to some length, and announced his intention of voting for the amendment, because the more limited the grants of money the better.

Mr. BROWN, before the question was taken, wished to make a few observations; and he promised the Senate that he would detain them for a very few minutes. But for some remarks which had fallen from the two gentlemen who had addressed the Senate on the other side, and for some errors in point of fact which had escaped them, leaving him in no surprise at the conclusions to which they had arrived, he would not, at this late period of the day, have trespassed on the indulgence of the Senate. In the first place, the Senator from Massachusetts spoke of the depreciated condition of Treasury notes, and contrasted them with the notes of the banks, greatly to the advantage of the latter. One of the arguments of that gentleman, predicated on this assumption, was, that Treasury notes should not be offered to the creditors of the Government, but that they should, at all times, have the option of receiving gold and silver, or their equivalents. Another honorable gentleman, distinguished in the ranks of the Opposition, took occasion the other day to say, that the notes of the Government were inferior in value to those of the Bank of the United States. Now he [Mr. B.] happened to have in his possession a statement, which conclusively established the contrary. He saw in the prices current of New York, dated the 15th of this month, that they had sold at par in the notes of banks which were redeemed in specie; and, therefore, they were equivalent to specie.

At the very time that the gentleman uttered the remark that the Treasury notes were inferior to those of the Bank of the United States, the latter were four or five per cent. below par, when the former were above, or equal to it. He found, also, by the same paper, that in the city of Philadelphia, Treasury notes sold at 2½ per cent. advance. Now there was that difference between the current notes of Philadelphia and specie; and therefore, at that place, the Treasury notes were equal to specie. He was astonished at the boldness with which gentlemen for some time past had made in their places similar declarations. He took the occasion to say that these errors and misrepresentations were of a piece with many others that daily went out from this body. One of the great objects of a certain political party seemed to be to assault and destroy the credit and character of the Government of the United States; and while they did that, they, in the same breath, sought to elevate the credit and character of the Bank of the United States. Such assaults were not only against the credit and character of the Government of the United States, but they were against the honor and character of the people of the United States; for the people and the Government were identified, both in credit and in character; and their pecuniary and political interests were indissolubly connected together. Notwithstanding the acknowledged truth of this axiom, we have heard gentlemen from day to day endeavoring to bring down the credit of the Government of their country below that of the most corrupt banking corporations; and yet they would talk of their patriotism! Patriotism! Why, it was said that the Devil could quote scripture, when it suited his purposes to do so.

No man was more averse to an extravagant expenditure of the public money than he was. He was one of that school, who believed that a rigid and judicious economy, in the management of the public finances, was essential to the preservation of our institutions in their original purity; and he would be the last man to sanction a resort to the credit of the Government for the encouragement of waste or extravagance. But the Government was embarrassed, and that embarrassment was brought about not by its own acts, but by a great moneyed power, acting in concert with a certain political party, whose only hopes of success rested in destroying the credit of the Government, and drying up the resources and commerce of their country. It was one of a series of actions, put

into operation for several years past, to arrest the financial operations of the Government, for the purpose of forcing the people into the measures of a banking corporation. It was shamelessly avowed by its organ, that it was in vain to reason with the people, and that they never would be brought to their senses until they were brought to them by severe distress. Sir, said Mr. B. I believe that the great object of that power has been, and is, to produce that distress, for the purpose of bringing the people, as they say, to their senses; or, in other words, to bring them bound hand and foot to its footstool. This haughty moneyed power has not only carried on its designs against the citizens of the country in their pecuniary and commercial relations, but now ascends a step higher, and dares to wrestle with the Government of the people's choice, striving to arrest its fiscal operations, for the purpose of bringing the "stupid" people to their senses. Should that object be accomplished, then those political prophets who have been exulting for years in the embarrassments they have thrown in the way of the Government, will triumphantly say: "Your Government can only get on by the aid of a Bank of the United States."

Mr. B. here took occasion to refer to the course of the Federal party during the late war with Great Britain, in availing themselves of all the means in their power to embarrass the operations of the Government, and to bring its arms and its credit into disrepute, by refusing necessary supplies, which he likened to the course of the Opposition at this time, reckless of the honor and interests of their country, and willing to sacrifice all in the eager pursuit of political power. What was the course of the Federalists, he asked, in that war? During its whole continuance they were constantly endeavoring to harrass the Government, to cripple its resources, discredit its arms, and to bring it to propose an inglorious peace; but people, whom they now profess to be so anxious to bring to their senses, were not quite so lost to national honor as to sustain them; but, with patriotic devotion, they stood by their country, as he trusted and believed that they would now, and that country came out of the contest with increased strength and renovated glory. He could not but admire the patriotic and noble sentiment which was uttered by one of our gallant defenders during that memorable contest. "I am for my country," said he, "right or wrong." He had no difficulty in believing that there was a systematic endeavor to prostrate the credit of the country, and to bring it to the feet of a great political party and a great moneyed corporation, as was then, by the same means, attempted to bring it to the feet of a foreign power. In this posture of affairs, he was, like the gallant officer whose language he had quoted, for sustaining his country at all hazards; he would say, "millions for defence, but not a cent for tribute." He had heard it proclaimed, in the course of this debate, that the Government of the United States was bankrupt and insolvent. It mortified him more than he had language to express, to hear such sentiments as these uttered by an American statesman. What! this Government, richer, and in better condition in its fiscal resources, than any Government on earth, bankrupt! The idea, absurd and ridiculous as it was, was calculated to disgrace us abroad. It was an insult, not on the Administration, but on the country at large—on the whole people of the United States. To say that this Government, which but represents the wealth and intelligence of the people of the United States, and in which great concern they are the stockholders, is bankrupt, was an assault on the national credit and character. If the merest pettifogger in the humblest county court in the Union were to get up and make the assertion, in a legal argument, that the wealthiest citizen of the county was insolvent, because he could not pay every dollar he owed at a moment's warning, he would be scouted at. He knew that honorable gentlemen, who had read something of the law-merchant in Blackstone's Commentaries, unlike statesmen of enlarged and liberal views, endeavored to assimilate this Government to a bankrupt, technically made so, by force of law. But the merest pettifogger in our courts would be scouted for drawing such a parallel. He had asserted that there was no Government in the world whose fiscal resources were in so good a condition as those of the United States. Let gentlemen look to England—one of the freest Governments, in their estimation, in Europe. That Government, so lauded by the Opposition for its paper system and freedom, had her thousand millions of public debt; while we, who merely contemplated a loan of only ten millions, were taunted with being bankrupt. If gentlemen were disposed to go into figures and calculations, let us see how matters stood with the Administration which preceded the late one, and which was expelled from power by the people's voice. The national debt, under that Administration, was forty or fifty millions, though they did not create it. The national debt under this and the act of October could not exceed ten millions altogether, and if the Government had its available means, it could at once pay it off. But the Government had been deprived of its resources, by the votes of the very gentlemen who now taunt it with bankruptcy, and they were, therefore, bound, by every moral and political principle, to provide for the deficiency. In the first place, they voted for the Distribution act, with others, which was the principal cause which occasioned the present wants of the Treasury. He himself had approved it, believing it to be his duty to restore to the people what had been taken from them by unjust taxation; but gentlemen in the Opposition voted for it, who were governed by no such motives; for they had fastened on the country that odious system of taxation, by means of which the surplus had accumulated. Gentlemen in the Opposition also voted with the friends of the Administration, to relieve the merchants who were suffering under the effects of the explosion, by an extension of their duty bonds, thus placing three or four millions more out of the Treasury; and by voting to relieve the banks, by giving them a long credit on the Government money they had so lawlessly detained, they placed out of the Treasury near six millions more. Thus gentlemen, by whose votes near forty millions have been put out of the Treasury, now contend that the Government is bankrupt! He contended that every moral obligation, every principle of justice and patriotism, demanded of these gentlemen to supply the Government which they had stripped of its resources. The Senator from South Carolina [Mr. PRESTON] asked why they did not establish a system of direct taxation? and why not call upon the States to refund the money that had been deposited with them? If the gentleman was so solicitous for these measures, why did he not propose them himself? Why not propose a measure for the appointment of a host of officers to collect the direct taxes? Did not the gentleman profess the greatest reverence and respect for economy? And what economy could there be in collecting direct taxes? He believed that the ablest financiers estimated that, by the best mode that could be devised of collecting direct taxes, the expense would not be less than 25 per cent.; while the expense of supplying the Treasury in the mode proposed, would be very inconsiderable. Was the gentleman prepared for calling on the States for the money deposited with them under the distribution act, or was his project merely held out *ad captandum*? If he was in earnest, let him bring forward his proposition?

But it seemed that the Senator from South Carolina [Mr. PRESTON] had made a new discovery. He had discovered that the measure now proposed was unconstitutional; that the Government had no right to make use of its credit by an issue of Treasury notes. This he asserted in the face of the long continued practice of the Government during the last war; and in the very face of the Constitution itself, which gave Congress the power to borrow money, and the power to punish the counterfeiting of the securities of the United States. But he would give the gentleman, in answer to his objections, his own argument, and he wanted no better for the purpose. The gentleman strenuously insisted that, if the Government was in want of money, it should raise it by a loan, instead of by the means provided in this bill which he deemed so objectionable; and in the very next breath he told us that the issuing these Treasury notes would be "a loan to all intents and purposes." Now, sir, said Mr. B. if it is a loan to all intents and purposes, that is a conclusive answer to the gentleman's objections.

It had often been asserted that there had been no parallel to this case of the Government borrowing money during a time of profound peace. This was an error, like others used in the heat of argument; but it was easy, by historical reference, to refute it. The Government, during the administration of Mr. Monroe, called for a loan of five millions, which was granted; and, as it was taken by the Bank of the United States, it was doubtless looked upon as a sound and judicious financial measure; but now that the money wanted is to be raised on the credit of the Government, independent of the banks, it is looked upon as waste and extravagance, and unconstitutional. In reply to Mr. CRITTENDEN, Mr. B. denied that the bill would cause the issue of a greater amount of Treasury notes than the ten millions authorized by the act of October last, six millions of which have been redeemed and cancelled; and, in point of fact, it was a loan asked for by the Government to the amount of ten millions, only to supply the place of such of the notes issued under the act of October last as have been, or shall be, taken in and cancelled by the Government. The debt, therefore, would not be increased beyond that sum to the amount of a dollar by this act. The bill authorized but a mere reissue of notes which was not authorized by that act. He had heard a great deal said about the waste and extravagance of the Administration; and he confessed that, with the knowledge he possessed of the votes of the different political parties in this body, he could not hear it without some degree of astonishment. Who, he asked, were constantly found voting for the most wild and extravagant appropriations? Surely gentlemen remembered to forget the history of their own course on these subjects, who now denounced the very extravagance that they themselves had been mainly instrumental in producing.

Mr. B. said that the journals of both houses of Congress might be very safely appealed to, as showing that the opposition to President Jackson's administration had almost uniformly favored a profuse and extravagant expenditure of the public money. When he had first taken his seat in that body, which was at the first session of Congress after the late President came into office, he had found the Opposition, which was mainly composed of the old American System party, almost uniformly urging and voting for the most wasteful appropriations of the public money. There was no system of pensioning, however great the charge which it was likely to bring on the Treasury, that did not, in the main, meet their favor and support. There was no object of internal improvement, however improper and unconstitutional, that did not find from them a warm sympathy and ready advocacy. They were, in the main, as a party, the supporters of the great project for a national road from Buffalo to New Orleans, the cost of which was estimated at from fifteen to twenty millions of dollars. It was this profuse system of extravagance, which at that day found so much favor with the Opposition, that led to the memorable veto of President Jackson, on the occasion of the Maysville road bill; at which time bills were pending before Congress for various projects of internal improvement, the estimated cost of which was largely upwards of one hundred millions, and which were mostly arrested by that memorable decision of the President, and the public Treasury saved from a system of the most wasteful prodigality. Who did not recollect, at that day, that the Administration of the late President was charged with a ruinous and parsimonious policy in regard to internal improvements? And why? Because the policy of the American System party required extravagant expenditures of the public money to keep up and sustain their favorite measure of high duties. It was true, that when some surplus had began to accumulate in the Treasury, and a plan for distribution among the States had been formed, the language of economy had sometimes been heard from that quarter. It was a much more rapid and expeditious way of operating on pub-

lic opinion, to act on entire States, than by the slower and more detailed plan of acting on sections, by granting them appropriations for roads, rivers, &c. Hence this change, in his opinion, in the plan of the Opposition and American System party. He attributed it to no motives of economy on their part, for that was a principle somewhat alien to their policy, but to a design to use the very funds of the Government to break down those in power, by professing to hold out more of liberality towards the States. In this point of view he had always regarded the possession of a surplus more as a source of weakness than of patronage to those in power. By the dexterous use which the Opposition had been disposed to make use of it, it had been in reality turned against the Administration, and had been a source of patronage to those out of power, to aid their designs in obtaining power.

Mr. B. said, therefore, on a review of the whole course and policy of the two great political parties in this country, that no impartial mind could fail to arrive at the conclusion, that the policy of the late and present Administration had, by favoring a reduction of duties, and restricting appropriations for internal improvements, greatly promoted economy in the public expenditures, in comparison with the system of extravagance which would have prevailed if the policy of the Opposition had succeeded. It was not for those who had introduced and established an exorbitant system of duties and taxes, by which large and unnecessary sums were brought into the Treasury, to reproach others with extravagance. The sin was in having unnecessarily raised this money from the people; that was the mischief of which the public mostly complained; that was the real source of extravagance, and the great stimulus to it, no matter by what party committed, and its authors would be held accountable by the American people for all the consequences. Who they were, and to what party they mainly belonged, was matter of history. They had done more to injure the purity and simplicity of our Government than any other and every other party which had heretofore sprung up in this country.

Mr. WRIGHT observed that, holding as he did the particular position in reference to this bill, he was yet bound, out of respect to the body, and his anxiety for a speedy decision, to deny himself the privilege of replying to the many misrepresentations of the gentlemen on the other side. He had yet hopes that the question would be taken this evening, and in that hope he would refrain from consuming the time of the Senate by answering either of the gentlemen who had spoken against the bill. It was not necessary to take up the time of the Senate by answering all the misrepresentations which had been made. Some of them were well understood, and would be easily corrected. For instance, we have been told, said he, that ten millions of debt were contracted by the bill of the extra session, and that ten millions more were asked for now. Now every gentleman knew that ten millions could not be exceeded, and that not one dollar of Treasury notes could be issued under this bill, except to supply the place of a note that had been redeemed and cancelled. With reference to the amendment proposing to reduce the issue of Treasury notes to two millions, he would observe that there were the expenditures under the General Appropriation and Navy bills to be provided for and, in addition to that, a bill to meet the expense, of the Florida war, must soon be expected here; and from information they had, at least two millions had been expended on that object alone, and that drafts to a large amount for hat service were waiting here for the necessary appropriation to pay them. Could it, then, be expected that two millions would be enough?

After some remarks from Messrs. WEBSTER and CLAY,

Mr. BENTON rose for the purpose o answering the question how the Treasury came to be at present out of money. He should be able to answer that question out of the book, and in such a way that there should not be a man, woman, or child in the country but would be able to understand it. It was because the Congress of 1836 distributed among the States not only the surplus, but nine millions of appropriated moneys. [Mr. B. here read the report of the Secretary of the Treasury, showing this fact.]

By the act of Congress of 1795, every appropriation made by Congress must remain two years to be applied to the object for which it was appropriated, and then, if not applied for, it was to go into the surplus fund. Every human being knew that money appropriated could not be expended in a day. Now, when the bill of 1836 was passed, this policy of the Government, established by the law of '95, was violated, and it took all the money in the Treasury on a certain day, whether it was appropriated or not. The distribution law was peremptory on that head, and divided the money, not that which remained after answering the appropriations, but that which was in the Treasury on the first of January. The stave-off policy was pursued then, as now, and it was mid-summer before the appropriation bill was passed, and therefore, as he stated, there was a recapture of the appropriations. Yes, sir; by this bill the appropriations were recaptured on the last day of December. He denounced the recapture at the time, and at the ensuing session, when the report of the Secretary of the Treasury, showing that $9,646,000 had been recaptured, he called for the objects for which the appropriations thus recaptured had been made, and a detailed statement was made by the Secretary explaining them. These facts were known to every gentleman here, notwithstanding it is represented to the people that the Treasury is destitute in consequence of extravagance. If he had known that these statements would have been made, he would have provided himself with the document, and shown the portion of these appropriations that had been recaptured. These Treasury notes were now wanted to pay for them. He took his stand, [Mr. B. said] with five or six others, against this Distribution bill, and he now congratulated himself that he had done so. The consequences resulting from this bill had shown that he was right. He said at the time that it was an illusion; that there was no money; that it was all bank credits, that would vanish into nothing as soon as the banks were called upon. He remembered a former occasion, when all this song of a surplus was sung in the same key, and ended very much in the same manner. When he came into Congress, in Mr. Monroe's time, we had an income of forty millions, and a surplus of nine millions, and in the next year there was not a dollar—no recapture. In the first year he was here, eight millions were borrowed, and that too within a year after Mr. Monroe had called on Congress to know what to do with the surplus. He had risen to answer the question why the Treasury was out of money, and he had answered that it was because of the recapture of $9,646,000 by the distribution act. Another reason was that the banks had suspended payment with the money of the Government in their vaults, and Congress had given time to pay it in. They had also extended credit to the merchants on the duty bonds due by them—thus laying out of six millions of dollars; another reason was because they had divided twenty-eight millions among the States, and it was in vain to bamboozle the public with any other reasons.

Mr. TALLMADGE recollected the word "*bamboozled.*" It had been quoted by the Senator as often in 1836 as to-day, and was a kind of catch phrase used for political effect. Mr. T. contended that if the deposite law had gone into operation as originally intended, all the present disasters would have been avoided. The Senator from Missouri has told us that he was proud he was one of the six that had stood up against that measure, and that he had warned gentlemen at the time it would destroy the banks. It so happened that two of the cashiers of banks of New York had told him to take the money out of their hands, and deposite it with the States, and that conversation was what induced him to make a proposition to that effect. It was well known the President said he would veto such a bill; and with this threat of the veto over our heads, the bill was not passed as originally drafted. If it had, we should now have had any money that we might have wanted, had it not been for Executive interference. Mr. T. said, if this act had not been passed, which arrested the eight or nine millions that the Senator spoke of, where would the gentlemen now have been if his magnificent schemes of fortifications had been carried out? If the report sent in by Secretary Cass had not had the effect to arrest this extravagant appropriation, instead of now being called on for ten millions, we should be required to give twenty or thirty millions.

Mr. CRITTENDEN said he did not understand how this nine millions was recaptured.

Mr. BENTON. Here take the book and read it.

After some remarks from Mr. CRITTENDEN,

Mr. BENTON said he meant to speak out of the book, inasmuch as the Senator from New York, [Mr. TALLMADGE,] had denied that the distribution act had contributed to the suspension of the banks, and gave as his authority information derived from gentlemen who were directors of two of the New York banks. Now he had a report made by Mr. Albert Gallatin and others at a convention of the city of New York banks, and as that report was made for all of them, the two banks alluded to by the Senator must have been of the number. The report was made before a meeting of all the banks of the city, and approved of by the whole of them. Mr. B. here read extracts from the report, in which it is asserted that the immediate cause which compelled the banks of New York to suspend specie payments were well known —they were the simultaneous withdrawal of the public deposites, etc.

[After reading a few extracts, Mr. B. continued.] Now here was an enumeration of the causes which produced a stoppage of the New York banks. Four causes were given; and one of them was the simultaneous withdrawal of the public deposites, etc. Now what caused the withdrawal of the public deposites? It was caused by the distribution act, and not by the Secretary of the Treasury; and the report adopted at a meeting of all the banks, assigned this as the first cause. This is what he asserted; and he was supported in the assertion by all the banks of New York. None of the extravagant appropriations were mentioned in the report of the New York banks. His fortification bill was not mentioned; and even the Specie Circular was not thought of.

Mr. CALHOUN said that the necessity of passing the Deposite act of 1836 was so imperious, and its benefit so manifest, that it required but little to be said in its vindication. Such was the urgency, that it is well known many who were disinclined to the measure felt compelled to give it their reluctant support, as the only possible means of extricating the country from overwhelming difficulties, and of saving any portion of the immense surplus that had accumulated in the Treasury, and which was still daily augmenting. If there had been no other argument in its favor, the one which is so clearly stated and forcibly urged in the late report of the Finance Committee on the resolutions of the Senator from Kentucky, [Mr. CLAY,] was all-sufficient. That document clearly proves, as was urged at the time, that a vicious circle had been formed from the deposite banks to the speculators in lands, and from them to the land offices, and thence again to the banks; by which millions on millions of the choicest portions of the public domain were, at every revolution, passed from the people to the speculators for worthless bank notes. Every time the wheel went round, the surplus was increased, and the capacity for another and more sweeping revolution augmented in the same proportion. The Deposite act, by withdrawing the funds from the banks, and placing them in the safe-keeping of the States, cut and destroyed this circle, and broke down the speculation; which, if it had continued another year unchecked, would have transferred most of the public lands worth having from the Government to those whom the banks might choose to designate. It did more: it saved the large amount which was withdrawa from the banks, and safely deposited with the States; much of which, without it, must necessarily have been lost.

But we are told that the withdrawal of the funds from the banks was the cause of the suspension of specie payment. That the manner in which it was done accelerated that event, he did not doubt; but it

was idle and preposterous to suppose that the suspension would not have taken place without it. The approximate cause of that was the indebtedness of the banks beyond their means of payment; and the withdrawal of the deposites, so far from contributing to its increase, was the most effectual measure that could be devised to arrest its further progress. Had the act not been passed, the indebtedness would have been vastly increased, and the explosions and loss to the country and the Government proportionably severe. As it could not be averted, the sooner it came the better; and admitting the act accelerated the event, it may fairly be set down as one of its benefits.

But we are also told that it is the cause of the present embarrassment of the Treasury, and that if we could command the deposites with the States, we should have ample means. That is true; but he did not regard it an evil. It is, on the contrary, a great good, and one intended by the passage of the act. In the midst of the vast profusion of means, which the now expiring protective tariff poured into the Treasury, the Government had lost all conception of economy and accountability. A habit of profusion and extravagance had grown up utterly inconsistent with republican simplicity and virtue, and which was rapidly sapping the foundation of our Government.

He foresaw the evil, and recommended, some years since, in a report on Executive patronage, the measure now complained of, as the only effectual remedy for the great and growing danger. He then saw clearly that nothing could reach the evil, but the withdrawal of the surplus revenue, which could only be effected by placing it in the custody of the States. This the deposite act did, and its operation now begins to tell. The Government can no longer indulge in boundless extravagance. It must economise. Necessity forces it. He rejoiced at the fact. Nothing short of it could bring it to its senses. He exempted neither party from censure. Both, with some exceptions, are equally to blame.

Among those who had resisted extravagant appropriations, he had constantly stood; and he now gave notice, that he would support no party that did not make economy and accountability a leading article in their creed and practice. They were essential to the preservation of free institutions. He regarded fifteen millions annually as ample for the support of the Government, under ordinary circumstances. He believed, indeed, that it might be well administered for three millions less, allowing for the navy five or six millions annually. Mr. Monroe's administration, which was charged with extravagance, did not average more than ten, deducting the payment on the national debt, although the pensions then were nearly as great as at present.

Mr. C. said that his colleague had made an objection against the constitutionality of this bill, which he deemed proper to notice. It was a rule with him, where the Constitution is supposed to be involved, to bestow his serious consideration before he acted; and, if he saw reasons to doubt, not to give his assent. He had complied with the rule in this case, and the result was a clear conviction that the bill was constitutional. The right had been exercised from the commencement of the Government without being before questioned; and, according to his conception, came within the powers expressly granted to Congress to borrow money, which meant neither more nor less than to raise supplies on the public credit. Interest was not essential to borrowing; and it would be ridiculous to suppose that the framers of the Constitution intended to authorize the raising of supplies with interest, and to prohibit it without it. But we are told that Treasury notes are bills of credit, and that the Constitution does not authorize Congress to issue bills of credit. He did not deem it necessary to go into a formal discussion on either point. He denied that they were bills of credit in any proper sense of those terms. They were intended to raise supplies to meet a temporary deficit in the Treasury, and were, in fact, nothing more than means of anticipating the revenue.

But he would not pursue the argument. He would bring it to a short and decisive issue with his colleague. His colleague is the strenuous advocate of the joint resolution of 1816, which authorizes the collection of the public dues in the notes of the specie-paying banks, and has no scruples as to the right of collecting in the notes of banks that do not pay specie. Now, no one will deny that to authorize the receipt of bank notes in the dues of the Government, is virtually to endorse on each note that it shall be received in the public dues; or that, if the Government had the right to do the one, it had the right to do the other. Nor will it be denied, that if the Government has the right to write on the back of a bank note, that it will be received in the public dues, it has an equal right to write the same on a blank piece of paper, or, which is the same thing, to make a Treasury note. The truth is, that to authorize bank notes to be received in the public dues, is neither more nor less than to make them, to that extent, Treasury notes, and is, *pro tanto*, as much the making and issuing such notes as if done on a separate piece of paper. If the one be unconstitutional, the other is clearly so. Now, he would make this bargain with his colleague and other advocates of the connection with the banks: if they will give up the use of bank paper by the Government, he would give up the use of Treasury notes; and if they will deny the constitutionality of receiving bank notes, he would not insist on the constitutionality of Treasury notes; and, in so doing, he should make a very good bargain for the country. But he was utterly unwilling to admit a construction which, while it denied to the Government the use of its own credit, would give the monopoly of it to the banks.

After some remarks from Messrs. PRESTON and TALLMADGE, the question was taken on Mr. WEBSTER's amendment, and it was rejected—yeas 16, nays 27, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Preston, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—16.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Williams, Wright, and Young—27.

After some further remarks from Mr. PRESTON,

Mr. DAVIS called for the yeas and nays on the question of engrossment, which were accordingly ordered; and

The question was then taken, and the bill was ordered to a third reading—yeas 27, nays 13, as follows:

YEAS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Williams, Wright, and Young—27.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Preston, Robbins, Spence, Swift, Tallmadge, Webster, and White—13.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 19, 1838.

The Hon. LINN BANKS, member elect from the State of Virginia, in the place of Mr. PATTON appeared, was qualified, and took his seat.

Mr. ALLEN of Ohio asked leave to submit a resolution for a post route.

Mr. CRAIG had not the slightest objection to the gentleman's resolution, but he must object to its putting aside other business, unless he and others could have a similar indulgence.

Mr. CAMBRELENG laid before the House a communication from the Acting Secretary of War, inclosing several communications from the Acting Quartermaster General, showing the pressing want of the appropriation for preventing and suppressing Indian hostilities, in order to carry on with efficiency the military operations concerted, and those now in progress. Among these was a letter from the Acting Quartermaster General, under date of April 25th, 1838, which says:

"I have not been able to make a single remittance of any consequence for the suppression of Indian hostilities for the last ten weeks, though the expenditures through this department have heretofore averaged full three hundred thousand dollars."

Another letter from the same officer, dated May 15th, 1838, says: "I regret very much that it was deemed advisable to propose the appropriation in the same minute detail, which was attempted in the estimate, instead of embracing all the objects of supply, and services due from the Quartermaster's Department, in the same amount, under one general head, while I am quite sure that the aggregate called for is not more than will be required. Some of the items will, no doubt, fall short, and others exceeds the wants of the service, since it is impossible to estimate the expenditures for armies engaged in active operations in the field, under each separate head, with sufficient accuracy for detailed appropriations. In that enactment, inconvenience will be experienced, unless power be vested in the Executive to transfer from one item to another, which I would respectfully suggest, if the present form of the bill be retained. I would also suggest the following modifications of the several items, without affecting the aggregate amount.

1st. For forage, say - - -	$400,000
2d. For freight, or transportation, of supplies, to the places of operation -	350,000
3d. For wagons, carts, &c. -	150,000
4th. For transportation of supplies from the depots to the points of consumption	700,000
5th. For hire of mechanics, laborers, drivers, &c. - - - - - - -	250,000
6th. For transportation, &c. of volunteers - - - - - - - -	100,000
7th. For miscellaneous and contingent charges - - - - - - - -	750,000
8th. For drafts and arrearages -	1,048,600
Total, corresponding with the estimate of 17th March, and the bill No. 676 of the House of Representatives - -	$3,748,600

Mr. CRARY, from the Committee on Indian Affairs, made an unfavorable report in the case of Col. John Lowry.

Mr. LINCOLN, from the Committee on the Public Buildings, renewed his request to the House to act upon the Treasury building bill on Monday next, at two o'clock, and made a motion to that effect.

Mr. YELL and Mr. CAMBRELENG simultaneously asked for the yeas and nays, which, being ordered, were, yeas 67, nays 77; and so the resolution was again rejected.

Mr. JOHNSON of Louisiana, on leave, presented a petition.

Mr. RUSSELL again asked leave to offer the resolution, presented to the House on Thursday, to repeal the small note restriction.

Objection being made, Mr. R. moved a suspension of the rules, and asked for the yeas and nays, which, being ordered, were, yeas 51, nays 101, as follows:

YEAS—Messrs. Heman Allen, Aycrigg, Bond, Borden, Briggs, William B. Calhoun, Childs, Clark, Coffin, Corwin, Crockett, Davies, Dunn, Everett, Evans, Ewing, Fillmore, Rice Garland, Goode, Hall, Harlan, Henry, Lincoln, Maxwell, Mitchell, Noyes, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sibley, Slade, Southgate, Stone, Stratton, Tillinghast, Toland, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Christopher H. Williams, and Yorke—51.

NAYS—Messrs. Adams, Alexander, John W. Allen, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Boon, Buchanan, Cambreleng, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushing, Cushman, Darlington, Dawson, Davee, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Richard Fletcher, Foster, Gallup, James Garland, William Graham, Grantland, Grant, Gray, Griffin, Haley, Hawes, Hawkins, Haynes, Herod, Holt, Hopkins, Howard, William H. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, William Cost Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Legare, Leadbetter, Logan, James M. Mason, Samson Mason, Martin, Maury, McKay, Abraham McClellan, McClure, McKennan, Menefee, Montgomery, Morgan, Calvary Morris, Murray, Naylor, Pennybacker, Petrikin, Phelps, Potter, Prentiss, Reily, Rives, Robertson, Sheffer, Augustine H. Shepperd, Shields, Sheplor, Snyder, Spencer, Stewart, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Wagener, Webster, Weeks, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Joseph L. Williams, and Yell—101.

So the House refused to suspend the rules.

RECISION OF THE SPECIE CIRCULAR.

Mr. BOON then made a similar motion to proceed to the consideration of the resolution to rescind the Specie Circular; and, for the first time, he said, asked for the yeas and nays; which were ordered.

Mr. B. explained, in order that the House might vote understandingly, that it was not his intention to press the resolution of the gentleman from Kentucky, [Mr. WILLIAMS, to instruct the Committee of Ways and Means to bring in a bill on the subject,] but to present his own (a joint one and direct) as a substitute. [Mr. WILLIAMS stated, some days ago, that he would accept Mr. BOON's, as a modification of his own, should the rules be suspended.]

On the motion to suspend the rules the vote was 108 to 63, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Aycrigg, Bell, Bond, Boon, Borden, Briggs, Bronson, Buchanan, William B. Calhoun, John Calhoon, John Campbell, William B. Carter, Casey, Cheatham, Childs, Clark, Cleveland, Coffin, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Dunn, Edwards, Evans, Everett, Ewing, Fillmore, Foster, Gallup, James Garland, Rice Garland, Goode, William Graham, Grantland, Graves, Griffin, Haley, Hall, Harlan, Harper, Hawes, Henry, Herod, R. M. T. Hunter, Jabez Jackson, William Cost Johnson, Kilgore, Legare, Lincoln, Marvin, James M. Mason, Sampson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, Montgomery, Morgan, Calvary Morris, Naylor, Noyes, Parmenter, Patterson, Pierce, Pope, Potts, Rariden, Randolph, Rencher, Ridgway, Robertson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Snyder, Southgate, Stuart, Stone, Stratton, Thompson, Tillinghast, Toland, Underwood, A. S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Jos. L. Williams, Wise, Yell, and Yorke—108.

NAYS—Messrs. Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Brodhead, Cambreleng, Chapman, Clowney, Coles, Connor, Craig, Cushman, Dawson, Davee, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Fry, Hammond, Hawkins, Haynes, Holt, Hopkins, Howard, William H. Hunter, Ingham, Thomas B. Jackson, Nathaniel Jones, John W. Jones, Klingensmith, Leadbetter, Logan, Loomis, Martin, McKay, Abraham McClellan, McClure, Murray, Pennybacker Petrikin, Phelps, Potter, Prentiss, Riley, Rives, Sawyer, Shefler, Charles Shepard, Sheplor, Spencer, Taliaferro, Taylor, Thomas, Toucey, Turney, Wagener, Webster, and Jared W. Williams—63.

REPORT ON COMMERCE AND NAVIGATION.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on commerce and navigation.

Mr. WHITTLESEY of Ohio, moved to print 10,000 extra copies.

Mr. HARLAN hoped the gentleman would limit the number to 5,000, which he thought amply sufficient.

Mr. WHITTLESEY replied that 10,000 was the usual number heretofore printed, and added that he knew of no document of more general interest or intrinsic value, as well to the West as the East.

Mr. ADAMS said he supposed the gentleman from Kentucky [Mr. HARLAN] was in the predicament of a certain King of Bohemia, who complained that he had no seaports in his dominions, and, therefore, that he [Mr. H.] could not appreciate the vast importance of this document, which, to the people of the Atlantic States, was of very great importance. Mr. A. hoped, therefore, that the motion for 10,000 would prevail.

The motion did prevail, and 10,000 copies accordingly ordered to be printed.

The "bill to establish a pension agency at McMinville, in the State of Tennessee," was taken up on its passage.

Mr. UNDERWOOD begged leave to inquire of some gentlemen from Tennessee, how many agencies they had there already; for, as Kentucky had but one, and could not succeed in establishing another, he must see the absolute necessity of an additional one for Tennessee, before he could vote for it.

Mr. McKAY inquired further, if the chairman of the Revolutionary Committee intended to call up the bill to provide for compensating pension agents; because, if so, Mr. M'K. should be unwillingly to act upon this bill at present.

Mr. MORGAN, in reply to the question by Mr. McKAY; said it was his intention to call up the bill at a suitable time, and to insist on its passage. In the mean time, however, it could do no harm to pass this bill; it would add nothing to the present expense of paying the pensioners in Tennessee, as the bill expressly provides that the ageney at McMinnville should be established *only* in the event that it could be done without expense to the United States. In reply to his friend from Kentucky, he would say, that the fact of Kentucky having but one pension agency, and Tennessee having more, did not argue, that if he would send the committee a resolution of instruction that the committee would not act favorably upon it, but the contrary. Let the gentleman try it, and he shall have a fair investigation.

Mr. SHIELDS responded to Mr. UNDERWOOD's question, by stating the necessity of establishing an agency at this point.

Mr. TURNEY advocated the bill. It had the unanimous concurrence of the Tennessee delegation, and added nothing to the expenses of the Government. Moreover, if the compensation bill should pass, it would not augment those expenses, because that bill proposed a per centum on the amount paid out at each agency.

Mr. MAXWELL should vote against it on the ground that there was a general law, conferring the power of appointing agencies on the proper department; and, if it was needed, that duty could be performed.

The vote on the passage of the bill was 44 to 89: so it was rejected.

The bill for the relief of the administrator of Wharton Quarles, deceased, was read a third time, and passed.

The bill for the relief of the legal representatives of John Jordan, deceased, late a Captain in the Continental line of artificers was taken up on its passage, and was opposed by Mr. ALLEN of Vermont, who went with much minuteness and historical detail into the question, and was sustained by Mr. UNDERWOOD, the main point in issue being whether an officer of the corps of artificers should be considered as an officer of the regular army. Mr. CRAIG also briefly sustained the bill.

Mr. ALLEN called for the yeas and nays.

Mr. HALL then followed in opposition to the bill, and the discussion was continued for a short time by Mr. MENCER and Mr. UNDERWOOD.

Before coming to any decision—

Mr. ALLEN moved an adjournment.

Mr. E. WHITTLESEY demanded the yeas and nays, which were ordered, and were yeas 46, nays 56, so the motion was rejected.

Mr. WHITTLESEY then moved a call of the House, which was refused—ayes 40, noes 47.

Mr. POTTS moved an adjournment, which was carried without a division.

So the House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, May 21, 1838.

Petitions and memorials being called for in the order of States and Territories, were presented by the following gentlemen:

MAINE.

Messrs. EVANS, NOYES, DAVEE, and FAIRFIELD.

[Mr. DAVEE presented the petitions of Thomas B. Kennister and others, citizens of Levant, Maine. Of Jairus S. Keith and others, citizens of Oxford, Maine. Of Charles Tenney and others, citizens of Bangor, Maine, in behalf of the Cherokee tribe of Indians; which were severally laid upon the table. Mr. D. presented also the petitions of Charles W. Piper and others, and of George Crocket and others, for the establishment of mail route, from Bangor to Stetson, in the State of Maine.]

NEW HAMPSHIRE.

Messrs. WILLIAMS and FARRINGTON.

[Mr. WILLIAMS presented this morning the petition of Newcomb Blodget, a revolutionary soldier: referred to Committee on Revolutionary Pensions.]

[Mr. FARRINGTON presented the petition of Jedediah Skinner, of New Hampshire, praying for a pension: referred to the Committee on Invalid Pensions. Also, the petition of Francis Hayes and others, praying for a new mail route in New Hampshire: referred to the Committee on Post Offices and Post Roads.]

MASSACHUSETTS.

Messrs. GRENNELL, BRIGGS, LINCOLN, REED, CALHOUN, FLETCHER, CUSHING, HASTINGS, BORDEN, PARMENTER, and ADAMS.

RHODE ISLAND.

Messrs. TILLINGHAST and CRANSTON.

CONNECTICUT.

Messrs. INGHAM and TOUCEY.

VERMONT.

Messrs. HALL, EVERETT, and SLADE.

NEW YORK.

Messrs. CAMBRELENG, GRANT, GALLUP, RUSSELL, DE GRAFF, PECK, BRONSON, PARKER, McCLELLAN, BICKNELL, VANDEVEER, NOBLE, PALMER, FILLMORE, JONES, PRATT, GRAY, CLARK, PRENTISS, CURTIS, MARVIN, EDWARDS, TAYLOR, MITCHELL, MOORE, HOFFMAN, SIBLEY and PATTERSON.

[Mr. CAMBRELENG presented the petition of —— Cooke, of Birmingham, in England, praying for a patent for some improvement of his in the manufacture of gas.]

[Mr. GRANT presented the petition of 33 inhabitants of the northern boundary of the United States, praying Congress to construct a ship canal around the Falls of Niagara. Also, certain resolutions passed by the Legislature of the State of New York, requesting their Representatives to use their best efforts to procure the adoption of such constitutional remedies as will effectually suppress the practice of duelling.]

[Mr. McCLELLAN presented the petition of inhabitants of the city of Hudson, New York, praying for the location of the national foundry for cannon at that place: referred to the select committee on that subject. Also, the petition of 340 citizens of Hudson, New York, in favor of the Independent Treasury bill, and opposed to a National Bank: referred to the Committee of the Whole on the state of the Union having in charge the Independent Treasury bill.]

[Mr. N. JONES presented the petition of Rev. James M. Sherwood and 62 others, citizens of New Windsor, New York, praying Congress to interfere in every constitutional way to prevent the treaty made with the Cherokee Indians, at New Echota, from being carried into effect.]

[Mr. BICKNELL presented a memorial from J. M. Mowry and 60 others, electors of the town of Eaton, Madison county, New York, on the subject of the late duel: laid on the table to be taken up with the report of the select committee on that subject. Resolutions of the Legislature of the State of New York on the subject of duelling: laid on the table and ordered to be printed. Memorial of 71 males and 11 females of the town of De Ruyter, Madison county, New York, praying Congress to interfere its authority relative to the treaty made with the Cherokee Indians; moved to refer it to the Committee on Indian Affairs: laid on the table.]

[Mr. GALLUP presented the petition of Peter J. Borst, John C. Wright, and 52 others, residents of the counties of Albany and Schoharie, New York, praying that mail route No. 548 (Albany to Bern, New York) be extended, via West Bern and Waldensville, to Gallupville, New York. Also, the petition of John Preston, of Westerloo, Albany county, New York, praying for an increase of his pension for Revolutionary services.]

[Mr. PRATT presented the joint resolutions of the Senate and Assembly of the State of New York on the subject of the late duel; and moved that the same be printed. Also, the petition of Lewis B. Skinner, and 100 other inhabitants of Richmondville, county of Schoharie, and State of New York, praying the expulsion of all concerned in the late duel, and that they may not be allowed to hold any office of honor or profit in the United States; and moved the same be printed.]

[Mr. TAYLOR presented the petition of Asa Cheesbro for a pension for services in the war of the Revolution.]

[Mr. SIBLEY presented a petition of the citizens of the county of Ontario, in favor of removing the obstructions to the navigation of the Alleghany river. Also, petition of 76 citizens of the town o Farmington, in the State of New York, prayin for the expulsion of all the members of the Hous who were concerned in the late duel between Mr GRAVES and Mr. CILLEY]

NEW JERSEY.

Messrs. STRATTON, AYCRIGG, MAXWELL, and YORKE.

PENNSYLVANIA.

Messrs. McKENNAN, DAVIS, POTTS, POTTER, NAYLOR, PETRIKIN, BEATTY, WAGENER, TOLAND, SERGEANT, SHEFFER, BUCHANAN, KLINGENSMITH, McCLURE, and BIDDLE.

[Mr. BEATTY presented a petition from the citizens of Armstrong and Butler counties, praying the establishment of a mail route from Freeport to Newcastle. Also, the petition of sundry citizens of Crawford county, praying for the establishment of a mail route therein mentioned. Also, a petition on the subject of the late duel, signed by many citizens of Butler and Mercer counties, with a request that it be read.]

[Mr. SHEFFER presented the petition of Adam Wert and sixty-eight other voters of Adams county, Pa. praying for the immediate abolition of slavery and the slave trade in the District of Columbia, and moved that the same be referred to a select committee: ordered to lie on the table.]

[Mr. PETRIKIN presented the resolution of the Democratic committee of correspondence of Columbia county, Pennsylvania, in favor of a separation of the Government from all banks as depositories of the public revenue, and in favor of the Independent Treasury system.]

DELAWARE.

Mr. MILLIGAN.

MARYLAND.

Messrs. JENIFER, PEARCE, JOHNSON, and HOWARD.

VIRGINIA.

Messrs. TALIAFERRO, MASON, CRAIG, MORGAN, BEIRNE, and MERCER.

[Mr. MORGAN presented the petition of sundry citizens of the county of Marshall, praying the suppression of duelling: referred, and ordered to be printed. Also, the petition of citizens of Brooke county, praying for a post route: referred to the Committee on the Post Office and Post Roads.]

NORTH CAROLINA.

Messrs. GRAHAM and RENCHER.

SOUTH CAROLINA.

Messrs. THOMPSON, CLOWNEY, and ELMORE.

GEORGIA.

Messrs. OWENS and CLEVELAND.

[Mr. OWENS presented a memorial from the corporation of Savannah, praying to be allowed to extend certain steels through Fort Wayne, in the city of Savannah, the property of the United States.]

KENTUCKY.

Messrs. POPE, MURRAY, and MENEFEE.

TENNESSEE.

Messrs. Speaker POLK, STONE, CHEATHAM, CROCKETT, CARTER, and J. L. WILLIAMS.

[Mr. STONE presented the petition and accompanying documents of Messrs. Day and Leuty citizens of Washington, Rhea county, Tennessee, praying compensation for the transportion of the United States mail from Pikeville, Tennessee, to Washington, Tennessee: referred to the Committee on the Post Office and Post Roads.]

OHIO.

Messrs. WHITTLESEY, MASON, HARPER, KILGORE, BOND, RIDGEWAY, SHEPLER, ALLEN, COFFIN, GOODE, and MORRIS.

At this stage—

Mr. CALVARY MORRIS presented the petition of 177 of the inhabitants of Marietta and its vicinity, respectfully requesting Congress to interpose its authority, and prevent the treaty between the United States and the Cherokee nation from being carried into effect, without the well-ascertained assent of that nation to said treaty. On presenting this petition, Mr. M. said:

Mr. Speaker, the names which I find attached to this petition command too much respect at home and abroad to justify me, as their Representative, in barely presenting the petition and permitting it to be laid on the table, as similar petitions have been, without some effort on my part to procure its reference, and for it a respectful consideration.

Marietta was the first settlement made in that Territory, which now constitutes the State of Ohio; and upon this petition I find the names of some who encountered the dangers, endured the toils, and suffered that privations connected with the early settlement of the country. Thrown as they were in the midst of Indian hostilities, and mingling, as they subsequently did, with them in the more friendly relations of life, afforded them a good opportunity of becoming acquainted with the Indian character, and, knowing it, they know how to appreciate it. In the petition they express their fears that the treaty was obtained fraudulently, and with these feelings, sir, they are too honorable, too highminded, and too magnanimous to remain silent, and see their country inflicting, as they believe, cruel and unmitigated wrongs upon a weak, but magnanimous people. [Here the Speaker reminded Mr. M. that it was not in order to debate this question at this time.] Mr. M. replied: Mr. Speaker, I am aware that it is not in order to discuss the merits of this question on the presentation of a petition, nor do I wish, on this, or any other occasion to violate the rules of this House.

I will only add one or two remarks more, and if, in so doing, I am out of order, I will thank the Speaker to remind me of it.

I am informed, sir, by a letter which accompanied the petition, and from a source highly respectable, that our people have a good deal of feeling on the subject of this treaty. If their suspicions are well founded, ought not Congress to immediately institute an inquiry into the facts connected with it; and if they are groundless, the Government has nothing to fear from such an investigation. But, sir, let this House refuse to refer or consider the petitions of the people on this subject, and do you not, I ask, throw around the whole transaction dark suspicions, which every lover of the honor of his country ought to reprobate?

Mr. OWENS moved to lay it on the table, (being a disposition made of numerous others during the day, on motion of Mr. O. and Mr. HAYNES, without a division of the House.)

Mr. MORRIS demanded the yeas and nays; which being ordered,

Mr. CHAPMAN moved a call of the House, as the attendance of members was thin; but it was refused, and the motion to lay on the table was decided in the affirmative—yeas 107, nays 71, as follows:

YEAS—Messrs. Andrews, Atherton, Banks, Beatty, Beirne Bicknell, Birdsall, Boon, Boutdin, Brodhead, Bronson, Buchanan, Cambreleng, John Campbell, Carter, Chapman, Clark, Coles, Connor, Craig, Crary, Crockett, Cushman, Dawson, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Rice Garland, Glascock, James Graham, Grantland, Gray, Griffin, Haley, Hamer, Harrison, Hawes, Hawkins, Holsey, Holt, Hopkins, Howard, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, James M Mason, Martin, McKay, Robert, McClellan, Abraham McClellan, Montgomery, Moore, Morgan, Murray, Noble, Owens, Palmer, Pearce, Pennybacker, Petrikin, Phelps, Pratt, Prentiss, Reily, Rencher, Richardson, Rives, Sawyer, Augustine H. Shepperd, Charles Shepard, Sheplor, Snyder, Southgate, Spencer, Stone, Taylor, Thomas, Titus, Towns, Turney, Vail, Wagener, Weeks, Sherrod Williams, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—107.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Bond, Briggs, Wm. B. Calhoun, John Calhoon, Casey, Cheatham, Childs, Coffin, Corwin, Cranston, Cushing, Davee, Davies, Dunn, Evans, Ewing, Richard Fletcher, Fillmore, Goode, William Graham, Graves, Grennell, Harper, Hastings, Herod, Hoffman, Ingham, Jenifer, Lincoln, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Parmenter, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Ridgway, Edward W. Robinson, Rumsey, Russell, Sergeant, Sibley, Stanly, Stratton, Taliaferro, Toland, Underwood, Vanderveer, Webster, Albert S. White, Elisha Whittlesey, Lewis Williams, Wise, and Yorke—71.

[Mr. HARPER presented the petition of William S. Richards, and 110 other citizens of the county of Licking, Ohio, remonstrating against the execution of the Cherokee treaty. Also, the petition of the Rev. Wm. H. Beecher and 81 male citizens, and of Katharine E. Beecher and 80 other females, all of Muskingum county, Ohio, for the same purpose.]

INDIANA.

Messrs. HEROD and DUNN.

ILLINOIS.

Messrs. CASEY, MAY, and SNYDER.

[Mr. CASEY presented the petition of sundry citizens of Clarke county, State of Illinois, praying the establishment of a post route from Marshall in said county, to Charleston, in Coles county, stating that there is no direct communication by mail between the town of Marshall, the county seat of Clarke county, situated on the tenth mile of the Cumberland road, and Charleston, the county seat of Coles county, twenty-seven miles distant from each other: the citizens of the two places, and those residing between, have at considerable expense, opened a wide and very direct road, and erected a substantial bridge across the Embarrass river, in order not only to facilitate the communication between the two counties, which are politically joined, and have similar interests, but also to have a better and more direct communication between Terre Haute, in Indiana and Springfield, in Illinois. On motion of Mr. C. it was referred to the Committee on the Post Office and Post Roads.

[Mr. SNYDER presented a memorial from William C. Greenup, president of the board of managers for the purpose of draining the lakes and ponds of the American bottom, in the State of Illinois, praying Congress to grant the unsold lands to aid the board in said improvements: referred to the Committee on the Public Lands. Also, a memorial from the citizens of Greenville, in Bond co. Illinois, praying Congress to cause the National road from Vandalia to the Mississippi to be located through said town: referred to the Committee on Roads and Canals.]

ALABAMA.

Messrs. LEWIS and CHAPMAN.

MISSOURI.

Mr. HARRISON.

[Mr. HARRISON presentsd the following petitions: The petition of Amos Burdyne and twenty-two others, citizens of St. Charles and Lincoln counties, Missouri, praying Congress to pass a law granting to them the right of pre-emption to certain lands, described in said petition: referred to the Committee on Public Lands. The petition of Daniel Finch, of St. Louis, Missouri, asking compensation for his services as a clerk, in the Acting Assistant Adjutant General's office, at St. Louis: referred to the Committee of Claims. Six several petitions, numerously signed by citizens residing in the southern part of the State of Missouri, praying Congress to cede to said State certain inundated or swamp lands, on the conditions set forth in said petitions: referred to the Committee on Public Lands. The petition of John McKenna, late a soldier in the army of the United States, praying Congress to grant him a pension, in consideration of bodily injuries received by him, while in said service: referred to the Committee on Invalid Pensions. Petition of Jesse Nave and others, praying Congress to establish a mail route from Carrollton, in Carroll county, by Utica, Nave's Store, to Thompson's Settlement.]

MICHIGAN.

Mr. CRARY.

[Mr. CRARY presented seven petitions from citizens of Lenawee county, against the Sub-Treasury bill now before the House. Also, a petition for a mail route from Tecumseh to Marshall; a petition for an alteration in the mail route from Ann Arbor to St. Joseph; a petition for a mail route from Concord to Pulaski.]

FLORIDA.

Mr. DOWNING.

[Mr. DOWNING presented the following petitions: Of City Council of St. Augustine for an appropriation to improve the bar and harbor of St. Augustine; of sundry citizens of East Florida, to remove the land office from St. Augustine to Newnansville; of John Sarnier, praying a confirmation of his title to a lot of land near Pensacola; of justices of Duval county, praying compensation for damage done to the court-house; of sundry inhabitants of Florida, praying the erection of a light-house at Cape Carnavaral; of Thomas Douglass, and D. Allornay of East Florida, praying compensation for taking testimony in the case of C. Sibbalo, as directed by the Committee of Claims.]

WISCONSIN.

Mr. JONES.

[Mr. JONES presented the following: Petition of

S. S. Phelps and others, praying for the right of pre-emption to the town site of Cattuse, Wisconsin Territory. Petition of citizens of the mineral region in Wisconsin and Illinois, praying for the sale of the mineral lands of the United States. Petition praying for a donation of land to enable the Territory of Wisconsin west of the Mississippi river to erect a penitentiary. Memorial of citizens of Wisconsin Territory east of the Mississippi river, who pray for an act to authorize the admission of that part of the Territory as a State into the Union. Petition for a post route from Napoleon to Bloomington, Wisconsin Territory. Petition praying for the location of a land office at Mount Pleasant Henry county, Wisconsin Territory. Petition for post routes in Wisconsin Territory. Petition for a post route in Wisconsin Territory. Petition praying for the survey of a route for a railroad from the Mississippi river, at Du Buque, to Milwaukie, Wisconsin Territory. Petition for a post route in Wisconsin Territory. Petition of George W. Rawlings. Petition praying for an additional appropriation to complete the State house at Madison, Wisconsin Territory.]

Also, by Mr. ANDERSON of Maine, Mr. CORWIN, of Ohio, and Mr. SIBLEY, of New York; those gentlemen having been out of their seats when their respective States were called.

MR. BOON'S RESOLUTION.

Mr. BOON rose and asked permission of the House to make an explanation in reference to himself.

Leave being granted—

Mr. B. proceeded. He said it would be recollected that, some days since, he had offered a resolution, the object of which was to equalize the currency receivable for the public dues. That resolution was, however, decided to be out of order, inasmuch as the same subject, in a somewhat different form, was already before the House under two resolutions presented by gentlemen from Ohio and Kentucky, [Messrs. BOND and WILLIAMS.] The former gentleman promptly withdrew his proposition, but the gentleman from Kentucky adhered to his; and Mr. B. had no alternative, therefore, left him to arrive at his object but to move to take up Mr. WILLIAMS's resolution; not with a view to its adoption, but of asking the gentleman so to modify it as to substitute that of Mr. B. This morning he thought he had made an arrangement with that gentleman, so far as he [Mr. B.] was concerned, to accommodate the measure. The gentleman presented to Mr. B. a modification, which it was his intention, he said, to send to the Chair upon the suspension of the rules, and which Mr. B. accepted. After that, the gentleman proposed a further amendment, which he said he intended to offer, but which Mr. B. could not accept. The gentleman then said that his resolution might lie on the table, and, added Mr. B. as I have no disposition to adopt it, unless the gentleman changes his opinion, and substitutes my resolution or the modification of it, I have no other alternative left me, sir, but to take my seat.

On motion of Mr. JOHNSON of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Tribadeauville to Knoblocks, in the interior of New Fourche, State of Louisiana.

On motion of Mr. Allen of Ohio,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Cleaveland, Ohio, through Independence, Brecksville, Richfield, Bath, Copley, Morton, and Clinton, to Massillon, in the county of Stark.

On motion of Mr. DOWNING,

Resolved, That the Committee on Territories be instructed to inquire into the expediency of reannexing the counties of Franklin and Calhoun to the Western Judicial District of Florida, and of confirming the law of the Legislative Council of said Territory, passed at its last session, to divide said counties, and for other purposes, relating to said division.

On motion of Mr. McKENNAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Brandonville, in the State of Virginia, to Byant's post office, in the State of Pennsylvania.

On motion of Mr. SHIELDS of Tennessee,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing compensation to the legal representatives of Dr. James H. Chiars, for services performed by him as assistant surgeon of the army in Florida.

On motion of Mr. CARTER of Tennessee,

Resolved, That the Committe on Roads and Canals inquire into the expediency of authorizing a survey of the Tennessee river above the Muscle Shoals, and of the river Holston from its mouth to Kingsport, in Sullivan county, in Tennessee.

On motion of Mr. EDWARDS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending the route No. 708 from Ephratah, through Pleasant Valley, to Newkirk's Mills, in Montgomery county, and State of N. York.

Mr. CAMBRELENG then moved that the House go into Committee on the state of the Union on the appropriation bills.

Mr. GARLAND of Louisiana gave notice, that when in committee, he should move to take up the pre-emption rights bill.

Messrs. BRIGGS, WHITTLESEY, and EVERETT, requested the gentleman not to press that motion, but suffer the balance of the day to be devoted to the current business, and the latter gentleman objecting—

Mr. CAMBRELENG moved a suspension of the rules.

Mr. BOON asked for the yeas and nays, which were ordered.

Mr. PETRIKIN moved a call of the House: refused.

The motion to suspend being agreed to—yeas 106, nays 37—the House accordingly resolved itself into a Committee of the Whole on the state of the Union, Mr. HOWARD in the Chair.

Mr. CAMBRELENG, after referring to the number of protested drafts still unpaid by the Government, and stating that he desired to have that protested paper paid before proceeding to other business, moved to take up the following bill:

"A bill making appropriations for the preventing and suppressing Indian hostilities for the year 1838, and for arrears for the year 1837."

Mr. GARLAND of Louisiana, pursuant to his notice given above, then moved to take up the pre-emption rights bill, saying that he feared the other bill would cause an extended discussion, and it was important that the bill he moved should be acted upon without delay.

The committee accordingly rose and reported that fact to the House.

Messrs. CAMBRELENG, OWENS, and CUSHMAN simultaneously moved a call of the House, for the purpose of procuring a quorum, but the motion was suspended till the SPEAKER counted the House, and upon ascertaining that a quorum was actually present, the House again went into committee, and the question being again propounded, on taking up the bill to suppress Indian hostilites, &c. it resulted, taken by tellers, as follows: ayes 94, noes not counted.

This bill was accordingly taken up, and having been read through by the Clerk—

Mr. CAMBRELENG said he was at a loss how to proceed; if he did not make a speech, it would be alleged by some that he left the bill to be fought by the Opposition; and if he did make a speech, it might be alleged by some as it had been by the gentleman from Pennsylvania on a former occasion, that he would be the cause of any delay and debate that might follow. He briefly stated the necessity of a speedy action, saying that $700,000 of protested drafts were now lying, and the suffering fell, not upon the Government, but upon individuals who were forced by delay into the hands of brokers and money shavers, at ruinous sacrifices. This part of the appropriation should be immediately acted upon as a matter of justice. In relation to the war in Florida, he remarked that he thought it was now brought nearly to a close; and he did not think a dollar would be required after these appropriations to maintain that war, and that no extraordinary appropriations would hereafter be wanted. The appropriations for the support of military force, in the Cherokee country, was intended to preserve that people from hostilities with the neighboring citizens.

Mr. CAMBRELENG then submitted some amendments, which were adopted.

Mr. EVERETT then offered a paper, which he said he should offer at a future time, as an amendment to the bill, the object of which was to afford just and equitable compensation to the Indians, and such as he thought would induce the Cherokees to remove, probably in the course of this fall. He said he did not know that the amendment would meet the views of the Government or the Indians, for he had consulted with neither party, but he wished the paper printed, that it might be considered and acted upon hereafter. The following is a copy of the paper:

For the payment to the Cherokee nation, after their emigration, the sum stipulated in the 1st art. of the treaty of 29th December, 1835, deducting $500,000 under the 2d art. and $400,000 invested under the 10th art. - - -	$4,100,000
Provided, the Cherokee nation assent so to receive it.	
To enable the President to repurchase the lands ceded by the 2d art. of said treaty - - -	500,000
For payments to the Cherokee nation for the benefit of the Cherokees who have not taken the benefit of said treaty	
1. For compensation in full for all claims for their improvements -	2,250,000
2. For compensation for personal property which may be abandoned, not provided for by said treaty -	750,700
3. For compensation for spoliations in full - - - -	300,000
4. For commutation for claims for pensions under 14th art. - -	50,000

Provided, that no part of the appropriations in this article shall be expended, unless a majority of such Cherokees shall have emigrated west of the Mississippi by the 1st of January next; nor until the said Cherokee nation east shall have agreed so to receive said sums in full for said claims.

For compensation to such Cherokees as shall emigrate at their own expense, by 1st January next, at $33⅓ per head (15,000 Cherokees)	500,000
For subsistence, extended to eighteen months, to such emigrants, $50 per head, (15,000 Cherokees) -	750,000

Mr. BELL remarked that he considered the bill one of the utmost importance, and he wished to offer an amendment, with some remarks. If his amendment should be met with an amicable spirit, he should not go at length into the subject; and he should not, whatever he might think of the expediency or justice of the Florida war, do any thing to oppose the appropriations for that object. He then offered the following amendment:

"Provided, that if the President shall ascertain that all dissatisfaction and further opposition on the part of any portion of the Cherokee Indians to the treaty of 1835 can be allayed or avoided by allowing an additional compensation for lands ceded to the United States by said treaty, and that thereby the Government may be saved the expense of keeping up the large military force within the Cherokee country now contemplated, he is hereby authorized to apply two millions of dollars of the sum appropriated by this act to that object."

The amendment of Mr. CAMBRELENG, above alluded to, was adopted.

Mr. CAMBRELENG suggested that the amendment of Mr. EVERETT was not in order upon this bill, which was for Indian hostilities, and would be better to be proposed to the bill for Indian annuities, when it should come up. There was, also, an objection to the amendment of Mr. BELL, though not so strong; but he would not press it then.

Mr. WISE then moved that the committee rise and report progress; which motion prevailed.

In the House, Mr. EVERETT offered his proposed amendment, and asked to have it printed.

Mr. CAMBRELENG suggested that it would be better to have the bill printed as amended in committee, with the amendment annexed, to which Mr. EVERETT assented; and in that form the motion prevailed.

A report from the Secretary of War, accompanied by a report from the head of the Topographical Bureau was read and referred to the Committee on Commerce.

The bill for the relief of James Witherell, was read a third time and passed.

The bill for the relief of the heirs of Thomas Carter, was read a third time and passed.

The bill for the relief of John Jordan, was, on motion of Mr. WHITTLESEY, postponed to Friday next.

On motion of Mr. CUSHMAN, the bill to authorize the employment of boys in the merchant service, was postponed till to-morrow.

The joint resolution authorizing the employment of clerks in the Department of State, was, on motion of Mr. GARLAND of Virginia, laid on the table.

The bill from the Senate to authorize the appointment of an additional judge in the Orphan's Court in the District of Columbia, was then taken up, with an amendment prepared by the Committee for the District of Columbia.

Mr. DAWSON said that an objection had been made by Mr. MERCER to this amendment, on the ground of unconstitutionality; and he (Mr. D.) contended that, inasmuch as the District of Columbia was a Territory of the United States, according ing to the decisions of the Supreme Court, therefore Congress had full power over it, as much as over Wisconsin or Florida.

Mr. MERCER thought the position of the District of Columbia *sui generis*, and not that of a Territory. Every judge under the Constitution of the United States is appointed for life, and no instance to the contrary can be shown.

Mr. HAYNES instanced justices of the peace in the District of Columbia as holding office by a limited tenure.

Mr. PETRIKIN said that in the committee he had opposed this bill, but, being in the minority, he consented to have it reported to the House, with the amendment, limiting the term of service to four years. His opposition was predicated on the grounds that the continuance of a person in the receipt of a salary, without rendering any services to the public, was in fact creating and continuing a sinecure in violation of the Constitution, and contrary to the spirit of our free institutions. Our country was fast following the footsteps of the Governments in Europe, by continuing men in office out of mere sympathy, or because they belonged to respectable families, although unable to discharge the duties of the office. The Departments in the city of Washington furnished many examples of this kind, and it was high time Congress should, by their action, furnish a precedent to those administering the Government to correct this abuse. In this case, if the present incumbent was incapable of discharging the duties of a judge, and Congress had the power, under the Constitution, to remove him, let members discharge their duties by addressing the President for that purpose, and if Congress has not the constitutional power to remove him, let the Constitution be amended for that purpose, and that can be done by the meeting of next Congress.

Mr. P. said he was opposed to sinecures of every kind; and a hard case, or mere expediency, was no apology for members violating the Constitution. It was a well known fact that in all ages public good had been an apology for tyrants setting at naught the rights of the people, and expediency, the excuse of usurpers for trampling upon the liberties of the people. When members objected to the limitation of the term of service of a judge, on constitutional grounds, and at the same time advocated the continuance of an officer in the enjoyment of a sinecure, he thought, to say the least of it, they took a one-sided view of the Constitution. He did not suppose, however, that any thing he could say would alter the determination of members on this subject, but he could not, consistently with his conscientious notions of what was his duty, suffer a matter so grossly wrong, in his opinion, as the present bill is, to pass without raising his voice against it.

Mr. BOULDIN said he supposed, as he was chairman of the committee, it would be expected of him to say something in relation to this bill; yet he knew that by wearying the House by such debate, he might hazard the bill, rather than render it more secure.

He said his mind had been long made up, that during good behavior was the best tenure for a judge to hold his office by; that when a change is made from good behavior in such offices, it is generally found to be for bad behavior. He knew there was a difference of opinion upon this point, and he would not provoke argument, as the District really was suffering for a judge. The present incumbent was, by visitation of Providence, rendered unable to do the duties of his office.

There could be no constitutional difficulty in appointing an additional judge. There was no particular number of judges constitutionally required in this case. It might be that the incumbent ought to resign, but he had not; and Mr. B. was not aware of any mode by which he could be compelled to do so; and if he could, it would be difficult to prove he ought to be prosecuted for this visitation; and though all this were right and practicable, yet it would take much time to do it, and in the mean time the people would suffer much. The appointment of another judge would not prevent a prosecution and removal of the present incumbent, should it be practicable and proper.

Mr. B. had given his own opinion on this bill in as few words as he could, and would prefer to pass the bill himself as it came from the Senate; but he was so sure that the people were in great need of help in this particular, that he would vote for almost any measure that would give relief—any thing within the pale of the Constitution. He hoped, therefore, that the bill would pass to-day.

Mr. JENIFER and Mr. DAWSON had a few words of conversation, which (on account of the great confusion and noise in the hall) were entirely inaudible.

Mr. ADAMS thought that, if the pending amendment was constitutional, then Congress could remove the present judge. He considered that an officer who did not discharge the duties of the office he held did not hold it "during good behavior." It was inconsistent to say that the assistant judge should hold his office under the Constitution for four years, and that the other judge of the same court should hold his during good behavior. This was a provision to change the tenure of office of the judge of the orphans' court. If Congress can, constitutionally, change this tenure of office, the President may, on application, remove the office existing. He hoped that neither the amendment nor the bill would pass. He thought the proper course would be to impeach the officer for incompetency. This had been done, and it seemed to be the true and proper mode.

Mr. POPE thought the amendment ought not to pass to this bill. If this question of the proper tenure of office were to be discussed, it should be at another time. At present, he looked upon this as a necessary measure for the transaction of business in this District, and it was the duty of Congress to see that the rights of the District ought to be religiously and sacredly preserved. He hoped the amendment would be withdrawn.

Mr. GARLAND, of Virginia, said he had but little to say upon the subject under consideration; nor would he say that little, but for the fact that there were two important questions involved in the bill. The first was, have the people of the District of Columbia any constitutional protection? Are they *citizens* of the United States, or *subjects* of an aristocratic despotism? By the act of cession they were stripped of the protective power of the constitutions of Virginia and Maryland; and if they were not within the protective power of the Constitution of the United States, unlike all other American citizens, they were without any constitutional protection whatever, but the unqualified subjects of the power of Congress, which can exercise over them unlimited and unqualified authority. He did not doubt that, as far as the Constitution applied, the people of the District of Columbia were as much entitled to its broad shield as they were before the act of cession. He would not now enter into the discussion of that question, but would content himself with this mere expression of opinion. If the Constitution did not not extend to the District of Columbia, he said that its principles and its spirit might be carried into the legislation of Congress affecting it, and thus extend its beneficial and protective powers as successfully as if it was directly applicable; and there was no subject on which its principles could be more profitably applied than in the limitation of the judicial tenure.

The second question involved was, whether Congress, in establishing the judicial tenure, could, in reference to the District of Columbia, disregard the limitation prescribed in the Constitution, of "good behavior," and affix to it a term of years? The only power which this Government has to establish a judiciary is derived from the Constitution, but the tenure of the judicial office is not left to the discretion of Congress, but is fixed by the Constitution itself. If, then, this Government has none but expressly delegated powers, I might safely inquire, where is the authority to limit the judicial tenure to a term of years? The Constitution having affixed the tenure, Congress has no power over it, and any other tenure would be a usurpation of power, and contrary to the true spirit of that instrument. He said he did not now propose to enter into an elaborate discussion of this important question, but would content himself with remarking, that when the act passed, establishing the Orphans' Court of the District of Columbia, the judge was regarded as a judicial officer, and the tenure of his office limited by the authority of the Constitution; and it would now be establishing a dangerous precedent to disregard it. He thought it wise to adhere to the principles and spirit of the Constitution upon all occasions, and in none more pertinaciously than the tenure of the judicial office. There was no principle in Government more important and more necessary to any people than a faithful, an honest, and well qualified judiciary, and there were no other means by which it could be accomplished than by affixing a tenure of office which, while it is placed within the reach of ample responsibility, is secured from the effects of sudden popular excitement and unfounded prejudices. This blessing is as important to the people of the District as to any portion of the people of the Union; and it would be unwise and impolitic to distinguish between them and the people of the States. No man who possessed the proper qualifications of a judge would accept the office with a tenure of four years, and a liability to have his commission struck dead in his hands by those ebullitions of popular excitement which frequently spring up on account of his decisions. To secure competent and well-qualified judges, there must be permanency in the tenure as well as adequacy in compensation; and the value of the judiciary will be entirely destroyed when opposite principles are acted upon. The tenure affixed in the amendment proposed by the Committee for the District of Columbia, would, in its general application, be dangerous in practice and subversive of the best interests of the country. It was in accordance with that spirit which had commenced limiting the tenure of the judicial office to a fixed age in some places—to ten years in some, and seven in others—a spirit which, said Mr. G. was undermining the stability of the system, destroying its most valuable features, and would ultimately throw the judiciary into the hands of the ignorant, the illiterate, and the demagogical. He thought a rebuke of this destructive spirit would come with great force from Congress, by strictly adhering to the wise and salutary tenure prescribed in the Constitution, which its framers would not confide to Congressional discret on.

Mr. G. said the temporary additional judge proposed to be appointed for the Orphans' Court of the District of Columbia, would not establish *a sinecure*, but grew out of the actual necessity of the case. In the organization of the Court, a single judge had been appointed. That judge not *not misbehave'p*

but by the afflicting hand of Providence, had been rendered incompetent. He cannot be compelled to resign his office, nor can he be removed. This bill, in this state of things, (Congress not being limited by the Constitution as to the *number* of judges which it may assign to a court,) proposes to appoint an additional judge; who, notwithstanding the incompetency of the present judge, may despatch the business which belongs to the jurisdiction of that court. The remedy for this state of things would, in all probability, soon be applied by the hand of nature in a few years at most. The present incumbent would be removed by the hand of time; and then, by declining to supply the vacancy, the Court will be restored to its original organization. The question, then, was, whether the expense of an additional judge shall be incurred, so as to dispose of the business of the Court, or shall it remain blocked up, to the great annoyance and oppression of the people of the District, until Providence shall remove the obstruction, by the death of the incumbent? Mr. G. said he should, without hesitation, vote against the amendment proposed by the committee, and for the bill.

The amendment was lost.

The question recurring upon the passage of the bill to a third reading,

Mr. PETRIKIN demanded the yeas and nays, which were not ordered.

The bill was then passed to a third reading without a division, and was ordered to be read a third time then.

It was read accordingly, and passed.

Mr. PETRIKIN then demanded a count, to ascertain if a quorum was present.

The SPEAKER reported 123 present; not a quorum.

Mr. BOULDIN then moved an adjournment; but withdrew it at the request of

Mr. POPE, who asked the unanimous consent of the House to take up and pass a bill for the relief of the widow of Capt. Thomas Hunter.

Objections were made.

Mr. POPE moved to suspend the rules, and said it was an urgent case. The widow of Capt. Hunter, by a mistake, had been deprived of a part of the pension to which she was entitled, and unless she could obtain this justice from the Government soon, all her little remaining property would be swept away.

The question being taken on suspending the rule, there were, ayes 86, noes 19; not a quorum.

Mr. GRIFFIN moved an adjournment, which was lost, yeas 32, nays 65.

Mr. WHITTLESEY hoped the gentleman from Pennsylvania would withdraw his opposition, and allow the bill to be taken up.

Mr. PETRIKIN said he could not withdraw his opposition, and referred to the course of proceeding last Friday and Saturday, when it was impossible to keep a quorum in the House. He did not like this manner of hopping off, and of gentlemen cutting up their own peculiar business out of order. He then renewed the motion to adjourn.

Mr. POPE appealed earnestly to the gentleman from Pennsylvania to withdraw the motion, and let the bill be passed. He said he had no interest in it; but he knew it was necessary and just.

The question was then taken on the adjournment, and was, ayes 25, noes 79; so the House refused to adjourn, and there was not a quorum.

Mr. POPE then said he would yield, and not insist upon detaining the House fruitlessly; and, upon his motion,

The House adjourned.

[Mr. J. L. WILLIAMS presented the memorial of Wm. J. J. Morrow, claiming the compensation due to him as a surgeon in the service of the United States: referred to the Committee on Military Affairs. Of John L. McCarty, who claims indemnity for money advanced by him to the service of the United States: referred to the Committee of Claims. Of Elizabeth Cooke, who claims compensation for one wagon and five horses furnished by her late husband, and lost in the service of the United States: referred to the Committee of Claims.]

IN SENATE,

MONDAY, May 21, 1838.

Mr. BUCHANAN presented a memorial from merchants and underwriters, residents of Philadelphia, stating that wrecked property at Key West was carried in, and a sale of it made before any agent could be sent on, in consequence of which it could make very little difference whether the wrecked property should be lost or sold. They, therefore, prayed that a law might be passed requiring at least sixty days' notice to be given before wrecked property should be sold: referred, and ordered to be printed.

Mr. WRIGHT presented resolutions of the Legislature of the State of New York, calling for the action of Congress to suppress duelling; and stating that the practice among public men was of evil example and tendency: laid on the table, and ordered to be printed.

Mr. HUBBARD presented a petition from Mr. Cogswell, asking Congress for compensation for serving a *venire*, which, for some reasons, was refused at the Department: referred to the Committee on the Judiciary.

Mr. YOUNG presented the petition of Jasper Cox, praying indemnification for loss sustained from captures by the Indians: referred to the Committee on Claims.

Mr. McKEAN presented two memorials from citizens of Pennsylvania, praying that the Cherokee treaty may not be enforced: laid on the table.

Mr. NILES presented two memorials from citizens of Connecticut, praying that the Cherokee treaty may not be enforced: laid on the table.

Mr. BAYARD presented a petition from sundry citizens, asking that the Cherokee treaty may not be enforced: laid on the table.

Mr. CRITTENDEN presented the petition of the citizens of Paducah, Kentucky, praying that Francis A. Harrison may be secured from loss by the burning of the Post Office: referred to the Committee on the Post Office and Post Roads.

PLAN OF A NATIONAL BANK.

Mr. CLAY of Kentucky, rose, and stated that he wished to present a petition confided to his care, signed by a number of persons, praying for the establishment of a Bank of the United States. It was similar to several other petitions which had been presented to the Senate, or to the House, during the present session, praying for the same object. They afford evidence of a deep and returning conviction, among the people, of the utility of such an institution.

Whilst I am up [continued Mr. CLAY,] with the permission of the Senate, I beg leave to submit a few observations upon this subject. There is reason to believe that much honest misconception and some misrepresentation prevail in regard to it, which I wish to correct. It had been supposed that those who are desirous of seeing a Bank of the United States established are anxious that a charter should be granted to an existing State institution, which has an eminent individual at its head, and that this was the sole object of all their exertions. Now I wish, for one, to say, that I have no such purpose in view. I entertain for that gentleman very high respect. I believe him uncommonly able, profoundly skilled in finance, and truly patriotic. There is but one other person, connected with the banking institutions of the country, in whose administration of a Bank of the United States I should have equal confidence with Mr. Biddle, and that is Albert Gallatin, who, I am glad to learn, at an advanced age, retains, in full vigor, the faculties of his extraordinary mind. There may be other citizens equally competent with those two gentlemen, but I do not know them, or am not acquainted with their particular qualifications.

But it is not for any existing State bank, or any particular individual at its head, that I am contending. I believe the establishment of a Bank of the United States is required by the common good of the whole country; and although I might be willing, if it were practicable, to adopt an existing bank as the basis of such an institution, under all circumstances, I think it most expedient that a *new* bank, with power to establish branches, be created and chartered under the authority of Congress. My friends (as far as I know their opinions) and I are not particularly attached to this or that individual, to this or that existing bank, but to principles, to the thing itself, to the institution, to a well-organized Bank of the United States, under the salutary operation of which the business of the country had so greatly prospered, and we had every reason to hope would again revive and prosper. And, presuming upon the indulgence of the Senate, I will now take the liberty to suggest, for public consideration, some of those suitable conditions and restrictions under which it appears to me that it would be desirable to establish a new bank.

1. The capital not to be extravagantly large, but, at the same time, amply sufficient to enable it to perform the needful financial duties for the Government; to supply a general currency of uniform value throughout the Union; and to facilitate, as nigh as practicable, the equalization of domestic exchange. I suppose that about fifty millions would answer all those purposes. The stock might be divided between the General Government, the States, according to their federal population, and individual subscribers; the portion assigned to the latter to be distributed at auction or by private subscription.

2. The corporation, in the spirit of a resolution recently adopted by the General Assembly of the State, one of whose Senators I have the honor to be, to receive such an organization as to blend, in fair proportions, public and private control, and combining public and private interests; and, in order to exclude the possibility of the exercise of all foreign influence, non-resident foreigners to be prohibited not only from any share in the administration of the corporation, but from holding, directly or indirectly, any portion of its stock. Although I do not myself think this latter restriction necessary. I would make it, in deference to honest prejudices, sincerely entertained, and which no practical statesman ought entirely to disregard. The bank would thus be, in its origin, and continue throughout its whole existence, a genuine American institution.

3. An adequate portion of the capital to be set apart in productive stocks, and placed in permanent security, beyond the reach of the corporation, (with the exception of the accruing profits on those stocks,) sufficient to pay promptly, in any contingency, the amount of all such paper, under whatever form, that the bank shall put forth as a part of the general circulation. The bill or note holders, in other words, the mass of the community, ought to be protected against the possibility of the failure or the suspension of a bank. The supply of the circulating medium of a country is that faculty of a bank, the propriety of the exercise of which may be most controverted. The dealings with a bank, of those who obtain discounts, or make deposites, are voluntary and mutually advantageous; and they are comparatively few in number. But the reception of what is issued and used as a part of the circulating medium of the country, is scarcely a voluntary act; and thousands take it who have no other concern whatever with the bank. The many ought to be guarded and secured by the care of the legislative authority; the vigilance of the few will secure them against loss. I think this provision is a desideratum in our American banking; and the credit of first embodying it in a legislative act is due to the State of New York.

4. Perfect publicity as to the state of the bank at all times, including, besides the usual heads of information, the names of every debtor to the bank, whether as drawer, endorser, or surety, periodically exhibited, and open to public inspection; or, if that should be found inconvenient, the right to be secured to any citizen to ascertain at the bank the nature and extent of the responsibility of any of its customers. There is no necessity to throw any veil of secrecy around the ordinary transactions of a bank. Publicity will increase responsibility, repress favoritism, insure the negotiation of good paper, and, when individual insolvency unfortunately occurs, will deprive the bank of undue advantages now enjoyed by banks practically in the distribution of the effects of the insolvent.

5. A limitation of the dividends so as not to authorize more than — per cent. to be struck. This will check undue expansions in the circulating

medium, and restrain improper extension of business in the administration of the bank.

6. A prospective reduction in the rate of interest, so as to restrict the bank to six per cent. simply, or, if practicable, to only five per cent. Banks now receive at the rate of near 6% per cent. by demanding the interest in advance, and by charging for an additional day. The reduction may be effected by forbearing to exact any bonus, or, when the profits are likely to exceed the prescribed limit of the dividends, by requiring that the rate of interest shall be so lowered as that they shall not pass that limit.

7. A restriction upon the premium demanded upon post notes and checks used for remittances, so that the maximum should not be more than, say, one and a half per cent. between any two of the remotest points in the Union. Although it may not be practicable to regulate foreign exchange, depending as it does upon commercial causes not within the control of any one Government, I think that it is otherwise with regard to domestic exchange.

8. Every practicable provision against the exercise of improper influence, on the part of the Executive, upon the bank, and, on the part of the bank, upon the elections of the country. The late Bank of the United States has been, I believe, most unjustly charged with interference in the popular elections. There is, among the public documents, evidence of its having scrupulously abstained from such interference. It never did more than to exercise the natural right of self-defence by publishing such reports, speeches, and documents, as tended to place the institution and its administration in a fair point of view before the public. But the people entertain a just jealousy against the danger of any interference of a bank with the elections of the country, and every precaution ought to be taken strictly to guard against it.

This is a brief outline of such a new Bank of the United States as I think, if established, would greatly conduce to the prosperity of the country. Perhaps, on full discussion and consideration, some of the conditions which I have suggested might not be deemed expedient, or might require modification, and important additional ones may be proposed by others.

I will only say a word or two on the constitutional power. I think that it ought no longer to be regarded as an open question. There ought to be some bounds to human controversy. Stability is a necessary want of society. Among those who deny the power, there are many who admit the benefits of a Bank of the United States. Four times, and under the sway of all the political parties, have Congress deliberately affirmed its existence. Every Department of the Government has again and again asserted it. Forty years of acquiescence by the people; uniformity every where in the value of the currency; facility and economy in domestic exchanges, and unexampled prosperity in the general business of the country, with a Bank of the United States; and, without it, wild disorder in the currency, ruinous irregularity in domestic exchange, and general prostration in the commerce and business of the nation, would seem to put the question at rest, if it is not to be perpetually agitated. The power has been sustained by Washington, the Father of his Country; by Madison, the Father of the Constitution; and by Marshall, the Father of the Judiciary. If precedents are not to be blindly followed, neither ought they to be wantonly despised. They are the evidence of truth; and the force of the evidence is in proportion to the integrity, wisdom, and patriotism of those who establish them. I think that on no occasion could there be an array of greater or higher authority. For one, I hope to be pardoned for yielding to it, in preference to submitting my judgment to the opinion of those who now deny the power, however respectable they may be.

But, Mr. President, strong as my convictions are, I have no intention of formally presenting any proposition to establish a Bank of the United States. Composed as Congress and the Executive now are, it would be an unnecessary waste of time to offer such a proposal. I should regret to see a bank established, unless it were clearly called for by public opinion. I believe it is now desired by a majority of the people of the United States. But of that there does not exist perhaps any conclusive evidence. Let us wait until demonstrations of their will shall be clearly given; and let us all submit, and, for one, I shall most cheerfully, to their decision, whatever it may be. Mr. C. moved that the petition be laid on the table.

After some remarks from Mr. ALLEN, which will be given hereafter—

Mr. BUCHANAN said that his peculiar position in regard to this question rendered it proper that he should make some remarks upon the subject. He was opposed to the charter of any Bank of the United States, be it located where it might. It would, in his opinion, prove to be a great evil to the country any where and every where. It appeared from the Senator's remarks that he and his friends were in favor of the establishment of *a new bank* in the city of New York, with Albert Gallatin for its president. In this inference he thought he could not be mistaken. The Bank was to be new; it was not to be Mr. Biddle's Bank; and Mr. Gallatin had been eulogized, no doubt justly, as a gentleman eminently qualified to conduct a National Bank. New York then was to be the place, and Mr. Gallatin the president.

Mr. B. said he had risen, as a Senator from Pennsylvania, solemnly to protest against this determination of the gentleman and his friends to exclude Philadelphia, and to establish a new Bank of the United States in New York. Although he should oppose such an establishment, whether in the one city or in the other, yet, if it must exist, he should stand up for the metropolis of his own State as the more suitable location. It would be invidious, as well as unjust, to abandon Philadelphia for New York. If you establish a National Bank in New York, with a capital of fifty millions of dollars, you would render the whole Union tributary to that city, whilst you would greatly impair, if not destroy, the prosperity of our other commercial cities. Three-fifths of the revenue derived from customs was now collected at the port of New York. This amount of revenue, at least, without speaking of the remainder, would be deposited in the mother bank, and become the foundation of discounts and circulation, and of a commanding influence throughout the Union. All the markets of the country could be regulated and controlled by such a bank, and the business of all our commercial cities would be gradually drawn into the vast vortex of New York. Why should three-fifths of the duties collected in the United States be used in New York for the purpose of giving her a control over our other commercial cities? It is true the revenue was collected there; but who eventually pays it? The consumers—the people of the country scattered over every State of the Union. Why, then, should it be converted into a deposit for the exclusive purpose of extending the commercial superiority of New York at the expense of other cities? Let each one of them depend upon its own energy and resources, without any partial aid from Government.

Mr. B. was rejoiced that the Senator had come out and, in a bold and manly manner, presented his project of a National Bank. The two great parties of the country would now know precisely where they stood. From this day, the issue would be fairly formed and distinctly presented to the people. On the one side there was a National Bank, with a capital of fifty millions, sustained by the revenues of the Government, and enjoying the privilege of having its notes received in payment of all the public dues; whilst on the other, we desired a separation—a friendly separation—of the business of the Treasury from that of all banks, leaving each one of them to its own resources, and to perform its own duties, without danger of being crushed or controlled by a mammoth institution. We wished to part from them in peace, and to remain at peace with them, interposing no obstacles in the way of their healthy and vigorous action. We leave them to be regulated by the States to which they belong. He did not fear the final result of such a trial before the American people.

It was a work of supererogation for the Senator from Kentucky to have inserted in his charter any provision to prevent the Government from warring against the Bank, or the Bank from warring against the Government. For the last few years we had witnessed the exception to the rule; but we should never witness it again. Money and political power mutually attracted each other, and were always ready to rush to each other's embrace. Establish such a bank as the Senator had proposed, and there never would be any divorce between it and those in power. The General Government was to be combined with all the State Governments as stockholders in this institution; and to these sovereignties were to be added a number of wealthy individuals. You would thus bind the United States and the States together in solid phalanx, and unite them all indissolubly with the money power of the country. Such a measure would be the longest stride towards consolidation which had ever been made under the Constitution; and such a bank would be able and willing to keep any Administration in power which might call it into existence. The political power and the money power would support each other, and their connection would be perpetuated by the strongest ties of mutual interest. No, sir; no, sir; we shall have no more wars between the bank and the Government; no more Andrew Jacksons to slay the monster. We shall have a popular Government in form, but a money Government in fact; and New York will be the seat of empire. This scheme of uniting all the State Governments as stockholders with the General Government and individuals, would render it much more formidable than the late Bank of the United States (powerful as it was) had ever been.

But this new bank was to be a paper bank. This he inferred from the fact that the Senator, in his plan, had entirely omitted to require that the bank should keep in its vaults any proportion of specie either to the amount of its circulation, or to that of its circulation and deposites combined. In the whole projet there was no allusion to gold and silver. As a substitute, he might presume, the Senator had introduced, with commendation, that provision of the late New York law which required the banks under it to invest a portion of their capital in stocks, for the purpose of redeeming their notes in circulation. Mr. B. feared that this New York scheme would prove the greatest humbug of modern times. If we were to learn any thing from the lights of experience in England, this would prove to be the result.

The power to create and to circulate a paper currency was one of the highest attributes of sovereignty. Whenever in exercising this power you departed from the only true standard of value throughout the world, and established a banking institution without proportioning the amount of its current coin to that of its current notes and deposites, you were at sea without chart or compass. The rule in the Bank of England was one for three of its circulation and deposites, and no man in that country had ever, to his knowledge, contended that this proportion of bullion was too large. The theorem now established by the experience of England was, that the amount of the paper currency ought to fluctuate precisely as the metallic currency would fluctuate if there were no bank notes in circulation; and that these fluctuations should be regulated by the changing condition of the foreign exchanges. When excessive banking, speculation and over-trading existed, and domestic articles rose, in consequence, to such a price as to prevent their exportation, and to endanger or to produce the export of bullion in their stead, then the paper circulation ought to be contracted so as to equalize the exchanges. This was now the rule in England. Nay, more: it was now believed there that the Bank of England was not a fit repository of the sovereign power to regulate the paper currency of the country according to this standard. Its interest, as a bank, was always to increase the circulation, whilst its duty, as a regulator of the currency, was often to diminish it; and it had been loudly condemned for sacrificing its duty to its interest. The plan there now was either to create a bank of issue merely, for the sole purpose of regulating the paper currency by the

standard of the foreign exchanges, or to appoint commissioners under the Government to regulate the issues of the Bank of England according to this standard. This plan included the suppression of all joint stock and private banks, as banks of issue; so that there should be but one bank of issue throughout the kingdom.

It was found by experience, on a late memorable occasion, during the year 1836 that the Bank of England, with an actual capital of about seventy millions of dollars, had wholly failed in the attempt to curtail the issues of the joint stock and private banks. In proportion as she contracted, they expanded; and her diminished issue was more than supplied by their increase. This proved, by the way, how wholly incompetent the Senator's Bank of the United States would be to regulate the issues of the State banks. All this experience was to be disregarded, and instead of apportioning the paper curreney of the country to its specie; instead of making the sign bear some reasonable proportion to the thing signified; instead of regulating its amount by our foreign exchanges, we were to adopt the new rule of New York, and to make bank notes the representative of State stocks. Even in New York they had required eleven pence in the dollar to be held in specie; but the Senator's project did not even contain this restriction. The end of all under the new system, would probably be that the paper currency of the country would be expanded to a more enormous extent than it had even yet been; the prices of every domestic article would rise to such a pitch that it would be profitable to export nothing, unless it might be cotton, and to import every thing—the foreign exchanges would thus necessarily be against us—the eleven pence in the dollar would soon be drawn from the vaults of the banks for exportation, and the holders of these notes would be compelled to resort to a suit in chancery to have the States stocks held by the banks converted into specie for their redemption. Should a Bank of the United States be ever established, as he trusted it never might, it ought to be founded upon far different principles. Above all, care should be taken so to regulate and restrict its charter, if that were possible, that it might at all times be able to redeem its notes in specie.

The Senator had said that, during the whole period of forty years, whilst the old and the new Bank of the United States were in existence, they had regulated the domestic exchanges of the country in perfection. Now, said Mr. B. under the pressure of existing evils, we are prone to believe that every thing had been comparatively good in former days. Under this impression he had recently examined into the condition of our domestic exchanges under the reign of the old and the new Bank, and somewhat to his astonishment had found that they were as much, or nearly as much, deranged during those periods, as in almost any other portion of our history. The issues of the State banks had not been controlled, nor the depreciation of their notes prevented, by either Bank of the United States. Had he anticipated this debate, he should have brought some of these statements with him to the Senate.

The Senator believed that the power of Congress to establish a bank had been settled by former precedents in such a manner that it ought no longer to be contested. He differed entirely from him on this question. Whilst the old Bank existed, sanctioned as it was both by legislative and judicial authority, it became the duty of every good citizen to submit to the law which created it, no matter what may have been his individual opinion as to its constitutionality. But the old charter had expired, and the question was to be brought before a new Congress which had never decided it. Shall we then be the slaves of authority, and blindly submit to former precedents, or shall we not be permitted to exercise our own judgment, and ask where was the provision in the Constitution which sanctioned these precedents? He, for one, should be glad to see the gentleman point it out. Where did this power lurk? The Senator had already acknowledged that it was not to be found either in the power to regulate commerce or to coin money. In this particular he differed from the Senator from Massachusetts, [Mr. WEBSTER.] If the Senator from Kentucky could find it any where, it must be in the power to levy and collect taxes, and to pay the debts of the United States. This was the clause on which the Supreme Court mainly relied; and they merely decided that if Congress believed a Bank of the United States to be a necessary and proper means of collecting the revenue and paying the debts of the country, it was for us to determine that question; and that, unless in an extreme case, the Judiciary ought not to declare such a decision of Congress to be a violation of the Constitution. The Supreme Court have therefore referred it to Congress to decide whether a bank be a necessary and proper means of executing the taxing and debt-paying power. And can any man say, at the present day, that the dues of the Government cannot be conveniently collected, and its debts paid, without the agency of a Bank of the United States? The very decision of the Supreme Court on which the Senator relied, had thus referred this question to Congress, and declared that we, and not they, were the appropriate judges, unless in extreme cases, of the necessity of creating a National Bank. Under the Constitution, Congress have nothing to do either with the regulation of the foreign or domestic exchanges. The power to create a bank, if it existed at all, was to be found in the taxing power and there alone.

To be the slaves of precedent in such a case would be to abandon the cause of human liberty. Every new precedent would be a new and impregnable bulwark against the rights of the people, from which fresh assaults might be made and new victories achieved, until at last the commentaries upon the Constitution would destroy its text, and render us a consolidated people. Why, sir, the judiciary decided the sedition law to be constitutional, and our citizens were tried, condemned, and punished, under its provisions. Would the Senator contend that this precedent should bind the consciences of members of Congress, and compel them to admit, in all future time, that a new sedition law would be constitutional? Certainly not. At this very session, the Senate, without any opposition, had determined to refund a fine inflicted under the old sedition law by the Judiciary, solely upon the principle, as he believed, that it was unconstitutional. But it was not his intention to enter fully into the argument of this question. He had risen merely to make a few suggestions in relation to the location and some of the features of the gentleman's bank.

Mr. NORVELL, from the Committee of Claims, reported a bill for the relief of the heirs of Thomas Powell: read, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, reported the bill referred to it making appropriations for the naval service for 1838, and gave notice that he should call it up to-morrow morning, at an early hour.

Mr. TIPTON, on leave, introduced a bill to remove the office of the Surveyor General for Ohio, Indiana, Michigan, and Wisconsin: read twice, and referred.

BANKS IN THE DISTRICT OF COLUMBIA.

The Senate resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia for twenty years.

The question being on Mr. NILES's amendment, making the president and directors of the respective banks personally responsible for all losses to the community on the winding up of the banks—

The question was put, and the amendment lost without a debate, and without a division.

Mr. BENTON said, with the permission of the Senate, he would modify the substitute offered by himself for the original bill. If adopted, it would save much of the time of the Senate. The change he had reference to, was merely in relation to the dates; he had consulted several members, and he believed his present proposition would not only meet the views of the Senate generally, but he believed it would be acceptable to those most interested. The conditions imposed were such as could not be objected to he thought. They were—

1. That they should cease receiving or paying out of all paper for currency of a less denomination than five dollars, on or before the promulgation of this act.

2. That they should cease paying out the notes of other banks from and after the 1st of October next.

3. That they should redeem in specie all their notes of five dollars and under, from and after the 1st of August next.

4. That they should redeem all their notes in full, in specie, from and after the 1st of January, 1839.

Mr. HUBBARD said he would very much prefer the proposition offered by himself on a former occasion. He was averse to the renewal of their charters being restricted by the conditions imposed by the Senator. He thought it would be better to leave them free and independent in their action, and charter them during the pleasure of Congress, subject to its will.

Mr. WRIHT spoke at some length against the original bill, he could not reconcile it to his views of right, to renew these charters for twenty years, when they were in open violation of the laws, and had long since forfeited their charters by their own acts. He greatly preferred the motion of the Senator from Missouri, [Mr. BENTON.] Why even give them an extension of two years, unless you impose these wholesome restrictions? Did any Senator desire to protect them in the open violation of their charters in the issue of notes of less denomination than $5? Were we calling upon them too soon for the redemption of their small notes, or for a general redemption of all their notes? He wished Senators to look at the restrictions proposed, and ask themselves if they were too severe. Much had been said in that body of of an irredeemable paper; it was what was condemned by all, and proper efforts should be made to put an end to it. The Senator from New Hampshire says he would prefer a charter at the pleasure of Congress. He knew the Senator's reasons, which he believed would be considered most ameliorating; but in his, Mr. W's mind, it would be the very worst course that could be pursued; and if once adopted, their charters would never be reached again. Let us extend no greater limits to these institutions than the States generally do to theirs, and this we have done.

Mr. HUBBARD then contended that his proposition would be preferable, that if the banks were left to the action of Congress, their charters dependent on its will, they would be less likely to do any thing that would bring on them the condemnation of that body or of the citizens.

Mr. ROANE defended the bill as originally drafted. The committee had endeavored to draw all the light they could around them in relation to the most approved system of banking. In reply to a remark he had heard, that we knew nothing of the condition of these banks, he could state that they had been subject to a severe and rigid scrutiny, the result of which was before the Senate, and he trusted the bill would be permitted to pass without further discussion.

Mr. BENTON thought as much indulgence was granted in the substitute as was reasonable and just. The charters were already forfeited and lying at our mercy. Six banks in this District were circulating money which would ultimately fail in the hands of the poor laborer. He would not vote for any thing not coupled with the restrictions he proposed.

Mr. DAVIS opposed the substitute as containing provisions calculated to destroy the business of the banks, in relation to paying out the notes of other institutions.

Mr. TIPTON spoke earnestly in favor of placing the people of the District above the embarrassing uncertainty with which they had heretofore been agitated in relation to their banks. He desired the Senate to decide promptly whether they would do so or not; and, with this view, he should vote against all amendments to this bill.

Mr. CLAY, of Alabama, spoke in favor of the amendment, and in opposition to a recharter for twenty years, that Congress might revise the present system, or make a better.

Mr. NORVELL said, that he had an amendment to submit to the amendment proposed to the

bill by the honorable Senator from Missouri, [Mr BENTON.] The amendment of that Senator extended the charters of the banks of the District two years, on the condition that they should redeem their five dollar bills, from and after the first of August, with gold or silver, and their bills of all denominations from the first of January next. Now, he was very willing, and indeed anxious, to extend the charters or these banks agreeably to their existing provisions. By these provisions the banks were required at all times to redeem their notes with specie, and were forbidden to issue notes under the denomination of five dollars. In consequence of the suspension of specie payments by the banks in the different States, the District banks, from what appeared to be an unavoidable necessity, were also compelled to suspend. He was very willing, tacitly, to acquiesce a while longer in this necessity, and to renew the charters of all these banks, without any express reference, in the renewal, to their departure from the specie standard. But, when brought to vote directly on the question, whether their suspension of specie payments shall receive the formal sanction of this body, as it would, if the amendment of the Senator from Missouri should be adopted, he must vote against it. He could never consent to give his sanction, by a formal vote, to a course of this kind, however much he might be disposed to acquiesce in it. He would not divide the principle of specie payments into parts, as the amendment proposed, and vote to sanction their failure for a time, on the condition that the banks should resume at a future distant day. He asked how Senators on this side of the hall, who had, during the whole of the extra and this session, spoken and voted against the banks for suspending specie payments, could now turn round and give their direct sanction to this suspension? He would cheerfully go with them in renewing the charters of the District banks, without saying any thing about their suspension; but he could not vote for the amendment of the Senator from Missouri. He would, therefore, move to amend that amendment so that the charters of these banks should be extended as proposed, provided they redeemed their bills, of all denominations, with gold or silver, from and after the day on which the act is to take effect, and provided further that their charters should be null and void, if they failed so to redeem their bills. He submitted this motion with reluctance, and solely in consequence of the amendment proposed by the Senator from Missouri. He would prefer the extension of the charters according to their existing provisions, which required all that could or need be required in relation to specie payments.

Mr. KING said it was utterly impossible for them to do so at present. If it was the intention of his friend from Michigan to destroy these institutions, it was well. He certainly had taken a most effectual mode; but as he presumed that was not the motive of the honorable Senator, nor to prolong a discussion already too protracted, he hoped the amendment would be withdrawn.

Mr. BUCHANAN hoped the Senator from Michigan would not persist in his amendment, as it would be ruinous to the banks of the District.

Mr. NORVELL repeated the considerations which had induced his motion. So far from desiring to injure the District banks, he wished to see their charters renewed, and would cheerfully vote for the bill with one or two modifications, by no means unfavorable to them, reported by the Committee on the District of Columbia. He would, however, as his friends from Alabama and Pennsylvania had requested it, withdraw *his* amendment, and content himself with voting against the amendment proposed by the Senator from Missouri.

Mr. HUBBARD moved to strike out the four clauses in the proviso of Mr. BENTON's amendment, and insert a provision that the present charters should be extended during the pleasure of Congress, being in the mean time subject to any modifications Congress might think proper to make, and subject also to a repeal, at the discretion of Congress.

Mr. BUCHANAN would not go for the proposition of the Senator; it would amount to a perpetual charter. He was not for destroying these banks; on the contrary, he was for sustaining them so long as they adhered to what was right and correct.

Mr. KING expressed an earnest desire to bring this matter to a close. The bill before them was vastly superior, because it contained many salutary provisions. If gentlemen were so desirous to narrow down the time, why not take the bill as it was, and limit the duration to a shorter period. While up, he would take occasion to vindicate the banks from aspersions which had been thrown upon them at different times during the discussion. If gentlemen would look to New York, Boston, and Philadelphia, where banks with immense capital were forced to yield to the pressure, how could corporations like them, with small capital, hold out. The fact was, to the last moment, they did their best, and should not now be forced into measures which would be oppressive to them, and distressing to the citizens of the District. He would vote for the amendment of the Senator from Missouri with great reluctance, and he did so with a view of giving time, under the hope that a better temper and spirit would prevail in relation to the matter.

Mr. BAYARD thought a limited period would be better than an indefinite one.

Mr. STRANGE thought, of all the dangerous propositions ever entertained, that suggested by the Senator from New Hampshire [Mr. HUBBARD] was the most so. Was not every member of Congress exposed to the temptations of these banks—nay, the very President himself might be amenable to corruption, through the veto. He did not pretend to say that such things would be; sufficient for him was the opinion that they might be. He did not believe with the Senator from Kentucky that the Bank of the United States had never interfered in the elections; on the contrary, he believed that it had exercised a very dangerous influence. He agreed with the Senator from Michigan, that we should not countenance institutions that were daily flying in the face of law and right. He would vote for the amendment of the Senator from Missouri as best calculated to place them in a position to secure the interests of the community, without violating their chartered privileges.

Mr. BENTON was certain that, if the amendment of the Senator from New Hampshire prevailed, the banks would run on until they settled down, as the pleasure of Congress would be the pleasure of *members* of Congress. Suppose a member of Congress wanted a discount, while an industrious mechanic or merchant of the District required one at the same time—the bank could not accommodate both, and what then would be the result. The directors would say if we do not oblige the member we shall lose the bank. Do not gentlemen see that the bank could not be a free agent. The banks themselves and the people of the District ought to be opposed to it. I look upon it, said Mr. B. as one of the most objectionable measures ever presented to Congress.

Mr. HUBBARD said, as his amendment seemed to find no favor in the eyes of either the friends or enemies of the bill, he would withdraw it; but he still believed it the most wholesome and proper that could be adopted.

The question now recurring on Mr. BENTON's amendment,

Mr. BUCHANAN moved to modify it by requiring that the District banks should resume sooner than the 1st of January, 1839, if the principal banks in Baltimore and Richmond should sooner resume.

Mr. BENTON accepted this modification.

On motion of Mr. BUCHANAN, the second clause of Mr. BENTON's proviso, relating to the notes of other banks, was stricken out.

The question was then put on Mr. BENTON's substitute for the bill, and carried in the affirmative—yeas 24, nays 16, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, McKean, Morris, Mouton, Niles, Pierce, Robinson, Smith of Connecticut, Strange, Trotter, Wuliams, Wright and Young—24.

NAYS—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Merrick, Nicholas, Norvell, Roane, Robbins, Ruggles, Sevier, Spence, Tallmadge, Tipton and Webster—16.

The bill was then ordered to be engrossed—yeas 37, nays 2.

The bill to extend the charter of the Union Bank of Georgetown, in the District of Columbia, and the bill to revive, with amendments, the "Act to incorporate the Medical Society of the District of Columbia," were severally considered and ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 22, 1838.

Mr. JOHNSON, of Louisiana, moved that a communication from the Commissioner of the General Land Office, covering a plan for the construction of safe buildings for the Surveyors General in the States be printed, and the maps accompanying the same be lithographed, which was agreed to.

Mr. STONE, on leave, presented the following resolution, which was agreed to:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a mail route from Kellysville, in Marion county, Tennessee, crossing the Tennessee river at Lawrie's Old Ferry, passing by Nickajack, Gardenhires, thence up Running Water Creek, crossing the Racoon mountain into the Lookout Valley to some point at or near Squirrel Town, in Dade county, Georgia.

Mr. HAYNES, on leave, presented a memorial for a mail route.

Mr. CONNOR asked leave to offer a resolution ordering the daily hour of meeting of the House hereafter to be 10 o'clock, a. m.

Objection being made, Mr. C. moved a suspension of the rule, and asked for the yeas and nays, which being ordered, were—yeas 127, nays 42.

So the rules were suspended, and the resolution being before the House,

Mr. BOON moved to add that the House take a daily recess from 2 till ½ past 3 o'clock.

Mr. CAMBRELENG said he was himself opposed to any recess, but if they were to have it, he suggested the usual period, from ½ past 2 till 4 o'clock.

Mr. REED hoped the amendment would be adopted.

Mr. McKENNON was opposed to it, for he thought six hours long enough to remain there in a confined atmosphere.

Mr. BOON modified his amendment according to the suggestion of Mr. CAMBRELENG, from ½ past 2 till 4 o'clock. He added that he had made the motion in obedience to the expressed wishes of several gentlemen.

Mr. MONTGOMERY said as he was opposed to a recess, he would move the previous question, which was seconded—93 to 70—and the main question being ordered, was put and agreed to, and the resolution adopted without amendment.

REPEAL OF THE SPECIE CIRCULAR.

Mr. WILLIAMS of Kentucky asked leave to make a statement in reference to what had been said by the gentleman from Indiana, [Mr. BOON] yesterday.

Leave being granted,

Mr. W. went on to say that he was not present when the gentleman made his statement, and though he did not say that the gentleman had inaccurately detailed the private conversation between them, yet he would take occasion to rectify an error that had got into the newspapers, and been circulating for the last two or three weeks. It was stated that Mr. W. had consented, or given notice that he would consent, to accept the resolution of Mr. BOON as a modification or substitute for his own, should the rules be suspended to give him an opportunity of doing so. Mr. W. never said so, and the newspapers were mistaken. The gentleman from Indiana would bear him witness that he said no such thing, and gave no such pledge. Yesterday morning, when the gentleman and himself could not agree, either upon his resolution or Mr. W's, Mr. W. remarked that he would

take the one that had been printed and laid on their tables—he believed it came from the Senate—and if the rules were suspended, he would so modify it. Upon further examination, however, M. W. found that it materially differed from the object they both seemed to have in view; and he, therefore, notified the gentleman from Indiana that he should not offer it; adding further that, as his great object was to do away with all distinctions now existing in the kind of moneys received for the public dues, he was desirous of doing every thing in his power to accommodate all sides of the House. He was willing to make it a joint resolution, and he then said, and again pledged himself, that, if the rules were suspended, he would frame the resolution, at the suggestion of any gentleman, to accomplish the object of those who wanted to see the specie circular repealed. He would make any modification that would be thought generally acceptable to the House.

Mr. W. explained the reason why he had not called up his resolution before, that he thought they got along much better by taking up the business in its regular order; besides his resolution was submitted only a day or two before the duelling report came in, and, as a privileged question, that cut off every thing else, and took up two or three weeks; and moreover he was not disposed to arrest the public business of the House. Mr. W. then sent his modification to the Chair, which was read, and he moved the House to take it up.

Objection being made, Mr. W. moved a suspension of the rule, and asked for the yeas and nays, which were ordered.

Mr. BOON then asked leave to make a further statement, but it was objected to.

The question was then taken on suspending the rules, and decided in the negative—yeas 104, nays 83.

YEAS—Messrs. Adams, Heman Allen, J. W. Allen, Ayerigg, Bell, Bond, Boon, Borden, Briggs, William B. Calhoun, John Calhoun, Casey, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, R. Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Grantland, Gray, Grennell, Haley, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Jabez Jackson, Henry Johnson, William Cost Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Morgan, Calvary Morris, Naylor, Noyes, Parmenter, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, John Robertson, Edward W. Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Snyder, Southgate, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Albert S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Wise, Yell, and Yorke—104.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Bouldin, Buchanan, Bynum, Cambreleng, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Cushman, Dawson, Davee, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Fry, Glascock, Grant, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, Martin, McKay, Robt. McClellan, Abraham McClellan, McClure, Moore, Murray, Noble, Owens, Palmer, Parker, Pennybacker, Petrikin, Phelps, Potter, Pratt, Prentiss, Reily, Sawyer, Sheffer, Charles Shepard, Sheplor, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vanderveer, Webster, Weeks, Jared W. Williams, and Worthington—83.

So the House refused.

Mr. NAYLOR, on leave, presented a petition.

Mr. HUNTER, of Ohio, moved to print the report of the survey of the harbor of Sandusky, in that State, which was sent in from the Topographical Bureau yesterday, and the motion was agreed to *nem diss.*

Mr. WHITTLESEY, of Ohio, from the Committee on Claims, reported a bill for the relief of ——— Keller.

Also, a bill to continue in force the act of 1837, to provide for the payment of horses and other property, lost, or destroyed, in the military service of the United States.

Mr. W. moved that it be made the order for this day, which was agreed to; and the House went instanter into committee thereon, Mr. REED in the chair.

Mr. WHITTLESEY having briefly explained its provisions and the necessity of its passage.

Mr. GRAHAM complained that the bill did not extend far enough, and that as meritorious a class of claimants were excluded from its benefits as that embraced in its provisions. Mr. G. then moved an amendment, extending the benefits of the bill to the mounted rangers of Indiana and Illinois.

Mr. WHITTLESEY said, if it was intended to press this amendment, he should be compelled to move the rising of the committee, so as to discuss it another time, because the House agreed to go into committee, merely to consider the original bill as reported. Moreover, Mr. W. was prepared to make a report on the subject referred to by Mr. GRAHAM, in response to a resolution introduced some time since by that gentleman.

Mr. YELL suggested to the gentleman from Indiana, as there were other States interested, either to make his proposed provision general, or at least to include Arkansas. If he did neither, Mr. Y. should vote against the admendment.

Mr. GRAHAM assented to the first suggestion, and made his amendment general, so as to include all mounted rangers. Mr. G. then entered into the details, and set forth the services and claims of this class of men upon the Government.

Mr. WHITTLESEY appealed to the gentleman to permit the question to be taken, or suffer the committee to rise, for if he had thought a long debate was to have sprung up, he most assuredly would not have asked the indulgence of the House to go into committee upon this bill.

Mr. GRAHAM, however, declined to yield, and went on to advocate his amendment, and then before the question was taken,

Mr. HOFFMAN moved that the committee rise, which being agreed to, the committee rose, reported progress, and had leave to sit again.

The SPEAKER then laid before the House the following message, received from the President of the United States:

To the House of Representatives of the United States:

The accompanying copy of a communication addressed to the Secretary of War by the Cherokee delegation is submitted to Congress, in order that such measures may be adopted as are required to carry into effect the benevolent intentions of the Government towards the Cherokee nation, and which it is hoped will induce them to remove peaceably and contentedly to their new homes in the West. M. VAN BUREN.

WASHINGTON, May 21, 1838.

The message having been read,

Mr. OWENS called for the reading of the accompanying documents; which being done,

Mr. BELL moved the reference of the whole to a Committee on the Union, and that they be printed.

On motion of Mr. CAMBRELENG, the House passed to the orders of the day.

After some conversation between Mr. EVERETT and Mr. CAMBRELENG, the latter of whom stating that the above papers involved a new question,

Mr. GLASCOCK moved a vote of reconsideration, so as to refer them to the Committee on Indian Affairs, and gave his reasons therefor.

Mr. HAYNES was in favor of the latter reference.

Mr. EVERETT advocated a reference to the Committee of Ways and Means.

Mr. HOWARD preferred the original reference to the Committee on the Union, inasmuch as the subject was already before that body, on the amendments to the bill to prevent and suppress Indian hostilities.

Mr. HOLSEY advocated the reference to the Indian Committee, for he could not consent to embarrass the above bill by bringing on a protracted discussion upon the validity of the Cherokee treaty. Mr. H. apprehended hostilities, and alluded to a murder that had already taken place.

Mr. REED insisted that the reference already made was the proper one, and he moved to lay the motion to reconsider on the table.

Mr. OWENS expressed a hope that the gentleman would not press that motion.

Mr. HOLSEY asked for the yeas and nays, but they were not ordered, and the motion was rejected—ayes 65, noes 68.

Mr. BELL knew nothing to be gained by the reference of the subject to the Committee on Indian Affairs, for there was not the slightest ground to believe that that committee would bring in any proposition. They would do nothing, but say "hands off." He was sorry the murder had been alluded to, for there were no facts to show that it evinced a determination on the part of the Indians to commence hostilities. As to voting money, Mr. B. was willing to vote all that was now and would be necessary, even to-day if it was thought expedient; but it would be useless to refer it to the Committee on Indian Affairs, as the Committee of the Whole on the state of the Union must eventually act upon it.

Mr. CAMBRELENG adverted to the importance of the President's communication, which contained several distinct propositions, all of which came within the province of the standing Committee on Indian Affairs to inquire into, and gave other reasons for giving the subject that direction.

Mr. CUSHING expressed himself willing to yield the floor on the Northwest boundary question to go on with the Indian hostility bill.

The motion to reconsider was then agreed to—ayes 73, noes 69.

The question then again recurring on the commitment to the Committee of the Whole on the state of the Union, it was decided in the negative, by tellers—ayes 72, noes 84.

On sending it to the Committee on Indian Affairs,

Mr. EVERETT moved to add the following instructions:

"And that said committee have power to send for persons and papers."

Mr. DAWSON assured all parties that if they expected to make any thing politically out of this question they were very much mistaken. Where could be the necessity, or what good could result out of sending for persons and papers to investigate the validity of a treaty long since ratified and confirmed? What! were they to suffer John Ross to arrest and change the whole action of this Government? Mr. D. had labored day and night to bring this man to a reasonable proposition, but he had no sooner succeeded than in a hour afterwards he withdrew, or changed his opinion.

Mr. D. said the only proper course for the House to pursue was to disobey and disregard the President's recommendations, which were in effect to declare war against the people of Georgia. He, therefore, moved to lay the whole subject on the table, but withdrew that motion at the request of

Mr. WISE, who hoped this communication would be considered, and said he would pay the first compliment to the President he had ever paid in his life, for his propositions were a virtual acknowledgment that the pretended treaty was no treaty, as Mr. W. had often before alleged. He rejoiced that the Executive of the United States had at last signified a wish to do justice to the Cherokees. Mr. W. pursuant to his pledge to Mr. DAWSON, renewed that gentleman's motion to lay the whole subject on the table, but withdrew it by his assent.

Mr. GLASCOCK addressed the House with earnestness, insisting on the obligation of the treaty of 1835, and the sacredness of the vested rights of Georgia under it; the certainty that her citizens would take possession of these lands, and the imminent danger of an Indian war. Should the Government attempt to overturn that treaty, Georgia would never be found wanting to herself, as she had once before proved. And he would say to the gentleman from Virginia, [Mr. WISE] that his bold threats about castigating his State into submission, had no terrors for him or the people he in part represented. This was not the first time that such threats had been made against Georgia, growing out of the Indian treaties; but she always took her stand, and assumed her position under them, and was not to be forced from it. She ever remained firm, as she will now, amidst all the calumnies and foul slanders which have been eagerly circulated to her injury, and unawed by every attempt of those who, under the *sacred garb* of religion and humanity, seek to array against her public feeling and indignation.

Sir, said Mr. G., she plants herself upon those rights secured and guarantied to her under the treaty of 1835—a treaty solemnly ratified, and having all the sanctions and requisites requir'd

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JUNE 4, 1838. VOLUME 6.....No. 26.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 25.]

by the Constitution, and now the supreme law of the land; and such rights, thus secured, gentlemen of all parties might rest assured Georgia at least would peril her all to maintain and defend. Independent of this, said Mr. G., a large portion of his constituents had rights vested in them under this treaty, and by special enactments of their own Legislature—rights to the possession and occupancy of their lands; and they, too, stand ready to resist, "even unto death," all encroachments upon them, coming from what quarter they may. And he could assure the gentleman from Virginia, that if such contests should ever be made necessary, however unequal and unpleasant, they would never falter. They had the firmness and the courage, on the one hand, to maintain their own rights under the treaty; and, on the other, the magnanimity to protect and defend the Indians in theirs. Sir, they stand upon the treaty; and all they ask at the hands of the Government is a speedy enforcement of its provisions. They now ask it through their representatives, and they have a right to expect it.

[We hope to furnish Mr. G's remarks at length in a few days, as well as those of other gentlemen.]

Mr. ATHERTON then rose and demanded the previous question, as it was apparent that a protracted discussion was growing out of this preliminary motion of reference.

Mr. OWENS hoped the gentleman would withdraw that motion, and permit the question to be taken on laying the subject on the table.

After some conversation between the CHAIR, and Messrs. WISE and McKAY, as to the reading of the papers again,

Mr. OWENS moved to lay the subject on the table, and called for the yeas and nays, which, being ordered, were yeas 39, nays 113, as follows:

YEAS—Messrs. Bouldin, Bynum, Connor, Craig, Crockett, Dawson, Elmore, Fry, Glascock, James Graham, Gray, Griffin, Hawkins, Haynes, Holsey, Howard, R. M. T. Hunter, Kennedy, Martin, McKay, Montgomery, Moore, Murray, Owens, Palmer, Petrikin, Pickens, Potter, Rencher, Richardson, Sawyer, Charles Shepard, Shields, Stone, Thomas, Thompson, Towns, Turney, and Yell—39.

NAYS—Messrs. Adams, J. W. Allen, Andrews, Atherton, Aycrigg, Banks, Beatty, Beirne, Bell, Bicknell, Bond, Bronson, Cambreleng, W. B. Carter, Casey, Chapman, Childs, Coles, Corwin, Cushing, Cushman, Davies, Deberry, De Graff, Dromgoole, Dunn, Everett, Ewing, Farrington, Fairfield, R. Fletcher, Fillmore, Foster, J. Garland, R. Garland, W. Graham, Grantland, Grant, Graves, Grennell, Haley, Halstead, Hammond, Hamer, Harlan, Hastings, Hawes, Herod, Holt, Edward B. Hubley, Samuel Ingham, Thomas B. Jackson, Daniel Jenifer, Joseph Johnson, Keim, Gouverneur Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lincoln, Logan, Mallory, Samson Mason, Maxwell, Robert McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Naylor, Noble, Parmenter, Patterson, Peck, Pennybacker, Phelps, Pope, Potts, Rariden, Randolph, Reed, Reily, Ridgway, Rives, John Robertson, Rumsey, Russell, Sergeant, Shaffer, Augustine H. Shepherd, Sheplor, Sibley, Southgate, Stanly, Stratton, Taylor, Tillinghast, Titus, Toland, Toucey, Vail, Wagener, Webster, John White, Elisha Whittlesey, Lewis Williams, Jared W. Williams, Wise, and Yorke—113.

So the motion to lay on the table was decided in the negative.

The question recurring on the demand for the previous question,

Mr. MONTGOMERY said he hoped this subject would be settled, temporarily at least, without further excitement; and he appealed to his friend from New Hampshire to withdraw his motion for the previous question, to enable Mr. M. to move its postponement for one week.

Mr. ATHERTON not assenting to the request, the House passed between the tellers, and seconded the previous question—78 to 53; so the main question was ordered, put, and agreed to.

So the subject was referred to the Committee on Indian Affairs.

OREGON TERRITORY.

The House then resumed the consideration of the President's message in relation to the occupation by the British of our Northwestern Territory, the question being on the motion to commit it to the Committee on Foreign Affairs.

Mr. CUSHING resumed and concluded his remarks on the subject generally, and in favor of his motion to commit, with certain instructions.

Mr. HOWARD addressed the House for some time, partly in reply to Mr. CUSHING.

Mr. ELMORE said this was a question of great importance, and, for one, was not disposed that the action of the House should be predicated upon the limited and contracted instructions to the committee prepared by the gentleman from Massachusetts, [Mr. CUSHING.] He would therefore with a view of drawing out more important and extended information, moved to strike out all after the word "instructions," and insert the following in lieu thereof:

"Also, to inquire into the extent of the country claimed by the United States west of the Rocky Mountains, and on the northwest coast on the Pacific ocean, the titles under which it is claimed, and the evidence of the correctness of that title; the extent of the sea coast, and the number and description of its harbors; the nature of the climate, soil, productions, and trade; and, also, whether it is expedient to establish a Territorial Government, or one or more military posts as protection for the same, or any part thereof, and what will be the expense necessary to establish the same, and the annual expense for its support; what fortifications and ships will be required for said Territory, and what number of soldiers and sailors will be necessary for its protection, both in time of peace and in case of war with any foreign power, and that the committee report thereon to this House."

Mr. CUSHING said he did not object to the amendment of the gentleman from South Carolina; but thought that the object could be accomplished, if he would move it as an addition to Mr. C's, and then he would be willing to accept it as a modification.

Mr. ELMORE having assented to this suggestion, the question was taken upon the adoption of the instructions, and thus modified they were agreed to.

The question then recurred upon the motion to commit the report with the instructions to the Committee on Foreign Affairs.

Mr. ELMORE said before the question was taken, it was his desire to make some remarks upon the proposition and the subject generally, but did not feel prepared at that time, and he therefore moved an adjournment; which motion prevailed, and so

The House adjourned.

IN SENATE,

TUESDAY, May 22, 1838.

Mr. SMITH of Connecticut presented the petition of Daniel Root, praying for a pension: referred to the Committee on Pensions.

Mr. MOUTON presented the petition of M. Tapein, asking for a pre-emption right: referred to the Committee on Private Land Claims.

Mr. LINN presented the petition of Robert Grignon, praying payment of a sum of money in a certain treaty stipulation: referred to the Committee on Indian Affairs.

Mr. BUCHANAN presented the memorials of nine citizens of Pittsburg, praying for the establishment of a Bank of the United States with a capital of one hundred and fifty millions; the stock to be distributed among the different States according to their Federal population; and also praying for the establishment of State banks to be connected with the institution: laid on the table.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the memorial of Gad Humphreys, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. H. from the same committee, to which had been referred the bills from the House for the relief of James H. Ralston and Charles A. Dodd, reported them severally without amendment, recommending their indefinite postponement.

Mr. MERRICK, from the same committee, to which had been referred the bill from the House for the relief of Thomas Fillebrown, jr. reported the same without amendment.

Mr. MOUTON, from the Committee on Private Land Claims, to which the subject was referred, reported a bill to confirm claims to lands in the district of Rio Hondo, in Louisiana; which was read, and ordered to a second reading.

The following resolutions were severally submitted and adopted:

On motion of Mr. PRENTISS,

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Margaret Barnes, widow of Elijah Barnes, a soldier in the war of the Revolution.

On motion of Mr. TROTTER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new post route from a town in Alabama to one in Mississippi.

The following bills were severally read the third time, and passed:

The bill to continue the corporate existence of the banks in the District of Columbia.

The bill to extend the charter of the Bank of Alexandria, in the city of Alexandria.

The bill to revive with amendments the act to incorporate the Medical Society of the District of Columbia; and

The bill to extend the charter of the Union Bank of Georgetown, in the District of Columbia.

The following message was received from the President of the United States by Mr. ABRAHAM VAN BUREN, his private secretary:

To the Senate of the United States:

The accompanying copy of a communication addressed to the Secretary of War by the Cherokee delegation is submitted to Congress, in order that such measures may be adopted as are required to carry into effect the benevolent intentions of the Government towards the Cherokee nation, and which it is hoped will induce them to remove peaceably and contentedly to their new homes in the West. M. VAN BUREN.

WASHINGTON, May 21, 1838

To Messrs. JOHN ROSS, EDWARD GUNTER, R. TAYLOR, JAMES BROWN, SAMUEL GUNTER, SITUWAHER, ELIJAH HICKS, and WHITE PATH, *Cherokee Delegation.*

The undersigned has attentively considered the project of a treaty submitted by you, and, although equally desirous with yourselves to satisfy that portion of the nation that still remain east of the Mississippi, and to offer them every inducement to remove peaceably and contentedly to their new homes in the West, and not unwilling to grant most of the terms proposed by you, still, where the rights and just expectations of sovereign States are involved, it is deemed inexpedient, without their consent, to give to any stipulations which affect them the form of a solemn treaty.

In the first article you desire to stipulate and agree that "the said Cherokee nation, party hereto, engages and stipulates to remove from all the lands now occupied by them eastward of the Mississippi, and hereby renounces and relinquishes to the United States all claim of every description to such lands; such removal to be commenced at the earliest convenient period, and to be fully completed within two years from this date; to be effected by the Cherokees themselves and by their agents, and the entire expenses of such removal to be defrayed out of the money to be paid by the United States, as hereinafter provided." As has been before observed, the Government of the United States could not agree to this act without the consent of the States whose rights are involved, and whose interests may be affected by this stipulation; but the Executive pledges itself to use its best efforts to induce them to abstain from pressing their claims in a manner that would produce loss or inconvenience to the Cherokee people, and would be inconsistent with their being removed with every reasonable comfort. From the well known humanity and generous character of the States of Georgia, Tennessee, Alabama, and North Carolina,

there can be no doubt of their granting every indulgence which the interests of humanity require; and if two years are necessary for the comfortable removal of the nation, the undersigned will venture to assure the delegation that their request will be granted.

If it be desired by the Cherokee nation that their own agents should have the charge of their emigration, their wishes will be complied with, and instructions be given to the commanding general in the Cherokee country to enter into arrangements with them to that effect. With regard to the expense of this operation, which you ask may be defrayed by the United States, in the opinion of the undersigned, the request ought to be granted, and an application for such further sum as may be required for this purpose shall be made to Congress.

In the next article of your project, you propose that "the United States, on their part, stipulate and agree, in consideration of the premises, to perfect the title of the Cherokee nation to the lands and territory westward of the Mississippi, described, mentioned, and defined in and by the treaty of 1833, between the United States and the Cherokees west of the Mississippi, and the privilege of outlet thereto annexed, and to issue a patent therefor to the Cherokee nation in perpetuity; and further to pay the said chiefs and representatives of the Cherokee nation east of the Mississippi, the sum of —— dollars, in manner and at the time hereinafter provided."

It was always the declared intention of the Government to perfect the title to this land to the Cherokee nation, and to issue a patent therefor, so soon as that portion of them now east of the Mississippi had emigrated west, granting the nation the privilege of outlet thereto annexed, and all other privileges secured to them by former arrangements. Nor will it object to grant them, in perpetuity, if Congress should think proper to do so on their recommendation, under certain restrictions, to which the delegation have assented. As the delegation expressed their fears that a form of Government might be imposed which they were neither prepared for nor desirous of, the assurance is hereby repeated, that no form of Government will be imposed upon the Cherokees without the consent of the whole nation, given in council; nor shall their country be created into a Territory, without such previous concurrence.

With regard to the payment of a further sum of money by the United States, the undersigned cannot consent to recommend such a measure to Congress. The Senate of the United States deliberately decided that five millions of dollars was a full and sufficient indemnity to the Cherokees for the lands they relinquished on the east side of the Mississippi; and it is understood that the members of that body see no reason at present to alter that decision.

In the third act of your project you ask that "the said Cherokee nation, party hereto, through and by their acknowledged chiefs and officers, shall have the entire control, management, and disposition, responsible only to their own nation, of the funds to be paid under this treaty."

The undersigned would very much prefer making this disposition of the funds of the nation, but as the interests of those Cherokees who have lately emigrated, are deeply involved in this proposition, the Executive cannot recommend such an alternative without the previous consent of all the parties concerned.

The next article asks, "that in addition to the said sum mentioned in the foregoing second article, the United States shall forthwith pay, or arrange to be paid, to the Cherokee nation, party hereto, the arrearages of the annuities which were provided for in the treaty of 1819, up to this date, and shall continue such annuities during the two years allowed for said removal."

The undersigned assures the delegation, that whatever arrearages or annuities are due to the Cherokee nation, under the treaty of 1819, shall be promptly paid up to this date, and a continuance of that annuity for two years longer shall be asked of Congress.

The 5th article requires "that inasmuch as the Cherokees contemplate removing as provided for in said first article, as rapidly as their numbers and engagements will permit, the United States stipulate and engage to pay to them, as such removal, and the necessary preparations therefor progress, out of the money mentioned in said second article, such sums as may from time to time be necessary to defray the expenses incident thereto."

All payments and necessary advances for the purposes herein set forth will be liberally provided for in the contract which the commanding general will be authorized to make with the Cherokee agents for the emigration of that portion of the nation east of the Mississippi.

The 6th article asks "that during the period prescribed and allowed by this treaty for said removal, the United States stipulate and contract to protect the persons and property of said Cherokees from all acts of encroachment and violence, and to furnish them when required, with the necessary escort and protection, during such removal, until their arrival at their destination beyond the Mississippi."

The necessary escort and protection, during the removal of the Cherokees, until their arrival at their destination beyond the Mississippi, will be furnished, and the United States will protect the persons and property of the said Cherokees from all illegal acts of encroachment and violence, and will use their best efforts with the States interested to prevent their pressing the execution of their rights in a manner calculated to oppress or inconvenience any individual of the nation.

In the eighth article the request is made, "That in addition to the moneys herein before stipulated to be paid by the United States, they further agree to pay to the said Cherokee nation, party hereto, the gross sum of —— dollars, in full discharge of all claims upon the United States, under the stipulations of former treaties, for public and private property, spoliations, indemnities, and other reclamations, whether national or individual, and for reimbursement of expenses incurred in and about this arrangement.

Six hundred thousand dollars was set apart for this purpose by a vote of Congress, and to defray the expenses of the removal of the nation to their new homes. But as this sum proves to be inadequate for both objects, the Executive will recommend to Congress to make a further appropriation, in order to satisfy them.

The undersigned trusts that the Cherokee delegation will see in these liberal concessions the earnest desire of the President to reconcile the nation to the necessity of removing without any other delay than a due regard for their comfort and convenience demands; and in this conviction, confidently relies upon the cordial co-operation of the chiefs and headmen to effect this desirable object.

On the part of the Government, copies of this document, with suitable aplications to the States interested, will be immediately transmitted to the several Governors thereof; instructions will be sent to the commanding general to act in conformity with its assurances, and a communication be made to Congress, asking the consent of that body to the provisions proposed for the benefit of the Cherokee nation.

The undersigned, in closing this communication, which has been considered with great deliberation, and drawn with the utmost regard for the wishes of the delegation, desires it to be distinctly understood that it contains the most liberal terms the Executive can grant, with a due regard to the rights and interests of all the parties concerned; and therefore presents it as the final determination of the Government, and the peremptory conclusion of the correspondence with the Cherokee deputation on this subject. J. R. POINSETT.

DEPARTMENT OF WAR,
May 18, 1838.

The message and accompanying document having been read—

Mr. KING observed that he had glanced his eye over the document transmitted by the Executive in his message of this morning, and he could not but regret that such a paper had been laid before the Senate. In the absence of all information on his part as to the leading motive of the Secretary of War in making that communication, he was at a loss to know what disposition to make of it. It appeared to him that it was a most unfortunate and ill-judged measure; and that consequences of the most injurious character might grow out of it. It was not the time now to say any thing as to the character of that paper; but he would observe that there was no evidence that the Cherokee delegation here was disposed to accept the terms proposed by the Secretary. It appeared to him that the delegations of the States more immediately interested in the matter ought to have been consulted; and considering how deeply the interests of those States were involved, that no movement ought to have been made without their sanction. As he had not had time to give to the paper that examination which its importance required, he would move to lay it on the table until he could give it such an examination as would enable him to determine what course to take with regard to it.

Mr. CLAY, of Alabama, had listened to the document just read with the most profound regret, mingled with surprise. He regretted extremely that it had been thought proper by the Secretary of War (with the approbation of the President, no doubt) to take a step like this without a previous consultation with the delegation of either of the States that were so deeply interested in this important subject. As respected the delegations from Georgia, Tennessee, and North Carolina, he had no knowledge, and therefore could not say whether they had been consulted in the matter; but he would say, that neither his colleague nor himself had had the slightest intimation of what was going forward, and that the first information he had received of it was derived from the paper just read. So far from his being consulted, and prepared for any thing of the kind, the very first thing he did on his arrival in this city, at the commencement of the extra session, was to wait on the Secretary of War, and protest against any interference with the execution of the treaty, and to warn him that it would certainly produce another Indian war, and revive the scenes that had been enacted in Florida.

Sir, said Mr. C. the scenes in Florida ought to have admonished the Secretary of the danger of tampering with a subject of such fearful importance, and that firmness and energy, with a rigid adherence to the terms of the treaty, was the only course to prevent war and bloodshed. This temporizing policy was not the way to preserve the respect of the Indians, or to quiet the minds of our own citizens. The plan of the Secretary supposed that the Executives of Alabama, Tennessee, and Georgia might be consulted, and instructions sent to Gen. Scott in time to arrest the execution of the treaty. And under what circumstances? As he had been informed, there had been several recent murders perpetrated on our citizens by these misguided Indians, excited, no doubt, by the delusions held out to them by their leading men here at the seat of Government. He had just learned that the late surveyor general of the State of Georgia had been murdered by Cherokee Indians, and that his ferryman had shared the same fate. Such were the scenes occurring at the very time that the Secretary proposes to interfere with the treaty, and bearing an ominous resemblance to those which ushered in the Florida war. He had hoped that other councils would have governed the Administration, and that this treaty, so necessary to the peace of our citizens, as well as to the preservation of the Indians themselves, and which had been solemnly ratified by both Houses of Congress, would have been fairly executed, and an end put to this distracting subject. He would take the occasion to say, in justice to himself and the people of his State, that the Secretary of War was warned over and over again before the commencement of the Creek war, of the danger of the course he was pursuing, and he was urgently solicited to provide for the protection of the people against Indian violence. Notwithstanding the danger that threatened, he would not even undertake to pay for a detachment of militia raised for that purpose. What was the consequence? Why the Creek war of 1836, which was soon followed by that of 1837. Without profiting by former errors, which had been followed by such dis-

astrous consequences, the Secretary was induced again to falter in carrying into execution a treaty which it was apparent could by no means be got over. And what motive prompted this pretended Cherokee delegation? Why the whole secret of this matter could be learned by the propositions in the third article of the treaty submitted by John Ross, which were, that all moneys due to the nation should be paid to the principal chiefs, to be by them disposed of for the benefit of the tribe. Here was the whole secret. It was to get the control of the money, not for the benefit of the poor Indians, but to enrich John Ross and his associates, while the rest of the tribe were to be ground down to the dust. Under the stipulations of the former treaty, the Indians were dealt with in a more liberal manner. The money was to be fairly distributed, and not to be given to John Ross, who assumes to be the head of the nation, and hence his furious opposition to the treaty. Again: another article of this proposition is, that the Indians are to be protected in their present abodes until the Legislatures of the several States interested can be consulted. The Legislatures of Georgia and Alabama would not be in session till the fall, and in the State of Tennessee there must be a called session, as the Legislature will not meet till October, 1839. Here, then, was to be a postponement for three years of a solemn treaty concurred in by this House and sanctioned by the other; and in the mean time a body of troops is to be kept up, to protect the Indians, though not a word was said, he believed, about protecting the white population. And now he would ask, what sort of force would be required? Why, they must keep up an army to restrain the Indians and white people from coming in conflict with each other. We, said he, have had some experience on the subject. We have had the Cherokee part of Alabama held under martial law, and we have seen a military court martial undertake, in effect, to usurp the functions of our courts of law.

What was the present state of things in that country? General Scott was now there with troops in the field, or shortly to be there, to the amount of 7,000, so that the principal part of the expense of removing these people was already incurred. The militia called out, to the number of 5,000, were already there, or would reach there before any orders from the Secretary of War, countermanding them, could probably get there. Mr. C. regretted exceedingly the step that had been taken. He had told the Secretary frequently that the most dangerous consequences would ensue if the treaty was not carried into effect, and that his duty to his constituents, as well as humanity to the Indians, required that he should lay before him the true state of things in that country.

Mr. WEBSTER expressed his regret that this paper was not approved by gentlemen representing the States concerned. Their approbation was very important, as it would have a more favorable effect on the public mind. Mr. W. would now consider only the question of its present disposal; and it struck him that it ought to be referred to the Committee on Indian Affairs. There was a strong and growing feeling in the country that great wrong had been done to the Cherokees by the treaty of New Echota. But Mr. W. would not consider that now. Here was a communication from the Executive, requesting the action of Congress on this subject; and Mr. W. thought the proper course was to refer it to the appropriate committee. He moved, therefore, to refer it to the Committee on Indian Affairs, and hoped it would be done without provoking discussion.

Mr. STRANGE thought the discussion rather premature. He would not have risen to say a single word, might he not have been supposed to be remiss with regard to the feelings of the people of his State in relation to the matter. It was true that he, like the Senators from Alabama, had not been consulted, nor did he believe his colleague had, nor was there any intimation given. Whether it was improper on the part of the Secretary not to have done so, he left for others to decide; neither was he prepared to give any decided opinion in relation to the document. His first impressions were such as had already been expressed; but he believed it would be unacceptable to the people of his State, and would create a great deal of unpleasant excitement. He agreed with the Senator from Massachusetts, that the subject ought to be respectfully considered, as well from the importance of the matter as the high source from which it emanated; and he believed the direction indicated by that Senator to be the right one.

Mr. GRUNDY, after a few words which were not heard, said he thought the vote of the Senate had settled for ever the question of the validity of this treaty. With regard to consulting the States interested, the State of Tennessee could not be consulted, for her Legislature would not be in session until a year from next October. The Legislature of that State, at its last session, under the faith of the existing treaty, and believing that it was to be carried into effect unaltered in any of its provisions, had provided for the sale of all the lands within the Indian boundary, within a very short period. The officers and surveyors were all appointed, and the sale was directed to take place for the benefit of the State, and not of the General Government. All the legislation of the State, therefore, in relation to this subject, would be set aside, if the treaty was not carried into effect. For himself, he could only say that the treaty had been made, and that it had been ratified by the constitutional authorities of the Government; and that so far as his State was concerned, he should very reluctantly do any thing to change it. As to what it would be proper for this Government to do to carry this treaty into effect with as little trouble as possible, why, if more money was required, he would cheerfully give it; but as to letting the Indians remain where they were, it was out of the question; and if it was the last vote he was to give, he could not vote for it. To let them remain would inevitably lead to bloodshed.

Mr. LUMPKIN stood on rather different grounds in relation to this subject from most persons. From time to time he had been conferred with in his official station by the Executive of the country. He had communed with the present and late President in relation to this affair. He had never entertained but one opinion, and that was to execute with fidelity the late treaty. Mr. L. said he was aware that many of the Indians were opposed to it, and he thought them honest in their views. The Executive was disposed to treat them with kindness and humanity; and he was persuaded that the most liberal feelings were indulged towards these unfortunate people. The Government wished something done to soothe them, and allay their excited feelings. Mr. L. would say to them firmly, but imperatively, "*the treaty must be executed!*"

It might be due to the Secretary of War, said Mr. L. to state that he [Mr. L.] had been consulted in relation to this matter, from which consultation, he presumed, this document might have resulted. He told the Secretary of War that he would be as ready as any man, and would go as far in acts of kindness and humanity to this unfortunate people. The communications he had made to the War Department, he presumed, would be found on file there, although they were addressed as a private letter. If any accommodation could be made by giving them some additional compensation, no one could be more willing than himself to effect such a measure; but it was necessary they should be removed, and that at once. Mr. L. alluded to the murder of the Surveyor General of his State, and shortly after, his ferryman; all which murders he attributed to the Indians, and said, as far as his State was concerned, there would be no compromise. Mr. L. contended that the countenance these Indians had received here had been the cause of much of this excitement. Evil had been, and more would still be, brought on the Cherokee people by Ross and his immediate associates. So far as it was sought to delay or check the fulfilment of the treaty, the document would have no more effect than the paper he held in his hand. The decree had gone forth, and they must go.

Mr. KING observed that it was not his design to enter into any discussion with regard to the merits of this paper. He studiously avoided it. His only object was to lay the paper down, to give him an opportunity of bestowing on it such an examination as would enable him to decide upon the best course to take with regard to it. He was content, therefore, that it should take the direction proposed by the Senator from Massachusetts, [Mr. WEBSTER,] and be referred to the Committee on Indian Affairs. He sincerely regretted that such a paper had ever been transmitted to them. The State of Alabama was deeply interested in the question, as the most of these people being residents within her borders. Yet not one word had been said to her delegation on the subject. He felt confident that the object of the Secretary was a good one, but it was to correct those who could not be consulted; and if, said Mr. K. you were to adopt the paper to-morrow, these people (the Cherokees) would not be satisfied; they would still ask for more. He feared that this exciting subject had been taken up for political effect, and he would say that those who caused it ought to be aware that it may terminate in shedding the blood of hundreds and thousands. He was perfectly content that the document should take the direction proposed by the Senator from Massachusetts, and that the Committee on Indian Affairs should give it a thorough scrutiny. If they could suggest any thing to ameliorate the condition of these unfortunate people, and render the execution of the treaty more acceptable to them, he would cheerfully agree to it. But he must insist that peace shall be preserved; our people, said he, are among them, and their safety must not be jeopardized. He was prepared to give the Indians as much time as could be given without producing injurious consequences. How long a time would be necessary he could not say, but they must show a disposition to go, and commence their preparations for removal in good faith. In saying that he was disposed to give these people some little more time, it was under this single consideration, that they had been induced by those who were their agents here to believe that they could make some arrangement, by which they would be permitted to remain where they now are, and, consequently, that forcing them off immediately, without sufficient preparation, would occasion them some loss.

Mr. CUTHBERT confessed that he had been much surprised at the tenor of the communication just read, and one which he had not the slightest reason for anticipating. No information on the subject had been afforded him by the Department of War, or by any portion of the Executive branch of the Government. It surprised him greatly to find that there was any idea of changing a treaty solemnly ratified, on the very eve of its fulfilment; and he was the more surprised at the idea of consulting the States interested, when the very act itself of consulting them was to change the treaty. To-morrow was the day appointed for executing it, and yet it was proposed to consult the State of Georgia, six or seven hundred miles off, for the purpose of changing a treaty which was to go into effect to-morrow. Let the gentleman from Massachusetts he said, be cautious not to give too much consequence to this interposition of the Executive. Let him be cautious, as well from considerations of humanity towards those unfortunate wretches, as regard for the peace of the people of Georgia, not to give too much importance to this communication, for this treaty would assuredly be carried into effect, and any obstacles thrown in its way must produce the most fatal results. Would the interposition at this moment excite malignant feelings, a desire for revenge, and bitter hostility between the two races? If so, then let gentlemen reflect on the the dangerous consequences of such interposition. He should be glad if gentlemen would suffer this paper to rest for a few days. He was averse to any action on it, that would awaken hopes that never could be realized, and excite feelings which would end in scenes of mischief and bloodshed. Let me, he said, prevail on gentlemen to pursue such a course as will allay excitement, and avoid the giving of false hopes to those already too much deluded people.

Mr. CLAY of Alabama said he concurred in the view taken by the Senator from Georgia. He had oo many indications in another quarter lately in

relation to quite another subject. We all knew how easily excitements were gotten up, and how difficult they were to allay. As the chairman of the Committee on Indian Affairs was not now in his seat, he would suggest that it be permitted to lie over informally, or on the table, for the present. It could then be called up at the will of any gentleman disposed to do so.

Mr. WEBSTER said he felt persuaded that those who knew him, knew that no personal or political reasons could have led him to the course he had pursued. There were no grounds on which to presume such motives. His sole object was merely to fulfil his duty to the country and to his own conscience. The Senator from Alabama seems to treat the subject as an excitement gotten up for political effect. For his own part, he had no such purpose, nor did any such feeling exist in the minds of those he represented. In moving to refer it to the Committee on Indian Affairs, he was anxious to see if something could not be done. It was his wish to treat these Indians with justice and kindness, and to convince the people of the United States that it was our determination to do so. Many excellent and worthy men had it in their consciences on their pillows, that some great wrong had been done to the Cherokees in the treaty of Echota. For this reason it was that he desired something to be done, which might disabuse them of this impression. If gentlemen desired to give them more time, he was satisfied. For his part, he was ready to give them more money, not so much on their own account, perhaps, but would do it to satisfy the people that we have done nothing that justice and humanity would not warrant.

Mr. CUTHBERT observed that nothing could possibly be more unfortunate, considering the conduct of the people of Massachusetts to the aborigines within her borders, and the course of her representatives here, than his reference to their consciences. The gentleman said that the "*consciences*" of his constituents told them that wrong had been done to the Southern Indians. Where were the Indian tribes which once covered the territory of Massachusetts? Where slumbered the consciences of the people of Massachusetts when these tribes were exterminated by them? Yes, sir, butchered! Were their consciences to be aroused for the first time now, after the bones of the slaughtered red men in their borders had crumbled into dust, and when a case had occurred of which they knew nothing, and with which they could have nothing possibly to do? To satisfy their consciences? Who were these men whose consciences were so tender? Were they the men of tender consciences who would let loose all the horrors of abolition in the Southern States? Were they the men who, after endeavoring to excite a war of extermination between the black man and the white man, would now proceed to let loose the red man? We have, said Mr. C. the certain and unchangeable feeling that any attempt to arrest the execution of this treaty will be followed by scenes of violence and bloodshed, at the very contemplation of which the heart sickens; and yet these men talk about their consciences, and their desire to protect the weak and the ignorant, while they are seeking to produce them. God of Heaven! how are terms abused! Conscience! merciful God! for men to talk of conscience while their course leads to violence and bloodshed.

Mr. PRESTON said he had heard the message from the President, proposing new arrangements with the Cherokees, with unfeigned surprise and regret. He had hoped that this painful and complicated matter had been finally put at rest, by a determination on the part of the Government to go on with a slow, cautious, but steady pace, in the course prescribed to it by *necessity*. The Cherokee treaty was, in his judgment, wisely and humanely ratified. The same wisdom and humanity demand that, as far as the removal of the Indians is involved, it should be firmly carried into effect. Hesitancy and further agitation can produce nothing but ill. The rights of the States and of their citizens have been recognised and established, and should not again be disturbed. On this matter gentlemen from the States interested are entitled to lead. They know best what is best for them. I shall acquiesce in what they suggest. Nothing but my deference for them prevents me from at once moving to lay this message on the table, for the purpose of trying the sense of the Senate as to its further discussion. The execution of the treaty is intrusted to a gallant officer, not less distinguished by his moderation and discretion than by his bravery and military skill. Whatever humanity and prudence exact may be expected at his hands. The Indians must go; any interference here endangers them. As to money, lands, &c. give them as much as you choose, but do not further suspend the just claims of the States, or further irritate their already exasperated feelings. I hope the gentlemen interested will not permit the proposition for postponement to be drawn into discussion, but that they will put an end to it by a motion to lay on the table.

Mr. CUTHBERT observed that he omitted to notice, when last up, one important fact, which he would now call the attention of the Senate to. But for the ratification of this treaty, two years ago, the State of Georgia would herself have dispossessed these Indians of the territory on which they ought not to have remained. For two years Georgia had passively yielded and suspended the operation of her laws, under the full belief that this treaty would be faithfully carried into effect. But just at the critical moment, on the very day that it was to be executed, it was proposed to arrest it, and to consult the State of Georgia too, 700 miles off, after she had already waited two years. He would vote for laying this communication on the table, not to be taken up again.

Mr. WEBSTER stood on peculiar ground, it seemed, and he found it necessary to defend himself. Here was a communication from the President, deemed by him important to be communicated to the Senate. If there was any thing in that document which could have drawn forth such strange ejaculations, he thought they might as well have been directed against the source from which it emanated. He would not reply to the animadversions of the Senator, much less would he go back to his ancestors to trace the wrongs which have been done to the red man; they were sufficiently numerous, he dared say. The mere object he had in view when he moved to refer it, was that it should receive the respectful attention the importance of the subject demanded.

Mr. CALHOUN presumed that the object of the Executive, in making this communication to Congress, was to endeavor, if possible, to remove with their own consent that portion of the Cherokee nation who were yet unwilling to go. The object was a very important one, and one that was exceedingly desirable. He feared, however, the consequences to which the gentleman from Georgia alluded. The business of removing these Indians with their own consent, would be a very difficult one, but to remove them without it, would be much more so. He supposed that if any plan was effected by which further time was allowed, that the emigration should at least commence, and then it might progress at fast as circumstances permitted. Certain it was that no such arrangement could be made unless with the concurrence of the Senators of the States interested, but if it could be the arrangement, would save some hundred of thousands of dollars. But it was important, however, that the emigration should commence at once in good faith, and progress as fast as circumstances would allow, He was not prepared to say whether there was any practicable plan that could be devised to satisfy all parties, but he thought that a reference of the subject to the proper committee would be the easiest, was as ascertaining that fact. One of the members of this committee was a representative from one of the States concerned, and moreover the importance of the subject deserved a reference.

Mr. CLAY of Alabama thought it would be better to let the subject lay on the table for a day or two. As regarded the modification proposed by the Senator from South Carolina, it was totally unnecessary, as the Commanding General was fully authorized to effect the removal in a manner the most favorable to the Indians. He was not to force them off all at once, but gradually, and as fast as the nature of circumstances would permit, without subjecting them to injury and loss.

Mr. CUTHBERT said if there had been any fair attempt on the part of Mr. Ross to arrange the difficulties, he had no doubt they would long since have been arranged; but instead of that, this man had remained here creating prejudice, and excitement for his own selfish and ambitious purposes. If he had gone home to his people, while the fate of his nation was on the balance, and from thence have made his appeals, there might have been less reason to impugn his motives.

Mr. KING observed that no motion was necessary to lay the papers on the table. They could remain there without any further order, until it should be thought proper to call them up.

The documents were then, by general consent, laid on the table.

The bills from the House for the relief of Wharton Ward and of William A. Whitehead, were severally read twice and referred.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, to which the memorial on the subject had been referred, reported a bill for the relief of Richard Kidder Mead; which was read, and ordered to a second reading.

Mr. TIPTON moved to take up the bill for the continuation of the Cumberland Road, which motion was opposed by Messrs. ROANE and KING; and, after a debate, the motion was lost.

On motion of Mr. ROANE, the Senate took up the bill from the House to amend the act giving the assent of Congress to the act of the Legislature of Virginia incorporating the Falmouth and Alexandria Railroad Company.

Mr. KING moved to amend the bill by a provision that the company shall carry the United States mail along the whole route, in consideration of the sum appropriated in the bill; which amendment was adopted, ayes 18, noes 13, after a short discussion.

On motion of Mr. ROANE, the blank in the bill was filled with $300,000, being the sum appropriated—yeas 25, nays 18, as follows:

YEAS—Messrs. Bayard, Benton, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, King, Knight, Linn, Lyon, Merrick, Nicholas, Norvell, Preston, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Spence, Strange, Tallmadge, Trotter, and Webster—25.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Alabama, Clayton, Grundy, Hubbard, McKean, Morris, Niles, Pierce, Ruggles, Smith of Connecticut, Swift, Tipton, Wright, and Young—18.

Mr. HUBBARD offered an amendment, providing that the appropriation shall come out of the fund of the Post Office Department instead of the Treasury.

After a debate, in which the amendment was supported by Messrs. HUBBARD, CALHOUN, NILES, and MORRIS, and opposed by Messrs. BAYARD, NORVELL, and KING, the question was taken, and the amendment was lost.

Mr. KING moved an additional amendment, making the sum subscribed for an *advance* to the company, in consideration of their carrying the mail, instead of a subscription to the capital stock: which amendment was agreed to.

Mr. CLAY of Alabama offered an amendment requiring the company to give security for the performance of the conditions required of them: which amendment was also agreed to.

The bill was then ordered to be engrossed for a third reading—yeas 21, nays 17, as follows:

YEAS—Messrs. Bayard, Benton, Clay of Kentuck, Clayton, Crittenden, Davis, Fulton, King, Linn, Merrick, Nicholas, Norvell, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Spence, Strange. Tallmadge, and Webster—21.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Alabama, Hubbard, Lyon, McKean, Morris, Niles, Pierce, Ruggles, Smith of Connecticut, Swift, Tipton, Wright, and Young—17.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, May 23, 1838.

Mr. WILLIAMS of Kentucky, on leave, presented a petition for a Revolutionary claim.

Mr. TALIAFERRO remarked upon the thin-

ness of the House, and said before they proceeded to business, he wished to ascertain if a quorum was present. He would not make a motion on the subject, unless there was a mode of ascertaining how many of those gentlemen who voted yesterday to meet at 10 o'clock were present.

The CHAIR, on counting the House, ascertained there were only 87 members present, whereupon,

Mr. CHAPMAN moved a call of the House.

Mr. CALHOUN of Massachusetts asked for the yeas and nays, as the call of the roll would be sufficient, probably, to procure the attendance of a quorum; and, being ordered, they were, yeas 63, nays 66, so the call was refused.

Mr. McKENNAN, on leave, presented a memorial for a post route.

Mr. STUART, from the Committee of Claims, made an unfavorable report on the case of Zachariah Phillips; which was laid on the table.

Mr. LYON, on leave, presented a petition on the subject of the currency; which was laid on the table.

Mr. HASTINGS, from the Committee of Claims, made an unfavorable report on the case of ——— Burnsides.

Mr. WHITTLESEY of Ohio, from the same committee, made an unfavorable report on the resolution directing that committee to inquire into the expediency of extending the provisions of the act of 1837, to pay for the horses lost by the Indiana and Illinois rangers, and moved that it lie on the table.

Mr. GRAHAM of Ia. solicited the gentleman to move its reference to the same Committee of the Whole having charge of the bill, to which Mr. W. assented, and the subject took that reference.

Mr. MARTIN, from the Committee on the Judiciary, moved to be discharged from the further consideration of the memorial of Robert H. White and others, which was agreed to.

Mr. CORWIN, from the same committee, moved that the memorial of Captain Hart, on the subject of steam navigation, and that the same be referred to the Committee of the Whole on the state of the Union, to whom a bill on the same subject had been referred, which was concurred in.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported Senate bill for the relief of Captain John Tilford, with a recommendation that it do not pass; and the bill was laid on the table.

Mr. EVERETT, from the Committee on Indian Affairs, reported Senate bill, with an amendment, to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas.

Mr. EVERETT, on leave, laid on the table an amendment to the rules, which proposes to provide that a member can be entitled to vote if he is within the bar at the calling of the last name on the roll; which lies over.

Mr. BELL presented several communications forwarded to that committee from the War Department, and they were referred to the Committee on Indian Affairs.

Mr. WISE, from the Committee on Naval Affairs, made an unfavorable report on the memorial of the heirs of William Johnson; which was laid on the table.

Mr. HOFFMAN, from the Committee on Foreign Affairs, reported a bill for the relief of Thomas ap Catesby Jones.

Mr. JOHNSON of Virginia, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Reuben Murray, of the State of Virginia.

DUELLING REPORT.

The unfinished business of the morning hour was then resumed, which was to print 10,000 extra copies of the journal and evidence of the committee appointed to inquire into the causes which led to the death of the late Hon. JONATHAN CILLEY.

The question pending was on the motion of Mr. FAIRFIELD, to print a like number of copies of the reports.

Mr. MASON of Ohio was entitled to the floor, and was about to resume, when

Mr. OWENS asked him to give way for a motion to go into committee on the bill in relation to the explosion of steamboat boilers. He said the consideration of the bill would occupy but a few minutes, as there was no desire, he believed, on the part of any one, to protract it by debate.

Mr. MASON replied that he preferred going on then, and declined yielding. Mr. M. then proceeded with his remarks in review of the report of the majority of the committee, and to show that they had not assigned the true causes for the death of Mr. CILLEY; but, without concluding, he gave way to the orders of the day.

OREGON TERRITORY.

Mr. ELMORE, having waived his right to the floor, the message of the President of the United States, on the above subject, together with the instructions, as given in Tuesday's proceedings, were referred to the Committee on Foreign Affairs.

Sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

CHEROKEE INDIANS.

Mr. McKAY asked leave to offer the following resolution:

Resolved, That the Secretary of War be directed to communicate to this House, with as little delay as practicable, the amount that will be required for the additional allowances proposed by him to be made to the Cherokees, in his letter to John Ross and others, under date of the 18th May, 1838, specifying under separate heads the amount necessary under each.

Mr. YELL objecting,

Mr. BELL moved a suspension of the rules; which was agreed to without a division, and the resolution being under consideration, would lie over one day, under the rule.

Mr. YELL objected to its present consideration, and thereupon

Mr. BELL again moved a suspension of that rule; which was agreed to, and the resolution adopted.

INDIAN HOSTILITIES.

On motion of Mr. CAMBRELENG, the House again resolved itself into a Committee of the Whole on the state of the Union, Mr. HOWARD in the Chair, and resumed the consideration of the "bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837."

The question was on the following amendment submitted on Monday last by Mr. BELL, by adding to the end of the bill the following:

"*Provided*, That, if the President shall ascertain that all discontent and further opposition on th part of any portion of the Cherokee Indians to th treaty of eighteen hundred and thirty-five can be allayed or avoided, by allowing an additional compensation for the lands ceded to the United States by said treaty, and that the Government may thereby be saved the expense of keeping on foot the large military force in the Cherokee country now contemplated, he is hereby authorized to apply two millions of the sum appropriated by this act to that object."

Mr. WISE, who was entitled to the floor, wen oa at length to review and condemn the Cherokee treaty, as a fraud perpetrated by Parson Schemerhorn and Agent Curry. The compact between the Federal Government and the State of Georgia, he insisted, was not binding upon the third party, the Cherokees. He was for compelling Georgia to abide the action of the Federal Government, and to castigate her if she refused to obey the laws of the General Government, for he would take sides with justice. He said this, too, as a State Rights man. A State was bound to obedience, and could be coerced to it on refusal. In the course of his remarks, having made some reference to the treaty with the New York Indians,

Mr. FILMORE followed for a short time in its defence.

Mr. WISE reiterated his allegation, that this treaty had been brought about by improper means, by the use of whiskey, and the withholding of the Seneca annuity. It was a minority treaty.

Mr. FILMORE replied that he had made special inquiry in reference to whiskey, but found the charge unfounded; that the treaty was made by a majority of the chiefs, and the annuity was withheld only for want of specie, as he understood; and it was denied by those who knew, that the annuity was kept back to coerce the Indians into a treaty.

Mr. WISE rejoined to the latter, and read, in support of the charge, a letter to Maj. Garland, from Mr. Striker, advising the holding back of the payment, and another to the same effect from Schermerhorn, who took upon himself to attend as the evil genius of the Indians every where.

Mr. TOWNS then proceeded to reply to Mr. WISE; in the course of which he expressed his regret that such a document as the message of the President should have been sent in; and though he gave the President credit for good intentions, Mr. T. could not thank him for it. If the knowledge of it should reach the Indians, bloodshed must inevitably ensue. Had such a paper have been issued twelve months ago, with the consent of the States interested, it might, perhaps, have effected its object; but it was too late now. The gentleman from Virginia talked of castigating Georgia. Castigating for what? Not for disobeying the laws of the land, for Mr. T. insisted that Georgia was on the side of the laws, and in adhering to the compact and the treaty made in pursuance thereof, was maintaining the laws. So far from having nullified, the course of Georgia had avoided any such issue. He deprecated, with much severity, the use of such a term as that of "castigation" of a State.

Mr. WISE explained that he had made use of the remark, in reply to what was regarded as a threat, from more than one member from Georgia, who declared that, unless this treaty was carried into effect, Georgia would take her own rights in her own hands, and it was in reply to that threat, that he had used the term he had.

Mr. TOWNS continued, and re-asserted his former point, adding that the House of Representatives, not being the treaty-making power, could not go into an examination of this treaty, with a view to its revocation. Mr. T. however, maintained that it was a valid treaty, and went on to defend the course of Georgia in extending her criminal jurisdiction over the Indian territory within her limits, a solemn duty imperatively imposed upon her from the pretensions of independent Government, and conflicting laws, set up by and enacted by the Cherokees. Hence this policy of her's was not of her own seeking, but grew out of a combination of circumstances over which she had no control. Mr. T. then went into an examination of the treaty, and maintained that, in every respect, it was conformable to all other Indian treaties. The whole difficulty, and the only difficulty, had grown out of John Ross, who produced it for his own personal benefit; for he had shown himself, by his own admissions in his letters to the Secretary of War, to be purchasable at a price. Mr. T. admitted that the treaty was made by less than a majority, but Ross represented a much less number than those who made it, for he and his friends were invested with power by only about eleven hundred, out of a number alleged to consist of seventeen thousand. So far from Ross being actuated by a regard for the interests of his people, or a love of his country, he was impelled solely by a love of lucre; and if enough was given to him, if he was bribed high enough, he would consent to any treaty, or any modification of the present one. After dwelling upon the subject generally for some time, he coneluded, and

Mr. MARVIN took the floor, and went on to review and condemn the recent policy of the Government towards the aborigines. He then commented upon the treaty with the Senecas, and said that the community which he represented would have their feelings outraged by any course of fraud or injustice; and he felt bound to protest against the course of the Government, in the payment of the annuity to the Senecas.

Mr. HAYNES objected, as a point of order, that the payment of annuities to the Senecas had nothing to do with the suppression of Indian hostilities.

Mr. MARVIN claimed the right, in committee, to go into the policy of the Government towards the Indians generally.

Mr. HAYNES said, if the gentleman wished to go into questions of general policy, he would withdraw his question of order.

Mr. MARVIN then went on to state that the annuity of six thousand dollars had not been paid, and that the Indians had been compelled to subsist upon charity. He had called upon the department, in relation to the subject, and had been answered that the money was sent in June last, but had not been paid, in consequence of the pendency of negotiations for a new treaty; and he referred, with objections, to the attempt to pay the annuities with goods, purchased in New York, which were not wanted, instead of paying in specie, according to the treaty. He said that it had been alleged, that the withholding the annuity would be used among the Indians as an argument that it was intended to force them into a treaty; and he believed that many of the difficulties with the Indian nations arose from the fact, that interested men, without humanity and good principles, had been employed in the making of treaties. He spoke of Mr. Schermerhorn, as one who had gained the confidence of General Jackson, but had conducted falsely towards the Indians, to this country, and to his God; and he would render his thanks to President Van Buren for the good sense by which he had refused to employ Mr. Schermerhorn in making a treaty with the Senecas; and he went into the details of the attempts of Schermerhorn to ge the confidence of the New York Indians. He ret peated, that if there was any thing fraudulent in the treaty, the people of Western New York would be in favor of setting it aside; but if it was in accordance with the views of the people of the nation, and if they were willing to sell their lands and go West, upon terms that were equitable and just, they would cheerfully assent to the treaty,

Mr. CUSHING briefly stated the history of the stipulations heretofore made by the State of Massachusetts with the State of New York in the cession of the lands occupied by the Seneca Indians to New York, and said that Massachusetts had stipulated that, in the occupancy of the territory, the Indians should be treated with justice; and that Massachusetts had no pecuniary interest in the treaty recently made, and was represented only to secure just and equitable terms for the Indians, according to previous stipulations with New York.

Mr. WISE offered an amendment, which he said he should move in the House, as follows:

Provided, That no part of the appropriation herein made shall be applied to removal of the Cherokee Indians west of the Mississippi, or to preparations for hostilities with them, until the Secretary of War shall have prosecuted to a conclusion of success, or failure, the negotiations to modify the late treaty with that tribe, according to the recommendations contained in the President's message sent to Congress on the 22d instant.

Mr. W. then went on to comment with severity upon the treaty made by Mr. Schermerhorn with the Cherokees, and contended that the treaty was made with a small portion of the Cherokees not properly authorized, and read from documents to support his views, contending that the treaty of New Echota was made with less than seventy of the nation consisting of over eighteen thousand souls, and that the people did not feel bound to attend the council, because it was summoned by Mr. Schermerhorn, who was not a chief of the nation; and that nineteen twentieths of the nation would oppose the treaty which was obtained, as the documents would show, by false representations and pretences. The fact that the treaty was made by less than a hundred, was admitted.

Mr. DAWSON and Mr. HAYNES both protested that they made no admissions, to be used for effect out of the House, either against Georgia or the Government.

Mr. WISE still urged that the pretended treaty was no treaty, and if the gentlemen from Georgia did not know any thing about it, they ought to know, and might, if they would look at the documents.

Mr. LEGARE asked if the treaty did not offer the Indians better lands, and, however it might have been made, if it did not in fact better the condition of the Indians.

Mr. WISE said he had permitted the question to be asked, though it did not touch the point under examination, which was, whether a treaty existed at all; but he would state that, if the land was good, the water was not, and they found it unwholesome, and were not so well off as they had been. He, however, recurred to the evidence in the case, and approved of the message of the President, which would cost the Government a hundred thousand dollars, though it ought not to cost them one dollar. He then went on and read from various papers to show the opinions of officers of the United States, that it would be unjust to enforce a treaty, made by a few unauthorized individuals, and opposed by the larger portion of the Cherokee nation. He read from a report of General Wool, a statement that the great portion of the nation refused to accept rations from the United States, for fear they might compromit themselves in relation to the treaty, and that they preferred to live upon the sap of trees and upon roots, rather than accept rations. The report of Mr. Mason, who had been sent to the nation, for the purpose of ascertaining facts, was also read in part, to support the ground that the voice of the nation was unanimously against the treaty, and that it would never be assented to as an authorized treaty, nor submitted to as such, until they saw the bayonets of the United States levelled at their breasts. It was extraordinary he remarked, that the authority of John Ross, according to the report of Mr. Mason, should be unquestioned by the nation, and that he should pursue the same direct course, notwithstanding many attempts to bribe him to acknowledge the treaty; and notwithstanding the abuse heaped upon John Ross, it was uniformly asserted by the agents of the Government that John Ross could not change his course, or change the feelings of the nation if he would, but that he stood unquestionably between the white men and bloodshed.

Several gentlemen interposed; and

Mr. TOWNS made an explanation in justification of the course of the State of Georgia, and admitting that a band of robbers had existed, not more disgraceful to the red than the white men; and upon this point he requested the reading of certain documents by the clerk, which were read. These documents consisted of the applications of Ross and his brother, Gunton, and others, to become reservees and permanent residents under the treaty of 1819.

Mr. WISE proceeded for a short time longer, when he yielded the floor to

Mr. McKENNAN, on whose motion, the committee rose and reported.

The SPEAKER having resumed the Chair, laid before the House the following message from the President of the United States.

[The message is given in the Senate proceedings in another column.]

The message having been read, on motion of Mr. HOWARD, Mr. OWENS moved that it, with the accompanying documents, be postponed till Friday.

Mr. CAMBRELENG had no objection to the postponement, but he could not consent, when that day came, to set aside the public business for it.

Mr. EVANS should interpose no obstruction to the public business, but, on Friday, merely make a motion in reference to it.

Mr. CAMBRELENG was glad the gentleman did not intend to discuss this subject at length in a preliminary stage, and Mr. C. should make no objection to the motion.

Mr. CUSHING protested against the principle of regarding the appropriation bills as the only matters of public business worth attention, as well as against any one gentleman consenting to let other business be taken up only at his own convenience.

Mr. CAMBRELENG disclaimed the idea alluded to by Mr. CUSHING; but he did not think the business promoted by a protracted discussion on the preliminary stage, when no facts or documents were before the House for its guidance.

The subject was then postponed without further remark.

On motion of Mr. WISE, the amendment offered by him, in committee, to the bill under consideration, was ordered to be printed; and then, on motion,

The House adjourned.

IN SENATE,

WEDNESDAY, May 23, 1838.

A message was received from the President of the United States, by Mr. ABRAHAM VAN BUREN, his private secretary, as follows:

To the Senate of the United States:

I herewith transmit to the Senate the copy of a letter addressed to me on the 28th ultimo, by the Governor of Maine, enclosing several resolves of the Legislature of that State, and claiming reimbursement for the General Government of certain moneys paid to Ebenezer S. Greely, John Baker, and others, in compensation for losses and sufferings experienced by them respectively, under circumstances more fully explained in his Excellency's letter.

In the absence of any authority on the part of the Executive to satisfy these claims, they are now submitted to Congress for consideration; and I deem it proper, at the same time, with reference to the observations contained in Governor Kent's note, above mentioned, to communicate to the Senate copies of other papers connected with the subject of the northeastern boundary of the United States, which, with the documents already made public, will show the acual state of the negotiations with Great Britain on the general question.

M. VAN BUREN.

WASHINGTON, May 19, 1838.

[The following important papers are among those accompanying the message:]

DEPARTMENT OF STATE,
Washington, April 27, 1838.

The undersigned, Secretary of State of the United States, has the honor, by the direction of the President, to communicate to Mr. Fox, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, the result of the application of the General Government to the State of Maine, on the subject of the Northeastern Boundary Line, and the resolution which the President has formed upon a careful consideration thereof. By the accompanying papers, received from the Executive of Maine, Mr. Fox will perceive that Maine declines to give a consent to the negotiation for a conventional boundary; is disinclined to the reference of the points in dispute to a new arbitration; but yet is firmly persuaded that the line described in the treaty of 1783 can be found and traced whenever the Governments of the United States and Great Britain shall proceed to make the requisite investigations, with a predisposition to effect that very desirable object. Confidently relying, as the President does, upon the assurances frequently repeated by the British Government of the earnest desire to reach that result, if it is practicable, he has instructed the undersigned to announce to Mr. Fox the willingness of this Government to enter into an arrangement with Great Britain for the establishment of a joint commission of survey and exploration upon the basis of the original American proposition, and the modifications offered by her Majesty's Government.

The Secretary of State is, therefore, authorized to invite Mr. Fox to a conference upon the subject at as early a day as his convenience will permit; and the undersigned will be immediately furnished with a requisite full power, by the President, to conclude a convention embracing that object, if her Majesty's Minister is duly empowered to proceed to the negotiation of it on the part of Great Britain.

The undersigned avails himself of this occasion to renew to Mr. Fox the expression of his distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, esq. &c. &c. &c.

WASHINGTON, May 1, 1838.

SIR: I have the honor to acknowledge the receipt of your official note of the 27th ultimo, in which you enclose to me a communication received by the Federal Government from the Executive of Maine,

upon the subject of the Northeastern Boundary line; and in which you inform me that the President is willing to enter into an arrangement with her Majesty's Government for the establishment of a joint commission of survey and exploration, upon the basis of the original American proposition, and of the modifications offered by her Majesty's Government, as communicated to you in my note of the 10th of January last; and you invite me to a conference, for the purpose of negotiating a convention that shall embrace the above object, if I am duly empowered by my Government to proceed to such negotiation.

I have the honor to state to you, in reply, that my actual instructions were fulfilled by the delivery of the communication which I addressed to you on the 10th of January; and that I am not, at present, provided with full powers for negotiating the proposed convention. I will forthwith, however, transmit to her Majesty's Government the note which I have had the honor to receive from you; in order that such fresh instructions may be furnished to me, or such other steps taken, as the present situation of the question may appear to her Majesty's Government to require. I avail myself of this occasion to renew to you the assurances of my high respect and consideration.

H. S. FOX.

The Hon. JOHN FORSYTH, &c.

The letter and accompanying documents having been read, were, on motion of Mr. WEBSTER, ordered to be printed.

Mr. ROANE presented the petition of John Fellay, praying to be allowed the bounty land due him for his services during the Revolutionary war: referred to the Committee on Revolutionary Claims.

Mr. YOUNG presented two petitions from sundry citizens of Illinois against the Cherokee treaty; which were laid on the table, one of them having, at the request of Mr. Y. been read.

Mr. CLAY, of Kentucky, rose, and said he supposed that orders had been issued from the Post Office and Treasury Departments to receive for Government dues the notes of specie-paying banks, or at least that they were actually received, and he wanted to ascertain precisely the facts of the case, whatever they might be. With this view, he offered the following resolution:

Resolved, That the Secretary of the Treasury and the Postmaster General severally inform the Senate whether any orders have been given from their Departments to receive the notes of banks for revenue, and, if any, what were those orders; and if any instructions have been given, that they communicate to the Senate what were those instructions.

Mr. WRIGHT said he would correct the Senator in regard to one fact. He had understood him to say that orders had been given for the receipt of these notes; but it had not been so stated. The information given here was, that the notes were received. But Mr. W. had inquired lately at the Departments on the subject, and no orders to receive them had then been issued.

Mr. CLAY said it was not his intention to say any thing more than to intimate the fact that they were received. He meant to say nothing of the forms or technicalities of the subject; but he took it for granted, if these notes were received, it was done in accordance with some authority. But, whatever were the facts, he wished to know them, and by what authority.

The resolution was agreed to without dissent.

On motion of Mr. HUBBARD, the bill for the relief of John J. Bulow was taken up, and, after a short discussion, postponed to, and made the order of the day for, to-morrow.

The bill giving the assent of Congress to the act of the General Assembly of the State of Virginia to amend the act to incorporate the Falmouth and Alexandria Railroad Company, and for other purposes, was read the third time, and, after some remarks from Messrs. HUBBARD, ROANE, and MORRIS, passed.

On motion of Mr. TIPTON,

The Senate proceeded to the consideration of the bill from the House, making appropriations for the continuation of the Cumberland road through the States of Ohio, Indiana, and Illinois, and for other purposes.

Mr. TIPTON said the Senate would recollect that the sum appropriated by the House bill now before the Senate, was much less than that proposed by the bill reported by the Senate Committee on Roads and Canals early in the session. The road was being constructed by skilful and experienced engineers, who knew better than any others could what sum could be usefully applied to the construction of the road under their charge within the year. In framing the bill reported to the Senate, he had adopted the sum required by the engineers. The bill of the Senate was discussed some weeks ago, and was laid on the table, and a call made on the Engineer Department for an estimate of the sum required to comply with existing contracts, and to preserve the road from dilapidation. The reduced estimate had been received, and in the aggregate it differed but little from the sum in the House bill; and the Committee on Roads and Canals, therefore, seeing the embarrassment of the Treasury, and the delay that would be produced in the passage of the bill through the House, if amended, had instructed him to report the bill without amendment, and to recommend its passage. Mr. T. said he would not detain the Senate by a speech in favor of the bill. All understood its provisions, and he was prepared with estimates on each item, and would be ready to answer any question members might ask in relation to it. It was votes, not speeches, he wanted on this question.

Mr. BENTON, after a few observations in favor of the bill, moved to amend it by a proviso that the appropriations made should be subject to all the conditions, restrictions, and limitations, as are contained in the act for the continuation of the Cumberland road of the 3d of March, 1837.

Mr. NORVELL observed that it was apparent to every member of the Senate acquainted with the subject, that this amendment was very artfully drawn, and that it contemplated the reimbursement of the expenditures out of the two per cent. fund, which was one of the conditions and restrictions in the act of March, 1837, which were to be continued by this act. He thought that this was a body which ought not annually to announce to the world that which was a fraud, and wholly untrue, for it was notorious that this two per cent. fund had long ago been exhausted, and that there was not the remotest possibility of any reimbursement out of it. He would add nothing more than to ask for the yeas and nays on this bill.

Mr. BENTON observed that the addition of the clause for reimbursement was of high authority, though it had not always been inserted in the bill. He had voted for this bill both with it, and without it. He had no difficulty on the subject at all. Bills for this road had been signed by Jefferson, Madison, and Monroe, before any such clause was put in it. Still he was for retaining the clause. The gentleman from Michigan thought there was no chance for reimbursement, but that was a question for time to decide.

Mr. NORVELL, in order to bring the matter to a direct test, moved to amend the amendment, so as to exclude the clause for reimbursement.

Mr. MORRIS doubted the power to make an unconditional appropriation. He should have liked very much to have heard the arguments of any Senator asserting that power. Much as he felt interested in the Cumberland road, he would sacrifice it rather than not preserve the Constitution in its purity; and the people he represented would also sacrifice every thing to the preservation of the spirit of the Constitution. The Constitution appeared a dead letter, a nose of wax moulded at pleasure to suit particular interests. He found it suited all appropriations made on the seaboard, but would never reconcile itself to the western border. Did the Alleghany divide the Constitution? Was it to be made applicable on this side and inapplicable on that? He could not understand. If the Senator persisted he would defeat the bill.

Mr. SMITH of Indiana expressed his regrets that the Senator from Missouri had offered this amendment. He knew the warm feelings of the Senator in favor of this road, but he hoped he would be excused by him for voting against this and every other amendment, as it was doubtful whether the bill would pass at all during this session, if it had to undergo another ordeal in the other House, where it had been passed by a very close vote.

Mr. BENTON, in corroboration of his statement that acts for the Cumberland road had frequently passed without the clause for reimbursement, read the titles of five or six acts passed during the Administrations of Mr. Madison and Mr. Monroe, which did not contain it. He had not time, he said, to examine all the acts, but he expected there would be found as many without the clause as with it.

Mr. NORVELL said, if the Senator from Missouri would withdraw his amendment, he (Mr. N.) would withdraw the amendment to the amendment, and the bill could then be permitted to pass as it came from the other House.

Mr. WRIGHT hoped the amendment to the amendment would not prevail. If the amendment of the Senator from Missouri was adopted, he should vote for the bill; if not, he would feel himself constrained to vote against it.

Mr. NORVELL hoped his amendment would prevail. Why, at this late day, were we endeavoring to sent an example pernicious in itself, and bearing a fraud upon its very face. Every body knew that the two per cent. fund was long since exhausted

Mr. MERRICK contended that the clause should remain. The Government ceded this road to the States, and if there was no special contract, there certainly was an understanding that the General Government should first put it in full and complete repair. Mr. M. said he was a member of the Legislature of Maryland at the time, and well recollected that was the universal understanding; so much so said Mr. M. that good faith ought to induce us to fulfil the pledge.

The question was then taken on Mr. NORVELL'S amendment, and it was lost—yeas 12, nays 29, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Davis, King, Knight, Lyon, Mouton, Norvell, Prentiss, and Preston—12.

NAYS—Messrs. Allen, Benton, Clay of Alabama, Crittenden, Cuthbert, Fulton, Grundy, Linn, Merrick, Morris, Nicholas, Niles, Pierce, Roane, Robbinr, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Tipton, Trotter, Webster, Williams, Wright, and Young—29.

The question was then taken on Mr. BENTON'S amendment, and it was carried—yeas 27, nays 15, as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, Linn, Merrick, Morris, Nicholas, Niles, Pierce, Roane, Robbins, Robinson, Sevier, Smith of Connecticut, Spence, Strange, Tallmadge, Tipton Trotter, Williams, Wright, and Young—27.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Davis, King, Knight, Lyon, Mouton, Norvell, Prentiss, Preston, Smith of Indiana, Swift, and Webster—15.

Mr. NILES objected to a clause in the bill appropriating $9,000 for the building of a bridge on a part of the road leading through Pennsylvania. Mr. N. thought the road was ceded long since to the States, whose duty it should be to keep it in repair. If they had the power to do that, why they had it to make a road any where.

Mr. BUCHANAN observed that if the Senator from Connecticut [Mr. NILES] had asked for information on this subject, he would have found that his observations would not apply in this case. He was himself one of those most anxious to have this road ceded to the States through which it passed, in order to relieve Congress from any further trouble respecting it. The act was passed for this cession, and the State of Pennsylvania, by an act passed April, 1825, agreed to receive it. At that time there was an appropriation in the bill for this very bridge. When the commissioners appointed under the act of the State of Pennsylvania accepted this road, there was a distinct understanding by both parties that it was to be completed; and the question, therefore, now was, not whether this Government should make the road, but whether it should comply with a solemn contract.

To show the nature of the understanding existing, and the necessity for completing the bridge, he would hand to the Secretary, and request him to read for the information of the Senate a letter from General Thomas T. McKennan to General Gratiot, and explaining all the facts relating to the subject; and he thought that the information there given would be sufficient to remove all the objections of the Senator from Connecticut.

The letter having been read,

Mr. NILES made some further observations in support of his amendment.

Mr. BUCHANAN said he would state the case again. The stipulation on the part of the General Government was that this road should be put in complete repair, and ceded to the States. An estimate was made for putting it in repair, and in this estimate was included the sum necessary for the bridge over Dunlap's creek. The contract was made to build this bridge, and that contract was partially complied with. But it appeared that the estimate had not held out, because civil engineers were employed instead of military engineers. In addition to that, the commissioners of Pennsylvania were so scrupulous, that they expressly stipulated this bridge should be completed before they agreed to receive the road.

After some remarks from Messrs. NILES and BUCHANAN, the question was taken, and Mr. NILES's amendment was lost—ayes 11, noes not counted.

Mr. HUBBARD offered an amendment to reduce the appropriation for the road in Ohio from $150,000 to $100,000; and, after some remarks from Mr. TIPTON in opposition to the motion, and from Mr. HUBBARD in its support, the question was taken, and it was lost—yeas 17, nays 23, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Clayton, Hubbard, King, Lyon, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Ruggles, Smith of Connecticut, Strange, Trotter and Williams—17.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, Linn, Merrick, Morris, Nicholas, Robinson, Smith of Indiana, Spence, Swift, Tipton, Webster, Wright, Young—23.

The debate was further continued by Messrs. NILES and PRESTON, after which the bill was reported to the Senate, and the amendment made as in Committee of the Whole was concurred in.

The question was then taken on ordering the bill to a third reading and carried—yeas 26, nays 17, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, Linn, McKean, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Spence, Swift, Tipton, Webster, Wright and Young—26.

NAYS—Messrs. Calhoun, Clay of Alabama, Clayton, Hubbard, King, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Smith of Connecticut, Strange, Trotter and Williams.—17.

On motion of Mr. SEVIER, the Senate took up the bill for the relief of Matthew Arbuckle.

Mr. SEVIER observed, that in consultation with several gentlemen of the Senate, he had been satisfied that this bill could not pass in the shape in which he had reported it, and in which he was so anxious that it should pass. He had, therefore, consented to modify it, so as to make the persons interested pay for their lands at the Government price, though he was fully persuaded that they ought, in justice, to get them for nothing. Mr. S. then offered the following amendment:

"That each and every owner of a Spanish or French grant in Arkansas, which was submitted for adjudication to the Superior Court of Arkansas Territory, and by that Court confirmed, are hereby authorized, within twelve months, to enter at the proper land office the land covered by said claim at the minimum price, under such regulations as the Commissioner of the General Land Office shall prescribe, whether such claim originated in fraud or not; and that upon the payment of the purchase money, a patent shall issue to each claimant for the land so held by him."

After some remarks from Messrs. BUCHANAN, PRESTON, and SEVIER,

Mr. CLAY of Alabama moved to amend the amendment, by inserting the words, "being subsequent purchasers for a valuable consideration."

This amendment having been accepted as a modification by Mr. SEVIER, the amendment offered by him was agreed to; and the bill was ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, May 24, 1838.

The SPEAKER having called the House to order, and but very few members being present, before the journal was read,

Mr. GARLAND of Louisiana rose and remarked upon the thin attendance, and said he wished it to be seen how consistently those gentlemen had acted who were so zealous for meeting at 10 o'clock; and he therefore moved a call of the House, which was ordered; and after proceeding till the roll was once called through, Mr. G. said, as his sole object was to procure a quorum, he now moved that the call be dispensed with, but the House refused; and the absentees were called as far as the letter S, when

Mr. HOPKINS moved a dispensation of the call, which was agreed to—63 to 54.

The journal was then read; and as soon as it was—

Mr. HOFFMAN rose, and said he wished to submit a motion in relation to the printing of the President's message, respecting the introduction of foreign paupers into the United States, and called the attention of the House to an anonymous, slanderous, and libellous publication, contained therein, extracted from some newspaper, which was a libel upon the character of the city of New York, its mayor, and councils. This document had been printed by order of the House, and contained, by some accident or other, some anonymous letters from a New York paper, reflecting with great severity upon the mayor and authorities of New York. Mr. H. having drawn the attention of the House to the libellous character of the publication, and his hope that its insertion in a public document was not by the sanction of the President, asked leave to offer the following resolution:

Resolved, That the select committee to which was referred "The President's message, together with reports from the Secretary of State, and the Secretary of the Treasury, with accompanying papers, in answer to the resolution of the House of the 30th ultimo, relating to the introduction of foreign paupers into the United States," be discharged from the further consideration of the papers numbered 8, and 9, annexed to the report of the Secretary of the Treasury, and that the same be returned to the President.

Objection being made,

Mr. HOFFMAN asked the question.

Mr. BEATTY rose in his place, and said I object.

Mr. HOFFMAN moved a suspension of the rules, and asked for the yeas and nays; which were ordered.

Mr. WILLIAMS of North Carolina called for the reading of the papers.

Mr. HAMER called for the reading of the resolution to which the message was a response.

There being no objection, the whole of the document was read by the Clerk.

Mr. GRANT then called for the reading of a part of a Senate document on the subject, in answer to a call for every kind of information thereon.

Mr. BRONSON appealed to his colleague to postpone his motion till to-morrow morning.

Mr. HOFFMAN declined doing so.

The question on suspending the rules was decided in the negative—yeas 111, nays 75; not being two-thirds.

Mr. THOMPSON regarded this as a question of privilege, and worthy of consideration; but he could not bring himself to believe that the President was privy to the insertion of this scurrilous libel, taken from the filthy sewers of the party press, and he should therefore move that the SPEAKER do communicate to the President said paper, and know of him whether this document had been all sent from him.

The CHAIR said the gentleman could only attain his object by resolution.

Mr. KEIM asked leave to present a petition, but it was objected to.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of John Jones, and others.

Mr. THOMPSON then sent the following resolution to the CHAIR, and said he should move it as a question of privilege:

Resolved, That the President of the United States be requested to inform this House whether document No. 9 and that which follows, accompanying his message of the 11th of May, were communicated to this House by his direction.

The resolution was rejected without a division.

Mr. BOULDIN, from the Committee for the District of Columbia, reported a bill to make temporary provision for the comfort and support of certain lunatics in the District of Columbia.

Mr. THOMAS, from the Committee on the Judiciary, reported Senate bill for the relief of G. and S. White, without amendment.

Also, Senate bill, without amendment, to prevent the issuing and circulation of the bills, notes, and other securities, of corporations created by acts of Congress which have expired.

Mr. POTTER, from the Committee on Revolutionary Claims, made a number of unfavorable reports, which were all severally concurred in by the House.

Mr. ADAMS, from the Committee on Manufactures, reported a bill to authorize the Macon steamboat company to import duty free, the materials of two iron steamboats.

Mr. CUSHING, from the Committee on Foreign Affairs, reported a bill for the relief of the heirs of Duncomb Bradford, deceased.

Mr. POTTER from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Moses B. Coburn, and the administrator of Jacob Haines, severally praying for pensions: laid on the table.

Also, an unfavorable reprort on the petition of Elias Burnam and wife, for allowance in land, on account of Revolutionary services of A. Robinson: laid on the table.

On motion of Mr. POTTER, the Committee on Revolutionary Claims, was discharged from further consideration of petition of James Reed for pension, and the same referred to the Committee on Revolutionary pensions.

Mr. LOOMIS, from the Committee on Private Land Claims, made an unfavorable report on the petition of A. L. Deleux: ordered to lie on the table.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported the following resolution:

Resolved, That this House will, on Saturday next, after 12 o'clock, proceed to the consideration of bills which have been, or shall then be, reported from the Committee on Invalid Pensions and the Committee on Revolutionary Pensions; which was concurred in—96 to 44.

Mr. JOHNSON of Virginia, from the Committee on Accounts, moved that that committee be discharged from the further consideration of the resolution directing them to inquire into the expediency of uniting the two offices of Librarian to the House and Keeper of the Documents, and making the office elecuve by the House; and the same, on Mr. J's motion, was laid on the table.

The House bill, returned from the Senate amended, giving the assent of Congress to an act of the General Assembly of Virginia, incorporating the Falmouth and Alexandria Railroad Company, and the amendment requiring commitment, was, on motion of Mr. CAMBRELENG, referred to the Committee on Roads and Canals.

INDIAN AFFAIRS.

On motion of Mr. CAMBRELENG, the House again went into Committee of the Whole on the state of the Union, and resumed the consideration of the "bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for 1837."

The question was on the amendment of Mr. BELL, and the amendment thereto by Mr. WISE, as given in yesterday's proceedings.

Mr. WISE resumed his remarks and went into a detailed history of the Golphin claim, and the connection of Mr. Secretary Forsyth therewith, and his interest in it; and contended that Mr. Forsyth had endeavored to get this treaty negotiated, and that, under threats from the Government of the United States, that, if the Cherokee nation did not assent to the treaty, they would be given up to the authorities of Georgia; and the treaty, he believed, was ratified by some Senators, with a view to prevent such a catastrophe. He then remarked that, as it had been intimated that there was a rod in pickle for him, or his argument, or both, he should close with a few comments, though more might be said, and further reading from the documents might be brought to sustain all that he had said or read.

He then went on to reply to some observations of Mr. TOWNS made on Wednesday, and in relation to the position the State of Georgia had occupied, and to confirm his assertion that the whole scheme was one of plunder and robbery; that such was the fact was admitted; and though the act was not justified, it was partially excused on the ground that it was not worse than other acts of plunder and robbery. He objected against the urgency of gentlemen from Georgia to have this treaty enforced, when it had been thus contracted by fraud and force, as they themselves admitted; and he contended, that though it was not directly stated in the President's Message, it was plainly admitted in that document that the treaty ought not to be enforced, and, in effect, that another treaty ought to be made. He would go as far as the President had gone in his message, and, as a friend to the Cherokees, he would advise them to accept the terms offered, believing it would be all they would ever get; and, as a friend to his country, he would advise the gentlemen from Georgia to acquiesce in that recommendation, and not to press the immediate enforcement of the treaty.

Mr. GLASCOCK then took the floor in defence of the action of the people and State of Georgia, and in reply to the general charges which had been, as he contended, unjustly made against them. He denied that frauds to the extent charged had been committed; and whatever frauds had been perpetrated were to be charged, not upon the State of Georgia, but upon the Government of the United States, and upon many of the political friends with whom the gentleman from Virginia had usually acted. He then went fully into details in support of the treaty, and to show that it ought to be executed.

Mr. DOWNING made some allusion to the Florida war, in illustration of the Indian character, and to show the necessity of being prepared to overawe the Indian nations, and to compel them to submit to treaties deliberately made. The treaty with the Cherokees, he contended, was not shown to be fraudulent, except in a proposed section, which had been rejected. If any other fraud existed, he was not aware of it. He had known the Indians long, and knew their character, and they also knew the character of the whites; and he alluded to the reception of news that a murder had been committed in Georgia, and to the succeeding message of the President, proposing the postponement of a removal for two years, with the inference that the Indians intended to operate upon the sympathies of our nation, to obtain more money. Should such a course be adopted now, he concluded that all other tribes would conduct in the same manner, entailing perpetual trouble and controversy. He said that the gentlemen who professed so much sympathy for the Indians must have gotten their knowledge of Indian character from Cooper's novels; but let them go and live among them, as he had done, and they would change their feelings. He had known a man, as honest as any in existence, in earth or heaven, go among them with every sympathy for the Indians, become, in one year, as thorough an Indian hater as he was.

He thought the treaty with the Cherokees ought to be enforced; and if the House had not paused—if they had positively refused to receive any appeal from the treaty, and had referred the Indians to the officers of the Government, the removal, he thought, would long before have been effected. He also considered the treaty favorable, and was willing to pledge himself for the people of Florida, that they would, to a man, consent to remove upon the same terms. They would give up their affection for their homes, if the Government would pay for their improvements, give them provisions for two years, and give them, at their ultimate place of location, a better country than that they should leave. He believed the white inhabitants of Georgia would agree to the same terms. He referred to the action of the Government in suspending the removal according to the treaty in terms of censure, and said he would appeal from Mr. Poinsett sick and weak, to Mr. Poinsett in the full vigor of health, with an intimation that the respect he had always had for the Secretary of War should not be diminished by his course upon this subject, though he thought it impolitic, and injurious to both parties to the treaty.

Mr. GRAHAM, after stating that he had no hostile feelings

to the Cherokees, a part of which nation lived in his district in North Carolina, and with whom the people dwelt in amicable relations, went into an examination of documents and evidence to show the treaty had been fairly made, and in conformity with the views of John Ross at the time it was made, and that the Senate had not merely given a liberal, but a heaping high sum for their lands, which a chief of the nation had told him [Mr. G.] was more than the lands were worth. He read testimony to prove that John Ross had said he would assent to the treaty, and would recommend it to the nation, and inferred that John Ross was like an eagle shot by a feather from his own wing.

Mr. WISE interposed, and said that the documents proved that John Ross did go and recommend the treaty, and that it was expressly rejected at the council of Red Bank, in every form in which it could be proposed.

Mr. GRAHAM again read the testimony, and called for proof of the fact. He doubted that John Ross had ever recommended the treaty in good faith; but he would put the matter fairly, and was willing to hear evidence. He said it was positively proved that John Ross had agreed to the treaty before it was made; and, though it was made with Ridge's party, and was not signed by Ross, yet his assent bound him as effectually as if he had signed it. He also repudiated the idea that he would consent to bind himself or his constituents to compromise with people who came up repeatedly with the cry of money, money! He then went into a detail of the action of Congress in relation to the treaty for a short time, when he gave way for a motion from

Mr. STANLY, that the committee rise; which motion was carried, and the committee rose accordingly and reported progress.

On motion of Mr. CALHOUN of Massachusetts, an unfavorable report on the petition of ——— was taken up and recommitted.

The bill to repeal certain provisions of an act to amend an act imposing duties on imports, was read a third time and passed.

The bill from the Senate to settle the title to certain lands in the Territory of Arkansas, was read twice and referred.

The bill which passed the House, making appropriations for certain roads in Indiana, etc. came back from the Senate with an amendment.

Mr. POPE moved that the amendment be concurred in by the House.

Several motions were made to adjourn, but were decided in the negative, without a division.

Mr. SAWYER moved to refer the bill and amendment to the Committee of Ways and Means; which motion was rejected—ayes 50, noes 80.

Mr. ELMORE moved to lay the bill on the table.

Mr. MONTGOMERY demanded the yeas and nays, which were ordered, and were yeas 69, nays 81; so the House refused to lay the bill on the table.

Mr. MALLORY moved an adjournment, which motion was carried in the negative without a count.

The House then concurred in the amendment of the Senate, and,

Upon motion of Mr. BRIGGS, the House then adjourned.

IN SENATE,

THURSDAY, May 24, 1838.

Mr. McKEAN presented resolutions of the Legislature of Pennsylvania (which Mr. McK. said had been delayed in consequence of his absence) setting forth the sufferings and losses of the early settlers of the Wyoming valley, and instructing their Senators and requesting their representatives to procure, if possible, by their votes and influence, the passage of a law that will compensate the Wyoming sufferers of the Revolution for such losses: which was read, referred to the Committee on Public Lands, and ordered to be printed.

Mr. McK. also presented the petition of Mary Ann Berry and Margaret Taylor of Philadelphia, praying remuneration for the Revolutionary services of their deceased father: referred to the Committee of Revolutionary Pensions.

Mr. TIPTON presented a memorial from certain citizens of Cass county, Indiana, relating to a certain section of land procured from the Indians, and said to have been disposed of in an improper manner: referred.

Mr. T. from the Committee on Roads and Canals, reported bills for the benefit of two railroad companies, (unheard,) which were severally read, and ordered to a second reading, and the accompanying reports were ordered to be printed.

On motion of Mr. KNIGHT, the Committee on the Post Office and Post Roads were discharged from the farther consideration of the petition of William Walker.

BANK NOTES FOR REVENUE.

The VICE PRESIDENT presented a communication from the Treasury Department, in pursuance of a resolution recently offered by Mr. CLAY of Kentucky, in regard to the receipt of bank notes for revenue. The communication was read, and was understood to state that no new orders had been given on the subject, and that the receipt of bank notes was a consequence of previous orders, and of the resumption of specie payments by certain banks. The communication was accompanied by a copy of a letter from the Department to public officers at New York, dated April 23, 1838, which was read, and which was understood to sanction the receipt of specie-paying bank notes from banks not issuing notes of less than $5, according to orders and instructions given previous to the suspension of specie payments.

Mr. CLAY moved that this communication be laid on the table and printed. He said he did not know whether this would furnish the occasion making it necessary for further inquiry of the Secretary of the Treasury, in order to know whether further instructions had been given to any of the collectors. The fact had now appeared that they did receive at New York the notes of specie-paying banks; and Mr. C. was understood to say that he had a letter in his drawer informing him that, on resumption, the notes of specie-paying banks were to be received and disbursed in payment of the public dues.

The communication was laid on the table, and ordered to be printed.

CHEROKEE INDIANS.

On motion of Mr. WRIGHT, the President's message and the communication of the Secretary of War, on the subject of delaying, for two years, the removal of the Cherokee Indians, and of making further provision for their removal and for indemnities to be made to them, was taken up, and, after some remarks by Mr. WHITE and Mr. SEVIER, it was referred to the Committee on Indian Affairs.

On motion of Mr. WHITE, the Secretary of War was required to inform the Senate whether any answer had been given by the Cherokee delegation to the propositions contained in his communication on the subject of the removal of the Cherokee Indians, and, if so, to transmit to the Senate a copy of such answer.

The following bills were severally read a third time, and passed:

The bill to authorize the entry of lands in Arkansas, covered by alleged, but unconfirmed, French and Spanish claims;

And the bill for the continuation of the Cumberland road in Ohio Indiana, and Illinois, which was passed by the following vote:

YEAS—Messrs. Allen, Bayard, Benton, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Davis, Grundy, Knight, Linn, McKean, Morris, Nicholas, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Tipton, Wright, and Young—23.

NAYS—Messrs. Brown, Calhoun, Clay of Alabama, Clayton, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Smith of Connecticut, Trotter, and White—18.

This bill was sent to the House, and subsequently returned with an amendment, in which the Senate concurred.

NAVY APPROPRIATION BILL.

The Navy Appropriation bill having been taken up on motion of

Mr. WRIGHT, he said a few words in relation to it, explaining some of the items of appropriation, and showing that a part of the expenditure was for the South Sea Exploring Expedition.

Mr. RIVES asked for information about the organization of the South Sea Expedition. He had understood that vessels had been changed, and men and armament reduced. Mr. R. wished to know upon what authority this was done.

Mr. WRIGHT answered, giving information derived from the Navy Commissioners. It was proposed to send the Vincennes with one hundred and twenty men, the Peacock with one hundred and five, the Relief with seventy, and the Porpoise with about fifty, making in all three hundred and fifty men. The Vincennes and Peacock were nearly ready for sea; the others would require some repairs or alteration. The amount of the present appropriation bill was very materially reduced when contrasted with that of prior years.

Mr. CRITTENDEN said he would move to reduce it still further, by striking out so much of that appropriation as related to the exploring expedition. He had been willing to make appropriations for exploring unknown seas and for scientific purposes; but this expedition had been about to sail for *four years*, in which period it might have sailed round and round the world, and explored all the known and unknown seas. Every thing done in relation to it only served to expose ignorance and mal-management. As fast as one arrangement was made, it only developed some new error to be corrected. One vessel is prepared and superseded, and no man could tell why or wherefore. Instead of progressing, we had been constantly retrograding both as to officers and vessels. The frigate which, like another Argo, was to have made rich and valuable discoveries, and might have returned with the golden fleece, was superseded. No commodore, no post captain, or other officer of rank selected, but a young lieutenant, standing somewhere about the fortieth on the list; and now this expedition, of which so much had been said, and from which so much had been expected, had dwindled down comparatively to nothing, and was to be commanded by a young officer taken from a grade where there were at least fifty before him on the list. He did not mean to say a word to disparage that officer. He had heard him kindly spoken of, and his scientific attainments favorably reported on; but he would maintain that it was a disparagement to the service—a disparagement to older and meritorious officers. In short, naval men were disgusted, the nation was disgusted, with the whole proceeding. Were we, then, to go on appropriating money for this mismanaged matter, at a time when the Treasury was embarrassed and empty, and every dollar appropriated would have to be borrowed? He did not know how gentlemen could reconcile it, unless on the principle of loosing one arrow and shooting off another, with a view to find it; the time might come when we would be better able to do it. He called on gentlemen, and particularly those who had been preaching economy, to come forward on this occasion. He hoped the Senator from Connecticut would remember the sermon he preached the other day on the subject of abstract economy. The little while the Senator had been in public life, he had borne a distinguished rank in his party, and had the right to give us the admonition, as he had sounded all the depths and shoals of experience. Since his brief day, the Treasury had passed from countless millions to utter bankruptcy. Yes, sir, said Mr. C. he and his friends, after having spent upwards of one hundred millions of dollars, when about closing his political life, discover that notions of abstract economy are of no avail, and that nothing short of *real economy* could do any thing for the country. Here, then, was an opportunity for him to carry his views into effect.

Mr. WRIGHT spoke briefly in reply to Mr. CRITTENDEN. He had never been a very great friend of the measure from the first; but as a great deal of money had been expended without any practical benefit, he was unwilling to withhold the present appropriation. Mr. W. said, that up to the first of this month, seven hundred and fifty thousand dollars had been expended on this expedition; a part of which was expended in building and preparing vessels for sea. He said that the reason why no officer of rank had been appointed was, that no officer of high grade, capable of taking charge, was willing to assume that responsibility.

Mr. NILES made a brief and pertinent reply to such of the remarks of the Senator from Kentucky as were levelled at him. If there had been a wasteful or prodigal expenditure, the gentleman ought to be satisfied that it was now reduced so far that they were carrying out the true principles of economy. Mr. N. could only say, if the measure was wrong, or ill-advised, it had its origin in the gentleman and his friends. It was one of their schemes for a splendid and magnificent Government, looking forward to new and untried worlds. It was never recommended by the Executive, but originated in Congress, and now, after so large an appropriation had been made, they were for abandoning the whole matter.

The gentleman says when I came into political life I found the Treasury full to overflowing, and that now it is bankrupt. Well, sir, there is some truth in all that; but how did it happen? It was brought about, in a great measure, by the gentleman's friends; and, I presume, by something of his agency also. The Senator from Ohio, not now a member of this body, pitched the tune, and, the gentleman and his friends sung to it with a vengeance. The revenue had accumulated to such an extent, and the Treasury was in such a flourishing state, the gentleman said we should be ruined if we did not do something to lessen it; the political doctors said the patient was in a plethora; if something was not done, the sufferer would die of the dropsy: there was a general consultation among them, and they recommended copious blood-letting. To be sure they did allow us five millions over the necessary wants of the Government; all the rest was let off. I was in much doubt at the time, though I voted for it. I thought they might be right for once, and, being willing to do all I could to relieve the patient, I went with them, though somewhat against my own judgment.

The next session, when the learned doctors assembled here, they said, "I told you so!" and "if we had not bled the patient so freely, he would have died!" Well, sir, what was the result? Why, the doctors found they had mistaken the case, and had bled the patient until the disease had assumed a typhoid character: he was in a very feeble and languid state. The patient, however, is now convalescing, said Mr. N; and if the same physicians would administer no more of their drugs, in a very little while we would be able to set him on his feet again. We have been brought to this, said Mr. N by the advice of the Opposition doctors; and I do not think they ought to try to throw upon us a larger share of the responsibility than we deserve. Mr. N. then made some playful allusion to the watchful manner in which he, together with his friend from Tennessee, [Mr. GRUNDY,] had guarded the Treasury; and as they were to close their political lives near about the same time, he hoped the Senate might not be ruined for want of their aid.

Mr. RIVES had come to the conclusion to vote against this item of appropriation. He thought the expedition, as it was arranged, would be productive of more harm than good. Nothing could be more fatal to chivalry than to send forward this expedition under the command of a Lieutenant, when so many officers of higher grade would have been glad to have undertaken it. He meant nothing to the dispraise of Lieutenant Wilkes; he was willing to accord him scientific knowledge and high professional capacity; but in his appointment the laws of discipline, of established grade, had been overlooked! Yes, sir, in this appointment the very fundamental principle on which the Navy was based was violated! Besides those officers high in rank, some forty or fifty Lieutenants, the seniors of Lieutenant Wilkes, had been disfranchised by the appointment of that officer. That might be considered a very small matter to some people, but to others it was of vast moment; and officers were particularly sensitive on that head. In a philosophical point of view it might be nothing, but where the feelings of officers were concerned it was every thing; and on a proper respect for that feeling, in a great measure, depended the glory, he might say the very existence, of the Navy.

The chairman of the Committee on Finance had told us that no officer of a higher grade could be found to undertake the command. That honorable chairman might have better sources of information than he, Mr. R. had; but such was certainly not the information he had received. He was informed by officers who had volunteered to undertake it; but whose offers were rejected in favor of Lieut. Wilkes; officers, he would undertake to say, second to none in the service for all those requisites that adorn the naval character. What led to the selection he had alluded to? Was it Mr. Wilkes's supposed scientific qualifications? If so, he presumed there were others on the list of his own grade, and senior to him in appointment, that were every way equal. Was scientific attainment every thing that was to be considered in the selection? He thought there was a large corps of scientific persons selected from the walks of civil life to fill that department. Where then the necessity of looking to that requisite alone in the selection? He would have thought, with that branch so well and ably filled, that the choice would have devolved, at least he would have looked for one of high rank, proverbial for moral energy, promptitude in the time of danger, &c. These were requisites, he thought, much more fitting the station. He had been informed that, in point of seamanship, Lieutenant Wilkes stood the lowest in his rank, and that, for the last fourteen years, he had seen but little of sea service. However skilled then he might be in astronomical and mathematical calculation, he was not suited to the energy of the occasion, nor should he have been selected to the station to the disfranchisement of his own class, thus throwing a stigma on the whole character of the Navy.

There were other reasons that would impel him to vote against this appropriation. The condition of the Treasury was so embarrassed, that on all sides we had lectures on the necessity of retrenchment and reform. It was but the other day a proposition to raise the salary of the Commissioner of the Land Office failed, as did the bill for the humane and laudable purpose of establishing a hospital in this District, and all on the score of the necessity of retrenchment; and should we now fit out this Expedition on a scale of magnificence? Was this a time, when the Treasury was empty, and application after application sent to us for relief? It was only the other day that we were called on for money; and he thought it would not be very long before (probably the close of the present session) we should be called on again. If it were so, he would take the occasion to observe, that the honorable chairman of the Committee on Finance himself would not be more ready or more willing in giving all that was necessary for the legitimate wants of the Government. It was true they might differ as to the means by which money was to be raised only; but in feeling and an action on that subject, he would yield to no man.

Mr. WRIGHT replied at length to the objections of the Senator from Virgina. The squadron was fitted out with a view to defend it merely from the wild islanders or pirates. Were they to ask before they make an appropriation, who was to command a certain ship. Such a thing certainly never entered into his [Mr. W's] head. That matter he thought was left, and very properly too, to the discretion of the other branch of the Government. It might constitue an objection in the mind of the Senator, but it certainly never would in his; because probably he was not so well acquainted with these matters as the honorable Senator. Mr. W. said the difficulty was in obtaining an officer of the proper grade who would take the command. He had no doubt, if they were allowed the entire control, plenty would be found. Mr. W. then went on in detail to show that the command had been offered first to one officer, and then to another, all of whom had either declined, or been relieved at their own request, which he thought at least proved no want of effort on the part of the proper authority to make a suitable selection. He had heard that officers had

sought it, but it was after Mr. Wilkes had been selected, and of course, would not have been superseded.

Mr. RIVES still contended that the reduction of the amount of men and guns did not destroy the rate of the ship. One of these ships, the Vincennes or the Peacock, he could not recollect which, had been a flag ship in the Indian Ocean; and that, if this course were persisted in, it would strike a fatal blow on the character of the Navy, from which it would never recover.

Mr. PRESTON was of opinion that they, as legislators, ought not to decide in so delicate a matter. The choice was was properly centred in the Executive branch. If it were with the Senate, they all might select some special favorite, of whose qualifications for that specific duty they were entirely ignorant. Besides, he deemed it highly improper for them to attempt to mix up these duties with the business of Congress.

Mr. P. contended that the purpose was purely a scientific one, and as such did not come within the prescribed rules that governed the navy. Suppose Lieutenant Wilkes had been selected by the Secretary to carry despatches to France or England, what lieutenant would dare come forward, and say, "My commission is older than Lieut. Wilkes's; I rank above him, and I must go on this very agreeable and delightful trip?" What would be thought of that; and was it not a parallel case? The gentleman from Virginia has told us that this was "a violation of all rule, of all law!" Wherein? I would ask. If in this country, let him show it; if in any other, let him advert to it. If the gentleman goes to England, the precedents are all against him; for I understand that Government has, in almost all instances, appointed junior officers. If rank was to have been consulted in this matter, all discretion on the part of the Executive would have been destroyed. It would have been cheated of its attribute, and you would have to take the first in command, and so go on down, for your commander. If the Department had considered it as a mere naval affair, a very different course would have been pursued. When Congress appropriates a million of dollars for any specific purpose connected with our naval concerns, obedience is to be enforced. If this were a strictly naval matter, would officers have been permitted to decline?

Mr. P. said he had heard much about young Lieutenants. He did not know what constituted youth in the opinion of gentlemen Mr. Wilkes was about his [Mr. P's] age, of years ripe enough certainly to be elected to the Senate, and he [Mr. P.] would be very glad to be considered a young man. Mr. Wilkes he knew was a gentleman of high nautical and scientific attainments, with enthusiasm, with energy, with spirit, with manly deportment, suited for this or any other occasion; and must have been in the Navy some five and twenty or thirty years, and could not be the very young Lieutenant that gentlemen were disposed to make him.

After a reply from Mr. CRITTENDEN, and a respond from Mr. PRESTON,

The Senate, at the suggestion of Mr. WEBSTER, with a view to obtain certain information in relation to the subject, then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, May 25, 1838.

The following Message, in writing, was received from the President of the United States, by the hands of his private secretary, ABRAHAM VAN BUREN, Esq.

To the honorable the House of Representatives of the United States:

I herewith submit a report from the Secretary of the Treasury explanatory of the manner in which extracts from certain newspapers relating to the introduction of foreign paupers into this country, and the steps taken to prevent it, became connected with his communication to me on that subject, accompanying my message of the 11th instant. Sensible that these extracts are of a character which would, if attention had been directed to them, have prevented their transmission to the House, I request permission to withdraw them.

May 24, 1838. M. VAN BUREN.

TREASURY DEPARTMENT, 24th May, 1838.

SIR: My attention has just been called to two extracts from one of the papers in New York city, relating to the introduction of foreign paupers, and submitted to the House of Representatives with your message of the 11th instant. This department has been engaged in collecting information on that subject during the last two years; and, while so employed, the local difficulties in some of the principal sea ports, caused by attempts to prevent the introduction of such paupers, became a topic of frequent communication to it—sometimes by written and printed statements, and sometimes in person by municipal officers.

Among other communications concerning it, some were made, in the course of the last summer, by a part of the Commissioners of Health of the city of New York, in a visit to the Department, and others were made by some person feeling an interest in the question, by forwarding the extracts before mentioned, as containing matter pertinent to the subject.

Without a critical examination, they were placed on file with the clerk having particular charge of that business; and when the papers in this Department concerning the introduction of foreign paupers, and "also what steps, if any, had been taken to prevent the introduction of such paupers into the United States," were collected for you, in the preparation of a reply to the call of the House, these extracts were submitted in connection with other matter bearing on those inquiries.

This was done in the pressure of business, without noticing the circumstance that in those extracts certain remarks and strictures of a personal character appear to be mingled, concerning the correctness of which the Department of course knows nothing, which it could not desire to aid in republishing, and which, had they been observed at the time, would not have been communicated. Respectfully, yours,

LEVI WOODBURY,
Secretary of the Treasury.

To the PRESIDENT of the United States.

The message and paper of the Secretary of the Treasury having been read,

Mr. RUSSELL said that as his colleague [Mr. HOFFMAN] was not present, Mr. R. would move the adoption of Mr. H's resolution offered yesterday, with certain modifications. He did so, he said, that the President and the Secretary of the Treasury might have an opportunity of placing themselves in a proper position.

Mr. CAMBRELENG saw no necessity for such a round about course, since all that was necessary was to comply with the President's request. He then made a motion to that effect.

Mr. WHITTLESEY of Ohio was clearly of opinion that that was the better course. The President had done all that could be expected of him—sent an explanation that must be satisfactory, and requested the withdrawal of the papers.

Mr. DROMGOOLE having made some suggestions,

The SPEAKER said the parliamentary form would be to move to discharge the committee to whom the papers had been referred therefrom, and that they be returned to the President.

Mr. CAMBRELENG modified his motion pursuant to the SPEAKER'S suggestion.

Mr. RUSSELL said it was with a similar object he had intended to make the motion indicated by him.

Mr. McKENNAN moved to postpone the further consideration of the subject till to-morrow.

Mr. ADAMS said, as the President and the Secretary of the Treasury had both stated that these objectionable papers had been sent to the House by inadvertence and unintentionally, he would not wish to hold either of those high officers responsible; but he would say, that if they had been sent intentionally it would have been the greatest breach of privilege he had ever known; and though he did not wish to apply any severity, it was apparent, that the papers having been sent, printed and sent forth to the world, as much injury would be done to the persons calumniated, to the mayor and highly respectable individuals of New York, as if they had been sent intentionally. View it as a question of privilege, he was opposed to any postponement, but as the gentleman from the city of New York was not in his seat, he would be willing it should be postponed till he came in.

Mr. McKENNAN said he would modify his motion so as to postpone the consideration of the message for two hours.

The SPEAKER suggested that the calling on committees for reports was in order, and this subject might be postponed till that business had been concluded.

Mr. McKENNAN acquiesced in that suggestion, and the subject, by general consent, was laid over.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of the legal representatives of Dr. James H. Spear.

Mr. W. from the same committee, to which this subject had been referred, reported the following resolution, which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition and papers of Andrew Rembert, praying compensation for a horse lost in the service of the United States, and that the same be referred to the Third Auditor of the Treasury for settlement, under the act of January 18, 1838.

Mr. W. from the same committee, made on unfavorable report on the petition of Eli Darling, praying pension for injury sustained in the service of the United States: laid on the table.

Mr. W. made an unfavorable report on the petition of Alexander Grant. Also, on the petition of Rebecca McCann, praying indemnity for loss of horse: severally laid on the table.

Mr. STEWART, from the same committee, made an unfavorable report on the petition of A. Avery, A. P. Pritchard, and P. U. Taylor, praying to be released from the payment of certain promissory notes: laid on the table.

Mr. HARPER, on leave, laid on the table an amendment he proposed, hereafter, to submit to some bill, but the title of it was not disclosed.

Mr. BOULDIN, from the Committee for the District of Columbia, reported, without amendment, Senate bill to extend the charter of the Bank of Alexandria, in the city of Alexandria, [to enable it to wind up its affairs,] which was postponed till Saturday, 4th of June, on motion of Mr. PETRIKIN.

Mr. B. also reported, without amendment, Senate bill to continue the corporate existence of the banks in the District of Columbia.

The bill having been read through, Mr. B. moved that it be put on its third reading, and made an earnest appeal in behalf of that motion

Mr. PETRIKIN moved to postpone the bill till Monday week, and gave his reasons therefor. He wanted the House to have time to look into the subject, and he was opposed to this mode of legislating by piecemeal.

Mr. BOULDIN remarked that all the charters of these banks would expire on the 4th of July next, and unless the House did not act upon this bill soon, it would be of no use.

Mr. THOMAS added further that there was no time now to go into a more full examination of the bank question generally. Moreover, the restrictions of this bill as to a resumption of specie payments, would enable the House hereafter to distinguish between the solvent banks and the rotten, if there were any of the latter. The bill was a somewhat hard one, but as the banks were willing to receive it he hoped it would be passed without delay. If they attempted to frame a measure for a recharter of these banks for twenty years, they might send a bill to the Senate, which would be rejected, and thus leave the District without banking facilities.

Mr. MERCER and Mr. JENIFER commented upon the very hard features of this bill, more so, the latter insisted, than any State in the Union had devised, and that he should move to strike out one of the restrictions in it.

Mr. PETRIKIN addressed the House for some time in opposition to the bill, and complained of the hurried manner in which it was attempted to be crammed down their throats, without deliberation or consideration.

Mr. BOULDIN said he would do what he believed he had never done before, demand the previous question; and having done so, the House reconsidered it—ayes 74, noes 60.

Mr. DROMGOOLE called for the yeas and nays on ordering the main question: but they were refused, and the main question was decided to be put without a division.

The main question was on ordering the bill to a third reading; and thereupon—

Mr. YELL asked for the yeas and nays, which were ordered, and were, yeas 131, nays 41.

So the bill was ordered to be engrossed for a third reading today, and the question being on its passage, (the House having voted down a proposition to postpone it till Monday next.)

Mr. ADAMS moved to recommit the bill to the Committee for the District of Columbia, with instructions so to amend the same as to provide that no dividends or profits should be paid to the stockholders of these banks at any time when they have suspended specie payments.

Mr. FILLMORE remarked that it required amendment in another particular. The bill contained no provision for the assent of the banks, and in case, therefore, of any suit being brought against either of them, under the restrictions of the bill, the plaintiff would be unable to prove the bank or banks had consented thereto.

Mr. BOULDIN had not the slightest objection to either of the amendments, but he dreaded hazarding the passage of the bill, which would be perilled if the bill was recommitted, and thereby further delayed.

The CHAIR now announced that the morning hour had expired.

Mr. BOULDIN hoped they would finish this bill, and he would move a suspension of the rule for the purpose.

Mr. ADAMS suggested to the gentleman not to press the motion, but suffer the bill to lie over for a single day.

Mr. BOULDIN persisted in his motion, but it was rejected, and the bill lies over for to-morrow.

The House then took up the President's message, as given above.

Mr. HOFFMAN reminded the House that, yesterday, he had expressed his belief that the President had no knowledge of these papers, and it gave him pleasure to find that the President had promptly and fully and completely exonerated himself. It had arisen from his too great confidence in the head of the Treasury Department; but Mr. H. insisted that that gentleman had not purged himself, for he had no right to have ordered such libels to be placed on the files among the archives of the country; and his stating that he had not given them a critical examination, was no excuse. He rejoiced, however, that the President had exonerated himself, and that he had himself proposed what Mr. H's resolution contemplated. He hoped they would be withdrawn, and that the act of withdrawal would read such a lesson as would prevent a similar recurrence here after.

Mr. DROMGOOLE suggested whether it would not be better first to lay the President's second message on the table.

The CHAIR replied that that could be done afterwards.

Mr. WHITTTESEY, of Ohio, inquired if the former document would go among the documents of the House.

The CHAIR said that ordinarily they would, but under this expression of the House they would not. The CHAIR would direct the document to be reprinted, omitting the papers referred to.

Mr. ATHERTON remarked that he regretted to hear the censures cast by the gentleman from New York upon the Secretary of the Treasury. He did not see why any imputation should rest upon the Secretary for trusting a clerk, more than upon the President for trusting the Secretary. The Secretary was distinguished for his untiring assiduity in the discharge of his duties; and he trusted that the gentleman from New York would take back what he had said of censure of the Secretary.

Mr. BRIGGS read from the letter of the Secretary of the Treasury, and said that it contained no word of condemnation, or of disapproval upon the extracts, or upon the personal attacks contained in them.

Mr. CUSHMAN inquired of the gentleman from New York [Mr. RUSSELL] if he did not know, at the time he moved his resolution, that the papers complained of were on file in the office of the Secretary of the Treasury?

Mr. RUSSELL replied that his original call, moved by him, was upon the Secretary of State, who responded that the information could not be furnished by him unless by order of the President. Mr. R. then introduced another call upon the President for it, the substance of which he stated, and Mr. R. had no possible means of knowing any thing of these exceptionable papers.

Mr. CUSHMAN then went on to read the resolution, which called for all information in possession of the President upon the subject of the introduction of foreign papers, either from the correspondence of agents or other sources; and he commented upon the press of business imposed upon the heads of departments during a session of Congress, and it was impossible that the Secretary could attend to all his business personally, and was obliged to trust to clerks; for this reason, every indulgence ought to be extended to him.

Mr. HOFFMAN, after stating that the word if, was a very meaning word, admitted, that if the Secretary of the Treasury was distinguished for any thing, it was for his untiring industry; and then he went on to show the distinction between the President and the Secretary of the Treasury. These obnoxious papers, he said, were sent to the Treasury singly, and not in connection with a mass of papers; and he wished to know, whether such papers should be filed without reading and examination by the Secretary. It was well known that it was not customary for the President to examine the documents prescribed with reports of the heads of departments, though he might think it expedient to do so hereafter. He considered it the duty of the Secretary to examine such papers connected with the duties of his office; and had not applied any epithet not strictly in accordance with the subject of inquiry.

Mr. CALHOUN would inquire how it happened that, if the Secretary was a man of such untiring industry, that these papers had escaped his observation? And he wished to be informed by the committee to whom the message had been referred, whether the obnoxious papers had come in manuscript, and had been regularly copied by a clerk, or whether they were slips cut out from a newspaper?

Mr. RUSSELL produced the newspaper from which one of the offensive articles was taken, which was the New York Truth Teller. The other was a slip, apparently from the same paper. Neither of them was transcribed.

Mr. CALHOUN then expressed his regret that such a paper, in any manner, whether through negligence or otherwise, should have been communicated to the House. He thought it disgraceful to the Secretary that such a fact should exist, and should be published to the country; and he did not see how that officer could come out of the ordeal unscathed.

Mr. MENEFEE commented on the doctrine maintained by the last Administration, that the President was responsible for the acts of his Secretaries, and said that he must, upon that doctrine, be held responsible for this transaction. He was opposed to having the papers withdrawn from the records. He wished to have them stand. They would not go against the President, for it appeared that as soon as the President became aware of their character, he took the earliest opportunity to disapprove of them, and to ask leave to withdraw them. The Secretary he would neither excuse nor condemn at present, but he would desire that the record should stand complete, as, in one form or another, it furnished proper ground for examination, if not for censure.

Mr. SIBLEY stated that he was about to move an amendment, and expressed his willingness to allow the President to withdraw that part of his message which charged certain citizens of the State of New York with corruption; and was going on to comment upon the remark in the President's message,

that the people of New York were under the influence of the banks in their late elections.

The SPEAKER stated that it was not in order to comment upon that subject.

Mr. SIBLEY said he wished to add to the amendment a clause giving to the President leave to withdraw that part of his message.

The SPEAKER said it would not be in order to move such an amendment, as it was upon a totally different subject.

Mr. SIBLEY then went on to speak at some length upon the impropriety of receiving and filing such scandalous libels in the archives of the country, and sending them to the House to be placed upon the records of an American Congress. This was the first time such an offence had been committed, and he hoped succeeding Secretaries would be warned that it must not be repeated, and that their files must be purged.

Mr. CRARY moved the previous question; but withdrew it at the request of

Mr. REED, who wished to make some suggestions as to the right of the Clerk to withdraw the papers from the files without the order of the House.

The SPEAKER said the Clerk would be under the direction of the House.

Mr. REED said he wished to avoid a greater evil, for if the papers must go upon the files at any rate, he wished to avoid the operation of expunging. He then renewed the motion for the previous question.

The motion for the previous question having been seconded, the main question was ordered to be then put, by a vote of 102 in the affirmative, noes not counted.

The main question being on the adoption of the resolution, was then carried without a division.

The original papers were thereupon ordered to be returned to the President.

Mr. CAMBRELENG then moved to lay the last message on the table, and print it.

Mr. HARLAN called for a division of the question, and the motion to lay on the table having been agreed to—

Mr. HARLAN opposed the printing, and stated that the copy of the "Truth Teller," containing the objectionable article, had on its margin an endorsement in the hand-writing of the Secretary of the Treasury, directing the clerk to place it among the papers relating to the emigration of foreign paupers. Mr. H. after some further remarks, expressed his thanks to the gentleman from Michigan for moving the previous question.

Mr. CRARY said he had moved the previous question, for the purpose of arresting a most unprofitable, and what was apparent would be a very protracted discussion, and he returned his thanks to the gentleman from Kentucky, for having himself afforded Mr. C. with an additional and forcible reason, why that motion should have been made.

The motion to print was then agreed to, without a division.

Mr. BELL moved that the Committee on Indian Affairs have leave to sit during the sessions of the House; which was ordered.

Mr. HOFFMAN then submitted a motion directing the clerk to reprint the document without the two papers objected to, and that the complete document already printed be not bound with the filed documents of the House, but subsequently withdrew it.

The private orders being announced—

Mr. CAMBRELENG gave notice that, on Monday next, at 12 o'clock, he should move the House to proceed with the consideration of the Indian appropriation bill.

Mr. MONTGOMERY gave notice that, on the same day, he should move to take up, during the morning hour, the resolution of the Post Office committee, for the printing of certain maps for the use of the Government.

Mr. EVANS asked the House to take up the President's message on the northeast boundary, but it being objected to, Mr. E. gave notice of his intention to address the House thereupon hereafter.

Mr. TAYLOR, on leave, from the Committee on Invalid Pensions, reported a bill granting a pension to James Wyman.

Mr. TAYLOR, from the Committee on Invalid Pensions, made unfavorable reports on the petition of Joseph Row, the petition of E. Cheney, the petition of Shadrach O'Brien, for arrears of pension; the petition of William Curly, for pension on account of wounds received whilst in the service of the United States; the petition of Joseph Penley, for pension on account of wounds received in the service of the United States; the petition of Asa H. Morse, for arrears of pension; which several reports were laid on the table.

On motion of Mr. TAYLOR, the Committee on Invalid Pensions was discharged from the further consideration of the petition of William Arney, and the same referred to the Committee on Revolutionary Claims.

The House then took up the "bill authorizing the issuing of patents to Augier Murch Perkins and John Howard Kyan;" the question being on the motion of Mr. MENEFEE to reconsider the vote of the House recommitting the bill to the Committee on Patents.

After a brief discussion, in which Messrs. MENEFEE, REED, TAYLOR, and CRAIG participated, this motion was agreed to.

Mr. TAYLOR then withdrew the motion to reconsider, originally made by him on the 19th instant, and the bill was passed.

The "bill to establish a pension agency at McMinville, Tennessee," was then taken up, on the motion made by Mr. MORGAN on the 19th inst. to reconsider the vote by which the bil was rejected.

The bill was earnestly advocated by Mr. TURNEY, and further debated by Messrs. BOND, TURNEY, and CRAIG; after which, the House refused to reconsider.

The bill for the relief of the representatives of John Jordan was postponed to Friday next.

The bill for the relief of Philip Turner, the enacting clause of which had been stricken out, was taken up with the motion to reconsider the vote of rejection made on a former day by Mr. UNDERWOOD.

The question of reconsideration was debated by Messrs. UNDERWOOD, TALIAFERRO, ALLEN of Vermont, and CUSHMAN.

Mr. PETRIKIN moved the previous question.

Mr. CUSHMAN demanded a call of the House, which was refused.

Mr. MILLER moved to lay the motion to reconsider on the table.

Mr. UNDERWOOD demanded the yeas and nays, which were ordered, and were—yeas 80, nays 65, so the motion to reconsider was laid on the table.

The bill for the relief of the heirs of Doctor Absalom Baird was taked up with the enacting clause stricken out in Committee of the Whole. The question being on concurrence with the committee—

On motion of Mr. McKENNAN, the consideration of the bill was postponed to Friday next.

The bill for the relief of Robert Wilmot, on motion of Mr. CRAIG, was postponed to Friday next.

Several bills, formerly reported by the Committee of the Whole, with amendments to them all, to strike out the clause allowing interest; which amendments were concurred in, and said bills were read a third time, and ordered to be engrossed, as follows:

A bill for the relief of the children of Colonel Henry Irwin.

A bill for the relief of the heirs of Lieutenant Colonel Richard Campbell.

A bill for the relief of the heirs of John Chilton, deceased.

A bill for the relief of the heirs of Thomas H. Bayles.

A bill for the relief of the heirs of John McClellan.

A bill for the relief of the heirs of Joshua Fanning.

A bill for the relief of the legal reptesentatives of Captain Charles Snead, deceased.

A bill for the relief of the representatives of Daniel Williams.

A bill for the relief of the representatives of William Hooker Smith, deceased.

A bill for the relief of Crawford Johnson.

A bill for the relief of the heirs of William B. Bunting, deceased.

A bill for the relief of the representatives of Timothy Feely.

A bill for the relief of the representatives of Dr. William Johonnot.

A bill for the relief of the representatives of Colonel Anthony Walton White.

The bills for the relief of the legal representatives of Colonel George Gibson, and for the relief of the representatives of Col. Francis Vigo, were postponed to Friday next.

On motion of Mr. CUSHING,

The House adjourned.

IN SENATE,

FRIDAY, May 25, 1838.

On motion of Mr. MORRIS, the Committee on Pensions was discharged from the consideration of various petitions that had been referred to them.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the petition of Joseph Cochrane, reported a bill for his relief, which was read, and ordered to a second reading.

Mr. LINN, from the select committee to which had been referred the bill to authorize the occupation of the Columbia or Oregon Territory, reported the same with amendments. Mr. L. said he had been directed by the committee to make a detailed report on the subject, and that he would present one on Monday next.

Mr. MORRIS, from the Committee on Pensions, to which had been referred the bill to establish an additional pension agency, in the State of Alabama, reported the same with an amendment.

On motion of Mr. WRIGHT, the Senate resumed the consideration of the bill making appropriations for the naval service for the year 1838, as the unfinished business of yesterday. The question being on Mr. CRITTENDEN'S motion to strike out the appropriation for the exploring expedition.

After some remarks from Mr. DAVIS in support of the motion, the question was taken, and the motion was lost—yeas 13, nays 28, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Morris, Prentiss, Rives, Robbins, Spence, Swift, White and Young—13.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Preston, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tallmadge, Tipton, Trotter, Williams and Wright—28.

The bill was then ordered to a third reading without a division; and,

On motion of Mr. WRIGHT, and by general consent, it was then read the third time and passed.

On motion of Mr. HUBBARD, the following resolution, submitted by Mr. CLAY, was taken up:

"*Resolved, &c.* That no discrimination shall be made as to the currency or medium of payment in the several branches of the public revenue, or in debts or dues to the Government; and that, until otherwise ordered by Congress, the notes of sound banks, which are payable and paid on demand in the legal currency of the United States, under suitable restrictions, to be forthwith prescribed and promulgated by the Secretary of the Treasury, shall be received in payment of the revenue and of debts and dues to the Government, and shall be subsequently disbursed, in a course of public expenditure, to all public creditors who are willing to receive them."

Mr. WEBSTER [Mr. CLAY assenting] offered the amendment before proposed to be offered by him, which is as follows:

Strike out the first clause of the resolution after the enacting clause, and insert,

That it shall not be lawful for the Secretary of the Treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment, in which debts or dues, accruing to the United States, may be paid.

Mr. CLAY of Kentucky addressed the Senate at length in support of the resolution.

Mr. BENTON replied, in opposition to it; and,

After a debate, in which Messrs. MORRIS, WEBSTER, CLAY, and WRIGHT, took part, Mr. WEBSTER'S amendment was adopted.

Mr. WRIGHT moved to amend the resolution by striking out the remainder of the original resolution.

Mr. CLAY of Kentucky moved to strike out the last clause; and,

After a debate, in which Messrs. CLAY of Ky. WRIGHT, KING, CALHOUN, CUTHBERT, MORRIS, and BUCHANAN, took part,

On motion of Mr. CALHOUN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 26, 1838.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill to provide for running boundary lines to lands assigned to Indian tribes west of the Mississippi, and for surveying portions thereof to be held in severalty.

Mr. MONTGOMERY, agreeably to the notice given by him yesterday, moved the House to take up the joint resolution providing for the purchase of certain maps of the States for the use of the Government, but waived it temporarily at the request of

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, who moved to discharge that committee from the further consideration of the petition of Sergeant Jasper, and, in the absence of Mr. LEGARE, by whom the petition had been originally presented, moved its reference to a select committee; but after some opposition by

Messrs. RENCHER and WHITTLESEY of Ohio, the subject was laid on the table.

DUELLING REPORT.

The unfinished business of the morning hour was then resumed, being the motion to print 10,000 extra copies of the testimony and journal of the select committee, appointed to inquire into the cause which led to the death of the late honorable JONATHAN CILLEY.

The question pending was on the amendment of Mr. FAIRFIELD, to print a like number of copies of the reports of the majority and minority.

Mr. MASON of Ohio concluded his remarks in opposition to the report of the majority.

Mr. POTTER then obtained the floor, and addressed the House but a few moments, when

The CHAIR announced the orders.

The following bills were severally read a third time and passed:

A bill for the relief of the legal representatives of the late John Barnes, deceased.

A bill for the relief of the heirs and surviving children of Col. Henry Irwin, deceased.

A bill for the relief of the heirs of Lieutenant Richard Campbell, deceased.

A bill for the relief of the children and heirs at law of John Chilton, deceased.

A bill for the relief of the heirs of Thomas H. Bayles, deceased.

A bill for the relief of the heirs of John M'Clellan, deceased.

A bill for the relief of the heirs at law of Joshua Fanning, deceased.

A bill for the relief of the legal representatives of Captain Charles Snead, deceased.

A bill for the relief of the legal representatives of Captain Daniel Williams, deceased.

A bill for the relief of the legal representatives of William Hooker Smith, deceased.

A bill for the relief of Crawford Johnson.

A bill for the relief of the heirs of William B. Bunting, deceased.

A bill for the relief of the legal representatives of Timothy Feely, deceased, late a lieutenant in the army of the Revolution.

A bill for the relief of the legal representatives of Dr. William Johonnot, deceased.

A bill for the relief of the representatives of Colonel Anthony Walton White, deceased, was taken up on its passage; and, on motion of Mr. ALLEN of Vermont, postponed until Friday next.

Mr. M. MORRIS of Pennsylvania, on leave, from the Committee on the Expenditures in the Department of State, made a report, which was laid on the table; and, together with the accompanying documents, ordered to be printed.

Mr. HARLAN moved that Senate bill, with the report of the House Committee on Private Land Claims thereon, to give effect to the 8th article of the treaty of 1819 with Spain, be referred to the Committee of the Whole on the state of the Union, which was agreed to.

PENSION BILLS.

On motion of Mr. TAYLOR, and pursuant to special orders the House went into committee, Mr. MCKENNAN in the Chair, and took up and considered the following bills, all of which, except those otherwise indicated, were ordered to be reported to the House.

1. A bill for the relief of Isaac Hilton.
2. A bill for the relief of Neil M'Neil.
3. A bill for the relief of Isaac Austin.
4. A bill for the relief of Amos Thompson.
5. A bill for the relief of Daniel Davis.
6. A bill for the relief of Oliver Peck.
7. A bill for the relief of Benjamin Gannett.—This bill was temporarily laid aside, Mr. HASTINGS having moved to amend it.
8. A bill for the relief of William York.
9. A bill for the relief of Huldah Taylor.—This was also laid aside on motion of Mr. MORGAN.
10. A bill for the relief of Solomon Ketcham.
11. A bill for the relief of Anna West.
12. A bill for the relief of William Fitzgerald.
13. A bill for the relief of William Jenkinson.
14. A bill for the relief of Joseph Veazie.
15. A bill for the relief of Simeon Smith.
16. A bill for the relief of Frederick Hill.
17. A bill for the relief of Conrad Widrig.
18. A bill for the relief of Ichabod Beardsly.
19. A bill for the relief of Christopher Dennison.
20. A bill for the relief of John McClellan.
21. A bill for the relief of the legal representatives of Sawney Yorke.
22. A bill for the relief of Josiah Clark.
23. A bill granting a pension to Alexander Gillis.
24. A bill for the relief of Frederick Wilheid.
25. A bill granting a pension to Elizabeth Case.
26. A bill for the relief of Simeon Moss.
27. A bill granting a pension to Thomas West.
28. A bill granting a pension to Chauncey Rice.
29. A bill for the benefit of Thomas Collins.
30. A bill for the benefit of Fielding Pratt.
31. A bill for the relief of John Bosworth.
32. A bill for the benefit of Samuel Brown.
33. A bill granting a pension to Bradley True Jipson.
34. A bill for the relief of Daniel Rardon.
35. A bill for the relief of Josiah Parker.
36. A bill for the benefit of Charles Coffin.
37. A bill granting a pension to Josiah Westlake.
38. A bill granting a pension to George Barkley and John Weaver.
39. A bill for the relief of Wealthy Barker, widow of Isaac.
40. A bill for the relief of William Davis.

41. A bill for the relief of William Faris.
42. A bill for the relief of Josiah Strong and Samuel Remick.—Laid aside on motion of Mr. ALLEN of Vermont.
43. A bill granting a pension to James M. Edwards.
44. A bill for the relief of Samuel B. Hugo.
45. A bill granting a pension to Samuel J. Smith.
46. A bill for the relief of Robert McBride.
47. A bill granting a pension to Emanuel Srofe.
48. A bill for the relief of Gilbert Sprague Fish.
49. A bill for the relief of Jacob Shade.
50. A bill granting a pension to William Bowman.
51. A bill for the relief of George McFaddin.
52. A bill granting a pension to Robert Lucas.
53. A bill for the relief of David Wilson.
54. A bill for the relief of James H. Bradford.
55. A bill for the relief of John F. Wiley.
56. A bill granting a pension to Randolph Carter.
57. A bill granting a pension to Richard Elliot.
58. A bill granting a pension to Seth Whitney.
59. A bill granting a pension to Benjamin Price.
60. A bill granting a pension to William Harper.
61. A bill for the relief of Presley Gray.
62. A bill for the relief of John McCormick.
63. A bill for the relief of James Francher.
64. A bill for the relief of Ann Bloomfield.
65. A bill for the relief of Catharine Rollins.
66. A bill for the relief of William Smith.
67. A bill for the relief of Primus Hall, alias Trask.
68. A bill for the relief of James McFarland.
69. A bill for the relief of James Fleming.
70. A bill for the relief of Tandy Walker.
71. A bill granting a pension to Richard Hall.
72. A bill granting a pension to John R. Mowinter.
73. A bill for the relief Myron Chapin.
74. A bill for the relief of Samuel M. Asbury.
74. A bill for the relief of Nathaniel Davis.
75. A bill for the relief of Robert Whitlet.
76. A bill for the relief of Isaac Boyd
77. A bill granting a pension to Robert Casey.
78. A bill for the relief of Leonard Loomis.
79. A bill granting a pension to Robert Frazier.
80. A bill for the relief of Sylvester Tiffany.
81. A bill for the relief of Isaac Justis.
82. A bill granting a pension to Daniel W. Kinney.
83. A bill granting a pension to James Boylan.
84. A bill for the relief of James Bailey.—Laid aside, on motion of Mr. ALLEN, of Vermont.
85. A bill for the relief of Daniel B. Perkins.
86. A bill for the relief of William Glover.
87. A bill for the relief of Eli Eastman.
88. A bill for the relief of Elizabeth French.
89. A bill for the relief of Eliphalet Spafford.
90. A bill for the relief of Pamela Brown.—Laid aside, on motion of Mr. UNDERWOOD:
91. A bill for the relief of James Boyd.
92. A bill granting a pension to Sarah Barney.
93. A bill for the relief of William Steel.
94. A bill granting a pension to Michael McCray.—Laid aside on motion of Mr. SAWYER.
95. A bill granting a pension to Thomas Frazer.
96. A bill granting a pension to James Smith.
97. A bill granting a pension to John M. Jewell.
98. A bill granting a pension to Daniel W. Going.
99. A bill granting a pension to Benjamin F. Westley.
100. A bill for the relief of Solomon Prewett.
101. A bill granting a pension to James C. Coffin.
102. A bill granting a pension to Benjamin Mitchell.
103. A bill granting a pension to Johan Jost Dietz.
104. A bill granting a pension to Jacob Erb.
105. A bill for the relief of James B. Rice.
106. A bill in favor of Lewis Hatch.
107. A bill for the relief of Sarah Pemberton.
108. A bill granting a pension to Philip Hartman.
109. A bill for the relief of Eliza Causin, representative of Colonel Stone.—Laid aside, on motion of Mr. WILLIAMS of Kentucky.
110. A bill for the relief of Joseph W. Knipe.
111. A bill for the relief of Joseph Salmonds.
112. A bill granting a pension to John Casey.
113. A bill granting an increase of pension to Ann Ross.
114. A bill for the relief of Barton Hooper.
115. A bill for the relief of Huldah Tucker.
116. A bill for the relief of the widow of Noah Chittendon.
117. A bill for the relief of William Collins.
118. A bill granting a pension to Gideon Sheldon.
119. A bill granting a pension to Cotton Evans.
120. A bill for the relief of Frederick Sammons.
121. A bill for the relief of Elizabeth Jones and others.—Laid aside on motion of Mr. TALIAFERRO.
122. A bill for the relief of Asahel Kingsley.
123. A bill for the relief of Erastus Pierson.
124. A bill for the relief of William Andrews.
125. A bill for the relief of Benjamin McCulloch.
126. A bill granting a pension to Martha Strong.
127. A bill for the relief of Marcy Richards, widow of Daniel Richards, deceased.
128. A bill for the relief of Eleanor Clark.
129. A bill for the relief of Frances Chandler.
130. A bill for the relief of Ann Rewalt.
131. A bill granting a pension to Phebe Champe.
132. A bill granting a pension to Catherine Allen.
133. A bill for the relief of David Mellee.
134. A bill for the relief of Levi M. Roberts.
135. A bill for the relief of David Rollins.
136. A bill for the relief of Elijah Blodget.
137. A bill for the relief of Aaron Tucker.
138. A bill for the relief of Joseph Bailey.
139. A bill for the relief of Isaac Gale.
140. A bill for the relief of William Poole.
141. A bill for the relief of Hiram Saul.
142. A bill for the relief of Weight Hurlburt.
143. A bill for the relief of Levi Johnston.
144. A bill restoring the name of John Davis to the pension roll.
145. A bill restoring the name of John Lathram to the pension roll.
146. A bill for the relief of Jacob Becker.
147. A bill for the relief of Jacob Grist.
148. A bill for the of Mary Phelps.
149. A bill for the relief of Oliver Dorsett.
150. A bill for the relief of Captain James Hunter.
151. A bill authorizing the payment of pension to the executors of Robert Laird.
152. A bill for the relief of Charles Risley, of Indiana.
153. A bill for the relief of Letitia Crane.
154. A bill for the relief of Matthew Wiley.
155. A bill granting a pension to Stephen Appleby.
156. A bill for the relief of Sylvester Nash.
157. A bill for the relief of Levi Colmus.
158. A bill for the relief of Simeon Knight.
159. A bill granting a pension to Coffin Sanborn.
160. A bill for the relief of William Sloan.
161. A bill for the relief of Wilfred Knott.
162. A bill for the relief of Moses Eldred.
163. A bill for the relief of William R. Joynes.
164. A bill for the relief of Jacob Baugh.
165. A bill for the relief of John England.
166. A bill in favor of Lewis F. Delesdernier.
167. A bill granting a pension to Daniel H. Crockett.
168. A bill for the relief of Miller Francis.
169. A bill for the relief of Lieutenant John Allison.
170. A bill for the relief of Henry Barton.
171. A bill for the relief Henry Challer of New York.
172. A bill for the relief of Charles Vattier.
173. A bill for the relief of John Lybrook.
174. A bill granting a pension to Leonard Smith.
175. A bill granting a pension to Job Halsey.
176. A bill for the relief of Elisha Davis.
177. A bill for the relief of Sibel Barnes, of Ohio.
178. A bill granting a pension to Stephen Olney, of Warren, Pennsylvania.
179. A bill for the relief of Peter Hedrick, of North Carolina.
180. A bill for the relief of Elisha Bently.
181. A bill granting a pension to William Ford, of Virginia.
182. A bill granting a pension to Susannah Roe.
183. A bill in favor of Wm. Ferguson.
184. A bill for the relief of Jacob Miller, of North Carolina.
185. A bill granting a pension to Israel Parsons.
186. A bill granting a pension to Neil Shannon, of Virginia.
187. A bill granting a pension to Thomas Maxwell, of Indiana.
188. A bill for the relief of the executors of Robert McFarland.
189. A bill for the relief of Henry Bush.
190. A bill granting a pension to David W. Sleeth, of Virginia.
191. A bill in favor of Mary Snow.
192. A bill granting a pension to Susannah Hoagland.
193. A bill granting a pension to Harvey Reynolds.
194. A bill granting a pension to John H. Lincoln.
195. A bill granting a pension to Samuel Hatton, of Virginia.
196. A bill granting a pension to John Brown.
197. A bill for the relief of William A. Cuddeback.
198. A bill granting a pension to Phebe Weeks.
199. A bill granting a pension to Helen Miller.
200. A bill granting a pension to Thruston Cornell.
201. A bill for the relief of Thomas Harrison.—Laid aside, on motion of Mr. ALLEN of Vermont.
202. A bill for the relief of Benjamin B. Dowd.
203. A bill granting a pension to Mary Updegroff.
204. A bill for the relief of Truman Kellog.
205. A bill for the relief of Eunice Sanders, late Eunice Pierson.
206. An act granting a pension to David Gilmore.
207. A bill for the relief of Cecilia Rogan, of Virginia.
208. A bill granting a pension to John Black, of Georgia.
209. A bill for the relief of the heirs of Charles Fitzgerald, of Indiana.
210. A bill for the relief of John Keeller.
211. A bill for the relief of Elam Higley.
212 A bill for the relief of Jared Winslow.
213. A bill for the relief of John Smith, of Virginia.
214. A bill granting a pension to Benjamin Durfee.
215. A bill granting a pension to Elijah Fouchee.
216. A bill granting a pension to Elizabeth Durant.
217. A bill granting a pension to James Sayre.
218. A bill granting a pension to Frances Jones, of Virginia.
219. An act to create a pension agency at Montpelier, Vermont.—Laid aside, on motion of Mr. ALLEN of Vermont.
220. A bill granting a pension to Reuben Murray.
221. A bill granting a pension to James Wyman.

Mr. TALIAFERRO then withdrew his objection to bill 121 in the above list, and it was then ordered to be reported.

On motion of Mr. MORGAN, the committee then rose and reported the bills acted on to the House, and had leave to sit again on those that were laid aside.

Those reported without amendment were all (with the exception of the "bill for the relief of Amos Thompson," which was excepted to by Mr. ALLEN of Ohio,) ordered to be engrossed or a third reading.

Those amended were also concurred in, except 591, (excepted to by Mr. ALLEN of Vermont,) and they were likewise severally ordered to a third reading.

Mr. ALLEN of Ohio withdrawing his objection to the "bill for the relief of Amos Thompson," it was also ordered to be engrossed for a third reading.

The House then took up the "bill for the relief of Captain James Hunter;" and

Mr. ALLEN of Vermont having called for the reading of the report,

Mr. FRY moved the postponement of this bill till the others were read a third time, and passed; which was agreed to: and

On motion of Mr. BOON, they were all severally read a third time by their titles, and passed.

The "bill for the relief of Capt. James Hunter" was then again taken up, and opposed by Messrs. ALLEN of Vermont and CUSHMAN, and supported by Messrs. POPE, EWING, GRAVES, TAYLOR, and BOON, when it was ordered to a third reading to-day; and the question being on its passage,

Mr. ALLEN of Vermont moved a call of the House, which was refused; and the bill was passed.

On motion of Mr. GRAVES, the title was so amended as to read "for the relief of Mary Hunter, wife of Captain James Hunter."

The bill for the relief of the representatives of Colonel Anthony Walton White having been postponed, the postponement was reconsidered, amended, by general consent, and then the bill was passed.

On motion of Mr. TAYLOR, the House again went into committee—Mr. McKENNAN in the Chair, on the bills laid aside this morning.

The bill for the relief of Benjamin Gannett was amended according to the motion of Mr. HASTINGS, and laid aside to be reported.

The bill for the relief of Huldah Taylor was laid aside temporarily.

The bill for the relief of Josiah Strong and Samuel Remick was taken up, and, after discussion, was ordered to be reported.

The bill for the relief of James Bailey was again considered, and ordered to be reported.

The bill for the relief of Pamela Brown was considered, and after discussion, was ordered to be reported.

The bill granting a pension to Michael McCray was laid aside.

The bill for the relief of Eliza Causin, representative of Colonel Stone, was amended, and ordered to be reported.

The bill for the relief of Thomas Harrison was taken up, and the enacting clause was stricken out.

On motion of Mr. BOND, the committee then rose and reported.

The SPEAKER presented a communication from the Secretary of War, in answer to a resolution of the House, containing a statement of the amount of additional allowance proposed to be made to the Cherokees, as follows:

DEPARTMENT OF WAR, *May* 25, 1838.

SIR: In compliance with the resolution of the House of Representatives of the 23d instant, requiring a statement of the amount that will be required for the additional allowance proposed to be made to the Cherokees, I have the honor to present the following estimate:

The payment of the expenses of removing the remaining Cherokees, estimated at 15,840, at $30 a head	$475,200 00
Amount applicable to that purpose	39,300 00
Balance to be provided for	$335,900 00
If it should be deemed proper to make any further provision for the payment of the subsistence of the emigrants for one year after their arrival in the West, it will require, estimating the whole number at 13,335, thereby including those who have already emigrated, and allowing the amount stipulated to be paid by treaty, viz: $33 33 a head	611,105 55
Add for contingencies, under estimates, both of number to be removed, and of expenses to be incurred	100,000 00
The amount of the annuities, payment of which is asked for by the deputation, will be	33,330 00
	$1,080,355 55

Very respectfully, your ob't serv't,

J. R. POINSETT.

Hon. J. K. POLK,
Speaker of the House of Representatives.

And the communication was ordered to be laid on the table, and printed.

On motion of Mr. WILLIAMS of Kentucky,

The House then adjourned.

IN SENATE,

SATURDAY, May 26, 1838.

The following bills from the House were severally read twice, and referred:

The bill for the relief of the legal representatives of John Barnes, deceased.

The bill for the relief of the children and heirs of Col. Henry Irwin.

The bill for the relief of the heirs of Lieutenant Colonel Richard Campbell.

The bill for the relief of the children and heirs at law of John Chilton, deceased.

The bill to authorize the payment of the seven years' half pay due on account of the Revolutionary services of Thomas H. Boyle, deceased.

The bill to authorize the payment of the seven years' half pay due on account of the Revolutionary services of John McClellan, deceased.

The bill for the relief of the heirs at law of Joshua Fanning, deseased.

The bill for the relief of the legal representatives of Captain Charles Sneed, deceased.

The bill for the relief of the legal representatives of Daniel Williams, deceased.

The bill for the relief of the legal representatives of William Hooker Smith, deceased.

The bill for the relief of Crawford Johnson.

The bill for the relief of the heirs of William B. Munding.

The bill for the relief of the legal representatives of Timothy Feeley, deceased.

The bill for the relief of the legal representatives of Doctor William Johonnot, deceased.

The Senate resumed the consideration of the resolution submitted by Mr. CLAY of Kentucky, to make bank notes receivable and payable in the receipts and expenditures of the Government.

After some remarks from Messrs. CLAY of Kentucky, CALHOUN, SEVIER, RIVES, NILES and WRIGHT, the question was taken on Mr. CLAY's motion to strike out the last clause of the resolution, making bank notes payable in the expenditures of the Government, and carried—yeas 44, nays 1, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Linn Lumpkin, Lyon, McKean, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Robbins, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Strange, Swift, Trotter, Webster, White, Williams, Wright and Young—44.

NAY—Mr. Tipton—1.

The question was then taken on Mr. WRIGHT'S motion to strike out the second clause of the resolution, which makes the reception of bank notes imperative, and decided—yeas 28, nays 19, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Williams, Wright and Young—28.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, Webster, and White—19.

The decision of the two foregoing questions leaves the reso-

lution as amended by Mr. WEBSTER, and in effect to repeal the Specie circular.

Mr. MORRIS then addressed the Senate at some length in opposition to the resolution; and after some remarks from Messrs. WEBSTER, KING, and SEVIER,

Mr. M. submitted the following amendment.

"And should the Secretary of the Treasury, in pursuance of the discretion vested in him by a resolution of Congress, passed on the thirtieth of April, eighteen hundred and sixteen, deem it expedient and proper to receive in payment to the United States, on account of any sum or sums of money accruing or becoming payable to the same, the note or notes of any bank or banks which are made payable and paid on demand by such bank or banks in the legal currency of the United States, the said Secretary shall receive such notes only, and none other, as are authorized by law to be offered in payment in any case in which money is to be paid by the United States; and it shall be the further duty of the Secretary to cause all such notes to be presented at the respective bank or banks for payment monthly, or oftener, should he think it proper to do so; and on receiving such payments, may cause the same to be deposited as a special deposite in such bank or otherwise, as may be directed by law, or as the said Secretary may think necessary and proper, so to remain for the use and benefit of the United States, until drawn therefrom by order of the said Secretary; and no bank note or notes shall be received by said Secretary of any bank which shall issue notes of a less denomination than five dollars, or which bank shall not be within miles of the place where such note is offered in payment."

Mr. MORRIS moved an adjournment: not carried—ayes 15, noes not counted.

After some remarks from Messrs. STRANGE and ALLEN,

On motion of Mr. ALLEN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, May 28, 1838.

Mr. HAYNES, on leave, presented a petition for a post route, and

Mr. WILLIAMS of Kentucky, presented some papers in relation to a private claim.

Resolutions were then called for, and were presented as follows:

Mr. PETRIKIN offered the following resolution, which, under the rule, lies over for one day:

Resolved, That the Committee for the District of Columbia be instructed to call upon the several banks within said District, who are now asking for an extension of their charters, to furnish the said committee, for the information of this House, statements of the situation of said banks, on the first day of this month, and give such information as will distinctly show their actual condition on said day.

Resolved, That said banks be called upon by said committee for a list of the names of the presidents, cashiers, directors, and other officers of said banks respectively, with the amounts due from each of said officers to said banks, either as drawer or endorser, with the date of the original indebtedness of said officers to such bank.

Resolved, That the said banks be called upon by said committee for a list of amounts due from members of Congress, with the name of each member, and whether drawer or endorser, and the date of the original loan and indebtedness.

Mr. HENRY presented an amendment, which he stated he intended to offer to the bill, No. 802, reported by the Committee on the Post Office and Post Roads; which was read, laid on the table, and ordered to be printed; which was as follows:

"That newspapers shall be carried in the mail free of postage within the limits and bounds of the respective counties where the same are printed and published."

Mr. RUSSELL offered the following resolution, which giving rise to debate, lies over for one day:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the 5th section of the act entitled "An act to regulate the deposites of the public moneys," passed the 23d of June, 1836, as prohibits receiving in payment of dues to the Government, and disbersing the same, the bills of specie paying banks, which issue notes or bills of a less denomination than five dollars. And, also, so much of the 2d section of the act entitled "An act making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 1836," passed April 14, 1836, as prohibits the issuing in payment by any officer or Department of the Government, the notes or bills of specie paying banks of a less denomination than twenty dollars

On motion of Mr. RENCHER,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of placing on the roll of Revolutionary Pensions, the name of Abraham Storer, of North Carolina.

On motion of Mr. CONNOR,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Leagle's Store, via Peter Warlick's Store, to Malegrove, in Lincoln county, North Carolina.

On motion of Mr. BOND,

Resolved, That the President of the United States be requested to communicate to this House any information he may have relative to a claim of certain citizens of the United States upon the Government of Holland, growing out of the seizure of the ship Mary and cargo, of Baltimore, during the year 1800; and that he be further requested to transmit to this House any communications which have been received from our Charge d'Affaires at the Hague, relative to this claim, which he may not deem injurious to the public interest to communicate.

Resolved, That the Secretary of the Navy be requested to communicate to this House copies of all letters, communications, documents, and correspondence which have passed between him and the naval commissioners, naval constructors, and all other officers and persons, relative to the construction, building, and equipment of the steam frigate Fulton, now at the navy yard at Washington, and also state to the House the cost of the said vessel and equipments, designating separately the cost of the hull, engines, and boilers.

On motion of Mr. HAMMOND,

Resolved, That the Committee on Revolutionary Pensions be requested to inquire into the expediency of placing upon the pension roll Mrs. Rachel McCay, widow of Neal McCay, a Revolutionary soldier.

On motion of Mr. POTTER,

Resolved, That the Committee on Revolutionary Pensions be requested to inquire into the expediency of placing upon the pension roll the name of Samuel Jordan, of Northumberland county, Pennsylvania, for services during the Revolutionary war.

Mr. PRATT submitted the following resolution, which giving rise to debate, under the rule, lies over one day:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of causing a full length portrait of each President of the United States, to be erected by an American artist, and placed in the Presidential mansion; also, to inquire into the expediency of procuring busts of each of said Presidents, to be placed in a suitable apartment within the Capitol; and, also, to inquire into the expediency of designating a suitable apartment in the Capitol, or other fire-proof public building, in which to deposit the flags and trophies captured from our enemies, together with, any valuable relics belonging to the General Government, or presents received from foreign Governments or individuals.

On motion of Mr. McKAY,

Resolved, That the Clerk be directed to cause a monument to be erected in the Congressional burial ground, in Washington, to the memory of Colonel James Gillespie, a member of the House of Representatives of the United States for the State of North Carolina, who died at the seat of Government, in the discharge of his official duties, on the 10th January, 1805. Also, a monument to the memory of of Naisworthy Hunter, Delegate from Mississippi, who died at the seat of Government on the 11th March, 1802; which monuments shall be after the fashion, and of the materials, of those erected to the memory of members of Congress who have since died at the seat of Government.

Mr SNYDER offered the following resolution, which was considered by the House and rejected:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of abolishing the Military Academy at West Point.

On motion of Mr. CASEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Salem, by Martin's Ferry, to Greenville, and from Salem to Ewington, in Illinois.

On motion of Mr. YORKE,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a breakwater on Crow shoals, at Cape May roads, in Delaware bay.

On motion of Mr. ADAMS,

Resolved, That all the resolutions of State Legislatures, petitions and memorials relating to the annexation of Texas to the United States, presented at the late and present sessions of Congress, and laid on the table, be referred to the Committee on Foreign Relations, to which the resolutions of the Legislature of Massachusetts, and sundry petitions against the said annexation, have already been referred.

On motion of Mr. JOS. L. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Maryville, Tennessee, to Dahlonega, Ga. via Montvale Springs, Tn.

On motion of Mr. HUNTER of Ohio,

Resolved, That the 4th day of June next be set apart for the consideration of the bill, 394, to provide for certain harbors, etc.; and also bill 766, making appropriations for the improvement of certain harbors therein mentioned, and for the surveys of certain harbors for the year 1838: rejected.

On motion of Mr. ALLEN of Ohio,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing for the construction of an armed steam vessel on Lake Erie, to aid in more effectually enforcing our revenue regulations, in maintaining the supremacy of the laws, in preserving the public peace, and in repelling hostile invasion.

On motion of Mr. WHITE of Indiana,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making Delphi, in the State of Indiana, a port of entry.

On motion of Mr. CUSHING,

Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public interest, to communicate to the House the proceedings of the Commissioners appointed under the 11th article of the treaty of Ghent, to fix and determine the boundary between the United States and the possessions of Great Britain in North America, from the foot of the Neebish rapids, as fixed under the 6th article of the said treaty, to the northwesternmost point of the Lake of the Woods; and also to communicate to the House the correspondence, if any, which the two Governments may have had in relation to the disagreeing reports of said Commissioner, and any other information in possession of the Executive on the same subject.

Mr. BRIGGS offered the following resolution, which under the rule, lies over one day:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of obtaining from Mr. Catlin, an American artist, his original Indian portraits, now being exhibited in this city; which were taken by him during seven years' travel and residence amongst thirty-eight different nations; and also, to ascertain from Mr. Catlin upon what terms they may be possessed by the Government, to be preserved as memorials of the native tribes which they represent.

On motion of Mr. CROCKETT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Dresden, via Hunter and Pound's Store, in O'Brien county, Winton, in Gibson county, and Ridley Jones, in Dyer county, to Dyersburg, in the State of Tennessee.

On motion of Mr. LINCOLN,

Resolved, That the Committee on Military Affairs be instructed to consider the expediency of directing an immediate distribution of the arms and equipments now deposited in the several armories and arsenals of the United States, to the several States and Territories thereof, in conformity to the act of Congress of April 23d, 1808, so far as the same can be done without prejudice to the public service.

Mr. HARLAN offered the following resolution, which, causing debate, lies over under the rule

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the next session of the present Congress shall commence on the first Monday of November next.

Mr. BOON offered the following resolution, which, objection being made to its consideration at that time, lies over under the rule:

Resolved, The Senate concurring therein, that the Speaker of the House of Representatives, and the President of the Senate, close the present session of Congress by an adjournment of the two Houses over which they preside, respectively, on the first Monday of July next.

On motion of Mr. JOHNSON of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of increasing the compensation of the postmaster at Mount Willing, in the State of Louisiana.

On motion of Mr. ALEXANDER,

Resolved, That the Committee for the District of Columbia consider the expediency of making an appropriation for aiding in watering Pennsylvania avenue.

On motion of Mr. LEADBETTER,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing an examination and survey of the situations in and near Prorçoe, in the county of Coshocton, and Bolivar, in the county of Tuscarawas, in the State of Ohio, two points upon the Ohio and Erie Canal, with a view to the establishment of a national armory.

Mr. WILLIAMS of Kentucky submitted the following preamble and resolutions:

Whereas, the opinion is entertained by many members of the House of Representatives who voted against the issuing of Treasury notes, that it is the intention of the Administration to fix upon the country a Government bank; and that the issuing of Treasury notes is the commencement or foundation upon which a Government bank, or something nearly approaching thereto, is to be erected and established:

And whereas, in the opinion of those who opposed the issuing of Treasury notes, that there is not any thing more to be deprecated than the establishment of a Government bank, or the issuing of Treasury notes as the medium or currency for the people and the Government. Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That they deprecate and condemn, in the strongest terms, the issuing of Treasury notes with a view or intention to fix upon the country and the Government a Government paper currency or medium of circulation, in lieu of gold and silver, or the bank paper of specie paying banks.

Resolved further, That they deprecate and condemn, in terms equally strong, any attempt, either directly or indirectly, to establish a Government bank, or any institution that approaches thereto, or in anywise resembles, or has the appearance or coloring of a Government bank.

Mr. WILLIAMS asked that the resolution be now considered.

Mr. CUSHMAN expressing an intention of addressing the House thereupon,

The CHAIR said the resolution must, therefore, under the rule, lie over.

Mr. WILLIAMS thereupon moved a suspension of the rule, and asked for the yeas and nays; which, being ordered, were—yeas 81, nays 84.

So the House refused to suspend.

Mr. HAYNES submitted the following preamble and resolutions:

Whereas, each of the States of this Union has a right to participate in the public lands, the common fund for their use and benefit, according to their respective proportions in the general charge and expenditure,

Resolved, That as the public lands constitute a revenue fund, subject to the said principle of distribution, and as taxes are levied upon the people, and not upon the States as such, that any distribution which may be made of those lands should be made among the citizens of the several States and Territories of the Union, according to the principle by which direct taxes are regulated by the Constitution; and that a select committee be appointed, with instructions to report a bill making an apportionment of all the public lands of the United States among the citizens of the several States and Territories, according to the ratio by which direct taxes are apportioned among them.

Objection being made to its consideration at that time, Mr. HAYNES moved a suspension of the rule; which was not agreed to. It consequently lies over under the rule.

On motion of Mr. WILLIAMS of New Hampshire,

Resolved, That the message of the President of the United States, communicated to this House on the 14th February, 1837, transmitting a claim of the State of New Hampshire for reimbursement of expenses incurred by that State in maintaining jurisdiction over that portion of its territory north of the 45th degree of latitude, known by the name of Indian Stream Settlement, be referred to the Committee on Foreign Affairs.

On motion of Mr. CAMPBELL of South Carolina,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing, by law, for the payment of expenses incurred, and supplies furnished, on account of the battalion of South Carolina Militia, received into the service of the United States for the suppression of Indian hostilities in Florida, during part of the campaign of 1837.

Mr. MERCER submitted the following:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of vesting the power of appointing the attorneys, marshals, and district —— of the several courts of the United States, in the Judges thereof: That the Committee of Ways and Means be instructed to inquire into the expediency of vesting the power of appointing and removing the several officers of the customs in the Secretary of the Treasury, with the restriction that he shall in the case of every removal transmit to Congress his reasons therefor: And that the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of causing the salary of the Postmaster General to be reduced to the sum of $3,500 per annum, to take effect whenever a vacancy shall occur in said office; and of requiring that officer, on his removal of any deputy from his office, to transmit to Congress his reasons therefor.

On motion of Mr. JONES, of New York,

Resolved, That the National Foundry Committee be instructed to inquire into the expediency of establishing a National Foundry on the Hudson river, at or near Newburg, in the State of New York.

On motion of Mr. MONTGOMERY,

Resolved, That the Secretary of the Navy be instructed to report to this House what alterations, if any, are contemplated

in the steam battery Fulton, now at the navy yard in this city.

On motion of Mr. EWING,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Vincennes, State of Indiana.

On motion of Mr. INGHAM,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Mrs. Margaret Judd on the pension roll.

On motion of Mr. MOORE,

Resolved, That the President of the United States be requested to lay before this House, so far as the public interest will permit, copies of the correspondence and documents now on the files of the Department of State, having relation to a claim of the orphan children of Peter Shackerly, a seaman or carpenter, who was killed on board the U. S. ship Chesapeake when attacked by the British ship of war Leopard, on the 22d of June, 1807, which claim is alleged to be embraced by the overture made by the British Government, through Mr. Foster, its minister, of November 1, 1811, to provide for the families of those who were slain on that occasion; which overture was formally accepted by the United States, in a communication from Mr. Monroe to Mr. Foster, of November 12, 1811.

On motion of Mr. ADAMS,

Resolved, That the President of the United States be requested to cause to be communicated to this House, if not incompatible with the public interest, any correspondence not heretofore communicated, between this Government and that of the Republic of Texas; and also with the Government of any other country, relating to the annexation of the said Republic of Texas to the United States, and to inform this House whether the application from the said Government of Texas to the United States for admission to this Union, has been withdrawn.

On motion of Mr. HOFFMAN,

Resolved, That the Committee on the Public Buildings be directed to inquire into the expediency of authorizing the President of the United States to contract with John Fearee for a statue of Thomas Jefferson, to be placed in the Library of Congress.

On motion of Mr. HOFFMAN,

Resolved, That the Committee on Private Land Claims be directed to inquire into the expediency of providing by law for the issue of land scrip in favor of Elizabeth Hamilton, widow, and the other heirs at law of Alexander Hamilton, who was a Lieutenant Colonel in the Revolutionary army, in satisfaction of a land warrant issued to her and them, dated the 30th July, 1813, and numbered 622; which land warrant has been lost; and, as appears by a certificate of the Commissioner of the Land Office, has never been satisfied.

On motion of Mr. A. H. SHEPHERD, of North Carolina,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of providing by law for the establishment of a pension agency at Salem, North Carolina.

Mr. UNDERWOOD, of Kentucky, offered the following resolution, which, under the rules, lies over:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notes of specie-paying banks incorporated by the several States, payable on demand at their several banking houses, shall be received in discharge of all sums of money due the United States, whether for land or any other matter or thing whatever, under the following regulations and restrictions, to wit:

1. The notes of no bank shall be received which does not own and keep in its vaults half as much specie as it has notes in circulation.

2. The notes of banks which have a capital of $2,000,000 actually paid in, shall be received by all collecting and receiving officers throughout the United States.

3. The notes of banks which have a capital of $1,000,000 actually paid in, and less than $2,000,000 actually paid in, shall be received by the collecting and receiving officers within the States in which the banks respectively are located.

4. The notes of banks which have a capital of less than $1,000,000, may be received, at the discretion of the Secretary of the Treasury, within the States wherein they are respectively located; but this discretion shall in no case authorize the receipt of the notes of any such bank which does not own and keep up in its vaults specie to the one-half of the amount of its notes in circulation.

Resolved, That the Secretary of the Treasury shall from time to time instruct the receiving and collecting officers of the Government what bank notes they shall receive, under the regulations aforesaid; and the said Secretary shall not direct the receipt of the notes of any bank until such bank has fully reported its condition, and shown its ability to meet the foregoing requirements; and if any bank refuses to give satisfactory information in regard to its condition, from time to time, as the Secretary may require, or if it shall appear, at any time, that the directors of any bank, whose notes are made receivable, permit the ratio between its specie and circulation above prescribed to be destroyed, without taking immediate and efficient measures to restore and keep it up, it shall be the duty of the Secretary of the Treasury to cause the receipt of the notes of such bank in payment to the United States to be discontinued.

On motion of Mr. GRENNELL,

Resolved, That the Secretary of the Treasury be requested to communicate to the House an account of the moneys received by him from the French Government, and transferred to the United States by authority of the act of July 13, 1832, entitled "An act to carry into effect the convention between the United States and his Majesty the King of the French, concluded at Paris on the 4th of July, 1831," showing the gross amount of the several instalments of indemnity, with interest thereon, as paid by the French Government, in execution of said convention; the mode and medium of transferring the same to the United States; the expenses or other deductions sustained in making said transfer; and the nett proceeds thereof payable and paid to the parties entitled in virtue of the award of the commissioners appointed under said convention.

On motion of Mr. GARLAND of Louisiana, it was

Resolved, That the Secretary of State be directed to communicate to this House whether there is, or not, evidence on file in the Department of State, showing that the Government of Spain, after the treaty of St. Ildefonso, concluded on the first day of October, in the year 1800, between Spain and France, did not continue to claim all the Territory south of the 31st degree of north latitude, and east and north of the island of Orleans, lying between the Mississippi and Perdido rivers, as forming a part of the province of West Florida, until the execution of the treaty between Spain and the United States on the 22d day of the month of February, 1819; and whether Spain did not continue to hold possession of said territory, and exercise actual jurisdiction over the said, until about the year 1810: also, whether there is, or not, evidence on file showing that the Government of the United States protested or remonstrated against the claim or right set up by France to the aforesaid territory, under the treaty of St. Ildefonso, prior to the execution of the treaty between France and the United States on the 30th day of April, 1803, ceding Louisiana; and, if any such documents or evidence do exist, that then the said Secretary communicate the same to this House, together with all the documents on file showing the time and manner of taking possession of said territory by the United States.

On motion of Mr. FILLMORE, it was

Resolved, That the Committee on the Judiciary, to whom were referred certain resolutions and petitions on the subject of requiring terms of the District Court for the Northern District of New York to be held in the Western and Northern parts of said State, be requested to report on said resolutions and petitions with all convenient speed.

On motion of Mr. W. B. CAMPBELL,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying the staff of the Governor of the State of Tennessee, who were engaged in organizing the various calls for volunteers, made upon said Governor by the Secretary of War and General Gaines, during the year 1836, according to the respective rank of each, under the laws of the State of Tennessee.

On motion of Mr. LEWIS,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Clayton, in Barbour county, via Feagan's Store to Crockettsville, and from thence to Salem, in Russell county. Also, a route from Rockford, via Locka Factory to the Georgia Store, in Talapoosa county. Also, a route from Columbus, Ga. to Fort Mitchell, thence to Natural Bridge, thence to Sand Fort, thence to Uchee P. O. thence to Fort Bainbridge, and from thence to Feagan's Store. Also, from Tuskegee to Auburn, thence to Mount Jefferson and to Cupetab. Also, a route from Irvinton, by the most direct route to Stockton.

On motion of Mr. HAWKINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Gaston, in North Carolina, by Henderson to Raleigh; also, from Henderson to Williamsboro.

On motion of Mr. BELL,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route leading from Gallatin, in the county of Sumner, by Lagado Academy, in the county of Wilson, to Murfreesboro, in the county of Rutherford, in the State of Tennessee.

Petitions and memorials were then presented as follows:

FLORIDA.

By Mr. DOWNING.

[Mr. DOWNING presented the petition of John Cayford, praying compensation for services performed under a contract with Captain Hills, &c. Also, additional evidence, &c. showing the necessity for a light-house at Cape St. Blas: referred to the committee who have that subject under consideration.]

MICHIGAN.

Mr. CRARY.

[Mr. CRARY presented a petition for a mail route from Dexter to the county seat of Eaton county; as also for a mail route from Lyons to Grand Rapids; also, a joint resolution of the Legislature of Michigan in relation to the public lands.]

INDIANA.

Mr. WHITE.

[Mr. WHITE presented the petition of C. B. Simonson and others, citizens of Kosciusko county, Indiana, praying relief to Daniel Webb, James Comstock, and Joab Comstock, whose title to lands purchased from the Government has been defeated by the location of an Indian reserve.]

LOUISIANA.

Mr. GARLAND.

OHIO.

Messrs. BOND and HUNTER.

[Mr. HUNTER presented the petition of Christian Miller and others, and Samuel McGaughey and others, asking for the repeal of so much of the post office law, as to take off the postage on papers carried by mail to any office within the county in which they are published.]

KENTUCKY.

Mr. RUMSEY.

GEORGIA.

Mr. OWENS.

[Mr. OWENS presented the memorial of citizens of Jeffersonton, State of Georgia, praying the establishment of buoys in St. Andrew's Sound, in said State.]

SOUTH CAROLINA.

Mr. CAMPBELL.

VIRGINIA.

Messrs. HOPKINS and JOHNSON.

[Mr. JOHNSON presented the petitions of Evan Thomas, John Gooding, and others, for pensions, which were appropriately referred.]

MARYLAND.

Messrs. WORTHINGTON and JOHNSON.

[Mr. WORTHINGTON moved that the petition of David R. Whiteby, a soldier of the late war, asking to be placed on the list of invalid pensioners, be recommitted to the Committee on Invalid Pensions, which was agreed to.]

PENNSYLVANIA.

Messrs. PAYNTER, DAVIS, KEIM, NAYLOR, TOLAND, BEATTY, and OGLE.

Mr. KEIM presented the petition of Michael Seitzinger, a soldier of the Revolution, praying for a pension.]

[Mr BEATTY presented two petitions, one in favor of a McAdamized road from the National road to the harbor of Erie, Pennsylvania; and the other the petition of Mary Shrayer, widow of Mathias Shrayer, a Revolutionary soldier, praying for relief.]

NEW JERSEY.

Mr. HALSTEAD.

NEW YORK.

Messrs. PATTERSON, PECK, BRONSON, CLARK, TAYLOR, and DEGRAFF.

[Mr. BRONSON presented the petition of sixty-eight citizens of Jefferson county, in relation to the Cherokee treaty, and praying that the rights of the Cherokees may be respected, and that the alleged treaty may not be executed by force; and moved its reference to the Committee on the Union having charge of the Indian Appropriation bill.]

Mr. HAYNES moved to lay it on the table; whereupon

Mr. BRONSON called for the yeas and nays.

Mr. ADAMS appealed to the mover to withdraw the motion to lay on the table.

Mr. HAYNES declined, and the question being then taken was decided in the affirmative—yeas 101, nays 74.

So the memorial was laid on the table.

[Mr. TAYLOR presented the petition of 52 inhabitants of the county of Onondaga, in relation to the late duel.]

VERMONT.

Mr. ALLEN.

[Mr. ALLEN presented the petition of Merrill Pittsburg, praying for arrears of pension: referred to the Committee on Invalid Pensions.]

MASSACHUSETTS.

Messrs. REED, GRENNELL, CALHOUN, HASTINGS, ADAMS, and CUSHING.

[Mr. HASTINGS presented the resolutions of the Legislature of Massachusetts on the right of petition, protesting against the resolution of this House of the 21st of December last, as an assumption of power, in violation of the spirit of the Constitution, subversive of the fundamental principles of our free institutions, at war with the prerogatives of the people, destructive of the relations between them and their representatives, derogatory to the dignity and rights of the States, and dangerous to the Union; and moved that they be referred to a select committee, and be printed.

Mr. DROMGOOLE moved to lay the resolutions upon the table; and upon this motion,

Mr. HASTINGS called for the yeas and nays, which were ordered, and for the reading of the resolutions.

And the resolutions having been read, were laid upon the table—yeas 110, nays 59.

Mr. ADAMS renewed the motion that the resolutions be printed; which

The SPEAKER decided was not in order, as the resolutions had been laid upon the table.]

[Mr. CUSHING presented anew the resolves of the Legislature of Massachusetts on the right of petition, which had been previously presented by Mr. HASTINGS, for the purpose of moving that the resolutions be printed for the use of the House; which was ordered accordingly; and the resolves were then, on motion of Mr. HAYNES of Georgia, laid on the table.]

NEW HAMPSHIRE.

Mr. FARRINGTON.

[Mr. FARRINGTON presented the petition of Judith Libbey, of Gilmanton, New Hampshire, praying for a pension: referred to the Committee on Revolutionary Pensions. Also, the petition of Pearson Cogswell and others, for a mail route in New Hampshire: referred to the Committee on the Post Office and Post Roads.]

MAINE.

Mr. FAIRFIELD.

Petitions were then further presented by Mr. WHITTLESEY of Ohio, Messrs. CARTER and STONE of Tennessee, and Mr. JOHNSON of Louisiana.

[Mr. STONE presented the petition of Captain Clabourn Gatt and 32 others, citizens of Marion co. Tenn. praying for the establishment of a mail route from Pikeville, in Bledsoe co. Tenn. via Hensons, Hilliards, Rankin's Ferry, on the Tennessee river, to Squirreltown, in Dade co. Ga.: referred to the Committee on the Post Office and Post Roads.]

Mr. BELL, on leave, from the Committee on Indian Affairs, reported an amendment to the Indian appropriation bill, which was referred to the same Committee of the Whole on the state of the Union having charge of that bill.

Mr. B. also reported the following resolution, which was concurred in:

Resolved, That the Secretary of War communicate to the House any information in his Department showing the value of Cherokee improvements assessed under the treaty of 1835, and that he also state what amount of money has already been paid for said improvements; whether the improvements of that portion of the Cherokees, who have heretofore opposed the execution of said treaty, have been examined, and the value thereof assessed, and whether any, and what, portion of the value of said improvements has been paid, and in what manner; distinguishing the amount paid to the Cherokees who have emigrated, for improvements, with the amount deducted therefrom for their debts; and the amount paid on account of the spoliations of such Cherokees; and that he also state the estimated balance of the five millions stipulated to be paid by said treaty, which will remain to be provided according to its provisions.

Mr. BOULDIN made an ineffectual effort to call up the bill in relation to the District banks.

INDIAN APPROPRIATION BILL.

Mr. CAMBRELENG moved that the House again go into Committee on the Union on the "bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for 1837," but, it being objected to,

Mr. C. moved a suspension of the rules, which prevailed, 108 to 40, and the House accordingly went into committee, Mr. HOWARD in the chair, on the above bill.

The question was on the following amendment submitted on Monday last by Mr. BELL, by adding to the end of the bill the following:

"*Provided*, That, if the President shall ascertain that all discontent and further opposition on the part of any portion of the Cherokee Indians to the treaty of eighteen hundred and thirty-five can be allayed or avoided, by allowing an additional compensation for the lands ceded to the United States by the said treaty, and that the Government may thereby be saved the expense of keeping on foot the large military force in the Cherokee country now contemplated, he is hereby authorized to apply two millions of the sum appropriated by this act to that object."

Mr. GRAHAM of North Carolina concluded his remarks, contending for the correctness of the policy of removing the Indians beyond the Mississippi, and for the fulfilment of the treaty with all reasonable haste. He did not object to any necessary and reasonable postponement of the removal, but protested against the propriety of the interference recently made by the Executive.

Mr. HAYNES went fully and in detail into the history of the legislation of the State of Georgia and of the United States, with an account of the various treaties and stipulations made between the State and the United States, and between the United States and the Cherokees, together with the action of the Le-

gislature of that State, down to the present time, and after proceeding for some time, gave way to Mr. UNDERWOOD, on whose motion the committee rose.

The SPEAKER laid before the House a report of the survey of part of the Dismal Swamp canal; which, on motion of Mr. MERCER, was referred to the Committee on Roads and Canals; and, on motion of Mr. McKAY, ordered to be printed.

On motion of Mr. GARLAND of Virginia, the House went into committee—Mr. MONTGOMERY in the Chair, on the "bill to require the District Judge of the East and West District of Tennessee to hold a court at Jackson, in said State."

Mr. CROCKETT moved an additional section; which, after some remarks from Messrs. GARLAND, FILLMORE, and CUSHMAN, was agreed to, and the committee rose and reported the amendment, concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

On motion,

The House adjourned.

IN SENATE,

MONDAY, May 28, 1838.

The CHAIR communicated a report from the Secretary of War, made in compliance with the resolution of the 24th inst. requiring information whether any answer has been received from John Ross and his associates of the Cherokee delegation to the proposals made to them by the department, and communicated to the Senate on the —— instant. The report states that no answer has been received.

On motion of Mr. WHITE, it was referred to the Committee on Indian Affairs.

The CHAIR also communicated a report from the Postmaster General, in compliance with the resolution of the 23d instant, stating that, having no legal authority to require the receipt of bank notes by the postmasters, he had issued no instructions to them to that effect; but that he understood that the postmasters had been receiving the notes of such banks as paid specie on demand: laid on the table and ordered to be printed.

The CHAIR also communicated a report from the Treasury Department, in answer to the resolution of the 26th February, transmitting tables showing the rates of foreign and domestic exchange, and the prices of bank notes; which, on motion of Mr. BENTON, was laid on the table and ordered to be printed.

A number of private bills from the House were passed through their first and second readings, and referred to the appropriate committees.

Mr. BUCHANAN presented, at the request of Lucius W. Stockton, the memorial of William B. Stokes, surviving partner of Stockton and Stokes, praying to be remunerated for losses sustained in consequence of the refusal of the Postmaster General to pay the award of the Solicitor of the Treasury: referred to the Committee on the Post Office and Post Roads.

Mr. CLAY of Alabama, presented the petition of a large number of citizens of Alabama, praying the establishment of a mail route: referred to the Committee on the Post Office and Post Roads.

Mr. C. also presented the petition of a number of citizens of Cherokee county, Alabama, praying that a quantity of land may be granted them, to aid in the erection of the public buildings for the seat of justice of said county: referred to the Committee on Public Lands.

Mr. BUCHANAN presented three memorials from a number of the citizens of Pennsylvania, remonstrating against the Cherokee treaty: laid on the table.

Mr. NORVELL presented the resolutions of the General Assembly of the State of Michigan, asking authority to relinquish certain lands granted for the University of that State, and to locate other lands in lieu thereof: referred to the Committee on Public Lands.

Mr. HUBBARD submitted a resolution, authorizing the transmission of all the original papers belonging to any claim that may be referred to the heads of Departments, to such heads of Departments, together with the claim: adopted.

Mr. WHITE, from the Committee on Indian Affairs, reported a bill for the relief of Richard T. Burke, which was read, and ordered to a second reading.

Mr. NILES, from the Committee on Manufactures, to which was referred the memorial of sundry citizens of New York on the subject, reported a bill allowing a drawback of duty on foreign coal; which was read, and ordered to a second reading.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

The bill to secure the payments of certain commissions on duty bonds to collectors of the customs.

The bill for the relief of Moses Merrick; and

The bill for the relief of George J. Knight.

The bill for the relief of Thomas H. Owen, and John W. Skidmore.

The bill for the relief of the legal representatives of William Sandford, deceased.

The bill for the relief of Richard Cravat, Hardy Perry, and Betsey Cheney.

The bill for the relief of John P. Austin.

The bill for the relief of Colonel Charles Morgan.

The bill to confirm certain land claims in Louisiana.

The bill granting a pension to Hannah Leighton.

The bill granting a pension to Lemuel White.

The bill from the House of Representatives for the relief of Henry Beamish was taken up, and indefinitely postponed.

Also, the bill for the relief of William H. Beale.

The Senate then took up the resolution submitted by Mr. CLAY. The question being on the amendment offered by Mr. MORRIS on Saturday last.

Mr. MORRIS rose, and addressed the Senate until near four o'clock, when he withdrew his amendment, and offered a resolution repealing the joint resolution of 1816, and on this motion Mr. CLAY asked the yeas and nays, when there appeared for it 8, against it 36, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Morris Niles, Smith of Connecticut, and Strange—8.

NAYS—Messrs. Bayard, Buchanan, Clay of Alabama, Clay of Ken., Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Merrick, Nicholas, Norvell, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, Williams, Wright, and Young—36.

The question was then taken on ordering the resolution to be engrossed as amended, when there appeared—for it 34, against it, 10, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, King, Lumpkin, Lyon, McKean, Merrick, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, Williams, and Young—34.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Hubbard, Linn, Morris, Niles, Smith of Connecticut, and Strange—10.

On motion of Mr. NORVELL,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 29, 1838.

The Hon. Mr. PARRIS, member elect from the State of Maine, appeared, was qualified, and took his seat.

Mr. BOON moved the House to take up the resolution submitted by him yesterday: proposing to fix the day of adjournment of the present session of Congress.

Objection being made—

Mr. B. moved a suspension of the rules, but the House refused.

Petitions were, on leave, presented by Mr. MORRIS, of Ohio, and Mr. TILLINGHAST, of Rhode Island.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported the following resolution:

Considering the long delay which has unavoidably attended the action of Congress on many cases submitted to the Committee on Revolutionary Claims, in the ordinary course of legislation—

Resolved, That the Chairman of that Committee be instructed to make the following proposition to the House for adoption, viz: That the House will at 12 o'clock, on Saturday, the 2d of June, go into Committee of the Whole House, on the bills reported from the Committee on Revolutionary Claims.

Mr. BOND moved to include the bill to extend the pension system, which was agreed to.

Mr. REED moved also to include the cases of navy pensioners.

Mr. GRENNELL moved to amend this amendment, by adding certain other bills which he named.

Mr. CRAIG appealed to the gentleman not to load down the original proposition with so many propositions as would inevitably defeat the object thereof.

Mr. GRENNELL accordingly withdrew his proposition.

Mr. EVERETT moved some other bill, which was agreed to.

Mr. YELL moved to include the bill to extend the time of locating military bounty land warrants in Arkansas and Illinois.

Mr. CRAIG could see no affinity between this proposition and his, and he hoped the gentleman would not press it.

Mr. YELL's amendment was rejected.

Mr. RUSSELL proposed to include a report in the case of Stephen Freeman: lost.

Mr. REED's amendment, as amended, was then agreed to.

Mr. PECK moved a reconsideration of the vote by which Mr. YELL's proposition was rejected; which was agreed to, and the amendment was then concurred in.

Mr. LOOMIS moved the following: "and all other private bills, each in their proper order:" lost.

The resolution was then agreed to—ayes 108, noes not counted.

Mr. TALIAFERRO, from the same committee, reported a bill for the relief of the legal representatives of John Spotswood.

Mr. T. also reported a bill for the relief of the legal representatives of Thomas P. Harrison.

Mr. SHEPPERD, from the same committee, reported without amendment, Senate bill for the relief of Patrick M'Gibbony.

Mr. PATTON, from the same committee, reported Senate bill without amendment, for the relief of Moses Van Campen.

WYOMING CLAIMS.

Mr. PETRIKIN propounded an inquiry to the chairman of the Committee on Revolutionary Claims, and wished to know if that committee intended to report on the claims of the Wyoming sufferers during the present session. Mr. P added that it was a subject in which he felt a very deep interest, and few ever more merited the prompt consideration of Congress.

Mr. CRAIG replied that the subject was in charge of a gentleman from Kentucky, not then in his seat, who had not yet reported to the committee. His own opinion was understood to be that it would be reported on the present session.

Mr. HARLAN, from the Committee on Private Land Claims, reported a bill for the relief of James Barrett, and moved its third reading; which motion, after some discussion, by Mr. H. and Messrs. POPE and WHITTLESEY of Ohio, was withdrawn, and the bill recommitted for the purpose of preparing a report setting forth the merits of this particular case.

Mr. GARLAND of Louisiana, from the same committee, reported a bill for the relief of Robert M. Roberts, or his legal asignee.

Mr. HOWARD, from the committee on Foreign Affairs, moved that the "bill to settle the accounts of Richard Harrison" be included in the order of Saturday next; which was agreed to.

DISTRICT BANKS.

Mr. BOULDIN then moved to take up the "bill to extend the charters of the existing banks in the District of Columbia.

Mr. PETRIKIN wished his resolution calling for information to be first adopted.

The motion, however, was agreed to, and the bill taken up, being on its passage.

The question was on the motion of Mr. ADAMS to recommit the bill to the Committee on the District of Columbia, with instructions so to amend it as to prohibit the stockholders from receiving any dividends or profits pending the suspension, by those banks, of specie payments.

Mr. PETRIKIN moved to add the following to the instructions: "and also that no member of Congress, clerk, or other officer, of either branch thereof, shall be appointed or elected president, director, or other officer of any of said banks."

Mr. THOMAS remarked that the bill had already been discussed at considerable length, and he believed the House was prepared to vote upon it. So believing, and in order to test its sense, he moved the previous question, but withdrew it at the request of

Mr. MERCER, who renewed it, after making a few remarks, and after Mr. ADAMS had briefly supported his amendment.

The previous question was then seconded, 89 to 56; and on ordering the main question,

Mr. PETRIKIN called for the yeas and nays, but they were refused, and the main question was ordered without a division.

Mr. MONTGOMERY then asked for the yeas and nays on the main question, being the passage of the bill, and, being ordered, they were—yeas 130, nays 46.

So the bill was passed.

NORTHEAST BOUNDARY.

The message of the President of the United States in relation to the claims of the State of Maine for aggressions, &c. committed on her boundary, was then taken up on its reference.

Mr. EVANS, who was entitled to the floor, went on to say, that the question was one of great interest and importance, and if the Government of the United States did not act in the matter so as to settle the boundary question, the Government of the State of Maine was bound by an act of their Legislature to take some decided steps. The message referred to claims of the State of Maine for the reimbursement of expenses incurred by them in relation to the boundary, but that he considered the least important question for consideration. He referred to the correspondence communicated, and commented upon the proposition for a convention upon the basis of the original American proposition, as modified by the British Government.

Maine, he said, was averse to the original proposition, which was made on the 20th of April, 1833; and there had been a controversy between the General and State Governments ever since, and they could never agree; but the original proposition has been coupled with a highly objectionable principle of surveying and exploration. It went to limit and restrict the commission, and, instead of allowing them to examine and run the line according to the treaty, they would be compelled to run a line different to that heretofore contended for. They would be allowed to depart from the true north line, and run a line westward, which would be in effect an abandonment of all the claims made on our part. The British Government would not agree to the proposition, except with preliminary arrangements, that the highlands should be sought south instead of north of the river contended for; and also, that certain rivers were not Atlantic rivers. Our Government refused to clog the commission with such limitations, and therefore the commission had not been instituted. Maine insisted that the commission should not be restricted by any thing but the terms of the treaty, because it was apparent that the restrictions proposed would all operate for the benefit of Great Britain.

The British Government proposed that the commission should ascertain a point in the highlands, which divide the waters, and it would inevitably give them the whole Territory in dispute, for the commissioners would certainly stop at the only point where they could agree, and that would undoubtedly be a point south of Mars Hill, where they had always been willing the line should run.

Mr. E. went into an examination of the terms of the treaty and referred to various acts of parliament and proclamations, together with the original charters of the provinces of Massachusetts, Quebec, and Nova Scotia, and contended that the original boundary of Massachusetts, (now Maine,) was upon the river St. Lawrence; and after the act of Parliament in 1784, which he contended, confirmed and recognised the boundary of Nova Scotia, and referred to the northwest angle of that province as the starting point to run the boundary of Maine, and from that time to this, the angle, as mentioned in the treaty had been fully recognised, and well known. But he objected to the terms of the commission, that they omitted altogether to take that starting point, and proposed to find another and a different one; and all the evidence contained in charters, treaties, acts of Parliament, and maps was to be left out of their consideration. He objected to this course, and insisted that it was now proper to consider and establish the tide upon the evidence known to exist.

Mr. E. concluded by moving to commit so much of the message as related to the expenses, to the Committee on Foreign Affairs, and to lay the balance on the table; but withdrew the latter temporarily, and

Mr. FAIRFIELD proceeded to reply to his colleague, and referred to and read several papers to show that the proposition of the American Government would be favorable, and that it was agreed in the conditions that the award of the commission should be final and binding upon the parties; and he thought it would lead to a just and satisfactory award.

Mr. CUSHING went at some length into a protest against the terms proposed for the commission, and said that Great Britain had always declared that they would stop south of the boundary claimed, and would never consent to go farther north than Mars Hill. He considered that American proposition was an entire abandonment of the claims of this country, and he objected to them upon two considerations. The first was, that it was yielding to the false assumption that there were no such highlands as were described in the treaty, which were to be reached by a line running due north from the northeast angle of Nova Scotia. This false assumption had been made by Great Britain, and by consenting to the proposition, our Government would yield the point, because, by consenting to run a line in a different direction to other highlands, it would concede that no such highlands existed as were mentioned in the treaty. The assumption of Great Britain on this point was false, because such highlands did exist and were recognised, corresponding letter for letter with the description in the treaty.

The other objection he had, was that Great Britain had, in the negotiations of 1783, and in 1814, asserted that the United States held all their lands as a grantee, and could hold no territory to which they could not show a title by deed. This ground he was disposed to resist as fatal and false, involving questions of boundary wherever our frontier met with that of the Government of Great Britain.

Mr. CAMBRELENG alluded to the question being now merely preliminary, and that any final action must await a report from the Committee on Foreign Affairs; and, after referring to the urgent state of public business in other respects, he moved the previous question, but withdrew it at the request of Mr. HOWARD, who promised to renew it.

Mr. HOWARD then went into a statement of the action of the Government in relation to this controversy; and gave assurances that the question was considered by the Government with great attention, as one affecting not merely the State of Maine, but the whole country. The subject was so considered by the Committee of Foreign Affairs, and it was known that this connected with other subjects, might involve the country in war. Under this aspect, though he, for one, did not fear a war with any foreign power, yet it became necessary to act with prudence. He would not sacrifice the least right, or just claim; and while he assured the gentleman from Maine that the action of the Government would be conducted with all due regard for our national rights and character, he thought there was no necessity for the haste sometimes manifested to enforce a speedy settle-

ment of the question. He referred to, and read portians of, the correspondence between the Secretary of State and Mr. Fox, the British Minister, and contended that the terms of the proposition for the convention did not involve the evils spoken of by the gentleman from Maine.

Mr. H. concluded by renewing, according to his promise, the motion for the previous question, but, it being obvious that no quorum was present,

Mr. THOMAS moved a call of the House, and asked for the yeas and nays, which were ordered—ayes 18, noes 51, being over one-fifth, and a call having been determined upon, 83 to 43, was proceeded in only through the first letter of the alphabet, when, on motion of Mr. HAYNES, it was dispensed with—ayes 77, noes 45.

The previous question was then seconded by the House—65 to 57.

Some confusion, however, having arisen as to what would be the main question, the House again divided, and the result was ayes 63, noes 59, so that it was again seconded, and, on ordering the main question, the division of the House was ayes 70, noes 42, no quorum voting—

Mr. RIVES called for the yeas and nays, which being ordered, were—yeas 89, nays 61

The main question being thus ordered—

Mr. EVANS then moved to lay the whole subject on the table, which was agreed to—ayes 88, noes not counted.

INDIAN APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. HOWARD in the chair, on the bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

The question was on the following amendment submitted on the 21st inst. by Mr. BELL, by adding to the end of the bill the following:

"*Provided*, That if the President shall ascertain that all discontent and further opposition on the part of any portion of the Cherokee Indians to the treaty of eighteen hundred and thirty-five can be allayed or avoided, by allowing an additional compensation for the lands ceded to the United States by the said treaty, and that the Government may thereby be saved the expense of keeping on foot the large military force in the Cherokee country now contemplated, he is hereby authorized to apply two millions of the sum appropriated by this act to that object."

Mr. HAYNES resumed the course of his argument in justification of the State of Georgia respecting the Indian relations and in support of the treaty with the Cherokees; and after going at length into the details of the subject, he concluded his remarks.

Mr. HARLAN then obtained the floor, and moved that the committee rise, which motion was lost—ayes 58, noes 67.

Mr. HARLAN, after proceeding some time in the discussion of the provisions of the bill, gave way to

Mr. POPE, who made an appeal to the committee, stating that the hour was late, and that many members of the committee had been constantly in the House since 10 o'clock; and, as his colleague was fatigued and had never before troubled the committee, he hoped the indulgence asked would be granted to him, and he moved that the committee rise.

The question was taken, and decided in the negative—ayes 58, noes 68.

Mr. HARLAN again took the floor, and continued his remarks, especially upon the subject of the Cherokee treaty.

Mr. UNDERWOOD, after some time, Mr. HARLAN having yielded the floor for that purpose, moved that the committee rise.

The motion was decided in the negative—ayes 50, noes 76.

Mr. HARLAN was about to proceed, when

Mr. CHAMBERS said he was satisfied there was a mistake in the last count by the CHAIR, and renewed the motion to rise; he also asked for tellers.

The question being taken, the tellers reported—ayes 46, noes 71; no quorum.

The question was then again put by the CHAIR.

As the House was about dividing,

Mr. WISE raised a point of order, and inquired how many times the CHAIR had a right to put the question.

The CHAIR said the House was dividing, and it was too late to raise a question of order.

The question was then taken, and the tellers reported ayes 23, noes 76—not a quorum.

The committee then rose and reported that they found themselves without a quorum.

Mr. WISE moved an adjournment.

Mr. CUSHMAN demanded the yeas and nays upon that motion, and being ordered they were—yeas 59, nays 83.

So the House refused to adjourn.

Mr. ADAMS moved a call of the House.

Mr. MITCHELL demanded the yeas and nays, which were ordered, and were about being called, when

Mr. WISE again moved an adjournment.

Mr. HAWKINS called for the yeas and nays, which were ordered, and the roll was being called when our columns were closed.

Mr. DROMGOOLE raised the point of order that, it being ascertained a quorum was present, the House must instanter go into committee.

Mr. ADAMS insisted upon the right of his motion, as a privileged one.

The CHAIR stated that this was a new and important question. If the motion for a call of the House had been made before the motion for adjournment, there could have been no doubt. The committee rose, for want of a quorum, to report that fact to the House; and the rule empowered the House to send for absent members. The CHAIR thought it was a privileged question, which could be put at any time when fifteen members were present, with the SPEAKER; and, as no particular time was pointed out by the rule, it was always in order, when no member was speaking, or when the House was not dividing. He, therefore, decided that the motion for a call of the House was in order.

Mr. DROMGOOLE appealed from this decision of the chair.

The decision was briefly sustained by Messrs. REED and BOON, when it was affirmed by the vote of the House.

The question was then taken on a call of the House, and it was refused—yeas 47, nays 99.

Mr. HAYNES inquired if it was in order to move an adjournment.

The SPEAKER said it was not, and the House again went into committee at a quarter after six o'clock.

Mr. HAYNES then alluded to his motion to adjourn, and moved that the committee rise, saying he felt that he owed it as a personal obligation to those who yesterday favored him by adjourning.

The question was taken by tellers, and the committee refused to rise—ayes 46, noes 78.

Mr. HARLAN then continued his argument, but after some time, gave way to

Mr. REED, who moved that the committee rise at ten minutes past seven o'clock.

Tellers were appointed, who reported on taking the question—ayes 46, noes 71, not a quorum.

The CHAIR was proceeding to count the members present.

Mr. MERCER raised a question, whether the vote was not the best test, and whether it was competent for the committee to do otherwise than to rise, and report the fact that there was no quorum.

The CHAIR said it was proper to count, and after calling upon members to come within the bar, counted and announced that there were 117 present, not a quorum.

The committee then rose and reported that fact.

The SPEAKER was about proceeding again to count the House; when

Mr. WILLIAMS of North Carolina moved an adjournment.

Mr. TOUCEY called for the yeas and nays, which were ordered.

Mr. ADAMS said I hope those gentlemen who are in favor of adjourning will not vote.

Calls of "order" from the SPEAKER, and various parts of the House.

The CLERK proceeded to call the roll; and upon calling the name of Mr. ADAMS, he said I do not vote.

The call being concluded, the vote was, yeas 54, nays 83: So the House refused to adjourn; and, there being a quorum, it again went into committee.

Mr. HARLAN proceeded till ¼ before 8 o'clock, when he gave way to

Mr. CHAMBERS, who moved that the committee rise; but on taking the vote the division was ayes 33, nays 63, no quorum. The committee rose and reported that fact to the House.

Mr. DROMGOOLE moved that a count be taken, which was done, and the SPEAKER reported that 114 members only were present.

Mr. DROMGOOLE stated that there were members enough off the floor, but within the precincts of the hall to form a quorum if they were to attend.

Mr. WISE moved an adjournment.

Mr. DUNCAN asked for the yeas and nays, and being ordered they were yeas 57, nays 76.

So, at ten minutes past eight, the House again refused to adjourn.

Mr. HOLSEY then obtained the floor, and expressed a wish that the committee rise.

Mr. MERCER moved that the committee rise. He said the gentleman from Georgia wished to speak; it was then late, and he could not hazard his health and life in a silly effort to effect that, which might as well be done to-morrow.

The question was taken by tellers, and decided in the negative—ayes 46, nays 75, not a quorum; but the CHAIR voted in the negative, making 122, which was a quorum.

Mr. HOLSEY then proceeded to address the committee upon the merits of the bill, till twenty minutes past nine, when he yielded to

Mr. McKAY, who moved that the committee rise.

The question being taken, the tellers reported—ayes 48, noes 52; so the committe refused to rise: but as there was no quorum, the committee rose and reported that fact to the House.

The SPEAKER being about to ascertain the number of members in the House,

Mr. BOON moved an adjournment, upon which the yeas and nays were ordered, and were—yeas 55, nays 70.

So the House refused to adjourn.

Mr. HOLSEY again took the floor, and continued his speech, with one or two intermissions, when, shortly after 10 o'clock, he gave way without concluding.

The committee rose, and then, on motion,

The House adjourned.

IN SENATE,

TUESDAY, May 29, 1838.

On motion of Mr. HUBBARD, the Committee on Claims was discharged from the further consideration of the petition of John Pritchard.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported the following bills without amendment:

An act for the relief of the children and heirs of Lieutenant Colonel Henry Irwin, deceased.

An act for the relief of the heirs at law of Joshua Farring, deceased.

An act for the relief of the legal representatives of Captain Charles Snead, deceased.

An act for the relief of the legal representatives of William Hooper Smith, deceased.

An act for the relief of Crawford Johnson.

An act for the relief of the heirs of William B. Bunting.

An act for the relief of the legal representatives of Timothy Feely, deceased, late a Lieutenant in the army of the Revolution.

An act for the relief of the legal representatives of Dr. William Johonnot, deceased.

An act for the relief of the heirs of Lieutenant Col. Richard Campbell.

An act for the relief of the children and heirs at law of John Chilton, deceased.

An act to authorize the payment of the seven years' half-pay, due on account of the Revolutionary services of Thomas H. Boyles, deceased.

An act for the relief of the legal representatives of John Barnes, deceased.

An act for the relief of the legal representatives of Daniel Williams, deceased.

An act to authorize the payment of the seven years' half-pay, due on account of the Revolutionary services of John McClelland, deceased.

On motion of Mr. CLAY of Alabama, the Committee on Public Lands was discharged from the futher consideration of the petition of sundry persons employed in the removal of the great raft on Red river, praying for donations of lands.

Mr. CLAY, from the same committee, to which had been referred the memorial of the Portage canal company, reported a bill authorizing said company to enter a certain tract of land in Wisconsin Territory at the minimum price; which was read, and ordered to a second reading.

The resolution of Mr. HUBBARD to change the hour of meeting of the Senate was taken up, and amended by Mr. HUBBARD; after which,

On motion of Mr. NORVELL, it was laid on the table.

The following bils were severally read the third time, and passed:

The bill for the relief of John P. Austin and Edward A. Taylor;

The bill to secure the payment of certain commissions on duty bonds to collectors of the customs;

The bill for the relief of Moses Merrill;

The bill for the relief of Thomas H. Owen and John W. Skidmore;

The bill for the relief of George J. Knight;

The bill for the relief of the legal representatives of William Sanford, deceased;

The bill for the relief of Richard Cravat, Hardy Perry, and Beley Cheney;

The bill to confirm certain land claims in Louisiana;

The bill for the relief of Col. Charles Morgan of Louisiana;

The bill granting a pension to Hannah Laighton; and

The bill granting a pension to Lemuel White.

The joint resolution introduced by Mr. CLAY for the receipt and disbursement of bank notes for Government debts and credits was taken up, and read the third time; and

After a debate, in which Messrs. WEBSTER, STRANGE, CALHOUN, CLAY, BENTON, KING, and HUBBARD took part, it was passed—yeas 34, nays 9, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Ala. Clay of Kentucky, Clayton, Davis, Fulton, Grundy, King, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Norvell, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Wall, Webster, White, Williams, and Young—34.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Hubbard, Morris, Niles, Smith of Connecticut, and Strange—9.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, May 30, 1838.

As soon as the journal was read,

Mr. BOON rose and said that he was not disposed to embarrass the progress of the Indian appropriation bill; but believing that the morning hour, at least, could not be better spent, certainly for the interest of the country from which he came, than by considering the resolution of the Senate in relation to the money receivable for the dues of the Government, he therefore moved a suspension of the rules for that purpose.

Mr. GARLAND of Louisiana, then rose and said, that without interfering with the motion of the gentleman from Indiana, he rose to a privileged question. He said he had to announce to the House that the agreeable duty had been confided to him, and no doubt it was extremely agreeable to a large portion of the members of the House, that the people of Mississippi had re-affirmed the election made by themselves in November last, in sending SERGEANT S. PRENTISS and THOMAS J. WORD, as their representatives in the 25th Congress.

Messrs. PRENTISS and WORD then presented themselves for qualification, and just as the SPEAKER was about to administer the oath—

Mr. PRENTISS said, before taking the oath, he wished to state his objections. Though elected by the people of the State of Mississippi, in the election just taken place, he himself did not believe that election to be constitutional or valid. In taking that oath, sir, said he, I shall take it under the previous election, in November last, and not under the recent one, because, in our consciences, we do not believe the latter to be constitutional or valid.

The SPEAKER stated that it had been stated to the House, by the gentleman from Louisiana, [Mr GARLAND,] that the gentlemen from Mississippi had been elected, and were present, ready to be qualified as members of the House. He should administer the oath.

The oath was accordingly administered.

The question then recurring upon Mr. BOON'S motion,

Mr. PICKENS protested against this setting aside the public business of the country.

Mr. BOON asked for the yeas and nays on his motion, which were ordered.

Mr. SHIELDS called for the reading of the resolution, which was read as follows.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for the Secretary of the Treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues accruing to the United States may be paid.

The rules were then suspended—yeas 112, nays 34, and the resolution having been twice read—

Mr. BOON then rose, and said that the situation in which he stood seemed to require of him some explanation, but however desirous he might be to make it, he did not feel disposed to bring up a discussion on this subject now, especially as another and better opportunity would soon be afforded on a matter kindred to it. He therefore demanded the previous question; which was seconded, and the main question ordered without a division.

The main question was on the third reading of the resolution, and thereon

Mr. WILLIAMS, of Kentucky, asked for the yeas and nays, which being ordered were yeas 151, nays 27.

So the resolution was ordered to a third reading.

[Mr. MARTIN, of Alabama, who was temporarily out of his seat when his name was called, asked leave, before the roll was through, to record his vote in the affirmative, but it was objected to.]

The resolution being then on its third reading,

Mr. DUNCAN rose, and said he had no objections to the adaption of the resolution, provided it could be so amended as to prevent consequences from growing out of it, which have heretofore done much towards producing the present state of "*pecuniary embarrassments and ruin*," about which we have heard so many and such loud lamentations; and also, what was more important, to prevent and cut off the sources of another rage for speculation in wild land, to the destruction of our free institutions—the prostration of equal rights, and the violation of every equitable principle of trust by which the public do-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JUNE 11, 1838. VOLUME 6.....No. 27.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 26.]

main is held; for which purpose he would move the commitmitment of the resolution to the Committee on Public Lands, with instructions to report the following amendment, viz: provided that no portion of the public domain, greater than three hundred and twenty acres shall be sold or conveyed to any one individual, nor shall any portion of the public domain be sold or disposed of to any individual or body corporate, except for the purpose of immediate occupation.

Mr. D. said he would not, at this time, attempt to detain the House a speech, in support of the principles contained in his proposed amendment—he would satisfy himself, by simply calling the yeas and nays on the reference, which he moved.

Mr. BOON said he would content himself with demanding the previous question.

Mr. LEGARE inquired if such instructions were in order?

The CHAIR admitted that he had some doubts of it, and was examining the paper to ascertain the point, when the gentleman from Indiana made his motion. He would not therefore decide the point at that stage, because, if the main question should be ordered, the instructions would be cut off.

The House seconded the demand for the previous question, and ordered the main question without a division.

The main question, being on the passage of the resolution, having thus been ordered thereon—

Mr. MARTIN called for the yeas and nays; which being ordered—were yeas 154, nays 29, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Aycrigg, Banks, Beirne, Bell, Bicknell, Biddle, Bond, Boon, Briggs, Brodhead, Bronson, Buchanan, William B Calhoun, John Calhoon, William B. Campbell, Casey, Chambers, Chapman, Cheatham, Childs, Clark, Connor, Corwin, Craig, Crary, Cranston, Crockett, Cushing, Dawson, Davee, Davies, DeGraff, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Fairfield, Richard Fletcher, Filmore, Gallup, James Garland, Rice Garland, Glascock, Goode, William Graham, Grantland, Graves, Griffin, Haley, Hall, Halsted, Hamer, Harlan, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Hopkins, Howard, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Kemble, Kilgore, Klingensmith, Legare, Lincoln, Loomis, Mallory, Marvin, James M. Mason, Samson Mason, Martin, Maury, May, Maxwell, Robert McClellan, McKennan, Mercer, Milligan, Mitchell, Montgomery, Morgan, Calvary Morris, Murray, Naylor, Noble, Noyes, Ogle, Owens, Parmenter, Patterson, Peck, Pennybacker, Phelps, Pickens, Pope, Potts, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Randolph, Reed, Reily, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Slade, Snyder, Stanley, Stuart, Strange, Taliaferro, Taylor, Tillinghast, Titus, Toland, Underwood, Vanderveer, Webster, Albert S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, Worthington, Yell, and Yorke—154.

NAYS—Messrs. Atherton, Bouldin, Cambreleng, Clowney, Coles, Cushman, Dromgoole, Duncan, Farrington, Isaac Fletcher, Fry, Harrison, Holt, Hubley, Keim, Leadbetter, Logan, McKay, Abraham McClellan, McClure, Moore, Parris, Petriken, Rives, Sheplor, Spencer, Thomas, Turney, and Jared W. Williams—29.

So the resolution was passed.

[Mr. LYON asked the leave of the House to record his vote in favor of the passage of the joint resolution from the Senate relating to the public revenue and dues to the Government.

Mr. L. said, when the vote was unexpectedly taken on the passage of the resolution this morning, he was necessarily absent from his seat in attending to the claims of two or three Revolutionary soldiers of his district, whose pay had been refused at the agency nearest their residence under a regulation which, in his judgment, imposed upon the pensioners and their representatives much unnecessary trouble. He alluded to the regulation which required, in the event of their failure to apply for their pay for a specified time, that they should be paid at the Treasury, and not at the agencies convenient to them. He said, in common with the great majority of his constituents, he felt much interest in the passage of the resolution prohibiting a discrimination in the kind of money to be received by the Government in payment for public lands and for duties. He was gratified that Congress had, by so decisive a vote, determined to put an end to a regulation of the late Executive, by which specie had been required in payment for public lands, while bank notes were authorized to be received in payment for duties. If he had been aware that the resolution would have been put upon its passage so soon after it came down from the Senate, his desire to serve even a Revolutionary soldier would not have prevented his being present and voting for it. He hoped the House would allow him now to have his vote recorded.

The vote could only be recorded by the unanimous consent to the House, and being objected to, the request was not complied with.]

Mr. SERGEANT, on leave, presented a petition from a wounded soldier for a pension.

Mr. CUSHMAN also presented the petition of Lawrence Brown and others, praying for a mail route from Kingston, Rockingham county, to Gilford, New Hampshire.

Mr. MONTGOMERY made an ineffectual attempt to call up the resolution to provide for the purchase of post office maps.

Mr. TURNEY and Mr. EWING presented amendments to certain bills.

INDIAN APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. HOWARD in the chair, on the bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

The question was on the following amendment submitted on the 21st inst. by Mr. BELL, by adding to the end of the bill the following:

SEC. . *And be it further enacted*, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal West, *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided, further*, That the said Indians shall receive no benefit from the said appopriation unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the Government.

SEC. . *And be it further enacted*, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the President shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars.

Mr. HALSEY concluded his remarks with an expression of his desire, on behalf of Georgia, that the treaty should be enforced without delay. He did not object to the proposition to give them more money if the Government chose, but he objected to delay.

Mr. NAYLOR followed in some remarks tending to show that the Indians had been treated with injustice during the whole series of negotiations, for the purpose of forcing them from their lands. He contended that the lands belonged to the Indians by the gift of God, and they could not be forced from them by the force of negotiations or of arms, without disgraceful injustice. He eulogised the character of John Ross, and praised in high terms the firm, calm, and christian-like manner in which he had for a long time stood up amidst oppression, wrong and calumny, to defend the rights of his people. He contended that the treaty now relied upon for removal was the entire production of fraud, and was about to be executed in cruelty; and to prove the fraudulent character of the treaty, he went into an examination and reading of documents and papers, contending at length that the treaty ought not to be enforced. After proceeding some time, he gave way to

Mr. NOYES, who moved that the committee rise.

The motion being objected to—

Mr. NOYES stated his object. He said that a bill had been sent from the Senate to the House by mistake, which it was desirable should be returned without delay.

The committee then rose—ayes 36, noes not counted.

The message of the Senate upon the subject of the bill alluded to was then taken up, and the request to return the bill was ordered to be complied with by the Clerk.

On motion of Mr. CAMBRELENG, the House again went into committee, and

Mr. NAYLOR continued to read and comment upon the papers connected with the history of the Cherokee treaty. He concluded with the expression of his fears that nothing could be done now for the Cherokees. He was in favor of the proposition to conciliate them, and to allow more time; but he never would vote for an appropriation to carry into effect a treaty which he considered so fraudulent and unjust.

Mr. CHAPMAN replied to the remarks of Mr. NAYLOR, and especially in relation to his commendation of John Ross, and his comments upon the history of the various treaties with the Cherokees, urging the propriety and necessity of executing the treaty, and fulfilling the obligations which the Government of the United States were under both to the State of Georgia and the Indians; and he spoke particularly in justification of the treatment Alabama had rendered to the Indians, and compared it with the conduct of some States where Indian tribes had formerly existed, but which are now extinct.

Mr. DAWSON followed at length upon the subject, in defence of the treaty, stating that he felt called upon to do so, because he was the only representative from Georgia who had belonged to what is called the Indian party in that State, and asserting that he was, and had always been, called friendly to the Indians. He went fully into a justification of the policy of the Government in removing the Indian tribes; and by reference to the extinction of the tribes in some of the Eastern States, argued that a removal was necessary for their preservation. He contended that it did not lie properly with the representatives of those States where the Indians had perished, to charge Georgia with cruelty and oppression.

Mr. D. having concluded his remarks he was followed by Mr. BELL, who spoke till 8 o'clock, when he gave way, without concluding, to Mr. WISE, on whose motion the committee rose, and then, on motion,

The House adjourned.

IN SENATE

WEDNESDAY, May 30, 1838.

Mr. ROBINSON, from the Committee on the Post Office, and Post Roads, reported a bill for the relief of Francis A. Harrison; which was read and ordered to a second reading.

Mr. R. from the same committee, reported a bill for the relief of Solomon Close; which was read and ordered to a second reading.

On motion of Mr. DAVIS, a message was sent to the House of Representatives, asking the return of the bill for the relief of Henry Beamish, which had been indefinitely postponed; and the same having been accordingly returned—

Mr. D. who voted with the majority, moved the reconsideration of the vote on the indefinite postponement; which motion was laid on the table.

On motion of Mr. HUBBARD, the bill for the relief of John J. Bulow was taken up.

This bill was strenuously opposed by Messrs. MORRIS, BUCHANAN, KING, and others, and warmly advocated by Messrs. HUBBARD, BAYARD, and PRESTON; when

On motion of Mr. BUCHANAN, the bill was laid on the table—yeas 22, nays 13, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clayton, King, Lumpkin, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Smith of Connecticut, Smith of Indiana, Strange, Tipton, Trotter, White, Wright, and Young—22.

NAYS—Messrs. Bayard, Clay of Alabama, Clay of Kentucky, Crittenden, Hubbard, Lyon, Prentiss, Preston, Southard Spence, Tallmadge, Wall, and Webster—13.

Mr. WEBSTER offered the following resolution, and asked its consideration at this time:

Resolved, That the Committee on Finance be instructed to take into consideration the act of June 23d, 1836, entitled "An act to regulate the deposites of the public money," and to inquire whether, according to the provisions of that act, it is now competent for the Secretary of the Treasury to employ any bank which has heretofore been selected as a public depository, and which, since the passage of that act, has suspended specie payments; and, also, to inquire into the expediency of repealing or modifying those provisions of the said act which prohibit the receipt, in payment of debts and dues to the United States, of the bills of all banks issuing notes of a less denomination than five dollars, and to report their opinion thereon.

The resolution being objected to by Mr. MORRIS, lies over one day.

On motion of Mr. CLAY, of Alabama,

The Senate took up the bill in regard to the town of Southport, Wisconsin Territory; and, after some remarks from Messrs. WRIGHT, CLAY of Alabama, HUBBARD, NILES, and YOUNG, the bill was ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, May 31, 1838.

On motion of Mr. LOOMIS, the House took up and agreed to the following resolution offered by him on the 19th of March:

Resolved, That the Postmaster General furnish to this House an estimate showing, as near as can be ascertained—

1. What proportions of the mails of the United States consist of free parcels estimated by weight.

2. What proportion consists of free parcels estimated by amount of postage, and parcels that pay postage; and accounting all printed documents at pamphlet postage.

3. What would be the proportion of the amount of postage to be paid by the Government, in case all free parcels were charged to Government, at the same rate that private parcels are charged.

4. To how low a rate the tariff of postage would be reduced, and sustain the Department, in case all parcels conveyed by mail were chargeable with postage.

5. To how low a rate the tariff of postage can be reduced now or prospectively within two years, retaining the present franking privileges, and sustain the Department, with a rate of tariff deemed judicious and proper by him, in case such reduction should be ordered.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported, without amendment, Senate bill to authorize payment to be made to the Missouri volunteers, for horses lost or cast away in the passage to Tampa bay.

Mr. W. also reported the following resolution, which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Polly Estes, and that so much thereof as relates to the pay due to Aaron Estes by the United States, at the time of his decease, be referred to the Third Auditor for settlement.

Mr. WORTHINGTON, from the Committee on Commerce, reported a bill to extend the limits of the port of New Orleans.

Mr. W. also reported the following resolution, which was discussed by Mr. W. Mr. WHITTLESEY of Ohio, Mr. CUSHMAN, and Mr. FILLMORE.

Resolved, That the Secretary of War be instructed to communicate to the House of Representatives, at the commencement of the next session of Congress, a copy of each survey, and chart accompanying the same, that has been heretofore made, of the shores, harbors, inlets, and waters of Lake Erie; also, a copy of each similar survey that has been made of Lake Michigan.

Mr. BRONSON moved to include "Lake Ontario."

Mr. CRARY thought that if the Committee on Commerce had made themselves acquainted with the character of the lake surveys, they would not have proposed this resolution. All the surveys heretofore had been confined to the mouths of rivers and creeks, and were of no general service in the lake navigation. He had called the attention of the House to this subject early in the ses-

sion, by offering a resolution for a survey of the upper part of Lake Erie, Detroit river, Lake St. Clair, Saginaw bay, Thunder bay islands, Straits of Mackinac, St. Mary river, and Green bay; and he hoped for some more definite action on the subject, than was proposed by the present resolution. These lakes had been surveyed by the British Government, so far as their shores were concerned. As long ago as 1826, Colonel Long found a company of British surveyors employed on the waters of Lake Superior. Our Government had yet done nothing. We were compelled at the mouth of Detroit river to make use of British waters, in passing White Wood Island, when it was probable that the American channel to the westward of the island was equally good for navigation, if it were only surveyed. For the want of a survey the commerce of the lakes was exposed to frequent disasters. Since the opening of navigation one vessel, with a valuable cargo, had been lost on a reef in the Straits of Mackinac, and this was but an item in the account of the losses to which the lake commerce was yearly subjected by the neglect of the Government. Few men here seemed to be aware of the extent, or of the importance of that commerce. He heped it would have its due share of attention hereafter. Sure he said that it richly deserved it.

On motion of Mr. FILLMORE, the whole subject was then postponed till to-morrow.

Mr. DEGRAFF, from the same committee, reported against any action by Congress on the petition of Benjamin Ringold, and that it be referred to the Secretary of the Treasury; which was agreed to

Mr. YELL, from the Committee on the Public Lands, reported Senate bill, without amendment, to settle the titles to certain tracts of land in the State of Arkansas.

Mr. LINCOLN, from the same committee, reported a bill to authorize the trustees of Oxford, O. to enter another section in lieu of section sixteen.

Mr. HASTINGS, from the committee of Claims, reported a bill for the relief of Isaac Lilley.

Mr. THOMAS moved that the bill for the relief of Cazot's heirs be included in the special order of Saturday; which was agreed.

On motion of Mr. WHITTLESEY of Ohio, it was agreed that that special order should be commenced at half past 10 o'clock.

Mr. PARMENTER, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Thomas Rutledge, deceased.

Mr. TALIAFERRO, from the same committee, reported, without amendment, Senate bill for the relief of the heirs and legatees of Everard Meade.

Mr. T. also reported a bill for the relief of Rebecca Burch, widow of Benjamin Burch, deceased.

Also, a bill for the relief of the heirs of Lieut. William Lewis.

Mr. RARIDEN, from the Committee on Private Land Claims, reported against the petition of John Armstrong, which was laid on the table.

Mr. GRENNELL, on leave, submitted the following resolution:

Resolved, That all bills providing for pensions or payments to the widows of officers and soldiers, be added to the special order of assignment for Saturday next. Also, the report of the Committee on Revolutionary Pensions, in the case of Elijah Truman.

Mr. RUSSELL moved to include the case of a lunatic soldier, (Freeman,) who had been deprived of his pension on account of his inability, from being a lunatic, to receive his pension.

Mr. GRENNELL accepted this as a modification.

Mr. JOHNSON of Louisiana said he should object to this resolution.

Mr. MORGAN moved to include the "bill authorizing the Secretary of War to allow compensation to pension agents:" lost.

The resolution was then rejected.

Mr. BRONSON, from the Committee on the Territories, reported a bill making an appropriation for completing the public buildings in Wisconsin.

Also, a bill to confirm the act of the Legislative Council of Florida, incorporating the Florida railroad company, and granting right of way thereto.

The bill to require the judges of the District Court of the United States of East and West Tennessee to hold a court at Jackson, in that State, was, on motion of Mr. CROCKETT, taken up on its third reading; and after being opposed by Messrs. BOND and FILLMORE, and sustained by Messrs. GARLAND of Virginia, CROCKETT, and SHIELDS, when the bill, by the application of the previous question, moved by Mr. CROCKETT, was passed.

Mr. BELL, on leave, presented the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary inquire into the expediency of amending the several acts prescribing the mode of taking depositions, by authorizing all persons, authorized by the laws of the States to take depositions in causes pending in the State courts, to take depositions in causes pending in the Courts of the United States; and by enacting such other provisions as shall, in their opinion, promote the convenience of suitors, without removing any of the resrictions necessary to the safe administration of justice.

Mr. JOHNSON of Louisiana, on leave, presented the following resolution, which was read, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Madisonville, in the parish of St. Tammany, to Warners, in the parish of Washington, State of Lousisiana.

On motion of Mr. LYON,

Resolved, That the Committee on Commerce inquire into the expediency of passing a law prohibiting, under suitable penalties, persons in command of vessels from discharging ballast into the channel or anchorage ground of any bay or harbor in the United States, so as to obstruct the navigation thereof.

INDIAN APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. HOWARD in the chair, on the bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

The question was on the following amendment submitted on the 21st inst. by Mr. BELL, by adding to the end of the bill the following:

SEC. . *And be it further enacted*, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal West: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided, further*, That the said Indians shall receive no benefit from the said appropriation, unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the Government.

SEC. . *And be it further enacted*, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the President shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars.

Mr. BELL continued his remarks, commenced yesterday, and referred again to the fact, that the contingency upon which it had been proposed to keep an army in the South of 8,000 men, no longer existed, at least in part. He would not go into a strict examination of the treaty with the Cherokees. He considered that the policy of removal had been long established, and he had thought that the treaty was favorable for the Cherokees. Whether it had been fairly or fraudulently made; whether it was true that John Ross was an honest patriot or a knave, was a matter that he did not intend to decide. He still thought it too late to recede from the policy of removal, as necessary for our people, and best for the Indians; and he thought it incompatible with the interest of the whites, that the Indians should found an independent Government within the limits of the States. No man, he said, would be more rejoiced than he, to know that the Cherokees were a prosperous, flourishing, and civilized people. He should rejoice in their prosperity; but he thought John Ross, whether honest or otherwise, mistaken in his policy. He considered the removal westward necessary and expedient for the Indians themselves, and had never blamed the Georgians for the course they had taken. The United States were bound to remove the Cherokees as soon as they could; and when the Indians proposed to set down permanently, with an independent form of Government, it was time for Georgia to speak, or never.

Mr. B. then went into an examination of details with respect to Indian treaties, objecting that too many had been made recently, and that too many officers and agents of different kinds had been employed by the Government, in consequence of the numerous treaties; and he objected to the power vested in the Executive to make Indian treaties, urging that it would have been better and safer to have regulated our Indian relations by laws of Congress. He then gave a review of the multiplied frauds that grew out of the operation of this system, and adverted to a number of documents sustaining the allegation that the source of them was to be traced to unfaithful agents, who were connected with the speculators. Mr. B. then went into a history of the treaties, and enlarged upon the circumstances connected with them at great length.

As soon as Mr. BELL had concluded, Mr. EVERETT took the floor, and, after addressing the House for some time, he was followed by Mr. CRARY and Mr. TURNEY. The latter gentleman was on the floor, when, some time after dark, he gave way, the committee rose, and,

On motion of Mr. CAMBRELENG, the Indian bill was made the special order at 11 o'clock to-morrow.

On motion,

The House adjourned.

IN SENATE,

THURSDAY, May 31, 1838.

Mr. ROBERTSON presented a petition from N. Griswold, of Illinois, praying the establishment of a certain post route: referred to the Committee on the Post Office and Post Roads.

Mr. BUCHANAN presented the petition of F. P. Blair, praying to be released from his liabilities as surety for a postmaster of Kentucky, for reasons therein set forth; also, praying relief in relation to a claim against the Post Office Department which was withheld by the present Postmaster: referred to the Committee on the Post Office and Post Roads.

Mr. CLAY, of Kentucky, said he rose to present two petitions; and when he did so, he hoped he might not shock the nervous sensibility of gentlemen, when he told them that both prayed for the establishment of that monster, so frighful in the eyes of old maids, old bachelors, and old politicians. These petitions came from the merchants, the manufacturers, and hardy yeomanry of the country, without respect to party. Mr. C. said when he began to unfold one of them, he really conceived it was from *all* the people of the United States. But if not quite all, it certainly was from a great many of them. He was sorry that he could not dispose of them in no other way, just now, than move to lay them on the table.

Mr. President [said Mr. C.] we want a United States Bank; monstrous, and monster as it was, it afforded us the best currency that ever a nation was blest with. The whole West wants a Bank of the United States; but I speak now in relation to my own State, Kentucky, whose products are disposed of from North Carolina to the Balize, are valuable and various, the exchanges on which are ruinous, and Kentucky only describes the condi-

tion of most of the other States. We want a currency, Mr. President, of one uniform value; that, like the flag of the country, would be received every where, and be respected every where. It is not hard money I allude to, but something light and portable, such as we can put in our pockets at Boston, and travel with to Orleans, without loss or interruption. Such a currency can only be found by the establishment of a Bank of the United States. Could you adjourn us, Mr. President, and let us go home, I should with great pleasure accompany you to the Great Crossings on my way to Ashland. What has become of the resolution of the Senator from Alabama, about which he appeared so anxious some weeks since? The time fixed by him then has already arrived, and why does he still let it sleep? Here, we can do nothing: whereas, if we went home, we might realize something from the products of our own labor. I must take occasion, however, to congratulate the country on the repeal of that odious measure, the Specie Circular; that indeed was something done, for which the people will thanks us.

Mr. CLAY of Alabama said, when the Senator offered the petitions, he did not hear distinctly the source from whence they emanated. It struck his ear that the first was from a place in Alabama. Will the Senator from Kentucky say, from what place his first petition came?

Mr. CLAY of Kentucky, (shaking his head,) Oh, no, sir; no such thing is to be looked for from that quarter, at present. If my namesake had been in his usual listening attitude, he would have distinctly heard the word Jamaica, in New York.

Mr. KING observed that there was no danger of petitions of this character coming from Alabama; but if they did, they would come from a different description of persons than those spoken of by the Senator from Kentucky. They would have come from speculators, and not from the industrious and productive classes of the country. He should have said nothing on this subject, if the Senator from Kentucky had not made an appeal to him in reference to the resolution for adjournment, and avowed his wish to go home in order that he might go to work and do something useful. Why he had always understood that the honorable Senator was laboring in his vocation here, and that he could better promote the great object he had in view by standing before the public eye, in his legislative capacity, than in the less conspicuous walks of private life. Why the resolution had not been called up was obvious to all. It was on its third reading, and would come up like all the regular business of the Senate. After consulting with some members of the other House better acquainted with the extent and importance of the business of that body than any member of this could be, he had come to the conclusion that it would be better to leave it to them to fix upon the day of adjournment. He had reason to believe that the 2d or 9th of July would be fixed upon, and more probably the 2d.

Mr. WEBSTER would suggest to the Senator from Alabama the propriety of calling up his resolution, and propose the adjournment for the 2d of July.

Mr. WRIGHT said it would appear then that one of these petitions was from a portion of his constituents; but whether they asked for *a* bank or *the* bank was not shown. The petitions were not read, and he wished the Senator had enlightened us on the subject.

Mr. CLAY of Alabama observed that the Senator from Kentucky was somewhat mistaken—that he did not designate the description of persons in Alabama who were in favor of a National Bank. His honorable colleague, however, did designate them correctly. When he asked the question he did of the Senator from Kentucky, he was under the impression that one of the petitions came from Alabama, and if such had been the fact, he would have felt himself called upon to give some explanations as to the tone of public sentiment in the State. One idea struck him very forcibly while the Senator from Kentucky was speaking, and that was, if any of them had been indulging in a Rip Van Winkle sleep for the last four years, and had waked up in the Senate this morning, under the sound of the Senator's voice, they would have thought that they were still in the panic session of four years ago, and that the Senator from Kentucky was treating them with one of those pathetic descriptions of ruin and distress, which were so frequent during that period. There was a remarkable resemblance between the speeches made during that same panic session, and those made by the Senator and his friends at this. Then the panic petitions followed the panic speeches, and were nothing but reverberations of the cry of ruin, distress, and bankruptcy which was first uttered on that floor. Now the case was the same. It had been announced again and again by the Senator and his friends, that nothing could save us from impending ruin but a National Bank, and behold the same thing was reverberated in a bank petition, even conforming to that Senator's plan so lately promulgated. He knew as well as his colleague did what class of persons it was in Alabama who were in favor of a National Bank. His colleague had justly remarked that it was not the great body of the people—not the planters—not the productive class; it was not that class known as Southern State rights men who were anxious for such an institution. But the National Bank men in Alabama were a very different description of persons, and formed but a very small part of its population.

Mr. BUCHANAN called for the reading of the petition from Connecticut.

Mr. CLAY, of Kentucky, said whether the petitions proposed to grant charters to any existing institutions, or to establish a new one, did not appear. While up, he would like the Senator from Alabama to define what he meant by "*speculators*." He thought it strange that the Senator, without any knowledge of the parties, or the feelings of the community from which these documents emanated, should undertake to denounce them in that wholesale manner. He, Mr. C. would venture to assert that if the Senator went home, and met his constituents in large bodies, at the Methodist or Baptist meeting houses, or would mix among them familiarly, take his chew of tobacco in his mouth, and tattle with his neighbors, he would find a much larger portion in favor of a bank than he was aware of.

Mr. CLAY, of Alabama, said he ought to know the feelings and wishes of the people of his own State. If there was any change in their sentiments, in relation to a National Bank, it must be of very recent origin. He must be permitted to premise, however, that, so far as he was able to judge, from correspondence, and the indications of the public press, the Bank and its friends were losing ground every day. He knew the people of his State were too much alive to their own interest, and too much enlightened, to be chained to the car of a United States Bank—to surrender the Government of the Constitution, bequeathed to them by their fathers, for that of a moneyed corporation.

Mr. NILES said that the petition which had just been read appears to have come from his own State, and he was sorry to perceive that it contained upon its face a statement which he believed to be entirely incorrect, and which was calculated to impose upon the Senate and the country. The petition states that it was signed by persons without distinction of party—a statement which he was persuaded could not be true in any proper sense of the language. He had not seen the names, and must move to have them read, that he might ascertain what truth there was in the statement to which he referred.

[Several Senators objected on account of the length of the list, and the time it would consume.]

Mr. N. said he would waive the motion then, and would repeat the expression of his decided opinion that the petition contained a false statement on its face. He thought he knew something of public opinion in his own State, and particularly of his political friends, who were almost unanimously opposed to a National Bank in any form. He knew something about this petition; it was, in his opinion, essentially a political manœuvre; it was started the very day after the election. One of the Senator's friends, a Whig of some distinction, and late president of a bank, the very day after the election, called on a venerable Democrat, one who was such in the days of JEFFERSON, and had maintained his integrity to this day, and urged him to sign a petition for a National Bank; the same, he presumed, now on our table. But this honest old Democrat discovered the design at once, and refused to sign it.

Sir, the object was to obtain a few names of the Democracy—some half a dozen might answer the purpose—a slight Democratic sprinkling, so as to give a color to the statement on the face of the petition that it was signed without distinction of parties. Whether any names had been obtained, enough to give the list the requisite sprinkling, he could not say, not having examined them; but if such was the fact, it would not bear out the statement that it was signed without distinction of parties. The question of a National Bank was in his State, and he believed in most others, distinctly and emphatically a party question: no one was more so, and yet Congress and the country are told that this petition comes here from both political parties. Sir, the statement is deceptive and essentially false, and he did not hesitate to pronounce it so.

Mr. CLAY of Ky. said it was signed by persons of every class in life, as was apparent from the signatures, and by persons of every party, Federal, Democratic, and, he dare say, Conservative. The fact was, that there was a succession of panics of late to the gentleman and his friends. They began in Maine, and had extended themselves to the Senator's own State, from whence they had reached to Mississippi.

Mr. NILES. The Senator complains that he (Mr. N.) had assailed a petition from his own constituents, and charged it with being false, without having examined it, and when it was evident, from his own remarks, that he had no means of knowing. Mr. N said he did not say that the general statements of the petition were false; most of the petition consists of opinions and arguments, and although he might dissent from them, he did not charge them with being false, he had only said that one statement, that which represented the memorial as emanating from both political parties, was deceptive, and essentially false. And he had not made this charge unadvisedly, or without good reasons; he had made it from his general knowledge of public sentiment, which was sufficient to justify him in saying that, in the fair and proper acceptation of the language, the statement could not be correct. But he had other reasons. The Senator's Whig friends were in the habit of practising tricks of this sort; they attempted to give this no-party character to a political meeting in his town last fall, at which certain political missionaries held forth, and abused the Administration in no measured terms; and even the Governor of the State, in his official message, declared that the recent election, which had brought him and the Legislature whom he addressed into power, was not to be regarded as a party triumph. This was a more solemn declaration than that in this petition, and was made in defiance of public opinion, when every man in the State knew that the contest had not only been a party struggle, in the ordinary sense, but that it had been characterized by a spirit of party violence and malignity, and by acts of coercion and oppression, never before witnessed in the State; and by practices which, if not amounting to bribery and corruption, certainly approached very near to them. Such abuses and outrages against the rights of suffrage had never before been witnessed in the State; there was something of the kind in 1834, although it fell greatly short of what had occurred in the late election, when all the banks had taken the field—some of their presidents being candidates for high offices—and had exerted all the influence that belongs to those powerful political engines. The banks could easily control the merchants and manufacturers, who were their debtors; who, in many instances, attempted to coerce and oppress the laborers in their employ. Factories were stopped, and business suspended, and honest laborers were given to understand that they could expect no further employment until there were better times, which could not be until there was a change of rulers. The bad times were charged entirely to the wicked measures of the Administration, and many honest persons were deceived into that belief. What misrepresentation and deception could not

accomplish, was effected by intimidation, coercion, and oppression of the most outrageous character; the whole moneyed power of the State being brought to bear on public opinion in every possible way and form. Every interest was attempted to be subsidized, and a bait thrown out to every class: the railroad companies, a sectarian college, the Abolitionists, and all others, were to be gratified with all they asked, and all they desired, in case the Whigs succeeded. Well, sir, after an election had been carried by means like these, the people were insultingly told that it was not a party triumph, but a result brought about by a union of parties.

After all these promises, made so profusely and unscrupulously to all classes, we have seen, sir, how they have been fulfilled, and what Whig promises are worth. The Legislature have now been in session for four or five weeks, industriously employed, not in redeeming their pledges, but in devising excuses for violating them. They have found that it was one thing to make promises before elections, and another to fulfil them afterwards. But they have labored hard to do it, and shown a becoming zeal to restore the currency, regulate exchanges, and put an end to the hard times brought on by the wicked measures of this Administration; they have been very anxious to relieve the people from their distress and sufferings, but, unfortunately, have been unable to agree on the means of effecting so much good. But, finally, after a long and laborious struggle, they seemed to have decided on the proper measure for relieving the people, and bring about good times once more. This measure was also recommended on account of its consistency with Whig principles, and the perfect harmony it proved between their principles and practices; besides, it very happily illustrated their "spoils" doctrine, and their utter aversion to offices, office-holders, and office-seekers, of which we have heard so much. Well, sir, what do you think this wonderful measure is which is to relieve the people, restore the currency to a sound state, regulate the exchanges, revive business, set the factories going, and fulfil all the promises which had been made to the railroad companies, the friends of a college, the Abolitionists, the Conservatives, and all others? Why, sir, it is a very powerful and efficacious measure, and is nothing more nor less than *a general sweep of all the Democrats from office*. Now, sir, can any one doubt, that, according to the Whig creed, this wonderful remedy will afford immediate and universal relief to all classses, unless it be some few individuals who may think that they have not got their share of the spoils. It will set the currency and exchanges right, make an end of the panic, revive business, set the banks in motion, make money plenty, help every man to pay his debts, and produce general prosperity. This, sir, is the great universal Whig measure of relief, and is the only one which has been adopted, except an act to give greater indulgence to the banks, by authorizing them to issue small bills, without being compelled to redeem them.

Among other interests brought to bear on the election, was that of a National Bank; and immediately after, this petition was started. He regarded it as essentially a political movement, although he presumed that most of the signers honestly believed that a National Bank might be beneficial. Manufacturers, who sold their goods in other States, and who, in common with others, suffered from the deranged state of the currency, no doubt supposed that a bank would facilitate their remittances, and improve the domestic exchanges. In this he differed with them, but did not doubt their sincerity. If the petitioners have any interest in a bank, it must be from its supposed influence on the currency elsewhere, as it could have no beneficial effect in the State. The branch which was established there afforded no facilities whatever as to exchange, over the local banks; and, indeed, was generally thought not to be so favorable in its dealings.

He would state one fact, which would show how little interest was felt for a National Bank before it became a political question. No longer ago than 1832, a general meeting was held in his own town, attended by most of the cashiers of the local institutions, which adopted very strong resolutions against the late Bank of the United States.

Mr. N. said that whenever a memorial was introduced on that subject, and on almost all other occasions, it made little difference what, we had an eloquent and flourishing harangue from the Senator about *the Bank*, or *a Bank*, whose praises were daily sung, and in the same high key. He had heard this favorite tune of the gentleman so often, that it reminded him of what he lately read in a daily paper, (he hoped the Senator would not think he meant any offensive comparison,) of a negro fiddler, who was very proud of his skill, and constantly displaying it, yet could play but a single tune, called "*Pea Straw.*" When any one asked him to try his hand, he promptly replied, "Very well, sir; will massa please have *Pea Straw?*" and immediately struck up the old tune. Now, sir, the honorable Senator is very much in the same condition. He seems to have but one tune; and although he plays that very skilfully, yet, as we hear it so often, and on all occasions, it is not surprising that we become a little tired of it. The mind likes variety; and whilst we admire the musical powers of the Senator, most of us would be better pleased if he would occasionally give us something besides the old Bank tune of *Pea Straw, Pea Straw.*

Mr. CLAY of Kentucky observed that he could with pleasure say that he was on very good terms with the Senator from Connecticut, and hoped that they would part on as good terms on the fourth of March next. One thing the Legislature of Connecticut had done, besides turning out all those worthy Democrats; and that was, to deprive the Senate of the benefit of the gentleman's enlightened counsels. He knew nothing of the petitioners, but believed they were as respectable as any Senator here. He did not think it was consistent with the Senator's usual prudence to denounce as untrue what was deliberately asserted in that petition, without even knowing the names of the signers. He was perfectly willing to accommodate the Senator, and would hereafter endeavor to regale his ears with some other tune. But what had been sung by the Senator and his friends ever since the commencement of the session? Why, nothing but Sub-Treasury, Sub-Treasury.

Mr. NILES. The Senator informed him that he, (Mr. N.) seemed to forget one important measure, which the Legislature had adopted, which was, to decide that his services here should cease on the 4th of March next. Mr. N. was well aware of this important Whig measure, and thought he had not omitted it, as it was included in the great relief measure which he had named; a general sweep of all the friends of the Administration from office, certainly included himself, as he was pretty well understood to be one. Whether this measure will conduce to the interests of the State and the country, was not a question for him to decide. His course here had at least been open and fearless: he had endeavored to carry out the true Democratic principles of our system of Government, and to support such measures as he believed to conduce to the permanent and lasting interests of the country. On these principles and these measures, he was desirous to stand or fall. A majority of his State—an accidental or fortuitous majority, the result of a panic, as he believed—had decided against him, and he should cheerfully aquiesce in their decision. He had not the vanity to suppose that his services here were of much importance; and, as regarded himself, public life had no such charms as to give him a pang at leaving it; retirement to a private station had no terrors with him. But he had known some who had been for years talking about withdrawing from public life, who seemed desirous to impress the public with the belief that they were anxious to get rid of the cares and perplexities of public affairs, and that they were only waiting for a favorable opportunity to retire to the shades and repose of private life. Mr. N. said that he recollected that two years ago two distinguished members of this body, one distinguished as an orator, the other not less distinguished as a writer, intimated an intention of retiring from the Senate; and the Senator from Kentucky, who was one of the gentlemen, made frequent appeals to the Senator from New Hampshire [Mr. HILL] to co-operate with him in several measures, so that they might unitedly render some little service to their country, before they withdrew from its councils. Well, sir, his friend from New Hampshire did retire, as he is very apt to act as he says he shall act, and is now chief magistrate of his State. And for many years before, the Senator, on many occasions, has distinctly intimated an intention to withdraw from the public councils of his country; he has endeavored to give an imposing effect to many speeches and many measures, on the ground of their being the last fruits of his experience and wisdom, as he was about to retire to the shades of Ashland. From time to time we have had "more of the last words of good old Richard Baxter" enforced by an affecting expression of anxiety for the seclusion, the repose, and the quiet, of the shades of Ashland. But still the favorable opportunity does not occur. The Senator is still as deeply and ardently engaged in the party strife as ever; he is still here, sir, and engaged at the old tune of the Bank, his favorite *Pea Straw.*

Mr. CLAY of Kentucky would assure the worthy Senator from Connecticut that Ashland was a very pleasant place, and that he should be delighted to be there now to enjoy the comforts it is dispensing; and as the worthy Senator would have a good deal of leisure after the fourth of March next, he hoped to see him there, where he would be sure of being treated with the greatest kindness and hospitality. It was true he expressed an anxious and sincere wish to retire from the service of the public—a wish, which, if he should avow it now, the Senator would hardly give him credit for it. But there was one fact to which he would call the Senator's attention, and that was, he was here by compulsion, and the Senator would retire by compulsion, on the 4th of March next. He would advise the Senator to retire from public life in a philosophical temper, and not give way to splenetic and violent attacks on his own State. Why, the Senator had not even spared the Governor of his own State, and declared that his assertion, that he was elected by both parties, was wholly untrue. How was this? Were the Whigs in a majority in Connecticut? Was there no Conservatives there—no converted Loco Focos? Mr. C. protessted against the unworthy and unauthorized imputations that the Senator had cast on the Governor, Legislature, and citizens of his own State.

Mr. NILES. The Senator repeats his charge, that I must have done injustice to my own State which he attributes to personal disappointment. He speaks of certain illustrious names which conferred honor on the State, and alludes to two individuals now living, and formerly of this body, who, by the by, are not held in very high estimation by any party. Sir, (said Mr. N.) I have said nothing derogatory to the illustrious names to whom the Senator alluded, nor have I made any reflections on the character of the State. He thought he knew what was due to his State, to its interests, its reputation, its honor, and, to the best of his humble abilities, he had endeavored to defend them. He had spoken of certain dishonest practices which had been introduced since the corrupting influence of banks and money had been brought to bear on public sentiment, to subdue the public will and control elections. In reprobating these dishonest practices, so derogatory to the character of a free and enlightened people, he had vindicated the character of his constituents, who, being strictly a moral people, never could approve of such practices as prevailed at the late election. He spoke without reference to party; for he believed that the great mass of both parties will equally condemn all attempts through the power and influence of money to overthrow private opinion, and subvert the fundamental right of suffrage. He, with others, had struggled for years to secure an extension of that right, and is it now supposed the people of the State will submit to see it trampled in the dust by the insolent and debasing spirit of money? Far better would it have been that the elective franchise should have remained as it once was, confined to the freehold, than to be extended to all, to become the subject of traffic, coercion, and oppression, so far as respects the poor and dependant. There was no want of the spirit of individual independence among his constituents, and such

abuses could not take place, except in times of panic and distress, when dependant laborers were out of employment, and struggling for bread.

Sir, the Senator has proffered me his advice, which is, that I will submit cheerfully and in good temper to the change which has taken place in my State, and retire with good feelings towards all, and not grumbling and complaining. The advice (Mr. N. said) was quite unnecessary, as he believed he had already evinced; still it was good, and he should certainly follow it. His maxim was never to despair of the Republic, and he had not the least reason in the world to do so, so far as respected his own State. He had every reason to be encouraged, as he had had abundant evidence that the reign of the Senator's friends would be brief as well as inglorious. If the Senator could see the facts contained in a letter he (Mr. N.) received by the last mail, giving an account of the proceedings of the Legislature, he would be satisfied that the triumph at which there had been such rejoicings could not last long; he would see that his friends were in great trouble and perplexity, and much in the condition of the banks, who were really their masters, having made many promises which they were unable to fulfil. He would find that, for their treachery, faithlessness, and cowardice, they were visited with complaints, both loud and deep, at every corner of the streets; not from political opponents, but from disappointed friends, to whom their promises had not been redeemed. He thought one year would be the extent of their power; it might continue longer; but he would assure the honorable Senator, for his special gratification, that there was not the least probability that it could hold hold out until the great struggle in 1840.

Sir, said Mr. N. as the honorable Senator has given me some advice, which I have received kindly and agreed to follow, I will return the favor by offering a little to him. I wish to remind the Senator, of what his long experience must have convinced him—that in this changing world politics were, of all things, the most unstable and fluctuating; that existing opinions and present appearances were often extremely deceptive, and frequently led to dangerous conclusions. Little reliance can be placed on results without looking at the causes which have produced them, and seeing whether they are abiding, or fleeting and transitory. He hoped the Senator would not suffer himself to be deceived by recent indications of public opinion, which may have proceeded from temporary causes. Public opinion is extremely fluctuating—principles alone are stable and immutable. There is, however, one thing as to which the great mass of the people never change. It was that to which he alluded in the first speech he delivered in the Senate, in attempting to explain the wonderful popularity of that venerable man who a year since retired from the public councils of his country for ever. That one thing, sir, is *honesty*. The people are honest, and they love honesty above all other things. They will forgive mistakes and errors in heir public servants; but if they find that they have been imposed upon, it is vain to think to maintain their confidence. If the present indications, apparently so auspicious to the Whig cause, are the result of a panic, of temporary causes—and still more, if they have been produced by deception, he warned the Senator that it would be very unsafe to build any hopes upon them.

There are some professions and some causes which flourish only in adverse and calamitous times. The medical profession, although one of great merit, we all know flourishes best when sickness and distress prevail. The harvest of the physician is gathered in seasons of pestilence, and amidst the sighs and groans of the sick and the anguish of surviving friends.

There are some causes, also, that thrive best in times of public distress and calamity. And the history of this country proves that this is the case with that cause which, let it exist under whatever name or form it may, combines the essential elements of aristocracy in our political system. This cause, originally known as Federalism, and since called by all sorts of names, which it is thought may disguise its real character, has always succeeded best in times of difficulty, embarrassment, and distress. Indeed, sir, it has never flourished at any other period.

When the country is in trouble, when business is at a stand, when the people are in difficulty, debt, and distress, this cause has flourished. Hence during the last war, when the country was almost sinking under a pressure of difficulties, struggling with the most powerful nation on earth, without revenue, and almost without credit, the cause of Federalism was prosperous beyond all former example. Receiving fresh vigor from the difficulties and distresses of the country, its power soon became formidable and almost irresistible. It prostrated every thing before it in the Eastern States. In his own State, the small, but fearless and patriotic band of Democrats, who dared to stand by their country when faction had pushed its measures to the very point of open resistance to the laws, were apparently so reduced in numbers that the violent party leaders of that day sneeringly said that there were not enough left to laught at.

But, sir, when the war terminated, when the dark cloud which had long hung over the country passed off, and the sun once more shone with brightness on our fair land, it was found that the Democracy were not dead, nor even asleep. Although they had never succeeded in the State, the very next year they came forth with an energy which broke the ranks of Federalism and prostrated all their strongholds of power.

The same occurred in his State and others after the memorable panic of 1834.

Sir, this cause, consisting of a combination of all the elements hostile to the popular principles in our Government, is at all times the same; and the history of the past is the prediction of the future. It is a cause that is nourished and sustained by the embarrassments and distresses of the people. It rises as the country sinks, and sinks as the country rises.

The recent embarrassments and distresses of the country have imparted to it that vigor which springs only from public difficultues. But as business revives, and industry returns to its accustomed channels; as the gloom and darkness passes away, as it soon must, the apparent bright prospects of this cause will disappear as has been the case on all former occasions. It is a cause that will not bear the light; that will not bear prosperity. And Democracy, oppressed and borne down by a temporary pressure, will rise invigorated by this suspended action, and by its own instinctive energies will spread wider and broader its influence in every direction, sweeping away every thing that opposes its progress, until it covers the whole land, and fills with joy the hearts of all who love liberty and their country.

After some further remarks from Mr. CLAY,

Mr. WRIGHT called for the reading of the New York petition, and it was accordingly read.

Mr. W. observed, that upon looking at this paper itself, he found that it was an old acquaintance—a sort of circular or travelling bank petition, of which he had seen several. The honorable Senator on his right had presented several of them, and this came from a most respectable town of his State. He was desirous of seeing what evidence there was that the signers to this petition had changed their political faith, and the only evidence he found was a note at the bottom of the petition, signed by one individual in initials, and which was not noticed by the signers themselves. The petition was a sort of lithograph, and every man into whose hands it came was entreated to disseminate it as widely as possible; but many of them he observed were signed by very few persons. He wished the petition to be printed with the names, and as there were not many, the expense would not be great. He wished it to be sent to Jamaica, in order that the people there might see who it came from. When he heard the presentation of this petition this morning, he must say that he supposed it was a new one, and came fresh from the people. He saw so much exhilaration in the honorable Senator from Kentucky, that he could have no other opinion; but he now saw that the letter enclosing it was dated the first of March, which was long before the Senator's project of a National Bank was heard of. He should not have asked the question he did, if he had known that the petition resulted from a state of things existing before the Senator broached his project. The Senator gave as a reason why the country wanted a National Bank, the great inequality of bank paper. Now he recollected that it was not very long ago that an attempt was made to force the Treasury to receive this depreciated paper. Now if this paper was so very depreciated as to be shaved twice, they ought to rejoice that the attempt had failed.

The question was then taken, and both petitions, with the names, were ordered to be printed.

Mr. NORVELL presented the petition of Jacob Gideon, sr. of this city, praying payment of arrears of pension: referred to the Committee on Pensions.

Mr. KING presented the petition of Alvin Mitchell, of Mobile, praying confirmation of title to a tract of land: referred to the Committee on Private Land Claims.

Mr. PIERCE presented the petition of sundry citizens of New Hampshire, remonstrating against the execution of the Cherokee treaty: laid on the table.

Mr. BROWN, from the Committee on Revolutionary Claims, reported several bills from the House without amendment.

Mr. KING, from the Committee on Commerce, reported a bill making provision for the adjustment of the title to the site of a light house on Roanoke Marshes, North Carolina: read, and ordered to a second reading.

Mr. MORRIS, from the Committee on Pensions, reported the bill from the House for the relief of Elias Eastman, without amendment.

The bills for the relief of Sandy Walker, Elizabeth French, Richard Hall, John Midwinter, Myron Chapin, and Samuel M. Asbury, also received from the House, were reported, and their indefinite postponement recommended.

Mr. CLAY of Alabama, from the Committee on Public Lands, reported a bill to grant to Cherokee county, Alabama, a certain tract of land: read, and ordered to a second reading.

The resolution submitted yesterday by Mr. WEBSTER, was, after being modified by him, adopted.

The bill in regard to the town of Southport, in the Territory of Wisconsin, was read the third time, and after a debate, in which Messrs. SEVIER, BUCHANAN, CALHOUN, CLAY of Alabama, KING, WHITE, and WEBSTER, took part, passed—yeas 24, nays 12, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay of Alabama, Clayton, Crittenden, Fulton, Grundy, Hubbard, King, Lyon, Mouton, Nicholas, Norvell, Prentiss, Rives, Robinson, Smith of Indiana, Spence, Swift, Trotter, Wall, Webster, White, Young—24.

NAYS—Messrs. Benton, Calhoun, Lumpkin, Niles, Pierce, Sevier, Smith of Connecticut, Southard, Strange, Tipton, Williams, and Wright—12.

On motion of Mr. CRITTENDEN, the following bills were severally taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill concerning a seminary of learning in the Territory of Wisconsin.

The joint resolution to disapprove, and disaffirm an act of the Legislative Council of the Territory of Wisconsin, chartering the Bank of Prairie du Chien.

The bill to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in the opening of a canal to unite the waters of Green Bay and Rock river.

The bill from the House to require the Judge of the district courts of East and West Tennessee, to hold a court at Jackson, in said State, was read twice, and referred to the Committee on the Judiciary.

The bill to authorize the Portage Canal Company to enter a quantity of land at the Wisconsin and Fox river portage, was considered, and ordered to be engrossed for a third reading.

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 1, 1838.

Mr. FAIRFIELD, on leave, presented the following resolution; which was agreed to:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to John P. Eastman, of Cornish, Maine.

Mr. PATTERSON, on leave, offered the following resolution; which was agreed to.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Darien Centre, via Pembroke, to Alabama, in the county of Genesee, New York.

LAKE SURVEYS.

The first business in order was the following resolution, reported yesterday from the Committee on Commerce:

Resolved, That the Secretary of War be instructed to communicate to the House of Representatives, at the commencement of the next session of Congress, a copy of each survey, and chart accompanying the same, that has been heretofore made, of the shores, harbors, inlets, and waters of Lake Erie; also, a copy of each similar survey that has been made of Lake Michigan.

Two amendments were pending, one by Mr. BRONSON, to insert "Lake Ontario," and the other by Mr. CRARY, to include "Lake Huron."

Mr. WHITTLESEY, of Ohio, stated that he had prepared a substitute which would cover the whole ground, but while the amendments were pending he could not do so.

Mr. BRONSON said in order to remove this embarrassment, he would withdraw his amendment.

Mr. WHITTLESEY then submitted his proposition as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause such parts of Lakes Ontario, Erie, St. Clair, Huron, Michigan, and Champlain, and the bays contiguous, and the rivers and straits connected with said lakes, as are within the United States, to be surveyed, when he may deem the same to be necessary to add security and safety to the navigation or commerce on those waters, or for any naval or military operations that may be required on the same for the protection and defence of the northern frontier, and accurate maps and charts of such surveys to be made; and for that purpose he is hereby authorized to employ any public vessel or craft within those waters; and to detail for such service such persons as are employed on board of such vessels or crafts, and others in public employ, when the same can be done without injury to other branches of the public service; and that he cause the shoals, rocks, and other obstructions, and the channels into the bays, mouths of rivers, and through the straits, when said channels are intricate, to be designated by buoys, or in such other suitable manner as he may direct.

Mr. WISE moved to include "the waters of the Chesapeake bay, and the creeks adjacent thereto," and said a few words in support of it.

Mr. WHITTLESEY opposed its introduction in this resolution, as not connected with the subject, though he was willing to vote for a survey for the waters of the Chesapeake bay to any extent.

Mr. WISE rejoined, and said he proposed for this bay nothing more than the gentleman proposed for the lakes. For himself, he was opposed to the principle of making these surveys, and so were his constituents, but as Northern gentleman would have them on their waters, those of the South would have them on theirs.

Mr. BRONSON replied that the gentleman had misconceived the object of the resolution. The gentleman thought it contemplated large expenditures. It did no such thing; so far from that, it did not contemplate the expenditure of a single dollar, for it only proposed the employment of the Government vessels and officers who were already on the spot.

After some further remarks from Mr. B. and Mr. CUSHMAN, in relation to another matter referred to the Committee on Commerce, Mr. B. said he had no very particular objection to the amendment, if it only proposed, as the original resolution did, merely to employ the vessels already stationed there.

Mr. MALLORY, alluding to the little that had been done in the coast survey, said he should vote against Mr. WHITTLESEY's proposition unless Mr. WISE's was agreed to.

Mr. FILLMORE begged Mr. WISE to withdraw it, and submit it as a distinct resolution, when it should have Mr. F's cordial support.

Mr. REED deprecated the local jealousies and distinctions Southern gentlemen had drawn.

Mr. WHITTLESEY then accepted Mr. WISE's amendment.

Mr. STANLEY moved to include Albemarle, Pamlico and Cove Sound.

Mr. C. SHEPARD suggested there were other sounds requiring to be surveyed in North Carolina, as well as those indicated by his colleague.

At this stage the CHAIR announced the special order, being the

INDIAN APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. HOWARD in the chair, on the bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

The question was on the amendment submitted on the 21st inst. by Mr. BELL.

Mr. TURNEY concluded his remarks in reply to Mr. BELL, in the course of which he commented upon that gentleman's course at different periods of his political career with great severity.

Mr. BELL rejoined, and commenced by saying he hoped he should be indulged with an opportunity to rejoin to the unprovoked attack of his colleague. He said that his personal relations with his colleague had not been familiar, but had always been civil, and not unpleasant. He knew but little of his course previous to meeting him upon that floor, and did not suppose his attack was dictated by personal malice or ill will. He looked upon him as the voluntary scavenger of others, not acting from the promptings of his own heart, but as the fit, apt, voluntary conduit of the malice of others. He had found the political associates of the gentleman, in the House and out of it, equally destitute of private honor or public principle. He had so charged of them and against them in his own district, and in the vicinity of their homes, among their neighbors; but they were never willing to meet him there nor here. He hoped they would meet him him privately and personally, and not continue to make these attacks upon the floor of the House. He had accused them at home and here of bad faith, falsehood, and hypocrisy, but they had never thought fit to meet him there or here. He repeated that he did not think his colleague [Mr. TURNEY] was actuated by private malice, but was the willing, voluntary instrument of others, the tool of tools.

Mr. TURNEY. It is false! it is false!

Mr. STANLEY called Mr. TURNEY to order.

At the same moment both gentlemen were perceived in personal conflict,* and blows with the fist were aimed by each at the other. Several members interfered, and suppressed the personal violence; others called order, order, and some called for the interference of the SPEAKER.

The SPEAKER hastily took the chair, and insisted upon order; but both gentlemen continued struggling, and endeavoring, notwithstanding the constraint of their friends, to strike each other.

The SPEAKER called upon the Sergeant-at-Arms to preserve order; which, without the interference of that officer, was restored.

The SPEAKER then read the rule of the Manual applicable to the case, which rule requires that in a case of personal contest, both parties shall be required to give a pledge to the House that they would carry the matter no further; and that the precedent in such a case, was that the Speaker took the Chair to preserve order, and the House adjourned.

Mr. HOWARD made an explanation, that the unfortunate occurrence, which he deeply regretted, had occurred so promptly, suddenly, and unexpectedly, that, though disposed to preserve order, he had not an opportunity to interpose before the SPEAKER had taken the chair, as was his right and duty; the regular officer of the House, elected to preside over their deliberations, having more power and influence than a mere temporary chairman of a committee, not elected by the House itself.

Mr. WISE remarked that there had been a sudden excitement, which had already blown over. If any excitement existed, there was no exhibition of it. He would propose, as the best mode, for the House to go into committee again. That, he thought, would be the best way to get rid of the subject.

The SPEAKER said his impression was that would be the best mode.

Mr. MERCER referred to his having made an attempt to get the rule of the House enforced on a former occasion, in which he failed; he would not make the attempt now, but he considered that the rules of the House were the laws of the House; and unless the House would enforce its laws, he would not remain a member of it.

The SPEAKER was about to put the question upon going into committee, when

Mr. FLETCHER of Vermont said, that as a new member, it might, perhaps, be deemed unbecoming in him to express an opinion on a subject like this, in the presence of older members; but it did appear to him, and he could not avoid expressing it, that to go into committee now would not be respectful to the House itself. The privileges of the House had been trampled upon, to say the least of this painful occurrence; and he desired to see those privileges respected. Mr. F. was proceeding, when

The CHAIR pronounced him to be out of order, as no proposition was pending.

Mr. FLETCHER explained that his remarks were in reference to the motion to go into committee; but as he had said, substantially, all he intended, he would, therefore, take his seat.

Mr. YELL expressed an earnest hope that the gentleman from Virginia, [Mr. MERCER,] would not make any distinct proposition of the character he had adverted to. It might seem a little extraordinary that a gentleman from Arkansas should get up there as a peace-maker, but nevertheless it was so, and as such he entreated Mr. M. not to present his proposition, for Mr. Y. was convinced the matter could be quieted and settled without further difficulty. He had the pleasure of knowing both gentlemen, and had known them long; and he well knew, too, that if the House attempted to carry out Mr. M's proposition, these two gentlemen would be severed so far asunder that they would never come together again; and that which was the result of temporary heat, would be converted into a lasting difference. Mr. Y. was in favor of Mr. WISE's motion, as the best mode of disposing of the matter, for, to discuss such a subject in the House, would be to commit both gentlemen.

Mr. WISE remarked, that he felt thankful to the gentleman from Arkansas, [Mr. YELL,] for his suggestion. He had always found that such interference had always produced more excitement; and from the age and standing of both the gentlemen, the House might feel sure that such proceeding was unnecessary. He felt sure that both felt ashamed of the hasty occurrence, and that both were already more punished than they would be by any action of the House in the enforcement of the rule.

Mr. DUNCAN asked if the question was not upon going into Committee of the Whole?

The SPEAKER said a question of privilege would override that motion.

Mr. MERCER said he was preparing a proposition, if he could have time, and in a few moments he offered the following:

Resolved, That warm words and a mutual assault having passed between two members of this House, viz: the Hon. JOHN BELL and the Hon. HOPKINS L. TURNEY, of the State of Tennessee, they be called upon by the Speaker to declare in their places that they will not prosecute the quarrel between them any further.

* Mr. BELL gave the first blow.

Mr. POTTER moved to lay this resolution on the table.

Mr. REED called for the yeas and nays; which were refused.

Mr. MERCER called for tellers; which were ordered, and were—yeas 80, noes 52.

So the resolution was laid on the table.

After some conversation respecting the situation of the bill, &c. between Messrs. SHEPARD, BRONSON, and BOULDIN,

Mr. PENNYBACKER submitted the following resolution:

The Hon. H. L. TURNEY and the Hon. JOHN BELL having violated the privilege of this House, by assaulting each other in the House whilst sitting, it is, therefore,

Resolved, That the said H. L. TURNEY and JOHN BELL do apologise to the House for violating its privilege and offending its dignity.

Mr. P. said it was a farce to have laws unless they were to be enforced, and he insisted that it was the duty of the House to enforce the rule.

Mr. YELL inquired if the resolution was not the same as the one offered by Mr. MERCER.

The SPEAKER said it was not.

Mr. YELL then moved to lay it on the table.

Mr. GRANT called for the yeas and nays; and while the Clerk was calling the names of members—

Mr. WISE rose, and said it was unnecessary to go through with the proceedings, for he was authorized by both the gentlemen to say that they were both ready to volunteer their apologies to the House.

The suspension of the call being objected to, it was completed, and resulted—yeas 21, nays 155.

So the House refused to lay the resolution on the table.

Mr. BELL and Mr. TURNEY severally made their submissions to the House, for their violation of order in its committee, both of them disclaiming, in the most unqualified terms, the remotest intention of violating the rules ond orders of the House.

The foregoing resolution of Mr. PENNYBACKER was then, on motion of Mr. TAYLOR, laid on the table without a division, and,

On motion of Mr. WISE, the House again went into committee.

Mr. BELL resumed his remarks, and went into a reply in full, to the allegations of Mr. TURNEY, and other charges made against him at home, for the purpose of vindicating his previous course, and exonerating his character.

Mr. BELL having concluded his remarks, Mr. UNDERWOOD followed briefly, and Mr. HALSTEAD at length, when the pending amendment of Mr. BELL was agreed to—77 to 70.

Mr. CAMBRELENG wished the question taken again, for he was convinced the committee must have voted under a misapprehension of the question. The amendment now agreed to was the amendment of Mr. BELL, moved on his own responsibility, and not the amendment moved, or to be moved, by the same gentleman, under the instructions of the Committee on Indian Affairs, which the committee supposed they had been voting upon,

Mr. EVERETT suggested that the vote could be taken in the House.

Mr. CAMBRELENG appealed to some gentleman who had voted with the majority to move a reconsideration, and asked Mr. BELL if he did not intend to move the amendment of his committee.

Mr. ANDERSON stated that, having voted under a misapprehension, for he had supposed the question was on the amendment of the Committee on Indian Affairs, he, therefore, moved a reconsideration.

Mr. DROMGOOLE raised the point whether a motion to reconsider was in order in Committee of the Whole.

The CHAIR ruled it to be so, on the ground that the same orders and rules governing the House were applicable in Committee of the Whole.

Mr. GARLAND of Lousiana appealed from that decision.

Mr. BELL would obviate the difficulty by moving the amendment of the Indian Committee; as to the point raised, his own opinion was that a motion to reconsider could not be made in Committee of the Whole.

Mr. GARLAND withdrew his appeal; though he was satisfied the point raised ought to be sustained.

Mr. ANDERSON also withdrew his motion to reconsider, and

Mr. BELL then submitted the amendment, which was as follows, and which he had been instructed to move by the Committee on Indian Affairs:

SEC. . *And be it further enacted*, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal West: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided, further*, That the said Indians shall receive no benefit from the said appropriation unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the Government.

SEC. . *And be it further enacted*, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are able to supply themselves and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the President shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars.

Mr. B. so modified the amendment as to insert, where requisite, the words "out of any moneys in the Treasury not otherwise appropriated."

Mr. WISE merely wished to say that it was his intention, before the committee rose, to have replied briefly to some of the gentlemen who had followed him upon the Cherokee question; but, in the desire expressed on all sides to take this question for several evenings past, he would forego the privilege of rejoining to them as he had intended. It had also been his intention to have taken a full review of the Florida war, and to have shown the manner in which that war had been conducted, and the results it had brought about. He had intended to have made clear every proposition which he asserted when the first bill appropriating a million of dollars for that war was under consideration, that that war was iniquitous in its inception, more iniquitous in its conduct, and more disastrous in its results, and disgraceful to us as a nation, and that the expenditures of that war have been most extravagant and profligate. He was prepared also with official documents to show that it had been a most brutal and inhuman war, costing this Government millions of treasure and the most precious blood, and that it ought not to be prosecuted in the manner it had heretofore been, but he would not detain the committee after the numerous cries for question.

In reference to the vote on the former bill, the official organ had stated that Mr. W. was in his seat, and skulked from the responsibility of voting on it. That assertion was false. He never should have skulked from such a vote as that. Never, and if he were to be alone, the only man among the representatives of these people, he would stand by the declaration for ever, that he would not vote another dollar for such a war. No, he would arrest it at once, and order all our forces to return from Florida instantly, except what were barely sufficient to protect and restrain the white man from the Indians. It would be one of the proudest acts of his life, one of the proudest votes of his public life, to stand alone upon the journals on such a question. He would not, when humanity, when justice, when every moral and sacred obligation due to the country and to man, called for its discontinuance, longer wage such a war.

The amendment was then agreed to.

Mr. EVERETT moved an additional item of $20,000 to defray the expense of making treaties with certain hostile Indian tribes: lost.

Mr. WISE offered an amendment to be renewed in the House, which was also disagreed to.

On motion of Mr. CAMBRELENG, the committee then rose, *nem diss.* and the bill and amendments were reported to the House.

Mr. CAMBRELENG then moved to non-concur in Mr. BELL'S own amendment, and to concur in that of the Committee on Indian Affairs. The effect of the former, he explained, would be, if adopted, to renew the negotiations under the treaty.

Mr. POPE had intended to address the House at some length, but would forego it in the anxious desire evinced on all sides to take the question. He adverted to one point, which was the assumption of power on the part of the President in ordering troops to the Cherokee country, without previous and special authority to do so. There was nothing in the Constitution nor in the laws which warranted him in do soing. He wished to move that the bill and amendments be printed.

Mr. THOMPSON moved that the House adjourn: lost—ayes 74, noes 81.

Mr. THOMPSON said he had seen a letter from a distinguished officer now in the Cherokee country, which stated that, whilst the Cherokees did not intend to resist, neither did they intend to move one muscle; and Mr. T. would say that, unless the Indians were in some degree propitiated, it would cost ten times the amount to coerce them. He appealed, therefore, to every man, whether those who had been so eloquent in behalf of these poor Indians, or those who had the feelings of men about them, whether they would not prefer giving a sum for reconciliation and conciliation than for massacre and murder.

Mr. UNDERWOOD remarked that the amendment was not inconsistent with the provisions of the bill in other parts.

Mr. HOWARD said, that as he understood the amendment, it would empower the President to apply the money as appropriated in the bill, and to expend the two millions appropriated in the amendment also.

Mr. REED called upon the Chairman of the Committee of Ways and Means to give the evidence upon which he had intimated that a war might break out suddenly between two States on matters provided for in the bill; and on account of which anticipated war, he pressed the immediate passage of the bill.

Mr. CAMBRELENG, after commenting slightly upon the manner in which the call had been made, said that all the Indian wars had arisen from the conduct of the whites, or of those who, like the gentleman's friend, John Ross, were seven-eighths white.

Mr. REED disclaimed any acquaintance with John Ross, and did not know on what ground the gentleman [Mr. C.] had called him his [Mr. R's] friend. He complained that an intimation had been made to the House that a war between two States was likely to break out, and that th House was left in the dark upon the subject.

Mr. POPE proposed to amend the amendment, so as to make it read any sum "not exceeding" two millions, so as to leave it discretionary with the President to act as circumstances might require. It was stated by the Secretary that the Indians would be satisfied with the bill; and if so, the additional appropriation would be unnecessary.

Mr. McKAY said he hoped the amendment reported by the Committee of the Whole would not be concurred in. He was opposed to giving any more than was stipulated in the treaty. He understood that the provisions of the bill would be satisfactory to the Indians; and he had no doubt that if the hope of gaining more was held out as in this amendment, they would of course wait, and refuse to remove peaceably, until they could obtain the additional sum of two millions; so that it would operate as a substantial addition of two millions to the appropriations which it was represented would be satisfactory to the Cherokees.

Mr. PENNYBACKER rose to express the hope that the proviso which had been adopted in the Committee of the Whole, on the motion of Mr. BELL, would not be agreed to by the House. It avowed the purpose of enabling the President to

allow the Indians two millions of dollars, as "an additional compensation for the lands ceded to the United States" by the treaty of 1835. This was obviously going behind the treaty, and inculcating the belief that the treaty was not binding. It was bad policy for the House, at any time, to inquire into the *validity* of a treaty which had been ratified according to the requirements of the law; but it was particularly impolitic in this case, as all the evidence which had been adduced here to show that that alleged treaty was, in fact, no treaty, had been before the Senate, and had been maturely considered by them before they ratified it. But he had another objection to the proviso. It contravened the policy of the Executive, and defeated the hopes of the people of Georgia. A commanding general had been sent among the Indians, with instructions to remove them as speedily as possible. That officer had notified them that they must be prepared to go before the "next full moon." Now, what did the proviso do? It said, "if the President shall *ascertain* that all discontent and further opposition," etc. "can be allayed or evaded, by allowing an additional compensation," etc. he was thereby authorized to apply two millions of dollars to that object. Was not this holding out to the Indians an inducement to *remain* in their country until the President should have an opportunity to *ascertain* if "all discontent and further opposition", etc. could not be "allayed or avoided," by allowing the two millions of dollars, as "an additional compensation," etc.? Clearly it was. Ross, it was agreed on all hands, was a very shrewd fellow; and he would assuredly find out what it was the interest of his people to do, under the terms of the proviso. But Mr. P. had still further objections. The proviso gave more money than he was willing to give. The subject had been before the Committee on Indian Affairs, and had been maturely considered by that committee. They had recommended the appropriation of only one million one hundred and forty-seven thousand and sixty-seven dollars for the peaceable removal of the Indians. That was enough, in all conscience. He had had great difficulty in prevailing upon himself to give that sum; and his difficulty had been overcome only by the hope that the boon would prove effectual as a peace offering. If, on the terms of the proviso, the Indians should remove, they would not only be entitled to the sum which the President would agree to give them, but they would also reap the benefit of the sum recommended by the committee. That Mr. P. never could agree to.

It was idle to suppose that, by adopting the proviso, a saving to the Government would be effected While the Indians were *waiting* to *extort* from the President the largest sum which he would be authorized to give them, the army would necessarily have to be kept in their country to see if they would ultimately go. Thus, in any event, the expense of the army would have to be incurred.

For these reasons, Mr. P. hoped that the proviso would not be concurred in.

Mr. WISE said that when the committee were about to rise, he desired to make some remarks in conclusion of the debate; but knowing that gentlemen were weary of the debate, he was willing to yield to their wishes, and suppress his observations; and he did so upon what he supposed the express understanding that no debate was to be had in the House. Since the bill had been reported, however, gentlemen got up on every side, and ound ten thousand mares' nests; and after the remarks of the gentleman from North Carolina, [Mr. McKay,] he should go on with the speech he had intended to make. He had been willing to abide by the implied agreement that the debate should cease, but he could not allow the observations o the gentleman [Mr. McKay] to pass without a reply. He then gave way to

Mr. WILLIAMS of North Carolina, who moved an adjournment.

Mr HUNTER of Ohio called for the yeas and nays, which were refused—ayes 29, noes 124.

Mr. PETRIKIN call for tellers, which were ordered and appointed, and after division, they reported—ayes 88, noes 81. So the House adjourned at about 8 o'clock, p. m.

IN SENATE.

FRIDAY, June 1, 1838.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the bill from the other House, to require the judges of the Circuit Court of the United States for East and West Tennessee to hold their courts at Jackson, in said State, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, reported unfavorably on several memorials that had been referred to that committee.

Mr. WILLIAMS, from the Committee on Pensions, reported a bill for the relief of John J. Billings; which was read, and ordered to a second reading.

The following bills were severally read the third time, and passed:

The bill to grant a quantity of land to the Territory of Wisconsin, to aid in opening a canal to unite the waters of Lake Michigan and Rock river.

The bill concerning a seminary of learning in the Territory of Wisconsin; and

The joint resolution disapproving and disaffirming an act of the Legislative Council of Wisconsin, chartering a bank.

The bill to incorporate the Navy Yard Beneficial Society of the city of Washington, was taken up, and considered as in the Committee of the Whole; and, on motion of Mr. NORVELL, laid on the table.

The bill to authorize the managers of the Washington Monument Society to erect a monument to the memory of Washington, on the public grounds, was taken up, and, on motion of Mr. SPENCE, laid on the table.

The following bills were severally read the second time, and considered as in the Committee of the Whole, and ordered to third reading:

The bill for the relief of Noah Miller, of Lincolnville, in the State of Maine.

The bill to remit or refund the duties to the Baltimore and Susquehannah Railroad Company, upon the importation of iron made by them for the use of said railroad.

The bill to refund to the New Castle and Frenchtown Turnpike and Railroad Company certain duties paid by them upon iron imported by them for the construction of said road.

The joint resolution for the disposition of certain copies of the Biennial Register, and for the supply of the committees of Congress with certain books, [amended on motion of Mr. KING, by striking out the section for the supply of books.]

The bill for the relief of Joseph Ratcliff was indefinitely postponed, but subsequently the vote was reconsidersd, on motion of Mr. MERRICK.

The bill granting a pension of Jonathan Crow.

The bill for the relief of John McLeod.

The bill for the relief of William Tharp.

The bill to authorize the location of the preemption certificates, given by the Register of the Land Office at Batesville, in Arkansas, under the act of May 26, 1834, on any of the public lands for sale in the State of Arkansas; and

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State.

IOWA TERRITORY.

The Senate took up, as the order of the day, the bill to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa; and, after various amendments,

Mr. CLAY of Alabama moved to amend the bill by making the tenure of office of the judges during good behavior, instead of for four years, as in the bill.

Mr. SEVIER opposed the motion, and spoke of the inconvenience of having officers for life, who must be continued in office, no matter how unqualified, unless they could be convicted under an impeachment, which was exceedingly difficult to be done. He thought it the safest practice that the tenure of office for all the public servants should be for short periods.

Mr. NORVELL said, that if any defect or inconvenience resulted from the tenure of good behavior, prescribed in this bill as the tenure by which the judges of the Territory of Iowa were to hold their offices, the fault was in the Constitution of the United States. The first section of the third article of that instrument provides that "the judicial power of the United States shall be vested in one Supreme Court, and *in such inferior courts as the Congress may, from time to time, ordain and establish.* The judges both of the supreme and *inferior* courts *shall hold their offices during good behavior.*" The judges of the Territories are the United States judges, appointed by the President and Senate, under the authority of laws of the United States. If they are not United States judges, they must be foreign judges, or no judges at all. In the Government of the Northwestern Territory, the first Territorial Government established by the United States, and established in the same year in which the Constitution was framed, a provision is found constituting a court of three judges; "and their commissions shall continue in force *during good behavior.*" This may be considered a cotemporaneous interpretation of the constitutional provision in relation to the tenure and character of the judicial office in the Territories of the United States. He considered the Constitution clear upon this subject. While, therefore, he should, if unrestrained by that instrument, be in favor of a term of years, instead of the term for life, he could not consent to vote for the amendment which proposed to limit the tenure of these Iowa judges to four years. He well knew, brief as had been his service here, how utterly useless it was to invoke the Constitution on any subject, and how little influence it exercised on our proceedings; but, for himself, he must obey, on his occasion, what he believed to be its fair and clear injunction on this question.

Messrs. ALLEN and MORRIS opposed the motion, contending that the provision in the Constitution referred to by the Senator from Michigan, did not apply to the Territories.

On taking the question, the motion of Mr. CLAY of Alabama was lost.

After various amendments, the bill was ordered to be engrossed for a third reading.

On motion of Mr. LYON, the bill to settle contested claims arising under the pre-emption laws was taken up, and the amendment offered yesterday by Mr. L. being agreed to, the bill was ordered to be engrossed for a third reading.

On motion of Mr. LYON, the bill for the relief of Gurdon S. Hubbard, assignee of Jacques Veaux and Louis Veaux was taken up and considered, and ordered to be engrossed for a third reading.

On motion of Mr. TROTTER, the bill to reorganize the District Courts of the State of Mississippi was taken up, and after a brief explanation from Mr. T. ordered to be engrossed for a third reading.

The bill making appropriations for arrearages due for the completion of certain roads in Michigan was taken up, and after being advocated by Messrs. NORVELL and LYON, and opposed by Messrs. SMITH of Indiana and BAYARD, laid on the table.

On motion of Mr. BENTON,

The Senate went into the consideration of Executive business; after which

It adjourned over till Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 2, 1838.

On motion of Mr. CAMBRELENG, the Indian hostility bill, and amendments made thereto, in Committee of the Whole, were ordered to be printed. Mr. C. explained that he made the motion on account of the confusion that had grown out of the misconception of the amendments.

The SPEAKER laid before the House the following Executive communications:

1. A message from the President of the United States, as follows:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, in answer to their resolution of the 28th instant, relative to the claim in the case of the ship Mary, and cargo, of Baltimore.

M. VAN BUREN.

Washington, 30th May, 1838.

DEPARTMENT OF STATE,
Washington, 30th May, 1838.

To the President of the United States:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 28th instant, requesting the President to communicate to that body "any information he may have relative to a claim of certain citizens of the United States upon the Government of Holland, growing out of the seizure of the ship Mary, and cargo, of Baltimore, during the year 1800;" and also to transmit to the House "any communications which have been received from the charge d'affaires at the Hague relative to this claim, which he may not deem injurious to the public interest to communicate," has the honor to report to the President that the document, No. 13, printed by the order of the Senate in the early part of the present session, contains all the information and correspondence in this Department called for by the aboved cited resolution.

Respectfully submitted,
J. FORSYTH.

On motion of Mr. WHITTLESEY of Ohio, referred to the Committee on Commerce.

2. The following from the President of the United States:

WASHINGTON, May 31, 1838.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 28th instant, regarding the annexation of the Republic of Texas to the United States, I transmit a report from the Secretary of State, to whom the resolution was referred.

M. VAN BUREN.

—

DEPARTMENT OF STATE,
Washington, May 31, 1838.

To the President of the United States:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 28th instant, requesting the President to communicate to that House, if not incompatible with the public interests, any correspondence not heretofore communicated, between this Government and that of the Republic of Texas, and also with the Government of any other country, relating to the annexation of the said Republic of Texas to the United States; and to inform the House whether the application for the said Government of Texas, to the United States, for admission to this Union, has been withdrawn, has the honor to report to the President, that all the correspondence between this Government and that of Texas, respecting the annexation of that Republic to the United States, has been already communicated to the House of Representatives, and that the proposition of annexation, made by the Texan Government, having been disposed of in that correspondence, has not been since deemed within the control of the United States.

No correspondence upon the subject of such annexation has taken place between this Government and that of any other country.

All which is respectfully submitted.

JOHN FORSYTH.

On motion of Mr. DROMGOOLE, referred to the Committee on Foreign Affairs.

3. The following communication from the Secretary of War:

DEPARTMENT OF WAR, June 1, 1838.

SIR: I have the honor to transmit herewith a report of the Commissioner of Indian Affairs, furnishing, as accurately as the duties pressed by the Department will admit of, the information called for by a resolution of the House of Representatives of the 21st ultimo, in respect to the valuation of improvements, and the amounts paid thereon, under the Cherokee treaty of 1835.

Very respectfully,
Your most obedient servant,
J. R. POINSETT.

Hon. JAMES K. POLK,
Speaker of the House of Representatives.

The following information was contained in a communication accompanying the above:

1. That the improvements valued under the Cherokee treaty of 1835 amount to about one million of dollars.

2. The amount of money paid for such improvements is not in all cases to be ascertained. These, with other allowances for spoliations, ferries, etc. constituted the credits to individual Indians; debts and other claims allowed by the board are charged against them, and the balance only is paid, if any remains. It is estimated that the payments equal eight hundred thousand dollars.

On motion of Mr. BELL, laid on the table.

TREASURY BUILDING.

Mr. LINCOLN asked leave to submit a resolution setting apart Monday next, from 10 till 1 o'clock, for the consideration of the bill to provide for the removal of the walls of the new Treasury building.

Mr. YELL, Mr. CAMBRELENG, and Mr. HAYNES simultaneously objected.

Mr. LINCOLN gave notice that, if the House would consent to take up the resolution, he would accept any modification of it as to time. He then moved a suspension of the rule, and asked for the yeas and nays, which were ordered.

Mr. ADAMS called for the reading of a memorial presented from the operatives on the structure some days ago; and it was read.

Mr. YELL inquired if it would not be equally in order to have read the petition from the people of the western frontier for protection? a subject of far more importance than a building job in this District.

The CHAIR remarked that the other petition had been read by unanimous consent.

The House then suspended the rules: yeas 98, nays 46; and the resolution being then taken up—

Mr. YELL moved to include the bill to extend for twelve months the farther time for locating Lovely donation claims in Arkansas.

Mr. CUSHMAN sent a substitute to the CHAIR, but it was pronounced out of order.

Mr. CRAIG then demanded the previous question, but withdrew it to enabe Mr. LINCOLN, at the suggestion of Mr. WHITTLESEY, to modify the resolution by making it Friday next from 10 till 1 o'clock. Motions were severally made by Mr. YELL and Mr. CUSHMAN, to lay the resolution on the table; and, Mr. CRAIG having renewed it, the previous question was seconded, and the main question ordered, put, and agreed to.

So the resolution was adopted.

Mr. BIRDSALL, from the Committee on Revolutionary Claims, on leave, reported a bill extending the benefits of the resolve of Congress of 24th August, 1780, to persons entitled to the same on account of the services and death of Lieut. Edward Wade; which, on motion of Mr. B. was referred to the Committee of the Whole House, to which was committed all bills from the same committee, and which, under the special order of the House, are to be considered this day.

Mr. PARMENTER, from the same committee, reported a bill for the relief of the heirs of David Gould, deceased.

Mr. HARPER, from the same committee, also reported, without amendment, Senate bill for the relief of the legal representatives of Lieut. Henry Fisher.

Both the above bills were included in the special order of to-day.

Mr. HARLAN, on leave, from the Committee on Private Land Claims, reported a joint resolution for the relief of the widow and other heirs of the late Alexander Hamilton, deceased; which was read twice and ordered to a third reading on Monday next.

Mr. PRENTISS, of Miss. on leave, presented several petitions for post routes.

Mr. GRENNELL asked leave to move to include in the special order of to-day three bills for the relief of widows of officers of the army.

Mr. CRAIG felt compelled to object to any further postponement of that order; whereupon,

Mr. GRENNELL moved a suspension of the rules; which was agreed to, and the resolution received.

Mr. MORGAN moved to amend it by including, also, the bill to compensate pension agents; but the House rejected it, and then agreed to Mr. G's resolution.

This being the day set apart for the consideration of bills reported from the Committee on Revolutionary Claims,

Mr. TAYLOR moved the House to go into Committee on the Union on such of the bills embraced in the special order as were referred to.

This motion was disagreed to; and, on motion of Mr. CRAIG, the House went into Committee of the Whole—Mr. ELMORE in the Chair, and, having considered a large number of bills, rose and reported as follows:

The following were reported without amendment:

A bill for the relief of the heirs of Apollos Cooper.

A bill for the relief of the heirs of John Harrison.

A bill for the relief of Levi Chadwick.

A bill for the relief of the representatives of John Marks.

A bill for the relief of the heirs of Crocker Sampson.

A bill for the relief of the representatives of Tarlton Woodson.

A bill for the relief of the representatives of Dr. Charles Taylor.

A bill for the relief of Thomas B. Parsons.

A bill for the relief of the representatives of Richard Harrison.

A bill for the relief of Rebecca Burch.

A bill for the relief of the heirs of David Gould.

An act for the relief of Captain Samuel Warren.

A bill for the relief of Robert Ramsay.

A bill for the relief of Elizabeth Champney.

A bill for the relief of Theodore Middleton.

An act for the relief of John Spitfathom.

A bill for the relief of Henry Hoffman.

A bill for the relief of Wm. Madison.

A bill for the relief of Gratia Ray.

An act for the relief of Moses Van Campen.

An act for the relief of the representatives of Patrick McGibbony.

A bill for the relief of Lieutenant William Lewis.

A bill for the relief of Henry Fisher.

A bill for the relief of Edward Wade.

A bill for the relief of Ann S. Heilman.

A bill for the relief of Josephine Nourse.

The following bills were reported with amendments, for the most part to strike out the clauses from each which allowed interest:

A bill for the relief of the representatives of Colonel Willis Reddick.

A bill for the relief of the representatives of Francis Taylor.

A bill for the relief of the heirs of Joseph Young.

A bill for the relief of the heirs of Colonel Thomas Knowlton.

A bill for the relief of the representatives of Lathrop Allen.

A bill for the relief of the representatives of John De Treville.

A bill for the relief of the representatives of Captain James Purvis.

A bill for the relief of the heirs of James Conway.

A bill for the relief of the heirs of Wadleigh Noyes.

A bill for the relief of the heirs of Major Peter Helphenston.

A bill for the relief of Elizabeth Hunt, heir of Captain William Hendricks.

A bill for the relief of the representatives of Captain John Winston.

A bill for the relief of John Clark.

A bill for the relief of Lt. John McDowel.

A bill for the relief of the representatives of Samuel O. Pettus.

A bill for the relief of the heirs and representatives of Presley Thornton.

A bill for the relief of the heirs of Garland Burnley.

A bill for the relief of the heirs of James Burton.

A bill for the relief of the heirs of Thomas Cook.

A bill for the relief of the heirs of William Vause.

A bill for the relief of the heirs of Tarpley White

A bill for the relief of the representatives of Martha Woodliff.

A bill for the relief of the heirs of William Gregory.

A bill for the relief of the representatives of Nathan Lamme.

A bill for the relief of Joseph Prescott.

A bill for the relief of Simon Summers.

A bill to authorize issuing land warrants in certain cases.

A bill for the relief of the representatives of Robert Bealle.

A bill for the relief of John March.

A bill granting an increase of pension to EmpsonHamilton.

A bill for the relief of the representatives of Col. William Fountain.

A bill for the relief of Major William Langbourne.

A bill for the relief of Thomas Glascock.

A bill for the relief of the representatives of Richard Shubrick.

A bill for the relief of the heirs of Henry Morfett.

A bill for the relief of Nicholas Verplast.

A bill for the relief of the representatives of Tarlton Woodson.

A bill for the relief of the representatives of Thomas Triplett.

A bill for the relief of the heirs and legal representatives of Nick, *alias* Regnald Hillary.

A bill for the relief of the legal representatives of Thomas Wishart.

A bill for the relief of Roger Stayner.

A bill for the relief of the representatives of James Broadus.

A bill for the relief of John Emmerson.

A bill for the relief of the heirs of Larkin Smith.

A bill for the relief of the heirs of John Campbell.

A bill for the relief of the widow and children of Jonathan Dye.

A bill for the relief of the heirs of Philip Lightfoot.

An act for the relief of the heirs of Daniel Duval.

An act for the relief of William Jones.

A bill to provide for the payment of certain judgments which have been or may be obtained against the State of Virginia.

A bill for the relief of the heirs of James Hackley.

The following bills were amended by striking out the enacting clause:

A bill for the relief of the heirs of Col. Willis Reddick.

A bill for the relief of the heirs of Francis Taylor.

A bill for the relief of Thornton Taylor.

A bill for the relief of Nancy Haggard.

A bill for the relief of the representatives of Everard Meade.

A bill for the relief of the heirs of John A. Hopper.

A bill for the relief of the representatives of John Towns, deceased.

A bill for the relief of the heirs of Francis Cazeau.

An act for the relief of the representatives of John Brooks.

An act for the relief of the representatives of Robert White.

A bill for the relief of the representatives of John Spotswood.

The following bills were laid aide for further consideration in committee:

A bill for the relief of Thomas E. Sudler and others.

A bill to authorize the payment of seven years' half pay to the widows or children of certain officers of the Continental line of the Revolutionary army.

A bill for the relief of the heirs of Marshal Rochambeau.

A bill for the relief of the corporation of the First Presbyterian Church of Scotland, in Hanover, now Yorktown, Westchester county, State of New York.

A bill for the relief of the representatives of Israel Honeywell.

A bill for the relief of the representatives of John Mandeville.

A bill for the relief of the heirs of Doctor Samuel Kennedy.

A bill for the relief of the heirs of John Hopper.

A bill for the relief of the representatives of George Yates, deceased.

A bill for the relief of the representatives of Joseph Savage, deceased.

A bill for the relief of the representatives of Abner Prior.

An act for the relief of the representatives of Saml. Y. Keene.

An act for the relief of Moses Elmer.

An act for the relief of Gustavus Horner.

An act for the relief of William Ramsay.

An act granting commutation to Isaac Bronson.

An act for the relief of the representatives of Francis L. B. Goodwin.

An act for the relief of William Cogswell.

An act for the relief of the representatives of Thomas Rutledge.

At three o'clock, a division of the committee was called, when it was ascertained that there was no quorum. The committee accordingly rose and reported that fact to the House.

Mr. MALLORY moved an adjournment; which motion was carried in the negative.

Mr. CRAIG moved a call of the House.

Mr. DUNCAN moved an adjournment; which motion was carried in the negative—ayes 42, noes 50.

The question recurring on the call of the House, it was put and carried in the affirmative, without a division.

The CLERK was about to call the roll, when

Mr. DAWSON moved that all further proceedings in the call be suspended, stating that a quorum would soon be in the hall, and the business might be proceeded with in the mean time. The motion was refused.

The list having been called through, a motion was made to suspend further proceedings in the call; which was again rejected.

Mr. PETRIKIN offered a resolution, to the effect that the House was obliged to adjourn for want of a quorum, and that the names of members present be entered on the journal.

Mr. ADAMS moved to amend the resolution by striking out "members present," and inserting names of "members absent."

The CHAIR decided the resolution to be out of order.

During the call of the names of the absentees, it was discovered that a quorum was present, and the House again went into committee.

The committee, after passing upon the remaining bills on the calendar, rose and reported them to the House.

The House then took up the bills reported without amendment, and they were ordered to be engrossed for a third reading, with the exception of that in favor of Josephine Nourse.

The bills from which the clause allowing interest had been stricken out, were then taken up, and generally ordered to be engrossed for a third reading, the House concurring in the amendment.

The bills from which the enacting clause had been stricken, and a few bills otherwise amended in some important part, were postponed to Friday week; after which,

On motion,

The House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 4, 1838.

At the suggestion of Mr. WHITTLESEY of Ohio, the House took up a number of Senate bills lying on the SPEAKER'S table, and they were read twice and referred to their appropriate standing committees.

The SPEAKER laid before the House a communication transmitting a report in reference to the contemplated bridge across the Ohio river at Wheeling; which, on motion of Mr. WHITTLESEY of Ohio, was referred to the Committee on Roads and Canals.

Mr. CAMBRELENG gave notice that, as soon as the call for petitions was through, he should move to take up the public business.

Petitions and memorials were then called for in the order of states and Territories, and were presented as follows:

MAINE.—Messrs. PARRIS, ANDERSON, EVANS, and NOYES.

NEW HAMPSHIRE.—Mr. WILLIAMS.

[Mr. WILLIAMS presented a petition for a mail route leading from Landaff, New Hampshire, to Franconia, New Hampshire.]

MASSACHUSETTS—Messrs. LINCOLN, BRIGGS, PHILLIPS, CALHOUN, PARMENTER, CUSHING and ADAMS.

[Mr. ADAMS said he had in his possession certain joint resolutions of the Legislature of Massachusetts, similar to those which had been presented, and withdrawn last week by his colleague, [Mr. CALHOUN,] asking for the rescinding of Mr. PATTON'S resolution, of 21st of December last. He did not intend to offer the resolutions at this time, but should await the decision of the House upon the resolution offered by his colleague, [Mr. CALHOUN,] declaratory of the resolution of Mr. PATTON; that resolutions of State Legislatures were not to be included in the rule established by that resolution respecting petitions. Before offering the resolutions of the Massachusetts Legislature, he wished to know whether a resolution of the Legislature of a State of this Union were to be treated with respect or contempt.]

CONNECTICUT—Mr. INGHAM.

[Mr. INGHAM presented a set of resolutions of the General Assembly of Connecticut, requesting the Senators and Representatives in Congress from that State to use their influence to procure the passage of a law to indemnify the citizens of the United States for losses sustained by them from the French prior to September 30, 1800. Also, a preamble and set of resolutions of the same General Assembly, declaring that the resolution of the House of Representatives of the United States of the 21st December last, relating to petitions, memorials, and papers, touching the abolition of slavery, etc. in any State, Territory, or District of the United States, etc. is a virtual denial of the right of petition, subversive of the freedom of debate, and an infringement of the rights of the people of Connecticut, by refusing to hear and consider the petitions of a large number of them; and solemnly protesting against said resolution, in the name of the people of said State, as a usurpation of power, in violation of the spirit of the Constitution of the United States, subversive of the fundamental principles of free Government, at war with the prerogatives of the people, and dangerous to the Union; and resolving that while they recognise the peculiar rights of other members of this Confederacy, they cannot consent to any interference with the rights of the people of that State. They therefore request the Senators and Representatives in Congress from said State to use their best exertions to cause the said resolution of the 21st December last to be rescinded, and also to lay the said preamble and resolutions of the Legislature of Connecticut before Congress. Both of which sets of resolutions were, on motion of Mr. I. laid on the table, and ordered to be printed.]

NEW YORK—Messrs. CAMBRELENG, PECK, and PATTERSON

[Mr. CAMBRELENG presented a memorial of the colored citizens of New York, complaining of a regulation of the Island of Cuba, by which colored mariners are confined in prison on their arrival there, and asking for the interposition of Congress. Also, resolutions of the Common Council of New York, in favor of an appropriation for the improvement of Alleghany river.]

NEW JERSEY—Mr. RANDOLPH.

PENNSYLVANIA—Messrs. WAGENER, McKENNAN, and S. W. MORRIS.

[Mr. MORRIS presented a petition for a post road from Elkland, in Tioga county, Pennsylvania, to Addison, in Steuben county, New York.]

MARYLAND—Mr. KENNEDY.

VIRGINIA—Messrs. HOPKINS, MORGAN, HUNTER, BEIRNE, and WISE.

[Mr. HOPKINS presented several petitions, numerously signed by citizens of Virginia, Kentucky, and Ohio, praying for the establishment of a continuous post route from Guyandotte, in Virginia, to Cincinnati, in the State of Ohio.]

NORTH CAROLINA—Messrs. McKAY and SHEPPERD.

[Mr. McKAY presented a memorial from Francis P. Blair, praying relief for reasons therein set forth, for a judgment obtained against him as one of the sureties of a Postmaster in Kentucky, when the loss accrued by the depreciation of bank paper. Another branch of the memorial prayed for an investigation into the manner in which Mr. B. had executed the public printing.

The first part was referred to the Post Office, and the second to a select committee.

At a subsequent stage of the day's proceedings, however,

Mr. HOPKINS of Virginia moved a reconsideration of the vote by which a part of the memorial had been referred to a select committee, and asked for the then consideration of that motion, but it being objected to, it therefore lies over, to come up on the next petition day. The motion does not affect the first branch of the memorial.]

GEORGIA.—Mr. DAWSON.

[Mr. DAWSON presented a petition, in behalf of Mrs. Nancy Irwin, and her orphan children, of Stewart county, Georgia, praying Congress to relieve the estate of her deceased husband, who was killed in the battle of Shepherd's Plantation, from its liability for the payment of a balance due as postmaster, &c. the same being lost in consequence of Indian depredations as is supposed.]

KENTUCKY—Mr. RUMSEY.

TENNESSEE—Mr. CHEATHAM.

OHIO—Messrs. MORRIS, ALLEN, and RIDGEWAY.

[Mr. ALLEN presented the petition of Mrs. Burnell, and 199 women of Oberlin, Ohio, and of R. Loomise, and 50 others, of Portage county, Ohio, praying the recision of Mr. PATTON'S resolution.]

LOUISIANA—Mr. JOHNSON.

MISSOURI—Messrs. MILLER and HARRISON.

[Mr. HARRISON presented the petition of Lucy Johnson, late Lucy Gooding, praying Congress to grant her a pre-emption right on Rock island; also, of Edward Beatty, praying that he may be allowed to enter land with certificates of deposites from the Treasury Department, which he purchased.]

[Mr. MILLER presented the petition of John G. Parsons, of the State of Missouri, in which he sets forth that, on the 25th day of October, 18 6, he entered through mistake the east half of the southeast quarter of section No. 27, t. 50, r. 3, west, in said State; and he asks Congress to pass a law granting him such relief as shall appear just and equitable.]

MICHIGAN—Mr. CRARY.

[Mr. CRARY presented a petition for a mail route from Battle Creek to Coldwater, also, a remonstrance of certain citizens of Lenawee county against the passage of the Sub-Treasury bill.]

On motion of Mr. OWENS,

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of passing a general law exempting from duty iron imported into the United States for the construction of iron steamboats; also, the expediency of allowing G. B. Lamar, of Savannah, Georgia, to import free of duty the materials for the construction of two iron steamboats; also, the expediency of remitting the duty stipulated to be paid by the Iron Steamboat Company of Georgia, on iron imported into the United States.

On motion of Mr. LYON,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of repealing the law requiring pensioners who fail to claim payment of their pensions for the space of — months, to apply at the Treasury Department for payment, and of making provision by law for their payment at the most convenient pension agency, upon satisfactory proof of their identity, and explanation of the cause of any delay in obtaining payment, or of making such provision by law as will authorize the pension agents to issue to pensioners orders or drafts on the Treasury Department for the amount due them.

On motion of Mr. WORD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Mississippi, to wit: From Holly Springs in Marshall county, via Ripley, in Tippah county, and Jacinto, in Tichamingo county, to Florence, Alabama; from Holly Springs, Marshall county, to Hernando, De Soto county; from Pontotoc, Pontotoc county, to Panolo, in Panolo county, via Oxford, Lafayette county; and from Coffeeville, Yallabucha county, to Charleston, in Tallehatchee county.

On motion of Mr. JOHNSON of Louisiana, the following resolution, submitted by him on the 19th March, was taken up for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of modifying the judiciary system of the United States, so as to abolish the chancery practice in the courts of the United States for the State of Louisiana, and provide that the mode of proceedings in the said courts shall be in conformity to the laws of said State.

On his further motion, the resolution was then modified by adding at the end thereof the following:

"And also, that the said committee inquire into the expediency of repealing so much of the 30th section of an act of Congress entitled, "An act to establish the Judicial Courts of the United States," approved September 24, 1789, as dispenses with the notice to parties according to the provisions of said act, when they reside at a distance of more than one hundred miles from the place of trial."

The resolution as thus modified was agreed to.

On motion of Mr. DOWNING,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route as follows, in the Territory of Florida: from Haddock's to Jefferson, in Georgia; from Monticello, by the Mineral Springs, to Jacksonville; from Tallahasse, by Iola, to St. Josephs.

BOOKS FOR MEMBERS.

Pending the call for petitions—

Mr. CUSHING asked leave to offer the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State of the United States be authorized and directed to deliver to the Secretary of the Senate, forty copies, and to the Clerk of the House of Representatives, three hundred and sixty copies (in addition to the number he is now authorized to deliver to those officers) of the 1st volume of the 4th series, now published, of the documentary history of the American Revolution, published by Messrs. Clark and Force; and that he deliver a like number of copies to each of those officers, of every succeeding volume of that work, as soon as may be after the same shall have been delivered to him by the publishers.

And be it further resolved, That the Secretary of the Senate, and Clerk of the House of Representatives be, and they are hereby directed, of the copies so furnished, to distribute one to each member of the Senate and House of Representatives, and to each Territorial delegate of the 23d, 24th, and 25th Congresses, who are not entitled to receive the same under some former act or resolution of Congress.

Objection being made,

Mr. C. moved a suspension of the rules; which prevailed—ayes 101, noes not counted.

The resolution was then read twice, and the question being on its engrossment,

Mr. BOND asked for the yeas and nays; but the House refused, and the other stage was passed to instanter, and the resolution ordered to be engrossed for a third reading to-day.

On motion of Mr. MORRIS of Ohio,

Resolved, That the Committee on Commerce be, and they are hereby, instructed to inquire into the expediency of establishing a port of entry at Marietta, in Ohio.

CHEROKEE EMIGRATION.

On motion of Mr. GRANTLAND,

Resolved, That the President of the United States be requested to lay before this House any communications which may have been received by him, or by the Secretary of War, from the Governors of the States of Georgia, North Carolina, Tennessee, or Alabama, on the proposition of John Ross and his associates, for extending the time of removing the Cherokee Indians from those States.

On motion of Mr. CHAMBERS,

Resolved, That the Committee on Revolutionary Claims take into consideration the propriety of providing, by law, for the issue of land scrip for the satisfaction of such warrants for bounty land as have issued or may hereafter issue for Revolutionary services.

On motion of Mr. EVERETT,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to John Voorhees, a soldier in the war of the Revolution.

On motion of Mr. GANT,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing the claims of the administrator of Joseph Edson, late marshal of the Vermont district, which have been suspended or disallowed by the Treasury Department.

REPEAL OF THE FIVE DOLLAR RESTRICTION.

Mr. KILGORE asked leave to submit the following, but it was objected to:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of so much of the act of June 23, 1836, entitled "An act to regulate the deposites of the public moneys," as prohibits the receipt of the notes or bills of specie paying banks, which have issued, since the 4th July, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended for the period of two years.

And be it further resolved, That the operation of the second section of the act of April 14, 1836, entitled "An act making appropriations for the payment of the Revolutionary and other pensions of the United States, for the year one thousand eight hundred and thirty-six, be, and the same is hereby, suspended for the period of two years.

INDIAN HOSTILITIES.

Mr. CAMBRELENG remarked that he was sure there was a general desire on the part of the House that they should go on with this bill; and therefore he asked the House now to proceed to its consideration.

Mr. SERGEANT said, before this question was propounded to the House, he wished to ask the chairman of the Committee of Ways and Means when he proposed to call up the bill to establish what was termed a Sub-Treasury, or Independent Treasury?

Mr. CAMBRELENG replied, that, with the approbation of the House, he hoped to reach it some time next week. The great anxiety felt to act on the pre-emption bill was such, that he would not interpose any obstacle to it; but the moment that measure was disposed of, he should call up the Independent Treasury bill.

The House, agreeing to Mr. CAMBRELENG's motion, accordingly took up the "bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for 1837."

The bill had been reported from the Committee of the Whole on the State of the Union, with the following amendments:

1. This amendment was proposed by Mr. BELL, and therein agreed to:

"Add to the end of the bill the following:

"*Provided*, That, if the President shall ascertain that all discontent and further opposition on the part of any portion of the Cherokee Indians to the treaty of eighteen hundred and thirty-five can be allayed or avoided, by allowing an additional compensation for the lands ceded to the United States by said treaty, and that the Government may thereby be saved the expense of keeping on foot the large military force in the Cherokee country now contemplated, he is hereby authorized to apply two millions to the sum appropriated by this act to that object."

This amendment was excepted to by Mr. CAMBRELENG, who moved a concurrence in the following, in lieu thereof, which Mr. BELL had been instructed to move by the Committee on Indian Affairs:

"SEC. . *And be it further enacted*, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, out of any money in the Treasury not otherwise appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal West: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided, further*, That the said Indians shall receive no benefit from the said appropriation unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the Government.

SEC. . *And be it further enacted*, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supplying themselves and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the President shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars be appropriated out of any money in the Treasury not otherwise appropriated."

Mr. WISE resumed, and concluded his remarks; and the debate was continued by Messrs GRAHAM, BIDDLE, and LEGARE.

Mr. LEGARE having concluded his remarks, he was followed by Mr. DOWNING, both in support of the bill, when

Mr. CUSHMAN obtained the floor, and remarking that, though there was one amendment he felt very strongly inclined to vote in favor of, that was the amendment of the Committee on Indian Affairs, but seeing no probability of bringing this debate to a close without applying that useful rule of the House, the previous question, he therefore demanded it, and hoped the House would sustain the motion.

Mr. MARTIN moved a call of the House, but subsequently withdrew it.

Mr. EVERETT called for the reading of the original bill, and the amendment made thereto in Committee of the Whole; which was ordered.

The House refused to second the call for the previous question—ayes 62, noes not counted.

Mr. BIDDLE rose amid the most vociferous calls for question from all parts of the Hall, and made a brief rejoinder to Mr. DOWNING.

Mr. CAMPBELL of Tennessee then made a brief defence of the Tennessee volunteers, from some charge of misconduct alleged to have been brought against them by General Jesup, though he admitted the possibility of Gen. Armstrong declining for them the labor of common laborers, though they never disobeyed an order of any kind from Gen. Jesup.

Mr. DOWNING made a brief reply to Mr. BIDDLE, and that gentleman again rejoined with much warmth, when the several amendments proposed to the body of the bill were all agreed to.

Mr. GRAHAM of North Carolina called for the yeas and nays, on agreeing to the amendment of Mr. BELL, as printed in last evening's paper; which were ordered.

Mr. GARLAND of Louisiana inquired of the mover of the amendment if the two millions proposed in it were an additional sum to the means provided for in the bill, or were to be taken out of them.

Mr. BELL explained that his object was to take the two millions out of the means reported by the Committee of Ways and Means for the support of an army of six thousand men in the Cherokee country.

The question was then taken on this amendment; and it was decided in the negative—yeas 90, nays 112.

So the amendment was rejected; and the question recurring upon concurring in the amendment originally reported from the Committee on Indian Affairs, thereon—

Mr. CUSHMAN called for the yeas and nays; which were ordered.

Mr. McKAY called for a division of the question, and it being taken on the first branch of the proposition, [the whole of this amendment was also printed in last evening's Globe,] the result was—yeas 189, nays 15.

So the first branch of the amendment was concurred in.

The question then recurring upon the second branch of the amendment—

Mr. McKAY explained that he had called for a division of the question for the reason, that though he was perfectly willing to vote an appropriation conformable to the recommendation of the Secretary of War, he was unwilling to vote so large a sum to pay these Indian claims. Mr. McK. understood they had all been examined into and long since rejected by Congress; but even if they were allowed, they would not exceed about $35,000, though he honestly believed nothing at all was due. In regard to blankets, medicines, etc. they could easily be purchased out of the $1,040,000, and appropriated in the first branch of the amendment. The truth was, he believed the real object of this item was to place the $100,000 in the hands of the Executive as secret service money, to buy up the Cherokee delegation in this city who were hostile to the treaty.

Mr. THOMPSON would suggest to the gentleman, as a suitable mode of carrying out of this system of economy, to specify the medicines, and to prescribe that they should consist of nothing but lobelia, as that drug was cheaper than calomel! The gentleman would not trust a sum of $100,000 to the discretion of the President, but Mr. T. would have thought better of it, if the gentleman upon a former occasion had not voted to trust the then Executive with the discretion of a three millions appropriation.

Mr. EVERETT stated that he had advocated this appropriation in committee, in order to facilitate the removal, and that no objection should be made that there was a want of articles necessary in effecting it. He had not advocated it for the purposes intimated by the gentleman from North Carolina; nor did he wish the House to vote for it on such ground. If the appropriation was not for necessaries for the Indians, he hoped it would be rejected. If it was for necessaries, he hoped it would be made by the House.

The second branch of the amendment was then concurred in—yeas 174, nays 20.

Mr. EVERETT then moved further to amend by adding a clause of $10,000 for making treaties with the Indian tribes.

Mr. HOPKINS then demanded the previous question; which was seconded, 84 to 61.

Mr. EVERETT called for the yeas and nays on ordering the main question, but they were refused, and the question was ordered without a division.

Mr. GRAHAM of North Carolina, then called for the yeas and nays on the main question, being the engrossment of the bill, but they were refused, and the question prevailed without a division, and the bill ordered to a third reading and put on its passage, on which

Mr. J. L. WILLIAMS of Tennessee, called for the yeas and nays; which, being ordered, were 143 to 37.

So the bill was passed.

Mr. CHAPMAN, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Rowe, in the State of Georgia, through Van's Valley, to Hollaway's, on Willis Creek, in Alabama.

On motion, at a quarter past 7 o'clock, p. m.

The House adjourned.

HOUSE OF REPRESENTATIVES, June 4, 1838.

GENTLEMEN: In your report in the Globe this morning of some remarks made by me on Saturday last, in reply to Mr. Cambreleng, it is said: "Mr. Reed disclaimed any acquaintance with John Ross." The Reporter was mistaken: Mr. Cambreleng called John Ross the gentleman's friend—meaning Mr. Reed. Mr. Reed, in reply, observed that he had not named John Ross in the debate, and that the remark of Mr. C. was gratuitous and improper, but did not say he did not know Mr. Ross. I do know John Ross. I have long known him, and I respect him as a man of extraordinary talents and firmness, and I esteem him as a man of honesty and moral worth.

Will you have the goodness to insert the above note in your paper, as an act of justice to myself and to Ross?

Your obedient servant,

JOHN REED.

Messrs. BLAIR and RIVES.

NOTE.—The Reporter, in justice to himself, would add that he distinctly heard Mr. REED say that the remark of Mr. CAMBRELENG was *gratuitous* and *improper;* and he repeats that, from the indistinctness of Mr. REED's manner of speaking, united with great noise and confusion in the hall, he *did not hear* Mr. REED say that he had long known and respected John Ross, and he therefore fell into an error in the slight abstract of the discussion. Had the Reporter given some of the remarks, especially the remarks of Mr. CAMBRELENG, to which Mr. REED replied more in full, he would probably have been more accurate than is ever intended in a mere sketch.

C. H. L.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 5, 1838.

TERRITORIAL BUSINESS.

This being one of the days set apart for the consideration of bills relating to the Territories,

Mr. WHITTLESEY of Ohio suggested that the committees be called on for reports this morning.

Mr. YELL said he must object to it, much as he disliked to do so, for these were the only two days the Territories would have, and he thought no other business should interpose.

Mr. CASEY, from the Committee on the Public Lands, reported, with an amendment, Senate bill to grant a quantity of land to the Territory of

Wisconsin, for the purpose of aiding in the opening of a canal to connect the waters of Lake Michigan with Rock river.

Also, without amendment, Senate bill concerning a Seminary of learning in the Territory of Wisconsin.

Mr. BRONSON, from the Committee on the Territories, reported, without amendment, Senate bill to divide the Territory of Wisconsin, and establish the Territorial Government of Iowa.

Mr. B. also reported, without amendment, Senate bill to reorganize the Legislative Council of Florida, and for other purposes.

Mr. HARLAN made an inquiry of the CHAIR, in reference to the construction of the order, as to whether it set apart *all* the two days for Territorial business.

The CHAIR cited the order, which was general in its terms.

Mr. BOULDIN asked the consent of the House to indulge him with leave to offer a resolution setting apart Tuesday, the 12th of this month for the consideration of all such matters of business as relate to the District of Columbia, and which may be then pending before the House. Leave being granted unanimously—

Mr. YELL had no objection to the resolution, but preferred a more distant day than that named, or some other than a public day; however, he would suggest Monday the 11th.

Mr. BOULDIN would accept any day.

Mr. ADAMS objected to precluding petitions.

Mr. BOULDIN. Very well, then; make it after the morning hour.

Thus modified, the resolution was agreed to.

On motion of Mr. BRONSON, all the Territorial bills in Committee of the Whole were referred to the Committee of the Whole on the state of the Union, so that they might be considered in one committee.

Pursuant to the order, the House then resolved itself into Committee on the Union, Mr. SERGEANT in the chair, and considered the following bills:

1. A bill to establish two additional land offices in that part of Wisconsin west of the Mississippi, which was laid aside, and the bill from the Senate on the same subject was taken up in its stead; and after being read, was laid aside, to be reported.

2. The Senate bill to create the office of Surveyor General in the Wisconsin Territory, was next considered, with certain amendments, proposed by the Committee on the Public Lands.

The bill was briefly opposed by Mr. BOND, and was supported by Mr. JONES of Wisconsin, Mr. CASEY, Mr. HARRISON, Mr. JOHNSON of Louisiana, and Mr. POPE.

After which, the amendments reported by the committee were severally adopted.

Mr. BRIGGS offered an amendment, to insert the words "State of Illinois" in several places, so that one office should answer for that State and the Territory of Wisconsin also.

Mr. BRONSON, Mr. LINCOLN, and Mr. MERCER opposed the amendment; and after some explanation from Mr. BRIGGS, he withdrew it.

Mr. BOND then moved an amendment, to reduce the salary proposed in the bill from two thousand to twelve hundred dollars; which was discussed, and modified to insert fifteen hundred, and adopted by a vote of ayes 80, noes not counted.

Mr. CUSHMAN moved to amend so as to strike out the contingent provision of twenty-five hundred dollars, and to insert for one draughtsman and clerk a salary of one thousand dollars each.

Mr. BOND moved to amend the amendment, by making it read seven hundred dollars each, which was modified to read an aggregate compensation of sixteen hundred dollars; and having been accepted by Mr. CUSHMAN, the amendment as amended was adopted without a division.

Mr. CUSHMAN then moved to strike out the proposed appropriation for house rent and fuel, three hundred and fifty dollars; which was rejected—ayes 25, noes not counted.

The bill was then laid aside to be reported.

3. The bill to establish a new judicial district in the Territory of Florida, was next considered, and laid aside to be reported.

4. The bill from the Senate to authorize the President of the United States to cause to be surveyed and ascertained, the boundary line between the State of Missouri and Territory of Wisconsin, with an amendment to strike out all after the enacting clause, and insert a bill with provisions to the same end as the Senate bill; which amendment was adopted, and laid aside to be reported.

5. The bill from the Senate to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin, was taken into consideration, and laid aside to be reported.

7. The bill to divide the Territory of Wisconsin, and establish the Territorial Government of Iowa.

The bill having been read through,

Mr. MASON of Ohio moved to strike out the enacting clause, stating in a few remarks, that he did not intend to commit himself against the bill, but it had been asserted that people had settled there in a manner contrary to law, and in regard to that and other topics he wished to obtain information.

Mr. CRARY advocated the passage of the bill, saying that there were a great many inhabitants who were virtually without the protection of law, and over whom the United States were bound to extend the protection of Government and law. He said Territorial Governments had been provided in former years over sections of less extent, and containing a much smaller number of people; and he could see no reason why this case should be excepted from the general policy.

Mr. MERCER made some remarks in opposition to the bill, and recommended that the bill should be passed over for a time, as it would cause debate, and would postpone or prevent the action of the committee upon other bills which would pass without debate, and which were important.

Mr. WADDY THOMPSON opposed the bill and the creation of a Territorial Government in the Northwest; and went at length into a consideration of the balance of power between the Northern and Western, and the Southern States, as far as related to the questions of slavery, and the annexation of Texas. He said he would never consent to the coming in of these Territories or States into the Union, when the fanatical spirit of the North, was pouring into the House memorials against the annexation of Texas, simply because it was cursed with the peculiar institution of the South.

Mr. BRONSON offered some suggestions in support of the bill; and referred to a large number of actual settlers, who had acquired pre-emption rights, and would become citizens so soon as the lands should be surveyed and opened for sale. The committee had already passed upon two bills establishing land offices in that Territory, and so soon as they were prepared to act, there was a large tract which would be immediately settled and paid for. But he would not agree to the principle, that people should not be protected by Government, on the ground that they had not bought and paid for Government lands, when they had settled upon them, and had acquired pre-emption rights. He also alluded to the vast extent of the Territory of Wisconsin; and argued that as the whole was in the course of settlement, it would soon be necessary to establish the Government now proposed. He expressed his pleasure at the candor with which Mr. THOMPSON had stated the grounds of objection which he and some others might have to the bill.

Mr. B. said he would not go into a discussion of the main point of that objection, but he would refer to the ordinance respecting the Northwestern Territory to show that the United States were bound to provide such Governments for Territories, and to admit new States when certain contingencies arose, such as were described in that ordinance. He would not discuss the question of the admission of Texas, but gentlemen would see one strong point of difference. This Territory was owned now by the United States. It was theirs, and they were bound to protect it. Texas, on the contrary, was not ours, and would have to be acquired. He trusted the friends of the bill would not go into a discussion of the questions raised by the gentleman from South Carolina, [Mr. THOMPSON,] which, if entered upon, would lead to an interminable debate.

Mr. POPE followed with some arguments in favor of the bill. He went into a defence of the settlers on these new lands, and spoke favorably of their general character, and justified the practice of squatting upon the lands, as in conformity with the intention of the law, which was only made to prohibit speculators from appropriating large tracts, without actual settlement. He also advocated the policy of erecting Territorial Governments, with salutary laws and proper officers to administer them. He spoke of the number of people on this Territory, and said he understood they were more numerous than the people of Arkansas when a Territorial Government was established there; the population then being only about six thousand.

Mr. BRONSON said there were now, as he was informed, on this Territory, west of the Mississippi, thirty thousand people, and they were constantly increasing.

Mr. THOMPSON replied to the argument founded upon the ordinance of 1787, and intimated that he wished to meet the question of admitting new States now, instead of waiting until it became a Territory with a hundred thousand people, and knocked at the door for admission as a State. He wished to preserve a balance of power; and the South desired the admission of Texas, that they might have in the Senate a protecting power for their institutions.

The debate was continued by Messrs. BRONSON, MERCER, EVERETT, JONES of Wisconsin, SHEPARD, and WHITE of Kentucky.

The motion to strike out the enacting clause was then rejected without a division.

Mr. BOND moved to amend the bill so as to strike out two thousand dollars as salary for the Governor, and fifteen hundred dollars as salary for the same person as Superintendent of Indian Affairs; and to insert twenty-five hundred dollars for his salary in both these capacities.

Mr. BRONSON remarked that the salary as fixed by the bill, was taken from other Territorial acts, and was less than the salary in some of the Territories. He said there were Indians to be removed from this Territory, and a great labor and responsibility would be required from the Governor in that service.

Mr. BOND spoke of his desire to reduce these salaries generally; and thought the more this Territory was subdivided, the more the salaries should be reduced, as the labor and care would be less. He, also, compared this proposed salary with that of the Governors in some of the States, and contended that these were put too high in comparison.

Mr. EVERETT wished to have the salary for each branch of the service designated, so that, in case different individuals should be employed, the proportions might be fixed for each.

Mr. BOND modified his motion according to this suggestion, so as to appropriate fifteen hundred dollars as salary for Governor, and one thousand as salary for Superintendent of Indian Affairs.

Mr. POPE offered a few remarks; after which the amendment was agreed to, and the bill was laid aside to be reported.

The bill from the Senate granting land to the Territory of Wisconsin, to open a canal to connect the waters of Lake Michigan and Rock river, was then taken up, with an amendment proposed by the Committee on the Public Lands.

Mr. LINCOLN stated the general principle, that it is expedient for Governments, not only of the United States, but of the separate States, to afford facilities to corporations to carry on public works, which will result in general benefit to the community; and he was in favor of such action on the part of the Government. He said, however, that this bill on its face appeared to give lands to the Territory of Wisconsin; but such was not the fact. The land was given to a private corporation, (the Rock River Canal Company,) to remain private property.

Mr. BRONSON explained, that the Territorial Government desired to make the improvement, but doubted the authority of such a form of Government to do so, and had therefore incorporated a company to carry on the work; and in the act of in-

corporation they were empowered to petition Congress for a grant; and such rights and limitations were reserved and made; that, in point of fact, the grant would vest in the State, and not in individuals. He read from the act referred to, in order to show that, if any grant was made by the United States, it should become the property of the future State of Wisconsin, as soon as it should be admitted into the Union. He spoke of the great importance of the work, and hoped that all objection to it would be withdrawn, as it was a similar case to others that had existed in other Territories.

Mr. LINCOLN inquired if any estimate had been made of the value of the grant.

Mr. BRONSON said he did not know.

Mr. MERCER said he had made a calculation of the number of square miles; but his statement could not be heard by the Reporter.

Mr. LINCOLN thought the committee ought to wait till such information could be obtained. He understood the land was worth about three millions of dollars, and he wished to know the estimated cost of the canal, and whether that was the most useful method of improvement; and he illustrated the necessity of such knowledge by referring to a canal proposed from Boston to Albany, for which he and others had been once very zealous, though it had since been found that railroads were a better mode of transportation, and in that case in Massachusetts a railroad was now in the process of construction. Other topics, respecting the powers of the corporation, the rights of the State, and the propriety of taking tolls, and in opposition to immediate action upon the bill. With proper restrictions and safe-guards to the public rights, he should not object to the grant. He had another objection to the grant, because it was contemplated to keep the lands out of the market for ten years, and he feared that it would operate as an act of injustice and oppression towards the people.

Mr. PETRIKIN suggested a doubt whether there was any probability that the canal would ever be completed. There was no assurance that it ever would be completed. They would get the lands, and might never complete the work.

Mr. DROMGOOLE suggested that time ought to be given to examine this subject; and proposed that it should be laid over till to-morrow, that the committee might go on with other business, and members in the mean time could look into the merits of this bill.

Mr. BRONSON and Mr. CASEY assented, and the bill was passed over.

8. The bill granting an appropriation for purchasing a law library, for the use of the Committee of Appeals, and Legislative Council, of Florida, was taken up, and ordered to be reported.

9. The bill making an agpropriation for the compilation of the laws of Florida, was taken up, and ordered to be reported:

On motion of Mr. BRONSON, the committee then rose, and reported all the above bills to the House, except the one numbered 7.

The amendments to the several bills, as above reported, were severally concurred in by the House, with the exception of the one numbered 6, and they were read a third time, and passed.

Mr. THOMPSON moved to lay the bill numbered 6, on the table.

Mr. CUSHMAN called for the yeas and nays.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill, with an amendment, making appropriations for certain roads in Florida; which was read twice, and referred to the Committee of the Whole on the state of the Union, and the amendment was ordered to be printed.

The following message from the President of the United States, was presented by the SPEAKER, and was ordered to lie on the table, and be printed.

To the Speaker of the House of Representatives:

I transmit herewith to the House of Representatives a report from the Secretary of State, with accompanying papers, relating to the claim of the orphan children of Peter Shackerly, in answer to their resolution of the 28th ultimo.

M. VAN BUREN.

Washington, 4th June, 1838.

The House adjourned.

IN SENATE,

TUESDAY, June 5, 1838.

Mr. TALLMADGE presented the petition of sundry citizens of Hudson, New York, praying for the establishment of a National Bank: laid on the table.

Mr. TALLMADGE also presented the petition of sundry citizens of ———, New York, praying for the establishment of a national foundry.

Mr. ALLEN presented the petition of Cornelius Halley of Ohio, praying remuneration for services performed during the late war: referred to the Committee on Claims.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill from the House for the relief of the heirs of Robert Fulton, deceased, reported the same without amendment, stating that the committee were divided in their opinions as to the propriety of passing this bill, part of them being for, and part against it; and that he being opposed to it, should move its indefinite postponement when it came up.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the message of the President of the United States of 21st May last, on the subject of the Cherokee treaty, made a report thereon; which was ordered to be printed. [The committee came to the conclusion that it would be impolitic for the Government to encourage the belief on the part of the Cherokees that any extension of the time fixed upon for their removal by the treaty ought to be made by the Government, or would be agreed to by the States interested; and that their speedy removal was the only sure mode of avoiding collisions between them and the whites, and preserving the peace of the country.]

On motion of Mr. GRUNDY,

Ordered, That the Committee on the Post Office and Post Roads inquire into the expediency of authorizing the employment of an additional number of clerks in the General Post Office.

Mr. DAVIS submitted a resolution, which was adopted, calling on the Secretary of the Treasury for a statement of the annual expenditures for the collection of the revenue derived from imports and customs for the last twenty years.

Mr. YOUNG gave notice that he would, to-morrow, ask leave to introduce a bill for the relief of Ephraim Sprague.

Mr. MORRIS submitted the following resolution; which lies on the table one day:

Resolved, That, with the consent of the House of Representatives, the Senate will, on Monday, the second day of July next, adjourn its present session until the second Monday in November following, and that, during such recess, no member or officer of the Senate shall be entitled to or receive any daily compensation.

Resolved further, That the consent of the House of Representatives to the adjournment of the Senate, according to the foregoing resolution, be requested.

The following bills were severally read the third time and passed.

The bill to reorganize the District Courts of the United States for the district of Missouri.

The bill to authorize the location of pre-emption certificates, given by the Register of the Land Office at Batesville, Arkansas; and

The joint resolution for the distribution of certain copies of Niles's Register.

Mr. LYON moved to take up Senate bill 309, "making appropriations for the completion of certain roads in the State of Michigan." As this was a bill in which the State was deeply interested, he hoped the Senate would indulge him in his wishes. To obviate as far as possible all difficulty in relation to this subject, and reconcile conflicting views, he had prepared an amendment, which he begged leave to offer as a substitute for the original bill.

Mr. SOUTHARD wanted to know on what ground these appropriations were asked, and from what fund the Senator proposed to make them.

Mr. LYON explained at length the object of the bill, which was to obtain 5 per cent. of all the nett proceeds of the sales of public lands which were sold, between the time of that State having applied for admission and her adoption into the Union. Mr. L. said he had a statement from the General Land Office, which would make the amount about equal to two hundred and fifty or two hundred and fifty-five thousand dollars. It was well known to all that Michigan had made application, and was ready to become a State long before she was admitted, having been kept back in consequence of the question of the Ohio boundary, and was thus deprived of her political rights. All she asked now was the 5 per cent. to which she was entitled, to finish the road which had been commenced when she was a Territory. This appeared to him just, and certainly was no more than the State was equitably entitled to.

Mr. SEVIER expressed a willingness to vote for the bill, having every disposition to promote in that way the improvements of the new States; but would suggest to his friend from Michigan [Mr. LYON] to so frame his amendment, as to let it read from the formation of the Constitution of that State in 1835.

Mr. LYON said she had applied for admission at an earlier period; but he would rather date from that time than have nothing; whenever the interests of his State were concerned, he was thankful even for small favors.

Mr. NORVELL then suggested, with a view to meet the wishes of the Senator from Arkansas, who had so generously proffered his support, that the mover so modify his amendment as to read from the 23d of June, 1835. This modification having been adopted by Mr. LYON, the question was taken on the amendment, as modified, and carried; which reads as follows:

"That five per cent. of the nett proceeds of the sales of all public lands lying within the State of Michigan, which were sold under the authority of Congress between the 23d day June, 1835, and the 1st day of July, 1836, after deducting all expenses incident to the same, shall be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of such and so many of the roads commenced by the United States in the Territory of Michigan, with such alterations of said roads as the Legislature of said State may direct: *Provided*, That not more than one-fourth part of said five per cent. shall be drawn from the Treasury during the present year."

On the question of engrossment, Mr. DAVIS asked for the yeas and nays; when there appeared for it 22, against it 21, as follows:

YEAS—Messrs. Bayard, Benton, Brown, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lyon, McKean, Mouton, Norvell, Pierce, Robinson, Sevier, Tallmadge, Tipton, Trotter, Wall, Webster, and Young—22.

NAYS—Messrs. Allen, Clayton, Davis, Knight, Lumpkin, Merrick, Morris, Niles, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, and White—21.

The bill from the House making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837, was read twice, and referred.

The following bills were severally taken up and considered as in Committee of the Whole, and disposed of as specified below:

The bill authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof: indefinitely postponed.

The bill to repeal so much of the act approved the 2d July, 1836, and all other laws, as authorizes the Postmaster General to establish an Express mail in addition to the ordinary mail: laid on the table.

The bill for the relief of Pierre Menard and others: postponed to, and made the special order of the day for, to-morrow week.

The bill to confirm certain entries of public lands permitted to be made by the registers and receivers of the land districts, under the belief that the tract had been offered at public sale: amended, and ordered to be engrossed.

The bill for the relief of William Crooks and James Crooks: laid on the table.

The bill for the relief of John P. Converse and Henry J. Reese: rejected.

The bill for the relief of the widow and heirs of Colonel Albert Pawling, deceased: laid on the table.

The bill granting to the State of Illinois the right of way through the public lands of the United States, and for other purposes.

Mr. KING saw no necessity for the passage of the bill. He would remind the Senator who introduced it, that a bill had already passed the Senate, in relation to the same subject, which was general in its provisions, and embraced the State of Illinois. He thought it inexpedient to encumber legislation by passing two bills of the same import, and would suggest that it be laid on the table.

Mr. YOUNG thought the Senator from Alabama was mistaken. He was aware of the bill mentioned by the Senator; that applied only to railroads; but this was not a railroad.

[Mr. KING here said the Senator would find it general. He would see, by referring to it, that it applied to McAdamized roads.]

Mr. Y. answered, it was not even a McAdamized road, but one which the State had commenced, which was called the great Western mail route, and was one on which the United States mails were carried to a great extent, and was the means of the Post Office Department making more favorable contracts than it could otherwise have done. It was on this ground that the State asked something for the purpose of aiding in carrying this road into full operation; and that was done in such manner that it would have lost Government nothing. All that was asked was the right of way, and use of materials, for completing a road which was not embraced in the general act. Mr. Y. here went into a statement, showing the numerous roads that had been commenced in his State, and were in a state of forwardness, which he maintained would give an enhanced value to the public domain, far greater in fact than would be received by the State of Illinois by the small grant of what was asked for.

Mr. KING said he was in hopes that the Senator would not have pushed this motion. The bill already passed embraced all, and if it did not, it could be amended in the House of Representatives. This road might be an exception, and probably it ought to be provided for; but an objection he had to the bill was that it proposed to take off all the timber on the land subject to private entry, to the loss or injury of the purchaser. He was not prepared to take away the materials for the purpose of giving them to a corporation. When the lands were public, it might do, but not when they were private property; he thought it altogether objectionable.

Mr. SOUTHARD moved to postpone the bill indefinitely. He thought the one already passed was sufficiently liberal; so much so, indeed, that although not unfriendly to the object, it struck him as too much so in its nature. Besides, he was not disposed to grant favors to one State that he did not to others. He presumed that when Illinois made the road, it was not for the purpose of benefitting the Government in carrying the mail, but for the aggrandizement and improvement of her own resources. Such an argument as that used by the Senator from Illinois might be used by every other State for the purpose of obtaining appropriations.

Mr. YOUNG replied somewhat at length, maintaining that the value of the public lands was greatly improved by these roads, and that thousands upon thousands of the waste lands would thereby be brought into market.

The question being taken on the indefinite postponement, it was carried in the affirmative.

The bill granting a township of land to the French University of St. Louis, in the State of Missouri, was taken up.

Mr. CLAY of Alabama thought this bill ought to be postponed. There were many objections to the measure in a constitutional point of view that would present themselves to the minds of gentlemen, which he was not disposed to take up the time of the Senate by going into.

Mr. BENTON advocated the school with much zeal, maintaining that it was the only school in the Union where the living languages were taught so as to be practically useful. Mr. B. thought the donation was due to that French institution, and said that he saw no constitutional difficulties in the way.

Mr. CLAY of Alabama said he could not understand how we were to grant a whole township of land to a French institution, because the languages were taught there. He presumed the languages were as well taught, and probably better, in all the other universities of the country. He thought the whole matter should be well considered before final action was taken on it; and, in his opinion, it would be infinitely better to postpone the bill.

Mr. KING made a statement in relation to the lands received by different States for the purposes of education. Though the grants were the same, the value, in many instances, varied materially. For instance, that of Alabama had been found amply sufficient. In some of the States, the lands sold higher than others, because the soil was more appreciated. That, he presumed, was the fact in relation to Alabama, though her school land was disposed of at a fortunate period. Mr. K. was opposed to making any special grant. If it were extended to Missouri, he hoped it would be to every other State.

Mr. BENTON went into a history of this institution, claiming for it a great superiority over all the schools in the country for the French and Spanish languages. At this school there were young gentlemen from every part of the world, in the constant use of their mother tongue, French, Spanish, Italian, and others, and under such circumstances only could those languages be properly acquired. If there were schools or colleges in this country where the languages were as well taught, he did not know them. Of the many gentlemen that had learned thei anguages in these universities, he had never yet known one that had learned them so as to make them of practical utility; that was, to speak them fluently in conversation, and if they were enabled to do so, they must have acquired them somewhere else. Mr. B. felt sorry that the gentleman from Alabama [Mr. CLAY] had made so strenuous an opposition to a measure which was so reasonable in itself.

Mr. SEVIER expressed his willingness to vote for the bill. In the first place, the object was laudable; and in the second, he thought the lands ought to be at the disposal of States wherein they lie. Mr. S. dwelt for some time on this subject, maintaining that now the public debt was paid, such ought to be the disposition of the public domain. The lands were acquired by the common blood and treasure of our ancestors, which the old States held on to, while those of the new were sold for the common benefit of the whole. When it was proposed to give any thing in the way of grant to the new States, we were immediately told of the inequality of stich a proceeding. He would vote for no grants to the old States, and was for putting the matter on an equality by holding on to the lands in the new. Here we were spending millions to get rid of Indians in Georgia; and were the lands thus acquired sold for the common benefit? Mr. S. hoped that the bill would be permitted to pass.

Mr. CLAY having asked the yeas and nays on the indefinite postponement, they were ordered, and there appear for it 25, against it 14, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Merrick, Niles, Pierce, Prentiss, Rives, Roane, Ruggles, Smith of Connecticut, Southard, Strange, Wall, White, and Williams—25.

NAYS—Messrs. Allen, Benton, Brown, Fulton, Linn, Lyon, Mouton, Norvell, Robinson, Sevier, Smith of Indiana, Tipton, Webster, and Young—14.

At about half past four o'clock the Senate went into Executive session, and then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 6, 1838.

At the suggestion of Mr. WHITTLESEY of Ohio, the committees were called on for reports.

Mr. W. from the Committe of Claims, reported the following resolution, which, after some explanatory remarks from Mr. W. was concurred in:

Resolved, That the Clerk of the House of Representatives pay to Thomas Douglass four hundred dollars and forty-seven cents, for his services, travelling expenses in taking testimony in the case of Charles S. Sibbald, under a resolution of the House of Representatives, passed on the 3d of March, 1837, and for copying papers, and money paid Isaiah D. Hart.

Mr. W. from the same committee, made an unfavorable report on the petition of Joseph Crosby, praying indemnity for losses growing out of the charter of the steamboat Minerva: laid on the table.

Also, on the petition of Capt. E. E. Parks, for services performed against the Creek Indians: laid on the table.

Mr. W. also reported a bill for the relief of William B. Fergusson and his sureties; which, on his motion, was ordered to a third reading.

Mr. BOON, from the Committee on the Public Lands, reported a bill providing for the sale of certain lands on the route of the Wabash and Erie canal, in the State of Indiana; the further consideration of which was postponed till to-morrow.

Mr. B. also sent an amendment to the Chair he gave notive he should offer to the bill granting rights of way through the public lands to road and canal companies.

Mr. PHILLIPS, from the Committee on Commerce, reported, with an amendment, Senate bill to establish a port of entry at Jersey City, and for other purposes.

Mr. GARLAND of Virginia, from the Committee on the Judiciary, reported, without amendment, Senate bill for the relief of Thomas L. Winthrop and others, directors of the Mississippi Land Company.

Mr. HARLAN, from the Committee on Private Land Claims, reported back the bill for the relief of James Barrett, which was ordered to a third reading to-morrow.

Mr. H. also reported a resolution to set apart Saturday next, after 11 o'clock, for the consideration of bills reported from that committee; but it was rejected.

Mr. H. also reported a joint resolution for the relief of the heirs of Charles Brown; which was ordered to a third reading to-morrow.

Mr. ADAMS, from the Committee on Manufactures, reported a bill for the relief of the Union Steamboat Company of Georgia, and to authorize them to import, duty free, the materials of an iron steamboat.

Mr. McKAY, from the Committee on Military Affairs, reported a joint resolution for the relief of the Winchester and Potomac Railroad Company, with a recommendation that it be rejected; which was postponed.

Mr. BOND, from the Committee on Revolutionary Pensions, reported the following joint resolution, which was ordered to a third reading to-day:

Resolved by the Senate and House of Representaives of the United States of America in Congress assembled, That the benefits of the third section of an act entitled "An act granting half pay to widows or orphans when their husbands and fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes," approved the 4th day of July, eighteen hundred and thirty-six, shall not be withheld from any widow whose husband has died since the passage of the said act, or who shall hereafter die, if said widow shall otherwise be entitled to the same.

Mr. ALLEN of Vermont, from the Committee on Invalid Pensions, reported a bill for the relief of George Hommell.

Mr. PRATT, from the Committee on the Public Buildings, reported the following resolution; which was concurred in.

Resolved, That the Commissioner of Public Buildings be directed to furnish this House with a detailed account of the expenditures on the new Treasury building, distinguishing between the different items of charge in their application to the various heads of material, and each description of labor, giving, under distinct heads, an account of the various kinds of material procured, and their cost, and the different kind of labor employed, and at what price, and the aggregate amount of each.

Mr. CALHOUN of Massachusetts, from the Committee on Private Land Claims, made unfavorable reports on the petitions of Julia Romero,

Veator, Leguna, and others, for land; also, on the petition of Leonard Kepler for the confirmation of Spanish claim to 400 arpens land; also, on the petition of Francis Obucher for grant of land; which reports were severally laid on the table.

On motion of Mr. McKAY, the Committee on Military Affairs was discharged from the further consideration of the petitions of David Rynolds, and Daniel Retter, and the subject was laid on the table.

Mr. ANDERSON, from the Committee on Naval Affairs, made unfavorable reports on the petition of John Jenkins for indemnity for property taken for use of Government; and the petition of Francis A. Thomas, praying an increase of pension; which were severally laid on the table.

On motion of Mr. JOHNSON of Louisiana, the Committee on Public Lands was discharged from the further consideration of the resolution of the House, of March 16, instructing that committee to inquire into the propriety of granting a tract of land to the Zanesville and Maysville Turnpike road Company: laid on the table.

On motion of Mr. MARTIN, the Committee on the Judiciary was discharged from the further consideration of the petition of R. H. Chinn to abolish the western district court of Louisiana.

On motion of Mr. THOMAS, the Committee on the Judiciary was discharged from the further consideration of the petition of Stockton and Stokes, and the petitioners granted leave to withdraw said petition.

Mr. FAIRFIELD gave notice that, on Friday next, he should move the House to take up the bill in relation to the Northeastern boundary.

TERRITORIAL BUSINESS.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill to establish a port of entry at Indian Key, Florida.

Mr. THOMAS, from the Committee on the Judiciary, reported a joint resolution dissenting from, disapproving, and disaffirming, an act of the Legislative Council of the Territory of Wisconsin chartering a bank at Prairie du Chien; and the resolution was passed *nem. diss.*

The House then resumed the special order, being the consideration of bills on the Territories.

The bill to create the office of Surveyor General of Public Lands in the Territory of Wisconsin.

The bill to authorize the southern boundary line of Wisconsin to be ascertained and marked.

The two foregoing bills were read the third time and passed.

The House then took up the bill to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa, reported from the Committee of the Whole, with sundry amendments.

The pending one was on reducing the proposed salary of the Governor from two thousand to fifteen hundred dollars, and the salary of Superintendent of Indian Affairs from fifteen hundred to one thousand dollars.

Mr. SHIELDS made some remarks in favor of erecting a Territorial Government in Iowa, as in accordance with safe precedents, and necessary for the welfare of the people.

Mr. DOWNING moved the previous question; which motion was rejected—ayes 54, noes 70.

Mr. BOND called for the yeas and nays on the adoption of the amendment, and they were ordered by a vote of, ayes 31, noes 95.

The amendment was then opposed by Mr. ADAMS, and supported by Mr. BOND, who contended that the salary proposed by him was adequate compensation for the service required.

Mr. MERCER made some observations on the general character of the bill, and the extent of the country, and in opposition to the bill.

Mr. ADAMS followed in a review of the charges made of extravagance that had always been made against every Administration that had existed, and the constant cry of retrenchment and reform. He would always join in that cry, and when he could find extravagance, he would endeavor to put it down. But when the complaint was merely against the salary of a Territorial Governor, whose jurisdiction extended over a great section of country, and the effort was to save a thousand dollars, it was not such retrenchment as he was in favor of. He did not think the salary proposed in the bill was too large. He then went into some statements to show the vast extent of the country included in the proposed Territory of Iowa, and contending that it was much greater than had been represented by Mr. MERCER.

Mr. A. then went into an examination of the obligations of the Government to create Governments, as may be necessary, and to erect and receive States into the Union, in the Northwestern Territory; and replied to the remarks of Mr. THOMPSON, that he would not vote for any new States in the Northwest because it was refused to admit Texas into the Union. He was opposed to that argument in favor of violating the solemn obligations of the Government, and appealed to the Constitution and the law in support of the position he had taken. As he was going into some remarks upon the subject of slavery,

The SPEAKER said his remarks were not in order.

Mr. ADAMS said the gentleman from South Carolina had been allowed to expatiate upon that subject without being called to order; and he was again called to order.

Mr. THOMPSON begged that Mr. ADAMS might be allowed to go on, urging that he was discussing the expediency of admitting a slave State into the Union, and that was strictly in order.

Mr. ADAMS resumed, and continued a few remarks upon the subject of slavery, when he was again called to order, and having concluded his remarks, he took his seat.

Mr. BRONSON called the attention of the House to the question immediately pending; and referring to the amendment proposed by Mr. BOND, he said that was in accordance with the salary of the Governor of Wisconsin, as now established, and as had intended by the committee, who, in drafting this bill, had been led into an error, by taking the House bill for Wisconsin as the model for this, forgetting that the salaries had afterwards been reduced in the Senate.

Mr. BOND referred to the remarks of Mr. ADAMS upon the general charges of extravagant expenditure; and alleging that the Administration party, having the majority in both Houses of Congress, were responsible for the extravagant expenditures of the Administration; and the Government was not to be absolved from responsibility by throwing it upon the Houses of Congress.

Mr. HARLAN, in support of the amendment, referred to the salaries of the Governors of many of the States, which, while involving a much greater amount of responsibility, the duties were far less than that proposed for the Governor of Iowa.

Mr. MERCER made some further comments on the extent of the Territory.

Mr. JONES of Wisconsin, said he would assent to the amendment of Mr. BOND, and hoped the House would take a vote upon it at once.

Mr. THOMPSON, after some remarks in reference to his former observations, and partly in reply to Mr. ADAMS, was called to order, when he moved the indefinite postponement of the bill.

The SPEAKER said the motion to amend had precedence.

Mr. BYNUM said that he rose merely to reply briefly to the honorable member from Ohio, [Mr. BOND.] That gentleman, with an air of triumph, asked why the members of the Administration did not come out and defend it against the charges of extravagance, that he had made against it?

Sir, said Mr. B. the honorable member certainly has presumed greatly upon the ignorance of the public, and particularly on that of his constituents, when he is making these most reckless and unfounded statements. The gentleman has not specified any particular act of the Executive as being extravagant, but takes shelter under general charges; and, sir, has, in the zeal of partisan heat, overleaped every thing like a correct statement of facts.

Sir, he with an air, told us that this Administration came into power upon the charge of Executive extravagance, and on its pledge to reform it. Now, sir, the gentleman must know that his first statement is entirely unfounded in fact; that under such circumstances, there could have been no principle involved. The petty extravagance of no Executive would be sufficient to found a party upon. No, no, sir; the gentleman must know that this Administration, as well as the preceding one, came into power upon higher and nobler principles, which the gentleman seems purposely determined not to tell the people of this country or his constituents. Little could have been effected by the petty reform in any department, by the scaling down of salaries, &c.

No, sir, no friend of the Administration ever thought of coming into power under such circumstances; nor did their opponents. The great measures upon which the Republican party came into power were founded on principle; and that principle was in their opposition to a most prodigal and impracticable system of internal improvements, then about being carried on in this country, by which millions and millions of the people's money would have been squandered.

Sir, at that time, from a statistical statement, made out by Judge Smith, then a distinguished Senator from South Carolina, there were projects in contemplation, about being submitted to the sanction of Congress, of internal improvement, to the amount of eight hundred millions of dollars, which, if carried into effect, would have impoverished this whole nation. Sir, this extravagance it was, that the Democracy rallied with a determination to reform. Sir, little did they then think of your Executive reform, farther than he gave countenance to this prodigal system; to have done so, would have been a mere picayune business.

[Here Mr. B. was interrupted by the SPEAKER and Mr. BRONSON; and after some conversation continued.]

Secondly, he said, there was another great principle upon which the present party came into power. It was founded in their opposition to your odious, unequal, and unjust tariffs, which were extracting millions and tens of millions yearly from the pockets of the people, to be scrambled for by log-rolling politicians in this House, and to be voted away to the more favored States and objects. It was their opposition to the tariff that caused the Democracy of the North, South, East, and West, to rally against the former Administration, of which the honorable member from Massachusetts was at the head. Yes, sir, this was the reform that the Democracy went for, and this they got, and the country has realized the beneficial effects of it.

And, sir, thirdly, let me tell the gentleman, that it was against an extravagant system of forts, fortifications, and light-houses, that the present party went in opposition to his party, under the lead of the member from Massachusetts.

The United States Bank also was one of the great subjects on which the two parties differed, and which brought one of them into power, and sustained them under the former and present Administration. Sir, it was against the extravagance of that institution, that aroused the freemen and Democrats throughout the country; but the gentleman does not feel very anxious that these truths should be known, however anxious he may be to put it forth on other subjects. Sir, the gentleman misstated every fact, in his zeal, no doubt, in relation to which this Administration came into power, and most adroitly endeavors to shift the true issue from great principles to mere petty and pitiful acts of individuals, which will and must necessarily occur under every Government from its very nature.

Sir, this gentleman had labored long and often to implicate the Executive into some act of extravagance or folly. Yet he had never brought forward any specific charge—any tangible proposition. It all seemed to be for effect abroad. If the gentleman would dare bring forward any proposition, he would go with great pleasure with him to correct any individual abuse. Why did not the gentleman do so, if he knew of so many abuses? Sir, he was doing himself and the country great injustice to conceal or blink these subjects, knowing them as well as he did, or pretended to know them.

Sir, the honorable gentleman from Massachusetts [Mr. ADAMS] has correctly informed the gentleman from Ohio, that the Executive cannot be

properly responsible for those acts of the Government, which he has denounced as extravagant. He cannot appropriate a single dollar, without the assent of this and the other body of this Congress. If, then, there is extravagance, it is here—here, in this House. Let the gentleman commence here, and see how many of his own party he will leave unconvicted. I dare him to do it. I dare him to attempt it. I challenge him to look to the journals of this House—see the yeas and nays upon every extravagant appropriation, and if a majority of his friends have not voted for every one of them. Yes, sir, I challenge the gentleman to do this.

Then, sir, how does it comport with candor and honesty, to be continually crying against the other party, for that which they themselves are most guilty of.

Sir, were I to be guilty of such a course, I should blush to meet my constituents, or to appear before an intelligent American public.

There was other causes of the increase of public expenditures, that he would remind his honorable friend of, for personally, he assured him, he considered him so, and was proud of it. It had in a great measure been owing to the immense issues of paper money, that had swelled out and given an additional and fictitious value to every thing consumed or employed by Government—with hundreds, if not thousands, of other most satisfactory causes to any impartial, rational mind. But this was no time to go into detail in relation to those matters, and it would be out of order to do so upon this subject. He hoped the gentleman would, however, bring in some proposition upon this subject; and as a friend of reduction and reform, he would pledge himself to go with him to his heart's content.

This, however, the gentleman seemed studiously to avoid. Perhaps it was because nearly every similar attempt of special committees had never failed to cover their authors with shame and contempt, and end in the disgrace of their party. He hoped that the gentleman would not be discouraged, however, but would bring forward his proposition for a scaling committee, as he would most assuredly lend to him his little aid in carrying it on.

Mr. BRIGGS inquired if there was no way to dispose of the bill so as to go on with other business; and he suggested a postponement till to-morrow, but withdrew it on suggestion.

Mr. BELL suggested the expediency of adopting the amendment at once, as he understood it was satisfactory to the friends of the bill; and he moved to reduce the salaries of the judges to fifteen hundred dollars; which was not in order.

After a few remarks from Mr. POPE and Mr. BOND,

Mr. THOMPSON moved to lay the bill on the table, and called for the yeas and nays, which were ordered, and were—yeas 42, nays 134.

So the House refused to lay the bill on the table.

At the suggestion of Mr. BRONSON, Mr. BOND withdrew his call for the yeas and nays on the amendment, and, the question being taken, the amendment was adopted without a division.

Mr. SHEPARD then moved the motion offered by Mr. BELL, in relation to salaries of judges; which was adopted without a division.

Mr. MERCER moved so to amend the first section as to provide for the establishment of Iowa as a Territory when Wisconsin became a State.

Mr. BRONSON remarked that such an amendment was perfectly useless, as, on the admission of Wisconsin, the separation would take place as a matter of course.

Mr. MERCER. Then there was no necessity whatever for the passage of the bill at all.

Mr. WILLIAMS of North Carolina called for the reading of the amendment.

Mr. CLOWNEY called for the yeas and nays; which were refused.

Mr. CLOWNEY called for the yeas and nays on the passage of the bill, and they were ordered.

Mr. EWING opposed the bill.

Mr. CUSHMAN moved the previous question; which, being seconded, was ordered to be then put, and the main question being on the passage of the bill, was taken, and decided in the affirmative—yeas 118, nays 51.

So the bill was passed.

On motion of Mr. BRONSON, the House then went into Committee of the Whole on the state of the Union, Mr. SERGEANT in the Chair.

The bill granting land to the Territory of Wisconsin, to open a canal and connect the waters of Lake Michigan and Rock river, which had been passed over in committee yesterday, was again taken up, and the question pending was on the amendment offered by Mr. PETRIKIN to the amendment of the Committee on Public Lands.

Mr. BRONSON offered several amendments, which he thought would satisfy the gentlemen who had objected to the bill yesterday, as they went to alter the bill so as to vest the land in the State whenever it should be admitted into the Union, instead of vesting it in the Territory; and also to secure the appropriation to the construction of the canal, and to secure the completion thereof.

Mr. UNDERWOOD inquired what was the necessity of granting land now for the construction of a canal which had not been located?

Mr. MERCER submitted an amendment for consideration, going into details to secure the appropriation to the purpose intended, and to guard against waste and misuse of the grant.

After some few remarks by Messrs. POPE and BRONSON, the question was taken on the amendment proposed to the amendment by Mr. PETRIKIN, and decided in the negative.

The question then recurred upon the amendments offered by Mr. BRONSON.

Mr. WHITE of Indiana objected to those amendments, and was in favor of Mr. MERCER's, or something like it.

Mr. PETRIKIN said the object was not to make a canal, but it was entirely one of speculation; every movement proved it. If it was not a matter of speculation, why was the House called upon to legislate so long in anticipation? He said there were many companies now engaged in western land speculations, not only by purchasing lands, but by employing squatters, and taking whole townships; and that this had been done, he could not tell precisely, but somewhere in the neighborhood of this grant. He looked upon this as a mere speculation, and should vote against it in every shape.

Mr. MERCER explained the object of his amendment, and said he only wished to have it reported and printed by the House, so that members could examine it.

Mr. LINCOLN proposed some amendments, and suggested that it was impossible, without examination, to see whether they were congruous or not; and he hoped the several amendments offered by different gentlemen might be reported and printed, to be examined and made perfect, so as to meet the views of every one in the House, before a final question should be taken.

The course indicated by Mr. LINCOLN was adopted by the committee, and the bill and proposed amendments were laid aside to be printed.

2. The bill to re-organise the Legislative Council of Florida, was then taken up.

Mr. BRIGGS proposed a verbal amendment, which was agreed to, and the bill was laid aside to be reported.

3. The bill making appropriations to complete the public buildings in Wisconsin, was next considered.

After some brief discussion by Messrs. POPE, BOND, and PETRIKIN, the bill was laid aside to be reported.

4. The committee then took up and considered the bill making appropriations for the construction of certain roads in Florida, which was laid aside to be reported to the House.

5. The bill making appropriations for the construction of certain roads in Wisconsin was then taken up.

This was a Senate bill, and several amendments proposed by the Committee on Roads and Canals being agreed to, the bill was ordered to be reported.

6. The bill concerning a Seminary of learning in Wisconsin was then considered.

7. The bill to confirm an act passed by the Legislative Council of Florida, incorporating the Florida and Peninsular railroad company, was then considered, amended, and agreed to.

8. Mr. DOWNING made an earnest appeal to the committee to take up the bill to authorize the people of Florida to take a census, hold a convention, and form a Constitution, but

Mr. POTTS moved that the committee rise; which motion prevailing, the committee rose and reported.

The amendments to those amended being concurred in, Nos. 2, 3, 4, 5, 6, and 7, were read a third time, and passed.

No. 1 was postponed till to-morrow.

The joint resolution introduced to day for the benefit of certain widows of Revolutionary officers, was read a third time, and passed.

The CHAIR laid before the House the following message in writing:

To the Speaker of the House of Representatives:

In compliance with the resolution of the 4th inst. calling for any communication received from the Governors of the States of Georgia, North Carolina, Tennessee, or Alabama, in reference to the proposed modification of the Cherokee treaty of 1835, I herewith inclose a report of the Secretary of War, which is accompanied by a copy of a letter addressed to him by the Governor of Georgia, and of his reply. As stated by the Secretary, no communication on the subject has been received from either of the other Executives mentioned.

M. VAN BUREN.

WASHINGTON, June 6, 1838.

The message having been read, was, on motion of Mr. HAYNES, laid on the table.

Mr. MASON of Virginia, on leave, laid on the table an amendment he proposed to submit to the Independent Treasury bill, when that bill came up for consideration; and it was ordered to be printed.

Mr. BRONSON moved that the House again go into committee on the Territorial business.

Mr. McKENNAN moved an extension of the special order for that business till to-morrow.

Mr. BRONSON and Mr. DOWNING both expressed a hope that that motion would prevail.

Mr. YELL said he should object to it.

Mr. MALLORY moved that the House adjourn; which motion prevailing,

The House adjourned.

IN SENATE,

WEDNESDAY, May 6, 1838.

On motion of Mr. WHITE, the message from the President, received yesterday during the Executive session, relating to Indian affairs, was referred and ordered to be printed.

Mr. TROTTER presented a petition from certain citizens of the town of Rodney, in Mississippi, praying an act of Congress making that town a port of entry: referred to the Committee on Commerce.

Mr. MOUTON presented a memorial from L tt and Ires, praying confirmation of certain grants of land in Louisiana: referred to the Committee on Private Land Claims.

Mr. WRIGHT, from the Committee on Finance, reported the bill from the House of Representatives, making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages in 1837, without amendment. As this was a bill of general interest, he gave notice that he would call it up at the most convenient hour to consider it.

Mr. LINN, from the Select Committee to whom was referred the project of taking possession of the Territory of Oregon, made a report, which was ordered to be printed.

Mr. WILLIAMS, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the petition of Jacob Marks, a private in the Marine Corps; which was concurred in.

Mr. W. from the same committee, reported a bill for the relief of James H. Clarke; which was ordered to a second reading.

Mr. ROBERTSON, from the Committee on the Post Office and Post Roads, reported a bill granting additional clerks to the Post Office and Auditor's office connected therewith: read, and ordered to a second reading.

Mr. RIVES, from the Committee on Naval Affairs, reported a bill for the relief of Andrew For-

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JUNE 18, 1838. VOLUME 6.....NO. 28.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 27.]

rest, accompanied by a report, which was ordered to be printed. The bill was read, and ordered to a second reading.

Mr. R. from the same committee, asked to be discharged from the further consideration of the petition of the mother of Andrew Watts, which was concurred in.

Mr. GRUNDY said that the bill for the relief of J. P. Converse and Henry J. Rees, had been rejected yesterday; and as he had voted for the rejection, he should now move to reconsider that vote. He was always disposed to do strict justice to the application of claimants. From a conversation he had held with the head of the Post Office Department since the rejection of the bill, he had derived certain information which he was not before possessed of in relation to that claim; and though he did not agree that the bill should be passed in its present shape, yet, if the Senate would indulge him in his wish to reconsider the vote, he would then move to recommit the bill to the committee that reported it, in order that the committee might have the benefit of the information he had derived, and do what was right and just between the Government and claimants.

Mr. MERRICK, who reported the bill, expressed a wish that the Senator might be gratified. He believed the claim to be essentially a just one, and had advocated it with some zeal, on account of the opinion he entertained of its merits.

The vote was taken on reconsideration, and carried in the affirmative; and the bill, on motion of Mr. GRUNDY, was recommitted to the Committee on Claims.

Mr. LYON offered the following resolution:

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of such letters from Generals Scott and Brady and Major Garland, of the United States army, and a copy of such other evidence in possession of his Department as may tend to verify or refute certain charges against the Government of the United States, or the State of Michigan, made either direct or impliedly by Lieutenant Colonel Maitland, of the military forces of Upper Canada, in his published official report of the 25th of February last, relative to the dispersion of the forces assembled on Fighting island, in the Detroit river.

Mr. L. said he had not seen the official report of Colonel Maitland, to which this resolution referred, but he believed he had given its date and description with sufficient accuracy to identify it.

He understood that it had been extensively published in both the Canadas and in England, and that it contained statements bearing against the Government of the United States, or, at least, against the official authorities acting in Michigan, which were incorrect and untrue, and were entirely disproved and refuted by the correspondence and evidence called for in the resolution.

It was due to the gallant officers of the army, and to the Brady Guards, and other patriotic volunteers who sustained them on the Detroit frontier, and it was no less due to the character of the Government itself, that this refutation should be published as widely, if possible, as the original charges had been.

He would not leave the British Government, nor would he leave the Government or people of Canada, any excuse or justification whatever for such an act of piracy and murder as had been committed, under the sanction of some of the official authorities of that Government, in the destruction of the Caroline! He did not know that this atrocious act was approved by the British authorities at home, but he saw with great pain and regret that it seemed to be approved by the authorities of Canada. If he was not misinformed, the officer under whose direction the outrage was committed had been promoted, or honored in some other way for his services; and such was the public sentiment at Toronto, if we can believe the newspapers, that on some public occasion there lately, Capt. Marryatt, an officer of the British navy, and a writer of some distinction, gave as a toast: "*Captain Drew and his brave companions who cut out the steamboat Caroline!*"

He believed this statement might be relied on as correct, for on account of it the Captain had since that time been burnt in effigy in the city of Detroit, and all his writings with him, in front of the house where he was then staying; and it was not known that he had ever disavowed the sentiment.

Now, sir, said Mr. L. if such outrages are to pass not only without censure, but with positive and unqualified approbation, as in this instance, it is time for both this Government and the Government of Great Britain to look well to the consequences that may follow.

What do we see already? The newspapers of yesterday inform us that the British steamer Sir Robert Peel has been boarded, set fire to, and destroyed, by a body of armed men proceeding from our shores, while the boat was lying peaceably and quietly at anchor in our waters, on the river St. Lawrence! Is it not highly probable that this act has been committed in retaliation for the destruction of the Caroline, and on account of the approval of that act by the Canadian authorities? And if such be the fact, sir, would it not be as reasonable in us to approve this outrage as it was in them to approve that? But who is there in this nation, what public man or what private citizen is there, who will sanction the aggression? Not one, sir; none but reckless, lawless desperadoes, who, having neither character nor any thing else to lose themselves, would gladly plunge the nation into war, in the hope that something may turn up to their personal advantage.

I trust, sir, the offenders will be brought to justice; that they will be visited with the utmost rigor of the law; and that we shall set an example to our Canadian neighbors which it will be their interest, as well as their duty, to follow; for they may rest assured, that should a war once be kindled between the two countries, the result would be as little to their advantage as to our own, and it would unquestionably be one of the greatest and most deplorable calamities that could befall either.

Mr. PRESTON asked if the consideration of the resolution was sought for now? He did not know that he should be opposed to the measure, but it struck him as somewhat peculiar to ask for information in relation to so delicate a matter, from subordinate officers.

Mr. LYON said he felt no disposition to press it. The resolution might lie over in accordance with the rules of the Senate.

Mr. WEBSTER then submitted the following:

Resolved, That the Secretary of the Treasury communicate to the Senate a copy of any order or circular issued by him to the collectors and receivers of public money since the passage of the joint resolution of the 1st of June, 1838, relating to the public revenues and dues to the Government.

Mr. BENTON, from the Committee on Military Affairs, reported a "bill authorizing the President of the United States to accept the services of volunteers." Mr. B. gave notice that as this was a bill of a public nature, and of some importance, he should call it up at an early day.

Mr. WHITE, agreeably to notice given, introduced a bill to regulate the modes of empanneling jurors in the Circuit and District Courts of the United States: referred to the Committee on the Judiciary.

Mr. YOUNG, in accordance with notice previously given, introduced a bill for the relief of Ephraim Sprague: referred to the Committee on Claims.

Mr. BENTON said that a communication which had been received from the Treasury Department in relation to the exchanges, &c. had been ordered to be printed, and the usual number had been struck off; but, as it was a document of some importance, going back as far as '83, several of his friends had suggested that an extra number had better be ordered, and, in accordance with that wish, so generally expressed, he would move that 3,000 copies be printed; which motion was concurred in.

The bill from the House establishing a new Judicial District in the Territory of Florida;

The bill making an appropriation for a compilation of the laws of Florida; and

The bill making an appropriation for the purchase of a Law Library for the benefit of the Legislative council and Court of Appeals of the same Territory; were severally read and referred to the Committee on the Judiciary.

The Senate bill for creating an office of Surveyor General of the public lands in the Territory of Wisconsin, was read as amended by the House and referred to the Committee on Public Lands.

Also, the bill as amended in the House to authorize the President to ascertain and mark the Southern boundary of the Territory of Wisconsin.

Mr. LINN laughingly observed, that bill appeared truly an unfortunate one. It had been introduced by him, on leave, and referred to the Committee on the Judiciary, from whence, he believed, his friend [Mr. GRUNDY] had reported it, with an amendment striking out all after the enacting clause. Well, sir, said Mr. L. the bill was passed and sent to the House, where again it had been so amended as to strike out all after the enacting clause, and sent back to us. He did not know what better could be done with it than to refer it again to the kind care of his friend.

The bill was accordingly referred to the Committee on the Judiciary.

The following reports from the Committee on Revolutionary Claims were read and, on motion, laid on the table for the present:

The rejection of the claim of James Caldwell;

The rejection of the petition of General Jacob Baley;

And the rejection of the petition of Jacob Bancroft.

Mr. PRENTISS moved to take up the bill for the relief of the legal representatives of Lucy Bond and Hannah Douglass, which having been acquiesced in by the Senate, Mr. P. explained the merits of the bill; and after some discussion,

Mr. TIPTON said he should endeavor to get rid of this bill once more, by moving to lay it on the table. The bill would doubtless lead to a long and protracted discussion, and was in the way of other business more likely to be progressed in. The bill was laid on the table.

The bill to set apart a belt of land on the western borders of the States of Missouri and Arkansas, as bounty lands, to be granted to settlers engaged for a term of years in the defence of the frontier.

Mr. FULTON made a brief explanation of the merits of this bill, and moved that it be made the order of the day for Monday next, which was acquiesced in.

The bill to authorize the State of Mississippi to invest the two per cent. fund of that State was then taken up.

Mr. TROTTER said that bill had been reported by his worthy colleague, who, it was known, was absent from his Senatorial duties from severe indisposition; he had hoped that his colleague would have been so far recovered as to have been enabled to attend to this bill; but as such was not the case, and as he did not feel himself enabled to do justice to the measure on so short a notice, he would move that the bill be placed on the general orders, which was acquiesced in.

The following bills were severally read a third time and passed:

The bill to confirm certain entries of public lands permitted to be made by the registers and receivers of the land districts, under the belief that the tract had been offered at public sale.

The bill making appropriation for the completion of certain roads in Michigan.

The following bills were ordered to be engrossed for a third reading:

The bill to authorize John E. Metcalf and others

to locate certain pre-emption claims to land in Indiana.

The bill for the relief of certain settlers of the public lands who were deprived of the benefit of the act granting pre-emption rights, which was approved on the 19th June, 1834.

The bill for the relief of Robert Keyworth.

The bill to settle the construction of the act regulating the pay of the paymasters in the army.

Mr. BENTON thought he could explain the object of this bill more briefly, perhaps, than by reference to the papers, which merely showed the effect without giving the reasons which actuated the committee in reporting the bill. The act which had passed long since, regulating the pay and emoluments of a paymaster in the army, made them equal to a major in the army, but did not say what major, whether of cavalry or of infantry. Some of these officers had set up claims to the largest amount of pay, to wit: that of a major of cavalry. The affair, he believed, had in some instances been carried to the judiciary. In some courts the pay of the largest amount was allowed; in others, that of the major of infantry. The object of this bill was merely to settle the matter for the time to come, without having any retrospective bearing. This bill gave those officers the largest amount; it was made a beneficial act towards them. The labors and responsibilities of this class of Government agents were greatly increased, and many of them had been subject to very severe losses in payments made to militia and volunteers. The committee, under these considerations, thought it would be nothing more than reasonable to allow them the difference between those two officers—majors of cavalry and infantry; and though the sum was small, being only a few dollars, yet it w as something to them and comparatively nothing to the Government.

The bill was ordered to be engrossed.

The bill for the benefit of the Mount Carmel and New Albany Railroad company, in the State of Indiana, was then taken up.

Mr. TIPTON explained this bill at length, showing the advantages to be derived by the Government in carrying the United States mail, transporting munitions of war, &c. and stating that some of the lands which were asked for by the bill had remained unsold for thirty years last past.

Mr. SMITH of Indiana went at length into the objects and provisions of the bill. He showed the great importance of the work, both in a National, State and individual point of view. He stated that the length of the contemplated road was about one hundred and twenty miles; that it was the important and indispensable link in the great chain of railroad from Charleston, South Carolina, passing through the States of South Carolina, North Carolina, Tennessee, Kentucky, Indiana, and Illinois, to intersect the Mississippi at Alton and St. Louis. He argued the vast interest the South, as well as the West, had in this grand chain of internal communication, connecting together these great and extensive sections of the Union. He spoke in high terms of the grandeur and importance of the design of the Charleston and Western railroad, and most heartily wished it success. He avowed himself the friend of internal improvements, and contended for the power of the General Government to execute works of a national character, leaving the States and private companies to construct those of a local character. He stated that the contemplated road would pass through a section of country in Indiana in which the desirable lands had long since been located; that those remaining were refuse lands that had been in market thirty and thirty-two years without finding a purchaser. He said he would not, on private speculation, give twenty-five cents per acre for these lands. They would not sell for that sum, he believed, although they were located in the older sections of the State. He urged the fact that they had not been sold in so great a length of time as conclusive evidence of their refuse character. He showed that the proposition in the bill, the condition of the grant, to carry the mail for twenty years without charge to the Government, on the road from New Albany to Mount Carmel, would pay one dollar and six cents for each acre granted, at the price it now cost the Government to convey the mail on a parallel road between these points. He said the bill only granted alternate lands, leaving the balance to be enhanced in value by the work. He urged the fallacy of the argument that had been used, that the price could not be raised by the works, as they must be sold at one dollar and twenty-five cents per acre. In answer to which he contended, that the value of money depended very much upon the time of its reception; and he illustrated by showing that if these lands had been sold at fifty cents per acre when they were first brought into market, the use of the money would have been worth more to the Government than the one dollar and twenty-five cents would be if sold now; and although the works may not raise the minimum price of these lands, they will cause them to sell, and add to the general wealth of the State, and to the revenues of the Government. He closed by saying he hoped the grant would be made, as he had no doubt but that it would prove greatly beneficial to the Government, as well as to the company and State.

Mr. NILES thought there were constitutional objections to the bill; besides, it looked like a bargain on the part of the Government with a private corporation, and he had always been, and always should be, opposed to all bargain, intrigue, and management; and he should either move to strike out all that portion of the bill which related to the grant of public lands, or to postpone the bill indefinitely.

Mr. SOUTHARD would like to know if the Senator struck out all that related to the grant, what there would be left in the bill.

Mr. TIPTON said he had no objection to testing the sense of the Senate in relation to striking out. If that were done, some other features less objectionable to the scruples of Senators might be introduced. With regard to bargain, Mr. T. said it was matter of every day concern in the operations of the General Government. What were contracts for carrying the mail, building forts, &c. but bargains. He could see nothing unconstitutional in the bill; all it asked was to permit the company to purchase lands within a prescribed space of its road at the rate of one dollar and six cents an acre; that was the head and front of the bill; it asked that, and no more.

Mr. ALLEN avowed himself friendly to the object, and if the Senator [Mr. TIPTON] would so amend his bill as to give the land to the State, it should receive his vote; otherwise, he could not support it. He thought the bill established a bad precedent—that of making contracts with private companies or individuals, which almost always led to loss on the part of the General Government. If these companies violated the charters extended to them, there was always some pretext set up, or some reason assigned, why the law should not be put in force against them. Besides, the carrying of the United States mail, &c. was so remote a contingency as scarcely to weigh any thing in the matter.

Mr. NILES contended that would not amend the matter, as it would be merely making the State of Indiana a trustee for the company.

The debate was further continued by Messrs. SMITH, TIPTON, NILES, ALLEN, and others, when

Mr. SMITH said he had but a very few words to say in reply, he must however express his surprise to hear the objections which had been urged by the Senator from Connecticut. That Senator denounces the bill as containing the principles of a bargain—he deprecates bargains as horrible and unholy; he confines himself however to public bargains, Legislative bargains. Mr. S. said, without any reference whatever to that Senator, for he believed him to be an honorable and honest man, he must say that when he heard gentlemen crying bargain, intrigue, and corruption, he was always reminded of an occurrence that took place in his State some years since: he would tell it to the Senator from Connecticut, by way of following the example of that Senator, who he had discovered was fond of anecdotes. One morning on the opening of the court in one of the counties on the Ohio river, a motion was made to admit, *ex gratia*, a person as a member of the bar. The applicant handed up to the court a paper purporting to be a license from the Judges of the Court of Appeals of Kentucky. The judge who was a man of a high order of talents, and a close observer of men and things, held the paper rather longer than the would-be attorney liked; when he rose, and asked the judge if he thought *that* paper a forgery. The judge instantly turned his piercing eye on him, and said: "What put that into your head, sir?" The applicant for the high honors of the profession, immediately left the court-house; and when the judges went to dinner, shortly afterwards, he had taken a boat and gone down the river. The truth was, the paper was a forgery. So, sir, it is always suspicious to hear gentlemen harping on these things. The question is at once suggested, "what put that into your head, sir." He would suggest to the Senator from Connecticut, that not a new State in the Union had been admitted, except upon contract. Let him look at the acts of admission—let him look to the acts of cession—and indeed let him look to every operation of the Government, and he will find that the whole machinery is propelled by bargain and contract. Mr. S. was not to be alarmed by the cry of bargain and corruption. He did not pretend to any greater share of honesty than other gentlemen; but he could assure the Senator from Connecticut, that he felt himself to stand on such grounds, that he could do his duty fearlessly, without dreading the suspicions of any one, as to the purity of his motives. Mr. S. then went into an examination of the objections that had been urged against the measure at some length.

Mr. S. concluded by saying he would offer an amendment, which might probably be satisfactory to the Senator from Ohio. He would move to amend the bill so that it should read "to grant it to the State for the use of the Mount Carmel and New Albaay Railroad Company.

Mr. HUBBARD moved to strike out all after the enacting clause; on which question he asked the yeas and nays; when there appeared for it 23, against it 11, as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Clayton, Grundy, Hubbard, Knight, Lumpkin, McKean, Morris, Mouton, Niles, Pierce, Prentiss, Roane, Sevier, Smith of Connecticut, Southard, Strange, Swift, White and Williams—23.

NAYS—Messrs. Clay of Kentucky, Fulton, Linn, Merrick, Robinson, Smith of Indiana, Spence, Tipton, Wall, Webster, and Young—11.

Mr. TIPTON then prepared an amendment, asking the right for the company to purchase the lands at $1 25 per acre, on a credit of six years, and intimating at the same time that he was not authorized by the company to make any such move. The company had never doubted but Congress would at once have granted all that was asked in the original bill.

Mr. BENTON expressed his willingness to give the company all the land on that condition, if it would receive it.

After some further remarks, the bill was postponed, and the amendment of Mr. TIPTON ordered to be printed.

Mr. CLAY of Alabama then moved to take up the bill for the establishment of the Territory of Iowa, received from the House, with various amendments. Mr. C. moved to concur with the House in its amendments, as they were of an unimportant character, relating chiefly to the salaries of the offices, which were diminished, so as to make them more favorable to economy on the part of the Government. The first was the salary of the Governor, which was reduced from $2,000 to $1,500.

Mr. WEBSTER said, before he consented to this reduction, he should like to learn how this salary corresponded with that of the Governors of other Territories.

Mr. BENTON expressed himself averse to creating any distinction between the two Governors on the opposite sides of the river, and particularly as the Governor of Iowa would be on the more immediate Indian border. Mr. B. said it had been the practice formerly to allow the Governors of Territories $4,000—$2,000 of which was for Governor, and $2,000 as Superintendent of Indian Affairs. Offices in the vicinity of Indians, he well knew, were subject to the heaviest expenses. Unless they

treated the Indians, who came to see them, with hospitality and courtesy, they were sure to be despised, and never could exercise any influence over them. Hospitality was a peculiar trait in the savage character; you could never visit the humblest of the race without being invited to partake of refreshment; and the white man, particularly the Governor, that did not return it, would be contemned by them.

This amendment was concurred in.

The next amendment was the reduction of the salaries of the District Judges from $1800 to $150 .

Mr. ROBINSON hoped this reduction would not be concurred in; the salary would be very inadequate to the wants of these officers. It was one of the dearest countries for living in the United States; more so, he was prepared to say, even than New Orleans.

Mr. TIPTON thought the salary sufficient; and that plenty of men, competent to fill such offices, were to be had at the price stipulated in the amendment.

Mr. DAVIS thought the salary would range pretty equal with the salaries of the judges in the different States.

Mr. CLAY, of Kentucky, said that the time to come must be taken into consideration; provisions might be dear now on account of emigration, but this could not continue so in a Territory which was one of the finest farming and grazing countries in the world.

Mr. PRESTON moved to lay the whole bill on the table; there was no necessity for the adoption of another Territory just now.

Mr. HUBBARD asked if this motion were in order.

Mr. CLAY, of Kentucky. Yes, sir, perfectly in order; and we will only have to vote it down.

The question was then taken on laying the bill on the table, by yeas and nays; when there appeared yeas 6, nays 33, as follows:

YEAS—Messrs. Lumpkin, Preston, Sevier, Spence, Strange, White—6.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Fulton, Grundy, Hubbard, Knight, Linn, Lyon, Merrick, Morris, Mouton, Niles, Norvell, Pierce, Prentiss, Roane, Robinson, Ruggles, Smith of Conn. Smith of Indiana, Swift, Tallmadge, Tipton, Trotter Wall, Webster, Williams and Young—33.

The amendments from the House were then all concurred in.

The Senate then went into the consideration of executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 7, 1838.

SURVEYS OF THE LAKES.

The first business in order was the consideration of the following resolution, reported some days since from the Committee on Commerce:

Resolved, That the Secretary of War be instructed to communicate to the House of Representatives, at the commencement of the next session of Congress, a copy of each survey, and chart accompanying the same, that has been heretofore made, of the shores, harbors, inlets, and waters, of Lake Erie; also, a copy of each similar survey that has been made of Lake Michigan.

The question was on the following amendment of Mr. WHITTLESEY of Ohio:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause such parts of Lakes Ontario, Erie, St. Clair, Huron, Michigan, and Champlain, and the bays contiguous, and the rivers and straits connected with said lakes, as are within the United States, and the waters of Chesapeake Bay, and creeks adjacent thereto, to be surveyed, when he may deem the same to be necessary to add security and safety to the navigation or commerce on those waters, or for any naval or military operations that may be required on the same for the protection and defence of the northern frontier, and accurate maps and charts of such surveys to be made; and for that purpose he is hereby authorized to employ any public vessel or craft within those waters; and to detail for such service such persons as are employed on board of such vessels or crafts, and others in public employ, when the same can be done without injury to other branches of the public service; and that he cause the shoals, rocks, and other obstructions, and the channels into the bays, mouths of rivers, and through the straits, when said channels are intricate, to be designated by buoys, or in such other suitable manner as he may direct.

And the question pending was on the amendment thereto by Mr. STANLEY, to include the waters of Cove, Albemarle, and Pamlico Sounds, North Carolina.

This amendment was now agreed to; and thus amended, Mr. WHITTLESEY's amendment being agreed to, and the resolution being on its engrossment—

Mr. ADAMS remarked upon the superfluousness of including the Carolina waters, as they were included in the general coast survey that had been going on for so many years. [Mr. MALLORY said said they would not be reached for twenty years, and Mr. STANLEY said the river bays or sounds were not included in the coast survey.] Mr. A. said there was an obvious diversity of opinion, but he was not opposed to the merits of the resolution, as it proposed carrying out the system of internal improvements; but there ought to be an appropriation and a bill reported for that purpose.

Mr. WHITTLESEY explained that no appropriations or improvement were contemplated. It was a simple proposition to employ the officers already on the spot in discovering and designating the shoals, islands, and bars in the lakes. This was the original design, and Chesapeake bay and the waters of North Carolina had been engrafted on it by others. No appropriation was asked for or required, for none was necessary.

Mr. CUSHMAN was in favor of the resolution, which did not involve the expenditure of a single dollar; and in order, therefore, to bring the House to a vote, he demanded the previous question, which was seconded, ayes 103, noes not counted; and the main question being ordered thereon—

Mr. MALLORY asked for the yeas and nays, but they were refused, and the resolution was ordered to a third reading without a division, this day.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of William Dixon; which was ordered to a third reading to-morrow.

Mr. W. also reported the following resolution, which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Rassalas Whitcomb, Geo. C. Van Zandt, Willard Barrows, Thomas Brown, N. Brookfield, Andrew Porter, John Wharrey, John Milroy, and James A. Rosseau, and that the same, with the documents accompanying, be referred to the Secretary of the Treasury for settlement under the contracts made by the petitioners with the United States to survey public lands, and for payment under existing appropriations, for surveying the public lands.

Mr. CHAPMAN, from the Committee on the Public Lands, reported without amendment, Senate bill to relinquish to the State of Alabama the two per cent. fund for purposes of internal improvement in that State.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported against Senate bill for the relief of the legal representatives of William Sandford; and the same was laid on the table.

Mr. MERCER, from the Committee on Roads and Canals, reported back the amendment of the Senate to the House bill giving the assent of Congress to an amendatory act of the General Assembly of the State of Virginia, chartering the Falmouth and Alexandria Railroad Company, with a further amendment, recommended by the committee, and they were all committed to a committee on the Union.

Mr. BOND, from the select committee to which the subject had been referred, reported a bill to extend the time for locating Virginia military land warrants, and for returning surveys thereon to the General Land Office.

On Mr. B's motion, the bill was ordered to be engrossed for a third reading to-morrow.

Mr. KILGORE asked leave to submit the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of so much of the act of June 23, 1836, entitled "An act to regulate the deposites of the public moneys," as prohibits the receipt of the notes or bills of specie paying banks, which have issued since the 4th July, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended for the period of two years.

And be it further resolved, That the operation of the second section of the act of April 14, 1836, entitled "An act making appropriations for the payment of the Revolutionary and other pensions of the United States, for the year one thousand eight hundred and thirty-six, be, and the same is hereby, suspended for the period of two years.

Objection being made,

Mr. K. moved a suspension of the rules.

Mr. REED asked for the yeas and nays; which being ordered, were—yeas 96, nays 91, as follows:

YEAS—Messrs. Alexander, Heman Allen, John W. Allen, Bell, Bond, Borden, Briggs, Buchanan, William B. Calhoun, John Calhoon, William B. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Crockett, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, William Graham, Grant, Graves, Grennell, Hall, Halsted, Hammond, Harlan, Harper, Hastings, Hawes, Hoffman, Jabez Jackson, Henry Johnson, Kilgore, Lincoln, Marvin, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Patterson, Peck, Pope, Potts, Sergeant S. Prentiss, Rariden, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Sibley, Slade, Southgate, Stanly, Stone, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—96.

NAYS—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beirne, Bicknell, Biddle, Cambreleng, John Campbell, Chaney, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Cushing, Cushman, Davee, DeGraff, Dromgoole, Duncan, Farrington, Fairfield, Isaac Fletcher, Fry, Griffin, Haley, Hamer, Harrison, Hawkins, Haynes, Herod, Holt, Hopkins, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Klingensmith, Leadbetter, Logan, Loomis, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, Miller, Montgomery, Moore, Morgan, Mathias Morris, Samuel W. Morris, Murray, Noble, Ogle, Palmer, Parker, Pennybacker, Petrikin, Phelps, Pickens, Pratt, John H. Prentiss, Reiley, Rives, Sheffer, Shields, Sheplor, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, and Yell—91.

So the House refused to suspend the rules, not being two thirds.

Mr. HARPER, from the Committee on Revolutionary Claims made an unfavorable report on the petition of the heirs of Doctor J. S. Pell, and on the petition of Wm. Roberts, jr.

Mr. CARTER then moved to make the bill to extend the pension system the special order of the day for Tuesday next.

Objection being made, Mr. C. moved for a suspension of the rules, and asked for the yeas and nays, but the House refusing the latter, Mr. C. modified his motion, by asking for two hours only on that day, and made a few remarks on the importance of the measure.

Mr. BOON suggested to limit it from the journal till 10 o'clock; which Mr. C. accepted as a modification of his motion.

Mr. SHIELDS suggested Saturday next.

Mr. YELL moved Friday.

The CHAIR replied that the rules must first be suspended before the motion could be made.

The House refused to suspend.

Mr. FAIRFIELD moved that the House go into Committee of the Whole on the state of the Union generally; which was agreed to, and the House went into committee, Mr. CRAIG in the Chair.

PRE-EMPTION BILL.

Mr. GARLAND of Louisiana, moved to take up the pre-emption right bill; which was agreed to 101 to 46.

The Senate "bill to grant pre-emption rights to actual settlers," was then taken up, and read at the Clerk's table.

Mr. UNDERWOOD called for the reading of the former pre-emption law, which having been done, the CHAIR propounded the question on the first amendment, proposed by the House committee on the public lands, which was to accept from the

operations of the pre-emption, the Miami reserve in the State of Indiana, acquired by treaty, of which the proclamation was made by the President of the United States on the 22d of December last.

Mr. BOON then rose and addressed the House as follows:

Mr. Chairman, said he, the subject under consideration was one of very deep interest to a numerous and most meritorious class of citizens of the new States and Territories, and that he, as a member of the Committee on Public Lands, and as a Western man, felt it to be his duty to offer a few remarks in support of the measure proposed to be adopted. In thedischarge of the duty thus devolved upon me, said Mr. B. I shall at least have the satisfaction to know that I shall be found laboring to protect the rights and interests of a class of my fellow-citizens, many of whom have removed far from the land of their fathers, in search of a country and a home for themselves and families, and have settled on the public lands in good faith and with an honest intention of becoming the purchasers of their little improvements, so soon as circumstances would enable them to do so. And now, sir, what does the present bill propose to do? It contains no new principle whatever, but simply provides that there shall be granted to the present settlers on the public lands that which, by former acts of Congress, has been repeatedly granted to others who were similarly situated.

I am aware, Mr. Chairman, that many gentlemen of the old thirteen States of this Confederacy are, and ever have been, opposed to almost every measure calculated to benefit the new States of the West. But, said Mr. B. I had not, or could not have, believed, until very recently, that there could be found an individual of any political creed whatever, hailing from the *Great West*, ready to denounce all those who had at any time settled on the public lands, as a band of "*lawless intruders and land pirates.*" But, sir, a most meritorious class of citizens of the new States have been thus grossly denounced by men high in office, and from a quarter, too, from whence so hostile an attack upon western men and western interests was least to have been expected or looked for; and though I will not descend to the use of language of like unstatesmanlike character by way of *retort*, I may be permitted to say that I know hundreds and thousands of individuals who at different periods of time settled upon the public lands before they became purchasers thereof, whose characters for honesty, integrity, and patriotism would not suffer by a faithful comparison with that of any individual who may, at any time, have thus denounced a meritorious class of citizens, to whom the country at large, and the West in particular, is under the deepest and most lasting obligations; a class of citizens, sir, whose spirit for enterprise is unequalled, and whose manly courage has never been surpassed in the hour of their country's danger from an invading foe. I rejoice, said Mr. B. to know that in our heaven-favored America, a *freeman* is neither disfranchised in consequence of his poverty, nor in consequence of his having settled upon the public lands; and I trust, sir, that every despised and abused settler upon the Government lands will, on all fit and proper occasions, cause his just weight and influence to be *felt* and *respected* by all aspirants to office. Sir, said Mr. B. to what class of citizens do we look for soldiers to fight the battles of our common country? Is it to the land speculators, the rich, and the "well born," that we look? No, sir, no: it is to the laboring poor men of the country, including the abused settlers upon the public lands, who have been denounced within the walls of this Capitol, on more than one occasion, as a band of "*lawless intruders and land pirates.*" And, sir, shall we now refuse to protect this meritorious class of our fellow citizens in their just claims upon the favor of the Government under which they live? I trust not, Mr. Chairman.

Sir, if you but trace the history of the new States and Territories from their earliest settlement by a white population up to the present period of time, it will be perceived that much the greater portion of the entire population of those States and Territories, settled upon the public lands before they became purchasers; and it is to this description of population, more than to any other, that the Government is mainly indebted for the value that has been given to your vast public domain. But for the spirit of enterprise displayed by the adventurous sons of the West, much the greater portion of the now cultivated regions west of the mountains, would, until the present period of time, have remained in a state of nature, and the habitation of the aborigines, and beasts of prey.

Sir, continued Mr. B. having been myself a partaker of the many privations in life which attend those who are the settlers of a new country, I feel that I am thereby enabled to judge more correctly of the many privations which is experienced by those who, at different periods of time, have settled upon the public lands in the Western wilds. Twenty-seven years ago, sir, I removed from the State of Kentucky to the then Territory of Indiana, with a wife and four small children; and being at that time unable to make payment for a lot of land for a home for myself and family, I, like many others, settled upon the public lands with good intentions, when my nearest neighbor was a hostile Indian, and my only shelter from the storm, and my protection from danger, was an open *camp*; and the bark of the elm tree when spread upon the cold earth served both as my floor and my carpet. And, for more than five long years, the meal of which my daily bread was made I had to grind on a hand mill. Such, Mr. Chairman, are a few of the very many hardships which were experienced by the early settlers in the western wilds; and such are they who, on more than one occasion, have been denounced within the walls of this Capitol as a band of "*lawless intruders* and *land pirates.*" Sir, continued Mr. B. all that I will say to those individuals, who have thus given utterance to such course and unmerited abuse of a meritorious class of American citizens, is that they *deserve* only, as they will *receive*, the utter scorn and contempt of every individual who at any time has settled upon the public lands.

Some gentlemen are opposed to pre-emption laws, because, say they, such a policy if adopted, would so far change the present land system, as to greatly diminish the annual amount of revenue now receivable from public lands. Now if gentlemen will but examine this subject a little better, they will readily perceive that land sales, at public auction, since 1820, have, on an average, produced only about six and one quarter of a cent per acre more than the Government price of one dollar and twenty-five cents per acre.

Now, Mr. Chairman, I put it to gentlemen to say whether they really consider the pecuniary interest of the Government in this small matter, involving only the trifling sum of six and one-fourth cents an acre more than the present Government price, of such importance, as to induce the Government to drive from the public lands, the present settlers, for the purpose of enriching the Treasury, and to benefit the speculator? Sir, suppose you refuse to protect the actual settler by pre-emption right, what are the consequences which will follow? Why, sir, the poor settler will attend the public land sales, and bid for the lot which has been made valuable, and perhaps saleable, only by his labor, until driven from competition by a mere man of *straw*, procured to bid at the public land sales by a combination of speculators. And when the actual settlers are thus driven from the sales; this man of *straw* thus procured to bid against the settlers, forfeits his bids, the land reverts back to Government for non-payment of the purchase money, and is then entered by the speculator at one dollar and twenty-five cents per acre. This, sir, is, to a very considerable extent, the effect produced by the present system of land at public auction. The Government, under such a system, is no gainer, while the poor settler loses his all, and is afterwards compelled to content himself with the purchase of Government lands of an inferior quality, or he must purchase better lands from the speculator at greatly advanced prices.

Surely, Mr. Chairman, it will not be contended by any, one that it would be either a wise or judicious policy on the part of the Government to adopt any system that would have a tendency to cripple or retard the growth or improvement of the new States; and more especially when the Government would be no gainer by the measure. No, sir: it should rather be the policy of the Government to sell her lands to individuals in tracts of limited parcels, and at reduced prices. The price that has been long fixed by law as the Government price per acre, is one dollar and twenty-five cents, and is believed to be sufficiently high for any lands sold by the Government; and it cannot, in justice, be denied that the actual settler and cultivator should have a preference over the speculator. If you grant the right of pre-emption to actual settlers to one quarter section, as is proposed by the present bill, the Government will receive one dollar and twenty-five cents per acre for all the lands sold under the present land system at private entry; and if you first offer your lands for sale at public auction, the Government will receive but a small fraction more on the acre, than the minimum Government price. But not even that fraction will be received, where *combinations* exist; and but few public land sales have taken place of late years, where combinations by speculators did not exist. I consider, therefore, that the Government has no adequate pecuniary interest sufficient to induce it to drive from the public lands the actual settler, for the benefit of the speculator.

I am aware, said Mr. B. that pre-emption laws have been objected to on the ground that they involve conflicting claims and clashing interests, and other evil consequences. This was the case under the act which authorized *floating* claims. But, sir, the present bill guards against like consequences in future. It provides that where two or more persons have settled upon, and cultivated any one quarter section of land, each of them shall have an equal share therein, but shall have no claim to lands elsewhere by virtue of this bill, should it become a law.

These, Mr. Chairman, are the general provisions of the present bill, as it came from the Senate, and having received the approval of a majority of the Public Land committee on the part of this House. Sir, said Mr. B. if time would permit me, I might go much more at length into the discussion of this subject; but I am not much in the practice of making speeches on this floor "for *Buncombe;*" and knowing that there is other business of much importance to the country and to individuals to be acted upon in the short time yet remaining of the present session of Congress, I will conclude my remarks by saying that, to my mind, there is no measure whatever which recommends itself more strongly to the favor of Congress, upon every principle of justice and humanity, towards a meritorious class of our fellow-citizens, who have settled in the western wilds.

Mr. EWING said he would not make a speech for Buncombe nor for the House, nor should he enter into a history of his life; for, when he gave that, he should give it entire. He spoke highly of the character of the squatters, and referred to an alleged attack made upon them elsewhere by an individual, [Mr. CLAY,] which he pronounced false, and said such an attack had never been made.

Mr. E. moved to amend the amendment by granting to the State the right of pre-emption to the Miami reserve lands, except to those already settled, which he stated to be only by about half a dozen families.

Mr. CHAPMAN inquired if the amendment, which proposed to give a State a grant of land was in order. He hoped the gentleman would withdraw it, and bring it forward upon some other occasion, as it had the effect of embarrassing the bill.

Mr. EWING said it was intimately connected with pre-emption rights to public lands, and the disposition to be made of them; and was so intimately connected that they could not be separated.

Mr. HEROD called for a division of the question on Mr. EWING's amendment, so as to take the question first on that branch of it giving the pre-emption to the State, and next on that in relation to the individual settlers on the Miami lands.

Mr. JOHNSON of Louisiana remarked that

that the proposition to grant pre-emption rights to a State was new in principle. Lands had been granted heretofore to the States, but never pre-emption to them.

Mr. EWING denied there was any novelty in the principle, unless the bill itself was a new one; and who would deny a right to a whole sovereign State, which was not refused to its citizens.

Mr. DUNN, in view of the existence of the combinations that would be formed at the sale, did not believe the United States would acquire more from the proceeds, than if the State of Indiena got it at the minimum price. Moreover, by granting it to the State, the Treasury would be in the immediate receipt of the money.

Mr. POPE suggested that the amendment should be altered so as to compel the State, if she entered any part of the lands, to take the whole.

Mr. UNDERWOOD explained, and severely condemned the whole plan. It was giving a State the privilege of speculating on the lands, over the heads of the settlers; and, after the grant was made, the State would apportion out the land, and watch those boys who were about to squat. He said if pre-emption rights were to be granted at all, he would say hands off from all distinctions—let the settlers stand upon equal terms every where. The land, he was told, was worth three, four, and five dollars an acre; and instead of allowing the State of Indiana to speculate, and pocket the profit, he would prefer to alter the law so as to compel settlers to pay those prices, and let the United States have the profit.

Mr. DUNN replied with an argument to show that it was proper to benefit the State, because the principle of granting pre-emptions was intended to reward those who went and settled the western lands in advance of others; and such persons would have the benefit of this provision.

Mr. WILLIAMS, of North Carolina, opposed the amendment, It was enough for him to know that it proposed to benefit the State of Indiana; and, if that State was to be benefitted, he wished to know how a distinction could be drawn between that State and others. Why, he asked, should not the old States be benefitted in the increase of value? or why should a preference be given to Indiana over other States containing public lands.

Mr. HEROD gave an explanation of the situation in which these lands were; and advocated the amendment.

The question was then taken, and decided in the negative.

So the amendment offered by Mr. EWING was rejected without a division.

The question then recurred upon the original amendment.

Mr. WHITE, of Indiana, again advocated the amendment of Mr. EWING, on the ground that it would be brought forward hereafter as a distinct proposition, and appeared to prefer it not embarrassing the pre-emption bill.

Mr. CASEY remarked that the amendment appeared to him to be superfluous, on the ground that the following clause in the body of the bill, would exclude the Miami Reserve—it was in these words: "That this act shall not be so construed as to give a right of pre-emption to any person, or persons, in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made"

Mr. BOON remarked that if Mr. CASEY's construction was the correct one, still the amendment of the Committee on the Public Lands could do no harm, as it might make the bill itself less objectionable to those who were opposed to it.

Mr. GOODE then moved to amend the amendment by granting the reserved alternate sections at the price of $2 50 per acre, on the Miami canal line, in that State, to the State of Ohio, except those sections now settled and improved.

Mr. SNYDER hoped the amendment of the gentleman from Ohio would not prevail. It proposed to grant an exclusive right to the State of Ohio, in exclusion to individuals. The present bill is one extending to the settlers on public lands the right of pre-emption to one quarter section. Its principles are general and equitable; its object is to protect the labor of the poor man from the rapacity of the wealthy speculator. The proposition of the gentleman will embarrass, if adopted, the progress and passage of this bill; and I deny that it is consonant with the principles of the measure now under consideration. This bill extends to the settlers on the public lands protection, and a guarantee for their labor; and, on the other hand, the proposition of the gentleman from Ohio would engross the most valuable lands exclusively for the State of Ohio, and refuse the right of pre-emption to the settlers on that portion of the public domain. I, for one, cannot consent that this bill shall be so encumbered. If the proposition of the gentleman from Ohio has merits, I will vote for it in a separate and distinct bill. There has been abundant time during all of this long session to propose his measure; there is yet time. I hope the friends of a pre-emption will join me in voting down this amendment, so that this important bill for the relief of a most meritorious class of citizens will stand on its own merit, and speedily meet with the favorable action of this House. When the principles of this bill come up for discussion, I shall avail myself of the occasion to present my views more fully on the subject.

The amendment of the House committee was then agreed to.

The next amendment was in relation to certain fractions in Palmyra district, Missouri, which was agreed to.

Mr. UNDERWOOD moved an amendment, the effect of which was to prevent persons from getting more than one pre-emption.

Mr. LINCOLN remarked that he had submitted the following amendment, when the bill was originally reported:

"To insert in the 25th line, after the words United States, the following words: 'Nor shall the benefit of this act extend to any person who has before availed himself of a pre-emption right to the entry of any of the public lands, and acquired a title thereto by reason of such entry.'"

Mr. UNDERWOOD having temporarily withdrawn his, Mr. LINCOLN moved the above.

Mr. U. said the gentleman's amendment did not provide for the mode of ascertaining the fact, and he therefore preferred his own and moved it, as it required the settler to set forth his disclaimer on oath.

Mr. LINCOLN'S objection to that was, that he always disapproved of putting an individual's rights on the faith of his own testimony. It was a dangerous practice, and he, therefore, preferred his own amendment.

Mr. L. then went at large into a review of the bill, and contended for the right of the old States to the public lands in common with the new States, and that they should not be given away either to settlers or to new States. He was in favor of granting these pre-emption rights to settlers; but wished to restrict them, so that the same person could not take one pre-emption after another, and thus cover an undue quantity of land. He also made and argued the point, that a pre-emption right should be gained only by some service in making improvements, and that merely because he staid on a quarter section of land over night, he should not acquire a right to purchase it in the morning. He went upon the ground, that lands not offered for sale by the Government might be secured by pioneers, who settled and improved the land, but that a mere temporary stopping should not give a pre-emption right, because he did no good to the country and performed no service to entitle him to the right. He would offer an amendment to make the residence four months next preceding the first of December, so that those who went and sowed wheat, and felled timber, and established a house, should acquire a right to it, and not be liable to be turned out houseless after he had done the service of a pioneer and had become a citizen and a resident. Such an amendment he thought as liberal as Western people could justly ask; and, coupled with the one then before the committee, that the pioneer should have but one pre-emption right, instead of allowing him to monopolize, he was willing to go for the bill. Should such propositions be called illiberal, he was willing to be denounced here and at home; but he would also be willing to appeal to a jury of Western men, to decide upon their justice.

Mr. L. then discussed the policy of the measure as affecting the prices of lands and the interests of the old States.

Mr. MAY moved an amendment to extend the law granting pre-emption rights to any persons who may now or shall hereafter have lived twelve months upon the public lands; and, after some remarks upon objections made by Mr. LINCOLN to the bill in its present shape, he went at length into an argument to show the expediency of the measure he proposed to insert in the bill.

Mr. BOON replied to the remarks of Mr. LINCOLN, chiefly to the point relative to obtaining successive and separate pre-emption rights. He did not think such occurrences could take place often; and if it did now and then, when an actual settler moved from one location to a better, he thought no evil would accrue.

Mr. LINCOLN said, according to his notion, the person who removed in such a manner was a speculator.

Mr. LOOMIS spoke at length in favor of actual settlers upon the public lands, and was in favor of affording them every facility which could be granted, with proper safeguards against frauds. He was opposed to selling the lands in large quantities to non-residents, to hold and sell hereafter. If any benefit was to accrue from an increase of value, it ought to go to actual settlers, or remain to the United States, instead of being given to speculators. He did not understand the policy of confining the application of the bill to settlers up to December last, and did not see why it should not be brought down to the present time, or to the first of June; and he read a letter from a western correspondent to show that it would be a hardship to those who came a little later than the day set, and had been compelled to settle upon lands not brought into the market, with the expectation of acquiring a pre-emption right. He proposed to offer an amendment at the end of the bill, to provide for a prospective system of settling and acquiring pre-emption rights, when such an amendment should be in order.

Mr. RANDOLPH moved that the committee rise, with a view to have the amendments printed.

Mr. GARLAND of Louisiana wished that a vote might be taken on some of the merely verbal amendments already offered. He had some time since proposed an amendment, and had it printed, which he intended to offer as a substitute for the bill; but, since then, he had, upon consultation with a competent officer of the land office, made some very important alterations, and he had a strong hope that it would now meet the assent of a large majority of the House.

Mr. RANDOLPH again moved that the committee rise; but gave way to

Mr. LINCOLN, who moved another amendment, with a view to have it printed with the rest.

Mr. RANDOLPH then renewed his motion to rise, which was carried in the affirmative; and the committee rose and reported.

By general consent, the bill and various amendments pending, and notice of given, were all ordered to be printed for the use of the House.

Mr. BRONSON moved to take up the bill in reation to the Rock River and Lake Michigan Canal.

Mr. WILLIAMS of North Carolina moved an adjournment: lost—only 29 voting for it.

The above bill was then taken up, the question being on concurring with the Committee of the Whole in sundry amendments.

Mr. WHITE of Indiana moved several verbal amendments, which were agreed to, as did also Mr. McKAY.

Mr. PETRIKIN moved an amendment giving the State the equity of revocation; but it was disagreed to.

The bill was then ordered to a third reading to-morrow—ayes 94, noes 34.

Sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

The Senate's amendment to the House bill, to

s cure the payment on certain commissions on duty bonds to collectors of the customs, was taken up, and agreed to.

Also, the amendments to the House bill for the relief of Moses Merrill.

The following were read a third time:

The joint resolution for the further distribution of the Documentary History of the Revolution was read the third time and passed.

The joint resolution authorizing the President of the United States to cause certain surveys to be made, was then taken up.

Mr. MALLORY opposed the resolution, and insisted that it would involve an appropriation of $500,000, adding that it was attempted to be smuggled through. Moreover, the persons proposed to make the surveys were not competent.

Mr. WHITTLESEY of Ohio warmly repelled this allegation, and went into a defence of his course in sustaining the resolution, giving the reasons that had induced western men, whose States bordered on the lakes to sustain it. No expense was intended, nor would the President be justified in incurring any under it.

Mr. BRIGGS moved an adjournment: lost.

Mr. BRONSON was satisfied that, if the persons on the southern waters were not competent to the performance, those on the lakes were.

After some further remarks from Messrs. ADAMS, FILLMORE, and HAYNES,

Mr. H. moved to commit the resolution to the Committee on Commerce, with instructions to inquire into the expediency of reporting back for a survey of our whole seaboard, lakes included.

Mr. GRANT moved the previous question, but withdrew it at the request of

Mr. GOODE, who, after some remarks, renewed it, and it was sustained by the House, 90 to 36, and the main question was ordered, put, and agreed to.

So the resolution was passed.

The following were also passed:

An act to reorganize the Legislative Council of the Territory of Florida, and for other purposes.

An act to confirm an act of the Legislative Council of Florida, incorporating the Florida and Peninsula Steamboat and Railroad Company, granting right of way through the public lands, and for other purposes.

Mr. WORD, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Carrollton, in the county of Carroll, in the State of Mississippi, to Douglass, on the Yazoo river; and also from Grenada, in the county of Talaboosha, via Preston and Oakland, to Panola, in Panola county.

Mr. CHAPMAN then said, for the purpose of testing the sense, he would move to make the preemption bill the special order of the day for tomorrow, after the hour of one o'clock, when the other orders would be disposed of.

Mr. BRIGGS interposing a motion to that effect, which prevailed, and

The House adjourned.

IN SENATE,

THURSDAY, June 7, 1838.

Mr. LYON presented the memorial of thirty-two citizens of Michigan, members of the bar, and others, praying Congress to change the place of holding the circuit and district court of the United States for the State of Michigan, from the city of Detroit to Ann Arbor, in said State.

Mr. LYON said the memorialists stated that jurors and witnesses were put to much expense and inconvenience by the holding of the court at Detroit, which would be saved to them by holding it at Ann Arbor, where the throng of emigrants and travellers was not so great, and where the money they would receive would be at least sufficient to pay their board bills while in attendance on the court. They also stated that a great portion of the business of the court originated in the interior of the State, nearer and more convenient to Ann Arbor than Detroit; that at the former place the court could occupy commodious buildings free of rent, and without the interruption to which it is now frequently subject in Detroit from the sessions of other courts occupying the same room with itself.

Mr. SEVIER said he was not in his seat yesterday when the report on the Oregon Territory was ordered to be printed. As it was a document of great interest to the American public, he would move that 15,000 extra copies be added.

Mr. SOUTHARD thought the number unusually large.

Mr. SEVIER then suggested 10,000; which were accordingly ordered.

On motion of Mr. HUBBABD, the Committee on Pensions was instructed to inquire into the expediency of granting a pension to John McNeil.

On motion of Mr. WHITE, the Committee on Indian Affairs was discharged from the further consideration of a petition from an individual (unheard) in Clark county, Indiana.

Mr. CLAY of Alabama, from the Committee on the Public Lands, reported a bill to authorize a selection of lands for the benefit of the University of Michigan, in lieu of other lands heretofore selected: read, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, reported a bill supplementary to the act of March, 1835, to establish branches of the Mint of the United States: read, and ordered to a second reading.

Mr. LYON, on leave, introduced a bill to create the office of the Surveyor of the Public Lands in Michigan: read twice, and referred.

Mr. MORRIS submitted a resolution, which lies over one day, instructing the Committee on the Public Lands to inquire into the expediency of ceding to the State of Ohio all the public lands remaining unsold within her limits, and of making the same provision for other States as soon as the public land remaining unsold within their respective boundaries should bear the same proportion [to something unheard by the reporter] as it now does in the State of Ohio; or, if this should be deemed inexpedient, that the committee inquire how many of the land offices in Ohio can be abolished without injury to the public service.

ADJOURNMENT OF CONGRESS.

The resolution offered on Tuesday by Mr. MORRIS, that Congress adjourn on the 2d of July to the second Monday in November next, and that no member of Congress receive compensation for services during the recess, came up in its order.

Mr. MORRIS explained, and advocated his resolution at some length, assigning as the principal reason for adopting it that, if the Senate should meet before the Constitutional time for a new session, they could take up their unfinished business, and proceed with it in the same manner as if there had been no recess.

Mr. NORVELL moved that the resolution be indefinitely postponed.

Mr. LUMPKIN moved that it be laid on the table; which motion, taking precedence, was put to the vote, and carried.

THE NEW TREASURY CIRCULAR.

Mr. WEBSTER'S resolution, offered yesterday, calling on the Secretary of the Treasury for a copy of such order as he might have recently issued in regard to receiving bank notes, coming up for consideration,

Mr. WEBSTER said a Treasury order had been published, which it was proper should be officially communicated to the Senate. When speaking on the joint resolution which lately passed, [said Mr. W.] I observed that some further legal provision would be necessary, if the resolution should pass. This expectation is quite confirmed by the new circular. As to some of the conditions, or limitations, stated by the Secretary, it is true that they are imposed by existing statutes, and must be regarded; such as that the bills of no bank should be received, which bank since June, 1836, has issued, or paid out, bills less than five dollars. As all the banks in some of the States, and nearly all in others, are in this predicament, it is necessary, undoubtedly, that some act of legislation should be passed, in order to make the recent resolution of any practical effect in those States.

There are other parts of the new circular, however, of which I do not see the necessity, even as the case now stands.

It is proper, however, that the paper should be officially before us, as undoubtedly some further legislation will be necessary; and I shall myself propose some measure on the subject at an early day.

The resolution was adopted without dissent.

The VICE PRESIDENT presented a communication from the Treasury Department, in pursuance of a Senate resolution of May 2d, with a condensed statement of the condition of the State deposite banks, derived from the latest returns, together with the returns on which the statement was founded: laid on the table, and ordered to be printed.

Several bills were received from the House, read twice, and referred.

The Senate concurred in the amendments of the other House to the bill to establish the office of Surveyor General for Wisconsin.

The following bills were read a third time and passed:

The bill for the relief of Robert Keyworth.

The bill to authorize John E. Metcalf and others to locate certain pre-emption claims to land in Indiana.

The bill for the relief of certain settlers on the public lands, who were deprived of the benefit of the act of June, 1834, granting pre-emption rights; and

The bill to settle the construction of the act regulating the pay of paymasters in the army.

INDIAN HOSTILITIES.

On motion of Mr. WRIGHT, the Senate proceeded to consider the House bill making appropriations for the prevention and suppression of Indian hostilities for 1838, and for the payment of arrearages in 1837.

On ordering this bill to its third reading, Mr. WEBSTER addressed the Senate, and was answered by Mr. WRIGHT, when Mr. PRESTON spoke at length, reflecting generally on the war and its causes, which he attributed to the fault of the Administration.

Mr. LUMPKIN addressed the Senate as follows:

Mr. PRESIDENT: I had indulged the hope, and still indulge it, that the Senate would be permitted to act promptly on this appropriation bill, without bringing into its discussion the exciting topics of the Florida and Cherokee treaties, and the Florida war. The service of the country and the character of the Government are at this time suffering for the want of the passage of this bill. Drafts amounting to hundreds of thousands of dollars are at this moment pressed upon the Treasury of the country, and cannot be discharged till we pass this bill. The citizens of the country, who have given full and fair consideration for official and legal drafts on your Treasury, ought not to be delayed in receiving their just dues.

It is, therefore, with extreme reluctance that I feel myself called upon to take some notice of the remarks of the Senator from South Carolina, [Mr. PRESTON.] I shall not, however, follow the gentleman in the wide range he has taken in regard to the Florida campaign, or the merit or demerit of the distinguished officers who have had command in Florida. For the present I leave all these gentlemen (with my kind regard) to the justice of that public opinion, to whom we, as public men, are all amenable. There is but one point connected with the Florida war to which the gentleman has adverted, which I feel myself called upon to notice.

The gentleman, with his usual eloquence, has eulogised the savage chief Oseola, apparently forgetful of the many horrid deeds which led to the catastrophe of this extraordinary man. When I hear Oseola eulogised on the floor of this Senate, I can but remember the treachery of this much indulged man to his friend and benefactor, the lamented General Wiley Thompson of Georgia, with whom I was long associated in public life, and who was long a respected member of the other branch of Congress. Yes, this bloodthirsty Oseola, not only murdered General Thompson, but was, and has been, the principal organ of all the horrors of the Florida

war, indiscriminately levelled against every age and sex. Sir, if I fail to express my sympathy in strains of equal eloquence with the Senator from South Carolina for the sufferings of the deserving portion of the native race, I will not yield to the gentleman my claims to feelings as refined, enlarged, and sympathetic for suffering humanity, even when a savage is the victim. I avow myself the friend and defender of the just rights and true interest of the native race. But I am far, very far, from being the eulogist, or apologist of Oseola. I can but think of his name with horror and disgust.

But, sir, my anxiety for the speedy passage of this bill would have induced me to vote in silence, after all the the remarks of the gentleman upon the Florida part of the subject, if the gentleman had stopped there. But, sir, he has come nearer home to me; and I feel bound to defend my own premises. The gentleman has given us a history of his support and defence of the Cherokee treaty of 1835, and has manifested marked zeal in the defence of my State, and a portion of its public functionaries. I thank him kindly for all this voluntary service. It is a free will offering, which I feel assured will be duly appreciated by the friends of the treaty and of the State.

But, sir, we find mingled with all this support of the treaty, and zeal to have it faithfully and speedily executed, a spirit and bearing in the remarks of the gentleman, which, to my mind, is calculated to do great injustice to the Administration which made and has sustained this treaty; as well as the friends of the Administration, who have borne the heat and burden of the day, in bringing our Indian relations to their present attitude.

The gentlemen reminds me of what I have often seen in the course of a life not now a very short one, that is: persons vociferous in a'cause after the victory was achieved, and persons, too, who stood aloof while the battle raged.

Sir, I will never permit the Senator from South Carolina, uncontested, to step in at this late day, and carry off whatever meed of praise may be due to those who have struggled so long to relieve my beloved State from an Indian population. I truly thank him for all his kind feelings and services to my State, and her citizens, whether private or public men. But all this kindness and zeal for my State and her distinguished citizens, shall not induce me silently to asquiesce in direct or indirect censure, when improperly cast upon me, or the Administration of the Federal Government which I support. My position in relation to this matter shall not be misunderstood or misrepresented without the proper correction. I am fully apprized of the fact, that the late communication of the President of the United States to Congress, embracing the letter of the Secretary of War to John Ross, is at this time a most fruitful subject for excitement and misrepresentation. I, therefore, deem it my duty to go into a history of this transaction, sustained by such facts as cannot be controverted, and as will do justice to myself, and the Executive Government.

The Cherokee treaty of 1835, after all that has been said to disparage the Government and the Indians who formed it, I repeat, as I have often done before, it is a monument of the magnanimity of the Government on one side, and a standing record of the honesty and pure patriotism of the Cherokees who negotiated it, on the other side.

I was invited, at an early day, to aid as a commissioner in the execution of this treaty, and have been familiar with every important transaction since, up to the present day. The Executive Government has uniformly, and at all times, expressed an unwavering determination to carry out and execute the treaty, without infringement or change of its provisions. It has as uniformly, constantly, and sincerely expressed a desire to discharge this duty in a spirit of the utmost kindness and liberality towards the Cherokee people. In all this I have concurred and co-operated with the Government. But it is nevertheless true, that from the time I entered upon the duties of the appointment of commissioner until I took my seat in this Senate, yes, sir, and up to the present day, some difference of opinion between the Executive Government and myself has existed, on some points touching the best mode of accomplishing the object which we all had in view. I united in the views of the Government, in using every effort within my official range to reconcile the opposing part of the Cherokees to this treaty; and have, to a considerable extent, succeeded.

But I have uniformly dissented, as all my official letters will show while acting as commissioner, to that part of the policy of the Government which has permitted John Ross and his followers, while constantly protesting against the validity of the treaty, receiving the countenance and courtesy which they have done from the Government. I have uniformly believed, and still believe, that the best and safest way to have executed this treaty would have been, from the first, kindly, but firmly, to have used the imperative language to Ross and his followers—to have said the argument is exhausted in regard to the treaty—*It must be executed.* I believe that no propositions from Ross should ever have been entertained, without being accompanied by a pledge to cease from all opposition to the removal of the Cherokees. But I believe this difference of opinion originated from no difference in object. It was the desire of all to execute the treaty in that manner which might be best for all the parties in interest. From my knowledge of the character of Ross, I had no confidence that he could be conciliated by concessions. Grant one demand, and another would immediately be made. The strong desire of the Government to conciliate Ross and his party has been constantly strengthened by the opinions of many of the officers and agents of the Government, as well as by the opinions of highly respectable citizens of various States, communicated to the Executive Government—that the treaty could never be executed peaceably, without the assent and aid of the opposing party of the Cherokees, therefore, to avoid the evils of an Indian war, which must terminate in the destruction of the Cherokees, as well as some loss of white inhabitants. The Government has, with a patience and forbearance unparalleled, kept an open ear to the untiring perseverance of Ross.

On taking my seat in the Senate, I found Ross and his delegation still here, memorializing Congress, and making propositions to the Executive Government, my mode and manner of meeting which is known to the Senate and to the country. In the month of March, I found, from information derived from different sources, that the Executive Government here was still urged by gentlemen in high official stations, to the policy of conciliating Ross by increased liberality in money. Amongst others, I will read an extract from a letter of Governor Gilmer of Georgia, to the Secretary of War, dated March 5, 1838. The Governor says: "The best informed persons residing among the Cherokes express the opinion that Ross can, if he will, remove his people at once. To avoid the great expense to the Government, and to preserve the lives and property of our citizens, and the Indians which may be sacrificed if the treaty is executed by force, the Government can well afford to pay a very liberal price for the voluntary and immediate removal of the Indians. To enable Ross and the chiefs to effect this object, I believe it to be necessary for them first to return home, see their people, and let them be satisfied that their efforts to change the treaty have been honest though unavailing. The Cherokees are so suspicious of their chiefs, that even Ross, as entirely as he has their confidence, might lose all power to serve them if he attempted to make a contract with the Government, for their emigration, before they were consulted, and their approval of the measure obtained. If the Government should ascertain upon Ross's return home, that he had the power, and was willing to undertake the removal of his people, the terms of contract could be agreed upon without difficulty or delay." "If the pertinacity of Ross should create any difficulty, it might be obviated in making no reference in his contract to the treaty."

Very many letters from other persons of high respectability and official standing, to the same purport of Governor Gilmer's, may be found on the files of the War Department. Indeed I have always myself anticipated mischief growing out of the execution of this treaty, unless the influence of Ross was neutralized by force or purchase. Under this aspect of the subject, and after both branches of Congress had given sufficient evidence of a determination to execute the treaty, regardless of the remonstrances of Ross, and the silly petitions of persons wholly ignorant of the subject upon which they were petitioning, I came to the conclusion, that Ross might possibly be in a situation to yield to the true interest of his people, and let them emigrate to the West in peace.

And hence my assent was given to the views suggested in the extract of Gov. Gilmer's letter, which I have read. And while I have uniformly protested against any movement which might in the slightest degree retard the removal of the Cherokees, I have, nevertheless, uniformly and freely expressed the opinion, that the moment when all opposition to the treaty by Ross and his party should be yielded up, and a disposition manifested to emigrate with reasonable despatch, from that moment the Indians would be secured from any unreasonable pressure on the part of the people of Georgia. I repudiate the idea that my constituents would, under such circumstances, act with inhumanity towards the suffering Indians, or refuse to grant every indulgence which the true interest of the Indians and humanity may require. No Senator on this floor is better acquainted with his constituents than I am with mine. They are generous, just, and liberal. Their magnanimity cannot be appealed to in vain. But, sir, they never can be forced into slavish submission, or withdraw from a pending controversy.

But, Mr. President, I now come to the important object which I had in view, in addressing the Senate. I am fully apprised of the great excitement which has been produced in my own State, and elsewhere, arising out of the propositions of the Secretary of War to John Ross, lately submitted to Congress. I am not only apprised of the excitement, but of the misapprehension which seems to exist on this subject. I perceive from the newspapers of Georgia and other States, as well as from the letters which I receive from my constituents, that an impression has been made upon the public mind that the Government was desirous, and had proposed, *unnecessarily*, to delay the emigration of the Cherokees for two years. This I know to be an entire misapprehension. The extension proposed to the States by the Government, and that in the most delicate and respectful manner, was never intended to embrace a longer period than that which might be required by a due regard to the common dictates of humanity, it being expressly stated that the Cherokees were to be removed as speedily as was consistent with health and comfort. General Scott is, moreover, instructed to continue the prosecution of the measures he has adopted to remove the Indians, and whether their removal is to be effected by compulsion, or voluntary emigration under their own agents, so to conduct his operations as to place the proprietors of the lands there in possession of their property with as little delay as possible. These instructions certainly do not warrant the supposition that the Government consents that Ross and his friends shall remain two years longer.

On the contrary, the orders of the Government are most positive, that the Indians are to be removed from Georgia first, and from the other States as speedily as practicable. This is the plain meaning of the letter of the Secretary of War to John Ross, as intended, understood, and interpreted by the author himself. I admit that the propositions made to John Ross, by the Secretary of War, might have been put in a form less liable to misapprehension. But I am utterly at a loss to account for the wide-spread misapprehension upon this subject, except it be from the fact that it took its rise in both houses of Congress, and thus rapidly spread to the four quarters of the Union. I know positively that the exposition given by the Secretary of War, of his letter to Ross, is perfectly consistent with the views which he expressed to me before making his propositions to Ross. The Secretary had ample grounds to believe that Congress entertained the most liberal feelings towards the Cherokees, and would willingly soothe them, as far as

that could reasonably be done, by additional appropriations of money to be applied to their comfort. He had just cause to believe, and did believe, that the high-minded, generous States of Georgia, Tennessee, Alabama, and North Carolina, would act with becoming humanity and indulgence towards the poor, deluded Cherokees; and the people of those States will not fail to do the present Administration justice on this subject, when the misapprehension and excitement of the present moment shall have passed away.

The position of the Federal Administration of the Government has, upon this Indian subject, for many years past, been most delicate and peculiar. Especially since the commencement of General Jackson's administration, and his manifested determination to relieve the Southern States from the disadvantages of an Indian population. His untiring vigilance and perseverance on this subject is now a part of the history of the Government. In all his exertions to relieve Georgia from her Indians, and do justice to her claims upon the Federal Government, I was not only a faithful co-operator, but sometimes in advance of the President himself. His successor has faithfully adhered to the policy of his predecessor in carrying out these measures.

But at every step a most formidable and peculiar opposition has embarrassed the Government in the prosecution of its Indian policy. The Administration has not only had to encounter the combined and regularly organized Opposition, which were known as open and avowed opponents, but many of the friends of the Administration, especially amongst the less informed, have been used as opponents to the Indian policy of the Government. Even in the States most deeply interested, we have sometimes seen the strong feelings of self-interest, waived to accommodate *party spirit and party interest*. At any rate I have always found the measures of General Jackson and myself, even in Georgia, discountenanced by some of our political opponents, as far as public opinion would tolerate an expression of disapprobation. The newspapers of the day will show that I was for years censured for the determined and straightforward course which I pursued in paving the way to insure the speedy removal of the Indians from Georgia. Yes, sir, I and my friends have borne the heat and burden of the day on this subject. And now, in the moment of success, in the day of triumph and victory, what is the exhibition which we witness on this floor? Why, sir, we see the honorable Senator from South Carolina, with his characteristic zeal and eloquence, rise in his place, and address this Senate in a mode and manner calculated to produce the impression abroad that the Executive officers of the Government and myself had, all at once, suddenly and without rhyme or reason, abandoned our long-cherished policy, and gone over to the enemy; and that, too, after we had fairly achieved the victory of a hard and long fought battle. Sir, can the Senator believe that he can thus far mislead the public mind? Sir, he is a stranger to my constituents if he believes any man living can make them believe that I have proved recreant to their interest on this Indian subject. They too well know my toils and my labors, my perseverance, my constancy upon this most important subject connected with my public life. No, sir; the Senator cannot make my constituents in Georgia believe that I have abandoned their rights or interests. In Georgia, at this time, we have but one party on this subject. The whole people anxiously desire the speedy execution of the treaty.

And, sir, the opponents of this Administration are greatly deceived, if they put so low an estimate upon the intelligence of the people of Georgia, as to suppose they will find special favor with them for their loud cries of victory in the Indian battle, when they have only entered the field of labor at the eleventh hour. I am willing that these new comers should receive their *penny;* but I cannot consent to the withholding a just and equal reward to those faithful laborers who have borne the heat and burthen of the day.

Sir, I thank the gentleman again for the zeal which he exhibits in behalf of the interests of the people of Georgia, and for the high compliment he has paid the Governor of my State.

I concede to the Governor of Georgia good intentions, in regard to his views and efforts to conciliate John Ross, and have yielded something of my own opinions in order that I might co-operate with his views and wishes, as well as those of the Executive officers of the Federal Government. I shall always do the Chief Magistrate of my State ample justice, whatever political difference of opinion may happen to exist. I do, however, most solemnly protest against the justice of the effort of the Senator from South Carolina to cast censure and blame upon the President and Secretary of War, as well as myself, for yielding something to the plainly expressed wishes of Governor Gilmer and many of his political friends, especially his northern Whig friends. If there be any error in this matter, the sin lies at the door of the opponents of the Administration; and yet the Senator from South Carolina, [Mr. PRESTON,] as the organ of the Southern wing of the Opposition, upbraids the Administration and its friends with throwing weighty responsibilities upon the Governor of Georgia. Sir, I would inquire, what is the great responsibility thrown upon the Governors of the four States interested in this matter, even under the misapprehension indulged, that the States had been applied to for two years more time for the emigration of the Cherokees? Why, sir, the only responsibility is, to give an answer in accordance with the known wishes of the whole people over whom they preside. Where is the Governor who need be distressed or embarrassed at such responsibility as this?

Moreover, the Senator from South Carolina [Mr. PRESTON] contends and urges that the proposals of the Secretary of War to John Ross amounts to a new treaty, and to an infringement of the treaty of 1835. I am not able myself to put any such construction on the proposals of the Secretary. I know that such was not his intention. The President and Secretary of War have uniformly and firmly assured Ross and his friends that the treaty of New Echota would be executed without infringement or change.

The Secretary, in his proposals to Ross, in the very first sentence, disclaims all right on the part of the Federal Government to enter into any treaty stipulations which might affect the rights of the States. And we find a reiteration of the same sentiments, and sacred regard to the rights of the States, throughout the document under consideration. I call myself an unwavering State Rights man; but I see not the slightest grounds to complain of this document on that score. The present Administration of the Federal Government belong to the good old Republican school of 1798, and therefore are not disposed to infringe upon the rights of the States.

That temporary mischief has grown out of the misapprehensions which have spread over the country in relation to this subject, I am fully aware. But, from the nature of things, I trust that the excitement will soon abate. The constant and daily movements and operations of the Government must surely correct, without delay, any mistaken impressions which may have existed. The Government is moving forward in the discharge of its duty. General Scott's instructions remain unchanged. His character is a sufficient guarantee that his duty will be discharged with fidelity and ability. From various accounts which I have received from the scene of action so far, the preparations and movements connected with Cherokee emigration is going on harmoniously, and with all the promptitude which the nature of the service will allow.

In conclusion, I would beg leave to request the Senator from South Carolina, [Mr. PRESTON,] to be assured of my fidelity to my constituents, especially upon this Indian subject. I can assure the honorable Senator, that he is wholly mistaken, if he supposes that the bearing of his remarks will even induce the Southern wing of his own party to believe that I have no more *self-love* than to give a victory to my opponents, which has been achieved by my friends and myself. No, sir, the Senator misapprehends my relation to this subject, as much as he does, the communication of the Secretary of War to John Ross; or he would never have permitted himself to get in the lead of my friends and myself, in zeal for the faithful and speedy execution of the Cherokee treaty.

Mr. LUMPKIN was followed by Messrs. CLAY of Alabama, STRANGE, SOUTHARD, and WHITE, when the bill was ordered to be engrossed by a unanimous vote, as follows:

YEAS—Messrs. Allen, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Morris, Mouton, Niles, Norvell, Pierce, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Wall, Webster, White, Williams, Wright, and Young—40.

[This debate will be given as soon as prepared.]

The bill was about to pass by unanimous consent, when

Mr. HUBBARD stated that Mr. BENTON had expressed to him a desire to address the Senate on its third reading; and,

On motion of Mr. WEBSTER,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 8, 1838.

TREASURY BUILDING.

This being the day set apart, by special order, till one o'clock, for the consideration of the "bill providing for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department," the House went into Committee of the Whole on the state of the Union, Mr. POPE in the chair thereon.

A motion was pending to strike out the enacting clause.

Mr. LINCOLN submitted the following amendment: "To amend by striking out, in the second section, all after the word 'appropriated,' where it first occurs, and inserting 'any unexpended balances remaining in the Treasury from former appropriations to the construction of a Treasury building.'"

Mr. NAYLOR spoke for sometime in support of the bill.

Mr. KEIM vindicated General Jackson and Mr. Van Buren for the part they had taken, prescribed, as it was, by the existing law, and then went at some length into a general opposition to the bill, and went more particularly into a defence of Mr. Mills, as an accomplished architect; and in reply to some of the allegations in the report, and in the remarks of the gentleman from Massachusetts, [Mr. LINCOLN.] He then went into a statement of details, to show that the building would be sufficient in strength, and in convenience for the Department, and contended for that American simplicity of construction which combines neatness with utility, and is opposed to expensive and ostentatious display.

During the course of Mr. K's remarks, Mr. LINCOLN took occasion to explain, that Mr. Walter had not been originally designated by the committee, and was personally unknown to all of them, and that he had been originally designated as the architect to examine the building by Mr. Van Buren himself.

Mr. KEIM having concluded his remarks—

Mr. PRATT made a few observations in reply, and in support of the bill as a matter of economy. He was satisfied that an economical expenditure of the public money required that the structure should be removed; and he made various statements in detail, in support of that opinion.

Mr. LINCOLN alluded to the painful nature of the duty imposed upon the committee, which resulted injuriously to the reputation of Mr. Mills, as an architect, as he had long had a personal regard for him, and had on more occasions than one, advocated his employment by the Government. He said the committee had not from their own observation, discovered the want of strength in the building; but if they had not been apprised of that fault, the report would have been precisely what it is now; because there were other faults sufficient to induce its condemnation. There were not sufficient rooms now to accommodate the present

wants of the Department. The basement rooms were declared to be uninhabitable for clerks, and without them, there were not rooms enough.

Mr. L. then went into an examination of details in relation to the present structure and its defects, and into minute comments and descriptions of other plans proposed for the completion of the work without removing the portion already erected. He condemned some of these plans as imperfect and incongruous, and the others would be too expensive, in addition to the imperfect and unsafe construction of the portion now in progress. Mr. L. made some comments upon the conduct of Mr. Mills during the investigation, and referred to the opinions of several distinguished architects; which all concurred that the design was bad and the construction insufficient.

The hour of one o'clock having arrived, the CHAIR announced that fact, saying that it was no longer competent for the committee to sit.

Some conversation ensued upon the order of business; during which,

Mr. LINCOLN said he asked no favors of the committee or the House in regard to the continuation of his remarks. He did not speak for his own satisfaction upon this painful subject, but in the discharge of his public duty; and when the indication of the House was that he had said enough, he should stop.

The committee rose and reported progress, till the time limited by the assignment.

On motion of Mr. LINCOLN, the House suspended the rules and went again into committee for the remainder of the day.

The debate was continued by Messrs. LINCOLN, CUSHING and HOWARD, for a short time.

The question was then taken on the motion to strike out the enacting clause, and decided in the negative—ayes 44, noes 63, not a quorum.

It being thought that a quorum was in the committee, the question was again put, and decided in the negative—ayes 59, noes 66.

The question was then taken on the amendment offered by Mr. LINCOLN, which was adopted without a division.

Mr. RENCHER then moved an amendment, providing for the erection of a plain, brick, fireproof building, and appropriating fifty thousand dollars, in addition to former unexpended appropriations, for the construction of the same, near the State Department, and to correspond with the other buildings of the Departments.

Mr. R. made some observations in support of his amendment, which was further debated by

Mr. MERCER, Mr. WILLIAMS of North Carolina, and Mr. WHITTLESEY of Ohio.

Mr. LINCOLN moved to amend the amendment, by striking out the words unexpended balance.

Mr. RENCHER assented to the modification.

Mr. EVERETT expressed his concurrence in the amendment as modified.

Mr. DUNCAN said he would go for the amendment, but when the bill came to the House he would go for striking out the first section, or postponing it for ever.

The amendment was then adopted; and the committee rose and reported the bill and amendments to the House.

Mr. WILLIAMS of Kentucky moved to lay the bill on the table, and moved a call of the House; which was accordingly ordered.

After proceeding some time in the call, the further proceedings, on motion, were dispensed with.

The bill and amendments were then taken up, and the question being on laying the bill on the table—

Mr. WILLIAMS called for the yeas and nays; which were ordered.

The question was then put, and decided in the affirmative—yeas 89, nays 82.

So the bill was laid on the table.

BILLS PASSED.

The following bills were severally read a third time and passed:

The joint resolution for the relief of the widow and other heirs at law of Alexander Hamilton, deceased.

An act for the relief of the heirs of Apollos Cooper.

An act for the relief of the legal representatives of Col. Francis Taylor, deceased.

An act for the relief of Moses Van Cowper.

An act for the relief of Levi Chadwick.

An act for the relief of the children and heirs of Col. Thomas Knowlton, deceased.

An act for the relief of the legal representatives of Captain John Marks, deceased.

An act for the relief of the legal representatives of Capt. John De Treville, deceased.

An act for the relief of the heirs of Crocker Sampson, deceased.

An act for the relief of the legal representatives of Capt. James Purvis, deceased.

An act for the relief of the legal representatives of Maj. Tarlton Woodson, deceased.

An act for the relief of Thomas P. Parsons.

An act for the relief of the heirs at law of Lieut. Jas. Conway, deceased.

An act for the relief of the legal representatives of Dr. Charles Taylor, deceased.

An act for the relief of Rebecca Burch, widow of Benjamin Burch, deceased.

An act for the relief of the heirs at law of David Gould, deceased.

An act for the relief of the heirs of Major Peter Helphenston, deceased.

An act for the relief of Elizabeth Hunt, heir of Captain William Hendricks, deceased.

An act for the relief of the representatives of Captain John Winston, deceased.

An act for the relief of John Clark.

An act for the relief of Lieut. John McDowel.

An act for the relief of the legal representatives of Samuel O. Pettus, deceased.

An act for the relief of the heirs at law of Lieut. Wadleigh Noyes, deceased.

An act for the relief of the heirs and representatives of Captain Presley Thornton.

An act for the relief of the heirs and legal representatives of Garland Burnley, deceased.

An act for the relief of the legal representatives of Captain James Burton, deceased.

An act for the relief of the legal representatives of Captain Thomas Cook, deceased.

An act for the relief of the legal representatives of William Vause.

An act for the relief of the legal representatives of Captain Tarpley White, deceased.

An act for the relief of the representatives of Martha Woodliff.

An act for the relief of the heirs of William Gregory.

An act for the relief of the representatives of Nathan Lamme.

An act for the relief of Joseph Prescott.

An act for the relief of Simon Summers.

An act for the relief of Captain Samuel Warren,

An act granting a pension to the widow of John March.

An act to settle the accounts of Richard Harrison, late Consular Agent in Spain.

An act granting an increase of pension to Empson Hamilton.

An act for the relief of the representatives of Col. William Fountain.

An act for the relief of the legal representatives of Major William Langbourne.

An act for the relief of the heirs of Richard Shubrick.

An act for the relief of Robert Ramsay.

An act for the relief of Elizabeth Champney.

An act for the relief of the heirs of Henry Morfett.

An act for the relief of Henry Hoffman.

An act for the relief of Nicholas Verplast.

An act for the relief of the legal representatives of Tarlton Woodson, deceased.

An act for the relief of the legal representatives of Thomas Wishart.

An act for the relief of Roger Stayner.

An act for the relief of John Spitfathom.

An act for the relief of the representatives of James Broadus, deceased.

An act for the relief of the widow and children of Jonathan Dye.

An act for the relief of the legal representatives of Daniel Duval, deceased.

An act for the relief of Gratia Ray.

An act for the relief of the heirs of William Cogswell.

An act for the relief of the heirs of William Russworm, deceased.

An act for the relief of the heirs of Lieut. James Hackley, deceased.

An act for the relief of the legal representatives of Patrick M'Gibbony.

An act for the relief of the heirs of Lieut. William Lewis.

An act for the relief of the heirs at law of Edward Wayde, deceased.

An act for the relief of William B. Fergusson, and his sureties.

A joint resolution for the relief of the heirs of Charles Brown, deceased.

An act for the relief of James Barrett.

An act for the relief of William Dixon.

An act to extend the time for locating Virginia military land warrants, and for returning surveys of the same to the General Land Office, was taken up, verbally amended by general consent on motion of Mr. HAMER, and then passed.

Sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

Mr. JOHNSON of Louisiana, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the causes of the failure of the last term of the Circuit Court of the United States for the State of Louisiana, and into the conduct of the United States District Judge of the said State, in attempting to remove the Clerk of the said District and Circuit Courts, without sufficient cause.

Mr. J. in offering the resolution, explained the serious causes of complaint which had existed in Louisiana for years with regard to the operations of the judicial system of the United States in that State. He stated that no business had yet been disposed of in the circuit court for that State; that the last term of the court had not been held, in consequence of an arbitrary attempt of the district judge to remove the clerk of the district and circuit courts without cause. He had been informed from the most respectable sources, that the clerk produced a letter from the district judge, stating that "he had performed the duties of his office faithfully, promptly, and uprightly, and to the entire satisfaction of the bench, the bar, and the public; and that the only reason he had for removing him was a desire to appoint an intimate friend in his place." On opening the circuit court, Judge McKinley, of the Supreme Court, after the argument of council, gave an opinion that the district judge did not possess the power to remove the clerk without cause. Judge Lawrence, still maintaining his right so to act, the question, it is understood, will be brought before the Supreme Court of the United States for final decision. In the mean time, neither the district nor circuit court of said State can be held for the want of a clerk. Consequently, the important business pending in the said courts will be suspended for a further period of, perhaps, twelve or eighteen months, and even for a much longer time, if the case should not be decided at the next term of the Supreme Court of the United States. Thus the mass of business in both courts is to be postponed, and the interests of the people sacrificed, because the district judge wishes to remove a clerk, who is eminently qualified for the situation, and against whom he had no cause of complaint, with the view of bestowing the office on an *intimate friend*.

Mr. J. concluded by remarking that, if the facts to which he had referred are true, of which he had no doubt, he, as one of the representatives from the State of Louisiana, had no hesitation in saying that, in his opinion, the district judge should be impeached and dismissed from office.

The SPEAKER laid before the House a message from the President of the United States, transmitting the claims of the Marshal of the Northern District of New York for repressing frontier disturbances, and recommending the passage of a

general measure to meet all similar cases; which, having been read, was,

On motion of Mr. WHITTLESEY of Ohio, referred to the Committee on Foreign Affairs.

At 5 o'clock, p. m. on motion,

The House adjourned.

IN SENATE.

FRIDAY, June 8, 1838.

Mr. TALLMADGE presented the petition of Brevoort and Fowler, of Philadelphia, praying that the same protection may be extended to artists, that is now extended to authors, by securing to them the copyrights of their works: referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SWIFT presented the petition of Harriet Livermore, praying remuneration for property lost among the Northwest Indians: referred to the Committee on Indian Affairs.

Mr. MERRICK presented the petition of John C. Stockton, praying for compensation for extra services as a mail contractor: referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented the narrative of Charles Bulfinch, relative to the discovery of the Columbia river: which was ordered to be printed and appended to the report of the Select Committee on the Oregon Territory.

Mr. GRUNDY, from the Committee on the Judiciary, to which was referred the amendment of the House of Representatives to the bill to authorize the President of the United States to cause the southern boundary line of the Territory of Wisconsin to be run and marked, reported the same with an amendment to the amendment; and

On motion of Mr. GRUNDY, the Senate concurred in the amendment of the House, as amended by the committee.

Mr. WRIGHT, from the Committee on Finance, to which was referred the resolution of the Senate of the 31st ult. directing the committee to take into consideration certain provisions of the Deposit act of 1836, and to report thereon, made a report, which was read.

Mr. WRIGHT, from the Committee on Finance, made the following report:

The Committee on Finance, to which was referred the resolution of the Senate of the 31st ultimo, directing certain inquiries as to various provisions of an act entitled "An act to regulate the deposites of the public money," passed on the 23d day of June, 1836, respectfully report:

The resolution *instructs* the committee "to take into consideration the act of the 23d of June, 1836, entitled 'An act to regulate the deposites of the public money,' and to make inquiry upon these points, viz:

First. "Whether, according to the provisions of that act, it is now competent for the Secretary of the Treasury to employ any bank which has heretofore been selected as a public depository, and which, since the passage of that act, has suspended specie payments."

The committee have examined the act with attention, and find that, all other objections being obviated, it is competent for the Secretary of the Treasury to employ, as a public depository, any bank which has heretofore been selected for that service, "and which, since the passage of that act, has suspended specie payments." The eighth section of the deposite act prohibits the Secretary of the Treasury from discontinuing any deposite bank, and from withdrawing the public money therefrom, except for certain enumerated causes, one of which is in the following words:

"Or if any of said banks shall, at any time, refuse to pay its own notes in specie, if demanded."

Upon this cause being presented, it is made the express duty of the Secretary, by the same section of the act, "to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposite at the time of such discontinuance;" but when the bank shall have again resumed specie payments, nothing is found in this language to interdict its re-selection as a public depository.

The fourth section of the act sets out the terms and conditions upon which the banks shall agree to receive the public moneys before they shall be employed as depositories. The second of these terms is prescribed in the following words:

"*Secondly.* To credit as specie all sums deposited therein to the credit of the Treasurer of the United States, and to pay all checks, warrants, or drafts, drawn on such deposites, in specie, if required by the holder thereof."

The breach of this condition, on the part of the bank, would be a refusal to pay its depositors in specie, and consequently a suspension, to that extent, of specie payments; and the duty of the Secretary of the Treasury to discontinue it, as a depository, and to withdraw the public money from it, would become imperative, by the language of the eighth section, before referred to, which assigns, as another cause of discontinuance and withdrawal, that, "at any time any one of said banks shall fail or refuse to perform any of said duties, as prescribed by this act, and stipulated to be performed by its contract."

This contingency, therefore, like the former, would take from the bank its character as a depository, for the time being; would forfeit the existing contract, and render its discontinuance, and the withdrawal of the public money from it, an imperious duty; but the committee see nothing, in either of the causes, to prevent a second contract with the same bank, when it should again resume specie payments, again consent "to pay its own notes in specie, if demanded," and again "pay all checks, warrants, or drafts, drawn on the public deposites, in specie, if required by the holder thereof." They find no provision, in any other part of the act, interdicting a second contract with the same bank, when the first shall have been terminated for either of these causes, and they therefore express their opinion that "it is now competent for the Secretary of the Treasury to employ any bank which has heretofore been selected as a public depository, and which, since the passage of that act, has suspended specie payments;" there being no other obstacle, in the way of such second employment, than the act of suspension of specie payments.

The next point to which the resolution directs the inquiry of the committee, is in the following words:

Second. "Or which has, since the fourth day of July, 1836, paid out notes, or bills, of a less denomination than five dollars."

To cause the inquiry to be clearly understood, it is necessary to connect the preceding language with the words above quoted, and the inquiry will be, *whether, according to the provisions of that act,* [the deposite law of 1836,] *it is now competent for the Secretary of the Treasury to employ any bank which has; since the fourth day of July,* 1836, *paid out notes, or bills, of a less denomination than five dollars.*

In answer to this inquiry, the committee find the two first clauses of the fifth section of the act to be in the following words:

"SEC. 5. *And be it further enacted,* That no bank shall be selected, or continued, as a place of deposite of the public money, which shall not redeem its notes and bills, on demand, in specie; nor shall any bank be selected, or continued, as aforesaid, which shall, after the fourth day of July, in the year one thousand eight hundred and thirty-six, issue, or pay out, any note or bill of a less denomination than five dollars."

The last of these clauses meets and answers the inquiry directly, and shows that it is not competent for the Secretary of the Treasury, under this act, now to employ, as a public depository, any bank which has, since the fourth day of July, 1836, either *issued,* or *paid out,* notes or bills of a less denomination than five dollars; while the first clause interdicts the selection or continuance, at any time, and under any circumstances, of any bank "which shall not redeem its notes and bills, on demand, in specie."

These two points of the inquiry seem to the committee to assume the expediency of a course of legislation which shall revive and introduce again into practice the deposite system established by the act of 1836, as the system upon which the public money is to be kept and disbursed. Under this supposition, the opinion of the committee, as to the first inquiry, does not indicate the necessity of further legislation; while the plain and unquestioned construction of the act, as to the second, compels an answer which, to the minds of those who desire the reintroduction of that system, may seem to point out such a necessity.

Not so with the majority of the committee. While left by the Senate to the free exercise of their own opinions, they cannot recommend any legislation, the effect of which will be to reunite the public Treasury and the banks, by a return of the public treasure to the uses of banking; to stimulate and compel the banks to discount upon the public money, by exacting from them an interest for its use; to promote an expansion in the paper issues of the banks, exactly proportioned to the fertility of the public revenues, and a correspondent embarrassment of the public Treasury, when a sterility of revenue shall call for the public money which has passed into the hands of the customers of the banks. Such, they believe, have been the effects of the system of deposites, the revival of which the resolution seems to contemplate. That system compelled the deposite of all the public money in banks; it placed it in those institutions upon general deposite, and thus made it, in fact and in law, the money of the banks, and not the money of the people; it not only held out an inducement to the banks to use the money for the purposes of discount and banking, but, in this way, gave them the right so to use it, in defiance of the popular will, and of the public authorities; it went further, and compelled them to convert it to some profitable employment, by demanding interest from them while it was in their keeping. Time and experience have shown the consequences of such a policy, and, were there no other reason, these consequences would forbid the committee from recommending any legislation calculated, or intended, to revive that system.

The action of the Senate, however, appears to them equally to stand in the way of any such recommendation. A special convocation of Congress, in September last, was a necessity imposed by the failure of this system of deposites, and the embarrassments to the public Treasury thereby occasioned. Recommendations for the keeping and management of the public money, without the aid of the banks, and especially for a permanent separation between the treasure of the people and the business of banking, were then laid before Congress by the President. These recommendations were deliberately and definitively acted upon and adopted by the Senate, but failed to receive the assent of the other branch of Congress. At the commencement of the present session, the same recommendations, substantially, were renewed, and again the Senate has, after long deliberation and debate, adopted them, in the shape of a bill, and thus sent them to the House for its concurrence. If that bill shall become a law, the whole deposite system recognised and legalized by the deposite act of 1836, will be superseded. Will the Senate, then, by its own action, supersede its own bill? Will it, in the absence of all information as to what may be the fate of that measure in the co-ordinate branch of the Legislature, or rather with the knowledge that it has not yet been considered there, send another bill upon the same general subject, based upon adverse principles?

The committee can only repeat, what they have found it to be their duty to say upon a kindred branch of this subject, that whether such duplicate action, by the same legislative body, be consistent wit established parliamentary law, with the economy of legislation, or with the uniformity of decisions which should characterize all deliberative bodies, are questions which properly address themselves to the Senate and not to them; but upon the m rits of the propositions they must be permitted to feel entire confidence that no sufficient reasons for a change of opinion or action can be presented.

The remaining inquiry embraced in the resolution is in the following words:

"*Third.* And also to inquire into the expediency of repealing or modifying those provisions of the said act, which prohibit the receipt, in payment of debts and dues to the United States, of the bills of all banks which issue bills of less denomination than five dollars."

This inquiry relates to the last clause of the 5th section of the act, which reads as follows:

"Nor shall the notes or bills of any bank be received in payment of any debt due to the United States, which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars."

This provision of the law of 1836, was inserted in furtherance of a policy some years since adopted by Congress, as will be seen by the 8th section of the proposed recharter of the Bank of the United States of the year of 1832, which reserved to Congress the power, from and after the 3d of March,

1836, to prohibit that institution from issuing or circulating notes of a less denomination than twenty dollars. That act did not become a law, but this feature of it met the approbation of the two Houses of Congress, while the objections of the then President to the bill made no mention of this provision as exceptionable in his mind. On the contrary, his whole policy, and all his recommendations in relation to the currency, after that date, and especially after the time when the power could have been exercised, favored the policy of this limitation. Various legislation of Congress in the year 1836, distinctly indicated a determination to adhere to, and carry out the policy, and by limiting the circulation of bank notes of the smaller denominations, to secure a currency of coin only for the minor transactions of business, for the payment of day laborers, for the change required in pecuniary dealings and the like; and in this way, also to give a more broad metallic basis to our whole paper circulation. Many of the States of the Union fell into the policy thus adopted and pursued by this Government, and conformed their legislation to the object proposed. It seemed to be universally conceded that these two objects could only be secured by the exclusion of small bank notes from ordinary circulation; and all adopted the policy as wise, and worthy of pursuit. The powers of this Government could effect little, as the paper circulation to be suppressed was that of the notes of banks existing by, and acting under State authority; but what it could do, was proposed to be done by the provision of the deposite law above quoted. As a more direct, and much more efficient movement, a very general and vigorous effort was made by the States and the people, to exclude from circulation bank notes of a less denomination than five dollars; and several States, whose banks had, theretofore, been authorized to issue notes of the denominations of one, two, and three dollars, took from them that authority, while the banks of several other States had either never possessed that authority, or had been deprived of it at a previous period. The progress in this attempted reform of the currency was materially retarded by the fact that all the States did not enter into, and act upon it, so as to restrain the issues of small notes by their banks, and that the banks of the British provinces upon our northwestern boundary continued to issue small notes, which found a more or less extended circulation in the contiguous States of the Union. Still the advance towards an entire metallic circulation for all sums below five dollars was as rapid as, in the then situation of the country and the banks, could reasonably have been expected; and additional States were taking measures for the gradual exclusion of the small notes of their banks, when the suspension of specie payments, with very few exceptions, by all the banks of all the States, in May, 1837, arrested the salutary improvement.

The suspension was, to every practical extent, perfect. The banks, as a general rule, did not pay specie upon any denomination of their notes, or to any class of their creditors. An unavoidable consequence followed. All the coin in circulation, the most of which had been put in circulation by the policy and measures before adverted to, was either gathered into the banks, not to be again given out for the circulating currency of the country, or was hoarded by private holders, to whose minds the suspension had communicated a feeling allied to panic, inclining them to treasure up all they had which was money, precisely in proportion to the diminution of their confidence in the value of that circulating medium which had, theretofore, represented money, but could not do so during the continuance of the entire suspension of specie payments by the banks. Hence either an absence of any medium for business transactions under five dollars, or the worst of all media which an enlightened public feeling could tolerate, soon became, in many sections of the Union, an evil of the first magnitude, and one against which the interference of the State Legislatures was commandingly invoked. In obedience to calls of this description from a suffering constituency, the Legislatures of several of the States, which had adopted and prosecuted the policy of substituting the circulation of coin for that of small bank notes in the minor pecuniary transactions of society, felt it to be their duty to retrograde in their action, and again to confer upon their banking institutions the power to issue, and the right to circulate, notes of the denominations below five dollars. In some cases this change of policy, in the action of the States, has been made general and unlimited; while in others, as the committee think more wisely and fortunately, it has been made temporary, and adopted with an evident design, not to abandon the policy, but to meet the particular grievance, and, that being obviated, to return to those sound measures which, as permanent regulations of law, cannot fail to have a most salutary influence upon our currency generally, and especially upon the interest of the poorer, and by far the most numerous classes, in its soundness and reality.

Still the committee suppose that nearly all the banks in many entire States have, in obedience to, and in conformity with, this change of policy in the legislative action of the States under whose authority they exist, violated the restriction imposed by the clause of the Deposite law of 1836 last above quoted, and thus put it out of the power of the fiscal officers of this Government to receive any of their notes in any payment to the United States while that restriction remains in force, and without modification. Under such circumstances, the committee are not prepared to say that this provision should be so rigidly adhered to as to perpetuate the exclusion of the notes of these banks from the public receipts, while the notes of other banks, no more safe, are received. Such a rule would not aid the policy which the committee earnestly advocate of giving greater stability to our paper circulation, but would merely establish an invidious discrimination between the different local banking institutions, founded, so far as they can discover, upon no defensible principle. Had these violations of the restriction imposed by the Deposite law been entirely voluntary on the part of the banks; had no suspension of specie payments, and no consequent derangement of the whole paper currency, intervened; and, even under these pressing inducements, had not the interference of the Legislatures of the States authorized the violations, and, in some cases, at least, rendered the issue of the small notes almost, if not altogether, a duty in the estimation of the surrounding community, the committee would be the last persons to suggest even, much less to recommend, the remission of the penalty which this law of Congress imposes upon the act.

After what has been said, it will not be expected that the committee will yield to "the expediency of *repealing* those provisions of the said act which prohibit the receipt in payment of debts and dues to the United States of the bills of all banks which issue bills of less denomination than five dollars." This would be to yield the sound and salutary policy which the provisions were designed to carry out; one of the last things, in the administration of the affairs of this Government, which the committee are disposed to surrender. While the benefits of a sound and stable currency are so loudly demanded by all parties and all interests, and while the committee know and feel that a greater infusion of coin into the circulating medium of the country is the safest mode of reaching that great and good result, they cannot become parties, much less agents, in a course of legislation which shall surrender the first step towards a consummation so ardently desired by all. They, therefore, give their opinion against a *repeal* of this provision.

It remains to consider what modification can properly be adopted to meet the case, and not weaken the great principle contended for. That, in the opinion of the committee, is a proposition of easy solution. The legislation of several of the States, to which reference has been made, furnishes a precedent which Congress can safely follow. A postponement, so far, of the operative limitation of the provision, as to relieve the banks from the exclusion caused by former violations; the fixing of another day, beyond which, if they shall again cease to issue notes below the denomination of five dollars, their notes may be received in payment of the public dues, will effectually cure the evil complained of; place the excluded banks, so far as the legislation of Congress is concerned, upon the same footing with their neighbor institutions, and preserve the policy of the law, in no other respect impaired than as to the time when that policy shall become practice.

The committee cannot, in justice to their own feelings, fail here to notice that many of the excluded banks have been among the first in the country to resume specie payments; that their issue of notes under the denomination of five dollars was a measure believed, not by those interested in the banks simply, but by the community within which they are located, to be in direct aid of a speedy resumption by the institutions which made the issues; and that the effect of those issues, under the circumstances of the case, and in the then condition of the currency, is still thought to have been salutary upon all interests, public and private. These are circumstances, which as it seems to the committeee, cannot escape the attention of Congress in deciding upon the propriety of the suggested modification of this provision of the deposite law of 1836.

Still the question is one connecting itself with the general subject of legislation, covered by the bill upon which, as has been before remarked, the Senate has acted, during its present session, and which bill has been, long since, sent to the House of Representatives for the concurrence of that body. When that bill shall be acted upon, the committee believe that an amendment, to the effect they have suggested, will be proper and expedient; and as they have abundant evidence that the attention of that body has been repeatedly and expressly called to this particular point, they have no reason to doubt that it will receive the required modification there, in case the judgment of the House, upon the propriety of its adoption, shall agree with that which the committee entertain and express.

They believe it, therefore, inexpedient that any independent proposition to accomplish this object should, at the present time, be originated in, or acted upon by, the Senate. Should the bill referred to be rejected by the House, or should it be returned to the Senate without the amendment suggested, in either case the modification may be originated and passed as an independent bill, without material consumption of time, in relation to the business of this body, while its adoption by the other, in the manner here suggested, will save the time and forms of independent legislative action. For these reasons the committee return the resolution to the Senate, without any proposition for the *present* action of the body upon any one of its suggestions.

After a debate, in which Messrs. WEBSTER, NORVELL, WRIGHT, and BENTON, took part, the report was ordered to be printed.

The Senate then took up the bill making appropriations to prevent and suppress Indian hostilities for the year 1838, and for arrearages for 1837; when,

Mr. BENTON addressed the Senate at length, in favor of the bill, and in reply to Messrs. SOUTHARD and PRENTISS's remarks of yesterday.

Mr. PRESTON followed in reply; and

The question was then taken, and the bill was passed without a division.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 9, 1838.

Mr. HAYNES, on leave, presented a petition for a mail route from Columbus, Georgia, to Apalachicola, Florida.

Mr. TITUS moved a suspension of the rules (objection having been previously made to the request) to enable him to submit a motion to make the bill to extend the pension system of the United States the special order for Saturday next, from 11 till 1 o'clock, but the motion was disagreed to, only 52 voting for it.

Mr. CAMPBELL of Tennessee moved to reconsider the vote by which the Treasury Building bill was laid on the table yesterday, and the motion was entered on the Journal.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of William Traverse.

Mr. POPE moved a suspension of the rules for

the purpose of taking up the "bill to extend the provisions of the law of 1832 to Western Indian fighters, between the years 1783 to 1795," so as to fix it as a special order for Friday next, from 11 to 1 o'clock; but the House refused—only 47 voting for the motion.

Mr. BOND moved that the "bill to enlarge the provisions of the act, entitled 'an act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes' "—together with a Senate bill on the same subject—be made the special order for Monday week, after the States were called through for petitions; but the motion was rejected.

Mr. STEWART, from the Committee of Claims, reported a bill for the relief of Andrew Rembert.

Mr. MONTGOMERY, from the Committee on the Post Office and Post Roads, reported the bill to establish certain post routes, and moved that it be made the special order of the day for Monday week, which was agreed to.

Mr. M. then moved to include certain other bills reported from the same committee in the same special order, but this motion was disagreed to.

Mr. BIRDSALL, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Nathan Smith, deceased.

Mr. B. from the same committee, made unfavorable reports on the following petitions and memorials, to wit: heirs of Major General John Thomas, for bounty land; heirs of Timothy Page, compensation for military services; Catharine Telfair, for bounty land; Mary O'Bannan, compensation for property taken by the British in the war of the Revolution; Isaac N. Piggott, pay for services rendered in the war of the Revolution; Ruth Hawks, pay for destruction and loss of property in the same war; Lucy Knoles, for bounty land.

These reports, on motion of Mr. B. were severally laid on the table, and directed to be printed.

Mr. B. asked that the same committee be discharged from the further consideration of a resolution of inquiry in the case of Louis Webb, directed to the Committee on Revolutionary Claims: agreed to.

Mr. B. asked that the same committee be discharged from the further consideration of the following petitions, to wit: heirs of Daniel Truehart, Thomas Park and John Peebles; which was agreed to, and the same laid on the table, on motion of Mr. B.

Mr. THOMAS, from the Committee on the Judiciary, reported, without amendment, Senate bill to amend the act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.

The bill for the relief of the legal representatives of John Jourdon, deceased, was then taken up, and opposed by Mr. ALLAN of Vermont (on whose call the yeas and nays on it were ordered,) and Mr. HALL, and supported by

Mr. CRAIG, when the question was taken on it, and the bill was *rejected*—yeas 43, nays 110.

The bill for the relief of the legal representatives of John P. Harrison was postponed till Friday next.

The bill for the relief of the legal representatives of Lathrop Allen, deceased, was read the third time and passed.

The bill for the relief of the legal representatives of Capt. Thomas Triplett, deceased, was taken up, and opposed by Mr. ALLEN, of Vermont, and Mr. HAWES, when its further consideration was postponed till Friday next.

The bill for the relief of the heirs and legal representatives of Rignold Whit, alias Nick Hillary, was opposed by Mr. WHITTLESEY of Ohio, and supported by Mr. A. H. SHEPPERD and Mr. CRAIG, when the bill was rejected.

The bill for the relief of Josephine Nourse, was taken up like the foregoing, being on its third reading, and opposed by Messrs. UNDERWOOD, CUSHMAN, REED, CAMBRELENG, and TILLINGHAST, and supported by Messrs. HALSTEAD, MASON, BRIGGS, and CRAIG, when the bill was rejected.

[This bill involved a principle of much interest to persons in the military service of the United States. In favor of the bill it was argued, that Dr. Nourse was in the regular army of Florida, during a period when the army was deficient of surgeons; and in consequence of prevailing diseases, he was compelled to perform extraordinary duty. His exertions, united with the unhealthy condition of the climate and army, induced a disease of which he soon died. It was contended that the law provided for pensions to those who died of wounds received in the service in the regular army, and for pensions to those who died of *diseases* or wounds contracted in the service, provided they were *volunteers* or *militia*. The bill was opposed upon the ground that the law made a distinction between the army, and the militia or volunteers. The first enlisted voluntarily, to make arms a profession, under a contract of well known pay, perquisites, and advantages. The militia were subject to be compelled to leave their homes and their business, by drafts, against their will, to enter into the service; and volunteers were supposed, also, to act against their will in the profession of arms, under some emergency, such as should compel any and every man to defend his home and his country. The first went deliberately into the service, knowing the terms; the others were forced into it against their inclination and interest; and the distinction, whether founded in justice or not, had been made to compensate, in a more adequate degree, those who were forced to abandon their ordinary pursuits. It was further urged, that if the distinction was not properly made, the law in favor of the militia should be repealed, or the pension system for the regular army should be extended; and in case the latter course should be adopted, a pension should be given for all those who might die in the service of the United States, whether army, naval, or civil, for the principle would apply equally to all. The question rested upon this principle, and the additional consideration that special legislation should not be had upon such subjects which ought to be governed by general laws. If the general laws as they now exist are correct, and founded upon a just discrimination, this bill ought to be rejected; because, though a strong case, it ought not to be made an exception to the general rule. But if the law ought to be altered, it should be done by a general law, which would include this and all similar cases. The rejection of the bill shows the sense of the House, that these principles of the pension laws shall be maintained.]

The bill for the relief of the legal representatives of Nathaniel Tracy and Thomas Gordon, reported with an amendment, striking out the interest, which, after some remarks from Messrs. UNDERWOOD, McKENNAN, CUSHING, and POTTER, when—

Mr. ALLEN of Vermont moved to postpone it till Friday next.

Mr. CUSHMAN moved to lay the bill on the table: lost.

After some further remarks from Messrs. ALLEN and UNDERWOOD,

Mr. LOOMIS moved to postpone the bill to Saturday next; which motion prevailed.

The bill for the relief of the representatives of Colonel Francis Vigo was taken up, and the question pending was upon the amendment of the committee, striking out the clause allowing interest.

After some explanation by Messrs. UNDERWOOD, PETRIKIN, POPE, CUSHMAN, MERCER, EWING, WHITE, ADAMS, PARMENTER and CAMBRELENG, the yeas and nays having been ordered, the question was taken, and the vote was, ayes 86, noes 56.

So the amendment was concurred in by the House, and the bill was ordered to be engrossed and read on Monday.

The bill for the relief of the representatives of William T. Smith was postponed to Saturday next.

The bill for the relief of Thomas Sumpter was postponed to Saturday next.

The bill for the relief of the representatives of Thomas Jett was postponed to Saturday next.

The bill for the relief of the representatives of James Madison, was postponed to Saturday next.

The bill for the relief of George Gibson, was ordered to be engrossed, and read a third time on Monday.

The bill for the relief of the heirs of William Vawter, was next taken up, and the question was on concurring with the committee in their amendment striking out the enacting clause.

The question was discussed by Messrs. UNDERWOOD, ALLEN, MERCER, and CHAMBERS, after which it was taken, and decided in the affirmative—ayes 46, noes 19, not a quorum.

When upon motion of Mr. WISE, the House adjourned.

IN SENATE,

SATURDAY, June 9, 1838.

Mr. PIERCE presented a petition from the Rhode Island State Temperance Society, which was referred to the Committee on Naval Affairs.

Mr. CLAY, of Kentucky, said he rose to present some petitions, few in number, all relating to the same subject, and praying the establishment of a United States Bank. They profess, said Mr. C. to be from men of all parties; men who have felt the pressure in their business from the present deranged state of the currency, particularly at the South and Southwest, where a large portion of their trade was concentrated. Constituted as Congress now was, he felt how utterly unavailing would be all their prayers. One of these petitions was from certain friends of the Administration, that was, late friends of the Administration whose complexion was indicated by certain marks affixed to their names, which would enable any Senator interested to ascertain if the facts were as stated. He would only move that they be received, and laid on the table.

Mr. ALLEN presented a petition from sundry citizens of Manhattan county, Ohio, praying a reformation of the post office regulations in relation to newspapers printed in the county: referred to the Committee on the Post Office and Post Roads.

Mr. MORRIS, from the Committee on Pensions, made several reports, favorable and adverse, on the pension bills received from the House; on which, when they came up, he would offer a synopsis of the evidence.

Mr. PIERCE, from the same committee, made adverse reports on the following bills:

The bill for the relief of Samuel Edgecomb.
The bill for the relief of Isaac Austin.
The bill for the relief of Oliver Pecker.
The bill for the relief of William Fitzgerald.
The bill for the relief of William Jenkinson.
The bill for the relief of Conrad Wedrig.

Also, from the same committee, the following bills, without amendment:

The bill for the relief of Amos Thompson.
The bill for the relief of Neil McNeil.
The bill for the relief of Solomon Ketcham.
The bill for the relief of Christopher Dennison.
The bill for the relief of Frederick Hill.
The bill for the relief of Simeon Smith.

Also, the bill for the relief of Anna West, with an amendment.

The resolution offered by Mr. MORRIS on Thursday having been called up,

Mr. MORRIS said he had received information from resident citizens of Ohio, that there were two land districts in that State, where all the sales of the public lands would not pay the officers's salaries for one month. In short, he said, the land offices should be reduced, or the whole value of the public lands would be absorbed in expenses, and expressed a hope that the committee would give the subject their special attention.

The resolution was adopted.

The bill for the relief of Richard P. Banks of the State of Arkansas, was read a third time and passed.

The joint resolution relating to the purchase of the History of the Revolution, was referred to the Committee on the Judiciary.

A strenuous effort was made on the part Mr. TROTTER to have the vote relating to the indefinite postponement of the bill regulating the salaries of certain judges of the Circuit Court of the United States, which failed.

And on motion of Mr. WHITE, the Senate proceeded to the consideration of Executive business, And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 11, 1838.

Mr. CUSHMAN moved that the Committee of the Whole be discharged from the further consideration of the "bill for the relief of William Wickham;" which motion being agreed to, the bill was brought into the House, and, on Mr. C's motion put on its third reading.

Mr. ADAMS made some objection to it, and Mr. CUSHMAN having explained, it was postponed till to-morrow.

Mr. MONTGOMERY moved a suspension of the rules for the purpose of going into Committee of the Whole, on the resolution providing for the publication of certain maps, but the motion did not prevail.

Resolutions were then called for:

Mr. PRENTISS, of Mississippi, offered the following resolutions:

1. *Resolved*, That the power of designating the *time, place* and *manner* of elections for Representatives is expressly given by the Federal Constitution to the Legislatures of the States respectively, subject to no supervision or control, except by law of Congress only; and that, in the exercise of this power, the State Legislatures may constitutionally fix the time of election subsequent to the expiration of the Congress preceding that for which such election is to be holden.

2. *Resolved*, That neither the Federal or State Executive can constitutionally anticipate, supersede, or change the times of elections as fixed by the State Legislatures.

3. *Resolved*, That this House has not the constitutional power, either legislative or judicial, by its own action alone, to annul, suspend, or impede the operation of an act of a State Legislature, fixing the time, place, and manner of election for Representatives.

4. *Resolved*, That no election, or action of this House, can deprive the people of any State of their constitutional rights of electing representatives to Congress at the time designated for that purpose by the Legislature of such State; that the claim of such right on the part of this House would be a dangerous encroachment upon the rights of the States, and its exercise a direct and palpable violation of the Constitution.

5. *Resolved*, That the constitutional jurisdiction of this House over the subject of representation is a limited one, embracing the question of election, qualification, and return only; and in judging of election, this House is bound to judge in accordance with the act of the State Legislature regulating the time, place, and manner thereof.

6. *Resolved*, That in accordance with a constitutional act of the Legislature of the State of Mississippi, prescribing the time, place and manner of election for Representatives to Congress, and in compliance with all the provisions of said act, an election was holden in November last for two Representatives from said State to the Twenty-fifth Congress, at which election S. S. Prentiss and Thos. J. Word were duly elected, possessed the constitutional qualifications, and were duly and legally returned.

7. *Resolved*, That the resolution of this House, adopted on the 5th day of February last, denying to said Prentiss and Word seats in this House as members thereof, was a dangerous attack upon the elective franchise, in derogation of the rights of the State of Mississippi, in violation of the Constitution of the United States, and a mischievous example to future times.

Resolved, therefore, That said resolution be, and the same is hereby, rescinded.

Objection being made to the consideration of the resolutions at this time, they will lie over, under the rule.

On motion of Mr. PRENTISS, they ordered to be printed for the use of the House.

On motion of Mr. WHITTLESEY,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of liquidating and paying the account of John M. Read, district attorney for the eastern district of Pennsylvania, for his services in taking testimony, and in making a report thereon, in the case of Charles G. Sibbald, under a resolution of the House of Representatives, and for money necessarily expended in obtaining copies of records.

On motion of Mr. HAMER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from West Union, in Adams county, to Hillsborough, in Highland county, Ohio; also, a post route from Williamsburg to Felicity, in Clermont county, Ohio.

On motion of Mr. SHIELDS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing arrearages of pension to Jesse Dodd, due him for revolutionary services.

On motion of Mr. LEGARE,

Resolved, That the President be requested to instruct our diplomatic agents in Germany to endeavor to procure a reduction of the duties on American rice imported into the States of Germany, especially those associated in the *Commercial and Custom Union*.

On motion of Mr. WILLIAMS of North Carolina,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for refunding to applicants the fees they may have paid for a reissue or modification of their patents, when they shall have failed to obtain the same.

On motion of Mr. HOPKINS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of establishing a pension agency at Abingdon, in the State of Virginia, for the counties of Lee, Scott, Russell, Washington, Smith, Tazewell, Wythe, and Grayson.

Mr. HARLAN offered the following resolution, and objection being made to its consideration at this time, it lies over one day under the rule:

Resolved, That the President of the United States be requested to inform this House whether any portion of the duties which by law devolves on the Secretary of the Navy, has been transferred to, and performed by, the Secretary of War; and the reasons of the non-performance, if such be the fact, by the Secretary of the Navy, of any of the duties appertaining to his said office.

On motion of Mr. HAYNES,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for placing a light-boat at or near the harbor of Brunswick, in the State of Georgia.

On motion of Mr. LINCOLN,

Resolved, That the Secretaries of State, War, Navy, and the Treasury, respectively, be directed to report to this House what architectural plans and drawings (if any) have been prepared under the order and for the use of their Departments respectively, since the 4th day of July, 1836; who have been employed in preparing the same; and what compensation has been made therefor.

On motion of Mr. CUSHING,

Resolved, That the Committee on Manufactures be instructed to consider the expediency of providing by law for adding to the annual statistical statement from the Treasury Department, a list of the books imported and produced in the United States, each year.

On motion of Mr. PRATT,

Resolved, That the Select Committee on a National Foundry be instructed to inquire into the expediency of establishing a National Foundry to be located at the city of Hudson, or village of Catskill, on the North river, in the State of New York.

On motion of Mr. EWING,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of providing by law for refunding to the purchasers of public lands, the amount of purchase money paid into the land offices, for the number of acres the Commissioner of the General Land Office shall be satisfied, upon proper proof, the tract or tracts sold by the United States are deficient of the number so bought and paid for.

Mr. EVERETT offered the following resolution, which, under the rule, lies over one day:

Resolved, That the President of the United States be requested to cause to be transmitted to this House, at the commencement of the next session of Congress, a statement of the military force employed in the Seminole war, from its commencement, showing the number of artillery, dragoons, infantry, and marines in the regular army or service of the United States; the number of volunteers and militia employed in said war, designating the States or Territory to which they belong; and the number of Indians employed in said war, designating the tribes to which they belong; with the term of service of the several corps or detachments employed in said war; with the sum paid to the several corps or detachments, for their pay and rations; and a statement of the number of horses lost in the said war, with the amount allowed therefor. Also, a statement of the number of officers and men who have been killed, or have died of sickness, during the said war; and copies of all accounts (other than those included in the foregoing requisitions) allowed at the Treasury Department on account of expenditures in the Seminole war.

On motion of Mr J. JOHNSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Shinston, to Two Mile, in the county of Harrison, in the State of Virginia.

On motion of Mr. MERCER,

Resolved, That the Commissioner of the General Land Office be directed to report to this House what quantity of land scrip would be required, in his judgment, for satisfying the outstanding military bounty land warrants, granted by the Commonwealth of Virginia.

Mr. KENNEDY offered the following joint resolution; and objection being made, it lies over one day under the rule:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to cause the public moneys to be deposited in such bank or banks, after the 15th day of July next, as shall consent and agree to receive the same on the following terms:

First. That said bank or banks shall agree to pay over the said public moneys on warrant, from time to time, when and whenever the public convenience shall require the same to be paid, in the legal currency of the United States, if demanded, free of all charge or expense to the Treasury.

Second. That such banks shall guarantee all bills of exchange supplied by it, or them, to the Government, in the transfer or pay of such moneys.

Third. That said bank or banks shall perform the same duties in relation to loans and pensions, as have been heretofore performed by the Bank of the United States, or the deposite banks, free of all charge to the Government; and finally, that said bank or banks shall deposite with the Secretary of the Treasury, as a security for the punctual payment of the said public moneys, and for the faithful performance of the duties hereinbefore referred to, stocks of the United States, Treasury notes, or stocks of the several States, such as the said Secretary shall approve, to the amount of five millions of dollars, estimating the same by the par value thereof.

Resolved, That the Secretary of the Treasury be empowered to adopt all such measures as he may deem necessary to carry the above resolution into effect, in such manner as shall most securely provide for the deposite and payment of the public moneys in accordance therewith.

Resolved, That it is expedient and proper that so much of the fifth section of the act, entitled "An act to regulate the deposites of the public moneys, approved on the 23d June, 1836, as prohibits the receipt by the Government of the notes or bills of banks which issue or pay out notes or bills of a less denomination than five dollars, be forthwith repealed.

On motion of Mr. KENNEDY, said resolution was ordered to be printed.

On motion of Mr. HOWARD,

Resolved, That the Secretary of the Treasury be directed to report to this House a statement of the amount of money received and expended by the United States, in each State, in the years 1833, 1834, 1835, 1836, 1837, designating the several principal heads of expenditure and receipt, and the amounts of the same respectively.

On motion of Mr. SNYDER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Clarksville, in Pike county, Missouri, to Phillip's Ferry, on the Illinois river, in the State of Illinois; also, from Jonesborough, via Whitaker's Landing, mouth of Muddy Breesville, to Liberty, Illinois.

On motion of Mr. CARTER,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of requiring the Corporation of Washington to remove from the principal street leading due east from the front of the Capitol, the Market house now standing thereon.

Mr. ADAMS offered the following resolution, which was read and rejected:

Resolved, That Wednesday, the 20th instant, at 1 o'clock, be assigned for the consideration, in the Committee of the Whole on the state of the Union, bills from the Senate numbers 147, 175 and 176, reported by the Committee of Manufactures, without amendment.

On motion of Mr. MENEFEE,

Resolved, That the President be requested to communicate to this House such information as he may possess relating to the alleged attack on the American steamboat Telegraph, in the British waters, and to the alleged destruction of the British steamboat Sir Robert Peel, in the American waters; what measures, if any, have been adopted in consequence thereof; and, if not incompatible with the public interest, such correspondence, if any, as may have occurred between this Government and the British Minister, or Canadian authorities in relation thereto; and any information possessed by him concerning the concentration and movements of foreign troops on the Northern or Northeastern frontier of the United States.

On motion of Mr. RRONSON,

Resolved, That the Committee on the Judiciary be instructed to inquire and report whether any other or further legislative enactment by Congress is necessary for the prevention or punishment of the crime of piracy, or acts in the nature of piracy, committed on the inland lakes or waters; and whether any other penal acts are necessary for the safety and protection of vessels navigating the Northern lakes, and rivers connected therewith.

On motion of Mr. FILMORE,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of authorizing immediate surveys and estimates for suitable fortificatioas for the protection and defence of the Northern frontiers.

On motion of Mr. DEGRAFF,

Resolved, That the Committee on Private Land Claims inquire into the expediency of granting bounty land to Hugh Riddle, late a sergeant in the Sixth Regiment of Infantry, for services rendered during the late war.

On motion of Mr. JOSEPH L. WILLIAMS,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of a survey of the Tennessee, Little Tennessee, Holston, Hiwassee, Clinch, French Broad, Nolachucky, Sequachee, Tellico, Watauga, and Little rivers.

On motion of Mr. HARPER,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reducing the number of offices for the sale of public lands in the State of Ohio.

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the city of St. Louis, Missouri, to the settlement at or near the mouth of the Missouri river, in St. Louis county; thence by way of Belle Fontain to Portage, Des Sioux, in St. Charles county, in said State.

Mr. WISE offered the following resolution, which, under the rule, lies over one day:

Resolved, That the President of the United States be requested to communicate to this House all correspondence and information in possession of the Executive Department, in relation to the visit of Lewis Cass, our Minister at the Court of France, to the Mediterranean, its objects and results, and its expenses to the nation; whether he voyaged in a national vessel, at the public expense, and whether other persons, and, if so, what persons, accompanied him at the public expense; who represented the United States at the Court of France during the absence of the said Lewis Cass, and whether he has been paid the full outfit and salary of an Envoy Extraordinary and Minister Plenipotentiary at said Court.

ADJOURNMENT OF CONGRESS.

Mr. BOON moved to take up the resolution submitted by him on Monday last, fixing the day of adjournment.

Objection being made,

Mr. B. moved a suspension of the rules and asked for the yeas and nays; which being ordered, were—yeas 57, nays 69.

So the rules were not suspended.

Mr. ROBERTSON moved a suspension of the rules for the purpose of making the following bill the special order for Saturday next:

"A bill to enlarge the provisions of the act entitled An act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes."

Mr. R. asked for the yeas and nays, but the House refused to order them, as it did also to suspend the rules—ayes 77, noes 55, not two-thirds.

Several other motions were also made for priority of business, all of which were ineffectual.

SMALL NOTE RESTRICTION.

Mr. KILGORE moved a suspension of the rules for the purpose of submitting the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of so much of the act of June 23d, 1836, entitled "An act to regulate the deposites of the public money" as prohibits the receipt of the notes or bills of specie paying banks which have issued since the 4th of March, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended for the period of two years.

And be it further resolved, That the operation of the 2d section of the act of April 14, 1836, entitled "An act making appropriation for the payment of the Revolutionary and other pensions of the United States for the year 1836," be, and the same is hereby, suspended for the period of two years.

Objection being made, Mr. K. moved a suspension of the rules, but the House refused—yeas 98, nays 82—not being two-thirds.

Mr. ADAMS, on leave, presented a petition from the workmen heretofore employed upon the public buildings, which was read and laid on the table.

Mr. BOULDIN, from the Committee on the District of Columbia, reported the bill from the Senate to incorporate the Medical Society of the District of Columbia, with amendments; which was referred to the same Committee of the Whole which has other bills for the District under consideration.

The special order, being the consideration of bills relating to the District of Columbia, was then announced, when

Mr. THOMAS rose and made an appeal to the House to take

up the motion to reconsider the vote laying the bill in relation to the Treasury building on the table, and moved a suspension of the rules, which was agreed to, yeas 140, noes not counted.

Mr. HARRISON moved to lay the motion to reconsider on the table.

Mr. GRAHAM of North Carolina asked for the yeas and nays, which, being ordered, were, yeas 86, nays 100.

So the House refusing to lay the motion to reconsider on the table, the question recurred on that motion.

Mr. YELL moved a call of the House, for he wanted to have the question settled, as he saw some gentlemen were determined to have the new building pulled down at all events; but the House refused.

Mr. YELL and Mr. WILLIAMS of Kentucky simultaneously called for the yeas and nays on the motion to reconsider, and being ordered, they were, yeas 103, nays 91.

So the vote was reconsidered, and the question recurred on the motion to lay the bill on the table, which was decided in the negative without a division.

The question then recurred upon the amendments reported by the Committee of the Whole.

Mr. MERCER moved an amendment, providing that the whole cost of erecting the new Treasury building proposed by one of the amendments, to one hundred and fifty thousand dollars, which amendment was adopted without a division.

The question then being on the amendment as amended.

Some remarks were made by Messrs. WISE and MERCER.

Mr. YELL offered an amendment providing that no further expenditure should be made upon the building till the Treasury shall be relieved from the burden of ten millions of Treasury notes issued during this session of Congress.

Mr. YELL went at length into some remarks in opposition to the bill, and was followed in the debate by Mr. WILLIAMS of Kentucky, who went at length into an opposition to the bill; and by Mr. REED, who was in favor of it.

Mr. CUSHMAN moved to lay the whole subject on the table.

Mr. MONTGOMERY demanded the yeas and nays; which were ordered, and were—yeas 95, nays 98.

So the House refused to lay the bill on the table.

The question was then taken on the amendment of Mr. YELL; and it was rejected without a division.

The question then recurred upon the original amendment; and after a few remarks by Messrs. BOON, LINCOLN, and YELL,

Mr. PETRIKIN moved to lay the bill on the table; upon which motion the yeas and nays were ordered, and were—yeas 94, nays 91.

So the bill was laid on the table.

The House then went into Committee of the Whole, Mr. UNDERWOOD in the chair, in execution of the special order to consider bills relating to the District of Columbia.

1. The bill relating to the Orphan's Court of the county of Alexandria, in the District of Columbia, was considered and laid aside, to be reported.

2. The bill for the relief of the heirs of Lewis Grant Davidson, was verbally amended, and laid aside, to be reported.

3. The bill making appropriations for the support of the Penitentiary in the District of Columbia was then taken up.

Mr. DAWSON moved an amendment to increase the salary of the keeper, which was agreed to; and the bill was laid aside to be reported.

4. The bill providing for a free bridge across the eastern branch of the Potomac river, in Washington, was then taken up—

Mr. PETRIKIN moved to strike out the words "or more bridges" wherever they occurred, so as to confine the object of the bill to one bridge; which was agreed to.

Mr. JENIFER moved an amendment to authotize the appointment of commissioners to determine the sums to be awarded to the other bridges: which was adopted, and the bill was laid aside to be reported.

5. The bill to make temporary provision for the comfort and support of certain lunatics in the District of Columbia, was taken up and ordered to be reported.

6 The bill for the erection of a court-house in Alexandria, in the District of Columbia, was taken up, and, after discussion by Messrs. BOULDIN, PETRIKIN, and JENIFER,

Mr. PETRIKIN moved to strike out the enacting clause; which was rejected—ayes 9, noes 31: not a quorum.

The committee then rose and reported the fact that they were without a quorum.

Mr. EVERETT moved a call of the House; which motion was rejected—ayes 25, noes 38.

Mr. EVERETT then moved an adjournment; which the House refused.

Mr. WILLIAMS of North Carolina moved a reconsideration of the vote by which a call of the House was refused.

On this motion Mr. CUSHMAN called for the yeas and nays, which were ordered, and were—yeas 65, nays none.

So a call of the House was ordered.

After proceeding some time in the call, it was suspended, and the House went again into Committee of the Whole.

The Court House bill was further discussed, amended, and laid aside to be reported.

7. The bill to establish a criminal court in the District of Columbia was taken up.

Mr. PETRIKIN moved to amend the bill by reducing the salary of judge from twenty-five hundred to two thousand dollars: carried.

Mr. PETRIKIN then moved to strike out the fifth section, whice provides for the punishment of persons who shall steal out of the District, and bring the stolen property into the District, in the same manner as if they had committed the original felony in the District, with various provisions.

The section was opposed by Messrs. PETRIKIN, FILLORE, BRONSON, FLETCHER of Vermount. and THOMAS, and supported by Messrs. DAWSON, HOFFMAN, BOULDIN, and LOOMIS.

The amendment was then decided in the negative—ayes 35, noes 50.

Other amendments were proposed, with a view to have them discussed and acted on in the House, and the bill was laid aside to be reported.

8. The bill in relation to the Medical Society of the District of Columbia was then taken up, and was laid aside to be reported with amendments.

9. It was next moved to take up the bill giving the assent of Congress to an act of the Legislature of Virginia, to amend the act incorporating the Alexandria and Falmouth Railroad company; but upon that question it was ascertained that a quorum did not vote, and the committee rose and reported that fact to the House.

The SPEAKER, upon a count, reported that 123 members were present, which was a quorum, and the House went again into Committee.

The question recurred upon the motion to take up the last named bill, and upon taking the vote, by tellers, there were reported, yeas 70, nays 43, not a quorum.

The CHAIR counted and ascertained 110 members within the bar.

The committee then rose, and again reported that they found themselves without a quorum.

Mr. HAYNES moved an adjournment; which was lost—ayes 58, noes 67.

It having been ascertained by the SPEAKER that there was a quorum, the House again went into committee, and the question recurring on the motion to take up the railroad bill, the vote by tellers was—ayes 62, noes 45, not a quorum.

Members were called from without the bar, and the question was again taken, and resulted—ayes 70, noes 32.

The committee again rose, and reported that they were without a quorum.

Mr. MONTGOMERY moved an adjournment.

Mr. ADAMS called for the yeas and nays; which were not ordered.

The question on the adjournment was then taken by tellers, and was—ayes 47, noes 55.

So the House refused to adjourn.

Mr. HOPKINS moved a call of the House; upon which the yeas and nays being ordered, the vote was—yeas 58, nays 65.

So the House refused to order a call.

The House, there being a quorum, again went into committee, and took up the railroad bill, last named, with amendments reported by the Committee on Roads and Canals.

The bill and amendments having been read,

Mr. PETRIKIN rose to a point of order, and inquired if this bill came within the special order, which referred to bills relating to the District of Columbia. He said this was a contract between the Government and a corporation, which did not affect the District of Columbia.

The CHAIR decided that the bill was embraced in the special order.

Mr. PETRIKIN appealed from the decision; which was, after some debate, affirmed by the House.

The question was then taken on the amendments, and the vote was—ayes 54, noes 49, not a quorum.

The CHAIR counted the members present, and reported 122, which was a quorum.

Mr. DROMGOOLE moved to lay the bill aside in committee for the present. He had some objections to the bill.

After some debate, the amendment was rejected.

Mr. McKENNAN moved that the committee rise, and report the bills to the House.

Mr. THOMAS made an appeal to the committee, to take up a bill restricting issues of small bills in the District.

The question was about being put; when

Mr. ADAMS made a question of order, whether the motion to take up another bill did not take precedence of the motion to rise.

The CHAIR decided that the motion to rise was in order.

Mr. PETRIKIN called for tellers, which were ordered.

The question on the motion to rise was then taken, and decided in the affirmative—ayes 66, noes 64.

So the committed rose and reported the above named bills to the House.

The act relating to the Orphan's Court of Alexandria county, in the District of Columbia, was read a third time, and passed.

The act to make temporary provision for the support and comfort of certain lunatics in the District of Columbia, was read a third time, and passed.

On motion of Mr. TAYLOR, the House adjourned.

IN SENATE,

MONDAY, June 11, 1838.

Mr. YOUNG presented the petition of sundry citizens of Illinois, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads.

Mr. TIPTON, from the Committee on Roads and Canals, to which had been referred the bills making appropriations for the construction of certain roads in Florida, and granting the right of way through the lands of the United States to certain railroad companies in Florida, reported the same without amendment.

On motion of Mr. LYON, the resolution calling on the President for certain correspondence between the authorities of Great Britain and those of the United States on the subject of the recent disturbances on the frontiers not heretofore communicated, was taken up; and,

After some remarks from Mr. TALLMADGE, it was, on his motion, laid on the table.

On motion of Mr. FULTON,

Resolved, That the Secretary of War communicate to the Senate any information which may have been recently received at the Department, indicating a hostile disposition in the Indian tribes bordering on the Arkansas frontier.

On motion of Mr. LINN, the bill to encourage the introduction and promote the cultivation of tropical plants in the United States was considered, and ordered to be engrossed for a third reading.

A great number of private bills from the other House were read twice, and referred.

Mr. MOUTON, from the Committee on Private Land Claims, reported a bill to confirm certain land claims in the Washita district, Louisiana, which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the petition of Harriet Livermore, made an unfavorable report thereon.

On motion of Mr. WHITE, the Senate went into the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 12, 1838.

Mr. TOWNS, on leave, presented a petition for a claim, as did also Mr. MERCER, one from a Revolutionary soldier, and Mr. BANKS, and Mr. CARTER of Tennessee, also.

Papers were withdrawn in sundry private cases by Messrs. HARRISON, BRONSON, and DUNN.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported Senate bill for the relief of John McCartney, with a recommendation that it do not pass, and it was committed.

Mr. YELL, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Secretary of War be directed to communicate to this House, without delay, copies of all communications from General Nathan Arbuckle, during the last 12 months, in relation to the probability of an Indian war upon the Western frontier, with such other information as may be in possession of the War Department touching that subject.

Mr. CUSHMAN, from the Committee on Commerce, reported, with an amendment, Senate bill for the relief of Noah Miller.

Mr. CASEY, from the Committee on Public Lands, reported Senate bill authorizing the Portage Canal Company to enter certain lands in Wisconsin Territory, with a recommendation that it do not pass: committed.

Mr. C. also reported Senate bill in regard to the town of Southport, in the Territory of Wisconsin, with the same recommendation as to the above, and this was also committed.

Mr. YELL, from the same committee, reported, without amendment, Senate bill to confirm certain entries of public lands, permitted to be made by the register and receiver of a certain land district, under the belief that they had been offered for sale, and moved its third reading.

Mr. HARLAN moved the commitment of the bill to the Committee on Private Land Claims, which motion, after some conversation between the two gentlemen, was assented to by Mr. Y. and the bill so referred.

Mr. BOON, from the same committee, reported, without amendment, Senate bill to authorize John E. Metcalf and others to locate certain pre-emption claims to land in Indiana, and moved its third reading.

Mr. HARLAN moved to commit this bill to the Committee of the Whole, which, after some remarks from Messrs. BOON, WHITE of Indiana, MASON of Ohio, but eventually, on motion of Mr. BOON, the bill was postponed

Mr. GRENNELL moved a suspension of the rule to enable him to submit an order for the House to take a daily recess hereafter from two to half past three o'clock, p. m. which being agreed to—ayes 116, noes not counted,

Mr. MONTGOMERY moved from half-past 2 till 4.

Mr. DROMGOOLE moved the previous question, which was seconded, and the order adopted.

PENSION SYSTEM.

Mr. CARTER moved to make the three general pension bills the special order for Saturday next.

Mr. C. explained the character of the bills, and made an earnest appeal to the House in behalf of his motion. The titles of them were as follows:

1. A bill granting an additional quantity of land for the location of revolutionary bounty land warrants.

2. A bill to enlarge the provisions of the act granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States in certain cases.

3. A bill to extend the pension law of 1832 to Western Indian fighters between the years 1783 and 1795.

Mr. CAMBRELENG said he should object to making any more special orders.

Mr. CARTER moved a suspension of the rules.

Mr. RENCHER remarked that, as the bills were in Committee on the Union, a majority in committee could take them up at any time.

Mr. GARLAND, of Louisiana, also objected.

Mr. CARTER asked for the yeas and nays, which the House refused, as it did the motion to suspend: yeas 93, nays 53, not two-thirds.

Mr. THOMAS, from the Committee on the Judiciary, reported without amendment, Senate bill to reorganize the District Courts of the United States in the State of Mississippi; which, on Mr. T's motion, was ordered to a third reading, and then read the third time and passed.

Mr. WHITTLESEY of Ohio asked leave to submit the following amendment to the rules and orders of the House:

"That no representative of this House shall be entitled to receive a per diem allowance for any day he shall not answer to his name on the first call of the names of the members, when a call of the House shall be ordered by a majority of the members present, unless he shall have been absent on the business of the House, and by its order or permission, or unless he shall have been detained by sickness, within the provisions of the second section of the act of January 22, 1818, allowing compensation to members of Congress and to the delegates of Territories, or unless he shall be excused by the House for not being present. And it shall be the duty of the Clerk to certify to the Speaker the names of all such absentees not within the excepted cases. And the Speaker shall not include a per diem allowance for such absent members not within the exceptions, for the day of such absence, in any draft he may draw, to enable such member to obtain his other pay.

Objection being made, Mr. W. moved a suspension of the rule and asked for the yeas and nays; which were ordered.

Mr. HOPKINS moved to lay the motion to suspend on the table.

Mr. WHITTLESEY called for the yeas and nays, which were ordered; and thereupon Mr. HOPKINS, whose sole object had been, he said, to save time, withdrew the motion.

The House refused to suspend the rule; yeas 89, nays 98, not two-thirds.

Sundry bills from the Senate were taken up, read twice, and referred to their appropriate standing committees.

WISCONSIN AND IOWA.

The amendment of the Senate to the bill to authorize the President of the United States to have the boundary line of Wisconsin ascertained and marked, (being to insert "Iowa" instead of "Wisconsin,") was concurred in.

The bill to grant a quantity of land to the Territory of Wisconsin for the purpose of aiding in the construction of a canal to connect Rock river and Lake Michigan was read the third time and passed.

PRE-EMPTION BILL.

On motion of Mr. BOON, the House went into Committee on the Union, Mr. CRAIG in the chair; and Mr. B. moved to take up the pre-emption right bill.

Mr. SHIELDS moved to lay that bill aside, and take up the Tennessee land bill; but, after some conversation, he waived the motion at that time, giving notice of his intention to renew it as soon as the bill under consideration was disposed of.

The "bill to grant pre-emption rights to settlers on the public lands" was then resumed, the question pending being on the following amendment submitted by Mr. LINCOLN:

"Nor shall the benefit of this act extend to any person who

has before availed himself of a pre-emption right to the entry of any of the public lands, and acquired a title thereto by reason of such entry."

Mr. RANDOLPH, who was entitled to the floor, opposed the bill at some length.

Mr. HARRISON supported it with much energy, and went thoroughly into an examination of the principles of the pre-emption system generally, and the necessity and equity of its present application, replying to the objections urged against it, and defending the character of the settlers from the aspersions cast upon them.

The bill was further debated by Messrs. UNDERWOOD, LINCOLN, POPE, WILLIAMS of North Carolina, and LYON.

Mr. MASON of Ohio opposed the bill at length, and in the course of his remarks he appealed to Mr. CASEY of Illinois, as a member of the Committee on the Public Lands, to say whether any former President, in an annual message, had recommended a pre-emption law.

Mr. CASEY replied that no President had, in an annual message, recommended the passage of a pre-emption law, until the present Executive in his last message had done so. The late President, however, had repeatedly recommended that the price of the public lands be reduced, and that the means be made easy by which any actual settler on the public lands could be enabled to secure a home freehold and fireside of his own. It was scarcely necessary, perhaps, to add that Mr. C. was himself warmly in favor of both principles, that of pre-emption, and that of graduation, by which the rights of the United States were secured, and the best interests of a worthy class of citizens promoted.

Mr. CRARY followed at length upon the various topics connected with the bill; and when he had concluded,

The amendment offered by Mr. LINCOLN to the amendment of Mr. UNDERWOOD, was adopted by Mr. U.

Mr. MARTIN then obtained the floor, and expressed his wish to address the Committee; but as the hour was late, he would, if desirable, yield the floor for a motion to rise.

Mr. BRIGGS moved that the committee rise; which motion was carried in the affirmative—ayes 70, noes 57.

The committee then rose and reported progress.

The SPEAKER laid before the House a communication from the Secretary of War, enclosing a report from the Colonel of Ordnance, in accordance with the act of Congress of April 2, 1794, in reference to armories; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of State, showing the number and designation of the passengers who have arrived in each collection district of the United States, and in each quarter, during the year 1837, according to the returns made to the Secretary of State, pursuant to the act of March 2, 1819, regulating passengers, ships, and vessels; which was laid on the table, and ordered to be printed.

On motion, the House adjourned.

ERRATA.—In the report of the Senate proceedings of Saturday last, Mr. TROTTER is represented to have made strenuous efforts to reconsider the vote relating to the indefinite postponement of the bill regulating the salaries of certain judges of the Circuit Courts of the United States. The true state of the case was, that a bill fixing the salaries of certain *district* judges of the United States was reported to the Senate by the Committee on the Judiciary some time since, which contained a provision for increasing the salary of the district judge of the State of Mississippi, (to wit, raising his salary to $2,500.) While the bill was before the Senate, in Committee of the Whole, a motion was successfully made to postpone the bill indefinitely. Mr. TROTTER, who was not in his seat at the precise moment the motion to postpone prevailed, endeavored to effect a reconsideration of that vote, which motion, so strenuously urged by Mr. T. was laid on the table, because it was feared that it would be likely to provoke discussion on the day which the chairman of the Committee on Indian Affairs had designed to go into Executive session. On another occasion, Mr. T. was erroneously made to move to place "the bill to authorize the State of Mississippi to invest the two per cent. fund due her" among the general orders; whereas Mr. T. moved to make it the *special order* for Wednesday next, which failed. These corrections are due as an act of justice to Mr. TROTTER, who has been thus inadvertently misrepresented in the report by one of the Reporters.

IN SENATE,

TUESDAY, June 12, 1838.

Mr. GRUNDY rose and remarked, that before the Senate proceeded to business, he wished to occupy a few minutes of its time He remarked that, when he reached the Senate chamber yesterday, the Senate was in secret session, and so continued until business required him to leave it late in the evening; so that this was the first opportunity presented to him of making a few remarks in relation to his colleague's speech, which appeared in the Intelligencer of yesterday, and had been made in the Senate on the 20th of April last. The most of that speech Mr. G. said he had heard, and had replied to at the time. He was satisfied with the reply and explanations as far as they went. The concluding remarks of his colleague he had not heard. They were afterwards imperfectly stated to him by two gentlemen who had a better opportunity of hearing. He had concluded to wait until the speech was published: he presumed it was truly reported; and he should now make that brief reply which he should then have made had he heard them. In doing this he should not be unmindful of what was due to himself, to the station he occupied, or to the place he was in.

He said he would answer that, so far as his colleague had thrown any personal imputations upon him, he threw them from him with all that disdain and scorn they merited; and he must assure his colleague that, he was sorry to say, the harsh, unqualified, and unfavorable opinion he had thought proper to express of him, (Mr. G.) was fully reciprocated, with a single qualification, which was that he hoped it was accompanied with less ill will and more cause.

He considered it fortunate that his colleague was not the judge upon whose opinions his (Mr. G.'s) standing, and welfare, in life depended. Were it so, he should much fear that what might reasonably be expected from his sense of justice would be entirely lost in the predominance of his prejudices and passions.

He regretted that he had been compelled to interrupt the business of the Senate for a moment, with any thing that related to himself. He could not have said less, and he had no desire to say more, unless he was placed under a like necessity; and in the event of such an occurrence, he should ask the indulgence of the Senate, and he trusted it would not be withheld.

After he took his seat—

Mr. WHITE replied in an animated manner, when

Mr. GRUNDY proceeded in like manner, and at considerable length, when he was called to order by the PRESIDENT of the Senate, who declared that the discussion must stop; and, there upon, Mr. G. inquired if he was required to take his seat. Upon being answered in the affirmative, Mr. G. said he obeyed; and afterwards—

Mr. WHITE was permitted to explain a circumstance in his own conduct; and then the Senate proceeded to business.

The CHAIR announced a communication from the Secretary of War, transmitting a report from the Colonel of the Ordnance Department, furnishing the information required by the act of 2d April, 1794; which was laid on the table.

The CHAIR also communicated a report from the Secretary of State, containing a statement of the number and designation of passengers in the vessels arriving in the ports of the United States during the past year, made in pursuance of the act of Congress of 2d March, 1809; which was laid on the table.

Mr. CLAY presented a petition from sundry citizens of Connecticut, praying for the establishment of a Bank of the United States.

While up, Mr. C. referred to a letter he had just received from a highly respectable gentleman, noticing some allegations made by the Senator from Connecticut [Mr. NILES] against the characters of the signers to the petition on the same subject, from New Haven, Connecticut, presented by him some days ago. The petition was signed by the Governor of the State, the Mayor of the city, six present and past presidents of banks, and as respectable a body of citizens as could be found any where in the United States. Mr. C. said he thought it due to the persons who chose him as the organ of presenting their communication to the Senate to speak in their behalf, and bear his testimony to their respectability; and he regretted that a sense of justice had not induced the Senator from Connecticut, upon looking at the signatures, and seeing who the petitioners were, to make the amende honorable, by withdrawing his imputations.

Mr. NILES denied that he made any allegations against the characters of the signers to the memorial referred to. On the contrary, he distinctly said, he presumed they were respectable. What he did say was, that their paper contained a statement that was incorrect in point of fact, and if this was a reflection he could not take it back, because he still entertained the same opinion. He only deplored, as he now did, that men of high standing and influence in society were so far regardless of what was due to themselves and to truth as to make a statement so much at war with facts. If he had done these petitioners injustice, he would certainly make the amende honorable; but he spoke guardedly; he did not speak as of his own knowledge, but under his convictions, founded on his acquaintance with the state of parties and of public sentiment in his State.

After some further remarks by Messrs. CLAY and NILES, the petition was laid on the table.

Mr. WEBSTER presented a memorial signed by sundry merchants of New Haven, Connecticut, and the resolutions adopted at a meeting of the Board of Commissioners of the associated banks of Boston, praying for the repeal of the provisions of the deposite act of 1836, which prevents the collectors from receiving in payment of the public dues the notes of any banks which issue and pay out notes of a less denomination than five dollars.

BANKS AND BANK NOTES.

Mr. WEBSTER presented a petition from merchants in the city of New Haven, Connecticut, (including all the importing merchants but one,) praying the repeal of that portion of the deposite act of 1836 which prohibits the receipt by the Government of the notes of banks which, since the passage of that act, had issued notes of a denomination less than five dollars.

Also, another paper of the same character, in the form of resolutions, from the Board of Commissioners of the Associated Banks of Boston and its vicinity, and asking the same relief. On presenting these petitions,

Mr. WEBSTER said: The present state of things is truly singular. An effort for a general resumption of specie payments by the banks is making, and about to be made, all over the country.

Some of the banks have resumed. But, now, sir, what is the attitude in which the Government stands?

By the new Specie Circular, it is proclaimed that specie or Treasury notes will be required, unless debtors to Government can procure notes of a specie-paying bank of the denomination of twenty dollars, or upwards; which bank shall not have issued, or paid out, any note under five dollars, since July, 1836. No postmaster may receive any note less than twenty dollars!

This refusing to receive notes under twenty dollars is doubtless founded on the provision in the act of April, 1836, that no disbursing officer shall offer in payment any note less than twenty dollars.

I cannot say I think this part of the circular absolutely necessary, so long as the deposite system exists; but, at the same time, the provisions of the act of April countenances this regulation in some degree, if not entirely.

But taking this state of law and this circular together, can it be said that Government is *encouraging* resumption of specie payments, or facilitating the restoration of things to a state of prosperity? Is there, in the spirit of these regulations, any thing to remind us of the course of Government, under similar circumstances, in the days of Mr. Dallas and Mr. Crawford?

In New England, as I believe, all the banks, with one or two exceptions, have issued or paid out small bills since July, 1836. If there be more than one or two exceptions, I have not heard of them.

In New York, the Legislature felt itself imperatively called upon to alter the law of the State, and authorize, at least for a time, the issue of small bills. The popular branch of the Legislature was nearly unanimous for an unqualified repeal. The Senate preferred a suspension, and a suspension was the final result.

It is admitted, I believe, on all hands, that this measure was called for by the people. It was not the result of any bank management, or of the operation of any private interests whatever. It was the result of a clear, loud, and irresistible demand of the public will. It cannot be charged to party, to management, or to any thing but a universal conviction that the measure would be useful, and was necessary. Its beneficial effects are not doubted, I believe, by any body, in aiding the banks in the great work of resumption. Now, I suppose that all the banks in New York, with, perhaps, two or three exceptions in the city, have availed themselves of this suspension law, and have issued small bills. Their notes, therefore, cannot be received at the custom-house, or the post office, or elsewhere, where debts to Government are to be paid. I suppose the same state of things exists in New Jersey, and many other States, both Atlantic and Western.

I have said on a former occasion, and I still think, that the measures pursued by Government have overthrown, at least for the present, its own policy of discontinuing the use of small bills. A state of things has arisen in which the people of States which had begun to act on that policy have compelled their Legislatures to give up the attempt for the present. In some instances, the laws against small notes have been repealed; in others, modified or suspended. All this, I repeat, has been the work of the people themselves, acting directly on their own Legislatures. Under existing circumstances, they find small bills useful, if not indispensable. And as there is no reason to doubt the solvency of the banks which issue such notes, more than that of others, the question may be asked, as it is asked, with significancy and effect by the committee of the associated banks in Boston, "why not put the notes of all specie-paying banks on the same ground?"

I think, sir, it is the duty of Government, at the present important moment, to extend a large and liberal confidence to the banks, and to encourage their efforts, and assist their struggles for resumption by all proper means. To this end, I think the prohibition contained in the fifth section of the deposite law ought to be repealed, or suspended for a considerable time, and until circumstances shall favor a renewed attempt to sustain the policy heretofore pursued. I am of opinion that it is not enough merely to abolish the incapacity, arising from what has been done, contrary to the provision of the statute. I think it necessary to provide that bank notes of specie-paying banks may hereafter be received, at least for some time, although the banks issuing them continue to issue small bills. Nothing short of this can give effectual relief. The banks cannot now, without great public inconvenience, again recall their small notes. The people will not consent that they should. This is a point, I believe, on which there is but little difference of opinion in those States in which small notes are issued.

On the whole, my opinion is, that the best thing to be done, under all circumstances, is to repeal the prohibition, and to wait for a more favorable opportunity to establish the policy which it was intended to sustain. I hope we may see our way on this subject somewhat clearer some time hence than we now see it. If a repeal, however, be objected to, a suspension is indispensably necessary; and this suspension should be for such a length of time as will enable the banks and the public to adjust their concerns to the state of things which will then be before them. But if a suspension only be agreed to, and a day fixed when it shall expire, and especially if that day be a near one, the banks will be compelled immediately to begin to call in their bills, and the relief afforded, if it be any relief at all, will be crippled and ineffectual. Another pressure will commence, and a renewal of past troubles ensue. My opinion is, therefore, that, taking all circumstances into consideration, it is best to repeal the prohibition, and retain, of course, the power of renewing it when a state of things shall hereafter arise to justify such renewal.

For the same reasons, I think the second section of the act of April should also be repealed.

Mr. HUBBARD remarked that the honorable Senator from Missouri [Mr. BENTON] in a speech which he made upon the bill which (it was said) in effect repealed the late Specie Circular, observed that the Secretary of the Treasury could not issue any new Treasury order, without incurring censure. No matter what was its character, or what were its provisions, a future Treasury Circular would bring down upon its author the severest animadversions. How truly has the prophecy of the Senator become matter of history! The necessary, the proper action of the Secretary of the Treasury upon the subject of the currency, the kind of paper money which could be receivable for the public dues, calls forth the most determined opposition. He was utterly at a loss to know how the Secretary had made himself obnoxious to any merited censure, by reason of this new circular. The Secretary had done his duty; he had done nothing more. After the bill passed, doing away with all discrimination as to the kind of money receivable for Government dues, it certainly was a part of the public duty of the head of the Treasury Department to issue at once a circular to correspond with the existing state of things. The Specie Circular of July, 1836, was done away; and was the Secretary to make no order in relation to this subject? Would the exclusive collection of specie, under the act of 1789, for customs as well as for the sales of the public lands, been tolerated? And if the joint resolution of 1816 was to be carried into practice, could the Secretary have been silent? Would he have answered the expectations of the business community, if he had not issued some new circular, which would, in effect, secure to that community the benefit of the joint resolution of 1816? Was not that called for, after the recent resolution of Congress, repealing the Specie Circular of July, 1836?

And what are the provisions of this new circular, about which so much has been said here and elsewhere? He had carefully examined it; and when he first read it he compared it with the existing laws of the land, and he could not well conceive how the Secretary of the Treasury could have issued a different order, unless he had wholly disregarded the provisions of the acts of Congress, and unless he had intended to withhold from the community *altogether* the benefit of the joint resolution of 1816. The Deposite act of 1836 provides, in express terms, that the bills of no bank which shall have issued notes of a less denomination than five dollars, shall be received for the dues of the Government, for lands, or for customs. This is the law. And what is the circular? Is it any thing more or less than this? Not at all. If the Secretary, in his order to the collectors and receivers, had said that the bills (without any discrimination) of all banks shall be receivable for public dues, would he not have been charged, and most justly charged, with having violated the letter of the law of Congress? Could such an order have been justified upon any principle? It could not. The Secretary, then, in this part of the circular, had kept himself within the express terms of the Deposite act of July, 1836. His purpose most clearly was, after the recent legislation, to secure to the business community the practical benefits of the joint resolution of 1816. For this purpose, and with this view, he had issued this new circular; but in promulgating this new order he could not have been so faithless to his public duty as to have disregarded the existing laws of the land. He, therefore, in this respect, had made, and most properly made, this circular conform to the acts of Con

gress. He had done nothing more, he could have done nothing less. So much for that part of the circular which prohibits collectors and receivers from taking the bills of banks issuing notes of a less denomination than five dollars.

The other part of the circular which prohibits the receipt of any bank notes of a less denomination than twenty dollars, he thought was equally defensible. It had been admitted, if not, it would not be denied, that no notes of a less denomination than twenty dollars could now be offered in payment by the Government to its creditors. And not even that denomination of paper, unless it were equivalent to specie at the place where disbursed, and could be then converted into specie at the will of the holder. This was the law of the land. It was no contrivance of the Secretary of the Treasury; but a distinct and explicit statntory requisition. He remarked that the deposite act of 1836 was a dead letter so far as it related to most of the banks of the country.

In Massachusetts, and in the State he in part represented, there was not a single bank which could be selected as a public depository consistently with the provisions of the deposite act of July, 1836. They had incapacitated themselves from being employed as places of deposite of the public money. There was not one of them but what had paid out bills of a less denomination than five dollars since the suspension of specie payment. They had done this, he was free to admit, from necessity, and with regard to the public convenience. But in doing this, it could not be denied that they could not thereafter be selected as depositories of the public money. The deposite act, therefore, must have been regarded by the Secretary at the time of the issuing this new circular as, to a great extent, inoperative—certainly in his own State, as well as in every other State of New England—as if it had never been passed, so far as it related to the employment of the local banks as public depositories. This, he presumed, could not be controverted. He would then ask, what was the Secretary to do to prevent bank paper to be taken of a less denomination than the law authorized to be disbursed? Would he have been justified in directing the collectors and receivers to take notes of a less denomination than twenty dollars? He would ask if such had been the order, what would the receivers have done with this description of paper? It could not have been disbursed consistently with the existing provisions of law? If a paper of a less denomination than twenty dollars should be offered in payment by the agents of the Government to its public creditors, the practice could not fail to have received, as it has already received during the present session, the marked condemnation of those who oppose the Administration. Such a description of paper could not be placed on general deposite to the credit of the Treasurer, because under the deposite act of 1836 no State bank could be selected as a place of deposite. The only course left for the receivers, would have been to have converted such a description of paper at once into specie; and he was sure that no friend of the banks would say that such a practice would operate to their advantage, or would tend to promote their benefit.

The Secretary then in requiring of collectors and receivers not to take bank paper of a less denomination than twenty dollars, had acted with reference to the existing state of things, and with reference to the existing law of the land. He had authorized the receipt of that description of paper money, which alone could be disbursed. He well knew that the banks were no longer the fiscal agents of the Government. That the collectors of the customs, and the receivers at the land offices, were charged with the duty of receiving and disbursing the public money; and it seemed to him that there would be a most glaring absurdity in requiring these public officers to take what they could not disburse—to receive notes of a less denomination than twenty dollars, when, by the express terms of the statute, no such paper money could be paid to any of the public creditors.

This then was the head and the front of the Secretary's offence. That by reason of the recent legislation of Congress, and to secure to the community the benefits of the joint resolution of 1816, he had issued a general order to collectors and receivers to take that description of paper, and that only, justified by existing law; and the notes of those banks, and of those banks only, which the deposite act of 1836 permitted. He had done what the law authorized, and what it seemed the law required him to do; he had done nothing more; and if there was cause of offence, it was not to be traced to that act of the Secretary of the Treasury, but to the positive enactments of Congress.

He wished to say a word or two upon the proposition of the Senator from Massachusetts. He could not believe that a majority of either House of Congress would be found to legalize the receipt of bills of a less denomination than five dollars for the public dues. Such a proposition could find no favor with him; and he should be slow to believe that Congress would, by its own legislation, expel from circulation the specie which the existing policy of the Government was well calculated to keep in circulation. He believed that the Legislature of his own State, and the Legislatures of all the New England States, would ere long prohibit the banks from issuing bills of a less denomination than five dollars. It was, in his judgment, greatly to be desired. The direct effect of such legislation would be to introduce at once specie into circulation for that description of paper. The consequence of such an improvement in the circulating medium would be most sensibly felt by the laboring classes of the community—a portion of our citizens more likely to be injured than any other, and much less able to bear loss than any other, by a depreciated paper currency. He hoped, therefore, as a matter of great public convenience, that Congress, as well as the State Legislatures, would, by their public acts, increase the specie and diminish the paper circulation. In no way could this be done more effectually than to carry out the policy of the deposite act of 1836. The papers presented this morning by the Senator from Massachusetts look to a departure from that policy. All he would say was, that he was wholly opposed to the object avowed. Nor was he of the opinion that there was any great inconvenience experienced or felt in Boston by the importing merchants as things now existed. He had read in one of the public journals of that city—a journal not in favor of the present Administration—and he had received letters from that city; and he could not believe, relying on these sources of information, that there was much practical embarrassment produced among the mercantile community in consequence of the act of July, 1836, and of the recent Treasury Order prohibiting the receipt for customs of the notes of banks which had issued bills of a less denomination than five dollars. The Merchants' Banks had long since resumed specie payments. He believed that two or three other banks had, also, by a vote of their boards of directors, resumed specie payments for their liabilities; and, although the Merchants' Bank could not, under the deposite act of 1836, be selected as a depository of the public money, having paid out the notes of other corporations of a less denomination than five dollars, yet that bank had not issued, since the passage of the deposite act of 1836, its own bills of a less denomination than five dollars. The notes, therefore, of that bank were receivable for public dues; and, since its resumption of specie payments, he believed that more than two hundred thousand dollars had actually been paid into the Custom House for duties of the bills of that institution. He was advised, and verily believed, that every possible accommodation was afforded to the mercantile community by that institution. He, therefore, was not aware of any special inconvenience that was felt by the mercantile community by reason of the prohibitions mentioned in the act of July, 1836, and he certainly could not agree to any change of the policy as manifested by that statute. In his own State there were twenty-seven banks—all, with the exception of two, had issued, and still continued to issue, their own notes of a less denomination than five dollars; and those two had paid, in the course of their business, other bank paper of a less denomination than five dollars. The two banks to which he referred—one at Portsmouth, the other at Concord—had not issued their own paper of a less denomination than five dollars, and there could be no doubt that the bills of the Commercial Bank at Portsmouth, and of the Mechanics Bank at Concord, if he was not mistaken as to their course, would be received for the Government dues; and it was equally clear that the bills of all the other banks could not be received, without an entire departure from the act of July 1836. They had not been received at any time since the passage of that act, and they would not be hereafter received, because they would not desist from issuing bills of a small denomination. It was more for their interest to pursue this course than to have their paper received for Government dues. And so it was with a great proportion of the banks of Massachusetts. But while he was wholly opposed to any material change of the provisions of the act of 1836, he would have no objection to placing all the banks upon the same ground. He would say to them all, if hereafter you will cease to issue or to pay out bills of a less denomination than five dollars, he would agree to receive their paper for customs and for lands. Beyond this he would not go. Beyond this, with a view to the practical convenience of the importing merchants, he did not believe it was necessary to go. He hoped, therefore, that the future legislation of Congress, in relation to this matter, would be so directed, as to add to, not diminish, the specie circulation of the country.

Mr. BUCHANAN observed that it could not be denied that, under the operation of existing laws, there was now a total disconnection between the Government and the banks, even if they resumed specie payments. The separation was complete and entire, so far as that the Government could not employ any banking institutions which have issued notes under five dollars; and this fact ought to be known to the country and to Congress, because the banks themselves had produced the separation, even in case they resume. There might be a few solitary exceptions; but he had heard of no bank in the country, with the exception of those of Missouri and Arkansas, which had not either issued small notes of its own, or paid out those issued by other banks or corporations. None of the banks of Pennsylvania had issued notes of less than five dollars, but they had generally paid out notes issued by other corporations, and therefore, by the deposite act, they became disqualified as public depositories.

[Mr. PRESTON here interrupted Mr. B. to say that none of the banks of South Carolina had issued or paid out notes under five dollars.]

Mr. BUCHANAN resumed. The question now was as to renewing the connection between the Government and the banks. He did not think he should vote for a bill to renew the connection. There was another question raised by the Senator from Massachusetts, and that was relative to the difference between banks which have issued notes under five dollars, and those which have only paid out such notes issued by others. He did not think there was any difference in point of morality or propriety. Mr. B. said he never would agree to repeal the provision referred to entirely; but, for the sake of giving the banks time to resume, he would be willing to suspend its operation for a time—say to the 6th of October next.

Mr. WEBSTER believed that the interdiction after the 6th October next would be the most pernicious measure that could be adopted in the event of a resumption.

Mr. SMITH of Indiana said he rose simply to correct a statement of the Senator from Pennsylvania, that the banks of all the States, except Missouri and Arkansas, received or paid out notes of a less denomination than five dollars. He believed the remark was incorrect, so far as the banks of the State of Indiana were concerned. Those banks are not authorized by their charters to issue notes of a less denomination than five dollars, and the law of the State prohibits the issue or circulation of small notes under a penalty. He had heard of no instance in which the banks of Indiana had laid themselves liable to be placed under the restriction of the recent circular, whenever they shall resume specie payments, nor did he believe such to be the fact. So far, therefore, as Indiana was concerned, the repeal of the late circular would operate most favorably, he had no doubt. But still he was satisfied that the new circular had manifested that justice to the other States required that the restriction should be repealed, at least so far as to authorize the receipt of the notes of all specie-paying banks that shall not, after a given time, issue notes of a less denomination than five dollars. He felt, as at present advised, disposed to go that far; but he had yet to be satisfied that it would be good policy to encourage the issue of notes of a less denomination than five dollars; he would, however, not anticipate the argument on that question.

Mr. BUCHANAN was glad to hear what the Senator from Indiana had stated in regard to the banks of his State. Then there were three States in the Union, Indiana, Missouri, and Arkansas, where the banks had not taken the advantage of the suspension to give out small notes.

Mr. STRANGE hoped the Senator from Pennsylvania would allow him to correct him, so far as the banks of North Carolina were concerned. The banks of his State had never issued shinplasters at all; and their lowest issues were in notes of three dollars.

Mr. BUCHANAN said the Senator from North Carolina need not have risen to correct him, as the issue of notes of three dollars by the banks of his State, disqualified them, under the deposite law. Mr. B. believed that the banks were generally able to resume, and dispense with the issue of small notes, and that all they wanted was a little time. There might be some who would prefer the profits and advantages derived from the issue of small notes to the receivability of their notes by the Government; but he believed that the large and respectable institutions would find it to their interest to dispense with the issue of such notes. He would not say any more on this subject, till the bill of the Senator from Massachusetts came in.

Mr. BENTON said he might be mistaken; but he was strongly under the impression that the banks of Massachusetts had lost no privilege by the restriction in the deposite law of 1836. If he was right, these banks had never earned the privilege of having their notes taken by the Government, by suppressing their small notes, with the exception, perhaps, of one or two banks in Boston. If this was the fact, what right had these banks to come forward now, and ask of Congress, not only a remission of the penalty, but to encourage them in issuing small notes. Why, if there never had been a suspension of specie payments, their condition would be the same. The Senate and country must observe the change of issue now made. The suspension began in New York; and the reason given by these banks was, that they had been run upon. What was the reason given by the rest of the banks of the country? Why, they suspended solely because the banks of New York had set them the example, declaring that they would resume as soon as New York did; and one of them superadded the declaration, "*that if it had consulted its own strength,*" it would have gone on. That was the state of the case.

Now the banks of New York resume; but a new set of banks had sprung up, presenting a change of issue, bottomed on an afterthought; which was, that they could not resume until the Federal Government would take their notes. It is nonsense, said Mr. B. for us to talk as if we did not understand that there is a class of banks which is political, contradistinguished from the class which is commercial. The political class inclines to take every opportunity to make mischief, while the commercial class is endeavoring in good faith to carry out the objects for which they were created. The subject must be treated as it is, and they must call things by their right names. He repeated, that the banks petitioning had lost no privilege; they had nothing to complain of, nothing to ask for. The movement now was, and they should not disguise it, to join the banks and the Government together again, after the separation had been made by the action of the banks. It was an attempt to join Bank and State together; and why should they not say so. Mr. B. here referred to the report of the Finance Committee, which, he said, had fully gone into and explained the whole subject. When the proper time came, Mr. B. said he should endeavor to give some reasons for the part he should take and the vote he should give; at present he would not go further into the subject.

After some further remarks from Mr. WEBSTER, the memorials were laid on the table, and ordered to be printed.

Mr. WEBSTER then, in pursuance of previous notice, asked leave to introduce the following:

A BILL making further provisions for the collection of the public revenues.

Be it enacted, &c. That the operation of so much of the act of June 23d, 1836, entitled "An act to regulate the deposites of the public money," as prohibits the receipt of the notes or bills of specie paying banks, which have issued since the 4th of March, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended until further order of Congress.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to select and employ as depositories of the public money, according to the provisions of said act, any banking institutions which may be established under the provisions of a law of the State in which it exists.

SEC. 3. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury hereafter to select and employ as depositories of the public money, according to the provisions of said act, any bank which shall redeem its notes and bills on demand in specie, notwithstanding it may have stopped specie payments since the date of the said act.

SEC. 4. *And be it further enacted*, That the operation of the second section of the act of April 14, 1836, entitled "An act making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 1836," be, and the same is hereby, suspended until further order of Congress.

Leave was granted, the bill was introduced, and read the first time, and, on the suggestion of Mr. WRIGHT that it would be of no use to refer it, a report just having been made on the whole subject from the Committee on Finance, the bill was laid on the table, with the understanding that it would receive its second reading and come under the consideration of the Senate to-morrow.

Mr. GRUNDY, from the Committee on the Judiciary, to which was referred the bill from the House to reorganize the Legislative Council of the Territory of Florida, reported the same without amendment.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported several bills from the House, without amendment.

On motion of Mr. SMITH of Connecticut, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of William Pratt.

On motion of Mr. RUGGLES, the Committee on Patents was discharged from the further consideration of the petitions of Ebenezer Watson and Walter R. Johnson.

Mr. RUGGLES, from the Committee on Claims, reported without amendment, the bill for the relief of William Dixon.

Mr. R. moved that the same committee be discharged from the further consideration of the petitions of Hiram H. Lewis, and William E. Lewis, and of the representatives of John H. Pratt.

Mr. MERRICK asked leave to withdraw the papers of the executor of James Cook of Maryland, as they were required as evidence in a Court of Chancery.

This being counter to a resolution of the Senate, offered by Mr. HUBBARD, and recently adopted, a conversation of some length ensued on the question of order, chiefly by the VICE PRESIDENT, Mr. MERRICK, Mr. HUBBARD, and Mr. WEBSTER, which resulted in leave being granted to withdraw the papers; whereupon

Mr. HUBBARD offered a resolution, which lies over one day, making the resolution formerly offered by him, prohibiting the withdrawal of original papers on private claims, one of the standing rules of the Senate.

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JUNE 25, 1838. VOLUME 6.....No. 29.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 28.]

Mr. NORVELL, on leave, introduced a bill making certain grants of public lands, and for other purposes; which was read, and ordered to a second reading.

Mr. SOUTHARD, on leave, introduced a bill to establish the office of surgeon general in the Navy, and to confirm certain claims to land in Louisiana, between the Red river and the Sabine, derived from Spanish grants, etc.; which were severally read twice, and referred.

Mr. MORRIS, from the Committee on Pensions, reported, without amendment, the bill from the House for the relief of Simeon Moss, without amendment.

The bills from the House making temporary provisions for the comfort and support of the lunatics of the District of Columbia, and relating to the Orphan's Court of Alexandria county, in the District of Columbia, were severally read twice, and referred.

The bill to encourage the introduction, and promote the cultivation, of tropical plants in the United States, was read the third time; when

Mr. TIPTON called for the yeas and nays on the question. He went as far as he thought he ought to go in voting for the printing of so large a number of the copies of the Senator's report on the subject; and on reading this report since, he regretted that he had not at once risen, and raised his voice against the measure. He wished the yeas and nays to be taken to see what Senators would vote for making a grant to encourage a particular kind of industry; and if they introduced a precedent of this kind, they might hereafter be asked for a grant to his constituents to encourage them to cultivate the Red river cotton which would be so much more profitable than their present products. He was opposed to the whole process from first to last, and did not believe that Congress had a right to make a grant for such purposes. Mr. T. observed that this kind of encouragement to agricultural industry had been given before, and failed to effect its object; and instanced the sale, on a long credit, to certain French emigrants, of a large body of the finest lands in his State, to encourage the cultivation of the vine and the olive, and the late grant to certain Polish exiles, both of which had resulted in mere speculation.

Mr. MORRIS made some remarks in opposition to the bill, contending that Congress had no right to make a donation of the public lands for the encouragement of any species of industry.

Mr. LINN observed that this bill was just as defensible as the grants by the Government of the United States to the State of Ohio the National road, after expending a million of dollars on it, and certainly as defensible as the giving the public lands to the States of Ohio, Indiana, and Illinois, for the purpose of opening a canal. Let the gentlemen from Indiana and Ohio turn their eyes to the bogs, mangrove thickets, and pestilential swamps of southern Florida, that no body would have, and that were so worthless, that one of our distinguished generals [Gen. Jesup] was for giving them up, and abandoning them to the wild Indians; and say whether he would not give them to the man who is willing to go upon them, and risk his life to improve them, and render the adjacent Government lands valuable, on condition that he succeeds in his undertaking. We all know said Mr. LINN the value of Doctor Perrine's services, and that he incurred many dangers and great hardships, and faithfully carried out the instructions of the Secretary of the Treasury, in collecting valuable seeds and plants, and that he was the only one of our foreign consuls who did. The bill was well guarded, and the memorialist could get no title, until he performed all the conditions required of him, in default of which he would forfeit the land. Doctor Perrine asked for nothing but the fens, bogs, and worthless swamps of Florida; and the bill excepted even the timber lands, town sites, and every thing that was valuable. Mr. L. could see nothing in the bill calculated to excite the apprehensions which gentlemen had thought proper to conjure up.

Mr. CLAY of Alabama had one objection to this proposition. It gave a bounty to a certain description of agricultural industry not given to others, and he was not aware there was any such power vested in Congress by the Constitution of the United States. He recollected, some years ago, when the subject was agitated in Congress, that he was of the opinion that it was not in the power of Congress to give a bounty to encourage manufactures; and he should like to know how Senators, who entertained the same opinions, could support this bill. This proposition went far beyond any of the kind that ever had been passed by Congress. By the bill for the encouragement of the cultivation of the vine and olive, the French emigrants were to pay for the lands granted them, though they had a liberal credit. It was the same thing with the unfortunate bill for the benefit of the Polish exiles. But this bill did not propose that the grantees should pay one dollar. It was a perfect bounty to Doctor Perrine and his associates, and he saw no power in the Constitution to grant it.

Suppose a proposition came here from other citizens of the United States, for a new experiment, by which some great good was to be effected, by cultivating something else than tropical plants, would it not be as much entitled to a favorable consideration as this? The Senator from Missouri talked of the worthless character of the lands in southern Florida—the pestilential swamps, mangrove thickets, etc. of which he [Mr. C.] had no certain information—but this land had not yet been surveyed; and therefore the quality of all this land could not be known with any certainty; so that, for aught he knew, the grantees might select a township valuable enough for the cultivation of Sea Island cotton. Mr. C. was not willing to place on the statute book a principle of this kind, so entirely indefensible by any thing to be found in the Constitution, or any where else.

Mr. SEVIER was somewhat astonished at the zeal displayed by his friends on the right and left [Messrs. CLAY of Alabama, and MORRIS] against this bill. These gentlemen talked about Constitutional objections, and seemed to be frightened at something new. Why the principle, Mr. S. said, was as old as the Government itself. In Louisiana the Government had made donations without number, and so, also, in all the other new States, and this too without the slightest obstacle to be found in the Constitution. What did that instrument say? Why, "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property of the United States." Dispose of it how? Why, as Congress pleased. We have exercised the power, said Mr. S. of disposing of the public domain as we pleased, in one unbroken series of precedents from the formation of the Government to this time; and we have granted it to citizens of the States, to corporate institutions, and for county sites.

The object of this bill was highly meritorious. It gave a township of worthless land to an individual who was willing to risk his life in opening new sources of agricultural industry, and thereby promoting the agricultural interests of the country, and bringing into market lands that have hitherto been deemed worthless and uninhabitable. He was glad to see that the Agricultural Committee, which had hitherto been so much out of view, had come forward with so interesting a report, and this circumstance augured favorably for the prosperity of his favorite interest. He confessed he would have liked the bill better if the township granted was to be given out a section at a time, as it was reclaimed and brought into cultivation, but he was gratified to vote for the bill as it was. The grant, however, was not without some consideration, and a valuable one, for it was all important to encourage the settlement of a white population in a region that was now the hiding place of the wild Indian. The expense of the very medicine consumed by our soldiers, who were employed in the sickly swamps of Florida, would amount to infinitely more than the real value of the township that was to be granted.

Mr. LINN returned his thanks to his excellent friend from Arkansas, for the able manner in which he had come to the rescue. But his friend was mistaken in one thing. His objection was already provided against in the bill. By it Doctor Perrine would not get a patent for an acre, till he satisfied the Government that he had settled on it, and got it in cultivation. The reason why Doctor Perrine wanted the whole township now was, because it might be ten or fifteen years before the Government would think it worth while to survey such valueless lands. Mr. L. here stated the services of Doctor Perrine, and the trouble and difficulties he encountered in procuring valuable seeds and plants; and there never was, in his opinion, a more meritorious claim than that now presented to the consideration of Congress. What was the return to be made him, and what did the bill propose to give him? Why, fens and bogs, and mangrove thickets, that every body who knew any thing about it said were utterly worthless. There was no ignorance on the subject: geography, history, and every thing else tells you that Southern Florida is nothing but pestilential swamps and impenetrable thickets, infested by every species of noxious reptile and wild beast. If gentlemen entertained such strong constitutional objections, why did they not urge them yesterday, when the bill was susceptible of amendment? They might have required payment of the lands, and have asked twenty-five cents an acre, or some small consideration, to prevent the grant from being an absolute donation; but to attack the bill now, when it could not be amended, was something like a purpose to destroy it. As his friend from Arkansas observed, it was but lately that the agricultural interest had any attention paid to it in either House of Congress; and it would not be his fault if more attention was not paid to it in future.

Mr. NILES made some remarks in opposition to the bill in its present shape; when

Mr KING wished to state to his friend from Missouri, that as the bill stood, he could not vote for it. He did not think that it was well worded, and therefore suggested to his friend to move to recommit it, with a view of its being brought in again in a more perfect shape.

Mr. LINN declined recommitting the bill, and expressed the hope that it would pass as it was.

The question was then taken, and the bill was ordered to be engrossed for a third reading—yeas 26, nays 11, as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Clay of Kentucky, Clayton, Fulton, Grundy, Linn, Lumpkin, McKean, Merrick, Mouton, Nicholas, Norvell, Preston, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Tallmadge, Trotter, Wall, Webster, and Young—26.

NAYS—Messrs. Allen, Clay of Alabama, Hubbard, King, Morris, Niles, Pierce, Strange, Tipton, White, and Williams—11.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 13, 1838.

Petitions were, on leave, presented by Mr. INGHAM of Connecticut, Mr. GARLAND of Louisiana, and Mr. HOWARD of Maryland.

Mr. HARLAN, from the Committee on Private Land Claims, reported a joint resolution in favor of Mary Shepherd and the other heirs of Captain Frederick M. Bell, deceased; which was ordered to a third reading to-day.

Mr. CALHOON of Kentucky, from the same committee, made a minority report on Senate bill giving effect to the 8th article of the treaty of 1819 with Spain; which was committed to the same Committee of the Whole having charge of the bill.

Mr. McKAY, from the Committee on Military Affairs, reported, without amendment, Senate bill to settle the construction of the act regulating the pay of paymasters in the army of the United States.

Mr. McK. also reported, with an amendment, Senate bill for the relief of the heirs of General William Eaton.

Mr. McK. also reported a joint resolution authorizing the authorities of the city of Savannah, in the State of Georgia, to reopen certain streets that had been enclosed by the construction of the works of Fort Wayne; which was read twice.

Mr. OWENS then appealed to the indulgence of the House to act upon this resolution at once. It was, he said, of very great importance to some valuable improvements contemplated, and now in course of progress, by the city of Savannah. The property through which these enclosed streets passed had been conveyed to the United States for the purpose of erecting the fort; but that work having been altogether abandoned, the property was of no use whatever to the Government, but would be of great advantage to the city, as well as to the United States itself, from the improvements that would be made upon it. He, therefore, hoped the House would assent to his motion, and he moved the engrossment of the resolution.

The House did assent, *nem. diss.* and the resolution was ordered to be read a third time this day on further motion of Mr. OWENS.

EXPLORING EXPEDITION.

Mr. INGHAM, from the Committee on Naval Affairs, reported the following resolution; which was concurred in:

Whereas, the Committee on Naval Affairs, to which was referred copies of letters, documents, and communications, called for by a resolution of the House of Representatives of the 7th of December last, in relation to the delay of the sailing of the Exploring Expedition, with instructions to investigate the causes of delay, etc. have selected such parts thereof, as in their judgment may be material in such investigation. Therefore,

Resolved, That the Clerk cause the same to be arranged in chronological order, with an index designating the name of the author of each paper, and of the person to whom it is addressed, with its date; and when the same shall be so arranged and prepared, he is required to cause the usual number of copies to be printed.

Resolved, further, That the Clerk cause the remainder of said copies, the same having been rejected by the said committee as unnecessary to be printed, to be in like manner arranged, indexed, and bound, and preserved among the documents of the House.

FRENCH SPOLIATIONS PRIOR TO 1800.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a resolution proposing to set apart Saturday next, after 11 o'clock, for the consideration of the French spoliation bill.

Mr. DROMGOOLE moved to lay it on the table, but subsequently withdrew the motion, and the resolution was rejected without a division.

PEACE SOCIETIES.

Mr. LEGARE, from the same committee, made a report on the subject of a number of memorials referred to that committee from the Peace Society of New York and others.

Mr. HOWARD, under instructions of the committee, moved to print 10,000 extra copies of this report.

Mr. PETRIKIN objecting to this motion—

Mr. HOWARD moved a suspension of the rule; which was agreed to—ayes 101, noes not counted.

Mr. CUSHING concurred in the motion to print, as well as in the ability of the report as a State paper, but without assenting to all its views.

TEXAS.

Mr. DROMGOOLE, from the same committee, made the following report; which was read:

The committee on Foreign Affairs, to whom was referred sundry Executive communications, and resolutions of State Legislatures, together with numerous petitions and memorials relating to the annexation of Texas to the United States, presented at the late and present sessions of Congress, report:

That there is now no proposition pending in this House either for the admission of the Republic of Texas, as a State, into the Union, or for its territorial annexation to the United States.

The committee do not deem it advisable to recommend any action on the part of the House of Representatives calculated to prejudge any such proposition, should it hereafter be formally submitted for decision, or to forestal public sentiment in relation thereto. In consideration whereof, the following resolution is reported:

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of the whole subject, and that all the papers relating thereto, and to them referred, be laid on the table.

Mr. CUSHING called for a division of the question, so that it might be taken first upon that clause of the report which proposed to discharge the Committee on Foreign Affairs. He dissented from the report, and intended, before he sat down, to move a recommitment, with a view to have the subject more deliberately and argumentatively presented to the House. It was due to the country and the subject. The preamble says there is no proposition before the House. This might, in strict technical parliamentary language, be correct, as there was no motion or resolution pending in the House for the annexation of Texas; but Mr. C. denied that this was in substance correct. Three States of the Union, Tennessee, Alabama, and Mississippi, have passed resolutions in favor of the admission of Texas into the Union; and of two of the States, at least, the resolutions have been presented here, and are in the possession of the House. In addition to which, Texas herself had directly applied to the United States for admission. This proposition was pending now, and in force, and was not, (as the late report of the Secretary of State would seem to intimate,) withdrawn from the cognizance of this Government.

By the latest intelligence from Texas, the Senate of that Republic had distinctly refused to withdraw the application. Some gentlemen might think that this proposition was within the cognizance of the Executive only, as in the first instance; but he maintained the contrary most positively. Congress, the House, the people of the United States, were under no obligation to wait, in such a matter, for the initiation of the Executive in regard to it. The representatives of the people have the same power and right to act upon it in the initiation. He might not be disposed to do right. It was the duty of the House to see to the rights and interests of the people upon this vital question. The Constitution does not give to the Executive any power to admit new States. It is for Congress to do it so far as power resides any where. Let Congress, let the House, speak, and speak out to the country and the world. Furthermore, three of the States, Ohio, Michigan, and Massachusetts, have sent here resolutions solemnly remonstrating against the annexation of Texas. It was due to those three States, also, to express an opinion promptly upon the subject. It was due to thousands upon thousands of petitioners, whose petitions on this subject load the table, to express an opinion. They ask it; they demand it; they have a right to it. How long is this House to fold itself in the mantle of its dignity; covering itself up in dullness; refusing to utter its opinion; suppressing opinion and debate; disdaining, as it were, to treat the people fairly, in the light of day, manfully and honestly, as becomes their representatives?

Mr. C. insisted upon the duty of the committee to make a

full argumentative report. He would not undertake to discuss the merits of the question. He was conscious it would be out of order, and he had no disposition on this or any other question to debate out of order; and he had therefore confined himself strictly and rigidly to the question immediately pending. He desired to see a full report upon the subject, and therefore he submitted the following motion:

That the report and accompanying papers be recommitted to the same committee, with instructions to make a report thereon in full as to the merits of the questions presented by the resolutions of the Legislatures of the several States of Tennessee, Alabama, Michigan, Ohio, and Massachusetts, and of the various petitions before the House, on the subject of Texas.

Mr. CARTER took the converse ground, that there was no direct question of the annexation of Texas before the House. Whatever question there was, was a mere incidental one, and the committee had pursued a most prudential course, for which he highly commended them.

Mr. ADAMS propounded an inquiry to Mr. DROMGOOLE, whether the committee had read the petitions.

Mr. DROMGOOLE was understood to deny the right or propriety of Mr. ADAMS to put such a question. The committee had made a report, and the country could judge of it. He would not submit to be interrogated in such a manner.

Mr. PICKENS was in favor of Mr. CUSHING's motion, though for different reasons. He desired to meet the issue tendered, and to have some definite action recommended, especially as they were told at the late session that the North would prefer a dissolution of the Union to an annexation of Texas. The question ought to be met at once, for if the United States did not acquire that influence in Texas, Great Britain would.

Mr. CUSHMAN held that such a proposition should come from the Texan Republic itself; but there was none such before the House, and, in order to put a stop to this discussion, he demanded the previous question.

Mr. ADAMS begged the gentleman to withdraw it, if only for the purpose of affording time for an answer to his argument.

Mr. CUSHMAN declined; but the House refused to second it—ayes 74, nays 81.

Mr. HOWARD then obtained the floor, but gave way to Mr. GARLAND of Louisiana, on whose motion the House passed to the orders of the day.

PRE-EMPTION BILL.

The House then went into Committee of the Whole on the Union, Mr. CRAIG in the Chair, and resumed the consideration of the "bill granting pre-emption rights to settlers on the public lands," the question being on the amendment of Mr. LINCOLN, as modified, by engrafting thereon the amendment of Mr. UNDERWOOD, as before given.

Mr. CHAPMAN, who was entitled to the floor, addressed the House at length in an earnest support of the pre-emption system, and in a full reply to the objections urged against it.

Mr. PRENTISS, of Mississippi, followed on the same side.

Mr. ROBERTSON proceeded to oppose the bill, and the policy involved in it; and had not concluded when the House took its daily recess.

AFTERNOON SESSION.

Pursuant to the order, the House met at half past three o'clock, and went again into Committee of the Whole, upon the pre-emption rights bill.

Mr. ROBERTSON concluded his remarks in opposition to the bill.

Mr. CUSHING followed in support of the bill, and argued at length upon the abstract questions of rights of property; and upon the practical wisdom and necessity of the law.

Mr. UNDERWOOD made some explanation of his remarks on a former day, and urged some further objections to some of the provisions of the bill.

Mr. GARLAND spoke at length in favor of his proposed amendment, and in favor of the principle of granting pre-emption rights. After proceeding some time, he gave way to

Mr. EVANS, who moved that the committee rise, which motion was decided in the negative—ayes 58, noes 70.

Mr. GARLAND resumed his remarks, and went more particularly into an examination of the provisions of the bill, as contrasted with the amendment he had offered.

Mr. SNYDER proposed the following proviso:

Provided, however. That no person who has settled, occupied, or cultivated any portion of such quarter section, under a previous settler, and by his permission, shall be allowed to avail himself of any such division of a quarter section.

Which motion was decided in the negative.

The question then recurred on the amendment of Mr. LINCOLN, as modified by the amendment of Mr. UNDERWOOD, which was rejected: ayes 47, noes 69—not a quorum.

Some discussion ensued as to the best mode of proceeding, there being evidently a quorum present.

Mr. LINCOLN explained that the amendment pending was the amendment of Mr. UNDERWOOD, as modified by his suggestion.

Mr. BELL proposed that the question upon these amendments be taken *pro forma*, with a view that the questions should be deliberately taken in the House to-morrow; and that the bill should be taken out of the committee to-night.

This course meeting the assent of the House, amendments were offered, *pro forma*, by Messrs. MAY and LINCOLN.

Mr. LEWIS submitted an amendment providing for the claims of those who lost their claims under the Choctaw treaty, but after considerable discussion on the point, it was ruled out of order, on the ground of its being in substance the same as a bill already before the House.

Mr. BRIGGS asked if amendments could not be offered in the House to-morrow.

The CHAIR replied that they could be without doubt.

Mr. CASEY then said he hoped the committee would rise, and he knew it to be the disposition of the friends of the bill to devote the whole of the day to morrow to the subject. He moved that the committee rise and report the bill.

Some conversation ensued; after which,

Mr. BRIGGS renewed the motion to rise and report the bill.

The question was taken on the amendments proposed by Mr. GARLAND and Mr. LOOMIS, and they were both rejected *pro forma*.

The committee then rose and reported the bill, with the amendments.

The SPEAKER laid before the House a communication from the Commissioner of the General Land Office, with a report of the quantity of land required to satisfy outstanding military bounty land warrants granted by Virginia; which, on motion of Mr. MERCER, was laid on the table.

The following resolutions were submitted on leave:

On motion of Mr. TURNEY,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing by law for the payment of horses and equipage that have been turned over the officers of the United States, by mounted volunteers, who have served in Florida.

On motion of Mr. WORD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Yott, in the county of Lafayette, in the State of Mississippi *via* Chulahomo, in Marshall county, Hancocks, Labrous, and Hernando, in De Soto county, to Memphis, in the State of Tennessee.

On motion,

The House adjourned, at half past 8 o'clock.

IN SENATE,

WEDNESDAY, June 13, 1838.

Mr. ALLEN presented a petition from sundry citizens of German township, in Harrison county, Ohio, setting forth their utter detestation of the practice of duelling, and asking the passage of a law disqualifying all persons from office, who may, in any manner, have been participants in a duel.

Mr. A. said, as this subject had already received the action of the Senate, he would move its reception, and that it be laid on the table.

Mr. LINN presented the petition of Martin W. Smith, asking the survey of a route for a railroad from Lake Michigan to Du Buque: referred to the Committee on Roads and Canals.

Mr. ROBERTSON, from the Committee on the Post Office and Post Roads, to which had been referred House bill for the relief of William Ferguson and sureties, reported the same without amendment, and recommended its passage.

Mr. MORRIS, from the Committee on Pensions, made a report on the following bills received from the House of Representatives:

The bill for the relief of Josiah Clark;

The bill for the relief of Charles Coffin;

Which were reported without amendment, and their passage recommended.

The bill for the relief of William Dawes;

The bill for the relief of Robert McBride;

The bill for the relief of Conrad Shroff;

The bill for the relief of Gillett S. Fisk;

The bill for the relief of George Bushly;

The bill for the relief of John Weaver;

The bill for the relief of Wealthy Baker;

The bill for the relief of Randolph Carter;

The bill for the relief James H. Bradford;

The bill for the relief of John F. Wiley;

The bill for the relief of David Wilson;

The bill for the relief of Rocert Lucas;

The bill for the relief of George McFadden;

The bill for the relief of Jacob Shade;

Were unfavorably reported on.

Mr. KING presented certain documents in relation to the claim of Sandy Walker; which were referred to the Committee on Claims

On motion of Mr. TIPTON,

Resolved, That the Secretary of War be directed to inform the Senate whether any and if any what steps have been taken to carry into effect the object of the resolutions of the Senate of the 21st May, 1836, requesting the Executive of the United States to exchange lands southwest of the Missouri river for lands owned by the Pottawatomies and other Indians.

Mr. TIPTON also submitted the following, which was agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of an appropriation to defray the expenses necessarily incurred and remaining unsatisfied in negotiations with the Miami Indians for a cession of their lands in Indiana.

Mr. WEBSTER gave notice that he should to-morrow morning call up Mr. WILLIAMS's motion for leave to bring in a bill for a joint British and American commission of exploration and survey, to determine on the northeastern boundary of the United States, in accordance with the treaty of 1783, which motion had, on Mr. W's desire, been laid on the table. Mr. W. gave this notice merely that Senators might have before them the two maps of the country in question, recently printed by order of the Senate, without which the details of the subject could not be well understood.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which had been referred the bill granting land to the Territory of Wisconsin, for the purpose of making a canal, to open the waters of Lake Michigan with those of Rock river, reported the same with the amendment received from the House, and moved a concurrence therein; which was agreed to.

Mr. HUBBARD, from the Committee on Finance, to which had been referred the House bill making an appropriation for certain public buildings in the Territory of Wisconsin, reported the same with an amendment; which amendment was agreed to, and the bill passed.

Mr. RIVES, from the Committee on Naval Affairs, reported House bill for the relief of Thomas Parsons, without amendment, and recommended its passage.

Mr. WEBSTER moved to take up the bill making further provision for the collection of the public revenue.

Mr. WRIGHT moved to lay this bill on the table, at least until the subject which had emanated from the committee had been disposed of.

Mr. WEBSTER having acquiesced, the bill was laid on the table.

Mr. MORRIS gave notice that he would move to set apart Monday next for the purpose of acting on the pension bills received from the House of Representatives, which had been favorably reported on in the Senate.

The bill for the benefit of the Mount Carmel and New Albany Railroad Company, in the State of Indiana, was then taken up.

Mr. SEVIER said, with a view to meet the objections of all parties, he moved the following amendment:

"That there be, and the same is hereby, granted to the State of Indiana, each alternate section or fractional section of the unappropriated public land which lies on both sides of the New Albany and Mount Carmel railroad, and between New Albany, on the Ohio, and the Wabash river, all in said State of Indiana, for the purpose of aiding in the construction of the New Albany and Mount Carmel railroad; and it shall be the duty of the President, so soon as the lands thus granted shall be designated, to cause patents to issue for the same to the State of Indiana.

Mr. CLAY of Alabama suggested that it would be better to lay the bill on the table, with a view that the amendment be printed.

Mr. SEVIER wished an immediate action on the measure.

Mr. ALLEN did not like the amendment, though friendly to the proposition, and was willing to give a grant to the State for the purpose of making that road.

Mr. KING made a few remarks against the amendment, when the bill was laid on the table, and the amendment ordered to be printed.

Mr. MORRIS then moved to take up the resolution submitted by him some days since, in relation to the adjournment of the session from the 2d July next until the second Monday in November.

Mr. M. stated the object he had in view, which was to facilitate the public business. If the measure were adopted by both houses, the business left unfinished could then be taken up from where it was left at the adjournment, instead of commencing it anew, as was the case in the present mode.

Mr. KING suggested that it lie over a day or two, when

Mr. MORRIS withdrew his motion.

The special order of the day was called, when the bill for the relief of Major-General Alexander McComb was read.

Mr. BUCHANAN said he had a kind of tacit understanding with the Senator who reported the bill, that a day's notice should be given. He would be ready in the morning.

Mr. NORVELL expressed a desire that the bill should be definitely acted on at once, in order that the General might know his fate in relation to it.

Mr. SEVIER said he should move its indefinite postponement.

Mr. HUBBARD replied to Mr. BUCHANAN, that it was not his motion on which the bill was taken up, but intimated his wish that it should be taken up on to-morrow and disposed of, which was assented to.

GENERAL ORDERS.

The bill to set apart a belt of land on the western borders of the States of Missouri and Arkansas, as bounty lands, to be granted to settlers engaged for a term of years in the defence of the frontier.

Mr. TALLMADGE desired to hear the object of this bill explained; when

Mr. FULTON rose, and explained the bill at length.

Mr. STRANGE opposed it with some zeal, and the bill was further debated until near 4 o'clock; Messrs. FULTON, LINN, CLAY of Alabama, and SEVIER advocating, and Messrs. STRANGE, DAVIS, PRENTISS, and NILES opposing it.

Mr. SEVIER offered the following amendment, to be added to the end of the proviso, in the seventh section of the bill, viz:

"Or to embrace any improved or occupied tract of land, or to affect any vacant tract of land, now or hereafter, which any person may choose to purchase or enter."

Which amendment being adopted, the question then was upon the engrossment of the bill, which question was taken by yeas and nays, and decided in the negative—ayes 10, nays 28, as follows:

YEAS—Messrs. Benton, Clay of Alabama, Fulton, Linn, Mouton, Nicholas, Pierce, Robinson, Sevier, and Smith of Indiana—10.

NAYS—Messrs. Allen, Bayard, Buchanan, Calhoun, Clay of Kentucky, Clayton, Davis, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Morris, Niles, Norvell, Prentiss, Roane, Smith of Connecticut, Southard, Strange, Tallmadge, Trotter, Wall, White, Williams, Wright, and Young—28.

The Senate then went into the consideration of Executive business, and afterwards adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 14, 1838.

Mr. C. H. WILLIAMS moved to take up the resolution of Mr. BOON to fix the period of the adjournment of the present session of Congress.

Objection being made, Mr. W. moved a suspension of the rules, and asked for the yeas and nays; which, being ordered, were—yeas 82, nays 55.

So the House refused to take up the resolution for consideration.

Mr. FOTTS moved to print 2,000 extra copies of the report of the Secretary of the Navy on the Exploring Expedition.

Mr. PAYNTER, on leave, presented the proceedings of a public meeting of citizens of Pennsylvania on the Sub-Treasury bill.

Mr. CARTER renewed his motion to make certain pension bills (as given in Monday night's Globe) the special order for Tuesday next.

Objection being made, Mr. C. moved a suspension of the rules.

Mr. MONTGOMERY asked for the yeas and nays; which, being ordered, were—yeas 88, nays 81; not being two thirds the motion was disagreed to.

TEXAS.

The House resumed the consideration of the report of the Committee on Foreign Affairs, on the subject of the annexation of Texas, with the motion of Mr. CUSHING to recommit the report with instructions, (as printed in yesterday's Globe.)

Mr. THOMPSON now moved the following as a further amendment:

"With instructions to report a joint resolution directing the President to take the necessary steps for the annexation of Texas to the United States as soon as it can be done consistently with the treaty stipulations of this Government."

Mr. HOWARD remarked that, since yesterday, it would be perceived the question had undergone a total change. Then, the question was whether a proposition was before this Government coming from Texas for annexation; now, it was proposed for us to make an application to that Republic.

Mr. H. then went on for a few minutes till the expiration of the morning hour, when the orders of the day were called for.

The joint resolution in favor of the authorities of the city of Savannah, in the State of Georgia, and the bill to authorize the issuing of land warrants in certain cases, were severally read the third time and passed.

PRE-EMPTION RIGHTS.

The "bill to grant pre-emption rights to settlers on the public lands" was then taken up.

This bill had been reported to the House, from the Committee of the Whole, last night, with sundry amendments, the first of which was the one to exclude from the operation of the bill the lands lately acquired by treaty with the Miami tribe of Indians, in the State of Indiana.

Mr. LINCOLN then renewed the following amendment proposed by him in committee:

In line thirty-first, after the word States, add—"or to any sections, or fractions of sections, of lands included within the location of any incorporated town, or to the alternate sections to other alternate sections granted to the use of any canal, railroad, or other public improvement on the route of such canal, railroad, or other public improvement, or to any portions of public lands, surveyed or otherwise, which have been actually selected as sites for cities or towns, lotted into smaller quantities than eighty acres, and settled upon and occupied for the purposes of trade, and not of agricultural cultivation and improvement."

Mr. L. proceeded to advocate his amendment, and demonstrated the necessity of its adoption from, among other reasons, the speculating attempt lately made by a bill in relation to Southport, in the Territory of Wisconsin.

Mr. HARRISON of Missouri opposed the amendment, as inexpedient and unnecessary, the effect of which would be to encumber and embarrass the bill.

Mr. WILLIAMS of Kentucky advocated the principle of a prospective pre-emption law, rather than the practice of retrospective laws passed every two years.

Mr. JOHNSON of Louisiana advocated the amendment.

Mr. CRARY was understood to oppose the amendment, unless it was modified.

Mr. LYON informed the House that the Commissioner of the General Land Office had ruled that the principles of the system applied only to agricultural settlements.

Mr. CRARY further opposed the amendment, as it was, in effect, taxing the labor of the citizens for the benefit of the Government. Mr. C. also replied to the objection of Mr. LINCOLN on the Southport bill.

Mr. BOON appealed to Mr. LINCOLN to withdraw his amendment for the present, to permit the question to be first taken on the amendment in referenee to the Miami reserve.

Mr. GOODE caused an amendment to be read, which he notified the House it was his intention to move, in reference to the Miami Canal lands, in the State of Ohio. He asked the mover of the pending one to accept it.

Mr. LINCOLN declined, for the obvious ground that it conflicted with his own.

Mr. TILLINGHAST replied to Mr. CRARY, and contested the point that the waste or public lands, selected for the public lands, were only made valuable by the labor and enterprise of the settlers, because they selected them for their natural advantages.

The amendment of the Committee of the Whole, as amended on motion of Mr. LINCOLN, which was further modified by him, was then agreed to.

The question then recurred on the following amendment of Mr. LINCOLN:

To insert in the 26th line, after the words United States, and upon the third proviso in said bill, the following words: "nor shall the benefit of this act extend to any person who has before availed himself of a pre-emption right to the entry of any of the public lands and acquired a title thereto by reason of such entry."

Mr. HARRISON asked for the yeas and nays thereon; which were ordered

Mr. EWING renewed his amendment to give the State of Indiana the pre-emption right to the lands acquired by the late Miami treaty.

Mr. SHIELDS contended that the amendment was not then in order, upon the pending one, and the CHAIR, (temporarily occupied by Mr. CONNOR,) coincided in that opinion, and ruled it out.

Mr. WHITE, of Indiana, opposed the pending amendment, but moved another, providing that no person who secured titles under this bill should be entitled hereafter, &c.

The CHAIR ruled this amendment to be, also, out of order.

Mr. YELL opposed the pending amendment; and though he should vote for the bill if it was adopted, yet he should do so with much reluctance: for it would bear very hard upon his constituents, as they were recent settlers, since the passage of the last act. He could see no reason why it should be engrafted on this bill, when no such provision was to be found in the former one. Mr. Y. also advocated the original bill with much earnestness, but avowed his readiness to go for any and every amendment which would protect the rights of the settlers, and prevent the perpetration of fraud.

Mr. SHIELDS, also, opposed the amendment.

Mr. LINCOLN advocated the justice of its adoption.

Mr. SNYDER opposed it, and went into a variety of details, showing how injuriously it would operate upon a most meritorious class of citizens.

The amendment was further opposed by Messrs. JOHNSON of Louisiana, POPE, MARVIN;

And supported by Messrs. HARLAN and WILLIAMS of North Carolina,

When the hour of 2 o'clock arrived, and the House took its daily recess.

EVENING SESSION.

The House met at half past three; went into Committee of the Whole, and resumed the consideration of the pre-emption right bill.

The question pending was the amendment of Mr. LINCOLN, before given, to restrict the benefits of the bill to those who had not heretofore established a pre-emption title.

Mr. CRARY, in opposition to this amendment, said he was opposed to it on the following grounds: The lands of the Government, "*in incorporated towns*," were excluded from the operation of the pre-emption principle by the original bill. It was, therefore, unnecessary to adopt this portion of the amendment. He was not disposed to give to the Government the benefit of the labors and exertions of any of the people of the West, who have been so active and enterprising as to become the pioneers of the wilderness, and thereby obtain possession of sites for future cities and villages. Whatever were the present value of those places, it had resulted mainly from the labors of those who had already settled upon or near them.

The Government had done nothing to give that value, and it could not justly claim the benefit of it. He could recollect when they would not sell at the Government price. Six years ago the whole of Chicago could have been purchased for a small consideration. Eight years ago the lands along the line of the Illinois canal were prized so low, that the State applied to this House to exchange large portions of them for lands more valuable in the southern portion of the State. They had since risen in value by the industry and enterprise of those who had taken up their residence in that part of the country. He was unwilling that the Government should make the reservations contemplated by the amendment, for the purpose of having value given to them by the labor and toil of any portion of his constituents. All former reservations had operated as a tax upon the industry of those places where they were situated. In the case of Perrysburg, alluded to by the gentleman from Massachusetts, he had no doubt it had retarded the growth of the place, besides prejudicing the interests of every person residing there.

The gentleman from Massachusetts had alluded to a bill rejected by the Committee on Public Lands, for the improvement of the harbor at Southport, on lake Michigan. He had called it one of the greatest speculations ever devised. Mr. C. could not thus view it. It only set apart something like three hundred acres of land for the purpose of constructing, not "*a commercial wharf*," but a harbor for the protection of commerce. It could not prove a great speculation to those concerned; but would be of essential service to the security of the lake navigation. Lake Michigan was now virtually without harbors. A vessel leaving Chicago must run two hundred miles before she could find a port of safety in a storm. If any doubted the expediency of making more harbors on that Lake, or had any constitutional scruples on the subject, he hoped they would be removed; he knew they would be, if, they were only found upon its waters when a storm was raging there in its fury. If this House could be placed on board one of our lake vessels on such an occasion, and the vote was then to be taken, there would be no negatives on a bill for the improvement of our harbors. The House had done great injustice to the commerce of the lakes by neglecting to make appropriations for the improvement of harbors. That commerce was not to be estimated by the amount of tonnage entered at any one port, but by the number of voyages made during a season. Thus estimated, it would approximate very nearly to the coasting tonnage of the Atlantic States. A large amount of our Atlantic tonnage was employed where we lately proposed to send our Exploring Expedition, or where we had a navy costing us five millions yearly to protect it. If the protection of the lake commerce was unconstitutional, this navy was also unconstitutional. A navy was created to fight our battles upon the sea in time of war, and should be laid up in port in time of peace, if commerce is to have no other protection than is furnished to it by natural means. You send your navy to the coasts of the Pacific to give relief to vessels in distress, and no one is troubled with constitutional scruples; but the moment we propose to give like relief by the improvement of a harbor on the lakes, it is denounced as a violation of fundamental principles. With these remarks he would conclude with the hope that the amendment would not be adopted.

Mr. WORD addressed the committee at some length, also in opposition to the amendment.

Mr. WILLIAMS of North Carolina, then moved a call of the House, which was refused—ayes 40, noes not counted.

The question was then taken on the amendment, and it was concurred in—ayes 75, noes 73.

The following amendment was then taken up, as reported by the Committee of the Whole, the question being on concurring therewith.

To strike out "certain fractions of the public lands within the land district of Palmyra, in the State of Missouri, which were reserved from sale in consequence of the surveys of Spanish and French grants, but are found to be without the lines of said grants," and insert "certain fractions, or regular legal subdivisions of the public lands, which have been reserved from sale in consequence of the filing of a claim to a French or Spanish grant or donation, which was found, or which hereafter may be found, on actual survey or location of such claim or claims, to be without the limits of said claim, or any other reservation, except as is herein before specified."

Mr. BRIGGS moved to amend the amendment by adding thereto a proviso, that each pre-emptioner should certify before the register that he had settled his claim for his own sole use and benefit, and that no other person was interested in any way whatever, directly or indirectly, but that it was his *bona fide* intention to occupy and cultivate the same, with certain penalties and forfeitures in purchase money, &c. in case of deception.

Mr. WHITE, of Indiana, objected to this amendment as a most dangerous infraction upon the policy of land titles in the new States. He would cheerfully consent to interpose any check against fraudulent pre-emption purchases, and was willing, therefore, to support the provision moved by the gentleman from New York [Mr. TITUS] in Committee of the Whole, which required an affidavit the entry was intended for the personal use and benefit of the pre-emptor, and not with any previous agreement or understanding to convey the land to a third person. The amendment of the gentleman from Massachusetts [Mr. BRIGGS] will have the injurious tendency to restrict alienation, and to involve titles in perpetual uncertainty and doubt. Whatever steps are taken should be preventive, but the patent of the Government when it issues ought to furnish *conclusive* evidence of title, and foreclose all litigation.

Mr. BRONSON said that he rose to advocate the principle contained in the amendment; that the general provisions of the amendment met his most hearty approval, and he hoped they would meet with equal favor from all the friends of the bill, among which he included himself; that he was strongly in favor of the measure of pre-emption, so far as it goes to protect and benefit the actual bona fide and honest settler; that, for that class of persons he would go as far as any member on this floor. The bill now under discussion, was, on the face of it, one for the benefit of that portion of our citizens, and it claimed to be a measure for their protection and for their benefit only—a measure to secure to them the just rewards of their toil, privations, and hardships. The whole course of the debate had proceeded upon that ground, and the friends of the bill had not been understood as asking any thing beyond this. No person desired to make this law a shield to protect and screen the speculator in his ill-gotten spoils, or aid him to perfect his schemes for engrossing the choice portions of the public domain. At all events, Mr. B. said, that such an object, if any had it in view, should meet with no favor from him; and that, while he would go to the utmost extent to secure and protect the actual and bona fide settler, he would, by every means that human ingenuity could devise, confine the provisions of the bill to that object, and that alone; and in pursuance of these views, he would cheerfully support the amendment of the gentleman from Massachusetts, [Mr. BRIGGS.] But, there was two or three objections to this amendment, which he desired to point out to the House, and particularly to the gentleman who offered it, in the hope that he would modify it in such manner as to remedy the defects which it contained, and make it satisfactory to himself, as well as many other friends of the bill. In the first place, the amendment provides that the affidavit to be made and filed by the pre-emptioner, shall be made at the time of receiving his patent, and filed with the Commissioner of the General Land Office at Washington. This, sir, is imposing an unnecessary and onerous duty upon the pre-emptioner. The provision should be, that he should make the affidavit at the time of claiming his pre-emption right, and at the time he pays his money and obtains his certificate of payment from the Receiver of the land office in which the land lies; and the affidavit should be filed with the Register of the land office of such district; and the Register, if needful, may transmit it to the Commissioner of the General Land Office at Washington.

Another and more important objection to the amendment is, that it provides that any title acquired from such pre-emptions in pursuance of previous agreement or contract, or, in other words, in violation of the provisions of that amendment, shall be absolutely void. This, sir, is a provision altogether too broad, and might operate most injuriously and unjustly upon subsequent *bona fide* purchasers. It would lead to great instability and uncertainty as to all titles obtained through pre-emptioners, and be a fruitful source of litigation and trouble. The title should be void in the hands of any person purchasing from the pre-emptioner in pursuance of previous bargain or contract, or with a knowledge of the fact that the law had been wilfully violated; but the subsequent innocent and *bona fide* purchaser, for a valuable consideration, should be protected. There should be a point in the transfer of the title, beyond which litigation should cease. Now, sir, if the gentleman will so modify his amendment as to provide that the title shall not be defeated in the hands of a subsequent *bona fide*

purchaser, it will render the amendment not only much more complete, but will, I believe, render it satisfactory to a large proportion of the friends of the bill.

Mr. BRIGGS having modified the amendment according to the suggestion of Mr. BRONSON, it was then further advocated by Messrs. LINCOLN and BRIGGS, and opposed by Messrs. MAY, YELL, BOON, and JOHNSON of Louisiana.

Mr. GOODE read the following, which he wished to move as an amendment, but it was decided not to be in order:

Provided, That the right of pre-emption shall extend, under the provisions of this act, at $2 50 per acre, to all lands within the alternate sections to the United States on the Miami, Wabash, and Erie canals, in the State of Ohio, which have been settled on, occupied, and improved for the purposes of cultivation, prior to the first day of December, 1835, and which are still in the possession and occupation of the original settler, or his or her heirs at law, not amounting to more than one quarter section, and being all in one tract.

Mr. G. said he should, when in order, offer an amendment, to include a few meritorious cases of early settlers within those alternate sections, whose claims were meritorious.

Mr. UNDERWOOD then moved the following:

Resolved, That the bill entitled "An act to grant pre-emption rights to settlers on the public lands," be referred to a select committee, to be composed of one member from each State, with instructions to report bill repealing all laws which direct the sale of the public land, or any part thereof, at public auction, and graduating the price of the public lands in such manner as the committee may deem reasonable, fixing different prices for the public lands, having respect to the periods of time they may remain unsold after being brought into market; and providing for the distribution of the nett proceeds of the sales of the public lands, or the lands themselves, among the several States, according to their Federal numbers, from and after such day as the committee may deem proper: and providing for pre-emptions in favor of all the now *bona fide* settlers upon the public lands, with a view to secure homes for themselves and families, and not to secure the lands for others; and to prevent settlements upon the public lands from being made after the passage of this act, until the lands are legally entered and paid for.

Mr. CASEY warmly opposed the recommitment of the bill with the instructions. He wished the gentleman from Kentucky, [Mr. UNDERWOOD,] to state to the House the means he would wish Congress to adopt to prevent settlements on the Government land; that no such provision could, or would, or ought to be made, nor could it be carried into effect if made.

Mr. MASON of Ohio begged Mr. UNDERWOOD to withdraw his motion, which he declined.

Mr. MENEFEE then went at length into an argument against a prospective system of pre-emption rights, which he called a system of plunder, to the injury and wrong of the old States, unless it could be properly restricted and guarded. His argument was generally in favor of the principle of Mr. CLAY'S land bill.

Mr. BOON said he was not aware that the subject of the gentleman's speech from Kentucky, [Mr. MENEFEE,] was before the House. He had understood the question in order to be on the proposition of the gentleman's colleague, [Mr. UNDERWOOD,] to recommit the bill with certain instructions. But Mr. B. had ever been opposed to Mr. CLAY'S land bill, and he thought it would be time enough to talk of distributing when it should be ascertained that there was something to distribute. Upwards of twenty-eight millions of dollars had a short time since been distributed among the States, and the effect produced by the measure was a bankrupt Treasury. He was, therefore, opposed to any more distribution acts, at least until there should be a surplus in the Treasury to distribute. Mr. B. said he was of opinion that the bill under consideration was then in a shape as acceptable to its friends as it would be by further amendment, and he would therefore move the "*previous question;*" but on request, subsequently withdrew the motion.

Mr. WILLIAMS of North Carolina asked for the yeas and nays on Mr. UNDERWOOD'S motion; which were ordered.

Mr. CUSHMAN then renewed the demand for the previous question, which was not seconded—ayes 86, noes 98.

The question on recommitment was then taken, and decided in the negative—yeas 79, nays 123, as follows:

YEAS—Messrs. Adams, Heman Allen, Aycrigg, Bell, Biddle, Bond, Briggs, William B Calhoun, John Calhoon, Chambers, Childs, Clowney, Connor, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Ewing, Richard Fletcher, Filmore, Goode, James Graham, Graves, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hawes, Hawkins, Hoffman, Hopkins, William Cost Johnson, Kennedy, Lincoln, Samson Mason, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Montgomery, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Potts, Randolph, Reed, Rencher, Robertson, Robinson, Rumsey, Russell, Sergeant, A. H. Shepperd, Charles Shepard, Sibley, Slade, Southgate, Stanley, Stratton, Thompson, Tillinghast, Toland, Underwood, John White, Lewis Williams, and Yorke—79.

NAYS—Messrs. Alexander, John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Bronson, Buchanan, Cambreleng, John Campbell, Carter, Casey, Chaney, Chapman, Cheatham, Cleveland, Coles, Craig, Crary, Crockett, Cushing, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Gallup, Rice Garland, Grant, Gray, Haley, Hammond, Hamer, Harrison, Haynes, Henry, Herod, Holsey, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, H. Johnson, J. Johnson, N. Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Moore, Morgan, Samuel W. Morris, Calvary Morris, Noble, Owens, Palmer, Parker, Parmenter, Parris, Pennybacker, Petriken, Phelps, Plumer, Pope, Potter, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Reily, Richardson, Ridgway, Rives, Sheffer, Shields, Sheplor, Snyder, Spencer, Stuart, Stone, Taylor, Thomas, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Weeks, Albert S. White, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Christopher H. Williams, Word, Worthington, and Yell—123.

So the motion was decided in the negative.

The question then recurred on Mr. BRIGGS'S amendment.

Mr. CASEY opposed the amendment with great earnestness. He was in favor of the bill and believed that, in good faith, it ought to pass. It would greatly promote the interest of a large and worthy and very meritorious class of citizens—a class of citizens in every way deserving the liberality, or, at least, the justice, of the National Legislature. He wished the bill to pass, but feared the long speeches of its friends would jeopardize its passage; but, above all, he dreaded and deprecated this flood of amendments that was flowing on the bill from all quarters, by friends and foes, to most of which he had objected, but, above all, he objected to the one then under consideration. He objected to it upon the ground that it would render uncertain, unsafe, and insecure land titles acquired under it. He was willing every possible guard should be thrown around the bill to prevent fraud in acquiring titles to land. Punish the individual who, to avail himself of the act, should swear falsely—punish him with fine and imprisonment if you please, or any other punishment or disqualification, but never, by your legislation, unsettle, or render uncertain or insecure, his land title. Amidst the oft repeated complaints made to the land system of the Federal Government by the people of the new States, they always applauded it for one thing—the title to their land was good, no uncertainty in the title, no lawsuits about land titles; but he predicted that, if this amendment prevailed, there would be more land litigation and lawsuits in the new States in the next five years than had been, under the present system, in the last fifty years, or since the organization of the present land system, going, as it proposed to do, behind the patent.

The question being taken, the amendment was agreed to—yeas 113, nays 86.

Mr. BELL, under instructions from the Committee on Indian Affairs, moved an amendment excepting, or suspending till the claims were acted upon, the Choctaw reservations under the treaty of Dancing Rabit Creek.

The amendment was sustained by Messrs. BELL and PENNYCACKER, and opposed by Mr. PRENTISS; when it was agreed to, without a division.

Mr. MAY proposed the following as a new section.

SEC. . *And be it further enacted*, That any person, being the head of a family, who now is settled on, or who shall hereafter settle on, any of the public lands of the United States, and who shall continue to reside on and cultivate the same for the period of twelve months, shall, upon making proof thereof, according to the provisions of this act, be entitled to a right of pre-emption to one quarter section.

Mr. M. asked for the yeas and nays on the proposition which were ordered.

Mr. POTTS moved that the House adjourn: lost.

Mr. PETRIKIN moved the previous question.

The CHAIR being called upon to state the question, replied, that the last amendment of the Committee of the Whole (as given above) not having been concurred in, all the amendments to that which had been agreed to, would necessarily be cut off, should the previous question be sustained.

The House, however, refused to second it, only 52 passing through the tellers.

Mr. POPE then suggested a modification to Mr. MAY'S amendment, so as to provide that all the terms, restrictions, and limitations of the bill should have an equal application in the proposed section, which Mr. M. accepted.

Mr. MAY'S amendment was rejected—yeas 52, nays 130.

Mr. MASON of Ohio then proposed the following amendment:

SEC. 2. *And be it further enacted*, That the public faith shall not by any thing in this act contained, or by the passage thereof, be considered as thereby pledged, either directly or by implication, that Congress will or ought hereafter to renew the same, or any other act, granting pre-emption rights to settlers on the public lands, who may, contrary to law, settle thereon from and after the first day of December, eighteen hundred and thirty-seven.

Mr. HARRISON of Missouri said that, though the amendment of the committee now pending was introduced by himself, and though it affected his constituents, yet rather than longer to delay the bill, and jeopardise it, perhaps, altogether, he would himself demand the previous question.

Mr. WILLIAMS of Kentucky then moved to lay the bill on the table, but it was lost without a division.

The House refused to second the demand for the previous question, only 60 voting for it.

Mr. MASON'S amendment was then disagreed to without a division.

The amendment of the Committee of the Whole, as amended by the various propositions agreed to, was then concurred to.

Mr. BOON then demanded the previous question; which was seconded by the House—ayes 95, noes 48, and the main question was ordered without a division.

The main question was on ordering the bill to a third reading, and thereon Mr. GRIFFIN of South Carolina, and Mr. MONTGOMERY of North Carolina, simultaneously asked for the yeas and nays; which, being ordered, were, yeas 132, nays 70, as follows:

YEAS—Messrs. Alexander Anderson, Andrews, Atherton, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Borden, Bronson, Buchanan, John Calhoon, Cambreleng, Carter, Casey, Chaney, Chapman, Cheatham, Cleveland, Coles, Craig, Crary, Crockett, Cushing, Cushman, Davee, Dromgoole, Duncan, Dunn, Edwards, Farrington, Fairfield, Fillmore, Foster, Fry, Gallup, Rice Garland, Goode, William Graham, Grant, Gray, Haley, Hammond, Hamer, Harrison, Haynes, Henry, Herod, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nath. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Marvin, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKennan, Miller, Moore, Morgan, Samuel W. Morris, Naylor, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Pope, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Reily, Ridgway, Rives, Rumsey, Sheffer, Shields, Sheplor, Sibley, Snyder, Southgate, Spencer, Stone, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagener, Webster, Weeks, Albert S. White, John White, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, Worthington, and Yell—132.

NAYS—Messrs. Adams, Heman Allen, John W. Allen, Aycrigg, Banks, Bond, Briggs, William B. Calhoun, John Campbell, Chambers, Clowney, Connor, Corwin, Dawson, Davies, Deberry, Dennis, Elmore, Evans, Everett, Ewing, Richard Fletcher, James Graham, Graves, Grennell, Griffin, Hall, Harlan, Hastings, Hawes, Hawkins, Robert M. T. Hunter, John W. Jones, Kennedy, Lincoln, James M. Mason, Samson Mason, Maxwell, Mercer, Milligan, Ogle, Parris, Patterson, Pearce, Peck, Phillips, Pickens, Potts, Randolph, Reed, Rencher, Rhett, Richardson, Robertson, Robinson, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Slade, Stanly, Stratton, Taliaferro, Tillinghast, Toland, Elisha Whittlesey, Lewis Williams, Wise, and Yorke—70.

So the bill was ordered to be read a third time.

Mr. PRENTISS, of Mississippi, then rose for the purpose, he said, of moving to recommit the bill to a Committee of the Whole.

The CHAIR said it was not in order till the bill was read a third time.

Mr. EWING, however, immediately rose and said "I move to recommit the bill."

Mr. HARLAN moved that the House adjourn.

Mr. EWING called for tellers, which being ordered, were ayes 72, noes 76.

So the House refused to adjourn.

The bill was then put on its third reading, and having been nearly read through by the Clerk—

Mr. MERCER rose to a question of order. He wished to know if the bill had been engrossed.

The SPEAKER said it had: and the Clerk was reading the engrossed copy.

The reading was then completed by the Clerk, when

Mr. HARRISON, of Missouri, demanded the previous question, but withdrew the motion at the request of

Mr. PRENTISS, of Mississippi, who moved to recommit the bill, with instructions to strike out Mr. BELL'S amendment, and insert one in lieu thereof, which was read.

Mr. DUNCAN moved an adjournment, which was disagreed to—ayes 69, noes 75.

Mr. CUSHMAN said that, thinking this bill had been discussed long enough, and seeing no necessity for recommitting it, he, therefore, demanded the previous question, which was seconded—ayes 84, noes not counted—and the main question being ordered thereon—

Mr. BOON said he hoped the House would indulge him with the yeas and nays: for, by stepping for a moment to the reporter's desk while the vote on the engrossment of the bill was being taken, and just as his name was called, he missed his vote. As a warm and zealous friend of the bill, and from the position he occupied as chairman of the Committee on the Public Lands, he desired an opportunity of recording his vote for it.

The House ordered the yeas and nays by a large majority; and being taken, they were—yeas 107, nays 52, as follows:

YEAS—Messrs. Alexander, Anderson, Atherton, Beatty, Bell, Biddle, Boon, Bouldin, Bronson, John Calhoon, Cambreleng, Carter, Casey, Chapman, Cheatham, Cleveland, Coles, Craig, Crockett, Cushing, Cushman, Dromgoole, Duncan, Dunn, Edwards, Farrington, Fairfield, Fillmore, Foster, Fry, Gallup, Rice Garland, Goode, William Graham, Grant, Gray, Hamer, Harrison, Harper, Haynes, Henry, Holsey, Hopkins, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Henry Johnson, Nathaniel Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, Martin, May, McKay, R. McClellan, Abraham McClellan, McClure, McKennan, Miller, Moore, Morgan, Naylor, Noble, Owens, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Pope, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Reily, Ridgway, Rives, Sheffer, Shields, Sheplor, Snyder, Southgate, Spencer, Stone, Taylor, Toucey, Turney, Vail, Wagener, Webster, Weeks, A. S. White, J. White, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Word, Worthington, and Yell—107.

NAYS—Messrs. Adams, Heman Allen, Aycrigg, Briggs, John Campbell, Chambers, Clowney, Connor, Corwin, Dawson, Davies, Elmore, R. Fletcher, James Graham, Graves, Griffin, Halsted, Harlan, Hastings, Hawes, Hawkins, Hoffman, Robert M. T. Hunter, John W. Jones, Lincoln, James M. Mason, Maxwell, Mercer, Montgomery, Ogle, Patterson, Peck, Phillips, Pickens, Potts, Randolph, Rencher, Rhett, Richardson, Robertson, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Slade, Stanly, Stratton, Taliaferro, Tillinghast, Toland, E. Whittlesey, Lewis Williams, and Yorke—62.

So the bill was passed.

[In justice to those gentlemen whose names appear in the vote on the engrossment, and not on that of the final passage, it should be stated that the hour being late, (the first being considered the test vote, and not expecting the yeas and nays to be taken on the final passage,) they had left the House, after a laborious session of eleven hours. This does not apply to Mr. EWING of Indiana, who voted *against* the engrossment, but, though in his seat, did not respond to the two calls of his name on the final passage.]

On motion, at a quarter past 9 o'clock, p. m.

The House adjourned.

IN SENATE,

THURSDAY, June 14, 1838.

Mr. BUCHANAN presented to the Senate the proceedings of a numerous and respectable meeting of the democratic citizens of the city and county of Philadelphia, convened at the county court-house on Monday evening last, at which a number of resolutions were adopted in favor of the immediate passage of the Independent Treasury bill now before Congress. He moved that these proceedings should be printed, and laid upon the table; which was ordered accordingly, after they had been read.

Mr. B. also presented a memorial from a number of citizens of the city and county of Philadelphia, in favor of the passage of the Independent Treasury bill, and against the establishment of a National Bank: laid upon the table, and ordered to be printed.

Mr. MORRIS presented the memorial of John J. James and others, a committee appointed by a convention of delegates from the several banks in Ohio, praying such a modification of the law in relation to the receipts of money in payment of the public dues, as will avoid all discrimination not founded upon the prompt redemption and convertibility of paper into coin.

Mr. BENTON would like the Senator to state whether he was acquainted with the conduct of those banks? If they had not issued notes of a less denomination than five dollars, they had nothing to fear.

Mr. MORRIS explained, that no notes of a less denomination than five dollars, were issued by these banks at least until after the suspension. The last Legislature (and the gentleman knew the character of that) authorized the issue of notes of a less denomination, and then their notes were excluded of course: ordered to lie on the table, and be printed.

On motion of Mr. KING, the Committee on Commerce were discharged from the further consideration of the petitions of

David Melville and D. B. Smith, relating to improvements in light-houses.

Mr. K. said that experiments were about to be made of the French lens, and the committee thought it inexpedient to make any report until after that test.

On motion of Mr. GRUNDY, the bill from the House, requiring that the United States District Court in Tennessee should be held at Jackson was considered, ordered to be engrossed for a third reading, and, by consent, read a third time, and passed.

NORTHEASTERN BOUNDARY.

On motion of Mr. WEBSTER, the Senate took up Mr. WILLIAMS's motion for leave to bring in a bill for instituting a joint commission—British and American—of exploration and survey, to determine the Northeastern boundary of the United States on the basis of the treaty of 1783.

Mr. WEBSTER spoke at large on the subject, chiefly with a view to show that the line designated by the treaty of 1783 was well defined and easily and readily to be found.

Mr. BUCHANAN said he did not rise with a view to debate the question at that time, nor did he know that he should at any future period. The subject was certainly one of great importance, and if the Senator from Massachusetts would let it lie over for a day or two, say to-morrow or next day at furthest, he would call it up himself.

Mr. WEBSTER having assented, the subject was laid on the table.

The following bills received from the House were read and referred:

The bill authorizing the issuing of land warrants in certain cases.

The joint resolve in favor of the authorities of the city of Savannah, in the State of Georgia.

Mr. LUMPKIN said this was a matter of some consequence to the parties, and he was desirous to have it acted on with as little delay as possible, and if Senators had no objection, he would like it to have a third reading at once.

On motion of Mr. DAVIS, it was referred to the Committee on the Judiciary.

Mr. BUCHANAN, from the Committee on Foreign Relations, moved to be discharged from the further consideration of the petition of George T. Byard, and that it be referred to the Committee on Claims.

ANNEXATION OF TEXAS.

Mr. PRESTON moved to take up the joint resolution offered by him some time since in relation to the annexation of Texas.

Mr. SOUTHARD said, he thought the Senate was not prepared to go into the question at that late hour. It was a measure of very great importance; and as several of the Senators were absent from their seats he would move to lay it on the table.

Mr. SEVIER inquired of the Senator if the intention was to lay it on the table for the present, or was he to consider the motion as final.

Mr. SOUTHARD said, so far as he was concerned, he certainly desired that it should be final, but would withdraw it to give the Senator from South Carolina an opportunity of explaining.

Mr. CALHOUN said, as the Senate was not full, and the hour somewhat late, he would vote for laying the motion on the table for the present, but would move, if no one else did, to call it up at an early date. Mr. C. said, so far as the main object was concerned, he was prepared to vote for it; but the preamble contained averments in relation to the surrender of certain parts of the Territory, which he was not prepared to say were legitimate; and he could have wished that his colleague had stripped it of all extraneous matter, and presented it in a simple form. He not only wished to vote for the plain proposition of annexing that Territory, but also desired to present his views in relation to it.

Mr. PRESTON had his doubts if it were now laid on the table, whether it would be again taken up, and intimated the opinion that there was an evident disposition to get rid of the question.

Mr. LUMPKIN avowed his intention of going for the resolution as originally introduced by the Senator from South Carolina, [Mr. PRESTON.] It was in his opinion a subject full of importance to the people of the United States, and to the people of Texas, to whom he felt endeared by every tie of friendship and good feeling, and the measure should have his whole support.

Mr. CALHOUN would inform his colleague, if he alluded to him, that so far as he was concerned, he felt no disposition to avoid the measure, but was ready to give a direct vote on the question at issue; but with regard to the preamble and assertions contained therein, he was not prepared. He differed with his colleague in relation to them, but that weighed nothing. Mr. C. said he was for marching boldly up to the measure, and could only regret that it was delayed so long. He was afraid now there was not time to discuss the subject as its great magnitude required. It was indeed a most momentous question, full of important consequences; but he was ready now to meet it fully, fairly, and boldly. Mr. C expressed his belief that Texas was now a sovereign and independent State, and could never again come to Mexico.

Mr. PRESTON said nothing was further from him than wishing to interfere with the views of the gentleman from South Carolina; he would have yielded all matters of form merely, but he thought the preamble carried with it what was desirable to be retained. He had brought the matter before the Senate some six weeks since, and had given his own views upon it, and no friendly voice was then raised from any quarter. He had waited from time to for some manifestation of a disposition to act, but so far he had seen none. He certainly desired that the subject should have a most thorough investigation; but he feared it was too late for this now. It was apparent to his mind, that if the subject was once laid on the table, it would be in vain to get it up again this session; particularly as we had the intentions of the mover distinctly avowed.

Mr. SOUTHARD, so far as related to himself, he was certainly desirous that this question should not again come up during the session. It was too late a period now, he thought, to discuss it. He would suggest, however, to the gentleman, that although he [Mr. S.] would not vote for it's being taken up, there were others that might do so. Mr. S. thought it was understood from the delay which had taken place, that there would be no further discussion during this session. He would now renew his motion to lay the resolution on the table.

Mr. CALHOUN hoped the Senator from New Jersey would withdraw his motion for a moment, in order that he might make a single observation.

Mr. SOUTHARD assented; when,

Mr. CALHOUN said that he never knew the Senate to be wanting in courtesy, and it was judging rather too hard of that body to suppose that the resolution would not be taken up again. If, however, it was the determination of the Senate to lay it on table, with a view of not taking it up, he for one would be able to effect his object in voting against the preamble, and in favor of the resolution. He wished to do something more than vote. He wished to express his views on the subject. He thought there would be no hazard in laving the resolution on the table; if he thought there was, he would vote against the motion.

Mr. PRESTON said he had as high an opinion of, and as much respect for, the courtesy of the Senate as the gentleman had; but was it not expecting too much of that courtesy to suppose, with the feeling expressed by the mover, that if disposed of in that way, that it would be final for the present.

Mr. CALHOUN said, that to free himself from all responsibility, he would vote against laying the resolution on the table; and if the motion succeeded, he would himself move to take it up in a day or two, with a view to express his views on the subject.

Mr. SOUTHARD said that it appeared that he was between a cross fire, and saw no mode of escape, and would therefore not renew his motion, nor would he again make any motion to lay the resolution on the table.

Mr. NORVELL. Then, Mr. President, I make the motion to lay it on the table, and ask the yeas and nays.

The question was then taken, when there appeared, for the motion 24, against it 14, as follows:

YEAS—Messrs. Allen, Bayard, Brown, Buchanan, Clay of Kentucky, Clayton, Davis, Hubbard, King, Knight, Lyon, McKean, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Southard, Wall, Webster, Williams, Wright, and Young—24.

NAYS—Messrs. Benton, Calhoun, Cuthbert, Fulton, Grundy, Linn, Lumpkin, Mouton, Preston, Rives, Sevier, Strange, Trotter, and White—14.

The bill for the relief of Pierre Menard and others was then taken up, and was advocated with great zeal by Messrs. LINN, GRUNDY, and ROBINSON, and opposed by Mr. WRIGHT (as far as allowance of interest was concerned) and Mr. NILES.

Mr. WRIGHT offered a specific amendment to the first section of the bill, striking out all that relates to the interest, admitting at the same time the right of the applicants to the principal.

This bill was discussed for some time with a warmth and fervor, not usual on private bills, owing to the very interesting incidents connected with the gallant conduct of the claimants.

On motion of Mr. BAYARD, it was laid on the table,

And the Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 15, 1838.

Mr. SNYDER of Illinois, after the reading of the journal, asked leave of the House to make an explanation in relation to an article that appeared in the Madisonian of yesterday.

Leave being given, Mr. S. rose and said:

MR. SPEAKER. I am constrained, by a sense of justice to myself and to the people whom I represent, to notice an editorial article in the Madisonian of yesterday—a paper printed in this city, and edited by Thomas Allen, printer to this House. The article is headed "The Illinois delegation—the Sub-Treasury." Sir, I will not take up the time of this House by reading it; all of its members have doubtless seen it; and I will not affect to disguise the fact that this article is intended for me. There are but three representatives from the State of Illinois, and I am the only one of that delegation, to my knowledge, who has given any intimation that he would support the Sub-Treasury bill. I would not now, in this manner, notice this article, were it not that the editor of that paper is an officer of this House. In these days of the licentiousness of the press, every public man receives a full measure of abuse; and I would have taken my share in silence, emanating from almost any other source; but emanating and sanctioned, as it is, by the official character of the editor, I feel bound to take this notice of it, in order that the antidote may go forth with the poison. It is true, the article makes no direct or specific charge of corruption. It is worse: it intimates it. Were it specific, I could the more readily defend my character from the foul charge. The author of the article intimates that I have solicited Executive favors and Executive smiles, and that promises and favors have been returned. Sir, I am not an applicant for office, neither have I ever received the smiles, promises, or favors of the President. Justice to him and to myself demands of me that here, in my place, I should say that that, as well as the charge of corruption insinuated by the article, is false and malicious.

The manner in which the editor of the Madisonian has violated his pledges made to a portion of the Democratic members of this House, before he received their votes for its printer—namely, that he would support the present Administration, and the rules and usages of the Democratic party—renders any other or further notice of him for the present unnecessary.

TEXAS.

The unfinished business of the morning hour was the report of the Committee on Foreign Affairs on the annexation of Texas, the questions pending being on the motion of Mr. CUSHING to recommit the report, with certain instructions, with a further instruction of Mr. THOMPSON, as printed in last evening's Globe.

Mr. HOWARD resumed his remarks in support of the report of the committee, and in opposition to both the proposed instructions, going at large into the whole subject generally. [A report of Mr. H's remarks is necessarily deferred.]

Mr. PETRIKIN moved to lay the whole subject on the table.

Mr. CUSHING demanded the yeas and nays on that question; and they were ordered.

Mr. PETRIKIN withdrew his motion, to allow Mr. CUSHING to make an explanation of a personal nature, Mr. C. agreeing to renew it.

Mr. CUSHING then stated, that if he heard aright the chairman of the committee [Mr. HOWARD] had alluded to his remarks as a "censure" upon the committee. He had not intended to censure the committee. The majority had thought it their duty to report without expressing an opinion. He thought it their duty to express an opinion, and his remark conveyed no more censure upon them than theirs did upon him. He then, according to agreement, renewed the motion for the previous question, but said he should vote against it.

Mr. PETRIKIN said he had been requested to withdraw his motion, and he would do so.

The SPEAKER said the motion was now made by the gentleman from Massachusetts.

Mr. CUSHING withdrew the motion.

Mr. ADAMS referred to the reply of Mr. DROMGOOLE yesterday, that he would not be catechized in relation to the doings of the committee; and said he wished to know whether the chairman of the committee took the same ground, and refused to answer.

Mr. DROMGOOLE said he had put it as a point of order, that members of a committee could not be so interrogated in the House.

Mr. ADAMS said he wished the chairman of the committee to answer, whether the committee had examined and considered the resolutions of the several States, and the memorials which had been referred to them; or, he wanted to know whether he would take the ground assumed by the gentleman from Virginia, [Mr. DROMGOOLE,] and refuse to answer; and the same question he wished to put to every member of the committee present.

Mr. HOWARD said he thought it disrespectful to a committee to ask how they had discharged their duties, and whether they had or had not examined, papers upon which they had reported, to put them, in that way, on trial before the House. He should take the ground of the gentleman from Virginia, [Mr. DROMGOOLE,] and would refuse to answer.

Mr. ADAMS was attempting to proceed, when

The SPEAKER announced the expiration of the morning hour, and was proceeding to the orders of the day, when

Mr. HOPKINS asked the House to take up the motion submitted by him some time since to reconsider the vote of the House by which one branch of a memorial of Francis P. Blair was referred to a select committee.

Mr. WHITTLESEY of Ohio, objected.

PRE-EMPTION RIGHTS BILL.

Mr. GARLAND of Louisiana, then moved to reconsider the vote of the House by which the above bill was passed.

Mr. YELL moved to lay the motion on the table.

Mr. GARLAND, however, claimed the right to address the House, and—

The CHAIR decided the motion must lie over, unless the rules were suspended.

Mr. YELL then moved a suspension of the rules, but the House refused, and consequently the motion, together with the bill, lies over.

At a subsequent stage of this day's proceedings, Mr. GARLAND withdrew the motion to reconsider, and the amendments made to the bill were then sent to the Senate for the concurrence of that body.

The CHAIR then announced the private orders.

Mr. CAMBRELENG remarked that he was informed by the chairman of the committee that it was then three months since the calendar of the Committee of Claims had been touched, and he thought it high time that something should be done with it.

The CHAIR suggested to the House the great saving of time that would result from proceeding regularly with the calendar of business (agreed! agreed! from all parts of the House)

The bill for the relief of the heirs of John Peyton Harrison, on its third reading, coming up, was opposed by Messrs. HALL and WHITTLESEY of Ohio, and supported briefly by Messrs. TALIAFERRO, CRAIG, and UNDERWOOD.

Mr. CUSHING demanded the previous question, saying that such debates on an individual bill, tended to embarrass the transaction of private business, and he wished to proceed with the private calendar.

The previous question was seconded, and the main question being ordered, was then put and disagreed to.

So the bill was rejected

The "bill for the relief of the representatives of Captain Thomas Triplett" was postponed, on motion of Mr. TALIAFERRO, to give time for the production of additional testimony, to the first Monday in December next.

The "bill for the relief of the heirs of Col. George Gibson," was postponed till Friday next, on motion of Mr. McCLURE.

The "bill for the relief of the legal representatives of Col. Francis Vigo," was taken up on its third reading.

Mr. CUSHMAN moved its indefinite postponement: lost.

Mr. BOON remarked that a more meritorious claim, in his opinion, had never been brought to the attention of Congress, and he made an earnest appeal in behalf of it.

Mr. PETRIKIN called for the yeas and nays on its passage; which being ordered, were—yeas 103, nays 59.

So the bill was passed.

The joint resolution for the relief of the heirs at law of Frederick M. Bell, deceased, and

The "bill for the relief of the heirs of William Vawter" was postponed till this day week.

The "bill for the relief of the representatives of John B. Ashe," the interest being stricken out, was ordered to a third reading to-morrow.

The "bill for the relief of the representatives of Nathaniel Irish" was taken up.

Mr. TALIAFERRO moved to recommit it to the Committee on Revolutionary Claims, which, after some remarks from Mr. T. and Mr. CRAIG, was agreed to.

The "bill for the relief of the legal representatives of Capt. Samuel Jones," the interest being stricken out, was ordered to a third reading to-morrow.

The following were also ordered to a third reading to-morrow:

The bill for the relief of Josiah Strong and Samuel Remick.

The bill for the relief of James Bailey.

The bill for the relief of Pamela Brown.

The bill for the relief of Benjamin Gannett, and

The bill for the relief of Eliza Causin, daughter and heir of Col. John H. Causin, deceased, (the amendments being first concurred in.)

The bill for the relief of Thomas Harrison was taken up, on the report of the Committee of the Whole, to strike out the enacting clause.

Mr. TAYLOR caused the report in the case of Major Harrison to be read to the House, and then addressed an extensive argument in support of the claim.

Mr. AYCRIGG had some additional papers read.

Mr. HAMER made an earnest appeal in behalf of Major Harrison, and hoped the House would not concur in the amendment.

Mr. WILLIAMS of Kentucky opposed the claim, not because he had any objection to the claimant, but to the principle involved in the claim.

At this stage the House took its daily recess till half past 3 o'clock.

AFTERNOON SESSION.

Mr. moved a call of the House, upon which Mr. demanded the yeas and nays; which were ordered, and were—yeas 47, nays 44.

So a call of the House was ordered.

After the roll had been called through,

Mr. MERCER moved to suspend all further proceedings in the call; which motion prevailed.

Mr. MERCER then asked leave to offer the following resolution:

Resolved, That the Hall of the House of Representatives, between the hours of eight and ten o'clock, a. m. on Tuesday next, be allowed to Dr. Sherwood and Dr. Dwight, for the purpose of explaining and demonstrating the discovery, which the former conceives that he has made, of the laws which regulate the variation of the magnetic needle, and of the means of thence adduning, at any time, by a simple and infallible process, the latitude and longitude of any point of the globe.

The resolution being objected to—

Mr. BRONSON moved to suspend the rules, for the purpose of considering it, which motion prevailed without a division.

Mr. DROMGOOLE moved to amend the resolution, so that it should read Rotunda, instead of Hall, of the House of Representatives, which was not adopted.

Mr. PETRIKIN said he wished to have the resolution amended, so as to allow Dr. Reilly to introduce his brimstone baths.

The SPEAKER requested the gentleman to put his amendment in writing.

Mr. PETRIKIN then submitted an amendment to strike out "from 8 to 10 o'clock," and to insert "from 8 to 9, and from 9 to 10 for Dr. Reilly to use his vapor baths."

Mr. STANLEY moved to amend, by adding a clause that the gentleman should subject himself to the operation, so as to be able to report upon its merits to the House, (some laughter.)

There was considerable difficulty experienced by the Clerk in announcing these amendments to the House, in consequence of the mirth they excited.

Mr. DROMGOOLE said it was evidently impossible for the House to act with propriety upon so grave a subject, and, in order to allow the House to recover its wonted gravity, he moved that the subject be postponed till to-morrow.

The motion to postpone, and the amendments, were rejected, and the resolution was passed.

The bill for the relief of Thomas Harrison being still under consideration.

It was opposed by Messrs. WILLIAMS of Kentucky, ALLEN, of Vermont, CUSHMAN, HOWARD, and HARLAN,

And was supported by Messrs. WHITTLESEY of Ohio TAYLOR, and LINCOLN.

The question being on concurring with the Committee of the Whole, in striking out the enacting clause,

Mr. HARLAN called for the yeas and nays; which were ordered.

Mr. MERCER made some observations; but the reporter could not hear with sufficient distinctness, to tell whether he advocated or opposed the report.

The bill was further discussed, in opposition by Mr. EVANS.

Mr. CUSHING moved the previous question; which was ordered.

And the main question, being on the passage of the bill, was then put, and carried in the negative—yeas 56, nays 97.

So the bill was rejected.

Mr. HOWARD moved an adjournment; which was refused—ayes 55, noes 72.

The bill for the relief Ann S. Heileman, was read a third time.

Mr. UNDERWOOD demanded the yeas and nays on the passage, and they were ordered.

The bill was opposed by Mr. UNDERWOOD, and supported by Messrs. MASON and THOMPSON.

Mr. McKENNAN demanded the previous question; which was seconded.

Mr. UNDERWOOD called for the yeas and nays, on ordering the main question; which were ordered, and were yeas 109, nays 33.

So the main question was put, and the bill was passed.

On motion,

The House then adjourned.

IN SENATE.

FRIDAY, June 15, 1838.

Mr. ROANE presented the memorial of the trustees of the College of Georgetown, D. C. which was referred to the Committee on the District of Columbia.

Mr. TALLMADGE presented the memorial of Dr. Sherwood, the inventor of the Geometer, an instrument for discovering the latitude, the longitude, and the variation of the compass, by the dip of the needle; referred to the Committee on Commerce, and ordered to be printed.

Mr. GRUNDY, from the Committee on the Judiciary, reported, without amendment, the joint resolution in favor of the authorities of the city of Savannah, Georgia; and

On motion of Mr. LUMPKIN, and by general consent, it was read the second and third times, and passed.

Mr. STRANGE presented the petition of the heir of Edward Buncombe.

Mr. MORRIS, from the Committee on Pensions, reported, without amendment, the bills from the House for the relief of Catharine Rollins, otherwise called Catharine Mosely, and Seth Whiting, and recommended their passage; and also reported, without amendment, the following bills, recommending their indefinite postponement:

The bill for the relief of William Smith;
The bill for the relief of Ann Bloomfield;
The bill for the relief of James Francher;
The bill for the relief of John McCormick;
The bill for the relief of Presley Gray;
The bill for the relief of William Harper;
The bill for the relief of Benjamin Price; and
The bill for the relief of Richard Elliott.

Mr. YOUNG, from the Committee on Claims, to which had been referred the bill for the relief of Ephraim Sprague, reported the same without amendment.

The bill to incorporate the Navy Yard Beneficial Society of the city of Washington, and

The bill to establish an additional land office in the State of Louisiana, were severally taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. LYON, the bill to create the office of Surveyor General of the Public Lands in the State of Michigan, was taken up and considered as in Committee of the Whole; and after a debate, in which Messrs. MORRIS, LYON, CLAY of Alabama, PRENTISS, NORVELL, KING, WEBSTER, SEVIER, and CLAY of Kentucky, took part,

Mr. SMITH of Indiana moved to lay the bill on the table; which motion was rejected.

On motion of Mr. GRUNDY, the Senate took up the amendments of the House to the bill to change the times of holding the courts of the United States for the ninth circuit; and also, on motion of Mr. G. the Senate disagreed to said amendments.

On motion of Mr. CLAY of Alabama, the Senate took up the amendments of the House to the bill granting the right of preemption to the settlers on the public lands.

Messrs. WHITE and CLAY of Alabama then submitted amendments to the amendments; and, on motion of the latter, they were ordered to be printed, and, with the bill, referred to the Committee on Public Lands.

The CHAIR communicated a report from the War Department, accompanied by copies of letters from Brigadier General Arbuckle, containing all the information in the Department relative to threatened Indian hostilities on the frontiers of Arkansas: referred to the Committee on Military Affairs, and ordered to be printed.

The bill to authorize the managers of the Washington Monument Society to erect a monument to the memory of George Washington on the public mall, being under consideration,

Mr. ALLEN inquired of the chairman of the Committee on the District of Columbia [Mr. ROANE] whether he had any information with regard to the means possessed by the society for completing this work.

Mr. ROANE replied that he had been informed that the sum collected by the society was 30,000 dollars, which was put out at interest.

Mr. ALLEN did not profess to have much information on the subject, but he very much questioned whether they had not collected as much as 30,000 dollars in the State of Ohio alone, and when he understood that the sum collected was only 30,000 dollars he was thunderstruck. He thought it due to the country that this thing should be understood. He wished to know how it was that, after ransacking the country from one end to the other, they now came forward with a declaration that they had collected only 30,000 dollars, when, he firmly believed, they had collected more than that sum in his own State.

Mr. ROANE said that he had no further information on the subject than that he had been informed that the sum collected by the society was 30,000 dollars. He had asked what would be the probable expense of the monument, and was informed that it would take about one million of dollars to complete it according to the plan contemplated.

Mr. BAYARD thought that, to erect the monument on the place proposed, would destroy the whole plan of the mall, and that, as far as the prospect was concerned, nothing could be more unfortunate. Besides, the means of the society were very insignificant compared with the object in view; for, as they had agents all over the United States collecting simultaneously, it was to be presumed that they had collected all they were to get.

Mr. NORVELL was apprehensive that the remark of the Senator from Ohio might make an impression injurious to the character or feelings of gentlemen who were officers or directors of the Washington Monument Association. He had not the pleasure of a personal acquaintance with more than two or three of them; but he was satisfied that they were incapable of meriting the imputations impliedly, he hoped not intentionally, cast upon them by the Senator from Ohio. He presumed that extensive subscriptions have been made to this work, but not yet collected, and that considerable expense must have been incurred in the employment of agents. As to the location of the site, he could say nothing; but of this he was certain, that such a monument as was proposed ought long since to have been erected to the memory of the illustrious chief, under whose guidance this nation had been led to victory, liberty and independence.

Mr. HUBBARD recollected that when the project of this monument was first commenced, it was contemplated that it was to be completed by the voluntary contributions of the citizens of the United States—the Government having nothing to do with it whatever. He thought that this original plan ought to be fully carried out, and that the President, and the Commissioner of the Public Buildings ought to have nothing to do with it. As to the expense, he said, judging from the cost of the Bunker Hill monument, the $30,000 in the hands of the society would not be enough to lay the foundation.

Mr. MORRIS, in a few words, expressed his concurrence with the views of the Senator from New Hampshire. He thought with his colleague that the public should be informed how it was that so paltry a sum had been collected, after the agents of the society had travelled all over the Union. The State of Ohio he knew had contributed liberally. The county in which he lived was a poor county; and yet it had contributed upwards of $1,000. He himself had brought on several hundred of it to the collector in this city. The Senator from Michigan [Mr. NORVELL] was mistaken in supposing that money might have been subscribed, and not paid over. There was no subscription at all. The money must have been paid down before the contributor could have the honor of having his name taken down. There was a sort of enthusiasm on this subject in Ohio. The Governor issued his proclamation in favor of the undertaking, and the sheriffs volunteered as collectors; and, judging from these tokens, the sum collected could not have fell short of $30,000. He agreed with the Senator from New Hampshire that the work should go on without Congress having any thing to do with it. He hoped the bill would be laid on the table.

Mr. ALLEN felt bound to make some reply to the Senator from Michigan. The seemed to suppose that the observations he made might hurt somebody's feelings. He did not care if they did. He did not know a solitary man belonging to this society, and therefore could not speak with a view of injuring them personally. But if telling the truth, and expressing his surprise, that after this perfect crusade through the whole continent, only $30,000 had been collected, hurt their feelings, he did not care about patching them up. But he, for his part, believed in no such story. He considered it a reproach to the liberality of the country—a reproach to that devotion of feeling which every citizen felt for the man who had done so much for his country, and whose memory was so warmly cherished. He knew that in the immediate neighborhood in which he lived, there was not one solitary instance that he heard of, in which application was made to a citizen, man, woman, or child, that a donation had not been promptly given. It was difficult to make the people believe that only thirty thousand dollars had been collected after a perfect crusade through the whole country; and he was opposed to this indirect mode of taxation for the benefit of individuals. He would vote with the boldest hearts here to erect a suitable monument to the memory of the Father of his Country—he would vote a million of dollars; but he considered it a reproach to the country to commence the work with the paltry sum the Society say they have on hand.

We have, said Mr. A. no means of knowing any thing about this matter. It is an out-door business altogether; but as it was brought before the Senate, he thought it due to the country that the representatives of the people should inquire into the circumstances connected with this extraordinary affair, in order to put them on their guard. Sir, said Mr. A. the public men of this country are involved; for they have lent the high sanction of their names to encourage this undertaking. It was an abuse of the names of the honorable and high-minded public men of this country, to say that there was only thirty thousand dollars collected. He wished to see the facts and figures; and if any one felt himself aggrieved, let him make a statement. The public press was open to him. His State contained 79 counties; and if the county in which his colleague resided contributed $1,000 of this $30,000, what is the reason that this county contributed more than any other in the State? And why did Ohio contribute more than all the rest of the Union? In that proportion, there must have been more than a million made up. He hoped that those who felt themselves aggrieved, would give to the public a statement, showing the amount collected in the counties of each State, in order that the people of these counties might know how their money was disposed of; and, said Mr. A. I invite them to do it.

Mr. MORRIS then moved to postpone the bill indefinitely; which motion was agreed to.

On motion of Mr. HUBBARD, the Senate took up the bill for the relief of Major General Alexander Macomb; and after some remarks from Mr. H. explaining and advocating the bill,

On motion of Mr. DAVIS,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 16, 1838.

Mr. PETRIKIN, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a mail route from Abbington Centre to Providence, in Luzerne county, Pennsylvania.

On motion of Mr. CHEATHAM,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Standing Rock post office, Steuart county, Tennessee, by La Grange and Fair Chance Furnaces, to Waverley, Humphreys county, Tennessee; also, the propriety of establishing a mail route the most direct line from Charlotte, Tennessee, to Point Mason, on Tennessee river, from thence to Paris, Tennessee.

On motion of Mr. CLOWNEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a route from Union Court House to the Limestone Springs, in Spartansburg district, by the way of Hancockville, South Carolina.

Mr. INGHAM asked leave to submit a resolution, fixing Thursday next for the consideration of some bills of a very important character, reported from the Committee on Naval Affairs.

Mr. CAMBRELENG remarked that the gentleman ought to have confidence enough in the House to know that every measure of a public nature would be acted on by it. Mr. C. therefore objected to the resolution, because he objected to any special orders, especially as it was competent for a majority to take up the public business.

Mr. INGHAM replied that he had as much confidence in the House as any one, but he knew very well that it was not every matter of public importance that could always be reached without a special order, moreover, as a number of special orders had already been adopted, he hoped one day, at least, would not be too much to ask for naval bills. He, therefore, moved a suspension of the rules.

Some conversation here ensued as to the order of business, which was arrested by Mr. INGHAM withdrawing his motion for the present.

TEXAS.

The House resumed the unfinished business of the morning hour, being the report of the Committee on Foreign Affairs on the subject of Texas, as heretofore printed.

Mr. CUSHING had moved, some days since, to recommit the subject, with instructions:

Mr. THOMPSON of South Carolina, moved the following amendment thereto:

Strike out all after the word "*instructions*," and insert as follows: "To report a joint resolution, directing the President to take the proper steps for the annexation of Texas to the United States, as soon as it can be done consistently with the treaty stipulations of this Government."

Mr. ADAMS, on yesterday, moved the following amendment to the amendment:

Strike out after the word "*instructions*," and insert: "To report a resolution in the words following: *Resolved*, That the power of annexing the people of any independent foreign State to this Union, is a power not delegated by the Constitution of the United States to their Congress, or to any department of their Government, but referred to the people; that any attempt by act of Congress, or by treaty, to annex the Republic of Texas to this Union, would be a usurpation of power, unlawful and evil, which it would be the right and duty of the free people of the Union to resist and annul."

Mr. ADAMS, who was entitled to the floor, proceeded to address the House, and insisted that the refusal of Mr. DROMGOOLE to respond to the inquiry, whether the Committee on Foreign Affairs had read all the resolutions, memorials, &c. against the annexation, was tantamount to an admission that they had not. Mr. A. had intended to prepound the same inquiry to each individual member of the committee, but he would abstain from doing so, as some of the members of that committee might find it difficult to decide between their obligations to duty and party considerations.

Mr. DROMGOOLE interposed, and begged the gentleman to permit every other member of the committee to respond. Mr. D. could assure him that he had had no intercourse nor conversation with them on the subject; but, after the avermen

made by the gentleman, Mr. D. did hope he would permit every other member of that committee, whether present at the adoption of the report or not, to answer the gentleman's interrogatory.

Mr. HOWARD joined in the same wish.

Mr. LEGARE was prepared to answer at once; and he admitted that he had never read one of the petitions.

Mr. ADAMS then cited the rule directing the committee that it was their "duty" to take all matters referred to them into consideration, and proceeded to argue that the committee had failed in their duty, without looking into these papers.

Mr. A. repeated, that he should not now interrogate the members of the committee individually, but the gentleman from Virginia might do so if he pleased.

Mr. HOWARD again repeated his wish that the gentleman should do so, and, as far as he might, would insist upon it.

Mr. ADAMS again declined, for the reason above given, and denied that his question, when propounded yesterday, was designed to be personal. His object was to reach the committee as a committee.

M. A. again commented upon the objectionable course of a committee making up its opinion, and sending it forth to the country as its solemn judgment, without examining the materials committed to their examination; and put the case of a committee reporting upon a private claim or old soldier's petition in the same manner. It was a part of that system of contempt for the right of petition, against which he had been long contending and endeavoring to arrest; but the principles assumed by the committee went a step farther even than the House; for, with great solemnity, they received the petitions, but determined not to receive them. He asserted that it was equally their duty, both to receive and to consider. He adverted to the fact that though, for a length of time, the House laid all Texas petitions on the table, yet they at length sent one, thereby expressing its sense that the subject was one requiring the consideration of its committee. The gentleman from Maryland had given it as his opinion that this was an act of inadvertence on the part of the House; for, before that, they were all laid on the table. Mr. A. in reply, adverted to other papers sent since; but had not concluded, when

The CHAIR then announced the orders of the day.

Mr. WHITTLESEY of Ohio then moved a reconsideration of the vote by which the bill for the relief of the heirs of Thos. P. Harrison was rejected on yesterday, the further consideration of which was postponed till Friday next.

Mr. CUSHMAN moved to lay that motion on the table, but subsequently withdrew it.

Mr SHIELDS moved to take up the "Tennessee Land bill," but the House refused—ayes 67, noes 56, not two thirds.

STEAM EXPLOSIONS.

Mr. CUSHMAN also made an ineffectual effort to call up the two bills in relation to steam explosions

Mr. BIDDLE said this was a question of such vital importance, affecting the lives of all who travelled by steam conveyance, that he was compelled to ask for the yeas and nays; which being ordered, were—yeas 121, nays 57.

So the rules were suspended, and the House went into committee, Mr. MERCER in the Chair.

On motion of Mr. CUSHMAN, the committee took up the "bill authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions."

The third section of the bill was as follows:

SEC. 3. *And be it further enacted*, That, to carry into effect the foregoing objects, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of six thousand dollars; and so much thereof as shall be necessary for the above purposes shall be subject to their order, to defray such expenses as shall be incurred by their direction, including the sum of three hundred dollars to each for his personal services and expenses: *Provided, however*, And their accounts shall be settled at the Treasury, in the same manner as those of other public agents.

Mr. CUSHMAN, under instructions of the Committee on Commerce, moved so to amend the section as to give a compensation of eight dollars a day for every day employed, which was agreed to.

The committee then rose and reported the above bill, as amended, to the House, and it then went into Committee on the Union, Mr. MERCER in the chair, on the "bill to provide for the better security of the lives of passengers on board of vessels propelled, in whole or in part, by steam."

The bill having been read,

Mr. THOMAS submitted an amendment, which was agreed to, and the bill was discussed at length, on its details and principles, by Messrs. THOMAS, CORWIN, RANDOLPH, TILLINGHAST, BIDDLE, HOFFMAN, LEGARE, HAMER, HOWARD, EVANS, and SERGEANT.

Several amendments were offered and voted upon *pro forma;* but before coming to any final decision,

The House took the usual recess at 2 o'clock.

EVENING SESSION.

At half past two the SPEAKER took the chair, and the House again resolved itself into a Committee of the Whole [Mr. DAVEE in the chair] on the Steamboat bill.

Mr. RANDOLPH wished to make the bill as perfect as possible before it should be reported. He moved an amendment, the effect of which was to restrict the obligation to keep a fire engine on board the boats, to boats propelled by high-pressure engines. This was intended to create a local distinction between the boats on the Western waters, and those plying between neighboring cities. He did this in accordance with the statements contained in certain memorials upon the subject, which had been sent to the House from New Jersey, &c.

Exceptions to this amendment were taken by Messrs. FILLMORE, MARVIN, and ROBINSON, and it was rejected.

Mr. ROBINSON moved the following amendment:

"*Provided*, That nothing in this act contained shall be held to apply to steamboats employed in plying between a port or place in any State to another port or place in the same State, and not engaged in commerce with any foreign nation, or among the several States, or to any persons owning or navigating such steamboat, or employed on board the same"

Mr. R. had no great confidence in the power of legislation to reach this case. But he was willing that all that could be, should be done by Congress, within the limits of their constitutional authority. He offered this amendment to protect the rights of the States against the interference of the Federal Government.

Mr. UNDERWOOD made some remarks in opposition to this view of the question, and was replied to briefly by Mr. ROBERTSON. The latter denied the right of Congress to regulate commerce in the different States of the Union.

Mr. SERGEANT proposed an amendment to the amendment offered by Mr. ROBERTSON, so as to render the law applicable to such steamboats as are under the jurisdiction of the laws of the United States.

Mr. POPE begged gentlemen to forget for a moment that they were lawyers, and not file special demurrers, and pleas, and bills of exception, but pass this very important and useful bill, pretty much as it was reported. He showed that this process of holding boats to the jurisdiction of the different States in which they navigate, was likely to be full of embarrassment and difficulty, especially with regard to boats that ply through the waters of several States. He hoped the bill would be passed in the form in which it had been reported.

Mr. BIDDLE and Mr. HAMER opposed the amendment to the amendment very briefly.

Mr. TOUCEY urged that there were three kinds of commerce, with regard to which Congress had a right to legislate: 1st. Commerce with foreign nations. 2d. Commerce between the States; and 3d. Commerce with the Indian tribes. There then was, 4th, commerce within the States, with which Congress had no right to interfere by legislation. He would be in favor of an amendment to this effect; and offered such a one.

Mr. TILLINGHAST said that Congress had long exercised a control over coasting navigation.

Mr. ROBINSON stated that all vessels over 20 tons were subject to the control and legislation of Congress, and sailed under a license imposed by a law of the United States.

Mr. MENEFEE cited the opinion of the Supreme Court in the celebrated case of Ogden vs. Gibbons, in support of those general views of the power of Congress over navigation, as an incident to commerce.

Mr. NOYES suggested that a single line, added to the first section of the bill, so as to restrict the operation of the bill to such vessels as are required to have license under the laws of the United States, would answer all the purposes. And he had read at the Clerk's table an amendment, which, when in order, he would move, to that effect.

Mr. MENEFEE defended and sustained the applicability of the opinion of Judge Marshall, (above cited,) to which he had before referred, to the question under consideration.

Mr. SERGEANT here withdrew his amendment to the amendment of Mr. ROBERTSON, in consequence of the mover's accepting the modification proposed by Mr. TOUCEY to the same effect.

Mr. THOMAS would be more willing to support the amendment thus modified, rather than as originally moved. But he thought the whole amendment unnecessary and supererogatory.

Mr. ROBERTSON replied to such objections as had been taken to his amendment.

The amendment was rejected without a count.

Mr. UNDERWOOD adverted to the requisition upon the boats which the bill provides to carry a suction-hose and a fire engine; and he proposed to strike out the ninth suction of the bill, which contains that requisition.

Mr. THOMAS was of opinion that this section ought to be stricken from the bill.

Mr. BIDDLE concurred in this view; and the amendment prevailed without a division.

Mr. RANDOLPH moved an amendment, striking out the *minimum* of the punishment imposed, so as to leave it more discretionary with the court to graduate the punishment to comparatively venial offences; and the amendment prevailed.

Some other verbal amendments were offered, adopted or rejected, on motion of different members.

Mr. CHILDS of New York offered an amendment, which was adopted; and Mr. DUNN and Mr. UNDERWOOD each offered amendments, which were rejected.

Mr. GRAY moved an amendment to the eighth section, so as to name the lakes to which that provision is to apply. The amendment prevailed.

Mr. HAMER moved that the committee rise, and report the bill to the House; which motion prevailed; and the bill and amendments being reported,

Mr. EVANS moved that the bill and amendments, offered and to be offered, be printed; which motion prevailed.

The House then ordered to a third reading the bill from the Committee of the Whole, to appoint a board to test the practicability of inventions to prevent the explosions of steamboat boilers. The bill was read a third time, and *passed*.

Several Senate bills were then taken from the Speaker's table read twice, and referred.

Several private bills, on their third reading, where then read, and *passed*.

Mr MITCHELL moved that the House do now adjourn; which motion (at a quarter past 6 o'clock) prevailed.

So the House adjourned.

IN SENATE,

SATURDAY, June 16, 1838.

Mr. BUCHANAN presented three memorials from sundry citizens of the city and county of Philadelphia, requesting Congress, without delay, to pass the Independent Treasury bill: laid on the table.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported several bills from the House that had been referred to that committee, without amendment.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which had been referred the bill from the House providing for the settlement of the accounts of Richard Harrison, late commercial agent for the United States in Spain, reported the same without amendment, recommending its passage.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill from the House making an appropriation for a compilation of the laws passed by the Territorial Legislature of Florida, reported the same without amendment.

The bills from the House for the relief of the heirs of Colonel Francis Vigo, deceased, and for the relief of the heirs at law of Captain Frederick M. Beall, deceased, were severally read twice and referred.

The bill to establish an additional land office in the State of Louisiana, and

The bill to incorporate the Navy Yard Beneficial Society, of the city of Washington, were severally read the third time and passed.

On motion of Mr. ROANE, the Secretary of the Navy was directed to communicate to the Senate the proceedings of a court martial at Gosport, on the case of Captain William Ramsay of the navy.

On motion of Mr. SMITH of Indiana, the Senate resumed the consideration of the bill to establish a Surveyor General's office for the State of Michigan.

Mr. PRENTISS temporarily withdrew his amendment requiring the field-notes and other documents relating to surveys to be deposited, when the duties of the land office should terminate, with the Secretaries of State of Ohio, Indiana, and Michigan, respectively.

Mr. SMITH of Indiana then offered a substitute for the bill, providing for the removal of the present Surveyor General's office for Ohio, Indiana, and Michigan, from Cincinnati to Michigan city, in Indiana. Mr. S's substitute also embraced Mr. PRENTISS's above amendment as a second section to the bill.

Mr. NORVELL moved to strike out "Michigan city, *in* Indiana," from this substitute, and insert *Detroit, in Michigan.*

This question being divided, the motion to strike out was carried—ayes 17, noes 10.

Mr. NORVELL then withdrew his motion to insert *Detroit.*

After some remarks from Messrs. TIPTON, LYON, and NORVELL,

Mr. TIPTON moved to fill the blank with the city of St. Josephs.

Mr. ALLEN, after some remarks, proposed to fill the blank with the town of Toledo, in Ohio.

On taking the question, Mr. TIPTON's motion was carried—yeas 27, nays 4, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clay of Alabama, Clayton, Davis, Fulton, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Robbins, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tipton, Trotter, White, and Young—27.

NAYS—Messrs. Allen, Benton, Brown, and Buchanan—4.

Messrs. LYON and NORVELL addressed the Senate in favor of the bill, and contended for the necessity of creating a Surveyor's office for Michigan, and for abolishing such offices as may from time to time become useless.

Messrs. CLAY of Kentucky and LUMPKIN opposed the bill, contending that the office was unnecessary and urging the adoption of the amendment.

After some remarks from Messrs. NORVELL, LYON, SMITH of Indiana, and TIPTON, the question was put on concurring with the amendment as amended, simply requiring the removal of the office from Cincinnati to St. Josephs; and it was lost—yeas 19, nays 19, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Davis, Lumpkin, Morris, Niles, Prentiss, Preston, Roane, Robbins, Ruggles, Sevier, Smith of Indiana, Strange, Swift, Tipton, and White—19.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, King, Lyon, Mouton, Nicholas, Norvell, Pierce, Robinson, Smith of Connecticut, Trotter, Wright, and Young—19.

Mr. CLAY of Alabama moved to lay the bill on the table, with a view to prepare an amendment for abolishing old land offices when no longer required.

This motion was adopted—yeas 36, nays 6, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown,

Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, McKean, Morris, Mouton, Nicholas, Niles, Norvell, Preston, Roane, Robbins, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tallmadge, Tipton, White, and Wright—34.

NAYS—Messrs. Buchanan, Pierce, Prentiss, Robinson, Trotter, and Young—6.

PRE-EMPTION BILL.

Mr. CLAY of Alabama, from the Committee on Public Lands, reported the bill with the amendments referred to them, granting pre-emption to settlers on the public lands, with recommendations that the amendment of Mr. WHITE to the amendment of the House relating to Choctaw reservations be adopted, and that the amendments of the House so amended be then concurred in.

Mr. WHITE's amendment was accordingly agreed to.

At the request of Mr. YOUNG, who expressed a wish slightly to modify one of the amendments of the other House, the bill was temporarily laid on he table, subsequently taken up, the amendments of the House further modified, and concurred in by the Senate.

After which the bill, at the instance of Mr. HUBBARD, was again laid on the table.

The Senate resumed the consideration of the bill for the relief of Major General Alexander Macomb.

The question at issue on this bill was understood to be whether or not a brigadier-general, being a major-general by brevet, should, when his command merely exceeded a brigade, without amounting to a full division, receive the pay of his brevet rank.

The bill, at much length, was opposed by Messrs. BUCHANAN, CALHOUN, PRENTISS, NICHOLAS, and WHITE, and advocated by Messrs. HUBBARD and STRANGE.

On the question of its engrossment for a third reading, the vote stood as follows:

YEAS—Messrs. Bayard, Brown, Clayton, Hubbard, Lyon, Norvell, Preston, Strange, and Tallmadge—9.

NAYS—Messrs. Allen, Buchanan, Calhoun, Clay of Alabama, Fulton, King, Lumpkin, McKean, Mouton, Nicholas, Niles, Prentiss, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Trotter, White, and Young—23.

So the bill was rejected, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 19, 1838.

On motion of Mr. McKAY, the motion of Mr. HOPKINS to reconsider the vote by which one branch of a memorial of Francis P. Blair was referred to a select committee; and the question of reconsideration being propounded, the vote was, ayes 47, noes 39—no quorum.

Mr. WHITTLESEY of Ohio suggested that the subject be postponed for the present, to permit petitions to be presented.

Mr. THOMAS expressed a hope that the House would dispose of this question now. Charges of a grave character had been made against the Editor of the Globe, touching his conduct as a public officer, acting as a printer to this House. His character in other respects had been implicated. Some of these charges, as Mr. T. understood, had been countenanced by statements published in the public journals having the sanction of members of this House. Mr. Blair, the person thus implicated, has appealed to this House to have the truth of these matters inquired into. Mr. T. thought that the House ought forthwith to organize the proper committee, that the subject might be fully examined before the session closed. Such a course was due to the citizen who had appealed to us for justice. It was due to those by whom these charges were made; and to the public, interested in the character of a public press, of wide circulation, and extended influence over public opinion. It was not to be supposed that we should have before us to-day a petition better entitled to our prompt consideration, and there could, therefore, be no good reason for postponing this petition to consider others.

Mr. McKAY made a brief statement of the claim of Blair and Rives, as set forth in the memorial of Mr. Blair.

Mr. FLETCHER of Massachusetts called for the reading of the memorial, which, having been done,

Mr. McKAY proceeded with the statement deduced from the memorial.

Mr. HOPKINS opposed the reference of the proposed branch of the memorial of a select committee, but advocated the reference, if referred at all, to the Post Office committee.

Mr. BRIGGS also contended that the whole subject was within the province, and especially belonged to the duties of the same committee.

Mr. CUSHMAN presuming that every gentleman was prepared to vote, moved the previous question, but withdrew it at the request of

Mr. CROCKETT, who said he believed the whole was a manœuvre on the part of the memorialist to get his iniquities white-washed, and therefore Mr. C. wished some reference given to the subject.

Mr. C. then made a statement in reference to the publication of a private letter of his in reply to an impertinent and insulting letter to himself from some individual in Tennessee, whom Mr. C. denounced as destitute of, and lost to, every sense of propriety and common decency. Mr. C. declared that he had stated nothing in that letter which he did not then, and now, believe to be true, with reference to Mr. BENTON's and Mr. CALHOUN's speeches; and he reiterated that hundreds of thousands of "Extra Globes" were sent gratuitously to his district and other parts of the country, franked by public officers of the Government. Mr. C. animadverted still further, with great severity, upon what he termed the "insult" he had received in the letter written to him by the individual in question, who was a member of the Tennessee Legislature, and also upon the general course of the Globe. He concluded, in pursuance of his pledge, by renewing the motion for the previous question.

The motion was seconded by the House, 78 to 57; and the main question being ordered thereon—

Mr. WILLIAMS of North Carolina asked for the yeas and nays; which, being ordered, were 105 to 93.

So the motion was reconsidered.

Mr. HOPKINS then moved to refer that portion of the memorial on the post office claim to the Committee on the Post Office and Post Roads, and the remainder to the Committee on Public Expenditures.

Mr. THOMAS addressed the House for some time in favor of the investigation asked for by the memorialist, as due to the country, to the individual whose conduct had been assailed, and due, also, to those who had brought the allegations. He was, therefore, in favor of a select committee.

Mr. CARTER remarked upon what he termed the extraordinary inconsistency of gentlemen now advocating a reference to a select committee, who had heretofore always opposed such references, even when the standing committees had a vast mass of business before them, whereas now they had got through with most of the subjects under their charge. Mr. C. said that, though he should vote for the reference to a select committee, it was the less necessary on the ground that the main facts were notorious, such as a tariff upon the office-holders, in the way of contributions, to subserve party purposes, and pay for Globes, etc. Mr. S. also stated, among other things, that the public clerks were employed for the purpose of folding and directing speeches and documents, to inundate the country.

Mr. TITUS wished the gentleman from Tennessee to explain. The honorable gentleman had charged the officers of the Government with employing the clerks in the public service to fold documents with which to inundate the country. He desired to know if the gentleman from Tennessee intended to embrace in that charge some two or three hundred thousand of the speeches of Mr. WEBSTER, which had been procured from the city of New York, and ordered by his political friends in Congress to be folded at the public expense, and which had actually been folded at the public expense?

Mr. BOND went into a number of statements of abuses, which he specified, and referred to facts to sustain them.

Mr. CUSHMAN hoped the subject would be fully investigated, and, to test the sense of the House, he demanded the previous question.

Mr. GARLAND of Virginia, asked the gentleman to withdraw the motion, to enable him to extend the scope of the inquiry to the present printer of the House.

Mr. CUSHMAN at first declined, but subsequently withdrew it, and

Mr. McKAY accepted Mr. GARLAND's instructions as a modification of his motion to refer the subject to a select committee.

Mr. THOMAS made a few remarks in rejoinder to Messrs. CARTER and BOND, when the previous question was seconded—ayes 95, noes 40; and the main question being ordered,

That part of the memorial involving the claim was referred to the Post Office Committee, and that praying for an investigation into the accounts for public printing was not referred to the Committee on Public Expenditures—ayes 89, noes 89, a tie—the CHAIR voting in the negative.

The question recurring on referring this branch of the memorial to a select committee,

Mr. REED asked for the yeas and nays thereon, which were ordered.

Mr. REED moved a call of the House: rejected without a division.

Mr. GARLAND of Louisiana called for a division of the question, so as to divide that of commitment from the instructions; and the vote on reference to a select committee was—yeas 101, nays 100, as follows:

YEAS—Messrs. Andrews, Atherton, Banks, Beatty, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Cambreleng, Casey, Chaney, Chapman, Cleveland, Clowney, Coles, Connor, Crary, Cushman, De Graff, Dromgoole, Edwards, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Grant, Haley, Hammond, Hamer, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, John H. Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Snyder, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Jared W. Williams, Worthington, and Yell—101.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, Wm. B. Campbell, Chambers, Cheatham, Childs, Clark, Corwin Cranston, Crockett, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, Wm. Graham, Graves, Grennell, Griffin, Hall, Harlan, Harper, Hastings, Hawes, Henry, Herod, Jenifer, Wm. Cost Johnson, Kennedy, Legare, Lincoln, Lyon, Marvin, Maury, May, McKennan, Menefee, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, C. H. Williams, Wise, Word, and Yorke—100.

So that branch of the memorial was referred to a select committee.

[Just as the CHAIR had announced the result, Mr. BEIRNE rose and stated that his name was not recorded, though he was understood to say that he had voted in the affirmative; but it was decided to be too late to make the correction, or allow the gentleman to vote.]

The question was then taken on the instructions, and decided in the affirmative—yeas 195, nay 1.

The committee was ordered to consist of five members.

Mr. GRANT then asked leave to submit a resolution setting apart to-morrow for the consideration of the two harbor bills.

Objection being made—

Mr. G. moved a suspension of the rules, and asked for the yeas and nays, which were refused, and the House refused to suspend.

Petitions and memorials were then called for in the order of Territories and States, and were presented as follows:

Mr. YELL presented several petitions for Mr. DOWNING of Florida.

By Messrs. HAMER, GOODE, KILGORE, BOND and CHANEY of Ohio.

Mr. KILGORE presented the memorial of a convention of delegates from the banks of Ohio, praying the repeal or modification of the law which prohibits the receipt, in the payment of duties to the Government, of the bills of such banks as have issued notes of a less denomination than five dollars since the 4th of July, 1836, and moved its reference to a select committee.

Mr. CUSHMAN moved to refer it to the Committee of Ways and Means.

This motion having preference under the rules of the House,

Mr. KILGORE moved to amend the motion by instructing the Committee to report a bill in conformity with the prayer of the memorialists.

This giving rise to debate,

The SPEAKER announced that the subject would lie over under the rules.

On motion of Mr. KILGORE, the memorial was then ordered to be printed.

Mr. J. WILLIAMS, of Tennessee.

[Mr. JOSEPH L. WILLIAMS presented the memorial of a number of the citizens of Knox county, Tennessee, praying Congress to appropriate the public land of the United States within the limits of Tennessee, south and west of the Congressional reservation line, to the improvement of the navigation of those portions of the Holston and Tennessee rivers which are within the limits of said State: referred to the Committee on Public Lands.]

Mr. LEWIS, of Alabama.

Mr. THOMPSON, of South Carolina.

Mr. S. WILLIAMS, of Kentucky.

Mr. DAWSON, of Georgia.

Mr. ROBERTSON, of Virginia.

Messrs. PETRIKIN, NAYLOR, McKENNAN, POTTER, BEATTY, HAMMOND, and PAYNTER of Pennsylvania.

[Mr. PETRIKIN presented a petition signed by a number of highly respectable citizens of Columbia county, Pennsylvania—one of them a bank director—praying Congress to inquire into the connection of members of Congress with banks, either as stockholders, officers of banks, or debtors to the banks; and moved that it be referred to the Committee of Ways and Means.]

[Mr. HAMMOND presented a memorial from citizens of the city and county of Philadelphia, requesting the discontinuance of banks as depositories of public funds.]

[Mr. PAYNTER presented three memorials, numerously signed by the citizens of the city and county of Philadelphia, asking the speedy passage of the Independent Treasury bill: referred to the Committee of the Whole on the state of the Union, to which the Independent Treasury bill was referred.]

Mr. YORKE of New Jersey.

Messrs. JONES, TITUS, and HOFFMAN, of New York.

Mr. TOUCEY of Connecticut.

Mr. TILLINGHAST of Rhode Island.

Messrs. CUSHING, GRENNELL, ADAMS, PHILLIPS, LINCOLN, and BRIGGS, of Massachusetts.

Mr. WILLIAMS of New Hampshire.

[Mr. J. W. WILLIAMS presented the petition of M. L. Atkinson, and one hundred and sixty-four others students of Dartmouth College to rescind the resolution of the 27th of December, and permit the memorials of the people to be heard.]

Mr. FAIRFIELD of Maine.

The House then took its daily recess.

EVENING SESSION.

The House met at half past three o'clock, according to the order, and went into Committee of the Whole for the consideration of the bill to establish certain post routes and discontinue others.

The sections of the bill were read in order, according to the States in which the routes were located, and various amendments were proposed, of merely local interest, occupying nearly the whole session.

Mr. HOPKINS moved an amendment, appropriating two hundred and twenty-five thousand dollars to carry into effect the provisions of the bill.

Mr. H. alluded to the condition of the Post Office Department, and said that owing to the extension of facilities to the country, and the extraordinary embarrassments of the times, it would be impossible to establish new routes from the present resources of the office; and it might even be necessary to discontinue some of those already established, if aid were not granted from the Treasury. He should be opposed to the passage of the bill unless means were afforded to carry it into effect.

Mr. WISE objected to the appropriation, and alluded to the reports of the Postmaster General, with an allegation that they were inconsistent and contradictory. The first report, he said, stated the Department was in debt near half a million of dollars. The second report stated, that, as if by a magic wand, order had been brought out of confusion, and solvency from bankruptcy. The report at the called session, or at the commencement of this one, stated that the Postmaster General could sustain his Department upon his own resources, and that he needed no aid from the Treasury. If all this was true, how could it be that this appropriation was necessary. He was inclined to believe that the Postmaster General was hoarding his resources, to be used for electioneering purposes, and he would not trust this sum of money to him to be used for electioneering purposes; for the application of it to the creation of new post routes was permissory, and not obligatory.

The debate was briefly and incidentally continued till a quarter past eight o'clock, when, without coming to any decision, the committee rose and reported progress; and

The House adjourned.

COMMITTEE ON THE PETITION OF F. P. BLAIR.

Mr. McKAY.
HOPKINS.
THOMAS.
HAMER.
HOFFMAN.

The following is the order under which the above committee was appointed:

Ordered, That so much of the memorial of Francis P. Blair, as invites a scrutiny of all his accounts for work executed for Congress and the public offices, be referred to a select committee with instructions to inquire into the manner in which the public printing for Congress and the Executive Departments has been executed; whether the same has been done conformably to law; and whether any and what change can be made for the public good.

IN SENATE.

MONDAY, June 18, 1838.

Mr. BUCHANAN presented six memorials from the citizens of Philadelphia county and city, urging the propriety of immediately passing the Sub-Treasury bill, and manifesting a strong indisposition to the establishment of a United States Bank: laid on the table.

Mr. B. also presented a petition from sundry citizens of Philadelphia, praying that no international copy right law may be passed: referred to the Committee on Patents.

Also, a petition from certain citizens of the District of Columbia, praying that a diplomatic agent may be sent to Hayti, and commercial regulations entered into with that Republic: laid on the table.

Mr. HUBBARD presented the petition of the widow of Roger Alden, of the Revolutionary army, praying a pension: referred to the Committee on Pensions.

Mr. TALLMADGE, from the Committee on Foreign Relations, to which had been referred the bill for the relief of Don Carlos Dehault Delassus, late Spanish Lieutenant Governor of the district of Baton Rouge, in West Florida, reported the same with an amendment.

Mr. SEVIER, from the Committee on Indian Affairs, asked to be discharged from the further consideration of the petition of Sho-ba-nies, a Pottawatamie Indian, asking confirmation of a grant of land: concurred in.

Mr. NORVELL, from the Committee on Revolutionary Claims, reported the bill from the House of Representatives for the relief of the legal representatives of —— Lathrop, without amendment.

Mr. PRENTISS moved to recommit the bill from the House of Representatives, for the relief of James H. Bradford, which had been adversely reported on; which was agreed to.

Mr. SEVIER, from the Committee on Private Land Claims, to which had been referred the resolution of the Legislature of Arkansas, praying the passage of a law authorizing patents to be issued for lands confirmed under Spanish grants, was instructed by said committee to ask to be discharged from the further consideration of the same; which was concurred in.

Mr. TALLMADGE asked the unanimous consent of the Senate to bring in a bill to abolish imprisonment for debt in certain cases. He had hoped that the Committee on the Judiciary would have presented a bill for that purpose, but he was aware that there might be a difference of opinion as to its adoption. He alluded to the strange anomaly which existed on this subject in New York; where, though the citizen is exempt from imprisonment for debt by the laws of the State, he is incarcerated under process from the United States courts, and where the subject has been deemed worthy the presentment of a grand jury. Mr. T. appealed to the Senate to unite with him to wipe this foul blot from the statute books of the nation.

Mr. GRUNDY, the chairman of the Committee on the Judiciary, expressed his willingness to act on it with as little delay as possible. He felt strongly inclined to favor the measure, though the consent of the Senate might be obtained to act on it without a reference. The bill was short, and provided only for those States where imprisonment for debt was already abolished.

The "bill to abolish imprisonment for debt in certain cases" having been read,

Mr. TALLMADGE said some Senators had suggested that it had better be referred to the Committee on the Judiciary. The bill was accordingly referred.

The North Eastern Boundary question was then called up by Mr. BUCHANAN, who addressed the Senate at length, and was followed by Messrs. DAVIS and WILLIAMS.

At five o'clock the Senate went into Executive session, and then

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 19, 1838.

Petitions were, on leave, presented by Mr. ADAMS and Mr. FRY.

[Mr. FRY presented sundry memorials from citizens of the city and county of Philadelphia, very numerously signed, praying for the passage of the Independent Treasury bill. Said memorials were, on Mr. F's motion, committed to the same Committee of the Whole to which was committed the said bill, and ordered to be printed.]

TEXAS.

Mr. ADAMS asked leave to submit a resolution calling on the President for certain resolutions of the Legislature of Mississippi.

Objection being made, Mr. A. moved a suspension of the rules, on which the vote was—yeas only 55, so that the motion did not prevail.

Mr. A. then made a request to the delegation from Mississippi for a copy of the paper.

Mr. A. resumed his remarks on the report of the Committee on Foreign Affairs on the subject of Texas, under the motions to recommit with instructions as given in Saturday evening's Globe. Mr. A. continued during the residue of the hour, and gave way, without concluding, to the call by Mr. CAMBRELENG for the orders of the day.

The SPEAKER laid before the House a communication from the Commissioner of the Public Buildings, transmitting a report of the expenditures on the Treasury building during the past year.

On motion of Mr. LINCOLN, referred to the Committee on the Public Buildings.

INDEPENDENT TREASURY.

On motion of Mr. CAMBRELENG, the House

resolved itself into a Committee of the Whole on the state of the Union, Mr. CONNOR in the chair.

Mr. CAMBRELENG moved the consideration of the "bill to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue."

Mr. SERGEANT moved the "harbor bill;" which, he said, it was very important should be acted upon. It would not, he believed, consume much time.

Mr. CAMBRELENG remarked that it must be obvious that the bill he had moved, being the only debatable measure remaining for the present, had better be disposed of first, after which the regular business might be proceeded with.

The question being taken on the first motion, by tellers, and there being 132 voting for it, more than a majority of the whole House, the "Independent Treasury bill" was accordingly taken up, and having been read through by the Clerk,

Mr. CAMBRELENG, who was of course entitled to the floor, gave way, at his request, to

Mr. THOMPSON of South Carolina, who moved the following substitute:

Strike out all after the words, "*Be it enacted,*" etc. and insert: "That all dues to the Government shall hereafter be collected in gold and silver coin, Treasury notes of the United States, and the notes of sound specie-paying banks under such regulations and restrictions as may be prescribed by act of Congress, or by the Secretary of the Treasury; *Provided*, That no bank notes shall be received as aforesaid, except such as the bank of deposite shall agree to receive and credit as cash.

2. *Be it further enacted*, That the Secretary of the Treasury be, and he is hereby, required to select as special depositories of the public funds, and at such places as may be necessary, sound specie-paying banks, preferring, in all cases where such exist, banks owned in whole or in part by the States in which the same are situated.

3. *Be it further enacted*, That the Secretary be, and he is hereby, directed to contract with the banks selected as depositories aforesaid, for the safe-keeping, transfer, and disbursement of the public revenue, on such terms, and for such compensation, as he may deem right and proper; stipulating in all cases, under such guaranties as he may think necessary, that the public funds deposited with said banks shall be in no case used in their business, nor otherwise used but in payment of drafts from the Treasury.

Mr GARLAND of Virginia then said he would, with leave of the gentleman from New York, submit a motion which, without the resort to any amendment or substitute, would test the sense of the House on the merits of the bill. He moved to strike out the enacting clause.

Mr. CAMBRELENG then addressed the committee as follows:

Mr. C. said he would not detain the committee long, as the bill under consideration was accompanied by a detailed report on its provisions and principles. Indeed, any extensive argument in support of the measure had been rendered unnecessary by recent events, which had swept away almost every material objection hitherto urged against it.

The Sub-Treasury, as it is called, or the collection, keeping, and disbursement, of the public revenue by our own officers, was established by the suspension of the banks in May, 1837. When we assembled in September last, it was proposed to regulate the Treasury by particular laws applicable to its actual condition. The measure was immediately and fiercely resisted as an alarming innovation, calculated to ruin trade, destroy the banks, and to break up the foundations of civil society. Such was the panic language uttered here during the late extra session, and spread throughout the land. This desolating measure, the Sub-Treasury, has now been in full operation for more than thirteen months. Trade has recovered from the lowest point of depression, confidence is restored, and the banks have resumed specie payments at the very places where the largest portion of our revenue is collected, and where the Treasury is most powerful. The arguments and predictions of gentlemen are thus triumphantly refuted and contradicted.

Notwithstanding these satisfactory results, it is still attempted to excite the fears of those who are engaged in trade. The mere idea of debating the question is made a subject of alarm, the press encourages the most fearful apprehensions, the stock exchange is in commotion, and the banks, after promising resumption, are suddenly arrested. And what is the foundation for all this commotion and alarm? How can it possibly affect the trade or banks of the country, whether Congress should or should not regulate by particular laws, a system which is already established by a few general laws, and which must in any event be continued for years to come? Suppose we reject this bill, and go home, does the Sub-Treasury cease? No, sir, it must continue, as it is now, the law of the land, and will continue through 1838, '39, '40, and '41, in spite of all the lamentations here or elsewhere.

The non-resuming banks are especially alarmed. But a short time since the passage of the bill repealing the Specie Circular, was hailed as a measure removing the last difficulty to the resumption of the banks generally. Another circular appeared, and they were suddenly arrested in their progress to resumption. This circular embraced nothing but the provisions of the laws of 1836, and made no change, except what was required by the act repealing the Specie Circular. The same instructions were, in pursuance of that law, given to every receiving and collecting officer throughout the Union. The circular directs, what the law requires, that no notes shall be received but those which are redeemable in specie at the place where they are received. This has been our uniform practice, under every system, and it is not probable we shall ever repeal that regulation. It also directs, in obedience to the act of April, 1836, that no note shall be received of a less denomination than twenty dollars.

It is a matter of little moment to the banks whether one thousand and millions of revenue are collected in their notes of twenty dollars and upwards, so long as their notes are receivable for public dues. There is but one provision which can affect any of the banks, and that is the restriction in the act of June, 1836, which prohibits the receipt of the notes of any bank which has issued, since the 4th July, 1836, any bill or note of a less denomination than five dollars. It happens, unfortunately for the Bank of the United States, and most of the other banks acting in concert with that institution, that their notes are not excluded by this provision in the act of 1836. On the contrary, while these banks would, if they resume, enjoy this special privilege, the notes of almost all the banks which have already resumed cannot be received. So far, then, as the recent circular operates at all, the Bank of the United States and its associates have every inducement to resume, in order that their notes may be received in payment of public dues, while the notes of other banks are excluded.

But, it seems, these non-resuming banks can do nothing till they know the fate of this bill. Why, sir, if all the complaint is that the law, as it stands, prohibits the receipt of the notes of banks which have issued notes of a less denomination than five dollars, they should anxiously desire the passage of the bill; for one of its provisions effectually repeals the restriction in the act of 1836, and authorizes the receipt of the notes of all specie paying banks immediately, and for a time, and chiefly in such notes for years to come. That is the only provision of the bill which can possibly affect the question of resumption. The other provisions, so far as they relate to the collection, keeping, and disbursement of the revenue, are substantially now in force, and must remain so until we substitute bank agents for our own officers, which no one now contemplates. The defeat of this bill cannot, therefore, affect any of the banks, except unfavorably, as it would leave the restriction of the act of 1836 unmodified and unrepealed. But neither its passage or defeat can in any manner affect the Bank of the United States, as the existing restriction does not exclude the notes of that institution, whenever it may resume specie payments.

Whatever course, sir, the banks may think proper to pursue, it is our duty to supply the deficiency in our laws regulating our Treasury. That Department has been left, for more than a year, acting under the authority of a few ancient laws, and the Secretary has been necessarily compelled to provide by Treasury Orders for the collection, keeping, and disbursement of our revenue. I am unwilling to believe that a majority of either House are disposed longer to leave so large a discretion to any public officer. It must be obvious to every gentleman that no material modification of our existing revenue system can be anticipated, if ever, until 1842; and it remains for us to decide whether Congress, or the Secretary of the Treasury, shall, for four years to come, provide all the regulations necessary in the operations of that most important Department of our Government.

There is no prospect, at present, of any material change in our existing system of managing our revenue. No Bank of the United States can be chartered, if at all, for four years to come, and the State bank deposite act has nullified itself. By that act, no bank can be employed as a deposite bank which has, since the 4th July, 1836, issued or *paid out* any note or bill of a less denomination than five dollars. What bank is there in the United States, whether of issue or not, which has not, during the suspension, "*paid out*" a bill or note of a less denomination than five dollars? No such system can be revived until that restriction is repealed, and any such proposition would certainly be rejected. Even if new banks are established, it cannot be supposed that the Secretary of the Treasury, after what has occurred, would feel himself authorized to employ any bank, without requiring ample security in actual funds, immediately available in any emergency, and equal to any amount which might at any time remain in deposite. Nor is it probable that he would consider it a faithful or just compliance with the law, to re-establish a State bank deposite system for some States, while all the others were under Treasury regulations, thus giving to the banks in one section the profits on the use of the public money, contrary to the design of the act. None but a general State bank deposite system, if any, can be adopted, and such would require, if ever proposed, a thorough revision of the late law.

So far then, as it regards the question of bank agency, it must be considered as postponed, at least, till the time may arrive when both Houses of Congress and the Executive accord in opinion—a harmony which has not often existed for many Administrations past, and of which there is no chance whatever till 1842, even if it should then happen.

The next question relates to the receipt of bank notes in payment of public dues. I trust we are not about, from mere opposition to this particular measure, to run into the opposite extreme, and, as some gentlemen propose, make permanent provision for receiving the notes of specie paying banks, of every denomination whatsoever. On this question a very large majority of both Houses have hitherto adopted sound principles—they have been hard money men; and this is certainly not a time when either House should abandon on this important question any ground previously occupied. One of the propositions which has been repeatedly made at the present session in both Houses, is to repeal the 2d section of the act of 14th April, 1836, viz:

"That, hereafter, no bank note of a less denomination than ten dollars, and that from and after the 3d day of March, anno Domini eighteen hundred and thirty-seven, no bank note of a less denomination than twenty dollars, shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note, of any denomination, be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him; *Provided*, That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by any individual, or by the United States."

From the moment the receipt of bank notes was tolerated in payment of public dues, this regulation should have been adopted as a special duty of the Federal Government, whatever laws the States and trade might prescribe for themselves. The Constitution has assigned to us the care of the current coin of the country, and our Federal revenues

should never have been made instrumental in circulating notes of a denomination which banished that coin from circulation. No such regulation was ever necessary, either to trade or banks; nor is there any reason whatever for now repealing the section in question. On the contrary, there are stronger reasons than ever for its continuance. When it was sent to this House by the Senate in 1816, so little was it regarded as a party question, a gentleman of the Opposition moved that it should go into immediate operation. His motion was rejected, but the gentleman was right. There was no reason then for postponing it a day, nor is there now for suspending it an hour. Receive the notes of specie paying banks if you please, for all your large payments for customs and lands, but do not make the Federal Government instrumental in excluding the current coin from our circulation, by constituting it the agent of the banks in enlarging their issues of small notes. The section besides contains other and important provisions, limiting the receipt of bank notes to those redeemable in specie and on the spot. I trust that it will remain the law of the land as long as the receipt of bank notes is tolerated, as a measure indispensable to the security of the revenue, and essentially contributing to the soundness of the currency.

It is also proposed to modify or repeal the provision in the act of June, 1836, prohibiting the receipt of the notes of any bank which has, since the 4th July, 1836, issued any bill or note of a less denomination than five dollars. That object will be accomplished if this bill becomes a law. The 20th section, together with the last, repeals this restriction. This provision of the bill is, however, the one most violently opposed, because it proposes, at the end of six years, to dispense with the receipt of bank notes altogether. No language can express the abhorrence which some gentlemen entertain towards this abominable and barbarous specie section. Yet it so happens, strange as it may seem, that gentlemen themselves have been guilty of a much more atrocious act of treason against the banks than any ever attempted by the friends of the Administration. There was an important provision in the celebrated currency bill of 1837, which passed both houses by overwhelming votes, and was so great a favorite here, that the rule was suspended, the previous question ordered, and the bill passed without debate. In that bill will be found the following provision:

"From and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars, shall be received on account of the public dues; from and after the thirty-first day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars, shall be so receivable; and from and after the thirty-first day of December, eighteen hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing or circulating bills or notes of a less denomination than twenty dollars."

Gentlemen may say this was under other circumstances, and before the banks suspended specie payments. What was wise then might be otherwise now. What will they say when they learn that this identical provision, word for word and letter for letter, was voted for in the Senate of the United States on the third day of October last, during the extra session, by every member of the Opposition, and by every Conservative? And what was this proposition? Why that from and after the thirty-first day of December, 1841, the notes of no bank shall be received for public dues which *issued* or *circulated* any bill or note of a less denomination than twenty dollars. In other words, the revenue was after that date to be collected exclusively in specie, or in evidences of public debt; for such would have been the inevitable result if gentlemen had succeeded in their own efforts to establish, what they are pleased to denominate, an exclusive metallic currency. There is not a bank in the Union which would have discontinued, so long as they were permitted to do so, the issuing and circulating bank notes of a denomination less than twenty dollars, merely to secure the privilege of having their notes received in payment of public dues, and redeemable in specie on the spot. What, then, is the difference between this proposition and that in this bill, which has been denounced as so disastrous in its effects? None substantially or practically, except that the proposition of gentlemen would have gone into ful, operation, and excluded bank notes, two years earlier than the period proposed in this bill. Indeed, four years earlier; for the ten dollar provision, which was to take effect on the 31st of December, 1839, would have effectually excluded the notes of every bank in the Union. It is not a little singular that the most moderate measure should excite the abhorrence and alarm of the same gentlemen who twice voted for the other, and denounced the late President for retaining the bill containing this identical hard-money provision.

We are imperatively called upon to adopt some measure, at this time, whether it be permanent or merely temporary. Of the various propositions submitted at this and the late session, none have as yet commanded a majority of both Houses. The special deposite system cannot obtain the support of either party. The State bank plan, so recently exploded, as an independent proposition, would not receive fifty votes in this House. The only measure which is now, or will be hereafter, supported as the antagonist of that now under consideration, is a National Bank. That has already been decided against by a large majority of this House, and has been rejected in the Senate by a much larger vote. The Independent Treasury, then, though it may not be sustained by a majority of this House, is undoubtedly preferred, both here and elsewhere, to either of the measures proposed. Are we, then, under such circumstances, to do nothing, and leave our Treasury wholly at the discretion of the Secretary for four years to come? I trust not. The bill under consideration proposes to limit his discretion, and define his duties. It also provides additional security for the public revenue, new checks upon our public officers, and many financial regulations which should have been long since adopted. As to the specie section, its operation is gradual, and will be imperceptible. Why, then, reject this bill, and leave the Treasury wholly unregulated? Why substitute Treasury orders for legal provisions?

Why is it that gentlemen who are so jealous of Executive discretion; who denounce the late President for alleged usurpation, and who are daily arraigning the Secretary of the Treasury for his circulars—why is it that they refuse to co-operate with us in prescribing the duties of the Secretary, and of every other officer connected with the reveuue? There can be but one answer. If this bill passes, agitation will cease; we shall hear no more of Treasury circulars; the banks must resume specie payments; exchanges will be adjusted, and the country will prosper without the agency of a National Bank. It is in vain to disguise the matter. Those who honestly believe that without such an institution this country never can flourish, and that without consolidation this Government cannot stand, consider a few years of embarrassment to trade a sacrifice of little moment when compared with those permanent blessings which, in their opinion, would follow their triumph. The opposition to this measure is obviously preparatory to the great struggle in which we are about to engage. We are already furnished with the outline of a national institution, or rather plan of Government, more formidable than any hitherto projected. A bank of fifty millions, owned by the Federal Government, the States and capitalists—a union of seven-and-twenty Executives with the banking interest of the country—the concentration and consolidation of all political and moneyed power. To accomplish these great ends, we must postpone this measure from session to session, and leave our Treasury wholly unregulated. For such purposes are we invited to debate this question for two years to come, to benefit the leading members of the stock exchange and their political associates. I trust that a majority of this House will not be influenced by any such considerations. We have already decided against every other measure; and whether we reject or pass this bill, our revenue system remains unaltered. We merely substitute the will of Congress for Treasury discretion, and leave nothing to Executive power which can be regulated by law.

Mr. PICKENS then obtained the floor, and addressed the House till the hour for taking the recess.

EVENING SESSION.

The House met at half-past three, pursuant to the order.

Mr. PICKENS concluded his remarks upon the subject of the Independent Treasury bill.

Mr. GARLAND of Virginia then obtained the floor, but stating that the subject had come up suddenly, and that he was not prepared, he requested that the committee should rise, and indulge him till to-morrow.

After some conversation upon the order of business, the committee rose, and reported progress.

Upon motion of Mr. WHITE of Kentucky, the House then went into Committee of the Whole upon the post route bill.

The amendment of Mr. HOPKINS, with an amendment proposed thereto by Mr. UNDERWOOD, being under consideration,

Mr. UNDERWOOD briefly went into an argument to show that the proposed new routes could be established, without any extraordinary appro priation.

Mr. REED expressed his desire to grant every facility to the country which could be done without encroachment upon the Treasury. He referred to some topics upon which he wished more information, and alluded to the express mail as an accommodation to speculators, not generally useful to the people, and he thought it an extra expense that might be dispensed with.

Mr. MONTGOMERY replied in relation to the express mail. It had not been brought directly before the committee, though they had thought of the expediency of abolishing it. That mail had only existed upon great commercial routes, and it had facilitated the transmission of intelligence; but as soon as railroad and steamboat communication had been established, that mail had been abolished. He did not know but he would go to dispense with it altogether, as the expense had been some hundred and fifty thousand dollars more than the income.

Mr. POPE went into some considerations in favor of the bill, and appealed to the committee not to embarrass the bill by objecting to trifles, as it was important, particularly for the West, that it should be passed. If the amendment was objectionable, he hoped it would be rejected, and that the bill would be passed.

Mr. YELL thought the principle had been, from the first, to make the Post Office Department support itself from its own funds. This principle had been, in some instances, departed from, and he was willing to make a contingent appropriation, so that the Postmaster General might have a discretionary power to use it or not as might be necessary. He did not wish that the little necessary accommodation for the West should be withheld; but he would prefer that such routes as were requisite should be maintained there, and that some great routes in the interior, and upon the seaboard, should be so cut down as to keep the expenditure within reasonable bounds. Unless some appropriation was made, it would be necessary to cut down some of the routes in the old States, or refuse routes in the West which are absolutely necessary.

Mr. MARTIN contended that it was idle, and would be futile, to pass the bill without t e amendment. He would not go into the statistics of the office, but it was stated by the Postmaster General that the funds available to the Department were not adequate to the call made by the proposed new routes. It was, therefore, proper to supply funds from other resources, or to reject the bill. He contended for the necessity of establishing the routes proposed, and objected to the curtailment proposed by Mr. YELL. He did not wish to have any curtailment in these facilities for the accommodation of the people.

The debate was further continued by Messrs. HALL, GOODE, MERCER, BRIGGS, MONTGOMERY, YELL, and CALHOON.

After which the amendments were adopted, and

the committee rose and reported the bill to the House.

And at a quarter past seven,

The House adjourned.

IN SENATE,

TUESDAY, June 19, 1838.

The VICE PRESIDENT presented a communication from the Navy Department, in obedience to a Senate resolution of the 16th instant, with a copy of the proceedings of the naval court martial held at Gosport, on the case of Captain William Ramsay, and with the subsequent correspondence: laid on the table, and ordered to be printed.

Mr. MORRIS said that he arose for the purpose of asking the indulgence of the Senate, an indulgence which, on former occasions, had been granted to members in noticing paragraphs in public prints which impugned either their honesty or honor as members of this body. He found in one of the morning papers of the city, the National Intelligencer, a publication, under the editorial head, censuring the course which his colleague and himself had deemed it their duty to take with regard to the bill proposing to grant leave to a society, or company of gentlemen who have united together, to erect a monument to the memory of Washington upon a portion of the public ground in this city.

Mr. M. said he did not rise in defence of himself, for he did not consider that his individual or political standing with his constituents depended, in the least degree, on any lying spirit which might be found in the mouth of the prophets of this modern Ahab. Frail as his claim on public favor might be, he was unwilling to trust it to such guidance; for, like their great prototype, these followers generally found the end of their path destructive to their hopes. But when his conduct here as a Senator was implicated, it reached further than himself; it affected those who sent them; and he felt it a duty which he owed to them to correct such misstatements as the paper before him contained. The editors had asserted that the two Senators from Ohio thought fit to hazard some very serious imputations against the managers of the Monument Association. This charge, though made in the nature of an insinuation, he said, was unfounded in fact, and untrue in its deductions. Him nor his colleague (who he was glad to see about taking his seat) had made no imputations against the managers. For himself, he did not know who they were, or whether there were managers at all. He had spoken only of the money which it seemed the society or their agents had received, and of the impropriety of connecting the Government with the abstractions or speculations of companies or mere private individuals. What, then, did he hazard, or what imputation did he make? No specific allegation is made in this publication as to the charge he is said to have made, because there was no foundation on which it could rest. It would be remembered by the Senate that when the bill was called up by the honorable chairman on the District business, [Mr. ROANE,] that his colleague inquired if any information had been furnished the committee as to the amount of funds the society had collected for the purpose; and we were informed that $30,000 was the sum stated. His colleague, as well as other members, felt surprised at the smallness of the sum, when it was a well known fact that the collecting agents of the society had traversed every portion of the United States, for the purpose of soliciting and receiving donations; his colleague had suggested his doubts as to the correctness of the information that $30,000 only had been received, and had stated, at some length, his reasons for such doubts; his colleague believed that more than that sum had been collected in Ohio alone; he concurred in this opinion, because he had understood from the same source that upwards of $1000 had been paid or subscribed by the people of his own county. The object of his colleague and himself was to obtain information on the subject, and he stated expressly that, if in error, he wished that error to be corrected from authentic documents, and on that account he objected to the bill until it was clearly shown how much money had been taken up, and to what use it had been applied. This suggestion, made for the purpose of information, is construed into hazarding imputations against the managers; but the article does not stop here. The editors have quoted a paragraph without giving credit to any paper, and he, Mr. M. had the right to consider this adopted child of the editors' as their own, and for which they were willing to be answerable. In that quotation, it is stated that "Messrs. MORRIS and ALLEN of Ohio, indirectly, and yet quite positively, charged the managers of the association with swindling; they said that they had accounted for $30,000 only when it was an ascertained fact that more than that amount had been collected in Ohio alone." This is not any thing like a true and correct representation of what he said, but is a misrepresentation both groundless and false; he had stated his opinion only as to what had been collected in his own county; a county which might be considered almost third rate in wealth and means; yet he believed that county had contributed liberally, and if a fair sample of the rest of Ohio, he had no douht of the correctness of his colleague's opinion. The reason why he believed a liberal contribution had been taken up in Ohio, was that the Governor of the State had given notice by way or form of proclamation, that money was required for the erection of the contemplated monument, and was to be collected by contribution. The people were half inclined to believe the requirement legal, and as the Sheriff of his county had been charged with, or undertaken the collection, money was given without much inquiry. The sheriff had forwarded by him [Mr. M.] a sum of money which he had paid over in this city to some gentleman who he believed called himself agent, or some such official name; but in his county it was not mere subscriptions, as he understood the game, but the actual money was paid, and the name of the donor taken down, who was told that the names of all who contributed would be inscribed on a roll, and preserved in the monument. It was this extraordinary mode of levying contributions upon the people, under the influence of the name of WASHINGTON, that first drew his attention to the subject. He doubted then, and he still doubted, whether this money would ever be disposed of or applied, according to the intention of the donors; but he had viewed it as a mere private concern—one of those numerous devices for raising money, with which the country is almost literally inundated. But it is now attempted to engraft it upon the action of Congress; and he insisted that it was the duty of the managers, before they made this attempt, to have shown the actual state of their funds, and in what manner, and from whom, the same had been collected. He was not willing, for one, to attach the honor of his country to a scheme which, for aught he knew, might have been carried on by means of deception and fraud. Yet this reasonable request had been trumpeted by the morning paper as making a grave charge, or at least as casting imputations. All he said, he had stated at the time, was from information, and he yet believed the same to be correct, and he should continue to believe so until the public is furnished with full, clear, and satisfactory accounts from authentic documents on the subject. But sir, (said Mr. M.) to avoid all misrepresentations as to what he now said, (though he was well convinced that was a vain hope,) he would again read the paragraph. [Here Mr. M. read the paragraph alluded to.] And he would now ask if the representatives from a sovereign State are to be thus charged with having made an unfounded imputation, which the paper before him asserts, and which in the abundance of its patriotism in money matters, it undertakes to reprove, without furnishing the least evidence to the contrary of the suggestions made; and without any explanation, on his part, suffer this charge to go to the world? He thought not.

Sir, said Mr. M. the remarks of my colleague, as well as those made by himself, seem to be a bitter pill to certain gentlemen who are wishing to connect the aid and influence of the Government to their (as yet concealed) private undertakings; he was glad the dose was beginning to operate, and he hoped it would cause the contents to be thrown up to public view; and those who had been roaming over the country making collections, or had been the means of making such collections, might disgorge their ill-gotten wealth, if what he feared should turn out to be true. He had no idea of using the mantle of Government, like the mantle of charity, "to cover a multitude of sins."

But, sir, said Mr. M. we have another beautiful specimen of the kindly feelings of the gentlemen engaged in this monumental affair, towards the Senate, as well as towards the Administration itself. This precious production is over the signature of "G. Watterson, Secretary," and states as a direct charge, that the Senate of the United States has refused to grant a small portion of the public ground, within the city, necessary for a site for a monument to the Father of his Country. Who this G. Watterson, Secretary, is, he said, he did not know, nor did he care; with him as an individual he had no concern whatever. This notice he considered as the act of the Board of Managers; it was, he presumed, issued by their authority, and he still considered it a libel on the Senate. He would not, however, enter into any comparison between the patriotism of the Senate and their regard for the fame of WASHINGTON, and this monumental Board of Managers. He said it was evident to his mind that the object and design of this publication was to produce political effect. It was well known that a majority of the Senate were the friends of the present Administration, and if this article could impress the public mind with the belief that those who sustained the Administration had no regard for the memory of WASHINGTON, he had no doubt it was expected it would tend to promote individual and party views. It was a kind of left handed blow to injure the Administration and its friends in the Senate, by charging them with meanness in refusing to accede to the wishes of the society. Al such attempts he viewed as springing from unworthy motives, and they are most commonly made by men who have been turned out of official stations for some unworthy act. But he feared there was another motive, besides veneration for the name of WASHINGTON, that prompted the agents and managers of this project to be so ardent in their endeavors to link themselves and scheme to the public concerns of the country. They were reported as having thirty thousand dollars only. This sum they could easily expend in the foundation, or even the first corner stone, of the monument. They could devise a plan for the superstructure that would require millions for its completion; and if they could make this affair a Government concern, they would insist, no doubt, that the country would be disgraced if the building was not completed; and Congress would be solicited and urged to made appropriations for the purpose, by all the force of speech and the blandishments of parties. Millions would be thus called for, and, in his opinion, appropriated, if the scheme now in operation can succeed, to be expended by a private corporation, whose dependants, friends, and followers would grow rich in the progress of the work. I; was imputing nothing to say this might be the case for it would be found, he believed, in every instance in which the Government had undertaken to enter into any kind of partnership with either companies or individuals, Uncle Sam was sure to bear the expense, let who might reap the profits. He was totally averse to the Government having any thing to do in this matter, or any other in which individuals were also to be concerned as partners. It was this that induced him to move the postponement of the bill.

The charge in the last paragraph which he had read, as to the refusal of the Senate "to grant a small portion of public ground," &c. he thought came with an ill grace from a body of men who had made no exhibition nor furnished any data by which the amount of money in their hands could be ascertained. The charge against him was publicly made, and he had a right to ask the society to make a public exhibition of their books, papers, and proceedings, that we might be able to judge whether its own claim to purity was or was not well founded, and to show that no part of the donations made was still sticking to their fingers, or found in the palms of the hands of some who had received money on this account, before their friends undertook to censure others for asking for information. When the Society had volunta-

rily solicited the notice of Congress, they ought at least to show that all concerned in this business had clean hands. But why, sir, do these gentlemen ask the interference of Congress in any manner whatever? The enterprise was begun for individual glory, for the purpose of obtaining an imperishable renown, by the coupling their names with that of Washington. At least this was urged to induce contributions in his county; and he would not, by any act of his, rob gentlemen of this glory which they hoped to acquire; nor would he aid them to acquire glory which they did not deserve. He would have them to pursue that course which their judgments should direct; and were he engaged in the concern, it would be his last thought to apply to the Government for leave to erect it on public ground. He would not expose a monument of this kind to the dangers which public strife might produce. But, sir, said Mr. M. I do not believe we are sent here to enter into any scheme for the erection of monuments, by which the public moneys may be voted to be expended, under the direction of this, or any other society. Nor would he ever give his vote to connect the Government with any private association whatever. His colleague had said that for the Society to say that only $30,000 had been collected or subscribed, was a libel on the American people; for every portion of the country had been traversed by agents for this purpose; and he repeated again, that the charge made in this veritable paper, as it claims to be, against the Senators from Ohio, was groundless and false.

Mr. ALLEN observed that he saw this morning in the National Intelligencer the publication which had formed the subject of his honorable colleague's remarks. He knew that it would be very useless for a public man to engage in controversies with the conductors of the public press, and perhaps it would be wrong to do so; because whilst there was here almost an unlimited scope allowed to the discussions of members, he should be very unwilling to restrain the press. He was glad that his colleague had noticed the publication in the Intelligencer in the manner he did, because they could by this means correct the errors of the Intelligencer. If the editors of that paper meant to say that he and his colleague had charged the managers of this society with fraud, they did them injustice. If they meant to say that he and his colleague had charged any body with fraud, they did them equal injustice. The sum total of what was said by his colleague and himself was this: A bill was before the Senate to allow the managers of the Washington Monument Society to erect a monument to the memory of Washington on the public grounds; and by one of its provisions the work was to be carried on under the superintendence of the Commissioner of the Public Buildings. He [Mr. A.] then took the occasion to inquire of the chairman of the Committee on the District of Columbia what amount of money the society had on hand to complete the work; and that Senator said that he believed that the sum of thirty thousand dollars had been reported as the amount collected. Thereupon he [Mr. A.] took the occasion to express his surprise at, and utter disbelief in, the correctness of this report. He did not ascribe the embezzlement of the money to any body; but, in reply to some remarks of the Senator from Michigan, [Mr. NORVELL,] he said that he knew not one single man who had the management of this matter in the city of Washington; and, therefore, could make no personal application to any body. He was aware that the persons who made this report of $30,000 might be ever so honest in doing so, and yet the fact that the money had not been fairly applied might also be true. In what manner had this thing been conducted? The gentlemen who had the management of it were here in the city of Washington. They had not personally had the collecting of this money. They had had almost innumerable agents ransacking the country from one end to the other, some of whom might be good and some bad. He said that he did not believe, nor would the American people believe, that but $30,000 had been contributed by the whole people of the United States, called on in the manner they had been; but he did not know where the fault rested; he charged embezzlement to nobody. But the ground of his surprise at this meagre report of $30,000, this "beggarly account of empty boxes," was this: An object had been proposed to the people of the United States, and that object was the erection of a national monument to the memory of the national man of the country; and the name of Washington was so potential to the American people, went so far to excite their enthusiasm and stimulate their bounty, that the most ample contributions were expected. Besides, it was not only to be a national monument, but it was to be erected at the seat of Government, to stand as the admiration of the world. Added to all this, as the name of Washington was dear to the American people, the conspicuous and influential public men of the country favored the undertaking, and lent to it the sanction of their names; many of them giving letters to the travelling agents, addressed to their friends, requesting them to lend to it their aid. Every means had been resorted to excite the interest and stimulate the bounty of a grateful people. Armed with all this—furnished with letters from high and influential public men, and going out from the capital of the nation, these agents went into the several States of this Union; and what did they do there? In some of the States, he believed, the Executives aided the undertaking; and in his State the Executive, a popular and worthy man, lent the sanction of his official authority to extract the bounty of the people. Sub-agents were appointed for the counties, and with all this the people, so far as he knew, contributed bountifully. His colleague stated that in the county in which he lived $1000 had been collected. He himself stated that so far as his knowledge went, there was not a single individual in his county who had been called on who did not respond by complying with the demand. Under all these circumstances, he did state his disbelief that but $30,000 had been wrung from the hands of a grateful people by such means. He stated that it was a reproach to the liberality of the nation to suppose that but this pitiful sum of $30,000 had been collected from fifteen millions of freemen. He did not state where the fault was, whether it rested with the managers here or with the collecting agents, but there was great probability it was with the latter. Some of the names mentioned of this board of managers, he believed, were highly respectable men—all might be so; but, notwithstanding all this, there was good reason to believe that more money had been collected than was reported. Sir, said Mr. A. the Senate, or at least many of its members, felt this surprise equally strong with himself or his colleague, and the bill was struck down without a division, and for this obvious reason. The scale upon which this work was to be constructed was so large and magnificent, that the cost was estimated at one million of dollars, to be raised from the voluntary contributions of the American people. Every means had been used for two years to excite this bounty, and after all this, they reported that only $30,000 out of the million had been collected. What then must be the consequences of passing this bill? Either that Congress must appropriate the deficiency, because the monument being by its authority on the public grounds, and under the superintendence of the Commissioner of the Public Buildings, was in some sort a public work, or the people of the United States must be again visited by hosts of travelling agents, in order to make up the sum wanted. Now every body knew how these things progressed. Give these private individuals to levy contributions on the people of the States—put the work under the control of the public officers, and it will be some national affair. Then, the very next year it will be said that the people have subscribed and not paid, and Congress will be called upon to appropriate $150,000 for the year's work. In a word, Congress must either appropriate the money out of the public purse, or turn loose all this machinery of agents and collectors upon the public, to make up one million of dollars at the rate of $30,000 in two years. These he thought were sufficient reasons why the Senate rejected the bill without a division. He did not attend to the publication of what he said on the subject the other day, but he hoped the reporters had reported it correctly, and he also hoped they would report him correctly now.

Mr. CLAY of Kentucky said he was unwilling to interpose while this discussion was going on, irregular as the Senate must have felt it to be, because the Senators from Ohio had, on other occasions, examples of a similar kind before them. He hoped, however, it would not again be tolerated, and that the presiding officer of the Senate would feel it his duty to check it at once. He hoped the Senate would not, for the sake of its own dignity, to say nothing of its improper interference with the despatch of public and private business now before the body, again tolerate these discussions, founded on newspaper paragraphs. What would it lead to? Look to his own case: he might, if he adopted that course, take up at least one-third of the time of the Senate. He had been induced to make these remarks from the irregularity of the mode of proceeding, and not from any spirit of unkindness, or the least wish to censure the conduct of the two Senators from Ohio; but this he would say, that no paper in this country was conducted with more regard to propriety, decorum, truth, and faithfulness of report, than the National Intelligencer; and he could wish that the other journals of this city, and particularly the one connected with the Government, would look more to this print for example.

Mr. MORRIS observed that, in general, he entirely concurred with the Senator from Kentucky. I do, said he, deem this discussion irregular, and would not have engaged in it if the example had not been set him by some distinguished members of that body. But while the Senator from Kentucky spoke of the correctness of this newspaper, he must have recollected that when some of his [Mr. M's] remarks were incorrectly reported in it some time ago, he undertook to correct them under his own signature; and the Senator would also recollect how that correction was treated by the Editors of the Intelligencer. He would now ask why they had not complied with their promise not to notice any remarks of his again?

Mr. CLAY of Alabama, from the Committee on Public Lands, reported the bill from the House, without amendment, for to extend the time for locating Virginia land warrants and returning surveys thereon.

Mr. FULTON, from the Committee on the Public Lands, reported a bill for the relief of Hiram Hart, and others: read, and ordered to a second reading.

Mr. ROANE, from the Committee on the District of Columbia, reported the bill referred to them in relation to the Orphans' Court of the county of Alexandria, D. C. with an amendment, which was read and agreed to; and the bill, by consent, was ordered to a third reading.

Mr. GRUNDY, from the Committee on the Judiciary, reported the bill referred to them to abolish imprisonment for debt in certain cases, with an amendment, the design of which was to make the abolition by this bill of imprisonment for debt correspond with its abolition in the respective States where such imprisonment had, in whole or in part, been abolished; which amendment was read, and the bill taken up for consideration.

After a few explanatory remarks by Mr. GRUNDY and by Mr. TALLMADGE, urging the importance of speedy action on the bill,

On motion of Mr. CLAY of Kentucky, who expressed some doubt as to the practicability of carrying all the provisions of this bill, as it now stood, into effect, and with the assent of Mr. TALLMADGE, the bill was laid on the table till to-morrow, and ordered to be printed, with the amendment.

On motion of Mr. SMITH, of Connecticut, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of David Hopkins and William Grayson's heirs.

The following bills from the House were severally read twice, and referred:

The bill for the relief of the legal representatives of Captain Samuel Jones, deceased.

The bill for the relief of the heirs of Deborah Gannett, a soldier of the Revolution.

The bill for the relief of Eliza Causin, daughter and heir of Colonel John H. Stone, deceased.

On motion of Mr. BENTON, three thousand extra copies of the report of the Secretary of the Treasury, on the condition of the State banks, were ordered to be printed.

Mr. MORRIS presented some additional papers in support of the claim of Margaret Wall, which were referred to the appropriate committee.

The amendments of the House to the bill authorizing the appointment of persons to test the usefulness of inventions for preventing the explosion of the boilers of steamboats, were read, and, on motion of Mr. DAVIS, referred to the Committee on Patents.

On motion of Mr. CLAY, of Alabama, the Senate took up the bill granting pre-emption to the settlers on the public lands, the question being in concurring with the amendments made by the House of Representatives.

Mr. LYON moved to amend the amendment, by adding the following, to come in after the word "improvements," in the 16th line: "Or to any lands that may have been sold in good faith to others by persons who fairly and honestly purchased and paid for the same under color of title under any of the pre-emption laws heretofore enacted."

Mr. ROBINSON thought this amendment was going rather too far. If the gentleman would leave out the words "under color of title," and confine himself to titles granted by the United States, he would have no objection.

Mr. LYON said his object was to preserve the rights of innocent purchasers only; and that there would be many of such persons greatly injured, without the adoption of this amendment, or something like it.

Mr. ROBINSON objected that the adoption of the amendment would be undertaking to decide by legislation that which ought to be left to courts of justice; and cited, for example, several cases in which it would lead to great difficulties. He thought it much better to leave the matter where it was, as Congress ought not, and could not, decide it.

Mr. CLAY of Kentucky thought the amendment a proper one, as it went to limit the operation of the pre-emption laws, and declare that the present act shall not apply to cases now under a course of adjudication.

Mr. LYON observed that the Senator from Kentucky had stated his object correctly. He did not wish the contested cases to be decided at all, but wished them to be left to the decision of the Commissioner of the General Land Office, before whom they now were.

Mr. SEVIER remarked, that as he understood the matter, all the difficulty had grown out of speculations in town lots. A man lays out a town, and sells out the lots; but it is subsequently found that he had no legal title, and the holders of the lots claim them under the pre-emption laws. To settle this controversy between the proprietor of Milwaukie and the persons who are on it, an amendment is offered that may jeopardize the whole bill. He understood that there were agents here from both parties; one wanting the bill passed with this saving clause, and the other opposing it. Thus, through the hostile claims of these parties, the bill might be jeopardized.

Mr. LYON had no wish to make a law to embrace a particular class of cases only, but he had a general object in view, for there were a great many cases situated like those in the town of Milwaukie. If the amendment was not adopted, the tenants in the houses built by others would get them under this law, though they never paid a cent for them.

Mr. YOUNG observed that the Senator from Michigan might say that his object was a general one, and not intended to apply to a particular class of cases; but such would be the application of it. Why, the substance of this amendment was offered when this bill was before the Senate, and before it passed, and it was then rejected. The claims to this Milwaukie town had been contested on the ground that the floats were illegally laid; and there was no question but they were illegal; in fact, they were set aside as being so. His information was, that there was no dispute about the main body of the town, but that the portion about which the dispute was, contained but an inconsiderable number of houses, and was but a small part of the town. Now, if the claimants had laid their titles according to the laws of the United States, they were safe, and if not, the lands were open to pre-emptions. Mr. Y. referred to the opinions of the President, Attorney General, and Secretary of the Treasury, all agreeing that these floats, having been laid before the ratification of the treaty, were illegal.

Mr. Y. contended that it would be best to leave these titles to be adjudicated by the proper tribunals; and then those persons who had the best claims would get the land.

After some further remarks from Messrs. LYON, HUBBARD, BUCHANAN, YOUNG, ROBINSON, and MORRIS,

Mr. TIPTON observed, that he believed it to be his duty to oppose all amendments to this bill at this stage of the business. The bill was an important one to the whole West. Thousands were interested in it; and he would put the question to Western Senators, to those who were in favor of saving these improvements to the industrious settlers, whether it was not dangerous to make so important a movement at this stage of the proceedings? He was in favor of any restrictions to prevent frauds; but he felt it his duty to oppose so important an amendment at this late hour.

Mr. HUBBARD asked if the Senator was not aware that the Senate had passed a bill carrying out this very principle, and that it was now pending in the other House; and if they did not adopt this amendment, the passage of that bill by the House would have no effect. If the treaty had been ratified, the certificates issued by the land office would have been valid; and under these certificates individuals had improved their tracts, and built upon them—not knowing, until lately, that any decision had been made against them. Now whose fault was this? Not the innocent purchaser to be sure. If the Senator from Indiana succeeded in keeping off further amendments, the bill that had passed here, and to which he had rererred, would be a dead letter; and those individuals, who have been at the trouble and expense of improving the tracts held by them under these certificates, would suffer a total loss. He was perfectly willing to adopt such an amendment as would leave all the conflicting claims unsettled.

Mr. SMITH, of Connecticut, observed, that if those persons, who originally entered this land, did so under the honest belief that they could enter it legally, Congress was bound in justice to confirm their claims. They had acted fairly and honestly; and those persons who from subsequent knowledge availed themselves of the defect in their titles to oust them from their possessions, had no just claims whatever. If Congress confirmed the claims of these last mentioned persons, they would be confirming fraud, instead of preventing it.

Mr. SEVIER contended that the amendment would cut off the first settler instead of the speculator. The first settler being in possession of the land, the speculator comes and lays a float on it, and the legality of this float has been contested ever since the General Land Office having decided against it. The Senator from Connecticut, therefore, in voting for this amendment, would vote to oust the original settler for the benefit of the speculator.

After some remarks from Messrs. PRENTISS and BAYARD,

Mr. LYON, at the suggestion of Mr. BAYARD, withdrew his amendment, and moved to reconsider the vote on Mr. YOUNG's amendment of yesterday, inserting the words "by the United States" after the word "selected," in the thirteenth line of the amendment; and the reconsideration having been ordered,

Mr. CLAY of Alabama observed that he did not wish to prolong this discussion, and that all he wished to say was, that he was candid in the avowal made by him in the beginning—that he did not wish to favor the speculators at all; and, therefore, he had no objection to the amendment of the House of Representatives excluding town sites from the operations of the bill. He now hoped that the bill would be passed as amended by the House, and the slight amendment made at the instance of the Senator from Tennessee, and that it would not be embarrassed by the conflicting claims of speculators.

After some remarks from Messrs. YOUNG, PRENTISS, and CLAY of Alabama,

Mr. KING said that before the vote was taken on this question, he wished to inquire of his friend from Illinois [Mr. YOUNG] whether the individuals who settled on the lands in the first instance, had made application to be allowed their pre-emptions under the existing laws, and had been refused. If that had been the case, and they had not got their pre-emptions under the existing laws, this amendment of the House cuts them off. Any individual who had settled on a quarter section, and who had not got his pre-emption in consequence of the lands not being surveyed, and had laid it out into town lots, would not get his pre-emption if this law passed, under this or any former pre-emption law. The best way for the Senator from Illinois to come at his object, was to withdraw his amendment and offer another, applying to allotments made by citizens, and not by the Government.

Mr. CLAY of Alabama said that his colleague was mistaken in one point. He went on the assumption that this bill, if passed, would cut off those entitled to pre-emptions under the old laws. Now this was not so. They could not pass a law to divest the interests acquired under the previous laws. As regarded lands that had not been surveyed, the only limitation was as to the time fixed by the President's proclamation for sale. Under the opinion of the Attorney General, the rights of a settler on unsurveyed land to his pre-emption, took effect as soon as the survey was made. The individual's right never became extinct until the day arrived which was fixed on by the proclamation of the President for the sale. He did not believe the inconvenience existed that was imagined by the Senator from Illinois, and he therefore hoped that no amendment would be made to embarrass the bill at this stage of its proceeding, and that it be passed as it came from the House.

Mr. KING said that he had asked the question whether the individuals had made application for their pre-emptions under the existing laws; and stated that, if they had not, they would not be entitled if this bill passed. He was still of that opinion, and the opinion of the Attorney General was with him. Unless the claimant filed his evidence previous to the expiration of the law, he is not entitled.

Mr. CLAY of Alabama still thought his colleague was mistaken. There was no limitation in the law, other than that he had mentioned.

Mr. YOUNG then, with the consent of the Senate, withdrew his amendment, and moved to strike out the following words in the amendment of the House, being from the 12th to the 16th lines "or to any portions of public lands, surveyed or otherwise, which have been actually selected as sites for cities or towns, lotted into smaller quantities than eighty acres, and settled upon, and occupied for the purposes of trade, and not of agricultural cultivation and improvement."

On taking the question, this amendment was rejected—yeas 11, nays 26, as follows:

YEAS—Messrs. Buchanan, Calhoun, Grundy, Lumpkin, Mouton, Nicholas, Roane, Robinson, Wall, White, and Young—11.

NAYS—Messrs. Allan, Bayard, Benton, Brown, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Davis, Fulton, Hubbard, King, Knight, Lyon, Merrick, Morris, Niles, Norvell, Pierce, Prentiss, Rives, Sevier, Smith of Connecticut, Strange, Tipton, Williams, and Wright—26.

Mr. CLAY of Kentucky stated that the effect of one of the amendments of the other House, which had not been noticed by Senators, was to subject to the provisions of this bill certain lands which had heretofore been always reserved from pre-emption. These were lands which it was supposed might be covered by valid French or Spanish claims; much of which, being near populous settlements, had now become very valuable. Mr. C. especially specified certain lands of this class in the vicinity of St. Louis, which, he said, would sell at once for $10

per acre. Mr. C. in conclusion, moved to disagree to this amendment of the House.

Mr. CLAY of Alabama remarked that this clause was intended to apply to lands that had been reserved from sale, on the false suspicion that they were included in French and Spanish grants; and the honest individuals who were settled on them would have been entitled to pre-emptions under acts of 1833 and 1834, and were now entitled. We are only giving to these persons, said Mr. C. by the amendment, the same rights they would have acquired, but for the false suspicion that the tracts settled by them were covered by French and Spanish grants. It was very questionable with him whether these individuals were not already entitled, whether the amendment was adopted or not, because they were settlers on the public lands; and the pre-emption laws embraced all the public lands.

The question was then taken on the motion of Mr. CLAY of Kentucky; and it was carried—yeas 24, nays 19, as follows:

YEAS—Messrs. Bayard, Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, King, Knight, McKean, Merrick, Niles, Pierce, Prentiss, Preston, Roane, Robbins, Strange, Swift, Tallmadge, Tipton, Wall, White, and Williams—24.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Fulton, Grundy, Hubbard, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Rives, Robinson, Sevier, Smith of Connecticut, Trotter, Wright, and Young—19.

The question was then on concurring with the amendments of the House as amended, and it was decided in the affirmative—yeas 42, nays 2, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Trotter, Wall, White, Williams, and Wright—42.

NAYS—Messrs. Robinson and Young—2.

After the consideration of Executive business, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 20, 1838.

PATENT OFFICE.

As soon of the journal was read,

Mr. FLETCHER of Vermont asked Mr. ADAMS (who was entitled to the floor) to yield to him for a moment to make a motion, to which Mr. A. assenting, and unanimous leave being granted by the the House,

Mr. F. said he wished to call the attention of the House to the bill reported by him from the Committee on Patents, in addition to "An act to promote the useful arts." It was a public bill of considerable importance to the facility of the business of the Patent Office, though it only involved a few hundred dollars of expense. Its consideration would not occupy more than half an hour, and he would move to make it the order for Friday next, after the morning business was disposed of, for the space of half an hour only.

Mr. WHITTLESEY of Ohio objecting, the motion was propounded, but it was disagreed to—two thirds not voting in the affirmative.

Mr. HAMER, on leave, presented a petition from an individual who had been brought to this city from N. W. Ohio, by the officers of Government, to testify in a late case, setting forth that the officers of the Government declined to pay him, on the alleged reason of a want of power, and that he was now here without the means of returning home. The petition was, on Mr. H's motion, referred to the Committee of Claims.

TEXAS.

Mr. ADAMS resumed his remarks on the report of the Committee on Foreign Affairs, on the subject of the annexation of Texas. The question pending being on the motion to recommit, with instructions, by Mr. CUSHING and Mr. THOMPSON, as heretofore printed. Mr. A. had not concluded when the orders of the day were called for.

On motion of Mr. BOON, the House took up the Senate's amendment to the third amendment of the House to the "pre-emption right bill," which relates to the Spanish grants.

Mr. HARRISON of Missouri, said he would not jeopardize the bill by insisting on the House's amendment, though he could not help adverting to the partiality of excluding the class of settlers embraced in that provision, and he would avail himself of this occasion to say that he would take an early opportunity of bringing it before the House.

The amendment of the Senate was then concurred in.

INDEPENDENT TREASURY.

On motion of Mr. CAMBRELENG, the House again went into Committee on the Union, on the "bill to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue."

The question was on the motion of Mr. GARLAND of Virginia to strike therefrom the enacting clause, and that gentleman being entitled to the floor, gave way, at his solicitation, to

Mr. BRONSON, who, on leave, laid on the table the following amendment he proposed to submit when in order:

Strike out all of the twentieth section, and insert in lieu thereof as follows:

SEC. 20. *And be it further enacted*, That from and after the passage of this act, the operation of the following parts of acts or provisions of law now in force, shall be, and the same are hereby, suspended for the space of two years, to wit: so much of the act of June 23, 1836, entitled "*An act to regulate the deposites of the public money*," as provides that the notes or bills of any bank which has, since the 4th July, 1836, issued any note or bill of a less denomination than five dollars, shall not be received in payment of any debt due to the United States; and so much of the act entitled "*An act making appropriations for the payment of Revolutionary and other pensioners of the United States for the year* 1836," passed 14th April, 1836, as provides that no bank note of a less denomination than twenty dollars shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department.

Mr. GARLAND then proceeded, and addressed the committee at great length in opposition to the principle of the proposed measure, and in support of the State bank system. He first replied to Mr. CAMBRELENG, and questioned the conclusions to which that gentleman had arrived, especially that wherein he had affirmed that, while the Independent Treasury system was in full force, the prosperity of the country was fast returning to its wonted condition. Mr. G. then went on to reply to Mr. PICKENS, and asserted that that gentleman had made a false issue. The contest was not between the banks and the people, but between the Government and the banks, the former being in the situation of the wolf in the fable, which, being up the stream, quarrelled with the lamb which was below for muddying the water: the banks were in the situation of the lamb.

Mr. G. then went into a variety of statements and statistical details in support of the positions assumed by him, and expatiated at great length upon the evils that he felt would accrue from the adoption of the divorce scheme, which, he contended, would be the perpetuation of a connection far more dangerous than had ever grown out of that of Government with the banks.

The House then took its daily recess.

EVENING SESSION.

The House met, according to the order, at half past three o'clock, and went into committee upon the

INDEPENDENT TREASURY BILL.

Mr. DROMGOOLE went into an argument at length in favor of the principles of the bill. He urged the impropriety of being governed by precedent and usage against the light of experience, and in opposition to new convictions of truth and duty. He then went into an extended examination of the principles of taxation and expenditure, and reviewed with great force the opinions of able political economists upon the general subjects of collecting, keeping, and disbursing, the national revenue. The different arguments upon these topics were brought to bear favorably upon the principles of the bill, and were supported by quotations from the most correct authorities upon subjects of financial measures.

Mr. S. S. PRENTISS then took the floor, and suggested that he desired to address the committee. He said if the committee desired to rise, he would postpone his remarks till to-morrow, but he was willing to go on, in part, then.

Mr. WISE moved that the committee rise; which motion was decided in the negative—yeas 62, nays 65.

Mr. PRENTISS then proceeded to offer some remarks in opposition to the bill; when, after continuing some time, he gave way to

Mr. WISE, who again moved that the committee rise; which motion prevailed.

The committee then rose and reported progress.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives of the United States:

I transmit, in compliance with a resolution of the House of Representatives of the 11th inst, reports from the Secretary of State, Treasury, and War, and the documents referred to by them respectively. It will be seen that the outrages committed on the steamboat Sir Robert Peel, under the British flag, within the waters of the United States, and upon the steamboat Telegraph, under the American flag, at Rockville, in Upper Canada, have not been followed by any demand of either Government on the other for redress. These acts have been so far treated on each side as criminal offences, committed within the jurisdiction of tribunals competent to inquire into the facts, and to punish the persons concerned in them. Investigations have been made, some of the individuals inculpated have been arrested, and prosecutions are in progress, the result of which cannot be doubted. The excited state of public feeling on the borders of Canada, on both sides of the line, has occasioned the most painful anxiety to this Government. Every effort has been, and will be, made to prevent the success of the design apparently formed, and in course of execution by Canadians who have found a refuge within our territory, aided by a few reckless persons of our own country, to involve the nation in a war with a neighboring and friendly power. Such design cannot succeed while the two Governments appreciate, and confidently rely upon, the good faith of each other in the performance of their respective duties. With a fixed determination to use all the means in my power to put a speedy and satisfactory termination to these border troubles, I have the most confident assurances of the cordial co-operation of the British authorities, at home and in the North American possessions, in the accomplishment of a purpose so sincerely and earnestly desired by the Governments and people, both of the United States and Great Britain.

M. VAN BUREN.

WASHINGTON, June 20, 1838.

On motion of Mr. BRONSON, the message and accompanying reports were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HAMER, by general consent, offered the following resolution, which was adopted:

Resolved, That the Committee on Private Land Claims inquire into the expediency of allowing Richard F. Barrett to perfect by purchase his claim to fractional section 4, in township 4 north, of range 9, west of the 4th principal meridian, in the State of ———

On motion of Mr. GRENNELL,

The House adjourned.

IN SENATE,

WEDNESDAY, June 20, 1838.

Mr. BUCHANAN presented three memorials from the citizens of Philadelphia and Philadelphia county, all praying for the immediate passage of the Independent Treasury bill, and remonstrating against the establishment of a Bank of the United States: laid on the table.

Mr. WHITE presented the petition of Jacob Peck and others, praying an alteration in the time of holding the terms of the Circuit Courts of the

United States for the eighth district of Tennessee: referred to the Committee on the Judiciary.

Mr. KING presented documents relating to the petition of Samuel H. Thorpson; which were referred to the Committee on Naval Affairs.

Mr. CLAY of Alabama, presented the petition of sundry commanders of steamboats and others engaged in the navigation between the cities of New Orleans and Mobile, asking the establishment of light-houses and light-boats on Dauphin Island, and other points to render the navigation between those cities more safe: referred to the Committee on Commerce.

Mr. KNIGHT, from the Committee on the Post Office and Post Roads, reported a bill for the settlement of the accounts of Wm. B. Stokes, surviving partner of Stockton and Stokes, and surviving partner of J. N. C. Stockton, accompanied by a report; which was ordered to be printed.

Mr. TIPTON, from the Committee on Roads and Canals, reported the bill from the House making appropriations for certain roads in the Territory of Wisconsin, with amendments, and gave notice that he would, on Friday next, ask to consider the same.

Mr. RIVES, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the petition of Horatio N. Crabb, of the Marine Corps; which was concurred in.

Mr. R. from the same committee, also reported the bill from the House of Representatives for the relief of Elizabeth Champney, without amendment; but gave notice that when it came up he should move for its indefinite postponement.

Mr. BENTON, from the Committee on Military Affairs, reported the bill from the House of Representatives authorizing the Secretary of War to purchase a site for a magazine in the District of Columbia, and a keeper's house, without amendment.

Mr. TALLMADGE, from the Committee on Naval Affairs, reported the bill from the House of Representatives for the relief of Gratia Ray, without amendment, and recommended its passage.

Mr. MOUTON moved that the bills relating to private and public land claims, be considered on Friday; many of which, he said, it was right should be acted on at once.

Mr. KNIGHT did not know what there was in these bills to entitle them to preference. Why not let them take their places on the calendar?

Mr. MOUTON said he would not have asked to have taken them up, were he not convinced that they would not consume the time of the Senate. The most of them were very plain cases, not involving any principle likely to lead to discussion; but, at the same time, were highly interesting to a large portion of the community.

Mr. BENTON would inform the Senate that it was not a private bill which the Senator from Louisiana asked to be considered on Friday, but a whole class of bills, some of which had been before the country for the last thirty-four years in one shape or other; and he desired to have them taken up on that day.

Mr. TIPTON expressed his unwillingness to oppose the motion; but if Senators were to be indulged in taking bills out of the regular order, they would all be held to claim precedence. He was opposed to this mode of proceeding, unless for some very special reason.

Mr. NORVELL expressed his wish that the Senator from Louisiana should be gratified in having those bills taken up on the day named.

The question was then taken and agreed to.

The bill relating to the Orphans' Court of the county of Alexandria, in the District of Columbia, was read a third time, and passed.

Mr. GRUNDY said there was a bill laid on the table yesterday, at the suggestion of the Senator from Kentucky, in relation to the abolishment of imprisonment for debt in certain cases. Mr. G. expressed himself as favourable to the bill, and said that if it were to be passed this session it could not be acted on too speedily; and he, therefore, moved to take it up.

The question was on the amendment, viz: making the matter correspond with those States where the said abolition of imprisonment had in whole or in part been abolished.

Mr. PRESTON opposed the amendment at some length. He thought its action would not be equal. He wished legislation to be on one broad, general, and uniform principle, not partial in its operation. He was opposed to the amendment for that reason, and he was also opposed to the whole principle of the bill. He thought we were getting wise and humane beyond the experience of the age; and if such a bill were passed, it would be doing a manifest injury to the creditor. He desired gentlemen to look to the consequences likely to flow from such a system, and pause before they lent it their sanction. He would not give his vote for any bill advocating such a measure, and more especially one with such an amendment.

Mr. TALLMADGE would not go into a discussion of the general merits of this bill. The time of the Senate was too precious, at this juncture, to be taken up with protracted discussions of subjects on which the mind of every Senator was made up. He would ask the Senator from South Carolina if he was prepared to say that citizens travelling from different parts of the United States to that commercial emporium, New York, should be arrested and imprisoned for debt, as felons, through a process of the United States courts, when the State of New York herself had abolished the whole odious system? Yes, said Mr. T. the grand jury had already presented the cases of twenty-three citizens, incarcerated in the prison of New York, who were among strangers, and unable to procure bail.

Mr. BAYARD felt disposed to vote against the bill, because he conceived it useless legislation. The laws of the United States already provided for the cases of insolvents. If a man had property, he had to surrender that property; or, if he were without property, all he had to do was to present himself to the district judge, make oath of his inability in proper form, and the judge would grant him a certificate of discharge.

He took it for granted that no Senator would be willing to confine a man, who was unable to pay his debts—shut him up in prison until he was able. But if the law were dispensed with, the worst consequences would follow, and innumerable frauds take place under its provisions. There were species of property which could not be reached in any other way, than by retaining the laws of imprisonment for debt. A man might have ten times the amount he owed in his pocket, and laugh at his creditors. It was necessary to compel some persons to be honest, or, at least, to guard the honest creditor from fraud.

Mr. NORVELL said that the thanks of the country were due to the Senator from New York, [Mr. TALLMADGE,] for bringing forward this bill; and he only regretted that the measure did not precede, instead of following State legislation upon this important subject. He was sorry that it did not extend to States in which imprisonment for debt had not been abolished, as well as to States which had abolished it. The principle of imprisonment for debt was a remnant of barbarism, unworthy of the country and of the age. It ought not, for one moment, to be suffered to dishonor our statute books. It had been said that the bill would give rise to frauds. Sir, had the abolition of imprisonment for debt in Kentucky, increased the amount of fraud in that State. Had it not diminished it? Were not debts more easily collected; was not the whole business of the State in a better condition; had not a more nice sense of honor been introduced into the transactions between man and man, since Kentucky had erased from her code the barbarous principle in question, than had been the case before? Sir, it had been properly said by a friend to his right [Mr. NICHOLAS,] that the abolition of imprisonment had reduced the circle of debt. It had done so, and the results had been beneficial to the people, and to the prosperity of the State. He trusted that the bill would pass, and that its provisions would soon be rendered universal by the legislation of the American Congress.

Mr. BAYARD said, in reply, he was not advocating imprisonment for debt as a punishment; that, he admitted, would be a relic of barbarism; but as the means of securing the honest creditor from the fraudulent debtor. The Senator from New York had said that persons were imprisoned as felons; that he apprehended could not be the case; the prison bounds of New York, he believed, were extended to the precincts of the whole city.

Mr. TALLMADGE said he alluded to those citizens who, when travelling to the city of New York, had been arrested on *mesne* process, and being strangers, were alike unable to give bail for their appearance, or for the privilege of the bounds, and were consequently shut up in close confinement as felons were.

The question was taken on the amendment, and it was adopted.

The bill was further amended at the suggestion of Mr. PRENTISS, when

Mr. SEVIER asked for the yeas and nays on its engrossment; when there appeared for the measure 36, against it 4, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, McKean, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Tipton, Wall, White, Williams, and Wright—36.

NAYS—Messrs. Bayard, Clayton, Preston, and Roane—4.

On motion of Mr. NICHOLAS,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing for the temporary landing and warehousing of the cargoes of such vessels as may enter the ports of the United States, after having been warned off the coast of Mexico by the blockading squadron.

On motion of Mr. KING,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Springfield, Sumpter county, in the State of Alabama, to Benevola, Bowman's Mills, Carrollton, and Yorkville, to Columbus, in the State of Mississippi.

Mr. GRUNDY introduced a resolution, which lies over one day, in relation to changing the hour of meeting of the Senate to 11 o'clock.

NORTHEASTERN BOUNDARY.

The Senate resumed the consideration of Mr. WILLIAMS's motion for leave to bring in a bill to provide for the survey and determination of the Northeastern boundary of the United States according to the treaty of 1783.

The debate on this subject was continued by Messrs. CLAY of Kentucky, BUCHANAN, DAVIS, WRIGHT, CALHOUN, and RIVES.

Leave was granted, and the bill was introduced and read twice.

Mr. WRIGHT moved to refer it to the Committee on Foreign Relations.

Mr. WILLIAMS said that, considering the importance of the question to Maine, and that her Senators and Representatives were requested by her Legislature to urge the passage of the bill which had then been read, he felt it to be his duty to move its reference to a select committee. Mr. S. did this without intending the least disrespect to the Committee on Foreign Relations, to which the Senator from New York had proposed the reference, and to which, under other circumstances, there would be an obvious propriety in committing the bill. But it could not have escaped the notice of the Senate that the chairman of the Committee on Foreign Relations, in the course of the debate, had stated his opinion that if the bill should go to that committee it would probably keep it without making a report, or report it back to the Senate with notice that, when it should come up for consideration, he would move its indefinite postponement. With this frank avowal of the sentiments of the chairman of that committee, it would be a dereliction of duty on his part to consent that the bill should go to a committee from which there was no prospect of a favorable report; and, for this cause, he moved the reference of the bill to a select committee.

Mr. DAVIS advocated its reference to a special committee, on the ground that the chairman and another most prominent member of the Committee on Foreign Relations had already declared themselves hostile to the bill, and that both courtesy and

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JULY 2, 1838. VOLUME 6.....No. 30.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[Continued from No. 29.]

equity demanded that it should at least go to an impartial committee.

Messrs. WRIGHT, RIVES, CALHOUN, and BUCHANAN, advocated its reference to the Committee on Foreign Relations, on the ground that it involved questions of high import in regard to our foreign relations.

Mr. CLAY of Kentucky urged that it should take that course which, if possible, should obtain the unanimous approbation of the Senate; union of action being more important than any particular manner of action.

Mr. WILLIAMS said that he would gladly yield to the wishes expressed by Senators, and withdraw his proposition to refer this bill to a select committee, and thereby secure that unanimity of action upon this important subject which Senators regard as exceedingly desirable; but seeing the fate that awaits the bill, if referred to the Committee on Foreign Relations, he could not comply with those wishes without disregarding the instructions of his State, under which he was acting. Whatever might be the decision of the Senate upon the question of reference, he should be disposed to acquiesce in it; and he felt confident that Maine would see in the discussions that had been had upon the question of her boundary, a disposition in the Senate of the United States to understand the merits of her claims, and a patriotic and resolute determination to maintain them and the integrity of the State to their full extent.

The bill was referred to the Committee on Foreign Relations.

The Senate adjourned, after an Executive session.

HOUSE OF REPRESENTATIVS,

THURSDAY, June 21, 1838.

Mr. HOFFMAN asked to be excused from serving on the select committee appointed on the memorial of Mr. Blair. Mr. H. stated, as a reason for the request he made, that he was now a member of the Committee on Foreign Affairs, and if the question now under consideration on the report of that committee should prevail, the reading, considering, and digesting of so many memorials, remonstrances, resolutions, and other papers on the subject of the annexation of Texas, would consume a great deal of their time for the balance of the session. Moreover, there was much other business before that committee, in which his constituents were deeply interested, and for these reasons, therefore, he prayed the House to excuse him, which was agreed to, and the vacancy directed to be filled up.

Mr. HAMER asked a similar favor of the House, not on the ground of having much press of business upon his hands, but because he expected to be absent before the end of the session. Mr. H. was consequently excused, and the vacancy ordered to be filled by the CHAIR.

Mr. PAYNTER, on leave, presented a petition from Philadelphia, as was understood, in favor of the Sub-Treasury bill, and the proceedings of a public meeting against it, which were referred to the same Committee of the Whole having charge of that bill, and ordered to be printed.

Mr. YORKE, also, on leave, presented a petition.

TEXAS.

Mr. ADAMS resumed his remarks in opposition to the report of the Committee on Foreign Affairs on the annexation of Texas, and in support of the motion to recommit it with certain instructions as heretofore printed. Mr. A. again gave way, without concluding to the orders of the day.

The amendment of the Senate (being merely a verbal one) to the bill relating to the Orphan's Court of Alexandria, in the District of Columbia, was, on motion of Mr. CAMBRELENG, concurred in.

INDEPENDENT TREASURY BILL.

The House again went into Committee of the Whole on the state of the Union, Mr. CONNOR in the chair, on the above bill, the pending question being on striking out the enacting clause.

Mr. PRENTISS of Mississippi, who was entitled to the floor, gave way to

Mr. DUNCAN, who, by leave, laid on the table the following amendment, which he gave notice he should move to that of Mr. THOMPSON, heretofore printed:

Provided, That in no event shall any bank be selected as a depository of the public money, or the notes of any bank be received in payment of the public dues, in which bank any member of Congress is a stockholder, or of which any such member is an officer, director, agent, or attorney, at the time of the passage of this act, or at any time when solicitations of banks as depositories are to be made, or the notes of banks tendered in payment of the public dues; and if, after any bank has been selected as a depository, or the notes of any bank have been received in payment of the public dues, any member of the present Congress, or any member of Congress for the time being, shall become a stockholder in, or an officer, director, agent, or attorney, of such bank, it shall be the duty of the Secretary of the Treasury forthwith to discontinue such bank as such depository, and to discontinue the receipt of the notes of such bank in payment of the public dues.

Mr. PRENTISS then resumed the course of his remarks in opposition to the bill, and, without concluding, continued till the House, at two o'clock, took the usual recess.

EVENING SESSION.

At the usual hour the House met, and went again into Committee for the consideration of the

INDEPENDENT TREASURY BILL.

Mr. PRENTISS resumed, and continued to address the committee, till near six o'clock, when he concluded.

Mr. RHETT then took the floor, and moved that the committee rise, but consented to withdraw the motion, if Mr. HUNTER, who rose at the same time, was prepared, and desired to go on at that time.

The motion to rise, being called for, was put; and being taken by tellers, they reported ayes 67, noes 66. The CHAIR voted in the negative; so the motion to rise was lost.

Mr. HUNTER then proceeded for some time to address the committee in favor of the bill; when he gave way to

Mr. HOPKINS, who moved that the committee rise, which motion prevailed.

On motion of Mr. DUNCAN, the amendment, proposed by him, to be offered when it should be in order, was ordered to be printed.

Mr. SHEPLER presented a memorial, which referred to the Committee on Claims.

On motion,

The House then adjourned.

IN SENATE,

THURSDAY, June 21, 1838.

The journal of the Senate having been read,

Mr. LUMPKIN rose from his seat and said:

Mr. President, I have, through a long course of public life, generally borne in silence the many gross misrepresentations which have been levelled against my character through the medium of newspapers. I have relied upon my conduct as sufficient to put down false imputation and slander. But a case has now arisen which, to my mind, demands my notice.

From the time I took my seat in the Senate up to the present morning, nothing which I have said in debate here has been correctly reported in the columns of the National Intelligencer, except when corrected by myself. I have not only on several occasions been represented to speak *nonsense which I never uttered*, but more than once what I did say has been so perverted, as directly to *reverse* my real opinions. But having no personal unkind feelings to either editors or reporters of that paper, and knowing of no cause of unkind feelings from them to me, I have passed over these errors in a spirit of forbearance, and without public complaint. I have, however, read in the Intelligencer of this morning, what purports to be a report of the discussion which took place in the Senate, on the 7th instant, on the bill making appropriations for the suppression of Indian hostilities; and so far as my name is connected with the report, manifest injustice has been done me. I am not only presented in a manner to place me out of my true position, on that occasion, but I am represented as having contradicted myself in the presence of this Senate, by alternately admitting, and denying, that the propositions of the Secretary of War, were intended to allow the Indians two years longer time to remain in the States. *This is wholly false.* I contended throughout the whole discussion, that the object of the Government in trying to conciliate Ross, was not to delay, but rather to hasten the removal of the Indians in peace, and that the only time asked from the States was that which might be required by *humanity*, and a due regard to the reasonable comfort of the Indians.

Moreover, the debate, as reported in the Intelligencer, seems to place me in the light of having unkindly attacked the Governor of Georgia, and of having provoked a reply from the Senator from South Carolina, [Mr. PRESTON.] Now I appeal to the Senate, and to you, Mr. President, to say whether the whole of my remarks were not in the nature of a reply to the Senator from South Carolina, as heretofore reported under my own correction. And to this Senate I appeal for the accuracy of the report, as corrected by myself. My remarks consist chiefly of a statement of facts, no one of which, as sanctioned by me, has or can be controverted.

I should not have said a word on the occasion referred to, but for the remarks of the Senator from South Carolina, which I considered as having an unjustifiable bearing on the Administration as well as myself.

My object was, in the discussion referred to, to place all the important facts before the Senate and the country—without any design whatever to act unkindly to any one whatever. And I now in my place, defy any human being whatever, to controvert successfully the truth of any fact stated in my remarks on the subject, as reported under my own correction. I will not quietly suffer myself on this subject, to be borne down by newspaper imputations and insinuations, founded in falsehood, and a spirit of misrepresentation. If I have erred in this whole matter, (which I deny,) I ask for direct and tangible charges. I am ready to meet all such charges.

Mr. McKEAN presented the proceedings and resolutions of a meeting of Democratic citizens of the city and county of Philadelphia, on the subject of the Independent Treasury bill pending before Congress, the nomination of David R. Porter for the office of Governor, and the interference of Government office holders in primary assemblies of the people: ordered to lie on the table and be printed.

Mr. BUCHANAN presented four memorials from citizens of Philadelphia county and city, in favor of the passage of the Independent Treasury bill, and against the incorporation of a National Bank: laid on the table.

Mr. WALL presented the petition of Marshal A. Mathias, praying to be indemnified for the loss of a schooner, wrecked while engaged in transporting provisions for the United States: referred to the Committee on Pensions.

Mr. MORRIS presented the petition of certain citizens of Ohio, asking for the establishment of a post route: referred to the Committee on Post Offices and Post Roads.

Mr. M. also presented documents, relating to the claim of Catharine White, which were referred to the Committee on Pensions.

Mr. KING presented the petition of W. W. Fry, praying to be allowed to import two iron

steamboats free of duty: referred to the Committee on Finance.

Mr. TALLMADGE submitted the following, and asked for its consideration at that time:

Resolved, That the use of the Senate Chamber, between the hours of 9 and 11 o'clock, a. m. on Friday next, be allowed to Doctor Sherwood and Doctor Dwight, for the purposes of explaining and demonstrating the discovery which the former conceives he has made of the laws which regulate the variation of the magnetic needle, and of the means of thence deducing at any time, by a simple and infallible process, the latitude and longitude of any point on the globe.

Mr. NORVELL rose to inquire whether the Hall had ever been opened for such purposes before? If it had not been, he was opposed to opening it on the present occasion.

Mr. TALLMADGE did not anticipate any objection, particularly as the hours were such as not to interfere with their duties. The machine was a most extraordinary one, and if it turned out to be what it was represented, would prove a great acquisition to the cause of science.

Mr. KING saw no necessity for granting the Hall; if it were intended for the Senate only, it might not make much odds; but if it were to be public, it might lead to the derangement of the papers and documents with which the desks at present abounded. That the machine was a very extraordinary one, he was willing to admit; still he thought that the granting of the Hall would be of no advantage to the inventors or the public, while it would lead to the misplacing of papers, &c.

Mr. SEVIER said he objected to it. If the Hall were once opened, they would be continually pestered by applications for abolition lectures, and other things of that kind. He was for keeping the Hall for what it was originally designed.

Mr. NILES, presented resolutions of the General Assembly of the State of Connecticut, requesting their Senators to procure the passage of a law to indemnify the citizens of the United States for losses sustained by them from the French, prior to 1800: laid on the table.

Also, a preamble and resolutions relating to the right of petition, and requesting their representatives to use their best endeavors to have the resolutions of the House rescinded relative to petitions on the subject of domestic slavery: laid on the table.

Also, to use their best endeavors to procure an amendment of the Constitution of the United States, so that the nominating, appointing, or removing any officers of the United States, except naval and military officers, ambassadors, public ministers, and consuls, shall not appertain to the office of President of the United States, but be vested and exercised in some other manner: ordered to lie on the table, and be printed.

Also, declaring it to be the will of the said State that their Senators and representatives vote against the Independent Treasury bill, now pending before Congress, and instructing them to vote accordingly: ordered that they lie on the table.

Mr. NILES offered a resolution of the General Assembly of the State of Connecticut, instructing the Senators and Representatives of that State in Congress, that it was the *will* of the Legislature of the State, that they vote against the Sub-Treasury bill.

Mr. NILES remarked, that from the importance of the measure to which this resolution referred, as well as from the peculiar character of the resolution itself, he considered it a duty to detain the Senate with some observations, in explanation of the course he felt bound to pursue, and the considerations which had influenced his determination. It was well known that the bill referred to, was now under consideration in the other branch of Congress, or the bill reported by the Committee of Ways and Means of the House; and should that bill receive the favorable action of that branch of Congress, it would of course come here for the action of the Senate. And from the known sentiments of this body on the question, it was apparent that the fate of the bill would depend on his vote, and that of his colleague. In this view of the subject, the resolution he had to submit to the Senate had thrown upon him and his colleague a heavy responsibility. Of the magnitude of this responsibility, he believed they were fully sensible. Deeply impressed with it, he and his colleague had consulted together, and calmly and deliberately reflected on the course which they ought to pursue under the circumstances in which they found themselves placed.

The measure in question had agitated the public mind for more than a year; it was almost universally regarded as one of vital importance to the currency and business of the country, as well in its bearing on the financial interests of the Government. Its fate might depend on his vote, and that of his colleague; the country therefore, as well as their State, may have a deep interest in the vote they may give; their immediate constituents had no more interest in this measure than the country at large, and the vote he and his colleague might give was of equal importance to the whole country as to them. It was this consideration, which induced him to trouble the Senate with the matter. Under other circumstances, the resolution he had to present would have raised a question between himself and his colleague, and their constituents only. As it is, the country, as well as the State he had the honor to represent, have a direct and important interest in the vote he might feel it a duty to give.

His own opinion, and that of his colleague, were well known on this subject; if at liberty to act according to their own judgments, it was apparent what that action would be. Ought this act of the Legislature of the State to overrule and control their action? This was the question upon which he and his colleague had reflected seriously and anxiously, and with a deep sense of the responsibility of their situation. The result of these reflections, and the reasons and considerations on which those results rested, he proposed to submit to the Senate and the country. If there is any principle of acknowledged authority by which his vote ought to be controlled, then the country, as well as his State, is entitled to the benefits to such principle, which, under the circumstances of the case, would defeat the bill referred to, should it come before the Senate. If there is no such principle, then the country, as well as his constituents, were entitled to his vote, to be given according to his own judgment. Or, if there be any such principle, yet if the resolution he had to present does not come fairly and fully within the principle, then his constituents and the country had a right to his vote, according to his own best judgment.

The resolution he presented was of an unusual character, and not only raised the general question of the authority and binding force of the doctrine of legislative instruction, but other questions growing out of the peculiar character of the resolution, and the circumstances under which it was adopted. Its phraseology was unusual, he believed unprecedented; and, he was sorry to have occasion to add, bore on its face evidence of studied and intentional ambiguity. It is neither a request, nor an instruction, in the common language, but an instruction of what is the *will* of the Legislature. But, on the passage of the resolution, an amendment was offered expressly asserting the *right* of instruction, which was voted down by the same majority that voted for the resolution. It is a resolution coming from a Legislature which expressly denied all right and authority to pass it; which, in the very act of its passage, disavows the principle by which alone it could possess any authority, or binding force.

Sir, (said Mr. N.) to permit such a proceeding as this to control his vote would be to suffer himself to become an instrument to destroy the principle of instruction itself. It would be to give a sanction to a gross perversion and palpable abuse of a popular doctrine, which, when properly understood, and fairly and honestly applied, he sincerely respected. The Legislature deny the right of instruction, and then pass a resolution couched in such equivocal terms, that whether they regarded it as instructing us or not, it is evident they intended, or at least supposed, we might so regard it. He had witnessed such a proceeding with pain and regret, and would not speak of it in the language it deserved. It was, in his judgment, unworthy of an enlightened and intelligent Legislature, and inconsistent with that frankness and fairness which ought to characterize every act of legislation.

To present a more full and complete view of his sentiments and those of his colleague, he should be obliged to trouble the Senate with reading a response to the resolution, addressed by himself and his colleague to the majority of the Legislature. He was aware that from its length it would be tedious to the Senate, yet the responsibility which the resolution had thrown upon him and his colleague, and their desire to place themselves right before their constituents and the country, or at least fully to explain the considerations which would influence their action, he must offer as an apology. The letter would form a part of his speech; and as his friend from Missouri [Mr. BENTON] often tells us that he will speak from a book, he (Mr. N.) would speak from the paper he held in his hand. Mr. N. then read the following paper, making some explanations and remarks as he proceeded:

WASHINGTON, *June*, 1838.

To the majority of the General Assembly of Connecticut, who voted for a resolution to instruct the Senators and Representatives of the State in Congress that it was their will that they should vote against a bill commonly called the Sub-Treasury bill.

GENTLEMEN: We have each of us received from his Excellency the Governor, a certified copy of the resolution above referred to; the extraordinary character of which, and the condition in which it has placed us, as the representatives of the State in that branch of Congress to which the principle of instruction is supposed to be more appropriately applicable, have, in our judgment, rendered it necessary for us to explain to you and to the people of the State our views on this subject, and the considerations which will influence our action under the circumstances in which we find ourselves placed by the aforesaid act of the General Assembly.

The resolution is in the following words:

"Whereas, a bill called the Sub-Treasury, or Independent Treasury bill, is now pending before Congress; and whereas said bill, in the opinion of this Assembly, is in its character and tendency contrary to the spirit of our free institutions, dangerous to our liberties, and destructive of our dearest interests; and will, if passed into a law, still further derange the currency, prostrate business, spread ruin and desolation through all classes of society, and change the present distress into a settled and deep-rooted despair:

"And whereas, if said bill becomes a law, it will provide one currency for office holders and an inferior one for the people: therefore,

"*Resolved*, That it is the *will* of this General Assembly that our Senators and Representatives in Congress vote against said bill, or any other containing similar provisions, and use all legal and proper means to prevent the passage thereof; and that they he, and they hereby are, so instructed."

This resolution is couched in unusual and awkward terms; the reason of which we might have been unable to discover, was it not for the history of the proceeding.

We find the following report of the proceedings on this resolution in the House of Representatives:

"Mr. CLEAVELAND moved to take up the resolution *partly instructing*, and *partly* not *instructing*, our Senators and members of Congress in relation to the Sub-Treasury bill. It was taken up, and Mr. C. moved to amend the resolution so as to read: '*Resolved*, That inasmuch as this Assembly recognises the right of instruction;' when Mr. TYLER rose in an instant, and said he was opposed to the amendment, and that the resolution, as reported by the committee, recognised no such right; neither did the House intend to recognise the *odious doctrine* of the right of instruction. Mr. CLEAVELAND said he little thought the proposition would set the gentleman into such a feverish excitement. He was in hopes the gentleman would have been easy one moment, for him to explain his object in offering the amendment. Why, the gentleman says the resolution does not recognise the right of instruction—the odious right, as he calls it. He was obliged to the gentleman for his sagacity in making the discovery. He announced it with an air of great self-importance, as though no one else knew its meaning. What does the gentleman think I offered the amendment for? He said he knew very well that the resolution recognised no such right, and that was the reason which induced him to offer the amendment. He said he only wished to know what the House intended by the passage of the resolution, and if they decided it was not to *instruct*, he should be satisfied. He concluded by calling for the yeas and nays; which was lost. Mr. MCCURDY then moved to lay the amendment on the table. The CHAIR decided that the motion was out of order, and stated that the gentleman unquestionably had the right of the decision of the House on the amendment. Mr. CATLIN then moved to amend the amendment, which the CHAIR decided out of order. Question on the amendment of Mr. CLEAVELAND lost, by a *party vote:* resolution then passed by 151 to 32."

It thus appears that the amendment offered to the resolution was violently opposed by some of you, and was negatived by nearly the same mem-

bers who subsequently voted for the passage of the resolution. This amendment asserted the *right* of the Legislature to instruct the Senators of the State in Congress, and the existence of the right on the part of the Legislature is claimed to carry with it the consequent obligation, on the part of the Senators, to obey. By voting down this amendment, you expressly *deny the right* of the Legislature to instruct; and, after recording this denial on your journal, you immediately proceed to exercise the very power which you had expressly declared that you did not possess. It would seem, therefore, that the unusual language of the resolution was to be accounted for from the embarrassment of your situation, being about to do an act which you had expressly declared you had not the right to do.

There are two forms of resolutions of this kind; one simply *requesting* the Senators to support and vote for a particular measure; or to oppose and vote against a particular measure; the other, in express terms, to instruct them to do the same thing. This is not a mere difference in form or language, but a difference in substance; as a parliamentary meaning and import have become attached to the word "instruct," when used in resolutions of this kind. It would be wanting in respect for your intelligence to suppose that you were ignorant of this distinction. Moreover, we have received copies of three other resolutions, passed by the same Legislature, all of which are in the common form of a simple request; one is in these words:

"*Resolved*, That the members of the Senate of the United States, and the Representatives in Congress from this State, be *requested* to use their influence to procure the passage of a law to indemnify the citizens of the United States for losses sustained by them from the French prior to September 30, 1800."

It is evident, therefore, that you were well acquainted with the forms usually employed in such proceedings, and understood well the substantial difference between a resolution of instruction and one of mere request. Why, then, we must be permitted to ask, was this resolution drawn up in such unusual phraseology? Why were we told "that it was the *will* of the General Assembly that our Senators and Representatives in Congress should vote against said bill?" If it was intended to instruct us, why was it not done in express terms and in the common form which practice has sanctioned? If nothing more was meant than to request us to vote against said bill, why did you not say so in express terms? Was language so unusual and equivocal made use of with the expectation that *we* might regard it as an express and positive instruction, whilst *you* might put a different construction on the language, and avoid committing yourselves on the right of instruction? Was it your object to control our action by the application of a principle which you may have supposed *we respected*, but which *you* disavowed, and even regarded as an "odious doctrine?" We are unwilling to believe this, as it would be a course of finessing and quibbling wholly inconsistent with those undisguised purposes, and that frank and honest course of proceeding, which should always characterize every act of legislation. Yet, with all possible respect to the General Assembly, we feel constrained to say that the unusual and ambiguous phraseology of the resolution, and the circumstances before referred to, attending its adoption, seem to authorize this opinion.

But whatever may have been the motive which induced the peculiar phraseology of the resolution, the prompt rejection of the amendment, by the same members who passed the resolution, would seem to be conclusive evidence that you did not believe in the right of instruction. You have in the most explicit manner so declared. It then follows, as a necessary conclusion, either that you did not consider the resolution as an instruction, which was to be obligatory upon us, or that you have attempted to exercise a power, which you had expressly declared, you did not possess. The respect which we feel for the majority of the General Assembly, would induce us to adopt the former branch of the alternative, and consider that you intended the resolution as nothing more, than an expression of the opinion of the Legislature, which was not designed to be binding upon us.

In this view of the subject our course is a plain one, as we are very ready to say, that this solemnly expressed opinion of the Assembly will receive from us all the consideration to which it is entitled; and in case we should be in any degree doubtful as to the course which the interests of the State and the Union required us to pursue, in regard to the measure referred to, the opinion of the Legislature would have a controlling influence on our judgments. And so far as the General Assembly has given any reasons for their will or opinion, they will also be duly weighed, and the opinion expressed will be either strengthened or weakened, according as those reasons shall appear to be well founded or not. More than this, we apprehend, the General Assembly will not expect, if their object was what we have supposed it to be.

But as it is possible that we may be mistaken in the view we have taken of the subject, and that you did intend the resolution as an instruction, binding on the Senators and Representatives, it becomes necessary for us to go farther, in explaining the course we feel bound to pursue. If such was the intention of the majority, it will then appear that you have attempted to control the action of the Senators and Representatives of the State, by the application to them, of a principle, the justice and propriety of which you disavow, and even hold to be odious.

From your hostility to a particular measure, you have attempted to take away that freedom of action which you admit justly belongs to them; and to accomplish this object, you have presumed to exercise a power which you admit you do not possess. You have even attempted to instruct and control the votes of the immediate representatives of the people; a power which is no where claimed as belonging to the Legislature. It is surprising to us that you did not foresee the obvious objections to a proceeding so extraordinary. It is wonderful you did not perceive that the disclaimer of the right to instruct, on the part of the Assembly, took away all obligation on the part of the instructed to obey. The entire doctrine of instruction rests on the principle of the *right* of the Legislature, as the constituent body, to control the action of the Senators of the State, as it agents or representatives. It is, so far as respects a particular measure, a withdrawal or reclamation of the trust delegated by the original appointment. The Legislature takes back the trust into their own hands, and absolves the Senators from all responsibility, and assumes the same themselves. As it assumes the duty of the Senators, it necessarily assumes all the responsibility which pertained to that duty. It is not our purpose here to examine the soundness of this doctrine, but only to explain what it is, and the principle on which it rests. The whole depends on the *right* of the Legislature to instruct, and if that is denied, the whole doctrine falls to the ground; and any attempt to exercise such a power, can be regarded in no other light than a usurpation, involving a flagrant violation of the rights of the Senators, and of the people of the State whose representatives they are. The injustice of attempting to exercise this power, when not founded on the acknowledged right of instruction, will be more manifest by looking a little farther into the subject. The Legislature is not the constituent body of the Senators, but the whole people of the State. The right of instruction exists, if at all, not in the General Assembly, but in the people, and could be exercised by you for their benefit only. Where such right is generally recognised by the people, the representatives in the Legislature of a State are elected with a view to the exercise of such power, if, in their judgment, there shall be occasion for it, as well as to attend to the local interests of the State. But where the people do not generally acknowledge the existence of the right of instruction, the attempt of their representatives to exercise such power, is a palpable act of usurpation. In such a case, it is truly an "odious doctrine."

Taking such to be the fact, what authority had you to attempt to assume our duty and our votes, and to dispose of them according to your judgment or caprice? If your constituents deny the principle of instruction, they can have conferred upon you no such power: they cannot be supposed to have conferred on their representatives powers which they do not claim to possess themselves. They do not admit your right to interpose between us and our duty; and we cannot, therefore, absolve ourselves from our responsibilities to them, on the ground that you, in violation of their rights, as well as ours, have instructed us how to act. They hold us directly responsible to them; and there is no way that we can avoid that responsibility, as long as they deny your right to interfere.

Is it then true, that your constituents do deny the right of instruction? Of this we think there is no doubt. Your own prompt disavowal of it must be regarded as nearly conclusive on this point; and especially as you did this at a time when it would have been very convenient, for the purpose you had in view, to have admitted the principle. But this you dared not do. We are not disposed to charge you with having, in this decision, disregarded the known will of your constituents; but must believe that it was a knowledge of their sentiments which constrained you to vote as you did on the amendment before referred to.

But we have other evidence of the sentiments of your constituents, whose opinions on this subject have been long known. In 1835, when the majority of the General Assembly were elected by that portion of the citizens of the State who, in the arrangement of political parties, constitute the Democracy, a resolution was passed instructing the then Senators in Congress to vote to expunge from the journal of the Senate of the United States a certain resolution condemnatory of the late President of the United States. This resolution was in the following words:

"*Therefore be it resolved by the Senate and House of Representatives in General Assembly convened*, That the Senators in Congress from this State be instructed, and they are hereby instructed, to vote in favor of rescinding and expunging from the records of the Senate the said recited resolution."

In the preamble to this resolution are the following words:

"And whereas, it is not only the right, but the duty, of the immediate representatives of the people, when the sentiments of their constituents are known in relation to any subject affecting their rights and liberties, to instruct the Senators of the State in Congress to conform thereto, so that they may truly and faithfully represent the people of this State."

This resolution of 1835 not only contains an instruction, in direct and positive terms, but also an assertion of the right of instruction on the part of the Legislature, and derives this right from the known sentiments of their constituents. It may also be stated here, that pending the election that year, the question of the right and propriety of instructing the Senators of the State to vote to expunge the resolution of the Senate of the United States referred to, was much discussed, was acted upon in primary meetings of the people, and formed an important consideration on which the election turned.

If in any case, therefore, instructions would be held obligatory on Senators, this was such a case. But notwithstanding all this, one of the instructed Senators—the Hon. Gideon Tomlinson—opposed the expunging of the aforesaid resolution of the Senate of the United States, in violation of such instructions from the Legislature; and soon after he was nominated by the same political party to whom you owe your election, as their candidate for Governor, and received the votes of that party at the election which took place in April, 1836. The General Assembly, in 1836, also passed a resolution instructing its Senators to vote to recognise the independence of Texas; and in the session of 1837, the said Tomlinson voted in disregard of his instructions, and soon after was nominated by the same political party for Congress, and received their votes in his district.

In these instances, a violation or disregard of instructions appears to have been considered by the political party who constitute your constituents, as a recommendation to favor and confidence rather than a political offence. We might refer to numerous other evidences of the fact that your constituents totally deny the right of instruction, and disclaim it as a false and dangerous doctrine.

From these examples, therefore, we have every reason to believe that we should best conform to the opinions and wishes of your constituents, now a majority in the State, by voting directly contrary to your instructions, which they, it is reasonable to suppose, must regard as an unauthorized proceeding, and a violation of their rights.

If, therefore, we were to regard the aforesaid resolution as designed by you to instruct us, and control our votes, we could not, consistently with what we believe to be due to the known principles of the majority in the State, consider ourselves bound by it; because we must regard it as an unauthorized act on your part, and a violation of the rights of your constituents, who hold us as responsible to them, and not to you, who do not admit that we can avoid the responsibility which belongs to our stations by any act of yours.

We have endeavored to show what are the opinions of your constituents in respect to the doctrine of instruction; but we are at a loss to discover what *your* principles are on that subject. You have voted down a proposition which asserted the right of instruction, and have nevertheless passed a resolution which purports to instruct us. The only interpretation we can put on conduct so inconsistent and extraordinary is, that you regard the doctrine of instruction as unsound in principle, and yet are willing to use it against Senators who may be politically opposed to you, either to control their action, which you admit you have no right to do, or to force them to resign. Such a proceeding, so inconsistent with the character of an honorable and enlightened Legislature, we have witnessed with the deepest regret, as we cannot but regard it as derogatory to the character of the State, which must suffer when its legislative councils so far forget what is due to their high functions as to practise the most paltry artifice and trickery to effect selfish party purposes. If you deny the principle of instruction, you are precluded from passing any valid instructing resolution; and any attempt to do it can have no binding force, as the obligation to obey rests entirely on the right to instruct.

With these views of the subject, we would respectfully inform you that we cannot consider the aforesaid resolution as having any binding force as an instruction, intended to control our action, even if such was the fair import of the language, as you disclaim the right to instruct.

The only light, therefore, in which we can regard the resolution, is as an expression of the will or opinion of the Legislature. In this view of it, the respect to which it is entitled depends, in part, upon the reasons which appear to have influenced the action of the General Assembly; and all we know on this point is contained in the preamble to the resolution. We presume that the act referred to as the Sub-Treasury or Independent Treasury bill, is the bill which passed the Senate, entitled "An act to impose additional duties on certain public officers," &c. From the terms, however, in which you speak of this bill, we should be almost led to believe that you could not be acquainted with its provisions, and that you must have formed your opinions concerning it from the polluted sources of the Bank presses of the country. If the provisions of the bill had been examined, we are persuaded that neither prejudice or perversity of judgment, however great, could have led the General Assembly to express the opinion that this act "is, in its character and tendency, contrary to the spirit of our free institutions, dangerous to our liberties, and destructive to our dearest interests." You do not inform us what provision or what principle there is in the act which is pregnant with such dreadful consequences. We are left entirely in the dark on this subject. If you had only pointed out what there is in the act fraught with such consequences, it would have afforded us great relief, as we should have been as ready to oppose and to denounce it as were the majority of the General Assembly.

The principle of the act is, that it is the right and the duty of the Government to manage its own revenues, through the agency of its own officers. This is the principle of the bill; all the rest is matter of detail. Do you mean to assert that this principle is, "in its character and tendency, contrary to the spirit of our free institutions and dangerous to our liberties?" Do you believe that the liberties of the country would be endangered by entrusting the revenues of the people to the sworn officers of the Government, subjected to the strictest accountability? What would you have the Government do? If it cannot trust its own officers, pray whom can it trust? Can it confide with more safety in the officers of moneyed corporations? Is there no danger to liberty from a partnership between the Government and the banking institutions of the country, whether State or National?

We are equally at loss to perceive what there is in this bill which should have led the General Assembly to believe that, should it become a law, "it would still further derange the currency, prostrate business, spread ruin and desolation through all clases of society, and change the present distress into a settled and deep-rooted despair." This is truly a most gloomy and horrid picture of distress, and we can hardly imagine how the General Assembly, penetrated with such fearful apprehensions, could have adjourned without having adopted some measures to have averted from the people of the State a threatened calamity, which could only be equalled by the "pestilence which walketh in darkness, and wasteth at noonday." Fortunately, these terrible calamities exist no where, unless it be in the minds of the enemies of this measure; and whether they exist there or not—whether they are feigned, or the results of a diseased imagination—we leave for the world to decide, by contrasting the words with the actions of all these prophets of wo.

The bill has not become a law; but its principles have been practically carried into operation in the management of the finances, for more than a year; and instead of the currency becoming "still further deranged," it has been gradually improving; and instead of "business being prostrated, and desolation and ruin spread through all classes of society,' business has been steadily reviving, and is now nearly recovered from the severe revulsion occasioned by the explosion of the banks, and an unprecedented course of over-trading for the two preceding years. And as to the desolation and ruin, we believe that they exist no where in our fair and prosperous land, except in the jeremiads of the panic orators.

We are, therefore, happy to be able to inform you that these apprehended calamities to the people of the State and country are entirely groundless.

Another reason assigned is, "that, if said bill should become a law, it will provide one currency for the office holders, and an inferior one for the people." This objection, we are persuaded, cannot have been derived from an examination of the bill, but has, probably, been received from the speeches of the opponents of the measure in the Senate, where it has figured largely. The objection would, undoubtedly, have great weight in it, was it true; but, unfortunately for those who use it, there is not one particle of truth in it.

The bill, as it passed the Senate, provides no currency either for office holders or the people. It has nothing to do with the question of currency, even so far as respects the public revenues, as that depends on existing laws. As the bill contains no provisions whatever, in relation to the currency, it is certainly a great mistake to say that "it provides one currency for the office holders, and an inferior one for the people."

And in respect to other laws, the Federal Government provides but one currency, and that is gold and silver, which is both for office holders and the people. The inferior currency to which we presume you allude, we suppose must be the paper emissions of the banks, which we would beg leave to inform you are not "provided" by the Federal Government, but by State legislation. Of this important fact, we presume the majority of the General Assembly were not ignorant; yet it would seem that it did not occur to them when urging the last objection to the measure under consideration.

As the friends of a sound currency, and to a much greater extent than now exists of a metallic currency, we are rejoiced to perceive that the General Assembly, are of the opinion, that bank paper is an "inferior currency" to gold and silver. This sound and highly important opinion, promises well for the interests of the State, and we hope and trust that it will be carried out in its future legislation.

With these views of the reasons assigned by the Legislature, and with the strong convictions which we entertain of the necessity, justice, and importance of the measure in question, we must respectfully inform you, that should the bill again come before the Senate, we shall feel it our duty to give it our support, although we regret to differ on so important a measure with the General Assembly, and perhaps with the majority of our constituents.

Here we might stop, having said all that is necessary to explain our course, and the reasons for it; but an apprehension that we may be charged with having studiously avoided an expression of our own opinions, regarding the doctrine of instruction, induces us to go something farther, that the particular case seems to require.

We do not wish to disguise our opinions on this or any other subject, as our constituents have a right to know what they are. The doctrine of instruction rests on a popular principle, and we are, and ever have been, fully persuaded that the just and proper Administration of our Government, both State and National, consisted in giving a full development to, and justly and fairly carrying out, all the popular principles in the system. Considering the right of instruction as one of these principles, we respect it, and feel bound to carry it out to the utmost limit of the Constitution. Farther than this, we cannot go as long as the Constitution remains as it is. If it is deemed necessary to carry this, or any other popular principle farther, it must be done by changing the Constitution. When the question arises in that form, there can be no embarrassment from existing institutions, and every one is left free to follow out this or any other popular principle, so far as, in his judgment, will best conduce to the safety, liberty, and happiness of the people—the just ends of all Government. We believe in, and will sustain, the right of instruction, so far as it is consistent with the Constitution, and no farther, as that is the supreme law of the land, which we have sworn to support. To violate it, by pushing to an extreme, a popular principle, is still a violation; and although the end may be good, the means cannot be justified.

As the principle of instruction is understood in some the States, it appears to be directly in conflict with the spirit, if not the letter, of the Constitution; and to the extent that it is so, it appears to us to be an unsound and even a dangerous doctrine. It is held that the right of the Legislature to instruct carries with it the unqualified obligation on the part of the Senator to obey or resign. This is substantially to *change* the Constitution, and to alter the tenure of the office of Senator. Under the Constitution, a Senator holds his office for six years; and as it has prescribed no restriction, limitation, or qualification whatsoever, it becomes a constitutional right, and equally a constitutional obligation, to exercise his own judgment on all questions that come before the Senate, and to act free from compulsion or coercion in any form. To hold, therefore, that the Legislature have a right to absolutely *control* the vote of a Senator, or force him to resign, is inconsistent with the Constitution; for if he obeys against his judgment, the vote he gives is not his own, but that of the Legislature, which has no constitutional right to give a vote in the Senate, and is given by him by compulsion, in violation of that freedom of action which the Constitution guarantees, not only to him, but to the whole body of his constituents, as well the minority as the majority. If he refuses to obey, and resigns his seat by *compulsion*, that is, changing the tenure of his office, and instead of a term of six years, he holds it during the pleasure of the Legislature, not to exceed six years, which is inconsistent with the Constitution.

The object of this doctrine is to give greater effect to the popular and fundamental principle, that the representative possesses only delegated power, and is not to exercise it for himself, but for his constituents. The object is good; but the principle of instruction, carried to the extent we have considered, is neither a just nor an effectual means of attaining it. To make that principle efficacious and uniform, it must be incorporated into the Constitution; then it would be legally binding, and operate equally upon all. Now it can only operate upon the conscience of those who believe in the doctrine; for those who do not admi

that the Legislature has any such right, feel bound, both by conscience and their oath, to act according to their best judgment for the interest of their State and country, and do not in conscience believe that the Legislature of the State can interpose and take from them their responsibility to the people, whom they regard as their real constituents.

The object intended to be effected by the principle of instruction cannot, to any considerable extent, be accomplished; its efficacy must be limited to those who recognise the doctrine, and to such of that number as are honest enough to conform to it in their own practice. Many are strong believers in it, so far as regards its application to others; but, when applied to themselves, they find no difficulty in discovering some subterfuge to avoid its force. As the consciences of men are very different, a principle which is applicable only to the conscience must be a very unsafe and variable rule of action.

Ought a body, whose deliberations are so important as the Senate of the United States, to be liable to be controlled in its action by a principle so uncertain and unequal as this?

Let us suppose the country is divided into two great political parties; one of which holds this doctrine to the extent we have explained it, and the other totally deny it. At a particular time, the latter are a majority in the Senate, but a minority in the States. The Legislatures of some of the States, represented by Senators opposed to them, instruct their Senators, who feel, in conscience, bound not to obey. In such a state of things, the party which has become a minority, and as the case may be—a small minority in the States—still remains a majority in the Senate, and can control the action of Congress.

But suppose the party which recognises the principle of instruction are in a majority in the Senate, but, by some temporary change in public opinion, they fall into a minority in the States. Some of the States instruct their Senators, who feel bound to obey or resign; and in either case, the majority in the Senate is destroyed. It would, therefore, result, that one party could not maintain a majority in the Senate unless they were a majority in the States; whilst the other party, less scrupulous, or holding different principles, although a minority in the States, may still continue, for years, a majority in the Senate—the most important branch of the Government.

This is not supposing an extreme case, but only what has, to some extent, already occurred, and its injustice and inequality all must admit. It may be said that a party which does not recognise the soundness of the principle, will never attempt to instruct Senators who may be opposed to them, and whom they may suppose respect the principle. Consistency might require this; but experience teaches us otherwise, and proves that it has been, and will be done. The very case which has led to this communication, as you must be aware, is an instruction from a Legislature, a large majority of whom disavow the right, as we have already shown. And in any State, where parties are nearly equal in numbers, as is the case now in Connecticut, it is easy to see, that by the observance of this principle by one, and the disregard and abuse of it by the other, the latter may secure the representation in the Senate at all times. If they acquire the majority in the Legislature, when the Senators are against them, they have nothing to do but to instruct them out, and fill their places with men of their own principles; and if, the very next year, they fall into a minority in the Legislature, they will still retain their power in the Senate, as their Senators, if instructed, will neither obey or resign. It is contrary to their consciences to do either; but it is perfectly consistent with the consciences of such a party to attempt to use against others a principle which they will not observe themselves, and which they declare to be odious. Can any doctrine be just which leads to such results? Can any principle be sound which is liable to be used by those who *deny* its authority to overthrow the power of those who *respect it*? Whether the votes of a State in the Senate, on any important measure, are to be given according to the *judgment* of the Senators, or the *will* of the Legislature, must always depend on the fact of the Legislature being in session, and having an opportunity to give instructions, circumstances altogether contingent and accidental. One objection to this "obey or resign" principle is, that it annihilates the rights of the minority in a State, who are as much a part of the constituency as the majority, and makes the Senators the mere agents or instruments of a temporary majority in the Legislature.

Whilst the doctrine of instruction is designed to give greater effect to the public will, its tendency, in practice, will commonly be to impair it, by taking away the *responsibility* of the Senators. The true American doctrine is, to impose upon legislators, as upon all other functionaries, the necessary and proper limitations and restrictions on their power, by the constitutional or organic law, and to subject them, within their prescribed sphere of action, to the highest degree of responsibility. This depends mainly on two principles: first, to secure publicity to their action, and thus subject them to the scrutiny and censorship of public opinion and the press; and secondly, by a suitable limitation of the term of the office, so that the representative will at all times act under a consciousness that his trust is soon to return to the constituent body, who will not be likely to restore it to a faithless representative, who has once abused it. These two principles come only in aid of another, still more important, which is, the right and the duty of the constituent body to select representatives whose *principles* correspond with their own, and whose known personal and political *integrity* afford a guaranty that they will honestly adhere to those principles, and faithfully carry out the popular will. If this important privilege of selecting for representatives men whose principles are known to be in conformity with those of the majority of their constituents, and who possess a high character for integrity, is disregarded, the right of instruction will be of little avail in securing a faithful representation of the principles and opinions of the constituent body.

The true doctrine of instruction results from the theory of the Government, and we consider it to be this: That any direct and positive expression of the opinion, will, or desire, of the Legislature in respect to the action of its Senators on any particular measure, is to be regarded as an instruction, as much as though a particular prescribed form of words was used; and that in no case is a legislative instruction, whatever may be the form or language, to be regarded as absolutely *mandatory*. The Legislature of a State has no right to *command* its Senators to resign in any form. If they can do it conditionally, they can absolutely. The instruction should be considered not as mandatory, but as advisory; and is entitled to the greatest respect from the Senators, who ought not to disregard it without the most weighty and substantial reasons.

That there are such reasons in the present case, we have abundantly shown, as the General Assembly not only acted without authority, but in the face of an express disclaimer of the right to instruct; besides, it appears to us evident, from the preamble to the resolution, that the majority must have entirely misapprehended the principles and provisions of the bill to which their resolution refers.

We are sensible that the right of legislative instruction is generally respected by that portpon of the citizens of the State, with whom we are politically associated; yet we believe, that there are few even of this portion of our constituents, now supposed to be a minority, who hold instructions as absolutely mandatory. They regard this doctrine as a part of their general creed, which recognises and cherishes all the popular principles of our political institutions. They respect the principle as an element of popular rights, and as a means of giving efficacy to the popular will, within the prescribed limits of the Constitution. They desire the legitimate and proper *use* of the principle, not its flagrant and palpable *abuse*, to effect selfish party purposes.

They believe that a Legislature, which disavows the right of instruction, cannot honestly nor rightfully exercise a power which they declare they do not possess. Such a proceeding, we are persuaded, they must regard, not only as without authority but as derogatory to the Legislature—being a prostitution of its high functions to the miserable purpose of attempting to accomplish a selfish end by dishonest means; and at the same time, calculated to bring into contempt a popular principle, which, when fairly understood, and properly applied, they sincerely respect.

It is evident, therefore, that to obey your instructions, given under the circumstances to which we have referred, would be disregarding the *sentiments* of one portion of our constituents, and a direct violation of the known *principles* of the other, now supposed to be the majority; neither of which can we consent to do, consistently with the respect which we feel for both.

This, gentlemen, is a fruitful subject, on which much more might be said; but we fear we have already exhausted your patience, and will conclude with the expression of our regret that we cannot comply with the wishes of the General Assembly, consistently with our sense of duty to the people of the State who have honored us with the responsible station we hold; and this regret is the more sincere, as we have seen abundant evidence of the enlightened and patriotic purposes of the present Legislature, the important results of whose wisdom, intelligence and firmness, we doubt not, will be duly appreciated, and not soon forgotten by our common constituents.

With sentiments of great respect,
We are, gentlemen, yours, &c.
J. M. NILES,
P. SMITH.

Mr. NILES said he had intended to submit some additional observations, but feared he should consume too much of the time of the Senate. The paper he had read contained three distinct grounds, each of which he considered a complete justification of the course he and his colleague proposed to pursue. The first is, that the resolution is not, in its terms, or in substance, upon any fair construction, an instruction which could be regarded as obligatory upon the Senators. If the principle of instruction was admitted to the utmost extent it had been carried any where, the resolution does not come within it. It instructs us what is the *will* of the Legislature, but studiously avoids a mandatory form of expression. By avoiding this, it appears that the General Assembly was not willing to assume the responsibility of our votes, or did not feel authorized to do so. As the responsibility is left upon us, that imposes upon us the duty of acting according to our own judgment. Or, at most, we can only consider the resolution as an expression of the opinion of the General Assembly.

The second ground is, that if the resolution had been mandatory in its terms, the General Assembly, in its passage, voted down an amendment which expressly asserted the *right* of instruction. They first deny the right, and then proceed to instruct, if the resolution is so to be regarded. This must necessarily take from it all mandatory authority, even if its terms had imported it. The resolution of 1835, to which he had referred, was not only direct and explicit in in its terms, importing a command, but contains an express assertion of the right, derived from popular sentiment. Had there been, in the case under consideration, only an omission to assert the right, it might perhaps have been claimed, with some propriety, that the passage of the resolution carried with it an implied assertion of the principle. The performance of an act, it might be said, was in itself a declaration of the right and power to perform it.

But no such deduction can be made in this case, because the majority expressly disavow the right, and speak of it as an odious doctrine. This objection, therefore, takes from the resolution all authority, and leaves it only as an expression of the opinion of the General Assembly; and had it assumed to be nothing more, it would have been entitled to the highest respect. But on its face it bears the stamp of intentional ambiguity, and double-dealing. The whole proceeding wears the appearance of an attempt to practise a deception upon all parties—upon the Senators and representatives, by inducing them to believe that they were

instructed, when those who voted for the resolution did not consider it as such. It was deceptive in relation to the constituents of the Assembly; for if they were to complain of the exercise of a power which did not belong to the Legislature, the language is so equivocal, that it would be easy to deny that it was intended as an instruction.

The studied ambiguity of the resolution appears to be a fraud on the principles and consciences of those who passed it; an attempt to get round their *own principles*, and to act on what they may have supposed to be the principles of their political opponents, without recognising the same themselves. This, if he might be permitted to quote the old adage, is what may be called "whipping the Devil around the stump."

Although these two grounds of objection were each believed to be sufficient to explain and justify the course he and his colleague felt it a duty to pursue; and although this resolution does not properly come within the principle of instruction, yet they had no wish to avoid an expression of their opinions on the principle itself. He had no desire to place the justification of his conduct on a plea of abatement, or even a special plea in bar, but preferred to meet the broad principle on which the General Assembly professed to act, although they disavowed it themselves. He rather rejoiced at an opportunity to set himself right on that subject.

Mr. N. said that no principle was more grossly perverted to the selfish purposes of party than this, and he thought it high time that it was rescued from such palpable abuse. This was, to some extent, true of both of the two great political parties, but more especially of the Federal or Whig party. He believed they never respected the principle when applied to themselves, yet were always ready to use it as an instrument against their opponents.

He could not admit that a party who denied the doctrine of instruction, who disregarded it themselves, and treated it as odious, could, with any semblance of justice or propriety, apply it to others. It had become a mere engine of party warfare. On this point he might differ from some of his friends; but, for one, he could not carry his respect for any principle so far as to become an instrument of its gross abuse and perversion—a perversion which destroys the principle and occasions the most manifold injustice. He intended to have no professions in his political creed which he did not carry out in practice; and it was, in his judgment, impossible that any principle can be faithfully adhered to in practice by one political party, which is entirely disregarded by another. The old adage is founded in good sense: "that it is a bad rule which will not work both ways."

The abuse of the principle has arisen from pushing it too far. An instruction, whatever may be its terms, ought never to be regarded as possessing the absolute authority of a law, or as carrying with it an unqualified obligation to obey or resign. There is no such right or power in the Legislature; and the attempt to set it up and exercise it, has very nearly brought the entire doctrine into ridicule and contempt. It has taken from it the respect, influence, and authority, which justly belong to it when the principle is correctly understood and honestly applied.

In respect to the proceedings of his own Legislature, he regretted that he had felt it a duty to speak of them in the terms he had. But they were unworthy of the General Assembly, and did no credit to the State. The resolution, without having the form or substance, or resting on the principle, of a mandatory instruction, was so worded as to have that appearance, and to place his colleague and himself in a situation either to obey it, or to be subjected to a charge of violating the instructions of the General Assembly, and of being held up to their constituents and the country in that light. This had rendered it necessary for them to pursue the course they had.

He was surprised at the whole proceeding, and at the strange reasons assigned against the Independent Treasury bill. Surely they ought to have been informed on this subject; neither pains or expense had been spared to do it. Great exertions had been made, and much money expended, to enlighten the people. Both in the State and out of it, much had been done. Agents had been sent on here for aid, and the State had been literally flooded with speeches from this place. The mails have groaned under their weight. But these mighty labors do not appear to have produced any very important results, if we are to judge from this resolution.

Mr. N. asked that the resolution might be read and laid on the table.

Mr. CRITTENDEN said he supposed this reply to the Legislature of Connecticut was expected to receive some degree of sanction from the fact of its having been read to the Senate of the United States, for he could discover no other reason for reading it. Against allowing it any such sanction Mr. C. most emphatically protested. He was wholly unwilling to let it go out with the appearance of any such sanction. He was sorry, notwithstanding, to deprive the Senator of any consolation in his present state of political adversity, and it was with no personal unkindness that Mr. C. endeavored to withhold from him the sanction desired; but he did not wish to become in any way accessory to the promulgation of such a document, filled as it was with matter derogatory to the Legislature and State which the Senator represented.

For himself and his principles, Mr. C. said, when the pleasure of his Legislature should be made known to him in any form, though he did not profess to be under the obligation of unlimited and passive obedience, there must be circumstances of very great potency that would induce him to disobey legislative instructions, and they would at all times obtain from him a respectful hearing. But he must protest against this reply of the Senator, which denounced the proceedings of the Legislature as dishonorable, and as a prostitution of the right of instruction; and it even went beyond that, and obliquely charged the results of the late election as having been brought about by the use of money. This sort of language held by a Senator here against his State ought in no way to be sanctioned by such a body as the United States Senate. And had the gentlemian's doctrine of instructions come to this, that when the instructions came from political friends they were to be obeyed in the most obsequious manner, but when they can be called a party project, for a party purpose, then the little minority, and their representatives, in all the insolence of office, may denounce those instructions as dishonorable, and may say to the majority of the people of the State, you have been seduced by the minority, and we therefore will not obey our instructions?

The Senator had made use of the term "we" in his reply. Whether this was meant to include his colleague, or whether the gentleman meant to speak in the royal style, Mr. C. did not know. But however that was, Mr. C. was sorry to see the spirit in which gentlemen submitted to their political retirement. They had gone beyond their depth in a sea of glory, that was all; and when they were brought back, and had conned their lessons in the school of adversity, Mr. C. thought they might perhaps be brought to their senses, and made useful members of society in their proper places.

Mr. SMITH of Connecticut observed that he rose, at this time, simply for the purpose of satisfying the Senator from Kentucky [Mr. CRITTENDEN] that his colleague did not express himself in the plural to indicate himself only as having given the reply to the Legislature of Connecticut, but had his sanction in every thing said in that answer. If, sir, said Mr. S. we are to be admonished here by the honorable Senator from Kentucky, for having improperly given an answer to the instructions of the Legislature of our State, he apprehended that the gentleman might have some feeling on this subject; and with some good reason, as the gentleman seemed to find fault with expressions made here, as being unkind and unjust towards the Legislature of Connecticut, who gave these instructions. Money, the honorable Senator says, was stated by my honorable colleague to have been distributed, influencing the action of the people in that State, which procured the result which produced the majority in that Legislature. I have no doubt of it, and am willing to express it here and elsewhere, and for that reason am willing that it should go abroad under my hand, in connection with that of my colleague, that this Legislature came into power under extraordinary circumstances, by various means, not necessary to enter into here. By this means, however, I am prepared to say, and that gentleman too, if he lives twelve months more, will say that they came into power without the approbation of the people themselves.

But why did gentlemen show so much feeling in regard to the people of Connecticut? Is he so intimately connected with them? And if so, I desire to know how it is that he became so connected. Sir, one of the means used to produce the result I have referred to, was the sending of missionaries from the State of Kentucky and elsewhere, to operate on the good people of Connecticut, to assist in bringing about that result from which these instructions emanated. Who are those persons? They are too well known in that State to be necessary to name them here. Are they the persons who were intimately connected with the late tragedy? Has the honorable gentleman himself been so connected with that tragedy, that he should express this bitter feeling about the answer of himself and colleague? If so, let him enjoy it. I assure him that all the advantage gained in sending that mission to Connecticut, will not contribute much to the success of the cause he advocates. Taking it altogether, the mission, and the catastrophe that followed the authors, will not gain as much as they calculated on. Sir, by what means it commenced; who had any agency with it; who concocted it, and what produced this result, if the honorable Senator supposed he had contributed any thing to it, I am satisfied that he should have the full benefit of it. But that he should step between the Senators from Connecticut and their Legislature, and admonish them, I deny that he has the right. He may have the full benefit of that temporary revolution; for I am satisfied that it will be but temporary.

I have nothing more to say, than to satisfy this Senate that this answer of myself and colleague had my full assent. If the honorable Senator from Kentucky has any peculiar interest in the State of Connecticut, I have no objection to his exercising it; but I am not accountable to him or to any body else for my conduct towards the Legislature of my State. I will forbear to suggest the means that were made use of, to place this Legislature in power, to enable them to give these instructions no further than barely to allude to the circumstances, which perhaps excite the feelings of a Senator here. But are we to be charged with improper conduct, with insolence for answering them, when they undertook to instruct us to vote, under a principle which they themselves declared unsound? If this placed them in an exalted position in the opinion of the Senator from Kentucky, I have no objection. A Legislature undertakes to instruct Senators to disobey the Constitution of the country, when this very Legislature says that they themselves do not believe that it ought to be done in that particular. They virtually say we consider the principles on which these instructions are based, are unsound; yet we undertake not only to act for ourselves, but for the people you represent.

If they have placed themselves in this position, is it wrong for us to say to them in reply, that they have acted improperly—that they have exercised a power which they themselves say does not exist?

Are we, said Mr. S. to sit by, and hear ourselves denounced for giving our reasons for not obeying instructions, which those who gave them say are founded on principles which they do not believe in? Are we to be charged with insolence and impropriety of conduct, and at the same time to be told that it is a matter with which we have nothing to do? While the Senator from Kentucky denounces our conduct as unworthy of the seats we hold, I must believe his denunciation grows out of feelings such as a simple representative from Kentucky could not possess. If I have mistaken the feelings of the Senator, and done him injustice, I am sorry for it.

But there must be some cause for this excitement and for this feeling, and the denunciation of us for the answer which we, as representatives of Connecticut, have given to our Legislature. I have barely risen to show that if there is any such feeling any

where, that it came from a quarter whence we had no right to expect it.

Mr. NILES replied to Mr. CRITTENDEN with much warmth. Whether this proceeding had been regular, or irregular and unusual, he would not undertake to say; but sure he was that the remarks of the honorable Senator from Kentucky [Mr. CRITTENDEN] were unusual, and of a very extraordinary character. He has undertaken to arraign me, and to pronounce a lecture to me on the course I ought to pursue towards my constituents. He has thrust himself between me and my constituents, and undertaken to instruct me in my duty to them. I think I know what my duty is, and do not desire the volunteer aid of any one to enlighten me in it. Mr. N. said he knew both his duty and his rights; and whilst he should endeavor to discharge the one, he should take care to cause the other to be respected. An interference and attack upon him of this kind, he could not have expected from any quarter; and from none less than from the Senator—he was about to say his friend—from Kentucky; for, although differing in politics, he had entertained towards him the most kind and friendly feelings. The Senator speaks of this proceeding as very extraordinary, and asks whether any action is expected upon the paper he (Mr. N.) had read? He protests against its receiving any sanction from the Senate, or any authority or additional influence on account of its having been introduced here. He cared nothing for the gentleman's protest, as he neither asked nor expected any action of the Senate on the paper. He had introduced it as a response to the resolution of the Legislature of his State, which he had presented, and as containing an explanation of the views of his colleague and himself on that subject. It was read as a part of his (Mr. N's) speech, and in that light was before the Senate, but in no other. It was perfectly competent for him to present his views in regard to the resolution he had offered, as he saw fit; in a speech, or a written response, which he had a right to make a part of his speech. This he had done, and he believed there was nothing extraordinary or unusual in it. If there was, the Senator should have called him to order; not attempt to arraign his conduct, and read him a lecture. For his conduct here he was accountable to his constituents and the country; and to this body, so far as respects an observance of its rules: but he was not accountable to any individual member.

Mr. N. said he had no petty ambition, as the Senator intimated, of seeking a quarrel with the Legislature of his State. His purpose was very different, and of a much more exalted character. In a certain contingency, a high and responsible duty would devolve upon him, in which not only his own State, but the whole country, were interested. In indicating the course he felt it a duty to pursue, he desired to present the considerations by which he had been governed. This was not a question between him and the Legislature of his State; so far as any such had existed it was disposed of, and he had no complaints to make, and nothing to say on that point. He was surprised at the allusions of the Senator to it; his remarks were, it appeared to him, inconsistent with those liberal feelings which he believed the Senator to possess. He [Mr. N.] asked no sympathy or indulgence from any one, on account of his situation. Nor did he think his conduct authorized the remark, that he was restive and uneasy under the decision of the Legislature of his State, or that feelings springing from that decision had influenced his present course. He had made no complaints, and, so far as respects himself, was quite indifferent on the subject. There had been instances of public men who had pursued a very different course. There is one very conspicuous one with which the Senator must be very familiar. He alluded to a distinguished statesman, who, when struck down by public opinion, and driven from his post, retired pouring out execrations upon his countrymen, and declaring the elevation of his rival, whom he denounced as a "military chieftain," as more to be dreaded than "war, pestilence, or famine." This was a case which would have justified the Senator's rebuke.

But the Senator had charged him with renouncing the good old Democratic Jeffersonian doctrine of instruction. He denied this: he had renounced no doctrine he ever professed: he had endeavored to explain his understanding of the doctrine; to what extent it was sound, and beyond what point it became unsound and impracticable. In respect to the doctrine itself, and the principle on which it rests, the opinions now expressed were not new, they had been long entertained; but as regards the utility and practical application of the doctrine, he freely admitted that his mind had undergone a change. Sir, if this doctrine ever possessed any practical efficacy, the Senator's political friends have destroyed it. They have not only disavowed it, and disregarded it; but they have attempted to use it as a political engine against their opponents. Whilst denying the principle, and disregarding it themselves, they have attempted to use it as an instrument against Senators opposed to them. This has rendered it little more than a mere farce, and done much to bring ridicule and contempt upon the doctrine itself. He had endeavored to rescue it from this reproach, by attempting to prove that instructions could have no binding force, coming from a Legislature which denied the right to instruct. For some years past, we have all seen what use has been made of this doctrine by the Federal or Whig party in most of the States. He had given a history of it in his own State. His friend from New Jersey, [Mr. WALL,] in his able speech, has informed us what the Federal doctrine of instruction has been in that State. We have seen what it is in Ohio and Pennsylvania, and in other States. It is every where the same—a mere instrument of party warfare. We have seen a resolution from Pennsylvania, directing the Senators to vote against the Sub-Treasury bill, and at the same time instructing them to vote to separate the public revenues from the banks; a resolution carried by the vote of a member who admitted that he acted under threats from a bank. What respect was due to such instructions was for the Senators from that State to decide; and one of them [Mr. BUCHANAN] has suffered his vote to be controlled by it. He has acted according to his sense of duty, of which Mr. N. did not complain; yet he was free to say that he should not have felt himself bound by such a proceeding.

Mr. N. said that he respected the doctrine of instruction as an evidence, and the highest evidence, of the popular will, but not a conclusive evidence; and he could not regard it, in any case, as possessing the authority of law, as that was inconsistent with the Constitution; and although he did not admit the right of the Legislature to force a Senator to resign, yet he had such deference for the popular will that he would not hold a seat here if he could not represent the opinions, as well as the interest, of a majority of his constituents. He spoke of the settled and abiding opinions, not of those which may be the result of a temporary excitement, and extraordinary efforts to alarm and mislead the public mind.

Mr. N. said that this Federal doctrine of instruction was a very curious thing, and very much of a one-sided principle. When they were a majority, and wished to use it, it was a sound and excellent principle; but when they were a minority, and it was applied to them, it was a false, absurd, and odious doctrine. It was very much like their "spoils" doctrine. When they were in a minority, removals from office were denounced as "proscription for opinion's sake," as the most wicked and abominable practice which ever prevailed in a civilized country; but the moment they are a majority, it becomes a sound doctrine, a most conservative principle. And such is their regard for it, that they always carry it out vastly further than any examples on the other side, which they have so pointedly condemned. He had recently seen, in his own State, an instance of carrying this principle to an extreme point; it had been carried beyond the living, and, to an extent, to invade the rights of the dead. In one of our principal towns, the *driver of the hearse* has been removed for voting against the Whig ticket, so that it is now well settled that no man can be *buried except by a good Whig*. Hereafter we shall not only be required to live according to Whig doctrines, but to die and be buried under their mild influence. He had never complained of removals, whether in a majority or a minority, but really thought it was going a little too far, when an event, which levels all earthly distinctions, is made subservient to party domination and party strife.

But said Mr. N. the Senator charges me with having made severe reflections upon the Legislature of my State, and of alluding to the improper use of money in the late election. He would not object to the too Senators from Kentucky, volunteering their services in taking care of the interests of Connecticut. They could, no doubt, represent the State more ably than his colleague and myself; one of them also has undoubtedly a much greater stake in its politics, than either himself or his colleague; and as they were gradually sliding into their seats, perhaps it might be as well for them to go home, and leave the State in the hands of the Kentucky Senators, who would no doubt more ably represent it, and especially the Whig cause. But as his term was short, he thought he had perhaps better hold on, and try to represent at least a part of the State, leaving it for the gentlemen from Kentucky to supply all deficiencies.

Mr. N. said, in reply to the remark of the Senator, [Mr. CRITTENDEN,] that what he had written in the paper he had read, or what he had said of the proceedings of the Legislature, was done advisedly and deliberately, and he expected to abide by it, both here and elsewhere. He had given the facts—a true account of the proceedings—with such comments upon them as he thought they deserved, so far as was necessary to his present purpose. Further than this, he had not gone. Having given the proceedings truly, all could judge whether his remarks upon them were borne out. If he had spoke of the proceeding as dishonorable or dishonest, it was because he so regarded it. If this was a reflection upon the State, neither the blame nor the responsibility rested upon him, but upon those weak or dishonest agents who had attempted to entrap himself and his colleague by cunning and trickery, through the forms of legislation; and it had since been a subject of boast and triumph in their papers. He believed he knew what was due to the character of his State, and did not think it could be benefitted by any attempts to justify or defend such proceedings.

The Senator was mistaken, however, in supposing he had said that money had been used to carry the late election. He had said nothing in regard to the election, either in the paper he had read, or in his remarks. His allusion to the use of money was not in reference to the election, but in regard to the exertions which had been made to enlighten the people on the subject of the financial questions before the country. It did not fall within his purpose to speak of the election; if it had, he should not have hesitated to have said that money had been raised and used to an extent, and for purposes, never before witnessed in the State, and which he hoped never would be again. But his allusion to money had reference to the pains which have been taken to inform, or, as he considered it, to mislead the people in relation to the currency question. The exertions in that behalf had been great, both in the State and out of it. No efforts and no expense appear to have been spared.

It was true, as stated by his colleague, that political missionaries visited the State last fall, one of whom was from Kentucky. They travelled through the State, and attended large political meetings, called for the purpose, at which they harangued the people in the usual Whig style of denunciation, common-place abuse, and party slang. During the present session, one or more missionaries have visited this city, to make arrangements for having the State well supplied with speeches of members of Congress. Whatever may have been the case of the first, the last mission was attended with wonderful success. The State was literally plastered over with speeches, like the land of Egypt with frogs. The franks of some Senators whom he could name, must be as familiar with the people as household words. The Senator from Massachusetts, whom he did not see in his place, [Mr. WEBSTER,] the Senator from Kentucky, [Mr.

CLAY,] and a member of the House from the city of New York, who appeared to be a sort of tender to the big Whig ships of war, were most distinguished for their disinterested and meritorious exertions to enlighten his constituents. As an evidence of the extent of their labors, he would state one fact: In a very small interior town, there was one hundred and thirty speeches received in a single mail. Surely such disinterested and patriotic services ought to be made known, that those concerned in them may have the credit to which they are entitled.

Mr. N. said, that in some towns in his State, lying on the Sound, the people are in the habit of taking large quantities, of what is called the white fish; they are not valuable for food, but are excellent for manure, and are spread over the land, and sometimes thrown into the hill, and it said a single fish makes a first rate hill of potatoes; and if the electioneering speeches from Congress, with which the State has been plastered over, were as valuable a manure as the white fish; (and he thought they about as worthless for any thing else,) the State would produce such a crop of potatoes this season, as was never raised before; and he would engage that the surplus beyond what would be required for home consumption, would supply the State of Kentucky for two years. In this way, the disinterested labors of gentlemen who had shown so much anxiety to serve his constituents, might be turned to some account.

Mr. N. did not deny or dispute the right of the Senator to criticise or comment on the paper he had read. He admitted that it was before the Senate, not for its action, but as a part of his speech; and, as such, a proper subject of remark. He did not complain of the Senator's remarks on the paper; what he did complain of was, that the Senator should have stepped in between him and his constituents, and undertaken to teach him his duty to them. He thought he understood the duty he owed to his State, and should endeavor to discharge it faithfully and fearlessly; and if, in doing this, he was so unfortunate as to offend either of the gentlemen from Kentucky, he might regret it, but could not alter his course to accommodate any one. But he thought that his State was in a way to be well taken care of; and that, with the assistance of the Senators from Kentucky, it would be fully and ably represented.

After a few remarks by Mr. CRITTENDEN,

Mr. CLAY of Kentucky said he regretted the necessity of saying a few words, imposed upon him by some gratuitous remarks, relating to himself, of one of the Senators from Connecticut. It had been his intention not to say one word on this occasion, and he should not have done it but for this reference to himself, although he thought it proper for his colleague or any other Senator, if they choose to do so, to comment on a paper which had been read in the Senate. Had it come to this, that one Senator might read in the Senate a reply to the instructions which he had received from his Legislature, and no other Senator had a right to say any thing upon it, on the ground of improper interference? Mr. C had paid no attention to it; he was half asleep while the reading was going on; but the remark of the Senator, that Mr. C. had interposed between him and his constituents, called for a reply. What was the true state of the fact? Certain petitions had been entrusted to Mr. C. by citizens of Connecticut, which he, in the course of his duty, had presented to the Senate; and the Senator from Connecticut then interposed himself, and represented the petition as untrue and dishonorable; and Mr. C. cou'd not but defend the constituents of the Senator himself against a charge which Mr. C. thought unfounded, and brought against them by their own representative. In doing this, Mr. C. had not gone out of his way; but as they had confided a petition to him, he had done for them what he would have done for any of the human kind, and had endeavored to vindicate them from a charge which he deemed incorrect.

Mr. C. had also been charged as having left his country and her councils with execrations, going home with restlessness and disgust, and as returning back to annoy the country. What was the ground of this charge? Mr. C. had returned under urgent circumstances; his office had been unsolicited, and he had resolved to do his duty in these struggles and these times, and he had denounced a military aspirant, and had denounced him in language which he was proud to have used, when he had exclaimed, Send us war, pestilence, and famine, rather than curse us with a military rule; and if he could have then foreseen that this execrable measure, the Sub-Treasury bill, would have been introduced by the influence which he then deprecated, he would then have denounced it as he did now, as not at all preferable to war, pestilence, and famine, and as not inferior to any one of them in its malign effects on the welfare and prosperity of the country.

One of the Senators from Connecticut had said that political missionaries from Kentucky had been at work in Connecticut. Mr. C. denied the fact that any such missionary had gone from his State; it was a work of that Senator's own imagination, without the fact to support it; at least Mr. C. knew no foundation whatever for such a charge.

In respect to the doctrine of instruction, although he had the right to express any opinion, Mr. C. would have said nothing about it, but for what the Senators from Connecticut themselves had said, that on their vote hung the fate of the Sub-Treasury bill. And was not Mr. C's State interested in that measure, and had they not the right to inquire whether those who were to fix this measure on the country were acting in conformity with the views of those whom they here represented? And are we to be told that a majority of the people of Connecticut, as well as of the Legislature, are adverse to this measure, and yet to have it fixed upon us by their two Senators, who, at the same time, acknowledge that they were acting contrary to the will of the majority of the people of their own State? And are Senators not at liberty to call on them to respect their instructions under such circumstances? But the spirit of those instructions pervaded the whole Union, though Senators said this spirit was temporary. We had heard enough of Reaction! Reaction! Reaction! but where was the evidence that there would be reaction? There was indeed evidence of action, but it was forward, unequivocal action against the Sub-Treasury, as much so as it ever was against the alien and sedition acts, or any other most execrable measure.

Mr. SMITH of Connecticut. A declaration which I made in the course of my remarks in regard to a particular mission going from Kentucky to Connecticut, and was denied by the honorable Senators from Kentucky. Now I did not speak of my own personal knowledge, but from common report. I did not see them there, and have no more knowledge of the mission than what I have seen in the newspapers of the day; and which, never having been denied, I believe to be true. The Senator denies it, and I assert it on the information I possess; and the people will judge whether his information is more correct than mine.

Mr. CLAY. Then what must we think of a Senator who gets up in his place and asserts a fact, having no other authority than the newspapers?

Mr. SMITH. I am satisfied the missionaries were there, as stated, though I did not see them; and it is very extraordinary that the Senators from Kentucky did not know it; but if they choose to place it on this ground, that they were not there with their knowledge, let the people of Connecticut judge how they came there, and for whose benefit.

And then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 22, 1838,

Mr. ADAMS continued his remarks in opposition to the report of the Committee on Foreign Affairs on the subject of the annexation of Texas, and in support of the motion to recommit it with instructions. In the course of his remarks, Mr. A. has given a detailed account of the proceedings of the House in relation to their action upon the subject of petitions respecting slavery, and the annexation of Texas, as incidental to that subject. He has given, in order, the different times when petitions and resolutions of State Legislatures have been presented to the House, and has stated the action of the House thereon. He has also read and commented briefly upon many of the memorials and resolutions, with arguments to show that the action of the House had not been correct in principle, nor in accordance with the wishes of a large portion of the people.

Mr. A. then gave way for the orders.

ADJOURNMENT OF CONGRESS.

Mr. McKENNAN moved the House to take up the resolution of Mr. BOON, proposing to fix the period of adjournment of the present session of Congress.

Objection being made—

Mr. McK. moved a suspension of the rules, and thereon asked for the yeas and nays; which, being ordered, were—yeas 139, nays 55.

So the rules were suspended; and the resolution being taken up,

Mr. McKENNAN moved to strike out the "first Monday," and insert the "second Monday" in July.

Mr BOON accepted this as a modification.

Mr. NAYLOR moved to substitute the "first" Monday. Lost without a division.

Mr. GARLAND of Louisiana moved to insert the "third" Monday in July.

Mr. CALHOUN of Massachusetts called for the yeas and nays; which were ordered.

Mr. GARLAND then, as a reason for the motion he made, drew the attention of the House to the mass of business on the calendar, especially relating to the western country.

Mr. BOULDIN said he was anxious that the public business should be done. That it might be done, was true; that it might have been done, was equally true. But if the gentleman from Louisiana [Mr. GARLAND] thought that length of time would secure that object, he would ask him to look back upon the last six or seven months, and see what had been done in all that time. He said, if they were disposed to do the business now, he had no doubt that every thing material could be done by the 9th of July. If they did not wish to do it, they never would do it in any length of time. If they meant to do it, let them do it; if not, let them go home.

Mr. E. WHITTLESEY was convinced to the contrary, for there were several pressing bills that would take up days each in discussion. Though he was as anxious as any one to get away, yet he was unwilling to do so, and leave such a mass of business unfinished.

Mr. BOON explained that the object he had in originally moving the resolution at the time he did was to bring to the consideration of the House that it was necessary for Congress to take an order to adjourn at some time or other. He was as anxious as any man could be, that before the House adjourned, the most important measures before them, and more especially, of all the rest, the bill to reduce and graduate the price of the public lands, with the bills in relation to the army, the western frontier, &c. should be acted upon. But if gentlemen would only leave off talking, and vote, they might yet act upon them all by the 9th of July. If they would only act upon the principle of those great men, George Washington and Benjamin Franklin, who never spoke in public over about five minutes at a time, they could get through with their business in a couple of weeks from Monday. Indeed, they ought to have got through it a long time ago, and could have done so, if they had not wasted so much time.

Mr. HAYNES said he would show his estimate of the value of time by moving the previous question; but the House refused to second it—ayes 72, noes 95.

Mr. NAYLOR urged the House to adopt the later day.

Mr. HAYNES rose among the most vociferous cries of "Question!" from all parts of the hall, which continued for some time. When order was restored, Mr. H. said he would have stood there till doomsday, rather than be cried down. He had merely risen to call for the yeas and nays on the amendment; and, as

The CHAIR was about to propound the call to the House,

Mr. MASON of Ohio reminded the SPEAKER that they had been already ordered.

The question was then taken, and the amendment disagreed to—yeas 90, nays 121.

Mr. WILLIAMS of Kentucky moved to postpone the further consideration of the resolution till Friday next.

Mr. CASEY asked for the yeas and nays, but they were refused; and, on the call of Mr. HAYNES, the question was taken by tellers, and agreed to—yeas 95, nays 89.

So the resolution was postponed till Friday next.

The SPEAKER laid before the House a communication from the War Department, transmitting a report of the Commissioner on Pensions, and sundry documents from the Secretary of the Treasury and the Third Auditor, in relation to pension agents, payment of pensions, etc.; which, on motion of Mr. WHITTLESEY, of Ohio, was referred to the Committee on Revolutionary Pensions.

Mr. HALEY, on leave, presented to the House certain joint resolutions of the Legislature of Connecticut, in relation to an amendment of the Federal Constitution, in regard to the appointment and removal of officers; which were laid on the table, and ordered to be printed.

INDEPENDENT TREASURY BILL.

On motion of Mr. CAMBRELENG, the House went into Committee on the Union, Mr. CONNOR in the chair, and resumed the consideration of the "Independent Treasury bill," under the motion to strike out the enacting clause.

Mr. HUNTER continued his remarks in support of the bill till the period for the House to take its daily recess.

EVENING SESSION.

The House met at half-past three, pursuant to adjournment.

Mr. WHITTLESEY of Ohio, on leave, reported a bill from the Committee of Claims, for the relief of Joseph K. Averill.

[This bill was to provide for the payment of witnesses fees to the petitioner, who had been brought from the exterior part of Ohio, to testify in the late trial of White. Mr. W. suggested the propriety of passing the bill at once; but objection being made by Mr. PETRIKIN, the SPEAKER said it could only be passed by general consent, as the Speaker had only taken the chair to pass to the usual recess; and if debate would arise, the bill must take its place on the calendar.]

The House then went into Committee of the Whole, and continued the consideration of

THE INDEPENDENT TREASURY BILL.

There being not more than twenty members in their seats, and while the Chairman was waiting to call the committee to order,

Mr. CALHOUN of Massachusetts stated that the House in the morning had endeavored to fix a day for adjournment, and it was urged that it was impossible to adjourn at an early day in July, because of the pressure of important business, which could not so soon be properly disposed of; and he remarked, that if the recess of an hour and a half was virtually to be extended to two hours and more, and if members would not attend to the business of Congress, no adjournment could be had before August. He then moved that the committee rise, and report the fact to the House that they found themselves without a quorum; and made that motion with a view to move a call of the House.

The CHAIR said it was a courtesy usually extended to members addressing the committee to wait for members to come in.

Mr. HUNTER expressed his readiness to go on, and he proceeded with and concluded his remarks in favor of the bill.

Mr. KENNEDY then took the floor, and went on for some time in opposition to the bill, when he gave way for a motion that the committee rise, which was carried.

The House then, on motion of Mr. THOMAS, took up the bill to provide for the better security of the lives of passengers in vessels, propelled in whole or in part by steam.

The amendment proposed in Committee of the Whole, with many others proposed in the House, were severally considered and acted upon, many were adopted and others rejected, and before any final action on the bill,

The previous question was demanded, but before determining whether there was a second,

On motion, the House adjourned.

IN SENATE,

FRIDAY, June 22, 1838.

Mr. BUCHANAN presented a petition signed by a number of the citizens of the city and county of Philadelphia, similar to several others presented by him on the same subject, asking Congress to pass the Independent Treasury bill, and in opposition to the charter of a National Bank: laid on the table.

Mr. NORVELL presented the memorial of the officers and managers of the Washington Monument Association in relation to the receipts and expenditures of that association; and moved that it be printed.

Mr. MORRIS called for the reading of the paper; and accordingly the Secretary having read a portion of it,

Mr. KING moved to lay it on the table, there being several expressions in it which he thought disrespectful, and therefore ought not to be read to the Senate.

Mr. NORVELL said he hoped that his friend from Alabama would, for a moment, withdraw his motion to lay the memorial on the table. This paper proceeded from as respectable a body of gentlemen as any in the country; and he did think that, as they considered themselves to have been injuriously assailed on this floor, they should have an opportunity to be heard. It was true that they had used strong language; but this, under the circumstances, was natural. Let the memorial be read, and then the Senate might take what course they thought proper, as regarded the further disposition of it. By the statement of moneys collected, it appeared that the society had received only between 27,000 and 28,000 dollars, of which they had invested upwards of $27,000, principally, he believed, in Pennsylvania State stocks. Between four and five hundred remained uninvested. Except what had been allowed to collectors in the different States, as commissions for moneys obtained from subscribers by them, very little had been expended, as the statement would show. He was authorized to say, too, that the books, with the names of all the contributors to the monument, are in the hands of the Treasurer of the Association, open to the inspection of all. These were facts which, in justice to these respectable citizens, ought to be known to the Senate and to the public, after what had passed here on the subject.

Mr. KING, in explanation of the reasons which induced him to make the motion, said, that in the first place, he did not perceive that the subject of the memorial was a matter with which the Senate had any thing to do, and that no action of the Senate could result from it; and secondly, he objected to the further reading of it, because it contained expressions, applied to Senators or the Senate, which ought not to be permitted to be read there.

Mr. PRESTON, who just then entered the chamber, remarked, that the memorial was from very respectable persons, who conceived themselves injured by something that transpired on this floor. He had, on more than one occasion, objected to the reception of memorials because their language was not respectful; and he therefore desired to have it read, that he might judge whether it was so or not. If it was a question of reception, he must hear the paper read before he could vote on it.

Mr. KING said there was no question of reception raised. The paper was received. His motion was to lay it on the table; and if the honorable gentleman wished to know whether it was respectful or not, he could easily read it at the Secretary's table. He had objected to the reading, because the paper spoke disrespectfully of members of that body. If the paper was laid on the table, any member could move to take it up, and submit what propositions he pleased as to the disposition of it.

Mr. PRESTON said he would not take upon himself the responsibility of calling up a paper which was deemed disrespectful to members of that body. But if it was so, he thought it ought to be called up, in order to be disposed of in a proper manner.

Mr. SEVIER observed that this day was set apart for the consideration of private land claims; and he hoped it would not be consumed as yesterday was in debate. The matter complained of by these individuals had been published in the public newspapers, and he presumed the editors would have no objection to insert their reply. It was a matter with which the Senate had nothing to do, and he, therefore, moved to lay it on the table.

This motion was carried.

Mr. YOUNG presented the petition of Joseph Shenecke, praying for a pension: referred to the Committee on Pensions.

Mr. PRESTON presented the petition of Wm. W. Fry, praying permission to import an iron steamboat free of duty: referred to the Committee on Finance.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the petition of the members of the Knoxville bar, praying for a change of the times of holding the courts of the United States for the district of East Tennessee, reported a bill in conformity with the prayer of the petition; which was read and ordered to a second reading.

Mr. MORRIS presented certain additional documents in support of the claim of Catherine White; which were referred to the Committee on Pensions.

Mr. M. from the Committee on Pensions, reported, without amendment, the bill from the House for the relief of Sarah Barnes, recommending its passage.

Also, reported, without amendment, and recommending their indefinite postponement, the bills from the House for the relief of Wm. Steele of New York, Eliphalet Spafford, Wm. Glover and Daniel B. Perkins.

Mr. TIPTON, on leave, introduced a bill giving the consent of Congress to certain acts of the Legislative Council of the Territory of Florida; which was twice read and referred.

Mr. NICHOLAS, from the Committee on Finance, to which had been referred the petition of sundry clerks in the Executive Departments of the Government, reported a bill classifying and regulating their salaries; which was read and ordered to a second reading.

Mr. MOUTON, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of Madame De Lusser; which was read and ordered to a second reading.

Mr. HUBBARD made several reports on private bills from the House which had been referred to the Committee on Claims, and Revolutionary Claims.

Mr. RUGGLES, from the Committee on Patents, to which had been referred the amendment of the House to the bill providing for the appointment of persons to test the utility of inventions to improve and render safe the boilers of steamboats against explosion, made a report thereon, recommending the Senate to disagree to said amendment, and, on taking the question, the Senate disagreed accordingly.

The amendment of the House to the bill making appropriations for certain roads in the Territory of Wisconsin, was considered and concurred in.

On motion of Mr. TIPTON, the Senate took up the bill giving the assent of Congress to an act of the Legislative Council of Florida, chartering a railroad and steam navigation company; and the same having been considered as in Committee of the Whole, was ordered to a third reading.

On motion of Mr. KING, the Senate took up the bill for the benefit of the Alabama, Florida and Georgia Railroad Company; and the same having been considered as in Committee of the Whole, was ordered to be engrossed for a third reading.

The resolution submitted by Mr. GRUNDY, fixing the hours of meeting of the Senate at 11 instead of 12 o'clock for the remainder of the session, was considered and agreed to.

The following bills were severally taken up and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill to authorize the payment of invalid pensions in certain cases.

The bill for the relief of Joseph Bassett.

The bill for the relief of Dennis Trammell.

The bill for the relief of William Berry.

The bill granting a pension to David Waller.

The bill for paying certain pensioners at Tuscaloosa, in the State of Alabama.

The bill for the relief of William Cooley.

The bill for the relief of William Posey.

The bill for the relief of Samuel Crapin.

The bill for the relief of John S. Billings.

The bill for the relief of Eli Eastman.

The bill granting a pension to Bradley Drew Gipson.

The bill granting a pension to Neil McNeal.

The bill for the relief of Amos Thompson.

The bill for the relief of Solomon Ketchur.

The bill for the relief of Simeon Smith, of the State of New Hampshire.

The bill granting a pension to Frederick Hill.

The bill for the relief of Christopher Dennison.

The bill for the relief of Anna West, of the State of Massachusetts.

The bill for the relief of Josiah Clark.

The bill for the benefit of Charles Coffin.

The bill granting a pension to Seth Whitney, of the county of Delaware, State of New York.

The bill granting a pension to Catharine Rollins, otherwise called Catharine Mosely.

The bill granting a pension to Thomas West, of the State of Alabama.

The bill for the relief of a free colored man.

The bill granting a pension to Frederick Hill.

The bill for the relief of James McCarlan.

The bill granting a pension to Robert Casey.

The bill for the relief of Leonard Loomis.

The bill for the relief of Juan Pelgar.

An act directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants made to Anthoney Shane and to Louis Godfroy, in section 16, township 4 south, range 2 east, in Lima district, and its value.

An act to amend an act entitled "An act for the relief of Raphael Paine and Elias Arnold," approved March 2, 1833.

The bill for the relief of Benjamin Parsons. [Laid on the table.]

The bill for the relief of Daniel Marsaque.

The bill granting to the legal representatives of John Smith T. the right of pre-emption.

The bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States in a tract of land.

The bill to authorize the President of the United States to cause patents to be issued to the persons, and for the lands, therein named. [Laid on the table.]

The bill for the relief of Laurent Millaudon, of New Orleans.

The bill for the relief of William Jones.

The bill for the relief of Jane Waller.

The Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 23, 1838.

Mr. LINCOLN, on leave, from the Committee on the Public Buildings, reported the following resolution:

Resolved, That the President of the United States be requested to inform this House whether, in resuming the work upon the new Treasury building, it is intended that any portions of the walls, at their northern and southern extremities, are to be removed, or are to be extended and connected at the north with the walls of the building occupied by the State Department; or whether the latter building is to be taken down, or such alterations made therein as materially to change its exterior or interior structure, and, if so, in what manner and at what cost; and that he be requested to lay before the House a definite and descriptive plan of the elevation and dimensions of the Treasury building, as the same, on his approval, is to be prosecuted to its completion, with an estimate of the whole cost of the building, including any alterations which, in connection therewith, are to be made in the building of the State Department, and in the grading of the contiguous street, and the construction of the necessary walls and culverts to protect the foundation of the building, and render the approach thereto, and the occupation thereof, appropriate and convenient.

Mr. L. asked its present consideration.

Mr. KEIM objected, because he was opposed to renewing the old controversy on the Treasury building at this late period of the session, and also because it might have the effect of again throwing the workmen out of employment who had been re-engaged.

Mr. LINCOLN moved a suspension of the rules.

Mr. WILLIAMS of North Carolina called for the yeas and nays; but

Mr. KEIM, on hearing the resolution read again, remarked that, as it was merely a call for information, he would withdraw his objection; whereupon, the resolution was agreed to.

Mr. CARTER made an ineffectual attempt to make the bills extending the pension system to western warriors the special order for Thursday next.

TEXAS.

Mr. ADAMS proceeded in his remarks on the report of the Committee on Foreign Affairs, in relation to the annexation of Texas; and was referring to the right of slaves to petition, and the proceedings in the House last Congress upon his tendering a petition of that character, stating that he should have no hesitation in presenting a petition from a slave, if his memorial was properly couched, and on a proper subject, or something to this effect. Mr. A. was proceeding in this line of remark, when

The SPEAKER called him to order, saying that the remarks were irrelevant to the subject under consideration.

Mr. ADAMS said he was putting an extreme case, by way of illustration, which was in order.

The SPEAKER again reminded Mr. A. that he was out of order.

Mr. LEGARE rose, and said he felt compelled to call the gentleman from Massachusetts to order; and cries of order were heard in various parts of the House.

Mr. ADAMS called upon the SPEAKER to reduce the disorderly words to writing, and appealed from the decision of the CHAIR.

The SPEAKER said the CHAIR could not be called upon to reduce remarks made out of order to writing. It had never been known, either by any rule, or by parliamentary usage; and if such a course could be sustained, it would continually bring the CHAIR into conflict with members, and would render it impossible for the House to proceed with its business.

Several members referred to the twenty-third rule of the House, which requires that disorderly words shall be reduced to writing.

The SPEAKER said he was perfectly aware of that rule, and it applied to cases where one member called another to order for disorderly or personal remarks, and not to the SPEAKER, when he called a member to order for irrelevant remarks, for the rule says the SPEAKER *shall* call members to order, and makes it imperatively his duty.

Mr. ADAMS called for the reading of the rule by which the SPEAKER called him to order, and refused to reduce the objectionable remarks to writing.

The SPEAKER read the rule requiring that a member "shall confine himself to the question under debate," and said he had called the gentleman from Massachusetts to order for irrelevancy in debate. As he was about to put the question on the appeal from the decision of the Chair,

Mr. ADAMS again insisted upon having the words reduced to writing.

Cries of "order!" "order!"

The SPEAKER directed Mr. ADAMS to take his seat.

Mr. ADAMS continued to hold the floor, and persisted in demanding that the words should be reduced to writing, and said he would then appeal, but he would not appeal from the decision in the form in which the SPEAKER had put it.

The SPEAKER then put the question upon the appeal; and the decision of the CHAIR was sustained—yeas 115, nays 36, as follows:

YEAS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Aycrigg, Banks, Beatty, Birdsall, Boon, Brodhead, Bronson, Buchanan, Cambreleng, John Campbell, Casey, Chapman, Cheatham, Clowney, Connor, Craig, Crary, Crockett, Cushman, Davee, Deberry, DeGraff, Dennis, Dromgoole, Edwards, Elmore, Farrington, Fairfield, Fry, Glascock, Grantland, Grant, Gray, Haley, Hamer, Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Wm. H. Hunter, Ingham, Thomas B. Jackson, Jenifer, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, Martin, Maury, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Noble, Parker, Parris, Paynter, Pearce, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, J. H. Prentiss, Randolph, Reily, Rencher, Rives, Rumsey, Charles Shepard, Shields, Sheplor, Snyder, Southgate, Stuart, Stratton, Taliaferro, Taylor, Titus, Toucey, Turney, Vail, Vanderveer, John White, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Word, Worthington, Yell, and Yorke—115.

NAYS—Messrs. Adams, Borden, Briggs, William B. Calhoun, Carter, Corwin, Cranston, Cushing, Darlington, Davies, Evans, Everett, Ewing, R. Fletcher, Fillmore, Goode, Grennell, Halsted, Hastings, Henry, Lincoln, Samson Mason, McKennan, Mitchell, Naylor, Ogle, Patterson, Peck, Potts, Reed, Ridgway, Robinson, Slade, Stanly, Tillinghast, and Elisha Whittlesey—36.

So the decision of the CHAIR was sustained by the House, and Mr. ADAMS thus declared to be out of order.

Mr. BOON then called for the orders of the day.

ADJOURNMENT OF CONGRESS.

Mr. WILLIAMS of Kentucky, on whose motion the resolution to fix the day of adjournment was postponed till Friday next, said that, at the request of a number of gentlemen, whom he was was willing to accommodate, he would move a reconsideration of that vote. From the proceedings on the Steamboat bill last night, even under the melancholy disasters that had recently occurred, it seemed they could get no vote on any subject; and, therefore, he thought the sooner the session was brought to a close the better. He then made the motion indicated, and asked its consideration at this time, to which no objection was made.

Mr. CALHOUN of Massachusetts asked for the yeas and nays; which were ordered.

Mr. CUSHING and Mr. TITUS severally made objections, but it was decided to be too late, though the CHAIR suggested the entertaining of the objection; but objection was made to it, and, after some conversation,

Mr. HOPKINS moved to lay the motion on the table; on which, at the call of Mr. WILLIAMS, the yeas and nays being ordered, they were—yeas 64, nays 139.

So the House refused to lay the subject on the table; and the question recurring on the motion to reconsider, it prevailed: yeas 142, nays 61.

The question then recurring back on the original motion, to postpone till Friday—

Mr. CUSHMAN moved to postpone it till Thursday next.

The CHAIR ruled that the first motion took precedence.

Mr. WILLIAMS then withdrew the original motion; and remarked that believing the general sense of the House was in favor of the 9th of July, though he himself preferred an earlier day, and as the resolution, as modified yesterday, proposed that day, he demanded the previous question, which was seconded without a division, and the main question being ordered thereon—

Mr. DAVEE asked for the yeas and nays, which, being ordered, were—yeas 145, nays 69.

So the resolution was agreed to.

Mr. McKAY asked leave to submit a resolution fixing a day for the consideration of the army bill; but it was objected to.

Mr. HARLAN also make an appeal to the House to devote a short time to the steamboat bill; but that was also objected to.

INDEPENDENT TREASURY BILL.

On motion of Mr. CAMBRELENG, the House again went into Committee of the Whole on the state of the Union, Mr. CONNOR in the Chair, on the above bill.

Mr. KENNEDY continued his remarks in opposition to the bill until the House, according to order, took its daily recess.

EVENING SESSION.

The House met pursuant to the order, and went into Committee of the Whole, at half past three o'clock, on the

INDEPENDENT TREASURY BILL.

Mr. KENNEDY was entitled to the floor.

After waiting some time, and there being but a few members in their seats,

Mr. PETRIKIN moved that the committee rise, which motion was decided in the negative without a division.

Some time longer was spent in waiting, when

Mr. WILLIAMS of North Carolina moved that the committee rise; which motion was carried in the negative—ayes 14, noes 15.

There being no quorum, the committee rose, and reported that fact to the House.

Mr. CAMBRELENG said the committee had been similarly situated for several days past immediately after the recess. If the gentleman from Maryland [Mr. KENNEDY] was not prepared to go on, there were others who were desirous of addressing the committee, who would probably take the floor, and prevent the loss of time.

Mr. CONNOR said he had observed the practice to be for the SPEAKER to wait a short time till the members could come in; and, therefore, he had not called the committee to order.

Mr. CALHOUN of Massachusetts said he had yesterday, under similar circumstances, moved that the committee rise, with a view to move a call of the House. If the time was to be wasted, and the recess was to be extended to two hours, instead of an hour and a half, it would be impossible to despatch the public business; and he thought it he duty of those present to order a call of the House.

Mr. THOMAS said that it was well understood that members would not remain in their seats at this warm season of the year to listen to long set debates. The speeches would be made, and would go forth to the country to produce their effect upon the minds of the people; and he suggested that, when in Committee of the Whole, there should be no recess, but that members might go and come, as they saw fit, as none would be obliged to stay except such as took part in the debate; and that the committee should sit till nine o'clock at night, for the purpose of enabling gentlemen to participate in the debate, which could then be conducted so as not to retard the public business.

Mr. BRIGGS moved a call of the House, but at the suggestion of several others, he withdrew the motion.

Mr. ADAMS inquired if the suggestion of the gentleman from Maryland [Mr. THOMAS] was to be considered as the rule of the House. He had no objection that members might go and come as they pleased; but to the proposition to sit till nine o'clock this warm weather, he had serious objections.

On motion, the House again went into committee, and

Mr. KENNEDY resumed his remarks in opposition to the bill; and after he had concluded,

Mr. TOUCEY obtained the floor, and moved that the committee rise; which motion was negatived, without a division.

Mr. T. then proceeded to address the committee, at length; but after some time he gave way to

Mr. HOPKINS, who moved that the committee rise; which motion was carried in the negative.

Mr. TOUCEY again continued his remarks for some time, when he gave way to

Mr. ROBERTSON, who moved that the committee rise; and on taking the vote there were—ayes 24, noes 77. Tellers were then ordered on the call of Mr. HARLAN, and the vote was—ayes 38, noes 99: so the committee refused to rise.

Mr. TOUCEY then continued and concluded his remarks.

Mr. THOMPSON obtained the floor, and addressed the committee at some length.

Mr. JENIFER then took the floor, and moved that the committee rise: lost.

Mr. POTTER proceeded to address the committee at length; and after some time, he gave way to

Mr. PARRIS, who moved that the committee rise; which motion was decided in the negative—ayes 64, noes 90.

Mr. POTTER continued his remarks, but again gave way to

Mr. DUNCAN, who moved that the committee rise; and the question being taken by tellers, was lost—ayes 63—noes 70.

Mr. POTTER continued and concluded his remarks; after which,

Mr. RHETT moved that the committee rise; which was carried in the affirmative—ayes 85, noes 84.

So the committee rose and reported progress.

Mr. BRONSON moved an adjournment, but withdrew the motion at the request of

Mr. THOMAS, who moved, by instruction from the select committee on the subject of so much of the memorial of F. P. Blair as related to the manner in which the public printing had been executed, that the committee have power to send for persons and papers.

Objection being made—

Mr. NAYLOR moved to adjourn, but withdrew at the request of

Mr. THOMAS, who moved to suspend the rules to allow him to make that motion.

Before any decision was had upon that motion,

Mr. GARLAND of Louisiana moved an adjournment, and called for the yeas and nays upon that motion; which, being ordered, were—yeas 102, nays 72.

So the House adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 25, 1838.

Some conversation took place between Mr. ADAMS and the CHAIR in reference to the entry on the journal of the point of order on Saturday, but no motion grew out of it.

ADJOURNMENT OF CONGRESS.

Mr. PETRIKIN moved a reconsideration of the vote by which the House had fixed the 9th proximo as the day of adjournment.

The CHAIR stated that the motion would be enterdd, and lie over.

Mr. HAYNES said he would move to lay the motion on the table, if it would be in order.

The CHAIR replied that no motion for its disposition would be in order, till it was taken up for consideration.

Mr. HAYNES then moved to consider the motion at this time; and, if objected to, he should move a suspension of the rules.

Mr. WILLIAMS of Kentucky propounded an inquiry to the CHAIR, that if the House should refuse to suspend the rules, whether the resolution passed on Saturday would not itself be suspended?

The CHAIR replied that that resolution would, as a matter of course, be still pending.

Mr. WILLIAMS. Then I move to lay the motion on the table.

The CHAIR, for the reason given above, ruled the motion out of order.

Mr. WILLIAMS then expressed a hope that the House would suspend the rules, and then lay the motion to reconsider on the table.

The CHAIR being about to propound the question on suspending the rules to the House.

Mr. WILLIMS of North Carolina moved a call of the House, which was ordersd, and proceeded in till 189 members had answered to their names; when, on motion of Mr. CUSHMAN, it was dispensed with.

The House suspended the rules—yeas 142, nays 52.

Mr. WILLIAMS of Kentucky then moved the previous question on the motion to reconsider; which was seconded, and the main question ordered without a division.

Mr. CASEY then called for the yeas and nays on the main question; which, being ordered, were, yeas 64, nays 135.

So the House refused to reconsider, and the resolution was sent to the Senate for concurrence.

Resolutions were then called for in the order of States.

Mr. CUSHMAN presented the following, which was rejected:

Resolved, That the House bill No. 472, to define the number, compensation, and duties of officers of the customs, and House bill No. 712, making appropriations for building light houses, light-boats, beacon-lights, buoys, and making surveys for 1838, be made the special order of the day for Thursday, the 28th day of June, instant.

Mr. ADAMS presented the following:

Resolved, That the President of the United States be requested to cause to be transmitted to this House the newspaper presented to the Secretary of State of the United States by the late Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas, with his note of the 12th of September, 1837, or a copy of the resolutions of the House of Representatives of the State of Mississippi, to which the said Minister invites the attention of the Secretary of State, and alleged in the said note of the Texan Ministe to be contained in the said newspaper.

Mr. A. moved that it be considered at this time. Objection being made, he moved a supension of the rules; but the House refused—yeas 84, nays 108.

Mr. ROBERTSON submitted the following, which were read:

Resolved, That the President of the United States be requested to communicate to this House on the first day of the next session, all the information not heretofore communicated, now in possession of the Executive, or which may be procured before that time, touching undue attempts or practices, if any, since the 29th May, 1830, to keep down the price of the public lands, or prevent purchases or entries thereof at public or private sale, by force, threats, or fraud, and the measures taken since the the date aforesaid, to prevent, defeat, or punish such fraudulent practices, and illegal entries upon public lands.

Resolved, That the Secretary of the Treasury prepare, and lay before this House on the first day of the next session, a statement of all grants and donations of public lands, or of the proceeds of sale thereof to the States, by the United States, distinguishing the amount made to each, and the purposes and considerations what made; and accompanying the said statement with an estimate of the amount to which each State would be entitled of similar grants and donations, according to the proportion specified in the several deeds of cession from the several States to the United States.

Secondly. A statement of the whole quantity of public land now surveyed, and an estimate of the quantity unsurveyed; distinguishing each, and where situated; and accompanying the same with separate plans for dividing the said lands, and the proceeds of sales thereof among the States, in the proportions aforesaid, on such conditions as to the time and manner of division and sale, graduation, reduction of price, and reservation of title in the United States, and final disposition as may be best calculated to effect the objects of this resolution, in conformity with the original compacts entered into between the several States and the United States relating to the said lands.

Thirdly. A plan for reorganizing the land system, on such principles as will best secure the public against loss from illegal entries, frauds, &c. pointing out the defects or advantages of the present system, more particularly in reference to preemption, and sales at public auction; and, in general, suggesting such alterations as experience may have shown to be necessary.

Mr. R. moved their consideration at this time; and, objection being made, he moved a suspension of the rules and asked for the yeas and nays; which, being ordered, were—yeas 104, nays 70. Not being two-thirds, the rules were not suspended.

On motion of Mr. CALHOUN of Massachusetts, the resolutions were ordered to be printed.

F. P. BLAIR'S MEMORIAL.

Mr. McKAY submitted the following:

Resolved, That the select committee on the subject of so much of the memorial of F. P. Blair as related to the manner in which the public printing had been executed, have power to send for persons and papers.

Mr. HARLAN objected to its adoption.

Mr. McKAY stated that it was submitted under the direction of the committee, who could not perform the duty assigned them without the power proposed being given to them.

Mr. DUNCAN and Mr. RIVES simultaneously moved a suspension of the rule, and those gentlemen and Mr. GLASCOCK called for the yeas and

nays; which, being ordered—were yeas 121, nays 51, as follows:

YEAS—Messrs. Adams, Heman Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Bond, Boon, Buchanan, Bynum, Cambreleng, Carter, Casey, Chaney, Chapman, Connor, Crary, Crockett, Cushing, Cushman, Dawson, Davee, De Graff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Rich'd Fletcher, Fillmore, Foster, Gallup, James Garland, Glascock, Goode, James Graham, Grantland, Graves, Gray, Griffin, Haley, Halsted, Hamer, Harrison, Hastings, Hawkins, Haynes, Henry, Hoffman, Holt, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Logan, Lyon, James M. Mason, Martin, McKay, Abraham McClellan, McClure, McKennan, Miller, Samuel W. Morris, Noble, Noyes, Ogle, Owens, Palmer, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Phelps, Phillips, Plumer, Pope, Potts, J. H. Prentiss, Reily, Rencher, Rives, Robertson, Sawyer, Sheffer, Augustine H. Shepperd, Shields, Sheplor, Sibley, Snyder, Spencer, Stone, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Wagener, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Joseph L. Williams, and Worthington—121.

NAYS—Messrs. Alexander, John W. Allen, Aycrigg, Biddle, Borden, William B. Calhoun, John Calhoon, William B. Campbell, John Campbell, Chambers, Cheatham, Clark, Coles, Cranston, Darlington, Davies, Deberry, Dennis, Dunn, Ewing, Wm. Graham, Hall, Harlan, Hawes, Jenifer, Lincoln, Marvin, Samson Mason, Maury, Maxwell, Menefee, Milligan, Mitchell, Patterson, Peck, Sergeant S. Prentiss, Rariden, Randolph, Ridgway, Rumsey, Southgate, Stanly, Stuart, Stratton, Thompson, Albert S. White, John White, C. H. Williams, Word, and Yorke—51.

So the rules were suspended.

Mr. DROMGOOLE stated that he could not vote for the resolution, unless it was so modified that the witnesses be named, and subpœnas asked. He was opposed to the assumption of power by select committees in administering oaths, without special authority by the House, that is, if the House had the power to delegate such power.

Mr. HARLAN moved, as a substitute, to discharge the Select Committee from the whole subject, on the ground that there was not time to go into so extended an inquiry as was proposed, from the establishment of the "Globe" to the present time. The memorialist should have come there at the commencement of the session.

Mr. THOMAS gave the history of Mr. HOPKINS's resolution, to which this was a substitute, stating that the Editor of the Globe had not sent in his memorial while that resolution was under discussion, but, finding that it was not likely to be reached again, from the awkward manner business was transacted, then he petitioned to have his accounts, and the correctness of his charges for work, inquired into. Mr. T. did not anticipate any great amount of labor devolving upon the committee, for all they proposed doing was to call for complete returns of the accounts, and examine a few practical printers of the District, in reference to their correctness.

Mr. BOON expressed his astonishment at the objection to investigation coming from the quarter it did; a quarter that had been heretofore so loud and general in favor of raising committees of inquiry, even where the charges were indefinite. Now here was a case where the charges were distinct, and the individual named, and yet it is opposed from that quarter. As for the objection that the inquiry would interfere with the business, it was too ridiculous to be crammed down, for the House could go on as it had before done. Such an argument was a mere scarecrow, of no possible validity. It was urged that it was too late in the session for the committee to terminate their labors; if that should be the case, that subject would fare no worse than all the other unfinished business of the session. Mr. B. hoped, when the question was taken, it would be taken by yeas and nays, so that the American people might see how far gentlemen proved consistent to their former course upon the subject of raising committees of inquiry into supposed or charged corruptions.

Mr. BYNUM said like the honorable member from Indiana [Mr. BOON] he had not been a little astonished at the proposition made by the gentleman from Kentucky, [Mr. HARLAN,] to discharge the committee raised by the House upon this subject from its further consideration. After the extraordinary and frequent alarms that had been made of corruption in the different departments of the Government, he thought such a motion, at such a time, came with a most awkward appearance, and in a most questionable shape.

It was more than singular, that gentlemen should stand here continually, and make charges, and cry corruption, corruption, and when a serious proposition was made in a specific shape to investigate them, with dates and responsible names attached that they were the very first to oppose them, and even to throw every obstacle in the way of investigation that they possibly could. It was a fact that the American people should know, to convince them of the true nature of the thousand charges of corruption against the Administration, and to prove that they had been almost invariably made, with no other view than for political effect, and to delude and excite the public mind.

He did not see how such conduct could be exculpated before the eyes of a just and intelligent people. Sir, here is a serious charge of corruption made against an individual, involving the guilt of a proportion of the members of this House. The individual has come forward and asked an investigation into the charges; and after a wonderful flourish of trumpets on the part of the prosecutors, they have now come forward to discharge the committee, and *quash* their prosecution, after they have circulated their allegations on the four winds of the heavens, on the flimsy pretext of there not now having time to notice such stuff, and that it is to turn out a mere whitewashing committee, to whitewash the character of Francis P. Blair. This the gentlemen should have thought of before making their charges of corruption against this individual, and that portion of the House whose guilt is involved in these charges. It is, then, due, sir, to a portion of this House that this investigation should be prosecuted to its end. Of the individual whose character there has been an attempt to blast by this charge, he knew but little—but what has taken place with him, as the editor of a public journal; and he took this occasion to say, fearlessly, although he had been frequently assailed and denounced with the bitterest epithets upon this floor and elsewhere, that there was not a man at the head of so important a press that had ever better sustained its character for truth and unflinching integrity, as far as had come within his knowledge, than had the editor of the Globe. He had often listened with the deepest solicitude and interest to the bold and daring charges that had been made against him of foul corruption and profligacy, and had often been led to believe, from the apparent confidence with which they were made, that there might have been some truth contained in them; but up to this day, he boldly asserted, he had not been able to see the first *scintilla* of evidence to establish the truth of the first charge that had been brought against him of corruption or improper practices, nor that impeached, in the least degree, his character for veracity. He had often wished for such a committee as had been raised, for the purpose of investigation of many of the charges that had so frequently been mode here in relation to the acts of presses connected with the Government, and sincerely hoped that the present would be carried on in good faith, that the public might see the merits of some of those charges.

He feared, however, from the writhing and twisting in a certain quarter, that corruptions, if any, were about to be placed on other shoulders than those of the Editor of the Globe. He feared that much, from the sudden changes that had taken place in relation to this subject in a certain quarter, might result to the implication of others than were at first expected. He had heard much of certain bargains and corruption about the public printing of this Congress, which, if true, was black and damning, and should be exposed to public view. He hoped that the concealment of these facts had not wrought this sudden change in gentlemen in relation to the subject of investigation of charges of corruption, which they have been so fruitful in making. Let those gentlemen now come up, and back their judgment, and test the sincerity of their charges. Let us see now who will shrink from carrying out their professions of anxiety to expose corruption. They are here challenged to carry on their prosecution by the party arraigned, and will they dare to shrink back from it? I hope not. They cannot do it without reflecting much on the many charges that they are in the habit daily of making, and circulating from this place of venality and corruption.

There is much about the public presses, acting under the influence of certain *institutions*, that the people ought, and should know, and there had been no occasion more favorable, that had come within his observation, than the present to carry on such an investigation.

The charge of the circulation of documents and speeches by the officers of the Government and members of Congress, at the expense of the public Treasury, is a most serious one, and ought to be met and investigated. The people required it, the interest of the whole country demanded the investigation of such a charge when definitely made, and by a responsible person. If true, it was a species of corruption that should not be borne nor tolerated for a moment by any party. Hence, again, the great necessity of probing to the bottom this matter; and if the charges are foul and unfounded, the public should know it, particularly in relation to the franking privilege; how far it has been abused, and by whom. There were other means, as he had understood, of *getting documents gratuitously furnished* to members; that he should also be glad to have inquired into, but of which he knew nothing of his own knowledge. It was but sheer justice to the public that the whole truth in relation to these matters should go forth to the people, that they might see the character of the engines at work to fabricate public opinion, and from what source at last came the means by which this whole machinery was put and kept in operation.

The gentleman from Kentucky had moved to discharge the committee and suppress all further investigation. This, too, was most singular, considering that the honorable member did not belong to the committee, and could know but little of their ability or means to investigate this subject, during this session, nor had he cared even to inquire. Such a proposition, he thought, would much more appropriately have come from one of the members of the committee, who, it might be presumed, knew something of the opportunities of carrying on the investigation.

He hoped the member would think better of his course, and withdraw his extraordinary proposition to discharge the committee, and that the resolution to prosecute the investigation would prevail, and leave given them to send for persons and papers, if deemed important or necessary to the development of the truth in relation to the subject. He should certainly vote for the fullest and freest investigation into this matter, and hoped the House would sustain the proposition, and resist every attempt to thwart, by indirection, the examination into the facts.

Mr. HARLAN withdrew his motion to discharge the committee, and moved the following:

"And that the said committee be instructed further to inquire and report to this House how and to whom the patronage of the Government has been paid for printing and for the publication of the laws of the United States; what editors of newspapers have been deprived of the publication of the laws, and the reasons therefor, and the correspondence relating to that subject; and to inquire into all abuses, if any, which have arisen under the existing laws and regulations upon the subject of the public printing and the publication of the laws; and, to this end, that the committee have leave to sit during the recess of Congress."

Mr. STANLY moved the following amendment to the amendment, which Mr. HARLAN accepted as a further modification of his amendment:

"And that said committee be further instructed to inquire by what authority a large number of extra Globes were folded with the Messages which were ordered by members in the early part of the session, without their knowledge and consent, and thus transmitted at the public expense; and that they also inquire under what arrangement the editor of the Globe had the exclusive printing of said Message, and was thus enabled to practise such device."

Mr. DUNCAN made an earnest appeal to the House, as an act of justice to the memorialist, who had been charged there and elsewhere, to adopt the original resolution, especially as, without it, the committee could not perform the duty assigned them. He hoped, after all these grave charges had been made, that there was no intention of shrinking from their investigation, by loading it with

propositions that had no possible connection with them. If this gentleman, Mr. Blair, had been injured, let him be redressed; if he, or any of the Heads of the Departments, or any of the officers of the Government, or members of that House, had been guilty of impropriety, let them be all exposed. To test the sense of the House, he moved the previous question.

Mr. MITCHELL moved to lay the whole subject on the table.

Mr. BOON called for the yeas and nays, which, being ordered, were—yeas 47, nays 129, as follows:

YEAS—Messrs. Alexander, John W. Allen, Aycrigg, Bell, Borden, J. Calhoun, Wm. B. Campbell, Carter, Clark, Corwin, Cranston, Davies, Dennis, Dunn, Ewing, Halstead, Harlan, Hawes, Herod, Jenifer, Lincoln, Mallory, James M. Mason, Maury, Milligan, Mitchell, Calvary Morris, Naylor, Ogle, Patterson, Pope, Sergeant S. Prentiss, Randolph, Ridgway, Russell, Sergeant, Charles Shepard, Shields, Sibley, Southgate, Stratton, Albert S. White, John White, Christopher H. Williams, Wise, and Word—47.

NAYS—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Boon, Bouldin, Briggs, Brodhead, Buchanan, Bynum, William B. Calhoun, Cambreleng, John Campbell, Casey, Chaney, Chapman, Cheatham, Coles, Connor, Crary, Crockett, Cushing, Cushman, Dawson, Davee, Deberry, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, R. Fletcher, Isaac Fletcher, Fillmore, Foster, Fry, Gallup, James Garland, Glascock, Goode, James Graham, Grantland, Graves, Gray, Griffin, Hammond, Hamer, Harrison, Hawkins, Haynes, Hoffman, Holt, Howard, Hubley, William H. Hunter, Thomas B. Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Kilgore, Logan, Lyon, Samson Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McKennan, Mercer, Miller, Morgan, Samuel W. Morris, Noble, Noyes, Owens, Parmenter, Parris, Paynter, Pearce, Pennybacker, Petrikin, Phelps, Phillips, Palmer, Potter, John H. Prentiss, Rariden, Reily, Rencher, Richardson, Rives, John Robertson, Edward Robinson, Sawyer, Shaffer, Augustine H. Shepperd, Sheplor, Snyder, Spencer, Stanly, Stone, Taylor, Thomas, Titus, Toucey, Turney, Underwood, Vail, Vanderveer, Wagener, Weeks, Lewis Williams, Sherrod Williams, Jared W. Williams, Joseph L. Williams, Worthington, and Yell—129.

The House then seconded the previous question, 84 to 81, and on ordering the main question.

Mr. BRIGGS called for the yeas and nays, which were granted, and were—yeas 93, nays 92, as follows:

YEAS—Messrs. J. W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Casey, Chaney, Chapman, Coles, Connor, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Gray, Haley, Hammond, Hamer, Hawkins, Haynes, Holt, Howard, Hubley, William H. Hunter, Thomas B. Jackson, Nathaniel Jones, John W. Jones, Keim, Kemble, Logan, Lyon, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Morgan, Samuel W. Morris, Noble, Owens, Palmer, Parmenter, Parris, Paynter, Pennybacker Phelps, Plumer, Potter, J. H. Prentiss, Reily, Richardson, Rives, Shaffer, Sheplor, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Jared W. Williams, Worthington and Yell,—93.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Cranston, Crockett, Cushing, Dawson, Davies, Deberry, Dennis, Dunn, Everett, Ewing, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Hall, Halsted, Harlan, Harper, Hawes, Herod, Hopkins, Robert M. T. Hunter, Jenifer, Henry Johnson, Kennedy, Lincoln, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Edward Robinson, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Southgate, Stanly, Stone, Stratton, Tolmd, Underwood, Albert S. White, John White, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Word and Yorke—92.

The original resolution was then agreed to without a division.

Mr. BRIGGS moved, at the suggestion of Mr. CAMBRELENG, that after the recess, the House go into Committee of the Whole on the Independent Treasury bill, which was agreed to.

On motion of Mr. FLETCHER,

Resolved, That the Committee on Commerce be instructed to inquire into the necessity of amending the laws to prevent frauds on the revenue in the entry of goods at the custom-houses.

On motion of Mr. BRIGGS,

Resolved, That the Committee on Patents be instructed to inquire into the expediency of altering the law in relation to appeals from the decisions of the Commissioner on Patents.

Mr. INGHAM offered the following resolution, which was read, and disagreed to:

Resolved, That Friday next, from and after the hour of ten o'clock in the morning be, assigned for the consideration, in preference to any other business, of such bills as have been, or may be, reported by the Committee on Naval Affairs.

Mr. RANDOLPH offered the following resolution, which was read, and disagreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting a township of land to each of the two colleges in the State of New Jersey.

On motion of Mr. MERCER,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of causing a survey to be made of the river Potomac, from the Navy Yard, on the Eastern branch, in the District of Columbia, to the mouth of said river, with a view to the removal of the obstructions in the navigation thereof by vessels of great draft; and that the survey made under the direction of the Department of War, of the James river, in Virginia, with a view to the improvement of the navigation thereof, be committed to the said committee, with an instruction to inquire into the expediency of making an appropriation therefor.

On motion of Mr. MALLORY,

Resolved, That the claim of Joseph Young for property lost in the late war, be referred to the Committee of Claims.

On motion of Mr. WILLIAMS of North Carolina,

Resolved, That the Secretary of War be directed to lay before this House the correspondence between that Department and Major General Winfield Scott, in relation to the removal of the Chorokee Indians west of the Mississippi, which has not already been communicated.

On motion of Mr. RENCHER,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement showing the amount of expenditures, exclusive of the public debt, for each year from 1824 to 1838.

On motion of Mr. DEBERRY,

Resolved, That five thousand additional copies of the report and documents of the Committee on Agriculture, on the cultivation of the mulberry and the sugar beet, be printed for the use of the House.

Mr. LEGARE offered the following joint resolution, which was considered and agreed to:

Resolved, That a joint committee of five be appointed, to take into consideration, and report at the next session of Congress, upon the expediency of so taking the next census, as to enable and require the commissioners to be appointed for that purpose to make as complete collection as possible of statistical details in relation to the agriculture, commerce, and manufactures of the country, and of all its other resources and productive powers.

On motion of Mr. HARLAN,

Resolved, That the Committee on Indian Affairs inquire into the expediency of providing, by law, the compensation to be allowed to all persons engaged as commissioners for making Indian treaties, as agents for superintending the removal of Indians, and for all other services performed, under the directions of the Secretary of War, in the Indian Bureau, not already provided for by law.

On motion of Mr. UNDERWOOD,

Resolved, That the Secretary of the Treasury be directed to inform this House what kind of funds were furnished pension agents in the State of Arkansas, with which to pay the claims of pensioners, distinguishing between the amounts furnished in specie and bank notes; and where bank notes were furnished, stating the different banks, as far as practicable, which issued the notes so furnished, and the amounts on each bank.

Mr. MENIFEE offered the following resolution, which was read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in compliance with the joint resolutions of the Legislature of Kentucky of February 16th, 1838, the President of the United States be, and he is hereby, directed to cause proper examinations to be made, by competent officers, of the town of Greenupsburg, and of the most important locks and dams now being erected on the Kentucky, Licking, and Green, rivers, with a view to the selection of a site for the contemplated National Foundry on the Western waters; the location of which is hereby postponed until said examinations shall have been made.

Mr. PETRIKIN moved to amend the resolution by adding at the end the following:

"Also, to examine the waters of the Susquehannah river for the like purpose.

Mr. MENIFEE asked the gentlemen from Pennsylvania to make his motion more definite, and confine the survey to some particular point on that river.

Mr. PETIKIN said it was his purpose to have a general survey of that river, and he could not consent to modify his amendment to meet the wishes of the gentleman.

The House then took its usual recess till half past 3 o'clock.

EVENING SESSION.

The House convened at half-past three o'clock, and went into Committee of the Whole, Mr. CONNOR in the chair, on the

INDEPENDENT TREASURY BILL.

The question pending being on the motion of Mr. GARLAND of Virginia, to strike out the enacting clause,

Mr. RHETT, who was entitled to the floor, addressed the committee at length in support of the bill.

The question was then taken, and the vote was, ayes 92, noes 86.

On motion of Mr. CAMBRELENG, the committee then rose and reported the bill, striking out the enacting clause.

Mr. WILLIAMS of Kentucky they rose, and said he thought this bill had been discussed long enough, and in order, therefore, to bring the House to a vote, whether this bill should be rejected or not, he demanded the previous question.

Mr. WISE moved a call of the House, which was ordered, and proceeded in.

The following gentlemen were excused on account of ill health:

Mr. BRUYN, on motion of Mr. GRAY.

Mr. COFFIN, on motion of Mr. E. WHITTLESEY.

Mr. CURTIS, on motion of Mr. FILLMORE.

Mr. LOOMIS, on motion of Mr. BIRDSALL.

Mr. MURRAY, on motion of Mr. SOUTHGATE.

The House refused to excuse Mr. JACKSON of Georgia, Mr. GRANTLAND having made an ineffectual motion to that effect.

The CLERK was then directed to make out a list of the absentees, and furnish to the officers, in order to notify the absent members at their lodgings. Several gentlemen suggested that those members in attendance in the galleries and lobbies be permitted to enter; but others others objecting, the CHAIR said it could only be done by unanimous consent. Pending this stage, however, the officers let all in who were at the doors on their own responsibility, whose names were afterwards disclosed, and among them were some of those who had been excused.

The only members then absent were the following: Messrs. BRUYN, CARTER, JACKSON of Georgia, MORGAN, OGLE, and MURRAY.

Mr. WILLIAMS of Kentucky moved to dispense further with the call.

Mr. CONNOR asked for the yeas and nays; which being ordered,

Mr. WILLIAMS withdrew his motion; and

Mr. CHILDS renewed it, as did

Mr. CONNOR the call for the yeas and nays; which were again ordered.

At this stage, Mr. MURRAY and Mr. MORGAN came into the hall, leaving then but four absentees.

The House dispensed with the call—yeas 117, nays 104.

At this stage Mr. CARTER and Mr. OGLE appeared, the only absentees being Mr. BRUYN and Mr. JABEZ JACKSON.

The question then recurred upon the demand for the previous question, when

Mr. CAMPBELL of South Carolina appealed to the mover to withdraw it, and permit the question to be taken on the distinct propositions.

Mr. WILLIAMS declined.

The previous question was then seconded by

more than a majority of the whole House, viz: ayes 127.

Mr. CUSHMAN then asked for the yeas and nays on ordering the main question, but subsequently withdrew the request, and

Mr. BRONSON renewed it; but they were not ordered, and the main question was ordered without a division.

The main question, being on ordering the bill to a third reading, was then propounded, and thereon,

Mr. CAMBRELENG asked for the yeas and nays; which were ordered, and were—yeas 111, nays 125, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Chaney, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Fry, Gallup, Glascock, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, T. B. Jackson, J. Johnson, Nathaniel Jones, J. W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, John H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Sheplor, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagoner, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—111.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, William B. Campbell, John Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Foster, James Garland, Rice Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Jenifer, Henry Johnson, W. C. Johnson, Kennedy, Kilgore, Legare, Lincoln, Lyon, Mallory, Marvin, James M. Mason, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Vanderveer, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—125.

So the bill was rejected.

Mr. FOSTER of New York, who had voted with the majority, gave notice of a motion to reconsider; and then, on motion, at a quarter before 8 o'clock,

The House adjourned.

IN SENATE,

MONDAY, June 25, 1838.

The CHAIR announced a communication from he Secretary of War, transmitting a report from he Commissioner of Indian Affairs, in compliance with the resolution of the 13th instant, relative to an exchange of certain lands with the Pottawatamie Indians.

On motion of Mr. WHITE, laid on the table and ordered to be printed.

The CHAIR also communicated a report from the Treasury Department, transmitting, in compliance with a resolution of the Senate, a detailed statement of the accounts of such of the collectors and receivers of public moneys and disbursing agents who have been reported as defaulters: laid on the table and ordered to be printed.

Mr. McKEAN presented three memorials from sundry citizens of Pennsylvania—one against the late Cherekee treaty, and one against the admission of Texas into the Union; which were laid on the table: and one praying for the immediate abolition of slavery in the District of Columbia, the question of receiving which was laid on the table.

Mr. HUBBARD, on leave, introduced a bill for the relief of Joseph K. Avery; which was read twice and referred to the Committee on the Judiciary.

Mr. BUCHANAN presented six memorials from sundry citizens of Pennsylvania, similar to several others lately presented by him, asking for the passage of the Independent Treasury bill, and opposed to the establishment of a National Bank: laid on the table.

Mr. MORRIS presented certain additional documents in support of the claim of Catharine White; which was referred to the Committee on Pensions.

Mr. MORRIS also presented a memorial from sundry citizens of Ohio, remonstrating against the Cherokee treaty; which was laid on the table.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the petition of William Fry, reported a bill to allow him to import, free of duty, an iron steamboat, suited to the navigation of rivers; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on Finance, to which had been referred the resolution of the Senate directing them to inquire into the expediency of allowing vessels to store their cargoes, which had been ordered off by the blockading squadron when bound to ports in Mexico, reported a bill to that effect; which was read, and ordered to a second reading.

Mr. BAYARD, from the Committee on the District of Columbia, to which had been referred the bill from the House making, temporary provision for the comfort and support of the lunatics of the said District, reported the same with an amendment.

Mr. HUBBARD, from the Committee on Claims, reported, without amendment, several bills that had been referred to that committee.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, with a joint resolution fixing the day of adjournment of the present session of Congress being the 9th of July next; and

On notion of Mr. CLAY of Kentucky, it was postponed to, and made the order of the day for tomorrow.

On motion of Mr. WRIGHT,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of allowing equitable commissions to the agents or attorneys of persons to whom allowances have been made under treaties of indemnity with foreign nations, when, in consequence of an indebtedness to the United States on the part of the claimant, the money has been retained by the Government, and the agent, as attorney of the claimant, has not been paid for his services in prosecuting the claim before the commission.

Mr. CLAY rose for the purpose of calling the attention the Senate to a resolution offered by Mr. HUBBARD and agreed to by the Senate some days ago, requiring that the original papers on private claims should not be withdrawn from the files of the Senate, but allowing copies of them to be procured by the claimants on paying such compensation as is allowed for similar services in the State Department of the Government. Mr. C. argued that the portion of the resolution authorizing pay for copies of the papers was unconstitutional, inasmuch as it was in the nature of a tax, which the Senate had not the constitutional power to originate, and much less to lay, without the concurrence of the other House. Mr. C. therefore moved to rescind that portion of the resolution, including also that part which allowed copies to be obtained by the claimants.

Mr. HUBBARD had not examined with critical precision the constitutionality of the matter. All the object he had in view was the furtherance of justice to individuals, and the security of the United States. The experience which every Senator had in relation to the claims made by individuals must convince the Senate of the propriety of adopting some such measure. He had no great objection, if the Senate saw fit, to have copies of the papers given to the individuals at the expense of the United States.

Mr. DAVIS thought he saw great propriety in retaining the original papers on the files of the Senate. It was due, as the Senator from New Hampshire had very justly observed, for the security of the Government. He did not view it in the same light as the Senator from Kentucky, as a tax, but as a mere office regulation. He was persuaded, from what little experience he had, that the Government had already been subjected to losses, by the habit which claimants had got into of withdrawing their papers.

Mr. CLAY still denied the power of the Senate to enforce such a rule without it was done by the concurrent legislation of both houses. He therefore hoped the rule would be rescinded, at least so far as related to the charge imposed.

Mr. KING said great injury would be likely to result to the Government from the withdrawing of the papers of individual claimants. There were cases on which all the testimony of which reports were founded, were no longer to be found on the files of the office. The papers were withdrawn, and the cases gradually improved, (for ten or fifteen years, in some instances,) until all the original evidence was lost sight of. Mr. K. said he was glad to find the Senator from Kentucky had suddenly become so strict a constructionist. He, [Mr. K.] however, did not look on the subject in the light of a tax. The clause of the Constitution on which the Senator relied to sustain him, did not bear him out. Mr. K. expressed a wish that the section might be retained.

Mr. SEVIER hoped the Senator from Kentucky would move to strike out the whole of the section, and if that Senator would not do so, he [Mr. S.] would. Mr. S. thought the reports, which were always in cases of any importance, were sufficient evidence at least for landmarks to guide them in their researches. If individuals chose to withdraw their papers, let them do so.

Mr. HUBBARD said he would ask the yeas and nays on the question. He saw no injury likely to result, and was satisfied it would be attended with much good. As to the report which had been referred to by the Senator from Alabama, there were some case where there was no evidence to sustain the written reports.

After some further remarks from Mr. NORVELL, BAYARD, and others, the question was taken on Mr. CLAY'S motion, and decided in the affirmative—yeas 20, nays 19, as follows:

YEAS—Messrs. Allen, Clay of Kentucky, Clayton, Crittenden, Knight, Merrick, Nicholas, Niles, Norvell, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Strange, Tallmadge, Trotter, and Young—20.

NAYS—Messrs. Bayard, Buchanan, Clay of Alabama, Davis, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Pierce, Prentiss, Preston, Roane, Swift, Wall, Williams and Wright—19.

Mr. SEVIER then made his motion to rescind the whole rule; on which motion the debate was further continued by Messrs. NORVELL, MORRIS, MERRICK, BAYARD, and others; when the question was taken by yeas and nays, and lost—yeas 12, nays 26.

YEAS—Messrs. Allen, Clay of Kentucky, Crittenden, Merrick, Norvell, Robinson, Ruggles, Sevier, Southard, Swift, Tallmadge, and Young—12.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay of Alabama, Clayton, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Mouton, Pierce, Prentiss, Preston, Roane, Robbins, Smith of Indiana, Spence, Wall, Webster, Williams, and Wright—26.

Mr. BUCHANAN said there was a resolution from the other House, fixing the day of adjournment, which he was anxious should be at once acted on.

Mr. WRIGHT said it was generally understood that it was to be acted upon to-morrow, and with that understanding several Senators who were then in their seats were now absent. He thought, therefore, it would be better to let it lie over until that period.

Mr. BUCHANAN had no desire to take advantage of the absence of Senators, but was desirous that the question might be promptly acted on. Congress had now been in session, with an interval of six weeks, ever since September. He was opposed to perpetual parliaments; and as the House had taken the lead in fixing the day, he was for concurring at once, as that would have a tendency to set Congress to work in good earnest; and until the time was fixed, our experience showed us that we would go on discussing subjects from day to day, without bringing them to any practical result. Wherever he went he was asked, "Why don't you finish your business, and adjourn." He would agree, under the circumstances, that the subject should lie over; but gave notice that he should call it up to-morrow, after the

reading of the journal and the morning business was dispensed with.

Mr. RUGGLES, from the Committee on Patents, to whom was referred the various petitions in relation to the passage of an international copyright bill, made an unfavorable report; which was laid on the table, and ordered to be printed.

Mr. YOUNG said he was not in his seat when the communication from the Secretary of the Treasury was read this morning; and as it was a document of great interest, he would move for the printing of 5,000 extra copies.

Mr. MORRIS opposed the printing as unnecessary. The usual number had been ordered, which he thought would be sufficient for all the uses of Congress; and he thought it time to check this expenditure of printing documents.

Mr. YOUNG replied at length, urging the absolute necessity of the printing. It was not for Congress that this document was wanted; it was to do an act of justice to individuals who had been injured from the circumstance of being reported as public defaulters, when, in fact, they were not so. The document in question gave the reasons why persons had been so reported, and it was due to the individuals that they should be justified in the public opinion. Mr. Y. instanced cases where, to his knowledge, persons had been represented as defaulters to the Treasury long after the money had been paid, but from some informality, had not been credited on the books.

Mr. LINN alluded to the last war, where there were many cases of a like nature; and he would be very glad to give his vote to print an extra number in order that all injurious impressions in relation to individuals might be removed.

Mr. MORRIS contended that no man was a recorded defaulter who was not so in fact, or from inattention and informality in the settlement of his accounts. Mr. M. said our public officers were not so corrupt, nor so inattentive to their public duties, as to record any man a defaulter, when there was nothing to justify it. If there were such, he, for one, would go for their removal. But the fault was on the part of those whose business it was to render their accounts in proper form and in due time; and the thanks of the country were due to those faithful public servants who made these returns.

Mr. YOUNG replied, still maintaining the necessity of the document going forth to the world. If there were gentlemen who thought that five thousand was an extravagant number, he would so modify his motion as to reduce it to two thousand extra.

The question on this motion was taken, and the printing ordered—ayes 21, noes not counted.

The bill for the benefit of the Alabama, Florida; and Georgia Railroad Company having been read a third time, and on the question, shall this bill pass?

Mr. SMITH of Indiana said he should ask for the yeas and nays. He desired to be understood as having no objection to the passage of the bill. On the contrary, he meant to give it his vote, but as this bill was very liberal in its principles, he was desirous that the record of those sustaining it should be seen.

The yeas and nays being ordered, were—yeas 28, nays 6, as follows:

YEAS—Messrs. Allen, Bayard, Buchanan, Calhoun, Clay of Alabama, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Preston, Roane, Robbins, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tallmadge, Trotter, Wall, Webster, White, and Young—28.

NAYS—Messrs. Clayton, Davis, Pierce, Prentiss, Ruggles and Swift—6.

The following bills were then read a third time and passed.

The bill for the benefit of Charles Coffin.

The bill granting a pension to Seth Whitney, of the county of Delaware, State of New York.

The bill granting a pension to Catharine Rollins, otherwise called Catharine Mosely.

The bill granting a pension to Thomas West, of the State of Alabama.

The bill granting a pension to Frederick Hill.

The bill for the relief of James McCarlan.

The bill granting a pension to Robert Casey.

The bill for the relief of Leonard Loomis.

The bill for the relief of Juan Pelgar.

An act directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants made to Anthony Shane and to Louis Godfroy, in section 16, township 4 south, range 2 east, in Lima district, and its value.

An act to amend an act entitled, "An act for the relief of Raphael Paine and Elias Arnold," approved March 2, 1833.

The bill for the relief of Daniel Marsaque.

The bill granting to the legal representatives of John Smith T. the right of pre-emption.

The bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States in a tract of land.

The bill for the relief of Laurent Millaudon, of New Orleans.

The bill for the relief of Wm. Jones.

The bill for the relief of Jane Waller.

The bill for the relief of Joseph Bassett.

The bill for the relief of Dennis Trammell.

The bill for the relief of William Berry.

The bill granting a pension to David Waller.

The bill for paying certain pensioners at Tuscaloosa, in the State of Alabama.

The bill for the relief of William Cooley.

The bill for the relief of William Posey.

The bill for the relief of Samuel Crapin.

The bill for the relief of John S. Billings.

The bill for the relief of Eli Eastman.

The bill granting a pension to Bradley Drew Gipson.

The bill granting a pension to Neil McNeal.

The bill for the relief of Amos Thompson.

The bill for the relief of Solomon Ketchur.

The bill for the relief of Simeon Smith, of the State of New Hamdshire.

The bill granting a pension to Frederick Hill.

The bill for the relief of Christopher Dennison.

The bill for the relief of Anna West, of the State of Massachusetts.

The bill for the relief of Josiah Clark.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Sarah Angel and the other heirs at law of Benjamin King, deceased.

The bill to authorize the issuing of patents to the last bona fide transferree of reservations under the treaty between the United States and the Creek tribe of Indians, which was concluded on the 24th of March, 1832.

The bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased.

The bill for the relief of Jane A. Fleming.

The bill for the relief of John Hollingsworth.

The bill for the relief of William James Aarons.

The bill for the relief of William Walker.

The bill for the relief of Joel Chandler.

The bill for the relief of James A. Williams.

The bill for the relief of the legal representatives of Philip Barbour.

The bill for the relief of the heirs of Benjamin King and Alvarez Fisk; and the legal representatives of Moses P. Eskridge.

The bill for the relief of Abraham Woodall.

The bill to authorize the inhabitants of township 8 north, range 32 west, in the State of Arkansas, to enter a section of land in lieu of the 16th section, in said township, upon condition that the same is surrendered to the United States for military purposes.

The bill for the relief of the heirs of James Latham, deceased: laid on the table.

The bill to confirm claims to lands between the Rio Hondo and Sabine rivers.

The bill for the relief of Joseph Cochran.

The bill to grant to Cherokee county, Alabama, the tract of land on which the seat of justice of said county is located.

The bill for the relief of James Barrett.

The bill to confirm certain land claims in the Washita Land District, in the State of Louisiana.

The bill to confirm the sale of certain reservations of land: laid on the table.

On motion of Mr. LYON, the Senate took up the bill to establish a Surveyor General's office for the State of Michigan.

Mr. CLAY of Alabama offered an amendment as a substitute for the one offered the other day by Mr. PRENTISS, which provides for the discontinuance of the Surveyor General's office in each and every State where located, as soon as the surveys and records are completed; and the records filled, notes etc. are to be delivered over to the State authorities.

This amendment being accepted by Mr. PRENTISS,

On motion of Mr. SMITH of Indiana, the amendment was ordered to be printed, and the bill was postponed to, and made the order of the day for, ——— next.

The Senate then went into Executive session, and soon after,

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 26, 1833.

Mr. STONE, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of increasing the pay of the volunteers or drafted militia men who are now, or may hereafter be called into the service of the United States. Also, those who are, or may hereafter be employed by the General Government, for the purpose of removing the Cherokees out of the States of Georgia, North Carolina, Tennessee, and Alabama, and settling them west of the Mississippi, as well as those volunteers who have just returned home from Florida, or who may hereafter be received into the service of the United States for either of the foregoing purposes.

Mr. JOHNSON of Louisiana submitted the following, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reducing the fees allowed by law to the Clerks, Marshals, and District Attorneys of the United States courts for the State of Louisiana, so as to correspond with the fees allowed for similar services in the State courts of the said State.

Mr. MARTIN, on leave, laid on the table an amendment he gave notice he should submit to the "bill providing for the reduction and graduation of the price of the public lands;" and it was ordered to be printed.

Mr. ROBERTSON asked leave to submit the following resolution, with a view to make it the special order for some early day:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be directed to take such measures as he may deem necessary:

First. To cause, as soon as may be, all payments of public dues, of every description, and without discrimination, to be made hereafter in the current coin of the United States, or Treasury notes, or the notes of banks situated in the State, Territory, or District wherein such dues are receivable, and whose notes are payable and paid on demand in such current coin.

Secondly. To cause all public money, as early as practicable after it shall be received, to be placed in the State banks, preferring always, when such can be had, those which are depositories of the State, Territory, or District wherein situated, on condition that they will agree, for reasonable compensation, not exceeding one eighth of one per cent. to receive the same on special deposite, not to be used by them as a basis or fund for discounts or otherwise, nor mingled with other funds; to keep and render accounts, give receipts or certificates, permit inspections and examinations, make payments and transfers, and give collateral security for the safe keeping thereof in such manner as may be required by the Secretary of the Treasury, or by the laws of the United States: *Provided*, That nothing herein contained shall be construed to compel such transfers at the expense of the bank, nor to authorize transfers, in any case, except where the public service, or the safety of the funds, may render them necessary.

Thirdly, To cause all notes of banks remaining on deposite at the end of every two months to be converted into the legal coin of the United States, and be continued or replaced in deposite as aforesaid, and to be drawn for and used, so far as the public convenience or necessities will admit, in preference to all subsequently accruing revenue.

Mr. PETRIKIN objected, for he said he could never consent to let a matter get in at the window that ought to enter by the door.

Mr ROBERTSON moved a suspension of the rules, and asked for the yeas and nays; which being ordered—were yeas, 70, nays 123, as follows:

YEAS—Messrs. Adams, John W. Allen, Aycrigg, Bell, Briggs, John Calhoon, William B. Campbell, John Campbell, Carter, Chambers, Cheatham, Childs, Corwin, Crockett, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Isaac Fletcher, Fillmore, Rice Garland, Grantland, Gray, Halsted, Harlan, Harper, Hawes, Hoffman, Hopkins, Jenifer, Henry Johnson, Legare, Lincoln, Lyon, Mallory, James M. Mason, Samson Mason, Menefee, Milligan, Mitchell, Montgomery, Morgan, Calvary Morris, Naylor, Ogle, Pearce, Pope, Sergeant S. Prentiss, Rariden, Randolph, Rencher, Robertson, Rumsey, Russell, Sergeant, Augustine H. Sheppard, Sibley, Southgate, Stanly, Stuart, Stone, Taliaferro, Thompson, Toland, John White, Christopher H. Williams, Wise, Word, and Yorke—70.

NAYS—Messrs. Alexander, Heman Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Borden, Bouldin, Brodhead, Bronson, Buchanan, William B. Calhoun, Cambreleng, Casey, Chaney, Chapman, Clark, Coles, Craig, Crary, Cranston, Cushing, Cushman, Davee, De Graff, Elmore, Evans, Everett, Farrington, Fairfield, Richard Fletcher, Foster, Glascock, Goode, James Gra-

ham, William Graham, Grant, Graves, Grennell, Hall, Hamer, Harrison, Hastings, Hawkins, Haynes, Henry, Herod, Holt, Howard, Hubley, Robert M. T. Hunter, Thomas B. Jackson Joseph Johnson, Nath. Jones, John W. Jones, Keim, Kemble, Kilgore, Klingensmith, Leadbetter, Logan, Marvin, Marin, Maury, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Noble, Owens, Parker, Parmenter, Parris, Patterson, Paynter, Peck, Pennybacker, Petrikin, Phelps, Phillips, Pickens, Plumer, Potts, Potter, Pratt, John H. Prentiss, Reed, Reily, Rhett, Ridgway, Rives, Robinson, Sheffer, Shields, Shepler, Slade, Snyder, Spencer, Stratton, Thomas, Tillinghast, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Albert S. White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Worthington, and Yell—123.

So the House refused to suspend the rules.

[Mr. GARLAND of Virginia, who was out of his seat, when his name was called, asked leave to record his vote in the affirmative, as he was warmly in favor of the proposition, but the request was refused.

Mr. DROMGOOLE asked a similar indulgence to record his vote in the negative, but it was also objected to.]

TEXAS.

Mr. ADAMS then resumed his remarks on the report of the Committee on Foreign Affairs on the annexation of Texas, under the motion to recommit with instructions.

Mr. A. proceeded to comment upon the decision of the House last Saturday in declaring him out of order, and was drawing a parallel between that decision and what was called Mr. Patton's gag resolution, when the CHAIR again interposed; and Mr. A. then went on to review the history of the manner in which the Texas question had been brought before the House, by petitions and memorials. The first was one presented by himself, from certain women of Plymouth, Massachusetts, which he read, and then refered to several others, signed by women, defending with great earnestness, the right of women to petition. Without concluding, Mr. A. gave way to the orders of the day.

INDEPENDENT TREASURY.

Mr FOSTER then moved to reconsider the vote by which the Sub-Treasury bill was rejected.

The CHAIR said it would come up after the bills for reference were disposed of.

Mr. YELL gave notice that he should move to lay that motion on the table, if succeeded in.

Mr. FOSTER then called up his motion at the present time, to which no objection was made.

Mr. F. remarked that he did not rise for the purpose of inflicting a speech upon the House in relation to the subject which had so long occupied the time and attention of both Houses of Congress, because he had no doubt that each member had fully formed his opinion on the whole subject, and because the time of the House was too precious to be wasted by further discussion.

He desired merely to state the *object* which he had in view in making the motion to reconsider, so that his vote already given against the engrossment, and the one which he was about to give, might not be the subject of misconstruction; and even this he would not now do, had an opportunity for explanation occurred yesterday.

He would say that the vote which he yesterday gave was a deliberate one; and he desired to be understood that his motion to reconsider was not made in consequence of any change of his opinion, but simply that he might have an opportunity *now* (and which the previous question yesterday prevented) to move an amendment to the bill, to make it conform substantially to the provisions of the bill upon the same subject which passed the Senate some months since. Such an amendment would make the bill acceptable to him. But even though such an amendment should not be adopted, it was still important that the vote should be reconsidered, in order that some other measure for the collection, safe keeping, and disbursement of the public revenue might be adopted.

Mr. BRIGGS then rose, and said that, believing the important public business before the House required that they should proceed at once to its consideration, and that the country did desire this question should be set at rest, he moved to lay the motion to reconsider on the table, but withdrew it at the request of

Mr. MALLORY said he did not rise to enter into the merits of the question yesterday decided by the House, and now purposed to be reconsidered. His object was simply to explain his own position, and the reason which induced him to vote against the bill. He would take occasion to declare, in the face of the House and the nation, that he heartily approved the principle of divorcing the public money from the banks of the country, and believed that the people of his district, and the State generally, would ultimately decide in favor of that doctrine. But having reason to believe that a majority of those whom he had the honor of representing, were at this time opposed to the particular measure under consideration, and no opportunity of perfecting its details being afforded, he felt virtually instructed to carry out their sentiments, and had voted accordingly. Thinking that no good could result from entertaining the proposition of the gentleman from New York, to reconsider the vote of yesterday, with a view of testing the sense of the House on the Senate's bill, he should vote against the motion. Mr. M. said he would content himself with this brief exposition of the motives which had influenced his action on this subject, as the approaching adjournment of Congress would furnish him with an opportunity of fully explaining his sentiments on this question to those to whom he was alone responsible for his conduct on this floor. Mr. M. stated it to be his intention to discuss this question before the people, on his return home, and he had no doubt they would sustain his opinions, and enable him, at some future day, to vote more in accordance with those opinions than he had done yesterday.

Mr. WISE requested the motion again to be withdrawn, as he wished to state why he should be compelled to vote against laying the motion on the table. Before the request was responded to—

Mr. MASON of Ohio, made this inquiry of the SPEAKER: Whether, if the motion to lay on the table should prevail, the bill would not cohere with it, and be subject to be taken up at any time during the present session?

The CHAIR replied that it would at any period when such a motion was in order.

Mr. MASON hoped then the gentleman from Massachusetts would withdraw his motion, and suffer the House to come to a direct vote by means of the previous question, or some other mode,

Mr. WILLIAMS of Kentucky said if the gentleman would do so, he would instantly move the previous question.

The motion was accordingly withdrawn, and Mr. W. demanded the previous question.

Mr. HARLAN and Mr. SLADE simultaneously moved a call of the House; which was ordered, and proceeded in till 231 members were ascertained to be present, when, on motion of Mr. CUSHMAN it was dispensed.

Mr. THOMAS appealed to the gentleman from Kentucky to withdraw the motion for the previous question, that he might make a very brief explanation of the reasons which would govern the vote he was about to give.

Mr. WILLIAMS withdrew the motion, on condition that Mr. THOMAS would renew it.

Mr. THOMAS said that he had not participated in the debate on the bill it was now proposed to reconsider. He had proposed to do so; but it was now too late, as the House had ordered that the main question should be put on the bill, and it had been rejected. He was in favor of the bill, but he would now vote against the motion to reconsider. That his motives for this might not be misconstrued, he desired to explain.

This House is divided into two great parties, one of whom supports, and the other is opposed to the Administration. The great majority of the friends of the Administration, one hundred and eleven in number, have voted for the bill which has been rejected. About an equal number of the same party voted heretofore against the motion to lay on the table the bill from the Senate for the establishment of an Independent Treasury. Twelve or thirteen members of the House of the party friendly to the Administration, uniting with the Opposition, have laid upon the table the bill from the Senate, and have rejected the bill of this House.

The first measure contemplated the receipt of the notes of specie paying banks; the latter has in it what is familiarly called the specie clause. The sense of the House has been ascertained to-day on the proposition to make special deposites of the public money in the banks, and but seventy members have voted to permit such a measure even to be entertained; a majority of whom, we all know, although willing to entertain that proposition, are hostile to the whole scheme. Under these circumstances, what advantage can be gained by a vote to reconsider the bill that has been rejected? The vast majority of the Republican party will vote for no bill that does not authorize the public officers to manage the public money independently of the State banks. The Opposition go almost in solid column against any such measure, and with twelve or thirteen separated on this question from our ranks, they are found to be a majority. It is manifest, therefore, that nothing can be gained by reconsidering.

We are rapidly approaching the close of the session. We have much important business to transact, and no time to be consumed in idle debate. On this great question of a constitutional Independent Treasury we must go to the country; we must appeal to the people. Let them decide, through their agents, how, and by whom the Treasury Department is to be administered. Neither he, nor those with whom he was acting, had cause to dread the issue.

Mr. SERGEANT was proceeding to say that he should vote against the reconsideration, when the CHAIR reminded him that the previous question precluded debate.

The demand for the previous question was then seconded without a division, and the main question similarly ordered thereon; the yeas and nays were granted at the request of Mr. BRONSON, and they were—yeas 21, nays 205, as follows:

YEAS—Messrs. Boon, Bronson, John Campbell, Chaney, Davee, Fairfield, Foster, Gallup, Grant, Gray, Hawkins, Keim, Kemble, McClellan, Miller, Montgomery, Morgan, Parker, Parmenter, Snyder, and Taylor—21.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Andrews, Atherton, Aycrigg, Banks, Beaty, Beirne, Bell, Bicknell, Biddle, Birdsall, Boad, Borden, Bouldin, Briggs, Buchanan, Bynum, William B Calhoun, John Calhoon, Cambreleng, William B. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Cleveland, Coffin, Coles, Connor, Corwin, Craig, Cranston, Crockett, Curtis, Cushing, Cushman, Darlington, Dawson, Davies, Deberry, DeGraff, Dennis, Dromgoole, Duncan, Dunn, Edwards, Elmore, Evans, Everett, Ewing, Farrington, Richard Fletcher, Isaac Fletcher, Fillmore, Fry, James Garland, Rice Garland, Glascock, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Griffin, Haley, Hall, Halsted, Hammond, Hamer, Harlan, Harrison, Harper, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Holt, Howard, Hubley, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jenifer, H. Johnson, J. Johnson, William Cost Johnson, N. Jones, John W. Jones, Kennedy, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Lincoln, Logan, Lyon, Marvin, James M. Mason, Samson Mason, Martin, Maury, May, Maxwell, Robert McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Mitchell, Moore, Mathias Morris, Samuel W. Morris, Calvary Morris, Naylor, Noble, Noyes, Ogle, Owens, Parris, Patterson, Paynter, Pearce, Peck, Pennybacker, Petrikin, Phelps, Phillips, Pickens, Plumer, Pope, Potts, Potter, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Randolph, Reed, Reily, Rencher, Rhett, Richardson, Ridgway, Rives, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, Sheffer, A. H. Shepperd, Charles Shepard, Shields, Sheplor, Sibley, Slade, Southgate, Spencer, Stanley, Stuart, Stone, Stratton, Taliaferro, Thomas, Thompson, Tillinghast, Titus, Toland, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Wagener, Webster, Weeks, Albert S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Jos. L. Williams, Christopher H. Williams, Wise, Word, Worthington, Yell, and Yorke—205.

So the House refused to reconsider.

DISTRICT BUSINESS.

Mr. BOULDIN rose, and said he had been waiting for several days with the most perfect confidence in the justice of the House, for a favorable moment, when he should find himself and the House in a good humor to make a motion to the House to pay the time that they took from him, which was devoted to the business of the District of Columbia. They had given him but half a day, and had taken half of that from him; and he had no doubt that at some suitable time, they would return to him that time. Short as it was, he asked no more, and would ask the House to give the district business the balance of the evening, after the recess. He did not suppose it would take the whole evening. There were but few bills or matters of any kind on the District, and he had no idea they would take up much of the time of the House; he would not occupy the evening, unless other gentlemen compelled him, and said he would accept any other time that might be most agreeable to the House, if any gentleman would name it. He moved a suspension of the rules to make that motion, which was decided in the negative, by a vote of 112 to 64, not two thirds.

Mr. KENNEDY moved to take up the resolution submitted by him some time since, in relation to depositing the public moneys in State banks.

Mr. YELL objected, first on the ground that the better way to progress with the public business was to take it in its order; and next, because he would not consent to set aside the Army bill, which was of the greatest importance to the people of Arkansas and the whole Western frontier.

Mr. KENNEDY moved a suspension of the rules, and varied his motion so as to make the subject the special order for to-morrow, after 12 o'clock.

Mr. CAMBRELENG called for the yeas and nays; which, being ordered, were, yeas 94; nays 110.

So the House refused to suspend the rules.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, covering a report of the architectural plans and drawings prepared under the order and for the use of that Department, since the 4th of July, 1836, he were employed for that purpose, and what compensation as paid for their services.

On motion of Mr. LINCOLN, referred to the Committee on Public Buildings.

SPECIAL DEPOSITE SYSTEM.

Mr. THOMPSON asked leave to submit the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill for the collection, safe-keeping, and disbusement of the public money, embodying the following principles:

That all the dues to the Government shall hereafter be collected in gold and silver coin, Treasury notes of the United States, the and notes of sound specie-paying banks, under such regulations and restrictions as may be prescribed by act of Congress, or by the Secretary of the Treasury: *Provided*, That no bank notes shall be received as aforesaid, except such as the banks of deposite shall agree to receive, and credit as cash.

That the Secretary of the Treasury be directed to select as special depositories of the public funds, and at such places as may be necessary, sound specie-paying banks, preferring, in all cases where such exist, banks owned in whole or in part by the States in which the same are situated.

That the Secretary of the Treasury be directed to contract with the banks selected as depositories aforesaid, for the safe keeping, transfer, and disbursement of the public moneys, on such terms and for such compensation as he may deem right and proper; stipulating, in all cases, under such guarantees as he may think necessary, the public funds deposited with said banks shall be in no case used in the business, nor otherwise used, but in payment of drafts from the Treasury.

Objection being made to its reception,

Mr. THOMPSON moved a suspension of the rules, and asked for the yeas and nays.

The House refused to order the yeas and nays upon a division, and the motion to suspend was rejected without a division.

Mr. MONTGOMERY, on leave, presented to the House a letter from the Postmaster General, in relation to the post route bill; which was ordered to be printed.

Some pension bills, returned from the Senate with amendments, were taken up, and the amendments concurred in

Sundry bills from the Senate, lying on the SPEAKER's table, were taken up, read twice, and referred to their appropriate standing committees.

Mr. SERGEANT then moved that the House go into Committee of the Whole on the Union.

Mr. THOMAS suggested that the motion be waived till after the recess.

Mr. SERGEANT did not apprehend the "Harbor bill," which he intended to move, would take up much time, and he could not consent to withdraw the motion.

The motion prevailed, without a division, and the House went into committee—Mr. POTTER in the Chair.

Mr. HARRISON of Missouri moved to take up the Army bill.

Mr. SHIELDS moved the bill in relation to certain Tennessee land claims.

Mr. SERGEANT moved the Harbor bill.

The first motion being put, was agreed to—ayes 88, noes 69.

INCREASE OF THE ARMY.

The committee accordingly took up the bill from the Senate to increase the military establishment of the United States.

After some conversation on the bill,

Mr. McKAY moved to lay it aside for the present, as some further information was required as to the number of regiments necessary on the frontier, when the Military Committee would be prepared; but subsequently withdrew that motion.

The bill having been read by the Clerk,

Mr. McKAY submitted a substitute, proposed by the Committee on Military Affairs.

Mr. BELL again renewed the motion to lay the bill aside for the present.

Mr. BRONSON moved that the committee rise.

Mr. YELL would not yield his assent to lay the bill aside, for it might not be reached again.

The committee refusing to rise, the bill was further discussed till the hour arrived for taking the daily recess.

EVENING SESSION.

The House convened at 3 o'clock, and went into Committee of the Whole on the state of the Union, Mr. INGHAM in the Chair, resuming the consideration of the "bill to increase the military establishment of the United States."

The question pending was on the proposed substitute of the Committee on Military Affairs, as submitted by Mr. McKAY.

Mr. McK. went into a detailed statement of the provisions of the bill, but while doing so—

Mr. THOMPSON suggested that, as the measure was a very important one, certainly the most important one of the session, and as there was obviously nothing like a quorum present, the committee should rise and have a call of the House. The suggestion was assented to, the committee rose, and Mr. T. moved a call of the House.

Mr. CUSHMAN called for the yeas and nays; which were ordered, (yeas 15, nays 53,) and were yeas 86, nays 24, so the call was ordered, and proceeded in for some time; when, on motion of Mr. CAMBRELENG, the call was dispensed with, ayes 78,

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. MONDAY, JULY 9, 1838. VOLUME 6.....No. 31.

BY BLAIR & RIVES. —WEEKLY— PRICE $1 PER SESSION.

[Continued from No. 30.]

noes not counted, and the House went into committee as before.

Mr. McKAY concluded his explanation of the provisions of the bill, going with much minuteness into all the various details connected with it, showing the expediency and necessity of its passage, illustrating it, as he went along, with a condensed historical review of the army at different periods of its existence, and the various propositions and plans of Mr. CALHOUN and others for its increase and improvement.

Mr. KEMBLE also addressed the committee at length in support of the substitute, and to prove the necessity of a competent armament on the frontiers.

Without taking the question, on motion of Mr. BRONSON, the committee rose and reported.

Sundry bills from the Senate, on the Speaker's table, were taken up, read twice, and referred to their appropriate standing committees.

The bill to authorize the inhabitants of township 8 north, range No. 32, in Arkansas, to relinquish their 16th section and locate another, being taken up,

Mr. YELL moved that it be put on its passage.

Mr. HARLAN moved its commitment to the Committee on Private Land Claims.

Mr. YELL explained the provisions of the bill, and that it was purely for the benefit of the Government; but Mr. H. insisted on his motion, regarding it, he said, in the nature of a float.

Mr. HARRISON of Missouri thought, if it was committed at all, it should go to the Military committee, though he himself did not deem its commitment necessary.

Mr. GARLAND of Louisiana opposed any reference as not at all required, for the bill made no appropriation.

Mr. BOON preferred the Committee on the Public Lands; for ever since he had been a member of that committee, (upwards of six years,) such bills had been invariably sent to that committee.

Mr. HARLAN modified his motion according to Mr. BOON'S suggestion.

After a few further remarks from Messrs. YELL and POPE, the bill was so committed.

On motion, at a quarter before 7 o'clock, p. m.

The House adjourned.

IN SENATE,

TUESDAY, June 26, 1838.

Mr. WEBSTER gave notice that he would to-morrow call up the bill introduced by him respecting the receipt of the paper of banks which issue notes less than five dollars for the public dues.

Mr. BUCHANAN rose and observed that he yesterday gave notice that he would to-day, immediately after the reading of the journal, call up the resolution of the House fixing the day of the adjournment of Congress. He now moved to take it up.

This motion having been carried, and the resolution being before the Senate,

Mr. BENTON said that he should move to postpone its further consideration until Monday next, and asked for the yeas and nays on that question. We have, said Mr. B. been here nearly seven months, and bills of the highest moment to the country were yet unacted on. He was, therefore, not willing to risk the loss of those bills by an adjournment to a day certain; and by retaining, said he, the resolution in our possession for this week, to see whether these bills will be acted on, we shall be just as far advanced on Monday as we now are. He had particularly in his eye the bill to increase the ranks of the army—a bill which they had seen the necessity of acting on for years. It was not usual to speak of what was done in the other house; but it was notorious, that at the last session, this bill having been kept back until almost the last moment, a member threatened, if it was touched, to speak out the week against it. There was also the graduation bill, another important measure, which he thought it important should be acted on. We are sent here, said Mr. B. to work, and not to sit here for a given number of days. He was for doing the public work, and after it was done, for adjourning; but he was utterly opposed to binding himself to adjourn by a certain day, and thus risk the loss of bills necessary for the service of the country, which were now ready for action. He asked for the yeas and nays on this question, in order that it might be seen that he was against risking the loss of bills important for the service of the country.

Mr. GRUNDY said it would be recollected that when the resolution fixing the period of adjournment had been introduced in the Senate, he was among the foremost in opposing its adoption. At that time he viewed it is an improper, or rather an ill-timed, measure. He was desirous that every thing material to the great interests of the nation should have been acted on before the adjournment was agitated. He considered that the introduction of such matters more appropriately belonged to the popular branch; and it best became the Senate to wait until that body said it could dispose of the public business. The House of Representatives has now informed us that it has finished its business, or at least will be ready to do so by the 9th of July. In relation to the subject mentioned by the honorable Senator from Missouri, he was as anxious that it should be matured as any man could be; but, said Mr. G. when the House has told us that *it will* finish all its business, and be ready to adjourn at the period specified, I do not see with what propriety we can vote for any further postponement.

Mr. BUCHANAN said that he was glad that the Senator from Missouri had called for the yeas and nays, and he should most cheerfully vote for them. He believed, at the time, that if his friend from Alabama [Mr. KING] had prosecuted the resolution introduced by him, with his usual perseverance, and the day had been fixed for the adjournment, they would have been as ready to adjourn by that day as they now were, or should be by the 9th of August next, if they now postponed the resolution. One thing his experience had taught him: you never, said he, go earnestly and zealously to work till you know when the session is to terminate. Fix the day of adjournment now, and it would operate as an incentive to the two Houses to finish the business before them. He would be as sorry as any man that the army bill should be lost. But can we, said he, tell the House that they did not know the state of their own business when they passed this resolution; and, though it was passed by a majority of two to one, we will not agree to it—our refusal not being for the purpose of doing our own business, but for the purpose of giving them longer time to do theirs. If, said Mr. B. you postpone this resolution for one week, you necessarily postpone the adjournment, whereas if you take the House at its word, and pass the resolution now, they will go earnestly to work, and complete their business by the day fixed. This resolution was adopted in the House by a majority of two to one; and the plain construction of a refusal to adopt it here would be an intimation to that body that it did not know what time it would require to complete its own business. It would be virtually telling them, that by adjourning on the day they had fixed, they would violate their duty, and lose the army bill, as well as other bills important to the country For these reasons he was opposed to the postponement, and should vote against it.

Mr. BENTON said that the opinions advanced by the honorable gentleman from Pennsylvania were not, in his view, justified by experience. The theory of no work, until after the day of adjournment was fixed, was promptly contradicted by the existing state of facts. He might appeal to the Senate to sustain him in the assertion That body, without any day fixed, had made as great progress as though the day had long before been settled on; for months, he might say, they had been passing on, under easy sail, until all the business relating to the great and leading interests of the nation had been disposed of. With the other House there was a far different state of things. Early and late had that body been engaged; the stars of Heaven had found them in close attendance upon their public duties. Yes, sir, said Mr. B. never was House more laboriously occupied; the sessions continued from ten in the morning not unfrequently until midnight, until the health and spirits of the members have been broken down by those continued and exhausting sittings. Sir, that House has done all that it could do; and more progress could not have been made than has been by that body. If the resolution introduced here some weeks since had been adopted, (which the gentleman from Pennsylvania seems to regret so much that it had not) he would undertake to say that it would have been an utter extermination of all the business of importance in which the Government and individuals were interested. He had before alluded to the army bill which had passed that body at the heel of a session, and, though reported by the committee in the other House, was never taken up, because a member said if it were taken up he would speak out the time. Now, sir, said Mr. B. I am *against that risk*. I am, for one, unwilling to jeopard any measure in which this country is so vitally interested, by leaving it to be defeated in any such manner. No injury could result from holding over the resolution until Monday next. It would then be seen what chance there would be of the House acting upon the army bill. With regard to our own body, we can finish all our business in four or five days. When this question is taken up, I shall call for the yeas and nays, as I, for one, am determined to record my name against its adoption at this time.

Mr. BUCHANAN replied, that he entirely differed from the Senator from Missouri, both as to his arguments and facts. He says, continued Mr. B. that my position is contradicted by existing facts, and that the Senate is ready to adjourn in two or three days. Now, he thought the Senate must work very hard to be able to adjourn in twice two or three days. According to the calendar, there were sixteen pages of titles of acts yet to be acted on; and they must proceed at a very rapid rate to get through these acts and adjourn by the day fixed by the House. If the day of adjournment had been fixed some time ago, the Senate would not have adjourned over from Friday to Monday, as it had often done, and would not have consumed so much time as they had in discussion. He knew that the sessions of the House had been very constant and laborious, though much of its time had been taken up by discussion. But what had they done? They have (said Mr. B.) several of our important bills before them, and they declare that they can finish their business and adjourn by the 9th. But there was another consideration. The Congress of the United States, against the theory of our institutions, had been in session, with the exception of six weeks, from the 4th of September to this day; and it was time they went home to their constituents and got their instructions, instead of remaining here to convert themselves into a sort of Rump Parliament. He entirely concurred with the Senator from Tennessee [Mr. GRUNDY.] The House itself, the best judge of its own business, had fixed on the day; and let us, said he, agree to it promptly, by which means they will be stimulated to increased exertion. He was ready to show his constituents his desire to complete the business before him, and to return to them; and if any of the business should remain undone, it would be better that it should be so, than that Congress should sit the whole year round.

On taking the question, Mr. BENTON'S motion was rejected—yeas 8, nays 39, as follows;

YEAS—Messrs. Allen, Benton, Linn, Lyon, Norvell, Sevier, Tipton, and Wright—8.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Merrick, Morris, Mouton, Niles, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Trotter, Wall, Webster, White, Williams, and Young—39.

The resolution was then agreed to without a division.

Mr. GRUNDY, from the Committee on the Judiciary, to which had been referred the bill for the relief of Joseph K. Avery, reported the same without amendment, saying that the committee had instructed him to move the indefinite postponement of the bill when it came up

Mr. NORVELL, from the Committee on Revolutionary Claims, reported the following bills from the House, without amendment, and gave notice that he should move for their indefinite postponement:

The bill for the relief of Lieut. John McDonald.

The bill for the relief of the legal representatives of William Vause, deceased.

The bill for the relief of the legal representatives of Tarlton Woodson, deceased.

The bill for the relief of Roger Stayner.

The bill for the relief of the legal representatives of James Broadus, deceased.

The bill granting half pay for the Revolutionary services of Lieut. Jonathan Dye.

The bill for the relief of the legal representatives of Samuel O. Peters, deceased.

The bill for the relief of the legal representatives of Captain William Jones.

Mr. N. from the same committee, also made favorable reports on the following, and moved their passage:

The bill for the relief of the legal representatives of Captain James Purvis, deceased.

The bill for the relief of the legal representatives of John B. Ashe, deceased, with amendments.

The bill for the relief of the legal representatives of Garland Burnley, deceased.

Mr. MORRIS, from the Committee on Pensions, made a favorable report on the following bills from the House:

The bill for the relief of the widow of Noah Chittenden

The bill for the relief of William Collins.

The bill for the relief of Gideon Sheldon.

Mr. M. from the same committee, made unfavorable reports on the following bills:

The bill for the relief of John Casey.

The bill for the relief of Ann Ross.

The bill for the relief of Barton Hooper.

Also, the bill for the relief of Huldah Tucker.

Mr. WILLIAMS, from the Committee on Pensions, made favorable reports on the following bills from the House of Representatives:

The bill for the relief of Thomas Frazier.

The bill for the relief of John M. Jensell.

The bill for the relief of John Jest Dietz.

The bill for the relief of Lewis Hatch.

The bill for the relief of Sarah Pemberton.

The bill for the relief of Joseph Salmonds.

Mr. W. from the same committee, made unfavorable reports on the following bills from the House:

The bill for the relief of James Smith.

The bill for the relief of Daniel W. Going.

The bill for the relief of Benjamin F. Westley.

The bill for the relief of Solomon Prensett.

The bill for the relief of James J. Coffin.

The bill for the relief of Benjamin Mitchell.

The bill for the relief of Jacob Erb.

The bill for the relief of James B. Rice.

The bill for the relief of Philip Hartman.

The bill for the relief of Joseph W. Knipe.

Mr. BENTON, from the Committee on Military Affairs, to which the subject had been referred by a resolution of the Senate, reported a bill to continue in force the act providing payment for horses and other property lost in the military service of the United States; which was read, and ordered to a second reading.

Mr. YOUNG, on leave, introduced a bill to prevent defalcations by the collectors, receivers, and disbursing agents of the Government; which was twice read, and referred.

Mr. BUCHANAN observed that, in consequence of the proceedings of the other House, he had prepared a bill, which he had intended to give notice of his intention to introduce, entitled a bill supplementary to the act to establish the Treasury Department; but as it was late in the session, he wished, if there was no objection, to offer it now, in order that it might be printed at once. It would come up to-morrow, and he should then probably say a few words in explanation of it.

Leave was accordingly given, and Mr. B. introduced the following bill, which was read:

[The bill was given in yesterday's Globe.]

The bill for the relief of the heirs of James Latham, deceased, was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. CRITTENDEN, the bill for the relief of the heirs of Pierre Menard was taken up, and after a debate, in which it was advocated by Messrs. CRITTENDEN, NORVELL, LINN, CLAY of Kentucky, ROANE, and WHITE, and opposed by Messrs. BAYARD, NILES, and KNIGHT, was ordered to be engrossed for a third reading.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 27, 1838.

Mr. HOWARD, on leave, submitted the following resolution; which, on his motion, was referred to the Committee on Public Buildings.

Resolved, That the Commissioner of Public Buildings be directed to ascertain the plan, cost, and advantages of the mode proposed for ventilating the new parliament house in London, and report the same to this House, at the next session of Congress, together with his opinion of its applicability to the hall of the House of Representatives.

Mr. GRAY moved that the Committee of Claims be discharged from the further consideration of the Senate bill for the relief of Richard P. Banks of Arkansas, (having been sent to that committee by mistake,) and that the same be referred to the Committee on Indian Affairs.

Mr. HARLAN at first objected, on the ground that he wanted that all the committees should have an opportunity of reporting.

Mr. RIVES appealed to Mr. GRAY to vary his motion accordingly, which he did at first, but on Mr. ADAMS stating that he only waived his right for the single motion Mr. G. renewed that, and it prevailing, the bill was referred to the Committee on Indian Affairs.

At the suggestion of Mr. CRAIG and others, Mr. ADAMS waived his right to address the House to-day in continuation of his review of the Texas question, with the understanding that nothing was to interpose between his right for to-morrow, for the purpose of enabling the committees to report.

The committees were then called upon by the CHAIR.

Mr. CUSHING, from the Committee on Foreign Affairs, reported, without amendment, Senate bill for the relief of the heirs of Richard W. Mead.

Mr. WHITTLESEY of Connecticut, from the Committee on Revolutionary Pensions, reported a bill for the relief of Thomas Hutchins.

Also, a bill for the relief of Maria Hornby.

Mr. EWING, from the same committee, reported a resolution to print a number of pension papers and documents; which was concurred in.

Mr. E. asked leave to offer a resolution, but it was promptly objected to.

Mr. E. asked that it be read for the information of the House; but the House refused to hear it.

Mr. STANLEY, from the Committee on Invalid Pensions, reported a bill for the relief of Isaac Conway.

Mr. MERCER, from the Committee on Roads and Canals, reported certain amendments to the harbor bill; which were committed to the same committee having charge of that bill.

Mr. M. also reported a bill for the completion of the Cumberland road east of the State of Ohio; which was read twice, and committed: Mr. M. explaining that it was not intended to call up the bill till next session.

On motion of Mr. M. the report of the committee, at a former session, in relation to the construction of a bridge across the Ohio, at Wheeling, was ordered to be reprinted.

Reports in relation to the Dismal Swamp Canal, and the Muscle Shoals, in Virginia, were, on Mr. M's motion, also ordered to be printed.

Mr. M. also reported a bill authorizing the construction of a road through the lands of the United States at Harper's Ferry.

On motion of Mr. M. the surveys of the War Department on the Winchester Railroad were ordered to be printed.

IMPROVEMENT IN THE HALL.

Mr. LINCOLN, from the Committee on the Public Buildings, reported the following resolution:

Resolved, That the Commissioner of Public Buildings, under the direction, and upon a plan to be previously approved by the SPEAKER, cause the Hall of the House of Representatives to be altered, during the recess of Congress, by changing the position of the Speaker's chair and Clerk's table to the opposite side of the Hall, and reversing the location of the desks of the members, elevating and conforming the floor to such order of arrangement, as, in the general design, to restore the arrangement of the chair and seats of members to the state in which they existed previous to the alteration authorized by the House of Representatives, in the first session of the Twenty-second Congress; and that the expenses be paid out of the contingent fund of the House.

Mr. CAMBRELENG remarked that it had often occurred to him that whatever change might be made in the floor, the best would be to make the floor flat; for it was tested by experience, that members could hear much better from those who were on the same level with themselves, than from either those who sat lower or more elevated.

Mr. SERGEANT thought otherwise.

Mr. HARLAN thought there was no time to go on with such a discussion as this now, and therefore he demanded the previous question; which was carried.

Mr. GARLAND of Virginia said, believing this question ought not to be disposed of till after the next census, he moved to lay the resolution on the table.

This motion was disagreed to without a division, and the resolution was concurred in by a large majority.

Mr. MERCER reported Senate bill making appropriations for certain roads in the Territory of Wisconsin.

The bill originally came from the Senate, was passed by the House with certain amendments, to which the Senate disagreed; the Committee on Roads and Canals now recommended that the House insist upon all their amendments; which was agreed to.

Mr. PEARCE, from the select committee appointed on the memorial of Thomas Coyle, made a report thereon; which was laid on the table.

Mr. HOLT, from the select committee appointed on the memorial of sundry citizens of Connecticut, praying for the erection of a monument to the memory of Capt. Nathan Hall, made a report thereon, accompanied by a joint resolution appropriating a sum not exceeding $1,000, to carry that object into effect; which was read twice, and referred to a Committee of the Whole on the Union.

Mr. JONES of Virginia, from the Committee of Ways and Means, reported a bill for the relief of the owners of the brig Warren.

Mr. HAMER, from the same committee reported a bill for the relief of Samuel T. Anderson.

Mr. ATHERTON, from the same committee, made a number of unfavorable reports, which were concurred in.

Mr. RENCHER also made several unfavorable reports on cases referred to that committee.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of Richard Hooker and others.

Mr. W. reported a resolution referring the case of Peter Smith, of Tennessee, to the Secretary of War; which was concurred in.

Mr. W. also made several unfavorable reports in cases referred to that committee.

On motion of Mr. CUSHMAN, the Light-house bill was recommitted to the Committee on Commerce.

On motion of Mr. WORTHINGTON, the bill establishing certain collection districts, and creating ports of entry, was also recommitted to the same committee.

Mr. CUSHMAN moved to discharge the Committee of the Whole from the bill to extend the privilege of drawback and to abolish distinctions in ports of entry, with a view to bring it into the House for action; but the motion did not prevail.

Mr. YELL reported, without amendment, Senate bill to authorize the claimants of Cherokee pre-emptions to locate them on the lands of the old Louisiana land district, now composed of the districts of Batesville and Helena, Arkansas.

Mr. CHAPMAN, from the same committee, reported, with an amendment, (a substitute,) Senate bill for the relief of certain settlers on the public lands who were deprived of the benefits of the pre-emption law of the 19th of June, 1834.

Mr. C. moved that the bill be now put on its passage, but, on motion of Mr. BRIGGS, it was postponed till to-morrow.

Mr. C. also reported Senate bill, without amendment, for the benefit of the Florida, Alabama, and Georgia Railroad Company; which was committed.

Mr. HOPKINS, from the Committee on the Post Office and Post Roads, reported Senate bill for the relief of Owens and Skidmore, with a recommendation that it do not pass; and, on Mr. H's motion, it was laid on the table

Mr. BRIGGS, from the same committee, reported a bill for the relief of Josiah S. Caldwell.

Mr. CALHOON of Kentucky, from the same committee, reported a bill for the relief of Jamison Williamson.

Also, a bill for the relief of Cornelius Taylor.

Mr. HARLAN, from the Committee on Private Land Claims, reported, without amendment, Senate bill for the relief of Richard Craval, Hardy Perry, and Bely Cheney, and the same was read a third time and passed.

Mr. H. from the same committee, reported, with an amendment, (a substitute) Senate bill to confirm certain entries of public lands permitted to be made by the registers and receivers of land districts under the belief that the same had been offered at public sale; and the substitute having been concurred in, the same was ordered to be engrossed for a third reading to-morrow.

Mr. H. also reported Senate bill, with an amendment, (a substitute) to confirm certain purchases of public lands under the act of the 19th of June, 1834, (in Mississippi) and moved its being concurred in.

Mr. PRENTISS of Mississippi opposed the substitute, and the further consideration of the bill was postponed till to-morrow.

Mr. CALHOUN of Massachusetts, from the same committee, reported a bill for the relief of James L. Stokes.

Mr. MAY, from the same committee, reported, without amendment, Senate bill for the relief of the legal representatives of Philip Barbour, deceased.

Mr. GARLAND of Louisiana, from the same committee, reported the following resolution, which, after a few remarks from Mr. E. WHITTLESEY and Mr. HARLAN, was concurred in:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of directing patents to be issued to James Nevils and Luther Gleason, William Powell and Robert Grignon, Ebenezer Childs and Francis Laventure, or their legal assignees, for certain lands in the Territory of Wisconsin, alleged to have been purchased by them under the pre-emption law, passed June 19, 1834; and that said committee be authorized to receive testimony in support of, or in opposition to, the issuing of said patents.

REMISSION OF STEAMBOAT IRON DUTIES.

Mr. ADAMS, from the Committee on Manufactures, reported a bill to remit certain duties upon iron imported for the construction of iron steamboats.

Mr. A. moved that this and another bill on the same subject be made the special order on Saturday next, for one hour, after the recess, which was agreed to.

Mr. RANDOLPH moved to amend the joint resolution to lease lands for the cultivation of the mulberry and sugar beet, the bill for the propagation of seeds, and the bill to promote the cultivation of tropical plants, the special order for one hour on Saturday, after Mr. ADAMS's special order should be disposed of, but the motion did not prevail.

Mr. BELL, from the Committee on Indian Affairs, reported, with amendment, Senate bill in relation to the appointment of commissioners to adjust the disputed land claims under the Choctaw treaty, the consideration of which was postponed till to-morrow.

Mr. B. also reported a bill to provide an allowance of invalid pensions to certain Cherokee, under the 14th article of the treaty of 1825, which was also postponed till to-morrow.

Mr. INGHAM, from the Committee on Naval Affairs, reported the following bills:

A bill for the relief of Ann Tilden.

A bill for the relief of Jesse Seymour, or his legal representatives, and in alteration of an act entitled "An act respecting the late officers and crew of the sloop of war Wasp," approved the 20th April, 1816.

A bill for the relief of Charles Rockwell.

A bill for the relief of the widow of Thomas Kibby.

A bill for the relief of John G. Mozart.

Mr. INGHAM then moved to set apart Monday next for the consideration of bills reported from the Committee on Naval Affairs.

Mr. CAMBRELENG said there were some very important appropriation bills yet to be acted on.

Others also objecting—

Mr. INGHAM asked a suspension of the rules; remarking that not a single naval bill had been yet acted on, and all he asked was one day. The motion did not prevail—79 to 48—not two-thirds.

Mr. WISE expressed a hope that the House would set apart some day, for the Committee on Naval Affairs had not had a days for five years.

Mr. THOMAS, from the Committee on the Judiciary, reported the following resolution:

Resolved, That the resolution of the House, adopted on the 28th of May ultimo, "requiring" the Judiciary Committee to report on certain resolutions and petitions, be, and the same is hereby, rescinded.

Mr. T. explained that this resolution, (which reported a resolution originally introduced by Mr. JOHNSON of Louisiana,) was brought in on the ground that for a due investigation into the affair there was not time to summon witnesses, etc.

The resolution was then concurred in.

Mr. THOMAS then reported a bill to increase and regulate the terms of the District Court of the Northern District of New York.

Mr. T. moved that it be put on its passage.

Mr. LOOMIS moved its commitment.

Mr. BRONSON begged his colleague to withraw the motion, as it was equivalent to a rejection of the bill.

Mr. LOOMIS replied that he was not prepared to vote on the bill one way or the other, nor did he believe his colleagues were sufficiently cognizant of the matter without further examination.

Mr. THOMAS was about to proceed, when

Mr. McKAY and Mr. YELL called for the orders of the day.

Mr. THOMAS begged the gentlemen to waive them for a moment.

Mr. YELL said he should do no such thing, for the army bill was of more importance to him than any thing else.

At a subsequent period of the day, however, on motion of Mr. RIVES, the bill was committed.

The motion for the orders prevailed, ayes 110, noes not counted.

Bills from the Senate on the SPEAKER's table were read twice and referred.

ARMY BILL.

On motion of Mr. McKAY, the House then went into Committee of the Whole on the Union, Mr. INGHAM in the chair, on the bill to increase the military establishment of the United States.

The question was on the substitute of the Committee on Military Affairs, which proposed to increase the army to about 12,500, the Senate bill augmenting it to upwards of 14,000.

Mr. BRONSON addressed the House at length on the merits of the bill, going at large into the condition of our Western and Northern frontiers, with a view to demonstrate the necessity of its passage. Mr. B. also went into a mass of minute details contrasting the expenses of militia or volunteers and regular soldiers, being a difference of about from four (or perhaps six) to one, without reference to the question of efficiency, and the more indirect loss to the country from taking men suddenly from their ordinary pursuits. Mr. B. said that, though he was favor of the larger number, yet he preferred the bill recommended by the House committee, as being more perfect in its provisions.

Before the question was taken, the period arrived for the House to take its daily recess.

EVENING SESSION.

As soon as the House convened, it went into committee, resuming the consideration of the

ARMY BILL.

Mr. BRONSON concluded his remarks in support of the bill.

Mr. HARRISON of Missouri, was opposed to the amendment of the Military Committee, as altogether inadequate for the object contemplated. It would be insufficient to provide for the protection of the Western frontier. Mr. H. was, however, opposed to proceeding in so thin a House, with scarcely fifty members present.

Mr. MASON of Ohio, suggested that they either proceed or take the question on the amendment.

The question was then taken on the substitute to the first clause, when it was agreed to.

Mr. McKAY, under instructions from the Military Committee, moved an amendment to the second clause, providing for an additional regiment of infantry.

Mr. HARRISON moved a further amendment to raise a regiment of riflemen in addition thereto; and proceeded to give his reasons for the superior efficiency of such a corps.

Mr. McKAY cited a section of the bill intended to meet the very object the gentleman had in view, for the President was thereby authorized to convert any of the regiments of infantry into one of riflemen, whenever it should be deemed expedient.

Mr. HARRISON rejoined that such a substitution would not ensure the requisite skill and efficiency. He was not for giving this discretion to the President, but for having the corps organized at the start.

Mr. CRARY inquired if there were any riflemen or light infantry at present belonging to the army?

Mr. McKAY replied that they were not, though that description of force was contemplated in the section he had just referred to.

Mr. CRARY then was of opinion that Mr. HARRISON's amendment was a very proper one, for that description of force could alone be effective against Indians.

Mr. GRENNELL opposed the amendment as altogether unnecessary from the provision referred to.

Mr. THOMPSON went into the general merits of the bill, and expressed his decided opposition to any further increase of the army than was absolutely necessary, and his objections would have still greater weight, but for the confidence he had in the present Secretary of War, to whom he had always been opposed in politics, and most probably always should. The bill, and the substitute of the military committee, proposed too great an augmentation. Mr. T. was for filling up the present regiments in rank and file, and gave notice of an amendment he intended to move, which would make an aggregate increase of 2,500 men only. The ordnance company ought to be increased, but not by abstracting from the artillery corps, as proposed, which could not spare any diminution. He was opposed also to an increase of the officers, except that of major-general of the army, for the present office was merely a ministerial one, for a minister for the army to reside near the Government of the United States.

Mr. POPE was opposed to raising a large military force under the influence of imaginary danger for he could not bring himself to believe we wer

going to have an Indian war on the Western frontier, nor a British one on the North. He thought the number proposed by Mr. THOMPSON to be sufficient, and they were at least as many as could be raised during the present year. For the protection of the Western frontier, he was in favor of a cordon of posts from the extreme Northwest to the Sabine.

Mr. MERCER was in favor of part riflemen, and of dismounting one regiment of cavalry for that purpose.

Mr. REED was in favor of the smallest number that was necessary, for he was opposed to a large increase of the standing army.

Mr. WISE was opposed to the existing bill altogether, and gave notice of some amendments he intended to move at the proper stage. He did not deem any increase of the standing army to be at all necessary, for he believed that all the reports of apprehensions of war were merely got up by the Administration and those interested, to augment the army. He concurred with Mr. THOMPSON that an increase of the rank and file might be expedient, but he, too, should oppose any addition to the officers.

Mr. YELL was as much opposed to a needless increase of the army as any one, or to an overgrown standing army, and would be the first to resist it when it shall be shown to be dangerous to the liberties of the country; yet the condition of the country, and the Western frontier in particular, imperiously demanded it. The same arguments now urged were used against this measure two years ago, when there was no more prospect of a war in Florida than there was at present on the frontier. It was well known that the Indians were making preparations for hostilities, and, as in Florida, we should get into a war before we were prepared for it, unless the army was increased with a sufficient force to keep the Indians in awe. He was not, however, in favor of a very large increase, nor of an augmentation of the staff; but he did desire to see the rank and file, the musketry, the bone and sinew, increased. This was indispensable; for the Government had placed between sixty and seventy thousand Indian warriors on the Western frontier, well armed with rifles and ammunition; and it now became its duty, the duty both of the Administration and the Opposition, to devise means for protecting its own citizens. Mr. Y. expatiated upon these points at some length, and stated that about 3,400 troops, composed of dragoons and light infantry, properly distributed along the frontier, might be sufficient; and he warmly urged upon the House the necessity of passing upon some such measure, and that speedily.

Mr. JENIFER advocated also an increase to a much greater extent than was proposed by some of the opponents of the bill.

Mr. BELL expressing a wish to address the committee at length, and presuming the question would not be taken to-night, but would be to-morrow moved that the committee rise.

Mr. WISE presented his amendment informally.

Mr. McKAY and Mr. YELL severally said they should oppose the committee's rising, unless with the general understanding that the question should be taken to-morrow. (Cries of "agreed," "agreed," from all parts of the hall.)

The committee then rose—ayes 64, noes 56, and

On motion of Mr. BRIGG, the bill and amendments were ordered to be printed.

On motion,

The House adjourned.

IN SENATE,

WEDNESDAY, June 27, 1838.

The CHAIR communicated a report from the Navy Department, in answer to the resolution of the Senate of the 10th of April last relative to a system of coast defence: ordered to be printed, and referred to the Committee on Naval Affairs.

Mr. STRANGE presented some additional documents in support of the claim of Col. Buncombe, of North Carolina, which were referred to the appropriate committee.

On motion of Mr. TALLMADGE, the Committee on Naval Affairs was discharged from the further consideration of the petition of Richard Montgomery.

Mr. T. from the same committee, reported bills for the relief of Loammi Baldwin and of Samuel Warner; which were severally read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported a bill for the relief of Nicholas Verplast and a bill for the relief of Robert Ramsey; which were read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, reported unfavorably, and without amendment, the bills from the House for the relief of Doctor David Gould, and the legal representatives of Captain John Winston.

The bill for the relief of the heirs of Pierre Menard, was read the third time and passed.

On motion of Mr. WEBSTER, the Senate proceeded to the consideration of the bill introduced by him on leave, entitled "An act making a further provision for the collection of the public revenue," and after some remarks from Mr. W.

Mr. BUCHANAN offered as an amendment or substitute, the bill introduced on leave by him yesterday, accompanying the motion with some explanatory remarks.

Mr. STRANGE, after some remarks, moved to lay the whole subject on the table, which was agreed to, with the understanding that it be taken up to-morrow.

The bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, was taken up as the special order; and after a long debate, in which Messrs. LINN, SEVIER, BENTON, BAYARD, SOUTHARD, DAVIS, and others participated, the bill was amended, and laid on the table, in order that the amendments might be printed.

The bill to divide the State of Delaware into two collection districts, was taken up and discussed at length between Messrs. BAYARD, CLAYTON, KING, BUCHANAN, and NILES, and was ordered to be engrossed for a third reading.

At a few moments before 5,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 28, 1838.

Mr. WHITTLESEY of Ohio suggested that, as the journal of yesterday was a very lengthy one, its reading be dispensed with, and the House would gain half an hour's time thereby.

Mr. MERCER objected.

Mr. TOLAND, on leave, laid on the table the following amendatory joint rule of the two Houses:

Resolved, That the following shall be a standing joint rule of the two Houses: That after six days from the commencement of a second or subsequent session (except the final session) of any Congress, all bills and joint resolutions which shall have passed in one House, and which remain undetermined in the other, shall be resumed and acted on as if an adjournment had not taken place.

Mr. RANDOLPH, from the Committee on Agriculture, reported, without amendment, Senate bill to promote the cultivation of tropical plants in the United States.

WYANDOTT INDIANS.

Mr. HUNTER of Ohio, on leave, offered the following resolution, which was agreed to:

Resolved, That the Committee of Indian Affairs take into consideration the necessity of making an appropriation to defray the expenses of a treaty now pending with the Wyandott Indians, in the State of Ohio.

Mr. TAYLOR asked leave to report two invalid pension bills, but Mr. RICE GARLAND objected to it, unless the leave should be made a general one.

One or two similar requests were made by other gentlemen, but they were also objected to.

Mr. ADAMS continued his remarks in opposition to the report of the Committee on Foreign Affairs on the annexation of Texas. [The committee had moved to be discharged from the subject, and Mr. CUSHING moved to recommit their report with instructions to report definitively against, and Mr. THOMPSON moved an amendment to report for, the annexation of that Republic.]

Mr. A's remarks this morning were in defence of the rights of women to petition Congress, when he again gave way, without concluding, to the orders of the day.

SMALL NOTE RESTRICTION.

Mr. KILGORE moved a suspension of the rules, for the purpose of proceeding to the consideration of the following resolution, submitted by him on the 11th instant:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of so much of the act of June 23d, 1836, entitled "An act to regulate the deposites of the public money" as prohibits the receipt of the notes or bills of specie paying banks which have issued since the 4th of March, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended for the period of two years.

And be it further resolved, That the operation of the 2d section of the act of April 14, 1836, entitled "An act making appropriation for the payment of the Revolutionary and other pensioners of the United States for the year 1836," be, and the same is hereby, suspended for the period of two years.

The yeas and nays were ordered, and were—yeas 101, nays 81. So the rules were not suspended, requiring a vote of two-thirds.

SMITHSONIAN BEQUEST.

Mr. RENCHER, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Committee of Ways and Means inquire into the expediency of authorizing a temporary investment of the Smithsonian legacy, as soon as it shall be received by the President of the United States.

ARMY BILL.

On motion of Mr. McKAY, the House again went into Committee of the Whole on the state of the Union, Mr. INGHAM in the chair, resuming the consideration of the Senate bill to increase the present military establishment of the United States and for other purposes.

The question pending was on the following amendment, proposed by Mr. McKAY from the Committee on Military Affairs, as a second section to the bill:

SEC. 2. *And be it further enacted*, That there shall be raised and organized, under the direction of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

Mr. HARRISON of Missouri moved, last evening, to add to the above the following:

And there shall also be one regiment of riflemen raised, to be officered and organized as regiments of infantry herein provided for.

Mr. BELL, who was entitled to the floor, addressed the House at length on the merits of the bill. He adverted to the great importance of the measure, and the little time left for its consideration, for it involved principles fraught with immense consequences to the country, either for good or for evil. He would go for some increase, but rather in deference to what seemed to be almost the universal feeling, on the Western frontier particularly, and in some other exposed sections of the country, than from any conviction of its necessity. But, if a large increase should be authorized, little could be done executively during the recess, except the initiatory preparations of the recruiting service: and therefore, the most advisable course would probably be to postpone the measure till next session. Mr. B. admitted that a western frontier guard was necessary, both to awe the Indians, and to coerce our own settlers to an obedience of the laws; and for this purpose, he thought all the estimates of the War Department to be too extravagant; and he quoted authorities to prove that a single regiment was enough to cover

that line, by the erection of military posts, from the lakes to the lower boundary of Missouri, for to authorize a very large military force would, with unfaithful agents, relax the restraints under which the whites were held at present. For the whole frontier, 2,500 would be entirely adequate, and much more effective than a very large number. Mr. B. went on at length to give other reasons against so great an increase as that proposed, such as the probable cessation of the Florida war, the peaceable character of the older and richer Indians on the frontier, the abandonment of a number of useless military posts, &c. and defended the character of the militia and volunteers from the allegations of inefficiency and difference of expense, brought by regular officers and others.

The House then took its daily recess.

HOUSE OF REPRESENTATIVES,
THURSDAY, June 28, 1838.
EVENING SESSION.

The House met again, pursuant to order, at half-past three o'clock, and went into committee on the

ARMY BILL.

The question pending being on the amendment of Mr. HARRISON, as stated in the morning proceedings, to raise a regiment of riflemen,

Mr. WILLIAMS of North Carolina addressed the committee for some time in opposition to the bill, first, on the ground that injustice had been done to the militia, which was the only kind of military force for a republic in time of peace; and next, that there were no real apprehensions of war.

Mr. LINCOLN supported the bill, both as a measure called for on our western and northern frontiers, and from the superior efficiency of the regulars over the militia, in the present mode in which the latter were organized.

Mr. GRENNELL gave his reasons for being in favor of the House bill, and also of the additional regiment proposed by the military committee, and went into a review of the late censurable conduct of our citizens on the northern frontier in aiding and abetting the disturbances there, and defying the civil power, which rendered an increase of the military force absolutely necessary.

Mr. EVERETT was against the employment of a military force on the Northern frontier, for the people were able to protect themselves, and any increase of the army must be made up chiefly from an enlistment of foreigners, and he never hoped to see that day when Irishmen, Englishmen, and other aliens should be organized and armed to keep the citizens of his State in order.

Mr. EVANS contended that the military force of the country should be enlarged, especially with reference to the frontier of his State, and adverted, with some severity, to the recent proceedings in Vermont to show a military force necessary.

Mr. BRIGGS preferred waiting till the next session, as the recess was so short; nor did he believe that any contingency would require so large an increase.

Mr. HARRISON made an energetic defence of his amendment, and insisted that that description of force was absolutely indispensable for an effective defence of the Indian frontier. The citizens of that region were able to protect themselves, but could they devote all their time to watch a vigilant and cautious enemy? Moreover, the General Government had sent some sixty or seventy thousand armed savages there against their will, and therefore the Government was bound to protect its citizens so situated. It would be too late, as in the Florida case, to send an army when half the citizens were butchered.

Mr. JOHNSON of Louisiana defended the bill on similar grounds.

Mr ROBERTSON was opposed to any increase whatever in the standing army. As for the Canada border, it was utterly unnecessary, for the civil force was competent to repress violations of the law. It was ridiculous to say that New York, with upwards of two millions of people, could not enforce the civil law, but that we must have a military police. Nor was it required in Maine, for such were the relations between our Government and Great Britain, that there was no possibility of a collision in that quarter. As to the Western frontier, let all the superfluous military from the interior be sent there, and appropriate some money to keep the Indians from starving, instead of expending $3,000,000 a year, which the proposed increase would cost. He cautioned the House to beware of the principle it was about to establish.

Mr. EVANS adverted to the consistency of the opponents of this bill, who were now urging the employment and efficiency of the civil power alone; while, but a short time ago, when the frontier bill was under consideration, gentlemen opposed it because they said the President should use the military force. It was not designed, Mr. E. said, to supersede the civil power, but to protect and sustain it.

Mr. FLETCHER of Vermont had intended to give a silent vote upon this bill; but after what had fallen from the gentleman from Massachusetts, [Mr. GRENNELL] and the observations of the gentleman from Maine, [Mr. EVANS,] he should do violence to his own feelings, and great injustice to his constituents, to remain longer silent. He was not going to Missouri nor Arkansas, nor was he about to make a tour along the Atlantic coast. He should confine himself to what concerned him and his constituents directly. He was from Vermont, a frontier State. He had the honor to represent a frontier district; that section which had been here reported as disturbed by faction. It was against his district that these charges had been made; it was against the institutions of his State that these accusations were directed; and if he did not repel them here in his place, he should be unworthy of representing freemen.

The gentleman from Massachusetts had said he wanted to increase the military force, and for what? For the purpose of having a military police on the Vermont frontier. Was not this the first time such doctrine had been raised in this hall? Mr. F. asked when was it, in the history of this Republican Government, that a standing army was asked for the purpose of enforcing the laws of the Union? Why yesterday it fell for the first time from the gentleman from New York, [Mr. BRONSON,] and astonished indeed was Mr. F. to hear him proclaim it, and not less so to hear the gentleman from Massachusetts [Mr. GRENNELL] follow it up. This doctrine was not to be found in the Constitution: that provides directly for the "*calling forth of the militia to execute the laws of the Union.*" It no where, even by implication, provides for calling the regular troops to the aid of the magistrate. He understood the gentleman distinctly to lay down the position, that it was necessary to raise two regiments for the purpose of establishing upon the Northern frontier a military police. As to New York and the Indian frontier he should say nothing; and he again asked when was this doctrine first advanced? Was not this a constitutional question? Was it not time to pause on a proposition to raise a standing army to supersede the present civil police of the country, and in its stead establish a *military* police. He regretted that the lateness of the hour, and the reasonable impatience of the committee, would not permit him to follow out the proposition into all its consequences.

We had been told that there was excitement along the northern border. Admitted. But what had occasioned it. Was not all peace and tranquillity until the barbarous attack upon the steamer Caroline, when British assassins, ay, assassins, like the stealthy Indian, shielded by darkness, invaded our territory, destroyed our property, murdered our defenceless and slumbering citizens, and then, for the purpose of obliterating their cowardly and murderous deed, set fire to the ill-fated boat, and sent her blazing over the cataract of Niagara? Was not this enough to arouse the citizens of the vicinity? But add to this the insults, contumely, and threats, with which the Government papers of Canada were loaded; add to this the honors heaped upon the *gallant knight* Sir Allen McNab, for this brave and heroic, and brilliant midnight piracy. And what could they expect? How did they know but their own houses would be the next point of attack, their families butchered, and property destroyed, by the same midnight gang of British *heroes*, who had gallantly boarded the Caroline, and taken *a little boy prisoner?* This it was that first aroused them, and they very naturally expected their Government to notice this outrage; and, in room of having your General sent there to disarm them, they expected him to redress their grievances. But they were disappointed; and then it was that the murmur of discontent was heard, not only in New York, but across Vermont. A warlike spirit prevailed, not for the purpose of disregarding the laws, but to redress the insults and aggressions to which they had been subjected. If the Government had seen fit to call upon them to guard and protect their frontier, they would cheerfully have obeyed the call, and not a word of complaint would have been heard from any one.

The gentleman from Massachusetts has questioned the patriotism of the citizens of Vermont. He said he did not know how our militia were organized, how disciplined, nor how far they might be relied upon. This comes with an ill grace from the gentleman from Massachusetts. He might have known our organization and discipline by simply consulting the history of the fields of Saratoga, Bennington, Plattsburg, Ticonderoga and Crown Point, and of the whole period of the late war. He would have learned there that two regiments of Vermont militia were raised, who served throughout the war. I can tell him still farther, that never yet did a British flag float over any section of Vermont, and return to its original abode. He would scorn to draw any invidious comparisons, but he would say he regretted the gentleman could not say as much for his own State.

The resolutions of the Legislature of Massachusetts, and the military demonstrations at Castine, during the late war, have become portions the history, and will not soon be forgotten. When their country required their services, when have the Vermont militia refused them? No, sir: history has a bright page in which are recorded the deeds of the Green Mountain Boys.

One other point he would refer to, and he regretted that the advanced hour of the evening forbade his replying more fully than he should to the insinuations cast upon Vermont. The gentleman from Maine [Mr. EVANS] had said that the grand jury, at their late session at Windsor, did not find indictments against Drs. Nelson and Coti and other of the Canadian refugees, and insinuated that they had been derelict in their duty. This was a grave charge, and should not be made here, in the face of the nation, without the most plenary and satisfactory proof of the fact? Did the gentleman inform us what was the testimony before that jury? Did he know himself? Does he mean to say they were guilty of perjury or corruption? Mr. F. could scarcely repress his indignation; but this he would say, that the institutions of his State were as respectable, and the people of Vermont bowed to them with as much deference, as the people of any other State; he would not say as the people of the State of Maine. If those persons were not indicted, was it not a fair presumption that the evidence before the jury was insufficient? The gentleman may have heard that it was sufficient; but let me tell him that, before he brings charges as serious as this, it was his duty to bring with them the *facts* upon which the charges were founded.

The gentleman had made much parade about the dinner given to Dr. Nelson at Montpelier; and what of it? Had not the citizens of Vermont, or any portion of them, a right to give a dinner to any stranger travelling through their State? Was the character of the State to be reproached and stigmatised because a stranger had been greeted with a public dinner? Was this treason? Were not similar dinners given elsewhere, without exciting the reproach of the Congress of the United States? Suppose Mr. WEBSTER or Mr. CLAY was travelling through Vermont, had not the citizens of Vermont a right to feast them, if they pleased? Was there any breach of the laws in this? Did it require the interposition of the civil arm to arrest it? Was a mere act of hospitality sufficient to justify a military police?

As to the toasts given on that occasion, had not those who gave the dinner a right to toast whom they pleased? And was this an evidence of a predisposition to violate the laws of their country? Mr. F. must say that he considered these aspersions unfounded, ungenerous and unjust. When had Vermont ever refused to do her duty? He would defy any gentleman to point to a single instance in which she had failed.

He had only risen to defend the character of his State against the aspersions so ungenerously cast upon it, and not for the purpose of making a speech. He had done.

Mr. BRONSON said that after what had fallen from the gentleman from Virginia, [Mr. ROBERTSON,] and the gentleman from Vermont, [Mr. FLETCHER,] he felt it due to himself to explain. He had been misunderstood entirely. Gentlemen had charged him with having advocated new and alarming propositions, of urging the necessity of keeping up an armed Government force to execute the civil laws at the point of the bayonet. Mr. B. had said no such thing—nothing like it. He had advocated a moderate increase of the army as necessary for the exigency of the times, and for the proper protection of the frontiers. As to the Northern or Canada frontier, he had insisted upon sending United States troops there, and of increasing the army by this bill, so as to enable the Secretary of War to place a proper force on that frontier. The citizens residing on that frontier, had of late called loudly for United States troops. The Governor of New York recommended it, and Mr. B. read an extract from the letter of the Governor to the Secretary of War, dated in his [Mr. B's] district on the 3d June instant, saying that the inhabitants there are very anxious, if possible, to have some regular troops stationed in that neighborhood; that they would have more reliance on that description of force, than on a detachment of militia residing along the lines.

Mr. B. said he had also received many letters from his own district, and from other parts of the frontier, to the same effect; but he had not said or intimated that the presence of United States troops was necessary, merely to enforce the execution of the laws, or that the courts of justice could not execute their duties without the aid of the bayonet. As to the courts or civil tribunals of Vermont, he left it to the gentleman from Vermont to defend them as he best might; but, Mr. B. said, he had yet to learn that the civil tribunals of New York had failed to do their duty. He knew of no instance in which grand juries had failed to indict upon proper testimony, or the courts to enforce the laws. When the New York courts or juries should fail in the discharge of their duties, it would be time enough then to raise the cry against them. He had no fears of any such event. But sir, said Mr. B. although courts and juries may *punish* offenders, they cannot *prevent* the commission of offences. A military force, properly stationed on the northern frontier, might do much to *prevent* the commission of such crimes as had recently been committed, to repress disturbances, and restore quiet, and, at the same time, to preserve our neutrality, and enforce a rigid observance of our treaty stipulations. For these reasons, as well as to afford adequate and proper protection to that frontier, Mr. B. said he had, and should continue, to urge the necessity of a regular military force upon the northern frontier.

Mr. HARRISON'S amendment was then rejected; and the question recurring upon the amendment of the committee,

Mr. H. moved to amend it so that the regiment therein provided for should be composed of riflemen: lost.

The amendment of the Committee on Military Affairs was then agreed to.

Some other amendments were then agreed to, all in reference to the details of the bill.

The following amendment was taken up:

That, from and after the passing of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal, nine dollars; and to each musician and private soldier, seven dollars.

Mr. PETRIKIN moved to amend it by giving the soldiers twenty-five cents a day extra when at work on roads, &c.: lost.

Mr. CUSHMAN moved to strike out "seven," and insert "eight," as the pay of the "musicians and private soldiers."

Mr. McKAY said the pay of the privates had been increased of late years from five to seven dollars.

Mr. CUSHMAN did not consider seven dollars to be enough.

Mr. C's amendment was agreed to, and the original amendment was agreed to, and the original amendment as amended also.

Some further amendments were acted on, when the committee rose for want of a quorum voting.

Mr. BRIGGS moved an adjournment: lost, 54 to 67; and a quorum being present, the House again went into committee.

The following proposed section was stricken out:

SEC. 27. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized, at his discretion, to allow and pay to the district paymasters of the army, who have or may be employed in making payments to the militia and volunteers ordered into the service of the United States, a commission on the sums respectively paid by them, not exceeding one per cent. upon the amounts.

Mr. CHAMBERS moved the following amendment, submitted yesterday by Mr. WISE, but it was disagreed to.

Strike out sections 2d, 4th, 5th, 7th, 8th, 9th, 11th, and 13th.

Amendments to the Committee's amendments.

Strike out all after the words "extra pay" in 6th line of section 31.

Strike out section 35.

On motion of Mr. MASON, the Committee rose and reported the bill and amendments, *mem. dis.*

On motion of Mr. BRIGGS, the bill as amended, was ordered to be printed.

TREASURY BUILDING.

The SPEAKER laid before the House the following message, received in the course of the day from the President of the United States:

To the House of Representatives of the United States:

In compliance with a resolution passed by the House of Representatives, on the 23d instant, in respect to the new Treasury Building, I submit the enclosed report from the Commissioner, charged with a general superintendence of the work, and which, with the documents annexed, is believed to contain all the information desired.

JUNE 28, 1838. (Signed) M. VAN BUREN.

On motion of Mr. A. H. SHEPPERD, referred to the Committee on the Public Buildings.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, covering a statement of the amount of public expenditures for the last year; which, on motion of Mr. BRIGGS, was laid on the table.

Mr. WORD, on leave, presented a petition; which was referred to the Committee on Private Land Claims.

On motion, at 9 o'clock, p. m.

The House adjourned.

IN SENATE,
THURSDAY, June 27, 1838.

Mr. NICHOLAS presented sundry tables connected with the bill reported by him the other day from the Committee on Finance to classify the clerks in the Executive Departments and Bureaus; which were laid on the table, and ordered to be printed.

On motion of Mr. FULTON, from the Committee on Public Lands, Charles Gordon was authorized to make certain additions to the maps of the public lands.

The bill to divide the State of Delaware into two collection districts, was read a third time, and passed.

On motion of Mr. TIPTON, the Senate resolved to insist in the non-concurrence with the amendments of the House to the bill making appropriations for certain roads in Wisconsin, and to ask the House to consent to a committee of conference on the subject.

On motion by Mr. NICHOLAS, the bill to authorize vessels bound to ports in Mexico, and turned off by the blockading squadron to enter and secure their cargoes was taken up, and considered, and ordered to be engrossed for a third reading.

On motion by Mr. WRIGHT, the bill supplementary to the act entitled an act to establish branches of the Mint of the United States, approved the 3d of March, 1835, was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The Senate took up the joint resolution of the House of Representatives for the appointment of a joint committee to take into consideration, and report at the next session of Congress, upon the expediency of requiring the commissioners for taking the next census to make detailed statements of the commerce, agriculture, and manufactures of the United States.

Mr. BENTON moved to amend it, by requiring the commissioners to include in their statements the quantity and value of stock in the United States.

On motion of Mr. DAVIS, it was then laid on the table till to-morrow.

Mr. KING, from the Committee on Commerce, to which had been referred the joint resolution from the House of Representatives, authorizing the President of the United States to cause certain surveys to be made, reported the same with an amendment.

The resolution was then taken up, and considered as in Committee of the Whole, and the amendment being agreed to, it was ordered to a third reading.

On motion by Mr. WEBSTER, the Senate took up the bill introduced by him, making furt er provision for the collection of the public revenue, the question being on the amendment or substitute, offered by Mr. BUCHANAN,

Mr CLAY of Alabama offered an amendment to the amendment to prevent the banks from discounting upon, or otherwise us ng the money that may be placed with them upon special deposite, or otherwise using the same; which was agreed to.

Mr. CALHOUN rose, and addressed the Senate at length, in opposition to the amendment and the bill.

Mr. BUCHANAN followed in reply, and the debate was further continued by Messrs. CLAY of Kentucky, STRANGE, BUCHANAN, and CALHOUN, (to be given hereafter;) after which,

On motion by Mr. WEBSTER, the bill and amendments were laid on the table until to-morrow; and

The bill to purchase the right to use the vapor bath, invented by Dr. Boyd Reilly, in the army and navy of the United States, was taken up and considered as in Committee of the Whole.

Mr. LINN explained the object of the bill, which was, that the Government should purchase the right to use this invention in the army and navy of the United States. The machine had been reported on favorably by all the medical men who had examined into its usefulness. It was, in his opinion, a very great desideratum to the army and navy, having proved so eminently useful in the removal of almost every species of cutaneous disease, rheumatism, &c. to which sailors and soldiers were subject. Mr. L. said he spoke of it as a medical man, and would pronounce it one of the very best machines in the land for the purpose for which it was intended. He desired that every man who so successfully added to the means of relieving the infirmities of humanity, should receive the patronage of the Government. He was well aware that the present embarrassed state of the Treasury might operate against the passage of the bill; but should a measure of such interest to the poor afflicted soldier and sailor be lost on that account? He trusted not. While up, he would state that this invention had received the sanction of almost every army and navy surgeon; had received the sanction of the Faculty at Paris, and of all the medical gentlemen who from time to time, had been honored with seats in the Senate.

The question was then taken on ordering the bill to be engrossed for a third reading, and lost—yeas 15, nays 20, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, Fulton, Grundy, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Prentiss, Sevier, and Swift—15.

NAYS—Messrs. Allen, Buchanan, Clay of Alabama, Clayton, Hubbard, King, Mouton, Nicholas, Niles, Norvell, Roane, Ruggles, Smith of Connecticut, Strange, Trotter, Wall, White, Williams, Wright, and Young—20.

The bill to repeal in part the act entitled an act to provide for the safe keeping of the acts, records, and seal of the United States, and for other purposes, was taken up and considered as in Committee of the Whole; and

After a brief explanation from Mr. GRUNDY, was ordered to be engrossed for a third reading.

The bill for the relief of the legal representatives of Captain William Williams, late of the State of North Carolina, deceased, was taken up; and, after a debate, laid on the table.

The bill for the relief of the heirs of Lieut. Col. John Cropper, was discussed at length by Messrs. WHITE, PRENTISS, ROANE, RIVES, HUBBARD, and PIERCE; and on the question of engrossment, the bill was rejected—yeas 11, nays 26.

On motion of Mr. TROTTER, the bill to establish a new land district in the State of Mississippi was taken up; and after being explained and advocated by Mr. T. was ordered to be engrossed for a third reading.

On motion of Mr. HUBBARD, the Senate went into the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 29, 1838.

Mr. JOHNSON of Virginia, on leave, submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill to continue in force all laws which will expire at the close of the present session, until the close of the first session of the next Congress; and that the committee give the titles of said laws which shall so expire.

Mr. GARLAND of Virginia said it would be useless to refer the subject to the Committee on the Judiciary, as that committee had already as much business as they could attend to.

Mr. GARLAND of Louisiana moved to insert the "Committee on Revisal and Unfinished Business," which Mr. JOHNSON accepting, the resolution, so modified, was agreed to.

On motion of Mr. HAYNES, the resolution submitted by him some time since in relation to the public lands, was ordered to be printed.

Mr. NAYLOR, from the Committee on Manufactures, reported a bill imposing a duty on starch.

Mr. HAMER, on leave, submitted the following resolution.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of providing for the payment of the certificates of deposite to the amount of seven hundred dollars, issued by the Treasury Department on the 8th of September, 1836, to Lewis S. Craig, and which have been issued by him to the Commercial Bank of Cincinnati.

Mr. H. stated that the certificates were not transferrable, except by authority of special legislation.

The resolution was then agreed to.

DISTRICT BUSINESS.

On motion of Mr. BOULDIN, by general consent, the House took up sundry bills relating to the District of Columbia, as follows:

The bill to extend the charter of the Bank of Alexandria, in the District of Columbia, and the same was ordered to a third reading, and then read a third time, and passed.

Also, the bill for the relief of the heirs of Lewis Grant Davidson, of Georgetown; which was read a third time, and passed.

The bill for the erection of a court-house in Alexandria, was taken up, the amendments concurred in, and the bill, as amended, ordered to a third reading, read a third time, and passed.

The bill making an appropriation for the support of the penitentiary in the District of Columbia, was also taken up, the amendment concurred in, and the bill passed.

The amendments to the bill to provide for the construction of a free bridge across the Eastern Branch of the Potomac, were severally concurred in, and the bill passed.

Mr. WORTHINGTON, from the Committee on Commerce, reported back the bill establishing certain collection districts, and creating ports of entry therein.

Mr. CHAPMAN, from the Committee on the Public Lands, reported, without amendment, Senate bill to authorize the issuing of patents to certain reservations under the treaty between the United States and Creek Indians, of the 24th of March, 1832, and moved its third reading; which, after some remarks from Messrs. E. WHITTLESEY, EVERETT, CHAPMAN, and LEWIS, was agreed to, and the same was read a third time, and passed.

Mr. ROBERTSON moved the House to take up the resolutions submitted by him on the 25th instant, calling for certain information in relation to the public lands, (as printed in the Globe of that night;) but it was objected to.

Mr. ADAMS again continued his remarks on the subject of Texas till the hour was expired.

Mr. SHIELDS asked the House to set apart to-morrow from half past four to the Tennessee land bill.

Mr. WILLIAMS of North Carolina, objected, for the bill would occupy more time than the House could spare to it this session, for it proposed to relinquish the title to all the United States lands in the State of Tennessee.

Mr. SHIELDS stated that such was not the fact, and he moved a suspension of the rules, and called for the yeas and nays, but the House refusing, the question was taken by tellers, the rules suspended, 95 to 46, and the motion agreed to.

After some conversation as to the order of business, between Messrs. CAMBRELENG and E. WHITTLESEY, on motion of Mr. C. the House agreed to take up the army bill.

STEAM ACCIDENTS.

Mr. SERGEANT, on leave, submitted the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury be requested to collect and report to Congress, on the first day of the next session, all the information that can be obtained as to the use of steam engines in the United States, and the accidents and loss of life or property which has attended their use; and especially that he ascertain and report:

1. The whole number of steam engines in the United States, and by whom they were constructed, where they are used, how long they have been used, their capacity and power respectively, and the purposes or uses to which applied, and whether high or low pressure.

2. The explosions or other disasters which have happened to such engines, when and where, with as many of the circumstances attending the same as can be collected.

3. The causes, as far as they can be ascertained, of such explosions, or other disasters.

4. The loss of life or property, or injury to persons or property, which has ensued in each case, distinguishing the mode of injury, by burning, scalding, wounding, drowning, or otherwise.

5. The disasters to steamboats, when, where, and how they have occurred, by explosion, collision, fire, or otherwise; the size, capacity, or burthen of the boats; their age, and where and by whom built.

6. How such steamboats were manned, and whether intoxicating liquor was served out to, or permitted to be used by, the hands and persons employed on board the same.

7. The names of the owners and masters or commanders of the boats to which such disasters have happened, and of the officers and crews thereof.

8. In case of boats to which no disasters have happened, the burthen and size of the same; when, where, and by whom built; and the names of the owners and masters, or commanders and engineers.

9. Any such other information as may seem to him material.

Mr. DAVIS called up the amendment to the rules, submitted by him yesterday, to the effect that all bills passing one House and not acted upon in the other at the end of a session, should take their place on the calenders as if a mere adjournment only had taken place, after the first six days of the session. Mr. D. having made a verbal modification to the resolution, it was then agreed to.

Mr. CUSHMAN made an ineffectual attempt to report back the light-house bill.

On motion of Mr. BRIGGS, a committee of conference on the part of the House, in relation to the disagreeing votes of the two Houses on the bill making appropriations for the construction of certain roads in Wisconsin, was appointed.

RELATONS WITH MEXICO.

Mr. BIDDLE wished to ask a question of the chairman of the Committee on Foreign Relations as to the present posture of our relations with Mexico. An individual (Mr. John Baldwin) having one of the largest and most flagrant claims upon that Government, was a native of his district, and, after a residence of twenty years in Mexico, had been stripped of every thing, and had returned home in a state of destitution. The enormity of his case was established by authentic documents, as well as by the letters of Mr. Ellis. It would be recollected that the President, in accepting the overture as to an arbitrament, had stated that the action of Congress was not to be thereby suspended. Yet, practically, such seemed to be its effect. Mr. B. found no fault with this; but it was obvious that whilst matters remained in such a position, any quickening impulse to the negotiation must come from this House. He had understood that the time had more than passed within which a final and definite reply ought to have been received from Mexico. Under such circumstances, the claimants could not but feel the deepest uneasiness at the approaching rise of Congress. Mr. B. wished to learn on what grounds the committee forebore to act, more especially as the language of the President led the Mexican authorities to look with anxiety to nothing but a movement in Congress. After the adjournment, the arbitration might be suffered by Mexico to fall through, without any just complaint, on our part, of evasion or trifling, inasmuch as the President had expressly and anxiously reserved the right to act, as if no overture had been made.

Mr. HOWARD begged to settle a preliminary question with the gentleman from Pennsylvania before replying to the interrogatory. He wished to know whether it was put as a matter of right, or of courtesy.

Mr. BIDDLE said entirely of courtesy.

Mr. HOWARD said that he might have felt it to be a duty to resist a claim of right; but would answer the question with great pleasure as it now stood. The gentleman from Pennsylvania must be aware that the aspect of our relations with Mexico had been changed more than once since the commencement of the session. It was changed by the official communication of the decree of the Government of Mexico, upon the subject of an arbitration of the matters in dispute between the two nations, which decree was not before the President when he sent his opening message. It was changed again by a proposition founded upon that decree to appoint an arbiter, which had been accepted by the President. Now, although the gentleman from Pennsylvania was perfectly right in saying that the President had expressly refused to withdraw the subject from Congress, in whose charge he had placed it, yet it would occur to him, that if a convention were to be executed between the two Governments, appointing an arbiter, the question before Congress would be essentially varied. According to the best of his (Mr H's) information, the Mexican Minister was found not to be in possession of the necessary powers for the execution of such a convention, and was obliged to apply to his Government for additional powers. The answer of Mexico to this demand was not known to the Government of the United States. The Mexican Minister had not been in Washington during the whole winter, and it was time that we should know whether Mexico intended to proceed in this matter or not.

As far as his individual opinion went, he [Mr. H.] thought still as he had always thought since his attention had been directed to our relations with Mexico, that we should never have justice done to our Government or people, until we manifested a determination to enforce it; and we moreover thought that the recent movement by Mexico, was only intended to baffle the proceedings of Congress, by holding out a prospect of amicable settlement, which he feared would prove illusory. Of the opinion of the Committee on Foreign Affairs, he had no right to speak; but they would soon be obliged to consider the question, whether the continued delay of Mexico in clothing her Minister with the necessary power to execute a convention, ought or ought not to be considered as evidence of her indisposition to prosecute the arbitration.

Before the session of Congress terminated, he hoped the committee would express their opinion upon this point.

Mr. BIDDLE. Then we may anticipate a report from the committee.

Mr. HOWARD. Certainly.

The conversation then dropped.

ARMY BILL.

The House then took up the "bill to increase the present military establishment of the United States, and for other purposes," reported last night from the Committee of the Whole, with amendments; and the question was on concurring therein.

The first amendment was the following substitute for the first section of the Senate's bill:

"That there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner as authorized by existing laws, with the exceptions hereafter mentioned; that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made, in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the ordnance department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized, under the direction of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act."

Mr. HARRISON moved to strike out the word "infantry," in the 32d line, and insert, in lieu thereof, the word "riflemen;" and warmly advocated that proposition.

After some discussion, in which Messrs. HAYNES, POPE, FILLMORE, GLASCOCK, THOMPSON, and COLES, participated, the amendment was disagreed to—ayes 56, noes not counted.

Mr. BRIGGS moved to strike out all after the word "service," in the 30th line.

Mr. MILLER, of Missouri, asked for the yeas and nays on this motion, which were ordered.

Mr. PETRIKIN gave the reasons which would induce him to vote for an increase of the musketry, on account of the apprehension of hostilities; but he should oppose both an augmentation of the number of officers and of their salaries, and if

those propositions were engrafted on the bill, he should be compelled to vote against it altogether. Mr. P. said, in substance, that, representing, as he did, a constituency opposed to establishing a standing army in time of peace, it behooved him briefly to state the reasons for the votes he should give on the amendments offered to the bill then before the House. Although his constituents were opposed to a standing army in time of peace, they were always ready and willing to enable the Government to defend the distant and weaker parts of the frontier when threatened by hostile invasion, as was the case at present on the Western and Southwestern frontier of the States of Arkansas, Missouri, and Louisiana; but they were opposed to creating a large number of unnecessary officers, and they were opposed to raising the salaries of officers whose salaries were already quite large enough to pay them well for all the services they rendered to the country.

He would vote for the first section of the bill, filling up the skeleton of the present army, and also for the additional regiment proposed to be raised for the defence of the Northern frontier, believing that the present exigencies of the country required this addition to the regular army, and which added but a small number to the officers already in commission, under the present army establishment; but he should not vote for the amendments increasing the number of officers in the staff and other departments, nor would he vote to increase the salaries of officers who lounged about the cities, already enjoying very high salaries, much larger in proportion than those who did duty in the Army, and endured the hardships of field and fort. If those amendments should be adopted, he should be compelled to vote against the whole bill. At this late period of the session, time was precious, and he should close, having given all the views necessary to defend him from the charge of inconsistency in voting as he should do on this bill.

Mr. MASON of Ohio addressed the House at length in opposition to the bill, as unnecessary and uncalled for, since there were no real grounds of war; and if there were, our present force was ample to repress them at the outset, though he avowed himself desirous and willing to do all that was proper for the protection of the western frontier. The fault there, he contended, lay with our own people; and he went on to insist that the Indians were the oppressed party, etc.

Mr. CRARY could not admit the justice of the remarks of the gentleman from Ohio, [Mr. MASON,] so far as his constituents were concerned. He believed they had uniformly treaty the Indians with kindness, and not as fit subjects for examination, or even for abuse.

Mr. MERCER remarked that the whole question resolved itself into the mode in which the army should be increased; that is, whether they should merely increase the private soldiers without increasing the number of officers; and the latter he thought altogether unnecessary.

Mr. McKAY explained the apparent inconsistency that he should vote against an amendment which he had himself moved. He had submitted it under the instruction of the Committee on Military Affairs, but in the committee he had voted against it, and so he should in the House; and had expected some member of the majority would have moved it. Mr. McK. however, cited the reasons of the Secretary of War, recommending the additional regiment, and admitted, himself, that, if authorized, it would not enlarge the army more, perhaps, than was necessary; though he was anxious to keep it within bounds.

Mr. MILLER then moved a call of the House, as the attendance was very thin, but it was ineffectual.

The question was then taken on Mr. BRIGGS's amendment, and it was decided in the affirmative—yeas 96, nays 88.

So the clause for the additional regiment of infantry was nonconcurred in by the House.

The question then recurring on the amendment as thus amended.

Mr. GARLAND of Louisiana asked for the yeas and nays thereon, but they were refused, and the amendment was agreed to without a division.

The next amendment was to strike out the following proviso from the second section, which was agreed to:

Provided, That no officer of the said corps shall be employed in any service for any State or company for which he shall receive any compensation, except his pay from the United States.

The amendment to the 7th section to strike out "four," and insert "two," Assistant Adjutants General was also concurred.

Some other verbal amendments were also concurred in.

The House took its daily recess.

EVENING SESSION.

The House convened again, according to order, at half past three o'clock, and resumed the consideration of the

ARMY BILL.

The question pending, being on an amendment to the thirteenth section, by a transfer of lieutenants instead of the appointment of new ones,

It was discussed for some time by Messrs. THOMPSON, YELL, McKAY, KEMBLE, ADAMS, UNDERWOOD, COLES, EVANS, GRENNELL, BIDDLE, RANDOLPH, and CALHOUN of Massachusetts, when it was verbally modified on motion of Mr. ADAMS, and then concurred in.

Some other amendments having been also concurred in, the House proceeded to consider the following substitute of the 16th section.

SEC. 16. That, from and after the passing of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars, to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal, nine dollars; and to each musician and private soldier, eight dollars.

The Committee on Military Affairs had recommended "seven dollars" as the pay of the "musician and private soldier," but it had been augmented to "eight" by the Committee of the Whole, on motion of Mr. CUSHMAN.

Mr. McKAY moved to restore it to "seven."

Mr. CUSHMAN advocated the larger sum, and it was retained by the House.

Mr. PETRIKIN renewed the following amendment to this section:

"And an additional allowance of twenty-five cents shall be paid to each private soldier, for each day he shall be employed in making military roads or building forts; a regular roll of such day's works hall be kept by the commanding officer of each company or detachment of men thus employed, which shall be attached to the general muster pay-roll."

Mr P. briefly advocated his amendment, and it was opposed by Mr. MERCER, when Mr. PETRIKIN modified it by substituting fifteen cents.

Mr. MASON of Ohio, in view of the increase of the soldier's pay to eight dollars a month, and of his other bounties, did not deem this amendment at all necessary.

After some further remarks from Messrs. KEMBLE, EVANS, and MERCER, the amendment was rejected.

Mr REED moved to include the "marines" in the increased pay of "eight" dollars a month.

Mr. COLES objected to it on the ground of incongruity, for they might then as well provide for the sailors.

The amendment was rejected without a division.

Mr. CHILDS moved that $2 a month of the soldier's pay be retained till he left the service; which was agreed to,

The clause, as amended, was then concurred in

Mr. EVERETT then moved a reconsideration of the vote by which the House had non-concurred in the substitute of the first section of the bill (see morning's proceedings.)

Mr. BRONSON and Mr. UNDERWOOD simultaneously asked for the yeas and nays, which were ordered, and were—yeas 103, nays 81.

So the vote was reconsidered.

Mr. EVERETT then moved to reconsider the vote by which the following clause was striken from that substitute.

"And there shall be raised and organized, under the direction of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, noncommissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act."

Mr. WILLIAMS of North Carolina moved a call of the House: lost.

Mr. W. then asked for the yeas and nays on Mr. EVERETT's motion which were ordered.

Mr. FILLMORE explained that he had voted for the reconsideration, but he should vote against the proposed substitute, if this clause should be engrafted upon it.

Mr. EWING stated that he had it from officers of the army, that no increase was at all needed, or asked for, except by those about the precincts of the White House.

The question was then taken, and the vote was reconsidered—yeas 100 nays 91, and the question recurred upon the motion originally prevailing to strike this clause from the section.

Mr. MERCER gave notice of an amendment he should move when in order, to reduce a regiment of cavalry to infantry.

After some remarks from Messrs. BRIGGS, MERCER, and REED against the proposed amendment, and by Messrs. EVANS and CUSHING, (both gentleman most warmly in favor of it,) and Mr. BRONSON, when

Mr BRIGGS called for the yeas and nays, which were ordered; and were—yeas 95, nays 104.

So the House refused to strike out the clause.

Mr. PETRIKIN then moved a proviso to the clause, that not more than one-half the commissioned officers should be appointed from the graduates at West Point: lost.

Amendments were also moved by Messrs. MERCER and EVANS, which were disagreed to.

Mr. GARLAND of Louisiana moved a proviso, that all the officers required for the additional regiment, above the rank of lieutenant, should be taken from those now attached to the army; and after some remarks from Messrs. GARLAND, UNDERWOOD, GLASCOCK, and McKAY,

Mr. G asked for the yeas and nays, but they were refused; and the amendment was rejected—ayes 60, noes 89.

Mr. BOND moved an adjournment: lost.

The amendment of the Committee of the Whole, as amended, was agreed to.

The following substitute for the 17th section was agreed to, without a division.

SEC. 17. *And be it further enacted*, That the fifth section of the aforesaid last mentioned act shall be, and the same hereby is, repealed; and that the premium to officers for enlisting recruits, and the bounty to recruits, shall hereafter be the same as before the passage of that act: but the payment of one-half the bounty shall be deferred until the recruit shall have joined the corps in which he is to serve.

The amendment to the 19th section, making it the duty of the chaplain to perform the duties of schoolmaster, was concurred in.

The following additional sections reported by the Committee of the Whole, were then taken up.

SEC. 25. *And be it further enacted*, That hereafter the officers of the pay and medical departments of the army shall receive the pay and emoluments of officers of cavalry, of the same grades respectively, according to which they are now paid by existing laws.

After some conversation between Messrs. CARTER, THOMPSON, and McKAY. Mr. C. moved to reduce the pay, by striking out the words "of officers of cavalry, of the same grades respectively," and made some remarks in favor of his motion, and generally against any increase of staff pay.

Mr. MALLORY replied, and said the medical officers were the worst paid in the army.

The amendment was rejected, and the section concurred.

SEC. 26. *And be it further enacted*, That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to appoint as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability, and receive the same pay and emoluments, as are now provided for paymasters of the army: *Provided, however*, That the numberso appointed shall not exceed one for every two regiments of militia or volunteers: *And provided, also*, That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

SEC. 28. *And be it further enacted*, That the compensation hereafter to be allowed to such ordnance storekeepers as shall be designated as paymasters, shall not exceed the pay and emoluments of a captain of ordnance.

SEC. 29. *And be it further enacted*, That it shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and as a compensation therefor, may be allowed by the Secretary of War at the rate of two dollars per diem, during the continuance of such disbursements: *Provided*, That the whole amount of emolument shall not exceed one per cent. on the sum disbursed.

SEC. 30. *And be it further enacted*, That the term for which cadets hereafter admitted into the Military Academy at West Point shall engage to serve, be, and the same is hereby, increased to eight years, unless sooner discharged.

SEC. 31. *And be it further enacted*, That, in lieu of the bounty now provided by law for re-enlistment, every able-bodied non-commissioned officer, musician, or private soldier, who may re-enlist into his company or regiment within two months before or one month after the expiration of his term of service, shall receive three months' extra pay; and also, any non-commissioned officer or soldier who shall have served ten consecutive years and shall obtain from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such condition as may be provided by law."

Mr. MASON of Ohio moved to strike out all after the word "pay," in the fifth line of this section: lost.

Mr. CHILDS moved to strike out all the provision giving land, and insert in lieu, "one hundred dollars:" lost.

Mr. McKAY moved to amend the 6th line, by making it read officer or soldier "who shall serve," instead of "who shall have served;" which was agreed to.

Subsequently, Mr. KEMBLE moved a reconsideration of this amendment; but the House refused to assent to the motion.

Mr. FILLMORE moved to insert after the word "land," in the 9th line, the words "fit for cultivation," so as not, he said, to make it a mere mockery: lost.

Mr. WHITTLESEY of Ohio moved to add at the end of the section the words, "which land shall be patented to the soldier or his heirs," so as to exclude the assignees under the existing laws.

After some discussion between Messrs. WHITTLESEY, McKAY, POPE, and UNDERWOOD, this amendment was agreed to.

Mr. MERCER moved a further addition: "and be not assignable till patented:" agreed to.

The section, as amended, was then agreed to.

SEC. 32. *And be it further enacted*, That so much of the eleventh section of the act of the sixteenth March, eighteen hundred and two, and so much of the fifth section of the act of the twelfth of April, eighteen hundred and eight, as fix the height of enlisted men at five feet six inches, be, and the same are hereby, repealed.

SEC. 33. *And be it further enacted*, That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies; and no officer of the line of the army shall hereafter be employed as acting paymaster or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper: *Provided*, That where officers of the army are now employed on civil works or in the Indian or pay departments as contemplated in this section, they may be continued therein one year, unless the convenience of the service will admit of their withdrawal sooner.

SEC. 34. *And be it further enacted*, That the superintendents of the armories of Springfield and Harper's ferry shall hereafter receive each the sum of fifteen hundred dollars, and rations, fuel, and quarters, as at present authorized; and that the master armorers of the same shall each receive the sum of twelve hundred dollars, and fuel and quarters as at present authorized; and that the aforesaid sums and allowances to the officers aforesaid shall be in full compensation for their services respectively.

SEC. 35. *And be it further enacted*, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint seven additional surgeons; and that the officers whose appointment is authorized in this section, shall receive the pay and allowances of officers of the same grades respectively.

Mr. BRIGGS moved to amend the last section, by limiting the period of the additional regiment authorized under the first section, to two years: lost.

Mr. THOMPSON then submitted an amendment to the 15th section, extending the principle of the rations to the officers of tee marine corps, as well as the army.

Mr. CRAIG then rose and said, that being persuaded the bill was in as good a shape as it could be made, he therefore demanded the previous question.

Mr. THOMPSON and Mr. RIVES made earnest appeals to Mr. C. to withdraw that motion, each stating they had important amendments to offer.

Mr. CRAIG withdrew the motion, and

Mr. BOON renewed it.

Mr. RENCHER moved an adjournment: lost.

Mr. HOFFMAN begged the gentleman from Indiana to withdraw the motion, to enable him to submit an additional section, of great importance to the service.

Mr. BOON did not withdraw the motion, and the House seconded it, being counted off by tellers—ayes 92, noes 61; and the main question having been ordered,

Mr. GRANT and Mr. MONTGOMERY simultaneously called for the yeas and nays, which were ordered, and were—yeas 107, nays 77, as follows:

YEAS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Biddle, Birdsall, Boon, Brodhead, Bronson, John Calhoun, Cambreleng, Casey, Chaney, Chapman, Clark, Cleveland, Coles, Craig, Cushing, Cushman, Dawson, Davee, DeGraff, Dromgoole, Duncan, Elmore, Evans, Farrington, Fairfield, Richard Fletcher, Foster, Fry, Gallup, James Garland, Glascock, Grant, Gray, Grennell, Haley, Hall, Hammond, Hamer, Harrison, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Henry Johnson, Nathaniel Jones, Kemble, Klingensmith, Legare, Lincoln, Logan, Lyon, Mallory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Morgan, Samuel W. Morris, Naylor, Noble, Noyes, Palmer, Parker, Parmenter, Parris, Paynter, Phelps, Phillips, John H. Prentiss, Sergeant S. Prentiss, Richardson, Rives, Edward Robinson, Sheplor, Snyder, Southgate, Spencer, Taylor, Thomas, Titus, Toland, Towns, Turney, Vail, Wagener, Webster, Weeks, Albert S. White, Thoma,

Whittlesey, Jared W. Williams, Joseph L. Williams, and Yell—107.

NAYS—Messrs. Adams, Alexander, Heman Allen, Ayerigg, Bell, Bond, Briggs, Bynum, William B. Calhoun, William B. Campbell, Carter, Chambers, Cleatham, Childs, Connor, Corwin, Darlington, Davies, Dunn, Everett, Ewing, Fillmore, Goode, James Graham, William Graham, Griffin, Harlan, Hastings, Hawes, Henry, Hoffman, Robert M. T. Hunter, John W. Jones, Leadbetter, Lewis, Marvin, Samson Mason, Maxwell, McKennan, Mercer, Milligan, Mitchell, Montgomery, Calvary Morris, Murray, Ogle, Peck, Petrikin, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, John Robertson, Ramsey, Russell, Sheffer, Augustine H. Shepperd, Chas. Shepard, Sibley, Slade, Stanly, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Underwood, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Worl, and Yorke—77.

So the amendments were ordered to be engrossed, and the bill read a third time to-morrow.

On motion, at 9 o'clock, p. m.

The House adjourned.

IN SENATE.

FRIDAY, June 29, 1838.

Mr. NORVELL, from the Committee on Commerce, reported a bill making appropriations for sundry light-houses, buoys, etc.; which was read, and ordered to a second reading.

Mr. WRIGHT presented certain tables, showing the expenditures of the Government from its commencement to the year 1837; which was laid on the table, and ordered to be printed; and

On motion of Mr. WRIGHT, two thousand extra copies were ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which the subject was referred by a resolution of the Senate, reported a bill allowing compensation to certain agents and attorneys of persons in whose favor awards have been made under the several treaties with foreign powers: read, and ordered to a second reading.

On motion of Mr. KING, and by general consent, the bill was then read the second time, and ordered to be engrossed for a third reading.

Mr. DAVIS presented several petitions against the admission of Texas; which were laid on the table.

Also, a petition praying for the abolition of slavery in the District of Columbia: question of reception laid on the table.

The following bills were severally read the third time, and passed:

The bill supplementary to the act entitled an act for the establishment of branches of the United States Mint, approved 3d March, 1835.

The bill to allow vessels bound to ports in Mexico, and ordered off by the blockading squadron, to enter and secure their cargoes.

The bill to repeal, in part, the act entitled an act to provide for the safe-keeping of the acts, records, and seal of the United States.

The bill to create an additional land district in Mississippi; and

The joint resolution authorizing the President of the United States to cause certain surveys to be made.

The Senate took up the joint resolution from the other House, instituting a joint committee of inquiry as to the expediency of so taking the next census as to collect information in detail in regard to the agriculture, commerce, and manufactures, of the United States.

Mr. SEVIER said it was a very novel mode of proceeding, that of specifying the manner of taking the census so much in advance; he would, therefore, move to lay the resolution on the table.

Mr. BENTON suggested to the Senator from Arkansas to vary his motion to one for an indefinite postponement. He had no objection to the principle contained in the resolution; but he objected to the appointment of a committee to sit during the recess to do that which could be done during the regular sessions.

Mr. SEVIER accordingly moved to postpone the resolution indefinitely; which motion was adopted.

On motion of Mr. BAYARD, the Committee on the District of Columbia was discharged from the further consideration of the memorial of sundry citizens of Washington for the improvement of Pennsylvania avenue.

On motion of Mr. PRESTON, the bill for the relief of Gen. Roger Jones was taken up, and made the order of the day for to-morrow.

The Senate resumed the further consideration of the bill introduced by Mr. WEBSTER making further provision for the collection of the public revenue. The question being on the amendment of Mr. BUCHANAN,

Mr. WEBSTER addressed the Senate at length in favor of the bill, and against the amendment.

Mr. BUCHANAN replied at length in favor of his amendment; after which,

Mr. TALLMADGE made some observations in favor of the bill, and against the substitute.

Mr. STRANGE, after some remarks, offered several amendments, as follows:

1st. To strike out the word "not" in the first line of the second section, and the words "either" and "general" in the fourth line of same section, so as to allow the Treasurer of the United States to authorize the collectors and receivers to make special deposits of bank notes with the deposite banks for the term of sixty days, at the end of which they were to be converted into specie.

2. To strike out in the 14th and 15th line, 2d section, the words "*and for the payment* of which the holders thereof may elect to receive bank notes."

3. Requiring payments of the public creditors to be made by the officers of the Government, and not by banks.

On taking the question, Mr. STRANGE'S first amendment was rejected, yeas 21, nays 26, as follows:

YEAS—Messrs. Bayard, Brown, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Webster, and White—21.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Trotter, Wall, Williams, Wright, and Young—26.

The second amendment was then decided in the negative, yeas 22, nays 24, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Calhoun, Clay of Alabama, Hubbard, Lumpkin, Lyon, McKean, Niles, Norvell, Pierce, Prentiss, Roane, Smith of Connecticut, Strange, Trotter, Wall, Webster, Wright, and Young—22.

NAYS—Messrs. Buchanan, Clay of Kentucky, Clayton, Cuthbert, Davis, Fulton, Grundy, King, Knight, Merrick, Mouton, Nicholas, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Southard, Spence, Swift, Tallmadge, White, and Williams—24.

And the third amendment of Mr. STRANGE was also lost, yeas 19, nays 29, as follows:

YEAS—Messrs. Allen, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Roane, Smith of Connecticut, Strange, Trotter, Wall, and Wright—19.

NAYS—Messrs. Bayard, Benton, Brown, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, Lyon, McKean, Merrick, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White, Williams, and Young—29.

Mr STRANGE submitted a fourth amendment, but withdrew it on the decision of the first three.

Mr. NILES, after some remarks in favor of the substitute, offered an amendment, but withdrew it at the suggestion of Mr. BUCHANAN.

After some remarks by Mr. RIVES in favor of the bill and against the substitute, and a reply by Mr. BUCHANAN, the question was taken on Mr. BUCHANAN'S substitute, and it was adopted—yeas 26, nays 24, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Wall, Williams, Wright, and Young—26.

NAYS—Messrs Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Norvell, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—24.

The question was then taken on the bill as amended, and it was rejected—yeas 21, nays 29, as follows:

YEAS—Messrs. Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lyon, Mouton, Nicholas, Niles, Pierce, Roane, Robinson, Sevier, Strange, Trotter, Wall, Williams, Wright, and Young—21.

NAYS—Messrs. Allen, Bayard, Benton, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, Linn, Lumpkin, McKean, Merrick, Norvell, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—29.

Mr. WRIGHT then gave notice that he would to-morrow ask leave to bring in a bill to modify the last clause of the fifth section of the deposite act of 1836.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 30, 1838.

Mr. ADAMS being entitled to the floor, on the Texas subject, yielded it for a moment to

Mr. CUSHMAN, who asked leave to report the light-house bill from the Committee on Commerce.

Mr. GARLAND of Louisiana objected, unless all the committees could have a similar privilege.

Mr. HARLAN begged the gentleman to yield it for that purpose.

Mr. ADAMS would do so if it would not deprive him of his right to close.

The CHAIR said, under the rule, if the gentleman yielded, and the reports extended beyond the morning hour, it would be equal to an absolute relinquishment for the day.

Mr ADAMS then proceeded.

Mr. POTTER made an explanation of the action on the subject of Texas in the Pennsylvania Legislature, where it was indefinitely postponed. [This was similar to the course recommended by the Committee on Foreign Affairs in the House of Representatives, which Mr. ADAMS was reviewing.]

Mr. A. continued his remarks, and referred to the statements of two ladies of South Carolina on the subject of slavery in the South, and he appealed to the delegation from that State to affirm or disaffirm them.

Mr. PICKENS rose and explained that as the delegation from South Carolina had been specially appealed to, and for fear their silence might be construed into an assent to the truth of the statements referred to by the gentleman from Massachusetts, he would state that he had seen them, and a greater tissue of misrepresentation and prejudice, as related to the general operation of slavery in the South, had never been promulgated.

Mr. ADAMS proceeded still further on the subject of slavery, when

Mr. LEGARE raised the point of order, whether the discussion of this topic was pertinent to the question before the House.

Mr. ELMORE hoped his colleague would not press the point, but suffer the gentleman to go on with his insane ravings.

The CHAIR ruled the discussion in order, as showing the influence or effect of the annexation of Texas.

Mr. ADAMS then proceeded till the orders of the day were announced.

REGULATION OF DEBATE.

Mr. NOYES asked leave to submit the following resolution:

Resolved, That, to the end of the present session, no member shall be allowed to speak more than fifteen minutes at one time, and not more than once to the same question, without leave of the House; and it shall be the duty of the Speaker of the House, and the chairman of the committee, to call the member to order who violates this rule.

Loud cries of "Agreed! agreed!" followed the reading of this resolution, with a few objections.

Mr. N. moved a suspension of the rules.

Mr. LEGARE hoped the gentleman would except the members of the Committee on Foreign Affairs in replying to the extraordinary speech of the gentleman from Massachusetts. (A laugh.)

Mr. GARLAND of Louisiana, on so extraordinary a proposition, as he called it, asked for the yeas and nays; which were ordered.

Mr. ELMORE moved to lay the whole subject on the table; which was agreed to.

SMALL NOTE RESTRICTION.

Mr. KILGORE moved to take up his resolution for a suspension of the five dollar restriction, stating that he had modified it so as to limit the period to the 4th of March next.

Objection being made, Mr. K. moved a suspension of the rules for one hour, and called for the yeas and nays; which being ordered—were 105, to 86.

So the rules were not suspended.

Mr. CUSHMAN made an ineffectual attempt to get a suspension of the rule, for the purpose of calling the committees for reports.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the information called for [by a resolution of Mr. UNDERWOOD,] in relation to the kind of funds furnished the pension agents of Arkansas.

On motion of Mr. BRIGGS, laid on the table.

The joint resolution of the House, amended by the Senate, authorizing the President of the United States to cause certain surveys to be made, was, on motion of Mr. RANDOLPH, referred to the Committee on Commerce.

Sundry bills from the Senate on the SPEAKER'S table were taken up, read twice, and referred to their appropriate standing committees.

MEXICAN BLOCKADE.

On motion of Mr. JOHNSON of Louisiana, the House passed through all its stages, the bill from the Senate to authorize vessels bound for ports in Mexico, and prevented from completing their voyages in consequence of the existing blockade of those ports, to enter and store their cargoes in ports of the United States.

ARMY BILL.

Mr McKAY moved the House to take up the Army bill, ordered to a third reading last night.

Mr. E. WHITTLESEY would not consent to have all the private business sacrificed, and therefore he objected.

Mr. McKAY moved a suspension of the rules, which prevailed—111 to 48; and the bill was put on its passage.

A verbal amendment was made by general consent on motion of Mr. FILLMORE.

Mr. CARTER then moved to recommit the bill to the Committee on Military Affairs, with instructions to strike out all the provisions proposing to increase the officers of the army, all the provisions going to increase the pay of those officers, and also that provision proposing to raise an additional regiment.

Mr. C. went into some statements, showing the enormous increase, in some instances amounting to as much as forty per cent. of the pay of the officers of the army in this bill, and that too in the most objectionable form, not by specific items, but in a general mode, and by extra rations, &c.

Mr. McKAY explained that the increase was not the work of the Military Committee of the House, but came down in the Senate's bill.

Mr. CARTER rejoined that the committee should have cut it down, and went on to demonstrate that, instead of augmenting the annual expenses of the Government a million and a half, as contemplated by the committee, it would amount to upwards of four millions. Mr. C. explained his position, that he was willing to vote for an increase of the rank and file, rather, however, in deference to the wishes of his frontier friends, than that he himself believed it either expedient, advisable, or called for.

Mr. WHITTLESEY of Ohio sustained most of the positions of Mr. C.; and referring to the language of the bill, expressed his conviction that, by the construction that would be put upon it, the officers would receive much more than the military committee contemplated. Moreover, it was made retrospective, instead of only prospective, the provision in relation to additional rations after certain terms of service, being in the past, as well as future tense.

Mr. HARRISON thought this bill had been discussed long enough; and therefore, he demanded the previous question.

Mr. MARTIN said, as the attendance was very thin, he would move a call of the House; which was ordered, and proceeded in for some time, when, on motion of

Mr YELL, it was dispensed with.

The House refused to second the demand for the previous question; only 41 voting for it.

Mr. GRENNELL did not believe that any such construction as that referred to by Mr. WHITTLESEY, would be put upon the ration clause, especially as it was contrary to the intent of every member of the committee; and he had no doubt of every member of the House too. Mr. G. then contended that the pay of the officers ought to be increased, for the existing rate was fixed some forty years ago, since which all the civil service had been augmented.

Mr. BOON had been as anxious as any one to have made a speech on this bill, but he had yielded his right to the entreaties of others, when in Committee of the Whole, and he now respectfully implored gentlemen to vote, and not keep back all the other important business at this late period of the session.

Mr. WHITTLESEY of Ohio suggested an amendment to meet his objection, so as to preclude the operation of the ration clause from being retrospective, but it requiring unanimous consent, and objection being made, it was not entertained.

Mr. McKAY earnestly appealed to the House to permit this amendment to be engrafted on the bill, but the objections were renewed.

Mr. RIVES then moved a further instruction to the Military Committee, authorizing the Secretary of War to allow, at his discretion, a commission to paymasters of the army, not exceeding one per cent. on all disbursements made by them, agreeably to the provisions of the act of '32.

Mr. CUSHMAN said he would make a motion which he thought would meet the unanimous assent of the House. It was to strike out the 15th section of the bill.

Mr. MERCER, however, objected.

Mr. RIVES, Mr. SIBLEY, and Mr. HOFFMAN, spoke warmly in favor of the amendment of Mr. R.

Mr. PARMENTER moved a proviso to the amendment that the commission should not exceed $1,000 in any one year, and went on to say that, as a general rule, this would be an ample, and even a liberal, allowance.

This amendment was agreed to.

Mr. RENCHER moved further to instruct the committee to strike out the 19th section, [that relating to the chaplain,] on the ground, as stated by him, that it introduced a new principle into this Government, viz: a connection between Government and the clergy. Having increased the pay both of the officers

and privates, they had better be left to the selection of the regiments themselves. The converse practice had been wisely abolished by the British Government, and a radical improvement had been proved to be the result; in proof of which Mr. R. cited some British reports on the subject.

Mr. BOON said he was favorably inclined to the gentleman's object, and he would suggest to him the propriety, if his object was to complete the separation of Church and State, to commence with the body of which they were members.

Mr. McKAY suggested that the bill be recommitted to the Committee on the Whole, where, if the House desired, it might be amended in five minutes.

The CHAIR remarked that the pending amendment must first be disposed of.

Mr. RENCHER inquired of the chairman of the Military Committee, if he could inform the House what expense this clergy clause would involve.

Mr. McKAY understood about seventy chaplains at a thousand dollars each, say from sixty-nine to seventy-one thousand dollars a year.

Mr. BRONSON said, to put an end to the embarrassment, he would move to reconsider the vote by which the bill had been ordered to a third reading.

Several other suggestions were made by Messrs. RANDOLPH, YELL, NAYLOR, WHITE of Indiana, POPE, and THOMPSON; when, without taking any question,

The time having arrived,

The House took its daily recess.

EVENING SESSION.

DUTIES ON STEAMBOAT IRON.

The House went into Committee of the Whole, in pursuance of the special order, (Mr. OWENS in the Chair,) and took up Senate bills 175, 147, 237, and 238, and House bills 832 and 854, being bills remitting duties on iron imported for the construction of steamboats by certain corporations and individuals.

They were all reported to the House without amendment, excepting 854, to remit certain duties upon iron imported for the construction of iron steamboats.

The Senate bill 147, to authorize Day and Butts to import iron steamboats, being taken up, as reported,

Mr. CUSHMAN moved to lay the same on the table.

Mr. LYON of Alabama begged that the motion might be withdrawn for one moment, as he wished to make an explanation in regard to an amendment offered at his instance by the chairman of the Committee on Commerce. The motion being withdrawn, Mr. LYON expressed a hope that the bill would not be opposed. He said that Capt. Fry of Mobile, a most enterprising and useful man, and one who had had much experience in steam navigation, proposed to attempt the navigation of the rivers in Alabama with an iron steamboat. He was disposed to make the experiment at his own risk and expense, and had only asked the Government to remit the duties on its importation. The attempt was one in which the country was much interested. He believed the object of Capt. Fry was to test the utility of iron steamboats for summer navigation in the Southern waters. It was well known to every gentleman acquainted with the Southern rivers that, in the summer, they were generally low, and difficult of navigation by ordinary steamboats. Accidents had often occurred, during low stages of the water, from snags and other impediments, to which iron steamboats would not be liable. Iron steamboats were understood to be of less draught of water than such as we now had in use; and, if they could be successfully used, he had no doubt their introduction would be of very great benefit to the country. The speedy transportion of the mail might be insured if such boats were employed as could safely navigate Southern rivers at low stages of the water. He said Congress had remitted the duties on railroad iron, and he was surprised that an objection should be raised to remitting the duties on an iron steamboat. He recollected to have noticed that the British Government had promised much more ample aid to the company formed to navigate the Atlantic by steam-ships than was asked by Captain Fry and others, who proposed to import each an iron steamboat. The Atlantic Steam Navigation Company had, he believed, a guaranty from their Government that their experiment should not involve them in expense or loss. In the cases before the House, no aid or guaranty as to loss is asked of the Government, although the experiment is one which, if successful, will be of much benefit to the country, and perhaps save the loss of much property. It was simply asked that the duties on the importation of the boats, and such implements as might be necessary to keep them in repair, should be remitted; and he repeated the hope that all opposition to the bill might be withdrawn.

Mr. L. then renewed the motion to lay on the table, and

The yeas and nays being ordered, this motion prevailed by the following vote: Yeas 82, nays 58.

The hour for which this subject had been made the special order being expired, and another special order having been called for—

Mr. ADAMS moved to suspend the rules for another hour; which motion was lost.

TENNESSEE LAND BILL.

The House then, according to the order, went into Committee of the Whole on the bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th April, 1806.

Mr. SHIELDS moved that the bill be reported to the House.

Mr. WILLIAMS of North Carolina hoped not, without discussion.

Mr. SHIELDS said that the bill had been a good while before the House. Several committees had reported in favor of it; and he believed the House had become perfectly well acquainted with its merits. Still, if necessary, he would be perfectly free to meet any objections which might be brought against it.

Mr. WILLIAMS of North Carolina objected, at some length, to the bill, as conveying a mere naked gift to Tennessee, there being no obligation upon the Government to make the required cession.

Mr. BELL made some statements to show that the United States were indebted to the State of Tennessee more than a million of dollars for satisfying land warrants, &c.

Mr. WILLIAMS said there were no such claims in the compact between Tennessee and the United States.

Mr. BELL said, "Not in the bond?"

Mr. WILLIAMS went on: He did not mean to use the argument of Shylock. He was opposed, in principle, to the bill, and should oppose it, as being unjust and inexpedient.

Mr. CONNOR said a few words on the same side with his colleague, and in reply to the argument of Mr. BELL, as to the indebtedness of the United States to Tennessee. He offered the following proviso, which was subsequently withdrawn:

"*Provided*, That the State of Tennessee shall adopt and settle any claim or claims for military services that may be due to the citizens of North Carolina.

Mr. SHIELDS went into a general defence of the bill, against the objections of Mr. WILLIAMS.

Mr. C. H. WILLIAMS followed on the same side.

Mr. MONTGOMERY was opposed to the bill, and

Mr. CROCKETT supported it.

And the debate was continued by Messrs. CARTER, WILLIAMS of North Carolina, TILLINGHAST, (who was of opinion that the land in question, if ceded at all, ought to be returned back again as of no value, but not as a gift,) and RENCHER.

Mr. YELL warmly advocated the bill as an act of but sheer justice to the State of Tennessee, though, he said, the lands were worthless, and a whole county of them not worth a good section in Arkansas.

Mr. WILLIAMS, of North Carolina, then moved to strike out the enacting clause of the bill: lost.

Mr. McKENNAN moved that the committee rise, and report the bill; which motion prevailed.

The bill having been reported to the House, and the question recurring upon its engrossment,

Mr. CHAS. SHEPARD, of North Carolina, made some remarks against the bill.

Mr. C. H. WILLIAMS demanded the previous question; but withdrew it by request of several members.

Mr. STANLY moved to lay the bill on the table: lost.

Mr. ROBERTSON moved a call of the House: lost.

Mr. CAMPBELL, of Tennessee, made some remarks in support of the bill, and in reply to Mr. SHEPARD.

Mr. YELL moved the previous question.

Mr. DAWSON moved that the House adjourn: ayes 58, noes 79.

So the House refused to adjourn.

The previous question was seconded, and the main question was ordered to be put.

On ordering the bill to be engrossed and read a third time,

Mr. WILLIAMS of North Carolina demanded the yeas and nays, which were ordered; and the motion for the engrossment and third reading was rejected by a vote of 51 yeas to 91 nays.

Mr. MARTIN of Alabama gave notice that, on Monday next, he should move a reconsideration of that vote.

On motion of Mr. GRIFFIN, at 7 o'clock, p. m.

The House adjourned.

IN SENATE,

SATURDAY, June 30, 1838.

Mr. CLAY of Kentucky presented the petition of Mr. Origen Bachelor, asking that the good offices of the United States might be interposed to settle the affairs of Mexico and France; referred to the Committee on Foreign Affairs, and ordered to be printed.

Also, from an individual, in relation to a confirmation of a land warrant; referred to the Committee on Public Lands.

Mr. CLAYTON presented a remonstrance of the Navy Yard Bridge company against the establishing of a free bridge over the Eastern Branch.

Mr. WILLIAMS, from the Committee on Pensions, made favorable reports on the following bills from the House of Representatives:

The bill for the relief of James Boyd.

The bill for the relief of Isaac Gale.

The bill for the relief of Wright Herbert.

The bill for the relief of Oliver Dorsett.

The bill for the relief of the executor of Robert Laird, with an amendment.

Mr. W. from the same committee, made unfavorable reports on the following bills from the House of Representatives:

Bill for the relief of Frederick Sammons.

Bill for the relief of Elizabeth Jones and others.

Bill for the relief of Asahel Kingsby.

Bill for the relief of Erastus Pierson.

Mr. PIERCE, from the Committee on Pensions, made favorable reports on the following House bills:

Bill for the relief of Phebe Champe, widow of sergeant John Champe.

Bill for the relief of James M. Edwards.

Bill for the relief of Aaron Tucker.

Mr. PIERCE, from the same committee, made favorable reports on the following House bills:

Bill for the relief of Cotton Evans.

Bill for the relief of William Pool.

Bill for the relief of Hiram Laul.

Bill for the relief of Levi Johnson.

Bill for the relief of John Davis.

Bill for the relief of John Lathsam.

Bill for the relief of Jacob Beeker.

Bill for the relief of Mary Hunter.

Bill for the relief of Jacob Grist.

Bill for the relief of Charles Risley.

Joint resolution for the benefit of the widows of certain Revolutionary officers and soldiers.

Bill for the relief of Samuel J. Smith.

Bill for the relief of Samuel B. Hugo.

Bill for the relief of Benjamin McCullock.

Bill for the relief of Martha Strong.

Bill for the relief of Mary Richards.

Bill for the relief of Frances Chandler.

Bill for the relief of Ann Rewalt.

Bill for the relief of Catharine Allen.

Bill for the relief of David Miller.

Bill for the relief of David Rollins.

Bill for the relief of Levi M. Roberts.

Bill for the relief of Elijah Blodget.

Mr. PIERCE also asked to be discharged from the bill for the relief of Eleanor Clark, as her case is provided for by general act, already reported.

Mr. STRANGE asked, and obtained leave, by general consent, to introduce a bill for the relief of the widow of John A. Cameron.

Mr. S. explained, at some length, the history of the melancholy bereavement of the widow whose husband was lost in the Pulaski steamboat. It appeared he was a judge of the United States Court in Florida; and on that ground, Mr. S. had been urged by her friends to introduce the bill allowing her half-pay of her late husband's salary.

Mr. CLAY of Alabama said he felt, as much as any man could do, for the unfortunate event, but was unwilling to sanction, by his vote, such a departure from established principles; and he must, therefore, ask the yeas and nays.

Mr. STRANGE pointed to the case of the widow of the late General Brown, and read a portion of the act showing that it was the same in principle.

Mr. CLAY said we might have military pensioners, but no civil ones.

The yeas and nays were then taken, when there appeared —for the bill 2; against it 32; as follows:

YEAS—Messrs. Preston and Strange—2.

NAYS—Messrs. Allen, Clay of Alabama, Clay of Kentucky, Clayton, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, McKean, Mouton, Norvell, Pierce, Prentiss, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Wall, Webster, White, Williams, Wright, and Young—32.

Mr. CLAY of Alabama introduced a bill for the removal of the pension agency to Huntsville; which, by general consent, was read twice, and ordered to its third reading.

Mr. WRIGHT asked leave, agreeably to notice, to introduce a bill to modify the last clause of the fifth section of the deposite act of 1836, which prohibits the reception, by the Government, of the notes of such banks as may have issued notes of less denomination than 35.

On this subject Mr. WEBSTER addressed the Senate at some length, and was replied to by Mr. WRIGHT; after which the bill was introduced.

Mr. WEBSTER then moved to amend the bill, by inserting the following clause as a second section:

"That it shall be lawful for the Secretary of the Treasury hereafter to select and employ, as depositaries of the public money, according to the provisions of said act, any bank which shall redeem its notes and bills on demand in specie, notwithstanding it may have, since the 4th of July, 1836, issued or paid out notes or bills of a less denomination than five dollars; *provided*, however, that this provision shall not extend to any bank which shall issue or pay out any note or bill of less denomination than five dollars, after the time mentioned in the last clause of the preceding section of this act."

Mr. STRANGE spoke at length in opposition to the amendment, and Messrs. RIVES, TALLMADGE, and CLAY of Kentucky, in favor of it; when

Mr. WRIGHT moved to amend the amendment by inserting the following:

"SEC. 2. *And be it further enacted*, That the first twelve sections of the act entitled an act to regulate the deposites of the public money, approved on the 23d day of June, 1836, be, and the same are hereby, repealed, except so far as is provided, and to enable the Treasury Department to collect any debts which may be due or owing from the late deposite banks."

On this question a long and animated debate ensued, the amendment being sustained by Messrs. WRIGHT, NILES, STRANGE, and others, and warmly opposed by Messrs. CLAY of Kentucky, RIVES, TALLMADGE, and others.

The question was then taken on the amendment of Mr. WRIGHT by yeas and nays, and decided in the affirmative—yeas 26, nays 21, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Trotter, Wall, Williams, Wright, and Young—26.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Morris, Prentiss, Preston, Rives, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Webster, and White—21.

The bill was then ordered to be engrossed, and read a third time.

The VICE PRESIDENT rose and said: The Senate having fixed the day of adjournment for Monday week, he felt it his duty to inform them that he should not again occupy the chair for the remainder of the session. He should retire for the purpose of enabling the Senate to elect, according to custom, a temporary presiding officer. It had been his object, he said, during this long and arduous session, to discharge the duties of his station with perfect fidelity and impartiality; and if in that object he had not been successful, he felt that no reflection would be made against him by any member of the body. He could not take his leave of the Senate without saying that he felt the highest obligations to the members of the body for the kindness, constant generosity, and indulgence which had been extended to him while in the performance of his duties. He hoped it would not be improper for him, at this period of the session, to retire from the duties of his station.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, July 2, 1838.

TENNESSEE LAND BILL.

Mr. MARTIN submitted the motion, of which he had given notice on Saturday evening, to reconsider the vote of the House rejecting the Tennessee land bill.

Mr. M. moved its present consideration.

Mr. ADAMS said he should move to lay it on the table.

Mr. SHIELDS had no desire to press its consideration now, but let it take its place on the calendar.

The motion was accordingly ordered to be entered on the journal.

This being petition day,

Mr. E. WHITTLESEY suggested that the call of the States be omitted, and that the members having petitions lay them on the Clerk's table.

Mr. LEGARE wished to have an opportunity of presenting a memorial from citizens of Charleston, in relation to the late calamitous conflagration there.

Mr. DROMGOOLE said he must object to Mr. WHITTLESEY'S motion, as petitions might then go on the journal which the House might have refused to receive.

Mr. BOON moved a suspension of the rule, which was agreed to, and an order pursuant thereto adopted.

Mr. CAMBRELENG then remarked, that it must be obvious to every one, that unless the committees could report every morning, it would be very detrimental to the business of the House.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill to provide for the investment of money received under the will of the late James Smithson, of London.

Mr. C. also reported a bill providing for the payment of the

salaries and compensation of the officers of the customs, and making additional appropriations for the support of Government for the year 1838.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill to authorize the accounting officers to settle certain claims, arising under the military operations in Georgia, Alabama, &c.

Mr. CUSHMAN, from the Committee on Commerce, reported back the light-house bill

On motion of Mr. CUSHMAN, the bill to establish a port of entry at Indian Key, in Florida, was recommitted to the Committee on Commerce.

Mr. BOULDIN, from the Committee for the District of Columbia, reported a resolution in favor of removing the market-house at the east of the Capitol; which was concurred in.

Mr. C. H. WILLIAMS, from the same committee, reported, without amendment, Senate bill to incorporate the Navy Yard Beneficial Society.

Mr. CRAIG, from the Committeee on Revoltionary Claims, reported, without amendment, Senate bill for the relief of Sarah Angel, and the other heirs at law of Benjamin King, deceased.

Mr. J. L WILLIAMS, from the same committee, reported a bill for the relief of the representatives of Ann Lenacher de Van Brun.

Mr. UNDERWOOD, from the same committee, reported against the petition of the Wyeming claimants.

Mr. HARPER, from the same committee, asked to be discharged from the further consideration of the following petitions: R. Paulett, the heirs of John Stephenson, Elizabeth Weitzell, Philip Van Rensellaer, Samuel A. Barker, John Green, John Tubbs, Margaret Willis, heirs of Thomas West, of James Piper, Daniel Redfield, R. P. Waller, John Haughy, and Margaret Price; which was agreed to.

Mr. HARLAN, from the Committee on Private Land Claims, reported Senate bill for the relief of Col. Charles Morgan, with a recommendation that it do not pass; and, on Mr. H's motion, the bill was laid on the table.

Mr. H. from the same committee, reported Senate bill for the relief of Gurdon S. Hubbard, asssignee of Jacques and Louis Veaux, and the bill to settle contested claims that have arisen under the pre-emption law, with a recommendation that they do not pass, which two bills were committed to a Committee of the Whole House.

Mr. GARLAND of Louisiana, from the same committee, reported, without amendment, Senate bill for the relief of Juan Belgar.

Also, with amendments, Senate bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land.

Mr. DEBERRY, from the Committee on Agriculture, report d the following resolution, which was non-concurred in:

Resolved, That the bill from the Senate, No. 241, to encourage the introduction and promote the cultivation of tropical plants in the United States, and the bill No. 663, in addition to the act to promote the progress of the useful arts and for other purposes, and the joint resolution to authorize the leasing of a part of the public lands for the cultivation of the mulberry and the sugar beet, reported by the Committee on Agriculture, be made the special order of this House for one hour on Wednesday next, from half past 3 o'clock, p. m.

Mr. BELL, from the Committee on Indian Affairs, reported, without amendment, Senate bill for the relief of Richard T. Banks of Arkansas.

Mr. EVERETT, from the same committee, reported a bill in relation to moneys received for the use of Indians on Indian affairs.

Mr. E. also reported a bill to repeal a part of the second section of the act to provide for the organization of the Department of Indian Affairs, (abolishing the office of a resident Superintendent at St. Louis,) and it was ordered to a third reading to-day.

At a subsequent period of the day, this bill was passed.

Mr. McKAY, from the Committee on Military Affairs, reported a bill to provide for the settlement of the claim of the State of New York for the services of her volunteers and militia in 1837, and the same was ordered to a third reading to-day, and, at a subsequent period, read a third time, and passed.

MR. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Sarah Lamb, widow of the late Joshua Lamb, of the Revolutionary army.

Mr. M. also reported, without amendment, Senate bill granting a pension to L. White.

Mr. EWING, reported a resolution to make three pension bills the special order for a future day, which was *rejected* very few members rising in its favor.

MR MALLORY, from the Committee on Invalid Pensions reported, without amendment,

An act for the relief of John M'Cloud

An act for granting a pension to Jonathan Crow.

Mr. STANLY, from the same committee, reported a bill for the relief of George Cassedy.

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution, which was concurred in:

Resolved, That the report recently made by Major Turnbull on the operations upon the Potomac aqueduct, and the explanatory drawings accompanying the same, be printed, under the direction of the Chief of the Corps of Topographical Engineers; and that one hundred extra copies thereof be printed and placed at his disposal for the use of that corps.

Mr. HEROD, from the Committee on Invalid Pensions, asked to be discharged from the cases of Hugh McDonald, Peter Amblar, and Lambert L. Van Valkenburg.

Mr. LINCOLN, from the Committee on the Public Buildings, reported the following resolution:

Resolved, That in the new arrangement of the hall, ordered by the House, the members of the House shall be entitled, as far as may be, during the present Congress, to the same relative positions to the Chair which they now occupy, and that the Clerk designate the seats accordingly.

Mr. EVERETT moved to amend, by providing that the seats should be selected by lot.

After some remarks from Messrs. MERCER, CRAIG, L. WILLIAMS, and TALIAFERRO,

Mr. HARLAN moved to lay the resolution on the table, which was not agreed to—ayes 77, noes 82.

Mr. MORGAN demanded the previous question, which prevailed, and the resolution was agreed to.

Mr. SOUTHGATE, from the select committee, to whom the subject had been referred, reported a bill for the relief of the heirs of Col. Daniel Boon, deceased.

Mr. RUSSELL, from the select committee on the subject of a revision of the naturalization laws, and the introduction of foreign paupers, reported two bills on those subjects.

The first bill was on the introduction of paupers.

Mr. BEATTY, for reasons stated by him, asked for time to submit a counter report, in response to the monstrous doctrines which, he said, were contained in the report. They were the doctrines of '98 revived in full force. He stated that the gentleman from New York had had the whole session to prepare his report, and had only presented it now on the eve of the session.

After some remarks from Messrs. HAMER, GARLAND, RHETT, (who dissented from the views of the majority,) LINCOLN, (who assented to them,) REED, HOFFMAN, and RUSSELL.

Mr. CUSHMAN moved the previous question; which prevailing, the bill was committed.

The bill to amend the naturalization laws, was then read twice, and committed.

Mr. CUSHMAN, from the Committee on the Public Lands, reported Senate bill, without amendment, to grant to Cherokee county, Alabama, the tract of land on which the seat of justice is located; and, on Mr. C's motion, it was put on its passage, read a third time, and passed.

Mr. TOUCEY, from the Committee on the Judiciary, reported a bill for the relief of the legal representatives of Abijah Wool.

FULTON STEAM FRIGATE.

Mr. NAYLOR, on leave, submitted the following resolution, which was agreed to:

Resolved, That three thousand extra copies of the report of the Secretary of the Navy, transmitting information in compliance with the resolution of this House of the 28th of May last, relative to the construction of the steam frigate Fulton, be printed.

Mr. BOON said he would submit a motion that would save one day of the present session. He moved to suspend the rules for the remainder of the session, setting apart the morning hour for the consideration of reports and resolutions.

The motion was not agreed to—ayes 101, noes 54; not being two-thirds.

ARMY BILL.

The House resumed the consideration of the Army bill, under the motion to reconsider the vote ordering the bill to a third reading.

After some remarks by Messrs THOMPSON, MERCER, JOHNSON of Louisiana, MASON of Ohio, and McKAY—

Mr. GRANT said, that believing no good could possibly arise from the further discussion of this bill, and as it was keeping back all the other public business, he demanded the previous question on the motion to reconsider; which was seconded—ayes 100, noes not counted; and the main question being ordered thereon,

Mr. GARLAND of Louisiana asked for the yeas and nays, which, being ordered, were—yeas 94, nays 95.

So the House refused to r consider.

[Before the decision was announced, Mr. EWING asked leave to record his vote, stating that he was in the post office when his name was called. The request was received with a burst of laughter, and *unanimously* refused.]

The question then recurring upon the passage of the bill.

Mr. BRONSON moved the previous question, which was seconded, 88 to 51.

Mr. RENCHER called for the yeas and nays upon ordering the main question to be put; which, being ordered, were—yeas 101, nays 76.

Mr. CARTER asked for the yeas and nays on the passage of the bill, which were ordered, and were—yeas 112, nays 80.

So the bill was passed.

The title of the bill was as follows: "an act to increase the present military establishment of the United States, and for other purposes."

Mr. GARLAND of Louisiana moved to amend the title by adding, after the word States, the following: "the pay of the officers and privates, the patronage of the Executive," and asked for the yeas and nays.

Mr. GLASCOCK demanded the previous question, which prevailed, and the original title was agreed to.

The bill to confirm certain entries of land in Arkansas, permitted to be entered under the belief that they had been offered for sale, was read a third time, and passed.

HARBOR BILL.

On motion of Mr. SERGEANT, the House went into Committee of the Whole on the Union, Mr. MASON of Virginia in the Chair.

Mr. S. moved to take up the harbor bill.

Mr. ROBERTSON moved to take up the bill to extend the pension system.

The first motion prevailing, the House accordingly took up the "bill to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year 1838."

The bill having been read through by the Clerk, was taken up by sections.

Mr. WHITE of Indiana moved an amendment to the item for the harbor at Michigan City, Indiana, merely as a modification of the plan laid down in the bill.

Mr. MERCER objected to it.

MR. SERGEANT joined in the objection on the ground of its incongruity, and an innovation in this bill.

MR. WHITE rejoined, but the time having arrived the House took its daily recess.

EVENING SESSION.

The House met at the appointed time of half past 3 o'clock, and went again into Committee of the Whole, Mr. MASON of Virginia in the Chair, the subject under consideration being the

HARBOR BILL.

The following amendment was moved by Mr. WHITE of Indiana to the item for Michigan City, and rejected:

Insert the following: "So much of the act entitled 'An act making appropriations for the improvement of certain harbors therein mentioned, for the year one thousand eight hundred and thirty-six, and for other purposes,' approved July 4, 1836, as prescribes the plan of said harbor, be, and the same is hereby, repealed, and the plan of the same shall be determined by the Secretary of War."

Mr. CRARY proposed to increase the appropriation for River Raisin harbor to $31,450, and assigned his reasons therefor.

The amendment was disagreed to.

Mr. LYON of Alabama submitted the following:

For continuing the improvement at Dog river bar and Choctaw pass, in Mobile harbor, $50,000.

Mr. L. explained at length the nature of the improvement, the amount heretofore appropriated for the work, its present state, &c. and urged that, unless a further sum was appropriated this session, the work would have to be discontinued before the next session. He called for the reading of the report from the Engineer Department, upon which the improvement was authorized to be made; and for the reading of the memorial of the Chamber of Commerce of Mobile, setting forth the necessity and importance of the improvement proposed to be made in the navigation of the bay of Mobile, by deepening the channel across Dog river bar and at Choctaw pass. He commented, also, upon what he supposed to be the causes why the Committee of Ways and Means had omitted to recommend an appropriation for continuing the work now in progress in the harbor of Mobile, and called upon the chairman of the committee to state whether he had assigned the true cause.

He also appealed to the gentleman from Pennsylvania, [Mr. SERGEANT,] having the present charge of the bill, to say whether the documents submitted by him to the House did not authorize the appropriation he had asked. He accounted for the fact that the committee had lost sight of the improvement in the bay of Mobile, by reminding the House that Mr. McKIM had charge of the Harbor bill, and he had brought the subject to his notice, and supposed it would have received attention but for his death.

He urged the House to decide his amendment upon its merits, and not to reject it because the case had escaped the notice of the committee, and said it had not decided against it.

The question being taken on the adoption of the amendment, it was decided in the affirmative.

This amendment was debated at much length, opening the general merits of the bill, by Messrs. LYON, CAMBRELENG, ADAMS, FOSTER, SERGEANT, GRENNELL, MERCER CUSHMAN, PHILLIPS, SIBLEY, and E. WHITTLESEY.

The amendment was then agreed to.

Mr. WILLIAMS, of Kentucky, moved an item of $20,000 for the improvement of the Cumberland river above Nashville,

Mr. BOON, moved to amend the amendment by appropriating $20,000, for the improvement of the Wabash, from its juncture with the Ohio to Delphi.

Mr. B. briefly addressed the committee, in an earnest support of his amendment, and drew their attention to the fact that it had twice received the sanction of both branches of Congress, and had only failed for want of the approval of the Executive. The Wabash was becoming one of the most important rivers of the West, winding through one of the most fertile valleys on this continent, and its commerce was daily increasing.

The amendment was disagreed to, and Mr. WILLIAMS'S agreed to—66 to 62.

Mr. MARTIN moved an item of $56,700, for completing the canal round the Muscle shoals; and, after some remarks from Mr. M. and Mr. DAWSON,

Mr. GRAVES moved to amend, by appropriating the Government stock in the Louisville and Portland canal to purchase out the private stockholders, and making that passage free of toll; which, after some remarks by Mr G. Messrs. MARTIN, SERGEANT, CUSHMAN, EVANS, BELL, GARLAND of Louisiana, and POPE; when

Mr. MALLORY moved that the committee rise; but no quorum voting, the committee rose in consequence thereof.

Mr. MALLORY moved an adjournment.

Mr. E. WHITTLESEY asked for the yeas and nays; which being ordered, were—yeas 61, nays 77.

So the House refused to adjourn, and a quorum being present, the House went again into committee.

The amendment was further discussed by Messrs. GRAVES, BIDDLE, POPE, GRAHAM of Indiana, and CUSHMAN, when it was rejected without a division.

Mr. GRAHAM of Indiana moved an amendment, requiring the Secretary of the Treasury to purchase out the stock of the Jefferson and New Albany Canal, on equitable conditions: lost.

Mr. MARTIN'S amendment was also disagreed to.

Mr. WHITTLESEY of Connecticut moved an item of $10,000 for completing the harbor at Bridgeport, Connecticut: lost.

Mr. McKENNAN moved the usual annual sum of $20,000 (afterwerds varied to $30,000) for expenses incident to making examinations, surveys, &c.: lost.

Mr. GOODE submitted a proposition of $15,000 for the improvement of the Maumee river, and $10,000 for Manhattan harbor: lost.

Mr. BIDDLE moved the amendments which had been reported by the Committee on Roads and Canals to the New Harbor bill: lost.

Mr. CUSHMAN moved an item of $5000, for completing the navigation in Cocheco river, New Hampshire: lost.

Mr. HUNTER of Ohio moved to increase the item for the improvement of Huron river, Ohio, from $5000 to $10,000: lost.

Mr. JENIFER moved an item for removing the wreck sunk in the harbor of Alexandria, District of Columbia, $3000: lost

Mr. ROBERTSON, for improving the harbor of Richmond, Virginia, $63,200.

Mr. MALLORY, for the navigation of the Dismal Swamp Canal, $29,000: lost.

Mr. FILLMORE, to increase the item for Buffalo harbor, from $20 500 to $68,000: lost.

Mr. EVANS moved to strike out the clause appropriating $8,000 for continuing the pier at Kennebunk, Maine; which was agreed to.

Mr. WISE moved $100,000 for clearing and improving the creeks, &c. of Chesapeake Bay: lost.

Mr. HARRISON moved to increase the item for the improvement of the Mississippi river, above the mouth of the Ohio, and of Missouri river, $20,000 to $30,000: lost.

Mr. H. also moved $15,000 for removing the sand bar at St. Louis. lost.

Mr. J. L. WILLIAMS offered the following amendment, which was disagreed to:

To improve that portion of the Tennessee and Holston rivers, which was surveyed by Col. S. H. Long of the United States Topographical Corps, in the year 1832, and for the completion of the improvements already begun, under said survey $50,000.

Mr. MONTGOMERY moved an additional section, providing that no part of the appropriations made in this bill shall be paid, until the Secretary of the Treasury shall be satisfied that the ordinary appropriations for the support of Government for the present year, will not be embarrassed thereby.

Mr. M. said he hoped that if this bill did pass, it should be as unexceptionable as possible: and surely gentlemen in the Opposition, who were daily charging loudly about the bankruptcy of the Administration, would not vote to appropriate $2,000,000 in this bill for harbors, "in addition to $3,600,000 that had been appropriated in the last four years, making $5,600,000;" when they, by their loud declarations, have declared that the Government is bankrupt, and cannot carry on its ordinary operations for want of money, without borrowing by the issue of Treasury notes. Surely those gentlemen who proclaimed the Government bankrupt, and still refused to vote the issue of Treasury notes to pay the ordinary expenses, would not now vote two millions of dollars for extraordinary expenses. Will gentlemen vote millions to be paid for extraordinary expenses, and refuse one dollar for even ordinary expenses? Do they not know that this money cannot be paid?

The amendment was disagreed to.

Mr. ELMORE moved an item for closing the passage of Hog Island, and preserving Sullivan's Island, $100,000: lost.

On motion of Mr. SERGEANT, the committee rose and reported the bill and amendments.

On motion of Mr. CONNOR, at quarter before 11 o'clock, p. m.

The House adjourned.

IN SENATE,

MONDAY, July 2, 1838.

The SECRETARY of the Senate having asked if it was the pleasure of the Senate to ballot for a president *pro. tem.*; the Senate accordingly proceeded to ballot, when there appeared for Mr. KING, 37 votes. Having been declared duly elected, Mr. KING was escorted to the chair by Mr. KNIGHT, from whence he returned his thanks in a neat and appropriate manner for the additional mark of respect and confidence extended to him, and announced his determination to discharge the duties to the best of his ability.

On motion by Mr. BENTON, the usual messages were sent to the President of the United States and the House of Representatives, informing them that the Senate had, in the absence of the Vice-President, elected the honorable WILLIAM R. KING of Alabama its president *pro. tem.*

Mr. CALHOUN presented a memorial of H. R. Pinckney, mayor of Charleston, praying legislative measures to ensure the safety of passengers in steamboats: ordered to lie on the table.

On motion of Mr. SMITH of Connecticut, the Committee on Revolutionary Claims was discharged from the further consideration of the petitions of Ezra Chapman, Sydney Forrow, and James Barcroft.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the bill to regulate the mode of empannelling juries in the courts of the United States, reported the same without amendment.

Mr. WILLIAMS, from the Committee on Pensions, made favorable reports on the following House bills:

The bill for the relief of William Delesdernier.

The bill for the relief of Moses Eldred.

The bill for the relief of Coffin Sanborn.

Mr. W. from the same committee, made unfavorable reports on the following bills:

Bill for the relief of John England.

Bill for the relief of Jacob Baugh.

Bill for the relief of William R. Joynes.

Bill for the relief of Wilfred Knott.

Mr. PIERCE, from the Committee on Pensions, made favorable reports on the following bills from the House of Representatives:

Bill for the relief of Letitia Crane.

Bill for the relief of Miller Francis.

Bill for the relief of Daniel H. Crocket.

Bill for the relief of Tandy Walker.

Mr. P. from the same committee, made unfavorable reports on the following House bills:

Bill for the relief of Stephen Appleby.

Bill for the relief of Matthew Wiley.

Bill for the relief of Sylvester Nash.

Bill for the relief of Levi Colmus.

Bill for the relief of Simeon Knight.

Bill for the relief of William Sloan.

Mr. WEBSTER, on leave, introduced a bill making further provision for the discharge of debenture bonds in certain cases; which was read twice, and, after a debate, in which Messrs. WEBSTER, BUCHANAN, and WRIGHT took part, it was laid on the table.

The following bills from the House, were severally read twice, and referred:

The bill to provide a free bridge across the Eastern Branch of the Potomac.

The bill for the relief of the widow and heirs at law of the late Lewis Grant Davidson, deceased.

The bill making appropriations for the support of the penitentiary in the District of Columbia.

The bill for the erection of a court house in Alexandria, in the District of Columbia.

The bill to modify the last clause of the fifth section of the act to regulate the deposites of the public money, was taken up on its third reading; when

Mr. WEBSTER said, there is no time to discuss this measure further—at least, I do not feel called upon to pursue the discussion further—but I will ask the indulgence of the Senate for a few moments, while I explain what the state of things will be, according to my understanding, if this bill shall become a law.

First, then, after the first day of October next, no bank bill, great or small, can be received at the post office, or the land office, or the custom-house, if the bank which issued it issues bills less than five dollars

This will necessarily exclude the paper of nearly all the banks in the Northern and Eastern States, and several others. All this has been already repeatedly shown.

In the second place, no bill of any bank can be received at the post office, the land office, or the custom-house, which bill is of a less denomination than twenty dollars. This is prescribed by the last Treasury circular. Now, sir, what is the plain consequence of this? How are postages, or small postage accounts, to be paid in twenty dollar bills? How are postmasters to pay back the change? If the deputy post officers in the country obey this circular, it will be the occasion of perpetual embarrassment to themselves and to the public.

I have supposed, also, that this would be found very inconvenient in the operations at the land offices. If I have been rightly informed, it is not, in some of the new States, always easy to obtain bills of a denomination of twenty dollars, or upwards. And I have supposed, especially, that the poor people who purchase forty-acre tracts would be put to considerable inconvenience. In the bill which I introduced into the Senate a section was contained remedying this inconvenience, and allowing smaller bills, if they were the bills of specie-paying banks, to be received. This provision, however, was rejected, together with all others which the bill contained. Having spoken, sir, the other day of my bill having been *overlaid* by that of the honorable member from Pennsylvania, or of his being used as an instrument to displace mine, I wish to say that I meant no complaint at all against the manner in which that gentleman brought forward his measure. His course was entirely fair, as he intended to support, and did support, the system which he proposed, throughout. His object, certainly, was to pass his own bill, not to displace mine; yet, my bill being displaced, there was a majority against his.

In the third place, sir, it is evident that the repeal of the deposite act leaves the public moneys in the entire control of the Treasury Department and the President, in the same manner as this control existed in their hands after the removal of the deposites, and before Congress provided any regulation on the subject. By the act of 1789, so much relied on, the Treasurer is to receive and keep the moneys of the United States, but the Secretary of the Treasury is to superintend the collection of revenue; and it was the well-known doctrine and practice of the last Administration that all these officers, in the discharge of their duties, are under the immediate direction of the President, and are but his agents and instruments. So that the public moneys are now to be received, kept, and disbursed, as the President may see fit to order.

In the last place, sir, it is quite obvious that the Secretary of the Treasury, under direction of the President, may, if this bill shall pass, use any State banks he chooses, whether they be specie-paying banks or not; whether they issue small notes or not, or whatever may be their character or condition. He will not be *obliged* to use banks; but he *may* use them, and may select them at his pleasure. We repeal all limitations, we dispense with all securities, and leave the whole matter to the Department and to the President. I believe, sir, that the collectors now deposite the public moneys in banks, and have no doubt they will continue to do so. If they shall be called on to pay money to the Treasurer, the Treasurer will keep that money also in the banks, or some of them. What else can he do with it? While we thus repeal all legal connection with the banks, guarded as that connection has been, by many provisions for the security of the public money, we are likely to see a connection renewed, without legal sanction or authority, with no provisions whatever for security, and to be extended just as far as the Executive Government may choose. This is the point, then, to which we have now arrived, in the process of separating the concerns of the Government from the concerns of the banks, and keeping the money of the people out of the hands of corporations and individuals.

Mr. PRESTON said when the Senator from Pennsylvania [Mr. BUCHANAN] introduced a bill the other day in relation to the currency, it spoke something like a departure from the trammels of party, and for doing which that gentleman, at least, had his thanks. He regretted that some common ground had not been devised on which all parties might have met to do something for the relief of the public. He was anxious to take the whole matter from the vortex of party in which it had been whirled. The Senator from North Carolina, in some remarks the other day, had spoken of party triumphs in a manner which would induce us to suppose that feeling uppermost in his bosom, and thus, said Mr. P. they go on, waging war for political ascendancy, while the interests of the country are overlooked. He desired gentlemen to act in a spirit of compromise and conciliation, and with the full swell of patriotism in their bosoms, forget, for a moment, party strife and party bickering, and meet on the common altar of the country.

Mr. P. then dwelt for some time on the common struggle, and common effort which had been made by the party in which he had enlisted as a soldier, to defeat Executive usurpation; and now at the end of five years we find ourselves [he said] about to be driven back to the precise situation we were in, when the audacious act of that most reckless Executive seized the revenue of the country and placed it under his own control. Mr. P. said there was no politician that did not tremble, and the public mind was stupyfied at the audacity of that act, We find him offering reasons for his conduct, by telling us that he did not conceive the public money safe in its legitimate deposite; and he calls upon us to tie his hands; [here Mr. P. read from the message of President Jackson;] and now we propose to do that for Mr. Martin Van Buren what Gen. Jackson with all his boldness was afraid of; to wit: the responsibility of the control of the currency; it was saying, in fact, in so many words, we surrender to your discretion the Treasury of the country, and constitute you supreme dictator at once.

This was from a spirit of party which would sacrifice any thing, so that it might triumph—a party that was willing throw itself upon all descriptions, even down to Slam, Bang and Co. and Fanny Wright. Look to the power that such unlimited discretion would bestow upon the President. In the South they liked hard money—and the answer was "hard money" you shall have. To the North "you want bank paper, and paper you shall have!" And thus they were seizing on all they could bring to their aid, whether by the arm or leg, to sustain them in their tottering. Why did not gentlemen listen to the still small voice of reason, rather than to passion and prejudice, or if they would not listen to that, would they take no warnings from the popular voice, which had been made to ring in their ears on so many occasions?

Mr. STRANGE briefly replied. He said when he addressed the Senate on Saturday last, he hoped he had done with the matter; but the Senator from South Carolina has represented him as using language which he never did use, and had imputed motives to him which he never entertained. The Senator had spoken as though he were not connected with party, or party men, and yet he had told us that he had entered as a private soldier in his party; but he [Mr. S.] had not yet learned what bounty he had received. Mr. S. said his party was engaged in a glorious struggle, and which was right, the Senator or himself, was left to the people to decide. It had not been his habit to impute improper motives to any Senator, however widely he might differ from him as to the best means of administering the Government for the public good. The party to which he [Mr. S.] was attached, believed the Independent Treasury to be the very best system that could be adopted; while on the other side they maintain that it will be ruinous. On that question they were at issue, and the country would decide. As for charging the party to which he was attached of being ready to sacrifice the interests of the country to party triumphs, eh did not believe there was a man in the community that indulged such a purpose. It did not characterize the party to which he belonged; that party had never sought to disconnect itself with the interests of the country for political aggrandisement.

The Senator from South Carolina had asked why we had not listened to the still, small voice of reason, rather than of passion and party prejudice. Where were they to hear it? Certainly not from the other side; from that quarter they had plenty of declamation and bitter invective, but not the voice of reason. The favorite measure of his party was a separation of the Government from all banks; and that had been pursued openly and avowedly. While, said Mr. S. we would give some power to the Executive, we do not seek to give him *all power*. We desire to regulate the Treasury by law, and not by the banks. Let the gentlemen from the other side propose any measure, so that they did not seek to place the Government at the beck of the banks, State or United States, and it would meet his hearty concurrence, if he believed it to militate in favor of the public good. Mr. S. defended with much zeal the late and present Presidents, from the aspersions thrown out. The late President, he said, though one of the greatest men living in the world, was nevertheless liable to error; and experience had convinced him that neither State banks or United States Bank were to be trusted as public depositories for the Treasury of the nation. The present President had all the strength necessary to administer the Government wisely, and carry it triumphantly through the present crisis. He had strength of head and strength of heart to sustain him in the conflict now waging between the banks and the people; and Mr. S. said he regretted that the Senator from South Carola had descended to the use of such newspaper trash as that of "Slam, Bang and Co. and Fanny Wright." The President of the United States had his own high resources within himself, and the confidence and the affections of the American people; he sought to throw himself on no one, and certainly would not throw himself upon Fanny Wright. That gentleman sought only to place the Government above the control of corporations, and thereby to make the nation prosperous and happy. That was the charm and only magic which he had used to lure the confidence of his countrymen. Mr. S professed himself as ready as the Senator, or any other man, to regulate the matter by law, but by wholesome law; and where discretion was necessary, he greatly preferred Executive discretion to that of the banks.

Mr. PRESTON regretted tha a catch phrase of a newspaper should be so offensive, and sound so unmusical to the ear of the Senator. Whatever might be thought of those names, they represented a great and growing principle, which had risen up like a mist from a noxious fen, and was now seen curling about the avenue, and had enveloped the Capitol of the country.

Mr. STRANGE responded; when

Mr. SMITH of Indiana said, had this question been under consideration at an earlier period of the session, he would have felt justified in detaining the Senate while he gave his reasons upon it. He was aware, however, at this period of the session, he could render his State and the country greater service by remaining silent, and saving the time he might occupy in discussion, to be employed in useful action, than by any thing he could say on this subject at this period of the session. It was not speeches, but action, that was wanted; the session had arrived at the last week, and much important business remained to be transacted, in which his State, and the other States of the Union, were deeply interested; and, however much it would have gratified his feelings to have shown the odiousness of a proposition to unite, without control, the purse and the sword in the hands of the Executive, he would forego that pleasure, and content himself with asking that the question on the passage of the bill should be taken by ayes and noes, as he desired to have his name recorded against it at every step.

Mr. CALHOUN said, I rise to explain the views I entertain in relation to this bill, and the grounds on which I intend to place my vote.

It was my misfortune not to have heard the discussion on Saturday, when the bill was introduced; having been detained from my seat by an engagement with which I could not dispense.

It is far from being agreeable to me to be compelled so often to disagree with those with whom I act on the important subject which has engrossed so much of our time; and I regret that another question should arise on which I shall again be compelled to differ, without reversing the dictates of my deliberate judgment.

If the effects of the passage of this bill would be, as it seems to be supposed, to restore the act of 1789, no one would give it a more cordial support than myself. That act established the Constitutional Treasury. It provided that the dues of the Government should be collected in its own currency, as established by law under the Constitution, and kept and disbursed by its own responsible officers, regularly appointed for the purpose.

This is the great principle for which I contend, and which, for the good of the country, I would rejoice to see restored. But I fear that the passage of this bill would not re-establish the act of '89. There are intermediate acts that would still remain unsuperseded. The resolution of 1816, which authorizes the receipt of bank notes in the public dues, would not be repealed; nor would the usage of the Government employing banks as depositories of the public revenue, be reversed. What, then, would be the effects of the passage of this bill? It would, according to my opinion, give the President almost unlimited power over the collection and keeping of the revenue. If the act of '36 be repealed, as proposed by the bill, he would be left free to order the public money to be kept by the Treasurer and the collectors, or to be placed in banks; and, under the resolution of '16, in conjunction with the bill introduced by the Senator from Massachusetts this session, and which has since become a law by the unanimous vote of those on the other side of the chamber, he may order, at his pleasure, the collection to be made in gold and siver, or bank notes, provided no discrimination be made in different branches of the revenue. He might, in a word, either restore the act of '89, or supersede it, as he might think best for the public good. It is, sir, a great and high responsibility to be imposed on any individual, and which I, who am, and have ever been, opposed to discretionary power, am unwilling to impose.

But should the bill become a law, and the Chief Magistrate, in the exercise of this high discretion, should supersede the practice of putting the public funds in possession of the banks, and restore the act of 1789, he shall receive my decided and cordial support. A departure from the true intention and meaning of that act, has been the source of all our woes; and its restoration

is a consummation devoutly to be wished; but on the other hand, if he should decline the exercise of so high and responsible a power, and renew the deposite system, it would make a most unfortunate and dangerous change in the issue between us and those who are opposed to us on this important question. It would be no longer between a bank and the constituted Treasury as it now is; but between a deposite system with and without law, as it was prior to the passage of the deposite act of '36, in which our opponents would have the advantage of advocating law against discretion. It is a position which we could not maintain, and on which I do not choose to be put.

What course the Chief Magistrate might take if this bill should become a law, I have no means of knowing or conjecturing; but if he should act in the spirit of his messages at the opening of this and the extra sessions, he would not hesitate, be the responsibility what it may; and as I have no reason to doubt his sincerity on this great question, I hope and trust he would so act, should Congress give him the power. It would close the door against many a calamity about to rush into the State, and do more than has ever been done by an Executive act to restore the ascendency of the laws and Constitution. But be his determination what it may, I cannot agree to vote for the bill. My principles have been long fixed and acted on in relation to discretionary power; and in voting against this measure, I but act in conformity to them.

The question was then taken on the passage of the bill, when there appeared, for the bill 27, against it 22, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Trotter, Wall, Williams, Wright and Young—27.

NAYS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—22.

The bill to authorize the payment of commissions to the agents of persons in whose favor awards have been made under treaties with foreign powers in certain cases, was read the third time and passed.

The bill to amend the act authorizing the establishment of a pension agency in the northern part of the State of Alabama, was also read the third time and passed.

The amendments of the House to the bill to increase the present military establishment of the United States were taken up; and after some remarks from Messrs. BENTON, WHITE, and HUBBARD, referred to the Committee on Military Affairs.

On motion of Mr. CLAYTON, the bill making an appropriation for a compilation of the laws of the Territory of Florida, was taken up and considered, and ordered to be engrossed for a third reading.

On motion of Mr. NORVELL, the bill making appropriations for building light-houses, light-boats, beacon lights, and buoys, and for making certain surveys, was taken up and considered, and ordered to be engrossed for a third reading.

On motion of Mr. LYON, the bill to establish a Surveyor General's office for the State of Michigan, was taken up, the question being on the amendment of Mr. CLAY of Alabama to discontinue the several surveyor generals' office in the different States as soon as the surveys are completed, and the records made up, transferring the records of each office to the authorities of the State in which it is situated.

Mr. TIPTON moved to amend the bill, by a provision to transfer the office at Cincinnati, Ohio, to St. Josephs, in Michigan; which motion, after a short discussion, was carried by yeas 2[illegible], nays 16.

Mr. CRITTENDEN moved to postpone the bill indefinitely which motion was lost—ayas 12, noes not counted.

The amendment of Mr. CLAY of Alabama having been agreed to, the bill was ordered to be engrossed for a third reading.

The bill to continue in force the act to provide payment for horses and other property lost in the military service of the United States, was considered, and ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, July 3, 1838.

Mr. NAYLOR renewed his motion to print 3,000 extra copies of the report on the steam frigate Fulton, but it was ineffectual.

NATIONAL FOUNDRY.

Mr. SLADE, on leave, submitted the following resolution; which was agreed to:

Resolved, That the committee on so much of the President's Message as relates to a National Foundry, be instructed to inquire into the expediency of establishing a foundry at the city of Vergennes, in the State of Vermont.

Mr. KEIM of Pennsylvania begged leave to ask the chairman of the select committee, or any of the members who may have the kindness to answer, whether the House might expect a report on the subject of a national foundry before the close of the session. He begged leave to make the inquiry in order to be prepared to show the claims of his section of country; and would state the fact, that more crude and refined iron was manufactured in his district than in any same extent of territory in the United States. He would be able also to show, as well from an advantageous locality as from the superior quality of their iron, that they would be strongly entitled to have the contemplated establishment within their limits.

Mr. PARKER of New York said, as a member of the select committee, and in the necessary absence of its chairman, he would answer the question asked by the gentleman from Pennsylvania. The House must be aware that a great number of petitions and resolutions had been referred to the select committee, requiring them "to inquire into the expediency of locating a national foundry" at many different places. To sustain these various applications, a great number of documents had been submitted, requiring a very laborious and difficult examination on the part of the committee. Mr. P. proceeded to express his opinion that it would not be in the power of the committee to complete this investigation in such a manner as to do justice to these different applications and to the public, and make their report at the present session. He was not authorized to speak for the other members of the committee, but he believed they would concur with him in saying it would not be practicable to report before the next session of Congress.

Mr. GOODE asked leave to move to discharge the committee of the Whole from the bill to authorize the sale of the alternate sections of the Wabash and Erie canal lands. It was desirable on all hands that these lands should be disposed of; but the Commissioner of the Land Office had doubts of the power to do so, unless by a special act of Congress. His object was to bring the bill into the House for action.

Mr. HOWARD reluctantly felt compelled to object, as he should do to any other proposition to arrest the speech of the gentleman from Massachusetts, for he was unwilling that that speech should go forth to the country without a reply.

Mr. ADAMS then resumed and continued his remarks on the report of the Committee on Foreign Affairs, on the subject of Texas, till the orders of the day were called for.

Bills from the Senate were taken up, read twice, and referred.

The act amendatory of the act to authorize the Secretary of War to establish a pension agency at Huntsville, Alabama, was, on motion of Mr. MARTIN, advanced through all its stages, and passed.

PUBLIC DEPOSITES.

The act to modify the deposite act of 1836 was taken up.

Mr. BRIGGS moved that it be read at large; which having been done,

Mr. CAMBRELENG explained its provisions and the necessity of the measure, called for by the existing circumstances of the State banks conflicting with the imperative restrictions of the deposite act of '36.

Mr. MENEFEE replied, and quoted Mr. WRIGHT's report to prove that the Secretary of the Treasury had the power to designate other depositories than those which had already been employed, in which opinion Mr. M. expressed his own concurrence, and went on at length to oppose the bill; the effect of which, he insisted, was to put the whole finances of the country within the arbitrary control of the Executive.

Mr. LEGARE stated his belief that a more extraordinary proposition had never been presented to that body for its consideration, and gave very briefly the reasons that would induce him to vote against it. He moved to refer the bill to the Committee of Ways and Means.

Mr. WISE also opposed the bill; the ghost, as it was, in a more hideous form, of the defunct Sub-Treasury bill. In the course of his remarks, he said that the friends of liberty now rallied round a Bank of the United States as the only effective bulwark against Executive usurpation.

Mr. CUSHMAN inquired what the main question would be.

The CHAIR replied, on ordering the bill to a third reading.

Mr. CUSHMAN said the SPEAKER's table was now loaded down with subjects of the greatest importance, awaiting the action of the House; and, as this measure had been debated at great length for the last year, both in this and in the other branch, he therefore demanded the previous question.

Mr. TILLINGHAST asked Mr. C. to withdraw the motion, to enable him to submit a proposition. (Cries of "No! no!" from all parts of the hall.)

Mr. DUNCAN made a similar request, for the reason that he been twice prevented, once by his own courtesy, and again by the operation of the previous question, from delivering his views on the principles of the measure to divorce the Government from banks.

Mr. CUSHMAN felt compelled to decline acceding to these requests, for the same reasons that had induced him to move the previous question.

Mr. CURTIS moved a called of the House, which was ordered, and proceeded in for some time; when

Mr. GRANT moved to dispense with it.

Mr HAYNES asked for the yeas and nays, which being ordered, were—yeas 164, nays 45, so the call was dispensed with.

The previous question was not seconded—yeas 97, nays 105.

Mr. DUNCAN then proceeded to address the House at length, in support of the divorce scheme, and in defence of the Democratic party, and the Administration from the false charge brought against both of an effort to break down the banks in the country. Neither its friends designed it, nor would the measure effect it. After dwelling on these positions for some time, the hour arrived for the House to take its daily recess, and Mr. D. gave way for that purpose.

EVENING SESSION.

The SPEAKER laid before the House the following messages from the President of the United States; which were laid on the table:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, together with the documents therein refered to, in answer to their resolution of the 28th May last.

(Signed) M. VAN BUREN.

WASHINGTON, July 2d, 1838.

To the House of Representatives.

I transmit a report from the War Department, in relation to the investigations of the allegations of fraud committed on the Creek Indians, in the sales of their reservations, authorized by the resolutions of that body, of the 1st July, 1836.

(Signed) M. VAN BUREN

WASHINGTON, July 3d, 1838.

The act to establish a criminal court in the District of Columbia, was read a third time and passed.

WABASH AND ERIE LANDS

Mr. GOODE moved to discharge the Committee of the Whole, from the bill to authorize the sale of the Wabash and Erie canal lands; which was agreed to, the bill brought into the House, and ordered to a third reading.

Mr. HOWARD, from the Committee on Foreign Affairs, to which was referred the message of the President of the United States, of the 30th May, 1838, relative to the claim, in the case of the ship Mary and cargo, of Baltimore, made a report accompanied by the following resolution; which was concurred in.

Resolved, That the committee be discharged from the further consideration of the subject, and that the President of the United States be requested to continue to urge the Dutch Government to a prompt adjustment of the claim.

PUBLIC DEPOSITES.

The House then resumed the consideration of the bill from the Senate "to modify the last clause of the 5th section of the deposite act of the 23d June, 1836, and for other purposes."

The pending questions were on its third reading, and on the motion of Mr. LEGARE, to refer it to the Committee of Ways and Means.

Mr. DUNCAN concluded his remarks in support of the system to dissolve Governments and banks.

Mr. LEGARE then withdrew his motion to commit, and moved to strike out the second section of the bill, which was as follows:

SEC. 2. *And be it further enacted*, That the first twelve sections of the act entitled "An act to regulate the deposites of the public money," approved 23d June, 1836, be, and the same are hereby, repealed, except so far as is above provided, and to enable the Treasury Department to collect any debts which may be due or owing from the late deposite banks.

Mr. ROBERTSON then had an amendment read, which he proposed to submit at the proper time, providing for the collection of the public revenue according to the law of 1816, and for its special deposite in State banks on certain conditions, [substantially the same, we believe, as that he offered to the Independent Treasury bill some time since.] Mr. R. made some remarks in support of his proposition, and then moved it in the form of a substitute.

Mr. TILLINGHAST gave notice of an amendment he intended to move at the proper stage, [similar to Mr. WEBSTER'S proposition offered in the Senate.] He hoped the previous question (which he was in favor of this morning) would not be moved, but that the House would have an opportunity of voting upon the different amendments that might be presented.

Mr. GRANT said he was very sorry that he could not accommodate the gentleman from Rhode Island; but it seemed utterly impossible to get any amendment to this bill. [Several members, Mr. WILLIAMS of Kentucky and others, exclaimed, "Oh, move the previous question; I'll support it."] He, for one, was desirous that the bill should be amended in some particulars; but it appeared as though the subject was going to be interminable; and believing that to be the case, and that it was unnecessary to waste any more of the important time of this session, he therefore demanded the previous question. ["Agreed, agreed," from all parts of the hall.]

Mr. NAYLOR moved a call of the House, which was ordered—ayes 75; and, after being proceeded in for some time, on motion of Mr. CAMBRELENG, it was dispensed with—156 to 63.

Mr. GARLAND of Virginia asked the mover of the previous question to withdraw it, with the general understanding that the question be taken, without any further debate, upon the proposition of Mr. LEGARE.

Mr. GRANT said his only object was to progress with the other pressing business before the House, and with that understanding, he withdrew it.

Mr. TILLINGHAST was the only one objecting. Whereupon,

Mr. GRAY renewed the demand for the previous question; but it was not seconded—ayes 96, noes 102.

The question was then taken on Mr. LEGARE's motion to strike out the second section; and it was decided in the affirmative—yeas 119, nays 100, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoon, John Campbell, Carter, Casey, Chambers, Chaney, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Griffin, Hall, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Robert M. T. Hunter, Jenifer, Kennedy, Kilgore, Legare, Lincoln, Lyon, Mallory, Marvin, James M. Mason, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, C. H. Williams, Wise, Word, and Yorke—119.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, De Graff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grant, Gray, Haley, Hammond, Hawkins, Haynes, Holt, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kingensmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Samuel W. Morris, Noble, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Pettikin, Phelps, Plumer, Potter, John H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—100.

Mr. CURTIS moved the following additional section:

And be it further enacted, That it shall be lawful for the Secretary of the Treasury hereafter to select and employ as depositories of the public money, according to the provisions of the said act of June, 1836, entitled "An act to regulate the deposites of the public money," any bank which shall redeem its notes and bills on demand in specie, notwithstanding it may have, since the 4th July, 1836, issued or paid out bills of a less denomination than five dollars.

And that the operation of the 2d section of the act of April 14, 1836, entitled "An act making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 18[illegible]6," be, and the same is hereby, suspended until further order of Congress.

Mr. CONNOR then demanded the previous question, (the main question would be on ordering the balance of the bill to a third reading,) but it was not seconded—ayes 94, noes 104.

Mr. UNDERWOOD remarked, that the amendment would not meet the views the majority had in view, and suggested such an alteration of it as would merely repeal the fifth section of the act of 23d June, 1836, and modify the second section. This could be reached by striking out the first section of the bill under consideration, and amending Mr. CURTIS's amendment.

The CHAIR remarked that Mr. CURTIS's amendment would take precedence.

Mr. CLARK of New York moved to insert the following proviso in the seventh line, after the word "dollars:"

Provided, however, That this provision shall not extend to

any bank which shall issue or pay out any note or bill of a less denomination than five dollars after the 4th July, 1839.

Mr. CURTIS accepted this as a modification of his amendment.

Mr. BRONSON moved to amend the last line, by striking out the word "until the further order of Congress," and insert, in lieu thereof, "for two years from the passage of this act."

Mr. RIVES then moved to commit the bill to the Committee of Ways and Means, "with instructions so to amend the same as to dispense with the agency of banks in the fiscal operations of the Goverement."

Mr. R. remarked that these instructions were the same as those moved by his colleague from Richmond, (Mr. ROBERTSON,) two years ago, and as the best, the ablest, the most conclusive argument that could be offered in their behalf, he would ask to have read his colleague's speech on that occasion. This being objected to, Mr. R. proceeded to sustain the motion himself, with reference to the existing state of things, and went on to demonstrate the expediency and constitutionality of such a measure as that proposed. He was in favor of a hard money currency, and wished to bring it about by gradual means. He believed a majority of that House was in favor of the divorce scheme, and he wanted to test the question; and let those who are for perpetuating the connection between the Government and the banks come up to the mark. He adverted to the change of his colleague's [Mr. ROBERTSON] position, and examined Mr. Ritchie's project, now advocated by his colleague, of a special deposite system, demonstrating it to be the most objectionable of all the schemes devised or agitated. After some further remarks, Mr. R. called for the yeas and nays on his amendment; which were ordered.

Mr. ROBERTSON said he should not then join issue with his colleague on the question of consistency; for he did not hold himself infallible, and admitted that his opinions had undergone a change. He had witnessed a battle of this kind in the Senate, between two much mere prominent men than themselves, which resulted in each exposing inconsistencies on the part of the other. He might ask his colleague how it was that he now differed from the declared opinions of the gods of his idolatry at that day, General Jackson and Mr. Van Buren, but he would not pursue the inquiry.

The question was then taken, and the motion disagreed to—yeas 97, nays 113, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Fry, Gallup, Glascock, Grant, Gray, Griffin, Haley, Hammond, Hawkins, Holsey, Holt, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, John W. Jones, Keim, Kemble, Leadbetter, Lewis, Logan, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Samuel W. Morris, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, John H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Snyder, Spencer, Taylor, Thomas, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—97.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Richard Fletcher, Fillmore, Foster, James Garland, Rice Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Hall, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Howard, Jenifer, Kennedy, Kilgore, Legare, Lincoln, Lyon, Marvin, James M. Mason, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, A. H. Shepperd, Shields, Sibley, Slade, Southgate, Stanley, Stuart, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—113.

So the motion was decided in the negative.

Mr. BRONSON withdrew his amendment.

Mr. CRAIG then said that, presuming it was the desire of every member of that House, as well as of the country at large, that no bank should be used as a depository of the public moneys, which was not sound, according to the most generally received principles of banking, he therefore moved a proviso that no bank should be selected or used as a depository of the public moneys which should not, at all times, keep on hand one dollar in specie for every three of its liabilities, and asked for the yeas and nays thereon, which were ordered.

Mr. CLARKE remarked that, under the act of '36, the Secretary of the Treasury had a discretionary power, that if in his judgment they did not keep on hand a fair proporion of specie to their liabilities, he could remove the deposites.

Mr. TILLINGHAST said it was impracticable.

Mr. BOON humorously remarked, that they had been spending the whole of that day in speaking and voting upon a subject that was dead and buried; he would add, signed, sealed, and delivered to its fate; and as speaking seemed to be the order of the day, it might not, perhaps, be considered intrusive in him if he also should avail himself of this opportunity of speaking two or three hours about nothing at all, especially as he had waived his right on the Independent Treasury bill to accommodate the public business. [Cries of "Go on," "Go on."] Mr. B. said the unfeigned respect he entertained for that House would restrain him from going on at such length, but he did desire to set himself right as to his course on the rescision of the Specie Circular. If, however, he could have any thing like an assurance that gentlemen would vote, and not talk, he would, in the exigency of the public business, again forego his right. [Cries of "Agreed," "Agreed."]

The question was then taken, and Mr. CRAIG's amendment rejected—yeas 86, nays 114, as follows:

YEAS—Messrs. Anderson, ANDREWS, Atherton, Banks, Beatty, Beirne, Bicknell, Boon, Bouldin, Brodhead, Buchanan, Bynum, Cambreleng, John Campbell, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Fry, Gallup, Glascock, Gray, Griffin, Hammond, Hawes, Hawkins, Haynes, Holsey, Holt, Robert M. T. Hunter, Thomas B. Jackson, Joseph Johnson, John W. Jones, Kenn, Leadbetter, Lewis, Logan, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, Miller, Montgomery, Moore, Samuel W. Morris, Noble, Palmer, Parker, Parris, Paynter, Pennybacker, Petrikin, Plumer, John H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Snyder, Spencer, Taylor, Thomas, Titus, Towns, Turney, Wagener, Webster, Weeks, Jared W. Williams, Christopher H. Williams, Worthington, and Yell—86.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, Bronson, William B. Calhoun, John Calhoon, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Foster, James Garland, Rice Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Hall, Hamer, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, Howard, Jenifer, Henry Johnson, Kennedy, Kilgore, Legare, Lincoln, Lyon, Marvin, James M. Mason, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, Word, and Yorke—114.

Mr. PARRIS then moved to amend the amendment by the addition of a proviso that no bank shall be a depository of the moneys of the Government which shall not keep in its vaults one dollar in specie to every bill in circulation.

Mr. CAMPBELL of South Carolina moved to commit the bill to the Committee of Ways and Means, with instructions so to amend it as to provide that the Government deposites shall not be used for banking purposes.

Mr. CAMBRELENG called for the yeas and nays; which were ordered.

Mr. STEUART called for a division of the question, so as to take it first on the commitment, and then on the instructions.

Mr. CAMBRELENG inquired if the motion to commit should be decided in the negative, whether the instructions would not fall?

The CHAIR replied they would.

Mr. CAMBRELENG then said, a rejection of the motion to commit, rejects the instructions against using the public money for banking purposes.

Mr. RICE GARLAND. To be sure: it don't take a wizard to tell us that.

The motion to commit was decided in the negative—yeas 97, nays 111, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Dawson, De Graff, Dromgoole, Duncan, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Grant, Gray, Griffin, Hammond, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Joseph Johnson, John W. Jones, Keim, Kemble, Leadbetter, Lewis, Logan, Lyon, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Montgomery, Moore, Samuel W. Morris, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Plumer, Potter, John H. Prentiss, Reily, Rhett, Richardson, Rives, Robertson, Sawyer, Sheffer, Snyder, Spencer, Taylor, Thomas, Thompson, Titus, Towns, Turney, Vail, Wagoner, Webster, Jared W. Williams, Worthington, and Yell—97.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Bauldin, Briggs, William B. Calhoun, John Calhoon, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Hall, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Jenifer, Henry Johnson, William Cost Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, James M. Mason, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, Word, and Yorke—111.

Mr. PARRIS then modified his amendment to read "one dollar in specie to five in liabilities."

Mr. WADDY THOMPSON said he would vote for the gentleman's proposition, and pledge every member of the House also to vote for it, if he would make a reasonable showing that it was possible.

Mr. FOSTER then moved to commit the bill to the Committee of Ways and Means, with instructions to report a bill for the collection, safe-keeping, and disbursement of the public revenue.

Mr. MERCER called for a division of the question, so as again to take it only on the question to commit.

Mr. HOPKINS inquired if it would be in order to move the previous question.

The CHAIR. It would.

Mr. HOPKINS accordingly made that motion, but it was not seconded.

The CHAIR then ruled Mr. FOSTER's amendment to be out of order, on the ground of its identity with Mr. RIVES's already rejected, and the question recurring upon Mr. PARRIS's amendment.

Mr. BELL said it must be manifest now, that a decided majority were in favor of removing the disability that exists in the act of 1836. That seemed to him the main and particular intention and object of the majority of the House. Now it was also manifest that any movement by which this bill should be sent to the Committee of Ways and Means must be fatal to it, and he meant that remark to apply also to the repeated motions to amend in this way, at this period of the session; a course of proceeding which, if prosecuted, would also be fatal to the bill. Many of these propositions might, perhaps, be proper, if they were digesting a complete system; but this was not the time to adopt them, and for this reason, therefore, the votes against them must not be interpreted as against all the principle involved in them. He hoped every one of them would be voted down, of whatever nature they or either of them might be.

Mr. CAMPBELL of South Carolina asked Mr. PARRIS to accept, as a modification, this proviso: That nothing contained in this act shall be construed to authorize the use of the public money for banking purposes; which Mr. P. accepted.

Mr. ATHERTON called for a division of the question, and it was taken on the first branch, or Mr. PARRIS's amendment, and disagreed to—yeas 91, nays 109, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Buchanan, Bynum, Cambreleng, John Campbell, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, I. Fletcher, Fry, Gallup, Glascock, Gray, Griffin, Hammond, Hawes, Hawkins, Haynes, Holt, Hubley, T. B. Jackson, J. Johnson, J. W. Jones, Keim, Kemble, Leadbetter, Lewis, Logan, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Samuel W. Morris, Noble, Ogle, Parker, Parris, Paynter, Pennybacker, Petrikin, Plumer, Potter, J. H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Augustine H. Shepherd, Snyder, Spencer, Taylor, Thomas, Thompson, Titus, Towns, Turney, Wagener, Webster, J. W. Williams, Christopher H. Williams, Worthington, and Yell—91.

NAYS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, Bronson, William B. Calhoun, John Calhoon, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Foster, James Garland, Rice Garland, Goode, James Graham, William Graham, Grantland, Graves, Grennell, Hall, Hamer, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, Howard, Jenifer, Henry Johnson, W. C. Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, Sampson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Patterson, Pearce, Peck, Phillips, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reed, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, L. Williams, Sherrod Williams, Wise, Word, and Yorke—109.

The question then recurred upon the second branch (Mr. CAMPBELL's) as given above, and it was decided as follows—yeas 101, nays 101, a tie; the CHAIR voting in the affirmative, this proviso was agreed to, as follows:

YEAS—Messrs. Adams, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Bynum, Cambreleng, John Campbell, Chaney, Cleveland, Coles, Connor, Craig, Crary, Cushman, Dawson, De Graff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Grant, Gray, Griffin, Hammond, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Lewis, Logan, Lyon, Mallory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Noble, Ogle, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Plumer, Potter, J. H. Prentiss, Reily, Rhett, Richardson, Rives, Robertson, Sawyer, Sheffer, Augustine H. Shepperd, Snyder, Spencer, Stuart, Taylor, Thomas, Thompson, Titus, Towns, Turney, Vail, Wagener, Webster, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell,—101.

NAYS—Messrs. Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoon, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Jas. Garland, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Hall, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Henry Johnson, Wm. Cost Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Patterson, Pearce, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, Word and Yorke—101.

Mr. GARLAND of Louisiana moved the following proviso:

Provided no bank shall be selected as a depository which shall not keep in its vaults an amount of specie, which, together with the balance of all its accounts with specie-paying banks, shall be equal to one-fifth of the amount of its notes and bills in circulation, and its public and private deposites.

Mr. G. asked for the yeas and nays upon its adoption, which were ordered.

Mr. R. GARLAND proceeded to address the House, and to read from the journals the votes given by the friends of the Administration in 1834 or 1836, and among them the name of Mr. HAMER.

Mr. HAMER, thereupon, rose and said that if the gentleman from Louisiana had read his name for the purpose of shewing any inconsistency in his votes, he was greatly mistaken. Upon the occasion alluded to by the gentleman, he (Mr. H.) had voted against the amendment now offered; and he should vote against it now. He was in favor of the bill as originally reported in the Senate, and had, therefore, voted to strike out the second section. He should vote against the amendment offered by the gentleman from New York, [Mr. CURTIS,] and against all other amendments, and amendments to amendments, no matter by whom offered, or of what character they might be. Such had been his course throughout the evening and he should continue it till the subject was disposed of, believing, as he did, that this was the best mode of saving the original bill as reported in the Senate.

After some remarks from Messrs. WISE, BELL, and UNDERWOOD, the last gentleman moved an adjournment, (at 10 o'clock, p. m.) which prevailed, and so

The House adjourned.

IN SENATE,
TUESDAY, July 3, 1838.

Mr. ROANE, from the Committee on the District of Columbia, reported, without amendment, the bills from the House making an appropriation to build a bridge across the Eastern Branch of the Potomac; for the erection of a court-house at Alexandria, D. C. and, with an amendment, the bill for the relief of the widow and heirs of the late Lewis Grant Davidson.

On motion of Mr. HUBBARD, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the executor of William B. Cheever.

Mr. WILLIAMS, from the Committee on Pensions, to which the same had been referred, reported unfavorably, and without amendment, the bills from the House for the relief of Lieut. John Allison; for the relief of John Saybrook; for the relief of Job Halsay; for the relief of Stephen Olney; and favorably, with an amendment, the bills from the House for the relief of Henry Burton; for the relief of Henry Challer; and for the relief of Charles Vattier.

On motion by Mr. MERRICK, the select committee appointed on the subject, was discharged from the further consideration of the petition of the citizens of Georgetown, D. C. and that part of Washington county lying west of Rock creek, praying a retrocession to the State of Maryland.

Mr. TALLMADGE, from the Naval Committee, to which had been referred the memorial of Doctor Sherwood relative to the discovery of the longitude by the dip of the needle, made a report thereon; which was ordered to be printed.

Mr. T. then, at the suggestion of Mr. PRESTON, moved for the printing of 5000 extra copies of said report; which motion was agreed to, after a short discussion between Messrs. PRESTON, TALLMADGE, WEBSTER, BUCHANAN, and SOUTHARD.

Mr. PRESTON presented the petition of the Marine Band, praying for increase of pay; which was referred to the Committee on Naval Affairs.

The report of the Committee on Revolutionary Claims unfavorable to the petitions of the heirs of General Jacob Payne, deceased, and the heirs of James Caldwell, were severally considered and agreed to.

The resolution submitted by Mr. SOUTHARD, relative to the naval general order on the subject of the Exploring Expedition, was taken up, and after some remarks from Messrs. SOUTHARD and WRIGHT, laid on the table.

The following bills from the House were severally read twice, and referred:

Bill to provide for the settlement of the claim of the State of New York, for the services of her militia.

The bill to repeal part of the second section of the act to provide for the organization of the Department of Indian Affairs.

The amendments of the House to the bill to confirm certain entries of public lands permitted to be made by the registers and receivers, were considered, and, on motion of Mr. FULTON, the amendments were referred to the Committee on Public Lands.

Mr. CLAY of Kentucky presented the memorial of ——, stating that he has discovered a method of preventing the explosion of steamboat boilers, and asking for the passage of a law to appoint suitable persons to examine the value of said discovery, and to provide for compensating him, if it is found worthy of the patronage of Congress: referred to the Committee on Commerce.

Mr. NORVELL called the attention of the Senate to the bill, which he had introduced two or three weeks ago, making certain grants of public lands, and for other purposes. He had endeavored to obtain an opportunity of calling for its second reading and consideration, with a view to its reference to an appropriate committee. It had also been his intention to present to the Senate an exposition of the objects of the bill, and of the views and principles which had led to its introduction; but the pressing business of the Senate had daily prevented the execution of his purpose; and now the present session was too near its close to authorize a hope that the action of the body could be had upon it until the next session. He should then press its consideration, as he believed the bill to be one of the most important and beneficial to the whole Union that could have been brought up. Its first great object was to grant to the other new States the same quantity of public land which had been granted to Ohio for purposes of internal improvement. This was but fair, just, and equal. The next object was to grant to the old States as much land, according to their aggregate geographical surface, or number of square miles, as the new States had received, for common schools and academies; and to give to each of them, without reference to their size or population, two townships of land for the support of universities and colleges. The next provision of the bill authorized the States of Mississippi and Alabama to apply to the construction of roads and canals, within their limits, the two per cent. fund which had been reserved for making roads leading to those States. The fourth provision was to surrender to Virginia the United States stock in the Dismal Swamp Canal; to Kentucky our subscription in the Louisville and Portland Canal; to Maryland our subscription in the Chesapeake and Ohio Canal; and to the Chesapeake and Delaware Canal Company our subscription to stock in that canal. The conditions of these transfers were, that Maryland should pledge her faith to complete the Chesapeake and Ohio Canal to the river Ohio, and that United States property and troops should forever pass free of charge along the whole of these canals. His desire was to dissolve the connection of this Government with all subscriptions of money to improvements within the States, and to let the States construct their own roads and canals. The bill was free from sectional inequality. It extended the grants of public land to all the States, for different purposes, to as nearly an equal extent as possible. It was free from the constitutional objections urged by the late President to the distribution bill. He had carefully examined those objections, and had avoided running counter to them in framing the bill. The improvement of the new States by roads and canals, and the extension of the means of the old States for educating their people, were, he considered, objects of vast and beneficial magnitude, and would exert a happy influence over the whole Union, in all time to come. Far more glorious would it be to Congressional legislation to effect these great objects, without exacting a cent in the shape of taxation from the people, than it was to the master of the Roman Empire, who, to establish an eternal monument of the glories of his reign, erected its eastern capitol at the expense of the labor, the money, and all that then remained of the genius of obedient millions of his subjects. Present and future generations would bless a measure such as he considered this bill, replete with lasting benefit to every part of this growing Confederacy of free Republics.

Mr. N. then moved to postpone the further consideration of the bill until the first Monday in December next, on the ground of its being too late to have any definite action at the present session.

This motion was agreed to.

The following bills were severally read the third time and passed:

The bill making an appropriation for a compilation of the laws of the Territory of Florida;

The bill making an appropriation for building light houses, light boats, beacon lights, buoys, and for making surveys, for the year 1838;

The bill to continue in force the act to provide payments for horses and other property lost in the military service of the United States;

The bill to change the location of the office of the Surveyor General for the district composed of the States of Ohio, Indiana, Illinois, and Michigan; and

The bill to provide for the defence of the western frontier.

On motion of Mr. TROTTER, the bill to authorize the State of Mississippi to invest the two per cent. fund belonging to that State was taken up.

Mr. WEBSTER moved to strike out "fifty cents," and insert "the minimum price," but subsequently modified it to a motion to strike out the mode of investment.

Mr. TROTTER said; In reply to the remarks of the honorable Senator from Massachusetts, I will observe, Mr. President, that the bill before the Senate proposes to relinquish to Mississippi the amount of the two per cent. fund which has accrued from the sale of the public lands in that State, and to authorize her Legislature to invest it in such railroads in the State as they may think proper. This proposition is in strict conformity to the practice which has recently been adopted by Congress. A bill has passed the Senate during the present session, to permit the State of Alabama to appropriate the two per cent. fund which has accrued from the sales of her public lands in the construction of a great railroad in that State; and the same privilege has been extended to Arkansas, Michigan, and Louisiana. By the terms of the compact of 1817 between the United States and the State of Mississippi, five per cent. of the proceeds of the sales of the public lands in the State was reserved; three per cent. of which was to be appropriated by the State to objects of internal improvement within her limits, and the remaining two per cent. by Congress to the making of a road leading to the State. We believe that the reasons which then existed for making this designation of the purposes to which the two per cent. should be applied have long since ceased, and that the control of it by Congress should cease also. The principle of the bill, it will thus be perceived, is to relinquish this fund to the State, and to place it under her control, limiting its application to roads and railroads. Upon this general proposition, there can arise, as I conceive, no controversy, because the principle of it has been already frequently acquiesced in, and fully established. The bill, however, makes a further provision that the amount of this fund now on hand, as well as that which may hereafter accrue, may be invested in lands, subject to private sale or entry at fifty cents an acre. This is asked with the view to increase the means thus placed at the disposal of the State, to effect those great purposes of internal improvement which it is the sole design of the measure to accomplish, and which are so loudly demanded by the condition of the State; and as this is, perhaps, the first time Congress has been called upon to act upon such a proposition, I will proceed to state, as concisely as I can consistently with the nature of the subject, the grounds upon which we urge its adoption. The five per cent. fund reserved under the terms of the compact of 1817, was evidently intended to be a consideration for the relinquishment which the State was compelled to make of her claim to the waste and unappropriated lands within her limits, and of her right to tax the same within five years after their sale by the United States. I say the State was *compelled* to adopt the ordinance by which this relinquishment was made, because it was made a condition of her admission into the Union, and an indispensable one, and that it should likewise be irrevocable without the consent of Congress. It must, then, be confessed that the reservation of the five per cent. was a very paltry and inadequate consideration for the immense sacrifice not only of her pecuniary interest, but of her sovereign powers of legislation, which the State was thus forced to make. The amount of the sales of her lands, reaching already the enormous sum of near $13,000,000, afford abundant proof of this, if proof were wanting. This compact has, however, never been disturbed, and I am sure I do not design to do so at this time. The Government itself appears to have become sensible of the hardships and injustice which the several new States suffered by the operation of this and similar ordinances, and has already taken steps to lessen the severity of them, by restoring to these States the taxing power so unjustly withheld, and by permitting the States of Arkansas and Michigan to enter the Union, without this restriction upon their constitutional rights. There is not perhaps in the whole history of the operations of the Federal Government, a more obnoxious and arbitrary exercise of power, than that which exacted the surrender of which I am speaking. A surrender which necessarily carried with it the highest and most essential attribute of sovereignty and jurisdiction. A surrender which, in principle, abandoned the freedom and independence of the States, and the exercise of a most important integral portion of their municipal powers. Yes, sir, it abridged their rights trippled their resources, and laid them under a degrading contribution to the Federal Government. Its tendency was not only to cramp and paralyse their energies; but to place them in a most humiliating contrast with their sister States. Under the provisions of the Constitution, they were entitled to admission into the Union, upon the same terms with the original States; and Congress had no power to abate one jot or tittle of their inherent sovereignty, freedom, and independence. But I will not pursue this subject, further than to remark, that whatever may be the issue of the question which respects the right of the States to the dominion of the lands within their chartered limits, there can yet be no doubt as to the injustice and illegality of the prohibition to tax them, after they have been sold, and become a part of the mass of private property. If this prohibition could be rightfully extended five years after the lands are sold, why not fifty, or a thousand, or ad infinitum? But no one will insist that a permanent restriction of this sort would be tolerated, for a moment, by any State that deserves to be ranked as such amongst the members of our glorious Confederacy. The United States possessed just the same power to inhibit the exercise of the taxing power of the States over any other species of private property within their limits. Yet no one will pretend, I imagine, that if this restriction had gone to this extent, that it would not have been an effectual prostration of their sovereignty and political integrity; nay, that it would not have been fatal to their very existence. But where is the difference in principle between the two cases? Between the right to tax private land, and slaves, money, or merchandise? Sir, the Government had no power to make such a compact with a State of this Union. The State which I have the honor in part to represent on this floor, has much cause to complain of the operation of this restriction, not only for the reasons already suggested, but because it has been the means of curtailing her lawful resources. To what extent her revenue has been diminished by its operation, it is impossible at this time to determine with accuracy. [That the amount has been very considerable, there is, however, no doubt; and will be found, I dare say, quite equal to, if it does not exceed, the extent of the privileges sought by this bill. Yes, sir, I have but little doubt, that if all we ask is conceded, we shall not receive more than upon just principles of restitution, we are entitled to. Restore us to our rights, which have been withheld, violated, outraged, by the hard and cruel policy of the Government. This is what we ask.

But there are other grounds, far less debatable, upon which t rest the success of this bill, and rest i twith entire confidence. It is upon the broad principle of equal justice. You are asked lo do for Mississippi what you have done for the other new States, for Alabama, Indiana, Illinois, and Ohio We do not ask you to do this, however, by a direct grant of the public lands to the extent of those which have been made to these States, but by a simple reduction of the price to fifty cents an acre, so that we may be permitted to purchase at that price to the extent of the fund which has accrued or may hereafter accrue to us. It is true, we may be mistaken when we suppose, as we do, that in this way we shall be put upon terms of something like equality with the enumerated States. For it may turn out that in paying fifty cents an acre for these lands, (being only allowed to purchase such as are subject to private entry,) we may give for them as much as they are worth, and in that event we gain nothing by the bill. We are willing, however, to take it in this way, leaving its confirmation to the Legislature of the State. And it remains for me to show, that by the most favorable calculation of results, we will barely receive our just proportion of the public lands.

It will be recollected by the Senate that the United States have granted to the State of Alabama 400,000 acres of the public lands for purposes of internal improvement; to Indiana 434,000; to Illinois 480,000; and to Ohio 1,050,000, for similar purposes; whilst not one acre has ever been granted to the State of Mississippi; and yet she has already paid into the National Treasury nearly $13,000,000, the proceeds of the sale of her lands. It is interesting and instructive to examine the official tables of the aggregate sales of the public lands in the several new States, and to contrast them with the tables, also official, of the grants made to the same:

In Ohio, the sales up to the 30th Sept. last are	$21,777,692 95
Indiana	17,569,450 39
Illinois	11,610,024 72
Alabama	16,466,849 03
Mississippi	12,538,606 13

Thus we discover that Mississippi has paid to the United States nearly a million of dollars more than Illinois, and only a few millions less than the other States included in the enumeration, whilst in the table of grants, and favors and donations, she stands exactly in the proportion of 000,000 acres to 400,000 to Alabama, 434,000 to Indiana, 480,000 to Illinois, and 1,050,000 to Ohio. Is this just—is it consonant with those principles of equality which lie at the foundation of our Republican institutions? I am sure there can be but one answer to this question. But I do not complain of the Government for this; for I am not apprised that whilst this distribution of privileges was in progress, Mississippi brought forward her claim to any portion of the public lands for similar purposes. It remains to be seen whether she will have just cause to tax the partiality and injustice of Congress on this subject.

I now propose to show that the adoption of this bill will barely, under the most favorable anticipation of results, bring the State of Mississippi up by the side of the other States. The amount of the two per cent. fund which has already accrued from the sale of the lands in Mississippi, is $274,518. If this sum shall be invested in land, at fifty cents an acre, as proposed by the bill, it will purchase 549,036 acres. This will exceed the quantity granted to Alabama 149,036 acres, that to Indiana 115,036, to Illinois 69,036, and will fall short of that granted to Ohio 501,000. From this estimate, however, it is necessary to deduct the value of the purchase money, which is the property of the State. The sum of $274,518, which the State will pay for the quantity of land above mentioned, will, at the average price of the sales heretofore made by the Government, of the whole 75,000,000 acres which have been disposed of, and which is $1 26¼ an acre, purchase about 217,000 acres of land. In order, therefore, to adjust the balances fairly between Mississippi and the other States, it is proper to deduct the 217,000 acres, the value of the fund on hand, from the 549,036 acres; and, when this is done, it will be perceived that Mississippi will receive upon the principles of a grant, and upon the terms of the donations to the other States, only the quantity of 332,036 acres. This will be less than Alabama has received by 67,964 acres, than Indiana by 82,036, than Illinois by 147,036, and than Ohio by 718,000! So far, sir, the calculation is based upon official data None can mistake them or the results which flow from them. The Senate will perceive that we are yet greatly behind the other States; and the bill proposes to obviate this inequality by anticipating the future sales in Mississippi. It proposes to invest the amount which shall hereafter accrue, in the same manner and upon the same terms with that which has already accrued. The difficulty which arises here is in ascertaining what the amount of the future sales will be; and in the pursuit of this inquiry all our estimates must be conjectural, of course.

There have been sold in the State 9,235,945 acres of land, for the aggregate sum, as I before remarked, of $12,538,606 13. There yet remain unsold and undisposed of, 11,274,474 acres; in which is included, however, the quantity subject to resident Choctaw locations; and it will also be recollected by the Senate that of this amount still remaining unsold, there are within the Augusta land district alone nearly seven millions of acres, and in the adjoining Washington district upwards of two millions more; making the entire quantity in these two districts of about 9,000,000 of acres. The Senate will also remember that in the Augusta district, which contains 7,429,887 acres, there

have as yet been sold only 662,620 acres; and in the Washington district, which contains 3,507,368 acres, only 1,361,441 acres; making the total of the sales in these two districts during all the time the lands have been in market, 2,023,000 acres. The situation of the greater portion of the section of country embraced in these two districts, is probably known to some of the members of the Senate. It is, for the most part, a continuation of pine barrens and sterile sandy plains, thinly inhabited. But the sales afford abundant proof, if proof were wanting, to show the poverty of these lands and the slight demand which exists for them; and I verily believe, that if the Government could sell them all at an average price of 12½ cents an acre, it would be an advantageous bargain. It is possible that, at some very distant day, when the population in the State shall become crowded, this most healthy and delightful region of country may become desirable for other than mere planting purposes; in which event, the lands will sell for a better price than I have supposed. It is probable that some of them may continue to sell at one dollar and twenty-five cents; and out of that portion in the Augusta district, embraced within the limits of the late Choctaw cession, many sales will no doubt be effected. Of the quantity undisposed of in the other districts, it is impossible for me to say with any certainty what portion can be sold. All the best sections have been long since taken up by settlers, and those who have had capital to invest on speculation. These lands have been culled with that vigilance and sagacity which characterize those who make it a business to deal in lands for profit. Very few tracts of choice land, I venture to say, can at this day be found in any townships which have been brought into market. Upon the whole, I take it that the future sales, for the purposes of this argument, may be set down at a sum not exceeding four millions of dollars; especially if the graduation bill, which has already passed the Senate, shall become a law. Taking $4,000,000 as the amount, and the future fund to be invested will be $80,000. This will purchase 160,000 acres, according to the terms of this bill; but from this estimate it is proper to deduct, as before, the value of the purchase money; and as the future sales cannot, in my opinion, average more than one dollar per acre, this fund will purchase 80,000 acres, which, subtracted from the 160,000, will leave only 80,000 to be added to the 332,036 already mentioned. This will secure to us only 412,0.0 acres, which is more than the quantity granted to Alabama by 12,000, less than to Indiana 22,009, than to Illinois 68,000, and Ohio 638,000 acres; so that we shall still be behind these States a quantity averaging 140,000 acres. In this estimate, I may be incorrect. I do not profess to be versed in this sort of calculation. If I have erred, however, I am sure the Senate will believe it to be unintentional. Of one thing I am sure; and that is, that no calculation which can be made will place us in advance of the other States; and the question now arises, whether you will pass this bill? Sir, I cannot permit myself to doubt for a moment the disposition of this body to do justice to Mississippi upon this subject. I have already shown you how unequal and humiliating is the contrast in which she is made to stand to other new States of the Union; and I have shown you by official facts, also, the extent of the revenue which she has furnished to the Government. Is, there, can there be, any reason or pretext for refusing to do as much for her in aiding her to improve her internal condition, as has been done for the other States? Have not her citizens performed as many meritorious services for this Government as those of the other new States? Have they not endured the same hardships and privations in settling and improving the wild lands which you claim in her territory? Have they not, like the pioneers of the other new States, given increased value to the public lands by their exertions and their sacrifices? Did they not submit to the labor and the difficulties of opening the way to these lands? Yes, sir, I ask you if they did not expose themselves, too, to all the perils of savage war, experience every species of suffering and privation, become exiles from their country and their homes, abandon all the blessings of society, the endearments of friends and neighbors, and of kindred, and commit themselves and their destiny to the dark, deep bosom of the wilderness? Sir, if any man doubts these things, or believes that I have been drawing upon my imagination to form this picture, let me tell him that he is greatly mistaken. I have witnessed the exposure, the hardships, the actual sufferings and privations of many worthy families, in forcing their way through our immense wilds to some choice place, on which they have erected their temporary camp, exposed for weeks and for months to all the inclemencies of the weather—I have seen the hard toils of the new settler to erect his dwelling, and to remove the tangled forests which surrounded him. But I have not time to pursue this topic. I feel proud to know that the Government has been enabled properly to appreciate the services of the early settler in our western wilds, and the claims which they have created by these services to the justice of their country, and that there are few, very few, who now regard them in the light of a "*lawless rabble.*" On these grounds, Mississippi has her claims—as strong, I dare say, as those of any other new State—to the privileges asked for by this bill. She demands them, too, sir, by the immensity of her resources, already greater than those of any other State in the Union. She needs all the means to which she is entitled, to aid her in her purposes of internal improvement, to develope these resources. Her population, which in 1820 was only seventy-five thousand souls, and in 1830 only one hundred and sixty-one thousand, now numbers nearly four hundred thousand, and it is rapidly and daily increasing. The tide which set into Mississippi a few years since, with a sweeping current, is still pouring in upon us, and it may be said to acquire additional force and volume as it rolls forward. The amount of the product of the State in cotton alone, during the last year, was about 350,000 bales, worth near $15,000,000; and yet Mississippi is in its infancy, struggling with difficulties. The reverses and troubles of the times have fallen with peculiar severity upon this young State, owing to causes which I need not repeat, but which, I trust, will soon cease. She will soon rise superior to all her difficulties, and stand amongst her sisters with a credit as fair, and a strength as mighty, as any State in this Confederacy. Her destiny must be a proud one, and she only needs the aid of provident and wise legislation in hastening the development of the elements of her prosperity to bring that destiny to a speedy consummation. We ask you, then, sir, to give us at once the means which we think we are so justly entitled to. Let us no longer stand so far behind our sister States. Sir, we shall have just cause of complaint if we are refused this grant. We can complain, and will complain, of your partiality and your favoritism. We do not wish to do this; we love and venerate this Union, and respect our sister States. Do justice to us, then, sir. You will lose nothing by this course; no, but you will gain that, compared with which mere dollars and cents are but trash, fit to be thrown, like Shakspeare's physic, to the dogs. You will gain the confidence and the affections of your citizens, the only safeguard, at last, for the perpetuity of our institutions. Yes, the Government may enrich itself at the expense of its citizens, but the power which it thereby acquires, though it may invest it with the means of exerting a magnificent bounty, or an overshadowing patronage, is at last but the source of its weakness and premature decay. I was very forcibly struck with the remarks of a very sensible writer in one of our papers, which fell in my way a few days since, and as they are well adapted to illustrate the principles which I have been urging upon the Senate, I must ask their indulgence to recur to them at this time. This writer is speaking of the philosophy of civil government, and is contrasting the philosophy of the present day in France with that of her Revolution, and he concludes the contrast by remarking that:

"The philosophy of the present day speaks in another tone, and presents a different aspect. It is not conservative, but constructive. It wishes not to destroy, but to build, and profiting by the experience of the past, strives to lay the foundations of our social edifice where alone they can securely rest—in the affections of the popular heart, and in the primal indestructible truths which lie at the bottom of that heart. It no longer seeks to throw the different members of the body politic into confusion and uproar, but would rather clasp them all in bonds of kindred sympathy, equal rights, and a common destiny. These principles are well suited to this country, because their tendency is to give us faith in the principles on which our popular institutions rest. We need that faith. The strongest thinker of antiquity, who had perhaps the greatest intellect the world has ever known, declared that Government to be the best which showed the greatest number of citizens who were neither rich nor poor. Herein lies the secret of our strength and glory. Power, in this country, is destined to follow land. This is that true balance of which theoretical writers make so much account; and so long as they who hold that balance are neither rich nor poor, the Commonwealth may oscillate, but it is self-poised, and cannot be overturned."

I invoke the Senate to apply the excellent principles of the philosophy here spoken of to the measure now under consideration, and give us the benefit of the application. Sir, I trust the Government of this country may never lose sight of these great principles, for, if steadily adhered to, they cannot fail to conduct us forward to ultimate prosperity and happiness. These principles desecrate monopolies, because they result in inequality, and consequent aristocracies, more or less oppressive, according to the extent of the exclusive favors conferred. They are especially opposed to monopolies of the soil, that best gift of God to man. They recommend the diffusion of the benefits of the public lands amongst the greatest practical number of the people—all possessing, none monopolizing.

These principles are violated by any partial and unequal distribution of the public favors, because so soon as it is discovered that the Government is administered upon a system of favoritism, the confidence and affections of the citizens in and for it are lost, their attachment ceases, and it can only rely for support upon adventitious aid. But when that happens, the days of our Republic may be considered as numbered. In administering a Government like ours, we should never lose sight of these considerations. There is a spirit peculiar to every species of human Government. The spirit of our Government is equality, and its basis is public virtue, and all our acts of public legislation should be steadily regulated by this great principle. This strict attention to the leading and fundamental spirit of their form of Government, is rigidly adhered to in other countries. Fear is the principle of a purely despotic Government, and accordingly we find that all the edicts of the ruling despot are designed to foster this spirit. The natural hatred of the subjects of such a power is forced to conceal itself beneath the summary and the bloody code which exacts their obedience to its odious and oppressive mandates. It is the interest of such a Government to make itself rich and powerful, and to keep its subjects in poverty and ignorance. It deals out its favors with profusion to the few who are its favorites, and its ministers and minions, whilst it seizes with rapacity upon the property of its miserable subjects. But it is not so, thank God, with us. Equality of rights, civil, political, and religious, is, or should be, our leading object; and the favors, as well as the protection, of this Government, should be extended alike to all. With these remarks, I submit the question to the Senate.

Mr. CLAY of Alabama also addressed the Senate for some time in favor of the general views of the Senator from Mississippi; and concluded by offering an amendment for the original bill, which was accepted by Mr. TROTTER, under the assurance from those who opposed the details of the original bill, that if an express grant of land were asked for Mississippi equal to that made to other States, that it would be granted.

Mr. TROTTER then gave notice that he would, on the next day, ask leave to introduce a bill for that purpose.

On motion by Mr. SMITH of Indiana, the bill for the benefit of the Mount Carmel Railroad Company was taken up; and after some remarks from Messrs. SMITH, TIPTON, and CLAY of Alabama, the bill was ordered to be engrossed for a third reading.

The bill explanatory of the act regulating the pay and emoluments of brevet officers, approved April 16, 1816, was taken up as the general order; and after a debate, in which the bill was advocated by Mr. PRESTON, and opposed by Mr. HUBBARD, was ordered to be engrossed for a third reading—yeas 20, nays 18.

The bill to authorize a subscription for stock in the Jefferson and New Albany Canal Company, was, on motion of Mr. WRIGHT, laid on the table.

The bill to direct the investment of certain funds belonging to Indian tribes in certain State stocks, was taken up and considered, and, after some remarks from Messrs. WHITE and WRIGHT; laid on the table.

On motion by Mr. MERRICK, the Senate took the bill for the relief of William Crooks and James Crooks; and after a debate, in which it was advocated by Messrs. MERRICK, CLAYTON, LINN, and BAYARD, and opposed by Messrs. CLAY, of Alabama, HUBBARD, WHITE, and NILES, it was rejected—yeas 13, nays 21.

On motion of Mr CLAY of Alabama, the bill for the relief of William Jones was taken up; and after a brief explanation from Mr. C. it was amended, and ordered to be engrossed for a third reading.

The bill for the relief of William Fuller was taken up, and explained by Mr. ROBERTSON, and after a brief discussion, was rejected.

And the Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, July 4, 1838.

Mr. CAMBRELENG, from the Committee of Ways and Means, moved their discharge from the various memorials not reported on by that committee; which was agreed to.

Mr. C. also reported Senate bill for the relief of the heirs of Francis Newman, late collector of internal revenue in Maryland, with a recommendation that it be rejected; and it was laid on the table.

Mr. C. also reported Senate bill supplementary to the act establishing branch mints of the United States; and it was also laid on the table.

Mr. C. also reported, without amendment, Senate bill to authorize the sale of certain [the Bank of the United States] bonds belonging to the United States; and the same was committed.

On motion of Mr. C. the committee had leave to sit during the sessions of the House for the remainder of the session.

Mr. C. said he felt it his duty to announce to the House that to-day and to-morrow were the last days during which they could send any bills to the Senate originating in this body. There were four important appropriation bills not yet reached, and he should be under the necessity of asking the House to go into Committee of the Whole thereupon to-day or to-morrow.

THE LATE DUEL.

Mr. PRENTISS of Mississippi rose, he said, at the request of the parties implicated, and also from his own sense of the propriety and importance of the subject, notwithstanding the late period of the session, to call the attention of the House to the duelling report. As a question of privilege, he believed he had a right to submit a motion in relation to it at any time, and he should move to take it up. He did so from the fact that members of that House were deeply implicated, and the House ought not to adjourn with such an indictment, or inquest, or verdict, with judgment pronounced, impending over the heads of those gentlemen. Mr. P. then submitted his motion.

Mr. GRANTLAND would inform the gentleman, that if his object was to get a vote upon the resolutions, Mr. G. believed he could easily attain it.

The CHAIR would entertain the motion as a privileged question, but it was still in the power of the House to decide whether they would take it up or not.

Mr. GRAY inquired if it would be in order to move to lay the motion on the table.

The CHAIR. It would.

Mr. GRAY made that motion, stating that he did so, because there was not time to act upon it at this period of the session

The CHAIR arrested Mr. G. as a motion to lay on the table was not debateable.

Mr. WISE inquired whether, if that motion prevailed, it would not still be a privileged question to be called up at any time, to demand, he spoke for himself only, to be put upon his trial by that House?

The CHAIR replied, that it was for a majority of the House to determine when they would consider the question.

Mr. WISE knew that, but still would not the question of right, as one of privilege, be open for him to repeat at any time?

The CHAIR said it would be competent for the gentleman at any time to renew the motion to take this subject from the table.

Mr. WISE. Well then, I give the House warning that I have waited patiently and quietly for the House to prosecute this affair to a trial. I have been—

Mr. GRAY said he was compelled to rise to a question of order. He had been peremptorily forbidden from assigning one or two reasons why he made the motion, and had taken his seat, and he should therefore object to other gentlemen being permitted to do that, from which the CHAIR had precluded him.

Mr. WISE. I never expected justice in this matter; I—

The CHAIR appealed to the gentleman from Virginia; the question was not a debateable one.

Messrs. CUSHMAN, PETRIKIN, and SOUTHGATE, simultaneously called for the yeas and nays, but they were refused, and the motion to lay on the table was agreed to, without a division

Mr. WISE made a request to the House, and asked Mr. ADAMS to give way for the purpose, to do him the justice to print the evidence in that infamous duel, or rather the infamous evidence of the duel case.

Mr. ADAMS did not give way, because, after what fell from the chairman of the Committee on Foreign Affairs yesterday, he could not do so.

Mr HARLAN made a similar request, to enable the committees to report; but, for the same reason, Mr. A. declined.

Mr. ADAMS then again continued his remarks on the question of the annexation of Texas, till the expiration of the morning hour.

STEAM EXPLOSIONS.

Mr. BIDDLE then rose and stated that yesterday it was the intention of the chairman of the Judiciary Committee [Mr. THOMAS] to take up the bill to provide for the prevention of steamboat accidents, but his purpose having been diverted by the very unprofitable debate that occupied all the day, Mr. B. now renewed the motion. He added, that at least five hundred lives had been sacrificed through the tardiness of Congress.

The motion was unsuccessful; the House even refusing to order the yeas and nays upon it.

Mr. THOMPSON asked leave to propound a question to Mr. ADAMS; but it was objected to.

On motion of Mr. GRANT, the House passed to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the report of Mr. Hasler on the subject of a standard of weights and measures.

On motion of Mr. CUSHMAN, laid on the table.

Also, a communication from the Secretary of War, transmitting copies of the correspondence between that Department and Major General Scott, in relation to the removal of the Cherokee Indians.

On motion of Mr. GRAHAM, of North Carolina, laid on the table.

Mr. GRENNELL moved to discharge the Committee of the Whole from the further consideration of the bill for the prevention of duelling, with a view to bring it into the House for action. Mr. G. said he made this motion under a strong sense of duty, having been instructed by the Legislature of his State.

Objection being made—

Mr. G. moved a suspension of the rules.

Mr. PHILLIPS called for the yeas and nays; but they were refused, as did the House the motion to suspend.

The bill to authorize the sale of certain public lands of the United States, near the Wabash and Erie canal, in the State of Ohio, was read a third time and passed.

PUBLIC DEPOSITES.

The House then resumed the consideration of the bill from the Senate, to modify the deposite act of 1836, etc.

The question pending was on the proviso of Mr. GARLAND of Louisiana to the amendment of Mr. CURTIS, as stated in the proceedings of last night.

Mr. GRANT said the laborious proceedings of yesterday must convince every one of the impracticability of coming to any further decision on this bill; and with a view to reach some of the other important business, he demanded the previous question.

Mr. CAMPBELL of South Carolina asked him to withdraw it, but Mr. G. declined; and the cries of "no!" no!" resounded from all parts of the hall.

The previous question was seconded—ayes 119, noes 39; and, on ordering the main question,

Mr. ROBERTSON called for the yeas and nays; but they were refused, and the question prevailed without a count.

Mr. DROMGOOLE called for the yeas and nays on the main question; which, being ordered, were—yeas 178, nays 33, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Andrews, Aycrigg, Banks, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Briggs, Brodhead, William B. Calhoun, J. Calhoon, Cambreleng, Wm. B. Campbell, John Campbell, Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Clark, Cleveland, Coles, Connor, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davee, Davies, Deberry, DeGraff, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Fairfield, Farrington, R. Fletcher, Isaac Fletcher, Fillmore, Foster, Gallup, Rice Garland, Glascock, Goode, James Graham, William Graham, Grantland, Grant, Graves, Gray, Grennell, Haley, Hall, Hammond, Hamer, Harlan, Harper, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Holsey, Hopkins, Howard, Ingham, Thomas B. Jackson, Jenifer, Joseph Johnson, John W. Jones, Kemble, Kennedy, Kilgore, Legare, Lewis, Lincoln, Lyon, Mallory, Marvin, James M. Mason, Samson Mason, Martin, Maury, Maxwell, Robert McClellan, Abraham McClellan, McClure, McKennan, Mercer, Milligan, Miller, Mitchell, Montgomery, Samuel W. Morris, Murray, Naylor, Noyes, Ogle, Palmer, Parker, Parmenter, Parris, Patterson, Pearce, Peck, Penny backer, Phelps, Phillips, Pope, Potts, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, John Robertson, Edward Robinson, Rumsey, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Tallaferro, Taylor, Thompson, Tillinghast, Titus, Toland, Toucey, Towns, Underwood, Vail, Weeks, Albert S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Word, Worthington, and Yorke—178.

NAYS—Messrs. Atherton, Buchanan, Bynum, Cushman, Dromgoole, Fry, Griffin, Hawkins, Hubley, William H. Hunter, Keim, Klingensmith, Logan, McKay, Moore, Calvary Morris, Noble, Owens, Paynter, Petrikin, Plumer, Rhett, Richardson, Rives, Snyder, Spencer, Turney, Wagener, Webster, Jared W. Williams, and Yell—33.

So the bill, comprising the first section of the Senate's bill, was ordered to a third reading, in the following words:

Be it enacted, &c. That the last clause of the 5th section of the act entitled "An act to regulate the deposites of the public money," approved 23d June, 1836, declaring that the notes or bills of no bank shall be received in payment of any debt due to the United States, which shall, after the 4th day of July, 1836, issue any note or bill of a less denomination than five dollars, shall be, and the same is hereby modified, so that the interdiction as to the reception of the bills and notes shall not continue against any bank which has, since the said 4th day of July, 1836, issued bills or notes of a less denomination than five dollars, or which shall issue any such bills or notes prior to the first day of October, 1838; but that from and after the said last mentioned day the bills or notes of no bank shall be received in payment of any debt due to the United States, which bank shall after that date issue, re issue, or put out any bill or note of a denomination less than five dollars.

The bill was then read a third time and put on its passage, when

Mr. CAMPBELL of South Carolina, moved to commit it to the Committee of Ways and Means, with instructions so to amend it as to provide that the Government deposites shall not be discounted with, or otherwise used for banking purposes.

Mr. C. made a brief argument in support of the principle involved in this proposition, and concluded by calling for the yeas and nays, but, before they were ordered or refused,

Mr. GRANT demanded the previous question, which, being seconded—ayes 104, noes not counted.

Mr. MARTIN asked for the yeas and nays on ordering the main question, but they were refused, and this stage agreed to without a count.

Mr. MURRAY called for the vote on the main question, being the passage of the bill, and the yeas and nays being ordered, were 173 to 31.

So the bill was passed.

On motion of Mr. CAMBRELENG, the words in the title. "and for other purposes," were stricken out, and then the title was agreed to.

Mr. ROBERTSON moved a suspension of the rules for the purpose of submitting the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, on the first day of the next session, all the information not heretofore communicated, now in possession of the Executive, or which may be procured before that time, touching undue attempts or practices, if any, since the 29th May, 1830, to keep down the price of the public lands, or prevent purchases or entries thereof, at public or private sale, by force, threats, or fraud, and the measures taken since the date aforesaid to prevent, defeat, or punish, such fraudulent practices and illegal entries upon the public lands.

Resolved That the Secretary of the Treasury prepare and lay before this House, on the first day of the next session, a statement of all grants and donations of public lands, or of the proceeds of sales thereof, to the States, by the United States distinguishing the amount made to each, and the purposes and considerations upon which made; and accompanying the said statement with an estimate of the amount to which each State would be entitled of similar grants and donations, according to the proportions specified in the several deeds of cession from the several States to the United States.

Secondly. A statement of the whole quantity of public land now surveyed, and an estimate of the quantity unsurveyed; distinguishing each, and where situated; and accompanying the same with separate plans for dividing the said lands, and the proceeds of sales thereof, among the States, in the proportions aforesaid, on such conditions as to the time and manner of division and sale, graduation, reduction of price, and reservation of title in the United States, and final disposition, as may be best calculated to effect the objects of this resolution, in conformity with the original compacts entered into between the several States and the United States relating to the said lands.

Thirdly. A plan for reorganizing the land system on such principles as will best secure the public against loss from illegal entries, frauds, &c. pointing out the defects or advantages of the present system, more particularly in reference to pre emption and sales at public auction; and in general suggesting such alterations as experience may have shown to be necessary.

M. R. also asked for the yeas and nays; but they were refused, and the House refused to suspend the rules.

Mr. JENIFER asked leave to offer a resolution for the adjournment of the House from 2 o'clock to-day till to-morrow morning: refused.

HARBOR BILL.

The House then took up the "harbor bill," reported from the Committee of the Whole with sundry amendments.

Mr. CAMBRELENG made a statement in reference to the resources of the Government for the coming year. He had no doubt the resources of the Government would, in 1838, be equal to about thirty-three or thirty-four millions of dollars; but the estimates for the receipts from the customs and public lands were uncertain; and, moreover, the Treasury notes may, to a great extent, be returned. He therefore hoped the bill would not be loaded down with amendments. Mr. C. gave a statement also of the expenditures of the Government for the coming year, in substance as follows:

Appropriations for 1838 already made:		
Army	$4,200,000	
Civil and diplomatic	3,200 000	
Revolutionary and other pensioners	2,050.000	
Navy, including former appropriations	5,750,000	
Cumberland road	500,000	
Preventing and suppressing Indian hostilities	7,740,000	
Protection of northern frontier	625,000	
Appropriations under permanent laws	2,260,000	
		26,325,000
Appropriations which will probably be made:		
Indian annuities, &c.	1,520 000	
Fortifications	850,000	
West Point	150,000	
Harbors, &c.	1,430,000	
Additional appropriations for		
Public service	200.000	
New army bill	723,000	
New Indian treaties	1,700,000	
		6,573,000
Miscellaneous appropriations not enumerated		1,000,000
		$33,898,000

Of the above appropriations, about thirteen millions are for extraordinary purposes, ten millions of which belong to the Indian service alone.

This will make the aggregate charge upon the year, including the appropriations of former years unexpended on the 1st January last, 47,000,000 dollars.

Mr. PETRIKIN remarked that this bill was a perfect omnibus, loaded by passengers from all quarters of the Union to ensure its passage, and to prevent it from being farther loaded, and to save a few millions from being drained from an already exhausted Treasury, he demanded the previous question, but the House did not sustain the motion.

Mr. SERGEANT made a brief reply to Mr. CAMBRELENG, who rejoined in a few words, and after some remarks from Messrs. SIBLEY, McKENNAN, PHILLIPS, and THOMPSON, when all but two of the amendments were concurred in.

Mr. FAIRFIELD had moved to accept the amendment appropriating $8,000 for completing the pier of Kennebunk, Maine, and the question coming up thereupon, Mr. F. defended the appropriation with much zeal and warmth. The clause had been stricken out on motion of Mr. EVANS on the representation of some lawyer living in Kennebunk, who had written to Mr. E. that a large majority of the inhabitants wished the work to be suspended, and that, in this, they were joined by the shipowners and masters of vessels there. In reply, Mr. F. dwelt on the great importance of the structure, and the necessity of continuing it, and expressed an earnest hope that the House would not concur in striking out the item.

Mr. EVANS again supported the motion to strike out the appropriation, on the grounds stated by him in committee, and adverted to by his colleague. He also added the opinion of another resident of Kennebunk, largely interested there, and a State councillor, which opinion was the same as that of the others in regard to the work. Mr. E. addressed the House at length, and with much earnestness against it.

Mr. McKENNAN gave notice of an amendment he intended to move (as in committee) for the annual appropriation for surveys.

Mr UNDERWOOD gave notice of a motion to strike out the item for improving New river, North Carolina.

[The amendment was cut off by the prevous question, and the appropriation, consequently, retained.]

Mr. FAIRFIELD then rejoined to his colleague, in defence of the appropriation for Kennebunk.

Mr. GRANT said he had hoped they might have voted on the various propositions instead of discussing them, but finding that not to be the case, after some further remarks, he moved the previous question, which was seconded—yeas 82, nays 43.

Mr. ROBERTSON then moved to lay the bill on the table.

Mr E. WHITTLESEY asked for the yeas and nays: ordered.

It being within three minutes of 2 o'clock, several members suggested that the House take its recess, but others objecting,

Mr. MALLORY moved an adjournment, (that is, till to-morrow morning at 10 o'clock,) and upon this, on the call of Mr. E. WHITTLESEY, the yeas and nays being ordered, were 35 to 122.

EVENING SESSION.

The House convened again at half past three o'clock, p. m. but the attendance being thin.

Mr. PETRIKIN moved a call of the House.

The CHAIR said, at that stage, the previous question having been seconded, the motion would not be in order.

Mr. STEWART moved an adjournment; which was negatived—16 to 79.

The question then recurring upon Mr. ROBERTSON'S motion to lay the bill on the table, was then taken and rejected—yeas 58, nays 96.

The question "Shall the main question be now put?" was then agreed to without a division; the House refusing the yeas and nays on the call of Mr. MARTIN.

Mr. DROMGOOLE called for the yeas and nays on the main question, which, being ordered, were—yeas 104, nays 74.

So the bill was ordered to a third reading, and was put on its passage.

Mr. MARTIN then moved to recommit the bill to the Committee of Ways and Means, with instructions to examine into, and report on, each item of appropriation, and strike out such as a majority of the committee believe not to be proper.

Mr. M. gave, among others, as reasons for this motion, the facts developed in the debate between the two gentlemen from Maine, that a majority of the Committee of Ways and Means were opposed to the bill, and the admission made by the gentleman who had charge of it, that the particular items had not undergone examination. He also adverted to the fact that another appropriation was in this bill for Red river, while a special bill has already passed for that work.

[In the reference made to the Kennebunk appropriation by Mr. M. he yielded the floor, and Messrs. FAIRFIELD and EVANS again renewed the controversy in reference to that item, with much warmth of retort, but in perfect good humor.]

Mr. GRANT stated one fact in reply to Mr. MARTIN, within his own knowledge, that the distinguished and lamented gentleman who reported the bill [Mr. McKIM] did examine and revise every item in it, item by item, with the reports and estimates of the War Department. Mr. G. demanded the previous question; which was seconded—89 to 45.

[Pending the announciation of the tellers report to the SPEAKER, and before the CHAIR had announced the result, the following proceedings took place:

Mr J. L. WILLIAMS of Tennessee moved a call of the House: lost, only 43 voting for it.

Mr. STUART moved an adjournment, and asked for the yeas and nays. Both motions rejected.

The CHAIR then announced the result of the first vote.]

The main question having been ordered, was propounded and agreed to—yeas 108, nays 81.

So the bill was passed.

Mr. J L. WILLIAMS then moved to reconsider the vote by which the bill was passed.

Mr. FOSTER demanded the previous question.

Mr. ROBERTSON moved to lay the motion to reconsider on the table.

Mr. GRANT inquired the effect of this motion, if it prevailed.

The CHAIR said the bill would cohere, and would also be laid on the table.

The motion was disagreed to by the House.

The previous question was seconded and carried, and the House refused to reconsider.

AFFAIRS WITH MEXICO.

The SPEAKER laid before the House the following message from the President of the United States, received in the course of the day:

To the House of Representatives of the United States:

In further compliance with the resolution of the House of Representatives of the 21st of March last, requesting papers on the subject of the relations between the United States and Mexico, I transmit a report from the Secretary of State, to whom the resolution was referred, supplementary to the report of that officer communicated with my message to the House of Representatives of the 27th of April last. M. VAN BUREN.

WASHINGTON, *July* 4, 1838.

The Message was accompanied by two large bundles of papers.

Mr. HOWARD moved to refer the whole to a select committee of three members, for the purpose of examining and reporting to the House what portion thereof should be printed.

Mr. ADAMS hoped the usual course would be taken, by laying on the table and printing these documents, as they were of great importance. He happened to know something about them.

Mr. HOWARD knew something about them too, and was satisfied there were not a dozen papers in the whole mass of the slightest possible consequence.

Mr. ADAMS moved to lay them on the table and print, remarking that their contents involved the questions of peace and war with Mexico.

A division of the question having been called for, it was taken on laying on the table, and agreed to; and the question recurring on that to print,

Mr. DROMGOOLE said he hoped the House would not order so very voluminous a document as this to be printed, till the Committee on Foreign Affairs had had an opportunity of examining whether it was worth it or not, or what part merited that expense.

Mr. ROBERTSON moved to lay the motion on the table.

Mr. REED called for the yeas and nays; which, being ordered, were—yeas 103, nays 80, as follows:

YEAS—Messrs. Anderson, Atherton, Banks, Beirne, Bicknell, Birdsall, Brodhead, Buchanan, Cambreleng, William B. Campbell, Carter, Casey, Chaney, Chapman, Cheatham, Cleveland, Coles, Connor, Craig, Crary, Crockett, Cushman, Dawson, Deberry, DeGraff, Dennis, Dromgoole, Dunn, Edwards, Farrington, Foster, Gallup, James Garland, Glascock, James Graham, Grantland, Grant, Griffin, Hamer, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, T. B Jackson, J. Johnson, Nathaniel Jones, J. W. Jones, Keim, Klingensmith, Legare, Leadbetter, Lewis, Logan, Lyon, Mallory, McKay, Abraham McClellan, McClure, Milligan, Miller, Montgomery, Moore, Samuel W. Morris, Noble, Palmer, Paynter, Pennybacker, Petrikin, Plumer, Potter, Pratt, John H. Prentiss, Reily, Rencher, Richardson, Rives, Robertson, Sawyer, Augustine H. Sheppers, Charles Shepard, Snyder, Spencer, Stuart, Stratton, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Albert S. White, Jared W. Wil-

liams, Joseph L. Williams, Christopher H. Williams, Worthington, and Yell—103.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Andrews, Aycrigg, Bond, Borden, Briggs, William B. Calhoun, John Campbell, Childs, Corwin, Cranston, Curtis, Cushing, Darlington, Davee, Davies, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Fry, Rice Garland, Goode, William Graham, Hall, Harlan, Hastings, Hawes, Henry, Herod, Hoffman, Ingham, Henry Johnson, Marvin, Samson Mason, Maury, Maxwell, Robert McClellan, McKennan, Mercer, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sheffer, Sibley, Southgate, Stanly, Taliaferro, Tillinghast, Toland, Underwood, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Word, and Yorke—80.

So the House laid the motion to print on the table

STEAM EXPLOSIONS.

On motion of Mr BRIGGS, the House took up the "bill to provide for the better security of the lives of passengers on board vessels impelled in whole or part by steam."

The bill was from the Senate. and the House had agreed to various amendments, the question being now on its third reading. When the bill was last up, the previous question was pending. That question was now carried, and the bill put on its passage. Read a third time and passed.

The CHAIR suggested that bills on the Speaker's table be taken up, which would greatly facilitate the public business. Cries of "agreed," "agreed."

Mr. CURTIS interposed a motion to go into Committee on the Union: lost.

Sundry bills were laid on the table temporarily.

The joint resolution to lease [gratuitously] lands for the cultivation of the mulberry and sugar beet, was taken up for consideration.

On motion of Mr. LINCOLN an amendment was agreed to excepting the lots about the Capitol, and the resolution was ordered to a third reading.

POST ROUTE BILL.

The amendments of the Committee on the Union to this bill, were all concurred in, and the bill having been further amended,

Mr. TOWNS moved to reconsider the vote concurring in the amendments of the Committee of the Whole, for the purpose of non-concurring in the amendment abolishing the Southern express mail.

After some conversation,

Mr. HARLAN, for the purpose of bringing the House to a vote, demanded the previous question on that motion; which prevailed, but the House refused to reconsider—ayes 27, noes 105.

Mr. H. demanded the previous question on the third reading of the bill; which prevailed, and the bill was ordered to a third reading, then read a third time, and being put on its passage,

Mr. TOWNS moved to recommit the bill to restore the Southern express mail, and expatiated upon the injustice of abolishing the Southern express line from Gaston, North Carolina, to Mobile, Alabama, when not a solitary being had asked for its repeal. Mr. T. went into a statement, demonstrating that this route had been a very profitable one, producing an annual nett revenue of upwards of $50,000 over and above every expense.

Mr. HARLAN regarded the express mail as a complete humbug, got up to subserve the interests of Southern speculators and planters to forestall the market, by getting the earliest European intelligence. Mr. H. moved the previous question, but withdrew it at the request of

Mr. RIBTT, who assured the gentleman from Kentucky that the object of the express mail was directly the reverse of what he had stated, and such most certainly had been its effect. The operation of the express mail put early intelligence within the reach of all, placed all upon an equal footing, but before its establishment the packet news was monopolized by a few wealthy speculators. Mr. R. according to promise, renewed the motion for the previous question, stating of course, that he should vote against it.

Mr. HAYNES and other gentlemen entreated Mr. HARLAN to withdraw it, but he declined, and the House seconded it—81 to 42, and the bill was passed.

Mr. ROBERTSON gave notice of a motion to reconsider the vote laying on the table, the motion to print the Mexican documents.

On motion, at half past seven, p. m.

The House adjourned.

IN SENATE,

WEDNESDAY, July 4, 1838.

The CHAIR communicated to the Senate a report from the Secretary of the Treasury, containing a statement from Mr. Hassler in relation to weights and measures: read, and referred to the Committee on Commerce.

Mr. CLAY presented a memorial, by the citizens of Westmoreland county, in Virginia, against the adoption of the Sub-Treasury system, and asking, earnestly asking, that a Bank the United States may be established.

Mr. RIVES, from the Committee on Naval Affairs, reported House bill for the relief of Captain John Downs, without amendment.

Mr. CLAY, of Alabama, from the Committee on Public Lands, reported "the bill confirming certain entries of public lands, permitted to be made by registers and receivers of land districts, under the belief that the tract had been offered at public sale," which had been received from the House with amendments, and recommended a concurrence therein; which was agreed to.

Mr. WALL, from the Committee on the Library, to whom had been referred a resolution in relation to the Madison Papers, eported the same, with an amendment, which was adopted, rand the resolution ordered to be engrossed.

Mr. WHITE, from the Committee on Indian Affairs, reported the bill from the House "to repeal a part of the second section of an act entitled, an act to provide for the organization of the Department of Indian Affairs, with an amendment. On this bill and amendment. a debate ensued, in which Messrs. WHITE, LYON, TIPTON, and others took part, when the bill and amendment were ordered to a third reading.

INCREASE OF THE ARMY.

Mr BENTON, from the Committee on Military Affairs, to which was referred the amendments of the House to the bill to increase the present military establishment of the United States, and for other purposes, reported the same, and recommended a concurrence therein.

Mr. PIERCE, though friendly to an increase of the army, was decidedly opposed to some of the provisions of the bill, and addressed the Senate at some length, denouncing them as invidious, unequal, and unjust to officers in the line, and partial to those of the staff.

Mr. CRITTENDEN also spoke against the provisions, and said that the only way to arrest these abuses was to reject the bill itself, which had better be altogether lost than that such injustice should be done. He enumerated at length those abuses which appeared to him to be most glaring in their effects.

Mr. BENTON explained the merits of the bill, and contended that while it bore on its face a great apparent increase of expenditure, it would, in fact, be a means of saving to the Government,

The question having been taken on concurring in the amendment of the House of Representatives, it was carried in the affirmative; when

Mr. BENTON obtained leave, by unanimous consent, to bring in a supplemental bill; which was read, and ordered to a second reading, as follows:

Be it enacted, &c- That the act to which this is a supplement shall be, and the same hereby is, explained, limited, and modified as follows:

First. Nothing contained in said act shall be so construed as to allow to any officer additional rations for time past, commonly called back rations.

Second. The posts at which chaplains shall be allowed, shall be limited to the number of twenty, and shall be first approved by the Secretary of War, and shall be confined to places most destitute of instruction.

Third. That so much of said act as requires assistant quarter-masters to be separated from the line, shall be, and the same is hereby, repealed.

Fourth. That the number of lieutenants authorized by said act to be added and transferred to the Ordinance Department shall be limited to twelve.

Fifth. That the monthly pay of a private soldier, raised by said act to eight dollars, shall be limited and fixed at seven dollars a month; one dollar thereof shall be retained, as provided for in said act.

Sixth. That no compensation shall be allowed to officers of the Engineer Department for disbursements of public money, while superintending public works.

Seventh. That the three Commissaries of Subsistence, authorized by said act, shall not be separated from the line of the Army.

Eighth. That so much of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years, be, and the same is hereby, repealed.

REPEAL OF THE DEPOSIT ACT.

Mr. WRIGHT then moved that the Senate proceed to consider the amendment of the House to the bill to modify the last clause of the fifth section of the deposite act of the 23d June, 1836 when

Mr. WEBSTER said he should concur most readily in this amendment of the House. It gave him the truest pleasure to learn that the House had rejected the second section of the bill, and that it had done so by so decisive a majority. The House had thus arrested the surrender of all control over the public Treasure to the Executive. It had interposed its own high authority in a most constitutional and salutary manner; a manner highly becoming the representatives of a free people. For all this (said Mr. W.) I feel highly grateful; and at this result, I think, the whole country may be justly congratulated.

Mr. NORVELL rose to express his dissent to the motion to concur with the House of Representatives in striking out the second section of the bill. He could not consent to give a vote which implied the opinion that the local banks, over which this Government had no control, ought to be the depositories of its moneys, and of the revenues of the nation, and on that question he asked the yeas and nays.

Mr. N. afterwards withdrew the call.

Mr. PRESTON renewed the call for the yeas and nays. He desired to record his own vote at least on so important a measure.

Mr. CLAY said, though he had not obtained all that was desired, he should vote most cordially and heartily for the amendment. Without it, or at least in the shape the bill was sent from the Senate, it left all to Executive discretion; but, as it then was, it gave some semblance of legal control over the subject.

The yeas and nays having been taken, there appeared for concurring 29, against it 17, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, Knight, McKean, Merrick, Mouton, Nicholas, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, Webster, White, and Wright—29.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, King, Linn, Lumpkin, Lyon, Niles, Norvell, Pierce, Smith of Connecticut, Strange, Trotter, Wall, Williams, and Young—17.

The bill regulating the pay and emoluments of brevet officers was read a third time; and on the question, shall this bill pass.

Mr. BUCHANAN said that he had as high an opinion of the merits of Gen. Jones as any man could have, and that if the Senator from South Carolina, who had the bill under his charge, would consent that the bill should so amended that Gen. Jones should receive brevet pay from and after the passage of the act, it should receive his support; but he had no idea of giving it a retrospective bearing.

Mr. SEVIER said they had defeated a bill in the Senate the other day in relation to the same matter—giving brevet pay to Gen. Macomb. He thought both bills should share the same fate; and he, therefore, should move its indefinite postponement.

Some explanations having been given by Mr. PRESTON, the motion for indefinite postponement was withdrawn.

Mr. P. went into a long explanation of the services of Gen. Jones, and the claims his gallantry had upon his country. He said, however, that he would not object to the suggestion of the Senator from Pennsylvania, and the old principle that half a loaf was better than no bread.

Mr. LYON renewed the motion for indefinite postponement; and the question was taken by yeas and nays, and lost; 14 voting for it, and 21 against it.

The bill was then passed by a vote of 21 yeas, to 16 nays.

On motion of Mr. CLAY, of Alabama, the title of the bill was so amended as to read "An act to regulate the pay of the Adjutant General when a brevet officer."

The bills mentioned in the last proceedings as ordered to be engrossed, were severally read a third time, and passed.

The resolution for the printing of the Madison papers was read a third time and passed.

NORTHEASTERN BOUNDARY.

Mr. BUCHANAN, from the Committee on Foreign Relations, presented a report, from that committee, of considerable length, in which they unanimously recommend to the Senate the adoption of the following resolutions:

Resolved, That after a careful examination and deliberate consideration of the whole controversy between the United States and Great Britain relative to the Northeastern boundary of the former, the Senate does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of seventeen hundred and eighty-three; and entertain a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers.

Resolved, further, That, considering that more than half a century has elapsed since the conclusion of that treaty; considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the Governments of the two countries, in their endeavor amicably to settle the controversy; and considering the danger of mutual irritation and collisions upon the border of kindred and friendly nations from further procrastination, the Senate cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute be made as early as practicable.

Resolved, That, as it would be inexpedient for the United States to proceed, upon their separate authority, to survey and mark the Northeastern boundary, until all reasonable means of effecting that object by the consent and concurrence of both parties shall have been exhausted, the "bill to provide for surveying the Northeastern boundary line of the United States according to the treaty of seventeen hundred and eighty-three" ought not to pass; and it is therefore ordered that it be laid upon the table.

Mr. CLAY, of Ky. rose to say that he had been very anxious that the report should be read and weighed with all the attention and consideration belonging to so grave and important a subject; that he should take the opportunity to say, while he was up, that the question had been most deliberately and carefully examined in the committee; that the report, which was the work of the Chairman, was prepared with very great ability; that much labor had been devoted to it, in the short space that had been allowed, and which was the more creditable to its author, amid his other various and pressing duties; and that it was well calculated to advance his high character before the country.

He was anxious, he said, to take the sense of the Senate upon the subject of the resolutions which were recommended, with as little delay as was possible.

Mr. TALLMADGE followed, and observed that, as a member of the Committee on Foreign Relations, he had carefully and attentively examined the subject of the report, and that he concurred entirely with the Senator from Kentucky as to the talent and ability with which it was drawn up, and the manner in which it presented the great question. If, unhappily, said Mr. T. at any time hereafter any collision should arise between the two countries, which he hoped most sincerely would be avoided, it was very important, in his view, that the people of the country should understand the merits of the controversy. They were set forth in that report in a condensed, and, at the same time, sufficiently complete and ample manner to enable them fully to comprehend and understand it. The report ought, therefore, to be widely and extensively circulated. It was calculated to unite and concentrate the sentiment of the country, if that occasion, which he earnestly deprecated, should ever arise. He should, therefore, move for the printing of an extra number of copies, the largest that should be thought proper; and he therefore moved for the printing of 10,000 extra copies; which, afterwards, at the suggestion of Mr. WILLIAMS, supported by other gentlemen, he increased to 20,000.

Mr. RIVES also expressed his cordial and entire concurrence in the remarks which had been made by his colleagues on the committee. The report was drawn with distinguished ability, clearness, and force. The argument on both sides was fairly represented, and the paper would compare, to great advantage, with whatever had been written, that he had seen, upon the subject. It was very important that the merits of the question should be made familiar to the American mind; and no document, he conceived, was better calculated to enlighten and conduct it to sound conclusions. He should vote, therefore, with the greatest pleasure, for the number of copies proposed by the gentleman from New York, and for the highest number, indeed, any Senator might deem it expedient to have published.

Mr. WILLIAMS said: The great importance of the question, and the able manner in which it was treated, and our right maintained in the report now made, induce me to desire that a larger number than that proposed by the Senator from New York should be printed. Every one must see that important results may grow out of the report and resolutions now adopted; and it is very desirable that as many of our citizens as can be induced to look at the question, should have the means at hand of understanding it, and of being convinced that we are claiming our right, and nothing more. This report, coming from the Committee on Foreign Relations, and from Senators possessing the confidence of the nation, must carry conviction to the mind of every man who will read it, and, therefore, I would ask that twenty thousand copies may be ordered to be printed.

Mr. ALLEN said: I shall vote for the printing of the largest number of this report. It cannot be disguised that this controversy has already assumed a very imposing aspect; so much so, indeed, as to render it more than possible that the united energies of this people may be required in its future adjustment; and yet so exclusively local has the question been hitherto considered, that its discussion has excited public attention in no other quarter of the Union than that more immediately interested in it. It has not, therefore, as yet, penetrated the interior of the country, or caught the attention of the great body of the American people. This state of things can no longer exist. The controversy has now taken a form that must interest, in this settlement, every citizen of the Republic. I have heard, with deep attention, the discussion in the Senate, and I can sincerely declare, that, in my judgment, no proposition was ever more free from embarrassment, or title better

CONGRESSIONAL GLOBE.

25TH CONG.....2ND SESS. TUESDAY, JULY 10, 1838. VOLUME 6.....No. 32.

BY BLAIR & RIVES. —WEEKLY— PRICE $1 PER SESSION.

[Continued from No. 31.]

established, than is that of the State of Maine to every inch of the territory she claims. Inasmuch, therefore, as this controversy with Great Britain has assumed an aspect by no means auspicious to the future harmony of the two nations, I am for placing before our countrymen this report as evidence of the justice of our claims, and of the position which our Government has taken, in order that the public judgment, and with it the public energies of the nation, may be concentrated in support of that claim, in any emergency to which its adjustment may give rise. With this view, I shall vote for the printing of the largest number.

Mr. CLAY said that, among other considerations, which operated with him, he confessed that he wished the subject to be acted on *this* day. [Mr. C. was understood to allude to its being 4th of July.] As he advanced in life, he acknowledged the influence of feelings and sentiments which might be regarded as bordering on superstition. There was, at all events, it appeared to him, peculiar fitness in resolving, on the 4th of July, 1838, to maintain the integrity and inviolability of the old thirteen United States, whose independence was proclaimed on that memorable day.

The question was then put on the adoption of the resolutions reported by the committee, and they were agreed to *nem. con.*; and, on motion, twenty thousand additional copies of the report and resolutions were ordered to be printed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, July 5, 1838.

Mr. JOHNSON of Louisiana, on leave, from the Committee on Public Lands, reported a bill to provide for erecting fire-proof offices for each surveying district of the public lands, and for other purposes.

Mr. J. asked leave to report some other bills; but Mr. HARRISON and Mr. LINCOLN objected, unless Mr. ADAMS would give way for all the committees to report.

Mr. ADAMS then again occupied the whole time devoted to morning business, in his speech on Texas, at the end of which, he asked to be permitted to proceed.

Mr. ELMORE moved a suspension of the rules for the purpose; for it must be manifest that great injustice would be done if this speech went out without some reply.

Mr. DROMGOOLE coincided that the grossest injustice had been done the Committee on Foreign Affairs.

The motion was not agreed to, and Mr. ADAMS has the floor again for to-morrow.

The joint resolution authorizing the President of the United States to lease lands for the cultivation of the mulberry and sugar beet, was read a third time, and passed.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, Mr. CONNOR in the Chair, and, on motion of the same gentleman, took up the

INDIAN ANNUITY BILL;

Being the annual "bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year 1838."

The bill was read through at length, and some amendments moved by Messrs. CAMBRELENG, EVERETT, and BELL, being agreed to, the bill was laid aside to be reported.

FORTIFICATION BILL.

The committee then took up the bill making appropriations for certain fortifications of the United States, for the year 1838.

An amendment of Mr. LEGARE, to increase the item for Charleston from $100,000 to $175,000, after some remarks from him and Mr. ELMORE, was agreed to.

Mr. BRONSON moved an additional item of $3,000 for Fort Niagara; which was agreed to—78 to 48.

Mr. JOHNSON of Louisiana, moved an amendment for New Orleans; which was rejected.

The bill was then laid aside to be reported.

WEST POINT ACADEMY.

On motion of Mr. CAMBRELENG, the "bill to provide for the support of the Military Academy for the year 1838," was next taken up.

Mr. HAYNES explained its provisions.

Mr. C. H. WILLIAMS submitted the substitute laid on the table some time since, (February 22.)

The substitute was disagreed to.

Mr. KEMBLE moved an appropriation of $20,000 to rebuild the structure destroyed by fire in February last, agreed to.

Mr. CUSHMAN moved to strike out sundry appropriations, but ineffectually.

The bill was then laid aside to be reported, and, on motion of Mr. BRIGGS, the House took up the

MEMBERS' BOOKS BILL,

The title of which is as follows: "A bill authorizing the purchase of certain books for distribution among the members of the House of Representatives."

Mr. CUSHMAN moved to strike out the enacting clause: lost.

The bill was ordered to be reported.

UNITED STATES COURTS OF NEW YORK.

On motion of Mr. FILLMORE, the committee considered the bill to increase and regulate the terms of the Circuit and District Courts of New York.

The committee then rose and reported the bills acted on to the House; and, the time having arrived,

The House took its recess.

EVENING SESSION.

At the meeting of the House, at 3 o'clock, several Senate bills were read twice, and referred to their appropriate standing committees.

The House went into Committee of the Whole on the Union, Mr. CASEY in the chair.

The question pending was the motion of Mr. MERCER to take up the New Harbor bill.

Mr. CAMBRELENG moved that the committee rise, and report the bills already acted on.

Mr. MERCER insisted upon his motion being put, and also that a motion to rise was debatable; but the CHAIR [Mr. CASEY] deciding otherwise, Mr. M. took an appeal, which was debated for some time, when the CHAIR was sustained.

The committee then rose—73 to 49.

The Indian Annuity bill was taken up, all the amendments concurred in, and the bill ordered to a third reading, read a third time, and passed.

The Fortification bill coming up,

Mr. PETRIKIN moved to lay the bill on the table, and asked for the yeas and nays, but they were refused; and, the motion being disagreed to, the amendments were concurred in, and the bill ordered to a third reading, read a third time, and passed.

The West Point Academy bill being next in order, and the amendment of the Committee of the Whole having been concurred in,

Mr. C. H. WILLIAMS renewed his substitute, and asked for the yeas and nays thereon; which were ordered, and were—yeas 38, nays 106.

So the amendment was rejected.

Mr. W. then moved to lay the bill on the table: lost.

The bill was then ordered to a third reading, read a third time, and passed.

The bill to authorize the purchase of certain books for members of the House of Representatives, was ordered to a third reading.

Mr. RENCHER then moved to lay the bill on the table, and asked for the yeas and nays; which, being ordered, were—yeas 57, nays 99.

So the House refused to lay the bill on the table, and the bill was passed.

The bill to increase and regulate the terms of the northern district of New York was ordered to a third reading, and then passed.

Mr. MERCER, from the committee of conference on the disagreeing votes of the two Houses on the Wisconsin Road bill, made a report of their agreement; which was concurred in, and the bill passed.

Mr. DOWNING moved to recommit the bill authorizing the people of Florida to form a State constitution, to the Committee on Territories; which was agreed to.

On motion of Mr. CUSHING, the bill in relation to the North-eastern boundary was recommitted to the Committee on Foreign Affairs.

The House then went into Committee of the Whole on the state of the Union, Mr. CASEY in the chair.

After several motions for priority of business, the committee divided for taking up the

NEW HARBOR BILL;

the vote being, ayes 76, noes 74.

The bill was then read by the Clerk.

Mr. MERCER submitted an amendment making appropriations for sundry works therein mentioned.

Mr. DAWSON asked if they were going into a new harbor bill, at that period of the session, when only 137 members were present, and involving the country in an expenditure, in the end, of at least one hundred millions of dollars. To test the sense of the House, he moved to strike out the enacting clause. He went on to demonstrate that the whole scheme was the result of a combination of interests and sections, for the purpose of plundering the people.

The debate was continued by Messrs. MERCER, CUSHMAN, CAMBRELENG, BIDDLE, and ROBERTSON.

Mr. HALL opposed the bill. He wanted to see the old works completed, or put in a state of probable completion, before new ones were authorized to be commenced. His own opinion was that few of them, if any, ever would be completed, so long as the Government continued to appropriate money for them, since it was not only for the interest of the localities that money should be expended there, but also of those who had charge of its disbursement.

Mr. ALLEN of Ohio remarked that he had not risen to inflict a speech on the committee at this time of the evening, and after a ten hours' sitting, when all must be anxious to breathe a different atmosphere than the one by which they were surrounded, especially when there was such a mass of business yet to be acted upon, and but two days in which to do it. But he felt compelled to say, in reply to the gentleman from Vermont, who had just taken his seat, [Mr. HALL,] that he was greatly mistaken, in Mr. A's opinion, in the declaration that the harbors now progressing would not be finished, so long as money was supplied to keep them in a forward movement. The reason assigned is, that the superintendents were interested in delaying their completion, as they received a salary for their services, or a commission on the money expended, and hence it was for their advantage to protract the time, and to enlarge the expense. Mr. A. said he was acquainted with the history of several of the harbors on Lake Erie, and he fully believed money had never been more judiciously, beneficially, and economically applied. The works were all under the general control of skilful officers of the United States; and the immediate superintendents, who made the contracts and disbursements, he thought, in no instance, received any thing like a fair equivalent for their services, and who must, therefore, be actuated by other considerations than a mere pecuniary one, so far at least as it regarded that paid by the Government. He had never known or heard of a case of peculation or fraud, and but few of bad management. Their employment saved the expense of keeping comparatively high paid officers to perform the same duties, and, he believed, they were much more interested in urging their works to a speedy termination rather than the reverse. It was true these harbors continued to make demands on the Treasury, but it was because the original plans were not yet executed in some cases, while in others experience suggested deviations from them, for they were all matters of experiment when commenced. He could assure the opponents of the system that its friends would halt where they were, if they supposed the cost was to be unreasonable, compared with the advantages to be derived from it; but they believed it warranted by the Constitution, and that the necessities of the country, general and local, demanded its continuance, though its benefits could only be duly appreciated by those who had witnessed its effects.

In the year 1825, there was but a single steamboat above the Falls of Niagara, she making, "solitary and alone," an unprofitable and hazaardous voyage once in ten days from Buffalo to Detroit and back. Then, too, there were but twenty or thirty small shallops, dignified, it is true, by the name of schooners now, instead of one steamboat, there are nearly sixty, some of them of 800 tons burthen, costing an hundred thousand dollars and more, and, as a class, inferior to none afloat; instead of the twenty or thirty shallops, there are now 200 ships, brigs, and schooners, honestly such. But this fleet never could have had existence but for the facilities for receiving and discharging cargoes furnished by artificial harbors, constituting, also, places of refuge to which to flee in time of need. There are few naturn harbors on any of the lakes, and till the construction of those by the Government on Lake Erie, vessels were often driven by storms from one end of it to the other, unless sooner driven on shore, or to the bottom. Such was still the case on Lakes Huron and Michigan, and would long continue to be, if the policy so happily began and so advantageously prosecuted, was now to be arrested.

But the business on the lakes had but just commenced; Ohio had now 400 miles of canal in operation, and was constructing as much more; Indiana was expending ten millions on canals and railroads; Illinois and the infant State of Michigan, each half as much. These all tended to the lakes, and would soon very greatly increase the business upon them.

Mr. A. thought there were equitable considerations pertaining to this matter, so far as the West was concerned. The people of what was once the Northwest Territory, had paid as large an amount of money into the Treasury for duties on imported goods as any equal number of people elsewhere; for whatever might be the doctrine south of the Potomac, his own was, that it was not cotton, but consumers, who paid the duties. In addition, they had paid sixty-two millions for public lands, being six-tenths of all the receipts from that source. Ohio, alone, had paid twenty two millions, more than one-fifth of all the receipts, but she had got but about one-sixth of the land, for much of her land was bought under the old system, when the minimum price was two dollars the acre. Hence it had cost about one dollar and seventy-six cents, while the average in the other States had been but one dollar and thirty-one cents, making an excess of more than five millions paid by Ohio. He did not propose to ask its return in the present exhausted situation of the Treasury, and had only alluded to it as a reason why he thought we ought not to be especially astute in seeking to discover how we might withhold or curtail appropriations for the Northwestern States in general, and Ohio in particular. The interest on the excess referred to, for a single year, would equal all the money ever expended by the General Government in Ohio, for her exclusive benefit, without taking the appropriations for the National road into account, which were based upon a totally different footing.

In conclusion, he would say he thought the opponents of the new harbors ought to find better reasons for their opposition than merely that some of the old harbors were yet unfinished.

The debate was continued by Messrs. MARVIN, GOODE, MALLORY, REED, EVANS, RHETT, THOMPSON, SERGEANT, and

Mr. POPE, who moved that the committee rise; which motion prevailed—ayes 100, noes 25. So the committee rose.

The amendments to the bill to authorize a commission to test the usefulness of inventions to prevent steam explosions, were concurred in, and the bill passed.

Sundry bills from the Senate were read twice, and referred.

On motion, at half past nine o'clock, p. m.

The House adjourned.

IN SENATE,

THURSDAY, July 5, 1838

Mr. WEBSTER presented a memorial from certain citizens of Boston, praying the adoption of a system in relation to the control of steam navigation: laid on the table.

Mr. TIPTON, from the Committee on Roads and Canals, asked to be discharged from the further consideration of the bill granting to Mississippi land for purposes of internal improvement, and moved its reference to the Committee on the Public Lands: concurred in.

Mr. STRANGE presented documents relating to the claim of F. P. Blair; which were referred to the Committee on the Judiciary.

Mr. NILES, from the Committee on the Post Office and Post Roads, asked to be discharged from the further consideration of the petition of William B. Stokes and others; which was concurred in.

Mr. ROANE, from the Committee on the District of Columbia, to whom was referred the amendments of the House of Representatives to the bill to establish a criminal court in the District of Columbia, reported the same, and recommended a concurrence therein: agreed to.

Mr. DAVIS, from the Committee on Commerce, to whom was referred the memorials of merchants of New York and Boston, reported a bill to regulate the sale of wrecked property within the collection district of Key West: ordered to lie on the table, and be printed.

The Senate proceeded to consider the amendments of the House to the bill to provide for the better security of the lives of passengers on board of vessels propelled in the whole or in part by steam, and concurred with the amendment of the House with an amendment.

The bill from the House to authorize the sale of certain public lands of the United States, near the Wabash and Erie canal, in the State of Ohio, was read twice and referred to the Committee on Roads and Canals.

The bill from the House to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, &c. was read twice and referred to the Committee on Commerce.

The bill from the House to repeal a part of the second section of an act entitled An act to provide for the organization of the Department of Indian Affairs, was amended, and read a third time and passed.

The Senate then proceeded to consider the bill to establish and regulate the navy ration, with the amendment reported; and after being discussed for some time, was, on motion of Mr. NILES, laid on the table.

The bill supplementary to the act entitled An act to provide for the organization of the Department of Indian Affairs, and to regulate trade and intercourse with the Indian tribes and persons near or on the frontier, and approved June 30, 1834, after some debate, was, on motion of Mr. TIPTON, laid on the table.

The bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama, was amended, and ordered to be engrossed.

The bill in addition to the act to promote the progress of useful arts, was, on motion of Mr. CLAY of Alabama, laid on the table.

The bill exempting from duty the coal which may be on board of steamboats on their arrival at any port of the United States, and

The bill regulating the pay of masters in the navy, were read twice, and ordered to be engrossed.

The bill directing the investment of certain funds belonging to Indian tribes in State stocks, and describing the manner in which the profits shall be paid in and drawn out of the Treasury, was amended, and ordered to be engrossed.

The bill supplementary to an act entitled "An act to increase the military establishment of the United States, and for other purposes," approved July 5, 1838, was amended, and ordered to be engrossed.

The bill supplementary to an act entitled "An act to authorize the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions," approved June 8, 1838, was amended, and ordered to be engrossed for a third reading.

Mr. HUBBARD offered a resolution as an addition to the rule, to the effect that all private bills, resolutions, and reports which originate in the Senate, and should have remained undetermined, shall be resumed, and acted on as though an adjournment had not taken place.

On motion of Mr. CLAY of Kentucky, it was laid on the table.

The bill supplementary to an act entitled an act for regulating processes in the courts of the United States, and providing compensation for the officers of the said court, and for jurors and witnesses, was, on motion of Mr. CLAY of Alabama, laid on the table.

The bill for the relief of John Burke, was, on motion of Mr. NORVELL, laid on the table:

The following bills were taken up, and after some discussion, were laid on the table.

The bill for the relief of the legal representatives of Captain Nathaniel Goodwin, late of the Revolutionary army.

The bill for the relief of the heirs of Baron De Kalb.

The bill for the relief of the heirs and legal representatives of Joseph Maris, deceased.

The following bills, ordered to be engrossed in the morning, were severally read a third time, and passed:

The bill for the relief of Alfred Westfall.

The bill for the relief of Jacob Hanks.

The bill to regulate the pay of masters in the navy.

The bill for the relief of the heirs of John Brahan.

The bill directing the investment of certain funds belonging to Indian tribes, &c.

The bill exempting coal on board steamboats from duties, &c.

The supplemental bill to increase the military establishment of the United States, &c.

The bill appointing persons to test steam boilers, &c.

When the Senate went into Executive business; after which, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, July 6, 1838.

At the suggestion of Mr. WHITTLESEY, and on motion of Mr. STUART, it was ordered that, immediately after the recess this afternoon, the committees be called on for reports.

ANNEXATION OF TEXAS.

Mr. ADAMS resumed his speech on this subject. As this subject has been under discussion so long, it may be necessary to restate it.

On the 13th of June, Mr. DROMGOOLE, from the Committee on Foreign Affairs, upon the subject of the annexation of Texas to the United States, reported, that there is now no proposition pending in this House either for the admission of the Republic of Texas as a State into the Union, or for its territorial annexation to the United States.

The committee do not deem it advisable to recommend any action on the part of the House of Representatives calculated to prejudge any such proposition should it hereafter be formally submitted for decision, or to forestal public sentiment in relation thereto. In consideration whereof, the following resolution is reported:

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of the whole subject, and that all the papers relating thereto, and to them referred, be laid on the table.

Mr. CUSHING on the same day called for a division of the question, so that it might be taken first upon that part of the report which proposed to discharge the Committee on Foreign Affairs, and next on that to lay on the table. The first branch, being debatable, opened the merits of the question, and Mr. C. made some remarks thereupon, dissenting from the report, and moved its recommitment, for the purpose of having the subject more deliberately and argumentatively presented to the House, coupling his motion with instructions to that effect.

On the following day (the 14th) Mr. THOMPSON of South Carolina moved the following additional instruction to Mr. CUSHING:

Strike out all after "instructions," and insert: "To report a joint resolution directing the President to take the proper steps for the annexation of Texas to the United States, as soon as it can be done consistently with the treaty stipulations of this Government."

On the 15th Mr. ADAMS made a motion to recommit the report to the Committee on Foreign Affairs, with instructions to report the following resolutions:

"*Resolved*, That the power of annexing the people of any independent foreign State to this Union is a power not delegated by the Constitution of the United States to their Congress, or to any department of their Government, but reserved by the people.

"That any attempt by act of Congress or by treaty to annex the Republic of Texas to this Union would be a usurpation of power, unlawful and void, and which it would be the right and the duty of the free people of the Union to resist and annul."

This motion was made by Mr. A. by the courtesy of Mr. HOWARD, who, being entitled to the floor, yielded it to the former gentleman for that purpose.

Mr. ADAMS took the floor on that day, and has kept possession of it, for the morning hour ever since, with a few occasional intermissions for some reports from committees, nd has it still, not having concluded this morning.

The orders of the day having been passed to—

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in regard to certain claims for land in the district of Vincennes, Indiana, which was laid on the table.

The House took up the amendment of the Senate to the amendments of the House to the bill to provide for the better security of the lives of passengers in vessels impelled in whole or in part by steam.

Mr. THOMAS moved the concurrence of the House, with a further amendment, so as to subject persons employed, as well as the owners, to a civil prosecution, but subsequently withdrew it, and the amendment of the Senate was concurred in.

Yesterday being the last day that bills originating in the House could be sent to the other branch, the House proceeded to take up Senate bills.

Mr. TOUCEY moved that the Committee of the Whole on the state of the Union be discharged from the anti-duelling bill; but the motion did not succeed.

The bill for the relief of Mary A. Patrick was read a third time and passed.

The bill for the relief of the legal representatives of Henry Fisher, deceased, was also passed.

The bill for the relief of Everard Meade was laid on the table.

The bill for the relief of the heirs of Francis Cazeau had been reported from the Committee of the Whole, with the enacting clause stricken out.

Mr. WHITE moved to non-concur in this amendment; and after some remarks in support of the bill from Mr. W. and Mr. THOMAS, and by Mr. PETRIKIN in opposition to it, on whose motion the bill was laid on the table; ayes 88, noes 56.

The bill for the relief of John Brooks was laid on the table, on motion of Mr. HALL.

Mr. BRIGGS moved a suspension of the joint rule, so as to send to the Senate two bills, one making an appropriation for books to members, and the other in relation to the northern district of New York.

The motion prevailed, and the resolution was agreed to.

The bill for the relief of Robert White, on motion of Mr. HALL, was laid on the table.

The bill to revive the act to incorporate the Medical Society of the District of Columbia, as reported from the Committee of the Whole, with sundry amendments, was taken up.

Mr. JONES of New York, moved to lay it on the table: lost—ayes 57, noes not counted.

The question being on concurring with the amendments.

Mr. PETRIKIN presented a remonstrance from certain citizens of the District, against the passage of the bill.

Mr. P. also, made an argument against it.

Mr. REED briefly advocated the bill.

Mr. BOULDIN would not make an argument for or against the bill, though he had reported it, but he confessed he had no very great relish for it.

Mr. TAYLOR advocated the bill, and offered an amendment precluding any one who had not regularly diplomaticed elsewhere.

After some further remarks from Messrs. BOON, TAYLOR, and MALLORY, the amendment of Mr. T. was agreed to; also, the amendments of the Senate; when,

Mr. JONES of New York, renewed the motion to lay the bill on the table: lost, only 55 voting for it.

The bill was then ordered to a third reading, then read a third time, and passed.

The bill to authorize John E. Metcalf and others to locate certain pre-emption claims to land in Indiana; was, on motion of Mr. BOON, put on its passage.

Mr. RANDOLPH asked for an explanation of its provisions.

Mr. HARLAN made some remarks in opposition to it, and moved to lay it on the table, but withdrew the motion, at the request of

Mr. WHITE, who made some explanation of the justice and propriety of the provisions of the act.

The bill was rejected.

FALMOUTH AND ALEXANDRIA RAILROAD COMPANY.

The bill of the House, granting to the above named company the right of way through the District of Columbia, had came down from the Senate with an amendment, proposing to appropriate towards this work the sum of three thousand dollars, upon certain conditions, as carrying the mails free of cost, &c. In this amendment the Committee of the Whole had non-concurred, and the bill was now brought into the House for final action.

Mr. MERCER made an earnest argumentative speech in defence of this amendment.

Mr. CUSHMAN was opposed to the amendment and bill, as was Mr. MALLORY. The latter moved to lay the bill on the table, but withdrew the motion at the request of his colleague,

Mr. BANKS, who was in favor of the bill, spoke at some length in defence of the amendment, and in reply to the objections adduced by different members against it.

Mr. WISE said that this bill would save the Government seven thousand dollars a year, if passed, for the carrying of the mails. It was a work of national importance, and he would move the previous question.

There was a second: and the main question was ordered to be put, viz: Will the House concur with the Senate in their amendment?

Mr. CUSHMAN demanded the yeas and nays; which were ordered.

A motion was made to lay the bill on the table, and the yeas and nays demanded and ordered thereon; and the motion was carried by the following vote—yeas 88, nays 73. So the bill was ordered to lie on the table.

A PRE-EMPTION BILL.

An act for the relief of certain settlers on the public lands who are deprived of the benefits of the pre-emption act of the 19th June, 1834. This bill, having come down from the Senate, had been amended by the Committee of the Whole, and the first question was upon that amendment; which was concurred in.

Mr. CHAPMAN said, that having reported the bill as a member of the Committee on Public Lands, and being called on by some gentlemen now to explain its provisions, he would do so, though very briefly, as it was not his intention, at that late period of the session, unnecessarily to consume the time of the House.

He said that the class of individuals for whose relief the bill was intended, was, perhaps, the most meritorious of all those who are embraced under the provisions of the pre-emption law of 1834. They were entitled, under that act, to pre-emptions; had settled in the Creek and Choctaw nations after the late treaties with those tribes; resided upon the land they had improved at the passage of the act, and cultivated, as required in 1833. By the treaties with those tribes, it is provided that certain Indians should be allowed reservations, to be located by agents appointed for that purpose subsequently. Those, he said, were floating rights, until located in the manner prescribed by the treaties. In many cases, they were, by authorized agents, placed upon certain lands, and some time afterwards taken up and re-located upon others. In changing those locations, great injury had been done to the most industrious of the settlers; for the main object in taking up the first, and making the second locations, was not so much on account of getting better land, as to secure more valuable improvements. Thus, the most industrious and thrifty among the settlers, those who had made the best and most extensive improvements, were the victims to those last locations. After they had a vested right to enter the lands they had improved, under the act of 1834, and when they felt perfectly secure from all interruption by those floating reservations, knowing they had been already located, their lands were taken by the agent of the Government, and given to the Indians by those subsequent locations. Mr. C. said that he knew many of the most respectable and industrious citizens in his district, who had been ruined by that proceeding. They had been suddenly and unnecessarily driven from their homes by the purchaser of those reservations from the Indians, and their families turned out, at an unseasonable time of the year, under circumstances of great cruelty.

Mr. C. said it was a question, whether the settlers, whose pre-emptions were taken by the subsequent locations, had not the better title. But so it was, they had not contested the rights of Indians, to whom their lands had been assigned, but had appealed to Congress to do them, as far as circumstances would permit, that justice they had been deprived of under the act of 1834. They could not be reinstated in all the rights they had lost, if the bill passed as reported. Mr. C. said the bill under consideration provided that each individual, entitled to enter land under the pre-emption law of 1834, and had been deprived of that right as before stated, should be permitted to enter each a quarter section of any other land in the same land district, not settled upon by any other person, and had not been offered at public sale, by paying Government price; or, at his option, to enter the same quantity of land, subject to private entry, by paying the fees of office only.

Mr. C. said that, in the country where the persons coming within the act resided, there were no valuable lands that could be found that had not already been settled upon; and the best land, unimproved, would be but poor compensation for the loss of their improvements. He said that the lands subject to private entry had been so long in market that few selections could be made sufficiently fertile for cultivation. Mr. C. said that, as the relief provided by the bill, although far short of the loss they had sustained, was the best that could be done under the circumstances, he was willing to accept that, and he hoped the House would not hesitate to grant it.

Some desultory debate occurred between Messrs. WISE, SHIELDS, FILLMORE, HARLAN, and LEWIS.

Mr. WISE was in the act of replying to some remarks of Mr. LEWIS, when the hour arrived to take the usual recess.

EVENING SESSION.

Pursuant to the order adopted this morning, the standing committees were called on for reports; and the following being reported, were all committed to the Committee of the Whole, except where otherwise expressed.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, reported a bill for the relief of Woodhouse Potter.

Also, a bill for the relief of John L. McCarty.

Also, a bill for the relief of John M. Hernandez.

Also, Senate bill to provide for the uniform payment of horses ost in the military service of the United States.

Mr. STUART, from the same committee, reported a bill for the relief of James Tongue.

Mr. PHILLIPS, from the Committee on Commerce, reported Senate bill, with amendments, making appropriations for building light houses, buoys, beacons, &c.

Also, Senate bill to divide the State of Delaware into two collection districts, with a recommendation for its rejection.

Also, a bill for the relief of Jacob Galencia.

Also, a bill for the relief of the assignees of Jacob Clements, deceased.

Also, a bill for the relief of Smith and Town, which was ordered to a third reading this day.

Mr. CUSHMAN, from the same committee, reported Senate bill exempting from duties coal which may be on board of steam boats or vessels propelled by steam on their arrival at any port in the United States, and the bill was passed.

Mr. TOLAND from the same committee made a report on the subject of the erection of a breakwater on Crow Shoal, at Cape May Roads in Delaware bay. Laid on the table.

Mr. WORTHINGTON from the same committee reported Senate bill to establish a new collection district in the State of Mississippi, which was ordered to a third reading; read a third time and passed.

Mr. BOON from the Committee on the Public Lands, reported with an amendment, Senate bill for the benefit of the Mount Carmel and New Albany Railroad.

Mr. B. also reported Senate bill with an amendment to change the location of the office of Serveyor General of the District composed of the States of Ohio, Indiana, and Michigan, and for other purposes.

The amendment recommended Michigan city, Indiana, instead of St. Joseph, Michigan.

Mr. DUNCAN moved to lay the bill on the table: lost.

Mr. D. moved its indefinite postponement, again till September, again till next Monday: lost.

The amendment was concurred in—ayes 83, noes 47.

Mr. HARLAN moved the previous question, which was carried, and the bill was read a third time and passed.

Mr. JOHNSON of Louisiana, from the same committee, reported Senate bill to create a new land district in Mississippi.

Also, Senate bill for the relief of Jane Waller.

Mr. CHAPMAN, from the same committee, reported Senate bill for the relief of William Jones.

Mr. C. moved that it be passed, but it was committed.

Mr. CASEY, from the same committee, reported Senate bill for the relief of several persons of the name of Hill.

Mr. HARRISON, from the same committee, reported Senate bill for the relief of Joseph Cochrane.

Also, Senate bill granting the legal representative of John Smith a right of pre-emption to a certain tract of land.

Also, a joint resolution for the benefit of Edward Beatty.

Mr. LINCOLN, from the same committee, reported Senate bill to relinquish to the State of Mississippi her two per cent. fund, for the purpose of the construction of roads.

Also, Senate bill for the relief Alvarez Fisk.

Also, Senate bill, with an amendment, for the relief of John Braham, late receiver of public money at Huntsville, Alabama.

The amendment was concurred in, the bill read a third time, and being put on its passage, after some explanations between Messrs. WISE, CHAPMAN, THOMPSON, LYON, E. WHITTLESEY, LINCOLN, and HOWARD, the bill was laid on the table, on motion of the latter.

Mr. YELL, from the same committee, reported Senate bill to authorize the relinquishment of a certain 16th section in Arkansas for military purposes.

Mr. THOMAS, from the Committee on the Judiciary, reported, with an amendment, Senate bill to change the time of holding the United States Circuit Court of the Eastern District of Tennessee.

The amendment relating to the District of Maryland, was concurred in, and the bill passed.

Also, Senate bill to repeal, in part, the act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes; which was read the third time, and passed.

RESURRECTION NOTES.

Mr. THOMAS moved to discharge the Committee on the Union from the bill to prevent the issuing and circulation of the bills, notes, and other securities of corporations created by acts of Congress which have expired.

Mr. WISE objected to the motion.

Mr. McKENNAN said the sooner they came to a conclusion the better; for it was evident, if this bill was taken up, no other business would be transacted.

Mr. STANLY moved to lay the motion on the table.

Mr. CUSHMAN asked for the yeas and nays, which, being ordered, were—yeas 79, nays 93, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Bond, Borden, Briggs, William B. Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Corwin, Curtis, Cushing, Darlington, Davies, Deberry, Evans, Everett, Ewing, Rice Garland, Goode, James Graham, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Henry Johnson, Kennedy, Lincoln, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Peck, Phillips, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Ridgway, Robertson, Robinson, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Southgate, Stanly, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—79.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Birdsall, Bronson, Bynum, Cambreleng, Casey, Chaney, Chapman, Cleveland, Coles, Craig, Crary, Cushman, Dawson, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Grantland, Gray, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Lewis, Lyon, Mallory, Martin, McKay, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Noble, Palmer, Parmenter, Parris, Paynter, Petrikin, Phelps, Plumer, Potter, Pratt, J. H. Prentiss, Reily, Rives, Sheffer, Shields, Sibley, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, and Worthington—93.

So the motion was not laid on the table.

Mr. MERCER moved to postpone the further consideration of the motion till to-morrow: lost—ayes 77, noes 88.

Mr. CURTIS then moved a call of the House.

Mr. MITCHELL asked for the yeas and nays; which, being ordered, were—yeas 81, nays 96.

So the call was refused.

The question was then taken on discharging the committee, and decided in the affirmative—yeas 100, nays 93, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Bynum, Cambreleng, Casey, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Dawson, De Graff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Grantland, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Lyon, James M. Mason, Martin, McKay, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Noble, Palmer, Parmenter, Parris, Paynter, Petrikin, Phelps, Plumer, Potter, Pratt, John H. Prentiss, Reily, Rives, Sheffer, Sibley, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—100.

NAYS—Messrs. Adams, Alexander, Heman Allen, Aycrigg, Bell, Bond, Borden, Briggs, William B. Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, Wm. Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Henry Johnson, William Cost Johnson, Kennedy, Legare, Lincoln, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Peck, Phillips, Pope, Potts, Sergeant S. Prentiss, Rariden, Randolph, Reed, Ridgway, John Robertson, Edward Robinson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Southgate, Stanly, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—93.

The bill being before the House, and being on its third reading—

Mr. PRENTISS of Mississippi obtained the floor, and proceeded to discuss its principles: stating that if this was the last day of the political existence of this Government, let alone the last day of the political existence of this nation, he should debate it. He then went at length into a general opposition to the bill, and gave way to—

Mr. STANLY, who moved that the House adjourn, (at half past 6 o'clock, p. m.)

Mr. BRONSON called for the yeas and nays; which being ordered, were—yeas 16, nays 142.

So the House refused to adjourn.

Mr. PRENTISS was about to proceed, when

Mr. ADAMS raised the point of order, that the gentleman could not proceed after it had been determined upon by a majority of the House, without debate or discussion, to ram this highly penal bill down their throats.

The CHAIR pronounced the point itself entirely out of order

Mr. PRENTISS again proceeded, and having concluded,

Mr. WISE followed, and gave way to

Mr. THOMAS, who explained why the bill was postponed to so late a period of the session. Bills originating in the House could not be sent to the other branch within the last three days of the session, and this being a Senate bill, had been compelled to give way to the House bills.

Mr. NAYLOR rose once or twice and interrupted once or twice, but he was ordered to his seat.

Mr. WISE then proceeded, and commenced with the declaration that, unless he could have a pledge that the question would not be forced, he would speak till every bill behind it was destroyed—till the Congress itself had become defunct. Mr. W. spoke till half past eight o'clock, when he yielded the floor to

Mr. JENIFER, who moved that the House adjourn.

Mr. PRENTISS of Mississippi, called for the yeas and nays, which were refused, 17 to 73, (no quorum,) not one-fifth.

Tellers were called for, and, on a division, there were—ayes 42, noes not counted.

Mr. WISE was about to proceed, when

Mr. WEBSTER called for the reading of the rule precluding any member from speaking more than once to any question, without leave of the House.

The CHAIR was aware of the fact, but decided that Mr. WISE had the floor, no one else having addressed the CHAIR.

Mr. WISE expressed his acknowledgments to the SPEAKER, and proceeded for some time. In the course of his remarks he adverted to the defeat of the harbor bill in the Senate, and expressed his unfeigned gratification at that result. At 10 o'clock, p. m. he concluded, and

Mr. JENIFER obtained the floor, and moved an adjournment, but on Mr. MARTIN calling for the yeas and nays, he withdrew the motion, and proceeded with his remarks in opposition to the bill. Mr. J. continued till half past 10 o'clock, when he concluded.

Mr. ANDREWS then demanded the previous question.

Messrs. SERGEANT, NAYLOR, and McKENNAN respectively asked Mr. A. to withdraw the motion, but he declined.

Mr. MARTIN moved a call of the House.

Mr. ROBERTSON asked for the yeas and nays; which, being ordered, were, yeas 54, nays 115.

So the call was refused.

The previous question was carried without a division.

Mr. BRIGGS called for the yeas and nays on the main question, being on ordering the bill to a third reading, and the House granted them.

The bill was then ordered to a third reading—yeas 87, nays 79, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty Beirne, Bicknell, Birdsall, Brodhead, Cambreleng, Casey, Chaney, Chapman, Cleveland, Coles, Connor, Crary, Cushman, Davee, DeGraff, Duncan, Edwards, Elmore, Farrington, Fairfield, Fry, Gallup, J. Garland, Grantland, Gray, Griffin, Haley, Hammond, Hawkins, Holt, Hopkins, Howard, Hubley, William H. Hunter, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Martin, McKay, Robert McClellan, A. McClellan, McClure, Miller, Montgomery, Moore, Morgan, S. W. Morris, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrikin, Phelps, Pratt, John H. Prentiss, Reily, Rives, Sheffer, Spencer, Steuart, Taylor, Thomas, Titus, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. Whittlesey, Jared W. Williams, Worthington, and Yell—87.

NAYS—Messrs. Alexander, Heman Allen, Aycrigg, Bell, Bond, Briggs, W. B. Campbell, Chambers, Cheatham, Corwin, Branston, Darlington, Dawson, Davies, Dennis, Dromgoole, Dunn, Evans, Everett, Ewing, Fillmore, Rice Garland, Goode, Jas. Graham, Hall, Halsted, Harlan, Harper, Hawes, Henry, Herod, Hoffman, Jenifer, William C. Johnson, Kennedy, Legare, Loncoln, James M. Mason, S. Mason, Maury, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Potts, Sergeant S. Prentiss, Rariden, Randolph, Ridgway, John Robertson, Edward Robinson, Russell, Sergeant, Charles Shepard, Slade, Southgate, Stanly, Stratton, Taliaferro, Tillinghast, Toland, A. S. White, E. Whittlesey, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, and Yorke—79.

The bill being then put on its passage—

Mr. CONNOR demanded the previous question, which prevailed with but a few dissenting voices.

Mr. WISE and Mr. PRENTISS of Mississippi asked for the yeas and nays, but they were refused, and the bill was passed without a division.

A motion was then made to adjourn.

Mr. WISE rose, and gave notice that he had voted for this bill in order to be enabled to move a reconsideration, and he now gave notice that he should make that motion to-morrow.

Mr. MERCER. You must do it now.

The CHAIR said unless the motion was regularly made, and entered, the bill would take the usual course, and go to the Senate.

Mr. WISE should make the motion, whether the bill were sent out of the House or not.

Mr. RIVES hoped this matter would be settled at once.

Mr. PRENTISS of Mississippi and Mr. WISE simultaneously moved an adjournment: lost—70 to 85.

Mr. GRAY then rose and said that he had voted in the majority for the passage of this bill; and, in order to prevent any further delay, he moved a reconsideration, and demanded the previous question.

The previous question was seconded and carried, and the main question lost, but a few voices for it; and so the House refused to reconsider.

On motion, at a quarter past 11 o'clock, p. m.

The House adjourned.

WASHINGTON, July 9, 1838.

SIR: In the publication in the Globe of Saturday evening last, of the proceedings in the House of Representatives of the preceding Tuesday, on the bill to modify a portion of the deposite act of 1836, two errors have occurred, to which I beg leave to call your attention.

In publishing the motion of Mr. RIVES, to commit the bill, with instructions, you have left out the words, "or instrumentality," which should have been included. The motion made by him, and on which the vote was taken, was as follows: To commit the bill to the Committee of Ways and Means, "with instructions so to amend the same as to dispense with the agency, or instrumentality, of banks in the fiscal operations of the Government." After the motion was made by Mr. R. I requested him to modify it, by striking out the words, "*or instrumentality*," saying, at the same time, that such modification would make it acceptable to me, but he declined to do so.

The other error is much more important. In reporting the motion made by me, to commit the bill with instructions, you have omitted the words, "so as to dispense with the use of banks as depositories thereof."

The motion made by me was in the following words: "That the said bill be committed to the Committee of Ways and Means, with instructions to report a bill for the collection, safe keeping, and disbursement, of the public revenue, *so as to dispense with the use of banks as depositories thereof.*"

May I ask of you to make the proposed corrections in the next number of your paper?

Very respectfully,

Your obedient servant,

HENRY A. FOSTER.

F. P. BLAIR, esq.

IN SENATE,

FRIDAY, July 6, 1838.

The CHAIR announced a communication from the Treasury Department, made in compliance with the resolution of the Senate of the 28th of February last, showing the amount of revenue lost by the Government in consequence of the non-payment of duty bonds, and the names of the delinquents: laid on the table, and ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, reported a joint resolution requiring the Secretary of the Treasury to cause to be made, under the direction of Mr. Hassler, one standard balance for each State in the Union, and when they are completed, that he cause them to be delivered to the several Governors of the respective States: read twice, and ordered to a third reading.

Mr. HUBBARD offered a joint resolution to allow the banks in the District of Columbia to postpone the resumption of their five dollar notes till the 1st of December next, and asked its consideration at the present time; but

Mr. ALLEN objecting, the introduction of the resolution was delayed until to-morrow.

Mr. PIERCE, from the Committee on Revolutionary Claims, reported on several bills from the House that had been referred to that committee.

On motion of Mr. P. the same committee was discharged from the further consideration of the memorial of Mary Snow.

On motion of Mr. RUGGLES, the Committee on Claims were discharged from the further consideration of the petitions of Daniel Laird and D. H. Wilson.

On motion of Mr. SOUTHARD, the Committee on Naval Affairs was discharged from the further consideration of several memorials that had been referred to that committee.

On motion by Mr. WALL, the Senate reconsidered the vote on rejecting the bill to establish a new judicial district in the Territory of Florida, and it was then read the third time, and passed.

The following bills from the House were severally read the second time, and ordered to a third reading:

The bill ceding to the State of Ohio the interest of the United States in a certain road in said State.

The bill for the relief of Samuel Potter and James Cassidy of North Carolina.

The bill for the relief of John A. Peterson, executor of the last will and testimony of John A. Peterson, deceased.

The bill for the relief of Richard Frisby.

The bill for the relief of A Quartier and Albert of New Orleans.

The following bills from the House were taken up, and considered, and indefinitely postponed:

The bill for the relief of the owners of the schooner Three Brothers.

The bill for the relief of Squire Stearns.

The bill for the relief of the legal representatives of Nimrod Farrow and Richard Harris, was taken up; and after being advocated by Messrs. ROANE, RIVES, and CRITTENDEN, and opposed by Mr. HUBBARD, it was laid on the table—ayes 21, noes 12.

On motion of Mr. ROBINSON, the Senate proceeded to the consideration of the bill from the House, to establish certain post routes, and discontinue others, together with the amendments thereto reported by the Committee on the Post Office and Post Roads; and the amendments being concurred in,

Mr. CLAY of Alabama moved to strike out the second section of the bill, which discontinues the Express Mail; and after some remarks from Mr. C. in favor of the motion, and from Mr. CRITTENDEN against it, the motion was adopted—yeas 19, nays 13, as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Fulton, Hubbard, King, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Preston, Robinson, Sevier, Smith of Connecticut, Strange, and Wright—19.

NAYS—Messrs. Clayton, Crittenden, Davis, Merrick, Pierce, Roane, Ruggles, Southard, Smith of Indiana, Wall, White, Williams, and Young—13.

The amendments were then ordered to be engrossed, and the bill to be read a third time.

The Senate then took a recess from three to half past four o'clock; after which,

Mr. DAVIS moved that the Senate proceed to the consideration of the Harbor bill; which motion was decided in the affirmative—yeas 18, nays 11.

Mr. DAVIS, after some remarks, moved to strike out the appropriation for continuing the improvement of the Red river.

Mr. SEVIER said if an appropriation was made next year, it would be too late in the season to use it advantageously. He therefore hoped the gentleman would consent to leave in a small appropriation, say five thousand dollars, to keep the raft from accumulating.

Mr. CLAY of Alabama observed that he had seen a statement going the rounds of all the papers, and which had not been contradicted, announcing, in the most glowing terms, that this great work was completed. The Senator from Arkansas acknowledged that there was a large unexpended balance on hand of the old appropriation, and also admitted that no more work could be done this fall. Why, then, make an appropriation at this session?

Mr. SEVIER said he had already explained that a small appropriation would be necessary to keep the floating timber from accumulating, and forming another raft; and if this appropriation was not made at this session, it must necessarily be made too late in the next to prevent the mischief, and would thereby occasion a great loss of time and additional expense to the Government. He would move to amend the gentleman's motion by a proposition to strike out the appropriation in the bill, and insert in lieu thereof five thousand dollars.

The motion of Mr. DAVIS, as thus amended, was agreed to.

Mr. PRESTON spoke of the enormous appropriations by this bill. This business of making harbors, he said, has increased, was increasing, and ought to be diminished. He looked upon it as partial, unjust, and unconstitutional, and had often expressed his decided disapprobation of it. Two years ago, a strong and vigorous effort was made to suppress this growing evil, but in vain. It was the most dangerous system, and the more so, as its very increase held out strong allurements to carry it still further. The appropriation, at this time, was enormous—fourteen hundred thousand dollars; and at a time, too, when the country was so embarrassed, that the money must be borrowed. It was proposed to expend one million and a half of dollars, in round numbers, for a depressed and broken down commerce; for, after all the money that had been expended in this object, our commerce was falling off. Again, as to its inequality. Those who were opposed to it paid their full portion of the expense, while they derived none of the benefits of the system. To illustrate the peculiar position in which he and his southern friends stood, he referred to the motion made by him last year, and which was unsuccessful, to strike from the bill the appropriation for a harbor in his State; and he did this, because he would not have a bribe applied to his State, to enlist her in favor of this odious system. As a test question, to ascertain whether this measure was to pass, and, if so, to what extent it was to be carried, he would move the indefinite postponement of the bill.

Mr. CLAY of Alabama observed, that the Senator from South Carolina [Mr. PRESTON] was correct in saying that, without the deduction of this little appropriation of $70,000, the appropriations made by this bill exceeded $1,500,000. In order to satisfy himself as to the amount appropriated, he had taken the trouble to make an estimate, setting down each particular item of expenditure; and he found that, on adding it up, it amounted to the vast sum of $1,535,000. Now, he thought it was a very safe policy for a Government, as well as for individuals, before it undertook to expend money, to know they had it to spend. This was a rule he had found useful to himself through life, though, perhaps, he had not always adhered to it as strictly as his interest required. But as regarded the Government, if this wholesome policy was to be departed from at any time, it ought not, in the slightest degree, to be departed from at this time above all others, when they were told that the Treasury was bankrupt, and when they were told that this was a prodigal Administration, whose extravagance and wild experiments had prostrated the business of the country. Was this a time to indulge in the extravagant expenditures contemplated by this bill, when the Government had to borrow money to carry on its ordinary business, and when it had been confidently predicted again and again by the enemies of the Administration, that they would have to borrow more before the end of the year? What was the amount of the expenditures estimated by the Secretary of the Treasury for the current year? A short time ago, apprehending that the appropriations had gone beyond the amount that that officer, whose business it is to keep Congress informed of the resources and probable expenditures of the Government, had estimated for the receipts of the present year, he had turned his particular attention to the subject. He found that the whole amount estimated for the expenses of the current year was about $23,785,219.

It was to be presumed that the Secretary of the Treasury had looked at every branch of expenditure. It was his duty to consider all the various items provided for by this bill, together with the civil list, the army, the navy, the Indian Department, etc. The estimate was really startling, and double the amount that a few years ago would have been considered necessary to sustain the Government; yet they had gone beyond it. Before they passed the army bill, they had transcended the estimate; and since the passage of that bill, and one or two other bills, the excess amounted to a million and a half of dollars. Then here was another bill, appropriating another million and a half, making three millions of expenditure more than was estimated at the opening of Congress. There were, also, other bills in progress; but what amount they appropriated, he was not informed, probably increasing the excess to $10,000,000.

Mr. CLAY of Kentucky inquired whether the estimates of the Secretary of the Treasury inclued harbors.

Mr. CLAY of Alabama replied that he could not speak with certainty, but he went on the presumption that the Secretary did include the sum necessary for harbors, as it was his duty to do. If the Government was engaged in carrying on such works, it was the duty of the Secretary to take them into the account; and he therefore took it for granted that he had done so. He had a right to presume that the whole range of the expenditures was embraced in the amount, the aggregate of which he had detailed. Independently of this, there were other bills in progress, which, if passed, would increase the excess to the amount of nine or ten millions more. Could the friends of the Administration, then, whether they possessed constitutional scruples or not, make these appropriations at a time when the Treasury was embarrassed, when they would have to borrow every dollar expended, and when they had been charged with prodigality again and again by those verye entlemen who were now urging the passage of this bill? How much of these appropriations could be advantageously expended this season? The period between this and the next session was short; and why, then, go on as if it was at the commencement of the working season, and we had a full Treasury?

In looking back to the estimates and appropriations for the last two years, it was worth while to see how the latter had transcended the former. He found that, in 1836, the estimates of the Secretary of the Treasury for the expenditures of that year amounted to $19,738,933 27, and the appropriations to $30,868,164 04, the excess being $19,632,892 25. In 1837, it was very little better; the estimate was $22,651,000, and the excess was seventeen millions and odd dollars. Could it be wondered at then that we are continually embarrassed while such practices are kept up. The Secretary of the Treasury says that a certain sum is necessary to carry on the operations of the Government for the year, and he takes into consideration the whole range of necessary expenditure; yet, said Mr. C. we go on doubling the amount called for by the Secretary, and in the end find ourselves embarrassed and under the necessity of borrowing money: a most natural result from such a state of things. The question for them then to consider was, whether they were to go on increasing their expenditures in this way, embarrass the Treasury, and incur the just imputation of extravagance, or stop where they were, and, by a judicious economy, retrieve their affairs. Before passing this or any other appropriation bill, they ought to call on the Committee of Finance to provide the means to meet them; either by borrowing the money, or by the issue of another ten millions of Treasury notes; they ought to provide the means necessary to enable them to exceed the amount estimated by the proper officer of the Government. He was willing to relinquish, for another year, any amount that his constituents might be interested in this bill, rather than pass these extravagant appropriations, in the present embarrassed state of the Treasury, and he felt bound to vote to postpone it indefinitely, as moved by the Senator from South Carolina, rather than incur expenses which they had not the means of meeting.

Mr. DAVIS said a strange predisposition for economy had suddenly come over the gentleman from Alabama. There were other objects, he thought, of expenditure that would have been more likely to have called forth the opposition of the Senator, yet he (Mr. D) had never heard his voice raised. Why had the harbor bill been particularly selected? Was it not a subject in which all the great leading business matters of the Union were more or less interested? The gentleman says we are appropriating double the estimates made by the Department. The item before them was certainly included in the estimates. He (Mr. D.) was ignorant of the matter, if it were so; but probably the Senator knew better than he did.

[Here Mr. CLAY of Alabama said he was not aware of any vote which would justify the remark of the Senator, and would like the gentleman to particularize.]

Well, sir, I will name some, said Mr. D. There was the army bill, and the bill for Indian treaties, and others. I heard no protest against them, and they might as well have been delayed as this. Mr. D. said he must confess that any opposition to this measure was entirely unlooked for by him. He thought it would have recommended itself to the consideration of every Senator, and be adopted as a matter of course; and now it was proposed to bill indefinitely, or, in other words, to reject it altogether.

Mr. D. contended that these great works of internal improvement had been commenced, and that the Government stood pledged to carry them forward: in what condition then shall we leave these works, if the appropriations are withheld? Mr. D. did not desire at that late period of the session to detain the Senate, but he thought there were general views of the subject that must strike the mind of every Senator. To improve the natural condition of the country, and enlarge its benefits, was the cherished policy of the Government, and certainly all that appertained to commerce and inland trade were closely connected with all the great interests of this whole Union; and that simple consideration in itself should exempt the nation from such sweeping charges of extravagance. A large portion of the expenditure, it was true, was to be on the lakes, in the neighborhood of a young and vigorous country, rich in soil and in resources that constitutes national greatness. Who that had looked upon this matter with the eye of a statesmen, a patriot, would desire to withhold this appropriation. Here Mr. D. went into a description of the dangers of navigation on these lakes; there was, generally speaking, a straight line of coast, and without headlands or harbors to shelter vessels; and were it not that the storms that visited them so frequently were up and down for the most part, rather than across, the dangers would be greatly enhanced; as it was, they were sufficiently numerous in all conscience, and required the fostering aid of the General Government to remove them. He knew of no way that the great and increasing commerce of this region of country could be secured, but by the process set forth by the Government, and he most sincerely trusted the motion of the Senator would not prevail.

Mr. CLAY of Alabama was not aware that his course here, or the votes he had been in the habit of giving, subjected him or rendered him obnoxious to the charge of extravagance. He called on the Senator from Massachusetts, therefore, to particularize the instances in which he had, either by his votes or by his speeches, given sanction to extravagant expenditures. He had hoped that his course here was dictated by the strictest regard for economy, and that the Senate had given him credit for it.

Mr. DAVIS explained. He had made no charge of extravagance against the Senator personally. He had only supposed that some appropriations had passed when the Senator's voice was not heard in opposition to them.

Mr. CLAY of Alabama continued. If the honorable Senator had listened to his votes, instead of looking out for his speeches, he would have found that he [Mr. C.] was always on the side of economy, and that he had resisted every heavy appropriation, except in a few instances in which the public service imperatively required them. He had uniformly pursued this course, not because he was disposed to be niggardly, but because he thought it more consistent with our form of Government, that it should be simply and economically administered. With regard to his vote on the bill for the removal of the Cherokee Indians, the Senator himself, and the whole Senate, was aware of the motives which governed him. He voted for the appropriation, it was true, and he felt bound to give this sum to induce the Indians to remove, rather than incur the expense of going to war. As regarded the increase of the army, he voted for it, but he believed that it was indispensable to the safety of our frontiers, and a more economical mode of defence than to call out the militia, taking them from their proper avocations on every emergency.

He had not said that the appropriations had always doubled the estimates; but in one instance the appropriation wanted but a small fraction of doubling the estimate, and in another to which he had referred, wanted but four or five millions of doubling—though the estimated amounted to the large sum of $22,651,442. His attention had not been called to this subject until lately, and upon investigation he found that we were going beyond our means, and that it was necessary to scrutinize particularly every proposition for increased expenditure, and resist, with more than usual pertinacity, every approach towards extravagance. If gentlemen would look at the various appropriations of this bill, they would find that many of them are not indispensable, and it was not to be presumed that any of the works would suffer from not having appropriations made for them at this session, when it was considered that so short an interval was left before the next session. Besides, if these appropriations were made now, the money could not all be expended during the remainder of the season, though in many cases, he apprehended that the money would be drawn out, and used for purposes of individual speculation, or deposited in bank to be used in that manner. It was from these views that he was opposed to the bill, and he opposed not these appropriations alone, but all others that were not absolutely necessary for the public service.

Mr. NORVELL said it had pleased the honorable Senator from South Carolina [Mr. PRESTON] to declare that this harbor bill was unconstitutional, inexpedient, and not conducive to the prosperity of the country, either sectionally or otherwise. Sir, if that honorable Senator considers a navy, and harbors, and light-houses on the Atlantic coast to be constitutional, under the power of Congress to regulate commerce, I am at a loss to know by what logic, or on what grounds, he can pronounce the erection of light-houses, and the construction of harbors, on the lakes, the great inland seas of the North and the Northwest, to be unconstitutional. The whole commerce of the country, on the lakes and navigable streams of the interior as well as with foreign nations, is placed by the express language of the Constitution, and was intended by its framers to be placed, under the exclusive control and authority of the Federal Legislature. The suggestion of a doubt upon the constitutionality of the construction, by this Government, of harbors and light-houses on the lake coast, is preposterous. You have had navies on the lakes. They have gained for you a harvest of imperishable national renown. The victory of Perry on Lake Erie was the first triumph of the American navy achieved in fleets. That of Macdonough on Lake Champlain was the second. They were the harbingers of a glorious termination of the late war with the mistress of the ocean, who had till then deemed her naval power invincible on sea and lake. They furnished conclusive and brilliant evidences of the ability of our navy successfully to cope with that of Great Britain in squadron, as well as in single ships. And will the honorable Senator tell me, sir, that harbors are unconstitutional on inland seas which have been illuminated and rendered classic by your naval achievements? Will he venture to tell me that harbors of refuge from the storms and distresses of the seas which roll mountain high on these great lakes, are made in violation of the Federal Constitution? But the Senator says that you are constructing harbors for the advantage of commerce where no commerce exists. Sir, the honorable gentleman speaks at random. Does he mean to affirm that no commerce exists on the great inland seas of the Northwest? Is he aware that from ten to fifteen millions of domestic and foreign merchandise float upon these lakes every season? Does he know that this trade is annually increasing with unparalleled rapidity? The Senator again alleges that these harbors are inexpedient, and not conducive to the prosperity or safety of any part of the Union. He will permit us who reside in that quarter to suppose that we know a little more about that subject than he does. Thousands of sailors and passengers, millions of property, are annually endangered on the lakes for the want of light-houses and harbors. Their safety requires the protecting care of the Government. And I am yet to learn the equal benefits of this Union to all its parts, to every section of the country, if the mantle of its constitutional patronage and support is not to be extended to the Northwest, as well as to the Atlantic and the Gulf of Mexico. Mr. President, you have, at this session, voted away millions on millions of dollars for the protection and defence of the South. You have gratuitously poured out the treasures of this Government for the removal of the Southern Indians over the Mississippi. You have voted away millions on the navy, for exploring expeditions to the moon, or the Lord knows where; and all for the benefit of the Atlantic cities. You have increased your army for the defence of the Southwest. You have just thrown away a million and a half upon the Cherokees and Creeks of the South, not demanded by any law, any treaty obligation, any principle of equity or justice; and yet, sir, when the Lake States ask you for a small amount of appropriations to secure the safety of their persons and property engaged in the Lake trade, you tell them that they ask unconstitutional favors from you. You tell them that your Treasury is exhausted. After you have squandered away twenty-four millions of dollars upon objects certainly not more just, proper, or valuable, you begin to find out that the Treasury is empty. Before we undertake to pay money, the Senator from Alabama [Mr. CLAY] says that we ought to be certain that we have it. That honorable Senator, sir, ought to have made this patriotic discovery before he asked you to pay for his Alabama horses lost in the Creek or Florida war, before he called upon you to appropriate some seven or eight millions of dollars for the exclusive benefit of the South. Sir, the distinguished Senator from Missouri [Mr. BENTON] tells you that these harbors are old acquaintances of his: that he has heard of them for years; and he tells you of Ashtabula, and Conneaut, and other harbors on that coast, as if they were of not the least importance. I am sorry that the Senator has not sailed upon Lake Erie. If he had ever been on that dangerous mass of waters, he would not have hazarded the remarks he has made. The seas are heavy, the storms sudden and tremendous, on that Lake. I remember, three years ago, to have passed up in the little steamboat Detroit from Cleveland to the city of Detroit early in the spring. A heavy and appalling storm suddenly arose when we were within a few miles of this decried and depreciated harbor of Conneaut. The little vessel was dashed in every direction; the billows rolled mountain high; and we were saved from destruction by pitching into that harbor on one of the most threatening of the terrible waves made by the storm. Sir, whenever we ask for an appropriation due to us; whenever a light-house or a harbor is

mentioned for the great inland seas of the Northwest, we are met by these paltry constitutional objections. We will not submit to this crying injustice. We demand nothing but what is right; and, first or last, have that we will.

Mr. NORVELL observed, in regard to the amendment proposed to the bill, by which it was left discretionary with the Executive whether the appropriations for the Lake harbors should be expended or not, that he could not perceive its propriety. It was unnecessary, and ensured the defeat of the bill. How did it happen that the harbor bill had always been selected as the special object at which these difficulties and objections were directed? Why had not this discretion been vested in the President with regard to the heavy appropriations upon objects of less public utility? He had every proper confidence in the Executive. He had given sufficient proofs of this. But he would not sacrifice the great interests of his constituents to any consideration whatever of that kind, or any other kind. And if gentlemen would thus continue to practise upon their friends, he would not vote with them.

Mr. PRESTON replied at considerable length to the views of the Senator from Michigan. He desired no stronger illustration of the unconstitutionality of the motion, than that Senator, in the keen and zealous defence of his views, asserting that opposition comes with an ill grace from one who had voted for certain other appropriations of a like character, in another quarter. He had voted for appropriations for the South, it was true, but it was on a long line of continuous seacoast, the great highway of commerce, where harbors were made by nature; and was he, because a rigid constructionist of the Constitution, to deny every thing to the quarter he represented? but were the cases parallel? He did not know how the Senator from Michigan could derive the power from that clause of the Constitution, regulating the commerce of the country; as well might he apply the principle to building of wharves or navigating ships; as well might a harbor be scooped out of the Alleghany, as made in a lake. Why not carry a canal to the White Sulphur Springs for the convenience of visitors, and make that great and salubrious watering place, a port of entry? We certainly had just as much right to do so.

Mr. P. contended that the bill before them was one of the most latitudinarian of any that ever wasted the Treasury of the country, that all others were as but dust in the balance. According to the views of honorable gentlemen, they might have a harbor every five miles, if they please. The Senator from Michigan seemed to think there was something peculiar about his lake calling for appropriations from the General Government. Did not that Senator know that there was just as much loss of life and loss of property off Cape Hatteras, and Lookout, as among any of the nameless waters of Michigan.

Mr. P. said he well knew how this whole system commenced. It began with the breakwater at Delaware; it was there the break was made in the Constitution, and from that source came the further expenditure of all the vast sums we have been called on, from time to time, to vote. It appeared to him there was no longer any settled constitutional views to direct gentlemen in their legislative capacities—all was made to yield to popular impulse, to popular opinion. The measures which the wisdom and experience of the Government had sanctioned, were all forgotten. The Bank of the United States, which for forty years out of the fifty the Government had been in existence, was blown up, and so with most of the others: the only thing unsurrendered was the alien and sedition laws.

Mr. P. said he was unwilling to give his vote, or in any other manner lend his sanction to the opinion that this was to be the settled policy of the Government. Every body knew how these things were managed; it was only necessary for some four or five leading men to say that such a spot was poor, and without business, and that if a harbor could be made there, or a fortification or breakwater, and the General Government could be made to undertake it, that the property would be enhanced, and the public money would fructify the whole region around; and thus it was that the matter was undertaken by those who represented what was supposed to be the interests of their constituents, and in their long and labored arguments in advocating favorite measures, the Constitution was made gradually to give way. He expressed himself opposed to all such measures, and, having the Constitution for his guide, should feel himself bound to oppose all appropriations not sanctioned by the legitimate spirit of that sacred charter.

Mr. BUCHANAN observed that he should vote for the present against the indefinite postponement; but if the friends of the bill should continue the debate much longer, he, for one, should feel it his duty to vote for it. We are now, said he, within about twenty-four hours of the close of the session, and there were many bills on the calendar that ought to be acted on. He, it was true, had but one, which was a pension bill, in favor of a poor, aged female, (eighty years of age,) that had been favorably reported on several times, but he, nevertheless, felt as anxious to dispose of all the bills on the calendar as if he was individually charged with them. We all, he continued, understand this harbor question. He was always pleased to listen to the Senator from South Carolina, but really he must confess that the Senator's last speech was, on account of its matter, and not of its manner, not so agreeable as others he had heard from him.

He had no doubt of the power of this Government to construct harbors on the lakes. It had as much power to construct these harbors as to repair that at New York. But, said Mr. B. if we are to sacrifice all the other business of the session for this bill, I will go farther, and sacrifice the bill itself till next winter. For these reasons, he should now vote against the postponement; but if the debate was persisted in, he should vote to lay it on the table.

Mr. WRIGHT expressed the hope that the Senate would, without continuing the debate, proceed with the amendments to the bill. He supposed many amendments would be made, and he had prepared some himself, without the adoption of which, he could not vote for the bill.

Mr. PRESTON said, for the sake of obtaining the vote of the Senator from Pennsylvania against the bill, he would make a speech twice as long. The very remarks of the Senator were sufficient evidence that the bill ought not to be passed. Here was a bill involving important constitutional principles, to say nothing of a million and a half of money, because it was discussed for some ten or fifteen minutes, it was called unnecessary consumption of time, and we were threatened by the Senator that if the discussion was continued, that, though friendly to the bill, he would certainly vote for laying it on the table. Be it so, said Mr. P. I desire the bill to be defeated. Mr. P. after dwelling something further upon the numerous constitutional objections that presented themselves to his mind, said he came upon it at a time when the Treasury was empty—when it was in an admitted state of insolvency. Where were the funds to come from? In this case he [Mr. P.] was acting unwillingly as the friend of the present Administration; he was doing all he could to prevent the beggarly account of empty boxes, which the supporters of *"the party"* had been obliged to show forth.

Mr. WRIGHT replied that he could not answer these inquiries at all till he knew what the bill was to be. When he knew that, he would give the information required.

Mr. PRESTON said he would suppose a hypothetical case. The friends of the bill proposed to expend a million and a half of dollars. He asked the gentleman if the Treasury was prepared to pay that sum. No answer? Then, as the gentleman stands mute, said Mr. P. I take it for granted that the Treasury is not prepared, and that we are about to make appropriations without having the means to meet them.

After some further remarks from Mr. PRESTON, the question was taken on his motion, and it was lost—yeas 18, nays 21, as follows:

YEAS—Messrs. Benton, Brown, Clay of Alabama, Crittenden, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Preston, Rives, Roane, Smith of Connecticut, Strange, Trotter, Wall, and White—18.

NAYS—Messrs. Allen, Bayard, Buchanan, Clay of Kentucky, Clayton, Davis, Fulton, Hubbard, Merrick, Norvell, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, Wright, and Young—21.

Mr. DAVIS moved to amend the bill by inserting an appropriation of $48,000 for a mound or sea-wall at Buffalo, New York, for the preservation of the harbor; and after a debate, in which Messrs. BENTON, TALLMADGE, and DAVIS, took part, the motion was lost—yeas 17, nays 21, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Davis, Lyon, Merrick, Norvell, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Wall, Webster, and Wright—17.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Crittenden, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Preston, Rives, Roane, Strange, Trotter, White, Williams, and Young—21.

Mr. WRIGHT moved to reduce the appropriation for Pontiac creek, Ohio, from $7,000 to $4,000; and, after some remarks from Mr. ALLEN in opposition to the motion, it was agreed to.

Mr. W. called the attention of the Senate to several items of appropriation, which he thought might with propriety be reduced; after which, he moved to strike out the appropriation of $20,000 for continuing the improvement of the Cumberland river above Nashville.

This motion was warmly opposed by Messrs. CRITTENDEN and CLAY; but, on taking the question, it was agreed to—ayes 20, noes 15.

Mr. WRIGHT then offered an additional section, as a proviso to the bill, precisely in the following words:

And be it further enacted, That it shall be the duty of the officers charged with the execution of this act, and with the making of contracts for the expenditures authorized by it, to have particular regard to the state of the Treasury, and its ability to meet the current ordinary expenses of the Government, as well as the calls which may be made under the said contracts; and, under the direction of the President of the United States, so to arrange the said expenditures, and the times and amount of payment, so far as the means of the Treasury can be anticipated, as that the advances or payments under this act shall not interfere with or delay the payments under the appropriations for the regular, ordinary, annual expenses of the Government.

This amendment was advocated by Messrs. WRIGHT, BENTON, and NILES, and earnestly opposed by Messrs. PRESTON, WEBSTER, CRITTENDEN, DAVIS, and NORVELL, as vesting an absolute and unconstitutional power of appropriation in the hands and at the discretion of the Executive.

This amendment was agreed to by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Mouton, Nicholas, Niles, Pierce, Roane, Sevier, Strange, Trotter, Wall, Wright, and Young—19.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Merrick, Norvell, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, and White—16.

Mr. CLAY of Alabama, moved to amend the bill by inserting an appropriation of $56,769 30 for continuing the improvement of the Tennessee river, in Alabama.

Mr. CLAY of Alabama, observed that he was sorry to see a bill of this character pressed on the Senate at this unpropritious moment, but, at the same time, he was bound to claim for his constituents some participation in its favors, in case the bill should pass. He was aware that there was no report from the United States engineers in favor of this object; but it had been confided to the State of Alabama, whose engineer had made a report on it, which would be found among the documents of the other House. The character of this work was so well understood that it was not necessary for him to enlarge on it. He would only ask the Secretary to read the report he had referred to from the documents of the other House.

The Secretary having read the document, the question was taken, and the amendment was lost.

Mr. LYON moved to increase the appropriation from $15,000 to $31,462 37 for the harbor at the mouth of the river Raisin: lost.

The question coming up on engrossing the amendment, and ordering the bill to a third reading, Messrs. MERRICK, CLAY of Kentucky, and WEBSTER severally stated that in consequence of the amendment adopted on the motion of Mr. WRIGHT, they were compelled to vote against the bill; and on taking the question, it was decided in the negative—yeas 18, nays 18, as follows; a tie being equivalent to a rejection:

YEAS—Messrs. Allen, Buchanan, Clayton, Davis, Fulton, Hubbard, Lyon, Niles, Norvell, Robbins, Sevier, Smith of Indiana, Tallmadge, Tipton, Wall, Webster, Wright, and Young—18.

NAYS—Messrs. Benton, Brown, Clay of Alabama, Clay of Kentucky, Crittenden, King, Merrick, Mouton, Nicholas, Pierce, Preston, Rives, Roane, Ruggles, Strange, Trotter, White, and Williams—18.

On motion of Mr. BENTON,

Resolved, That the President of the United States be requested to cause to be communicated to the Senate the report of the last campaign in Florida under General Jesup; also, that the President of the United States be requested to communicate to the Senate, at the commencement of the next stated session of Congress, a statement of all works for the improvement of harbors and mouths of creeks and rivers which have been upwards of three years in progress, with the estimate of cost, when commenced, the annual expenditure since, the annual compensation to the superintendent of the same, and the probable amount which will yet be required to complete each work.

After concurring in various amendments made by the House to bills that had passed the Senate,

The joint resolution of the House suspending the 16th joint rule so far as to permit the House to send to the Senate the bill relating to the Circuit and District Courts of the Northern District of New York, and the resolution to provide for the purchase of certain books for distribution to members of the House, was taken up.

Mr. CLAY of Alabama moved to amend it by striking out that part relating to the purchase of books for the members; and the motion was supported by Messrs. BENTON, HUBBARD, and BAYARD, and opposed by Messrs. SEVIER, MERRICK, and SOUTHARD.

Mr. BENTON then moved to postpone the resolution indefinitely; and the question was decided in the affirmative—yeas 17, nays 15, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Clay of Alabama, Clayton, Hubbard, King, Lyon, Mouton, Niles, Pierce, Strange, White, Williams, and Young—17.

NAYS—Messrs. Davis, Merrick, Norvell, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Wall, and Webster—15.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

The bill for the relief of A. Quartier and Albert of New Orleans.

The bill for the relief of John A. Peterson, executor of the last will and testament of John H Peterson, deceased.

The bill for the relief of Richard Frisby.

The bill for the relief of Samuel Potter and James Cassedy of North Carolina.

The bill ceding to the State of Ohio the interest of the United States to certain roads within that State.

The bill to establish certain post routes, and discontinue others.

On motion by Mr. Hubbard,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, July 7, 1838.

Mr. THOMPSON moved a reconsideration of the vote by which the bill for the relief of the heirs of John Brahan was rejected, saying he was induced to make the motion from a further examination of the case, from which he found that Mr. B. was a very estimable man.

The motion was entered.

Mr. INGHAM entreated Mr. ADAMS to give way this morning, to suffer the committees to be called upon for reports.

Mr. ADAMS, however, declined, and went on with his remarks on the subject of Texas and Mexico, and our relations with the latter Republic. Mr. A. had not concluded when the orders of the day were called for.

Mr. HOWARD suggested that after the recess, the committees be called on for reports.

Mr. BELL preferred proceeding with them this morning.

Mr. HOWARD had no objection, and moved a suspension of the rules for that purpose.

The CHAIR said it had been the invariable rule, on the last two days of the session, to receive reports.

Mr. FILLMORE moved a suspension of the 16th joint rule, so far as to be enabled to send bill 861 to the Senate, which was agreed to.

Mr. DROMGOOLE moved a suspension of the rule, for the purpose of proceeding with the Texan discussion after the recess: lost.

Reports from committees were then called for at the point left off yesterday.

Mr. ROBERTSON, from the Committee on the Judiciary, reported a bill for the relief of the heirs of Peyton Randolph, deceased.

Also a bill to amend the several copyright acts.

Mr. EVERETT, from the Committee on Indian Affairs, reported, with amendments, Senate bill to repeal a part of the second section of an act entitled An act to provide for the organization of the Department of Indian Affairs.

Mr. BELL, from the same committee, reported a bill for the benefit of the Choctaw Indians.

Mr. B. also reported, with an amendment, Senate bill directing the investment of certain funds belonging to Indian tribes in State stocks, and prescribing the manner in which the proceeds thereof should be paid into and drawn out of the Treasury, and for other purposes.

Mr. McKAY, from the Committee on Military Affairs, reported Senate bill regulating the pay and emolument of the Adjutant General when a brevet officer.

Also, Senate bill, with an amendment, to provide for the defence of the Western frontier.

SUPPLEMENTAL ARMY BILL.

Also, Senate bill supplementary to the act for the increase of the present military establishment of the United States, with an amendment.

The amendment was taken up.

Mr. EWING proposed an amendment, depriving the agents of the War Department, or engineers, from the power of making contracts; but after being opposed by Messrs. MASON of Ohio and McKAY,

Mr. GARLAND of Louisiana demanded the previous question; which prevailed, and the bill was passed unamended.

Mr. INGHAM, from the Committee on Naval Affairs, reported Senate bill to regulate the pay of masters in the navy.

Mr. HOWARD, from the Committee on Foreign Affairs, reported, without amendment, Senate bill entitled "An act to authorize the payment of equitable commissions to the agents and attorneys of persons in whose favor awards have been made under the several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of the debts due to the United States."

MEXICO.

Mr. H. also made a report, upon which the action of the House was not asked, as it merely contained the views of the committee.

On motion of Mr. H. ordered to lie on the table.

Mr. CUSHING also submitted on the same subject the views

of the minority of the committee, and they took the same order.

NORTHEASTERN BOUNDARY.

Mr. FAIRFIELD, from the same committee, reported back the bill to provide for surveying the northeastern boundary line of the United States, according to the provisions of the treaty of peace between the United States and Great Britain, in 1783, accompanied by the following resolutions:

Resolved, That after a careful examination and deliberate consideration of the whole controversy between the United States and Great Britain, relative to the northeastern boundary of the former, the House of Representatives does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of 1783, and entertain a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers.

Resolved, further, That considering that more than half a century has elapsed since the conclusion of that treaty, considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the Governments of the two countries, in their endeavors amicably to settle the controversy, and considering the danger of mutual irritation and collisions upon the border of kindred and friendly nations from further procrastination, this House cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute be made as early as practicable.

Mr. F. moved [the consideration of the resolutions, and they were *unanimously* concurred in; being the same as those *unanimously* agreed to in the Senate.

MEXICAN DOCUMENTS.

Mr. HOWARD called up the motion to reconsider the vote laying on the table the motion to print the Message of the President of the United States, and accompanying documents, on the subject of our relations with Mexico.

The motion was agreed to.

Mr. H. disclaimed all wish to suppress any part of this correspondence which was of any importance, his object having been merely to avoid the expense of printing a vast mass of what was of no moment to the subject. He had not the remotest desire to prevent the fullest and freest inquiry. He desired not to be on the committee.

Mr. ROBERTSON moved a resolution to print the Message, and that a committee be appointed, with power to designate what portion of the documents merit printing; which was agreed to.

Messrs. ROBERTSON, CRARY, and EVERETT were appointed such committee.

ADMISSION OF FLORIDA.

Mr. BRONSON, from the Committee on the Territories, reported a bill to authorize the people of Florida to form a Constitution, and to provide for the admission of said State into the Union.

Mr. JOHNSON of Virginia, from the Committee on Revolutionary Pensions, reported Senate bill for the relief of Wm. Berry.

Also, Senate bill granting a pension to Hannah Leighton.

Mr. SIBLEY, from the same committee, Senate bill for the relief of Joseph Bassett.

Mr. MORGAN, from the same committee, reported Senate bill for the relief of Dennis Tramell.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported Senate bill, with amendments, to authorize the payment of invalid pensions in certain specified cases.

Also, again: Senate bill for the relief of John S. Billings; and it was laid on the table.

MICHIGAN ROADS.

Mr. MERCER, from the Committee on Roads and Canals, reported Senate bill making appropriations for the completion of certain roads in the State of Michigan, with a recommendation that it do not pass; and the bill was laid on the table.

Mr. M. made a report, accompanied by the following resolution:

Resolved, That the standing rule of the House, instituting a Committee on Roads and Canals, be amended so as to read as follows:

1. That the denomination of that committee shall hereafter be "The Committee on Public Improvements."

2. That the duties of that committee shall be to take into consideration all such petitions, resolutions, bills, and reports, or other matters or things relating to surveys and estimates for roads, canals, or for the construction or improvement of the navigation of rivers, or the construction, improvement, or continued prosecution of any such public works, whether by the appropriation thereto of lands or money.

Mr. PHELPS, from the Committee on Patents, reported a bill for the relief of John J. Roane.

Mr. LINCOLN, from the Committee on the Public Buildings, reported back the resolution in relation to certain alterations, &c. in the hall of the House of Representatives; which was concurred in.

Mr. L. also reported a joint resolution, that the commissioners appointed by the President of the United States to superintend the prosecution of the structure of the new Treasury building, be authorized to examine and adjust the claims of the workmen for indemnity for loss of time during the suspension of the work; and it was ordered to a third reading.

NATIONAL FOUNDRY.

Mr. JOHNSON of Maryland, from the select committee on the subject of a National Foundry, reported the following resolution; which was concurred in:

Resolved, that the select committee on the subject of the National Foundry have leave to adjourn at the close of the present session of Congress.

Mr. CRARY, from the Committee on Indian Affairs, reported a bill for the relief of Susan Gratiot.

Mr. DARLINGTON, from the Committee of Claims, reported the following resolution; which was concurred in:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Gamaliel E. Smith, and that the same be referred to the Solicitor of the Treasury for settlement.

Mr. McKAY, from the Select Committee on the memorial of Francis P. Blair, reported the following resolution, which was concurred in:

Resolved, That the Select Committee to which was referred the memorial of Francis P. Blair, on the subject of the printing done for Congress, have leave to adjourn at the present session of Congress, and to resume the investigation and report at the next session of Congress.

Mr. WHITTLESEY of Ohio, from the Committee of Claims, to which was referred bills of the Senate of the following titles, made reports thereon, recommending that the said bills do not pass:

An act for the relief of Alfred Westfall.
An act for the relief of Jacob Hanks.
An act for the relief of George J Knight.

LAND FRAUDS.

Mr. ROBERTSON moved a suspension of the rules, for the purpose of being enabled to submit the resolutions heretofore offered by him calling for certain information in relation to the public lands, pre-emption frauds, &c. which motion prevailing, the resolutions were taken up and agreed to.

At the request of Mr. CUSHING, Mr. CRARY moved a reconsideration, which was agreed to.

Mr. CUSHING then moved to lay the resolutions on the table.

Mr. WILLIAMS of North Carolina called for the yeas and nays; which, being ordered, Mr. C. withdrew the motion, and Mr. R. having modified the resolutions, they were agreed to.

The motion to reconsider the vote laying the bill for the relief of John Brahan on the table, was taken up and disagreed to.

Mr. CAMBRELENG gave notice that he should, as soon as possible, call up the bill to provide for the sale of the United States Bank bonds.

CHOCTAW RESERVATIONS.

The bill for the relief of certain settlers on the public lands who were deprived of the benefit of the pre-emption act of the 19th June, 1834, (under discussion yesterday,) was again taken up, and after being opposed by Messrs. WISE and JOHNSON of Maryland, and advocated by Messrs. LYON and LEWIS, when, on motion of Mr. JOHNSON of Maryland, the bill was laid on the table.

The bill to confirm certain purchases of the public lands, under the act of the 19th of June, 1834, reported from the Committee of the Whole, with a substitute, postponing the subject till the Legislature of Mississippi had made a special report upon the subject.

Mr. HARLAN advocated the postponement, which was briefly discussed by Messrs. WORD and PRENTISS of Mississippi, when

Mr. CRARY moved the previous question; but withdrew it at the request of

Mr. HARLAN, who made his objections to the bill, on the ground that, so far from being in accordance with the pre-emption law of '34, these claims were set up in direct violation of it.

Mr. JOHNSON of Maryland moved to lay the bill on the table.

Mr. PRENTISS of Mississippi asked for the yeas and nays; but they were refused.

Mr. JOHNSON withdrew the motion, and the amendment being concurred in, the bill was passed.

STEAMBOAT IRON, &c.

The bill to authorize Charles Day, of Macon, and James R. Butts, of Columbus, Georgia, to import, free of duties, two iron steamboats, &c. was taken up.

Mr. LYON moved to insert, also, the name of William W. Fry, of Mobile, Alabama, stating that he was in the situation; which was agreed to.

Mr. NAYLOR opposed the bill, and opposed the whole principle, and after some remarks from Mr. BIDDLE, in its support, it was ordered to a third reading, read a third time, and passed.

Mr. CHAPMAN said, then seeing no prospect of coming to a conclusion, he moved to lay the bill aside, *not* to be reported; but upon the count there were, ayes 51, noes 61, no quorum; upon passing a second time between the tellers there were, ayes 52, noes 73.

So the committee refused to lay the bill aside.

Mr. CHAMBERS moved a further amendment, that the commission should ascertain the amount of merchandise insured or sold, and if insured or sold, what portion thereof was paid, and the amount deducted from the certificates.

Mr. ADAMS remarked that this would be a transfer of the ruin from the importer to the insurer, the latter being already the heaviest sufferer.

Mr. UNDERWOOD replied that the insurer should not set up as a plea that his loss accrued from the act of God, because it was his business to run risks.

Mr. ADAMS rejoined by inquiring if that was a reason for inflicting still greater calamity upon him.

Mr. CHAMBERS wished the gentleman's sympathies extended a little further. Had the gentleman any sympathies for a very worthy class, the retail merchants?

Mr. ADAMS. Yes, I would if I could.

Mr. CHAMBERS said the gentleman could if he would, if he could bring himself to vote for this bill. They might as well pass a general law at once, extending it to all cases.

Mr. ADAMS rejoined that the gentleman passed from a thing that was possible to a thing that was impossible. The Government could relieve the insurer or importer, but could not extend it to the retailer. The bill, however, proposed no indemnity even to the former, but merely a forbearance.

After some further remarks from Mr. CHAMBERS, his amendment was agreed to.

The bill was then laid aside to be reported.

On motion of Mr. SERGEANT, the committee then rose and reported.

UNITED STATES BANK BONDS.

The bill to authorize the sale of certain bonds belonging to the United States, was ordered to a third reading, read a third time and passed without a division.

NEW YORK FIRE.

The House concurred in the amendments to the New York fire bill.

Mr. CUSHMAN moved to lay the bill on the table, and asked for the yeas and nays, which being ordered, were—yeas 53, nays 87.

So the House refused to lay the bill on the table.

Mr. HARRISON moved the previous question on the third reading, which prevailed without a division, and the bill was then passed.

FALMOUTH RAILROAD.

Mr. WILLIAMS of Kentucky moved to reconsider the vote of the House by which the bill giving the assent of Congress to the supplementary act of the General Assembly of the State of Virginia incorporating the Falmouth and Alexandria Railroad Company, and appropriating $300,000 for the use of the company.

Mr. MALLORY moved to lay that motion on the table; which was agreed to—ayes 75, noes 64.

HARBOR BILL.

Mr. SERGEANT moved to refer the amendments of the Senate to the harbor bill to the Committee on the Union.

Mr. WILLIAMS of Kentucky moved to lay the bill on the table: lost, without a division; and the bill was then committed.

POST ROUTE BILL.

The House then took up the Senate's amendments to the Post Route bill, and, after making further amendments, several were concurred in.

The amendment restoring the Express mail system, or rather striking out the section discontinuing it, was then taken up.

Mr. HOPKINS hoped the House would non-concur; indeed, he preferred seeing the bill postponed till next session, for the condition of the finances of the Department was such that none of the routes could be put in operation. He, therefore, moved its postponement.

Mr. BRIGGS remarked that the bill did not go into operation till July, '39, and there was no need of postponing it.

Mr. MONTGOMERY explained that the bill had been so amended by the Senate at the suggestion of the Postmaster General, that it had obviated the objections to its passage.

Mr. HOPKINS disapproved of the principle of this amendment, as, before July, '39, many of these new routes might become valuable.

Mr. WISE was opposed to the amendment.

Mr. CHAPMAN demanded the previous question, which was carried, and the vote on the main question was—ayes 82, noes 53.

So the amendment was concurred in, and the Express mail system is therefore retained.

On motion of Mr. CAMBRELENG, the House then went into Committee on the Union, (Mr. McKENNAN in the chair,) and, on motion of Mr. C. took up the

INDIAN ANNUITY BILL.

The Senate had returned this bill with sundry amendments, being for carrying certain recent treaty stipulations into effect; and they were all severally concurred in, together with some others moved by Mr. EVERETT, from the Committee on Indian Affairs.

HARBOR BILL.

On motion of Mr. WHITE, the committee took up the amendments of the Senate to this bill.

Mr. PETRIKIN hoped the amendments would not be concurred in, for there was a great deal of humbug in them.

Mr. WILLIAMS of Kentucky moved to except to, and nonconcur in, the amendment striking out $20,000 for the improvement of the Cumberland river above Nashville, and expressed his astonishment that this item, which was an old work, now in progress, and reported on by the War Department. It had been omitted by the Committee of Ways and Means only because the superintendent had failed in sending in the estimates in time.

Mr. DUNCAN made some remarks in opposition to the motion, and was going into a defence of the Administration from some recent charges, in doing which, he was called to order by Mr. JENIFER and Mr. SIBLEY, on the ground that he was diverging from the subject before the House. The CHAIR not sustaining the point, Mr. REED called Mr. D. to order; but the CHAIR not again sustaining the point, Mr. D. proceeded further, when he was again called to order, for irrelevancy, and the CHAIR sustained it.

Mr. YELL said he should object to the gentleman's proceeding further, without leave of the committee.

The question was propounded, and the committee refused to allow Mr. D. to proceed.

Mr. POPE supported the appropriation for the Cumberland river; but he was also called to order by Mr. TITUS, for irrelevancy, and resumed his seat.

Mr. PETRIKIN described the whole controversy as a scramble for money; and it appeared that the price of the Kentucky delegation was $20,000.

Mr. HARRISON called Mr. P. to order for this expression; and

The CHAIR sustained the point.

Mr. LYON raised the question whether Mr. P. should be permitted to proceed; and, on a vote, the committee refused to permit him.

Mr. DUNCAN rose; but having been refused permission to proceed, objection was made to his going on. He said he held a pamphlet in his hand, (understood to be Mr. BOND's speech,) out of which he wished to make a speech; but, if the committee would permit him to write it out, and call it his speech in Committee of the Whole, he would desist. Loud cries of agreed! from all quarters of the House ensued, and Mr. D. sat down.

The amendment of the Senate was concurred in—ayes 103, noes not counted.

Mr. JOHNSON of Louisiana moved to non-concur in the amendment of the Senate, striking out the item of $70,000, for continuing the removal of the obstructions in the Red river.

Mr. GARLAND of Louisiana stated that it had been stricken out, on the mistaken ground that the money had been appropriated before.

Mr. JOHNSON also expressed a wish that the appropriation be retained.

The amendment, however, was concurred in. All the other amendments of the Senate were then concurred in; and, on motion of Mr. SERGEANT, the committee rose and reported the above two bills to the House.

The amendments to the Indian annuity bill were then all concurred in by the House.

The harbor bill was then taken up.

Mr GRANT moved the previous question, which was carried *nem. diss.*

Mr. POPE then moved to except the amendment in relation to Cumberland river.

Mr. ROBERTSON moved to lay the bill on the table, and asked for the yeas and nays, which were refused, and the motion was rejected.

The amendments of the Senate were all concurred in.

FORTIFICATION BILL.

The House took up the amendment of the Senate to the Fortification bill, and, on motion of Mr. CRARY, through the operation of the previous question, the amendment was concurred in.

The House took up the Senate's disagreement to the amendment of the House to the bill to confirm certain land purchases in Mississippi, under the act of 19th June, 1834.

Mr. WORD hoped the House would agree to he Senate's disagreement, and addressed the House for some time in support of that position.

Mr. HARLAN moved to lay the bill on the table, which was agreed to—ayes 68, noes 54.

Several pension and other private bills, returned from the Senate amended, were taken up, and the amendments all concurred in.

All the bills on the SPEAKER's table having been disposed of, the House again went into Committee of the Whole on the state of the Union, Mr. McKENNAN in the chair.

RELICTS OF THE REVOLUTION.

On motion of Mr. TITUS, the committee took up the bill to provide for the relief of certain widows of soldiers of the Revolution, granting them half-pay and pensions.

Several amendments were proposed by Mr. ADAMS and Mr. WISE, and disagreed to; and the bill was then laid aside to be reported.

NEW LAND OFFICES IN LOUISIANA AND ARKANSAS.

On motion of Mr. GARLAND of Louisiana, the committee took up the bill to establish an additional land office in the State of Louisiana.

On motion of Mr G. an amendment was agreed to, changing the boundary.

Mr. YELL moved a section providing for an additional land district in Arkansas; which was agreed to, and the bill ordered to be reported.

LIGHT HOUSE BILL.

Mr. PHILLIPS moved to take up the Light House bill; which was agreed to, ayes 80, noes 44, (after three attempts to get a quorum) and several amendments being agreed to,

Mr. DUNCAN moved to lay the bill aside not to be reported. Lost.

Mr. GARLAND of Virginia moved to strike out the enacting clause, with a view to take the question in the House by yeas and nays, and for the purpose of testing not only the strength of parties, but also the circumstances under which it was passed, and the number of members present.

The motion was disagreed to.

MILITARY ACADEMY, &c.

On motion of Mr. CAMBRELENG, the committee took up the bill making appropriations for the West Point Academy.

The bill was returned from the Senate with a mass of amendments, embracing the pay of revenue officers, additional clerks, &c. being on almost every possible subject; which were concurred in.

The bill was then laid aside, and the committee rose and reported the above bills to the House.

The bill granting half pay and pensions to certain widows was read a third time and passed.

The amendment to the bill to establish additional land offices in Louisiana and Arkansas was concurred in, and the bill passed.

The amendments to the light-house bill were concurred in.

Mr. GARLAND of Virginia called for the yeas and nays on the third reading of the bill, on the ground stated by him in committee.

The yeas and nays being ordered, were 65 to 56, (a quorum with the SPEAKER.)

So the amendments were ordered to be engrossed for a third reading, and the bill was then passed.

The amendments to the West Point Academy bill were taken up and concurred in, and the bill passed.

The bill to refund to the Georgia Railroad and Banking company certain duties paid upon railroad iron, was ordered to a third reading, read a third time, and passed.

The bill to refund certain duties upon railroad iron, paid by the New York and Harlem Railroad company, was taken up; and, after some conversation between Mr. LEWIS and Mr. ADAMS as to the general bill on this subject, and a few words from Mr. CAMBRELENG in support of the above bill, it was passed.

The bill to remit or refund duties to the Baltimore and Susquehannah Railroad company, upon certain importations of iron made by them for the use of their railroad, was also passed.

The bill for the benefit of the New Castle and Frenchtown Turnpike and Railroad company, was read the third time and passed.

The bill relating to restricting the circulation of small notes as a currency in the District of Columbia, was taken up; but before any question was taken,

The House took its daily recess.

EVENING SESSION.

On motion of Mr. DAWSON, the vote on the first of the above series of steamboat iron bills was reconsidered, and a rider was annexed to it, including the name of Mr. Lamar, of Savannah, Georgia.

On motion of Mr. WHITTLESEY of Ohio, the bill to continue in force the act for the payment of horses and other property lost in the military service of the United States, was taken up, read a third time, and passed.

The joint resolution reported this morning by Mr. LINCOLN, to settle the claims of the workmen on the Treasury building, was read a third time, and passed; and on motion of Mr. L. the sixteenth joint resolution was so far suspended as to permit the bill being sent to the Senate.

On motion of Mr. BOULDIN, the Committee on the District of Columbia was discharged from the further consideration of all their unfinished business.

On motion of Mr. WHITTLESEY of Ohio, all the bills in Committee of the Whole House were referred to the Committee on the Union.

SMALL NOTES IN THE DISTRICT OF COLUMBIA.

The consideration of the bill to restrain the circulation of small notes within the District of Columbia was resumed, on its third reading; and after some discussion, in which Messrs. BOULBIN, ADAMS, and THOMAS, participated,

Mr. GARLAND of Louisiana moved to lay the bill on the table.

Mr. CUSHMAN asked for the yeas and nays, which were ordered.

It being obvious that no quorum was present, Mr. COLES moved a call of the House; but it did not prevail.

The CHAIR counted the House, and ascertaining that no quorum was present,

Mr. GRANT moved a reconsideration of the vote rejecting the call; which was agreed to—yeas 51, nays 45.

In the meantime a quorum appearing, the call was refused, and the question being taken on laying the bill on the table, it resulted in the negative—yeas 54, nays 77, as follows:

YEAS—Messrs. Alexander, John W. Allen, Aycrigg, Bell, Bond, Briggs, Carter, Childs, Cranston, Crockett, Darlington, Dawson, Everett, Richard Fletcher, Rice Garland, Goode, Grennell, Hall, Halstead, Harlan, Hastings, Herod, Kennedy, Lincoln, Lyon, Mallory, Marvin, Maxwell, McKennan, Mitchell, Calvary Morris, Patterson, Peck, Phillips, Potts, Sergeant S. Prentiss, Reed, John Robertson, Edward Robinson, Russell, Southgate, Stanly, Stratton, Taliaferro, Toland, Underwood, Albert S. White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, Word, and Yorke—54.

NAYS—Messrs. Heman Allen, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Bouldin, Bronson, Cambreleng, Casey, Chapman, Cleveland, Coles, Craig, Crary, Cushing, Cushman, De Graff, Dromgoole, Duncan, Dunn, Edwards, Ewing, Fairfield, Fillmore, Fry, Gallup, James Garland, William Graham, Grantland, Grant, Gray, Hammond, Hamer, Harrison, Haynes, Hopkins, Ingham, Tho. B. Jackson, Nath. Jones, Kemble, Klingensmith, Lewis, James M. Mason, Martin, McKay, Abraham McClellan, Mercer. Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Noyes, Ogle, Parmenter, Petrikin, Phelps, Potter, Rariden, Reily, Augustine H. Shepperd, Snyder, Spencer, Stuart, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Webster, Jared W. Williams, and Yell—77.

So the House refused to lay the bill on the table.

Mr. THOMAS moved to amend by inserting first of August next, instead of "April," as the time when the bill should take effect; but

Mr. CHAPMAN demanded the previous question, [cries of "Agreed," Agreed,"] which was carried *nem. dis.* and the bill was put on its passage without a division.

Mr. BRONSON moved the previous question on its final passage; which was carried without a single negative voice being heard, and the bill was passed.

On motion of Mr. CAMBRELENG, the amendments of the Senate to the Indian Annuity bill were committed.

On motion of Mr. C. the House went into Committee on the Union—Mr. McKENNAN in the Chair.

Mr. C. moved to take up the bill to sell the United States Bank bonds.

Mr. MERCER remarked that when the House was last in committee, the New Harbor bill was under consideration, and he insisted upon the resumption of its consideration.

The CHAIR decided the latter to be the first business in order.

Mr. CAMBRELENG insisted that, as it was a House bill, it was not in order at all, because it could not be sent to the other House.

After some conversation between the CHAIR and Messrs. WHITTLESEY, CUSHMAN, DUNCAN, MALLORY, BOND, and Speaker POLK, the bill was laid aside.

UNITED STATES BANK BONDS.

On motion of Mr. CAMBRELENG, the committee took up the "bill to authorize the sale of certain bonds belonging to the United States."

Mr. WISE called upon the chairman of the Committee of Ways and Means to explain what changes had taken place to render the sale of these bonds necessary now, when so short a time ago it was resisted, and the Government issued shinplasters in lieu.

Mr. CAMBRELENG did object, and always had objected, to the Government disposing of its bonds in this form, or, in fact, in any form; but they were now at the close of nearly a seven months' session, and found themselves having made extraordinary appropriations of an excess amounting to thirteen millions. These Mr. C. enumerated, and went on to demonstrate that the sale of these bonds was absolutely necessary to meet these extraordinary demands. He admitted it to be doubtful whether they could be negotiated or not.

Mr. UNDERWOOD congratulated his friend from New York upon his altered tone since the last session. As to the appropriations, he would ask if they had exceeded the estimates?

Mr. CAMBRELENG replied they had, by about thirteen millions, not, of course, altogether owing to the sole action of Congress, but principally on account of extraordinary exigencies, such as Indian hostilities, new treaties, frontier difficulties, the new army bill, etc.

Mr. UNDERWOOD could not help complimenting the gentleman upon his change of position, occupying, as he did, one directly the reverse of that he did at the extra session; for he then opposed this very proposition, then brought forward by Mr. U.

Mr. BELL expatiated at some length upon the change of ground taken by the Administration and its friends upon the present occasion, and commented upon its inconsistency; in doing which, he cited extracts from the messages of the President, communications from the Secretary of the Treasury, the recent speeches of Mr. CAMBRELENG, Mr. JONES of Virginia, etc. and defended his own consistency.

Mr. POPE remarked that it was a matter of minor importance what any gentleman said or thought last fall, and it was but a mere waste of time to be talking about consistency on the last day of the session. The only question was, did the exigencies of the Government require the sale of these bonds? Large appropriations had been made, for which no particular party was solely responsible; for all had voted for them, and it was equally the duty of all to provide the means to meet them. He was well assured that the passage of this bill was contemplated by no one when the Treasury note bill was passed. The chairman of the Committee of Ways and Means had alluded to extraordinary Indian appropriations, the new army bill, &c. which had not been taken into the account when the gentleman submitted his estimate of the condition of the Treasury, showing the necessity of issuing ten millions of Treasury notes. That was true. But the new harbor bill, the road bills, and others, included in that estimate, had since been defeated, and the Senate had so amended the old harbor bill as only to require but half the amount to be expended this year. This would about square the account, and hence he saw no necessity for selling these bonds.

Mr. WISE inquired if there was any Executive communication, any wand, requiring the sale of these bonds.

Mr. CAMBRELENG would tell the gentleman, Congress had added $1,150,000 on account of the Cherokees; other Indian treaties had been ratified, involving some $1,600,000, within the last three weeks, and of which the Committee of Ways and Means knew nothing till within the last ten days. They had passed, what had never been contemplated before—a new army bill; and had added about two or three hundred thousand dollars to the old harbor bill. The fact was that, within the last ten days, they had added about $4,500,000 to the expenses of the Government, which were not contemplated before.

Mr. WISE insisted that most of these ought long since to have been anticipated, for they must have been before the eyes of the Executive.

The bill was then laid aside, to be reported to the House, *nem. diss.*

DUTIES ON HEMP.

The bill to allow a drawback on imported kemp, when manufactured into cordage and exported, was, on motion of Mr. CHAPMAN, laid aside *not* to be reported.

NEW YORK FIRE BILL.

The bill to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York, was next in order.

Mr. CUSHMAN moved to lay it aside.

Mr. CAMBRELENG, who had reported the bill, expressed an earnest hope that the committee would not assent to that motion.

Mr. HOFFMAN added that the friends of the measure had no disposition to debate it.

The motion was disagreed to—ayes 42, noes 82; and the bill having been read by the Clerk—

Mr. HOFFMAN addressed the committee in behalf of the bill.

Mr. PETRIKIN moved to strike out the enacting clause.

Mr. CUSHMAN replied to Mr. HOFFMAN, and expressed his opposition to the principle involved in the bill; a principle by which the Government of the United States resolved itself into an insurance company. It was the duty of the merchants to protect themselves by insurance. Pass this bill, and a similar application would come in from Charleston, South Carolina. Mr. C added that the bill would take four or five millions out of the Treasury.

Mr. CAMBRELENG replied to Mr. CUSAMAN, remarking, first, that he concurred with the gentleman that it was the duty of the merchants, in all possible cases, to protect themselves by having their property insured. But what was the case then under consideration? It was a case of one of the most extraordinary calamities that ever happened on this side of the Atlantic, and would probably be without a parallel for a century to come, he hoped for ever. It was a case where not only the property was destroyed, but even the insurance companies themselves; and hence the merchants not only lost the amount of their duties, but an average of one-half their property besides—one-half of their whole capital.

With regard to the bill taking four or five millions out of the Treasury, the gentleman was mistaken. The whole amount of the postponed bonds was less than a million, and the bill proposed only the establishment of a commission to examine into the claims of the parties, and then, after the award was made, to pay them out of these postponed bonds.

The bill was very briefly sustained also by Messrs. CURTIS, PHILLIPS, REED and ADAMS, and opposed by Messrs. UNDERWOOD, CHAMBERS, ATHERTON and EVERETT, (in its present form only,) when the committee refused to strike out the enacting clause.

Mr. EVERETT moved a proviso, which was agreed to.

Mr. CHAMBERS moved an amendment to the first section, making certain exceptions in cases of goods insured.

After a few words from the mover and Messrs. CURTIS and POPE, the amendment was rejected.

Mr. CHAMBERS then warned gentlemen that, if this bill passed, it must go down to the retailer and consumer. It was unjust in principle, and on this ground he for sometime warmly opposed it. Mr. C. said he would oppose the bill till to-morrow's sun rose, but that he would defeat it.

Mr. CAMPBELL of Tennessee moved a reconsideration of the vote laying the bill in relation to certain Mississippi land claims, on the table, and on dividing the House by tellers, there were—ayes 49, noes 69.

So the House refused to reconsider.

Mr. DAWSON said it was due to the country that it should be known they were acting on the most important measures, and voting away millions upon millions of dollars with a bare quorum present, tried by the yeas and nays, including the SPEAKER, and he therefore moved a call of the House.

The CHAIR stated to the gentleman that, in view of the important business before the House, and apprehending there might be some difficulty in relation to a quorum, he had taken the responsibility of directing the Sergeant-at-Arms to despatch messengers to every boarding-house in town, to request the attendance of members.

Mr. DAWSON waived his motion for the present, and, on motion of Mr. BELL, the House went again into Committee on the Union.

CHOCTAW FRAUDS.

Mr. BELL moved to take up the bill to extend the commission for the investigation of Choctaw claims, which prevailed, and the bill was taken up.

Mr. B. moved a substitute, reported by the Committee on Indian Affairs.

Mr WORD moved an amendment, to give the commissioners certain pay, without mileage.

Mr. BELL. Then you will defeat the bill, and defeat the investigation. It would be fatal to the commission, and he entreated the gentleman to withdraw it.

Mr. WORD persisted in pressing his amendment, but it was rejected; and, Mr. BELL's amendment being agreed to, the bill was laid aside to be reported.

TROPICAL PLANTS.

On motion of Mr. DOWNING, the committee took up the bill to promote the cultivation of tropical plants in the United States, in Florida.

Mr. DROMGOOLE opposed the bill, moving to strike out the enacting clause, and Messrs. WHITTLESEY of Ohio, WISE, and MALLORY, who moved to lay it aside: lost.

The committee refused to strike out the enacting clause, and the bill was ordered to be reported.

WESTERN FRONTIER.

On motion of Mr. McKAY, the committee took up the bill to provide for the better protection of the Western frontier.

Mr. McKAY moved an amendment reported by the Committee on Indian Affairs, repealing so much of the military appropriation act of '36 as provided for the removal of the troops at Fort Gibson; which, after some remarks from the mover and Mr. HARRISON, was agreed to

The bill was then ordered to be reported to the House.

On motion of Mr. BELL, the committee took up the bill to direct the investment of the Indian trust fund.

Mr. EVERETT proposed a substitute, which was discussed for some time by Messrs. PARKER and BELL, and was adopted.

The bill was then ordered to be reported.

Mr. TITUS made an ineffectual attempt to call up the bill to abolish imprisonment for debt in certain cases.

On motion of Mr. UNDERWOOD, the committee then rose and reported.

The bill to encourage the introduction and growth of tropical plants within the United States, was then taken up.

Mr. WISE moved the previous question, which was carried, and, on the passage of the bill,

Mr. HARLAN called for the yeas and nays, but they were refused, and the bill was passed.

The amendment to the bill in relation to the Choctaw commission was concurred in, the bill read a third time and passed.

The amendment to the bill to provide for the better protection of the Western frontier, was taken up, and opposed by Mr. HARRISON, who notified the House that he would avail himself of every form he could resort to, to defeat it.

Mr. MERCER designated the passage of such an act as this, an act of infamy, meriting the deepest execration. He, therefore, moved to lay the bill on the table.

Mr. McKAY asked for the yeas and nays, but they were refused, and the motion prevailing—

The bill was laid on the table.

Mr. DAWSON moved a reconsideration of the vote by which the bill to promote the cultivation of tropical plants in the United States was passed.

The CHAIR ruled the motion to be out of order, on the ground that the bill had already been sent to the Senate.

The amendment to the Indian trust fund bill was concurred in, and the bill passed.

The SPEAKER laid before the House a communication from the Secretary of State, in answer to a resolution of the House, calling for any evidence showing that the Government of Spain, after the treaty of the first of October, 1800, continued to claim south of the thirty-first degree of north latitude.

On motion of Mr. JOHNSON of Louisiana, laid on the table.

EXTRA PAY TO MESSENGERS AND PAGES.

Mr. CUSHING, Mr. LINCOLN, Mr. McKENNAN, and Mr. LEWIS, offered a resolution and amendments, to give extra pay to the messengers, chaplains, &c. to the Capitol. [$200 extra to each little boy.]

Mr. COLES moved to lay the whole subject on the table; but on taking the count, there were, ayes 34, noes 73, no quorum and the motion was withdrawn.

After some discussion,

Mr. COLES renewed the motion to lay the resolution on the table.

Mr. STANLEY called for the yeas and nays, but they were refused, and the House divided by tellers; but on taking the count, there were, ayes 18, noes 76—no quorum—and on a second count, ayes 7, noes 90; still no quorum.

Mr. CRARY asked for the yeas and nays; which, being ordered, were—yeas 18, nays 85; still no quorum.

Mr. GRAY moved a call of the House, which was ordered, (at half-past 4 o'clock,) and proceeded in till the roll was called through.

The CHAIR then announced that all the enrolled bills had been signed.

Mr. TAYLOR moved an adjournment: lost.

Mr. WISE hoped the call would be persisted in, and that those who had kept their beds, and forced others to stay there and work, would be compelled to attend.

The roll was then called through a second time, and the doors of the hall were closed, and excuses rendered for some members, when

Mr. WISE moved that the 5th rule be enforced, and that the Sergeant-at-Arms be required to summon the absent members and take them into custody as they appear.

Mr. POTTS moved that the further proceedings of the call be dispensed with: lost.

Mr. JOHNSON of Virginia said, believing this thing had been carried far enough, he moved an adjournment, (quarter past five o'clock.)

Mr. HOPKINS gave notice that he should object to the transaction of any further business without a quorum.

Mr. GRAY said the whole was a complete farce.

Mr. HOPKINS. It is no farce with me, sir, and I shall insist upon the point.

Mr. GRAY. It is a farce to attempt to carry out this call.

Mr. ELLINGHAST moved that when the House adjourn, it adjourn to meet at 9 o'clock to-morrow: agreed to.

The House refused to adjourn.

Mr. WISE suggested that, as Mr. ADAMS had concluded his Texas speech, the members of the Committee on Foreign Affairs avail themselves of this opportunity to reply to him. (Laughter.)

It was obvious that a considerable number of members had left the hall since their names were called, and

Mr. BRONSON suggested that those who had responded to their names be called over again; but, in reply to the Chair, he remarked that he was not aware of the fact from his personal knowledge, and no order was therefore taken upon the suggestion.

At a few minutes before 6 o'clock,

Mr. WHITTLESEY of Ohio suggested that, by general consent, the House take the question on the resolution, and then adjourn finally; for if they could not take the question now, he was convinced they could not in the morning.

The CHAIR said there being no quorum present, and that fact being solemnly entered on the record, no question could be taken till a quorum certainly had responded.

Mr. SIBLEY now moved to dispense with the call.

Mr. FOSTER asked for the yeas and nays. Refused.

The motion to dispense was rejected.

On motion of Mr. DAWSON, the members in attendance outside the Hall were brought in by the Doorkeeper.

Several members were brought in, and some were excused on the ground of old age and infirmity; others from severe indisposition; others because they had conscientious scruples in regard to the Sabbath; and a number were fined in the amount of ——.

The SPEAKER stated that sixteen members of the House had been summoned to attend by the Sergeant-at-Arms, but they had peremptorily refused to obey the House's mandate, and had departed.

These were Messrs. ANDERSON, BIRDSALL, CHAMBERS, CHANEY, HAMER, HARPER, KENNEDY, MURRAY, PETRIKIN, PLUMER, SOUTHGATE, TURNEY, WHITE of Kentucky, YELL, and GRANT.

Mr. LINCOLN moved that the names of these members be entered on the journal; which was agreed to *unanimously*.

Mr. WISE inquired if there was any existing order by which those members who had thus abandoned their duties, and treated the House with contempt, could be fined, or otherwise punished?

Mr. BRIGGS said there was no authority laid down in the manual.

Mr. WISE. Then it is a *casus omissus*, that ought to be provided for.

Mr. REED inquired of the Speaker if they had taken pay? The CHAIR could not answer.

Mr. BEATTY then moved an order that these sixteen members be called on, when they next appear in this Hall, to render the reasons why they disobeyed the order of the House.

Mr. B. remarked that the sixteen gentlemen, he supposed, were too conscientious to serve their country, but they were not too conscientious to travel on the Sabbath.

The resolution was then agreed to *unanimously*.

Mr. SLADE moved that their names be published.

Mr. DROMGOOLE inquired what kind of a motion that was? The House was not in the habit of publishing people's names; and he would ask the gentleman in what, or how many, papers he proposed to advertise them.

Mr. SLADE withdrew the motion.

Mr. LEWIS thought the House should take some steps in reference to those who had thus abandoned their duty, while millions upon millions of the people's money were being voted away.

Several suggestions were made, but no action was had, when Mr. CRARY (at about half past seven o'clock, a. m.) moved an adjournment: lost.

Mr. WISE then offered the following resolution:

Resolved, That all members now absent, except such as have been excused, and the sixteen members who have been reported by the Sergeant-at-Arms as having defied the execution of the order of the House, be required, upon the reassembling of Congress, to give excuses for their absence at this time, and it shall be the duty of the Clerk to enter their names on the journal for that purpose, and the SPEAKER shall bring the same to the notice of the House.

Mr. HOWARD, at first, suggested to substitute a postponement of the call till to-morrow (Monday) morning, but subsequently waived it.

Mr. UNDERWOOD was opposed to Mr. WISE's resolution.

Mr. PRENTISS of Mississippi, then spoke to the resolution of Mr. WISE. The sixteen who had disobeyed the mandate of the House, and left the city in contempt of it, were in a different position from those who were absent, not knowing of such an order of the House.

Mr. WISE said a resolution had already been adopted touching that point, upon the motion of Mr. BEATTY, of Pennsylvania.

Mr. WILLIAMS of North Carolina, moved the previous question, which prevailed, and Mr. WISE's resolution was agreed to.

Mr. BRONSON moved an adjournment.

Mr. GRAHAM of North Carolina (one of the gentlemen excused) called for the yeas and nays; but they were refused and the motion prevailed, 74 to 51.

And so, at a few minutes before 8 o'clock,

The House adjourned till 9 o'clock, Monday morning.

IN SENATE.

SATURDAY, July 7, 1838.

Mr. DAVIS presented a communication from the Chamber of Commerce of the city of New York, with the proceedings of a meeting of the members of that body, held on the 5th instant, to take into consideration the late report of the Committee on Commerce, (drawn up by Mr. DAVIS,) on the subject of light-houses; in considering which they passed several resolutions, accompanying the communication, in which resolutions they highly approved of that report. Laid on the table, and ordered to be printed.

Mr. CRITTENDEN presented a petition. (Unheard.)

On motion of Mr. WRIGHT, the clerks authorized to be employed in the service of the Senate by the resolution of October, 1837, were continued till otherwise ordered by the Senate.

Various bills, &c. referred to committees, were reported by Messrs. ROANE, TIPTON, FULTON, and CLAY, of Ala.

APPROPRIATIONS FOR INDIANS.

Mr WRIGHT, from the Committee on Finance, reported the bill from the House referred to them, making appropriations for the annual expenses of the Indian Department, and for fulfilling treaty stipulations with the Indian tribes for the year 1838, with some minor amendments, which were explained by Mr. W. and agreed to.

Two or three amendments were also offered and explained by Mr. WHITE, and agreed to.

Mr. WHITE moved further to amend the bill by adding an appropriation of $260,000 for the support of such Indians removed west of the Mississippi as are unable to subsist themselves, to be distributed under the direction of the Secretary of War.

This amendment was earnestly advocated by Messrs. WHITE and SEVIER, and opposed by Messrs. NILES, CLAY of Alabama, NORVELL, and ALLEN, and agreed to by the following vote:

YEAS—Messrs. Bayard, Benton, Buchanan, Clayton, Crittenden, Cuthbert, Davis, Fulton, King, Linn, Mouton, Nicholas, Preston, Rives, Roane, Robinson, Sevier, Smith of Indiana, Southard, Tallmadge, Webster, and White—22.

NAYS—Messrs. Allen, Brown, Clay of Alabama, Clay of Kentucky, Hubbard, Lyon, Niles, Norvell, Pierce, Robbins, Ruggles, Smith of Connecticut, Strange, and Wall—14.

The bill was then ordered to a third reading, and, by consent, read a third time and passed.

The CHAIR presented from the Treasury Department, in pursuance of a Senate resolution of 5th June last, statements of the annual expenditures in collecting the customs on imports for the last twenty years, discriminating between the different kinds: laid on the table, and ordered to be printed.

A message was received from the House, requesting the Senate to suspend the 16th joint rule so far as to receive from the House the bill to increase and regulate the term for holding the United States Circuit and District Courts for the Northern district of New York. In this request the Senate concurred; the bill was received, and, by consent, carried through and passed.

HARBOR BILL.

Mr. MERRICK, in compliance with a desire of some of the friends of the Harbor bill, moved that the vote rejecting it should be reconsidered, and expressed the hope that it would be so modified that he could vote for it. The vote was accordingly reconsidered, and the bill was taken up by the following vote:

YEAS—Messrs. Allen, Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Fulton, Hubbard, Linn, Lyon, Merrick, Niles, Norvell, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, and Wright—24.

NAYS—Messrs. Benton, Brown, Clay of Alabama, Cuthbert, King, Nicholas, Pierce, Preston, Rives, Roane, Smith of Connecticut, Strange, Wall, and White—14.

Mr. BAYARD moved to reconsider the vote on the additional section to the bill offered by Mr. WRIGHT.

The CHAIR decided that this was out of order, as Mr. B. was in the minority on that vote.

Mr. BAYARD then moved to recommit the bill with instructions to strike out all that part of Mr. WRIGHT's amendment including and following the words "and under the direction of the President;" that is, all which had any direct reference to the President of the United States.

Mr. NORVELL expressed the hope that the friends of that amendment would agree thus to modify it.

Mr. PRESTON said he supposed this would be the test question, and he therefore demanded the yeas and nays; which were ordered.

Mr. WRIGHT gave his assent to the motion, as the part of his amendment remaining would, he thought, comprehend all that he intended by the whole.

Mr. MERRICK, not being satisfied with the extent of the motion of Mr. BAYARD, said he should not feel committed to vote for the bill unless the whole amendment should be stricken out.

Mr. RUGGLES said, if all that Mr. WRIGHT intended would be included in the remaining part of the amendment, then nothing would have been gained. He, therefore, moved to strike out the whole amendment. Negatived—ayes 10, noes not counted.

Mr. NILES then moved to amend the instructions, by requiring that the whole of Mr. WRIGHT's amendment should be stricken out, and a substitute inserted, providing that on all single appropriations over $12,000, fifty per cent. only should be expended in 1838, and the remainder in 1839. (So modified, on suggestions from several Senators.)

On motion of Mr. ALLEN, the instructions were further amended, by requiring that the $48,000 for Buffalo, rejected last night, should be inserted.

Mr. CLAY of Kentucky, moved to include the $20,000, rejected last night, for the Tennessee, above Nashville; negatived—ayes 12, noes 19.

The question was then put on Mr. BAYARD's motion, modified as above, to recommit the bill with instructions, as above, and it was decided in the affirmative as follows:

YEAS—Messrs. Allen Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Fulton, Hubbard, King, Linn, Lyon, Merrick, Mouton, Niles, Norvell, Robbins, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, Wright, and Young—28.

NAYS—Messrs. Brown, Clay, of Ala. Cuthbert, Nicholas, Pierce, Preston, Rives, Roane, Strange, Trotter, Wall, White—12

So the bill was recommitted, and,

On motion of Mr. DAVIS, the committee had leave to sit while the Senate were in session.

Mr. DAVIS subsequently reported the bill modified by the Committee on Commerce according to their instructions.

On motion of Mr. RIVES, the Senate proceeded to consider the bill to extend the time for locating Virginia military land warrants.

The question being on an amendment from the committee, increasing the amount of land from 200,000 acres to 300,000—

The bill and amendment were discussed *passim* by Messrs. CLAY, of Alabama, ALLEN, RIVES, HUBBARD, BUCHANAN, BENTON, PRESTON, and CLAY, of Kentucky.

The amendment was rejected: Yeas 17, nays 21; and the bill was then ordered to a third reading.

The Senate then took a recess.

EVENING SESSION.

On motion of Mr. PIERCE, all the pension bills from the House which had been favorably reported on by the Senate committees were taken up, considered, and ordered to a third reading.

A bill, unfavorably reported on, in behalf of the heirs of a Captain Hunter, was taken up, and Mr. CRITTENDEN, in advocating the bill, stated that, in the Revolutionary war, being asked by his men the meaning of *sine qua non*, Capt. Hunter told them that it meant the three principal islands in Passamaquoddy bay, which were never to be given up. The bill, notwithstanding, was given up, or rejected, on ordering it to a third reading—yeas 16, nays 19.

HARBOR BILL.

On motion of Mr. DAVIS, the Senate took up the bill for the improvement of harbors and rivers, with the amendments as reported from committee, according to their instructions, striking out the section offered by Mr. WRIGHT to give discretion over the appropriations to the Executive, and inserting in lieu thereof a provision that, if the public service should require it, only fifty per cent. of each appropriation above $12,000 should be expended in 1838, and the remaining half in 1839; also, inserting $40,000 for a sea-wall, at Buffalo, New York.

These amendments were agreed to, and the bill, in this form, was ordered to a third reading, by the following vote:

YEAS—Messrs. Allen, Bayard, Buchanan, Clay of Kentucky, Clayton, Davis, Fulton, Hubbard, Lyon, Merrick, Niles, Norvell, Robbins, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tipton, Wall, Webster, Williams, Wright, and Young—24.

NAYS—Messrs. Benton, Clay of Alabama, Crittenden, King, Mouton, Nicholas, Pierce, Preston, Roane, Strange, White—11.

The bill was subsequently read a third time, and passed.

On motion of Mr. ROANE, the Senate took up the bill (yeas 16, nays 12,) appropriating not more than $15,000 for the erection of a United States court-house in Alexandria, D. C.

Mr. CLAY moved to reduce the appropriation to $5,000, (rejected,) and then to $10,000, (also rejected)—ayes 13, noes 17.

The bill was then ordered to a third reading.

Mr. MERRICK moved to take up the bill from the House for the relief of the heirs of Robert Fulton: negatived.

FORTIFICATION BILL.

On motion of Mr. HUBBARD, the Senate took up the bill from the House making appropriations for fortifications for the year 1838.

The amendments to the bill offered by the Senate committee were agreed to.

Mr. WALL offered a proposition to follow the appropriation of $40,000 for Fort Delaware, on Pea Patch island, in the Delaware river, authorizing the Executive to quiet and secure the title of the United States to the soil, by purchase or inquest, as to him should appear best.

A long and earnest discussion followed on the amendment, and on the subject generally, in which Messrs. WALL, HUBBARD, CLAY of Kentucky, BAYARD, BUCHANAN, CLAYTON, SOUTHARD, and WEBSTER participated.

Mr. WALL's amendment was rejected by the following vote:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Kentucky, Crittenden, Fulton, Merrick, Mouton, Rives, Robinson, Southard, Trotter, Wall, and Williams—14.

NAYS—Messrs. Bayard, Brown, Clay of Alabama, Clayton, Davis, Hubbard, King, Nicholas, Niles, Norvell, Pierce, Robbins, Ruggles, Sevier, Smith of Indiana, Strange, Tipton, White, and Wright—19.

Mr. CLAY of Alabama, moved to strike out the appropriation, $40,000, for this object. Advocated by Mr. SOUTHARD, opposed by Messrs. WALL, BUCHANAN, and WEBSTER, and carried in the affirmative, as follows:

YEAS—Messrs. Brown, Clay of Alabama, Crittenden, Hubbard, King, Lyon, Nicholas, Norvell, Pierce, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Strange, Tallmadge, Tipton, Trotter, White, Williams—20

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Clayton, Davis, Fulton, Mouton, Niles, Rives, Robbins, Wall, Webster, and Wright—14.

After some further debate, in which several Senators declared their determination to vote against the bill on account of the rejection of the $40,000 for Fort Delaware, the bill was reported to the Senate.

On the question of agreeing in the Senate to the striking out, in Committee of the Whole, the $40,000 for Fort Delaware, it was decided in the negative, by—yeas 15, nays 19, so that the $40,000 was reinserted.

Mr. WALL again offered his amendment as above, and, after a long debate, it was again rejected—yeas 8, nays 23; as was also a substitute for it, offered by Mr. BAYARD.

The bill was then ordered to a third reading.

MILITARY ACADEMY.

Mr. BENTON, from the Committee on Military Affairs, reported the bill referred to them making appropriations for the Military Academy at West Point for 1838, with various amendments, which were read, and agreed to.

On motion of Mr. WILLIAMS, the bill was amended by an appropriation to indemnify Mr. Baker and others, confined by the British authorities on account of the Northeastern boundary.

On motion of Mr. DAVIS, it was amended by adding a section providing to supply the several States each with a standard balance.

On motion of Mr. RIVES, it was further amended by an appropriation of $200,000 for new machinery for ——— Armory.

On motion of Mr. ROBBINS, $1400 was inserted for a complete catalogue of the Congress Library.

Various other amendments were offered and rejected.

The bill was then ordered to a third reading.

The Senate concurred in the amendments of the House to the bill to establish certain post routes and discontinue others.

Also, in the amendments of the House to the bill to remit the duties on certain goods destroyed by fire in New York.

The amendments of the House to the Senate bill to authorize Charles Day and others to import iron steamboats free of duty, were amended by the Senate, then concurred in as amended, and the bill sent back to the House

The CHAIR presented a message from the President of the United States, with a report from the Secretary of War, in relation to the Florida war, and a letter from Gen. Jesup. Laid on the table, and ordered to be printed.

The Various bills ordered to a third reading to-day were, by consent, severally read a third time, and passed.

The bill from the House to provide for the settlement of claims of New York for the services of her militia on the Northern frontier, was ordered to a third reading, and by consent, read a third time, and passed.

Various additional private bills were ordered to a third reading, and, by consent, read a third time, and passed.

The bill making appropriations for certain roads in Florida;

And the bill to reorganize the Legislative Council of Florida, were severally considered, ordered to a third reading, and read a third time, and passed.

The Senate concurred in the amendments of the House to the bill making appropriations for light-houses, light-boats, beacons, buoys, surveys, &c. for 1838.

Also, in the amendments of the House to the bill making appropriations for the West Point Military Academy for 1838. And in their amendments to the bill to establish additional land offices in Louisiana and Arkansas.

On motion of Mr. WHITE, the amendments of the House to the bill for the settlement of claims under the 14th article of the Choctaw treaty of 1830, were, with the bill, laid on the table.

Also, the amendments and bill to invest certain Indian funds in State stocks.

The Senate, after four o'clock in the morning, and having held a long executive session, adjourned till nine o'clock on Monday morning.

HOUSE OF REPRESENTATIVES,

MONDAY, July 9, 1838.

The House met at 9 o'clock, and there was an unusually full attendance of members for the last day of the session.

Mr. BELL moved to rescind such part of Mr. WISE's resolution as did not refer to the sixteen members who had defied the execution of the order of the House, for it did great injustice to those who, like himself, had actually remained in the House till long after all the public business had been disposed of, and till broad daylight.

Mr. WHITTLESEY of Ohio suggested to the gentleman that, instead of rescinding the resolution, those gentlemen now present who were then absent, and not included in the sixteen, now be permitted to render excuses.

Mr. BELL had no objection. Any course, so that injustice be not done.

Mr. UNDERWOOD suggested that it would be better to reconsider the resolution.

Mr. MERCER thought it better to repeal part of the resolution.

Mr. BELL then reduced his proposition to writing, to rescind so much of Mr. WISE's resolution as referred to other than the sixteen members, and that the then absentees be now heard for excuses

Mr. POTTS moved to amend by striking out the latter part.

Mr. ADAMS suggested an amendment, simply to rescind so much of Mr. WISE's resolution as referred the matter to the next session, and to rescind all orders referring to the Sabbath.

Mr. FILLMORE adverted to the great injustice done to many members by the operation of the call yesterday morning. Those members who had staid all night, and had retired but a few minutes, and then summoned, were now published to the world as neglecting their duties; whereas no notice was taken of those who had left the city altogether, and been totally negligent of all the business before Congress.

Mr. MILLER stated to the SPEAKER that he had remained in the House from 10 o'clock on Saturday morning until between 2 and 3 o'clock on Sunday morning, when he became so much exhausted, from previous indisposition, that he felt himself compelled to retire.

Mr. CUSHMAN, as a proof of this, refered to his own case. Though exhausted with fatigue, he had remained in his seat the whole night, and did not leave till daylight; nor was he notified to attend, but came afterwards, voluntarily, to the House, on learning it was in session.

Mr. WISE said if gentlemen would withdraw their motions, he would move a reconsideration of his resolution, and move the previous question.

Mr. BELL withdrew his proposition; and

Mr. WISE made the two motions indicated by him; and, the previous question being carried,

Mr WEBSTER called for the yeas and and nays on the reconsideration, which, being ordered, were—yeas 109, nays 36.

So the resolution was reconsidered, and the question recurring upon agreeing to the resolution,

Mr. WISE demanded the previous question; which prevailed.

Mr. SERGEANT inquired if the names of the absentees would not still remain on the journal as delinquents?

The CHAIR replied, that if the resolution was disagreed to, it would leave the entry on the journal, the same as in an ordinary call of the House.

Mr. WISE then moved a reconsideration of Mr. BEATY'S resolution, in relation to the sixteen members who had defied the order of the House, and thereupon he demanded the previous question.

Mr. MERCER insisted that the gentleman had no right to follow up one motion instanter by another.

The CHAIR ruled otherwise, and entertained the demand for the previous question.

Mr. MERCER appealed from the decision of the CHAIR, on the ground that his colleague could not make two motions contemporaneously.

The CHAIR replied that no two motions could be so made; they must be consecutive, as in the present instance.

Mr. MERCER reduced his point of order to writing, and called for the yeas and nays, but they were refused, and the House affirmed the judgment of the CHAIR, the vote being taken by tellers—yeas 83, nays 45.

The previous question was then carried, and on that of reconsideration.

Mr. BRODHEAD called for the yeas and nays: refused.

The resolution however was not reconsidered—yeas 52, nays 77.

Mr. ADAMS then submitted his resolution to rescind all the orders of the House having reference to legislation on the Sabbath, and instantly demanded the previous question.

Mr. MERCER and Mr. LINCOLN said they objected to the consideration; but they were too late.

The previous question was carried.

Mr. FOSTER called for the yeas and nays on the adoption of the resolution; which, being ordered, were, yeas 47, nays 90, as follows:

YEAS—Messrs. Adams, Wm. B. Campbell, Carter, Clark, Corwin, Cranston, Davies, De Graff, Dennis, Duncan, Elmore, Ewing, Fairfield, Foster, Fry, James Garland, Rice Garland Goode, James Graham, Grennell, Griffin, Halstead, Hammond Hastings, Hawkins, Hoffman, Ingham, Jenifer, Henry Johnson, Joseph Johnson, William Cost Johnson, Legare, Maxwell, McClure, Pope, Potts, John H. Prentiss, Edward Robinson, Sergeant, Augustine H. Shepperd, Taliaferro, Thomas, Tillinghast, Toland, Underwood, Vanderveer, and Joseph L. Williams—47.

NAYS—Messrs. Heman Allen, John W. Allen, Andrews, Atherton, Aycrigg, Banks, Beatty, Beirne, Biddle, Boad, Boulding, Bronson, Cambreleng, John Campbell, Casey, Cleveland, Coles, Crary, Cushing, Cushman, Edward Darlington, Dawson, Dromgoole, Edwards, Evans, Everett, Farrington, Richard Fletcher, Gallup, Grantland, Gray, Haley, Hopkins, Howard, Hubley, William H. Hunter, Thomas B. Jackson, John W. Jones, Keim, Kemble, Leadbetter, Lewis, Lincoln, Lyon, Mallory, Marvin, James M. Mason, McKay, Robert McClellan, Abraham McClellan, McKennan, Miller, Mitchell, Montgomery, Moore, Morgan, Noble, Noyes, Ogle, Parker, Parmenter, Patterson, Peck, Phelps, Phillips, Potter, Pratt, Sergeant S. Prentiss, Reed, Rives, John Robertson, Sibley, Slade, Snyder, Spencer, Stanly, Stuart, Stratton, Taylor, Titus, Vail, Webster, A. S. White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Jared W. Williams, Wise, Word, and Yorke—90.

So the resolution was rejected.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of the 13th of June, transmitting a report containing a statement of the amount of money expended by the United States in each State during the years 1833-4 5 6, and '37, designating the several heads of expenditure, and the amounts of each, respectively.

On motion of Mr. WHITTLESEY of Ohio, laid on the table.

Mr. HOWARD propounded an inquiry to the CHAIR, whether the balance of Mr. ADAMS's speech, together with all opportunity of reply, was cut off?

The CHAIR said the practical construction given to the rules in all former Congresses was that, on the morning of the adjournment of the last day of the session, the committees were not called on for reports, unfinished reports were not taken up, no orders of the day were called, &c.

Mr. McKENNAN then called up his resolution to give the little boys, &c. about the Capitol $200 each, besides their full compensation of $1 50 per diem, and he demanded the previous question upon its consideration.

Mr. HALSTEAD begged the mover to withdraw the motion for a moment

Mr. McKENNAN declined.

Mr. HALSTEAD begged, then, only to inquire what amount of money it involved.

The CHAIR ruled all discussion out of order under the operation of the previous question.

The House having carried that demand—

Mr. HALSTEAD asked for the yeas and nays on the adoption of the resolution; which, being ordered, were—yeas 97, nays 82.

So the resolution was agreed to.

Mr. BRONSON offered a resolution to give two months' extra pay to the clerks, doorkeepers, postmaster, &c. of the House.

Mr. GRAY moved to lay it on the table; which was agreed to.

Mr. ROBERTSON, from the select committee appointed to designate what portion of the Mexican documents should be printed, made a report thereon, which was agreed to.

Mr. TAYLOR offered a resolution, giving petitioners leave to withdraw papers; which being modified by Mr. HOPKINS so as to require the Clerk to keep an abstract thereof, was agreed to.

Mr. CUSHMAN moved the usual resolution, that a message be sent to the Senate, notifying that body that the House was ready to adjourn.

Mr. THOMAS moved the usual resolution for the appointment of a joint committee to wait on the President of the United States for the same purpose.

The above were waived for the present.

MADISON PAPERS.

Mr. POPE called up the joint resolution to print the Madison papers; which being agreed to, the House went into Committee of the Whole on the state of the Union thereon, Mr. DEGRAFF in the chair.

Mr. ADAMS moved an amendment, to insert the usual preamble, "Be it enacted," etc. and making it in the form of a bill, which was agreed to.

The committee then rose and reported the bill; and, the amendment being concurred in, the bill was passed.

On motion of Mr. POPE, the 16th and 17th joint rules were so far suspended as that this bill could be transmitted to the Senate, and thence to the President of the United States for concurrence and approbation.

The CHAIR laid before the House the usual annual communication in compliance with the act changing the organization of the Post Office Department; which was laid on the table.

Mr. CARTER, on leave, presented a petition from certain citizens of Tennessee in favor of a National Bank.

Mr. CUSHING moved to discharge the Committee on Foreign Affairs from all business before it.

Mr. WHITTLESEY of Ohio asked if a formal motion was necessary, and whether, at the end of a session, the committees were not discharged, as a matter of course?

The CHAIR replied, that it was immaterial, either course being pursued.

The motion was agreed to.

Mr. JOHNSON of Maryland submitted a resolution calling upon the Heads of all the Departments for information as to the number of clerks employed by them.

Mr CALHOUN of Massachusetts submitted the following, which was agreed to:

Resolved, That the President of the United States be requested to cause to be laid before the House during the first week of the next session of Congress, all such communications, papers, documents, &c. now in the possession of the Executive, or which can be obtained, as shall elucidate the origin and object of the Smithsonian bequest, and the origin progress and consummation of the process by which that bequest has been recovered, and whatever may be connected with the subject.

On motion of Mr. MONTGOMERY, all the standing committees of the House were discharged from the further consideration of all the subjects referred to them.

A message was received from the Senate stating that they had appointed a joint committee, on their part, to wait on the President of the United States, and notify him that they had finished the business before them, and were ready to adjourn.

Mr. THOMAS moved to concur therein.

Mr. GARLAND of Louisiana, moved to strike out the sentence stating that they had finished their business, because that was not the fact.

The CHAIR remarked that this was the usual form almost, if not quite, ever since such a resolution had been annually agreed to.

The amendment, after a few words from Mr. CUSHING was disagreed to.

The resolution was concurred in, and the committee ordered to consist of three members on the part of the House.

Mr. CUSHMAN'S resolution was then taken up and agreed to.

Mr. ADAMS expressed a hope that some gentlemen would move a remission of the fees imposed upon the absentees on yesterday morning.

Mr. McKENNAN moved an order to that effect, which, after a few words from Mr. POPE in favor of the motion, and Mr. REED against it, was agreed to.

Mr. THOMAS, from the joint select committee, appointed to wait on the President of the United States, reported to the House that they had performed that duty, and that the President had no further communication to make.

On motion of Mr. CUSHMAN,

The House adjourned till the first Monday in December next.

IN SENATE,

MONDAY, July 9, 1838.

Mr. STRANGE submitted a resolution providing for an allowance of $100 to the Rev. Mr. SLICER, Chaplain to the Senate, for his services at the extra session; which was read three times and passed.

Mr. BENTON submitted a resolution requesting the President to cause to be communicated to the Senate, at the commencement of the next session of Congress, a statement showing the amount of per centage allowed to the various disbursing officers of the Government for 1837, and of other compensation allowed to the same persons for the same year.

On motion by Mr. PIERCE, leave was given to all those persons who have petitioned for pensions, and whose cases are provided for in the general bill passed last evening, to withdraw their petitions and papers.

The usual resolution was adopted, for the appointment of a

joint committee to wait on the President of the United States, and inform him that the two Houses, having completed the business before them, were ready to adjourn, unless he had some further communication to make.

On motion by Mr. SEVIER, the report of the select committee appointed to consider and revise the 47th rule, which designates the persons to be admitted to the privileged seats on the floor, was taken up and concurred in.

On motion by Mr. WEBSTER, Mr. HUBBARD in the chair,

Resolved, That the thanks of the Senate be tendered to the honorable WILLIAM R. KING, for the ability, fidelity, and impartiality with which he has discharged the duties of President of the Senate.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, with a joint resolution suspending the 16th and 17th joint rules so far as to permit the House to send to the Senate for concurrence, their amendments to the resolution for printing the Madison papers.

The resolution being agreed to, the amendments were taken up and concurred in.

Mr. NICHOLAS presented the proceedings of the banks in New Orleans, containing information of the condition of the said banks, and as to their ability to resume specie payments: ordered to be printed.

On motion by Mr. NORVELL,

Ordered, That the Secretary inform the House of Representatives that the Senate, having completed the legislative business before it, was ready to adjourn.

Mr. WRIGHT, from the joint committee appointed to wait on the President of the United States, and inform him that the two Houses, having completed the business before them, were ready to adjourn, unless he had any further communications to make, reported that they had performed the duty assigned them, and had received for answer that the President had no further communications to make.

Mr. NORVELL then moved that the Senate adjourn *sine die*.

Mr KING then made a short, but neat and pertinent, address, in which he thanked Senators for the aid they had so liberally lent in supporting him in the arduous duties incident to the Chair. In taking leave of the Senate, he complimented the Senators, individually and collectively, on the courtesy, kindness, and gentlemanly deportment which had characterized every member of that body; and wishing them all a safe and pleasant journey to their homes, adjourned the Senate *sine die*.

REPORT

OF THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

Showing the appropriations made, new offices created, and offices the salaries of which are increased, during the first and second sessions of the Twenty-fifth Congress of the United States.

OFFICE HOUSE OF REPS. U. S.
July 18, 1838.

In obedience to the 6th section of the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the Secretary of the Senate and Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also a statement of the offices the salaries of which are increased, and the amount of such increase," the Clerk of the House of Representatives submits the accompanying statements.

WALTER S. FRANKLIN,
Clerk of Ho. of Reps.

Statement of appropriations made during the first and second sessions of the 25th Congress of the United States of America, specifying the amount and object of each.

EXTRA SESSION, OR 1st SESSION 25th CONGRESS.

H. R. 9. *Making further appropriations for the year* 1837.

For pay and mileage of the members of Congress and delegates	$248,500
For stationery, fuel, printing, and all other contingent expenses of the Senate	30,000
For stationery, fuel, printing, and all other contingent expenses of the House of Representatives	50,000
For the contingent expenses of the navy, as enumerated in the act of 3d of March last, in addition to the amount appropriated by that act	120,000
For the relief and protection of American seamen in foreign countries	10,000
For defraying the expenses attending the prosecution of the claim of the United States to the legacy bequeathed by the late James Smithson, of London	5,000
For contingent expenses in the office of the Treasurer	500
For preparing, printing, and binding documents ordered by the resolution of the Senate of the 2d of July, 1836, 25th of February, 1837, and 2d of March, 1837, to be disbursed under the direction of the committee to audit and control the contingent expenses of the Senate	25,000
H. R. 2. Expense of issuing Treasury notes	20,000
H. R. 8. For suppressing Indian hostilities	1,600,000
	$2,109,000 00

SECOND SESSION TWENTY-FIFTH CONGRESS.

H. R. 224. *For the civil and diplomatic expenses of the Government for the year* 1838.

For pay and mileage of the members of Congress and delegates	$567,680
For pay of the officers and clerks of the Senate and House of Representatives	40,400
For stationery, fuel, printing, and all other contingent expenses of the Senate	50,000
For stationery, fuel, printing, and all other contingent expenses of the House of Representatives	225,000
For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General	60,000
For salary of the secretary to sign patents for public lands, per act of March 2, 1833	1,500
For clerks and messengers in the office of the Secretary of State	20,300
For the contingent expenses of the Department of State, including publishing and distributing the laws	25,000
For the superintendent and watchmen of the northeast Executive building	1,500
For contingent expenses of said building, including fuel, labor, oil, and repairs	3,350
For compensation to the clerks and messengers in the office of the Secretary of the Treasury	16,450
For compensation to the clerks in said office, per act of 23d June, 1836	3,600
For compensation to the First Comptroller of the Treasury	3,500
For compensation to the clerks and messengers in the office of the First Comptroller	19,300
For compensation to the Second Comptroller	3,000
For compensation to the clerks and messenger in the office of the Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor	12,250
For compensation to the First Auditor of the Treasury	3,000
For compensation to the clerks and messenger in the office of the First Auditor	15,900
For compensation to the clerks and messenger in the office of the Second Auditor	17,900
For compensation to the Third Auditor	3,000
For compensation to the clerks and messengers in the office of the Third Auditor	27,250
For compensation to two additional clerks employed under the act of the 18th January, 1837, for the payment of horses and other property lost or destroyed	2,400
For compensation to the Fourth Auditor	3,000
For compensation to the clerks and messenger in the office of the Fourth Auditor	15,950
For an additional clerk in the same, to carry into effect the act of the 3d March last, for the more equitable administration of the pension fund	1,000
For compensation to the Fifth Auditor	3,000
For compensation to the clerks and messenger in the office of the Fifth Auditor	9,800
For compensation to the Treasurer of the United States	3,000
For compensation to the clerks and messenger in the office of the Treasurer of the United States	10,750
For compensation to the Register of the Treasury	3,000
For compensation to the clerks and messengers in the office of the Register of the Treasury	24,200
For compensation of the Commissioner of the General Land Office, per act of 4th July, 1836	3,000
For compensation of the recorder, solicitor, draughtsman, and assistant draughtsman, clerks, messengers, and packers, in the office of the Commissioner of the General Land Office	107,850
For compensation to the Solicitor of the Treasury	3,500
For compensation to the clerks and messenger in the office of the Solicitor of the Treasury	3,950
For expenses of stationery, printing, and all other contingent expenses of the Treasury Department, viz:	
For the office of the Secretary of the Treasury, including copying, and expenses incurred in consequence of the burning of the Treasury building	12,500
For translating foreign languages, and for receiving and transmitting passports and sea-letters, in the office of the Secretary of the Treasury	300
For stating and printing public accounts	1,400
For the office of the First Comptroller	2,000
For the office of the Second Comptroller	1,500
For the office of the First Auditor	1,000
For the office of the Second Auditor	1,000
For the office of the Third Auditor, including $1,450, the estimated amount due to printers for publishing rules and regulations, and notices to claimants, under the act of the 18th January, 1837, to provide for the payment of horses and other property lost or destroyed in the military service of the United States	2,250
For the office of the Fourth Auditor	1,000
For the office of the Fifth Auditor	1,000
For the office of the Treasurer of the United States	1,300
For the office of the Register of the Treasury	3,000
For the office of the Solicitor of the Treasury, including $500 for the purchase of books	1,500
For compensation of superintendent and two watchmen for the additional building for the use of the General Land Office	1,050
For compensation of the superintendent and watchmen of the southeast executive building	2,100
For contingent expenses of the building occupied by the Treasury, including fuel, oil, labor, repairs,	

furniture, and for rent, amounting to $4,350 per annum - - 12,000
For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the Bounty Land Bureau - - - - 13,250
For contingent expenses of the office of the Secretary of War - - 3,000
For books, maps, and plans for the War Department - - 1,000
For compensation of extra clerks, when employed in said office - 3,000
For compensation of the Commissioner of Indian Affairs - 3,000
For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs - 16,400
For contingent expenses of said office 2,000
For compensation of the Commissioner of Pensions, including five hundred dollars for deficiency in the appropriation for 1837 - 3,500
For compensation of clerks transferred from the office of the Secretary of War to the office of the Commissioner of Pensions - 4,800
For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by the act of 9th May, 1836 - 13,450
For compensation to clerks and messenger in the office of the Paymaster General - - - 6,100
For contingent expenses of said office - - - - 300
For compensation of the clerk and messenger in the office of the Commanding General - - 1,500
For contingent expenses of said office - - - - 300
For compensation to clerks and messenger in the office of the Adjutant General - - - - 7,650
For contingent expenses of said office - - - - 1,600
For compensation of clerks and messenger in the office of the Quartermaster General - - - 7,300
For contingent expenses of said office - - - - 600
For compensation of clerks and messenger in the office of the Commissary General of Purchases - 4,200
For contingent expenses of said office - - - - 800
For compensation of clerks and messenger in the office of the Commissary General of Subsistence - 4,300
For contingent expenses of said office - - - - 2,600
For compensation of clerks and messenger in the office of the Chief Engineer - - - - 5,650
For contingent expenses of said office, including one thousand dollars for expenses attending the removal of the office - - 2,000
For compensation to clerk and messenger in the office of the Surgeon General - - - 1,650
For contingent expenses of said office 700
For compensation of clerks and messenger in the Ordnance Office - 8,650
For contingent expenses of said office 915
For compensation of the clerks and messenger in the Topographical Bureau - - - - 2,500
For contingent expenses of said bureau - - - - 1,235
For compensation of superintendent and watchmen of the northwest executive building - - - 2,250
For contingent expenses of said building, including rent of Bounty Land Office; for improving the grounds for a new building; for land for the engine-house, authorized by the act of March 3d, 1837; and for the contingencies of the fire engines and apparatus - - - 5,300
For compensation of the clerks and messengers in the office of the Secretary of the Navy - - 12,850
For contingent expenses of said office 3,000
For compensation of the Commissioners of the Navy Board - 10,500
For compensation of the Secretary of the Navy Board - - 2,000
For compensation to the clerks and messenger of the Navy Board - 8,450
For contingent expenses of said office - - - - 1,800
For salary of superintendent and watchman of the southwest Executive building - - - 1,250
For contingent expenses of said building - - - - 3,350
For compensation to three Assistant Postmasters General, per act 3d July, 1836 - - - 7,500
For compensation to clerks and messengers in the General Post Office - - - - 48,600
For contingent expenses of said office, including four thousand dollars for rent and fuel for the Auditor's office - - - - 12,500
For arrearages for the year 1837 - 6,749 98
For compensation for two watchmen - - - - 600
For compensation to the Auditor of the Post Office - - - 3,000
For compensation to clerks and messengers in said office - - 55,500
For contingent expenses of said office, including the expense of quarterly books, stationery, printing, pay of laborers, and arrearage of expenses incidental to the occupation of the new office - 7,437
For compensation of the Surveyor General northwest of the Ohio - 2,000
For compensation to clerks in his office, per acts of 9th May, 1836 - 6,300
For compensation to the Surveyor General for Illinois and Missouri - 2,000
For compensation to clerks in the office of said Surveyor General, per acts of 9th May, 1836 - 3,200
For compensation to the Surveyor General of Arkansas - - 2,000
For compensation of clerks in the office of said Surveyor General - 3,000
For compensation of the Surveyor General of Louisiana - - 2,000
For compensation to clerks in the office of said Surveyor General, per acts of 9th May, 1836 - 4,300
For compensation of the Surveyor General of Mississippi - - 2,000
For compensation of clerks in the office of said Surveyor General, per acts of 9th May, 1836 - - 500
For compensation of the Surveyor General of Alabama - - 2,000
For compensation of clerks in the office of said Surveyor General, per acts of 9th May, 1836, including one thousand five hundred dollars for additional clerk-hire in preparing the survey and return of the Cherokee cession - - 2,820
For compensation of the Surveyor General of Florida - - 2,000
For compensation of clerks in the office of said Surveyor General - 2,000
For compensation to the Commissioner of Public Buildings in Washington - - - 2,300
For compensation to three assistants to the Commissioner, as superintendent of the Potomac bridge; for the expense of oil for the lamps - 1,942 50
For compensation to the officers and clerks of the Mint - - 20,400
For pay of laborers in the various departments of the Mint, and for contingent expenses - - 14,600
For compensation to the officers and clerk of the branch Mint at Charlotte, North Carolina - - 6,000
For pay of laborers in the various departments of the same - - 3,600
For wastage of gold, and for contingent expenses of the same - 5,400
For renewing the roof of the Mint at Charlotte, North Carolina - 2,000
For compensation to the officers and clerk of the branch Mint at Dahlonega, Georgia - - - 6,000
For pay of laborers in the various departments of the same - - 3,800
For wastage of gold, and for contingent expenses of the same - 4,000
For enclosing the Mint lot, and for buildings - - - - 7,500
For compensation to the officers and clerks of the branch Mint at New Orleans - - - - 12,900
For pay of laborers in the various departments of the same - - 22,000
For wastage of gold and silver, and for contingent expenses of the same - - - - 27,100
For compensation of the Governor, Judges, and Secretary of Wisconsin Territory - - - 9,100
For contingent expenses, pay, and mileage of members of the Legislative Assembly; pay of officers of the Council, and taking the census of said Territory, and for printing the laws; for furniture and rent of buildings - - - - 29,625
For compensation of the Governor, Judges, and Secretary of the Territory of Florida - - - 11,700
For contingent expenses, pay, and mileage of the members of the Legislative Council of said Territory; pay of the officers of the Council, and for copying the laws for the printer - - - 10,000
For compensation to the Chief Justice, the Associate Judges and District Judges of the United States - - - - 101,400
For compensation of the Chief Justice and Associate Judges of the District of Columbia, and of the Judges of the Orphans' Court of said district - - - 9,500
For compensation to the Attorney General of the United States - 4,000
For compensation of clerk and messenger in the office of the Attorney General - - - - 1,300
For contingent expenses of said office 500
For compensation to the reporter of the decisions of the Supreme Court 1,000
For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories - - - 13,250
For defraying the expenses of the Supreme Court and the District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year 1838, and preceding years; and, likewise, for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners - 350,000
For expenses of printing the records of the Supreme Court - - 3,000
For the payment of pensions granted by special acts of Congress - 1,050
For the support and maintenance of light-houses, floating lights, beacons, buoys, and stakages, including the purchase of lamps, oil,

keepers' salaries, repairs, improvements, and contingent expenses - 356,863
For survey of the coast of the United States, including the compensation of the superintendent and assistants - - - - - 90,000
For completing the public warehouse at Baltimore - - - 25,000
For completing surveys in Alabama, according to the provision in the appropriation act of 3d March, 1837 - - - - - 2,500
For surveys in Missouri, in the towns named in the act of 26th May, 1834 - - - - 6,000
For the compensation to two keepers of the public archives in Florida 1,000
For salaries of ministers of the United States to Great Britain, France, Spain, Russia, and Prussia - 45,000
For salaries of the secretaries of legation to the same places - 10,000
For salaries of the charge des affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Chili, Peru, Central America, New Grenada, and Venezuela, and for an outfit to a charge d'affaires to Peru - - - 58,500
For salary of the dragoman, and for contingent expenses of the legation to Turkey - - - 6,500
For the contingent expenses of all the missions abroad - - 30,000
For salaries of the consuls of the United States at London and Paris 4,000
For expenses of intercourse with the Barbary Powers - - 17,400
For the relief and protection of American seamen in foreign countries 40,000
For contingent expenses of foreign intercourse - - - 15,000
For clerk-hire, office-rent, stationery, and other expenses, in the office of the American consul in London, per act of 19th January, 1836 - 2,800
For interpreters, guards, and other expenses incidental to the consulates in the Turkish dominions - 5,500
For salary of the principal and two assistant librarians, pay of the messenger, and for contingent expenses of the library - - 4,210
For the purchase of books for the library of Congress - - 5,000
For registers for ships and vessels, and lists of crews - - 4,000
For compensation to a person employed in making an abstract of the pension laws, and in preparing the papers for Congress, under the resolution of the House of Representatives of the 9th October, 1837 - - - - 500
For carrying into effect the fourth article of the treaty with Spain - 3,000
For alterations and repairs of the Capitol, and incidental expenses 6,331
For filling up the street in front of the carpenter's shop, and conducting water to the public stables - 550
For lighting lamps, and superintendence of the public grounds around the Capitol - - - 5,976
For extending Capitol square west, and improving the same south of the centre footway, according to the plan already in part executed, under the provisions of an act of the last Congress - - 23,127 86
For attendance at the western gates of the Capitol - - - 547 50
For salary of the principal gardener 1,000
For alterations and repairs of the President's house, and for superintendence of the grounds around the same - - - - 4,815
For flag footways across Pennsylvania avenue at Third, Four-and-a-half, Sixth, Seventh, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth streets, and across First street east of Capitol square - - - 2,280
For repairing the marine hospital at Charleston, South Carolina - 2,000
For the second payment to Luigi Persico, according to the contract made with him, for a group of statues for the Capitol - - 4,000
For the second payment to the artists engaged in executing paintings for the rotundo of the Capitol, under the joint resolution of the two Houses - - - - 8,000
For purchasing eighty thousand pieces of parchment, and the expense of printing the same - 13,600
For the service of the General Post Office, for the year 1838, in conformity to the act of 2d July, 1836, 4,694,000

H. R. 412.

For compensation of a topographer and clerks employed in the Post Office Department, in conformity with the appropriation act of March 3, 1837, and for one additional clerk to keep an appropriation account until the 1st of January, 1839 - - - 9,200
For the compensation of clerks employed in the Auditor's office of the Treasury for the Post Office Department, from the 1st of January, 1838, till the 1st of January, 1839 - - - - 10,500
For the Documentary History of the Revolution, the amount heretofore appropriated for that object, and carried to the surplus fund.
For the Mars hill military road - 364
To enable the Treasury officers to close the account of Charles Thomas, being part of an amount heretofore appropriated and carried to the surplus fund.
To the State of Maine, to reimburse the expense of said State for allowances to Ebenezer S. Greely, for his sufferings and losses attendant upon his arrest and imprisonment in the jail at Fredericton, New Brunswick, in consequence of taking the census at Madawaska; and to John Baker and others, for sufferings and losses in relation to certain proceedings in said town, the sum of - - 1,175
For continuing the construction of the Patent Office - - - 50,000
For furnishing machinery, and for other expenses incident to the outfit of the branch Mints at New Orleans, Charlotte, and Dahlonega 2,800
For salaries of the Governor, Secretary, Chief Judge, Associate Justices, District Attorney, and Marshal, and pay and mileage of the members of the Legislative Assembly of the Territory of Iowa, and the expenses thereof, printing of the laws, taking the census, and other incidental and contingent expenses of the said Assembly and Territory - - - - 24,675
For erecting public buildings in the Territory of Iowa - - 20,000
For contingent expenses of the Senate, not anticipated when the ordinary estimate of the year was prepared, being principally for engraving and printing maps, and other printing, the purchase of books and book-cases for the Senate committee rooms, the expenses of committees of investigation, and the pay of clerks of committees - - - - 50,000
For an outstanding balance of expenditures under the head of military surveys, and to enable the Department to settle and close that account 10,000
For an outstanding balance of expenditures for surveys by the civil engineers, to enable that Department to settle and close the account for surveys - - - - 2,000
To close the account for the laying out and construction of a mail route and post road through the Creek country, in the State of Alabama, and to pay the balances due to contractors and workmen upon the said road, the sum of - 1,945 50
For the salary of the additional Judge of the Orphans' Court of Washington county, in the District of Columbia, the office having been created by law of the present session of Congress - 1,000
For the salary of the Judge of the Criminal Court of the District of Columbia, the said court having been established by a law of Congress of the present session - 2,000
For enabling the Secretary of the Treasury to carry into effect the resolution of the 29th ult. on the subject of steam engines and steamboats, and the loss of life and property which has been suffered in their use, or so much thereof as he may find necessary for that purpose, the sum of - - - 6,000
For defraying the expenses of the marshals, deputy marshals, and other civil officers of the United States, in executing the provisions of an act passed at the present session of Congress, entitled "An act to amend an act entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved April twentieth, one thousand eight hundred and eighteen," the sum of twenty thousand dollars, to be paid out of the appropriation of three hundred and fifty thousand dollars for defraying the expenses of the courts of the United States, made in the "act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-eight, approved April sixth, one thousand eight hundred and thirty-eight," to be expended by the Secretary of the Treasury, under the direction of the President, upon the certificate of the judge of the Circuit or District Court of the United States of the circuit or district where the expenditure may have been made, or the services rendered.
For the paper and printing of a complete catalogue of the books of the Congress Library, heretofore ordered - - - - - 1,400
For compensation to Ferdinando Pettrich, for models of statutes for blocking to the western front of the Capitol - - - 600
For enlarging the contingent fund of the House of Representatives, to provide for the payment for certain expenses incurred by the House by resolution of 27th of January, 1838 - - - 48,960
For laborers, and horse, cart and driver employed at the President's square - - - - 2,015
For repairs of the Potomac bridge 2,050
For three hundred feet of suction

hose for the Capitol and Capitol grounds - - - - 200
For cast-iron settees and chairs for the public grounds - - 150
For salary of the collector at the port of Vicksburg - - 500
H. R. 82. For the benefit of the levy court of Calvert county, in the State of Maryland - - 3,000
H. R. 726. For the erection of a court-house in Alexandria, in the District of Columbia - - 15,000
H. R. 733. For compiling the statutes and other laws of the Territory of Florida - - - 2,000
H. R. 822. For completing the public buildings in Wisconsin - 20,000
S. 39. For office-rent, fuel, and other incidental expenses for the office of the Surveyor General of Wisconsin Territory - - - - 350
S. 98. To provide for ascertaining the southern boundary line of the Territory of Iowa - - 4,000
S. 137. To provide for the payment of the annuities which may become due and payable to the Great and Little Osages, in the year 1838, and for other purposes - - 12,000
S. 175. To refund to the Georgia Railroad and Banking Company certain duties upon rail-road iron 3,361 42
S. 269. For erecting public buildings in the Territory of Iowa - - 20,000
For the purchase of a library for the Territory of Iowa - - 5,000
For the contingent expenses of the same - - - - - 350
S. 391. For printing the Madison papers - - - - 5,000
S. 189. For defraying the contingent expenses of the commissioner for adjusting the claims for reservations of land under the fourteenth article of the treaty of 1830 with the Choctaw Indians - - 5,000
S. 11. To ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin - - - 3,000
S. 73. For testing the usefulness of inventions to improve and render safe the boilers of steam engines against explosions - - 6,000
S. 176. To refund certain duties upon railroad iron, paid by the New York and Harlem Railroad Company - - - 905 63
S. 238. To refund to the Newcastle and Frenchtown Turnpike and Railroad Company certain duties paid by them upon iron imported for the construction of their railroad - - - - 2,003 83

$8,252,360 22

H. R. 90. For the support of the Army for the year 1838.

For the pay of the army - $1,091,193
For the subsistence of officers - 347,749
For forage of officers' horses - 70,987
For clothing for officer's servants - 26,550
For payments in lieu of clothing to discharged soldiers - - 30,000
For subsistence, exclusive of that of officers - - - - 730,912 50
For clothing of the army, camp and garrison equipage, cooking utensils and hospital furniture - - 413,299
For the medical and hospital department - - - - 39,200
For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationery, and printing - - 203,000
For barracks, quarters, storehouses, embracing the repairs and enlargement of barracks, quarters, storehouses, and hospitals, at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun-houses for the protection of cannon at the forts on the seaboard; the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack rooms; rent of quarters for officers, of barracks for troops at posts where there are no public buildings for their accommodation, of storehouses for the safe keeping of subsistence, clothing, &c. and of grounds for summer cantonments, encampments, and military practice - - - - - 95,000
For the allowance made to officers for the transportation of their baggage, when travelling on duty without troops - - - - 50,000
For the transportation of troops and supplies, viz: transportation of the army, including the baggage of troops when moving either by land or water; freight and ferriages; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for the purpose of transportation, or for the use of garrison; drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay department; expense of sailing a public transport between the posts on the Gulf of Mexico, and of procuring water at such posts as from their situation require it; the transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase, and the points of delivery under contracts, to such places as the circumstances of the service may require it to be sent; of ordnance from the foundries and arsenals to the fortifications and frontier posts, and of lead from the Western mines to the several arsenals, the sum of - - 195,000
For the incidental expenses of the quartermaster's department, consisting of postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge advocates, members, and witnesses; extra pay to soldiers, under the act of Congress of the 2d of March, 1819; expenses of expresses from the frontier posts, of the necessary articles for the interment of non-commissioned officers and soldiers; hire of laborers, compensation to clerks in the offices of quartermasters and assistant quartermasters at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service, and the erection of additional stables - 92,000
For two months' extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service - - - - 24,261
For the national armories - - 361,000
For the armament of the fortifications - - - - 100,000
For the current expenses of the ordnance service - - - 98,000
For arsenals, (or so much thereof as may be sufficient to complete the arsenals already commenced, and those on the Western frontier) - 150,000
For the manufacture of elevating machines for barbette and casemate carriages - - - 5,000
For the purchase and manufacture of light field artillery - - 39,953
For the purchase of gunpowder and grape shot - - - 37,500
For arrearages payable through the office of the Second Auditor - 1,200
For arrearages payable through the office of the Third Auditor - 3,000
For taxes on Passyunk arsenal, near Philadelphia, for the years 1837 and 1838 - - - - 1,450
For contingencies of the army - 5,000
For paying the balance due the heirs of Wm. Meldrum, one of the commissioners for surveying and marking the road from La Plaisance Bay to Chicago - - 268 55
For paying Adam Eckfeldt, for fine gold and other expenses incurred by him in preparing nine medals ordered by Congress for various distinguished officers - - 1,008 86
H. R. 412. For carrying into effect the act for the increase of the army, to wit:
For pay - - - - 379,250
For clothing - - - 216,730
For subsistence - - - 74,645
For contingent expenses for recruiting 53,880
For defraying the expenses of the board of visiters at the Military Academy, in addition to the sum contained in the annual appropriation for that object - - 698 75
For procuring new machinery for the Harper's Ferry armory, the sum of 20,000
H. R. 412. *For the support of the Military Academy of the United States for the year* 1838.
For pay of officers, cadets, and musicians - - - - 56,012
For subsistence of officers and cadets 39,566
For forage of officers' horses - 1,152
For clothing of officers' servants - 330
For defraying the expenses of the board of visiters at West Point - 1,998 84
For fuel, forage, stationery, printing, transportation, and postage - 15,295
For repairs, improvements, and expenses, of buildings, grounds, roads, wharves, boats, and fences - 7,257 50
For pay of adjutant's and quartermaster's clerks - - - 950
For increase and expenses of the library - - - - 800
For miscellaneous items and incidental expenses - - - 1,575 50
For the erection, as per plan, of a building for recitation and military exercises, in addition to the amount heretofore appropriated - 18,254 60
For the erection of a barn and public stables - - - - 1,000
For compensation to the assistant professor of chemistry, mineralogy, and geology, at the Military Academy - - - 300
For printing and binding the Regulations of the Military Academy - 360
For the reconstruction of the buildings for the library, engineer, chemical, and philosophical departments of the Military Academy at West Point, destroyed by fire in February last - - - 26,000

$5,127,860 10

H. R. 89. *For certain fortifications of the United States for the year* 1838.

For Fort Warren, Boston harbor $1,091,193
For the preservation of Castle island,

and repairs of Fort Independence, Boston harbor	50,000
For Fort Adams, Rhode Island	100,000
For fortifications at New London harbor, Connecticut	25,000
For Fort Schuyler, East river, New York	100,000
For Fort Delaware, Delaware river	40,000
For Fort McHenry, Redoubt Wood, and Covington battery, near Baltimore	32,415
For Fort Monroe, Virginia	100,000
For Fort Calhoun, Virginia	30,000
For fortifications in Charleston harbor, and for the preservation of the site of Fort Moultrie	175,000
For Fort Pulaski, Cockspur island, Georgia	100,000
For the Fort at Foster's bank, Florida	33,000
For repairs of Fort Marion and of the sea-wall at St. Augustine	29,500
For the purchase of the charter-right to the bridge across Mill creek, at Fort Monroe	4,000
For securing the site of Fort Caswell, Oak island, North Carolina	8,500
For repairs of the old fort at the Barancas, Pensacola	75,000
For repairing Fort Niagara, in the State of New York	3,000
For contingencies of fortifications	10,000
	$1,015,415 00

H. R. 393. For the protection of the Northern frontier — $625,500 00

H. R. 225. *For the naval service for the year* 1838.

For the pay of commissioned, warrant, and petty officers, and of seamen	$1,312,000
For pay of superintendents, naval constructors, and all the civil establishments at the several yards	69,770
For provisions	600,000
For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission	1,200,000
For medicines and surgical instruments, hospital stores, and other expenses on account of the sick	75,000
For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire	20,000
For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts	74,000
For improvement and necessary repairs of the navy yard at Brooklyn, New York	61,000
For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania	21,500
For improvement and necessary repairs of the navy yard at Washington	30,000
For improvement and necessary repairs of the navy yard at Gosport, Virginia	77,500
For improvement and necessary repairs of the navy yard near Pensacola	76,500
For ordnance and ordnance stores	65,000
For defraying the expenses that may accrue for the following purposes, viz: for the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; travelling expenses of officers and transportation of seamen; house rent for pursers when attached to yards and stations where no house is provided; for funeral expenses; for commissions, clerk hire, office rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts martial and courts of inquiry; for printing and stationery of every description, and for working the lithographic press; for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery, and for the repair of steam engines; for the purchase and maintenance of oxen and horses, and for carts, timber-wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for cabin furniture of vessels in commission; taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil; for repairs of magazines or powder-houses; for preparing moulds for ships to be built, and for no other purpose whatever	450,000
For contingent expenses for objects not hereinbefore enumerated	3,000
For pay of the officers, con-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps	162,019
For provisions for the non-commissioned officers, musicians, and privates serving on shore, servants, and washerwomen	49,840
For clothing	43,695
For fuel	15,804
For keeping the present barracks in repair until new ones can be erected, and for the rent of temporary barracks at New York	10,000
For transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting	6,000
For medicines, hospital stores, surgical instruments, and pay of matron	4,139
For contingent expenses of said corps, freight, ferriage, toll, wharfage, and cartage, per diem allowance for attending courts of inquiry, compensation to judge advocates, house rent where there are no public quarters assigned, incidental labor in the quartermaster's department, expenses of burying deceased persons belonging to the marine corps, printing, stationery, forage, postage on public letters, expenses in pursuing deserters, candles and oil for the different stations, straw for the men, barrack furniture, bed sacks, spades, axes, shovels, picks, and carpenter's tools	17,967 93
For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores	2,000
For erecting and furnishing a new hospital building, and for a dwelling for an assistant surgeon; for the repairs of the present building, and for all expenses upon their dependencies near Pensacola	31,500
For erecting a sea-wall to protect the shore, for enclosing the hospital grounds, for completing the basement of south wing, and for all other expenses upon the dependencies of the hospital near Norfolk	9,000
For graduating and enclosing the grounds about the naval asylum, near Philadelphia, and for all other expenses upon the building and its dependencies	2,600
For extending the hospital building near Brooklyn, New York, for enclosing the grounds, and for all other expenses upon its dependencies	60,000
For completing the present hospital building near Boston, and for all expenses upon its dependencies	3,500
For repairing the enclosure, and for the sea-wall of the magazine upon Ellis's Island, in the harbor of New York	3,800
For repairing the magazine, filling house, wharf, and railway, at Norfolk, Virginia	750
For building a wall round the magazine at Pensacola	3,000
For the purpose of completing contracts now existing, or which may be hereafter made, according to the provisions of the act of the 2d of March, 1833	1,500,000
For fixtures, furniture, and other incidental expenses at the naval asylum at Philadelphia	1,241 37
	$6,062,136 30

H. R. 226. *For the payment of the Revolutionary and othe pensioners of the United States, for the year* 1838.

For the revolutionary pensioners under the several acts other than those of the fifteenth of May, one thousand eight hundred and twenty-eight; the seventh of June, one thousand eight hundred and thirty-two; and the fourth of July, one thousand eight hundred and thirty-six	426,772
For the invalid pensioners, under various laws	134,075 62
For pensions to widows and orphans, under the act of the fourth of July, one thousand eight hundred and thirty-six	1,492,685
For half-pay pensions, payable through the office of the Third Auditor	5,060
	$2,058,53: 62

H. R. 269. *For the current and contingent expenses of the Indian Department, viz:*

For the pay of the superintendent of Indian Affairs at St. Louis, and the several Indian agents, as provided by the acts of June 30, 1834, and of March 3, 1837	$16,500
For the pay of sub-agents, authorized by act of June 30, 1834	13,000
For the pay of interpreters, as authorized by the same act	9,300
For presents to Indians, authorized by the same act	5,000
For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business	11,800
For the necessary buildings required at the several agencies, and repairs thereof	10,000
For postages, rents, stationery, fuel for offices, and other contingencies of the Indian Department, and for transportation and incidental expenses	36,500
For the salary of one clerk in the office of the Governor of Wisconsin Territory, who is ex-officio superintendent of Indian Affairs	800
For the salary of one clerk in the office of the acting superintendent of the Western Territory	1,000
For carrying into effect the stipulations of certain Indian treaties, and the laws connected therewith, viz:	
For the Six Nations of New York	4,500
For the Senecas of New York	6,000
For the Ottawas	6,800
For the Wyandots	6,840
For the Wyandots, Munsees, and Delawares	1,000
For the Christian Indians	4,000
For the Miamies	154,110
For the Eel Rivers	1,100
For the Pottawatamies	88,120
For the Pottawatamies of Huron	400
For the Pottawatamies of the Prairie	16,000
For the Pottawatamies of the Wabash	20,000
For the Pottawatamies of Indiana	17,000
For the Chippewas, Ottawas, and Pottawatamies	42,490
For the Winnebagoes	37,860
For the Menomonies	32,65)
For the Chippewas of Swan creek and Black river	1,000
For the Chippewas of Saginaw	6,500
For the Chippewas, Menomonies, Winnebagoes, and New York Indians	1,600
For the Sioux of the Mississippi	7,760
For the Yancton and Santie Sioux	4,340
For the Omahas	3,940
For the Sacs and Foxes of the Missouri	4,700
For the Iowas	8,950
For the Sacs and Foxes of the Mississippi	41,920
For the Sacs, Foxes, Sioux, Iowas, Omahas, Ottoes, and Missourias	3,000
For the Ottoes and Missourias	5,640
For the Kansas	6,040
For the Osages	17,040
For the Kickapoos	5,500
For the Kaskaskias and Peorias	3,000

For the Piankeshaws	300
For the Weas	3,000
For the Delawares	8,140
For the Shawnees	7,180
For the Senecas and Shawnees	2,240
For the Senecas	2,660
For the Choctaws	72,625
For the Chickasaws	6,009
For the Creeks	413,940
For the Quapaws	4,660
For the Florida Indians	280,610
For the Pawnees	12,000
For the Cherokees	15,140
For the Ottawas and Chippewas	65,465
For the Caddoes	10,000
For various miscellaneous expenses, viz:	
To complete payments for subscription to "Indian Biography"	3,000
For expenses of casting dies and striking off medals for Indians	2,500
For expenses of mission of A. P. Chouteau to the wild tribes of the Southwest, including his outfit, and the expenditures growing out of and connected with bringing on deputations of said tribes, which he has been authorized to do	20,000
For deficiency in the appropriation of 1834 for running the boundary line between the Choctaws and Chickasaws	1,085
For cost of sundry articles of provisions furnished to the Seneca, Seneca and Shawnee, and Osage Indians, while in a destitute condition, in 1834, by the commissioners west, &c. as per statement rendered and on file in the office of the Second Auditor, to reimburse the appropriation for Indian annuities, out of which the same was paid	1,750
For expenses of delegations of Iowas, Yancton Sioux, and Sacs and Foxes of Missouri, who visited this and the Northern cities in 1837, by invitation, including the usual presents and contingent expenditures	9,000
For expenses of delegations of Pawnees, Otoes and Missourias, and Omahas, who visited this and the Northern cities in 1837, by invitation, including the usual presents and contingent expenditures	12,500
For expenses of delegations of not exceeding three Choctaws, three Creeks, and five Osages, who have obtained permission to visit this city, including the usual presents and contingent expenditures	5,000
For the value of buildings of the Miamies, on the land ceded by them in the treaty of October 23, 1834	5,607
For carrying into effect the treaties with the Chippewas and Saginaw, of the 14th January and 20th December, 1837, and January 23, 1838	81,000
For carrying into effect the treaty with the Chippewas of the Mississippi, of July 23, 1837	208,500
For carrying into effect the treaty with the Sioux of the Mississippi, of September 29, 1837, as ratified by the Senate	258,250
For carrying into effect the treaty with the Sacs and Foxes of the Mississippi, of October 21, 1837, as ratified by the Senate	184,350
For carrying into effect the treaty with the Sacs and Foxes of the Missouri, of October 21, 1837	12,970
For carrying into effect the treaty with the Yanctons and Santie Sioux, of October 21, 1837	7,000
For carrying into effect the treaty with the Winnebagoes, of November 1, 1837	445,580
For carrying into effect the treaty with the Iowas, of November 23, 1837	500
To the Osages, for interest at five per cent. on $69,120, being the value of 54 sections of land set apart by the treaty of 1825 for education purposes, and for which they have agreed to accept $2 per acre, as authorized by the Senate in its resolution of the 19th of January last; which resolution also provides for the investment of the amount	3,456
To the Delawares, for interest at 5 per cent. on $46,080, being the value of 36 sections of land set apart by the treaty of 1832 for education purposes, and for which they have agreed to accept $2 per acre, as authorized by the Senate in its resolution of the 19th of January last; which resolution also provides for the investment of the amount	2,304
For holding a treaty with the Creeks, for the purpose of adjusting their claims for property and improvements abandoned or lost in consequence of their emigration west of the Mississippi	2,000
For payment of the amount of depredations committed by the Osage and Cumanche Indians on the property of the Choctaw Indians	825
For expense of holding a treaty with the Wyandot Indians of the State of Ohio	1,500
For the payment of the expense of the delegation from the Seneca Indians, who visited Washington to protest against the ratification of a late treaty entered into with them by a commissioner acting under the authority of the United States	789 23
For the expenses of the delegation of the Senecas who visited Washington to urge the ratification of the late treaty with them and the other New York Indians, and the expenses of negotiating that treaty with the Senecas and other bands of New York Indians, including all the expenses incident thereto	9,500
For the expenses of submitting again to those Indians the treaty amended, ratified, &c. by the Senate	4,000
For holding a treaty with the Osages, for the extinguishment of their titles to lands within other tribes, and for other purposes	2,000
For defraying the expenses of fourteen Sac and Fox Indians, who were induced to visit Washington by the false representations of their conductor	221 50
For the purpose of defraying expenses of negotiations with the Miami Indians $860; to be paid to the following persons in the following proportions, to wit:	
To William Marshall, for forty-two days' service as commissioner	336
To Henry L. Ellsworth, for fifty-four days' services as commissioner	430
To Allen Hamilton, for seventeen days' services as secretary	102
	868
To defray the expenses of an exploring party of Miami Indians	1,990
For affording temporary subsistence to such Indians west of the Mississippi who, by reason of their recent emigration, or the territorial arrangements incident to the policy of setting apart a portion of the public domain west of the Mississippi, for the residence of all the tribes east of that river, as are unable to subsist themselves, and for the expenses attending the distribution of the same	150,000
	$3,002,427 73

H. R. 450. *For preventing and suppressing Indian hostilities for* 1838, *and for arrearages for* 1837.

For the suppression of Indian hostilities for the year 1838	$1,000,000

H. R. 676.

For forage for the horses of the dragoons, volunteers, and officers, in the service of the trains	400,000
For freight or transportation of military supplies sent into Florida and the Cherokee country	350,000
For wagons, carts, ambulances, and harness, and for boats and lighters	150,000
For the transportation of supplies from the principal depots to the points of consumption, including the hire of steamboats and other vessels, and the expense of public steamers and transportschooners	700,000
For the hire of a corps of mechanics, laborers, mule-drivers, teamsters, wagon-masters, and other assistants	250,000
For the transportation, and other expenses of four thousand volunteers	100,000
For miscellaneous and contingent charges of all kinds, not embraced under the foregoing heads	750,000
For drafts lying over, and arrearages for services and supplies in Florida and the Cherokee country	1,048,700
For pay of four thousand volunteers for 1838, including $153,415 arrearages for 1837	1,416,250
For subsistence for militia, volunteers, and friendly Indians	965,010
For the purchase of powder and other materials for cartridges, together with the repairs of gun-carriages, small-arms, and accoutrements	35,000
For tents, knapsacks, and other supplies furnished by the clothing bureau	20,677 56
For correcting an error in paying the Indians employed in the public service in Florida	7,775 53
For all objects specified in the third article of the supplementary articles of the treaty of 1835, between the United States and the Cherokee Indians, the further sum of	1,047,067
For satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and which may be necessary for their comfortable removal	100,000
	$7,739,410 41

H. R. 394. *For certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year* 1838.

For continuing the improvement of the harbor of Chicago, Illinois	$30,000
For continuing the construction of a harbor at Michigan city, Indiana	60,733
For continuing the construction of a pier or breakwater at the mouth of the river St. Joseph, Michigan	51,113
For the continuation of the works at the harbor near the mouth of the river Raisin, Michigan	15,000
For continuing the improvement of the harbor at the mouth of Black river, in Jefferson county, State o. New York	22,401
For continuing the improvement of the harbor at Whitehall, in the State of New York	15,000
For continuing the improvement of the channel at the mouth of Genesee river, in the State of New York	25,000
For continuing the removal of obstructions at Black river, Ohio	5,000
For continuing the removal of obstructions at the mouth of the Huron river, in Ohio	5,000
For continuing the improvement of the navigation at the mouth of Vermilion river, Ohio	23,626 57
For continuing the improvement of Cleveland harbor, Ohio	51,856
For continuing the removal of obstructions at Cunningham creek, Ohio	5,000
For continuing the removal of obstructions at Ashtabula creek, Ohio	8,000
For continuing the removal of obstructions at Conneaut creek, Ohio	8,000
For continuing the improvement of the harbor of Presque Isle, Pennsylvania	30,000
For continuing the improvement of Dunkirk harbor, New York	10,000
For continuing the improvement of the harbor of Portland, Lake Erie, New York	35,466
For continuing the improvement of the harbor at Cattaraugus creek, Lake Erie, New York	32,410
For continuing the improvement of the harbor of Salmon river, Lake Ontario, New York	30,000
For continuing the construction of a breakwater at Plattsburg, New York	27,500
For continuing the improvement of the harbor at the mouth of Oak-orchard creek, New York	5,000
For continuing the pier at Kennebunk, Maine	8,000
For continuing the improvement of Big Sodus bay, New York	10,000
For continuing the pier and mole at Oswego harbor, New York	46,067
For continuing the construction of a breakwater at Burlington, Vermont	50,000
For continuing the breakwater on Stanford's ledge, Portland harbor, Maine	26,366
For continuing the breakwater at Hyannis harbor, Massachusetts	8,764
For continuing the breakwater at Sandy Bay, Massachusetts	20,000
For continuing the improvement of the channel of the river Thames, leading into Norwich harbor, Connecticut	10,000
For improving the harbor of Westport, Connecticut	4,782
For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the State of New York, to be expended according to the plan and estimate recommended by the Secretary of War	100,000
For continuing the improvement of the harbor of Wilmington, Delaware	9,356
For continuing the improvement of the harbor of Newcastle, Delaware	11,573
For continuing the Delaware breakwater	150,000
For continuing the improvement of the harbor of Baltimore, Maryland	20,000
For continuing the improvement of the navigation of Cape Fear river, below Wilmington, North Carolina	20,000
For opening a passage of fifty yards wide and seven feet deep, at low water, between the town of Beaufort and Pamlico sound, North Carolina, and for improving New river	25, 00
For continuing the improvement of Pamlico, or Tar river, below Washington, North Carolina	5,000
For continuing the improvements of the inland channel between St. Mary's and St. John's Florida	29,000
For continuing the improvement of Dog-river bar and Choctaw pass, in Mobile harbor	50,000
For continuing the improvement of the Cumberland river in Kentucky and Tennessee below Nashville	20,000
For continuing the improvement of the Ohio river, between the falls and Pittsburg	50,000
For continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Louisville to New Orleans	70,000
For continuing the improvement of the Mississippi river, above the mouth of the Ohio and of the Missouri river	20,000
For continuing the removal of obstructions at Grand river, Ohio	10,000
For continuing the works at Buffalo harbor	20,500
For erecting a mound or sea-wall along the peninsula which separates Lake Erie from Buffalo creek, to prevent the influx of the lake over said peninsula	48,000
For continuing the preservation of Plymouth beach	2,400
For continuing the preservation of Provincetown harbor	4 500
For continuing the preservation of Rainsford island	7,353
For continuing the sea-wall for the preservation of Fairweather island, and repairing the breakwater near Black Rock harbor, Connecticut	11,550
For continuing the improvement of the harbor at the mouth of Bass river, Massachusetts	10,000
For continuing the breakwater of Church's cove, town of Little Compton, Rhode Island	18,000
For the protection and improvement of Little Egg Harbor	10,000
For improving the natural channels at the northern and southern entrances of the Dismal Swamp canal	10,000
For the improvement of the navigation of Savannah river, Georgia	15,000
For the improvement of the Arkansas river	40,000
For removing the sand-bar occasioned by the wreck in the harbor of New Bedford, the unexpended balance of an appropriation of $10,000, made July 4. 1836, being	7,691 27

Sec. 2. *And be it further enacted*, That the appropriation heretofore made of $10,000 for removing the mud shoal called the Bulkhead, in the harbor of Apalachicola, be, and the same is hereby, transferred to the deepening of the straight channel in the same harbor.

Sec. 3. *And be it further enacted*, That of the several sums appropriated by the first section of this act, which exceed $12,000 each, one half thereof, if the public service require it, shall be paid out during the year 1838, to be applied to the objects as above specified, and the other half in like manner in the year 1839.

S. 106. For removal of the great raft of Red river	70,000
	$1,535,008 53

S. 380. *For building light-houses, light-boats, beacon-lights, buoys, and making surveys for the year* 1838.

STATE OF MAINE.

For the erection of two buoys near the entrance of Portland harbor, viz: one on Taylor's ledge and one on Broad-cove rock	$500
For rebuilding the light-house on Wood island	5,000
For placing monuments on Fort-point ledge, Adams's ledge, and Buck ledge, in Penobscot river, in addition to the former appropriation for that purpose	1,300
For placing a monument on Bulwark ledge, about seven miles eastsoutheast of Portland light-house	3,000
For placing one buoy on Drummer's ledge, south of Mark island, and one buoy on Mark island ledge	500
For erecting a light-house on Bear island, at the entrance of Mount Desert harbor	3,000

For erecting a monument on Bunker's ledge, outside of said island 1,000
For placing one buoy at the southwest entrance of said Mount Desert harbor, and two buoys on the reef in the middle of Bass harbor . . . 150
For placing a buoy on Bantam ledge, outside of Ram island 200
For erecting a stone beacon and a buoy on Half-tide ledge, in the county of Hancock . . . 1,200
For placing a spar-buoy on a ledge in the vicinity of Crabtree's point, about four miles below Sullivan harbor, in said county 150
For the erection of a monument or beacon on York ledge, off the entrance of York harbor . . 10,000
For erecting a light-house and sea-wall at Saddleback ledge, in Penobscot bay 10,000

STATE OF NEW HAMPSHIRE.

For the erection of a pier on the east side of Whaleback light-house, to protect the same, in addition to the appropriation already made for that purpose 17,000

STATE OF MASSACHUSETTS.

For the erection of two small beacon-lights on the north side of Nantucket island, in addition to former appropriations for that purpose . . 2,100
For completing the light-house on Mayo beach, in Wellfleet bay 2,000
For a monument, in the place of one carried away, on Bowditch's ledge, in the harbor of Salem . 5,000
For a monument on Bowbill ledge, in the harbor of Manchester, or for removing the same, at the discretion of the Secretary of the Treasury . 5,000
For rebuilding the two light-houses on Plumb island, near Newburyport 4,000

STATE OF RHODE ISLAND.

For buoys or dolphins in Providence river . . 600
For placing two spindles at the mouth of Pawcatuck river 400

STATE OF CONNECTICUT.

For placing six buoys in the western, and six in the eastern entrance of Mystic river, from Fisher's island sound, in the State of Connecticut, according to the survey and estimate of F. H. Gregory, reported to the Board of Navy Commissioners on the seventh day of August last, four hundred and thirty-five dollars; and for buoys on the rock in the channel east of Ram island, and upon Turner's reef, according to said survey and report 100
For the erection of a light-house on Lynde point, at the mouth of Connecticut river, in addition to the sum of five thousand dollars already appropriated 2,500
To complete a sea-wall, to preserve the light-house and other buildings on Fairweather island, near Black Rock harbor, pursuant to the report of Captain Gregory 1,500
For the erection of buoys on such of the rocks in the harbor of Milford as may be designated by the superintendent of light-houses for that district 300
For one buoy on a shoal west of Black point, and one buoy on Pond reef, in the bay of Niantick 160
For buoys on Cornfield point rock, Adam's rock, and Oyster-pond-point rock, near Plumb island, in Long Island sound 240

STATE OF NEW YORK.

For completing a beacon on Romer's shoals, in addition to the appropriation heretofore made 10,000
To complete a light-house on Esopus meadows, on the western shore of the Hudson river, in addition to the sum heretofore appropriated . 3,000
To complete a light-house on Cedar island, Sag Harbor, in addition to the sum heretofore appropriated 2,300
For the erection o fa light-house on the northern islet in Fisher's sound, near the northwest end of Fisher's island 3,000
For the payment of the balance remaining due for the expenses of procuring and locating buoys in the new channel in the port of New York, lately discovered, and called Gedney's channel 870 36

STATE OF NEW JERSEY.

For erecting a small beacon-light at South Amboy, and putting down the following buoys, to wit: One on the tail of the Great Beds; one off Billop's point shoal, southwest port of Staten island; one on the Middle Ground, near Prince's bay; one on the Old Orchard shoal; one off the point of the Great Kill shoals 1,050
For the erection of a beacon-light at the Corner Stake, so called, between Elizabethtown point and Shorter's island; also, another small light, or lantern, on Shorter's island; also, for buoys, &c. at the following places: A spar buoy at Bergen point; a spar buoy at the Mill Rocks, in Newark bay; a spar buoy on the first oyster bed or point of the bar between the Hackensack and Passaic channels, one and a half mile below the crossing place; a spar buoy at the Corner Stake, so called; a spar buoy at the crossing-place, on the north side; a spar buoy at the Elbow; all pursuant to the report of Captains Kearney, Bloat, and Perry 3,400

STATE OF DELAWARE.

For rebuilding a floating-light on Five-fathom bank, at the entrance of Delaware bay . . 15,000

STATE OF MARYLAND.

For placing four bouys at or near Pool's island channel 1,200

STATE OF VIRGINIA.

For placing spar buoys in James river, between Day's point and Richmond city, on such ledges and shoals as may be selected . . . 2,000
For building a light-boat to take the place of the one in the narrows of the Potomac . . 8,000
For placing three or more buoys at the entrance of Onancock creek, in the county of Accomac . 300

STATE OF NORTH CAROLINA.

For marking, staking out, and placing buoys or other such monuments as are most suitable, to designate the channels in Crowatan sound, and at the outlets of Pasquetank, Little, and Perquimans rivers 1,000
For the construction of a new light-boat, in lieu of that now stationed off Wade's point . . 8,000
For a light-house on Pea island or Boddy's island, as the Secretary of the Treasury shall deem to be most for the public interest 5,000
For three buoys or such marks designating Chickamacomico channel, in Hyde county, as shall be found most suitable for that purpose . . 150
For placing buoys at the mouth of Shallote river 500

STATE OF SOUTH CAROLINA.

For erecting buoys on St. Helena bar . . . 1,000

STATE OF OHIO.

For securing, or rebuilding on a better site, the light-house on Turtle island, at the entrance of Maumee bay, in lake Erie 6,000
For completing a beacon-light near the entrance of Sandusky bay, in addition to the sum heretofore appropriated for that purpose 3,000
For the construction of a light house on the northwest end of Bass island, commonly called Put-in bay, in Lake Erie, instead of one on Cunningham's island 3,000
For placing buoys on a shoal or sunken island, near the western Sister island and to the southward thereof, in Lake Erie 650

STATE OF GEORGIA.

For constructing a floating-light, to be stationed in Tybee channel, in lieu of an appropriation of that sum heretofore made for a similar light on Martin's Industry shoal 10,000
For placing three buoys at the entrance of St. Andrew's inlet 540
For placing beacons or buoys at the entrance of Brunswick harbor 1,000

STATE OF ALABAMA.

For the construction of a light-house on Dauphin island 8,000

STATE OF LOUISIANA.

For marking the entrance and the channel of the Atchafalaya bay 1,500
For rebuilding the light-house at the southwest pass of the Mississippi river . . . 20,000
For completing a light house at or near the southwest pass on the Vermilion bay, in addition to the sum heretofore appropriated . . 8,000

STATE OF MICHIGAN.

For rebuilding a light-house on Bois Blanc island, if a suitable site for the same can be found on said island 5,000
For erecting a light-house at New Buffalo, on Lake Michigan, instead of one at City West, provided for by an act in 1837 5,000
For erecting a light-house on South Manitou island, Lake Michigan 5,000
For erecting a light-house on the ledge or reef near Wagooshance, in the Straits of Michilimackinac 25,000
For erecting a light-house at Presque Isle, Lake Huron 5,000
For erecting a light-house on Point aux Borgnes, Saginaw bay, Lake Huron 5,000

TERRITORY OF WISCONSIN.

For the construction of a light-house on Grassy island, at the head of Green bay, near the mouth of Fox river 4,000

TERRITORY OF FLORIDA.

For placing buoys at the mouth of the St. John's in addition to the appropriation heretofore made for that purpose 850
For erecting a light-house on Carysfort reef, in addition to the appropriation already made for that purpose 40,000

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, directed to cause two sets of dioptric or lenticular apparatus, one of the first, the other of the second class, and also one set, if he deems it expedient, of the reflector apparatus, of the most improved kinds, to be imported, and to cause the said several sets to be set up, and their merits, as compared with the apparatus in use, to be tested by full and satisfactory experiments; and the sum of $15,000, out of any money in the Treasury not otherwise appropriated, is hereby appropriated for that purpose; and the Secretary of the Treasury is also further authorized to ascertain, by suitable and proper experiments, the merits of the apparatus lately invented by Mr. E. Blunt, of New York; and if, in his judgment, it has merits which justify the adoption of it, he is hereby authorized to contract with Mr. Blunt, to light any light-house on the coast with it; and the sum hereby appropriated for the above purposes is 2,500
To enable the Secretary of the Navy to cause such examination of the coast between the mouths of the Mississippi and Sabine rivers, and the intermediate harbors, bays, and bayous, as may be necessary to fix suitable locations for light-houses and other improvements, which may give a more safe and ready access to the said harbors, bays, bayous, and rivers 1,500

$307,010 36

MISCELLANEOUS.

H. R. 230. *For the continuation of the Cumberland road in Ohio, Indiana, and Illinois, and for other purposes.*

For the continuation of the Cumberland road in the State of Ohio, the sum of . . . $150,000
For the continuation of the Cumberland road in the State of Indiana, the sum of . . 150,000
For the continuation of the Cumberland road in the State of Illinois, the sum of . . 150,000
For the completion of the bridge over Dunlap's creek, on the Cumberland road, in the State of Pennsylvania, the sum of 9,000

H. R. 289. *For certain roads in the Territory of Florida.*

For opening and constructing a road from Tallahassee to Iola, on the river Apalachicola, the sum of 10,000
For repairing the road, and reconstructing the bridges and causeways thereon, from Saint Augustine to Picolata 17,300
For repairing the road from Jacksonville, by the Mineral Springs, to Tallahassee, the sum of . 10,000
S. 29. *For the construction of roads in the Territory of Wisconsin.*
For the construction of a road from Fort Howard, at Green Bay, by Milwaukie and Racine, to the northern boundary line of the State of Illinois, in the direction of Chicago 15,000
For the construction of a road from the town of Milwaukee, on Lake Michigan, by way of Madison, the permanent seat of Government of that Territory, to a point opposite the town of Dubuque, on the Mississippi river . . . 10,000
For the completion of the military road from Fort Crawford, by Winnebago, to Fort Howard, at Green Bay 5,000
For the construction of the necessary bridges and removing obstructions in the mail road from the northern line of Missouri, through the original counties of Des Moines and Dubuque, to some suitable point on the Mississippi river, between Prairie du Chien and Dubuque . . 10,000
For the survey of Rock river and the haven of said river, &c. 1,000
For the survey of Des Moines and Iowa rivers . 1,000
For a survey and estimated cost of a railroad from Milwaukee to Dubuque 2,000

$540,300 00

HOUSE OF REPRESENTATIVES.

Private claims $91,693 67

SENATE.

Private claims 13,409 93

$45,103 60

RECAPITULATION.

Extra Session.

For the support of the Government and suppression of Indian hostilities for the year 1837	$2,109,000

2d Session 25th Congress.

Civil and diplomatic	8,252,360 22
Army	5,127,860 10
Fortifications	1,015,415
Protection of the Northern frontier	625,560
Navy	6,062,136 50
Revolutionary and other pensioners	2,058,532 62
Current expenses of the Indian Department	3,002,427 73
Preventing and suppressing Indian hostilities	7,739,410 41
Harbors	1,536,008 52
Light-houses	307,010 36
Miscellaneous	640,200
Private claims	45,103 60
	$38,473,064 87

Statement of the new offices created and the salaries of each, and also a statement of the offices the salaries of which are increased, and the amount of such increase, during the two last sessions of Congress, made in pursuance of the 6th section of the act of the 2d July, 1836, to provide for the appropriation of additional payments, and for other purposes.

NEW OFFICES.

Governor of the Territory of Iowa { As Superintendent of Indian Affairs {	$1,500 1,000
Secretary of the Territory of Iowa	1,200
Chief Justice Supreme court Territory of Iowa	1,500
Two associate justices ($1,500 each)	3,000
District attorneys, same as others.	
Marshal, " "	
Judge criminal court District of Columbia	2,000
Judge orphans' court District of Columbia	1,000
Two registers and two receivers, Wisconsin Territory west of the Mississippi, same compensation as others.	
Surveyor General Wisconsin Territory	1,500
Register and receiver northwestern land district of Louisiana, same as others.	
Collector for the port of Vicksburg	500

NEW REGIMENT OF INFANTRY.

1 colonel, same compensation as other officers of same grade.		
1 lieutenant colonel	do	do
1 major	do	do
10 captains	do	do
10 1st lieutenants	do	do
10 2d lieutenants	do	do

ARTILLERY.

4 captains, same compensation as other officers of similar grade.		
4 1st lieutenants	do	do
4 2d lieutenants	do	do

CORPS OF ENGINEERS.

1 lieutenant colonel, same pay as other officers of same grade in the dragoons		
2 majors	do	do
6 captains	do	do
6 2d lieutenants	do	do

COMMISSARY DEPARTMENT.

1 assistant commissary general of subsistence, pay same as lieutenant colonel of cavalry.
1 commissary of subsistence, pay of quartermaster of the army.
3 commissaries of subsistence, pay of assistant quartermasters.

ORDNANCE.

2 majors, pay of officers of dragoons of same grade.
1 professor of chemistry, mineralogy, &c. at West Point, pay of professor of mathematics.

MEDICAL DEPARTMENT.

7 surgeons, same pay as other surgeons.

NOTE.—The other appointments authorized by the new army bill are staff appointments, to be made from the line of the army, and do not increase the number of officers.

APPENDIX
TO THE CONGRESSIONAL GLOBE.

DOCUMENTS ACCOMPANYING THE MESSAGE.

REPORT OF THE SECRETARY OF STATE,

On the Relations between the United States and the Mexican Republic.

DEPARTMENT OF STATE,
Washington, December 2, 1837.

In compliance with the instructions of the President, the Secretary of State has the honor to present a report on the relations between the United States and the Mexican Republic, since the last communications from the Executive to Congress on that subject. It was apparent, from the proceedings of Congress, at the last annual session, on the special message of the President calling their attention to our claims against Mexico, and recommending a contingent authority to make reprisals, if another and last demand for redress should be made in vain, that both branches of the Legislature coincided in the opinion expressed in that message, that the United States might justly resort to any mode of redress known to the law of nations; but differed with the President so far as to think that this last demand ought to be made before Congress should decide on the course to be pursued in case it should prove unsuccessful.

Soon after the adjournment of Congress, a careful examination was made of the various existing causes of complaint against Mexico, as well those of an individual as of a public character. The archives of the legation of the United States at Mexico having been brought to Washington by Mr. Ellis, the late Chargé d'Affaires to that Government, the Department was enabled to exclude from the list of claims various cases; some of them of a doubtful character, and others which, after having been presented to the Government for its aid in procuring a settlement, had been adjusted through the efforts of the persons interested in them. A fair and full statement of the remaining causes of complaint, chronologically arranged, was then carefully prepared, and forwarded, with all the evidence within reach of the Department, in support of each claim that had arisen since the treaty, to the Government of Mexico, by a special messenger, who was the bearer of a solemn demand from this Government for redress. This demand, with the accompanying evidence of its justice, was delivered to the Mexican Government on the 20th of July last. The list presented to the Mexican Government contained fifty-seven subjects of complaint; the last two embracing, in general terms, the loans forced in Mexico from citizens of the United States, and the flagrant outrages committed on the commerce and citizens of the United States in the Gulf of Mexico by the Mexican squadron, shortly after the adjournment of Congress; detailed evidence of which had not then been sent to the department. In contravention of the treaty between the two countries, an embargo was laid by Mexico upon all the vessels of the United States, after the seizure of the General Urrea by the United States ship of war Natchez in retaliation for the capture of the several merchant vessels of the United States, a delivery of which had been demanded by the captain of the Natchez, and refused by the authorities of Mexico. This embargo, laid by the local officers, was however disapproved by the Government of Mexico, and was in a short time removed; while the citizens of the United States, officers, crews, and passengers, taken in the merchant vessels carried in for an alleged violation of a blockade of Texas, were, after suffering various privations, injuries, and insults, and being held as subject to criminal prosecution and punishment, released. An answer to the demand made by the United States was given to the special messenger on the 29th of July, who returned with it forthwith to Washington, which contained assurances that the Government of Mexico earnestly desired to give a prompt and explicit answer to each of the claims to which the demand related; that, although there were several claims which admitted of immediate reply, there was not time, before the necessary return of the messenger of the United States, to make a mature and impartial examination, which others required; that the President of Mexico desired that the reply to each should be given, in order that a complete judgment might be formed of the whole; that, not to delay a moment the final and equitable adjustment of the difficulties between the two Governments, the President had ordered the voluminous series of documents presented in support of the claims to be translated and minutely examined in the Department of Foreign Affairs; that evidence should be sought for from other sources; that nothing should be left undone which might lead to a speedy and equitable adjustment of the points so seriously occupying the attention of the Government of the United States; and that the Mexican Minister at Washington would communicate, successively, the opinions of the President on the several cases, and his determination thereon. Relying upon these assurances, the more implicitly from the voluntary action of the Mexican Government in raising the unwarrantable embargo upon our vessels, and the release of the Americans taken in merchant vessels unlawfully captured in the Gulf of Mexico, it was expected that immediately after the arrival of the Mexican Minister in Washington, they would be in every respect fulfilled. The Mexican Minister reached Washington, from New Orleans, where he had been for some years residing as consul of the Mexican Republic, on the 14th of October. He brought with him, however, nothing but the usual letters of credence, and one repeating, in general terms, the expression, usual between Governments, of a desire to preserve and promote friendly relations with the United States. It was not until the 18th instant, that answers to any of our complaints were given. The Mexican Minister then presented to the Department of State ten notes, all dated on that day, in the first of which he explains the causes which have prevented a reply from his Government to the claims numbered 3, 6, 8, 11, 13, 14, 15, and 17. In the chronological order in which the claims were presented to Mexico, No. 3 is the case of the cargo of the ship "Louisa," which forms the subject of one of the notes accompanying his explanation; from which fact, and the direct references in some of the other notes, it is apparent that the Mexican Government had not examined the documents sent from this Department with the demand made in July, or else has substituted for one of them a list of claims sent to Congress with the President's Message of the 6th of February last, and forming part of the documents printed by their order, which are alleged by Mr. Martinez to have been communicated to the Minister of Foreign Affairs of Mexico, with a note of the Secretary of State of the 14th of May last. But no note was addressed by this Department to the Mexican Minister on the 14th of May, nor has any allusion whatever been made to the printed list of claims referred to, in any communication from this Government to that of Mexico. In fulfilment of the assurances solemnly given in Mexico, after a lapse of five months, answers are made to but four of the fifty-seven subjects of complaint, presented obviously for the last time, and under the article of our treaty with Mexico which looks to the unfortunate contingency of a necessity on one part or the other to take, forcibly, satisfaction for injuries complained of, and not, on due demand, accompanied by competent proof, redressed. The answers received are to the individual complaints in the case of the ship "Louisa;" in the case of the brig "Cossack," and in the case of Chouteau and De Munn, arrested in 1817 within the territorial limits of the United States, carried into Mexican territory, and imprisoned, and their property confiscated at Santa Fe; and to the demand made upon Mexico to disavow any approbation of the reprehensible conduct of its Envoy Extraordinary and Minister Plenipotentiary, in printing and distributing a pamphlet defamatory of this Government and the people of the United States, while in the United States, under the protection of his diplomatic privilege. The justice of the claim for the cargo of the "Louisa," seized in 1821 by virtue of the edicts of Iturbide, of 20th of February and 4th of March of that year, is acknowledged, and a promise is made to incite the Congress, upon and before whom the claim has been pressed for ten years, to provide for the payment of the balance due according to a decree of the Mexican Government of the 1st of February, 1822, heretofore partially executed; but the justice of the case of the "Cossack," and of the claims of Chouteau and De Munn, is denied, on the ground that they occurred before Mexican independence was achieved. A decree of restitution in the case of the "Cossack" was issued on the 27th of July, 1821. It would seem, then, that the decrees of the 20th February and 4th of March, 1821, impose obligations on the present Government of Mexico; but those of the 27th of July, 1821, do not. A decree of the 1st of February, 1822, awarding indemnity, is good; a similar decree of the 27th of July, 1821, is not good. The Secretary of State does not perceive upon what principles these distinctions are made, nor on what just ground payment can be refused by Mexico for any acts committed within its territorial jurisdiction after the virtual separation of Spain and Mexico, *i. e.* after the occupation of Spain by France in 1808. The case of Chouteau and De Munn rests upon the grounds that the injury occurred while Spain had no power where it was received; that Mexico had then, and has had ever since, an effective control in Santa Fe, and that the present Government is answerable for the acts of all its *de facto* precursors, who alleged and exercised sovereignty over the country. With relation to the brig "Cossack," the decree of restitution is dated after the plan of Iguala was declared, less than a month before the treaty of Cordova was signed, by which O'Donoghue acknowledged the independence of Mexico, and a short time previous to the election of a regency, and the choice of Iturbide as President of the new Republic. What particular meaning is affixed in Mexico to the terms "independence achieved," is not understood, nor is it important to discuss, as the obligation of Mexico dates from the time of declared or actual independence of foreign control, and since it maintained a dominion exclusive of that of Spain.

The answer of the Mexican Minister to the demand of the United States, founded upon the conduct of Mr. Gorostiza, is so singular as to require a particular statement of all the facts in relation to the subject of it. Soon after the late Mexican Minister asked for his passports to return home, after terminating his extraordinary mission, his last note to the department, in which his reasons for taking that step were expressed, was published in New York, in the journal called the "Courier des Etats Unis." This document had never been made public by the authority of the department. The existence of a pamphlet by Mr. Gorostiza, printed in Philadelphia in Spanish, had been previously made known to the Secretary of State, by a member of the diplomatic corps accredited at Washington, who stated that he had received two copies, and he believed that the same number of copies had been transmitted by the author to each member of the foreign diplomatic corps in Washington; expressing, at the same time, his surprise and disgust at the grossness of such an act by a retiring minister. One of those copies was given, on the request of the Secretary, for the use of the Department of State. That the belief thus expressed was well founded, no doubt was entertained, as a copy was also procured by one of the officers of the Department of State from another member of the diplomatic corps; and one was

lent, as it was afterwards discovered, to the editor of the "Courier des Etats Unis," by a third, with permission to use it for any purpose whatever. Extracts were published from the pamphlet in that paper, and in several other newspapers; and the copy in the hands of the editor of the French journal was lent without scruple, on no condition, but that, after being copied, or otherwise used, it should be returned. The duplicate copies sent to the diplomatic corps were obviously intended to give the most extensive circulation to the matters contained in the pamphlet; and no doubt one was expected to be transmitted to each foreign Government represented in the United States, and the other to adorn the archives of its legation in Washington. From the equivocal circumstances under which the pamphlet was prepared, and the assertions contained in the preface, it was supposed that the writer sought to evade official responsibility, by representing the publication as his personal act; thus giving to himself and his Government the benefit he hoped to derive from his defamation of the United States, with all the Governments of Europe, and with his own countrymen, among whom it was widely distributed as soon as he reached the Mexican territory, as a prelude to his last report to his own Government, without exposing that Government to a demand for redress for the injury sought to be inflicted by its representative. The slanders of a private individual could not be of importance to the United States; but as the position of Mr. Gorostiza was equivocal, it was deemed necessary that this subject should be so presented to his Government, that the distinction made between his acts, as a mere citizen, as the representative agent of Mexico, should be marked and recognised. Occasion was taken, therefore, in giving instructions, on the 10th of December last, to Mr. Ellis, to make the explanations previously promised in regard to the movement of the troops under General Gaines, to direct him to bring the act of their Minister to the notice of the Mexican Government, in these words:

"It would be gratifying to the President if this communication, which you will have to make to the Mexican Government, was limited to these explanations. Unfortunately, the conduct of its late Minister Extraordinary has made it necessary to touch upon even a more unpleasant topic. You will learn with astonishment that Mr. Gorostiza, while enjoying his diplomatic privilege, although after he had declared his mission at an end, published, on his own authority, a pamphlet, (a copy of which is herewith sent to you,) containing parts of his unpublished correspondence with this department, and extracts from his letters to the Mexican Secretary of Foreign Relations, with a long introductory preface. The publication of his correspondence with the Department, without the authority of his Government, is believed to be unexampled in the history of diplomacy, and was not decorous to the Government of the United States. The extracts from his correspondence with his own Government, and his introduction to the whole, contain statements and comments defamatory of the Government and people of the United States, and obviously intended to injure the character of both, for honor and good faith, in the eyes of the world. This pamphlet, although not circulated generally among our citizens, was in the hands of editors of newspapers, who have published extracts from it; and the President has been informed that two copies of it were sent by its author, at the moment of his departure from the United States, to some, if not to all, the members of the foreign diplomatic body accredited here. This act, still more extraordinary because it almost immediately followed the communication of the President's intention to direct that explanations, which he believed would be satisfactory, should be made to the Mexican Government, has excited but one sentiment among those to whom it is known. In directing you to make known the publication of this pamphlet to the Mexican Government, the President does not doubt the truth of the declaration made by its author, that this publication was his own personal act, for which he had no authority from his Government; nor will he permit himself to suppose, for an instant, that it will adopt or sanction conduct so glaringly violating all the decorum of diplomatic usage; so disrespectful to the Government and people of the United States; so unworthy the representative of a respectable Government, and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico.

"How far the character of the Mexican Government for decorum and justice, and an honorable desire to maintain a respectable rank among the civilized nations of the world, requires a distinct manifestation of its just displeasure at such an extraordinary step, are questions that belong to itself alone to consider and decide.

"In giving you this instruction to make known to the Mexican Government the conduct of its Envoy, without a demand of reparation at its hands, the President is influenced, as well by the explicit disavowal of the Envoy of all participation on the part of his Government, in the act complained of, as by the sincere conviction, already expressed, that a step so reprehensible will not be countenanced by it. But if, contrary to all just expectation, the Mexican Government shall adopt that act, or give sanction to it by approving of their Minister's conduct, the continuance of diplomatic intercourse between the two countries can no longer be either useful or reputable to the United States. However painful may be the consequences, the honor of the American people requires of the President to instruct you, as I now do, in that event, to demand your pasports, and to return forthwith, bringing with you all the archives of the legation to the United States."

These instructions were not received by Mr. Ellis before his departure from Mexico; but a copy of them was subsequently transmitted to the Mexican Government, through its Chargé d'Affaires, Mr. Castillo. Prior to Mr. Ellis's departure, and within a fortnight after Mr. Gorostiza's arrival at the city of Mexico, the Mexican Government, after an alleged delay of what is called an act of justice to their Minister, waiting for explanations promised by the United States, sent a formal approval of his conduct as their Minister at Washington. When it was recollected that, in the extracts of the correspondence of Mr. Gorostiza, with his own Government, which he had himself published, the good faith of the United States was directly impeached, and it was presumed, that the publication of his pamphlet, and its distribution, at least in Mexico, was known to his Government, it was deemed necessary to require from the Mexican authority a distinct disavowal of the part of his conduct which had been considered offensive by the United States. No doubt was entertained that the Mexican Government would, without hesitation, declare that its approbation of Mr. Gorostiza's conduct did not relate to the preparation, or publication, or use, of the defamatory pamphlet.

The answer of the Mexican Government, now received, defends the conduct of its Minister. Mr. Martinez asserts, in conformity with his instructions, that the Minister did nothing which was not required by the dignity and interests of Mexico. By the note of Mr. Martinez, these facts are admitted, on the part of the Mexican Government; that the pamphlet was prepared by its Minister, and printed in Philadelphia, in the Spanish language; that *some copies* were left to be *used* in the United States, with *a recommendation* as to the time only when they were to be used, and the time recommended was, as soon as there should be a publication of it in Mexico; that the pamphlet was extensively circulated on the coast of Mexico as soon as he arrived; and, on his journey to the capital, by the returning Envoy Extraordinary. On these admitted facts, the Government declares that Mr. Gorostiza acted conformably to what was required by the dignity and interests of Mexico. Keeping out of view, as entirely unimportant, the offensive character of the pamphlet, and the use made of it in the United States, the Mexican Government has attempted, argumentatively, to prove that it did not appear that their Minister Plenipotentiary and Envoy Extraordinary intended to offend the United States, or to jeopard his diplomatic character, by violating established usage. To sustain the first allegation, it is said the pamphlet was necessary for his vindication, in relation to a past transaction—a negotiation not pending, inasmuch as his mission was terminated; that it was in the Spanish language—if it had been intended offensively it would have been printed in English, for circulation among the people of the United States; and that he did not circulate it among his colleagues of the diplomatic body, *because* he did not send it to them officially, or confidentially, with an explanation of his object. The character of the production, and the use made of the copies left, with the recommendation as to time, are, unfortunately, the best evidences of the intention of the author. The pamphlet is a labored effort to prove that the United States, for a series of years, sought unjustly to obtain possession of the territory belonging to a friendly power, till the year 1818, when, the Executive of the United States pretending to nothing but what was reasonable, the Florida treaty was negotiated, the negotiators being both men of talents and *good faith;* that, subsequently to that treaty, the want of good faith and integrity produced new pretexts to acquire possession of the territory, the pretended claim to which they had been thereby abandoned; that while the Government was fostering the sinister design of violating all the articles of their treaty with Mexico, the President and all his ministers were pouring into the ears of the Mexican Envoy Extraordinary protestations of affection for his Government, and of strict neutrality in the Texan contest; that this Government was destitute of good faith, and that the people in mass, with the exception of a minute fraction, described as belonging to the school of Washington and Madison, were necessarily ignorant; and, having every thing in their power, could be blindly led by dishonest, greedy, unprincipled, and, consequently, unbridled flatterers, wherever they pleased. The assertion that such a pamplet was not intended to offend the United States, is so extraordinary that it is to be hoped that the Mexican Government has omitted to examine it. Such a declaration, in regard to its intention, cannot otherwise be rationally accounted for, unless it be supposed that that Government means to make this singular distinction, that a production intended to impeach the character of a Government and people, for honor and good faith, and to degrade them in the eyes of the world, was not intended to offend. The argumentative denial of the act of sending this defamatory pamphlet to foreign ministers, that the calumny against this Government and people might be made known to all the Governments with whom they hold diplomatic intercourse, which has been made for Mr. Gorostiza, amounts to this: that he did not send copies to them at all, because he did not send them with an official explanation. He left them here to be used: they were used—sent to foreign ministers. It is for the Envoy Extraordinary to explain how they came there. His Government, which has approved his conduct as conformable to its dignity and interests, is responsible to those whose honor is involved in the inquiry. The contents of the pamphlet show, also, that the intention of it was not self-vindication. The responsibility of the author for the act on which it is alleged he designed to enlighten his country, was to his Government, and through it to the people of Mexico. His pamphlet is written for all places, and for all times; a part is specially for the meridian of the United States, as will satisfactorily appear by a reference to its contents. But it is also said that it related to past transactions—not secret, as some of the correspondence had been made public. A part of the correspondence between the two Governments had been published by the United States. In addition to the residue of that correspondence, the pamphlet contains the Envoy's extracts from the secret and confidential letters to his own Government, in which he calls in question the good faith of the Government of the United States. His extraordinary mission was terminated by the act of the Envoy, but he was still in the enjoyment of his diplomatic privileges, and the subject of which he wrote was then pending with his Government. After his return, that Government looked for explanations which

had been promised by the United States, and complained they were not received; which explanations, having been delayed by accident, were subsequently given to it.

The conduct of this Extraordinary Envoy is also alleged to have been conformable to diplomatic usage; and two instances are brought forward to sanction this allegation, assumed to exist in the history of the diplomacy of the United States. It is asserted in the note of Mr. Martinez that the Commissioners of the United States published their correspondence pending the negotiation at Ghent. During *a war* with Great Britain, the corresspondence of the Commissioners of Great Britain and the United States, who were negotiating terms of peace, was published in Washington by the Government of the United States; there were no libels in it upon Great Britain. The Commissioners of the United States never published any thing during the negotiation at Ghent.

The Chargé d'Affaires of France published a letter of instructions from the Duke de Broglie in some of the journals of the United States, in English. The letter of the Duke de Broglie was not a libel upon the Government of the United States; but its publication was considered improper by all parties in this country. By what means the Mexican Government has been imposed upon, and induced to assert that "Mr. Secretary Forsyth wrote to Paris representing that this Government would not object to receive again, as a diplomatic agent, the Chargé d'Affaires who had caused that publication a few months before," it is impossible to conjecture. It is a sheer fabrication, which will be seen with astonishment by the Governments of England and of France, to whom all the circumstances of the transaction to which it relates are as perfectly well known as they are to the Government of the United States.

The relations of the United States and Mexico, therefore, as they now stand, are these: The demand of the United States for justice for past injuries has been made in conformity with the treaty between the two nations; but apparently no public complaint has since been examined by the Mexican Government, except the conduct of Mr. Gorostiza. The printing and distribution of his offensive pamphle is approved by his Government, and justified as conformable to what was required by its dignity and interests.

To the other demands of a public nature, existing at the adjournment of the last annual session of Congress, after five months' delay, no answer has been given. On three cases of private claims presented for final answer, answers have been given. The justice of two of them is denied, although one of them rests on a decree of the Mexican Government. Satisfaction for the one admitted to be just is not made. The Congress of Mexico, who have been considering the subject for eight or ten years, will be "*incited*" to pass upon it, when they meet.

Since the last session of Congress an embargo has been laid on American vessels in the ports of Mexico. Although raised, no satisfaction has been made, or offered, for the resulting injuries.

Our merchant vessels have been captured for disregarding a pretended blockade of Texas; vessels and cargoes secretly proceeded against in the Mexican tribunals, condemned and sold; the captains, crews, and passengers of the captured vessels have been imprisoned and plundered of their property, and, after enduring insults and injuries, have been released without remuneration or apology. For these acts no reparation has been promised, nor explanations given, although satisfaction was, in general terms, demanded in July last.

From these facts a judgment may be formed of the value of the assurances that have been received from the Mexican Government, and the probability of their ever being fulfilled.

Copies of all the correspondence with the Mexican Government, not heretofore made public, and serving to elucidate the subject of this report, are herewith presented for consideration.

All which is respectfully submitted.

JOHN FORSYTH.

To the PRESIDENT OF THE UNITED STATES.

REPORT OF THE SECRETARY OF WAR.

DEPARTMETT OF WAR,
December 2, 1837.

SIR: In compliance with your instructions, and in conformity with established usage to present annually to you, for the information of Congress, a statement of the transactions of this Department, together with such suggestions in relation to the various subjects under its administration as the public interests may seem to require, I have the honor to submit the following report.

It will be seen by the statement of the Commanding General, that the principal part of the regular forces has been drawn from the posts on the frontiers and concentrated in Florida; and his account of the military transactions in that Territory will exhibit the progress of the war to the close of the last, and the events attending the commencement of the present, campaign. The proposals made by the Indians to submit to the terms of the treaty, and the negotiations entered into with them to this effect, caused the cessation of hostilities at a period when they might have been carried on to advantage.

This measure on the part of the General commanding the army of the South, although productive of delay and increased expense, was dictated by humanity and a laudable desire to avoid, if practicable, the necessity of further enforcing, by arms, the execution of the treaty, and was approved by the Department. Nor can any just blame be attached to the conduct of that officer for keeping his faith with the Indians, and rather suffering himself to be deceived by them than to violate his engagements by securing the chiefs who had entered his camp and placed themselves in his power, under the pledge of receiving his protection.

The enemy proved faithless, and the season for active operations passed away without any important results. Great expense was incurred in preparations for the removal of the Indians, which their treachery rendered abortive; but the honor of the Government, which is beyond all price, was preserved; and it is satisfactory to know that the renewal of hostilities has only taken place after every effort had been tried in vain to persuade these deluded people to submit peaceably to the execution of the law. It is unnecessary to recapitulate the circumstances which led to this war; they are already well understood; but it may be important to state the causes which have enabled an enemy, so inferior in number and resources, to baffle the efforts of the Government to subdue them, and which have rendered the contest, not only so disastrously protracted, but so very expensive. The theatre of war, remarkable for its natural difficulties, was entirely unknown to the commanding officers of our army. They were compelled to move their forces with the utmost caution in the face of a bold, active, and wily foe, thoroughly acquainted with the passes of the rivers and morasses which intersect the country, and who hovered about their flanks, concentrating their numbers upon a point of attack, with unexampled rapidity, and flying from the open ground with a swiftness that baffled the pursuit of the white man. The difficulties of transportation, on which the success of all military operations must depend, always great, and, in such a country, involving unusual labor, expense, and delay, were in some cases insurmountable. In several instances, when within reach of the enemy, our troops were compelled to fall back upon their magazines or baggage trains for supplies, and thus lose the opportunity of striking an effective blow, because the subsistence stores could not be brought up for their use. Wherever it was possible, supplies were transported by water to points near the theatre of operations; but having to ascend rivers, steamboats were necessarily employed, at an enormous cost to the Government. From these points the transportation became still more expensive, as well as difficult and dangerous; numerous and well appointed escorts had to be furnished; wagons to to dragged over pathless tracts of spongy pine barren, through almost impassable swamps, and across marshy rivers: temporary magazines to be built, and posts to be established in the wilderness, to which further supplies of provisions and forage were to be brought, for the country is entirely destitute of both, and the baggage train can transport its own forage for a few days' consumption only. When it is considered that these difficulties had to be encountered and surmounted by raw, undisciplined troops, in the face of an active enemy that that destroys unseen, delivering a deadly fire at an unexpected moment, and disappearing in morrasses impenetrable to the eye of the white man, the zeal and persevering courage of our officers and men are worthy of all praise. It is under such circumstances that our Indian allies have proved so useful. Their peculiar sagacity in detecting the stratagems of their race, and their untiring vigilance and activity in the field, are the best protection against the ambuscades, night assaults, and surprises, which constitute the warfare of these tribes, and are so harrassing and destructive to our troops. To the strong arms and brave hearts of our own men, we may safely rely for victory in action; but we must depend upon the Indian to detect the lurking place of the Indian, to trace him in his devious path and rapid flight, to guard against his wily approach, and to discover his deadly presence at every difficult pass. For these reasons, the friendly Creeks were employed in the army of the South during the last campaign; but, as it had been found necessary to detain their families at great expense until they could all be transported together to the West, they were discharged, and are on their way to their new homes. Before their departure, measures were taken to supply their place by engaging Indians of other tribes. In extending the necessary orders, a clerical error was made, by which the Indians were offered higher pay than the law allows to volunteers. The error was corrected as soon as discovered; but as about two hundred men have been brought to Florida under the first instructions, I beg leave leave to suggest that an appropriation be asked of Congress to enable the department to preserve its faith with these Indians, which I venture to hope will not be refused.

Another cause of unusual expense is to be found in the character of the troops employed. At first they were drafted men or volunteers engaged for so short a period of service as to render their employment not only expensive but inefficient; and when they were engaged for a longer time, the inexperience of their staff officers occasioned great and unnecessary expenditures, while the description of force, chiefly mounted men, augmented very much the cost of the campaign. The remuneration this irregular cavalry received from Government, merely for the use of their horses, amounted, in six months, to a sum nearly, if not quite equal to their real value. The Government has had, besides, to pay a large amount for horses that perished for want of forage, which the state of the country rendered it impracticable to transport in sufficient quantities for the supply of so large a body of cavalry. The irregular force thus employed in Florida during the campaign of 1836 amounted to about 10,000 men; one-half of which were cavalry, at an expense greatly exceeding that of regular troops, and by no means so efficient as one-half the number of that description of force.

Notwithstanding the experience gained during the two last campaigns showed the great cost of employing volunteers, the department had no alternative but to engage them again, which the patriotic offers of the citizens from every part of the country enabled it to do. The nature of the climate of Florida requires that the active operations of the campaign should be concentrated into a short period of time, and this can only be effected by bringing into the field a much greater number of troops than would otherwise be necessary. The regular force, although collected from every point, was deemed inadequate, and resort has been had to militia in order to make up, with the regulars, four columns, having each the component parts of an army sufficient to encounter the whole force of the enemy, and destined to move into the interior of the peninsula from distinct points of the coast. Added to these means of offensive operations, the squadron on that station may confidently be relied upon to scour the coast and intercept all communications from without, and in every way practicable to contribute, by its co-operation, to the success of the land forces.

Throughout the whole conduct of this war, the West India squadron has co-operated with the army in the most active and efficient manner, not only by promptly furnishing every aid which the appropriate duties of that branch of the service required, but by the officers taking upon themselves the defence of posts on shore, and lending the aid of their professional skill, in every situation in which it could be usefully applied, with that persevering courage, zeal, and ability which have, at all times, distinguished our gallant navy. The revenue-cutters, placed under the command of the commodore of that squadron, have likewise rendered the most efficient service, under the direction of that excellent officer. Part of the marine corps, which volunteered its services in Florida, and distinguished itself during the last campaign, still remains there, and it is hoped that they may be permitted to continue their valuable services to the army of the south, until the close of the war.

The events of this war, and the heavy expenses attending it, have shown the propriety, and even necessity, of increasing and organizing the staff, and of augmenting the army of the United States. In the last annual report from this department, this measure is strongly recommended, and the reasons for its adoption ably urged. I do not think, however, that the manner of augmenting the forces proposed by the bill which received the favorable action of one branch of the Legislature, ought to be carried into effect. The organization of the army when it was reduced to the peace establishment, ought not to be abandoned. It is fitted to render the greatest service in time of peace, and to afford a basis for the augmentation of the effective forces of the country so a much greater extent in time of war. This arrangement should not, therefore, be disturbed, but the same system carried out in making new levies. I would recommend the addition of three regiments of infantry, and that the companies both of artillery and infantry should be increased to sixty-four rank and file, with authority vested in the President to augment their number, not to exceed one hundred men, whenever the exigencies of the country may require it. This would secure all the advantages of the present peace establishment, and enable the Executive, on any sudden emergency, to place the army on a respectable footing of defence.

Sound policy and an enlightened economy equally require that every department of the staff of the army should be augmented. A properly organized staff would have rendered the conduct of the war in which we have lately been engaged both more effective and more economical. As the army is now constituted, officers are drawn off for staff duties, to the great injury of the service of the line; and these duties are by no means so well performed as they would be by officers properly instructed and entirely devoted to them. The present organization does not give to regiments or companies any supernumerary officers They are no more than the performance of the various duties of their military command actually requires, and to reduce the number must weaken the army, render it irregular and inefficient in its operations, and greatly impair its discipline. Such, however, is the present defective state of every branch of the staff, that all are supplied from subalterns of the line. The department of the Quartermaster General, the Commissary General, the Engineers, the Ordnance, the Paymaster General, and the Topographical corps, are all compelled to make drafts from the line of the army for the performance of their indispensable duties; and the returns of the Adjutant General's Office, of the regiments in the field during the last campaigns in Alabama and Florida, exhibit a lamentable deficiency of officers to fulfil the duties properly belonging to them.

The Quartermaster's Department requires not only some enlargement, but the addition of higher grades, to render it adequate to the duties required of it. The functions of this branch of the staff, comprising, as they do, the quartering, supplying, and moving the army, with all its stores, and the execution of various objects of national improvement, are important at all times; but they become peculiarly so in seasons of active operations, like the present, when large bodies of irregular troops are necessarily called into service to aid our limited regular force.

The deficiency in the number of officers provided for this service has been sensibly felt from the commencement of our late border disturbances, and especially during the past season; and with respect to higher grades than those now authorized, experience has clearly shown the necessity of some clothed with the adequate ranks to enable them to take the charge of remote districts, and supervise the expenditure, and direct and control the complicated operations of the department in the field. It is certain that there can be no effective military operations, without a high degree of efficiency in that branch of the staff which is to move and supply the army. I would, therefore, recommend the addition of some officers of rank, with a limited number of that subordinate but useful class of agents, forage, wagon, and barrack-masters.

The department of the Adjutant General is entirely inadequate to perform its appropriate duties, even to our small army, and I respectfully recommend that it be enlarged so as to supply assistant adjutants general to each division and department of the army.

Since the establishment of the Commissariat of Subsistence, great regularity and economy have been introduced in furnishing the supplies of the army; but, in order to render it more complete, and to enable it to perform all the duties assigned to it, in the most economical and efficient manner, I recommend an addition to the present establishment of at least four officers.

I would recommend an immediate increase of the corps of topographical engineers. The extensive range of duties which have of late years devolved upon this corps, renders its increase a matter of necessity as well as of economy. It is physically impracticable, as the corps is now constituted, to obey the injunctions of Congress. Important surveys are neglected; works of improvement are slowly and imperfectly carried on, and the expectations of the country disappointed.

By a reference to the statements of the officer at the head of that branch of the service, it will be seen that the entire corps consists but of ten officers, and to these it has been found necessary to add, during the present year, about thirty individuals, employed as civil engineers, at compensations greater than are allowed to military engineers; thus making the entire cost of this branch of service much greater than it would be in the form of a properly organized corps. In addition to this consideration, discipline and a proper subordination cannot be introduced in a mixed service, where the smaller part only is subject to the rules and articles of war, the greater being entirely exempt, and without those positive distinctions of authority and of rank, upon which discipline so eminently depends.

The duties of this corps require the combined knowledge of the military and civil engineers. Their military duties consist in surveys for the defence of the frontier, inland and Atlantic, and of positions for fortifications; in reconnoisances of the country through which an army has to pass, or in which it has to operate; the examination of all routes of communication by land or water, both for supplies and for military movements; the construction of military bridges; the position and erection of field works; the defences of encampments, fords, ferries and bridges. For these purposes, topographical engineers should always accompany armies in the field, and without their aid the organization of a staff is defective and incomplete. Their civil employment, in the survey of the coast, rivers, harbors, bays, and water courses, in order to their being improved for commercial and other purposes, and in superintending the various works for these improvements; in surveys of roads and canals under the law of the 30th of April, 1824; and in conducting all civil constructions connected with the commerce of the country, and such international communications as Congress may direct. This brief recapitulation of the various military and civil duties of the corps, clearly points out the necessity of its complete organization, and indicates the propriety of attaching it to the general staff of the army. The direction of all the works, both civil and military, herein described, properly belongs to this branch of the service. A simple enumeration of the functions of the Quartermaster General will show that the duties of his office cannot be performed without the assistance of the officers of the topographical corps. They are to insure an efficient system of supply, and to give facility and effect to the movements and operations of the army, which cannot be accomplished without a thorough knowledge of the topography of the country. It is his duty, likewise, to select sites for encampments, and to assign to the different corps the ground they are to occupy—a duty which requires the aid of topographical engineers; as does the superintendence of the works at the several posts; the construction of military roads; the acquisition of such knowledge as the department is expected to possess with regard to the military resources of the country; the means and facilities of transportation; the state of the frontiers, with the most eligible points for concentrating troops and collecting supplies, whether in relation to offensive or defensive operations. This information cannot be obtained without the active co-operation of the topographical corps.

I cannot dismiss this subject without adverting to the opinion of my predecessor, in relation to the employment of the topographical engineers of the army by States and incorporated companies, in which I fully concur. At a period when it became a practice of the Government to permit these officers to aid in the construction of the public works in the several States, the description of talent and knowledge which they possessed was uncommon in our country, and works of great public utility would have been suspended or abandoned altogether, if this permission had been withheld. A different state of things now exists. The demand for civil engineers has created them, and not only is it no longer necessary to aid States and companies by lending them officers of the army, but in doing so an act of injustice is committed toward the civil engineers of the country. There can be no doubt that the practice impairs, very sensibly, the efficiency of the corps as a branch of the army, and deprives the Government of their services for military surveys, and the erection and superintendence of works of national utility. The commander of the army of the south says emphatically, in a late communication to the Adjutant General, "Had the topographical engineers been employed in their appropriate duties in Florida only one year of the sixteen since we have obtained possession of the country, from two to three millions of dollars might have been saved in the expenditures of the war." The ignorance of the topography of the country, here complained of, exists with regard to other important regions of our country, which will, probably, sooner or later, become the theatres of war; and I earnestly hope the Department will have it in its power to remedy this defect, by confining the members of the corps to their appropriate duties of examining and surveying the country for the purposes of national improvements, and national defence, and superintending the erection of national works.

Having stated the increase which appears to me indispensably necessary to render the several parts of the general staff of the army effective, it becomes my duty to submit to your consideration the defects of the present system, and to suggest a better organization of this most useful and important branch of the service. On examing the functions of each of the separate divisions, it will be seen that in the moving and subsisting the army, providing for clothing and supplies, including transportation, barracks, camp equipage, and all things necessary for the health, comfort, and efficiency of the troops, the duties of every branch of the general staff are so connected and dependent upon each other, that the best planned measures may be defeated by the failure or neglect of any one of them; notwithstanding which, they are distinct bodies, entirely independent of each other, differently organized, governed by different regulations, and, although purely military in their functions, depending only upon the civil authority at the head of the Department of War. Such an arrangement is

complex, and incompatible with the uniformity and subordination which ought to distinguish the organization of every branch of the military service. I recommended, therefore, that there be created a staff corps, to consist of one brigadier general, chief of the staff; six colonels, six lieutenant colonels, eight majors, twenty captains, and twenty first lieutenants, who shall exercise all the functions, and perform all the duties at present exercised and performed by the Quartermaster General, Adjutant General, Inspectors General, Commissary General of Subsistence, and their assistants, and also by the topographical engineers and assistant topographical engineers; and that the Commissariat of Purchases, and the medical staff of the army, be attached to the said staff corps; thus uniting under one head a homogenous body sufficiently numerous to ensure promotion within itself, create an *esprit de corps*, excite emulation, and keep alive hope. This organization, at the same time that it secures uniformity and efficiency to the operations of the staff, is entirely compatible with its present division into separate bureaus, and will not disturb the existing relations of the present officers of the corps with the branch to which they are now attached.

This increase of the rank and file and staff of the army here recomended, by which its efficiency would be greatly augmented, and its administration rendered much more economical, has become necessary, independently of the causes assigned, from our greatly extended frontier, from the number and description of our maritime fortresses, and from the large body of Indians which the humane and enlightened policy pursued by the Government towards that people has concentrated upon our western borders. When, in 1821, the army was reduced to 6,127 men, the extent of our frontier did not exceed 6,373 miles, along the inland portion of which the Indian tribes were sparsely scattered, a large proportion of their numbers being within the States, and rendered harmless by the surrounding white population; and the maritime frontier was occupied by a few inconsiderable forts. Since that period, its extent has been increased, by the acquisition of Florida and other causes, to 8,500 miles, most of our principal harbors and bays have been fortified by extensive works, and the Indians concentrated upon the western line so as to present a front of not less than 45,000 warriors. The protection due by the Government to the inhabitants of this extensive and exposed portion of our country would require a much larger force than is here proposed, if their safety were made to depend entirely upon the regular army; and I would respectfully recommend the construction of a chain of permanent fortresses along that line, and a competent organization of the militia of the frontier States, as important and necessary auxiliaries for this purpose. If any danger is to be apprehended from an army of fifteen thousand men, scattered along a frontier of more than 8,000 miles, and commanded by officers educated to reverence the laws and cherish the freedom of their country, it is effectually to be guarded against by a proper organization of the militia. Their aggregate force now is little short of a million and a half of men, and whatever may be their efficiency against a foreign enemy, they may always be relied upon when the liberties of the country are assailed.

That the necessity of this measure may be fully understood, I have annexed statements, furnished by the Chief Engineer, exhibiting the number and names of the different fortifications completed and under construction, and the full armament and amount of force which each requires to arm and garrison it; of the works projected by the Board of Engineers, but which are not yet commenced; and for the prominent points along the sea frontier which require protection, and for which no plans or projects have yet been made; and a list of the posts on the inland frontier of the United States, with a notice of the garrisons deemed necessary for them in time of peace, and to preserve peace, furnished by the acting quartermaster general.

The measures of defence for the border settlements, which the policy of the Government towards the Indians has rendered it their imperative duty to adopt, have engaged the anxious consideration of this Department, and the matter will be fully treated, in answer to a call of Congress for information on that subject.

The report of the Chief Engineer, which is herewith submitted, contains a summary of the numerous and important works under the superintendence of this branch of the service. It is manifest, from a review of this document, that some further increase of this corps is rendered necessary, from the great accumulation of the public works confided to its charge. But the high order of talent, united to great acquirements, which have hitherto distinguished this corps, and which are required in the discharge of duties involving not only large expenditures, but, in many cases, the safety and honor of the country, demand that this should be done with the utmost caution. The youth who exhibit the greatest aptitude for such studies, and who, in their progress through the military academy, distinguished themselves above their fellows, and are deemed worthy to enter this corps by those who are appointed by Government to decide the relative merit of the candidates, ought alone to be added to it; nor should they be placed in charge of any work until they have been at least two years assistants to some older and more experienced officer. It is due to this corps to say that their pay and emoluments are insufficient for their support. Performing duties that require the exercise of talents and attainments which, in civil life, command the highest rate of remuneration, and in a manner honorable to themselves and useful to the country, they receive a less amount of pay than any other branch of the service. I beg leave, therefore, respectfully to recommend that the officers of this corps be placed on the same footing as those of the cavalry of the United States. A proper regard to the interests of this branch of the public service induces me to recommend the appointment of an inspector of fortifications, with the rank of colonel, whose duty it shall be, under the orders of the Chief Engineer, to make regular and systematic inspections of all the fortifications and public works under the superintendence of that officer.

The very important work of deepening the channel at the mouth of the Mississippi has not yet been commenced. Three plans were submitted by Captain Chase, of the engineers, who was entrusted with the necessary examinations; first, by deepening one or more passes by dredging; second, by closing all but one pass where they leave the trunk of the river; and thirdly, by cutting a ship channel from the river. The Engineer Department suggested the propriety of adopting the first plan, as the least costly and the soonest executed; and preparations were made, and all things in readiness, to commence the work by the middle of December. In consequence, however, of representations received by the department from the New Orleans Chamber of Commerce, the whole matter was submitted to a Board of Engineers, consisting of Col. Totten, Col. Thayer, and Capt. Chase, who have required further preliminary surveys, in order to enable them to form a correct opinion as to the character of the works most likely to be successful in improving the navigation of the mouths of this river; a request which, considering the very important nature of the works, and their bearing upon the commerce of the whole valley of the Mississippi, and its tributaries, has been acceded to by the department.

The operations on the great raft, in the Red river, closed on the 25th of May, for want of funds, with the exception of one boat, which worked until the end of June.

During the season, twelve miles and a half of this dense mass of wood, comprising the remaining portion of what is styled the Old Rafts, have been removed. The part now remaining, being four hundred and forty yards in length, was formed by the freshet of 1836, and is by no means so dense or difficult to remove; and the timber of this portion of it will be employed to stop up the only bayou which now remains to be closed. It is estimated that the cost of completing the operation, which will effectually open the navigation of this river throughout its whole course, will amount to fifty thousand dollars. If the appropriation be made early in the next session, the work may be completed, or nearly so, by May next; otherwise, it must lie over until the autumn of 1838, to the serious injury of the increasing population of the valley of the river, and to the great detriment of the work itself, from the constant accumulation of drift timber, which must necessarily take place until there is a free current in the river. If the work be delayed, the superintendent estimates that the increased expense, from this cause alone, will amount to twenty thousand dollars.

The act of the 2d of July, 1836, which appropriates $100,000 for surveying and opening a military road along the western frontier, imposes on the President the duty of selecting situations near it for the military posts which, in his opinion, may be most proper for the protection of the frontier, and for the preservation of the necessary communications. On taking up this subject for consideration, it appeared manifest that the conditions of defence, which it is supposed Congress had in view in making this appropriation, could not be fulfilled, if the road were surveyed and opened before the sites for the permanent military stations were determined upon; as without a knowledge of their ultimate position, the road might not approach them sufficiently near to afford "the necessary communications" contemplated by the act.

The selection of these sites has to be made without regard to lateral communications, but with a view to the tribes in front, and to the facility of approach from the rear. I am also of opinion that the contemplated communications, in reference to the security of the fortresses and the protection of the borders, ought to be perpendicular to the line of defence, and not lateral.

Parties are now making the required examinations, and as soon as they are completed, and the sites for permanent posts determined upon, the survey and works for opening the road designated by Congress will be commenced, unless, upon a review of the subject, they may think proper to adopt the plan of defence for the western frontier which, as has been before observed, will be presented to them in accordance with a resolution of the Senate to that effect.

The state of Charleston harbor demanded and received the early attention of the Department. It was represented that Sullivan's island was being washed away, and the channels which form the entrance of the harbor, filling up with the sand from its beach. By direction of the Engineer Department, a minute examination of the situation of the island was made in June last, by Lieutenant Mansfield, who submitted a plan for its protection against the encroachments of the sea, that was approved by this Department.

It is stated in the report of the engineer, that the the island and southwestern peninsula will be entirely carried away by the action of the currents and storms, unless timely measures be adopted to arrest the progress of destruction; that this island shelters the port of Charleston from the fury of the northeastern storms; and that its destruction would expose the harbor to the violent gales of the autumnal equinox, by leaving it open from northeast to southeast, besides the probability of lessening the depth of water on the bars.

Independently of the necessity of the proposed works for the preservation of the port, they are essential for its defence. The island forms the site of Fort Moultrie, which checked the approach of the British squadron during the Revolutionary war, and now constitutes, in conjunction with Fort Sumter, the only defence of this important harbor. These considerations induce me to recommend that an appropriation be asked of Congress to commence these works without delay.

It is my duty to call your attention to the present state of the works for the protection of the waters of the Chesapeake. Fort Monroe will require further repairs and new works to render it even defensible. One front of the fort is peculiarly liable to attack, for it is more exposed to a *coup de main* than any other, and is at the same time the only front liable to siege, and the only one exposed to land batteries within reasonable distance. The works intended to protect this front were commenced, and a large body of earth collected to complete them, and so arranged as, in some mea-

sure, to shelter the vital parts until the whole should be completed. From some misunderstanding, without the knowledge or participation of the Engineer Department, this mound was levelled. Earth has also been placed upon the parapet wall. These operations have proved injurious to the works, and immediate measures must be taken to repair the evils they have produced. In loading the parapet it was found that the masonry was not sufficiently dry and consolidated to bear the pressure of the great superincumbent weight; and although, from their original strength and solidity, the walls have not yet sustained any material injury, still it is of a nature to call for prompt repairs. I recommend, therefore, that proper measures to protect this fort from a *coup de main*, to which it is now so evidently exposed as to invite attack, be adopted without delay, together with the necessary repairs to strengthen the existing works. From an examination of the state of the works at the Rip Raps, it appears that the subsidence of the artificial foundation of stone, on which it is intended to erect Fort Calhoun, has not yet entirely ceased; and orders have been given to replace the mass of materials, collected for the completion of the fort, upon the arches, in such a manner as to render the subsidence uniform; and when this is done it will be prudent to leave it there for some time longer before recommencing the works.

The great difficulty which has been experienced in fixing upon a suitable site for the new fort ordered to be constructed on or near the Arkansas frontier, and in determining its precise position, has occasioned unusual and unexpected delay in the commencement of the work. The commissioners appointed to make the selection, by my predecessor, being military men, fixed upon a site with a single eye to its military properties; whereas, it is believed to have been the intention of Congress to erect a fortress which should serve as a refuge for the border settlers, who are exposed, from their situation, to the hostile incursions of the Indians; and it became necessary to direct a subsequent examination, in order to meet that object. A board of competent officers was accordingly appointed, and proceeded in the execution of this duty. Their report may be looked for daily, and the work will be commenced as soon as the situation is fixed upon by the Department.

From a variety of causes, not necessary to recapitulate here, but chiefly from a disputed title, which has been only recently decided by the courts, the land on which Fort Delaware is situated has not yet been acquired by the Government. The Pea Patch island might have been purchased when the fort was projected for comparatively a small sum, and, since the commencement of its construction, was offered to the United States for a slightly advanced price. Since the decree in their favor, one hundred thousand dollars, with interest from that date, are asked for it by the proprietors, and it remains to be decided whether this large sum shall be paid for the land, or the works be abandoned.

The importance of having a fort upon this island, in order to protect the harbor of Philadelphia, has been recognised by every board of military engineers that have examined the subject. It is the lowest point at which, in connection with works upon the main land, Philadelphia is defensible; and, while it covers that harbor, Chester, and Newcastle, prevents an enemy from finding shelter in Delaware bay, secures the debouche of an important link in the great inland chain of water communication—the Delaware and Chesapeake canal, and covers the extensive powder manufactories near Wilmington. For these reasons, it is important the United States should possess it; but whether it is to be acquired at the price now asked for it, or after an equitable appraisement of its real value, is a subject to be decided by the wisdom of Congress. In the mean time, the works in progress there will render its abandonment more costly hereafter, and may enhance still further the value of the island. An early decision is therefore highly desirable.

The ordnance corps, organized in 1832, requires some enlargement, in order to render it efficient. At present, there is not an officer to superintend each arsenal, and it appears to me that the public interest will be promoted by the addition of two majors and ten first lieutenants. But, above all, this branch of the service demands the creation, by law, of a mixed board of artillery and ordnance, to be composed of officers of rank and experience, to digest a general system of ordnance and small arms for the use of the United States. Similar boards have been formed, from time to time, by regulations of the War Department; but experience proves the necessity of some legal enactment, to ensure the due performance of this important duty; for up to this time there exists no general system, such as I propose, and such as is absolutely necessary to place this branch of the service on a level with that of other countries, and preserve it there.

Doubts having been entertained by my predecessor in office of the power of the Department to enter into contracts for supplies of cannon and arms, without previous advertisement, it has become the practice of the ordinance office to make informal arrangements with the proprietors of foundries and manufactories of arms, to receive a certain amount of cannon and muskets on inspection at a settled price; an engagement equally binding as a written contract on the part of the Department, but uncertain in its obligation upon the manufacturer. The former method of contracting for limited periods, is, in every respect, preferable. These establishments require expensive preparations, and having no other market than that afforded by the demand of Government, ought to have some assurance of the articles they may manufacture being taken off their hands. A contract for a limited period gives this assurance, enabling them to secure the most competent workmen, and encouraging them to render their machinery as perfect as possible. A recent opinion of the Attorney General declares this method to be legal, and it will be followed in future unless prohibited by legislative enactment. The existence of our own armories enables the Government to establish a standard of comparison to which the private manufacturers are compelled to conform, and secures the acquisition of good arms at equitable prices. With the same view, the establishment of a national foundry has been frequently urged, and I beg leave, respectfully, to repeat the recommendation. It is not intended that this establishment should, at once, furnish the amount of cannon and projectiles required; but it would enable the Ordnance Department to make the necessary trials and experiments, so as to determine the proper mixture of metals to combine the greatest strength with the greatest lightness, and produce the most perfect models. This would secure, at all times, a sufficient supply of the best arms at fair prices. Intending to submit a plan by which the casting of cannon and projectiles and the manufactory of gunpowder shall be placed under the supervision of a joint board of the united service of army and navy, the proposed establishment will, if adopted, be made useful to both branches of the service.

The erection of a manufactory of small arms west of the Alleghany mountains cannot be too strongly recommended. The transportation of the armament required by the western portion of our Union is very expensive and ought to be avoided. It appears to me that the establishment best suited for that country is one for finishing, polishing, and putting together, the several parts of the muskets, to be made by individuals artisans, after models furnished them by the superintendent, and received on inspection. In this manner the works can be curtailed or extended to any amount that may be required without inconvenience, and this description of manufacture become familiar to a large class of mechanics. The buildings and fixtures, suitable for this purpose, would be much less expensive than those of the present national armories, and, unlike them, the number of arms fabricated might be increased tenfold without requiring any addition to the original establishment. This armory might embrace the manufacture and inspection of rifles for the supply of the friendly Indians, of which numbers are now purchased annually.

Disputes have arisen with persons who withhold the rent lead due by them to the United States, under the terms of a license to smelt lead ore on lands belonging to Government; and, on full consideration of this subject, I think it my duty to state that, in my opinion, the reservations of the lands in the lead region, and the plan now pursued of collecting rent on their produce for the use of Government, whatever may have been its former advantages, is now prejudicial to that portion of the country where they are situated, and injurious to the interests it was intended to foster. Individuals will not engage in extensive, systematic, and costly works, such as are required in mining operations, without some better security than a mere license for smelting ore. Nothing more is done, therefore, than to scarify the surface of the earth, and the mine is given up at a time when it yields most ore, because its further extraction would require an outlay not justified by the tenure of the land. The miner then removes to another spot, where the same process is followed, and the whole region is dotted over with these imperfect and abandoned works. Whereas, if these lands were brought into market, to be sold at moderate prices, in small tracts, to those who will actually settle there and work the mines, they might be purchased by enterprising and industrious individuals, who would erect permanent works, develop fully the mineral resources of that region, and render iron and lead so abundant and cheap, that Government would be benefitted by the reduction in the price there of articles of which it is so large a consumer, as well as by the general improvement of that portion of the country. For these reasons, it appears expedient that authority be asked of Congress to dispose of these lands; and also of all ore banks and lands containing minerals, of any description whatsoever, under the control of the War Department.

The accompanying report of the Commissioner of Indian Affairs contains a full and lucid statement of the various and important matters under the control of that office. The complicated and arduous duties of that branch of the War Department have been performed in a manner highly creditable to the officers charged with their execution. But there are some important subjects connected with these duties which require the early attention of Congress. The Commissioner represents "that the present system of disbursing, through the agency of military officers, has proved inconvenient, in consequence of their frequent transfer to other duties;" and it is, in my opinion, liable to still stronger objections, as it imposes upon these officers duties foreign to their profession, and of great responsibility, abstracts them from their regiments, and, not unfrequently, unfits them to return to them. I would recommend that this method of disbursing these funds be abandoned, and a sufficient number of civil agents be appointed, so that disbursements may be made by persons giving bond for the faithful discharge of their duties. I concur with the Commissioner in the propriety of providing by law for the more liberal compensation of agents and interpreters. On their faithful execution of the trusts reposed in them depends the success of all our efforts to civilize the tribes and maintain the peace of the frontiers; and the price now paid for such important services is not equivalent to that received by the same class of persons in the employment of trading companies, whose interests are not, I am sorry to say, identical with those of the Government, and whose conduct too frequently counteracts the humane policy of the United States towards the Indians.

In accordance with the opinion of the Commissioner, I would recommend the passage of a law by which all sums accruing on moneys invested for the use of the several Indian tribes be deposited in the Treasury, to be drawn out upon the requisitions of this department, in the usual form; and further, that the whole business connected with the investment of the funds, for the interest of the Indians, and the management thereof, be transferred from this department to that of the Treasury, to which it properly belongs.

Intelligence was received at this Department early in the spring, that the Indians were in an unquiet state on our northwestern frontier, and apprehensions were expressed that the hostile feelings which existed between the Sioux and the Sacs

and Foxes, might endanger the peace of our border settlements. Sensible of the weakness of our forces in that quarter, having been compelled, from the state of our army, to strip both the inland and maritime frontiers of their garrisons to supply the army of Florida with a sufficient regular force, it was deemed most prudent to bring down to the seat of Government the principal chiefs of those warlike tribes. It is believed to be important to exhibit to those people the strength of the nation with which they would have to contend in venturing to attack our defenceless borders, and at the same time to impress upon them the advantages which flow from civilization. With several of these tribes it was made our duty to treat; and it would have been in a high degree imprudent, in the excited state of feeling which existed among them, to assemble large bodies in the neighborhood of our ungarrisoned posts, thereby exposing our utmost weakness at a period when it was important to display our utmost strength. The superintendents were therefore instructed to invite them to send deputations of their chiefs to Washington; and on their arrival here, treaties were negotiated with several of the tribes, by which large tracts of land have been purchased, and the object so much desired by Government, to extinguish the title to all the Indian land east of the Mississippi, nearly accomplished. The Sioux of the Mississippi have ceded their possessions east of that stream, together with all the islands belonging to them, and are to remove to the western shore. The Winnebagoes have at length agreed to dispose of their lands in East Wisconsin, and retire to the neutral ground on the west of the river. It is probable that their sojourn there will be temporary, and therefore a portion only of the neutral ground has been allotted to them, with permission to hunt upon the remainder. The interests of the country appear to require the existence of a line of frontier States between the Mississippi and the Missouri, and the extinguishment of the Indian title to all the land east of the Missouri, to the 43° of north latitude, would effect that object. With that view the Winnebagoes would have been at once removed south of the Missouri, had the country been previously explored, and a tract of land of sufficient extent set apart for their future permanent residence. The situation of that tribe, fast sinking under the degrading influences which surround them, and pressed upon by the whites, renders it a measure of humanity to remove them promptly across the Mississippi; but they were given to understand that they were not to consider the neutral ground as their permanent home. A treaty, likewise, has been negotiated by Governor Dodge, with the Chippewas, by which that tribe ceded a large tract of country east of the Mississippi, and have agreed to retire to lands west of that river.

A mistake had been committed by the surveyors of the United States, in determining the boundary line of the land ceded to the Government by the confederated tribes of the Sacs and Foxes by the treaty of September, 1832, and it was immediately determined to do justice to the Indian proprietors of the soil, and correct the mistake. The true line, however, would have excluded a fine portion of country, which was already settled and improved; and whatever may be the ultimate policy the Government may think proper to adopt towards the settlers who improve new and unoccupied lands, in order to acquire a title to them by future purchase, the Department is of opinion that, so long as custom and the practice of Government sanction their acquiring rights by such means, their claims ought to be respected, and therefore entered into negotiation with the Sacs and Foxes to extinguish their title to this strip of country; in doing so, it is deemed expedient to establish a line that will no longer be subject to doubt or dispute.

In this treaty, as in all the Indian treaties concluded at Washington, regard has been paid to the permanent benefit of the several tribes. Provision is made for the establishment of schools, as well as for instructing the people in the arts of husbandry, and for the investment of the purchase money so as to secure to the Indians a perpetual rent, a portion of which is to be applied in such manner as you may deem most useful and beneficial to them.

Much more remains to be done, in order to insure the faithful application of the funds destined for the support and comfort of the Indians. It now appears that their annuities really go into the coffers of the traders, in payment of debts incurred, in a great measure, by the idle and dissolute, but which are charged to the whole nation, and paid out of the common fund. The effect of such an arrangement is obvious. It encourages the vicious, and deprives the industrious of all incentive to exertion. The whole of this subject is of such vast importance, both as regards the condition of the tribes, and the character of the Government, that I propose to treat it in a separate report, and to suggest such improvements in the existing laws and regulations, as may insure the faithful application of their funds to the individual wants of the Indians.

Of the propriety of persevering in the system of removing the Indians beyond the evil influences which surround them within the States and Territories, and which were fast working their destruction, there can be no doubt. In its origin, the Government appears to have been actuated only by considerations of policy and expediency; but subsequently a better spirit prevailed in our intercourse with the red men, and their removal from beyond the limits of the States and Territories, rendered imperative by the peculiar circumstances of their situation, was connected with liberal and beneficial provisions for the amelioration of their condition. From a frontier people, roaming free and unrestrained over trackless forests and extensive plains, and subsisting on the products of the chase, they had suddenly, by the rapid spread of the whites, become communities, surrounded by an agricultural, enterprising, and enlightened people, seeking to develop the resources of the country, and, in their eagerness to obtain possession of their lands, pressing them into the narrowest limits. Deprived of their only resource, from the diminution of the game, and incapable or unwilling to resort to agriculture for subsistence, their situation became deplorable, and their distress was still further aggravated by the decisions which deprived them of the protection of the General Government, and extended the jurisdiction of the States over them. The inaptitude of the Indian character to conform to a state of society, moulded and regulated by a system of laws based on the principles and habits of civilized life, and adapted to give security to its multiform pursuits and interests, all differing from their own, is obvious. The only alternative was removal beyond the limits of the States, and the beneficent hand of the Government was extended to relieve that people from the operation of laws, beyond their comprehension to understand, or their ability to observe, and to remove them to distant lands, abounding in game, and guarantied to them for ever from the intrusion of the whites. The results of this policy have surpassed the expectations of the most sanguine.

The reports of the superintendents represent the early emigrants as living in comfort and abundance, and improving in the useful arts; and hopes may now be entertained of the preservation of the aboriginal inhabitants of this continent, and of their gradual civilization.

Ample provision has been made for their education, and the only duty of the Government which remains undischarged, is the formation of a suitable Territorial Government, and their admission to such a supervisory care in the general legislation as is granted by the laws to other Territories of the United States, and for the exercise of which they appear to be sufficiently prepared.

The subject is confessedly difficult and embarrassing; but the bill introduced into Congress at the last session, and partially acted upon, would seem to offer a fair prospect of success, and to secure to these Indians the enjoyment of all the advantages of free government, which the necessity of stretching over them the protecting arm of Government will admit.

This scheme has been submitted to several of the tribes, and been approved by them, and may safely be carried into effect and remain in operation until experience shall point out the alterations and amendments it may require.

Having received information early in the spring of this year, from sources to be relied upon, that the Camanche Indians had committed outrages upon our citizens, and carried off some women, whom they retained as prisoners, and that apprehensions were entertained of their committing other acts of hostility, if their complaints were not listened to and their grievances redressed, instructions were given, with your sanction, to Mr. A. P. Chouteau to repair to that country and ascertain the facts connected with these outrages, and the causes of complaint, if any really existed; to give assurances of ample reparation and exact the same from them, and to obtain the release of the prisoners, and restore them to their families and friends. With a view, likewise, of preserving the peace of that frontier, Mr. Chouteau was instructed to invite this powerful tribe to send a deputation to Washington, that they might represent their own grievances, and, at the same time, become acquainted with the real strength and resources of the nation they have hitherto deemed lightly of, from seeing only a few posts, thinly scattered along the frontiers, and feebly garrisoned. It is understood that Mr. Chouteau has succeeded in this part of his mission. These measures of precaution were taken from the necessity of the case, without any appropriation or legal provision for defraying the expenses; and I respectfully recommend that the subject be submitted to Congress for its sanction, and the necessary appropriations asked to enable the Department to discharge its obligations to Mr Chouteau; and, further, that a small sum be entrusted to the discretion of the Executive, to be expended on emergencies like this, requiring prompt action to preserve the peace of the country.

The report of the Commissioner of Pensions shows the probable increase of the disbursements for the ensuing year, raising the estimate from $1,593,936 to $2,532,149, principally from the operation of the third section of the law of the 4th of July, 1836. It will be seen, likewise, from this report, that some legislative action is required to deter persons employed as agents of pensioners, from defrauding them. This appears to be done both by withholding a portion of the money received in trust for the disabled soldier, or destitute widow and orphan, and by charging them an exorbitant per centage for collecting the stipend awarded them by the bounty of the Government.

Although I do not concur in a former recommendation to extend the provisions of the pension laws to any other classes than those embraced by the acts now in force, I beg leave to reiterate that which proposes some legal organization for the purpose of establishing a fund for the support of invalid officers and the widows and children of such of them as may die in the service. This may be done by making a moderate deduction from their pay, to such an amount and in such manner as may be agreed upon by the officers themselves. Similar provision may be made, in like manner, for invalied and disabled soldiers, and the widows and children of those who die in the service, not now provided for by law. This provision will become more necessary should the period of enlistment be restored to five years, a change which cannot be too strongly recommended. It is unnecessary to enter into the details of these plans for providing for the support of invalided officers and soldiers and their families. They may be so framed as to obviate all the objections which have been urged against their adoption, and are called for by every consideration of policy and humanity. Intimately connected with this subject is that of the pay of the officers of the line of the army. The very proper increase of pay made at the last session of Congress for the civil officers serving in the several departments, conveys an acknowledgment of the necessity of increasing all salaries of public servants which are below a certain amount; a principle which applies with great force to the condition of the officers of the army. In pursuance of this policy, I would recommend a moderate increase of pay to soldiers, non-commissioned and commissioned officers of the artillery and infantry

of the United States, from the rank of second lieutenant to that of lieutenant-colonel. The high price of labor, the demand throughout the country for that description of talent possessed, in an eminent degree, by the officers of our army, and which commands the highest rate of remuneration, together with the enhanced cost of all the comforts and necessaries of life, render this measure just and necessary, and I confidently ask your concurrence to procure for it the favorable consideration of Congress.

In the present uncertainty which prevails on the subject of the intention of Congress permanently to prohibit by law officers of the army from claiming or receiving any remuneration for disbursing moneys, the different interpretations given to the act renders its operation unequal and unjust. In almost all instances where the officers have withheld moneys and brought suits for the recovery of sums charged for commissions on their disbursements, the courts have awarded the full amount claimed; whereas those who have accounted for all they have received remain without any remuneration. If the proviso attached to the appropriation act of 1835, for the improvement of certain harbors, which prohibits any allowance to officers for extra official duties and responsibilities, is intended to be permanent, it ought to be fully and explicitly stated, so as to bind the decisions of the courts of law. But if Congress be of opinion that it is just to allow some remuneration for extra services, in cases where great responsibilities are incurred, then it would appear better to determine that compensation by law. I would by no means recommend that any allowance should be made for disbursing the usual and ordinary appropriations for the military service; but where heavy and extra duties are imposed upon officers, involving great risk, from circumstances beyond their control and against which no human precaution can protect them, it appears equitable that some compensation should be allowed, which on every account it would be better to fix by law.

By your instructions, in pursuance of the provisions of the act of the 3d of March, 1837, authorizing you to select and cause to be purchased, for the use and benefit of sick seamen and boatmen, and all other navigators on the western rivers and lakes, suitable sites for hospitals, a commission of able and experienced surgeons of the army was appointed to discharge this duty. The accompanying report shows that they have performed it with the zeal and ability which characterizes this branch of the service; and the contracts made by them to effect the purchase of the sites selected would have been sanctioned by the department, had the sum been with the amount appropriated by Congress for this purpose. The whole amount required will be $39,968, being an excess, over and above the sum appropriated, of $24,968.

The beneficient object intended to be accomplished by Congress in directing this examination, and the purchase of the several sites selected, will not, I trust, be defeated by this circumstance, and in this hope, plans and estimates for the construction of the hospitals accompany this report.

All which is respectfully submitted.

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMEET,
December 2, 1837.

SIR: In the performance of my duty to lay before you at this time the condition of our Navy, I beg leave to submit the following report:

Within the year past, the repairs of the Columbus, Ohio, and Delaware ships of the line, have been completed. The ship of the line Pennsylvania has been launched, and her equipments so far advanced as to be nearly ready to proceed to Norfolk, where they will be completed. The Erie, John Adams and Ontario sloops of war have been repaired. The steamer Fulton with her engines and machinery is nearly fit for service. Two sloops of war, to be called the Cyane and Levant, have been commenced under the appropriations of last year, and are nearly ready for launching, the one at Boston and the other at New York.

For a particular statement of the condition of our vessels on the stocks, as well as those afloat at our navy yards, I beg leave to refer to the report of the Commissioners of the Navy Board herewith submitted, (marked I;) and for the amount of timber, iron, and other materials, procured for the gradual improvement of the Navy, to their report, (marked L.)

The squadron in the Mediterranean consists of the frigates Constitution and the United States, and the schooner Shark. This is less than the usual force upon that station, but is deemed adequate to the present exigencies of our commerce in that sea; and as vessels were much wanted for other stations, none have been sent to that since the return of the Potomac and John Adams.

The frigate Constitution must be recalled in the early part of the coming year, when an addition can be conveniently made to this squadron, and the ship of the line Pennsylania sent to that station, should it be deemed expedient.

Our force in the Pacific at the time of my last annual report, was composed of the frigate Brandywine and the schooners Dolphin and Boxer; since which, the Brandywine, Commodore Wadsworth, has returned to the United States, and the Dolphin has been condemned and sold. The squadron now consists of the ship of the line North Carolina, Commodore Ballard, and the sloops of war Falmouth and Lexington and the schooners Enterprise and Boxer.

This is a considerable addition to our force on that station, but not greater than a due regard for our commerce in the Pacific at this time seemed to require.

The sloop of war Erie, Commodore Renshaw, returned from the coast of Brazil on the 15th of September last; and our squadron on that station now consists of the razee Independence, Commodore John B. Nicholson, the sloop of war Fairfield and the brig Dolphin. The Independence sailed from Boston on the 20th of May last, having on board our Minister to Russia, Mr. Dallas, whom Commodore Nicholson landed at Cronstadt on the 29th of July, and then proceeded to his station on the coast of Brazil.

In the West Indies, the frigate Constellation, the sloops of war Boston, Concord, Natchez, St. Louis, and Vandalia, and the schooner Grampus, composed the squadron under Commodore Dallas. To this large force has been added the sloop of war Ontario, which sailed from New York on the 19th of August last, carrying out, in addition to her own crew, an extra number of seamen and marines.

The revenue cutters Dexter and Jefferson, which, by consent of the Secretary of the Treasury, were transferred to Commodore Dallas, after having performed the duties required of them, have been returned to the revenue service; and the steamers American and Major Dade, also under his command, have been transferred to the army, at the request of the Secretary of War.

The employment of these revenue cutters and steamboats, under the command of Commodore Dallas, has subjected the Navy Department to heavy charges, not provided for in the appropriations for the year 1837.

The West India squadron has been most actively and efficiently employed in the complicated duties of protecting the persons and property of our merchants and other citizens, in the West Indies and the Gulf of Mexico; of co-operating with our land forces in the Florida war, and of preventing the importation of slaves.

The sloop of war Peacock, Commodore Kennedy, which, with the schooner Enterprise, sailed from New York in April, 1835, on a cruise in the East Indies, and along the coast of Asia, with a view to the protection and extension of our commerce in that quarter, returned to the United States on the 26th of October last, having successfully accomplished the objects for which the cruise was undertaken. The Enterprise was detained by Commodore Ballard on the Pacific station, where her services were required.

Commodore Read, with the frigate Columbia and the sloop of war John Adams, is ordered to perform a cruise in the East Indies, and is expected to sail in a few days. A part of his crews are detained a short time, to assist in taking the ship of the line Pennsylvania from Philadelphia to Norfolk.

For the purpose of protecting our commerce and suppressing the slave trade on the coast of Africa, our ships of war have been occasionally ordered to touch at the settlements on that coast. The most recent visits to these have been made by the brig Dolphin, on her passage out to the coast of Brazil, and by the frigate Potomac, on her return from the Mediterranean to the United States. These visits have given the highest satisfaction to the colonists on the coast, and will no doubt be attended with beneficial results.

Lieutenant Commandant Gedney, in the schooner Jersey, and Lieutenant Commandant Blake, in the schooner Experiment, with their officers and crews, as sounding parties, attached to the coast survey, have been actively and very advantageously employed in the harbor of New York and waters adjacent. The discovery, by Lieutenant Commandant Gedney, of a new channel into the harbor of New York, through which the heaviest ships may pass without danger, must add greatly to the commercial advantages of that harbor, and to its value as a naval station.

The survey of the harbors south of the Chesapeake made by Commodore M. T. Woolsey, Captain Alexander Claxton, and Commander E. R. Shubrick, who were sent out for that purpose in the brig Porpoise, under the command of Lieutenant Commandant William Ramsay, being finished, that brig has since been employed, under the command of Lieutenant Commandant Wilkes, in the survey and examination of George's shoals off the coast of Massachusetts.

This survey has, after much labor, been finished in the most satisfactory manner, and will add much to the safety of a navigation hitherto considered dangerous Lieutenant Commandant Wilkes is now ordered to take command of the brig Porpoise, and make an examination and survey of the harbors of Beaufort and Wilmington, in North Carolina, and a survey of May river, from Tybee bar to the Hunting island, which surveys are required by the act of the 3d of March last, making appropriations for the naval service.

Upon the application of the Board of Navy Commissioners, seventeen officers of the Navy were placed under their orders, for the purpose of making examinations required by the second section of an act of Congress of the 3d of March last, in relation to a selection of sites for lighthouses. These officers have completed the duties assigned to them in a satisfactory manner, as the Commissioners have reported to the Secretary of the Treasury. The travelling expenses and increased pay consequent upon the employment of these officers on this duty, have been borne by the Navy Department, and have to that extent increased the naval expenditures beyond what was contemplated in the estimates for the year.

The vessels enumerated in commission on foreign stations, or about to sail, including the five vessels of the South Sea Exploring Expedition, compose a larger naval force than we have had in commission at any time since the late war with Great Britain.

The satisfactory condition of our force abroad affords us the opportunity of providing for a home squadron for the protection of commerce on our extensive coast. Estimates for such a squadron are submitted with those for the general naval service for the year 1838.

Within the past year the number of captains of the Navy has been increased from forty to fifty; of commanders, from forty-one to fifty; of lieutenants, from two hundred and sixty to two hundred and eighty; of surgeons, from forty-four to fifty; and of assistant surgeons, from fifty to sixty.

This increase of officers was deemed necessary, from the increased number of ships to be put in commission, to meet the exigencies of our growing commerce.

The numbers of surgeons and assistant surgeons have not been increased in a just proportion with

those of the captains, commanders, and lieutenants; and the wants of the service require a further addition to their numbers.

As the appropriations for the South Sea Exploring Expedition, in the law authorizing the same, amounting to three hundred thousand dollars, were inadequate to the expense of its outfit, it became necessary to submit estimates for further appropriations for this object, which was done at the last stated session of Congress.

With my letter to the President of the United States of the 6th of February last, and by him submitted to the House of Representatives, were statements of the Board of Navy Commissioners, by which it appears, that there had been expended upon the Macedonian from those appropriations about $62,000; upon the ship Relief, barks Pioneer and Consort, and schooner Pilot, to be taken from the same appropriations, the sum of $168,000; and that to complete the equipments of these vessels, exclusively of provisions, instruments, and contingencies, with the preparation of which the Board was not charged, it was estimated that $70,000 more would be required; making in all $300,500, exceeding by $500 the amount of the appropriations.

The estimate submitted for the annual expenses of these vessels was $346,431 00, amounting, for the three years, during which time it was intended the exploring squadron should be absent, to $1,039,293 00. In this estimate is included the sum of $43,842 50 for the annual expense of the scientific corps of the expedition, amounting, with their assistants, to the number of eighteen.

As this statement of facts could leave no doubt that the Exploring Expedition would cost nearly, if not quite, a million and a half of dollars, and as it greatly exceeded in number of vessels and men the most successful expeditions of a like character heretofore sent out by the maritime Powers of Europe, it was believed that its amount would have been reduced by withholding a part of the appropriations asked for by the estimates. This, however, was not deemed expedient, and the full appropriations were made by an act of the 3d of March last.

Before this time, Lieutenant Commandant Tatnall, who had performed a cruise to the Coast of Mexico in the Pioneer, reported so unfavorably of her sailing, that it was deemed proper to examine into her condition, as well as that of the bark Consort and schooner Pilot, which, with the Pioneer, had been built expressly for this expedition, and which, in point of sailing, were not considered equal to the Pioneer.

On the 10th of April, Commodore Jones was informed that the Commissioners of the Navy had made arrangements to have a thorough examination of the barks Pioneer and Consort, and the schooner Pilot, with a view to ascertain their sufficiency for the service contemplated; that the chief constructor, Col. Humphries, and Mr. Grice, naval architect, were ordered on this duty, and Commodore Jones was requested to join them, which he did.

On the 26th of April, at his own suggestion, he was instructed, with the vessels of his squadron, except the Macedonian, to proceed to sea, and make a full trial of their sailing; and was directed to return to Norfolk within twenty days after sailing.

Commodore Jones, on his return from his experimental cruise, reported favorably of the sailing qualities of the vessels; but recommended that they should be put into dry dock, for the purpose of the examination which had been proposed, and for such repairs and alterations as might be deemed necessary. Measures were taken for doing this as soon as the ship of the line Delaware, then under a course of repairs, could be taken out of the dock.

On the 30th of May, Commodore Warrington was directed to prepare the Pioneer, Consort, and Pilot, for going into dock. As Commodore Jones had required that another schooner should be added to his squadron, without which he should not consider the expedition complete or efficient, it seemed the more proper that the condition of these vessels should be thoroughly examined.

On the 8th of June, a board of five officers, Commodores Chauncey, Morris, Warrington, Patterson, and Wadsworth, was ordered to make such examination, and to inquire whether the expedition might not be reduced in number of vessels and men, with advantage to the country, and without prejudice to the success of the expedition. This inquiry I wished made, from the consideration that the difficulty of procuring the necessary funds for fitting out this squadron was greatly increased by the suspension of specie payments by the banks, which had then taken place, which difficulty had not been foreseen by Congress when the large appropriations for the expedition were granted, and which made it the duty of the different departments of Government to limit the usual and authorized expenditures, as far as the same could be done without injury to the public service; and from the consideration that, should a part of the vessels of the squadron be found unfit for the service required, it would be better that the squadron should sail with a reduced force, than wait until other vessels could be substituted.

On the 13th of July, the board reported that the occupation of the dock at Gosport, and the employment of some of the members of the board, prevented a meeting until the 30th of June. That the barks and schooner were put into dock and examined; certain alterations recommended, which could soon be completed, by which the vessels "might be made to answer the purposes proposed sufficiently well to justify their employment."

The board state, that had they "been called upon before any preparations had been made, to state the number and character of the vessels, which in their opinion, would be best calculated to secure the attainment of these proposed objects, they certainly would not have recommended those which have been prepared." They were of opinion that a smaller number would have answered the purposes; yet, from a consideration of the expense incurred, the time spent in preparing the force, and other circumstances which they enumerate, and as the officer selected to command the expedition was satisfied with the vessels, they came to the conclusion, that no reduction could be made in their amount at this late period, without prejudice to the success of the expedition. They, however, recommended a reduction of the number of officers and men to about five hundred, exclusive of the scientific corps. To this reduction, although in my opinion a very proper one, Commodore Jones made such decided objections, that I thought proper to yield to his wishes, and so informed him; and his force was continued at six hundred and three officers and men, exclusive of the scientific corps.

Before the proposed alterations could be completed, Commodore Jones discovered that the cooking galleys, originally ordered at his request, made upon a new plan for burning anthracite coal, would not answer the purpose proposed; and on the 1st of August he requested they might be replaced by others. The galleys wanted have been made with all possible despatch, at the navy yard at this place, and the last of them was sent to Norfolk on the 6th of October.

On the 26th of September, I issued orders to Commodore Jones to proceed with the vessels of his squadron from Norfolk to New York, as soon as they could be prepared for removal. He was not able to sail from Norfolk before the 12th of October, and arrived at the harbor of New York on the 16th of that month.

As I believed the schooner Pilot, notwithstanding the alterations made in her, was not well fitted for service in the expedition, I gave to Commodore Jones the privilege of purchasing such a fast sailing schooner as he might select, to be substituted for the Pilot. In consequence of which, on the 8th of Setember, he purchased the schooner Clara, now called the Active, for eight thousand dollars; upon which he was authorized to put such repairs and improvements as he might think necessary, at the navy yard, New York.

Although the vessels had not heretofore been in a situation to receive the scientific corps, and I could not, with propriety, order them to report to the Commodore for duty, yet, I thought it proper to put them upon pay; which was done on the 4th day of July last. And I requested Commodore Jones, if his convenience would permit, to meet a large portion of them at Philadelphia, for the purpose of having a perfect understanding with them, as to their accommodations with their books, instruments, &c. on board the vessels of his squadron. This meeting took place in July, and such arrangements, I understand, were made, as were perfectly satisfactory to the Commodore and to the gentlemen of the scientific corps.

As it was necessary to procure a great variety of articles for the gentlemen of the scientific corps, for which requisitions could not conveniently be made without a consumption of much time, I found it necessary to place funds in the hands of one gentleman of the corps in Philadelphia, and one in New York. I also placed five thousand dollars in the hands of Commodore Jones on the 29th of August last, for the purpose of purchasing such articles for the expedition as it was inconvenient to make requisitions for; and on the 12th of October placed twelve thousand dollars, subject to his drafts, for like purposes, in the hands of his purser. This unusual course was adopted that there might be no delay in the sailing of the Expedition.

The objects of removing the squadron from Norfolk to New York, as stated by Commodore Jones, were to complete the stores, and to introduce some proper apparatus for heating the vessels in cold latitudes. These, I took it for granted, would not require more than two or three weeks for their completion; and from the general order of Commodore Jones at Norfolk, I felt a confidence the Expedition would leave the United States in the month of November. I, therefore, as soon as I knew of the arrival of the squadron in New York, directed the gentlemen of the scientific corps to report to Commodore Jones for duty.

On the 3d of November I wrote to Commodore Jones that the chronometers for his squadron were ready at the depot, in this place, and requested him to send two competent officers to take charge of them. On the 10th of the month I sent him sailing instructions to be carried into effect as soon as his vessels were, in all respects, ready for sea, and on the 16th of the month twenty-five chronometers, in good order, were delivered to the officers sent for them.

Had I known the extent of work required for the vessels of the squadron, after their arrival at New York, I should not so soon have directed the scientific corps to report, or have issued my sailing instructions.

By a letter from Commodore Ridgely of the 21st of November, I find that the work upon the vessels of this squadron, after their arrival at New York, up to the 15th of the month, amounted to four thousand six hundred and thirty-one dollars; and that there remained to be done, after that day, to the amount of two thousand three hundred and thirty-three dollars, all of which requires much more time than I had anticipated.

All this work I believe, however, is necessary, and would not have been ordered by Commodore Jones, if the health and comfort of his crews, and the safety of the expedition, had not depended upon it; and impatient as the public is, that the expedition should sail immediately, it is better that there should still be some days' or weeks' delay, than that it should sail before the vessels are fully prepared.

The Commissioners of the Navy hold no correspondence with the commanders of vessels in commission, except in relation to their supplies of provisions and stores. The steps, therefore, taken by Commodore Jones, under his discretionary powers, to have the vessels of his squadron fitted out as he should deem most expedient, were not under the control of the Commissioners, nor subjected to the strict regulations generally observed in fitting out vessels for foreign stations.

It was believed, however, that but little work remained to be done on the vessels after their sailing from Norfolk, and that but a small advance would be required for completing the stores. Yet it appears from the letter of Commodore Ridgely, before cited, that the expenditures required at New York for these vessels amount to the sum of $6,932 89, and for the schooner Active, including sea stores, the sum of $14,700 96; in all, $21,633 85. To these must be added purchases, made by authority of Commodore Jones, of articles,

for which requisitions have not been required, the amount of which is not known.

In my last report to the House of Representatives of the 13th of October last, I expressed an opinion that no further appropriation would be wanted for the expedition for the present year; but in ascertaining all the expenditures for the vessels since they left Norfolk, and what is still required for their equipment, it may be found that a further appropriation will be wanted for the present year, the amount of which cannot now be stated.

In obedience to a law of the 3d of March, 1835, authorizing the construction of a dry dock for the naval service in the harbor of New York, or in its adjacent waters, I caused soundings and other examinations to be made by an able engineer, Loammi Baldwin, Esq. for the purpose of selecting a proper site for such a dry dock. The report of Mr. Baldwin was decidedly in favor of the present navy yard at Brooklyn as this site; which was accordingly recommended in my report to the House of Representatives. This it appears, however, was not satisfactory; and on the 3d of June, 1836, the House of Representatives, by their resolution, directed this Department to ascertain, as far as practicable, the practicability of establishing a navy yard at or near Barn Island, in the straits called the East River, which connects Long Island sound with New York bay—also at Perth Amboy and Jersey city, in the State of New Jersey—the comparative advantages and disadvantages of those sites, and the site of the navy yard at the Wallabout, on Long Island, for the purposes of a navy yard; the expense of erecting the works recommended by Colonel Baldwin at the Wallabout, according to the plan prescribed by that engineer; the expense of a dry dock at each of the above positions; the expense of purchasing the necessary quantity of land, and erecting buildings of equal convenience with those now owned by the United States at the Wallabout, and the probable amount for which the lands, buildings, and other property of the United States at the Wallabout, might be disposed of, if offered for sale.

Under this resolution, I employed Mr. Baldwin to make the necessary examinations and inquiries, and on the 10th of December last submitted to the House Mr. Baldwin's very elaborate report, by which it would appear that the navy yard at Brooklyn, according to his former report, should be selected as the site of the proposed dry dock.

On the 22d of February last, the House of Representatives resolved that the Secretary of the Navy be directed to cause an examination to be made of the various positions not heretofore examined within the waters of the New York bay and its vicinity, which are adapted to the establishment and construction of dry docks, and to report their comparative advantages and disadvantages to the House of Representatives at the opening of the next session of Congress.

Under this resolution, I employed Professor James Renwick, of New York, to make the necessary examinations. He surveyed, with great labor and care, a bay at Constable's Point, in New Jersey, called Kill Van Kull, which, in his opinion, presents many advantages as a station for a dry dock and navy yard; which will be communicated to the House of Representatives in a separate report.

It is greatly to be regretted that so much time has been lost in making the proper selection for the site of this dry dock, the completion of which would be of the greatest advantage to the naval service.

In my last annual report, I stated that previously to the passing of the act of the 30th of June, 1834, for the better organization of the United States Marine Corps, double rations had been allowed to the Commandant of the Corps, and to the officers of the same, commanding at the navy yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and at Pensacola; to the senior marine officers in the squadrons in the Mediterranean, the West Indies, on the Brazilian coast, and in the Pacific ocean: all receiving the sanction of Congress by their appropriations. By this act, the officers of the Marine Corps are to receive the same pay, emoluments, and allowances, as are given to officers of similar grades in the infantry of the Army.

The act of the 16th of March, 1802, fixing the peace establishment of the United States, authorizes allowances to the commanding officers of each separate post, of such additional number of rations as the President of the United States shall, from time to time, direct. These provisions of the last act were continued by an act of the 3d of March, 1815, fixing the military peace establishment.

The paymaster of the marine corps made payments for double rations to officers heretofore receiving the same, from the 1st of July to the 30th of September, 1834; but the accounting officers of the Treasury did not think proper to allow the same, inasmuch as the commands of these officers had never been designated as separate stations agreeably to the rule prescribed for the Army.

This was a case of difficulty which, it was respectfully suggested, required legislative interference, which suggestion I beg leave to repeat.

The rule for allowing double or increased rations should be fixed by law. This subject has received the attention, but not the final action of Congress.

The report of Commodores Stewart and Dallas, and Captain Bolton, who were appointed a board to prepare plans for the improvement of the navy yard at Pensacola, contains no estimate of the expense of carrying the proposed improvements into effect; and as that expense must be necessarily very great, it was deemed proper to employ an able engineer to make the necessary estimates.

Col. Loammi Baldwin, under whose superintendence our two dry docks were constructed, was applied to for this purpose; and an arrangement made with him to perform this service, if the professional business he had engaged to perform in the State of Georgia would permit, of which there would have been but little doubt; but his loss of health in this previous duty was such as to leave no hope that he could, during the proper season, make the examinations and estimates required.

An arrangement has since been made with Col. Totten of the Army, with the assent of the Secretary of War, to make these examinations and estimates; and he is now on his way to Pensacola for this purpose. It is hoped that, in the course of this and the next month, this important duty may be performed in a satisfactory manner by the officer to whom it is entrusted.

NAVY PENSION FUND.

The number of invalid pensioners payable out of this fund is - - - - -		356
And the annual sum required to pay them is - - -	$28,895 70	
The number of widow pensioners is -		238
And the annual sum required to pay them is - - -	47,820 00	
The number of minor children pensioners is - - - -		84
And the annual sum required to pay them is - - -	11,052 00	
The whole number of pensioners is - - - - - -		678
And the present annual charge is	$87,767 70	

This statement is complete to the 1st of October, 1837.

The amount of arrears to invalids under the act of the 3d of March, 1837, is - -	$117,949 85¾
The amount of arrears to widows is -	270,125 37½
The amount of arrears to children is -	190,341 89
Total of arrears as ascertained to the 1st of October, 1837, and paid to 1st of July, 1837, under the same act, is - - - -	$578,417 12
The amount of stocks owned by the Navy Pension Fund on the 1st of October, 1837, was - - -	$1,049,232 25
On the 8th of November, 1837, there was sold Pennsylvania stock belonging to the fund, to the nominal amount of -	$55,000 00
And United States Bank stock paid for by the Secretary of the Treasury - - -	641,600 00
	696,600 00
Therefore, the present amount of stocks will be only - -	$352,632 25
But of the proceeds of the United States Bank stock, about - - may be invested in stock, and the capital of the fund for the next year may be stated at - -	200,000 00
	$552,632 25

PRIVATEER PENSION FUND.

It was mentioned in my last annual report, that this fund would probably be exhausted previously to January, 1838; accordingly, the last stock was sold in May last, and the proceeds applied to pensions.

The number of pensioners payable out of this fund is - - - - - -	36
And the annual amount required to pay them - - - - -	$2,920

Pensions to invalids were, according to law, granted to be paid during life, or continuance of disability; it is therefore recommended, as in my last report, that provision be made to pay these pensioners.

It is estimated that the annual sum of $4,000 00 will be sufficient, not only for this purpose, but also to pay the debts of the fund, and satisfy any claims that may be allowed under existing laws.

On the 1st of January next, six months' pay will be due, and should a law not be made early enough to authorize the payment at that time, most of the pensioners will, in all probability, be much distressed and disappointed.

NAVY HOSPITAL FUND.

The balance in the Treasury to the credit of this fund on the 1st of October, 1836, was		$75,717 36
And the receipts to the 1st of October, 1837 - - - -		19,293 00
		$95,010 36
Expenditures to 1st October, 1837 -		808 00
Balance 1st October, 1838 -		$94,202 36

The particulars from which the above statements are made, will be seen in the documents accompanying this report.

A separate report, in obedience to a resolution of the Senate of the 13th of October last, will be made, of the state, condition, and amount, of the Navy Pension fund, the operation and effect upon the fund by the act of the 3d of March last, for the more equitable administration of the Navy Pension fund, and the number and names of persons placed on the pension list, the times when pensions were granted to them, and the amount of money paid to each under said act.

The duties imposed upon this Department by the operation of this act, are extremely onerous, and require, as I would most respectfully suggest, the aid of a separate bureau, under a proper head as Commissioner of Navy Pensions, with powers and duties similar to those of the Commissioner of Pensions of the War Department.

In compliance with the resolution of the House of Representatives of the 3d of March, 1836, a board of officers was appointed to ascertain the efficiency, and test the safety, of the medium or light guns of the Navy, and to compare their effects with those of the guns for which they were proposed to be substituted. The necessary preparations and other causes prevented the completion of these duties until the 28th of September last.

From the report made by the board on that day, it appears that, after subjecting the medium or light guns to severe tests, they were all satisfied with their safety when used with proper charges.

They were also unanimously of opinion that the medium thirty-two pounders were to be preferred to the heavy twenty-four pounders for the upper gun decks of ships of the line; and three of the five commissioners would prefer the medium thirty-two pounders to twenty-four pounders, for the gun decks of heavy frigates.

The comparative advantages between the light twenty-four pounders and the forty-two pound carronades, seem to leave the question of relative effi-

ciency to depend upon the circumstances of space in our own vessels, and the distance of an enemy in case of action; which, being variable in themselves, their relative efficiency would probably be estimated differently by different individuals.

A copy of the report of the board is hereto annexed.

Commodore T. A. Catesby Jones having presented to the board his individual views in a letter, an extract of such parts of the same as relates to the subject of the resolution, is also annexed.

Upon a late report that an atrocious piracy had been committed near our coast upon the packet Susquehannah, our officers and seamen, with great alacrity, volunteered their services to go in pursuit of the supposed pirate.

In performing this duty they encountered unusual hardships and privations, for which their usual pay and emoluments form no adequate compensation. I would respectfully suggest the propriety of making provision by law for giving suitable rewards in this case, as well as in like cases, which may hereafter occur.

In my annual report of December, 1835, I took the liberty of suggesting the necessity of establishing a national foundry, for the purpose of casting cannon, shot and shells, as well for the Army as Navy. This subject I beg leave to bring to your notice as one of great importance.

An establishment for the manufacture of powder for the Army and Navy is one of nearly equal importance. It is believed that under a joint board of officers of the Army and Navy, these objects may be effected with great advantage to the country.

It is my duty to state that the building occupied as offices of the Navy Department, is not such as to afford the proper and convenient accommodations to the officers and clerks employed. The want of rooms for the documents and vouchers of the Department has made it necessary to crowd the halls and passages of the building with wooden boxes filled with papers.

This adds much to the danger from fire, to which the building, with its valuable contents, is daily exposed. It is hoped measures may be adopted for extending the building, and for the safekeeping of the valuable records and papers it contains.

By the statement marked U, hereto annexed, it will appear that of the appropriations heretofore made for the suppression of the slave trade, there remained in the Treasury on the 23d of November last, $10,763 74.

The necessary references to papers and documents connected with this report, will be found in a schedule hereunto annexed.

All which is respectfully submitted.

MAHLON DICKERSON.

To the PRESIDENT OF THE UNITED STATES.

REPORT OF THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
December 4, 1837.

SIR: On the 1st of July last the post routes of the United States in operation were, as nearly as can be ascertained, 141,242 miles in extent, and the annual transportation of the mails upon them 32,597,006 miles, viz:

On horses and in sulkeys - - -	11,999,282
In stages and coaches - - - -	18,804,700
In steamboats and railroad cars -	1,793,024

The increase of routes in operation during the preceding year was 22,978 miles, and of the annual transportation 5,018,620.

From the 1st of January next, the post routes covered by contracts will be at least 142,877 miles in length, and the rate of annual transportation upon them 36,228,962 miles.

The number of post offices in the United States on the 1st of July last was 11,767, showing an increase of 676 within the preceding year.

The number of post offices established within the year was 956, the number discontinued 280, and the changes of postmasters 2,235.

The number of post offices on the 1st instant was 12,099.

The postmasters generally perform their duties with admirable fidelity and precision.

The number of contractors in the mail service during the last year was 1,682. Of these, 430 have been fined more or less for various delinquencies, and the aggregate of fines imposed, and deductions made, during the year, is $41,705 95.

Most of the contractors have always been energetic and faithful, and, among the rest, there has been, within the last year, a very sensible improvement.

The revenue of the Department for the last year, including an estimate for deficient returns, was - -	$4,137,056 59
The expenditures, including an estimate of demands not adjusted, was	3,380,847 75
Excess of revenue over expenditure	$756,208 84

The increase of the whole year was 20½ per cent. over the revenue of the preceding year, producing $228,834 59 more than was estimated.

Detailed statements with estimates for the coming year will be laid before Congress in obedience to the act of 1836.

On the first instant the Department had bank funds - - - - -	$430,655 57
Specie in post offices reported subject to draft - - - -	410,662 81
Total funds on hand - -	$841,318 38

In consequence of the failure of Congress to reduce the postages at the last annual session, arrangements have been made to improve the mail service beyond the extent of the accruing revenue so as to absorb the surplus. The career of improvement has been arrested by apprehensions of a reduction of revenue, growing out of the general commercial embarrassment; but no reduction of the service contracted for is at present contemplated.

The following improvements have been made in the time of transmitting intelligence within the last two years, viz:

FROM NEW YORK.

	1835.	1837.
To Washington, D. C.	1 day 8 hours.	1 day 0 hours.
Richmond, Va.	2 " 13½ "	1 " 13½ "
Raleigh, N. C.	3 " 22½ "	2 " 7 "
Columbia, S. C.	6 " 3 "	3 " 5 "
Charleston, S. C.	6 " 19 "	3 " 10½ "
Milledgeville, Ga.	7 " 15 "	3 " 21½ "
Montgomery, Ala.	10 " 3 "	4 " 19 "
Mobile, Ala.	12 " 12 "	5 " 17 "
New Orleans, La.	13 " 19 "	6 " 19 "
Wheeling, Va.	3 " 11 "	2 " 8 "
Columbus, O.	4 " 16 "	2 " 22½ "
Indianapolis, Ia.	7 " 14 "	3 " 19½ "
Vandalia, Ill.	11 " 15 "	4 " 15½ "
St. Louis, Mo.	13 " 10 "	4 " 23½ "
Cincinnati, O.	5 " 17 "	3 " 14 "
Louisville, Ky.	7 " 13 "	4 " 8 "
Nashville, Tenn.	9 " 20 "	5 " 6 "
Huntsville, Ala.	11 " 22 "	5 " 20½ "

FROM NEW ORLEANS.

To Montgomery, Ala.	3 days 21 hours.	2 days 0 hours.
Huntsville, Ala.	8 " 5 "	3 " 2 "
Nashville, Te.	10 " 0 "	3 " 18 "
Louisville, Ky.	13 " 0 "	4 " 17 "
Cincinnati, O.	14 " 11 "	5 " 17 "
Columbus, O.	16 " 9 "	6 " 7½ "
Pittsburg, Pa.	18 " 5 "	7 " 8 "

These are the results of the Express mails. The ordinary mails have also been expedited.

FROM NEW YORK.

To Wheeling, Va.	3 days 11 hours.	2 days 19 hours.
Columbus, O.	4 " 16 "	3 " 5 "
Cincinnati, O.	5 " 17 "	4 " 6 "
Louisville, Ky.	7 " 8 "	5 " 4 "
Memphis, Te	13 " 20 "	7 " 20 "
Natchez, Mi	16 " 19 "	11 " 13 "
New Orleans, La. by the Western route	17 " 18 "	13 " 4 "
Utica, N. Y.	1 " 10 "	0 " 23 "
Buffalo, N. Y.	2 " 20 "	2 " 11 "
Burlington, Vt.	2 " 2 "	1 " 19 "
Haverhill, N. H.	2 " 16 "	1 " 22 "
Concord, N. H.	1 " 22 "	1 " 14 "
Augusta, Me.	3 " 9 "	3 " 5 "

Of course the whole intermediate, adjacent, and more remote regions of the Union, are benefited by this increase of expedition.

The advancement of the Department in other respects is equally satisfactory.

	In 1835.	In 1837.
Post offices - - -	10,770	12,099
Miles of mail routes under contract - - -	112,774	142,877
Miles of annual mail transportation -	25,869,486	36,228,962
Revenue -	$2,993,576	$4,137,056

In 1835, the Department was laboring under an extraordinary debt of $600,000; in 1837, it has a surplus of $800,000.

Efforts have been made to organize a great mail line from New York, through Philadelphia, Baltimore, Wheeling, Columbus, and Cincinnati, by land, and down the Ohio and Mississippi rivers, by Louisville, Memphis, Helena, Vicksburg, Natchez, &c. to New Orleans. Between Cincinnati and Louisville a steamboat mail now runs daily; from Louisville to New Orleans it now runs thrice a week under a recent contract, and will run daily after the first year; from Baltimore to Cincinnati the mail has been greatly expedited; and nothing is wanting to complete the plan but a contract with the railroad companies between Philadelphia and Baltimore, of which there is a fair prospect. It is anticipated, that when this line shall be in full operation, it will be expedient to discontinue the Express mails between Philadelphia and Cincinnati, at least, as little can be gained by them; and the great mail will go from New York to New Orleans by this route in about eleven days.

It is hoped the bill relative to the transportation of the mail upon railroads, which passed the Senate at the last annual session, may become a law. It is liberal to the railroad companies, and would probably remove all obstacles to making contracts with them.

For some time to come the mail transportation will be nearly stationary. The post offices will greatly increase. The revenue will rapidly advance as soon as the general embarrassments are at an end. That of the last quarter was at least nine per cent over the corresponding quarter of last year; but the same relative proportions are not to be expected in the coming quarters.

The number of dead letters returned to the Department for the last two quarters has been ascertained as accurately as practicable. For the quarter ending 30th June last they were over 222,000, and for the quarter ending 30th September last over 225,000. The average may be put down at 900,000 annually. At 12½ cents each, their estimated average postage, the loss to the Department on these letters is $112,500 a year.

Estimating the letters delivered out at the same average rate, it will appear that the whole number of letters delivered from the post offices of the United States during the last year was 29,360,992. For free letters and dead letters may be added at least 3,000,000 more. The number of newspapers, pamphlets, &c. paying postage, conveyed by mail annually, is estimated at about 25,000,000. The dead and free newspapers may be about 4,000,000.

The convenience of the public business, and the security of the books and papers, require that a fire-proof building be provided for this Department.

It is necessary that the clerks provided for in the appropriations of the last annual session be made permanent.

The great increase of the number of post offices, and in the magnitude of accounts from the old offices, together with the multiplication of contractors, render it absolutely necessary to augment the force of the Auditor's office.

I take great pleasure in saying, that more faithful, devoted and efficient public officers than my three assistants cannot be found, and that the clerks generally partake of their spirit.

Some idea may be formed of the amount of business done in this Department from the fact, that the communications of all sorts received in the different offices, excluding the Auditor's office, amount to a daily average of about 860 for the working days, equal to 269,180 a year; the communications sent, to about 470 daily, equal to 147,110 a year; and the cases actually decided by the Postmaster General to 48 daily, equal to 15,024 a year.

The magnitude of the work done by the Auditor and his clerks may be estimated from the fact, that they examine and adjust the four quarterly accounts of each postmaster, making near 48,000 accounts a year, and the accounts of each contractor quarterly or oftener, making about 7,000 a year; keeping the mass of books required in this service; closing each year the accounts of

about 2,000 ex-postmasters; and carrying on the heavy correspondence growing out of these extensive duties.

Herewith is an interesting statement of the First Assistant, relative to mail transportation.

I have the honor to be,
Your obedient servant,
AMOS KENDALL.

To the PRESIDENT OF THE UNITED STATES.

POST OFFICE DEPARTMENT,
October 13, 1837.

SIR: In compliance with a resolution of the House of Representatives, adopted on the 1st instant, and received by me on the 5th, I have the honor to submit the following report:

1st. The resolution asks for "the balances now on hand, so far as ascertained, to the credit of the Department."

The Deparument has in bank, exclusive of outstanding warrants - -	$444,629 41
In the hands of postmasters, reported	334,580 39
	779,209 80

2d. "An estimate of the receipts and disbursements during the residue of the current year."

The nett receipts of post offices for the quarter ending 31st December next, are estimated at - - - -	$760,000 00
The expenditures for the same quarter are estimated at - -	770,000 00

3d. "The aggregate amount received and disbursed by the Department since the 1st of May last, distinguishing the amount in specie from that in other funds."

The amount desosited in bank since the 1st day of May last, is -	$124,370 62
The amount reported as received by draft offices - - -	544,812 87
The amount received by contractors from collection offices during the quarter ending 30th September last was - - - -	237,970 38
The amount received in the same manner during the months of May and June, being a fraction of a quarter, cannot be ascertained without taking more time than the present session of Congress will allow, but it is estimated at -	50,000 00
Total receipts	$1,057,153 87
The disbursements have been:	
By warrants on banks - -	$452,524 35
By drafts on postmasters - -	178,832 89
By collections from postmasters without drafts, in part estimated -	387,970 38
Total disbursements	$1,019,327 62

It is not possible to distinguish the amount received and disbursed in specie from that in other funds. Of the deposites in bank, it is presumed that the greater part was in bank notes, having been made before the suspension of specie payments. The Department has no report of the funds in which warrants on banks have been paid. It is understood that five banks have continued to pay its warrants in specie since the suspension, and have so paid $28,279 62 There has also been paid by the Bank of the Metropolis the sum of $35,426 71 in specie, which was specially deposited.

It is probable that most of the balance, as well since as before the suspension, has been paid in bank notes. If so, they have been received by the creditors of the Department of their own choice; for all warrants on banks returned with proof of refusal to pay in the legal currency of the United States, have been promptly paid in gold and silver. No drafts on postmasters, drawn for the purpose of paying balances due contractors, have been returned for refusal to pay in gold and silver, and it is not doubted that nearly the whole amount has been paid in that currency. In that currency, also, the collections by contractors have generally been made. That there are many exceptions in the ten thousand post offices from which the contractors collect, is very probable; but only nine postmasters have been reported to the Department for refusing to pay in gold or silver, and their aggregate quarterly balances do not exceed $1,525. Eight other cases are reported, involving about $1,600, in which bank notes had been received by district attorneys and others for old debts due the Department. In some of these cases, the notes or certificates of deposite have been returned, in others retained, because there was a bad prospect of getting any thing else.

4. "The regulations touching the funds to be received and disbursed, if any, other than those already communicated."

No regulations not already communicated have been issued.

5. "The instances in which those regulations have been disobeyed or dispensed with."

In no instance have the regulations relative to receipts and disbursements in the legal currency of the United States been "dispensed with."

There is no law or regulation expressly requiring postmasters to *collect* postages in specie or its equivalent. Gold and silver constitute by law the currency of the United States, and the standing regulations inform postmasters that they will be responsible for that currency or its equivalent, and that no credit will be given them for depreciation of bank notes or for counterfeits. Before the late suspension of specie payments, the postmasters took bank notes on their own risk, being required to account for the legal currency. The ten thousand collection offices remain on the same footing still, and the only change made by the circular of May 13, 1837, to the draft offices, was to prevent further deposites in banks. To ensure greater certainty in meeting the drafts of the Department, they were required to *retain* the amount due *in specie*. The former regulations in reference to collections were not changed. The cases where postmasters have been reported for refusal to pay specie on demand, are rather violations of law than of the regulations of the Department, and are so treated.

6. "Separate statments of the aggregate amounts left in the hands of collecting officers, paid into the Tseasury, and deposited in bank, the Mint and its branches, or other depositories, since the date first mentioned."

The amount left in the hands of postmasters since the first of May, most of which would have been deposited in banks under the former system, is $544,812 87.

The amount deposited in bank, as exhibited above, is $124,370 62.

No deposites have been made by this Department in the Mint or its branches, or in other depositories, nor has any thing been paid into the Treasury.

In further explanation of the operations of this Department since the suspension of specie payments by the banks, it is proper to add, that the notes of those institutions, though to some extent tolerated by law in the transactions of the Government as long as redeemable and redeemed in gold and silver, are expressly prohibited to its use when no longer so redeemed; that it was in obedience to the law that this Department, on the suspension of the banks, took prompt measures to prevent their receipt and avoid their disbursement in its own operations; that the suspension of payment by the banks occurred in the month of May, one of those months in which the quarterly balances due to contractors are chiefly paid off; that the entire available means of the Department for that purpose were deposited in the banks; that the Department had no alternative but to continue its warrants on the banks, or stop payment altogether; that inasmuch as the banks had given no notice of an intention to refuse gold and silver or their equivalent in paying out the deposites of the Department, it was considered no violation of law to draw on them as if nothing had occurred; for that reason, as well as to avoid an absolute stoppage of payment, and gain time to accumulate a specie fund, the issue of warrants on banks was continued, but instant steps were taken to provide a specie fund for the payment of such as might be returned with proof of the refusal of the banks to pay them in gold and silver; by the time they began to return, the Department had an ample fund for their payment, and in every instance they have been paid in the legal currency of the United States. By these means, without sanctioning or countenancing the receipt or disbursement of depreciated bank notes, this Department has been enabled thus far to outride the storm, with its credit unimpaired, and is confident in its capacity to carry on its operations, according to existing laws, receiving and disbursing gold and silver only.

Very respectfully,
Your obedient servant,
AMOS KENDALL.

Hon. JAMES K. POLK,
Speaker of the House of Representatives.

REMARKS OF MR. HOLSEY,
OF GEORGIA,

In the House of Representatives, Tuesday, Dec. 19, 1837.—In Committee of the Whole on the resolutions offered by Mr. HAYNES, for the reference of the President's Message.

Mr. HOLSEY addressed the House as follows:

Mr. Chairman, I am in favor of the resolutions, submitted by my honorable colleague, now under discussion. They propose to refer, first, the subject of finance to the *Committee of Ways and Means;* secondly, the reissue of the notes of the old Bank of the United States, to the *Committee on the Judiciary.* The objections to the first resolution apply to the committee; to the second, the want of jurisdiction. I shall attempt to answer them. As to the Committee of Ways and Means: the gentleman from Massachusetts (Mr. Reed) objects, first, that the voice of people has spoken against the system of finance reported by them at the last session, and still entertained by the committee; secondly, that they submitted to *Executive dictation* in receiving and reporting the draught of that bill from the Treasury Department. Mr. Chairman, when I am called upon to yield obedience to the voice of the people, I should like to know what people. If the people of the United States, I shall deny the relation of principal and agent, of constituent and representative, between this House and *such a people.* I derive my commission from *no such authority.* I am not sent here to obey its mandates. In giving my vote, I shall yield obedience, neither directly nor indirectly, to any power, but that of the people of Georgia—a component State of a federal system. The members of this House find their duties only in their obligations. They are sworn only to support the Constitution. In consolidated forms, I acknowledge the obligatory power of the *vox populi.* It is the standard of action for the representative. *It is the vital principle of Democracy.* To it, I trust, I shall ever yield a ready acquiescence. But, sir, this House is not the representative of a nation; it is a branch of the councils of *confederate States,* each with full power, under the compact which unites them, to urge, insist upon, and carry out, through the forms of the Constitution, such measures as may be within the scope of their delegated authority. And this, sir, you will permit me to say, is not only the *theory,* but it is, in an eminent degree, the *practice* of this Government. It is confirmed at every stage of your proceedings, when the yeas and nays are entered on the journals. In recording his vote, what member takes the voice of the *people of the Union* as his guide? *Not one.* It is in vain, therefore, that the gentleman from Massachusetts reverberates the "thunder" of the *people's voice.* I flatter myself it will have no terrors for a single member. The voice of their *respective districts or States,* of the *people who constituted them,* and sent them as their immediate representatives, will be the supreme law of the members of this House, in their deliberative capacity, any thing, in any supposed expression of the general will, to the contrary notwithstanding. Thus much for the *law,* as laid down by the honorable gentleman from Massachusetts. What are the *facts?* He says the people have spoken *against* the system of finance adopted by the Administration, Concede it. Have they spoken *for* any other? There are but *three* propositions before the country: a separation of the fiscal action of the Government from banks, its connection with the State

banks, and a third party advocating a Bank of the United States. Now will the gentleman from Massachusetts tell me which of these propositions is *oremost* in the race of public opinion? Will any one compare the advocates for the State banks, in point of number, with those of the system proposed by the Administration? Have the friends of a national bank, so *signally defeated* at the last session, again rallied under the cry of victory? Nothing could strengthen them but the defection of the Conservatives. Ask the Conservative if he is for a national bank in preference to the plan of the Administration. His answer is in the negative. Have the National Bank party gone over to the Conservatives? The two banks are, from their natures, *antagonist* powers, and cannot unite but in opposition to a third power, which assails them both. I am persuaded, Mr. Chairman, that, of the three schemes before the people, the scale preponderates decidedly in favor of the *separation*. I think, therefore, neither the law nor the fact, arising from the argument drawn from the influence of public opinion, sustains the objection *to the committee*. But, sir, I come to consider the charge of submission to *Executive dictation*. This is a grave charge, sir, and requires examination. The committee that could consent, and the Executive that would attempt to dictate, without the warrant of the Constitution, would be equally unworthy the confidence of the House and the nation. The question is, whether, under our Constitution, the President has the power to *propose* laws to Congress? In consulting that instrument for the powers and *duties* of the President, I find these words: "He shall, from time to time, give to the Congress information of the state of the Union, and *recommend to their consideration such measures as he shall judge necessary and expedient!*" It may seem remarkable that, by the *English* Constitution, the *proposing* power is *denied* to the *King;* whilst in *ours* it is *vested* in the *President*. But the reason is obvious, if we attend to the difference between the *power* and *influence* of the two Executives. In *England*, where the *King* has power to raise and support *armies*, with a *revenue* equal to that of many of the nations of the earth, surrounded by the *pomp* and *regalia* of a *throne*, the power to *recommend* measures to Parliament might often be equivalent to a power to *pass* them. He is, therefore, wisely restricted to a simple negative. The American *President*, on the other hand, *divested* of the power to raise *a single soldier* without the consent of Congress, and, even if he could, without any sustaining power but in his own *private fortune*, liable to *impeachment* by one branch of the Legislature, and subject to *trial*, *conviction*, and *punishment* before the judicial tribunals, may *safely* be trusted with the power in question. Sir, it is a master-piece of *skill*, that may challenge either the past or the future, that our ancestors, after *weakening* the Executive arm below the capacity of extensive injury, availed themselves of the wisdom so often found in a *single head* to give *form* and *impetus* to the confusion and difficulty of movement which have so often marked *popular assemblies*. Is there any thing either in the *form* or *spirit* of the Constitution which restricts this power to mere *outlines*, and prohibits a *specification* of the precise measures which the President "shall judge necessary and expedient?" I think not. The power is general. *It includes all the particulars*. The power to recommend a measure comprehends that of *detailing all its parts*. It is particularly necessary and proper in all schemes composed of *many distinct parts*. *General descriptions* will give no adequate idea, but only serve to bewilder. *Specification*—detail—is not only consistent with, but in *perfection* of the general power. It is only the *counsel* of the Executive in that *precise form* in which you cannot *mistake* it—a form which imparts to all counsel its *chief value*. It is, therefore, in my opinion, no departure from the Constitution for a committee to receive draughts of bills, particularly if complicated in their nature, upon such subjects as are recommended by the President to Congress "as necessary and expedient."

I come now, sir, to consider the second resolution under debate, proposing to refer the conduct of the Pennsylvania Bank of the United States, in *re-issuing* the notes of the old bank, to the Committee on the Judiciary. An honorable member from Ohio (Mr. Bond) objects to this resolution—an attempt to infringe the *jurisdiction* of one of the *States* (Pennsylvania,) by reviewing the conduct of an institution chartered under her authority. Is it so? The charter of Pennsylvania bears date the eighteenth of February, 1836. It binds the bank to the redemption of such bills or notes as they *shall* issue. Its banking privileges commence from that date, look to the future, and have nothing to do with the past. It has no authority under the charter, then, to *re-issue* the notes of the old bank as *part of their circulation*. It cannot be made liable for their redemption under the charter of Pennsylvania, because those bills are *antecedent* in date to the charter. The foundation for their redemption must be sought in the charter under which they *originally* issued. The *banking privileges* of that charter *expired* on the 3d day of March, 1836. The *re-issue* must be either by the *old* or the *new* bank, or both, as partners in the transaction. If by the *old* bank, it is clearly *contrary* to law. If by the *new*, it is *unauthorized* by the law of Pennsylvania. If by *both*, it is equally an infringement of the charter of 1816, without the color of State authority for its protection. The principal and the agent become *particeps criminis* in the transaction. But the question may arise, does the circulation by the new bank, of the notes of the old one, amount to a *re-issue*.

I shall not deny that *distinct* corporations may circulate the bills of each other acquired in the fair and regular course of trade. Are they *distinct* corporations? Is not the same stock liable for the redemption of the circulation of both; and is not the stock of the old bank held by the president, directors, and company of the Pennsylvania institution in trust for that purpose? The act of that State incorporates the president, directors, and company of the Bank of the United States, with the exception of the United States and their Treasurer. With these exceptions, which do not amount, I think, to more than one-fifth of the capital, there is a community of profit and loss between the two institutions.

"Not wholly different, yet not quite the same,
Their features their affinity proclaim!"

But, admit them to be separate corporations. By an agreement between them, the effects of the old bank were transferred to the new one "in trust for the discharge of its debts and the settlement of its affairs." With the funds of the former institution in its hands, in trust for the redemption of the bills of the first, is it not fair to presume that the notes of the former bank, coming into the hands of the trustee since the creation of the trust, have been purchased by the funds transferred for that purpose? If so, the character of a reissue is indelibly stamped upon their subsequent circulation. It is not in the fair course of trade, but in violation of the trust. Such a transaction by an individual would be justly regarded as *downright forgery*. It would be falsely uttering, or publishing, the bill or note of another. Will the consent of the former bank be urged in extenuation. *Both* institutions, *principal* and agent, would still find it impossible to escape the charge of *aiding* and *abetting* each other in violating the charter of 1816. That charter, sir, was a license by Congress, (whether constitutional or not I will not now discuss,) to the bank to use a very *high* prerogative of *sovereign power*. The power to issue a *currency* that shall *represent* the *property* of a nation, has always been held among the *jura summi imperii*, or rights of the supreme authority. The exercise of this power, by individuals or associations, *without* warrant from that authority, may justly be regarded as entitled to a pre-eminent rank on the list of high crimes and misdemeanors. On the 4th day of March, 1836, the power to issue money, hitherto granted to the Bank of the United States, *reverted* to the grantors—the Congress of the United States. *Since* that time, however, an association of individuals in the State of Pennsylvania, under *color* of authority from that State, but really without it, have continued to exercise this high political power, notwithstanding the expiration of its charter. But conceding for a moment the *ægis* of the State to be thrown over the bank as contended, the inquiry must still be met, how far a State may legalize the *reissue* of a currency *originated* under a *distinct* and *independent* authority? Sir, upon this question of re-issue I have no doubts. The doublings and windings of the bank, in its two-fold capacities of *new* and *old*, of *principal and agent*, shall not delude me. It is sufficient that a body of men, within the limits of the Union, continue to exercise a charter which has reverted to this Government. It is its duty to arrest it in a matter at all times so delicate and important as the currency. I hope, therefore, the resolutions of my colleague will be adopted.

REMARKS OF MR. NILES,

OF CONNECTICUT,

In the Senate, Thursday, December 21, 1837—On the motion to postpone the bill for suppressing the circulation of small notes in this District.

Mr. NILES said, that he hoped the motion to postpone the bill would not prevail. At the late extra session, the provisions of this bill, and those of another bill, now on the table, for compelling the banks of the District to redeem their notes, were united in one, and the sections relating to the banks were stricken out, against his own wishes, as he at that time thought it the duty of Congress not only to restrain the circulation of the small and spurious trash, but to compel the banks of the District, at some future day, to fulfil their obligations to the public. At that time there seemed to be a general readiness to suppress the shin-plaster currency, as it is called, and the bill for that purpose passed with great unanimity. He was not a little surprised, therefore, to witness at this time an effort to delay action on this subject, and prolong the existence of that nuisance, which afflicts not only the people of the District, but all others who have occasion to visit this metropolis. The two bills seem to be considered as connected, and the postponement of this, he presumed, would be regarded as a reason for postponing the bill relating to the District banks, and what he had to say would apply to the whole subject.

In regard to the small bills, they were a wretched spurious currency, which nowhere have any legal sanction, and, as a currency, are too vicious, and proceed from sources too polluted, to be tolerated a single day longer than may be deemed necessary to rid the community of the nuisance. Notwithstanding the suspension of the banks, there has been no necessity for this kind of currency; for where it has not been tolerated, no great inconvenience has been experienced in regard to change. Such has been the condition of the Eastern States, and he believed of some, if not all, the Western States, where this description of currency has been discountenanced, both by the laws and public sentiment.

The currency of this District is of but little general interest to the people of the Union; yet it is the extent of our jurisdiction on the subject: we cannot reach the State banks; we have nothing to do with them; they are not responsible to us. But as Congress has exclusive jurisdiction over the District, he believed it a duty to attempt to remove the greatest scourge which can afflict a community—that of a depreciated and fraudulent currency. What he regarded as most important, was the moral influence of the action of Congress on this subject. Does not the present condition of the country require the deliberate decision of Congress in regard to the present state of the currency, so far as we have jurisdiction? Will not the deliberate opinion of the National Legislature, carried out in our measures, have an important and salutary influence on the country, and on the State Legislatures which are now, or soon will be, in session? To hesitate to act, to pause in our course, is, in some measure, to give our sanction to the continuance of the suspension of the banks. Whatever may have been the necessity for the suspension at first, there are no reasons and no justification for its continuance; and for those who have the power, to suffer it is to

disregard every sound principle of legislation, of justice, and morality.

Mr. N. said he believed that the banks here and elsewhere ought to be coerced to fulfil their obligations to the public. Will you wait to see if they will not voluntarily come forward like honest men, and agree to pay their debts? Has not this "experiment" been already tried, and failed? Have not these institutions been indulged in their voluntary, illegal, and immoral course for six or eight months? and who can say when they will resume specie payments now, any better than he could the very day they suspended?

But it is said the banks cannot resume in this District unless those in the adjoining States also resume; and we are called on to await the action of the States. This is a novel doctrine, recently promulgated, and presents a new and important feature in our banking system. It had been supposed that a bank, like any other business corporation, was an isolated institution, bound by the principles of its charter, and subject to the control, and alone accountable, to the authority to which it was indebted for its existence. But it appears that this is all a mistake; that the banks are all associated together, and form a distinct commonwealth, or political dynasty, governed by their own laws. Having openly set at defiance the laws of the States where they exist, they have undertaken to make laws for themselves, and have recently held a sort of Bank Parliament, to "regulate the currency," and to decide the important question when it would be reasonable and expedient for them to pay their debts. The result of this deliberation is well known; they have not only resolved to persist in their bankruptcy, but had the audacity to decide that they would not even fix on a future day when they would begin to pay their debts. And with these proceedings staring us in the face, are we to be called on to wait the action of the banks?

But, Mr. N. said, he protested against the principld that the banks of this District, or that the banks of a particular State, were to be controlled by the banks of any other State. What is this principle but a subversion of the laws and authority of the District or the State, and subjecting local institutions to a foreign power—to an alien influence? Whether this control proceeds from another State, or from a foreign country, is of little consequence; the principle is the same. If the banks in one State are to be subject to the control of those of another, may they not also be controlled by the Bank of England? If the banks of this country are so connected together that one cannot act independently of the rest, are not the principal banks here more intimately connected with the Bank of England, and equally liable to be affected by the course of action of that powerful institution? And what is the practical consequence of uniting the banks of the country together into a joint stock concern? Is it not to render the whole of them subject to the control of a few of the large institutions in our principal cities—perhaps subject the whole to the control of a single institution? He believed that banks, like all other local institutions, should be subject to the exclusive regulation and control of the authority that created them, and that, as regards the banks in this District, it is the duty of Congress to decide when they can, and ought to, redeem their bills and pay their debts. In determining this question, it was no doubt proper to look at the whole subject, the condition of the currency generally in the country, the state of the exchanges, and the ability of the banks to resume business on correct and honest principles. He would look at *facts*, and be influenced by them, but would discountenance the legislation of banks, and all alien influence. The banks of this District cannot rightfully be controlled by those of other States; they are under the jurisdiction of Congress alone; they are not to be "regulated" in their action by the legislation of a dynasty of associated banks. Such a principle, whether applied to the banks of the District or the local institutions of a State, is subversive of State sovereignty, of all law, and of every sound principle. He regarded this question as important only for the principle involved, and from its general bearing on the condition of the country in regard to the currency. He had no wish that any course should be adopted that would be oppressive and injurious to the people of the District, and had no objection to fix a day for the restoration of the currency of the District, so far ahead as to render it perfectly safe and easy for the banks to return to sound principles, and to an honest course of business. But it was for Congress to say when that time would come; he was not willing to refer the question to the banks of Philadelphia, or any other city. He was opposed to the combined power of banks, and to their concerted movements.

What are the difficulties in the way of the banks speedily resuming? When this question was under consideration at the late session, it was claimed that the subject was involved in so much doubt and uncertainty, that we could not safely fix any time when the banks could resume payment. Now we have an entirely different state of things. I avail myself (said Mr. N.) of this opportunity to congratulate the Senate and the country, on the happy results which have followed the wise and judicious measures adopted at the late session of Congress. The effect of those measures had been astonishing, and wholly unexampled in the history of this, or any other country. It is but three months since we assembled here, under extraordinary circumstances; a great calamity, or what was so regarded, had suddenly fallen upon the country; in the midst of profound peace, and of apparent success, the prosperity of the country was struck down at a blow. A terrible explosion had take place, and all the great interests of the country were prostrated by it. Money suddenly all vanished; foreign exchange rose to nearly twenty-five per cent. and specie to ten or twelve per cent. and bank paper, worthless as it was, could not be had. All business was at a stand; the wheels of commerce had stopped; the merchant shut up his shop; the manufacturer dismissed his hands, and shut down his gates; the mechanic was without customers, and the laborer without employment, if not without bread. Men looked silently at each other, as they passed in the streets, and spoke not; the whole country was mantled in gloom and despondency; and a deep impression seemed to prevail, that as the banks had failed, universal bankrupcy was to follow, spreading ruin and desolation far and wide.

Such was the condition of the country, as exhibited by the panic orators, on the assembling of Congress, who immediately raised the cry of *distress and ruin*, and called for measures of *relief*. The Government and the public Treasury, were of no consequence. What if the Treasury was empty, and the banks and the merchants did refuse to pay their debts? Of what consequence was this. The great object was to help the banks and the merchants, and to relieve the people—the poor suffering distressed and ruined people. Well, measures were proposed, intended to relieve the Treasury and the country; but they were opposed, because they were not calculated to afford the necessary relief to the people. But, with one exception, these measures were adopted. And what were they? They consisted in substituting the credit of the United States for the capital or credit of the banks and merchants, who were the debtors of the Government. The Treasury had ample resources; but, to make them available, would have pressed hard on the public debtors, and thus increased the general money pressure. To avoid this, the Government agreed to forbear to collect its debts; and to use its own credit, which is better than the credit of all the banks in the Union. This substitution of the credit of the United States for the dues of the Government, was, in its immediate effect, equivalent to the creation of so much capital, as it permitted the large sum of from four to five millions, due from the merchants, and eight or nine millions due from the banks, to remain in the hands of the citizens, as private capital, its place being supplied by the credit of the United States. And what have been the effects of these wise and healing measures? Let the present condition of the country answer! Where is the distress now? Where are the dark clouds that lowered over the country? Scattered and gone; all gone. And where are the panic orators, the heralds, who, from these halls, proclaimed and spread through the land, from Maine to Arkansas, the saddening notes of their country's ruin? Are these heralds of woful tidings silent? He had not yet heard from them here; yet they had, some of them, been heard from elsewhere; but they have changed their notes, and struck up a new tune—lively, joyous, and animated. The sudden tide of prosperity which has rushed in, like a flood, upon us, has revived the drooping spirits of those who were most *distressed*, and rendered them frantic with joy. I again ask, said Mr. N. where is the distress? Shall we look for it in the commercial cities North and East, where it prevailed most; where the complaints were deepest and loudest? Sir, we should look in vain: the scene is changed; the cries of distress, the weepings and wailings are all changed into songs of joy and shouts of triumph. Those recently distressed cities, which, like the cities of old, were so lately clothed in sackcloth and ashes, have since been filled with feastings and rejoicings, illuminations, the roar of cannon, public meetings for general congratulation, and the expression, by speeches and resolutions, of the strong and overflowing feelings of joy, are among the signs of the times that the distress has past off, and been succeeded by unexampled prosperity.

How sudden, how astonishing the change! How rapidly, almost instantaneous, the country has recovered from a state of distress and ruin! Such have been the happy fruits of the wise and judicious measures of the late session. The country has been relieved, its dormant energies revived, and its wonted prosperity restored. Does any one doubt that these changes have proceeded from the measures of the late session? We were then told that the national prosperity depended alone on the action of Congress; that credit and general confidence could not be restored but by Congress, and that it was in vain to look for the return of the prosperity of the country, until Congress adopted measures to bring about such a result. If Congress alone had the power to restore the general prosperity, it is conclusive that the bright aspect our affairs have assumed, must have proceeded from the wise and prudent measures recommended by the President and carried out by Congress.

Mr. President, let us all rejoice at the returning prosperity of the country! Let us rejoice that the days of the distress are past; that the panic is gone, and that the sounds of joy and gladness are again heard in our borders! The panic has answered its purpose; its end and aim have been accomplished; it worked well for a season; it helped out the elections admirably; but they are through for the year; the "experiment" has worked well, and accomplished its object; but let no one think it can be prolonged. When the people are prosperous and happy they feel it and will speak out: from the fulness of the heart the mouth speaketh. These public demonstrations of joy in all our commercial cities—the illuminations, the firing of cannon, and other public demonstrations of rejoicing, mean something. They speak a language which cannot be misunderstood, nor misinterpreted. They prove that the distress is over, that money has become plenty, that commerce has revived, that business is restored to its usual activity. With such evidences as these of the general prosperity, he trusted that we should hear no more of the cuckoo notes of distress, or of the scarcity of money, or other evils of the times.

Such are the results of wise legislation; the measures of the extra session had an instantaneous effect; they immediately reduced the price of foreign and domestic exchange, and specie fell at once from eight or ten to five per cent.; exchange from twenty-two to sixteen or thereabouts, and has gone on improving until foreign exchange is two or three per cent. below par, and domestic exchange more regular and favorable than it has been for many years heretofore; that on New Orleans had fallen from fifteen per cent to one and a half, and would soon be at par. He had attributed these results to the late measures as a fair deduction from the premises and reasonings of others; in his own opinion, other causes had operated; and he had never considered the country as entirely ruined, or the people as really in a state of suffering in consequence of the general failure of the banks.

Sir, at such a time as this, with such a flood-tide of prosperity rushing in upon us, are we to be told that the banks have got no money: that they cannot pay their debts? This will not do: let them not think any longer to find countenance and protection under a fictitious panic, or to escape from the opprobrium justly due to a violation of law, and of common honesty!

At such a time of unusual prosperity and rejoicing, is it not proper to require the banks to act like honest men, and pay their debts? Is there any thing unreasonable in this? Will it be unjust, oppressive, or "making war on the banks?" Do not individuals have to pay their debts? and do not the banks make their debtors pay them, to the uttermost farthing? What objection can there be to this measure, either in this District or elsewhere? Have not the banks ability to pay? Those which are sound no doubt have; and those that are rotten, as no doubt some are, will not be more able. Shall we wait their motion, and see if they will not voluntarily resume payment? That "experiment" has been tried, and the result is known. The public expectation has been disappointed by the late Bank Convention, and their confidence in no small degree shaken in those institutions. But he hoped it was the last Bank Convention that would be witnessed in this country. Whatever considerations may have led to the decision, whether politics or speculation on the part of the large institutions, the public will not approve of it. Some sinister purpose must have controlled the result, as there are no substantial reasons why the banks cannot resume their regular course of business immediately. It is true that, at that time, money and exchange were not quite as favorable as they are now; but they were rapidly improving, and nothing could be clearer than that a general return to specie payments by the banks would have brought both down to par; and they have come down without such resumption.

There is no place that a return to specie payments can be more easy than in this District, where there are three millions of dollars a year disbursed by the Government, a considerable part of which is now paid in specie, and the residue in Treasury notes, or other funds which are equivalent to specie, or nearly so. The condition of the country, in regard to specie, is highly favorable. We have just heard a statement from the Senator from Missouri, (Mr. Benton,) derived from official sources, by which it appears that the importation of specie since 1832 has been over sixty millions, and its exportation only about twenty millions; making an increase, in five years, of more than forty millions. There is now more than eighty millions of specie in the country, of which from ten to fifteen is in gold coin. If this money is not in circulation, it is in the banks. It must be somewhere; and if the banks could sustain their circulation in 1832, when there was less than twenty-five millions of specie in the country, can they not do it now, with more than eighty millions?

What has enabled the country to recover so rapidly from the paralizing effects of the general suspension of payment by the whole banks of the Union? What has occasioned the great differences between the present condition of the country, and that when the banks suspended in 1814? Then, it took years to recover from the shock; now, a few months has accomplished more than as many years did then, with the aid of a United States bank. Then, after the lapse of six years, in 1820, the Secretary of the Treasury, Mr. Crawford, declared the currency to be in a very unsound condition; that although there had been a reduction of the paper issues of nearly fifty per cent. a still further reduction was necessary before the currency could become sound. Although the banks commenced the redemption of their notes in 1817, many of them had to suspend again in 1819; and the next year, Mr. Crawford declared that the payment of specie by a large portion of the banks was only nominal. The difference in the two cases is no doubt owing in part to the more ample resources of the country now; but must be mainly attributable to the bareness of the country as to specie then, when the amount did not probably exceed fifteen millions, and the great supply of the precious metals with which it now abounds. That is the true reason why the country has been enabled to recover so rapidly from the terrible shock which is always felt by an explosion of a credit currency. Whatever may be said in favor of a paper medium, the specie in the country is our only security; it is the only true basis on which the whole credit of the country rests; both the credit of the banks, or that credit which serves as a currency, and mercantile and private credit of every description, repose on the precious metals in the country. This is the only solid foundation of credit; and if this is taken away or weakened, credit will fall or be weakened, whatever may be the property or other resources of the nation.

The large amount of coin in the country, wherever it may be, whether locked up in the banks, or hoarded by individuals, is our main reliance; it is this which has carried us through the present crisis, and sustained the credit of the banks and the country, and enabled us to recover so rapidly from the shock of a paper explosion, which, on a former occasion, bore down the energies of the nation for eight or ten years.

There are no difficulties in the way of the banks resuming immediately. And if they will not voluntarily do it, ought they not to be compelled to redeem their notes? When will they be better prepared? they are, no doubt, in a much sounder condition now than they have been for many years. He was disposed to do the banks justice; and they ought to have the credit of generally having conducted their affairs prudently and cautiously since the suspension; although there were some exceptions, yet most of them had curtailed their discounts, reduced their circulation, and increased their specie, so that they were stronger and safer than they had been for some years. So far as this has been the voluntary course and policy of the banks to prepare themselves for resumption, they were entitled to great credit; but, to some extent, he believed it was the result of the times. For the last six or eight months, the business which gives employment to bank capital has been suspended. It has been a long day of reckoning, and no country ever wanted such a reckoning day more. Merchants, manufacturers, and all classes of business men, have, since the suspension, refrained from engaging in any new enterprises; some have closed their business entirely, and all have been cautious, and have done but little. The general employment of all has been the settling up of outstanding claims and demands; and, except so far as was necessary to keep along such part of old liabilities as could not readily be paid, there has been little demand for bank accommodations.

But this state of things will not continue long; it cannot, under any circumstances, go beyond the coming spring. Business will revive, and that speedily; the merchants have a keen appetite for it, and it will be impossible to prolong the present state of things. Trade and manufactures will revive in the spring; the natural and habitual enterprise of our citizens cannot be longer repressed; however desirable it may be with some to keep up the present disorders in the currency, and a suspension of business for political purposes, they cannot do it. It is utterly impossible. If there are many of the merchants who love the political fruits of a panic, they *love their money more*. The causes which produced the temporary derangement and interruption of business, have ceased. This is now apparent to the most common observer, and it will not be practicable to make any man of common sense believe the contrary. The resources of the country have not been touched or diminished in the slightest degree. The difficulty was only an obstruction, a derangement of the machinery by which business is conducted. That obstruction is now removed, and things have got back into their usual channels. Business will commence, no doubt, in the spring, with unusual activity, and extensive accommodations will be obtained from the banks. Their loans, which are now contracted, will be rapidly extended; new enterprises will be engaged in, property purchased, debts contracted, and the whole commercial machinery set in motion, and all based on an irredeemable, depreciated paper currency. Will it not be more difficult for the banks to resume after this state of things takes place, (and take place it certainly will,) than it is now? But this is not all: property will be purchased, and contracts made, upon a paper standard, and a depreciated currency. Millions in liabilities will thus be assumed; and will it be just, after having countenanced an irredeemable paper currency for a year, and given it an implied, if not an express legislative sanction, to require debts thus contracted to be paid in a specie currency, or its equivalent?

Sir, depend upon it, if the banks are not compelled to return to honest principles of action in the course of the winter, or early in the spring, we shall have fastened upon us, for years to come, that greatest of curses which can afflict a nation, a depreciated and fraudulent currency. When did a bank voluntarily redeem its notes with specie if suffered to continue its issues of irredeemable paper? He believed there was no such example on record. We have a memorable instance in the Bank of England, which suspended payment by permission of an Order in Council, issued on the Sabbath, and afterwards obtained the sanction of Parliament for six months; and under that authority continued its suspension for twenty-five years—its irredeemable paper constituting almost the entire currency of the nation. The bank found that state of things so very convenient and profitable, that its whole influence was exerted to resist every attempt to compel it to resume; and such was the dependence of the government upon it, that the whole influence of the ministry was exerted to justify and sustain the bank in its course. There, as has been the case here, the question became connected with the politics of the day, and the bank party and the Government party becoming identified, the institution was enabled successfully to resist all attempts to compel it to redeem its notes for a quarter of a century. During a part of this long period its notes were at fifteen per cent. discount; and whilst the whole nation were suffering from a vicious and fraudulent currency, the bank was rapidly making money, and greatly increasing its profits, drawn from the industry of the people. Its dividends, which, previous to the suspension, had not exceeded seven per cent. immediately arose to ten, and, in addition to the dividends, a surplus fund was accumulated of more than fifty millions of dollars. Will examples like this be lost on the people of the United States? He hoped not. Banks are governed by the instinct of profit; and, unfortunately, their interests are not often consistent with the interests of the community. He regarded the principle, that the banks ought to be coerced to fulfil their engagements to the public, to conform to the obligations of laws, of justice, and good faith, of the highest importance; and to sustain that principle, and to give to it all the moral force and influence which may flow from a solemn and deliberate decision of Congress, he hoped that neither of the bills relating to the currency of the District, would be postponed; but that we should promptly act upon them, and thus set an example which might perhaps have some influence on the country.

DEBATE ON THE PUBLIC LANDS.

In SENATE, Dec. 26, 1837.

The bill authorizing the States to tax lands within their respective limits sold by the United States being under consideration—

Mr. CLAY of Kentucky spoke of this bill as only another attempt to disturb the land system, which had gone on prosperously for so many years. The object of the old law was to hold out inducements by an exemption from tax for five years to purchasers of the public lands. When speculation was rife, as it was when this bill was first presented, there would have been some reason in the measure; but at present there was none. Fevers of land speculation were periodical; he could recollect three distinct epochs when the disease raged in all its violence, and the price of the public lands were run up to an enormous height; but the evil had generally cured itself. Gentlemen should look into all the various projects set on foot in relation to the public lands; the effect of this law would

be to take away the great inducement the honest purchaser had to settle on the public lands—exemption from taxation for the period of five years. Mr. C. intimated that the number of bills in relation to this subject evinced a disposition to take from the United States all the public lands as rapidly as possible.

Mr. CLAY of Alabama deprecated the course the debate had taken. He said he saw no propriety in drawing into the discussion of this bill other measures that were in progress, as had been done by the Senator from Kentucky, (Mr. Clay.) The bill under consideration, he said, simply proposed to place the other new States on the same footing with the States of Michigan and Arkansas, as provided in the acts for their admission into the Union, as to the right of taxing lands *hereafter* to be sold within their limits. He said the reason which induced Congress to impose the restriction, on all the States before admitted, not to tax lands sold by the United States for five years after the day of sale, had ceased to exist. That restriction originated in the credit system which formerly prevailed; for lands then sold, only one-fourth was paid down; complete payment was not required till the expiration of five years, and if not then made, the land and money were subject to forfeiture. To have allowed the right of taxation to the States, in the mean time, might have involved and jeoparded the reversionary interest of the United States in the land thus subject to forfeiture, as it might have been sold by the States for taxes. It was not for the sole purpose of encouraging the settlement and sale of the public domain, if at all, that the restriction was imposed. Mr. C. said, as an evidence that this view of the subject was correct, the first and only States admitted since the commencement of the cash system had been received free from all such restraint of the taxing power; and was it not fair and just that the States, before admitted should be placed on equal footing, in this respect, as it regarded all sales hereafter to be made?

He said the Senator from Kentucky (Mr. Clay) had, to say the least, very unnecessarily drawn into the discussion another bill which had been reported, to grant pre-emption rights to settlers on the public lands. As to the policy and justice of that measure, he said, he hoped to be able to satisfy the Senate, when it came up; he thought it unnecessary now to occupy time in its discussion.

Mr. NORVELL said, there was a principle involved in this bill, which, to him, rendered it more valuable than any pecuniary or financial advantages which could result from it. This was the principle, that the States ought all to have the right to tax the property held by individuals within their domains, if their policy required them to impose such taxation. It was a sovereign State right, which ought never to have been taken from them. He believed that by the Constitution, certainly by the ordinance of 1787, when new States were admitted into the Union, they were to be admitted on a footing of perfect equality with the old States. Now the old States possessed and exercised the power of taxing the lands within their boundaries, by whomsoever they might be held. Until the admission of Michigan and Arkansas into the Union, the public lands sold to individuals within the new States, were exempt from taxation for five years after they were sold. The bill before the Senate proposed to place all the States, new and old, upon a footing of equality, as regarded the power of taxing the real estate owned by their citizens, or by non-residents, within their territorial limits. In relation to the suggestion of the Senator from Kentucky, touching the advantages which the new States might have derived from the favors conferred upon them by the old, in their legislation upon the public lands, he could only say, that the benefits which the whole Union received from the industry and enterprise of the new States, in improving the value, and encouraging the sales of the remaining public lands, far outweighed any disadvantages which might have resulted from the spirit of encroachment imputed to the new States by the Senator from Kentucky. He did not, therefore, think that the people of the new States were under such immense obligations to those of the old, as had been supposed by that honorable Senator.

Mr. CLAY of Kentucky still maintained that the great motive persons had for securing establishments in the West, was the privilege they enjoyed of exemption from taxation for five years; and if the bill before them were passed, that great inducement for a settlement there would be taken away. In the course of Mr. C's remarks, he alluded to the squatters, who had gathered in great numbers, and seized on the public lands, organizing themselves into companies, and threatening destruction to any man who might choose to purchase, thus taking from the Union the public property. These were the people who came after their pre-emption rights, to secure them in their ill-gotten possessions. There was a law in existence, he believed, which authorized the Government to use a military force to drive off these intruders. What right had they to the public domain more than to the public ships? Were not both alike the property of the whole nation?

Mr. C. alluded to the inequality in which the old States stood; and for proof of it, he would point to the committees, where the power was almost exclusively given to the new States, and from these committees bill after bill had been reported, all having the same object, and all tending to the same end.

Mr. WALKER said this bill, which had been reported from the Committee on Public Lands, contained no new principle, nor did it set forth any new views. It was the same, in all respects, as the bill which had been discussed in the Senate at a prior session; and he hoped that the measure would not be prejudiced by the remarks of the Senator from Kentucky, which, in his opinion, had no bearing on the merits of the bill before them. At the period referred to by the Senator, the public lands were sold on credit to settlers and others; and the exemption from tax, for the period named, might have been a salutary measure. Now, however, they were sold for cash, and the exemption was no longer necessary. Besides, the two new States, Arkansas and Michigan, were permitted, on their entrance into the Union, to tax; and all that was asked by the bill was, to put the other States on an equal footing, by granting the same privilege to all.

Mr. CLAY of Alabama said he must ask the indulgence of the Senate to say a few words in reply to the remarks last made by the Senator from Kentucky (Mr. Clay.) Mr. C. said that gentleman (Mr. C. of Kentucky) seemed to be endowed with a peculiar facility for changing positions, and adapting himself to the advocacy of almost any cause, or any description of individuals. It was but the other day, that, in the discussion of a little measure, which he thought proper to denominate a picayune bill—the bill to suppress change bills, commonly called *shin-plasters* in this District—he thought proper to bring into discussion the Sub-Treasury, and many other important principles of the Administration. He was then the advocate of the *poor*—appealing to our sympathies in behalf of the *poor negroes* and *beggar girls* of this District. Now, he had espoused the cause of the *powerful monopolist* and *rich land speculator*, withholding all his sympathy from the poor but industrious and enterprising settler on the public domain. Indeed, Mr. C. said the Senator from Kentucky had gone further and denounced the settlers as violators of the law, who had trespassed and seized upon the public property, and were entitled to no favor. Sir, said Mr. C. although this is not the time to discuss the claims of that meritorious class of citizens, I cannot pass by these unjustifiable denunciations without some notice. Even in regard to the amount of money received, he said, it was not a question of interest with the Government. It would be found, on a review of the history of our land sales under the cash system, that land had sold more rapidly during the existence of pre-emption laws, than at any other period. It would be found, moreover, that the average excess, above the minimum, received since the commencement of that system, had not been more than two or three cents per acre. Let the Senator from Kentucky wait till the report of the Commissioner of the General Land Office comes in, responding to a resolution which had been adopted at the extra session on his (Mr. C's) motion, and he would see the Government gained nothing, in money, by selling the public land at auction. The true question would be found to be, whether the Government ought to put it up at auction, and sell it to combinations of speculators at the minimum price, or little more, and thereby place it in their power to extort inordinate profits from the cultivators of the soil, or suffer it to be bought, for the same money, by the honest, poor, and enterprising settler, who had, by the sweat of his brow, cleared and fenced his little farm, and built his cabin to protect his family from the inclemency of the weather. But, he said, he would repeat that it would be time enough to go into this discussion, and he pledged himself to be ready to meet it when the proper bill came up. He would then be ready to show what description of people, and whose interests, the Senator was advocating. At the same time he hoped to be able to show the meritorious character of the claims of those intended to be benefited.

But (said Mr. Clay) the Senator from Kentucky, by way of giving force to his imputations against settlers on the public lands, has thought proper to refer to an act of Congress, passed more than thirty years ago, which authorized the President of the United States to cause intruders to be removed by military force. He seemed to imagine that the mere existence of this law upon the statute book would be sufficient to stamp with odium the conduct and characters of those who went upon the public lands without previously purchasing. It is true, sir, (said Mr. C.) that such a law had been passed at the time mentioned; but what Chief Magistrate had ever enforced it, unless connected with the actual or supposed intrusion of the settlers upon the rights of the Indians, from whom the land had been obtained, and who still remained upon it under the treaty? For his own part, (Mr. C. said,) although he had resided for more than twenty-six years in one of the States where most of the land had been acquired from the Indians, in the mean time he had known of no instance of an order to remove the settlers on any other ground than he had mentioned, by military force. Indeed, he might ask, what Chief Magistrate ever would attempt to expel settlers, by such force, from the public domain? Would the Senator from Kentucky advise the exercise of such power? Public sentiment would revolt at such treatment of the hardy pioneers, who went forward improving the country, giving increased value to the public lands, and facilitating permanent settlements. Nor did he know of any penalty prescribed by law for cutting and using any other timber than that reserved, and suitable, for ship-building. There had been a general acquiescence, he believed, by every Administration, for twenty or thirty years, in the settlement, use and cultivation, of our newly acquired territory, with the exception before stated. Hence he had been warranted in saying, as he had done, when up before, that the Government had yielded a tacit permission, which exempted the class of persons alluded to from the charge of being mere trespassers.

Mr. C. said he did not know to what part of the country the Senator from Kentucky referred when he charged the settlers with using threats of violence to deter others from the purchase of their improvements. He said he knew of but one charge of that nature having been made against any of the citizens of Alabama; and that was some seven or eight years ago, on the eve of taking up the bill, which contemplated the first general grant of the right of pre-emption. But, it happened, fortunately, that there were those present who were able to contradict the charge, or so explain the circumstances, as to give entire satisfaction; and the measure passed by a triumphant majority, and had long since diffused its incalculable benefits. He said he had heard of no other similar charge against the people of Alabama, or those of Mississippi, close in his vicinity, where large quantities of the public lands had since been brought into market and sold. But, if such threats had been used by a few settlers in some particular neighborhood, was it fair, or just, on that ground, to assail all others, and deny them the benefits to which they were entitled? Was it compatible with justice to make a

whole class responsible for the indiscretion of a few individuals?

The gentleman from Kentucky had thought proper to complain, too, of the organization of the committees; having, perhaps, especial reference to the Committee on the Public Lands. This objection, Mr. C. thought, came with a bad grace from that gentleman. If he would look back to the journals of the Senate two or three years ago, when the Senator from Kentucky and his political friends had the majority in that body—nay, if he would cast his eye upon the columns of one of the daily papers of this city, published a day or two since—he would find that there were at least four or five important committees at that time, upon each of which the then Administration had but *one friend*.

Mr. C. concluded by again deprecating this discussion as ill-timed and out of place, reminding the Senate that the bill under consideration only contemplated placing the new States, admitted into the Union under the credit system, on an equal footing with those since admitted, as to the power of taxing lands *hereafter* sold by the United States, and expressing the hope that the measure would be considered and decided on its own proper merits.

Mr. CLAY of Kentucky said, in speaking on this subject, he had reference to the land bills generally, those that emanated from the committees on public as well as private, they all appeared to have the same tendency, to wit: to wrest the public domain from the grasp of the Union. Mr. C. wished that gentlemen who had the poor so much in their mouths, would have their true interest more at heart. He contended that the pre-emption law led to the most infamous speculation, that the public lands had been engrossed by intruders, who their sold pre-emption claims in the shape of floats to an indefinite extent; these persons had constituted themselves into an organized force, threatening with violence all who attempted to disturb them, by purchasing from Government. They had traced out all the most beautiful spots of the unsurveyed lands, embracing the finest soils. They were continually bounding over the public domain, seizing on the public property, and appropriating it to their own exclusive advantage. As well might they seize on the North Carolina, or any other of our armed vessels of war. By what code of law or morality could such a course be defended? There was a spirit of lawlessness and violence abroad that he would like to see suppressed.

Mr. BUCHANAN said he did not rise with a view to make any remarks in relation to the pre-emption law, which was not now the subject of discussion, but merely for the purpose of justifying the vote he was about to give. Mr. B. said he happened to be on the committee to which had been referred the subject of the admission of the State of Arkansas into the Union, and he would add a very hopeful and promising young sister she was. At that time he recollected there was a great deal of discussion in relation to the public lands, several contending that the lands of the United States should not be subject to taxation; the committee had, however, at last come to the conclusion that, on the whole, it was the safest to vest the power with the States; that while it could do no injury to the General Government, it might be the means of protecting the States from having their lands bought up by throngs of speculators, and remain uncultivated, unless sold at an enormous profit to the industrious and enterprising agriculturalist. What the new States wanted was honest settlers, who came to till the soil, and who, while they improved their own condition, materially added to the value of the surrounding lands and general interests of the States where they were located. Mr. B. was desirous of putting all the States on the same footing of equality, which was all that was asked by the bill before them; and he did not think its passage would prejudice the sales of the public lands, nor did he believe it would altogether suppress speculation.

Mr. ALLEN replied at some length to Mr. CLAY, chiefly in relation to the reflections which he considered had been passed on the CHAIR, in relation to the appointment of committees from the new States.

Mr. CLAY of Kentucky denied that he intended any reflection on the CHAIR, and spoke for some time in reply to Mr. ALLEN.

Mr. ALLEN rejoined at some length, and with much animation; when the vote was taken on ordering the bill to be engrossed, and carried in the affirmative—yeas 35, nays 4.

DEBATE ON THE DISTRICT CURRENCY.

IN SENATE, December 22, 1837.

The Senate resumed the consideration of the bill to restrain the circulation of small notes in the District of Columbia. The question being on the amendment of Mr. SMITH, of Indiana, to exclude the informer from receiving half the fine—

Mr. SMITH, of Indiana, said yesterday he had moved to amend the bill under consideration, by striking out that part which created a common informer, and gave to him one-half of the penalty. During the discussion on that question yesterday, he had heard from different parts of the Senate the opinion expressed that there was no case known to the law where a person interested in the event of the prosecution could be a witness in favor of that prosecution. He would not at this time detain the Senate with a recapitulation of the arguments which he then submitted at length to the Senate in opposition to these opinions: the array of legal talent maintaining an opinion so opposite to that which he entertained, had caused him almost to doubt on the subject. He had, therefore, as a lawyer would say, since the adjournment last evening, consulted the authorities on the subject, and the result had been entirely satisfactory to his mind, that he was not mistaken on yesterday in the matter. He would read to the Senate from Starkie on Evidence, a standard work, what is now believed to be the law of the question. Mr. SMITH then read from the second volume of Starkie: "So in an action by the party robbed against the hundred, he is a competent witness as to the fact of robbery, although he is not only interested, but the plaintiff in the suit. So interest is no objection to competency if all persons who are likely to know the fact are equally interested. And therefore the loser of more than 10*l.* at a sitting, is a competent witness upon an information under the statute of 5 Anne, sec. 5, which subjects the winner to the forfeiture of five times the money won, upon conviction, and authorizes *any person* to sue for it, and therefore any person is as much entitled to sue for it as the witness. So in the case of extortion by duress, and in other similar cases which, from their very nature, admit of no proof but by the testimony of the party injured, he is, according to Lord Holt, a competent witness from necessity." This clearly sustains the position that the Court, without any enactment by the Legislature, will, *ex necessitate*, admit the witness, although he may be interested in procuring the conviction of the accused.

He (Mr. Smith) was opposed to creating interested common reformers; the remedy was, in his opinion, worse than the disease. What! will you *bribe* a set of men to haunt your taverns, market houses, railroad depots, and other places of public resort, to lay wait for, and act as spies upon, all who may visit your city, and then, in a prosecution instituted by themselves, swear money into their pockets? He trusted not. He would, however, to accommodate this matter to the views of those who view it as an important part of the bill, as far as he consistently could, withdraw the amendment he had moved on yesterday, and move what appeared to him to be an amendment which would, in a great degree, correct the evils he complained of. Mr. SMITH then moved an amendment which provides that if the prosecutor shall offer himself or be admitted a witness for the prosecution, he shall forfeit all claim to any part of the penalty; which amendment was adopted without a count. Mr. SMITH then moved to strike out the following clause of the bill as reported by the committee: "Summarily and without delay, and with the right of immediate discovery on oath in all cases where the defendant shall deny the issuing or passing, or attempting to pass, the note, bill, check, draft, or other paper in question."

He, (Mr. SMITH,) in making this motion, had two objects in view: first, to obviate a constitutional objection which had been suggested by the Senator from Kentucky, (Mr. CLAY,) and which, in his mind, had great weight; and, secondly, to remove a feature which he could not be induced to retain in the bill—that of requiring the accused to answer on oath to the fact of his guilt or innocence. Sir, (said Mr. Smith) every Senator must see at a glance, that this bill without the amendment may exclude the right of a jury trial, in direct contravention of the principles of the Constitution. While he readily admitted himself to be a disciple of that school which recognises the power of the Supreme Court to declare a law passed by Congress unconstitutional and void when *clearly* in conflict with that paramount charter of our liberty, yet it is not the less the duty of the legislative department of the Government to see that it does not transcend its constitutional power in its enactments. The amendment on that point puts this question at rest; it leaves the question to be decided by the court trying the case, under the Constitution and laws governing the same.

The other object of the amendment he (Mr. Smith) had already avowed. This bill is one creating an offence heretofore unknown in this District, and punishing that offence with high pains and penalties; and how is it proposed to carry into effect its provisions? The answer to this question is furnished by that part of the bill proposed to be stricken out, by compelling the defendant, upon trial, to answer, on oath, as to his guilt or innocence; to criminate himself, to discover his own guilt, to subject himself to the pains and penalties of the law. Sir, (said Mr. Smith) such a proceeding never can be tolerated in this country. It can be resorted to with approbation only where inquisitorial power is supposed to be necessary to calm the guilty fears of some despotic tyrant, or to furnish victims for an inquisition. But in carrying into effect our laws for the suppression of offences, either *mala in se* or *mala prohibiti*, the principle has been justly discarded, and he could see no reason why it should be resorted to in this case. He had been long since well satisfied that there was no greater error committed by legislators than that of multiplying oaths on all occasions, and particularly in cases where the person swearing is interested in the matter in controversy. It has been truly said by writers on the subject, that "where you sow oaths you must reap perjuries." He was therefore constrained to say that he could not support the bill unless that provision was stricken out.

Mr. S. said he had occupied so much time yesterday and to-day on the questions of amendment, that he could not ask the Senate to listen to many additional remarks from him; he was unwilling, however, to resume his seat until he had said a few words relative to the merits of this question. He regretted to have seen in the progress of the debate a disposition manifested on the part of some Senators to give this measure a party direction. Is it possible that every measure introduced here is at once to receive the mark of approbation or disapprobation, as this or that party may think it may militate for or against it, regardless of the merits of the proposition? He (Mr. S.) had heard with surprise, nay, with astonishment, the remarks of the Senator from Missouri, (Mr. Benton.) That Senator had created his man of straw, had given life and animation to this object of his creation, called by him a "shin-plaster" party, merely that he might, by arguments that no one denied, prove that he was unworthy of the public confidence. That Senator not only attributes this state of the currency to a party he is pleased to call a "shin-plaster" party, but says that the party thus created by himself is interested in, nay, resolved to continue, the "*shin-plaster system.*" Who compose this "*shin-plaster*" party, the Senator has not told us; the presumption, however, is, that he does not mean himself or political friends; then he must allude to the Opposition.

He (Mr. S.) was not aware, nor did he believe the fact to exist, that there was any party in this nation favorable to a "*shin-plaster*" system, as it is understood here. No, sir, it is a system, if a system it can be called, openly denounced by all parties. For himself, (said Mr. S.) he wished it to be

distinctly understood that the remarks of that Senator could not apply to him. So far from being favorable to "*shin-plasters*," to corporation and individual rags for money, his objection to the notes of the State incorporated banks had always been that even *they* were *too local* in their character to answer the purposes of a general and extended circulating medium. He had, ever since he had been a public man, contended for, and still insisted on, a sound mixed currency—specie and local bank paper, redeemable at the will of the holder in specie, as a *local* medium; and a national paper currency, redeemable on demand and convertible into specie at the will of the holder, of universal credit and circulation, equally current from Maine to Georgia, from the Atlantic to the Pacific, as a national or general medium of circulation. Sir, (said Mr. S.) the charge, as he had heretofore understood it, was, that the party to which he belonged favored a great monopolizing institution, sufficient in power to annihilate all the *local* issues. Now, it seems the charge is to be, that it is not a "national bank party," but a "shin-plaster party." Sir, (said Mr. S.) his first impression of this matter was, that these shin-plasters were a mere excrescence, a fungus, growing out of a vicious state of the currency; and he still believed that, whenever the banks shall resume specie payments, public opinion will greatly lessen the evil; yet the facts admitted by all, that the same cause does not produce the same effect at other places, was very conclusive to his mind that these small notes were issued more for private gain than for the accommodation of the public. He could not, therefore, come to the conclusion that the Senator from Kentucky (Mr. Clay) did, that the suppression of these bills, before there was a surrounding resumption of specie payments by the banks, would operate oppressively to the poor, the market people, and others transacting the small concerns of the city. He (Mr. S.) was of the opinion that the result would prove otherwise, and that those were the very persons most likely to be benefited by the suppression of these bills, because they are the most likely to be imposed upon by them. Under the impression that the measure will prove a salutary one, that it will rid the District of its vitious circulating medium, that the vacuum will be filled by specie small change, much to the public credit, and beneficial to the people here. He should support the measure, if the amendment should be adopted, without at this time inquiring into the question how the course of policy heretofore pursued had contributed to produce this state of things, or what party did or did not support the bill.

Mr. MORRIS again remarked on the great ambiguity or want of clearness in the bill, doubting whether he understood it as it was intended; but if he did, he should vote against it. It authorized the prosecutor, as he thought to retain the note which had been passed to him, to recover its value, fifty per cent. damages, and half the fine, and then to present the note itself for redemption. He commented on other features of the bill, which he thought highly exceptionable.

Mr. PRESTON thought there was much in the views expressed by Mr. MORRIS. The bill appeared inartificially framed to meet the cases proposed. Usually special provisions were made for the punishment of slaves, which were not here to be found. He thought, from the too great neglect of attention to the concerns of the District, the Senate ought to recoil from passing any severe measure not recommended by the District Committee. He concurred with Mr. MORRIS, that a great oversight had been committed, in overlooking slaves, by whom a great portion of these small notes were and would be passed. He insisted that all statutes creating new crimes, as this did, ought to be very perspicuous, a point in which this bill was particularly defective. He characterized as tyrannical the summary process proposed, of dragging the accused at once before a tribunal, and compelling him to criminate himself, on oath, in violation, in two respects, of the letter and spirit of the common law. He censured, with much severity, the practice of making the District a kind of crucible in which to make experiments, which the experimenters had not the power to carry in their own States.

If (said Mr. P.) Maryland of Virginia tolerate these notes, shall it be said that on one side of a line the law permits a thing which on the other side is a crime? Shall they who cross the line from such neighboring States, on entering the District, be obliged to change their money? It appeared to him that the Committee on Finance had not shown itself competent, and was not competent, to legislate exclusively in such a matter for this District. Mr. P. then deprecated the principle established in the bill, by which any individual might be dragged before a magistrate and compelled to swear to his own commission of the new-invented crime of this bill. Here is sown a crop—of oaths, and the harvest will necessarily be a plentiful crop—of perjury. It was a trap and a snare leading to perjury. The Finance Committee, Mr. P. said, had entered upon a series of wild and fantastical experiments. Their experiments had resulted in the flood of such paper as this. Such is the result; and what, he would ask, is the natural remedy? Is it not to remove the cause which has produced these fatal results to the country? But no; they continue their projects, and come here into the District to create crimes against their misshapen theories, and to set up a new set of penalties for the contempt which has fallen upon their abortive experiments. Their miserable new system of finance is to be enforced by a new system of pains and penalties, by a sort of revolutionary tribunal having summary and instantaneous power over the property of citizens—it might be to the amount of every cent of their property. It appeared to Mr. P. that the Committee on the District ought at least to have been consulted: he therefore moved that this bill be recommitted, for better consideration, to that committee.

Mr. BROWN, in reply to the reproach of projects and experiments, said, that there was a grand project on foot to perpetuate the paper system and to prevent the resumption of specie payments. As to the promotion of perjury, such an argument, if valid, would justify all crimes; arson, burglary, &c. must be tolerated, for fear of reaping a crop of perjuries, if this crime is to be tolerated on that ground. North Carolina is now enjoying a general specie circulation, obtained by a law similar to this. It is time, said Mr. B. for the Congress of the United States to set an example, and if the States do not choose to follow, let them suffer the inconveniences of the paper system.

Mr. WRIGHT did not rise to debate the bill at this late hour; he would, however, give a simple history of its origin, and would show who were its authors, and how far the Committee on Finance had gone out of the way in this matter, as had been rather unkindly alleged by the Senator from South Carolina.

[Mr. PRESTON interposed. He had made no such allegation. Mr. P. had said the bill was beyond the province or out of the way of the Committee on Finance.]

Mr. W. continued by observing, that by a resolution of the Senate the committee had been authorized to consider this subject; it was by the express order of the Senate that they had gone out of their way, if indeed they had done so, as had been alleged. The bill originated in this manner, and, after undergoing several amendments, was passed last session. Mr. W. understood Mr. P. to say, rather unkindly, that the committee had gone out of their way. It was the study of his legislative life never to impute improper actions to any member of the Senate; he might, perhaps, have misunderstood the honorable Senator. Mr. W. denied that any disappointed feelings brought from New York had in any manner influenced him in the severity of this measure. He understood Mr. P. to say that the wild and chimerical measures of the committee had produced this state of things in the country. If Mr. P. would reflect, he must satisfy himself that this was an ungrounded charge. No law presented by the committee had been passed, at all affecting the currency. He knew of no other than one bill, and that one proposed only, which never was passed; this surely had not affected the currency! He considered rather that Mr. P. himself had gone a little too far out of his way in alleging that the committee had been enlisted in ultra notions, not considering that those notions, whatever they might be, had never become the law of the land.

Mr. W. had no particular attachment to any feature of this bill: he was quite willing to receive some of the amendments proposed; but as the Senate had once solemnly passed this very same bill, he did not think himself entitled to propose any different one than this, to which it had already given its assent.

Mr. PRESTON said he regarded the committee as the exponent of the will of the Executive. How it had responded to all the sentiments and fantastic chimeras of the Executive, was well known to every body. It had reflected back all the projects of the Executive, and he therefore held the committee itself to be responsible. The committee had exhibited its servile adherence to the war against banks and paper and credit. It is the knowledge that this spirit exists in the Executive, and is responded to by the strongest party here, which prostrates the credit of the country at this present moment. Why is the silver locked up? Why can the people not get a quarter-dollar in change? Is it not because the country knows too well that the Executive and his supporters on this floor are struggling by spasmodic efforts to force their glorified specie currency and hard-money schemes upon the country? forcing up the price of specie, and effectually driving it out of circulation, by forcing the people to buy up, as a dear commodity, that which before was in common circulation as a currency, and would be so now, but for the measures of the Administration, servilely copied and responded to by the Committee on Finance.

Let the committee dip the statute book in blood, and press their pains and penalties upon the country; but did they imagine that by so doing they could restore a sound currency, and re-establish, by measures of force, that which they had disturbed and ruined by measures of folly? He repeated that the committee *was* out of its way; for it was not properly a committee of general currency. The Government proposes to have nothing to do with the currency, (after having done so much and so fatally;) why, then, does it now meddle by its Committee on Finance? Nothing which he (Mr. P.) had heard had changed his views of the propriety of recommitting the bill: he would therefore press his motion to that effect.

Mr. CLAY of Kentucky said it struck him that the reference to the Committee for the District would be proper. There were many facts and laws to be inquired into which they ought first to ascertain before passing an act of such a sweeping and general effect. There were people of business, merchants, mechanics, bankers, and others, whose opinions and views ought to be known and understood, if it was desired to pass a law of such importance in a proper manner. Especially it ought to be inquired into and ascertained whether (supposing no resumption of specie payments should first take place *out* of the District) the banks *in* the District would be able, alone and isolated, to resume? It ought first to be ascertained whether there could be the necessary circulation for necessary purposes, under existing circumstances, without the use of this kind of paper, or without the substitution of any thing in its place? It ought to be known and ascertained whether, if you put down the District paper, other paper of the same description will not, by unavoidable necessity, come into the District from other places, and circulate instead of the paper you have put down? It ought to be inquired if it is possible for this District to stand alone, an isolated solitary spot, and maintain an exclusive specie currency, when such a currency exists no where else? Surely this *possibility* ought first to be inquired into. And it appeared to Mr. CLAY that, since there existed a Committee for the District, for the especial consideration of things relating to the District, the Committee on Finance was not so competent as that committee to enter into these inquiries, and to do the subject that justice which it surely required.

Mr. C. would ask whether, under the general term "*individuals*," as employed in the bill, slaves

were not necessarily included. When terms so general as these were used, it certainly did appear to him that people of color were comprised in their meaning. But suppose for a moment they were not included in this description, then a dilemma arose in his mind; for, if they were included, here was a species of trial affecting only free persons, and altogether inapplicable to them, imposing a pecuniary mulct which slaves who had no property could not pay. On the other hand, if they were *not* included, then what would be the use of the bill, since it was chiefly by and among them that these notes were circulated, either instrumentally or directly? Whichever horn of the dilemma gentlemen might take, the bill fails altogether in its object and intention, and becomes perfectly inoperative. It, therefore, clearly appeared to him that some amendment to the bill was necessary in its present crude state, and the Committee for the District was the most suitable to take this subject into consideration.

There was another description of persons whom this bill would chiefly affect, who would be rendered liable to its pains and penalties. They were minors—little boys and girls—children—the very beggars whom we meet on the avenue! These were the persons, these were the unfortunates, who were to be punished by this bill! As to the authority of the Committee of Mays and Means, that was not disputed; true, they had received the authority which they had exercised in framing this bill, and so far the Senator from New York (Mr. Wright) was perfectly correct in his statement. The resolution authorizing them to undertake this business had been passed without notice, and without any Senator dreaming of its purpose and intention; it was a resolution passed the last session, having reference to the means of relief generally for the country, and he for one never contemplated in such an ordinary resolution, a bill of pains and penalties of this description, to be inflicted on this little spot of ten miles square! This was not the idea he had entertained of the relief to be afforded to the country at large, which it was anxiously hoped would have been devised at the last session. But the committee have totally reversed the natural order of things; they have begun at the wrong end; they were looked to for some remedy to the disordered state of the currency; we had hoped for some cure to the general disease; but, instead of that, they begin with this little District. Instead of going to the fountain head, and applying some remedy for the general suffering produced by the heedless measures of the Executive, they begin with applying their remedies of pains and penalties against credit to this little District. If they had, however, begun there where they ought to have done—if they had removed the well known cause of all the country's suffering, then, without any further trouble, without any violent and isolated measure of this kind, instantly they would have re-established order and regularity in the currency of this District. Now, however, in view of the general and yet unmitigated evils affecting the currency in every other section of the Union, they begin *here*, at this little spot, to operate upon the *whole Union*, without knowing or inquiring whether any of the States have put down this small change; without knowing or inquiring what the banks have done or will do; without knowing or inquiring whether, if they put down the only existing medium of exchange in small affairs, there will be any kind of substitute whatever to supply its sudden removal; without even inquiring whether it will be at all possible to transact the little business of common life, when the only existing change is thus violently removed by the terrors of penalties and punishments! Again, (Mr. C. observed,) this bill is aimed at the poor, the miserable, the wretched portion of the community; against slaves, negroes, and beggars; against infants, women, and children! Here are fines to punish boys and girls if they go to market, or offer to buy any think with the only money you have enabled them to have in their possession. Do not (said Mr. C.) make this unfortunate District the scape-goat for an offence which is committed throughout the whole Union, and into which (if it be a crime) your own fatal measures have driven the country! Do not let your indignation against the banks and the credit system vent itself in this splenetic measure against this District! It is a bill of pains and penalties, a bill to force a man to swear against himself. Under its operation any person, any member of Congress, may be put upon his oath to say if ever he has passed a sixpence of this currency. It is a measure of swearing and punishing people, of which the committee ought to be ashamed of itself for introducing. It is true (said Mr. C.) the bill was run through the Senate last session, but how did that happen? We were all absorbed in considering and debating that execrable scheme which (thank God) the patriotism of the other House defeated, and he hoped forever. No one noticed the bill, and it was arrested in the House of Representatives, where also that execrable and abominable scheme of an Executive Treasury was arrested, and received its quietus. Do not (said Mr. C.) attack negroes and little children, whose necessities may drive them to spend their little all in this your own created currency. Strike, rather, at higher game. Go to the banks, if you please; attack them; but spare, oh! spare, the little game, the poor, the weak, the helpless, the unwary, the women and children, and market people. They *must* take money in some shape; they are compelled to dispose of their few commodities; they are obliged to carry home something from the sale of their little adventures. Do not then attack them, and inflict the vengeance of your wrath against credit and paper and banks upon the helpless and necessitous, who have no remedy but to take and pass this money. Attack more noble game.

Mr. C. concluded by expressing a hope that this bill would be recommitted to the Committee for the District, and that they would inquire if it be possible that the daily business of the people of this District can be transacted without money, either silver or paper; whether, also, if this system be attempted for the District, if it can be possible for the citizens of the District to get along on the genuine hard-money plan, while all the Union besides was driven upon the only resource which the experiment had left to the country. For my own part, (said Mr. C.) if this currency can be put down by fair and honorable ways, I shall be rejoiced; it is a disgraceful medium, forced upon us by the still more disgraceful measures of the Executive; forced upon us by the acts of Executive will, which, to the misfortune of the country, has received too much sanction from Congress. Glad should he be if this madium could be put down; but let it be by fair means, and beginning at the right place.

Mr. ROANE, as chairman of the Committee for the District, was opposed to the reference to that committee, because he thought the subject did not belong to it. Mr. R. then proceeded at some length to advocate the general measures of the Administration, and the particular measure of this bill. In adverting to the encouragement held out to informers, Mr. R. referred to the happy effects produced in Virginia by such a system, and instanced particularly the literary fund, which had been greatly enriched by the operation of informers, by money poured into its coffers through their instrumentality.

Mr. BROWN followed on the same side, and entered into an exposition of the dangers of the banking system, and of the conspiracy which it seemed to him existed to bring forward a national bank.

Mr. B. also maintained that these small bills had been issued mainly by corporations, in violation of existing laws; and yet gentlemen of the Opposition had openly applauded these violations of law, with a view to scourge the country into submission to a national bank. This he did not make as a direct charge against them, but drew as an inference. Mr. B. wished to save the community from these paper systems and experiments, which honorable gentlemen were so earnest to perpetuate.

Mr. B. regretted the antipathy which gentlemen of the Opposition manifested when gold and silver were alluded to, and insisted that if these small bills were suppressed, an abundance of specie change would, of course, come into circulation. He closed by treating as idle the objection which had been insisted on in relation to informers.

Mr. YOUNG of Illinois said: My object in rising, Mr. President, is not to discuss the merits of the bill under consideration, but for a very different purpose. That purpose is, if I can, to defend the honorable chairman, and the Committee on Finance generally, from unmerited reproach; or if it shall be believed that blame or censure is justly attributable to the committee for having reported and recommended this measure, that all the parties concerned as originators, abettors, or otherwise, may fare alike in the judgment of condemnation to be awarded by the much injured inhabitants of this "*miserable, unrepresented,*" District. Before I proceed, Mr. President, I will ask the honorable chairman of the Committee of Ways and Means, (Mr. Wright,) whether the bill under consideration, as reported by that committee at the present session, is not precisely similar to the one which passed the Senate at the late extra session, on the same subject? [Mr. WRIGHT having answered in the affirmative, Mr. YOUNG continued.] This, Mr. President, is as I supposed. The honorable Senator from Kentucky, (Mr. Clay,) by way of ridicule, calls this a "*picayune bill,*" the provisions of which, he contends, if adopted and carried into practice, will strike directly at the negroes, the little boys and girls, and the poor beggars of the District; and concludes by saying, that the committee ought to be *ashamed* for having recommended such a measure. Now, sir, for the history of this transaction. At the late extra session of Congress, a bill containing three sections, as well as I remember, was reported by the Committee on Finance; the first two sections of which related to the banks of the District, and the third was intended to suppress the circulation of small notes, usually called "shin-plasters." Near the close of the session, the bill came up for consideration. After considerable debate on the several propositions submitted by the committee, the honorable Senator from Massachusetts (Mr Webster,) not now in his place, (who then was, and still is, a member of the Finance Committee,) moved to strike out the first two sections of the bill in relation to the banks; about which, he said, there was so *much* disagreement, and proposed the adoption of the third section, to suppress the circulation of shin-plasters, about which, he said, there could be as *little* disagreement. Well, sir, what followed? The two first sections were stricken out on the motion of the honorable Senator, as if by unanimous consent; and the third, or shin-plaster section, was adopted and passed by an overwhelming vote, (without distinction as to party:) the honorable Senator from Kentucky, (Mr. Clay,) and two or three others only, voting in the negative. What became of the bill in the other House, I know not; suffice it to say, it did not become a law. The substance of that bill, perhaps, in precisely the same language, has been again reported by that committee, and is now under consideration; and such are the epithets which are now applied to the measure, and the denunciations of those who have believed it to be their duty to bring it forward. I again repeat, if odium is to attach to any, let all who have participated in the sin, come in for their reasonable share. But we are admonished by the honorable Senator from Kentucky (Mr. Clay) to wait, to pause, until something shall be done by the neighboring States—of Maryland and Virginia—to wait for the action of Baltimore and Richmond, until something shall be done, looking towards the general resumption of specie payments. Sir, do we not all understand this language? Those opposed to the resumption of specie payments in and about the State Legislatures, when the matter is urged upon them, say, "*wait*" for the action of Congress; and those in and about the Capitol who have such a dislike for gold and silver, as almost to recoil at the mention of it, tell us "*wait*" for the action of the State Legislatures; and between the two, their admonitions if attended to, would lead to indefinite post ponement. Mr. President, can any reasonable man (unless he shall purposely close his eyes) be so blind to what is going on, as not to perceive the mighty influence which was brought to bear in the recent bank convention in New York, and which still is operating to prevent, if possible, the early resumption of specie payments by the banks? Can

any one doubt as to the location of that power, or by whom it is sustained in its unlawful purposes? And shall we, too, succumb to it? Sir, they will fail in their object. The honorable Senator from Kentucky, tells us that already one of these banks has resolved on specie payment. Yes, sir, others will follow; the sound institutions of the country, one by one, will come to the rescue, and this mighty combination of moneyed influence will yet fail of its grand object—another Bank of the United States, with unlimited capital, which only can be accomplished by keeping up a deranged state of the currency.

But, Mr. President, why should these small notes be regarded as so essential to the convenience of the people of this District? Of all other places, I would suppose that here there was the least necessity for resorting to such expedients. If I am correctly informed, the public officers, and members of Congress, furnish by far the greater part of the circulating medium in this city. Under the existing arrangement, two-thirds of their compensation is paid in gold or silver. Then why not pay out this gold and silver in payment of our ordinary expenses here, and those who receive from it from us, again pay it to such as have demands upon them? In this way, if I am not greatly mistaken, *specie* would very soon fill up the *vacuum*, which will be produced in the community by the withdrawal of these *paper change tickets*, if the provisions of this bill shall be suffered to go into operation; and irresponsible or dishonest persons, disposed to commit frauds upon their neighbors, by issuing notes they never intend to redeem, either from want of ability or inclination, thereby prevented from further unlawful speculation upon the supposed neeessities of the people, growing out of the present deranged state of the currency.

How is it now, sir? If a member should pay his landlord, or more properly his landlady, according to the fashion of the times in this fashionable metropolis, what becomes of it? Is it not forthwith (to use a back woods phrase) sent off and exchanged for "shin-plasters" at an advance, to pay for fuel, marketing, and such articles as are generally purchased in small parcels to sustain and keep up the household? Are not, in fact, these small notes almost in universal use, by every one, to defray the smaller class of expenses; and is not the specie, which ought to circulate in their stead, as universally bought up by the brokers, and excluded from circulation? I repeat, sir, that the further continuance of this *miserable trash* in circulation, is not necessary to the welfare of the people of this District; but on the contrary, is productive of much mischief, in depriving them of a sound and really valuable currency, which never can circulate to any extent until this *wretched substitute* of paper change, counterfeits and all, is altogether and entirely banished from the country.

Mr. President, I reside in a State where the banks, as in other places, have suspended specie payments. We have no paper currency under five dollars, and nevertheless have change enough to answer all our reasonable purposes. The prices of produce and of labor are both high, and readily command the money; and so far as my immediate neighbors are concerned, I wish they may never see worse times. I also fully concur, Mr. President, in the statement of the Senator from Missouri, (Mr. Benton,) when speaking of the present prosperity of the city of St. Louis. I did not, sir, in the whole course of my travel in returning from my place of residence (which is one hundred and eighty miles above that place on the river Mississippi) to this city, since the late extra session and just before the commencement of the present, see as many steamboats, (and many of them of the largest class,) as many boxes and barrels, and merchandise and produce in different forms, with all that stir and bustle of people, wagons, carts, and drays, incident to an active and business, and I might add prosperous, community, as I saw at the wharf of that infant city, St. Louis. And yet, Mr. President, as often as I have been there, which is not unfrequently, I have not yet seen the first "shinplaster" in circulation in that place, or the man who has seen one, to my knowledge.

The Senator from South Carolina, (Mr. Preston,) in alluding to the condition of things here, by way of pity and commiseration for the people of the "*ten miles square*," called this a "*poor, little, miserable District!*" Mr. President, this reminds me forcibly of a circumstance which occurred in the Legislature of the State in which I reside, many years ago, which (without intending the slightest disrespect for the gentleman concerned, whom I regard as one of my best friends, politically and otherwise) I will mention as a case in point. An honorable member of that State, (who is at this time a Senator of that State, and deservedly popular with his constituents) with that laudable intention which is always conceded to politicians, in which love of self merges into the interest of the people, (the farming portion and the poor especially,) and with the further lawful design of ingratiating himself still more in the good graces of the good people of his district, introduced into the Assembly a bill "to *enable poor people to marry*." This, sir, was the title of his bill. It commenced, according to the old fashion of doing up such things by our early law-givers, with a preamble, in which was set forth that, "WHEREAS, there are now resident in the counties of —— (the counties composing his district) divers poor persons, both male and female, who are anxious to marry, but who, for want of means to obtain licenses, and to defray the other necessary expenses, such as celebrating the bans, etc. on account of the difficulties and privations incident to the settlement of a new country, whereby many well-disposed persons are prevented from carrying their lawful and praiseworthy designs into execution:" "THEREFORE," etc. The honorable member stated, from his place, in support of the measure, that he had already made an arrangement with a certain clergyman of good standing in his church, whose name he mentioned, by which all the marriages contemplated by his bill were to be consummated by the minister, without fee or reward, (except, I believe, that he was not to be debarred from the privilege of accepting presents on such occasions;) and concluded by expressing the hope that his bill would be permitted to pass, so that the *poor* people of his district might in future obtain *licenses* from the clerks, also without compensation. Such, Mr. President, was the scope of the honorable member's bill; the benefit of its provisions being expressly limited to his own immediate constituents. Shortly after its introduc- Madam Rumor, who is always busy on such occasions, sent forth the report that the honorable mover of this wise and wholesome proposition, who doubtless acted in all sincerity of purpose, represented a "*poor, little, miserable District*," and that his constituents were wholly unable to marry, unless some law could be passed to remove their disability. Well, to the utter amazement of the honorable representative, his constituents unexpectedly flocked to the seat of Government to inquire into the matter, and demand an explanation; and, instead of the anticipated greetings on all sides, of "well done, thou good and faithful servant," for his exertions and good intentions in their behalf, they upbraided him with reproaches and bitter denunciations; declared that they were as able to marry as the people in other parts of the country, and demanded the immediate abandonment of the favorite project. The member, chagrined and mortified at the dissatisfaction he had unintentionally produced with the best of motives, and disappointed at the sudden reverse in the prospect of his favorite scheme, which, in the language of the day, was now "blowed sky high" by his constituents, apologized for his error, promised better things in future, was forgiven by his incensed neighbors, withdrew his bill, and there the matter ended, and I trust will rest in oblivion, henceforth and for ever.

So, sir, I doubt not the good intentions of the honorable Senator from South Carolina (Mr. Preston) towards the good people of this fashionable and high-toned city, and the country hereabouts, when, with pity and commisseration, and all the finer feelings of the philanthropist, he calls this a "*poor, little, miserable District.*" But, sir, is not the honorable Senator mistaken in supposing that the people will be gratified with this squalid picture of their condition? Mr. President, I am much mistaken in the character I have formed of the people of this District, (poor as their soil may be, and, God knows, it is poor enough) if that shall be recognised as a true description of their situation. No, sir, poor as they may be, they are still not so poor and dependent as to thank honorable Senators for such ill-timed sympathy.

But, Mr. President, to my mind, a most extraordinary objection has been made from several quarters to one of the provisions in this bill, to which I supposed there could be no reasonable objection. It has been emphatically asked, if you will first compel a defendant to answer in the civil action for damages upon his oath, and then suffer the plaintiff to call witnesses to impeach his statements, and thereby subject him to a prosecution for perjury? I answer, why not? Is it not the every day's practice in our courts of chancery to compel the defendant to answer the complainant's bill on oath, and afterwards to permit the complainant to call witnesses to disprove that answer? Most certainly, sir. Then where is the difference in principle, except that in the one case, the pleadings and testimony are in writing, and in the other by parol. Mr. President, courts of chancery do not ordinarily possess jurisdiction in such small causes as are intended to be embraced by the provisions of this bill. If then, the plaintiff is not to be permitted to call upon the defendant, thus to answer upon his oath to the correctness of his demand, I venture to say that in nine cases out of ten, the party injured will be without a remedy. A passes a "shin-plaster" to B, and how is A to prove it? I repeat, sir, that in most cases it will be impossible. Why, sir, the thing from its very nature is impracticable: suppose C should be present at the transaction, and should even hear the amount of the note mentioned, which is very improbable; could he afterwards, if called upon as a witness to testify as to the *passing*, identify that note, one time in a hundred? Impossible. If, therefore, I am correct in my apprehensions, Mr. President, upon that feature in the bill, the private remedy mainly, nay almost exclusively rests; take it away, and the remedy, in most cases, is gone.

But, Mr. President, my principal object in rising, was to give the history of this measure as a matter of equal justice to the members of the Finance Committee, who have again concurred in reporting it for the action of the Senate at the present session. I will only add, sir, that it has once passed this body by an almost unanimous vote, and I hope for the good of this District, will not only pass again with equal unanimity, but will in the end become the law of the land.

Mr. HUBBARD said that so far from this bill passing without consideration, he believed that no bill had been more fully considered. A Senator from Massachusetts had given it his especial attention, and much of it was adopted on his motions and by his sanction. He had never heard that the banks or the people of the District had complained of it, and he repudiated any design to oppress or embarrass any class of people in the District. He regarded it as a measure calculated to promote the best interests both of the banks and the people of this District, from whom he had heard no word of complaint. He demanded the yeas and nays on the question of recommitment; which was decided in the negative—ayes 9, noes 30.

The question then recurring on Mr. SMITH's amendment, striking out the requisition that the accused should be summarily examined on oath, Mr. SMITH called for the yeas and nays on the amendment, which were ordered.

The question on the amendment proposed by Mr. Smith, of Indiana, viz. to strike out the words "summarily and without delay," was then taken by yeas and nay, and decided in the affirmative, as follows:

YEAS—Messrs. Buchanan, Clayton, Cuthbert, Fulton, King of Alabama, Knight, McKean, Morris, Nicholas, Norvell, Prentiss, Preston, Rives, Roane, Ruggles, Smith of Indiana, Strange, Swift, Tipton, Wall, and Williams—21.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Grundy, Hubbard, Linn, Lumpkin, Niles, Pierce, Robinson, Smith of Connecticut, Walker, White, Wright, and Young—16.

Mr. STRANGE offered, as an amendment, to

insert the words "or receive," after the words "offer to pass."

Mr. S. explained the object of the amendment, whice, on some remarks by Mr. WILLIAMS, was withdrawn.

The question on concurring in the several amendments offered in Committee of the Whole were then taken, and the amendments were agreed to.

The question on the engrossment of the bill was then taken, on which Mr. WRIGHT called for the yeas and nays, which were ordered, and were as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lumpkin, McKean, Nicholas, Niles, Morvell, Pierce, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Tipton, Walker, Wall, White, Williams, Wright, and Young—31.

NAYS—None.

So the bill was ordered to be engrossed, and read a third time.

The Senate then, on motion of Mr. NORVELL, adjourned.

MR. CALHOUN'S RESOLUTIONS.

In Senate, Thursday, January 4, 1838.—The Senate having resumed the consideration of the resolutions offered by Mr. CALHOUN, the third of the series being before them,

Mr. NORVELL rose to move that so much of the third resolution of the honorable Senator from South Carolina, (Mr. Calhoun,) as pledged this Government to give "increased" stability and security to the domestic institutions of the States, and as pronounced it to be its duty to "strengthen" them, be erased from the resolution. It would then read: "that this Government was instituted and adopted by the several States of this Union as a common agent, in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity; and that, in fulfilment of this high and sacred trust, this Government is based so as to exercise its powers as not to interfere with the stability and security of the domestic institutions of the States that compose the Union; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions." He said that no member of this body entertained a deeper abhorrence of the whole abolition movements in the North and Northwest than he did. If not intended to bring about a dissolution of the Union, they were well calculated to accomplish that disastrous result. They were unconstitutional, a breach of faith towards our Southern fellow-citizens, and contrived to spread all the horrors of servile war among them. Under the pretext of being a religious duty to extirpate slavery from the face of the earth, the incendiary leaders of Abolitionism had enlisted even women and children to petition for the object which they had in view. As if men were not adequate to the task of accomplishing their cruel purposes, women had been invoked to seize the dagger of Abolitionism, to complete the work of death and desolation in the South, begun by more timid man, "too full of the milk of human kindness" to carry out his murderous intent. In yielding to this misguided spirit, woman "unsexed" herself—

> "Stopt up the access and passage to remorse,
> That no compunctious visitings of nature
> Shake her fell purpose."

Was it a religious duty, sir, to violate the Constitution of the United States? Was it a religious duty to commit a breach of faith toward our sister States? Was it a religious duty to instigate the slaves of the South to rise up to slaughter their owners; to perpetrate murder in its worst aspect; the midnight murder, which spares neither age nor sex; of which female honor and helpless infancy are equally the victims? Sir, this is the same *religious* spirit which bound the human body, the shrieking mother and the innocent child, to the stake of persecution, and consumed them to death amid fire and flame, for a mere difference of opinion on sectarian points. It was this *christian* spirit that prompted civilized Europe to commence the slave trade, for the purpose of converting the pagan African to the knowledge of the true and living God. It was this *religious* spirit that, in the earlier ages, impelled half civilized Europe, in a mass as it were, led on by fanaticism and frenzy, to engage in crusades to the Holy Land, in order to re-conquer from heathen idolators the city of Jerusalem, at the expense of the sufferings and blood of countless myriads of human beings. It was, sir, a profanation of the name, an insult to the character, of the Savior of mankind, to call this a *religious* spirit. It was the spirit of Abolitionism. It was a demoniac spirit, which instigates the destruction of the enlightened half of one great section of our Union, in the frail hope of rendering the other ignorant and degraded African half fit subjects for the enjoyment of liberty; in the more wicked hope of rendering them fit associates, companions, husbands, and wives of our northern and northwestern women and men of Saxon descent.

He was thoroughly and unchangeably opposed to this entire abolition spirit. We of the non-slaveholding States are free from the evils of slavery. It is no grievance with us. It is not our business to intermeddle with it. It is no part of our constitutional right or duty to petition Congress on the subject. Congress have no control over it. It is a subject reserved exclusively to the respective States within which slavery exists. Before the adoption of the Constitution, each State of this Union was an independent sovereignty, with all the rights and powers of independent nations. They are equally so now with regard to all the rights and powers not delegated to the Federal Government. Nothing but the monstrous supposition that this is a consolidated, and not a federative Government, could excuse our petitions for the abolition of an evil which has no existence with us, which is remote from us, which exists only in distant sister States, whose citizens alone have any right to touch or interfere with it.

Slavery in this country was entirely a domestic question. Congress could not touch it. The States in which slavery was still tolerated had never, even by implication, given up any portion of their exclusive power over the whole subject. They could not, with any regard to their own safety, permit it to be drawn into question by their sister States, or by the General Government. It was not a subject open to discussion with a view to legislation any where but in the States recognising and suffering the existence of slavery. Nor could Congress, in his opinion, either constitutionally, or consistently with the public faith, abolish it in the District of Columbia, unless the people of the District desired it, and petitioned for it. The Distric was ceded to Congress by the States of Virginia and Maryland, on the condition that the rights of private property, as before existing, were to be held sacred; and the United States received the cession upon that condition. The power granted to Congress, to "exercise exclusive legislation, in all cases whatsoever, over the District," conferred no authority to violate the public faith, or to take from its inhabitants their property without their consent. It simply and clearly meant, that legislative powers could be exercised by no other body than Congress over the District. It meant no more. It did not mean that Congress could pass any law dictated by its arbitrary will and pleasure, in violation of the right of property, or of any other right asserted in the acts of cession to the United States. If Maryland and Virginia had imagined that this question would have been here raised, they would never have ceded the District. He was was no friend to slavery. He reprobated every appearance of it. Though born in a slave State, he had, when, at the age of nineteen, he left the paternal roof of his father, refused the offer of slave property made to him, and as decidedly refused to receive the proceeds of the sale of such property. He had, on two or three occasions, subscribed money for the emancipation of individual slaves. He had, when a member of the convention by which the Constitution of Michigan was formed, introduced the resolution against slavery, and reported the article, which was unanimously adopted into that Constitution, declaring that "neither slavery nor involuntary servitude should ever be introduced into the State, except for crimes of which the party shall have been duly convicted." His own skirts were free from the imputed sin of slavery; but he was not, because opposed to domestic slavery, justified in engaging in an unconstitutional crusade against the Southern and sister States of Michigan, for tolerating an evil which they did not consider as such, which was entailed upon them, and which the compact of union recognised their right to tolerate and to endure. He was not justified in urging Congress to violate that sacred compact, to put an end to the peace and integrity of the Union, for the suppression of an alleged moral sin, from which he and his fellow-citizens of Michigan were entirely exempt, and for which they were in nowise more responsible than they were for the oppressions under which the subjects of Great Britain in India or Ireland suffered and groaned. It was only upon the absurd assumption that the General Government was a consolidated National Government, possessing all power within and over the States, that any interference on its part in this subject could be contemplated. He had no hesitation in affirming that such an idea had never seriously entered the minds of the framers of the Constitution, and that any interference of the kind would extinguish all hope of the perpetuation of the Union. And what would the Abolitionists gain by a result so disastrous to their efforts? Sir, not a slave would they emancipate. Their fanatical exertions would throw back for fifty years every hope of emancipation. Disunion, dissension, and civil war, would ensue. And would *they* in that case take up arms to wage war upon the South? Would they enter the armies of the North, even to defend its soil, in case of Southern aggression? Would the non-combatant abolition clergy, the feeble women and children, who swell the lists of abolition petitioners, draw the sword for us of the North and the Northwest, in the event of a civil war, brought upon us by their gratuitous and maudlin shouts for negro emancipation? What atonement could they make to their suffering country for its Union split to pieces—for its villages and towns laid in ashes—for its safety undone—for its fields laid waste—for the seas of human blood shed in the unholy and terrific civil strife, which they had instigated to effect the abolition of slavery in distant States? Sir, there is no foretelling the extent to which fanaticism, assuming the sacred garb of religion, will carry its deluded victims. The Abolitionists commenced with petitions for the abolition of slavery in the District of Columbia; then they petitioned for the abolition of slavery in the Territories; now they are demanding the prohibition of the trade between the States; and their next step will be to require Congress to usurp the power to suppress slavery in the Southern States. And all this they do in the name of humanity! *Their* humanity only rivets the chains of slavery still tighter. It only divests the slave of all hope, and goads his Southern owner, formerly and naturally inclined to loosen the bands, to a more resolute determination to maintain the mastery over him, without any relaxation. He had heard much said about the right of petition as in danger of violation from the passage of these resolutions. What was the right of petition, as guarantied by the Federal Constitution? It was simply that Congress should pass no law preventing the people from assembling to petition for a redress of their grievances. Was slavery in distant States a grievance to the people of the North and the Northwest? If it was, the Federal Constitution, the Federal Union, was to them a grievance! Did the resolutions propose any such law as to prohibit assemblages of the people to petition for any grievance of their own, or for any grievance not their own? Did they propose any thing like it? But the liberty of the press and of speech was in danger! The assertion was destitute of all foundation. What was daily going on here; what was daily going on in all the Northern States, demonstrated the idle nature of the allegation. The resolutions left the freedom of speech and of the press where the Constitution placed them.

They offered no restraint to any of the constitutional rights of the people. They only declared that this Government should not be used as an instrument of attack upon the States, the domestic institutions of the States, the reserved rights of the States, or the union, peace and tranquillity of the whole country. That was their import; and he trusted that this Senate, as the peculiar representatives of reserved State sovereignty, would always firmly maintain the ground assumed in these resolutions. The Federal Union could only in that way be preserved. If he were disposed to look at the abolition of Southern slavery as a question of interest and happiness in its effects upon the Northern and Northwestern States, he should pronounce the measure to be fraught with incalculable evil to them. It would bring upon them, in shoals, a species of idle, vagrant, worthless black population, stamped with inferiority by the hand of nature. It would degrade the high character of the discordant Saxon race, by whom our soil is cultivated, our intellectual condition improved, and all the arts and comforts of life elevated and extended. It would bring us, our wives and children, into association with a description of human beings, whom the Author of creation has set apart as a distinct caste; and, finally, our population might become a mongrel race of mulattoes and quadroons. What father, what mother, what brother, could look upon such a state of things, without shrinking back with loathing at the contemplation!

But taking views, as he did, of the subject, he could not agree to confer upon this Government, by implication, any right to give *increased* stability, security, and strength to the domestic institution of slavery in any of the States. He was not willing to pledge this Government so to administer its affairs as at all to interfere, on one side or the other, with a subject which the Constitution had not confided to it. The South cannot desire this. All that the South asks on this subject is to let her alone. To this extent he would cheerfully pledge the Government. He would commit it, mind and soul, to sustain the Constitution as it was; to protect the institutions and the interests of every part of the Union, as far as its constitutional powers would authorize it to go for that purpose. The resolution, amended as he proposed, was strong enough. It pledged the Government not to interfere with the stability and security of the domestic institutions of the South: it made it the solemn duty of the Government to resist all attempts, whether by petition or otherwise, to use it as an instrument of attack upon any of those domestic institutions. If the South could ask more, she would ask that which would hereafter be used as a pretext and a precedent for an interference, on the part of this Government, to weaken and destroy her domestic institutions. He, therefore, hoped that his amendment would prevail.

Mr. CALHOUN entertained every sentiment of respect for the feelings of the Senator from Michigan (Mr. Norvell.) He believed his feelings were sound throughout, and were based upon a sound policy. He begged leave to state his reasons for inserting the words "the several States, etc." It was his belief that in many things it was admitted by the General Government that the States had separate, distinct, and vested constitutional rights. In this belief and understanding, there had so long existed a general good feeling between the two Governments, their acts were in all things correlative, and were, so far as they acted together, promoting individual and confederative rights, by which course of action each ever strengthened the other, and tended to produce union and harmony throughout; and, what was more, it tended to uphold the domestic institutions of the States. To illustrate his argument, he would instance some few cases, which would, he was certain, convince the Senator from Michigan (Mr. Norvell) that the ground of his amendment was erroneous, and that he would in the end withdraw it

Every one must admit, continued Mr. C. that the quarantine laws were wholly under the State control, while the laws of commerce were controlled wholly by Congress; yet the two were inseparable, and each depended upon the other. Congress never claimed a right to interfere in the regulation of one branch, nor did the Government of the several States deny the jurisdiction of the United States over the other.

Congress had passed new laws, or modified old ones, regulating commerce, applicable in every particular to the quarantine laws. He would cite instances of a different nature in their operation and effect.

During the French Revolution, an insurrection broke out in the French colony of St. Domingo among the blacks. There was a danger of intercourse and interference of the blacks on the island and those of our States. To prevent this, State laws, prohibiting such intercourse, were passed. These laws were sanctioned by Congress.

There was a strong analogy in this case to the one now under discussion. Congress had here passed laws distinctly to meet the views of the States. In farther illustration he would cite the laws and regulation of the port of Charleston: his position was here still more strengthened. He alluded to the prohibition of black sailors on board vessels, trading with that port. Congress had yielded and fully assented to the provisions of the law, and even the British Government had assented and acknowledged the propriety of such enactments and and regulations. Having said this much, for the purpose of convincing his friend from Michigan, (Mr. Norvell,) he should look with the greatest confidence for his vote in support of the resolution, without his proposed amendment.

Mr. NORVELL responded, that yesterday the Senator from South Carolina had expressed a desire to transfer this whole Abolition war to the North and the Northwest; a belief that *there* was to be the great battle-ground of the conflict. Could that honorable Senator then wish to weaken the hands, to impair the moral vigor, of those who were to fight that great battle for the safety of the South, and the preservation of the Union? This he would do, if he were to persist in requiring us to lend our aid to "increase" and "strengthen" the institution of slavery. The Senator had alluded to the perfect beauty and harmony of our system as it was. For this very reason was it, that the amendment had been proposed. It was to preserve, not to mar the harmony and beauty of our system, that this Government should not be required to go beyond the maintenance of the domestic institutions of the States as they exist and are protected by the Federal Constitution. The Senator had illustrated his views, by adducing special cases in which the Government had by law interfered to sustain and strengthen the health laws of the States, and to protect the South against the effects of the agitations in St. Domingo, some years ago. That was all proper; it was constitutional; but the illustrations did not sustain the general proposition contained in the resolution. When the special emergency should again arise, he would be found as ready as any man to interpose the power of this Government, not to outlaw, but to protect, the domestic institutions of the South in all their constitutional sacredness of character.

Mr. PRESTON observed that the amendment proposed was a very general one in its application, and he hoped it would be adopted. The resolution, in its present shape, asserts that the General Government is bound to protect the domestic institutions of the several States. This ground he never wished to assume. He was opposed to any interference with the domestic institutions, either from one quarter or another. The States should be suffered to maintain and protect their own rights and their own institutions. The General Government was rather, in his opinion, bound, from its very nature, NOT TO INTERMEDDLE WITH THESE RIGHTS, but strictly, and in every instance, TO KEEP HANDS OFF. Government had no right to interfere, either to protect or to invade any institution. To illustrate his argument he would revert to some few of these institutions in various quarters. One of the greatest and most important domestic institutions of Maryland was the State Colonization Society. It was a State corporation. Would his colleague wish to see the direct action of Congress to support this institution? Would there not be as many conflicting sentiments on the subject as upon that of domestic slavery? The great manufactories of the North are incorporated, and have vast amounts of funds invested; should these be either directly protected or invaded by Congress?

It was doubtful whether it was a duty of Congress, either expressed or implied, to interfere in any similar cases.

He would admit that Government might by its action contribute to establish proper security to State institutions, so far as is consistent with the Constitution, and with State rights and enactments, and the constitutions of the States, but no further. To maintain the principle advocated by the resolutions, would be to assert that the domestic institutions of a State, based on the principles of the Vermont resolutions, as well as those of an adverse order; and if this ground be admitted, the case cited of the Maryland institution, must be a strong point of opposition to the general spirit of the resolutions.

Mr. CALHOUN was willing to assent to the amendment, if it was the wish of the Senate to do so. He would make any concession to meet the views of those opposed to the doctrine of Abolition, in order to get a strong vote in favor of the general doctrines set forth in the resolutions.

Mr. PRESTON followed in continuation of his previous argument, and in support of the opinions he had expressed in favor of the amendment.

Mr. HUBBARD requested the Secretary of the Senate to read the second resolution as it had been adopted. The resclution was read as follows:

Resolved, That in delegating a portion of their powers to be exercised by the Federal Government, the States retained severally the exclusive and sole right over their own domestic institutions and police, to the full extent to which those powers were not granted, and are alone responsible for them; and that any intermeddling of any one or more States, or a combination of their citizens with the domestic institutions and police of the others, on any ground, political, moral, or religious, or under any pretext whatever, with the view to their alteration or subversion, is not warranted by the Constitution; tending to endanger the domestic peace and tranquillity of the States interfered with; subversive of the objects for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

Mr. H. would call the attention of the Senator from South Carolina to the phraseology of the third resolution, and he thought that it would at once occur to him that the third resolution conveyed the sentiment that this Government was bound to exercise its powers so as to give "increased stability and security" to the institution of slavery as it existed in the southern section of the Union—a sentiment directly conflicting with the spirit and import of the resolution which has just been read. The avowed purpose of the Senator from South Carolina was, that the Senate should express, by resolution, as their deliberate opinion, that any interference on the part of any section of the Union, or any intermeddling of any portion of the community, under any pretext whatever, with domestic slavery as it exists in the Southern States, with a view *to its alteration or subversion*, would not only be grossly unjust, but a course of proceeding not warranted by the Constitution. This was the declared object of the Senator, and to all this he most readily yielded his assent.

He need not assure the Senator from South Carolina, that no man was more willing than himself to carry out such a purpose—and most cheerfully would he support any resolution drawn out in the strongest terms, and in the most forcible language, fully to express such a sentiment. He did not agree with Senators who thought nothing was to be gained by the adoption of these resolutions. *Much, very much*, in his judgment, would be accomplished by agreeing to the resolutions (with some amendments) which had been offered by the Senator from South Carolina. If this did not go far enough, as the Senator from South Carolina (Mr. Preston) expressed—if they would not inspire confidence and give security in the South, he firmly believed that their adoption would be productive of much good in the non-slave holding States He represented on this floor, with his respected colleague, one of those States; and he could not doubt

that the adoption of these resolutions substantially, would tend to allay in that quarter, the spirit of Abolitionism—would be a direct appeal to the intelligence and to the patriotism of the free citizens of the North; and he could not for a moment doubt that they would have a controlling influence upon the course and conduct of the Abolitionists themselves. If the adoption of that resolution would not directly influence the action of the Abolitionists, they could not fail to produce a powerful effect on public opinion; and through the influence of popular sentiment would this fell spirit of fanaticism be stayed. He was therefore prepared to go with the Senator from South Carolina in carrying out the purpose avowed. But, while he was thus prepared to give his support to the resolutions of the honorable Senator—believing, as he conscientiously did, that their adoption would do good at home—he could not agree to the adoption of the third resolution, as the Senator had drawn it. It went further than he was willing to go. His doctrine had been, ever since he had been a member of Congress, that it was the bounden duty of the North "*to let the whole matter alone.*" That the institution of domestic slavery, as it existed in the Southern section of the Union, was no concern of theirs. And that they were unfaithful in the performance of their duty as good citizens, to give publicity to any opinions calculated to excite the morbid sensibilities of the North, or to inflame the violent feelings of the slave population of the South. He would now undertake to show that the amendment proposed by his friend from Michigan to the third resolution ought to be adopted, and he could not but hope that the Senator from South Carolina would assent so to modify this resolution. He would suggest an alteration in the first paragraph of the resolution, not that it was objectionable to himself as it was; but the alteration, he was satisfied, would make it more acceptable to some of its friends. He would have that part of the resolution read—"that this Government was instituted to carry into effect the powers delegated by the Constitution for the mutual benefit and prosperity of the States."

He would not press this alteration, but he was assured that it would be more acceptable to some friends in that form. It would receive his support, whether altered or whether it remained unchanged in this particular; but he felt a great solicitude to have the amendment proposed by the Senator from Michigan adopted. Such would be the import of the resolution, without the amendment, that *he could not* (friendly as he was to the object) vote for it. The resolution declares, in substance, "that this Government is bound so to exercise its powers *as to give, as far as may be practicable, increased stability and security to the institution of domestic slavery;* and that it is the solemn duty of the Government to resist all attempts to weaken or destroy, but is bound *to strengthen and to uphold, the institution of domestic slavery.*" He was sure that the Senator from South Carolina could not ask this at his hands. He would resolutely oppose any and every attempt, come from whom it would, tending o subvert or destroy this institution, against the will of those whose interest is affected by its existence. Thus far he was ready to go: thus far the State which he in part represented had gone. In no way would he intermeddle with the sacred and constitutional rights of others. But, while he was prepared to go thus far, he could not go farther, consistent with his sense of duty; and he would earnestly appeal to the Senator from South Carolina to assent to the proposed modification of this resolution.

Mr. PRESTON inquired how the resolution would read were the amendment adopted?

Mr. BUCHANAN remarked, "*Exactly right.*"

The Secretary then read the resolution as amended.

Mr. CALHOUN announced his full assent to the amendment.

Mr. HUBBARD remarked that he rejoiced that the Senator from South Carolina had agreed so to modify his resolution as to embrace the amendment proposed by the Senator from Michigan. He appreciated the motives which had induced the honorable Senator to assent to this alteration. Whatever might be the effect of the adoption of these resolutions by the Senate on the Southern section of the confederacy, where slavery exists, there can be no doubt that the battle is to be fought in the non-slaveholding States. It was there that this spirit of anti-slavery was to be met. He deeply regretted to add that it was there mingling itself with party politics. It was in the free States of this confederacy that the unhallowed spirit of Abolitionism was, in his judgment, to be met, and it should be met boldly and independently. He had no fears for the result of the contest. He had the fullest confidence in the intelligence and patriotism of the yeomanry of the North; and when passion and prejudice subsided, when men will reason together on this interesting subject, be assured that public opinion will become correct and controlling in its influence. He had uniformly, since he had been in Congress, opposed every interference with the institution of domestic slavery as it existed under our Constitution—a course approved by his own State, and by the dictates of his own conscience.

Mr. SMITH of Indiana then moved the following as a proviso to the third resolution, on which he asked the yeas and nays:

"*Provided*, That nothing contained in these resolutions shall be construed or understood as expressing an opinion of this Senate adverse to these fundamental principles of this Government, 'That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That the freedom of speech and of the press, and the right of the people peaceably to assemble to petition the Government for redress of grievances, shall never be abridged. That error of opinion may be tolerated while reason is left free to combat it. That the Union must be preserved.' But, on the contrary, all those constitutional, fundamental, and political truths, are expressly recognised by this Senate."

Mr. CALHOUN expressed his regret that the Senator from Indiana, (Mr. Smith,) for whom he entertained great respect, should attempt to embarrass the passage of the resolutions, by the introduction of an abstract proposition, not relevant, and in his opinion not calculated to have any salutary effect. If the resolutions were incorrect in principle, vote them down; but on the contrary, if they were based on proper constitutional ground, why not sustain them in a crisis like the present, which all must admit to be dangerous to the best interests of the Union.

Mr. SMITH of Indiana denied that he had ever on any occasion, in that or any other body, sought to do by indirect means what he could do directly; and addressed the Senate for some time in favor of the proviso offered by him. Mr. S. said, if the proviso was but an abstraction, as it had been named, the resolution itself was no more; one abstraction was surely as good as another; and if the Senate is to be engaged in building up abstractions, those which he now offered were too important to be overlooked; they were the abstractions of Washington and Jefferson, and might be safely deemed as worthy of attention as the more modern ones of present Senators.

Mr. CALHOUN observed that he had said nothing of the truth or error of the principles contained in the proviso, but had simply entered his protest against its being attached to his resolutions. Was there any thing in his resolutions that infringed the right of speech or the freedom of the press? When that was aimed at, it would then be time to make the objection. He had said before, and would repeat it, that the only object was to have a common ground on which all might stand, North as well as South, to repel aggression. Mr. C. looked to the true conservative (and to his mind the only conservative) principle, *State rights*, to put down the dangerous spirit of fanaticism in relation to the sinful and immoral practice of Southern slavery, and which he verily believed had been raised into action in a great measure by the idea that the institutions of the South were their institutions.

Mr. YOUNG of Illinois said: Mr. President, I did not intend, after my remarks of yesterday, again to have participated in this debate. The Senator from South Carolina, (Mr. Preston) in speaking of the domestic institutions of the South, and especially in regard to slavery, says "*hands off*" as to the slaveholding States, and they will take care of themselves. He not only denies the power of the General Government to secure and protect the State institutions in every case, and under every variety of circumstances, but solemnly protests against its exercise, as an unwarrantable and uncalled for interference. Now, sir, I will ask the Senator what construction he gives to the third clause of the second section of the fourth article of the Constitution, which provides that "*no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due?*" Suppose the act of 1793, passed in pursuance of this provision in the Constitution to enable owners to reclaim their fugitive slaves, should be repealed; that the General Government should, in accordance with the opinion of the Senator, act upon the principle of "*hands off*" in future; and one of the slaves of South Carolina, owing service under the laws of that State, should escape into Pennsylvania or Ohio, and should be protected there, in what way would the honorable Senator reclaim him? Would he march an army against the offending State, and make recaption *vi et armis*—with force of arms? Surely not, sir. But, Mr. President, I believe, upon reflection, that the Senator did say something about his remedy; and that remedy, if I mistake not, was to *hang* the offender if caught within their borders. I deny, sir, that any power exists in any of the States to punish even Abolitionists for supposed offences committed in any other State. The same Constitution which secures to the slaveholder the right of going into a non-slaveholding State to recover his fugitive slave, equally protects the Abolitionist in the privilege of going into a slaveholding State, if he chooses to do so, provided he commits no offence against the laws of such State during his stay within its limits. And shall we be told, that if such a punishment should be attempted, that there is no remedy, no sanctuary to flee to, under that sacred instrument, the Constitution? Yes, sir, there is a remedy; and that remedy is to be found in the Federal tribunals of the country, acting under the Constitution, whose bounden duty it would be, in such an emergency, (which I will not allow myself to anticipate) to interpose the authority of this Government, and save the suffering citizen from so palpable an infraction of his constitutional rights. Why, Mr. President, any thing short of this would immediately bring about a non-intercourse between the States, and effectually destroy that provision in the Constitution which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

But, Mr. President, I will now speak of a very different matter. It has been denied here, again and again, that the Abolitionists have any designs upon the institution of domestic slavery in the States. I am astonished that the Senators from these States should not have detected, and exposed in a proper manner, one design at least, of a highly important character, which, if not checked and rebuked in time, is calculated to inflict a fatal blow upon the peace and prosperity of this Union. I understand, sir, that under that clause in the Constitution to which I referred as providing a remedy in cases of fugitive slaves, the Abolitionists contend that it is the rightful province of the *State Legislatures*, and *not of Congress*, to provide that remedy; and that, acting under this supposed influence, one at least of the State Legislatures (that of Massachusetts) had already interfered so far as to provide for a trial by jury in such cases. I would inquire of the honorable Senators from that State (Messrs. Webster and Davis) whether such is the fact or not?

[Both the Senators having denied all knowledge of any such law or proceeding, Mr. Young proceeded:]

Then, Mr. President, I have been misinformed in relation to this matter; and many of the Abolitionists who would not intentionally mistake the truth, have

also been misinformed and imposed on; for such has been the belief. But, sir, this much I know of my own knowledge, that Abolitionists are required to circulate memorials addressed to their State Legislatures, respectfully requesting the passage of laws to secure the trial by jury, under State authority, in all such cases. I handed to the Senator from South Carolina (Mr. Calhoun) a few days since a paper containing the form of one of these memorials, which was given to me by a professed Abolitionist, (and who is, in my opinion, in all other respects, a christian and a worthy man,) as containing an exhibition of their principles, motives, and actions, by which it will be seen, that a direct attack is in this way intended against that leading principle in the Constitution, which alone secures the possession and enjoyment of this great interest of the South. And yet the Senator from South Carolina, (Mr. Preston,) says "*hands off*"—that they want none of our interference from the free States. Then, Mr. President, why are these resolutions here? Why are we of the free States solicited to participate in their consideration, and finally to vote upon them, if the South requires no aid at our hands? Sir, we too are interested in settling great constitutional questions; and being interested, will exercise our privilege of debating these propositions, if we choose to do so, and of voting afterwards in such manner as our judgment may direct, for the good of the whole. Sir, I desire, under existing circumstances, that this provision in the Constitution, and the construction now put upon it by the Abolitionists and their advocates, may not be overlooked. The Senator from Ohio (Mr. Morris) has taken exception to my remarks on this subject. Will the Senator allow me to ask him a single question? [Mr. Morris having replied in the affirmative.] Then I will ask the Senator, whether under that provision in the Constitution, which declares, that "*no person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due*," it is for *Congress*, or the *State Legislatures*, to provide the remedy? If it is the rightful province of the State Legislatures to direct the mode of proceeding in such cases, then the act of Congress of 1793 is unconstitutional, and ought to be repealed. But if, on the contrary, it was not only the right of Congress, (about which I supposed there could be no diversity of opinion,) but was moreover its peculiar duty to pass the act in question, then should the Abolitionists know by our action here, if practicable, that in urging this matter upon their State Legislatures, they were not only encouraging, but actually insisting upon a violation of the Constitution of their country.

Mr. PRESTON expressed some doubt in regard to such help as the Senator just up had proposed. If the Government should not protect the interests of the South in accordance with the Constitution, they would take care of themselves. The gentleman had admitted that a slave could not be recovered by an abolition jury in Pennsylvania, or other non-slaveholding State; and yet he demanded that the General Government should extend its protection to incendiaries within the slaveholding States. Mr. P. had heard it said that the institution of slavery could not exist without the aid of this Government. This Mr. P. disavowed and denied; and asked that the Government would let them alone, except so far as they could in good faith carry out all the provisions of the Constitution. Farther than this, he demanded that the Government should let them alone.

Mr. ALLEN said it appeared to him there was a general disposition on the part of the Senate to have this discussion as limited as possible, and it was therefore a source of regret to him to observe the attempts made to embarrass these resolutions in their progress. He was aware how easy it was to throw obstacles in the way of any proceedings when persons are so disposed. He (Mr. A.) had determined to offer, after the resolutions had been passed, the following amendment, to be appended:

"That nothing in the foregoing resolutions is intended to recognise the right of Congress to impair in any manner the freedom of speech or of the press, or the right of petition, as secured by the Constitution to the citizens of the several States, within their States respectively." But the course taken by the Senator from Indiana would induce him to move it as an amendment to the proviso, to strike out all after the word "*provided*," and insert what he had just read.

Mr. PRESTON thought the resolutions sufficiently abstract in themselves, without being embarrassed by any further abstractions. He (Mr. P.) heartily concurred in the resolutions and the sentiments contained in the provisos.

Mr. CALHOUN was willing to yield every inch of ground that he could, to fortify those who saw the danger that was pending, and wished to meet it in a proper manner. He could have wished his resolutions to have passed as he originally drafted them; but that spirit of concession which he felt under the responsibility he had assumed, would induce him to vote for the amendment of the Senator from Ohio, (Mr. Allen,) because not adverse to the spirit of his resolutions, and because it might have a tendency to reconcile others not otherwise disposed to sustain them.

Mr. MORRIS, adverting to remarks which had been made relating to the punishment of Abolitionists by State laws, said he regarded this and other similar doctrines which had been advanced in this debate, as subversive of all freedom and of the institutions of the country. He insisted that all classes of men had an imprescriptible right, above all government, to the freedom of speech and the right of petition. He repelled the imputation that those who were unfriendly to these resolutions were in any way unfriendly to the Union.

Mr. M. proceeded to defend the right of all men to trial by jury, which right, he insisted, was expressly guarantied by the Constitution. And if the right to trial by jury belongs to every citizen, on what pretext could a free State deny this right to any man within such State? Could the State deny it on pretext of color? Or could it be denied or refused on account of the oath of another man who might swear that any other man was his property? He felt bound to declare his unqualified opposition, and he would defend the rights of freedom of opinion, freedom of thought, freedom of speech, and freedom of the press, to the latest breath he might draw. No threats, no intimidation, should deter him from doing his duty in this respect.

Mr. WALL followed, and questioned the right of the Senate to sit making creeds and drawing up abstract constitutional codes for the people. He thought the members of Congress were not sent here to invent creeds and weave abstractions, but to make laws; to legislate, not to make opinions. He would vote for the amendment, but against the resolutions.

The Senate adjourned.

MR. CALHOUN'S RESOLUTIONS.

In Senate, Wednesday, January 3, 1838—The second resolution being under consideration, and Mr. MORRIS having moved to strike out the words "moral or religious;" on which he asked the yeas and nays—

Mr. YOUNG said that he had risen to request the honorable Senator from South Carolina (Mr. Calhoun) to insist upon the form of the resolution under consideration as it then was. Why, sir, strike out the words *political, moral, or religious*, when it is known, or ought to be known, that this is the identical language employed by the abolitionists as the pretext for interfering with the domestic relations of the South? Shall we not use terms as forcible, and as expressive of the object we have in view, as have been used by them to propagate their mischievous doctrines, which have well nigh already arrayed one section of the Union against another? If I mistake not, Mr. President, this is also the language of the *Vermont resolutions*, of which we have had notice, and which are intended to be introduced here by one of the Senators from that State, (Mr. Swift,) but of which I would not now have spoken, had they not already found their way into the newspapers, and gone the rounds of the day. This, sir, is the very ground upon which the Abolitionists place the argument—that domestic slavery, in every form, is "*unbecoming a moral and religious people*"—and upon this ground I desire to meet them. Yes, sir, the question, if we expect to effect any good purpose by these resolutions, should be met promptly and directly. Gentlemen tell us that the object, aim, and end of these memorials is abolition in the District of Columbia—nothing more. Is this the fact, Mr. President? On the contrary, do we not know, does not every Senator know, that this movement in the District, if successful, is intended to reach slavery in every part of the country, under whatever form it may exist? Yes, sir, rest assured that the abolition of slavery here is but as a drop to the ocean in comparison to the great matter they have in hand, and which, sooner or later, they expect to see accomplished, regardless of the consequences. It is but the entering wedge to their grand scheme of universal *emancipation* and *elevation* throughout the country. Mr. President, how can we mistake the object, if we look into the numerous abolition papers which are continually laid upon our tables, (from what quarter, or at whose expense, I know not,) and which are as constantly filled with the grossest misrepresentations and perversions of the Southern character, as connected with the domestic institution of slavery, as it exists under the Constitution in that portion of the Confederacy? I read these papers, sir; I have considered their purport, and cannot be mistaken in the opinion, that a general war (a *moral* and *religious one* if you choose) upon domestic slavery, as it exists in the South and Southwestern States, is intended. I wish the gentlemen from the South, instead of throwing them into the fire, would read them also, and they will soon discover, if they are not already informed, the nature of this war, and the weapons to be employed by one of the parties to the contest, the better to insure the victory. Yes, sir, the garb of religion is to be assumed, and under that specious pretext, the Constitution itself is to be first rent, and then torn to pieces. Mr. President, I reside in a non-slaveholding State; the people of that State are essentially in favor of emancipation, and I am proud of its free institutions. But, sir, as much as we prefer freedom to slavery, the great mass of our inhabitants are as decidedly opposed to all interference with the domestic relations of the other States which differ with us in sentiment on this all-important subject. They regard slavery as it exists under the Constitution of the United States, as not now a debatable question. That it is a right secured by that sacred instrument, which none can assail without doing violence to its provisions, and to one of the cardinal principles which induced a very large proportion of our citizens to enter into the political compact. But, sir, the State of Illinois has not left her sister States of the South to doubt and conjecture as to her position on this great question. That State, by its Legislature, has, in the solemn form of resolutions, as far as she could consistently go without infringing the constitutional rights of her citizens, stamped its seal of disapprobation upon the doctrine of modern Abolitionism in all its forms.

In assuming this position, therefore, upon this floor, I but assert, as is my duty here, the sentiments of the great mass of my constituents, who, I assure you, are sound upon this subject. But, Mr. President, we are not without Abolitionists in Illinois. We have a few, sir; some of them I could mention (laying Abolitionism aside) are excellent, amiable men. Some are my personal friends, sir; and I must do them the justice to say that I believe they are conscientious on this subject. But, sir, they are deluded; their philanthropy has taken a false direction, and I tremble for the consequences. Mr. President, I once thought, and so expressed myself to some of my friends, that an able, well written report on the petitions presented here, showing the reasons, the whys and wherefores, against such an interference, (as in the case of the Sunday Mail question,) would quiet this disturbing topic. But recent events have changed that opinion. Do we not see whole States swept away by the

torrent, and others yielding to its influence? That man must be credulous indeed, who, with all the evidences before him at the present juncture, can be induced to believe that Abolitionism is to be thus easily quieted and put to rest. No, sir: the question of *Union* itself, with the most solemn appeals to patriotism and love of country, will not, nay, have already failed, utterly and entirely failed, to accomplish this most desirable object. Sir, the question has been propounded more than once, whether they (the Abolitionists) would continue to persevere in their views, if satisfied that their certain tendency would lead to a dismemberment of the Union? And what has been the answer? It is this, sir: "We have a religious duty to perform, and it is not for us to consider of consequences, or to calculate results. We leave these matters in the hands of Him who requires of us the performance of this duty." They, sir, regard slavery as a national evil—as a crying sin, affecting the whole land—as a *moral* and *religious* vil, in which they themselves are participators to a more or less extent, unless they make the proper efforts to expel it from the country. Yes, sir, not only from this little District, but from the whole country. This, Mr. President, is the ground upon which the cause of Abolition rests; and how can it be said, with all these facts before us, that their object is confined simply to the abolition of slavery in this District? But, sir, it has been said that the right of petition is involved in this matter, and that many have signed these memorials, to assert this right, who are not Abolitionists, merely to assert the right of petition. It may be so in other States, not so in the State from whence I come. No, sir: we set down every one, without exception, as an *Abolitionist*, who signs an abolition memorial. This is the touchstone by which they are designated from others holding a different creed; and if there is *one* who has signed for the reason mentioned, who is, in other respects, opposed to their doctrines, it has not come to my knowledge. No, sir: I fear that this is but one of the many pretexts that will be resorted to for the purpose of exciting sympathy to swell their ranks in future. I trust, sir, that the Senator from South Carolina (Mr. Calhoun) will insist upon the resolution as it is, and that the amendment of the Senator from Ohio, (Mr. Morris,) to strike out the words "*moral or religious*," may not prevail. Strike out the words in the resolution, as proposed sir, and it is mutilated. It would not meet the case fully as it is presented; and I repeat again, in conclusion, if you wish to accomplish any thing by these resolutions, it is not by useless and vain concessions, but by meeting the various questions necessarily involved in the discussion, promptly and directly.

Mr. LUMPKIN rose and said—

Mr. President: It is with extreme reluctance that I approach the subject now under consideration. That reluctance does not arise from a disposition to shrink from the discharge of the duties which devolve on me. But the delicacy and difficulty which is attached to this subject, arises from the fact, that it is not a legitimate subject for discussion in this Senate. By the constitutional compact of the Union, this subject, if discussed at all, must be left to the people and the States where slavery exists.

In regard to the resolutions offered by the gentleman from South Carolina, (Mr. Calhoun,) I consider it my duty to remark, that I have carefully and considerately examined them, and am prepared to record my vote in their favor as originally submitted. Indeed, sir, I can but regret that we could not have a direct vote upon the resolutions in their original form, as I consider all the amendments which have been suggested, tending to mutilate and disfigure, and lessen whatever of utility the proposed resolutions embraced.

From the remarks which has fallen from the gentleman from Delaware, (Mr. BAYARD,) in which he considers the doctrines of nullification, in some obscure form, embraced in these resolutions, I feel myself called upon, at this stage of the discussion, to state, that my friend (if I may so call him) from South Carolina, and myself, stood as antipodes in the days of excitement upon this doctrine in the South. I was no nullifier, sir, but opposed it with all my might and strength. I am still disposed to cling to the Union with that emphatic sentiment in my heart, and on my lips: "*The Federal Union must be preserved.*" But, sir, I am greatly deceived if there will be any division amongst my constituents in regard to the resolutions now before the Senate. I believe that ninety-nine out of every hundred of the people of the South will approve of the principles laid down in these resolutions. Upon this subject, sir, the South is united, as the voice of one man. We have to contend with a common enemy. And, whatever may be our party names, we are all State rights men. We go for a strict construction of the Constitution of the United States. We concede nothing to the Federal Government by implication. We respect the powers of the Federal Government in its whole constitutional range; but that range is restricted and limited to its specified powers, of war, peace, treaties, levying and collecting taxes, regulating commerce, and the corresponding legislative, executive, and judicial powers. This, sir, is the great outline, in brief, of the Federal Constitution; and, sir, this Constitution was brought into existence by a spirit of amity, and that mutual deference and concession which the peculiarity of our situation as a people at that time demanded If each State had then contended for, and rigidly adhered to, its own peculiar habits and local prejudices and prepossessions, as the basis of a Government for all the rest, this Federal Union of States would never have been brought into existence. But no such surrender of opinion or power was required of the States. The reserved rights of the States secured to each the free and sovereign right to manage its own domestic affairs in its own way, rightfully liable to no molestation or interruption from the rest. The resolutions of the gentleman from South Carolina (Mr. Calhoun) having been brought to the consideration of the Senate, I should be highly gratified at seeing them receive the sanction of this honorable body; not that I believe they would put an effectual check to these deluded people, called fanatics, but it might serve as a rallying point for the sane. If the wisdom of our friends, and the friends of the Union, in the non-slaveholding States, cannot devise the ways and means to stay the fury of these infuriated Abolitionists, we of the slaveholding States can only rely upon our own power within our own bounds. Whenever we find any of these disturbers of the peace within our jurisdiction, we must execute our laws—punish them—and punish them in the most exemplary manner. They are our inveterate enemies; we ought to treat them as such. With them we have no union; with them we have no fellowship. As far as their numbers go, they have already severed the Union. We can no longer dwell together, or worship at the same temple. What these people have to say, write or publish, let them take care to keep outside of the *great gate;* that is, out of the limits of the slaveholding States. But to our friends of the non-slaveholding States who understand our rights, and respect them, here and elsewhere, permit me to say, my confidence remains firm and unshaken in them. Our bonds of union shall not be broken so long as they adhere, as they now do, to a strict construction of our constitutional compact.

Mr. President, I have already said more than I had intended upon this occasion, and sincerely hope that the further discussion of this subject may not again make it my duty to trespass further upon he time of the Senate.

MR. CALHOUN'S RESOLUTIONS.

DEBATE IN THE SENATE.

FRIDAY, January 5, 1838.

The question being on Mr. ALLEN'S substitute for Mr. SMITH'S proviso to the third resolution, which substitute required that the resolution should not so be construed as in any way to impair the freedom of speech or of the press, or the right of petition—

The question was put on this substitute, and it was adopted by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Ala. Clay of Ky. Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Conn. Southard, Strange, Walker, White, Williams, Wright, Young—32.

NAYS—Messrs. Bayard, Black, Clayton, Davis, Knight, McKean, Morris, Prentiss, Robbins, Ruggles, Smith of Indiana, Swift, Tipton, Wall—14.

Mr. MORRIS offered as an amendment an addition to this resolution, declaring that the right of the people to speak, write, print and publish any thing whatever, whether or not it concerned the institutions, &c. of another State, was indisputable; and that they were amenable only to the State in which they might be at the time.

Mr. CALHOUN was understood to remark that this amendment was irrelevant, and offered by way of embarrassment.

Mr. MORRIS. Sir, I call the gentleman to order.

The CHAIR was understood to decide that Mr. CALHOUN was in order.

Mr. CALHOUN proceeded. Mr. ALLEN'S amendment, he said, covered the whole constitutional ground on this subject; and Mr. C. had made up his mind to accept it on this ground, that it would tend to fortify the Senators of the North, in relation to their votes in favor of these resolutions. Mr. C. was willing so to fortify them; and he would agree to any amendment which would not impair the principles of the resolutions.

Mr. MORRIS said he was not to be intimidated or driven from the course which he thought it his duty to pursue, by any allusion of an intention to embarrass this body or any other. Mr. M. as well as the Senator from South Carolina knew what he was about, and understood his own course; and he would be here free and unshackled, and exempt from all party restraints, as an American citizen ought to be, and would express freely and fully his opinion on every subject before this body. Sir, said Mr. M. am I at liberty to say what was intended by the resolutions of the Senator?

The CHAIR said, to do so was out of order.

Mr. M. said he would not then suppose that the resolutions themselves were intended for greater and more remote objects than those expressed; but it was legitimate to speak of the objects to which they must and would lead. In the arguments here on the liberty of speech, changes were continually rung on the Union. Now it was a question whether the resolutions themselves had not a strong squinting to a dissolution of the Union. It was not for Mr. M. to say that they were intended to produce that effect, but they would be judged of; and whether or not they went to establish the doctrine that the States were independent of each other, Mr. M. would not now fully discuss; but he believed they would operate to confirm that doctrine. He hoped more fully to discuss this point before they should pass this body.

If the resolutions themselves did not show that they were intended to operate against the liberty of speech and of the press, they would do so. Were not gentlemen already alarmed on this point, and had they not, therefore, adopted the proviso of his colleague? (Mr. Allen.)

The question now was, whether the doctrines of Mr. M's amendment were true. Was the right of a citizen indisputable to speak, write, print, publish, on the laws and institutions of other States? I say it is so; it is the right of every citizen. If that right is put down by the laws of the country, I must submit to those laws, and I ask now that I may know what liberty they will leave me. I desire to know this by the vote on my amendment, and I hope that the question will not be evaded, that I may know how much I am to be abridged of these privileges. If I do not represent the sentiments of the people, the correction is at hand; the Legislature of my State is now in session, and I even court the expression of their judgment upon me.

Mr. M. said he was responsible alone to the State in which he lived for the abuse of this privilege, and not to this Government. They would not attempt to pass another gag law, though the gag law, Mr. M. repeated, was a sheet of white

paper compared with these resolutions. Why attempt thus to silence speech and the press without the passage of a law? Let the same thing be done by law, and then see whether the people had become so base as to permit these privileges to be taken from them. All the world could give was less than chaff compared with the liberty of speech.

In this contest, Mr. M. knew well with whom he had to engage; he knew the prejudices that were against him, and that his best friends would differ from him. He had fully counted the cost, and had made up his mind to meet these difficulties, which ever urged him to express his opinions.

He desired the Senate to meet his amendment boldly and manfully; and if it was wrong, reject it, but, if it was right, sustain it. No objection had been made to the doctrines of the amendment, but it was to be put down by the imputation that it was intended to embarrass. The truth often embarrassed those who were in error; but this was their misfortune; Mr. M. had no such design; but it was his endeavor always faithfully to perform his duty here and everywhere.

Mr. M. called for the yeas and nays on his amendment, which were ordered.

Mr. HUBBARD remarked that he was not prepared to say that the adoption of these resolutions would have such a direct effect in tranquilizing the public mind as was anticipated. He would not say that any thing which could be done here, or which could be done at the other end of this Capitol, would change the course and conduct of an association whose avowed object was "the entire abolition of slavery in the United States," and whose avowed doctrine was "*that slaveholding is a heinous sin in the sight of God*, and that the duty, safety, and best interests of all concerned, require its immediate abandonment, without expatriation;" whose leading paper declares that the Abolitionists "*are for union, but not with slavery.*" He would not presume to urge the passage of these resolutions on the ground that an immediate favorable effect will thereby be produced upon the master-spirits of the Abolition party. He could not even hope for such a consequence. He too well knew the pecuniary influence and the moral power already embarked in the cause, to anticipate any immediate beneficial effect upon the Abolitionists themselves; but he most anxiously desired the passage of the resolutions, because, in his judgment, good would inevitably result from their adoption; and to his mind it was matter of no objection that the resolutions merely asserted great and abstract truths, without proposing any practical and remedial measures. He looked upon the resolutions with peculiar favor from that very consideration. It was the general principles, the important abstractions, embodied in the resolutions, which recommended them to his favor. The resolutions themselves, and the vote of this Senate upon them, could not fail to produce a powerful influence in eventually correcting, and in maintaining correct, popular opinion upon this agitating subject. The public mind will be directed to, and will attentively examine, the fundamental truths contained in these resolutions, and if these political texts are founded on the Constitution—if they can be sustained by that solemn compact, *the Magna Charta of American liberty*, then will public opinion be guided and controlled by their benign influence; then will error yield to the force of truth, and passion be subdued by the power of reason. Believing, as he most conscientiously did, that these resolutions were strictly compatible with the doctrines of the Constitution, and believing that now was the fit, *the accepted time*, to put forth these abstract truths, to enlighten the public mind, and to correct, and maintain correct, the public sentiment, he anxiously wished their adoption. He was well aware, as he had before observed, that this battle was to be fought in the non-slaveholding States. He therefore desired to keep the resolutions clear of all objectionable matter; to have them assert plainly and distinctly the truths which the mover of the resolutions has so repeatedly declared it was his object to promulgate. And he, with the Senator from South Carolina, (Mr. Calhoun,) deeply regretted that the Senator from Indiana had presented any proposition tending to embarrass the progress of the original resolutions. The proposition of the Senator from Indiana had no necessary connection with the resolutions; and yet he was not disposed, here or elsewhere, to controvert the positions which he had asserted. No man here, friendly to the resolutions of the Senator from South Carolina, would deny the truth of those maxims selected from the Declaration of American Independence, and embodied in the amendment which had been proposed. They were familiar to all, assented to by all, and if the Senator from Indiana desired a vote of the Senate upon his resolution, let him bring it forward as an independent proposition, and he should have his vote for it.

He was as much in favor of the freedom of opinion and of speech, and of the liberty of the press and of the right of petition, as any man on this floor; and he would go as far as the Senator from Indiana, or as any other Senator, to maintain inviolate those rights. He was ready now, and at all times, by his vote, to declare in the fullest manner his faith in the abstractions contained in the resolution of the Senator from Indiana. He could not but regret, also, that the Senator from Ohio had considered it necessary to bring forward his proposition: they all seemed to him to be out of place. He was aware that the proposition of his friend from Ohio (Mr. Allen) had been offered as an amendment to the resolution of the Senator from Indiana, and would not have been presented to the Senate but as an independent proposition, had not the Senator from Indiana urged upon the Senate his proposition for amendment. He regretted the course. He was ready to meet the resolutions of the Senator from South Carolina, and to give a direct vote on each. They had been brought forward as independent and as important propositions, and they ought to be met freely and fearlessly, and the vote of the Senate given unembarrassed by any extraneous matter. But the course proposed by the Senator from Indiana, and by the Senator from Ohio, (Mr. Morris,) was not new. They were both, he presumed, decidedly hostile to the measure, and this was a legitimate mode to defeat it. When the resolutions which he had a few days since read to the Senate were pending before the New Hampshire Legislature, a similar mode was then resorted to for the purpose of defeating the passage of those resolutions. The propositions for amendment, if they did not come directly from Abolitionists, came from men openly and avowedly opposed to the administration of our State and General Governments. When the New Hampshire resolutions to which I have referred were under consideration,

"Mr. EASTMAN, of Conway, offered the following, as an amendment:

"*Resolved*, That error of opinion may be safely tolerated, so long as reason is left free to combat it.

"*Resolved*, That the demand made by the slaveholding States upon the non-slaveholding States of this Union, for the latter 'to adopt penal enactments for the purpose of suppressing any associations within their limits purporting to be, or having the character of, Abolition societies,' is an unwarrantable interference with the constitutional rights of the citizens of said non-slaveholding States, and cannot, therefore, be complied with.

"*Resolved*, That any attempt to prevent free discussion on the subject of slavery, by making use of legal process, or by means of violence, is not only an abuse and contempt of law, but tyrannical and unjust; and ought, therefore, to be discountenanced and rebuked by every friend of our free institutions."

"Mr. EDWARDS offered the following resolutions, to be added as an amendment:

"*Resolved*, That the liberty of speech and the freedom of the press, rights secured by the Constitution to citizens of this State, cannot be abridged or restrained by penal enactments, on the request or demand of any other State.

"*Resolved*, That the claim of the Executive of a slaveholding State on the Executive of a non-slaveholding State, for the surrender of a free citizen to be removed to such slaveholding State for punishment under laws to which he is not amenable, for acts sanctioned by the laws of the State of which he is a citizen, is an unwarrantable interference with the rights of the free citizens of the non-slaveholding States."

Such were the amendments offered to the resolutions which he had read in his place a few days since, as having been adopted by the Legislature of his State. They were offered to embarrass and to defeat the original resolutions.

The fate of the proposed amendments is matter of history. The Legislature, by a very decided majority, passed the original resolutions; and yet every member was ready to declare his belief in most of the positions embraced in the amendments. Such was the course of proceeding there. The propositions submitted by the Senator from Indiana, and by the Senator from Ohio, (Mr. Morris,) had not then, to his mind, even the merit of novelty to recommend them. But, as he had before said, it was a legitimate mode of attack; but still he regretted that it had been resorted to. He was, for one, ready and desirous to give a direct vote on the resolutions of the Senator from South Carolina; and he would assure the Senator from Indiana that he would willingly give a vote in favor of his resolution, if introduced as an independent measure.

The Senator from Ohio expresses a deep solicitude for the preservation of this liberty of opinion and of speech; for the freedom of the press, the freedom of publishing our opinions to the world, unrestrained by any influence. He agreed to all this; and he had yet to learn that any individual member of the Senate was disposed, in any way or in any manner, to infringe the liberty of speech, or the freedom of the press. Certain he was, that the Abolitionists themselves had no cause of complaint. They had enjoyed, to their hearts' content, the liberty of publishing to the world their opinions and their doctrines. He had that very morning seen a paper, two or three columns of which were occupied in giving the mere titles of the books and pamphlets on the subject of slavery and Abolitionism, for sale at the office of the Anti-Slavery Society in New York. He had looked over the list; and to satisfy the honorable Senator from Ohio that there was no cause for his apprehension, that the liberty of the press was in no danger, he would, on this occasion, give the titles of some of the numerous publications: "Bound Volumes," "Anti-Slavery Manual," "Anti-Slavery Record," "Appeal," "Archy Moore, the Slave, a spirited delineation of the state of society in the slave States," "Biographical Sketches," "Baurnes's Picture of Slavery in the United States," "Cabinet of Freedom," "Channing on Slavery," "Charles Ball, a story told by himself of a man who lived forty years in Maryland, South Carolina and Georgia, as a slave under various masters," "Dissertation on Servitude," "Enemies of the Constitution Discovered," "George Thompson in America," "Godwin on Slavery," "Granville Sharpe," "Gustavus Vasa, written by himself," "The Life of a Native African, who was stolen out of his own land," "James Jackson," "Letters on American Slavery," "Memoir of Lemuel Haynes," "Memoir of Phillis Wheatley," "Negro Pew," "An inquiry concerning the propriety of distinctions in the House of God, on account of color," "Practical Treatise on the Law of Slavery," "Slave's Friend," "Testimony of God against Slavery," "Pamphlets," "Appeal to the Christian women of the South," "Appeal to the women of the nominally free States, by the Anti-Slavery Convention of American women," "Bible against Slavery."

He would go no farther. He would, however, assure the Senate that he had read the titles of but a very small portion of the publications now for sale at the office of the American Anti-slavery Society in New York. He would venture to state that, within the great republic of letters, there could not be found so many publications upon any other one subject as upon this agitating subject of slavery. He had merely adverted to the fact to show to the honorable Senator from Ohio (Mr. Morris) that there was no ground for his apprehensions: that the liberty of speech, and of the press, were in no jeopardy.

He regretted to see any movement in the free States calculated to produce any agitation here upon this subject. If the men and women who send their memorials to Congress asking for the aboli-

tion of slavery, could be persuaded to let this subject alone; if they could realize that every movement of theirs was productive of evil, rather than of good, he could not but hope that this torrent of Abolitionism would soon be checked, and all this may possibly be accomplished by the adoption of the very resolutions now before the Senate. If the Abolitionists see, as they must see, that the Senate of the United States regard their efforts as unwarrantable and as unjust, they will at least turn their thoughts homeward: they will at least ponder well the great abstract truths declared by the Senate, and upon which rests the foundation of this Confederacy; and he could not doubt that, from the adoption of these resolutions, there was much to hope, and nothing to fear.

Mr. SMITH of Indiana said when he offered the amendment he did not intend to take part in the debate; he intended merely to record his vote in silence, leaving other Senators to discuss the matter, if they thought proper. Nor should he now be driven from the course he had originally marked out for himself, was it not for the remarks of the Senator from South Carolina (Mr. Calhoun.) If that Senator had directed his arguments exclusively against the amendment, he (Mr. S.) would have left its defence in other hands; but it had pleased that Senater to make his remarks so personal as to place him (Mr. S.) in a situation as the mover of the amendment, which required him to say something in its favor, and in reply to the remarks of the Senator. That Senator had thought proper to intimate that that he (Mr. S.) had moved the amendment for the purpose of defeating the resolutions by indirection. He would say to the Senator that he had wholly mistaken the character of the mover of the amendment. He could assure the Senator that he would never resort to indirection to defeat any measure. The Senator would always find him ready and willing to meet any propostion that might be presented directly. He feared no other responsibility than that which he was to meet in his State, in the discharge of his public duties; and even there he had no hesitation in believing that in this instance he was representing the wishes of an overwhelming majority of the People. The Senator had objected to the amendment on the ground that it was a collection of mere abstractions. Sir, can the Senator be serious? What are his whole resolutions but abstractions? Have there been any petitions or memorials referred on the subjects embraced in the resolutions? Were the resolutions reported by a committee? Was it intendeded by the mover to engraft any legislative enactment upon them? No, sir; they are the mere abstract effusions of the mind of the gentleman himself; and yet the Senator objects to the amendment because it expresses abstract opinions. Sir, if the Senator gives us one-sided abstractions, can he object to be met by abstractions on the other side? If abstractions are to be resolved here, let us have the whole of them; let us not affirm a part of a creed, and not the whole.

Mr. S. said he was opposed to the whole matter; he could see no good that could possibly grow out of these resolutions, and they may do much harm. He was willing to leave the Constitution and its exposition with the people; it was plain enough for him, and he would say to the mover of these resolutions, that if that instrument did not give the necessary security to the domestic institutions of the States, no resolves of this body as to the extent of the powers conferred by it could do it. The comments of the Senate on the powers conferred could neither enlarge nor abridge those powers. He had felt opposed from the outset of these resolutions, on the ground, in the first place, that they were mere abstractions; and, in the second place, that they denied, as he believed, the fundamental principles, and acknowledged political truths, of this Government. The Senator from South Carolina, in answer to some remarks of the Senator from Ohio, (Mr. Morris,) had stated that he did not intend to abridge the freedom of speech or of the press by the resolutions, and that Senator, a few minutes ago, stated that he admitted the truth of the principles contained in the amendment he (Mr. S.) had offered; if he was mistaken in the admissions of the Senator, he would correct him.

[Mr. CALHOUN said he had neither denied nor admitted their truth.]

Then, said Mr. S. it is important that the Senate should either deny or admit them. The Senator says that the amendment is intended to overthrow his resolutions by *indirection*. Does not the Senator see that he admits away his whole case, that his argument proves too much? For, if the amendment be true, and if the principles contained in it are orthodox, and if, as the Senator admits, they are antagonistical to his resolutions, it follows of course that the resolutions cannot be correct in principle. If the two, the amendment and the resolutions, cannot stand together, which must fall? The Senator justly claims for himself the honor of being the author of the resolutions; he (Mr. S.) laid no claim to so distinguished an honor in relation to the amendment. It was true he had thrown it together, and presented it to the Senate, but it emanated from greater and wiser heads than his. The first part of the amendment was copied from the Declaration of Independence. Is it possible, at this day, that the memorable and glorious declaration of those departed statesmen and heroes, which stimulated the people of the infant colonies to deeds of glory and renown, and which has been thought worthy to form a part of the Constitution of the Several States, is to be set aside by the Senate of the United States, to give place to the new-fangled doctrines of the Senator from South Carolina? The next provision of the amendment was copied from the first section of the amendment to the Constitution of the United States. The principles contained in it were considered so important that it was thought necessary to incorporate it in the Constitution by an amendment, as it was omitted in the original. Are these principles also to be set aside, denied, repudiated, abrogated, and contemned by this Senate, because, forsooth, they are antagonistical to the resolutions of the Senator from South Carolina? These, with the next provision in the amendment which was copied from Mr. Jefferson's inaugural address, are altogether worthy of the high source from which they emanated; they are just such principles as freemen must cherish. They recognise the doctrines for which the patriots and sages of the Revolution contended in that glorious struggle. The equality of man, the freedom of the press and of speech, the right to assemble together in a peaceable manner to consult on their common good, and to petition the Government for redress of grievances, tolerating error of opinion, but leaving reason free to combat it—"error of opinion may be tolerated, while reason is left free to combat it." Yes, sir, error of opinion is not, in this country, to be met or put down by the resolutions and opinions of this body alone, unless our acts are seconded by public opinion. These very resolutions may be, and he honestly believed they were, founded in error of opinion; but even they may be tolerated, while reason is left free to combat them. Sir, these declarations of the sage of Monticello should have a resting place, and should be nourished in the hearts of his countrymen. Yes, sir, combat error of opinion by reason, not by gag laws, not by mobs, not by inquisitions, not by establishing censorships over the press, not by abridging the freedom of speech, but by reason, holding the parties responsible for the abuse of all these privileges, or rather rights, to the party aggrieved; and then the question, what are and what are not errors of opinion, must be left to the final arbiters—the people, where they *must* be left in every country where liberty dwells. The last clause of his amendment was the celebrated saying, he believed it was a toast on a public occasion, of ex-President Jackson, "the Union, it must be preserved." He (Mr. S.) had called this a political truth in the amendment. Was he mistaken in the character he had given it? He believed not. He was satisfied that it was not only a political truth, but it was a truth that met the hearty approbation of every sane mind in the nation; and, while the Senator from South Carolina is pressing his resolutions—in almost every one of which a reference is made, in some shape or other, to the possibility of weakening or destroying the Union—is it not proper, nay, more, is it not *demanded*, of this body to reaffirm that most *vital* political truth, "the Union *must* be preserved?" Yes, sir, if we resolve any abstractions, how can we do less than to point our countrymen to these truths, and to say to them, in the name of our country, *Liberty and Union are one and inseparable, now and for ever.* Why do Senators object to its adoption? Why not let the whole go to the people together? Are gentlemen afraid to trust them? If our opinions on these abstract questions are worth any thing to the people, let us give them the whole of this matter. He, for one, was not afraid to trust them. If they decide erroneously, either for or against us, let it be remembered that "error of opinion may be tolerated, whilst reason is left free to combat it." If it shall be contended by the Senator that he has been misunderstood, that he does not admit that the principles of the amendment are opposed to the doctrines of the resolutions, and contends that they can both stand together, then the amendment is perfectly harmless, and should form a part of the resolutions. He was, however, grossly mistaken, or these resolutions were not exactly what they *seemed* to be.

The Senator from Delaware (Mr. Bayard) had in part torn the mask from the first one; he had clearly shown that it embodied the principles of nullification as they are understood in the State from which the mover came. He (Mr. S.) entirely concurred in that opinion. But that was not the only principle involved in the resolutions to which he objected. In his mind it was clear that they strike at the freedom of speech and of the press, and the right of the people to assemble peaceably to consult their common good, and to petition their Government for redress of grievances. It will be seen by Senators that they deny the right of the States to "intermeddle" with the domestic institutions of the other States. Now, sir, what does the word "intermeddle," as it is here used, mean? Does it merely mean that the people of the free States have no right to go into the slave-holding States and excite an insurrection, or otherwise interfere with that domestic institution? If so, it had his most hearty approbation. But if the meaning was, as he believed it to be, that to speak, write, print, or petition, in the free or non-slaveholding States, on any subject connected with slavery, is "intermeddling" with that institution, then he put it to gentlemen to saw whether the constitutional, fundamental, and political truths contained in his amendment were not directly controverted by the resolutions.

Sir, these resolutions contain all the principles of the alien and sedition laws, known as the gag laws of the elder Adams, in a much more odious form. The pretext for the enactment of those laws, history tells use, for his age prevented him knowing any thing personally of the matter, was, that the Government and its officers had been maliciously and wantonly assailed in meetings, in speeches, through the press, by caricatures and otherwise; that the people were instigated and moved by foreign emissaries hostile to our Government; that it was calculated to bring the Government and its officers into disrepute with the people, and weaken, if not eventually destroy, the Union. The facts seemed to have been admitted by all. Well, sir, what was the panacea of that day which the party in power administered as a remedy for this alarming disease of the people? The alien and sedition laws. And what was the effect of these laws on the public mind? Why, sir, although they only punished the offence where it was *false* and *malicious*, and allowed the defendant on trial to give in evidence *the truth* of the charge, yet the people became alarmed for their liberty. The great fundamental and constitutional principles of our Government were invaded. The freedom of speech, the freedom of the press, and the right of petition, were all involved in the principle; and so odious did these laws become, that they were greatly instrumental in putting down the Administration of the elder Adams, and in elevating Mr. Jefferson to the Presidential chair.

What was the ground, Mr. President, occupied by the Jeffersonian party of that day? It was the very same which has been so frequently quoted, and which Mr. Jefferson perpetuated by incor-

porating in his inaugural address, " error of opinion may be tolerated while reason is left free to combat it." What is the pretext for these resolutions? The same, the very same that produced the gag laws. If the freedom of speech is tolerated, if the freedom of the press is not abridged, if the right of petition is not silenced in the non-slaveholding States, if the people in these States speak, write, print, assemble or petition on any subject connected with slavery, they are "intermeddling" with the domestic institutions of the South, and fall within the denunciations of these resolutions, on the assumption that the Union is endangered, by arraying one people against another. Sir, would not the same pretext not only abridge but actually silence the press of this nation? Look at your leading party presses every where: do they not publish daily inflammatory, and, not unfrequently false matter, calculated to array the people against each other, and, in the language of these resolutions, to weaken the Union? And yet who is prepared to establish a censorship over the press? He would not say who, but he would say, that, in his opinion, the resolutions under consideration assert the principle in terms not to be misunderstood. He (Mr. S.) was asked why he had offered the amendment? He would, with great pleasure, respond to the inquiry. He had many reasons for introducing it. He would give a few of them; first, because he wished the antidote to go with the poison; if either was to be sent forth as the doctrines of the Republic. Secondly, because the principles contained in the amendment were such as he loved to recur to and cherish. Because he had some anxiety to ascertain whether the ancient landmarks were still left standing amidst the revolution of parties, or whether they had been erased by the political tornado that has swept over the land; whether he had read the Declaration of Independence, the Constitution of the United States, and the history of his country in vain; whether those doctrines and fundamental principles have become too old fashioned for the times, and whether he had to study a new political creed before he could discharge his duty to his State and the nation here. These were some of the reasons; he hoped they would be considered a sufficient answer to the inquiry. Senators favorable to the resolutions have been pleased to express their regret that the amendment has been offered. To those gentlemen he had only to say that he regretted the introduction of the resolutions as honestly as they regretted the introduction of the amendment; he would, therefore, with the consent of the Senators, set off his regret against theirs. He had heard with surprise the Senator from Michigan (Mr. (Norvell) the moment his amendment had been offered, inquire of the Chair whether a motion to postpone it indefinitely would be in order. The zeal of that Senator is rather unaccountable. He had, to be sure, been walking in the footsteps of the mover of the resolutions on this subject; but he (Mr. S) supposed that the courtesy that had been extended to him on the introduction of his *miniature* resolutions would have advised him of what was due to others, even if he was opposed to their measures.

Mr. S. said that he had no other feelings than those of personal kindness for that Senator, but that it struck him as unkind and uncourteous in the Senator to take the course he did. He (Mr. S.) did not object to any want of order in the inquiry, but of that courtesy which is due on such occasions. He had voted for the printing of the resolutions of that Senator, and yet a motion to indefinitely postpone them would also have been in order. The Senator does not know whether his resolutions come up to the enlarged views of him, (Mr. S.) To this he would only say, that he really could not say whether they did or did not, as he had never read them. He had heard them at the Clerk's table until he had become satisfied that they were a mere miniature reflection of the great light emanating from the resolutions of the Senator from South Carolina. The Senator from Ohio (Mr. Allen) expresses himself opposed to the amendment, and says he greatly prefers the amendment that he offered. This is very natural; it is to be expected. Nature herself prompts all animals to nourish, protect, and love their own offspring in preference to the progeny of others, and he certainly had no disposition to find fault with this manifestation of that Senator's regard for the laws of Nature; but really the objections of that Senator were rather unexpected. He says the amendment to which the amendment of that Senator is offered, is, as a lawyer would say, *de hors* the record, or, in other words, not connected with the subject-matter of the resolutions. Why, sir, does not the Senator himself know that his amendment was drawn after the amendment offered by him? (Mr. S.) If one is out of the record, is not the other? The Senator has not even the merit of originality in his amendment. The Senator says we might as well resolve that the Koran is not the evidence of the Christian's faith as to adopt the amendment offered by him, (Mr. S.) To this, he would merely say, that if the doctrines of the Declaration of Independence, the doctrines of the Constitution of the United States, of the Jeffersonian party of that day, of those great political, fundamental, and constitutional truths contained in the amendment, bear the same relation to the doctrines held by that Senator, that the Koran does to the Christian religion, then the Senator was correct in the conclusion to which he had come, but not otherwise. He would leave the Senator to decide the matter for himself.

The Senator from New Hampshire (Mr. Hubbard) has been pleased to say that the amendment had not the merit of *novelty* in it, and that it was intended to embarrass the passage of these resolutions. The latter charge, in its offensive sense, he had so fully answered before, that he would merely say to that Senator now, that *he* could scarcely claim for the charge the merit of originality, as it had been made by the Senator from South Carolina, (Mr. Calhoun,) and, after having been met by him, (Mr. S.) and refuted, it was honorably abandoned by that Senator. If, however, the Senator from New Hampshire wishes to be understood in a sense not offensive, he (Mr. S.) would say, that *truth* will always embarrass its opposers, and in that sense the amenddment was introduced to embarrass the passage of the resolutions. The Senator says that the amendment has not the merit of novelty; and he has read from a paper from the granite State to show that during the progress of the resolutions of that State similar amendments were offered. Well, sir, admit the fact, and what does it prove? Why, sir, merely that those great fundamental principles are cherished yet, *even* in *New Hampshire*, by *a portion* of the people. But, sir, does the Senator claim for himself any credit for discovering that which he (Mr. S.) had avowed from the outset, that his amendment did not contain *novelties*, that the doctrines were primary, fundamental, constitutional, and vital political truths? Sir, has *novelty* any special merit in the eyes of that Senator? If so, the Senator from South Carolina has prepared a feast for him, and he is welcome to enjoy it.

But, sir, there is another avowed principle in these resolutions that most not be passed in silence. It assumes that it may become necessary for this nation to attach territory (*Texas*) to the Union, for the purpose of *protecting* and *extending* the domestic institutions (*slavery*) of the South. This is a solemn question, and one which he hoped would be promptly met and as promptly decided. He would not now anticipate the arguments upon it, but he begged to be excused for saying that it was a most odious principle to him, and sufficient, in his mind, to alarm the friends of freedom every where. He would take this occasion, however, to say, that he had no connection whatever with the Abolitionists, nor did he even know any of them; he believed them, so far as he could learn, to be a highly respectable portion of our fellow-citizens, yet entertaining, as he honestly believed, mistaken views of this great question. They certainly could not be apprized of the fact, that the very course they had marked out for themselves, and which they were pursuing, if reports speak truth, on that subject, was the worst possible course to attain the object they have in view, if it be merely, as he supposed it was, to induce the master to liberate his slave. Sir, does not this people see that the consequences which have already grown out of their course have been so far from producing the happy results which they had promised themselves to witness from their exertions, that excitement, mobs, and death have followed in their train? Do they not see that the master, instead of loosing his hold on the slave, has taken a firmer grasp? Do they not see that this question may rock the Republic to the centre? Do they not know that should they be instrumental in exciting the slave to deeds of desperation, they would be morally accountable for the act? Do they not know that the Constitution itself was founded upon a compromise; that the slaveholding States were a party to that compromise; and that neither this Government, nor any of the non-slaveholding States, has any thing to do with the institution of slavery in these States, but that it is a matter exclusively for their own regulation, and any interference with it by non-slaveholding States can produce no good, and may do great harm, and is, therefore, unwise and impolitic, to say the least of it? He could only give his opinion; he could not control this matter. He would say to the citizens of the non-slaveholding States, *hands off;* leave this matter as the Constitution left it; preserve the harmony of this people; and stand by the Union as it is. If our institutions are more to our liking than are those of these States, let us rest contented with our situation, and not, by any act of ours, aggravate the difficulties of our brethren of the South, where we can do no good, and may do much harm. Sir, (said Mr. S.) while he openly avowed the convictions of his mind on this important subject, he felt it due to the occasion and the South to say, that while he would extend to them the full force of their constitutional guaranties, in the protection of their domestic institutions *as they now are*, he wished the Senators specially representing that interest to understand, distinctly, that he would *cavil* on the *ninth part of a hair*, on any question going to *extend* the *principles* or *boundary* of *slavery* one inch; and he would submit it to the calm and solemn consideration of those Senators, whether the South was not greatly instrumental in exciting and aggravating this matter. Why not rest contented with their constitutional security? Why come into this body asking to extend the territory and principles of slavery, when they well know that of all the subjects under the heavens there is none so well calculated to excite and arouse the feelings of the non-slaveholding States? Whether it be fanaticism or not, the facts are the same. Why resort to unusual, summary, and unconstitutional trials, convictions, and executions of those who may be even guilty of opposing the institution of slavery? Do they not see that while the course of the Abolitionists inflames the South, their course is calculated to inflame the North, and to even make Abolitionists of those who would not otherwise take any part in the matter? Do they not see that this fire can never be extinguished while fuel is continually added to it? Would it not be well—nay, more, as they regard the Union, as they regard the peace and harmony of this people, are the parties, as much as lies within their power, not required—to withdraw the fuel and extinguish the flame? He was well apprized that neither the Abolitionists nor slaveholders may thank him for his advice in this matter. He knew his inability to reach the feelings or instruct the judgment of either. He stood here not the advocate of a particular sect or section of this great Republic, on this question, but as the advocate of the perpetuity of the Union, of the freedom of speech and of the press, of the equality of man, of the right of petition, of those constitutional, fundamental, and political truths, contained in his amendment, which were erected as the landmarks of this great Republic, by our ancestors, and consecrated with their blood, and he felt satisfied to point his countrymen to them as altogether worthy of their confidence and regard.

Mr. HUBBARD explained, and was understood to say, that he did not intend to charge the doctrines of Jefferson and Andrew Jackson (as contained in Mr. Smith's amendment) with wanting the merit of novelty.

Mr. BENTON thought the whole subject had better be referred to a select committee, with instructions to report at some future day; premising,

at the same time, that the committee should be chosen chiefly of Senators from the North, where, to his view of the question, the brunt of the action would necessarily have to be fought.

Mr. CALHOUN said that he hoped the motion would not succeed. Much progress had already been made in the discussion. The first two and leading resolutions, which went to the character of our political system, had already been voted on, and, if he might judge from indications on all sides, the discussion on the third had nearly terminated. The three succeeding were in fact deductions from the others, on which he trusted there would not, after what has been said, be much diversity of opinion.

Should the motion prevail, he would consider it but a mode of getting clear of the resolutions. He had offered them as the antagonist of the Vermont resolutions, and to ascertain whether, in the opinion of the Senate, there was any constitutional ground adequate to resist the assaults on our rights and property, on which the slaveholding States could stand. The discussion had clearly shown that there was none other. On the right of rejecting abolition petitions, although, in his opinion, one of the clearest that can be imagined, we of the South were, unfortunately for the peace of the country, in a minority. So, also, on the question of the constitutional right of abolishing slavery in this District and the Territories, and also on every other particular question which has been attempted to be raised on constitutional grounds, as a barrier to our rights and security. What remains, then, short of taking our protection into our own hands, but to find some barrier in the general character and structure of our political system? and where can we find that but in the view of the Constitution, which considers it as a compact between sovereign and independent States, formed for their mutual prosperity and security? If we required proof that these resolutions assumed the only constitutional ground which could give peace and quiet to the country, and security to the South and West, it would be found in this debate. He had challenged, again and again, those who took a different view of our system, to point out where protection could be found in the Constitution according to their conception of that instrument. None had been, or even attempted to be, shown. It would, then, be in vain to refer the resolutions, to discover some new principle in the Constitution calculated to effect the object for which they were introduced. Nor would it be more useful to refer them, to modify the language or the details. They were abstract resolutions, involving little or no details, and he had again and again avowed his readiness to make the language acceptable to all, as far as it could be, without sacrificing the principles on which they rest; of which he had given already abundant proof, and was prepared to give additional. But the Senate must remember that the difficulty heretofore encountered did not originate so much in any objection to the principles of his resolutions, nor to the details, or any peculiar expresssion, as the desire to engraft additional matter entirely foreign to their nature or object, and the consequence of which would be to obstruct their passage, or to neutralize their effects if they should pass. This difficulty could not be avoided; and a reference, so far from diminishing, would but tend to increase it.

Thus thinking, he was constrained to conclude that a reference would be fatal to the resolutions, be the object of the mover what it might; and, with this impression, should the motion succeed, he would leave them to their fate; and, like the mover, he would decline acting on the committee should he be appointed a member.

In assuming State rights grounds as the basis of his resolutions, and calling a rally at this solemn and dangerous juncture of that great, though in a measure dormant, party, which has ever professed the State rights creed, he did not intend to imply that gentlemen opposite to him, or the party to which they belong, were Abolitionists, or disposed to countenance their creed. On the contrary, he believed that the great mass of the party was sound, and adverse to the dangerous projects of the fanatics; but candor compelled him to declare that he could not look to them in this hour of danger. We had their good wishes, it is true. They were even willing to vote it inexpedient and dangerous to agitate the subject; but when we touched the Constitution, and asked them what barrier, according to their conception, that instrument contains against their incendiary and mad projects, they are silent. Their political creed not only admits of none, but, in fact, rouses into action that dangerous spirit of fanaticism which threatens to subvert our institutions. He would repeat here, what he had so often said: This fell spirit originated in that blind fanatical zeal, which made one man believe that he was responsible for the sins of others, and which, two centuries ago, tied the victim that it could not convert, to the stake. After lying long dormant, it is now resuscitated in another form, with no abatement of its blind fury or thirst for blood. The same responsibility which the orthodox of former times felt for the sins of his heretic neighbor, which led him to the fagot and the stake, the Abolitionist now feels for the new species of heresy which their imagination has conjured up in the Southern and Western States, to extirpate which, he is ready to drench the whole South in blood. It is this responsibility for what they deem our sins, which has roused this fell spirit into action; and their conception of their responsibility originates in that mistaken conception of our system, which regards it, not as it really is—a union of States for the mutual good and security of each, but a great and consolidated community, in which the States bear the same relation to the whole as counties do to States; and, of course, in which the whole is responsible for all the parts. This is no new opinion with him. He long since foresaw, before this spirit was roused into action, that this false and dangerous view of the Constitution would, one day or another, lead to the state of things in which we now find ourselves, and so told the Senator from Massachusetts, (Mr. Webster,) when he advocated his consolidation doctrines in the discussion on the force bill, in 1833, that such would be the consequence, as he must remember.

Thus thinking, the gentleman opposite must excuse him, if he could not, in the hour of danger, look to them. He thanked them for their good feelings, and he accepted their avowal of opposition to Abolition with all sincerity; but he wanted something more substantial; something that would not pass away with the present incumbents; some constitutional barrier and guaranty; and for these he was constrained to look to those who professed the opposite political creed. How little reliance we can place on those who take the view of the Constitution they do, this debate has furnished ample proof. The Senator from Indiana has been among the most forward to disavow Abolition sentiments, and to express his good wishes for us and our institutions, of the sincerity of which he (Mr. C.) had no reason to distrust; and yet, while he makes these avowals, he moves amendments to these resolutions, which are intended to exhibit the strength of our cause, in the very language of the perverted creed of the Abolitionists, and in which, if he had succeeded, he would, in fact, not only have neutralized all the intended effects of the resolutions, but would have given a triumph and a new impulse to those whose objects he denounces, and to whom he professes to be so much opposed. With this proof before him of the effects of his creed, that Senator, and those with whom he acts, must excuse him if he turns from them to those who profess opposite doctrines, as allies in this great conflict.

I fear (said Mr. C.) that the Senate has not elevated its view sufficiently to comprehend the extent and magnitude of the existing danger. It was perhaps his misfortune to look too much to the future, and to move against dangers at too great a distance, which had involved him in many difficulties, and exposed him often to the imputation of unworthy motives. Thus he had long foreseen the immense surplus revenue which a false system of legislation must pour into the Treasury, and the fatal consequences to the morals and institutions of the country which must follow. When nothing else could arrest it, he threw himself, with his State, into the breach, to arrest dangers which could not otherwise be arrested; whether wisely or not, he left posterity to judge. He now saw with equal clearness, as clear as the noonday sun, the fatal consequences which must follow, if the present disease be not timely arrested. He would repeat again what he had so often said on this floor. This was the only question of sufficient magnitude and potency to divide this Union, and divide it it would, or drench the country in blood, if not arrested. He knew now much the sentiment he had uttered would be misconstrued and misrepresented. There were those who saw no danger to the Union in the violation of all its fundamental principles, but who were full of apprehension when danger was foretold or resisted, and who held not the authors of the danger, but those who forewarned or opposed it, responsible for consequences. But the cry of disunion by the weak or designing has no terror for him. If his attachment to the Union was less, he might tamper with the deep disease which now afflicts the body politic, and keep silent till the patient was ready to sink under its mortal blows. It is a cheap, and, he must say, but too certain a mode of acquiring the character of devoted attachment to the Union. But seeing the danger, as he did, he would be a traitor to the Union, and those he represented, to keep silence. The assaults daily made on the institutions of nearly one-half of the States of this Union by the other—institutions interwoven from the beginning with their political and social existence, and which cannot be other than, without their inevitable destruction, will and must, if continued, *make two people of one*, by destroying every sympathy between the two great sections, obliterating from their hearts the recollection of their common danger and glory, and implanting in their place a mutual hatred, more deadly than ever existed between two neighboring people since the commencement of the human race. He feared not the circulation of the thousands of incendiary and slanderous publications which were daily issued from an organized and powerful press among those intended to be vilified. They cannot penetrate our section; that was not the danger; it lay in a different direction. Their circulation in the non-slaveholding States was what was to be dreaded. It was infusing a deadly poison into the minds of the rising generation, implanting in them feelings of hatred, the most deadly hatred, instead of affection and love, for one-half of this Union, to be returned on their part with equal detestation. The fatal, the immutable consequences, if not arrested, and that without delay, were such as he had presented.

The first and desirable object is to arrest it in the non-slaveholding States; to meet the disease where it originated, and where it exists; and the first step to this is to find some common constitutional ground on which a rally, with that object, can be made. These resolutions present the ground, and the only one, on which it can be made. The only remedy is in the State rights doctrines; and, if those who profess them in slaveholding States do not rally on them, as their political creed, and organize as a party against the fanatics, in order to put them down, the South and West will be compelled to take the remedy into their own hands. They will then stand justified in the sight of God and man; and what, in that event, will follow, no mortal can anticipate.

Mr. President, (said Mr. C.) we are reposing on a volcano. The Senate seems entirely ignorant of the state of feelings in the South. The mail has just brought us intelligence of a most important step taken by one of the southern States in connection with this subject, which will give some conception of the tone of felling which begins to prevail in that quarter.

A slave was kidnapped or stolen by some persons belonging to a trading vessel from the State of Maine. The Governor of Georgia demanded a surrender of the fugitive criminals, (for such they are, be their motive what it may,) under the Constitution, from the Governor of Maine. It was not complied with. The Governor of Georgia brought the subject before the Legislature. They have, as he understood, acted on it, and unanimously passed resolutions on the subject, and, among others, one, if the surrender of the fugitives be not

made, after another and more solemn demand, providing for the convening of the People of Georgia, in their high sovereign capacity, as a member of the Union, to take the subject into their consideration. All who know that State, know that when she moves she intends no idle menace.

With these views and facts, I leave it now to the Senate to decide whether the time has not arrived when they ought to say what attitude they ought to assume in relation to this, the most momentous and dangerous question that has ever agitated this Union. As to himself, he has done his duty. He has raised his warning voice, regardless of the unworthy imputations to which he knows he exposes himself. He has presented the result of his most mature and deliberate reflection, in order, if possible, to prevent the conflict between the two great sections, which any one capable of reflection must see is approaching, and must take place, if not arrested. He has done his duty. Let what may come, he wishes to free himself from all responsibility in the eyes of the country and the world, and of the present and future generations. He was not sanguine, he must say, of the success of the measure, even if it should be adopted. He had presented it as the most likely to do good, and in the desire to do any thing that promised in the least to avert the approaching catastrophe, which he was most anxious to avoid. Should the motion prevail, he would take no further control or responsibility, which would then, of course, rest on those who may take the resolutions into their own hands.

Mr. NORVELL said, that it had not been his habit to introduce personalities into this Hall. It was not a body in which it was proper to indulge in such feelings. When, yesterday, he had propounded to the Chair the question, whether it would be in order to move the indefinite postponement of the amendment, submitted by the Senator from Indiana, (Mr. Smith,) he considered himself to be pursuing a perfectly parliamentary course. The Senator was undoubtedly in order when he offered the amendment; and *he* was equally in order in propounding the inquiry, which he had put to the Chair: there was no discourtesy in it. He had considered the amendment as a *trap*, in which to catch the friends of the resolution of the honorable Senator from South Carolina. He had, therefore, desired to get rid of it, as an irrelevant proposition. He did not view the vote of the Senator from Indiana to print what he had been pleased to call his minature resolutions, as any act of courtesy on his part. It was a matter of right that the Senate should order them to be printed. If his resolutions had not come up to the calibre of that Senator's *great* mind, he must seek consolation, under such a misfortune, in the approbation which they had received from much abler and much better men.

Mr. SMITH, of Indiana, said he did not rise to continue the debate at large, but merely to answer the Senator from South Carolina (Mr. Calhoun) on a single point, and to say a word to the Senator from Michigan, (Mr. Norvell.) As he understood the Senator from South Carolina, that Senator had said that he (Mr. S.) had done him injustice, in saying that the resolutions of the Senator contemplated the extension of the principles and boundary of slavery. Mr. Smith said, if he was in error in that respect, which he did not admit, he had been led into the error by the last resolution of that Senator.

[Mr. SMITH was about to read the resolution, when Mr. CALHOUN arose and said that he had made no charge against the Senator from Indiana; he disclaimed any thing of the kind, and he hoped his character would be sufficient to satisfy the Senator on that point.]

Mr. SMITH said that the remarks of the Senator were entirely satisfactory to him, and he had no remarks further to make to him. Mr. S. then made some remarks in reply to the remarks previously made by Mr. Norvell.

Mr. LUMPKIN said he was not disposed to complain that the Senator from South Carolina (Mr. Calhoun) had introduced to the notice of the Senate an existing case of controversy, in relation to the supposed abduction of a negro slave, the property of a citizen of Georgia, by a citizen of Maine; but from the manner in which the case had been presented, he felt it his duty to give to the Senate a relation of the facts, so far as they had come to his knowledge. If there had been any final legislative action upon the subject by the Legislature of Georgia, as seemed to be the impression of the Senator from South Carolina, he (Mr. L.) and his colleague, who sat near him, had received no official information of the same. Mr. L. had no information on the subject, except what he had derived from the publication of the official correspondence and documents relating to the subject; from which it appeared, that a citizen or citizens of Maine were accused of the secret abduction of a negro slave from a citizen of Savannah, in Georgia. Under the provisions of the act of Congress providing for such cases, the owner of the slave applied to the Executive of Georgia, and presented the evidence required by the act of Congress; whereupon the Governor of Georgia made the usual demand upon the Executive of Maine for the delivery of the offending fugitives to the agent appointed by the Governor of Georgia, in order that they might be made amenable to the laws of Georgia. The Governor of Maine declined yielding to this demand, and a correspondence ensued between the Executives of the two States, in which the points at issue were discussed, without yielding on either side. The Governor of Georgia, therefore, adverted to the subject in his annual message to the Legislature in November last, in what was considered by the people of Georgia a becoming spirit and tone. This part of the message of the Governor was referred to the Committee on the state of the Republic. That committee made a strong and able report, winding up with resolutions recommending determined action upon the subject; but if the report was acted upon by the Legislature, he (Mr. L.) was not apprized of the fact. He had received no information of such action, and consequently was not apprized of any duty devolving on him in connection with the subject, or that duty would have been performed. He deemed it his duty to make this statement to the Senate, to prevent the impression here or elsewhere, that himself or colleague would be less sensitive in matters connected directly with the interest of their own State, than the gentleman from South Carolina, (Mr. Calhoun.)

Mr. RUGGLES of Maine, rose to explain a transaction to which an allusion had been made by the Senator from South Carolina, (Mr. Calhoun,) and the Senator from Georgia, (Mr. Lumpkin,) but he had understood that his statement was, that the slave in question was retained in Maine, and that the Governor of that State had refused to deliver him up on the requisition of the Governor of Georgia.

Mr. LUMPKIN said he now recollected that it was the kidnapper, and not the slave, that had been reclaimed.

Mr. R. remarked that he was somewhat familiar with the circumstances of the case, the slave having been brought to the town in which he (Mr. R.) resides. He said he was here at the time, and the facts of the case, as he understood them at the time, and as they were, he had no doubt, generally understood and believed, were, that a merchant vessel belonging to Maine was lying in the port of Savannah, in Georgia, on board of which, as she was about to sail, the slave referred to, who had been employed in or about the vessel, secreted himself on board the vessel, and was not discovered until two or three days at sea. The vessel stood on and arrived at Thomaston. Soon after, the supposed owners of the slave arrived in pursuit. The slave had secreted himself, or was secreted, in a barn. A number of persons volunteered to aid the alleged owners in finding the runaway, in which they were successful, and they took him without resort to any legal process, and sailed with him back to Savannah.

Mr. LUMPKIN explained that he was not well informed as to the particulars. He had only read them in the newspapers. It was the kidnappers or thieves who had been refused on the requisition of the Governor.

Mr. RUGGLES said he had no doubt the error was unintentional. But however great the error was, it was a very slight one compared with the error which the honorable Senator and one or two others near him had committed in speaking of the master of the vessel referred to, and all on board as *kidnappers* or thieves. He said they were wholly undeserving of such epithets, if the facts of the case were as he believed them to be; and as one of their representatives here, he felt himself called upon to repel, in their behalf, the imputation implied by such epithets.

Mr. R. said, as to the requisition and refusal, he had no information, except by report. It was doubtless correct that a requisition had been made to deliver up the master of the vessel to be tried by the laws of Georgia, and before a jury of Savannah; and that the requisition has not been complied with.

Now I am up, (said Mr. R.) I will add, that there is no non-slaveholding State in the Union more sound, on the subject of Abolition, than that he had the honor, in part, to represent. He believed he could say what no other Senator representing a Northern State could say—that he had never been called upon to present a single abolition petition since he had had the honor of holding a seat on this floor.

Mr. LUMPKIN said he had not named an individual, nor would he now do so; neither would he enter into the merits of the case; and he had not made a solitary remark implicating Maine or any other State.

Mr. BUCHANAN of Pennsylvania said he rose, with extreme reluctance, to make some remarks upon the question now before the Senate. I myself, said Mr. BUCHANAN, had determined this morning to move a reference of these resolutions of the Senator from South Carolina (Mr. CALHOUN) to a select committee, but was dissuaded from my purpose after I reached the Senate. This motion has now been made by another gentleman, (Mr. BENTON,) and I am called upon to vote either for or against it. As I am still clearly of opinion that an immediate reference of these resolutions to a select committee would, under existing circumstances, be the wisest course, whether we regard the interest of the North or the South, I am prepared to give this motion my hearty support.

On this exciting question I desire to do nothing as a member of this body which can, in the slightest degree, interfere with the constitutional rights of the slaveholding States. My fate as a public man is as deeply staked upon the preservation of these rights as that of any other individual in the country. I have long since taken my stand, and from it I shall not be driven. I do not desire to maintain myself at home, unless I can do it with a due regard to the rights and the safety of the people of the South. I am prepared, therefore, to adopt any just measure, within the pale of the Constitution, to settle this dangerous question, and to afford the greatest security to the slaveholding States. Notwithstanding these are my sentiments, I cannot believe that the Senator from South Carolina has chosen the course best calculated to attain these results. This is the great centre of agitation. From this Capitol, it spreads over the whole Union. I therefore deprecate a protracted discussion of the question here. It can do no good, but may do much harm, both in the North and in the South. It was for this reason that, after the right of petition had been recognised by a solemn vote of this body, I was content to act as we have done for the last two years, and leave the questions to be discussed by the people of the country themselves. We have now abandoned this safe, this prudent course, and what has been the result? For the last three days we have been engaged in a discussion eminently calculated to irritate and inflame the public mind; and as yet we have not adopted the third of the series of resolutions. If we proceed, I shall be agreeably disappointed if another week should close this debate. And what shall we gain by the adoption of these resolutions? Nothing; worse than nothing. Those who look to the votes upon them, as the standard by which to ascertain how many are in favor of, and how many opposed to, their main object, will be greatly mistaken. Some thirteen or fifteen votes have been recorded against

these resolutions, when, from my knowledge of Senators, I am firmly convinced that there are but very few, if any, who are not prepared to vote for resolutions prepared in such a conciliatory spirit, as not to encounter the opinions or the prejudices of any, and which ought to give, and I believe would give, entire satisfaction to the South. The moral effect of such a unanimous, or almost ananimous, vote of the Senate, would be great upon the country. It is, therefore, for the purpose of arresting this unprofitable debate, and of having such resolutions reported by a select committee, that I shall vote in favor of the proposition.

What have we witnessed upon the present occasion? The Senators from Delaware, although representing a slaveholding State upon this floor, have voted against these resolutions, because, in their opinion, they can detect in them the poison of nullification. Now, I can see no such thing in them, and am ready to avow that in the main they contain nothing but correct political principles to which I am devoted. But what then? These Senators are placed in a false position, and are compelled to vote against resolutions the object of which they heartily approve. Again: my friend, the Senator from New Jersey, (Mr. Wall,) votes against them, because they are political abstractions, of which he thinks the Senate ought not to take cognizance; although he is as much opposed to abolition, and as willing to maintain the constitutional rights of the South as any Senator upon this floor. Other Senators believe the right of petition has been endangered; and until that has been established, they will not vote for any resolutions upon the subject. Thus we stand; and thus those of us in the North, who must sustain the brunt of the battle, are forced into false positions. Abolition thus acquires force by bringing to its aid the right of petition and the hostility which exists in the North against the doctrines of nullification. It is vain to say that these principles are not really involved in the question. This may be, and in my opinion is, true; but why, by our conduct here, should we afford the Abolitionists such plausible pretexts? The fact is, and it cannot be disguised, that those of us in the Northern States who have determined to sustain the rights of the slaveholding States at every hazard, are placed in a most embarrassing situation. We are almost literally between two fires: whilst in front we are assailed by the abolitionists, our own friends in the South are constantly driving us into positions where their enemies and our enemies may gain important advantages. Let us then sacrifice forms if we can obtain the substance.

Now, sir, if a select committee should be raised, they might, I think, report three resolutions, which would receive the almost unanimous vote of the Senate.

What is the evil of which the Southern States complain? Numerous abolition societies have been formed throughout the Middle and Northern States; and for what purpose? It cannot be for the purpose of effecting any change of opinion in the free States on the subject of slavery. We have no slaves there; we never shall have any slaves there. The object cannot be to operate upon the slaveholders; because the Abolitionists must know, every person within the sound of my voice knows, that their interference with this question has bound the slaveholding interest together as one man against abolishing slavery in their respective States. Before this unfortunate agitation commenced, a very large and growing party existed in several of the slave States in favor of the gradual abolition of slavery; and now not a voice is heard there in support of such a measure. The Abolitionists have postponed the emancipation of the slaves in three or four States of this Union for at least half a century. They have, by their interference, produced such a state of public opinion that no man within these States would now be bold enough to raise such a question before any of their Legislatures. What, then, is the purpose of these societies—I will not say the purpose, for I cannot, and do not, attribute to them such unholy intentions—but what is the direct tendency of their measures? To irritate and exasperate the feelings of the slaves; to hold out to them vague notions and delusive hopes of liberty; to render them discontented and unhappy, and, finally, to foment servile insurrection, with all its attendant horrors, and to cover the land with blood. However devoted to the Union the South may be, the cup of forbearance may yet be exhausted. If the father of a family be placed in such a deplorable condition that he cannot retire to rest at night without apprehension that before the morning his house may be developed in flames, and those who are nearest and dearest to him may be butchered, or worse than butchered, the great law of self-preservation will compel him to seek security by whatever means it may be obtained. Now, sir, I have long watched the progress of this agitation with intense anxiety, and I can say in solemn truth that never before have I witnessed such a deep pervading and determined feeling as exists at present upon this subject among the sober and reflecting men of the South. They love the Union, but if its blessings cannot be enjoyed but in constant fear of their own destruction, necessity will compel them to abandon it. Such is now the southern feeling. The Union is now in danger, and I wish to proclaim the fact. The brave man looks danger in the face, and vanquishes it; whilst the coward closes his eyes at its approach, and is overwhelmed. The Union is dear to me as my heart's blood. I would peril life, character, and every earthly hope, to maintain it; but the best mode of preserving it is to warn its friends of approaching danger. This I verily believe now exists, and that, too, solely from the efforts of these abolition societies. I can fancy no other cause which could by possibility endanger its existence.

And, if the Union should be dissolved upon the question of slavery, what will be the consequences? An entire non-intercourse between its different parts, mutual jealousies, and implacable wars. The hopes of the friends of liberty, in every clime, would be blasted; and despotism might regain her empire over the world. I might present in detail the evils which would flow from disunion, but I forbear. I shall not further lift the curtain. The scene would be too painful. The good sense and sound patriotism of the people of the North, when once aroused to the danger, will apply the appropriate remedy. The peaceful influence of public opinion will save the Union.

The select committee might report a resolution which would obtain the unanimous vote of the Senate, declaring that neither the Congress of the United States, nor any State, nor any combination of individuals in any State, has any right to interfere with the existence or regulation of slavery in any other State, where it is recognised by law. Even the Abolitionists themselves, so far as my knowledge extends, have never denied this principle. It was solemnly announced by the first Congress; and it is most clearly the doctrine of the Constitution. That instrument expressly recognises the right to hold slaves as property in States where slavery exists. This, then, is not a question of general morality, affecting the consciences of men, but it is a question of constitutional law. When the States became parties to the Federal compact, they entered into a solemn agreement that property in slaves should be as inviolable as any other property. Whilst the Constitution endures, no human power, except that of the State within which slavery exists, has any right to interfere with the question. An attempt on the part of any other State, or of Congress, to violate this right, would be a palpable violation of the Constitution. Congress might as well undertake to interfere with slavery under a foreign Government, as in any of the States where it now exists. I feel confident that there would not be a single dissenting voice raised in the Senate against the adoption of such a resolution as I have suggested.

A second resolution might assert the principle that Congress have no right under the Constitution *to prohibit* the transfer of slaves by a citizen of one State to a citizen of another State, when slavery is recognised by the laws of both. The power "to regulate commerce among the several States" can never be construed into a power to abolish this commerce. *Regulation is one thing, destruction another.* As long as slaves continue to be property under the Constitution, Congress might as well undertake to prohibit the people of Massachusetts from selling their domestic manufactures in South Carolina, as to prohibit the master of a slave in Virginia from disposing of him to his neighbor in North Carolina. Both cases rest upon the same principle of constitutional law. The power to regulate does not imply the power to destroy. I believe that such a resolution would encounter no serious opposition in the Senate.

Again, a third resolution might be adopted in regard to the abolition of slavery in the District of Columbia, which would unite nearly every suffrage in the Senate. This District was ceded to the United States by Virginia and Maryland. At the date of the cession, they were both slaveholding States, and they continue to be so at this day. Does any man suppose, for a single moment, that they would have ever made this cession, if they had supposed that Congress would abolish slavery in this District of ten miles square whilst it existed in their surrounding territories? So long as it continues in these two States, it would be a violation of the implied faith which we pledged to them by the acceptance of the cession, to convert this very cession into the means of injuring and destroying their peace and security.

If this District were free, it would become a city of refuge for the Abolitionists. It would be a secure asylum from whence they could scatter arrows, firebrands, and death, throughout the slaveholding Sates. It would become the very centre of agitation.

The people of this District have viewed with amazement and indignation the reiterated and persevering attempts which have been made by the citizens of distant States to interfere in their domestic concerns, and deprive them of their property. They have protested against this foreign interference with their rights; but they have protested in vain. Petitions still continue to flow in, although the petitioners ought to know that slavery exists here in its mildest form, and that, if they should be successful, there would not be a single slave left in the District upon which the law could operate. Before any bill for this purpose could pass Congress, all the slaves here would be sold and sent away into the slave States, far from the place of their birth and their affections. Success in this attempt would thus place the slaves themselves in a worse condition than they are at present.

A resolution might, therefore, be adopted, in accordance with the spirit and tone of President Van Buren's remarks upon this subject, in his admirable inaugural address. It might declare that whilst slavery exists in Maryland and Virginia, it ought not, in the opinion of the Senate, to be abolished in the District of Columbia.

This committee ought to be most carefully selected by the Senate. It should be composed of men whose opinions would command the greatest weight throughout the country. Every thing like party politics should be banished from our deliberations on this subject. I should deem myself guilty of moral treason, if, on a question which may endanger the existence of the Union, I could permit my conduct to be influenced by the petty desire of obtaining a party triumph. Let the resolutions be framed in a most conciliatory spirit, and let them be clothed in language which shall shock the opinions of no Senator. Provided the substance be retained, I care not for the form. Such resolutions, adopted by an almost unanimous vote, might exert the happiest influence. They would mark a clear and a broad line of separation between the friends of the Union on the one side, and the Abolitionists on the other. They would free the question from the party politics of the day, and would rally all the friends of the Constitution, every where in their support.

The Middle and Northern States are the field upon which this great battle must be fought. I fear not, I doubt not, the result, if Senators from the South, where the people are already united, would but consent to adopt the counsels of those who must bear the brunt of the contest.

Mr. PRESTON was much averse to the proposed reference, because it would occasion much loss of time in going over the same ground again,

Such had been the result in the other House. He wished the Senate itself to proceed with the resolutions. God grant they might have the effect desired; but Mr. P. wished his constituents to know that he distrusted their efficacy. The protection of the South must depend on themselves. He hoped the resolutions would not be referred; it could do no good, and would protract the discussion, of which he was already heartily wearied.

Mr. BENTON then withdrew the motion to commit the subject to a select committee.

Mr. WALL said that he had hoped the subject would have been referred to a committee, as it was clearly incompetent to the Senate to sit day after day, making abstract creeds, and establishing particular interpretations of the Constitution; all which was foreign to the purposes of legislation. He would ask, on whom were these codes, creeds, and abstractions, to operate? They could have no force whatever as law; whom, then, would they bind? No one person whatsoever! Did, then, the Senate expect to settle a thousand disputed constitutional questions by propounding theories and abstract propositions? To legislate was the duty of legislators, not to broach or to promulgate abstract opinions and theories. If a law were introduced on the subject, he (Mr. W.) would be able to act; or, if the report of a committee had come up, it might be received or rejected. As it was, however, the course pursued appeared to him irregular, anomalous, and fraught with bad consequences, converting the Senate into a mere arena of theoretical disputations.

Mr. MORRIS then obtained the floor, when, an adjournment being moved unsuccessfully, after two divisions, on a suggestion from Mr. Webster that, in courtesy to Mr. Morris, who was too indisposed to proceed with his remarks at this late hour, he was entitled to an adjournment,

The Senate adjourned.

REMARKS OF MR. WRIGHT,
OF NEW YORK,

In Senate, Tuesday, December 26, 1837—On the bill restraining the issue of small notes in the District of Columbia.

Mr. WRIGHT rose and inquired of the Vice President if the amendment offered by the Senator from Illinois (Mr. Young) had been adopted? The answer was, that it had been adopted by the unanimous consent of the Senate. He then said he had hoped not to be compelled again to trouble the Senate with any remarks upon this bill; but the charges against the committee which had reported it to the Senate were such, and so various, that it seemed to be his duty again to notice them. On the last day of the session of the Senate, they had proceeded from various quarters, and then partially from the Senator from Kentucky, (Mr. Clay.) He was himself a member of that committee, (the Committee on Finance,) and had been honored by the Senate with a conspicuous place upon it. He had, upon that day, repelled some of the e charges; but they now came, with additions and aggravations, from the honorable Senator, (Mr. Clay,) and he must, therefore, again repel them.

He would do this by recounting, as briefly as possible, the charges which had been made, and the facts and history of the bill, and its progress. The Senate, upon an early day of the present session, he thought the 11th December, by an express resolution, instructed the Committee on Finance to consider the subject of the currency in this District, and to report such bills as in their judgment should be required for the improvement thereof. The resolution reached the committee on the day after its passage. There were then but three members of the committee in town, the member from Missouri (Mr. Benton) from New Hampshire (Mr. Hubbard) and himself. The members from Massachusetts, (Mr. Webster,) and from Louisiana (Mr. Nicholas) had not then reached the city. In the judgment of the members of the committee present, the suppression of the small, individual, and worthless notes, which were circulating as money in the District, and especially in this city, was one indispensable pre-requisite to the improvement of the currency. In this, they supposed they were supported by the already expressed judgment of the Senate, as a bill to accomplish this object had passed, at the session of the Senate of September and October last, without a dissenting vote. The three members of the Committee, therefore, acted upon the order of the Senate, and promptly reported that bill, in the words, letters, and figures, in which it had passed the Senate at its last session.

They were not a little surprised, upon the very appearance of the bill in the chamber, to find themselves sharply reproved by the honorable Senator, (Mr. Clay,) and the propriety strongly questioned of so few members of a committee of the body, in the absence of their colleagues, assuming to report bills of so high importance; bills touching the great and interesting subject of the currency of the country. An explanation was then made, and the Senator requested to raise the question he had suggested, that the sense of the Senate might be taken upon it. This was not done, and the matter rested until the bill came up for consideration in the Committee of the Whole of the body, on Friday last.

Then, new charges were preferred against the committee. They had gone out of their way to introduce this bill. They had encroached upon the province of another important committee of the body, that on the District of Columbia. These charges were met; the order of the Senate instructing the Committee on Finance to take up the subject was produced, and the fact that the bill was an exact copy of one which had passed the Senate at its last session, in October, was again stated.

The Senator from Kentucky, (Mr. Clay,) however, then overstepped these trifling charges, and announced to the Senate, and the audience, that the bill was a "picayune" bill, a trifling affair, and that the committee ought to be ashamed to have introduced such a measure before the Senate. Mr. W. said he felt mortified and humiliated at a declaration of this strong character coming from so distinguished a source; from a Senator whose legislative experience was superior to that of almost any individual in the country; whose standing has long been such as to give weight to his declarations here or elsewhere; and whose sense of justice ought to moderate those declarations upon all occasions, and most especially when made upon this floor. He could not fail to see the wide discrepancy in the complaints against the committee, coming from the same source, upon the two occasions. In the first instance, it was an important bill, touching the great and delicate question of the currency of the country, and ought not to have been reported without a full committee; and in the second, it was a six-penny business, of which a committee of the Senate ought to be ashamed. Yet, so direct were the censures, and such the weight of their authority, that silence was imposed upon him and his colleagues, and he felt bound to wait until the sense of the Senate should be expressed upon the measure, before he entirely surrendered himself to self-condemnation. At the same time it was his duty to confess that, censured as the committee were, and from such authority, and trifling, and six-penny in character, as the measure was pronounced in so high a quarter, it was some consolation to his feelings to see the interest and the spirit it elicited from the opposition; to see that, humble and shameful as was the bill, it opened the strongest batteries from the opposing benches, and drew forth their hottest and heaviest fire.

The decisive vote, at length, came, and what were the feelings of relief on the part of those humble members of the Committee on Finance, who had thus ventured to give back to the Senate a measure of its own, when they found not one solitary vote against it? Would it be doubted that the apprehension of shame was at an end, and they were compelled to conclude that, all the high complaints notwithstanding, they had presented to the body a salutary and acceptable bill?

Here he supposed all debate as to this much-abused measure would have terminated; but the experience of the morning had shown his mistake. The honorable Senator (Mr. Clay) had again come to the assault, not upon the bill, but upon the committee, and had accused them of a culpable neglect of the more important business before them, that they might hasten on measures of oppression upon this poor and helpless District. He had demanded why the important bills of the session were not brought forward, instead of this trifling measure?

The honorable Senator had, in this instance also, ran himself into an inconsistency of complaint which demanded correction. His first charge was, that the committee were arrogating powers unsafe to legislation, by reporting important bills while their number was not full. In addition to the public explanation, made in answer to that charge, a private one was made to the Senator himself, and he was assured that the great public measures of the session would not be pressed upon the attention of the committee, until its members should have arrived in town, and have an opportunity to attend its meetings. He called upon the Senator to do him the justice to recollect that this assurance was given to him in person, and in his seat in the Senete.

What, then, was the condition of the committee, in this respect, at this moment? The member from Louisiana had arrived since the last regular meeting of the committee, but the member from Massachusetts, the great leader of that party, whose interests the honorable Senator (Mr. Clay) upon all occasions so ably and eloquently espoused, had not yet reached the city. Were the members of the committee, then, who were present, and especially those who had been present from the hour of the appointment of the committee, to expect this censure for not having proceeded further in the absence of this distinguished colleague? Were they to have entertained this expectation, after the complaints which had been heaped upon them for having simply reported a "picayune" bill during the absence of that member of the committee? Was he to have expected complaints of this character from the very individual to whom he had given assurances that the important measures of the session should not be hastened in the committee until the arrival of its absent members? All these were questions which necessarily suggested themselves in consequence of the course which the honorable Senator had felt it to be his duty to pursue upon the passage of the bill under discussion. They were propounded to himself, to the Senate, and to the country; and he, as a member of that committee against which this singular course of complaint had been pursued, was willing to leave the answers to that sense of justice which governs the decisions of every upright man. He would ask, however, and he would even make the appeal to the Senator himself, whether it was just, whether it was fair, to put the committee in the hopeless dilemma in which his complaints had placed them? If they did act, to complain of them for transacting important business in the absence of some of their number? If they did not act, to complain of them for neglecting the important business of the session? To characterize the same bill, at one moment, as an important measure touching the currency of the country, and the next moment, as a six-penny affair, "a picayune bill," of which the committee should be ashamed? In short, whether the committee advanced, stood still, or receded, to make their course equally the subject of such high censures?

[Mr. CLAY, in reply, intimated that Mr. Wright had rested for days upon remarks from him which he had chosen to consider personal, although they were not so intended, and had now come forward to reply to them. He also urged objections to the bill, and to the course of the committee in reporting it, because he said it was evident that, while the terms of the bill limited its action to the District of Columbia, it was intended that it should have a much broader influence, and should discourage the circulation of the description of currency upon which it acted in the surrounding country.]

Mr. WRIGHT rejoined. He said the Senator had entirely misconceived him, if he had supposed he viewed any of his remarks of Friday as personal to himself, or intended, at this time, to reply to them as such. He had made the reference to those

remarks now simply as a part of the history of the measure before the Senate, and of its treatment by the honorable Senator. In that sense, and in that sense alone, had he referred to those remarks.

The Senator now proceeds with a new objection to the bill, and a new complaint against the committee. It is that the bill is intended to exert an influence and power not apparent upon its face; that while it purports to act upon the circulation of small notes in this District only, the intention is palpable that it should act upon, and discourage, the circulation of that same description of notes in the adjacent States. To these complaints he had merely to say that the provisions of the bill were plain and simple; that they were limited, in explicit terms, to this District, and that, if it became a law, its whole legal and binding force would be in this District, and no where else. If, then, there existed any intention on the part of the committee, or any members of it, that it should have the broad operation ascribed by the Senator, that intention can only be made effective through the example of the legislation and the moral influence of the measure. So far as influences of this sort were to be exerted by the passage of the bill, however objectionable they might be to the honorable Senator, they were in no sense objectionable to himself. He would rejoice if the example of the legislation should be followed by every State Legislature in the whole Union. He should increase vastly his estimate of the importance of the measure, and of its public utility, if he could persuade himself that its moral influence would banish, from circulation, throughout the United States, every note such as it proposed to suppress in the District of Columbia.

AMENDMENT OF THE CONSTITUTION.

DEFERRED DEBATE.

In the House of Representatives, Tuesday, January 2, 1838—On the introduction of the following proposition submitted by Mr. WISE of Virginia:

"*Resolved*, That a committee to consist of —— members be appointed to inquire into the expediency of so amending the Constitution of the United States as to prohibit the appointment of members of Congress to Executive offices during the time for which they are elected Senators or Representatives, and the time of two years thereafter."

Mr. WISE said it was not his intention to discuss the resolution at this time, and he hoped its introduction would lead to no debate. He had paid some attention to the abuses of this Government—abuses which, if not corrected, would at some time subvert the public liberty. And his solemn conviction was, that the true root of all the corruption which existed in the administration of our Government was to be found in the power possessed by the President of the United States to make the legislative branch his subservient slave, by an adroit exercise of the gift of office.

Mr. W. said he had offered the present amendment at a former session of Congress, and he would here say that it had been the business, the great effort of his public life, to get this amendment of the Constitution carried into effect. He had not yet succeeded; but he should still continue at least to try.

Mr. HAYNES of Georgia said he was sorry that the gentleman from Virginia had not submitted his resolution in silence; because Mr. H. was unable to support it on the grounds and for the reasons stated by that gentleman, and yet it was his determination to vote for it, because he had always been in favor of such an alteration of the Constitution. He should support it, not because he believed corruption did actually exist, but because the purity of that House ought always to be kept free from all imputation or suspicion of that kind.

Mr. WILLIAMS of North Carolina said he was much obliged to the honorable gentlemen from Virginia for having introduced a resolution of this kind. He considered it one of very great importance. A similar proposition had been introduced by the same gentleman once before. Mr. W. had given it his hearty support then, and he should still do the same. But he thought the resolution had better be extended as to embrace another point, viz: a limitation of the Presidential term of service to four years, and make the same individual ineligible thereafter. He hoped the gentleman would consent to modify his resolution to this effect.

Mr. WISE said he must apologise to the gentleman from North Carolina for not accepting the proposed modification. He was unable to do so; because he desired that this one measure should be kept entirely separate and distinct from all others. It was, in his view, of paramount importance to all other amendments of the Constitution. As to the proposal of the honorable gentleman, if it was possible to make Congress independent of the Executive, he doubted whether a period of eight years was too long for the term of the President's service. Mr. W. would tempt the incumbent to use his great power for the good of his country, by setting before him the hope of a second term of office. That, at all events, was debateable ground; there was room for a difference of opinion in regard to it; but that the President ought not to have it in his power to influence the votes of members of Congress by the power of appointing them to office, was a matter in which no reflecting man could honestly entertain a doubt. Mr. W. regretted that the honorable gentleman from Georgia, (now generally understood to be the Premier of this House,) could not agree with him in the grounds on which the resolution should be adopted.

Mr. HAYNES here briefly explained, and stated again the grounds on which he should vote for the resolution.

Mr. WISE resumed. In offering this resolution he was merely "treading in the footsteps of his illustrious predecessor," to wit, General Jackson, for the doctrine of this amendment was the very doctrine held and avowed by that great Moloch of modern Democracy.

Mr. HAYNES said he only objected to the application which Mr. W. seemed disposed to make of the doctrine.

Mr. WISE said he had made none. But of this he was fully persuaded, that without such an amendment to our Constitution, an elective monarchy was fast growing up in the midst of us. He saw, indeed, a day of reformation dawning—the good work had commenced. But he was for beginning at once with a reform of that House. Whoever might be his favorite candidate for the Presidency, his first or his second favorite, never should he wish to see him enter upon office possessed of the tremendous power of appointing to offices of honor and profit the members of the legislative branches of the Government. As long as the power remained, it always would be exercised; in the language of General Jackson, so long as the Executive held this dangerous power, "corruption would be the order of the day;" and no man could more fully have demonstrated the truth of the proposition than the man himself who had advanced it.

Mr. UNDERWOOD was glad to hear gentlemen express themselves in such decided language: but the honorable gentleman from Virginia was certainly mistaken when he said that in the propriety of the principle of the resolution he had offered all men concurred. All men did not assent to its propriety. The last Congress, on the contrary, had expressly denied and rejected it.

Mr. WISE explained. He meant that all men must and did, in their conscience, assent to it, although many, he knew, rejected it in their practice.

Mr. UNDERWOOD said that two years ago he had the honor of introducing the same proposition; the resolution was referred to a committee, and that committee had reported against it. Mr. U. had never been able to get a hearing in support of it, though he had been struggling for it for two years. He would inform the honorable gentleman from North Carolin (Mr. Williams) that, in a resolution offered by Mr. U. this morning, he would find his idea about restricting the term of Executive service embodied, and he trusted the proposition would receive that gentleman's able support. Mr. U. said he had risen to express his gratification that the honorable gentleman from Georgia (Mr. Premier HAYNES) agreed so far with him as to hold that the proposition introduced by the gentleman from Virginia ought to pass. He was delighted to witness the manifestation of feeling in its favor which had been elicited by this discussion. He hoped that the resolution would be sent to a select committee. He was willing, if the mover preferred it, that the proposition should be kept separate from the other, introduced by himself, though he did not perceive any strong reason why they should not be taken together.

Mr. JENIFER, of Maryland, though very imperfectly heard, was understood to say that he hoped no obstacle would be thrown in the way of the passage of this resolution. The proposition it contained was a very important one, and ought to stand on its own merits: he hoped, therefore, the gentleman from North Carolina would not insist on his amendment, (if he had moved it as such:) the two questions ought to be kept entirely distinct; this plan of prohibiting the appointment of members of Congress had been before the nation now for eight years. Although the celebrated letter of General Jackson charged corruption as being the natural and necessary result of such a power, Mr. J. had not then believed it; but experience had taught him the truth of that opinion. He hoped the question would be put upon this propesition separately from all others.

Mr. YELL addressed the Chair, and said that he was rejoiced to find the gentleman from Virginia (Mr. Wise) returning again to his first love, and to the doctrines he advocated whilst an ardent supporter of General Jackson's administration. He was gratified to find him advocating the principles of that illustrious statesman, General Andrew Jackson. The principles embraced in the honorable gentleman's resolution have been urged before this nation for the last eight years and upwards, and have received the support and co-operation of the great body of the Republican party. Sir, (continued Mr. Y.) I am gratified that the gentleman from Virginia has again revived those principles in this House, and brought them once more before the nation; and I cannot but hope that the party with which that gentleman is now acting, will be found giving them a generous and a hearty support. As to the letter alluded to by the gentleman from Virginia, written by General Jackson, in which that eminent man remarked, "*that so long as the Executive held this power, corruption would be the order of the day,*" he believed the letter and the remark would be found as true as Holy Writ whenever that power was exercised by those who were corrupt enough to abuse it.

Mr. Y. concluded by alluding to the charges of bargain, intrigue, and corruption, so often preferred against the Administration of the predecessor of General Jackson, (Mr. Adams,) and said that they were then the order of the day; and, in support of the position he assumed, referred to the appointment of his Premier, (Mr. Clay,) and the station that that gentleman had held immediately prior to his being translated to the office of Secretary of State. He also alluded directly to the important appointments from members of Congress that were made under the administration of Mr. Adams, and pledged himself to produce more evidences of corruption during the four years of Mr. Adams's administration than could be alleged to have existed under the eight years of the administration of General Jackson. These facts were susceptible of the clearest proof; and as the resolution which had been offered by the gentleman from Virginia would enable the House to go into an investigation, he rejoiced at its introduction, and was glad that the gentleman had "*come to the rescue.*" Why (inquired Mr. Y.) has not the gentleman and his friends made this proposition before? It has been urged by General Jackson for the last eight years; and how has it been treated by the party to which the gentleman from Virginia is attached? It is an investigation which they did not desire, and the object of introducing it now was to produce political agitation and effect. Mr. Y. continued, that he was in principle opposed to the appointment of members of Congress to office, because of the dangerous tendency that resulted from it, and because it led to a flagrant

abuse of power; but the practice had prevailed, and had been kept up, under the sanction of the Constitution. He concluded by expressing a hope that the resolution would be duly considered and adopted; and when the inquiry it embraced was made, all would be enabled to ascertain to which party the charge of corruption would apply. All that he desired was full and impartial investigation.

Mr. WISE asked why the gentleman had expressed so much gratification that he had "come back" to the ground taken in this resolution? When had he ever departed from the support of a principle which was but the dictate of common honesty? It had been the principle embodied in this resolution which had recommended General Jackson to his favor, and had induced him to join his efforts with those of others, to bring him into power, that he might reform this very matter of bargain and sale. Who (cried Mr. W.) departed from the principle? Did I? Was it I that swerved from it? No, never; let me tell the gentleman it was General Jackson himself; it was he who departed from every principle that had brought him into power, and had won for him the support of so large a mass of the ability and integrity of this country. For never had there been a party in this Government which embodied more able and influential men. An amendment had then been proposed by him to prevent this power of appointing members of Congress to office, on the express ground that if it continued "corruption must become the order of the day." What had been Mr. W's surprise on beholding hundreds of thousand of dollars lavished on members of Congress as the emoluments of office? On seeing them rewarded with foreign missions for party services? Mr. W. here referred especially to the appointment of a minister to England, on which occasion hundreds of votes had been given with a view to that appointment. (On this subject Mr. W. spoke with so much earnestness that much of what he said was not intelligible to the reporter.) Did the member from Arkansas expect that Mr. W. would support a man for his principles, and then stick to the man when he openly violated all his principles? Was that modern democracy! If to advocate the pure and strict principles of Democratic Government as laid down in the Constitution was to be a Democrat, then he was one. But he must express his regret that all the members of the last Congress had not been like this gentleman from Arkansas, who was so ready for a free and open and honest investigation. That, (exclaimed Mr. W.) that's the game! On that offer I give the gentleman my hand. But when I sought for just such an investigation, how was I met? Not by "the Greatest and Best." Was not every mouth hermetically sealed against me? Was there a man who dare testify?

I do not stand here, said Mr. W. for the successor to that Greatest and Best. His friends have given him up. The papers, indeed, may still affect to support him—they may "keep a stiff upper lip," as the phrase is; but the game is up. They know the game is up. And *now*, perhaps, we may hear something in favor of a free inquiry. I did not believe that bargain and sale were to be the order of the day, though I opposed the Administration of the honorable gentleman from Massachusetts, (Mr. Adams.) But the corruptions under Gen. Jackson's Administration were, in comparison, as mountains to mole-hills. Justice and truth require this acknowledgment at my hands. I have no objection that the gentleman from Arkansas should vindicate Gen. Jackson from charges which have now grown stale. But if an investigation is instituted, I hope none will follow the example of the Heads of Departments at the last Congress. An investigating committee was raised to search out the corruptions of the Administration before that of Gen. Jackson: they had free access to all the Departments, and an able report was drawn up by Mr. Hamilton, of South Carolina; and what was the result? What did the committee find after all their labor? Why, that Mr. Pleasants had received pay for a constructive journey. Inquiry on that occasion, instead of being staved off, was invited. Had the same course been pursued then as has been under Gen. Jackson's reign, it is very doubtful whether that Administration could have been broken down. As to the gentleman who was the Secretary of State, and whose name was so connected with the cry of bargain and sale, I pledge myself to investigate his course in that matter. Will you do the same. Will you throw open the Indian bureau? the several Departments? the Post Office? And will you interpose no Executive technicalities, as an obstacle, at every step? Will you agree to inquire how many appointments were made by Executive authority, without the concurrence of the Senate? How much of that secret service money, about which such a cry was made against a former Administration, was expended on your political agents? What interference there has been with the freedom of elections? How many postmasters' contracts have been given to fostered land companies. If the gentleman is sincerely for an honest inquiry, I go with him.

Mr. UNDERWOOD. I believe that the honorable gentleman from Virginia has pretty well atoned for what I deem to have been his political sin in ever supporting Gen. Jackson and his administration. But I have a little to say to him as well as to the gentleman from Arkansas, on that matter. For myself, I have stood aloof: I have, at least, not that sin to answer for. I believe that in what General Jackson said on the effects of this appointing power over members of Congress, there was much shrewd penetration into the springs which operate on frail human nature; and I am anxious to build up a wall, such as these corrupt tendencies of our nature shall not be able to surmount, and I am glad to see the former supporters of General Jackson coming over to the same ground. But I must tell the gentleman from Arkansas that he is mistaken: his friends were not in favor of abolishing this power. They reported against the proposition. I have a right to say this, for I was myself on the committee which made the report, though in the minority, and opposed to the report. But I will not go into the subject now. I am older than either of those gentlemen, and I feel myself on that ground entitled to give them a little advice. They are opening a course of discussion which I deprecate. They both have been talking of the appointments made under General Jackson's administration, and that which preceded it. Now I beg them to leave all that matter out of this discussion entirely.

Mr. WISE here rose to explain. The gentleman from Arkansas thought that the Administration which preceded the last were all rogues. Mr. W. thought the last were: and when rogues fell out, honest men were apt to come by their own.

Mr. YELL, in reply to Mr. WISE, disclaimed having made any such charge. He had not said that they were morally dishonest, and he did not believe any thing of the kind. His charge against them was an offset for their political sins. He would say, however, that some of the parties were *Yankees*, and had some small reputation for making *good bargains*.

Mr. UNDERWOOD resumed. He hoped no allusion whatever would be made to the past, but that the House would take up the question on its own merits, and on the known principles of human nature. He believed the House would all concur in the propriety of this restriction on the Executive power. To indulge in these retrospects would only prevent the unanimity which might otherwise be attained.

Mr. YELL replied that he should not on this occasion be driven into an investigation of charges against either Administration. He spoke for himself only, and not for any party. He would say to the gentleman, that he had ever been ready to search out, and investigate frauds and corruption at all times, and in all places; and he would tender the gentleman his aid, by beginning at the State Department, and proceeding regularly down to the Post Office, if he desired inquiry. The gentleman (added Mr. Y.) admits that General Hamilton's committe had ferreted out one case of corruption—I allude to the case of Mr. Pleasants; and that one alone, nay one more than that could be found justly charged against General Jackson's Administration. In alluding to this fact, I do but repeat, from the report of the Committee on Investigation.

Mr. WISE. Has the gentleman read that report?

Mr. YELL inquired if Mr. WISE referred to the *minority*, which he had himself drawn up? If he does, (said Mr. Y.) I can inform him that I have not. He concluded by saying, that as it seemed to give some gentlemen in a certain quarter of the House some trouble, he would withdraw his proposition to go into an investigation of the corruption under the Administration of General Jackson's predecessor; but solicited, and invited, the strictest scrutiny into the acts of General Jackson.

Mr. WISE. Oh no; if one is to be investigated, let both be: both or neither.

The House then, on motion, adjourned.

REMARKS OF MR. BROWN, OF NORTH CAROLINA,

In Senate, Thursday, December 21, 1837.—On the bill to suppress the issue of small notes in the District of Columbia.

Mr. BROWN said he could not see, in the provisions of the bill which had been reported by the Committee on Finance, the slightest justification for the strong and unqualified denunciations which it had called forth from gentlemen who had spoken in opposition to it. On the contrary, he returned the members of that committee his thanks for the prompt and efficient remedy which they had proposed, to effect the suppression of an evil that he considered a nuisance in the money circulation of the District of Columbia.

It was not his intention to enter into a defence of that committee against the imputations which had been cast on their motives, for having taken that course which they believed called for by public duty. They were abundantly able to answer for themselves, and to justify their own course. When, however, it had been intimated by the Senator from South Carolina, (Mr. Preston) that the issuing of small notes by individuals and corporations in this District was viewed as a *political* offence against the party now in power, and that the object of the committee was to *punish* that offence by the proposed measure, he must be allowed to say that there was nothing, in his opinion, which in the slightest degree warranted such a conclusion.

If it was meant by this expression that the putting them in circulation was an offence against the principles of sound *political economy*, then he would entirely coincide with the Senator, and believed the offence, in that point of view, deserved the correction so appropriately recommended by the committee. It had been charged against the party in power that the issuing of small notes was a necessary consequence of their policy for some years past in relation to the currency. Mr. B. denied that any such consequence was properly deducible from the acts and course of the late Administration. Who had been chiefly instrumental in banishing specie change from this District, and from many of the States, by issuing this spurious small note circulation? If he had not been much misinformed, it had been done almost exclusively by corporations controlled by, and private individuals belonging to, what is denominated the Whig party. This had been done in many States, in open contempt and flagrant violation of their laws which denounced it as an offence, and, to his astonishment, had been justified and applauded! Yes, said Mr. B. that law-loving party, who are ever sounding the alarm of violated Constitution and violated laws against the present Administration, have openly approved, nay more, applauded, this utter contempt and prostration of law!

In some of the States in which statutes existed as explicit and as comprehensive against offences of that kind as the human mind could frame, legal opinions, he learnt, had been given in justification of the issuing of small notes, which, in his humble judgment, partook more of the character of professional astuteness than sound rational construction. In this was afforded another exemplification of the power of the paper system to pervert and bend opinion to an acquiescence in its most dangerous assumptions of authority. It overrides the

law, tramples on its authority, and always has, and always will find, apologists and advocates for its most extravagant abuses.

Mr. B. said that the Administration had been censured for the present condition of the currency freely in the debate on the measure then before them. It was not just nor fair thus to charge it. If there had been a harmonious co-operation among all parties in this country in carrying into effect the important and salutary measures recommended by the late Administration on this subject; if, added to this, the great moneyed power of this country had supported instead of opposed this policy, he believed that the difficulties in its moneyed affairs which had happened would not have occurred. But instead of harmonious action among all parties for an object of so much public interest, the country had witnessed an opposition to the measures of the Administration in relation to the currency, and that opposition powerfully aided and sustained, too, by much the greater portion of the moneyed power, almost unequalled in the history of political warfare for its violence and the extraordinary means taken to break down the Administration. Was it at all strange, then, under such adverse influences, that consequences such as had followed should have happened?

Mr. B. saw, in the almost simultaneous issue of small notes, with the suspension of specie payments by the banks, but a continuation of that series of measures by which it was calculated to effect a conquest over public opinion, in favor of a national bank. Whatever may have been the pretended necessity for it, those who were instrumental in issuing small notes, knew that it would instantly drive from circulation the almost entire specie change. A parallel case with that in which the late Bank of the United States originated, would then be furnished by a universally depreciated paper currency, from the highest to the smallest denomination, for the advocates of such an institution to appeal to the public for a favorable decision. In the language of a newspaper, known as one of the organs of the National Bank party, the judgments and understandings of the people were no longer to be addressed, to bring them to their senses, but their sufferings were to be relied on to produce that result. In other words, the country was to be scourged into submission, to compel its obedience to the mandates of the moneyed power.

Mr. B. said, that while many other States were at this time suffering great evils, from having permitted the issue of small bills, the present condition of the State of North Carolina, in reference to this subject, was a practical proof of the wisdom of her legislation in having suppressed them. Some years since great evils had been experienced among her citizens, from the issue of small notes by individuals and corporations; in consequence of which, her Legislature had passed a law prohibiting it, and imposing severe penalties on those who violated it. The effect of this has been to introduce among her citizens a large portion of specie change, which was, he believed, still retained in circulation, notwithstanding the suspension of specie payments by the banks. It was true, that some inconvenience had been experienced for the want of change after that event occurred, but he was gratified that the moral sense of the people of the State was strongly opposed to the illegal issue of small notes, and was in favor of sustaining the law prohibiting a practice so injurious as well to public interests as to public morals.

The bill to suppress the circulation of small notes in this District had been denounced as one of pains and penalties against its citizens, and as particularly oppressive to the poorer class of them. Mr. B. called on gentlemen to reconcile the inconsistent charges they made against those friendly to the Administration. At one moment they were represented by them as Loco Focos and Agrarians, and now as attempting to pass a law to benefit the rich at the expense of the poor. So far from injuring the poor, he believed it would prove protective of their interests. It would relieve them from those innumerable frauds which were daily practised on the more ignorant portion of the community, by imposing on them notes issued by insolvent persons, and every kind of spurious paper.

He could not but regret the great antipathy which some gentlemen seemed to entertain towards every kind of specie currency. It had often been remarked that some peculiar constitutions had antipathies to certain objects; and he must be permitted to say, that from the sensibility exhibited in a certain quarter when gold or silver is alluded to, that they must be the objects of a kind of constitutional antipathy with some gentlemen.

Mr. B. said that he considered it not only the duty of Congress, in reference to the best interests of the citizens of this District, to legislate on this subject, but it was a high duty which it owed to the country at large, to exert all its authority to aid in redeeming it from a species of paper circulation which was an acknowledged public nuisance. I would be an example worthy the imitation of those States now suffering under a similar evil, and an example which, he trusted, would be universally followed throughout our country.

REMARKS OF MR. CILLEY,
OF MAINE,

In the House of Representatives, Jan. 5, 1838—On the resolutions calling for information relative to our relations with Mexico, and Great Britain.

Mr. CILLEY said he should not have troubled the House with any remarks on this occasion, but for one sentiment which had been advanced by the Chairman of the Committee on Foreign Affairs, (Mr. Howard.) That gentleman had remarked, that whatever faith might be due to out-door rumors, what passed in this House went for something. And after saying much relative to the duty incumbent on our Government to maintain its neutrality, in which I entirely concurred, he gave it, as his opinion, that we ought to be peculiarly mild in pressing the settlement of our Northeastern boundary, while the present difficulties existed between the British Government and the people of Canada. Sir, in this sentiment of the honorable chairman I cannot acquiesce, nor will the feeling on the subject in my State permit the settlement of that question to be delayed on any such grounds. What, sir, is the claim of the Government of Great Britain? It is to one-third of the State of Maine. I will not now go into a history of it; suffice it to say, that during the late war, British troops were marched in the dead of winter from the lower province, on the seaboard, across the upper part of Maine to Quebec, and thus were enabled to open the campaign in the Canadas, and on our rear, long before the St. Lawrence broke up, and much to the surprise and detriment of our northern army. The discovery of this route across Maine, which, if they could not use, would, for a great part of the year, while the river St. Lawrence was locked up with ice, disconnect the upper and lower provinces, induced the British Government, while negotiating the treaty of peace at Ghent, to ask a cession of so much of the territory of Maine, then Massachusetts, as thus intervened between New Brunswick and Lower Canada. They did not ask the cession with a view to acquire territory as such, but merely for the purpose of connecting the two provinces, and left the proposition open to our commissioners to ask an equivalent. For the correctness of what I now say, I appeal to the honorable gentleman now in my eye, (Mr. Adams, of Massachusetts,) who was then one of the commissioners. The British were answered promptly by our commissioners, that they had no power to treat for the cession of a portion of the territory of one of the States of this Union. No arrangement of this kind was effected, and the boundary line, according to the treaty of '83, remained unaltered. But finding they could not obtain by cession, they had boldly and shamelessly set up a claim to it in the very face of that treaty. They claimed it because it was so convenient for them to have it; because they wanted it; and from no just cause or pretext whatever: for, sir, I will maintain, and challenge contradiction, that the treaty of 1783 was as plain and clear as language could speak, and the true boundary as obvious, nay, conspicuous, as the everlasting hills and highlands which are described as forming it, and which divided the streams which ran into the river St. Lawrence from those which descended towards the ocean. What is it, sir, that, for hundreds of miles, walls up, on the south, the great basin through which the river St. Lawrence flows? Highlands, sir; and from these, streams flow northerly into that mighty river, and southerly and easterly into the Atlantic ocean. Now these highlands, so conspicuous on the face of the earth, are our ancient and well-defined landmarks. Yet, sir, in mockery of these, in spite of a solemn treaty, the British seize possession of our soil; drive, by armed force and the terror of prisons, our citizens from it, though claiming title by deeds directly to them from two States of this Union, Maine and Massachusetts; thus keeping back our settlements, impeding the growth and prosperity of our State, and destroying our invaluable and never to be replaced forests of timber, simply and solely because they want the territory to connect their provinces.

Under this state of things, was it incumbent on this House or this nation to be so peculiarly mild in pressing the immediate settlement of this line? I admit that ours is a Government of peace; but have we not manifested a most pacific spirit? The people of Maine have been long forbearing in this matter; they have an immense interest at stake in preserving peace; one of their greatest means of prosperity, and even of livelihood, was derived from the peaceful prosecution of their commerce and their fisheries. Their interests, as well as their feelings, will not permit them thoughtlessly or wrongfully to provoke war; but they cannot submit to indignity and gross usurpation; they will not sit quiet and see their State dismembered. They had already seen the whole question of the extent of their territory submitted, against their most solemn protestations, to a foreign arbitration; and yet, though the arbitrator was held at the time by the Government of Great Britain as in the palm of its hand, shame prevented him from so manifest a violation of common honesty, as to decide against us. So he gave no award on this question, but contented himself with suggesting what he would consider a *convenient* boundary for the British. Both Governments have concurred that it was no decision, and have not adopted the new line that was recommended.

The Senate advised the opening a new negotiation. Our Government have tried it: how have they been met? By no corresponding spirit of conciliation on their side. Indeed, the British do the same as refuse to treat. But forbearing as my constituents are, any man would greatly mistake their character who should suppose they would ever consent to give up one-third of the territory of their State to the grasping usurpations of a foreign Government. They would never yield so much as an inch of it on such grounds. Sir, it is my opinion that it is time for this Government to be peculiarly alive on this subject; and in expressing this, I am sure I speak the sense of the people of Maine: there is no division on this question. The true course was to see and be sure we were in the right; then to be firm and resolute. Did any man believe that a British Parliament could be induced to go to war to establish a claim like that which had been set up to a part of our clearly defined territory? Where was its justice? There was none in the case. They know it, and feel it. Hence they will not treat, but hold on, on the principle that might makes right. Let our Government be firm, and the question would be settled. Maine cannot, and ought not, suffer it any longer to be postponed, on any pretext whatever. In saying this, I well know and speak the feelings of the people of Maine. I cannot, therefore, respond to the sentiments expressed by the honorable chairman of the Committee on Foreign Affairs, that this was a juncture which called upon us for language of peculiar mildness and forbearance. On the contrary, when we were called to give more power to the President, to restrain our private citizens from encroachments on the rights of another Government, it was a time for us to be peculiarly firm and resolute in insisting that our territory should be kept inviolate from the most unjust encroachments of that very Govern-

ment. If the territory now forcibly and exclusively occupied by British power on our northeastern frontier was a constituent part of one of the States of this Union, let an end be put to that assumption, and let the laws of Maine and this Union be made to extend over the entire territory, and to its utmost limits.

One gentleman on this floor, I regret to hear, apologized for the British in their recent violation of our sovereignty, in cutting out in the night time, with an armed force, from the American shore, the steamer Caroline, throwing her over the falls, and slaughtering our defenceless citizens. He seems to think the British commander may not be to blame.

Mr. HAMER. Does the gentleman refer to me?

Mr. CILLEY. I do.

Mr. HAMER disclaimed having made the statement on his own authority, or as having expressed his own belief. He had merely refered to what had been read by the gentleman from Buffalo, (Mr. Filmore) and what he had advanced was based on the statements then made.

Mr. CILLEY resumed. I did not understand the gentleman as expressing fully his own belief; but the tenor of his remarks were calculated to carry the conviction to my mind, that it was reasonable to conclude that this outrage was wholly unauthorized by the commander of the British forces at Chippewa, and that the British soldiery had committed the wrong of their own motion. Now, sir, I have no doubt that the outrage will be disavowed by the commander and Government. State policy may dictate this, especially when they learn the feeling it justly excites; but I must be permitted to express my own belief that the outrage was committed by the orders, and with the countenance, of the British authorities then in command. The circumstances of the case all look that way It was in keeping with the domineering spirit of British authority. They had seen the boat ply between the American side and Navy Island, where are banded together what they please to term pirates, traitors, and rebels, and robbers. They determined to take her and destroy her, utterly regardless of our rights and sovereignty in so doing. What, sir, has been the conduct of the British authorities on another, though more distant portion of our frontier? Had they not seized American citizens on our own territory, carried them off, and cast them into prison, where even one so seized is held in durance to this hour? It is easy here for gentlemen to blame the hasty zeal of those of our citizens who live upon the borders; but do they know what those men have to suffer from the violence of British authority? I admit that citizens there, as well as elsewhere, under the influence of excitement, sometimes act in a hasty and ungnarded manner, and that it becomes us, as good citizens, to maintain the neutrality of our Government. If the existing laws are insufficient for the purpose, let stronger be enacted. But it is evident, from all we have heard for years past, that a great contest is going on in the British provinces to the north of us, and that the crisis is near at hand. The people of the Canadas are unfavorable to the longer continuance of British dominion over them. They are about decreeing, if they have not already done it, as our fathers did more than half a century ago, that British oppression and usurpation shall cease among them, and that they will hereafter choose their own men to make and administer their own laws, and to control their own money. These were feelings in which American patriots were ever ready to sympathize; and no power on earth should ever compel him to suppress the feelings of his heart in favor of those who, capable of self-government, and risking all minor things, were manfully contending for the liberty to establish it. Nor do I believe that, by our citizens expressing such sentiments, we shall provoke a war with Great Britain, or any other foreign power; and least of all can we avoid war by submitting to encroachments, which, if once tolerated, will be repeated and extended with more and more audacity, and until nothing but a war can end them. No, sir: let us be firm and resolute in maintaining our just rights, and follow up the assertion of them with proper courage and conduct. In difficulties between nations, this was the true policy; and then, if war blazes up at the two extremes of our Union, or if the candle be lighted at both ends, as the gentleman from Massachusetts (Mr. Adams) said, we will extinguish the flame, or perish in the attempt. Sir, I hope the resolutions of inquiry will be passed, and that, when the desired information is obtained, we shall act as becomes a nation loving peace, and desiring to maintain it, which can only be done by scrupulously guarding all our just rights, and resisting all encroachments promptly and firmly.

MR. CALHOUN'S RESOLUTIONS.

DEBATE IN THE SENATE,

JANUARY 6, 1838.

The question being on Mr. MORRIS's amendment to the third resolution, declaring the freedom of speech and the press on all subjects indisputable, and under the supervision only of the State in which such freedom is exercised—

Mr. DAVIS said that he had several times briefly addressed the Senate upon this subject, which for two years or more had been greatly agitated, more so, probably, than was useful. As long ago as that, an effort was made to suppress petitions upon the subject of abolition in this body, and from thence till now the matter had received much attention at times, though both here and in the other House much regret had been expressed that it was agitated at all.

At the first session of the last Congress, after a long, animated, denunciatory debate, carried on chiefly by the members from the South, the Senate arrived at certain results in regard to abolition petitions, in which he (Mr. D.) did not concur, but a very great majority did. It was proper to recur to the state of things then, and to call to mind the sentiments of that day. The leading argument in that debate was, that the agitation of the question was a source of great danger, pregnant with ruinous consequences to the country, causing serious obstruction to the action of Congress, and great uneasiness out of doors. And it was most urgently insisted that it was one of those delicate topics which it was not safe to discuss, which, in truth, we had no right to discuss, either as regarded the States interested, or the District of Columbia or the Territories.

Such, sir, being the avowed sentiments of a majority of the Senate, they proceeded to give to them sanction and practical effect; and they did suppress debate, and close the doors against petitions; for, though they resolved to receive them, yet they immediately afterwards adopted the practice which has ever since been in force, as the journal will prove. A Senator, for example, offers a petition; another objects to the reception; the one holding the petition then moves for its reception; the other immediately moves to lay this motion on the table, which motion is not debateable, but is carried by a large majority. The consequence is, that the one presenting the petition is denied the right to lay it before the Senate, as the Senate refused to receive it. The Senator from South Carolina (Mr. Calhoun) was in the lead of these measures, and is it not true that he was sustained by an overwhelming majority?

Mr. CALHOUN said the course which he marked out was not followed at all.

Mr. DAVIS. I did not mean to say that the detail of the Senator's proposals was adopted, but that the Senate sustained the chief purpose he aimed at.

Mr. CALHOUN. I was in the minority in every vote on this subject. I wished to meet the petitions, and to refuse the admission of them. I wished to take higher and stronger ground. I was not averse to agitation.

Mr. DAVIS. I did not allege that the Senator was averse to agitation, but that it was generally deprecated; and that his proposed measures looked to that end, as the journal most fully proves. If the Senator had not interrupted me, he would have had no occasion to complain, or to correct me, for I was about to notice what I am aware of, that the proposed course of the member was to meet the petitioners at the door, shut it in their faces, turn them down stairs, and bid them begone; and that he urged the Senate to sustain that view of the matter. In that I know there was a failure; but in his general object, though attained by different means, he did fully succeed. He and his friends did erect a barrier as high as he could desire—a barrier insurmountable to the petitioners, and as effectual to stop agitation and debate in this chamber, and the presentation of petitions, as it could be, short of penal liabilities. Discussion died with this arbitrary rule, because the Senate yielded obedience to it. If any thing of much importance had since been said, it had escaped my observotion. I therefore repeat that the object of the Senator had been attained; the petitioners have been driven away without a hearing; no answer to their prayer has been made; no, not so much as to say they were in error. What, I would ask, could the Senator do beyond this, if the Senate yielded itself to his will?

The Senator from Virginia (Mr. Rives) said yesterday, that the States could take care of themseles, if the channel through this Government was closed up; for he feared nothing from the Abolitionists in their own territory. Did not the Senate close up this channel most effectually? Is it not choked to the top, so that nothing can reach the Senate? What higher or stronger barrier can be made? There is but one that can be more effectual, and that is, to make a law of Congress, consisting of pains and penalties. Make it felony, punishable by imprisonment in the penitentiary for any one to petition for the abolition of slavery in this District. If there be no right to petition, and the petitioners are violators of the Constitution, disturbers of the public peace, criminal agitators, threatening the safety of the Union, then such a law will be both constitutional and expedient. Let it be brought forward, for it will test the principles advocated, and put members to vote upon a responsibility beyond a mere expression of opinion. Send such offenders against the public peace and public justice to the judicial tribunals, if such is the sense of Congress, to receive the reward of their merits. This would bear the stamp of consistency. If the doctrines which tend to such results are sound, then let them go forth in a form that shall be understood and felt. Let those who demand relief take the remedy fearlessly into their hands, and they will soon learn the views of the public on this right of petition. This would be more manly than to agitate the public with threats. It would fence the people out from the Capitol, and separate them from their own Government. It would consign offenders to infamy for presumptuously daring to approach these halls to make an humble request. The Senator has not proposed to go this length; and although he was quite right in saying he was in a minority, yet it is obvious that he effected his main object. Petitions continue to come here, but to what end? Neither to be read, heard, nor received. Not one has since come to the possession of the Senate, so as to be in order for its action; nor, under existing practice, could one come to its possession.

In this state of things, why are we appealed to for new measures, which can do no more than accomplish the same thing, if they do as much? Why does the Senator from Carolina, when so solicitous to exclude from these halls the petitions—when he has steadfastly maintained that Congress has no right to debate or act on the subject—why does he voluntarily introduce it here? A subject too delicate to agitate: one which it is said we ought not to discuss, and have no right to consider! Why, then, is discussion invited? Why is examination provoked? Why is controversy challenged?

For myself, said Mr. D. I have been disposed to respect the avowed feelings of southern Senators; and as they seemed to deprecate discussion as a calamity, I have avoided it, leaving it in the hands of the mover and those interested. I had no purpose of changing my course till that Senator, yesterday, threw down the glove, and challenged discussion, in terms which almost made it dishonorable to forbear. This challenge, and this alone, has induced me to rise, for I had resolved that the Senator should be left free to act upon the majority, which goes with him, with whatever power he

might, while he adhered to abolition, although my own constituents have written to me inviting my attention to these resolutions; not because of their effect upon the Abolitionists, but because they embrace other matters of high moment and of objectionable character. I would have taken the hazard of disregarding these calls upon me, but I could not be silent under the challenge of the Senator.

The Senator says we can bring no objection against his resolutions while we vote against them, inferring from our silence that we vote in a blind and senseless manner. I deem his inference, from his premises, wholly unwarranted, for the larger portion of the votes we give are recorded without offering the reasons to the Senate upon which they rest. But I have many objections to these resolutions, more than I shall find physical ability to express, and the strongest of those objections are to their political character.

They are not called for, are not more efficient than the measures now in force, and can do no good. They are, as has been well said, (a part of them at least,) mere abstractions or avowals of abstract doctrines no way demanded by the occasion. They embrace matters having no connection with abolition, and call upon us to commit ourselves to an interpretation of the Constitution when there is no emergency arising in the course of our public duty requiring us to give interpretation to that instrument. It is an unnecessary attempt to influence the public judgment, and such works of supererogation are best let alone. Any and all these reasons are a most ample justification for voting against even that which may seem to be right in the abstract; for I would give no countenance to making a creed of avowals for politicians, and to the publication by the Senate of abstract opinions, merely because they may contain apparent truisms. They ought also to be useful, and put forth for some useful public purpose. The Senate would be foolishly employed to resolve that two added to two make four.

But, sir, the leading reason urged for disposing of the whole abolition matter is, that the agitation of the topic disturbs the public harmony and endangers the Union. I am quite disposed to respect all such fears and apprehensions, when urged with seriousness; to listen to public sentiment, and to yield much to public judgment; and, sir, I am happy to perceive that the thought now and then flashes across the minds of gentlemen that there are two ends to this Union, both of which should fall under the protection and paternal regard of this Government. We are the representatives of the whole, and our affections and watchfulness should be commensurate with the whole. It is our duty to see that the whole Republic is safe. All interests must be regarded, all rights must be protected. We must look to public sentiment throughout. No interest, because it is great and powerful, should be permitted to absorb all public attention, or to cause a disregard of those of less importance. All must be nourished, all respected, the rights of all so adjusted and harmonized by a spirit of compromise and conciliation as to remove all just cause of discontent. This is the way to preserve the Union. And yet, from the course of argument here, one is sometimes doubtful whether more than one end of the Union is thought of, when all our vigilance, anxiety, and affection, is demanded for that end alone. The resolutions before us propose no measures for the general harmony, but to give certain interpolations to the Constitution favorable to the slave interest. This is to avoid the dissolution of the Union. I cannot see how the end is to be reached by the means, and therefore am constrained to come to the conclusion that matters other than abolition are wrapped up in these resolutions.

Who is most likely to be discontented and to disturb public harmony—those that hold the direction of political power, or those who have no power except the force of argument?

I wish to ask you, sir, what your recollections are in regard to the history of public policy. You have probably for the last thirty years been a witness and participator in what has occurred here, and your memory can go much beyond that. You know what has been the public feeling on the subject of the integrity of the Union, and what kind of a reputation those have acquired who have been suspected only of agitating this alarming topic. How stands the Hartford Convention in public estimation? How other conventions and assemblies of men of more recent date, who were supposed to meditate unfriendly feelings to the Union? All hostility to the Union has at at all times been viewed by the great body of the people with the most profound sorrow and regret. Those, therefore, who engage in such treasonable purposes, do it at the imminent hazard of character at least, for they acquire a very unenviable reputation.

The Abolitionists can have no motive to dissolve the Union. They have never been charged with such an object, to my knowledge. Their acts may create alarm and discontent, which may tend to that. There may be selfish men among them, for the ambitious always mould the moving elements, when they can, to aid their own selfish purposes. It would not be singular if such were found among them, but their number cannot be great. But how is the Abolitionist to be profited, if his wishes are all realized? If all the slaves on the globe were made free, how will it mend his condition? In no way whatever. He can gain nothing by the change. But they repudiate, and very properly, all right to interfere with the States, and confine themselves to the Territories and the District of Columbia. Their views are thus limited in extent, and to the attainment of an object in which they neither have nor can have any interest which excites a selfish feeling, and which does not, in fact, touch the Union, or threaten it.

The worst, then, which can be said if them, by their bitterest enemies, is what is actually said: they are deluded, misguided philanthropists, fanatics—heated with an unbecoming zeal. These, and such opprobrious epithets, have been applied to them; but no one affirms that they aim at disunion, nor do I think any one can impute to them any corrupt purpose. I do not mean to touch the question of the expediency of their course in asking for immediate abolition in this District. That I will meet whenever the Senate will open it by receiving their petitions, but not until then; for the right of petition is the higher right, and must first be vindicated. I shall, however, at all times go for the Union, and the whole Union; and against the Abolitionists if they propose to interfere with constitutional rights or guaranties.

But I again return to the inquiry, who is to dissolve the Union? There cannot, I trust, be such purpose here, for every day we hear the thought deprecated, and the deprecation mingled with the most ardent patriotic professions of love and attachment to the Constitution.

Is the great slave interest to do it? I appeal again to your recollections, and to those of the Senator from South Carolina, and ask you whether an interest, so powerful as to have majorities in both Houses, and to maintain its ascendancy in the Government, is likely to have occasion to secede from the Union through fear or oppression? Sir, this interest has ruled the destinies of the Republic. For forty years out of forty-eight years it has given as a President from its own territory, and of its own selection. I do not advert to this in the tone of complaint, for it has been done at the ballot-box; but as a proof of its great strength, tact, and skill, and of the extraordinary predominance it holds over all other interests, bending and shaping them to its purposes. During all this time it has not only had a President sustaining its own peculiar views of public policy, but through him has held and used, in its own way, the whole organization of all the Departments, and all the vast and controlling patronage incident to that office, to aid it, and carry out it its views and policy, as well as to protect it and secure to it every advantage.

Let us explore a little further, sir, and see how the Houses of Congress have been organized. I am sorry that I rely on memory alone, for I may possibly fall into error; but I shall be, I think, right as far as I go; if not, the records can easily be had to correct me. For thirty years out of thirty-six years, that interest has placed its own Speaker in the Chair of the other House, thus securing the organization of committees, and the great influence of that station. And, sir, while all other interests have, during part of that time, had the Chair in which you preside assigned to them, as an equivalent for these great concessions, yet in each year, when a president *pro tem.* is elected, who, upon the contingencies mentioned in the Constitution, will be the President of the United States, ha! interest has invariably given us this officer. Look, I beseech you, through all the places of honor, of profit, and of privilege, and there you will find the representatives of this interest in numbers that indicate its influence. Does not, then, this interest hold the destinies of this Republic in its own hands? Does it not rule, guide, and adapt, public policy to its own views, and fit it to suit the action and products of its own labor? Sir, I know that the politicians of the slave country sometimes disagree about men and measures of minor consideration; but, on the great interest of slave labor and the protection of slave property, they stand firmly together, and, like a Macedonian phalanx, shoulder to shoulder, gather round it, and, by mighty and concerted efforts, give it the lead in public affairs against all opposition. Sir, how can I better explain its all-pervading influence, than to declare again that it moves this Government over fifteen millions of souls, great and energetic as it is, and disproportionate as is the slaveholding population to that of the free States.

With this mighty power in your hands, with proof at every vote taken in this Capitol of your ability to continue it, can you of this interest entertain apprehensions for your safety? What more do you claim? What more can you have? How can those who hold power be oppressed by those who have none? How can those who hold the power of this Government fear it? I cannot believe there is occasion in the mind of any one belonging to this interest for a dissolution of the Union, unless he be ambitious, unprincipled, and without hope of advancement. It will be reasonable enough to meet danger from other quarters when it threatens mischief. But, Mr. President, I must not omit some other proofs of the towering magnitude of the slave interest here. It claims to itself and its exertion whatever of merit there is in the overthrow of the policy of internal improvements, and of having broken down and rendered unpopular the policy of so assessing and collecting the public revenue as to protect and encourage free labor. Over this last great interest it claims a signal triumph for having defeated it.

I need not multiply proofs of the zeal, activity, and singular success of those who manage this interest. The integrity of the Union is probably quite as important to the slave territory as to the free. I cannot, therefore, credit the suggestion that the people of the South are so blinded to their interests as to court so calamitous a result. What then is it that shakes this great republic so that it reels upon its foundations: so that we are brought to a solemn pause here in the public business, and are gravely and solemnly devising remedies to redeem us from threatened ruin? Sir, we have a set of resolutions, nearly concocted, that are to go forth with healing power to calm the public mind, to allay the outbreakings of fanaticism, and to tranquilize the raging elements. The opinion of the majority of the Senate is to work out this extraordinary result. But I again ask, what is it that we are contending with? What that threatens calamity, and is thus easily to be subdued. It is the Abolitionists who come here in no very alarming numbers, though the course pursued here has increased the aggregate, not to threaten the Government or to menace the Union; no, sir, not at all; but humbly to entreat and pray you to abolish slavery in the District of Columbia, where, I believe, there are about forty thousand people of all colors. Sir, they have claimed nothing but the right to beg and pray of the Senate to use its power for this purpose? What more humble and less objectionable right can be claimed by man than the right of respectfully entreating? Yet, sir, the exercise of this poor privilege, by persons mostly females too, has brought us into grave deliberation, to rescue the Union from impending dissolution. Sir, I cannot participate in these fears, nor persuade myself that such causes will produce

such results, or that the Union will be attacked unless the provocation is given here.

These Abolitionists are in the free States. It has often been said, and was a day or two past reiterated by the Senator from Missouri (Mr. Benton) that their books, papers, prints, etc. cannot enter the slave country, and therefore would do no harm there, even if the slaves could read, as they never can reach them. It seemed also to be admitted by the Senator from Virginia (Mr. Rives) that there is no objection to the discussion of the subject in a State that permits it to be agitated. Where, then, is the alarming mischief? What creates the great excitement spoken of as existing in the slave territory, and which I doubt not does exist? The exciting matter is the debates published from this Capitol; the exaggerated and highly colored pictures of danger dawn here. The evil is chargeable home here, and the responsibility rests here. The effect was clearly foreseen, and the result foretold. It is but the natural progress of events that the excitement of the people should react upon Congress; and I agree to the sentiment often expressed here, that this topic, agitated in this place in the manner it is, disturbs the public tranquillity, and the practice ought to subside unless the matter can be treated more temperately. There would probably be no excitement among the slaveholders if it was not roused here; and there would be less here, if the flame kindled elsewhere by the breath of these halls did not impart its warmth to this body.

But, sir, I return to the inquiry, what is to be hoped from these resolutions? Where are their healing properties, their power to assuage resentments, and to allay irritated passions? Are we now agitating the matter to any useful purpose? I read them, and while a part of them seemed to me to contain certain doctrines on slavery according with the sentiments of the mover, the residue seemed to be a mere avowal of a political creed. Not being quite certain that I was right in the matter, I was confirmed when my friend from Delaware (Mr. Bayard) rose and expressed the same sentiment. They professed to treat of abolition, but the worthy Senator declared that, on lifting the veil, he had discovered nullification concealed under the first of the series. He pointed the little fellow out to us hidden snugly under a thin covering of State right gauze.

Now, sir, I ask the Senate to look at that resolution. It is in these words:

"*Resolved*, That in the adoption of the Federal Constitution, the States adopting the same acted, severally, as free, independent, and sovereign States; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, *domestic* as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social."

And to inquire whether it has any apparent connection with the abolition of slavery. The mover has already been asked what he meant by this resolution? How it is pertinent or applicable to the matter in hand. What was his answer? Did he say it was to allay excitement, to suppress debate, or to check petitions? No, nothing of this—but he did, in substance, affirm that it was introduced as a sort of constitutional platform, upon which, as a newly discovered footing, the Senate were to gather together and stand at this momentous crisis. The Constitution itself, without Senatorial amendments, is broad enough and good enough for me to stand upon. Sir, there have been many platforms, creeds, and confessions of faith, all of which are designed to die down freedom of thought and action, and which in general I do not believe have subserved any valuable purposes. They are designed to carry out particular doctrines, and so the Senator from Carolina avers in regard to his. He says it embraces the doctrine of '98, and it is expedient occasionally to reiterate fundamental principles. Magna Charta was reaffirmed, and hence the propriety, even upon this occasion, to reiterate and reaffirm the fundamentals of the doctrine of '98.

What, sir, is the doctrine of '98. The Senator has had some bitter experience in this matter. He knows where it led him; he knows what results he has contended for under its authority, and he knows that many others, now on this floor, who claim to respect with equal deference the doctrines of '98, travelled paths widely divergent from his; paths so opposed that they led to sharp, bitter, and alarming conflict. This ought to teach the Senator not only the folly, but the danger, of putting forth abstract theories upon the Constitution.

But the Senator advances this theory because it contains the only conservative principle—the only remedy for the slave States. And what is that conservative principle, and what the remedy? The Senator from Delaware, in giving definition of the meaning of the resolution, solved, perhaps without designing it, this principle and remedy. The mover's view of States rights is, as I understood them, that the United States are confederated corporations; each a party to the Constitution in the nature of a treaty or confederation; and when this Government, or perhaps one of the States, in the judgment of a State, shall violate this compact, it may declare the whole contract void, because it has been broken, and cease to observe it with the same freedom and upon the same principles that one nation declares a treaty null because the other party, in its opinion, has violated it. This must be the remedy—the right to recede from the Union when a State sees cause; and what is this but nullification? The resolution is capable of two constructions: one to bear out the Senator's view; the other the view of those who hold to a different construction of the Constitution, and still call themselves State rights politicians. But what advantage can there be in avowing an opinion that can only excite controversy about its meaning. It is futile to attempt to make the Constitution broader or narrower, for we have no power to add or diminish. We may sanction puzzling theories about the probable intention of the United States, but the Constitution must and will speak for itself, be the opinions of this Senate what they may. The public will look upon such acts as they are—unnecessary, and obligatory upon nobody, as mere attempts to give direction to the public judgment.

Sir, I ask the Senator and the Senate to read the preamble to the Constitution, which I now bring to their attention:

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America,"

And compare it with this first resolution; observe its unequivocal language, "we, the people," etc. instead of the States, as corporations, and see how they will stand together. But, sir, I will not dwell on this matter, which has been again and again argued by the best talent in the country. I care not whether the Constitution was made by the States, as corporations, or otherwise; it makes no provision for nullification; gives no countenance to it, but leaves it to stand on such theories as human invention has brought to its aid. I am in no respect disposed to revive it, since it has met with signal public condemnation, and therefore shall vote against all abstractions where its seed is sown. It is no part of my duty to sit here forming creeds and confessions of faith for the purpose of experimenting upon public opinion. The people, I hope, will think and act for themselves, and will be too wise to entangle their understandings in the meshes of politicians.

What is the second resolution? It seems designed to point out the duties of the States towards one another in regard to their domestic institutions, and the duty of this Government to protect each State in the enjoyment of all such domestic institutions, and to restrain such States as assail those of other States. This country stretches through a wide space of the earth—embraces twenty-six States—some almost under a vertical sun, while others are in the region of frost. These domestic institutions, we all know, must be various, and different under different circumstances. Those, for example, suited to Louisiana, will be ill fitted for Vermont. The views of different States upon the necessity, character, and expediency of domestic institutions will always conflict, and our organization was designed for that very purpose. The right of speech, the freedom of the press, the liberty of discussion, are domestic institutions; and are we to be restrained in the exercise of any of these precious rights, because others differ from us in opinion, and may hold our reasoning against their institutions injurious? These matters all belong to the States: and it lies with them to regulate them at pleasure, and without reference to the views or opinions of other States. If the design is to clothe this Government with power to abridge the privileges of the States, then the Senate can exercise no such authority, and had better pause before it acts.

But, sir, I must bring my remarks to a close, as the state of my health will not permit me to proceed. I intended to have examined the character of these resolutions more in detail, and to state more fully my objections; but I must forbear. I cannot, however, sit down, without asking the Senator from South Carolina again—why he incorporates political doctrines with this matter—why he mingles with slavery the annexation of Texas to the United States? He says we must go back to elementary principles, to fundamentals. Go back from where, and what are we to go to? Sir, both you and the Senator participated, but with quite different sentiments, in that act of this Government sometimes called the Force bill; and each of you had your opinions upon that celebrated paper called the Proclamation. You were then arrayed against each other. The Senator is about to go back, and asks the Senate to go with him; and they do go with him, but where from, and where to? He cannot be going to the Force bill, or the Proclamation; and doubtless he considers the Senate as going from them, back to what? I have endeavored to show the character of the first resolution, and the construction which may be put upon it. It may possibly be considered an attempt to renew a creed which the Force bill and the Proclamation had rendered of doubtful authority. For myself, I had little sympathy with those who so much lauded the Proclamation, or so much condemned the bill. The quarrel was between parts of the same States rights party. Having drawn the attention of the Senate to the use which I fear may be made in the country of this resolution, I shall not at this time proceed further.

Mr. WEBSTER expressed a hope that, as Mr. Davis was now (from indisposition) too much exhausted to continue his remarks, the Senate would adjourn.

Mr. DAVIS replied that he should be glad to submit some further remarks, but could not proceed now, and would not request the Senate to stop the progress of business on that account.

Two divisions were then had on the adjournment, when the Senate refused to adjourn.

Mr. DAVIS then resumed his seat.

Mr. CALHOUN rose and said, that before he should notice such observations of the Senator from Massachusetts (Mr. Davis) as he deemed pertinent to the question before the Senate, he felt it a duty which he owed to himself, to state distinctly the position which he had heretofore held in relation to the subject of these resolutions. It is not true, as the Senator supposes, that my views in relation to the proper course to be taken have prevailed. It is just the reverse. Mr. C. said he had, he believed, been in a standing minority from the time the subject of abolition was first agitated in this body till the introduction of these resolutions; and, although he had steadily objected to the reception of any abolition petitions, so far from taking a lead in laying them on the table, as the Senator stated, he had not, in a single instance, made such a motion. He was, on the contrary, wholly opposed to the course. He had never doubted the folly of the position, that we were bound to receive petitions, but might lay them immediately on the table, without consideration or discussion. In the original debate, he told the Senator from Pennsylvania, (Mr. Buchanan,) who took a lead in favor of that course, that it was utterly indefensible, and that the reasons he (Mr. B.) assigned to prove that we were bound to receive, would be equally cogent to show that we were bound to refer, report on, discuss, and decide on them. He also told him

what would be the consequences of his false position, all of which have already been realized. The Senator from Kentucky has already taken the precise ground which he foretold would be taken. Nor is the Senator less mistaken in supposing that he has been opposed to the discussion of the subject. He has, it is true, been utterly and unalterably opposed to any discussion with the Abolitionists. They have no right to come here, and he was and is for shutting the door in their face; but he never shunned discussion when the subject came fairly up, nor would he, so long as the Senator's constituents and others continue to agitate the subject; in proof of which, he referred the Senator to the course he adopted in relation to the President's Message, some years since, on the circulation of incendiary publications through the mail. So far from avoiding discussion, he raised a special committee on that portion of the Message, made a full report adverse to the President's views, accompanied by a bill, which gave rise to much discussion. So now, acting on the same principle, he had presented these resolutions as the antagonist of the Vermont resolutions. He touched on these misapprehensions of the Senator as to his course, the more fully, as there appeared to be a fixed determination of late, both in and out of this Chamber, to mistake his course on this as well as other occasions.

But this is not the only instance of the misstatement of his course by the Senator. He has misapprehended it as much in relation to the subject immediately under discussion. Assuming, erroneously, as he had shown, that his position had been that Congress has no right to agitate or discuss this subject, however presented, he accuses him (Mr. C.) of challenging debate on the present occasion, and says that he (Mr. D.) would have remained silent had it not been for his challenge. The Senator greatly mistakes in supposing he had made any such challenge, and he thought it would puzzle him to state when and in what terms it was given. It is true, he stated, that the political creed of the Senator, and those who thought with him, in reference to the origin and structure of our Government, so far from affording any constitutional protection against the assaults of the Abolitionists, had roused their fanatical spirit into action; and he had, at the same time, called on the party generally who entertained it, to show, if he was in a mistake as to the effect of their creed, what protection it afforded. If the Senator has construed this into a challenge to discuss these resolutions, he must say he has most signally failed to meet it. He has wholly shunned the point on which it was given. He has not even attempted to show that the view which he and his party take of the Constitution can afford the least protection against the dangers which now so seriously menace the country and its institutions. His silence he had a right to consider as conclusive proof of the truth of his assertion, and the Senator ought not to be surprised if, after this tacit confession, he should turn to those who entertained the opposite constitutional views, and call on them exclusively to rally to the rescue at this hour of danger. The Senator was so conscious of his weakness on this point, that instead of attempting to point out a remedy, when his political theory afforded none, he took the opposite course, to deny that there was any danger to be repelled. He told us, gravely, that the Abolitionists were no Disunionists; that they had no ambitious objects; no corrupt purpose; that they repudiated all interference with the States; that they only aimed to abolish slavery in the Territories and in this District, where there were not more than 2,000 slaves; and that they claimed no right, but to beg you to grant them the innocent and harmless boon they craved, (of cutting our throats and burning our houses,) and that these beggars were but a handful, of whom a large portion were females. Such is the picture which he gives of this small band of innocents, and the harmless motives that actuate them; and this, in the face of the constant, uniform, and open avowal, that their object is the total abolition of slavery in the States, as well as in this District and the Territories, and that they consider the abolition in the latter but as the first step to abolition in the former.

But he had received a letter that very morning from one of the fraternity, of high standing and authority, which gave a very different account of this small corps of humble beggars. He says that they count 1,500 societies, averaging 100 individuals each, and are growing at the rate of one society a day. Here, then, we have 150,000 persons regularly organized, with a copious revenue, and an extensive and powerful press, (a large portion of whom are the Senator's constituents) who are waging regular war on the institutions of the southern and western States; institutions that involve not less than $900,000,000 of property, and the prosperity and safety of an entire section of this Union, in violation of the most solemnly plighted faith, and subversion of the fundamental principles of the Constitution; and yet the Senator can see neither harm nor danger in all this. When we see one of his enlightened understanding, and usually correct sentiments, thus thinking and feeling, what must be the tone of those with whom he is daily associated, which could so blind his understanding and blunt his moral perception?

He next tells us that the Abolitionists can do no harm; that their publications cannot circulate in the slaveholding States, and can do no mischief in the non-slaveholding States; that the evil exists here, where too much excitement exists; and that if we would keep perfectly cool and patient, and hear ourselves and constituents called robbers and murderers, and our rights and property and lives attacked, without moving hand or tongue, all would be well. Accustomed, as he has been, to respect the Senator for his sober and correct judgment and feelings on most subjects, he could not but be surprised at the language which he has held on the present occasion. Is his judgment so perverted that he can see no danger to the Constitution and the Union, for which he professes, and, he doubted not, sincerely, to have so much regard, in the thousands of publications and lectures which are daily issued and delivered, holding up, in the blackest colors, the character and institutions of nearly one-half of the Union; exciting towards them the deepest feelings of abhorrence, to be returned, on their part, with a detestation not less deep? Is the universal spread of this deep, mutual abhorrence, compatible with the existence of the Union? If not, is it not time to arrest it, and, of course, to deliberate on the means of doing it? Are the Senator's reason and feelings so far warped, that he either cannot apprehend the plainest consequences, or, apprehending, is indifferent to them?

But we are next told, for the hundreth time, that these are mere abstract propositions, and not demanded by the occasion; on which account, with various other reasons that he assigns, he cannot vote for them.

It was, he would suppose, perfectly needless for the Senator to assign any reason for voting against these resolutions, or any other measure having the same object in view, after what he had told us of the Abolitionists, and the purity and harmlessness of their objects; nor is it at all surprising that he should think that there was no necessity for their introduction. But those who regard the subject in a different light, who see danger where the Senator sees nothing to apprehend, and crime where he beholds innocence, will come to a very different conclusion. They will think it high time that this body should define its position; should declare its opinion as to those unprovoked assaults of one portion of the Union on the other, and take the stand it intends to maintain in resistance to them; and that the opposite course—to remain silent, or tamper with the disease, is neither becoming its dignity nor its duty.

As to what the Senator has thought proper to say about the secret mischief lurking under these resolutions, about nullification and his (Mr. C's) bitter experience in relation to it, he understands his object to be to distract and draw off attention from the real point at issue, and he does not deem it deserving reply. He will pass it in silence, with a single remark. The experience of nullification is indeed bitter; not to those who applied the remedy, and freed themselves from a disease that was preying on the vitals of the Constitution and the South, but to those against whom it was applied, and who were fattening on the industry of the rest of the community. He would tell the Senator that the bitter terms with which he and others of his creed have denounced it, will only serve to endear it to those of an opposite political faith, and, instead of putting it down, give to it new vigor and growth.

The Senator asks, why mingle abolition with political matters? Why with the Texas question? He knew not how to reconcile such questions with the respect which he has entertained for the Senator's intelligence and fairness. Does not the Senator know that we have received hundreds of petitions, and that they continue daily to pour in on us in one incessant stream, praying that Texas may not be admitted, on the ground that it would extend the limits of the slaveholding portion of the Union? Does he not know that a sovereign State of the Union has come here with its resolutions objecting to the annexation on the same ground? Does he not know that the entire movement on abolition, with the object proposed to be effected, and the means by which it is to be done, involves political and constitutional questions and considerations of the highest possible magnitude, vital to the peace and safety of all? Knowing all this, with what propriety could he ask me the questions he did? Does he wish to shift the burden, by making those who repel, and not those who assail, responsible? Does he wish to transfer the odium from those who make war on our rights and property, to us, who defend them, and this, too, in the face of the most notorious facts?

As brief as has been his notice of the Senator's apology for the Abolitionists, (for such he must consider his speech,) it is much longer than he would have made it, had it not been for the respect which he has had for his talents and character. He cannot consider the course he has pursued in his speech as indicative of his actual feelings and fairness, and is compelled to regard it as indicative of the distempered state of the public sentiment of those he represented. Thus viewed, it affords an important lesson to those he represented. Throughout, not a censure of the Abolitionists is whispered. All is excuse, defence, apology. It is we, not they, who are the agitators; it is we, not they, who are the disturbers of the peace and quiet of the country; it is we, not they, who are the assailants; it is we, not they, who harbor ambitious and improper designs; and, finally, it is we, not they, who meditate disunion. It is no crime to attack us, but a heinous offence in us to defend ourselves.

Mr. NILES said he had taken no part in this debate, and from the first, had no desire to do so; and from the course it had taken, that purpose was by no means weakened, so far as respected any general discussion of the various questions which had been brought into consideration. It might, however, be proper for him to say a few words in explanation of his own course. He felt that the resolutions before the Senate had placed himself and some others in a delicate situation; he was, and ever had been, decidedly opposed to the agitation of this subject in Congress, in any form; he was opposed to its discussion here, believing that it would tend to increase the evil which it was designed to remove. But it has been brought before us, and we are compelled to act upon it; and however he might regret that the question had been brought up, unnecessarily as it appeared to him, he should vote on the several propositions according to his sense of duty to his constituents and the country.

The manner of treating this delicate question was, in his opinion, of some importance, as well as the proceedings or measures which may be adopted. In this respect he thought the course pursued had not been judicious, and, he feared, was not calculated to have a beneficial influence on public sentiment. What is the object of these resolutions, and what end is to be answered by them? This question he regarded as quite as important as that of the correctness and propriety of the resolutions themselves. The object, he considered, was to attempt to quiet the public mind, and stop the spread of the spirit of Abolitionism. He was aware it was said by some gentlemen, that these resolutions were mere abstractions, not connected with any subject before the Senate; that they could have

no other purpose than to obtain the opinion of the Senate on certain abstract principles or truths, which were to have no practical application whatever. He did not view the matter in that light; he did not consider these resolutions as a mere attempt to settle abstract constitutional questions, or to establish political creeds, or what the Senator from Massachusetts calls a platform. He had as little faith in the efficacy of platforms, whether in politics or religion, as that gentleman; platforms were generally found either too narrow or too broad, too short or too long, or in some way defective, so as to want, from time to time, altering or repairing; and in stopping one defect, a worse one may be occasioned.

If he viewed these resolutions in this light, as several Senators over the way appeared to do, he would not be for entertaining them a single moment. He would not waste the time of the Senate in discussing mere abstract propositions, no way connected with any subject before it. But he regarded the resolutions as applicable to a subject which was before us: he considered them as an answer to the petitions, memorials, and resolutions which had been presented to the Senate, praying for the abolition of slavery in this District, in the Territories, and the prohibition of the trade in slaves between the States of this Union. These resolutions are intended to present the sense of this body on those subjects which have been brought before us. Considering them in this light, he did not think they had come before the Senate in the right way. If we are to respond to those memorials, it would, in his humble opinion, have been more respectful to the petitioners, and more proper in itself, to have had them referred to some committee, and to have had these resolutions, if they are the proper answer, reported by such committee. He had not been so fortunate as to agree with the majority as to the mode of disposing of those petitions. He was disposed to maintain the right of petition to its full extent. If these resolutions had come from a special committee raised for the purpose, he should have been better satisfied; and, with these feelings, he regretted that the motion made yesterday to refer the whole subject to a special committee, was withdrawn. He had another objection: they came from the South, and would be considered by some as containing the Southern view of this question, and that other Senators, from political or other considerations, were induced to vote for them.

These were his objections to the expediency and the form of these proceedings; but he had a few remarks to offer upon the resolutions themselves. They are here, whether properly or not, and we are called on to decide upon them; and when we arrive at that point, they ought to stand or fall upon their own merits. They are objected to on several grounds: first, as being mere abstractions, having no practical bearing; and if by this is meant that they are, if adopted, to have no operation on the rights of any one, this objection is correct. But he would not add to what he had said on that point. They are also objected to on the ground of their having a double aspect—one political, the other having reference to the abolition question. Some gentlemen think that they are altogether unsound and dangerous, as the affirmation of a political creed. They think they discover a lurking treason in them, or a squinting towards nullification. Remove the veil, says the Senator from Massachusetts, and you discover that little thing called nullification. It is also said that the political principles in the resolutions are in no way necessary, relevant, or proper, so far as respects the subject of Abolitionism, which is the professed object of the resolutions.

Mr. N. said these objections had no great force on his mind. So far as the resolutions embraced political principles he had no difficulty; he believed them to be sound and just. They contained a brief exposition of the true theory of our Government; there was nothing new in them; their doctrines were those of the old Republican school of '98, which he regarded as the true interpretation of the Constitution; the doctrines of State rights, which were the true principles of union and liberty. They had stood the test of public opinion and of public scrutiny, in every way and form, for nearly half a century, and he thought it rather too late to call them in question now. These doctrines, he verily believed, formed the only basis on which union and liberty could be maintained together. If, in the infancy of the Confederacy, these principles were deemed just, and the only bulwark against consolidation, the experience of the last forty years has added immeasurable weight to the conviction by which they were then sustained. This Government has exhibited a steady tendency towards consolidation; and this tendency, whilst is is constantly impairing the rights of the States, is the source of greatest danger to the Union. But it is said that the political features of these resolutions, whether right or wrong, are irrelevant, and have nothing to do with their avowed object. He thought very differently. Petitions are before the Senate, asking us to abolish slavery in this District, and to prohibit the slave trade between the States. We present these resolutions as an answer to these requests. We hold up the mirror of the Constitution, that the petitioners and all others may see the objections and difficulties existing in the very theory and nature of the Government—that they may see that some of the objects prayed for are directly in conflict with the Constitution, and that others have a direct and necessary tendency to disturb the Union. Sir, said Mr. N. is it not apparent that false views in regard to the true theory and nature of our Government lies at the foundation of all abolition proceedings. He referred to the prime agents and agitators of this matter, rather than to those who were petitioners for the abolition of slavery in this District. The designs of these agitators are not confined to this District; we have evidence before us that they are not; they are praying for the prohibition of the trade in slaves; they are already directly interfering with this matter within the States. These unfortunate men who, I fear, are to be the disturbers of their country's peace, view this subject in a religious rather than a political or civil aspect. They regard slavery as a moral evil; as a sin in the sight of God, which they are in conscience bound to set their faces against and to attempt to extirpate. They profess to regard this as a moral and religious duty, and that to neglect it would be to bring guilt upon their own souls. Does not this show that they consider themselves in some sense responsible for what they regard as a crime, which must proceed from the consideration that we are one people, one community, for local as well as general purposes? These men mostly belong to the clergy, who, with many honorable exceptions, are, of all men, the most liable to fall into error on this subject. Their course of reading, reflections, associations, and duties, all tend to lead them into error in regard to the nature of our Government and political and social rights. If they do not entertain erroneous views on this subject, why do they confine their efforts to slavery in the United States? Is there no slavery elsewhere? Why do they not give their attention to Cuba and the islands lying along upon our coast? Does not slavery exist there? and is it not known to be much more cruel, severe, and oppressive? Who has ever heard of the exertions of Abolitionists to abolish slavery in the Island of Cuba? Depend upon it, sir, these fanatics act under an impression that they are in some respect responsible for the existence of slavery in the United States, because they are citizens of the same country and belong to the same general community. These resolutions present this subject in its true light; they hold up the States as separate and independent communities, except for a few general purposes; as much separate and distinct in all their concerns and institutions purely local, as though the Union did not exist; as much separate and distinct as these States are from Canada, or Cuba or Mexico. A citizen of Vermont has no more right to interfere with the subject of slavery in South Carolina, than a citizen of Canada. Is there not reason to believe that there is much delusion on this subject? At any rate, if we are to act on this subject, what better can be done than to hold up to view the true relation in which the citizens of one State stand to those of another? which, it would seem, must convince every person who was under the slightest influence of reason, of the manifest impropriety of the citizens of one distinct independent community interfering in any way, directly or indirectly, in the civil and domestic concerns and interests of the people of another separate and independent community.

Mr. N. said he would briefly notice the remarks of the Senator from Massachusetts touching the danger of the abolition excitement. He appears to think that no evil is to be apprehended from it, and, if let alone, it will subside. He (Mr. N.) had heretofore entertained the same sentiments; he had hoped and believed that this excitement would pass off; but, at the present time, he felt bound to say that he had doubts and fears. He should consider himself as faithless to his trust, were he to cry peace, peace, when he had reason to fear there would be no peace, so far as this question could interrupt it. With errors at both ends of the Union, and unwise counsels here, (for he could not approve of the course which had usually been pursued in relation to this matter,) he could not but fear this was a subject pregnant with momentous consequences. That the abolition spirit is spreading could not be denied; and, what is more alarming, it is connecting itself with the politics of the day. What is the source of danger from Abolitionism? The Senator from South Carolina has alluded to the true source of the danger, but he has not fully developed it. The gentleman from Massachusetts (Mr. Davis) seems to think that there is no danger, and asks what *force* can be brought against the Union? He says the South is always united; that it presents a solid phalanx; whilst the North is weakened by divisions; and that in consequence of this, the South has always had a controlling influence in this Government; that it has defeated the internal improvement and other systems of policy. Mr. N. was not disposed to go into this inquiry; he knew that each section of the Union always claimed that its influence was less than it should be, and that the controlling power of the Government resided in some other quarter. The South claimed to be the weaker section, and the gentleman must admit that some measures had been sustained, and long persisted in, against the feelings, and as they believed, against the interests of the South: he alluded to the high tariff system, of which the Senator had been so prominent a supporter. The South were at this time as much divided on other questions as other sections; but they were united on the subject of slavery; they could not be otherwise; they had a common interest and must have a common destiny; and this, whilst it may add to their security, increased the danger to the Union, if the citizens of the North persisted in interfering in their local and domestic concerns; if they persist in using or perverting that sort of connection which the Union creates, to purposes which it does not authorize, and never intended, to the intermeddling in matters and interests which belong exclusively to the people of each State to manage in their own way, as much as if the Union had never existed.

But, sir, what is the real source of danger? We are told that no force can be brought against the Union or the South. This is true, sir; the danger is not from force. What is the strength of this Government, and of this Union? Is it force? Is it backed and sustained by your army and navy; your militia, or other military establishments? Far from it: that is not the design of those national institutions The strength of this Union, of this Government, is *public opinion.* This is its only abiding foundation; the rock on which it rests, or upon which it must founder. As long as that remains sound, we have nothing to fear, and hence we discover the danger from the movements and apparent designs of the Abolitionists. Are not all their efforts directly calculated to poison public sentiment? Are they not calculated to alienate the opinions and feelings of the people of one section of the Union from those of another? If their schemes are persisted in, is there not reason to fear that feelings will be engendered in both ends of the Union, hostile to each other and the Union itself? Does any one suppose that this Confederacy of States can be preserved with public senti-

ment hostile to it; with feelings unfriendly and hostile between the people of the two extremities Does any one supppose it can be maintained when the time arrives (but he hoped it would never arrive) when the entire population of one section of the country, comprising nearly half the States, become fully and deeply impressed with the solemn conviction that the Union, instead of adding to their security, is the fruitful source of danger to their domestic institutions, their property, their peace, and their lives? He must know little of the nature of this Government, and little of human nature, who can entertain such an opinion. Sir, the strength of this Union is in the hearts and affections of the people; in a settled, abiding conviction, that it is a source of security, a benefit, a blessing, to all parties to it. When this sentiment is gone, the Union is, in fact, dissolved; and if it should exist in name, it would be feeble and powerless even for the general purposes for which it was more particularly established.

Mr. N. said he had hoped, and he still hoped, that this fanatical spirit of Abolitionism could be allayed, and had been opposed to all agitation of the subject here, believing that the better way to quiet it. He had been disposed to pour oil on the troubled waters; to soothe rather than to irritate the feelings of those who might be honest, but acting from a mistaken zeal. But he greatly feared the evil had spread so far, and was seated so deep, that it would not subside in this way; he feared it would go on extending and spreading until it reached a crisis. And this fear was increased when he witnessed the efforts that were making to give this question a political turn. Sir, this battle is first to be fought at the North; when the standard shall be raised—and he feared it had already been raised in some of the States, and he had heard that gentlemen of his own State had been denounced for votes given in another place—when the standard of Abolitionism shall be raised as a political standard, with the inscription upon it, "we vote for no man who is not in favor of abolition," the evil will have reached its second stage, and a fearful one indeed. The war will then have commenced in the non-slaveholding States, and must continue until the issue there is decided. This will be a contest for the Union, in which there can be no neutrals. The Senator from Massachusetts occupies a position somewhat different from that occupied by himself, although he would by no means insinuate that he was an Abolitionist, or disposed to favor their mistaken views. But he may yield to this spirit for a time; he may take the first step and the second step, but he would finally be brought to a pause. The Senator has alluded to the disaffection that once existed at the North, which, he says, passed off without any serious consequences, and the active agents in it became very unpopular, or odious. Mr. N. should not differ with the Senator on that point: he believed that the prominent actors in those scenes were justly rendered not only odious, but infamous; but the danger then was not so much in the designs, whatever they may have been of the prominent leaders, as in the state of public opinion, which was by no means favorable to the continuance of the Union; nor can any one tell what would have been the final issue of these troubles, had not peace come as it did. He was in the midst of those trying scenes, and knew the danger, but did not wish to dwell upon it here. But the cases are by no means parallel: the causes of disaffection then were the measures of the Government, which must, in their nature, be temporary. The abolition excitement springs from causes which are permanent, and cannot be removed; neither is it directed against this Government or its Administration, but against the domestic institutions of certain States in this Confederacy.

When this evil reaches its second stage, to which it appears to be fast approaching; when it is attempted to build up a political party based on Abolition principles, he should not hesitate to take his stand; he would fearlessly oppose its advance; would contest every inch of ground; he would resist so dangerous a spirit of disunion, as he had on a former occasion; and what little he possessed of character or influence, he staked upon the issue. Nay, more; he would stake upon that issue all that he held dear this side the grave—character, property, friends, and life itself. He was bold to declare that he would defend the rights of the South, so far as they had rights secured by the Constitution; he would defend them to the very verge of the Constitution; and in so doing, should consider that he was defending the rights of the North, and the whole Union. We must stand or fall together; and the only way we can hope to stand is, by holding sacred and inviolate the rights of each and all the States guarantied by the Constitution.

Sir, (said Mr. N.) I will not undertake to predict what will be the issue of this struggle at the North. For a time, very possibly, the side of error may prevail. It was a subject peculiarly calculated to take hold of the feelings and prejudices of large classes of the people; it was a subject calculated to delude and mislead. But if the Abolition party should prevail, and Abolition principles triumph, we shall have then reached the third stage of the evil; the contest will then be brought here, and between the different States of this Union. Then are to follow reproaches, criminations and recriminations, and real or supposed aggressions offered and repelled; agitation, alarm and confusion may prevail, and the noble fabric of the Government appear to be falling to pieces. This will be the final crisis, which may fill the country with calamities, but the Union will not be dissolved. When the waters of bitterness have spread over the land—when the people have drank deep from the cup of affliction—when they have seen and tasted enough of the bitter fruits of fanaticism, folly, rashness and passion—the good sense and reason of the people will return, the delusion will subside, and the dark clouds which have lowered over our horizon will gradually disappear, until the sun breaking through them shines once more on our favored land. Sir, the Union will not be dissolved, although it may be put to a severe trial. He felt a strong conviction, an abiding confidence in this; but if he could for a moment believe that Providence has ordered otherwise—that this Confederacy is to be broken down—it would make no difference as to his course. When driven from every other position, he would make his last stand on the ramparts of the Constitution, where he would make the last rally for the last struggle in its defence. If unsuccessful—if he fell—he would fall with the glorious standard of the Union in his hand, and the words of the venerable ex-President on his lips—"THE FEDERAL UNION MUST BE PRESERVED."

Mr. BAYARD move to strike out the words "the several States," and insert the words of the Constitution itself, viz: "the people of the United States." His only object was to avoid a committal to a political creed, to which he could not consent. If Mr. C. would admit this slight change, Mr. B. would go with him.

Mr. CALHOUN objected, that those words were ambiguous; they might be taken in a geographical sense, meaning the inhabitants of the northern continent of America; or they might mean the people, as a people; or they might mean the people only of the several separate States. The latter was the only sense he could admit.

Mr. BAYARD urged that the very words of the Constitution, to which every Senator had sworn, could not surely be objected to. It appeared to him that Mr. C. was contending rather to put his own peculiar interpretation upon that instrument, rather than following the instrument itself, leaving the interpretation open. This he (Mr. B.) contended ought to be done. Why, he asked, should Mr. Calhoun refuse to take the very words of the Constitution itself?

Mr. CLAY of Kentucky said, if the Senator from Delaware would frame his amendment according to the historical fact, in the adoption of the Constitution, Mr. Clay would vote for it. The historical fact was, that the Constitution was adopted by the people of the several States, acting within their respective limits.

Mr. CALHOUN. The Senator, to establish the views of the other side, has selected a passage for his amendment which is their whole reliance. We rely on the historical fact; and the Senator from Delaware ought not to force his interpretation on us.

Mr. BAYARD. The Senator is much mistaken if he thinks our views are sustained only by the preamble (of the Constitution.) The historical fact is, that it is the Government, in the words of the Constitution, of "the people of the United States." It is so decided by Chief Justice Marshall. When the preamble of the Constitution was "We, the people of New Hampshire, Vermont," &c. the names of the several States were stricken out, and the existing expression inserted, in order to avoid all ambiguity. I do not depend at all on the preamble, but on the discussion in the Convention. I can demonstrate that it was regarded as a Government emanating from the people as a general body; and on this subject I shall be ready to wield a lance with the Senator on any substantial occasion. If the Senator puts a different construction on those words, be it so; I do not want to express any particular opinion on that subject.

Mr. BAYARD'S amendment was lost—yeas 8, nays 34; and the third resolution was adopted—yeas 31, nays 11.

SPEECH OF MR. J. L. MURRAY,
OF KENTUCKY.

In the House of Representatives, January 9, 1838—In Committee of the Whole on the resolution offered by Mr. HAYNES to refer so much of the President's Message as relates to the finances, the safe keeping of the public moneys, etc. to the Committee of Ways and Means, and pending the amendment offered by Mr. CUSHING—

Mr. MURRAY being entitled to the floor, said—

Mr. CHAIRMAN: It is, sir, with considerable reluctance that I rise, for the purpose of taking a share in the discussion of the subject under consideration. Nothing but a deep sense of the obligations of duty which I owe to the people whom I have the honor to represent, could at this time induce me so to do. As I have not, however, been heretofore obtrusive in debate, I hope the House will not consider me a trespasser on their patience for the little time which I shall occupy the floor. Great pains seem to have been taken to induce the country to believe that the recommendations of the President in relation to the safe-keeping of the public moneys, or, in other words, what has been denominated the "Sub-Treasury system," is ominous to the liberties of the people, and fraught with the most serious dangers. Such as have not fully understood the nature of those recommendations, and are unadvised as to the probable effects of their operation upon the country, should they be adopted, must have concluded, no doubt, from seeing so many bitter denunciations against them, that the system proposed could be little else than some fell measure of despotism. Those persons, however, must be much surprised, when they come to learn that so much of the Message as relates to this subject, implies nothing more than the safe-keeping of the public moneys by the Treasurer of the United States, by the collectors and receivers of the revenue, and by the officers of the several mints, until those moneys are paid over to the public creditors in the manner prescribed by law. In this there would seem to be nothing extraordinary in the management of our fiscal affairs; nothing beyond what has at times been the practice of perhaps every civilized government on the face of the globe, and is now the practice of our own Government; the whole system having been, from necessity, in operation since the suspension of specie payments by the banks in May last, but without those safeguards intended to be thrown around it by the recommendations of the President. Prior to the general suspension of specie payments, the public moneys seem to have been collected by the public officers, who, instead of paying them over to the public creditors, paid them over to the deposite banks, who kept and used such moneys until they were received by the public creditors. The collectors were the officers of the Government, and responsible to her. The banks were a class of agents of a very different character, being independent of, and not subject to, the control of the

Government. These two classes of agents were then used in the collection and disbursement of the public revenues. The recommendations of the Message propose to dispense with the latter class of agents, and to retain only the first class in the performance of these duties. This would seem to simplify very much these important operations of the Government, and keep the public moneys always within her control. The former system was more complex, and left our public treasure in the hands of irresponsible depositories. This system is now objected to, on the ground that the depositories proposed would be unsafe, and too much would be added to the patronage of the Executive. It is objected to, also, on the ground that it would operate injuriously on the currency of the country. I shall notice these, and some other objections, in the course of my remarks. For the present, however, I will observe, that from the sentiments which I entertain, the objections appear to me to be themselves very objectionable. It does not appear to me that the Government funds ever can be safe in the hands of depositories not responsible to the Government, nor subject to her control. Such depositories will ever have it in their power to thwart the purposes of the Government, by withholding her funds, which, in extraordinary emergencies, as in times of war, might enable them to upset the Government. The history of the late deposite system is a clear exemplification of the danger of employing such depositories. The fact that the Government was pronounced bankrupt, and was, in fact, unable to pay her creditors, when she had at the same time near thirty millions of dollars in the hands of her deposite banks, which, from their suspension of specie payments, she was unable to command, is commentary enough on such a system; or, rather, the facts being stated, need no commentary at all.

On the other hand, I have been unable to discover in what manner the system proposed, if adopted, could injure or debase the currency of the country. So far as its operation may be concerned with the currency of the country, I am clearly of opinion that its effects will be salutary. For myself, however, I am well satisfied that nothing but a general and radical reform in the present banking system of the United States can relieve us from the sudden and disastrous fluctuations in our currency, which have heretofore so long and so often afflicted the country.

Banking, according to its present organization, is but an enlarged and legalized system of brokerage. It has accompanied its operations on the community with the most dangerous tendencies, corrupting the morals of the people by infusing into all classes, whether high or low, the most inordinate spirit of speculation, and sporting with their fortunes by the expansions and contractions of its credit, and depreciation of its paper. The seeming prosperity for a time with which it clothed the country, but duped and seduced our citizens to engage in unnatural speculations, for which they were unprepared, for which their former pursuit had disqualified them, and in which they involved themselves beyond their resources. All this but furnished to the banks additional facilities for ruining the country, by an unprecedented increase in the number of those institutions, and extension of their credit. Banking had become the most profitable and, at the same time, the most irresponsible of all the modes of speculation. A company of individuals had only to be incorporated as the stockoldhers of a bank; and they could, to any extent, exchange their credit, in the shape of bank bills, for the credit of the best citizens of the country, in the shape of endorsed promissory notes, and secure to themselves the highest rate of interest on the exchange. Though a mere exchange of credit, in such case the profits are all on the side of the bank, whilst the responsibilities are all on the side of the citizen. He and his endorsers are responsible personally, to the last cent of their property, for the payment of their note given to the bank, with the discount and interest thereon. The bank, whose stockholders are shielded from individual responsibility, and whose mock capital very often appears only on her books, and not in her vaults, gives her credit in exchange until it floods the country, upon which she pays no interest. The bank is always secure, and treasures up large profits, withdrawn from the industry of the community. The community may be ruined by the breaking of the bank, after which her stockholders are irresponsible. In this way splendid fortunes are amassed by the stockholders, without any portion of that hazard and responsibility usually attendant upon the enterprise of the honest adventurer. For the last year or two preceding the suspension of specie payments, the profits of the banks are known to have been enormous, varying, in most instances, from 18 to 50 per cent. Since the suspension, most of the banks have fallen into the keeping of their evil genius, being compelled, from the stern force of circumstances, to yield to the pressing or tempting necessities with which they are surrounded. The mammoth brokers, shielded from responsibility, and entrenched behind the forms of law, have fallen into the hands of the shaving shops and common brokers of the country, being compelled to become the victims of their exactions, or the panders to their iniquities. Brokers fix whatever price they please upon their paper; and although the character of the institutions must suffer injury, the community must bear the loss. I will give you one instance. In the West, for some time after the general suspension, the merchants of New Orleans continued to receive paper upon the banks of Tennessee at par, in payment of debts. The brokers of New Orleans, however, determined to give no funds for Tennessee paper without a discount of ten per cent. The consequence was, that the merchants were compelled to demand a discount also of ten per cent. that being the price placed upon it by the brokers. Instances, however, need not be cited except for illustration; the facts are known to exist, and the practice to prevail, in perhaps every commercial city in the Union. The siren herself is taken by means of the same charm with which she so often lured others to destruction.

But it may be presumed that the banks will not willingly submit to this mortifying and humiliating injury upon their credit, without endeavoring, by some means or other, to reap some corresponding benefit. The strongest temptation is thrown open to the banks to employ brokers to buy up and purchase in their paper at a discount, or such a price as has been placed upon it by the brokers. I do not affirm that this is the case, nor am I going now to stop to investigate the matter. I only state the temptation; for human experience has admonished us that when temptation courts, the lure is not always disregarded. What is lost in character may be compensated in gain. The history of banks will show that gain is the great object of their creation and existence. This they pursue with the avidity of a hungry tiger. It is never for a moment lost sight of in any calculation, nor forgotten in any emergency. The north pole is not more steadily watched by the anxious mariner than is gain pursued by the banks. If the good of the community and the gain of the banks come to be weighed against each other in the scales, the preponderance is always on the side of the bank interest. This, then, being a principal and leading ingredient in their nature, how is it possible to expect that banks that are lying like an incubus upon the community, powerless and almost motionless—like the wreck of some dismantled and foundered ship, brought to destruction in the distant ocean by the temerity and folly of her drunken helmsman, who sits in motionless stupor, and witnesses without emotion the surrounding disasters and distress of which he is the author—will resist the many opportunities that surround them of enjoying the savage and miserable consolation of profiting amidst the general calamity, by receiving additional accessions to their gains, though adding still further to the general prostration of the country. The amount of bank paper in circulation at the time of the late suspension of specie payments is said to have been $140,000,000. The depreciation in this enormous and bloated mass is estimated at 10 per cent. which, on the $140,000,000 in circulation, would be a loss to the community of $14,000,000. This was a clear loss; a deadening shock to the holders of the paper, sufficient of itself to produce very disastrous results.

This, however, was a small item compared with the general prostration of confidence and other results consequent upon the depreciation. The paper circulation being depreciated, forced the precious metals to disappear, or threw them into the markte as merchandise. The holders of specie laid it away under lock and key, or carried it to the brokers, and sold it for the premium it commanded. The miser made himself secure against the evils of depreciation, by locking up his gold and silver, whilst the Shylock and usurer fattened upon the premiums received from the brokers. But the honest husbandman who carried to market his humble products for sale, was compelled to receive either the depreciated paper of banks, or individual tickets, redeemable, not in money, but in the same depreciated paper. If, after receiving such paper at par for his marketable products, he calls upon the merchant to pay his debts, he is frequently told that his paper will be taken at a discount of 10 per cent. If the poor man utters any complaint at this, he is told a very reasonable tale by the merchant about the general embarrassment of the times, and that pressing necessity will compel him in a few days to exchange his notes and accounts for a constable's or other officer's receipt. This argument is too forcible to be resisted, and ten per cent. of the poor man's labor is gone. I need not notice the higher grades of trade, where we have found our exchanges broken up, our commerce broken down, and the growers of our staples, after being duped and seduced into debt, delivered over to the mercy of constables and sheriffs, with their products lying on their hands, unsold and unsaleable. Such have been the miserable effects of the present banking system in the United States. Thank God, the energies and resources of the country are now redeeming it from the thraldom under which it was placed. Specie is beginning to flow into our country at almost every port, and has nearly ceased to be an article of exportation. Our foreign debts are almost entirely extinguished, and exchanges three per cent. in favor of the United States. Our crops are abundant, and we yet possess all the elements of national wealth.

I will now give a glancing notice to the condition of these banks, for the purpose of seeing the manner in which they have been conducted, and also their fitness for being again made the depositories of the public moneys. From a published statement in the newspapers, which I examined a few days since, it appears that the banks of New York have an aggregate of specie, amounting to $3,482,620, and that their immediate liabilities amount to $33,313,821, viz: circulation $13,908,893, public and private deposites $19,404,928. These banks have, therefore, on hand but one dollar in specie for nine dollars and sixty-six cents and two-thirds of their immediate liabilities. From the same table it appears, that the immediate liabilities of the banks of Pennsylvania amount to $28,103,818 42; that is circulation $16,164,539 21, public and private deposites $11,939,279 21, their specie on hand $6,908,510 88, being one dollar for every four dollars and sixteen and two-third cents of their immediate liabilities. By the last report of the Secretary of the Treasury, the immediate means of the deposite banks of Virginia and North Carolina are stated to have been in July last, $3,972,655; their immediate liabilities $15,267,563. The immediate means of the banks of Tennessee and Alabama, at the same time, are stated to have been $3,506,164; their immediate liabilities $16,360,591. By his report to the special session, it will be seen that of nearly two-thirds of the deposite banks, their immediate means in July last varied from one-fifth to one-twentieth of their immediate responsibilities. The class of banks composed of the States of Tennessee, Alabama, Mississippi, and Louisiana, had at that time of immediate means $1,168,022 in specie, whilst their immediate liabilities were $23,997,592; viz: circulation and deposites, public and private, $21,480,819; balance due other banks, after deducting all that was due from other banks $2,516,773. Such is the condition of these banks, whose extravagant credit has brought wide spread disaster over the greater portion of the Southwestern country, and whose paper in Kentucky has varied at a discount of from ten

to twenty, and some of it as high as forty per cent. And these are the banks we are called upon to make the depositories of the public moneys. To renew between them and the Government the former connection, dissevered and broken off, not by any fault of the Government, but by the default of the banks. By their suspension of specie payments they ceased to be the depositories of the Government, and shall we again select them to perform a trust for which their past history and their present condition show them to be disqualified and unfit. How did they use the former deposites committed to their charge? Banked upon them, sir, in such manner, and to such extent, as to prostrate the country, and to put it out of their power to return them to the Government when called for and needed. And who are they who now insist upon a renewal of this connection of the Government and the banks? Mostly those very gentlemen who opposed this very system in the days of its prosperity. Who inform us that they predicted its ruinous consequences, and who now admit many of them that they have no confidence in it. They opposed the system when it "worked well," when the banks punctually received, transmitted and disbursed the public moneys, successfully regulated the exchanges of the country, and redeemed their paper and other credits in specie. Now they support the system after it has failed, and the banks have ceased to perform these important duties and functions. Such is the course pursued by gentlemen. Reasons are no doubt abundant and satisfactory to those who take that course; and it is very far from my purpose to impugn those reasons. One of the principal, no doubt is, that the Administration and its friends, upon whom all responsibility is said to rest, have found themselves compelled to oppose it. Sir, it was a strange story to me at the late session, that all responsibility devolved upon the friends of the Administration; that it was to them the country must look for every thing resulting from the action of Congress, whether for good or for evil. That those opposed to the Administration came here, not to bring forward any proposition, nor to support any that was brought forward; but to stand in the door, to obstruct the ingress and regress of the measures, and to embarrass and break them down. If it be true that the friends of the Administration are only responsible to the country, it behooves them of course to beware of the measures selected, to ponder well upon their consequences, but at the same time to support with zeal and efficiency such of them as they may believe will redound to the good of the nation. Those who have only to throw obstructions and embarrassments in the way, have a much easier task to perform. They may at all times be content that nothing has been done. For my part, I came here with very different feelings. I came prepared to do my duty to the country, regardless of party trammels. I was willing to accede to any reasonable compromise of policy for the purpose of rescuing the country from the thraldom under which it was placed. I thought the relief of the country much more important than the dominancy of party. I was willing to support a project for a national bank, if that were to be selected as the means of relief, and one could be organized on principles of reform and compromise, in such manner as to obviate the evils and dangerous tendencies of the late Bank of the United States; and all were well aware that no such institution could be established unless it should be the result of compromise. That such an institution could be created, subject to the control and superintendence of the people's representatives in Congress, and therefore a safe depository of the public moneys—a useful agent in managing the fiscal concerns of the Government—a successful regulator of the exchanges, and the dispenser of a sound currency to the people, I have no doubt. Here I will take occasion to observe, that pending the resolution of the Committee of Ways and Means at the last session, declaring it "inexpedient to establish a national bank, it was my intention to support the proposition of my much esteemed colleague, (Mr. Pope,) submitted by him with the view of being offered in due time as an amendment of the original resolution. His proposition was in the following words:

"That, to aid the fiscal operations of the Government, the business and commerce of the country, to restore public and private confidence, and to ensure to the nation a sound and uniform currency, it is necessary and proper to establish a Bank of the United States, with such capital as may be deemed sufficient, with such limitations and restrictions as will ensure an equitable distribution of the stock among the States and the citizens of the United States alone, prevent excessive issues of notes, exorbitant profits, all interference with the politics of the country, and reserving to Congress the power of preventing and correcting abuses of the charter."

This proposition assumes it to be good policy to establish a bank that shall not "interfere with the politics of the country," nor make upon the people unequal exactions from an equal "distribution of its stock among the citizens of the several States;" to be prevented from unsettling the value of the property and fortunes of the country, by "restrictions" upon its "issues" and the "profits" of its stockholders; and to be placed under the control of "Congress," by "reserving" to that body the "power," at all times, "of preventing and correcting abuses in its charter." As an abstract proposition, it conforms very much to my opinions on the subject, if a bank were to be created on the principles assumed; though I should prefer one on different principles. Whenever the gentleman, however, shall bring forward a project for a bank which will have the practical effects in its operations upon the country described in his proposition, it shall have my cordial support. Although the whole procedure on this subject was intended to have no practical effect, being introduced merely to elicit the opinions of the members, I should nevertheless have been much gratified if a vote had been taken on the above proposition. It was not allowed, however, to be submitted, as on the morning of the 5th of October, when a large portion of us were absent, not expecting the subject to be unceremoniously disposed of at that time, the original resolution was taken up, all the propositions to amend cut off by means of the "previous question," and the House forced to vote on the resolution of the committee without further consideration or debate. A justification for this course may perhaps be sustained upon the ground, and upon that ground only, that nothing practical was intended by the proceeding—there being no proposition before Congress to establish a national bank, and it being well understood that there would be none, as two of the co-ordinate branches of the Government, the Executive and the Senate, ha ddeclared against bank of any description; and it being also known that a considerable majority of our own House entertained the same opinions. As it was only intended to bring forward a declaration of the sentiments of the members, it was not important to myself, as my opinions on the subject were fully declared and well understood in my district previous to my election. But, sir, whilst on this subject, I must also take occasion to say that, in creating a national bank, it has never been contemplated by me that the interest of stockjobbers and speculators must be consulted; that a company of corporators must be enriched, though the safety of the people be jeoparded; that to them must be delegated the power of controlling at will the monetary concerns of this vast nation; to sport with the property of our citizens by the expansions and contractions of its issues; to claim and use the credit of the Government in speculating upon the country, and making upon the people unequal exactions; to have the control and custody of the public moneys, and be at the same time irresponsible either to the Government or the people; and therefore to have it in their power (as was lately possessed and exercised by, a great institution) to defy the action of Congress, to make war upon the Government, to corrupt the public franchise, to subsidize the press, and to arrest the operations of the Government, as might suit their cupidity or necessities, by withholding her funds. Mr. Jefferson was certainly right when he said that "such an institution, ramifying with its branches every portion of the nation, acting in phalanx and by concert, might, in a critical conjuncture, upset the Government." From the relief of such an institution may God save my country. The protection it would afford would be the protection of the devouring vulture; its contact with our political institutions as poisonous and desolating as the atmosphere of the bohon upas.

But a national bank, of any description, is known to us and to the nation to be wholly out of the question. So much so that the most zealous of its friends must admit that it would be a useless waste of time and money, and trifling with the patience of the people, to bring forward such a proposition. Shall we, then, supinely fold our arms and do nothing? or, what is worse than nothing, spend the time of the House in party charges and recriminations for the unenviable purpose of exasperating the people, and diminishing their confidence in the worth and stability of their Government? Or shall we, like real friends of the country, inquire, in a conciliatory spirit, what ought to be done, and, at the same time, what can be done? Can any available measure be brought forward with the prospect of success, that will be preferable to the recommendations of the President? I have patiently listened to all that has been said against the Message with no other view than to arrive at truth. I have heard much of argument, it is true, both plausible and ingenious; but I think I have heard more of bold assumptions, of bitter denunciations, against the President, against his history, against General Jackson, against his friends, and against his measures. At times we have been entertained with the charge that "Uncle Sam" is too whimsical and capricious and unsteady in his affections; that he was lawfully affianced and wedded to his first spouse, the Bank of the United States; that he capriciously and injudiciously divorced her for the illicit purpose of espousing his deposite banks, amounting to upwards of eighty in number, which espousal, it is supposed, was not altogether conformable to public taste and good morals; that being now a little piqued with these spouses, in consequence of their extravagance, they having made a little too free with his money, he has got into a pet, and concluded to live a life of celibacy, which, it is insisted, is more unreasonable than ever, and that Congress should no longer sanction his whimsical notions. For my part, I cannot admit that Uncle Sam is so much to blame; the provocation seems to have been altogether on the part of his eighty spouses; they appear to have been regardless of their plighted vows, and unfaithful to their engagements; they appear to have conspired to break him up by seizing upon all he was worth, locking the doors against him, and refusing to let him have back any portion of his money, not even enough to pay his agents and laborers. On the other hand, I think his determination to form no more such connections is perhaps well enough; the result, no doubt, of mature reflection and experience. If, like many others, in his youth he formed an imprudent connection unsuited to his genius or his constitution, or if since he has been led astray by the lures of a meretricious engagement, it is time for him to reform, to give up and abandon the errors of his youth, and adopt and conform to habits more suitable to his years and condition.

The country has also been frightened with the assertions that the recommendations of the Message, if adopted, "will place in the hands of the President of the United States the control, the full, complete and exclusive control of both the purse and the sword of the nation;" and, therefore, put it in his power to subvert the liberties of the country and subjugate and enslave our citizens. This was to me a very novel doctrine, as it never had occurred to me that, under our Constitution and form of Government, the President could control either the purse or the sword of this nation. In Great Britain the King is said to have the control of the sword, and Parliament the control of the purse. The power retained by Parliament over the purse is supposed to be a sufficient check upon the power over the sword conceded to the crown. The King can declare war, raise armies, equip fleets, &c.; but the supplies or money, which is to pay or defray the expenses, must come from the Commons.

By our Constitution, both these powers are reserved to Congress, neither being given to the President. Congress only can declare war, arm and equip fleets, raise armies, &c.; and Congress only can "lay and collect taxes, duties, imposts, and excises, to pay the debts, provide for the common defence and general welfare of the nation." The President can neither raise an army nor pay an army. He can neither declare war, nor raise money to pay an army to prosecute one. It is true that the duty of seeing the laws faithfully executed devolves on the President. He must see that duties, imposts, &c. are collected as directed by the laws of Congress. And after they are collected he must see that they are disbursed and paid out, in pursuance of appropriations made by Congress. These are mere Executive duties, to be performed in pursuance of and in obedience to the Legislative will. It is, then, very clear that the President cannot have the control of either the sword or the purse so long as the character and structure of the Government remain unchanged.

But it is said that the recommendations of the President propose "to cut the Government loose from the people. To provide for the Government, and let the people shift for themselves. To provide one currency for the Government, and another for the people." These are the round assumptions that are to go down with the people for argument. Is there, sir, matter of substance in these assertions, or are they thrown out as mere bugbears to frighten the people? Were it not for the high sources from whence I often hear them emanate, I would not hesitate to believe the latter. How can the Government be provided for, and not the people? or, how can it be severed from the people, when the Government, with its money and every thing appurtenant to it belongs to the people, is created by them, sustained by them, and administered for their benefit? All are in the hands of the people and subject to their control. Are the people's agents more interested than the people themselves, in having the Government well provided for? Are not these agents part of the people, selected by the people themselves, and responsible to them for the performance of the various trusts committed to their charge? I can easily conceive how an absolute monarch or despotic master could wield the rod of tyranny over his dependent subjects or slaves; but who before ever heard of a free and independent people playing the tyrant over themselves? With as much propriety might the Provincial Congress be accused of tyranny and cruelty, for calling upon and compelling the citizens to go forth and peril their lives in the battle field of our Revolution, as to accuse the Administration now of being regardless of the people's best interest, because that Administration is endeavoring to render safe and successful the operations of Government.

Surely, whatever is done for the benefit of the Government redounds to the benefit of the people. Our Government, thank God! has no separate existence, disconnected from the people. They are one and indivisible. They are legitimately and, I trust, indissolubly connected together, and organized to suit each other, in pursuance of the free and unbiassed will of the people; and whom God has joined together, let no man dare to put asunder. Is it right to create jealousies in the minds of the people against their Government, for the purpose of destroying their confidence in it? Does not such a course smack very much of that Iago spirit which would poison confidence in the purest and most unsullied happiness, by destroying confidence in the constancy of the most guileless innocence?

But it is said that the first message to this Congress "virtually asserts that the Government was created to take care of itself, and not the people, and that the President, therefore, leaves the people to shift for themselves." Let us recur to the objectionable paragraph in the message, and hear it speak for itself. It is as follows:

"Those who look to the action of this Government for specific aid to the citizen to relieve embarrassments arising from losses by revulsions in commerce and credit, lose sight of the ends for which it was created, and the powers with which it is clothed. It was established to give security to us all in our lawful and honorable pursuits, under the lasting safeguard of republican institutions. It was not intended to confer special favors on individuals, or on any classes of them; to create systems of agriculture, manufactures, or trade; or to engage in them, either separately or in connection with individual citizens or organized associations. If its operations were directed for the benefit of any one class, equivalent favors must, in justice, be extended to the rest; and the attempt to bestow such favors with an equal hand, or even to select those who should most deserve them, would never be successful. All communities are apt to look to Government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassments and distress. But this ought not to be. The framers of our excellent Constitution, and the people who approved it with calm and sagacious deliberation, acted, at the time, on a sounder principle. They wisely judged, that the less Government interferes with private pursuits, the better for the general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money or legislation in favor of particular pursuits, losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty—that duty, the performance of which makes a good Government the most precious of human blessings—is to enact and enforce a system of general laws, commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap, under its benign protection, the rewards of virtue, industry, and prudence."

I have been unable to discover in this paragraph any thing repugnant to the republican theory of our Government; and the practice of the Government ought to conform to its theory. I make no commentary upon it. The argument in the paragraph itself, is clear and irresistible in favor of the position it maintains. By way of backing it, however, with authority, which I know will not be questioned, I will read a paragraph contained in the last Message of the present Governor of Kentucky. That gentleman must be favorably known upon this floor, as having been lately a representative here from that State. His devotion to the Whig cause and to Whig principles is well known. He is, moreover, much esteemed by all parties for his candor, his talents, and his private virtues. Here is the passage in his Message which I allude to:

"Already are individuals to be found looking to the Government for aid and desiring the benefit of relief laws. How much more extensive would become this feeling of dependence and this desire for legislative interference, if the country had to undergo the sudden and unavoidable pressure and embarrassment incident to such an operation. So far as it can be accomplished, Government should prevent all occasion for a reliance upon it for relief. It should, however, at the same time, be understood distinctly that it has no constitutional power or right in any possible state of things, to interfere between man and man in relation to their private contracts. It is not proper to repair private losses incurred in any pursuit whatever, by enacting laws to operate in favor of one at the expense of another class of citizens. That would be virtually to take the property of one citizen and apply it to the use of another. The Government ought never to interfere with private pursuits; its real duty is to have and enforce a general system of laws, operating equally upon all, and to leave every citizen and every interest under its influence and protection to secure the advantages resulting from the exercise of economy, prudence, and industry. Whenever the conviction is fully impressed on the public mind, that no legislation for the exclusive benefit of the debtor portion of the community can take place consistently with the spirit of the Constitution, or the fair demands of an honest policy, even in periods of the greatest derangement and distress, every citizen, instead of relying on temporizing expedients and relief laws, will feel that his sure and only dependence is on his own industrious exertions, aided by prudence and persevering economy."

After reading these conclusive arguments of President Van Buren and Governor Clark, in defence of the same position, I will proceed to another branch of the same inquiry; and that is, to answer the charge that the President has recommended an unjust discrimination as to the character of the funds to be made receivable for the public dues; the effect of which, it is insisted, would be to provide one currency for the Government and another for the people. Let us see, for a moment, how this matter stands. In his last Message, the President makes no allusion to the character of the currency to be received; consequently, he cannot be charged with unjust discrimination in that document. In his Message to the special session of Congress, he recommends the reception of "specie or its equivalent," gold and silver, or "bank notes actually convertible into specie;" the latter to be received under such circumstances as will "allow of their early presentation for payment." Here seems to be no unjust discrimination, nor any beyond the former practice of the Government. The former laws of Congress on this subject declare, "that if bank notes are paid in the transactions of the Government, it must be under such circumstances as to enable the holder to convert them into specie without depreciation or delay. Surely gentlemen would not have the President to recommend the reception of depreciated bank paper not "redeemable, upon demand, in specie." This he opposes in his Message, and assigns, in my judgment, the best of reasons: that such a course "would, without the excuse of war or public distress, destroy that equality of imports and identity of commercial regulation, which lie at the foundation of our Confederacy, and would offer to each State a direct temptation to increase its foreign trade, by depreciating the currency received for duties in its ports; that "such a proceeding would also, in a great degree, frustrate the policy so highly cherished, of infusing into our circulation a larger proportion of the precious metals." Such seem to be the sentiments of the President, against which it would, to my mind, be very difficult to raise any reasonable or valid objections. In many of the cities and towns of the nation, the chief currency for "common hand to hand transactions," consists of individual and corporate tickets, redeemable, not in money, but in irredeemable, depreciated bank paper. The people take them from choice, to answer the purposes of change; but is that any reason why the Government should take such paper? Could she tender such paper to her creditors without subjecting herself to the merited charge of fraud? and would her creditors receive such paper when they have the common right of every citizen to demand gold or silver, if they choose to do so? As an individual, I may receive for my debts whatever I please; irredeemable depreciated paper if I choose. In performing the trust of an agent in collecting money for another, I would not dare to receive such paper, unless I intended to make it good out of my own pocket. How, then, is an agent of the Government to be expected to receive such paper? There can be but one answer given to such a question. But suppose the Government were to receive such paper for the public dues. Would not such a course stand condemned by every principle of sound policy, and be execrated by every citizen? Who cannot see the encouragement that would thereby be given to the emission and circulation of such paper? It would soon become the only circulating medium of the country. Do we not all look to the Government to discourage rather than encourage the circulation of such a medium. Sir, the Government is the safest and perhaps the only sure check we possess against a perpetual flood of inconvertible depreciated paper; which check can only be brought to operate upon such a state of currency by a refusal to admit it in the Federal transactions. Such is the opinion of very able financiers. And such was the opinion of the sage of Montpelier himself. In a letter to Mr. C. J. Ingersoll in 1832, in speaking of the Convention that framed the Constitution, in reference to this subject, he says, that "a virtual and incidental enforcement of the depreciated notes of State banks, by their crowding out a sound medium, though a great evil, was not foreseen; and

if it had been apprehended, it is questionable whether the Constitution of the United States, which had so many obstacles to encounter, would have ventured to guard against it by an additional provision. A virtual, and it is hoped, an adequate remedy *may hereafter be found in the refusal of State paper when debased in any of the Federal transactions.*"

Such was the opinion of Mr. Madison, who is yet, I believe, acknowledged to be good authority with all parties, even with those who have lost all confidence in Mr. Jefferson. On this point the President seems to be well sustained by reason, by sound policy, and by one of the most able and pure of American statesmen.

It has been said that the "banks will be unable to sustain themselves, unless they are made the depositories of the public moneys: that their paper will become disparaged and uncurrent, unless we impart to them the credit of the Government." In answer to this I will say, that if making the banks the depositories of the public moneys would militate against either the safety of the Government or the prosperity of the people—by putting the Government into the power of the banks in such manner as to enable them to arrest and paralyze all her energies, by withholding the deposites when needed for the public welfare, as they might be prompted from interest or necessity—or if imparting to them the Government credit would have a tendency to prompt them to over-banking, by inducing them to rely too much upon that credit—I would not make them depositories, though their stockholders should be thereby benefited. That such would be the direct tendency, we are admonished by past experience: and, as like causes produce like effects, it is but a fair calculation to make, that the same system would again produce the same consequences. In the creation of those banks by the several States, the credit of the Government was never contemplated as one of their resources. If their own, and such other resources as were contemplated in their creation, be insufficient to sustain them, their existence is an imposition upon the community in which they subsist, and the sooner they go down the better. But is there not a strong array of facts against the position of those who assume that the Government credit is necessary to sustain the banks? Since the formation of our Government, State banks have only been occasionally resorted to as public depositories, and perhaps their operations have never been more injurious to the community or to their own discredit, than during those very periods of their connection with the Government. From 1791 up to 1811, the first Bank of the United States appears to have been the principal depository of the Government funds. After the expiration of its charter, State banks were selected as depositories, and during the time of the performance of their duties as such, they all suspended specie payments, and involved the country in distress. The late Bank of the United States and its branches were the exclusive depositories of the public moneys from 1816 to 1833, when the State banks were again selected for depositories, and continued to be employed and to act as such till May last, when the same general suspension again took place, with all our late and present disasters following in its train. During the existence of the Bank of the United States the State banks were not only excluded from being public depositories, but their strength was overshadowed, and their paper to a great extent disparaged, by the operations of the Federal bank. Yet, from the time of their recovery from the severe shock given to them by that institution, which ended with the disasters of 1819 and 1820, they continued to prosper, and to perform their functions as banking institutions with much better success than since they were last selected as Government depositories. The reasons are obvious. They then saw the necessity of proceeding with caution and prudence, and of keeping their operations within their resources, which wholesome restraints were all abandoned when they came to rely on the money and credit of the Government. But, furthermore, there are now in the United States about eight hundred banks. No one, I presume, contemplates the employment of them all as fiscal agents for the Government. The late deposite banks amounted to something upwards of eighty in number, and I presume there would not again be a greater number employed. There would then be upwards of seven hundred banks, unprovided for by the Government, to furnish the country with the greater part of its circulation, though laboring under the disadvantage of being excluded from privileges enjoyed by the banks selected, or else they must go down in consequence of such exclusion, and leave their worthless paper on the hands of a suffering community. Take either horn of the dilemma, and the argument of gentlemen on this point must stand defeated. It is, therefore, my sincere conviction that it is better, both for the Government and the banks, that the separation take place; and, as the mutual friend of both, I feel myself bound to support the recommendations of the Message.

But, it is said, "that the recommendations of the President, if adopted and carried out, will make dangerous additions to the patronage of the Executive, and, therefore, endanger the liberties of the people."

Now, it seems to me to be a problem not easily solved, that gentlemen who are in favor of the establishment of an irresponsible, overgrown bank corporation, to have not only the custody and control of the whole of the public revenues, but the power also to break down the State institutions at will, and control the whole circulating medium of the nation, and who are well apprized of the tremendous influences which such an institution is able to exert over the fortunes and destinies of the people, should be so much alarmed and horrified about the danger of requiring the officers of the Government, who already collect her moneys, and are responsible for the discharge of their duties, to keep safely those moneys collected by them, for a few weeks or months, and pay them over at once to the public creditors, instead of paying them over to the bank depositories. Do we not know, from experience and observation, that no influence could add so much to the power of the Executive as an alliance with the banking institutions of the country. Bank influence is always on the alert, and never to be taken by surprise. It is the most subtle, the most active, the most seductive, and I may add, the most corrupting and dangerous of any influence under heaven. Suppose an ambitious President in league with the most powerful banking institutions of the country, in consequence of their being the public depositories. The banks, to secure Executive favor and advancement, are willing to minister to the wishes and ambition of the President. Possessing the control of the circulating medium of the country, they at once have it in their power to unsettle the value of the property and fortunes of the people—to oppress and overawe their debtors and dependants—to alarm the timid—to bribe the venal and corrupt—to interfere in the elections, and subsidise the press—combining altogether a concentration of power, than which it would be difficult to conceive of any thing which could be more alarming to the jealous defenders of civil liberty. Let it not be said that we shall always find sufficient security against such dangers in the virtue and intelligence of the people. That is an argument which will cut both ways, and be as much against as in favor of the position of gentlemen. It will apply with equal force against the supposed dangers of the system recommended in the Message. Such an argument, however, though always forcible and entitled to great consideration, is nevertheless very far from being conclusive and irresistible. I tell you, sir, that the splendor and eclat of a great man's name, when his career is marked and attended with the triumphal car of success, always beget in the people admiration and attachment, so much so that he will seldom be deserted by the people. The leader of a revolution, if it fails to succeed, becomes a rebel, and the penalties of a traitor are denounced against him. If successful, he becomes a great patriot, and the father of his country's liberties. Even the plunderer of mankind is said to be made or unmade by the caprice of fortune. If his career consist in heading a banditti, he sinks into an odious robber, and is hanged for his crimes. If in leading a victorious army, and commanding the destinies of nations, he is dignified with the title of hero, and admiration renders his name immortal. Day after day are we lectured on the subject of the aggression and dangerous march of Executive power. Yet the late and present Executive have always had arrayed against them the bank influence of the country. The struggle between the late President and the Bank of the United States was long and tremendous; it was such as will be chronicled in our history, as one of the most memorable struggles of our country—a struggle that exhibits the high and noble example of an American President periling himself to save his country from being triumphed over by a powerful bank influence, when by propitiating that influence, he could no doubt have secured himself in the Presidential chair, as long as ambition could have desired. Suppose a different kind of man had been President; or rather suppose the President the same man, with all his extraordinary advantages, but metamorphosed into a different character, with the desires and ambition of an usurper. Suppose him young and daring, and ambitious, panting like Cæsar or Cromwell for power and political glory; and, once obtaining power, determining never again to surrender it. Such a President would have lost no time in enlisting in his support such an irresistible and powerful ally. Possessed of the double influence of the bank interest, and his own extraordinary weight of character, he would have kept steadily in view a continued increase and accumulation of that influence, until the people would have been shackled with the bonds of slavery. He would have procured from Congress a recharter of the institution, with additional grants of power, first perhaps for a definite, but at length for an indefinite period, procuring from time to time additional grants of power, as every addition of strength given to the bank would also be an addition of power to the Executive arm. The bank, knowing well its stay and support, would always be ready to minister to his ambition or his vengeance. Such being the case, the Catos of American freedom might in vain make a show of resistance. Their puny and inefficient efforts would soon be quelled. In vain might the people mourn the subversion of their institutions, and sigh over their liberties lost, and gone for ever. Do you think, sir, this picture is altogether imaginary? Consult the pages of history, and you will find that examples are abundant to warn you of such dangers. It is important, sir, that the Government should have the control of her depositories. It should never be in the power of the banks to control the Government; nor should the Government have depositories which she is unable to control. The people, through their Government, should keep all power within their own hands, and any delegation of powers to others, in such manner as to put the powers delegated beyond the control of the people's representatives in Congress, is, at first blush, a violation of the doctrines of democracy. Those doctrines always contemplate that the people shall reserve to themselves at least a supervisory power to control the action of their representatives in Congress, and any delegation of power by Congress, whether to corporations or others, placing it beyond the power of the people to exercise such supervisory control, is a violation of the doctrines of democracy. To those doctrines I am bound to subscribe, to support and defend them regardless of consequences. They are not only approved of by my coolest reflection and best judgment, but they are endeared to me by my education and former relations in life. They were the first political lessons ever taught me, and they have grown with my growth, and strengthened with my strength. Every dictate of my judgment, whether derived from predilection, from reason, or experience, admonishes me that I ought not to depart from those doctrines. So far as regards my action as a representative, these sentiments are greatly strengthened by the obligations of duty. My constituents are, unequivocally, democratic in their opinions and predilections. They, moreover, occupy a position peculiarly favorable to the open exercise and expression of those opinions, free from the control of extraneous circumstances. There is no bank lo-

cated within the borders of my district, nor any other corporation, arrogating to itself exclusive privileges, and corrupting the minds of the people with its baneful influence.

Nevertheless, I am not one of those who are opposed to all corporations. I would not indiscriminately oppose their creation, nor would I wage a war of extermination against them after they are brought into existence. Whether their creation has been expedient or inexpedient, whether the result of good or bad policy, they should, nevertheless, be protected in the proper exercise of their legitimate powers. But their abuses should be corrected, and their evils and defects guarded against in the creation of others. A full and complete supervisory control over them should never be lost sight of in their creation.

I now beg leave to recur to the conviction expressed by me in the outset, that nothing else than a general reform in the present banking system of he United States can save the country from the frequent recurrence of the same pecuniary embarrassments which have heretofore so often afflicted it. By a reform in the banking system, I am very far from meaning its annihilation. The benefits of a well regulated credit system, as the legitimate offspring of fair trade, must be obvious to all conversant with the condition of our widely extended and great commercial country. A stable and sound currency is necessary to the health and vigor and usefulness of the credit system. This can never be attained under the auspices of the present banking system of the United States. One of two alternatives must follow. Either we must hereafter continue to be afflicted with the same currency evils to which the country has heretofore been subjected, or else we must set about a reform of the currency, by placing it on a better basis than now supports it. This improvement might, no doubt, be effected by various means, the adoption of any one of which would accomplish the object desired. One means of improvement, which I will suggest, would be the establishment of all banks, in future, upon State capital alone, and a determination on the part of the States to create no more private or individual corporations for banking purposes. A diseased state of currency is chiefly the result of over-banking. This is prompted by individual interest, an inordinate desire on the part of bank stockholders to profit by their bank credits. A system which commits the currency of the country to the care of speculating capitalists, and then shields them from individual responsibility, is monstrous. By establishing banks in future upon State capital, exclusively, these evils would be avoided. The banks would then belong to the people, and the faith of the respective States would be pledged for the redemption of their paper. Public confidence in their paper would always be sustained. The bank profits paid by the people as a tax upon their currency, instead of being applied to enrich individual stockholders, would be placed in the treasuries of the respective States, and relieve the people, to a great extent, from direct taxation. And, sir, if a national bank were to be organized by Congress, I should greatly prefer it to be based principally upon a due proportion of the capital of the respective States. I believe that a safe and useful institution of that character could be organized, and I find I am not singular in that belief. But I cannot now go into this subject. In support of the main point, I beg leave to read an extract from a very able report of a committee of the Maryland Legislature "relative to the establishment of a State bank and a national currency." The committee, in giving their opinion, allude to a strong and well written article in the Quarterly Review as sustaining the conclusion to which they arrive. This report seems to have had an extensive circulation, and to have been much considered by the public. For the present use of it I am indebted to Mr. L. D. TEACKLE of Maryland, who has transmitted a memorial to this House embracing this report, and much valuable information on the subject of banking, for which I return him my thanks. The extract is as follows:

"The propriety of improving the principle of banking, for the common benefit of the whole country, has extensively engaged the public attention in England; and among the number of valuable essays which have appeared in the discussion of that topic, an article from the pen of an eminent writer in the Quarterly Review is most conspicuous."

In the prosecution of the subject, he speaks of the injurious operation of the present banking system in England, which is mainly that which produces a similar influence in the United States, upon the interest of land and labor, and of its tendency to accumulate the mass of circulating medium in the cities, in contradistinction with a public bank with branches in the different parts of the country, as follows:

"Hence the productive classes, and more especially the class engaged in agriculture, can no longer command that accommodation which they had been accustomed to receive. The operations of productive industry are thus impeded by the withdrawal of that capital which used to feed them. To this cause must also be ascribed the glut of money in the city market, which has rendered it extremely difficult to employ it to advantage, and has consequently reduced very greatly the rate of interest in the city, while money is scarce and dear in the country.

"We consider it, then, as quite evident, that the owners of money are to the full as much interested as the owners of land and the owners of labor, in resisting exclusive privileges, which prevent or impede the formation of safe establishments for granting loans for the benefit of the State. Such institutions would instantly infuse new vigor into the industry of the nation; animate the drooping energies of those who are engaged in the cultivation of the soil, and open a wide field for the profitable employment of the capital of the country; and by giving a new direction as well as a new impulse to industry, establishments of this nature would also prove the means of augmenting the national revenues. Increased productiveness would necessarily be followed by an increased consumption of commodities; this would open a new source of revenue to the State. An increase of revenue thus obtained would enable the Treasury to bring into action the latent resources of the country, and to promote the general prosperity.

"It would thus appear that there is no class, and, with the solitary exception of the proprietors of bank stock, there is no individual, who would not be benefited either directly or indirectly, by the introduction and discreet extension of the great principle in question. Such institutions would cause the prostrate and despairing and oppressed classes to be once more visited by the encouragement of hope; the industrious and frugal they would present with at least an opportunity of emancipating themselves from the thraldom and misery into which they have sunk; to the owners of capital, laid out in land or in other investments, they would be found the source of an improved revenue; and, finally, by multiplying the products of industry, they would yield an additional revenue to the State."

"It is understood that the odium excited by the inordinate privileges of the moneyed community largely contributed to the reform in England; and to a similar cause may be traced the French revolution; as the exemption from taxation enjoyed by the privileged orders of France, was, in effect, and actual substance, the same as a cession here of a sovereign right to a 'favored few' to tax the many for their special and exclusive benefit. And the privileged orders of corporators, in contemplation of this view, constitute the moneyed aristocracy, or idle and luxurious, who consume the fruits of the laboring classes, without contributing to their production. And this brings us to the original proposition, and to the conclusion that, if banks be necessary for the convenience of commerce, and the support of industry, let them belong to the States, and let the revenues derived from the voluntary contributions of the borrowers, be justly distributed for the common benefit of all the people. The committee, in support of their opinion, refer particularly, as the strongest case in point, to the Bank of the State of South Carolina, which is founded on the principle proposed, and which, through a successful course of twenty years, has more than realized the expectations of its projectors."

In support of the conclusions of the committee, they submitted with their report various extracts from letters of distinguished statesmen, from which I have selected the following, being only such as relate to the Bank of South Carolina:

From the late Governor of South Carolina, now a Senator in Congress.

"WASHINGTON, Feb. 11, 1832.

DEAR SIR: I received your esteemed letter, together with your report upon the subject of a State Bank in Maryland. The scheme proposed conforms very much with the character of our bank, from which we have derived large annual profits since its establishment, nearly twenty years ago, and the whole fiscal concerns of our State are passed through the public bank, which belongs to the State exclusively."

"Gov. James Hamilton, Jr. transmitted the usual Message to the Legislature of South Carolina, on the 29th November, congratulating that body on the abundant productiveness of the State Bank."

From a representative in Congress from S. Carolina.

"From authentic information and official documents, it appears that the success of the State Bank of South Carolina has been continuous and uniform throughout a course of nearly twenty years; during which it had to encounter the trying fluctuations of the money market, which brought the Bank of the United States to the very verge of dissolution, and all the revolutions and vicissitudes of trade and commerce from 1812 to the present time, including the disastrous years of 1819, '20, '25, and '26, from which it seems that the intrinsic merit and solidity of principle have been the main pillars of its support."

In addition to the foregoing extracts, I will add the following from the present Governor of South Carolina, who states, in his last Message, that the "liabilities of the banks of that State to all others than their stockholders, amount to $7,772,554 85; their whole assets $19,256,162 78; whole security to holders of notes and depositors, including individual liability of their stockholders to double the amount of their stock, exclusive of the State Bank, $34,438,364 78." "To this (is stated in his message) must be added the pledge of the State for the liabilities of the Bank of the State of South Carolina."

It would seem, from the foregoing statements, that South Carolina has acted with wisdom and prudence on the subject of banking, and I am much surprised that more of our States have not heretofore followed her example.

But, sir, if the States will continue to create private corporations for banking purposes, let them reform our banking system, by establishing those institutions upon principles different from those on which they are now based. Let the corporators be placed upon the same footing, and be made responsible in the same manner to the community as copartners engaged in other pursuits. If a company of individuals associate themselves together as merchants, each and all of them are liable for the debts of the concern. The law makes each partner responsible for the debts and liabilities incurred by the firm. There is no reason why a company of bankers should be individually exempted from this responsibility. Banking, like the vending of merchandise, is but a trade, a business, carried on for the purposes of profit; and a single bank may do more injury to the community than could be done by fifty merchants. Stockholders should, therefore, be individually responsible for the liabilities of the institution, at least to double or triple the amount of their stock subscribed. If, in addition to this, they were prohibited from commencing banking operations until three-fourths of the stock subscribed shall have been actually and availably paid in; their issues not allowed to exceed the amount of specie on hand beyond a reasonable proportion; their dividends and profits limited to a certain per cent. beyond which the stockholders should in no event be allowed to receive any thing; and the directors excluded from all stock or banking accommodations; the community would have some security against imposition, and the condition

of the currency would be greatly ameliorated. The paper of such an institution would always command the most implicit confidence on the part of the public, without which no bank can be otherwise than an injury to the community in which it exists. In this, sir, I suggest nothing more than what is perfectly practicable—nothing beyond what may be effected by close, well guarded restrictions, which may easily be rendered efficient by the Legislatures creating such institutions, especially if they will reserve to themselves the power at all times to correct errors in their charters, or abuses in their administration. If the States create corporations for the purpose of enabling them to furnish the community with a currency, they are bound by every consideration, moral and political, to protect the community against their abuses. It is in vain to expect that corporate stockholders, who are allowed to bank as they please, and to whatever extent they may desire, and be at the same time individually irresponsible, will ever heed the public welfare, or neglect to sacrifice it whenever it hangs heavily on their prospects of gain, or comes in collision with their interest. They will always be too mindful of their own interest to keep watch over that of the public. As was said with great truth by Scotland's bard,

"——Mankind are unco weak,
And little to be trusted:
If self the wavering balance shake,
It's rarely right adjusted.

REMARKS OF MR. DUNCAN,
OF OHIO,

n the House of Representatives, Dec. 18, 1837—On the resolution offered by Mr. HAYNES of Georgia, which was as follows, viz:

Resolved, That so much of the President's Message as relates to the finances, and every thing connected therewith; to the safe-keeping of the public moneys, and every thing connected therewith; and so much as relates to the Bank of the United States; be referred to the Committee of Ways and Means.

Mr. DUNCAN said it was not his wish to detain the committee; he merely wished to correct some errors which the gentleman from Massachusetts, (Mr. Reed,) had fallen into, in point of fact, in relation to the political or party character of the standing committees of this House—statements which, if *true* or *uncorrected*, were calculated, coming from the source they did, to injure the character of the Speaker by whom they were appointed—to prejudice the Democratic party, and the Administration whom it is said (by the Opposition) the committees favor, without regard to principle, or the sacred nature of their duties. The gentleman objects to referring the resolution in question to the Committee of Ways and Means. "It is an improper committee, because there is a majority of it that are in favor of the Administration." He says all the committees, or nearly so, are of the same character. He said the time had come when the two great contending parties of this nation were *nearly* equal, and he thought the character of the standing committees, with regard to party, ought also to be as *nearly* equal. Indeed, said Mr. D., the burthen of his song, and the volume of his speech, consisted in complaints and charges of the inequality of the committees in a party sense. His complaints have gone abroad, swift as the mail can carry them; they are now spread over the country; and while I am now correcting his errors, his political friends are weeping over the vast injustice which he represents to have been done to the Opposition by the partial and unequal party character of the standing committees. How stands the matter? Let us disclose the facts as they are; and in doing so, I do not intend to charge the gentleman with wilful misrepresentation. I think him above doing any thing dishonorable to his age, his occupation, the office he holds, or the seat he occupies. But how are the facts in relation to the party character of the committees in question?

Mr. D. read from the list, which is as follows:

1. The Committee of Elections presents a majority in favor of the Administration.
2. The Committee of Claims, for the Opposition.
3. The Committee of Ways and Means, for the Administration.
4. The Committee on Revolutionary Claims, for the Opposition.
5. The Committee on Commerce, for the Administration.
6. The Committee on Public Expenditures, for the Opposition.
7. The Committee on the Public Lands, for the Administration.
8. The Committee on Public Land Claims, for the Opposition.
9. The Committee on the Post Office and Post Roads, for the Administration.
10. The Committee on Manufactures, for the Opposition.
11. The Committee for the District of Columbia, for the Administration.
12. The Committee on Agriculture, for the Opposition.
13. The Committee on the Judiciary, for the Administration.
14. The Committee on the Militia, for the Opposition.
15. The Committee on Indian Affairs, for the Administration.
16. The Committee on Territories, for the Opposition.
17. The Committee on Military Affairs, for the Administration.
18. The Committee on Invalid Pensions, for the Opposition.
19. The Committee on Naval Affairs, for the Administration.
20 The Committee on Roads and Canals, for the Opposition.
21. The Committee on Foreign Affairs, for the Administration.
22. The Committee on Revisal and Unfinished Business, for the Opposition.
23. The Committee on Revolutionary Pensions, for the Administration.
24. The Committee on Expenditure in the War Department, for the Opposition.
25. The Committee on Patents, for the Administration.
26. The Committee on Expenditures for the Navy, for the Opposition.
27. The Committee on the Public Buildings and Public Grounds, for the Administration.
28. The Committee on the Expenditures in the Department of the Post Office, for the Opposition.
29. The Committee on Accounts for the Administration.
30. The Committee on Mileage, for the Administration.
31. The Committee on the Expenditures of the Department of State, for the Administration.
32. The Committee on the Expenditures of the Department of the Treasury, for the Administration.
33. The Committee on the Expenditure on the Public Buildings, for the Opposition.

This last is an entire whole-hog *modern* Whig committee. Thus, with the exception of the three next preceding the last, we see that the committees run *pari passu* so far as party is concerned. Now, sir, what has become of the gentleman's lamentations about injustice to the *minority* in the appointment of committees. They have gone abroad like other Federal howlings, to have their effect on subsequent elections. I would not have been so minute in presenting the errors contained in the member's remarks, but for the daily efforts used to send abroad such misrepresentations for the purpose of destroying the influence of the Administration and bringing it into disrepute with the people. Here are letters and figures, which show, to the understanding of all who may see them, that the whole groundwork of an hour's labor to bring the honorable Speaker and the Administration into disrepute, is without existence. I say daily are such misrepresentations sent to every part of the country—to the fireside of the rich and the poor; and that, too, at the expense of the people, for no other than the unhallowed purposes of political delusion.

A word of and to the gentleman from Indiana, (Mr. Ewing.) He objects to the reference in question. He denounces the Committee of Ways and Means as a party committee, unworthy the confidence of the House or the people. "They have administered to the people, and their doses have been found wanting." "We have had to swallow their doses; they are bitter doses; they nauseate without relieving. The people have rejected them as inapplicable to the complaint. To the dogs with their medicine." Sir, it is not my business, said Mr. D., to defend the committee from abuse and detraction. Each of them is more able to defend himself than I am; nor does such abuse require defence or answer; it carries with it its own antidote with all intelligent, honorable, and high minded people. I only think it necessary here to say that the Committee of Ways and Means is a finance committee, and the committee to which all financial matters ought to be and always have been referred. This is the regular channel through which regular financial business flows to the House or Senate; whether presented for the consideration of Congress by the President of the United States, the Heads of Departments, members of either branch of Congress, or by private individuals; and Mr. D. saw no necessity now for crossing the usual channels of legislative business merely to gratify party hostility and vindictive whims. Mr. D. said he had some professional advice to give his friend from Indiana; and Mr. D. hoped he would receive it in a kind spirit, as that was the spirit in which it was offered, and no charge or fee should be made. He would recommend to his friend the political doses prepared and prescribed by the Committee of Ways and Means. The gentleman would eventually find them to be well calculated to improve his political health. True, they would be nauseous for a while. It was proper that they should be so. It was a wise order of Providence that all valuable medicines, such as were intended for the cure of obstinate diseases, were nauseous and sickening, disagreeable to the taste and offensive to the smell. If it were otherwise, their constant and daily use for trifling causes would render them useless for the purposes for which they were made; for it was a principle in the animal economy to adapt itself to the use of almost any application to the destruction of the effect of that application. Hence the obvious necessity for those peculiar qualities of the most valuable medicines. Political matters were so arranged that the gentleman was compelled to take the committee's doses, let the quality and quantity be what they might, *nolens volens*. There was no let up in the matter: the people had so ordered it, and the gentleman ought to be satisfied. He ought to take them in a spirit of resignation; and, moreover, inasmuch as the people had indirectly appointed them the political physicians to constitute the Committee of Ways and Means, to prescribe for him, he is, in conformity with the fundamental principles of the Constitution and Government he has sworn to support, bound to take their prescriptions in perfect confidence and good faith. Faith is all-important in things that relate to time as well as to eternity. The great miracles that were wrought in the days of the Apostles were wrought by faith. If my friend wishes the *full* benefit of the committee's prescriptions, he must have *faith*. True, the gentleman is laboring under very malignant and obstinate political maladies, and those too of long standing. Still Mr. D. would unhesitatingly give it as his professional opinion, that if his friend would take in good faith the committee's prescriptions, he would recover. The *modus operandi*, it was said by eminent physicians, of calomel and other mercurial preparations, was to produce a new disease, that is, a mercurial disease, which neutralizes and counteracts the disease which the mercury was given to cure; and this from a principle of the animal economy, that the human system will not entertain two diseases at one and the same time. The mercurial disease being the more potent, the natural disease is ejected, and the patient has only to recover from the mercurial disease, (which he is almost sure to do,) and the consequent debility thereupon, which is soon overcome by a judicious administration of the appropriate tonics. The *modus operandi* of the committee's prescriptions to my friend,

will be similar to that just described. A new political disease will be formed, which will take the place of that under which he now labors; and he will be restored. The artificial disease which secures restoration will probably be *Loco Foco*, for an explanation of which I would refer my friend to the member from Virginia, (Mr. Wise,) in whose keeping the term seems to be. Should my friend from Indiana pursue the course here prescribed, there is no doubt in my mind of his perfect restoration. The wounds, bruises, and putrefying sores, that now beset him from the crown of his head to the soles of his feet, will disappear; the scales will fall from his eyes, the leprosy will depart from his body, and the polluted, sickening and pestilential waters of Federalism, that inundate his system, will dry up; and, before the end of the present session, he will come out a healthy, sound, and energetic whole hog Jackson Van Buren anti-bank Democrat, from head to heels.

Mr. D. said he was bound to notice some hard things that fell from the mouth of the member from Virginia, (Mr. Wise,) who immediately preceded the two gentlemen that he (Mr. D.) had in part, but imperfectly, responded to The member commenced his speech on the President's Message, by uniting with the President in *prayer and thanksgiving* (I hope he is not ironical) for the happy, healthy and prosperous condition our country is in at this time. The gentleman may be sincere, but this recognition on his part of happiness and prosperity for which he professes so devoutly to thank his God, does not correspond with the Federal howling, weeping, wailing and gnashing of teeth with which our ears have been greeted or rather grated for the last six months by him and his party, for the *misfortunes* and *ruin* of our *poor country*, by a profligate and worthless Administration, as *they* say, and in which *howling* the member has always been foremost and loudest. I think there is a Divine declaration that the prayers of the *wicked* avail not; how far this declaration may apply to the gentleman's case I know not; it is sufficient for me to know that we are enjoying temporal happiness beyond any people on the face of the earth, and that there never was a greater abundance of all the comforts of life in our country, at any one time, than we now enjoy; for which, I trust, we all feel that thankfulness and gratitude which become the people of a civilized and christian nation, to the Giver of all Good. But the member no sooner finishes his devotional exercises than he deserts the President, and denounces his message as "a poor thing," a "poor neglected thing," a *Loco Foco* document, and the author of it a *vile* demagogue. In relation to the quality of the Message, Mr. D. had come to a different conclusion; and he was happy to say he was not alone in that opinion. He had that morning received several letters from his friends that he had the honor to represent, whose talents and whose capacity to judge in these matters would at least compare with the member's, who united in their commendations as well of the measures recommended in it as the true Republican principles it contains; he had also received several respectable newspapers from various sections of the State he had the honor in part to represent, all of which concurred in the same high opinion of the Message. "But it was a poor *neglected* thing." How neglected? Not by the people. Every hour furnished intelligence that it was hailed by the friends of equal rights, and the supporters of the Constitution. When, then, or how, has it been neglected? Not by the House, for it had its attention as soon as its business would admit—as soon as the committees were formed and reported, the appropriate references were commenced to be made, and that would be continued as fast as the vindictiveness and hostility of the Opposition would permit, who so far seem determined, at all hazard, and at any expense, to cripple the administration, and obstruct the regular course of business in this House. The member, after denouncing the whole Message in these general terms, takes it up by parts and denounces it. From page ninth, he reads: "On that occasion (meaning and referring to the extra session) three modes of performing this branch of the public service (meaning the safe-keeping and transfer of the public moneys) were proposed!" Here the member stopped short, gave us one of his wondrous *wise* looks, in which he manifested great astonishment and surprise; denounced the statement of the President as *false*, and asked emphatically, and with an air of apparent triumph and defiance, "who will or dare say that there were three propositions for such a purpose presented to Congress at the extra session?" "Who in this House," he repeated, "dare assert such a thing." I *dare* assert it, (said Mr. D.) and I *dare* assert it without the fear of successful contradiction from any man from any quarter. He said he had heard members before use the word *dare* in a wrong and improper manner. To say a member *dare* not do a thing, was using language that could not be carried out. It was too strong an expression. There were members here who *dare* say any thing that truth, justice, and moral principle did not prohibit. Mr. D. said he had surveyed most of the members of the House; he, with his eye, measured their length, their breadth, their circumference, and their diameter, and, more particularly, the eye, which was the index to the heart; and he had seen nothing in the shape of a *modern Whig* that ought, for a moment, to deter a *man* from saying any thing. He repeated, that he *dare* say there were *three* propositions before Congress at the extra session, for the safe-keeping and the transfer of the public moneys, all of which received the attention and the action of Congress; and this, too, he *dare* say on his own responsibility, without even turning to the journals. The first proposition he would name was the Sub-Treasury system, (usually so called,) recommended by the President in his message. The second was a proposition made by a small party here, called the *Conservatives*, which was, in the language of the President's Message, "the revival, with modifications, of the deposite system established by the act of the 23d of June, 1836," etc. and the third proposition was a national bank; none of which can be said to have received the definite action of Congress except the last named proposition; and that, it is hoped, got its last and final sentence, and everlasting doom, by a large majority of both branches; so I throw back the charge of falsehood upon the member from Virginia.

When the member finished his daring and bantering tirade, he amused himself and his friends awhile by singing glory and hallelujahs to the recent *Whig* victories. This he and his party had a right to do when there was any thing that would do for an apology for a *Whig victory;* for they were

"Like angels' visits; few, and far between."

They came about as often as the locusts, but were not quite so destructive as that insect when sent upon the Egyptians as a divine curse.

Here, Mr. D. said, as he was about to trace up and present the genealogy of the *Whig* victories, it was necessary for him to explain what he meant by the term, as applied to the party opposed to the Administration. He wished it distinctly understood, that when *he* used the term *Whig* it was not because there was any applicability in the *term*, to the principles of the Opposition; it was merely to accommodate them. The Opposition were in the habit of taking to themselves a new name as often, at least, as the return of each Presidential election. They had nearly exhausted the political vocabulary. They take a name for political effect. They ask to be known by it so long as it will answer that purpose, or until it is degraded. The last name by which they ask to be known, is "Whig:" not that they possess any of the political principles of the patriots of '76, who were known by that name, and which was at that time, and really is now, synonymous with "Democrat."

The term *Whig* in the United States at this time is significant of Federalist in '96, a term that the self-named *Whigs* of this day were then proud of, but their principles are still the same. Of this truth we have some practical demonstrations. We are all aware of a sanguinary war now raging on our borders in the Canadas. The patriots of Canada have snuffed the breezes from our continent, and caught the spirit of liberty which we enjoy. They have, in the language of our gallant ancestors, pledged their lives, their fortunes, and their sacred honor, in the cause of freedom, and are now battling for independence.

The citizens of the United States have taken sides, (in feeling and spirit.) You find the Democracy on the side of the patriots, who are there called Whigs; and the modern Whigs you find on the side of the tools of aristocracy and the minions of *royalty*, there called *Tories*. I hold in my hand one of the most respectable bank organs and Federal sheets perhaps in the United States, bearing no less title at its head than National Intelligencer, which contains a long article (and favorably received too) denouncing the patriots of Canada as radicals, disturbers of the peace, agrarians, etc and in character with the Fanny Wrights and the *Loco Focos* of the United States. Then, sir, we find that the *Whigs* of this country are the Tories of Canada, and the Whigs of Canada are the Democracy of this country. This is as it always has been, and as it will continue to be. I hope now that I am understood that, when I speak of the modern *Whigs* as a party, I mean the same party governed by the same principles that characterized the Federal party in '96, and who were known by that name.

But to return to *Whig* victories and *Whig* glory. I would advise the *Whigs* to use their glory sparingly. I fear they are too prodigal of it. They ought to use it that it may last until next fall; for then the people will make them sing glory to the tune of "Burns's Adieu." I think the experience and history of our country furnishes us with but three *Whig* victories. One of these was in the year 1796, a triumph over the principles of Democracy that will be long remembered, and can only be lost with the history of our country; a triumph that let loose the foul waters of Federalism to the inundation of the best prospects of productive liberty. This *Whig* victory gave birth to the *alien* and *sedition* laws, that constitute, to this day, and ever will, a foul and black spot upon the American statute book; which, though they tarnish the proud character of our free institutions, serve as an imperishable dixit that, great and good as is our political fabric, and great as were the sacrifices of life, blood, and property by which it was purchased, it is but a human institution; and to preserve it requires nothing short of the vigilance and patriotism that wrested it from the hand of tyranny.

I think the next *Whig* victory is to be found in the chronicles of 1824. This was a most glorious victory, inasmuch as it was a victory over popular suffrage. It was worth all the other victories put together. It was a victory of the aristocracy of wealth over the democracy of numbers. True, it was obtained in direct violation of the spirit and meaning of our Constitution, in the abuse of our free institutions, and in the face and name, and nature of our Government; but this did not make the victory the less glorious with those who can stretch the Constitution to the extent of their own wishes. The glory of this victory lasted four years, and was not unlike a Bacchanalian feast for that length of time; but the people, true to their common country when it is in danger, rallied in their majesty to the polls, and swept from the chessboard the political workers of iniquity of that day, and with them their glory.

We now come to the victories of 1837, to which the gentleman has been so long and so loud singing glory, assisted by those of his friends who could join in the chorus, and those who could not, done their part by *looking effect* to the best advantage. Sir, if justice to the subject would permit, I would not for a moment disturb the member and his friends in the enjoyments of their supposed victories, but I feel bound to make some expositions in relation to the recent elections. The member, in his ecstacies, makes some assertions that the true results of the recent elections will not bear him out in. He tells us in his shouts of joy that the people have risen in their strength from Maine to Mississippi, and denounced the President and his Loco Foco Sub-Treasury scheme. I suppose he has reference to the result of the elections in Maine, New York, and Mississippi. As all this display of victory and glory is for home consumption and party effect, it is a duty I owe to the cause, and the party I support, to give some statistics that will present these elections in a different light. Maine

has not polled her strength since 1834; there has been no excitement in that State since, sufficient to draw her voters out; at that time her Democratic vote was 38,000, and her Whig vote 34,000, the aggregate 72,000. In 1837, the two candidates for Governor had about 34,000 each, it is not known which is elected. The Senate of Maine is decidedly Democratic. It is evident that the Democratic strength was not at the polls by between four and five thousand, while the entire *Whig* strength was: their vote being the same that it was in 1834. The absence of the Democratic vote can be accounted for from the fact that the Democracy of Maine, as well as of every other State in the Union, are the laboring classes of society, and never all turn out to elections, unless there is an exciting question.

How is it with New York? By the returns of 1834, (a year of excitement, and the only since that time,) compared with the returns of 1837, there is an aggregate deficiency of near 54,000 votes; there is a Democratic deficiency of 41,000, and a Whig deficit of 13,000. How, then, let me ask, can New York be said to have denounced the President and his Loco Foco Sub-Treasury scheme? Does the result of the elections in New York either show a change of political principle in that State, or does it denounce the President in the unmeasured terms represented by the member? But how stands Mississippi?—gallant Democratic Mississippi must be lugged into the jubilee; she must be dragged forward to swell the Federal triumph, for which this day seems to be set apart. It would seem that policy would have dictated a different course with regard to Mississippi, lest the whole object of all the bacchanalian feasts would be disclosed to the people in whose eyes it is intended to throw dust.

It is well known that Mississippi has just elected a Democratic Governor by a large majority; nearly all her cabinet officers and a large majority of both branches of the legislature are Democratic. The *Whigs* have indeed returned two members to Congress, but the election was entirely a one-sided business. The present worthy and talented members (Messrs. Claiborne and Gholson) were elected in July. When they presented themselves to be qualified as members, an Opposition member on this floor objected on the ground that the election had been ordered for the extra session only, and was, therefore, null and void.

The objection was overruled, but the whole case was referred to the Committee of Elections. The Committee reported in favor of the sitting members; and after a protracted, careful and deliberate examination of the whole case and the circumstances connected with it, of both a legal and constitutional character, this House sustained the report, and adopted these gentlemen members for the entire twenty-fifth Congress. These gentlemen were not candidates at the fall elections. The democracy of Mississippi held no election for Congressmen, except where they were unapprised of the decision of this House. But the modern *Whigs* of Mississippi, in character with their party elsewhere, regardless of law and the solemn decision of this body, assuming that Congress had not the constitutional right to decide upon the competency of its own members, (a right which is as palpable and as express as any other power on the face of that instrument, and until now has never been denied,) went on to vote for candidates, and having no opposition, of course elected them. If this be a *Whig* victory, the member and his party are welcome to it, with all the other victories over which they are now glorifying. But when the free people of this Union look at the result, they will say that the Democracy of Mississippi have gloriously triumphed, and that their Congressional election was the mere spasm of an expiring faction. The last struggle of a party which, whether known as Federalists, National Republicans, Bank men, Anti-Masons, or Modern *Whigs*, have always been known by their unyielding and uncompromising hostility to the Democratic party and the Democratic principles, as well as their law and constitutional defying spirit. So much for Mississippi and her recent elections. Now, sir, I will ask, in the spirit of candor, where is the cause for all this *Whig* rejoicing? Where does the member find reason to justify the broad assertion, that the people from Maine to Mississippi have denounced the President or any of his measures? Is there any thing in the result of these elections that would justify the President in deserting the principles he has always practised, the party to which he belongs, and the measures upon which he was elected? The people will answer this.

The member has amused us with some fine sayings and sweet stories in favor, in approbation, and in confidence of the *dear* people, and in confirmation of their capacity for self-government. When did the member acquire this *late* confidence in the wisdom of the people, so at war with every principle of the party to which he belongs? Will the member be so good as to favor us with his experience that has brought about this wonderful conversion, by which he is brought to worship at the shrine of the people's wisdom? Was it by the glorious triumph of popular suffrage and the Constitution over corruption, coalition and bribery in 1828, when the people, in their patriotism, their strength and their majesty, crushed at one blow the midnight workers of the political iniquity by which they were defrauded of the Chief Magistrate of their choice, by the election of Andrew Jackson, and by which the violated Constitution was restored, and the right of suffrage secured? Was it then that the member formed his attachments for the *dear* people, and his confidence in their wisdom and integrity? Or was it in 1832, when the same *people* elected the same distinguished individual to the same distinguished office, which is the highest in their gift, and the highest that man can hold, and that, too, in gratitude for prostrating a faithless institution, that the member is now sustaining, to the utmost of his ability, in defiance of the thrice expressed will of the same people, to whose wisdom he is singing hosannas? Or was it in 1834, the memorable *panic* era? This was a time that tried men's souls; corruption and bribery walked naked, shameless, and fearless, in the highways. The wealth of the aristocracy was spread over the land, to the corruption and bribery of every man, and every institution. The newspaper presses were bought in the public market, and in open day, and bribed at midnight in secret corners. The doubting were made to tremble, and the firm to fear; but still the Democracy stood fast; they rallied to the standard of the *man* that never deserted *them* in their country's greatest perrils. The country was saved, and the Constitution was saved. Was it then, I ask, that the member in confidence, and in gratitude, throwed himself into the arms of the people, and embraced their faith?

The President, in conformity with the duties he owed to his country, and the solemn oath he had taken to execute the laws and to administer the Government according to the best of his skill and ability, regarded it as an imperious duty to remove the deposites of the public money from a faithless, worthless, dangerous, and unconstitutional institution, that had been vetoed by the people, and by the exercise of this duty had drawn upon his devoted head the concentrated wrath and indignation of the United States Bank and the aristocracy of the country; but the old soldier, who knew no fear or any interest except that of his common country, met the storm and triumphed, for he was on the side of justice and the people. I ask, was it then that the member enrolled himself on the side of the people? or was it the little, petty, short-lived *Whig* victories of 1837 that have removed the scales from his eyes, and brought him to a sense of the power, the wisdom, and the justice of the people?

The member seems apt at calling names, and with others of his party colleagues here, at prefering charges against the Democracy of Executive influence, vassalage and corruption. These charges seem to be as common as the ordinary day business of this House. I think, sir, charges of this kind come from the Opposition in bad taste and worse time. A party who, (with many honorable exceptions, I am happy to say,) live, move, and have their political being, and daily support, by and from the banks. No southern slave whose bondage is absolute and unconditional, is more under the dominion of his master than hundreds and thousands of that party, (who, by their representatives, are daily making these charges against the Democracy and *their* representatives,) are under the control and dominion of the banks. Look, sir, at their newspaper presses; how far have they fallen from the holy purposes for which they were originally invented and established! In place of being the mediums through which virtue, science, and general intelligence is to flow to the public mind, they have become the receptacles of all that is abominable in slander and vile in detraction. Their columns have become the filthy suers and polluted sluices, through which there is no slander too base, or falsehood too malignant and poisonous, to pass to the destruction of morals and the peace of society.

The virtuous and the patriotic find no advocates in them. The warrior and the statesman, whose lives have been worn down in the service of their country's highest interests, are alike the subjects of their abuse and detraction. And look, sir, at their swarms of letter-writers, who annoy you at every step and every corner, who, like lank, lounging, hungry dogs, that lean upon the gate posts, and yelp and howl around this Capitol, and feed upon the crumbs that fall from the tables of those who are themselves the subjects of bank corruption and Federal bribery. I say such charges come in bad time and in bad taste from such a party. The Democracy are emphatically the freemen of this country. They depend not on banks nor on the smiles of the Aristocracy for their maintenance. They depend upon their sweat, their toil, the fields that they have cleared with their own hands, and the rains of Heaven, for all they have and all they wish.

But the member calls names. He has denounced the whole Democratic party, with a bitterness and vindictiveness I hope unworthy of his heart, as *Loco Focos*. I am unacquainted with the meaning of the term *Loco Foco;* it is of a tongue unknown to me. If the term is political in its signification, and is expressive of a love of liberty, a regard for the support and literal construction of the Constitution, a disposition to support our free institutions, and an unyielding hostility to a national bank, to odious political distinctions, unconstitutional monopolies, and exclusive and dangerous privileges for the benefit of the few to the exclusion of the many, then I am a *Loco Foco*, and I am proud of the name; I hope I shall never abuse or disgrace it. But I am now going to tell *you*, sir, another thing I *dare* do. I *dare* pronounce any man on this floor or elsewhere, a base LIAR and a reckless SCOUNDREL, who dare denounce me a Loco Foco, and attach thereto any other *political* meaning than that which I have just described.

The member pronounces the President a *vile demagogue*. I have heard this member before denounce the President and all his Cabinet, as *knaves* and *fools*. But why is the President denounced as a *vile* demagogue? I suppose it is because he holds the true Democratic doctrine in his Message, that "the *voice* of the people is the supreme law of the land;" and because he pledges himself to give to the measures adopted by Congress his hearty co-operation, to the fullest extent which his views of the Constitution and his sense of duty will permit.

Mr. Chairman, I think there can be no better evidence that a man is a *vile* demagogue himself, than to hear him perpetually denouncing other statesmen and politicians without discrimination, *vile demagogues*, *knaves* and *fools*, who are opposed to him in politics.

The world has never been clear of demagogues since the first formation of government. Egypt, in her first Government, had her demagogues. Cyrus came near being destroyed by a demagogue. Darius fraudulently ascended the throne of Persia by the intrigues of a demagogue. Carthage had her demagogues, as the unhappy fate and misfortunes of the brave Hannibal, who subdued the Alps, conquered on the plains of Italy, and carried the Carthaginian arms to the gates of Rome, and the downfall of her Government, and destruction of her city, will bear testimony. Greece had her

demagogues, as the persecution and death of her good, wise, and *just* Socrates will bear evidence. Rome had her demagogues; and the United States have their demagogues.

If there is any one abominable thing on the face of the earth *more* abominable than another, it is a *vile* demagogue. Kingdoms have been prostrated; empires have been dissolved, and Republics have been subverted by demagogues. The greatest, the wisest, and the most virtuous men that ever adorned the human family have been brought to poverty, persecution, and death by *vile* demagogues. There is no man who now moulders with the dead, who was more slandered and traduced than has been the statesman, the patriot, and the philosopher of *Monticello*, by the *vile* demagogues of the same party to which the member belongs. There is no man who mingles with the living, who has been more traduced and vilified by *vile* demagogues, of the same party, than has been the winter bleached patriot of the *Hermitage*, who only lives to link the living with the dead, and to tell the stories of the Revolution, and the sufferings, hardships, and privations of our fathers, with a warm heart, and with living lips. Can Mr. Van Buren then expect to escape the slander and detraction of *vile* demagogues? When he does, he must know he has lost favor with his God and his country. Reward awaits virtue and merit. This is a Divine promise.

The names of those statesmen and patriots, when all now living will be mingling with the dust, will occupy a part of the brightest page of American history, and will still live in the grateful remembrances of their countrymen, while the names of the *vile* demagogues who have traduced them, and are now slandering them, will be consigned to the rubbish of a corner, or only be seen in the polluted columns of a bought or bribed and a corrupted newspaper.

REMARKS OF MR. POTTER,
OF PENNSYLVANIA,

In the House of Representatives, January 4, 1838—In Committee of the Whole on the state of the Union.

The following resolution of Mr. HAYNES being under consideration:

Resolved, That so much of the President's Message as relates to the finances, and every thing connected therewith; to the safe-keeping of the public moneys, and every thing connected therewith; and so much as relates to the Bank of the United States, be referred to the Committee of Ways and Means."

On the 19th December, Mr. CUSHING of Massachusetts submitted the following resolution as a substitute for parts of the resolution of Mr. HAYNES:

"WHEREAS, the influence of the Executive Department of the Federal Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished:

"*Resolved, therefore*, That in order to correct the said abuse, so much of the President's Message as relates to the collection, safe-keeping, and transfer of the public money, be referred to ———, with instructions to report:

"First, such method of keeping the public treasure, effects, and other property, as in the judgment of the said committee shall most conduce to promote the welfare, and to secure the liberties of the people; and, secondly, such other reforms in the practices of the Government as in their opinion shall tend to bring back the administration thereof to the standard of the original purity of the Constitution."

Mr. POTTER, being entitled to the floor, rose and addressed the House as follows:

Mr. CHAIRMAN: The reading of the Constitution, as expounded by the honorable gentleman from Massachusetts, prefacing the introduction of the resolution offered by him, in many points accords with the Republican code of 1799. Light has broken upon us from a region heretofore hostile to the Conservative doctrines of a strict construction of the delegated powers of the Constitution. All should concur in the soundness of the positions, that public opinion is the ultimate arbiter of every measure of Government, and that a salutary jealousy of the encroachments of power is germain to the preservation of free institutions. The checks and balances of power, as delegated to the co-ordinate branches of the Government, must be sacredly preserved, to retain the symmetry of the whole. Whenever either branch take a single step beyond the boundary designated and drawn around them by the Constitution, they wander into a boundless field, susceptible of no clear or accurate definition. So long as we preserve the principle "that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people," and restrain each separate branch of the Government in its constitutional orbit, the people of this country will be free, in the loftiest sense of freedom. Free to do all good; restricted only from evil; every man pursuing the bent of his own genius or fortune; every citizen protected by laws inviolable, or whose violation is instantly punished, by certain and just penalties—we will only cease to be free when the people becomes corrupt. When that period arrives, freedom will not be found here. When you witness the contumely of man to man; the vindictiveness of popular rage; the down cast visage and degraded form of the corrupted serf—you may with certainty pronounce this people are no longer free. They have abandoned freedom's living principles—justice, temperance, and truth. The infringement of any of the constitutional powers of either of the three branches of our Government should be met at the threshhold. If the Executive has "in derogation of the letter and spirit of the Constitution," trenched on the judicial or legislative powers, it should be sternly rebuked, and confined to its constitutional boundaries. In doing this, we should be careful not to inflict a wound upon the principles of the Constitution. Republics should guard against the danger of faction, and always bear in mind, that in the midst of glowing harangues and pompous professions, the most deadly stabs are aimed at liberty. Recollect the fate of France: for a time the mightiest of republics; for the mercy of heaven the briefest: all was hypocrisy that was not horror—equal rights were those of equal robbery—liberty veiled her face, and the offerings on her violated shrine, were the spoils of patriotism, virtue, and honor.

The reasons assigned for a departure from the usual course of reference, demands a careful and attentive consideration. The truth of the bold assumptions, of usurpation of power "in derogation of the letter and spirit of the Constitution," contained in the resolution, should be tested. That portion of the President's Message, referring to the financial relations of the Government, have been brought into review, and the recommendations of the President arraigned with peculiar asperity. It is alleged that an appeal was taken from the principles of the Message sent in at the extra session to the people, and that the response has been gloriously against the President; that new light has been shed on the vexed question of a national bank; that the *ignis fatuus* that led Tennessee, with other sections of the Union, astray, has been dissipated, and that the broad and glorious banner of a new monopoly "streams in light;" that Maine, Rhode Island, and New York have rebuked the President, yet he contumaciously adheres to his course. As to the elections in Rhode Island and Maine, the principles developed in the Message could have had, in the first, no influence whatever, and in the latter, not one out of one thousand of the voters had seen or read it before casting their suffrages. In New York, their State elections were mixed up with numerous ingredients. Nay, it is evident that, in the one party, there was union, zeal, money, and talent; in the other, supineness, discord, and division. The rejoicing and illuminations for the victory of party, in that State, by many who were "too moral and religious" to rejoice and illuminate for the victory of their country's arms over a foreign enemy, may raise a spirit in the empire State which will turn this joy into sorrow. What do the political opponents of the President desire him to recommend—a national bank? This the honorable gentleman from Kentucky (Mr. Underwood) points out as the panacea for every ill. Can the President consistently recommend this measure? A high regard for the "national will" constitutes a primary article in the creed of Democracy. When fully expressed, it should, on every occasion, be the rule governing the public functionary in his official action within the pale of the Constitution. Sovereignty rests in the people, who created this Government to secure and protect their liberties, and advance their prosperity and happiness. All, in every station, should bow with submission to the popular will. This voice has been heard again and again, within the last few years, on the question of a national bank; and in language which "those who run may read," the American people have rejected the project. The late President, pending the canvass for re-election, vetoed the bill rechartering the bank, and fearlessly cast himself upon the intelligence, virtue, and patriotism of the people for support. The response was given in characters of living light; the subject was fully discussed and perfectly understood; the power of an existing institution of great strength, and whose branches were deeply rooted in every State in the Union, was enlisted in the conflict. What was the result? The re-election, by an unprecedented majority of the electoral votes, of that man, who had staked his political destiny on opposition to a national bank. This was no pehemeral voice of the people, but a direct and constitutional expression of the popular will.

The decisive measure of the removal of the deposites from the vaults of the bank, produced a second conflict before the people. The succeeding Congressional elections in every State in the Union were made to turn on the questions of support or opposition to the bank, and approval or hostility to this measure of the Executive. Who does not recollect the remarkable epoch of the "panic session of Congress?" a period memorable in the history of our country for the fierceness of the political contest that convulsed Congress and the country. A majority in the Senate, composed of men, whose brilliant talents and commanding eloquence would have shed lustre upon any deliberative body in the world, in opposition to the Administration, arraigned the President before that high tribunal, and declared his acts relative to the removal of the deposites to be in derogation of the Constitution and laws. This severe censure was published to the world, and carried, as if upon the winds, to every city, town, and hamlet, in the Union. Pecuniary distress and embarrassment were brought upon the people by the action of the bank, clamor raised to a fearful extent, and the walls of the Capitol, for days and weeks, and months, made to echo and re-echo with eloquent denunciations against the tyranny and usurpations of the Executive, and the timid and base subserviency of the Democratic members of Congress to the mandate of power. Yet the people, unawed, intelligent, fearless, and free, returned a majority of the friends of the Administration into this Hall; and State after State, on the expiration of the Senatorial term of the incumbents, sent into the other wing of the Capitol advocates of this leading measure against the bank. The election of the present Chief Magistrate was not devoid of a like test of the popular will on this question. An honorable gentleman, pending the canvass, called upon the candidates for an expression of their opinions, upon the expediency and constitutionality of creating a national bank. A full, frank, and explicit opinion, adverse to the power of creating a bank under the Constitution, as well as its expediency, was given by the President. This declaration of principles was published to the constituency of the Executive, and was acted upon by them. The party press hostile to the election of Mr. Van Buren, made it a prominent topic of discussion and attack. On the other hand, his friends sustained him, on the ground of opposition to a bank. Thus it was known to every voter, that if he was successful in the contest, so far as Executive approval was necessary to the creation of a bank, there existed an insurmountable difficulty. The official oath "to support the Constitution" to

him who believed that the people had not delegated to Congress power to incorporate a bank, was an impassable barrier. With this clear exposition of constitutional principles before them, a majority of the people elected the present Executive. So much for the expression of public opinion, on mature reflection and elaborate discussion, when the very point at issue was before them. Has it been reversed? Has Georgia gone in favor of a bank? The recently elected Governor of that State denies the power of the United States, under the Constitution, to create corporations. South Carolina rears aloft her palmeto flag, inscribed with the principles ingrafted in the Message. A majority of both Houses of Congress have, at the recent session, declared against a national bank.

Time will tell whether New York has abandoned her principles, and deserted her favorite son, for a faithful adherence to Democratic doctrines. I apprehend the late election will be found to be no test in that State on this question. The repeated action of the people was certainly intended to be operative on the Chief Magistrate, elected under auspices similar to those which marked the elevation of the President. How, then, would he stand before his constituents and his God, if he should, without change of opinion on the constitutional delegation of power, recommend the creation of a national bank? A recreant to his conscience, and a betrayer of the trust confided to him, his name would become a hissing and scorn in all future time—condemned and despised by those who now charge it upon him as a crime that he does not make himself this abandoned thing.

The reception of the depreciated paper of non-specie-paying banks in the collection of the revenue finds no advocates here or elsewhere. The deposite act of 1836 must be repealed, before a re-union of the Treasury with the State institutions can be solemnized. The act of suspension dissolved the connection. Is it true policy to renew it? The dishonor of their own bills caused a cessation of the interchange of bank notes and bank credits at par between the institutions of the different States. This precluded the Treasury Department from the facility of transferring the funds on deposite from the various points where collected to the places where they were to be expended by law and the wants of the Government. However abundant the revenue was, in its general product, it became inadequate in the process of its application. The possession of public funds deposited in the Western and Southwestern banks afforded no evidence of a fiscal capacity to discharge a public debt on the Atlantic seaboard. The difference of exchange increased the embarrassment; as the amount of Legislative appropriations are uniform, wherever the objects are to be effected; no allowance having ever been sanctioned by Congress on account of the varying rate of exchange. The plain duty, in relation to the debtors and creditors of the Government is to produce uniformity; no creditor should receive more and no debtor should pay less, on the same account, than every other debtor and creditor in the nation. All demands should be provided for promptly and efficiently, at the proper place of payment. The fiscal arrangements of the Government should be so directed, as to do justice to all the people, as well in the collection as disbursement of the revenue. Experience has demonstrated, that these objects cannot be attained through the fiscal agency of local banks, under the existing laws, and the reception of depreciated paper issues for the dues of Government. The collection of the revenue in the constitutional currency, or its equivalent, and the care and custody of its funds by the Government, either in the hands of public agents, or on special deposite with corporations, is the remedy recommended by the President. Has this a tendency to increase Executive power? It is apprehended that the reverse would be found to be the effect in its practical operation. We have seen the Executive and National Bank antagonist powers in conflict. It required the prodigious personal popularity of the remarkable man who lately filled the Executive chair to withstand the efforts of the bank to prostrate him and the great party which sustained him. If they had been united, what power in this nation could have consummated their overthrow? Nothing but a revolution and civil war, in which the energies of an enraged people were exerted, would have sufficed to have produced such a result. The first impulse in the nature of banks is to make money and support the power which can sustain and promote their interests. Their very constitution makes them allies of power; to advance their interests, and increase their profits, if moving in harmonious action with the Executive branch of the Government, it is feared, they would sustain its measures even if they would "sting the political liberty of this country to death." To guard against the recurrence of evils, and to restrain banking corporations within their appropriate and legitimate sphere, is the desirable object which every sound statesman should endeavor to effect. The power of the National Government over State institutions is exceedingly limited. The remedy must come from the State sovereignties. The renovation of the system belongs to them. Banks are so intimately interwoven in our habits, so connected with our domestic institutions, that none but a madman could contemplate their destruction. They were called into being to subserve the interests of the community. Lop off their excrescences and they minister to the prosperity of the country. Intimately blended with the business of the whole people, their true interests should be cherished and protected as part and parcel of the general industry of the country. When their notes are convertible, at the will of the holder, into specie, they are the representatives of value, and then become the equivalent to specie. When they cease to be redeemable on presentation, their reception for the dues of the Government, would banish equality of taxation, a fundamental principle of our institutions. The reception of the notes of the State institutions for duties or taxes was first recognised by Congress in the adoption of the joint resolution of 1816. Prior to that period, it was left to the vigilance and discretion of the Executive department. The act of 1789 required "all duties to be received in gold and silver only." The construction given to the act in 1790 was, that it was confined to two objects: "1st, the exclusion of payments in the paper emissions of the particular States; and 2d, in securing the immediate and ultimate collection of the duties in specie." Under this construction, the revenue was received in the notes of State banks, convertible, at the will of the holder, into the precious metals. This basis of their reception should not be widened; it is certainly as broad as the interests of the Union require. The point at issue may be reduced to a single proposition: Are the State banks entitled to the public moneys, to be deposited with them as capital to bank upon, or to be used as a means of increasing their dividends, and enhancing the profits of the stockholders? The benefit is confined to the few, to the exclusion of the many; a spirit of wild speculation is engendered by the over-issues of banking institutions; an inordinate thirst for gambling is diffused among the mass of the community; an emergency arises: contraction, as an immutable law of trade, follows expansion; the circulating medium is rapidly decreased, and poverty and distress overwhelm the community. These are the evils that flowed from a union of the public money with State institutions. Are they to be renewed?

The organization of the standing committees by the presiding officer of this House, is another reason assigned for a departure, from the usual mode of reference. The allegation is, that he has improperly given to the friends of the Administration, an unusual preponderance on the committees, and excluded the Opposition from their just representation. There is nothing so easily made as general declamation and loose charges. To sustain them by facts, is a much more difficult task. The touchstone of truth disipates the mist, and tests their accurac. By the rules and orders of the House, thirty-two standing committees, exclusive of the Committee on Mileage, are to be appointed by the Speaker. In the performance of this duty, the utmost fairness and liberality was extended to the political opponents of the Administration. Out of the thirty-two standing committees, fifteen have, in their composition, a majority of members politically hostile to the Administration. In proportion to the numbers of the two great parties which divide this country upon the floor of this hall, candor must admit that this is no unequal distribution of power. The Committee of Ways and Means, and of several other committees, which are intimately connected in their duties with the Executive branch of the Government, and requiring consultation with, and reciprocal trust and confidence between, the various heads of departments and the committees, have in their composition a majority of the friends of the Administration. Is this unusual and contrary to the course pursued by other presiding officers, who were the predecessors of the present incumbent? A recurrence to the past history of legislaion in this country exhibits no instance of the Speaker elected by the friends of the Administration, giving to the minority the control of those committees. The Administration are responsible to the nation for the successful issue of the Executive duties while entrusted to their hands; yet their adversaries complain of unfairness, because the political friends of the Administration in this House do not surrender it, bound hand and foot, into their safe and holy keeping. I would concede greatly to these honorable gentlemen, and have confidence in their sagacity and political tact. *But this is asking rather too much.* The people, in the exercise of their high powers, have chosen to entrust the present Chief Magistrate with the Administration for four years. They elected a majority, avowing similar political principles, into the popular branch of the Legislature; that majority elected the Speaker. If in the selection and organization he had so arranged the committees, as to give the minority power to embarrass the Executive in the performance of his official functions, he would have been derelict in his duty to the nation, and unworthy of the high station which he occupies. No honorable man would have been guilty of such base treachery to the country and his political friends. Yet because this high functionary has not accommodated the minority, and yielded to them the control of the committees, so as to efficiently aid them in their efforts to prostrate the Administration, all is wrong; and he, in obedience to orders from the palace, has surrendered the rights and liberties of the House. So it has ever been, and so it will remain. Party and political intolerance knows no liberality, when urged on by the hope of attaining power.

It is due to the Speaker to say, that he has won the meed of approbation from political friends and foes, by the suavity of manner, dignity, and impartiality with which he has filled the duties incident to the honorable and arduous post which he occupies. Contrast the political complexion of the committees in other days, and under former Administrations, with their present organization, and it will be self-evident that no cause has been given for this assault upon the Speaker. In the first session of the 19th Congress, during the period you, sir, (Mr. Adams) was President, and your political friend, Mr. Taylor, Speaker, the committees were thus arranged, (see Journal, page 27.) Committees consisting of 7 members:

The Committee of Ways and Means, four Administration and three Opposition.

Foreign Affairs, five Administration and two Opposition.

Manufactures, five Administration and two Opposition.

Naval Affairs, five Administration and two Opposition.

The second session, (see Journal, page 23.)

The Committee of Ways and Means, five Administration and two Opposition.

Foreign Affairs, five Administration and two Opposition.

Judidiary, four Administration and two Opposition.

Naval Affairs, five Administration and two Opposition.

Subsequently, during the Administration of President Jackson, a majority of his political friends elected Mr. Stevenson, of Virginia, Speaker. During his administration of the duties of that station,

the organization of committees will be apparent by the following extracts:

First session of the Twenty-first Congress, (see Journal, page 27.)

The Committee of Ways and Means, five Administration and two Opposition.

Commerce, five Administration and two Opposition.

Judiciary, four Administration and three Opposition.

Manufactures, five Administration and two Opposition.

Foreign Affairs, five Administration and two Opposition.

Military Affairs, six Administration and one Opposition.

Second Session of the Twenty-First Congress. (See Journal, page 34.)

The Committee of Ways and Means, five Administration and two Opposition.

Commerce, six Administration and one Opposition.

Judiciary, five Administration and two Opposition.

Military Affairs, six Administration and one Opposition.

Foreign Affairs, five Administration and two Opposition.

At the Second Session of the Twenty-Third Congress, during the Presidency of Gen. Jackson, a distinguished and able gentleman, whose talents and political tact has commanded my highest admiration, exerted, in opposition to the Administration, succeeded Mr. Stevenson in the Speaker's chair—I allude to the honorable gentleman (Mr. Bell,) from Tennessee. How did he organize the committees as to political arrangement? Did he give to the Opposition a majority on these leading committees? He had too high a sense of honor thus to betray his political associates. If he was not justly chargeable with servility and submission to the rescripts of the palace for such organization, does it become the followers in his wake, to denounce the Speaker for pursuing a precedent set by the leader of their party on this floor? By a reference to the 33d page of the Journal of the 2d session of the 23d Congress, it will be perceived, that on the

Committee of Ways and Means were six Administration and three Opposition.

Foreign Affairs, seven Administration and two Opposition.

Post Office and Post Roads, six Administration and three Opposition.

Military Affairs, eight Administration and one Opposition.

Commerce, five Administration and four Opposition.

At the First Session of the Twenty-Third Congress, the Opposition had a majority in the Senate, who determined to change the rule relative to the appointment of committees. Accordingly, they took from the Vice President, Mr. Van Buren, the power of appointment, and transferred it to the Senate. How was this power exercised in the composition of the committees? The 35th page of the Senate Journal gives the response. The committees consisted of five members, viz:

Finance, four Opposition and one Administration.

Commerce, three Opposition and two Administration.

Naval Affairs, four Opposition and one Administration.

Public Lands, four Opposition to one Administration.

Post Office and Post Roads, three Opposition to two Administration.

This Committee on Finance were appointed to sit in the recess, and investigate the affairs, etc. of the Bank of the United States. It consisted of four Opposition members, and one Administration, (Judge Wilkins,) who being appointed Minister to the Court of St. Petersburg, did not attend the investigation—(see Journal, p. 391.) Was this complained of as unfair? or was it thought tyrannical and unjust by the friends of the Opposition? When operating in their favor, the rule has been rigorously enforced. Why should they now complain, when applied to themselves? The facts developed prove conclusively that the Speaker has violated no usage or principle in the organic arrangement of the committees.

The conduct of the Committee of Ways and Means at the extra session is denounced, and is said to have been such as to render it unworthy of trust. What outrage upon the rights and liberties of this House or the nation did they commit? When yield their own judgments to the Executive mandate, and registered the decrees of the palace? When interposed a barrier, excluding the people from their representatives? Sustain the accusation, that the committee are guilty of these charges so boldly made, and I, for one, will go as far as the farthest, not only to withhold any subject from being referred to them, but to purge the national councils from such unworthy members. The proof is upon those who file the accusation. If they fail to sustain their charges, they occupy no very enviable niche in the temple of fame. He who wilfully calumniates another, is destitute of every honorable feeling.

In what do these high crimes and misdemeanors of the committee, consist?

1st. That they assented to and knew that their chairman consulted the Secretary of the Treasury on the financial bills.

2d. That at the request of the chairman, the Secretary transmitted to him drafts of some of the bills; not one of which was adopted by the committee.

Was there any thing reprehensible in this? or was it in accordance with the usages and practice of committees from the origin of the Government? The third section of the second article of the Constitution, directs that the President "shall from time to time give to the Congress information on the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Under this clause, the recommendations of the President are annually laid before Congress. In this he certainly does not derogate from either the "letter or spirit" of the Constitution. The second section of the act establishing the Treasury Department, expressly makes it the duty of the Secretary "to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit." For what purpose is this officer "to digest and prepare plans?" Evidently to communicate them to Congress, and to the committees of Congress whose duty it is to reject or mature bills to carry the plans devised and digested into effect. In the origin of the Government it was not thought to be either dictation from the White House for the Secretary of the Treasury, to submit to Congress, in a report, the plan digested for sustaining public credit; or servility in Congress to receive and act upon these suggestions. An early report of Mr. Secretary Hamilton, in 1795, exhibits the view that many of the framers of the Constitution, and of the law organizing the Treasury Department, took of the duties of the Secretary relative to every subject connected with the revenue. The custom of committees consulting with, and requiring information from, the heads of Departments, in relation to matters intimately blended with their duties, has been uniform and unbroken, during every Administration; and on all occasions, when required, the Secretary of the Treasury has communicated with committees of the House, on subjects connected with the finances of the nation. The Secretary of State, in relation to foreign affairs, has, by that committee, unquestionably been called upon for information, and doubtless, sir, you (Mr. Adams) have frequently communed with the chairman during the period that you so ably filled the station of chief of that Department. The measures taken by committees relative to a Bank of the United States, presents a striking instance of the intimate relations subsisting between the Secretary of the Treasury and committees connected with finance.

The plan of a national bank had its origin in a report of the Secretary of the Treasury of the 13th of December, 1790. A memorial for the renewal of the charter was presented to Congress on the 29th of January, 1810, which was referred to a committee of seven—Mr. Montgomery of Pennsylvania being the chairman, a gentleman of as high-toned patriotism and of as pure moral integrity, as ever graced the councils of this country. This committee, through their chairman, addressed a letter to the Secretary, "*requesting him to furnish such information or observations in relation to the subject-matter thereof as connected with the financial and commercial interests of the United States.*" In reply, the Secretary (Mr. Gallatin) referred the committee to a report he had made to the Senate, in which the plan was developed on which the re-charter, in his opinion, should be predicated. Was this application, in the purest days of our Republic, deemed an outrage on the rights and liberties of the House, and the committee thought unworthy of further trust and confidence? The discovery had not then been made that it was contamination to call on the proper head of the Department for information. The suspicion of "clandestine" arrangements between the committees of this House and the Secretary, found no abiding place in the bosoms of honorable members. At the third session of the thirteenth Congress, John W. Eppes was appointed chairman of the Committee of Ways and Means, and on the 14th of October, 1814, he consulted with, and applied to, the Secretary of the Treasury, "*to suggest any other or such additional provisions as may be necessary to revive and maintain public credit.*" The *plan of a bill for the incorporation of a national bank* was submitted by the Secretary to the committee, in his response to the call of the chairman, and acted upon by them. In the House, after discussing for weeks the bill for the creation of a bank, on the 25th November Mr. Lowndes moved its reference to a select committee, which was adopted. Mr. Lowndes was appointed the chairman of that committee, and on the 27th November consulted Mr. Dallas, then at the head of the Treasury Department, and received his suggestions with the high respect to which they were entitled. What this distinguished South Carolinian did not hesitate to do as chairman of a committee, might certainly be done by the chairman of the Committee of Ways and Means without reproach. At the first session of the Fourteenth Congress, a select committee was appointed in relation "*to an uniform currency,*" of which Mr. Calhoun of South Carolina was chairman. On the 24th December, 1815, the Secretary of the Treasury, at the request of the committee, addressed a letter to their chairman, to which was appended "*the outline of a plan for the national bank, referred to in his letter.*" Did the enlightened and patriotic men who composed the committee, or the House of Representatives, deem this an unauthorized intrusion and usurpation of power? The idea never entered the mind of any member of the committee, or of the House. The practice, now denounced in unmeasured language, has received the sanction of precedent in all past times in the history of the Government; men of the highest order of intellect, of the purest principles, and of the most ardent patriotism, failed to discover the evils depicted, from the practice of consultation with the heads of departments. Why should the present Committee of Ways and Means be an exception to the general rule? Why should they be now arraigned and condemned, for the effort to obtain accurate and correct information on subjects pertaining to their duties? Does it arise from the reckless character of the Opposition? Does "the end justify the means?"

But ah! this committee, at the late session, did not read *in the committee room* the memorials presented for the establishment of a national bank. Monstrous! what unheard of audacity! a committee daring to report "that it is inexpedient to charter a national bank," without reading in their room all the memorials and all the names appended. The mass of these petitions were from the same mint—stereotyped editions of a common origin—in the same words and letters, from the crossings of the *t* to the dots over the *i*. What a flood of light they were calculated to shed on the subject! Printed and reprinted by the orders of the House—morning after morning laid on the desks of the members. Who had not seen them? who had not read them? True, all must have seen and read them, yet they were not read in the

committee room. There is a magic in the reading within the walls of the committee room, which the most intimate knowledge of their contents cannot replace. It was a grave duty which the committee was bound to perform. They must not only read over and over again some forty memorials, couched in the same language, containing the same words, letters, and syllables, but they must count the names of the petitioners. For not performing this grave duty, they have committed the "unforgiven sin!" Suffer me to inquire, how it happened that the distinguished members of the Opposition, who were on that committee, did not call for the reading of these memorials? The duty was as imperative upon them as any other members of the committee; they had an equal right to read, or cause to be read, these extraordinary papers; are they too derelict in their duty to the people? Have they trampled on their rights, and disregarded their petitions? It is the first time either political friend or foe ever charged my distinguished colleague, (Mr. Sergeant,) a member of the committee, with a neglect of official duty—a gentleman of singular promptitude, in the discharge of every matter confided to his care; of great experience and commanding talents, known to be favorable to the prayer of the petitioners; can he be truly charged with treating their prayers with contumely? He never would have stood silently by and suffered the voice of the petitioners to be suppressed. Why, then, did not he call for the reading of these petitions? Because he knew, as every man here knew, their contents; and could not distinguish the immense importance of acquiring that knowledge only in the committee room. Is he to share the fate of his co-members? If they are no longer trustworthy on this account, he is equally a participant in the fault. To impugn the majority, and fasten a charge upon them, are the Opposition in this hall prepared to prostrate their ablest and noblest champion? Well may he exclaim, "Save me from my friends." No man in this Hall more highly prizes the right of petition—none acquiesce with greater deference to the popular voice—none regard with higher respect the request of any portion of the people, than I do; but I cannot perceive just cause for the magnitude attempted to be given this charge against the committee.

At the commencement of the late session the cry was raised of ruin and distress brought upon the country by the course of the Administration. The rash conduct of the former Executive, and the blind adhesion to his policy by the present Chief Magistrate, denounced. The failure of the experiment, and the usurpation of power by the Executive, loudly proclaimed. The charge that the friends of the Administration recommended measures for the benefit of the office holders, but proposed nothing for the relief of the suffering people, was iterated and reiterated. These charges were so frequently made and so earnestly repeated by honorable gentlemen, that I, a tyro in political conflict, was induced to anxiously inquire, How is this? In a short period the curtain was lifted, and the object of the Opposition partially developed.

Four several bills, eminently calculated to give immediate relief to the people, were reported, and came to be acted upon. Intimately connected, the fate of all depended upon the adoption of the whole. It was soon apparent that those denounced as the enemies of the people were exerting every nerve for their relief, and the denouncers struggling for the defeat of measures calculated to afford that relief. Why was this so? Was the motive patriotic, or did opposition to the measures arise from hostility to the Administration? Was the object, at all hazards, to render the dominant party odious to the people? A project unworthy of the true patriot and lover of his country. These measures have gone into operation, and, judging from results, have proved highly beneficial. The depression in trade has gradually been ameliorated; the foreign and domestic exchanges brought within a small fraction of par value; the mercantile and manufacturing interests resuscitated and revived. Time, the unerring test of measures, stamps, in indelible characters, the chimerical nature of the evils predicted from the policy adopted by the majority during the extra session. The war has again been proclaimed; the tocsin sounded upon this floor; the plan of the campaign formed and partially unveiled; the Administration is to be stabbed through the sides of the standing committees of this House; destroy the confidence of Congress and the people in these committees, and a political point is gained. Is it the game, to operate on the various State Legislatures now in session, and induce a belief that the Administration are in a minority, in the popular branch? Effect abroad, by a show of strength in the early part of the session, is worthy of a bold and desperate effort. The history of nations has demonstrated that those who pursue power, and think they have it within their grasp, are not to be controlled by nice distinctions of right and wrong in their plans of operation, to attain the desired boon. With all the deep commiseration expressed for the miseries of the people, what plan do the Opposition propose for relief? Who has seen it? who has heard it? Able, talented, and wise, what is their policy to extricate the country from the evils that overshadow it? Within the walls of the Capitol it has been announced that "the Opposition had no plan to propose." The policy avowed was "to fold their arms and stand aloof;" their practice, to assail indiscriminately every measure brought forward by the Administration. The old and worn out theme of the invasion of the "letter and spirit" of the Constitution by Executive usurpations, is to be revived; the rusted armor to be furbished anew, and the scenes of "the panic session" to be re-enacted. Those whose length and breadth of patriotism will not suffer them to act for the relief of the country from blight and destruction, because the Executive is not of their party, do small credit to the venerable name of Whig: a name identified with all that is high, holy, and pure, in the annals of our country. Is the struggle for power and place? The glittering bauble of the Presidency glances before the vision of more than one aspirant. The "spoils," a word eschewed in debate, but never forgotten by Whigs when in power, would, if success should crown their efforts, doubtless be equitably distributed. But far be it from me to intimate that such small matters influence the course of honorable gentlemen. Whigs should spurn such incentives to patriotism. They claim that the virtue and intelligence of the nation is embodied in their ranks. Be it so. It is a commendable virtue in a party not to leave unheralded their devotion to popular rights. To achieve their object, it is only necessary to induce the people to confide in their professions. Unfortunately for them, there has been a singular apathy to their complaints in the great body of the people. For years they have turned a deaf ear to the solicitations of the pure and patriotic Opposition. The chameleon does not change its hue more frequently than this party their names. The colors of the rainbow are not more various than the mixture of party measures and principles professed in different sections of the Union. But all these efforts have failed in obtaining the confidence of a majority of the people. Yet Whigs all, they are "like unto a net that was cast into the sea, and gathered of every kind." The coinage of new and odious appellatives, bestowed upon the Democracy, is brought in aid of other means to put down the Administration. "Loco Foco destructives," embellish and adorn the speeches of honorable gentlemen. The time was, when the word "Democrat" was synonymous in the same party vocabulary, with all that was base and vulgar—the party with whom I am proud to act, are satisfied with that venerable cognomen. The Democracy consists of the great body of the people: are they destructives? What do they desire to destroy? Themselves: their own property; their own rights; their own liberty. Are the Opposition to remain in the minority until they convince the people that they are incapable of self-government? A task of no inconsiderable difficulty. "Deferred hope maketh the heart sick." That hope will, I trust, never be fulfilled, which depends upon the abasement of the people for its fruition.

MR. CALHOUN'S RESOLUTIONS.

In Senate, Tuesday, January 9, 1838—The Senate resumed the consideration of Mr. CALHOUN's resolutions, on the relations, &c. of the States and General Government. The question being on the fourth of the series as follows:

Resolved, That domestic slavery, as it exists in the Southern and Western States of the Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognised as constituting an important element in the apportionment of its powers among the Sates; and that no change of opinion or feeling, on the part of the other States of the Union in relation to it, can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively, on entering into the constitutional compact which formed the Union, and, as such, are a manifest breach of faith, and a violation of the most solemn obligations."

Mr. GRUNDY said that, having been absent from sickness when the votes were recorded on the passed resolutions, he took this opportunity of saying that he zealously concurred with the object of the resolutions, and, had he been present, should have voted in favor of every one of them.

The question was then taken on the passage of the 4th resolution, and was carried, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—34.

NAYS—Messrs. McKean, Morris, Prentiss, Smith of Indiana, and Swift—5.

The question then recurred on the adoption of the fifth resolution as follows:

"*Resolved*, That the intermeddling of any State or States, or their citizens, to abolish slavery in this District, or any of the Territories, on the ground, or under the pretext, that it is immoral or sinful, or the passage of any act or measure of Congress, with that view, would be a direct and dangerous attack on the institutions of all the slaveholding States."

Mr. SMITH of Connecticut rose and said that he did not intend to press on the Senate any remarks of his while these resolutions were under discussion. He had very cheerfully given his support to them; but in doing so he had not intended to declare that he was in favor of slavery, and he would therefore take up no more of the attention of the Senate than was necessary to express his conceptions of the material difference that existed between those that had been passed and the one that was then before them. If he were to say that he was in favor of slavery, he would be a solitary individual entertaining such sentiments in the whole North. The Northern States had all declared themselves to be opposed to slavery. They possessed the undoubted right to establish it among themselves, as it now exists at the South; but they have not done so; on the contrary, they have declared that it shall not exist among them. They, therefore, furnished the strongest evidences of their opposition to this institution. He (Mr. S.) entertained the same opinions that were held at the North on the subject. Were he an inhabitant of a slaveholding State, he possibly might be well enough satisfied with slavery, and employ it in the condition that it is in. But it was only necessary for him to say now that he was opposed to slavery, because it was contrary to the feelings and opinions of the people in his section of the country, and because he looked upon it to be an infringement of a natural right. He did not mean to say that such natural rights could be exercised by the black population of the United States, or that they were in a condition to exercise them; but he believed that if this population was in a condition to exercise them, there would be almost a unanimous senti-

ment throughout the country in favor of their emancipation. We mean at present (Mr. S. said) to declare that we recognise the constitutional rights of the slave States in their slave property—that we do not mean to infringe those rights. He believed that the true interests of the slave States would be best prometed by liberating their slaves; but that (Mr. S. said) was a question of their own, and for them only to decide. But he rose (Mr. S. said) to express his views as to the difference between the resolutions which had been passed and the one at present before them. Those that were passed were only declaratory of constitutional rights, which he thought they were bound to recognise, and on these grounds he gave his support to them. But what (Mr. S. asked) was this fifth resolution? Was it not wholly different from the others? This was a field in which the people of these United States had a right to enter and to discuss—the expediency of slavery in this District. If (said Mr. S.) we are called on here to act as legislators, he for one would be ready to say that it would not be expedient to legislate on the subject, because it would be unjust to the holders of slave property, but he would be unwilling to say that it was unconstitutional to abolish slavery in this District.

When they came to talk of prescribing limits to the discussions of the people of the United States, they were not acting within the limits of their duty. If, said Mr. S. we do not act in conformity to the will of the people of the United States, they can exercise a proper check or control over us. What was this fifth resolution but the prescribing a rule to limit the discussions of the people of the United States hereafter, and the setting themselves up as censors over them? This Mr. S. thought was going far beyond the limits of their duty. While he would cheerfully oppose any unconstitutional interference with the institutions of the States, he would at the same time avoid expressing any opinions adverse to the right of the people to discuss such subjects as were properly open to them. He opposed this resolution, not because he did not go heart and hand with the gentlemen of the South in the maintenance of their constitutional rights, but because he believed that its adoption, so far from answering any good end to the people of the slave States, would have an injurious effect on their interests.

Mr. PIERCE of New Hampshire rose, and said the Senate had at come at length to the ground on which this contest was to be determined. The District of Columbia was now emphatically the battle-field of the Abolitionist, and the resolution immediately under consideration, with, perhaps, some modifications in phraseology, would present the true issue here and to the country—an issue which would raise, not a mere question of expediency, but one of a much higher character, in which the public faith is directly involved.

That my position, said Mr. P. may be distinctly understood, some explanation is perhaps due to the State which I have the honor, in part, to represent, especially as there is a manifest disposition, in certain quarters, to pervert our votes and misrepresent our motives.

I have given to the resolutions all the consideration which I am capable of bestowing, and have listened to the debate which they have elicited with interest and profound attention.

If the grave objections suggested on the other side were sustained by an examination of the resolutions themselves, or a course of sound argumentation, they would ensure my opposition. What are they? The first that reached my ear was, that they contain latent nullification. I have waited to hear the particular resolution, sentence or phrase pointed out in which this heresy is supposed to be concealed, and I have waited in vain. Having, then, assertion on one side, and what appears to me to be the plain reading of the resolutions and the frank and unqualified declaration of the mover on the other, I must be excused if I do not take the alarm.

We have next eloquent disquisitions upon the liberty of speech and the freedom of the press. To every sentiment uttered upon these subjects I yield my cordial assent; but why introduced on this particular occasion, I have been at a loss to determine. Would any man here abridge the liberty of speech, or assail the freedom of the press? I take it not. Is there any thing in the resolutions to sanction an invasion of either? Not a syllable. That these are privileges most dear to every American is freely admitted by all. Why such a variety of changes have been rung upon them in this debate, others may determine. It is not my province to judge of motives, and I would take occasion only to remark, that no man shall make up an issue upon this subject for me. I oppose the Abolitionists, for the very reason that I entertain a sacred regard for these in common with all other rights secured by the Constitution.

But it is further urged against the resolutions, (said Mr. P.) that they are mere abstractions. Sir, it is quite immaterial what name you apply to them; sufficient is it that they meet the case, that they encounter the Abolitionist upon sound and tenable ground, and furnish a conclusive answer to his importunities. To say that the petitions refer only to this District, and that the principles asserted in the preceding resolutions are consequently without application, is perfectly idle. It is impossible to read a single number of the leading abolition periodicals, without perceiving that their object reaches far beyond this District, and stops at no point short of general emancipation in the States. And yet, sir, I suspect that you would find few intelligent Abolitionists, who would assert that Congress has the constitutional power to interfere with slavery in the States; but admitting the want of power here, they hold it to be their duty, as individuals, to persevere in the cause. Regarding the institution of slavery as morally wrong, or sinful, if you please, they consider themselves, as citizens of the Union, responsible for its continuance, wherever it may exist within our borders. This feeling has its origin, to some extent, in a misapprehension of the structure of our Government, and this error the preceding resolutions are calculated to correct. They assert, in effect, that the citizen of New Hampshire is no more responsible, morally or politically, for the existence and continuance of this domestic institution in Virginia or Maryland, than he would be for the existence of any similar institutions in France or Persia. Why? Because these are matters over which the States, respectively, when delegating a portion of their powers, to be exercised by the General Government, retained the sole and exclusive control, and for which they are alone responsible.

Now, let these doctrines be universally understood and admitted, and you take one great step toward satisfying the consciences of honest, but misguided people, in one section of the country, and quieting the irritation, for which there has been too much cause, in the other. This we have attempted to do. We are bound to go further, and frankly to declare to these petitioners, that so long slavery shall continue in Virginia and Maryland, it is vain for them to expect its abolition here; that we are forbidden to legislate upon this subject, under existing circumstances, by obligations hardly inferior to the Constitution itself; that Congress cannot abolish slavery in this District, against the wishes of the inhabitants, without a gross breach of public faith, and an outrageous infraction of private rights.

At the time the cession was made, domestic slavery existed in the States of Maryland and Virginia: it still exists there; and it has also existed here from that day to this. Now, how is it possible to mistake what must have been the understanding of both parties at the time? No man, it strikes me, can doubt for a moment, who will regard, without prejudice, the relative position of this "ten miles square," the objects of the cession, and the manifest interests of the States making it. Who can believe that these patriotic States would have parted with their territory, if they could have supposed that the rights and property of their citizens, living upon it, were to be invaded, against their consent, and in defiance of their remonstrances? I have no hesitation in saying that I consider slavery a social and political evil, and most sincerely wish that it had no existence upon the face of the earth; but it is perfectly immaterial how it may be regarded, either by you or myself; it is not for us to sit in judgment, and determine whether the rights secured to the different States by the Constitution are blessings or otherwise; it is sufficient for the argument that they are rights, which the inhabitants do not choose to relinquish.

Further, Mr. President, suppose, for a moment, that the cession had never been made, and that the States of Maryland and Virginia should now attempt, without the consent of the inhabitants of the District, to interfere with this description of property—to abolish slavery within these portions of their respective limits, and retain it upon its present basis in every other portion. What would be the consequence? Why, the law could never be enforced; and every reflecting man throughout the whole length and breadth of this country would revolt at such a wanton disregard of equal justice and of equal rights and privileges. And yet, because the States have generously ceded their territory to you for certain purposes, you propose to do this very thing, and thus requite their confidence and their spirit of accommodation, by opening a common refuge for their runaway slaves. I will only add, upon this point, that the Abolitionist would do well to pause in the midst of his zeal, and inquire calmly and dispassionately whether, in fact, any thing more than a nominal advantage would be gained by the abolition of slavery in this District, and whether even this would not be acquired at a serious sacrifice. It is admitted that domestic slavery exists here in its mildest form. That part of the population are bound together by friendship and the nearer relations of life. They are attached to the families in which they have lived from childhood. They are comfortably provided for, and apparently contented. Now, let a bill for the abolition of slavery in the District pass either House of Congress, and what would take place here? Why, before it could possibly become a law, all these ties would be violently sundered; every slave in the District would be removed beyond its limits; their present comparatively easy condition changed, it is probable, for one of greater rigor; and, with all this accomplished, you would not have made the slightest progress in diminishing the aggregate amount of slavery in the United States.

Mr. President, yielding to my inclination, I would here take leave of this irritating subject, now and for ever; but the manner in which it appears to be connecting itself with other topics renders it proper, in my judgment, to add a few remarks.

When, it is often asked, is this agitation, in Congress and out of it, to cease? When is it to terminate, and with what results? These are questions which, three years since, would not have cost me one moment's uneasiness. I thought the apprehensions of Southern gentlemen, to a great extent, had their origin in a morbid sensibility upon this subject. Still, mindful of their interests and peculiar relations, I appreciated their feelings, and deeply regretted the cause of irritation. And now these questions would create little interest, certainly excite no alarm, in my mind, if agitators upon the subject were only to be found in the circle of avowed Abolitionists. With regard to the State which I have the honor, in part, to represent, I am perfectly satisfied, as well from my own observation as from the expression of the Legislature during the last winter, that public sentiment can hardly be said to be divided upon this subject. But here, sir, I feel bound to admit that there are indications in New England which cannot and ought not to be overlooked. The aspect of things in this respect has undergone some change, and I fear the elements of still greater change are in active operation. I do not mean to say that the Abolitionists *proper* are gaining strength rapidly; but what I do mean to say is, that they are finding allies in the cause of agitation in the political press. Sir, if politics are to be mingled with this subject, let it be known; it cannot be proclaimed too soon. I have been taught that the way to overcome difficulties and threatening dangers is to meet them on the advance, not to await their approach; and, although I would create no unnecessary alarm, I assure the mover of these resolutions that he shall not find me standing tamely by, or attempting to lull others into false security by the

cry "all's well," when I believe there is danger—when I know there is an enemy in motion, professing and claiming to be influenced by considerations and governed by motives above and beyond the Constitution and laws of my country, and that enemy likely to be sustained by an alliance with party politics. No, sir, we have no concealments upon this subject. All we demand is, that since we are to be the first to feel the effects of Abolition ascendancy at home, should it never be acquired, (which, by the way, I by no means anticipate,) we may meet the question unembarrassed, and not be driven by any course here upon a collateral issue, such as the right of petition, or any other. The force of this suggestion will be more fully apprehended after the remarks which I am about to make.

It is not to be disguised that, from an insignificant beginning, and with comparatively few, even now, who hold what are generally considered abolition sentiments, this subject is assuming an aspect of fearful interest and momentous consequence. The Senator from Alabama on my left, (Mr. KING,) in my judgment, pointed, at an early day of the session, to the true cause of alarm, if any exist. It was this: that religious fanaticism no longer moves alone in this matter: that the misguided enthusiast has joined hands with the designing politician. Sir, I refer to it with reluctance. I have no party purposes to answer. I should be unworthy of a seat here, and unworthy of the confidence that has been reposed in me by an honest, intelligent, and patriotic people, if I could indulge any thing like partisan feelings on an occasion like this. No, sir: no, sir. I believe this question *may*, and I believe it is the only question that *can*, lead to a dissolution of this Union; and I have but one object, that is, to guard against it; to preserve inviolate the public faith and the provisions of the Constitution under which we have so long lived in prosperity. The Abolitionists, it is well known, long since avowed their determination to make this the test question in elections; and I have seen, with profound regret, that in one State at least some of the prominent individuals of both parties have submitted to their catechisms. Let those who doubt that the politicians in Connecticut and New Hampshire are making use of Abolition for party purposes, with a view to the approaching elections, notice the tone of the political newspapers there within the last three or four weeks. It is true they do not avow Abolition doctrines, but they make up an issue not warranted by the state of facts, and that issue happens to be the same upon which the Abolitionists are waging their war. They allege that to receive and lay upon the table, without reading or printing, is equivalent to the rejection of petitions. Why should not that course be taken with them? Has there not already been sufficient agitation in Congress and out of it? Has not time enough been wasted? The same petitions, in substance, have been presented year after year and session after session. During the last Congress they were made the subject of special reference and report. Their contents are familiar as household words. The mind of every member is definitively made up upon the question they involve. Argument has been exhausted again and again. And what is now demanded? Why, not only that you shall receive petitions, but that you shall take a particular course with them, which is in accordance with the views of these gentlemen, who, not satisfied with the exercise of their own rights, assume the prerogative of sitting in judgment, and determining what are your duties.

The coincidence upon this point between one portion of the political press in New England and the abolition press proper, just at present, is truly remarkable: the same sentiments, the same arguments, the same opprobious epithets applied to the members of both Houses of Congress from that section of the Union, who oppose any action upon this subject. For instance, the delegation in the other House from the State which I have the honor, in part, to represent here, are charged by the Abolition press with having denied the right of petition, and the same thing is reiterated by the political press, in the face of their votes upon the direct question during the present session. It is notorious that the question of receiving petitions upon this subject has been taken in both Houses, and decided affirmatively by overwhelming majorities; and yet there is a persevering and systematic attempt on the part of the political as well as the Abolition press to give the impression that the right of petition is denied. I have already detained the Senate longer than I intended, and will not pursue the subject further than to add, that he has turned over the pages of history to little purpose, who would not regard with unqualified horror the connection of religious bigotry with political power; and to warn gentlemen on all sides to frown upon the first manifestations of a disposition to connect the politics of the day with that spirit of fanaticism which, under the pretence of promoting the cause of civil liberty, would trample in the dust our glorious Constitution, adopted in a spirit of compromise and concession, and in the exercise of that spirit alone to be maintained.

Mr. CRITTENDEN, of Kentucky, rose. He said that, if the object of these resolutions was to produce peace and allay excitement, it appeared to him that they were not very likely to accomplish such an object. More vague and general abstractions than they were could hardly have been brought forward, and they were more calculated to produce agitation, and stir up discontent and bad blood, than to do any good whatever. Such he knew was the general opinion of Southern men, few of whom, however they assented to the abstractions, approved of this method of agitating the subject. Mr. C. was quite at a loss to comprehend what good such resolutions could effect; there was nothing practical in them; they were in the air, aerial, unbusiness-like, theoretical abstractions, only calculated to agitate, and to bring the rights of the South to trial, to bring them up for discussion, to create difference and discord on abstract questions among those who all agreed on the one practical point, viz: that the rights of the South must be preserved. He (Mr. C.) would not say that they were the work of Abolitionism, but of this he was certain, that such a mode of bringing the South to trial, and putting up her rights to be disputed, by drawing out theories on which no two men could absolutely agree, was most eminently calculated to aid, and no doubt would greatly aid, the Abolitionists. The mover of these resolutions relies mainly upon two points to carry the Senate with him: first, he reiterates, over and over again, the trite theme and cry of "danger to the Union;" and next, that, if he is not followed in this movement, he urges the inevitable consequence of the "destruction of the Union."

Mr. C. thought it possible the gentleman might be mistaken. It possibly might not be exactly true that, to save the Union, it was necessary to follow him. On the contrary, some were of opinion, and he for one was much inclined to be of the same view, that, to follow the distinguished mover of these resolutions, to pursue the course of irritation, agitation, and intimidation which he chalked out, would be the very best and surest method that could be chalked out, to destroy this great and happy Union. The Senator (Mr. CALHOUN) is daily, and almost twenty times a day, telling us that the disease is great—is terrible—is frightful—is absolutely incurable! But, if it be as he represents, if the disease be incurable, why does he come forward as a physician to heal a disease which he himself declares to us is past all healing? What can possibly be the object of the resolutions, if the evil they propose to assuage is past all cure? What was the use of bringing them forward, if the gentleman is sincere in thinking that no application can be of any benefit to a disease which he paints every hour of the day as being frightfully removed from all the powers of remedy? Is such language, on the other hand, only intended as a politic method of carrying by force and terror and alarm every trembling vote in his train? Whatever might be the object of the gentleman, it certainly appeared rather strange to him (Mr. CRITTENDEN) that he should bring forward his resolutions as a remedy, and descant most forcibly upon their healing, testing, curing, and sanatory powers, and almost in the same breath tell us that the disease is so fearful, so far gone, so alarming, so terrific, that his very remedy which he offers is good for nothing!

So far it appeared to Mr. C. that Mr. CALHOUN's course was not calculated to heal, or to produce peace, though such he professed were his objects. There was again another argument on which he rested, which also appeared to Mr. CRITTENDEN calculated to produce confidence in the Abolitionists, and alarm in the South, and all the friends of the South; calculated, he thought, if it were not exposed and avoided, to add thickly to the ranks of Abolitionism, and to weaken the ranks of the South, by forcing out many of its warmest and most ardent friends and supporters. The argument was—though not of course so plainly and openly expressed—that there could be no confidence in any opposition to Abolitionism, unless it came from Mr. CALHOUN and his party! unless it came from the State rights party! And, therefore, the necessary consequence which follows is, that unless the whole country shall follow the gentleman, and range themselves behind him in his party, there can be no preservation of the Union, there can be no available opposition to Abolitionism! Such a mode of acting and reasoning upon the subject appeared to Mr. C. as making a stalking horse, a tool, of Abolitionism, to serve as a mean, and as an instrument of promoting personal views and party ambition, under the pretence of infinite good to the country.

He (Mr. C.) admired the ingenuity exhibited by all this; he did not complain of the genius and talent which could convert a danger and an evil to its own purposes; but he should complain of, or rather pity, all, if any, who might be led to answer this end by the alarms and terrors thrown out! Yes, if what the gentleman says be true, we must all join his new friends and party, or—the country is ruined; all is ruined; the Union will perish; Abolitionism will rear its frightful head in horrid triumph! There is no possibility of escaping all these dreadful horrors but by joining him and his new friends and party! We may give the South our good wishes, nay, we may be resolved to stand by the South, and die for its rights and our rights, but it will all be in vain, unless we join the gentleman and his party! What is the effect of all this? What is this but saying to the Abolitionists "go on, go on; all is in your favor, do not calculate on any opposition but from me and the State rights party!" Such a course and such declarations may well create a just and solid ground of alarm to the South! What! are there no friends to the South but the gentleman and his little party? Is it left so weak, so helpless, so friendless, as to have no friends, no sympathy, no supporters in the whole country, but the gentleman himself and his little State rights party? Is there no other banner displayed? Is there no other banner under which its friends must arrange themselves, but the tattered, shattered, ragged rag of the flag of this little State rights party? But what is this party for which such vast preponderance is claimed; which takes to itself such exclusive powers, and calls for such unqualified allegiance and submission? What are its principles? What has it done? For the life of him he could not tell! If he knew any thing of himself and his own principles, he was a State rights man himself, staunch and true, for he would not allow his own State (Kentucky) to be encroached upon one foot. If principle made him one, he was one of this party; but if to follow the gentleman from South Carolina, (Mr. CALHOUN) was all that made one, he was quite sure that he (Mr. C.) was not, and would not ever (in that sense) be one. But because he did not follow in the gentleman's party, was he, therefore an Abolitionist? This was, however, the inference which he (Mr. CALHONN) had taken upon himself to draw. Like the Saint in Hudibras, who might commit any sin with impunity, on account of his great piety, so here, such is the virtue of a political name, that whoever enlists under the banner, is free from all imputation, while all the sins that can be imputed to man are laid upon the shoulders of those who do not fall into the privileged ranks of the immaculate party!

Mr. C. was for holding this Government strictly to its powers: is that, he would ask, being a State rights man? But suppose he would vote for a

bank! That would not be allowed, and must then be stricken off the roll! What must he do? What sentiments must he hold? Must he go with the member from South Carolina (Mr. CALHOUN) in every thing, and, if he did not submit, was he to be considered an Abolitionist? Mr. C. only made these remarks to show to Mr. CALHOUN, if it were possible, the extreme indiscretion of the tone and line of argument upon which he had thrown himself; the bigoted politics he laid down, that every one must follow him, implicitly, or else they were, by necessity, Abolitionists. To say the least, he thought there was great indiscretion in such a course; and it was (however it might appear otherwise to the hasty and hot-headed) seriously calculated to bring injury upon the cause of the South, instead of benefit. He (Mr. C.) was no more an Abolitionist than Mr. CALHOUN himself: there were thousands as sound as Mr. CALHOUN could be, he might say sounder, who yet were calm and temperate and quiet. And though he (Mr. C.) was far indeed, as was well enough known, from being an Abolitionist, yet he could not concur in the extravagant alarms which Mr. CALHOUN was repeatedly sounding in the ears of the Senate. He could not agree with him in the extravagant expression of such mental terrors. He did not think the South ruined, the country ruined, all ruined, every thing ruined, unless he (Mr. CALHOUN) was implicitly followed! Far from it. He felt secure; the country was secure; the South, the Union, all was secure, behind the firm barrier of the Constitution. We are (said Mr. C.) strong in the Constitution; strong in public opinion, which is on our side; strong in the votes which have always been for our rights and for the Constitution; and, lastly, we are stronger than all in the strength of the States, which are able to protect themselves.

Mr. C. said he could see no good whatever as likely to result from these resolutions. He did not think their language decorous enough as applied to sovereign States. The States are the sovereign elements of this Union, and shall we talk to them of "intermeddling?" If the States were entitled to respect from any quarter of this Government, it was here in the Senate that they ought to meet with respect. He therefore deprecated the use of language harsh, offensive, indecorous, and irritating, especially when by such language the object professed to be aimed at was to unite, to soothe, and to allay excitement. The means for this were in direct contradiction to the end. As to the Vermont resolutions, which these were especially framed to meet, he (Mr. C.) would laugh to scorn the pettish language of such documents, but he would not officially treat a sovereign State with indignity.

It was declared (Mr. C.) said) that petitions for the abolition of slavery in the District of Columbia were a direct attack on the institution of slavery in the States. Mr. C. said this was an abuse of language. If it could be regarded at all as an attack, it certainly was not an avowed or *direct* attack upon the institution of slavery in the States, and he saw no propriety of using terms of mere exaggeration and alarm. If the question of the power of Congress to abolish slavery in the District was a controverted one, had not a State a right to petition on the subject? And should they undertake to denounce the conduct of a sovereign State?

Mr. CALHOUN followed in reply. He said that he was not at all surprised that he and the Senator from Kentucky should take such very different views of the subject. We differ totally as to the facts, and it is not wonderful that we should differ as to the remedy. With such opinions as the Senator entertains, all attempts to resist a thing so innocent and harmless as abolition must appear perfectly useless. He sees no danger in the organization of 150,000 persons into societies, with a powerful press and ample funds, imbuing the rising generation at the North with the belief that the institutions of the Southern States were sinful and immoral, and that it was doing God service to abolish them, even if it should involve the destruction of half of their inhabitants, who are represented as murderers and pirates. It would be in vain for him to attempt to discuss the subject with the Senator from Kentucky, while he continues to entertain such opinions. But three years since, we considered three hundred societies to be a cause of just apprehension; and now they number 1,500, and are increasing at the rate of one a day, and the Senator sees nothing to excite attention. To what extent must the disease progress before he can be moved? If it should spread universally over the non-slaveholding States, so that the two sections should consider each other as the most odious of the human race, could the Union exist? And if not, he would be glad to know to what point it must extend before it becomes dangerous, and when we would be justified in resisting it? He would be glad to hear the Senator's answer to this question.

The Senator next objects that these resolutions are mere abstractions, and therefore worthless. The Senator could not be ignorant of the rise and progress of the important political revolutions recorded in history, and he would appeal to him, if what he calls abstractions did not lie at the bottom of most of them. Have not almost all of the revolutions in our parent country, from Magna Charta down to that which placed the present royal family on the throne, originated in abstract principles? Did not our own Revolution originate in abstractions of the highest order? We did not wait for actual oppression to rouse us to resistance; but, as Burke said, we snuffed the approach of tyranny in the tainted breeze. To come down still later, did not the abstract resolutions of his own State, and that of her honored mother, strike down at a blow the alien and sedition acts to the ground, and effect a revolution which will be felt so long as we are a people? With these striking examples, can the Senator consider abstractions so very worthless? The fact is, that it is abstract truths only that deeply impress the understanding and the heart, and effect great and durable revolutions; and the higher the intelligence of a people, the greater their influence. It is only the ignorant and the brute creation over whom they have no control.

The Senator next accuses him of inconsistency. He rests his charge on the assertion that I despair, and then infers that he (Mr. CALHOUN) acted inconsistently in introducing these resolutions. It was painful to be misrepresented as frequently as he was in debate. He had never uttered the language of despair, though he had often said that the dark and fell spirit now abroad in the non-slaveholding States would end in a catastrophe, if not arrested. If it continued to advance without resistance, it would terminate in disunion or civil commotion. It was unavoidable. But he had never said that it could not be arrested, if timely met, and in the decided manner it should be. He had also said that the battle must be fought in the North, or the South must take the remedy into its own hands. Others had said the same; and for using this language, the Senator comes to the conclusion that he despaired, and on this slender foundation raises the charge of inconsistency. In the same spirit, he charges him as using angry and violent language, because he had thought proper to draw up the resolutions in strong and decided terms, and defend them in the same terms in debate.

The Senator next takes offence, because he relied on the State rights party to oppose the Abolitionists in the non-slaveholding States, and asks if, by the State rights party, was meant the small party under a tattered and torn banner? He supposed the Senator meant the Nullifying party; and, if so, he feared it would be a very unequal contest in the northern States.

[Mr. CRITTENDEN explained.]

Mr. CALHOUN resumed. He used the expression on another occasion, and in a more restricted sense, than when he used it on the present.

The Senator next inquired what was meant by the State rights party. He did not expect the inquiry from that quarter; but, as it was made, he would reply to it. He meant the party who believed that this was a Federal Republic—a Republic, the constituent parts of which were States, in contradistinction to a national consolidated Republic, in which the constituent parts were the aggregate mass of the American people, taken collectively, and in which the States bore the same relation to the whole as counties do to the States.

He is next accused by the Senator with charging all who were not of the State rights party as being Abolitionists. This has as little foundation as the other charges of the Senator. So far from making such a charge, he expressly stated, again and again, that he acquitted the great mass of all parties of abolition, and that he believed that we had the good wishes of the great body of the national or consolidated party, and who were ready to vote that it was inexpedient to touch the subject of slavery. But he also stated, when he looked for a constitutional remedy, he was compelled to turn to the State rights party, in whose creed only it could be found. If, then, he looked to one party, instead of both, it was simply because the political creed of the one furnished a remedy, and the other did not; and has not this debate furnished incontestable proof of the truth of his assertion? Others had taken offence at the same declaration, and he called on them to refute what he had asserted, by laying resolutions on the table framed in their view of the Constitution, which would oppose the slightest constitutional barrier against the encroachments of the Abolitionists. None had been, and he had a right to infer that none could be. But he would rejoice to have his impressions corrected, if erroneous, and to have the co-operation of both parties, and would now call on the Senators who differed from him on the federative character of our system, to submit resolutions, as substitutes for his, that would oppose an effectual constitutional barrier to the doctrines of the Abolitionists. He was not so much attached to his own but that he would cheerfully surrender his for others of equal force.

We are next told by the Senator, that the term direct is not correctly applied; as an attack on slavery in this District or the Territories cannot be a direct attack on slavery in the States. He believed, notwithstanding the objection, that the epithet could be fairly defended. The avowed object of the Abolitionists, in attacking slavery in this District and the Territories, was to attack and destroy it in the States; and is as much a direct attack as firing a train to blow up a magazine would be an attack on the magazine itself. But as such discussion would lead to metaphysical niceties, he would, to accommodate the Senator, agree to strike out the word, and make it read a dangerous attack on all the slaveholding States; which would not be much less strong.

It is finally objected by the Senator, that the expression intermeddle was disrespectful, when applied to the States. He did not think so. It was used in the general, without designating any State, and he thought the Senate had not only a right to use it, but were called on by the circumstances in which it was placed, to define its position and declare its opinion, in reference to the interference of one portion of the Confederacy with the peculiar institutions of the other. It had unquestionably the right to say what is its conception of such interference, whether it was consistent with the Constitution, with the peace and harmony or existence of the Union, or not, and no State had a right to consider such declaration as an offence. But he was anxious to modify his resolutions, as far as phraseology was concerned, so as to suit others, and would yield, without hesitation, the word intermeddle, and substitute in its place any attempt. It would not vary the sense, nor weaken the expression materially, while, he trusted, it would entirely remove the objection of the Senator to the resolution.

Mr. PRESTON suggested to the mover to strike out the words "*on the ground or under the pretext that it was immoral or sinful,*" and insert "*on any pretext whatever.*"

Mr. CALHOUN objected to striking out the words referred to by his colleague; they met the Abolitionists directly; but would accept as a modification the words he proposed to add.

Mr. PRESTON moved further to insert the words "also a violation of the public faith implied in the cession of this District by the States of Virginia and Maryland."

Mr. CALHOUN had always been of the opinion that any interference with slavery in this District would not only be a violation of the public faith to the States of Virginia and Maryland, but would al-

so be a direct violation of the 8th amended article of the Constitution. He had not, however, thought proper to assert it, as he knew that there was a majority in the Senate of a different opinion, and as his object was to place the question on no particular portion of the Constitution, but on its general character and structure, which he thought was much stronger, and much less liable to be disputed. He would neither object nor assent to the proposed modification, and would leave it, without further remark, to the decision of the Senate.

Mr. PRESTON'S second amendment was then agreed to; after which

Mr. CLAY of Kentucky rose to say a few words. He said that he could vote for neither the fifth nor sixth resolution, in the shape in which they were presented by the Senator from South Carolina. Although he had risen to state his objections particularly to the fifth, now that he was up, he would make some general observations on the whole subject of the series of resolutions.

I have voted, (continued Mr. C.) without hesitation, for the first resolutions offered by that Senator, after they were modified or amended, not from any confidence which I have in their healing virtues. I have voted for them as abstract propositions, and in the sense in which I understand them; that is, in the plain natural sense which their language imports. With respect to the point so much insisted upon in this debate, and which had produced great controversy in former times, whether the Constitution is to be regarded as the work of the people of the United States collectively, or of the separate States composing the Confederacy, I have always thought that more importance is attached to it than it deserves. Wether formed in the one mode or the other, the powers granted in the Constitution, and its true interpretation, are exactly the same. The real question in considering the instrument is, not how the Constitution was made, but what is it, as it is? What are the powers delegated by it—the powers necessary and proper to carry into effect the delegated powers—its prohibitions? What, in short, is the sum of its whole powers? I have always understood, according to historical fact, that the Constitution was framed by a Convention, composed of delegates appointed by the Legislatures of the several States; and that after it was adopted, it was submitted to Conventions of Delegates, chosen by the people of the several States, each acting separately by and for itself; and, being ratified by the Conventions of a sufficient number, it became the Constitution of the United States, or, in its own language, of the people of the United States.

The series of resolutions under consideration has been introduced by the Senator from South Carolina, after he and other Senators from the South had deprecated discussion on the delicate subject to which they relate. They have occasioned much discussion, in which hitherto I have not participated. I hope that the tendency of the resolutions may be allay the excitement which unhappily prevails, in respect to the abolition of slavery; but I confess, Mr. President, that, taken altogether, and in connection with other circumstances, and especially considering the manner in which their author has pressed them on the Senate, I fear that they will have the opposite effect; and particularly at the North, that they may increase and exasperate, instead of diminishing and assuaging the existing irritation. I apprehend that they will only serve to furnish new texts for fresh commentary and further divisions. And I cannot but regard the unnecessary combination of the subject of abolition with that alien and the most exciting of all subjects at the present period, the annexation of Texas to the United States, in the same series of resolutions, as peculiarly unfortunate. I know that Texas is not specially mentioned in the last resolution, but the country will understand the intention and allusion of the resolution as distinctly as if it had been expressly designated. It cannot be forgotten that, immediately after the tidings of the memorable battle of San Jacinto reached this city, the Senator from South Carolina (Mr. Calhoun) expressed in the Senate his opinion that the independence of Texas ought immediately to be recognised, and his wish that, before the adjournment of Congress, it should be annexed to the United States. A resolution now lies upon the table of the Senate, introduced by the other Senator from South Carolina, (Mr. Preston,) proposing a contingent annexation of it to the United States. When these facts are borne in mind, will not all understand the last resolution, although abstract in form, as intended to commit the Senate, in advance, to the annexation? Our purpose, our anxious aim, should be to compose the North, to arrest the progress of the spirit of abolition, and to give strength and confidence to the numerous friends of the Union in that quarter. Is it then wise and discreet to blend these two unhappy causes of agitation together? Had we not better keep them separate and distinct, and the act on the prudent maxim that sufficient for the day is the evil thereof?

The Senator from South Carolina has offered his resolutions, he tells us, to revive and rally the State rights party. But I cannot think that the slaveholding States ought to consent to place their peculiar interests in the exclusive safe-keeping of any one party, however correct some of us may believe its principles to be. Are not the clear, undoubted, acknowledged guaranties of the Constitution of those interests far above, and superior to any security which can be derived from the particular tenets of any party? Parties rise up and go down, but the Constitution remains a perpetual and sure bulwark against all attacks upon the rights of the slaveholding States, from whatever quarter they may proceed. No, sir: do not let us put our trust in any party exclusively; let us invoke the united guardianship of all—the Whigs, the Democratic party, the Republican party, the Jackson Van Buren party, the Federal party, the Union party, the Nullifiers and the Loco Focos—all, in preserving the inviolability of the Constitution, and protecting against every encroachment delicate and momentous interests, which cannot be seriously touched, without endangering the stability of our entire political fabric.

We want in the slaveholding States nothing done here to stimulate our vigilance, or to unite us upon the subject of our present deliberations. We may differ there in the degree of sensibility which we display; but we are all firmly and unanimously resolved to defend and maintain our rights at all hazards; and should the hour of trial ever come, those who appear now the least agitated, will not be behind those who are foremost and loudest in proclaiming the existence of danger. The object of the Senate should be to allay excitement, quiet the public mind, and check the progress of the spirit of abolition at the North; and, above all, to strengthen the well-disposed, and to give no advantage to agitators. It was with that view I have inquired of Northern Senators, charged with the presentation of abolition petitions, whether the spirit of Abolitionism was spreading; and, if so, what was the cause. Their answer was, that it was increasing; and that the cause was the impression which the Abolitionists had been able to make on the northern mind, that the constitutional right of petition was denied them by the two Houses of Congress. This statement is corroborated and confirmed by information which has reached me through a variety of channels. Many who are not Abolitionists, are induced to join them, because they believe the right of petition has been practically denied. On this subject, allow me to read an extract from a letter (the perusal of the whole letter is at the service of any Senator) which I have lately received, addressed to me by a highly intelligent and patriotic gentleman in Rhode Island. [Here Mr. CLAY read the following extract:

"I have been so much gratified with your remarks in relation to the cause of the increase of the Abolitionists in the North, that I thought it might do some good, and at least relieve my own mind, if I stated to you what we think on the subject here. There is no doubt but that the Abolitionists are recruiting here by the artful mode in which they turn to their account the spirit or sensitiveness manifested by the southern members on the subject of slavery, and they are encouraged, also, to greater efforts, because they think they see in all this a proof that the work of agitation is thus begun in the South, and that the leaven will work until the whole lump is leavened. If the petitions for the abolition of slavery in the District of Columbia had been duly received and considered as other petitions would have been, I have no doubt this agitating subject, if not put entirely at rest, at least would not now have been so connected with the sacred right of petition as to enable it to produce the effect it now does amongst us.

"At our last election for members of Congress, letters were sent from the secretary of the Anti-Slavery Society to each of the candidates, requiring of them a communication of their sentiments on the right of Congress to abolish slavery in the District of Columbia, and the right of petition to Congress on this subject. Each candidate answered (except one) in such a way as that he might have consistently received the votes of the Abolitionists. If the simple question had been upon the expediency of abolishing slavery in the District of Columbia, these gentlemen would probably have all answered in the negative. You see, therefore, how this question is brought to bear on the people, and through them on the members of Congress, and we, who feel opposed to the whole of this anti-slavery machinery, find ourselves deprived of the power of doing any thing effectively by the impolitic zeal of southern gentlemen. To them, therefore, I would appeal, (unless, in truth, they are desirous of abandoning the Union,) that they would so let their moderation be known unto all men, that the fanatics of the North, as they choose to call them, may be put in the wrong before the whole people, so that their own friends here may have some ground to stand upon.

"I look forward with great apprehension to the time when the North and the South shall be unanimously divided with that zeal which may urge each to action on the subject of slavery. The Union will not only then be dissolved, but the people on both sides so exasperated that a furious fanatical anti-slavery and pro-slavery war will be inevitable. Men enough will be found to seek to ride upon the whirlwind and direct the storm in the North as well as the South, and the Union and the spirit of Republicanism will expire together amidst throes and convulsions, which will cover our now beautiful land with desolation. Does the chivalry of the South desire to point its lance at the breasts of the Northern fanatics? When was chivalry a match for fanaticism? Let the Crusades—let the success of Cromwell answer. When men already begin to court death in the cause of anti-slavery, as giving them the crown of martyrdom, (I allude to Lovejoy, and we understand that another has already offered himself to share the same fate,) what may we not expect when patriotism shall arm in such a cause, and it shall become identified not merely with the liberty of the African, but our own liberty and prosperity! And is it not well to look around us before we urge each other to this dread precipice? If there is nothing due to those men at the North who are lighting up this flame, is there nothing due to those who are endeavoring or are desirous to extinguish it? Is there nothing due to our common country—to the civilized world, that this light among the nations should not be extinguished, and extinguished in blood? Mr. Calhoun is reported as having spoken 'with contempt of the idea of arguing this question with the Abolitionists by means of a report from a committee.' I ask him not so to argue with them, but I ask him so to argue with those who are not already with these men, as to prevent their enlisting under their sable banners. But if there are any men at the South who think as some of our Northern men thought in former days, that our country is 'too big for union,' and 'that Federalism is founded in mistake,' (the sentiments of Fisher Ames, published by his friends,) to them I have nothing to say, and of them I have nothing to hope, but that they will add fuel to the flames until their own people may be ready to trample upon that Constitution under which we have so long prospered as a people, and which, if administered in its true spirit, will insure domestic tranquillity, promote the general welfare, and (in the language of its preamble) 'secure the blessings of liberty to ourselves and our posterity.'

"On this subject may we be advised by the wis-

dom of Washington in his farewell address, and may 'these counsels of an old and affectionate friend' (to use his own words) 'control the current of the passions, and prevent our nation from running the course which has hitherto marked the destiny of nations.' May 'they moderate the fury of party spirit, and guard against the impostures of pretended patriotism.'

"I have taken the liberty of writing you, *currente calamo*, this long letter; my object is my best apology; we are bound together by a common interest, and while so much is doing to alienate us from each other, shall no voice be heard preaching peace, union, and concord?"]

I could not offer you, sir, any argument so good as that which is so feelingly and eloquently enforced in the extract which I have just read. It is well known to the Senate that I have constantly entertained the opinion that the best way to check the spirit of abolition was to receive respectfully, and refer these petitions to the proper committee. That would be the Committee for the District of Columbia; one now, and which probably has been, ever since the commencement of the Government, so constituted as to comprise a majority of members from the slaveholding States. If they were thus referred, silently referred, as has been the practice during a great part of the period of the existence of the Government, there would be no agitation fomented here, no ground for asserting that the sacred right of petition had been violated.

The People may attempt to exercise that right in three different descriptions of cases: 1st. In instances where Congress manifestly does not possess the constitutional power to grant the relief prayed for. In these, the petition may be rejected instantly, without reference and without debate, and no just cause of complaint would exist. 2d. In cases where the constitutional power, the exercise of which is invoked, is controverted, doubtful or uncertain. In these, a reference of the petition may be necessary to examine into the existence of the power, as well as into the expediency of exercising it. Of this controverted nature is the legislative power of Congress in this District. No one would contend that a petition to establish a Bank of the United States should be instantly rejected, without debate and without reference, upon the sole ground that a large portion of the Senate should think it unconstitutional. Other examples of contested power may be easily conceived. And 3d. In cases where the power is incontestably possessed by Congress to grant the redress prayed for. In the two last descriptions of cases, I think that Congress is bound attentively to receive the petitions, and respectfully to dispose of them. A Government which, like ours, is the Government of the people, should be parentally administered, so as not only to do right, but, as far as possible, to give general satisfaction.

It has been argued that, when a petition is once put in the possession of the Senate, the right of petitioning has been practically enjoyed; and that the Senate may reject it instantly, refer it, lay it upon the table, or dispose of it as may be thought proper. Undoubtedly this is true; but in the great business of human life, public and private, the manner in which it is transacted is often as important, sometimes more important, than what is done or refused. And a wise Government should be particularly careful not to wound or inflame popular sensibility on subjects respecting which large masses choose to exercise the constitutional right of petition. The course which the Senate has pursued, in regard to these abolition petitions, for about two years past, is this: a Senator states from his place that he is charged with the presentation of of one of them, and moves that it be received. Another Senator thereupon rises, and moves that the motion to receive the petition be laid upon the table; and the Senate accordingly orders the motion to receive the petition to be laid upon the table; and thus the petition is not received in a parliamentary sense. The Senate does not decide the question of its reception.

This course I have always thought unfortunate. It is unsatisfactory. The petitioners feel that they have been neglected, and they allege that the right of petition has been denied. But it has been contended that these petitioners are mad and reckless fanatics, and it has been indignantly asked whether they merit respectful treatment. Mr. President, my observation and experience in life have taught me, that when we are addressed or assailed, our conduct should not be regulated by the harsh, vituperative, or fanatical language, or the condition, whatever it may be, of those who approach us, but by the standard of our own respectability, standing, and character in life. And in regard to these petitions, the question should not be so much what do the petitioners deserve, as what is due from the calm, elevated, dignified, august character of the Senate of the United States? These petitioners, misguided as they are, and highly mischievous as I believe the tendency of their proceedings to be, are a part of the people of the United States and our constituents. Shall we allow ourselves to be rash, to be moved by anger, or transported by rage, because fanatics, as they are called, or thoughtless men and women, present petitions to accomplish an object which, if seriously entertained, would justly excite profound alarm?

The mode of disposing of these petitions which the Senate has lately pursued has certainly not produced the tranquilizing effect so anxiously desired. It has, on the contrary, aggravated, and I fear will continue to aggravate, the disease. The Abolitionists have not diminished, but increased, and increased, as the most satisfactory information assures us, because they have been able to persuade many that the right of petition is invaded and has been denied. And many who are not Abolitionists now unite with them to assert and maintain the right of petition. It is to be seriously apprehended that co-operation for one purpose may ultimately lead to co-operation for other purposes, not within the original contemplation of the parties. If the Senate, by persisting in its recent course, enable the Abolitionists to derive succor from new allies; and if we should also unhappily place in their hands an additional instrument, by unnecessarily coupling the annexation of Texas with the subject of abolition in the same series of resolutions, then indeed there will be too much reason to apprehend that the North, at no distant day, will be united as one man.

It appears to me, sir, that what becomes us is to keep the Abolitionists separate and distinct from all other classes, standing out in bold and prominent relief; and the subject of Abolition separate and distinct from the right of petition, from Texas, and from all other subjects; let them stand alone, unmixed with the rest of the community, without the general sympathy, and exposed to the overwhelming force of the united opinion of all who desire the peace, the harmony, and the union of this Confederacy. I would receive, respectfully receive, their petitions, refer them, and occasionally present calm, dispassionate, and argumentative reports against them. This is the manner in which petitions for abolition were received in the first Congress, upon the recommendation of Mr. Madison; and that in which they were ever afterwards received, until the practice was changed about two years ago. What is there in the mere fact of the reception of a petition to create alarm? Or in its subsequent reference, especially to a committee known to be hostile to its object?

But it is said that these fanatics are beyond the reach of any argument; and it is triumphantly asked, Will you condescend to argue with such deluded persons? Yes! I say, yes. To preserve these admirable institutions of ours, and this glorious Union, from the possibility of all danger, I would argue with any one, with lunatics themselves, in their lucid intervals, and argue again and again. It is not, however, to recall alone the Abolitionists to a sense of peace and duty, that these appeals to the reason, the judgment, and the patriotism of the country, should be sent forth from these halls. They would address themselves, with powerful effect, to all that, vastly the largest, portion of the Northern community who are uninfected by Abolitionism. When has Congress unsuccessfully appealed to the intelligence, the patriotism, and the valor of the American people? In such a cause we should never tire nor despair.

Mr. President, I have no apprehension, not the smallest, for the safety of the Union, from any state of things which now exists. I will not answer for consequences which may ensue from harsh and opprobrious language, and from indiscretion and rashness on the part of individuals or of Congress, here or elsewhere. We allow ourselves to speak too frequently, and with too much levity, of a separation of this Union. It is a terrible word, to which our ears should not be familiarized. I desire to see in continued safety and prosperity *this* Union, and no other Union. I go for this Union as it is, one and indivisible, without diminution. I will neither voluntarily leave it, nor be driven out of it by force. Here, in my place, I shall contend for all the rights of the State which has sent me here. I shall contend for them with undoubting confidence, and in all the security which the Union confers, under all the high sanctions which the guaranties of the Constitution afford, and with the perfect conviction that they are safer in the Union than they would be out of the Union. I am opposed to all separate confederacies and to all sectional conventions. No state of actual danger exists to render them expedient, or to justify deliberation about them. This Union, this Government, has done nothing, nothing whatever, to excite the smallest alarm. It will do nothing; but if it should; if, contrary to all human probability, the rights and the security of the slaveholding States shall be assailed by any authoritative act emanating from this Capitol, a state of things for resistance, forcible resistance, will then occur. It will be time enough then to act. No man in full health will take medicine because he may be sick, amputate a perfectly sound limb because it may be fractured or seized with gangrene, or perpetrate suicide because death is his ultimate and inevitable doom. And, sir, when that fatal day shall come, if it ever do come, when the slaveholding States have to defend, by force, their rights, the State whose servant I am will rush to battle, as she always has done, with her accustomed ardor, and with gallantry unsurpassed by that of any other State. And those States and their citizens will be found to sustain these rights with most vigor and success, who, unmoved by false alarms or imaginary or aggravated dangers, with a firm and fixed purporse of soul, stand prepared, in every real exigency, to vindicate them at every extremity.

Having, Mr. President, said so much on the general subject, with the permission of the Senate, I will read certain resolutions which I have prepared, embracing the whole ground occupied by any of the petitions in respect to domestic slavery in the United States. They are the following:

Resolved, That the institution of domestic slavery, as now existing in many of the States of this Confederacy, is subject to the exclusive power and control of those States respectively; and that no other State, nor the people of any other State, nor Congress, possess, or can rightfully exercise, any power or authority whatever to interfere in any manner therewith.

Resolved, That if any citizens of the United States, regardless of the spirit of peace, harmony, and union, which should ever animate the various members of the Confederacy, and their respective citizens, shall present to the Senate any petitions touching the abolition of slavery in any of the States in which it exists, all such petitions shall be instantly rejected, without debate, and without further or other proceedings thereon, as relating to an object palpably beyond the scope of the constitutional power of Congress.

Resolved, That when the District of Columbia was ceded by the States of Virginia and Maryland to the United States, domestic slavery existed in both of those States, including the ceded territory; and that, as it still continues in both of them, it could not be abolished, within the District, without a violation of that good faith which was implied in the cession, and in the acceptance of the territory, nor, unless compensation were made to the proprietors of slaves, without a manifest infringement of an amendment to the Constitution of the United States, nor without exciting a degree of just alarm and apprehension in the States recognising slavery, far transcending, in mischievous tendency, any

possible benefit which could be accomplished by the abolition.

Resolved, therefore, That it is the deliberate judgment of the Senate, that the institution of domestic slavery ought not to be abolished within the District of Columbia; and it earnestly hopes that all sincere friends of the Union and of harmony and general tranquillity will cease to agitate this disturbing question. But the Senate feels itself, at the same time, constrained, from a high sense of duty in respect to the constitutional right of petition, to declare that it holds itself bound to receive and respectfully to treat any petitions, couched in decorous language, which may be presented by citizens of the United States, touching slavery within the District of Columbia.

Resolved, therefore, That, upon the presentation of any such petitions, they shall be received, and referred to the appropriate committee.

Resolved, That it would be highly inexpedient to abolish slavery in Florida, the only Territory of the United States in which it now exists, because of the serious alarm and just apprehensions which would be thereby excited in the States sustaining that domestic institution; because the people of that Territory have not asked it to be done, and, when admitted as a State into the Union, will be exclusively entitled to decide that question for themselves; and, also, because it would be in violation of a solemn compromise, made at a memorable and critical period in the history of this country, by which, while slavery was prohibited north, it was admitted south of the line of thirty-six degrees and thirty minutes north latitude.

Resolved, That no power is delegated, by the Constitution, to Congress, to prohibit, in or between the States tolerating slavery, the sale and removal of such persons as are held in slavery by the laws of those States.

Resolved, That, whilst the Senate, with painful regret, has seen the perseverance of certain citizens of the United States in the agitation of the abolition of domestic slavery, thereby creating distrust and discontent and dissatisfaction among the people of the United States, who should ever cherish towards each other fraternal sentiments, it beholds, with the deepest satisfaction, every where prevailing an unconquerable attachment to the Union, as the sure bulwark of the safety, liberty, and happiness of the people of the United States.

There is nothing abstract or metaphysical in them. They relate to the abolition of slavery in the States, in the District of Columbia, and in Florida, the only Territory of the United States where it exists, and to the sale and removal of slaves in the States whose laws recognise the institution of slavery. They cover the whole field, and nothing but the field: they have no ulterior views. They approach the subject in hand directly, without the necessity of any interpretation. They do not seek to renovate any party, nor to place the high interests to which they relate in the exclusive custody of any one party. Resting upon, and sustained by, the Constitution, they appeal to the sound discretion, the sober judgment, and the patriotism of all parties. I may not ask the sense of the Senate to be expressed upon each of them; but I shall offer that relating to the District of Columbia, and that to the Territory of Florida, as an amendment to the fifth resolution, submitted by the Senator from South Carolina. I think the charge upon the petitioners of *intermeddling* with abolition in this District is harsh, and that some less offensive word should be used. The District of Columbia is the seat of the common Government of the United States. It was ceded for that express purpose. Each State has as much interest in it, and as much right to petition about any thing within it, as any other State, and no more. Nor can I concur with the resolution, in declaring that the abolition of slavery in the District of Columbia would be a *direct* and dangerous attack upon the institution of slavery in the States. I am prepared to say that it would excite "a degree of just alarm and apprehension in the States recognising slavery, far transcending, in mischievous tendency, any possible benefit which could be accomplished by the abolition, or to use any other equivalent language. We can no more say that the abolition of slavery in this District would be a *direct* attack upon the institution in the States, than we could assert, if any one of the slaveholding States were to abolish slavery within its own limits, that that would be a *direct* attack on the institution in other slaveholding States; or that Great Britain, by abolishing slavery in her West India possessions, made a *direct* attack upon it in the United States. Nor is the case at all altered by the motives, whatever they may be, which shall be avowed for abolition. In conclusion, I move the third resolution of the series which I have suggested, as an amendment to the fifth resolution proposed by the Senator from South Carolina.

Mr. CALHOUN followed. He said he felt some inducement to persevere in the course he had heretofore pursued, by now seeing the concessions which were proposed by the resolutions just read by the Senator from Kentucky. Mr. C. now saw it conceded, that where the object was clearly unconstitutional, the Senate was not bound to receive a petition. At first, the broad ground was taken that the right of petition was so sacred that any refusal to receive a petition, no matter on what subject, and no matter how objectionable its language, would be an invasion of it. Now it was conceded that they were not bound to receive a petition when the subject of it was clearly unconstitutional. Now, as to the amendment offered by the Senator from Kentucky to the fifth resolution. He would state, in general terms, what was the great characteristic difference between them. The Senator went on the principle that concession was the way to meet these Abolitionists. He, on the other hand, went on the ground that we have no safety but in standing fast on our rights. What was the state of the question? The Abolitionists tell you, in so many words, that their object is to abolish slavery in the District of Columbia as but one step towards final abolition in the States. With this object, avowed by the Abolitionists, what do duty and policy demand on our part? We see the end; and that, if it can be effected, it would be our destruction. Shall we yield, or stand fast? That is the question. If we yield an inch, we are gone. The very ground on which we are asked to make the first concession will be urged on us with equal force to make the second, the third, and every intermediate one till the last is consummated. The first is to yield the right of petition, and to discuss the subject with the Abolitionists, in order to appease them, and to stop agitation. This the Senator from Kentucky (Mr. Clay) urges on us, which he tells us would have a happy effect in quieting the public feeling. Does he not see that, if we should have the folly to make this concession, we will be next urged to yield to the abolition of slavery in this District on the very same ground? We will be told that there are but two thousand slaves in the District, and if we yield to so small a request, all will be quiet. If that be conceded, we will be next told, we must yield to the abolition in the Territories, and then to the abolition of what they call the slave trade between the States, and, finally, to abolition in the States. At every step they would become stronger, and we weaker, if we should be so infatuated as to make the first concession; and the Senator from Kentucky, at each step, would no doubt be able to read just such a letter as he had just read, from some well intentioned but weak individual from the North, telling us, if we would only yield the immediate point at issue, all will be quiet, and that our cause would be strengthened. No: there never was a question agitated where the most unyielding opposition was so necessary for success. The difference between him and the Senator from Kentucky was as wide as the poles. That gentleman was for concession, and he was utterly opposed to all concessions in any shape or form; and for this reason he was decidedly opposed to his amendment. It was now too late in the day to go into the subject farther, and he would conclude by repeating, what he had so often said, that while he was ready to yield to any modification going to the mere phraseology, he would not agree, under any circumstance, to surrender the principles on which they were drawn.

Mr. CLAY, in reply to Mr. CALHOUN, observed, the Senator from South Carolina seems highly delighted with having gained a point which he calls a concession on my part: that is, the immediate rejection of all petitions touching abolition in the States. But whoever contended that Congress was bound to entertain petitions relating to an object manifestly beyond the scope of its constitutional powers? We have only insisted upon its obligation to receive petitions when Congress possesses power, or the power, being controverted, is a fit subject of investigation. Whatever has been gained by the Senator, in respect to these, I fear is more than neutralized by a loss to the slaveholding interest, arising from the handle which is made of an alleged denial of the right of petition. If our object really be to diminish the number of petitioners, we should present no collateral or false issues to the country. We should never forget that it is not here that we should look for salutary effect from our proceedings, but among the people.

But the Senator expresses his alarm at the reception of petitions. Why, sir, what is there justly alarming in the mere fact of receiving a petition? Action, Congressional action, alone can justify alarm. The Senator thinks my resolutions make a concession. Of what? The right to abolish slavery in the States? No. They demand an instantaneous rejection of all such petitions, as being palpably beyond the powers of Congress, and therefore not even debateable. The right to abolish slavery in the District? No. The strongest grounds—stronger than the Senator's own resolution—are assumed against it. The right to abolish it in the Territory of Florida? No. All the considerations against it are arrayed in forcible language. The right to prohibit the sale and removal of slaves from State to State? No. The constitutional power of Congress to do that is denied. And it is remarkable that, while my resolutions deny that power, his are altogether silent about it.

What, then, do my resolutions concede? They admit the right of petition touching slavery in this District. But before the Senator can justly denominate that a concession, he ought to prove that there exists no such right. That, I think, he has failed to do. If, as I think, the Constitution requires the Senate to receive such petitions, it is manifest that, in obeying its commands, and conforming to duty, the Senate grants nothing, concedes nothing. If it be the right of the petitioners to present, and the duty of the Senate to receive these petitions, it is manifest that, by refusing to receive them, cause of complaint is given. Now, I have always found that the best way to ensure respect to my own feelings and rights from others, is to treat their feelings and rights with respect. The Senator mistakes moderation, conciliation, and firmness, for concession; and rashness, and intemperate language, for security.

Concession! We cannot alter the Constitution. It is that which guaranties the right of petition; and the alleged concession is to be found not in my resolution, but in the Constitution. But what, again I ask, is there in the fact of receiving a petition which is to throw us into a nervous fit? Why, sir, if a man were to present me a petition to grant him Ashland, (or Orozimbo! exclaimed some Senator—or Orozimbo, said Mr. CLAY, whose death I am sorry to announce to the Senate, and he was a great loss, public and private,) I would, without the least apprehension for the loss of my property, put it in my pocket, or lay it upon the table. Will not the Senator comprehend the difference between the act of receiving a petition, and the grant of the thing petitioned for? When we see some measure of Government, affecting the security of the interest in question—some real concession, it will be time enough to proclaim the existence of danger, and to resort to means of security.

The Senator from South Carolina has adverted to the radical difference between us on this subject. I regret it, but I fear that it is not confined to this matter. For a long period of our service in the public councils, no two public men ever coincided upon all great measures of policy more than the Senator and myself. We agreed as to the War, the Tariff, Internal Improvements, a National Bank, etc. But, when, to my utter astonishment, I heard the Senator, at the extra session,

declare that he had always thought a national bank unconstitutional, the last link in the chain of opinion which connected us was broken and destroyed.

The honorable Senator is not more firmly resolved than I am to sustain the just rights of the slave-holding States. We differ as to the means. He goes for strong language, menacing tones, and irritating measures; I for temperate, but firm, language, conciliation, and for obeying the injunction of the Constitution, in respect to the right of petition, which is never improperly denied without wounding popular sensibility. He, doubtless, does not desire to affect the stability of the Union; but I cannot but fear that his whole course on this subject has that tendency. I think that all our proceedings here should be regulated by the fact that the States are all parts of one great confederacy, and should seek to increase the harmony and strengthen the union between them. We should never act as if we were a divided people, or could possibly become so. I cannot believe that it is prudent or wise to be so often alluding to the separation of the Union. We ought not to be perpetually exclaiming, wolf, wolf, wolf. We are too much in the habit of speaking of divorces, separation, disunion. In private life, if a wife pouts, and frets, and scolds, what would be thought of the good sense or discretion of the husband, who should threaten her with separation, divorce, disunion? who should use these terrible words upon every petty disagreement in domestic life? No man, who has a heart or right feelings, would employ such idle menaces. He would approach the lady with kind and conciliatory language, and apply those natural and more agreeable remedies, which never fail to restore domestic harmony. [A general burst of laughter, which continued for some time.]

Mr. CALHOUN replied, that if he had really been inconsistent, as the Senator supposes, in reference to the bank, he might find a justification in the example of the Senator himself. The only difference between them would be, that the Senator had changed from an anti-bank to a bank man, and he from a bank to an anti-bank man.

The subject of the bank, and the consistency of himself and the Senator, had been gratuitously introduced, and did not belong to the question under consideration; but as the Senator had thought proper to make the charge of inconsistency, he felt called on to repel it.

He, then, had never been, in any proper sense of the term, a bank man, as he had been opposed to the system ever since he had formed a deliberate and mature opinion in relation to it. It is true, he supported the chartering the late Bank of the United States in 1816, but it is no less true that he was opposed to the system at that time, and so expressed himself in his opening speech on the question. In supporting the bank then, he yielded to what he believed to be the necessity of the case, growing out of the connection between the Government and the banks—a connection which originated before his time, and was beyond his control. He then said that, so long as that connection existed—so long as the Government received and treated bank notes as gold and silver—it was bound to regulate the banks, and that a Bank of the United States was the only efficient and legitimate means of effecting it; and such is still his opinion.

If, then, his course in 1816 and now, was different in relation to the bank, it must be traced to a change of circumstances, and not to a change of opinion. At the former period, the connection between the Government and the banks existed with no prospect of its termination, or the possibility of rescinding it; but, now, fortunately, it has ceased by operation of law; and he, for the first time since he had been in public life, was free to take a position in reference to the bank in conformity to his principles. Four years ago, on questions growing out of the removal of the deposites, he explicitely avowed his opinion, in the strongest terms, against the system. If this was the only charge of inconsistency that could be brought against him in a long political life, he had reason certainly to congratulate himself as not being inconsistent, and he certainly had as much right to accuse the Senator of separating from him, as he had to make the charge against him.

But the Senator is not content with making the charge of inconsistency. He makes the grave accusation against him of alluding to the possible dissolution of the Union; but fortunately for him, there was but a slight difference between the Senator and himself in reference to this accusation. We both speak of the possible dissolution of the Union; the Senator when the Bank is the subject of discussion, and he when Abolition. That is all; and he might with as much justice charge the Senator with hostility to the Union, as he had him.

But the Senator tells us that we set out in public life together; that we travelled a long time the same road, but have separated. He believed it was true that we both set out on the same principles, and in the same party. We both professed at the start the doctrines of '98, and belonged to the Republican party; and it is true that we are now separated. He left it to the world to judge which had departed from the original faith. It was not a question for the Senator and him to decide.

Mr. CLAY. The Senator himself was the first to speak of a radical difference between him and me on all subjects. We set out in life together; but in his opinion the Bank of the United States cut asunder the last chain between us. We were together in '98, and since then we have taken long voyages; but whither did the principles of '98 carry him? into what port? They carried me into the port in which I always anchor—the port of the Union—the whole Union—without the separation from it of any member.

The Senator chose to repeat what is no novelty, but has been often suggested on this floor, that I have changed my opinion as to a Bank of the United States.

[Mr. CALHOUN. I accused him of no change.]

But I have changed, resumed Mr. CLAY; and I have changed with the country. I opposed the old Bank of the United States, on the want of constitutional power, and on other grounds. But the war came, then a suspension of specie payments, and a derangement of the currency; and the whole country cried out for a Bank of the United States. If the country had been adverse to a bank in 1816, it could not have been established. If I am taunted with such a change, I thank God it is the only point of national policy which, in the whole of my public life, I have changed.

In 1815–16 the constitutional power to establish a bank was admitted. We were then in habits of the greatest intimacy. I was then Speaker of the House, and he at the head of the committee out of which the bank grew. Never then did I hear from him a sentiment adverse to the power of the Government to establish a bank; and when, afterwards, in company with a gentleman from Virginia, I heard it for the first time, mutual surprise was expressed and felt.

Mr. CALHOUN replied, that the Senator draws a feeble conclusion, if he intends to impeach the correctness of his memory in reference to his course in 1816. It would indeed be surprising if, after more than twenty years, the Senator should recollect the position which he assumed in discussion at that time in reference to the banking system, while it is not all surprising that he should forget it, even if it attracted his attention at the time. Four years since, on an occasion not less memorable, he made the strongest declaration against the system which stands on record, and yet the Senator does not recollect it; and with what propriety, then, can the Senator venture to appeal to the absence of his recollection on the same subject twenty-two years since, with the view of impeaching the correctness of his memory?

Mr. CLAY said he would not controvert the assertion of the gentleman, but he had not heard him.

The Senate then adjourned.

MR. CALHOUN'S RESOLUTIONS.

DEBATE IN THE SENATE,

WEDNESDAY, Jan. 10, 1838.

The Senate resumed the consideration of the fifth of these resolutions, together with the substitute offered yesterday by Mr. CLAY, in relation to slavery in the District of Columbia and the Territories.

Mr. CALHOUN rose and said that he had examined the amendment of the Senator from Kentucky, (Mr. CLAY,) which had been offered as a substitute for the fifth resolution, and that it was impossible for him to bring his mind to give it his support, or to vote for it if it should be adopted in any thing like its present shape. He would very very briefly state his reasons.

It, in the first place, entirely abandoned the Territories to the Abolitionists. His fifth resolution covered both this District and the Territories, but the amendment wholly omitted the latter, and left them defenceless to the invasion of the foe.

He next objected, that it conceded, by almost necessary implication, the right of Congress to appropriate the public funds to purchase and emancipate slaves; a concession among the most dangerous and unconstitutional that could be made. If once admitted, it would be very easy to complete the end the Abolitionists have in view, and that wholly at our expense. If we yield that point, the work will soon be consummated.

His next objection was, that it impliedly admitted it to be the duty of Congress to receive and discuss petitions to abolish slavery in the District: in his opinion a most unfounded and dangerous assumption; but he had so fully expressed his opinion on that point, on former occasions, that he would not now occupy the time of the Senate in repeating the reasons for his opinion.

He finally objected, that the tone of the amendment, and of the remarks with which it was ushered in, was altogether too low for the subject and the occasion. He was adverse to all violence of language, in the expression of legislative opinions; but when the subject was one of such unprovoked outrage on one-half the States of the Union, and so pregnant with disastrous consequences to all, he could not reconcile it to his impression of propriety to speak in the low and subdued tone of the amendment.

For these reasons he could not vote for the amendment, should it be substituted for his fifth resolution, unless greatly modified and strengthened.

Mr. CLAY said he very seriously regretted it; but if the Senate would consider the subject, they would find nothing in the objections. As to the amendment not providing protection for the Territories, in the series of resolutions which Mr. C. had offered yesterday, there was one that expressly provided for Florida, the only Territory concerned, placed on the strongest grounds.

As to the right of the Government to purchase the slaves in the District, the amendment recognised no such thing. It simply says you cannot emancipate them without compensation. But whether you can do it at all or not, it does not assert. It says you cannot do it without compensation; but it does not say you can with compensation.

My idea in framing that resolution was to throw around the District of Columbia every security, in three distinct propositions. One was the plighted faith of this Government in the transaction by which the District was acquired. The next was, that you have no right to abolish slavery here without indemnity. The third was, that you cannot do it without exciting a degree of alarm in the Southern States of this Union—without transcending all the benefits of any results. I hoped these would form a barrier that would exist for ever, or at least till circumstances should no longer require it. But I have no objections to withdraw one of them; the two remaining ones will be sufficient.

If I am right in supposing there is nothing in the exceptionable clause that authorizes the right to purchase the slaves in the District of Columbia, there can be nothing whatever as it respects the slaves in other parts of the Union; more especially as in the resolutions themselves I declare the inviolability of slavery in the States.

The Senator's third objection is to the right of petition involved in the amendment. Sir, I warn the Senate that there can be no continuance of the invasion of the right to petition. Mr. C. mentioned a State Legislature that had now under con-

sideration this subject of the invasion of the right of petition; and from Kentucky, a slave country, he had this morning received a letter from one of the most intelligent men, in which he says you cannot maintain your ground; beware how you attempt it. This is a point on which I know I differ from the Senator, and I should regard nothing more fatal than a deliberate determination of this body to invade the right of petition. Does not every State claim in the District equal rights? There is but one measure more fatal than the invasion of the right of petition, and that is to adopt the concluding resolution of the Senator from South Carolina. I make no imputation against his motives: but that his act may be fatal to the peace, and may endanger the Union of the country, is to be seriously apprehended.

The last objection was that the tone of the amendment was subdued; but with what propriety is this charge? It is in language as strong as ever was used. You cannot abolish slavery without a breach of the public faith. Can any thing be stronger? It equals the Constitution itself.

And then that you cannot abolish slavery without mischievous and dangerous results. Is this undertoned? Sir, in public life, I prefer firmness and decision unaccompanied with rashness or violence.

Mr. BUCHANAN inquired if he was to understand the Senator from Kentucky as having modified his resolution.

Mr. CLAY said he would readily do so, as it appeared that it would render the resolution more acceptable to the Senate. Mr. C. accordingly struck out that part of the resolution, relating to compensation to the owners of slaves.

Mr. HUBBARD then called for the reading of the original resolution, and it was read accordingly.

Mr. CLAY said that there was one observation peculiarly applicable to the resolution under consideration. He believed that we had but one Territory, that of Florida; and how could we assert that the abolition of slavery in the District of Columbia, and the Territories of the United States would be a violation of faith, implied in the cession of the District, since Florida was acquired twenty years after the cession.

Mr. CALHOUN said that the part of the resolution referred to by the Senator from Kentucky was inserted as an amendement offered by his colleague. He presumed that his colleague referred to the District of Columbia only.

Mr. PRESTON, with the consent of the Senate modified his amendment, so as to append the words "violation of the public faith, implied in the cession of the District of Columbia," at the end of the resolution.

Mr. KING of Alabama said his principal objection to the resolution of the Senator from Kentucky had been removed by the modification the honorable gentleman had himself made; as it stood, it was to him very objectionable. He was not prepared by any action here, to give to the people of any portion of this country the idea, even by implication, that the public money could be appropriated to liberate slaves in this District, or in the States or Territories. The Senator from Kentucky had, with a becoming spirit of liberality, removed that objection, and he would now give the amendment his support. He had not risen to enter into any discussion. He had remained silent during this protracted debate, on a subject in which all must know he could but feel a lively interest. His sole desire was, that such a direction might be given to this matter, as to allay the excitement that pervaded the country, and put a stop to the further progress of the spirit of abolition. If the Senator from Kentucky will further modify his amendment, so as to include the Territories, setting forth in explicit terms, that, to abolish slavery in them, would be unjust to the inhabitants, calculated to excite just apprehensions of the slaveholding States, and dangerous to their domestic institutions, he believed it would do much to quiet the public mind; and he hoped, with this modification, the honorable Senator from South Carolina would consent to accept it.

Mr. CLAY then modified resolution, so as to meet the views suggested by Mr. KING.

Mr. SEVIER asked the Senate to add the words, "*and also against the treaty stipulation with Spain of 22d February*, 1819, *which guaranties the right of property.*"

Mr. CLAY remarked that he was not aware of such a treaty stipulation; but if there was such, he would cheerfully insert it.

Mr. CALHOUN said he could appeal to the Senate, that he had shown throughout this discussion a liberal spirit of concession, and a perfect readiness to make any modification of these resolutions that did not sacrifice the principles on which they were based. Farther he could not go, and he had hoped that none of the friends of those principles, who had thus far supported him, would ask him to go farther; and it was with profound regret that he had heard the remarks of the Senator from Alabama, (Mr. KING.) He would tell him, to vote for this amendment to strike out the fifth resolution, and substitute what the Senator from Kentucky (Mr. CLAY) proposes, even as now modified, would be an utter abandonment of the entire ground assumed in the resolutions already adopted. The great and governing principles which pervade all these resolutions are non-interference on the part of any of the States or their citizens with the institutions of the other States, and the non-discrimination on the part of this Government (the common agent of the States) in reference to the institutions of the several States—principles that lie at the foundation of our political system—principles which cannot be departed from without bringing the whole superstructure to the ground—principles which place slavery in this District, or wherever it may exist in the Territories, under the same broad shield that protects it in the States. To attack it in one State would be to attack it in all; and in like manner, and for the same reason, to attack it here, or in the Territories, is to attack it in the States; and this the fifth resolution, now proposed to be stricken out, directly affirms. He regarded slavery, wherever it exists throughout the whole Southern section, as one common question, and is as much under the protection of the Constitution here, and in the Territories, as in the States themselves; and herein lies our only safety. Abandon this, and all is abandoned.

He would tell the southern Senators if these great principles be abandoned, theirs will be the responsibility. If they yield, if even a small portion, one or two, yield in the slaveholding States, the members from the non-slaveholding States must yield. They cannot do otherwise. You force them to do it. How can they stand up when you abandon your position? How can they defend themselves at home, when told that even southern members had surrendered the ground? Let not the fallacious hope of drawing in votes, of uniting all, induce a surrender of the strong and impregnable position we occupy. There is no hope but in meeting the danger, and it is better to stand alone, without a vote beyond the slaveholding States, than to surrender an inch of ground. But such will not be the alternative. If we stand fast, all who agree with us from every quarter, all who hold to our political creed, will ultimately rally around our principles and the Constitution; but, on the contrary, if we surrender our ground, in order to bring in the timid and those of an opposite creed, we will lose all. The timid will become more timid, and those of a different political faith, in spite of all the concessions you may make, will, in the hour of trial, be found in the opposite ranks; and thus principles and supporters, all will be lost. Be it remembered, be it held fast in our recollection, that the fifth resolution has been so modified, as to phraseology, as to make it acceptable, he believed he might say, to nearly all; and that if it be struck out, it could not but be considered as an abandonment of the principles which pervade these resolutions, and an adoption of those contained in the amendment, as far as this District and the Territories were concerned.

He ought not, perhaps, to be surprised that Senators should differ so widely from him on this subject. They did not view the disease as he did. He saw working at the bottom of these movements the same spirit which two centuries ago convulsed the Christian world, and deluged it in blood; that fierce and cruel spirit of persecution which originated in assumed superiority and mistaken principles of duty, that made one man believe that he was accountable for the sins of another, and that he was the judge of what belonged to his temporal and eternal welfare, and was bound, at the peril of his own soul, to interfere to rescue him from perdition. Against this fell and bloody spirit it was in vain to interpose this amendment. Something higher, more sacred, appealing more deeply to the heart and understanding, must be offered; and let him tell Southern Senators, that if they should surrender the impregnable position assumed in the original resolutions, and place their hope in mere inexpediency, the time will come when they will bewail their folly in sackcloth and ashes. An inflexible adherence to our principles and our rights, and a decided and emphatic tone, equally remote from violence or concession, only can save us. The deluded agitators must be plainly told that it is no concern of theirs what is the character of our institutions; and that they must not be touched here, or in the Territories, or the States, by them or the Government; that they were under the guardian protection of the Constitution, and that we stood prepared to repel all interference, or disconnection, be the consequence what it might.

It had pleased Providence, said Mr. CALHOUN, to cast his lot in the slaveholding States. There were his hopes, and all that was near and dear to him. His first duty was to them, and he held every other, even his obligations to this Government and the Union, as sacred as he regarded them, subordinate to their safety. He knew he would be assailed, both here and elsewhere, for this avowal; but he had long been accustomed to such assaults. They had no terror for him. It would take something much more formidable to compel him to suppress his sentiments, or drive him from the performance of what he believed to be his duty, than the pens of hired scribblers, or the denunciations of an organized press.

Before he concluded his remarks, he would call on the Southern Senators to bear in mind that the first battle is to be fought in this District and in the Territories; and that, by carrying these points, the Abolitionists hoped to carry them in the States. To yield here, or in the Territories, is to give ground where the two lines come into conflict; to give the first victory to the foe, with all the fatal consequences which usually follow a defeat on the first encounter. With these reflections, he would ask, he would make a solemn appeal to his associates from the South: which presented the more impregnable position on these exposed points—the high and lofty ground of non-interference and non-discrimination assumed in the fifth resolution, or that of inexpediency in the amendment now proposed as a substitute? And he would ask, on what motive of policy, or duty, would they surrender the stronger and occupy the weaker—give up the Constitution, and rely on expediency?

He saw (said Mr. C.) in the question before us the fate of the South. It was a higher than the mere naked question of master and slave. It involved a great political institution, essential to the peace and existence of one-half of this Union. A mysterious Providence had brought together two races, from different portions of the globe, and placed them together in nearly equal numbers in the Southern portion of this Union. They were there inseparably united, beyond the possibility of separation. Experience had shown that the existing relation between them secured the peace and happiness of both. Each had improved; the inferior greatly; so much so, that it had attained a degree of civilization never before attained by the black race in any age or country. Under no other relation could they co-exist together. To destroy it was to involve a whole region in slaughter, carnage, and desolation; and, come what will, we must defend and preserve it.

This agitation has produced one happy effect at least; it has compelled us to the South to look into the nature and character of this great institution, and to correct many false impressions that even we had entertained in relation to it. Many in the

South once believed that it was a moral and political evil; that folly and delusion are gone; we see it now in its true light, and regard it as the most safe and stable basis for free institutions in the world. It is impossible with us that the conflict can take place between labor and capital, which make it so difficult to establish and maintain free institutions in all wealthy and highly civilized nations where such institutions as ours do not exist. The Southern States are an aggregate, in fact, of communities, not of individuals. Every plantation is a little community, with the master at its head, who concentrates in himself the united interests of capital and labor, of which he is the common representative. These small communities aggregated make the State in all, whose action, labor, and capital is equally represented and perfectly harmonized. Hence the harmony, the union, and stability of that section, which is rarely disturbed except through the action of this Government. The blessing of this state of things extends beyond the limits of the South. It makes that section the balance of the system; the great conservative power, which prevents other portions, less fortunately constituted, from rushing into conflict. In this tendency to conflict in the North between labor and capital, which is constantly on the increase, the weight of the South has and will ever be found on the Conservative side; against the aggression of one or the other side, which ever may tend to disturb the equilibrium of our political system. This is our natural position, the salutary influence of which has thus far preserved, and will long continue to preserve, our free institutions, if we should be left undisturbed. Such are the institutions which these deluded madmen are stirring heaven and earth to destroy, and which we are called on to defend by the highest and most solemn obligations that can be imposed on us as men and patriots.

Mr. KING said that his feelings on this subject were well understood, and his position so well known, that no man could mistake it. He had not, therefore, taken any part in the discussion on the resolutions of the Senator from South Carolina. He had confined himself to a silent vote. He regretted that he found himself compelled by the remarks of the Senator (Mr. CALHOUN) to say a very few words in justification of the vote he proposed to give on the amendment offered by the Senator from Kentucky. He would enter into no discussion with regard to the condition of the two races; nor would he inquire whether any or what advantage had resulted from the position they occupy towards each other. It was sufficient for him to take the institution of slavery as it was; as it existed before the formation of the Constitution, and as it was recognised and guaranteed by it. There, said Mr. K. let it rest. Let us alone; we want no protection; we are every way competent to protect ourselves. We deprecate the agitation of this question from no personal fear. They of the South could and would protect themselves. Their only fear was for the Union. That might be destroyed by this continued intermeddling with rights secured by the Constitution of our country. Beyond this, he repeated, they had no fear. We are told, said Mr. K. by the Senator from South Carolina, that should we vote for the amendment offered to this resolution we should yield a vital principle. To prove the incorrectness of this assertion had alone induced him to trouble the Senate with a single remark. Then, sir, what do we yield? We yield the peculiar phraseology employed by the Senator, nothing more; in every other particular, the amendment is identically the same with the original resolution. Examine and compare them, said Mr. K. Does the original resolution prohibit the reception of petitions on the subject of slavery in this body? No, sir: there is not one word of prohibition. Does it present any resistance to abolition in this District on constitutional grounds? It does not. It declares that all interference with slavery in this District would be a violation of public faith implied in the cession of Virginia and Maryland. That it would excite alarm and apprehension, and produce dangerous consequences in the States where slavery exists. The amendment offered by the Senator from Kentucky declares the same.

Mr. K. read the amendment offered by Mr. CLAY, and appealed to the Senator from South Carolina whether it would not be better to adopt that, than, by adhering to the original resolution, lose the votes of some gentlemen who were willing to go with them, but objected to the harshness of its language. Why should we, asked Mr. K. drive from us gentlemen who were prepared to go with us, for the sake only of using strong expressions? He regretted, Mr. K. said, to have been drawn into this discussion. He had voted for the resolutions that passed, throughout, and had been sorry to see some of his friends vote against them, because he believed that they carried out the true principles of our Government. With respect to the resolution then before them, he was desirous so to act as to induce his Northern friends to vote with the South; and this he did not wish to bring about by the abandonment of any great principle, but by such modifications of language as would render it acceptable to them. Should the adoption of these resolutions fail of the effect intended; should these miserable, deluded men, increase their numbers, and be able to connect themselves with party politics, and produce results adverse to the interests of the section of country from whence he came, all he could say was, that although he should deeply deplore it, he was prepared to resist them with as much firmness as the Senator from South Carolina, or any man living.

Mr. CLAY said that what had fallen from the Senator from Alabama, (Mr. KING) while it had been heard by him with great pleasure, on account of its sound good sense and truth, had, at the same time, greatly superseded the necessity of his saying much of what otherwise it had been his intention to have said. He would, however, make a few brief remarks in reply to Mr. CALHOUN'S objections. That gentleman repeatedly urges all the ground is given up—all is sacrificed—concessions are made, &c. and he urges against the resolution now before the Senate that he (Mr. CLAY) waives the rights of the South! But how can this be? Have we not (said Mr. C.) already passed the first four of the gentleman's resolutions? Have we not by them asserted, instead of abandoning, these rights? If I have abandoned them, he (Mr. CALHOUN) has abandoned them; for I have only voted for these resolutions, whereas he has framed them. If I have made concessions, he has made more for this concession. If I have given up the right of petition, he has done so too; for he has not once mentioned that point in all his four lengthy resolutions; and, therefore, if I am wrong, he is more in the wrong; for hitherto I have only followed him in voting for his resolutions. If I am charged with waiving the constitutional ground, the charge bears more strongly against himself, for he has waived it throughout; he has not touched upon it; and, more than that, expressly said, in a speech reported by himself, that he should not go upon that ground in order that he might obtain all the votes of those who only differed on constitutional grounds. All, therefore, that the gentleman urges against me, tells with greater force against himself; for all that I have omitted, he set out from the first with declaring it to be his intention to omit He has omitted it; he has omitted the right of petition; he has omitted the constitutional ground; and yet he goes against this resolution for no other reason than because of this same omission! The object Mr. CLAY had in view was to allay excitement, and to avoid creating enemies to the South, by driving our friends into opposition to us, by any sort of violence or unreasonable exactions; in a word, not to render them opponents of the institutions of the South, by forcing them to abandon their principles. Mr. C. wished to leave them ground to stand upon; he did not wish to take it from under their feet, and thus force them into an involuntary opposition to the institution of slavery, which, it appeared to him, was the tendency of the contrary course.

For this reason Mr. C. was in favor of doing nothing which would violate the principles of those who, though they were willing to support Southern institutions, could not be brought to give up what they deemed to be high constitutional rights. Therefore, he (Mr. C.) was in favor of receiving petitions, of referring them, of acting upon them, and thereby quashing them and this agitation forever. This was the course of Washington when Dr. Franklin presented a petition for the abolition of slavery; it was received, it was referred, it was acted on, and what was the consequence? The consequence was, that the whole subject slept a dead sleep, and was not awakened up until the Missouri question brought with it all the agitations of that period. Some men by exciting too much often lose every thing. Mr. C. hoped that the South might be saved from such false friends, who often drive by violence their firmest supporters to become their opponents, and by intemperate zeal go the way to endanger those who but for them would be safe; without whose zeal they would lose nothing, but by its intemperance and violence often lose all.

Mr. SEVIER expressed his wish, that as the Indians had slaves, and slavery was therefore one of their domestic institutions, a clause might be introduced to guaranty the perpetuity of slavery among the Indian tribes.

Mr. NILES then offered an amendment to the resolution which he supported by reasons in its favor.

Mr. ALLEN said he was fully satisfied that the object of both Senators who had brought forward these resolutions was virtually the same and identical. He agreed with them both in the object of presenting to the friends of the Union in non-slaveholding States a common ground and foundation on which they might stand firm and united in resisting the dangerous efforts of the spirit of abolition. In viewing the original resolution, and comparing it with the substitute now proposed by Mr. CLAY, he felt himself bound to declare that the object in view appeared to him most ably met by the original resolution of the Senator from South Carolina, (Mr. CALHOUN.) This resolution was, in his view, a specific, direct, and tangible proposition. On the contrary, the substitute of Mr. CLAY, though indeed substantially the same, appeared to him (Mr. A) to cover too much ground, to be spread over too wide a surface, to be, in a word, historical and argumentative, rather than a condensed expression of a clear and definite proposition. In his judgment, therefore, the substitute now offered was objectionable; because, from the reasons he had given, it was more calculated to give rise to cavil, doubt, and controversy, than to answer the object which both professedly had in view. On this ground, and for no other reason, he should vote in favor of the original resolution. The substitute was too multifarious and embraced too many different topics; it involved many different questions, leading to a variety of issues. In thus speaking, he (Mr. A) did not wish to be understood as dissenting from the general doctrines contained in the substitute of the Senator from Kentucky, (Mr. CLAY.) He (Mr. A.) concurred in the object, while he differed only in the form. It was very essential for those who come from the free States to be placed on such a foundation as to be able to defend themselves from attacks at home on this irritating subject, and to do this, the simplest and least involved proposition appeared to him to be preferable. Such, in his view, was the original proposition, and, therefore, it should still receive his vote.

Mr. CLAY called for the yeas and nays on his amendment, as modified, which were ordered.

The question was taken on Mr. CLAY'S amendment or substitue, and it was adopted, as follows:

YEAS—Messrs. Bayard, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, King, Niles, Preston, Rives, Robinson, Strange, Tallmadge, Tipton, White, and Williams—19.

NAYS—Messrs Allen, Benton, Black, Calhoun, Grundy, Hubbard, Lumpkin, Lyon, Nicholas, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Smith of Indiana, Walker, Wright, and Young—18.

The question then occurring on the amendment, as amended.

Mr. BUCHANAN inquired if the question was divisible.

The VICE PRESIDENT replied that, according

to Parliamentary rules, the question at its present stage was not divisible.

Mr. STRANGE said that, having entered his protest against the introduction of these resolutions, it had been his intention to remain silent during the further progress of the discussion, and he should not have broken in upon that purpose, but for the situation in which he now felt himself placed compelling him to trouble the Senate with a few remarks. He had already assigned his reasons for opposition to the consideration of these resolutions; but, as their consideration had been decided upon, as we had passed the Rubicon, no one was more desirous than he that the battle should be fought out to the best advantage. The only advantage which he supposed any one hoped for from the discussion of this subject was, that a strong moral impression would thereby be made in our favor in the non-slaveholding States. The course which things had taken in this debate had convinced him that the confidence he had hitherto reposed in our Northern friends was not ill founded: they had stood by us upon every important vote, with a manly firmness and a patriotic devotion to the cause of the Union, which satisfied him there was, in truth, but little cause for apprehending any decided action on the part of the Abolitionists. But that had not been the ground on which he had opposed the discussion of these resolutions. It was, that discussion itself was calculated to do mischief; and in that opinion the experience of the last few days had fully confirmed him. The present discussion had, he believed, done mischief; and the most likely method of counteracting that mischief was by making, in the result, a strong expression of opinion with much unanimity. The apprehension that many of our friends would not go with us upon the fifth resolution in its original terms, had induced him to vote for the adoption of the amendment of the Senator from Kentucky, (Mr. CLAY,) as modified by the Senator from Connecticut, (Mr. NILES.) For himself, he greatly preferred the original resolution, if for no other reason, for its condensation of substance and terseness of style. The advantage of a resolution so constructed had been fully and happily expressed by the Senator from Ohio, (Mr. Allen;) but, fearing they could not make so imposing a show upon it as upon the substitute, he had voted for it. He had, in fact, feared an actual defeat. But the result of the vote upon the adoption of the amendment, being 19 to 18, had satisfied him that, in point of numbers, they could do quite or nearly as well upon the original resolution, and, in point of expression, much better; and he therefore moved a reconsideration of the vote for the adoption of the amendment.

After some remarks from Mr. NILES,

Mr. CALHOUN said he had no doubt that the adoption of Mr. CLAY's resolution originated in a great measure from a desire to get a very strong vote. He thought he saw it at the time; and now the result showed that he was not mistaken. But Mr. C. now hoped that those Senators who had heretofore voted for his resolutions, would continue to give them their support in adhering to the fifth one, unless they found some objection to the phraseology, which, he repeated, he was willing to alter. This resolution was drawn up to meet the Vermont resolutions, which went on the ground that slavery ought to be abolished in the District of Columbia, because it was immoral and sinful. His resolutions met those of Vermont on these grounds; and unless gentlemen intended to meet them on other grounds, they must continue to vote with him. All he asked of the Senate was to say yea or nay. Will you meet the Vermont resolutions? And if you do not, let our institutions be constantly open to such attacks, on the grounds that they are sinful and immoral.

Mr. CLAY of Alabama would not have troubled the Senate with any observations, had it not been for the dilemma in which he found himself (along with others of his friends) placed. The vote he just gave, was given for an object which had entirely failed. He had hoped, when voting for the amendment of the Senator from Kentucky, that they should have had almost an unanimous vote, and its moral influence; but having had a majority of one only, the object sought for had not been obtained. He himself preferred the original resolution; and he was glad that the reconsideration ordered on the motion of the gentleman from North Carolina, allowed him an opportunity of correcting the error into which he had fallen. While up, he must say that he saw no right in the Senate of the United States to compromise this question. The resolution of the Senator from South Carolina was couched, to be sure, in strong language, but not stronger than the occasion warranted. He, for his part, did not object to its phraseology: he thought it very suitable to the case it was intended to meet. He too wished to see gentlemen march up to the question presented by the Vermont resolutions, and give their votes, yea or nay, whether the institutions of any of these States were open to attack, on the ground that they were immoral and sinful. He had voted for the resolution of the Senator from Kentucky, and hoped, in so doing, to have an unanimous vote; but failing in that hope, he was glad to see the question presented on the original resolution, which he at first preferred; and he indulged the hope that a strong vote would be given on it.

Mr. PRESTON repeated that he did not expect much from any or all of the resolutions; but he thought Mr. CLAY's more practical and strong, and regarded it as more proper that the minority should come over to the majority, than the majority go to the minority. He trusted they would so come over, though he did not see any great difference between the two propositions.

Mr. STRANGE, in reply, said he fully concurred with the Senator from South Carolina, (Mr. PRESTON,) that in all compromises the minority should yield to the majority; but there would probably be some difference between him and the Senator in the application of the rule to the present case. Which is the minority and which the majority on the present question? I (said Mr. S.) happen to have the cards in my own hand; and if all others adhere to their original vote, on whichever side I vote will be the majority. The question, then, returns upon us as an original one: which, upon the whole, was preferable—the original resolution, or the proposed substitute. For the reasons already stated, he was decidedly in favor of the original resolution. The effect of the adoption of this resolution upon the right of petition had been brought into question, as he thought, very unnecessarily; but, while he was up, he would make a remark or two upon that subject. He had, on a former occasion, expressed the opinion that the right to petition did not imply necessarily the obligation to receive, and he would not now repeat the reasons then stated for that opinion; but there was another view of this subject, bearing upon petitions from persons non-resident in the District of Columbia for the abolition of slavery within it, which he would take the liberty of presenting. The right to petition is correlative to the power of legislation upon the rights of the petitioner. Now, Congress is a Legislature in two senses. Over the whole Union it has the power of legislation upon all subjects on which that power is given by the Constitution, and within the District of Columbia a local legislative authority, similar to that exercised by the State Legislatures within their respective limits. Let it, then, be conceded, for the sake of the argument, that the right to petition includes the obligation to receive and consider; it is a *non sequitur* that Congress is bound to receive and consider a petition from a non-resident of the District of Columbia to abolish slavery within it. For example, let it be conceded that the Legislature of Virginia would be bound to receive and consider a petition from a citizen of Virginia for the abolition of slavery in the State of Virginia—does it follow that the Legislature of Virginia would be bound to receive and consider a petition from a citizen of Maryland upon the same subject? Surely not. With no more propriety, then, can a citizen of one of the States call upon Congress to receive and consider a petition upon a subject on which, if Congress acts at all, she must act by virtue of her power to exercise her functions as a local Legislature; for no one pretends that were it not for her power to exercise local legislation over this District, Congress could, in the widest stretch of her constitutional powers, abolish slavery within it. It follows, therefore, that the sacred right of petition, allowing it its widest scope, can never be involved in the proposal to abolish slavery in the District of Columbia until some inhabitant of the District becomes a petitioner. With these remarks, I shall conclude by expressing a hope that the vote adopting the amendment for the original resolution will be reversed.

The question on Mr. STRANGE's motion to reconsider the vote on adopting Mr. CLAY's substitute being taken, it was carried. So Mr. CLAY's resolution then came up as an original question.

Mr. HUBBARD deemed it irrelevant to act with reference to the Vermont resolutions, when they were not before the Senate. He made objections to the propositions both of Mr. CLAY and Mr. CALHOUN, and expressed his design, if Mr. CLAY's should fail, then to offer a substitute of his own for that of Mr. CALHOUN.

Mr. CALHOUN said he understood the Senator did not contest the principle of the resolutions.

Mr. HUBBARD. Not at all.

Mr. CALHOUN had supposed the phraseology acceptable, but he was ready to modify.

Mr. KING suggested that the Senator from New Hampshire could modify or alter either the resolution of Mr. CLAY or of Mr. CALHOUN: he hoped he would do so to one or the other, and then give it his vote.

Mr. HUBBARD said he objected to the latter part of Mr. CLAY's amendment, though the first met his approbation; and, if disconnected, he would have voted for it. But, according to the rules of the Senate, a proposition to strike out and insert could not be amended.

Mr. BUCHANAN said that he did not intend to make any remarks upon the present occasion, further than to state, that the first part of the amendment which had been proposed by the Senator from Kentucky, as modified by the Senator from Connecticut, (Mr. NILES,) in regard to slavery in the District of Columbia, met his decided approbation. It placed the question upon its true principles—principles which he felt confident would be sustained by a great majority of the people of that State which he had, in part, the honor to represent. We will not abolish slavery in this District, because it was originally a slaveholding territory, and the surrounding States by which it was ceded are still slaveholding States; and because it would establish in the midst of them a place of refuge for their fugitive slaves; it would be destructive of the rights and security of their citizens, and would erect a citadel from whence to scatter the seeds of servile insurrection throughout their borders. Now he wished a distinct vote to be taken upon that portion of the amendment which related exclusively to the District of Columbia, and he supposed this could only be obtained by striking out all that portion of the amendment which related to Florida and the Indian country. In making this motion, he desired to be distinctly understood. He did not wish to prevent a direct vote on this second portion of the resolution. It could be offered afterwards as a substantive resolution. All he desired was to detach that portion of the amendment which related to this District from what followed; and thus obtain the strongest possible vote in its favor. Mr. B concluded by moving to strike out the second part of the resolution.

Mr. SEVIER called for the yeas and nays on the question. He was perfectly satisfied with the resolution of the Senator from Kentucky, and regretted that the Senator from South Carolina had not consented to receive it. As for the second part of the resolution of the Senator from Kentucky, which was proposed to be stricken out, he was in favor of it, and should therefore vote against the motion of the Senator from Pennsylvania.

The question was then taken on Mr. BUCHANAN's motion, and it was carried—ayes 24, noes 13.

Mr. KING of Alabama to prevent any difficulty upon this subject, asked the Senator from Pennsylvania if he would agree, in case his motion should

prevail, to offer the second part of the resolution as a distinct resolution. To which

Mr. BUCHANAN replied *certainly*. He could have no objection to place it in the same situation in which he had found it; without, however, thereby pledging himself to support all the principles which it contained.

Mr. WEBSTER said he could not concur in this resolution. I do not know (said he) any matter of fact, or any ground of argument, on which this affirmation of plighted faith can be sustained. I see nothing by which Congress has tied up its hands, either directly or indirectly, so as to put its clear constitutional power beyond the exercise of its own discretion. I have carefully examined the acts of cession by the States, the act of Congress, the proceedings and history of the times, and I find nothing to lead me to doubt that it was the intention of all parties to leave this, like other subjects belonging to the legislation for the ceded territory, entirely to the discretion and wisdom of Congress. The words of the Constitution are clear and plain. None could be clearer or plainer. Congress, by that instrument, has power to exercise exclusive jurisdiction over the ceded territory, in all cases whatsoever. The acts of cession contain no limitation, condition, or qualification whatever, except that, out of abundant caution, there is inserted a *proviso* that nothing in the acts contained should be construed to vest in the United States any right of property in the soil so as to affect the rights of individuals therein, otherwise than as such individuals might themselves transfer their right of soil to the United States. The acts of cession declare that the tract of country "is for ever ceded and relinquished to Congress and to the Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside therein, pursuant to the tenor and effect of the 8th section of the 1st article of the Constitution of the United States."

Now, that section to which reference is thus expressly made in these deeds of cession, declares that Congress shall have power "to exercise exclusive legislation, in all cases whatsoever, over such District, not exceeding ten miles square, as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States."

Nothing, therefore, as it seems to me, can be clearer than that the States making the cession expected Congress to exercise over the District precisely that power, and neither more nor less, which the Constitution had conferred upon it. I do not know how the provision, or the intention, either of the Constitution in granting the power, or of the States in making the cession, could be expressed in a manner more absolutely free from all doubt or ambiguity.

I see, therefore, nothing in the act of cession, and nothing in the Constitution, and nothing in the history of this transaction, and nothing in any other transaction, implying any limitation upon the authority of Congress.

If the assertion contained in this resolution be true, a very strange result, as it seems to me, must follow. The resolution affirms that the faith of Congress is pledged indefinitely. It makes no limitation of time or circumstance. If this be so, then it is an obligation that binds for ever, as much as if it were one of the prohibitions of the Constitution itself. And at all times hereafter, even when in the course of their history, availing themselves of events, or changing their views of policy, the States themselves should make provisions for the emancipation of their slaves, in this District, nevertheless, the existing state of things could not be changed. It does really seem to me, that if this resolution, in its terms, be true, though slavery in every other part of the world should be abolished, yet in the metropolis of this great Republic it is established in perpetuity. This appears to me the result of the doctrine of plighted faith, as stated in the resolution.

Mr. BUCHANAN said, that in his opinion, the Senator from Massachusetts (Mr. WEBSTER) had not placed the question upon its true grounds. He had entirely mistaken the meaning of the resolution, if he (Mr. B.) understood it correctly. He would ask, did any human being suppose that the States of Virginia and Maryland would have ever thought of ceding this District to the United States, if they had imagined that Congress would convert those ten miles square, in the very heart of their territory, into an asylum for their fugitive slaves, and a spot from whence the peace and safety of both were to be constantly endangered? They never would have made the cession, had any such idea existed. It is true that no *express* faith was pledged in the cession, because no such apprehension was then entertained. If there had been, does any man doubt but that they would have insisted upon an express stipulation against such an alarming danger? If (said Mr. B.) I freely grant to you a valuable possession, could you, as an honorable and honest man, think you had a right to wrest this grant from its original purpose, and convert it into an instrument of my destruction? If you know that the gift never would have been made by me, had I supposed you were capable of using it in such a manner, you are under the strongest moral obligation not to pervert it to such a purpose. It is true you may have the constitutional power to abolish slavery in this District; but would it not be a violation of implied faith, under all the circumstances, to exercise this power? I think it would, I feel that it would, and therefore shall vote that it would.

Again, said Mr. B. no inference can be drawn from the language of the resolution, that its friends intend that slavery shall exist in the District, after it has been abolished in the surrounding States. In thus supposing, the Senator has misapprehended the terms of the resolution. Abolish slavery in Virginia and Maryland, (said Mr. B.) and it will no longer, it can no longer, exist in this District. The people of these States had been making rapid strides towards the accomplishment of this object, until they were arrested in their career by the abolition excitement, and the proceedings of the abolition societies. This resolution presented the very point of the question on which he was willing to stand or to fall. It contemplated the existence of slavery here, so long as it should continue to exist in the surrounding States; but not a day longer. It contained the very principle for which he had always contended, that slavery *here* and slavery *there* must share the same fate. He thus understood the resolution, and with this understanding he had given it his support.

Mr. WEBSTER. The words of the resolution will speak for themselves. They require no comment. They express an unlimited plighted faith. The honorable member will so see, if he will look at those words. The gentleman asks whether those who made the cession could have expected that Congress would ever have exercised such a power? To this, I answer that I see no reason to doubt that the parties to the cession were as willing to leave this as to leave other powers to the discretion of Congress. I see not the slightest evidence of any especial fear, or any especial care, or concern, on the part of the ceding States, in regard to this particular part of the jurisdiction ceded to Congress. And, I think, I can ask on the other side, a very important question for the consideration of the gentleman himself, and for that of the Senate and the country; and that is, would Congress have accepted the cession with any such restraint upon its constitutional power, either express or understood to be implied? I think not. Looking back to the state of things then existing, and especially to what Congress had done so recently before, when it accepted the cession of the Northwestern Territory, I entertain no doubt whatever that Congress would have refused the cession if offered with any condition or understanding that its constitutional authority to exercise exclusive legislation over the District in all cases whatsoever should be abridged.

The Senate will observe that I am speaking solely to the point of plighted faith. Upon other parts of the resolution, and upon many other things connected with it, I have said nothing. I only resist the imposition, at this time, of new obligations, or a new prohibition, not to be found, as I think, either in the Constitution or any act of Government. I have said nothing on the expediency of abolition, immediate or gradual, or the reasons which ought to weigh with Congress should that question be proposed. I can well conceive, I think, what would be a natural and fair mode of reasoning on such an occasion.

When it is said, for instance, by way of argument, that Congress, although it have the power, ought not to take a lead in the business of Abolition, considering that the interest which the United States have in the whole subject is vastly less than that which the States have in it, I can understand the propriety and force of the observation. It is, as far as it goes, a pertinent and appropriate argument, and I shall always be ready to give it the full weight belonging to it. When it is argued that, in a case so vital to the States, the States themselves should be allowed to maintain their own policy, and that the Government of the United States ought not to do any thing which shall, directly or indirectly, shake or disturb that policy, this is a line of policy which I can understand; for I have always not only admitted, but insisted, that slavery, within the States, is a subject belonging absolutely and exclusively to the States themselves.

But the present is not an attempt to exhibit any such course of reasoning as this. The attempt is to set up a pledge of the public faith to do the same office, as a constitutional prohibition, in terms, would do; that is, to set up a direct bar, precluding all exercise of the discretion of Congress over the subject. It has been often said, in this debate, and I believe it is true, that a decided majority of the Senate do believe that Congress has a clear constitutional power over slavery in this District. But while this constitutional right is admitted, it is at the same moment attempted to be effectually counteracted, overthrown, and done away with by the affirmation of plighted faith, as asserted in the resolution before us.

Now, I have already said I know nothing to support this affirmation Neither in the acts of cession, nor in the act of Congress accepting the District, nor in any other document, history, publication, or transaction, do I know a single fact or suggestion, supporting this proposition, or tending to support it. Nor has any gentleman, so far as I know, pointed out, or attempted to point out, any such fact, document, transaction, or other evidence. All is left to the general and repeated statement, that such a condition must have been intended by the States. Of all this I see no proof whatever. I see no evidence of any desire on the part of the States thus to limit the power of Congress, or thus to require a pledge against its exercise. And, indeed, if this were made out, the intention of Congress, as well as that of the States, must be inquired into. Nothing short of a clear and manifest intention of both parties, proved by proper evidence, can amount to plighted faith. The expectation, or intent, of one party, if excited, founded on something not provided for nor hinted at in the transaction itself, cannot plight the faith of the other party.

In short, I am altogether unable to see any ground for supposing that either party to the cession had any mental reservation, any unexpressed expectation, or relied on any implied, but unmentioned and unsuggested pledge, whatever. By the Constitution, if a district should be ceded to it for the seat of Government, Congress was to have a right, in express terms, to exercise exclusive legislation, in all cases whatsoever. The cession was made and accepted, in pursuance of this power. Both parties knew well what they were doing. Both parties knew that by the cession the States surrendered all jurisdiction, and Congress acquired all jurisdiction; and this is the whole transaction.

As to any provision in the acts of cession stipulating for the security of property, there is none, except only what I have already observed—this condition, that no right of individuals in the soil should be construed to be transferred, but only the jurisdiction. But no doubt all rights of property ought to be duly respected by Congress, and all other legislatures.

And since the subject of compensation to the owners of emancipated slaves has been referred to, I take occasion to say, that Congress, if it should think that a wise, just, and politic legislation for this District required them to make compensation

for slaves emancipated here, they have the same constitutional authority to make such compensation as to make grants for roads and bridges, almshouses, penitentiaries, and other similar objects in the District. A general and absolute power of legislation carries with it all the necessary and just incidents belonging to such legislation.

Mr. CLAY said he entirely concurred with Mr. BUCHANAN, and he must express his astonishment that Mr. WEBSTER did not view the matter in the same light. He believed with Mr. B. that if those States could have imagined that while slavery existed with them it would be ended here, they never would have made the cession. Mr. C. would put it in another shape. Suppose Pennsylvania had ceded a portion of her soil as a site for the Government, then he would ask, if, when Pennsylvania was a non-slaveholding State, it would not be deemed a breach of faith to introduce slavery into the midst of her soil? So in this District it would be a breach of faith to abolish, while the ceding States retained that institution. Besides, when the cession was made, there was an express reservation of the right of property, and therefore this kind of property, being included, was, as a matter of public faith, to be preserved. When the state of things alluded to under which the cession was made shall cease, then the force of the faith implied will also cease.

The argument that this power might be abused, is not available to limit and nullify the power.

Mr. WEBSTER. The honorable member from Kentucky asks the Senate to suppose the opposite case: to suppose that the seat of Government had been fixed in a free State, Pennsylvania for example; and that Congress had attempted to establish slavery in a district over which, as here, it had thus exclusive legislation. He asks whether, in that case, Congress could establish slavery in such a place? This mode of changing the question does not, I think, vary this argument; and I answer at once, that however improbable or improper such an act might be, yet if the power were universal, absolute, and without restriction, it might unquestionably be so exercised. No limitation being expressed or intimated in the grant itself, or any other proceeding of the parties, none could be implied.

And in the other cases, of forts, arsenals, &c. if Congress has exclusive and absolute legislative power, it must, of course, have the power, if it could be supposed to be guilty of such a folly, whether proposed to be exercised in a district within a free State, to establish slavery, or in a district in a slave State to abolish or regulate it; yet, if it be a district over which Congress has, as it has in this District, unlimited power of legislation, it seems to me that whatever would stay the exercise of this power, in either case, must be drawn from discretion, from reasons of justice and true policy, from those high conisderations which ought to influence Congress in questions of such extreme delicacy and importance; and to all these considerations I am willing, and always shall be willing, I trust, to give full weight. But I cannot, in conscience, say that the power, so clearly conferred on Congress by the Constitution, as a power to be exercised, like others, in its own discretion, is immediately taken away again by an implied faith that it shall not be exercised at all.

Mr. CALHOUN said that he should succeed in one object he had in view when he introduced these resolutions—to ascertain the sense of the Senate on the subject of abolition, and how far it was disposed to take ground against it. They embraced two leading propositions that he had hoped to carry out—that neither a State, nor its citizens, had a right to interfere with the peculiar institutions of the other States; and that this Government, as a common agent of the States, has no right, in any of its acts, either in this District or elsewhere, to discriminate between the domestic institutions of the slaveholding and non-slaveholding States, by favoring one, and opposing the other, on any ground whatever. Whatever may be the private feelings of those vested with public authority, they are bound, in their official character, to regard all as equally under the protection of the Constitution, and equally unexceptionable. To act on the opposite principle, of suppressing one, and advancing the other, must necessarily end in the most deadly and fatal conflict between the parts of this Union.

These were the elevated and strong grounds assumed in the resolutions, and he regretted that they should have been departed from in this resolution as amended. Thus regarded, he should vote for it with much reluctance. The amendment offered by the Senator from Connecticut (Mr. NILES) had removed many of the objections he had to that offered by the Senator from Kentucky, to which it would have been impossible for him to give his assent; and, even as it stood, he should vote for it only on the ground of preserving harmony and union among those whom he believed to be opposed to the Abolitionists, as far as he could without an entire sacrifice of principles.

Mr. CUTHBERT said it seemed that the Senator from Massachusetts found it difficult to understand the question. The question, to be correctly understood, depended much on the sound sense or moral sense of the individual. Now it might be well imagined that an individual might be without that moral sense, and therefore the question was unintelligible to him.

The question was then again taken on the first branch of Mr. CLAY's substitute, and carried as follows: ayes 36, noes 9.

Mr. SEVIER now called upon Mr. BUCHANAN to move the remainder of the resolution relating to the guaranty of slavery in the Territories and among the Indian nations.

Mr. BUCHANAN pledged himself to do so on the morrow; and then,

On motion of Mr. PRESTON,

The Senate adjourned.

REMARKS OF MR. SMITH,
OF INDIANA,
IN SENATE, THURSDAY, JAN. 25, 1838.

When the bill granting the right of pre-emption to actual settlers on public lands was under consideration in the Senate on Thursday, the 25th instant--

Mr. SMITH, of Indiana, moved to amend the bill so as to exclude from its operation all lands where the Indian treaty by which they were ceded had not been ratified six months prior to the first day of December last. In moving this amendment, Mr. S. said, the peculiar position which he found himself occupying seemed to require that he should fully explain the object of the amendment, and the facts connected with its operation, should it be adopted. The Senate had already noticed that himself and colleague differed widely in their views of the propriety of this amendment, and he was compelled candidly to admit that it would have afforded him great pleasure had it so happened that himself and colleague could have concurred in their views, and acted in concert on this question. He had the consolation, however, to believe that the difference between them was one of principle, and that each was entitled to the same credit for honesty of purpose; each supposed he was faithfully discharging his duty. He was aware that his colleague had been long a member of this body, and that he had been for years intimately acquainted with the object and policy of the pre-emption laws; and he (Mr. S.) willingly admitted, that could his mind have been influenced to believe that the amendment was not called for by sound policy, the opinion of his colleague would have had great weight with him.

Mr. S. said he wished to place this question in its true light before the Senate and the country, that he might be judged of by the merits of the proposition, and the reasons he offered in support of it. That the Senate might understand the question, he would state the facts upon which it rested. The amendment, if adopted, will exclude from the operation of the law, amongst other lands, the lands ceded to the Government by the Miami treaty, which was ratified by the Senate at its extra session in September last, subject to the approval of the President, and the sanction of some Indians who had not signed the amendment to the treaty. The sanction of these Indians and the approval of the President had been obtained in October, as he understood, though he had not seen the treaty. These lands comprise about 215,000 acres, lying in the very heart of the State of Indiana, on the Wabash river, and on the line of the Wabash and Erie canal. They were Indian reserves, surrounded by a dense population, and a highly improved country, and it may fearlessly be asserted that the State does not contain a better body of land. These lands he wished to exclude from the operation of the bill. He was well apprized that it was an invidious task to oppose pre-emption rights when there was even a shadow of claim. He presumed that some at least of those whom his amendment would exclude were his personal and political friends, and that they might take it as very unkind in him to move this matter to their prejudice. He had little doubt but that his colleague was correct in characterizing some of them as poor men, and he had towards them no other feelings than those of personal kindness. He could well appreciate the feelings and motives that actuated his colleague to contend for them, and insist that they should be included in the operations of the bill; for himself, however, he had but one course to pursue: his duty to his State and the Government was paramount. He could not be controlled in the discharge of that duty by considerations of poverty or riches; whether the applicants for the services he owed all, were rich or poor, could make no difference. He could recognise no such distinctions in the discharge of his public duties; he would mete out even-handed justice to all; he would show partiality to none; he went for the whole.

Me (Mr. S.) would ask the indulgence of the Senate while he attempted to state the merits of the claim of the persons on these lands to a pre-emption, and the reasons that had brought his mind to the conclusion that these lands ought not to be included in the pre-emption bill at this time. It will be seen by the public documents that, some years ago, a grant of lands was made to the State of Indiana by the Government of alternate sections five miles wide on each side of a canal from Lake Erie, to unite the waters of the lake with the waters of the Mississippi, on the Wabash, by uninterrupted navigation. He only spoke from memory of the terms of the grant. This canal was originally located as far down the Wabash as Lafayette, and there stopped for the time being; the lands were located to that point, agreeably to the act of Congress, but it was subsequently ascertained by the authorities of the State in charge of that matter, that, in order to secure the uninterrupted and unobstructed navigation of the Wabash, it was absolutely necessary to extend the line of the work down the Wabash to Terre Haute; this has been done, and the State now claims the lands under the original act; the claim has been presented to the proper Department by the board of internal improvement of the State, accompanied with a most conclusive and able argument in favor of the claim. The State has no doubt whatever on the question; she believes herself justly and legally entitled to the land, and she cannot doubt but that such must be the decision of the Department. A similar question has been decided by the late Commissioner of the General Land Office, in favor of Ohio. The decision of this important matter to the State is expectedly daily. Should the State not be mistaken in this matter, as the lands on the line of the extension of this work have been sold by the Government, the State will be entitled to select other lands in lieu of them, and he (Mr. S.) wished to keep the lands covered by the amendment excluded from the operations of the bill, that they may be subjected to the claim of the State, of the whole State; that they may be applied to that work, and to the relief of the people from the additional burden of its construction. But if in all this the State should fail, it would be recollected by the Senate that he (Mr. S.) had a few days since introduced a resolution, which was referred to the Committee on the Public Lands, instructing that committee to inquire into the expediency of granting a pre-emption to these lands to the State of Indiana to aid her in her works of internal improvement. His colleague had also introduced and referred to the same committee petitions from these settlers, praying for pre-

emptions. These questions were now pending before the committee undecided, and he was unwilling to prejudice the decision of these questions by any action on this bill. He hoped, when the question came to be fully considered, should the State not be entitled to these lands under the canal law, (the law granting lands to the canal, to which he had adverted,) that the benefit of these lands will be suffered, on moderate terms, under a pre-emption, to go to the State to aid her in her works of internal improvement. The General Government, it is very true, will not realize more than the minimum price of $1 25 per acre for these lands should she sell them in the ordinary way, while the State might realize double or treble that sum, upon terms to aid her in the payment of her canal debt. Thus, while the General Government would lose nothing, the State of Indiana would receive from $500,000 to $1,000,000, a clear benefit from the pre-emption, to assist her in paying her internal improvement debt, the benefit of which would inure alike to all the citizens of the State, those who claim these pre-emptions as well as others.

He (Mr. S.) would next inquire whether, under the circumstances of this case, the persons who are upon these lands have any special claim to the favor of the Government, or rather whether they have even the claims of ordinary pre-emptors. He had already said that these lands lie in the heart of the State, on the line of one of her principal public works; that they are of the most valuable lands in the States; that they are not frontier lands, but are surrounded by a dense population and a highly improved country; that they were Indian reservations of lands, reserved in the original sales by the Miamies; that the treaty was ratified by the Senate in September last, and was only approved in October. It remained for him to state, further, that, after the treaty was approved, he had received a letter from a gentleman at Peru, nearly adjoining some of these lands, inquiring whether it was proble that pre-emptions would be granted to settlers on them; that he had answered the letter, informing the writer that he (Mr. S.) was clearly of opinion that the people ought not to locate on these lands with the expectation of obtaining pre-emptions. He felt fully justified, at the time, in giving his opinion as he did. But, if he had misled any by that opinion, so as to induce them to forego advantages of location, which the Government shall sanction by this bill, he regretted it, as all ought to have had an equal chance to avail themselves of the benefits of the location. He thought then, and he still thinks, his opinion was founded in correct policy. He had, however, understood that almost the whole of the best of these lands had been located as soon as the settlers could remove from their homes in their vicinity, and select the choice tracts. This bill will secure them in these locations by pre emptions. Does the claim come sustained by the reasons that may be urged in favor of our pre-emption system? The arguments in favor of that system were—that the pre-emptors were pioneers; that they improved the public lands in advance of the settlements; that they guarded the frontiers, and risked their lives to defend the settlements against savage aggressions; that they caused the surrounding public lands to become valuable. None of these reasons operate in favor of the settlers whom he wished to exclude from the operation of the bill. They are not pioneers; they are not frontier settlers, risking their lives in the defence of the settlements; they are not adding to the value of the surrounding public lands, for there are but few lands there unsold. They did not take possession of those lands innocently and ignorantly, believing in the implied faith of the Government that they should have a pre-emption to them; but, on the contrary, they were advised, as he fully believed, that a pre-emption need not be expected. They must have known that the State claimed additional lands to construct the extension of the Wabash and Erie Canal, and that these lands would be a most desirable selection. Under all these circumstances, he had in vain looked for even a plausible pretext for this claim on the part of these settlers. His colleague thought otherwise: the generosity of his nature, and the warm feelings of his heart for his neighbors, seem to have satisfied his judgment that they ought to be included; that the rights and interests of the State and the Government ought to be held subordinate to the claims of these settlers. He (Mr. S.) could not bring his mind to that conclusion. He was opposed to concluding the interests of the State until she could be heard in this matter. The claims of the settlers in the mean time will be only postponed, to be decided whenever the whole matter can be fairly examined; and should the State not be able to substantiate her claim, and should Congress not feel disposed to grant her the pre-emption right to these lands, the claim of the cultivators will not be at all weakened by the length of time they have occupied, or the extent of their improvements, and a subsequent pre-emption law will give them all the benefits they anticipate from this bill. He (Mr. S.) had made up his mind to vote for the bill, notwithstanding at this day he doubted the policy of these pre-emption laws to selected spots of the public lands; he had felt himself, however, bound by what he believed to be the understanding of these frontier settlers in the implied faith of the Government, growing out of previous laws on the subject; and he should vote for this bill under that view of the subject, if the amendment was adopted; otherwise, however reluctantly he might feel compelled to vote against the bill, his duty to his State and her interests would induce him to do so.

REMARKS OF MR. GLASCOCK,
OF GEORGIA.

In the House of Representatives, January 24, 1838—On the bill making a partial appropriation for the suppression of Indian hostilities for the year 1838.

Mr. GLASCOCK rose and said—

Mr. CHAIRMAN: The great latitude which this debate has taken, the wide range of discussion in which gentlemen have indulged, prompt me not only in justice to myself, but to that section of country which I in part represent, to address the committee, and ask to be heard in reply. No one can regret more than myself that so many questions wholly unconnected with the one at issue, should have been presented to us; but as they are so presented, for one, I am not disposed to evade them, and shall proceed to meet and to discuss them with that calmness and deliberation which their importance requires.

This debate opened, as usual, with strong objections to the appropriations sought to be obtained by the bill, by the gentleman from Virginia, (Mr. WISE,) who, in unqualified and unmeasured terms, has made charges most serious in their character against the Government, as to its policy towards the Indians generally. The object of these charges, is to fix upon the Government the odium of all the disasters and fatal consequences growing out of the Florida war, even to the extent of charging upon it cruelty, inhumanity, perfidy, and oppression, with a violation of our treaties themselves.

Sir, need I tell the gentleman that these are charges which can never be established; but, on the contrary, a reference to the treaties, and to the course and policy pursued by the Government under them, furnish abundant evidence wholly to disprove such charges. If the gentleman had examined the treaties with the Florida Indians, and given the subject that attention which he generally gives to others, I am satisfied he would himself have come to the conclusion that many of his remarks were uncalled for, and unwarranted by the facts connected with, and growing out of, these treaties.

It is far from my wish, on the present occasion, to dwell at large upon these treaties; but, sir, a brief reference to them is made important, and rendered necessary, in justice to the Government and to the gentlemen who made them, if not to the whole country, from the general allegation that they were obtained through fraud and injustice.

The first treaty to which I beg leave to call the attention of the committee, is the treaty made at Camp Moultrie in the year 1823. By this treaty it will be seen that these Indians had the right to purchase and obtain 5,000,000 acres of land in the peninsula of Florida, and under it their boundaries were fixed and established. Let it also be borne in mind that this treaty was entered into with them even after they had been defeated, conquered and subdued by General Jackson, in his Seminole campaign of 1818—a campaign remarkable for the events which occurred, and which forms an important era in the history of this Government.

Some years after this, these Indians, from their indolence and other causes, were reduced to almost starvation. Appropriations were promptly made for their support and maintenance. Yes, sir, and from what I have heard and seen, I truly fear, with more willingness and unanimity than appropriations will be made to reimburse our own citizens for losses sustained by the conflagration of their dwellings, and the destruction of their property by these very Indians, for whom so much sympathy has been enlisted, and who are said to be so cruelly oppressed and persecuted by our people. Under this treaty, and after these appropriations, they remained for a while tranquil and composed; but as the white population of the Territory rapidly increased, many of their chiefs and warriors became discontented, and of their own free will evinced and made known their disposition to treat for a country west of the Mississippi, which ultimately led to the treaty at Payne's Landing in May, 1832. Under one of the provisions of that treaty, a condition precedent is inserted, by which some of their confidential chiefs, accompanied by their own agent, Major Fagan, and their interpreter, Abraham, were to be permitted to visit the country allotted them, at the expense of the United States; and if they should be pleased with it, and could make satisfactory arrangements with the Creeks, the treaty was then to be ratified and carried into effect. Here the committee will at once see, and it must carry conviction home to the minds of all, that it was not consummated and completed for the action of the Senate until this condition precedent should have been performed. So soon, however, as these confidential chiefs visited the country, which they did early in 1833, and reported most favorably, the treaty of Fort Gibson was entered into on the 28th March, 1833, fully confirmatory of the treaty at Payne's Landing, and which was solemnly ratified by the Senate on the 12th day of April, 1834; and, if I am informed correctly, with little or no opposition.

The cause of the delay, therefore, between the date of the treaties and their ratification, can but prove satisfactory, and thus takes from the gentlemen the ground assumed by them, that the delay in the ratification vitiated and rendered them void. Independent, however, of these treaties, thus ratified and becoming the paramount law of the land, as late as April, 1835, by an agreement entered into by the commanding general (Clinch) with sixteen of their chiefs and sub-chiefs, the treaties were fully recognised and acknowledged in all their provisions and stipulations, and the time for the removal of the Indians extended.

This, sir, is but a short though faithful sketch of the principal provisions of the treaties, and is presented to the committee with the view of enabling them to form a proper estimate how far they have been obtained through fraud and treachery, and how far they have been, as is alleged, shamefully violated by any act of the Government. Sir, if the members of this committee would but take the trouble to examine for themselves the several treaties with these Indians, and the whole history of the proceedings connected with them, I hazard nothing in saying, that I believe the most violent partisan would come to the irresistible conclusion, that no tribe or nation of Indians has ever been treated with more liberality, lenity, or humanity, than these located within the Territory of Florida, notwithstanding they have caused so much effusion of blood, and the exhaustion of so much of our treasure. Still, with all these facts before us; with a perfect knowledge that the Indians themselves commenced the war upon us, by the attack and massacre of the gallant Dade and his whole command; with the simultaneous attack, and the base and cowardly murder of General Thompson, a

brave, high-minded, and honorable citizen of my own State, and for years a highly respected member of this body, esteemed and beloved by all who knew him; still I repeat, with all these facts before us, and with the knowledge that the commencement of hostilities by the Indians violated their treaties with us under the laws of nations, and lost them all claims to our protection, we find them ably represented and defended on this floor: we hear extolled as a hero, the assassin Oceola, by whose ruthless and treacherous hand fell the lamented Thompson, a victim to the fatal instrument of death, which, from his confidence in him, he had previously presented to him. This, too, after the murderer had signed the treaty, and brought in many of his people for removal. Yes, sir, this Oceola is here held up to public admiration, as a warrior worthy of imitation and applause; whilst many of our own gallant officers are handed over to public indignation and scorn, as violating the sacred flag of truce, and proving perfidious and treacherous in having made Oceola prisoner and sent him to Fort Moultrie.

But, sir, I tell the gentlemen this will not answer their purpose. I tell them that when his treacherous murders and massacres are made known to the American people, the stain which they attach to his character can never be removed either by his eulogists here or his biographers hereafter. Let it not be understood that I doubt the bravery of that treacherous chief. It is probable that he is desperately brave, and so are many murderers and assassins, many of whom have made a sacrifice of their lives by acts of daring and desperation in resisting the civil authorities, rather than yield and submit to the penalties which the violated laws of the land affix to their crimes. So, sir, with your Oceola; for who that hears me can doubt that both by the laws of God and man, his life was justly forfeited, and that he himself expected its forfeiture if ever captured by our army I have never doubted. To the clemency of General Jesup is he chiefly indebted that such a fate was not awarded him—a fate which would inevitably have befallen him, had he been turned over to the proper authorities of Florida. I can but here remark, what I honestly believe, that the great clemency and humanity which have been extended to these Indians by our Government and our officers, on several occasions, proved injurious to a portion of our own citizens.

The gentleman from Virginia (Mr. WISE) has boldly declared that he would prefer their hammocks being restored to them, rather than make the appropriation now asked. Such a sentiment, thus uttered, I freely admit, greatly amazed me, as well as the proposition of the gentleman from Vermont (Mr. EVERETT) to buy our peace.

To give up the contest at this time, to withdraw our troops, and restore to the enemy their possessions, without the accomplishment of a single object on our part, after the loss of so many valuable lives, and the expenditure of millions of dollars, would be an acknowledgment of our inability to subdue them—would encourage further depredations and massacres on the frontiers—would inevitably bring disgrace upon our arms—greatly affect our national character, and seriously impair our national honor.

I entirely mistake the characters and feelings of the people, if such a proceeding would not call forth their just censure and condemnation; but I look for no such result. I look with confidence to a vigorous prosecution of the war, and if the necessary support be given to the Government, to its speedy and successful termination.

The talented delegate from Florida, (Mr. DOWNING,) in his able defence of his constituents from charges supposed to be made against them, as well as in his fearless and liberal vindication of the Administration from the assaults of the Opposition, found it necessary to allude and refer to certain letters which he had received, accusing the Cherokee delegation, which had been employed to visit the Seminoles, and endeavor to reconcile them and bring them to terms, with having proved treacherous, and actually persuaded them if they would hold out this winter, Congress would refuse to make further appropriations, by which means the war would close, and they be permitted to remain. How far the charges will be established, I am unprepared to say. They are not new to me: I have heard them before; and it is now understood that General Jesup himself believes them true. For myself, I wish it may be otherwise. I should be gratified to see these men honorably exculpated; for I rejoice in the misfortunes or disgrace of no one. But I must observe, and leave others to make the application, that there is a remarkable coincidence in the alleged conduct of the Cherokees, and the course of some gentlemen on this floor, and at this time. The delegate from Florida has been warned and admonished by the gentleman from Virginia not to make such charges against these Indians on such proof, and feelingly told what cruel injustice would be done, if they proved unfounded, as he presumed them to be. Shall I not be pardoned by the gentleman, then, and justified by this committee, in prompting and admonishing him to be guarded in his attacks upon the departments of the Government, and many valuable officers of our army, without the necessary proof to justify his allegations. Let him and others profit by this; and I feel assured many unpleasant altercations would be avoided, personal difficulties rarely occur, and the character and dignity of this body be greatly restored.

I shall now proceed, sir, to reply to some of the remarks of the gentleman from Pennsylvania, (Mr. BIDDLE,) who, as is customary with him, has been lavish in his abuse of the Administration, and to enable him the better to effect his purpose, has been driven to the necessity of resorting to subjects foreign to the true issue, and wholly unconnected with the one before us. He has thought proper, and I have no doubt to the astonishment of many, to allude to the celebrated letter from Gen. Jesup to the Editor of the Globe, marked private, shown to Gen. Jackson, as requested, and ordered to be published. This, sir, has furnished him a fruitful theme, of which he has availed himself, to pour forth his bitter feelings against the Administration, and in unqualified terms to denounce Gen. Jesup, and become the eulogist of Gen. Scott.

Sir, I should despise myself, were I to attempt to detract from the well earned fame and reputation of that gallant officer, and would greatly prefer to add, rather than pluck one laurel from his brow. I was pleased and delighted at the eloquent allusions to his valorous deeds on the plains of Chippewa, and at the battle of Niagara; but I was mortified that he should have passed over in silence the distinguished services of General Jesup on the same battle fields, and which, in justice to that gallant officer, I cannot permit to pass unnoticed.

May I not be pardoned, then, for again referring to the battle of Chippewa, in order to present him at the head of his regiment, and in the language of his historian, "when pressed in front and flank, giving orders to his men to support arms, and advance under the most galling fire, by which means he gained a more secure position, and returning the fire, put the enemy to flight." This cool and deliberate movement would have done honor to the oldest veterans, and for coolness and intrepidity, if equalled, was never surpassed in battle.

But behold him again, sir, at the battle of Niagara; see him, as there described, again at the head of his regiment, turning the flank of the enemy, after encountering the greatest difficulties, and at the same moment taking advantage of the darkness of the night, throwing himself in the rear of their reserve, and surprising one detachment after another, made prisoners of so many of their officers and men as greatly impeded his progress. I can but here remark, in the beautiful language of the historian, that though the laws of war would have justified him in putting them to death, "the laurel, in his opinion, was most glorious when entwined by the hand of mercy."

But I stop not here. After disposing of his prisoners, we find him in the darkness of the night feeling his way to the place where the hottest of the fire was kept up on the brigade to which he belonged, and, with the same coolness and intrepidity which previously marked his conduct, drawing up his regiment on the line of a fence on the Queenstown road, in the rear of a party of British infantry, when suddenly and unexpectedly he poured in upon them a galling fire, which compelled them to break and fly; and, in the language of his commanding officer, Gen. Brown, "showed himself to his own army in a blaze of fire."

I here pause, believing that his fame and reputation is safe in the custody of history and his country, and will never suffer in comparison with, with any of the officers who distinguished themselves in these memorable battles. Who, sir, can listen to a recital of such noble deeds, and not feel justly excited at the charges which have been uttered against him? He stands accused here not only with perfidy, but with writing the letter to the Globe, with a view to his own interest, by displacing Gen. Scott from his command, that he himself might receive it; and further, the gentleman says of him, that he was the instrument by which a blow was aimed, from behind, at Gen Scott, that struck from his arm his sword!

I have ever regretted the publication of that letter, and the difficulties produced between Generals Scott and Jesup, and greatly fear it will terminate in no good to themselves or their country But, as to the letter itself, I am inclined to think it contained nothing that would not have been made known to General Scott himself, if he had consulted General Jesup as to his plan of operations.

But how vulnerable is the gentleman from Pennsylvania—how open to retort, in speaking of the blow aimed at General Scott from *behind!* Has *he* not himself this day aimed a blow from *behind* at the character, honor, and reputation of General Jesup? Is not the blow aimed too at a time when he is periling his life in the service of his country, and, under the greatest disadvantages, struggling to restore peace and tranquillity to the people of a suffering Territory; and this, too, at a time when he cannot be heard in his defence, and in vindication of all that he holds most dear? Whenever that opportunity shall be afforded him, I have no fears of the result. I anticipate a full explanation and a triumphant vindication of his whole conduct.

I will here remark that my acquaintance with General Jesup is but slight, having been in company with him but once; and I have done for him no more than I would do for others of the army who might be assailed as he has been, without proof, without being present, and without an opportunity of being heard in their own behalf. If on the present occasion, however, my humble efforts in his defence shall avert the blow which has been aimed at him *from behind*, I feel a consciousness that I shall never have cause to regret it.

A few passing remarks may be deemed necessary at this time, in reply to the charges of fraud against some of the agents of the Government, in the numerous contracts entered into by them. Letters have been introduced and read here for effect, which have been eagerly seized upon by some for the purpose of censuring the Government, and holding it responsible for all the alleged acts of its agents. There are cases, I admit, civil in their character, in which principals are of course held liable for the acts of their agents; but no principle is better settled, none more universally recognised, than that principals are not responsible for the criminal acts of their agents.

But why, it has been justly asked, have not the names of these agents, together with the ex parte proof furnished the gentlemen, been handed over to the proper Departments, that an investigation, with the necessary inquiries, might be made into the whole matter? This, it must be admitted, is the true course to be adopted; and if it be done, and the charges are established, I hesitate not to say they will be immediately and promptly discharged. I have no knowledge who these agents are, nor is it important I should have; but it seems to me to be due both to the Government and themselves, that their names should be made known, their conduct inquired into, and they heard in their defence. The agents have a right to demand this. It is a right secured, and which, I trust, will never be denied, to the most humble citizen. If their names are ever made public, and they are honorable men, I feel assured such a demand will

be made. But even if their guilt should be established, on an investigation, no censure can, with propriety, attach to the Administration for their unauthorized acts; for if it did, in such a case, and under such circumstances, no Administration could ever be sustained.

I pass from this subject, which I view as of but little importance compared to the one I now approach—one, sir, that pained me to hear introduced, and I could but express to my friends around me the great mortification I felt when it was done. I mean the question of Abolition. At no former period have my feelings been more excited than at the attack upon us by the gentleman from Pennsylvania, (Mr. BIDDLE,) who has gravely asserted that if the question was ever brought to a head, the fault rested on our own shoulders, and we were responsible for all the consequences growing out of it. Such a charge I repel, in the same spirit and with the same feeling with which it was made. I pronounce it illiberal and unjust; and tell the gentleman if that question be ever brought to a head, it will be traced to some of his own friends on this floor, who are presenting, whenever an opportunity offers, the most aggravating petitions, and writing circulars throughout the North, calling upon the people to hold meetings, with a view of keeping up the excitement, and for party purposes. I emphatically tell him, too, that all these meetings, all these incendiary proceedings, have their origin with a large portion of that party to which he himself is attached, and on the success of which I now proclaim to this assembly, and to those who hear me, measurably depend all the hopes of the Abolitionists. The veil, sir, is torn from them; it can be no longer disguised from the country that they have gone over, in a body, to the Federalists and Northern United States Bank men, and in the formation of such a trio, they look for a triumph, and the ultimate consummation of their iniquitous and unholy purposes.

The record of the votes in this body, on every question touching this subject of agitation and disunion, I am proud to say, show where the danger to the Union and the integrity of the Constitution lies, and to what source, and to what party, we are to look for an independent and patriotic purpose in supporting those guarantees of the Constitution on which the permanence and the peace of the Union depend.

These remarks, it is true, are strong, and they are uttered with feelings the most ardent. But, sir, I find a full justification for them in what has been said by the gentlemen in this debate, as well as from like suggestions and imputations on the South, which are contained in the leading publications of the Abolitionists that have been so frequently and so insultingly sent to me.

But, thank God! the people are awaking from their slumbers, and becoming aroused to their interest and their dangers. Already do we behold the Republicans in every quarter of the Union once more uniting, and unfurling their banners with the great principles of '98 and '99 inscribed upon them, with a fixed determination to maintain and defend them, and thereby preserve the Constitution in its original purity, and perpetuate the Union of this great Confederacy. The greatest pride and pleasure of my political life will be to be found in such ranks and under such banners, struggling and contending to secure the permanency of such principles.

I shall proceed now, Mr. Chairman, briefly to consider the question before us, which is the appropriation of one million of dollars to defray the expenses incurred to prosecute the war in Florida; and it will be seen, sir, by an examination of the documents, which have been laid on our tables, that it is asked by the Government to defray, principally expenses which have already occured, and pay off drafts now under protest.

It seems to me, that a moment's reflection should induce gentlemen to withdraw the objections which have been urged. Do they consider, or have they reflected, on the consequences which must ensue, if this appropriation is withheld? Are they unapprized that a large portion of it is absolutely necessary to pay off many of the officers and soldiers, who with so much patriotism volunteered their services for the protection of the Territory, and who have undergone so many toils and hardships; and that the little pittance to which they are entitled, is all essential to enable them to return to their families and their homes, and prevent their being placed in the miserable condition of asking the charity of their friends?—a condition well calculated to humble the pride of soldiers, and justly urge them to complain of the injustice of their Government.

May I not further remind the committee that a part of this appropriation will also be applied to the payment of the representatives, and the widows and orphans, of those who bravely fell in battle, and are now entombed in the wilds of Florida? Shall we, then, with all these facts before us, reject this bill? I cannot believe it; our own character and honor are too deeply involved in the issue to authorize such a belief. If I am mistaken, however; if my anticipations are not realized, and the money is withheld and our troops withdrawn, the sooner it is known the better, in order that the citizens of the Territory may take the timely precaution, to ward off, as far as possible, some of the fatal consequences which would follow such a policy.

We are told by the gentleman from Pennsylvania, that he cannot vote for this appropriation, without showing to what use it is to be applied; "that the main artery of the Treasury has been bleeding for a long time, and it only required a few gallons more to complete its exhaustion."

It is true the Treasury has been freely bled; its arteries have been opened, and its exhaustion almost complete. This is as it should be. Its blood has been poured out for the preservation of the honor of the Government; and I am willing, and shall rejoice to see the last drop exhausted, if it be necessary to close the arteries and stop the further effusion of the blood of our own citizens, and restore peace and security to an agitated and suffering people.

These are considerations of the highest and first importance; and in the estimation of their value I am not prepared to make the calculation in dollars and cents, but am ready to afford all the facilities required by the Government, and arm it with the necessary power to enforce your violated treaties, and reduce to submission a merciless and lawless foe. To effect these important objects, and restore peace, the Government is particularly anxious. Furnish the means, and, my life on it, all will be accomplished! Such a course will be approved by a brave and generous people, and duly appreciated by those who are so deeply and immediately interested in the result.

In conclusion I will only say, so far as our national honor is concerned, and about which much has been said, that I have no fears of its suffering whilst it remains in the custody of those to whom it is now confided; and as to the distinguished individual who at this time presides over the Department of War, the history of his whole public life furnishes sufficient evidence to show that it ever has been, and still is, identified with the interest, the glory, and honor of his country.

MISSISSIPPI ELECTION.

REMARKS OF MR. HAYNES, OF GEORGIA,

In the House of Representatives, January 31, 1838—On the Mississippi Election.

Mr. HAYNES said that he had risen yesterday to address himself briefly to the House, after the claimant (Mr. Prentiss) had taken the floor, but that gentleman, not knowing it was his desire to speak, did not yield to him; that he had offered to give him an opportunity to speak this morning, but anxious as he was that the question should be taken as early as practicable, he declined the offer, reserving to himself the right to speak if the discussion should be protracted. An attempt to bring the debate to a close by the previous question having failed, he now rose to give his views to the House as succinctly as possible. That there need not be any apprehension that he was about to inflict a long-winded speech upon the patience of the House. It was not his habit to do so. But as he had taken some part in the discussion of the question at the extra session of Congress, justice to himself required that he should again express his views upon it. When the subject was then under consideration, he brought to it the exercise of his understanding and his judgment, as free from the extraneous influence of party feeling as it was possible for him to have done; and as all the reflection he had since been able to give it had but strengthened and confirmed the convictions which he then entertained, it was peculiarly proper that he should once more express them. He said, in language familiar to every member of the legal profession, that the whole merits of the question might be compressed within a nut shell. The only facts which entered into it, at all pertinent to a just decision, were, did the Governor issue his writ of election, and were the sitting members returned by a majority of the votes of the people of Mississippi acting in pursuance of it. Could it be necessary to adduce proof of the existence of facts so well known and admitted? Most certainly it could not. Having then stated all the facts which he considered pertinent and material to the issue, he would try them by the provisions of the Constitution, under which elections of this House were to be conducted. And before doing so, he would observe, that much of the difficulty under which some gentlemen seemed to labor in applying that clause of the Constitution which confers upon the States the power to fix "the times, places, and manner of holding elections for Senators and Representatives," had arisen from not taking, in connection with it, the clause which confers upon Congress the power, "by law, [to] make or alter such regulations, except as to the places of choosing Senators;" and that which provides, "When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies." When all these clauses are collated with each other, there is the most perfect harmony between them. In a Government constituted like ours, of separate and equal sovereignties, resting upon the will of the people, it was especially fit and proper that the power should be conferred upon them to fix the "times, places, and manner," of choosing their Senators and Representatives in the Federal Legislature. But for the preservation of the Government instituted by the Federal Convention, it was as proper that Congress itself should possess a final and supervisory power upon the subject. To provide against every possible and conceivable contingency, a further power was conferred upon the Governors of the respective States to order vacancies in their representation to be filled. Thus, taking these clauses in connection, there was not only no conflict, but the most perfect harmony between them. It was unnecessary to go into the various subtleties with which the House had been entertained upon the subject of vacancy, or what does, or what does not, constitute such vacancy as is contemplated in the Constitution, or the various modes in which it may "happen."

He should not trouble the House or himself with hair-splitting, philological distinctions, drawn either from authority of members of this House, or by lexicographers, about the meaning of the word "happen," or whether, or not, the term "representation" was taken in one restricted sense or another. He should look to the question alone in its broad constitutional aspect. To enable the House properly to estimate the meaning and intent of the Federal Convention in the clauses of the Constitution bearing upon the subject now before it, it was necessary to revert to the history of that instrument. It was adopted by the Convention in 1789, and reported, by its order, to the Congress of the Confederation, to be submitted by that body to the States for their ratification. Having been ratified by the requisite number of States, the respective ratifications were returned to Congress that it might take order for putting the new Government into operation. By the Constitution the Presidential term was fixed at four, the Senatorial at six, and the Representative at two, years,

It then only remained for the old Congress to fix the day when these respective terms should commence, to fix with equal certainty their respective terminations. Congress did pass an ordinance that Presidential electors should be chosen on the first Wednesday in January, and should meet and give their votes on the first Wednesday in February, 1789, and that the new Government should commence its operations on the first Wednesday, which was the fourth day of March, 1789. It is, then, from the fourth of March, 1789 the respective terms of four years for the President and Vice President, of six years for the Senators, and of two years for the Representatives, were, under the Constitution, made to commence running. But to enable us to arrive at a clear and just conclusion, it is necessary to consider that, in instituting this House, with which part of the Constitution alone are we now concerned, the convention instituted a perpetual office? Will any one attempt to deny it? As it cannot be denied, even in this day of latitudinarian construction, he did not believe that any one would attempt to deny it. What then was the undeniable inference from the establishment of the perpetuity of the representative office? That it implies, and nothing can gainsay or resist the implication, perpetual succession. Can argument be necessary to sustain such a position? Not unless it can be first shown that, in framing the Federal Constitution, our fathers did not intend to institute a perpetual Government. This brings us to the important, and in this case the vital, consideration, what constitutes a vacancy in the meaning of the Constitution? To this there seemed, to his mind, to be but one possible or practicable answer: that as the framers of the Constitution instituted a perpetual Government, of which perpetual succession was an inevitable element, that whenever such succession shall be broken, no matter by what means such breach of succession may "happen," there is a vacancy.

It was not in the vain reliance on his own logical powers, but the unanswerable argument contained in the Constitution itself, that he asserted, with a confidence that nothing could shake, that the position he had taken was impregnable. If he was correct, and that he was so he had not the slightest doubt, he might assert, as he did fearlessly assert, that there was a vacancy "in the representation" of the State of Mississippi when the Governor issued his writ of election in June, 1837. If he was disposed to make nice and cavilling distinctions, he might call the attention of the House to the remarkable coincidence between the terms of the Constitution and the condition of Mississippi at the time the Governor of that State issued his writ of election.

The Constitution requires the Governor to issue a writ of election when a vacancy shall exist in "the representation" of a State. What is the representation of a State? The whole number of members to which such State may be entitled in this House, and not any single representative from such State, unless a State is entitled to but a single representative. The phrase "representation from any State," is as broad and comprehensive here as the term House applied to this body. There was, then, a state of circumstances in Mississippi most apt and fitting to call into exercise the power of her Governor to order an election to fill "vacancies" in her "representation" at the time his writ was issued for that purpose. But we have been told that the Constitution has conferred upon the States the power to fix "the times, places, and manner of holding elections for Senators and Representatives," and that the right and duty of the Governor to order the vacancy in question to be filled, conflicts with, and overturns, the power they conferred upon the States. That the "times, places and manner of holding elections" having been given to the States, subject only to the supervision of Congress, would be rendered entirely nugatory, if a State having postponed an election beyond the commencement of the representative term, the Governor might declare a vacancy, and order an election to fill it. And to sustain this argument, we have referred to the debates of the several State conventions, by which the Constitution was ratified. There is more than one answer to this. The first is, that these discussions turned upon the proper distribution of power between the States and the Union upon this subject; upon what ought to be the measure of jurisdiction of the one and of the other in regard to Congressional elections. The question of the powers conferred upon, and the duties required of, the Governors of the States to cause vacancies to be filled, did not enter into the discussion, the more especially as the latter was also a power conferred upon the respective States. The second, and to my mind conclusive, answer is, that the whole discussion had reference to the period at which the Senatorial and Representative terms should respectively commence. The commencement of those terms, as I have shown, was not fixed until after the discussions to which I have adverted, and were then made to commence on the 4th day of March, 1789. In this view of the subject, (and he believed it was the correct one,) there can be no violation of the power vested in the States in construing the Constitution as he had construed it, and, instead of conflict between its provisions, the most perfect harmony exists. If the Legislatures of the several States have failed to exercise their constitutional powers according to the intent and meaning of the instrument conferring them, he would not construe the instrument in such a manner to cover their omission as to defeat the great purposes of its framers. If he had shown that the Constitution instituted a perpetual Government; that perpetual succession is its indispensable element; that the representative term of two years commenced on the 4th of March, 1789, and closes biennially at the corresponding period with its commencement, (and he confidently believed he had done so,) who will be bold enough to deny that a vacancy existed in the "representation" of the State of Mississippi when the election was ordered by the Governor to fill that vacancy in June, 1837?

He would add one word more upon this branch of the subject. Every one must admit that the representative term is for two years, no more and no less, and that it first commenced running on the 4th of March, 1789. What, then, is the consequence of the doctrine that a State may postpone her Congressional election, at pleasure, to any day beyond the commencement of that term? That, in reality, the term, intended by the Constitution to cover just two years, may be contracted to any and every fraction of that period. If such a construction should prevail, not only would the perpetuity of succession be destroyed, but the perpetuity of the Government in one of its most essential branches, also, as designed by the framers of the Constitution. He might further illustrate his argument, by adverting to the fact, that the Presidential office has not only been always considered as perpetual, but perpetuity of succession has been preserved in it. It is no answer to say that the necessity of the case has made it so, and that such constant necessity does not exist in regard to the two Houses of Congress. Those two branches of the Government are as essential, he would add, more essential, than the Executive; and to make the Government, what it was intended to be, perpetual, it is necessary that similar perpetuity of succession should be preserved them.

We have heard much said of the limitation in the writ of election issued by the Governor of Mississippi, requiring the vacancy to be filled for the extra session alone. To arrive at a just decision upon it, it is necessary to recur for a moment to the period of the representative term. That term, as we have shown, is for two years. What power does the Constitution confer upon the Governor in relation to it? The power to cause "vacancies" to be filled. As the term is for two years, it follows as an unavoidable consequence that a vacancy happening must run through the remainder of it. What is the power of the Governor on the subject? As just stated, it is to cause "vacancies" to be filled, and goes not one step further. The Constitution itself, in fixing the term, fixes necessarily the extent of the vacancy. The only question within the cognisance of the Governor is, does a vacancy exist? It is easy to illustrate this by a well established principle, applying to all tribunals whatever. That a judgment upon a matter within the jurisdiction of such tribunal shall not be vitiated by its going farther, and attempting to adjudicate another question foreign to, and beyond, its jurisdiction. The Governor of Mississippi had constitutional jurisdiction of the question of vacancy or no vacancy; but in going beyond it, and endeavoring to decide the term for which that vacancy should run, his decision that there was a vacancy cannot be vitiated by it.

Pressed by the anxiety of the House to take the question, although he had little more than stated the argument which governed his own conclusion, that the sitting members are most clearly entitled to their seats, he was done.

MR. CALHOUN'S RESOLUTIONS.

DEFERRED DEBATE.

IN SENATE, WEDNESDAY, January 11, 1838.

The Senate resumed the consideration of the resolutions submitted by Mr. CALHOUN on the 27th December, in relation to domestic slavery, the question being on the second branch of Mr. CLAY's substitute to the fifth resolution, which had been struck out yesterday, and reinstated on Mr. BUCHANAN's motion, as follows:

Resolved, That it would be highly inexpedient to abolish slavery in Florida, the only Territory of the United States in which it now exists, because of the serious alarm and just apprehensions which would be thereby excited in the States sustaining that domestic institution; because the people of that Territory have not asked it to be done, and, when admitted as a State into the Union, will be exclusively entitled to decide that question for themselves; and, also, because it would be in violation of a solemn compromise, made at a memorable and critical period in the history of this country, by which, while slavery was prohibited north, it was admitted south of the line of thirty-six degrees and thirty minutes north latitude; and, also, against the treaty stipulation with Spain of 22d February, 1819, which guaranties the right of property.

Mr. BUCHANAN observed that, in pursuance of the pledge given by him last evening, he felt himself bound to bring forward the second branch of Mr. CLAY's amendment, which had been struck out on his motion, and to leave it as he found it. He had therefore done so, but he did not thereby mean to say that he was in favor of every part of the resolution. He had simply restored it to the place where it was, and he left it to its friends, or rather to the parents of the bantling, the Senators from Kentucky and Alabama.

Mr. CLAY said that at the desire of the Senator from Arkansas, (Mr. SEVIER,) he had introduced two different subjects into this resolution, one relating to the treaty of 1819, the other respecting slavery among the Indian tribes. He confessed, however, that he could not perceive any reasonable ground for introducing the latter topic. He did not for himself deem it to be expedient that we should trouble ourselves about the domestic institutions of the poor Indians, and volunteer in this particular to preserve their rights.

Mr. C. would only say, that he heartily wished the rights of these unfortunate beings had been regarded with equal zeal in other matters, and that they had been as much protected where they wanted protection, as in this case, in which it might be probable they desired it not. They certainly had few slaves, if any; if, however, they were slaveholders, no one yet had thought of abolishing it among them. The Abolitionists had not, as far as he knew, addressed to them any petitions on the subject.

Mr. C. therefore thought that that portion of the resolution which related to slavery among the Indian tribes had better be altogether omitted. His object by the resolution was, to embody in one view, as far as possible, every consideration which ought to be regarded as of sufficient force and validity to oppose any interference on the part of Congress with the subject of slavery, and whatever would not be generally assented to as a valid and undisputed ground for non-interference, he had

wished not to introduce; not that he himself did not take higher ground, but for the sake of avoiding discussion and controversy on the part of those who did not.

Mr. C. could not indeed conceive why any gentleman should seek to create excitement by introducing matters on which it was well known there existed great variety of opinion, and which would consequently create division.

It was his object to allay excitement—to promote union and unanimity, by omitting all topics of collateral controversy, and embodying together all such arguments and considerations as the country would generally assent to. In doing so, he began with making a sacrifice of his own views and feelings for the sake of obtaining harmony and peace. It appeared to him, that to mix up many controverted topics with one single subject of controversy, was in fact to multiply opponents against that single point, and to raise up enemies where otherwise it would have none. Could it be possible that the *frinds* of a measure would sincerely wish, by violence and pugnacity, to create and multiply enemies to their own cause? Was this friendship to the cause and rights of the South? Such, however, appeared to Mr. C. to be the very effect and consequence of that ultraism which in some quarters was exhibited on this subject. With a view, therefore, in accordance with the disposition he had expressed, to strip the question as much as possible of all incentives to irritation and provocatives to opposition and enmity, he would move to strike out that portion which related to slavery among the Indian tribes, and also all that portion of the resolution which touched upon the question of the Spanish treaty of 1819.

Mr. SEVIER expressed his concurrence with Mr. CLAY as to the inutility of inserting so much as related to the Spanish treaty of 1819. Mr. S. had looked into that treaty since last evening, and found to his great astonishment that it did not contain any guaranty of "private property," and therefore its effects as to the guaranty of slavery was nugatory. And yet those words had been inserted in the treaty of 1803, of which this treaty was in all its other parts and language almost a liberal transcript.

As to the question of slavery among the Indians, Mr. S. hoped that they would be protected in their rights. Some of them were great slaveholders, and had as many as a hundred negroes. He wished, therefore, to include them, to cover all the ground, and to stop the "gait" of the Abolitionists in this quarter also. The Abolitionists, it is true, had hitherto overlooked them; but there were as many as twenty tribes in his neighborhood, (Arkansas,) and he was anxious that this clause should not be stricken out, but that the poor Indians should be protected in their rights.

Mr. CLAY said that he had himself been under the same impression as to the treaty of 1819, and had thought that the guaranty referred to had been inserted in the treaty of 1819. He found, however, that he was mistaken, and those particular words had been omitted, while in every other respect the treaty of 1803 had been almost literally copied. The omission, however, could not have been by design, as the treaty was made in the administration of Mr. Monroe, when all his Cabinet was composed of gentlemen from the slaveholding States, who would not have assented to any omissions on this subject.

As to what concerned the Indians, however, he (Mr. C.) must persevere in his motion to strike out that part of the resolution; and he did not think that Mr. SEVIER would think it necessary to introduce a new topic of excitement, by bringing into dispute the subject of slavery among the Indian tribes.

Mr. C. said that, by the compromise act, the existence of slavery had been limited in its extent, so as not to be permitted north beyond a certain line of latitude; and he thought that there were no Indian tribes who had slaves beyond that line which the act had fixed upon as its boundary.

Mr. SEVIER replied, and said that the Cherokees who were slaveholders, and had been removed across the Mississippi, had gone north of that line, and had carried their slaves with them. Also, some counties of Missouri had been lately extended beyond that line, so that now slavery was planted beyond the boundary line within which the compromise act had confined it. This circumstance had been assented to at a former session, and the Senator from Vermont himself, (Mr. SWIFT,) as a member of the Indian Committee, had not objected to it.

Mr. SWIFT was understood to say that he had never directly assented to this thing. It had been only touched upon incidentally, and he had never had an opportunity of giving his negative to the question.

It was then by consent determined that that part of the resolution relating to the treaty of 1819 should be stricken out.

The question as to striking out the portion of the resolution relating to slavery among the Indian tribes, was then taken, and Mr. SEVIER having called for the yeas and nays, it was decided in the affirmative—yeas 31, nays 10, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Grundy, Hubbard, King, Lyon, McKean, Merrick, Morris, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Williams, and Young—31.

NAYS—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Nicholas, Robinson, Sevier, Strange, Walker, and White—10.

Mr. KING proposed that so much of the resolution as made mention of the compromise act should be stricken out.

Mr. CLAY expressed his readiness to assent to this modification, and it was stricken out accordingly.

The resolution having been then read as modified, Mr. HUBBARD called for the yeas and nays; which were accordingly ordered.

Mr. CALHOUN said that the yeas and nays having been ordered, he wished to state why he could not vote for the resolution as amended.

The main reason assigned in the resolution as it now stands, why slavery should not be abolished in Florida, was that it would be highly inexpedient. He regarded the reason as wholly fallacious, and that it would be of not the slightest force in staying the tide of Abolition. We must bear in mind, that the two points towards which the Abolitionists are directing their attacks, were this District and the Territories. These they considered our weak points; and they were sanguine in the belief, and that not without reason, if they can effect their objects there, the main difficulty in their way would be surmounted. With this knowledge, our policy ought to be to strengthen and fortify those points most effectually. Now, sir, the main barrier which the Senator from Kentucky (Mr. CLAY) proposes to throw around the Territories in this amendment is, that it is inexpedient to abolish slavery in Florida. Will this oppose any obstacle to the assaults of the foe? Let us see how it will operate. An Abolition petition to abolish slavery in the Territories is presented to an individual in the non-slaveholding States for his signature. He is opposed to the object, and refuses to sign. He is asked his objections. He answers, in the language of this amendment, that, in his opinion, it is highly inexpedient. He then is asked, Do you not consider slavery a political evil? Do you not consider it immoral? Do you not consider it sinful? He answers, Yes, for such will be the answer of nine in ten in the non-slaveholding States. Now mark the reply. He is next asked, How can you justify yourself in refusing to put down what you acknowledge to be immoral, sinful, and a great political evil, on the ground that it is inexpedient? The question is overwhelming, and the petition is signed and a convert made. To stay its progress, far higher grounds must be taken; grounds as high as those assumed by these deluded madmen, and which will show them that, while they are acting in the name of morals and religion, they are violating plighted faith, and subverting the entire fabric of our political system; and, as such, are guilty of violating the most solemn obligations, political, moral, and religious.

Mr. C. next objected, that he disliked the designation of the particular Territory of Florida. The Abolitionists ask to abolish slavery in the Territories; and we reply, that it is inexpedient to abolish it in Florida, assigning for a reason, that it was our only Territory in which slavery existed. They make a general demand, extending to all Territories that now are, or may be hereafter, created; and we meet this broad and sweeping prayer with the modest answer, that it is inexpedient to abolish it in Florida. In giving this diffident response, are we afraid of offending, or are we indisposed to commit ourselves, as to Territories hereafter to be created?

He regarded the grounds assumed in the resolution, as amended, worse than useless. They are calculated not to repel, but to attract attacks.

He was glad that the portion of the amendment which referred to the Missouri compromise had been struck out. He was not a member of Congress when that compromise was made, but it is due to candor to state, that his impressions were in its favor; but it is equally due to it to say, that with his present experience, and knowledge of the spirit which then, for the first time, began to disclose itself, that he had entirely changed his opinion. He now believed that it was a dangerous measure, and that it has done much to rouse into action the present spirit. Had it then been met with uncompromising opposition, such as a then distinguished and sagacious member from Virginia, (Mr. RANDOLPH,) now no more, opposed to it, abolition might have been crushed for ever in its birth. He then thought of Mr. RANDOLPH, as, he doubts not, many think of him now, who have not fully looked into this subject, that he was too unyielding, too uncompromising, too impracticable; but he had been taught his error, and took pleasure in acknowledging it.

With these views (said Mr. C.) he could not vote for the resolution as it stood, and they were greatly strengthened, when he contrasted it with his fifth resolution, which has been struck out to insert this. That resolution declares that any attempt, by any State or States, or their citizens, or any act or measure of Congress, to abolish slavery in this District, or the Territories, on the ground that it was immoral, or sinful, or otherwise obnoxious, was a dangerous attack on the domestic institutions of all the States. Now (said Mr. C.) what have we done? what have Southern Senators done? Struck down the strong barriers which placed this District and the Territories under the same high constitutional protection with the States themselves, and which made an assault on them an assault on *all* the slaveholding States, and have erected in their place the most feeble of all barriers, that of mere inexpediency. Why was this done? Was it because the resolution struck out asserted any thing false in fact or principle? No one pretended to say so. No: it is time to speak out; to tell the truth; it was because there was more dread of wounding the feelings of the Abolitionists than the people of the slaveholding States. They are more intent on our destruction that we for our own safety. They mark and punish, by withholding their votes, and throwing them in the opposite scale, all who dare oppose them; while a feeling of indifference and inattention prevails on the part of the people of the slaveholding States.

Thus regarding the resolution as it stands, he was placed in a position which he did not often occupy. He could not vote for it, for the reasons he has stated; and he would not vote against it, for reasons which must be apparent to all; and he was of course constrained not to vote at all.

Mr. NORVELL spoke briefly against Mr. CLAY's second substitute, as now modified.

Mr. CLAY of Kentucky said he was very sorry that the Senator from South Carolina could not reconcile his judgment to vote for the resolution now under consideration. He thought the declaration in the resolution, that abolition was inexpedient, was not strong enough, and that higher grounds ought to be assumed. But what higher grounds? Was any one prepared to say that the naked power of abolition did not exist? Mr. C. spoke of the naked power, and not of its exercise, but the abstract question of the existence of the power. Now, though it did not exist in relation to the States, on

the mere question of abstract power, Mr. C. thought the Senator from South Carolina would not declare that it would be unconstitutional for Congress to abolish slavery in the District or Territories. The power, like many others, was not to be exercised, on high considerations, amounting in the District to the plighted faith of the Government, during the existence of a state of things which put a restriction on the exercise of the power; but when that state of things should no longer exist, the power might be exercised. So as to Florida: the power existed, but, for high considerations, was not to be exercised.

The Senator objects because Florida alone is embraced by the resolution. We have stricken out the Indians, regarding them as perfectly safe. And what other Territory than Florida is there in which slavery exists? I framed the resolution as it is, because there is no other such Territory. There are many who send petitions here that appear to be ignorant of this fact, that there is but one such Territory. I wanted them to know that there is but one. If the Senator from South Carolina will point out any other Territory in which slavery exists, I will add it to the resolution; but I am opposed to leaping over beyond what is necessary. And I wish also to announce to the whole world that all this noise about slavery in the Territories of the United States, relates only to Florida, where the circumstances in favor of the existence of slavery are stronger than any where else in the country.

Then the Senator thinks the tone of the resolution is not strong enough. Perhaps he would say that, as slavery is represented as a moral evil, as sinful, we ought to take the opposite ground, and maintain that slavery is not sinful, but in conformity with religion; and he thus maintain the one side, and they the other. And then, he says, the Abolitionists will present a number of questions, which he enumerated. Sir, suppose you should declare slavery accords with the Declaration of Independence, and that it is consistent with every high and holy principle, would it make any converts? Sir, I want to do nothing to aggravate this spirit at the North, and to increase the Abolitionists. I want to prevent the residue of the North from going over to join them. There lies our danger, and there, also, are we to look for safety. The Senator's resolutions are all sound; but there will nothing be gained by them of safety to the cause, or of permanency to the Union. These are great objections. It is well that our language should be firm, maintaining our rights; but let us avoid exasperating and irritating language.

The Senator speaks of the compromise on the Missouri question, and refers to the course of a distinguished member from Virginia, who was present on that memorable occasion. There were two compromises: the first was, that when the bill passed, authorizing the State to form a separate Government for itself, for admission into the Union. It was then that 36° 30′ was fixed as the line of separation. But after the State was admitted into the Union, she introduced a clause into her Constitution, by which free persons of color were not to remain within Missouri. There was the great point of difficulty which shook the Union with more alarm than any thing I have seen, from that day to this. It was that compromise for which I understood the Senator he would not now have voted.

[Mr. CALHOUN was understood to assent.]

No one (said Mr. CLAY) was anxious to have slavery exist north of that line, except in Missouri. With the second question came the great struggle; and I should not refer to the part taken by Mr. Randolph, whose death I sincerely deplored, if it had not been referred to by the Senator. But I feel compelled to say that at the second compromise, in which nothing was sacrificed by the slaveholding States, and in which a mere matter of form was conceded to the free States, which admitted them a ground to stand on at home, the course of that distinguished member from Virginia came nearer hazarding the Union than any other event in our history. He was opposed to all compromises; and I recollect that when the second compromise was under discussion, I was in the chair, and another member from Virginia fainted under the influence of the fumes of the lamps. He was taken to a back seat, and I went to see how he was; but observing that his case was not dangerous, and that he would soon recover, on my return to the Speaker's chair I met the gentleman from Virginia, who, not having spoken with me before, said, "How do you do, sir; I wish you would go with me to Kentucky." I understood him, and that he proposed in this manner a separation of the Southern delegation, retiring from Congress, and leaving the North in possession of the Government. I replied, "Not now; but I will see you to-morrow morning." In the morning I spent an hour with him, in which he urged me to make no compromise, even provided gentlemen would grant us every thing we wanted, in return for giving the North ground to stand on. We parted, promising to be friends in future; and to the end of the session he never spoke to me again. The two words [dough (doe) faces] with which that gentleman rated and taunted our Northern friends, did more injury than any two words I have ever known. Sir, I hope no similar course will be pursued by any one at the present day, in respect to any portion of the delegation of the country. And, sir, I tell the Senator, that I think if he would deal more calmly with all parts of the Union, and say to them that the South are animated to a man on this subject, and would vindicate their rights; if he would turn to the quarter where the blaze is, and endeavor to extinguish the flame, and not to aggravate it; if he would unite with us, to bring the whole country together as in one band of brethren in the same public vessel, I think the result would be more happy.

Mr. CALHOUN replied that the Senator from Kentucky, (Mr. CLAY,) must know that he referred to the compromise alluded to in the amendment, which limited the boundary of the slaveholding States in the West to thirty-six degrees thirty minutes. He made no allusion, nor expressed any opinion on the second compromise, on which the Senator dwelt so long; nor was it necessary on the present occasion to do so; nor did he intend to approve of the language used by Mr. RANDOLPH on the occasion to which the Senator referred; for nothing would be more injust than to apply it on the present occasion. He believed that most of the Senators from the non-slaveholding States had gone as far as they could consistently with their opinion of what was due to the feelings and temper of those they represented. He asked them not to go further. His object was to see how far they believed they might safely advance, on constitutional grounds, in taking a stand against agitators.

The first four resolutions were well sustained, although they took the highest constitutional ground; but on the fifth, which involved the same principles with the preceding, he regretted to say, there has been a giving away. The constitutional ground is abandoned, and that of mere inexpediency substituted. But in this he saw no change of opinion on the part of those Senators from the non-slaveholding States, who had so firmly stood by him on the first four resolutions. He attributed it wholly to a deference to their constituents, and it was that which so deeply impressed him with the diseased state of the public sentiment in that section, and the extent of the danger to which the country is exposed.

The Senator from Kentucky asserted that my fifth resolution abandoned the constitutional ground as to this District and the Territories, and asks if there is any one who denies the right of Congress to abolish slavery here, or in the Territories. Yes, (said Mr. C.) he denied it, and also that the fifth resolution abandoned the constitutional ground, as asserted by the Senator. So far from that, it placed the protection of slave property here under precisely the same constitutional guaranty, that the first four placed it in the States. In a word, it placed slavery here, and in the Territories, under the shield of *all* the slaveholding States, where alone it can be safely placed, and that on principles which he held to be impregnable. The first four resolutions taken together, asserted the broad principle of non-interference by a State, or States, or their citizens, with the domestic institutions of other States; and that this great principle of non-interference, is particularly applicable to the institution of domestic slavery as it exists in the South. These have been voted by large majorities, and are therefore fully established, as far as they can be by the vote of this body. The Senator from Kentucky will not then deny this great constitutional principle of non-interference, which lies at the bottom of our political institutions.

Now, sir, what did my fifth resolution, which has been struck out to make room for the Senator's amendment, assert? It declares that the attempt of any State, or States, or their citizens, or any act of this Government, to abolish slavery in this District, or the Territories, or the Government, that it is sinful, immoral, or otherwise obnoxious, is a dangerous attack on the domestic institutions of *all* the slaveholding States. Will the Senator deny this? Will he deny that the abolition of slavery here, or in the Territories, or an attempt to abolish it, with the avowed object of effecting its abolition in the States, is a dangerous attack on the domestic institutions of slavery in all the slaveholding States—a dangerous intermeddling with those institutions within the meaning of the first four resolutions, and, consequently, in violation of the fundamental principles of the Constitution, and subversive of the entire fabric of our political institutions! The next great constitutional principle on which he relied, is that of equality between the States, and non-discrimination on the part of this Government between the States, in reference to their domestic institutions, which applies to the legislation over this District and the Territories, as well as to the States themselves. To suppress the domestic institution of slavery in this District, or in Territories where it may exist, would be directly contrary to the equality between the slaveholding and non-slaveholding States as members of the Union, and injurious and insulting to the former, and a palpable violation of one of the great fundamental principles of our system. He held it as incontrovertible, that no member of this body, whatever may be his private opinions as to the character of the domestic institutions of any of the States, had, acting in his official character, any right whatever to discriminate between that of one section and another, to the prejudice of either, in reference to their peculiar institutions. All are to be equally regarded and respected. The opposite course would destroy all equality between the different members of the Confederacy, would sow the seeds of discord, and, in the end, destroy the Union itself.

These two great principles, non-interference and non-discrimination, are, as he has often said, the basis of his resolutions; and they comprehended *all*, District and Territories, as well as the States themselves. These were broad, and deeply seated in the Constitution, and no member has ventured to deny them. Our salvation depended on preserving them inviolate. These, he would repeat, were the high constitutional grounds assumed in his fifth resolution, which had been surrendered for *inexpediency!* The Senator from Kentucky tells us, if should meet the Abolitionists on these grounds we must come to a direct issue. That is what he desired. He sought a plain and direct issue on constitutional principles, not with them, but in this body; and such an issue was the only safe and solid ground on which the Senators even from the non-slaveholding States can meet Abolition at home. The Senator from Michigan (Mr. NORVELL) has boldly and nobly told you that it is the only ground on which he can meet it, and that if you should substitute inexpediency for the Constitution, you would compel him to go against the resolution. The Senator is right. The Constitution, no interference, no discrimination. These are the grounds on which the battle may be safely fought. You must tell these deluded fanatics you have no right to intermeddle in any form or shape, and that while you accuse others of sin and immorality, you yourselves are guilty of both in such intermeddling. Inexpediency! Think of the folly of attempting to resist the powerful impulses that urge them on to the work of destruction with so feeble a word! You might as well think of extinguishing a

conflagration that mounted to the clouds, by throwing a bucket of water on it. Expediency, concession, compromise! Away with such weakness and folly. Right, justice, plighted faith, and the Constitution: these, and these only, can be relied on to avert conflict. These have been surrendered for inexpediency!

He was not satisfied with the explanation which the Senator from Kentucky gave, why the amendment should be limited to Florida. He says, that many of these fanatics are so ignorant, that they are not aware of the fact, that Florida is the only slaveholding Territory. If such be the case, how idle would be the whole scheme of the Senator to meet them with arguments! But, as badly as he thought of them, he did not think the Senator had done them justise. They were indeed blind and deluded in their warfare on our institutions; but on all other subjects, many of them were as intelligent as the rest of the community, and know as well as he and the Senator how many Territories we had, and that Florida was the only one with a slave population. On this point they knew perfectly what they were about; and in praying that slavery might be abolished in the Territories, they intended to establish a general principle, not only that it should be abolished in Florida, where it exists, but that hereafter no Territory should be created in which it should not be prohibited. This was clearly their intention; and when the Senator limits it to Florida, he declines to meet this broad issue, and virtually surrenders the whole ground, except Florida, to the Abolitionists. One of his leading objects, as he has often said, in moving these resolutions, was to ask the Senate to define its position, in order that his constituents and the world might know what ground this body intends to occupy. He asked none to vote against his judgment or inclination, but to say distinctly by his vote what he intends. If it be intended, then, to surrender all constitutional grounds as to the Territories, and places their protection on the ground of inexpediency, and to surrender all Territories hereafter to be created, without even the poor protection of this feeble word, vote for the resolution as amended. As to himself, he would give no such vote. He never would consent to place our rights on such frail foundation. He stood on the Constitution—on the great principles of non-interference and non-discrimination, and he never would surrender them, and put the question on mere inexpediency. He would leave those who took different views to decide on the resolution as amended as they might think proper. He would take no part in it, one way or another.

Mr. CLAY here modified his amendment, on the suggestion of Mr. HUBBARD; the most important part of which modification related to the implied breach of faith, by abolition, with citizens who, with their slaves, settle in the United States Territories.

Mr. CALHOUN said he believed the Senator from New Hampshire was willing to go as far as he possibly could in this course. But Mr. C. had set out in this discussion with the determination to yield or recognise neither the right of interference, or of discrimination. But this amendment would yield it, or, at best, it did not assert the contrary right. Mr. C. would neither oppose it nor vote for it; perhaps it was the strongest that could be had, and if so, let it pass. What Mr. C. wanted was, that the Government, the common agent of the States, should define their position, and that the Northern States should be declared to have no right to look into or judge of Southern institutions, or to legislate in relation to them on any ground.

After some remarks from Messrs. WALKER and CALHOUN,

Mr. RIVES, after some remarks, moved to strike out the proposed amendment after the word "*Resolved*," and insert the following as a substitute:

"That any interference with the subject of slavery in the Territories of the United States, in which it may exist, is inhibited by all the considerations in regard to the rights and interests of the inhabitants of the said Territories, the security of the slaveholding States, and the danger of the Union, which are mentioned in the preceding resolution as forbidding any interference with, or action on, the subject of slavery in the District of Columbia; and for the further reason that the people of the Territories, when admitted into the Union, as States, will be exclusively entitled to decide the question of the existence of slavery, within their respective limits, for themselves."

Mr. CALHOUN said that the Senator from Virginia (Mr. RIVES) appeared not to be pleased with his determination not to vote for the resolution as it now stood amended. He (Mr. CALHOUN) complained of no Senator's course, and none had a right to complain of his. We are acting on a great and dangerous subject, one which will long agitate this country, and have a decided influence on its future destiny. He, for one, was determined throughout to occupy the ground which his judgment and conscience dictated; and he expected and desired others to do the same. At the outset, he stated that he was prepared to modify his resolutions, so as to make them acceptable, as far as he could, without sacrificing the principles on which they rested. These were, as he had frequently stated, non-interference and non-discrimination, which, in his opinion, could not be abandoned, at any point, without a sacrifice of the rights and safety of the South; and, under this impression, he had constantly resisted every attempt to induce him to surrender them.

The Senator seemed to think that he had not, in his fifth resolution, taken constitutional ground. He thought differently; that he had taken the highest and strongest constitutional ground in declaring that interference with slavery in this District, or the Territories, was a direct (yes, he would repeat an epithet he had yielded to reconcile the Senator from Kentucky, Mr. CRITTENDEN,) and dangerous attack on the domestic institutions of all the States; as direct and as dangerous as an interference with slavery in one, would be an interference in all the other slaveholding States; thus placing slavery here, and in the Territories, under the same constitutional protection as in the States themselves. He would have added the additional ground, which the Senator had so well explained, and in which he entirely concurred, but he knew that the sense of the body had already been tested in relation to it, and that we of the South were in a minority on it; and his object was to place it on constitutional grounds, still higher and stronger, if possible, and on which he had hoped there would be greater unanimity. As to voting for a resolution placing the question on the ground of inexpediency, the Senators from Virginia and Mississippi must excuse him. He believed it would be fallacious and dangerous, and neither his judgment nor sense of duty would permit him to give it his vote. If we place the question there, we will be overpowered. The whole North, with little exception, would be united against us, and we would be voted down in both Houses, in less than two years; and that on a ground which would not justify the South in taking the remedy into her own hands.

The amendment offered by the Senator from Virginia was much better than the resolution as it stood amended. Though it surrendered much, (the only strong and tenable grounds, in his opinion) yet it abandoned the feeble ground of inexpediency, and rested the question on something like a principle. With a slight modification, adding a single letter to the resolution, so as to make it plural instead of singular, and to refer to the resolutions already adopted, it would, in a great measure, make it conform to the fifth as he had originally presented it. He hoped the Senator would make the modification. Thus modified, he would willingly give it his vote; and he trusted that the Senators from the non-slaveholding States who had supported his first four resolutions, would give it theirs also.

Mr. PRESTON, after briefly criticising the several amendments, said that he thought them all objectionable in many respects. Indeed, from the first, he had not concealed the repugnance he felt at bringing the South, in this manner, to trial before an incompetent tribunal, by any mere resolutions and abstractions of any kind. He still continued of this opinion, and deprecated the agitating course which had been pursued. His position was to deny the jurisdiction—to declare the subject was *coram non judice*, and not to stand here and be insulted by agitation and discussion of his undoubted rights. Therefore, he utterly disclaimed the course of dragging the South before the Senate by resolutions and abstractions.

As to these amendments, if adopted, they would weaken the effect of the resolution. He thought that resolution, as it stood yesterday, was stronger than it now is, with these amendments. Mr. P. earnestly invoked the Senate to put an end to these discussions. What benefit could accrue from such endless discussions? How was this a way to meet the Vermont resolutions? Gentlemen might resolve and resolve, and still go on resolving and resolving; but what, he would ask, was the effect of such a course? Its only effect was to create agitation, and open a wider door for the Abolitionists here, and throughout the country. Discussion (said Mr. P.) sets us down; it weakens our cause: we want action, and not discussion. It was a difference merely of tweedle dum and tweedle dee, which was contended for in the verbiage and mere phraseology on which debates were started; but while gentlemen were amusing themselves in this manner about the difference between a few letters and words, the outrage upon the South was carried on all the while by the very discussion. Therefore, Mr. P. deeply regretted the introduction of thts matter from the first.

I can see precisely, Mr. P. said, that the gentlemen have very kind feelings towards us. I am grateful for it, and would not disturb the harmony between us, or withhold from them due gratitude and respect. I am disposed to vote the way they suggest, and have concluded to go with them; and the consideration is not passed by that they may conquer for us at the North. I am not disposed to adopt any offensive armor, nor yet to preach up the great principles of moderation. But the South are properly to avail themselves of defensive armor; and when these borderers know that they are linked and bound together, and ready for action whenever assaulted, this frowning attitude is the very best that can be taken, and the only possible means of making a secure defeuce. They can protect themselves; and what I here wish to do is to save the Union, and maintain the peace of the country, by keeping the agitators out of these halls. Sir, if you will only do your duty here, we will keep out the borderers, and we do not want your help for that purpose. Protect us within the walls of the Capitol: out of it, we will protect ourselves; and we ask you only to let us alone.

The modification proposed by the Senator from Virginia links in the same destiny the Territories and the States, because it declared that to touch slavery in the District or the Territories would disturb and endanger the Union in the same manner as to touch it in the slaveholding States. It first aimed at preserving the Union, and then the integrity and rights of the States.

After some remarks from Mr. NILES, Mr. WALKER submitted a modification, which was accepted by Messrs. CLAY and HUBBARD, to strike out the words "ought not," and to insert that any attempt of Congress to abolish slavery in any of the Territories would create serious alarm and just apprehension in the States, sustaining that domestic institution, &c.

The question was then taken on Mr. RIVES'S amendment, and decided in the negative—yeas 10, nays 29, as follows:

YEAS—Messrs. Calhoun, Cuthbert, Fulton, Lumpkin, Preston, Rives, Roane, Sevier, Tipton, and White—10.

NAYS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Grundy, Hubbard, King, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Robinson, Smith of Connecticut, Smith of Indiana, Strange, Swift, Walker, Webster, Williams, Wright, and Young—29.

The question then recurring on Mr. CLAY'S substitute as amended.

Mr. CALHOUN moved to amend it by inserting the words "dangerous attack upon the States in which slavery exists."

Mr. BUCHANAN thought the debate had now become exceedingly dull. It had almost worn itself out, and was now dragging its dull length along. He would not, however, suffer it to close without making a few observations, in consequence of what had repeatedly fallen from the Senator from South Carolina, (Mr. CALHOUN.)

It had been often said, in the course of this debate, that these resolutions were intended as a platform on which we of the North, who were disposed to sustain the constitutional rights of the South, might stand, and defend ourselves against the attacks of the Abolitionists. Now, for his part, he disclaimed the idea of having any such platform erected for him. We can sustain ourselves better without it. "The blood of Douglas can protect itself." All we desire upon this question is, "hands off." We know best how to fight our own battles.

These resolutions had emanated from the South; and he most fervently hoped that they might do some good in tranquillizing and soothing the feelings of the people there, and in convincing them that they had numerous friends in the North, who would stand by them in any emergency. He protested, however, against the idea that they were passed for the benefit of the North.

Some commiseration (said Mr. B.) has been expressed for our situation. It has been said that our intentions were very good, and that we would be willing to go further, if we dared to do so. Now, he protested against any such inference. He had always gone as far as his sense of right and justice dictated, and if there had not been an Abolitionist in existence, he would have gone no further. We wanted no platform on which to stand, save the Constitution of our country. What fanatic had there ever been in the North so mad as to assert that we had any right to attack slavery in the States where it exists? That principle had been settled by the first Congress; and that principle, so long as he held a seat in the Senate, he should maintain to the death. Now, could any resolutions pass here which would make the case stronger? No, sir: we stand upon the Constitution alone; but we are always willing to vote for any measures within its pale, which will satisfy the South that we are ever ready to maintain principles so long and so well established. These (said he) have been the motives of my conduct throughout upon these resolutions. They are a Southern, and not a Northern, measure; intended for the benefit of the South, rather than the North. In the portion of the Union from which he came, we deprecate agitation and excitement from this source; and he, therefore, most devoutly trusted that this protracted debate was now about to terminate.

We adopted one resolution yesterday, in regard to slavery in the District of Columbia, which may have a good effect in the North. Opinions which are united there against any interference with slavery in the States, are not so unanimous in regard to this District. That resolution places the subject on its true principles, and will strike the common sense of all impartial men as just and expedient. It asserts the proposition that when Congress accepted the cession, there was an implied faith pledged to the ceding States that we should not convert that act of their kindness into an instrument of their destruction; and that whilst slavery existed in them, it should not be abolished within these ten miles square in the midst of their territories. The avowal of this distinct principle by the Senate, for which he had always contended, might be productive of beneficial effects in the Northern States.

One word more. The second part of the resolution of the Senator from Kentucky had been offered by him (Mr. B.) as a distinct proposition this morning. He had pledged himself yesterday to bring it forward in this shape, provided the Senate would then strike it out of the amendment, and take a separate vote on the remaining portion of it, which related exclusively to the District of Columbia. This had been done; and thus the resolution had, strangely enough, become the child of his adoption, though not of his affections. After it had been amended by striking from it the Indian territory, and modified and remodified in such a manner as to suit the views of the partnership concern between the Senators from New Hampshire and Kentucky, (Messrs. HUBBARD and CLAY) he (Mr. B.) would have cheerfully given it his support. He was, therefore, much astonished and disappointed when these two Senators, apparently without the slightest regard for their own offspring, consented to abandon it without a struggle. He greatly preferred it to the substitute offered by the Senator from Mississippi, (Mr. WALKER) which they had accepted, and which was now before the Senate. The truth was, that the resolution which he had offered this morning, to redeem his promise, had undergone so many modifications and mistifications to make it conform to the views of every body who desired any change, that no man who was acquainted with its original features could imagine how it had been transformed into the resolution now before the Senate. But so it was. We once had a Senator from New Hampshire, (Mr. HILL,) who was made of sterner stuff than to have yielded up his resolution to the solicitations of gentlemen, as the present Senator from that State had done. And here as he had alluded to that Senator without having previously intended it, he would take occasion to say of him, that he was a man of strong and determined character, and was a good lover as well as a good hater. Mr. B. had never met on that floor a Senator who possessed more extensive and minute political information in regard to our domestic affairs, and however much he may have been traduced, there was no man, in the Senate, at the present day, who loved his country better. He well recollected the time when that Senator had formed a coalition with the Senator from Kentucky, and they had fought the battle together without yielding a single inch. It is true that but a small force was rallied under their united banner. He (Mr. B.) was almost their only follower; but they never thought of surrendering. He could have wished that the new coalition between the present Senator from New Hampshire and the Senator from Kentucky had been animated by the same spirit. At the instance of many gentlemen, the resolution had been changed, rechanged, and modified, until he had become tired of the process. He had determined for himself to quit setting to every new partner that might offer. He would now consent to take the last edition of the resolution, as it had come from the hands of the Senator from Mississippi, (Mr. WALKER) but he would not, for one, agree to any other changes. Much as he desired to gratify the South, he was not disposed to go any further. He should, therefore, vote against the amendment proposed by the Senator from South Carolina, (Mr. CALHOUN.)

Mr. CALHOUN said, that the remarks of the Senator from Pennsylvania were of a character that he could not permit then to pass in silence. He understood the Senator to say that he (Mr. BUCHANAN) has been actuated solely by the desire to sooth and tranquillize the feelings of the South, or, in other words, in pity of her weakness and fears. [Mr. B. shook his head.] Mr. C. said he would be glad to understand what the Senator did mean.

Was he, then, said Mr. C. to understand the Senator that all he said about soothing and tranquillizing the feelings of the South, originated in a belief that these resolutions were intended for that purpose by the mover? If so, he would tell him that he was grossly mistaken. She needed not this, nor any other measure, to tranquillize her. She was calm and collected, and instead of being agitated, was too indifferent. She had no fears for herself. She was full of resources, and would, he trusted, be prepared to meet the crisis, whenever forced on her by the injustice, or insults, of the other portion of the Union. No: these resolutions originated in far different motives—from a sincere desire to prevent, if possible, the shock to which the present current of events was rapidly leading, and which, if not prevented, would bring to the ground the institutions of the country. He was anxious, before it was too late, to present some common constitutional ground on which the reflecting and patriotic, of every quarter of the Union, might rally, to arrest the approaching catastrophe, and avert what the North was at least as much interested to do as the South. A platform for that purpose (if the Senator preferred the word) was indispensable, if it be thought worth while to oppose the coming disasters. It was these higher considerations, which embraced the peace, quiet, and the safety of the whole country, and not the object that the Senator seemed to suppose, that induced him to introduce these resolutions. If the *common interests of all* be thought not to be involved in the question, tell us so, and we will take care of ourselves. We ask neither pity nor protection.

But the Senator exclaimed, speaking in relation to the two sections of the country, hands off! The North says, hands off, to the South! The Senator, in the name of his constituents, says, hands off to me, in the name of mine, when he knows that a large portion of them are daily and hourly, in violation of the Constitution, and the most solemnly plighted faith, aiming a most deadly blow, not simply at our peace and prosperity, but at our very existence as a people! When did the South ever place her hand on the North? When did she ever interfere with her peculiar institutions? When did she ever aim a blow at her peace and security? When did she ever demand more than naked, sheer justice of the Union? Never! never! And can we reverse these questions, and have the same response from the North? With what propriety or justice, then, can the Senator proclaim, hands off to us—the aggressor to the aggressed?

He must express his regret, that the Senator should be surprised into so hasty a course of remarks. He had habitually indicated, on this dangerous question, correct feelings, and was one of the last from whom he would have anticipated such remarks as fell from him; and he felt assured that, in making them, he had not done justice to his liberal feelings on the subject.

Mr. BUCHANAN was very sorry that the Senator from South Carolina had misunderstood his remarks. He trusted and believed that his course upon this subject, from the first day he had taken his seat in the Senate until the present moment, had been such as to place him above all suspicion. He could not believe that any other Senator had fallen into the same mistake. The ardor of the gentleman's feelings upon this subject must have blinded his judgment.

What he (Mr. B.) had said, and what he meant to say, was, that it had been repeatedly asserted by the gentleman himself, and by others, in the course of this debate, that these resolutions were intended as a platform for the friends of the South in the Northern States, on which they might stand and defend themselves against the assaults of the Abolitionists; and that we of the North would have gone further than we had done, to protect the rights of the South, had it not been from a dread of public opinion at home. He had also stated that some commiseration, on this account, had been expressed for our situation. Now, the Senator had entirely misapprehended the nature of this remark. The commiseration which I said had been expressed by himself and others for our condition in the North, he understood directly the reverse of what my words imported, and had construed them into an expression of pity and commiseration, on my part, for the condition of the people of the South. Such an idea as that of applying the term *pity* to that gallant people, had never entered my mind. They are far above it. I know them too well, and respect them too highly, to have ever thought of applying to them any such term. I am fully sensible that they are able and willing to defend their own rights, without assistance from any other quarter. Pity for the South! I utterly disclaim having uttered any such sentiment.

He, Mr. B. did not blame the Senator from South Carolina for having introduced those resolutions. Certainly not. Had he not voted for them, one and all, except that which related to the District of Columbia; and instead of that one, he had voted for another on the same subject, which he solemnly believed would be productive of greater good? Now what he had disclaimed, and what he meant to disclaim, was that these resolutions were intended for the benefit of the friends of the Union in the North. They had not been brought forward by the North, but by the South: and hence it was

fair to infer that their purpose was to satisfy and tranquillize public opinion in that portion of the Union. He had voted for them, with pleasure, under this belief; and he trusted that our friends in the South would now be convinced that we were ready to stand by them in the assertion and maintenance of all their constitutional rights over their slaves.

Mr. B. said that these resolutions could not aid him at home. There the battle had been already fought, and what part he had taken in it two years ago, was well known to every man in the country who had thought his humble career worthy of any observation. He was fully convinced that the protracted discussion of the abolition question here at this time could do the friends of the Union in the North little, if any good; he wished he were convinced that it would do them no harm. This was the great centre of agitation. When it was commenced here, its baneful influence must spread over the whole Union. Deeply impressed with the belief, he had for two years, when abolition memorials were presented, uniformly voted in favor of such a disposition of them as would prevent useless and dangerous discussion upon this theatre. He hoped he could not now be misunderstood by the Senator from South Carolina.

After some remarks from Messrs. HUBBARD and WALKER,

Mr. CALHOUN said, that in compliance with the urgent wishes of his friends, rather than with his own judgment, he would consent to vote for the resolution as amended. It had undergone important modifications, making it out stronger than at first, but yet it was still very feeble, and not at all suited to the occasion.

On taking the question to agree to the resolution as modified in the following form:

Resolved, That any attempt of Congress to abolish slavery in any Territory of the United States, in which it exists, would create serious alarm and just apprehension in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of any such Territory who have been permitted to settle with, and hold slaves therein; because the people of any such Territory have not asked for the abolition of slavery therein; and because, when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves.

It was determined in the affirmative—yeas 35, nays 9, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Tumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roan, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—35.

NAYS—Messrs. Clayton, Davis, Knight, McKean, Prentiss, Robbins, Smith of Indiana, Swift, and Webster—9.

So the resolution, as amended, was agreed to.

The Senate then adjourned.

REMARKS OF MR. BYNUM,
OF NORTH CAROLINA,

In the House of Representatives, January 24, 1838—On the bill making a partial appropriation for the suppression of Indian hostilities for the year 1838.

Mr. BYNUM rose and said he felt it a duty which he owed to the House, the country, and particularly to that party to which he had the honor to belong, to offer some response to the remarks of the honorable gentlemen who had addressed the House in opposition to the bill which was then submitted for the consideration of the committee. He had heretofore been perfectly silent on every subject that had any relation to the prosecution of the different campaigns in Florida, by this and the former Administration; but since the remarks of an honorable gentleman who sat on his left (Mr. BELL, of Tennessee) he felt as though he might be justly considered derelict in his duty here, and shrinking from responsibility, to suffer longer such remarks to pass unnoticed.

That honorable member, in opposing this bill, as he understood him, in an air of triumph asked the gentleman from New York (Mr. CAMBRELENG) if he was not ashamed to be under the necessity of getting men belonging to an opposite party (alluding to Gen. THOMPSON and Mr. DOWNING) to defend the measures of the Administration?

This way, said Mr. B. that gentlemen had of putting such questions, could be retorted in a most *caustic* and *cutting* manner to that gentleman, if gentlemen should feel disposed to apply it on that occasion, as the shame might be found to exist in another quarter; but he would disdain to bandy epithets there or elsewhere with that gentleman, as being unparliamentary, unargumentative, and implying nothing. He would, however, as far as his feeble abilities permitted, proceed to notice the character of the opposition to the present bill.

Had he not, said Mr. B. in the course of his life, had an opportunity to turn occasionally over the mouldering pages of history, and listened to the stories of tradition, he would have been surprised, astonished, if not astounded, at the extraordinary opposition to the present bill before the committee, and should have read and have listened to those stories to but little profit, had not those lessons taught him to know something of the *rancor* and disastrous effects of a *factious party spirit*, that could see nothing good but what emanated from its own party's pollutions. He felt humiliated, too, at the reflection, as it went far, very far, to realize the anticipations, and verify the predictions, of the enemies of all free Democratic Republican Governments that ever existed, and as it would be hailed as a signal triumph by the friends of monarchical, arbitrary, and despotic Governments throughout the world, who had either written or spoken on the subject.

Sir, (said Mr. B.) we are only about to travel the road, chalked out by the history of former Republics, setting at defiance alike the lessons of experience and the plainest dictates of common sense. In cherishing this foolish rancor of party spirit, we are too apt to lose sight of that paramount interest, the public good. Such had been the fatal baleful rock upon which he believed every former Republic had been wrecked. It was by steering clear of those, that we could with any degree of certainty calculate upon the perpetuation and preservation of our own free institutions. There were few men in or out of that House, more devoted to party than he was; but as much as he professed to love his party, he could not for a moment cease to love his *country* better, nor could he for a moment support any party that permitted itself directly or indirectly to be thrown into conflict with the best interests of the country.

Sir, what were the objections to free Democratic Republics, urged with so much force and plausibility by the advocates of despotisms and monarchies throughout the old world? Had they not ever been levelled against the inefficiency of their Executive department, particularly and eminently so in times of war? Have they not proven this defect in all popular Governments, whether ancient or modern, by a multitude of examples quoted from both eras; and what was the attempt then made by the honorable gentlemen, who had opposed the passage of the bill with so much vehemence, but to realize by a most powerful demonstration the prognostications of the enemies of all free Democratic Governments, by crippling the arm of the Executive department in withholding the supplies necessary to the subsistence of our valiant little armies, now fighting the battles of their country, amidst every deprivation and want incident to savage warfare, amidst forests and deserts hitherto unknown to civilized man. It was to re-enact the very scene that had been the cause of the subversion of all ancient republics, and brought popular Governments into disrepute, to carry out the principle that the Opposition now propose to effect by the rejection of the bill on your table. We had boasted much of our experience of the causes of the failures of ancient democracies, and of the intelligence of the age, to justify us in the belief that we could continue to preserve our present form of Government. But were we not about to follow the very examples that had proven so fatal to all similar Governments? He thought unquestionably we were, and this, too, by permitting the Legislative to interfere with and usurp the Executive department, and to cripple its efficiency.

The honorable gentleman from Pennsylvania (Mr. BIDDLE) had protested that he would not vote a dollar for the prosecution of the War in Florida, until sufficient evidence was produced to him that it was necessary; and another gentleman had spoken of the recall of our troops, or a part of them. Sir, is this not tampering too much with the Executive branch of this Government? Is it not an attempt to usurp the power that belongs exclusively to that department, given it by the Constitution? He warned gentlemen, in their blind party zeal, not to forget what appropriately belonged to the department to which they themselves were attached. It was a flagrant violation of the Constitution and a usurpation of the rights of the Executive, as well as of the people, to be continually interfering with the rights and duties of that department. Perhaps there was no maxim of a free constitutional Government established with a greater unanimity of sentiment by the lovers of constitutional freedom throughout the world, than that the Executive, Judicial, and Legislative Departments of Government should be kept perfectly separate and distinct, equally free and independent of each other, while all should bear their equal proportion of responsibility to the great body of the people; and for the Legislative to take one atom of responsibility from the Executive, would destroy that beauty and symmetry, upon which the safety of the whole fabric of our Government was so pre-eminently dependent; and he would assure gentlemen, that whenever they did succeed in battering down that department, would fall with it the liberties of this nation, great as it was, and greater, as it might be. If any there had taken such a stand, he would ask him to re-examine his position and hasten to retrace his steps.

Mr. B. said that the gentleman from Pennsylvania (Mr. BIDDLE) has distinguished himself most signally by his attacks at this and the preceding sessions on the Executive, and had been most reckless, he thought, in his unmeasured denunciations. He had *dragged* into that discussion, with what propriety he (Mr. B.) was not then able to see, the illustrious name of General Jackson, our venerable ex-President, and had assailed in most violent terms the conduct of that veteran statesman and soldier. He would have thought the peculiar situation in which that gentleman stood towards Gen. Jackson, as a matter of delicacy, should have restrained him particularly from an attack on his reputation; but it did not. Nothing, it seemed, could stay the uplifted arm of that gentleman against the reputation of the mighty conqueror of our savage foe and illustrious Hero of Orleans. Sir, (said he) let me tell that honorable gentleman, with all possible deference, that his attack upon the reputation of Gen. Jackson is like darting broom straws against a wall of adamant. The fame of Gen. Jackson will be the theme of history in every country where civilized man is known, and will be cherished with the liveliest emotions by every friend of freedom throughout the world, when that gentleman's and mine shall have been eternally forgotten, and sunk into the shades of oblivion.

Sir, he would say to that gentleman, far better for him to cease such attacks, for in making them, he would always be found "*biting a file.*" The fame of one so illustrious could not be affected by the traduction of any one here: it was in the safe keeping of the Democracy of his country, and enshrined in the hearts of freemen.

The gentleman had seen fit to *lug* in, too, in connection with Gen. Jackson, the names of Generals Scott and Jesup, and had attempted a comparison of their merits; and had at once arraigned, tried, and convicted General Jesup, with what propriety he had not yet been able to see. He had, said Mr. B. no personal acquaintance with either Scott or Jesup, and to them was perfectly indifferent. For the conduct of General Jesup, upon which the honorable gentleman had dwelt with such emphasis, he

had no apologies to make. He thought when the letter was written, as he did now, that it came in a questionable shape. He had seen a letter, however, from General Jesup, in which he thought he had acted with some magnanimity, and had made an atonement for much of the offensiveness of that letter.

But so far as Gen. Jackson's conduct was concerned in relation to that matter, however, he stood there ready to defend every particle of it. Never had he in any part of his life, in his Mr. B's opinion, acted with more propriety than on that occasion. It was well known there and elsewhere, that the most unfounded rumors had reached here, and responded to, and circulated with eagerness, by this very Opposition, prejudicial and condemnatory of the course that General Scott had pursued in Florida; in fact, it had been carried so high in the South, that he had understood in some part of Florida General Scott had actually been burnt in effigy, or offered some other indignity, perhaps at or near Tallahassee; and he believed that presses of the Opposition and the Whig party had already began to denounce his campaign on that floor, about which the memorable letter had been written by General Jesup to Mr. Blair, with a request that it be shown to the President, which at once gave to the charge a responsible name, with time, place, and date. He would not again speak of the propriety of that letter; but the President had deemed it his duty to act then on the subject, and to place in command another, until an investigation had taken place. In doing that, he said, Gen. Jackson had sustained his high character for promptitude and efficiency, and it would have been unworthy of the high character he bore, both as a statesman and soldier, to have done otherwise, and if there was blame to be attached any where, it was partly to this House, to the public, and to general Jesup, and not a particle to General Jackson.

Mr. B. said he himself had no faith in those *tea-party* Generals, that *lounged* and hung about the courts of Washington. He thought they had become (if he could be allowed the expression) *effeminated* and enervated by dancing attendance at the Washington coteries, with sword and epaulette. He believed it an imposition upon the Government to keep them here, and would go as far as any man in correcting this evil. Such men were not fit for service; but upon that subject he hoped to say more at another time.

I will go as far as any man in erasing from the rolls of your army the names of your *coterie* and *ball-room* chieftains.

Something had been said about raising a committee to investigate the abuses of the Florida campaigns; and he once had entertained some idea of voting for such a proposition; but, upon mature reflection, he had become perfectly satisfied that the whole scheme, for the present at least, was suicidal; would be pregnant with the most disastrous consequences, both to the army and the public interests. What, (said he,) upon the field of battle, amidst the *reeking of blood* and stamp of the war horse, to stop to inquire after abuse and failures. No, sir, no, sir: it will breed distrust in your *camp*, unnerve the arm of your stoutest soldier, and paralyze every effort of your generals; lead to doubt and defeat, and finally to that very disgrace that gentlemen had discoursed of so learnedly and volubly. Let the war be ended, conquer your enemy, and he would then and there, in his place, pledge himself to go with any man, or with any party, in ferreting out abuses—as far as he who would dare go farthest; but until then, he should view any attempt of the kind unwise, impolitic, and fraught with the most disastrous consequences. The wisest of men had said—it was written in holy writ, he believed—that "there was a time for all things;" and never did a proverb more strictly apply to any occasion than that did to the present. It was that kind of suicidal policy that had overthrown great Carthage, Afric's imperial city, when basking in the sunshine of her high prosperity, and competing for empire with her great rival. It was that kind of policy that had humbled Carthage, and prostrated her at the feet of her imperial mistress, the Republic of Rome. Who does not recollect, that when her conquering general was marching on, and in the very act of laying hands on the gates of Rome, he was arrested by the fell demon of party spirit, and recalled to Africa by the schisms of party, and the influence of faction, for which misdeed Carthage had been long buried beneath the ruins inflicted by her conqueror's arms, and the name of Carthaginian liberty had long since been erased from the history of the world.

Yes, sir, the great Hannibal and his army, he feared, had been recalled from Rome, when, in the act of humbling that haughty Republic, by the *same* spirit which had prompted the attempt to recall our armies from Florida. How near the ultimate consequences might prove the same, history and time alone would declare. The policy, in his judgment, was damning—the idea preposterous. The Seminole Indians must be humbled, conquered, brought in subjection, or we invite a fruitful harvest of Indian wars. Let no man think for a moment otherwise; and when our victories are proclaimed, and not until then, let us think of investigations. Then let us cashier and impeach the timid and imbecile, but reward with laurels the brow of the gallant and the brave.

He had been utterly astonished and confounded at the sentiments of honorable gentlemen expressed on that occasion, that we should now make peace with the Indians, and pay them a *boon*, a *tribute*, to move away, to cease to harass and murder the people of Florida and our frontiers. Such sentiments were too revolting. When would ever such a craven policy be adopted by the brave and free men of this nation? Never. Never, in God's name, let it be said that this proud and mighty nation should be so humbled, and by a handfull of savages, as to buy their peace. The mighty genius of liberty shrunk at the idea, and our patriotism stood rebuked by the spirit of our fathers and the god of our freedom. Sir, had that Roman example been lost sight of in the scramble and heat of party spirit? Had we already forgot that when Brennus of old, with his Goths, were at the gates of Rome, demanding tribute, and the cowardly poltroons of the city were in the very act of weighing out to them their gold, and when that gold was even exhausted, and the cry rung through the crowd, what shall we do for more to throw in the scale to make the weight; when the *cry* reached the ears of old Camillus, he, with godlike mien, hobbled forth, with his sword in one hand, and his crutch in the other, and when arriving at the place, threw into the lighter, empty scale, the sword of his youth, and swore that, in the hands of the valiant, it was of more weight than all the gold of Europe. A spectacle so sublime penetrated each Roman bosom; flushed with such patriotic devotion, every citizen and soldier flew to their sabres, and with the fury of desperation fell on their Gothic besiegers with vengeance and death, and ceased not their havoc until every barbarian had been driven from the remotest confines of their territory.

Honorable gentlemen had dwelt with peculiar delight upon individual cases of defalcations and failures. The illiberality and injustice of attaching them to the Administration, had been most triumphantly responded to by the honorable delegate from Florida, (Mr. DOWNING.) It was as unjust as it was impracticable, to attempt to hold the Administration responsible for every individual failure or defalcation. The Government, from the very nature of things, was compelled to trust to its officers; and whether they proved delinquent or cowardly, the fault could not properly attach to the Government.

But it had been tauntingly asked, and he thought, too, with rather an air of triumph, by both the honorable gentleman from Pennsylvania, (Mr. BIDDLE,) and the honorable gentleman from Vermont, (Mr. EVERETT,) why should this war be carried on? Mr. B. would answer, for every reason of sacred honor, necessity, and self-protection above all. Sir, said he, with what grace, with what policy, could we now withdraw our army from Florida? What are our obligations to protect the exposed inhabitants of that Territory? Surely all that is sacred, and is calculated to influence the action of men or nations, should prompt us to a speedy and determined resolution not only to defend, but rescue that Territory at every hazard, and at any price, from the blood-stained hands of these unrelenting *savages*. Gentlemen surely could not be in earnest to talk of peace, until these bloody, perfidious, treacherous devils were whipped into measures. Do they not know that a failure in punishing and humbling these Seminoles, however fierce they may be, or at whatever price, whether of blood or treasure, would multiply, to an unfortunate number, the Indian wars on our south and southwestern frontiers?

Sir, it would be only holding out to them an additional price to engage in them. Can any gentleman who thus contends, not foresee that such a course would be pregnant with the most disastrous events that have ever befallen this nation? Would not every tribe, however diminutive and contemptible we might heretofore have viewed them, be induced to follow the example of the Seminoles, and wage war immediately on our defenceless frontiers for tribute.

Let gentlemen pause and reflect well before they give utterance to such an idea. Let them hasten to review the false position that they are about to occupy. Let them for a moment cease their party strife, and devote but a single glance on the interest of their mother country, on which they were about to inflict this parricidal wound. Sir, the blindness of party prejudice is no apology for the sacrifice of the public good. Wounds inflicted by party rancor on a suffering country, can never be sanctioned by the voice of a disinterested patriotism. The best interests of our country, by the adoption of such a course, would not only be sacrificed, but the most indelible stain inflicted on our national honor. The very proposition, to him, was humiliating indeed, and well calculated to wound the feelings of every high-minded American. It was a proposition to desert our own soil, and surrender it up to the Seminoles—a pitiful, contemptible band of savages; leaving the whole settlement of Florida exposed to the mercy of the savages; and when had they shown mercy to a white man? The whole scheme of the opposition to the appropriation for the prosecution of that war, was fraught with the most serious and alarming mischiefs, in whatever light we might be disposed to view it.

Sir, one gentleman had gone so far as to recommend an appropriation of some three or four millions of dollars to give them to leave off fighting, and to move away, thus paying them a tribute by a most disgraceful purchase of a peace; a proposition so monstrous, that every true American should revolt at it, as a foul stigma thrown at his country's honor. From what party, he would ask, had such sentiments been avowed there? Thanks to his God, it had come not from any member of the Democratic party, with whom he acted on that floor; and he should feel humbled, if not degraded and disgraced—yes, "*disgraced*," (something to which, presently, he would reply,) had any member of a party to which he belonged held forth such language in the councils of the nation? What, sir, pay tribute for peace? When was such a sentiment avowed here; and from whence had it come? Had gentlemen forgotten the language that had been held and consecrated by the gallant, the wise, and the brave, almost of every nation that could boast of its independence? Had they forgotten the moral of the single expression, "*Millions for defence, but not one cent for tribute?*" He would recommend, with profound deference, its moral to the consideration and solution of certain honorable gentlemen of that House. Such *an adage* could never lose its weight with an astute, brave people, until their entire sense of self-respect and sagacity were obliterated by the blindness of party rancor. Such sentiments, recommendatory of the payment of tribute, or of the purchase of peace, could not but be branded with reprobation by the brave, patriotic people of all America. He believed that they would put their mark on them at once, when and wherever they were expressed, unless by bribery and corruption they were willing to sell their patriotism to a *moneyed monster*, that was alike indifferent to honor, patriotism, and to liberty.

Much had been said about the disgrace of the

country, in relation to the conduct of the Government towards the Indians, and other foreign nations. Upon that subject, there was a wide difference of opinion between himself and the honorable members who had preceded him on that occasion. He hoped never to live to witness the disgrace of his country, and should always be found contributing his humble mite to rescue it from so foul a calamity; and if perchance such a thing should ever happen, he should be exceedingly reluctant to publish it, and hold it up in all its infamy to the gaze and sneers of the world. Much more reluctant would he ever be to pronounce that disgrace, until it had been most clearly and indubitably established upon his country; and to be constantly doing so on this floor, on every occasion, he feared might subject him, but too justly, to the suspicion of sensible men, that he desired to effect the very object, if not bent upon it, that he professed to proclaim to the world with reprobation. A thing which he hoped no man on that floor or off of it, was so debased and degraded as to do, that had one drop of American blood in his veins. Nor would he ever by party spirit, or vindictive recklessness, suffer a suspicion so foul to rest upon his conduct and motives there. No, sir, (said Mr. B.) no party malice, nor disappointment of political promotion, shall ever make me so far forget what is due to my country as an American and a citizen, over whom she has extended her broad banner of protection. He had said that he differed widely in relation to the disgrace of the country. It had long been his settled and deliberate opinion, that if the country had been at all disgraced, it had been done there, and by gentlemen who held seats on that floor. Did not the very course that had been pursued by honorable gentlemen on that floor, lead to the accomplishment of the very thing they professed to deprecate? Were not the tirades and bitter denunciations of the Government in the most indecent and ruthless style, which were daily witnessed there, calculated to bring about the very disgrace which gentlemen seemed so much to dread? To him nothing appeared more apparent. But again, as to its effects. Could a more suicidal course be pursued, or one more destructive to the best interests of the country? Was no such indiscriminate and unqualified censure as was witnessed upon almost every subject here, particularly calculated to affect our favorable negotiations with foreign powers, when they heard and saw that every step that the Government was about to take, and demand that it made, was denounced by a large party in its own country? What had the administration of the Government done in the last six or eight years that had not been denounced by that party in advance? Is such a course here not well calculated to increase the demands of other nations on our own, and make them more reluctant to yield to those that our people may have against them? The affirmation of these interrogatories were too palpable to require demonstration, and none would deny them, whose eyes were not seared by the vindictiveness of party influence.

We were now engaged in a bloody war with a tribe of savages. Was not the course pursued here in relation to that war well calculated to protract it? Were not the eulogies pronounced on their warriors here, and sympathies expressed, well calculated to exalt them in their own estimation, and make them more repugnant to peace, while they were winning such "golden opinions" even from an enemy? Are they not daily justified here for murdering our people, pillaging our towns, and laying waste the finest portions of the frontiers of Florida? Sir, when quelled and subdued, can any thing be better calculated to instigate them to a recommencement and renewal of these bloody scenes, or more eminently calculated to render them discontented? He would entreat gentlemen to pause and reflect a little more upon the consequences of their mad, indiscreet, and destructive course here. He hoped there were none so base as to be willing to inflict so deadly a wound on their country, to affect a party that differed with them often merely in opinion. It was such a course, in his humble judgment, that was well calculated to bring down that disgrace on the country which gentlemen seemed so solicitous in promulgating to the world, had already been effected.

Much had been said about the failure of the Florida campaigns, which no doubt had been owing to a combination of causes, which had been triumphantly replied to by the honorable delegate from Florida in a most eloquent manner. He had shown the few short months which it was necessary for our armies to operate in, and that we, in that short time, had not only to whip the Indians, but that we had to run them down, and hunt them up, amid the most impenetrable forests, everglades, morasses, and savannas; through which it was almost impossible for any living animal to pass. It was entirely unlike meeting an enemy in an open field, and deciding the contest by a single battle; and that such an enemy could be overcome only by our perseverance and enduring much. At the commencement of that war, there was not a general or soldier that knew any thing of the true geography of that country, which had no doubt greatly retarded its progress, and presented one of the greatest impediments to our army; and amid all these embarrassing circumstances, the gentleman from Pennsylvania could see no excuse for the protraction of this war, nor would he vote a dollar to carry it on, until he could see the evidence of its necessity. That honorable gentleman's *seeing*, had put him in mind of the old adage of the horse's drinking: "A boy might lead a horse to water, but it would take a hundred men to make him drink."

Now, both the Secretary of War and the chairman of the Committee of Ways and Means, had presented the evidence to the honorable gentleman, of the necessity of that appropriation, but he (Mr. B.) poubted exceedingly, whether the two hundred and forty-two members of that House could make him see it. Sir, he said, there is another adage equally applicable to the honorable gentleman's case, and which he knew the honorable gentleman anticipated. "None was so blind, as he that *would not* see." Here he would leave the gentleman to stand alone, in the glory of his own vote, against the appropriation to defend his country from the barbarity of a most fierce and savage foe.

An allusion had been made to the manner in which this country had treated the Indians as a conquered race. The policy of this Administration had been identically that which had been pursued by former Administrations, and which had been with the approbation of an overwhelming majority of the American people. He denied the charge of this Government ever having acted with cruelty or injustice towards the Indians as a conquered people. The earliest histories of the world furnish abundant instances of one nation conquering another. It was the triumph of civilization over savage barbarism, and he would there challenge gentlemen, yes even the honorable gentleman from Vermont (Mr. EVERETT,) with all his characteristic sympathies for the tawny race, to point to a single instance where a conquered nation had been treated with more justice and humanity, than the Indians in North America had been, and particularly by this Government.

He stood there ever ready to defend with his feeble abilities, not only his country and its democratic institutions; but particularly the humane and politic course which it had pursued throughout with the different Indian tribes of this country.

The patience and lenity with which they had ever been treated by this Government, stood without a parallel in the history of the conquest of nations; and it was with sore regret that he witnessed there, so often, his country and his Government arraigned for its cruelty, injustice, and perfidy; towards not only the savages, but in relation to its conduct with almost every other nation with which it had had any kind of transaction.

Sir, said he, this presents to my mind an awful and ominous foreboding; one upon which the heart of the patriot sickened to reflect. He held in his hand a paper which he would exhibit for the information of that House and the country at large, and which contained in it a volume of comment. It went to show the proneness of a certain party who called themselves *Whigs*—(true, there were some honorable exceptions)—to be found always in opposition to their country in times of war and peril, and an instinctive opposition to every Democratic popular administration of this Government.

1st. He would begin with the second war in 1812, with Great Britain. Never was an administration more violently denounced than was the truly Democratic administration of Mr. Madison. Every measure, nearly, then, as now, that had any relation to the prosecution of that war, was denounced in most unmeasured terms; and every officer, from the President down, was denounced, either for his ignorance or corruption. These enemies of the Democracy then, as now, failed to convince the people that their Government was either so ignorant or corrupt.

2d. When, but a few years since, our foreign relations were interrupted with France, and a war was threatened us with that powerful nation, where did you, sir, find the energies of that same party, who had just assumed the name of *Whig*, directed? Who that were here then, that are here now, have forgotten the bitter denunciations thundered forth in this hall against our then President and his Democratic Administration, which they placed in the wrong in every particular? Sir, these bitter sounds of condemnation have scarcely yet ceased to re-echo in the *crevices* of your Capitol; and, sir, from what party came they? Not from that old Democratic Republican party, that has stood by and sustained this country in every emergency. At that very time, when an honorable Senator of that party was on his feet, pouring his vials of wrath on the head of General Jackson for his weak and insulting conduct to Louis Philippe, and laboring to place every act of that illustrious man in the wrong, a messenger arrived in the Senate chamber to announce the news that Louis Philippe was satisfied with the conduct of the American President, and that the claims of our people on that Government would be promptly met and paid.

3d. The next war which threatened this nation, has been with Mexico. Where, again, have you found the energies of that party directed? In favor of their country? No, sir: no. Already has our Government been denounced in advance, both on this floor and in another part of this capitol, for its conduct towards Mexico, and in the presence of their Ministers and people here. And from what party does this denunciation come? Not, thank God, from the Democratic party; but it is levelled against them by the same party that has ever opposed and taken sides with every country to abuse them, and to depreciate our free, popular institutions in the eyes of the world.

4th. Our wars with the Indians. What party (from what motive he would not say) had espoused the cause of the savage against civilized man? Who had ever heard more bitter denunciations, and unmeasured censure, let loose upon any party, or any Administration, than had been for nearly two entire days reverberating in that hall against the Democratic party and its Republican Administration? Who had ever witnessed greater efforts there to degrade, by comparison, the prowess of our own arms with that of a base, perfidious, savage foe? Yes, sir; and in the presence of the *chiefs* of their kindred tribes, pæans of applause had been sung to the valiant Seminoles, while the deeds of our brave soldiers had been passed unheeded and forgotten.

5th. But a few days since, we received the most unwelcome news from our northwestern frontiers; and a prospect of war had there been enkindled with our old veteran and renowned enemy, Great Britain; and how had that news been received in that House? Had any man present forgotten? Was not our own Government immediately denounced? Was not an attempt immediately made on that floor to place her in the wrong? The sounds of the condemnation of this Government had hardly ceased to thrill through his ears. The most powerful eloquence was exhibited on the occasion, to which he had listened with the liveliest interest; and he regretted, painfully regretted, that it was not in defence of his Government, in which it was sometimes represented as endeavoring, through weakness and folly, to plunge this country into an unnecessary war with Great Britain, and

then as crouching and cowardly cringing before her power.

Sir, by what party, he would again ask, had such a course been pursued here? Not by the Democratic party. They had been found where they had ever been, standing by, battling for, and defending the conduct of their own nation and people, while their opponents here were taking ground against their own Government, and its conduct on every occasion. Was there nothing in all this more than mere accident? Why should so many accidents happen with such uniformity? Gentlemen should pause and reflect, and consult their patriotism. "As much as they love Cæsar, they should love Rome more."

6th. Again, this Government was but yesterday involved in a war, yes a war, fierce and unrelenting, and decidedly one more dangerous to the liberties of the people of this country, than either that with the Indians, Great Britain, or Mexico, or all three combined. It was the more dangerous, because the attacks of the enemy were by stealth; it never showed itself in an open field of combat—it was wont to lay its insiduous *seiges* in the dark, and expected like the anaconda or boa constrictor, by softly *coiling* itself around the whole body politic as its victim, infusing its influence in every community, by its corruption and bribery, aiming to embrace in its immense folds our whole Republican empire, and with its universal gripe of death, paralyze the action of Government, and leave the last remnant of human liberty lying strangled and prostrated for ever by its fatal embrace. Sir, he would say, it was a war in no common-place word, with a more than monster—the United States Bank. [Here the chairman (Mr. CONNOR) interrupted Mr. B. and said that the Bank of the United States was not the subject before the House for discussion.]

Mr. B. thanked the chairman of the committee for the intimation that he was getting out of order, which he had been induced to do in pursuit of his game, and following the example of the gentleman to whom he was then replying, and he had made the allusion to the bank, and its war upon the country, merely as a particular example of the course that had been and was then pursued by the opposite party, who had chosen to denominate themselves Whigs, and to show most clearly their consistency in being always found on that side that had warred most valiantly against their own Government, and the dearest liberties and rights of a free people; but upon that subject, as he had been interrupted for the present, he would forbear further to speak.

7th The Abolitionists were now making war upon the country, and by their unhallowed movements are threatening almost an immediate dissolution of the Union, which might end perhaps in a most foul and bloody revolution. One gentleman had said that the Abolitionists were divided amongst the Democrats and the Whig parties. This he denied, and had evidence to show. [Here the Chair again interrupted Mr. B. and said that he had stopped the gentleman from Pennsylvania from the discussion of abolition, and it was out of order to discuss it then.]

Mr. B. said he would bow with great deference to the decision of the honorable Chairman, and begged pardon if he had followed those who had preceded him in that debate until he had gotten out of order; but that it was impossible to reply to remarks made by honorable gentlemen out of order, without getting out of order himself. He hoped he was the last man in that House, or out of it, that would, knowingly, infract any rule of that House. He was only going on to show, and to prove, beyond the power of contradiction, that that gentleman and his party were identified with the Abolitionists, and that they were, wherever they existed, making war against the Democracy, in conjunction with the Whig party, and that the triumph of the one was the triumph of the other; and this, he would show, was particularly and emphatically the case to the North and to the West; but, as he had been cut off in his remarks upon that subject by the interference of the Chairman, he would let it pass for the present.

Mr. B. said he hoped he had now shown successively that, in seven most prominent instances, which would stand conspicuous in the future pages of the history of our country, that party so violently opposed to the Democracy of the country had been both consistent and persevering in their opposition to their Government, whenever it was found that peril and danger had threatened her, even amid the calamities of war. He was not prepared to say that those who had, or who did at this time, administer this Government, were the ablest that had ever graced their stations: by no means; but he would make bold to say, at least, of them, that the President, the Secretary of State, Secretary of the Treasury, of the Department of War, the Navy, and Postmaster General, and Attorney General, were all and each of them men of more than ordinary abilities, and of respectable talents, and who had often, while members of this and the opposite body, proved equal, when thrown in contact, in every respect, to the leaders of the Opposition; nor had he as yet ever heard of a dishonest or dishonorable act committed by a single member of the Cabinet. If, then, such were the facts, which he presumed none there had the boldness to deny, could it be otherwise than most strange and incomparably marvellous that these men, and every predecessor of their party, should, in every instance, as above alluded to, be found in the wrong, and sacrificing their country's best and dearest interests? Would it not be rational to suppose that, by accident merely, they might, in some one instance, on those important occasions, have been found in the right by the immaculate spirits of the Opposition? —"for a fool sometimes is right by accident, and the wicked man sometimes doeth a good deed." What an unfortunate party! What an unfortunate Government is that which has never been in the right, even by accident, but ever cruel, ever unjust and wicked; always weak, in the wrong, and corrupt. So say the enemies of this Administration, and so speak the Whig party of their Government, whenever peril and danger stare her mostly in the face. Now, Mr. Chairman, in all good conscience, do they not attempt to prove too much? I have shown that the fool is sometimes right, if by accident, and that the wicked sometimes do a good act; but this Republican Administration, and the preceding ones, under our Republican Democratic Presidents, selected for their wisdom and integrity by the people themselves, being more unfortunate than the history of the world or the wisdom of man can account for, have scarcely in a single instance been found to commit a single good or wise act in the sight of their opponents. Sir, I say this proves too much, and shows the entire fallacy of the whole foundation of this stupendous superstructure of Whigish opposition. If the Republican Administrations have always been in the wrong, ignorant and corrupt, why has this mighty nation continued so long to prosper and flourish, with strides more rapid and gigantic than has hitherto been known to the history of man; under the especial auspices, too, of these weak, corrupt, degraded Democratic Republican Presidents and their administrations. Sir, if the reverse of this be correct, and their course correct, then the Whigs and the Aristocracy are right; but the fact that this Government does continue yet to exist, free, untrammelled, and secure in its independence, realizing a prosperity hitherto unknown to the world, affords the most conclusive evidence of the falsification of our enemies, whether at home or abroad, and stamps the *brand of falsehood* upon the thousand charges against the competence and virtue of our Democratic Republican Administration and its officers, emanating so often from the foul and corrupting source of party malignancy and disappointed ambition. Yes, sir, how could the Democratic Administrations have thus existed so long, if one hundredth, one thousandth part of the charges of Federalism, Aristocracy, and Whigery, had been true. Thus he had shown that the Opposition had attempted to prove too much; as, if all they had attempted to prove was true, they had proved an impossibility, and the utter impracticability of the existence of this Government.

He thought he had shown how wanton and unauthorized were many of the charges against this Administration and its preceding one, and how utterly reckless had been the course of many of those opposed to it, not only in the present, but in divers other instances. Mr. B. said he had not been forced to speak thus plainly, but that a *crisis* had arrived, when every man should speak out, and the people of the country should hear the truth, and the whole truth, in relation to the opposition that was carrying on against themselves and their country. It was only necessary for them to know the facts and the real truth in relation to the administration of the Government, and each party would receive their due reward at their corrective hands. He had now concluded the most that he had to say upon the subject then before the committee. He then only had to entreat the very honorable gentlemen who had made such opposition to the measure before the House and called upon the friends of the Administration to come up and defend its acts, to stand firm in their own opposition to those measures, and to show their opposition, and test their sincerity, by recording their names against the passage of the bill then the subject of discussion, and not to continue that lowest of practices which had been pursued so often there, of opposing for days, and weeks measures of the Administration, and when the vote was about to be taken, to abandon their seats, or refuse to vote against measures that they had so long and bitterly denounced and contemned; a practice that had gained ground by its often repetition in that House for the last three or four years, and one which could not be tolerated by either the reason or good sense of the intelligent people of this country. It was due to the parties which composed that House; it was due to the people and the nation at large, that the yeas and nays should be taken on that bill so soon as it got into the House, that the people might see abroad who were willing to record their names, and who they were that had opposed in this manner nearly every measure of the Government. He called upon the Democratic members of the House, particularly, who he confessed heretofore had been but too backward in asserting the rights of the people in that body. He hoped the yeas and nays would be moved for as soon as the bill reached that House. It was all that he asked that each member should be made to endorse his vote upon that subject, and upon every other where a difference of opinion might exist between the two contending parties there. He would not trespass longer upon the patient attention of the House, which he had already intruded on much longer than he had contemplated when he rose, and thanked it unfeignedly for its indulgence.

NOTE.—The paper to which allusion was made in the above remarks as containing evidence to establish the identity of the Abolitionists with the Whig party is the following account of the proceedings of the Abolition Society in the State of New York, and the course pursued towards them by the Whig party there, the publication of which had been anticipated by the Globe, which, nevertheless, is not deemed improper to annex to the above remarks, as a more clear illustration of the views, and demonstration of the facts, set forth in the remarks to which the attention of the whole Democracy, and particulary that composed of the people of the South, is most respectfully invited, as taken from the Emancipator, one of the particular organs of the Abolition Society. The proceeding took place a little before the New York elections last fall, and are as follows:

"ROME, *October* 16, 1837.

"DEAR SIR: Having learned that your political friends have done you the honor to place your name before the electors of the county of Oneida, as a candidate for the office of ——, and there being, as is believed, near two thousand electors in this county who have espoused the great and eternal principles of the Declaration of our Independence, by which it is asserted that all men are created free and equal, with certain inalienable rights, amongst which are life, liberty, and the pursuit of happiness; and believing that these rights are violated in the case of the American slave, and that the free colored people of this State do not possess those rights to which they are entitled, upon every principle of eternal and equal justice: The object, therefore, of this communication, is to learn from you whether you can answer, and how, the following questions, which are to be put to the various candidates who are nominated for an election to that office. Upon the answers which you may return to the seven questions herewith propounded, or your refusal to answer the same, will depend whether you can receive the votes of the gentlemen called Abolitionists or not, as is believed.

"THE QUESTIONS.

1. "Do you believe that petitions to Congress on slavery and the slave trade ought to be received, read, and respectfully considered by the Representatives of the people?

2. "Are you opposed to the annexation of Texas to the United States?

3. "Are you in favor of the immediate abolition of slavery in the District of Columbia?

4. "Are you in favor of Congress exercising all the constitutional power it possesses, to abolish the internal slave trade between the States, and in the Territories where slavery exists?

5. "Are you in favor of extending a jury trial to all persons in this State before they shall be deprived of liberty, whether those persons be fugitive slaves or others?

6. "Are you in favor of extending the elective franchise to the colored man the same as to the white?

7. "Are you in favor of the repeal of all laws in this State which make a distinction among its inhabitants on account of color?"

The answers of candidates, or their refusal to answer, will be distributed in printed handbills throughout the county, previous to the election. As the time to the election is now so short, you will not take it unkind in saying an answer is most respectfully requested to be returned to the subscriber at Rome, within three days from the time of the delivery of this communication to you, or it will be considered as a refusal to answer. The request of this letter proceeds upon this great principle, that the freemen of this country are entitled to know what the opinions of gentlemen are who are candidates for their suffrages, before they are clothed with that important trust.

With sentiments of respect,

I am yours, &c.

A. BLAIR,

President Oneida county, Anti-Slavery Society.

N. B. The above communication is made in pursuance of a general principle adopted by the New York State Anti-Slavery Society.

Here the remarks are adopted of another commentator, as illustrative of the views and objects of the parties:

Here there was an offer, "by authority," of the votes of "2,000 electors" to such candidates as would answer the questions, or who, in other words, would declare themselves to be Abolitionists.

It should here be remarked that the officers to be chosen in the county were a sheriff, clerk, and four members of Assembly; and that there were three distinct and full nominations made of candidates for these offices, viz: one Van Buren, one Conservative, and one called Whig. Of the Van Buren candidates, but one made any answer to the questions; of the Conservative none, of the Whig *all*; and the following were their answers, as published by order of the Executive Committee of the Oneida county Anti-slavery Society:

1. LYMAN CURTISS, esq. candidate for Sheriff, would have had no objection to give an explict affirmative answer to *several* of the questions, but from the impression that an appeal had been had been made to his *hopes* and *fears*. He did not wish to be subjected to the imputation of interested motives. Several of the questions were comparatively new, and he had not yet formed a definite opinion upon them. He could not, however, with truth, give a negative to either of them. He regarded slavery as an enormous evil, a foul stigma upon us as a nation, and would sincerely rejoice at the success of any constitutional measures to free ourselves from it, and elevate the colored man to his natural station and rights among his fellow men. He considers that "the right of free discussion and petition should never be infringed, but be preserved inviolate."

2. Hon. JAMES DEAN, candidate for County Clerk, says: "I have not the least difficulty in answering each and all the questions affirmatively, *except* the *third*. *That*, too, *as it stands*, as a general naked proposition, not connected with any reference or allusion to the *mode* of emancipation, I answer in the same manner." Mr. Dean states, that his "information in respect to the power of Congress in this respect is so unsatisfactory to [himself] that he is not prepared to decide," in respect to that mode of emancipation; but he does desire "that Congress may exercise all the constitutional power it possesses, and that, too, at the earliest suitable opportunity, to put an end to slavery in the District of Columbia."

3. JAMES S. STRANAHAN, esq. candidate for Assembly, says: "To the first five questions on your list, my answers are, Yes—to the last two, No."

4. HENRY HERSEY, Esq. a candidate for Assembly, responds to the first, second, and fifth questions in the affirmative. On the *third*, he believes Congress possesses power to abolish slavery in the Federal District, but doubts the expediency of its exercise at the present time. On the fourth he thinks "Congress should abolish slavery in the Territories belonging to the United States; but how far it would be wise, or is constitutional to act in relation to slavery or the slave trade in the States, is a question upon which he has doubts. On the sixth he says "I would make no distinction between persons on account of color, in allowing them the privilege of the elective franchise. But I think it may well be doubted whether it would be wise to extend the privilege of voting at our elections to all persons of color who have been long held in bondage, and consequently in ignorance, but who should come into our State to reside, as they would be almost entirely ignorant of our political institutions, and but poorly qualified to exercise the important right of suffrage." On the seventh he says: "I am not sure that I recollect all the laws of this State which make a distinction among its inhabitants on account of color. Some of them might be with propriety repealed, but there are others I think ought not to be. The law exempting colored persons from serving in the militia, I not think ought to be repealed, for I do not believe it would be beneficial to the militia system to require blacks to perform duty in our militia.

5. R. FULLER, Esq. candidate for Assembly, responds an affirmative answer to the 1st, 2d, 4th, 5th, 6th and 7th questions. To the 3d he says: "I consider the existence of slavery in the District of Columbia as a foul blot on the American character, and giving the lie to that often-reiterated boasting that the United States is a land of liberty."

6. FORTUNE C. WHITE, Esq. candidate for member of Assembly, answers the 1st, 2d, and 5th questions in the affirmative. To the 3d and 4th he says: "Yes, so far as the Constitution of the United States and of individual States will justify." To the 6th, "Yes, I prefer the old Constitution, which made no distinction on account of color, to the present one." To the 7th, "Yes, so far as they are opposed to the principles of equal rights."

The meeting in Windham county, Connecticut, held on the 9th of January, 1838, by the Abolitionists, to denounce the votes of our Democratic Republican brethren of the North, clearly establishes the identity of these two parties. As a part of the preamble and resolutions passed at that meeting, reprobating and denouncing General Holt, one of the Democratic Republican members from that State, for his vote on Mr. PATTON's resolution, so eminently calculated to save the Republic from disunion, and perhaps a most bloody revolution; the following extracts are taken from the ceedings:

At an adjourned meeting of the Windham County Anti-Slavery Society, held at Chaplin, Tuesday, January 9, 1838, the following resolutions were unanimously passed:

Whereas, the House of Representatives of the United States, by an unwarrantable assumption of power, contrary to the spirit of the Constitution, and in violation of the rights and liberties of the citizens of these United States, did, on the 21st of December, 1837, pass the following resolution:

"Resolved, *That all petitions, memorials and papers touching the abolition of slavery, or the buying, selling or transferring of slaves in any State, District, or Territory of the United States, be laid upon the table without being debated, printed, read, or referred, and that no further action whatever shall be had thereon.*"

And whereas, it appears that three of the delegates from this State, viz: Holt, Phelps, Whittlesey, with forty-eight others from the nominally free States, voted in the affirmative on the passage of said resolution.

Resolved, That our Representative in Congress from this District, Orrin Holt, by his vote in favor of the resolution above quoted, virtually denying us the right of petition, has misrepresented his constituents and proved recreant to the trust reposed in him by those who gave him his seat in Congress.

In addition to this, and a number of other instances of the kind, it is a fact too notorious to be denied, that the Abolitionists have constantly kept up a regular fire and denunciation against the course of our Republican friends here from that quarter, who have boldly stepped forward in defence of the Constitution and the Union, while plaudits of the highest approbation are daily awarded the Whig party, in and out of Congress, by those reckless disturbers of the peace and harmony of our Government.

REMARKS OF MR. CILLEY,
OF MAINE,

In the House of Representatives, Jan. 23, 1838, in Committee of the Whole, on the bill to make a special appropriation for the suppression of Indian hostilities.

Mr. WISE commenced the debate, and led off in opposition to the bill, and in a general attack of the Administration. On Mr. WISE resuming his seat, Mr. CILLEY obtained the floor, but yielded it to Mr. DOWNING, the Delegate from Florida, who supported the bill, and ably defended the policy and measures of the Administration, so far as related to the Florida war. Mr. WISE replied to Mr. DOWNING, and renewed his opposition.

Mr. CILLEY then followed and said: I rise, sir, to say but a few words upon the bill now before us; but few will be necessary after the eloquent and just remarks which have fallen from the talented Delegate from Florida. I listened to him with pleasure, while he gave us, from his own personal knowledge, the facts of the case, and the real condition of things as they exist at the seat of the war. He has laid bare the origin of hostilities, which were commenced by the Seminoles without any just provocation on our part, and which have been prosecuted by them in a series of the most cold-blooded murders and butcheries of the whole white population within their reach. So far as the Administration is concerned in this war, he (Mr. DOWNING) has set the whole matter right before the country.

But, sir, I feel impelled to say something when I hear views and sentiments put forth here, and calculated to have effect abroad, the whole drift of which is to hold up my own countrymen in the light of savages, while hostile Indians are extolled as patriots, statesmen, and heroes. Were I a stranger to the history of my own race, and to Indian character, and now, from the representations of the gentleman from Virginia, (Mr. WISE) for the first time, forming my notion of the two people, I might be persuaded to believe that all the virtues which have heretofore adorned civilized man, are now possessed by the Cherokee race, while all that is perfidious, ferocious, and savage, have become concentrated in the descendants of the fairer European. What, sir, do we hear these things said in an American Congress? Are they so? Have we, indeed, changed places? Are we not the true sons of our sires? Is not the Indian still true to the blood of his race?

But the gentleman appeals to the committee, and in tones of sympathetic feeling asks, what is to become of the "poor Indians?" I cannot answer that: God, in his providence, only knows. But, sir, when war rages between us and them, commenced on their part without just cause, and waged in the most relentless mode known to the annals of Indian warfare; when our own defenceless citizens are being slaughtered by them; when your armies are there, in a sickly clime, in pursuit of the lurking Seminole, and struggling with the peculiar natural difficulties of the swamps and hammocks of Florida, which must be encountered and overcome before a successful blow can be struck, and the enemy subdued, if the course of the gentleman from Virginia is to be pursued, and you now stop all supplies, I ask, in the name of patriotism and real humanity, what is to become of our own brethren, the poor whites? It is proposed by the bill before us to provide pay and subsistence for our own troops. You have called them into this service, a field full of labor and peril, but of too little honor, I admit. Yes, sir, however necessary the duty, and however faithfully it be performed, there are no laurels to be won, as when contending in open plains with manly foes. The funds heretofore provided are exhausted; our troops are there, and now is the very season most favorable for their operations, to subjugate the hostile Seminole, and restore peace and quiet to our borders.

But the gentleman would have us halt all at once, cut off all further supplies, and even refuse to pay those who have already rendered service upon the call of the lawful authorities of the country. And for what? Is it to benefit the Indian, or to injure the Administration? Sir, my blood thrills in my veins to hear the conduct of faithless and murderous Indians lauded to the skies, and our sympathies invoked in their behalf, while in the same breath our own Government and its most distinguished citizens are traduced and vilified to the lowest degree. To-day Oceola and the Chief Magistrate of this Union have been lugged together by the gentleman from Virginia (Mr. WISE) into this debate; and while to the former he yields the homage of his highest respect and admiration, he bestows upon the latter, in comparison with him, the sneer of contempt and ridicule. It was but the other day, in his place here, the same gentleman took occasion to institute a comparison between another favorite Indian brave of his, John Ross, and our distinguished Secretary of State, Mr. Forsyth, in which the Cherokee, in his estimation, had the best of it in every point of view.

Is it possible, sir, that partisan feeling and political hostility will force gentlemen such lengths? Will they, in outrage to common sense, smother patriotism, and forget the honor of their country and its common good, in their hasty zeal to cast odium upon their opponents, and to put down an Administration of the people's choice? Will they do violence to the known history and character of races, and subvert all the policy of our people and Government since the first settlement by the whites on this great continent? And for what? To find something to the prejudice of a Democratic Administration, and to induce the people to displace it, and to substitute one based on their new notions. Such a course seems almost incredible; yet our history is not wanting in a case somewhat parallel. Let gentlemen recur to it as illustrating the principles they are becoming identified with, and as a warning where it may lead them. How was it with the leaders of a certain party in a powerful, and, so far as the main body of the people were concerned, I believe patriotic, State of this Union, (Massachusetts,) during the late war with Great Britain, when, encompassed by hostile fleets and armies, our country was pressed hard in battle?

Did not their political opposition to the then existing Democratic Administration, though seeking to veil itself then, as now, under the alleged injustice of the war, and the morality and religion of a Christian community, push them on to enactment, in the higher branch of her State Legislature, of a solemn decree that "it was unbecoming a moral and religious people to rejoice at the victories" of our brave countrymen, and were then, as now, the leaders of that party opposed to supplies. But, sir, I will do justice to the main body of the people of that State. They were, sir, I fully believe, then, as now, in heart truly patriotic; for, sir, they rested not, much as they admired their splendid and gifted leaders, to whose bitter denunciations of Democratic men and measures they had lent too willing an ear—they rested not until their patriotic sentiments prevailed in that branch where the decree had been registered, and it was expunged from their records. I allude to this in no spirit of unkindness—it is a part of the history of our country, and marks the conduct, if not the principles, of the leaders of a great party contending for power.

As to the Indian character, who is ignorant of it? Who has not heard it described by our fathers, who had to do with them? Who has not read it on every page of our country's history? Their leading traits, their master passions, stand out in bold relief. We must take things as they are. We are a practical people. Our policy adapts itself to facts and circumstances as they are found to exist. What are these traits? In peace, when not drawn out by the excitement of the chase and the slaughter of game, the Indian leads a life of listless indolence, abhorring the drudgery of manual labor, and knowing not the meaning of the word industry. War, a war of extermination, which calls into the most excited action all the baser passions of his nature, seems the element of his keenest enjoyment and glory. His whole soul is then roused into fierce activity. No mercy restrains him. His uniform rule of warfare is to spare neither age, sex, or condition, and to keep no faith with his enemy.

How was it, sir, when hostilities broke out between such a race and our early settlers in New England? No matter how it began: there might be individuals in the wrong on either part. What was done by our fathers, when they found their cattle killed or driven off, their wives and children savagely slaughtered, and their own dwellings razed to the ground by fire? They hunted them to their lodges in the deep wilderness, and pursued them with fire and sword, even to extermination. What would you have had them done? What must we have done, had we been in their places? When in conflict, one or the other race must give place. Our fathers did not choose to. Do we taunt them for it? Does our sense of justice revolt at their choice? Let us in fancy change places with them: enter into their labors, their perils and privations, and suffer what they suffered, and endure what they endured, year in and year out, and then let us see in whose behalf sympathetic appeals are made.

The case of our frontier settlers *now*, when an Indian war breaks upon them, is similar to the ir *then*. But this sort of sympathy expressed by the gentleman from Virginia for the tawny red skin, strikes me as too near akin to that set up in some other quarter for a race of still deeper dye. It costs nothing to work up and express a sympathy of this sort; but what particular good is it intended to effect? I might, perhaps, wish, for the sake of suffering humanity, that we had the power and wisdom to remedy "all the ills which flesh is heir to," and that we might not only improve the condition, intellectual, moral, and political, of every one who is not already perfect in all these particulars, but also go a step further, and change the color of the dark races in our country, so that the sympathy felt by some, and the disgust by others, on that account, might give us no trouble hereafter.

The gentleman dwells on the petty details of the war—our reverses, their good fortune, and the few *braves* that have yet been taken or killed in battle, but mostly on the expenses already incurred. But, I ask, is this not a war, and began, too, by them, and in defiance, too, of their own *bona fide* treaty, sanctioned by them, and all the branches of this Government, without a dissenting voice? To us, here, sir, as the Representatives of the American people, this is the great and momentous question: Is there a war? For, sir, in the language of patriotism, our country is our common mother; and when and while blows are aimed at her, when she is attacked and bleeding from the wounds of an enemy, who of her sons will not fly to her defence, and to the succor of those who are defending her, and that, too, without stopping to count the exact cost, or learn the precise origin of the quarrel? Let not our country suffer. End the war first: then if there was any fault any where, point it out and apply the proper remedy. But can gentlemen in this war find a single fault at the door of the Administration? The Delegate from Florida set the whole matter right, and says he is ready to defend it, on that score, against the world.

The expenses, I admit, are great, and the accounting officers are bound to scrutinize all this matter, and to place the result before us. If our money has been corruptly used or squandered by any officer, let him, at the proper time, and in a proper mode, be tried and punished. All wars are excessively expensive, in both treasures and life.

In the expenses of this Florida war, we must take into consideration the nature of the service, the enemy, the country, the want of provisions and supplies there, and the climate, which suspends all operations during the summer and fall months; and, more than all, the peculiar form of our Government, which, popular and free, is wholly averse to large standing armies; so that when war, the greatest of national calamities, does chance to us, even from the insignificant foe, it finds us almost wholly unprepared, and from necessity compelled to incur extraordinary expense to but little purpose at first. But in a short time the patriotism of the mass of the people, who are attached the more strongly to their Government, as its yoke is easy and its burden light, rallies to the rescue, and overcomes all obstacles. But what, I ask, is the expense of a few millions more or less in getting ready and in making soldiers of citizens, compared with that incurred under other forms of Government in maintaining, in the heart of the country, in times of peace, large standing armies, corrupting the morals of the people, and eating out their substance like a cancer?

The humane policy, also, of our Government, in its steady efforts to preserve the Indian race by removing them out of the limits of the States where the settlements of the whites have approached them on all sides, and to whose laws and usages the Indians cannot be made to submit, to fertile territories beyond the Mississippi, to be theirs exclusively, and in our efforts, too, to restrain different tribes from wars among themselves, has cost the Treasury millions upon millions. It may be a mistaken policy, but is believed, by good and wise men, to be the only one that can preserve the race.

The whole campaign of our commanding general, Jesup, in Florida, has been bitterly arraigned. I concede his humanity to the captives he had made, and his trust in their good faith, has cost us dear. I have often said, and now repeat, that had I been in command in that officer's place at Tampa Bay, and had got my hands upon the murderous Seminole chiefs and warriors, I would have shipped them all off, *instanter*, on board the vessels then in waiting, and not trusted one of them with an opportunity to escape again to their fastnesses among the swamps. But what is to become of the "poor Indians, if we do not permit them to keep possession of Florida?" asks the gentleman. If they do not lay aside hostilities, submit, and perform on their part a treaty which has already been complied with on our part, I repeat I cannot answer.

So long as they continue to war with us, and in their own peculiar mode, it will be still as it had been for centuries past: they will disappear before the onward progress of the more powerful whites, whose improvements cannot be stayed by any such obstacles. If they shall change their modes of feeling and acting, and become like our own race, tillers of the soil, and lovers of the arts and sciences, and in every respect good, industrious, and quiet citizens, then, indeed, would no one here or elsewhere be in danger of collision with them, or desire to molest them.

As to John Ross, who had so often been vauntingly introduced here and elsewhere as a proof and specimen of what civilization can do in improving the Indian race, I do not know him personally. Curiosity led me to inquire him out, and I was pointed to a white man. He may, by adoption or some mode, have become a chief among Indians; but he is not in blood, no one could mistake, who looks at him. Is this the kind of civilization and improvement of the race we hear so much about? Such men, or mixture of men, may get among the ignorant savages, and rise to great power and influence, and to the control of the affairs and money of the tribe; but in the end they will prove rather a curse than a blessing to the real Indians. Let us not, upon false data, lead ourselves or others into false positions and false sympathies. The ideal must give place to the reality. We must act upon facts, with the eternal truths of nature before our eyes. Speculate and sympathise as you will, the white man will still be true to the inward laws and instincts of his race, and so will the red and the black.

I speak not of individuals, but of masses. I hope gentlemen, whose sensibilities are now so much enlisted in the conditions of the Seminoles and Cherokees, now in Florida and Georgia, will not forget how their own forefathers, whose memories I know they revere, under similar circumstances, in the early settlement of the country, and when they were a frontier people, how they dealt with similar enemies; and I entreat gentlemen, if they have not indeed forgotten these things, to tell me in whose behalf their true sympathy is enlisted? Does it not flow in the broad channel of the common weal of the greatest number of its own race, or does it seek out the narrower one of a wild and untameable race, wasting its influence, and accomplishing no great general results?

Our sense of justice has been appealed to. Let me ask those gentlemen who do this, if they are willing to yield up the fair fields and beautiful sites they now possess and enjoy, to the linea heirs and descendants of the lords of the forest, (if indeed, there be any left,) whom their fathers found there and dispossessed, without the fair consideration, which strict, abstract justice might require. If not, then I say, why cry out against thy white brethren? Were your property, and the lives of your families, exposed, as in this case, to the hostile incursions of Indians, and a war should break out, would you not be under the necessity of tracking them, as did your fathers in by-gone days, through the winter snows, to their wigwams among the hills, and subdue them, cost what it might.

Sir, how has this vast continent, but recently a wilderness, been reclaimed and settled, and filled with a free, hardy, and enterprising people? The two tides of population, the savage and the civilized, have here met. They abhor to mix: their pursuits run not together: the one must give room to the other—the fierce hunter and warrior of the wilderness, to the more gifted, but peace-loving artizan and cultivator of the soil. Would you stay the onward progress of our own race? or would you even attempt to reverse our positions? You could not, if you would. We must take things as they are; and before we so bitterly condemn others, let us reflect how we ourselves, under like circumstances, should probably feel and act.

I ask pardon of the committee for having said so much on this subject. I felt pained to hear in this place gentlemen make such severe, and, as I thought, unmerited denunciations, with an apparent view to some influence abroad, of the settled policy of our own Governmen and race ever since the earliest history of the whites on this continent, and rose to repel them. I commend gentlemen so eager and zealous to attack and put down the Administration, to a prudent husbandry of their resources; and if they expect to displace it on such grounds, I ask them on what principles the people of this country are to expect the new one to be based, if they ever get power to form one on their own notions, and to

their own liking? However this may be, I trust there will be patriotic feeling enough in this body to pass this bill, providing for the payment and subsistence of our brave troops, now serving their country in the defence of our suffering frontier.

"RESURRECTION NOTES."

IN SENATE OF THE UNITED STATES,
FEBRUARY 12, 1838.

Mr. GRUNDY, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to whom was referred that part of the President's Message which relates to the issuing and re-issuing of the notes of the late Bank of the United States, by the bank recently chartered by the State of Pennsylvania, by and under the same name, have had the same under consideration, and present the following report:

By the act of Congress chartering the Bank of the United States, passed on the 10th of April, 1816, that institution was invested with all the usual privileges of banking corporations; and was especially authorized to issue its bills and notes, not less in amount than five dollars, in the ordinary form of bank notes, signed by its president and cashier. These bills and notes, when payable on demand, were made receivable in all payments to the United States. For the security of these and its other legal obligations, the capital stock was created, amounting to thirty-five millions of dollars. Twenty-eight millions of this were to be raised and paid by individuals, companies, or corporations. The remaining seven millions were paid in by the United States. The affairs of the corporation were to be managed by twenty-five directors, five of whom were to be appointed by the President of the United States. A committee of Congress was authorized to examine into the transactions of the bank; and legal proceedings were to be instituted by the Executive, whenever any of the provisions of the charter were violated. The United States were to receive, half-yearly, a portion of the profits of the institution, corresponding to the portion of the capital they subscribed.

It will thus be seen that, during the existence of the bank, and during the period when its bills and notes were issued under the charter, the United States were deriving a profit from its transactions; that their funds were pledged for the security of those who received and held its notes; and that they were invested (at least so far as the words of the law went) with some control over its management.

By the same law, all the banking powers of the corporation were limited to the 3d of March, 1836, after which day they entirely ceased; although it was authorized for two years subsequent thereto to use its corporate capacity "for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of its estate; but not for any other purpose, or in any other manner, whatsoever." The objects of this part of the law are too plain to be misunderstood. The intention of Congress was to preclude, after the 3d March, 1836, every banking transaction—the issue of bills, the discount of notes, the lending of money; in a word, the continuance of all transactions for the profit of the stockholders. Its object was to prevent the bank from incurring, after that day, any additional liability, by which the property either of the United States or individuals invested in the corporation might be directly or indirectly bound, and to require the bank fully to settle its accounts and dispose of its property, to redeem its obligations, pay its debts, and collect its assets before the 3d of March, 1838.

It appears that, on the 18th of February, 1836, the Legislature of Pennsylvania, by an act entitled "An act to repeal the State tax on real estate and personal property, and to continue and extend the improvements of the State by railroads and canals, and to charter a State bank, to be called the United States Bank," incorporated the existing stockholders of the Bank of the United States, (excepting the United States and the Treasurer of the United States) and such other persons as might become stockholders, according to the provisions of that act of the Legislature; previously requiring the same, however, to be accepted by the actual stockholders at a general meeting. On the 19th of February, 1836, a general meeting of these stockholders was held, without, however, any assent, representation, or authority on the part of the United States. At that meeting, resolutions were passed, accepting the charter from the Legislature of Pennsylvania, and directing the president of the bank to make that acceptance known to the Governor of the State. At the same meeting, the stockholders thus assembled directed the president and directors of the bank chartered by Congress "to pay, transfer, and deliver to this new institution, all and singular the shares, parts, purparts, interest, and property whatsoever of the stockholders, so incorporated by the State of Pennsylvia, of and in the goods, chattels, moneys, effects, and estate, real and personal of the present Bank of the United States." Of this measure, no notice was given to the Government of the United States; no application was made to, or authority sought from, Congress, although it was notorious that a portion of the effects of the bank, in addition to the sum of seven millions of dollars, belonged exclusively to them; that they were entitled to one-seventh part of the effects to be collected and divided; and that they were liable, in the same proportion, for the proper settlement of the affairs and discharge of the obligations, which were thus summarily taken out of their hands, and placed beyond their control. Though, in words, the direction of these assembled stockholders to their president and directors was to transfer their own shares and parts of the effects, yet, as those effects had never been divided, as no proposition for their division had ever been made, as they consisted of the great and complicated mass of property belonging to such an institution, and, in the nature of things, incapable, without extreme difficulty, of division, it was in fact a sudden and summary transfer of the whole property and effects belonging to the people of the United States, and invested by them in that institution, under carefully devised guards and stipulations, to a State corporation, suddenly created, in whose transactions they had no participation.

As if to remove all doubt of this being the nature and intention of the transfer, the president and directors of the bank chartered by Congress proceeded, on the 2d of March, 1836, the very day before the charter expired, solemnly to resolve, that "*all* and singular the money, goods, chattels, rights, credits, and personal estate whatsoever owned by, or belonging to, *or in the custody of this bank, wheresoever the same may be*, together with all evidences and securities for the same, be, and the same hereby are, assigned, transferred, and conveyed to the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania," and they created that institution their trustee, to conduct and wind up the business of the bank.

Thus, in direct violation of the spirit, if not the letter, of the act of Congress, which imposed upon the bank chartered by itself the duty of "settling and liquidating the affairs and accounts of the corporation," which had given it two years expressly for that purpose, and which had retained for Congress the power of examining, by its committees, the correctness of its proceedings, and controlling it, if necessary, by a summary judicial process; in violation of this provision, and in manifest infringement of the rights of the people of the United States, whose property was invested in the institution to a large amount, a portion of the stockholders, excluding the United States, giving them no notice, asking no authority from Congress, suddenly assuming with a high hand the management of the whole affair, undertake the solemn farce of passing resolutions to create themselves (incorporated, it is true, by another law, though not under another name) their own trustees; and, having so done, they take possession of ALL the property, and assume the settlement of all the affairs of the institution, relieved, as they suppose, from every responsibility and control to which Congress meant the bank should be subject in winding up its business.

On the 4th of March, 1836, when, in contemplation of the act of Congress, the Bank of the United States should have been commencing the settlement of its affairs, including the large interest of the Government, we find a portion of its stockholders who have cast off the rest, seizing and keeping possession of every particle of the joint property, and assuming the right to manage it, free from the obligations of the charter under which that property was collected, and from the control of those by whom that charter was granted and to whose constituents a very large portion of that property belongs.

It does not appear that, at the time of this transfer, by a portion of the stockholders, of the whole property of the bank to themselves, any inventory or statement of the effects and estate of the institution was made; and no steps whatever were taken for the regular "settlement and liquidation of the affairs and accounts of the corporation," as the charter positively required. The whole business was mixed up with that of the new institution. Although the Secretary of the Treasury was desirous and endeavored to obtain a payment or dividend of the property proportionate to the shares belonging to the United States, he was unable to do so. Resort was, of necessity, had to an estimate of the value of the shares, founded on an examination of the general accounts of the old institution. There is, perhaps, no reason to doubt, on the whole, the correctness of this valuation; but it must be admitted that such was not "the settlement and liquidation of the affairs and accounts of the corporation," stipulated for by Congress at the time it granted the charter, and which was frustrated by the summary and unauthorized conduct of the individual stockholders, in transferring to themselves all the property of the bank just before the charter expired; and from the time of such transfer, neither keeping its accounts or winding up any of its concerns.

Soon after the estimated valuation of the stock of the bank, thus made, the State institution and trustee came forward, and voluntarily offered to pay the same, by equal instalments, in September, 1837, 1838, 1839, and 1840, with six per cent. interest from the time the charter expired. This offer the Secretary of the Treasury was directed, by a joint resolution of Congress, passed on the 3d March, 1837, to accept, taking obligations for its fulfilment; the first of which, it is understood, has been redeemed, and the amount paid into the Treasury.

Thus virtually terminated the affairs of the late Bank of the United States; in a manner very different from that settlement and liquidation which were a part of the obligations of its charter; in a manner very different from that in which the business of a great national institution should have been finally closed. It is true, the individual stockholders have become possessed, by a general sweep, of all the property of the bank; and the United States have exchanged their shares of stock and their claim to dividends for a liquidated sum, secured by the bonds of another corporation. But have these operations relieved either party from their obligations to the community? have they given to those possessed of the property a right to use it, in manifest contradiction to the charter by which it was created? have they given sanction, direct or indirect, to an employment of the corporate privilege and the corporate property, long after the charter has expired, for purposes not only unnecessary to the settlement of its affairs, but calculated to postpone and retard such a settlement? have they absolved Congress from the duty, solemnly imposed upon it, of "examining the proceedings" done under color of that charter? will they justify it in taking no measures to redeem and cancel the obligations of an institution it created? above all, do they furnish it with an excuse for suffering the name, credit, and apparent authority of the United States, to give value to obligations in which they have no longer an interest?

Of all the powers and privileges of banking institutions, that which most widely affects the whole community is the issue of bank notes; the autho-

rity by which they are issued, the purposes for which they may be used, the mode in which their ultimate solvency and payment are guaranteed, constitute their character, and give them a greater or less circulation. The notes of the late Bank of the United States were issued under the authority of Congress. They were made receivable from one end of the continent to the other, as equivalent to gold and silver, in the payment of the revenue. The whole community took them with confidence, because a large portion of the capital pledged for their redemption belonged to the United States; because the issue of them was limited to the duration of the charter; and because the conduct of those who issued and circulated them was placed immediately under the supervision of Congress. From these causes, the notes of the late Bank of the United States derived their extensive credit among the people; and this credit, thus derived, imposes upon Congress the corresponding obligation, to take care that no act of omission of theirs shall mislead the community, when these causes of peculiar credit to these notes have ceased to exist.

On the 3d of March, 1836, when the charter of the bank terminated, the bank notes which it had issued amounted to thirty-four millions four hundred and thirty-four thousand two hundred and seventy dollars and sixteen cents. On these it had on hand thirteen millions three hundred and twenty-four thousand nine hundred and seventeen dollars and ninety-three cents. These notes, thus on hand at the expiration of the charter, it was the obvious duty of the bank immediately to cancel; they were obligations originally issued under a charter which had expired; they had been returned into the bank; they formed no part of its property to be collected or divided. Yet on the 2d of April following, the State institution, in its first report to the Legislature of Pennsylvania, declared the amount of its notes issued to be thirty-six millions six hundred and twenty thousand four hundred and twenty dollars and sixteen cents; of which it had then on hand, notes of the Bank of the United States to the amount of sixteen millions seven hundred and ninety-four thousand seven huudred and thirteen dollars and seventy-one cents; thus showing that the directors of the bank chartered by Congress, in transferring "all their money, goods, and chattels" to their trustee, had delivered up the bank notes which ought to have been cancelled, and which were entirely unnecessary for winding up the concerns of the bank, or performing any of the trust duties undertaken by that trustee. The practice thus adopted, of keeping instead of cancelling the notes issued under the authority of the charter from Congress, after that charter had expired, was not confined to those thus improperly delivered by a part of the stockholders to themselves, under the name of a trustee. Nearly two years have since elapsed, and yet in the statement made by the bank to the Legislature of Pennsylvania, on the 5th January, 1838, is this item, "NOTES *issued of the* LATE BANK *and branches* ON HAND, $15,800,517 73." Thus when the two years in which the affairs of the bank were to have been settled are nearly expired, when the control (such as it is) that Congress may yet possess is almost at an end, about sixteen millions of dollars, in bank notes which bear the name of the United States, and were actually made under the authority of Congress, which, if put in circulation, will be naturally and reasonably considered by those who take them as guaranteed by Congress, are now in the exclusive possession of a banking institution which has the power to use them when and for what purposes it pleases.

Even if it could be said that these bank notes would not be used for purposes of circulation and currency; even if it were certain that these evidences of the liability of the United States would not be put forth after that liability was at an end; even if the trustee who has obtained possession of them had evinced a determination to cancel them, as the redeemed obligations of a concern which ought to be wound up without delay, still, it is a duty imposed upon Congress, who originally authorized their issue, to see that this is done; to enforce, by law, and not to leave to the discretion or honesty of any individual or corporation, that which the whole American people have a right to look for at their hands.

But is not that duty absolutely forced upon them, when those who have thus obtained possession of these uncancelled notes of an extinct corporation actually use them for purposes of circulation, and, in defiance of the charter, boldly issue them as a lawful currency and for their own individual profit? Yet not only is this the case. They claim the legitimate right so to use and issue them. The trustee who receives and accepts the property of the late bank, under the pledge to redeem its notes, debts, and obligations, unequivocally asserts the right, not merely to refuse to cancel the notes for the redemption of which funds have been conveyed, but actually to pay out these notes as other banks might do who received them in the ordinary transactions of trade. "The Bank of the United States chartered by the State of Pennsylvania, has," in the deliberate language of its own directors, "done as other banks have done—paid out the notes of the Bank of the United States;" as if there was the slightest similarity between a bank which receives, by a general transfer, sixteen millions of dollars in bank notes that had been regularly issued and returned to the institution by which they were made, and those banks which receive the notes of one another in the ordinary course of commercial dealing, and pay them out in the same mode: as if there was the least resemblance between the reissue of bank notes by a trustee who had undertaken to redeem those notes, and had received a large and sufficient amount of funds for that object, and the bona fide payment of them by a bank, for the purpose of collecting their amount, and without any interest in them whatever, except as a common medium of exchange. Between such proceedings there is no similarity, nor can the one afford any justification to the other. But is not the course pursued by this institution, which has received these notes for the purpose of redeeming them, and now boldly reissues them, in all respects identical with that of a partner who, having funds of an expired partnership in his hands, for the purpose of settlement, should use and reissue, in violation of all faith, the notes or obligations of his confiding partner? Is it not similar to that of an executor, who voluntarily assumes the duty of winding up the estate of a deceased testator, and yet seizes upon the property confided to him in that trust, and applies it to his personal benefit, and puts into circulation, by himself and his agents, uncancelled notes found among the papers of the testator, which had been fully paid off and discharged?

Previously to the 1st of July, 1837, the monthly statements furnished to, and published by, the Auditor General of Pennsylvania, did not distinguish between the business of the State bank and that of its trustee; between the notes of the late and present bank, issued or in circulation. The information that should thus have been furnished cannot, therefore, be obtained for the long interval between the 3d of March, 1836, and the 1st of July, 1837. On the 1st July, 1837, however, the notes of the late bank, *in circulation*, were only $7,013,909 43, while on the 1st August, 1837, they amounted to $7,170,658 3ℭ; an excess of issue of the old notes over all that were paid in of upwards of $150,000 in a single month. Again, on the 2d October, 1837, the notes of the late bank in circulation are stated at $6,175,861 05, but on the 1st November following, at $6,522,839 40; which would show a re-issue of notes that ought to have been cancelled, amounting to upwards of $340,000 in less than a month.

Thus it appears, that although Congress expressly enacted, in granting the charter, that the banking privileges of the Bank of the United States should expire on the 3d of March, 1836, yet the most important of those privileges, so far as the community is concerned—the issue of bank notes, made under the provisions of the charter—has continued for twenty months after that period, and probably still continues; that although two years were allowed after the expiration of the charter, "for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of its estate, *but not for any other purpose*," yet now, when the two years are nearly at an end, there are in existence, and ready to be re-issued, when desired, about $16,000,000 in bank notes, the cancelling of which was one of the first and principal duties of those who were "to settle and liquidate its affairs." No provision was made in the charter for such a state of things. It is, therefore, proper that Congress should at once provide for it by appropriate legislation. Such is its duty, if the principles of the charter which it granted are to be fulfilled. It is no infringement of any privilege actually conferred on any individual or corporation, or intended to be by that charter; and it will at once put an end to the erroneous impression which a want of it will naturally establish, that the faith or the property of the United States continues to be pledged for the security of the bank notes bearing the name of the United States, and originally issued under that pledge. It is due to consistency that the terms and meaning of the charter should be guarded and preserved; it is due to good faith that, when the property of the United States is withdrawn, by the sale of the stock, from liability for the redemption of the notes, they should not stand by and permit them to be issued and circulated among the community, exactly as they were when that property formed a part of the capital by which they were secured; it is due to their legislative functions that the right which they retained, of examining into the proceedings of the bank, and thus virtually promising the community the exercise of a supervisory power, should not, at a moment when it is most needed for the public welfare, be neglected or relinquished, even though their own direct interest has ceased by the bargain they have made.

Nor is it with reference alone to the late or present Bank of the United States that such legislation is necessary. The course adopted by those institutions may be pursued by every other banking institution chartered by Congress. The notes issued in the District of Columbia, under the authority of charters from the United States, may, without greater impropriety, be reissued and circulated after those charters have expired, either by the banks themselves, or by trustees to whom they may transfer them the day before their corporate privileges terminate. That some law should be passed to prevent and obviate such a proceeding, cannot admit of question.

In passing such a law, it is the duty of Congress carefully to avoid any provision which should affect the citizen who holds or receives these notes in the ordinary course of trade, or who passes or transfers them in good faith from hand to hand. It is only those who hold or receive them with the means and for the purpose of redeeming them; who pass and circulate them when they know that they have come into their hands for such a purpose and under such obligations; and who neglect or refuse to cancel them, when they are bound to do so by the intention of the charter under which they were originally made.

Considering this subject, therefore, with reference to those relations of the United States towards the late national bank and to the community which are derived from the charter of that institution, a prompt and efficient interference of Congress is unquestionably demanded. They have derived large profits from the circulation of these notes, for the redemption of which their share of the capital was pledged; and they have now withdrawn that share of the capital from its former liability; they prescribed by the charter that all banking privileges, among which was that of issuing these notes, should terminate at a certain period, and that period is now passed; they reserved to themselves the right, and thus imposed on themselves the duty, of examining that the stipulations of the charter were fulfilled, and to do this the enactment of such a law is now absolutely required.

But there are other considerations bearing directly on the present situation of the commerce and business of the country, and on the respect due from Congress to the laws and policy of the individual States, which ought not to be overlooked. It is a fact that the present Bank of the United States is in actual possession, having them within its own vaults, and under its control, of a fund

of bank notes to the amount of about twenty millions of dollars over and above those in circulation, issued, to a certain extent, on the faith of the United States, and bearing a corresponding credit. There appears, at least in many portions of the country, a strong disposition on the part of the banks to resume specie payments; but the uncontrolled possession of this vast amount of paper money will enable the present Bank of the United States, if so disposed, to retard, perhaps to prevent, them from effecting that laudable and desirable object. It holds in its hand, under the apparent sanction of Congress, an immense fund, which it can transport to any part of the country at its pleasure, and purchase the notes of the State banks, to be returned upon them *en masse*, at the very instant they shall endeavor to resume. What is there to prevent this institution from sending to New Orleans one or two millions of these notes, placing them in the possession of any local bank or its agents, and exchanging them for the notes, of banks preparing to resume, so that they may be used to embarrass and retard their efforts as soon as they are commenced? It cannot be said that this is a proceeding arising from the large capital of the present Bank of the United States, and which is not consequent upon the issue of its old and uncancelled notes. It is the possession of those notes which exempts it from danger in the adoption of such a course. Independent of the additional credit attached to them from being made under a national charter, they are now circulated without the responsibility that attends those issued under the charter of the State; and it is to this cause that may be attributed the remarkable fact, disclosed in the statement of the bank on the 5th January last, that while they had on hand fifteen millions eight hundred thousand five hundred and seventeen dollars and seventy-three cents of the old notes, one million four hundred and three thousand ninety-two dollars at their State bank agencies, and two millions seven hundred and thirty-three thousand nine hundred and ninety dollars in transitu, making altogether no less a sum in their actual possession and under their control than nineteen millions nine hundred and thirty-seven thousand five hundred and ninety-nine dollars and seventy-three cents of these old notes; when they had, also, in circulation among the community, the further sum of six millions two hundred and twenty thousand four hundred and sixty-seven dollars and seventeen cents of these same old notes; being an aggregate of the notes of the expired corporation, of twenty-six millions one hundred and fifty eight thousand and sixty-six dollars and ninety cents; yet, at the same time, the whole outstanding circulation of their own notes, (exclusive of post notes,) only amounted to five hundred and forty-seven thousand six hundred dollars and forty-five cents, or about the fortieth part of the old notes in their hands and in circulation.

On every note issued under the present State charter of Pennsylvania, the holder has by the State law a summary proceeding, if it is not redeemed on demand; more than this, the bank is bound, in case of refusal, to pay the high interest of 12 per cent.; and if such refusal be continued beyond a stated period, there is a provision for the speedy forfeiture of its charter.

But how is it with these notes of the late bank, of which it has obtained possession? To them none of these penalties of the law of Pennsylvania will apply; it has received them, and promises to redeem them *as a mere trustee;* and, in case of refusal, the holder, it is presumed, is to be driven to the tedious process of a suit in chancery, or some other form of protracted legal proceeding, to obtain that payment which he could enforce if the note had been issued by a State bank, in the most rapid and compulsory mode. Thus it is, that so long as Congress permits this institution to keep and issue these notes, it gives it the power of circulating a paper currency, free from the restrictions and safeguards which the State that chartered it meant to impose; it enables it to control the efforts of other banks for the resumption of specie payments; and leaves the citizen who takes or circulates these notes without any speedy protection and redress.

But again: This voluntary trustee of the National Bank received its new charter from the State of Pennsylvania, on the expressed condition that it should issue no bank note of a less denomination than ten dollars. It is presumed to be part of the policy of that wise State, that the circulation of so large an institution should be so limited. The neglect of Congress has defeated this salutary policy; it has given to the trustee the means and power of doing that which the State of Pennsylvania intended should not be done; five dollar notes are largely issued by the Bank of the United States chartered by Pennsylvania, though the Legislature of that State declared they should not be. Congress cannot be justified in permitting this. It is due to the State of Pennsylvania that they should respect her laws; that they should not, by any omission on their part, permit a power derived from them to be so exercised as to thwart her designs. While it is the solemn and evident duty of Congress not to interfere with the institutions of the States, but to leave them to pursue the policy of the Legislatures by which they were created, and to answer to those authorities for every violation, it is not less its duty to prevent that from being done indirectly, either by its permission or its neglect, which virtually infringes the law and policy of the States. Rightfully may the State of Pennsylvania complain, if, after strictly prohibiting the issue of notes of a denomination less than ten dollars, by this institution, the sanction or the neglect of Congress should enable it to issue and circulate millions of five dollar notes.

The following bill is, therefore, respectfully reported to the Senate:

A BILL to prevent the issuing and circulation of the bills, notes, and other securities of corporations created by acts of Congress which have expired.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where the charter of any corporation which has been or may be created by act of Congress of the United States shall have expired, or may hereafter expire, if any director, officer, or agent, of the said corporation, or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession, or under his control, the property of the said corporation, for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, reissue, or utter as money, or in any other way knowingly put in circulation any bill, note, check, draft, or other security, purporting to have been made by any such corporation, whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person or persons shall knowingly aid and assist in any such act, every person so offending shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment and confinement to hard labor not exceeding ten years, or by both such fine and imprisonment.

SEC. 2. *And be it further enacted,* That in all cases in which any corporation has been or may be created by acts of Congress of the United States, or in which the United States shall have been interested as a stockholder, the term of which corporation has expired, and in which any bills, notes, checks, drafts, or other securities, made under authority derived, or alleged to have been derived, from such act, shall be in the possession or under the control of any director, officer, or agent, of the said expired corporation, or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession or under his control the property of the said corporation, for the purpose of paying or redeeming its notes and obligations, the several circuit courts of the United States shall have jurisdiction on the bill or petition of the United States to grant injunctions to prevent the issuing, reissuing, or transfer of any such bills, notes, checks, drafts, or other securities; and also to cause such of the said bills, notes, checks, drafts, or other securities, as have been redeemed, to be delivered up and cancelled; and the said several courts shall have power to make all necessary decrees and orders for the purpose of carrying into effect the jurisdiction hereby conferred, and to execute the same by due process of law.

INDEPENDENT TREASURY BILL.

SPEECH OF MR. WRIGHT,
OF NEW YORK,

In Senate, January 31, 1838—Upon the bill "to impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public moneys of the United States."

Mr. WRIGHT said he regretted that it would be necessary for him to impose a more severe tax upon the time and patience of the Senate, than he had ever before been compelled to impose, since he had been honored with a seat in the body. He had hoped, therefore, that he should have been able to reach the subject at an earlier hour in the morning; but, as it was, he would endeavor to conclude with the sitting of the day.

He said he entered upon the debate with a painful consciousness of his inability to do justice to the position he held in reference to the measure upon the table. The discussion of it must involve questions of the highest importance in politics, of the most pervading interest in finance, and, as he thought, of equal magnitude in the morals of Government. These questions were to be discussed, deliberated upon, and decided by the Senate; and upon him had fallen the duty of opening such a debate before that high tribunal.

Could he call to his aid talents, experience, learning, powers of argument, and perspicuity of language, such as were possessed and at the command of many of the distinguished Senators whom he knew he must meet in opposition to the bill, he should feel a gratifying confidence that he could contend successfully, and could triumphantly refute every objection. As it was, he was consoled by the reflection that he should be followed in the debate by other Senators equally able and equally distinguished, and who would only have occasion to ask of him that he should not injure a cause which must rest its defence with them. He would most cheerfully promise them that he would not intentionally throw obstacles in their way; and he would entreat the Senate to judge of the bill from its provisions, which he considered sound and salutary, and not from the weaknesses they would not fail to discover in his attempt to support them.

Justice to himself required another preliminary remark. But a few months had passed since they were engaged there in the discussion of this same measure, or rather, perhaps he should say, of a measure precisely similar in its great leading features. In that discussion he had taken a part; and if he should be found upon this occasion repeating ideas, and urging arguments, which he had then advanced, the reason and his apology must be sought in the identity of the subjects, and not in a disposition on his part to trouble the Senate now with remarks to which they had once done him the honor to listen.

He said the bill was based upon two great leading principles, and that all its provisions, detailed and numerous as they were, became necessary, in the judgment of the committee, to carry those principles successfully into practice. These principles were—

First. A practical and *bona fide* separation between the public treasure, the money of the people, and the business of individuals and incorporations, and especially between this money and the business of banking.

Second. A gradual change of the currency to be received in payment of the public dues, from that authorized to be received by the resolution of Congress of 1816, to the legal currency of the United States.

The material details of the bill, applicable to each of these objects, it would be his duty to notice; and as the task must be tedious and uninteresting to him, and much more so to the Senate, he would

abridge it as much as justice to the measure would permit.

As applicable to the first object, the bill commenced with the establishment of offices and vaults, at designated points, for the safe keeping of the public money. The first section defined and established the Treasury of the United States, and placed it under the care and charge of the Treasurer of the United States; and, singular as it had appeared to him, and as he thought it would appear to most of the constituents of every Senator, this was the first attempt, so far as his researches had enabled him to discover, to establish by law a National Treasury. Should this bill pass, and this section be retained, he was confident it would be the first act of the Congress of the United States which had given, not a name, but "a local habitation," to this most important institution. As the object of the bill is to place the funds of the Government hereafter under the control of the public Treasury, and not of private banking institutions, it seemed to the committee peculiarly proper that its first enactment should be to define and establish that Treasury.

The second section constituted the mint at Philadelphia, and the branch mint at New Orleans, also places for the deposite and safe keeping of the public money collected at those places, or transferred to them by the direction of the Secretary of the Treasury. The treasurers of the mints respectively were assigned to the charge and custody of the moneys there deposited.

The third section directed the preparation of suitable offices and vaults in the custom-houses now erecting at New York and Boston, for the deposite and safe-keeping of the public money at those points, and for the use of the officers to have the custody of those moneys; and the fourth section provided for the erection of two independent offices and vaults, for the same purpose: the one to be located at Charleston, in the State of South Carolina, and the other at St. Louis, in the State of Missouri.

It would not require any remark from him to satisfy the mind of every Senator of the propriety of selecting the seat of Government as the place of location for the National Treasury, or that the points he had named upon the Atlantic coast, as well as New Orleans, were places where so important portions of the public revenue were collected, and from which so great a share of the public disbursements were now, in fact, made, or could be made with increased convenience to the Treasury, and to the public creditors, as to render them all proper places for the location of offices for the safe-keeping of the public money, in case any such offices were to be provided at the public expense, owned by the Government, and kept in the charge of its officers. Another reason also existed, and which was conclusive with the committee, as to the selection of Washington, Philadelphia, New Orleans, New York and Boston. Public buildings of a fire proof character were already erected, or now being erected, at the public expense, and for the public use, at all those places, in which sufficient rooms, offices and vaults, for the purpose contemplated, could be secured without any material addition to the expense incurred, and to be incurred, upon the buildings. It was also his duty to inform the Senate that, since the bill was reported, the committee had learned that the Government now owned a custom-house at Charleston, and that the information possessed at the Treasury Department authorized the belief that suitable rooms for offices could be had in that building, thus rendering it necessary to construct a vault only, instead of an independent office, as the bill contemplated, at that place. He had prepared an amendment to the bill, to make it conform to this state of facts, which he would send to the Chair before he resumed his seat.

As to the selection of St. Louis some diversity of opinion might exist; but the committee had fixed upon that place, because, from all the information they had been able to collect, they believed it to be the point from which the principal part of our heavy disbursements upon the western frontier were made. They were informed that a very large proportion of the money paid, and to be paid, annually, to the Indians west of the Mississippi, and the principal part of the disbursements at the various military posts upon the western frontier, were received by the various disbursing officers at this town, and that, therefore, large accumulations of public money were rendered necessary at this point, to meet these payments. This seemed to them to require an office for safe-keeping, and an officer or agent of the Government, of some kind, there; and the place was selected more, perhaps, in consequence of the heavy disbursements made from, than the amount of collections at it. Still their information was, that the money collected at many of the western, and especially the northwestern, land offices could be more conveniently transferred to, and accumulated at, that point than at any other upon that frontier.

The fifth section of the bill, he said, provided for the appointment of four additional salary officers, and which, in the draft of the bill, the committee had, to distinguish them from the receivers of public money at the various land offices, denominated "receivers general of public money." These officers were to be appointed by the President, by and with the advice and consent of the Senate, as other officers of like importance were appointed; were to hold their offices for the same terms of four years; and were to be located, one at New York, one at Boston, one at Charleston, and one at St. Louis, to take the charge of the offices and vaults for the safe-keeping of the public money at those points respectively, and of the money placed therein.

He was well-aware that this was a feature of the bill not calculated to be popular, upon a slight examination, and that it was not palatable to some of the friends of the measure generally. It was not his purpose to discuss this provision at large, in this place, as the course he had marked out for himself would require that he should again recur to it; but a few remarks upon the necessity of some provision of the sort were called for here. It was indispensably necessary to the operations of the Treasury, that it should have agencies of some description at these points. The collections and disbursements at them all made this imperative, and if it was designed to discontinue the banks as fiscal agents, some other must be substituted. This would be apparent to all, merely from recurring to the names of the places, and to their importance as commercial towns. It was true that, in the bill reported by the committee, at the extra session of Congress in September, no provision was made for this addition to the existing officers of the Treasury Department. The duties now proposed to be assigned to these new officers, were, by that bill, devolved upon the respective collectors of the customs at the places named; but it was then stated to the Senate by himself, in his place, that this and many other matters of detail were purposely omitted, that the bill then reported might be made as simple as possible, and embody the great principles intended to be secured by it; knowing, as the committee did know, the strong desire and determination of both Houses of Congress to limit that session within the shortest possible period which the public business would allow. They believed that these details, including as well the provisions of the sections before noticed, as the one now under discussion, and others which follow, would be calculated to protract discussion, delay action, and thus, either extend the session, or prevent the final passage of the bill. They were then convinced that the recommendations of the President and Secretary of the Treasury, as to the appointment of these additional officers, would have to be carried out, but, in the then almost suspended state of our foreign trade, they did not believe that the operations of the Treasury would suffer for the want of them during the very short vacation which was to intervene between that and the present session of Congress; and it was then intimated that the defects in that bill could be supplied now.

The inquiries which the committee have since made, not only at the Treasury Department, but at some of the places named, have proved to their entire satisfaction that this addition of officers will be required; that the collectors of the customs at these places, or certainly at some of them, are already charged with more onerous and responsible duties than any one man, whatever may be his industry and capacity for business, can well discharge; and that, at the port of New York at least, those duties would justly bear division, were it not that, from their nature and character, they cannot be divided. The same must be nearly the truth at Boston, and cannot vary very materially from it at Charleston and St. Louis. The Secretary of the Treasury supposes that the receipts and disbursements of the money ordinarily collected and disbursed at each of these points, will occupy the full time of one competent business man; and will any one suppose that duties so onerous and so responsible can be added to those at present to be performed by the collectors of the customs? Will any one desire that such duties and responsibilities should be confided to a mere clerk in the office of the collector? He thought not. Then the provision, or some one of a similar character, was indispensable, and its rejection would endanger the safety of the public money, embarrass the operations of the Treasury, and put in jeopardy, if not defeat, the successful action of the whole system.

The sixth section of the bill was, in substance, the first section of the bill reported by the committee at the extra session; the only alterations being those required to make it conform to the provisions which were before it, and which he had already noticed. It declared what officers of the Government should be depositaries, embracing, in addition to those named in the former sections, collectors of the customs, receivers of public money at the land offices, postmasters, and some other classes, and assigned generally the duties to be performed by them in this capacity.

He would now pass to section ten, which required but a single remark. It conferred a general power upon the Secretary of the Treasury to transfer the money in the hands of any depositary to the custody and keeping of any other depositary, as occasion might require. This provision was necessary, as well to give the Department control over its own affairs, as to enable it to consult the safety of the public money, and the calls of the public service. If money accumulate, at any given point, to an amount which, from the smallness of the officer's bond, or from any other cause, the Secretary shall have reason to fear is, or may be, unsafe, he should be authorized to transfer it, or any portion of it, to a place of safety. If money accumulate at points where it is not wanted for disbursement, he should have the same authority to transfer it to a point where it is so wanted. If a depositary be located at a place remote from any bank, and any office of safe-keeping, similar authority will be required to transfer his collections for deposite. These, and many other occasions, will arise for the exercise of this power to make transfers.

The twelfth, thirteenth, and fourteenth sections contained provisions to authorize special deposites of public money for safe-keeping, at all places where there was no office for the safe-keeping belonging to the Government. The only parts of the sections which it would be material for him to notice, were those which defined the character of the deposites. They are made strictly special, and a broad discretion is given to the Secretary of the Treasury as to the measures he will adopt to secure to them that character. In case he shall think it wise to do so, he is authorized to provide iron safes to be placed in the vaults of the banks, for the exclusive keeping of the public money, and so constructed that they may be under the joint control of the bank and the depositing officer, so that neither can gain access to the money without the consent and aid of the other. A further condition is, that nothing but gold and silver, and paper issued upon the authority of the United States, and made, by law, receivable in payment of the public dues, shall be offered for deposite by the depositaries, or received on deposite by the banks. It is further provided, that all deposites shall be carried upon the books of the bank to the credit of the officer making the deposite, and not to the credit of the Treasurer of the United States; that neither the Treasurer, nor the Secretary of the Treasury, shall draw upon the bank for disbursements or transfers, and that the money deposited shall not be withdrawn from the bank, by the officer to whose credit it stands, without an order from the Secretary of the Treasury for the payment. A commission upon the money deposited is proposed to b

allowed to the banks for their trouble and risk, but as the committee had no information as to the rate of commission which it would be safe for Congress to fix as a *maximum*, and not incur the danger of so limiting this compensation as to induce the banks to refuse the deposites altogether, they have reported the bill in blank in this respect.

These provisions, it would be seen, were very close; and it had been suggested, as well by some of the friends, as by the opponents of the bill, that they were so close as to render it possible, if not probable, that the banking institutions would reject them on that account, upon the ground that they carried upon their face a distrust of the solvency and responsibility of the institutions, or of the integrity of their officers and managers, or both. He would detain the Senate a few moments to examine these objections; and, first, if he understood the matter, and the law of the case, the idea of distrust as to the solvency and responsibility of the banks, arising from these provisions, seemed to him to be a forced and unnatural inference. If such an idea could grow out of any part of them, it must be that part giving to the Secretary of the Treasury a discretion to furnish safes for the exclusive keeping of the public money, to be under the joint control of the bank and an officer of the Government. This would constitute the deposite entirely special; and, as he understood the law, the bank would not be responsible for such a deposite beyond the obligation of ordinary care and vigilance in its safe-keeping. In the incidents of property, responsibility, and risk, there was scarcely a resemblance between a deposite of this character, and a general, open deposite. In the latter, the property is changed the moment the deposite is made. The money becomes the absolute property of the bank as much as its own capital, and the Government receives its credit, or promise to pay, in its certificate of deposite, in exchange for the money. No matter, then, how the money be lost, if it be lost, the indebtedness of the institution upon its certificate is not changed thereby, nor can it be discharged by any act of the debtor other than payment. In such deposites, therefore, the solvency and responsibility of the bank becomes the first subject of inquiry and examination for the depositor. Not so in cases of special deposite. There the property is not changed; the specific thing deposited remains the property of the depositor. If it be money, it would be a violation of the law, and rules of the deposite, for the bank to exchange it, for any purpose, for the same amount of money of an exactly similar character. It is the identity of the article, and the property in it, which gives it the character of a special deposite; and if that article be converted by the bank, although instantly replaced by an exactly similar article in every respect, the identity and property are both gone, and the option of the depositor alone must determine whether his indemnity shall be the responsibility of the institution or the article tendered in exchange. Hence the different liabilities of the bank in the two cases. In the first, it purchases the money with its credit, and thus contracts a debt which it is unconditionally liable to pay; in the second, it derives no property from the deposite, and is a simple bailee, with or without compensation, as its contract of deposite shall determine; but, in either case, only liable in case of want of ordinary care and vigilance in the safe-keeping of the thing entrusted to its keeping.

In the provisions for the special deposites provided for, therefore, the Government only proposes to hire the security of the vaults and safes of the banks, for the keeping of its money, and the ordinary care and vigilance of its officers, in guarding it while there. Beyond these, it has nothing to do with the capital, solvency, or responsibility of the institutions. How, then, can it be supposed that the provisions are intended to carry distrust upon their face against the solvency and responsibility of the banks? If the vaults be safe, and the integrity of the officers, their vigilance and care, tried and known, an insolvent bank is as safe a place for a special deposite as a solvent one; a bank unable to pay its debts, as a bank abundant in its means beyond its liabilities. Either can keep as safely and faithfully the property of another, placed in its vaults, while the creditors of neither can avail themselves of a special deposite, whatever it may be, without the assent and aid of the officers of the institution. How unnecessary, therefore, to declare distrust upon the face of a law, when almost all interest in the just grounds for that feeling is put at rest by the nature and character of the deposite to be made? And how unnatural to infer such distrust from language which does not necessarily convey it, when the character of the contract proposed to be made does not require the inference.

It was further alleged that the provisions conveyed imputation against the integrity of the officers and managers of the banks, and that, therefore, they would not contract with the Secretary of the Treasury for the deposites proposed. Was this a fair construction of the provisions of the bill? Was it an improper or ungenerous distrust of the integrity of those who had the management of these institutions, and the care and custody of the property placed in their charge, to set guards over their conduct? What did the bill propose in reference to the officers who were to be entrusted with the safe-keeping of the public money? They were required, not only to give bonds for the faithful performance of their trust, but a breach of that trust, in the use of the money, for investments, loans, or in any other manner whatsoever, was declared a crime which should subject the perpetrator to indictment and infamous punishment; to protracted personal imprisonment, and to a fine equal to the money embezzled; and, consequently, to perpetual disgrace and infamy. Was this a suggestion, upon the face of these provisions, of distrust of the honesty and integrity of these officers? Was every honest and honorable citizen of the country bound to reject these offices, when tendered to them, because the law under which they must act, in providing penalties for their misconduct, or guards against it, conveyed to the public a distrust of their integrity? Had any statesman ever supposed that, in naming penalties and punishments in a law for violations of official duty or official trust, he was drawing out imputations against the integrity and trustworthiness of the officers who were to hold places under it? He could not so suppose. He could not subscribe to this doctrine; and he would ask if incorporations, incorporeal existences, were to be treated more delicately, in our legislation, than that class of citizens who would be selected by the President, and approved by the Senate, for high and responsible public trusts? All must answer no; and, so answering, all must concede that there was no foundation for this objection to the provisions. Incorporations could not be subjected to indictment and punishment, as there was no real person upon whom the punishment could be inflicted. This check could not be imposed upon their officers and agents, because it would be impossible to determine who was guilty in form only, and who in fact, when every act must be that of an agent who may have no discretion. If, then, physical restraints are interposed as to these institutions, to accomplish the ends which are reached by penal enactments in the case of natural persons, is the offence to delicacy of feeling, the affront to honor or integrity, greater in the former case than in the latter? He could not see that it was; and he must think that both of these objections displayed a degree of over-wrought sensibility towards the banking institutions of the country which their sagacious managers would see should not govern their conduct.

There was a single other view of this subject which he must present, and he would pass on to other provisions of the bill. It was the intention of the committee, who drew and reported the bill, to make these deposites strictly special; to prevent the banks from any use of the money deposited; and he believed the provisions to which he had referred, if faithfully executed, would accomplish that intention. If the banks should receive the money, under this understanding, and with an intention on their part to carry it out in good faith, what would be their true interest in this matter? Would it not be to have their power to use the money placed beyond question? To have physical disabilities interposed between them and that portion of the public treasure committed to their charge? Observation and experience must, already, have taught them that the distrustful eye of public opinion follows the public treasure, and, unless the most efficient guards are provided by the Government, and assented to by the banks, will not the most injurious suspicions of a breach of their trust be likely to rest upon them? Ought they not, for their own indemnity, to desire that the use of these moneys should be placed beyond their power? And will they not have some just reason to apprehend that objections on their part may give rise to suspicions as to their disposition faithfully to execute the trust in conformity with its intentions?

The fifteenth and sixteenth sections provided checks upon the various depositaries constituted by the bill. The first authorized the Secretary of the Treasury to appoint special agents, whenever he may find it necessary, to inspect the books, accounts, money on hand, and other business of any depositary. The principal object of this section, as he understood that object, was to enable the Secretary, whenever the returns of the officer, information communicated by third persons, or any other information, should authorize a suspicion that all was not right with any one of the officers entrusted with the safe-keeping of public money, to appoint some competent citizen, as a special agent, to present himself, unexpectedly, with authority to examine the official transactions of the officer, to detect and correct error, if error should be found to exist; to expose fraud and bring the officer to punishment, in case dishonesty should be detected; and to justify innocence, if suspected without foundation. It was true, the section made these examinations compulsory, at long intervals of one year, in cases where the amounts collected usually exceeded a just proportion to the amount secured by the bond of the officer; but this part of the section he considered of much less importance than that he had before noticed. He considered its principal utility to exist in the authority to appoint an agent unknown to the officer, and who might come upon him in an unprepared state. If the agent were to be one permanently appointed, and publicly known, one whom the officer might watch and guard himself against, he should consider it not worth retaining. He was aware that, in its present shape, it was objectionable to some of the friends of the bill; and, with this exposition, he submitted its adoption or rejection to the sense of the Senate. It was an exact transcript of a section contained in the bill which passed the body at the extra session, and as it was inserted upon the suggestion of the head of the Treasury Department, he presumed the suggestion had proceeded from a similar provision contained in the laws which regulate the Post Office Department, and which had been of great use in detecting frauds connected with the extended operations of that Department; but should it be thought that such a provision would not be beneficial, as connected with this bill, he should not consider its removal as materially marring the system intended to be constituted.

The sixteenth section made it the duty of the surveyors of the customs, naval officers, registers of the land offices, directors of the mints, and some other officers, at the expiration of each quarter, to examine into, and report to the Secretary of the Treasury, the state of the accounts, and money on hand, of the depositaries in their districts, or immediate connection. These were checks obtained through the instrumentality of existing officers; were wholly without expense to the public; would evidently be of material service, as guards upon the depositaries, and as contributing to a uniformity and system in the keeping of the accounts of those officers, and he presumed would meet with no objection from any quarter.

He would pass now to the twentieth section, which required every officer, charged with the keeping of public money, to keep an accurate account of the kinds of money received and paid out; the object of which was to prevent these officers, without detection, from receiving and paying out to the public creditors a depreciated currency, and also from making exchanges of the currency received, in a manner which should be injurious to the pub-

lic interests, or to the rights of those who might receive payments from the officer, of demands against the Government. The same section also declares that any use of the money in his hands by any depositary, by way of investment in any kind of property or merchandise, or of loan, with, or without interest, or in any way whatsoever, shall be a high misdemeanor, for which the officer convicted thereof, shall be imprisoned for a term of not less than two, nor more five years, and shall pay a fine equal to the amount of the money so used. He believed this was a new feature in the legislation of Congress. He had not found any case where a law imposed criminal punishment for the misuse or misapplication of money by a public officer; but still he believed the provision sound in principle, and that it would prove salutary in practice. He had examined very superficially the legislation of other countries upon this point, and he found that many of the nations of Europe, from which we had copied most of our public laws, made this act a felony, with much more severe punishment than is here proposed. He had heard no objection against this feature of the bill from any quarter of the House, and he hoped there would be none.

The twenty-first section might not be considered by some as peculiarly appropriate to this bill; but he trusted to be able to satisfy the Senate that it connected itself with its provisions in a very important manner, and ought to form a part of it. The section made it the duty of the Secretary of the Treasury, when there should be an amount upon deposite to the credit of the Treasurer beyond the sum of four millions of dollars, to invest such surplus in stocks of the United States, or of some one of the States, bearing an interest, and transferrable at the pleasure of the holder, by delivery or assignment; but it prohibited the Secretary from becoming a subscriber to, or purchaser of, any new stocks about to be issued by any State, and thus prevented him from holding out any inducement to any State to issue stocks with a view to these investments. It also directed him, whenever the money in the Treasury, or standing to the credit of the Treasurer with the several depositaries, should be less than four millions, to sell so much of the stocks, in which any surplus should have been invested, as would keep the money in the Treasury at that amount, or as his information might satisfy him the wants of the Treasury would require.

Provisions of the character contained in this section were not new to the Senate. They had been, upon a former occasion, introduced there by himself, as a mean of disposing, in the most safe and profitable manner to the Treasury, and in the way he thought would prove most convenient to the business interests of the community, of a large surplus of public money on deposite in the banks. A different disposition of that subject seemed preferable to the Senate, and the provisions for investment did not meet with favor. He entertained a strong hope that their natural connection with this bill, and with the salutary workings of the system for the management of the public finances provided for by it, would give to it a different reception at the present time.

It was found that the wide-spread operations of the Treasury required about four millions of dollars constantly on hand, including the amounts *in transitu*, and the million, or thereabouts, constantly employed at the mints, but that accumulations beyond that sum were, at all ordinary periods, accumulations to be kept, not acted upon, for the time being. To avoid, then, the risks of keeping, which formed a material objection with those who opposed the bill, and to avoid accumulations of money to be locked up from use, which formed another and much more weighty objection against the system in the arguments of those who had hitherto opposed it, these provisions were made a part of the bill itself, and he must suppose that these considerations would, at this time, and in this connection, render them acceptable to many, who, upon their introduction on the former occasion alluded to, could not yield them support. He must confidently believe that, to those whose minds had been influenced by the objections he had repeated, they would constitute a positive merit, as a part of a bill otherwise, in their estimation, defective.

There was another aspect in which he wished to present these provisions. The constant experience of the Treasury Department, since the final extinguishment of the national debt, had shown the necessity of some elastic provision in our legislation upon the subject of the public revenue and expenditures, which would accommodate itself to the varied conditions of the Treasury, or, rather, which would enable the head of the Treasury Department so to manage the national finances, as that the Treasury may be at all times prepared to meet the calls upon it, and that an amount of money should at no time be hoarded therein, to the injury of the business of the country or its citizens. During the existence of the public debt, the provisions of law, and appropriations of money connected with it, furnished this regulator for the state of the Treasury. The applications of money upon the debt were at all times governed by the surplus of revenue over the expenditures, while all the unexpended balances of appropriations, after a limited period, passed to the sinking fund, and were absorbed in the debt. A troublesome surplus of revenue, therefore, could never exist, while that application remained open. On the other hand, as the appropriations for the year were carefully provided for before any application upon the debt, it was scarcely possible that any contingency, not foreseen during the regular annual sessions of Congress could occur, to disenable the Treasury to meet the demands upon it, arising under the current appropriation bills. The amount of revenue intended for application upon the debt would always be sufficient to meet any disappointment in the accruing receipts into the Treasury. That time, however, had now past. The debt was paid; and, from the necessity of the case, and the state of the legislation of Congress, experiments had been made to measure the actual appropriations by the estimated revenue, and to make them come out even. For the first few years of this trial, from a state of circumstances not at the time sufficiently considered, but now clearly and properly estimated, the revenue got largely the better of the appropriations. This gave rise to the bill directing a deposite of the surplus with the States; and again the actual appropriations and the estimated revenue were attempted to be equally measured. A revulsion in the trade, and business, and banking, of the country came: the anticipated revenue was cut short, and that portion of it which rested upon credits, could not be realized. Indeed, the very money on deposite in the banks, to the credit of the Treasurer, could not be commanded, and, comparatively, the whole anticipated means of the Treasury were either not realized, or placed beyond its control. Still the appropriations were in force, the expenditures were going on under them, and could not be arrested, and a special convocation of Congress became necessary, to preserve the faith of the Government, and enable the public Treasury to meet the just demands upon it. What followed was fresh in the recollection of the Senate and the country; and he would not consume the time by a repetition of the measures of relief to the country and the Treasury, adopted at that session.

He had mentioned these facts to show the necessity of some provision to guard against these disappointments in the accruing revenue, as well as to prevent the evil of a hoarding of money, when the revenue should overreach the appropriations. In either sense, he considered the provisions of the section of the first importance, and he entreated Senators not to suffer past recollections to prejudice their minds, but to examine these facts; to permit our late experience to have its due weight; to reflect how frequently similar disappointments, as to the revenue, might be experienced—how often surplus amounts of revenue might alarm the public mind, as to the safety of the public treasure; and then to decide upon the adoption or rejection of the section.

The only remaining section which he would notice, as connected with the first great object of the bill, was the twenty-seventh. This section authorizes the Treasurer of the United States to receive, at the Treasury, and at such other places as he shall designate, payments of money, in advance, for the purchase of public lands, and to give a receipt for each payment, which shall be current at any of the land offices, at any public or private sale of lands. Since the bill had been reported, he had become convinced that this section was too loosely drawn, and required to be amended. These receipts might be taken and treated as negotiable paper, and might, as the section now stood, be given in a form which would make them so upon their face. This would subject the bill to the imputation of authorizing the emission of a paper currency, based upon the public lands; a thing by no means intended by himself, and he was sure not by any member of the committee who assented to the report of the bill. He had, therefore, prepared an amendment, declaring that the receipts to be given by the Treasurer, pursuant to the provisions of the section, should not be negotiable or transferrable, by assignment, or delivery, or in any other manner whatsoever; but that every such receipt should be presented at the land office by, or for, the person to whom it was given, as shown upon its face. In this shape he hoped the section would not be objectionable upon the ground above stated, while he thought it would be apparent that its general provision would be of great convenience to those purchasers of the public lands who were to emigrate from the old States, and to carry with them the means to make their purchases. It would save them from the trouble and risk of transporting money of any description, and also from the danger of taking, to so distant a portion of the country, a currency which would not answer their purpose when there. It was not apprehended that the Treasurer would be called upon to select many points as places where these payments might be made. Perhaps the points at which it was proposed to keep offices for the deposite of the public money would be sufficient, and perhaps a few other principal places might be selected with increased convenience to the public. A certificate of the deposite of the money at any designated point, transmitted to the Treasurer, would command the required receipt from him, as well as the actual payment of the money at the Treasury itself; and as this could be done through the mail, the party making the payment would be saved the expense of a journey to the Treasurer's office in this city.

A further and material advantage to the banking institutions, he was assured, would be derived from the adoption of this section. The notes of specie paying banks are now authorized to be received for all payments, except for lands, and if this bill passed, would be receivable, as well for lands as other public dues, to a greater or less extent, for six or seven years yet to come. Still a citizen of the old States, about to emigrate to the new, and having the money for the purchase of his lands in the notes of specie paying banks of the old States, would not venture to take those notes as the means of payment, because there would be a danger that the land officer, to whom he might wish to make payment, would not receive the notes of even specie paying banks so remote from the place where alone they could be converted into specie. The emigrant would be compelled, therefore, to present the notes, convert them himself, and take the specie as his means of payment, unless the provision now proposed, or some one of a similar character, should enable him to make the payment before his journey is commenced. The experience of the past had proved that this was the course pursued by the emigrants, towards the banks in the vicinty of their former residences, and pursued from compulsion; but he had been informed that during the short period, in the summer of 1836, when payments for lands were actually received at the office of the Treasurer in this city, large amounts were paid and received, and that the banks here, and in the adjoining States of Virginia and Maryland, experienced sensible and material relief from the practice.

He would here close his examination of the first class of the provisions of the bill, and give a very brief attention of the second: those relating to the proposed change in the currency to be received in payment of the public dues.

The principal and controlling provision upon

this subject was to be found in the twenty-third section of the bill. The section was long, and contained much detail, but the principle adopted by it was simple and intelligible; it was merely a gradual change, from the currency of specie paying bank notes, to the legal currency of the country. The change was to commence after the close of the present year, and was to cover the full period of six years, making the change applicable to one-sixth part of the accruing revenue of each, beyond that of the next preceding year. He could most easily make the Senate acquainted with this section, by saying that it was, in substance and principle, the provision offered by the honorable Senator from South Carolina, (Mr. CALHOUN,) by way of amendment to the bill reported by the committee to the Senate, at the extra session, in September last. The only material change made by the committee, had been to extend the gradation of the change in the currency from fourths to sixths, so as to require six instead of four years to make the change entire. The section might not be drawn in the same words used by that Senator in his amendment, but, with the exception just named, the substance was identical.

This was a feature of the bill which former experience assured him would be more strongly contested, perhaps, than any other of its provisions. It would be recollected by the Senate that, at the extra session, the committee had incorporated into their bill no provision in reference to the currency in which the public dues should be received, and that their opinion had been then expressed to the body, that it would be most expedient to legislate upon each of these great points separately, and by separate bills. A different opinion was strongly expressed at the time by several Senators, and different amendments touching this subject of the currency were early offered to the bill which the committee did report. After full debate, and by deliberate votes, the amendment proposed by the Senator from South Carolina was adopted, and made a part of the bill. Under these circumstances, the committee had felt constrained, in making their report at this session, to include this provision in that report, and to make it a part of the same measure which should separate the finances of the country from the banking interests of the country. Hence is the section now found in the bill presented by the committee, although it was not a part of their former report. Still it presents a question of deep interest, of great magnitude, and upon which there is great diversity of opinion and great delicacy of feeling, as well throughout the country as in this and the other house of Congress.

It was not his purpose, at this time, to discuss the section, except in one aspect, but in that one he must make some suggestions. The alarm taken at the provision had relation principally to the State banks, and it was in reference to the interests of those institutions that he proposed the suggestions he was about to make. The proposition is, gradually, and after the term of some six or seven years, to discontinue the receipt of their notes in payment of the public dues, although they may be, at the time, specie paying banks, and their notes may be convertible into specie, at the will of the holder, at their banking house, wherever that may be located. The objection is, that this rejection of the paper of these banks, on the part of the National Government, will so far discredit their circulation generally as to cripple their operations, destroy their powers of usefulness in the local sphere of their legitimate operations, and finally annihilate them. Is there ground for this apprehension? How are the charters of the State banks obtained, and for what purposes? Is it that the circulation of their notes shall extend over the whole Union? Is it that those notes shall take with them, wherever they may go, the faith and credit of the United States, and be the legal currency of the Federal Government at every point and place in these twenty-six States? No: no such idea ever entered into the mind of any man, who, as a member of the Legislature of his State, has voted for a local bank charter. The only ground upon which those applications are pressed upon the State Legislatures is, the accommodation of the commerce and business in the immediate vicinity of the proposed location of the bank. Look at the statistics which are always made a part of the argument in favor of a particular State charter. Are they the statistics of the Union? No: they are the statistics of the village, or town, or county, embracing the location of the proposed bank, and they are intended to prove the necessity of the banking facilities proposed to be furnished by the charter at that point. Did any man ever suppose, then, that the State Legislatures, to which these applications are so constantly and perseveringly addressed, considered themselves, in their very liberal grants in this way, to be authorizing a currency for the whole people of the United States, and especially a standard of currency for the Treasury of the United States? No. Such a position would not be assumed by any man here, nor would it by any man in the country. Where, then, arose the obligation of this Government to receive the notes of these institutions, thus chartered, and for such purposes, in payment of the public dues? He could not see either the obligation or the duty; and certainly no one would contend, in case the notes were to be received, that they should be kept on hand as the money treasure of the whole people.

How, then, were they to be disposed of in a manner to consult the safety of the public funds, in case they were to be perpetually received? This question admitted of but one answer. They must be presented, at short intervals, to the banks which issued them, and converted into money, into the legal currency of the country. In conformity with this manifest principle, the bill provided that these notes should not be made matters of deposite, under the regulations it contains for special deposites in banks. It would be folly to deposite, merely for safety, the representative of value, in the place of the value itself, where the open option existed to constitute the deposite of the one or the other. Which would, then, be most useful to the State banks: to receive their notes as cash at the Treasury, and constantly convert them into specie, or gradually to discontinue that receipt altogether, and collect the revenue in the legal currency only? To allow them from six to seven years to conform themselves, their business, and their conditions, to the changed state of things; or to commence immediately to receive their notes for the public dues, so far as those notes are redeemable in specie upon demand at their banking-houses, and to present them for payment at short intervals and in large masses? For himself, he must say he thought the provisions of the section in question were more mild, and more favorable to the State banks, than the alternative he had contemplated. The subject, however, was before the Senate. It would be discussed by others, who had bestowed more thought and more research upon this particular point than he had; the merits of the question, in every aspect, would be fairly and fully presented, and he would content himself with whatever decision should be made. Should this proposition not meet with favor, he should ask the sense of the Senate upon the alternative, and he would not permit himself to doubt that the one or the other would be adopted.

The twenty-fourth section was merely calculated to carry out the one which preceded it, by making it imperative upon all disbursing officers, after the time when the whole revenue should be collectable in the legal currency of the United States, to make all their disbursements in the same currency, upon penalty of dismissal from office, and a forfeiture of any compensation which might be due to them at the time of their violation of the law. The twenty-fifth section might, perhaps, be considered as somewhat connected with those which have gone before it, as it requires the Secretary of the Treasury to prescribe the times within which the drafts of the Treasurer, drawn upon the various depositaries, according to their respective distances from the seat of Government, shall be presented for payment, and after which time they shall not be accepted and paid by the depositary, without new directions from the Secretary. The object of this section, it will be seen, was to prevent these drafts from being made a currency for circulation, based upon the credit of the Government. Since the suspension of the banks, in May last, this use has been made of these drafts, to some extent, and it was thought desirable to check the practice in its inception. The section was copied from a provision of the bill which passed the Senate at the extra session, and which was inserted in that bill, as an amendment, by the Senate itself.

He would relieve the Senate and himself from any further observations as to the details of the bill. He had omitted several of great importance; and among them he would mention those which made provision for the official bonds of the several depositaries. He believed those provisions broad and ample, and such as were best calculated to secure the public treasure; and he thought every Senator, upon examination, would agree with him in this opinion. He would not attempt to particularize the other sections which had not been noticed, but would merely remark that none of them introduced any new principle into the bill, and that he thought all would be found to reach the object intended by them.

Such, Mr. President, said Mr. W. is the system which the majority of the Committee on Finance have considered it to be their duty to present to the Senate for the safe-keeping, transfer, and disbursement, of the public money of the United States. This system is strenuously opposed, not by the political party uniformly opposed to the present Administration only, but by some of the respected and influential individuals among those who have, hitherto, been its friends and supporters. What, then, is proposed by those who cannot give their support to the bill before you? The system of State bank deposites seems to be more especially urged as the antagonist proposition, and, under the impression that there was to rest the present controversy, so far as distinct propositions of any character would be submitted to the Senate, he proposed to institute a comparison between the advantages and disadvantages of each system, as connected with the prominent objections which had been, heretofore, urged against the provisions of the bill.

First, then, as to the safety of the public money under the system proposed by the bill, and under the State bank deposite system.

The bill proposes to require ample and sufficient bonds and sureties from all the depositaries constituted by it, as one step towards the safety of the money entrusted to the keeping of those agents.

It also proposes to provide vaults and safes at the most important points of collection and disbursement, in this respect placing itself upon a par with banks, so far as physical securities are concerned.

It further proposes to adopt the use of the vaults and safes of the banks, at all places where those securities are not provided by the Government, using the banks for safety simply, by the system of special deposites, and not in any sense as fiscal agents of the Treasury.

These are the guards which the system constituted by the bill holds out to the people against the loss of their treasure.

The State bank deposite system presents the capitals of the institutions as security for deposites, in the same manner as for all other liabilities of the incorporation.

It also presents its vaults and safes, constructed for its own security, and, it is fair to presume, as securely constructed as those proposed for the Government.

It next presents, as we have heretofore practised under it, collateral bonds, with sureties, for the due and faithful fulfilment of its engagements on the part of the bank.

These are the protections to the public treasure offered by the State bank deposite system, supposing, as he did, that the system, if continued, was to remain upon the plan of open or general deposites, as adopted in the deposite bill of 1836. Otherwise, as he had shown in a former part of his remarks, the capital of the bank would not be liable, except for gross negligence in the keeping of the money placed in its vaults.

What, then, are the risks under each system?

Under that proposed by the bill, the only single risk is that of the misconduct and dishonesty of the officers to whom the safe-keeping of the money is entrusted, and that conduct, in addition to all other legal liabilities, is made a high crime, and punish-

able with protracted personal imprisonment. The persons to whom this trust is to be confided, are such citizns as the President, with a full knowledge of the duties, responsibilities, and temptations, shall select and nominate to the Senate, and as the Senate, upon full examination, shall advise and consent that the President do appoint and commission to execute the trust. The risk is that these persons will be dishonest; that they will become insensible to standing and character; that they will violate their faith to their sureties and their country; that they will embezzle the public money in their hands, and thus subject themselves to infamous punishment—to imprisonment with rogues and felons for a term of not less than two years.

One of the risks under the State bank deposite system is the same misconduct and dishonesty of the officers, agents, and managers, of the banks, and they are numerous, and many of them selected to perform subordinate duties. Without any imputation upon the institutions, therefore, or their principal officers, it cannot be unfair to assume that many of the persons who must have access to their books, accounts, and money, will not be persons of that standing and character which would be required, by all concerned, in the selection and appointment of responsible public officers. In the case of the bank, too, the persons who must have access to the money in its charge are numerous, while under the other system the single depositary alone has such access. Again, the misconduct and dishonesty of the officers and agents of the bank are not made criminal and punished as crimes. If committed, so far as the Government is concerned, they are mere breaches of trust, and incur a debt; they lay the foundation for a suit at law to recover the money embezzled. Can it, by possibility, be supposed that these risks are equally balanced? He knew that, upon a former occasion, when this same subject was under discussion, we had had paraded before us a long and most unpleasant list of defaulting public officers, but it had not been stated at what periods those defaults had occurred, or what was their aggregate amount. He had never, upon any occasion, examined the list with much care, as it was not a matter of entertainment to him to see these evidences of unworthiness in those who had sought and obtained public patronage and public trust. He had, however, referred to the list sufficiently to learn that nine-tenths of the defaults recorded upon it had happened during the prevalence of a system of bank deposites of some sort; and he thought it would be found, upon careful comparison, that a large majority of them had taken place when a national bank, that great security, in the minds of many, against all pecuniary evils, was the sole depository of the national treasure. The defaulters were mostly disbursing officers proper, such as paymasters of the army, pursers in the navy, and the like, or postmasters, who had never, until very recently, been legally connected, in any way, with the Treasury, or contractors upon the public works. All these classes of persons, except postmasters, must always, and under any system, have the same opportunity to misapply public money; and their defaults, therefore, were no more an argument against the system proposed by the bill, for the safe-keeping of the public money, than against any other system which could be devised or named. He had already said the amount of these defaults had not been stated. He did not know the amount, but this he would venture to affirm, without the fear of contradiction, that the whole amount of losses to the Government, from the defaults of public officers, since its organization under the Constitution, would be but a fraction of the losses which it had sustained from its connection with State banks alone, setting aside the forty years of the period when a national bank was the sole fiscal agent of the Treasury. Here, therefore, the State bank system gained no advantage in the argument. He was most happy to be able to say that, in comparison with the vast amounts which had been received and disbursed, the losses under any system hitherto adopted had been very small; and it made him proud of his country, and of her citizens, to state a fact which had been given to him from high authority, since the subject of entrusting the money of the people with their own officers had been one of discussion before the country. The fact to which he alluded was that the whole disbursements of the army, from the year 1821, to the year 1836, both inclusive, amounting to several millions in each year, had been made through the hands of the public officers appointed for that purpose, and that not one dollar of loss had accrued to the Government from those appropriations, during the whole of that period. Ought not this fact alone to inspire confidence in the trustworthiness of our public servants? It seemed to him so: and he must say he could not comprehend how it was, after all the experience which our former and recent history had afforded, that gentlemen of the most unquestioned integrity should feel and manifest so much distrust against the public officers of the Government—men of elevated standing and character, and directly accountable to the people and their representatives, as well as to the civil and criminal tribunals of the country—and should, at the same time, and in reference to the same subject, repose such implicit and unmoved confidence in the incorporated banking institutions of the States, and in their offices and managers. Did they believe that the transfer of a citizen from private life to a public office necessarily poisoned his integrity, while a similar transfer to a situation in a bank rendered him worthy of all trust? No. They could not so believe. The fact could not be so. The honest man would be honest in either situation. The dishonest man would be honest in neither. He knew that public officers sometimes became defaulters; and he must be permitted to ask how frequently the public sense was startled by announcements, through the public press, of the defaults and embezzlements of the most confidential officers of banks? All were frail and erring men, and some alike in both classes, would prove unequal to the resistance which the temptations of their situations required; but he could not see that either system derived any advantage over the other, from this consideration, while he did believe that the bill under discussion proposed guards against this risk, which would be found more beneficial in practice than any hitherto known to the legislation of Congress.

So far as vaults and safes were concerned, he had already admitted that each system possessed equal advantages, and from what had been said, it would be seen that, to a very great extent, these securities, as applied to both systems, were identically the same.

But there is another, and much more important, risk connected with the bank system. It is, that all moneys placed with the banks for safe-keeping, upon open or general deposite, are necessarily subjected to all the hazards which attend the business of the banking institutions. We have already seen that the money thus deposited becomes at once the property of the bank; and that the depositor receives, in exchange for his money, the simple credit of the institution. If, then, its credit be subjected to the hazards of the banking business, so must be the money placed on general deposite with it, as that money is merely converted by the depositor into that credit. By adopting this system, therefore, for the safe-keeping of the national treasure, we embark the money of the people in the same boat with the capital of the bank; we subject it to all the hazards to which that capital is subjected, and we substantially agree, so far as our reliance is upon the capital of the institution for indemnity, that, if the adventure be fortunate, our money shall be safe; but that, if it be unfortunate, the risk and the loss shall be ours. We are not, however to be placed in the condition of the owners of the capital of the bank. We are not to share in the profits of a fortunate hazard. Our only object is safety for our money; and to gain that, we take our share of the risks, without any interest in the contemplated profits from them. Who will contend that these risks do not fully balance the safety we derive as the consideration for incurring them? The bank system, then derives no advantage in the argument from the security afforded us by its capital, so long as it subjects us to all its risks without any share in its gains.

Let us now balance the account, as far as we have gone, and see which system has the advantage. In the security of vaults and safes both are equal. The security afforded by the capitals of the banks is counterbalanced by the risks it compels us to take, growing out of its banking operations, without any share in the profits of those operations, if fortunate. This balances this item of the account. In the risk growing out of the misconduct and dishonesty of officers, managers, and agents, the system proposed by the bill has a decided advantage, in the number of persons to be trusted, the standing and character of those who have access to the money, and the guards against, and punishment of, embezzlement. In the bonds and sureties both systems would be, *prima facie*, equal; but we have been recently told, by a distinguished Senator, (Mr. WEBSTER,) that the collateral bonds given by banks are useless paper; that they are always signed by officers, directors, and stockholders, of the bank for which they are sureties, by persons whose business and fortunes are interwoven with the business and fortunes of the bank; and that when it fails the sureties upon our bond must fail with it. He hoped this position was not true to its full extent; but he must admit that it was likely to be true in a very great degree, for who would become security for a bank, but the persons interested in it? These institutions, from their nature and character, could neither receive nor reciprocate any other friendships than those of interest, and therefore they could only look to the interested to find sureties for their engagements. Not so with the public officer. He would have no business relations. His official duties would require his whole time, and whole mind. The discharge of those duties would call for no bank facilities. His sureties would be friends; men wholly disconnected from him in business, and whose properties and responsibilities could not be affected by his pecuniary disasters, any farther than their liabilities upon his bond should produce that effect. The system proposed by the bill, then, derived a material advantage over the bank system, in the safety of the collateral bonds, and thus must be admitted, in the settlement of the account, to have two advantages over the antagonist system, and to be the safer of the two.

Second. He would now carry the comparison to the expenses of the antagonist systems.

And, first, of the expenses under that proposed by the bill. They were the erection of the two offices at Charleston and St. Louis. It had been seen, however, that the erection of an office at Charleston would be probably avoided; that the Government now owned a custom-house at that place, and that rooms for an office for the receiver general of public moneys there might be procured in that building; that the necessary vaults would be required to be constructed, and the rooms fitted up and prepared for this use, which would be the whole expense at that point for erections. The estimate of the Department, for these purposes, was two thousand dollars. For the expenses of a site, the erection of the necessary building, and the construction of vaults and safes within it, at St. Louis, the Department supposed an expense of from four thousand five hundred to five thousand dollars would be incurred. From inquiry made of gentlemen intimately and personally acquainted with the prices of property and building materials at that place, he presumed the expense might be above the estimate of the Department. It was said that the cost of a suitable site, at a proper location within the business part of the town, would be some three or four thousand dollars at the least. In this event, the estimate would be much too low, and it was just to the Secretary of the Treasury to say that the estimate of the Department was accompanied with a declaration that no local information was possessed, such as was required to approximate towards perfect accuracy. The estimates were from six thousand five hundred to seven thousand dollars. He would suppose they were too low by three thousand dollars, and that an expenditure of ten thousand dollars would be incurred for these erections at the two points. He had been more particular and detailed upon this item of the proposed expenditures, because he was well advised that the most persevering efforts had been made,

and were constantly making, to represent the intention to be to erect palaces, and splendid edifices, for these humble offices? He had no other answer to give to these mistakes than to present the estimates of the proper department of the Government—of that department which was charged by the bill with the erection of the buildings not only, but with the direction of the plans upon which they were to be erected, thus showing, as perfectly as mere intention can be shown, the views of the Government as to the scale of extravagance or economy designed by it in this particular; and to say that Congress was the only branch of the Government which could be looked to for the means to make any erections whatsoever, and that its appropriations must measure the expense, and consequently the extravagance or economy of the executors of the law.

The next, and only other item of expense, under the bill, would be the pay of the officers and clerks employed. The number of additional officers whose appointments were provided for was four, and he would assume that their combined salaries would not be less than eight, nor more than twelve, thousand dollars. They were to be placed in responsible trusts, and ought to be citizens of elevated standing and tried moral integrity. He could not suppose, therefore, that any one would wish to assign them salaries of less than two thousand dollars each, and he did not think that the salary of any one of them should exceed three thousand dollars. For the sake of the argument, he would call this expense twelve thousand dollars.

It might be necessary to employ from six to twelve additional clerks, under the various provisions of the bill. Their combined pay might amount to from six to ten thousand dollars. He thought the estimate, both as to the number of clerks, and as to the amount of compensation, very high. Both, however, were his own, as he had asked no estimate from the Department upon this point, and he was willing to assume the highest of his suppositions to be the true standard of expense for these two objects.

These last are regular annual expenses, and are, therefore, to be considered as the constant charge upon the public Treasury of the system proposed. The cost of the erections is a single expense, which, being once incurred and paid, is done with.

What, then, are the expenses of the State bank deposite system? If the deposites are open and general, and the banks have the use of the public money as a compensation for their agency, the expense is nothing, directly. The use pays for the keeping, as it most assuredly should when the money is not, in fact, kept, but used. He should have occasion, however, very soon, to hint at the indirect expenses to the United States of such a system of bank deposites.

But suppose a system of special deposites be established, and the banks be effectually prohibited from the use, for any purpose, of the money of the people in their keeping, how then will stand the question of expense? A commission upon the money deposited must be paid to the bank for its trouble and risk. He was wholly unable to say what that commission ought to be, or what Congress would be compelled to make it, to induce the banks to accept the trust. He had found, however, from a comparison of various rates of commission with the ordinary amounts of revenue collected under the existing laws, and with the estimate of the revenue for the current year, that one-eighth of one per cent. would amount to from twenty-five to twenty-eight thousand dollars, as the constant and current expenses of a special deposite system.

How, then, stands the comparison? It had been seen that the annual expenses of the system proposed by the bill would, in the payment of officers and clerks, vary from fourteen to twenty-two thousand dollars, and that the last would be the highest amount to which those expenditures could rise under that system, were Congress to adopt it as reported by the committee. The expenditures for erections might be added, if gentlemen chose, and the average made, upon any given number of years, which, in the judgment of any member of the Senate, would afford a fair trial to any financial system, adapted to the operations of the National Treasury, and conforming as strictly to the great mass of private and corporate interests in the country, as the constitutional powers of Congress would permit that conformation to be made. He could not see, therefore, that any system, formed upon the basis of special deposites in banks, could, in point of expense, possess advantages over the bill under discussion. He had not forgotten that that bill adopted a partial system of special deposites, and that it contemplated a payment of a commission to the banks, which should keep the public money pursuant to its provisions; but he assumed that the difference of amount in the above estimate for the respective systems, was more than sufficient to cover any commissions which a fair execution of the provisions of the bill would call out of the public Treasury, to be paid to the banks. The most important points in the country, both as to the collection and disbursement of the public money, were provided for, independently of the provisions for a special deposite. The commissions, therefore, could be made applicable to but a mere fraction of the whole revenue; and, at any contemplated rate, the whole amount could never exceed a few thousand dollars.

He had made a reference to the indirect expenses of an open and general State bank deposite system, where the services and risks of the banks were compensated by the use of the public money. Need he, at this time, and in the present condition of the State banks, and of the public funds, define his meaning in that reference? Why was the special convocation of Congress rendered necessary in September last? Was it not the suspension of the banks to pay specie for their paper, and the consequent inability of the public Treasury to obtain from them, in any currency conformable to law, the millions of the public money entrusted to their safe-keeping, and required for the current expenditures of the Government? No one would deny this position. What the expense to the people of the United States was, for that single extra session of Congress, he had not taken the trouble to inform himself, but this he would venture to assert with perfect confidence, that those expenses more than equalled the money required to carry on the system of finance, proposed by the bill, for any period of ten years. He would not now bring into notice the losses which might yet be sustained before the experiment of the late State bank deposite system should be finally closed. He did not wish to say any thing unfavorable to the eventual solvency, and safety, and security of those institutions. He did not wish to bring any distrust upon them. Much less would he repeat, here, the daily rumors of that portion of the public press which most strenuously opposed this measure, of the entire failure of this and that and the other "pet bank;" of the sixty thousand dollars here, and forty thousand dollars there, and untold thousands somewhere else, lost to the people, by this experiment-trying Administration, in consequence of the employment of these State banks as fiscal agents of the public Treasury. He hoped and believed these pictures were overdrawn; he was content to suppose, for the purpose of this argument, that not one dollar was to be thus lost, and yet he trusted he had shown that the system proposed by the bill, for the management of the national finances, was more economical and less expensive to the tax-paying public, than either a system of general or special State bank deposites.

Third. His next point of comparison should be the patronage conferred upon the Executive branch of the Government by the antagonist systems.

It had been already seen that the system proposed by the bill required the appointment of four additional officers, with salaries of from two to three thousand dollars. This was a direct increase of the Executive power and patronage; but when it should be recollected how many officers, with equal salaries, already existed, and with how much facility officers were added to that number, at almost every session of Congress, and in almost every one of the Executive departments, he must hope that no unreasonable alarm would be felt in any quarter of the house by this very limited addition to the existing number. If they were not to be constitutionally appointed, or if, being so appointed, duties were to be assigned to them not of a character compatible with our civil and political institutions, then the offices ought not to be created, or the duties assigned, regardless of all consequences which the rejection of the proposition might bring upon the country. If, however, the appointments are to be constitutionally made, and the duties of the officers seem to be necessary to the public service, he must be permitted to say that he reposed too confidently upon the intelligence of the American people, to suppose they would condemn the measure, because its details called for such an accession of Executive strength to carry out their wishes. He would not permit himself so far to distrust the confidence of our citizens in the Government of their choice, as to believe that they would not feel perfectly safe in the decisions of Congress as to the offices to be created, and in the President and Senate to select the persons to fill those offices.

Was it, could it be, true, that a greater or safer trust was to be placed in local banking incorporations, than could be placed in the constituted authorities of our Government, as organized under the Constitution? Were the tax-paying citizens of our Republic afraid to entrust the safe-keeping of the national treasure to officers of their own choice, and responsible to them and to the laws of Congress, and anxious to confide it to banks, not created by national authority, over which no branch of the National Government had any control, and in the management of which neither the people nor their Government had any voice? He did not believe this was the state of public opinion. He did not believe that distrust towards our national authorities had yet gained this extent. He was not ready to admit that banks, such as our State banks now are, and with the recent experience of the danger of resting the operations of the public Treasury upon them, were more the favorites of the people of this country than their own well-tried and faithful servants.

It was not his wish or design, he would repeat again, to say any thing unjust or injurious to these institutions. Within their proper spheres they were convenient and useful, but recent events had perfectly satisfied his mind that they were not the fit keepers of the treasure or treasury of a nation; that this important incident to national independence ought not to be committed to the charge of institutions whose interests leaned so strongly towards a hazardous misapplication of such a trust.

Was it, could it have been, contemplated by the framers of our system of Government, that they had provided no fit and trustworthy depository of the national finances? That banks, incorporations, private incorporations, chartered for private uses, owned by private individuals, and managed by persons responsible only to the stockholders, must be called in to sustain the most delicate trust under any Government? That the will of these institutions must be consulted as to the terms upon which they would consent to accept the trust, and that all the authorities of the country, Congrsss itself included, must cater with them for terms upon which the money of a free people could be kept and paid out, and as to the character of the currency which either should be permitted to enjoy? Had propositions to this effect been submitted to the convention which framed the Constitution, what would have been their fate? Does any one believe they would now have been found in that Constitution which is the pride of freemen every where? No: such dependence upon such aid would have found no countenance there. Can it find countenance in the Senate now?

Could any one doubt, then, that the people's money should be confided to the people's servants, o their officers, responsible to them and to their laws? and that the appointment of such and so many officers as should be found necessary to perform this trust in a manner safe and convenient to the Treasury, and to the people themselves, was not only in strict conformity with the Constitution, and the very nature of our civil institutions, but an imperious duty upon every Congress? He could entertain no doubts upon either point.

There was another direct grant of Executive patronage and power under the bill—the authority to appoint the necessary clerks to perform the me-

chanical duties required, when they could not be performed by the officers to whose keeping the money was to be entrusted—and it had been seen that this might involve the selection and appointment of from six to t velve clerks. He would consume no time in commenting upon this grant of power; the mere statement of the fact should suffice.

These two were the only direct grants of Executive patronage which the bill proposed to make; but it seemed to be supposed that the power and influence of the Executive was to be immensely and dangerously increased over all the officers charged with the keeping of any portion of the public money; and this idea formed one of the most weighty objections against the system, How, he would ask, is this inference derived? Not one cent of additional compensation is proposed to be given to any one of the existing executive officers, in consequence of the additional duties imposed upon them by this bill. They were all now subject to removal from office by the President, at his pleasure. Whence, then, was he to derive this increased power over them? Could he command the money in their hands? No: unless he was ready to commit a direct infraction of the Constitution, and the officer to subject himself to protracted imprisonment and infamous punishment. The bill provides that all money, in the hands of every depositary, shall be held as there to the credit of the Treasurer, or, in other words, as in the Treasury; and the Constitution declares that no money shall be taken from the Treasury but in conformity to appropriations made by law. The bill makes any unlawful use of the money, by the officer in whose charge it is, punishable by imprisonment for a term not less than two years. To let the President have the money would be as criminal, under the law, as to let any other citizen of the country have it, and detection would be as certain in the one case as the other. The only difference would be that the President, if he were to make himself the knowing recipient, would subject himself to impeachment for the violation of the Constitution and the fraud upon the Treasury; whereas the citizen would incur no criminal liability whatsoever. Where, then, is the dangerous increase of power given to the President? Suppose he remove the officer: the money is still, in a legal sense, in the Treasury. He gains no access to it by the removal, and if he did, he could make no use of it without a violation of the Constitution. It was easy to see that this system would impose great additional responsibility upon the President, as he must select all the persons who are to be entrusted with public money, and it is his duty to see that they all obey, observe, and execute the law. He would venture the assertion that no honest man who was to hold the office of President, consulting merely his personal interests and responsibilities, separate from his sense of the public good, would desire the passage of this law. He could see nothing desirable to that officer personally to grow out of it, while he could see a fearful load of personal responsibility in every feature of the system.

But the officers who were to keep the public money, were also executive officers, and perhaps it was here, and not with the President, that this great increase of Executive power was apprehended. The same inquiries were alike applicable to this suggestion. How could the possession of money by the officer, which he could only use in pursuance of appropriations made by law, without subjecting himself to the severest punishment, increase the power and influence of that officer with his fellow-citizens? Suppose he should become corrupt and violate the law. Would not every respectable man whom he should approach, shun and avoid him, and could the certainty of detection give him time to establish an influence, based upon the power of the money embezzled, which would be dangerous to public liberty? Most certainly not. In this, as in the case of the President, the responsibility, not the power and influence, of the officer would be increased.

Such was the view he was compelled to take of the charge of Executive patronage made against tha financial system proposed by the bill, in its present form; but the imaginations of some had carried them beyond the present propositions, and induced them to fear that this was the mere commencement, the entering wedge, to a multiplication of Executive officers, until they should cover the whole land, like the locusts of Egypt, and eat out the substance of the people. Where was the foundation for this apprehension? With whom rested the power of increasing officers of any character? Not, certainly, with the Executive. He can act in selecting men for office, when the offices are created by Congress, and, with certain exceptions, he can remove men from office, at his pleasure; but he can create no office, nor can he multiply the number of officers, of any grade or character. This, then, is not an objection against the Executive, but against the legislative power of the Government; it is an objection which implies distrust, not of the President, but of ourselves. And are we afraid to trust ourselves in this matter, or do we stand in so much fear of those who may succeed us in these seats, that we would rather commit the finances of the country to incorporated banks, than to the present or future representatives of the people and the States?

But how stands the objection of Executiye patronage, as applied to the State bank deposite system? The first step in this system is the selection of some twenty, thirty, or more banks, to do which the direct interest of all their officers, directors and stockholders, must be addressed, and, when selected, the same interest is enlisted in whatever contract may be made. Here is, at once, an army of new persons brought within the reach of Executive power, not, like the salary officer, upon stipulated compensations, but whose interests are wholly dependent upon the extent of the patronage bestowed—upon the amount of money entrusted to their charge. Then come up the competitions and appliances to obtain a selection, and the inducement to a vicious Executive to excite hopes and create expectations, throughout the whole line of banking institutions in all the States. But the selections are made, the money deposited and passed to the citizens, among the other accommodations of the favored banks. This creates another influence far more extended and fearful—the influence of the debtors of the selected banks; for when appropriations are made by law, the executive officers—those who are charged with the execution of the law—must direct the drafts which are to bring the money from the banks to meet them. Let any unprejudiced mind compare the influences here embodied with the Executive patronage conferred by the bill under discussion, and can the decision be in favor of the bank system, in this respect?

But there is another view of this matter. He had shown that, under the system proposed by the bill, the Executive could not reach the money in the hands of the depositary without subjecting both to condign punishment. How is it here? Suppose the Executive corrupt, and the bank willing to be corrupted, or the reverse, and what is to hinder his obtaining any amount of the public money he pleases? He takes it not as the money of the people, but as the money of the bank. It is not, in form, a loan from the public money on deposite, but an accommodation in the usual course of banking business; and still, before the depositing officer shall have left the counter of the institution, the Executive may take the money he deposites, and no one is punishable. The depositing officer himself, any other executive officer of the Government, may do the same thing, with equal impunity.

Has the system provided for by the bill, then, any thing to fear from a comparison with that of the State bank deposite system, as to the dangers of an increase of Executive patronage? He could not so suppose.

Fourth. He would now institute a short comparison of what he thought would be the relative effects of the two systems upon the State banking institutions themselves.

The system proposed by the bill would necessarily operate as a check upon the issues and expansions of those institutions, in either shape in which it had been proposed to pass it. If the notes of the banks continue to be received in payment of the public dues, and the depositaries are directed, as in that case they unquestionably should be, to call frequently, and at short intervals, for the balances against the banks, and to demand specie for those balances, this must operate as a powerful check upon all the banks in the vicinity of those depositaries where the collections are large. If, on the other hand, the receipt of the bank notes be gradually discontinued in the collection of the revenue, and specie collections substituted, while the change will create some demand upon the banks for specie, the disbursements of specie by the Government will constantly distribute among the people a broader and more permanent basis for the paper circulation, which the banks will, of course, continue, growing out of their private operations. That the demand for specie may, to some extent, diminish the profits of banking, is more than probable; but if the effect shall be to restrain the issues of the banks, to keep upon them a constant sense of the necessity of more specie capital to meet their liabilities, the operation, as past experience abundantly proves, will be greatly beneficial to the community, and will work rather a benefit than an injury to the institutions themselves. In the mean time, the disbursement, by the Government, of the specie it receives, cannot fail, not only to give stability and confidence, to some extent, at least, to the general currency, by continuing in active circulation some portions of the gold and silver upon which the whole is based, but must, to the extent of the circulation, have a tendency to strengthen the banks against sudden pressures, and unfounded distrusts, by enabling them, the more easily to arm themselves with coin.

What are the tendencies of the opposite system upon the banking institutions? Recent experience has answered this inquiry more forcibly than it was in his power to command language to answer it. The effect was to promote fearful expansions when large amounts of public money were placed upon deposite, and ruinous contractions when the necessities or the policy of the Government required its payment. The effect was to stimulate to dangerous excesses, not the banks only, but their customers also, when money was abundant in the Treasury, and to add to the pressure, by heavy calls from the Treasury, when there was a scarcity. In short, the effect of the latter system upon the banks had proved, upon trial, to be unmixed evil, while the influences of the former promised to be rather favorable than unfavorable.

Fifth. The next and most important comparison between the two systems, was the influence of each upon the Government of the country and its finances. The proposed system would place the money of the Government, at all times, within the power and control of the Government. It would enable the Government, at all times, to pay its debts in a currency not depreciated, a currency equal to the standard of the Constitution and the law. It would render the Government financially independent, and maintain it in that position. Under such a system we should no more hear, what we were now daily hearing in this hall, that honest citizens had been defrauded, by being paid their demands against the Treasury in bank paper, which was depreciated, or worthless, and that Congress ought to indemnify them for their losses thus occasioned. These were some of the benefits certain to be derived to the Government from the adoption of the system provided for by the bill; but there was another, and, in his judgment, far greater benefit, equally certain to flow from its adoption. It would exempt the Government from the constant and innumerable imputations of injuries to trade, to the currency, to credit, to the private affairs of individuals and banks, from its financial movements. Was any person whom he addressed insensible to the moral and political evils growing out of these complaints? To their strong tendency to alienate the feelings of the people from our most valuable institutions, and to bring them to look upon all government as a curse and not a blessing; as calculated, not for their protection, but destruction and ruin? He would remind the Senate, very briefly, of the course of these complaints for the last four years.

The Government removed the public money from one single bank and placed it in several others. A clamor followed the act; a panic was excited; banks failed, merchants failed, money was

made scarce, the currency was disturbed, credit received a shock, and, for some four months in succession, we heard nothing here but scenes of distress, general ruin, and almost famine; and all in a time of as great plenty and abundance, not of the necessaries of life only, but of money, as our country had ever witnessed. The panic passed off, and business of every description, and enterprise of every character, sprung into increased life and activity. The public lands commenced to sell rapidly, and our revenues became excessive. Then came the second complaint, which he proposed to notice; and it was that the whole splendid public domain, that rich inheritance from our fathers of the Revolution, under the operation of the "pet bank system," was going or gone; was being exchanged, for what? For "bank rags." That complaint lasted us for the most of one session of Congress, but nothing was done, by legislation, to remedy the evil. The accumulations of revenue had by this time come to be vast, and this gave rise to a third complaint. It was double in its character and contradictory with itself, and yet it entertained us during a large share of one of our sessions, and finally produced legislation. It was, to-day, that the Government was actually locking up in the banks all the money of the country, while the honest and hard-working citizens were suffering for its use. To-morrow, the almost countless millions were loaned by the pet banks to favorites of the Executive, and members of the dominant political party, to enable them to make speculations in the public lands, and in all other descriptions of property, to the injury of fair business men, and the ruin of the poor. So far were these complaints carried, inconsistent and contradictory as they were, as to make a sensible impression upon the public mind, and finally to induce almost all the members of this body to vote for the deposite law of 1836, which was to dissipate this hoarded fund, and place it in safe keeping with the States. The Secretary of the Treasury commenced the necessary measures to execute this law, and very soon found that the money which had been so injuriously hoarded, in our debates here, had been, in fact, rather too much dissipated before Congress interfered with it. This raised another complaint. The Secretary was wantonly executing the law, because he did not like its provisions. He was giving drafts upon the banks which had the money, for acceptance and payment, as the law required; when, if he had given them for transfer merely, the banks would not have been injured. During the first part of this process, the sale of the public lands continued at an accelerated pace; and, although Congress made a strenuous, but fruitless, effort to remedy the evil, the complaint commenced again that the public domain was being exchanged for irresponsible bank paper. The President took up the subject, after Congress left it, and directed the land officers to receive nothing but gold and silver in payment for lands. This laid the foundation for a new and continuing complaint. The payment of the immense deposites to the States produced the necessity for equal collections on the part of the deposite banks from their customers. These collections occasioned a scarcity of money, and it was the "Specie Circular" which had done it. Their foreign debts pressed upon the merchants, and the calls upon them from the banks disenabled them to pay; but the Specie Circular had wrought the mischief, by marching all the gold and silver of the country to the West to purchase lands. Embarrassments continued to increase; extensive failures of merchants and others took place; and, finally, in May last, all the banks of the country suspended payment. Still the Government was principally in fault; the Specie Circular had taken all the metallic currency to the interior, and prevented it from going to Europe to pay our foreign debt; and the banks could not pay specie until that debt was cancelled. Time passed on. The funds of the Treasury were in the banks, and could not be commanded, and an extra call of Congress became necessary to relieve the debtors of the Government, and supply the Treasury with funds. The banks were complained of, for their excesses and improvidence; and the fault was that of the Government, for having placed in their hands such immense deposites, to be called for so suddenly, and for having checked their excessive issues of paper by the Specie Circular. Congress was convened, and the present President transmitted his Message, proposing to end these complaints by an entire severance of all business connection between he National Treasury and the banking institutions. This, at once, changed the face of things, and showed the President and the Administration hostile to the banks; and now, although the foreign debt is paid, and foreign exchange down to par, the banks cannot resume payment for fear of the Government.

He would ask, in all candor, and in all sincerity, if any history of facts could show, more conclusively, the impropriety of this connection between the finances of the country and the affairs of individuals and banking incorporations? If there was a man who heard him, who did not see and feel the necessity of relieving the Government of his country from these constant and contradictory complaints? The proposed system will do that, and, in his judgment, that alone would be one of the greatest benefits which could be conferred upon the nation.

If such will be the influences upon our finances and Government, of the system proposed, what influences are to be expected from the State bank system? Certainly, to place the money of the people beyond the control of the servants of the people, and within the control of the banks; to disenable the Government to pay its debts, except in a depreciated currency, whenever the notes of the banks are depreciated; or to abandon its money, collected and accumulated in the banks to meet its debts, as a resource for that purpose, and to resort to its credit to raise the means by which legal payments can be made; to render the country, at all times, under all circumstances, and in every emergency, even that of war not excepted, and after the money for the public use has been collected from the people, financially dependent upon banks, in the management of which it has no voice, and over which it has no control; to subject the Government to all the complaints which have been recapitulated, and volumes of others of a like character; in short, to subject the Treasury of the nation to all the fluctuations, to which an ordinary banking or commercial house is subject; to make it instrumental in promoting excesses in both, and then chargeable with all the evils which may befall either itself, or the banking and mercantile interests. Should he spend the time of the Senate to prove that these were the necessary consequences of the system of State bank deposites? In the face of recent and severe experience both to the Treasury and to the country, would proof of these positions be called for? That experience furnished the clearest and strongest proof, and those whom it had not convinced, it was in vain for him to attempt to convince, by fact or argument. Such, to his mind, were the comparative influences of the two systems upon the Government of the country and its finances.

Sixth. He would extend his comparison to a single other point—the influence of each system upon the general currency, and dismiss this part of the argument.

The system proposed was clear and certain in its action, in this particular. It would secure a sound and standard currency for the National Treasury, whether that currency should be gold and silver or bank paper, and it would exempt that Treasury from the fluctuations of an unregulated and varying currency. So far, therefore, as the money operations of the Government could influence the currency generally, the influence exerted by this system must be salutary, as it must be to sustain a general currency equal to its own standard. If that currency should come, in time, to be gold and silver only, the system would exer another beneficial influence. It would not only present a standard of currency worthy of imitation, but, to the extent of the whole public disbursements, it would constantly circulate among the people a basis for the paper currency of the State banks, and thus aid them in keeping their representation of coin stable and firm, and equal in value to coin itself. Beyond these influences, it would leave the people and the States to regulate, in their own way, and without the interference of federal power, that portion of the general currency which, by the divisions of power under our system, falls within their jurisdiction and is the constant subject of their action. It would then be clear to all, if that portion of the currency should sink below the standard of currency for the public Treasury, that wrong existed somewhere in State legislation, or in the management of those entrusted by State legislation with the regulation of that currency; and the federal authorities would be free from imputation or suspicion, and would stand before the whole country holding up the true standard of currency, and inviting from the State authorities a correction of the errors which should at any time disturb or depreciate that portion committed to their care.

How, in this respect, does the opposite system act? The State banks are, to much the greatest, if not to the entire, extent, private institutions, controlled by private individuals and private interests, and owned in whole, or to the extent of a majority of the capital, by private citizens, as private property. Private gain, then, as a necessary and natural consequence of the very constitution of these banks, was their principle of government, and, as an equally necessary and natural consequence, they would keep that portion of the currency which they were authorized to furnish for the country, at a sound, standard value, when private interest, and the prospect of private gain, should so direct, and they would suffer it to depreciate by the same rule. Give them the national treasure, and permit them to subject it to the fluctuations of their interest, and can a stable currency be expected, either for the Treasury or the people? Who are the legitimate customers of the banks? More particularly the merchants. Their business pervades not the whole of their own country only, but the whole civilized world. The laws of the States of the Union, therefore, are regulations much too limited for them; and even the laws and regulations of any single Government, as to either trade or currency, are but municipal in their character, when applied to their operations. Still they themselves have local habitations, and the case may well and frequently occur, when it is vastly more important to them that they should be able to command specie to export, in liquidation of their foreign debts, than that our local banks at home should redeem their notes in specie. What, in such a condition of trade and of the mercantile interest, will always be likely to be the condition of our local banks? Set aside the consideration that the merchants may be able to control those institutions from the stock they hold, and merely assume that they are the principal debtors to the banks, and are to continue to be their principal customers. Let the argument rest here, and give the banks the possession and control of the national treasure. Which interest would prevail? Would the Treasury of the country be sustained, and the payments to the public creditors be made in specie, or its equivalent, or would the views and wishes of the merchants be consulted, and the currency be made to bend to private and corporate interests? Let the experience of the last year answer the inquiry. He would express his confirmed opinion, that, under such a system, the currency of the public Treasury must share all the reverses and fluctuations of foreign and domestic trade, and all the hazards of corporate banking, as a private interest. Hence the operations of the Treasury itself must be suspended, or the law of Congress, as to currency, violated, whenever revulsions shall oppress the country, and the customers of the banks, or the alternative be resorted to, as it recently has been, by the national authorities, to convoke Congress, relieve the banks and the public debtors, and resort to the credit of the nation to sustain its Treasury, until the natural operations of healthful business shall again restore the equilibrium.

Such, in his mind, were the probable influences of the two systems upon the general currency of the country.

He would now proceed to answer a very few of the prominent objections made to the bill, and pass, as rapidly as possible, to his conclusion. The first of these objections which he would notice, was that the system proposed by the bill was an attack up-

on the State banking institutions, calculated to destroy their credit and usefulness. This, if true, was a grave charge, and therefore required some consideration. An attack must be an infringement of some vested right, or a course of treatment so manifestly against the public good as to partake of wantonness and immorality, or a spirit of revenge. Was any right of these institutions proposed to be infringed upon? Did their charters, granted by the States, for fixed and specified purposes, include among those purposes the safe-keeping, or profitable use, of the money of the whole country? Was there a provision that they should be fiscal agents of the National Treasury, or that their credit should be sustained by the money and credit of the people of the United States? No. No such provision was ever heard of in the charter of any State bank. No right of the institutions was, then, infringed, by withholding from them both the keeping and use of the public money.

Was any faith, or confidence, due from this Government to the States, or to these institutions of their creation, violated by the proposed separation? The States had chartered banks for particular locations, with capitals such as the locations seemed to demand, but would any one pretend that, in granting these charters, the State Legislatures had counted upon the money in the National Treasury, or the credit of the Federal Government, to sustain and make useful the banking institutions to which they were giving life and power, as banks of issue and discount? Did any State Legislature ever, by word or deed, cause it to be understood, either by the people, or the institutions, that banks of their creation were mere skeletons, powerless and helpless, and that the life and health-giving principle was to be breathed into them by an extension of the patronage of the Federal Government, in the shape of a profitable use of its money, and a command of its confidence and credit? Never. Had the Federal Government, by any act, or expression, authorized an expectation of this patronage and confidence, except upon conditions which had been violated by the banks, and had thus forced a separation between them and the treasure of the country? He was aware of no such act or expression. The separation exists, and has been forced upon the nation by the banks themselves, and the simple question is, shall we renew it? In what sense can the decision of that question, however that decision may be made, be an attack upon the banks? The idea was a mistaken one, and the objection, in any light in which it could be viewed, was unfounded and unjust.

He proposed, however, for the purpose of illustrating the truth of this conclusion, and making it more clear, to call to the minds of Senators a single chapter in our financial history. During forty years of the existence of the Government, under the Federal Constitution, a national bank had been in existence, and, he spoke from recollection, but he believed the national bank had been, for the whole period, the exclusive depository of the public money, and the exclusive fiscal agent of the Treasury. He was sure it was so during the twenty years' existence of the last national bank, and he thought it was so under the old bank. Then the State banks were not depositories of the national treasure, nor fiscal agents of the National Treasury, and had it ever been asserted that this legislation was an attack upon these institutions, or that their credit and usefulness were thereby destroyed? But, again: during the existence of the last Bank of the United States the notes of the State banks were not disbursed to the public creditors at all, and were not receivable in payment of the public dues but at the pleasure of the national bank, and then, as every bank bank receives the notes of its neighbor institution, to take them out of circulation, and return them promptly, to be converted into specie or specie funds. Did these State institutions languish and die under this Congressional legislation? Did they not rather take root and flourish, and become sound, and stable, and useful? Has not a large and powerful political party in this country ever contended that the checks and restraints, exercised by the national bank, during this period, over the State institutions, were salutary and proper? That it was a great balance wheel, regulating and equalising the movement of the whole complex machinery? What is proposed by the bill, but that, to the extent of its operations, the National Treasury shall form the same check and restraint upon the local banking institutions? That it shall keep the public money independent of them? That it shall either not receive their notes in payment of the public dues, or receiving, shall frequently present them for conversion into specie, or specie funds? The only difference will be that the Treasury will not enter into competition with the local banks in the business of banking; that it will leave that whole field to them, and merely content itself with a sound currency for its transactions. How, then, is it possible that those who saw such benign influences to the local institutions from the wholesome restraints of a national bank, should see such baneful effects to follow the same influences, when flowing from the public Treasury? should see there an attack upon the institutions, a prostration of their credit, and a total destruction of their usefulness?

He was aware that the system proposed was new, and substantially untried, so far as the legislation and the practice of our Government was concerned; and it would be admitted by all, that, as a new measure, it had met the full share of denunciation to which almost all changes from established custom, almost all reforms, however valuable and useful, are destined to meet, when presented in the mere shape of propositions for the acceptance of the public. It was not his habit to speak disrespectfully here of the actions or the motives of any; and he certainly did not intend, in the remark he was about to make, to express any want of charity towards the course or opinions of any side of the House, or any individual in it. He yielded to all that credit for purity of purpose and sincerity of intention, which he wished them to award to him; but he must say that he had never seen more active, zealous, and persevering efforts to forestall public opinion upon any measure of legislation, than had been used towards this, from the appearance of the Message of the President, at the extra session, to the present hour. He had seen this with the more deep regret, because some of the most respectable, intelligent, and influential, of those who had been friends and supporters of the Administration, and who, he trusted, were yet so, were among the most active in opposition to this measure. They so acted, because they so felt and so thought; and if they used efforts to prejudice the bill in the public mind, it was because they deprecated its passage as, in their judgments, injurious to the public interests.

He would entreat them, however, to pause and reflect. Experience had tested the imperfections of the State bank deposite system, of which they were advocates, while experience had done little to approve or condemn the system proposed by the bill. It had been in substantial operation since the suspension of specie payments by the banks, in May last. It was forced into operation by that suspension. It found the currency of the country deranged, the credit of the country depressed, and the business of the country prostrate and at a stand. He would not say that these were the consequences of the State bank deposite system. He had said upon that point all he intended to say; but it was matter of history that these disasters had come upon the country under the practical operation of that system. What had been the effect of the operation, for two-thirds of a year, of the system which it was supposed would destroy credit, depress property, discourage enterprise and exertion, and send the country back to a state of barbarism? Foreign exchanges had been, for some time, down to and below par, in our commercial markets; thus affording conclusive evidence that our foreign debt had been reduced within ordinary limits; domestic exchanges were rapidly approximating a healthful state, furnishing the same evidence that internal trade was gradually and steadily equalizing itself; property retained a fair value, and found a steady market; credit and confidence were gaining strength; and the banks, as a general remark, were recovering from their late excesses, and preparing for a speedy resumption of specie payments. Such seemed to be the history of our business prospects at the present moment. He did not mention these things to ascribe them to the operations of the National Treasury, or to the manner in which those operations had been conducted since the suspension of the banks, but to prove that the practical operation of a system for the management of our finances, such as is substantially provided for by the bill, had not had the effect to retard and defeat these great and beneficial business results, nor to repress the immense energies, and to cripple the vast resources, of our extended country.

Surely, then, so far as experience has afforded evidence, it offers no cause for discouragement to the friends of the measure, and inasmuch as opinions beyond that, whether favorable or unfavorable, are little more than conjecture, the opposers of the bill should not demand of us to surrender our favorable judgment, though thus slightly tested, in favor of a measure which repeated experiment, both in adversity and in prosperity, has proved to be delusive and dangerous.

The next objection he proposed to notice was, that the operations of the bill would be to separate the Government from the people, and to secure a sound currency for the public officers, and a base currency for the country.

This, again, was a startling objection, and required examination. Its first assumption was, that the tendency of the measure under discussion would be to separate the Government of the country from the people of the country; to elevate the former and depress the latter; and the second was, that the separation would be marked by a difference in the value of the currency to be provided for and secured to each. Had either of these assumptions any foundation in fact, or even in fair apprehension?

He had already attempted to show, and thought he had succeeded in showing, that the financial system proposed by the bill was preferable to the State bank deposite system in the following respects, namely: in the safety it afforded to the public moneys; in the expenses and risks attending its administration; in its salutary influences upon the banking institutions themselves; in the limitations of patronage added to the Executive branch of the Government; in the independence it secures to the Government financially, and the exemption it confers from injurious imputations; and in its tendency, to the full extent of the operations of the National Treasury, and of the exertion of all the constitutional power of this Government, to produce and maintain a sound and stable currency for the whole country. If he had succeeded in establishing these positions, would it, could it, be said, that a system possessing such advantages was calculated to produce separation and alienation between the people of the country and the Government of their choice? He could not believe it.

But the objection assumed that this separation was to grow out of the different currencies produced for the Government and the people, by the necessary action of the system. That the effect of the bill would be, and was intended to be, to produce and maintain a uniform and sound currency for the National Treasury, and for all who might have demands upon it, as well the officers of the Government as others, was most freely admitted. Indeed this was claimed as one of the principal merits of the system. But did it follow that, because the bill had this tendency, it would therefore tend to debase the general currency of the people? Certainly not. No such consequence followed. On the contrary, it had been already shown that, so far as it should exert any influence upon the general currency, that influence must be to raise that currency to a level with that secured to the Treasury. If, then, the people were to have a base currency, they were to have it, not in consequence of the bill, but in defiance of it; they were to receive it, not from the public Treasury, but from their own State banks; not from the evils of the legislation of Congress, but from the evils of State legislation. Did any one pretend that the bill could exert an influence to debase any portion of the currency upon which it had no direct action? He had not heard it so contended, and he felt sure that no such position would be assumed. If the currency upon which it did directly act, and the standard of which it regulated, were to be base, then it might be well

apprehended that its indirect influence would be to draw down the general currency to its level; but as the gist of the complaint is, that the standard of currency it assumes for the Government is higher than that of the general currency, so it follows, by a parity of reasoning, that its indirect influence must be to raise the general currency to its standard.

In all this he was constrained most respectfully to ask where was the ground of complaint, unless gentlemen were ready to take the position that a sound, uniform, and standard currency could not be sustained in the country, and that, to avoid invidious distinctions between the Government and the people, the National Legislature, possessing the power to fix the standard of currency, should at once adopt a base standard, and thus conform the currency of the Treasury to that which it might be the interest of the local banking institutions to maintain. He did not believe that any advocate for such a doctrine was to be found here; but if such an one should appear, he had only first to deny the position wholly, and to assert that a sound currency could be sustained in this country, without an infringement upon the powers granted to Congress by the Constitution, for the means of accomplishing the object; and second, if the position should be granted, to deny the inference, and contend that it was the constitutional duty of Congress to keep the currency of the National Treasury up to the standard of gold and silver, in any event.

The next, and only other, objection he proposed to notice was, that the tendency of the system provided for by the bill, would be to withdraw from circulation and use, and to hoard in the several depositories, too great a portion of the gold and silver of the country.

He had but a brief answer to this objection. It never could be true at times when the revenue and expenditures of the Government were properly adjusted. If they were equal, as they should be, the receipts of revenue would be taken in one hand, and the disbursements for expenses would be made with the other. Nothing could be hoarded but the amount which the widely extended operations of the Treasury compelled it to keep *in transitu;* and that was just as much, and no more, hoarded than the money of the merchant at a distant point, either during the time that notice of its collection was travelling to him in the mail, or his draft for it was passing back to the point where the money was on deposite. This amount would vary from three to five millions of dollars, including the amount constantly retained in the mints in the process of coinage; and he would repeat that, when the revenue and expenditures should bear a just proportion to each other, as they always should, no further or more dangerous hoarding could take place under the bill.

But suppose that a time should again come when over-trading and speculation, in every branch of business, should commence the accumulation of another surplus revenue, such as had afflicted the country for the last few years, then, for himself, he should consider this tendency of the bill one of its most valuable features. Let over-trading go on, and speculations spread, and let the amounts paid for duties and lands be collected in gold and silver, and hoarded in the public Treasury and its depositories, except so much as is wanted to meet the fair expenditures of the Government, and how far does any man believe these deranging and injurious business excesses would proceed? Not, Mr. President, to the prostration of business and credit, and the currency of the country. No, sir: the banks, instead of promoting, would be compelled to arrest them, and to restore business to its legitimate and proper channels, before the country could receive a shock, or the people injury.

It was wrong for him, however, to spend the time of the Senate in the discussion of this objection, as it was expressly met by a provision in the bill. He referred to the twenty-first section, which made it the duty of the Secretary of the Treasury, whenever there should be upon deposite to the credit of the Treasurer a sum greater than four millions of dollars, to dissipate the money so hoarded by an investment in National, or State stocks. This must relieve the apprehensions of all upon this point, as four millions was the greatest amount which could, at any one time, be permitted to remain in the possession and keeping of all the depositaries constituted by the bill. As, however, he had discussed the provisions of this section somewhat at length, in the course of his remarks upon the provisions of the bill generally, he would omit any further remarks here.

He had now closed what he proposed to say, having particular reference to the system of finance for the National Treasury, recommended by the committee, or as to the ostensible antagonist system of State bank deposites.

But there was a third alternative—a National Bank—which he must not omit to notice, in his extended discussion of this great subject. He was bound, however, after having so long trespassed upon the time of the Senate, to relieve the members from the apprehension that he was now to enter upon this interminable field of debate. No: nothing in this field presented to him matter for debate. He entertained the most firm convictions that the Constitution of the United States had conferred upon Congress no power to charter such an institution, but every argument upon that great question had been again and again presented to Congress and the nation, in a manner much more forcible, and from sources much more commanding, than any thing which could be advanced by him. It was, therefore, to him, a question not for discussion, but for action, and, unless his present views upon it should be radically changed, for negative action only.

He had heard, since he had been honored with a seat in this body, many ingenious arguments in favor of the power, but all had sought to derive it from necessity or expediency; and it was due to the authors of these arguments to say that, to his mind, no very nice distinction had been preserved between necessity and expediency. It had been said that a uniform currency was necessary for the country; that such a currency could not be produced or maintained without a National Bank; and that, therefore, Congress had the power to charter such an institution. That a uniform currency was expedient and highly desirable for our wide-spread country, no one could doubt; but that the country could get on very comfortably without such a currency, had been proved by the actual experience of several periods in our history. That a sound and standard currency was necessary to the existence of commerce, that such a currency could not be established and sustained in our country but by Congressional legislation, and that, therefore, Congress had the power to create, as well as to regulate, such a currency, has been contended here. No one will be disposed to question the position that a sound and standard currency is very desirable to a commercial country, but that commerce can be carried on, to a considerable extent, without money of any description, is a fact not to be questioned. These instances are mentioned, not to question the expedient and useful tendency of the arguments, so far as they go to show that a uniform currency is highly important to every civilized country, and that a sound medium of exchange is of the first utility in commerce, but to question how far the argument of necessity, in either case, can be safely relied upon as the basis of a grant of constitutional power, and to show that, in either argument, there is no little difficulty in settling the dispute as to where expediency and utility end, and necessity begins. For himself, he repudiated all such arguments, and all arguments of every character, founded upon simple necessity, as establishing grants of power under the Constitution of the United States in favor of the Congress of the United States.

A single remark upon the question of chartering a National Bank, as a mere matter of expediency, if all questions of constitutional power were out of the way, and he would dismiss this topic. The experience of his own time, the late proceedings of the late Bank of the United States, had satisfied his mind that the dangers to our political and civil institutions, from such an organized money power, vastly overbalance any anticipated benefits, and that, as a simple question of expediency, such an institution ought not to be chartered by Congress. Neither the hour of the day, the patience of the Senate, nor his own strength, would permit him to enter upon a further discussion of this point at present; and his only purpose having been to pronounce the opinion he had pronounced, he would pass to his conclusion.

The three alternatives had been presented. The condition of the public Treasury, of the currency, of the business of the country, and general public expectation, demanded action from Congress. The committee of which he was a member had presented to the Senate the bill upon the table, as the action which a majority of its members proposed. This bill was to be opposed from two sides of the house. The friends of the State bank deposite system, and the friends of a National Bank, were alike, and together, to be met and overcome, or the bill could not pass.

In this condition of the question, and of the Senate, he considered it to be his indispensable duty to present, what he believed to be the real and true issue, fairly and fully to the Senate and the country. And what was that?

In his judgment, it was the adoption of some system based upon the principles of the bill under discussion, or a National Bank. He saw no prospect of success for any middle ground. What were the evidences of our senses upon this subject? Look at the divisions in this body. The party friendly to a National Bank had always repudiated the State bank deposite system as dangerous in its additions to Executive power, as inefficient as to the currency, and as unsafe as to the public money. Was there any evidence that those members of that party here had changed their opinions as to that system? He knew of none; and were he to judge from the language of that portion of the public press which was supposed to reflect their opinions, or from what had but recently passed here in relation to the failure of a deposite bank in Boston, he should be compelled to say that no change in that quarter had taken place. But he would appeal to the gentlemen themselves, and ask if recent experience, as to that financial system for the National Treasury, had changed their feelings towards it? Had endeared it to them, as one they were now desirous to make their own? Are they willing to surrender their favorite project of a National Bank for this alternative? Will they not tell us, in frankness and candor, that, with one or two solitary exceptions perhaps, every man of them is for a National Bank, as, in their judgments, the only effectual remedy for the financial difficulties of the country?

If such continues to be the feeling of the party which opposed the late Administration, and equally opposes the present, what is the condition, in this respect, of those who have hitherto supported both? Is there not, numerically speaking, a very great degree of unanimity of sentiment with them, in favor of the bill, at least so far as a practical and *bona fide* separation from the banks is concerned? He supposed that to be the fact, and he referred to this division of feeling here, upon this subject, with no pleasure. He knew and felt that those with whom he had long, intimately, and pleasantly associated, personally and politically, were to differ with him upon this measure. He regretted the difference as much as any one of them could. He entertained no unkindness of feeling towards them on account of this difference of opinion upon a particular bill. He yielded to them all the sincerity of convictions of public duty which he claimed for himself; and he assured them, one and all, that no remark which he had made, or was about to make, had been, or should be, on his part, intended to wound their feelings, or censure their course. They, like himself, were responsible to their constituents and the country, for their acts here; and he did not entertain a doubt that that accountability would be discharged by them according to their most firm convictions of right. Yet he must appeal to them to say if they did not believe the public opinion of the country was very justly reflected in the two Houses of Congress upon the three alternative propositions he had discussed. If they had seen any evidence, from recent political results any where, to authorize the belief that the State bank system of deposites, to which they still adhered, was gaining favor in any

quarter? If they did not perceive that the two other systems were dividing the great mass of the public mind of the whole country? If they did not feel, in the recent history and present condition of the State banks, that public confidence could not again be restored to that system of deposites by legislative enactments? If they did not fear that, in assuming the positions they were compelled to assume, that banks were necessary to the successful and proper administration of the finances of the Federal Government; that it is within the power, and is, in some sort, and to some extent, the duty of this Government to regulate the whole currency of the country; that the regulation of exchanges, too, if not directly, was incidentally a matter for which the Government should be held responsible; and that the custody and safe-keeping of the public treasure should be committed to banks, and not to the constituted authorities of the Government; did they not fear, he would repeat, that, in assuming these positions, they were merely aiding and strengthening the friends of a National Bank? That they were furnishing what might be considered as evidence to those who could listen to such an argument, to prove that a National Bank was necessary under our system? He did not put these inquiries from any thing which had been advanced here, but they were suggested from the course of argument which he saw constantly used in the public press and elsewhere, to sustain the ground which these friends had assumed, and he must say that it seemed to him like yielding the whole field to the advocates of a National Bank; that it was making such an institution, and some system founded upon the principles of the bill under discussion, the real alternatives before the country, and bringing the contest, if not here, elsewhere, to that issue.

He was sorry to have detained the Senate so long, and, as the best atonement he could make, he would resume his seat, and trouble them no farther.

MISSISSIPPI ELECTION CASE.

SPEECH OF R. BARNWELL RHETT,

OF SOUTH CAROLINA,

In the House of Representatives, February 3, 1838—Upon the Mississippi election.

Mr. SPEAKER: Were it not for the observations, which have fallen from the gentleman from Tennessee,* who has just taken his seat, with respect to the South Carolina delegation, reflecting in some degree, I think, upon their independence, and ascribing an influence upon them, on the part of my learned colleague,† which upon this subject does not exist, I should not have ventured to address the House, worn out and harrassed as it is, by weeks of procrastinated discussion, on this perplexing question. In order, however, properly to vindicate the independence of my own opinions, it may not be unnecessary, briefly to consider the question before the House; and to state the arguments, upon which I think this election should be returned to the people of Mississippi.

This House will recollect, that when, at the special session, it was about to organize itself into a legal assembly, I moved, that a chairman should be appointed to whom our credentials of election should be sent. Upon being opened by him and laid before us, we would be able to determine amongst ourselves, by our own judgment, from the face of the credentials, who were "*prima facie*" members of the 25th Congress. All undisputed seats would of course be filled; all doubtful ones would be suspended, or filled conditionally, until Congress being regularly organized, the disputed elections would be sent regularly to the committees, for their report and consideration. The House thought proper, however to proceed otherwise. They allowed the clerk of the previous Congress, to do what it was our duty to have done ourselves—determine, in the first instance, who were members of the 25th Congress. The consequence was, not a single credential of membership was produced; and all were sworn in, as members of Congress, whom this unauthorized individual had placed upon a list, made out from the newspapers of the day. Had the credentials of Messrs. Claiborne and Gholson been then produced, the objection, that this House at the last session, was in some degree ignorant of their purport, would not then have existed; and we might possibly, if there is any thing in the objection, have saved ourselves and the country, this long, expensive, and more irritating debate. After I had submitted the motion for the appointment of a chairman, fearing, from the observations which fell in the discussion, that it might be considered a party move, I rose and declared to the House, that I believed those gentlemen as fully entitled to their seats as any members upon the floor. Sir, I voted and I knew that I was about to vote, contrary to those gentlemen upon the election of Speaker which was then about to ensue. These gentlemen, voted for you; and I voted for the honorable gentleman from Tennessee.‡ Thus did I express my opinion upon this question, in advance of others, and contrary to my party predilections at the time, if I had any capable of biasing my judgment. And I have not changed my opinion since. It is true, however, that when the matter came to be discussed, and particularly by my learned colleague, who made the ablest exposition of its principles I had the opportunity of hearing, my confidence in the opinion I had formed was greatly shaken, and my doubts increased. My vote for the sitting members, was finally given, only upon the principle—that the presumption should be in favor of the popular right to a representation; that when the people of Mississippi, under all the forms of law, demanded a seat upon this floor for her Representatives, it lay upon those who denied the right, clearly to prove that it did not exist. The people of Mississippi should have the benefit of my *doubts*. Upon *conviction* alone ought their acts to be made void, and their Representatives be rejected. Well, sir, after hearing all, from every part of the House, I was not fully satisfied—I was not convinced, that their Representatives ought to be turned out of our doors; and I voted for the only other alternative left to me, that Messrs. Claiborne and Gholson were members of the 25th Congress of the United States. Nothing that has since occurred has, in the least, changed the nature of the question. It is now, as it was then, whether the July election held by the people of Mississippi was constitutional or not. If our decision, affirming the validity of this election was right, there is an end of the question. The subsequent action of the people of Mississippi, cannot in the least affect the relation which they then occupied towards us; and it is by that relation that the question, when reconsidered, is again to be determined. The principles and circumstances being now, substantially, the same that they were then, my vote has been, and shall be the same. The House, however, by a vote already taken, has expressed an opinion contrary to mine; and have declared that the July election was unconstitutional; and that the sitting members are not entitled to their seats. The new question, in this state of things, arises, whether the subsequent election in November is good, and the contestants should be allowed to take their seats as members of the 25th Congress—or the election should be sent back to the people. Those who contend that the election in November is good, maintain that the election in July being unconstitutional, was void "*ab initio;*" that the decision of this House confirming it gave no rights, and was obligatory neither upon this House nor the people of Mississippi; consequently, the election in November, regularly held, to fill a vacancy regularly produced by the operation of law, is good, and the contestants should be allowed to take their seats. I think I fairly state the question.

Now, sir, properly to understand the duty of Congress, we must ascertain what was the effect of the resolution passed by this House, determining that Messrs. Claiborne and Gholson were members of the 25th Congress. No one doubts—all concede, that this House is the sole, absolute, and final judge, under the Constitutution of the United States, of the election of its members. It may err in its judgment, but there is no other or higher tribunal to correct its errors. If this is so, its judgment, pronounced by the power of the Constitution, is simply an exposition of what the Constitution is; and, until reversed, becomes a part of the Constitution itself; as much so as the decisions of the Supreme Court of the United States. It is binding, as the supreme law of the land, upon this House, and the people of the United States represented within it, and upon the people of Mississippi. Its effect upon this House was, to fill two seats on this floor, and "de facto" and "de jure," to make the gentlemen who occupied them members of the 25th Congress. If these gentlemen were not in fact, and by right, members of the 25th Congress, then all of their acts upon this floor are void. Every motion they have made—every vote they have given, ought to be expunged from the journals of the House. You have not yet rescinded your resolution—reversed your judgment; and who, up to this moment, has ventured to question their right to speak and act as members of Congress, within this hall? Why do not gentlemen, who contend that the judgment of this House is not merely voidable, but, when reversed, will be void "ab initio," and, consequently, that Messrs. Claiborne and Gholson have never been members of the 25th Congress—why do they not carry out their principles into practice, and march boldly up to the far-famed process of expunging? It may be as little to their taste, as it is to mine;—but if their principles be correct, constitutional duty, which they have sworn to maintain, requires it. And on the people of Mississippi—what was the effect of the resolution of this House upon them? It placed them upon this floor, by their representatives, in council with their confederates. It gave them a voice and influence in all the legislation affecting all the people of the United States. It bound them here and at home,—in the Congress of the United States, and in their primary assemblies at the polls. It was a part of the Constitution of the United States, and therefore a part of the Constitution of Mississippi; and no law or action of the people of that State, could contravene or overrule it. Any election, therefore, held contrary to this supreme law of the land, to fill seats already constitutionally occupied—to supply a representation actually existing, was simply void. In this view, it is unnecessary to enter into any calculation of majorities; whether the contestants received a majority or minority of the votes cast at the November election. If they had received the vote of every man, woman, and child in Mississippi, it would not not in the least strengthen their right to seats upon this floor. The election would still be void. Its holding was illegal; the law under which it was held, so far as members of Congress was concerned, was overruled; and by us, can be treated only as if it had never been.

Against these positions, it has been urged, that they make Congress a despotism. If by a despotism be meant, uncontrollable and supreme authority upon the subjects committed to its exclusive jurisdiction, Congress, as well as every other supreme tribunal, is a despotism. Every supreme court in the land, is a despotism. But will gentlemen tell us, how society or any Government can exist, without such supreme tribunals? There must be a final arbiter somewhere, in all Governments, which binds the citizen and society, or every thing is put at hazard, liable to the continual charges of caprice and power. Recognise any other doctrine in the case before you, and where does it place the State of Mississippi? Above the Constitution—without the form or fact of sovereign interposition—controling and changing it whenever it comes in collision, even incidentally and without design, with any of her statutes; and she would dictate the law not only to her own citizens, and within her own limits, but to Congress and all the people of the United States. This far exceeds any power, hitherto maintained, as belonging to the States; and seems not a little strange when advanced from the quarter from which it comes. Sir, in my opinion, the election held in November, in Mississippi, is void, because contra-

*Mr. Bell. †Mr. Legare. ‡Mr, Bell.

ry to the Constitution of the United States, as expounded by the decision of this House. There were then, no seats in Congress vacant. The people of Mississippi were then here, filling the seats which rightfully belonged to them,—bound as we were by the decision of this House;—and, until revoked, it is our law and their law. Consequently, when the House rescinds its resolution, the election must be returned to the people.

During the debate, many harsh reflections have been made upon this House, for its course upon this matter, at the special session. We did not seek the responsibility. It was thrown upon us, by the constitution and the people of Mississippi. Are gentlemen dissatisfied, that Congress should have the sole and final power of determining upon the election and qualifications of its members? This power is possessed by every legislative assembly in the Union, and, I believe, in the world. Was the power, in this instance, exercised honestly and fairly? No one has ventured to assert the contrary in direct terms;—but by suppositious cases and inuendos, it may be inferred, that a corrupt party spirit had controlled its determination. And from what is this inference drawn? From the fact, I presume, that gentlemen holding opposite opinions upon other great questions, have fallen in opposition upon this. Well, sir! the inference, if good for any thing, applies to both parties; and the charge of party corruption recoils, therefore, upon those who made it. Sir, the purest minds are seldom the most ready to impugn the motives of others. For my part, I cannot recognise the justice of these sweeping imputations upon the integrity of our associates. We are men, and therefore liable to the weaknesses of our nature; and I know how easily, with the very best intentions, our judgments are often swayed by our will. We are not beyond the influence of associates and our own strong desires. Hence, with the purest and most patriotic purpose to do our duty, we often find most upright and conscientious men, taking directly opposite sides of the same question. But what does this prove? Why, only that we are men; while it brings home to us the admonition, most carefully to strive to lift our minds, if possible, above the slavery of its feelings and passions. I doubt not, that in the main, the promotion of the public good and the maintenance of the public honor, are the grand design which actuate the votes and conduct of members upon this floor, in the discharge of their constitutional duties. And, sir, heretofore as now, this must have been the case, or our Republican systems would long since have been swept away. It is not intelligence which can maintain our institutions. The French legislative assembly was one of the most intelligent bodies ever assembled in the name of liberty. They failed for want of virtue—the virtue of christianity. And their intelligence only aided them in dispensing all evil, in the pursuit of imaginary good; and, at every step in blood, to show forth in all its horrors, the fierce depravity of our natures, when uncontrolled by the salutary influences of religion and virtue. The fact that amidst so many storms and contentions—so many risks and dangers, we have still been able to preserve our free institutions, and live together under a written Constitution, proves beyond all question, that the counsels within these walls must have been guided by sound principles of public duty. My inference in debate is, that every gentleman upon this floor acts conscientiously. I will not judge—I have no right to judge of his motives; and should I impugn those of another, what right have I to expect my own to be respected. This is the course of conduct towards each other, which the most ordinary charity demands; and permit me, sir, to add, which the dignity and character of this House requires. National character is national strength. It is the highest property of a people; and is essential to the obedience and veneration of the citizen at home, and the respect of nations abroad. If here, where the popular will and character of the people of the United States are concentrated, we are actuated by no higher motives than those of a corrupt party nature, the downfall of our institutions is inevitable, and our liberties must soon pass away.

Mr. Speaker, There is one other ground, upon which I think this election should be returned to the people. The principle will be admitted by all, though some may differ as to the propriety of its application. It is within the power, and it is the duty of this House, whenever it has reason to believe that an election has been unfair, and, therefore, might not be a correct expression of the popular will, to send it back to the people. This is the principle. Now, sir, was the election held in November, in Mississippi, a fair election? Resting upon the decision of this House, the gentlemen who, but a few months before, had obtained a large majority of the suffrages of the people, supposing themselves members of the 25th Congress, declined being candidates at the November election. They were not even present at the polls A one sided election took place under the hot canvassing of the able contestant who has addressed this House. I suppose that he might have used the same arguments with the people he has addressed to us: representing the decision of this House as a gross usurpation, a tyrannical infringement of the rights of of the people of Mississippi, to be redressed at all hazards; and those who would maintain it, and act upon the faith of its existence, as accessary to this outrage upon their liberties. The pride of the people, as freemen and citizens of Mississippi, might thus have been aroused—their passions inflamed—their judgments perverted. Now, I put it to gentlemen—is it possible that such an election could be fair? Without any opposition—with none to reply or defend—upon a question in which the nicest point of constitutional law were involved, and therefore, easily perverted—could such an election, however decided, be fair? Would any gentleman who hears me, be willing to stand such an election? If, under such circumstances, not a majority only, but every vote in Mississippi had been cast for the contestants, I should regard the election as an unfair expression of popular opinion, and I should return it to the people. I pretend not to dictate the conduct of others. I have no doubt the gentlemen who claim their seats under the November election, have as high a sense of integrity and honor as I can entertain. But with my views and information upon this subject, if I was in their situation, I would disdain to take my seat upon this floor. I would sit here, under a full, fair, and unprejudiced enunciation of the popular will, or I should remain forever without these walls. And this House, which has been, in part, the innocent cause of this partial election—what course does it become us to pursue? Admitting that we had the constitutional power—if we were to receive these gentlemen, what would we say to the sitting members, whom we have lulled into inaction and security by our resolution—to the people of Mississippi, who, in consequence of our resolution, might have been kept from the polls—and to the whole mass of electors who voted, but who may have voted under erroneous impulses, in consequence of our determination? Sir, I repeat, I will not question—I do not question, the perfect integrity of gentlemen who differ from me upon this subject; but thinking as I do, I would commit an act of injustice and dishonesty in my legislative capacity, if I did not return this election to this people. And, surely, this course ought not to give dissatisfaction to the people of Mississippi. They must perceive that they have been the ultimate cause of all the trouble and contention which has ensued. They must perceive, that if we erred in confirming the July election, it was from a sincere desire to uphold their rights and interests; and, if we now return the election to them, it is because we cannot consent to violate the Constitution of the United States, and add injustice to its violation.

I turn, Mr. Speaker, to the South Carolina delegation, who, it seems, have attracted the attention of the gentleman from Tennessee, in the course of his observations upon this subject. He seemed to suppose that our votes upon this question were not determined by our own views of right and duty, but by our deference to the opinion of my learned friend and colleague. Sir, whatever weight the opinion of such a man might have on other occasions, I think it most apparent that it has had but little upon this. Two of the delegation only voted with him, in favor of the sitting members; the rest voted against him; several of them, reversing the votes they gave on this question at the special session; and I, who voted with him, expressed my opinion on the subject, as I have already reminded the House, on the first day of the session, before my friend had even considered it. We know well his worth in counsel; but we know too, that our consciences are our own, and not another's; and that for a correct discharge of our public duties, we are alone responsible. Sir, in looking back to those who preceded us upon this floor, we find no subserviency to men—no obsequience to power—no base betrayal to party, of the great principles they maintainod, characterizing their bright career of honorable service to their country. However unworthy to stand in the distinguished places they once occupied, we intend, to the best of our ability, to maintain in our demeanor, unsullied by dishonor, and untainted by impurity, the fair fame they have bequeathed us upon this floor; and here, as well as elsewhere, ever to remember that we are the sons of South Carolina.

SPEECH OF MR. MARTIN,

OF ALABAMA,

In the House of Representatives, February 5, 1838—The following questions in relation to the case of the Mississippi election being under consideration:

The House had already adopted the following resolution, as an amendment:

"*Resolved*, That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, be rescinded, and that Messrs. GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress."

The question pending was on the following additional resolution, submitted by Mr. HOWARD of Maryland:

"*Resolved*, That Sergeant S. Prentiss and Thomas J. Word are not members of the Twenty-fifth Congress."

Mr. ROBERTSON had moved to strike out the word "not."

Mr. MARTIN being entitled to the floor, gave way first to Mr. GLASCOCK, who presented a statement from Mr. Claiborne, and again to Mr. HOWARD, who modified his resolution as follows:

"And that Messrs. Pentiss and Word are not entitled to seats on this floor as members of the 25th Congress."

Mr. MARTIN then addressed the House as follows:

MR. SPEAKER: In giving way for the modifications just made by the honorable mover (Mr. HOWARD of Maryland) to the resolution under consideration, I was simply extending to that gentleman the courtesy due to him in such a case; for with the technical form in which the question is presented, the remarks which I intend to submit will be found to have nothing to do. Nor do I intend to enter into an examination of the technicalities so elaborately discussed by all who have preceded me in this debate, which are involved in the writ of election of the Governor of Mississippi, and the proceedings had thereon in July last in that State. Indeed, sir, I shall not attempt to investigate that election, for its validity has had no influence in bringing my mind to the conclusion to which I have arrived upon the question immediately under consideration, in relation to the right of the applicants, Messrs. Prentiss and Word, to seats upon this floor as members from the State of Mississippi; for, however irregular the election in July may have been, this House, the only tribunal having cognizance of the question, did, by its *solemn decision* on the 3d of October last, declare it to be valid. That I may not be misunderstood, however, in regard to my opinion of that election, I will take this occasion to say that, upon full examination, I voted with the majority of the House upon that question, and have found no reason since to regret the vote, or to desire to change it. I am fully satisfied that the resolution to which I have referred, declaring the sitting members, Messrs. GHOLSON and CLAIBORNE, duly elected members of

the 25th Congress, was properly adopted by the House.

The right of the applicants to seats upon this floor as members, under the election held in November last, is the question now for consideration, and to that question I intend to march boldly up, as in my judgment a representative of the people should do, and discuss it fairly upon its merits; nor do I fear that I shall meet, in my way, any ground, either of merit or technicality, that will give me difficulty to overcome. Gentlemen of acknowledged ability have most zealously exerted themselves upon this question to prove the validity of that election: they have shown much research and industry in bringing to the view of the House all the authority which could aid them in sustaining it; they have left no means unessayed which might either tend to convince the judgment, or induce an acquiescence in the desired conclusion; and, to aid in this result, appeals are made to our passions and prejudices as partisans. These appeals, sir, I deeply regret, when thus brought to bear upon a grave constitutional question, involving, as this does, nothing less than the elective franchise.

In taking a view of this question, it is necessary that we should look to the facts and circumstances upon which the claim of the applicants to seats here is founded; and, to do so, it will be necessary that I should give a brief history of the case.

During the past summer, it was considered necessary by the President of the United States that the Twenty-fifth Congress should convene its first session on the first Monday in September last, and for that purpose, by his proclamation, ordered Congress to meet upon that day. By the laws of Mississippi, the time fixed for the election of her members to the present Congress was the first Monday and day following in November last. The Governor of that State, by his proclamation, ordered an election to be held in July, for the election of members to serve until superceded by those to be elected in November, the time fixed by law for holding the regular election. At the election in July, the sitting members were candidates, and were opposed by one of the applicants, (Mr. Prentiss) and another gentleman, the result of which was their return by a large majority of all the votes cast. At the meeting of the session thus called, the sitting members presented themselves, and having participated in the election of Speaker, as is usual in such cases by all the members returned, were duly sworn and took their seats. Some question being made by the honorable gentleman from Virginir, (Mr. MERCER) as to their right to seats as members, one of the sitting members, (Mr. GHOLSON,) called upon the House to institute an inquiry upon the subject, alleging, as his reason for doing so, that he wished the question settled in time for him to return to Mississippi, if he should be adjudged not entitled, before the time for holding the regular election in November, that the people might be informed, and hold another election. The House complied with that request, by the adoption of the resolution offered by that gentleman, referring the inquiry to the Committee of Elections, who, after examination, made their report, accompanied by a resolution declaring the sitting members duly elected members of the Twenty-fifth Congress; which resolution, so declaring, was, after full examnation and discussion, adopted by this House.

In addition to the legal presumption that the adoption of this resolution was known to the people of Mississippi, that fact was made known to them through the newspapers, and other channels of communication, by the sitting members, so that before the election in November, the electors of that State were fully informed of the decision of the House, and of the determination of the sitting members to rely upon that decision. These facts are admitted on all sides of the House. The applicants alone were candidates at the November election, obtaining a majority of the votes cast for Congress, *but less than half of the whole vote polled at that election;* and that, too, after a general canvass through the counties of the State by the applicants, as stated by Mr. Prentiss. These, I believe, sir, are most of the important facts and circumstances upon which this application is founded. There are certainly no others that I have heard which tend in the slightest degree to strengthen the claims of the applicants.

By the Constitution of the United States, this House is made the sole judge of the election, return, and qualification of its members; and under this authority we are now called upon to determine whether the election in November last, under all the circumstances attending it, has conferred the right upon the applicants here, to seats upon this floor as members of this House, as claimed by them.

No gentleman upon this floor, sir, entertains a higher respect and regard for the elective franchise than I do, nor is there one who would go further than I would to secure it to the people in its purity; and when, sir, I shall discover any attempt to abridge that sacred right here, or elsewhere, I shall not be found wanting in my best efforts for its preservation and protection. It has been well called the palladium of our liberty and institutions; and if, sir, it shall turn out that we are forgetful of our duty in the disposition which we shall make of the grave and important question under consideration, I shall look to the ballot box as the great corrector of this, as it has been in most cases heretofore of the wrongs committed by the servants of the people. And while on the one hand I would be among the first to sustain an election which I may be satisfied was fairly made by the people, on the other I should with equal promptness declare invalid one of which I might entertain a different opinion. And in deciding questions of doubtful character of this sort, I should feel bound to take that course which would threaten least danger to this great right, which would be to return it to the people for their further action.

Without entering into the inquiry at this moment, of the controlling influence which the decision of the House ought to have had upon the electors of the State of Mississippi, let me ask you, sir, from the facts before us, what effect it actually did have upon their action. What, sir, do the facts show us? We find two gentlemen, of fine talents, in the field, with none to oppose them, using great exertion, personally and through their friends, to induce a general vote for them throughout the State. The day is one of general election of all the important officers of the State, and nothing further necessary to be done than that of adding the names of the candidates for Congress to the ticket in their hand, for the people to vote for them; and this in one of the new Southern States, the population of which is composed of enterprising and intelligent citizens, from each of the other States, every man nearly able to write, with every facility for doing so, and in a State, too, ultra-Democratic in its form of Government, where all of the State officers are elected by the people, not even excepting the Judges of their Circuit and Supreme Courts; where every thing is done in accordance with the people's will, and where the people will every thing that is done; and where a failure by the people to express their will through the ballot box would destroy the Government of the State itself. In such a State, and under such circumstances, Mr. Speaker, what, I ask, would be the probable result? I have no hesitation in saying, sir, that with *no great matter of principle* to influence them, not one thousand out of the whole population who cast their votes at that election would have failed to vote for members to Congress. Now, sir, let us see how it did result. Why, sir, the applicants received *less than half the votes polled* at that election. Will any gentleman tell me that this strange result is of mere chance, and that it would ordinarily occur in such cases? None will venture to say so, who understand the character of the people of the South, and especially those of Mississippi. And, sir, I am surprised to hear gentlemen say that even this result is the loudest call that has emanated from that quarter. To my mind, sir, this result speaks volumes, but not, as gentlemen suppose, in favor of the validity of that election; very far from it. It satisfies me conclusively that some *powerful* and extraordinary influence was felt in that election. What other influence could have had this effect, so far as the evidence has made the disclosure, but the action of this House at the called session? And here I might ask again, was not that action of the House not only well calculated to produce such a result, but would it not necessarily do so? Propound this question to any man of plain common sense, and what would be his reply? In the affirmative, without doubt. Then, sir, if, by our action, we have prevented the people from fairly expressing their opinions and will, in the election of representatives upon this floor, can we for one moment hesitate to correct our error while we may, and restore to them their rights and privileges?

My friend from Virginia (Mr. Patton) seems to suppose that the vote polled for the applicants, although less than half that were cast, is extraordinarily large; and as proof that it is so, cites his own election last spring, in which he says, that having no opposition, he received, out of a district of 5,000 voters, but 200 votes. This may do in his part of the country; but we do things very differently in the South. In my district, sir, I ran alone for the Twenty-fourth Congress; and out of a district of some 7,000 voters, I received over 6,000 votes. In three of the largest counties, I lost less than 35 votes; and that, too, without a great deal of exertion, much less, at any rate, than Mr. PRENTISS informed us he used. I mention this case, by way of set-off to that of my friend from Virginia; and although not conclusive, yet it affords some evidence of our course in such things in the South. But, sir, the case of my friend from Virginia, I presume, falls short of a parallel with the one under consideration. It appears that in three counties in Mississippi, not one vote was cast for Congress. Will the gentleman say that the inhabitants of those counties felt no interest in so important an election? Was there *no man* in either of those counties who wished to be represented upon this floor? Did the citizens of any one county in his district, *all* refuse to vote for him? I did not so understand him to say, nor do I suppose it can have been so. Can this result have been the offspring of mere chance also? If so, sir, I question if the world shall ever see its like again; and certainly not, I would say, until the people of the South undergo such a change in their mode of thinking and acting, as must be the work of many years.

But, sir, in addition to the influence which the resolution of the House actually had upon the election in November, in preventing a full and fair expression of the people's will, and whether that influence was properly or improperly estimated by them, the result must control my judgment in determining it to be invalid. Yet I contend further, that while that resolution remained unrescinded, it was obligatory upon the people of Mississippi, and rendered void any election held by them to fill seats at that time occupied by the sitting members under it, being contrary to the law of the case, which that resolution certainly was.

By the Constitution of the United States, as I have remarked, this House is given the exclusive power to judge of the election, return, and qualification of its members; and in the exercise of that power, its decisions, emanating from that instrument, are equal in validity with the Constitution itself, and obligatory upon all the people of this Union. If this be true, (of which I entertain no doubt,) and it is also true that acts done in violation of law are void, of which, I presume, none will venture a question, as a necessary corollary, the election in November, being held during the existence of that resolution, was wholly void, and, of course, confers no right upon the applicants. This proposition is so very clear and conclusive in itself, that it is difficult to make it more so by any argument I can offer.

Gentlemen endeavor to avoid this conclusive position, by putting extreme cases of the abuse of this power by the House. Let us test one of them, and see how far they succeed. We are asked if the House, in the exercise of this great constitutional right, should declare an individual who had never been voted for by the electors of Mississippi to be their representative, if that decision would give to such an individual all the rights and privileges of a member from that State. I reply, sir, that it would not; but this is begging the question. It is the election by the people of which this House is

to judge; and it has no jurisdiction of the question of who shall be members of this body, except so far as that question is involved in the decision of their election, return, and qualification. Without an election, then, no jurisdiction would be conferred upon the House; and of course if any attempt was made to decide as in the case proposed, such decision would be void. The distinction between a case like this, and one in which the House has decided most palpably wrong, is obvious, at least to every lawyer here. In the first case, as I have admitted, the decision would be absolutely void; while, in the last, it would be obligatory so long as it continued unreversed.

I have remarked, sir, that I was well satisfied that the election in July is valid; but, for the sake of the argument, let us suppose it to be otherwise. Upon what ground, I would ask, can it be contended here, that the force of that decision, declaring it valid, the House having jurisdiction of the subject matter, would be impaired? That decision must be either entitled to its full force, or it must be void; it cannot occupy a middle ground; for although it might be subject to reversal for the error, yet it would continue valid until reversed. If void, of course it could have no influence upon the subsequent election, in the point of view in which I am now considering the question; and the subsequent election would be good or not, according to other circumstances attending it. If in full force, upon the other hand, the conclusion must be, that the election held in violation of it was void. Nor would the recision of that resolution afterwards change the result, upon any principle with which I am acquainted. It is true that a crime prohibited by statute is not punishable after its repeal. This, however, depends upon a very different principle from that which is contended for in the case under consideration. In that case the discharge is produced from the humanity of the law in favor of life. But, sir, upon what principle can it be contended in this case that the repeal of a law, the existence of which prevented the creation of title to a civil right, can operate to create it? The law being in existence at the time, fixed its character and effect, which could not be changed by the mere negative influence of its repeal.

I will pursue this point in the argument no further; for really, sir, after the best examination which I have been able to give this question, I find no ground for doubt even as to the conclusiveness of this point; nor have I been furnished with any by the ingenuity of those who have elaborated it so extensively upon the other side of the question.

I feel now, Mr. Speaker, that I have shown conclusively that the resolution under consideration, declaring Messrs. Prentiss and Word not entitled to seats as members upon this floor from the State of Mississippi, ought to be adopted; and, so far as that inquiry is concerned, I have no further remark to make. But, sir, this is not the only question now under the consideration of the House. It is true, sir, that a vote has been taken testing the strength of the first resolution, which proposes to rescind the resolution of the House at the called session, declaring the sitting members, Messrs. Claiborne and Gholson, duly elected members of the present Congress, from which it is rendered probable, not to say certain, that it will be adopted It is not, however, yet done; and viewing it, as I do, the heaviest blow that has ever been aimed at the institutions of my country, I will continue to hope that a kind Providence, to whose guardian care we owe the creation and continuance of our happy form of Government, will interpose some means to avert it from us; and, for one, sir, I will struggle against it until I hear its dreadful consummation announced from the Chair. And here, sir, permit me to say that I view the course taken upon this subject with great alarm, as setting the most dangerous precedent; and from the number of those who are in favor of its adoption, and particularly when I find the members of greatest age and experience among that number, I feel that the danger to be apprehended is near at hand. I may be told, sir, that my fears are too easily excited. I trust it may so turn out, but I have no expectation that it will. I have looked with painful anxiety into the history of this House and the Senate for a precedent for this course, but in vain. I have also examined into the history of the Parliament of England for one, with the same success. I challenge the oldest and the wisest in this House, sir, to produce an act in which the principle involved in this inquiry has been recognised in the proceedings of either branch of Congress, or any other similarly constituted body. I shall feel under obligation to any one who will point me to a precedent; for if my fears are groundless, I wish to be relieved from them. If, sir, there is no precedent, I entreat gentlemen to pause and reflect before they inflict this heavy blow upon our institutions and Government.

We have heard from the gentleman from Tennessee (Mr. BELL) the admission that party considerations have had influence upon this decision; and indeed, sir, it is too obvious to any one who will look to the votes and the advocates upon either side of it. But for that influence, I cannot believe that we should be troubled with this investigation. When, sir, the proposition was made by the applicants for seats here, I did not suppose for one moment that it would be seriously entertained; and indeed, sir, when it was referred to the Committee of Elections, I supposed it was done *pro forma* merely, as a respectful way of disposing of the subject. I could not then believe that even the devotion to party, which had been manifested here upon so many recent occasions, would be permitted upon that to make any gentleman forget his country. I did suppose respect for ourselves and our decisions, and the importance of continuing a respectful consideration of them by others, would have forbid us from treating as mere idle matters the solemn decisions of this House, even were it viewed as a question of policy. But, sir, how much less did I suppose that gentlemen here would treat lightly their decision, by which was vested the dearest rights of an American citizen. Sir, it seems to be forgotten by the House that any right or privilege was conferred by the resolution of the called session upon the sitting members from Mississippi; for certainly, if remembered, they would be recognised. What, sir, would be your course if, after the adoption of the resolution which I am now considering, the sitting members should take their seats upon this floor, and demand to take part in the action of this House—demand the right to debate and vote upon the subjects before us—would you, sir, feel satisfied that you, as the presiding officer of this body, would be authorized to refuse to permit them to do so, thus depriving them of privileges conferred upon them and their constituents by this House, while they remain unexpelled by the constitutional majority. I hope, sir, this delicate and grave question may not be presented to *you* for decision. You would find no precedent for your guide, sir; out of the great number of decisions made by this House, touching every legitimate subject for its determation, this would not, in principle, sir, be found to be "*res adjudicata.*" Upon you, sir, would devolve a duty that the stoutest heart might dread to perform. Ordered, as you would be, by a majority of this House—for the authority of which I know you entertain high respect—to do an act which, in conscience, you believed to be wrong, you could not but hesitate either to obey the mandate, or do the injustice. Your seat would be found truly burthensome to you. I cannot believe, however strongly you would desire to comply with the order of the House, that you would permit yourself to become the instrument through which such violence would be done to the Constitution of the country, the rights of individuals, and those of a sovereign State. I repeat, sir, that for your sake I hope the cup may pass by you; if in other hands, I am confident it would not. So far as the principle is concerned, I should be glad to see it tested; and *if*, sir, contrary to what I suppose would be your course, you should execute the void order of the House, then, indeed, would you hear a voice, *loud and long*, not only from Mississippi, but from every part of this Union, which would make this House not only feel its error, but prepare it for a willing correction of it.

This resolution, if adopted, will, in violation of all principle, do that, indirectly, which it cannot do directly. Its effect, when executed, will be to expel from this House the representatives of a sovereign State, *by a bare majority*, when, by the Constitution which we have *sworn to support*, it could only be effected by two-thirds of this body. And, sir, in what estimation will our acts be held by the community, when they see this House rescinding a most solemn resolution of a former session, vesting the most important rights in individuals, and securing them to a sovereign State of this Union, in violation of every principle of the Constitution and laws of this land, in the absence of all precedent, and without any ground for impeaching that resolution. All must conclude, that rights which depend upon the unstable decisions of this House, are of but little value. So much, sir, do I consider the value of stability in our decisions, that if I had no other reason for doing so than to secure that object, I would not vote for the recision, were my right to a seat here dependent upon it. Nay, sir, neither office nor place could induce me thus to bring into disrepute our solemn determinations by the establishment of such a precedent. Carry out the principle which we are now about to establish, and where will it lead us, and where is it to end? The term, sir, of our presiding officer is to continue so long as the party to which he may belong shall compose the majority of this House, and no longer, instead of the term of a Congress, as heretofore. Indeed, sir, the whole organization of the House is to depend, for its duration, upon the *ups* and *downs of party*. In one word, sir, we are cut loose from all the usages and fixed principles of our fathers, which were esteemed by them to be indispensable to the perpetuity of this our happy form of Government, and are at sea without compass or rudder to direct our wanderings. Sir, the day is not far in advance of us, when this departure which we are about to make, must be corrected by the people, through the ballot box, or this glorious Union must melt, under the intense heat of party strife, into anarchy; and I call upon my countrymen to come to the rescue.

REMARKS OF MR. SMITH,
OF MAINE,

In the House of Representatives, January 5, 1838—On the subject of British aggressions on the northern frontier of the United States.

Mr. SMITH said he did not rise with any disposition to detain the House more than a few moments, and particularly as the resolutions touching the matter immediately before the House had been so amended as to produce a very obvious unanimity on the part of the House in their favor. But (said Mr. S.) I cannot consent to close this debate, without calling the attention of the House to a portion of the remarks made by the honorable chairman of the Committee on Foreign Affairs, (Mr. Howard,) when he last addressed the House.

The difficulties existing in relation to the boundary of the United States on the extreme northeast, are of a kindred character to those which have excited the indignation, and, I may say, laudable zeal of the honorable gentlemen from New York, who have addressed the House; and they have inevitably been associated together in this debate. But I understand the honorable gentleman from Maryland, (who is chairman of the Committee on Foreign Affairs in this House,) that there is no disposition to press the border difficulties and disputed boundary on the frontier of the State which I have the honor to represent in part upon this floor, upon the consideration of either the British Government or of this House at the present time, or to attempt any settlement of them. Now, sir, I wish to know whether that gentleman is to be understood as expressing correctly the feeling and sense of the present Administration, or of his committee, or of this House, in this particular?

Mr. HOWARD here rose to explain. He had merely stated his personal opinion. He had not stated it as the opinion of the committee, nor had he said that he felt no disposition to press for a settlement of the question of boundary; but, as it had been said by some gentlemen that we seemed to be on the eve of a war with Great Britain, he

had made some remarks which were intended to show that such an opinion was unfounded.

Sir, said Mr. SMITH, I am gratified to learn that the honorable gentleman disclaims having spoken in behalf of the Administration, or of his committee. I am glad that he disclaims indifference towards so important a matter on his own part also. But I did not only understand him to say, that there was no disposition on his own part, or on the part of the Administration, or of this House, or of somebody, to press to a settlement the boundary difficulties that are now disturbing the peace and the rights of the people of Maine; but as giving reasons also for adopting such a policy, such as struck my mind as being most singular and extraordinary. I understood him, sir, as advancing as a reason for disregarding, for the present, the subject of the disputed boundary in the northeast, that it had already been in dispute for twenty years past; I understood another reason of his, for such a policy, was, that we are on terms of peace and amity with Great Britain in regard to all other matters; and a third reason why we should not press to a termination, at this time, the dispute on the frontier boundary of Maine, which I understood the gentleman as assigning, was, that Great Britain is at this time involved in troubles with another people—a portion of her own subjects, and it would be dishonorable in us to press our disputes with her to a settlement under such circumstances.

Sir, these are all reasons why I would see the boundary of Maine pressed and settled at this time, and I can assure the honorable gentleman from Maryland that such a policy is expected of him, and of his committee, and of this House, and of every branch of this Government, by the people of Maine. My colleague, sir, who has already addressed the House, (Mr. Cilley,) has truly represented what are the feelings of the people of Maine upon this subject; and I sincerely hope that the honorable gentleman, who is at the head of foreign affairs in this House, will, upon further reflection, be induced to adopt the same decided interest in favor of an immediate adjustment of this boundary, that the President has expressed in his message to Congress. Sir, the people of Maine *have* claims upon this Government in this matter. Does not the honorable gentleman from Maryland know, that at this moment one of the citizens of Maine is incarcerated by the British Government in one of their provincial jails, and has been so incarcerated for months and months? And for what, sir? Under the pretext of having committed an act which the provincial government of Great Britain was pleased to call a violation of its provincial law, and upon territory, too, that the honorable chairman of foreign affairs here upon this floor declares to be the property of Maine by the most clear and perfect title!

Yes, sir, a citizen of Maine, let me tell the honorable gentleman, is at this moment imprisoned in a foreign jail by the British Government, for an act which that Government has chosen to call an offence against itself, and upon territory to which the gentleman admits Maine to have the most clear and perfect title. He was taken, kidnaped from our own soil, and transmitted beyond the limits of the United States, and is still there in prison; and yet the gentleman said he had no disposition, for reasons which he mentioned, for pressing the aggression upon the consideration of the House. Sir, this is not the policy which Maine expects of this Administration upon this subject; and it is not the policy which it becomes this House to adopt.

Mr. Speaker, calamitous, and unfortunate in other respects, as the recent events on our frontier, in the vicinity of Niagara, may be regarded by gentlemen from New York. I cannot but congratulate myself, and the State I here represent in part, that they have occurred. I congratulate myself, and the State of Maine on account of these events, because I believe they will have a direct tendency to bring to the consideration of this House, and of the Government, and of the country, the aggressions which have been perpetrated upon the territory and rights of Maine, by the British Government. They will tend to bring to the consideration of Congress, the worth of the liberty of a citizen of a State so far in the eastern extremity of this Union as is Maine, and the worth of protecting inviolate the territory of that State. They will serve to remind this House and the nation of its duty to a territory that has been thus drawn into dispute, exceeding in extent the Territory of near two or three of the entire States of the Union. I have observed, sir, in the documents communicated by the Secretary of State, respecting our relations with Mexico, that the mere circumstance that the Minister of that Government, on the eve of his leaving the country, had the audacity *to print a pamphlet* of a character esteemed offensive to the Secretary of State, or to our Government, has been regarded as sufficient consequence to call for the special consideration of this House and of the nation, and held up in the light of an offence that should inflame the nation into a war upon the Government of that Minister. Sir, if such an unimportant circumstance is esteemed to be of such magnitude in our relations with Mexico, may I not express some surprise that the honorable chairman of the Committee of Foreign Affairs should be so inclined to overlook the outrages committed upon the citizens and rights and territory of Maine as the British Government has been, and still is, guilty of? I repeat, sir, that I am gratified, and it must be a subject of legitimate congratulation in Maine, that events have taken place of a character to arouse the attention of the Representatives of New York upon this floor to the outrages of the British Government, inasmuch as it will tend to elevate the aggressions committed by the same Government upon the people and rights of Maine, to equal consideration on the part of this House and of the present Administration, with that bestowed upon the offensive pamphlet published by the Mexican Minister. Let the injuries of Maine constitute, at least, as much of an appendage to the aggressions committed by the British Government upon New York, as the published pamphlet, to which I have alluded, has been made to our unsettled claims upon Mexico. Sir, I hope the resolutions offered by the gentleman from New York (Mr. Fillmore,) will pass with unanimity; and if they will bear the construction of a call upon the President for *all* the information he possesses relative to violations of our treaty relations with Great Britain upon the extreme eastern border, where a citizen of the United States has been kidnapped and carried out of the country by the British Government, I shall like the resolutions so much the better. I hope they will bear this broad construction. But for what they do mean I go for them, and hope they will pass, as I am sure they will.

SPEECH OF MR. HUBBARD,
OF NEW HAMPSHIRE.

In Senate, February 7th and 8th, 1838—Upon the bill "to impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public money of the United States."

If, Mr. President, the honorable Senator from Virginia is governed by those high considerations, which he ascribes to his course: If, as he says, the pure love of country controls his actions here: If he has the consciousness of having honestly and faithfully discharged his public duty, what has he to fear from all the denunciations of party? Armed, *as he must be, so strong in honesty*, he would disregard all the bitter persecutions of political prejudice. The American people are too well informed, not to understand the acts of every public man, and too discerning, not to see the motives which induce those acts, and they are too just, however much they may censure the action, to condemn the actor, if his course of action has been governed by the high considerations of public duty. I shall, sir, judge no man. I will not, for a moment, indulge the thought that any view of self-elevation, of *personal aggrandisement*, can influence the course of any member of this Senate. I am bound to believe that the distinguished public men of our country, whatever may be their passion for preferment, *their ambition for place*, are nevertheless governed in their public course by considerations of patriotism. Mr. President, I feel also, in common with the honorable Senator from Virginia, the responsibilities which devolve on me; and it is my purpose to act, here and elsewhere, as one that must give an account. All I can say is, that if it should so happen, that my course, on this or on any other great measure of public policy, shall not meet the approbation of my constituents, that I shall be ready, at their bidding, to give up my place to another, who shall better represent the will of the people.

The Senator from Virginia has very distinctly expressed his dissatisfaction with the object and details of the bill emanating from the Committee on Finance. He has stated, and truly stated, that it is the same in principle with the bill of the last session. The fate of *that bill* is matter of history. It originated in this branch of Congress; was here fully discussed, most critically and carefully considered, and finally received the sanction of the Senate. Its fate in the House of Representatives was not so fortunate for the Government or the country. It was laid upon the table; and notwithstanding the agitation of the public mind in relation to this subject, notwithstanding the peculiar condition of the currency of the country, and of the finances of the Government, the bill there yet remains; and as far, sir, as I have been able to learn the passing events, not a movement has been made since the commencement of the present session, to bring this most important subject to the consideration of that branch of Congress; a subject immediately connected with the collection, custody, and disbursement of the money of the people.

The Senator from Virginia says that he anticipated, at this session, a different measure. The final disposition of the bill of the last session, the indications of popular sentiment which have taken place since it was first brought forward, and the sentiments of the recent Message of the President, led *him* to suppose that a different policy would be manifested; that a measure more in accordance with the public mind would now have been presented for the consideration of Congress. There is, sir, a radical difference between the Senator and myself, in relation to the state of popular opinion. If the Senator will appeal to the great working classes of our community, to the actual cultivators of the soil, *the mechanics and tradesmen of the country*, he will find a deep-rooted conviction that the time has come when all financial connection between the Government of their choice and the banks of the States ought, in their judgment, to be dissolved. A different sentiment, I have no doubt, pervades other portions of the community.

But I feel a perfect confidence that, if this question could now be submitted to the American people—"*Shall the revenues of the Government hereafter be collected and disbursed independent of banking institutions?*"—that the Senator would find, from the response, that he had altogether mistaken the state of public opinion.

I am somewhat surprised that the Senator should have anticipated any different measure from the character of the Message. The President says: "*If a majority of Congress see the public welfare in a different light, and more especially if they should be satisfied that the measure proposed would not be acceptable to the people, I shall look to their wisdom to substitute such as may be more conducive to the one and more satisfactory to the other. In any event, they may confidently rely on my hearty co-operation, to the fullest extent which my views of the Constitution and my sense of duty will permit.*" There is nothing in this paragraph which could lead the Senator to anticipate the recommendation of a different measure. The mind of the President was unaltered. "I have (he said) found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety, either in the fiscal affairs of the Government, or in the pecuniary transactions of individuals and corporations, so long as a connection exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation." The Senator could not have anticipated from this part of the President's message that he was in favor of any

different measure. He says that he anticipated a report from the Committee on Finance of a different bill, from the indications of popular opinion since the last session of Congress. Considering the free and representative character of our Government, I admit that the state of public opinion, at all times, should and would have a controlling influence with every public man; and the President himself has not communicated a sentiment conflicting with this safe Republican principle. He has well said, that "the national will is the supreme law of the Republic, and on all subjects within the limits of his constitutional powers, should be faithfully observed by the public servant." "Local elections for State officers have, however, been held in several of the States, at which the expediency of the plan proposed by the Executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice."

"Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember that questions of far deeper and more immediate local interest than the fiscal plans of the National Treasury were involved in those elections. Above all, we cannot overlook the striking fact, that there were at the time in those States more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture, other large portions upheld only by special and limited legislative indulgencies, and most of it, if not all, to a greater or less extent dependent for a continuance of its corporate existence upon the will of the State Legislatures to be then chosen."

The Senator from Virginia, and the Senator from Massachusetts, have alluded to the elections which have taken place in Maine, Indiana, and New York, as evidence of a most extraordinary change in public opinion with reference to this measure. This may be so, and it may be otherwise. Questions having no connection with this Independent Treasury scheme may have controlled those local elections; and I submit whether any thing unfavorable to the policy of the Administration is inferrable from those results. In Maine, the aggregate vote given for State Senators shows a Democratic majority, while the votes for Governor indicate a different result. Both may equally express the will of the people; and all that can be inferred from the result of the Maine election is, that the Democratic candidate for Governor did not command the same support that the Democratic candidates for the State Senate received. In New York, also, it is perfectly clear that fifty thousand less votes were cast at the last than at the next preceding election. On this subject I will say that, if the the present incumbent of the Presidential office, and the whole combined force of the Opposition concentrated in a candidate friendly to a National Bank, or friendly to the State deposite policy, were now before the people for office, the result of such a contest would be a fair expression of the popular will, and, unless I wholly mistake the signs of the times, would conclusively show that the present state of the public mind, in relation to this question, has been greatly misapprehended and greatly misrepresented.

It has been stated, Mr. President, that the general object of this measure was a separation of the Government from the banks. And is there any member of this Senate who would advocate a continuance of this connection, in the present state of the banks themselves? *No sir.* It then becomes, *at once*, a matter of duty for Congress to make adequate provision for the collection, safe-keeping and disbursement of the public revenues. The banks cannot be employed as the fiscal agents of the Government, in their present acknowledged state of bankruptcy. It would be monstrous to require the Government, in the present state of affairs, to make deposite of its funds with these State institutions. The subject, then, is one most emphatically demanding the consideration of Congress.

The power of this Government would be enfeebled, if not endangered, by the destruction of its financial resources. It is the unembarrassed operation of the fiscal system of this Government, that gives to it life, vigor and stability. And the Congress of the United States would be faithless in the discharge of their high trusts, should they fail to make ample provision for the safe-keeping of the public funds. What then is to be done? The depositories of the public money, under the act of June, 1836, have failed to perform their engagements to the Government, and to meet the just expectations of the community. The Secretary of the Treasury, without a direct violation of law, cannot longer employ these institutions as the fiscal agents of the Government. And I am, sir, well satisfied that there will be "neither safety or stability, so long as the connection exists between them and the Government." The time has come then when something should be done. The Committee on Finance have reported this bill as the result of their reflections. If it shall be adopted, the care of the public funds will be committed to the charge of agents directly responsible to the Government, who derive their official existence through the effect of public law, and their whole duty is defined and regulated by public enactment. They are bound to collect, safely keep and disburse the public revenues. In this way the Government at once acquires the exclusive control of the public funds. In the hands of its own agents, they are in no way liable to depreciation or loss.

They can in no way become the means for speculation. The same funds which shall be received shall be disbursed. But the moment the public money is mingled with the money of banking corporations, that moment the control and management of the Government funds is put beyond the power of the department charged with the fiscal operations of the country. The direct benefit resulting from the separation is, that the Government will always be unembarrassed in conducting its own financial affairs. It must possess, at all times, full knowledge of its own resources; and, in pursuance of public law, can invariably command its own pecuniary means. It will be recollected that the public moneys were deposited with the United States Bank, agreeably to the provisions of the charter, subject to the control of the Treasury Department. It will also be recollected that those deposites were transferred to the State institutions, and the act of June, 1836, provided for the regulation of the deposites of the public money in those local banks. The history of the connection with the Bank of the United States and with the State institutions furnishes a lesson of experience which cannot be lost upon the country, and which must have prepared the public mind for the measure now recommended.

I am then, Mr. President, for the bill, because it prohibits, under the severest penalties, the use of the public money for any purpose whatever; and because it secures to the Government the entire control of the public funds. There is another leading object contemplated by the bill, *which is*, gradually to effect a change in the kind of currency in which the public revenues shall be received. I should have been entirely content to have left this matter to the law of 1789, and to the resolution of 1816. I am not one of those, however, who regard this provision of the bill with any alarm. It must be matter of great indifference to banks of discount whether the revenues of the Government shall be collected exclusively in gold or silver, or whether in paper equivalent to specie, and which may be converted into specie at the place where received. If paper money shall be equal in value to the precious metals, the bank issuing such a description of paper can have no occasion to be alarmed from the practical effect of this measure. Those banks only whose paper shall be depreciated, and whose circulation shall be worth less than specie, will experience embarrassment from the operation of this bill. It cannot be the object of the Government to lend its aid to sustain institutions of this character. The legalized currency of the Government should never be a depreciated currency. Gold and silver only have a fixed and standard value, and all other descriptions of money possess a mere relative value. The public funds should be collected in a currency uniform and of intrinsic and equal worth in every part of the Republic. The operations of the Government would necessarily result in pecuniary loss by making disbursements in a medium liable to any fluctuation. The public funds are the rightful property of the American people, and should be received and disbursed by the Government, as their agent, in a currency recognised by the Constitution and sanctioned by public law.

The revenues of the Government should never be used in banking operations, because it would subject them to all the hazard and change to which paper money is unavoidably exposed.

Every description of a paper currency, from its nature and character, is liable to constant fluctuation in its value. Bank paper in one section of the country may be much more below the value of specie than in another.

These considerations, Mr. President, should induce Congress, at as early a day as may be consistent with the interest and convenience of the tax-payers, to provide for the collection of the public revenues exclusively in a currency of a fixed and standard value; and this is all that the bill proposes in this respect. It provides for this salutary change in the most gradual manner—in a manner safe, practical, and convenient.

These are the leading and general objects of the bill reported from the Committee on Finance. And what, sir, are the objections which have been urged against this measure?

First, That it estabishes a Government bank, more odious in its character, and more alarming in its effects upon the industry of the country, than even was the late bank of the United States.

If this were so, how does it happen that every friend of a National Bank in this, and in the other branch of Congress, opposes this measure with every possible degree of virulence and of hostility? Not because *it is*, but because *it is not a bank;* because it runs counter to every principle and privilege of banking institutions—that this bill meets with such unrelenting oppesition. This objection to the bill, made as it has been by the Senator from Virginia, and enforced with so much zeal and ability, imposes upon me the necessity of travelling over the same ground which has been so recently and so ably occupied by the chairman of the committee. I must ask the attention of the Senate while I examine the details of the bill, with a view to answer this most extraordinary, and to my mind, most unwarrantable, objection to the measure.

The first section of this bill, after designating suitable and convenient rooms for the keeping of the public moneys, and giving a locality to the public treasury, provides that the Treasurer of the United States, *shall keep all the public moneys which shall come to his hands in the Treasury of the United States as hereby constituted,* "*until the same are drawn therefrom according to law.*"

The second section of the bill establishes certain places as public depositories, and defines the *particular* duties of the officers charged with the receipt, safe-keeping, transfer, and disbursement of all such moneys as may be deposited at those places.

The third section designates the duties which shall be performed by certain Receivers General, to be appointed and stationed at the cities of Boston and New York, with reference to the collection and disbursement of the public funds which may be deposited at those points.

The fourth section contains substantially the same provisions as are contained in the third, and gives authority for the appointment of Receivers General to be stationed at the cities of Charleston and St. Louis, with the same powers and for the same purposes.

The sixth section, after expressly designating those officers to be charged with the collection of the public money, provides that they shall keep safely, *without loaning or using, all the public money collected by them*, until the same shall be ordered to be transferred or disbursed by the proper department of the Government.

The ninth section provides that the respective depositaries shall safely keep the public money until the same shall be disposed of *according to law*. And here, Mr. President, I must stop to inquire what line or paragraph of the first nine sections of this bill gives the slightest countenance to

the establishment of a Government bank? *A bank of issues, a bank of circulation?*

The public funds, which may, in the pursuance of these provisions, be placed for safe-keeping in some or all of the depositories is, I suppose, to be understood as constituting the capital of this great Government bank.

But, unlike all other banking institutions, it possesses no power to trade upon this capital. The same has been deposited, and is in the safe custody of the public officers; but not a dollar of this capital, at any time, or under any pretence, can be withdrawn, except by the authority of law. The Treasurer of the United States, in the capacity of acting president of the new discovered bank, in conjunction with the whole board of directors, in the character of Mint treasurers, collectors and receivers, cannot discount one dollar of this capital, except it be through the acts of the Legislature and Executive branches of the Government.

The capital then of this Government bank is placed beyond the reach of any cashier, teller, director, or any other officer connected with the institution.

The Senator from Virginia must have imposed a severe tax upon his ingenuity, to have conceived the remotest similitude between the provisions of these nine sections, and the provisions of a National Bank charter, between this measure and a Government bank.

It must be under the tenth section of this bill that the Senator from Virginia imagines that any banking power is conferred upon the executive officers of the Government. The Treasury Department has, by virtue of this section, authority to transfer the moneys in the hands of one depositary to the charge of another. A power which has, of necessity, been exercised by that Department since the foundation of the Government. The Secretary of the Treasury has no more power under this bill, with reference to the transfer of the public money, than he possessed during the existence of the Bank of the United States, than he possessed before and since the existence of that institution. That officer, from the character of the public appropriations, must know at what particular points expenditures will be required; and he would be a most faithless officer to permit the deposites of the public money to accumulate in New York, when the wants of the Government will demand their use at New Orleans.

This power must be vested in some one of the Executive Departments. It has been vested and exercised, from the commencement of the Government, by the Treasury Department, to which has been committed the oversight and general management of the public revenues. The discharge of this high, necessary, and responsible duty has alarmed the fears of the Senator from Virginia. He has exhibited to our view, as the offspring of this power, the hideous spectre of a Government Bank.

There is no power given to the Secretary, in transferring the public funds "at his discretion, and as the safety of the public moneys and the convenience of the public service shall seem to him to require," *to divert* those funds, to give to them any different direction. Any such order of transfer would at once be dishonored; *but, if regarded,* would subject the Secretary himself, and all concerned, to the severe, but just, penalty prescribed by the act. Such a purpose never could be perfected. It is then, sir, to my mind, strange indeed that the banking power, which the Senator from Virginia says is conferred by this bill, can possibly be *inferred* from this tenth section.

But there is another clause of this section which gives to the Treasurer of the United States, for the purpose of payments on public account, *power* to draw upon the depositories, as the public interests and the convenience of the public creditors shall require, a power coeval with the existence of the Government, and without the exercise of which I am unable to discover how its fiscal affairs could safely be conducted. It should, however, be borne constantly in mind, that this same Treasurer of the United States cannot issue his drafts, except to discharge appropriations made by law. This is all the control, all the power, which this or any other public officer has over the disbursements of the public money; and yet the Senator says there is established by this bill a power to bank upon the public funds. How, when or where, *I* cannot see. The importers must pay their duties, and the purchasers must pay for their lands; the receivers must deposite the avails; the officers charged with the custody must safely keep, and must disburse the same, to satisfy the public creditors, upon the drafts of the Treasurer of the United States, issued in pursuance of legal appropriations. This is the whole power given by this bill to the public officers over the public funds. The best individual bond or commercial paper in the community cannot draw from the safes and vaults of the Treasury a solitary dollar on loan. The capital of the American people cannot be touched by their agents, except for the support of their Government; and *then*, not without the consent of their representatives.

The committee, in preparing this bill, intended to steer clear of any such objection. The bill of the extra session, embracing the same general principle, was assailed on this ground. It will be found, in further pursuing the details of this bill, that the eleventh section contains the very important provision that all the public moneys, no matter where held in deposite, shall be credited "to the Treasurer of the United States, and shall be at all times subject to his draft;" and I have before shown whence this same officer derived his authority to disburse the public money, and what was the extent of that authority.

This section, then, puts the matter to rest; makes confirmation strong as "holy writ," that no other officer, be he whom he may, "whether president, director, cashier, or teller of this Government bank" can, by any power he may possess, withdraw any portion of the capital, for any purpose. It follows, then, that this Government bank cannot issue any paper for circulation as money, and has no other power over its capital than to discount the Treasurer's drafts, for the payment of public creditors.

The thirteenth section gives authority to the Secretary of the Treasury, under certain circumstances, to direct the public moneys to be *specially* deposited in some selected bank, and prescribes the conditions and terms upon which deposites shall thus be made. The first is, "*that the banks holding them shall be prohibited from making any use of the moneys deposited by way of loans, discounts, or in any other manner, or for any other purpose whatsoever.* And this essential provision is most faithfully secured by the subsequent terms of this section.

The fifteenth and sixteenth sections of this bill impose additional and important guards for the safe-keeping of the public moneys thus deposited, to meet the wants of the Treasury. But it has been said that this bill gives authority to individuals to make deposites, and to receive certificates of such deposites from the Treasury Department, and these certificates will pass as the paper money of this Government bank.

I am bound to suppose every gentleman sincere in the objections which he urges to this measure. But, sir, I have looked through and through this bill; I have examined it with all the care and attention which I can bestow upon it, and I must say that this objection is utterly groundless, without any foundation upon which it can rest.

The nineteenth section, it is true, gives authority to a certain description of public officers, '*having public money to pay to the United States, and all patentees wishing to make payment for patents issued, to pay all such moneys at the Treasury of the United States,*" or at the other places of public deposite, and the officers are to give certificates of all such payments; and the twenty-seventh section also provides that the Treasurer of the United States may receive payments in advance for the public lands, and give a certificate therefor, which shall be received at the land offices; but, so far from this constituting a paper currency, their transfer or assignment is, in terms, expressly prohibited.

From these sections is inferred the dangerous power given to the Executive to issue a Government bank paper to pass as currency. All the power which the Executive has, in relation to this matter, is conferred by these two sections. I leave for others to show where the danger lies. It must occur to every practical man, that the privileges granted by the twenty-seventh section will greatly promote individual convenience, without making the Government obnoxious to the charge of receiving money on individual deposite. In both sections, all that is done is to provide a convenient mode for receiving the public dues, and not for creating Government liabilities.

If any thing further were necessary to relieve the public mind from the suspicion that this bill looks to the establishment of a Government Bank, I would refer to the important provisions of the twentieth section, not only prohibiting any public officer, under any pretence, from using the public money, but imposing the severe penalty of fine and imprisonment, should any such officer transgress.

The public press, also, since this bill was first brought forward, has exerted its power to prejudice the public mind against this measure, by publications without even the shadow of truth to sustain them. It is said that "the plan is drawn up with exceeding skill, and apparently with the principal object of ensuring safety to the public money. But, in reality, it proposes a VAST GOVERNMENT BANK, *wholly and without any check, under the control of the Executive. It would possess* ALL THE POWERS OF A NATIONAL BANK, but without any of the checks or guards which should surround such an institution. To show that I do not deal in mere assertion, I propose to point out the true features of this abominable plan; and to prove that it is nothing more or less than a Government Bank, under the unchecked control of the President, or his instrument, the Secretary of the Treasury.

"*What are the principal* POWERS OF A BANK? They are, 1. The power of issuing bills, to be used as a currency. 2. The receiving and holding deposites of money. And 3d. The loaning of money, and the buying and selling of exchange,

"I presume it will be admitted, that the above are all the *essential* powers or PRIVILEGES OF A BANK? The proposed law expressly confers all these privileges upon the Treasury Department, and gives it the whole revenue of the country, and all the money which individuals may deposite with it, as *a capital to work upon!*"

Have I not already shown that this measure confers no power to issue a paper currency, to receive private deposites, or to loan money? This, however, is sent forth to the American people in one of the journals in the city of Boston as the true character of this public measure.

In what part of this bill are to be found provisions tending to the establishment of a Government bank, without check, and under the control of the Executive? Where is to be found the grant of executive power to issue paper to be used as a currency? Does any part of the bill give authority to receive, and hold as deposites, the money of others? Is there any power conferred to loan money, or trade in exchange? *No, sir:* and if the writer of this article had examined this measure with a spirit of candor, and free from prejudice, he could never have given to the public sentiments so much at war with the spirit and letter of this bill. One of the provisions of this much abused measure, which must recommend it more than any other, is, that it takes from every officer of the Government the power of employing the public funds "as a capital to work upon."

The Senator from Virginia says, as between a Government Bank, such as this bill seeks to establish, and a Bank of the United States, such as has recently existed, he should pause long before he should go for a Government Bank.

In such an alternative he should pause long before he could give to this measure his preference. I have read, sir, the speech of the honorable Senator, delivered on this floor in 1834, and it seems to me inconceivable that any alternative could be presented to his mind which could induce him, *under any circumstances*, to give his support to the re-establishment of a National Bank.

On the occasion to which I have referred, the Senator remarked:

"I am not less sensible, I trust, sir, than other gentlemen to the sufferings of any portion of my fellow-citizens, but I must say that the present crisis, whatever be its severity, comes alleviated by

one high consolation. It is calculated to awaken, and I trust will awaken, all of us to the true nature and dangerous character of that formidable moneyed power which we have built up by our own laws, and which now sits enthroned upon our statute book in the pride of chartered prerogative. Sir, we have heretofore been singularly deaf to the monitory lessons delivered to us by our fathers and predecessors. In vain did the Republican statesmen of '91 warn us of the fatal consequences of this 'first transgression' of the sacred limits of the Constitution; in vain did Mr. JEFFERSON, in the prophetic passage which was read to us the other day by the Senator from Missouri, (Mr. BENTON,) tell us of all possible institutions 'this was the one of most deadly hostility against the principles and form of our Constitution,' and that if permitted to exist it would one day reduce the constituted authorities of the nation themselves under vassalage to its will."

Is the measure proposed by the Committee on Finance, a violation of the Constitution? Does it conflict with the provisions of that sacred instrument? Has it so been pretended by any one? Does the Senator wish to be understood *that he should pause long before he would go for this bill*, when the alternative was presented—this bill or a Bank of the United States? Sir, I cannot believe that the Senator wishes so to be understood.

The bill reported by the committee is free from every constitutional embarrassment. It should be regarded as a mere measure of expediency. I cannot suppose that any man would give a preference to any other measure directly conflicting with the letter and spirit of the Constitution.

The late distinguished colleague of the Senator expressed similar sentiments as to the constitutional power of Congress to establish a United States Bank; but he, at the same time, expressed the sentiment that such an alternative might be presented as might justify the abandonment of the guards of the Constitution.

When such sentiments shall be avowed, and a corresponding course of action shall be manifested, we may prepare to surrender the dearest rights of freemen.

Mr. LEIGH remarked, upon the bill to extend, for a term of six years, the United States Bank charter:

"But though the people of Virginia do maintain the opinion, and have uniformly maintained it, and, I think, upon just grounds, that this Government has no constitutional authority to charter a National Bank, the developments of the present year now in rapid progress may serve to convince them that the renewal of the present charter of the present bank, with such modifications, and for such a term, as experience has shown or shall dictate to be proper, may be the only means which human wisdom can devise, to avert or correct measures far more unconstitutional, more abhorrent in principle from their opinion, and more dangerous and baleful in their consequences. The alternatives but too likely to be presented to us are, indeed, awful."

Sir, I should think so; but so long as I had physical strength to sustain me, I would cling to the Constitution of my country in all the violence of party tempests; and when the last hold should fail me, I would sink with the fragments. No alternative could be presented to my mind which, for a single moment, could induce the surrender of the charter of my liberty.

The Senators from Virginia and Massachusetts object to this measure, for the reason that it proposes one currency for the Government, and another currency for the people. This, Mr. President, is no new discovery. It is not a sentiment now advanced for the first time by way of objection to this bill. It has been, on this floor and elsewhere, emphatically reiterated hundreds of times. *One currency for the Government—another currency for the people.* I confess that I am wholly unable to comprehend the meaning or the force of the objection. Has this Government power to interfere with the paper circulation established by the States? Is it intended to convey the idea that the Senate and the House of Representatives, that the Executive, with all its appendages, are elevated above the people? that they have no connection with the people? are in no sense responsible to the people? If so, I hold no communion with such doctrines. So far from those charged with the legislative and executive power of this Government performing their respective duties independent of the popular will, they hold themselves directly amenable to the source of all political power in this country—*to the people themselves.* What is our Government but a Government of the people? And every measure which shall have received the sanction of the law making power under this Government, has been originated, debated, examined, and finally passed and approved, by the servants of the people; men deriving their authority from popular and public sentiment.

One currency for the Government—another for the people. This language has lost its charm. An unprejudiced mind would at once suppose, by the use of these terms, that Congress was about to establish a currency for the exclusive accommodation and benefit of those charged with the administration of the Government; that, by this bill, a specie currency is to be provided exclusively for the executive and the legislative branches; and that the other members and classes of our community are, in terms, disregarded. "Let the Government attend to its own affairs, and let the people attend to theirs," the Senator from Massachusetts has told us are "ill-boding words." In all this, Mr. President, there is more of poetry than of fact; more of fancy than reality.

What does the bill provide? Does it, in any sense, interfere with the currency? Does it regulate the affairs of the Government to the exclusion of the affairs of the people? No, sir. In making the necessary provisions for the collection, safekeeping, and disbursement of the public revenues—in designating the kind of currency which shall be drawn from the people for the support of the Government of the people, to be again paid back to the people, the bill does emphatically and most faithfully attend to the most important affairs of the people and of the whole people. It protects and guards their funds from actual loss and from partial depreciation. This, sir, is the character of the measure before us—a measure which, if adopted, may last as long as the Government shall last—a measure which can, in no way, affect those in power differently from those out of power. It affects every member of the community who enjoys the blessings of our free and representative Government. Let us hear, then, no more about one currency for the Government, and another currency for the people. I have, on a former occasion, undertaken to show that the provisions of this bill, so far as they relate to the collection and disbursement of the public money, are like the provisions of the act of 1789. I then traced the similarity between the bill before us and that act of 1789. I do not now intend to occupy the same ground. I then said all I wished to say on that point; but I might well add, for the first quarter of a century of our existence as a nation, a system for the collection and disbursement of the public money was preserved substantially the same as this bill seeks to establish; and during that period, who ever heard that the law of 1789 created one currency for the Government and another currency for the people? Who ever heard that the act of 1789 attended to the affairs of the Government, to the exclusion of the affairs of the people?

The Senator from Virginia further objects to the bill, that it is a measure hostile to the local banks. I have often heard this allegation made against the late and present Administration. It could not with the least semblance of truth be made against that which has recently terminated. Every encouragement within the constitutional power of the late administration, was extended to the State banks. The revenues of the country were placed in deposite with those institutions It must be within the recollection of every Senator present, that on the first of January, 1837, just before the late Administration went out of power, the selected State deposite banks held of the public money more than forty-two millions of dollars. It will not then be said that any measure of severity was inflicted upon these local institutions by the late Administration. Favor upon favor was granted to them. Nor can it be said that the present Executive has expressed a sentiment, or done an act, unfriendly to those State banking institutions which deserved public confidence. In his late Message he remarked, that "the discontinuance of the use of State banks for fiscal purposes, ought not to be regarded as a measure of hostility towards those institutions. Banks properly established and conducted, are highly beneficial to the business of the country." And I have yet to learn that a different feeling has been manifested, or a different sentiment expressed, by any of the efficient friends of this Administration. Certainly no man will accuse me with being unfriendly to well regulated local banks. The little property which I possess, is invested in those State institutions; and while I am ready to sustain them so long as they shall keep within just limits—*so long* as they shall go forward to accomplish the purposes of their creation, I trust that I shall be behind no man in condemning them whenever their means shall be employed, and their power shall be exerted, to encourage speculations, or to countenance frauds.

The Government of the United States has no control over these State institutions. They derive their being from State authority; and to the States, and to the people of the States, they are solely responsible for the manner of executing the trust confided to them. No act of the General Government can restrict them in their operations; and no act of the General Government can constitutionally enlarge their granted privileges. In all their transactions, acting, as they must do, perfectly independent of the Government, it was indeed difficult to see how any public measure of this kind could be regarded as a measure of hostility against the local banks.

The object of this bill is to secure the public finances from every possible fluctuation. It in no way interferes with State institutions. It may be as well said, that, because an individual who has been for a period of three years accustomed to keep his money in deposite at a particular bank, shall select a different institution at which to do his business, that he thereby is carrying on a war against the bank with which he was first connected, doing all within his power to blast its credit, and to embarrass its concerns, as to say that because the Government saw fit, for satisfactory reasons, to change the places of deposite, that it thereby is manifesting a settled hostility against the institutions first selected to hold in deposite the public money. Different, indeed, would be the complexion of this affair, if the Government could be put in the wrong; if these local banks could claim, as matter of right, the privilege of receiving and disbursing the public money.

It was clealy a matter of favor up to the passage of the act of June, 1836, and the ground of rightful claim to the use of the public money, on the part of the banks since that time, I will leave for others to settle. The public funds were placed on deposite with these local institutions. They were permitted to retain them no longer than suited the convenience or favored the interest of the depositor. There was no contract that the banks should keep the deposites any length of time. It was perfectly competent for the depository to put an end to the trust at any moment. It could return the fund whenever it accorded with its convenience, or suited its pleasure; and the depositor would have no just cause of complaint. The nature of the relation between the Government and the banks, must necessarily have left either the one or the other at liberty to dissolve the connection at any moment. Such must have been the fair inference resulting from this relation anterior to June, 1836, when the act was passed to regulate the deposite of the public money in the selected depositories. That act conferred certain privileges, and imposed certain obligations upon the deposite banks; and if these institutions could show a fulfilment of all the duties devolving on them under this act, I certainly would not undertake to justify the withdrawal of the deposites, except for public purposes. If such were the state of the question, the Senator from Virginia might say that the passage of this bill would evince a hostility to the State deposite banks. But entirely different is

the case: these local institutions have disregarded their obligations to the Government—have wholly failed to perform their engagements, and if they are now suffering, it is a suffering which they have brought upon themselves, without the privity or agency of the Government.

I most freely admit that the passage of this bill will effectually put down unsound and irresponsible banking insututions, while it can have no injurious effect upon those of an opposite character.

The bill contemplates the collection and disbursement of the revenue independent of banks. It seeks to separate from them as fiscal agents, to manage the affairs of the Government in its own way; but these acts evince no hostility to the banking system; it leaves the banks as it found them. The Government at no time employed but about one-tenth part of the banks of the country as public depositories. The neglect to employ the others, was never charged upon the Government as an act of hostility to them; and the discontinuance of those which may have been selected, cannot, with any more justice, be regarded as an act of hostility to them.

The hoarding of specie has been alleged to be the tendency of this measure, and on that account objectionable. I have listened to the course of remark in relation to this particular objection, and I really should suppose, from the character of the debate, that were the public revenues now all required to be collected in gold and silver, that the consequence would be the necessary abstraction of the whole amount of the revenues from actual circulation. That this Government collects to keep, not to disburse; and that every dollar which shall be paid into the National Treasury, is to be locked up in the iron chests and safes of the Department, and for all the uses of an actual moneyed capital, these collections might be as well sunk in the ocean. How is this, Mr. President? Is this Government thus to conduct its affairs? Is this Government thus to act the part of the sordid miser? Let us examine this subject, and we shall at once discover that nothing can be more unfounded than the charge, that the tendency of this measure is a hoarding up of specie. It can be matter of very little importance to the people what shall be the character of the revenue receipts, if those receipts are to be withdrawn from the circulating medium. If the moment they are deposited in the vaults of the Treasury, they are no longer to perform the offices of money; no longer to make a part of the general currency. The revenues might as well be collected in iron as in gold. But nothing can be further from the truth. The practical operation of our revenue system is but an indirect tax upon the people, and it would be equally an act of palpable injustice to collect money from them, either for the purpose of loaning to the banks, or of locking up in the Treasury.

I trust the time has at length arrived when, under the operation of our laws—with a well regulated commerce—a steady and natural course of trade and manufactures—when supply shall not exceed demand—that no more money will be drawn from the people than shall be necessary for the proper support of the Government. This is the grand desideratum in political economy—and to this point, not only the experience of the country, but the effect of the existing tariff system directly tends. Take, for example, the collections and disbursements for the last two years, and the result will show this fact most emphatically, that none of the people's money has been hoarded up in the public Treasury. It will show this additional fact, that the public receipts bear a most fortunate proportion to the public expenditures; that at the commencement of the year 1838, there was but a little more than a million of dollars unexpended in the Treasury, and that not less than fourteen millions of dollars was then remaining a charge upon the Treasury, as the balance of outstanding appropriations.

The receipts into the Treasury, in 1836, were - - -		$48,873,964 36
The balance in the Treasury, January 1st, 1836 - -		26,749,863 96
Making in the Treasury, January 1st, 1837 - - -		75,623,868 32
In the course of the year 1836 the actual expenditures amounted to	29,655,244 46	
Leaving an unexpended balance, January 1st, 1837 - -	45,968,523 86	
The receipts into the Treasury, received and estimated to January 1st, 1838, were - -	23,499,981 00	
Making the amount of receipts, January 1st, 1838 - -	69,468,504 86	
The expenditures, made and estimated in 1837 - - -	35,281,361 57	
Leaving in the Treasury, January 1st, 1838 - - -	34,187,143 29	
Of this balance, there has been deposited with the States -	$28,101,644 97	
To this may be added the amount of funds not available, viz: -	5,000,000 00	
Making the whole sum unavailable	33,101,644 97	
Which will leave unexpended in the Treasury, Jan. 1st, 1838 -		$1,085,498 32

It will also appear, from the estimates of receipts and expenditures for the current year, as presented by the head of the Treasury Department, that there will be, on the first of January, 1839, less than a million and a half of dollars remaining in the public Treasury; and at the same time there will be a balance of old appropriations, chargeable upon the Treasury, of eleven millions of dollars. The idea, then, is preposterous, of hoarding up large amounts of the public money, of withdrawing from circulation, of abstracting from actual use, any alarming portions of the public funds.

The tariff of 1841 will bring down the revenues of the country to the wants of the Government; and there is every reasonable probability that the time is far removed when the public receipts shall very much exceed the public expenditures. Nor will the tendency of this measure be an internal drain of the precious metals, even upon the supposition that every dollar of the public revenues shall be collected in gold and silver; for this plain reason, that the amount collected from the people will be disbursed to the people; and that the kind of currency drawn from the people will return to them again. Nor can the tendency of this measure be to keep specie at a premium; or, in more appropriate language, to keep paper at a discount.

It must be the purpose of the honorable Senator from Virginia to have the revenues collected either in specie, or in paper equivalent to specie. In either case, the revenues would be received, in every practical sense, in a currency not depreciated, but having a standard value; for it seems to me to be wholly immaterial to the public creditor whether he is paid in gold and silver, or in bank paper convertible on the spot into specie. The difference is more in sound than substance. The bill of the committee looks to the collection of the Government revenues in a perfectly sound currency; and this must be the wish of every Senator present. The bill goes farther: it looks to the keeping of this same revenue from every possible change, so that the same may be disbursed in a currency of an equal value; and this, too, must be the desire of every friend of the Constitution and of the country. The direct effect of this policy would be to raise the standard of local bank paper, and to sustain the credit of such State institutions whose credit merited support.

The Senator from Virginia has alluded to the Conservative party, as he has been pleased to call it, and has given an interesting account of the origin and influence of this political association. I am, Mr. President, very certain that the distinctive name of this party was not conferred at any time by way of odium, either by any individual or by any other political sect. It was a name assumed by themselves; and I am equally certain that the chairman of the Committee on Finance, in the course of his very able speech, did not use the word Conservative, or speak of the party either as small in number or as powerless in influence, or in any offensive sense. I leave that matter, however, with him to settle with the Senator himself.

The distinguished gentleman from Virginia has given to the Senate, in the course of this debate, many happy and appropriate quotations from ancient as well as from modern literature. He has made allusions, from his extensive reading, to a historical fact, as illustrative of the peculiar position and destined influence of the political party to which he professes to belong. He has told us that, after the battle of Salamis, those who had taken part in that memorable conflict, according to the custom, were required to place upon the altar of Neptune written billets, designating the person who had rendered most service in the battle and was entitled to the highest distinction. Each one wrote first his own name, and a great majority wrote the name of Themistocles as their second choice. That, although the friends of his policy were few in number, yet the friends of both the great systems, now put forth as antagonistical to each other, would prefer *his plan* to that of *their opponents;* and thus he expected, *as a second choice*, to draw to the support of his measure the unanimous vote of the Senate. I pray that the Senator himself may not become, like Themistocles, dissatisfied with this second choice, and, like him, repair to Sparta, and there have awarded to him again the second honors, but that he will, unlike the Athenian general, love Themistocles less and Greece more.

I would apply this historical fact to political life. I would suppose that the much abused occupant of the White House was a candidate for the Presidency. With his known opinions upon the subject of revenue and of currency, he would command the support of the friends of the measure emanating from the Committee on Finance, and now before the Senate. The National Bank party would put forth their favorite candidate, and these two parties combine the great portions of the people; that the advocates of the State Bank deposite system should rally and present their candidate, and, holding in their hands the balance of power, should compel one or the other party to write Themistocles as a second choice, and thus a candidate might be elevated to the Presidency against the known wishes of the American people; would the Senator lend his powerful influence in thus thwarting popular sentiment? I trust not, sir.

This historical allusion is not without instruction, and I hope not without profit. Another battle of Salamis is to be fought. The Persian monarch, in all the magnificence of wealth and of power, is in the field; the liberties of Athens and of all Greece are again assailed; the friends of equal rights, under their "Aristides the Just," will come to the rescue, and deliver their country, and the institutions of their country, from the assaults of this enemy to public and to private liberty.

The great mass of the bank power of the country is now arrayed against the Government, to affect a revolution in public opinion. True it is that the Senator from Massachusetts, on a former occasion, remarked: "That he considered the question of renewing the bank charter as entirely settled. It could not be renewed. Public opinion, he thought, very unfortunately for the country, had decided against it; and while there was a strong and prevailing sentiment in the minds of the community against a measure, it was quite useless to move such a measure. For himself, he should take no part in any attempt to renew the charter of the bank. The people had decided against its continuance, and it must expire. If, while he remained here, there should be a general call of the country for a new national institution, he should, of course, be ready to aid in its establishment. But, for himself, it was his stated purpose to do nothing more, in relation to a National Bank, till a decisive lead should be given in that direction by the public opinion." But it requires no optics keen to see that, in his view, the fit time has come.

I pray to Heaven that there may be no American Themistocles, who may have contributed to elevate the fame, and to establish the liberties of his beloved country, will, like him, desert that

country in the day of its danger, and seek protection, like the Grecian Themistocles, with the enemy of his country, and throw himself into the arms of the Persian monarch, and exert the mighty energies of his mind, in conjunction with that enemy, to supplant the institutions of his native land, even should that enemy give him "a Magnesia for his bread, a Myus for his meat, or a Lampsachus for his wine."

I have, Mr. President, noted some of the objections which have been made to the bill reported from the committee, and I have endeavored to answer those objections. There are still other objections which the Senator from Virginia has urged against this measure, which I may have occasion to consider after I shall bestow upon his substitute a passing notice; and in the outset I freely admit, that it must have required no inconsiderable degree of moral courage to bring forward, at this calamitous period of our history, a measure intending practically to revive a system which has been the fruitful source of the calamities which, as a nation and as individuals, we are now suffering. I purpose to examine the details of the proposed amendment, in order to show that, so far from its being any improvement of the bill of 1836, it is more objectionable; that it throws around the State deposite banks (which, under this amendment, are to be selected) no sufficient guards for the safe-keeping of the public funds, but commits to their custody the whole revenues of the Government, relying on the honor and integrity of these depositories for the forthcoming of the people's money.

I have, with as much time and attention as I could devote to the consideration of this substitute, examined it in its various details, and I must confess that I have not yet been able to understand some of its provisions, when comparing them with the existing provisions of the act of June 23, 1836. It is perfectly apparent, from the phraseology of the fourteenth section of this amendment, that the Senator from Virginia does not contemplate a total repeal of the act of 1836. That section is in these words: "That all acts and parts of acts coming within the purview of this act, are hereby repealed."

The first section of the amendment declares: "That the number of banks authorized by the act of June 23, 1836, to be employed as depositories of the public money, shall not exceed twenty-five—to be selected with reference to the wants and convenience of the Treasury in conducting its fiscal operations."

By the first section of the act of June, 1836, the Secretary of the Treasury is required to select for public depositories *such of the banks*, incorporated by the several States, and by Congress for the District of Columbia, or by the Legislative Councils of the respective Territories for the said Territories, *as may be located at*, or convenient *to*, the places where the revenue may be collected and disbursed; and in the proviso to said section, it is expressly declared that at least one deposite bank shall be selected in each State and Territory, if one can be found in each State and Territory willing to be employed as a deposite bank. I can hardly suppose that the Senator from Virginia intended to prohibit the Secretary from making at least a selection of one bank in each State and Territory; because, in the several States and in each of the Territories, portions of the public revenue are collected and disbursed. In the Territory of Wisconsin, large sums are collected from the sales of the public lands; and in each of the States and Territories more or less of the public money is annually disbursed for the necessary support of the Government, in the payment of its officers, and in the discharge of its liabilities to the public creditors. If, then, sir, the State bank deposite system is to be revived by the express legislation of Congress, I trust that the Senator, if he designs to repeal the act of 1836, will so modify his proposition as to give an undoubted power to select at least one deposite bank in each State and Territory; but if the last section of the amendment only repeals so much of other acts as conflicts with this, it will leave in force the provision authorizing the Secretary of the Treasury to select one bank in each State and Territory; and also, that where there are no banks in States within which the public collections or disbursements require a depository, to make arrangements with a bank or banks in some other State, Territory, or District, to establish an agency or agencies in the States, Territories, or Districts so destitute of banks. And the amendment also leaves in full force the provision which prohibits the Secretary of the Treasury "from suffering to remain in any deposite bank an amount of the public moneys more than a sum equal to three-fourths of the amount of its capital actually paid in."

It certainly may be questioned if the Senator contemplated an entire and unqualified repeal of the deposite act of June, 1836, whether this important restriction of suffering to remain in deposite any more of the public money than a sum equal to three-fourths of the capital stock of the deposite banks, can even apply to the twenty-five banks to be selected. If the Senator designs his substitute as a mere addition to the deposite act of June, 1836, many of the difficulties which now occur to my mind, regarding the amendment as a new and independent system, would be avoided.

The second section of the honorable Senator's amendment contains substantially the third and fifth sections of the act of June, 1836, with one essential addition, that the fifth section of the old law prohibited the Secretary of the Treasury from selecting or continuing any bank as a deposite bank, which shall not redeem its notes and bills on demand with specie. The second section of the substitute extends the prohibition to all banks which shall not pay all demands against it promptly in specie, when required. The third section of this amendment is entirely new, so far as it goes to require the resolution of both Houses of Congress to give effect to any selection of a deposite bank, which the Secretary may think proper to make. This provision is intended by the honorable Senator to check Executive usurpation, and to control Executive patronage.

But this particular provision is not only most extraordinary in its character, but unprecedented in the history of our legislation. The Executive branch of the Government, in relation to all appointments of the highest responsibility, is required to present them for the confirmation of the Senate. From the first judicial officer in our country, down to that of a deputy-postmaster, whose annual receipt shall exceed a thousand dollars, the Senate of the United States, under the Constitution and the law, alone has power to control Executive nominations. The collectors of your revenue, the receivers at your land offices, the treasurers of your mints, can only be appointed with the advice and consent of the Senate of the United States. But under this amendment, the places where these collectors and receivers shall make deposite of the public money, must be selected by the Executive, not only with the advice and consent of the Senate, but with that also of the House of Representatives. Here is a new addition to the appointing power. The popular branch of our Government is to be clothed with Executive authority. That branch nearest to the people, and which ought, according to the doctrine of the Senator from Kentucky, to originate all important measures of a legislative character, is by this amendment to be clothed with power to execute the law. The Senate and House of Representatives is to become not only the law making power, but in conjunction with the Secretary of the Treasury, the law executing power.

I cannot, Mr. President, give to this proposition my support. To my mind it is extremely objectionable, and calculated to produce great embarrassment and confusion. I would ask the Senator from Virginia, (in the event of his substitute becoming the law of the land,) that if the Secretary should select the Manhattan Bank, in the city of New York, as a deposite bank, and Congress should be in session, and the Senate, by its resolution, approve, and the House should disapprove, of the selection—suppose that this selection should become matter of a protracted discussion, what is to be done with the public money collected in that city in the interim? Suppose that the politics of New York should not happen at the time to pass current in the popular branch of the Government, and that no selection could be made in that city of a deposite bank, which would receive the approbation of the House of Representatives, what would be done with the public money under such circumstances? Suppose that precisely the same thing should happen to any selection of a deposite bank in the city of Baltimore, what would the honorable Senator have done with the public money collected and disbursed at those places where "the wants and convenience of the Treasury in conducting its fiscal operations" would seem to demand the deposite of a portion of the public money? I can tell the Senator what might happen; for it will be observed that he has not located his twenty-five deposite banks. They are to be located, in effect, wherever the Senate and the House of Representatives conjointly shall determine. The action of the two Houses might compel the Secretary of the Treasury to select deposite banks in the city of Philadelphia, to the exclusion of the banks of the cities of New York and Baltimore. Let there be a majority of the House of Representatives or of the Senate opposed to the Executive; let there be a Senate and a House of the same political character as distinguished those bodies in the session of Congress in 1833 and 1834, and what could prevent the selection of the Bank of the United States chartered by the State of Pennsylvania, with its branches established, and to be established, as the exclusive depositories of the public money. I know that the Senator from Virginia could not have had that purpose in his mind at the time he prepared the amendment which he has presented. But it has occurred to my mind that the adoption of this third section of the Senator's amendment may lead, for all practical purposes, to the recharter of the Bank of the United States. That it may lead, and in all probability will lead, to give full employment to that institution, its branches, and to those agencies which shall be established in the several States and Territories under its authority, and by its sanction. The moment, sir, that I heard the Senator from Massachusetts say that he should prefer the State bank deposite system—that he should prefer any thing, or even nothing, to the bill reported by the Committee on Finance—sentiments directly conflicting with opinions expressed by him at the extra session of Congress, when nothing was so objectionable to his mind as this State bank deposite system; and the moment I read this third section of the amendment proposed by the Senator from Virginia, I could not but imagine that, when the Senator from Massachusetts gave utterance to his opinion, that he must have been perfectly aware of the true import and tendency of this third section. Sir, would not the honorable Senator from Kentucky, and the honorable Senator from Massachusetts, the great champions for the establishment of a Bank of the United States, be perfectly satisfied with the adoption of this entire amendment, if they could believe that its adoption would lead to the selection of the present Bank of the United States and its branches as the depositories of the public money? *Certainly they would.*

It is of no use to talk about renewing the charter of the Bank of the United States, by a direct act of Congress, if, by indirection, the same thing can be obtained. That bank, under its charter from the State of Pennsylvania, has authority to establish branches in other States with their approbation. Establish this State bank deposite system, and no difficulty would be experienced by the bank in multiplying its branches, with the understanding that such branches would control the public deposites which it might be necessary to make in the States where such branches would be established.

Notwithstanding the Senator from Massachusetts said, in this hall, in February, 1835: "That he considered the question of renewing the bank charter as entirely settled; that the people had decided against its continuance, and it must expire." Notwithstanding this frank and full declaration, the Senator will now come to the support of the amendment of the Senator from Virginia; which, if I can comprehend the signs of the times, may lead, for all practical purposes, if the proposed amendment should be adopted, to a renewal of the Bank of the United States. The capital of that bank will give

to it a perfect control over State institutions, will enable it to resume specie payments at its pleasure, and to keep down other local banks.

I am, sir, utterly opposed to this third section of the amendment; its adoption will, in practice, lead to great embarrassment in the safe-keeping of the public funds, and stands opposed to that policy which seeks the re-establishment of the currency sanctioned by the Constitution and the early enactments of Congress.

Mr. President, when the Senate adjourned, I was considering the details of the amendment proposed by the Senator from Virginia, to the bill reported from the Committee on Finance. I had stated my objections to the provisions of the first and third sections. I will now proceed to state other objections to this substitute.

The sixth section of the amendment is obnoxious to this objection. It is not imperative. It says it shall be lawful for the Secretary of the Treasury to enter into contracts in the name, and for and on behalf of the United States, with the said banks so selected and employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act." It is a little remarkable, that in no part of the amendment is it made imperative upon the Secretary, either to deposite the money, or to make contracts with the deposite banks to be selected.

It is a matter left after all to the discretion of that officer. I am opposed to it on that ground, after what has taken place—after the entire failure of the deposite banks to perform the offices and duties which they stipulated to perform; I am unwilling to leave this matter of deposites, and of making contracts, to the discretion of any officer. I would plainly and explicitly point out his duty. I would make every part of the law imperative upon those charged with its execution.

The eighth section contains an entirely new provision, and its execution would be altogether impracticable, if I rightly understand its requirements. The object of the Senator from Virginia is, undoubtedly, to check over-issues, and thereby to preserve in better security the public funds. But does not the Senator know that it is the policy of banks, whenever they make an issue of their paper, to ascertain where this emission is to be paid out? and how remote from the bank it is to be put into circulation? A bank in the city of Boston is applied to for a discount of fifty thousand dollars. Suppose it to be one of the favored twenty-five: it makes the discount upon the agreement that the bills shall be put in circulation in the county of Hancock, in Maine, or in the county of Franklin, in Vermont, or in the county of Coos, in New Hampshire, what banks in the vicinity, by reason of this discount, would necessarily have transactions with the deposite banks, requiring a settlement as often as once a week? It is not the good and convertible paper of other banks, (that any deposite bank may have on hand,) which puts it in jeopardy. Such a description of means adds to its strength. The hazard, the exposure, and the whole danger, consists in the amount of its own paper circulation, and this section will prove altogether inefficient in restraining that circulation, or confining the receipt of its paper to banks in the immediate vicinity. There is no occasion to require a deposite or any other bank to exchange the paper of other institutions for specie. Every well conducted bank will always be prompt to get rid of the paper of other banks, in order to be prepared to meet its own liabilities.

The ninth section of the substitute I do not consider objectionable, if this State deposite system is again to receive the legal sanction of Congress.

I would ask the honorable Senator from Virginia to inform me, under his tenth section, what is there to prevent the President of the United States from issuing another Specie circular, requiring that all the revenues shall be thereafter collected in gold and silver? There has been, sir, so much clamor, so much complaint for that act of the late Executive, which, at the time and under the circumstances, was most patriotic and praiseworthy in its conception, and most salutary and useful in its operation, that I could not have supposed that the Senator from Virginia would have again left this matter to Executive discretion.

Let us, for a moment, examine the tenth section of the Senator's amendment. It provides that the revenues of the United States shall be collected and received in gold and silver, or in Treasury notes, or in the notes of banks which are payable and paid on demand in the legal coins of the United States; similar in its provisions, in this particular, to the joint resolution of April, 1816; and as that resolution has already received a construction—*as from that period to the present* it has not been considered as absolutely imperative upon the Government to take the notes of specie-paying banks in payment of its revenue—what is there, under this section, to prevent the President of the United States issuing a circular, directed to all collectors and receivers, to collect and receive the revenues exclusively in coin? There is nothing. The election, as to the kind of money to be required, is confided to the officers of the Government. If the Senator intends, by the terms of this section, to make it the bounden duty of receivers to take paper money, why not say so, instead of using the precise phraseology of the resolution of April, 1816?

The remaining sections, in the substitute proposed, do not materially change the existing provisions of the act of June, 1836, and the existing provisions of other acts, in relation to the denomination of paper money in which any debt due to the United States shall be received.

This, Mr. President, is the substitute which the honorable Senator from Virginia proposes to the bill reported from the Committee on Finance; and I would ask whether this substitute ought to find favor in this body? Is it justly entitled to favorable consideration in any quarter? At a time like this, when, by one fell swoop, the local banks of our country are involved in an universal bankruptcy—when, with but few honorable exceptions, these State institutions, selected as the depositories of the public money, have either refused to fulfil their engagements to the Government, or have wholly disregarded those engagements for the last nine months—when not only the Government, but every class of our community, is suffering great embarrassment, and is subject to severe pecuniary loss, by the failure of these local banks to redeem their pledges—I say, at a time like this, to bring forward such a proposition, is, to my mind, matter of astonishment. The events which have recently transpired in one of the cities of this Union, should induce the honorable gentleman to pause before he urges his amendment, and should induce every member of this Senate to pause long before he adopts this amendment. Every bank, with the exception of one in the city of Boston, selected as a depository of the public money, has failed, acknowledging itself unable to redeem its paper and to fulfil its obligations to the people. That one, which has breasted the storm unmoved, has long since paid to your order every dollar of your money it had in charge. That one never could have wanted the aid of the public deposites; and, when it received the public funds, was not thereby compelled to depart, in the management of its concerns, from its high and responsible duty to the Government.

But the recent failures of State institutions has not been confined to the deposite banks in the city of Boston. I might name others in that city which had never been selected as the fiscal agents of the Government, that have entirely failed to fulfil their promises. Banks not only having no connection with the Government, but under the direction of men in no respect friendly to the Administration, are no longer classed and numbered with the congregation of living, solvent, and responsible State institutions. And, sir, can it be that the Senator from Virginia is prepared to revive that union between the State banks and the Government of his country which has proved so disastrous in its consequences? It may be well, sir, to trace the history of that connection between the Government and the banks. The public money was withdrawn from the Bank of the United States in 1833, and since that period, and up to January 1, 1837, the Government funds were kept in deposite in certain local banks, selected by the Secretary of the Treasury for that purpose. On the first day of January, 1837, but a little more than three years after State banks had been selected as public depositories, more than forty millions of dollars were then held in deposite by the selected State institutions. On that day, after a deduction of five millions, one-fourth part of the remainder, under the act of June, 1836, was required to be deposited with the States; another fourth was required to be transferred on the first day of April following; and another fourth on the first of July then next; and yet, sir, such was the severe operation of this process of transfer, as required by the act of June, 1836, added to the other existing liabilities of the banks, that an universal suspension of specie payment was resorted to as indispensably necessary to prevent their utter prostration. This catastrophe, like a raging tempest, involved in one general bankruptcy not only the pet banks of the Government, but every other bank of the country, with here and there an exception.

The effects upon the community of that explosion are too fresh in our minds to require recapitulation. Every section of our country, and every class of our citizens, are now suffering under the effects of that event. And shall we not profit from this lesson of experience? Is the Senator prepared, in the midst of all this ruin and devastation, to recommend again this State bank deposite system? as a system convenient for the Government in the management of its fiscal operations, or indispensably necessary for the general prosperity and success of the people? This suspension of specie payment happened on the first of May last, a little more than ten months after the passage of the deposite act of 1836; and at that time the deposite banks held of the public money more than thirty-seven millions of dollars. It is true that nine millions of this sum was transferred to the States on the first of July thereafter. The Senator from Virginia need not be informed of the constant embarrassment and difficulty which the Administration has since experienced in collecting and controlling this portion of the public money. He need not be informed of the odium which has attached to the Government, by the delays to which it has been compelled to resort for want of these very means. The Senator need not be informed that more than four millions of this amount, under the indulgent provision of the act of the last session, has been put beyond the control of the Executive for many months yet to come. And I would ask if these are considerations which should induce the Senate, at this time, to regard with favor the proposition of the Senator from Virginia? The amendment proposed contemplates an union with a moneyed power independent *of*, and irresponsible *to*, the Government and the people; an union which puts the whole funds of the country at the mercy of these soulless corporations.

This, sir, is but an imperfect sketch of the character and tendency of the substitute proposed by the Senator from Virginia to the bill reported from the Committee on Finance. I cannot, for one, agree to the revival of a system which sad experience teaches has brought upon the Government nothing but pecuniary embarrassment; upon the banks, suspension and failure; upon the people, disaster and distress.

Such, Mr. President, is the character, the object, and the details of the measure proposed by the honorable Senator from Virginia; a measure which would make it obligatory upon the Government to deposite its funds with State institutions over which the Government has no control, with the creation of which the Government had no concern; a measure which would compel the Government to yield up the public funds—the money of the American people—to the exclusive management of local banks; to mingle the revenues of the country with the revenues of State corporations, whose whole business and object is advancement and profit; to subject the capital of the Government to all the hazards of banking operations.

The late colleague of the honorable Senator, while the bill to continue the charter of the United States Bank was under consideration, remarked that "the recent disclosures have convinced me that a broader metallic basis than now exists, is absolutely necessary to sustain our extended system of bank credit and bank paper currency; and I can

readily see that this may be partially effected by State or Federal legislation." This important object the proposed amendment is calculated to defeat. This important object the bill is intended to accomplish.

The Senator from Virginia has intended so to draw his amendment, as to exempt it from the odious objection "*that it tends to increase Executive patronage.*" Take the deposite act of 1836, and can any one say that the power therein conferred upon the Executive, does not necessarily secure ten times the influence and the patronage which the bill reported from the Committee on Finance secures? The whole power of selecting the banks of deposite in every State and Territory of this Union for the safe-keeping of the public money, is expressly vested in the Executive. That act gave to him the disposition and control of all the public money, which shall come into the hands of collectors and receivers. The whole amount of the revenues of the Government may be used by the Executive to build up and sustain State institutions favorable to Executive policy

What is Executive patronage, which has been the subject of so much remark? Is it any thing more or less than the power which the Executive possesses by virtue of law, and which power he may exercise to advance his own purposes—to accomplish his own ends?

The Executive has the power to fill the million of offices under this Government by appointment, some with, and some without, the approbation of the Senate. This is an influence which he may exert to carry out his policy. This is Executive patronage. Under the act of 1836, exclusive control is given to him over the funds of the country, so far as to select the places for their deposite, safe-keeping, and disbursement. This is a power which may be exercised to secure a political advantage, or to effect some particular policy; *and this is Executive patronage.* And what power has the Executive in relation to this matter, secured to him by the amendment proposed to the bill now before the Senate, by the Senator from Virginia? He has, as he had under the act of 1836, the power of selecting each bank of deposite; but it is true that such a selection is to have no effect until it shall be approved by the resolution of both Houses of Congress. The great source of political power rests in the people; and the exercise of that power, which shall elevate to the Presidency any individual, will ordinarily secure a Senate and a House of Representatives in perfect accordance with the Executive. If such should be the fact, the Administration power and influence, under the proposed amendment, would be fully equal to the Executive power under the act of 1836, and this same power might be exercised by the Executive and legislative branches of the Government in furtherance of great political objects—to accomplish important political purposes; and this is what I suppose would be called Administration patronage. But should it so happen that there should, for the time, exist no unison of political feeling between the Executive and either branch of Congress, as I have before observed, the selection of the deposite banks would lead to great embarrassment and confusion in the fiscal operations of the Government. How stands this matter under the bill emanating from the Committee on Finance? It seems to me, Mr. President, to be free from the charge "*of adding to Executive patronage*"—*of increasing Executive influence.* It is true that some half dozen officers are to be appointed by the Executive, with the approbation of the Senate, to perform duties enjoined by the bill itself; and this is all. The Executive has no power to select a single place for the deposite of the public money. He has no authority, in any way, or in any manner, to control a single dollar of the Government funds under this bill. He is entirely bereft of all the power, the patronage, *the influence*, secured to him by the act of 1836, and again proposed to be conferred by the amendment of the Senator from Virginia. What power has the Executive over the public money more than he enjoyed during the existence of the Bank of the United States? Not any.

Not a dollar then could be, *nor can a dollar under this bill* be, drawn from the Treasury but in consequence of appropriations made by law Here, then, is the beginning and the end of the Executive patronage, as secured by this bill. In the necessary execution of the measure, there is no power in the Executive to select places for the deposite of the public money—there is no power in the Executive to control the public funds—they are put beyond the reach of any officer of the Government; the bill itself makes it a high misdemeanor for any officer to make use of the public money for any purpose whatever, and subjects offenders to the severe but just punishment of fine and imprisonment. Talk not, then, of the increased patronage of the Executive, by way of objection to this bill; there is not a public act upon your statute-book which is not as obnoxious to the charge "of increasing Executive patronage" as the bill before us. If the proposed measure should become a law, it must be executed; but how or where the Executive can possibly derive any political advantage by its execution, I have not been able to discover. The bill authorizes the Executive not only to appoint Receivers General, but it also gives authority for the appointment of commissioners, to make examinations periodically, as the Secretary shall direct; and it also provides for the employment of clerks, not exceeding the number of ten, and at a salary not exceeding for each eight hundred dollars. How, then, is the appointment of four Receivers General, the occasional employment of a few commissioners to examine into the doings of these public officers, and the permanent employment, also, of ten clerks, requiring in the whole the probable annual expenditure of twenty-five thousand dollars, giving to the Executive of this Government such an increase of patronage and official influence as even to put in jeopardy the continuance of our free institutions?

If, sir, the bill now before the Senate is not obnoxious to any stronger and more substantial objections, then indeed may the committee consider themselves peculiarly fortunate in presenting for consideration so perfect and so faultless a measure.

The Senator from Virginia, in presenting his amendment, has looked to the benefit it would confer upon the local banks. I will not say that he had a single eye to the interest of those institutions—that, in submitting his proposition, *relief to them from existing embarrassment was his exclusive purpose.* But those of us who were favored with the opportunity of hearing his able argument, cannot doubt that this was an important item in the account. It may be well to examine this matter. Will the adoption of the proposed amendment afford to the local banks any substantial relief, or give to them any permanent protection? Will it yield to the sound and responsible moneyed institutions of the States any essential, *any desirable benefit*? No, sir—no. I have satisfied my own mind, from the best reflection which I could give to this measure, that the contemplated re-union between the Government and the banks, as proposed, is an event not to be wished for by those banks who would consult their own true interest, and the true interests of their customers. That this connection is opposed to that steady and regular course of operation, which distinguishes the business transactions of every solvent and well regulated banking institution in our country.

I will present to the Senate my own views, my own reflections, with reference to this particular matter. My proposition is, that the sound banks of the States will derive no advantage from the connection—by mingling their funds with the funds of the Government, by an unrestrained use of those joint funds in their banking operations.

The first idea which must occur to every mind is, that the great uncertainty as to the amount of the public funds which may remain in deposite, and the great uncertainty as to the duration of the public deposites, renders all appropriation of the Government funds to the use of the deposite banks, a most hazardous and dangerous operation to the banks themselves.

If, Mr. President, a selected bank should receive, in general deposite of the public funds, one hundred thousand dollars at a given day—no intimation, no suggestion, when the deposite would be withdrawn—the fact must be wholly unknown to the department charged with the custody and disbursement of the public funds. No man can foresee what sums may be required, and when they may be wanted, to carry on the operations of the Government in pursuance of the general appropriations made by Congress—no public officer can judge at what particular period a portion of the public funds may be required even to meet a special appropriation. The time of making these general and special expenditures depends upon a thousand contingencies, wholly without the control of the Treasury Department.

This sum, then, thus deposited, may remain months uncalled for; it may be demanded within a single week. The bank, however, tempted by the love of gain, will proceed at once to discount upon the strength of this deposite. Any man conversant with banking operations, must admit that such would be the practice. It is one of the sources of profit which invariably enters into the calculation of those charged with the direction of these institutions. What are the amount of deposites on hand? to what extent can these deposites be safely used? are questions which are submitted to and determined by every board of bank directors; and the uncertainty as to the continuance of Government deposites, to which I have referred, would not deter the managers of these banks to extend their line of discounts to the full amount of the deposite. This has been the lesson of experience taught us from recent connection with these institutions. These are facts confirmed by the observation of men conversant with the subject. What, then, would be the effect of such a proceeding upon the banks, if the Government should call for the sum in deposite within a single week after the deposite shall have been made? The bank has loaned to its customers the one hundred thousand dollars, upon its usual terms, and upon the strength of this very deposite. The bank must, however, meet the draft; it has the money of the Government; it cannot, without dishonor, shift its responsibility. Its course is plain; payment is demanded, and payment must be made.

Will any one say to me, that the case I have stated, would tend to advance the interests of the bank? Would it not necessarily bring upon the institution certain embarrassment—would it not so increase its ordinary liabilities, as to expose its own credit to hazard? Banks must depend on public confidence for their support. Their credit rests on popular opinion, and a single failure to meet with the utmost promptness and punctuality a liability, would awaken suspicion—excite doubts and fears—produce a panic, and prostrate the institution. In the case I have supposed, the means of the bank may be undoubted; its perfect ability to meet ultimately every engagement may be unquestioned; but the sudden and extraordinary contraction of its circulation to the amount of a hundred thousand dollars, is of itself a circumstance well calculated to create distrust. The bank must incur an actua loss in the case I have stated. And so great is the uncertainty in amount and in time which must inevitably attend all Government deposites, that no well conducted bank, regarding its own interests and the interest of its friends, would desire a revival of that policy.

I cannot, sir, more perfectly illustrate my own views upon this subject, than by referring to the course and conduct of the banks selected, under the act of 1836, in the city of Boston, as the safe depositories of the public money; and it seems to me that the effects of this system, as manifested by the transactions of those institutions, should deter the Senate at once from giving new life to this policy. I have said, sir, that the State bank deposite system is of no practical advantage to sound and responsible institutions. Take the Merchants Bank. Its character, being one of the selected institutions in the city of Boston as a public depository, has been such as to command the public confidence, and to maintain a high credit in the commercial community. That bank received, safely kept, and faithfully disbursed, the public money committed to its charge. It possessed a substantial capital of a million and a half of dollars; not a bloated, unreal and fictitious capital. Its directors were men of character and of business. Feeling the deep responsibilities of the trust committed to

them, and with a steady regard to the safety of the community, the Government, and the bank itself, they faithfully discharged that trust. In the course of the few months during which the deposite act of June, 1836, was in practical operation, this bank might have received from $100,000 to $300,000 of the public money in deposite. It undoubtedly intended to use those funds to their advantage, and it undoubtedly did put every dollar out on loan. But, sir, it did all this with the full knowledge that this amount of the public money stood charged for the payment of the public dues; and that the resources of the bank were not only sufficient, but would be required to meet the drafts of the Government, should those who had been accommodated with the loan of this public money fail to refund in season. The fact was so—the sum in deposite was loaned—the loans remained—but the drafts of the department have been paid with the utmost punctuality, and the last return from the Secretary of the Treasury shows that not a single dollar of the public money now remains in that bank in deposite. And, Mr. President, if you will put the question to the board of directors, they will tell you that the deposites which have been made of the public money with the Merchants Bank has been a curse rather than a blessing to the institution—a detriment rather than a benefit; that they have given embarrassment rather than relief.

And if there could be here exhibited an exact balance sheet, it would be found that the pecuniary interests of that bank had not been subserved by this deposite system. That institution, and no other institution equally well conducted, can want the aid of the Government funds. If there is not a sufficiency of bank capital for the commerce, the trade, and the business of Boston, there has been heretofore no want of a disposition to create bank capital. But, even if the fact were so, that it would be a matter of convenience to the business of Boston to control the use of the public funds, is there any man here so regardless of his public duty, who would make a disposition of the public funds to promote such an object? Is there any member of this Senate, under such circumstances, would feel himself ready and willing to transfer any portion of the people's money, against their will, for the convenience or interest of any particular class of the community? I trust not sir.

It is well known that there were three other banks selected in the city of Boston as depositories. I allude to the Franklin, the Hancock, and the Commonwealth Banks. And where are these institutions now? The late public journals have told their fate.

It is perfectly true that irresponsible institutions, trembling and failing banks, may be for a time sustained by foreign aid. An individual who, by over-trading and extravagance, sensibly feels the heavy hand of embarrassment, may for a time be relieved by the interposition of a friend; and I am free to admit that these three selected banks might, and probably did, receive temporary relief from the public deposites. They are the very class of banks that would receive aid and support through the agency of the Government funds. But that support would be only for a time. It would only put off the evil day. That day of reckoning must come. *It has already come;* and their story is matter of history. I would ask the honorable Senator from Virginia whether these are the kind of State institutions which he would wish to favor? whether these are the banks he would wish to benefit by his amendment?

I must, Mr. President, pursue this subject further. This shows the fatal result of our own experience under the act of 1836, and which the amendment is intended to revive. It is these practical results, these lessons of experience, which cannot fail to enlighten the public mind as to the true character and effect of this State deposite system, and to show the inevitable necessity of some such measure as has been proposed by the committee.

The Franklin Bank, as I have stated, was one of the selected banks, and did receive a portion of the public money in deposite; but I am happy to inform the Senate that, through the vigilance of the head of the Treasury Department, not a dollar will eventually be lost. My present object is to how that it is not always safe to rely upon the official returns of these institutions. This bank was selected by the Secretary from its presumed condition, as exhibited by its official returns, as well as by the force of public sentiment.

The committee appointed by the Legislature of Massachusetts to examine into the doings of the Franklin Bank, have given to the public their report; and, if that committee have correctly reported the facts, they ought to induce every honest man in the community, and every true friend of his country, to use his influence in effecting, without delay, an entire separation between the Government and the State banks.

"The cashier, B. F. Hathorne, declared before the committee, that the books of the bank did not show its actual condition—that they WERE FALSE IN ALL IMPORTANT PARTICULARS, and that the return of 1836 WAS FALSE—that, while by the return it appeared that the amount of loan was $299,284, the actual loan was nearly $370,000—that while the return showed $134,207 as the amount of bills in circulation, the actual amount was near $234,000—and that while by the return, as well as the books of the bank, the amount of post notes out was given at $37,500, the actual amount was $42,000. Hathorne further testified, that this return was designedly false, that it might show a better condition of the bank than was actually true—that he swore to the truth of the return, knowing it to be false, and that THE DIRECTORS WHO SIGNED IT AND SWORE TO ITS CORRECTNESS MUST HAVE KNOWN IT TO BE FALSE."

[Mr. CLAY here inquired what connection there was between the Secretary of the Treasury and this officer of the bank.] I will, Mr. President, with great pleasure, answer the inquiry made by the Senator from Kentucky, as I have no doubt that the answer will *give him great personal satisfaction.* The Cashier of the Franklin Bank, at the time these monstrous frauds were committed, and these gross impositions were practiced, was no more related *to* or connected *with* the Secretary of the Treasury, than he was with the Senator himself. It is perfectly true, that a brother-in-law of the Secretary had been since appointed to the office of cashier of that institution; but he continued in that office for only a period of two months, when he probably determined that a regard to his own reputation, should induce a dissolution of all his connection with that bank.

Entirely different is the return from the Merchants Bank, made I presume by gentlemen well known to the Senator from Massachusetts, with one of whom I have been long acquainted, and who sustains a high character for moral worth, and for business habits.

The report says "that they find the bank to be in a very safe and good condition," and it shows a surplus beyond its liabilities of more than two hundred thousand dollars. It is only from such sifting and thorough examinations, that the truth can be elicited. And it therefore follows, that for the Government to create State banks as its fiscal agents, and to make deposite with them of its public funds, relying for its security on their official returns, made from time to time, is hazardous to the interests, as well of the Government as of the people.

The fact that the General Government has no power over these State institutions; that, by its own authority, it could never bring to light the fraudulent disclosures which have recently met the public eye, should prevent the connection between them and the Government, which the amendment proposes.

The Senator from Virginia has made an appeal to the Senate to guard with vigilance the public funds. He would alarm our fears, by comparing the effect of this bill with that of his substitute in relation to the security and safe-keeping of the revenues of the country. I will, sir, enter most freely and fully into the comparison. And if the public documents contain the truth, the result will show, that not only the Government has experienced much more embarrassment, but has sustained a much greater loss, through the delinquency of State deposite banks, than through the default of public officers. The Senator has stated that within the last two years the Government had lost more than six hundred thousand dollars by the failure of collectors and receivers, and has referred us to House document, No. 111, giving an account of "public defaulters," as containing the most alarming facts and damning proofs of the hazard of this measure. I have with great carefulness examined that document, and as it has been referred to by the Senator from Virginia as the ground work of his particular attack upon the Independent Treasury bill, I must ask the indulgence of the Senate in giving to them the results of that examination. In the first place, I will undertake to show how the Senator must have proceeded in his estimate of the loss which has been sustained within the last two years, through the default of public officers. The whole amount of the reported defaults of the collectors of the revenue, district attorneys, and of all that class of officers immediately connected with the collection of the customs, for the last two years is - - - - $126,822 65

The amount of the reported defaults of the receivers of sales of the public lands within the same period is 476,478 26

The reported amount due from officers of the customs, on account of official emoluments, is - - 11,786 68

Making an aggregate of - $615,087 59

The same document contains explanatory notes, and in almost every instance exhibits the exact state of the accounts between the Government and the reported delinquents. And although the printed tables of the document show this amount of defaults, yet the subsequent pages of the same document most fully and satisfactorily explains this whole matter. My attention had been previously drawn to this subject from having seen in one of the Eastern journals substantially the same statement which is now brought forward by the Senator from Virginia.

"From this list we take the sums which are reported as owing by those officers, which fell due in the years 1836 and 1837 only.

"In the same report we find as debtor or defaulter, 'C. J. INGERSOLL *District Attorney, Philadelphia, due 12th January*, 1837. $76,491.' We quote the words of the report. If our memory serves us, Mr. Ingersoll has been one of the most vehement declaimers against all banks, and a most thorough going advocate of the Sub-Treasury scheme; for which the Globe has lavishly praised him.

"From a list of Receivers contained in the report, who were out of office on the 12th of October last, whose names and sureties, and the balances standing against them, arising from sales of public lands paid over to them, are given, we take the following amounts, which *fell due*, by such officers, in the years 1836 and 1837.

"The aggregate sums given in the report, under the two heads of Collectors and Receivers, stated as due from them, amount to some millions. The items we have given above, amount to more than SIX HUNDRED THOUSAND DOLLARS IN THE SPACE OF TWO YEARS ONLY!"

It must be familiar to every member of the Senate how these balances occur against collectors, and those officers charged with the collection of the revenue arising from customs. When they retire from office, they are charged not only with the moneys they may have received, but also with all revenue bonds remaining in their hands. This last item would be discharged at once, by handing over the same bonds to the district attorneys.

Among the items in the first table, and which must go to make up this startling sum of $600,000, is a balance of $76,491, stated to exist against C. J. Ingersoll, the late District Attorney in the eastern district of Pennsylvania; and yet the very document shows that in asserting its claim against Mr. Ingersoll, the Government was only able to substantiate a balance of $3,985 78 against this officer. This course Mr. Ingersoll felt bound to take, to wipe away the odium which had been attached to his official character, by having been charged as a public defaulter. This is not all, sir. It is well known that this same individual is prosecuting his further claim against the Government; which, if allowed, will not only wipe away every dollar of the judgment against him, but leave a balance of thousands in favor of Mr. Ingersoll. So much for this case; and, upon a careful examination of the explanations given in this same document, it will be found that of the $126,822 65, stated to be the sums due from collectors, etc. the Government will not, in any probability, lose a sum equal to ten thousand dollars. The only item which, I think, can be set down as an absolute loss, is the sum of $8,777 25, due from H. Peake, late collector at Alexandria.

And with reference to the recorded defaults of receivers at the various land offices, the balances standing against them, in three-fourths of the cases,

will be at once cancelled when their accounts shal be finally settled. In some cases suits have been ordered, and the sums justly due have been secured. And from the information which I have been able to collect, of this sum of $476,533 80, not more than twenty thousand dollars will eventually be lost to the Government.

Among the defaulters, the name of Wiley P. Harris, a late receiver at Columbus, Mississippi, is entered at the sum of $109,178 08; and this item makes up a part of the six hundred thousand dollars which the Government has lost within the last two years through the default of public officers, according to the statement of the Senator from Virginia; and yet the explanatory note shows that this particular demand has, in part, been paid, and the balance perfectly well secured.

In the case of James W. Stephenson, a late receiver at Galena, who is recorded as a defaulter to the amount of $74,859 70, the whole sum is secured to the Government.

In the case of Governor Call, of Florida, who is recorded as a defaulter to the amount of $43,498 54, he is prevented by his public duties from settling this account at the Department, and in cancelling every item of claim.

I would allude to other cases, showing that this document is but a transcript from the books the of Treasury, and that the tables do not exhibit the true state of the accounts between the public officers and the Government. In the case of John Taylor, a receiver at Cahawba, and for the faithful performance of whose duty, my friend from Alabama (Mr. King) was responsible—he stands recorded as a defaulter to the amount of $11,115 20. And yet, in a suit against the administrator to recover this balance, judgment was rendered in favor of the defendant.

Benjamin J. Chambers, late receiver at Little Rock, stands recorded as a defaulter, and yet the money has actually been paid over to the District Attorney; but then these accounts have not actually been settled upon the books of the Treasury, and nothing could be more uncertain and deceptive than to take these tables unexplained as evidence of the state of the accounts between the receivers and the Government. Yet, by a reference to the notes of explanation contained in the same document, and, also, by a reference to the Department itself, information, certain and satisfactory, could be obtained with reference to the recorded list of public defaulters.

[Here Mr. KING gave a history of the case of Col. John Taylor, and Mr. LINN gave a statement of cases within his knowledge, going to confirm the statements made.]

Mr. President, I thank the honorable Senators for the information they have imparted; it shows that the view I had taken was correct. We have no land offices in New England. But it occurred to me that these receivers, holding portions of the public money, must be drawn upon from time to time by the Treasury Department; and that the return of the sales of the public lands would give no certain information as to the true state of the public accounts with those land officers, notwithstanding the accounts are made up at the Department from these very returns. It must, sir, be too severe a tax upon the patience of the Senate to pursue this investigation further. I feel myself warranted in saying, that the whole amount of loss which this Government will sustain since the commencement of General JACKSON'S administration, through the default of officers charged with the collection of the various descriptions of revenue, will not exceed one hundred thousand dollars. And I must also state, as a fact in favor of the bill, that the disbursements of the War Office, in war and in peace, including the disbursements of the Ordnance Department, have all been made for the last twenty years without any loss; and I might add, that from the foundation of the Mint, there has not been a loss of a single dollar.

And how stands the account on the other side? On the first of May last, after anticipating the third instalment to be transferred to the States, there were in the deposite banks over twenty-eight millions of dollars. This sum was charged with the expenditures of the Government, and these expenditures were to be made; contracts had been entered into; the appropriations for specific objects were necessarily applied to those objects; the Government went forward; and notwithstanding the failure of the public depositories, and the control of the public funds was thereby placed beyond the power of the Government, yet the embarrassment, the inconvenience, and the actual loss resulting from such a state of things, must be visited upon the Government; and that loss may be fairly estimated by ascertaining the actual difference between specie and the kind of currency in which the Government was compelled to make its disbursements. That difference has been, on an average, at least five per cent.; and the Government, in making its disbursements, although the public funds were nominally passed at their par value, yet contractors must have calculated for the depreciation in the currency.

In all the supplies made, in all the materials found, and in all the services performed, the difference between a currency equivalent to specie, and a depreciated paper currency, entered into the calculation in determining the value of such supplies, and in fixing the worth of such labor. This difference was indeed a loss then to the Government; and upon the actual sum then in deposite in the selected banks, that loss could not have been less than one and a half millions of dollars. Add to this the vexation and embarrassment which the Government must have suffered by reason of the failure of these public depositories—and, as a further consequential loss, the whole expenses of the late extra session of Congress.

The Senator also has very correctly informed the Senate, that eleven of the selected banks had availed themselves of the indulgences extended to them by the act of the last session. These institutions had in deposite over four millions of the public money. The suspension of specie payments, and the embarrassments of the local banks prevented the importing merchants from meeting their liabilities with promptness and punctuality. The ultimate loss which the Government may sustain by reason of these transactions I will not undertake to estimate. But certain the fact is, that if the balance due from the banks and from the merchants had been promptly paid into the Treasury, the issue of Treasury notes, as provided for at the last session, would have been unnecessary.

The Senator from Virginia will, I think, find that there is much error in the statement that, on a comparison of the losses sustained by the Government through the agency of public officers, with the losses through the agency of banks, that the result would be in favor of the State institutions. Wholly different in my own judgment would be the result of any such comparative view, even during the period of the late and present Administrations of the General Government, when every favor and accommodation was extended to these banks, when they held in deposite all the public funds of the country. But trace the history of our Government from its foundation to the present time, and it will be found that the actual loss sustained by the failure of local banks, and by the depreciation and loss of bank paper, will greatly exceed the amount of loss sustained by the defaults of public officers. The whole loss actually experienced by the Government, including interest, on account of deposites having been made in local banks prior to the commencement of the late State deposite system, exceeds a million and a half of dollars; and the loss sustained through the depreciation of local bank paper in the possession of the Government previous to 1834, could not be less than five millions of dollars. These items form an aggregate of loss quadrupling any loss which the Government, from its commencement, could have suffered through the default of public officers.

The Senator has suggested that the reason why banks afford a greater security, results from the number of their officers—their tellers, cashiers, etc. The Senator is aware, I presume, that the board of directors controls the discount sheet; that they alone have to do with the granting of loans; and if there is a disposition to do what ought not to be done by the acting directors of a bank, the other officers would be unable either to counteract or to expose such transaction. It was the act of the directors of the Commonwealth Bank which gave to their favored associations the use of the whole capital. Nor does the capital of these local institutions furnish any ground of security or of confidence.

The known vigilance, fidelity, and uprightness of the managers of these State institutions, can only inspire confidence and give security. The character and acknowledged responsibility of the customers of a bank, adds much to its credit with the community.

The Senator from Virginia has remarked that by his substitute, every inducement is taken away from the local banks to make use of the public money. If then these institutions are not to derive any advantage by the use of the public funds, for what purpose make the deposite with them? The accommodation the measure will afford to these institutions, has induced the Senator to offer his amendment. And in no way can the interest of the banks be directly promoted, except by appropriating, for a time, to their use and for their benefit, the funds of the Government.

The Senator has remarked that the limitation of local bank capital will check these institutions from imprudently extending their discounts. I can assure the Senator that this fact will afford no sufficient guard. "All banks trade on the average amount of the deposites confided to them, which is ascertained by experience," and as it respects the banks, this very trade upon deposites, whether public or private, has been the source of great embarrassment. It is a most dangerous experiment, and yet it has been done, and will again be done, if opportunity occurs. This trade upon public and private deposites by the banks—this mixing the revenues of the Government with the moneyed means of these corporations—has been the immediate cause of the catastrophe which has befel those institutions, and of the consequent distress which now pervades the country.

The Senator was understood to say that the public money might properly and safely be put out on loan by these deposite banks; that if banks are employed as the fiscal agents of the Government, it would be no more than reasonable to allow them the privilege of using the public money; that such a practice would promote the convenience of the various classes of the community.

In this way, Mr. President, the Senator would most effectually (through the agency of his bill) give directions to the public funds for banking purposes. Although his bill would not, in terms, establish a Government bank, yet the whole pecuniary means of the Government would constitute a "*capital*" for banks to work upon. This is one of the very evils which the Senator discovered in the bill of the committee—that it went to create a Government bank, and to place the public revenues under the control of the Executive for banking operations; and yet he would deposite those revenues with local banks, with an avowed assent to them to carry on their banking operations by the aid of these public funds. I enter my protest against the whole policy.

The Senator from Virgina urges the adoption of his amendment as a relief measure, and objects to the bill reported by the Committee on Finance, because it is not calculated to afford any relief to the country. That the Government, as calm as a summer's morning, looks out upon the raging storm.

I would desire, Mr. President, to learn from the Senator what relief measure within the competency of Congress, which has not been proposed, can be presented.

The Senator from Massachusets has very distinctly given to the Senate his opinion, that the re-charter of a National Bank can alone regulate the general currency of the country; and that the existing derangement of the currency is the source of the whole evil.

But the Senator from Virginia would not agree to that proposition. What then? A recurrence to the State deposite system for a remedy; the very system which has produced the evil. To go back to the law of 1836, against all the lights of experience which has been cast upon the country.

The Senator says that these State banks have not had a fair trial; that they have been crippled by the acts of the Government; that the distress

which now, like a dense cloud, hangs over the land, has been the work of our hands. I have, Mr. President, on a former occasion, answered this statement. It has been said that the Specie Circular was the cause of the suspension of specie payments; and that it was the hostile action of the Government which has produced the pressure which now prevails.

This deposite system had its origin in 1833, and from that time to June, 1836, a few selected banks had the control of all the public deposites. That law was passed, and did it find those deposite banks which had received the public money, prepared to pay over that money agreeable to the provisions of the act of June, 1836? *No, sir: no.* Every dollar had been loaned; and before the Manhattan Bank, in the city of New York, could comply with the terms of that act; *before* it could make the transfer of the public money to the new depositories, so as to reduce the sum it held to a sum equal only to three-fourths of its capital stock, it was compelled to make collections of its customers; and the history of the times will show that, with the passage of that act commenced the pressure of the deposite banks.

This was the case with all the banks which had been selected as public depositories previous to 1836. The amount of the Government funds consisted exclusively in the credits of the banks. This act of 1836 was, then, the very first measure which went to impose a check upon the operations of the deposite banks in their extraordinary career. The public money was collected by one set of banks from their customers, and transferred to another set of banks. This operation was, of necessity, peculiarly embarrassing to the old deposite banks; but the language of the act was perfectly explicit. It declared to every new, as well as old deposite bank, that quarter yearly, commencing the first day of January, 1837, the public money then in the Treasury, with the exception of five millions of dollars, was to be transferred to the States. What was their duty? Clearly to be prepared for the crisis; and yet, before the arrival of the period for transferring the third instalment, the banks suspended specie payments.

I can assure the honorable Senator from Virginia that it was not the act of 1836, nor was it the Specie Circular which produced the pecuniary pressure which existed in the autumn of 1836 and the commencement of 1837. There was a pre-existing cause. The evil was beyond the origin of that measure. It was the great extension of individual credit; the most unexampled expansion of a paper circulation, which existed anterior to June, 1836, which furnished an adequate cause for all the pecuniary evils which subsequently occurred. The Specie Circular, then, so far from having an injurious operation, must have tended to check the madness and extravagance of the banking institutions of the country, as well those which held in deposite the Government money as others. It was issued soon after the adjournment of Congress, and before any of the requisitions of the act of 1836 could have been complied with. The operation, then, of this measure was upon those banks which had traded for the two preceding years upon the moneyed capital of the country. The Executive clearly had the right to issue this circular, and to require all payments for the public lands to be made in specie. It was a measure of prudence and discretion, and in its effects beneficial to all well regulated banking institutions.

The Government must have foreseen that a paper currency was literally flooding the country, and as the best evidence of the sagacity of the Executive, this very flood has in less than ten months devastated the whole country. The Executive required for the Government no more of its debtors than an individual had a right to require in his own case—*to make payment of the debt* in a currency of a standard value, and not in paper subject to depreciation. The Executive, saw with just alarm, that the public lands, one great source of revenue, were rapidly exchanging for bank credits This measure, therefore, seemed to him to be dictated by a high regard to the public interest, and not with a view to harass or oppress the banking institutions of the country.

I have said, sir, the extraordinary expansion of individual credit led to the embarrassment and pressure of the commercial and other classes of the community. There has been exhibited in the business of commerce an extravagant spirit of over-trading.

Take the importations between October 1, 1835, and October 1, 1836, they amount, including those free from duty, and those paying *ad valorem* and specific duties, to the sum of $189,980,035
Goods, etc. the growth of foreign countries, exported within same period, amount to $21,746,360
The produce of the United States exported in same time, amounted to 106,914,680

Making an aggregate of	128,663,040
Which leaves a balance against us of	$61,316,995

The value of the exports ascertained and estimated for the year ending 30th September, 1837, amounted to $116,906,060, less by nearly twelve millions than was made the previous year. The value of the imports for the same year was $140,852,980, nearly fifty millions less than was imported the preceding year; a fact showing most conclusively the extravagant over-trading in 1836, which governed the commercial portions of the community. The supply was made greatly to exceed the demand.

But this over-trading extended to every class of the community, and to every section of the country. A perfect mania had seized the public mind; and we are now reaping the bitter fruits of that madness. Let us not, then, Mr. President, charge the fruits of our own folly and indiscretion to any act of the Government.

During this debate, we have been repeatedly reminded of the unexampled distress which pervades our common country. We have been most emphatically told that this distress is the work of the Administration; that its measures have involved in one general and sweeping bankruptcy the moneyed institutions of our country; have dried up all the fountains of individual and national wealth; crippled our commerce, trade, and manufactures, and produced an universal prostration of the business and the currency of the Republic. These "ill-boding words" have not for the first time been sounded in our ears. They made up the burden of the Opposition song at the extra session. The press, with its mighty power, has reiterated over and over again these charges against the late and present Administration of our National Government. The public mind has been agitated upon this subject from Maine to Florida. Every argument which the ingenuity of man could devise, has been put forth to produce conviction that the evils which afflict our land are the fruits of the weak and wicked measures of the Administration.

At a late political meeting in Rhode Island, it was

"*Resolved*, That this most deplorable condition of the country is mainly attributable to the ignorance, the folly, or the wickedness of our rulers."

These charges have been promptly met—boldly and directly controverted—and the issue has been made before the American people. With them I am willing to leave this whole matter. Their deliberate and unprejudiced judgment must be formed, and will be promulgated in a manner not to be misunderstood by their public servants; and, for one, I entertain no doubt what will be that judgment. That there does exist great derangement in the currency—that there does exist a most extraordinary pressure among the various business classes of our community—I shall not deny; the fact is admitted; but I differ—radically and essentially differ—with the honorable Senator from Massachusetts, that these disasters to business and to currency have proceeded from the acts of the Government.

If the fault lies at the door of the Administration—if this universal distress has been produced by those in power—why has not the particular measure of the Administration, chargeable with all these evils, been designated? Why do the honorable gentlemen in the Opposition deal in such general denunciations? Why is not the charge more specific? If the existing pecuniary embarrassment of the country proceeds from the removal of the deposites from the late Bank of the United States, why is it not so alleged? If it results from the refusal of the Government to recharter another national bank, why is not that stated? If the existing pressure and distress, embarrassment and bankruptcy, have been produced by transferring from the local banks the public funds to other places of deposite, why is not the allegation made thus specific? It would be by no means difficult to effectually answer and refute each and all of these allegations; and if, sir, the Administration are, in the opinion of the Senator, chargeable with the existing evils which now pervade our country, why has not a remedy been proposed? Why have not relief measures been presented by those who make these charges? If they believe in the truth of their allegations, it is their bounden duty to offer to the consideration of Congress and of the American people, their plan of relief. They owe this to themselves and to the country. It will not satisfy the intelligence and integrity of the public mind for them to say we prefer the charges, and leave it to the Administration to clear themselves from the imputation. It is well known to the honorable gentleman that these charges have been met, and I trust successfully answered. Gentlemen then are without excuse in remaining passive upon this subject. It is a subject of vital importance to the people; it is a subject affecting every class of our community, and every section of our country.

I ask them, then, to bring forward their plans—*their measures for relief*. But has such been the disposition of the other side? Has such been heretofore the course of action pursued by those arrayed in this body against the Administration? Far otherwise. Has the honorable gentleman from Massachusetts, who has said much of the constitutional power of Congress over this subject of the currency, and of its imperious duty to exercise that power, recommended any specific and independent measure? I admit, sir, that he has very clearly insinuated what ought now to be done; but this, sir, falls far short of his public duty, entertaining, as he does, and avowing, as he does, opinions as to the cause of the general distress and dismay which overspread the land.

Every measure of relief recommended by the Executive, at the last session, in view of the surrounding difficulties, and every measure reported at that session, by the Committee on Finance, was resolutely opposed as insufficient to meet the crisis and the occasion. This was the course of proceeding then; and what is the indication now? One of a more conciliatory character? One in any way calculated to allay party animosity, or to restore general confidence? No, sir. Opposition was then the order of the day; and the most determined opposition to this bill has already been proclaimed.

The Senator from Massachusetts has declared that he would prefer any thing, he would prefer even nothing, to this measure. And the Senator from Kentucky says "the calamity of a war with the most potent power on earth, would be a blessing to the country compared with it;" and while those gentlemen thus denounce this bill, we have not as yet been favored from them, with any proposition, which, if adopted, would in their own opinion, afford relief to the country.

Mr. President, the Senator from Massachusetts has, with great justice, compared the present condition of the currency of the country to its condition and state immediately subsequent to the close of the last war. And what, sir, I ask was its true condition at that eventful period of our history? It must be fresh in the recollection of every Senator now present, that out of New England a depreciated local bank paper constituted the circulating medium of the country. In the language of the Senator himself, "the immense paper issues had banished specie from circulation." These moneyed institutions, extending from the Hudson to the Mississippi, and from the lakes to the ocean, had literally flooded the country with their irredeemable paper. The system of credit had been carried to its greatest possible extent: an universal suspension of specie payments beyond the limits of New England prevailed. We were then cursed with every description and denomination of depreciated paper. Such a debased medium naturally expelled from circulation every piece of hard money. The Government itself was inevitably involved in great embarrassment in its financial operations. It had been compelled to receive its revenues in this depreciated currency, and was driven to the necessity of making its disbursements in the same currency. We then had a plentiful supply of promises unfulfilled—of corporation pledges unredeemed—of broken banks—of trade embarrassed—and of commerce crippled. And all this evil was entailed upon the country, because, as the Senator from Massachusetts most appropriately remarked:

"There had grown up a currency of paper issued by banks, setting out with the promise to pay gold and silver, which they had been wholly unable to redeem; the consequence was, that there was a mass of paper afloat, which sustained no immediate relation to the legal currency of the country."

This was the state of the currency and of credit—the condition of trade and of commerce then; and is not this a most perfect, exact, and faithful representation of the present state of the currency and of credit—of trade and of commerce? The fact is undeniable. The Senator himself admits it. He made the comparison, and I am free to acknowledge its justice and its accuracy. What, then, was the cause of the calamities—the pecuniary distress—the commercial embarrassments—the bankruptcy and ruin, which pervaded the country in 1816?

It proceeded from an extraordinary and unwarrantable expansion of credit; an over-issue of bank paper, and its consequent depreciation and debasement. These were the causes, and these were adequate causes, for the bankruptcies, both to individuals and corporations, which followed. Like causes will produce like effects. There is no occasion to indulge in speculation on this subject. The man who will look abroad, cannot avoid the conclusion that the evils which now exist in the land are the certain effects of an unwarrantable expansion of the credit system. To this source may be ascribed all the distress and embarrassment which now exist in the commercial, as well as in the other, classes of the community.

It is an undoubted fact, that for a few years anterior to 1816 an immense amount of bank paper had been put in circulation to carry on the war, and to sustain the credit of the Government; and it is equally true that this same amount of paper had been disbursed to the creditors of the Government; and it was the depreciated value of this paper, its irredeemable character, which debased the currency of the country. It was the total inability of the banks to take up this paper which destroyed public confidence, and produced the bankruptcy of the institutions.

These were the true causes which produced the universal distrust and distress which prevaded the country in 1816, and precisely the same causes have operated to produce the same effects in 1837 The great extension of individual credit, a consequent expansion of the paper circulation, has brought upon the country now, the same pecuniary embarrassments which existed then. And what, Mr. President, was the remedy proposed at that time? a National Bank and the joint resolution of 1816. There was then at that time no proposition to make the local banks the depositories of the public money. The great object was to improve the general currency, to resuscitate the State banks, and to secure the public funds, which at that time consisted exclusively of State bank paper, from further depreciation. A National Bank was sustained with great zeal and with great ability, on the goound that, in practice, it would produce a most beneficial influence upon the currency of the country. That it would afford immediate aid to the Government and to the people, and bring into active and useful operation the banking institutions of the respective States. The Senator from Massachusetts then expressed his convictions that a National Bank would not improve the State of the currency.

"It was a mistaken idea, he said, which he had heard uttered on this subject, that we were about to reform the national currency. No nation had a better currency, he said, than the United States—there was no nation which guarded its currency with more care, for the framers of the Constitution, and those who enacted the early statutes on this subject, were *hard-money men*. They felt, and therefore duly appreciated, the evils of a paper medium; they, therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject to which Congress had run into no folly. The evil was not to be remedied by introducing a new paper circulation; there could be no such things as two media in circulation—the one credited, the other discredited."

[Mr. WEBSTER here expressed his dissent to the construction which had been given to the speech he delivered in 1816.]

I have, Mr. President, with perfect accuracy, quoted the language which the Senator then used; and I would ask him if he did not then vote against the bill establishing a National Bank? Having spoken against it, and having voted against it, I could not but suppose that his speech and his action was a just expression of his opinion of that measure. But, sir, I will offer another extract from the same speech, as giving a very decided indication of the convictions of his own mind:

"The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of duties and taxes to the Government in the legal currency of the country."

"In the end the taxes must be paid in the legal money of the country, and the sooner that was brought about the better."

I think the Senator was clearly right. I fully concur with him in the opinions he then expressed, relative to the power of a National Bank over the currency.

It will be recollected, Mr. President, that both of the proposed measures of relief were adopted—a National Bank was chartered, and the joint resolutions of 1816 were passed.

Early in 1817, both of these measures went into practical operation. The effects produced were most disastrous to the State institutions. A resumption of specie payment tested the strength and soundness of every local bank; and it will long be remembered that the uncontrolled and uncontrollable paper issues of these State banks led to their entire prostration.

And the same fate, resulting from the same cause, must have inevitably attended the Bank of the United States in 1819, had it not have been that the moneyed power of this Government was brought to the support of that failing and dangerous institution. And well did the Senator from Massachusetts say that this National Bank was, of itself, unable to rectify the state of the general currency. Admitted, as it is, that the state of the moneyed affairs of the country in 1816 was similar to their condition in 1837, and that the same causes had operated at the different periods to produce the same effects, I would ask, Mr. President, what is now proposed as a remedy for existing evils? First, a United States bank; second, a State deposite system; and thirdly, the bill reported by the committee, providing for the collection, safe-keeping, and disbursement of the public funds. It seems to be very generally conceded that the country is not prepared to receive another national bank; the people have decided against it—so the Senator from Massachusetts has said—and yet the Senator, in his speech recently delivered, has given it as his deliberate opinion, that it is within the constitutional power of Congress to

regulate the general currency—to maintain a sound moneyed circulation—and that this great object can be accomplished in no way so satisfactorily, as to establish another National Bank. He differs from the Senator from Virginia, whose strong predilections are in favor of the State deposite system.

If the two Houses of Congress can be said to reflect the opinion of the American people, the fate of a National Bank is hermetically sealed. The Senator from Massachusetts says he does not consider the resolution of the last session as of the least importance, or as any indication of the state of the public mind. On this point the Senator is in error. If I can discern the signs of the times, there is, with the people, a growing and a determined hostility to a National Bank. I then consider tha but two alternatives are now presented as relief measures. The one is the measure emanating from the Committee on Finance, the other is the substitute for that measure, proposed by the Senator from Virginia. The Senator from Massachusetts says he is prepared to take any thing, and even nothing, rather than accept the bill proposed by the committee. And here again, Mr. President, the honorable Senators are not yielding to the force of public sentiment. Experience has decided against a revival of the State bank deposite system. An entire separation of the Government, in the management of its fiscal concerns, from local banks, is demanded by every consideration. The security and proper management of the public funds demand this measure at our hands. A regard to the best interests of the people demands it. The state and condition of the moneyed institutions of the country demand it. A regard to the principles of those "*hard money men*" who laid the foundation of this extended and extending Republic demands it.

The peace and prosperity which so strikingly distinguished the operations of the people under the first enactments of the Government, requiring the public revenues to be collected and disbursed in gold or silver, speaks loudly in favor of this measure. I would, then, sir, adopt it; and adopt it without delay. There is abroad in the land an extraordinary excitement upon these subjects. The public mind requires repose. This agitating, this embarrassing question, which is now distracting the whole community, should be settled; and not till then will there be a resumption of specie payments. If this bill should now be passed, the local banks, through the influence of the mercantile community, will at once establish a system for the regulation of the internal exchanges of the country; and then peace and tranquillity will again bless the land, and success and prosperity will again crown the efforts of the people.

MR. CALHOUN'S RESOLUTIONS.

DEBATE IN THE SENATE,

SENATE, Jan. 12, 1838.

The Senate resumed the consideration of the resolution submitted by Mr. CALHOUN on the 27th of December, in relation to Domestic Slavery, the following (6th) resolution being under consideration:

"*Resolved*, That the union of these States rests on an equality of rights and advantages among its members; and that whatever destroys that equality, tends to destroy the Union itself; and that it is the solemn duty of all, and more especially of this body, which represents the States in their corporate capacity, to resist all attempts to discriminate between the States in extending the benefits of the Government to the several portions of the Union; and that to refuse to extend to the Southern and Western States any advantage which would tend to strengthen, or render them more secure, or increase their limits or population by the annexation of new territory or States, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the Constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slaveholding States, withholding from them the advantages, while it subjected them to the burdens, of the Government."

Mr. CALHOUN said that frequent attacks had been made on the resolution under consideration, in advance, which he did not think were altogether fair. The Senate had determined to consider each resolution by itself, on its own merits, beginning at the first. He felt himself bound by the determination, and, of course, did not feel at liberty to repel attacks made on resolutions in advance. We had now arrived at the sixth, and he would say one of the most important in the whole series. He had reviewed it with care, and believed it was critically true and correct in all its parts; and now stood prepared to meet and repel, he trusted successfully, all attacks that might be made on it, from whatever quarter they might come; and that he might present the points distinctly to those who might desire to attack, he would repeat separately the various positions assumed in this resolution.

Its first and fundamental position is, that the Union rests on an equality among the several States that compose it. To support so obvious a truth, he did not deem it necessary to cite various parts of the Constitution, which expressly recognize it; nor to refer to the journals of the convention that formed the Constitution, nor the debates of the conventions of the States by which it was adopted; all of which would prove that it was constantly acted on as the principle on which the Union rested, and that, as such, it was watched throughout with the greatest care and jealousy. He would ask if there was any one at all conversant with the Constitution, or the history of its formation and adoption, prepared to attack this fundamental position?

The next position assumed was, that whatever destroyed this equality, tended to destroy the Union itself. One so manifestly and irresistibly true, if the first be conceded, as not to admit of dispute.

The next declares that it is the solemn duty of all, but especially of this body, which represented the States in their corporate capacity, to resist all attempts to discriminate between the States, in the action of this Government, so as to give one an advantage over another, which is no less clear.

The next asserts, that to refuse to extend to the Southern and Western States any advantage fairly due them, and which might tend to strengthen them, or render them more secure, by extending their limits and population by the annexation of additional territories or new States, on the ground that their domestic institutions were sinful, immoral, or otherwise obnoxious, would be contrary to that equality intended to be secured by the Constitution alike to all the members of the Union. It claims nothing for the Southern and Western States on account of their domestic institutions. It simply asserts, that to withhold advantages on their account, to which they would otherwise be fairly entitled, would be contrary to the equality to which, as members of the Union, they were entitled. It does not affirm that new territory or States (Texas in a word) should be annexed. That is left an open question, to be decided whenever it may be presented, on its general merits, in reference to the whole, as well as the adjacent section, and not on the ground of the peculiar character of the domestic institutions of the States of that section, on which the Vermont resolutions and the hundreds of petitions which have been presented, place it. If the resolution goes farther, or does not fully and unequivocally express what is intended, he stood prepared to modify it so as to place its intention beyond all doubt. All he regarded was the principle, which he deemed not only clear, but all important, to the slave holding States, and on that he trusted he would be permitted to have an expression of the opinion of the Senate.

Thus regarded, he would ask if there was any one who would venture to controvert this position?

It is next and finally asserted in the resolution, that to withhold from the Southern and Western States the equality of advantages to which they are entitled, would be, in effect, to disfranchise them, and to subject them to all the burdens of the Government, without its advantages—a proposition too clear to admit of argument or illustration. He had now stated clearly and distinctly every position taken in the resolution, and he called on the Senator from Kentucky, (Mr. CLAY,) and others who had attacked it in advance, to bring forward their objections now, when the resolution is before us, and when their assaults can be fairly met. All he asked was, that their objections should be specific—no generalities; no abstractions. (They have too deep an abhorence of abstractions, he was sure, to rely on vague and general assertions.) State the particular position assailed, and make specific objections, and if he should not be able to repel them successfully, he would be more deceived than he ever was, as he felt the utmost confidence in the correctness and strength of all the positions.

Mr. PRESTON then moved to lay the resolution on the table, on the ground that this branch of the subject would be more appropriately discussed in connection with the resolutions introduced by him for the annexation of Texas to the Union, and also because it would be more advantageous to the interests of the South to take the question involved on the Texas resolutions. Mr. P. addressed the Senate in a speech of some length, and with much warmth, in support of the motion.

Mr. CALHOUN said that he would assure his colleague that he had not the slightest intention to interfere with his resolution in reference to Texas;* nor did he think there could, by possibility, be any interference. They related to different objects. His was introduced, as he had frequently said, as antagonist to the Vermont resolutions, and the various petitions against the domestic institutions of the South. Among other objections, they took position against the annexation of Texas to the Union, on the ground that our peculiar institutions were sinful and immoral. In drawing up these resolutions, he felt himself compelled to cover the whole ground assumed against us, and could not by possibility omit so prominent a one as the objection to the annexation of Texas, without a manifest surrender of one of our most important points to the Abolitionists; but in covering it, he had drawn up his resolutions in general terms, and had omitted the name of Texas, so as to avoid, as far as possible, any question in relation to it.

The resolution of his colleague was, on the contrary, a direct question of annexation, which opened the whole ground, in the broadest view of policy and the Constitution. The only effect of the adoption of his resolution would be to raise one of these questions, and that not the least embarrassing, and as such could have no possible injurious effect on the resolution offered by his colleague. But he understood his colleague to say, that a decision on his (Mr. C's) resolution could be had under his, which was broader, and that it would be more easy to get a favorable decision on the whole question than on the isolated point which his presented.

Mr. C. said he could not but believe that his colleague was mistaken. Even an affirmative decision would not cover the broad and general principle of equality, and would discriminate between the institutions of the States of the Union, which his resolution asserted, and which he believed to be all-important to the slaveholding States to be recognised. Nothing more could be inferred from such a decision than that, under all the circumstances of the case, it was expedient to annex Texas, without a distinct recognition of any one principle on which it might be admitted. But he could not think, with his colleague, that it would be more easy to annex Texas than to pass the resolution under consideration. It presented but a single point, and that so unquestionable as to command the assent of all who did not deny so fundamental a principle of our Union as the political equality of the members who composed it; while his colleague's presented, and would have to encounter, all the possible objections which could be urged against the annexation, constitutionally; and all objections as to time, as to mode, as to its effect on our relations with Mexico, as to its disturbing the equilibrium of the Union, as to the hazard of extending its present limits, as to its constitutionality, and many others besides the one presented in his resolution. So far from agreeing with his colleague as to the greater relative ease with which his (Mr. P's) could be passed, that he anticipated that neither his or his colleague's would be acted on, should the motion to lay on the table prevail. It was well known that his (Mr. C's) mind had long since been made up in favor of the annexation. Under any view he could take of it, he believed the union of the two countries was desirable, but he had at all times anticipated much difficulty in the decision of the question, when and however presented.

His colleague had objected to acting on this resolution, on the ground that it would bring up the whole Texan question. He must think that he was mistaken in his supposition. The debate heretofore has been strictly confined to the questions involved in the resolutions, and he saw no reason to believe that there would be a departure on the present occasion. In fact, he could not but think that such a supposition would be an impeachment of the fairness of Senators on the side of the chamber his colleague occupied. The resolution presented but a single point, and that but incidentally connected with Texas. Its decision involved none of the regular and fair objections that might be urged against its admission. To involve them in the discussion, would be unfair, and would be a tacit confession, on the part of those who should force such topics into the discussion, that his resolution was true, and could not be fairly met. He

* Mr. CALHOUN's resolutions were introduced on the 27th December, and Mr. PRESTON's on the 4th January, on a previous notice, given early in the session.

could not believe the able members, who he expected would be opposed to the resolution, would take a course so unworthy of them. If they believe the resolution to be true, he expected them to say so, and to vote for it; but, if not, to say so, and to assign their reasons boldly and directly, and not to kill it by arguments foreign to the question.

In conclusion, he expressed his regret that his colleague should think proper to make the motion he did, and would assure him that, whatever might be their difference of opinion on the great political questions of the day, he would, on all occasions, abstain from making any motion to embarrass any measure which he might think proper to introduce.

After some further remarks from Mr. PRESTON, the question was taken on his motion to lay the resolution on the table, and it was adopted—yeas 35, nays 9, as follows:

YEAS—Messrs. Allen, Bayard, Benton, Black, Brown, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Webster, White, Williams, and Wright—35.

NAYS—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Roane, Robinson, Sevier, Walker, and Young—9.

So the resolution was ordered to lie on the table.

REMARKS OF MR. WRIGHT,
OF NEW YORK,

In Senate, January 18, 1838—Upon the final passage of the bill for the relief of the heirs of Richard W. Meade.

Mr. WRIGHT said he felt, and felt most deeply, that in offering resistance to the passage of this bill, he must appear to be offering resistance to the well known and often expressed will and opinion of a large majority of the Senate; a position which he assumed, upon all occasions, with extreme reluctance. He also felt that, in opposing the bill, he might seem to be insensible to, or regardless of, the condition of those immediately interested in its passage. He was not, however, unmindful that Mr. Meade himself had passed from the cares and troubles of this world; that he had left a widow, and a large family of children, he believed mostly females, and that all were said to be dependent for their worldly fortunes upon the success of this claim. He knew that the claimants had many and valuable and worthy friends in this body, and he was free to admit, that their condition justly drew towards them the sympathies of all. It should be his studied purpose, in the remarks he had to make, to say nothing which could wound the feelings of the most tender friendship, or be offensive to the liveliest sympathies.

When he asked a short postponement of the final question upon the bill, several days since, he avowed his object to be to obtain time to re-examine the claim, having, several years since, and when a member of the other House, made a partial examination of it, and formed conclusions strongly unfavorable to its validity. He had made the examination again, and found his former impressions fully confirmed, and he now merely proposed to give to the Senate, as briefly as it could be done, a statement of the facts upon which his opinions rested. He regretted that he could not have found an opportunity to discharge this duty at an earlier hour of the day, and in a fuller Senate, as he felt conscious that many of the members were even less acquainted with the history of the claim than he was himself. Still he would not ask further delay. He had been prepared for the question upon the bill, on the day to which it was postponed upon his motion, and as none of the delay which had taken place since that time was chargeable to him, so he would not now incur such a charge, but would proceed directly to the task he had assumed.

He found, from the papers in the case, that Mr. Meade, being a citizen of the State of Pennsylvania, left this country for Spain in the year 1803; that his business was exclusively of a private character, and was, as he states himself, to obtain the release of some property detained at Buenos Ayres; that he was unexpectedly delayed in the prosecution of this attempt to release the property, and was finally unsuccessful in the undertaking; that while absent, he conceived the design of establishing a commercial house at Cadiz, in Spain, and, as soon as his other enterprise was abandoned, carried that design into execution; that he opened an extensive American trade, principally in provisions, and succeeded in obtaining various contracts for the supply of the Government and armies of Spain with provisions; that successive contracts were made, and large supplies furnished, through a series of years, during the whole of which time Mr. Meade was a resident of Spain, was domiciliated there, and made commerce his business and pursuit.

In 1806 he was appointed Navy Agent of the United States for the port of Cadiz, which agency of this Government he continued to hold until some time in the year 1816 or 1817; but it does not appear, nor is it alleged, that any of his troubles with the Spanish Government, or any part of this claim, arose from any transaction connected with his agency for the United States. On the contrary, it is admitted on all hands, and so the facts prove, that his claims, whatever they were against Spain, and whatever they may now be against this Government, have grown solely out of his private transactions with the Spanish authorities; out of his contracts to furnish provisions, and the like, and out of litigations between him and the Spanish authorities, and between him and individuals, with which the United States had no connection, directly or indirectly, and in all of which he was acting merely for himself, and in no sense, whatsoever, as the agent, or representative, in any character, or in any degree, of this Government. So much for the origin of Mr. Meade's claims.

He would now proceed to recount, very briefly, the commencement of the troubles between Mr. Meade and the Spanish Government and authorities, so far as he had been able to gather the history from the papers. In the year 1812, Mr. Meade states that he found himself largely in advance to Spain, on account of the supplies he had furnished under his several contracts, to the amount of some eight hundred or more thousand dollars; that he satisfied himself, (upon what evidence he does not state) that the Treasurer General of Spain was using funds which, in good faith, and according to his contracts with the Government, ought to have been paid to him; that he wrote and published a pamphlet, setting forth the nature, character, and extent of his contracts, the amount of his debt against the Government, and complaining, in terms of censure, of the conduct of the Treasurer General, and the other Spanish authorities, and of their bad faith exercised towards him. For this publication he was arrested and confined in prison for a period of three months, when he was released upon bail. He appealed to the Cortes against the injustice of the treatment he had received, and alledged that his imprisonment had been illegal. The Cortes, as he states, ordered the payment of his demands against the Government, pronounced his imprisonment illegal, and decreed punishment against the minister who had given the order for his arrest, and against the judge who executed the order. The order of the Cortes for the payment of his demands was, as he alleges, but very partially complied with, and that in a manner to compel great sacrifices and heavy losses on his part; while the Cortes itself being soon after dissolved, a tribunal denominated "the Supreme Council of War," obtained jurisdiction of the prosecution depending against him for the publication of the pamphlet, pronounced the publication a libel on the Government, and imposed upon Mr. Meade a fine of two thousand ducats, by way of punishment for the offence. This affair seems to have been the commencement of his difficulties with the Spanish authorities.

Another litigation, which seems to have connected itself immediately and importantly with the claims of Mr. Meade, arose as follows:

An individual by the name of Glass, a merchant of Cadiz, sometime in the year 1811, visited England, was arrested there in consequence of his pecuniary liabilities to the House of Hunter, Rainey and Co. of London, and a commission of bankruptcy was obtained against him in England, where he was himself detained upon his arrest. A Spanish tribunal, denominated "the Tribunal of Commerce at Cadiz," took jurisdiction of the affairs and estate of Glass at Cadiz; and it seems to be admitted, on all hands, that the jurisdiction assumed by this tribunal was rightfully assumed. In the course of its proceedings, this tribunal appointed Mr. Meade the assignee of the estate of Glass in Spain, requiring from him bonds, containing, among other conditions, one that he should "be responsible solely to the tribunal" for the proceeds of the estate of Glass, committed to his possession, care, and management. Mr. Meade accepted the trust, and entered upon its discharge. He closed the affairs of the estate in Spain, and paid off all the demands existing against it there. This being done, he found an amount of about fifty-two thousand dollars in money in his hands, being proceeds of the estate unexpended. This balance, he supposed, belonged to the assignees of Glass in England; and he states that he made frequent applications to "the Tribunal of Commerce of Cadiz" for leave to pay it to the English assignees, but that the leave was not granted. Sometime in the year 1816, Hunter, of the London house of Hunter, Rainey and Co. visited Cadiz, upon the business between that house and the estate of Glass. At about the same time, Glass escaped from his bail in England, reappeared at Cadiz, and laid an injunction upon the money in the hands of Mr. Meade, to prevent its payment to Hunter, alleging that the property, of which this money was the proceeds, had been improperly considered as bound by the commission of bankruptcy. A litigation, therefore, arose before "the Tribunal of Commerce of Cadiz," between Hunter, representing the London house of Hunter, Rainey and Co. and Glass, as to which had the right to receive the money from Mr. Meade. Pending this litigation between these parties, the tribunal, upon whose application, or whether upon any application at all, does not appear from the papers, made an order that Mr. Meade should, upon a day named in the order, make a deposite of the money in the royal treasury of Spain, there to await the decision of the question to whom the money of right belonged Mr. Meade made a deposite under the order, and obtained a certificate of deposite therefor, which was laid before the tribunal, or the purport and effect of it made known to that judicatory. Pending the litigation, Hunter appointed a person by the name of McDermot the agent of the London house, and left Spain. DcDermot, subsequently, raised a question before the tribunal as to the sufficiency of the deposite made by Mr. Meade in the royal treasury, in pursuance of its order, alleging that the deposite was not made in specie, but in some description of Government paper less valuable than specie. Mr. Meade contended that the certificate of deposite showed that the deposite had been made in "*effective specie*," and that, whenever the tribunal should order the payment of the sum, "his Majesty would pay in *the same coin*." Still McDermot sued Meade, before the same tribunal, for the money, and recovered against him. Meade appealed to a superior judicial tribunal of the country, called "alzadas;" but, before this last named tribunal had gained possession of the cause, and had passed judgment upon it, McDermot obtained an order, by which it was transferred from the "alzadas" to "the Supreme Council of War." This council confirmed the decision of "the Tribunal of Commerce of Cadiz," that Mr. Meade was still liable, notwithstanding the deposite he had made in the King's treasury, to pay the fifty-two thousand dollars to McDermot, or those he represented. From this decision of the Supreme Council of War, Mr. Meade attempted to take a further appeal, but his application for that purpose was not granted. A rehearing, however, before the same tribunal was granted, and five new judges were added to the court, to sit upon the new trial. Before this new trial took place, McDermot made an application for the arrest of Mr. Meade, upon the ground that he was about to leave Spain, which application was successful; and, on the second day of May, 1816, Mr. Meade was arrested and imprisoned in a prison called "Santa Catalina," at Cadiz.

No further history of this litigation has been found in the papers, nor is any further detail in relation to it deemed important to the present discussion. Little is learned, from the documents which have been examined, of the character or severity of the imprisonment suffered, except that our minister in Spain, in the course of his correspondence with the Spanish authorities to obtain the release of Mr. Meade, often styles the prison "a felon's prison;" and a single clause in the memorial of Mrs. Meade to the President of the United States, which will be hereafter more particularly referred to, wherein she says, speaking of this imprisonment of Mr. Meade, that he was "confined in a dungeon, with a sentinel at his door, *and for several months locked up at night.*" This language would seem to imply that the "dungeon in which Mr. Meade was confined was not, for any portion of the time of his imprisonment, *locked* during the day time, and that it was not *locked during the night*, except for a few months of the period. These observations would become material hereafter.

At this stage of the proceedings, Mr. Meade commenced his appeals to our minister in Spain, and the correspondence between that minister and the Spanish Government would show that no want of zeal or exertion in the cause of Mr. Meade could be alleged against that agent of the United States, upon which a liability on the part of this Government to pay his claims could be founded. Mr. W. said he had read the correspondence with some attention, that he made no pretensions to the diplomatic science, but that he must say, if any impression had been made upon his mind more strongly than another, from that reading, it was that of surprise that the Spanish authorities had not considered and treated the minister as exceeding his diplomatic character and duties in the warmth and pertinacity of his appeals on behalf of Mr. Meade. Indeed, if his memory served him, the minister did persevere until his notes were returned unanswered by those diplomatic agents of the Spanish Government to whom they were addressed. Nor were his efforts confined to his exertions in Spain, as he did not fail to invoke the aid of his Government by appeals to, and through, the Secretary of State, at various stages of the proceedings.

Still Mr. Meade was not relieved from duress, and, on the 4th of December, 1817, Mrs. Meade addressed to the President of the United States a memorial, detailing his grievances and urging the interference of this Government to obtain his release. A call was made by the House of Representatives upon the President for the information in his possession relating to the arrest and imprisonment of Mr. Meade; and by a message, dated on the 29th of January, 1818, he transmitted copies of the correspondence between our minister in Spain and the Spanish authorities, and between both and the Secretary of State of the United States, together with the memorial of Mrs. Meade, above referred to. The subject was referred to the Committees on Foreign Relations of the respective houses of Congress, from which written reports were made, strongly remonstrating against the treatment under which it appeared to them Mr. Meade was unjustly suffering; and each report concluded with expressions strongly indicative of a disposition, on the part of this Government, to interfere in his behalf, unless his release should follow those proceedings of the National Legislature. These reports were made, that to the Senate on the 24th of March, and that to the House of Representatives on the 4th of April, 1818.

So far did the authorities of this Government, at home and abroad, go to relieve Mr. Meade from his unpleasant situation, growing out of a litigation, not with the Spanish Government, but with a private individual; not out of his claims against Spain, but out of a private trust, voluntarily assumed by him, and involving the interests of those at whose suit, and by whose procurement, he was imprisoned.

He would not here stop to comment upon the propriety of this interference on the part of our Government and its authorities, although, at a subsequent stage of the discussion, it would be his duty to allude to it. His whole purpose, for the present, would be answered by the remark, that, hitherto, most certainly the United States had done nothing, and omitted nothing, from which a liability to pay the claims of Mr. Meade against the Government of Spain could even be pretended, much less sustained. Indeed it was but just to say that he did not understand the friends of the claim to infer liability from any of the proceedings which had yet been recounted.

Mr. Meade was discharged from duress sometime in May, 1818, and seems to have turned his attention immediately to the adjustment of his claims upon the Spanish Government. During the period of his arrest and confinement, the papers show that he was devoting every exertion in his power to the attainment of this object, and that our minister in Spain did not fail, in his correspondence with the Spanish authorities in relation to his imprisonment, to interpose the subject of his claims also, whenever that could be done with propriety, or with any prospect of benefit to Mr. Meade. But after his final release this became Mr. Meade's sole business, and his appeals to our minister abroad, and to the proper department of our Government at home, in reference to the claims, became direct and earnest.

At as early day as the 6th of June, 1818, only one month after his release, Mr. Meade addressed a letter to our Secretary of State, which, in a certain contingency, announced his intention of throwing himself upon the protection and justice of his Government, and abandoning his personal efforts to settle, or obtain payment of his claims. This letter seems, upon its face, to have grown out of a state of circumstances such as follow:

Mr. Meade alleges, that, after his release, it was intimated to him from a strictly confidential, but highly authoritative source, that in case he could make a further advance in money to the Spanish Government, and would accept a grant of land in the Floridas for his whole claims, the business might be adjusted much to his advantage. Knowing that negotiations were depending in the United States for a cession of the Floridas to our Government, he would not venture to make any advance towards an adjustment of his claims upon this basis, until he had written to the Secretary of State, the negotiator on the part of the United States, and learned from him whether, in case a treaty should be concluded, and the cession made, a grant of land to him by Spain, of that date, would be valid. Hence the letter to which he referred, bearing date the 6th June, 1818, at Cadiz, was written, and to make the above inquiry was its principal object. As it was his fixed purpose to occupy as little of the time of the Senate as possible, he would only trouble them with the reading of the last clause of the letter. It was in these words:

"I shall wait in Madrid for your answer; and should it be unsatisfactory, or should I find it impracticable even to obtain this mode of arrangement from the Spanish Government, in case of your answer being satisfactory, I shall enter my protest, and leave the kingdom, and place a full reliance on my own Government for supporting my just demands, when ever an arrangement shall take place between the two countries; being confident that, whenever such an event does take place, provision will be made for the claims of our citizens."

Here was a contingent appeal to our Government to make the claims of Mr. Meade matter of treaty stipulation between us and Spain, and the contingency, in the first aspect of it, was to be put at rest by our Secretary of State. If a grant of land in Florida, made to Mr. Meade by the Spanish Government, would not be recognised in, or made valid by, the treaty of cession from Spain to the United States, then the appeal was no longer contingent but positive; because, in that case, the determination of Mr. Meade was declared, to enter his protest, leave the kingdom of Spain, and rely upon his own Government for his redress. The Secretary of State, immediately, answered his letter, and assured him that, in case a treaty was concluded, and the Floridas ceded, grants of land therein made by Spain, at so late a date, would *not* be recognised and confirmed. The contingency was, therefore, put at rest by the answer of the Secretary of State to Mr. Meade's letter, and the appeal of Mr. Meade to the protection of our Government remained before the State Department without condition.

Mr. Meade, in some of the papers, seems to suppose that this call from him upon the Secretary of State, and his failure to accept of a grant of Florida lands, gives him a strong equitable claim to appeal to our Government for the payment of his demands against Spain; but was this supposition well founded? His letter to the Secretary of State, making the inquiry whether such a grant to him by Spain would be recognised, in case a treaty was made, was written at Cadiz, in Spain, on the 6th of June, 1818, and the language of the letter conclusively proves that it was written immediately after the intimation had been made to him that his claims might be adjusted in this mode. A treaty was concluded by which the Floridas were ceded to the United States, and that treaty was signed at Washington on the 22d of February, 1819. By it all grants of land in the territories of Florida, made by Spain prior to the 24th day of January, 1818, were confirmed and made valid, and all grants of land in those territories made subsequent to that day, were declared to be null and void. From these dates and facts, it will be seen that, had Mr. Meade taken a grant of Florida lands from Spain, at the time his letter to the Secretary of State was written, or within any period of five months previous, it would have availed him nothing, as the treaty would have made it, as it did make all grants by Spain, within that period, and subsequent to it, absolutely null and void. It is not easy to see how a claim for the payment of money, either legal or equitable, can arise out of this state of facts.

It would seem, therefore, that even at this stage of the proceedings, so far as our Government was concerned, Mr. Meade stood in the condition of a voluntary applicant for its protection, and its justice, whenever an arrangement should take place between the countries, being confident, as in his letter to the Secretary of State, he expressed himself to be, that, whenever such an event should take place, provision would be made for the claims of our citizens.

But the strength of the argument does not rest here. This appeal of Mr. Meade, it is true, was made to the negotiator, on our part, of the treaty, which concluded that negotiation; it was made pending the negotiation, not only, but was made when Mr. Meade knew that negotiation to be pending, and *because* he knew it to be pending. Still it was not the only, or the most material, appeal to our Government, to include his claims in the treaty arrangement; and to show this, he would refer to another step taken on his behalf, prior to the signing of the treaty, and, as the document referred to will prove, by his express direction.

Under date of the 17th January, 1819, Mrs. Meade writes from the city of Philadelphia to the Secretary of State, as follows:

"I have the honor to hand you, enclosed, a statement of the grounds of my husband's claims on the Spanish Government, which will be followed by a specific statement of the amount due him from the said Government, showing the amount due on *libramientos* now in his possession, on contracts, and on damages, on bills received from said Government, as well as his reclamation on the score of the unjust imprisonment suffered by him for two years.

"The time allowed him to avail himself of the opportunity by which I received this statement was too short to enable him to make out a detail of his claims; but thinking it important that some statement should be immediately forwarded to you, he hastily made out the enclosed; trusting that, *in the event of a speedy conclusion* of a treaty between our country and Spain, this document would serve as a guide for that protection which his Government may think proper to grant him."

Enclosed in this letter was a very general, and somewhat argumentative, statement of the claims of Mr. Meade upon Spain, and which, the letter shows, was transmitted, by his wife, to the Secretary of State, in contemplation of "*a speedy conclusion of a treaty between our country and Spain;*" was sent by him to her for the purpose of such transmission;

was made by him in haste *because* of the necessity of the presentation, to the Department of State, of some statement of his claims, before the signing of the treaty; and was such a statement as, he trusted, "would serve as a guide *for that protection which this Government might think proper to grant him.*"

The treaty was speedily concluded, after the transmission of this statement of Mr. Meade's claims, it having been signed by the high contracting parties on the 22d of February, 1819, but little more than one month after the date of Mrs. Meade's letter, at Philadelphia. Surely, then, it would not be contended that our Government was not both authorized and urged by Mr. Meade to make his claims the subject of treaty arrangement, and of arrangement under that identical treaty, or that there was any thing in his authority and appeal different from that which must always be supposed to attend the appeal of a citizen to his Government to protect his interests with a foreign power. In his first letter to the Secretary of State, before referred to, he says he is confident that, when a treaty shall be concluded, "*provision will be made for the claims of our citizens,*" thus expressly placing his claims upon the same footing with those of all our other citizens, who might have claims, of any character, against the Spanish Government. In Mrs. Meade's letter, just read, she says she trusts that the statement of her husband's claims, enclosed by her in pursuance of his direction, "*would serve as a guide for that protection which this Government may think proper to grant him.*" Could authority, or appeals, be more broad, more general, or place the whole matter more within the power and discretion of this Government? It seemed to him not.

Did the treaty affect the claims of Mr. Meade against Spain, and if so, to what extent and in what manner?

He was well aware that he had now reached the question, whether or not the treaty did, in fact, embrace the claims of Mr. Meade, and did release Spain from any further liability to him? This question he did not propose to discuss, but to leave that discussion to others, who had examined it more deeply than he had, in case the debate should call for it. He must say, however, that, were the claims now rested upon this point alone, he believed it would be possible to sustain, and sustain triumphantly, the position that the claims of Mr. Meade, as subsequently liquidated between himself and the Spanish authorities, were not released by the treaty in question.

To pass this point, however, he would, for the sake of the argument merely, assume that these claims were embraced by the provisions of the treaty, and were provided for under it; and would look into the treaty to determine what provision was made, and how it was to become available to Mr. Meade.

The treaty, among other things, contained a cession of the Floridas from Spain to the United States, established and defined the boundary between the United States and the Spanish possessions in the Southwest, contained mutual releases of all claims to the territory upon each side of the defined boundary, and bound the United States, as an equivalent for the advantages in territory we were to acquire by the treaty, to pay the sum of five millions of dollars. This money was to be paid, not to Spain, but to citizens of the United States, who had valid claims against the Spanish Government. The claims embraced in the treaty are enumerated with great particularity and precision, and are subdivided into five classes. It is necessary here to refer to but one of those classes, as it is admitted on all sides, that, if the claims of Mr. Meade come within the provisions of the treaty, they are brought there by the fifth classification, which is in the following words:

Art. 9, clause 5. "To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty."

In any event, the United States were to pay but five millions of dollars, and they were to pay that to all the classes of claimants named, according to the same uniform rule. That rule was the appointment of a commission by our Government, to consist of three persons; the commission was to meet at Washington, and, within three years from the time of its first meeting, to "receive, examine, and decide upon the amount and validity of all the claims" provided for under the treaty. By necessary consequence, as the whole fund from which payment was to be made was but five millions of dollars, if the commissioners should find valid claims to more than that amount, it would be their duty to divide the five millions among the respective claimants, according to the amount of the claim of each, determined by them to be valid. Nothing in the treaty gave one claimant, or any one class of claimants, a preference over another, either in the manner of satisfying the commissioners of the validity of their claims, or in the rates of payment.

These were the provisions of the treaty. The duty of the Government, in case the treaty should be ratified, was to institute the commission, composed of honest and competent men, and to pay the awards as the commissioners should make them, in the manner pointed out in the treaty.

The duty of the commissioners was to sit, receive the claims, hear and examine the proofs presented by the respective claimants, and, within the period of three years allowed them by the treaty to do the business, to decide honestly and impartially, according to the proofs before them, and their best judgment, upon the amount and validity of each claim.

The duty of each claimant was to present his claims, and support them by proper and sufficient evidence.

To preserve the order of time, it would now be necessary to refer to the efforts of Mr. Meade in Spain to adjust his claims there, as, notwithstanding the signing of the treaty, on the 22d of February, 1819, and the knowledge of that fact on his part, and of the provisions it contained in favor of our citizens who had claims against the Spanish Government, his efforts were continued to make his own arrangement with the Spanish authorities. A very brief reference to his progress and the results, will answer the present purpose.

On the 7th of May, 1819, Mr. Meade succeeded, for the first time, in obtaining from the King of Spain the appointment of a commission to examine and liquidate his claims. This, it will be remarked, was nearly three months after the signing of our treaty with Spain, in this city, and, of course, after the knowledge of that fact must have reached Spain. The commission reported to the Minister of Finance of Spain on the 30th of September, 1819. On the 22d of October after, the Minister of Finance returned to them their report for re-examination. The commission reaffirmed their first report, and returned it again to the Minister of Finance on the 15th of November, 1819. This award, so made, in favor of Mr. Meade, by a special commission, appointed by the Spanish Government, and so reaffirmed by that same commission upon re-examination, did not receive the requisite confirmation from the King of Spain until the 9th of May, 1820, more than a year after the appointment of the commission; nearly the half of a year after the award of the commission had been not only made to his Minister of Finance, but re-examined under the order of that minister, and re-affirmed; and, what is not less material, about fifteen months after the signing of the treaty, which, as the Spanish authorities, the King himself being included, are said, subsequently, to have contended, was to throw upon the Government of the United States the satisfaction of the identical claims which were liquidated by the award. Another fact, drawn from Mr. Meade's own statement, is material, which is, that the confirmation by the King of this award of his own commission, was accompanied by a direction that the amount should "be paid out of the funds of the Royal Finance Department, with interest."

It now becomes material to state that the treaty, to which so frequent reference has been made, had not yet received the ratification of either Government. It was not, therefore, binding upon either Government, when the settlement between Mr. Meade and the Spanish Government was perfected, in the manner above related. The treaty, upon its face, and by its terms, referred to the claims of our citizens against the Spanish Government, as they existed at its date, 22d February, 1819, and not as they might be made by arrangement between the parties, after that negotiation was consummated between the two Governments in the treaty in question. The treaty, being signed by the negotiators, was transmitted to Spain, that it might receive the ratification of that Government first, as it had been formed and signed under the personal and immediate observation of ours.

On the 24th of October, 1820, more than five months after the King of Spain had confirmed the award of the Spanish commission in favor of Mr. Meade, and had directed the payment of his demands to be made "out of the funds of the Royal Finance Department, with interest," the treaty in question received the full and perfect ratification of the Spanish Government, without any change or modification whatsoever, which had the most remote relation to this, or any other of the claims of our citizens against that Government.

Another fact, most material to the investigation, is that Mr. Meade left Spain for the United States either in May, or early in June, 1820, within a month after the confirmation by the King of the award in his favor, and some five months before the ratification of the treaty by Spain. He did not, therefore, remain in Spain to obtain the compensation awarded to him, although the award itself directed its payment "out of the funds of the Royal Finance Department, with interest," but left for his native land with the simple award in his pocket, and that, too, before the Spanish authorities had, by a ratification of the treaty, made it binding upon that Government, so as even to give him the prospect of indemnity presented by it.

It had been seen, however, that the treaty was ratified by Spain, some five months after Mr. Meade left the country, and that it was thus made obligatory on that Government, provided it should receive a similar ratification, in its then existing form, by the United States. It was returned to this country to receive that ratification, and was by the then President of the United States, Mr. Monroe, laid before the Senate, with his recommendation that it should be ratified.

This presentation of the treaty to the Senate was accompanied by a memorial from Mr. Meade, addressed to the President, and dated 8th February, 1821, in which he labors to show that the treaty ought not to be so construed as to include his claims; or that if it was, our Government ought not to ratify it, and thus release Spain from his demands, without assuming upon itself the obligation of instant payment of the whole amount of the award of the Spanish commission in his favor. He enters into an ingenious and learned argument to establish these positions, but seeks, most ineffectually, to extricate himself from the force of his appeals to his country for protection, which have been before read to the Senate, and which fully authorized a provision for his claims among the treaty stipulations. When these appeals were made, Mr. Meade had effected no settlement with the Spanish Government. His claims were, then, all disputed, resisted, or delayed, and whether, without the aid of the authorities of his own country, he would obtain any thing, was, to use the mildest language, matter of great doubt even to himself. In this condition his affairs remained until after the signing of the treaty, on the 22d of February, 1819.

Shortly after that time, however, the King of Spain manifested more liberal dispositions towards this private claimant, and appointed a special commission to adjust his claims. How far the existence of the treaty, in its inchoate state, might have promoted this change of conduct on the part of the Spanish authorities he would not venture to say. That the treaty was made, and signed, and in Spain, waiting the ratification of that Government, before the commission was appointed to settle the accounts of Mr. Meade, are facts apparent from the papers. That it was not ratified by Spain, until after that settlement was finally completed, is perfectly certain. That the award in favor of Mr. Meade was, upon its face, made payable "out of the funds of the Royal Finance Department, with

interest," would seem to indicate that payment was intended from other resources, and not from the money to be advanced by the United States under the treaty; but that Mr. Meade almost instantly left Spain, after the award was made, without even a demand for payment there; that he came to this country with the award as the evidence of his claim, and that the Spanish authorities ever, after the perfection of the treaty, insisted that the claims of this individual were, and were intended to be, embraced under its provisions, would seem pretty effectually to rebut any presumption that the Spanish Government ever intended to pay the award, or that Mr. Meade ever expected to receive payment, in any other way than from the provisions made in the treaty for the claims of our citizens.

A further examination of the facts in the case will confirm this view of it. The treaty was ratified by Spain in October, 1820. Mr. Meade was then in this country, with the award of the Spanish commission as evidence of his claims, and, as we shall soon see, contending that the treaty should be so amended as expressly to exempt them, or to provide for their instant and entire payment. These facts, connected with the ground constantly assumed by Spain, that the treaty did provide for Mr. Meade's claims, would certainly authorize the inference, without a want of charity to either of the parties, that the existence of the treaty, in its unfinished state, was not disregarded, when the final steps were taken for the settlement between them.

But to recur again to the argument. Mr. Meade solicited, in his memorial to the President, which was transmitted to the Senate with the treaty, that his claim should be wholly exempted from its operation, or that an amendment, "by way of rider," should be incorporated in the ratification by the United States, containing a distinct recognition of his claim, so that it might be specifically provided for in the appropriations necessary to carry the treaty into effect.

As some of the friends of the bill found the claim of Mr. Meade against this Government, upon the ratification of the treaty by the Senate, in open disregard of these requests of his, and in its original shape, as signed by the negotiators, he was bound to give this point a moment's examination. And here, he must ask, what was the state of things? What were the relations of the high contracting parties? and what were the public and private interests involved in the ratification or rejection of the treaty?

The history of the period answers all these inquiries. The claims of our citizens upon Spain for spoliations upon our commeree, and other acts, strictly and only cognizable by the national authorities, were numerous and large. The settlement of those claims, and the security of the most ample indemnity which could be obtained, was the imperious duty of our Government towards its suffering citizens. A difficulty as to the boundary between the possessions of the two Governments in the southwest, had given rise to some disturbing questions, and promised, unless amicably settled, to be a fruitful source of discord in future. Spain owned a tract of country between the territories of the United States and the Gulf of Mexico, which it was highly desirable to us to own, that we might push our limits to that natural boundary, and that we might gain jurisdiction over the ferocious bands of savages inhabiting the territory and endangering our border settlements. Recent disturbances, and the law of self-preservation and protection, had compelled us to carry our arms into that territory in pursuit of the hostile savages; and this had given rise to complaints on the part of Spain. The adjustment of all these difficulties had been the object of the negotiation which resulted in the treaty in question, and the treaty, as made and signed, had settled them all.

In nothing did these important matters involve mere dealings by contract between any of our citizens and the Spanish Government; nor did our Government, in making that treaty, pretend to take jurisdiction of any such dealings, but upon the appeal, and at the solicitation, of the citizens interested. This was Mr. Meade's case, and he had before shown his repeated and express appeals to the protection of his Government in reference to this particular treaty.

What, then, was the character of his request made to the Senate, through the President, and what might be its influence upon the claims of other citizens provided for in the treaty, and upon the public interests of the whole nation? It might, and most likely would, if complied with in either form, by any alteration of the treaty, have defeated and destroyed the treaty itself. The ratification of it in its original shape was reluctantly made on the part of Spain. It was not made at all within the time stipulated in the treaty, and not till many months after that time. It was then made without any change of the instrument from its original form, and to our Government was left the option to take the treaty as it was, or to open again, to new negotiation, at the pleasure of Spain, all the important public and private interests of which he had spoken, and which a simple ratification of that treaty by the Senate would finally, and for ever, adjust. Could the Senate hesitate? Ought they to have hesitated, because an individual, who held claims against Spain—claims not such in their character as to make it the duty of his Government to interfere with them; claims such as his Government had no right to interfere with but upon his direct solicitation, and which it did interfere with upon such solicitation, repeatedly made, so far as there was in fact any interference by this treaty; claims which, if affected at all by the treaty, were provided for in the same manner, by the same rule, and to the same extent, with the claims of the other citizens of the country—had changed the condition of his claims, and therefore changed his mind, after the treaty was signed? Because that individual, not only after the treaty had been signed, but after it had been solemnly ratified by Spain, with a full knowledge of the changed condition of his claims, chose to interpose himself, and to ask that he should be specially preferred to all other claimants, or that the final conclusion of the treaty, and consequently the indemnities of five millions to others, and the great public interests secured by it, should be put at hazard, or wholly defeated? Most certainly not. The Senate would not have been true to the country, or to the other citizens interested in the treaty, if they had, by an amendment added at the personal solicitation, and for the sole benefit, of this individual, incurred even a risk of the final loss of the treaty itself; much less, if they had done that under the circumstances surrounding this negotiation, and proving that the other contracting party had most reluctantly consented to the adjustment as it was. The memorial of Mr. Meade was dated on the 8th of February, 1821. On the 13th of the same month it, together with the treaty, was communicated by the President to the Senate; and, on the 19th, the Senate gave its advice and consent to the ratification of the treaty, without alteration or amendment. He had already said that, in this act, the Senate, in his judgment, discharged an imperious duty to the country and its citizens.

Did they, in that act, incur a liability on the part of our Government in favor of Mr. Meade? This was contended, but upon what foundation? The claims of Mr. Meade either were, or were not, embraced within the provisions of the treaty, and provided for by them. If they were embraced and provided for, they were placed upon a precise equality with the claims of all other citizens, of whatever character their claims might be; and surely, as his claims were not such as entitled him to the protection of the Government, and that protection, if extended to him at all, must be so extended as a matter of favor exclusively, and upon his direct application, he could not expect that a preference would be given to him over those claimants whose claims gave them the right to call upon their Government for protection and indemnity. Did he expect, or even ask, such a preference? No. In his first appeal to the Secretary of State for the protection of his country, made on the 6th of June, 1818, he concludes in these words: "being confident that, whenever such an event (the conclusion of a treaty) does take place, provision will be made," for what? For his whole debt? No, but "*for the claims of our citizens.*" What was the language of his second appeal, made through Mrs. Meade, on the 17th of January, 1819, but one month before the treaty was actually signed? This appeal concludes with this language; trusting that, "*in the event of a speedy conclusion of a treaty* between our country and Spain, this document (a statement of his claims, prepared by Mr. Meade himself, and, by his direction, transmitted to the Secretary of State by Mrs. Meade) would serve as a guide *for that protection which his Government may think proper to grant him.*" By himself then his claims are classed with "the claims of our citizens" generally, and no preference is asked or expected, and the protection he demands, or asks, is "that protection which his Government may think proper to grant him." If, then, his claims be included in, and provided for, by the treaty, they are placed exactly upon the same footing with the claims of all other citizens, and that was the protection which he asked, and which his Government thought proper to grant him. Every thing was therefore, done in conformity with his personal appeals and requests, and neither preference, nor prejudice, as to him, was expected on his part, or intended on the part of his Government. Up to this period, then, there is no pretence for a claim on the part of Mr. Meade against the United States, even upon the assumption that his demands upon Spain were embraced by the treaty, and Spain thus discharged from them; and, if they were not so embraced, most certainly there is no ground of claim, as it had been seen, and was admitted on all hands, that the character of the claims were such as to give him no right to protection, and to make that protection, if extended at all, a mere favor. The withholding it, therefore, could not create a liability, or lay the foundation for a claim, against our Government.

If, then, no liability, or foundation, for a claim existed, up to the time that the treaty was ratified by the Senate, can either be derived from that act? The treaty was, among other things, one of indemnity to our citizens who had claims upon Spain. Among the most material of its provisions were those securing this personal and individual indemnity to our suffering countrymen. If Mr. Meade was one of the citizens thus protected, it had been already seen that he was so by his own request, as a matter of mere favor, and upon the same footing with those claimants, who had a right to appeal to their Government for protection. Thus all were placed by the treaty in February, 1819, and with that condition, neither Mr. Meade, nor any other claimant, then expressed discontent. No act of our Government, from that time until February, 1821, changed at all the relations of any of the parties. Not so, however, with Mr. Meade. His acts, and those of the Spanish Government, had changed his claims, so far as those two parties were concerned, from a disputed and unliquidated balance to a defined and specified amount. This change, however, had taken place months before the ratification of the treaty by Spain, and yet that ratification was not made to conform itself to any changed state of any of the relations, public or private, affected by the treaty. Still, when that ratification comes up for action by our authorities, Mr. Meade presents himself, and, upon the ground of the change which had been produced, as to his claims, by the co-action of himself and the authorities of Spain, claims that the Senate should refuse to ratify the treaty, without special provisions for his benefit. Upon what ground of right could this claim upon the action of the Senate rest?

That the treaty, so far as Mr. Meade and his claims were concerned, was right in itself, and strictly conformable to his own requests, at the time it was signed, has been seen. That our Government had made itself a party to no change of circumstances, either affecting his claim, or any other interest under the treaty, after its execution by the negotiators, and before its ratification by the Senate has also been seen. If, then, the treaty had been ratified by the two Governments, immediately after its conclusion, no pretence of claim could have arisen on the part of Mr. Meade. The provision for him would have been the same as for our other citizens, as he requested it should be, and would have been that protection which his Government thought proper to grant him, and the only

protection he asked or claimed. The delay in the ratification of the treaty was not that of our Government but of Spain; and it only remains to decide whether the acts of the Spanish Government and Mr. Meade, in reference to his claims, performed during that delay, could change the duties or liabilities of the United States, without their consent. That he considered a proposition too plain for argument, and he would not attempt to spend the time of the Senate upon it. The United States was a party to the treaty. As such the negotiator on its part signed it, in conjunction with the negotiator on the part of Spain. As such, it consented to the transmission of the treaty to Spain for ratification. As such it was received back by the President of the United States, with the ratification of Spain, and sent to the Senate, for its advice and consent to its ratification on our part; but to any intermediate transactions between Mr. Meade and Spain our Government was not a party, and could not be bound.

There was still another view of this matter, however, which had been presented and urged, and which required a moment's notice. It had been said that Mr. Meade's request to our Government to protect him by the treaty was subject to revocation by him, at his pleasure, at any time before the treaty should be fully ratified; and that his memorial, before alluded to, transmitted to the Senate with the treaty, contained that revocation; and the inference was thence drawn, that the ratification of the treaty, without an express exemption of his claims after this act on his part, had made the United States liable to pay his full demands against Spain. This was an argument proceeding upon the assumption that the treaty did provide for the claims of Mr. Meade, and did, therefore, discharge Spain from them; and, without admitting the assumption, it would be answered in that aspect.

What, then, was the foundation of the argument? Here was an individual who had left his own country, and domiciliated himself abroad; had entered into extensive contracts with a foreign power, from which claims had arisen, or were asserted, in his favor. The foreign Government did not settle, or pay; and the individual appeals to his own Government for protection. The case is one in which, without his appeal, his Government has no right to interfere, and, even under his appeal, is not bound to notice. His Government, however, is negotiating a treaty with the power in question, embracing, among other things, indemnity to its citizens for wrongs sustained from that foreign power, and, as an act of favor to the complaining citizen, consents to cover his rights by the same provisions of a treaty which protects those rights of its other citizens, which it is bound to protect. The treaty is signed, and the faith of the Government so far pledged to its fulfilment, when the single citizen, whose interests have been cared for at his own solicitation, as a mere matter of favor, not as a duty, comes forward and dissents to the ratification of the treaty, and the redemption of the faith of the nation in this respect, unless he can be preferred to the citizens whose claims the Government was bound to protect, and his whole claims, principal and interest, can be paid in instant cash as a part of the means to carry the treaty into effect. The claim of the citizen so ungracious is disregarded, the treaty is ratified, he being left to avail himself of the indemnity provided for others, and this is made the ground of a liability against his own Government to pay his whole claim. The statement of the argument was the strongest refutation he could give it.

Was this right of revocation peculiar to that class of claimants whose rights the Government was not bound to protect; and did they, in case their Government should consent to favor them with its protection, possess such an advantage over those who could claim, as a matter of right, what the others must solicit as a mere favor? Would it be contended that the citizen thus favored had placed in his hands, and under his control, the fate of the treaty to be made, or that his Government must, as the penalty of ratifying a treaty against his consent, pay whatever demands he might choose to prefer, as claims he intended the treaty should secure to him? If this ground should not be assumed, and this preference given to such as asked the protection of their Government as a favor, over those who rested upon it as a right, then would it be contended that all claimants under our numerous treaties for indemnities could, by coming forward at the moment when a treaty for their protection was about to be ratified, and protesting against its ratification, without full and instant provision for the payment of their demands, either arrest the treaty, whatever national rights might be involved in it, or charge upon the Treasury of the nation their whole claims? What Government could submit its foreign relations to such caprice, or could encounter such responsibilities? Would not the practical effect of such a rule be to put an end altogether to the attempts of Governments to protect their citizens against the aggressions or injustice of foreign powers? Such must be the effect; and the establishment of such a principle would be as hostile to the interests of the citizen as it would to sound public policy.

He would now proceed to examine the course pursued by Mr. Meade under the treaty, and the reasons why he failed to receive the indemnity which that secured to him.

The claims to be paid under the treaty were, by its terms, to be adjudicated and settled by three commissioners, who were to be citizens of the United States, to be appointed by the President, by and with the advice and consent of the Senate, were to hold their sittings in this city, and were to complete their adjudications, upon all the claims, within the period of three years from the time of their first meeting. The commissioners were duly appointed, held their first meeting, and organized themselves as a board to hear and determine upon the claims, early in June, 1821. Mr. Meade presented himself before the board of commissioners, and assumed and contended that he was a claimant under the treaty. To show his diligence in prosecuting his claims before this tribunal, it is necessary to remark, that the date of his first memorial to the commissioners was 6th January, 1822, about seven months after the first meeting of the board. The evidence then presented of his claims was simply the award of the Spanish commission, perfected, as has been before seen, on the 9th May, 1820, nearly fifteen months after the treaty was signed by the negotiators of the respective Governments.

Two questions were immediately raised before the commissioners as to these claims:

First. Did the treaty embrace claims arising upon contract between the claimant and the Spanish Government, and thus not, in their nature or character, calling upon our Government to protect the interests of the individual?

Second, Was the proof of the recognition of the claim, given by the Spanish authorities more than a year after the conclusion of the treaty, and after all interest on the part of that Government in the amount, or character, of the claim had ceased, in case it was embraced by the treaty, evidence, such as the commissioners ought to receive, to prove its authenticity?

Upon the first point, Mr. Meade produced voluminous proofs, and finally satisfied the commissioners that his claims were embraced by the terms of the treaty, and obtained their decision to that effect.

Then arose his duty to prove the claims. This he did not then, nor did he ever do. He persisted in relying upon the award of the Spanish commission as sufficient proof, though Mr. W. said, he was authorized to say, by a member of the Senate, who was one of the commissioners under the treaty, that, at the first presentation of the claim before the board of commissioners, it was intimated distinctly to Mr. Meade, that the board considered it to be their duty to adjudicate the several claims, as they existed at the time of the signing of the treaty, and not as they might have been subsequently made, by the assent of the Spanish authorities, by any mode or form of settlement between that Government and any of the claimants.

The final decision of the board of commissioners was in conformity to this intimation, and consequently the award of the Spanish commission, made more than fourteen months after the conclusion of the treaty, was rejected as sufficient evidence of the claims of Mr. Meade under the treaty.

From this state of facts it will be seen that he was cautioned, at the very first presentation of his claims, that other and further proof than that presented by him might be required. The treaty showed him that all the proofs must be perfected, and the final awards of the commissioners made, within three years from the first meeting of the board; and if he wanted proofs from the Spanish archives, the treaty pointed out the manner in which those proofs were to be obtained.

Still no effort was made by Mr. Meade to avail himself of these provisions of the treaty, and to obtain these proofs from Spain, until the 18th day of April, 1823, more than twenty-two months after the board of commissioners under the treaty was organized, and less than fourteen months before their final awards must be made, and their powers cease, by the express terms of that instrument.

The board instantly communicated to the Secretary of State Mr. Meade's requisition for testimony, and the Secretary forthwith gave the necessary directions in the matter to our minister, then just commissioned and about to leave the country for the Spanish court. No complaint of delay or neglect on the part of any of the agents of this Government, in obtaining the proofs he sought, has been made by Mr. Meade, or on his behalf. Still the proofs were not obtained; and on the 7th of June, 1824, and, as is believed, on the very last day of the life of the commission, a decision was made against his claims, upon the ground that they were not sustained by the requisite evidence.

A circumstance related to him by the commissioner under the treaty before alluded to, and at present a member of the Senate, he considered too material to omit in this connection. It was this: When Mr. Meade first presented his claims, they embraced not only what he alleged to be due from Spain to himself, in his own right, but the demands of sundry other individuals whom he claimed to represent; all, however, covered by the award of the Spanish commission, upon which he relied as evidence for all the claims. As part of the amount, there was a demand due to a mercantile house in Richmond, Virginia, of about $30,000. As soon as this house saw the posture in which Mr. Meade was placing their interests, they memorialized the board of commissioners, praying that they and their claim might be severed from the other demands represented by Mr. Meade, and be placed at their own disposal. This request was granted, and the severance took place. The house obtained the necessary proofs within the time allowed by the treaty, substantiated their claim before the board, received its award therefor, and obtained their dividend under the treaty. This would seem to show, beyond the possibility of doubt, that, had Mr. Meade exercised the same vigilance, all the other proofs required by him might have been obtained in time for the action of the commissioners upon them.

Mr. Meade, however, did not obtain his proofs; his claim was rejected by the board of commissioners under the treaty, for the want of them; by the terms of the treaty the decision of that board was final and conclusive; and now, as the last resort, he appeals to Congress for relief.

Where is the claim to find a resting place here? Does it grow out of the efforts of our Government, and of our authorities at home and abroad, to extricate him from prison, when his private difficulties abroad had brought him into disfavor with the authorities of a foreign power? Most surely not. This is not pretended. Does it grow out of the efforts of our minister in Spain, and of our authorities at home, to persuade the Government of Spain to make a just and equitable settlement with him? No. This is not pretended. Does it grow out of the favor of our Government, in attempting to secure for him that indemnity by treaty which he repeatedly solicited, but which, from the nature of his claims, it could only grant as a favor? This is pretended, but he had labored in vain, if he had not shown that the pretension was wholly unsupported, even upon the assumption that the claims were

merged, and Spain discharged from them by the treaty.

Is, then, the claim to be rested upon the fact that the commissioners under the treaty did not admit the award of the Spanish commission in favor of Mr. Meade as competent proof of his claims? That could not be assumed by the friends of this bill, because it was conteded that the bill did not, in its original form, require the commissioners appointed under it, to take that award as evidence of the claims, and because it had been amended, upon its passage, by the consent of its friends, with the avowed purpose of avoiding the possibility of such a construction. This was a sufficient answer to this ground of claim, though it had been well said, in a report, a most pungent report, against the claim, drawn by a member of the Senate, when it first made its appearance here, and who is now a member of the body, that the United States are not responsible for an erroneous decision of those commissioners, even if it were determined that the decision was erroneous, which does not seem to be contended.

This ground of claim being yielded, he would again ask, where is the claim to rest? If its friends were unwilling to place it upon any one of the grounds stated, and he believed they covered the whole case, would they attempt to sustain it upon all, without location? He thought not. He could not believe that such a defence of a bad claim would be attempted.

There was another position, however, which had been assumed by a committee of the other branch of Congress, and which was independent of all the points he had made. It was that, by the treaty, Spain was bound to furnish the proofs, so far as they were in its power, to sustain the claims under it, when those proofs should be demanded in the form and manner prescribed; that this demand, in the case of Mr. Meade, was made, but the proofs were not furnished; that, hence, has arisen a liability against Spain, which can only be enforced by our Government; and that, therefore, we should pay to our citizens their claims, and look to Spain for our indemnity. He referred to the first report upon this claim, made to the House of Representatives by the Committee on Foreign Relations of that body.

Without canvassing the reasoning of that report, he would simply remark, that he had examined the correspondence of our minister in Spain, at the time, to determine how far the conclusion was supported by the important fact upon which it rested, the neglect of the Spanish Government to furnish the proofs; and most unfortunately for this ground of claim, it turned out, from the declarations of our own minister, made to our own Government, that the Spanish authorities, from the moment the proofs were demanded, used all diligence, and manifested every disposition, to comply with the demands, but that, from the unsettled state of that country, the consequent confused and dispersed state of the public archives, and the late day at which the demand was made, it was impossible to furnish them within the time limited in the treaty. Here, then, would seem to be an end of all pretence of claim against Spain upon this ground.

He would spend a moment in examining the extent of the bill, as he viewed it, and would close his remarks, already too much protracted. He was aware that it purported merely to provide for the claim of Mr. Meade, but was that its just and fair limit? What said the committee of the House of Representatives, which reported the first bill in favor of this claim, and to whose report he had just referred for another purpose? He would read from the report itself:

"As it is known to the committee that there are several other claimants in the same situation as the petitioner, *they present a bill embracing all cases of a similar kind.* They deem it, however, proper to state to the House that, as the five million fund, provided by the treaty, has been distributed among the claimants, whose claims were allowed by the Commissioners, the amount now proposed to be paid will be in addition to that sum."

Here is the important fact. All the money which our Government was to pay under the treaty has been paid, and distributed among those who proved their claims before the commission, and in conformity with the treaty, and still there are "several other claimants in the same situation as this petitioner," men who did not prove their claims, and, therefore, did not share in the distribution of the "five million fund." How many of those claimants are there, and what is the amount of their claims? He knew of but one mode of answering this inquiry. He found, from an examination of the papers, that something more than forty millions of dollars of claims were presented to the Commissioners; that but about five and a half millions of this whole amount were proved; and that, therefore, a balance of about thirty-five millions remained to be proved, in case the subject was again opened, and a new opportunity given to substantiate these claims.

This consideration it was which had induced him to take this labor in opposition to the bill. The claim of the petitioner was, in itself, large, varying but a little from half a million; but when even that amount was compared with the importance of the bill as a precedent for all these other claims, this individual case sunk to a trifle.

He knew he should be told that the bill merely proposed to institute a commission to examine the claim of Mr. Meade, and did not assume to decide that it had merit; but gentlemen would remember that it appropriated the money from the Treasury of the people to pay the claim, in case the commissioners named should decide in its favor. He knew and esteemed the men named as commissioners. There were not three other individuals within his knowledge he would sooner select for any trust; and had the proposition been merely to refer the matter to them to report the facts and their opinions to Congress, his voice would not have been heard against the bill; but when it was proposed to delegate to any three men legislative power to he extent to which he thought the example of this bill might go, he must scrutinise closely the merits of the claims, and oppose so dangerous a delegation of power.

If it should be sought to distinguish this particular claim, in this mode of treatment, he must then go a step farther, and ask what it was, as disclosed by the papers? Mr. Meade had stated that the amount embraced in the award of the Spanish commission, as due to himself, was something more than $373,000. For what was this due to him? This was a question most natural to ask, but which it was in his power very imperfectly to answer. He had waded through the papers with an earnest desire to determine this point; but he could find but two items of this large claim any where specified. The first was, the sum of $75,000 for his two years' imprisonment, at the suit of McDermot; and how was it that an imprisonment, at the suit of a private individual, for a private claim, and upon process issued by a judicial tribunal of the country within which the cause of litigation arose, and within which it was confined, was made a national matter? If the imprisonment was wrongful, an action for false imprisonment might have been sustained against the plaintiff in the private action, but not against the Spanish Government, which was not a party to the suit. If the courts of Spain made an erroneous decision, who ever heard that the Government was responsible in damages for the consequences? He could not, however, omit here to remark, that $75,000 for two years' imprisonment in a civil suit, where the prison was only locked at night, and that for a few months, was rather ample damages for the personal injury, upon whomsoever the duress might have been exercised, and whoever might be responsible for the damages occasioned.

Here, then, rested so much of this claim, and what were the other items? He had found one other, specified in the statement of the claims, prepared by Mr. Meade himself, and transmitted by him to his wife, to be laid before the Secretary of State of the United States, in immediate contemplation of the treaty. That item was $100,000, as his damages upon a bill of $300,000, drawn in his favor by the Government of Spain, to be paid in one of the Spanish West India Islands. He does not state that the bill was refused and protested, but that it was not paid in specie as he expected; that $50,000 of the amount only was paid at all, and that the payment, to that amount, was made in the article of tobacco. He says he sent a vessel to the island for the purpose of receiving the avails of the draft, and that the disappointment to him, from not receiving its full payment, was more than $100,000; although the whole draft was $300,000 only, and of that sum he did receive $50,000 in the products which, it is to be presumed, were intended to load his vessel.

Beyond these two items, his examinations did not enable him to answer what were the claims. He would not pretend that he had read all the papers in relation to the subject, but his own action must be governed by the views he had thus formed, until other facts, and other views, should change the strong impressions thus created.

INDEPENDENT TREASURY BILL.

SPEECH OF MR. NILES,
OF CONNECTICUT,

In Senate, February 13, 1838—Upon the bill to "impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public moneys of the United States."

Mr. NILES arose, and addressed the Senate as follows:

Mr. PRESIDENT: Being entitled to the floor, and presuming that no other Senator is prepared to occupy it to-day, I will commence my remarks, although considerably indisposed, and proceed as long as my strength will admit. The subject brought under consideration by the bill and amendment, is not only one of deep interest to the whole country, but of a very comprehensive nature; so that to discuss at length its several branches, would greatly exceed any reasonable limits that can belong to a speech. I shall, therefore, confine my observations principally to such parts of the general subject as seem to have received least attention from others, and shall endeavor not to occupy an unreasonable portion of the time of the Senate; yet, considering the comprehensiveness of the subjects drawn into the debate, and the time occupied by others, I am admonished to be cautious in giving any assurance of brevity, for fear I may be found in the predicament of a certain lawyer, who was in the habit of making long speeches, and, on a certain occasion, was requested by the court to condense his remarks. He replied that he would be as short as a subject so redundant in abuse would admit of, and then commenced his argument by saying that "before the foundation of the world there was a *chaos,*" and proceeded to trace events down to his case. I will at least promise not to wander beyond chaos; but, as our currency is in somewhat of a chaotic state, I may have to go near "where the coast of darkness lies bordering on light."

Sir, I regard this bill as a financial measure, and a financial measure only, although it may have some incidental bearing on the currency and monetary interests of the country; much less, however, I believe, than is expected by its friends or feared by its opponents. I am aware, however, that there is a deep interest felt in it by the country, from its supposed bearing on the banking institutions and commercial interests, and am also sensible that efforts are being made to use it for getting up another panic; to which purpose, I fear, we must attribute the determination of some of the banks to delay the resumption of specie payments. I am sensible that there is a settled and violent hostility to this measure on the part of a portion of our citizens. How extensive that portion may be, I have no means of forming an opinion. I shall not go into an examination of the elections which have occurred during the close of the last year, as some gentlemen have done. I will only say that, from the time at which those elections took place, there is no one of them, except it be that in the State of New York, that could have been influenced by this question; and of that I have no wish to speak, lest I should be deemed to poach upon the manor of the honorable Senator from New York, (Mr. TALLMADGE.) I will only say that gentlemen of that State, equally well informed, differ very much as to the cause of the result of that election, and that there is no sub-

ject about which men are more liable to fall into error, that in assigning causes for real or apparent changes in public opinion. Most of us are very liable to be biased in our judgments by our own opinions and feelings on pending questions.

A petition and remonstrance against the adoption of this measure, has just been introduced by the Senator from Massachusetts, (Mr. WEBSTER,) signed, as is said, by about five hundred of the citizens of the town in which I reside. I have not examined it, and of course know not who they are, but presume they are intelligent and respectable citizens, comprising, probably, many of the merchants and business men of the city. This question, it is well known, is connected with the politics of the day, and the signers of this petition, I presume, are all of one political party. They have their peculiar opinions on the subjects of banking and currency, biased, I believe, in some degree, by political considerations, and in part by their particular pursuits. A large portion of the merchants in all our cities have their peculiar notions in relation to monetary affairs, which, in my opinion, are not only erroneous, but altogether adverse to their own permanent interests. They are entitled to their own sentiments, and I will respect them so far as they appear to have any just foundation in principle, or to be induced by a regard to the general interests of the country, and not by their own peculiar interests, or those of a comparatively small class.

There is, I am well aware, a very violent opposition to this measure on the part of certain classes: those connected with or largely interested in the banks, and merchants in our cities, who expect to be benefited by the use of the public revenues; and others, who may have a strong, yet certainly an erroneous, opinion that the measure might, in some way, diminish the capacity of the banks for afford ing them accommodations. Still, however, we are to look mainly for the opposition to this measure to a different source. It comes from a political party, or rather from that coalition of the concentrated moneyed power of the country with a great polttical party, which commenced in 1832 and was consummated in 1834. This union was more to be dreaded than that of the purse and the sword, as it united and brought into action, for a common object, two of the strongest passions known to the human heart—*the love of money and the love of power.* Since that period the country has had no repose. Its currency, bad enough before, has since been subjected to the most sudden and violent alternations of redundancy and scarcity, occasioned by the irregular action of the banks, led in every instance by the late Bank of the United States. Commercial and other business has been subjected to the same fluctuations, and employments that were once regarded as regular and stable have become little better than speculative gambling transactions. The public mind has been almost continually agitated and alarmed by a succession of panics, brought on by withholding from the trading portion of the community their accustomed accommodations at banks; and in some instances, in our commercial towns, has approached to a state bordering on frenzy. This blending of private interests with ihe politics of the day, has imparted to party spirit a tinge of bitterness and malignity wholly unexampled since the last war. The grasping, monopolizing spirit of trade, drawn in and united with the aspirations of political power, have shaken the very foundation of our social fabric. Broken merchants and broken-down politicians, exasperated by their misfortunes, occasioned, as some honestly believe, and others affect to believe, by the measures of the Government, (which, in truth, had no more influence upon them than the measures of the British Government,) have had the audacity to threaten the country with civil commotions, to openly avow a determination to resist the laws, and coolly to talk of shedding the blood of their fellow-citizens.

The great fountain from whence these bitter waters have flowed, which have swept over our country, spreading dismay and desolation far and wide, is the principal moneyed corporation, which concentrates, and in some measure, directs the whole moneyed power of this country, and no small share of that of Europe. With a capital of nearly forty millions, reinforced by twenty-six millions of the dead notes of the late Bank of the United States, and credit at home and abroad almost unlimited, its power is nearly irresistible. It is now using this power to prevent the resumption of specie payments by the banks, with the double object of prolonging the panic and public distress, and more successfully prosecuting its commercial speculations. The people are insultingly told that the day of reasoning has gone past, and that it is only from their "*sufferings*" that it is expected to obtain their consent to the restoration of the late National Bank, or the establishment of another similar institution.

Sir, how long is this state of things to continue? How long are these waters of bitterness to owfl from this exhaustless fountain? From whence are we to look for deliverance and repose to our agitated country from the harassments and panics of this concentrated moneyed power, which, impelled by the interest of selfishness and ambition, and free from all responsibility, is a greater scourge to the country than an invading army? How long can the free spirit of our people hold out? It is doubtless expected that it will finally yield; and that the moneyed power will triumph over both the people and the Government. It may be so; but when that evil day comes, if come it must, our boasted liberties will be but a name. In this, as in every other great crisis, I look with confidence to that vast multitude of honest and incorruptible hearts, the producing and laboring class. I invoke their aid at the present crisis; it is a resource which at the darkest period in our history has never yet failed, when the country needed its aid, and I trust it will not now.

I have alluded to the sources of the violent opposition to the measure before Congress and the country. These sources are the banks and other special interests, united with a powerful political party. Of the extent of this opposition, I will not pretend to determine, nor can any one decide that question; and whether the hostility to the measure will increase or diminish, time only can solve. I have confidence to believe that the country will sustain this measure; but if it shall prove otherwise; if a majority of the people shall be found against it, I shall readily acquiesce in their decision. But as long as no such decision has been made, I feel it my duty to act on the question according to my own convictions of its merits; and regarding it, as I do, as a measure in an eminent degree calculated to promote both the interests of the Government and the people, I shall give it my hearty support.

But the Senator from Massachusetts has informed us that this question has occasioned a revolt; the laboring men, he says, have taken it in hand. I know not to what particular facts the Senator alluded; but as he made no application of the remark, it may be reasonable to suppose that he referred to a handbill purporting to have been drawn up and signed by twenty-two laboring men in Nashua, New Hampshire. These laboring men profess to be deeply versed in the subject of the currency of the country; they probably obtained their notions about currency from the honorable Senator, as they discovered that the failure of the banks, and the derangement of the currency, have been occasioned by the "tampering" measures of the Administration, and that the same cause has stopped the factories and thrown all the laboring men out of employment. This profound investigation, of the laboring men of Nashua, was printed and circulated all over the State of New Hampshire, to enlighten the people on the subject of the currency. It was, however, deemed advisable to investigate the matter, and ascertain how it was that these twenty-two laboring men had obtained such deep insight into the abstruse and mystified subject of currency. The matter was inquired into, and the result was, that the handbill had been drawn up by a Whig lawyer, and that the laboring men whose names were attached to it, and who were represented to be friends of the Administration, were, with three exceptions, decided Opposition men; and the three declared that they signed this currency circular in consequence of threats, that if they refused they would be immediately turned out of employment, and their families exposed to starvation. Such is the only case of which I have heard, of a revolt among the laboring men on account of the currency. But this is not all. After these facts were made public, and this small, but base, attempt at imposition, exposed in New Hampshire, this same handbill has been extensively circulated in my own State, and particularly in manufacturing towns. Such are some of the *honest* efforts to enlighten the people on the subject of the currency.

Mr. President, whatever may have been the conduct of the opponents of this measure elsewhere, it must be admitted that the Senators opposed to it have exhibited great candor, impartiality, and fairness. The Senator from Kentucky (Mr. CLAY) seemed so desirous to signalize his zeal for the measure, that he volunteered to stand godfather to the child, and christened it before it was born. He called it the "execrable bill." The Senator from Massachusetts declared the measure to be a new thing under the sun; a new "experiment" on the currency; he also considered it as involving a total abandonment of the power and duty of this Government over the currency; it was abandoning our duty, and hiding ourselves in caverns and holes, with the bats and owls. He also regarded it as providing for a hard money currency. The Senator from Virginia (Mr. RIVES) discovered in this bill almost every thing except what it actually does contain. With his keen penetration he discovered a hard money currency in it, and a paper money currency; that instead of its being a new experiment it was taking us back to the dark ages, when kings had their strong box; but his most remarkable discovery was, the germ of a bank, concealed in the bill, which would soon be developed, with all its frightful proportions. I really wish the Senator had been a little more successful in proving that this bill contained the elements of a bank; for, in that case, he would have secured for it many friends among those most opposed to it.

Having, sir, disposed of these preliminary matters, I will proceed the consideration of the bill, and the substitute offered by the Senator from Virginia. I will begin with the substitute, which is the exploded deposite bank system, enlarged and extended, and embracing new and alarming principles. What are the objects of this scheme, and what are the means by which they are to be accomplished? There are three objects: first, to manage the finances of the United States; secondly, to form a National Bank currency; and thirdly, to regulate the issues of the State banks generally. How are these objects to be effected? Why, by taking into the service of the United States, and rechartering, twenty-five of the most "respectable" of the State banks. I do not understand the meaning of the word "respectable," as applied to banks. I had supposed all banks were respectable; but this scheme is to make a distinction, and create an aristocracy, among the banks; and as all banks are not only respectable, but honorable, it would seem that the wenty-five must be right honorable banks.

This league of respectable banks is to be under the supervision of the Secretary of the Treasury; they are to make returns to him, and he may examine into their affairs generally, as well as with the United States. They are to perform for the Treasury all the services performed by the late Bank of the United States, for which they are to be entitled to the use of all the public revenues, without any compensation, although the deposite act of 1836 allows two per cent. where the sum exceeds a certain amount. The revenues in the Treasury will average five or six millions, and at times will be vastly more; the use of which will be worth half a million a year; but these banks will have the monopoly of supplying nearly the entire currency received and paid out by the Government, which will be worth half a million more. It is true, the bills of such other banks as may decline to issue notes of a less denomination than ten dollars will be receivable for public dues; but, with the exception of the league, few, if any, other banks will conform to that condition, as it will not be for their interest to do it. The twenty-five Treasury banks, therefore, will have the entire monopoly of the public reve-

nue, and the supplying the currency for the Government, which cannot be worth less than one million of dollars annually; and this enormous monopoly would become a *vested right*, and forfeited only by a breach of their contract with the Government.

This league of respectable banks is required to establish a sort of national currency, under the direction of the Secretary of the Treasury. They are to receive and pay out each other's notes, and thus give them a general circulation. That this might be done to some extent, is not denied; it is done now by a combination of banks. What is called the "Suffolk Alliance," at Boston, accomplishes this object, and gives a general circulation, throughout New England, to the notes of all the associated banks. But this is a dangerous power, and exposed to great abuse.

But the most extraordinary feature in this scheme is the novel and dangerous principle, which stands out on the face of the amendment, that this league of banks, acting in co-operation with the Secretary of the Treasury, is to "regulate" the entire banking system of the country. This is to be effected by frequent settlements with all banks dealing with them, or whose bills they receive, and by compelling them to pay balances in specie when it is found necessary to check their issues; and letting the balances remain, or adjusting them in some other way, when it is thought necessary to encourage them to increase their issues. All banks have, of course, the power to demand of each other specie for balances; and the only purpose of this provision in the amendment is to make it the duty of the Secretary of the Treasury to *compel* the Treasury banks to exercise this power, for the purpose of regulating the entire banking system of the country.

These banks have also the power of determining what money shall be received for the public dues, for they are not obliged to take even the bills of such other banks as may comply with the prescribed condition of issuing no notes of less denomination than ten dollars, and can refuse the bills of all banks but the Treasury league. Is this a safe power to entrust to few banks? Is it not a power which Congress ought itself to exercise? It is true, this power was entrusted to the late United States Bank; but it was abused, and ought never again to be confided to any bank or system of banks. Besides, it was not then considered, as it seems to be now, by many, and particularly by the author of this amendment, that the receivability of bank notes by the United States was an essential element of their credit. It is urged as the principal objection to the bill reported by the committee, that the refusal to receive the paper of the local banks is to *discredit* them; and yet it is proposed to confer on the twenty-five Treasury banks the power of discrediting any other bank, and all others, in the country.

That this system of banks might conduct the financial affairs of the Government well enough, as long as the banks remain in a sound and healthy condition, may be admitted. This the late deposite banks did for more than two years, and until they became deranged. But the difficulty is, that the connection of the Treasury with them, instead of tending to keep them in a sound state, and give steadiness and regularity to their action, will have a directly contrary influence, as experience has proved. The large amount of public moneys which are suddenly received and withdrawn give great irregularity to the action of the banks connected with the Treasury. This was the case of the late United States Bank, and with the State deposite banks, in 1814, '15, and '16, and during the recent employment of them since 1834.

The principle for regulating the currency of all the State banks, through the action of these deposite banks, is the same as that of a National Bank. It confers on the Treasury banks a power which is nearly useless for good, but omnipotent for evil. The transactions between banks are entirely different from those between them and the public. In their dealings with the public, they make use of their own credit; and as credit costs nothing, and is unlimited, the banks could extend their discounts without limit, (or until the public began to doubt their solvency, which would bring their bills back for redemption) were it not for their being received by other banks, who return them for payment in something else than the credit of the bank issuing them. The dealings of the banks with each other require that they pay their balances, if not in specie, at least in something of some value, and not in their own credit.

This is the only principle by which the banks can check and regulate each other, and its action is reciprocal; the small banks check the large ones as much as the latter check them, according to the extent of their business. But to give any salutary influence to this restraining and regulating principle, whether in a National Bank or a league of Treasury banks, it is important that such banks pursue a steady course themselves, and avoid all sudden expansions or contractions of their issues. Hence all attempts to regulate the general bank currency of the country by the agency of a National Bank connected with the Treasury, or State deposite banks, have signally failed, because the action of all such banks is as irregular and fluctuating as that of other banks; and, indeed, more so, from the very fact of their connection with the Treasury. This new scheme, therefore, for regulating the bank currency, would be impracticable and inefficient for any good purpose; because these very regulating banks would themselves, like the late United States Bank, cause the very irregularities they are designed to prevent. It is the instinct of all banks to act solely with reference to their profits, and consequently to use their credit to their utmost extent. When these Treasury banks, or a National Bank, are increasing their discounts, and consequently their circulation, how can they check the like increase by other banks? By returning their bills, and demanding specie for balances? Certainly not; because the balances will be against them. The large amount of their own notes put in circulation fall into other banks, which gives balances against these regulating banks. This proposition is so clear, that it can need no proof; but if it did, the experience of the late National Bank would afford abundant testimony.

When that institution commenced extending its discounts in November, 1830, and continued expanding until May, 1832, having enlarged them nearly thirty millions of dollars, the State banks did the same, because the check of that bank upon them, and of the State banks on each other, was relaxed; and when, in August, 1834, after the removal of the deposites from the United States Bank, it commenced a rapid curtailment, the State institutions were compelled to do the same, in order to meet the balances which the United States Bank obtained against them; and when the Bank of the United States, in November, 1834, began to expand, the State banks followed in the same course, and both went on expanding during the years 1835 and 1836, which is the primary cause of all the disorders in the currency, and derangement of business, that have since ensued. The same state of things, although not to the same extent, existed in England. The Bank of England expanded during the two first quarters of 1836, and increased its issues nearly two millions sterling; and during the same period, the joint stock banks multiplied rapidly in number, and increased their issues three or four millions, which occasioned the over-trading in that country.

Yet, with these indisputable facts before the world, it is contended that a national bank can "regulate" the State banks; and it is now proposed to do the same through the agency of a league of Treasury banks. The scheme is impracticable. Instead of regulating the currency, these Treasury banks would only increase its natural tendencies to disorder, as was the case from 1814 to 1817, and since 1834 to the final catastrophe in May last. But, sir, if this part of the plan was practicable, ought it to be established? Would it be safe to confide to the Secretary of the Treasury a power so tremendous as that of regulating and controlling the whole currency of the country? of determining when money should be plenty, and when scarce? Is it possible to conceive of any power more alarming, more corrupting, or more dangerous? Is it not evident, from this examination of this plan—is it not, indeed, apparent, upon the very face of it, that it would be a national bank connected with the Treasury? a national bank without a parent bank—the Secretary of the Treasury being the head? In point of fact, however, as the Pennsylvania Bank of the United States must be one, that institution, from its vast capital and credit, so entirely disproportioned to any other bank, would become the head of the system, and control the whole machinery as completely and absolutely as it did its own branches.

Most of the objections urged against the bill providing for an Independent Treasury, apply with a hundred times more force to this. The influence which it gives to the Executive, by uniting it with the entire banking system of the country, is truly alarming, and would hardly fail of gradually changing, and ultimately subverting, the whole system of the Government. It has been a standing objection to the bill of the committee, that it establishes two currencies, one for the Government, and one for the people; but this scheme establishes three distinct currencies. First, the currency to be supplied by the Treasury banks, which is to form a national paper currency, and have a general circulation; secondly, the currency receivable for the public dues, (other than that of the league of banks,) consisting of the notes of such banks as may restrict their issues to bills of a less denomination than ten dollars; and thirdly, the notes of banks not receivable for public dues. The Independent Treasury bill is said to provide two tables, one for the officers of the Government, and the other for the people. This provides three: one for the officers of the Government, and the oligarchy of banks; one, I suppose, for the trading community, and the third for the laboring classes, to be supplied with the coarse and homely fare, consisting of the bills or rags of those banks which are *discredited* by the Government, but are supposed to be good enough for the "mouth of labor."

But, sir, there is one objection to this system, of great weight, in my judgment, which I cannot pass over unnoticed. It creates an improper, if not unconstitutional, connection between the Federal Government and the institutions of the States; which, on the one hand, renders this Government dependent on State institutions, and on the other, withdraws those institutions from their proper sphere of action, and, in some measure, converts them into Federal corporations. Have we any power to do this? And does it not blend and confound the powers of the Union and those of the States, so as to go far to obliterate those distinct marks of separation, so essential in our system. This substitute for the bill changes and modifies the charters of the State banks, takes them into the service of the United States, and subjects them to its supervision and control. This, it is true, is to be done by *contract*, based on a law of Congress; but all charters are considered as contracts. It is to be done by the consent of the institutions; but these corporations are not independent sovereignties in law, if they are in fact; they are the creatures of the States, and subject to their will; and there is to be no consent of the States. If this Government can rightfully interfere with the banking institutions of the States, why can it not interfere with corporations for education or courts of justice?

I have passed over one objection to this plan, which I intended to notice. These banks are to be nominated by the Secretary of the Treasury, and confirmed by a joint resolution of Congress; and, when appointed, are to be discontinued by a joint resolution of Congress. This will expose Congress to that corrupt influence which attends all legislation concerning banks. Suppose the Pennsylvania Bank of the United States was appointed as one of these Treasury banks, and its conduct should be such, that it became necessary to withdraw the deposites from it; would not the influence of that bank be brought to bear directly on Congress? Of the nature and danger of that influence, I need but refer to the circumstance that a report of a committee of this body, friendly to that bank, disclosed the startling fact that more than fifty members of Congress, while the bank was struggling for a recharter, had been accommodated with loans, amounting, in all, to the enormous sum of

nearly half a million of dollars. I leave this topic, as it is not one I delight to dwell upon.

But it is claimed, that this deposite bank scheme received the sanction of the late Administration. This is a mistake: all that the late President claimed or expected, was that the finances of the Government could be conducted without the agency of a National Bank; he believed they could be managed by State banks, and they were so managed, and satisfactorily, for two years. After this connection was established, he did attempt to make the Treasury auxiliary to the action of the States, in the suppression of bank notes of the lower denomination.

In his Message in December, 1835, he says:

"The management of the revenue can be made *auxiliary* to the reform which the Legislatures of the several States have already commenced in regard to the suppression of small bills, and which has only to be fortered by proper regulations on the part of Congress, to secure a pratical return, to the extent required for the security of the currency, to the constitutional medium."

In his Message in December, 1836, he says:

"But although various dangers to our Republican institutions have been obviated by the failure of that bank, [the Bank of the United States,] to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change in public opinion, towards restoring to the country the sound currency provided for in the Constitution. In the acts of the several States, prohibiting the circulation of small notes, and the auxiliary enactments of Congress, at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of precious metals infused into our circulating medium."

Hence it appears that President Jackson contemplated nothing more than to use that influence arising from the connection of the Treasury with the State banks, as merely "auxiliary" to that of the State Legislatures, for the suppression of small bills, and an increase of the metallic circulation. That he was mistaken in his expectations, the result has shown; but he aimed at nothing farther, and never designed to control or regulate the State banks through the revenues of the Federal Government, which is the object of this substitute. Such a principle has not the least countenance from any act or opinion of General Jackson.

The honorable mover of this amendment says he goes for his country, and not for a party. This is the measure of the country; the bill based on the principle of equal rights and common justice to all the people, is, I suppose, the measure of a party. If the twenty-five banks, and the private interests connected with them, constitute the country, then certainly the Senator is correct in saying that he goes for the country.

Mr. President, before entering on the consideration of the bill, I will notice some observations of the honorable Senator from Virginia. He informs us that the restoration of the currency depends on the *fiat* of this Government. Was this the case in England, during the suspension of the bank for nearly twenty-five years? Was it the case here in 1816? It would be much more true to say that it depended on the fiat of the president of the United States Bank of Pennsylvania. Is it not apparent that that bank is now almost the sole obstacle to resumption? But how is the Government to resuscitate the banks? Is it by reinforcing them with funds? We have none, if it would be proper to loan funds to the banks to help them to pay their debts. Are we to lend them our credit? This we have already done, to the banks and the merchants, to the amount of twelve millions of dollars.

But we are told that the banks depend on *confidence*. Does the Senator mean that this Government can create confidence in the banks? A tory minister, during the suspension in England, attempted this; he procured the passage of a resolution by Parliament, declaring that the notes of the Bank of England had been, and were, as sound a currency as the lawful coin of the realm. But this "fiat" of confidence did not make the bank notes equal to coin; for at that very moment they were depreciated more than ten per cent. But does the Senator mean that there has been a want of confidence in the banks on the part of the Government or the people, or both? Sir, it would be easy for me to show that there has been too much confidence in the banks, both by the people and the Government. When the banks exploded last May, the people had in their vaults the snug little sum of more than thirty-one millions. Does this show the want of confidence? The people also have had so much confidence in them, as to enable them to extend their loans to the amount of over five hundred millions of dollars, exceeding, by nearly one hundred millions, their capital and deposites united. This will appear from a statement I shall introduce in the course of my remarks. Is it an evidence of a want of confidence that the public have received their bills at the rate of ten, twenty, and, in some instances, forty to one of specie in their vaults? Sir, is it not apparent that it is an excess of confidence, both by the Government and the people, which has led to the explosion of the banks, and is it proposed to remedy an evil by the very cause which has produced it?

But if any act of the Government could inspire additional confidence in banks, without knowing that there was a solid foundation to support it, would it not be a fraud on the people? And if we are to have a paper currency, resting on no other foundation than "confidence," truth and justice require that this should be made apparent on the face of the bills; and all such notes should be drawn in the following terms: "On demand, this bank promises to pay the bearer five dollars, *in confidence*." If bank notes were thus drawn, there would be some more *honesty*, if not more soundness, in our currency than there is at present. The Commonwealth Bank, and others that have failed, can no doubt pay their notes in "confidence;" but the people have had enough of that sort of "better currency," and are beginning to be heartily sick of it. When we get to that state of refinement that people can live on *confidence*, it may then do very well for a currency.

Mr. President: I have now disposed of the substitute, and will proceed to consider the bill—the abused bill, which honorable Senators have greeted with denunciations, and in which they have discovered every bad principle and every pernicious tendency; they can see no good in it, but almost every evil—

> "All monstrous, all prodious things,
> Abominable, unutterable, and worse
> Than fables yet have feigned or fear conceived;
> Gorgons, hydras, and chimeras dire."

There seems to be but one more dangerous principle that can be discovered in it, and that is the pre-emption principle, which we may expect will be detected by the honorable Senator from Kentucky, (Mr. CLAY,) who professed to regard the occupation of the public lands as of the same character as plundering the public stores, or other property; and perhaps it may be contended, that the receivers general and depositaries may seize upon, and claim the public funds, by virtue of some pre-emption principle either now in the bill, or which may hereafter be incorporated into it. If this bill can be moulded into a bank, why not into a pre-emption act?

It is not my purpose, Mr. President, to go into a discussion either of the general principles of this bill, or its details. Its principles are not essentially changed from the act which passed the Senate at the called session, and which was then very elaborately and ably debated; and the present bill, has been explained in its details, and its principles illustrated and defended in a masterly manner, by the chairman of the committee, (Mr. WRIGHT,) so that I shall confine myself to some general remarks, and a brief notice of some of the objections which have been urged against it.

What is the leading principle of this measure and its object. The principle is, *the right and the duty of the Government to take care of its own funds;* and the object to separate the public revenue and its management entirely from the business and interests of individuals or corporations. This is one of those measures that, to a man of plain common sense, nothing more would seem to be necessary, than to state the principle and the object, to secure his assent to the justice and propriety of the measure. And how is the object to be accomplished, or what are the means to attain the end? They are simple, natural, and such, no doubt, as the framers of the Constitution designed. They consist in establishing a Treasury in fact, (instead of a treasury in law, as has heretofore been the case,) with six branches, of which officers, either now existing, or to be appointed, are to take the charge. These officers are to be subjected to the highest responsibilities; to be under oath; to give bonds; to be subjected to the vigilance and examination of other officers connected with the same branch of the public service. But the bill introduces a new and most important principle, by making it a *crime* to use or embezzle the public funds. This is a moral principle, which will throw around the public treasure those sacred safeguards which pertain to reputation, character, and honor; and to the dread of disgrace and infamy which attend crimes. In this country, public officers in all high and responsible trusts are, and I trust ever will continue to be, men of probity, character, and honor; men who have too much to lose by violating the laws, and especially by a criminal offence, to be likely to yield to any temptation, however strong. All revenues accruing where the Treasury and branch Treasurers are located, are to be deposited in those establishments, which, being provided with vaults and safes, will have all the physical security that belongs to banks; and the revenue accruing elsewhere, is to be paid over into these establishments, periodically, under the direction of the Secretary of the Treasury, so that large amounts will not remain in the hands of the other depositaries; and where this cannot conveniently be done, the depositaries may be ordered to make special deposites in banks.

But next to the legal and moral responsibility of the persons entrusted with the public moneys, in point of security is, the inviolability of the funds, by the inhibition against the use of them, and making it a conversion of them. This principle distinguishes this plan from those heretofore adopted, and alone affords the highest additional security. The *right* to use the public revenues has been the fruitful source of the losses and embarrassments which the Government has heretofore experienced.

Next to the security of the public funds, is the practicability of the plan. Can the finances be managed in this way? or is the agency of banks necessary? If this has ever been doubted, it cannot be now; the revenues were conducted essentially on the principles of this bill until 1816; and during eight months of the past year, have been so conducted with all the embarrassments attending the universal derangement of the monetary affairs of the country. Yet this system is said to be new, and an untried "experiment." During the administration of the Treasury by Alexander Hamilton, and down to 1816, the course pursued was similar to that now proposed, except that it had none of the securities and safeguards provided in the present plan. Deposites then made in banks by collectors and receivers of the revenue, were not placed to the credit of the Treasurer, but to that of the officer, who, of course, could control them. The collectors at New Haven, in my own State, conducted their official business on this principle until 1816, and in a single year received and paid over four hundred thousand dollars. In 1801, when there was a change in the office, the collector paid over to his successor sixty thousand dollars. Was not that officer a depositary, as much as the present collector would be, should this bill become a law? The only difference is that the law at that period, was loose and defective, providing none of the safeguards which this bill contains. The collector's bond was then but five thousand dollars; and yet such large sums of money passed though his hands without any loss to the Treasury. It had not then been discovered that public officers could not be trusted, and that the only security was in banks. Instead of this being a novel scheme, a new "experiment," as is claimed, it is a return to the original plan, springing directly out of the Constitution; with such improvements as time and experience have suggested, to give more complete security to the public revenues.

The finances of the post office, which amount to four millions annually, are conducted on the principle of this bill; and twelve thousand postmasters are all, by the law, depositaries of the public moneys, which are drawn out to pay the expenses of the transportation of the mail.

Sir, to contend that the public finances cannot be managed without the agency of banks is not to attack this bill; it is to assail the Government itself, by making it dependent on the machinery and

agency of banks, which is not provided for in the Constitution; it is to deprive the system of that function and power, without which it cannot go on.

The principal arguments relied upon to prove that the banks are safer than public depositories, is, that you have the additional security of the capital of the bank. There is little force in this, because the same misconduct in the officers of a bank might waste your funds, and destroy the capital of the bank. The failure of banks is, in almost every instance, occasioned by the misconduct, and often the frauds, of a few of the directors who control them; they withdraw their whole capital into their private business or speculations, and if these turn out badly, the bank is ruined. This appears to have been the case with the banks which have recently exploded at Boston and elsewhere Whether you entrust your funds in banks, or the hands of your own officers, you must trust to the honesty and responsibility of those who have the custody of them. But, in one case you entrust it to the officers of a corporation, over whom you have no control, and whom you have authorized to loan it and use it as a part of their own capital, in the private business and speculations of individuals. In the other, you confide it to your own officers, responsible to your own laws, not only civilly but criminally, and who are prohibited from using the public funds of which they have the custody In point of security the advantages appear to be in favor of the proposed plan; and I will now proceed to show that experience fully confirms thisopinion, deduced from the principles of the two systems.

By a report of the Secretary of the Treasury, now on our files, made in pursuance of a resolution offered by the Senator from Massachusetts, and amended on my own motion, the following facts appear:

That the Treasury has sustained a direct loss from depositing its revenues in banks, from 1816 to 1836, principal and interest, of -	$1,892,642
By the depreciation on bills, which were received and paid out, from 1814 to 1817 inclusive, from five to six millions of dollars; say -	6,000,000
By bills of banks that have failed, and are now on hand - - -	178,470
By the withholding of dividends by the late Bank of the United States, under a pretext of a claim for damages for the protest of a bill on France, principal and interest -	233,422
Total - -	$8,304,534

On the first of May last, just before the bank explosion, there was in the deposite banks to the credit of the Treasurer and disbursing officers the sum of $31,212,058; of which twenty millions of dollars has been paid on the drafts of the Treasurer, and about one million and a half of that sum in specie, leaving eighteen and a half millions, which have been paid in the depreciated bills or credit of the deposite banks. The average discount on these bills cannot be less than six per cent. and is probably more: it has varied at different periods, and in different places; it was for some time not less than 8 or 10 per cent. at New York, and in Tennessee and Mississippi was from 12 to 15 per cent. Six per cent. on $18,500,000 is a loss of $1,110,000. There is now in the deposite banks nearly $10,000,000 to the credit of the Treasurer and public officers, the average discount on which cannot be less than 4 per cent. making $400,000; all of which sums form an aggregate of $9,814,534 as the loss which has accrued from the connection of the Treasury with the banks since 1814. The estimated loss during the past year has fallen mostly on the creditors of the United States, and the several States who have received the instalments they were entitled to under the deposite act of 1836, in the depreciated credit of the deposite banks.

In consequence of the failure of the deposite banks, almost every class of public creditors, since that period, have been, from necessity, paid in a depreciated currency; the soldiers, seamen, laborers on the public works, fishermen, (their bounties for the exportation of fish,) and the pensioners. As far as could be done, some of these meritorious creditors have been paid in specie, amounting in all, including Indian annuities, to between five and six millions of dollars.

But because the loss the past year has not fallen directly on the Treasury, but on individuals, it is not the less a loss to be charged upon the connection of the Treasury with the banks; it is, indeed, a loss much more to be deplored than though it had fallen on the Treasury.

No estimate has, or can be made, of the loss to the public creditors, and individuals having dealings with the Government, during the derangement of the finances and depreciation of bank paper, from 1814 to 1817; but, there can be little doubt that it exceeded the loss sustained directly by the Treasury, which has been estimated at six millions; and this, added to the former sums, makes an aggregate of $15,814,534 as the loss resulting from the connection of the Treasury with the banking system since 1814.

Now, sir, what have we to offset against this enormous loss? Why, the Senator from Virginia takes up the report of the Secretary of the Treasury containing a list of public defaulters, and says, with an air of triumph, that it contains testimony enough to blow the Independent Treasury scheme to the winds. Well, sir, what is this testimony? Why, it is a list of officers whose accounts have not been regularly balanced on the books of the Treasury from the foundation of the Government, but is no evidence of what is actually due from those officers. The report itself contains an explanation of many of the cases of apparent default. In a large portion of the cases there is nothing due the Treasury. The first President Adams still appears as a defaulter on the books of the Treasury for an amount exceeding twelve thousand dollars. The Senator says these defalcations amount to near three millions of dollars; but, from the best information I can obtain from the Treasury Department, it does not much exceed one million. How stands the account, then? One million lost by receiving officers, and more than fifteen millions by the banks!

Mr. President, having attempted to show the practicability of the Independent Treasury system, and to demonstrate its greater safety and security to the public revenues, I will notice, briefly, some of the objections which are urged against it.

We are told that it will be very expensive. The Senator from Virginia says that he is informed by a very intelligent gentleman, who is a friend of the measure, that it will cost six hundred thousand a year, and the Senator from Indiana (Mr. SMITH) says it will cost two millions the first year, and a half a million afterwards. The expense of putting the establishment in operation, cannot be estimated with much accuracy; but the expense afterwards of conducting the finances, every one can see, will be but a small sum. We are not in the dark on the subject; it consists of paying the salaries of four Receivers General, and a few clerks. It is a small affair, and not worth serious consideration. But cannot the Government afford the expense of taking care of its own funds, and to avoid the expense, must it loan them to the banks to take care of them for the Government? This would be an excellent doctrine for the banks, who claim the monopoly of keeping the public money.

The principle in this bill which requires that ultimately the public dues should be paid in specie, is perhaps with some, the most objectionable part of the measure. Mr. Dallas, when Secretary of the Treasury, in the very report to which the late Bank of the United States owed its origin, says the Government had received bank notes from necessity only, and that time would soon come when we ought to receive for the public dues nothing but specie or Treasury notes. He says "the Treasury yielding from necessity to the general impulse, has hitherto consented to receive bank paper in payment of duties and taxes; but the period approaches when it will probably become a duty to exact the payment, either in Treasury notes, or in gold and silver coin, the lawful money of the United States."

At that period there was not fifteen millions of specie in the United States, and now there is over eighty millions. It would, seem therefore, that the time has arrived, if it is ever to come, when the public dues should be collected in coin. The operation of this principle seems to be misapprehended. It is said that it will drain the specie from the banks, and greatly diminish their capacity for supporting their issues. This is a mistake. It will not drain specie from the banks; or if it does, its place will be immediately supplied; it will *create a new demand in the country for specie, equal* to the usual balance in the Treasury, and what is in use in the fiscal transactions of the Government, amounting to from five to seven millions of dollars, and this additional demand for specie will draw and retain so much more of the precious mettals into the country. If, at first, this demand is supplied in part from the banks, it must finally come from abroad. When the Bank of England resumed the payment of specie, in 1822, such was the demand for coin that no less than twenty-four millions of dollars annually was imported for four years to fill up the vacuum, which the long use of paper had occasioned. The additional demand of from five to seven millions in the United States, would be supplied from abroad in one year, and without being felt. The requirement of specie for the public dues, would reduce the circulation of the banks to the amount of the sum ordinarily in the Treasury, and in use in the transactions of the United States; about the amount I have named, and so far would diminish the *profits* of the banks; but would, in no degree, impair their capacity to make discounts to individuals, but would rather increase it; as the five or seven millions of their currency, which had been absorbed in the transactions of the Treasury, being replaced by coin, there would be, to that extent, an increased ability, on the part of the banks, to supply the demands of the community. This principle would not only draw an additional sum of specie into the country, but would keep it in active circulation; and what is taken from the banks will be returned to them again. This demand for specie and circulation of it to the extent of the fiscal transactions of the United States, will keep up a demand on the banks for specie that will render it necessary for them to keep a greater supply in their vaults, which will tend, in some degree, to check their excessive issues, and to diminish their profits arising from such excessive issues of their notes. But there is little reason to believe that this restraining principle could operate with sufficient force to keep down the bank issues to their proper level, or to give that degree of stability and soundness to the currency which is so desirable. Instead of its crippling the banks, it will not be a sufficient check upon them.

But it is said that this principle will tend to create an internal drain of specie, at the very time that there is an external drain from abroad, occasioned by the excess of importations. This may be the case to a certain extent, and its effect will be highly salutary, as it will tend promptly to check importations, and adjust the balance of trade before it goes on to an extent to become dangerous. The excess of importations commenced in 1831, and, being sustained by the use of the credit of the Bank of the United States and foreign credit, it was not checked as it ought to have been, but continued until 1837, which has involved the country in its present difficulties.

It is uged that demanding specie for public dues, will tend to hoard the money of the country. Instead of this, it will, as I have already said, draw into the country an additional amount of specie, and keep it in active circulation.

Mr. President, we have had a new version of the old objection, that this bill will create two currencies, one for the Government and one for the people. The Senator from Virginia says this is not an *ad captandum* argument. It is an *ad captandum* argument, as applied to this bill, because it introduces no new principle in this respect. Is it meant that, under this bill, we should have two currencies in law, or two in fact? The former cannot be contended, because the bill does not legalize any paper currency, either for the Government or the people. The objection then is nothing more than this: that, under this bill, there will be two currencies, one receivable for the public dues, and another not receivable, but which may circulate among the people, if they see fit to take it and pay it out; but

there is nothing in the bill, or any law of Congress, that requires them to do so. But this distinction is not *created* by this bill: it has always existed since the foundation of the Government. It existed previous to the late Bank of the United States, and was inscribed on the face of the charter of that bank, which made the notes of that institution legally receivable for the public dues, whilst the notes of other banks were not so receivable. That charter, also, like the substitute of the Senator from Virginia, conferred on the bank the power of *creating two currencies*, by determining what bank notes should be receivable for the public dues, and what not. It would do for the bank to create two currencies, one for itself and the Government, and another for the people: this was very proper.

I have already incidentally alluded to the very extraordinary objection, that this bill contains the seeds of a Treasury bank. After having proposed a substitute for this bill which is on its face a Treasury bank, it is a little surprising that an objection like this should be urged with so much zeal and pertinacity by the author of that very substitute. But what foundation is there for this charge? What approximation has this bill to a bank, either a Treasury bank, or any other bank? What are the essential functions of a bank? There are three—to receive deposites, to make loans and discounts, and to issue bills of credit. Does the financial system provided for in the bill contain either of these essential functions of a bank? Not one of them, and no features that have any approximation to either of those principles. The principal argument to prove that this system is, or would become, a bank, is the provision authorizing the Secretary of the Treasury to draw on the receivers general and other depositaries for the payment of the public dues, in pursuance of legal appropriations, or for transfer of the public funds from one branch treasury to another. These drafts, it is said, will form a currency. But is this a new principle? Has it not always existed, and is it not inseparable from every financial plan? Take it away, and you have the strange anomaly of laws for collecting and placing money in the Treasury, but no means of drawing it out, even to pay the debts of the Government.

But this bill contains a section designed expressly to prevent these drafts being circulated even to the extent they now are, or heretofore have been. It makes it the duty of the Secretary of the Treasury to fix the time in which the drafts shall be presented for payment, having regard to the distance.

And what else is relied upon to prove that this system is a bank? Why, there are to be vaults and safes for the security of the funds, and this is the very machinery of a bank. What! shall the Government erect vaults, or provide safes! That will be encroaching on the prerogatives of the banks, and is conclusive evidence the Government is turning banker!

It is further said that President Jackson, in his second message, recommended a Treasury bank, founded on the revenues and credit of the Government; a plan which none of his friends approved, and which he afterwards abandoned himself; and yet that fact proves that this bill is a bank, although it has not one of the features contained in that plan. And we are also told that the Secretary of the Treasury, at the called session, suggested a scheme for issuing Treasury notes on the credit of the United States, and an assigned fund. But this suggestion met with no favor, and had no principle in common with this bill, and yet it is evidence that the system recommended by the committee is a bank, or will grow into one.

The old threadbare and bugbear story of Executive influence, is the last objection I will notice. After what I have said of the substitute on this point, I cannot spend my breath on this objection. The comparison of the two systems, as respects their bearing on the power and patronage of the Executive, is like comparing the scratch of the skin to a deadly and mortal wound. The increase of patronage and power by the bill, is the addition of four officers and a few clerks. Must not that be truly alarming? There is no control over the public funds given either to the President or Secretary, more than they now have; and as to the receivers general and other depositaries, the bill expressly takes from them the dangerous power of using and loaning the public revenues, which is now possessed by the existing depositaries. But the Senator from Virginia still insists that his prophecy is fulfilling, as this bill confers on the Executive greater patronage than that which passed the Senate at the late session. But what was the Senator's prediction? It was that a swarm of fifty thousand receivers general, and other officers, would spring from this measure, as he alleged was the case in France, which would consume the substance of the people. He compared it to a mustard seed, the smallest of all seeds; yet, when it grew, extended its roots through the soil, threw up a large trunk with branches which overshadowed the land, on which swarms of cormorants might light and devour all the fruits of the earth. How is this prophecy fulfilled? Why, the grain of mustard seed has germinated; it has thrown up a small stem, with four small branches, and a few leaves—four officers and a few clerks. This is the fulfilment of the prediction; this is the swarm of fifty thousand receivers who were to harrass the people and devour their substance. And yet the Senator says this is not soaring on the wings of imagination, but is the language of truth and soberness.

Mr. President, I have now examined the substitute and the bill, and endeavored to show that the first would produce a dangerous connection between the Government and the banking system injurious to both, and instead of benefitting, would increase the disorders of the currency. I have attempted to prove that the plan proposed by the bill is practicable, that bank agency is not necessary, and that the public revenues, under that system, would be safer than if deposited in banks.

I now propose to suggest some reasons why this Government ought not to connect itself with the banking system of the country in any form, either State or National. This connection has been dissolved by the act of the banks. Shall it be restored in *any form?* This is the true issue here, and before the country. To decide this important question it is necessary not only to look at the present condition of the banks, but we must go back and see what they once were, and trace their downward course. We must examine the principles of the system, and see if they have not rapidly deteriorated; and whether, if it is not radically reformed, it is not speedily approaching its final catastrophe.

Sir, I understand the object perfectly well. I know why it is that the bank party are so anxious to connect this Government with the banking system. It is to bring to its aid the revenues, the credit, the power, and the influence of this Government, to sustain and uphold this system *as it is*, with all its abuses, its corruptions, and fatal tendencies, and to prevent that reform in the system which the people desire and the best interests of the country demand.

My friend from New Hampshire (Mr. HUBBARD) said he was friendly to the State banks, that he had a large interest in them, and would be the last man to do any thing to their injury. I am also friendly to the banks now we have them, and have some interest in them; and I will endeavor to show my friendship for them in the way that has always been regarded as the highest evidence of a true friend—by calling attention to their abuses, by pointing out the defects in the principles of the system, its rapid degeneracy; and by warning the public that, unless it is speedily reformed and brought back to its original principles, it cannot go on much longer; that another and final explosion will soon be experienced, which will spread ruin and desolation over the country.

The present state of the banks is one of doubt and uncertainty; no one knows what their real condition is, or what change a single day may produce; and, of course, little confidence can be placed in them. Their statements of their affairs are entitled to no reliance; they are often false lights that only tend to allure us on to the breakers. All we see or know of the banks is an outside view. We see their marble walls, which are often like whitened sepulchres—a fair outside, but within are filled with dead men's bones. They are like the ox of Prometheus, "a sleek, well-stuffed hide, filled with all mannner of rubbish, goodly to look at, but containing nothing to eat." In many of the States they are now existing either without law or in opposition to law. They have virtually thrown off the authority of the Legislatures which created them, and now form a sort of commonwealth, and have assumed the power of governing themselves. They are holding conventions, and forming *combinations*, for their control and government. The "Suffolk Alliance" at Boston is one of these combinations, intended to control the whole of the banks in the Eastern States. This was originally a forced alliance by the Suffolk Bank, which compelled the members of the association to pay tribute to that bank, for which they are to be remunerated by giving greater circulation to their notes, and by some sort of guarantee, or additional security, against loss on the bills of any of the banks of the association which may fail or get embarrassed. The object is to give greater security to the associated banks; as their bills are required to be redeemed at the Suffolk Bank, that institution is enabled to know when any one of the associated banks is in a doubtful or ticklish situation, and can take measures for the security of the banks of the association.

These associations are designed and calculated to give to the banks the rights of *privileged creditors* in the case of the failure of any one of the number. On the first evidence of the unsoundness of a bank, its assets are to be pledged, in some form, for the security of the associated banks; this, of course, leaves the public exposed to greater hazard, and would place the United States, either as a depositor or bill-holder, in the same situation. By the operation of this system, the whole assets of a broken bank may be swept away for the security of other banks, and nothing be left for individuals or the Treasury of the United States.

During the recent failures of the banks at Boston, it has been stated that certain doubtful banks have been required to give security, at sight, for its bills belonging to the associated banks, which had been received during the day. They dared not sleep upon them. Ought the Treasury of the United States to be connected with a system like this?

But other bank leagues are formed in other parts of the Union. The most formidable is that at Philadelphia, headed by the Pennsylvania Bank of the United States. That institution, from its immense capital, its almost unlimited credit at home and abroad, and reinforced by twenty-six millions of the resurrection notes of the defunct Bank of the United States, possesses a power over the monetary concerns of the country that is nearly irresistible. It controls all the other banks in Philadelphia, and is now attempting, with the aid of its alliance with the Bank of England, and command of British capital and credit, to make itself the head and centre of the entire banking system in the United States, and to control the whole at its pleasure.

It is authorized by its charter to establish bank agencies, which is nearly equivalent to the power it formerly possessed of establishing branches. It has bought up the Merchants Bank in New Orleans and the Insurance Bank in Georgia, and the officers and directors of these institutions are the mere nominees of an alien corporation, which has become the purchaser of them; and are much more, under the control of Mr. Biddle's bank, or rather Mr. Biddle himself, than the branches of the parent bank were before the expiration of the charter of the late Bank of the United States. The Merchants Bank has a capital of two millions, all of which, except thirty-five thousand dollars, is owned by Mr. Biddle's bank. The Merchants Bank has in its vaults about three hundred and seventy thousand dollars in specie, and possesses the bills of the other banks in New Orleans to the amount of one million two hundred and twenty-two thousand two hundred and thirty-five dollars, of which one million seventy-eight thousand dollars are against six banks, which exceeds their entire amount of specie; and thus places them at the feet of this branch of Mr. Biddle's bank, which can stop them at any moment. It has only about

seven or eight thousand dollars of its own notes in circulation, so that it is wholly protected from any demands that can come against it. These immense resources of the Merchants Bank, amounting to about one million six hundred thousand dollars, appear to have been accumulated by putting into circulation the dead notes of the late Bank of the United States, which neither the Merchants Bank nor the Pennsylvania Bank is bound to redeem. It appears by a report of a committee of the Senate, which has just been read, that the bank has now in circulation more than six millions of these dead notes, which it is not bound to redeem, and still has about twenty millions in its possession, to be used as it may have occasion. The putting off of these notes is a gross fraud on the laws of the United States and on the public; and I rejoice that the committee have reported a bill making it an indictable offence, punishable by fine and imprisonment.

This soulless corporation, in the war it is carrying on against the Government and the currency, acts on true military principles. It has its strong fortress and principal force at Philadelphia, but establishes posts at advantageous points, where it throws in a strong force to watch and overawe the State banks, and keep up a harassing fire upon them, if they presume to act in a way not in strict compliance with the wishes of this great bank autocrat. This institution, which declared "that it intended to take the lead in resumption," is now, it seems to be admitted on all hands, the principal, if not the sole, obstacle to that measure. It controls all the banks in Philadelphia, and through the Merchants Bank, intends to control the banks at New Orleans. This is securing two important points; and it is now attempting to overawe the banks in New York which are disposed to resume, and have, in the true spirit of bank vassals, beseeched the great autocrat to *consent to it*. He treated their ambassadors politely, and feasted them; but refused to give his consent that the New York banks might resume paying their debts, and doing business on honest principles. The object of this institution no one can doubt. It desires to prolong the present state of things to favor its mercantile and moneyed operations, and to bring the people of the United States, through their "sufferings," to consent to restore and recharter that institution as a National Bank, with the monopoly of the public revenues.

It remains to be known whether a single institution can control the entire banking system of all the States. Such is the condition of the banks with regard to the resumption of specie payments—controlled by a single institution. Under circumstances like these, would it be wise or safe to connect our financial interests with a banking system like this?

But, sir, the banks do not resume the payment of their notes, and many of them are breaking. If it is not owing to the opposition of the Pennsylvania Bank of the United States, why do they not resume? The causes of their suspension are past; exchange is below par; the demand for specie, for exportation, has entirely ceased; and yet the banks refuse to resume. How can the public, or this Government, place confidence in them whilst they remain in this situation?

Some few banks have already resumed, and others may follow; the banks may resume in one section of the Union and not in others; this was the case during the late war and in 1818 and '19. The condition of the banks, and the currency they supply, is, and probably will be, very different in the several sections of the country. For this Government, then, to connect its financial affairs with them, is not to do equal and exact justice to the debtors and creditors of the United States, in all parts of the country. I have before me a statement of the present depreciation of the notes of what are regarded as solvent banks of the different States, in the city of New York, as compared with the notes of the banks of that city, they being from 3 to 4 per cent. below specie. The bills of the banks in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, are at a discount of 2½ per cent.; those of Connecticut from ½ to 2½, Philadelphia 2, other Pennsylvania banks 3 to 4, Baltimore 3, District of Columbia 3, Virginia 3 to 4, North Carolina 5 to 6, South Carolina 4 to 5, Georgia 5 to 6, Florida 12 to 15, Alabama 8 to 10, Louisiana 5 to 7, Mississippi 12 to 15, Tennessee 15, Kentucky 5 to 6, Illinois 7 to 8, Indiana 7 to 8, Ohio 6 per cent. This difference in the local bank currencies is owing, in part, to the suspension of specie payments by the banks; but is by no means wholly to be ascribed to that cause, as all have suspended. It is mainly attributable to the balance of trade, and the amount of the issues of the banks.

As the payment of specie has long been only nominal, this bank currency has been of different values at all times. This is the case in England, where the notes of the Bank of England have a monopoly of the circulation in London and sixty miles round it: if that bank does not increase its issues when the joint stock banks in the country towns do, the currency in Lancashire and other counties depreciates below that in London.

All this goes to prove, that for the United States to collect and pay out any thing but specie, or its own credit, is to have several standards in the collection of its revenues and the payments of its debts. It violates the spirit of that provision in the Constitution, which requires that all duties and imports shall be uniform throughout all the States.

But, sir, I have not done with the present condition of the banks; and must beg the indulgence of the Senate to go into some details. I have some facts on this subject, some "crumbs of comfort for the chickens of the bank covenant," if I may be allowed to use the quaint language of a former age.

I have already alluded to some of the banks at New Orleans, and now propose to notice them a little more in detail; not that I think the banks there are in a worse condition than many others; as we are told not to regard those on whom the tower of Saloam fell as sinners above all other men.

There are in New Orleans sixteen banks, with a capital, said to be paid in, of 37,000,000 of dollars. In June last their entire discounts on personal security amounted to 34,000,000 dollars, their specie to 2,000,000, being seventeen dollars in bills to one in specie. By an investigation lately made, by the authority of the Legislature, it appears that twenty-nine directors of eight of the banks, or houses, in which those directors were concerned, had received loans to the amount of nearly 7,000,000 dollars, being more than one-fifth of the entire loans in that great commercial city. This shows in what sense the banks constitute the people. If the few individuals who direct them, and monopolize themselves a large portion of their funds, constitute the people, then the banks are the people, and to separate the Government from the banks, will be to separate it from the people.

We have already noticed the condition of the Merchants Bank, and the power which it holds over six, and, in a less degree, over all the other banks in New Orleans. The New Orleans banks, at the time of their suspension, had 10,429,210 dollars in protested notes, of which there has since been paid 1,151,487 dollars. By their own statement of their affairs in June, there appeared to be a deficiency in their assets to the amount of 3,715,000 dollars.

The Legislature of the State of Indiana have lately attempted to investigate the affairs of the State Bank and its branches, in which the State is a large stockholder. This attempt appears to have been resisted at first, and the president of the bank declared that an investigation would not be beneficial either to the bank or the State, or words to that effect. However, an investigation appears to have been made, at least into three of its branches, Indianapolis, Lawrenceburgh, and Lafayette. It appeared from this examination that these banks have been little better than mere shaving-shops. All of them had adopted the practice of declining to discount notes payable at the bank, and confined their operations to the discount of *kites*, or bills drawn on individuals or banks, when it was well known that the drawer had no funds in the hands of the drawee, and that he expected to take up the draft himself, and at the bank where discounted. On these bills a discount was taken, under a pretence of exchange, of from eight to thirteen per cent. Some or all of those banks have been in the practice of purchasing the depreciated bills of other States, at a discount of from two to five per cent. and passing them off at their counter at par. Whilst these banks were refusing to discount to others, except by shaving bills, the directors helped themselves to a large share of the funds of the banks. At the Lawrenceburgh branch, the loans to the directors, individually, and as partners of firms, averaged fifty-five thousand dollars; and, at the other branches, directors had drawn out from forty to sixty thousand dollars. A rule was adopted giving to stockholders loans to the full amount of their stock, which was afterwards extended to fifty per cent. beyond their stock. Under this rule, the favorite of the directors offered his note, say for five hundred dollars, with which he purchased five hundred dollars of stock; and when this note fell due, he lodged another note for seven hundred and fifty dollars, with which he took up his first note, and had two hundred and fifty dollars left, except the discount. This was certainly a convenient way to raise the wind. Can any one doubt that these banks constitute the people, and that to separate the Government from them would be to separate it from the people?

The Lumberman's Bank, in Pennsylvania, which recently failed, is another proof that the banks are the people. The board of directors adopted a rule to make loans on real estate securities; and in an exposition of the affairs of this bank, it is stated that one individual, and I presume a director, "gave a mortgage, without a bond, for $200,000, on about forty thousand acres of land in Cattaraugus county, New York, and the cashier afterwards gave up the notes on which this indebtedness was founded, on receiving the debtor's check for the amount." The mortgage was subsequently rescinded, and the notes returned.

The rule referred to was afterwards changed, so as to authorize any agent of the bank to make loans on the security of real estate; and one of the directors executed a mortgage, without a bond, on the undivided half of certain building lots; and, on the strength of this security, he withdrew, with the consent of the teller, a large amount of his individual and joint liabilities to the bank, in notes and otherwise.

In December last, the president and cashier of the bank made a report to the Legislature, *under oath*, that the bank had cash funds to the amount of $270,000, which included the aforesaid mortgage of $200,000; and on the failure of the bank, it is found that it had specie in its vaults to the enormous amount of *twenty-five dollars in silver, and one hundred dollars in cents.*

The failure of this bank, which has contributed its mite to the disorders of the currency, has no doubt, in the opinion of our currency doctors, been occasioned by the "experiments" of the late Administration, in "tampering" with the currency.

Mr. President, I am aware that these details are tedious, yet I have a few more "crumbs of comfort" in relation to the banks of the good old Commonwealth of Massachusetts, a State justly distinguished for its wealth and the enterprise of its citizens; and surely its banking system ought to be sound to the core, as it has been entirely free from the "tampering" measures of the late Administration, as the bank party have had the undisputed direction of its councils, for a "time, whereof the memory of man runneth not to the contrary." But, strange as it may seem, the banks in this State are in a very bad way; several of them have recently gone the way of all the earth, and others appear to be in a quick consumption, which threatens soon to carry them off. Of the former are the Chelsea, Lafayette, Commonwealth, Middlesex, and Franklin. Two of these, I believe, were deposite banks. The bills of the Commonwealth Bank are said to be at a discount of thirty per cent. and some of the others to be but little better than continental money. The cold winds blowing from the pine lands in Maine, seems to have thrown these banks into the quick consumption which carried them off very rapidly; and some of them appear to have always had very feeble and slender constitutions, which could not stand the rude shock of the times. The following banks have been suspected of having the same fatal disease: the American, Kilby, Hancock,

Commercial, and Fulton. On a recent examination by a committee of the Legislature, a trunk in one of the banks in Boston, said to contain $70,000, was found to have but $41,550; and in another bank, a trunk containing $260,000 in securities appears to be in the "receptacle of lost things upon earth."

Indeed the cholera, or some other epidemic appears to be prevailing among the banks of Massachusetts, and I think it will be well for us to keep clear of them, until this disease has left them, and we can see how many survive its ravages. I really hope that the learned currency doctors in that State will be able to administer the proper remedies, and arrest the progress and spreading of that fatal disease.

Mr. President, having made some suggestions, as to the present condition of the banks, I now propose to notice some *defects* in the system, and to show the rapid degeneracy and deterioration of its principles. This is an extensive field, and I only propose to point out some of the prominent defects in the system, without goining into any discussion of the subject. And as a preliminary observation in this inquiry, I will quote the remark of the learned and able Governor of Massachusetts, contained in his recent message. He says: "it cannot be denied that the *sound principles* of *banking* have been WIDELY DEPARTED from, and that a mode of *establishing and conducting banks* has grown up, *abusive and dangerous in the extreme.*"

This, sir, is precisely what I contend, that the original sound and safe principles of banking have been not only disregarded, but "*widely departed from,*" and that a mode of establishing and conducting banks, has grown up abusive and dangerous in the extreme. And would it be wise or safe for this Government to connect itself with such a system?

I will endeavor to show that this opinion of Governor Everett is entirely correct. Our system of banking, it is well known, had its origin in the early banks of deposite, and particularly the Bank of Amsterdam. These banks originally loaned their deposites, which were real money. Afterwards, when the system was changed, and banks possessed a capital independent of their deposites, they loaned their capital and deposites; and some of them, particularly the Bank of Amsterdam, issued certificates of deposites, which passed from hand to hand as a substitute, or representation of the money actually in deposite in the bank. This was the origin of bank notes, which originally really represented the same amount of specie in the bank.

The first banks in the United States were based on this fundamental principle. The charter of the Bank of Massachusetts, the first incorporated in that State, contains the following provision:

"That the total amount of all the promissory notes (or bills) of the corporation shall at no time exceed double the amount of its capital stock in *gold* and *silver* actually deposited in the bank, and *held to answer the demands of the same.*"

This was the original principle of banking in this country, which was, that the capital of the bank was not only to consist of gold and silver, but to be *kept in the bank* for the redemption of their bills. But this principle has been gradually departed from, and, for some years, entirely disregarded. The banks now loan their entire capital and their deposites; and within a few years have extended thair loans greatly beyond both capital and deposites.

To show how rapidly the system has degenerated into a mere open, naked system of credit, I beg to present a statement of the condition of the banks of the United States at two recent periods, taken from a report of the Secretary of the Treasury, made at the last regular session of Congress. In 1830, the capital of the banks in the United States was 145,192,268 dollars, and their deposites 55,559,928, making 201,752,196 dollars. Their loans were 200,451,214 dollars, nearly two millions less than their capital and deposites.

In 1836 the capital of the banks in the United States was $251,875,292, and their deposites $115,104,440, making an aggregate of $366,979,732; and their loans were $457,506,089, being an *excess of loans over their capital and deposites both*, of $90,526,247. This, sir, is what I suppose is called the "credit system." We here see, that in 1836, the banks loaned nearly *one hundred millions of dollars, without any basis whatever to sustain it, unless it was "confidence."* This may be called fog credit. Indeed, the deposites did not belong to the banks, as they were indebted for them to the depositors, so that the banks actually loaned, over and above their capital, $205,629,797. And because banks resting on a foundation as rotten as this have exploded, it is charged upon the measures of the Administration in "tampering" with the currency. The interest taken by banks is nearly seven per cent. so that the banks, during the year 1836, received from the people, for loans over and beyond their capital the sum of $14,398,450.

In January, 1837, the capital of the banks in the United States had increased to $286,225,990, and their loans to $522,891,461, being an excess over their capital of $236,565,471, the annual interest of which was $16,559,782, paid by the public for bank credit, resting on no other foundation than confidence.

I have said that the original and sound principle of banking, which required that banks should keep their capital, or a reasonable portion of it, in their vaults in specie, has, within the last few years, been "widely departed from," which has occasioned the present derangement of the currency and credit of the country. I will now submit some additional facts in support of this position. Mr. Gallatin, and other writers on finance, consider the deposites in banks as a part of their circulation, as much as their bills, because these deposites are placed in banks, instead of being retained in the hands of depositors, and are drawn out by checks, instead of being paid out of their own chests. The circulation of the banks in 1836, in bills, was $140,301,038, and their deposites $115,104,440, making a bank currency of $255,405,478, which, added to the metallic currency, estimated at $80,000,000, give a totality of $335,405,498, which is at least fifty per cent. more than the entire currency which the country requires, or can maintain in a sound state. The Secretary of the Treasury estimated the requisite currency for this country at only $110,000,000, which, perhaps, is rather too low. England, with a population one-third larger, and commerce exceeding that of the United States by three hundred per cent. has a paper currency of about thirty millions sterling, and a metallic currency of about the same amount, being in all about $260,000,000. This is without including bank deposites. In January, 1837, the circulation of the banks was $151,303,120, and their specie $38,703,995, according to their own returns; and in 1836 their specie was $40,019,594. These sums, however, are no doubt greatly beyond their actual amount of gold and silver, as the banks, many, if not all of them, designate specie funds, em racing checks, etc. as specie. This would make the bank circulation, in 1837, about seven and a half to one, of their specie.

But if we look at the condition of the banks in the different States, we shall find that the proportion of paper must be vastly greater. By a late report, it appears that the issues of the banks in Pennsylvania, were ten to one of their specie; in Connecticut last March, the circulation was ten to one, and circulation and deposites thirteen to one of specie; the circulation of the banks in New Orleans last June was seventeen to one. In July, forty-seven banks in New York, west and north of the Hudson, had a circulation of fourteen to one, and circulation and deposites of eighteen to one. In July, 1837, the deposite banks in Tennessee, Alabama, Mississippi, and Louisiana, as appears by their returns to the Secretary of the Treasury, had a circulation, including private deposites, of eighteen to one of specie.

The degeneracy of the banking system has been no where more rapid than in Massachusetts, considering the real wealth and solid capital of that State. In 1812, there were twenty-four banks in the State, which possessed specie to the amount of about three millions of dollars, and a circulation of only about the same amount. The fact that the banks of that State redeemed their bills in specie, when those in New York and south of them did not, accounts for the small amount of their circulation. Now there are in that State one hundred and twenty-nine banks, with a circulation of about 10,000,000, and 1,500,000 in specie. The proportion of bills in circulation by the banks of the different counties, to their specie, is as follows: In Suffolk county, (Boston) 4 to 1; Middlesex, 11 to 1; Worcester, 18 to 1; Franklin, 17 to 1; Hampden, 19 to 1; Berkshire, 15 to 1; Norfolk, 19 to 1; Bristol, 19 to 1; Plymouth, 16 to 1; Barnstable, 16 to 1; Nantucket, 11 to 1; and Hampshire, 41 to 1 of specie.

Mr. President, is it not apparent that from this view, and from the condition and management of the banks of the several States, that they have degenerated into an open, naked credit system, and that their whole operations are nothing more than an exchange of their own credit for that of individuals? Their own credit, which costs them nothing, they sell to the public for nearly seven per cent. interest. Can it be surprising that such a system should have led to a rapid expansion of the currency, and have stimulated private credit to a most dangerous point! These are *facts*, sir, and they prove the source and nature of that "tampering" with the currency, which has been so unjustly and absurdly charged upon the late Administration.

As long as bank notes represented specie, to some reasonable extent, it was supposed that their circulation would not be increased beyond the specie circulation which they displaced and withdrew from use.

A profound writer on currency says:

"The whole paper money of every kind, which can easily be circulated in any country, never can exceed the gold and silver of which it supplies the place, or which (the commerce being the same) would circulate there, if there was no paper money. Should the circulating paper at any time exceed that sum, as the excess could neither be sent abroad, nor be employed in the circulation of the country, it must immediately return upon the bank to be exchanged for gold and silver!"—*Wealth of Nations*, vol. i, page 204.

Such were the views of Adam Smith, the philosopher of merchants and bankers. His opinions were essentially just, as long as bank issues were actually based on specie; but since they have become mere bank credits, nothing can be more erroneous. Instead of its being true that bank notes will circulate only to the same extent that specie would, they operate on the community like a drug, exciting and stimulating it, and thus create a facutious demand for money, which goes on increasing in the same ratio that bank issues are increased, until a reaction ensues, as it must be, with a dreadful revulsion.

Sir, I will barely notice some other defects in the principles of the banking system as at present conducted, but cannot enlarge on them:

First, It confers on private corporations the power of emitting or coining paper money, and thus supplying a currency, without any responsibility, and with no other principle to regulate this important prerogative but their own judgment of what is for their own interest It is now the almost universal opinion in England, that this is too important a power to be entrusted to irresponsible corporations, interested to abuse it; and it is insisted, both by the partisans of the National Bank, and of the joint stock banks, that it should be taken away, even from the Bank of England, and confided to commissioners, responsible to the Government and the people.

The Edinburgh Review for April, 1837, in an able article on the state of the currency, says: "We had, and we may depend upon it shall continue to have, if the present system be maintained, a constant alternation of glut and deficiency. At one time, money is sure to be in excess, confidence blind and indiscriminating, and prices high; and at another time, money is sure to be deficient, distrust universal, and prices low. It is not easy to exaggerate the evils inseparable from such alternations; they go far to convert industrious undertakings into mere gambling speculations, and render it impossible, even for the most prudent individuals engaged in business, to form, at any time, any distinct notion of what may be their state twelve months hence. The history of the country, from 1790 down to the present day, teems with examples of what now has been stated. It is, however, very difficult for those not familiar with the circumstances, to form any adequate notion of the sudden and powerful operation of fluctuations, even in districts not peculiarly within the sphere of their operation.

So long as any individual, or set of individuals, how bankrupt soever in fortune or character, may usurp the royal prerogative, and issue money without let or hindrance, so long will it be issued in excess, in periods when prices are rising, and confidence high; and be suddenly and improperly withdrawn, when prices are falling, and confidence shaken. All the causes of fluctuation inherent in the nature of industry, are aggravated a thousand fold by this vicious system, at the same time that it brings many new ones into existence. There is not, in fact, any room for supposing that, had our currency been either metallic, or made to fluctuate exactly as it would had it been metallic, the difficulties in which we have been, and continue to be, involved, would never have been heard of.

"Now to accomplish this radical cure, that is, to make sure that the fluctuations shall not in future exceed those that would occur were it wholly metallic, it is indispensable that all local notes be suppressed, and the issue of paper be confined to one body. Nothing short of this can be of any essential service. The exacting of security previous to the issuing of notes, would not hinder that competition among issuers that is the bane of the present system, nor prevent their being at one time in excess, and at another time deficient. Mr. Lloyd, whose authority on all questions of this sort is so deservedly high, states distinctly that an adherence to sound principles would certainly lead to the conclusion that the issues of paper money should be confined to one body, entrusted with full power and control over the issues, and made exclusively responsible for the due regulation of their amount. He suggests that, for this purpose, the business of the issue of money, by the bank, should be entirely separated from its other business; that its superintendence should be committed to a committee of currency, chosen from among the directors, and that a representative of the Government should be present at all its deliberations. We see nothing in this that could be objected to; and if *the Government commissioner had, as he ought to have, a veto on all the proposals for adding to the issues, the public would have every necessary security for the proper working of the system, and the avoidance of all manner of fluctuations.*"

The author of this extract is evidently friendly to the Bank of England, yet he charges all the ruinous fluctuations in the currency to the unregulated issue of notes by that institution, and the joint stock banks; and contends that this great evil can in no other way be cured than by confining the issue of notes to one body, and subjecting that to the control of a commissioner, who should be responsible to the public for the faithful discharge of the trust. This opinion is general with all parties in England, as will appear from other periodicals which I may have occasion to refer to. In that country they attribute the "tampering" with the currency to the proper source—the unregulated issues of the banks.

The *second* defect in the system, which I will notice, is the *connection* which it establishes between the *currency* and *private credit*. They both flow and return to the same fountain, and thus act and react upon each other. Private credit now springs from the banks, and when from any cause it receives an unusual stimulus, the effect is to expand the currency, and the expansion of the currency gives an additional impetus to private credit, and when, from any cause, private credit is curtailed, the bank currency is contracted. With a metallic currency the rule would be directly the reverse; an increased demand for private credit would make money scarce, and this would tend to check such demand.

Third: The *convertibility* of bank notes is said to be a *test* of their security, and to serve to regulate the issues of the banks. But since their issues have become mere bills of credit, it is neither. The convertibility of bank notes is merely *nominal*, and is no check on their issues, and no evidence of the solvency of banks. We see that the moment the boasted convertibility of bank issues becomes any thing more than nominal, the banks stop payment. What the banks regard as paying their bills in specie is nothing more than this: they will agree to pay specie, provided the public will agree *not to demand it of them.* This is the extent of this boasted principle of the convertibility of bank paper That it is no security, and no test as to the solvency of banks, is evident, as most of the banks which have failed in the United States have redeemed their bills in specie, *nominally*, the same that other institutions have done, down to the very day of their explosion, although many of them have been entirely rotten. The Commonwealth and other broken banks in Massachusetts were as rotten last May, before their suspension, as at any time since.

The *fourth* objection to the currency supplied by banks is its *insecurity*. In England two hundred and forty banks failed in 1815; and in 1825, seventy failed, with a circulation of ten millions of dollars, a large portion of which was entirely destroyed, and the loss thrown upon the community. In 1830, Mr. Gallatin gave a list of one hundred and sixty banks which had failed in the United States, having a capital of thirty millions of dollars, and a circulation probably of half that amount, which was either entirely lost, or subjected to a ruinous depreciation. Since then, there cannot have been less than forty banks which have failed, with a capital of from five to ten millions of dollars.

Sir, I cannot pursue this investigation. We have borrowed our banking system from England; and in support of the objections here stated, and to show the estimation in which the system is held there, where they have a National Bank as a "regulator" of the system, I will beg to read some further extracts from English publications, by which it will be seen that all parties in that country have come to the conclusion that the system has become intolerable—that it cannot go on as it is, or without a radical reform.

The London Courier, which is the ablest advocate of the Bank of England, says:

"We have now, including their branches, got above three hundred joint stock banks, most of which issue notes, in full operation; and so many paper mints, operating without any check or control, other than their own estimate of what is best for *themselves*, will not be long, after getting fairly under weigh, in gorging the circulation, and bringing on a recoil. At this moment, there are, including private banks, little short of *one thousand* paper mints established in England, over which neither the Government nor the public has any kind of control whatever. These mints are conducted on no uniform or consistent principle. Their management is a matter that belongs entirely to themselves, and may be either prudent or absurd, honest or knavish; so that whilst they are nearly useless for any good purpose, they are omnipotent for mischief.

"*The state of our monetary system is at present the prime evil in our social condition: and till it undergoes a root and branch reform, industrious undertakings will be little else than gambling on a large scale, and national prosperity only the first step to national distress and ruin.*"

The London Morning Chronicle is on the opposite side of the question in that country, and charges the disorders in the currency to the misconduct of the Bank of England, yet agrees

as to the principle that banks cannot be safely entrusted with the prerogative of issuing and regulating the currency.

"Having thus established the responsibility of the Bank of England, and having previously shown the causes of its total unfitness for the office with which it has been entrusted by the State, it would seem that the very statement of the nature of the *disease*, would suggest its *remedy*. This remedy can only consist in *depriving the bank entirely of the powers which it exercises over the currency* of the country, and placing these in other and responsible hands.

"The great bulk of the trading people, even of this country, are perfectly ignorant of the *cause* of the violent fluctuations to which their property is constantly subjected, and by which their business is interrupted, and rendered a *gambling speculation*, rather than a quiet trade. If the sufferers knew to WHAT CAUSES to attribute their misfortunes, *this cause could not exist for six months longer: the attempt to perpetuate it would produce a* REBELLION."

To these I add the opinions of the distinguished financier, Sampson Ricardo, and Horsely Palmer, president of the bank, and that profound statesman, the late Mr. Huskisson:

"As directors," says Mr. Ricardo, "of a joint stock company, they (the directors) have to obtain the greatest possible advantages for their proprietors. As regulators of the currency, they have to protect the interests of the community. The performance of these two duties may not always be compatible; and measures conducive to the benefit of the public may be impeded in their execution, by the necessity they involve of a sacrifice on the part of the bank shareholders."

During the past year, the Bank of England has been severely censured for the disorders in the currency, which many have charged upon that bank; others threw the blame on the joint stock banks. Mr. Lloyd published a pamphlet, maintaining that the Bank of England was mainly responsible; to which Horsely Palmer replied, and attempted to defend the bank. The following just remarks from his pamphlet are quite as applicable to this country as to England. Here, as well as there, "some remarkable errors have prevailed as to the mode of maintaining the value of paper money," which, if suffered to continue, cannot fail of perpetuating the evils we now experience. The president of the Bank of England says:

"Some remarkable errors have pervaded, and still continue to influence the public mind, as to the mode of maintaining the value of paper money, and that a system prevails, which, if persevered in, can hardly fail of multiplying all the evils resulting from those variations of the currency to which we have lately been exposed."

Mr. Huskinsson, it seems, had not so exalted an opinion of paper money, resting on '*confidence*,' as some honorable Senators seem to entertain:

"If there ever was a proposition universally true, it is that a system of paper currency *progressive* in its nature, and resting either upon the authority of the State or the *confidence* o ne *people*, will, if unchecked, ultimately lead to the subversion of all property."

To this mass of testimony against the wretched paper currency of England, I will add the report adopted at a public meeting at Birmingham last October, composed of thirteen thousand persons, without distinction of parties:

"Your committee feel it their painful duty to state that the distress to this town and neighborhood is very great; that they see no reason to anticipate any speedy or effectual relief. The alternations of great apparent prosperity, and sudden deep distress, which have invariably attended the expansion or contraction of the currency, prove, beyond doubt, that to our monetary system is mainly to be attributed the present general and alarming distress. In the opinion of your committee, no permanent relief can be given while that system, which has been proved so liable to fluctuations, is suffered to continue. Your committee cannot but express its decided conviction that the effectual and permanent relief of the general distress, is a question paramount to all others; and that nothing can accomplish this great and important object but such a revision of our present laws as shall tend to the adoption of a monetary system adequate to the wants of this great commercial community."

This report, together with a petition to Parliament, embracing its principles, was adopted by the meeting without opposition.

These opinions of the political writers and enlightened statesmen in England, of all parties, show the condition of the banking and paper money system in that country. They prove that, by universal sentiment, it is regarded as the fruitful source of all those ruinous revulsions in trade and manufacturing. That there is no confidence in the fitness or safety of the Bank of England as a "regulator" of the paper currency. The very remedy for the disorder which they propose, is to deprive this regulator of all power over the currency—to take from it the prerogative of issuing notes. And by recent intelligence, it is said, that a proposition to that effect is soon to be brought before Parliament. Sir, let the people of the United States seriously reflect on these facts. We have borrowed our banking system from England; and at the very time that the people there are convinced that the system is so bad, that if it was generally known to be "the cause of the evils which flow from it, it would be impossible to perpetuate it six months longer without producing a rebellion," a powerful party are striving to establish a National Bank as a *remedy* for the evils *here*, which *there* are charged upon a similar institution. To remedy the evils of our system, it is proposed to establish a National Bank to "regulate" the currency; and, as a remedy for the evils of a similar system there, it is proposed to deprive their National Bank of all power over the currency. If the enlightened men in England are not entirely mistaken as to the workings of their own system, then surely there must be "some remarkable errors prevailing in this country as to the mode of maintaining the value of paper money," as well as in England.

Sir, from this hasty view of the present condition of our banking system, and brief examination of its principles, is it not apparent, that it would be neither wise nor prudent for this Government to renew its connection with it? The separation has been effected by the banks, and shall we seek for a reunion? Shall we again connect our finances with a system which has twice been tried and failed; which subjects them to all the embarrassments, fluctuations, and uncertainties that belong to, and are inseperable to it? Shall we connect the destinies of this youthful Republic, with a system, the recently failure of which, has deranged the concerns of the Government and the country—a system over which we have no control, which is now on a rapid downward course—which, from the deterioration of its principles, must in all human probability, unless speedily and radically *reformed*, soon experience its last, its final catastrophe?

Mr. President: I am aware that I have already occupied too much of the time of the Senate, yet I cannot close without making a few remarks on the present condition of the currency of the country. All admit that our currency is in a very disjointed and disordered state; but it must not be supposed that the derangement of it originated in May last, from the failure of the banks; that was only the last stage, (if indeed we have reached the last stage) of the disease. Its derangement has been going on for some years, and rapidly since November, 1834, when the banks of the United States commenced a rapid expansion, in which all the other banks followed; and this expansion went on unchecked, until some months previous to the explosion last May.

The disordered state of our currency, and the deplorable consequences of it upon all interests and all classes, are questions about which there is no controversy; the only difference of opinion is, as to the *causes* of this disorder, and the *remedy* for it. By one portion of our citizens, it is considered as the *natural result* of our unregulated banking and paper system; and by another, it is boldly and confidently charged upon the measures of the late Administration. This is a question of the highest importance: it is necessary to investigate the origin and cause of the difficulty, in order to prescribe a remedy. The skill of the physician, and the success of his prescriptions, depend on his investigating the true cause of the disease. A superficial examination will not answer. He must not be content with looking at the tongue, and feeling of the pulse; but he must go back to the first symptoms, and must inquire into the constitution and habits of the patient. This is equally necessary in investigating the causes of the disorders of our currency. And the first step in this inquiry is, to understand what our currency is. To talk about any subject without definite and precise ideas, as to what the subject is, is merely to bandy words.

The word "currency" sounds well to the ear. It is a very soft and sonorous term, but one to which very different ideas are attached. It is a term having no constitutional or legal meaning, for it is not in the Constitution, and I believe can hardly be found in any of our laws. The currency of the country has for several years been a most fruitful subject for declamation, here and elsewhere, by those who seem very careful not to inform us what they mean by currency. I have heard many eloquent and powerful speeches on the subject of the currency from the Senator from Massachusetts, (Mr. WEBSTER.) He has had much to say about the power and duty of this Government in regard to the currency, about the neglect to exercise that power and discharge that high and responsible duty; and, although no man uses language more clear, perspicuous, and forcible, to convey his ideas, still, after all I have heard from him, I do not know that I understand what his opinions are on this subject. I should not dare to undertake to state them, for fear I should be charged with misrepresenting them. I have reason to believe that he has some pecular notions on this subject, or as to the power and duty of this Government in relation to the currency. I have reason to believe that he is the author of those modern doctrines in regard to the currency, which, instead of tending to enlighten and settle the public mind, have only contributed to involve it in greater uncertainty and confusion. Now, sir, if the gentleman would only be so good as to inform us what he means by currency, we can judge much better in respect to the powers and duties of Congress in relation to it. We can then decide much better on the question as to the *cause* of the disorders he so forcibly describes, and the remedy for those disorders.

What are we to understand by the currency of the country? Gold and silver are the only constitutional currency. Something more than this is embraced in the term. And what more? It is not a legal currency that is spoken of. It must, then, be a currency in fact or an actual currency. And what are we to understand is the actual currency in the United States? Does it embrace bills of exchange, promissory notes, and other mercantile paper? Is it the duty of Congress to take care of these? or is it limited to the notes or bills issued by banks? I shall assume that this is what is intended. The currency, then, of the country consists of gold and silver and the issues of the State banks, as we have now no National Bank. This is the currency; and which portion of it is disordered, the coin or the paper? It is not, I believe, contended that the coin is depreciated or disordered, but it is, or has been, maintained that the increase of the coin has contributed to derange the paper currency; but it is the bank note currency which is in disorder and depreciated.

We have now something tangible, and can enter upon the inquiry into the causes which have tended to the disorder of the bank note currency. It has been, and is claimed, that this is chargeable upon the measures of the late Administration, which it is asserted, has been trying "experiments" and "tampering" with the currency. These charges, first coming from the great bank autocrat, have been repeated and enlarged upon by the bank orators in Congress; from whence they have spread over the country, and rung ten thousand changes through the bank presses. These charges have been made with such boldness and confidence, and have been so often repeated here, and elsewhere, that a large portion of the people no doubt honestly believe them.

But are they true? I do not hesitate to say, that they are not; they have not even the shadow of foundation on which to rest; that they are wholly unsupported, and absurd upon their very face; for this simple, yet conclusive reason, that this Government has no *power* over the State banks, or the currency which they supply.

But what were the measures or "experiments," if that language is preferred, of the late Administration in relation to the currency? The only measures designed to operate on the currency, were two; the one to increase the specie, and the other through the revenue to induce the deposite banks to diminish their papere issues, and discontinue the issue of small bills. And which of these, or was it the united influence of the two, that has deranged the bank note currency? To decide this question, we must inquire what has been, and is the difficulty with the banks? The difficulty is, that they have extended their loans and their issues too much. This is not, and cannot be denied. But the policy of the Administration was to diminish their issues, and increase the specie in the country, which might form a basis for their issues. How then can it be said, that this policy of the Administration conduced to the disorder of the bank paper currency? One of these measures, the increase of specie succeeded; the other, the diminution of paper, did not succeed. But the Administration had no power over that subject; it could not control the State banks; it did not attempt to control them; it only sought to reform them, or make it for their interest to diminish their issues. In that it failed; the banks went on to extend, and expanding their paper issues, until they finally exploded. And, therefore, it is contended, that because the Administration could not restrain the banks in their headlong carreer, it is responsible for all the disorders which have ensued. Is this sound reasoning? Is it honest? Let us take a parallel case to illustrate it. We have in most parts of the country, temperance societies, which, I believe, have done much good. Some of them aim at total abstinence from all strong drinks; others at abstinence in a more limited sense. Their efforts have succeeded to a certain extent; but to make the cases more parallel, let us suppose that their laudable exertions had entirely failed, and that intemperance had increased rather than decreased since these societies were formed. According to the reasoning applied to the currency, these societies are responsible for this increase of intemperance; they are the *cause* of it; they have been trying "experiments" with temperance, they have been "tampering" with it. If they had not interfered with it, if they had not attempted to restrain this beastly vice, it would have prevailed less. Their "experimeats" on sobriety have increased debauchery; and if a worthless sot is seen drunk in the streets, you must reproach the temperance societies, and say to them, behold the glorious results of your experiments, and tampering with temperance.

Such is the absurdity of that reasoning by which many of the people of this country have been deceived and deluded into the belief that it was the measures of the Administration which blew up the paper bubble so that it has burst.

There is no escape from this view of the subject, unless it be contended that the increase of specie has been the cause of the paper expansion. And such has been the infatuation, that some who have been the most *rabid* in relation to paper money, have maintained a proposition so preposterous. It would be trifling with the common sense of the country to discuss such a quesion. I will, however, give the opinions of two distinguished men on this point, who ought to be good authority with the bank party, as they were the advocates of a National Bank; and their opinions are taken from the very reports out of which the first and second National Bank originated. In his report recommending the first bank, in 1790, Alexander Hamilton says:

"But the last and heaviest charge is still to be examined: this is, that banks tend to *banish the gold and silver of the country*.

"The most common answer given to this is, that the thing supposed is of little or no consequence; that it is immaterial what serves the purpose of money, whether paper, or gold, or silver; that the effect of both on industry is the same.

"This answer is not destitute of solidity, although not entirely satisfactory. The positive and permanent increase of the precious metals in a country, can hardly ever be a matter of indifference. As the commodity taken in lieu of every other, is a species of the most effective wealth, as the money of the world, it is of great concern to the State that it possess a sufficiency of it to face any demands which the protection of its external interests may create."

In his currency report in December, 1815, Mr. Secretary Dallas says:

"But it is within the scope of a wise policy to *create* an additional demand for coin, and in that way to multiply the inducements to import and retain the metals of which it is composed. For instance: the excessive issue of bank paper has usurped the place of the national money; and under such circumstances, gold and silver will always continue to be treated as an article of merchandise; but it is hoped that the issue of bank paper will soon be reduced to its just share in the circulating medium of the country, and consequently that the coin of the United States will receive its legitimate capacity and character.

"And finally, such regulations may be imposed upon the *exportation of gold and silver*, as will serve in future to fix and retain the quantity required for domestic uses."

The measures for increasing the metallic currency consisted of the act of 1834, raising the standard of gold coin; in importing gold for French and Neapolitan indemnities; and the laws for increasing the operations of the Mint, and establishing branch Mints. These measures have been eminently successful, and increased the specie in the country from twenty-two millions to more than eighty millions of dollars.

We have noticed the only measures of the late Administration designed to operate on the currency, and to improve its soundness; or, to use the language of some, to give the country a "better currency." But there have been other measures, which are alleged to have had an injurious operation on the bank note currency. The principal of these are the refusal to recharter the United States Bank, and the removal of the revenues from that institution to the State banks. I will submit a few remarks on each of these measures. In regard to the first, it is a sufficient answer to say, that although the bank was not rechartered by Congress, it, unfortunately for the country, obtained a charter from Pennsylvania; and it was declared by its president that it was "safer and stronger" under its new charter than it had ever been. This was thought, at the time, to be a mere act of boasting on the part of the president; but experience has fully confirmed its truth. The present attitude of that bank, its agencies in this country and in Europe, show that it has probably at this moment more power over the monetary affairs of the country, than it ever had at any former period. How, then, has the refusal to recharter that bank tended to derange the paper and credit system? If the bank had wound up its affairs, as it ought to have done, and the present difficulties had occurred, there might have been some grounds for this charge; but as it is, there are none.

But it is alleged that the refusal to recharter this incorporation has been the principal cause of the rapid multiplication of State banks, and consequent expansion of the paper and credit system. It is a little extraordinary that this argument should be urged by the advocates of that system, and of its extension. But is there any soundness in the argument? It rests on two assumptions: one, that a National Bank will prevent the multiplication of State banks; and the other, that it will regulate and restrain their issues. These assumptions are unsupported either by principle or experience, but are in the face of both. If a National Bank will prevent the increase of State banks, why has it not done so? We have had a National Bank since 1791, with the exception of five or six years; yet there has been, during this whole period, a constant increase of State institutions. *Facts* are of some little importance in this matter; and what are they? When the first United States Bank was established in 1791, there were but four State banks, with a capital of a little over two millions; this appears from the report of Alexander Hamilton. In 1811, when the charter of that bank expired,

there were eighty nine State banks, with a capital of 52,601,601 dollars, and a circulation of 28,000,000 dollars. In 1816, when the late Bank of the United States was incorporated, there were two hundred and forty-six banks, with a capital of 89,822,422 dollars, and a circulation of 68,000,000 dollars; and on the 1st of January, 1836, two months before the charter of that bank expired, there were five hundred and fifty-seven banks in the United States, with a capital of 251,875,292 dollars, and a circulation of 140,013,000 dollars. Such has been the restraining influence of a National Bank upon the growth of State banks.

But how has it been in England, where there is a National Bank of vastly more capital and power? In 1826, Parliament authorized the establishment of joint stock banks, and from that time to December, 1835, there had been established but sixty-four banks, during a period of nearly ten years; but from the first of December, 1835, to the last of November, 1836, only about eleven months, forty-two joint stock banks were established, with an average of from four to six branches each, making, in reality, two hundred banks in eleven months. What a restraining influence the Bank of England must have had! This was the period during which the Bank of England was rapidly expanding its circulation, which was the principal cause of the increase of the joint stock banks, by stimulating and creating a factitious demand for bank facilities, and by adding so greatly to the profits of banking. The same has been the case here. When the Bank of the United States has expanded the currency, and given great activity and great profits to banking operations, then the State banks have sprung up like mushrooms all over the country. This was the case during the years 1835 and 1836, and at some former periods. So totally inconsistent with facts is the pretension that the refusal to recharter the United States Bank is the cause of the increase of State banks.

As to the other assumption of the power of a National Bank, to restrain and regulate the State banks, I have, in another part of my remarks, considered that point. It is as unfounded as the other; it is a delusion, which has been given up in England, and must be here, or the evils of our wretched paper system will go on increasing until it results in a terrible catastrophe, similar to that which overwhelmed France, by the "well regulated" credit system of John Law.

A single word, sir, as to the removal of the revenues from the United States Bank, and placing them in the State institutions. That the connection of the Treasury with banks tends to increase the irregularity of the action, and to promote, rather than check, those expansions and contractions which are so ruinous to the Government and the country, I fully admit; that the deposites in the State banks since 1834 have contributed to the expansion which has taken place, I also admit. It is on these grounds that we defend the present bill; we wish to avoid such evils in future. But these concessions do not prove that the removal of the revenue from the United States Bank and its branches have caused the expansion and derangement in the banks, unless it can be made out that these revenues in the United States Bank and its branches would not have produced the same result. Would not the Bank of the United States have discounted upon the public deposites, in the same manner as the State banks did? Did they not do this as long as they received the public revenues? These questions must be answered in the affirmative. And is there any reason to believe that the United States Bank and its branches would have discounted less upon the deposites than the State banks did? Did not that bank, without the public funds, take the lead in the expansion during the years 1835 and 1836? That it did, cannot be denied. It increased its discounts from December, 1834, to July, 1835, nearly twenty millions of dollars, and so extended its credit, that it is now less able or less willing to resume than any of the solvent State banks. There are no grounds, therefore, for the assumption, that the public revenues being deposited in the State banks caused an expansion, more than would have taken place if they had been in the Bank of the United States. The only way to have prevented their influence in stimulating an expansion, was to have withdrawn them from all banks, both State and National.

Sir, the deposite act of 1836 has been regarded as one of the causes of the derangement of the currency. This, however, could not have caused the expansion, as that had occurred before. It no doubt increased the embarrassments of the banks; but whatever its influence may have been, it was not an Administration measure; it was a measure of the Opposition, proposed and voted for by every Opposition member of Congress.

The Treasury order has also been charged as one of the causes which has contributed to the disorders in our monetary affairs. So much has been said on this, I will not dwell upon it. Its influence must have been temporary and limited. If it drew two or three millions of specie from the Eastern States to the Western, it naturally and necessarily forced its way back in the regular course of trade. Specie, like water, will find its level, and go where it is wanted. If the Government brings specie into our seaports, as in the case of the French indemnity, it is alleged as a cause of deranging the currency; and if it collects its dues in specie, and draws it from those points, as is said to have been done by the Treasury order, that is a cause of disturbance to the currency. But the Bank of the United States can import or export specie, or purchase specie at the West to the amount of tons, and it has no disturbing influence on our monetary affairs. It is only the transactions of the Government that derange the currency.

I have now, sir, examined the alleged causes of the derangement of the paper currency, and proceed to submit a few remarks on what I consider the true causes. The main cause is our wretched banking and paper credit system, the irregular action of which, its expansions and contractions, are as much a *part of the system, and as inseparable from it*, as are the ebb and flood tides a part of the laws which act upon the ocean. Where the currency of a country has no other foundation than *credit*, and at the same time is inseparably connected with private credit, and both expand and contract together, to seek for causes independent of the system itself, would be not only as unphilosophical, but show as little common sense, as to attempt to explain the particular motions of a piece of machinery without reference to the construction and principles of it.

Currency, whether metallic or paper, is governed by general and fixed laws. A metallic currency has its principles, and is regulated by the great and universal law of demand and supply. Paper money, resting on the credit of the State, has its laws, and a currency supplied by banks has its primary law, which controls it, and that is, the *action of the banks, or the working of the machine which supplies it*, which throws it into circulation, and withdraws it from circulation. When this machine works irregularly, as is the case with our banking system, the currency must be subject to corresponding irregularities. But I have said all I intended to say on this branch of the subject in another part of my remarks.

The defects of the banking system are the primary and essential cause of all the disorders which have existed in our monetary affairs for the last two years. But there is a secondary cause, which has given greater irregularity to the system; and that is, the connection of the subject of banking and currency with the party politics of the day. This unholy and fatal alliance originated in the struggles of the Bank of the United States to secure the renewal of its charter. It connected its interests with those of a great political party, and their combined efforts—one aiming at political power, and the other at the monopoly and control of the moneyed power—have not only kept the country in a constant state of agitation and alarm, but have grossly perverted the public sentiment in every thing connected with banking and currency. If Horsley Palmer attributed the disorders in the paper currency of England to the "remarkable errors" which prevailed on the subject, the pernicious and fatal opinions which have been advanced and propagated here must have exerted a powerful and almost irresistible influence in blowing up the vast bubble of a credit currency. The Bank of the United States has not only been the chief temple to the paper divinity, but a sort of financial college, where the manufacture of rag money and absurd financial dogmas has been carried on with equal success. These dogmas have ordinarily been circulated through the official organ of the bank; but when it was deemed necessary to give to them a more imposing effect, they have been promulgated by letters missive to certain distinguished individuals, such as ex-Presidents of the United States. At one time we are told that the great evil of the paper system is its constant tendency to over-issues and to stimulate over-trading; then it is asserted that there is no such thing as over-trading; that it is language which has no meaning. One day it is the importation of specie which has disturbed the currency, then it is the withdrawing of specie by the Treasury circular. The precious metals have been held up to ridicule and called a "humbug;" the country, it has been declared, was better without specie than with it, and the banks stronger without it; the exportation of specie encouraged and treated as a blessing, and its importation as a curse; but the leading and fundamental dogma of the paper money party has been, that CREDIT was the only source of all wealth, of all industry; that the nation was indebted to it for its great public works; that all private enterprise depended upon it, and was sustained by it. Credit has been exalted and magnified; it has been regarded as being *in itself property and capital*, and the great and active element of public and private prosperity.

When the people are taught to believe that credit is capital, and the only element of wealth, can it be surprising that the credit bubble has been so blown up that it has burst?

And what has been the effect of such sentiments as these, not only on the action of the banks, but on the legislation of the States? Has it not been the principal cause of the unprecedented multiplication of banks in all parts of the country? In every State where the bank party have had the ascendency, and these opinions have had a controlling influence, banks have sprung up, until their rag money has become a perfect nuisance, and like the frogs of Egypt found its way into the kneading troughs of the people. And in States where the bank party were not a majority, they have often accomplished their object, by uniting with a small minority of the professed friends of the Administration, in obtaining bank charters. Since 1830, more than one hundred millions of bank capital has been created in eight States, all in opposition to the Administration during most of this time, except one. These States are, Massachusetts, which has increased its bank capital twenty millions; Vermont, over one million; Maryland, about two millions; South Carolina, over three millions; Louisiana, twenty-eight millions; Kentucky, over three millions; Tennessee, four or five millions; and Pennsylvania, about forty millions, consisting principally of the capital of the United States Bank, the recharter of which was effected by the opponents of the Administration, and a few pretended Democrats, whose votes were obtained, I will not undertake to say how, or by what means.

Whilst the Opposition have thus been blowing up the credit bubble, by their legislation in every State where they had the power, or could swell a minority into a majority by moneyed influence, they have been constantly charging the inflation of the currency upon the Administration and its friends. With what consistency and what honesty, let the world decide!

In ancient times, visionary philosophers attempted to discover the art of converting base metals into gold, and in more modern times the diviner's rod was believed to be capable of pointing, with unerring aim, to the treasures concealed in the bowels of the earth. But these discoveries, had they succeeded, would have been cast into the shade by the great invention of the present day of commuting *credit* into *capital*. By this wonderful discovery fortunes can be made in an hour, and the next, vanish "like the baseless fabric of a vision."

Mr. President, I have but a word to say as to the *remedy* for the disorders of our paper currency. To point out the cause is to suggest the remedy, which is a root and branch *reform* of the banking system—to take from it, or effectually restrain, the power it has usurped from the States of issuing or coining paper money, which has superseded the legal currency. This can be done, in part, by a restriction in the issue of small notes, but must be mainly effected by forcing the system back to its original principles, and requiring its capital, or at least one-third part of it, to be held in specie, as the basis of the currency the banks issue as a substitute for it. Nothing short of this can give soundness or stability to a paper currency. This connects it with specie, and imparts to it, in some degree, the character of specie. So far as it possesses the attributes of coin, it will be governed by the same laws.

The reform of the banking system is the only effectual remedy for evils *springing from that system*. Whether the Federal Government has power to regulate the paper currency is a question easily decided. Can Congress reform the State banks? If it can, it has the power, and it is its duty, to take care of the entire currency of the country. Does the Senator from Massachusetts contend for this? Does he believe this Government has the power to control corporations created by the States? If he does, then he is perfectly right in insisting that this Government has the power, and that it is its duty, to provide and secure to the whole country a sound paper currency. If he does not believe this, then all his eloquence and all his reasoning, goes for nothing; it is only as sounding brass and a tinkling cymbal.

But, believing that this Government has no power over the State banks, I believe that it has no power to regulate, in any effectual manner, the paper currency; and, in my opinion, nothing can have a more pernicious effect, or be more directly calculated to prolong the existing disorders, than to give to the public mind a false direction, and to keep up the unfortunate delusion which prevails, that this Government can, and ought to apply a remedy to the existing evils in our monetary affairs.

Sir, it is a delusion—a fatal delusion; the evil has not originated from our legislation, and it cannot be corrected here. We have not the power to do it; and if we had, I very much doubt whether we could exercise it. If split into twenty-six parts, the banks are too strong for the States, united, they would be too strong for Congress. It is our first and highest duty to leave this subject where the Constitution has left it—with the States and the people; and the only thing we can do is to separate this Government from the banking system, that our connection with it may not be an obstacle to a reformation by those who alone have the right and the power. The bill before us will accomplish this object, and that, in my judgment, is one strong recommendation of it.

But is said we want a general paper medium, which shall be of equal value in all parts of the Union. The advantages of this, if we had the power to supply it, are much less than is generally considered. As long as we have eighty millions of coin, and fifteen millions of it in gold, if the local banks were what they ought to be, if their bills actually represented specie, and were bona fide convertible into specie, as necessity required, there would be little occasion for a national paper circulation. Gold would be our national currency, and convenient for travelling and all ordinary purposes. As to exchange and all commercial transactions, those depend on trade, which always supplies its own facilities. A national paper medium never has been used, and never can be, to any extent, as a remittance in commercial transactions. The exchange between one place and another depends on the course of trade, and cannot be regulated by a national currency. If the balance of trade is against New Orleans, and in favor of New York, exchange will be against the former city, and this cannot be prevented or corrected by a national currency of any description, but must be adjusted by the course of trade; by bringing up the balance, and thus restoring the rate of exchange. This process is now going on, and exchange is regulating itself, by the natural laws of trade, much better than it could be done by any artificial agency of a National Bank.

Mr. President, I have now gone through with the several divisions of this subject, and have but a few words to say in conclusion.

It is said that this measure is unpopular; that the country is against it. This I am not prepared to believe. That there is a strong, a powerful, opposition to the measure, I am very sensible. I know the character of this opposition, and the sources of its power. It consists of a political party united with the moneyed power of the country. It combines the various special interests which are supposed to be injuriously affected by the measure: of these the banking interest is the principal, and the most subtle and active. There is arrayed against this measure the power and influence of eight hundred banks, with their eight thousand directors, and their hundred thousand stockholders, debtors, expectants and dependants. Those engaged in trade and manufacturing who are dependent on banks, and who expect that they can obtain greater facilities of credit, in consequence of the use of the public money by the banks, are also opposed to this bill. An impression prevails, founded in error, I think, that it would be injurious to the banks. But, sir, I do not think the time has yet arrived when the banks constitute the people. Whether these classes which are arrayed against this measure, are more numerous than its friends, time must determine; but one thing is certain, they are more *vigilant*, more *active*, and more *noisy*. The classes enjoying special privileges, are always united, always on the alert, and prepared, not only at the first approach of danger, but even at the suspicion of an attack, upon their monopoly interests, to rally in their defence, and to attempt to alarm the public mind about every measure, however just and equitable, that may interfere with their private interests, which they always represent as the most important and sacred interests of the community. But those who neither enjoy nor desire any rights but such as are guaranteed by general laws, and possessed in common with the whole people, are less jealous and less attentive to the acts of their Government. Enjoying nothing, and asking nothing, but equal privileges and common justice, they feel secure often when danger threatens them, and are slow to be aroused, either to resist encroachments upon their rights, or to sustain measures essential to their preservation, and conducive to the common good of all.

Far different is it with the monopoly class. They are not only at all times vigilant and active, but always raise a furious clamor about any measure which they suspect may affect their peculiar interests, and often resist it with a degree of violence and desperation which can only proceed from a consciousness that the measure is just and right in itself, but opposed to *their interests*.

Sir, do we not see these principles illustrated on the present occasion? Whence come the violent hostility and the fierce and noisy denunciations against the measure under consideration—a measure interfering with no private interests or pursuits, containing no tariff or anti-tariff principle, no restriction on commerce, no principle of taxation, throwing no obstacle in the path of individual enterprise, and no burden on any portion of the people? How is it, sir, that such a measure should be assailed with a spirit of violence and ferocity almost unexampled, and that it should be threatened with open resistance, should it become a law? And so bold and audacious is this spirit, that, at a recent public meeting in the great commercial emporium of the country, it was declared that the banks and the merchants wanted the moneys of the Government, and *they would have them;* and that, if Congress dared to carry out this measure, it would become necessary to drive the Goths from the Capitol. Such is the audacious spirit, sir, with which the interested classes assail a measure resting on the great principles of common justice.

Such are the selfish sources of the violent opposition to this bill, and such the evidences of its unpopularity, of which we hear so much. But let gentlemen not deceive themselves. This is not a question of a day, or a year, but one which will continue to interest the public attention until it is understood and its merits appreciated. The real people have not yet moved: they have not yet been aroused. Sir, I know the true character of the opposition to this measure, and its source and origin. It springs from that polluted fountain of private interest—from the union of the two strongest passions of the human heart, the love of money and the love of power: it comes, sir, from *the fell spirit of monopoly*—that spirit which,

whether it springs from a monopoly interest or a monopoly class, is the same. It is that rapacious spirit described by the elder Adams; and no one understood the true character of a purse-proud, grasping oligarchy better than he did. He declared that the wealthy families, which are now united and bound together by the banking system, would either rule or ruin the country; that they would do this as certainly in a representative democracy as in a hereditary aristocracy; that if they could not obtain power in any other way, they would possess themselves of it by bribery and corruption; and if that failed, then by sedition or rebellion, and, if possible, would annihilate heaven and earth, rather than fail in carrying their point. Is this prediction, made half a century ago, about to be fulfilled? Are the bright prospects of this youthful Republic to be darkened, and its hitherto growing liberties to languish and die, from the pestilential breath of corruption? In all ages and in all countries this rapacious spirit has been the same. It was deprecated by Adam Smith, the friend and philosopher of merchants and bankers. He declared, that of all civil rule that of monopolizing traders and bankers was the most insolent and oppressive.

We all know the rapacity and tyranny of the monopolizing oligarchy of traders in Venice; and the history of ancient Rome affords a more remarkable example of the insolence and oppressions of that spirit which springs from the concentration of wealth and political privileges in the same hands. This was the groundwork of the aristocracy of Rome, and the fruitful source of those desperate struggles, those fierce contentions, that for centuries agitated that Republic, and which terminated in civil wars, and the overthrow of its liberties. Impelled by the determination to rule or ruin, the patricians, headed by the Pontifex Maximus, from the Forum, the very temple of liberty, rushed violently upon the tribunes of the people; and thus perished the last of the Gracchi, the descendants of the illustrious Scipio; and with them perished, also, three thousand of the common people of Rome. This was the first Roman blood, after the establishment of the Republic, shed by the hands of Roman citizens. But this slaughter of three thousand of the common people of Rome, did not go unavenged: from their blood sprang Marius, less distinguished for conquering the Cimbri, than for humbling the proud spirit of the aristocracy of Rome—Marius, the avenger of the people's wrongs; and terrible was that vengeance, which drenched the streets of Rome in patrician blood.

Shall we not be admonished by the lessons of history? Or shall we go on encouraging this monopolizing, rapacious spirit? Shall we yield to it on the present occasion, when it insolently *demands* the public money for private uses, or shall we resist it? Sir, it will be resisted, rebuked, humbled. I have full confidence in the great mass of the people, the producing and laboring classes. They are often slow to understand their rights, and to perceive approaching danger; they are patient under wrongs, and not easily aroused; but there is a point of forbearance, beyond which they will not go; and when we have reached that point, they will be aroused. They will come, whence the men of Bunker Hill came, from their farms, plantations and work-shops; throwing down their scythes and pruning hooks, and the implements of their trades; they will come to the rescue, not in tumult and disorder, nor like an army with banners, clothed with wrath and terror, but animated by a love of principle, and stimulated by a sense of danger and duty; they will speak, not in a voice of thunder, carrying terror to the hearts of their opponents, but in the small, still voice of justice; and that voice will be heard, and must be obeyed.

I apologise, Mr. President, for having detained the Senate so long, and thank them for their attention.

MISSISSIPPI ELECTION CASE.

SPEECH OF MR. BRONSON,

OF NEW YORK,

In the House of Representatives, January 29, 1838—Upon the Mississippi election.

Mr. BRONSON rose and said:

Mr. SPEAKER: If I was differently situated than I am in relation to this question, I might perhaps content myself with giving a silent vote, and permitting the discussion to be engrossed by abler heads than mine; but having been one of the Committee of Elections who made the report at the last session in favor of the sitting members, and who advocated the resolution reported by that committee, and being still one of the same committee, I feel it to be due to myself and the subject, that I should give some reasons for the opinions which I entertain, and which have, and will continue to influence my vote on this subject. Conscious of my own inability to do entire justice to a subject of such magnitude, I can only hope that I may not darken counsel, and that the little which I may say may perhaps shed at least one ray of light upon a subject where truth and justice are so desirable. The positions assumed by the claimants to the seats of the sitting members, and the views which they entertain, as expressed in the very able speech of one of them, seem to require at the hands of the committee some notice, and, if we are able to give it, some satisfactory answer.

With those who have been taken captive by the burning zeal, brilliant eloquence, and varied talent of the gentleman from Mississippi, (Mr. Prentiss) it will, I am aware, be a herculean labor to convince them that his arguments are not sound, or his positions tenable. I cheerfully pay the passing tribute of admiration to the talent and eloquence displayed by that gentleman, and which was only equalled by the gallant bearing and knightly manner in which he has thrown the glove, and done his devoirs on behalf of his "lady love, the State of Mississippi."

And here, Mr. Speaker, let me call the attention of the House to one position assumed by that gentleman; not, perhaps, of itself of much consequence, but which was much pressed at different stages of his argument, and therefore not unworthy of an answer. That position was, in substance, that this was not an ordinary case of contested election, where the question merely was whether A or B should represent a State or district, but that it was a case in which the *right* of representation was essentially involved; in which the honor and dignity of the State was at stake, and which, if decided in favor of the sitting members, must result in the disgrace and dishonor of the State.

Why, sir, I can see no propriety in such a view of the case. I can see nothing to distinguish it from many and most other cases of contested election. This House have not deprived Mississppi of her representation on this floor; on the contrary we have carefully guarded those rights. She now has, and has ever had, in this Congress, her full representation; and the question as in all other cases, at this moment, is, not whether she shall be represented, but which *two* of the *four* claimants which she has sent here shall have the honor of representing her.

Sir, was there ever a case of a person claiming a seat in this House, who did not base his claims upon the allegation that a *majority* of his constituency had sent him here, and that by the will of the people, he was justly entitled to his seat, and might not all claimants in such cases say? that if this House decided against them, that we thus set at nought the will of the people, and virtually elect their representatives for them.

Mississippi has sent us four members, she herself only claiming two seats, and we are now anxiously, and I trust honestly, endeavoring to ascertain which of the four, or whether either of them, are entitled to the two seats; and however that decision may be, I cannot conceive how it impeaches the honor or integrity of Mississippi, or in any way disgraces her. God forbid that one single spot or blemish, one iota of dishonor, should, by this House be cast upon that younger and hitherto unspotted sister of our Confederacy. No, sir, it is after all a question, not as to the *right* of representation, but as to the *persons* that shall exercise that right. If the sitting members are legally and constitutionally elected, and if this House should decide against their right to retain their seats, *they* may with the same propriety say that, by such a decision, the State of Mississippi is disgraced, and her honor tarnished.

I deny, therefore, that this question assumes any form so materially different from that of all other contested elections. In this, as in many or most others, grave and intricate constitutional questions are involved, which must be judicially decided by this House, and, in the decision of which, no imputation of dishonor attaches to the constituents who are affected by the decision.

A word more as to some of the gorgeous drapery that was thrown around the argument of the gentleman from Mississippi. He says that rumor has whispered that this question is to be decided on *party* grounds, and that Executive influence, like the sword of Brennus, is to be thrown into the scale in behalf of the sitting members. I regret that such suspicions should be entertained in advance, and I trust that the gentleman will find that, in this instance, as in many others, Madam Rumor will prove to be an arrant liar. To say, however, that party prejudice will have no influence in the vote to be given on this subject, or to hope that those secret and invisible influences which political associations and personal friendships throw around the hearts and minds of all men, will be entirely discarded in the decision of this question, would be asking or expecting from this House a degree of purity which no earthly tribunal ever yet possessed. I know our Saviour commanded us to "be perfect, even as your Father in heaven is perfect"—but I am not aware that any sane man has yet arrogated to himself that degree of perfection. I can only say that, so far as in me lies, I will endeavor to divest myself of all those influences, and to bring to the consideration of this subject an unbiassed judgment and truth-seeking mind.

I rest my decision in this case, and the vote which I shall give, upon two grounds. The one is, that the decision of this House at the last session was final and conclusive, and cannot or ought not now be reversed; and the other is, that the election of Messrs. Claiborne and Gholson, under the proclamation of the Governor in July last, was constitutional and legal; and that they are, by virtue of that election, members of the 25th Congress for the whole term.

In commenting upon these two points, I shall notice occasionally the arguments of the gentleman from Mississippi, and, for the better arrangement of the argument, I will, firstly, consider the point last mentioned; in other words, I will come out from *"the castle of Res Judicata,"* of which the gentleman so much complains, and give battle to him upon the open plain, upon the main proposition; and though unused to intellectual tournaments with such gallant knights and able warriors, I will venture one passage at arms in behalf of the correctness of the original decision of this House and the constitutionality of the election of July; for if I doubted the propriety or correctness of that decision, I should feel very unwilling to shield it now under the plea of *"res adjudicata."*

In debating this question I will, as far as possible, avoid travelling over the ground which was occupied by the discussions of the last session, though I must necessarily repeat some things that were then advanced.

In the formation of the Constitution, the first great object was to provide a body or agents to whom, for the time being, the sovereignty of the people should be confided, and in whom the powers of the Government should rest:—to provide for the perpetual existence of the Government. The House of Representatives being the most immediate, and, in some respects, the most important, branch of the Government, care was taken in the outset not only to provide for its formation, but for its complete organization and existence at all times, and hence the clause in the second section, which provides that "when vacances happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies." Gentlemen seem to view this matter as though it was necessary to have a full representation from every State only during the actual sitting of Congress, as though there was no necessity of a House of Representatives at any other time than during the regular session, as fixed by the Constitution, while we well know that sudden emergencies, and extraordinary exigencies, may arise, and have arisen, requiring the action of Congress at times other than the general sessions; and our whole history shows that it is a body considered to be in perpetual existence, and ready to be called to act at any and all times, if the public service requires. Such it was meant to be by the framers of the Constitution, and hence their anxiety to preserve a full representation, and to provide for the filling of all vacancies in the representation from the States. The intent manifestly was to keep up the succession to keep the body full. But it is said that a vacancy in the representation cannot exist within the meaning of the above clause of the Constitution, except by death, resignation, etc. A complex and unheard of meaning is attempted to be given to the word "representation;" and it is said that a vacancy cannot exist in the representation until the office shall have been once filled—until some persons have been selected for the term in which the vacancy happened, and have died or resigned.

Representation, according to the best lexicographers, is defined as follows: Representatives of a collective body; those acting for others by deputation.

It is conceded that on the 4th of March last, the

members of the Twenty-fourth Congress went out of office. Mississippi then had no members in the Twenty-fifth Congress. If she had no members, was there not a vacancy? The office existed; that is admitted on all hands; it was not filled. Was her representation full? Certainly not: she had none. Suppose the State of New York had only sent thirty-nine members here at the commencement of this Congress, instead of forty; suppose that one of the districts had entirely omitted or forgotten to send a member; would any man doubt that there was a vacancy in the representation from New York? But, say the gentlemen, there would be no vacancy, because there had been no person elected to fill that office, and the vacancy could not happen until there had been an incumbent who had died or resigned. Suppose again (for I will put extreme cases, to meet extreme cases put by the gentleman from Mississippi)—suppose a whole State had neglected or omitted to elect their members to the Twenty-fifth Congress, would there be no vacancy from that State, and is there no power granted by the Constitution to compel the filling of such vacancy? Most assuredly there is. "The Executive shall issue writs of election," &c. It is, as the gentleman says, imperative; the Executive must do it. As to the question, whether it must fall out by accident, whether a peculiar and technical meaning is to be given to the word HAPPEN, I shall only refer to the arguments of the last session, when that matter was fully debated, and, to my mind, it was satisfactorily shown that "to happen" is equally applicable to things which occur in the ordinary and regular course of things, and which are foreseen or foreknown, as to things which occur out of the ordinary course, and which are not foreseen or calculated upon.

But the gentleman says that there is another clause in the Constitution, which, although noticed by the committee in the report of the last session, yet seems afterwards to have been overlooked and lost sight of; and he complains that while we husbanded with much care the "Executive clause," as he terms it, and which I have quoted above, we forgot altogether the "legislative clause," *i. e.* the clause in the fourth section of the Constitution, which provides that "the times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;" and that this clause was, in a manner, turned out upon the commons, left to go a begging; and one would almost suppose that the clause had suddenly been rescued from the rubbish of ages, after having, for a season, shared the fate of the lost tribes of Israel: certainly it seems to be hailed with as much pleasure by the gentleman as was the prodigal son, on his return. Now I believe, sir, that neither the committee or the House were unmindful of that clause of the Constitution, but that it was duly considered, in connection with the others, in the decision of that question at the last session. True it is, that not only the power is conferred on the State Legislatures of prescribing the time, place, and manner of holding elections, but it is made their duty. This clause, however, refers solely to general elections, and not to special elections.—(Vide Hoge's case, C. E. 153, 154.)

And here, by the way, I thank the gentleman from Mississippi for an admission of a point which I also consider settled by this case, and which, to my mind, is very important in the consideration of this question; and that is, that the powers conferred on the Governor and the Legislature of the States, are independent and distinct, and not concurrent; and, to my mind, this furnishes a strong argument to show the propriety of the exercise of this power by the Governor in this case, independently of legislative enactments.

The Constitution having conferred the power on the State Legislatures of choosing the time, place, and manner of holding elections, it became their duty so to exercise that power that the object in view should be accomplished; and not to exercise it by halves, or in so bungling a manner that their State should be only in part represented, or represented only a part of the time; and a vacancy may as well happen from the imperfect exercise of that power, as from death or resignation. Suppose the Legislature did not exercise the power at all, would their refusal or neglect to act deprive the State of a representation. It seems to me most obvious, that if the Legislature either neglected to act at all, or if they made such inefficient provision, as only half accomplished the object, so that the State was wholly or in part without a representation, or so that she would be represented only a part of the time, that then, *ipso facto*, a vacancy happens, and may be filled by the Governor's writ of election. Again, suppose by some mistake or Legislative enactment, the State law providing for the general elections, only related to one district of a State, and the other districts were not provided for—would there not be a vacancy? and how is to be filled, except by proclamation of the Governor? Vacancies thus occurring, appear to me to be such as are contemplated by the clause in the second section. In fact, if they are not the whole object of that clause, as I view, it may be completely frustrated, and the House of Representatives virtually annulled by the act of the Legislatures of the different States.

Let me put a case: suppose that all the States, like Mississippi, held their elections in November, and all had, by legislative enactment, fixed that time biennially for their general elections. The result would be, that, from the 4th of March to about the 1st of December—nearly nine months—there would be no House of Representatives; and if you deny to State Executives the right of issuing writs of election, there would be no means of forming one under the Constitution. Suppose, to carry out this case, that in April or May, a war should suddenly break out on both sides of the Union; to use the language of the honorable gentleman from Massachusetts, suppose "the candle should be lighted at both ends"—Mexico and Canada—with perhaps an insurrection in our own borders, the Florida war on hand, and an exhausted Treasury, and an army not sufficient to cope with 1500 Indians; yet, according to the construction attempted to be given to the clause in the 2d section of the Constitution, there would not only be no House of Representatives, but no means of procuring one. For six or eight months the country might be ravaged by fire and sword, and subjected to every evil incident to such a state of things, and yet we could have no Congress to act in such an emergency. The general elections would not be held till November; and according to the doctrine contended for by the claimants in this case, the Executives of the States would have no power of issuing writs of election; and we must remain six or eight months in such a state of things without relief. The clause conferring power on the State Legislatures, in the fourth section, would thus be made an instrument to defeat the very object in view, viz: the keeping up of a House of Representatives; and that which was intended to *preserve*, would be made an instrument to *destroy*. The doctrine is monstrous, and leads to absurdities too glaring to be tolerated.

I am aware, too, of the extreme cases which may be, and are, put on the other hand; that the Executive may, in this way, always supersede the general election, and that it makes him or his writ paramount to the legislative enactment. It is a power that may by possibility be abused in those States situated as Mississippi; but while the possibility is that such abuse may happen, the probability is strongly to the contrary, as no Governor would dare to be guilty of an act of such gross usurpation as has been supposed by the cases put by the gentleman from Mississippi; and moreover, the whole thing is easily and quickly remedied by a legislative enactment of the State fixing the time of holding elections, previous to the expiration of the current Congress.

This, in fact, should be done in all the States; and the propriety of that course is manifest, not only for the reasons above shown, but from the fact that most of the States have adopted that custom.

I cannot, from all this, resist the conclusion that the Governor had the power to issue his writ of election to fill the vacancy which existed in the representation of Mississippi in July last, and that if his writ was issued, and an election duly held under it, the vacancy is thereby filled legally and constitutionally; and this brings me to the consideration of a point which, to my mind, has created more difficulty than any other point in the case; and which is, whether this power was executed by the Executive—whether, in fact, a writ of election was issued to fill the vacancy, or whether, from the wording of it, the writ was in fact a nullity, and totally void from the beginning. I will, however, at this stage of the argument, digress a little while I notice another point, which I supposed had been conceded by almost all of this House, and which, if I understood the committee correctly, was unanimously conceded by them; and that is, that the members now sitting, if elected at all, were members of the entire Congress; that if the vacancy was filled at all, it must, of necessity, be filled for the whole unexpired term. The language of the Constitution is, that if a vacancy happens the Governor shall issue writs of election to fill such vacancies—not to fill *a part* of them, but to fill *the vacancies;* and he might as well issue a writ of election to fill the office for three days or three weeks as for three months. If he possesses the power to enlarge or abridge the vacancy at all, that power is unlimited.

I notice this point not to go into a discussion of it, because it was sufficiently discussed last session; is familiar to the minds of all, and, I believe, almost unanimously conceded. I assume it as a fact that if the Governor, by his writ, had a right to fill the vacancy at all, it must be for the whole unexpired term; and then the question recurs, did he do it? His proclamation or writ was in the following language:

"*By Charles Lynch, Governor of the State of Mississippi, to the Sheriff of ——— county, greeting:*

"Whereas, the President of the United States has convoked Congress to meet on the first Monday of September next; and whereas, a vacancy has occurred in the representation of the State of Mississippi in the House of Representatives of the Congress of the United States, by the expiration of the term of service for which Messrs. Claiborne and Gholson were elected:

"I do therefore issue this writ, authorizing and requiring you to hold an election in your county on the third Monday and day following in July next, for two Representatives to Congress, to fill said vacancy, until superseded by the members to be elected at the next regular election on the first Monday and day following in November next; and I do moreover enjoin you to conduct the same, in all respects, conformably to law, and make due return thereof to the Secretary of State. In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State, at the town of Jackson, this 13th day of June, 1837."

The Governor recites the vacancy—states how it occurred, and then orders an election "*to fill said vacancy.*" Thus far he is correct—he is fulfilling the imperative duty which the Constitution imposes on him—but he goes farther, and adds a clause which he was not authorized to do, declaring how long the members elected "*to fill said vacancy*" should hold—"until superseded," &c. he says. Now the question is, whether that clause shall be considered as surplusage, or whether, by means of it, the whole proceeding is rendered null and void.

Surplusage is that which is inserted in an instrument over and above what is necessary to accomplish the purpose intended, which may be stricken out, and yet leave the instrument entire and perfect for the object in view. In law, something in the pleadings or proceedings, not necessary or relevant to the case, and which may be rejected.

The plain and obvious intent of the proclamation was to fill the vacancy, as appears by the preamble; and this in pursuance of an imperative constitutional duty resting upon the Governor. He accordingly so frames his writ as to completely accomplish that object; but he goes farther, and declares, as he had no earthly right to do, how long the persons elected shall hold. This is surplusage, because the law and constitution had fixed the term of service, and the "*ipse dixit*" of the Governor cannot alter or abridge it; his remark on that subject is totally irrelevant, *and is surplusage*, and may be rejected as not relevant to the case.

Let me put a familiar case. In many States, perhaps in all, the sheriffs of the different counties are bound to give public notice in some newspaper of the time and place of holding general elections, stating what officers are to be voted for, etc. The terms of service of all such officers are fixed by law or the constitution. Now suppose the sheriff should ignorantly or wilfully insert in the proclamation the length of time such officers are to serve, and in stating the time, should abridge or enlarge the constitutional term—will any man undertake to say that such matter inserted in the proclamation would not be surplusage; that the whole proclamation and election under it would be void? If I am right, therefore, in these premises, the conclusion is irresistible that the Governor of Mississippi was not only fully authorized to issue his writ or proclamation to fill the vacancy which existed in July, but that he did do it substantially and fully. Under that writ an election was duly held according to all the forms of law, at which the sitting members were fairly elected by large majorities. This latter fact is not disputed.

But, sir, passing by all these arguments, I insist that the decision of this matter at the last session was final and conclusive, and cannot, or ought not, to be now rescinded, unless for *fraud* or *misrepresentation*.

I will first notice some of the arguments of the gentleman from Mississippi on this point; and one was, that the adoption of the resolution of last session, was merely an expression of opinion on the part of the House, and not a judicial decision.

Expression of opinion!! A more solemn judicial decision was never made by this House. At the very commencement of the extra session, even before the members were sworn, an objection was made to the right of the sitting members to seats in this House. At the earliest practicable moment the matter was referred to the Committee of Elections, who were directed to inquire and report as to their credentials, and "*whether they are members of the Twenty-fifth Congress or not.*" The committee examined into the matter, and reported on the 18th September, that they were duly elected members of the Twenty-fifth Congress, and, as such, were entitled to their seats. This resolution was fully debated for many days, on both sides of the question, and after mature deliberation, and full discussion, the House adopted the resolution on the 3d October, by a vote of 118 to 101.

This resolution *declares the fact*, that Messrs. Claiborne and Gholson are duly elected members of thh Twenty-fifth Congress; and its adoption is a judicial decision of this House, which is the highest and only tribunal for the settlement of such matters.

Suppose we adopt the resolution now under consideration, which declares that Messrs. Prentiss and Word are *not* members of the Twenty-fifth Congress, and are not entitled to seats in this House as such, and which is very similar in language to the one of last session, will the gentleman say that the adoption of this resolution is a mere expression of opinion, and not a judicial decision. If the resolution now under consideration should be adopted, when the gentleman goes back to Mississippi, and is asked how this question has been decided by this House, will he say, Oh! it has not been *decided* at all; the House have merely *expressed an opinion* that myself and Mr. Word are not members, &c.? No, sir; he would say no such thing. That decision was, and this when made will be, a judicial decision, expressed in all the strength and forms of law.

Again it is said, that by taking cognizance of this matter, the House have virtually yielded this point, and opened the matter for a re-adjudication.

Let us see how this question now comes before the House. Messrs. Prentiss and Word present their claim and demand seats. Would the gentleman have us turn them out of doors without a hearing? We cannot tell but they may show some good ground for reversing the decision of last session—fraud or misrepresentation, or perhaps they could show that the proclamation was a forgery; a great many facts might exist, which would prevent the House from interposing the principle of "*res judicata.*" It is only after the House has entertained the matter, and become possessed of the whole facts, that they are competent to determine whether the question has before been judicially determined—whether the principle of *res adjudicata* can be applied; and it would be strange indeed, if, in ascertaining the facts to see whether they should apply that principle, they should, by that action, deprive themselves of the *right* to apply it.

But, sir, it is contended that the decision of the last session was *ex parte;* that it was not between the same parties; and therefore, not binding upon them, and that neither Mississippi nor the claimants had any notice. Now this is putting it upon the ground of a former recovery or judgment in bar, and applying to it all those nice and technical relations which are necessary to support a plea, of former recovery, or judgment in bar.

There is much difference between such cases and the present. *Res adjudicata* is when a legal principle is settled, or when an interpretation is given as to some particular clause of the laws or the Constitution by a competent tribunal, after due deliberation. It then becomes a thing adjudicated upon; a principle settled, by which all like cases thereafter raised shall be governed, and much more, especially if the same right is involved; and no well-regulated body, acting as a tribunal in a judicial capacity, will overturn principles and decisions thus solemnly settled.

Let us, then, see what has been adjudicated and settled in relation to this matter. Sir, it is this: that when the regular election for members of Congress is, by the law of a particular State, fixed at a time long subsequent to the fourth of March in the year in which a new Congress begins, that the vacancy thus created in the representation from that State may be filled by a writ of special election, to be issued by the Governor under the clause in the second section of the Constitution; and that the person or persons thus chosen are members for the remainder of that Congress.

Such was the principle decided at the last session, and, as a necessary consequence thereof, the sitting members were declared duly elected as members of this Congress.

Does it make any difference that the present claimants to the seats are new parties, that their election has since taken place, or that the State or themselves were not notified at the former discussion of this matter. To illustrate this, suppose the like decision had been made years ago, in relation to a vacancy thus filled by the Governor of Connecticut. If the principle settled in the case from Connecticut was precisely the same as one arising now from Mississippi, the decision in this case must of course be the same, even though all of the parties to this case were entire strangers to the first.

But I do not, by any means, admit that even the parties are not the same now as at the last session. It was perfectly understood at the moment that the question was debated and settled at the last session, that a canvass was then going on in the State of Mississippi for the November election; that other members might and probably would be returned at that election; (because, if decided in favor of the sitting members, they here declared, openly on this floor, their determination to withdraw from the canvass, and not suffer their names to be used,) and although we could not know that the identical gentlemen now claiming the seats would be the ones, yet it was urged and supposed that some two gentlemen would submit this very claim. Mississippi was not forgotten in that contest, neither were the rights of the present claimants overlooked. We were in this dilemma: we must either refuse to that State her representation altogether at the extra session, which might be the most important of the whole, or we must declare the members which she then sent to us, were duly elected for the whole term. There was no alternative, and after careful review of the whole case, the latter decision was made, after full debate and solemn arguments.

But it is alleged that the House acted under a mistake of the facts, and this mistake consists simply in the fact, that Messrs. Claiborne and Gholson did not submit to the committee the certificate of the Governor or Secretary of State, which declared them to be elected for the called session only, or until superseded by others, to be elected at the regular election in November. Now, if, from the omission to produce that identical paper, there had arisen any mistake as to the true facts of the case; if the House had been led to believe that the election in July was different than what it purported to be by the writ of election; or that on the face of the papers it was not intended *by the Governor* to be an election for the extra session only, then complaints might be made that we acted under a mistake; but how was the fact. By recurring to the events of the last session, it will be well remembered, that on the very first day of the session this objection was raised. It was publicly stated here on this floor by Mr. Claiborne, that the credentials of himself and colleague were on their face, only for the "called session." It was then referred to the Committee of Elections, who reported a copy of the writ of election, which I have before adverted to, and which, on its face, declares that the members to be elected under that writ, were to hold until others should be duly elected in their place at the regular election in November. And this writ was the foundation upon which their whole case rested, upon which all their rights depended.

That showed clearly the whole case; and as the committee well remark, the certificate of the Governor could make no earthly difference, and would have made none in their decision. It could do no more than certify the fact of election under that writ, and in pursuance of it. Of that fact there was no question; it was proved *aliunde*. Suppose the Governor had certified generally that the sitting members were elected, without saying for what time, or in any wise limiting their term; it could not have helped them; they must go back to the writ of election as the basis of their right to seats, and as the foundation of their title to membership in this House. And on the other hand, if the Governor had certified that they were elected only for one month, or three months, that would not have altered the case; they still must go back to the writ as the basis of all their rights. This writ was before the committee and before the House; and there was no sort of misapprehension as to the fact. It was on all hands perfectly understood that the Governor had done all that in him lay, to abridge their term of service; and the question was fully and distinctly presented to the House whether he had any right to do so.

The production of the Governor's certificate would only have been cumulative evidence of a fact which was conceded and not at all disputed; which was perfectly proved, and which was well understood, viz: that the Governor had intended, so far as he was able, to limit their term of service.

Am I not right, then, in saying that *the principle was settled* at the last session, under a full knowledge of all the facts; under no mistake, and without any misapprehension on the part of this House in relation to this particular point; and that the decision is, and ought to be, binding upon all parties? And this position is entitled to additional weight, when we bear in mind that it was in favor of the same parties now here, who insist upon retaining their seats, and in full view or anticipation of all the facts now existing, and with the full knowledge that just such claims as are now urged, might, and probably would be, urged against the sitting members.

But let us look for a moment at the gross injustice of the reversal of our decision of last session, not only towards the sitting members themselves, but towards the State of Mississippi. They came here under a doubtful claim to seats. Their right was challenged. They at once appeal to this House as the *highest* and *only* tribunal to decide their rights. They urge a decision, and finally on the 3d October, the House, by solemn vote, declare and decide them to be duly elected for the whole Twenty-fifth Congress, and entitled to seats. They are virtually told that they need not go back to their constituents; nay, more—they were compelled by the

decision of the House to remain here during the session. I say compelled, because, being declared duly elected, their duty required them to stay until Congress adjourned, which was not till the 16th October, leaving them barely time to return to the State of Mississippi to stand the canvass for the November election, if they had felt so disposed. In the meantime the decision of this House is promulgated to the people of Mississippi. They are informed that Messrs. Claiborne and Gholson are declared to be duly elected for the Twenty-fifth Congress, and that any election of other candidates in November will be nugatory and void; and *some*, at least, of the people of Mississippi, did rely upon that decision, and did not cast their votes for members of Congress at the November election. How far this idea influenced the election in November, it is impossible to tell; but, by referring to the documentary evidence in this case, as reported by the committee at this session, it will be seen that in at least *seven* of the counties where, at the July election, large majorities were given to Messrs. Claiborne and Gholson, not a single vote was cast for them at the November election, and only a very small vote for Messrs. Prentiss and Word, and many other counties a great *decrease* of votes in favor of Claiborne and Gholson, without any corresponding increase in favor of Prentiss and Word and it further appears that the entire vote for Governor at the November election was 27,702, while the entire Congressional vote for Prentiss and for Claiborne, being the two highest candidates for Congress on each side, was only 19,909, thus showing clearly that nearly 8000 of the voters of Mississippi,who actually attended the polls in November, and cast their votes for some officers, did not vote for members of Congress; and to my mind the conclusion is irresistible that the votes withheld were thus withheld in consequence of our decision at the last session; and this inference is strengthened, if it needed any confirmation, by the fact which has been stated here by the sitting members, that they addressed circulars to their friends in Mississippi, in all parts of the State, immediately after the decision of the last session, apprizing them of the same, and at the same time informing their friends that they (Claiborne and Gholson) considered the question as settled, and that they should not be candidates at the November election. The decision of the last session became the law of the land and the law of the case. Believing in the validity of that decision, some eight thousand of the voters of Mississippi have stood by and taken no part in the Congressional election in November. They have suffered it to go by default: and now, sir, it is proposed to reverse that decision, and adopt the November election and the candidates then elected as the true expression of the popular will. I will not dwell upon the gross and outrageous injustice of such a reversal towards the sitting members—of the paltering with their rights and interests which this House would be guilty of by such a course. If the last spark of justice is not extinct in the breasts of the members of this House—if they yet retain one chord of feeling, which vibrates to the touch of conscience, they will pause long before they perpetrate an act so unjust and so palpably oppressive to the sitting members. But, without reference to their individual rights, how and in what situation would you leave the State of Mississippi by such a reversal—can you put her back in the situation which she was on the 3d of Obtober, when you decided that the sitting members were duly elected—can you place all parties in "statu quo?" If this could be done there might be some shadow of plausibility (though none in fact) in reversing the decision of last session. But this is not proposed. The proposition is to reverse that decision, with the view and for the purpose of adopting, as members of this Congress, those gentlemen who were elected at the one-sided election of November—of forcing that election upon the people of Mississippi as the true expression of their will: thus virtually saying to the people of Mississippi, in the first place, by our decision of last session, that their representation was full, and that they need not elect; and, after some of them have seen fit to disregard that decision, and have proceeded to elect other members, then adopting their acts as the fair expression of the people of that State; and this too, when it appears from the returns which I have before alluded to, that the claimants (Prentiss and Word) did not get a majority of the whole vote given at the November election, though they did get a majority of the Congressional vote.

But I will not dwell upon this point; the statement of the facts, to a mind not enveloped in prejudice and impervious to conviction, is amply sufficient to exhibit the glaring and manifest injustice of reversing our former decision. But whatever may be the opinion of this House as to the correctness of the decision of the last session, either upon constitutional grounds or otherwise, and if this House should see fit to reverse it, I cannot see how, upon any principle, or in any just view of the case, the election of November can be adopted and the claimants recognised as duly elected. To call that an expression of the will of the people of Mississippi, and to say that Messrs. Prentiss and Word are fairly elected, would be a greater outrage than even the reversal of the decision of last session.

One remark further, and I will close this argument, which, perhaps, has already borne hard upon the patience of the House.

It was contended by the gentleman from Mississippi, (Mr. Prentiss,) that the sitting members should not and ought not, in fairness, to insist upon the decision of the last session, or to entrench themselves behind it; that they ought not to raise the point of "*res adjudicata*," but that, waiving all advantage which might be had, and all rights which may have been acquired under it, they should open the argument on the main ground, as though the question had not been once decided. They were challenged to this course, and their chivalry and honor appealed to, to abandon a point which they, and more particularly their friends in Mississippi, and I think a large majority of the voters of Mississippi, will consider as conclusive and impregnable.

The entreaty or challenge reminded me of that given by Richard Cœur de Lion to the famous Saladin, at the last interview which we read of in romance between those renowned warriors in the days of the Crusades, when it had become apparent that the league between the Princes of Christendom was at an end, and that their power was broken. When Richard proposed to enter the lists with Saladin, and by single combat decide the long vexed question between the Christian and Paynim as to the possession of Palestine, and even in language of entreaty besought the Saladin to consent to run at least three courses with grinded lances. Saladin admitted that nothing could give *him* greater pleasure than to enter the tournament with a warrior so renowned; that he could desire no greater earthly honor, and that should he be vanquished, it would insure him not only a speedy, but glorious passage to Paradise; but he well knew too that the Christian army was about to be dispersed, that the possession of Palestine would be undisputedly with the followers of the Prophet, and he wisely and prudently replied, "Allah has given the possession of Jerusalem to the true believers, and it were but a tempting of God and the Prophet to peril so mighty a stake upon the issue of such an encounter, and upon the prowess of my single arm. I have no right to give up those advantages which have been fairly acquired by the faithful, and belong to all the followers of the Prophet."

MISSISSIPPI ELECTION.

REMARKS OF MR. PARKER,
OF NEW YORK,

In the House of Representatives, February 5, 1838—On the amendment proposed by Mr HOWARD, declaring that Messrs. Prentiss and Word were not entitled to seats as members of the 25th Congress.

Mr. PARKER addressed the House as follows:

I have hitherto, Mr. Speaker, abstained from taking any part in this debate, both at the called session when I gave a silent vote in favor of the right of Messrs. Claiborne and Gholson to hold their seats as members of this Congress, and at the present session when the same question was again agitated; but the vote of this House, rescinding the resolution of the last session, has necessarily brought before us new questions for consideration and we are now called on to determine whether Messrs. Prentiss and Word shall be received as members, or whether we shall send back all the claimants to Mississippi to abide the result of a new election. Under these circumstances, it becomes my duty to lay before the members of this House and the country the reasons that influence me in the course I am about to pursue, that my votes may not be misunderstood.

The representation from the State of Mississippi became vacant by the expiration of the term of the Twenty-fourth Congress on the fourth day of March last. The term of the Twenty-fifth Congress then commenced. Circumstances rendered it necessary for the President to call an extra session of the Twenty-fifth Congress, to meet on the first Monday of September and the election of members would not take place, under the law of the State of Mississippi, until November. That State would, therefore, have been deprived of the inestimable right of representation at the called session, if no provision had been otherwise made for filling the vacancy. But it was provided by the second article of the Constitution of the United States, that "When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies."

Deeming this provision applicable to the existing case, the Governor of the State of Mississippi issued his writ in pursuance of which an election was held in that State in July last, when Messrs. Claiborne and Gholson received a majority of the votes, and were declared duly elected. They were qualified and took their seats at the called session. It had also been declared by the Constitution that representatives in Congress should be chosen every second year.

This House having the exclusive power, under the fifth section of the Constitution, to "judge of the elections, returns and qualifications of its own members," the questions were submitted to the House, whether Messrs. Claiborne and Gholson were legally elected; and if so, for what length of time they were entitled under that election to hold their seats. These questions were patiently investigated by the Committee on Elections, and fully and ably discussed in the House, and resulted in the decision that they were duly elected for the entire term of the 25th Congress, and a resolution was adopted to that effect. Trusting to the legality of this decision and the good faith of the House and supposing the question finally settled, Messrs Claiborne and Gholson did not return and present themselves before the electors of Mississippi for re-election in November. Messrs. Prentiss and Word, though perfectly aware of the decision of this House, announced themselves as candidates in November last, and running without opposition, easily obtained a majority of the votes given for representatives in Congress, appeared here as contestants for the seats, and after a long and animated controversy, this House, by a trifling majority, has been led to the extraordinary result of rescinding the resolution solemnly and deliberately adopted at the last session.

Mr. Speaker, I will not now stop to inquire into the *power* of this House to reverse a decision previously made, under which individual rights had accrued, nor will I now discuss the *expediency and propriety* of so dangerous a precedent as annulling the deliberate adjudication of a previous session, which involved the rights and interests of a sovereign State. The assumed power has been exercised. The House has vacated its former decision; and whether it has acted justly or tyrannically in this matter, I cheerfully submit to the people to determine. My own vote is on record, as my protest against this proceeding.

It has been conceded by almost every member

who has addressed you on this subject, that if Messrs. Claiborne and Gholson were constitutionally elected in July last, they were entitled to hold their seats for the entire Congress, there being no authority to abridge the constitutional term.

The question whether the election in July was valid is therefore still before the House; for if that election was constitutional, the State of Mississippi was fully represented and Messrs. Prentiss and Word could not have been legally elected in November. This question has already been argued at great length, and with distinguished ability, on both sides; and I do not purpose to enter fully into the discussion of that point. To my mind, the construction put upon the word "happen" in the Constitution was perfectly plain, and in accordance with its common acceptation. Vacancies *happen* when vacancies *exist*. The same signification has been given to this word where it occurs in other parts of the Constitution. In the second section of the second article of that instrument, it is provided that "the President shall have power to fill up all vacancies that may *happen* during the recess of the Senate, by granting commissions, which shall expire at the end of the next session." Under this section, it was repeatedly held under the administrations of Mr. Monroe, Mr. Adams and General Jackson, that the word "happen" did not confine this power to cases occurring by death or resignation, but that it extended to all cases where a vacancy existed, whether it occurred by the expiration of a previous term or otherwise. This construction was sanctioned by the practice of those Administrations, and supported by the written opinions of Attorney Generals Wirt and Taney. It was clearly the desire of the framers of the Constitution to guard against all cases of vacancy, and to provide that no State of this great Confederacy should be without representation in the councils of the nation; and no other construction than that I contend for, could carry that intention into effect.

But, sir, if any doubt existed as to the legality of the election held in July, it was the constitutional prerogative of this House to decide upon its validity. The Constitution had selected it as the tribunal to judge—had clothed it with full powers and given it exclusive jurisdiction; and the State of Mississippi, in assenting to the Constitution, had itself expressly confirmed the grant. The House exercised this power at the called session. It declared the election of Messrs. Claiborne and Gholson to be constitutional and valid. Was not the State of Mississippi bound by that decision? That resolution was binding and conclusive—at least until rescinded; and was unrescinded and in full force when the election was held in November last. At that time, therefore, the representation from Mississippi was full, and the sitting members were in the complete enjoyment of all the privileges, and discharging all the duties of Representatives from that State. It is true the forms of an election in November were complied with, but it was the mere form—the shadow without the substance—an automaton movement, devoid of life, spirit, and animation. If, therefore, the first resolution of this House was erroneous, it being constitutionally made, and the State of Mississippi a party to that decision, she was bound by it until reversed. The seats were filled not only *de facto*, as contended for by my honorable friend from Maine, (Mr. CILLEY,) but *de jure*, by a legal adjudication; and no election could be legally held in November to supply a representation already filled.

If a disinterested spectator could have listened in the gallery to all that has been said on this question by the members who advocate the claims of Messrs. Prentiss and Word, he could not fail to have been much amused by the inconsistency of their arguments, and the opposite character of the positions they have assumed. One rests the whole case upon the meaning of the word "*happen*," and contends that it applies only to events that are unforeseen; another admits the true signification of the word in its broadest sense and bases his argument on other grounds. The honorable member from Maine (Mr. EVANS) deprecates the propriety of referring to an English law book as authority, and claims that no decisions of the courts, however analogous, ought to have any weight in deciding a grave constitutional question; while the gentleman from Rhode Island, (Mr. TILLINGHAST) who followed him on the same side, resorts to the laws and practice of his own State as the copious fountain from which he imbibes his constitutional learning. In answer to the argument that the first resolution covers the period of the second election, the latter gentleman insists that when that resolution was rescinded, it became void "*ab initio*," and placed the parties in the same position they would have occupied if no resolution had been adopted. He compares it to a judgment of an inferior court reversed by a tribunal of appellate jurisdiction. This reasoning is fallacious, and, if carried out, would lead to a most absurd conclusion; for it would prove that all the votes given in this House by Messrs. Claiborne and Gholson, after the date of that resolution, were absolutely void. It would unsettle past legislation, and involve us in the most serious consequences.

The honorable member from Pennsylvania (Mr. BIDDLE) has warned the House against the danger of forming opinions not based on fixed principles, and stated several supposed cases by way of illustration, resting, as he informs us, upon the principles of the English common law. Let us examine one of these cases. He says, "A sues B, in an action of ejectment for a piece of land and recovers and takes possession, and builds upon it a three story brick house, and makes other valuable improvements. Ten years afterwards a shrewd yankee comes along, and on examining the papers on which B's defeated title rested, discovers that the judgment against B is erroneous, purchases B's title, institutes an ejectment suit against A before the same judge, (a judgment in ejectment not being conclusive,) convinces the judge of the error of his first decision and obtains judgment." He says the house and other improvements made by A belong to the purchaser of B's defeated title, and the hardship of the case could not be legally urged against the second recovery. I do not know, Mr. Speaker, but transactions of that kind may be practised without violating the laws of Pennsylvania, but I have too high an opinion of the moral sense of community to suppose they would be tolerated in any State. If the "shrewd yankee" should stray into some portions of the Union and attempt to engage in such a speculation, he would, at least, render himself obnoxious to the code of Judge Lynch, even if he should escape the reach of a better regulated tribunal. No honest people would tolerate such practices. In New York, sir, the purchaser of such a title would not only be subjected to criminal punishment for a misdemeanor, but his conveyance would be absolutely void, and he could not sustain the suit brought to recover back the land.

I am surprised, sir, that the gentleman should state, as analogous, a case where the rigid requirements of the law lead to such inequitable results. Much as we admire the beautiful proportions and symmetry of the English common law, it cannot be denied but it has some features, the growth of feudal times, by no means adapted to the liberal and equitable views of the people of this country; and in the twenty-five States of this Confederacy in which the common law has been adopted, its severity has been tempered by statutory enactments, rendering it more conformable to the spirit of our institutions.

It is true, sir, that at common law the judgment in ejectment was not a conclusive bar to a subsequent suit. But the gentleman from Pennsylvania should recollect that it was merely a *possessory* action; that it did not try the *title* to land, and therefore the analogy fails; for it was the *title* of Messrs. Claiborne and Gholson to seats in this House that was settled by the first resolution; the title to land by the common law could only be settled by a writ of right, and in that action the judgment was final and conclusive; at all events, so far as the same tribunal was concerned. The only resemblance I can discover between the case supposed by the honorable gentleman, and the case before us, is in the manifest injustice of both cases.

The same honorable gentleman, Mr. Speaker, in alluding to the course pursued on the question under discussion, has spoken of what he thinks proper to call "the efforts to sustain a sinking party." He has not informed us, sir, whether he intended this reflection as a censure upon his own party or upon the friends of the Administration. If upon the former, I will not certainly interfere in their family quarrels; but if this uncharitable charge is made against the political party with which I am associated, though I am disposed to concede to every member on this floor the same honesty of purpose I claim for myself, yet in this case I am bound to cast back the imputation.

We were told, sir, by one of the claimants of a seat here, (Mr. Prentiss) when he first addressed you at the bar of the House, that he advanced no personal claim—that he advocated the claim of the sovereign State of Mississippi—and he presented himself as the knight of that young and beautiful member of the political sisterhood—the lady-love, whose gage he professed to wear, ready to break a lance or shiver a spear with his rival. Judging, from these repeated protestations of devotion to his fair mistress, I supposed the gentleman would willingly consent to refer the matter to the choice of the lady herself, and like a gallant knight, submit to her decision; but when the proposition came before this House to send back this matter to the people, his affection seemed to have cooled; his confidence in his lady-love appeared shaken; and, in addressing you the third time, to my surprise he protested against submitting this question to the people, and in preference to that course, urged this House to permit Messrs. Claiborne and Gholson to retain their seats here.

We should recollect, sir, that the laurels of the gentleman were not won on a contested field, but that they were borne off by him at the November election, gallantly it may be, but with no opposing knight, and without competition.

There is another reason, sir, why I deem it my duty to vote against the claims of the contestants, and in favor of requiring a new election in Mississippi. It is because the course pursued by the House of Representatives has operated as a fraud, not only upon the rights of Messrs. Claiborne and Gholson, but of the people of the State of Mississippi. I admired the candor which induced the honorable member from Indiana (Mr. WHITE,) to say, that having voted for the first resolution, and afterwards in favor of rescinding it, he had contributed to the committing of a fraud upon the people of that State, and felt bound to vote to send back all the claimants, for the decision of the people; and I should be much pleased to see other gentlemen of that party pursue a similar course. However pure the intention of members may have been in voting to rescind that resolution, we cannot deny that it has wrought the grossest injustice toward the sitting members, and the people whom they represent. Relying upon the first decision, Messrs. Claiborne and Gholson were not candidates at the election in November. The people of Mississippi were apprised of the proceedings of Congress, and confiding in its character, dignity and good faith, neglected to go the polls. An *ex parte* election was held, at which Messrs. Prentiss and Word received less than half the number of votes cast for Governor at the same election. What the result would have been if the election had been fairly contested, it is impossible to know; but if candidates running without opposition cannot obtain half the votes cast at an election, we can hardly suppose they would have received a majority, if the election had been contested.

Ought we, then, to hesitate in exercising the power conferred on us by the Constitution, in such a manner as to do justice to all parties? Let us, then, refer back this question to the people, the legitimate source of all political power. The fact that the members of this House are nearly equally divided in opinion on this subject, furnishes an additional argument in favor of this course. When the will of the people of Mississippi shall have been legally and fairly expressed, I have no doubt all parties will cheerfully acquiesce in its decision.

PRE-EMPTION TO ACTUAL SETTLERS.

DEBATE IN THE SENATE,

SATURDAY, Jan. 27, 1838.

The Senate took up, as the unfinished business, the bill to grant the right of pre-emption to settlers on the public lands: the question pending being on the amendment submitted yesterday by Mr. BAYARD, requiring that this act shall be construed in accordance with such rules as have been prescribed by the Commissioner of the General Land Office, under the former pre-emption laws, and are now in force.

After some debate, the question was taken on Mr. BAYARD's amendment, and it was lost—yeas 13, nays 27, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Knight, Merrick, Prentiss, Rives, Robbins, Ruggles, Southard, Swift, and Williams —13.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Indiana, Tallmadge, Tipton, Walker, White, Wright, and Young—27.

Mr. LINN offered an amendment requiring that this act should not be so construed as to deprive those of the benefit of pre-emption who were in the possession of certain fractions of land reserved from sales, in consequence of certain French and Spanish grants then unsettled.

In offering this amendment, Mr. L. went into a full explanation of the settlements made by persons in a certain district in Missouri, who, he contended, were entitled to all the privileges of the pre-emption laws, which, as the bill stood, might be excluded.

Mr. CLAY of Alabama suggested that it would probably be better to limit the amendment to Palmyra District, which Mr. LINN assented to.

Mr. NICHOLAS made some few remarks, which were understood to be, that there were a number of like cases in Louisiana, which hung like a mill stone around the State.

After some further debate, the amendment was adopted.

Mr. LYON moved an amendment, requiring that no pre-emption claim, resting on certificates heretofore issued, but contested, should be affected by this act till the certificate should be surrendered by the owner thereof.

Mr. CLAY of Kentucky thought this amendment wrong, as it would cover and protect cases of settlement by agent and attorney—a deceptive mode of obtaining pre-emption titles, which had been alleged to prevail to a great extent.

After a few remarks by Mr. CLAY of Alabama against the amendment as nugatory, and by Mr. LYON in favor, the amendment was rejected.

Mr. HUBBARD offered an amendment, exempting from the operation of this act all lands which had been offered at public sale.

This amendment, after being debated for some time by Messrs. ROBINSON, WALKER, MORRIS and BAYARD, was finally withdrawn by Mr. HUBBARD.

Mr. MERRICK then offered the following amendment:

Insert after the word years, in the tenth line, "Provided, that the right of pre-emption granted by this act, or the act hereby revived, shall not accrue to any other persons than those who were, on the 1st day of December, 1837, citizens of the United States; and such citizenship shall, in all cases, be established by legal and competent testimony, to the satisfaction of the Register and Receiver of the land district in which the lands may lie, prior to any entry thereof, by virtue of the provisions of this act."

Mr. WALKER was entirely opposed to the adoption of any such amendment. It not only excluded aliens that had been driven by oppression to seek a shelter among us, but would also prevent those who voluntarily sought homes in the country of their adoption. It savored too much of the old alien and sedition law to meet his encouragement. He pointed to cases where the bounty of the Government had been extended to foreigners; and cited the case of the exiled Poles. He alluded, also, to the number of foreigners that had so warmly espoused the American cause at the time of the Revolution, and had so freely shed their blood in defence of her rights during the late war with Great Britain.

Mr. NORVELL said the Senator from Maryland seemed to suppose that this bill proposed to give a bounty to the pre-emption settlers upon the public lands. This was a mistake. The bill gave only a preference to actual settlers upon these lands. They were obliged to pay the Government price for them. They were the pioneers of the new States—the cultivators of the soil—the defenders of the country against Indian aggression. It was to them, in a great degree, that the West was indebted for its early advances in settlement, cultivation, and civilized comfort. They had made the wilderness blossom as the rose—the desert smile with gladness and joy. Was it proper to denounce such men as heartless trespassers, fraudulent speculators, robbers of the public lands, as they had been denounced by the Senator from Kentucky? (Mr. CLAY.) It was these people that gave value to the public domain, and brought into action the early impulses for adventure and emigration to the Western wilds, which, but for them, would have made but slow progress towards the subduing results of industry and enterprise. The Senator from Maryland had asked, whether we were to be called on to bestow this bounty upon foreigners—upon the foreign paupers from Europe? Sir, if foreign emigrants will come among us, clear our lands, drain our marshes, and plant the soil with wheat and corn, what possible objection could be made to allowing them thus to contribute to the population and wealth of the country? Paying the Government price for the lands, it was impossible that either foreign or domestic paupers could come in for the benefit of these pre-emption laws. The fears of the honorable Senator from foreign paupers were imaginary. They were never able to purchase lands; they were never pre-emption claimants. The past pre-emption laws had never made the distinction now proposed by the Senator from Maryland. They had not restricted settlements and purchases of this kind to citizens of the United States. Congress had, in his judgment, no authority to prescribe the class of persons who should become proprietors of lands in the States. It was for the States themselves to regulate this matter. He considered the proposition an attack upon the new States. If the honorable Senator from Maryland did not choose to allow these foreigners to come and settle on the soil of Maryland, he begged him at least to suffer the people of Michigan to receive them. They were among her best and most useful inhabitants. They would not take the trouble to come from Europe to purchase and pay for lands, unless they meant to become permanent settlers and citizens, the parents of future native Americans, identified with the soil, the advantages, the perils, and the glories of the country.

Mr. CLAY of Alabama expressed his astonishment at the motion of the Senator from Maryland, (Mr. MERRICK) to exclude foreigners settled on the public lands from the right of pre-emption. That honorable Senator, Mr. C. said, could not be aware that his amendment, if adopted, would go to change the whole policy of the Government heretofore toward that unfortunate class of individuals. That policy, Mr. C. said, had commenced more than twenty years ago. In the year 1817, Congress passed a law setting apart four contiguous townships of land for the French emigrants, who had followed the fortunes of Napoleon, and been driven from their own country by the last disastrous battle of that great chieftain. Carrying out in practice the theory that our own free country is the asylum of the oppressed of all others, Congress, by the law alluded to, had authorized the grant of those four townships to these unfortunate exiles, on better terms than land was sold to our own citizens; that is, not only at the then minimum price, but on a credit of fourteen years.

Again, on a more recent occasion, when the liberties of unhappy Poland had been cloven down by the power of despotism, and many of her unfortunate sons had sought a refuge in this only "land of the free," Congress had granted thirty-six entire sections of land to two hundred and thirty-five of her exiles, on the payment of the minimum price in ten years. Indeed, Mr. C. remarked, the Senate had gone so far in this case, as well as he recollected, as to pass the bill last alluded to in such form as to make the grant a pure donation; but the House had very properly modified the bill, so as to require the payment of the minimum within ten years. Mr. C. said he was not disposed to put foreigners on a better footing than native citizens, but he was far from a disposition to exclude such as were cultivators of the public lands, and had thus given evidence of their intention to reside permanently amongst us, from the benefits common to others, especially when the laws of most of the States allowed them to become landholders. He was, he said, in favor of making our own country emphatically what it professed to be—a refuge and a home for the oppressed of all other countries—an asylum for every foreigner who might be driven into exile by the hand of tyranny.

Mr. C. made other remarks against the adoption of the amendment offered by the Senator from Maryland, urging its rejection, and expressing the earnest hope that Congress would not now depart from the liberal and humane policy which had heretofore characterized its legislation.

Mr. BENTON was entirely opposed to the amendment of the Senator from Maryland (Mr. MERRICK.) It proposed something new in our legislation. It proposed to make a distinction between aliens and citizens in the acquisition of property. Pre-emption rights had been granted since the formation of the Government; and no distinction, until now, had been proposed, between the persons, or classes of persons, to whom they were granted. No law had yet excluded aliens from the acquisition of a pre-emption right, and he was entirely opposed to commencing a system of legislation which was to affect the property rights of the aliens who came to our country to make it their home. Political rights rested on a different basis. They involved the management of the Government, and it was right that foreigners should undergo the process of naturalization before they acquired the right of sharing in the Government. But the acquisition of property was another affair. It was a private and personal affair. It involved no question but that of the subsistence, the support, and the comfortable living of the alien and his family. Mr. B. would be against the principle of the proposed amendment in any case, but he was particularly opposed to this case. Who were the aliens whom it proposed to affect? Not those who are described as paupers and criminals, infesting the purlieus of the cities, but those who had gone to the remote new States, and to the remote parts of those States, and into the depths of the wilderness, and there commenced the cultivation of the earth. These were the description of aliens to be affected; and if the amendment was adopted, they would be excluded from a pre-emption right in the soil they were cultivating, and made to wait until they were naturalized.

The Senator from Maryland (Mr. MERRICK) treats this as a case of bounty. He treats the pre-emption right as a bounty from the Government, and says that aliens have no right to this bounty. But, is this correct? Is the pre-emption a bounty? Far from it. In point of money, the pre-emptioner pays about as much as any other purchaser. He pays the Government price, one dollar and twenty-five cents; and the table of land sales proves that nobody pays any more, or so little more that it is nothing in a national point of view. One dollar twenty-seven and a half cents per acre is the average of all the sales for fifteen years. The twenty millions of acres sold to speculators in the year 1836, all went at one dollar and twenty-five cents per acre. The pre-emption then is not a bounty, but a sale, and a sale for full price, and, what is more, for solid money; for pre-emptioners pay with gold and silver, and not with bank credits. Numerous were the emigrants from Germany, France, Ireland, and other countries now in the West, and especially in Missouri, and he (Mr. B.)

had no idea of imposing any legal disability upon them in the acquisition of property. He wished them all well. If any of them had settled upon the public lands, so much the better. It was an evidence of their intention to become citizens, and their labor upon the soil would add to its product and to the national wealth. In reply to some remarks from Mr. CLAY of Kentucky, in which that Senator supported the amendment proposed against foreigners, and thanked the Senator from Maryland for offering it, Mr. B. said there was one class of politicians who had no right to object to foreigners for any purpose, and that class was those who were in favor of a national bank with foreign stockholders. Those who could go that, he should suppose could have no objection to foreigners for any thing, much less for the innocent occupation of cultivating the earth. We have had two national banks, both largely owned and controlled by foreigners, and a third bank of the same kind was still wanted. Now what was a national bank, that it should be a place into which foreigners were admitted without danger, in the opinion of this class of politicians, while they could not be admitted to the privileges of a pre-emption? What was this national bank, of which we have had two, and for another of which a certain political party were so anxious? A national bank was the furnisher of a national currency, the regulator of all local banks, the regulator of exchanges foreign and domestic, the regulator of the price of all stocks, of all property, and of all produce; and it was, according to the theory of the same party, the Treasury of the United States. A national bank was a "political machine," in the language of Gen. Hamilton, "of the greatest importance to the State." As a political machine, as well as a pecuniary insitution, the two national banks of the United States had openly and publicly acted. Yet there were persons, and a party, who could see no objection to placing such an institution in the hands of foreigners! who could see no objection to vesting aliens with a power over the currency, the property, the treasury, politics, and the elections of the country, and yet saw the greatest danger in a hundred dollars' worth of land being sold to an alien! According to this logic, a solitary alien cultivating the ground on the frontiers of a remote State, is too dangerous a character to be trusted with the privilege of a pre-emption right in a quarter section of land; bu ta band of foreign capitalists, wielding tens of millions of money, making money out of rags, putting up and putting down the price of all property, interfering in all elections, and bringing money to bear upon all political questions; these, truly, were innocent aliens, from whom no harm was to be apprehended. and whose chartered privileges having been enjoyed for forty years, must be enjoyed for twenty years more; and, after that, for ever! Such is the logic with which we are to be entertained! Such the contradictions which are given to us to swallow! But what is the secret of this inconsistency—what the cause of this contradiction—what the reason of this dread of a solitary cultivator, and this love for a band of foreign capitalists? What is the reason why the solitary cultivator is to be denied the privilege of a pre-emption right in an hundred dollars' worth of land, and the foreign capitalists are to be allowed to wield the pecuniary and the political power of the country? What is the reason of all this? Sir, the reason is one of inference and deduction. Is it not political? Is it not because the cultivator is a Republican, and because the foreign capitalists are Monarchists? Is it not a political reason, which follows the law of affinities, adhering to what it loves, and repelling what it dislikes? The Senator from Kentucky (Mr. CLAY) has thanked the Senator from Maryland for bringing forward this amendment; and I will thank him for it also. He shall have what rarely occurs in this chamber, thanks from both sides of the House! Certainly I should never have stimulated any gentleman to propose such a motion; but since it was done, I must be permitted to express thanks for the opportunity which it had afforded of contrasting the fears of a certain political party for a few solitary foreigners cultivating the soil, with their love and confidence in a band of alien lords and ladies, wielding the powers of a national bank.

Mr. MERRICK said he had not anticipated opposition from any quarter to a proposition which appeared to him so obviously right in itself, and which, he could not but add, he believed to be so loudly called for by a just regard to the rights and interests of the citizens of this Union. He had listened attentively to the arguments of honorable Senators who had risen in opposition, but had heard nothing which did not tend to confirm the views and opinions which had prompted him to offer the amendment. Indeed he had hoped, till the contrary appeared, that the principle and objects of the amendment would have found a ready response in the breast of every American. Disappointed in this hope, he felt obliged very briefly to notice some of the remarks which had fallen from gentlemen on the other side. One honorable gentleman, the Senator from Mississippi, (Mr. WALKER,) had said the amendment reminded him of the alien and sedition laws. The Senator must have forgotten the nature and tendency of those laws, or he could not have made a remark so entirely inapplicable. There was nothing in the amendment which bore the slightest resemblance to the nature or object of these laws; and he would add, there was no man, in or out of that body, who had at all times been, and still was, more disposed to resist, to the last extremity, the principles and spirit of those laws, than himself. Any argument about them, however, would be foreign to the question before the Senate, and he would therefore pass them by. The bill and amendment before the Senate involved questions relating solely to the mode of disposing of the public domain, and the persons to whom special favors should or ought to be shown in making that disposition: he should confine himself to remarks applicable to those questions.

The bill proposes to grant the right of pre-emption to *the actual* settlers upon the public lands; that is, to allow to *all persons* who may have entered upon the vast tracts of valuable lands in the West, (acquired by this Government with the common means, and held as the common property, of all the people of the United States) and hunted out and selected the most valuable and choice portions of that property, to keep and hold those selected spots to the exclusion of every one else, paying only therefor, whenever it may suit the convenience or pleasure of the Government to survey and bring the circumjacent lands into market, the minimum price of one dollar and a quarter per acre. In other words, it holds out the tempting lure of great gain to all who will intrude, contrary to law, upon the property of the people of the country. It proposes a large bounty to all who will lawlessly seize upon that which belongs indisputably to all the *citizens* of the country, and appropriate it to their individual use; for, sir, I maintain it is a bounty, it is a large and valuable gratuity, you give, when you allow the privilege of selecting your best and most valuable tracts of land, and paying for them at some distant day the paltry sum of one dollar and twenty-five cents per acre, when, in fact, the lands so selected and culled out are worth, and would command were they fairly brought into the open market, ten or twenty times the sum.

The amendment I have offered proposes so to modify the bill as to limit the grant of this bounty to our own *citizens*; to exclude from the immense advantages of this law and this policy (for remember, it is avowed on the other side that this is to be the settled policy of the Government, and all other similar laws are to be passed continually hereafter) all aliens, all who are neither native nor naturalized citizens of the Union. Between the native and *naturalized citizen* I propose to make no distinction in this respect; but I desire, while you are about to deal out the property of the American citizens in bounties and gratuities, that you should confine your liberality in disposing of their means to your own people.

What, sir, has been the chief argument urgument urged in favor of the passage of this bill? Was it and is it not, that you thereby give to the industrious and honest and enterprising poor man, who owns no land, and has not the means of purchasing in the old settled portions of the country, an opportunity of acquiring a home, and comfort and independence for himself and family? And will you, can you, while you use this argument, exclude our own citizens from the advantages thus speciously held out, by letting loose, as competitors with them, the hordes of European and other foreign vagrants, knaves, and paupers; and will not the poor man, the honest and virtuous and industrious poor man, of this country be effectually excluded from all the vast benefits and advantages of this and similar laws, if you reject the amendment I have offered? Yes, sir, they will be excluded by the preoccupancy of the knaves and paupers of the old world. Already this description of persons are flocking in most pernicious herds to this country: let it once be known that they are admitted to the free and full enjoyment of the advantages of these pre-emption laws; that they are authorized by Congress to come in any numbers, and seize upon the inheritance of the American people, and the character of our frontier population will be sadly changed. No longer shall we find our frontier, as it extends farther and farther west, peopled by brave and hardy and patriotic yeomanry. That which has hitherto been the bulwark, may become the scourge of the country. You will have there a vicious, corrupt, and debased swarm of outcasts from Europe; and the poor, but honest and proud-hearted, American freeman, will rather die in poverty and want, than dwell among such people. No, sir, he will never go among them; and you exclude him as effectually, by refusing to shut the door against such alien intruders, as if you were to proscribe him by name in your statute. Make the professions I have heard good; so frame this bill as in *fact* to enable the meritorious poor men of our own country who have them not, to acquire homes and comfort and independence for themselves and families, and my heart will be with you; at all events, bestow not the property of the citizens of this Union in bounties upon aliens, who owe you no allegiance, who have no sympathies for, no ties to bind them to you, but who are, from habit and education hostile to all those institutions so dear to this Republican people. Sir, so to bestow this property, to pass this bill as it now stands, without the amendment, will be an outrage upon the rights as well as upon the feelings of the American people.

The Senator from Michigan (Mr. NORVELL) has said, the adoption of the amendment will amount to an interference with the laws and institutions of his State; because, in that State, foreigners not naturalized are allowed to acquire and hold real property. How does it interfere with the domestic policy of his State? The amendment proposes not to repeal the laws of Michigan regulating titles to property within her borders; it proposes not to interfere in any manner with the right of any one to *purchase* land of the Government, or of individuals any where; every one will still be free as they now are to make purchases at private or public sale; unnaturalized foreigners may still acquire Government lands or any other lands by *purchase* in Michigan or any other State, the laws of which allow *aliens* to hold real estate. Such is not, however, and I trust will not become the policy of many of the States. The amendment touches not that question, but leaves it where it ought to remain, with each State respectively. The amendment proposes only to confine the bounty of this Government, about to be extended largely and liberally, to our own fellow citizens; and to cut off those to whom we owe nothing, those who are alien to us in every sense from unjust and pernicious participation in advantages which ought certainly to be granted, if granted at all, to none but *citizens* of the Republic. The distinguished Senator from Missouri (Mr. BENTON) has said that it is a question of only a few cents upon the acre of land; and has directed my attention to a document containing a statement of the average price obtained by Government from sales of public land, showing that those sales exceed, in their average, the minimum price (one dollar and twenty-five cents) fixed by Congress only a few cents per acre; and hence he concludes, as the pre-emptions will, in the end, pay that minimum price, the amount of bounty granted by this

bill will be but some two, or three, or four cents per acre. We differ very widely, sir, in our estimate of these advantages. Nothing could be more erroneous than any conclusions to be drawn, or estimate which can be made, of these advantages, from the document or average of sales to which the honorable Senator has referred. Sir, you have no data, you can have no data, from the very nature of the transaction, by which to form a correct estimate of the pecuniary value of the advantages granted by this bill. Much of your public land is of very great value. Mention has been made, over and over again, in the course of this debate, of a single tract, of some two hundred and ten thousand acres, in the State of Indiana, to which the Indian title has been but very recently extinguished, and which is not yet even surveyed, the *present* value of which is admitted on all sides to be not less than twenty, and by many said to range as high as fifty dollars per acre; and this immensely valuable tract we know is already covered with these squatters, these actual settlers, as they are called. How much will be the bounty granted by this bill to these persons, by giving them the right of pre-emption in this land at *one dollar and a quarter* per acre? By allowing them thus to seize upon property purchased by the common treasure of the whole people, and appropriate it to their individual use at a merely nominal price, here is a difference of something more than a few *cents* per acre; an excess above the estimate of the honorable Senator quite large enough to tempt an European felon, when authorized by law to do so, to endeavor to snatch it from the hands of the poor American citizen. This is now already occupied by the squatters; but other similar tracts, holding out lures no less tempting, will from time to time be found, and instances of no less flagrant injustice will from time to time occur, if this policy is to go on. And why should the alien and the stranger, people who know us not and care not for us, be allowed the privilege of seizing such prizes, and wresting them from our own meritorious and enterprising, and, if you please, poor citizens? Sir, the average of sales does not show, cannot show, the value of the lands granted away by this bill. Pre-emption laws would seem to be the cause, and should not, therefore, be urged as a consequence, of the low average of sales. The most valuable lands, the choice tracts—those which would command the highest price if brought fairly and equally into the market, and thus swell the general average—are all culled out, pre-occupied by these squatters, aliens, and others, and accounted for in the sales only at the very minimum. The refuse land, after these people have picked and culled it all over, is alone left to be disposed of at public sale. No wonder, then, your average should be low.

To suppose the average of sales which has been referred to, is sufficient data upon which to estimate the amount of bounty granted by this bill, would be to suppose there was no difference in value between the most fertile, the best wooded, best watered, and most advantageously located tracts of country, such as squatters will always seize upon, and those most destitute of these qualities; would be to suppose that all the public domain, fertile and sterile, prairie and forest, mountain and valley, was of equal value. Sir, the idea is erroneous, manifestly erroneous. The benefits which will accrue by this bill to those who come within its provisions, are immense, and I desire to confine these benefits to our own *citizens*. I make no special or particular opposition to foreigners by the amendment offered; that amendment only goes to exclude persons *not naturalized* from the bounty, large bounty, of the Government, which, I repeat it, sir, if granted at all, can be granted, with color of justice and right, only to such *citizens* as may be settlers on these lands. Foreigners who may come here, are left to the enjoyment of all rights under pre-existing laws, and according to the pre-existing policy of the country. They will have the same right that I myself have, or the people whom I in part represent on this floor, to attend the sales of Government land, and there purchase at open auction, or acquire by private entry, lands liable to be taken in that way, in such States as please to allow those who owe them no allegiance by nature or otherwise, to become the owners of the soil. The wisdom of that policy I leave to the consideration of the States which has adopted it; but I can never consent to bestow the the property of the people of Maryland, and of the Union, as a bounty upon *aliens*.

The honorable Senator from Alabama, (Mr. CLAY,) has stated that the settled policy of the Government heretofore has been in accordance with the provisions of this bill, in relation to aliens, and to prove this, has referred to some special grants of public lands, to particular descriptions of foreigners, made by Congress for special and peculiar reasons; and does this prove such to be the general policy of the Government? To my mind, sir, it proves the very reverse; special enactments are only necessary to take a case out of a general rule, and such special enactment, such exception proves the rule, does not reverse it, sir!

This policy originated with the act, now attempted to be revived, of 1830; and so obvious was the propriety and justice of excluding aliens from the benefit of the provisions of that law, that even the gentleman's own friends, the very officer to whom was confided the administration of the law, doubted and questioned, as well he might, whether these people were embraced within its spirit; whether Congress could possibly have intended to extend its provisions to aliens. He, sir, questioned, and well questioned, whether such could be the true intention of Congress; and so strong were his doubts, that they could not be quieted without consulting the law officer of the Government, the Attorney General. The opinion of this last-mentioned official personage I now hold in my hand, sir. It is unnecessary to read it; but the conclusion to which he comes is, that *aliens*, not being excluded in terms, and the words of the law being general, all persons, *aliens* as well as *citizens*, must be admitted to all the advantages granted by it. It is plain, then, it has not been heretofore considered the settled policy of the Government to grant the public domain as a gratuity to intruders from foreign countries. Strange, indeed, in the present condition of this country, would be such a policy; and still more strange would it be if the Senate now reject the amendment made, under consideration. It is time to check this evil; it is pregnant with danger; it is pregnant with wrong and injustice. I trust, sir, the Senate will not refuse to adopt the amendment; but that by ingrafting it upon the bill, which it is easy to foresee will pass this body in some shape, they will prove to the country that our own citizens, whose property we are disposing of, are still deemed worthy of a preference, in the distribution, over strangers and aliens.

Mr. BUCHANAN of Pennsylvania, and Mr. BENTON of Missouri, having each made some further remarks in opposition to Mr. MERRICK's amendment, he again rose and said:

I desire, Mr. President, to make a single remark in reply to the honorable Senator from Pennsylvania, (Mr. BUCHANAN.) That Senator, in announcing briefly his opposition to the amendment before the Senate, remarked that there seemed to be an extraordinary spirit of opposition to foreigners, manifesting itself in the country. I think, on the contrary, there is a morbid affection manifested here and elsewhere for foreigners and aliens. The Senator observed, Mr. President, he might be allowed to be somewhat sensitive upon such a subject, as he was himself the son of a foreigner, who was afterwards naturalized. Sir, allow me to tell the Senator in this respect we are alike; I too, sir, am the son of a foreigner, who became a naturalized citizen; and yet, sir, I love my own native country, and my own fellow-citizens, *better* than foreigners. I have been thanked too, sir, by the honorable Senator over the way (Mr. BENTON) for introducing the amendment; and the intimation was that I, and those who act with me, were to be held to account some where for the course we are now pursuing. On my soul, sir, the Senator is heartily welcome to all the advantages he can gain by the amendment I have had the honor to submit. I have discharged my duty, sir, to the people of Maryland, who sent me here, and the people of the Union, all of whom have a common interest with us in this question, by presenting the amendment, and I am ready and willing at any, and all times, to meet all the consequences, and all the responsibility, of going for my own country, and my own fellow-citizens, *native* and *naturalized*, against all *aliens*.

Mr. YOUNG said, I hope, Mr. President, that the honorable Senator from Maryland, (Mr. Merrick,) does not intend to engraft upon this bill the "Native American System." If so, I must enter my protest against any such amendment. I very much regret, sir, that the remarks of the honorable Senator had not been made sometime ago, when a certain bill was passed through this and the other body, granting a "bounty" of one township of land to the "refugee Poles," on the waters of Rock river, in Illinois, with the privilege of locating upon the improvements of our settlers, and ten years' credit in which to make payment, at the minimum price of the Government. Sir, much injustice and oppression has grown out of this grant, as the documents now in the hands of the land committee, with other evidences in my possession, entitled to the highest credit, will amply show. My information is, Mr. President, that the Baron Klopiski, agent for the "Polish exiles," went upon the lands bordering on Rock river, one of the fairest portions of our State, for the purpose of selecting and locating his two townships of land, that he found many people already settled there upon the public lands, with the view of making that section of country the permanent abiding place for themselves and their families. Many had already erected houses, and enclosed and improved handsome little farms, with the intention of purchasing the land from the Government whenever it should be brought into market. He finds them thus situated. They extend to him the rights of hospitality, never withheld by this meritorious class of people from the poorest wayfaring man who may happen to find his way into their country. But for this "distinguished foreigner," and his companions in exile, all their sympathies were enlisted, and from him nothing in the way of the most generous and liberal hospitality was withheld. They feast him upon the best their humble cabins afford; they go with him, and show him the country; and manifest, in advance, their willingness to receive his countrymen on the most intimate footing of friends and neighbors. He thanks them for their hospitality, and to quiet the most remote apprehension of any intention on his part to encroach upon their settlements, he assures them, again and again, that he will respect their improvements, and that he will not interfere with their homes. They believe him, and are satisfied.

Well, sir, the next thing our honest, confiding citizens hear from this "distinguished foreigner," he has made his locations, and in violation of all his pledges and assurances, made under the most solemn garb of friendship, he takes every improvement in that section of the country; and the people, sir, have applied to Congress for relief. And yet sir, the honorable Senator from Maryland (Mr. MERRICK) says he would vote again and again for such donations, bounties, or whatever gentlemen are pleased to call them. Thus is it, Mr. President, and I am sorry it is so, that whenever an appeal is made in behalf of "poor foreigners," or the "poor Indians," all the sympathies of certain gentlemen are excited to the utmost, and they are willing to vote again and again for donations, bounties, or any thing else, to relieve their unfortunate condition; but when the claims of our "own poor citizens" upon your borders are presented, all their sympathy is gone, and they are denounced as a "lawless set of heartless, reckless speculators." Yes, sir, it has been emphatically said by an honorable Senator, (Mr. CLAY of Ky.) that they might as well "seize upon your forts and arsenals, your ships upon the ocean, or plunder the money in your Treasury, as thus to seize upon the public lands, and appropriate them to their use, in violation of law and against the just rights of the nation." Sir, the honorable Senator much mistakes the character of this people. There is not, Mr. Presi-

dent, a more peaceable, orderly, industrious, hospitable people to be found in any country. But, sir, the object of this amendment of the honorable Senator from Maryland (Mr. MERRICK) is to exclude foreigners not naturalized from the advantages held out by this bill to native citizens, and to such as have been naturalized. I, sir, can never consent to this distinction. By the constitution and laws of Illinois, the State of my adoption, foreigners may vote, they may be elected to offices of the most important character, and are made capable of purchasing, holding, enjoying, and again transferring, real estate, by will or otherwise. Yes, Mr. President, I have seen a foreigner, not naturalized, a member of our State Legislature, enjoying all the privileges of a native citizen. Many of them are my acquaintances and friends, and I cannot vote against them. I hope, therefore, Mr. President, that the amendment may not be adopted.

Mr. CLAY of Kentucky wished the Senate would go for the interests of the whole Union, as a people, and not so exclusively for the new States. This domain was the public property—the property of the whole people of the United States; and he thanked the Senator from Maryland for introducing a proposition for conferring the bounty of the Government to our own race, instead of holding out a general invitation to all the paupers of all the European Governments to come here, and compete with our own honest poor.

Mr. BUCHANAN said that it was not his intention to go into any detailed argument upon the question before the Senate. He would merely state, in general terms, the reasons why he should vote for the bill. This he would do, not for the purpose of convincing others, but of placing himself in the position which he desired to occupy.

It had been repeated over and over again in the course of this debate, that the bill before the Senate would confer a bounty upon the actual settlers on the public lands, at the expense of the people of the United States. He denied that it would produce any such effect. These settlers would be compelled to pay the minimum price of one dollar and twenty-five cents per acre for their land. Could the Government now obtain more for it at public auction had it remained unsettled? Let the history of the past answer this question. From the first of January, 1823, until the present day, averaging all the land sales which had been made, the result was that we had received two, three, four, five, or at the most, six cents per acre more than what the settlers would be obliged to pay under this bill. Senators had differed in their statements upon this subject; but none of them had contended that the average price upon the whole sales exceeded one dollar and thirty-one cents per acre. The Commissioner of the Land Office states it to have been one dollar and twenty-seven cents and nine-twentieths. The question then was, whether for the prospect, and a hopeless one it was, of obtaining six cents per acre more at public auction, we should attempt to expel the settlers from their lands, and thus, by depriving them of a home, inflict the greatest misery and distress npon themselves and their families?

Mr. B. said that our past experience ought to have taught us, that this was a question in which the Government had but little, if any, pecuniary interest. It was a question between the actual settlers on the one side, and the organized bands of speculators which attended the land sales on the other. It was notorious—it had often been established on this floor—that these speculators, acting in concert, had prevented bidding above the minimum price, and had purchased our most valuable lands at a dollar and a quarter per acre. If the settlers should not obtain these lands at this price, the speculators would. This was the alternative. Turn this question and argue it in whatever mode you might, still we come to the same result. It was a matter of indifference, so far as the Treasury was concerned, whether you granted these pre-emptions or not. In either event, the Government would neither be benefited nor injured. Then he was called upon to decide between the actual settler, who had spent his time and his labor in cutting down the forest and preparing himself a home in the wilderness, and the heartless speculator who might be anxious to deprive these hardy pioneers of the benefit of their toil, and to purchase the land which they had improved. He could not hesitate upon this subject. Past experience had rendered it certain that the United States will never receive more for their land than a cent or two per acre above the minimum price; and for this inconsiderable difference, he would not turn off the men who have settled upon our public lands, in order that they might be monopolized at the public sales by speculators. Let the actual settler have "the first cut," and sufficient will remain for the companies of speculators who attend the public auctions. He had no doubt that in both these modes of sale there had been frauds; but he should always lean to that side which would protect the poor man in the possession of the land which he had rendered valuable by the sweat of his brow, rather than in favor of those who had come from a distance to purchase him out of house and home.

Mr. B. probably should not have said a word upon the subject, had it not been for the amendment which had been offered by the Senator from Maryland, (Mr. MERRICK.) This amendment proposed to make an invidious distinction, which had never been made heretofore in our legislation, against foreigners who had settled upon the public lands, and had not been naturalized prior to the first day of December last. Whilst it granted pre-emptions in such cases to our own citizens, it excluded these foreigners. Why had this change been proposed in our settled policy? He had observed with regret, that attempts were now extensively making throughout the country, to excite what was called a native American feeling against those who had come from a foreign land to participate in the blessings of our free Constitution. Such a feeling was unjust—it was ungrateful. In the darkest days of the Revolution, who had assisted us in fighting our battles, and achieving our independence? Foreigners, yes, sir, foreigners. He would not say, for he did not believe, that our independence could not have been established without their aid; but he would say the struggle would have been longer and more doubtful. After the Revolution, emigration had been encouraged by our policy. Throughout the long and bloody wars in Europe which had followed the French revolution, this country had ever been an asylum for the oppressed of all nations. He trusted that at this late day, the Congress of the United States were not about to establish for the first time, such an odious distinction as that proposed between one of our citizens, who had settled upon the public lands, and his neighbor who had pursued the same course under the faith of your previous policy, merely because that neighbor had not resided long enough within the United States to have become a naturalized citizen. He was himself the son of a naturalized foreigner, and perhaps might feel this distinction the more sensibly on that account. He was glad the yeas and nays had been demanded, that he might record his vote against the principle proposed by the amendment.

Mr. CLAY of Ky. replied to Mr. BUCHANAN denying that the actual settlers were in a majority of cases found residing permanently on the lands, which they had been hired to claim, and to hold, by speculators, for the purpose of getting these best portions of the public domains into their hands. He maintained that there was a loss to the Government by the pre-emption system,—and argued that the system was a flagrant violation of that equality which is justice, and that it would produce, and was producing lawlessness and disorder in those domains.

But the honorable Senator from Pennsylvania has alluded eulogistically to foreigners. Does he mean to compare the De Kalbs, the Steubens, the Lafayettes, the Pulaskis, with the hordes of foreign paupers that are constantly flooding our shores? There were other foreigners who mingled in our Revolutionary struggle, but on the other side; the Hessians,—and can they be compared with those gallant men who came here to aid in the cause of struggling liberty? He thought this Government had been quite as liberal in its policy towards foreigners, as was proper or desirable: and no Senator would vote *against* the proposition of the Senator from Maryland with more pleasure than that with which he would vote *for* it.

Mr. BUCHANAN remarked, that after all which had been said, or could be said, by the Senator from Kentucky, one thing was clear, and that was, that whether we granted the public lands to actual settlers, or exposed them to sale at auction, the price which we received was about the same. After all the violent denunciations of this measure which he had heard, and the extravagant statements which had been made, he was astonished to find, from the official document read by the Senator from Mississippi, (Mr. WALKER,) that comparatively so small a portion of the public lands had been sold to pre-emptioners. He had not investigated the subject minutely; and therefore asked Mr. WALKER to state the number of acres. [Mr. W. said that the whole number since July, 1820, was 2,387,650 acres.]

Then, said Mr. B. the result of the whole matter is, that since that time not one twentieth of all the public lands which had been sold was purchased by actual settlers at the minimum price; and we may have possibly lost, according to the official returns some two or three cents per acre. And this is the mighty matter in dispute. In the hope that we may realize this paltry difference, we are asked to drive the actual settlers from their homes, in order that the organised bands of speculators, of which we have heard so much, may obtain this land at the very same price. This was the question and the only question.

Wise and practical statesmen would study the actual condition of the country, and never attempt that which was, from its nature, morally impossible. We ought to yield with a good grace to circumstances which we could not control. In what situation were we now placed? A very great number of persons had settled upon the public land since the date of the last pre-emption law. They had gone there on the presumption that you would place them upon the same footing with those who had gone there before them. You had for years pursued this system, and you had passed no law which indicated any intention of abandoning it. You had thus, to a certain extent, pledged your faith that you would respect the rights which might be acquired in this manner. You were now placed in a condition that you could not draw back, even if you would. In that part of Wisconsin west of the Mississippi called Iowa, there were now more than thirty thousand settlers on the public lands. They had formed themselves into counties and erected court-houses, and this Government had sent them judges. They were now a flourishing and prosperous community, under the protection of your laws. They had cleared away the forests, had erected farm houses and barns, planted orchards, cultivated the land, and were surrounded by all the necessaries and many of the conveniencies of life. Could you now expel such an entire community from their homes? The attempt would be vain. It would cast disgrace upon the Government. After an unavailing effort, it would be abandoned. It might be persisted in until civil commotion would be excited, and blood would be shed. At that point it must end. The moral sense of the people of this country would be roused against proceeding further.

It is true that if the whole power of the United States were exerted for such a purpose, we might destroy this happy community, and drive them from their homes; but it would never thus be exerted. It is wise, therefore, to submit at once to a moral necessity which has been imposed upon you in consequence of your own conduct. It is true that you may lose a cent or two per acre on the price of the land; but is such a loss worth mentioning when compared either with the calamities and injustice you would inflict by a rigid adherence to the letter of the law, or with the expense which you would incur by sending an armed force into that country, in a vain attempt to enforce its provisions?

Mr. B. had been asked by the Senator from Kentucky if he would compare the hordes of foreign paupers that are constantly flooding our shores with the DeKalbs, the Steubens, the Lafayettes, and the Pulaskis of the Revolution? It was easy

to ask such a question. He felt a deep and grateful veneration for the memory of these illustrious men. They were leaders of our armies; but what could they have accomplished without soldiers? Was it not a fact known to the world, that the emigrants from the Emerald Isle—that land of brave hearts and strong arms—had shed their blood freely in the cause of our liberty and independence. It was now both ungrateful and unjust to speak of these people, in the days of our prosperity, as hordes of foreign paupers. Such was not the language applied to them during the Revolutionary war, when they constituted a large and effective proportion of our armies.

The Senator had asked if he (Mr. B.) would grant pre-emptions to the Hessians? It was true they had fought upon the wrong side, and were not much entitled to our sympathies. Still some apology might be made, even for them. They were the slaves of despotic power; and they were sold by their masters, like cattle, to the British Government. They had no will of their own, but were under the most abject subjection to petty princes, who considered themselves, by the grace of God, born to command them. But the condition even of the poor Hessian has since been greatly improved. The principles of liberty, which were sanctified by the American Revolution, are winning their way among every civilized people. In no country have they made greater progress than among the people of Germany. The Hessian of the present day is far different from what his fathers were; and let me tell Senators from the West that the best settlers they can have amongst them are the Germans. Industrious, honest and persevering, they make the best farmers of our country; whilst their firmness of character qualifies them for defending it against any hostile attacks which may be made by the Indians along our western frontier. As to the hordes of foreigners of which we had heard, they did not alarm him. Any foreigner from any country under the sun, who, after landing with his family on our Atlantic coast, will make his long and weary way into the forests or prairies west of the Mississippi, and there, by patient toil, establish a settlement upon the public lands, whilst he thus manifests his attachment to our institutions, shows that he is worthy of becoming an American citizen. He furnishes us, by his conduct, the surest pledge that he will become a citizen the moment the laws of the country permit. In the mean time, so far as my vote is concerned, he shall continue to stand upon the same footing with citizens, and have his quarter section of land at the minimum price.

Some further debate ensued, in which Messrs. WALKER, CLAY of Alabama, LINN, and others, took part.

Mr. CALHOUN expressed himself friendly to the amendment, and opposed to the bill.

The question on the amendment was then taken by yeas and nays, and decided in the negative—for the amendment 15, against it 28, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Tallmadge, and Tipton—15.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Walker, Webster, White, Williams, Wright, and Young—28.

Mr. CLAY of Kentucky then offered the following amendment:

"*Be it further enacted*, That all settlements upon the public lands subsequent to the first day of December, eighteen hundred and thirty-seven, shall be, and hereby are, strictly prohibited; and the President shall be, and hereby is, authorized and required to cause all persons who may settle on the public lands subsequent to the day aforesaid to be removed therefrom."

Mr. C. said this amendment was strictly in accordance with the views presented in the President's Message; and he should call for the yeas and nays, to see how many might, for the first time, run counter to any recommendation from that quarter. In this instance he would be an Administration man for once, and vote for the adoption of the measure. Mr. C. read extracts from the message of the President, in relation to the land system, which he eulogized as wise, and in accordance with the old land system, before these iniquitous pre-emption claims were pressed upon the consideration of the Senate.

Mr. BUCHANAN said if it were not so late in the evening, and if he felt a disposition to make a speech against Executive influence, what an occasion had just been presented for it by the Senator from Kentucky! That he, of all men, should be found eulogising the late message of President Van Buren, and reading extracts from it for the avowed purpose of influencing the votes of Senators in favor of his amendment! Wonders would never cease. On another occasion, to which he (Mr. B.) had often alluded, he had followed the leading of the Senator from Kentucky, and a former Senator from New Hampshire; but he would now withhold his allegiance from this new coalition between the President and the Senator from Kentucky. He would vote against them both.

If time permitted, although he could not equal, he might at least emulate the eloquence of the Senator who had formerly denounced Executive influence in such glowing and patriotic strains upon this floor. He might say that the Executive power was expanding its vast jaws, and was ready to swallow up all the other powers of the Government. That Congress was about to be annihilated, and the President, under the forms of the Constitution, about to become the real despot of the country, when an Executive message was openly read in the Senate of the United States for the purpose of influencing its members. But he would forbear. He had only risen to express his astonishment.

Mr. CLAY was glad that the attention of the Senator from Pennsylvania was at length awakened to the dangers of Executive influence. He presumed that Senator's opposition to the recommendations of the President would last about as long as his own (Mr. CLAY's) advocacy of them; that is to say, for about three minutes, or until the next Executive measure should be introduced, when he (Mr. B.) would doubtless take the opportunity of returning to his allegiance.

Mr. BUCHANAN said that he should probably be inclined to do so, unless that measure should be endorsed by the honorable Senator from Kentucky.

Mr. CLAY good humoredly said, "Very fair, sir, very fair!"

The question was then taken on the amendment, and lost—ayes 17, noes 27.

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, Morris, Prentiss, Preston, Roane, Robbins, Southard, Spence, Webster, and Williams—17.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Sevier, Smith of Indiana, Tipton, Walker, White, Wright, and Young—27.

Mr. SMITH of Indiana then moved an adjournment, on which Mr. WALKER asked the yeas and nays; the motion was lost—yeas 21, nays 23.

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Tallmadge, Tipton, Webster, and White—21.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Walker, Williams, Wright, and Young—23.

Mr. SMITH of Indiana said, since he had last addressed the Senate on the amendment he had originally offered, to confine the pre-emption to lands, the Indian title to which had been extinguished six months prior to the first day of December last, the Senate had rejected his amendment; and the Senator from Tennessee (Mr. WHITE) had proposed an amendment which had been adopted, having received the vote of himself and colleague. By this amendment, all claims for pre-emptions are excluded, to which the Indian title had not been extinguished at the time of the settlement. This amendment, his colleague thought, would exclude the Miami lands, owing to the fact that the treaty ceding them was not approved by the President until the 22d of December last, and the bill, with the amendment, provides for settlements *after* the Indian title was extinguished, and by or before the first of December. He (Mr. S.) found, by an examination of the treaty, that it was not approved till that time. He had no doubt but that his colleague honestly believed that such would be the construction of the bill; and there may be great doubt about it. He, (Mr. S.) however, believed that the whole proceedings would relate back to the *date* of the contract, the *date* of the treaty. He believed this to be the universal construction. He wished to have the whole matter between the State and the settlers entirely excluded from the operations of this bill. His colleague thought such was the situation of the case as the bill now stands: he thought otherwise. He did not, however, rise at this time to complain of any vote, nor to repeat the arguments he had offered in favor of his amendment, but merely to say, that since that vote was taken, he had received an Indianapolis paper, by which it appears that the subject had been introduced into the Senate of the State of Indiana, by a resolution instructing the Committee of Ways and Means to inquire into the expediency of reporting a joint resolution instructing her Senators and requesting her Representatives in Congress to use their influence in obtaining for the State of Indiana the right of pre-emption, at the minimum price, the lands lately acquired of the Miami Indians, to aid and assist in the progress of her works of internal improvement. Pending the question on this proposition, a motion was made by the Senator representing the district including the reserve, to amend by striking out the word "State," and inserting "all individuals who have settled on said lands in anticipation of a renewal of the pre-emption law." This motion was decided by the Senate in the negative, by a vote of 37 to 6. The question recurred on the original proposition, and after a full argument, it was decided in the affirmative, by a vote of 39 to 5. The Senators who voted in the affirmative, were Messrs. Baird, Beard, Bowen, Bradbury, Brady, Casey, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Finch, Hacket, Hoagland, Kennedy, Little, Mitchell, Morgan of D., Morgan of R., Mount, Seigler, Stafford, Stewart, Tenman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watt, and Wawter. Those Senators who voted against the resolution, were Messrs. Cathcart, Ewing, Green, Smith, and Watts of D.

The Senate of that State well apprised of the merits of the claims of the settlers on these lands, rejected a motion to insert them in the resolution, even of inquiry, by a vote of 37 to 6, and passed the resolution assuming the very grounds that he Mr. S. had occupied before Senate a few days ago on his proposed amendment, by a vote of 39 to 5. Thus sustained in his opinion of the merits of the question, he felt it to be his duty to move to amend the bill, by striking out the word "December," and inserting the word "September;" if this amendment prevails, it will exclude these lands, and leave the question open for further consideration in relation to them.

This amendment was afterwards so modified, as to read:

Provided, That the lands ceded to the United States by the treaty of 1837, with the Miami Indians in Indiana, shall be excluded from the operations of this act.

Mr. TIPTON said that he would make no apology to the Senate for trespassing on their attention even at this late hour, as those acquainted with his course here well knew that he seldom occupied much of their time in making speeches; but he felt called upon to reply to the remarks made by his honorable colleague in support of his motion to amend the bill now under consideration; and before he sat down, he hoped to satisfy his colleague and a majority of the Senate that his amendment was uncalled for. If doubts had existed in the mind of any one as to the impossibility of pre-emption claim resting on the lands lately ceded by the Miami Indians in Indiana, it was put beyond a doubt by

the amendment of the Senator from Tennessee, adopted two days ago, for which he voted.

I had hoped, (said Mr. T.) when my colleague rose to address the Senate, that he would have defended our constituents, who are settlers upon the public lands, from the unjustifiable assaults made upon them on this floor; but as he did not see proper to do so, I feel it to be my duty to defend their reputation. I could wish that the task had fallen into abler hands. There are those more able, but none more willing, than myself, to do justice to the people of that noble young State, whose servant I am. I have an account to settle with the honorable Senator from Kentucky, (Mr. CLAY,) in doing which I shall in part reply to the remarks of my colleague. I will not attempt to prolong the debate by entering into a discussion of the merits of the bill now before the Senate. I only desire to correct the errors into which that honorable Senator has fallen in relation to a very respectable portion of the State which I have the honor, in part, to represent here. I was called out of the Senate chamber yesterday for a few moments, on business, whilst the pre-emption bill was under discussion. When I returned to the chamber, the honorable Senator to whom I have alluded was closing his remarks, in opposition to the bill, by reading extracts from a newspaper, published in Indiana. I had not, consequently, an opportunity of hearing all his remarks, nor do I find them reported in the morning papers, but I am informed that he indulged in harsh expressions against the citizens of my State, whom he was pleased to denominate as "squatters on the public lands." I hope he was misunderstood. If that honorable Senator had only alluded to settlers on the public lands in Indiana, in speaking of them in connection with the people of other States, I would not have felt constrained to reply; but he has more than once or twice, on different days, during this debate dwelt it would seem with peculiar emphasis on the squatters on those valuable public lands in Indiana, applying to those who occupied them remarks that shall not go unanswered or uncontradicted. I will repeat as nearly as I can what was told yesterday, and if I go wrong he can correct me. I understood that he denounced the settlers on the lands as a lawless banditti of land robbers, unjustly grasping at the public treasure.

[Here Mr. CLAY rose, and said that he would repeat what he did say on the occasion referred to by the honorable Senator from Indiana. He did say that the squatters on the public lands were a lawless rabble; that they might as well seize upon our forts, our arsenals, or on the public treasure, as to rush out and seize on the public lands.]

Mr. TIPTON resumed. The Senator admits that the expressions used by him amounted to what I have repeated. Does he not know that the laws to prevent trespass on the public lands have never, in a single instance, been put in force for many years, but have stood as a dead letter on our statute books for a quarter of a century? That the emigrants from the old to the new States are in the constant habit of entering upon the best public land they could find, building cabins to shield their families from the pelting of the storm, and cultivating the soil, regardless whether the land had been surveyed or not, with the expectation and intention of paying the Government for the lands whenever they should be brought into market. Has it not been the constant practice of Congress to pass laws to protect the actual settler from the iron grasp of the speculator? And is it just to call those industrious and enterprising citizens, who settle on the public lands with intention to purchase as soon as they come into market, a lawless rabble? I think not. Does the honorable Senator know that the people of four entire counties in Indiana—Porter, Lake, Newton, and Pulaski, with a portion of Miami and other counties—are settlers on the public lands? They are emigrants from the older States, seeking a home in the West.

It is true, sir, most of them are poor, but I trust and believe they are honest. I know them to be honorable, peaceable, law-abiding citizens, who would scorn a dishonorable action as much as the Senator himself. I am personally acquainted with many of them: they are educated, moral, and highly respectable. Many of them would lose nothing by a comparison with members on this floor; and if the honorable Senator holds a different opinion, it is because he has been misinformed. Those who communicated with the honorable Senator on this subject, should have given him another piece of information that might possibly be of service to him in a coming day. They should have informed him that the Indiana State Senate, who adopted the resolution read by him, is composed of men of great respectability—none more so; but like other bodies, its decisions are not unfrequently influenced by considerations which do not appear on the surface, and which in this case I fear were not communicated to him by his informant. It may not be uninteresting to that gentleman to know that a majority of the Senate of Indiana which adopted the resolution, are opposed to the late and present Administration of the General Government. They, of course, follow their great leader, the Senator from Kentucky, and support his land bill. The Administration advocates graduation and pre-emption to actual settlers, whilst the Senator and his friends oppose both. My principal object in rising, was to disabuse the public mind, with regard to the action of the Senate of Indiana. Every question has two sides, and the Senator from Kentucky and my colleague have presented only one of those sides.

While they have shown most conclusively that a certain resolution was adopted by a very large majority in that body, they have carefully concealed the complexion which that question assumed there, and have read and told us just enough to give us to understand that the resolution was passed by an overwhelming majority; and they have endeavored to show that this decision should have influence upon the action of this body.

I will now present to the Senate a brief view of the other side of the question. It is true a resolution was passed in the Senate of the State from which I came, to instruct the Committee of Ways and Means of that body "to inquire into the expediency of reporting a joint resolution instructing their Senators and requesting their Representatives in Congress, to use their influence in obtaining for the State of Indiana the right of pre-emption, at the minimum price, to the lands lately acquired of the Miami Indians, to aid the State in the progress of her works of internal improvements." And is it to be supposed that a majority could be found in that Senate to go against such a resolution? Surely not. And can the Senator suppose that no other motive than opposition to granting the poor settler a pre-emption right to a quarter section of land, improved by the labor of his own hands, influenced the members of the State Senate who voted for the resolution in question? He surely cannot suppose so; but if he does, he is greatly mistaken. It should be borne in mind that the State is embarked in an extensive system of internal improvement. It has created a large debt, with interest accruing. There is a strong party in the State Legislature opposing the system of internal improvement, and exerting themselves to classify the public works, or to suspend a part of them, and put off their completion for many years. The resolution is asking a boon from the General Government, which, if granted, would lighten the burdens of the people, and be of great benefit to the State. It is only to be wondered at that a single vote was recorded against it. Should the resolution be adopted, instructing my colleague and myself to ask a pre-emption to the State, may we hope that the Senator from Kentucky will vote with us? We shall see. I will go as far as my colleague to serve the State. It would afford me great pleasure to aid her in raising means to carry on her public works; but in doing this, as public men we should have an eye as well to individual justice as to public benefit. I do not think that the amendment of my colleague, if adopted, will effect any beneficial object to the State which we represent here. It looks well on paper, but is calculated, in my opinion, to present a false issue. Let us examine it. He tells us that his object is to prohibit individual pre-emptions on the lands lately purchased from the Miamies. If his amendment be adopted, it will make an invidious distinction between our own constituents and the citizens of other new States of the West; and he calls on me to give a vote which would appear to deprive them of a privilege which this bill secures to others. I do not wish to be understood as expressing an opinion that a pre-emption right, under the provisions of this bill, can vest in the lands lately acquired from the Miami Indians. The amendment offered by the Senator from Tennessee, (Mr. WHITE) for which I most cheerfully voted, prohibits the granting of pre-emptions to any person who settled upon the lands before the Indian title had been extinguished. When all the facts about this Miami treaty are properly understood, it seems to me they should quiet the fears of every one who opposes the granting of individual pre-emption rights to any portion of that valuable tract of land. Although this treaty was entered into in 1834, it was not ratified by the Senate until October last. By the resolution of ratification, it was directed to be submitted to the Indians for their assent to certain alterations made on the part of the United States. It was accordingly submitted, and the assent of the Indians obtained in November; but will my colleague say that the cession was complete, and the title of the United States to the land perfect, before the promulgation of the treaty by Executive proclamation? This publication was not made until the 22d of December. I ask, then, how can a pre-emption right be established to lands ceded by this Miami treaty, when the bill under which they are to be claimed provides that the settler shall have been in actual occupation of the land on the 1st of December last, near a month before the promulgation of the treaty which completed the title of the United States to the land in question? On the 1st of December last the land was Indian land, and the amendment of the Senator from Tennessee (Mr. WHITE) expressly prohibits the extension of this right to individuals settled upon such land before the Indian title had been extinguished. I hope the joint resolution will pass our Legislature, and be sent on here instructing us to make an appeal to the liberality of the Senate, to grant to the State a pre-emption right to these lands at the minimum price. We will then have an opportunity of testing the sincerity of those who oppose individual pre-emptions, and have told us that they would greatly prefer granting it to the State in aid of her public words, to granting it to squatters on the public lands. It will afford me great pleasure to exert my feeble abilities in forwarding the wishes of our State, but I greatly fear we will be left in a lean minority. My colleage tells us he would vote against an individual pre-emption right, as an original proposition; that if he votes for it now, it will be because it has become the settled policy of the country. I view the matter in a different light. Nothing can afford me more satisfaction than to vote the most valuable public land owned by the Government to a poor, but honest pioneer, who seeks a home in the western woods. Those who, at this day, emigrate from the old to the new States, are generally from the farms, workshops, schools, or colleges, in the East, who make citizens of great moral worth, and who would grace any society; and I ask, how can a man whose bosom glows with patriotic devotion to his country, deny to the present settlers on the public lands the privileges enjoyed by others for more than a quarter of a century? I cannot: I will not.

The Senator from Kentucky (Mr. CLAY) says there is no equality in the pre-emption system; that it produces dissatisfaction, by going before the survey and seizing upon the choice spots. I admit that it produces dissatisfaction in two classes of individuals—one, the politician in the old States, who is loth to give up the poor but industrious portion of their population; and the other the capitalists, who are anxious to get possession of these choice spots, and who, by attending the public sales and overbidding the poor man, compel him to retire, and content himself with land of an inferior quality. They are dissatisfied, but not wronged.

My colleague complains that politics have been dragged into this debate. He admits that there are those who will be influenced by political considera-

tions. I hope it will be recollected that it was not I who first introduced politics into this discussion. I did not bring forward newspapers here and read what had been said on one side in the Indiana Legislature. I admit, however, that political considerations do sometimes influence the actions of public bodies in Indiana, as well as in other States. I have carefully examined the votes on the resolutions heretofore referred to, and find that every Whig Senator, with perhaps one exception, went for it; while the little band that opposed it urged the claims of the poor pioneer, and the policy of the late and present Administrations. Both the Senator from Kentucky and my colleague referred with great satisfaction to what was said by Whig Senators, but avoided alluding to what was said by Senators on the other side. I think it would have been an act of justice to present both sides of the question. I confess I recur with satisfaction to what was said in favor of the actual settler; and if advocating the measures of the Administration in relation to the public lands be dragging in politics, then I am content to plead guilty to the charge.

Although it has been shown that the resolution was adopted by a large majority of the Senate of Indiana, I do not wish to be understood as admitting that the vote on that resolution is a fair index of the opinions of the people at large as to the policy of granting individual pre-emptions. It only goes to show how many members of the State Senate were willing to ask another grant from this Government to aid her in completing her public works; and I advise the honorable Senator from Kentucky not to be too hasty in believing that a majority of the people of Indiana are opposed to seeing Congress grant a pre-emption right to a quarter section of land to an actual settler, after he has improved it by the labor of his own hands.

A word to the honorable Senator from Ohio, (Mr. MORRIS,) and I have done. He tells us that enormous speculations are about to be made, should we pass this bill, without the amendment now under consideration; and he calls on the Senate to give a vote that shall prevent it. I have stated that the pre-emption right cannot rest on the Miami lands. Upon the subject of speculations, he may be better informed than I am, but I assure him that I am not, and never expect to be, personally interested, directly or indirectly, to the value of one cent, in any pre-emption that may be, granted or obtained by the bill before us, or the Miami lands, or any other lands.

He tells us that a very large majority of the Indiana Legislature is opposed to pre-emptions. How does he know it? I will thank him for any information he may see fit to give us that comes from Indiana; but I hope he will permit me to inform him that he is greatly mistaken if he thinks that a majority of the yeomanry of that State oppose pre-emption laws. The large money holders there, as elsewhere, oppose them; but the bone and sinew of the country, who make their living by the sweat of their brow, each, and every one of them, would be willing to accept a pre-emption right to one quarter section of land at a dollar and a quarter an acre, if they could get it.

Mr. SMITH of Indiana said he did not rise to protract this debate at this late hour, but to reply to one or two positions assumed by his colleague, (Mr. TIPTON.) He (Mr. S.) regretted exceedingly to hear his colleague attempt to place this matter on party grounds. The paper from which both himself and his colleague derived their knowledge of the vote in the Senate of their State, contained the yeas and nays on the question, the same he (Mr. S.) had read to the Senate. Were Senators Brady, Casey, Crawford, Daily, Dobson, Dunning, Finch, Hacket, Stewart, Trask, Tuley and Watt, Opposition men. Were they opposed to this Administration? And yet these Senators all voted against the pre-emption to these settlers on the Miami reserve, and in favor of a pre-emption to the State. He (Mr. S.) knew these Senators personally; he knew them to stand in the first ranks of the friends of the Administration in the State. They were, like the other Senators, gentlemen of talents and integrity, possessing an intimate knowledge of this question, and the interest of the parties. They were, as were the other Senators, gentlemen, he was proud to say, who were governed by the interest of their constituents, and who would scorn to test their devotion to that interest by party considerations. No, sir: it was no party measure, or in any way affected by general politics. In the nature of things, it could not be. It was not there so considered, where the merits of the question were known; and he hoped it would not be so here, where many of the Senators are unacquainted with its merits.

His colleague had said that owing to the value of these lands to the State, and her situation, involved as she is in debt, with her internal improvements in progress, he only wondered that even five Senators could be found to vote for these settlers, in opposition to a pre-emption to the State. In this he (Mr. S.) fully concurred with his colleague; and he would add that he felt disposed to vote in favor of what he believed to be the interest of the State. He (Mr. S.) concurred entirely with his colleague as to the respectability of many of the settlers on the public lands in Indiana, who would be benefited by this bill; and for them he had the kindest feelings. But his public duties to the whole State were paramount to any personal feelings for a part of her citizens. He represented the whole, and not a part only; and he could not consent to give any vote that might greatly prejudice the whole of the citizens of the State, although it might confer a benefit on the few. He had now fully discharged what he believed to be his duty to the State he had the honor in part to represent; and he would close by repeating that he could not vote for this bill, if the interest of his State was to be compromitted by it; and he feared it would be, if the bill passes without the amendment.

The question was then taken on the amendment, and lost—yeas 17, nays 19, as follows:

YEAS—Messrs. Allen, Buchanan, Calhoun, Clay of Kentucky, Clayton, Merrick, Morris, Niles, Pierce, Prentiss, Preston, Roane, Smith of Indiana, Spence, Webster, White, and Williams—17.

NAYS—Messrs. Benton, Brown, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Robinson, Sevier, Tipton, Walker, Wright, and Young—19.

Mr. CRITTENDEN then moved an adjournment, on which motion the ayes and noes were called for, and were—yeas 21, nays 21. The VICE PRESIDENT voting in the negative, the motion was lost.

YEAS—Messrs. Brown, Calhoun, Clay of Kentucky, Davis, Knight, Merrick, Morriss, Prentiss Preston, Roane, Robbins, Smith of Indiana, Southard, Spence, Tallmadge, Webster, White, Williams, and Young—21.

NAYS—Messrs. Allen, Benton, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Tipton, Walker, and Wright—21.

Mr. MORRIS immediately renewed the motion to adjourn. Negatived—ayes 18, noes 19.

Mr. PRENTISS then offered the following amendment:

"Nor shall any person have any right, or be entitled to a patent, under or by virtue of this act, without paying, in addition to the statute minimum price, at least one-half of the real value of the land above that price, not including improvements, to be ascertained by three judicious and disinterested appraisers under oath, to be appointed by the register of the land office in the district where the land is situated."

This amendment was also negatived by a vote of 27 to 10, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Merrick, Prentiss, Preston, Roane, Southard, and Spence—10.

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Indiana, Tipton, Walker, Webster, White, Williams, Wright, and Young—27.

Mr. CLAY of Kentucky moved an adjournment: negatived—ayes 16, noes 21.

On motion of Mr. YOUNG, the bill was amended by striking out the part relating to the cultivation of one acre in corn, small grain, cotton, potatoes, or the sugar cane, and a substitute inserted requiring that the settler should be a householder of twenty-one or more years of age, and (on the suggestion of Mr. WEBSTER) should be an actual resident on the land for which pre-emption should be claimed.

The bill having been reported to the Senate as amended, it was ordered to be engrossed for a third reading by a vote of 26 to 12, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Tipton, Walker, Webster, White, Williams, Wright, and Young—26.

NAYS—Messrs. Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Merrick, Prentiss, Preston, Roane, Smith of Indiana, Southard, and Spence—12.

The Senate adjourned.

MONDAY, January 29, 1838.

The bill to grant pre-emption rights to actual settlers on the public lands being read a third time, and the question being, Shall the bill pass?

Mr. WEBSTER rose and said, that whatever opposition might be made to this bill, in his opinion, some provision of this nature was necessary and proper, and therefore he had supported it, and he should now vote for its final passage.

Although entirely indisposed (said Mr. W.) to adopt any measure which may prejudice the public interest, or trifle with this great subject, and opposed at all times to all new schemes and projects, I still think the time has come when we must, from necessity, propriety, and justice, make some provision for the existing case. We are not now at the moment when pre-emption rights are first to be granted; nor can we recall the past. The state of things now actually existing must be regarded. To this our serious attention is summoned. There are now known to be many thousands of settlers on public lands, either not yet surveyed, or the surveys not yet returned, or, if surveyed, not yet brought into market for sale.

The first question naturally is, how came they there? How did this great number of persons get on to the public lands? And to this question it may be truly answered, that they have gone on to the lands under the encouragement of previous acts of Congress. They have settled and built houses, and made improvements, in the persuasion that Congress would deal with them in the same manner as it has, in repeated instances, dealt with others. This has been the universal sentiment and expectation. Others have settled on the public lands certainly with less encouragement from acts of Congress than these settlers have had, and have yet been allowed a pre-emption right. These settlers, therefore, have confidently looked for the same privilege.

Another circumstance is fit to be mentioned. Very large purchases of the public land are known to have been made in in 1835 and 1836. These purchases exceeded the quantity necessary for actual settlement; and they were made, in many cases, in large tracts, by companies or by large single proprietors, who purchased for purposes of investment, and with a view to retain the lands until their value should be enhanced by the general settlement and improvement of the country. These purchases would be, of course, of the best and freshest lands in the market; that is, they would be in the most recent surveys, or, in other words, in the surveyed districts most advanced into the interior. Now I have understood from good authority, that it has often happened in the Northwest, (and of the Southwest I know little,) that persons disposed to perchase and settle on the frontier have, in many instances, found themselves unable to buy to their satisfaction, either of Government or individulals. Government had sold the best lands to companies or to individual proprietors, and these last were disposed to keep, and not to sell. Or they or their agents were either unknown, or were living in distant parts of the country, so that ap-

plication to purchase could not readily be made to them.

These circumstances, there can be no doubt, created a new incentive to pass beyond the surveys set down on the public domain, and trust to Congress for a pre-emption right, such as had been granted in previous instances. The result of these causes is, that settlements have become quite extensive, and the number of people very large. In that part of Wisconsin which lies west of the Mississippi there are supposed to be from thirty to fifty thousand inhabitants. Over this region Congress has extended civil government, established courts of law, and encouraged the building of villages and towns, and yet the country has not been brought into the market for sale, except it may be small quantities for the sites of villages and towns. In other parts of Wisconsin a similar state of things exists, especially on and near the border of Lake Michigan, where numerous settlements have been made and commercial towns erected, some of them already of considerable importance, but where the title to the land still remains in the Government. Similar cases exist in Indiana, Illinois, and Michigan, and probably, also, in the Southwestern States.

Now, said Mr. W. the practical question is, what is to be done in these cases? What are we to do with those settlers, their improvements, and the lands on which they live? Is there any one who would propose or desire that these lands should be put up at open auction, improvements and all, and sold to the highest bidder, without any regard whatever to the interest or protection of the settlers? For my part, I could propose no such thing, nor by any means consent to any such thing.

Nor do I suppose that there could be such an auction, and that other persons could attend and bid at it freely, and over-bid the actual settlers for their own settlements and improvements, without disturbance and violation of the public peace. Nor would a dollar of money, in my judgment, be realized by the Treasury by such a course of proceeding, beyond what would be received for the same lands under this law. As to the general justice of the bill, its policy, or the degree of indulgence which it holds out to those who have become settlers, it ought to be remembered—

1. That it applies only to those who have now already settled on the public lands. And I am quite willing to concur with others in carrying out the recommendations of the President's message, by adopting such measures as may be thought wise and reasonable for the future, as shall prevent the recurrence hereafter of any necessity for laws like this.

2. The bill makes no donation, or gratuity. It grants only a pre-emption right—a right of previous purchase, at the price for which the greater part of the public lands has been, and now is, actually sold.

3. It gives this right only to the extent of one quarter section—not more than a reasonable quantity for a farm, in the estimation of the inhabitants of these new and vast regions.

4. It gives the right only to heads of families, or householders, actually settled and residing on the tract.

And, in my opinion, it is much in favor of this bill, that what it does grant, it grants (where the requisite proof is made) at once and for ever, without mischievous qualifications, and conditions subsequent, such as formed part of the bill of last year.

It has been proposed to amend this bill, so as to limit its benefits to native or naturalized citizens of the United States.

Although I have heretofore been disposed to favor such a proposition, yet, on the whole, I I think it ought not to pass; because such a limitation has been altogether unknown, in our general system of land sales, and to introduce it here, where we are acting on rights already acquired, would be both invidious and unjust.

It has been proposed, also, so to amend the bill as to require that the settler, in addition to the dollar and a quarter per acre, should pay one-half the actual value of the land above that sum; this value to be ascertained by appraisers, appointed by the Register of the Land Office. I could not agree to this amendment; because, in the first place, we have never adopted the principle of selling lands on appraisement; but, secondly and mainly, because, if these settlers have had any ground or reason to expect a pre-emption right from Congress, (which is the substantial foundation of the bill,) they had had, and now have, reason to expect it, on the same terms on which it has been granted to others.

Mr. President, that there may be some undeserving persons among these settlers, I do not doubt. That the advantages of this bill may be enjoyed, in some cases, by those who are not actual settlers, with honest, *bona fide* purpose of permanent residence, is very probable. But I believe the great majority of the cases to which the bill will apply will be such as ought to be relieved. I believe the bill is the readiest way of quieting these titles and possessions, which the public interest requires should, in some way, be quieted without further delay. Indeed, no course is proposed, but either to pass this bill, or to bring the lands at once to public auction, open to the biddings of all. This last course, I am persuaded, would result in no gain whatever to the Treasury, whilst it might be attended with serious inconveniences to the public, and would be sure to throw whole neighborhoods, villages, and counties, into a state of much excitement, much perplexity, and much distress. Both for the general interests of the country, and for the interest and protection of the settler, I am of opinion that the bill ought to pass.

Mr. BAYARD spoke for some time against the policy which the friends of the bill desired to pursue, to wit: maturing this business of pre-emption into a system. That many individuals had settled land under a belief that they were legally entitled to do so, he did not doubt; but that there were others who had taken possession with a view to speculate on the public domain, he had just as little doubt. Mr. B. thought that most of the frauds had hitherto grown out of floats, and he was glad to see that the bill before them had been guarded in that particular; and if there had been any thing in it repudiating the idea of adopting the system as a general policy, he might have been induced to vote for it. As it was, however, he was unwilling to sanction the principle. Mr. B. spoke of the rapid manner in which the new States had sprung up; and now that they had attained to their present population, it was no longer the policy of the nation to drain the old States to enlarge the new, which would certainly be the effect produced if the pre-emption system were made a continuous measure. By referring to the last census, it would be seen that while the old States were stationary, or nearly so, the western States were increasing at a ratio of eighty-five per cent. If the inducements held out by the pre-emption system were continued, it would drain the old States of their agricultural population and advance the new at the expense of the old.

Mr. FULTON began by expressing the reluctance with which he mingled in a protracted debate that had been so fully and ably sustained by gentlemen on both sides of the question; but coming as he did from one of the new States which was, perhaps, more deeply interested than any other, he felt it his duty to say something on this occasion. The measure before them was of the greatest importance to the citizens of the new States, because numbers of them were in a situation where they would have it in their power to make themselves independent if it became a law, but who, if it did not pass, would be driven from their homes, rendered valuable by their enterprise and industry, and injured in their present and future prospects in a way that it was incumbent on Congress to prevent. Those Senators who took a different view of the subject from him and his friends, labored under great misapprehensions, which he had hoped that the developments of this discussion would have removed. They did not, he would undertake to say, understand the characters of the people for whose benefit this bill was framed; and in representing them as lawless intruders on the public domain, they did not represent them truly. No, sir, said Mr. F. they are a law-abiding people, and in all other respects except being found on the public lands without a legal title, they conform as strictly to the laws, and are as well ordered and industrious a community as the people of any other portion of the Union. In truth it was the hardships these people endured, the habits formed and the spirit of adventure created, which had given such an enterprising character to the citizens of the West. And why is it, asked Mr. F. that they resort to the public domain before obtaining a legal title to it? It was because, in travelling with their families to the West, they had exhausted their little means, and they were not able to make an immediate purchase, and therefore went beyond the lands already in market, which they knew would be entered and taken from them by speculators so soon as they would improve them. It was to gain a little credit, perhaps, of a few months, and to procure the means of complying with the demands of the Government that they were induced to take possession of the vacant unoccupied spot, which they honestly and in good faith intended by purchase to make their own, by giving for it, when brought into market, the same price at which the Government was able to sell all her public lands. And what should be the policy of the Government with respect to persons thus situated? Were they not our fellow-citizens? And shall we deny to them the poor privilege of making an effort to better their condition, or stand coldly by and see them ruined, and their wives and children deprived of a home and a shelter? Was not the vast public domain the common property of the people? Ought not all who desire to live by cultivating the soil, to be encouraged to do so by the Government? Were there not millions of acres of this common property lying idle, to which the Government had a title, but which was valueless while it was waste and uncultivated; and which she could not have sold during our lives, if it had not been penetrated and opened by those very settlers who have gone into the wilderness and converted it into flourishing settlements. It was only when waste land was improved that its true value could be known, and it was by settlement and improvement in this way that it was brought into notice and estimation. Was it, then, just or reasonable that the settler, whose labor had given value to the land, should have to cope with combinations of speculators, leagued together to keep down the price of the public lands, and to enrich themselves by preying on the industrious cultivator? Ought he not to have a preference in the purchase of at least one quarter section of land? It was only because of these combinations at the public sales that the lands of the Government, particularly those in the improved districts, were prevented from bringing a vast deal more than the minimum price. It was because, when the sales were advertised, and every means used by the Government to produce competition, and make the lands sell for something like their value, that large numbers of capitalists were in the habit of combining together and keeping down the prices, and who, by uniting together, and selecting one of their number to bid alone, were enabled to purchase all the valuable lands offered at auction at a trifle over the minimum price. If these capitalists were not to combine together, but were to enter into an honest competition one with another, the lands would sell for far higher prices than they did. It was a fact that sales had taken place, when the best of the lands were bought up in this manner, and immediately after the sale, these capitalists had an auction of their own, and bidding against each other, run the very lands they had bought up at one dollar and a quarter an acre, to ten and twenty dollars, and then divided amongst the company the money thus made, and to which the Government was fairly entitled if the sale had been honestly conducted. These were the means by which the Government had been defrauded, and not by the means of the honest settler, who enhances the value of the public domain, and assists in bringing it into market. With such claims on the favor of the Government, we present, said Mr. F. this honest settler to your notice, and ask for him his little improvement, of 160 acres, at the Government price. Say that, under this system, a few pre-

emptions have been obtained by fraud, are the great body of honest and deserving settlers to be destroyed on this account? Far, far greater abuses have been committed by combinations of land speculators; and if they refused to pass this bill, instead of preventing fraud and speculation, they would be protecting these combinations, and aiding this system of swindling, if he might call it so. Our sales at auction, instead of being fair and open, and affording to the poor, as well as the rich, an equal chance to purchase, have been the means entirely of benefiting the rich, of defrauding the Government, and of oppressing and grinding the poor.

If, said Mr. F. you are to contrast the various speculators on the public lands with each other, would you for a moment hesitate to decide between the "bone and sinew speculators," as the Senator from Connecticut called them, and the money speculators, who combine to keep down the price of the public lands? If, said Mr. F. we asked for this pre-emption privilege as a bounty, if we asked for it as a gift from the Government, and did not propose to pay the average price at which, after every effort to get more, the public lands have been hitherto all sold, we might perhaps be accused of asking something unreasonable; but when we ask to be permitted to pay for it, and to pay, too, the highest price which, it would be seen by the documents on the tables, had ever been received by the Government, it could not be denied that all that was asked for the settlers was the protection of the Government against the speculators, who monopolise all the valuable public lands. Some gentlemen had said that this bill contained new principles, or introduced a new policy in the Government; but it was not so. They were not now about to enact a new pre-emption system. The bill simply provided that those who actually resided, on the first of December last, on public land, shall have the right to enter one quarter section at the minimum price. It gives no right to such as settle after that day. It merely gives to those who have settled upon the public lands since 1834, the same privilege which Congress gave to others in 1830, '32, and '34. If, however, the passage of this bill should encourage others hereafter to settle on the public lands, ought it to be objected to on this account, after contrasting the pre-emption with the auction system?

With regard to the lands in Indiana, acquired under the Miami treaty, and spoken of as being worth from forty to fifty dollars per acre, they would, if put up at auction to-morrow, in consequence of the combinations that would be formed by speculators, produce no more to the Government than one dollar and twenty-five cents per acre. With these considerations, the friends of the bill thought it not unreasonable to ask, that the honest settler and cultivator should be put on the same footing with combinations of speculators. This was the whole state of the case. We are said to be only providing homes for these individuals, who went by hundreds and thousands into the wilderness, reclaimed it by their industry, and while they gave value to the spots selected by themselves, gave increased value to the adjacent property of the Government. Yet it was said that these settlers grasp at vast tracts, actuated by a "heartless, boundless, demoralizing spirit of speculation." That in this way all the best lands are seized upon, leaving none but the inferior lands for competition in the market. This view is altogether erroneous. We know (said Mr. F.) that in Illinois every acre of land is valuable. We know that in Arkansas, prior to 1836, there were whole sections, containing the finest cotton lands of that section of country; and although they had been offered at public sale, no settlement had been made upon them. During that year they were all entered by different companies of land buyers. He lamented the loss of a valuable friend who went there, and purchased for himself and others, and last year settled on these lands. He went with a young and interesting family into this uninhabited region; for he found not a single family within twenty miles of him. He opened a plantation, and had just time to see the wilderness changed into cultivated fields, when he fell a sacrifice to that enterprising spirit which made him risk so much in persuit of independence. There were vast quantities of such lands yet unoccupied, and if it was not for these combinations of speculators, these lands would sell when there was competition in the market, at from twenty to thirty dollars per acre. It, therefore, appeared to him, that in considering this important subject, the Government should be looked upon as a vast landed proprietor, having, as appeared by the documents on file, millions upon millions of acres of land for sale, and hundreds of millions of acres ready to be brought into market. One question then presented itself. Having ascertained that, in consequence of the combinations he had referred to, the price was kept down to the minimum fixed by law, the only question for this great proprietor to consider, was whether he would permit the industrious cultivator who goes with his family into the trackless wilderness, and builds his cabin, to purchase at the price at which only he can sell his best lands at auction or at private entry, or force him to purchase his improvement at a ruinous price from the land speculator; or, as was proposed by the amendment of the Senator from Vermont, force him to pay half its ascertained value, instead of the price at which he sells to all others. Having permitted his wild lands to be occupied and cultivated by settlers, without molestation in all past time, after vast portions of his territory has been explored, opened, and brought into view, by a hardy and daring race of pioneers and settlers, who have thus caused the rapid settlement and sale of his waste possessions, whether he will permit these pioneers to purchase a home from him at his selling price; or will he sell the labor and improvements which these poor pioneers have added to his lands to companies of capitalists, to be sold to them at such prices as their tender mercies may induce them to fix upon their improvements? In such a case, it is easy to determine what a just proprietor would do. The new States have been settled in this manner. Multitudes who have gone upon the public lands, have no knowledge of the law supposed to prohibit them from settling upon them, and do not believe they have violated any law, or interfered with the rights of any man. They have followed the lead of thousands of others, all seeking to better their condition; with, as they supposed, the sanction of their Government; and will this Senate now fix a brand of criminality upon all such? or will it submit to have the noble spirits, who have converted our western wilds into powerful, flourishing and independent States, to be denounced as public spoilers, without standing forward in their vindication? Will the country tolerate an act of injustice to such a people? No, sir, never.

Mr. CALHOUN said that he had remained silent during this discussion, from the conviction, derived from the experience of the last session, that all opposition would be unavailing. Nor did he rise now with the least expectation of changing the vote of a single Senator, but simply to state the grounds of his objections.

If the passage of this bill would terminate the pre-emption system, he, for one, would not object to its passage; for he felt, with the Senator from Massachusetts, that under the influence of the passage of similar bills, many persons had made improvements on the public lands, of which it would be almost cruel to deprive them; and he regretted that the Senator, who had turned his attention to the subject, and who was so well qualified for the task, had not incorporated some provision in the bill to terminate the system, as he was equally opposed to its continuance as himself. Had he done so, the bill would have received his support; but as it is, he was compelled to vote against it.

Considering it, then, as the continuation of a system of passing acts from time to give, giving to the occupant the pre-emption in the sale of public lands, he would ask, when and how the system was to terminate? The passage of every additional bill but confirmed and strengthened it. The same exigency that passed this, would increase the necessity of passing another hereafter, and that a subsequent one, till it would terminate in the surrender of the public domain to those who could first seize on it, unless some means should be adopted in time to terminate the system. Now, sir, if the surrender would be to the poor, but honest and industrious settlers, giving each the one hundred and sixty acres of vacant land on which he might settle first, to be a home for himself and his family, he would have no great objections. But would that be the end? Would it benefit the man, with many children and but little money, who might desire to emigrate to the West to improve the condition of himself and family? His opinion was, that its termination would be directly the reverse. Instead of benefiting the poor and honest emigrant, the system would operate, in the end, to the almost exclusive benefit of the rich, the strong, and the violent. Let it be once firmly and universally fixed in the public mind, as it surely will be under its operation, that the public lands belonged, of right, to those who can first seize them, and the result will be, that the moment a treaty is held to extinguish the Indian title to a tract of land, and long before it is submitted to us for our ratification, an armed body of men, acting for themselves, or with speculators, will rush into it, and make themselves masters of the country, and would exact more from the poor and peaceable emigrant for the liberty of *settling*, than the United States would for the *quiet fee simple of the soil.*

If he was correctly informed, the Ioway country had been already seized on by a lawless body of armed men, who had parcelled out the whole region, and had entered into written stipulations to stand by and protect each other, and who were actually exercising the rights of ownership and sovereignty over it—permitting none to settle without their leave, and exacting more for the license to settle, than the Government does for the land itself. In confirmation of this, he would ask the Secretary to read a letter which he had received from an emigrant to that region, with the view to make a settlement; and how he fared there, the letter would show. In desiring it to be read, he had no expectation that it would have any influence over the vote of the members. His object was to turn the attention of the Senate to the actual state of things in that quarter, in the hope that something would be done to provide against the evil in future, and to put an end to a system that led to such results.

[Here Mr. C. handed the letter to the Secretary to be read; but after various objections to it unless the name of the writer was given, which Mr. C. refused to do, from the hazards to which the disclosure, if made, might expose the writer, he finally withdrew it.]

He said, as the reading of the letter was objected to, without the name of the writer, he would not press it, but would give a very brief summary of its statement. He (the writer) stated, that he emigrated with a view to make a settlement; that the country consisted of a small portion of woodland to a large portion of prairie; that the latter was only valuable in connection with the former; that the woodland had been seized on by large bodies of armed men, who had marked out and designated their respective possessions, and entered into written stipulations for mutual protection. He says that he was driven about from place to place without being permitted to form a settlement; that he finally offered to purchase a place for which a most extravagant price was asked, and was at last compelled to purchase at a rate far beyond the Government price. The individual wrote like a man of intelligence and sense. He stated that his life had been menaced, and that he had been informed that the lives of several intruders had paid the forfeit.

Whether these things were so, or not, he did not vouch; but he felt a certain conviction that such must be the final termination of the system, if it has not already reached it; and on that account, among other reasons, he objected to it. He had no objection to people emigrating to the West, in the hope of bettering their condition; and if it were possible to pass a prospective law, giving to every man who would settle on 160 acres of land, with the view to improve and cultivate it, a pre-emptive right, without opening the field of speculation and violence, he knew not that he would object to it. It would be almost unnatural in him to be opposed to the brave and hardy pioneers. He was the im-

mediate descendant of one who spent all the active and vigorous portion of his life on the frontier, and won his home by his courage from the savage enemy; and he had, therefore, a feeling in common with those who were the professed objects of this bill. He objected to it, because it would not effect that object.

He had another and strong objection to the perpetuating the system. So long as it continued, it was utterly impossible to prevent questions in relation to the public domain from running into, and controlling, the party politics of the day. It was too great a stake to be drawn into party struggles, and ought to be withdrawn without delay; or otherwise, they would in a short time be gambled away by the combatants of power. The system, as it stands, operated well enough in the infancy of the Republic, when the new States constituted so small and unimportant a portion of the Union. When he first entered into public life, there were but three new States, including Kentucky and Tennessee, with Ohio; but now there were nine, excluding the two first, which might now be considered old States. These young offsprings of ours have already 18 out of 52 Senators on this floor; and, with the co-operation of 8 from the old States, had one-half of the Senate. Instead of repining at this state of things, he rejoiced at it. He gloried in their wonderful and unparalleled growth. They are our descendants; and he considered the vast and mighty West but as the inheritance of our posterity, bestowed on us by a kind Providence for settlement and improvement. But he could not close his eyes to the fact, that this mighty and still rapidly-progressing change made a thorough and radical change in our land system indispensable. So long as the present state of things continue, you will have 18 solid votes from the new States for a continuance of the pre-emption system, with the whole weight and influence of the public domain constantly bearing perniciously on our party struggles. Of this he became fully convinced on the discussion of the land bill at the last session, in which he took an active part. The result then satisfied him, that so long as the present state of things continued, it was impossible to prevent the incessant agitation of the subject of public lands, or the passage of any particular law, which either the new States, or party considerations, might bring forward. It was useless to complain or resist. It grew out of the nature of things, and must continue so long as that continued.

Under these impressions, he turned his attention at the last session towards a remedy; and after careful investigation he could discover but one, and that was to place the new States in such a condition as to the public lands within their respective limits, as would identify their interest with that of the old; and for that purpose he introduced a bill to cede to them the public lands within those States, under certain conditions, which were intended to secure the interests of the old States, and place the whole system under a solemn compact between the Government and the new States, in order to give it stability and uniformity. His reflections, and the additional experience derived from the present occasion, have satisfied him that there ought to be no delay in effecting a change, and he thought the one he then offered was the best that could be devised; but he was not tenacious, and if there was a better, he hoped that it would be presented. He would cheerfully surrender his for one that might promise an equal or more effective remedy for the growing evil.

He felt much reluctance at making a first move on the subject. He knew that whoever brought forward a measure of this kind, would expose himself to the imputation of ulterior motives; and, though he was conscious that he was not actuated by any such, as he desired nothing of the Government or the people, he had been peculiarly liable to such imputations. It was the more strange that he should be, as he had shown so little regard to popularity or favor as to take, for the last ten years, under a sense of duty, the most likely course that could be to make one unpopular; still he could not exempt himself from such imputations, though he felt conscious there was so little justice in them, that when duty demanded it, he had but little choice between a popular or unpopular act.

Not desiring, for these reasons, to take a lead in proposing a remedy, he would wait and see whether any other Senator, more competent or conversant with the subject, would; but, if not, he would not shun the responsibility of again offering for the consideration of the Senate the bill he introduced at the last session, as the only remedy, in his opinion, capable of reaching the disease.

Mr. LYON said the honorable Senator from South Carolina, (Mr. CALHOUN,) who had just taken his seat, remarked that he lived in an old State, and, not knowing any thing from personal observation of the state of things in the new States, he might be mistaken concerning them. Mr. L. believed he *was* mistaken; and he entertained no doubt that if he had had the advantage of personal observation there, he would be as much in favor of the policy of those States, in relation to granting pre-emption rights to settlers on the public lands, as any member of the Senate. There is, said Mr. L. but one class of politicians who, in my opinion, have any cause to be opposed to such a policy, and the Senator from South Carolina is not of that class.

The statements contained in the letter which the Senator had received, in relation to the settlers on the public lands in that part of the Territory of Wisconsin west of the Mississippi river, were probably correct, with some few exceptions. The statement, however, that the writer could not find, in the whole country, a piece of good land unoccupied, on which to settle himself, and that the settlers had formed combinations to keep others off, and secure to themselves *all* the good lands, Mr. L. knew to be untrue. Though the Territory of Wisconsin has been settling very rapidly within the last two or three years, since Mr. L. had been there, he knew very well that there must still remain unoccupied hundreds of thousands of acres of land on both sides of the Mississippi river, of as good quality as could be found in any country; and he knew the hospitable and generous character of the people there too well to believe, for a moment, that any person going there with the intention of becoming an actual settler in the country would be treated badly by those who had gone before him.

They have, it is true, formed pre-emption societies west of the Mississippi, the articles of which Mr. L. had seen published in some of the newspapers, according to which articles the members of such societies are to be allowed to purchase each a quarter section, or one hundred and sixty acres of land, including his improvement, without any competition from the other members at the public sales. Such a society has also been formed by the settlers on the public lands in the State of Michigan.

Now (said Mr. L.) I see nothing so very wrong in this. These societies contemplate no resistance, no force, no violence, either at the public sales, or elsewhere. Any person who chooses to bid against the settlers will be left as free do so, as though they had not been formed. The members merely pledge themselves that they will not disturb each other in the possession of their own improvements. The lands in Wisconsin have been a long time withheld from sale. Had they been brought into market as soon as they were wanted for settlement, there would have been nooccasion for the formation of these societies, for every man could then have bought the piece he wanted for one dollar and twenty-five cents an acre. This is the price of the Government; and no land, however good, lying in advance of the settlements, especially any considerable distance in advance, can ever be worth more. It is impossible, in the very nature of things, that it should be worth more. Why, Mr. President, said Mr. L. what is it that makes land valuable? What but settlement, cultivation, and improvement? Nothing, sir. What would any man give for the best land in the fertile, but wild and uncultivated region west of the Rocky Mountains? Would he give a dollar an acre? Would he give fifty cents, ten cents, or even five cents an acre? If he would, he might have it and welcome, against any thing that I would give. What would any man give for the best land lying only even fifty miles in advance of settlements?

Why, sir, said Mr. L. I know something about this matter. I have travelled some forty or fifty thousand miles, at different times, and in different directions, through the woods and over the prairies, in all parts of that vast region bordering on the Great Lakes and the Upper Mississippi river, embracing a country as fertile as any on the face of the globe; a country, too, which has been and id now filling up with population faster than ann other portion of the United States; and I have seen but very few tracts of land that have ever been sold, or would ever sell, for more than the Government price, before they were reached by the advancing settlements, however rapidly their value might increase afterwards. It has been so throughout the whole northwestern States, and it was so in the empire State of New York. A gentleman of great respectability, now residing in the city of New York, informed me, not long since, that some time about the year 1790, I think it was, said Mr. L. he received as security for a loan of only *sixteen thousand dollars*, a mortgage on the whole county of Ontario, which then embraced nearly, or quite, the whole of that State lying west of the town of Utica. How many hundreds of millions the same land is now worth, I will not pretend to estimate; but, whatever may be its value, the increase has been caused chiefly by settlement and improvement; the same process which the settlers on the public lands in Michigan and Wisconsin are now carrying on, and which has already caused the wilderness there "to smile and blossom as the rose."

Yet these settlers have been denounced by the Senator from Kentucky (Mr. CLAY) as "land pirates," "plunderers," "robbers!" Do they deserve such epithets? Whom have they robbed? Certainly, not the Government. They are ready to pay for the lands they occupy all the Government could have sold them for had the policy of the Senator from Kentucky been adopted, and the settlers kept off those lands. They have committed no waste; injured no one, either the Government or any individual. They have, in truth, been of service to the Government, by giving additional value to lands lying in the neighborhood of their improvements, and thus enabling the Government to sell those lands at an earlier period than it could have done had their improvements not been made. The Senator from Mississippi (Mr. WALKER) proved, incontestably, from the public documents which he read yesterday, that the average price per acre, for which the public lands have been sold since the date of the pre-emption law of 1830, has been greater than it was for several years pyevious to the passage of that law, and that the average quantity of lands annually sold, and the amount of money paid into the Treasury, therefor, has been increased since the passage of that law more than three hundred per cent. over the averrge annual amount of previous sales! This is sufficient to show that the *Government* has not been robbed; that the Government has no cause to complain of the effect of the pre-emption laws—and if the Government has not, I ask who has?

But it is said these settlers are trespassers and intruders; that they have violated the laws in settling on the public lands; and therefore, ought not to receive the protection and encouragement which this bill will give them. What laws have they violated? Laws, sir, which do injustice to every poor man in the United States who is unable to purchase land, and seeks a home where he can support himself and family; laws which are as unreasonable as they are unnecessary, and which are opposed to the moral sense of the people; laws which it would require a standing army of a hundred thousand men to enforce; which you never *have* enforced; which you never *can* enforce; and which ought, in my opinion, to be repealed immediately. If any reasons can be advanced in support of these laws, I have never heard them; and if there is any instance where they have been enforced, I am not aware of it. I can understand the propriety of laws to prevent waste and *injury* to the public lands, but can see no reason or justice what-

ever in laws to prevent their *improvement* by any person whose comfort or interest may be promoted thereby, without injury to the Government.

I have shown, sir, satisfactorily to myself, at least, that the public lands of the United States will bring the Government more money under the pre-emption system than they will if sold exclusively under the auction system; and, as I have before remarked, I believe there is but one class of politicians who can find any good reason to oppose this system. That class, sir, is made up of the supporters of the famous "American System," a system, the prosperity and success of which, I can well imagine, may require, either that such a duty shall be laid on foreign fabrics as will, in a great degree, prohibit their importation; or that such a policy shall be adopted by the Government, in relation to the public lands, as shall have the effect to confine the growing population of the country within the old States, where the poor man will be compelled to become the tenant of some wealthy landlord, and place his children in a manufactory, for such wages as their master may choose to give them, instead of seeking a home on the fertile lands of the West, where he and his family could be comfortable and happy. I go, sir, for no such system; but shall vote for this bill with great pleasure.

Mr. CLAY of Ky. said, that in corroboration of the testimony which the Senator from South Carolina was about to adduce to the Senate, he begged leave to read some extracts from an official document which had just been received.

[Here Mr. C. read extracts from the field notes of Mr. Lucas and Mr. Biggs, who were employed in the survey of the Black Hawk purchase, stating that the land was generally settled by armed intruders, and complaining that their progress was interrupted by the opposition and threats of this description of persons]

He supposed, Mr. CLAY said, that all this was false—nothing true in it. I dare say (he continued) there are members in this, and the other House, ready to pronounce that a more honest, deserving set of men, than these "club law men" does not exist: men who openly violate the laws—men whose moral sense would be violated by an enforcement of the existing laws, as they had been told by a Senator on that floor. Whose moral sense? Why the moral sense of these club law men, who band themselves together, and overawe and set at defiance the officers of the Government. What pretence had these lawless men for roving about the country and seizing by violence on the choicest spots of land?

He read a statement, by which it appeared that there were in the State of Illinois millions of acres of as fine farming lands as the sun ever shone upon, that could be entered by any man who was willing to pay his dollar and a quarter per acre for it. And all the new States contained an abundance of the best land which could be obtained by the settlers on the same easy terms. The honorable Senator from Michigan (Mr. LYON) had made the notable discovery that it was the settlement of land which constituted its value. No, sir, said Mr. C. it is the fertility of the soil, the natural advantages of the tract, and its capacity to yield a profitable return for the capital and labor expended on it, which gave value to the land; and there were millions upon millions of acres of such land that would readily find purchasers were it not for the practices introduced by this pre-emption system. He had had occasion to say that prior to 1830 there was no general pre-emption law. The laws of that description, passed before that time, were all founded on particular circumstances, limited as to the territory and limited as to their duration. The first pre-emption law originated in 1830, and was one of the fatal series of experiments which grew up under the late Administration, and been followed by the present, and the effects of which he feared would be felt for years. But this system expired two years ago, and owing to the abuses and corruptions which sprung from it, it came into general disrepute. Why, said Mr. C. do you not recollect the scenes enacted at the Chicago sales? The moment the sale commenced, there were persons present ready to oppose the sale of every tract offered crying out "settler's claim, settler's claim," and the sale was interrupted in the most disgraceful and outrageous manner.

In consequence of the abuses that had been practised under this system, it became so odious that it could not have found a vote in either House to support it. No one ever thought of reviving it until the last session, and all the unauthorized settlements that have been since made on the public lands, have been made in violation, not only of the known laws, but in violation of the well ascertained sense of Congress. He had shown that there were one hundred and fourteen millions of acres of land already surveyed, and in the market—that there was no want of elbow room—no want of good land for the settler to choose from, on paying for it; and there was therefore no reason why the settlers should move off, and seize upon lands not yet surveyed. The Senator from South Carolina had correctly said, and he himself was aware, how vain it was to resist these practices. There were nine States with their eighteen votes ready to go for this system. It was an Administration measure also, supported by the friends of the Administration, with one solitary exception, and that was an able and high minded representative of one of the old States, who was worthy of his distinguished sire and his grandsire. There was a combination therefore of the friends of the Administration, and the members from the New States, the President himself taking the lead; and he found further, with the greatest pain and regret, that this system found support from another quarter; from a gentleman (Mr. WEBSTER) who had been his powerful and efficient ally in opposing the experiments of this and the last Administration, and who was so deservedly celebrated as the able expounder of the Constitution, and the firm unwavering supporter of the laws.

That gentleman stated as one of the strongest reasons why he should vote for this bill, that a state of things with regard to these settlers existed, which could not be met—that encouraged by former pre-emption laws, they had gone and settled upon these lands, and could not now be removed. Sir, said Mr. C. I will meet them with the laws of the country. Let the lands be exposed to public sale, and afterwards at private sale, and then put in force, if necessary, the existing laws, and remove these lawless intruders from the property they have forcibly appropriated to their own use. What right had they to the public domain more than any other descreption of plunderers to the goods they may seize upon? An auctioner has his warehouse broken open by a lawless body of armed men: one man seizes upon a bale, another upon a hamper, and another upon something else, and says he has a right to take it at his own price. When other purchasers come to auction, and say Mr. Auctioneer, why not give me these goods on as cheap terms as these gentlemen who have broken open your warehouse obtained theirs. Why, what sort of answer would it be to say that these gentlemen are pre-emptioners, their moral sense has been outraged by locking up these goods, and keeping them from their use, and as they particularly wished for this bale or hamper at their own price, and are honest, industrious men, who are unable to give the real value for the goods, they have taken this natural and harmless method of getting possession of them. In a country like this, where there are one hundred and fourteen millions of good land open to sale at the lowest price, you find (said Mr. C.) these men, in opposition to the laws, and in opposition to the known sense of the Legislature, going further to the West, seizing from latitude to latitude upon the choicest spots of the public lands, and their moral sense is so wounded by the nation wishing to retain the lands in their own hands, that they must have them at their own price. And this was one of the experiments of this Administration, far worse than the experiments upon the Treasury. The Administration, not satisfied with tampering with the currency, becomes a squatter, and settles down upon the lands of Wisconsin, becoming mortagers of the public domain to unknown foreigners and unknown pre-emptioners. Mr. C. here went into an examination of the land system as considered disconnected from pre-emptions, which he eulogised very highly, and contended that a better system could hardly be devised. Ohio, Indiana, and several other of the new States, he said, were beginning to see that their exterior interest in the public domain, owing to the diminution of the quantity of public land in them by sales and pre-emptions, was becoming greater than their interior interest, and he prophesied that the time would shortly come when pre-emptions would be as unpopular in Ohio, Illinois, or Indiana, as they now were in Virginia or Kentucky. Mr. C. then commented on the manner in which this bill had been carried through. What, he asked, had they seen? A proposition was made by an honorable Senator from Maryland (Mr. MERRICK) to limit the pre-emptions to citizens of the United States, native and naturalized: rejected. And could any body say, after that naked vote of the Senate, that it has not become the permanent policy of the country to go on inviting all the hordes of Europe to come over and partake of this bounty, derived from our ancesters, and which we should preserve for our posterity.

Again: in the Miami purchase, in the heart of a dense population, before the signature to the treaty was dry, we find a crowd of grasping speculators rushing in to seize upon land acknowledged on that floor to be worth from forty to fifty dollars per acre; and yet when an amendment was offered to exclude these lands from the bill, it was voted down. Then there was the last amendment, offered by the Senator from Vermont, (Mr. PRENTISS,) to make the pre-emptioners pay one-half the ascertained value of their land above the minimum price. What became of that proposition? It was voted down, like the others. It is true one apparent security was obtained on the adoption of the amendment offered by his colleague, restricting the pre-emptions to actual habitation and cultivation; but after this, a proposition was made late in the evening, on the motion of the Senator from Illinois, when there was not a full Senate present, and against his remonstrance it was adopted, rendering his colleague's amendment almost useless. Mr. C. said he knew how vain any struggle of his was against the passage of this bill, two-thirds of the Senate voting for it. But he rested his hopes, where the hopes of the American people were on this occasion—on the other branch of the National Legislature. This Senate, on which the late Executive had placed his feet before he retired from office—this Senate, which had not even left the poor privilege of preserving its own records from mutilation, was not the body to which he could look for the preservation of the rights and liberties of the people; but there was another body in the other wing of the building—the body peculiarly belonging to the people—and on whom their eyes were anxiously turned at this important crisis; and he confidently trusted that they would not be turned in vain.

Mr. CLAY of Alabama observed that the last remark of the Senator from Kentucky constrained him again to express his admiration of that gentleman's wonderful versatility. Three or four years ago, would that gentleman have said that the hopes of the American people were concentrated on the other branch of the National Legislature? No. Then, in his opinion, they were under the control of Executive influence, and the Senate was the palladium of the liberties of the people. But now he would sing hosannas in praise of the popular branch, while he has the courtesy to denounce the Senate, because, from political changes in that body, he cannet indulge the hopes (though very distant in realization, Mr. C. trusted) from it that he rested on the other. Mr. C. called the attention of the Senate to the course of argument the gentleman had thought proper to adopt in reference to those persons who were the objects of this bill. The gentleman referred to a document, which he (Mr. C.) had not seen, and therefore knew nothing of, from which he picked out some isolated cases of alleged resistance to the public officers, among the vast number of those who had settled on the public domain; and, on the authority of this document, he would withhold from all the others the trifling boon which justice, humanity, and, above all, the public good, imperatively demanded. Was this the Senator's idea of justice, of equality, and of a sound

national policy? If a single individual, or even a dozen of them, in Ioway or Wisconsin, should manifest any hostility to the officers of the Government, he asked if this was a good and sufficient reason for withholding the benefits of this bill from thousands of industrious and meritorious claimants in all the other States and Territories? But the Senator had another objection to this measure: it was one of the unfortunate "experiments" of the late Administration. Now he apprehended that this was the true source of all the gentleman's objections, for he was not aware that he had given his support to any one measure of that distinguished patriot and statesman, who had lately filled the Executive chair with so much honor to himself, and glory to his country. But with regard to what the Senator had said, in reference to the settlers in Wisconsin, he would say a word or two, and in his turn refer to documentary evidence.

The honorable delegate from that Territory had informed him, on the authority of a gentleman of respectability—who, perhaps, now heard what he was saying—that a majority of this population had gone there under the sanction and authority of an agent of the Government. There was a law on the statute book providing for a lease of the lead mines belonging to the United States; and, in pursuance of the provisions of this law, the agent of the Government had, by an advertisement in the public newspapers, invited persons to bid for them; and it was in this manner that the mass of the settlers in that country had gone over. In the very law to which the gentleman referred—the law to prohibit intrusion on the public lands, as he calls it, and which was made as well to protect the Government against claimants settling under spurious grants, and thereby gaining advantage by possession, as to keep intruders off the Indian lands—this provision would be found: "That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States, *who is hereby authorized to cause such mines or springs to be leased for a term not exceeding three years, and on such conditions as he shall think proper.*"

Now, under this act, he was informed that a vast majority of these people who had settled in Ioway, had gone there under an invitation of an agent of the United States, and therefore could not be the lawless intruders the Senator from Kentucky described them to be. If there were no other persons in that country than those referred to in the document quoted by the Senator from Kentucky, his denunciation might be proper; but would it be just to deprive all settlers of their homes and their improvements, because some may have acted even as unworthily as had been represented? Was it compatible with any principle of justice to deny them what other portions of the people of the United States had received, because some amongst them had not shown as much mildness and docility as the Senator from Kentucky required? One Senator—the Senator from Delaware, (Mr. BAYARD) objected to this measure because he apprehended that it would drain the old States of their population, and prevent them from filling up and maintaining their ascendancy in the Union.

In the name of Heaven (said Mr. C.) how much greater population than she now has, could little Delaware sustain? Did the honorable gentleman suppose, that by preventing the passage of pre-emption laws, he could keep back emigration from the new States? No: as well might he attempt to stop the waves of the ocean, or turn the current of the Mississippi, and bid it roll back to its source, as to say to the industrious poor of the old States, that though fertile fields, and the rich rewards of industry, invite you to the West, you must stay at home and drag out your lives in hopeless dependence, in order that the old States may not be excelled in wealth and population by the rising States of the West. No: neither the Senator from Delaware, nor the Senator from Kentucky, whose unnatural opposition to emigration, had been so perseveringly displayed on that floor, neither of them, could stay this vast, this unceasing current, which had been flowing into the great valley of the Mississippi for more than forty years. He might brand them all as renegades, denounce them as squatters and outlaws, and still the tide of emigration would roll on. But he would tell the Senator of what description of men the settlers whom he denounces, in such unmeasured terms, were composed. They were such men as nobly and victoriously sustained their country's honor at the battles of the river Raisin and the Thames; men who fought and conquered our savage enemy at Emuckfaw, Enotochopee, and Tehopeka, in the late war; and though last, not least, the men who, on the ever memorable eighth of January, 1815, under the immortal Jackson, finished that war with Great Britain "in a blaze of imperishable glory." Yes, sir, said Mr. C. the population of the new States and Territories is constituted of such men as will be ever ready to defend their country against every enemy, and every invader. But, said Mr. C. neither do these people receive any extraordinary favor by the passage of this bill, nor will the Government lose by it. You have, said he, fully tried the auction system, and have not received more by it than under the system of experiments which the Senator from Kentucky deems so unfortunate. He had, on a former occasion, sufficiently demonstrated, from documents on the files of the Senate, that the Government received no more, in proportion, from the sales of its lands in other years, than in the periods when the pre-emption laws were in operation. The question, at last, resolved itself into this: Will you, asked Mr. C. sell to these men, whose enterprise and perseverance has given settlement and cultivation to your remotest wilds, their homes and improvements on the same terms, and no better, that you give them to the speculators; or will you allow the speculators to drive them off, and reap the fruits of their industry? This was the true question presented to the Senate, and he hoped it would be maturely weighed before coming to a decision.

Gentlemen should recollect, said Mr. C. when they are warring against the poor settler of the West, they are, at the same time, warring against the poor cultivator of the soil in the old States. It is to the great West, to the great valley of the Mississippi, that the poor laboring man, who has no land he can call his own, who is the lessee, or hireling, of some rich proprietor, or wealthy landlord, looks with hope for the improvement of his condition. Impose hard conditions on the occupants of the West, and raise the price of land there, and you operate to the prejudice of the humble cultivator in the States east of the Alleghany. For his own part, Mr. C. said, he was not only in favor of giving the present settlers of the public land the right of pre-emption, but he would be willing to extend the favor of the Government so far as to give to every industrious poor farmer of the old States, who was not a freeholder, the opportunity of becoming so, by extending to him the privilege of taking a limited quantity (a quarter section) of the public land at Government price, on the condition of his settling on it, improving it, and occupying it a sufficient length of time to give earnest of his citizenship.

He knew of no better mode of disposing of the public domain. He would extend this privilege to the citizens of Delaware, Massachusetts, Connecticut; yes, sir, to the citizens of all, all the old States. He would make every tiller of the soil a freeholder, and thereby render him more independent and useful to his family, and as a citizen. Mr. C. said he was willing to abolish the auction system altogether, for he had seen enough of the evils of its frauds and combinations. He had shown the way to avoid all those evils and to establish a better system of equality, which seemed to be such a desideratum with the Senator from Kentucky.

They were about to take the question on the final passage of the bill, and he trusted that they would again exhibit the same triumphant majority that they did on the question of engrossment. Let it be sent to the other House, where he looked with as much confidence as the Senator from Kentucky did, and however they might receive it, or whatever might be its fate, the friends of the bill would at least have the satisfaction of knowing that they had done their duty.

Mr. HUBBARD said that it was perfectly true, as the Senator from Kentucky had stated, that previous to 1830 no general pre-emption law had been passed by Congress. It is no less true, that during the existence of our Government particular acts granting pre-emption rights to portions of the public domain have repeatedly been passed by Congress.

The Senator from Kentucky had denounced this measure as an Administration "*experiment*," and said that the friends of this Administration, with an honorable exception, (alluding, he presumed, to his friend, Mr. ROANE, from Virginia,) were the advocates, the supporters, and the defenders of this policy and of this particular measure. The Senator has, in unmeasured terms, denounced what he has been pleased to call the experiments of the last and the present administration of the Government. He has given his opinion of the effects produced upon the industry of the country; and it was far from his (Mr. H's) purpose, at this hour and on this occasion, to go into an examination of the policy of the last and of the present Administrations, or to contrast that policy with the policy of the Administration which preceded them. He had risen for the purpose of showing to the Senate the rise, progress, and effect, of the pre-emption act of 1830, and of satisfying the honorable Senator himself that this pre-emption system was not, as had been alleged, a party measure; that it was not an "*experiment*" of the last Administration in the sense the gentleman from Kentucky attaches to the term "*experiment.*" He was free to admit that the bill was brought forward and was passed under the administration of General Jackson; but while that bill was pending in the House the debate never assumed a party character, and the ultimate vote upon its passage will show that it was sustained and opposed uninfluenced by political feeling. He, with his friend from Alabama, (Mr. CLAY,) were then members of the House of Representatives, and he never should forget the impressions made on his mind by the debates on that occasion upon that pre-emption bill. That measure could not but be regarded as a direct innovation upon the land system, as it had long existed. It was introducing an entire new principle touching the disposition of the public domain. It was declaring to the American people that the public lands might not only be settled, but might be actually sold to the occupant, without the agency of public auctions. He then regarded the measure, as he had ever since regarded it, as an important change in the practice of the Government in relation to the mode of possession, and in the mode of acquiring a title to the public lands. He then looked upon the measure as a measure of public policy, and if experience should approve it, he supposed that it would become the settled policy of the Government. Such he believed was the prevailing sentiment at that time in the House of Representatives. The measure was most powerfully and efficiently supported by the present Speaker of the House of Representatives in Kentucky; it found, also, a warm friend in the present Governor of Ohio, neither of whom could be called the friends of the then Administration. The measure was also supported by the present Speaker of the Senate of Kentucky—by the present Governor of Massachusetts—by the then representative from the city of Boston—by the head of the American system; and how far they were the supporters of the administration of General Jackson he would leave for the Senator to decide. The measure was opposed by the late Governor of South Carolina, an efficient friend of the Administration. The history of that measure will most conclusively show that it was no party measure. He at that time, and on that occasion, was convinced by the arguments of the friends of the bill that it ought to pass He gave to it his feeble support. He had never seen cause to regret it. He believed, in his conscience, that it was a measure founded in justice and in right—that this occupation and settlement, this mode of purchase, accomplished the great purpose which was intended to be accomplished by the Govern-

ment in the sale of the public domain It increases the moral and physical power of the country. Whether the Government immediately derived the greatest possible amount for the public lands, by this mode of sale, was to him a matter of minor importance—a secondary consideration. That these purchases and settlements, that these possessions and improvements, greatly added to the nation's wealth, and increased the resources of the Republic, no one can doubt. He had voted for the act of 1830, to grant pre-emption rights to settlers on the public lands; and the bill now before the Senate seeks but to revive that act, to grant pre-emption rights to persons who had settled on the public lands on or before the first day of December, 1837. On what ground is the bill opposed? First, on the ground that the entries and occupations are in violation of public law; that individuals, without right, without authority, against the moral sense of the community, have intruded upon the public lands. He was perfectly aware that, according to the strict letter of existing law, these occupants of the public domain were in the possession of land rightfully belonging to the United States; that at the time of making the entry, of taking the possession, of commencing their improvements, these settlers had not the sanction of law. This he freely admitted; but he could not admit that these citizens were, from that fact, obnoxious to the charge of wilful intruders upon the public domain.

He had, with some care, examined the several acts of Congress in relation to this subject; and, as he had before remarked, he regarded the passage of the pre-emption act of 1830 as the introduction of a new principle, the commencement of a new policy, with reference to the settlement and sale of the public lands. That act was much debated, was fully considered, and, uninfluenced by any party considerations, it passed the House of Representatives by a vote of 100 to 58. That act was a virtual repeal, as far as it went, of the act of Congress passed March 3, 1807, "to prevent settlements being made on lands ceded to the United States, until authorized by law." The letter, the spirit, and the object, of the act of 1807, was to prevent intrusions upon the public domain, and, when made, to provide for their prompt and efficient removal. Under the act of 1807, all occupations of the public land, unauthorized by law, were expressly prohibited.

The act of 1807 was in full force on the 29th of May, 1830, when the first general pre-emption law was passed by Congress. But had its particular provisions been enforced? Had the strong arm of military power been employed to eject intruders, to remove actual settlers from the public lands? Not so: the act of 1807 could not have been executed without difficulty, and without danger. If it could have been, why was it permitted to sleep? The settlements upon the public lands had increased under the Administration of the Government which preceded that of General Jackson, and yet there was no resort to arms; there was no calling forth the militia to drive off these settlers who had thus taken possession of portions of the public domain, in violation of the law of 1807. The language was not then to these occupants, "You are lawless intruders, trespassers, and wrong doers." So far from this, the Administration looked on, and made no movements to check the progress of these proceedings. Settlers were rapidly multiplying, and yet no attempt was made to put in force the act of 1807. The course pursued by those charged with the execution of the law was that of encouragement and protection to the pioneers of the West; to those who had left their ancient homes, their early associations, their friends and neighbors, to seek new homes, and establish new relations, in the western wilds; and in this way, many industrious and worthy citizens, from various sections of the Union, had entered upon portions of the public lands, and made great improvements under the eye of the Government, without objection. Under these circumstances, and within the first session of Congress under the late Administration, was the act of the 29th of May, 1830, passed, "granting pre-emption rights to actual settlers upon the public lands." So far from resorting to the provisions of the act of 1807, to eject from thr public lands the persons actually in the occupation, Congress passed the act of 1830, quieting these settlers in their possessions and improvements, and granting to them in terms the exclusive privilege of obtaining the title of the Government to the land by them occupied, and sufficient in quantity to make for them suitable farms.

Such were substantially the provisions of the act of 1830, and it seemed to him that they were in direct conflict with the provisions of the act of 1807; and as far as the act of Congress of 1830 went, it could not but be regarded as a virtual repeal of the act of 1807. It distinctly, and, to his mind, emphatically, declared that those who should take possession of portions of the public lands for actual settlement, for the praiseworthy object of cultivation and of improvement, so far from being driven off hereafter by military force, they should be quieted and protected in their possessions. The act of 1830 breathes the spirit of peace and security to the actual settler. It spoke the language of encouragement, and gave confidence and protection to this class of our community. The act of 1807 was a declaration of war against those who should presume to enter upon and settle any portion of the public lands, without the express authority of law. It is utterly impossible to reconcile these two acts of Congress. The one is replete with discouragement and menace: the other is full of hope, encouragement and security to the *bona fide* settler. He therefore, in voting for the bill of 1830, came to the conclusion that the stern and rigid enactments contained in the law of 1807 could not peaceably be carried into effect. A new policy, on essentially different principles, was embodied in the bill of 1830. The passage of that bill established what he then considered was to be the future policy and practice of the Government. And was he not right in coming to this conclusion? Had any member of the Senate ever known that a resort had been had to the authority of the act of 1807 at any time since the passage of the act of 1830, to expel occupants and settlers from the public lands? The history of the legislation of Congress since that period fully confirmed him in the views he had expressed. The Senator from Massachusetts had remarked that he should vote for this bill under existing circumstances; that such were the number and character of the settlers, such were the extent of their improvements, that he should vote for the bill now before the Senate. At the same time the Senator says that he would gladly support any measure which would check these intrusions, and prevent such pre-emption laws hereafter. He was glad to have the vote of the Senator from Massachusetts for this particular bill; but does not the Senator perceive that the passage of every pre-emption bill goes to confirm the policy, and sanction the practice, of the Government, and, in all probability, to render such pre-emption acts necessary from time to time, so long as this Government should continue to be a landholder? He would find no difficulty in voting for this bill, were it now for the first time presented to his consideration. He voted for it *on principle*, and in accordance with what he regarded as now the policy of the Government; and with his own convictions in relation to this whole subject, he would merely say that on all future and fit occasions, he shall be ready and willing to give his vote for any and for every pre-emption bill, for the protection and security of those citizens who had actually settled and improved portions of the public domain, to make for themselves homes, and homes for their families.

He would go as far as any man to carry out this policy of the Government. He had not only voted for the bill of 1830, but he had voted also for the bill of 1834, containing similar provisions; and so long as he was honored with a seat in Congress, he should not withhold his vote from any bill granting pre-emption rights to honest settlers upon the public lands. The best evidence that he could offer to the Senate of a determined innovation upon the policy and practice of the Government which existed in its early history, in relation to the occupation and disposition of the public lands, was not only the act of 1830, but the repeated acts of Congress since 1830, carrying out the pre-emption principle. In July, 1832, a bill was passed extending for another year all the benefits granted by the pre-emption act of May, 1830, and extending the principle of entry and occupation to fractional sections of the public domain; and the law of April, 1832, provided expressly, "that all actual settlers, being house-keepers, upon the public lands, shall have the right of pre-emption to enter, within six months after the passage of this act, not exceeding the quantity of one half quarter section, to include his or their improvements;" and the act of March, 1833, extended for another year the pre-emption system to all persons who were prevented from making their entries, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district; and the act of June, 1834, was a full recognition of the pre-emption principle; and during this period there is not to be found a single legislative enactment prohibiting the occupation of the public lands, except such occupation should be made in pursuance of some public sale. So far from such being the fact—so far from any efforts having been made to put in force the act of 1807—the reiterated legislation of Congress had invited, encouraged and protected, the very mode of occupation and improvement which the bill now before the Senate seeks to ratify and confirm. He could not, then, agree with the honorable Senator from Kentucky, that this class of occupants of the public lands merited the character of lawless intruders, trespassers, and wrong-doers. His own opinion was, that these entries, occupations and improvements, were in accordance with the general policy of the Government, as manifested by the act of the 29th of May, 1830. Upon what principle could Congress now refuse to grant pre-emption rights to actual "bona fide" settlers upon the public lands? Was there any reservation made in the act of 1830? Was there any provision contained in the act of 1834 that the pre-emption policy should extend no further? Nothing of the kind. Upon what principle, then, he would repeat, can Congress now refuse to grant to an equally meritorious class of citizens the same rights, immunities, and privileges, which have been repeatedly granted to others under like circumstances? He was wholly unable to understand any good reason which should have induced Congress, in 1830 and 1834, to grant pre-emption rights, and to withhold the same rights in 1837. The act of 1830, general in its provisions, declared most unequivocally the policy of the Government. It was not to provide at the time for a particular class of the community, and to stop there; for the acts of 1832 and 1834, in terms, contain the same general provisions. Had not this, then, been intended as part of the policy of the Government, most assuredly there would have been inserted in one or the other of the bills an express provison, limiting their operation to particular classes of the community, and to particular sections of country. The people, *then*, relying on the implied faith of the Government that the same policy would be extended to them, under similar circumstances, which was extended to the settlers upon the public lands in 1830 and in 1834, have gone on to occupy and to cultivate portions of the public domain; and unless some reasons now exist which did not before exist, the same measure of justice should be meted out to them as has been meted out to others.

But it is said that they are not *bona fide* settlers; that the occupation and improvement of the public lands, which the bill is intended to protect, have been made by speculators and the hired agents of speculators. He would not say that this might not be true to some extent; but, as far as he had learned the character of those who had left their ancient homes for new homes in the West, *they were the actual cultivators of the soil*—the honest and hardy yeomanry of the country—men ready to defend the Republic in the day of danger, and prepared to maintain themselves and families by honest industry. This he believed to be the true character of nineteen-twentieths of those who had left the granite hills of New England for the rich prairies of the West. Such was the known character of these citizens for industry and sobriety, that he believed no one had attempted to wrest from them their possessions and improvements by pur-

chase at public sale or by private entry; and he entertained no doubt that if the President proclaimed the lands now occupied by these settlers for sale, the moral sense of the community, a common feeling, a general sentiment, would effectually prevent any purchases which would lead to their disturbance. And whence arises this feeling, this common sentiment? From the fact that the acts of 1830 and 1834 encouraged this mode of settlement, and that every man's possession and improvement is his own, and merit the protection of the Government.

The Senator from South Carolina has asked, how is this system to terminate? He has said that, for aught he sees, it must result in the surrender of the public domain; that these pre-emption laws will become the means of great speculation, and that the tendency is to introduce violence and force to maintain the possession of the public lands thus acquired. He (Mr. H.) was free to admit, and he would state to the Senator from South Carolina, that this system would continue so long as the United States continued to be a landholder. But he denied that the Government would, under the operation of this system, necessarily surrender this public domain without an adequate price. The Government had fixed the value of its public lands; that value would be obtained; beyond that value the Government could not expect to realize; and he should be slow to believe that this system would become the means of speculation, or would tend to introduce violence or force. The legitimate tendency and effect of the pre-emption system is to afford protection and security to the honest settlers upon the public lands—men who would not, if they could, oppose the laws of the land—men who need no support from an armed force, and no protection from violent measures. They rely with entire confidence for protection and support on the *force* of common feeling and public sentiment.

The leading object of the Government has been, from the early settlement of the country, not to derive revenue from the public lands, but, by their instrumentality, to increase the moral and physical power of the country; to swell the tide of population; to add to the public resources, and to augment the wealth of the whole nation. This has been the policy of the Government in the disposition of the public domain; and, in his judgment, the pre-emption system directly tends to increase the population of the whole country, and to carry out this policy.

If lands are only to be occupied which shall be sold at auction, the progress of settlement must be slow. If the Government seeks to derive a revenue from the sale of the public lands, no more lands would ever be proclaimed for sale than the pecuniary wants of the Government required. He rejoiced that an entirely different policy had distinguished the course of the Government from its commencement. Believing then, as he conscientiously did, that the moral and physical power, the wealth and population, of the country would be increased by continuing the pre-emption system, he should vote for the bill now before the Senate, as he had voted for similar bills in 1830 and 1834. Believing that the habits and character of this portion of the community demanded this measure, he would not withhold his support. Believing that by this mode of sale the Government would derive as much revenue from the public lands as from public auctions, he must give to the bill his aid; and whenever another occasion should occur, he trusted that he should be behind no man in extending to his fellow-citizens, under like circumstances, the same measure of justice.

Mr. WHITE rose to address the Senate, but gave way on a motion of Mr. BENTON to adjourn.

TUESDAY, JAN. 30, 1838.

The Senate resumed the consideration of the bill to grant pre-emption rights to the settlers on the public lands. It having been read the third time, and the question being on its passage—

Mr. WHITE addressed the Senate at some length in support of the bill; and

Mr. WALKER observed, that the Senator from Kentucky (Mr. CLAY) has denounced the pre-emption system, as one of the experiments of the late Administration upon the welfare of the country, and he says it is caused by a coalition between the new States and the friends of the Administration. It is true that the first general pre emption law, adopted for many years, was in 1830, although laws of a similar character, and much more liberal and extensive than this in their provisions, and embracing the various districts for which their enactment was intended, have been passed, as I have heretofore shown, from the foundation of the Government. But is the charge here, that the act of 1830, was an Administration experiment, that it was carried by the coalition, described by the Senator from Kentucky? On looking at the Senate journals, (which Mr. WALKER here read,) I find that the pre-emption bill passed the Senate, by the vote of 29 to 12, and that many of the Senators hostile to the Administration, including the Senators from Vermont and Massachusetts, voted for the measure. Did Vermont and Massachusetts enter into this coalition with the Administration to experiment upon the welfare of the people? The facts demonstrated that both the charges of the Senator from Kentucky were utterly groundless. The Senator from Kentucky says, this measure is carried through this Senate by Executive influence, and that the President has the Senate under his feet. This is strong language to be used by any Senator towards the body of which he is a member. The Senate beneath the feet of the President of the United States! Does the Senator mean that the entire Senate, including himself, is beneath the feet of the President, or does he mean to apply the remerks to the friends of Mr. Van Buren? If so, as one of that number, I repel the charge as equally groundless as the fancied coalition and experiment by which the pre-emption act of 1830 is represented as having been carried. But, sir, the pre-emption of the 19th of June, 1834, an act more extensive than this, embracing all the same provisions, with the addition of the floating pre-emptions: when was that act carried? It was carried in in 1834, the celebrated session at which the impeachment resolutions were voted against Gen. Jackson, and when, if I were disposed to retaliate, I might say that the Bank of the United States had the Senate beneath its feet. And how was the measure then carried? It was reported by the Committee of Public Lands of the Senate, which committee was composed of POINDEXTER, CLAY of Kentucky, MOORE, PRENTISS, and MCKEAN; all but the last opponents of the Administration. On looking at the Senate journals of 1834, [to which Mr. WALKER here referred,] I find the bill was engrossed on one day without opposition, and finally passed a few days afterwards without opposition, the Senator from Kentucky, (Mr. CLAY,) as the journals show, being present on *both occasions*. Where then slumbered the fiery opposition of the Senator from Kentucky to this measure, now denounced by him as so odious and detestable? Why did he then permit this fatal experiment, as he now calls it, to be made by his friends, reported by a committee of which he was a member, and passed by a Senate in which they held the majority, and with his silent acquiescence? Were the settlers more meritorious then than they are now; or is it only of late that the Senator from Kentucky has become willing to endorse the libels of the British reviewers in regard to the American settlers of the West? Why, if these settlers are, as the Senator from Kentucky proclaims, lawless intruders,—plunderers of the public property,—as criminal as those that would seize the public ships, or stores, or arsenals, why was not all this announced in 1834, when the act was passed without opposition in the Senate, to legalize and sanction all these proceedings? And if it be indeed just, as the Senator from Kentucky proclaims, that these settlers should be driven by force from the public lands, I hope that the Senator from Kentucky will be permitted to lead the army which is to perform the work of expulsion and desolation; that he will lead the forces which are to drive from their homes and consume the dwellings of these hardy pioneers, whose only crime is this: that they desire to secure, at the Government price, the farms they have selected, and cleared, and cultivated, against the overbidding of capitalists and speculators. And when the Senator from Kentucky unfurls his banner, and calls for recruits for such a purpose, can he obtain one, even in the State of Kentucky, for a service so odious and detestable?

Mr. CLAY of Kentucky said: Let the gentleman read the ayes and noes on this journal, and then say whether the majorities were composed of friends of the Administration or not. The gentleman said that he was a member of the committee who reported this bill. True, he was; but he was not aware of it when the bill passed. He was engaged at his table, writing; the pre-emption bill came up, and a friend of it said, "Clay is very busy; say nothing about it, and it will pass without his opposition;" and in this way the bill got through. But in 1834, the evils of this law began to be seen; thousands of frauds and iniquities were discovered. There was the famous Chicago case—an old fort that was taken up by a pre-emption and was now divided into shares of $2,000 each, the whole tract being worth $2,000,000. There were, he repeated, numerous frauds, and he had denounced, and would continue to denounce them. He did vote for the bill reported by the then Senator from Ohio, (Mr. Ewing,) but on what grounds did he vote for it? Was it to change the principle of the sales? No: it was to put down combinations, and guard against violence as well as corruption. We have been told, said Mr. C. of the extent of the evil, of the number of squatters who have got on the public land, and the difficulty of removing them; and that therefore there was a necessity for passing this law, to give them the lands they have unjustly seized on. Do we, said Mr. C. live in a country of laws, or not? What was the case under the late Administration, whose footsteps this Administration professes to follow, when a gallant and noble people arrayed themselves against the Union? What was the language held then? Was it said that the evil was so great that it admitted of no remedy? No, sir; the supremacy of the laws of Congress must be preserved, let it cost what it would. Why the distinction now, in favor of these squatters? Suppose, in the case of the Black Hawk purchase, the President had issued his proclamation, or caused the register of the land office to give notice that no person should go on that purchase, and if they did, that they should be removed by force. If that had been done, they would not have had these ten thousand intruders on these lands. How was it with that White House, now so amply furnished—with that famous east room, and the little man who occupied so small a part of it? Suppose a pre-emptioner was to go there and say, Mr. President, this house is too large for you; I am an honest, industrious cultivator, one of the bone-and-sinew men, and claim a pre-emption to part of this house. Would he not have as much right to squat down there, as to squat down on the public lands? When and where were these encroachments to cease? Would this bill be the end of the system, or would they not be called on, year after year, until the best of the public domain passed from their possession?

Mr. WALKER replied, and concluded by saying: The Senator from Kentucky (Mr. CLAY) has told us that, if this system of squatting is encouraged, some trespasser may squat even in the *White House*, and claim a pre-emption for it. This is not the first time at this session that the Senator from Kentucky has referred to the White House. It seems to haunt his imagination until he has become fearful that some squatter will claim it by pre-emption. Sir, said Mr. WALKER, I never knew of but one *squatter in the White House*, who could be truly called an intruder there, and that was one who was placed there in 1825, with the aid of the Senator from Kentucky, against the will of the people.

Mr. CLAY of Kentucky said that he had been at the White House once or twice lately, to see what had become of the Democracy of the country, and he was sorry to say that he could find very few of them in it.

Mr. YOUNG explained the circumstances in relation to the Chicago or Beaubion pre-emption.

Mr. DAVIS made some remarks in opposition to the bill.

Mr. BENTON expressed his gratification at the noble manner in which the characters and the rights of the pre-emption settlers had been sustained and vindicated in the course of this debate. These meritorious citizens have been violently assailed, but they have also been nobly defended. Every odious and every infamous epithet has been lavished upon them; but these epithets had been repelled with the energy of truth and with the fidelity of honor, and had fallen harmless on the floor of the Senate. The number of the speakers, the justice of the cause, the truth of the case, and the weight of the argument, were all on the side of the settlers; and the vote which was just about to be taken would, so far as the Senate was concerned, confirm their rights and seal their vindication. Many Senators had stepped forward, some from the old States as well as from the new ones, to defend the pre-emption claimants; and he could say to these Senators, judging from his own experience, that none of them would ever have cause to repent of their generous interference. These meritorious cultivators of the soil would never so act, in peace or in war, as to make their defenders blush for defending them. He (Mr. B.) had been long on the side of this valuable description of citizens, long before he was a member of this body. He could count near thirty years that he had voted on their side. He began his legislative career in the year 1809, in the State of Tennessee, and then gave his vote in favor of those occupants on the French Broad and Holston, of whom the Senator from Tennessee (Mr. WHITE) has so justly and so feelingly spoken. He began voting on their side in that early period of his life, and in that first year of his legislative functions, and had continued voting so ever since, and never had seen cause to repent of what he had done. In his long and intimate acquaintance with these hardy pioneers—this vanguard of the western population—in his long acquaintance with them, not only in Tennessee, but all over the Great West, he had found them to be the best of citizens; he had found them to be brave, hospitable, patriotic, and industrious, living upon their own labor, and that labor the primeval occupation of man and the first command of God. He had found them raising respectable families of sons and of daughters, fulfilling all their duties to society, loving hard money, paying the Government its price for its lands, and paying, not in illusive and treacherous paper, but in the solid metals, which never fail. He had never repented his votes in favor of these citizens, and he could assure other Senators who had spoken in their favor, and all those who were waiting to vote in their favor, that they would never have cause to repent of these votes and speeches.

Mr. B. rejoiced at the debate which had taken place on this subject, and he looked forward with pleasure to another debate, on an analogous subject, which was soon to take place: he spoke of the Graduation bill, which had been so long before the country, and which was now upon the orders of the day, and soon to come up under the most favorable auspices for decision. It had long been before the Senate as a measure which concerned the new States alone; but it is now to come up as a measure necessary not only to them, but the Federal Government also; for the Federal Government now needs the proceeds of those lands to supply the empty Treasury, as much as the new States need them for taxation, cultivation, and compact settlements. There are upwards of one hundred millions of acres of these old surveyed lands offered in vain, for many years, at $1 25 per acre, but which would immediately sell at graduated prices adapted to their real value. That bill will soon come up, and is, in its nature, connected with the pre-emption bill, which formerly formed a part of its provisions, and, like the pre-emption bill, is essentially and directly a measure of justice to the great agricultural interest—that interest which does so much for the country and the Government, and which receives so little from the favor, or even the justice, of legislation. Every interest in this country has been fostered and favored: commerce and manufactures have their protection, and even banks have been *petted* to death; but agriculture, the most useful of all, and the foundation of all, has not received justice, much less favor. The Pre-emption bill, and the Graduation bill, are measures of justice to the farmers: one of them to sell the *choice* of the new lands to the cultivator of the lands, the other to sell the old surveyed and refuse lands for what they are worth. These are measures of justice; there is no gift, donation, or favor in all this. It is value for value; it is sale, and not charity; and the Government gets the best of the bargain: for it gets its price in the first instance, and after that, derives forever an annual income in the shape of duties or taxes on the products of the land.

Mr. B. did not draw invidious comparisons between the different branches of beneficial and productive industry. Each branch had its merit; but there were different degrees of this merit; and this difference had been acknowledged, and had been acted upon by the wisdom and the justice of all nations. Agriculture, which produces the means of subsistence to man and to beast, is always placed in the first degree; manufactures, which fashions and prepares these means for use, stands second; and commerce, which exchanges the superfluities of different nations, is third. Each has its merit, and should have its protection, and above all agriculture should be protected; for, without agriculture, the elements of food and raiment themselves must be deficient. Agriculture is then entitled, in the first degree, to the favor and protection of the legislative power, and the first demand which it has to make is for the possession of the soil on just and equitable terms. The wisdom and justice of all nations, ancient and modern, civilized and barbarian, republican and monarchical, have granted, *as a free gift*, a portion of the soil to the cultivator; and this *gift* has always been considered as a beneficial transfer of the soil from the barren dominion of the Government, which made no use of it, to the productive energies of an individual, who would immediately make it available for the production of crops, and the payment of taxes. The United States alone has departed from this policy; it sells all, and it gives none! The cultivators may well complain of this policy, but they are not seeking to change it. The agricultural interest is not asking for donations of land; they are merely asking for the privilege of first purchase, at Government price, in a small tract in the new lands, and for a reduction of price of the old lands to their real value. The farmers then only ask to be exempted from the competition of bank-facility speculators, with their bales of borrowed paper money, at the sales of the new lands, and for the privilege of purchasing the old land at their actual value. This is what the agricultural interest—the great landed interest—requires; and this is what the time has arrived for granting to them. The time has arrived for beginning to do them justice, and their claims now come forward with peculiar and impressive titles to regard. Always the true supporters of their country, they have been eminently so in the last eight months, when the general failure of the banks, and the inability of the merchants to pay the customs, have so greatly embarrassed the Government, and were so fully believed, at one time, would shut up the Treasury entirely, put an end to its payments, paralyze every branch of the public service, and dissolve the Administration. During this portentous period, the agricultural interest has been the sheet anchor of the Government, and of the country. It has paid three and a half millions of hard dollars into the Treasury, and it has raised one hundred millions of surplus productions, to be sent to all foreign countries to pay off the balances of commercial debt, to bring home the comforts and the luxuries of all climes, and to reinforce our tottering banks with an additional importation of twelve or fifteen millions of gold and silver. And all this vast export, over above the home consumption. The hundred millions of exports are the surplus—the mere superfluity of their exuberant production—the excess which remains on hand, over and above what is wanted at home, after supplying food, and raiment to a population of fifteen millions of souls, and subsistence for their innumerable flocks and herds. This is what agriculture has done since the banks stopped payment in May last, and this is what it is ready to do every year in all time to come; and all this without distress meetings, without distress memorials, and without distress deputations to Congress; without, in fact, asking any favor, but only the justice of a pre-emption law and a graduation law. This is what the farmers, the agriculturists, the great landed interest now asks; and the vote which we are about to give will quickly prove that the Senate is ready to grant one branch of the demand, and the forthcoming vote on the graduation bill may soon show that it is ready to grant the other.

Mr. McKEAN said that because he was a member of the committee that reported the bill of 1834, it might be inferred that he was in favor of it. He never had much feeling on the subject; but all the members of the committee would bear him witness that he was opposed to the bill, and he voted against it. He never was in favor of pre-emptions, and was not now.

Mr. PRENTISS said a few words in explanation, but in too low a tone of voice to be distinctly heard. He was understood, however, to say, that he consented to the necessity of the bill of 1834, because he understood that it would cover but a few cases, but that he was opposed to it.

Mr. CLAY of Alabama remarked, then, Mr. President, the result of all this is, that a *minority* of the committee reported the bill which passed on the 19th of June, 1830; and, according to the Senator from Kentucky, the bill must have been passed by a *minority* of the Senate, by the courtesy of the majority!

Mr. CLAY of Kentucky said that they were told at that time (in 1834) that the bill would only extend to a small number of settlers, who had not had the benefit of the former law; that it would embrace a few cases only.

Mr. CLAY of Alabama replied, that the bill of 1834 was just as broad as the present one. Like the present, it covered every occupant of the public domain, wherever settled. Like the present, it revived the pre-emption law of 1830, and without some of the restrictions this contained.

The question was then taken, and the bill was passed—yeas 30, nays 18, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Sevier, Smith of Connecticut, Tallmadge, Tipton, Walker, Webster, White, Williams, Wright and Young—30.

NAYS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Morris, Prentiss, Preston, Roane, Robbins, Smith of Indiana, Southard, Spence, Swift and Wall—18.

The Senate then adjourned.

REMARKS OF MR. PICKENS,
OF SOUTH CAROLINA,

In the House of Representatives, February 20, 1838—On the bill introduced by the Committee on Foreign Relations to protect our frontiers, Canada, etc.

Mr. PICKENS said he had risen in consequence fo what had fallen from the gentleman from Pennsylvania, (Mr. BIDDLE,) and from the gentleman from Kentucky, (Mr. MENIFEE,) who had just taken his seat. He deprecated the tenor of their remarks. The first had said we ought to do "nothing more than our duty, and that duty required nothing of us in this case." The latter gentleman had said that this act was nothing but an act to sustain "royal power in Canada." And is this the language for us gravely to hold to those powers with whom we are at peace, and to whom we are bound in faith by the most solemn treaties? Mr. P. asked if our citizens along the Northern frontier had done nothing to violate duty? Where are the men levied, the arms transported, and the general preparation at points for the invasion of foreign soil? What is the evidence we have heard read to us within the last few days from letters transmitted from our officers, stating that some three or four hundred men, together with several hundred Indians, were now assembling in Michigan, near

Detroit, for the avowed and open purpose of invading the Canada shore?

[Mr. MENIFEE here interposed, and asked why this preparation had not been put down, etc.]

Mr. P. said he was not charged with executive duties on that frontier, and, not being answerable for the execution of the laws, he could not give the reasons; that it was not his place to do so; that he did not know the local difficulties or causes, and that it did not belong to him (Mr. P.) to detail the reasons why these proceedings had not been arrested. Mr. P. said he was for giving as strong executive power to preserve our peace and to sustain our obligations to foreign powers, as was consistent with the laws of nations and our own Constitution. The gentleman from Pennsylvania (Mr. BIDDLE) had objected to the amendment of the gentleman from Virginia, (Mr. PATTON,) because it contained a proviso declaring that it was not intended to interfere with the rights of citizens, as neutrals, to carry on any commerce sanctioned by the laws of nations.

He (Mr. C.) could see no reasonable objection to this proviso. One objection raised to the original bill, was that it abandoned our rights in trade as a neutral power. This proviso was intended to exclude that conclusion, and was a simple declaration by the enacting power as to what was the spirit and intention of the act. This was not an adjournment of the question as to the rights of neutrals from this House to the Canada frontier, but was the reverse. Much had been said as to our right to carry on a commerce in contraband goods, etc. Mr. P. then went on to show that a trade in contraband articles, even of arms and munitions of war, was not cause of war under the law of nations; but that those engaged in the traffic of contraband articles were liable to seizure and confiscation of their goods. Those engaged in such commerce must run the risk and hazard incident to such trade. The right of the citizens of neutral powers to trade in contraband articles may be exercised without subjecting the nation to the responsibilities of war; but such articles are not protected by law; on the contrary, are subject to seizure and confiscation under foreign tribunals. This is the doctrine maintained by France in her intercourse with us in our Revolutionary struggle, and the doctrine maintained by us throughout the modern wars of Europe. The great difficulty has been in specifying what are strictly contraband articles. Mr. P. then went on to contend that the bill did not interfere with the rights of our citizens to a legitimate commerce under the laws of nations. If they were disposed, for the separate and bona fide purpose of mere trade and traffic, to engage in commerce of any kind, they could do so; but if contraband, then they must become subject to the risks and hazards of such trade under the law of nations.

The bill does not propose to interfere with that, but, by the proviso, expressly excludes such intention. If executive officers under it should mistake their powers, or should seize such articles, or prevent such legitimate trade as was not intended to be embraced by its provisions, then Mr. P. apprehended it would prove good grounds for a claim for damages against this Government, or for judgment for damages in a court having competent jurisdiction.

As to the argument that the clause giving the power of seizure in specified cases is against that clause in the Constitution which prevents unreasonable seizure, Mr. P. said that the gentleman from Virginia (Mr. PATTON) had already so ably said many things on that point, that he would not trouble the House by any additional remarks of his. He would only say that the Constitution forbade "unreasonable seizure;" and surely, if men assembled together in our own territory, with the avowed and admitted object proclaimed of aiding and abetting insurrection or rebellion in any territory under the government and jurisdiction of a power with whom we are at peace, and under the most solemn ties of treaty, they are not, under such circumstances, to claim that provision against unreasonable seizure. If our treaties and the law of good faith are binding, such a position would present a case for very reasonable seizure. By the avowed designs of men under such circumstances, they dispense with the necessity and reason for an affidavit, as in ordinary cases. Their open conduct is the affidavit. As to the argument who is to judge, this, Mr. P. contended, is an argument which, if pushed to extremities, is against all power any where. There must, of necessity, be some officer constituted to judge when the proper case arises; and if he exercises his authority against the spirit of the law, he himself is amenable.

Mr. P. said, if we cannot enforce our obligations under treaties for want of power in the Constitution, better for us to have no treaties, and proclaim the fact to the world. Are the peaceful citizens of this country to be dragged into war by a handful of desperate men, who desire to live by plunder and murder on our borders, under the idea, that if we do any thing, it will be nothing but an "act to sustain royal authority in Canada." Mr. P. said something was due in this matter to ourselves much more than to Great Britain; it was due to our peace, our honor, and our character. If we cannot restrain the lawlessness of our citizens under the fear of encroaching upon their liberty, we will be thrown out of the pale of nations, and the people of this Confederacy will be made what France was under the reign of Robespierre and Danton, a nation of public robbers and murderers, defying the laws of God and man, under the profligate pretext of extending universal democracy and liberty.

Mr. P. said he was opposed to the original bill reported by the chairman of Foreign Relations. He thought it very strong in some of its features. He was particularly opposed to the clause giving the President the power to order the army and navy to execute the law, etc. He quoted that clause in the law which authorizes the "calling forth the militia to execute the laws of the Union," and contended that the power over the militia being thus named for specified purposes, showed that it was intended that the President should rely upon public opinion to sustain him in the execution of laws to be enforced upon our own people; that the militia was in fact nothing but the organization of the community—the people themselves—under military regulations; that it was this organization of the people that the Constitution intended should aid the President, if necessary, "to execute the laws of the Union," in the clause providing for calling forth the militia. He considered the power over the army and navy was intended to protect us against foreign invasion and foreign powers; it was a power conferred to maintain our intercourse as a nation with other nations. But as to the execution of laws amongst our own citizens at home, the power over the militia—the organization of the community into a "posse"—was his legitimate authority; and he (Mr. P.) was at any rate inclined to restrict his power over the navy and army, as far as the execution of domestic laws amongst our own citizens was concerned. Mr. P. was in favor of the amendment offered by the gentleman from Virginia, (Mr. PATTON.)

NEUTRAL RELATIONS.

REMARKS OF MR. TAYLOR, OF NEW YORK.

In the House of Representatives, February 23, 1838—On the "Act to amend an act, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved the 20th of April, 1818."

Mr. TAYLOR said it was seldom that so great a diversity of opinion existed upon any question presented for the consideration of this House, as had been exhibited upon the bill under consideration. He said the bill had been promptly acted upon in the Senate, and, as he understood, passed that body with great unanimity. But here scarcely any two members seemed to think precisely alike; and yet, in one respect, an unusual degree of unanimity prevailed. Many gentlemen have given their views upon the subject; and almost all seem to agree in the propriety or necessity of responding to the Message of the President, recommending further legislative provision, to preserve our neutral relations. And here (Mr. T. said) he wished to correct an error which the gentleman from Virginia (Mr. WISE) had fallen into, in regard to the Message. That gentleman represented the President as calling upon Congress for additional powers, to enable him to execute the existing laws. This, sir, is a mistake. The President has made no complaint that he cannot execute the existing laws; and notwithstanding intimations that have been thrown out, I believe it will be found that the President has been prompt and faithful in the discharge of his duties upon our northern frontier; that there has been no want of promptness and fidelity on his part. But he has told us that recent experience had shown the inadequacy of existing laws to enforce our obligations of neutrality, and has recommended further provisions for this object; and, sir, it appears to be admitted by all, with the exception of that gentleman, that some additional provisions are necessary, to carry fully into effect the objects of the act of 20th of April, 1818. But the difficulty seems to consist in providing the necessary and appropriate remedy, without infringing the constitutional rights of the citizens, or being too severe and rigid in exactions upon them. Upon this ground have been based most of the objections which have been urged against the Senate bill; and this, Mr. T said, had constituted the chief objection, in his mind, to that bill. He believed that what additional legislation was necessary to maintain the policy of this Government, and enforce our neutral obligations, should be embraced in as few, simple, and plain provisions as possible. The law of 1818 embraces almost all that seems to be necessary; and any powers conferred by that act, having existed many years, and uniformly acquiesced in, may be considered as affording a safe precedent for our present action.

Mr. T. said he had examined with some care the different propositions which have been made to amend the bill; and he was better satisfied with the amendment proposed by the gentleman from Virginia, (Mr. PATTON,) with the proviso suggested by the gentleman from Georgia, (Mr. HOLSEY,) which is added to the amendment, than with either the Senate bill, or any plan which has been suggested. The objection which has arisen from any apprehended danger to the rights of our citizens, to carry on a neutral trade with any foreign power, agreeable to treaty stipulations or national law, is obviated by the proviso; and no powers, he believed, were conferred, but such as were embraced in the act of 1818.

The extension consisted in the application of the power to a greater number of specified objects, so as to embrace all that any supposed emergency may seem to require. He said he could not see any strong necessity or good reason for the first section, believing that the recited acts of this section, which are declared a misdemeanor and punishable by fine and imprisonment, are embraced in the sixth section of the act of 1818 In this respect he fully concurred with the gentleman from Virginia, (Mr. MERCER.) The "providing or preparing the means for any military expedition," embraces all, and perhaps more, than is recited in this section. He was not, however, disposed to oppose the retaining of this section, because, if it made any thing more plain, it might be useful, and certainly could do no injury.

The amendment of the gentleman from Virginia (Mr. PATTON) has been strongly and earnestly opposed, for the same reason that has been urged against the Senate bill. It is said that it violates the constitutional right of the citizen to be "secure against unreasonable searches and seizures." This objection, he said, had appeared to him to have some force, and if he now supposed the amendment would violate the constitutional right of the citizen, it could not receive his vote, however urgent the circumstances which might seem to require its adoption. But the discussion and reflection had convinced him that it was not liable to this objection. It stands on the same principle which has ever governed in your revenue laws. And how is it proposed to get rid of the difficulty by those who urge the objection? Two modes of effecting this have been proposed; one by the amendment offered by his colleague, (Mr. LOOMIS,) and the other by the amendment proposed by the gentleman from Vermont. With regard to the first, he had only to say, that it appeared to him entirely inadequate to the emergency which is supposed to exist. Before you can take possession of and detain any "vehicle, arms, or munitions of war," which circumstances render probable or certain, are collected for the purpose of hostile invasion of the territory of a Government with whom we are at peace, you have first to obtain a warrant from one of the district judges. His colleague, he said, aware of the great difficulty of this proceeding on the great extent of our Northern frontier, and the utter insufficiency of this necessarily slow process, as a preventive remedy, had inserted a provision for the appointment of commissioners at convenient places, to discharge the duties of judges in this matter; but, finding constitutional objections in the way, he had modified his amendment, by striking out the provision, so that the objection to this plan, of its entire inadequacy, remains with all its force.

The amendment of the gentleman from Vermont is supposed by some preferable, because it declares the property which you wish to detain forfeit to the use of the Government, and then the objection of "unreasonable seizure" is supposed to be removed. But Mr. T. said he could not see the force or justice of this mode of reasoning. It is but adding an additional penalty to the law, the penalty of forfeiture, and this for the only purpose of enabling you to seize the property; and if by this process you can make that a "reasonable seizure," within the constitutional meaning of the term, which, without the additional penalty, would be unconstitutional, you may have found a very convenient mode of evading a constitutional objection, but which may be a very oppressive one to the people. Mr. T. said he was opposed to any such contrivance to evade a constitutional objection; and he believed the law was made sufficiently penal, without the additional penalty of forfeiture of property. He believed that, if it was an "unreasonable seizure" for a marshal or collector to take possession of property collected for the hostile invasion of the territory of a foreign power with whom we are at peace, and which you have declared a crime and misdemeanor, it would be no less an "unreasonable seizure" by adding the penalty of forfeiture of property. He said that it appeared to him that the authority given to seize the arms and munitions of war, as provided by this bill, is not that "unreasonable seizure" provided against by the Constitution; and he could see no difference in principle from that authorized by your revenue laws. It is nothing more than taking possession of property, not for the use of Government, but for the purpose of preventing the further commission of crime. The right, the ownership of the property, is still in the individual, to be restored to him, either by direction of the President, or by his giving security that it shall not be used for the criminal purpose prohibited; and this in a case where the peace of the nation may be involved. It is simply the "taking possession of and detaining," mentioned in the act of 1818, and for the same purpose; it gives no new powers but such as were conferred by that act, and for the same object; and if the term "seize" is objectionable, strike it out, and insert "take possession of" in its stead. Who, said Mr. T. is to judge what would constitute an "unreasonable seizure," in the constitutional sense of the term? The law-making power, in the first instance, is to judge; we are to decide whether what we would authorize to be done is constitutional or not; and in the second place, the judiciary is to decide; and if, by his vote, he said, he should declare it to be a crime, a misdemeanor, for an individual

to collect arms and munitions of war for the purpose of using them in a military expedition within the territories of a foreign Government with whom we are at peace, he should not deem it an "unreasonable seizure" to authorize the taking possession of and detaining them, if necessary, to prevent their being used in the completion of the criminal intent, and especially where the peace and the honor of the nation may be concerned.

It has been said the power conferred would be liable to be abused. This is true in all cases, and no more so in this than in any other; and the officer abusing his trust is liable for damages, and subject to indictment and punishment. There is, perhaps, less danger of an arbitrary abuse of power in the case for which this bill is more immediately designed, than in many other cases; for, in addition to those securities which ordinarily exist, the strong public sentiment which exists on our northern frontier will present a barrier against any unjust or arbitrary abuse of power. That great excitement still prevails on that frontier is unquestionably true, and that the feelings and sympathies of the people are with what is called the patriot cause, is equally true; and under these circumstances, there is perhaps a greater probability of inefficiency in the execution of the law, than of an arbitrary abuse of power; for in this country, more than any other, public sentiment is power. Sir, (said Mr. T.) I am not sure, but from the tone of this debate, injustice may be done to the citizens on that frontier. I am not sure but the impression may be made on some, that the feelings which pervade that section of the country are any thing but justifiable; that they are generally disposed to encourage measures that may lead to a violation of our neutral relations, and involve the peace of the country. If, so, great injustice would be done them. He believed no portion of the American people more cordially approve the general policy of this Government, of non-interference with the internal affairs of other nations, of maintaining a strict neutrality with foreign powers. But that feeling, common to American citizens, of sympathy for the oppressed, of those who may be struggling for freedom, is deeply rooted in their hearts, and prevails with them as elsewhere, and has manifested itself on all occasions. It is an American feeling, the natural fruit of our country's triumphs in a like struggle, and the establishment of our free institutions. It has its origin in a natural abhorence to oppression in any quarter, and in a patriotic attachment and preference for the institutions of our country, and I think the gentleman from South Carolina (Mr. LEGARE) must have misconceived the feelings of the people on that frontier, when he characterized them as "strange and unnatural." But, sir, the generous feeling which has generally prevailed in that quarter, friendly to what is denominated the patriot cause, but which sought not to disturb the neutral relations of the Government, or to compromit the peace of the country (with but a very few exceptions) has been changed from sympathy to indignation for wrongs committed;—or rather, he would say, indignation for the destruction of the lives and property of our citizens within our own waters and on our own shore, has been superadded to sympathy for the oppressed. The affair of the *Caroline* is not forgotten, and the rewards and honors said to have been confered by the provincial Parliament on them concerned in it, have not tended to allay the feeling. Still they are not disposed to rash and violent measures, and will wait in the full confidence that the national honor will be fully vindicated, and her rights maintained. It is believed that but few of our citizens are engaged in any unlawful enterprise, that most of those who are said to be imbodied or engaged in an enterprise for the invasion of Canada are Canadian refugees. And it is the duty of this Government to see that all our neutral obligations are enforced, and he trusted that duty would be faithfully performed, and in good faith. And, while he trusted this duty would be faithfully performed by both Government and people, that we should not only, in our relations with foreign Governments, neither ask or do any thing but what is clearly right, he trusted that other part of the maxim, worthy the man who uttered it, would be as rigidly maintained, that we shall "submit to nothing that is wrong."

THE INDEPENDENT TREASURY BILL.

SPEECH OF MR. STRANGE,
OF NORTH CAROLINA.

In Senate, March 6, 1838.—Upon the bill to "impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public moneys of the United States."

Mr. STRANGE addressed the Senate as follows:

When, at the extra session, I had the honor of submitting to the Senate, in as condensed a manner as possible, my views on the subject now under consideration, I did not suppose that, under the pressure of that high responsibility which rests upon every member of this distinguished body, I should again be compelled to enter the arena and engage anew in this momentous strife. I did believe that such a direction would be given to the subject as to lull into repose those elements of discord which have been so long howling through the political atmosphere. I did not anticipate that the political patient would be forced to lie for months in ignorance of his disease, and without the application of any remedy that, in his anxiety and distress, his hopes and his fears might be appealed to, to wring from him concession. But such has been the result, and the subject is again before us, and, notwithstanding the great ability with which it has been discussed, I feel it my duty, avoiding, as much as possible, grounds heretofore occupied by me, to offer some suggestions to the Senate. In doing so, I shall probably repeat much that has been said by others; and if I should seem tedious to the Senate, my apology must be found in the magnitude of the subject. It is, on the side I propose to advocate, so full of topics that the difficulty is not to find something to say, but to select from the vast mass of matter which crowds upon the mind. In this respect, perhaps, the gentlemen in the Opposition may seem to have some advantage over us, for the little that can be urged on that side of the question may be thrown upon the mind in all the force of concentration, while on ours the effect of each is dissipated by the variety of considerations which claim attention. In the remarks I shall make, I beg leave in the outset to disclaim any personal allusions. Personalities in debate are, in my judgment, wrong in every point of view. They violate the decorum which becomes these halls. They are breaches of that spirit of kindness which should characterize the intercourse of members of the same body. They interfere with the faithful discharge of duty to our constituents. They are inconsistent with our own self respect, and detract from our propriety as gentlemen. In any thing, therefore, which I may say, I war upon parties, not persons; upon principles, not men. It might seem invidious to select any one from among those who have preceded me in the advocacy of what I conceive to be the cause of truth, as a peculiar subject of remark; but when it is remembered that the Senator from Ohio is a native of the State which I have the honor in part to represent, that he hath been transplanted from my own sunny clime to the cold regions of the lakes, and hath yet put forth in unabated vigor, and is withal one of the youngest members of this body, both in age and station, I may be excused for tendering him my thanks as one of the Democracy of the country, and, so far as my feeble voice may serve, cheering him on in the race of glory he has so nobly begun.

In the further progress of my remarks, I shall treat the original bill reported by the Committee of Finance, and the proposed substitute of the Senator from Virginia, together, for, like Pharaoh's dream, the subject is one, although presented in a two-fold manner. And the parallel holds in another important particular; for, if the substitute should prevail over the original bill, it will be the consumption of the seven full and good ears of corn by the seven thin, withered, and blasted by the east wind; the destruction of the seven fat-fleshed and well-favored kine by the seven thin-fleshed and ill-favored, such as were never seen in all the land of Egypt for badness. This subject has been justly pronounced on all sides as of the utmost importance. Indeed I do not believe that one equally important is likely to engage the attention of Congress through the lapse of years. Its importance is evinced by the nature of the opposition it has been doomed to encounter. The press has made it and its advocates, for months past, the themes of ridicule, insult, and vituperation. An opposition the most talented, compact, and powerful ever known in this country, has met it on both floors of Congress; and even some of those, to whose bosoms the principles are dear which it is intended to support, and who would pour out the blood of those bosoms in their defence, under (they will excuse me for saying,) "*a strange, a passing strange*" delusion, are found warring against it; and should this bill fail, had it a voice to speak, it might exclaim in its dying accents, "*Tu quoque Brute*," with the first man in Rome when he fell beneath the daggers of his friends. This reminds me that the Senator from New York [Mr. TALLMADGE] bade the friends of the Administration "beware the ides of November." I, for one, receive the warning in the spirit in which it was given, albeit I may not profit by it; and in the kindest manner I take leave to remind that Senator in return, that it was of the ides of another month that Cæsar was warned, not by a misguided friend, but by his faithful Augur Spurina; and when the sacrifice was completed, and Cæsar was slain, the chief of those concerned in his destruction were forced to acknowledge that they had acted under a wild delusion, and had "struck the foremost man of all this world but for supporting robbers;" and all that they had gained was the poor privilege of having the insulting proposal made to them "to sell the mighty space of their large honors, for so much trash as might be grasped, thus." But formidable as has been the opposition of the press, and that upon both floors of Congress, one still more powerful is waging against this bill. The banks, the banks, once the few and modest agents of commercial exchanges, have been multiplied by hundreds, and converted into one great political machine, wielding its Briarian arms in every direction. When Cadmus slew the dragon, it was dead for ever, and from its sown teeth only sprung forth armed men. But when the mother monster of banks was slain, it revived in its own person, and from some portion of its *exuviæ* sprang forth a legion more terrible in this controversy, than an army with banners.

This measure, in my judgment—another magna charta—another Declaration of the Independence of the people has been grossly traduced and misrepresented. Imagination has gathered around it dark shadowy forms, obscuring its stature and proportions, and then declared it, like Hamlet's cloud, an ouzel or a camel, as the humor prompted. Under her magic touch it has grown up into a vast mountain, destined to belch forth its volcanic lava in every direction, overwhelming this fair land in ruin and desolation. Mr. President, when I look to the substantial argument which is brought against this measure, I feel the same exultation which filled my soul when I heard read in this hall that able and luminous document which first brought it to the attention of Congress. Then I felt proud of my country, of my principles, and of the man whom I had borne an humble part in rendering the honored instrument, (or, if gentlemen think either our morals, our taste, or our language, is to be improved by applying low terms to dignified subjects,) the *honored tool* in bringing them into action. But when I look to the clouds of prejudice, which, in thick, heavy masses have gathered around it, I am oppressed with gloomy forebodings, and my heart sickens at the anticipated miseries of my country. Oh! that it were mine to wield a magic wand, by which I might brush away those clouds of prejudice, and lay bare the subject in all its simplicity, But the wish is vain, and I must essay what I can however limited my hopes of success.

The first and most natural mode resorted to by the enemies of an Independent Treasury to prejudice the public mind against it, is pouring upon it, in advance, the most violent and bitter *denunciation*. Odious names are applied to it and its friends, *Loco Focoism*, *Agrarianism*, *Spoils Party*, and a host of other catch words, having no very definite meaning, and thereby leaving to imagination to fill up the blanks with every thing dangerous and detestable. To borrow a figure from the Senator from South Carolina, not now in his seat, [Mr. PRESTON,] they are used as a bell to ring together a rabble of offensive ideas. Every one knows the effect of the cry of mad-dog upon the unfortunate animal against whom it is directed. Even the most staid and prudent men are roused from their propriety, and join in the pursuit of the doomed wretch; and the inquiry whether or not the charge is well-grounded is seldom made until it ceases to be a matter of any consequence to the creature charged whether it is true or not. This measure has been denounced upon this floor in a tone of voice, and with an emphasis which might have disturbed the sleep of every cradle in this wide-spread city, as worse than the alien and sedition law. There is, in my judgment, a vast difference between the two measures The one has already been condemned by the American people, and spurned as an attempt to fetter their liberty and bind them in slavery. The other, as I have already intimated, is a feather from the wing of their own high-soaring eagle. But there is no disputing about taste. The devil, it is said, prefers blasphemy to prayer. But what the Senator who made this denunciation can find in the alien and sedition law preferable to an Independent Treasury, I leave him to point out.

The next circumstance seized upon to prepossess the public mind against an Independent Treasury is, that it was recommended by the President of the

United States; and the Senate has been taunted with being composed of a parcel of servile minions of power, assembling only to register the rescripts of a tyrant. Sir, I would ask, was our Constitution founded in wisdom or in folly? Is any here so bold as to declare the latter? If any, let him speak out plainly. None! Then it is acknowledged to be founded in wisdom; and if so, for what purpose was the third section of the second article inserted? which declares, "he (the President) shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Was it merely to test whether the President would yield obedience to the behests of the Constitution? whether Congress would be so *tame* and *submissive* as to pay the slightest respect to the suggestions made under the injunctions of the Constitution? or whether any President would have the audacity to assail the *jus divinum* recently transferred from kings to corporations? The Senator from Massachusetts [Mr. WEBSTER] was wrong in calling the message which recommended the Independent Treasury the Æolian cave. The figure would have been much more apt if, in speaking of it in connection with the paper system, he had compared it to the inverted spear which the poet represents as having been stricken into the hollow mountain, or that launched by Laocoon against the side of the wooden horse. The effect was not, as I think, that mentioned by the Senator:

> Una Eurusque Notusque ruunt creberque procellis
> Africus et vastos volvunt ad littora fluctus.
>
> "All the winds rushing out in fierce storms together,
> And rolling the great waves to the shore."

But it was, in my opinion, another description of the poet,

> Uteroque recusso,
> Insonuere cavæ, gemitumque dedere cavernæ;
> . . . . . .
> Insequitur clamorque virum.
>
> "The womb being smitten, its hollow caverns sounded, and gave a groan. The clamor of men followed."

The next mode of prepossessing the people against an Independent Treasury, is calling it a war upon the banks, and through them upon the people. Was there ever a more gratuitous assumption? What are the facts? Does Congress propose to pass any law regulating the banks, abridging their privileges, or modifying their charters? Does it propose to tax them, or in any other way to legislate of, or concerning them? Do not the friends of this measure expressly disclaim all right so to do? Who, then, is the assailant? Congress proposes to pass a law declaring how the revenues of the Government, raised exclusively for the uses of the Government, shall in future be received, kept and disbursed, and the banks, through their agents, break in upon the calmness of Congressional deliberation, and demand that the whole business shall be committed to them. We alone, say they, are entitled to its possession. No others can be found worthy to be trusted with it. Besides, the possession of it is profitable to us; and we cannot surrender the advantages we derive from it; and what is more, we say that the people derived advantages from our possessing it; and we will so convince the people; and we will stir them up to aid us in this demand; and we declare that your effort to commit the revenues to other keeping than ours, is war upon us, and through us upon the people. This artifice of the banks in bringing forward the name of the people in their attempt to seize upon the public treasure, reminds me of an ingenious but cruel device in ancient warfare, when two cities or nations being at war, the one, by some accident, got into its possession a number of the wives and children of the other; these the former placed in front of them, and so advanced upon their adversaries, upon whom they could with effect discharge their arrows and hurl their javelins, while the latter were restrained by the fear of wounding their own kindred. The banks know that we are the kindred of the people, ourselves a portion of them; and could we be persuaded that in resisting their attempts we were wounding the people, we should yield the contest. But what is the connection between the banks and the people? Do the people control the banks, or the banks the people? There can be but one answer to these questions. It is our masters' masters, then, and not our masters themselves, who demand the public treasure; and if we do not surrender it, shall it be said we are making war upon both? We make no war upon the banks: it is the banks who have made war upon us. As the ancient Gauls did the Roman territory, they have overrun our country; we have been driven to the Capitol, the only remaining fortress, and no help is left to us, but like Manlius Torquatus, to hurl the intruders from its walls.

Another mode of exciting prejudice against the Independent Treasury system, is speaking of it as a separation between the people and the Government. No charge was ever more absurd than this. Those who use it, but betray their own habitual mode of thinking. They are wont to consider the Government as the property of the few, contrived for their special comfort and accommodation, while the people, an ignoble herd, are totally unfit to govern themselves, or to have any part in the government of others. They are accustomed to view mankind in classes, regularly graduated, at the head of which graduation stand those who administer the Government; while the friends of the Independent Treasury look upon Government as a mere institution, set up by the people for their own use and purposes, managed by a portion of themselves, appointed as agents of the whole to that end. That that it has no incarnate, separate existence, like monarchical or aristocratic Governments, and can have no rights or interests but those which it holds in trust for the people. Distinct from theirs, except so far as is necessary for the discharge of its fiduciary office, it has no existence.

But the most formidable of all the prejudices excited against the Independent Treasury system, is that caused by considering it as a part of a great system devised by the late Administration, which has thus far in its progress, brought ruin and distress upon the country. It is asserted that the nation is in the very depths of pecuniary distress, and that all this has been brought about by the unwise or malicious deeds of the past Administration continued by the present. The ghost of the late Administration is made to stalk across this hall an object of terror as well as of admiration, and men are thereby frightened from their propriety. This was the principal theme of the very able address to which we listened from the Senator from Kentucky, [Mr. CLAY,] on Monday week, and I think he succeeded very effectually in showing that neither the past or present incumbent of the Presidential chair was very favorable to banks as the fiscal agents of the Government. But that he ever reached the Q E D of his argument, to wit: that that hostility had wrought any ill to the country, I utterly deny. It never has and never can be proven that it caused the present commercial distress so loudly complained of; but, on the contrary, it is perfectly manifest, and the experience of every day renders it more so, that this distress is the result of over-trading and excessive bank issues. This state of over-trading and over-issuing, presented a deceitful show of great prosperity, most glowingly described by the Senator from Kentucky, who last addressed you, [Mr. CRITTENDEN,] and to convey some adequate idea of it, he borrowed from the beautiful soliloquy of Cardinal Wolsey:

> "We were like little wanton boys who swim on *bladders*
> These many summers, on a sea of glory;"

and the Senator might have continued the quotation, and found in it the cause of the sad reverse:

> "But far beyond our depth: our full-blown pride
> Burst under us,
> And left us to the rude mercy of a stream,
> Which threatens to o'erwhelm us."

Yes: this sea of glory in which we have been swimming and bathing, is that in which we are in danger of being drowned. Confirmation is daily added to the positions taken by the President, and maintained by his friends at the extra session, that the paper system had been expanded in England as well as in this country, and that the commercial distress complained of in this country was to a greater or less extent prevalent in all the trading nations. This very morning, before I came to the House, a friend read from a late newspaper in my hearing, that the trade of Canton was nearly suspended. Was the suspension of the trade of Canton attributable to the Specie order of President Jackson? To the removal of the deposites or the suppression of the United States Bank? No, one, I suppose, would pretend that it was. In addition to the proofs of commercial distress in England cited at the last session, listen to a few sentences from the Edinburgh Review, No. 131:

"The commercial and pecuniary history of Great Britain during the last twelve months, deserves to be carefully studied and meditated. In January, 1836, trade and industry were generally believed to be in the most satisfactory condition. The country was perfectly tranquil, mercantile and moneyed men had the greatest confidence in each other, the foreign demand for our manufactures was beyond all former precedent, all sorts of laborers had full employment, prices were moderate, and the Bank of England had above *seven* millions of coin and bullion in her coffers. Now, as every one knows, no political convulsion has taken place in the interval, the public tranquillity has never been for a moment disturbed, the home and foreign demand for our manufactures continued, till recently, to be as great as ever; the gloomy anticipations that were at one time entertained with respect to the late harvest have not been realized, and many important public works have been undertaken in the course of the past year. Such being the case, a person unacquainted with the circumstances would naturally conclude that there must now be more confidence than ever; that the extraordinary extension of manufactures and trade must, by making most foreign countries our debtors, have determined the balance of payments in our favor to such an extent as to render the accumulation of bullion inconvenient to the bank. But how reasonable soever these conclusions may appear to be, not one of them, we are grieved to say, would be consistent with the fact. Instead of increasing, confidence has been well nigh destroyed; a great derangement has taken place in commercial speculations, and, instead of being increased, the stock of bullion in the bank has been reduced from about seven to not more than three and a half millions, and that establishment has been placed in the greatest jeopardy! Such are some of the anomalous results we have lately witnessed."

Is there no pecuniary distress depicted here? It is well remembered by the Senate, that early in this session, Birmingham papers were distributed among the members of this body, containing a memorial of the citizens of that manufacturing town in England to Lord Melbourne. It struck me at the time that that memorial was full of useful instruction to us, and had fully intended to preserve with care the copy which fell to me, but I have, by some accident, mislaid it. It fortunately happens that extracts have been taken from it in that article in the Edinburgh Review to which I have just referred, and I beg leave to call the attention of the Senate to some of those extracts, together with some few other sentences of the article itself.

"The following memorial may be referred to in proof of this, Birmingham not being affected by any particular discredit. It was presented to Lord Melbourne in March last, and was signed by all the principal merchants, manufacturers, and traders of the town. The facts it communicates are in no degree exaggerated, and are equally striking and instructive:

"MY LORD: We, the undersigned, merchants, manufacturers, and other inhabitants of the town of Birmingham, beg leave respectfully to represent to your Lordship the following facts:

"1st. During the last two or three years a very great improvement has taken place in the trade and commerce of the town and neighborhood. The workmen have generally been placed in a condition of full employment and good wages, producing a general state of satisfaction and contentment among them. Their employers have also enjoyed a condition of ease and security, which might be called affluence when compared with the losses, difficulties, and anxieties which they endured for several years before. No stock of goods was accumulated; no over-trading of any kind existed; the product of one man's industry were readily exchanged for those of another; and all the products of industry in every trade were carried off into the absolute consumption of the people quite as fast as they could be produced.

"2d. Suddenly, within the last three months, with all the elements of general prosperity remaining unimpaired, this gratifying state of things has disappeared, and has been succeeded by a general state of difficulty and embarrassment, threatening the most alarming consequences to all classes of the community. Orders for goods are countermanded and discontinued, both for foreign and home trade. The prices of goods are falling, so as in many cases to occasion a loss instead of a profit on their production. The process of production is thus obstructed, the workmen are beginning to be discharged, or be placed upon short employment, and we are confident, that unless remedial measures be immediately applied, a large proportion of our population will shortly be thrown entirely out of employment."

Here, then, are pictures of pecuniary distress equal to any which can be drawn by American fancy. And does any one suppose that they have been drawn by the writer of this article, and the men of Birmingham, just to gratify President Van Buren, and to sustain his theories? No one, I presume, will so imagine. And to what do the people of England attribute their distresses? Is it to their Government? or to ours, or its measures? To the Specie Circular, the removal of the deposites

or the non-charter of the United States Bank? Let them speak for themselves:

"It is not necessary, in order to get a sufficiently distinct view of the circumstances which occasioned the late and present difficulties, to go farther back than January, 1836. At that epoch the exchange was either at par, or slightly in our favor, showing, consequently, that the currency was at its proper amount, and that it ought neither to be increased nor diminished otherwise than through the influx or efflux of bullion. But, while matters are in this situation, a peculiar combination of circumstances conspired to set on foot and inflame a wild and dangerous spirit of speculation. The favorite objects to which the public attention was directed, were the formation of companies for the construction of railways and the establishment of joint stock banks. The ruin of those concerned was the worst evil that could result from the formation of crude schemes of the former description, or from the undertaking of works that could not reasonably be expected to yield a profitable return. But it was quite otherwise with the rage for banks. Had they been only banks of deposite, their multiplication, how little soever it might have been required, could not have been productive of any considerable inconvenience. Unfortunately, however, they were not so restricted; and, besides undertaking the care of other people's money, they almost all set about issuing money of their own. The extent to which paper mints of this description were multiplied, during the early part of the last year, would hardly be believed by any one not conversant with the facts. From 1826, when the act authorizing the formation of joint stock banks in England and Wales passed, down to the 31st of December, 1835, being a period of ten years, sixty joint stock banks had been established in England and Wales, giving an average of six banks a year. But in 1836, a new era began—a mania for joint stock banks suddenly grow up—and such was its violence, that between the 1st of January and the 26th of November, 1836, no fewer than *forty-two* of these establishments had been organized and brought into competition with those previously existing!

"In point of fact, however, the number of banks created during the past year was vastly greater than appears from this statement. We believe that, at an average, each of the forty-two new banks had from four to six branches; and as these branches transact all sorts of banking business, and enjoy the same credit as the parent establishment, from which they are frequently at a great distance, they are, to all intents and purposes, so many new banks; so that, instead of forty-two, it may be safely affirmed that about *two hundred* new joint stock banks were opened in England and Wales in 1836!

And yet, in the face of all this, it was asserted upon the floor of the Senate, at the last session, that there was no undue expansion of the paper system in England, and no general commercial distress. The truth is, the same spirit of speculation, rage for banks, railroads and joint stock companies, and land monopoly, sprang up in this country and England about the same time, and one encouraged the other in its excesses. Those in this country who did not cast their eyes beyond the Atlantic to see what was going on there, attributed the increase of banks to the withdrawal of the checking influence of the United States Bank, and adopting the quack's maxim, *post hoc propter hoc*, concluded that because this state of things was very nearly simultaneous with the refusal to recharter the bank, and the removal of the deposites, the one was cause, and the other effect. The total inefficiency of the Bank of England to restrain this evil *there*, ought to convince one, it would seem, how powerless a United States Bank would have been for the same purpose, had one been rechartered here. The cause of the revulsion is plain enough. Our gold bill, British investments in American stocks and American loans, caused the golden tide to set rapidly towards this country, and the specie in the Bank of England was in a very short time reduced from between ten and eleven millions to about three and a half. This sudden collapse of the money bags on which she had fixed her imperial throne, jostled the Juno Moneta, called by the moderns *confidence*, and threw her from her seat. The Bank of England became alarmed, and in her haste to regain her necessary supply of gold, spread dismay in every direction. Her efforts naturally threw exchanges greatly against this country, and produced all that sudden prostration about which wise men affect to make a mystery. She has succeeded in regaining the quantity of specie which it seems has long been deemed necessary to her safety and comfort, and which, by the last accounts coming under my observation, had risen to between eleven and twelve millions. We already feel its effects. Exchanges are again in our favor; the commercial tide is beginning to move, and, in spite of panic makers, trade is beginning to flourish; and it will continue to flourish, without any adventitious stimulants, as long as our soil remains fertile, is tilled by our industrious fellow-citizens, and the blessing of Heaven descends upon their labor.

Again: we are represented as acting in direct opposition to the known will of the people, and are charged with want of fealty to our constituents. We profess the utmost respect for the voice of the people; and if we understand it aright, are, notwithstanding the delusion under which we fear a large portion are acting, but obeying the will of a decided majority. The Opposition have their feasts, raise a noise and clamor, make bold and swaggering speeches, and put forth splendid newspaper puffs and descriptions; and as the "rabble rout," as one of their orators has termed it, passes by them, mingle their shouts with theirs, and pronounce it the united voice of the people. "The ox knoweth his owner," and as yet the people are in the ascendant, and no public servant dares to question their supremacy; but if no check is put to the present progress of events, the other part of the text will become true, and "the ass will know his master's crib;" for no one will attain to wealth or honor, who does not receive them at the hands of the bank aristocracy. The Senator from Virginia [Mr. RIVES] has been pleased to allude to the popular voice in North Carolina; and I must say I am not a little surprised at such an allusion from such a quarter. My very kind feelings and personal respect for that Senator, prevent me from addressing to him the harsh language of reproof, in the words of St. Paul—"Evil communications corrupt good manners;" but I will say, that a man soon learns to speak the language of those with whom he associates. I will undertake to assure that gentleman that there are but few Conservatives in North Carolina; and if there is one, I have never known or do not now remember him. When men there leave the Administration, they go over at once into the ranks of Whiggery. They call not at that half-way house so much commended by the Senator from Kentucky, [Mr. CLAY;] they make but one day's journey from Democracy to Federalism; they do not even stop on the way to bait. If, then, there has been any change in public sentiment in North Carolina, unfavorable to the Administration, it has not been to Conservatism, but to absolute Whiggery or Federalism; and if such changes are pleasing to the Senator from Virginia, I can only say, he also must have greatly changed since he was a noble competitor with the usual occupant of that seat for that distinguished honor.

But, sir, I believe and trust there has been no change in North Carolina, unfavorable to the Administration. An opinion founded upon there being a majority of Opposition members from that State in the House of Representatives, would be exceedingly fallacious. We seldom place our elections in North Carolina exclusively upon political grounds, and our freemen *will* consult their *hearts* as well as their *heads* in the exercise of their elective franchise. It is long since the Administration had a majority in the House of Representatives from our State. When my honorable colleague who fills his station with so much honor to himself, and credit to his State was last elected, there was a majority of opposition members from that State in the other House, and yet, upon joint legislative ballot, he obtained a majority of thirty. And when the humble individual who now addresses you was elected, there was a like majority in the other House. It is true he received but a bare majority of the votes of the Legislature upon joint ballot, but more than one Administration county in the State had sent an Opposition member, and if there was a single Opposition county represented by an Administration man, it has escaped my memory. But, Mr. President, if the people of North Carolina are dissatisfied with the course of their representatives upon this floor, they know well how to signify that disapprobation, and they know, too, that they have in my colleague and myself two obedient servants, who, when the will of their constituents is communicated to them in a proper and intelligible manner, will either conform thereto, or bid adieu to these halls, "nor cast one longing lingering look behind."

I have thus endeavored to put aside some of the prejudices which stand in the way of a fair consideration of this subject, although perhaps with little success. Indeed I have never flattered myself with the hope of doing more than the maker of a chart, who indicates to the unwary passenger some of those rocks and shoals upon which there is danger of his being wrecked, but has no power to remove them from their deep foundations. Having done what I may, however, in the effort, I proceed to consider this question, in the first place, in its financial bearings: that is to say, as a mere method of keeping and disbursing the public revenue. It was observed by Mr. Madison, in the debate in the Virginia Convention upon the adoption of the Federal Constitution, that "money was the soul of a Government." To this it was replied by the distinguished Patrick Henry, (one of the most ultra Democrats of any age or country, and who was altogether opposed to entrusting to the Federal Government the power of levying a revenue,) "shall I take my soul and give it to a government?" It was my fortune the other day to dine in company with a Revolutionary patriarch, one of those staunch and sturdy Democrats who has become a septuagenarian in the preservation and maintenance of those very principles which gave rise to that great struggle, "all which he saw and part of which he was." I learnt from him, with the liveliest satisfaction, that, in his judgment, this was but a crisis in that great strife, which had been going on in this nation ever since it had an existence, and that we were now engaged in the advocacy of those principles upon which he had kept his eye steadily fixed through his whole life, and from which he had never swerved; and, referring to the incident just mentioned between Mr. Madison and Mr. Henry, "shall the Government," said he, "take its soul and deposite it with a soulless corporation?" Yes, sir, money is the soul of a government: its *vis mobile*—its animating principle. Without it government can never execute those ends whereto it was constituted, and, however willing its agents, they can never perform the behests of their constituents. It is of the essence of the utility of money that it should be commanded at the moment of the exigency, and should not fall materially short in amount of the regular computation. In other words, that it should be readily commanded, and ultimately safe. In both these particulars I insist that the Independent Treasury has decidedly the advantage over the proposed substitute. And first, as to readiness of command. Of what readiness of command the deposite with local banks furnishes, we have before us a large volume of experience. Strongly as we were convinced by the sudden and general failure of the local banks, and the vast amount of public treasure which was thereby locked up and rendered useless to the Government, embracing nearly the whole amount of the revenue on hand, that conviction has gathered strength incalculable by the experience of the last few months. A suspension, which was at first declared to be temporary, and dependent upon mere accidental causes, still continues, although months have rolled over our heads since it commenced, and no human sagacity can even now foresee, with any certainty, when it will cease. Indeed, I have been credibly informed that a politician of much distinction, and not of the party to which I belong, has uttered the opinion that the banks will never resume specie payments. But grant that they will resume; we have now seen enough of their nature to satisfy us that they will always be liable to a repetition of casualties similar to the present. Indeed, that it is a casualty which *must* befal them often, unless fortune should be peculiarly propitious, and that just in proportion as the necessities of the Government become urgent, so will the ability of the banks to furnish the funds deposited with them diminish. That no stream of revenue supply can be relied upon as long as the banks are the fountain from which it must flow. Unlike the Independent Treasury receptacles, which, if any disaster happens to one, leaves the rest entirely unaffected, the banks, by a sympathy as certain and pervading as that of the Siamese twins, feel through the whole system any injury to one, of which system that one is but a part. Like the electric spark, such a disaster affects the whole of that atmosphere, *confidence*, in which only banks can exist for a single moment, renders it unfit for their mysterious respiration, and they become paralyzed, and their vital functions suspended or destroyed. The necessity of banks for this magic atmosphere of confidence furnishes, to my mind, a most con-

clusive reason why it cannot rationally be accorded to them. Every humbug is dependant on confidence, and few things but humbugs bespeak a confidence which they cannot command. The juggler, who intends to deceive you with tricks of legerdemain, bespeaks your confidence or credulity as essential to the success of his deception. The ventriloquist deceives your senses by first bespeaking your confidence that he will perform a certain thing, and leaves to imagination to assure you of its fulfilment. If the banks were really able to fulfil their engagements with the public, would they care a fig whether it had confidence in them or not? It is only because they are not able to fulfil those engagements that they desire to have the confidence of the ability substituted for the fact. The man who pays cash as he goes, cares not whether people have confidence in his ability or not; but the man who wishes credit requires confidence. This, in the case of the individual, is all fair, because he frankly acknowledges, "I am not able to pay you now, but I expect to be able to pay you at such a time;" and your belief that he will industriously exert himself to fulfil his engagement, that he is honest, and that Providence will smile upon his exertions, are the grounds upon which your confidence is awarded. But the unreasonable demand of the banks is, that you should have confidence, not only without any thing whereon to rest it, but in the face of your experience that it is misplaced. Let them show their ability, and they will command confidence; but when their hollowness and natural incapacity is visible in their whole texture, they sue for it in vain. When I ask confidence that I can lift the feather which I hold in my hand, I command it also, for I show at the moment that I am able to perform; but were I to assert an ability to uproot a mountain, my dearest friend would sneer at my effort to practice on his credulity. Confidence, like love, and hope, and joy, must be the spontaneous growth of the bosom it inhabits; it cannot be enforced. But I would ask the Senator from Virginia whether his Whig friends, who yield their support to his substitute, have confidence in it? He knows well they have not. They use it but as a half-way house in their journey onwards to a National Bank, whither they will certainly arrive, if time is allowed them to recruit their strength at this hospitable stage. If it is doubted what opinions the Whigs entertain in relation to this measure, I will read an extract from a Whig paper in my own State:

"We inquire next, are the local banks safe depositories of the public money? It is not pretended by any body, but that the removal of the deposites, and placing them in the pet banks, which afterwards refused to give them up, was what principally contributed to the fatal overthrow of our once happy and prosperous financial system. It is easy to foresee, that while the General Government remains dependent on some scores of banking corporations, subject only to the legislation of the respective States that created them, there can be no public security against their selfish frauds and faithless impositions, tempted as they are by that avarice which is at this moment, in one shape or another, sucking up the very *life's blood* of this Republic."

I proceed now, in the second place on this branch of the subject, to treat the question of ultimate safety. I made, at the extra session, a hasty concession, which farther reflection compels me to retract, to wit: that although the revenue would be more readily commanded by the Government in the hands of its own agents, yet each particular portion of it would be safer in the banks. My retraxit is founded not only upon a consideration of the subject, but upon the light which experience has already furnished in favor of individual agency. A tabular statement, for which I am indebted to my friend from Connecticut, [Mr. NILES,] seems to me sufficient to counterbalance all the theoretic conjectures which have been made in opposition to it:

Losses by the Government by depositing in banks, principal and interest—1814—1817 - - -	$1,892,642
Depreciation of bills received and paid out from 1814 to 1817 - -	6,000,000
Bills of broken banks now on hand, interest thereon not computed -	178,470
Bank of the United States withholding dividend and interest - -	233,422
Due May 1st, Treasury and public officers -	$31,212,058
Reported for suit by Secretary, under act of October, 1816 - 4,331,796	
Average discount 6 per cent. on eighteen and a half millions of paper paid out by the banks of deposite on hand in May last - - -	1,100,000
Average discount on ten millions yet to be paid, say four per cent. - -	400,000
Loss by individuals from 1814 to 1817, supposed equal to Government -	6,000,000
Total,	$14,814,534

Thus it appears that not less than about fifteen millions of dollars have been lost by the banks, while the whole amount reported, from the foundation of the Government, to have been lost by individual agents is about three millions of dollars. And it seems that this account is subject to a deduction of about 66⅔ per cent. leaving an actual balance of about one million of dollars. Recently banks have failed in the Eastern States by which gentlemen on the other side intimate that heavy losses have been sustained by the creditors, and will be sustained by the Government. Whether this is so or not, dangers are certainly thickening around the banks, and if the Government loses nothing by them, it will be because it will have little or nothing in their custody.

Mr. President, in the course of this debate, I am drawn into a very frank expression of my opinions of the tendency of the banking system. Convictions produced by deep reflection, and enforced by the highest sense of duty. But I should do injustice to my feelings did I fail to declare that, so far as I am acquainted with banking operations in my own State, they have been conducted with much integrity, and the evils, if any, are the evils of the system, and not of its administrators. The great propriety with which banking operations have been conducted there, has rendered us too insensible to the evils of the system, and I doubt not that many sensible men will look upon these announciations of opinions on my part as coming from a heated imagination.

In addition to readiness of command and ultimate safety for the revenue, cheapness of administration, is an important consideration. Upon this point the people are justly sensitive. Economy is an important principle in a Republican Government, and ought to be secured so far as may be consistent with the safety of other principles, more important. The utmost extent of increase of expense by the adoption of the Independent Treasury is estimated at sixty thousand dollars. Now sixty thousand dollars considered separately, is a large sum; but when it is remembered that the present revenue expenses of the Government exceed two millions of dollars, the amount of sixty thousand dollars is scarcely a drop in the bucket. I have taken some pains to ascertain the amount of the revenue expenses, and have found an accurate ascertainment impracticable; but I am very certain that two millions are under the amount, and that an ascertainment cannot be made without much trouble, which will not be two or three times the expense of the Independent Treasury variant from the true amount. But it will be said that the substitute avoids even this expense. A remark by the way altogether inapplicable to the special deposite system, a great favorite with some gentlemen, for that proposes to pay the banks for keeping the public money, and thereby incurring an expense which I will venture to say will far exceed the expense of the Independent Treasury. But the apparent exemption of the substitute plan from expense is altogether delusive. The stimulus it will apply to banking, will greatly increase both public and private expense, lead to high tariff, and every other mode of increasing the public income, that the banks may have the keeping and use of it. An effort has been made to liken the Independent Treasury to the revenue system of France, and to show that system to have been exceedingly expensive. The number of revenue officers, it is said, amount to one hundred thousand. This I suppose is but conjecture, and I should be inclined to think an erroneous one. Mr. Goldsmith, a late writer on French statistics, presents the nation as divided into 86 departments, 362 arrondisements, and 39,381 communes. In each department there is a receiver general, to each arrondisement a receiver, and each commune, a collector. These officers added together, make a total of 39,821; and I admit that to this, there is probably a considerable addition; how much I am unable to say, but certainly I should conceive not such as to make the whole equal to 100,000. The number at best is large, but it carries with it this high recommendation, that upon this simple plan it renders these officers very safe checks upon each other. It has been also stated, that the revenue expenses of France amount to twenty-four cent. upon the whole income.

Now, sir, it has never been my fortune to bask under the sunny sky of France, and at the same time in the smiles of this wicked Administration; but thank Providence I have access to books, and from them I learn that the revenue of France in 1814, was about 450,000,000 francs, the expense attending it to about 15,000,000, or less than four per cent. That in 1815, the revenue amounted to 743,830,200 francs; the expense to 16,334,246, or something over two per cent. This is the more remarkable, as this year comprehended the hundred days, when the war expenses alone amounted to 328,293,134 francs. It is true, that in 1829, during that period of misrule, immediately preceding the last revolution in that land of revolutions, the revenue amounted to 986,156,821 francs, and the expense to 128,058,685, or between twelve and thirteen per cent.; and taking the average of these three years, it brings the expense to about six or seven per cent. very little varient from our our present expense; for it has been seen, that with a revenue of about thirty or thirty-five millions of dollars, our expenses are about two millions, or between six and seven per cent. Besides, it is necessary to take into view two or three important considerations. Most of these officers of the French revenue are collectors, and not keepers of the revenue; more than 39,000 of those enumerated being of the former class. This is a class which, under no revenue system, can ever be dispensed with, and it is not proposed by the bill to increase *their* number. Another observation is, that a large portion of the revenue of France is raised by direct taxation—confessedly the most expensive mode. And this brings to my recollection an appeal made by the Senator from Kentucky [Mr. CRITTENDEN] to the friends of the Administration, how they supposed the people would bear, in the event of resort to direct taxation, a demand of its payment in specie? In reply to that appeal, I have only to say that direct taxation always has been, and I presume always will be, an odious mode of collecting revenue, whether in specie or paper. That any thing may be rendered odious by coupling it with something odious in itself. That unless it be necessary no people bear taxation worse than the Anglo-Saxon race, and when necessary no people pay it more cheerfully. That neither in paper nor specie would the American people yield quietly to have money demanded of them in person by a tax-gatherer, in behalf of this Government, unless the necessities of the Government compelled a resort to that course; but whenever they do, the people will pay with readiness, and that in whatsoever the wisdom of the National Legislature shall pronounce expedient. A third observation which I make is, that, surrounded as France is, or nearly so, by other nations, with whom there is direct land communication, it is of course necessary for her to keep up a strong and expensive body of men engaged in what is called the preventive service. The wonder then is that the revenue expenses of France should be so inconsiderable, and it furnishes another proof of the genius of that wonderful man to whom is accorded, by common consent, the superiority in genius of the present, if not of every age, who perfected a system which works so admirably even in the hands of a far less talented controller. In addition to all this, I am informed, from high authority, that the French Government deputed a commissioner to England to investigate the subject, and the result of his examination was a decided opinion that economy would not be promo-

ted by changing the French system for that of the English.

While upon this part of the subject, I will add that the banks after all impose upon the people of this country the most onerous tax they pay. A slight examination of the terms upon which the banks supply us with currency will be full of instruction. Before we enter upon this investigation, it must be received as a proposition in political economy, fully susceptible of demonstration, that he who tills the earth, or digs the metal out of it, furnishes the basis of all values, and in whatever state or wherever values or property are ultimately found, to one of these sources we must look as the original means of its possession. In whose hand soever real money is found it was originally levied upon the labor of the miner or the agriculturist, or upon what are called the productive classes. I will now proceed to take for example the State of North Carolina, and will suppose that six millions of dollars of circulating medium are necessary for her purposes, and, in order to test the matter fairly, will suppose farther that she has not within her borders one dollar of circulating medium. Now, according to the modern ideas upon this subject, there are two modes in which the necessary supply may be obtained, supposing her to have the necessary quantity of surplus produce. The one is by the incorporation of a bank and making use of a paper medium. The other is by converting her produce into specie in a foreign market, and bringing that specie home. Let us try the first process, and suppose a bank to be chartered with a capital stock of two millions of dollars: of this we will suppose about 10 per cent. to be paid in specie into the bank, that is to say, $200,000, before the bank is allowed to go into operation. That amount is obtained by loan from abroad, or in some other way, by the individual stockholders; but it is fairly paid in, and the bank is now ready to commence operations. The different farmers of the country bring together at a given time, two millions' worth of produce at the different market towns of the State, and offer it to the merchants for sale. The merchants say to them, "you are well aware, gentlemen, that there is not a dollar of money in the whole State of North Carolina, except what is in the vaults of the bank, and, of course, we have none with which we can pay you for your produce. But if you consent to consider us the purchasers of your produce, and will take payment for it in bank notes, the matter can be arranged; for we can sell our bills, drawn upon the faith of this produce, to the banks, for which they will pay us out their notes." The arrangement is made, and the banks accordingly throw into circulation two millions of dollars in their notes. For these they have received the representatives of so much specie, and which they consider as a specie fund, and are thereby placed in a situation to issue four millions more in their notes upon the discount of promissary notes, (for three paper dollars in circulation for one dollar in specie, or specie funds in their possession, is not beyond the limits of the most prudent banking) and thus the whole six millions of circulation is furnished by the bank. But who has furnished the real capital upon which this whole process is bottomed? Why the farmers, surely, who have supplied the produce, and not the manufacturers of paper, who charge the community as if they had furnished the substance, and not the shadow only. For it is very certain, that in one way and another, they levy upon the community, at the very lowest, at the rate of six per centum per annum for the amount of paper so furnished by them. This, it will be at once seen, amounts to three hundred and sixty thousand dollars per annum. Now this, as I have already said, comes out of the productive classes, who, let who will dance, ultimately and invariably pay the piper. It will thus be seen upon the United States at large, where about one hundred millions of this paper currency is furnished, six millions of dollars at least is levied. Let us now try the other process, and suppose the credit given by the farmer to the merchant, who only awaits the return of the proceeds of his cargo, which we may calculate, on an average, at six months, and we have the interest of two millions of dollars for that period, amounting to sixty thousand dollars; and by repeating the process thrice, so as to command an equal amount of circulating medium, you have one hundred and eighty thousand dollars, half the expense, and a currency of real substantial and abiding value. So much for the comparative cheapness of the Independent Treasury and fiscal agency of banks.

But the highest claim, after all, which the original bill has over the substitute, is, that the one is in strict conformity with the letter and spirit of the Constitution, while the other violates both. The first clause of the eighth section of the first article of the Constitution declares: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises." For what purpose? "To pay the debts, and provide for the common defence and general welfare, of the United States," etc. But some time must, of course, intervene between the said collection and the application of the money to the purposes for which it was so raised; and the question is, what is to become of it in the mean time? The Constitution informs us, in the sixth clause of the ninth section: "No money shall be drawn from the Treasury but in consequence of appropriations made by law," etc In the Treasury, then, the money must be placed when raised. True, the Constitution does not so directly declare, but it says it shall not be drawn thence; and surely, the interdiction against its withdrawal distinctly implies that it must be there placed. And can any one, I ask, imagine that the Treasury in contemplation was a bank? If such a thing was in contemplation, it was easy to have so declared; but it was not so declared. It is not said money shall not be drawn out of the United States Bank, or the deposite bank, but out of the Treasury; and we learn by the debates in convention that the framers of the Constitution were not ignorant of banks, but purposely declined granting to Congress the power of chartering one. But the word Treasury had a plain and significant meaning, understood by every one as a place where individuals or communities kept their treasure, and in that plain, popular sense was used.

But allow, for the sake of the argument, that the Government might, in the general meaning of the word Treasury, elect to make a bank such Treasury, yet surely, under the clause I have just read, it could not make such bank the Treasury by a general deposite; for, whether the Treasurer be the cashier of a bank, or whatever complication of character may belong to him, he cannot withdraw money from the Treasury but in consequence of appropriations made by law. Will it be said that a general authority granted by Congress to the cashier to withdraw and replace money in the Treasury, is an appropriation made by law? Does not such an interpretation reduce the provision to an empty sound, and repeal it as to all substantial operation? But it may be said that the specific authority to lend out the money is an appropriation made by law. From whence does Congress derive the authority to make such an appropriation? The purposes for which Congress is authorized to collect revenue, are expressly set forth in the first clause of the eighth section of the first article: "to pay the debts, and provide for the common defence and general welfare of the United States." To lend money is not one of them. It will be said that, having the money, we have a right to lend it. This right is exceedingly doubtful; but grant it to exist, the substitute not only proposes to lend the money which you now have, but all that you shall hereafter raise, and places the same, ere yet it is raised, in the very process of getting to you, in the hands of banks to be lent out.

There is yet another part of the Constitution standing directly in the way of the proposed substitute, to wit: the latter part of the first clause of the eighth section of the first article: "But duties, imposts, and excises, shall be uniform throughout the United States." Now, is not the effect of the substitute entirely to destroy this provision? Grant that there is a uniformity in the original levy and collection, is not the effect of uniformity entirely done away if the revenue is immediately distributed by way of loan, in unequal proportions, among the different States of the Union. Suppose, for instance, ten gentlemen were to go to a boarding house in this city, and say to the landlord or landlady, as the case might be, "We all desire to have equal fare, and to be charged at the same rate." "Certainly," is the reply; "you shall all have the same fare and be charged at the same rate;" and the bargain is accordingly closed. It turns out, however, in the event, that the landlord has stipulated with one of the guests to lend him out of the ten dollars agreed to be paid weekly, seven dollars; to another five; to another three, and to another one, without interest, and this for the whole time they remain boarders at his house; that is to say, to make the same return weekly for which they would give their notes, which the landlord stipulates with them shall be treated by him as so much gold and silver. Will any one pretend the parties had been treated with the stipulated impartiality? Clearly not, and so in a much more absolute sense is this stipulation of equality in the Constitution violated by the operation of the deposite system.

Again it is declared in the 5th clause of the 9th section of the 1st article that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." And can any one doubt that the revenue regulations of the General Government hitherto acted upon, and those proposed to be adopted by the substitute of the Senator from Virginia has, and will have, the effect of giving decided advantages to the ports of one State over those of another? Have they not and will they not, paralyze the commerce of the Southern States, and give more vigor to that of a favored few at the North? To any one who does not see this, it is useless to address argument.

Our whole system of Government is based upon principles of equality, and these principles have always been more or less violated in its administration. But the substitute proposes a violation even greater than has yet been practised. Even the United States Bank might locate a branch in any State desiring it; and under the deposite law of 1836, the Secretary of the Treasury was not restricted to any State for the choice of banks, nor to any given number of banks in any one State. But we have, by the provisions of the substitute, the system of equality completely subverted, and the power of the large States magnified, and that of the small ones diminished. In the first place, the banks are limited to twenty-five, so that one State of the Union must of necessity be excluded from any participation in the real or imaginary benefits of this arrangement, and only twenty-five banks out of the hundreds in the Union are allowed to share it. This will be a pet bank system with a vengeance. And what is worse, the selection of these banks is to be committed in part to Congress, where the large States, in one branch at least, have a most decided advantage. Truly is the principle of equality altogether overlooked in this measure. But there is another clause of the Constitution standing in the way of the adoption of the substitute, (for it runs counter to a whole phalanx of constitutional provisions,) and that is a portion of the 2d clause 2d section of the 2d article; "he, [the President,] shall nominate, and by and with the advice and consent of the Senate, shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States," &c. Now, waiving the question raised by my colleague, whether corporations are competent to be chosen officers of the Government, (and I do not say that the objection is not a valid one,) it seems to me evident, from this clause of the Constitution, that whether the officer be an individual or corporation, he can only be appointed by the President, by and with the consent of the Senate, or by the President alone, or the heads of Departments, if they shall be vested by law with that power. And yet the substitute proposes that banks shall be selected as fiscal agents of the Government by Congress, contrary to the letter of the Constitution, and its manifest policy.

Whether receiving paper in payment of the public dues, be a direct violation of the Constitution, as insisted by the Senator from South Carolina, [Mr. CALHOUN,] or not, it ought, at any rate, to receive no sanction from Congress: because, in the

first place, if not actually prohibited by the Constitution, it is evident it would have been done had its framers foreseen that an attempt would be made to establish it as the regular medium of receipt for the public dues. We find whole masses of the Constitution directed by them against the paper system, and we well know that it was a thing of which bitter experience had made *them* heartily sick; that they were, in the memorable language of a gentleman on the other side, hard money men. In the second place, no prudent person ought to receive what he cannot with propriety pay out; and it was well urged by the Senator from Massachusetts [Mr. WEBSTER] on another occasion, that the Government ought only to pay, or even offer to pay, its creditors in a sound, uniform medium, so that the actual amount paid to each creditor should be equal to the nominal amount due him. In this I heartily concur; and therefore think the commanding the receipt by revenue officers in payment of public dues of what cannot be considered as such a medium, highly improper. Money is the only medium in which the law should authorize or compel the receipt of debts, and especially public debts; and it is an abuse of terms to call bank notes money. They want the main characteristic of money, and have, by looseness of conversation as well as of ideas, assumed the name of that for which they only stood as a substitute. From England, from whom we have borrowed the paper system, we have also borrowed this vice of expression, which confounds things essentially different. Bank notes are no more money than the note of an individual is money. It is of the nature of money, when paid to discharge altogether the previously existing debt, and to vest without more the property purchased in one person, and the money paid for it in another. But the payment of a bank note merely changes the debtor, and substitutes the bank as a debtor to the holder of its note, in lieu of him from whom he received it. It is still but what the lawyers call a *chose* in action. In ancient times, money consisted of cattle or other articles which had an intrinsic value, and the transactions were rather barters than sales, in the modern meaning of that term. In later times, gold and silver were found to possess all the requisites of a common standard of value in a higher degree than any thing else. They combined intrinsic value in a small compass with indestructibility and almost indefinite divisibility, and they have been adopted, by the common consent of all mankind, as the only general money of the world. When they are transferred, the debt before existing is extinguished, and no new one is created. They are the arbiter and finisher of all transactions. But it is insisted by the Senator from Kentucky [Mr. CLAY] that the Government makes money of whatever it receives as such. I agree that the Government does, by affixing its stamp of approbation, cause to pass as money what is not so in truth. And does not this consideration of itself, so far from furnishing a reason why Government should fix its stamp upon bank notes, operate directly the other way? In declaring that to be money which is not money, Government gives currency to a falsehood, and unsettles the sound foundations of public opinion; and no man can see the consequences to which a falsehood may lead, which he has once labelled as truth. The notes of a bank are no more money than the notes of individuals; and the Government can, by its action, make one pass as money as well as the other. And why should they not? Why should favored associations be taken under the fostering care of the Government, and individuals, whose worth and ability may be more distinctly known, discarded from it? Is this in keeping with the great principles of equality upon which our institutions are based? If assistance to the poor, in whose behalf the Senator from Massachusetts who last addressed you [Mr. DAVIS] spoke so pathetically, were a legitimate object of the action of this Government, it would certainly be much better accomplished by its endorsing the notes of the poor and needy, but worthy and struggling, citizen, than those of these wealthy corporations.

But the system proposed by the substitute is a radical change in the whole action of our Government from that proposed by the Constitution. In the first place, it legislates into perpetual existence a currency unknown to the Constitution, and against which many of its provisions are directed. In the next, it introduces into the texture of the Government a fourth estate, never designed by its framers to enter into it. It in effect declares that our ignorant forefathers knew nothing of the dire corruption which pervades the human heart, or had overlooked the only means of providing against it. That they did not see the beauties of that bank machinery by which the public treasure might be secured against the fingers of the pilferer, and neglected to provide it. And it is now proposed by their more sagacious sons to supply by legislation this dangerous omission. If all this is true, shall we suffer that sacred instrument to be thus interpolated without a regular process of amendment—that the legislature shall thus alter what was framed for the express purpose of circumscribing its own action? Surely not. But it is not true that the framers of the Constitution were ignorant of this bank agency, but it seems had it distinctly before them, and deliberately repudiated it.

But, notwithstanding all this, the Opposition calls the Independent Treasury a *novelty*—an experiment. That is to say, that the only plan known for the first 5,000 years of the existence of the world, is a novelty, although it has been, with very few exceptions, continued ever since; while that which was never heard of until about seven hundred years ago, and did not receive any thing like the form in which it is now urged until a little more than one hundred years since, is a perfect antiquity, and stands protected by hoary experience. The first bank which we hear of in the history of the world was that of Venice, established in 1157, A. D.; the next was that of Genoa, in 1345, near two hundred years after; the next was that of Amsterdam, in 1609; and then that of Hamburg, in 1619. The famous Bank of England had no existence until 1694, and about twenty years afterwards was followed by the Bank of France, to wit: in 1716. These places have all been conspicuous upon the theatre of the world, but not least for their wars and robberies. Commerce has enriched them, but it has been a commerce conducted in fraud and enforced in blood. I will not go back to Venice and Genoa, but take England, and the groans of oppressed India speak for her. The rivers of blood which have deluged that unhappy land, cry out for vengeance upon her lust of gold. Plunder by force or stratagem is the real sustenance of those nations, who subsist only on commerce. The first bank in France was a part of Mr. Law's famous bubble, for the payment of the national debt, and a very similar origin is found for that of England. From their unlucky explosions, the alchemists learnt lessons by which they profited in future experiments. But no bank became the fiscal agent of the Government, until the Bank of England became so in the reign of Queen Anne, whose expensive wars on the continent had involved the Government in pecuniary difficulty, and compelled her to apply to the bank for assistance. In consideration of that assistance, the bank was secured in a monopoly with a doubled capital. The equivolent she paid was an advance to the Government of £400,000 in cash, the cancelling of exchequer bills to the amount of £1,775,027, and throwing into circulation £2,500,000 more of the exchequer bills. And thus the bank for relieving the necessities of the Government, had secured to it a larger privilege of plundering the citizens—of covertly taxing them to reimburse herself. Upon the same principle it was that our U. S. Banks of 1791 and 1816 came into existence. Government necessities were great, and bonus, loans, and other accommodations to the Government obtained for the banks the authority to make these disguised exactions from the people. Yet gentlemen say that banking is not profitable, and refer to the small dividends of the United States Bank. They leave out of the calculation the amounts paid to Government for their monopoly, the losses by frauds and mismanagement up to 1819, and the contingent fund for promoting the spread of bank principles. These are the institutions which claim the merit of antiquity, and look down upon that as a novelty, which, beginning with the history of mankind, has existed in its native simplicity to this day.

Again, it is argued that the collection and disbursement of the revenue in gold and silver are altogether impracticable, without creating great public distress through the scarcity of those articles. And here I will frankly confess, that when I first began to consider this subject, I was apprehensive that the adoption of the Independent Treasury system would materially affect the price of property, reducing it to a distressingly low value; and that has been, in my view, the only unfavorable circumstance connected with it. But longer observation and deeper reflection has dissipated that fear, and I now feel confident that the depression in the value of property, produced by the present reaction, is far greater than that which would be more permanently produced by any probable check given to the paper system by this or any other measure within the reach of Congress, or, indeed, by the total suppression of bank paper. I will call your attention to a report furnished by the Secretary of the Treasury at the present session, showing the balances in the Treasury at the end of each year, by which it is, in my judgment, manifest that five millions of dollars are enough for the Treasury circulation; and with the reduction in the revenue, which I hope to see take place, three millions will be amply sufficient. Mr. Gallatin computed the precious metals in the world (in 1819 I think it was) at between four and five thousand millions; and after all allowances each way, supposed the annual increase to be equal to about one per cent.; which, by this time, would bring it up to between five and six thousand millions. Of this about two thousand five hundred millions exists in coin. But our calculations are not to be circumscribed within the two thousand five hundred millions, the whole amount of the five or six thousand millions belonging to the great family of nations, for that purpose for which the God of nature seems especially to have provided them; and whenever the coin is found deficient, the bullion existing in other forms will, by an irresistible law, come as offerings to the altar of public convenience, whether it is found in the embellishments of modern life, or the curious vases dug from the ruins of antiquity. The circulating medium of the world may be compared to a vast ocean, of which the peculiar portion of each nation is connected with it, like a bay or arm of the sea. Each is affected by its tides; receives of its fullness at its flood, and must pour back into it at its ebb. From this ocean all that we would want for the purposes of our Treasury, would be but as a bucket-full from the waters of the Potomac.

It is next urged against the Independent Treasury that it is in fact a Government bank. "If this were so, it were a grievous fault," and many of its present friends, could they be so persuaded, would at once abandon it. But assertion is not proof, and after all the ingenious efforts of the Opposition to make good this charge, they have, as I think, signally failed. The most plausible of all the untenable arguments to which they have resorted to support this charge is, that the bill authorizes a transfer, by draft, if necessary, of the funds of the Government from one part of the country to another; and this they say constitutes a bank. If this be so, then almost every man in the country is not only a *banker*, but a *bank*. For who is there who may not, by bill of exchange, transfer money which he may have in one part of the country where he does not want it, to another where he does. But this objection of a Government bank comes with peculiarly ill grace from the Opposition; for however we may beat around the subject, the sting of a Government bank lies at last in its power to furnish a circulating medium to make loans and pay dividends. These are the alvers by which public opinion is to be moved, and all these the substitute in effect proposes to give to a system of institutions connected with the Government, while, whatever may be said to the contrary, the Independent Treasury wants them all, and no human ingenuity can lay its finger on the clause of the bill in which either of them lies. If gentlemen choose to suspect covert purposes not appearing on the face of the bill, there is no rea-

soning with suspicion. In this respect it resembles confidence: a man confides, because he will confide; and he suspects, because he will suspect.

It is further objected to the Independent Treasury, that it increases Executive patronage. We have heard a great deal of humbugs upon this floor; but of all the humbugs which have ever come under my observation, this is the merest. Already the offices holden at the will of the Executive exceed ten thousand, and our fears are suddenly appealed to upon the addition of twenty. Public liberty is perfectly safe with a corps of ten thousand office holders, but ten thousand and twenty threaten its immediate annihilation. Sir, I say again, as I have said before, that, under our institutions, an open and acknowledged patronage is a principle of weakness, rather than of power, to him who wields it. I feel it in my own humble sphere. My situation here entitles my opinions to some little respect in the appointment of officers in my own State, and I am, of course, occasionally applied to on that ground by those who desire them. In the discharge of my legislative duties, my constituents and I understand each other perfectly; they know what course I am likely to take upon any great measure, and there is no disappointment. But in the exercise of the little influence I possess in the distribution of offices it is different. For one whom I have it in my power to gratify, I am forced to disappoint ten; and I am more fortunate than I expect to be if those whom I cannot oblige do not impute my not doing so, some to ingratitude, some to a want of a due sense of their merits, some to a wish to accomplish objects of my own, and others to a want of that influence which a more able man in my place would command. In either view I have made a bad bargain, and have lost much more than I have gained. Such, in a much larger sphere, is the situation of the President. But that is not all; his appointments, when made, do not always add strength to his administration. So far as my experience goes, the mass of applicants for office are from the ranks of the Opposition; and their feelings of opposition, though temporarily smothered, are seldom appeased, but are certain to show themselves on the first occasion of trial; and the instances are far more numerous of those who received office while professing attachment to the Administration, afterwards becoming its opponents, than of opposition being won over by appointment to attachment and advocacy. But what is true of open and undisguised patronage, is not true of that secret and complicated influence which may be exercised through the banks, whenever the objects of the Administration and of the banks become identified. Agents of this influence start up, like Rhoderick Dhu's men, from behind every bush, and their appeals can be addressed in the most subtle, and yet, in appearance, most innocent forms. Take a single instance. A member of this, or one of the State Legislatures, is debtor to a bank, and a measure of great importance is pending before the legislative body—those most conversant in bank affairs choose to suppose that it will in some way materially affect banking interests, and the general conversation upon the subject inculcates that belief. A bank officer has occasion to write to this member merely to inform him that on such a day his note will be due; but, as he has his pen in his hand, he adds: "The measure now under consideration in your body, if it becomes a law, will, it is thought, create a necessity for the banks to curtail their issues, and the debtors will, of course, be required to pay up their notes in full." Now, there is nothing wrong in all this; but what is the effect upon the recipient of the letter? A perfectly natural one. His thoughts take a new direction. "It is true," he says to himself, "I had intended to have voted for this measure, and supposed it a beneficial one; but in that I may be mistaken; and if it is to affect the banks as stated in this letter, the consequences to myself are appalling. I am not able to pay up this note, without the sacrifice of all that I possess. My wife will be reduced to beggary, and the prospects of my little ones forever blighted. The hazard is too great: I cannot encounter it." So would reason, under these circumstances, a man who had not the integrity of Aristides, with the firmness of Socrates. Sir, we all feel this bank influence pervading the very atmosphere we breathe. The filaments of its attraction insinuate themselves every where, into the most secret and retired places; and every man feels himself drawn on this side, and upon that, by some subtle power of which he is scarcely conscious.

I now proceed to the consideration of the subject as connected with commerce and political economy. I am not induced to take this view from any belief of my own, that it is pertinent to the present investigation; but our friends on the other side have obtruded it upon us, and by pressing it themselves in debate, have made it necessary for us to meet them upon that ground. I insist, as I did at the extra session, that the President was right in his opinion of the obligations of this Government, in relation to the currency. I deny that the Government is bound to furnish or regulate any other currency than that of gold and silver, nay, I deny its right to do so. Sir, the word *currency* is not in the whole Constitution, although a late fellow-traveller of high respectability, who had been recently reading the speech of the Senator from Massachusetts, [Mr. WEBSTER,] delivered at the last session of Congress, insisted that it was. I ventured modestly to put in my dissent to this opinion of my fellow-traveller, but to no effect; and as the argument grew warmer, he finally brought the weighty authority of the Senator from Massachusetts to bear upon me, and declared that that gentleman was unrivalled in his knowledge of constitutional law, and that any man who would read his speech must be satisfied that it was there. I was forced to admit, as I do now, that any man who was not himself acquainted with the Constitution, and would read the speech of the Senator, would come to the conclusion that the word currency was in the Constitution; and yet I admit that the honorable Senator from Massachusetts did not say that the word *currency* was there. He derives the authority of Congress over the currency, and the obligation to regulate it, from the third clause of the eighth section of the first article, which declares that Congress shall have power "to regulate commerce with foreign nations and among the several States," &c. and this, he says, coupled with the seventeenth clause of the same section and article, gives to Congress the power to create and regulate the means of commerce. I did understand the Senator, at the last session, to insist that the words regulate and create often meant the same thing; and, if my memory serves me, he offered some examples to prove it. But, sir, if the meanings of words are to be thus confounded, it seems to me that language loses all its utility, and words cease to be as they were designed—the vehicles of ideas. "God created the heavens and the earth," and his right to regulate them, grows out of his creative power. But yet the two rights or powers are altogether distinct. One of them he has transferred, to some extent, to man, and given him dominion over the fish of the sea, and over the fowls of the air, and over every living thing that creepeth upon the earth." But his creative power is uncommunicated, and perhaps incommunicable. But relieving the Senator from any verbal criticisms, and even granting him his premises, namely, that Congress, under the Constitution, has power to regulate commerce, and, under the seventeenth clause of the eighth section of the first article, to furnish such medium of commerce as may be necessary for its regulation, his conclusion will not follow; for the *necessity* does not exist, upon which his superstructure rests; and, of course, that superstructure must fall to the ground. The best medium on earth for commerce is already provided, and there is no necessity for another. But if this matter could be reduced to a mere question of commercial expediency, I deny that Congress ought to connect her fiscal affairs with the local banks. Who applies the scourge to the flying courser? And such would be the effect of Government continuing the stimulus of her deposites, and receipt of bank paper, with the local institutions. But I know it will be said she is invited to apply the rein, and not the scourge. Sir, this is a ruinous fallacy. It is, in fact, an invitation to place both the scourge and the rein in irresponsible hands, and with the power to use them with the wildest discretion, or, rather, without any discretion at all. And a scourge it would prove to the whole country. The Independent Treasury system proposes nothing more than to withdraw the stimulus which the Government has heretofore given to a system she has neither the right nor the power to control, and leave it to the action of those laws to which it is properly subject; laws founded on the eternal principles of truth and nature, and by which it will certainly, in the end, be properly guided. But the soundest principles of Government are at war with any connection with the paper system. Fluctuation is one of the most prominent characteristics of that system; in proof of which, if any is required, I will read an extract from the last April number of the Edinburgh Review, pages 33 and 34:

"There might, indeed, and most probably would be, commercial revulsions, and a fall of the exchange, even though the currency were wholly metallic, or fluctuated exactly as a metallic currency would do; but there is not the slightest reason for supposing that they would be either half so frequent or severe, as under the existing system. A mixed currency, or a currency of coin and paper, supplied like that of England, is exposed to fluctuations in its amount, and capacity of transacting business, ten times greater than any that could attach to a purely metallic currency, or to a mixed currency fluctuating according to the demand for bullion. If the currency consisted wholly of gold, of if no additional supplies of paper could be obtained except upon the deposite of an equivalent amount of gold, no general rise of prices could take place, except when there was an influx of the precious metals; and these, as every one knows, cannot be accumulated in any one country to a much more considerable degree than in others. But when individuals or associations are allowed to issue notes, or paper fitted to serve all the purposes of money, not upon a deposite of bullion, but merely upon their receiving a promise to repay it with interest at some future period, a new and most powerful element of variation is brought into the field."

Mr. Locke, one of the most profound writers in the English language, has said: "It is the interest of every country that the standard of its money, once settled, should inviolably and immutably be kept to perpetuity; for whenever that is altered, from what pretence soever, the public will lose by it. Men, in their bargains, contract not for denominations or sounds, but for intrinsic value." I know that Mr. Locke is here speaking of an alteration by the arbitrary action of the Government. But the consequences of alteration will follow as certainly, by whatever power it may be brought about. But if the Government adopts the paper system, the principle of fluctuation will be incorporated in the money of the country by the Government itself, and the alteration of its standard will be the act of the Government. One of the most serious evils of this fluctuation is the sudden change it produces in the condition of men. The paper system, in addition to its tendency to fluctuation, increases this latter evil also by the encouragement it gives to speculation, and by the joint operation of these two causes men are continually rising suddenly from poverty to wealth, and sinking from wealth to poverty. Mutability is one of the worst features in human destiny, and is always reckoned among the chief ills of life. Men become accustomed to any state or condition, and fitted to avail themselves of its enjoyments, whatever they may be, and to bear the ills attendant upon it. A gradual improvement of a man's condition is healthful both to the soul and body, and a gradual deterioration may be borne with philosophical composure, and without any very perceptible loss of comfort. But any sudden revulsion either way is attended always with many painful incidents. Even where the change, humanly speaking, is for the better, it is seldom attended with real happiness. The heir of poverty, who is suddenly advanced in fortune, has rarely any of those qualifications which fit him for its enjoyment. He is removed from the circles and associations which were wont to engage his affections, and thrown into others with which his heart knows no sympathy. But who can paint the misery of him who, reared to better hopes, has lived under sunny skies and amid bright prospects, and suddenly finds himself overwhelmed with pecuniary ruin? Time will not allow us to follow out this fruitful and affecting theme.

But another great evil of the paper system is, that it causes the producers of the country to sell at specie prices, and buy at paper prices, or in other words to buy at prices, regulated by an inflated currency, and sell at those which are regulated by a stable currency. Gentlemen affect not to see the force of this argument, and ask whether the planters

do sell their produce in one country, and buy their articles of consumption in another? I answer yes. The price of every article produced in this country, and which usually goes to a foreign market, is here regulated by the price in the foreign market. The paper currency of a country does not form a portion of that great ocean to which I had reference in a former part of my remarks; but is, as it were, an isolated lake which has no outlet by which it may mingle itself with those vast waters. You may pour into it until it will overflow and inundate the country in which it is situate, and thus involve it in ruin; but it leaves the great ocean without unaffected by its swell. It raises prices at home but affects them not in other markets. However abundant, therefore, money so called may be at home, the exporter can afford to give the farmer no more than the price in the foreign market will warrant, leaving him his reasonable expenses and profit besides. But it is not so with the articles he imports; when he gets them here they at once feel the influence of the swollen circulation, and bring correspondent prices, and at those prices the consumer must purchase. But it will be said that England, the principal country with whom we trade, is a paper country, and therefore we lose nothing by our paper system in our intercourse with her. Sir, a man loses all by any circumstance, that, but for that circumstance, he would have made. Although England is a paper country, yet, if we were exclusively a metallic country, we should make more by our intercourse with her. And why should we, because she chooses to maim herself by her paper system, follow her example? The whole business of life is a struggle between nations and individuals for their respective portions of the goods of fortune; and why should any wise man, who is embarking in any strife, disable himself because his adversary has had the folly to do so. I am certain, sir, that to do justice to this argument it should be more elaborate, but I must leave it with the few hints I have thrown out, which I trust will be understood by any intelligent mind. And yet the paper system is applauded to the skies, as the wing upon which England has soared to her present prosperous height. Sir, England has thriven in spite of her paper system, and not by reason of it; and the same answer applies to the panegyrics which has been poured forth upon the wonders attributed to the banks in this country. They have, it is said, caused the wilderness to blossom, built up towns in the desert, opened our lands, constructed our railroads, and caused the steam-moved palaces to float upon our waters. If this were so, they would indeed deserve our gratitude and praise; but I have thought, and still think, that we owe all these things to the enterprise and industry of our citizens, and the abundant resources with which it has pleased Heaven to bless our country. Through them all these wonders have been accomplished, and the banks supported besides. Such has been the vigor of the patient's constitution, that he has supplied nutriment to this vast wen, and borne its enormous growth, and furnished support, at the same time, to all the functions of life, and his own natural increase.

And this brings me to the consideration of another evil of the paper system, and that is, its tendency to call men off from the most productive employments to those which are less so, or not so at all; drawing them off from the cultivation of the soil to become speculators, bank officers, shopkeepers, and livers upon their wits. All values are created by the spontaneous production of the earth, by human labor, by animal procreation, or by some or all of these united. The spontaneous production of the earth is, of course, the most profitable to him who can avail himself of it of any other; and the production of the earth, combined with human labor, furnishes at last the basis of all wealth. Human labor may, after the production by the earth is completed, put into more advantageous forms, and in more advantageous places, what has been produced; but to the earth we must go back for the origin of all wealth. Wealth to a nation is happiness; that is to say, the more aggregate wealth a nation possesses, provided it be sufficiently distributed, the more people does it place in possession of the means of procuring the essentials of happiness. The larger portion of a nation's population engaged in the production of values, and the more advantageously engaged, the better for that nation. Labor applied to bringing into action the productive powers of the earth, is, as a general rule, the most advantageous mode of producing values. Every thing, therefore, which has a tendency to divert any considerable portion of a nation from agricultural pursuits, by turning them to speculation, professions, merchandise, or even to manufactures, where that nation possesses a suitable field for agricultural pursuits, has, as a general rule, the effect of diminishing the wealth of that nation. But I can pursue this topic no further. I conclude that Congress has not the right, and if it had, it would not be expedient for it to undertake the creation and regulation of a common paper medium through banks. But if it possessed such right, and such obligation rested upon it, the substitute proposed by the Senator from Virginia provides no such medium, the currency it would foster would be, after all, but local in its character, and with all the disadvantages, would possess few of the advantages of a common paper medium.

Having finished what I had to say upon other branches of this subject, I now propose to treat it, in the last place, as a mere political question. This, after all, is by far the most interesting and important light in which it presents itself. Two great political parties have been striving for mastery in this nation ever since its existence began, and probably will continue to strive as long as its present institutions remain. Indeed, the strife may be said to have begun before the nation had an existence, and to have been waged in giving form and character to that existence. The party to which I belong holds, and ever has held, the capacity of man for self-government; that Providence has bestowed on each individual certain natural gifts and advantages, which he has a right to use without molestation or restraint, so long as he forbears to use them in infringing upon similar rights in others. But that owing to a corrupt propensity in our race to infringe the rights of others, Government is necessary, and to support Government taxation is necessary; but that no more government should be exercised than is required for the purpose for which alone it was instituted, and no more taxation resorted to than is necessary for its support, and that it is a gross abuse of Government to take from one man any of his natural or providential rights and advantages, and bestow them on another. That Government is at best but a necessary evil, or, in the beautiful language of Thomas Paine, "Government, like dress, is the badge of lost innocence; and the palaces of kings were founded upon the ruins of the bowers of Paradise." That this necessary evil was designed for the benefit of the many, and not of the few, and that the greatest good of the greatest number should be the object as well of the philanthropist as of the honest and enlightened politician. That every new society of men has a right to choose its own form of Government, and to change it afterwards, with the concurrence of a majority of the parties to the original compact. That the best form of Government, upon the whole, is that under which we at present live, reduced as it was by its wise founders to a solemn written compact, which no man has a right to change or modify peaceably and insidiously by *construction*, or openly and violently, without incurring great political guilt and just condemnation. We believe in the existence of virtue and patriotism, and hold them to be the only proper bases of political action; and that every thing tending to place political action upon any other basis, is dangerous to liberty and subversive of our institutions. History informs us that much the opposite of all this was held by the other party; that the present Constitution was very far from being such as they would have had it; that it was too Democratic in its nature, and distributed power too equally among all classes of the people, the bulk of whom they believed unfit either to govern themselves, or to participate in the government of others. But they agreed to accept it upon the whole, believing that, by construction, many deficiencies might be supplied, and that vigor in which it was eminently wanting might be imparted. We learn, from high authority, that the Constitution was scarcely put in operation, before the principle of construction was applied, and that those who were most active in its application avowedly held the doctrine that a monarchy was the best Government on earth, and, with Sir Robert Walpole, that a man's patriotism was to be sought for in his pocket.

"But Hamilton was not only a monarchist, but for a monarchy founded on corruption. In proof of this, I will relate an anecdote, for the truth, of which I attest the God who made me. Before the President set out on his Southern tour, in April, 1791, he addressed a letter of the fourth of that month, from Mount Vernon to the Secretaries of State, Treasury, and War, desiring, that if any serious and important cases should arise during his absence, they would consult and act upon them. And he requested that the Vice President should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question. Some occasion for consultation arising, I invited those gentlemen to dine with me, in order to confer on the subject. After the cloth was removed, and our question agreed and dismissed, conversation began on other matters, and by some circumstance was led to the British Constitution, on which Mr. Adams observed "purge that Constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton paused, and said, "purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* Government: as it stands at present, with all its supposed defects, it is the most perfect Government which ever existed."—*Jefferson's Memoirs, page* 450.

The leader of this party was a splendid man, whose talents I admire, and the integrity of whose purposes I do not mean to question; but his notions on government were, I believe, as erroneous as those of Tycho Brahe in philosophy. The first fruits of these principles were the funding system and United States Bank, with respect to which Mr. Pitt, looking to their consequences with the eagle eye of a profound statesman, declared, that if the Americans embarked in them, he would give but little for their liberties. The nature and operation of these measures will be found explained in Mr Jefferson's Works, vol. 4, pp. 446—449.

"Hamilton's financial system had then passed. It had two objects; first, as a puzzle to exclude popular understanding and inquiry; and second, as a machine for the corruption of the legislature: for he avowed the opinion that man could be governed by one of two motives only, force or interest; force, he observed in this country was out of the question, and the interest therefore of the members must be laid hold of, to keep the legislature in unison with the Executive. And with grief and shame it must be acknowledged that his machine was not without effect; that even in this the birth of our Government, some members were found sordid enough to bend their duty to their interests, and look after personal rather than public good."—*Jefferson's Memoirs, page* 446, *vol.* 4th.

"I know very well, and so must be understood, that nothing like a majority in Congress had yielded to this corruption. Far from it. But a division not very unequal had already taken place in the honest part of that body, between the parties styled Republican and Federal. The latter being monarchists in principle, adhered to Hamilton, of course, as their leader in that principle, and this mercenary phalanx added to them insured him always a majority in both Houses; so that the whole action of the legislature was now under the direction of the Treasury. Still the machine was not complete. The effect of the funding system, and of the assumption, would be temporary; it would be lost with the loss of the individual members whom it had enriched, and some engine of influence more permanent must be contrived, while those myrmidons were yet in place to carry it through all opposition. This engine was the Bank of the United States."—*Page* 449.

The bank was chartered; and, according to the decision of the times, which as yet stands unreversed, and perhaps ever will, (whether properly or not, this is no time or place to discuss,) the charter could not be revoked, but must run out the period for which it had been granted, whether for weal or woe to the country. Its effects were counteracted as far as possible by Mr. Jefferson, at the head of a Spartan phalanx, which continually gathered strength; still, when it became fairly united with an administration strictly Federal, it made rapid encroachments upon the Constitution. But a bold stride of power, conscious of having at its command something more efficient than a sceptre to subdue the wills of men, was manifested in the passage of the alien and sedition law. This rash and premature measure served to open the eyes of men ere it was too late, and the grasping Administration was hurled from its place. This separation of the Administration and the moneyed power served for a time to save popular rights, and preserve the Constitution. In 1811, the charter of the bank expired, and upon the question of its renewal, the whole force of the Democracy was arrayed against it, and with triumphant success. Some noble efforts were made against it on the floors of Congress, and some, I am sorry to say, who then won in the cause of Democracy the

greenest laurels that will ever bloom above their graves, have since changed their opinions, and become the advocates of a National Bank. They are still men of high intellectual power, and time cannot have abated their vigor. But how different are their efforts from what they then were? They still strike with power, but they beat only the air. The ground which they occupy does not afford scope for the exertion of their might. Upon this subject Sampson is shorn of his glorious locks, and shakes himself in vain, as at other times.

I now come to a portion of my country's history, from which I would turn aside with shame; but the story must be told. A war of glory had been fought; the Federal party had opposed its beginning, and during its continuance fasted for the victories of their country, and rejoiced over those of the enemy. But the war ended as it had begun, in the honor of the nation. But war is expensive, and the Administration found itself involved in debt and taxation, and the local banks had stopped payment, and the Opposition began to wag their heads, and point the finger in derision, and cry "There! there! So would we have it." The pride of the Administration was stung, and another instance was furnished of the frailty of man in his best estate; and in a desperate effort to retrieve its pecuniary affairs, a United States Bank was proposed and chartered, against the opposition of the Federalists, consistent only in opposition. Such I believe to be the true secret of the charter of the second Bank of the United States. Others more familiar with the political secrets of the day may account for it upon some other principle, but such I believe, and always have believed, was the true nature of the transaction. But the bank was chartered, and some apology must be made for this barefaced inconsistency of the Republican party, and an apology, the strangest that ever could have entered into the conception of one who set any value upon a written Constitution, was offered. It had been once decided, it was said, by all the departments of the Government, that a bank was constitutional, and therefore it was settled. Strange that the very warmest opponents of construction should thus have established it in the very heart of the Constitution, and made what was intended to be stable as the hills, and inflexible as iron, as fugitive as stubble, and as supple as a hazle wand. That what was intended to encompass the powers of the Government, and hedge them in with walls of brass, so that they should not encroach upon the rights of the States, should be rendered submissive to the ever encroaching spirit of that very Government, securing to it the undisputed right to every foot of ground it gains in its advances. If the bank was ever unconstitutional, it was so then, and must continue so until that Consitution is altered by the only means which has been provided. But the bank was chartered, and soon began to show forth its natural fruits. A high tariff for the protection of manufactures, a process by which the Government is enriched, and the nation impoverished, and which in the particular instance was well nigh rending asunder this noble confederacy, and polluting its sacred soil with the minged blood of kinsmen meeting in hostile array. Splendid schemes of internal improvement by the General Government, by which local bargains and legislative log-rolling, acting like gold upon the Roman legions, decided who should be elevated to power, and who degraded: while the people are reasoned with through their sufferings, as to the mode in which they shall exercise their sovereign prerogative of election.

For the greater portion of the existence of the late United States Bank, its mischievous tendency was very much restrained by the want of concert between the administrators of the Government and the administrators of the bank, but notwithstanding the resistance which it thus met with, it imperceptibly drew arter a Democratic administration into the path along which it naturally led. It was only during the one term of the younger Adams that an Executive, on whose co-operation it might calculate, was in power, but, fortunately for his country, so impracticable was he in his disposition, that the finest plot ever formed would be marred if at all dependant for success upon his co-operation.

I come now to the two terms of his revered successor. He found upon coming into power high tariff, internal improvement, and other Federal abominations, in full possession of the Capitol, introduced by the United States Bank, like another Trojan horse concealed within her dark and capacious bosom.

Penitusque cavernas
Ingentes uterumque armato milite complent.

He was not only a brave man, but a wise one. His was that true heroism which combines the most undaunted bravery with the most consummate prudence. He knew well that it would not be safe to make an open and direct attack upon these formidable and combined interests, but by the most ingenious and refined strokes of policy, he dealt first one, and then another, some disabling blow, until he was so fortunate as to hand them all over to the American people, bound hand and foot, to be dealt with by them according to their pleasure. This it was which provoked against him the hatred of the Opposition; this was the very head and front of his offending. He had cast their idols to the moles and the bats, and cleansed the temple of liberty of their polluting presence. For this, they have pursued him with most unrelenting vengeance long before his Presidential term had closed, and even now, when he has retired, like another Cincinnatus, to his own peaceful Hermitage, the hoarse baying of their ban-dogs breaks in upon the stillness of that magic circle. I will not anticipate the time, now so near at hand, when he will share the repose of her who shared with him in life the calumnies of the world. When his shall be the only apothehsis known to the Christian. When his name shall be nothing but a watchword to wake up the recollection of noble deeds. When his tomb shall be a sacred spot, whither each western traveller will turn aside from his path; a shrine where valor and patriotism will rekindle their fires, and Beauty and Purity offer the pearl of gratitude to their gallant defender.

But efforts are making to re-establish in their ancient niches those tutelary deities of the Federal party which he hath cast down, and efforts will continue to be made until success shall attend them or even hope becomes desperate. We have heard some description upon this floor of the machinery employed: we have learned that the United States Bank, in the late application for a recharter, had dealings with members of Congress very similar to those described by Mr. Jefferson, in by-gone times—that the press ceaselessly poured forth its venom and threatenings upon the heads of those who dared to oppose its recharter, and that even the galleries of Congress were filled with the myrmidons of the bank, striving to overawe its deliberations. And shall we, with this experience, with all our experience, again create a tyrant to scourge us into submission? Shall we set up a golden calf to draw off the devotions of the people from principles consecrated by the blood of their sires? Shall we charter another United States Bank? But I shall be told the substitute does not propose the charter of a United States Bank. I know it does not in terms, but its effect will be to produce that or a similar result. The existence of an institution with powers much more vast than any heretofore enjoyed by a United States Bank, will follow its adoption, as certainly as the springing of the herbage upon the showers of April. Either the United States Bank, so called, at Philadelphia, will seize upon the public treasure, and thus accomplish the consolidation of the money power, with a capacity for wielding it heretofore unknown, or the honest Federalists and the timid Democrats, alarmed at its power, will, upon the principle of setting back fire in a prairie to check the wide spread ruin with which that raging element is already threatening them, unite in the charter of a United States Bank as the desperate but only remaining remedy. See what power that institution possesses even now. The other banks stand by, like trembling slaves, obedient to its nod, and stop or resume the payment of specie, as it commands. What will be its power, if the substitute is adopted, and it possesses itself, as it must do, of the public deposites? Whom it will it will set up, and whom it will, destroy. Whichever of the alternatives before stated is adopted, the chains will be forged which will bind the wills of the American people in fetters stronger than iron. And when so bound, whither will they be led? First, to bow down at the feet of an aristocracy, and from thence at the footstool of a king; for the chrysalis does not more certainly become a butterfly, than Government proceeds from one gradation to another, until all power centres in one man, if there is no provision made for resisting that tendency. Our Constitution presents that resistance, while it remains in its primary vigor, but if sapped by the corrupting influence of money, our security is lost. The Senator from Kentucky, [Mr. CLAY,] with a candor which does him credit, admits the corrupting influence of money, and especially when that influence is thrown abroad from one great centre. But we are not limited to the Senate for proof of this corrupting influence. The sacred scriptures declare money to be the root of all evil. With the ancient pagans Plutus was ranked among the infernal gods. He was not deemed worthy to take his seat in the celestial throng: his propensities were considered low and grovelling: he was of the earth—earthy. And of the tendency of consolidated wealth in a bank to affect materially the political action of a nation, and especially when that bank is its fiscal agent, we have testimony *ab hoste*. A writer in the Edinburgh Review, No. 1, p. 196, himself evidently a friend of the paper system, says as follows:

"If the Bank of England must now be considered as a national establishment, not merely influencing, by the superior magnitude of its capital, the state of commercial circulation, but guiding its movements according to views of public policy, an important revolution has taken place since the first creation of that corporation as a banking establishment. That power of issuing the medium of exchange, with the opportunities it implies of varying its quantity and value, which, while precious coin was in use, was exercised under the immediate prerogative of the Crown, is now virtually vested in the governor and directors of the Bank of England. In the official character of that board, some of the functions of sovereignty are united to those of a trader; and the opportunities of banking profits are blended with a trust and charge of the public interest. It will be pleasing if these shall prove more happily compatible than they have been found in other instances. The organization of this establishment, possessed of such means to control the operations of commerce, as well as to facilitate the advance of financial supplies, may, into our political constitution, already so complicated, introduce a new principle of action, the effect of which cannot be easily discerned

"Perhaps an unbounded field will be opened for the extension of ministerial influence. Perhaps an unexpected control may be gained to the people over the views and measures of the Executive."

If such is to be the effect in England, where a strong Executive exists like a balance-wheel, to keep steady the action of the Government, such as it is, what must be the effect with us, where the political action is from below, from the great mass of the people, upon whom this pestilential influence may be brought to act in the most subtle and imperceptible manner? I wish I could say of this Republic as Louis of France did of his monarchy: "The monarchy is very old, but it will last my time." This Republic is but fifty years of age, but if something is not done to arrest the corrupting influences abroad among the people, it will sink into ruin before, in the common course of nature, those who now fill these halls are gathered to their fathers. There was a time when the American people despised appeals made to their pockets, but now they have learned to listen. Already are we reproached in Europe as a nation of merchants, whose sordid souls are always in the market; and the same venerable man to whom I referred in a former part of my address, remarked to me, with honest indignation in his countenance, that he never doubted the stability of our institutions until he found so large a portion of our people calculating the value of exchanges. Nothing marks so strongly the decline of that vigorous virtue which makes a nation, as when the barter begins of principle for gold, as when men and measures commend themselves to the public favor by the luxurious splendor with which they are invested. How fallen was Athens from its Democratic purity and provincial bravery when the talented and accomplished but corrupt Pericles scattered abroad the public treasure in buying up the hearts of the people. He threw around them the magic chain of pleasure, dazzled them with magnificent public works, instituted expensive games, pampered their appetites, and steeped them in sensual enjoyments. Nor were the fine arts neglected; every thing, in short, was done, and that at the public expense, for fitting them to throw

themselves, as they did in two or three generations afterwards, at the feet of Philip. Look to the Roman Republic. When Fabricius despised the gold of Pyrrhus, "Rome," it was said, "seemed like one great temple, and the Senate like an assembly of many kings." What a different picture did it present when even the treacherous Jugurtha, disgusted with its cupidity, declared that the whole people but waited for a purchaser. There was a time when three poor American youths, (I allude to the captors of Major Andre,) turned a deaf ear to every appeal made to their interest or their ambition, when the welfare or honor of their country was at stake. But that time I fear is passing away. Brennus, the hardy Gaul, has been alluded to in this debate, who, when the Roman quæstor was weighing out the gold which was to purchase immunity from his ravages, threw his sword into the scale with a *væ victis*—woe to the conquered. But when the American citizen is balancing in the scales of reason some great public measure, the bank director shows him his note with a frown, and a woe to the refractory. The heart of the unfortunate man quails, his brain reels, his hand trembles, and that scale preponderates into which his imperious master thinks proper to cast his paper. Oh, that some modern Camillus would come with the American legions, and drive these Gauls not only from the Capitol, but from the country, for if their inroads are continued, we shall finally be reduced to a bondage even worse than Gallic.

Sir, I have little hope that the paper system will be soon arrested. Standing here, I have no right to propose or advocate any measure for the accomplishment of that object. I can only vote for the withdrawal of that encouragement, that stimulus, which the Government has heretofore afforded it; and that it is my desire and my purpose to do, and nothing more. But the tendency of the paper system is onward. Look to the Birmingham memorial once more, and there you find that people praying for the repeal of Mr. Peel's bill compelling the Bank of England to pay specie. Like the drunkard, they cry out for more of that stimulus under whose sickening effects they are now laboring. Once more let us turn to the Edinburgh Review for testimony concerning its effects upon the mercantile classes:

"The radical defect, in fact, in the constitution of the bank, consists in its participating too much in the feelings and views of the mercantile class. It is managed by merchants, and we need not wonder that it should sympathize with them. It may, however, be inferred, with almost unerring certainty, that the bank is acting on erroneous principles when its conduct is warmly approved by the merchants, and conversely. Whenever the city articles of the metropolitan papers teem with eulogies on the conduct of the bank, we may be quite certain that mischief is abroad. A merchant is anxious to get bills readily discounted at a low rate of interest, and his good or bad opinion of the bank directors depends, in nine cases out of ten, on their readiness to negotiate the paper he lays before them."

Witness its effects even upon this floor. The Senator from Kentucky [Mr. CLAY] insists that even now the notes of the banks ought to be taken by the Government, in the face of their refusal to pay specie. The principle of convertibility, upon which only bank paper was ever tolerated, is now abandoned, and every thing must be treated as money which assumes the form of a bank note. Such is the tendency of the system. The people have tasted of the cup of Circe, and their noble natures are changing, and will, I fear, continue to change, unless some modern Mercury shall come with the herb Moly, or some other antidote, to the arts of the enchantress. There is one hope, and that is, if pressed much further, the system must explode of itself; it cannot hold out here as it has done in England. There have been many circumstances to sustain it there, which exist not here, and will probably never exist. When England commenced with her paper system, she commanded the trade of the world. Soon the Indies opened to her their treasures, and a vast mine they have proved, their golden strands sparkled with wealth in every form, and the British armies had only to fight a battle, and then gather gold from among the gore as a boy would pick up pebbles on the beach. In one year, Mr. McCulloch informs us, £15,000,000 or $75,000,000 were returned from India. Here was ballast enough for a vast paper system. Besides all this, her exchequer bills and her national debt, by the magic operation of confidence, have been converted into substantial capital. No one believes that the national debt of England will ever be paid; but its interest will, and it is eagerly sought after as an investment for capital; and a father bequeaths it to his son, as conscious of having enriched him as if he had left him the proprietor of so much land. But in this country the paper system has none of these supports, and, if pushed much farther, it must explode, and perhaps in time to save the country.

But whether it does or not, I wish to detach it as much as possible from our national existence. Its swiftly moving car may roll on; but let it not drag after it every thing dear to the earthly hopes of man. Let the inflated balloon ascend if it will; but let it not, in its ascent, wrench from their foundations the institutions of our country. While they remain within their sacred enclosure, the seeds of public virtue will sprout and vegetate. Planted on their firm battlements, the flag of freedom will yet soar aloft, and attract the admiring gaze of nations. Protected by their time-honored walls, the tree of liberty will spread forth its branches, inviting all who choose to come and repose beneath its shade. But if the parasite vine of the paper system is allowed to twine about it, it will wither and decay. If it is suffered to insinuate itself among the crevices of our institutions, it will gradually force out the cement which holds them together.

Mr. President, with the utmost respect for those who think otherwise, the tendency of the constructive spirit towards monarchy, is, in my humble judgment, as absolute as that of the streams of the earth towards their ocean home. This measure is proposed in resistance of that spirit, and if it fails, I pray Heaven to avert the consequences of that failure. That the gloomy visions which crowd upon my soul may prove to be such stuff as dreams are made of. But, if on the contrary, I find them to be the terrible shadows which more terrible realities have cast before them, in their advent, I shall have the poor consolation of having, as one of those placed by the people upon the watchtower, warned them of their approach. In performance of that duty, I appeal to the spirits of the mighty dead who have perished on our country's war fields to rise in vindication of the principles for which they fell in glorious martyrdom. I cry to the millions of American freemen in defence of the charter sealed to them by the blood of their ancestors. To their representatives assembled in the other extremity of this Capitol. And to you the *patres conscripti* of this great Republic. But if, all these appeals having been made in vain, I shall yet live to see the ruined institutions of my country, nothing will remain to me but in bitterness of soul to exclaim with Cæsar, as he walked among the festering corpses of his countrymen, who fell in that last fatal battle which completed the overthrow of Roman liberty, "*They would have it so.*"

THE INDEPENDENT TREASURY BILL.

SPEECH OF MR. SMITH,

OF CONNECTICUT.

In Senate, February 14, 1838—Upon the bill "to impose additional duties as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States."

Mr. SMITH of Connecticut said, that the course pursued by those who were opposed to the bill under consideration, in execrating and denouncing it in unmeasured terms, before it had been discussed, and even before it had been presented for discussion, induced him to believe that they were conscious they could not sustain themselves by a fair investigation of the subject, and by argument, in the position they had taken in relation to the measure; or that they held in utter contempt the capacity and understanding of the people, who were, in his estimation, fully competent to judge correctly of all public measures affecting their rights and interest, and so well and so correctly had all the great disturbing and important questions affecting the Government, and the interest of the people, by which they had been agitated more or less, ever since the formation of the Government, that no one need to doubt the correctness of their decision in this case; and on whose decision alone, the measure is finally to depend. The people of the United States were early divided in opinion, as to the form of Government which would be most likely to secure to them, their persons, property, and personal rights, and the greatest degree of happiness; which is a natural consequence of a free Government; and they have been, and still are also divided in opinion, as to the administration of the Government; and it is reasonable to suppose that such divisions will always exist, while the people are left free to discuss all such questions as affect their several rights; and though many abuses grow out of the privilege of a full and free discussion, yet without it, the rights of the citizens would be so curtailed as hardly to be worth preserving.

Mr. S. said he would ask the indulgence of the Senate to read some extracts from letters written by Mr. Jefferson, and by Colonel Hamilton, to General Washington, upon the subject of our Government then in its infancy, which were both written on the same day, the 9th of September, 1792, in which their views were expressed in relation to the form of Government, in their opinion, the best calculate to promote the general interest of the people of the United States. Those two eminent statesmen were, at that early period of our Government, arrayed against each other, each deveoping the principles of his favorite Government, and each endeavoring to impress upon the American people the advantages they would derive from the Government he was proposing for their adoption. Extract from Mr. Jefferson's letter. "No man in the United States, I suppose approved of every tittle in the Constitution; no one, I believe, approved more of it than I did; and more of it was certainly disapproved of by my accuser than by me, and of its parts most vitally republican. Of this the few letters I wrote on the subject, (not half a dozen I believe,) will be a proof; and for my own satisfaction, and justification, I must tax you with the reading of them when I return to where they are. You will then see that my objection to the Constitution was, that it wanted a bill of rights, securing freedom of religion, freedom of the press, freedom from standing armies, trial by jury, and a constant habeas corpus act. Colonel Hamilton's was, that it wanted a King and a House of Lords. The sense of America has approved my objection, and added the bill of rights, not the King and Lords. I also thought a longer term of service, insusceptible of renewal, would have made a President more independent. My country has thought otherwise, and I have acquiesced implicitly. He wished the General Government should have power to make laws binding the States in all cases whatsoever. Our country has thought otherwise. Has he acquiesced? My whole correspondence while in France, and every word, letter, and act on the subject, since my return, prove that no man is more ardently intent to see the public debt soon and sacredly paid off than I am. This mostly makes the difference between Colonel Hamilton's views and mine: that I would wish the debt paid to morrow; he wishes it never to be paid, but always to be a thing wherewith to corrupt and manage the Legislature."

Extract from Colonel Hamilton's letter: "But when I no longer doubt that there was a formed party, deliberately bent upon the subversion of measures which, in its consequences, would subvert the Government; when I saw that the undoing of the funding system in particular, (which, whatever may be the original merits of that system, would prostrate the credit and the honor of the nation, and bring the Government into contempt with those descriptions of men, who are in every society the only firm supporters of Government,) was an avowed object of the party; and that all possible pains were taking to produce that effect, by rendering it odious to the body of the people, I considered it as a duty to endeaver to resist the torrent; and, as an effectual means to this end, to draw aside the veil from the principal actors. To this

strong impulse, to this decided conviction, I have yielded. And I think events will prove that I have judged rightly."

Mr. S. said it was in the principles of these two able statesmen, that the political parties of this day may look for their origin. The Federal party followed Colonel Hamilton, and embraced his political principles, and the Democratic party followed Mr. Jefferson, and embraced his political principles. Mr. S. said it was in this funding system, invented by Colonel Hamilton as a part of the machinery he had designed for the operation of the Government, that the first United States Bank had its origin; and in which many of that class of men (the wealthy,) designated by Colonel Hamilton as being "the only firm supporters of Government," laid the foundation of princely fortunes, by purchasing up the securities, at two shillings and sixpence in the pound, of the soldiers who had sacrificed their property, and worn themselves out in the service of their country, and by whose labor, toil, and sacrifices, the independence of our country had been achieved. Mr. S. said that the political principles of each of the two great contending parties had been fully developed, and were now well understood by the people, and certain known landmarks had been established and defined, by which the course of either party may be determined by all whose interest may be affected in the administration of the Government; and one very important one was in the construction of the Constitution. The Democratic party were for giving it a rigid and strict construction, while the Federal party were for giving it a loose and latitudinous construction. Mr. S. said that the liberty which the Federal party had taken in construing the Constitution, and paramount law of our country, to suit their own principles, had entirely changed the character and power of our Government; it was in this fruitful source of construction that the United States Bank, internal improvements, high tariff, and vested rights in corporations, had their origin, none of which would ever have come into existence under the construction put upon the Constitution by the Democratic party. Another important subject about which the parties materially differed, was the State banking system; the Democratic party being for diminishing the number of banks, and increasing their restrictions; and the Federal party being for increasing the number, and diminishing their restrictions. Another was, on a gold circulation; the Democratic party being for it, and the Federal party against it. Another was, on the increase of the specie circulation; the Democratic party being for it, and the Federal party being against it. Another was, on the resumption of specie payments by the banks; the Democratic party were for it, and the Federal party against it. Mr. S. said he thought the great body of the people of the United States must be as blind, stupid, and ignorant as the Federal party had always affected to consider them, if they were not able by this time to discover their transcendent virtue, superior intellect and attainments, and noble mien, if they really possessed them; for they had declared on all occasions, in private and in public, and at all times for more than forty years, certainly not from any unkind sentiment which they entertained towards the people, but purely with a view to impress upon them the important fact that they were wholly incapable of taking care of themselves, and that, unless they submitted themselves to their care and control, they would certainly be ruined. So common are their claims of superiority to be found in newspapers, that hardly one can be taken up without being greeted with one; one of which I have taken from a Pennsylvania paper, recently made by Judge Hopkinson in the State Convention, and which I will ask the indulgence of the Senate to read:

"Much had been said concerning the Federal party, but it was the intelligence of that party which formed the Government and which understood the Government; and his opinion was, that the Government never can be administered on any other principles than the Federal principles of Washington's administration. In times of trouble the intelligence of the prostrate Federal party has been called into action, and more than once has saved the country. When the torch of civil war was almost lighted in the South, that prostrate party stepped forward, and, by their intelligence, prevented the effusion of blood. Notwithstanding all the calumnies that have been uttered against the Federal party, yet they are always at their post in the hour of danger. Their principles are always invoked to rescue that country from difficulties when it is plunged therein by the rashness of their opponents. Thus, in times of difficulty they triumph, and they are now again coming into power! I see [said he] some honest faces present, who are not ashamed to own themselves Federalists."

Mr. S. said that we may come to a right result in endeavoring to weigh and duly to appreciate the unrestrained denunciations of the opponents of the bill, for arguments seem not to be brought into requisition, and to put a just estimate upon the predictions and prophecies so lavishly and profusely bestowed in regard to the measure, and that some aid may be derived by instituting a comparison between their professions of love for the people and their continual predictions of disastrous results, indiscriminately, of all the measures of the Democratic party for so many years, while the administration of the Government has devolved upon it, and their acts while in power, and the actual results of the Democratic administration of the Government for nearly forty years; and with that view he would take a retrospective glance at their proceedings, commencing with the first prominent acts of the elder Adams, who administered the Government in perfect accordance with the professed principles and notions of the Federal party; and their anxiety for the welfare of the people at that time was as strongly marked, and as clearly manifested, in their unqualified asseverations of love for them as now. One of the first important acts was to raise a standing army; and what was this for? Had we any war that the army was necessary for the defence of the nation? None: it was to prevent the people they so dearly loved from destroying and ruining one another, who, in their estimation, were their own worst enemies, and were not only incapable of taking care of themselves, but would destroy each other without a strong guard to protect them. The expenses of a large army the people were obliged to pay from their daily earnings, and, for that purpose, almost every article of property they possessed was taxed, and, with the rest, the collectors' fees were to be paid, consuming, with the ordinary expenses of a family, all that a laboring man could earn; and of the necessity for this, the people were not permitted to judge, because the affairs of the Government were beyond their comprehension. Another, and one of the most odious acts passed while the Federalists were in power, was the Sedition law, enacted to guard their public functionaries against the attack of the people, who were too exalted and sacred to be approached by the vulgar people with such frightful "huge paws." The people supposed those who ministered the Government were their agents, and ought to be accountable to them for their public acts, and that they ought to be permitted, under a Government, for the establishment of which they had left their homes, and all that was dear to them, and fought their enemies, internal and external, and had sacrificed their property and spilt their blood, to examine and scrutinize their conduct as public officers, with that freedom that belongs to freemen and citizens of a Republican Government; but here, again, the same party showed to the people their paternal care over them, by erecting a legal barrier between them and those in power, that they might administer the Government unmolestedly, and more beneficially for the people, according to their notions of the Divine right which they fancied they were favored with, to govern and rule them; and any one who dared to write or say any thing against the public officers, to prejudice or excite the people against them, were to be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years. The term of Adams was on the wane, and the poor Democrats had been so showered with the blessings of his administration of the Government, that they began to look around to see if they could find some candidate for the next Presidency, under whose administration they might expect the Government to "shower its favors alike on the high and the low, the rich and the poor," and their choice fell upon Mr. Jefferson; and the Federalists, with more resolution, zeal, and activity than they had ever before manifested, came forward to the rescue of the people, who were going to be instantaneously devoured, body and soul, by such a monster. All their energies and skill were united in defence of the poor, ignorant, misguided, and abused people; they were actually frantic in their vituperation and denunciation of the infidel. The institution of marriage was to be profaned; the Christian religion was to be defiled; the Holy Bible was to be destroyed; the house of worship was to be razed; all social happiness was to be banished; and the whole land was to be stained with the polluted hand of an idolater and debauchee; and how grieved they were that the stupid and demented people could not be roused to a sense of their danger! when they had sacrificed so much, with no other motive than to save the people from destruction.

Disregarding alike the law of nations and of humanity, and rioting in their wonted rapacity, and feasting upon the sorrows of disconsolate wives and agonized friends, the bitter fruit of lawless impressment of our gallant seaman, the British were in the daily habit of boarding our merchant vessels at sea, and with brute force seizing upon the husband, the father, and the son, while in the lawful and peaceful service of the American merchants, sacrificing the happiness of the pleasant and comfortable fireside of their friends at home, to gain a sustenance for themselves and families, and dragging on board of their charnel houses, ships of war, where they were lacerated and beaten into submission, by the aid of the thong and cat-o-ninetails, and often expired under the tortures of the minions of a vaunted despot and his nobility, in their endeavors to tame the free, unfettered, and noble spirit of American seamen into the servility of a British subject; and such were the benefits to be derived from the dispensations of that paragon of a Government, so much the admiration of the Federalists, that they thought it not worth while to heed these trifling complaints and intrusions, and more especially, as it would only involve our nation in an expensive and unprofitable war with a magnanimous and honorable people, for the sake only of releasing a few renegade seamen from a service in which they could do quite as much good is if they were at home.

Yes, said Mr. S. these despised creatures, who afterwards won imperishable and unfading glory under the flag of the country, were not, in their estimation, worthy of consideration, and would have remained in bondage, to pine away and waste their lives in slavery on board of British ships, and been compelled to aid the enemies of their beloved country in their battles against it, had not the Democracy of the nation determined that no American citizen, however humble his condition, should be subjected to ignominy or oppression. Strong symptoms of an approaching war with Great Britain began to make their appearance, and to secure the property of the citizens from the grasp of the enemy, which seemed to excite the cupidity of the then mistress of the sea, a foretaste of which they already had, the embargo was laid upon the vessels at our wharves, and then the sympathies of the Federalists were again awakened to the interests of the merchants. They were going to be ruined, because they were not permitted to go to sea, until the Government could get prepared to protect them against the depredations and captures of an insidious enemy; and high-sounding notes of disaster and absolute ruin to the people were raised, because there would be no market for their surplus produce; and the people were warned to take care of themselves in season, by giving them the reins of Government, lest they should be ruined by such misrule and abuse of power, which the people had improvidently confided to the unworthy and blighting Democracy of the country. Notwithstanding the alarm and philanthropic interference of these guardians of the people these measures were meant to save them from their own destruction, and by a timely embargo, the result of wise and prudent

counsels, the property was saved, and the people were not ruined.

At length war was declared against Great Britain, on which the air rang with their wailings, followed by their bitter execrations of such a detestable band of outlaws as the Democrats were, for bringing such a crisis upon the nation: nothing, they said, but disorganization, desolation and confusion, would mark the footsteps of the demagogues: the Government would be overthrown, and all would be prostrated and crushed beneath its ruins. The pious ministers of the Gospel seized the first opportunity, after war was declared, to send forth from the hallowed desk their denunciations of the measure in the most fervid and eloquent strains, and offering up their prayers for the miserable, besotted people, who were the victims of a venal and corrupt administration. Mr. S. said that the great interests and welfare of the people were at the bottom of their united efforts to awaken them to their forlorn condition in those days as well as these. He would ask the indulgence of the Senate, while he would read, as evidence of it, an extract or two from a discourse delivered by the Rev. David Osgood, D. D. pastor of the church in Medford, soon after the declaration of war: "One hope only remains, that this last stroke of perfidy may open the eyes of a besotted people, that they may awake, like a giant from his slumbers, and wreak their vengeance on their betrayers, by driving them from their stations, and placing at the helm more skilful and faithful hands." Another extract from the same discourse: "A civil war becomes as certain as the events that happen according to the known laws and established course of nature." This was one public discourse, said Mr. S. among thousands of others delivered by the clergy on the Lord's day at the eventful period, who seemed to consider it their duty to aid the Federal party in uprooting that greatest of all evils, the odious Democracy of our otherwise happy land. The newspapers groaned with their onerous vituperations, which they were bearing with great rapidity to the door of almost every man in the Republic. All was alarm, and all was consternation. And yet the good sense and intelligence of the people, so much overlooked and despised by their self-styled guardians, the Federalists, were manifested in their steady support of the administration of their choice of the Government. The war was closed with more honor and glory to our happy Republic, than the most sanguine friends of it could have anticipated. The honor of the nation was saved, and the most honorable rank assigned her among the nations of the earth; and "free trade and sailor's rights" established; and how did their vaunting opponents stand? Let the page of history answer! The transcendant talents, patriotism, and virtue of General Jackson, which had shone with such lustre during the war, had rendered him as popular with the Democracy as they had odious with the Federalists. He was selected and brought forward as a candidate for the Presidency by his Democratic friends. No man in the nation probably could have been selected who would have struck the Federalists with such dread. Their engines were again set to work to batter down the man whom the people had selected, and all out of regard for their happiness, considering them incapable of making a choice for themselves. He was represented as a perfect cannibal. Their subtle poison found its way to the peaceful fireside of the sage and patriot, and ere its ravages could be arrested, undermined and sapped the domestic happiness of the man who had saved his country from disgrace, and perhaps from ruin, and had won for it in the field imperishable laurels, and gained for himself the admiration of the world. He was elected by the people, notwithstanding the persecutions of the Federalists; and the invaluable benefits resulting from his administration are too deeply graven in the hearts of the American people to require delineation.

In 1832, the powerful and much cherished ally of the Federal party, the Bank of the United States, came before Congress for a renewal of its charter, and, by some means or other, received the sanction of both Houses, and was sent to President Jackson for his approval. The President disapproved the bill, and returned it to the Senate, in which it originated, with his reasons for his refusal to sign it; which were, that it was unconstitutional and inexpedient, and would be unjust to the people in its operation. Again the same party attacked the President with as much violence and ferocity as they ever had done; and the gigantic power which the party, with its ally, the bank, were capable of wielding, the people were made to feel in its full plenitude. The whole nation was thrown into convulsions, and the aggrandizement of the party, through the bank, was wholly lost sight of, in their extreme anxiety felt for the suffering people, who were to be deprived of both money and credit, if the bank could not be rechartered.

President Jackson became satisfied that the public funds were being used by the Bank of the United States to oppress and harass the people, who were the rightful owners of the moneys; and to secure the people against such abuses, he advised the removal of them from the United States Bank to other banks, and thereafter to deposite no more of the public moneys in the Bank of the United States; and such was the course pursued by the Secretary of the Treasury, who coincided with the President in the propriety of the measure; and although the removal of the public moneys from one bank to another did, nor could, not diminish the quantity, nor vary the rights of the bank—for the bank had no more right to the use of the money than any individual, nor as much, because every individual contributed something toward the public funds, while the bank contributed nothing—yet, from this simple and just act, the memorable panic of 1834 was raised, and the whole country was agitated and thrown into commotion. Ruinous was the measure to the Government and to individuals, was proclaimed by the Federal party; prostration and ruin to all business was confidently predicted would be the consequences; and so difficult was it for the people, even the best informed, to understand, without some time for investigation, the nature of the act, and so zealously, and vehemently, and perseveringly were their bodings, that the people were, for a time, disposed to pause, and to some extent give heed to them. But how has it eventuated? Just in that proportion as the interests of the great body of the people were advanced, the banks, speculators, and stock-jobbers, the vampires of the country, were depressed; and from them, and their agents only, the people, upon sober investigation of the subject, were enabled to determine, came this note of alarm.

The next important act in which the peculiar love for the people of the Federal party was manifested, was the impeachment of President Jackson in the Senate of the United States; invading the province of the House of Representatives, and usurping their constitutional authority to prefer an impeachment to the Senate, whenever such an occasion should occur, who were, with the assistance of the Chief Justice of the Supreme Court of the United States, constituted a tribunal to impartially, under a judicial oath, try such impeachment. So intent was that party on securing and restoring to the people their rights, which they insisted had been shamefully and wantonly invaded by the President, that they could not, nor would not, wait for the House of Representatives to make the impeachment, if they should find cause for it, whose sole province it was that the Federal part of the Senate, being then a majority, preferred the impeachment against President Jackson to themselves, and proceeded immediately to trial, refusing to admit the President to a hearing, and passed sentence of condemnation against him—finding him guilty of the vague and undefined charges which they made against him. And what was the result of this rash and wicked proceeding? Let the black lines which environ the ex parte judgment, as recorded upon the Senate journals, give the answer. The election of President Van Buren, said Mr. S. was predicted by this party to be pregnant with such evil as to overwhelm this nation with disaster, and bring upon it disgrace and ruin; and again the deluded people are to suffer ignominy and shame for their stupidity and ignorance, and want of capacity to select for themselves a suitable person for Chief Magistrate.

And so alarmed, said Mr. S. had this party recently become for the people, that they had employed and sent missionaries from the far West, into the Eastern States, to enlighten them in the science of Government, and to warn them of the imminent danger they were in, under the misrule of President Van Buren, whose mal-administration had already been too obvious, they thought, not to be discovered even by the besotted people, without the aid of these shining lights from the West. And where do we find the principal theatre of action of these missionaries at the East? Why, in the city of New York, located in the most splendid hotel in the city, from whence they issued their tickets at ten dollars each. Such of the people as were able, and disposed to pay that sum for the privilege of hearing their eloquence upon the ruinous condition of the country, and their pathetic appeal to them to unite with them in their efforts to reinstate the people to their long-lost rights, could have the privilege; and all others were excluded from the boon. As they were missionaries sent out by the Federal party, they probably considered it unprofitable to irradiate the intellects of that class of benighted and vulgar beings described by the great financier of the Federal party, Nicholas Biddle, in his oration delivered at Nassau Hall, Princeton, New Jersey, into whose merciful hands the substitute offered by the Senator from Virginia [Mr. RIVES] for the bill under consideration, is calculated to, and inevitably will, consign them; and therefore were disposed to shut them out, and to admit only such of the people as were described by Alexander Hamilton, in his letter to General Washington, of the 9th September, 1792, before alluded to, as being the only class of men "who are in every society the only firm supporters of Government." And, said Mr. S. that the people may understand the favorable estimation in which the great financier, Mr. Biddle, held them—who is to be their future protector if the substitute succeeds and is adopted—he would ask the permission of the Senate to read an extract from the oration alluded to, in which they will find a mirror furnished by Mr. Biddle, in which they could have a perfect view of themselves, as depicted by the head of the Federal party:

"From your quiet elevation, watch quietly this servile route, as its triumph sweeps before you. The avenging hour will at last come: it cannot be that our nation will long endure the vulgar dominion of ignorance and duplicity: you will live to see the laws established. These banditti (the people) will be scourged back to their caverns; the penitentiary will reclaim its fugitives in office, and the only remembrance which history will preserve of them, is the energy with which you resisted and defeated them."

And, said Mr. S. while the Federal party, under different names, covering the same principles, who early lost the power, by abuse of it, which they held but a short time, to regain it, and again ingratiate themselves into the confidence of the people, have been denouncing, villifying, and abusing the Democracy, with all the opprobrious epithets that the vocabulary could furnish, for nearly forty years, and predicting, in every prominent measure of the Administration, destruction to the Government and ruin to the people, thirteen new States have been added to the Union, and settled with a thriving, happy people; and the nation, under the guidance of the Democratic party, with the fierce and ferocious assaults of the Federalists to encounter, has prospered, and increased in population, in improvements, and grown in wealth, far beyond any example furnished either in ancient or modern history.

Mr. S. said it was not his purpose to complain in the least of the Opposition for the course which they had thought proper to pursue. His only object was, in presenting it to view, that there might be some criterion by which the people, whose interests were apparently so near to their hearts, could ascertain how much reliance was at this time to be placed upon the illimitable denunciations, in the absence of argument to sustain them, of the measure under consideration.

At last, said Mr S. the Opposition have discovered an act more ruinous than a war with the most potent nation, and more odious than the sedi-

tion law, in the recommendation of President Van Buren to the people, of a simple and safe method to keep and take care of their own money, instead of confiding it to the care of faithless corporations, who, when they had got into their possession nearly thirty millions of dollars of the public money, shut their doors against them, and laughed to scorn every attempt of the people to withdraw it from their clutches; and, moreover, boasted of their power and disposition to block the wheels of Government, and bring to their feet the Government of the people, an humble suppliant.

Mr. S. said the general principles of the bill before the Senate, he was satisfied with, and, if adopted, would accomplish all he desired, and that was, to separate the public treasure and business from the money and business of the banks, and of all individuals, and would gradually bring the currency to be received for the dues of the Government to the constitutional provision, and standard; and this, he had good reason to believe, would be entirely satisfactory to the people, and he was satisfied it was demanded by them. The Government then would have no cause of complaint from the conflicts arising from the intermingling of private business with the public, against the banks, or individuals connected with them; and as it has no power or control over them, they would have no right or just claims upon the Government to inspire them with the vital spark, which they, by their own constitutional infirmities, weakness, or folly in their management, had extinguished. Until he could hear some argument from the opponents of the bill, which would weaken his convictions of the soundness, and, as he deemed them, unanswerable reasons and arguments of the Senator from New York, [Mr. WRIGHT,] in support of the bill, he had no wish to go into the details of it, to substantiate what, in his opinion, had been clearly proved, and no attempt by argument had been made to refute it. And all the remarks he felt disposed to make upon this part of the subject, would be designed to show the impropriety of depositing for safe-keeping the public money in banks, and with individuals, who were not constitutional or legal officers of the Government, and amenable to the people as such; and the unfitness of the circulating medium furnished by the banks, as a general currency. That banks, established upon sound and correct principles, may furnish a commercial credit, or circulating paper, which might be useful, and highly beneficial, not only to the mercantile, but to other classes of men whose business occasionally requires additional and temporary capital, he was not disposed to deny.

Mr. S. said that before he proceeded to suggest some of the reasons which operated on his mind to influence his vote against the substitute proposed by the Senator from Virginia, [Mr. RIVES,] he would briefly notice some of the prominent objections to the bill made by the Senator from Massachusetts, [Mr. WEBSTER.] The Senator asks if a hostile army should invest the Capitol, and Government were to withdraw from the same, and leave the enemy without opposition, would not the Government shrink from its duty? Would not the public functionaries separate themselves from their duty? I answer, yes. And I ask the honorable Senator if a hostile army should not only invest the Capitol, but should set fire to it and burn it down, and the agents of the people—members of Congress—were to refuse their aid in furnishing the necessary means to rebuild it, would not the public functionaries separate themselves from their duty? And he would ask again: if a hostile army was upon our coast, watching an opportunity to invade our country, and while the faithful and patriotic people had left their homes, and gone to fight the enemy, Americans could be found among us base enough to give signal to the enemy, advising them of the most vulnerable and defenceless points for assault; that if Government were called upon for supplies to sustain our soldiers, while thus in the field defending our country, and Government should withdraw, and the public functionaries should refuse the aid required, would it not be separating themselves from their duty?

The Senator [Mr. WEBSTER] asks why is the Government discharged from taking care of the currency—the paper currency as well as the metallic currency? I answer: because the Government has no control over it. Can the Government punish any man for debasing or counterfeiting it? or can the Government control or interfere with the expansion, contraction, or emission of it, any more than it can with the interests or business of any individual? No one will pretend to this. And though it would seem as if the proposition was too self-evident to need supporting by authority, nevertheless he would read an extract from the opinion of Judge Marshall, in delivering the opinion of the court in the case of McCulloch *vs.* State of Maryland, 4 Wharton. 424:

"After this declaration it can scarcely be necessary to say, that the existence of State banks can have no possible influence on the question. No trace is to be found in the Constitution of an intention to create a dependance of the Government of the Union on those of the States for the execution of the great powers assigned to it. The means are adequate to its ends; and on these means alone was it expected to rely for the accomplishment of its ends."

"To impose on it the necessity of resorting to means which it cannot control, which another Government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create a dependence on other Governments, which might disappoint its most important designs, and is incompatible with the language of the Constitution."

The Senator [Mr. WEBSTER] says the bill before us is evidence of such degeneracy in the Government as to carry us back to the days of barbarism, when barbarous and piratical powers kept their money in cells, vaults, and safes. It may seem barbarous to those who are in the habit of receiving their money by tens of thousands, instead of their fifty cents a day for hard labor; but those who earn their money by the sweat of their brow, I presume, do not consider it much evidence of barbarism or piracy to keep safe their money when earned. The same may be said of every man who keeps his money safe, and especially of him who keeps it from the grasp of the banker and speculator, that he is barbarous, and degenerating into a pirate. What will the Senator say of those merchants, many of whom are his particular friends, who keep their money in vaults and safes? And what will the Senator say of his friends, the banks, which always keep their money in cells, vaults, and safes? Are they barbarous? If others are disposed to call them so, he presumed he is not. The Senator [Mr. WEBSTER] again manifests great sympathy for the people. This bill is going to separate the people from the Government, he says. If the Senator believes, as his propagandist, Mr. Hamilton, did, that the British Government was the most perfect Government on earth, Mr. S. said he should suppose he would consider it his duty to separate the Government from the people, as the British Government is wholly separated from the people. The political power in England is lodged wholly in the Government, and not in the people, as it is here. The people there are denied the right or power to reform the Government, however ilily it may be adapted to their wants, and which is never done by them, but by Parliament, and by that only when the people become so clamorous that they cannot be resisted. But when the Senator is so apprehensive that the bill will separate the Government from the people, he only makes the small mistake [Mr. S. said he apprehended] of calling the banks the people. The banks are not yet the people, he believed. That the banks and the people are opposed to each other in regard to the measure, is too evident to require confirmation. The banks are opposed to the bill because, say the gentlemen, it will be their ruin; they can never resume specie payments if the bill passes. Then, if the bill passes, it will separate the Government from the banks, but not from the people. Mr. S. said he desired to know how this bill could separate the Government from the people. The Government is the Government of the people, formed and constituted by them, and is wholly under their control, and may be altered, changed, or annihilated at their pleasure; and if any improper act—one which does not meet their approbation—is done by their servants, the public officers, contrary to their will, they will displace them, and substitute others in their places, as they did when the Senate undertook to impeach the President. Mr. S. said, if the bill is of such a character as to dissatisfy the people, and induce them to recall their agents, and supply their places with others of different principles, he should think it would suit the Opposition the better, as it might be the means of carrying them into power, and putting the Democrats out, who are abusing their trust so much, as to separate the people from their Government.

The Senator [Mr. WEBSTER] asks, without the aid of Government, how can the banks resume specie payments? If they cannot, or will not, what better evidence is wanted of their unworthiness and unfitness to be the depositories of the public money? They clutched all the public money, shut their doors, and now tell the Government, unless it will still have confidence in them, and trust them again with the money of the Government, they cannot pay the Government what they now owe it, nor even individual creditors either. If an individual was to borrow money from his neighbor, shut himself up, and tell his friend he could not, nor never would, pay him what he already owed him, unless he would trust him more, what would be the course of his friend? He would probably say, he would rather lose what he had already let him have, than more with it; and if his disposition was such as to cheat him out of what he had already borrowed of him, it probably would not be changed for the better by a future loan.

Mr. S. said he would now proceed to assign such reasons as suggested themselves to his mind, why the banks should not be made the depositories of the public money. The people of the United States formed for themselves a Government, with such powers as to them seemed most likely to secure to them their social rights; and one important provision in the Constitution of their Government was, that all their officers who participated in the administration of the Government, should act under the solemnities of an oath; and this, in addition to their immediate accountability to the people for the faithful performance of their duty, was considered important, especially in taking care of the public revenue. The people, then, have a right to have their money in the hands of those who are not only officers of the Government, but to have superadded an official oath, for their faithful performance of the duties assigned them. Have the people this constitutional security from the depositories of their money? Certainly not. So far from it, that any men, however profligate and base, may constitute the corporate body, whether citizens of the United States or of foreign Governments, and whose hostility to our free institutions may be deadly, or however corrupt and base they may be; and we are not without recent examples in bank officers of corruption and baseness of the most flagitious character. Have the people ever authorized their agents to place their money in the hands of others than officers of the Government? Certainly not. By what authority, then, is it that their money is placed in the banks, and beyond the control of the Government, for safe keeping, if it is not with their consent? Mr. S. said this he was yet to learn. To make the banks depositories of the public money is as partial and unjust between the banks, and does to that portion of them which are not depositories, as much injustice as it does to individuals who are not interested either in the deposite, or other banks not depositories; and the deposite banks will have the special benefit, first bestowed upon them by the State Legislatures, in authorizing them to loan their credit for six, ten, or fifteen per cent. and the further benefit and privilege added to that conferred by the State Government of receiving, keeping, and banking upon the funds of the General Government, also conferred upon them; and thus the State give them the advantage of loaning their credit, in the shape of money, by which they receive a large per centum. The General Government gives them the use of its money, which adds several per cent. more, at the same time that portion of the people who happen not to be bankers, and who constitute a very great majority, not only receive no por-

tion of these bounties, but are obliged to pay their neighbor bankers, not more meritories, and perhaps not as much so as themselves, for their credit, loaned to them in the shape of paper money, manufactured at their pleasure, and obliged to submit, many times, to the most degrading humiliation, even to persuade the banks so far to condescend to aid them, as to loan them their credit, by giving the most ample and undoubted security.

And, said Mr. S. if a bank made a depository of the public money fails—and it is now quite a common occurrence—whether it be through dishonesty, or unwarranted hazard and speculation, what remedy has the Government except upon the bond taken for the repayment of the money? And no person will often become surety, but such as are connected with the bank; and when that fails, they fail also; the surety may apparently be ample when taken, and entirely worthless when the failure takes place. The Government can institute no inquiry into the conduct of the bank managers; it has no power to call them to account; and however great the fraud, and however great the loss, the Government has no remedy except on the bond, or by some civil action. Conscious of the impenetrable shield afforded them, is not obliquity almost a sure consequence? And, at least, are they not much more likely to be guilty of fraud than the public officer, who has not only his honor at stake, and that of his family, but is civilly liable to the full extent of his present property, and also to all further acquisitions; and is also liable criminally, and to be separated from his family, and all that is dear and valuable in this life, and to become the intimate of thieves, robbers, and all the outcasts and hopeless depredators upon the rights of man. The Government not only sustains the pecuniary loss, without the means of repairing it, but the public sustains infinitely greater injuries, by indirectly becoming the instrument of propagating, engendering, and inflicting crime upon the community, and which fills every social interstice with its baleful effects.

Much pains has been taken to prejudice the people against the Sub-Treasury system, by inducing them to believe that the friends of the system are disposed to break down and destroy all credit, because they propose to have the Government dues paid in the constitutional currency; but they neither make war upon any system of credit, nor upon the banks; they only require the Government to deal in such money only as is known to the Constitution; and how does this trench upon the rights of the banks? They leave them where they found them, under the control of the States, which created them. The States alone have power to continue them, discontinue them, or new organize them, as they may find it for their interest to do; unless the banks have become an independent estate, and are beyond the reach of the Government which created them. And why should the banks complain of this? Have they any more right to demand of the Government its countenance and support, than have individuals who are not incorporated? If they have, upon what ground is it? Have they a right to look to the General Government for protection? The Government has no control over them. If they assert they issue and furnish a circulating medium for the public accommodation, it is without the authority of the Government, and for their sole benefit; they issue bills and circulate them, or withhold them, just as they find it for their interest. No one will claim that they issue or circulate their bills for the public benefit, when it militates against their own interest. If banking was free to every man, under such restrictions as would protect the public from imposition, should the Government give preference to the banks over individuals unincorporated? If any preference was to be given to either, it ought to be given to the individuals, because they would be liable in their persons and property to pay their debts; and but few would become bankers, it is not likely, who had not visible and tangible property sufficient to pay all just demands upon them. If the Government goes to war, the individual comes to its aid; they go into the field and fight the battles; they produce the wealth, pay the taxes, and enrich the country. And will any one claim that if every man was his own banker, and issued bills at his pleasure, and when he found it for his interest, that the Government ought to make them depositaries of its money; and receive all their bills or notes in payment of the public dues? Mr. S. said the officers of the Government formerly received, kept, and paid out the public money with quite as little loss as has occurred since banks became fiscal agents of the Government. Previous to the rechartering of the United States Bank in 1816, the greatest part of the public revenue was collected, kept, and paid out by the officers of the Government. And what makes them more degenerated and less capable now? Has the influence of the banks made them degenerate, or what is it to be attributed to? Or is it to be found only in the imagination of the bankers, whose cupidity has been sharpened by the inordinate interest they have received by means of the public deposites.

The Opposition have been more clamorous upon the subject of exchanges, than almost any thing else. Commerce, they said, must wholly fail, unless Government made some provision to aid the merchants in exchanges. Nothing would regulate them, they said, but a bank, or banks; and therefore Government was bound to take the banks under its protection, to regulate the exchanges. They were told by the friends of the bill, that exchanges were only making provision for balances for or against the country, growing out of over-trade, and they, like all other evils, would regulate themselves, according to the laws of trade, and which appeared very simple and easy to the minds of all except the opposers of the bill, who persisted in saying that they could never be regulated without a bank. But what sound reason can be given, said Mr. S. why the Government should transport money to pay balances due from the merchants of our country, any more than it is bound to transport their produce or merchandise for them, out of which the balances arise. But if Government is bound to transport the produce and manufactures for the merchants, who have their profit for it, why not transport it while in the hands of the producer, the farmer, mechanic, and manufacturer, and give them the benefit of it, who certainly are as much entitled to it as the merchants, who only purchase it of the producer, and transport it for a profit which it yields him, and which is so much deducted from the price of the article when purchased. But before the bill has been fully discussed, exchanges have regulated themselves; they are now in favor of this country several per cent. And how did this happen, so contrary to the predictions of the Opposition? Why, just as they were told it would happen. The merchants have purchased less, and paid up the balances against them, and now there is no necessity for bills to go abroad, because nothing is due there.

The Senator from Indiana, [Mr. SMITH,] with a very happy simile, has illustrated the importance of the currency of a nation, by assimilating the currency to the life blood of an organic living body. That the currency is as essential and important to the body politic, as the blood of a man is to his body, he says; and in this he [Mr. S.] did not disagree with the Senator. That the one, in its proper application, was as important as the other, he was ready to admit.

He would then suppose that instead of the arterial and venous systems of the Senator, the one carrying the blood out from the heart, and the other returning it, moving in harmony, and performing their part in connection with the other great functions and powers of his body, they were entrusted to the care and control of some other person, who performed and moved them, not according to the wants and wishes of the Senator, but were governed wholly by the interest, whim, or caprice of those who had the management of these important organs; or, perhaps if those functionaries should grow a little mawkish, they might so far neglect their trust as to leave him powerless; he thought the Senator, under such unnatural regulations, would be much more imperfect than he now is. If, in making some long speech, his functionaries should neglect their duty, or rather service, or by reason of an adverse interest they might have, should neglect to supply him with the life-sustaining fluid, his speech would be cut short, and he would be obliged to sit down in the midst of it; and why? because his life-bood was at the control of others, to whose interest or will he was compelled to conform. Mr. S. said, if this be a fair comparison, it is not difficult to see that the nation, without the control of its life-blood, would be as impotent and powerless as the man who should be dependent on others for his blood.

What act would tend more directly to consolidate the Union, and break down the independence of the States, than the system of State banking, if the State Governments and General Government were compelled to have a mutual dependance on each other in their banking operations; moved by a self-acting machine, which would pervade every part of community, and would be interwoven with every interest, whether it be in individual transactions, or the concerns of the State or General Government? No scheme was ever devised, in his opinion, which was so well calculated to corrupt and demoralize the people, and subject them to the entire control of the aristocracy of the country; not only the wealth of our country, but the concentrated and united wealth will be directly wielded, as an irresistible power, to control the people in all our elections. What class of men, or what individuals, are there in community, who will not, to a very considerable extent, be subject to their control? The banks thus fortified, by the aid and support of the State Governments, and guarantied by the General Government, will be vested with the power of concreting and secreting the life-blood of the body politic both of the State and General Governments. They can produce a plethora at their pleasure and will, and by that means paralyze and frustrate the functions of the Government; or they can, at their pleasure, as their interest, political desires, or caprice may dictate, cause a depletion, and thus run down and prostrate the powers of the Government. The great body of the people will be made to feel, directly or indirectly, this gigantic power, placed in the hands of that class of people pointed out in the letter of Alexander Hamilton to Mr. Jefferson, before alluded to, (the wealthy,) as being the only firm supporters of Government, wherein he shows his preference for a monarchical Government; and the Federal party have ever since followed in his footsteps, and which they have indicated a resolute determination to build up and support. Not only the people, in their individual capacity, and in their ordinary transactions, will be subject to the control of these soulless and bodiless creatures, but the Governments, both State and General, will be wholly at their mercy, and may be disposed of at their pleasure. It is always said that money is the sinew of war, and that it cannot be carried on without it: if this is so, it will be quite easy to see what condition the country would be in, in case of a war, by recurring to the conduct of the Federal party during the last war with Great Britain; and ninety-five in a hundred of the banks are now in the hands and under the control of the same party, and probably will remain so.

Mr. S. said that we may see the peculiar character of the patriotism of the Federal party, so much boasted of, and how ready they are to manifest it "by being always at their post in the hour of danger," when the country is invaded by a public enemy. He would read an extract or two from their publications during that war, when the country was compelled to draw upon all its resources to save its independence, which is a fair specimen of their patriotism at this time, as well as then. Extract from a Boston paper: "Let no man, who wishes to continue the war by active means, by vote or lending money, dare to prostrate himself at the altar on the fast day; for they are actually as much partakers in the war as the soldier who thrusts the bayonet, and the judgment of God will await them." Extracts from the Boston Gazette, April 14, 1814: "Will Federalists subscribe to the loan? Will they lend money to our national rulers It is impossible: first, because of principle; and, secondly, because of principal and interest. If they lend money now, they make themselves parties to the violation of the Constitution, the cruelly oppressive measures in relation to commerce, and to

all the crimes which have occurred in the field and in the cabinet. To what purpose have Federalists exerted themselves to show the wickedness of this war, and to raise the public sentiment against it, and to show the authors of it not only to be unworthy of public confidence, but highly criminal, if now they contribute the sums of money, without which these rulers must be compelled to stop; must be compelled to return to the policy and measures under which this country once was at peace, and in singular prosperity." * * * "Any Federalist who lends money to Government must go and shake hands with James Madison, and claim fellowship with Felix Grundy. Let him no more call himself a Federalist, and a friend to his country. He will be called by others infamous." * * * 'It is very grateful to find that the universal sentiment is, that any man who lends his money to the Government at the present time will forfeit all claim to common honesty and common courtesy among all true friends to the country. God forbid that any Federalist should ever hold up his hand to pay Federalists for money lent to the present rulers; and Federalists can judge whether Democrats will tax their constituents to pay interest to Federalists." The national honor, wealth, nay, its very existence, will be placed in the hands of these corporations, and to them, not Congress, the people will have to apply to know whether they will vindicate the honor of the nation by declaring war against a nation trampling upon her rights, perhaps by the incitement of those very incorporations, to gratify some interest of theirs, or for baser purposes; and if it shall be their pleasure to call a Congress, as they lately have done, to deliberate upon the humble petition of their loyal subjects, they will then, if they condescend to hear it, gratify their subjects or not, as it may suit the convenience or interest of the noblesse of our country. And sir, said Mr. S. the Senator from Virginia [Mr. RIVES] has not hesitated to declare, on this floor, his surprise that the Government had not sent agents to the late bank convention held in New York, to try to negotiate a treaty of amity and peace with the banks. Has this great nation already come to this humiliating and degrading condition? Mr. S. said he had hoped at least the evil day was yet further off. The siren song had been sung; but he trusted the enchantment was not yet too powerful to be resisted, while the Genius of Liberty, in her most fascinating form, was hovering over and adjuring this happy people, for her sake, to resist the lure: he would not permit himself to believe that her last and lingering hope was to be lost in a corrupt system of banking. No sir, said Mr. S. she had resisted successfully thus far all the allurements that had been proffered to seduce her, and he was not now prepared to believe she would sink beneath the influence of this pestiferous bank miasma.

But it is urged by the opponents of the bill, that the Government money in the hands of its public officers, will be too tempting to be resisted; that it will induce peculations; that they will become corrupted by it, and the Treasury will be robbed, and the people suffer great pecuniary losses, as well as loss of moral character; and the nation will suffer degredation and debasement, by the frauds which the Government will be privy to, in improvidently trusting to the care of their agents, selected from among them, for their probity and worth, the public money. Here again, said Mr. S. you see developed Federal principles; the people are incapable of taking care of themselves; a standing army, and sedition law, were necessary to secure their persons, against their worst enemies, themselves; their money can only be secured, and safely kept for them, by that class of men who were said by Colonel Hamilton to be the only firm supporters of Government, the wealthy.

But, Mr. S. said, he desired to know what there was in banks that made men more honest, than when administering a Government of their own choice, and formed by themselves for their own benefit. If we may judge from what has lately transpired in relation to the banks, they are perfect schools of corruption; perjury is but a common occurrence with the bank officers, to cover up, and secrete their frauds committed upon the people; and in confirmation of this, Mr. S. said he would read an extract from a Boston paper:

"We find that the banks, in every quarter of the Union, have become the subject of anxiety to their State Legislatures. In Massachusetts, the out and out bankruptcy of some six or seven of the city banks, has forced an investigation into the arcana of the corporations upon the Federal party. Rantoul, the bold and eloquent champion of Democracy in that Federal Legislature, pressed inquiry with such vigor that it could not be resisted. The opening of the charnel houses has presented a melancholy scene of mortality. It is found that the empty vaults are the mere receptacles of some defunct, worm eaten notes of hand, which, alas! are as inconvertible as the shin-plaster then representing them in exchange, which are but so many poor ghosts "visiting the glimpses of the moon." But the worst is found on the books. A friend writes us from Boston: "Among other disgraceful disclosures concerning the Franklin and Lafayette Banks before the legislative committee, still sitting, it appears that the cashier of the former declared, under oath, that the returns made by the directors to the Government, were sworn to with a knowledge that they were false, and that they kept two sets of books to carry on the deception."

But said Mr. S. if one hundred thousand dollars of money in the hands of the officers of the General Government is corrupting, will it be less so, when added to the money of the bank? If so, upon what principle is it? The gentleman has not condescended to tell us.

Mr. S. said, one objection made to the bill is, that if the public dues are all collected in gold and silver it will distress the banks, because they will be required to keep on hand specie to pay their bills to the amount of the public revenue, as those who are indebted to Government will have their bills, and demand the specie to pay the Government. Well, great concern has been manifested for the people; they were going to suffer if the bill passed. But here it is not difficult to understand who are meant by the people; the banks are meant to be designated as the people. That the banks will complain, no one doubted. The reason is quite obvious: if they are obliged to keep more specie, and issue less bills, their profits, of course, will be less, and nothing but complaint would be expected of them. But will the people, who are not bankers, complain because the banks are obliged to keep, what they promise, specie to pay their bills when demanded? If, then, by collecting the public dues in specie, it will have the effect to compel the banks to be prepared to pay their bills in specie, it is a good feature in the bill. The people will have the benefit of it, and this is what disturbs the opponents of the bill; their people are the banks.

Mr. S. said he should trouble the Senate with but few remarks upon the currency, as it had, to a considerable extent, been involved in the preceding discussion upon the unfitness of banks as depositories of the public money. Money or currency is an attribute of sovereignty. All Governments, said Mr. S. as far as his knowledge extended, had not only found it necessary, but had considered it a cardinal duty, to provide and take care of it, as much, and even more so, than weights and measures. Money is the standard of value; it measures the value of all property, as much as weights ascertain the quantity; and if the standard of value is defective, those who use it suffer as much, and many times much more, than they would by the use of defective weights. Indeed, such importance is attributed to money in political economy, that it is considered the life-blood of the body politic, and the sinews of war. It would, therefore, seem to be of such importance to a nation, that it could not exist without it; and in war, the nation would be as impotent and powerless as its soldiers, who were to fight its battles, would be without sinews and nerves. It is interwoven with all the business and concerns of society; every person is more or less affected by it, and feels a deep interest in it, whether rich or poor, or whether he belongs to one class of people or another; it enters into almost every transaction of life, be its character what it may.

Mr. S. said he thought all would agree that it is important it should spring from a pure source, and be unaffected with moral taint. Is the currency furnished by banks under our present system of this character? and can it be so? If it is not, we ought to see what its defects are, and see whether they can be remedied; and if they cannot, whether further countenance and encouragement shall be given to the system by the General Government. The moral aliment taken up by the absorbent vessels of the body politic, and which nourish and sustain a Republican Government, ought to be pure, and unalloyed with noxious mixtures, or it will surely languish, and ultimately perish under its baleful influence. Mr. S. said it was a fundamental principle in our Government, and intended to be fully carried out, and strictly adhered to in all our institutions and laws, that all men should be placed politically upon equal grounds, and left free to exercise their social rights; and whatever marred this equality might be looked upon as an excrescence or tumor upon the body politic, and a symptom of disease or unhealthiness in its institutions and laws. Titles of nobility, the principle of primogeniture, entailments, perpetuities, and every device to concentrate wealth by law, and make odious distinctions between men equal by nature; the pernicious and deleterious effects of which, upon a free Government, were so well understood by our ancestors, that they not only wholly discarded them, but made such provisions as they deemed effectual to prevent their introduction in future; and to the end that all might be kept equal, as far as equal laws would have the effect, laws of distribution were made, to distribute equally the property of a deceased ancestor among the heirs, in accordance with strict principles of justice, and that perpetuated wealth should not have an undue influence in making and maintaining such distinctions. And what do we find in the principles of banking? Why, sir, two of the most odious principles that could be incorporated into the institutions of a Republican Government—perpetuity and concentration of wealth; both are combined in banking. Although all the original parties to the corporation may be dead, yet the corporation is continued and kept alive, and perpetuated to the end of time, by new members being added. And the wealth of hundreds and thousands is brought together and concentrated, and may be wielded by one or two men, and brought to bear upon any portion of the community, in a political or any other point of view. And it is well known that they often enter the halls of the legislatures, and are brought to bear upon legislative action, and ro mould it into such shape as shall suit their intetest. As lamentable as this is, it is nevertheless true!

Mr. S. said nobody ever denied the right or power of a State until the banks came into existence, nor were there any writers upon the subject learned or wise enough to discover and bring to light a different principle to regulate all such business as affected, and had a bearing on, the public interest and welfare of the people generally, however private it might be in its nature and character, in such manner as to promote the general and public good. Although markets, grist-mills, ferries, provisions, and all other articles sold in market, are private property, notwithstanding they are regulated by the Government, so as to prevent injuries accruing to purchasers by the sellers. But the banks, the illegitimate offspring, to say the least, of improvident Legislatures, have assumed a sovereign power, which overshadows the State sovereignty with the aid of their godfather, the Supreme Court of the United States, to whose paternal sympathies, Mr. S. said, he should ask the indulgence of the Senate hereafter, while he could give them a passing notice.

The banks now take a hostile attitude, convene their congress, hold a secret conclave, and bid defiance to the Government which gave them existence. And here, said Mr. S., he would read an extract from a New Orleans paper, as evidence of the defiance of the banks to the State Governments to interfere with them in any way whatever:

"The Legislature of Louisiana has under way a bill to reform the banks. Its great feature is a superintending board of commissioners, appointed

by the Legislature, to limit the circulation to a given amount above the cash on hand, and to report to the country the condition of the banks. Publication of this is to be made monthly. A leading bank paper in New Orleans laughs this to scorn, and says that the banks will submit to no legislative interference with their concerns. The Legislature of Indiana having appointed a committee to inspect the condition of the State bank, the board of directors responded that *examinations* by committees of Legislatures are authorized neither by the charter, by good policy, nor by the interests of the State."

The contest now between the banks and Governments, both State and General, is for power. It is to ascertain which has got to succumb. If the banks come off victorious, the people have got to submit to take and use their spurious money, and make it the standard of value, though it be ever so capricious, at the pleasure of the banks, and to suit their interest, without regard to the public good. If we are brought to this, it is not difficult to predict the fate of our boasted land of liberty.

Mr. S. said the unequal and unjust operations of banking, and from which the great mania for it arises, may easily be seen by paying a little attention to its principles. The Legislature incorporates and authorizes a company of men to issue their notes, without interest, and loan them to others as cash for their notes, with nearly seven per cent. interest. The one class is empowered to loan its credit, while all others are prohibited loaning their credit, and compelled to pay the bankers for their credit. The one class gives no security for the performance of its promises to pay. The other class gives double and undoubted security for their performance. The deposites of money made in banks by individuals for safe-keeping, on which the banks pay no interest, is often much more than the whole capital of the bank. By the charters of the banks, they are allowed to issue their bills upon the strength of these deposits, to the amount of one hundred and fifty per cent. on all the money deposited, and for which the holders of the bills have not the least security whatever; the deposits being liable to be withdrawn at any time, at the will of the owner. This system of legislation has the same effect upon the whole people, as it would have upon a single family, if the same principle was introduced by the head of it, and made the rule of action in it. For instance, if a man had two sons, one he required to pay him two dollars a week for his board, and the other he paid two dollars a week for boarding with him; or one he paid ten dollars per month for his labor, and the other he required to pay him ten dollars per month for the privilege of laboring with him. How long, he would ask, would this family be kept together upon such principles; which would not be more unequal or unjust in their operations than the principles of banking.

Mr. S. said he was more astonished at the pertinacity of the friends of the State bank system, in pressing with such zeal their claims upon the Government, to place confidence in, and give credit to, a currency furnished by the State banks, and with a professed object only of furnishing a good and sound currency for the people, when scarce a day fails to bring us intelligence of some new and base fraud committed by officers of banks, upon whom there seems to be no adequate check, and, in many instances, attempted to be concealed by perjury of the most frightful character, clearly evincive, to his mind, of the danger of the system, in swindling and defrauding the people with a worthless bank paper, and, at the best, having only one specie dollar in their vaults to pay ten or fifteen paper dollars, which have been issued and imposed upon an unsuspecting and confiding public. When bank charters are granted, they are invariably upon the application, and too often hypocritical petitions, asking for it under a pretence that the public interest requires it, when the sole object is to advance their own interest at the expense of the public; and if there was no other fraud and deception practised upon the people, who look to the banks, as by the terms of the petition they supposed they had a right to, for a sound and healthy paper currency, than the taking from the vaults of the banks, and appropriating to the use of two or three directors, who manage the bank, with little or no security, all the money belonging to it, and using it in large and hazardous speculations, and especially in provisions, by which means they are enabled to monopolise and govern the price of the most substantial articles of consumption, and which is too often the cause of a scarcity in market, it would seem to be sufficient to induce every reflecting man to pause, if his object was what he proposed, to accommodate and benefit the people, before he gave any further encouragement to a system so deceptive, and so unlikely to furnish a sound and accessible paper medium; and as evidence of such practices, he would read an extract from a Louisiana paper, and one from a Pennsylvania paper, a great many of which might be adduced:

"The Legislature of Louisiana commenced the searching operation; and it is discovered at the threshold that the immense discounts there, as at Boston, which have swallowed up the capital of the banks, have been made to little more than two dozen directors! We clip the following from this morning's Baltimore Republican: 'From a long article from the New Orleans Bee, received by last night's express, and which we will give at length to-morrow, we have the startling fact adduced as an evidence of the unjust system of bank favoritism pursued in that city, that of the credits of eight banks which had made a faithful return of their affairs, seven millions of dollars had been distributed to twenty-nine commercial houses! And what adds to the enormity of this fact is, that these twenty-nine houses were composed of bank directors. What a commentary on the principles of American banking, and the much vaunted credit system!" Extract from a Pennsylvania paper: 'The Lumbermen's Bank at Warren, Pennsylvania, has broken, caused, it is believed, by three or four of the stockholders obtaining loans to two hundred thousand dollars, *i. e.* the whole capital!'"

Mr. S. said he had before alluded to the frightful and unwelcome inroads which had been made upon the Constitution and primary law of our country, by the construction of the Supreme Court of the United States, given to the Constitution at different times, and made upon different parts of it; and what is very singular and worthy of consideration, all such constructions have been made in accordance with the principles of the Federal party, as laid down by Alexander Hamilton, and ever since practised upon, and strictly adhered to, and aimed at, as far as lay in the power of the party. Mr. S. said, if this construction is just, and such a one as to give effect and force to the Constitution, as it was originally understood by the people, for whose benefit it was made, and was now adapted to their exigencies, he perhaps ought not to complain. But it was now too evident to admit of a doubt, in his opinion, that the decisions of the Court, which have given an entirely different character to our Government, and, in its operations under such constructions, has so entirely demonstated its unfitness and want of adaptation to the interests and condition of the people, that little hazrd was run in saying that the people will submit to no such construction of their chartered liberties, however high the source from whence it emanates, or however much they may revere the expounders of the Constitution.

Mr. S. said he proposed now to explain and give his view of the construction given to that part of the Constitution which prohibited the States from passing any law "impairing the obligation of contracts," under which construction, the banks and other corporations of a congenial nature, have come into existence, coalesced, and taken a stand against the Government, and declared themselves independent of the Government, and paramount to its authority. It now remains to be seen whether the people will submit to and confirm this construction; if so, the banks have become the Government; and the Constitution, so sacred in the estimation of the people, a mere guarantee of the bank oligarchy of our country. It is a fundamental principle in every Government, where its powers are properly divided and distributed, that no Legislature, by its acts, can bind subsequent Legislatures, except so far as the State may consider itself bound in good faith to carry the acts of preceding Legislatures into effect. The importance of this principle in a Republican Government will be readily perceived, on adverting to the fact, that the true depositaries of the political power are the people, with whom it at all times rests, and by them can at all times be moulded into such shape as to suit their wants, and give full scope to civil liberty, and to assure its enjoyment by the citizens to the full extent of its capacity.

The legislators are but the agents of the people, with power from them not to contract away, sell, and dispose of this power, but to exercise it temporarily during the existence of their agency only for the benefit of the people, whom they represent. The Parliament of Great Britain can repeal any act passed by a preceding Parliament; and whether the act is public or private, it makes no difference; it can repeal the one as well as the other; and so a franchise granted by the King, as all charters of incorporation are granted by the King, may at any time be taken away, or repealed, by the Parliament. This is admitted by the Supreme Court of the United States, in the same case in which they decide that the Legislature which grants them, cannot take them away; a passage from which Mr. S. said he would read, from the 4th vol. of Wheaton's reports, 643, case of Dartmouth College *vs.* Woodward: "According to the theory of the British Constitution, their Parliament is omnipotent. To annul corporate rights might give a shock to public opinion, which their Government has chosen to avoid; but its power is not questioned." A State is as sovereign and omnipotent as the British Parliament, except in so far as its power is taken away by the National Constitution.

And here two questions arise upon that part of the Constitution of the General Government which prohibits the States passing any law "impairing the obligation of contracts," which, if decided against the people, gives to the political power of the States a more limited and circumscribed operation than that of Great Britain. The first question to be decided is, is the power exercised by the Legislature, in passing an act of incorporation and granting chartered privileges to a company, political power. The second question is, whether, if it is political power, a Legislature, as such, has power to contract and grant it away absolutely, and beyond the control of the people, to whom it belongs, and for whose benefit it was reserved and kept in store, to be dealt out and applied as their necessities should require. It is admitted by the Supreme Court, in giving its opinion in the case above alluded to, that, if it is political power, and exercised as such by the Legislature in making the grant, that it is only an exercise of sovereign power of the State, which does not come within the prohibiting clause of the Constitution, and not a contract within the purview of the Constitution. And, to settle and decide this question correctly, it becomes necessary to ascertain what political power is.

The Court say, in giving their opinion in the before mentioned case, that, "If the act of incorporation be a grant of political power—if it create a civil institution, to be employed in the administration of the Government, the subject is one in which the Legislature of the State may act, according to its own judgment, unrestrained by any limitation of its powers, imposed by the Constitution of the United States.—4 *Wheaton*, 630.

Mr. S. said, with great deference to the opinion of the Supreme Court, he would ask, in granting a franchise, what other power than political does or can a Legislature exercise? If it is individual or personal power, any member of community may exercise it; but a Legislature, as such, cannot. Can a Legislature grant a privilege to any individual for his sole and only benefit, and without being the means of advancing the public interest generally? No one will be bold enough to assert this. Will any one pretend that the Legislature has power to grant to any man a privilege which others have not, and are not allowed to have, of tilling his farm in a different and more advantageous manner than others of the same class? And why not? Why, because the power wielded by the Legislature can only be exercised for the benefit of the public, and not for the benefit of individuals; and this would be for the benefit of an individual only. The privileges, then, which the Legislature is authorized to bestow, are for the benefit of the public, the whole people, and not for one or more, to the exclusion of the others, except so far as those upon whom it is conferred may be used as instruments or agents to promote the public interest. The public interest must be the object of it, though individuals may receive a benefit in the operation; or else the Legislature possesses no power to bestow it. If this doctrine is correct, how can the Legisla-

ture grant a franchise to individuals to bank, and furnish a circulating medium or currency, which all admit is a sovereign attribute, without doing it for the benefit of the public? And, if it is for the benefit of the public, it is so far a civil institution. And is not this the character given to it when the bank is granted? And do not those who petition and ask for the bank, and the Legislature, all treat it as such? And is it not on that ground that it is granted by the Legislature? And are not those incorporated treated as instruments only to promote the public interest? And, if so, is not the legislative act strictly within the principle, as laid down by the court, in defining political power? If it is not, it is difficult to perceive what political power is. Mr. S. said what he understood political power to be was nothing more than a portion of individual rights and power surrendered to be exercised by the Government for the benefit of the whole, that the remaining part of their rights might be more effectually secured to them; that the legislators were agents of the people only, to conduct the Government machinery for them, which could be operated by political power alone.

In giving a construction to the Constitution, a distinction is taken between a public and a private act of the Legislature, while no one ever contended that a public act was not liable at all times to be repealed, however injuriously it might affect the interest of individuals. At the same time, it is contended that a private act, derived from the same source, conferred by the same power, and though it may affect injuriously, in a far less degree, the interest of those who receive its benefits, yet it cannot be repealed unless a power for that purpose was reserved when the act was passed. And why not? Because, say the advocates for the monopoly construction, that it is a contract of the persons incorporated by the private act with the Legislature; and, therefore no act can be passed impairing the obligation of contracts. Well, let us take a case for illustration, which is not of seldom occurrence in these days of vested rights, and see whether it is so. The Legislature pass an act offering a bounty to all silk-growers, of one dollar for each pound of raw silk they shall raise within twenty years. Under the inducements held out by this law, men go largely into the business, purchase suitable land, purchase and set out mulberry trees, establish expensive cocoonries, and lay out many thousands of dollars. After succeeding well, and after the lapse of a few years, the people find that the profits are so great, that it is supplanting all other kinds of business, or, at least, the profits are altogether disproportioned by means of the bounty to the profits of other business, and the Legislature which act for, and in obedience to the will of the people, repeal the law. Will any body doubt the power of the Legislature to repeal it? At the same time, when the law was passed granting the bounty, a private act was passed by the same Legislature, incorporating a company to manufacture the raw silk into goods of various kinds; and this is found also by the profits it yields to a wealthy company, who, by their chartered rights, have monopolized and engrossed the business, so as to trench upon the rights of industrious, unincorporated individuals, in cutting down and curtailing their means of living. But this offensive monopoly or corporation cannot be reached, because it is a contract with the corporators, selling and disposing of so much of the political power as materially to affect the rights of the citizen, for whose benefit alone, and for whose private rights, the political power was created and reserved, to be used, from time to time, as their interest should require, and in the same manner as when exercised in passing a public act for the same purpose—the benefit of the people. We historically know that the prohibiting clause in the Constitution was intended for no other purpose than to prevent Legislatures from interfering with contracts fairly made between men and men in their private business, and annulling what individuals themselves had agreed to and consummated in a contract. And what mind is there so obtuse as not to be able to discover that by the plastic hand of the Supreme Court, this clause of the Constitution is converted into a machine to despoil the free citizens of this country of their civil liberty, for the attainment of which their ancestors sacrificed their treasure and blood, and transmitted it to them as a sacred heritage, believing it would not be parted with, but with a sacrifice equal with that made to establish it. And what is not less humiliating, it places the citizens of the United States, in the enjoyment of civil liberty, far below the subjects of the King of England; for there it is not denied but an obnoxious franchise may at any time be taken away by Parliament. Mr. S. said, marriage contracts are constantly, not only impaired, but abrogated and cancelled by State Legislatures, and the parties to them wholly released from their obligations to each other by virtue of the marriage contract. And nobody ever denied the right of the Legislature to dissolve the contract. No: it is not denied by the Supreme Court, but is expressly admitted to be consistent with the constitutional provision, prohibiting Legislative enactments "impairing the obligation of contracts." And that every man may put a just estimate upon the opinions of the erudite judges of the Supreme Court, in giving to our sacred Constitution such construction as to build up a formidable moneyed aristocracy, which had already confidence enough in its own strength and power to bid defiance to the Government, and whose career thus far had been marked by oppression, corruption and perjury. Mr. S. said he would read the opinion of the Court, so far as it regarded marriage contracts, in the case of Dartmouth College, vs. Woodward, 4, Wheaton 629, where the doctrine of vested rights was fully discussed, and considered as settled against the rights of the American people. Judge Marshall says, in delivering the opinion of the Court: "It never has been understood to restrict the general right of the Legislature to legislate on the subject of divorces. These acts enable the same tribunal not to impair a marriage contract, but to *liberate* one of the parties, because it has been broken by the other." Judge Story says, page 695: "A general law regulating divorces from the contract of marriage, like a law regulating remedies in other cases of breaches of contracts, is not necessarily a law impairing the obligations of such a contract. It may be the only effectual mode of enforcing the obligations of the contract on both sides."

Then, said Mr. S. we are thus enlightened by the learning and wisdom of our boasted Supreme Court. The only effectual way of enforcing a marriage contract may be to dissolve it, or to liberate one of the parties, because it has been broken by the other. This, said Mr. S. he must confess was a new way of enforcing the obligations of a contract without impairing it, to cut the ligaments, absolve the parties from all obligation imposed by the marriage contract, leaving the parties where they were before the contract was made. If the true and only reason which can be given, for the exception in the case of marriage contracts, had been given by the court, it would have prostrated the entire fabric, which had been conceived in the imagination of the court, and confirmed the only reasonable construction that can be given to the Constitution; that is, that the marriage contract is of civil institution, consummated by the sovereign act of the State, and for governmental purposes; which was never intended to be interfered with, when that provision was introduced into the Constitution. And such is the character of the banks; they have their origin in the sovereign acts of the State, and for the purpose of promoting the public interest, and not that of individuals; both stand precisely upon the same ground.

The great and fundamental principle in our Government, that every Legislature should be left free to act for the benefit of the people, as the condition of society, and the circumstances of the people, may require, is founded in the fact, that all political power is vested in the people; and that it is to be used and applied as it may be wanted, but not to be disposed of or placed beyond their reach, by any bargains or contracts to be made by their agents, the legislators, is evidenced by the fact, these Legislatures cannot alter, enlarge, or contract the political power as prescribed by the Constitution; but to do this, the people are to be called upon to act in the primary capacity, who have the power to make such alteration as they may see fit.

It is said by the court in the above case, that if a salary is stipulated to be given to an officer of the Government, for a certain time, that this is a contract, and may be enforced. If this is so, and the Legislature possesses the power to make the judges of the courts independent of the people, by contract with them, why make provision in the Constitution for the tenure of the judicial officer, that they shall hold it during good behavior, or for any other term of time? And why do those favorable to this principle, hold on to it with such tenacity, when it is once incorporated in the Constitution? If this principle is correct, it follows, that unless you have guarded against it in your Constitution, all your offices, of every character, may be disposed of for ever, and the people are bound by it, whether they have been betrayed into the hands of a set of tyrants, knaves, or fools. This would harmonise with the principles of that Government which was the idol of Colonel Hamilton, and which, with all its faults, he thought the most perfect Government on earth —that is, the British Government. There the political power is all vested in the Parliament, and none in the people: of course the Parliament can dispose of it at its pleasure. Were the people in that country ever called upon in their primary capacity to alter their Constitution, to extend or abridge their political power? Certainly not; and why? Because the people have nothing to do with it; it was all usurped, and taken away from them by the Government; the people, in their estimation, being incapable of using it. We are brought to the conclusion, then, that Legislatures, as such, have no power to convert and dispose of the political power, but to use it temporarily during their agency, and so by the next Legislature succeeding them, to be used in the same manner. Their agency is of the same character, so far as it regards the political power, as that of an individual employed in the business of another to do his work on the farm, in the mechanic's shop, or in the manufacturing establishment. The employment does not give the agent the power to dispose of the property. It is said by the court in the same case, these Legislatures may dispose of land belonging to the State, and therefore may dispose of offices, franchises, etc. This does not follow. Land is tangible and transferrable property, and the nature and object of it is to be sold and transferred, and Legislatures are always considered the proper agents for that purpose.

Mr. S. said that a United States Bank was not lost sight of by the Opposition; they were cherishing the hope that one would be chartered, and become the fiscal agent of the Government. He should not at this, or any other time, take into consideration the expediency of such a measure, until Congress should admit its constitutionality, which he was not prepared to believe would take place very soon.

Mr. S. said he was wholly satisfied, that no power either was, or intended to be, vested in Congress to establish a bank, and to maintain that position, such remarks as he should be indulged in making on the subject, would be directed. It has been said, that the constitutionality of a bank ought now to be considered no longer doubtful, inasmuch as President Washington, after the Constitution was adopted, gave his sanction to it, by confirming the act of Congress, granting the first charter of a bank. But we know historically, and a recurrence to the journals of Congress will show it, that General Washington hesitated long before he would give his assent to the charter; and we have the best of reasons for believing that it was the extreme anxiety he felt for the welfare of his country at that critical juncture, that induced him to sign the act at the time; and how far, if at all, he was influenced by the powerful and delusive reasoning of Hamilton, who was bent on taking the first opportunity to engraft new powers by construction on the Constitution, is not known. But for want of money to discharge the debts of the Government, which had been contracted in establishing our independence, he believed the people would be so far dissatisfied, under the then extreme embarrassment of the country, with the necessary

axes and burthens which they would have to bear, that the chartering of the bank would be productive of the least danger to the Government. And it was therefore a choice of evils, and not a belief in the full and perfect constitutionality of the act, that induced him to sign the act granting the charter. Mr. Madison was clear in the opinion that the bank was unconstitutional, and he ought to have known whether those who gave existence to the instrument at that time so understood it, and he did know that they understood that no power was vested in Congress to establish a bank; and we historically know the fact, as well as we know that General Washington was President of the United States. And if there was a fact to be proved now, without looking into the Constitution to know, by construction, whether the power was to be vested in Congress, would any one say that such power was intended to be given? No one, he was confident; and yet we are gravely set to work to ascertain whether that wise and intelligent body of men who penned the Constitution did not intend to incorporate in that instrument that power. We are well assured that Mr. Madison only yielded his opinion to what he supposed to be the voice of the people, (a cardinal principle never to be overlooked by the Democracy,) who was probably moved at that juncture by the same impulse that General Washington was when he gave his assent to it; that is, necessity or a choice of evils, and not by the consideration of its strict constitutionality. General Washington's opinion was finally in favor of the bank, Mr. Madison's opinion was once in favor of and once against it, and General Jackson's opinion was against it; two decisions were in favor of and two against it. From that source, therefore, no aid is to be derived by precedent or by force of opinion. But Congress is not bound by precedent, or constrained to act upon it. So far from it, it is bound to respect the will of the people when it is called upon by them to act in its legislative capacity; and it is, upon every principle, at liberty to construe the Constitution as it is understood by it, independent of the opinions of preceding Congresses, which undoubtedly put such construction upon it, as it supposed was just and proper at that time. Nor is Congress bound to follow the construction given to it by the Supreme Court: they are co-ordinate branches of the Government; each branch is independent of the other in its construction of the Constitution, as it is in all other official acts; and each branch of the Government is bound by oath to construe it as it is understood by it. Although party considerations probably had no influence with the court in giving the construction to the Constitution, yet no one expects well settled political principles to slumber in the mind of any patriot, however erroneous they may be, without being awakened, when, in the exercise of an official duty, he believes one course taken by him will prejudice the interests of his country, while the other, if taken, will advance its interests; and such high and honorable motives may be ascribed to those high judicial functionaries, while those opposed to them in political principles, with the same sincerity and honorable motives, may be permitted to impugn the correctness of their construction, without doing injustice to the feelings of either, or infringing or invading their rights.

Mr. S. said, as important as all readily admit the currency of a nation to be, there seems to be too much difficulty to determine in what part of the Constitution the power lies, to entitle it to much credit, to incorporate a banking company, with power to manufacture paper money at their pleasure, and to suit their private interest. Some have attempted to locate it in that part of the Constitution which authorizes Congress to "coin money, regulate the value thereof, and of foreign coin," etc. There is an obvious distinction between such means as are incidental to the express power which follows as a corollary from it, and such as may be arbitrarily assumed as convenient to execute the express power, or brought to its aid under a pretext of necessity. The power of coining money implies the power of establishing a Mint. The power of levying and collecting taxes implies the power of regulating the mode of assessment and collection, and appointing proper officers to accomplish the same; but to coin money, etc. does not imply the power of establishing a banking corporation to make paper money, which is no where recognised in the Constitution, but was expressly rejected when the Constitution was framed. Such a construction would be more forced than to say it implies a power to incorporate a company of miners; because Congress is empowered to coin money, inasmuch as the manner in which it shall be done is not expressed; and to search after the hidden treasures of the earth, and with power to coin all the money, and regulate the value thereof, and thereby to place that important power, expressly granted to Congress, and to be exercised by it alone, beyond the control of the people, and even beyond the control of Congress; to be carried on by a few individuals, as shall suit their private interests, disregarding entirely that of the people; and the entire welfare of the public, in relation to the constitutional currency, made to depend upon the whim, caprice, interest, or political plans of these few individuals, to whom this power is delegated by Congress. Others, with more speciousness, have attempted to find an implied power to establish a bank, growing out of the express power granted to Congress "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Mr. S. said it would, in his opinion, do much less violence to the phraseology used in constituting this power, and the general sense expressed by it, than it does to attempt to imply the power from the express power to coin money, &c. To regulate commerce, signifies to subject commerce, already in existence by the creation of others, to rules or restrictions. To create a bank, requires capital, and requires that capital to be actively engaged; and if Congress may so regulate commerce, engage actively in it, employ capital, and carry it on, where is the limit to it? When it incorporates a banking company to furnish the capital to merchants and others engaged in business, what stretch of power beyond this does it require to enable the Government, with this same capital, to buy ships, and employ hands on board of them, and to purchase cargoes to load the ships with, and thus become competitors with individuals in all the business of our country: send our ships to the Indies, and engage in the whaling business, and all other profitable business of the world; establish manufactories, as wares are subjects of merchandise. And why not manufacture all articles from which a profit may be derived, as well as one article only, paper money, which is as much an article of trade as cloths, and varies nearly or quite as much in its value? But if the Government does not choose to enter actively into business itself, it can incorporate a company, and give it the benefit of the trade; the great body of the people will be no more deprived of their natural or social rights, or deprived of the profits of business which appropriately belong to them, than they are in banking, nor will the profits be larger or more valuable to the citizens. To be consistent, Mr. S. said, he thought the Government was as much bound to do this as to incorporate a banking company. It has incorporated, or proposes to, one company to manufacture the currency, and, on the same principle, it ought to incorporate another company to merchandise, and another to manufacture the goods, another, with as much propriety and justice, to raise the produce on our farms. One is no more unreasonable and no more unauthorized that the other.

Mr. S. said he was sure no Senator could reasonably claim, that if Congress has the power to separate the incident from the principle, to separate the implied power, growing out of the express power, and dispose of these to individuals, and cheat the people and Congress of the power, and place it beyond the control of either; that Congress has not the same power to dispose of the principal, or express power, that it has to dispose of the incident, or implied power. There is nothing in the nature of an implied power, that gives Congress any more power over it, to dispose of it, than there is in an express power. If they are powers derived from the same source, it is no matter whether they are express or implied; they are to be exercised in the same way, and for the same purpose. There can be no doubt, then, said Mr. S. if he was correct, but if Congress has the power to incorporate a company to carry out the implied powers, it has the same right to incorporate a company to carry into effect the express powers. Well, admitting this to be correct, what would be the condition of the people and their Government? Their agents, selected for their fidelity to manage the Government for them, have bartered it away, and transferred the power conferred on them for that purpose, and by the barter and transfer have given their new agents the character of master, instead of servant, which was the appropriate character when elected by the people. Congress, then, will have granted the power to coin money, and to a corporation; the power to regulate commerce, construed to mean to carry on commerce to another company; to declare war to another company, and to furnish materials for carrying it on, to another company; to fix the standard of weights and measures to another company, and to build our ships etc. to another company.

If Congress possesses the same power to incorporate a company to manufacture weights and measures, that it does to incorporate a company to manufacture the currency, what more impropriety or injustice would there be to the people? The people would not suffer as much by it, even if the weights and measures were to increase and diminish with the interest of the manufacturer, when he bought and sold as much as the bank bills do; because much more property can be disposed of, passed from hand to hand without weighing or measuring, than there can be without money. And what would the people think, and what would they say to their servants, if they were to incorporate a company of men, with the exclusive privilege of manufacturing all the weights and measures of the country, and of using them in their own way; and at their pleasure to dispose of them, or withhold them; and to make them larger when they bought, and smaller when they sold; compelling the people to depend on the company for them, and must either buy of them at their prices and on their terms, or go without? The effect on the interest of the people, if the exclusive right being given to an incorporated company to manufacture the currency, in accordance with their own interest is the same, and more deleterious if possible.

To raise and support armies, would be necesarily implied under the power to declare war; war could not be carried on without this power, it is a means of accomplishing an end; that is to maintain war; but the means, as well as the end are here expressed. If the convention which formed the Constitution, had intended to have given such means as banking to accomplish an end, as is contended for, so remote as the end and the means are from each other, would it not have been much more likely to express the means to be employed than in some others, between which there was much more affinity, and when it must have been implied by necessity, and when the means were absolutely necessary to accomplish the end? The power vested in Congress "to make all laws which shall be *necessary and proper* for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or office thereof," has some times been selected, as the source from whence the authority is derived to establish a bank. This clause of the Constitution, Mr. S. said, did not enlarge the powers already granted; it neither did, or was intended to add to their powers. Congress would have possessed this power, necessarily, as much without this clause as with it; it is declaratory merely; to make all such laws as should be necessary to give full force and effect to the Constitution would be a necessary consequence; for without the right to enjoy the benefit of the constitutional power, as they are given, the Constitution would be wholly useless. But if we do not pervert the language made use of to indicate the laws to be made under the above power, it is quite certain that no authority will be found in that part of the Constitution to establish a bank. What do we understand by the words "necessary and proper?" Why, sir, not only that the law to be made shall be adapted, fit, proper, and apposite,

but that it shall be necessary, that is, the law is indispensable; that cannot be otherwise, without preventing the purpose intended; and though we may admit that the word, necessary, is sometimes, though seldom, used in a more relaxed sense, this is the general sense in which it is used. If, then, a bank is indispensable to the regulation of commerce, there might seem to be some excuse for exercising the power. But no one will pretend that commerce cannot be regulated without a bank; and, therefore, a bank is not necessary, or, in other words, indispensable; nor is it, in its nature, a regulator of commerce, but an auxiliary to commerce.

But what may be supposed to have been understood by the convention when the Constitution was framed, by "making all laws necessary," &c. what would be understood now, by all men of common sense? Why, sir, every man would suppose that it meant a common and ordinary law; such an one, as is required to be published and placed in your statute book among the general and public laws, and such as all citizens are bound to take notice of; and which are at all times under the control of the people, subject to be altered, modified, or repealed, as their interest should require; not a private contract with one or more individuals, which derives no force or efficacy from being published, but is perfected like every other contract between two or more individuals, affecting nobody but the contracting parties, and which the public, by the construction of the court, has no interest in, or concern with; and which is designed to empower the individuals incorporated to accumulate wealth and riches, while all others are strictly prohibited and forbidden the enjoyment of the same privileges, and not only so, but compelled to contribute their proportion towards enriching these specially privileged above all the rest. Suggest to the mind of any man that a law was to be made for any purpose, and would the idea flash upon his mind that that law was to be a contract in which the public generally was not concerned? Certainly not.

It is possible we may derive some aid in giving a correct construction to the word *necessary*, as used in the Constitution, by recurring to some ordinary transaction among individuals, where a right is implied, and limited by necessity. We shall then be likely to get the idea ordinarily designated by the word We will suppose the following case, and see whether such construction as has been given in similar cases, and as probably would be again should it occur, will not shed some light on this constitutional provision: One man sells a piece of land to another, surrounded entirely and enclosed by his own land, without giving any express right in the deed to the grantee to cross his land to go there, which he had conveyed. To occupy and enjoy the land, it is *necessary* that the grantee should have ingress and egress; and, without it, the conveyance would be wholly nugatory, and could not be enjoyed by him, any more than it could if he did not own it. Mr S said there would be an implied right to pass over the grantor's land, as being *necessary* to the enjoyment of the land, and to give effect to the deed. But suppose the land, when conveyed, was open and accessible on one side, but very inconvenient, and the distance to get on to it would be several miles, while to cross the grantor's land would be very convenient, and the distance but a few rods: would any one suppose the grantee could have a right to pass over the grantor's land? Certainly not. And why not? Because the land could be enjoyed, though imperfectly and to a great disadvantage, as it was conveyed. It will, therefore, be seen, that if this position is correct; that if means, though imperfect, are given to the enjoyment of the express power, that every means may not be resorted to as *necessary* to give the greatest degree of enjoyment that the subject is capable of; but it must be taken with its imperfections, and no implication necessarily arises to make it more perfect. Mr. S. said he desired to learn by what principle or power it is that Congress delegates the power to others; and, independent of these, from whom, and to whom, the power to grant a bank, if such exists, emanates? Is there any other instance, and if so, where is it, in which the power delegated by the people, to be exercised for their benefit, without express power given for that purpose, that the power so delegated can be again delegated? He knew of none. Executive officers, under authority given for that purpose, may call to their aid others to assist them in executing the laws; but can legislative officers, or agents of the people, transfer their powers, which are personal trusts, and discharge themselves from the responsibility created by the acceptance of the trust from the people, to whose personal ability and known fitness alone, they looked for a faithful performance of it? But for the purpose of seeing what the principle would lead to, when fully carried out in practice, admit there is no doubt but Congress has the power to incorporate a banking company, and make it independent of the people and of the Government; and this to be done by their legislative powers, received at the hands of the people. It will probably not be denied that, if the legislators can dispose of part of their power, they can upon the same principle, dispose of the whole. Suppose, then, that some important measure is designed to be carried in Congress, and the people select their representatives with that view; but the representatives think proper to barter away their trusts to others, whom the people know nothing about, and are adverse to them in their views of the subject, to settle and legislate upon which the representatives had been particularly elected; but by this subterfuge, the people are cheated and defrauded out of their rights. And whether the business to be performed by the representatives is ordinary or extraordinary, the principle is the same, and the fraud is as great upon the people as far as it affects their interest and rights.

Suppose the judges of the courts, who are appointed to the important station for their talents, learning, and peculiar fitness for the place, delegate their powers to others, without regard to the choice or rights of the people, and create a new court at their pleasure. Is there any thing more revolting in this, or would it be more unexpected, or unjust to the people, than for the Legislatures to delegate their powers, and create an odious monopoly, and an oppressive banking institution, subverting the fundamental principles of their Government, and reducing them to the domination of a power, the people had freely spilt their blood to avert?

INDEPENDENT TREASURY BILL.

SPEECH OF MR. BROWN,
OF NORTH CAROLINA,

In Senate, February 23, 1838—Upon the bill "to impose additional duties as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safekeeping, transfer, and disbursement of the public moneys of the United States."

Mr. BROWN said, when the important measure, which was then before them, had, on a former occasion, been presented for their consideration, he had then availed himself of the indulgence of the Senate, to submit the reasons, which influenced his course, in regard to it. The debate, on the occasion that he referred to, had been distinguished, as well by the decorum and dignity, with which it had been conducted, as by that exhibition of high intellectual powers, which it had called forth, on both sides of the question. In rising, to address them again, he was very sensible of his inadequacy to do justice to a subject so weighty in its consequences, and of such vast extent, that it more and more expanded on the "mind's eye," as we progressed in its investigation. A subject, involving, in his opinion, an issue of no less importance, than the continuance of the right of the people of this country to self-government, and the maintenance of our republican institutions. With this solemn conviction on his mind, feeble as he deemed his own abilities, he was emboldened to enter the lists of debate, to grapple with the strong, and to do battle, under a banner consecrated by the principles of free government, with what skill he might, and with what power he could.

He should do injustice to his own feelings, if he omitted to express the satisfaction, which he had derived, from listening to the able and eloquent address of the Senator from Ohio, [Mr. ALLEN], in support of the measure before them. It was a noble defence of a noble cause, and one which reflected not less honor on the ancient State of North Carolina, which gave him birth, than the young, powerful, and vigorous Commonwealth, which he now so honorably represents, in this body. I tender him, for it, the homage of my sincere thanks; and feel confident, if the citizens of his native State could have heard his able defence of their long-cherished principles, that it would have met from the great body of them, a warm and hearty response.

If, said Mr. B. the present Administration, and its friends, had loved *place* more, and Rome less; if they had looked more to considerations of a character, merely selfish, and less to the high and honorable dictates of elevated public duty; if they had have bowed down in abject homage to the banking interests of the country, and had consented to acknowledge their mastery over the Government, and the public will itself, then, most probably, many denunciations, that had been heard against them, would have been spared, and their path would have been less beset with difficulties, than at present. In great emergencies, the path which patriotism and public duty point to, is often difficult and rugged to tread, while that of a contrary character is more inviting, from its smooth and more alluring track. Those who were now acting as the public agents, in administering the Government, had chosen, in this great crisis, the more stern and rugged, but the more honorable, path of patriotism and official duty. They were endeavoring to raise the standard of patriotism and love of country, above the mere mercenary considerations of banks and banking interests. Their measures tended to reinstate that ancient and noble spirit of liberty, which, when its principles were endangered, scorned to calculate consequences by the sordid rule of dollars and cents. He honored sentiments such as these. He would stand by those who supported them, and was ready to share the same political fate with them, whatever it might be. The country would stand by them, unless the period had arrived when liberty had fallen from her "high estate," and the more sordid considerations of gain had triumphed over the more noble principles of our nature.

Two great political parties, said Mr. B.—one of them, occasionally, assuming different names—had divided the people of this country, from the period when the convention which framed the present Federal Constitution had assembled. Some of the leading members of that convention, who were subsequently called Federalists, entertained strong doubts of the capacity of men to govern themselves, and were in favor of conferring powers on the Federal Government, entirely at variance with a popular form, and which would have made it essentially a monarchy.

Ever distrusting either the honesty or intelligence of the people, or both, they believed that they could be governed either by fraud or force alone. The Republican party, which constituted the other great division, believed in the entire competency of men to govern themselves. They believed that the great majority of the people possessed a native sense of justice, which made them honest, and that they had intelligence enough to carry out into practice its virtuous impulses, in the management of public affairs. These leading characteristics, then, existing between the two great parties, and separating them by a line plain and broad, had been perceptible on all the important public questions which had, from that time to this, agitated the country. On the one hand, doubts and distrust of the people; on the other, confidence and an entire belief that they not only wished to do right, but had intelligence enough to know and pursue what was right.

No sooner had the Federal Constitution gone into operation, than the leading members of the Federal party, with that tact, address, and activity, which had ever distinguished it in all its mutations, and under every variety of name, sought to gain for the Government, *in its practical administration*, all that power which they had failed to impart to it in

its written Constitution. In support of what he had said, as to the views and designs entertained by the leading members of that party, he begged permission to read a passage from the memoirs of Mr. Jefferson, in which he comments on the tendency and effect of the financial system proposed by Gen. Hamilton in seventeen hundred and ninety-one, who was then Secretary of the Treasury. He says on that subject:

"I know well, and so must be understood, that nothing like a majority in Congress had yielded to this corruption. Far from it; but a division, not very unequal, had already taken place in the honest part of that body, between the parties styled Republican and Federal. The latter, being monarchists in principle, adhered to Hamilton, of course, as their leader in that principle; and this mercenary phalanx added to them, insured him always a majority in both houses; so that the whole action of the Legislature was now under the direction of the Treasury. Still the machine was not complete. The effect of the funding system and of the assumption would be temporary, it would be lost, with the loss of the individual members whom it had enriched, and some engine of influence more permanent must be contrived, while these myrmidons were yet in place, to carry it through all opposition. *This engine was the Bank of the United States.* All that history is known, so I shall say nothing about it. While the Government remained at Philadelphia, a selection of members of both Houses were constantly kept as directors, *who, on every question interesting to that institution, or to the views of the Federal head,* voted at the will of that head, and together with the stockholding members, could always make the Federal vote that of the majority. By this combination, legislative expositions were given to the Constitution, *and all the administrative laws were shaped to the model of England,* and so passed. And from this influence we were not relieved until the removal from the precints of the bank to Washington."

Here, said Mr. B. we have sketched, with a pencil of light, the motives and causes which gave rise to that first fatal *departure* of our Government from the principles and theory of its written Constitution, and which, so far as the machinery of the entire paper system could influence its action, had been verging nearer and nearer the British model spoken of ever since its origin, unless when checked in its tendency by the resistance of Republican administrations. The liberties of the country, and its free institutions, were now literally groaning beneath the accumulated weight of banking monopolies. The prediction, so exultingly uttered by the younger Pitt, many years ago, that the funding and paper system would prove fatal to our Republic, seems to be on the point of being realized. The measure proposed by the friends of the Administration, is the only one which can reclaim our original constitutional rights, stay the march of this mighty inundation of bank power and influence, and save the free institutions of the country from being overwhelmed, in its rapid and almost resistless progress. The main objection, which had been urged by those opposed to it, partook of that distinctive character, jealousy and distrust of the people, which he had shown as belonging to one of the political parties in this country, in its origin, and in all its subsequent changes. It was an objection, which, by denying the existence of sufficient honesty and intelligence to the citizens of this country to execute its financial affairs, without the intervention of banking corporations, *went to the competency of the people to govern themselves.* The great argument on which the capacity of the people to govern themselves rests, is their supposed honesty and intelligence. If public officers cannot be selected from the great mass of our citizens, who are both faithful and capable, then it would seem to follow, as a necessary consequence, from this argument, mainly relied on by gentlemen in opposition, that the country was destitute of those virtues, and of that intelligence, indispensable to enable its citizens to govern themselves. It could not fail, therefore, to attract our attention, that this main objection had its origin in the earliest division of parties in this country, founded on a distrust of the people, and had, on all the great leading questions of policy and construction of the Constitution, been the point at which the two parties had almost uniformly separated.

It is an objection, not only at variance with the foundation principles of our Government, which, in its theory, supposes that its citizens are sufficiently honest and capable to carry out, in official trusts, all the powers and duties with which it is charged, but it is a direct insult to the moral sense of the country, by declaring, in effect, that the standard of individual honor, and honesty, is below that of banking corporations, whose course of action is mainly influenced by motives of cupidity and self-interest.

Mr. B. had heard, with no little surprise, the measure, contemplated in the bill, denounced as fraught with more danger than any which had been, at any time, proposed under our Government, and as being more odious than the alien and sedition law. This kind of assault had become too common to produce much impression, at this time of day. It had been the fate of almost every great measure, no matter how much recommended by considerations of public good, to encounter the same harsh language; and many of those very measures which had then been met, by much the same style of denunciation, stood now as enduring monuments of the public safety, and the public good. Nothing was easier than the use of epithets; but the proof that they are justly applied, is often more difficult.

The measure thus denounced was, said Mr. B. *the system of the Constitution itself.* Whatever difference of opinion may now exist, as to its policy, yet, in justice to the Constitution under which we live, in justice to its patriotic framers, it would be more becoming to be less liberal in such abuse, as it is, in effect, but a denunciation of the Constitution, and arraignment of the wisdom of those who framed it.

The bill, now under consideration, for the collecting, safe-keeping, and disbursing of the public revenue, was, in substance, but a re-enactment of the principles of the first law, passed on this subject, in seventeen hundred and eighty-nine, and immediately after the Constitution had gone into operation, and differed only in the circumstance, that the present bill is one more in detail, and more specific, in its provisions. In fact, a law, similar to this in principle, was among the first and earliest fruits put forth by the Federal Constitution. How, and under what auspices, the Government then just put into operation had afterwards taken, *a new departure,* with the British form of Government as its model, and the paper system, as the great auxiliary to effect the designs of those who admired it, he had already abundantly attempted to show.

It could not, remarked Mr. B. be believed, for a single moment, either from any thing on the face of the Constitution, or from any thing said or written, in the debates and essays which preceded its adoption, that the agency of banking corporations, in managing the financial affairs of the Government, ever was intended, or thought of, by its framers, for a moment. In the Constitution, not a word is said about corporations of this kind, nor is the most remote allusion, either expressly or by implication, made to them. How utterly absurd is it now to say, that a power, the most tremendous in its effects—as great in its consequences, as that to make peace and war, which has shown itself endowed with strength, not only sufficient to shake the frame of society, and throw the times sadly out of joint, but to cause the Government itself to totter to its base.—is given, by implication, in some clause of the Constitution, which those who claim it are unable to agree on, among themselves? Is it not an impeachment of the intelligence of those who framed that instrument, if banking corporations are so indispensably necessary and vital, to the management of the fiscal affairs of Government, as we are now daily and hourly told, is the case, that the power to create and employ them for that purpose, was not expressly given in some of its provisions?

The collecting, safe-keeping, and disbursing the public money, is, in each and all of its successive grades, from beginning to end, the performance of an *official* act and duty, under the authority of the Constitution of the United States. The kind of public agents who evidently were intended, by the framers of the Constitution, and who are expressly designated in its provisions, to execute the several kinds of official trusts, are "officers of the United States," in the language of the Constitution. Unless we adopt the solecism, that a banking corporation means an "officer," in the sense in which it is there used, it may be well doubted, whether the Government has authority to employ them as fiscal agents, because it is clearly the exercise of an official power, which the Constitution limits, according to every sound and fair rule of construction, to be executed through the agency of its own "officers."

The appointing power is clearly an Executive function, under the limitations and restrictions imposed on it by the Constitution. The second section of that instrument is the source, and only source, from which the authority of the President, to make official appointments, is derived, to that branch of the Government, and is as follows:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint, ambassadors, other ministers, and consuls, judges of the Supreme Court, *and all other officers* of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Here, then, we have the extent and breadth of the Executive authority to make appointments, and, under it, "officers" constitute the only class of public agents he is authorized to appoint, to execute public trusts. If that sound and universally admitted rule of construction be correct, in expounding the Constitution, that when a power is, in express terms, conferred in that instrument, it is, in effect, *a negative of all other power not given,* then it follows that the provision of the Constitution, which he had cited, by designating "officers" as the official agents to be appointed by the President, to carry into effect the laws, necessarily excludes from the range of his selection banking corporations to perform official duties, because, *ex vi termini,* they cannot, in the sense of the Constitution, be considered as "officers." The receiving, safe-keeping, and disbursing the public money, is clearly the performance of an official duty, by whatsoever agency performed. To the Executive branch of the Government belongs, and alone belongs, under certain restrictions, the power of appointing official agents, to perform public trusts. Can he, therefore, appoint any other than that class of public agents recognised by the Constitution?

That the framers of the Constitution never once thought of banking corporations for such agency, and intended for their revenue and finance laws to be executed by any other class of agents, except through the officers of the Government, he believed, was not only most apparent from that instrument itself, but that opinion was strongly fortified by the doctrines expressed in the able and orthodox numbers written in defence of that instrument by Madison, Hamilton, and Jay. In those, of the numbers referred to, which treat of the taxing and financial powers conferred on the Government, by the Constitution, no other description of agents is mentioned, or alluded to, who were to carry into effect those trusts, but officers. Such was not only then the construction of the Constitution, by its friends, but its opponents also, who were ever on the alert to find objections, and to magnify its powers, for the purpose of preventing its adoption, and, on no occasion, so far as the essays and debates of those times inform us, conjectured that banking corporations were to be employed as a part of the fiscal machinery of the Government. If it had, for a moment, been suspected, by that great master-spirit, in the Virginia convention, of those who opposed its adoption, that the Government was to possess the power thus to enlist in its aid powerful moneyed corporations, either of its own creation, or those created under State authority, his stirring and eloquent denunciations of the dangers which it threatened to the public liberty, would, in all probability, have effected its rejection, and we should not, perhaps, have now been deliberating here under its sanction. Mr. B. was aware that the great principles which he now touched, on this subject, had not been much in fashion for many years past, and that much of the practice, under the Government, since it had gone into operation, was in opposition to them. He considered them as the foundation principles of our Government, which had, for years, been partially obscured from pub-

lic observation, under the rubbish and antiquated abuses of the British paper machinery, that had been introduced in this country, at a very early period, after the Government had gone into operation. The more that the obscurity which surrounds them is removed, by discussion and investigation, the more bright and valuable these great principles become. Like a rich and inexhaustible mine, the more it is explored, the more its valuable treasures reward the researches of the laborer.

Another consideration, not less entitled to weight, in a constitutional point of view, against depositing the public money with the banks, is, that, when done, it is with the perfect understanding, on the part of the Government, that the money deposited is to form a fund, to make discounts to individuals on. Such, unquestionably, has heretofore been one among the leading inducements of those who have favored this policy, in addition to the other objects, of keeping and disbursing the public revenue, contemplated by it. Equally certain was it, that the banks themselves, who received it, did it with the perfect understanding, on their part, that they were at liberty so to make use of it, and which was, doubtless, the strongest, if not the only motive, inducing them to take it. Now he could not see any authority in the Constitution, granting to Congress power to *lend* the public money, or to authorize others to lend it. If Congress could authorize the banks to make loans of the public money, they could, in virtue of the same power, authorize the Secretary of the Treasury to open a loan office with the public funds, and thus enable an officer, who chose to use them for corrupt purposes, to lend them out among favorites, or those who might proffer the greatest political subservience. The Constitution gives to Congress the power to raise money, to effect certain specified purposes, which are enumerated in that instrument. The power to raise money, for the purpose of *lending it*, is nowhere given, and, consequently, is not one of the legitimate purposes to which it may be applied. The conclusion, then, is very fairly to be drawn, that the deposite of the public money in banking corporations, to be used in that way, is an application of the public money not warranted by the Constitution, and, most generally, proving alike disastrous to the individuals borrowing it, the banks which lend it, and the Government which thus permits its revenue to be used.

Mr. B. said that the gentleman from Massachusetts, [Mr. WEBSTER,] had, with his usual ability, endeavored, but most unsuccessfully, as he believed, to maintain the proposition, that the Administration, in bringing forward the present measure, had abandoned all control over the question of the currency, and, in doing so, were refusing to fulfil a most important constitutional duty. He differed, most materially, with that gentleman, both as to the signification of the term "currency," when used in relation to Federal legislation, and, also, as to the effects of the measure on that question, if carried into practice. He contended that the term currency, when used in reference to paper money, was, in that sense, utterly unknown to the Constitution, and the attempt so perseveringly made to interpolate it into that instrument, was but an effort to transplant into this country, the doctrines and notions derived from the political economists of England, who used the word currency as applicable, as well to paper money there, as to other kinds of money, because their Government, possessing unlimited power, had, by its laws, so treated and recognised it. A term, therefore, which, under the broad powers of British legislation, was made to comprehend every kind of paper money, could not, with propriety or accuracy, be used here, to explain away the well defined powers of our own limited Constitution. The word currency was nowhere to be found in any provision of that instrument, but the word "money" often occurred in it. What it meant, and that the Government of the United States was intended to be a hard money Government, the words of the Constitution, plain and explicit in themselves, and the cotemporaneous writings and circumstances of that day, proved, beyond all manner of doubt.

The Constitution gives to the Federal Government the power "to *coin money*, regulate the value thereof, and of foreign coin." By the words used, we are left in no doubt as to the signification of the word "money," as here used, and that it was intended to establish a hard money currency by the framers of the Constitution. The term "money" being used in this sense, in that part of the Constitution just quoted, and which is the first place in that instrument in which it occurs, it necessarily has the same signification affixed to it, in all the clauses of the Constitution that it subsequently occurs in. The Constitution having conferred, in express terms, the entire control over the hard money currency of the country, as a consequence, which clearly results from that grant of power, had denied to the Government authority to establish any other kind of money, as a currency; for no rule has been more universally conceded, by men of all parties, than that, in construing the provisions of a Constitution of limited and delegated powers, when a power in relation to any one subject is expressly granted, that all other power in respect to it, not granted, is, in effect, denied. By this rule, then, which is an admitted one for testing the meaning of the Constitution, the Government of the United States is denied the power to establish, or to authorize, the establishing of, any thing else, *as money*, except that which it is expressly empowered to do, and is, consequently, without the power to create a paper currency.

If, however, any doubt still remained, as to the power of the Government to establish a paper currency, that part of the Constitution giving it power to "provide for the punishment of counterfeiting the *securities and current coin* of the United States," must effectually remove it, and settle the question against such power. According to the rule which he had laid down already, in construing the Constitution, that the granting, by express provision, a power in relation to any one subject, was, in effect, a denial of any other, or further power, in respect to it, than that granted, it followed that no authority existed in the Federal Government to punish for any other description of counterfeiting than that mentioned in the provision he had cited, and, by consequence, that the Government has no right to pass a law to punish the counterfeiting of notes, either of a bank of its own creation, or of State banks. Now, if the Constitution gave no authority to Congress to pass laws to punish the counterfeiting of bank notes, (and that it did not, was, he believed, the opinion of some of the most eminent statesmen in our country,) could it be believed, for a single moment, that it ever was the intention of its framers to give the Government the power to establish a paper currency, or any other than the "*current coin*," as a circulating medium, which it empowers Congress to punish the counterfeiting of? If this interpretation of the Constitution be right, is it not absurd, in the highest degree, to suppose that it ever was intended that the Federal Government should have power to establish a paper currency? a currency which, if it had the right to create at all, would necessarily be receivable in payment of all the public dues, would become a medium of circulation throughout the country, and, from every consideration of individual, as well as public interest, would require protection by law from being counterfeited. That the Constitution authorized the passage of no law to protect it, was, to his mind, an unanswerable argument that it never was intended that the Government should authorize the issue of bank notes, otherwise it would have been mentioned in the same provision that gives the power to punish the counterfeiting of "the current coin."

Having touched on that branch of the question, having relation to the power of the Government to create, under its own authority, a paper currency, the other branch of it, whether the framers of the Constitution ever intended paper, of any description, to be receivable at all, in payment of the public dues, may well admit of great question. The receiving of notes issued by State banks, and over which the Government of the United States has no control whatsoever, possessing not even the power to punish for counterfeiting them, is an anomaly in Government finance, and is, perhaps, unknown in the history of any other country. The power to protect its revenue from frauds, is one of the most essential attributes of all well-regulated Governments. To protect the money which it receives, as revenue, from being counterfeited, is one of the most important means of preventing such frauds, yet the Government, if it receives the paper of the State banks, is entirely powerless to its protection, in that respect. Whether it was intended, when the Constitution was formed that the Government should receive paper money of any kind, in payment of public dues, he repeated, admitted of great doubt.

Looking beyond the arguments drawn from a fair interpretation of the Constitution itself, the history of the times, preceding its adoption, might, with safety, be appealed to, in confirmation of such opinion. One of the great, and almost overpowering, difficulties which the old Congress, under the Articles of Confederation, had to contend with, was the depreciated paper money of that day. If he did not err in his recollection, the letters of Gen. Washington, addressed to the Continental Congress, teemed with complaints of the embarrassments which he experienced in defending the country, in the war of the Revolution, occasioned by depreciated paper money. To check this evil was afterwards among the most powerful considerations urged in behalf of adopting the present Federal Constitution.

In the forty-fourth number of the essays, to which he had before referred, written in favor of its adoption, the writer of that number, (who was Mr. Madison,) after treating on the propriety of conferring on the Government the power of regulating the coins, and the necessity of prohibiting the emission of bills of credit by the States, dwells on the "pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and *on the character of Republican Government;*" thus confirming, by these strong expressions, as to the pernicious tendency of the paper system, the belief that the framers of the Constitution never intended to recognise it, in any shape, as a constitutional currency. It was, also, a part of the history of the times, to which he had referred, that, in no particular, was the system of policy, at that time prevailing in England, more odious to the people of this country, than on account of the abuses practised, under the system of exclusive privileges and monopolies, which were fostered by that Government. Can it, then, be believed, that the patriotic men, who had just successfully carried the country through the war of independence, intended to adopt, in the Constitution formed by them, one of the most odious features in the policy of the country, against which they had successfully contended, by placing the Government under the control of irresponsible banking corporations, as to the receipt of its dues, and the management of its fiscal affairs? He repeated, that the circumstances in which the Constitution originated, the concurrent history of the times, and the obvious meaning of the instrument itself, all went to repudiate the construction, now sought to be given, to the powers of the Government, on this question. It was the Senator from Massachusetts, and his political friends, who were for abandoning all control over the true constitutional currency of the country. It was the Senator, and his political friends, who were for destroying the only true standard of value, driving the Government from its "moorings," and embarking the vessel of State, freighted with the best hopes and dearest interests of the nation, on the deceitful and tempestuous waves of the paper system.

Mr. B. said that it was his most sincere and solemn conviction, that the great question now at issue, involved in it the liberty and independence of the country. It is a question of no less importance, than whether the people shall continue to govern themselves, or whether they shall quietly resign themselves to be governed by bank monopolies. What, sir, said he, do we hear from all quarters, in and out of Congress, in speeches, and in newspapers, devoted to the support of the banks? Why, that the revenue of the Government must be given up to them, or that the Administration must be expelled from power. It is demanded, in language bold and insolent, and the price of re-

fusal, is threatened expulsion from power. Is it not with this view, and to attain this end, that the banks refuse to resume specie payments? Is it not for the purpose of placing the will of the nation, and, through it, that of the Congress of the United States, in a kind of moral and political duress, that this measure, so important to the restoration of confidence, and of general prosperity in every branch of business, is so wantonly and unnecessarily delayed? Is it not, by this course of measures, intended to bring the whole force and energies of the moneyed power to bear on the decision of the country, and of the constituted authorities, in relation to this subject? It was a matter which ought to attract the earnest attention of the people of this country, that, for the last four or five years, no sooner had Congress assembled to deliberate on the affairs of the country, at each session, than the cries of distress and pecuniary embarrassment were echoed and re-echoed from one part of the nation to the other, by the partisan presses of the banks, and of the Opposition. This could not be a mere casual coincidence, for it had happened too frequently, and been repeated too often, to be the mere effect of accident. It indicated clearly, to his mind, that there was a power secretly and perseveringly at work, in this country, to establish its own supremacy over the public will, and to control the regular operations of the Government. Entertaining these views on the subject, he should consider that he would be guilty of a treasonable dereliction of duty to the public liberties and interests, if he were not to resist such an attempt, as far as he could.

While the banks occupied the hostile and menacing attitude towards the Government and the people, which they did at present, he, for one, even if true policy required that the revenues of the Government should be deposited with them, which he denied, would resist their bold and dangerous pretensions. While they were thundering at the doors of the Capitol, and their partisans were arrogantly demanding a surrender of the public treasures, to be placed in their keeping, he would enter into no parley with them, nor make any terms. It was the duty of the friends of free Government to take a firm and determined stand at the Thermopylæ of the Constitution, and to defend the passes to it against the hosts and legions that are marching on it, under the banners of the moneyed power.

That the banks, or that portion of them who were controlled by the United States Bank of Pennsylvania, were delaying a resumption of specie payments, with a view to act on the public mind, on the great question now at issue, he could not permit himself to doubt. The period when the sound portion of them could resume with safety, had almost universally been agreed to be, by the ablest financiers of the country, that at which the exchanges between this country and England should fall down to par. Bills on England, according to the latest prices current, in the city of New York, had not only fallen to par, but, agreeably to a specie standard, were estimated, at that time, to be four per cent. in our favor, an occurrence almost without example in our commercial history. The effect of this state of things, then, is effectually to prevent the exportation of specie from our own country, the demand for which formerly to send abroad was the chief pretext of the banks for suspending payments. The effect of this favorable state of exchanges, is not only to prevent specie from being carried abroad, but to induce the importation of large sums of the precious metals, from foreign nations, into this country. That this state of things afforded the proper occasion for a resumption by the banks, and that they had no right, and could not, with propriety, make any anticipated action of Congress the pretext for a postponement, he begged leave to read two extracts from the report of the delegates of the banks of the city of New York to the Bank Convention, which assembled in November last. The delegates, whose names were signed to this report, were composed of men from both the great political parties, and were eminent for their commercial experience and information. Among them was the name of Albert Gallatin, who, though understood to be opposed to the Administration, was yet, by all, admitted to be a most able financier.

And first, as to the pretext of postponing on account of awaiting the favorable action of Congress. The report says:

> When we see such extensive, general, and, we may say, intolerable, evils, flowing from a general suspension of specie payments by the banks, it is monstrous to suppose that, if they are able to resume, and sustain such payments, they should have any discretionary right to decide, or even to discuss, the question, whether a more or less protracted suspension is consistent with their own views of "the condition and circumstances of the country." There would be no limit to such supposed discretion. Thus, for instance, should the hope of a favorable action of Congress on the currency be still alleged as a motive for delay, would not this be tantamount to a protracted suspension for an indefinite period of time?
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> The banks are bound, by the strongest legal and moral obligations, to resume specie payments whenever they are able to maintain such payments. It is the paramount duty to which every other consideration must yield. Their ability to perform that duty, is the only question which they have a right to discuss, and which they are bound to examine with the utmost care and candor.

And again, on the question of exchanges, and that they were, in November last, highly favorable to a resumption, even at that time. The following language is used:

> At the very time when the convention was deliberating, the exchange on London, which had been as high as 121, had fallen to 114, nominal: and the true par being a fraction above 109½ nominal, the exchange was in fact but four per cent. above par in city bank paper. But that paper was itself at five per cent. below specie; and the rate of exchange was, therefore, one per cent. below specie par. In other words, any given quantity of New York bank notes could purchase bills on London, exceeding by one per cent. the corresponding amount in specie which the same quantity of bank notes could purchase. Ninety-nine gold sovereigns cost as much as a bill on London of one hundred pounds sterling. Under such circumstances, specie could not be exported without a loss, and accordingly the exportation had altogether ceased. It is well known that, within a week after the adjournment of the convention, a further fall had reduced the rate of exchange to 111½ nominal; that is to say, to 2½ per cent. below the true specie par; and within less than 2 per cent. of being at par with New York bank notes. But, reverting to the time when the convention was sitting, the requisite alteration was no longer a matter of conjecture; and the fact that the exchange had fallen below the true specie par, and that the exportation of specie had ceased, had already taken place.
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> Apprehensions were nevertheless expressed, of the effect which large importations of grain and merchandise might hereafter have on the foreign exchanges, and of an expected drain of specie for the China trade. It appeared to us that if, after the principal acknowledged cause of the suspension, and which presented the greatest obstacle to the resumption, had actually ceased to operate, we were permitted to allege conjectures and contingencies, as a proper ground for protracting the suspension, there was no time at which some plausible reasons of a similar character might not be adduced, and the resumption be indefinitely postponed.
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> With respect to the danger of excessive importations, it might indeed be apprehended that whenever the pressure of the foreign debt was removed, the commercial community might, with its characteristic energetic spirit of enterprise, resume its business too soon, and on too large a scale. And it is, on that account, highly important that the banks should seize eagerly that eventful moment, and, as it may be called, the turn of the tide, for an immediate resumption, before new undertakings may raise new obstacles to the accomplishment of that object.
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> The danger of unfavorable exchanges, and of an extraordinary exportation of specie, being now out of question, what other causes could impair the ability of the banks, generally, or in some sections of the country, to resume specie payments within a very short period?

Here, then, said Mr. B. the ground is distinctly taken, that the banks, under their solemn obligations to the country, to resume specie payments, have no discretionary right to look to, or even to discuss, any thing beyond the question of their ability to resume and maintain them. These able and experienced merchants and financiers had not discovered, with the Senator from Virginia, [Mr. RIVES,] and the Senator from New York, [Mr. TALLMADGE,] that it was necessary for the Government to extend "a helping hand" to the banks, preparatory to a resumption. What right had they to call on the Government to re-establish them in the public confidence, before they had shown that they had used every proper exertion to entitle themselves to it? With what justice or propriety could they call on Hercules, to aid them in getting out of their present difficulties, before they had put their own shoulders to the wheel? Why had they not availed themselves of the rapid specie current, which had been, for some time past, and was now, setting in the direction of this country, from Europe, and invested some of their enormous profits in it, to enable them to resume? Or was it now to become the doctrine, that, to keep up what had been falsely called the credit system, the Government was to do every thing, and the banks nothing, and that the country is to submit to all the sacrifices incident to a suspension of specie payments, while the banks are to make none to relieve it from such a calamity?

The charge that the Administration had made war against the banks, and the credit system of the country, Mr. B. considered utterly groundless and untenable. The very reverse was the fact. The Government, after having filled the coffers of many of those institutions with its specie funds, had, in the eloquent language of the Senator from Ohio, [Mr. ALLEN,] been struck down in a single night, by the determination of the banks of the city of New York, to suspend specie payments, and its operations paralyzed, from inability to command its revenues. In doing this, they had trampled under foot the most sacred stipulations in their charters, and assumed a power which none but sovereignty itself is capable of exerting, that of *suspending the laws of the land.* The Bank of England, with all its strength and power, had not dared thus to outrage public sentiment, when it suspended specie payments in 1796, but had paid a deference to that, and the laws under which it existed, by first applying for, and obtaining, an order of council to that effect. The plea of necessity was no justification for the suspension of law, and that in a time of profound peace. So sacred is this principle in a Republic, that no necessity, however strong, can justify a departure from it, unless in an extreme case, in a state of war, when the paramount consideration of the public safety might make it necessary.

The dispensing power, even by the sovereigns of England, had been resorted to only in the most arbitrary reigns. It had ever been considered an odious exercise of power by them, to turn aside the law from its ordinary operation, and had, among other offences, occasioned the loss of the crown to the Stuart family. When corporations assumed the exercise of this high power, by which consequences so disastrous to the country had happened, the charge which had been made against the Administration, of making war upon them, and wishing to violate their rights, came with a very ill grace from those by whom it was preferred.

When individuals violate the laws, they are punished, and the penalty for their offences is generally enforced; but when a great moneyed corporation sets them at defiance, it almost brings reproach and denunciation on the individual who ventures to speak of their accountability to the laws of the land.

> "Plate sin with gold,
> And the strong lance of justice hurtless breaks;
> Arm it in rags, and a pigmy's straw doth pierce it."

In a Government professing to be Republican, this should be otherwise; and the most powerful corporations, as well as the humblest individual, should be practically amenable to the laws.

He would now notice a charge, which it was becoming quite fashionable, in a certain quarter, to make against the supporters of the policy of the present Administration, and particularly in reference to the present question. It was by no means unusual to hear the names of Agrarians, Loco Focos, and such other epithets as often decorate the vocabulary of a certain political party, applied to those who think it their duty to support the present measure. If it was meant by this to convey the idea, that the great body of those who supported it, were in favor of violating the rights of property, or of the sacred principles of justice, in reference to individual rights, then he should not hesitate to speak of it, as it deserved, and as a gross libel on the great body of the Democracy of the country. If there be any class, whose doctrines favor a violation of the rights of property among us, it is to be found among those who are the advocates of dangerous monopolies and privileges. If there be any class of politicians among us, whose doctrines favor the interests of the few, at the expense of the many, it is that class, who, under the pretext of supporting what is most erroneously called the credit system, encourage a fraudulent system of banking. That such a system is the readiest way to defraud men of their honest earnings, and is but a system of legalized plunder, there can be no doubt. Of an honest system of banking, he did not speak, which, however, is very rare; but he spoke of that system which had been

long prevalent in many parts of this country. He repeated, that those who were opposed to this system of monopolies and privileges, were the real advocates of the rights of property and of social order, which were more in danger of being violated and overthrown by the grasping spirit and demoralizing influence of monopolies, than from any other cause.

The spirit of monopoly is but true to its interests, when it denounced all, who are opposed to its unhallowed designs, as levellers, and as enemies of property and social order. It is here, as in England, where the privileged orders brand those who seek to effect a reform of ancient abuses, as levellers and enemies of property, with the exception that those who endeavor to imitate them in these denunciations, in this country, afford but a poor specimen of any thing like even a mimicry of their English models, much less of the substance and reality of an aristocracy, and in this country, can never fail to inspire, while our free government exists, but one emotion, and that the very opposite of respect. Mr. B. said, that the same men, who, in this country, were found indulging in these kinds of epithets against those who advocated the doctrines of the present Administration on this question, would most probably, if on the other side of the Atlantic, be found advocating there the pretensions of privileged classes, and titled orders.

If there were any, in the ranks of the friends of the Administration, who had ever, in any way, advocated the doctrines now sought to be imputed to the party generally, he had yet to know them. But even suppose that a few were to be found in their ranks, absurd enough to entertain such opinions, which he did not believe, why, it would only prove what we all know already, that there are a few, among all parties, who possess notions of every variety of absurdity. Would this, therefore, be a ground on which to impute such opinions to the same party, generally? Why, if it were, how would the old Federal party stand? It is now no longer a matter of doubt, but that some of them were monarchists in principle. How would the present Opposition stand? Some of their partizans, as he should presently show, had attacked the very principles on which popular Government rests. According to the rule, by which it is sought to impute to the great body of the friends of the Administration, the doctrines of a few, and to make them answerable for them, it might, with equal fairness, be alleged, that the Opposition advocated doctrines tending to monarchy. He, however, was far, very far, from imputing to them, as a party, such doctrines; and, on the contrary, had entire confidence, that the great body of them were governed by motives of patriotism. He had, in repelling the charge made on his party, only given this as an illustration of the injustice of charging a whole party with the absurdities of a few, who might happen to be among them.

Who, he would ask, were the supporters mainly of the present Administration? They were to be found mostly among that class of citizens, engaged in the peaceful and honorable pursuits of agriculture. Men who were ever ready to fly to the support of the standard of the law, not only from motives of patriotism, but because all that was most dear to them, was under the protection of the law. The friends of the Administration had as strong motives, not only from love of country, but from motives of interest, to resist attacks on the rights of property, as the Opposition. He believed they would lose quite as much, by the prevalence of agrarian principles, as would be lost on the other side. Not, perhaps, so much of that kind of wealth which is often imaginary, consisting in stocks and funds, and which not unfrequently, by its fluctuations and uncertainty, by broken banks or otherwise, takes wings in the course of a few hours, and leaves its possessor "poor indeed;" but more, he believed, in the aggregate, of that solid, substantial interest in the soil of the country, which is identical with patriotism itself. Where, on the contrary, were the opponents of the Aministration to be mostly found? Chiefly, he believed, in cities and towns; and, although he did not doubt, but that many among that kind of population, were as patriotic and devoted to the cause of the country, and the great principles of civil liberty, as those of any other, yet a very large portion of them were necessarily mere dependants on the smiles and favors of that class, and of those interests, which controlled the machinery of the paper system, in all its ramifications, from brokers and stockjobbers, up to banking monopolies themselves.

It had been said, in the course of the debate, that the banking system could exist nowhere but in a free Government, and that it was necessary to the advancement of civilization, and to the existence of free goverment. He denied both the facts and the conclusions drawn from them. He asserted, and would maintain, the very reverse to be true, and more especially in regard to the question of free government. He had, from a very early period of his life, doubted whether banking institutions were at all compatible with the existence of a truly republican form of government, and whether they would not eventually, if not greatly checked, overthrow it entirely. The facts that were daily transpiring in this country, and the daring and insolent pretensions that were now openly set up by those interests, as they had increased and grown stronger, confirmed him more and more in that opinion. That doctrines, alarming to the people of this country, and threatening a change in substance, if not in the form, of our Government, were rapidly gaining ground, he entertained the firmest conviction. During the greater part of the existence of the late Administration, and since the present one has come into power, almost the entire Opposition press, as well as many of those of the same party in high public stations, have been in the habit of indirectly assaulting the capacity of the people for self-government, by sarcasms and attacks on their intelligence. Doctrines are now boldly announced on this subject, which, but a few years since, were scarcely heard in whispers, and that would then have startled the public mind.

He had recently seen an essay, over the signature of "Sidney," republished from the Commercial Advertiser, one of the leading Opposition papers, edited in the city of New York, which he considered as signally indicative of the "signs of the times," and as showing the tendency of the anti-republican sentiments to which he had alluded. However averse he was generally to introducing topics into debate having relation to newspapers, he felt that he should stand excused, as well from the high character which the editor ascribes to the writer of the article in question, as from the examples of gentlemen in Opposition, some of whom have occasionally introduced to our attention, articles from the leading Administration paper of this city. The editor of the Commercial Advertiser, in publishing the celebrated essay in question, and which, as I learn, produced, at the time, a sentiment of strong indignation among the Republicans of that city, speaks in the highest terms of the character of the individual who wrote it, and as coming from the pen of one whose "age and wisdom have given us here, a chapter of invaluable warning and advice." He proposed to read one or two extracts from this "chapter of invaluable warning and advice," and it would be seen that it is a bold and direct assault on our popular form of Government, and is, in effect, the advocacy of a change in the system, which shall give power to the few, and take it from the people. The writer of the essay alluded to says:

> The framers of the Constitution supposed that an intelligent people, Republican in principle, would be guided by their *own* interest to consult the *public* interest, and that they would select the best men in the community to make and execute the laws. It was not supposed that a majority of the people could mistake their true interest, nor voluntarily take any steps which should endanger their own liberties and the public safety.
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> In these opinions, our patriotic statesmen were most wofully mistaken. However true it may be that the people of any State or nation sincerely desire the best good of the whole community, or that it is always their will and intention that the affairs of the public should be conducted with integrity and wisdom, yet, hitherto, the means of carrying that will into effect have not been discovered, or found practicable, in any free Government; at least not in any degree approaching to the perfection intended by the framers of the Constitution. There always have been disturbing causes in the community, which have given a wrong direction to the public will or national councils. Even when no evil purposes exist to pervert the public mind, the people may be *uninformed* or *misinformed*, and make a bad choice of rulers; but where competitions for honors and office produce high excitement, it cannot be supposed that the people will escape delusion. True policy requires that men should never confide in those who flatter them, yet the fact is, they do always confide in them. Men who court and flatter the people, always do it for their *personal* or *private* interest, under the disguise of the *public* interest; and the people, in supporting them, *mean* to promote the public interest, when they are sacrificing the public good to the exaltation of their favorites. They are always deceived. This fact, which is as true in this country as it has been in every Republic since men emerged from the rude state of savages, proves incontestibly that a large part of men have not the intelligence or discernment which is necessary to guide them to the pursuit of their best interest in government.
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> The people, it is true, when they feel calamity, may change their rulers; but the remedy comes too late. Sound policy forbids to wait for the miseries of a nation to produce a change of councils; it forbids to suffer the evil, before a guard is provided against the wickedness or weakness which may produce it. A form of government which has no better corrective of public disorders than this, is a burlesque on the reason and intelligence of men; it is as incompatible with wisdom as it is with public prosperity and happiness.

And again, the writer uses the following language:

> It is wonderful to observe how little the mass of our population attend to the causes of our public evils. Public speakers, orators, writers in newspapers, are perpetually clamoring about the derangement of commerce and the currency, and wondering how such general distress can have fallen upon the country, under a Constitution which is lauded as the admiration of the world. But there is nothing wonderful or strange in these events. It is in vain that men attempt to disguise the truth; the fact, beyond all debate, is, that the disorders in our political affairs are the genuine and natural consequences of defects in the Constitution, and of the false and visionary opinions which Mr. Jefferson and his disciples have been proclaiming for forty years. And if the citizens of this country expect a radical cure for these evils in a change of men in our councils, and an upright, impartial, and wise administration, with a system of just and stable laws, without essential alterations in the Constitution, they will be wofully disappointed."

Here, then, said Mr. B. we have a direct assault on the intelligence of the people, and on our present form of Government. It derives an importance far beyond an ordinary newspaper essay, from the distinction and character ascribed by its editor to its author. It is but one of the many proofs of the existence of this anti-republican spirit, which has grown with the growth, and strengthened with the strength, of the paper system in this country.

He would now return to the discussion of the topic already alluded to, the influence of the paper system on free Government, and its alleged necessity to the progress of civilization. When gentlemen referred us to England, as an example of what the paper system had done for free Government, their ideas of free Government and his were greatly at variance. He doubted whether the great mass of any people on earth were more ground down by privileged orders, monopolies, and an oppressive system of taxation, than in England. He doubted whether there was any people, where the laboring classes had so much of their earnings taken from them, and so little left to themselves and families to subsist on.

This was the very essence of despotism; the free-enjoyment of the fruits of one's labor being among the greatest blessings of government. Was that Government, he would ask, free that permitted an established church to wring from its citizens, whether they were of its faith or not, millions to pamper its clergy in pride and luxury? Was that Government free, which, to gratify cupidity and ambition, had desolated Ireland and India in blood and carnage? And again, he would ask, was that Government a fit model to be appealed to, on questions of freedom, whose citizens were not permitted to hold meetings on public affairs, without first obtaining permission from magistrates, or being liable to be shot down and dispersed by a military force?

The comparative influence of the paper system, and of a currency mostly metallic, on the general prosperity and moral condition of nations, was strikingly exhibited by looking at the state of things in England and France. In England, pauperism exists to a much greater extent than in the latter country, it being estimated that nearly one-third of her population are in that condition. A judicious English writer, in a late publication on France, computed that in England and Wales, with a population of not more than half that of France, more than double the amount of crime is annually committed. That this may be, in part, the effect of other causes, is probable; but that it is mainly the effect of the much greater prevalence of the paper system, and of other monopolies in England, he had no doubt. Their tendency being to raise the few, at the expense of the many, and consequently to degrade and impoverish the mass of the population. France has very much diminished the op-

pressions practised by her church orders before the revolution; has abolished hereditary peerages, and in every respect greatly elevated and improved the condition of her people. If a greater degree of happiness among the mass of a country's population, smaller burthens on its labor, and a more general diffusion of prosperity through all ranks, afford proofs of greater freedom, then she may undoubtedly claim superiority over England in that respect. Descended, as most of the people of this country were, from the latter; subject, to a great extent, to the same customs, and speaking the same language, it was easy to account for this prejudice in favor of her institutions, which was, he feared, too much on the increase. In his opinion, the Republican institutions of America had more to fear from that dangerous partiality to her institutions, which was constantly insinuating itself through the channels of her commerce, her law, and her literature, than from all other causes combined. And not among the least dangerous symptoms of the operation of these causes, is the almost constant reference to her as an example of freedom. He had no feelings of unkindness or dislike to England; and while he could see much in her character to admire, he could see but little in her form of Government, or its administration, that deserved to be copied. A distinguished writer of this country, [Mr. Cooper,] who had resided some time in England, in a late work on that country, while he asserts the existence of the most settled hate among the higher classes there to our free institutions, rebukes, in a truly American spirit, the feelings of subserviency towards her which too many of our citizens are in the habit of manifesting, and particularly those who are aspirants for literary fame.

In the Republics of Switzerland, which had maintained their freedom longer and more steadily than any other people of Europe, he believed a metallic currency had chiefly prevailed. When gentlemen asserted that the hard money system had existed in certain despotic Governments in Europe, they forget to inform us that the banking system exists also under the Government of the Russian Autocrat, the most decidedly despotic of any of the great powers in Europe. So far from the fact, that banking institutions have existed only in free countries, he doubted whether they had ever existed in any country at all, whose institutions deserved the name of being called free, except in the United States, where they were rapidly preparing the way, if not checked, for an essential change in the Government. He challenged any one to produce a single example of a country in Europe, where banks had existed, which was not, either in form or in essence, a monarchy or an aristocracy, whatever names they may have assumed.

On the question of the paper money system, as being necessary to civilization, he would only refer to the ancient republics, and more especially to the republics of Greece. Among them, he believed, a gold and silver currency had prevailed, almost entirely; and, in all the more noble arts of civilization, what people had ever excelled them, or, in many respects, equalled them? In sculpture, architecture, poetry, and eloquence, the highest fruits of civilization, their great examples, even at this day, stood "unimitated, because inimitable." In modern times, what country had excelled France, in all the noble arts of peace and war, nine-tenths of whose circulation is said to consist of gold and silver; the paper system existing there, to a very shall and limited extent, in comparison to her great resources. In America, from the year seventeen hundred and ninety, to eighteen hundred and six, was precisely that period, when our advance in wealth and improvement was greater, perhaps, than at any time since, and when gold and silver constituted the chief currency. It was true, that the old United States Bank was, most of that time, in existence, and a few State banks, but that their notes, he believed, were in their circulation, confined mostly to the commercial cities, and constituted but a small portion of the currency among the people of the country, most of which was in hard money. This establishes the important fact, that the period in our history, as a nation, which was precisely that of our greatest improvement in wealth and prosperity, was the period when we had the least bank paper, and the most gold and silver currency, in proportion to the amount of money in circulation. That circumstance must forever put to flight the absurd idea, that the present credit system, as the banking system, which is now so universally in operation, is falsely called, is necessary to the prosperity of the country. Opinions in opposition to the paper system, now so much derided by those in favor of it, were not new. On the contrary, they were the doctrines of some of the most illustrious Republican statesmen which this or any other country has ever produced; and in all the great qualities, which entitle men to respect and reverence, they would not, to say the least of it, suffer by a comparison with any of the members of that party, from whom these reproaches now come.

It had been insisted on, in the course of this debate, by many gentlemen opposed to the present bill, that this country was mainly indebted for her great prosperity to the paper system, and that, without it, it would have been far in the rear of its present advanced condition. Mr. B. said he should feel humiliated, as a citizen of this free Republic, if he were to admit that banking monopolies were the great sources of her prosperity. Gentlemen, in their great and eager anxiety to ascribe all the honor of these results to the paper system, had passed by our noble institutions, based, as they were, on equal rights; had passed by our wide-spreading and fertile soil, which, by its abundant reward of labor, invited industry; and they seemed to forget, that the great secret of our success, as a people, is, that labor is lightly burdened in all its branches, and its fruits secured, by our admirable form of Government, to every citizen earning them, from the highest down to the humblest. Gentlemen, in maintaining these doctrines, labor to despoil industry of the credit due to it; enterprise of its achievements, and our noble institutions of the honors which belong to them; and with a zeal little deserved, offer them up at the shrine of the paper system—the god of their idolatry. It was, in his humble opinion, a false god, and not one of the true political faith.

Great apprehensions are affected to be entertained for the safety of the entire banking system, by some of those opposed to this measure. The imagination had been copiously drawn upon, to prove that the whole system would fall into ruins, and bring universal distress on the country, if the present measure succeeds. He could assure those who entertained such opinions, if they were serious in urging them, that they might dismiss all their apprehensions for the safety of the system. In the present condition of the banking system in this country, in its wide-spread influence, in the deep and thorough root it has taken, it would be almost as hopeless and as vain a task for its overthrow to be undertaken, as the attempt would be to move the lofty Alleghanies from their base. No, no, sir, said Mr. B. the danger does not lie on that side. The true danger is, not that the system will be overthrown, but that the evil will more and more spread, and overshadow the whole land by its mighty influence. Like the corroding cancer, in its effects on the natural system, it is more likely to eat its way through the body politic, and destroy its victim, than to be itself destroyed, even by the most potent medicine.

But even if there were any grounds for apprehending the overthrow of the system, of which there was not the slightest, he should be far from regarding it as a great calamity, either in a political, moral, or commercial point of view. Notwithstanding the alarms that were constantly expressed, as to the distress and embarrassment that would attend the introduction of a general metallic currency, he ventured to express the opinion, and was convinced of its entire truth, that it would not, if it were by a gradual process, through a series of six years for instance, began and completed, produce as great changes in the value of property, and as much embarrassment, *as follow one of those single revulsions*, which take place periodically every twelve or fifteen years in every country where the paper system exists. For instance, in the disasters of 1818 and 1837, occasioned by the banks, who can doubt but they produced a greater sacrifice of individual fortune than a system gradually introducing an entire metallic currency would have done? The loss, when once encountered, and it would be, in his opinion, far less than is generally supposed, would end with a single shock, and would be followed by certainty and stability, in every branch of business and trade. Not so is it with the paper system. It is followed by another, and yet another, and is but a succession of shocks to private credit and public prosperity. It would be a matter of curious inquiry to estimate, as near as practicable, the difference between the probable losses occasioned to a nation by these periodical disasters of the paper system, for the space of a century, and those occasioned by the more stable and uniform currency of gold and silver.

He would notice, briefly, a most gross delusion, which it was attempted to propagate and impose on the people of this country, in relation to the quantity of the precious metals, estimated to be now in possession of the different nations of the world. It was no unusual thing to see statements in the newspapers of this country, opposed to a further increase of metallic currency, declaring that there was not, among all nations together, a sufficient quantity of gold and silver to supply the people of the United States with a currency exclusively of that kind. Assertions equally in opposition to well ascertained facts on this subject, but not altogether so grossly erroneous as that he had just noticed, had been made in the progress of this debate. Mr. B. said, that much imputation and ridicule had been cast on those who were endeavoring to reform the currency, by the liberal use of the epithets imposture, humbugs, and such other classical phrases, not very much to his taste, and in using which, he but followed the example set in a certain quarter. But he would say, that those who had endeavored to make the erroneous impressions, in relation to the quantity of gold and silver, to which he had alluded, had by far excelled and outstripped all others, in the practices of which they accused them, and were entitled to the highest distinctions over all competitors, for their achievements in the arts of humbugging. He proposed to dispel what, he would again repeat, was a most gross delusion on this subject, by referring to the information furnished from sources entitled to the greatest respect and authority, on questions of finance and currency. Mr. Gallatin, in his able treatise on these questions, published in 1830, estimates the whole amount of gold and silver coin possessed, at that time, by the different nations of the world, at the enormous amount of between four and five thousand millions of dollars.

Agreeably to the same high authority, there was then in circulation, from hand to hand, in England alone, the sum of one hundred and fifty millions of specie, besides the amount possessed by her banks.

It appears from a table appended to the annual report to Congress of the Secretary of the Treasury, made in 1834, that France alone had, at that time, five hundred and twenty-seven millions of dollars in specie in circulation. This document is based on authentic data, derived from the best authorities of that country. In his last annual report, the Secretary of the Treasury estimates our whole circulation in paper, throughout the United States, to have been, on the first of January, 1837, one hundred and fifty-one or two millions of dollars; and in his annual report of 1836, he estimates the amount of specie then in circulation to have been twenty-eight millions of dollars, besides that possessed by the banks. The amount of paper money in circulation has been, since that period, greatly reduced by the curtailments of the banks, and the amount of specie in circulation has, no doubt, been likewise much lessened. He would, however, select the two years he had just named as affording, the one the largest paper circulation which had ever taken place in this country, and the other the largest specie circulation known in it, perhaps, in any one year. By adding the two together, they will make the entire circulation, in paper and coin, about that period, in the whole United States, one hundred and eighty millions of dollars, a sum not much larger than the amount of specie in circulation, from hand to hand, in England, and very little more *than one-third as large as the entire specie currency of France.*

Without pretending to be skilled in questions of finance, it may, said Mr. B. be very safely assumed, that two hundred millions of dollars would furnish a very ample amount of currency for the whole people of the United States, as he had just shown that the maximum amount of money, of all kinds, which had been in circulation, at any one time, in this country, did not exceed one hundred and eighty millions of dollars, and that at a period so recent that our population has since undergone but little increase.

It did not require as large an amount of currency in this country, in proportion to our population, as it did in some of the older and wealthier States of Europe, for the additional reason that the revenue of the Government here, is small in proportion to many of the wealthy nations there. In France and England, for instance, in each of which the revenue of Government is very large, and which circumstance creates a very great demand for money, beyond the wants of trade and commerce, the quantity of currency required to meet it, must necessarily be greater, in proportion to population, than in a country like ours, where the Government demand is comparatively small.

These facts afforded a complete refutation of the groundless assertions, so frequently made, in reference to this subject; and showed, as he thought, most conclusively, that, by a most impolitic course of legislation in this country, both by the States and the Federal Government, that we had been, as a nation, most unjustly deprived of our due share of the precious metals, and possessed a smaller share of them, in proportion to our commerce and resources, than any one of the great commercial nations in Europe. While gentlemen were so eloquent in their denunciations of what they, erroneously, called one currency for the people and another for the Government, was it not worthy of their serious attention and consideration, that the effect of the doctrines and system, which they now contended for, was, to aid in giving a better currency to the subjects of the monarchs of Europe, and a baser and inferior one to the citizens of our own country, by the effectual banishment of gold and silver from the United States?

Mr. B. said, in bringing forward the facts and arguments adduced by him, in relation to gold and silver, he repeated that it was not with the most remote expectation, that a currency of that kind, would ever entirely supersede the paper system here, for he regarded the alarms that were expressed for the fate of that system, as ridiculous and absurd. The apprehension much more justly to be entertained is, he would again repeat, not that the system will be overthrown, for it has ample power to take care of itself, but that it will be utterly unavailing to keep it within salutary limits. He believed that the measure now proposed, to separate the fiscal action of the Government entirely from the banks, and to return, by a slow and gradual process, to the collection of its revenues in gold and silver, to be accomplished in a period of six years, as provided in the bill, was the only practicable means now left to the country, to restore a larger portion of metallic currency, to bring within more moderate limits, the present expanded paper system, and to rescue the liberties and institutions of the nation, from its now almost irresistible influence. If the Federal Government now abandons this high constitutional duty, the opportunity is forever lost, and it will be equivalent to a sentence of banishment from our shores of our due proportion of the precious metals. It would not only be better for the Government and the people, which in this country constituted but the same thing, but it would be a benefit to the banks themselves, by placing them on their own proper intrinsic credit, (which was the only true credit system,) and removing them from the influence of politics, and the temptations to over-issues, induced by their having possession of the public revenues. The Government demand for specie would compel the banks to be careful, and avoid over-issues, which would afford an admirable check, now so much needed by them. On the other hand, the Government demand for specie, by bringing more of it from abroad, and throwing it constantly in circulation, through the means of its expenditures would strengthen the banks, by affording a more abundant supply of the metals, for them to supply themselves with. The effect of the measure, then, on the paper system of this country, according to this view, would be to prevent a fradulent system of banking, and to promote a more honest one, and was, therefore, a measure eminently for the good of the people at large.

Never was an argument more delusive, if argument it deserved to be called, than that which so erroneously assumed that the measure proposed was for the benefit of the Government, at the expense of the interests of the people. It was, as he thought he had already shown, a measure eminently for their benefit, by affording the only means now left to restore to circulation among them a larger proportion of sound currency, and which they had a right to demand of the Government, as one of the highest duties which it owes to them. The idea that it would operate unjustly on the people, for its dues to be received in the currency provided in the bill, was equally groundless and fallacious. Whatever advantage was gained to the Government, in thus collecting it, would, in the disbursement and expenditure of the money, (for it would necessarily pay out the same money which it received,) be fully returned to the people in that way. The loss and the gain to them, therefore, being equal, in the process of receiving and paying out the money by the Government, the advantage and disadvantage would, of course, be equal. The objection that it would benefit the office holders, is entitled to little weight. They receive but a very small proportion of the amount collected by the Government, the great sources of public expenditure being to carry on the different branches of the public service, and the great measures of policy with which the Government is charged. Therefore, whatever sums are paid by it, either to its officers, or on account of appropriations, to carry on its measures of policy, must, of necessity, return to general circulation, and, therefore, confers, in that way, a coextensive public benefit.

He had heard, with very deep regret, expressions almost constantly used here in debate, drawing a distinction between the people and their Government. It was perfectly fair and proper, in those who deemed it their duty to do so, to criticise and arraign the acts of the Administration; but when gentlemen spoke of a distinction between the *Government* and the *people* of this country, he considered the doctrine as dangerous, disorganizing, and tending, by diffusing hostility towards it, to subvert our institutions. He must be allowed to say, that those who used it were forgetful of the nature of our Government, and that it and the people were, in a political point of view, but the same thing. It was but the creature of their will, and, being of their will, is, according to its principles, under their control and direction.

He never was more entirely convinced of the utter absurdity of any proposition, than he was of that which gentlemen undertook to maintain, that the proposed measure would bring more of power and patronage to the Executive branch of the Government, than would be produced by continuing a connection with the banks. It was but another proof that, in politics, as well as in religion, there is no error, however great and absurd, "that does not find some sober brow to bless it, and approve it with a text." It was, in his opinion, one of the highest excellences of the system, that its tendency would be directly the reverse of that thus ascribed to it. By a connection of the fiscal affairs of the Government either with a National Bank or the State banks, it is indirectly giving it control and influence over not only the whole banking capital, but, through it, over the whole moneyed power, of the country. From the power which the Executive branch of the Government would necessarily have, under any law directing the deposite of the public moneys with the banks, to select from among their number for that purpose, subservience to Executive views, would, from the very nature of things, exist to a considerable extent. With an Administration in power which was of Federal politics, these monopolies would be certain to be in strong sympathy. Would it not, then, be dangerous to the liberties of this country, to place again in the hands of the Executive an engine of such tremendous power? Would it not be placing in the hands of a reckless and ambitious Administration, if such an one should unfortunately ever be elevated to power, the means of enabling them to defy the public will, and to perpetuate their own party ascendancy? When the strength and influence of the moneyed power had already become so great as to constitute it, in fact, a fourth estate under our Government, and seeking, as it was, to absorb the powers of the others, did not considerations of wisdom and caution, admonish us to pause, before we again gave it so dangerous a political reorganization, as would practically result from its reunion with the Government? That its pretensions had alarmingly increased, was most manifest in the proceedings of its friends, going on, in and out of Congress, in relation to restoring to the banks the custody of the public revenue. It was formerly considered a mere matter of *favor*, for the Government to deposite its revenues with the banks, and one which was to be done, or not, at its option. It is now no longer considered in that light; and the possession of its revenues is called for, in a voice, dictatorial and commanding, or expulsion from power is the threatened consequence! This circumstance marked, more distinctly, its growing pretensions, than did any thing else. He insisted on it, that there could be no comparison, between the extent of influence derived from a control over the moneyed power, which a reunion with the Government and banks would place in the hands of the Executive, and that given by the very small additional number of officers, contemplated by the present bill.

That the influence of banking institutions, when looking to Government for favors, was dangerous, was proven by the facts exhibited in the report of a committee of the Senate, made in 1834, appointed to investigate the affairs of the Bank of the United States. That report exhibited the startling fact, that near a half million of dollars had been loaned to members of Congress during the pendency of important questions before Congress, affecting its own continuance and interests. In addition to the heavy amount loaned to members of Congress, was the large amount loaned to editors of leading political influence. The press and the legislative halls being two of the strongest points in our political system, for the defence of the whole, corruption, whenever it makes an assault on it, will always endeavor, by attempting to make a successful lodgment, first to overcome those points that are of most importance, in aiding its designs. It is in this view, that there is so much danger in a connection between the Government and the banks. The influence of the latter is subtle, insinuating, and often imperceptible to the public eye. It often assumes the garb and disguise of disinterested patriotism, when the individual who is operated on by its secret power is but the slave of its selfish will, while loud in professions of the public good. In this respect it is an influence infinitely more dangerous to the public liberty than the Executive patronage which we hear so much denounced; for the Executive, in bestowing official honors and appointments, makes known to the country the objects of his favor, from the very nature of the case, while the recipients of bank favors are, in a great degree, concealed from the public eye.

Another objection, entitled to weighty consideration, connected with the subject of the increase of patronage, which a reunion of the banks with the Government will give to the latter, is that which was so ably and forcibly urged by the Senator from South Carolina, [Mr. CALHOUN,] and, in the course of his observation on which, he clearly proved that the tendency of it is to array the banking interest against the *tax-payers*, and in favor of the *tax-consumers*. If the public moneys are deposited with the banks, it will make it their interest that the revenue should be increased, for the plain reason, that they will receive a larger sum of the public money on deposite. They would, therefore, have a direct interest in stimulating the taxing power of the Government to excessive action, in order to profit by it.

In the progress of the present discussion, the charge had been gravely made against the late

President of the United States, of having made an unnecessary and unprovoked war on the late Bank of the United States; and that, by having occasioned its destruction, he had brought on the country the late pecuniary and commercial embarrassments, which it has suffered. Mr. B. joined issue, as to both allegations, and denied that they were true in point of fact. In the first annual message of President Jackson, he called the attention of Congress and of the nation, to the question of the renewal of its charter, and expressed doubts, both as to its constitutionality and expediency. This, he had done, not only in the exercise of his unquestionable right, as Chief Magistrate, but in obedience to a high constitutional duty, requiring that high officer to lay before Congress, from time to time, information on the condition of public affairs. The Bank of the United States had no claim, either founded on justice or on any other consideration, to a renewal of its charter. It was purely a question for the decision of the Legislative and the Executive branches of the Government, and any attempt by that corporation, *to call that decision into question*, was insolent and dictatorial, and was, in itself, a war on that branch of the Government, whose course of action it thus arraigned. The opinions of the late President, on that subject, were not the result of change or caprice, but they were in entire accordance with his published opinions, in relation to the constitutionality of a National Bank, which he had entertained from a very early period of his public life. He was a member of Congress shortly after the Government went into operation, and acted uniformly with the Republican party of that day, a part of whose creed was, that the Government of the United States had no right to create a bank. This opposition, then, to the renewal of the charter of the late bank, which is now, by some, sought to be imputed to personal hostility to that institution, was but the result of *old and long cherished political principles*. For having ventured to express them, he was assailed by that institution with the bitterest missiles of the press, and its funds and money abundantly lavished, (a part of which belonged to the Government,) to carry on the war. In the spring of 1832, it applied to Congress for a recharter, selecting the year to do so in which the Presidential election came on, and thus, in effect, held over the head of the Executive branch of the Government its mighty influence and supposed popularity with the nation, to intimidate him in his course, and extort from him an assent to the bill proposing to renew its charter. With characteristic firmness, he resisted this bold assault on his independence as Chief Magistrate, and negatived the bill. In this memorable act, he was borne out most triumphantly by the public voice. This was the extent of his offending; and, for resisting this bold defiance, was his conduct now so much arraigned. As well might the discomfitted and defeated legions who attacked his army at New Orleans, have charged *him* afterwards with having made an offensive *war* on them. In one case, he had stood on the soil of his country, to defend it from invasion. In the other, he stood on the principles of the Constitution, to guard it from encroachment.

The scenes which he had witnessed here, at the session of 1834, after the removal of the deposites—the violent attempt, made by the partisans of the bank to produce excitement against the then Administration, and all who supported it—the bold and daring efforts made to overawe the Executive branch of the Government, and the free deliberations of Congress, had convinced him of the dangerous and monstrous power of great moneyed corporations. But for that invincible firmness possessed by the late President of the United States, and the high degree of public confidence which he enjoyed, his Administration would undoubtedly have fallen under such a powerful antagonist. He believed that no other man in this country, acting as President, could have withstood the tempest, but that they would have been whelmed beneath its fury. He, therefore, placed but little faith in the opinions of gentlemen, when they spoke of the weakness, and harmless power, of moneyed corporations! It was the weakness of the lion when sleeping; but who, when waked into action, overpowers and destroys his victim!

As to the second branch of the charge, which imputed the pecuniary disasters of the country to the policy which had been pursued in relation to the late bank, the subject had been so fully and ably examined, at the late called session, in the speeches of many Senators, who supported the Administration, and the causes traced so directly to the successive contractions and expansions, resorted to by the United States Bank, as was believed, for the purposes of operating on public opinion, to effect its recharter, that it would be but a repetition of the arguments then used, to enter on it again. But that these movements of the bank first led to the commencement of those gambling speculations, which were, in their disastrous progress, afterwards aided by other causes, he could have no doubt.

He thought the reproach endeavored to be cast on the friends of the Administration, came from gentlemen with no very good grace, when they taunted them with having failed to furnish, what they called, "the better currency." Had gentlemen themselves done all in their power to produce a sound state of the currency? Had they, in good faith, given their support to such measures of the Administration as were of a character to effect that object? On the contrary, had they not, by their acts, as well as speeches, made war "on the better currency," which was gold and silver? Had it not been considered, by them, a sort of offence against the *credit system*, that the Administration should have encouraged the importation of specie from abroad, to place us more on an equality with other nations, in that respect? Yes, every dollar of hard money brought from Europe to this country, had been considered, and treated, by them, as a sort of unlawful intruder, deserving to be expelled! Every dollar of hard money was to be driven from circulation, by the issue of that pestilence to the currency—every species of small notes, down to the lowest denomination of cent bills! When it was known that the Opposition had favored and supported this course of policy, so destructive to the attainment of "the better currency," it did not become them to throw out reproaches on that subject. The great moneyed power of the late Bank of the United States, their political ally, had, he believed, been wielded to defeat the purposes of the friends of the Administration, in relation to the currency, by producing all the confusion and derangement which it was able to effect. He repeated, therefore, that these reproaches would continue to come with a very ill grace, from that quarter, until gentlemen showed that they had done all in their power, in good faith, to aid the policy of the Administration, by pursuing a course of measures favorable to the suppression of small notes, and a greater circulation of gold and silver currency.

In relation to the question of a National Bank, now no longer kept in the back ground, in the debate by its friends, as was formerly the case, there was another objection to it, in addition to many others, which had been repeatedly urged in debate, that had not been adverted to, that was entitled to great consideration, in his opinion. Springing, as such an institution has heretofore, and, if hereafter adopted, must again, from that broad and undefined field of construction, which makes the Constitution mean any thing that ingenious men may choose to make it, all its sympathies would necessarily incline it to support all that class of measures, claiming the same lineage. It will, therefore, be the natural ally of the tariff, of internal improvement, and all other kindred measures, derived from construction. Conscious of the doubtful tenure by which it would exist under the Constitution, its interests and safety would both lead it to create as many allies as it could, of the same character, for mutual support and protection. Here, then, would exist a great moneyed power, whose interests would lead it to urge the Government beyond its sphere of constitutional action, and to build up other great interests of doubtful power, in order to guarantee its own permanency.

It had, said Mr. B. occurred to him, as a circumstance by no means unimportant, as related to the question of a National Bank, and as one highly interesting to the Southern States particularly, that both the prices of their great staples, and those of property generally, had, since the removal of the deposites, and the going down of the Bank of the United States, been higher, so far as he was able to inform himself, than they had through any series of the same number of years, during the existence of the National Bank. Nor was this estimate made by the standard of bank notes, which were, perhaps, generally, at this time, at some three or four per cent. discount; but, allowing for the difference between notes and specie, would hold good. It was certain that, during nearly the whole time of the existence of the charter of the National Bank, the whole planting interest of the Southern States was, with the exception of a few prosperous years, almost entirely prostrated. That the tariff had a highly pernicious effect on those interests he did not doubt, nor did he doubt that the operations of the National Bank had likewise greatly aggravated the injury. He believed, at this time, that the Southern States enjoyed more real, substantial prosperity, as a whole, than they had done at any time since the Revolution. That there was some scarcity of money, and, in places, some commercial distress, he admitted; but he believed the great mass of the planters were more really prosperous than at any former time.

The Senator from Kentucky, [Mr. CLAY] and the Senator from Virginia, [Mr. RIVES] had, by a very ingenious process of reasoning, endeavored to construct, on what he viewed as a very harmless and necessary clause in the bill, an immense Government bank, which each endowed, according to his fancy, with every dangerous power to do mischief to the country. This charge against the bill, he thought, was without the semblance of an argument to support it. It was a discovery, for which a patent right was deserved by those who had made it. The section of the bill on which this objection is grounded, was framed to answer two purposes, *and those two alone*. It simply authorized the Secretary of the Treasury to transfer, by his draft, money from one public depository to another, to prevent too great an *accumulation* at any one point, and to have the public funds in readiness at such places as they were wanted for the *public expenditures*. It proposed, then, to give the Secretary two powers, which were indispensable to the safety of the public funds, and the fiscal action of the Government. The power to transfer the funds from one depository to another, in case they accumulated to too great an amount, is only a measure of precaution for their safety, and looks to that object alone. The power to transfer from one point to another, to meet public expenditures, is a power absolutely *necessary* to the fiscal operations of the Government, and without which it could not move. It was a power that was not now, for the first time, to be given, but existed, to the same extent, in the deposite act of 1836, and which, he believed, was voted for by most individuals, of both political parties.

Mr. B. would now proceed to say a few words on the subject of the amendment proposed by the Senator from Virginia, [Mr. RIVES,] and could not abstain from the expression of his regret, that that distinguished gentleman had deemed it his duty to denounce, in such harsh terms, the original bill. While he was disposed to accord to every one an entire right to pursue the dictates of his own judgment, yet, in reference to the language of that gentleman, he must be allowed to say, that "a friendly eye could never see such faults."

The amendment proposed, to which he had just alluded, would, if carried into effect, become a measure of vastly more Executive patronage than the original bill would confer. Its leading feature was, to give the Secretary of the Treasury power to select a number, not exceeding twenty-five, from among the State banks, to act as public depositories, and they, under the supervision of the Secretary of the Treasury, to have the power to determine what notes, of the eight hundred banks throughout the United States, shall be received in payment of the public dues. If this was not, in name, a great national bank, it unquestionably possessed all the essential machinery to make it one. It had the ominous number of twenty-five in it, corresponding, in that respect, to the number

of branches of the late Bank of the United States; and it gave the banks, which it authorized to be selected, an almost absolute control over the remaining eight hundred, by the power which the possession of the public moneys would give them, and by their authority to decide on the receivability of their notes, in payment of the Government dues. And all of this bank agency and machinery to be put in motion by the Secretary of the Treasury! It effectually organizes the whole moneyed power of the country into one compact system, and places this tremendous engine of political power in the hands of the Executive branch of the Government!

The Senator from Kentucky [Mr. CLAY], though he does not seem precisely pleased with the plan proposed by the Senator from Virginia, as a place of permanent residence, yet expresses his willingness to "stop at it as a good half-way house." How long he proposes to abide there, he does not inform us; but his generous hospitality will no doubt induce him, in return for the civilities received while there, to invite the Senator from Virginia to accompany him to the end of his journey, and there partake with him of a great *national* entertainment. The Senator from Virginia, in making his political survey of public sentiment, in the different States of the Union, had invaded the limits of the State which he in part had the honor to represent; and conjectures, from the elections held there in August last, for members of the House of Representatives, that the majority of the State is against the present Administration. Mr. B. said, without undertaking to decide what public sentiment was, in that State, in reference to the policy of the Administration, he could, at least, assure that gentleman, that he had formed an opinion respecting it, on grounds which were very fallible. It was true, that a majority of the members of the other branch of Congress, elected from the State of North Carolina, at the last election, were in opposition to the Administration, but it was equally true that a majority of them, in 1834, were likewise against the Administration, and that it had continued to be the case from that time to the present period, with this difference, that the Opposition had gained one more member in the last elections than they before had. It would, therefore, be seen that the Opposition were, in 1834, represented by a majority of members from North Carolina, and that at the elections of 1835, the same relative number was again returned. Never, said Mr. B. had the great political questions of the day been more directly carried to the polls, in the State of North Carolina, than on the question of his own re-election; and, on no occasion, had the friends of the Administration succeeded by a more decisive majority elected to the Legislature, the great question of the removal of the deposites then being before the people. According to the modern Whig logic on the subject of instruction, which assumes every rule to instruct representatives but the right one, it would have been his duty, because a majority of Opposition members then represented North Carolina, and were re-elected at the next year's elections, to have considered himself instructed then, and to have resigned his seat, or have united with the Opposition, although just re-elected by so large a majority. His colleague, who so ably and honorably fills a seat in this body, was likewise elected to it when a majority of the members, in the other end of the Capitol, from North Carolina, were opposed to the Administration. Mr. B. said, in no State in the Union were the great body of the people more inclined to re-elect their Representatives, even sometimes of opposite politics, than were the people of North Carolina. In their elections, politics were not always made the only test, as he believed they were not in some of the recent elections in that State.

There had been no public meetings, as far as he was informed, in North Carolina, on the important questions now before the Senate, except in the single county of Warren—a county long celebrated for its sterling Republican sentiments, and whose citizens had long been the friends and neighbors of that illustrious friend of civil liberty, the late NATHANIEL MACON. A more spontaneous and unanimous expression of sentiment never was given, by the people of any one county, in favor of a measure, than, he learned, had, on that occasion, been declared, by their resolutions, in support of the present great measure proposed by the Administration.

In relation to the right of instruction, he would say now, as he had on other occasions, that none respected it more than himself, and none would more readily yield obedience to it; or, if he could not, consistently with his views of the Constitution, carry out such instructions as the Legislature of his State might choose, at any time, to give him, he should consider himself bound to return his trust to those who bestowed it, that their wishes might be represented by others, of like sentiments with their own. He had never considered himself, on any principle as to the right of instruction, bound to go in quest of public opinion, in discharging his duty here, on the great questions that come before him. *In the absence of instructions* from his Legislature, he made it a rule to pursue the dictates of his own judgment; but when resolutions should reach him, if any such should be, at any time, passed, they would either be obeyed, or a resignation of his seat, in the Senate, would be the only other alternative. In relation to the great right of instruction to Senators, no other rule had ever been contended for by the Republican party, than that which he had suggested.

He congratulated Senators, in opposition, who now expressed so much exultation, at the instructions lately given to some of the friends of the Administion, on their improved doctrines, on the subject of that great Republican principle. The ready obedience which had been paid them by the Senators instructed, was not a mere profession, but it formed an essential part of the political creed of the party to which they belonged. How great was the contrast, and how striking was the degree of respect paid to their consitituents, in the conduct of the friends of the Administration now, who are instructed by their Legislatures, and that of Opposition members, some years since, under similar circumstances! In the one case, it was obedience, respectfully given; in the other, disobedience, sometimes accompanied with reflections on those who gave them. This essential difference, on a great question of popular liberty, cannot fail to attract public attention, in deciding the question as to which of the two great parties is hereafter to administer the Government.

Mr. B. must again repeat the opinion, that the issue now made up, before the country, and which it was called on now to decide, was substantially one, involving the important question, whether the people or the banks were to rule, and whether the nation was to continue to govern itself, or to transfer its power, in effect, to irresponsible moneyed corporations. If the Administration is put down in this contest, he should consider it as tantamount to a declaration to the world, that the voice of freedom is extinct in our Republic, and that the national spirit has ingloriously succumbed at the sordid shrine of the moneyed power. The most renowned republics in ancient times, had most successfully maintained their liberties, so long as they had taken for their guide the principles of an elevated patriotism. So long as this spirit had prevailed among them, they had maintained their independence; but when they were overtaken by the debasing feelings of avarice, and had yielded to their influence, their declension was rapid, till they had fallen into the arms of some tyrannical master, because they were unfit, longer, to govern themselves. The true way, not only to preserve liberty, but to preserve property, is for a nation to act on the high and honorable principles of our nature. Yielding great principles to mere momentary events, from selfish motives, and a fear of meeting consequences, is, in most cases, in the end, but the sacrifice of permanent future good to a mere temporary benefit, and is, when considered as a mere question of interest, a great error. When the Romans, in the last days of their degeneracy, were invaded by barbarian adventurers, and endeavored to purchase peace by paying them large sums of money, they but invited their return, with increased strength, to sack and overrun their country. For the American people now to submit to the demands of the banks and their partisans, is to render their rights and interests, hereafter, more insecure, by thus inviting new demands on them. Now is the time—not by any violation of their rights—to resist and weaken that great power, by the measure now proposed.

If, sir, said Mr. B. the banking interest prevails in the contest, the unavoidable consequence will be to bring the high tariff and old Federal parties into power. Individuals of that party, who have been under the ban of public opinion, for their political misdeeds, for years past, will begin to look for their restoration to power with as much anxiety, as did the royal French emigrants for the restoration of the Bourbons to the throne of France. Even the survivors of the old Hartford Convention may become inspired with new hopes; and Abolition will no doubt join in doing honor to the occasion, with increased hopes of accomplishing its fatal purposes.

He now considered it his duty to notice some remarks which had fallen from the Senator from New York, [Mr. TALLMADGE,] having allusion to the future prospects of the present Administration, in regard to public sentiment. In remarking on the results of the late elections, in the State of New York, that gentleman has, in emphatic language, warned the present Chief Magistrate, unless he changed his course, to beware of the Ides of November, 1840, [Mr. TALLMADGE, having obtained permission to explain, said that he had referred to the next Fall elections.] Mr. B. resumed, and said that although he had misunderstood the Senator as to dates, yet his remark did not, with the less force, apply to the great issue, which was now making up on the next Presidential election, and was to be considered to be intended as a warning to the President of the United States, to beware of the fate which, it is intimated, then awaits him. In reply, he could only say, that if the State of New York, great in resources, great in intelligence, and equally distinguished for her high and patriotic bearing, in every difficult crisis, gave way and yielded in the present great contest, that her sons would be forgetful of the principles, and of the revered Republican names, which had so highly adorned her annals. That it would mark the extinction of that sacred spirit of liberty and of valor, which had won for her the never-fading honors of Saratoga, where the tide of war in the Revolution was first successfully turned against a proud and powerful invading army.

Mr. B. said that the period which marked the greatest degeneracy of the Roman empire, before its final dissolution, was that in which the office of Emperor was set up to sale by the prætorian bands, and the successful candidate borne to the imperial throne on the shields of a mercenary soldiery. If, at this early day, and in the youth of our Republic, the present Chief Magistrate is to be driven from power, for the high and honorable stand that he has taken, in behalf of the rights of the people and the Constitution, it will mark a degeneracy in our country, equally rapid and ominous of the fate of its free institutions. Borne to the Presidential office by the prætorian bands of the banks, his successor would be but the honored tool of the moneyed power, which had triumphed over the Constitution.

It had, said Mr. B. been the fate of the ancient Republics of Greece, to lose their liberties at the fatal battle of Cheronea. The Republic of Rome had lost its liberties at the equally disastrous battle of Pharsalia; but the heroic deeds of the brave men who fell in the struggles for them, in both countries, yet lived in fame, and the pen of the historian had immortalized them. But what would be the sentence of the future historian of this country, who should record that our young Republic had been ingloriously conquered by the moneyed power, and had thus yielded up all the laurels which its fortitude, wisdom, and valor, on all great occasions, have won for it? He did not, however, indulge in gloomy anticipations, as to the result of the decision of the people, on the great questions now at issue. On the contrary, he saw nothing, either in the times, or in the circumstances of the times, to discourage the friends of free Government; but every thing, in looking to the past history of our country, and its capacity to rise superior to difficulty, to presage victory, and cheer its friends with the bright promise of ultimate triumph and certain success.

THE INDEPENDENT TREASURY BILL.

SPEECH OF MR. NORVELL, OF MICHIGAN,

In Senate, March 6, 1838—Upon the bill to "impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public moneys of the United States."

Mr. NORVELL rose, and addressed the Senate:

I concur, Mr. President, said he, with the Senator from Maryland [Mr. MERRICK] in the opinion, that, at this crisis in our public affairs, the country expects every man to do his duty. I intend to perform mine, to the best of my very humble ability. The Senator laments that appeals have been made to party feelings on this side of the Senate; to parties which have long been extinct. Sir, the Senator from Maryland, on this point, is mistaken. Whatever changes of name they may assume; however variable individuals may prove in their politics, the old parties in this country have not only not become extinct, but never can be extinguished. Their principles remain the same. It is the Aristocracy perpetually warring with the Democracy, which originated the two parties into which the people of the United States have always been divided, and which will continue to distinguish their history to the end of time. I regret, sir, that the name of Democracy has lately lost its charms, its magic influence, over my friend from Maryland. The fact is a sad presage of his future political career. The Senator says, that the American people are crying to us for bread, and we give them vinegar; we plunge them into wo.

Sir, I have heard no such cries. Clamors, indeed, have reached us from Wall street and kindred scenes of speculation and panic. A few petitions from two or three other cities have been presented to us. But the great body of the American people, the agricultural, useful, and productive mass of the nation, have sent no protests to this body against a measure eminently fitted to protect their interests, and to purify the currency of the country.

The Senator inquires whether we know who our masters are? I tell him, sir, that I have no master. In one sense, we are the public servants. We are placed in stations in which we are required to serve our country. But we are the equals, the friends, not the slaves, of our constituents. I learned, in my early years, from the great fountains of British liberty, and the lesson has been confirmed in the school of American Democracy, that

> "Man knows no master save creative Heaven,
> And that which common good ordains."

Sir, I, too, lament that upon the great measure before the Senate, too much party spirit has been indulged in. But whence has it proceeded? Where did it originate? It began, sir, on the other side of the Senate. A remorseless party warfare upon this measure, and on the Administration, commenced on that side at the extra session; and, cheered by what they suppose to be a favorable indication of public sentiment, they have renewed and prosecuted it with fresh vigor at the present session. The remarks of the honorable Senator himself, after deprecating its influence in his speech of yesterday, afford a fit illustration of the party spirit in which, contrary to his own professions, this grave subject has been treated on that side of the Senate.

Mr. President, the bill before the Senate contains two propositions. The first is, that the Government will discontinue the use of banks as its fiscal agents and depositories. The second is, that it will gradually discontinue the reception of any thing but gold and silver in the payment of the public revenues. The details of the bill, although of minor importance, properly designate the public officers who shall receive, keep, and pay out the public moneys, on Treasury drafts, made in pursuance of law. They provide minute and effectual guards and penalties to protect the safety of the funds of the nation in the hands of these officers.

These, sir, are the clear and simple provisions of the bill. They are shrouded in no mystery. They admit of no equivocal construction. The darkness in which they have been enveloped, has been thrown over them by the diversified and contradictory commentaries of Senators over the way.

The discontinuance of banks as public depositories, is but a recurrence to the early Constitutional administration of the financial affairs of this Government. The Federal Constitution recognises the existence of no bank, either State or National. It contemplates the agency of no bank in the management of our financial affairs. It does authorize the appointment of officers for the collection, safe-keeping, and disbursement of the public revenue.

Banks were an after-thought with the first Secretary of the Treasury of the United States. He proposed a National Bank, but not as a fiscal agent and depository of the public moneys. The merchants, the men of wealth, the speculators, joined him in support of a National Bank. The measure was opposed by the Secretary of State, the great Apostle of Republican liberty, and by the representatives of the agricultural and producing interests of the nation. These were borne down by the antagonistical interests. The bank was established. Yet, sir, collectors, receivers, commissioners of loans, and other receiving and disbursing officers were created; and they had, to a great extent, the custody of the public moneys during the existence of the old National Bank. We heard nothing then of the danger of trusting the public officers with the receipt and disbursement of the national revenue. We heard nothing of the superior virtue and safety of banks as fiscal agents and depositories of the public money.

It is certain, then, that in dispensing with the use of banks, as our fiscal agents, we adopt no untried experiment. We simply go back to the constitutional provision on the subject. We rely upon the officers of the General Government for the transaction of the financial and other business of that Government.

We are told, sir, that the proposed system is to involve the nation in a vast annual expense; and that it will largely increase the patronage of the Executive. The honorable Senator from Virginia [Mr. RIVES] ventured to suggest, upon authority which he deemed good, that the expense of this Independent Treasury would amount to six hundred thousand dollars per annum. Sir, it is difficult to answer declarations so fanciful and adventurous, except by a direct denial. The bill creates but four or five new officers, and authorizes the appointment of some additional clerks. The collectors of customs, the land office receivers, the postmasters, already in existence, are to perform the duties required to be performed by this bill, without any additional compensation. To these are added a few receivers general, and perhaps fifteen or twenty clerks. The most extravagant estimate cannot make the annual expense more than fifty or sixty thousand dollars per annum. The transfer of the public deposites from the banks to the public officers, will be an extensive reduction of Executive patronage. It takes from the President the means of influence over seventy or eighty powerful banking institutions, their officers, their clerks, their directors and stockholders, and adds no increase of the means of influence over the existing officers of the Government. The bill is an honorable and a manly surrender by the President of extensive patronage, to promote the public welfare, and to protect the purity of the free institutions and administration of the country. Instead of that patronage, he obtains the power to nominate four receivers general, with salaries too small, I fear, to secure talents and character adequate to the proper discharge of their duties. In this view of the subject, the President has exercised a degree of self-denial which has no parallel, except in the administration of Mr. Jefferson. Sir, the conduct of the President of the United States, on this subject, is characteristic of the man. Since his accession to the Executive chair, he has shown no disposition to increase Executive patronage. He has evinced a marked respect to the Constitution of his country; a deep devotion to its welfare; a moderation and temper admirably fitted to the discreet and enlightened administration of the affairs of the Government. And how the honorable Senator from Kentucky, while professing respect for the man, could indulge himself in an expression of detestation for such a Chief Magistrate, I am at a loss to understand, unless an explanation may be found in the party feeling and the Presidential ambition of the distinguished Senator. The average expense paid to the deposite banks for their agency in receiving and disbursing the public moneys, would amount, on the most moderate calculation, to three or four hundred thousand dollars per annum. They would have the constant use of six or eight millions of dollars; and that, at six per cent. would be equal to about half a million a year. The Independent Treasury system will, therefore, diminish both the Executive patronage and the expenses of the Government.

It will, in my judgment, have another still more valuable effect. By exacting a solid and substantial currency in the collection of the public revenue, and in the disbursement of the public moneys, it will keep the general currency of the country in a sound condition. It will restrain the spirit of speculation and extravagance in trade. It will prevent the accumulation of large surpluses in the Treasury. It will render necessary a more economical and republican system of public expenditure. It will lighten the burdens of the people. It will compel the solvent banks to resume specie payments; and it will coerce the insolvent banks to wind up their affairs and close their doors. Instead of realizing the fallacious assertion, that this Sub-Treasury system will give one currency to the Government, and a worse currency to the people, it will have the effect of securing to both a substantial currency; and it will put an extinguisher upon the dishonest system of banking upon mere paper capital, without a specie basis. With a gold and silver basis, banking is a source of advantage and prosperity to any commercial country. Without them, banking is a pestilence to such a country. It is not true, sir, that we are waging war upon the valuable institutions of the country. It is not true that we make war upon all banks, so lately dignified into the character of institutions of the States. We are opposed to the mere paper corporations called banks, when they have no solid capital. We consider and know them, in that condition, to be a great public and private evil. But we are in favor of banks conducted on sound principles, respecting the law, keeping up to their charter obligations, and redeeming their plighted faith to the public.

But, sir, we are told, that in separating the Government from the banks, we separate it from the people. They who hazard this declaration, cannot themselves believe it. How can the Government be separated from the people? It derives its existence from the people. It depends upon the affections, the sympathies, and confidence of the people, for the duration of its power. It is preposterous to charge us with the design to separate the Government from the people. The charge presupposes us to be fools and madmen. It presupposes another absurdity. It presupposes the banks and the people to be identical. We all know that this assumption is fallacious. It has no platform to stand upon. The banks are established by a very small number of the people. They are sought to be established by men who want credit, by the few who have capital, and by a small number of the merchants, by brokers and speculators. A small portion of the stock only is held by persons desirous of realizing moderate and regular incomes, from what they suppose to be good and safe investments. The widow and the orphan may occasionally have their money placed in banks, and are sometimes stockholders in them. But the great mass of the people, the productive classes, the bone and sinew of the country, have no stock in banks, no interest in them, no identity with them. They feel their operations, chiefly from the sudden expansion and contraction of loans; from equally sudden changes in the circulating medium of the country; from the scarcity or superabundance of money, which is often suddenly produced by the management of the banks; by the gross abuses which creep into them. The prices of produce are affected by like means. The banks are identical with the people only while they strictly obey the law; only while they promptly redeem their bills, when called upon, with gold and

silver; only while they lend money with prudence, and in moderation, to honest and deserving men, for laudable purposes, and not to brokers and shavers in politics or business. Sir, the shocking abuse of the banking privilege which pervades the land; the conversion of banks into monopolies for the accommodation of a few presidents, directors, and their connections, which we daily witness; the suspension of specie payments without adequate cause; the continuance of that suspension, when all cause has apparently ceased, have rendered these institutions, in the estimation of the mass of the people, sources of mischief and extensive public injury, and it is only by a radical change of their conduct that they can ever regain the public confidence. Senators over the way tell us that we must give our confidence in advance to these institutions, before they can resume specie payments, or be restored to general public confidence. Sir, the honorable Senator from Virginia makes too heavy a draft upon the faith of this body in the local banks, when he asks us to place the public funds in them, after their recent breach of all faith, their violation of all law, their outrages upon the moneys of the nation, as well as upon the deposites of individuals, committed to their safe-keeping. Let them show themselves worthy of confidence, by a prompt obedience to the violated laws of their country, by an immediate resumption of specie payments, before they suggest the idea of a restoration of the public faith in their solvency and integrity. Sir, I am no enemy to banks or banking founded upon correct and solid principles. I am the open, avowed, declared enemy of all banks and banking based upon any other principles. I am opposed to the excesses, the enormous abuses, of the banking system, as developed within a few months past; and I am surprised, I am mortified, sir, that the honorable Senator from Virginia, [Mr. RIVES,] the distinguished disciple of Jefferson and Madison, should have identified his political reputation with these delinquent State banks. I am grieved, sir, that he should have hazarded his high destinies, to which so many republican friends had looked with anxious hopes, in sustaining institutions, the very best of which have a monopolizing and aristocratic tendency. Sir, one of the latest of the sentiments uttered by that illustrious republican statesman, under whose eye the honorable Senator was brought up, at whose feet he learned the lessons of Democratic wisdom, was, that though the course of the aristocracy of this country was changed, their principles remained the same. "They now," said he, "look to a single and splendid Government, founded on banks and other moneyed corporations, which would be to them the next best blessing to the monarchy of their first aim, and perhaps the surest stepping stone to it." Sir, does not the honorable Senator see the inevitable tendency of banks to create and nurse a spirit of aristocracy, the meanest of all aristocracies—that founded on money and wealth—in this country? Does he not perceive that the union of the banks with this Government, their excesses in the use of its money, lead, beyond all dispute, to "a single and splendid Government, founded upon banks?" Does he not perceive that State banks as they are, they are looking to this Government as the anchor of their hopes and interests; that they are seeking a close alliance with it as their only salvation; that, in this alliance, they would be ready to sustain the Government in every extravagance and splendor in which it might choose to indulge? Let me implore the honorable Senator to review his course; to retrace his steps; to direct his eminent talents to the preservation of the purity of his country's political institutions, and not to devote them to the cause of banks and bank monopolies, or to the pernicious purpose of identifying them with republican Government.

The honorable Senator from Indiana [Mr. TIPTON] said the other day, that he was opposed to the Sub-Treasury, because it was a condemned measure; condemned by the House of Representatives, and condemned by the people. It is true, sir, that it was at the extra session laid upon the table of the House by a small majority. It is equally true that but few of the Republican members of that body voted to make that disposition of the bill; and it is probable that those few so voted, not because they condemned the measure, but because they had doubts, and were not prepared to give a direct vote upon the bill. That the measure has been condemned by the people, the honorable Senator will permit me to doubt. The elections in Ohio and Indiana last fall did not change the political character of those States from what it was the year before. Then they gave large majorities to the Opposition candidate for the Presidency. The Sub-Treasury bill had then nowhere been suggested. I do not believe that the people of Ohio and Indiana have since given any more decisive evidence of hostility to the existing Administration, than they manifested at the Presidential election. The election in Maine could not have been affected, to any great extent, by the proposition of the Sub-Treasury. That proposition did not reach that State in time to produce any great effect. Kentucky, sir, is my native State. My affection for her is not to be impaired. She has, under the lead of the Senator over the way, [Mr. CLAY,] long been in the Opposition. I can excuse, I can even admire her, for the partiality which she has, with so much constancy, manifested towards him. But I could neither excuse nor admire her for any devotion which she might exhibit towards any man who was opposed to the cause of the country in the second war of independence, in which she so prodigally and generously shed her best blood. It becomes her native-born children to

> "Be to her faults a little blind,
> And to her virtues very kind."

She has few faults, sir: she has many and noble virtues. But her late election took place before the Sub-Treasury was proposed, and the result of that election cannot be cited as any special condemnation by her people of that measure. I admit, however, that they are opposed to it at this time.

The Michigan and New York elections have taken place since the President recommended the establishment of an Independent Treasury system. In Michigan, the election resulted in favor of the Administration from which that measure proceeded. The Senator from New York [Mr. TALLMADGE] must excuse me: I do not mean to poach upon his manor; but he will excuse me if I adopt the opinions of the President, in preference to those of the honorable Senator, in relation to the last fall elections, both in New York and elsewhere. The Senator said, the other day, that he had seen with pain the allegation, in the President's Message, of bank interference, or bank influence, in the recent election of the State of New York. The charge had humiliated him. He felt that the honor of his native State had been wounded, and that the wound had been inflicted by one of her own sons; and, in the true spirit of knight-errantry, he proceeded to repel this "unmerited aspersion" of the President upon his native State. Sir, listening intently, as I did, to the indignant accents which fell from the lips of the honorable Senator, I could hardly believe that I had heard correctly the language which he had uttered. I had read the message of the President with attention, and had heard it read at the table by the Secretary. I thought that the New York election had not been specially mentioned in it, but that the President—modestly and cautiously assigning a reason for supposing that the national sentiment had not been expressed against the Independent Treasury plan, and that he might, therefore, without offending the nation, renew its recommendation—had alluded to the fall elections, in general terms, all over the country, as influenced by local and other considerations, as well as by those which pertained to this measure. To test the accuracy of my recollection, at the conclusion of the speech of the Senator, I re-examined the Executive Message, and was confirmed in the correctness of my memory in relation to its contents. The President does not name New York. The whole passage is of a general nature, and plainly shows that the President had in view, when he penned it, all the States in which elections had just been held. Pennsylvania, Michigan, and other States, as well as New York, were evidently in his mind; and the honorable Senator had no more right than we had to take exception to the allusions of the President. But, in truth, sir, the Message on this point is unexceptionable. It strongly indicates the deference which the Chief Magistrate feels, and is always inclined to yield, to the expression of the popular will. And were I disposed to select a passage from the Message, which, more than any other, illustrates the Republican principles and frankness of the President, this very passage is the one that I would select. It is short: I will read it, sir.

"The national will is the supreme law of the Republic; and, on all subjects within the limits of his constitutional powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal communication with your constituents. For one State only has an election been held for the Federal Government; but the early day at which it took place deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for State officers have, however, been held in *several of the States*, at which the expediency of the plan proposed by the Executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember that questions of far deeper and more immediate local interest than the fiscal plans of the National Treasury were involved in those elections. Above all, we cannot overlook the striking fact, that there were at the time in those States more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture, other large portions upheld only by special and limited legislative indulgencies, and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the State Legislatures to be then chosen. Apprised of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connection with the then pending elections, and the feelings it was calculated to infuse into the canvass, have exercised a far greater influence over the result, than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the General Government, more remote and far less important in its bearings upon that interest."

Sir, more impressive truths, uttered in more general and unoffending language, never proceeded from the pen of man, than the just reflections embraced in this passage of the Executive Message. And the Senator from New York, taking counsel from his resentments, rather than from his usual good sense, must have been anxious to travel out of his way, for the purpose of assailing the President, when he ventured to criticise with so much severity this part of the annual communication to Congress.

Upon the hint of the Senator from New York on this subject, another honorable Senator, [Mr. CLAY,] renowned for his daring courage and dexterity in debate, lashed himself into a passion, and declared that the President, for his allusion to the New York elections, deserved a resolution of reprehension, if not impeachment, at the hands of this body. Sir, it would have been well for that honorable Senator, before he indulged in such denunciations, to have remembered that his friends hold him up as the competitor of the present Chief Magistrate for the Presidency; that if it were wrong in the President to make allusions to the elections in the States, it was equally indelicate for that Senator to indulge in such allusions; and he will recollect how often he has invoked this body not only to bear in mind the results of certain State elections which he named, but to wait till they heard from Tennessee, from Pennsylvania, from Virginia, what their Legislatures would say on this Sub-Treasury scheme, before they acted upon it. Sir, the President had as much right as the honorable Senator to speak of the State elections. I know of no legal, no just moral inhibition, against the utterance of their sentiments on the subject by either of them.

Nothing, then, appears to me to have occurred to justify the conclusion to which the Senator from Indiana has come, that the people of the United States have condemned this measure. Sir, it has been condemned by interested banks; by brokers; by speculators in politics, as well as in property; by merchants, who seek every where, but in their own improvident acts, for the causes of their disasters, and every where, but in their own prudence and wisdom, for a remedy for the ills which transiently afflict them. It is a fact also, as intimated by the distinguished Senator from New York, [Mr. WRIGHT] that the most extraordinary and persevering exertions have been made, here and elsewhere, to make up the public judgment

against this measure, even before it was debated. It has been denounced, in advance, as a measure fraught with tremendous consequences, worse than all the calamities of a war with the most potent nation on earth. The denunciation has been daily repeated by the honorable Senator from Kentucky, and by some of his party friends, until, I doubt not, they have begun to credit it themselves. But, sir, in despite of the disposition of parties to receive the declarations of their leaders with implicit faith, this measure is gaining ground with the American people; and the more it is discussed, the more generally will it come to be viewed as a measure indispensable to the security of the public money, the stability of business and the currency, and the purity and safety of our free Republican institutions.

Some years ago, in another place, warmed by the circumstances and associations around him, the Senator from Kentucky pronounced the measures of the late President to be worse than war, pestilence, and famine. And what, sir, was the real fact? The country was never more prosperous and happy than it was under the whole of the administration of that illustrious Chief Magistrate. No epoch in its history was ever more blessed. The only unhappy people were those who aspired to the honors and emoluments of public station, without success!

The honorable Senator from Kentucky predicts that this measure will lead to consolidation. On the contrary, sir, it separates this Government from the moneyed institutions of the States. It takes from it all the means of undue influence over them. It establishes a Treasury of its own, with no power to use or disburse the public funds, except in pursuance of appropriations made by law; and it arrays against it in all the States a powerful moneyed interest adverse to the Treasury system; an interest which has commenced war upon the system before it is established; an interest too well calculated, I fear, to impair the vigor and efficient action of this Government.

I am glad to find in the honorable Senator returning symptoms of regard to the reserved rights of the States. I had apprehended that he had changed his early principles on this subject. The high tariff system, of which he was the able champion, embraced within its scope all the interests of society, individual, State and National. It struck directly, not through the medium of the State Governments, but immediately, as if we had been a consolidated empire, at the pockets, the business, the property, of every man, woman and child in the country. The great system of internal improvement, upon a national scale, was supported, if not projected, by that honorable Senator. That system would have given boundless enlargement to the patronage and power of the General Government in all the States, menacing not only danger to the public liberty, but the absorption of all the resources of the Treasury, the States and the people. To these, sir, let us add a national bank, the persevering advocacy of which has so long distinguished the Senator from Kentucky. I intend to revive no war upon the late Bank of the United States. I speak of any national bank, when I say that such an institution, operating, under the mantle of this Government, upon all the pecuniary interests of the country, has a consolidating tendency, and would require constant vigilance to avert or weaken that tendency. Sir, I can discover in the measure before us no symptoms of consolidation to compare with the tremendous features of the system to which I have just adverted, and which threatened to extinguish all the reserved powers and rights of the States, if not to subject all the interests of the people to the unlimited control of the General Government.

The honorable Senator from Indiana [Mr. TIPTON] alleges that this bill is a conflict between the friends of a hard money currency and the friends of a mixed currency. The Senator is mistaken. It is a conflict between the friends of a specie currency, or its equivalent, and the friends of an irresponsible, unredeemable, and unredeemed paper currency. The supporters of the measure before the Senate are for a policy which will bring all banks up to the specie standard. Its opponents are for a surrender of the Government and the currency into the hands of paper banks, and for making both the Government and the people subservient to bank interests. I do not say, sir, that such is their design. I do say that such, in my judgment, is the effect of the course which they take.

The Senator from Indiana alleges the Specie Circular to have been one of the principal causes of compelling the Western banks to close their vaults. Sir, I speak from personal knowledge when I declare that this was not the case in my quarter of the West. The Western banks, so far as Michigan at least was concerned, would not have suspended specie payments if the suspension by the New York banks had not compelled them to follow the example. The banks were certainly pressed. They were pressed by their excesses in business, not by the Treasury Circular. They were pressed in consequence of undue loans to speculators, to favored individuals—in too many instances to their own officers and directors.

The honorable Senator from Kentucky [Mr. CLAY] has affirmed, that it was the deliberate purpose of the late Administration to establish a Government bank, under the exclusive control and direction of the Executive department. In proof of this, he has read passages from some of the messages of President Jackson. I have examined these messages. They do not sustain the charge of the honorable Senator. In the first annual communication of the late President, he manifested his doubt of the constitutionality of the then Bank of the United States; but, he added, "*if* such an institution is deemed *essential* to the fiscal operations of the Government," he submitted "to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the Government and the country that were expected to result from the present bank." In these remarks, the President does not express the opinion that a bank is essential to the fiscal operations of the Government; but if Congress should be of opinion that it is, he suggests such a bank, founded upon the credit and revenues of the Government, as would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the country which were realized from the then existing National Bank. The very phraseology employed by the late President shows his own doubts upon the necessity of any national bank; nor is one word to be found in this or any other message from his pen, which intimates that such a bank, if founded upon the credit and revenues of the Government, should be placed under the control or direction of the Executive department. In his second annual message, he suggests, as a matter of compromise and inquiry, "whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections;" and he further suggests the practicability of such a bank as a branch of the Treasury Department, but with no power to discount, no exclusive subjection to the control of the Executive. In the third message of the late President, he drops the subject of any National Bank, simply alluding to his previous messages in relation to the then Bank of the United States, and leaving the whole subject "to the investigation of an enlightened people and their representatives." In his veto message, the late President asks: "*If we must have such a corporation*, why should not the Government sell out the whole stock, and thus secure to the people the full market value of the privileges granted?" Why should these privileges be given as an exclusive monopoly to a few favored individuals? Still, his language again distinctly implies a doubt of any necessity for such an institution. He admits, in this message, that a bank might be incorporated which would not infringe our own powers, or the reserved rights of the States; he admits that, if called upon, the Executive would have furnished such a project; but he does not say that he would have recommended a Government bank, under the control and direction of the Executive department.

At the veto message, the honorable Senator from Kentucky discontinued his quotations from the late President on this subject. Had he pursued them to a later date, he would have disclosed to this body and to the people, what it might not have suited his argument to disclose, that General Jackson had, upon long experience and mature deliberation, come to the conclusion, that any Bank of the United States was neither necessary nor constitutional. In his sixth annual message, he fervently hopes that, "admonished by the evils and distresses inflicted by such an institution, those who have favored the establishment of a substitute for the present bank, will be induced to abandon it," as any inconvenience would be preferable to this concentration of the whole moneyed power of the Republic, in any form, or under any restrictions. In his seventh annual message, the late President declares, that "the experience of another year has confirmed the utter fallacy of the idea, that the Bank of the United States was necessary as a fiscal agent of the Government," and that such a bank is "one of the fruits of a system at war with the genius of all our institutions." In the eighth and last annual message of the illustrious chieftain, he impressively remarks, that "the lessons taught by the Bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result, on a smaller scale, from the facility with which corporate powers are granted by their State Governments." Finally, in the farewell address of the late President, he solemnly declares that "the powers enumerated in the Constitution do not confer on Congress the right to establish such a corporation as the Bank of the United States, and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence, in any degree, our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode, if it is found defective."

It will, from this connected view of the opinions of the late President, appear that, while during his first term he entertained a vague and doubtful idea that some bank might be constitutionally established, his opinions during the second term lent no countenance to that idea. He entirely repudiated both the necessity and constitutionality of any bank established by this Government; and he retired from that public life, which he had adorned with so much public virtue and firmness, warning his countrymen to abide by the Constitution, on this very subject, as it is written.

The Senator has, therefore, completely failed to establish his position, that it was the settled purpose of the late Administration to establish a Government bank, under the direction and control of the Executive department.

Having failed, sir, to establish this position, he has still more signally miscarried in his effort to fix upon the present Administration the same purpose. If the present Executive has succeeded to the principles and policy of the late President, and does stand pledged to carry them out, I have conclusively shown that a Government bank, under the control of the Executive department, constituted no part of those principles or that policy. But we are not left to conjecture or inference upon this point. The present President of the United States came into power with the declaration upon his lips, that he deemed any Bank of the United States to be unconstitutional. In his September message he reiterated the kindred declaration, that "again to create a National Bank, as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed." In his recent message he has again reiterated the same sentiment; and we have all along had his own distinct intimation that he would sign no bill establishing any National Bank.

But, says the honorable Senator from Kentucky, the bill before the Senate is intended to execute the purpose of establishing a Government Bank upon

the ruins of the Bank of the United States and the State banks. Sir, this position of the Senator is sustained by his mere assertion alone. The bill affords upon its face the most decisive evidence of the fallacy of the assertion. There is not a bank feature in the bill, any more than is there in the counting-house of a merchant, who has a till or a vault to keep his money or his papers in. I leave the gratuitous assumption of the Senator on this point to the people, who are as capable of reading and understanding a bill as we are.

The Senator charges the late and present Administrations with a design to overthrow the State banks. Nothing is to be found in any message of either the late or present President to justify this accusation. The late Administration, both in word and action, exerted all its efforts to sustain the State banks. They were its pets. Sir, these banks have overthrown themselves, as far as they have been overthrown, by their own improvidence, their avidity for gain, and perhaps their anxiety to accommodate. The system of State bank deposites was continued by this Administration until that system put an end to itself. The recommendations of the present Executive are not now, and never have been, adverse to the State banks, properly conducted. They are adverse to their excesses and their abuses. The Administration, having failed in their zealous and liberal attempts to render the State banks safe depositories of the national revenue, have been driven to suggest a more safe mode of public deposites; one more under the control of Congress and the Executive; one which prevents the public moneys from being used for speculating purposes, and at the same time leaves the State banks to the exclusive control of their directors and the Governments of the several States. The Independent Treasury system, while it will bring the sound State banks up to the right standard and principle of useful and safe banking, will, I have no doubt, hasten the day of final settlement, to which the unsound institutions must come; and the sooner they arrive at that period, the better for the people, the country, and the currency of the country. The bill before the Senate will not overthrow the State bank system. It will correct and keep it in check; it will give it more stability, and thus secure to it more of the public confidence.

The substitute of the honorable Senator from Virginia [Mr. RIVES] proposes the restoration of the system of State bank deposites, which has just been tried, and signally failed. The modifications which he suggests render the system, in my judgment, infinitely worse than that which was its model. The Senator limits the number of deposite banks to twenty-five. Why he has fixed upon that number, it is difficult for me to perceive. We have twenty-six States and two Territories in the Union. But let that pass. The limited number proposed is a monopoly of public favor, which will create discontent and dissatisfaction, engender bad feelings and exciting rivalry, and produce a constant succession of agitations, which will not only reach the Executive mansion, but these halls. Instability and change in banking operations will necessarily follow. But, sir, the honorable Senator introduces a new feature into the Constitution of this Government. Heretofore, Congress have never been called on to approve, by joint resolution, the selection of deposite banks, or the appointment of public agents. An innovation fraught with more mischief could not, in my opinion, have been proposed to this body. Sir, what will be the inevitable effect? The Secretary of the Treasury will select the deposite banks. He will send them to the two Houses for their approbation. The disappointed bank applicants will besiege these halls to effect a rejection of the nominated institutions, and to substitute their own. A scene of electioneering, deception, perjury, and perhaps worse, will open upon us. Senators from the same State will differ as to the soundness, safety, and ability of the selected banks. The two Houses may differ. Individual members may be tampered with. The golden apple of discord may be thrown within these sacred walls, dedicated to the enactment of salutary laws for the promotion of the public welfare. Who, sir, can contemplate such a state of things without trembling for the consequences upon the purity of the legislative department of this Government? Sir, if it were possible for this substitute to be adopted, the dangerous feature to which I have called your attention ought certainly never to receive the sanction of this body.

Sir, the honorable Senator from Virginia [Mr. RIVES] told the Senate, in a speech delivered here four years ago, that the Bank of the United States had wantonly inflicted distress upon the country, with the obvious design of influencing and controlling your proceedings. If that was the case then, it is much more obvious at this time, that whatever pressure may have caused the suspension of specie payments in May last, no pressure now exists to justify the continuance of the suspension. The design is to control your proceedings. In truth, sir, I have heard and believe, that some of the leading banks, which now refuse to unite in the resumption of specie payments, have determined to persevere in that course, until they coerce this Government into an abandonment of the plan of divorcing itself from the banks as its fiscal agents and depositories. I acquit the banks in the city of New York of that purpose. They have determined to resume. It remains to be seen, Mr. President, whether Congress or the Legislatures of the States are to be corrupted and driven into a base surrender of the political powers of the country, its liberties and independence, into the hands of irresponsible banks? Sir, he must have closed his eyes to passing transactions, who has not lately witnessed the fearful strides of this moneyed power to dominion over the whole legislation of the country. He must have been purposely blind, who has not seen its disastrous influence in obtaining legislative instructions to honorable Senators here, to vote against a measure intended to effect a separation of Bank and State, and essential to the protection of American legislation from the contaminating impurities of bank operations. I deeply regret, sir, to find the honorable Senator from Virginia, of whose purity and patriotism I have never doubted, drawn into an apparent support of bank interests, at the expense, as I think, of the Republican institutions of the nation. The Senator, four years ago, had the firmness to stand up against all the bank clamor and menaces of the day, "and to regard the cause of the Constitution and public liberty as dearer to the American people than the transitory state of the money market." Sir, I quote the language of the honorable Senator on that trying occasion, when I express the hope, that we shall now follow his noble example then. "If we yield to the panic with which we are now assailed, and restore to the banks the deposites which they have justly forfeited," the triumph of these institutions will be complete, and their domination in the politics of the country virtually established. They will alike "overshadow the Government and the people." I thank the honorable Senator for teaching me that phrase. These corporations penetrate every part of the Union, and act in solid phalanx to sustain themselves and each other, and to break down the Government to their purposes. Restrained within their proper bounds; permitted to exercise no influence in the politics and measures of the Government; the connection with them dissolved, they will attend to their appropriate banking duties; they will keep their issues within the possibility of redemption; they will afford moderate facilities and accommodations to their fellow-citizens; their paper will have a value corresponding with that which it professes to represent; and the country, and the institutions of the country, will not find in them an interest adverse and hostile to them. "Sir," said the Senator, on a former occasion, "of all the reforms, social, political, or economical, required by the great interests of the country, that which is most urgently demanded, and which promises, in its accomplishment, the largest results of utility, security, and public benefit, is, beyond comparison, the restoration of the Government to what it was intended by the framers of the Constitution to be, *a hard money Government.*" It is, Mr. President, this reform which we are now striving, to a certain extent, to accomplish; and I am sorry that the honorable Senator from Virginia has so far changed his views, as that we have lost his co-operation towards its accomplishment. That which the Senator then thought more deeply interesting than any other reform to the safety and prosperity of the country, the requirement of the public dues in specie, he now, unfortunately for his friends, considers Utopian and impossible. That which he then thought "an object worthy to engage the most anxious labors of the patriot and statesman," he now denounces as pernicious and fatal to the public interests. He then conjured honorable Senators, with whom he is now co-operating against the hard money system, to leave the Bank of the United States to its fate, and to bring forward their powerful aid in an effort to restore the Government to its true constitutional character and destination —"*that of a simple, solid, hard money Government.*" Now, when we are making the effort to restore the Government to its true constitutional character and destination, the Senator has volunteered against us; has withdrawn from us the aid of his powerful talents; has lent them to the enemies of the "simple, solid, hard money Government," and charges us with "fostering a popular prejudice against banks, as a fund for political speculation, at the expense of all the sober realities of life, and the practical, pervading, and home-bred interests of the country." Sir, I invite the Senator from Virginia to a reperusal of his speech on the removal of the deposites. I appeal from the Senator as he now is, to the Senator as he then was. I regret that the Senator has so often produced the authority of Edmund Burke in support of his views. The name and the fate of that talented man are of evil omen. He commenced his public career as a patriot, of free, liberal, firm, Whig principles. He ended an apostate, a champion of the divine right of kings and queens, and a pensioner upon the administration of his enemies. Sir, the pure mind of the Virginia Senator, educated, as he was, at the feet of the great Gamaliel of Republican learning and liberty, should revolt from deriving its supports, its principles or illustrations, on any occasion, from such a source as Edmund Burke. Another passage of British history is worthy of his profound consideration. Need I name the coalition between Charles James Fox and Lord North, which fixed a lasting stigma upon the character of the illustrious English Commoner? Let the honorable Senator ponder on what may be recorded of these our times by the future historian!

Mr. President, the honorable Senator from Kentucky [Mr. CLAY] has lately taken frequent occasion to remind the majority of this body of their obedience to Executive commands, of their being the household troops, and of prostrating themselves at the feet of the Executive. Such language is disrespectful to the Senate. I do not believe that the Senator intended to insult us. But let me remind him of the period when, in another part of this building, he was the able and eloquent Republican supporter of the administration of James Madison. Let me remind him that he and the majority acting with him were then denounced, by some of his present allies, in language similar to that in which he has permitted himself to indulge towards the Republican majority of this body at this time. Let me tell him of the indignant rebukes which such language called down upon their heads from his lips; and that reminiscence will bring home to him what we ought to feel, and what, I trust, some of us do feel, at his reproaches, even if we have too tamely forborne to give utterance to the indignation which they were so well calculated to excite. In the elevated position which the Senator occupies; in view of that, still more elevated, to which he aspires, I submit that it does not become him to use words which imply as little respect for himself, as to many of those with whom he is associated in legislation.

We have heard much here of pension agents, and of their use of the public money as a compensation for their trouble. Why, sir, this is no new thing. The National Bank performed the duties of pension agents. Did it do so for nothing? No, sir. It performed these and other duties in consideration of the use of the public deposites committed to its charge. Its average annual compensation was at least half a million of dollars.

Much complaint is made, too, concerning the high rates of domestic exchanges. This is no novelty in our pecuniary history. Several times during the existence of the Bank of the United States, the domestic exchanges were in an equally disordered condition. And if my memory serves me, in 1819, in 1825, and when the national debt was about to be finally extinguished, that bank was on the verge of a suspension of specie payments. At the two former periods it was saved by the aid of the Government. At the latter period the bank, to sustain and strengthen itself, induced the European holders of our public debt to retain its evidences in their hands some months, the bank agreeing to pay the interest to them for the time, in consideration of the postponement of their presentation, by which it was enabled to protect itself by the use of the public money so much longer. These facts go to show the importance of separating the Government from all banks, in reference to the safety of the public moneys, and to the general stability of the banking operations and currency of the country.

Sir, the honorable Senators over the way disagree as to the purposes which they ascribe to the Administration and to us. Some of them say that we are for a hard money currency alone. The Senator from Massachusetts [Mr. DAVIS] declares that we mean no such thing; that we are for a Government paper currency. We are not bound, sir, to defend ourselves against these contradictory accusations. Let us do what we may, they are determined to disapprove of this or any other similar measure.

"They do not like it, Doctor Fell,
The reason why they cannot tell;
But this, I'm sure, I know full well,
They do not like it, Doctor Fell."

The bill has been charged with effecting a union of the purse and sword in the same hands. Mr. President, the boldness with which asseverations of this kind are made, in the presence of an enlightened assembly, are truly marvellous. The ministerial custody of the public money has always been committed to the Executive Department of the Government. At all times, under all administrations, whether deposited in banks, or remaining in the hands of receivers and collectors, the Executive or the Treasury Department has had, by law, the general care of the revenue of the nation, when paid in. The measure before us does not, in the slightest degree, vary this principle, which exists now, and existed in the palmy days of the Republic, when Thomas Jefferson was its Chief Executive Magistrate. Nominally, the public money is always in the charge of the Executive. But, according to the bill before us, as under all previous systems, no money can be drawn from the Treasury, except in pursuance of an appropriation by law. The allegation is unfounded, that by this bill the purse and the sword are united in the same hands. The Executive cannot touch any money without an appropriation by Congress. Sir, I have never, in my whole life, seen a measure treated with the want of candor, the misrepresentation, the hardihood of assertion, which the bill before the Senate has experienced from some of its adversaries, from its first inception to the present moment. The purse was never more completely separated from the sword, never more effectually in the hands of Congress, than it will be under the provisions of this bill.

Sir, the honorable Senator from Masschusetts [Mr. WEBSTER] charges the Administration with shrinking from responsibility, with retreating from manly contest, in relation to the subjects of the currency and the public money. I had supposed that if any measure ever proposed by an Executive were marked by a manly sense of responsibility, by a disposition to shrink from no duty, this was that measure. It has been denounced by the Opposition as a bold and daring innovation upon established notions. Is this a shrinking, evasive, unmanly characteristic? But if the honorable Senator means that the Administration shrinks from the responsibility of proposing the establishment of a general paper currency, he is correct. The Administration do shrink from any violation of the Constitution. Sir, you are nowhere authorized by that instrument to establish a national paper currency. Gold and silver, the precious metals, are the only money recognised in the Constitution; and in the use of bank paper at all, this Government has heretofore yielded to circumstances, to a state of things, beyond and without the Constitution, which they could not entirely control. The Senator has been called the great champion of the Constitution. Sir, he is an able lawyer. But he is the great violator of the Constitution, when he requires this Government to establish a national paper currency. Failing to adduce any feasible provision in that instrument to justify such a measure, the Senator appeals to that common sense, of which I wish he had infused a little more into his late speech on this floor, assailing this measure as a system of safes, and vaults, and cells, and caverns, to show that the power, yet undiscovered in the Constitution, ought to be exercised. Sir, I trust that this great confederate Republic may long be saved from such champions of its Constitution as are perpetually seeking in it for some pretext to justify the exercise of a power not granted to this Government. In the speech of the Senator, not much that is tangible, bearing upon the intrinsic merits of this bill, is to be found. It is general declamation. The measure is assailed, not for what it does contain, but for what it does not contain. The Senator undertakes to tell us what public sentiment is, on this subject, in this nation. His predictions may be verified; but if they be, it will be the first time in his political life that he has judged or acted according to the general sentiment of the nation. At one time, he found himself in a majority of this body; but it was in that ill-fated coalition, which here, in this hall, sustained itself so long in defiance of public opinion, and which, now in a minority, is, if we may judge from recent indications over the way, rapidly crumbling to its final dissolution.

In relation to that principle in the bill, which proposes a gradual return to the exclusive reception of gold and silver in payment of the public dues, I incline to the opinion that it will prove salutary. It does not, however, immediately go into effect; and if, by the next session of Congress, it should be found that the banks have resumed specie payments, and have been restored to a sound and safe condition, we may, if it should be deemed expedient, modify or postpone this provision still further at that time. We need not be too tenacious upon this point. The great object, in proposing and supporting this measure, is the divorce of the Government from the banks. That object attained, the Government will cease to be subject to the dangerous power, the importuning influence, the fluctuating operations of the banks. The banks themselves will rely upon their own proper resources, the custom of the merchants, and the confidence of the people, for their support, their business and profits. The people will cease to be perpetually agitated by the fluctuations produced, in a great degree, by the connection between bank and State, between the bank operations and the politics of the country. And our free, civil, and political institutions will no longer be endangered or overshadowed by the combined moneyed and banking power which pervades every part of the Union.

Mr. President, one word more, and I have done. If the bill before the Senate should be rejected, I am well satisfied that no other measure on this subject can, at this time, succeed in this body. The vague and indefinite notions of a special deposite system—special deposites of bank paper, as well as of specie—are only so many crude conceptions of financial and political quackery. They will, I trust, find no sanction here. I concur in the suggestion, advanced on this floor, that we have the alternative of remaining as we are; and that, in my judgment, is the next best alternative to the measure now under discussion.

SPEECH OF MR. CALHOUN,

OF SOUTH CAROLINA,

In Senate, Saturday, March 10, 1838—In reply to Mr. CLAY, on Mr. WRIGHT'S bill.

I rise to fulfil a promise I made some time since to notice at my leisure the reply of the Senator from Kentucky farthest from me [Mr. CLAY] to my remarks, when I first addressed the Senate on the subject now under discussion.

On comparing with care the reply with the remarks, I am at a loss to determine whether it is the most remarkable for its omissions or misstatements. Instead of leaving not a hair in the head of my arguments, as the Senator threatened, (to use his not very dignified expression,) he has not even attempted to answer a large, and not the least weighty, portion; and of that which he has, there is not one fairly stated, or fairly answered. I speak literally, and without exaggeration; nor would it be difficult to establish to the letter what I assert, if I could reconcile it to myself to consume the time of the Senate in establishing a long series of negative propositions, in which they could take but little interest, however important they may be regarded by the Senator and myself. To avoid so idle a consumption of the time, I propose to present a few instances of his misstatements, from which the rest may be inferred; and, that I may not be suspected of having selected them, I shall take them in the order in which they stand in his reply.

The Senate will recollect that when the Senator from Virginia farthest from me [Mr. RIVES] introduced his substitute, he accompanied it with the remark, that it was his first choice, and the second choice of those who are allied with him on this occasion. In noticing this remark, I stated, that if I might judge from appearances, which could scarcely deceive one, the Senator might have said, not only the second, but, under *existing circumstances*, it was their first choice, and that, despairing of a bank for the present, they would support his substitute. Assuming this inference to be correct, I stated that the question was narrowed down, in fact, to the bill and substitute, of which one or the other must be selected. The Senator from Kentucky, in his reply, omitted all these qualifications, and represented me as making the absolute assertion that, in the nature of the case, there was no other alternative but the bill or the substitute, and then gravely pointed out two others—to do nothing, or adopt a National Bank; as if I could possibly be ignorant of what was so obvious. After he had thus replied, not to what I really said, but his own misstatement of it, as if to make compensation, he proceeded in the same breath to confirm the truth of what I did say by giving his support to the substitute, which he called a half-way house, where he could spend some pleasant hours. Nothing is more easy than to win such victories.

Having inferred, as has turned out to be the fact, that there was no other alternative at present but the bill and substitute, I next showed the embarrassment to which the gentlemen opposite to me would be involved, from having, four years ago, on the question of the removal of the deposites, denounced a league of State banks, similar to that proposed to be revived by the substitute. After enlarging on this point, I remarked that, if I might be permitted to state my opinion, the gentlemen had taken a course unfortunate for themselves and the country: unfortunate for them; for, let what would come, they would be responsible. If the bill was lost, theirs would be the responsibility; if the substitute was carried, on them the responsibility would fall; and if nothing was done, they would be held responsible; and unfortunate for the country, because it had prevented the decision of the question at the extra session, which could not have failed to put an early termination to the present commercial and pecuniary embarrassment. This the Senator, in his reply, met by stating that I had called on him and his friends to follow my lead; and thus regarding it, he made it the pretext of some ill-natured personal remarks, which I shall notice hereafter. I never dreamed of making such a call; and what I said cannot be tortured, by the force of construction, to bear a meaning having the least semblance to it.

After making these preliminary remarks, I took up the substitute, and showed that it proposed to make a bargain with the banks. I then stated the particulars and the conditions of the proposed bargain; that its object was to enable the banks to pay their debts, and for that purpose it proposed to confer important privileges; to give them the use of the public funds from the time of deposite to dis-

bursement, and to have their notes received as cash in the dues of the Government. I then asked if we had a right to make such a bargain? The Senator, leaving out all these particulars, represented me as saying that the Government had no right to make a bargain with the banks; and then undertakes to involve me in an inconsistency, in supporting the bill, because it proposes to bargain with the banks for the use of their vaults, as a place of safe-keeping for the public money; as if there was a possible analogy between the two cases. Nothing is more easy than to refute the most demonstrative argument in this way. Drop an essential part of the premises, and the most irresistible conclusion of course falls.

In the same summary and easy mode of replying to my arguments, the Senator perverted my denial that the Government had a right to receive bank notes as cash, into the assertion that it had no right to receive any thing but cash; and then accuses me with inconsistency, because I voted, at the extra session, for the bill authorizing the receipt of Treasury notes in the dues of the Government; as if any one ever doubted that it could receive its own paper, or securities, in payment of its debts. Such are the misstatements of the Senator, taken in their regular order, as they stand in his reply; and they present a fair specimen of what he chooses to consider an answer to my argument. There is not one less unfairly stated, or unfairly met, than the instances I have cited.

The Senator presented two difficulties in reply to what I said against receiving bank notes by the Government, which demand a passing notice before I dismiss this part of the subject. He objected, first, that it was contrary to the provision of the bill itself, which authorizes the receipts of the notes of specie-paying banks for a limited time. To answer this objection, it will be necessary to advert to the object of the provision. By the provisions of the joint resolution of 1816, the notes of specie-paying banks are made receivable in the dues of the Government; and, of course, on the resumption of specie payments, bank notes would again be received by the Government as heretofore, without limitation as to time, unless some provision be adopted to prevent it. In a word, the Government, though separated in fact at present from the banks, is not legally separated; and the object of the provision is to effect the separation as well in law as it is in fact. This it proposes to do by a gradual repeal of the joint resolution of 1816, in order to prevent, as far as possible, any injurious effects to the community or the banks. The Senator, in making his objection, overlooks the broad distinction between the doing and undoing of an unconstitutional act. There are some unconstitutional acts that are difficult, if not impossible, to be undone; such, for instance, as the admission of Louisiana into the Union, admitting it to be unconstitutional, which I do not. There are others which cannot be undone suddenly, without wide-spread distress and ruin; such as the protective tariff, which, accordingly, the compromise act allowed upwards of eight years for the gradual repeal. Such also is the case under consideration, which, under the provisions of the bill, would be effected in seven years. In all such cases I hold it to be not only clearly constitutional for Congress to make a gradual repeal, but its duty to do so; otherwise it would be often impossible to get clear of an unconstitutional act short of a revolution. His next objection was, that the reasons which would make the receipt of bank notes unconstitutional, would also make the China trade so, which he represented as absorbing a large portion of the specie of the country. There is no analogy whatever between the two cases. The very object of specie is to carry on trade, and it would be idle to attempt to regulate the distribution and fluctuation which result from its operation. Experience proves that all attempts of the kind must either prove abortive or mischievous. In fact, it may be laid down as a law, that the more universal the demand for specie, and the less that demand is interrupted, the more steady and uniform its value, and the more perfectly, of course, it fulfils the great purpose of circulation, for which it was intended. There are, however, not a few who, taking a different view, have thought it to be the duty of the Government to prohibit the exportation of specie to China, on the very ground which the Senator atsumes, and I am not certain but that he himself has been in favor of the measnre.

But the Senator did not restrict himself to a reply to my arguments. He introduced personal remarks, which neither self-respect, nor a regard to the cause I support, will permit me to pass without notice, as adverse as I am to all personal controversies. Not only my education and disposition, but, above all, my conception of the duties belonging to the station I occupy, indisposes me to such controversies. We are sent here, not to wrangle, or indulge in personal abuse, but to deliberate and decide on the common interests of the States of this Union, as far as they have been subjected by the Constitution to our jurisdiction. Thus thinking and feeling, and having perfect confidence in the cause I support, I addressed myself, when I was last up, directly and exclusively to the understanding, carefully avoiding every remark which had the least personal or party bearing. In proof of this, I appeal to you, Senators, my witnesses and judges on this occasion. But it seems that no caution on my part could prevent what I was so anxious to avoid. The Senator, having no pretext to give a personal direction to the discussion, made a premeditated and gratuitous attack on me. I say having no pretext, for there is not a shadow of foundation for the assertion that I called on him and his party to follow my lead, at which he seemed to take offence, as I have already shown. I made no such call, or any thing that could be construed into it. It would have been impertinent, in the relation between myself and his party, at any stage of this question; and absurd at that late period, when every Senator had made up his mind. As there was, then, neither provocation nor pretext, what could be the motive of the Senator in making the attack? It could not be to indulge in the pleasure of personal abuse, the lowest and basest of all our passions, and which is so far beneath the dignity of the Senator's character and station. Nor could it be with the view to intimidation. The Senator knows me too long and too well to make such an attempt. I am sent here by constituents as respectable as those he represents, in order to watch over their peculiar interests, and take care of the general concern; and if I were capable of being deterred by any one, or any consequence, in discharging my duty, from denouncing what I regarded as dangerous or corrupt, or giving a decided and zealous support to what I thought right and expedient, I would, in shame and confusion, return my commission to the patriotic and gallant State I represent, to be placed in more resolute and trustworthy hands.

If, then, neither the one nor the other of these be the motive, what, I repeat, can it be? In casting my eyes over the whole surface I can see but one, which is, that the Senator, despairing of the sufficiency of his reply to overthrow my arguments, had resorted to personalities, in the hope, with their aid, to effect what he could not accomplish by main strength. He well knows that the force of an argument on moral or political subjects depends greatly on the character of him who advanced it, and that to cast suspicion on his sincerity or motive, or to shake confidence in his understanding, is often the most effectual mode to destroy its force. Thus viewed, his personalities may be fairly regarded as constituting a part of his reply to my argument; and we, accordingly, find the Senator throwing them in front, like a skilful general, in order to weaken my arguments before he brought on his main attack. In repelling, then, his personal attacks, I also defend the cause which I advocate. It is against that his blows are aimed, and he strikes at it through me, because he believes his blows will be the more effectual.

Having given this direction to his reply, he has imposed on me a double duty to repel his attacks: duty to myself and the cause I support. I shall not decline its performance; and when it is discharged, I trust I shall have placed my character as far beyond the darts which he has hurled at it, as my arguments have proved to be above his abilities to reply to them. In doing this, I shall be compelled to speak of myself. No one can be more sensible than I am how how odious it is to speak of one's self. I shall endeavor to confine myself within the limits of the strictest propriety; but if any thing should escape me that may wound the most delicate ear, the odium ought in justice to fall not on me, but the Senator, who, by his unprovoked and wanton attack, has imposed on me the painful necessity of speaking of myself.

The leading charge of the Senator—that on which all the others depend, and which, being overthrown, they fall to the ground—is that I have gone over; have left his side, and joined the other. By this vague and indefinite expression, I presume he meant to imply that I had either changed my opinion, or abandoned my principle, or deserted my party. If he did not mean one, or all; if I have changed neither opinions, principles, nor party, then the charge meant nothing deserving notice. But if he intended to imply, what I have presumed he did, I take issue on the fact—I meet and repel the charge. It happened, fortunately for me, fortunately for the cause of truth and justice, that it was not the first time that I had offered my sentiments on the question now under consideration. There is scarcely a single point in the present issue on which I did not explicitly express my opinion, four years ago, in my place here, when the removal of the deposites and the questions connected with it were under discussion—so explicitly as to repel effectually the charge of any change on my part, and to make it impossible for me to pursue any other course than I have without involving myself in gross inconsistency. I intend not to leave so important a point to rest on my bare assertion. What I assert stands on record, which I now hold in my possession, and intend, at the proper time, to introduce and read. But, before I do that, it will be proper I should state the questions now at issue, and my course in relation to them, so that, having a clear and distinct perception of them, you may, Senators, readily and satisfactorily compare and determine whether my course on the present occasion coincides with the opinions I then expressed.

There are three questions, as is agreed by all, involved in the present issue: Shall we separate the Government from the banks, or shall we revive the league of State banks, or create a national bank? My opinion and course in reference to each are well known. I prefer the separation to either of the others; and, as between the other two, I regard a national bank as a more efficient and a less corrupting fiscal agent than a league of State banks. It is also well known that I have expressed myself on the present occasion hostile to the banking system, as it exists, and against the constitutional power of making a bank, unless on the assumption that we have the right to receive and treat bank notes as cash in our fiscal operations, which I, for the first time, have denied on the present occasion. Now, I entertained and expressed all these opinions, on a different occasion, four years ago, except the right of receiving bank notes, in regard to which I then reserved my opinion; and if all this should be fully and clearly established by the record, from speeches delivered and published at the time, the charge of the Senator must, in the opinion of all, however prejudiced, sink to the ground. I am now prepared to introduce, and have the record read. I delivered two speeches in the session of 1833–34, one on the removal of the deposites, and the other on the question of the renewal of the charter of the late bank. I ask the Secretary to turn to the volume lying before him, and read the three paragraphs marked in my speech on the deposites. I will thank him to raise his voice, and read slowly, so that he may be distinctly heard, and I must ask you, Senators, to give your attentive hearing, for on the coincidence between my opinions then and my course now my vindication against this unprovoked and groundless charge rests.

"If [said Mr. C.] this was a question of bank or no bank; if it involved the existence of the banking system, it would indeed be a great question—one of the first magnitude; and, with my present impression, long entertained, and daily increasing, I would hesitate, long hesitate, before I would be found under the banner of the system. I have great doubts (if doubts they may be called) as to the soundness and tendency of the whole system, in all its modifications. I have great fears that it will be found

hostile to liberty and the advance of civilization; fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth; a question least explored, and the most important of any in the whole range of political economy, the banking institution has, if not the greatest, among the greatest, and, I fear, most pernicious, influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, great as it might be, of freely and fully offering my sentiments on these deeply important points; but, as it is, I must content myself with the few remarks which I have thrown out.

"What, then, is the real question which now agitates the country? I answer, it is a struggle between the Executive and Legislative departments of the Government; a struggle, not in relation to the existence of the bank, but which, Congress or the President, should have the power to create a bank, and the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves. This league, this association of banks, created by the Executive, bound together by its influence, united in common articles of association, vivified and sustained by receiving the deposites of the public money, and having their notes converted, by being received every where by the Treasury, into the common currency of the country, is, to all intents and purposes, a Bank of the United States, the Executive Bank of the United States, as distinguished from that of Congress.

"However it might fail to perform satisfactorily the useful functions of the Bank of the United States as incorporated by law, it would outstrip it, far outstrip it, in all its dangerous qualities, in extending the power, the influence, and the corruption of the Government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with them the entire money power, for the purpose of speculation, peculation, and corruption, would be placed under the control of the Executive. A system of menaces and promises will be established; of menace to the banks in possession of the deposites, but which might not be entirely subservient to Executive views; and of promise of future favors to those who may not as yet enjoy its favors. Between the two, the banks would be left without influence, honor, or honesty; and a system of speculation and stock-jobbing would commence, unequalled in the annals of our country."

"So long as the question is one between a Bank of the United States, incorporated by Congress, and that system of banks which has been created by the will of the Executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step farther—you must *divorce* the Government and the banking system. You must refuse all connection with banks. You must neither receive nor pay away bank notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors, you have a right to create a bank. Whatever the Government receives and treats as money, is money; and, if it be money, then they have the right, under the Constitution, to regulate it. Nay, they are bound by a high obligation to adopt the most efficient means, according to the nature of that which they have recognised as money, to give to it the utmost stability and uniformity of value. And if it be in the shape of bank notes, the most efficient means of giving those qualities is a Bank of the United States, incorporated by Congress. Unless you give the highest practical uniformity to the value of bank notes—so long as you receive them in your dues, and treat them as money, you violate that provision of the Constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative. I repeat, you must *divorce* the Government entirely from the banking system, or, if not, you are bound to incorporate a bank as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposites not be restored, and the present illegal and unconstitutional connection between the Executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit Government from receiving or touching bank notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin."

Such were my sentiments, delivered four years since, on the question of the removal of the deposites, and now standing on record; and I now call your attention, Senators, while they are fresh in your minds, and before other extracts are read, to the opinions I then entertained and expressed, in order that you may compare them with those that I have expressed, and the course I have pursued, on the present occasion. In the first place, I then expressed myself explicitly and decidedly against the banking system, and intimated, in language too strong to be mistaken, that, if the question was then bank or no bank, as it now is, as far as Government is concerned, I would not be found on the side of the bank. Now, I ask, I appeal to the candor of all, even the most prejudiced, is there any thing in all this contradictory to my present opinions or course? On the contrary, having entertained and expressed these opinions, could I, at this time, when the issue I then supposed is actually presented, have gone against the separation without gross inconsistency? Again, I then declared myself to be utterly opposed to a combination or league of State banks, as being the most inefficient and corrupting fiscal agent the Government could select, and more objectionable than a Bank of the United States. I again appeal, is there a sentiment or a word in all this contradictory to what I have said or done on the present occasion? So far otherwise, is here not a perfect harmony and coincidence throughout, which, considering the distance of time and the difference of the occasion, is truly remarkable, and this extending to all the great and governing questions now at issue?

But the removal of the deposites was not the only question discussed at that remarkable and important session. The charter of the United States Bank was then about to expire. The Senator from Massachusetts nearest to me, [Mr. WEBSTER,] then at the head of the Committee on Finance, suggested, in his place, that he intended to introduce a bill to renew the charter. I clearly perceived that the movement, if made, would fail; and that there was no prospect of doing any thing to arrest the danger I saw approaching, unless the subject was taken up on the broad question of the currency; and that if any connection of the Government with the banks could be justified at all, it must be in that relation. I am not among those who believe that the currency was in a sound condition when the deposites were removed in 1834. I then believed, and experience has proved I was correct, that it was deeply and dangerously diseased; and that the most efficient measures were necessary to prevent the catastrophe which has since fallen on the circulation of the country. There was then not more than one dollar in specie, on an average, in the banks, including the United States Bank and all, for six of bank notes in circulation, and not more than one in eleven compared to liabilities of the banks, and this while the United States Bank was in full and active operation, which proves conclusively that its charter ought not to be renewed, if renewed at all, without great modifications. I saw also that the expansion of the circulation, great as it then was, must still farther increase; that the disease lay deep in the system; that the terms on which the charter of the Bank of England was renewed would give a western direction to specie, which, instead of correcting the disorder, by substituting specie for bank notes in our circulation, would become the basis of new banking operations that would greatly increase the swelling tide. Such were my conceptions then, and I honestly and earnestly endeavored to carry them into effect, in order to prevent the approaching catastrophe.

The political and personal relations between myself and the Senator from Massachusetts [Mr. WEBSTER] were then not the kindest. We stood in opposition at the preceding session on the great question growing out of the conflict between the State I represented and the General Government, which could not pass away without leaving unfriendly feelings on both sides; but where duty is involved, I am not in the habit of permitting my personal relations to interfere. In my solicitude to avoid coming dangers, I sought an interview through a common friend, in order to compare opinions as to the proper course to be pursued. We met, and conversed freely and fully, but parted without agreeing. I expressed to him my deep regret at our disagreement, and informed him that, although I could not agree with him, I would throw no embarrassment in his way, but should feel it to be my duty, when he made his motion to introduce a bill to renew the charter of the bank, to express my opinion at large on the state of the currency and the proper course to be pursued, which I accordingly did. On that memorable occasion I stood almost alone. One party supported the league of State banks, and the other the United States Bank, the charter of which the Senator from Massachusetts [Mr. WEBSTER] proposed to renew for six years. Nothing was left me but to place myself distinctly before the country on the ground I occupied, which I did, fully and explicitly, in the speech I delivered on the occasion. In justice to myself, I ought to have every word of it read on the present occasion. It would of itself be a full vindication of my course. I stated and enlarged on all the points to which I have already referred; objected to the recharter as proposed by the mover, and foretold that what has since happened would follow, unless something effectual was done to prevent it. As a remedy, I proposed to use the Bank of the United States as a temporary expedient, fortified with strong guards, in order to resist and turn back the swelling tide of circulation. With this view, I proposed to prohibit the issue of any note under ten dollars, at first, and after a certain interval, under twenty; and to refuse to receive the notes of any bank that issued notes under five dollars, or that received the notes of any bank that issued less, in order to make a total separation between the banks that should refuse to discontinue the issue of small notes, and the others, in the hope that the influence of the latter, with the voice of the community, would ultimately compel a discontinuance. I proposed that the charter, with these and other provisions that might be devised by a committee appointed for the purpose, should be renewed for twelve years, two years longer than the Bank of England had been, in order to avail ourselves of the experience and wisdom of that great and enlightened nation. All this I proposed, expressly on the ground of undoing the system, gradually and slowly, till a total disconnection should be effected, if experience should show that it could be carried to that extent. My object was double; to get clear of the system, and to avoid the catastrophe which has since befallen us, and which I then saw was approaching.

To prove all this, I again refer to the record. If it shall appear from it that my object was to disconnect the Government gradually and cautiously from the banking system, and with that view, and that only, I proposed to use the United States Bank for a short time, and that I explicitly expressed the same opinions then, as I now have, on almost every point connected with the system, I shall not only have vindicated my character from the charge of the Senator from Kentucky, but shall do more, much more: show that I did all an individual, standing alone as I did, could do to avert the present calamities, and, of course, I am free from all responsibility for what has since happened. I have shortened the extracts, as far as was possible to do myself justice, and have left out much that ought, of right, to be read in my defence, rather than to weary the Senate. I know how difficult it is to command attention to reading of documents; but I trust that this, where justice to a member of the body, whose character has been assailed without the least provocation, will form an exception. The extracts are numbered, and I will thank the Secretary to pause at the end of each, unless otherwise desired.

The Secretary here read the following extract:

"After a full survey of the whole subject, I see none, I can conjecture no means of extricating the country from its present danger, and to arrest its farther increase, but a bank, the agency of which, in some form or under some authority, is indispensable. The country has been brought into the present diseased state of the currency by banks, and must be extricated by their agency. We must, in a word, use a bank to unbank the banks, to the extent that may be necessary to restore a safe and stable currency—just as we apply snow to a frozen limb in order to restore vitality and circulation, or hold up a burn to the flame to extract the inflammation. All must see that it is impossible to suppress the banking system at once. It must continue for a time. Its greatest enemies, and the advocates of an exclusive specie circulation, must make it a part of their system to tolerate the banks for a longer or a shorter period. To suppress them at once would, if it were possible, work a greater revolution, a greater change in the relative condition of the various classes of the community, than would the conquest of the country by a savage enemy. What, then, must be done? I answer, a new and safe system must gradually grow up under, and replace, the old; imitating, in this respect, the beautiful process which we sometimes see, of a wounded or diseased part in a living organic body, gradually superseded by the healing process of nature."

After having so expressed myself, which clearly shows that my object was to use the bank for a time in such a manner as to break the connection with the system, without a shock to the country or currency, I then proceed and examine the question, whether this could be best accomplished by the renewal of the charter of the United States Bank, or through a league of State banks. After concluding what I had to say on the subject, in my deep solicitude I addressed the three parties in the Senate separately, urging such motives as I thought best calculated to act on them, and pressing them to join me in the measure suggested, in order to avert approaching danger. I began with my friends of the State Rights party and with the Administration. I have taken copious extracts from the address to the first, which will clearly prove how exactly my opinion then and now coincide on all questions connected with the banks. I now ask the Secretary to read the extract numbered two.

"Having now stated the measure necessary to apply the remedy, I am thus brought to the question—can the measure succeed? which brings up the inquiry of how far it may be expected to receive the support of the several parties which compose the Senate, and on which I shall next proceed to make a few remarks.

"First, then, can the State Rights party give it their support? that party of which I am proud of being a member, and for which I entertain so strong an attachment—the stronger because we are few among many. In proposing this question, I am not ignorant of their long-standing constitutional objection to the bank, on the ground that this was intended to be, as it is usually expressed, a hard-money Government—a Government whose circulating medium was intended to consist of the precious metals, and for which object the power of coining money and regulating the value thereof was expressly conferred by the Constitution. I know how long and how sincerely this opinion has been entertained, and under how many difficulties it has been maintained. It is not my intention to attempt to change an opinion so firmly fixed, but I may be permitted to make a few observations, in order to present what appears to me to be the true question in reference to this constitutional point—in order that we may fully comprehend the circumstances under which we are placed in reference to it. With this view, I do not deem it necessary to inquire whether, in conferring the power to coin money and to regulate the value thereof, the Constitution intended to limit the power strictly to coining money and regulating its value, or whether it intended to confer a more general power over the currency; nor do I intend to inquire whether the word coin is limited simply to the metals, or may be extended to other substances, if, through a gradual change, they may become the medium of the general circulation of the world."

"The very receipt of bank notes on the part of the Government, in its dues, would it is conceded, make them money, as far as the Government may be concerned, and by a necessary consequence, would make them, to a great extent, the currency of the country. I say nothing of the positive provisions in the Constitution which declare that 'all duties, imposts, and excises, shall be uniform throughout the United States,' which cannot be, unless that in which they are paid should also have, as nearly as practicable, a uniform value throughout the country. To effect this, where bank notes are received, the banking power is necessary and proper within the meaning of the Constitution; and consequently, if the Government has the right to receive bank notes in its dues, the power becomes constitutional. Here lies, said Mr. C. the real constitutional question: has the Government a right to receive bank notes or not? The question is not upon the mere power of incorporating a bank, as it has been commonly argued; though, even in that view, there would be as great a constitutional objection to any act on the part of the Executive, or any other branch of the Government, which should unite any association of State banks into one system, as the means of giving the uniformity and stability to the currency which the Constitution intends to confer. The very act of so associating or incorporating them into one, by whatever name called, or by whatever department performed, would be in fact an act of incorporation.

"But, said Mr. C. my object, as I have stated, is not to discuss the constitutional questions, nor to determine whether the bank be constitutional or not. It is, I repeat, to show where the difficulty lies—a difficulty which I have felt from the time I first came into the public service. I found then, as now, the currency of the country consisting almost entirely of bank notes. I found the Government intimately connected with the system, receiving bank notes in its dues, and paying them away under its appropriations as cash. The fact was beyond my control: it existed long before my time, and without my agency; and I was compelled to act on the fact as it existed, without deciding on the many questions which I have suggested, as connected with this subject, and on many of which I have never yet formed a definite opinion. No one can pay less regard to precedent than I do, acting here in my representative and deliberative character, on legal or constitutional questions; but I have felt from the beginning the full force of the distinction so sensibly taken by the Senator from Virginia, [Mr. LEIGH,] between doing and undoing an act, and which he so strongly illustrated in the case of the purchase of Louisiana. The constitutionality of that act was doubted by many at the time, and among others by its author himself; yet he would be considered a madman who, coming into political life, at this late period, would now seriously take up the question of the constitutionality of the purchase, and coming to the conclusion that it was unconstitutional, should propose to rescind the act, and eject from the Union two flourishing States, and a growing Territory."

I next ask the attention of the Senators, especially from the Northern States, while the Secretary reads the short address to the Opposition, that they may see how distinctly I foresaw what was coming, and how anxious I was to avert the calamity that has fallen on the section where I anticipated it would. I ask the Secretary to read the extract numbered three.

"I next address myself to the members of the Opposition, who principally represent the commercial and manufacturing portions of the country, where the banking system has been the farthest extended, and where a larger portion of the property exists in the shape of credit than in any other section; and to whom a sound and stable currency is most necessary, and the opposite most dangerous. You have no constitutional objection; to you it is a mere question of expediency: viewed in this light, can you vote for the proposed measure?—a measure designed to arrest the approach of events which I have demonstrated must, if not arrested, create convulsions and revolutions; and to correct a disease which must, if not corrected, subject the currency to continued agitations and fluctuations: and in order to give that permanence, stability, and uniformity which is so essential to your safety and prosperity. To effect this may require some diminution on the profits of banking; some temporary sacrifice of interest; but if such should be the fact, it would be compensated in more than a hundred-fold proportion, by increased security and durable prosperity. If the system must advance in the present course without a check, and if explosion must follow, remember that where you stand will be the crater: should the system quake, under your feet the chasm will open that will engulf your institutions and your prosperity."

I regret to trespass on the patience of the Senate, but I wish, in justice to myself, to ask their attention to one more, which, though not immediately relating to the question under consideration, is not irrelevant to my vindication. I not only expressed my opinions freely in relation to the currency and the bank, in the speech from which such copious extracts have been read, but had the precaution to define my political position distinctly in reference to the political parties of the day, and the course I would pursue in relation to each. I then, as now, belonged to the party to which it is my glory ever to have been attached exclusively; and avowed, explicitly, that I belonged to neither of the two parties, Opposition or Administration, then contending for superiority, which of itself ought to go far to repel the charge of the Senator from Kentucky, that I have gone over from one party to the other. The Secretary will read the last extract:

"I am the partisan, as I have said, of no class, nor, let me add, of any political party. I am neither of the Opposition nor of the Administration. If I act with the former in any instance, it is because I approve of their course on the particular occasion; and I shall always be happy to act with them when I do approve. If I oppose the Administration; if I desire to see power change hands, it is because I disapprove of the general course of those in authority; because they have departed from the principles on which they came into office; because, instead of using the immense power and patronage put in their hands to secure the liberty of the country and advance the public good, they have perverted them into party instruments for personal objects. But mine has not been, nor will it be, a systematic opposition. Whatever measure of theirs I may deem right, I shall cheerfully support; and I only desire that they shall afford me more frequent occasions for support, and fewer for opposition, than they have heretofore done."

Such, Senators, are my recorded sentiments in 1834. They are full and explicit on all the questions involved in the present issue, and prove, beyond the possibility of doubt, that I have changed no opinion, abandoned no principle, nor deserted any party. I stand now on the ground I stood then, and, of course, if my relations to the two opposing parties are changed—if I now act with those that I then opposed, and oppose those with whom I then acted, the change is not in me. I at least have stood still. In saying this, I accuse none of changing. I leave others to explain their position, now and then, if they should deem explanation necessary. But, if I may be permitted to state my opinion, I would say that the change is rather in the question and the circumstances, than in the opinions or principles of either of the parties. The Opposition were then and now National Bank men, and the Administration, in like manner, were anti-national bank, and in favor of a league of State banks, while I preferred then, as now, the former to the latter, and a divorce from banks to either. When the experiment of the league failed, the Administration were reduced to the option between a National Bank and a divorce. They chose the latter, and such, I have no reason to doubt, would have been their choice, had the option been the same four years ago. Nor have I any doubt, had the option been then between a league of banks and divorce, the Opposition then, as now, would have been in favor of the league. In all this there is more apparent than real change. As to myself, there has been neither. If I acted with the Opposition and opposed the Administration then, it was because I was openly opposed to the removal of the deposites and the league of banks, as I now am; and if I now act with the latter and oppose the former, it is because I am now, as then, in favor of a divorce, and opposed to either a league of State banks or a National Bank, except indeed as the means of effecting a divorce gradually and safely. What, then, is my offence? What but refusing to abandon my first choice, the divorce from the banks, because the Administration has selected it, and of going with the Opposition for a National Bank, to which I have been and am still opposed? That is all; and for this I am charged with going over—leaving one party and joining the other.

Had some guardian angel, Mr. President, whispered in my ear at the time, "be cautious what you say; this question will not terminate here: four years hence it will be revived, under very different circumstances, when your principles and duty will compel you to act with those you now oppose, and oppose those with whom you now act, and when you will be charged with the desertion of principles," I could not have guarded myself more effectually than I have done. Yet, in the face of all this, the Senator has not only made the charge, but has said, in his place, that he heard, for the first time in his life, at the extra session, that I was opposed to a National Bank! I could place the Senator in a dilemma, from which there is no possibility of escape. I might say to him, you have either forgot or not what I said in 1834. If you have not, how can you justify yourself in making the charge you have? But if you have—if you have forgot what is so recent, and what, from the magnitude of the question and the importance of the occasion, was so well calculated to impress itself on your memory, what possible value can be attached to your recollection or opinions, as to my course on more remote and less memorable occasions, on which you have undertaken to impeach my conduct? He may take his choice.

Having now established by the record that I have changed no opinion, abandoned no principle, nor deserted any party, the charge of the Senator, with all the aspersions with which he accompanied it, falls prostrate to the earth. Here I might leave the subject, and close my vindication. But I choose not. I shall follow the Senator up, step by step, in his unprovoked, and, I may now add, groundless attack, with blows not less decisive and victorious.

The Senator next proceeded to state, that in a certain document (if he named it I did not hear him) I assigned as the reason why I could not join in the attack on the Administration, that the benefit of the victory would not enure to myself or my party; or, as he explained himself, because it would not place myself and them in power. I presume he referred to a letter, in answer to an invitation to a public dinner, offered me by my old and faithful friends and constituents of Edgefield, in approbation of my course at the extra session.

[Mr. CLAY. I do.]

The pressure of domestic engagements would not permit me to accept their invitation, and, in declining it, I deemed it due to them and myself to explain my course, in its political and party bearing, more fully than I had done in debate. They had a right to know my reasons, and I expressed myself with the frankness due to the long and uninterrupted confidence that had ever existed between us.

Having made these explanatory remarks, I now proceed to meet the assertion of the Senator, and I again take issue on the fact. I assigned no such reason as the Senator attributes to me. I never dreamed nor thought of such a one; nor can any force of construction extort it from what I said. No: my object was not power or place, either for myself or party. It was far more humble and honest. It was to save ourselves and our principles from being absorbed and lost in a party more numerous and powerful, but differing from us on almost every principle and question of policy.

When the suspension of specie payments took place in May last, (not unexpected to me,) I immediately turned my attention to the event earnestly, considering it as an event pregnant with great and lasting consequences. Reviewing the whole ground, I saw nothing to change in the opinions and principles I had avowed in 1834, and I determined to carry them out, as far as circumstances and my ability would enable me. But I saw that my course must be influenced by the position which the two great contending parties might take in reference to the question. I did not doubt that the Opposition would rally either on a National Bank, or a combination of State banks, with Mr. Biddle's at the head; but I was wholly uncertain what course the Administration would adopt, and remained so till the Message of the President was received and read by the Secretary at his table. When I saw he went for a divorce, I never hesitated a moment. Not only my opinions and principles long entertained, and, as I have shown, fully expressed years ago, but the highest political motives, left me no alternative. I perceived, at once, that the object, to accomplish which we had acted

in concert with the Opposition, had ceased; Executive usurpations had come to an end for the present; and that the struggle with the Administration was no longer for power, but to save themselves. I also clearly saw if we should unite with the Opposition in their attack on the Administration, the victory over them in the position they occupied would be a victory over us and our principles. It required no sagacity to see that such would be the result. It was as plain as day. The Administration had taken position, as I have shown, on the very ground I occupied in 1834, and which the whole State Rights party had taken at the same time in the other House, as its journals will prove. The Opposition, under the banner of the bank, were moving against them for the very reason that they had taken the ground they did.

Now, I ask, what would have been the result if we had joined in the attack? No one can now doubt that the victory over those in power would have been certain and decisive, nor would the consequences have been the least doubtful. The first fruit would have been a National Bank. The principles of the Opposition, and the very object of the attack, would have necessarily led to that. We would have been not only too feeble to resist, but would have been committed by joining in the attack with its avowed object to go for one, while those who support the Administration would have been scattered in the winds. We should then have had a bank—that is clear; nor is it less certain, that in its train there would have followed all the consequences which have and ever will follow, when tried—high duties, overflowing revenue, extravagant expenditures, large surpluses; in a word, all those disastrous consequences which have well near overthrown our institutions, and involved the country in its preseat difficulties. The influence of the institution, the known principles and policy of the Opposition, and the utter prostration of the Administration party, and the absorption of ours, would have led to these results as certainly as we exist.

I now appeal, Senators, to your candor and justice, and ask, could I, having all these consequences before me, with my known opinions and that of the party to which I belong, and to which only I owe fidelity, have acted differently from what I did? Would not any other course have justly exposed me to the charge of having abandoned my principles and party, with which I am now accused so unjustly? Nay, would it not have been worse than folly—been madness in me, to have taken any other? And yet, the grounds which I have assumed in this exposition are the very *reasons* assigned in my letter, and which the Senator has perverted most unfairly and unjustly into the pitiful, personal, and selfish reason, which he has attributed to me. Confirmative of what I say, I again appeal to the record. The Secretary will read the paragraph marked in my Edgefield letter, to which, I presume, the Senator alluded.

"As soon as I saw this state of things, I clearly perceived that a very important question was presented for our determination, which we were compelled to decide forthwith—shall we continue our joint attack with the Nationals on those in power, in the new position which they have been compelled to occupy? It was clear, with our joint forces, we could utterly overthrow and demolish them, but it was not less clear that the victory would enure, not to us, but exclusively to the benefit of our allies and their cause. They were the most numerous and powerful, and the point of assault on the position which the party to be assaulted had taken in relation to the banks, would have greatly strengthened the settled principles and policy of the National party, and weakened, in the same degree, ours. They are, and ever have been, the decided advocates of a National Bank, and are now in favor of one with a capital so ample as to be sufficient to control the State institutions, and to regulate the currency and exchanges of the country. To join them with their avowed object in the attack to overthrow those in power, on the ground they occupied against a bank, would, of course, not only have placed the Government and country in their hands without opposition, but would have committed us, beyond the possibility of extrication, for a bank, and absorbed our party in the ranks of the National Republicans. The first fruits of the victory would have been an overshadowing National Bank, with an immense capital, not less than from fifty to a hundred millions, which would have centralized the currency and exchanges, and with them the commerce and capital of the country, in whatever section the head of the institution might be placed. The next would be the indissoluble union of the political opponents, whose principles and policy are so opposite to ours, and so dangerous to our institutions, as well as oppressive to us."

I now ask, is there any thing in this extract which will warrant the construction that the Senator has attempted to force on it? Is it not manifest that the expression on which he fixes, that the victory would enure, not to us, but exclusively to the benefit of the Opposition, alludes not to power or place, but to principle and policy? Can words be more plain? What then becomes of all the aspersions of the Senator, his reflections about selfishness and the want of patriotism, and his allusions and illustrations to give them force and effect? They fall to the ground without deserving a notice, with his groundless accusation.

But, in so premeditated and indiscriminate an attack, it could not be expected that my motives would entirely escape, and we accordingly find the Senator very charitably leaving it to time to disclose my motive for going over. Leave it to time to disclose my motive for going over! I, who have changed no opinion, abandoned no principle, and deserted no party; I, who have stood still, and maintained my ground against every difficulty, to be told that it is left to time to disclose my motive! The imputation sinks to the earth with the groundless charge on which it rests. I stamp it with scorn in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the Senator charges on me unjustly, *he has actually done*. He went over on a memorable occasion, and did not leave it to time to disclose his motive.

The Senator next tells us that I bore a character for stern fidelity, which he accompanied with remarks implying that I had forfeited it by my course on the present occasion. If he means by stern fidelity a devoted attachment to duty and principle, which nothing can overcome, the character is, indeed, a high one, and, I trust, not entirely unmerited. I have, at least, the authority of the Senator himself for saying that it belonged to me before the present occasion, and it is, of course, incumbent on him to show that I have since forfeited it. He will find the task a Herculean one. It would be by far more easy to show the opposite; that, instead of forfeiting, I have strengthened my title to the character; instead of abandoning any principles, I have firmly adhered to them, and that, too, under the most appalling difficulties. If I were to select an instance in the whole course of my life on which, above all others, to rest my claim to the character which the Senator attributed to me, it would be this very one, which he has selected to prove that I have forfeited it. I acted with the full knowledge of the difficulties I had to encounter, and the responsibility I must incur. I saw a great and powerful party, probably the most powerful in the country, eagerly seizing on the catastrophe which had befallen the currency, and the consequent embarrassments that followed, to displace those in power, against whom they had been long contending. I saw that, to stand between them and their object, I must necessarily incur their deep and lasting displeasure. I also saw that, to maintain the Administration in the position they had taken, to separate the Government from the banks, I would draw down on me, with the exception of some of the Southern banks, the whole weight of that extensive, concentrated, and powerful interest—the most powerful by far of any in the whole community; and thus I would unite against me a combination of political and moneyed influence almost irresistible. Nor was this all. I could not but see that, however pure and disinterested my motives, and however consistent my course with all I had ever said or done, I would be exposed to the very charges and aspersions which I am now repelling. The ease with which they could be made, and the temptation to make them, I saw were too great to be resisted by the party morality of the day, as groundless as I have demonstrated them. But there was another consequence that I could not but foresee, far more painful to me than all others. I but too clearly saw that, in so sudden and complex a juncture, called on as I was to decide on my course instantly, as it were, on the field of battle, without consultation, or explaining my reasons, I would estrange for a time many of my political friends, who had passed through with me so many trials and difficulties, and for whom I feel a brother's love. But I saw before me the path of duty, and, though rugged, and hedged on all sides with these and many other difficulties, I did not hesitate a moment to take it. After I had made up my mind as to my course, in a conversation with a friend about the responsibility I would assume, he remarked that my own State might desert me. I replied that it was not impossible; but the result has proved that I under-estimated the intelligence and patriotism of my virtuous and noble State. I ask her pardon for the distrust implied in my answer; but I ask with assurance it will be granted, on the grounds I shall put it—that in being prepared to sacrifice her confidence, as dear to me as light and life, rather than disobey, on this great question, the dictates of my judgment and conscience, I proved myself worthy of being her representative.

But, if the Senator, in attributing to me stern fidelity, meant, not devotion to principle, but to party, and especially the party of which he is so prominent a member, my answer is, that I never belonged to his party, nor owed it any fidelity; and, of course, could forfeit, in reference to it, no character for fidelity. It is true, we acted in concert against what we believe to be the usurpations of the Executive; and it is true, that, during the time, I saw much to esteem in those with whom I acted, and contracted friendly relations with many which I shall not be the first to forget. It is also true that a common party designation was applied to the Opposition in the aggregate, not, however, with my approbation; but it is no less true that it was universally known that it consisted of two distinct parties, dissimilar in principle and policy, except in relation to the object for which they had united: the National Republican party, and the portion of the State Rights party which had separated from the Administration, on the ground that it had departed from the true principles of the original party. That I belonged exclusively to that detached portion, and to neither the Opposition nor Administration party, I prove by my explicit declaration, contained in one of the extracts read from my speech on the currency in 1834. That the party generally, and the State which I represent in part, stood aloof from both of the parties, may be established from the fact that they refused to mingle in the party and political contests of the day. My State withheld her electoral vote in two successive Presidential elections; and, rather than to bestow it on either the Senator from Kentucky, or the distinguished citizen whom he opposed, in the first of those elections, she threw her vote on a patriotic citizen of Virginia, since deceased, of her own politics, but who was not a candidate; and, in the last, she refused to give it to the worthy Senator from Tennessee near me, [Judge WHITE,] though his principles and views of policy approached so much nearer to hers than that of the party to which the Senator from Kentucky belongs. But, suppose the fact was otherwise, and that the two parties had blended so as to form one, and that I owed to the united party as much fidelity as I do to that to which I exclusively belonged; even on that supposition, no conception of party fidelity could have controlled my course on the present occasion. I am not among those who pay no regard to party obligations; on the contrary, I place fidelity to party among the political virtues, but I assign to it a limited sphere. I confine it to matters of detail and arrangement, and to minor questions of policy. Beyond that, on all questions involving principles, or measures calculated to affect materially the permanent interest of the country, I look only to God and country.

And here, Mr. President, I avail myself of the opportunity to declare my present political position, so that there may be no mistake hereafter. I belong to the old Republican State Rights party of '98. To that, and that alone, I owe fidelity, and by that I shall stand through every change, and in spite of every difficulty. Its creed is to be found in the Kentucky resolutions, and Virginia resolutions and report; and its policy is to confine the action of this Government within the narrowest limits compatible with the peace and security of these States, and the objects for which the Union was expressly formed. I, as one of that party, shall support all who support its principles and policy, and oppose all who oppose them. I have given, and shall continue to give, the Administration a hearty and sincere support on the great question now under discussion, because I regard it as in strict conformity to our

creed and policy, and shall do every thing in my power to sustain them under the great responsibility which they have assumed. But let me tell those who are more interested in sustaining them than myself, that the danger which threatens them lies not here, but in another quarter. This measure will tend to uphold them, if they stand fast, and adhere to it with fidelity. But, if they wish to know where the danger is, let them look to the fiscal department of the Government. I said, years ago, that we were committing an error the reverse of the great and dangerous one that was committed in 1828, and to which we owe our present difficulties, and all we have since experienced. Then we raised the revenue greatly, when the expenditures were about to be reduced by the discharge of the public debt; and now we have doubled the disbursements, when the revenue is rapidly decreasing; an error, which, although probably not so fatal to the country, will prove, if immediate and vigorous measures be not adopted, far more so to those in power. The country will not, and ought not, to bear the creation of a new debt, beyond what may be temporarily necessary to meet the present embarrassment; and any attempt to increase the duties must, and ought, to prove fatal to those who may make it, so long as the expenditures may, by economy and accountability, be brought within the limits of the revenue.

But the Senator did not confine his attack to my conduct and motives in reference to the present question. In his eagerness to weaken the cause I support, by destroying confidence in me, he made an indiscriminate attack on my intellectual faculties, which he characterized as metaphysical, eccentric, too much of genius, and too little common sense, and of course wanting a sound and practical judgment.

Mr. President, according to my opinion, there is nothing of which those who are endowed with superior mental faculties ought to be more cautious than to reproach those with their deficiency to whom Providence has been less liberal. The faculties of our mind are the immediate gift of our Creator, for which we are no farther responsible than for their proper cultivation, according to our opportunities, and their proper application to control and regulate our actions. Thus thinking, I trust I shall be last to assume superiority on my part, or reproach any one with inferiority on his; but those who do not regard the rule, when applied to others, cannot expect it to be observed when applied to themselves. The critic must expect to be criticized, and he who points out the faults of others, to have his own pointed out.

I cannot retort on the Senator the charge of being metaphysical. I cannot accuse him of possessing the powers of analysis and generalization, those higher faculties of the mind (called metaphysical by those who do not possess them,) which decompose and resolve into their elements the complex masses of ideas that exist in the world of mind, as chemistry does the bodies that surround us in the material world; and without which those deep and hidden causes which are in constant action, and producing such mighty changes in the condition of society, would operate unseen and undetected. The absence of these higher qualities of the mind is conspicuous throughout the whole course of the Senator's public life. To this it may be traced that he prefers the specious to the solid, and the plausible to the true. To the same cause, combined with an ardent temperament, it is owing that we ever find him mounted on some popular and favorite measure which he whips along, cheered by the shouts of the multitude, and never dismounts till he has rode it down. Thus, at one time, we find him mounted on the protective system, which he rode down; at another, on internal improvement; and now he is mounted on a bank, which will surely share the same fate, unless those who are immediately interested shall stop him in his headlong career. It is the fault of his mind to seize on a few prominent and striking advantages, and to pursue them eagerly without looking to consequences. Thus, in the case of the protective system, he was struck with the advantages of manufactures; and, believing that high duties was the proper mode of protecting them, he pushed forward the system without seeing that he was enriching one portion of the country at the expense of the other; corrupting the one and alienating the other; and, finally, dividing the community into two great hostile interests, which terminated in the overthrow of the system itself. So, now, he looks only to a uniform currency, and a bank as the means of securing it, without once reflecting how far the banking system has progressed, and the difficulties that impede its farther progress; that banking and politics are running together to their mutual destruction; and that the only possible mode of saving his favorite system is to separate it from the Government.

To the defects of understanding, which the Senator attributes to me, I make no reply. It is for others, and not me, to determine the portion of understanding which it has pleased the Author of my being to bestow on me. It is, however, fortunate for me, that the standard by which I shall be judged is not the false, prejudiced, and, as I have shown, unfounded opinion which the Senator has expressed, but my acts. They furnish materials, neither few nor scant, to form a just estimate of my mental faculties. I have now been more than twenty-six years continuously in the service of this Government, in various stations, and have taken part in almost all the great questions which have agitated this country during this long and important period. Throughout the whole I have never followed events, but have taken my stand in advance, openly and freely avowing my opinions on all questions, and leaving it to time and experience to condemn or approve my course. Thus acting, I have often, and on great questions, separated from those with whom I usually acted, and if I am really so defective in sound and practical judgment as the Senator represents, the proof, if to be found any where, must be found in such instances, or where I have acted on my sole responsibility. Now, I ask, in which of the many instances of the kind is such proof to be found? It is not my intention to call to the recollection of the Senate all such; but that you, Senators, may judge for yourselves, it is due in justice to myself, that I should suggest a few of the most prominent, which at the time were regarded as the Senator now considers the present; and then, as now, because where duty is involved, I would not submit to party trammels.

I go back to the commencement of my public life, the war session, as it was usually called, of 1812, when I first took my seat in the other House, a young man, without experience to guide me, and I shall select, as the first instance, the Navy. At that time the Administration and the party to which I was strongly attached were decidedly opposed to this important arm of service. It was considered anti-republican to support it; but acting with my then distinguished colleague, Mr. Cheves, who led the way, I did not hesitate to give it my hearty support, regardless of party ties. Does this instance sustain the charge of the Senator?

The next I shall select is the restrictive system of that day, the embargo, the non-importation and non-intercourse acts. This, too, was a party measure, which had been long and warmly contested, and of course the lines of party well drawn. Young and inexperienced as I was, I saw its defects, and resolutely opposed it, almost alone of my party. The second or third speech I made, after I took my seat, was in open denunciation of the system; and I may refer to the grounds I then assumed, the truth of which have been confirmed by time and experience, with pride and confidence. This will scarcely be selected by the Senator to make good his charge.

I pass over other instances, and come to Mr. Dallas's bank of 1814-15. That, too, was a party measure. Banking was then comparatively but little understood, and it may seem astonishing, at this time, that such a project should ever have received any countenance or support. It proposed to create a bank of $50,000,000 to consist almost entirely of what was called then the war stocks; that is, the public debt created in carrying on the then war. It was provided that the bank should not pay specie during the war, and for three years after its termination, for carrying on which it was to lend the Government the funds. In plain language, the Government was to borrow back its own credit from the bank, and pay to the institution six per cent. for its use. I had scarcely ever before seriously thought of banks or banking, but I clearly saw through the operation, and the danger to the Government and country, and, regardless of party ties or denunciations, I opposed and defeated it in the manner I explained at the extra session. I then subjected myself to the very charge which the Senator now makes, but time has done me justice, as it will in the present instance.

Passing the intervening instances, I come down to my administration of the War Department, where I acted on my own judgment and responsibility. It is known to all, that the department, at the time was perfectly disorganized, with not much less than $50,000,000 of outstanding and unsettled accounts, and the greatest confusion in every branch of service. Though without experience, I prepared, shortly after I went in, the bill for its organization, and on its passage I drew up the body of rules for carrying the act into execution; both of which remain substantially unchanged to this day. After reducing the outstanding accounts to a few millions, and introducing order and accountability in every branch of service, and bringing down the expenditure of the army from four to two and a half millions annually, without subtracting a single comfort from either officer or soldier, I left the Department in a condition that might well be compared to the best in any country. If I am deficient in the qualities which the Senator attributes to me, here in this mass of details and business it ought to be discovered. Will he look to this to make good his charge?

From the War Department I was transferred to the Chair which you now occupy. How I acquitted myself in the discharge of its duties, I leave it to the body to decide, without adding a word. The station, from its leisure, gave me a good opportunity to study the genius of the prominent measure of the day, called then the American system, of which I profited. I soon perceived where its errors lay, and how it would operate. I clearly saw its desolating effects in one section, and corrupting influence in the other; and when I saw that it could not be arrested here, I fell back on my own State, and a blow was given to a system destined to destroy our institutions, if not overthrown, which brought it to the ground. This brings me down to the present times, and where passions and prejudices are yet too strong to make an appeal, with any prospect of a fair and impartial verdict. I then transfer this, and all my subsequent acts, including the present, to the tribunal of posterity, with a perfect confidence that nothing will be found, in what I have said or done, to impeach my integrity or understanding.

I have now, Senators, repelled the attacks on me. I have settled the account and cancelled the debt between me and my accuser. I have not sought this controversy, nor have I shunned it when forced on me. I have acted on the defensive, and if it is to continue, which rests with the Senator, I shall throughout continue so to act. I know too well the advantage of my position to surrender it. The Senator commenced the controversy, and it is but right that he should be responsible for the direction it shall hereafter take. Be his determination what it may, I stand prepared to meet him.

INDEPENDENT TREASURY BILL.

SPEECH OF MR. TIPTON,
OF INDIANA.

In Senate, Friday, February 16, 1838.—The Senate having resumed the consideration of the bill imposing additional duties, as depositaries, on public officers, in certain cases, etc. the question being on Mr. RIVES's substitute for the bill—

Mr. TIPTON said nothing but the peculiar position which he was compelled to occupy before the country on the question now under debate here, could have induced him to obtrude himself on the notice of the Senate. This consideration (said Mr. T.) obliges me to claim your indulgence, while I briefly present the reasons which incline me to

vote against the bill under consideration, and to prefer the proposition brought forward by the honorable Senator from Virginia, (Mr. RIVES.) In the remarks I am about to make, (said Mr. T.) I shall confine myself to the subject before the Senate, and shall not wander from it to discuss the politics of the country.

The Sub-Treasury bill, sir, provides for a separation of the Government, in is fiscal operations, from all banks; and, after a short period, prohibits the receipt of bank paper in payment of public dues, and enacts that all debts due the United States shall thenceforward be paid in hard money. Believing, as I do, that these measures, if adopted, will be injurious to the country, I cannot sanction them with my vote. Since their rejection at the extra session, I have carefully noted the expressions of public sentiment in different quarters of the country, and consider them as having been condemned by the people themselves, as well as by their representatives at the other end of the Capitol. In every State where there has been a legislative expression of opinion, that expression has, with one exception, been against them. The Sub-Treasury has friends of much respectability in the State represented here by my colleague and myself; but they are in the minority. The suspension of specie payment by the banks, and the assaults made on all banks and banking, have rendered these institutions unpopular; but the Sub-Treasury is more so.

While the late Bank of the United States existed, the Government managed its fiscal concerns through that institution with great facility, and without loss. No country ever had a better currency than that institution and the State banks of that day furnished us. Those who wanted hard money could easily procure it, and the exchanges were reasonable and safe. The paper of the United States Bank was at par every where, and convertible at the will of the holder into gold and silver, but preferred by most people to either. After the downfall of that bank, the Secretary of the Treasury, by an act of Congress of the 23d of June, 1836, was directed to select a suitable number of the banks chartered by the Legislatures of the States and Territories, and of the banks of the District of Columbia, as depositories of the public money. He was prohibited from depositing in any bank that did not pay specie for its notes, or that should, after the 4th day of July, 1836, issue or pay out notes or bills of a less denomination than five dollars. This last was an excellent provision. By excluding small bills, a large proportion of the precious metals would be infused into the circulation. When the banks suspended specie payment, all connection between them and the Government was dissolved, except that the Government retained the right to enforce the collection of the public money remaining in the vaults of the deposite banks. The suspension of specie payments by the banks embarrassed the pecuniary operations of the Government, produced a stagnation of business of every kind, and we hear the question asked every day, what is to be done to restore a sound currency? All eyes are anxiously looking this way to see what course the General Government will pursue. What are the people and the banks to expect from this quarter, provided the banks again begin and continue in good faith to redeem their paper with gold and silver? Will bank paper be received in payment of the public dues, or will the Government persist in demanding and enforcing the payment of gold and silver for public land in the West, and permit the receipt of bank paper in payment of public dues in the East, thereby discriminating between the currency used by the people on the east and west side of the Alleghany mountains, or will Congress endeavor to establish and maintain a uniform currency? On these points, so vastly important to the people, I conceive it very desirable that Congress should decide at an early day. The amendment of the honorable Senator from Virginia holds out strong inducements to the banks to resume specie payment, and I cannot doubt the ability of the banks to do so, provided confidence is restored. It is not so much a lack of means as of confidence, of knowledge respecting the intention and future action of the General Government, that prevents them from paying specie for their paper. If the General Government will, by law, make the paper of specie-paying banks receivable in payment of public dues, and if these institutions are but properly managed, their paper will furnish a sound currency. I am aware, sir, that gentlemen, high in the confidence of the country, whose opinions have great weight with the people, are in favor of a hard money currency. Entertaining different views, I will give my vote in favor of the State bank system. If adopted, it will restore confidence, and relieve the embarrassments under which the business of the country languishes. But if the amendment is rejected by the majority, then to that majority we shall look to give us a sound currency. It seems a battle is to be fought between the supporters of an exclusive metallic and those of a mixed currency; that is, *hard money, and paper issued on a metallic basis, and convertible, at the will of the holder, into gold and silver.* I contend that it is not practicable, at this age of the world, to introduce the former. I am for returning to that currency under which our country has prospered in times gone by. Should the supporters of the hard money system succeed in introducing it, to the exclusion of all paper, so great a diminution of the money in circulation will injuriously affect the business of our country. Instead of a currency of over $400,000,000, we shall have less than $80,000,000 of hard money as the measure of value of all our property. Should we drive bank paper from circulation, it will increase the demand for precious metals, and thus raise the standard value of gold and silver, and proportionably depress the value of property of every description. No civilized nation has, at any age of the world, been able to dispense with some measure of value. The gold bill of 1834, by raising the standard value of gold, forced into our country a larger portion of the precious metals than our share, in proportion to the quantity in the commercial world; it has made but a short stay with us; the payment of our foreign debt, and the natural course of trade, forced it out again; it is now in demand, and at a premium. We have heretofore gone on very well and prosperously with a mixed currency; but the West does not produce the precious metals. And if hard money be established as the currency, we must depend on the gold region of the South, or go beyond seas for it. If the Western people are compelled to raise hard money to pay their taxes, and for all the other purposes of life, they will be compelled to sacrifice their produce and manufactures in the Southern market for whatever the purchaser may see fit to give them in hard money. I put this question to honorable members: is it possible to establish and maintain, for any length of time, two currencies—one for the General, and one for the State Governments? Or, if you please, one for the General Government and one for the people?

Whatever currency is received in payment for the public lands in the West, and for public dues in the East, should be the standard currency to pay debts among the people, and taxes to the States.

I call on the advocates of the hard money system who have been for years ringing the sound of *words*, not of hard money, in our ears, to come forward and tell us where this hard money is, or whence it is to come, to supply the place of bank paper and credit, which they are striving to drive out of existence? Do gentlemen who cry out against all banks and credit really and seriously think of putting down all banks? I beg them to reflect what the consequences will be; what bank credit and enterprise have done for our country. Did not the great State of New York resort to her credit and banking to carry on her canals? She has demonstrated what a single State, by wise counsels, energy, and enterprise, could effect in the successful completion of a work that has never been excelled in any age of the world. She has connected the great lakes with the Atlantic by the North river, and divided the Northwestern trade with the British Empire. And are not the States of Ohio, Indiana, and Illinois, with other States West and South, at this time selling State stocks, which is nothing more nor less than borrowing money to carry on similar works on their own credit? South Carolina, Kentucky, and my native State, Tennessee, are vesting incorporated companies with banking privileges, to enable them to raise funds to carry on their gigantic railroad from Charleston to the Ohio river; and will those who represent those States here, injure the credit of those banks by refusing to receive their paper in payment of the public dues?

I esteem this enterprise as worthy of the age we live in, and sincerely hope it will redound to the honor of the master spirits engaged in it, and enrich the States through which it passes. I complain of no Senator for his course here; but when I see honorable members who share so large a portion of the nation's confidence waging an interminable war against all banks and credit in one breath, and in the next urging their own States to charter banking companies to carry on public improvements which are deemed of too great magnitude for individual enterprise, I confess that I cannot understand them. Should Congress determine that hereafter nothing but gold and silver shall be used as a currency by the General Government, you will drive bank paper out of circulation, increase the value of the precious metals five times their present value, diminish, in an almost incalculable ratio, the means of carrying on those works, and depress the price of property to the same extent. No one acquainted with political economy will deny that a diminution of the currency of a State will check improvements, and derange the business of society. This was the case in 1819, and will follow now, should we drive bank paper from circulation, and leave no other currency than the small amount of precious metals now in the country. A reduction so rapid and extensive cannot fail to produce general distress. By driving bank paper out of circulation, every interest in society will be seriously affected; property of every kind will decrease in value; the relation between debtor and creditor will be entirely changed, and the change will be ruin to the debtor. The amount of property necessary to discharge his debts, under this new state of things, will greatly exceed that which he received from his creditor. Enterprise of every kind will sustain a shock, and misery and distress pervade all classes of the community.

Property or labor which is now worth five dollars will not then command one dollar. Dare we vote eighty per cent. off the value of the property of our constituents? I cannot assume so fearful a responsibility. I know gentlemen will tell us they have no idea of injuring the banks; very far from it; they just wish to separate the Government from the banks in its fiscal operations; that the Government may go on and use hard money, and drafts drawn by Government officers, and that the banks can get along very well on their own resources. Sir, you may as well tell me that a good physician can draw the last drop of blood from the human system, and still continue life and animation, as that bank paper will circulate as a currency for all other purposes, when it is rejected by the Government in payment of public dues. If bank notes are refused in payment for public lands in the West, those who wish to buy lands will take the notes, draw the specie from the banks, and pay it into the land offices. It will pass into the United States Treasury, and thence into the pockets of the office-holders, to be sold out by them at a premium to the purchasers of the public lands. In commercial cities, where duty bonds are to be paid, hard money must be had to pay them, no matter what it may cost, and the cost falls on the consumer; for neither the importing merchant nor the Government will bear the loss. I have stated that, by increasing the demand for specie, you depress the price of property and labor; and, sir, by paying the office-holders their salaries in gold and silver, you increase them to double what they were, and the people bear the additional burden. The Shylock who has hoarded a few hard dollars, and owes no debts, will, under this new order of things, be enabled to purchase the best property in our cities, or the most valuable farms in the country, for one-tenth of their cost to the present owners; thereby doubling his thousands at the expense of the unfortunate debtor. All writers on political economy agree that the demand for currency is greater than the precious metals can supply, without depressing the price of all the

products of human labor. We should not forget that production is regulated by demand, and that both are affected by the amount of currency, compared with the number of articles to be exchanged through its agency. It will readily be perceived that an increase of the currency of a State by the substitution of paper, even when convertible into coin, gives vigor to productive industry, and will increase the quantity of exchangeable commodities beyond what would otherwise have existed. Under these circumstances, the sudden rejection of paper currency, as proposed by the Sub-Treasury bill, cannot fail to derange all the business of the country, by diminishing the quantity of currency, whilst the articles to be exchanged through its agency will suffer no diminution.

The currency of this country has been greatly increased within the last ten years, by the employment of paper, founded, it is true, originally on a metallic basis. Within the last year this paper has ceased to be convertible into specie, and as in many instances no systematic effort was at first made to prevent excessive issues, paper soon became redundant, and, consequently, decreased in value. Notwithstanding the present depreciation, there can be no doubt that public works have been commenced by States, and that the prudent and industrious part of the community have been aided by the increase of the currency far beyond what would have taken place had we been confined to a hard money currency alone.

Efforts are now being made by the banks to resume specie papments. They are rapidly diminishing the amount of paper in circulation. It will be foreseen that the relative value of money will increase, and, of course, that all other articles must decrease. This increase in the value of money will be followed by a fall in the price of all articles that cannot be exported to places where money is more abundant. And, in the progress of these operations, the price of exportable articles will also be affected by the reduction of the currency, and the quantity of exchangeable articles will also be diminished. While currency is evidently increasing in value, the manufacturer will not hazard his capital in producing articles, the price of which is declining; manufactured goods of various kinds will have to be imported from abroad, at prices demanded there, where money is more plenty, and which, of course, cannot be afforded as cheap as if manufactured at home. The merchant dare not purchase his usual supply of fresh goods while exchanges are high, and the danger of being compelled to part with them at reduced prices is staring him in the face. Under these circumstances, all the money in the country will be required to pay debts already contracted. No one will embark in enterprises of any kind until this currency question is settled. To effect this desirable object, the joint action of the General and State Governments is requisite. The States are doing their part, by correcting the errors that have crept into the management of their banking institutions, and preparing to pay specie for their paper. If the General Government will honor the paper of the specie-paying banks of the States by receiving it in payment of public dues, confidence will be restored, and business revived. In currency, like all the business of life, no matter what we possess, the possession affords but little enjoyment without confidence.

I am opposed to any further experimenting on the currency, and wish to restore things to what they were a few years ago. The paper system, as gentlemen call it, is not new to us; it has existed, in some form, from the foundation of the Government. The value of property, of labor, of provisions, of every commodity in all the business of life, has relation to ths paper credit system, and how are we to get clear of it at this late day? Our roads, our canals, all our public works, are constructed on credit. Why should it create surprise if we sustain the credit system? We know that it is sometimes liable to abuse; but, hoping to profit by experience, and to correct the evils complained of, we cannot give it up. The Legislatures of many of the States are now in session; every mail brings us news of steps taken by them to investigate the condition of the banks, and guard against future abuses in their management. Our banks want but judicious kindness, or, I might say, the justice, of this Government extended to them, to enable them to do all that their friends can expect of them, to wit: furnish a sound currency.

Without bank credit it would have been impossible for the new States of the West to grow and increase in wealth, population, and business, as we know they have done between the years 1820 and 1832. Prior to 1820 the public lands were sold at a credit. In that year the cash system was adopted. Emigrants from the old States to the West were generally poor and destitute of means to pay for public land. While the Government sold its land on credit, the purchasers bought on credit; but when the system was changed to cash payment, they borrowed money from the banks, bought lands from the United States, improved them by their own industry, and when they raised a surplus of produce on their farms, they sold that surplus in the markets of the lower country, paid their bank debt, and became independent citizens of the country. Thousands now own land, who, had it not been for bank credit, probably never would have been able to purchase a permanent home for their families. Equally beneficial has bank credit been to the planters of the Southern States; their practice, I am told, is to draw on the banks in favor of their merchants at Natchez or New Orleans, payable in six months, and depending upon the return of their crops to pay their bank drafts. By these means they stock their plantations with hands, farming utensils, and provisions. This gives a spring to the planting interest, by which millions are realized. The Western States of Ohio, Kentucky, Indiana, and Illinois, want money of equal value every where. The farmers and graziers of these States vend their supplies in the lower country markets. It is important that they should receive money which will not decrease in value every step they take on their return to their homes. There they have to pay this money to the merchants who purchase their goods in the Eastern cities, and it is of the utmost importance that the money thus received in New Orleans should answer the purpose of the merchant to pay for his goods in New York.

In 1834-5, while our banks were in favor with the General Government, all went on harmoniously. The President, in his messages, and the Secretary of the Treasury, in his reports, were extolling these institutions to the skies for the ability and fidelity with which they transmitted and disbursed the public revenue, and regulated exchanges: the banks were prosperous, and our country flourished. The banks were encouraged by the Executive to grant commercial facilities; they did so, in some instances, imprudently, no doubt, but unfortunately they incurred the displeasure of this Government, and what followed? Why, sir, the Treasury order of the 11th of July, 1836! This order created alarm for the safety of the banks; the note holders lost confidence in them; a rush was made upon them for hard money to pay for lands; and they, in self-defence, closed their doors; and by no one should they be blamed for so doing. Should the banks open their vaults and pay specie for their notes in the present unsettled state of the public mind and of the business of the country, they might continue for a few days, perhaps weeks, when the last dollar would be drained from their coffers, and they be compelled to close their doors for ever. Embarrassments will occasionally happen in every country, from which it requires an effort of the people and wise legislation to extricate them. We were overtaken by similar embarrassments in our country soon after the last war, from which we were relieved by the joint efforts of the General and State Governments operating on the currency. It will not be denied that the Bank of the United States was on the very verge of ruin in 1819, in consequence of the commercial and fiscal embarrassments of that day. A committee of Congress investigated its concerns; and by the report made to the House of Representatives by Mr. Spencer, of New York, on the 24th day of February, 1820, both the people and their representatives were informed of the true condition of that institution. A reform in the management of the bank took place; the favor shown it by the General Government restored it to the confidence of the people; and from that period to the expiration of its charter, the paper of that institution and of the State banks, furnished us both a safe and convenient currency at par every where, from Boston to New Orleans, and convertible, at the will of the holder, into specie. Western people, who sold their produce in New Orleans, received in payment the paper of the Bank of the United States, which was at par in all the western States and the eastern cities. It is a return to such times and such a currency that I advocate. The United States Bank charter has expired. We must now depend on the small quantity of precious metal that, in the course of trade with other nations, would fall to our share, (and that is about $75,000,000,) or upon the paper issued by the State institutions, or both, to supply the place of the United States Bank paper. If our banks are properly conducted and favored by the General Government, their paper will supply the people of each State with a sound and convenient currency; but if the Executive and Congress set their faces against the State institutions, they will destroy them.

If the Sub-Treasury bill should become a law, you will first lock up $40,000,000 of this public revenue from circulation: secondly, by the rejection of bank paper, you will force an unnatural collection of the whole amount of the revenue in hard money. It goes into your Sub-Treasury, and cannot be used as currency by the people until it passes to them through the hands of the public officers. By thus withdrawing from circulation the revenue of the United States, amounting to forty-eight millions, you will so diminish the quantity of currency as to depress the price of property and labor to less than one-fifth its present value.

The revenue of the United States, amounting to forty-eight millions of dollars, has heretofore been kept and disbursed through the agency of the banks, and formed no inconsiderable part of the currency. The question now to be determined is, by whose agency shall these operations be conducted hereafter? The Senator from New York (Mr. WRIGHT) is for the Sub-Treasury; the honorable member from Virginia (Mr. RIVES) is for the State bank system. I have the most profound respect for the judgment and sagacity of the gentleman from Virginia, but I cannot place the same unbounded confidence in the ability of the State banks to regulate exchanges, both foreign and domestic, that he does. Of the integrity and ability of a majority of them to redeem their paper I have no doubt; but it is contrary to the nature of things to suppose that twenty or thirty State institutions, each independent of the other, acting under different boards of directors, consulting the interests of different stockholders and different sections of the country, each possessing principles, in some measure, antagonistical to the others, can, with the same facility, transmit and disburse the public revenue as we have seen was done by the late Bank of the United States. Should one of our planters or farmers, on making sale of their produce at New Orleans for hard money, place it in deposite in the State Bank of Louisiana, (for instance,) and be compelled to purchase a draft on Charleston or New York, he would have to pay a premium. The Bank of Louisiana would be able to draw a draft on any place within the limits of that State, but it is contrary to the nature of things to suppose it would have funds or credit, on which it could draw, at Charleston, Louisville, or Boston, without charging higher rates of exchange than the Western people formerly paid when the Bank of the United States existed. The Senator from Virginia thinks there was no failure in the State banks to answer all the purposes of depositories.

When the question of regulating the deposites the public money with the State banks, and of distributing the surplus revenue among the States, was before the Senate at the first session of the 24th Congress, I opposed the provision for regulating the deposites in the State banks. These propositions, however, were connected, and we had to take that part of the bill regulating the deposites with the State banks, to get the distribution part through the Senate. After many fruitless attempts, by the friends of distribution, to separate these pro-

positions, I voted, under duress, for the bill as it became a law. We now have to determine between the State banks and the Sub-Treasury, as depositories of the public money. The former is preferred for two reasons: 1st. The banks are organized under authority from the States; the people have vested a portion of their capital in these institutions; they depend on their paper to supply them a sound currency; the legislation of Congress has much influence on the credit of these institutions, especially in the Western States, where the General Government is the great land-holder. The Western people, to use their own language, want land office money; money that is not receivable in the land offices is always from five to ten per cent. below par. 2d. The Sub-Treasury is new and untried, and it contemplates the rejection of bank paper in payment for public dues. Should this be adopted, it will diminish the currency, destroy all confidence in banks and credit, cripple agriculture and commerce, and every other interest in society in the Western States.

The Western people are the carriers between the North and the South; they sell their produce in the South, and buy goods in the Northeast; it is evidently their interest that exchanges should be moderate, and money of equal value at both these points. We should not think it strange to find that the large States in the East feel but little interest in reducing the rate of exchanges. New York has her safety fund banking system; Pennsylvania her United States Bank; Virginia, too, has her banks. All these States have large commercial cities, with seaports and harbors, into which foreign goods are imported, and from which they ship their produce or manufactured articles to foreign countries. All their business can be transacted within their own limits, and with the paper of their own banks. But how stands the case with the Western merchant? He has no port of entry, into which foreign goods are imported. If compelled to make his payments in hard money, the transportation to the Eastern cities will be at least 5 per cent.; should he offer paper of our most solvent Western banks, he must go to a broker and have them shaved from 8 to 12 per cent. to procure New York currency. If the Western members of Congress propose a measure that will cheapen the rate of exchanges, they have to contend against Eastern wealth and influence, and to combat the powerful delegations in Congress from all the Eastern States of the Union. I do not contend that the proposition of the Senator from Virginia is the best that could be offered, but we must take it as preferable to the Sub-Treasury bill. One is to sustain and the other to destroy the State institutions.

The Senator from Connecticut (Mr. SMITH) asked, what right have the State banks to demand support from this Government? Are they, said he, under the control of the General Government? True, sir, these institutions are not under the immediate control of the General Government; they are the property of the people of the different States. We here represent the States, and I have always understood it to be the Democratic doctrine that the representative was amenable to the constituent for his conduct. The General Government is clothed by the Constitution with power to make war, to conclude treaties, to levy and collect taxes. This Government collects and disburses the revenue of the nation, and is answerable to the people and the States, and will be by them holden to strict accountability for the manner in which these high trusts are discharged.

The Senator from South Carolina, (Mr. CALHOUN,) to alarm our fears, said this combination of banks, with Mr. Biddle's bank at their head, will be a mighty engine of power, and will rule the country. I ask him to answer this question: Will these twenty-five or thirty local banks, to be selected by the Secretary of the Treasury, with the approbation of Congress, and to be discontinued at the pleasure of Congress, be a more dangerous engine of power than the late Bank of the United States or the State banks were? The Bank of the United States was put down by the consent of the people, and the deposite banks are prostrate at the feet of the General Government as the State banks were in 1814, when life and vigor was restored to the State institutions by the General Government.

The honorable member told us that confidence could not pay seventy-five millions of debt. From the course of his reasoning I understood him to contend that banks have no substantial capital on which their issues are based. Does he not know that banks, established under charters from the States, must have a capital consisting of gold and silver actually paid into their vaults before they can issue a dollar of paper to circulate as money? No bank notes are put in circulation but upon notes of individuals, drawn and endorsed by men known to the bank directors to be both solvent and trustworthy. Will the Senator contend that a single Treasury officer is a safer depositary for the public treasure than a banking company, composed of a president and directors, who are interested in sustaining the solvency and credit of the institution under their charge? Or is he satisfied that the public money, in deposite with the Bank of Indiana, would be safer were it deposited with a half dozen receivers of public moneys in the land offices of that State? The Bank of Indiana had a capital of two millions of dollars in specie. At the time of the suspension of specie payment its issues were about two and a half to one; since the suspension it has reduced its liabilities over eight hundred thousand dollars. At the time of suspending specie payment it had near a million of public money in its vaults. Notwithstanding the suspension, that bank continues to pay all the drafts drawn on it by the Secretary of the Treasury, either in hard money or in other par funds acceptable to the holders of the Treasury draft. It has reduced its deposites to about four hundred thousand dollars; and this sum, I assure you, will be promptly paid when called for. The public deposites have rather injured than benefited that institution. I am not an advocate for continuing the public deposites in that bank, but I will not consent to see the United States refuse its paper in payment for public dues.

The State Bank of Indiana can and will resume specie payment as soon as any other western bank will resume. I have before me a report of the condition of that bank on the 20th of last month, by which it is shown that on that day its bills and notes discounted amounted to $3,536,441 20; gold and silver in bank $1,223,911 69; circulation $2,322,200; excess of circulation over gold and silver is $1,099 288 31. The State owns half the capital of the bank, and is bound for the redemption of its paper. The property of the directors is also bound. You will perceive that the State, the private fortunes of the directors, and the capital of the bank, as well as the security for individual notes and bills discounted, are are all bound for payment of the public money deposited in that bank. Will gentlemen contend that a Sub-Treasury officer is a safer depositary for the public treasure than a bank thus constructed? I think not. They will tell us that banks will speculate on the public money. I tell them that Treasury officers are quite as liable to these temptations as those who have the management of our State banks. By the bill under consideration it is made the duty of the Secretary of the Treasury to cause the books and money in possession of your Sub-Treasury officers, to be examined once in each year. This will require the appointment of swarms of agents of the Treasury, to travel into every quarter of the country, and they must be paid from the Treasury for their services. It is plainly to be seen that the bill, should it become a law, provides for quartering on the Treasury swarms of officers and agents of the General Government, which, if not quite so numerous as the locusts were in Egypt, we have reason to fear will prove as sore a scourge to us as the locusts were to the Egyptians.

The Senator from South Carolina (Mr. CALHOUN,) contends that banks will issue on the public deposites to advance the interests of the stockholders, and contract their issues to facilitate speculations. This was the case with the Bank of the United States, as shown by the report which I alluded to some time ago, and it may again happen if not prevented by those whose duty and interest required them to preserve the credit of these institutions. I have a cure, sir, for all these evils, by keeping the State banks to a constant and rigid accountability by weekly settlements, making it the duty of the deposite banks to settle their accounts at the close of each week, allowing them to collect the balances due from debtor banks in specie, and compelling them to place the balance due to the Government to its credit as so much specie on special deposite. If this course is adopted, it will effectually prevent banks from issuing on the public deposites.

The directors of the banks are generally men of the first standing in society, who have both reputation and private fortune at stake, and if brought up to rigid accountability, will not touch your public moneys, unless it be to receive them on special deposite, and charge for the risk and safe-keeping, and to pay them over when called for.

The Senator from South Carolina pronounced the proposition of the member from Virginia to be unconstitutional, and had passages read from the Constitution of the United States to sustain his position. I will not detain the Senate to give another version of that instrument: let every one read and understand that instrument for himself. I am at a loss for words to express my astonishment when I heard this declaration boldly made on the floor of the Senate, by the champion of the United States Bank, and of the paper system of 1816. What was constitutional, expedient, and proper with him then, is unconstitutional now. He must surely have been right at one time. How is this to be reconciled? I leave the honorable member to explain this position, among others. In 1816, the people confided in his judgment, and were not disappointed. But, sir, he is asking too much if he expects the people to follow and confide in him upon every occasion when he may see fit to change his political course. I hope he will not take it unkind in me if I tell him, that he, like the banker makes too heavy drafts on his capital; we cannot longer honor them; we are constrained to withdraw that confidence we reposed in him in times gone by. He is, on this question, on the side of the Administration, and I take the other side, believing that sound policy and the interest of the State I serve require me do so.

With regard to the banks of the District of Columbia I need say but a word. Other Senators are better acquainted with them than I pretend to be, and will in due time inform us. I have been favored with a statement of the condition of one of these institutions, which is to be satisfactory. Although it does not appear to be doing a very extensive and profitable business for the stockholders, it has given the best proof that it was equal to the emergency. This institution, I learn, was ready and willing to pay specie for its paper last June, within one month after the suspension, but it was thought best to wait, and see what other banks would do. It resumed on the 1st of September, and continues to pay specie for its notes. The officers of this bank are entitled to the thanks of this community, and the Bank of Washington deserves a renewal its charter. Those who have conducted it through the late storms have given proof of what prudent and honest men can do, whose object is rather to be useful to a whole community than to act on the selfish principle of monopolizing wealth to stockholders, at the expense of the community. They seem to have been governed more by principle than by interest.

I cannot support the Sub-Treasury bill without its friends will make some important alterations; and the first alteration that I desire, if the bill is to become the law of the land, is a provision to receive the paper of specie paying banks in payment of public dues.

I am aware that by separating from a majority of the political party with which I have acted, and intend to act, where I can, separating from them only where I must, I subject myself to misapprehension, and, of course, to be misrepresented by those who do not understand me. I am not alone. Others, who share a much larger portion of the people's confidence than has fallen to me, think and will act as I do. The small band of Conservatives, often referred to in this debate, have taken the ground pointed out by an approving conscience,

trusting to the approbation of our constituents, which we value much higher than party.

While on the subject, I hope the Senate will bear with me while I say a word in relation to myself. I do not owe my place here to party or party organization; before I was appointed to a seat on this floor, I made known to those who held the appointing power, in terms that could not be misunderstood, and will not now be controverted, that my views on banks and the currency were essentially different from those of the Chief Magistrate of that day. In separating from the late or present Administration on the currency question, I claim exemption from party trammels.

I trust I have said enough to show that the system of State bank deposites is preferable to the bill reported by the committee; and having very briefly touched on some of the topics before the Senate, I will close my remarks.

REMARKS OF MR. RUSSELL, OF NEW YORK,

In the House of Representatives, January 9, 1838 — On the question ordering the bill for the relief of the heirs of Robert Fulton to a third reading.

Mr. RUSSELL said, having been a member of the Committee of Claims, which had reported this bill to the House, and not having been able to concur with that committee in that report, he felt himself called on to give to the House the reasons for his dissent. This bill proposes to give to the heirs of Robert Fulton the sum of *one hundred thousand dollars*, for services alleged to have been rendered by Mr. Fulton to the United States, and for the detention of his steamboat *Vesuvius* at New Orleans, from the 30th December, 1814, to the 12th of March, 1815, both days inclusive. The amount of this claim, the peculiar *basis* upon which it rests, the time and circumstances accompanying its presentation, and the factitious aid which had been infused into the examination of it, rendered a calm and dispassionate examination peculiarly desirable: and, sir, (said Mr. R.) while I assure you that I enter upon it with no unkind feelings towards the individual whose personal merits are so intimately mingled with the discussion of the bill that they can hardly be separated, yet, sir, in the discharge of the duties confided to me, I shall examine it with freedom, and with an anxious desire to arrive at a just and equitable result; and while, on the one hand, I shall indulge no time-serving sympathies inconsistent with the public interest, on the other hand, my purpose will be to secure a liberal adjustment of the claim in question. This bill, sir, presents to the ordinary observer but an index to the claim which lies beyond it: the labyrinth in which it is enveloped must be carefully traversed in its various windings, and the deceptive guise which time or accident may have thrown around it drawn aside, that in sober reality we may examine its merits. In canvassing this claim, my colleagues on the committe, or such of them as concurred in this report, will claim for themselves (as the chairman has already done) the right of presenting the reasons which have induced them to view this demand in a more favorable light than the minorty thought themselves authorized to do; and they will not fail, I am sure, sir, to extend to the minority that courtesy which they claim for themselves. The time has been when this claim was not involved in that obscurity which now surrounds it. Contemporaneous circumstances and evidence which would have presented the claim in its true character may well be presumed now to be lost by time or accident, or those from whom a more perfect relation may have been obtained have descended to the tomb. Sir, allow the principle to prevail, that lapse of time strengthens the demand, originally of doubtful merit, and I ask, you, sir, what period will you fix for the consummation of that right which in its origin was worthless?

That you may be enabled to judge, sir, how far this claim falls within the latter description, I will present to you briefly the facts disclosed. We are informed by the Secretary of the Navy, in his report, under date of the 3d of January, 1837, that in 1810 the sum of $5,000 was advanced by the Government to Mr. Fulton. In that same report he also informs us, that in the year 1814 the Government advanced to Mr. Fulton another sum of $40,000; and as to this item, it will be found that the amount was furnished under a written contract, bearing date on the 27th day of December, 1814, between the then Secretary of War and Mr. Fulton; that, to enable Mr. Fulton to bring into operation the steamboat *Vesuvius* and others specified in the contract, this sum of $40,000 was advanced. In this contract it is stipulated "that during the present war with Great Britain and these United States, and until said $40,000 shall be repaid or satisfied to the United States, by the passage of troops or freight in said steamboats, or in the money circulating medium of the United States, all officers and troops finding their own provisions and bedding shall be transported in the steamboats from Louisville to New Orleans, down the stream, for ten dollars each, and from New Orleans to Louisville, up the stream, for twenty dollars each; in all cases of shorter distance, each person shall be transported for one cent a mile down the stream, and two cents a mile up the stream. Ordnance and military stores, and munitions of war belonging to the United States, which can be conveyed in steamboats, (and of which the captain shall be the judge,) shall be transported down the stream from Louisville to New Orleans for one dollar per ton for one hundred miles, or up the stream at the rate of three dollars per ton for each hundred miles."

In this contract there is a further provision that "if within five years from this date, (27th December, 1814,) the said sum of forty thousand dollars shall not have been earned, and compensated to the Government of the United States, by the transportation of troops and transport of munitions of war as aforesaid, the whole or any deficiency of said forty thousand dollars not satisfied, as aforesaid, shall be paid by the said Robert Fulton and the stockholders in said boats to the Government of the United States." Thus, Mr. Speaker, you have presented the items composing the demand of the Government against Mr. Fulton, which, in the language of the Secretary of the Navy, are "specific and certain," presenting an aggregate of $45,000. It should be borne in mind that the appropriate duties of the Committee of Claims are specific, limited, and well defined, and, in the language of legislation, comprise only such claims of a pecuniary nature as ordinarily arise between the Government and its citizens, arising upon contract, either express or implied, and such only as may be reduced in practice to reasonable certainty. In proportion to this duty imposed is the responsibility increased; and if they are permitted to transcend the one, they assume a responsibility which should not be cast upon them, and which appropriately belongs to the other standing committees of this House. And, sir, it is the scrupulous *observance* of this discrimination of the appropriate duties and responsibilities of the respective standing committees of this House which has induced this whole land, from Maine to Florida, to become vocal with praise to the distinguished chairman of that committee; and I submit whether it is for the interest of the people of the United States to allow an assumption of power not delegated by law or well-regulated custom to any functionary of this Government or any department thereof. Would you allow the Committee for the District of Columbia to exercise a supervisory control, or to take cognizance of the military operations of your Government, or to grant pensions or annuities, or erect monuments to the memory of departed worth? Are there not appropriate standing committees for these purposes? If there are not, raise a select committee for the specific purpose, and then this House and this nation will hold such committee responsible for the recommendations which it shall make. So far as the *items* brought to your notice, and the claims of Mr. Fulton against the Government for services rendered and moneys expended, which properly form the subject of reciprocal credit, are concerned, they were properly referrible to the Committee of Claims; and beyond that I submit whether they should have taken cognizance. If, sir, as has been stated by the gentleman from Ohio, (Mr. WHITTLESEY,) "the *thing* to be paid for was not bodily exertion or mere mechanical superintendence, that it was talent, that it was invention, that it was ingenuity," for which compensation is asked—be it so, sir, for the purpose of this discussion—are these proper items of account to be submitted to the Committee of Claims? Can you, sir, by any known rule of compensation practised by that committee, arrive at any certain result, taking these particulars for the basis of your calculations? The mere statement of them shows that the appropriate reference of this part of the claim was to a select committee. But, sir, Mr. Fulton stands indebted *prima facie* to the Government of the United States in the sum of $45,000; and how is that pretended by the advocates of this bill to have been discharged? Why, it is said, "he has rendered important services to the country, and to the world of mankind." Sir, though I cannot yield to him the entire merit claimed, it is not my purpose to withhold a more than ordinary meed of approbation. That he had talents and mechanical powers, and a mind well adapted to the investigation of scientific pursuits, which elevated him above many of his contemporaries, and that he possessed industry and enterprise entitling him to high praise, most, if not all, will admit; and that these considerations should invoke a liberal examination of his claims will, no doubt, be conceded. But, sir, there is a point in legislation beyond which liberality cannot be indulged without encountering an epithet which few would be emulous to acquire. Others whose interests have been confided to the safe-keeping of this Government are involved in this matter; and before an appropriation of this large amount should be made, it will become those who are entering upon it to examine the basis upon which it can be founded, and discriminate clearly between paying a debt and making a donation. So far, then, sir, as matters of account are concerned, allow me for a moment to consider it. Under the contract of the 27th of December, 1814, the Vesuvius was to be used as a transport for certain troops and munitions of war, at and about New Orleans, at a fixed rate of compensation; and the rule which has been generally, if not universally, applied by the Committee of Claims, and with the approbation of Congress, has been, that when boats or other property have been taken into the service of the Government, under a contract with the owner for a stipulated compensation, such boat or other property has been at the risk of the owner. Can any one doubt the propriety of this as a general rule? And is there any well-founded reason for allowing this case to form an exception to that general regulation? Such regulations, upon which the rights of citizens are made to depend, to be just should be general, and all made to conform to them. Now, sir, apply that principle to this case, and it is thought no remuneration can be allowed. Upon this principle, if the boat, on her passage from New Orleans to Louisville, had been captured and destroyed by the enemy, or she had foundered from the perils of the voyage, or stranded upon the rocks, her loss must have been sustained by the owner, and the Government, according to the established rule of legislation by this Government, would have been under no obligation to make reparation. And, if the article of agreement is at all to be regarded, does not this case fall clearly within that rule? But, sir, suppose it does not, and you subject the Government to all that can reasonably be claimed for the use and damages of this boat. It is stated that she was pressed into the service of the Government by General Jackson, on the 30th of December, 1814, at New Orleans, (though this is denied by him, as appears by his letter to the committee,) and on the night of that day she grounded on the *batture* at the upper part of the city, where she remained until the 12th of March, 1815. At this time G. Knights was the quartermaster general at New Orleans, where the following account was presented to him for payment:

1. For transporting on board the *Vesuvius*, in the spring of 1815, a part of the Kentucky troops from New Orleans to Natchez - - $2,025 00
2. For mattresses and pillows taken from the boat for the use of the sick - - - - 390 00

3. For transporting troops and articles from Natchez to New Orleans -	146 12
4. For two days' use of boat under orders of Dec. 19, 1814, at $250 per day - - - -	500 00
5. For 85 days she was aground, being from the night of the 30th December, 1814, to the 12th March, 1815	21,250 00

The second item of $390 appears to have been paid to F. B. Ogden, attorney, 4th of October, 1825.

I will not, Mr. Speaker, undertake to say how far there is a want of evidence to sustain many of these items; but suppose they have all been proved, is it not reasonable to believe that at that time, when every thing was fresh in the memory, and the rights and obligations of the respective parties well known and understood, the account thus rendered corresponded with the then known rights of the party presenting it, and embraced every thing which could properly be included growing out of the use, seizure, and detention of this boat. If it is so, let us state the account and see to what practical result we shall arrive:

In 1810, Mr. Fulton received - -	$5,000
In 1814, on the contract - -	40,000
Total - -	$45,000
Cr. as per account furnished,	$21,250
Deduct for amount paid F. B. Ogden - - -	390
Balance - -	$20,860

Deduct this balance of $20,860 from the sum of $45,000, and it will leave a balance again Fulton, of $24,140.

And, sir, suppose you add to this credit the amount reported by his friend in 1829, to which I shall hereafter call your attention, the sum of $5,000 as a compensation for his services, "which can be measured by no certain rule," and even extend to him a still greater liberality, and add the interest as advised, which, at the rate of 7 per cent. will give $8,000 or $10,000 more: and then deduct these two last items of $5,000, and the interest thereon, say $8,000 or $10,000 more—say $10,000 for the sake of precision—making a total of $15,000, and deduct this sum from the sum of $24,140, and there yet remains a balance against him of $9,140, due to the Government. And how is this balance to be overcome? Why, sir, it is urged by the advocates of this bill, that Mr. Fulton rendered important services to the Government in 1814 in superintending the building of a steam frigate in the New York harbor, and about the year 1810 in making experiments for coast and harbor defence by means of "torpedoes." Many will, no doubt, call to mind by-gone events connected with this subject, and would hardly be induced to believe that this "torpedo system" should now be called up "to plague the inventor." Sir, if my memory serves me correctly, the Committee on Naval Affairs, who were appointed to examine into these "torpedo" experiments, did not think so highly of them as to recommend the system as a means of national defence. But, sir, I will not scrutinize too closely this item: if any service has been rendered for which an equivalent has not been given, a more appropriate occasion than the present will probably never arise for liquidating the demand. But, sir, the services of Mr. Fulton, in constructing this sub-marine mode of warfare, must have been taken into the account by the committee who made the report in 1829, to which I have referred, and, probably with that of building the steam frigate, tended in no small degree to produce the result to which that committee arrived, as it relates to superintending the buiding of the steam frigate. It is understood, sir, (but with how much confidence it may be relied on I am not prepared to say,) that there is yet remaining in the archives of the Government, evidence going to show that when this work was in progress, it was understood and agreed that Mr. Fulton was not to receive any compensation for the labor bestowed in superintending the building this frigate; and this idea is confirmed by reference to a report heretofore made on this claim by the honorable Stephen Van Rensselaer, whose liberality and sense of justice none will deny, and who was the chairman of a select committee heretofore raised in this House for the purpose of considering this claim, in which report it is stated, in reference to this service, "that Mr. Fulton never asked or expected any compensation." But if this House should be of the opinion that this disclaimer and argument should not be regarded, but that a reasonable compensation should be made, then the question arises—what should that compensation be? This subject, too, was before the committee of which Mr. Van Rensselaer was chairman, and was, no doubt, regarded by them in making this report, and coming to the liberal conclusion to which that committee arrived. But, Mr. Speaker, after making all these deductions, it will be found that there is yet a balance in favor of the United States, of $9,140. If the view I have taken be a correct one, can there by the remotest doubt, sir, if these respective demands had been liquidated and settled before the trial of the cause in 1826, and the representatives of Mr. Fulton discharged from their liability to the Government, that all would have considered it an act of great liberality on the part of the Government to these representatives? But, sir, this was not done; but a suit was instituted for the recovery of the debt; and the sequel is to be found in the history of these proceedings.

This suit was brought about the year 1825, in the southern district of the State of New York, and tried in February, 1826, when a verdict was returned for the defendants; in reference to which the Secretary of the Navy, in his report made to Congress on the 3d of January, 1837, says: "I have endeavored to discover what composed the items of set-off to the claims of the United States; but very little information in this case can be obtained, in addition to the documents and papers referred. William M. Price and John Anthon were counsel for the defendants; but from the lapse of time, they have no distinct recollection of the defence. Mr. Price, in his letter of the 5th of November last, says that his best impression is that the set-off of the defendants consisted of some $2,000 for the transportation of the munitions of war, and about $70,000, as a loss sustained by Mr. Fulton, by the seizure by the Government of this steamboat Vesuvius." Well, indeed, Mr. Speaker, may the Secretary of the Navy have said that the claims on the part of the estate of Mr. Fulton against the United States were "vague and uncertain in their support; estimates believed from all the circumstances in the case to be just and equitable must be substituted for fact, proved by legal evidence."

Is it not evident, sir, that every searcher after truth (and I doubt not that all on this floor are of that description) the more he investigates this claim, the stronger will his convictions be that the most of it is entirely inadmissible? But, sir, suppose, in the exercise of an abundant liberality, you allow to the claimants the amount referred to, claimed as having been established "by substituting the vague and uncertain conclusions for facts proved," as the Secretary of the Navy has indicated he was obliged to do, and consider the $70,000 vaguely referred to (for it cannot be said to be established by evidence) as constituting the bases of the set-off; then, sir, deduct from this sum the $45,000, to which amount Mr. Fulton appears, from the books of the Treasury, to be indebted to the Government, and you leave a balance due the applicants of $25,000, to which sum Mr. R. said he should propose to reduce the the amount before he resumed his seat.

If I am correct in the view I have already taken of this case, Mr. Speaker, it must be evident to all that the great proportion of this $100,000 is to be given upon other and distinct considerations than that of claim, or upon the principle of accounting, in the legislative sense of that expression.

In the language of his friend from Ohio, (Mr. WHITTLESEY,) said Mr. R. it was for talent, for invention, and for ingenuity, all of which, it is alleged, have been applied in advancing the common interest, and ameliorating the condition of mankind, by the application, if not the invention, of steam power to boat navigation. If this were so, sir, do you find that principle incorporated into this bill? But, sir, the most sanguine advocate of the claim does not pretend that Mr. Fulton was the original inventor of steamboats, or the first to apply the power of steam to practical use in boat navigation. If it could have been shown that Mr. Fulton had been the first to discover this steam power, and practically to apply it, a far different question than that which now exists would have been presented for consideration. In such an event, the pleasing eulogium which has been pronounced of Mr. Fulton, by the advocates of this bill, would have drawn forth no remonstrance from me. But, sir, when it is sought to elevate his merits at the expense of another's fame, all who are disposed to render equal justice to conflicting claimants for distinction, seek to check, by the interposition of truth, that intolerant zeal which so often outruns discretion, in urging the claims of an individual favorite. Long before Mr. Fulton's attention was turned to this subject, this power was well known, and its practical benefits tested by experience. Under the old confederation, and as early as the years 1786–7,–8, some of the States in this Union had, by legislative enactments, granted exclusive privilege for navigating the waters of the respective States with boats, &c. impelled by the power of steam, which, in some instances as early as 1787, were in successful operation, and navigated at the rate of eight miles an hour. And, sir, it is a fact well authenticated, that between the years 1786 and 1790, the steam engine for propelling boats up and down the Delaware was in operation, and the novelty of the scene drew forth the warmest congratulations from the admiring audience. In those exhibitions of mechanical genius, enterprise, and skill of his countrymen, Mr. Fulton did not participate: he was then in a foreign country, pursuing a more lucrative and favorite object. How far he may be entitled to the appellation of a public benefactor, is a question which, at present, I have no inclination to discuss; but, sir, if you were to propound that question to those who are familiar with the history of legislative and judicial proceedings in the State of New York for the last half century, you might, perhaps, receive an appropriate response.

Mr. Speaker, if this claim was so peculiarly meritorious, and this family so entirely destitute as has been represented, is it not somewhat remarkable that it should have remained dormant from the spring of 1815 until the year 1829, without having been claimed or urged upon the consideration of the Government? And I now submit whether it is probable that this claim would ever have been heard of, if a suit had not been brought by the Government to have recovered from his representatives the amount due to the United States from Mr. Fulton. And, sir, if this "torpedo experiment," of which we have heard so much, had been so immensely valuable, do you believe it would have been rejected as worthless? And, sir, if it be true that the five thousand dollars advanced in 1810 had been expended by Mr. Fulton for the Government, and he entitled to receive four thousand dollars more for disbursing it, is it not strange that the account should have remained open upon the books of the Treasury, and Mr. Fulton held up as a public defaulter, when, in truth, and in fact, the Government were indebted to him? I must confess, sir, that I am credulous enough to believe that there is no consideration of public policy or private duty that demands my approbation of this bill. I therefore, in pursuance of the suggestions I have made, move that the amount be reduced from one hundred to twenty-five thousand dollars.

HEIRS OF ROBERT FULTON.

REMARKS OF MR. McCLELLAN, OF NEW YORK,

In the House of Representatives, March 9, 1838—The motion to reconsider the bill for the relief of the heirs of Robert Fulton being under consideration,

Mr. McCLELLAN addressed the House as follows:

MR. SPEAKER: It was my original intention to take no part in the discussion of this bill. When it was under examination upon a former occasion, I contented myself in listening to the eloquence which was poured forth from different parts of this Hall, and in giving a silent vote in favor of the bill, as reported by the chairman of the Committee of Claims, [Mr. WHITTLESEY.]

I rise, Mr. Speaker, to resist the motion to reconsider, made by the honorable member from South Carolina, [Mr. THOMPSON,] and to notice the remarks which have fallen from my honorable colleague, [Mr. RUSSELL,] which I heard with surprise, and, as an American citizen, with deep mortification. That honorable member, in exhibiting his opposition to this bill, has made an attempt to tear the well-earned laurels from the brow of a distinguished and deceased public benefactor. He has denied to the late Mr. Fulton the credit of being the inventor of the successful and practical application of steam power to boat navigation. If this allegation be true, the honorable member will succeed, not only in defeating the award of the national justice proposed by the passage of this bill, but he will take from his orphan children the legacy of his achievements.

When Mr. Fulton first demonstrated the practicability of applying steam power to boat navigation; and when, in 1807, he launched his first boat at New York, which moved up the waters of the Hudson to the admiration of the inhabitants on its banks; when his experiment had proved successful, and the benefit his invention would confer upon the country was evident to all, I am aware, sir, that envy and avarice were operating to rob him of his well-earned reputation. I had supposed that those times were past, and that a great and happy people—made so, in a measure, by the efforts of his genius—would be willing to accord to his memory the meed of praise; and that no honorable member on this floor would tear from orphanage the legacy bequeathed by such a father.

All that was claimed by Mr. Fulton, was the successful application of steam power to boat navigation. The expansive power of steam was known, and steam engines were invented before his time. Ingenious mechanics had suggested the possibility of propelling boats by steam power; but all their experiments in this country, in England, France, and Scotland, had proved abortive, and were abandoned.

My colleague has referred to the experiments of John Fitch on the Delaware, in 1783. That individual was supported by an association of men, who furnished him means, and were interested in his success. The experiments resulted in no evidence of practical utility. The report made upon them to the Philosophical Society at Philadelphia shows, that no possible advantage could be derived from the plan proposed.

The question is not, sir, who first suggested the possibility of applying steam power to boat navigation, but who first *perfected such application*, and made an *experiment with entire success*.

The mechanics, whose attention had been turned to the subject, were, doubtless, men of ingenuity and merit; but, sir, they were not possessed of that rare union of genius and practical knowledge, which was necessary to enable them to make a successful application. All their efforts and experiments proved fruitless.

England, or rather her critics and reviewers, for a time, claimed priority of invention. But, sir, the documents on our tables show the injustice of such claim. The report of the Commissioner of Patents made to Congress at the present session says:

"Among the losses occasioned by the fire, most deeply regretted, was the destruction of all the papers deposited by *Robert Fulton*. His drawings were executed by his own hand, and formed an interesting part of the records of American genius. Establishing for our country the honor of the first successful and practical employment of steam in navigation. This loss has been considered irreparable. I am happy, however, to state, that correct duplicates can doubtless be procured. The fame of Fulton attracted the attention of a foreign Government, for whom, on application therefor, complete copies of his drawings and transcripts of specifications and other papers, deposited in this office, were made and transmitted to London, where, it is presumed, copies may be obtained to supply the place of the originals. Measures will immediately be taken to accomplish that object."

Here is evidence that England established no claim. Every boat built upon English waters, was constructed upon the plan and after the model and drawings of Mr. Fulton. It was reserved for his inventive genius and enterprise, by a wonderful combination of machinery, to produce the successful result. The present generation have awarded to him this merit; posterity will recognise, and history will record it, as the achievement of Robert Fulton.

Mr. Speaker, I rose to rescue his memory from undeserved attack. Deeply impressed, as I have been from my youth, with the merits of that distinguished individual, and the value of his life and labors to our country, and the world, I could not permit the remarks of honorable members on this floor to pass without a response from me.

I will now give my reasons in support of the bill. The bill proposes to award to the heirs of Robert Fulton $100,000, not as a donation, but for valuable services rendered the country; services in which rare talent and inventive ingenuity were employed, and of such a character as no other man could have performed. The resources of the whole country have been developed, and the people of every State in the Union have been enriched by his inventions. His whole life was one unbroken act of devotion to the interests of his country. The interest of self was merged in that of the public good. As an evidence of this, I will read an extract from his letter to his friend, the poet Barlow, in 1807, after his return to New York, from his first trip up the Hudson by steamboat. He writes:

"Having employed much time, money and zeal, in accomplishing this work, it gives me, as it will you, great pleasure to see it fully answer my expectations. It will give a cheap and quick conveyance to the merchandise on the Mississippi, Missouri, and other great rivers, which are now laying open their treasures to the enterprise of our countrymen; and although the prospect of present emolument has been some inducement to me, yet I feel infinitely more pleasure in reflecting on the immense advantage that *my country* will derive from the invention."

Sir, this was a proud day for Fulton. A short period before he was soliciting aid to complete his boat. Having exhausted all his own means, he made application to men of property in the city of New York, offering them a share in his boat, and the privileges granted him; but his project was considered wild and visionary. After its completion, the morning it was to leave New York a crowd of spectators gathered upon the wharves, to witness what they believed would be an abortive experiment. Jeers and sarcasms passed among the unbelieving populace. But when the boat rounded from East river, and entered the waters of the Hudson, their jeers and sarcasms were changed to plaudits of admiration.

In reference to these facts, Mr. Fulton writes in the same letter to his valued friend:

"The morning I left New York there were not thirty persons in the city who believed that the boat would ever move one mile an hour, or be of the least utility; and while we were putting off from the wharf, which was crowded with spectators, I heard a number of sarcastic remarks. This is the way in which ignorant men compliment what they call philosophers and projectors."

At this time Mr. Fulton, in conjunction with his friend and patron, the late celebrated Chancellor Livingston, made application to the Legislature of New York, and the grant for the exclusive navigation of the Hudson river by steam power, was extended to them for twenty years. The money derived from this privilege enabled him to construct other boats, and to carry on his inventions for maritime defence, which he prosecuted in the harbor of New York. He enjoyed this privilege, unmolested, but a few years. Speculators arose, complained of his monopoly, and interfered with his privileges. This invasion of his rights called forth the public sympathy, and the matter underwent legislative investigation. His rights and claims upon the public gratitude, were ably defended on that occasion by the late Thomas Addis Emmet. That eloquent advocate, after he had finished his address to the Legislature, turned to Mr. Fulton, and addressed to him a most touching appeal, which I will read as a portion of the history of those times, and as an evidence of the estimation in which he was then held as a great public benefactor:

"I know and feel, (said Mr. Emmet) and I rejoice in the conviction, that for the present at least, your interests, my friend, are perfectly secure; but do not, therefore, flatter yourself that you will be involved in no future difficulties on the same account. You expect too much from your well-earned reputation, and the acknowledged utility to mankind of your life and labors. You permit yourself to be engrossed with vast and noble plans for the public good. You are inconsiderately sinking your present income in the extension of public accommodations by steamboats. You are gratuitously giving your time and your talents to the construction of that great national object, your stupendous invention for maritime defence, which in itself is calculated to effect a revolution in naval warfare. I admire and applaud you for your readiness to devote to the service of the public the opulence you derive from its grateful remuneration. Let me remind you, however, that you have *other* and *closer ties*. I know the pain I am about to give, and I see the *tears* I make you shed; but by that love I speak—by that love which, like the light of Heaven, is refracted in rays of different strength upon your wife and children, which, when collected and combined, forms the sunshine of your soul—by that love, I do adjure you, provide in time for those *dearest objects of your care*. Yes, my friend, my heart bleeds while I utter it; but I have fearful forebodings that you may hereafter find in public faith a broken staff for your support, and receive from public gratitude a broken heart for your reward."

This appeal of Mr. Emmet was of no avail. Fired by his genius, and possessed of those rich and rare endowments of Heaven which are sometimes sent to bless mankind, he prosecuted with zeal his system for maritime defence up to and during the last war, till death closed his valuable life, in 1815. In his last moments, if the recollections of his friends are to be relied on, he was sustained and soothed by the confident belief that a country which had been enriched by his labors would make ample provision for his family.

Sir, when Fulton died; when the arm which gave life and spirit to his great inventions, which have formed an era in human history, was powerless, speculators again arose, encouraged by the opinions of able counsel, denied the constitutional power of the law in granting the exclusive navigation of the Hudson river by steam, and then commenced that memorable contest in the State courts of New York, each, in succession, deciding in favor of the grant, until, upon an appeal to the Supreme Court of the United States, the judgment was reversed, the law declared unconstitutional and void, and thus the last hope of his orphan family was torn from them, and they were thrown upon the charities of a cold and unfeeling world, embarrassed with the debts of their father's estate, and with nothing to sustain them but the recollection of his virtues and his fame.

If Mr. Fulton, after he had obtained his patent for propelling boats by steam power, instead of applying to the Legislature of New York, had applied to Congress to purchase his patent, would Congress have awarded a less sum than the amount proposed by this bill? Sir, I would ask honorable members who represent the Western country, to estimate the value of steam navigation, in developing her resources—extending her population—building up her cities and villages as by the spirit of enchantment—multiplying the elements of national prosperity, and pouring millions of money into the National Treasury, by the sale of the public lands? Sir, I would ask them the value of the services of Robert Fulton? The great rivers of the West, the Ohio, the Mississippi, and Missouri, were innavigable, except upon their downward currents, until the introduction of steam navigation. And now more than five hundred steamboats are plying on those waters, forming the wings of western prosperity. I trust that honorable members, whose constituents share so largely in the fruits of his labors, will not be unmindful of the claims of his children.

The triumphs of his distinction were not confined to the mechanic arts. He was the projector of the canal system of this country. The impulses of his mind first awakened public attention to that system of internal improvements, which is now the pride of New York and Pennsylvania. In a letter to Mr. Gallatin, Secretary of the Treasury, in 1808, he shows the influence of canal navigation in cementing the bonds of the Union.

Mr. Speaker, I have thus given a rapid sketch of the character and services of Robert Fulton. But, sir, it is not compensation for his *general services* to this country, which has brought his children before Congress in the humble attitude of petition. Their claim is for specific relief. The language of the bill is:

"For the services of Robert Fulton, in inventing a system of coast and harbor defence, and in testing its utility; and for his services for inventing and superintending the construction of a steam frigate at New York during and after the late war; and for the use of his patent for steam frigates; and for the detention

of his steamboat Vesuvius, impressed into the service of the United States, and detained from the 30th of December, 1814, to the 12th March, 1815, both days inclusive; and for the damage done to said boat while she was aground at New Orleans."

These claims were presented to Congress in the year 1829. No definite action was had upon them until, by a joint resolution of the Senate and House of Representatives, of the 9th of April, 1837, the petition and papers were referred to the Secretary of the Navy, to state an account. On the 3d of January, 1837, the Secretary made his report, showing the balance due the heirs, with a detailed statement of the testimony and reasons to fortify each item of the account; and it is the conclusion arrived at by the Secretary, which the bill proposes to adopt.

One item of the account, as stated by the Secretary, is:

"1815. Damages for the detention of the steamboat Vesuvius, from 30th December, 1814, to 12th March, 1815, $50,000."

This charge, sir, is sustained by ample testimony. The steamboat Vesuvius, measuring 356 tons, was owned by Robert Fulton, and in the year 1814 was the only steamboat on the Ohio and Mississippi rivers, between Louisville, in Kentucky, and New Orleans. This boat arrived at New Orleans in the latter part of December, 1814, at the time great alarm prevailed in consequence of the appearance of the British army before that city. The boat was, on the 30th of the same month, impressed and taken into the service of the United States, for the transportation of troops and munitions of war, and detained until the 12th of March following. Robeson DeHart, who was commandant of the Vesuvius at the time of her impressment, states, *on oath*, "that as this was the only boat between Louisville and New Orleans, her services would have been worth to her owner, during the campaign, (which lasted between three and four months,) from eight to nine hundred dollars per day." Other witnesses make the estimate still higher. And it is worthy of remark that these estimates are not mere opinions, but are based upon the most accurate calculation of the profits this boat had been clearing in her voyages between Louisville and New Orleans.

John De Hart, who commanded the boat the following year, states *on oath* that, for a portion of the time during her impressment, her services would have been worth from fifteen hundred to two thousand dollars per day, in conveying families and valuable effects up the river, to escape from the supposed impending destruction of that city. The Secretary, however, thinks the estimates too high, and says, "that as the Government have been lately paying at the rate of $500 per day for the use of a steamboat in the present campaign against the Seminole Indians, when steamboats are much more easily procured than they were in 1814 and 1815, he thinks that $600 per day for the use of the boat would be a reasonable compensation," which, with the estimate for the damage done the boat, he puts at $50,000. I am not disposed to dissent from the judgment of the Secretary, but my opinion is, sir, from the testimony, that the estimate is too low.

The next item is, "the use of Mr. Fulton's patent right for constructing steam frigates, $60,000." In relation to this item, and the one for "services as superintendent in building a steam frigate at New York," the Secretary in his report, says:

"Mr. Fulton secured to himself the right of a patent for this invention, the whole benefit of which has resulted to the United States. A liberal estimate of the value and importance of his services in this invention should be adopted.

"The opinions expressed in the papers referred are in favor of a very high estimate of the value and importance of this invention; and the Messrs. Robert and George L. Schuyler, in their letter of the 3d of last month, express their opinion that the sum of $100,000 should be awarded to the heirs of Fulton for the use of his patent right and improvements for the construction of steam frigates. Although I place great confidence in the opinion of these gentlemen, yet I think their estimate is too high; but I am satisfied, from the best consideration I can give to the case, that $60,000 would be no more than a reasonable allowance for the use of this patent right and improvements.

"The Messrs. Robert and George L. Schuyler also state in their letter that, in their opinion, the sum of $25,000 should be allowed as a compensation for the services of Mr. Fulton as superintendent in the construction of the steam frigate at New York; and as this opinion is corroborated by much testimony in the case, I consider that sum as a liberal, and, at the same time, no more than an adequate, allowance for these services."

Mr. Speaker, it has been usual for Congress to purchase patents for inventions useful as an arm of national defence. In the session of 1836, by special act, the sum of $20,000 was awarded to the inventor for his interest in two patents; one a machine for elevating heavy cannon, and the other for pointing cannon.

From 1810 till the day of his death, in 1815, Mr. Fulton was, a large portion of his time, engaged in the harbor of New York in prosecuting and perfecting his plan for maritime defence. During the last war, his time, his talents and his money were actively engaged, and freely bestowed, in aiding the military in the defence of that city; and because he had *patriotism* enough to enter the workshops of the mechanic, and superintend in the construction of the steam frigate at New York, without the promise of any compensation on the part of the Government, and, as is said, without the expectation of remuneration, it is now proposed by my colleague, [Mr. RUSSELL,] in his abundant liberality, to allow his children no compensation for those services. He was engaged, as appears by the deposition of Thomas Morris, from twelve to eighteen months in building it; and it was the exposure upon the decks of this vessel during its construction, which produced the disease that terminated his valuable life. And, sir, there is evidence to show that Mr. Fulton did not intend to devote his time and talents gratuitously in the construction of this vessel. There is, among the papers, a proposal, in the form of a law of Congress, in his own hand-writing, to form a company, consisting of General Dearborn, Dr. Samuel L. Mitchell, Henry Rutgers, and others, to build the steam frigate, and receive a certain per cent. upon the cost of construction. This proposition, it would appear, the Government did not accept; and besides, during the time of its construction, Mr. Fulton had four steamboats building at Pittsburgh, on the Ohio, which were under the superintendence of agents. But, sir, the joint resolution of the Senate and House of Representatives of the 9th April, 1836, settles this point, and directs the Secretary of the Navy to credit the heirs of Robert Fulton, a compensation *commensurate with the value and importance of his services in constructing the steam frigate at New York.* Under this resolution the Secretary acted; and the following is the account, as he presents it for the action of Congress.

United States, in account with the heirs of Robert Fulton, deceased.

Dr.

1810. To money expended by Robert Fulton in making experiments for coast and harbor defence by means of torpedoes -	$5,000
Services in making experiments in the same,	5,000
1815. Damages for the detention of the steamboat Vesuvius from the 30th December, 1814, to 12th March, 1815 -	50,000
The use of Mr. Fulton's patent right for constructing steam frigates - - -	60,000
Services as superintendent in building a steam frigate at New York - - -	25,000
	$145,000

Cr.

1810. By cash advanced for making experiments for coast and harbor defence by torpedoes - - - - - -	$5,000
1814. By cash advanced on contract to fit out steamboats - - - - - -	40,000
	$45,000
Balance in favor of the heirs of Robert Fulton - - - - - - -	$100,000

Mr. Speaker, it is asked by my colleague why these claims have been permitted to sleep from the death of Mr. Fulton, in 1815, till 1829, when they were first presented to Congress? Sir, I will answer this question. In 1820, as appears by the papers, a suit was commenced by the Government against the personal representatives of Robert Fulton, in the district court for the southern district of New York. These claims, or a portion of them, were interposed as a set-off in that suit, which was not tried until the month of February, 1826. During its pendency, therefore, these claims could not have been presented to Congress. That suit was brought to adjust the claim standing uncancelled on the books of the Treasury Department for moneys advanced to Mr. Fulton under a contract to place four steamboats on the Western waters during the last war, a fulfilment of which contract was rendered unnecessary by the return of peace. At the trial in New York, the jury rendered a verdict for the defendants, and were about certifying a balance due the representatives of Mr. Fulton, when they were informed that it would be irregular, as the action was upon a sealed instrument. What balance they were prepared to certify is not known. But again: Mr. Fulton left four children, one son and three daughters, who were minors a great portion of this time.

Mr. Speaker, I am in favor of the bill. I rejoice that an opportunity has been presented to express my unqualified approbation of its merits. The intelligent and high minded constituency I represent will sustain me in the vote I propose to give. It will remain among the treasured recollections of my life that I have stood up in its defence, and aided in dispensing national justice to the orphan children of him who has contributed so largely to make us a great, prosperous, and happy people.

INDEPENDENT TREASURY BILL.

SPEECH OF MR. CALHOUN,
OF SOUTH CAROLINA,

In Senate, February 15, 1838—Upon the bill "to impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement, of the public moneys of the United States."

I regard this measure, which has been so much denounced, as very little more than an attempt to carry out the provisions of the joint resolution of 1816, and the deposite act of 1836. The former provides that no notes but those of specie-paying banks shall be received in the dues of the Government, and the latter that such banks only shall be the depositories of the public revenues and fiscal agents of the Government; but it omitted to make provisions for the contingency of a general suspension of specie-payments, such as is the present. It followed, accordingly, on the suspension in May last, which totally separated the Government and the banks, that the revenues were thrown into the hands of the Executive, where they have since remained under its exclusive control, without any legal provision for their safe-keeping. The object of this bill is to supply this omission; to take the public money out of the hands of the Executive, and place it under the custody of the laws, and to prevent the renewal of a connection which has proved so unfortunate to both the Government and the banks. But it is this measure, originating in an exigency caused by our own acts, and that seeks to make the most of a change effected by operation of law, instead of attempting to innovate, or to make another experiment, as has been erroneously represented, which has been denounced under the name of the Sub-Treasury with such unexampled bitterness.

In lieu of this bill, an amendment has been offered, as a substitute, by the Senator from Virginia, furthest from the chair, (Mr. RIVES,) which he informs us is the first choice of himself and those who agree with him, and the second choice of those with whom he is allied on this question. If I may judge from appearances, which can hardly deceive, he might have said their first choice, under existing circumstances; and have added, that, despairing of a National Bank, the object of their preference, they have adopted his substitute, as the only practical alternative at present. We have, then, the question thus narrowed down to this bill and the proposed substitute. It is agreed on all sides, that one or the other must be selected, and that to adopt or reject the one, is to reject or adopt the other. The single question then is, which shall we choose?

A deeply momentous question, which we are now called on to decide in behalf of the States of this Union, and on our decision their future destiny must, in a great degree, depend, so long as their Union endures.

In comparing the relative merits of the two measures, preparatory to a decision, I shall touch very briefly on the principles and details of the bill. The former is well understood by the Senate and the country at large, and the latter has been so ably and lucidly explained by the chairman of the committee in his opening speech, as to supersede the necessity of further remarks on them at this stage of the discussion. I propose, then, to limit myself to a mere general summary, accompanied by a few brief observations.

The object of the bill, as I have already stated, is to take the public funds out of the hands of the Executive, where they have been thrown by operation of our acts, and to place them under the custody of law; and to provide for a gradual and slow, but a perpetual, separation between the Government and the banks. It proposes to extend the process of separating to the year 1845, receiving during the first year of the series the notes of such banks as may pay specie, and reducing thereafter the amount receivable in notes one-sixth annually, till the separation shall be finally consummated at the period mentioned.

The provisions of the bill are the most simple and effectual that an able committee could devise. Four principal receivers, a few clerks, and a sufficient number of agents to examine the state of the public funds, in order to see that all is right, at an annual charge not exceeding forty or fifty thousand dollars, at most, constitute the additional officers and expenditures required, to perform all the functions heretofore discharged by the banks, as depositories of the public money and fiscal agents of the Treasury. This simple apparatus will place the public Treasury on an independent footing, and give to the Government, at all times, a certain command of its funds to meet its engagements, and preserve its honor and faith inviolate. If it be desirable to separate from the banks, the Government must have some independent agency of its own to keep and disburse the public revenue; and if it must have such an agency, none, in my opinion, can be devised more simple, more economical, more effectual and safe, than that provided by this bill. It is the necessary result of the separation, and to reject it, without proposing a better, (if, indeed, a better can be) is to reject the separation itself.

I turn now to the substitute. Its object is directly the reverse of that of the bill. It proposes to revive the league of State banks, and to renew our connection with them, which all acknowledge has contributed so much to corrupt the community, and to create a spirit for speculation, heretofore unexampled in our history.

The Senator in offering it, whether wisely or not, has at least acted consistently. He was its advocate at first in 1834, when the alternative was between it and the recharter of the late Bank of the United States. He then defended it zealously and manfully, against the fierce assaults of his present allies, as he now defends it, when those who then sustained him have abandoned the measure. Whether wisely or not, there is something heroic in his adherence, and I commend him for it; but I fear I cannot say as much for his wisdom and discretion. He acknowledged, with all others, the disasters that have followed the first experiment, but attributes the failure to inauspicious circumstances, and insists that the measure has not had a fair trial. I grant that a second experiment may succeed, after the first has *failed;* but the Senator must concede, in return, that every failure must necessarily weaken confidence, both in the experiment and the experimenter. He cannot be more confident in making this second trial, than he was in the first; and, if I doubted the success then, and preferred the Sub-Treasury to his league of banks, he must excuse me for still adhering to my opinion, and doubting the success of his second trial. Nor ought he to be surprised, that those who joined him in the first should be rather shy of trying the experiment again, after having been blown into the air, and burnt and scalded by the explosion. But if the Senator has been unfortunate in failing to secure the co-operation of those who aided him in the first trial, he has been compensated by securing the support of those who were then opposed to him. They are now his zealous supporters. In contrasting their course then and now, I intend nothing personal. I make no charge of inconsistency, nor do I intend to imply it. My object is truth, and not to wound the feelings of any one, or any party. I know that to make out a charge of inconsistency, not only the question, but all the material circumstances, must be the same. A change in either, may make a change of vote necessary; and, with a material variation in circumstances, we are often compelled to vary our course, in order to preserve our principles. In this case, I conceive that circumstances, as far as the present allies of the Senator are concerned, have materially changed. Then the option was between a recharter of the late bank, and a league of State banks; but now the former is out of the question, and the option is between such a league and a total separation from the banks. This being the alternative, they may well take that which they rejected in 1834, without subjecting themselves to the charge of inconsistency, or justly exposing themselves to the imputation of change of principle, or opinion. I acquit them, then, of all such charges. They doubtless think now, as they formerly did, of the measure which they then denounced and rejected, but which a change of circumstances now compels them to support. But in thus acquitting them of the charge of inconsistency, they must excuse me, if I should avail myself of the fact, that their opinion remains unchanged, as an argument in favor of the bill—against the substitute. The choice is between them. They are in the opposite scales. To take from the one is, in effect, to add to the other; and any objection against the one, is an argument equally strong in favor of the other. I then do avail myself of their many powerful objections in '34 against the measure which this substitute proposes now to revive. I call to my aid, and press into my service, every denunciation they then uttered, and every argument they then so successfully urged against it. They, no, *we* (for I was then, as now, irreconcilably opposed to the measure) charged against it, and proved what we charged, that it placed the purse and the sword in the same hands; that it would be the source of boundless patronage and corruption, and fatal in its consequences to the currency of the country; and I now avail myself of these, and all other objections, then urged by us, in as full force against this substitute, as if you were again to rise in your places and repeat them now, and, of course, as so many arguments, in effect, in favor of the bill; and on their strength I claim your vote in its favor, unless, indeed, still stronger objections can be, urged against it. I say stronger, because time has proved the truth of all that was then said against the measure now proposed to be revived by this substitute. What was then prediction is now fact. But whatever objections have been, or may be, urged against the bill, however strong they may appear in argument, remain yet to be tested by the unerring test of time and experience. Whether they shall ever be realized, must be admitted, even by those who may have the greatest confidence in them, to be at least uncertain; and it is the part of wisdom and prudence, where objections are equally strong against two measures, to prefer that which is yet untried, to that which has been tried and failed. Against this conclusion there is but one escape.

It may be said, that we are sometimes compelled, in the midst of the many extraordinary circumstances in which we may be placed, to prefer that which is of itself the more objectionable, to that which is less so; because the former may more probably lead, in the end, to some desired result, than the latter. To apply the principle to this case. It may be said that the substitute, though of itself objectionable, is to be preferred, because it would more probably lead to the establishment of a National Bank than the bill, which you believe to be the only certain remedy for all the disorders that affect the currency. I admit the position to be sound in principle, but it is one exceedingly bold and full of danger in practice, and ought never to acted on, but in extreme cases, and where there is a rational prospect of accomplishing the object ultimately aimed at. The application, in this case, I must think, would be rashness itself. It may be safely assumed, that the success of either, whichever may be adopted, the bill, or the substitute, would be fatal to the establishment of a National Bank. It can never put down a successful measure to take its place; and, of course, that which is most likely to fail, and replunge the country into all the disasters of a disordered currency, is that which would most probably lead to the restoration of a National Bank; and to prefer the substitute on that account is, in fact, to prefer it because it is the worst of the two. But are you certain that another explosion would be followed by a bank? We have already had two; and it is far more probable, that the third would impress, universally and indelibly, on the puhlic mind, that there was something radically and incurably wrong in the system, which would blow up the whole concern, National Bank and all.

If I may be permitted to express an opinion, I would say, you have pursued a course on this subject unfortunate both for yourselves and country. You are opposed both to the league of banks, and the Sub-Treasury. You prefer a National Bank; and regard it as the only safe and certain regulator of the currency, but consider it, for the present, out of the question, and are therefore compelled to choose between the other two. By supporting the substitute, you will be held responsible for all the mischief and disasters that may follow the revival of the pet bank system, as it has been called, with the almost certain defeat of your first and cherished choice; and those you oppose will reap all the benefits of the power, patronage and influence, which it may place in their hands, without incurring any portion of the responsibility. But that is not all. The success of the substitute would be the defeat of the bill, which would, in like manner, place on you the responsibility of its defeat, and give those you oppose, all the advantage of having supported it without any of the responsibility that would have belonged to it, had it been adopted. Had a different course been taken—had you joined in aiding to extend the custody of the laws over the public revenue, in the hands of the Executive, where your own acts have placed it, and for which you, of course, are responsible, throwing the blame at the same time on those to whom you attribute the present disordered state of the currency, the burden of the responsibility, you would have stood ready to profit by events. If the Sub-Treasury, contrary to your anticipation, succeeded, as patriots, you would have cause to rejoice in the unexpected good. If it failed, you would have the credit of having anticipated the result; and might then, after a double triumph of sagacity and foresight, have brought forward your favorite measure, with a fair prospect of success, when every other had failed. By not taking this course, you have lost the only prospect of establishing a National Bank.

Nor has your course, in my opinion, been fortunate for the country. Had it been different, the currency question would have been decided at the called session; and had it been decided then, the country would this day have been in a much better condition—at least the manufacturing and commercial section to the North, where the derangement of the currency is felt the most severely. The South is comparatively in an easy condition.

Such are the difficulties that stand in the way of the substitute at the very threshold. Those beyond are vastly greater, as I shall now proceed to show. Its object, as I have stated, is to revive the league of State banks; and the first question presented for consideration is, how is this to be done? how is the league to be formed? how stimulated into life when formed? and what, after it has been revived, would be the true character of the league or combination? To answer these questions we must turn to its provisions.

It provides that the Secretary of the Treasury shall select twenty-five specie-paying banks, as the fiscal agents of the Government, all to be respecta-

ble and substantial, and that the selection shall be confirmed by the joint vote of the two Houses. It also provides that they shall be made the depositories of the public money, and that their notes shall be receivable in the dues of the Government; and that in turn, for these advantages, they shall stipulate to perform certain duties, and comply with various conditions, the object of which is to give to the Secretary of the Treasury full knowledge of their condition and business, with the view to supervise and control their acts as far as the interest of the Government is concerned. In addition to these, it contains other and important provisions, which I shall not enumerate, because they do not fall within the scope of the objections that I propose to urge against the measure.

Now I ask what does all this amount to? What but a proposal, on the part of the Government, to enter into a contract or bargain with certain selected State banks, on the terms and conditions contained. Have we the right to make such a bargain is the first question; and to that, I give a decided negative, which I hope to place on constitutional grounds, that cannot be shaken. I intend to discuss it, with other questions growing out of the connection of the Government with the banks, as a new question, for the first time presented for consideration and decision. Strange as it may seem, the questions growing out of it, as long as it has existed, have never yet been presented nor investigated in reference to their constitutionality. How this has happened, I shall now proceed to explain, preparatory to the examination of the question which I have proposed.

The union of the Government and the banks was never legally solemnized. It originated shortly after the Government went into operation, not in any legal enactment, but in a short order of the Treasury Department, of not much more than a half a dozen of lines, as if it were a mere matter of course. We thus glided imperceptibly into a connection, which was never recognised by law till 1816, (if my memory serves,) but which has produced more important after consequences, and has had a greater control over the destiny of this country, than any of the mighty questions which have so often and deeply agitated the country. To it may be traced, as their seminal principle, the vast and extraordinary expansion of our banking system, our excessive import duties, unconstitutional and profuse disbursements, the protective tariff, and its associated system for spending what it threw into the Treasury, followed in time by a vast surplus, which the utmost extravagance of the Government could not dissipate, and finally, by a sort of retributive justice, the explosion of the entire banking system, and the present prostrated condition of the currency, now the subject of our deliberation.

How a measure, fraught with such important consequences, should at first, and for so long a time, have escaped the attention and the investigation of the public, deserves a passing notice. It is to be explained by the false conception of the entire subject of banking, which at that early period universally prevailed in the community. So erroneous was it, that a bank note was then identified in the mind of the public with gold and silver, and a deposite in bank was regarded as under the most safe and sacred custody that could be devised. The original impression, derived from the Bank of Amsterdam, where every note or certificate in circulation was honestly represented by an equal and specific quantity of gold or silver in bank, and where every deposite was kept as a sacred trust, to be safely returned to the depositary, when demanded, was extended to banks of discount, down to the time of the formation of our Government, with but slight modifications. With this impression, it is not at all extraordinary that the deposite of the revenue in banks for safe-keeping, and the receipt of their notes in the public dues, should be considered a matter of course, requiring no higher authority than a Treasury order; and hence a connection with all the important questions belonging to it, and now considered of vast magnitude, received so little notice, till public attention was directed to it by its recent rupture. This total separation from the system, in which we now find ourselves placed, for the first time, authorizes and demands that we shall investigate freely and fully, not only the consequences of the connection, but all the questions growing out of it, more especially those of a constitutional character; and I shall, in obedience to this demand, return to the question from which this digression has carried me so far.

Have we, then, the right to make the bargain proposed? Have we the right to bestow the high privileges, I might say, prerogatives, on them of being made the depositories of the public revenue, and of having their notes received and treated as gold and silver in the dues of the Government and in all its fiscal transactions? Have we the right to do all this in order to bestow confidence in the banks, with the view to enable them to resume specie-payments? What is the state of the case? The banks are deeply indebted to the country, and are unable to pay; and we are asked to give them these advantages, in order to enable them to pay their debts. Can we grant the boon? In answering this important question, I begin with the fact, that our Government is one of limited powers. It can exercise no right but what is specifically granted; nor pass any law, but what is necessary and proper to carry such power into effect. This small pamphlet (holding it up) contains the Constitution. Its grants of power are few and plain; and I ask gentlemen to turn to it, and point out the power that authorizes us to do what is proposed to be done, or to show that to pass this substitute is necessary to carry any of the granted powers into effect. If neither can be shown, what is proposed cannot be constitutionally done; and till it is specifically pointed out, I am warranted in believing that it cannot be shown.

Our reason is often confounded by a mere name. An act, in the minds of many, may become of doubtful constitutional authority, when applied to a bank, which none would, for a moment, hesitate to pronounce grossly unconstitutional, when applied to an individual. To free ourselves from this illusion, I ask, could this Government constitutionally bestow on individuals, or a private association, the advantages proposed to be bestowed on the selected banks, in order to enable them to pay their debts? Is there one who hears me who would venture to say, yes, even in the case of the most extensive merchant or mercantile concern, such as some of those in New York, or New Orleans, at the late suspension, whose embarrassments involved entire sections in distress? But, if not, on what principle can a discrimination be made in favor of the banks? They are local institutions, created by the States for local purposes, composed, like private associations, of individual citizens, on whom the acts of the State cannot confer a particle of constitutional right, under this Constitution, that does not belong to the humblest citizen. So far from it, if there be a distinction, it is against the banks. They are removed farther from the control of this Government than the individual citizens, who, by the Constitution, are expressly subject to the direct action of this Government in many instances; while the State banks, as constituting a portion of the domestic institutions of the States, and resting on their reserved rights, are entirely beyond our control; so much so, as not to be the subject of a bankrupt law, although the authority to pass one is expressly granted by the Constitution.

On what possible ground, then, can the right in question be placed, unless, indeed, on the broad principle that these local institutions, intended for State purposes, have been so extended, and have so connected themselves with the general circulation and business of the country, as to effect the interest of the whole community, so as to make it the right and duty of Congress to regulate them; or, in short, on the broad principle of the general welfare? There is none other, that I can perceive; but this would be to adopt the old and exploded principle, at all times dangerous, but pre-eminently so at this time, when such loose and dangerous conceptions of the Constitution are abroad in the land. If the argument is good in one case, it is good in all similar cases. If this Government may interfere with any one of the domestic institutions of the States, on the ground of promoting the general welfare, it may with others. If it may bestow privileges to control them, it may also appropriate money for the same purpose; and thus a door might be opened to an interference with State institutions, of which we of a certain section ought at this time to be not a little jealous.

The argument might be pushed much farther. We not only offer to confer great and important privileges on the banks to be selected, but, in turn, ask them to stipulate to comply with certain conditions, the object of which is to bring them under the supervision and control of this Government. It might be asked, where is the right to purchase or assume such supervision or control? It might be repeated that they are State institutions, incorporated solely for State purposes, and to be entirely under State control, and that all supervision on our part is in violation of the rights of the States. It might be argued that such supervision or control is calculated to weaken the control of the States over their own institutions, and to render them less subservient to their peculiar and local interests, for the promotion of which they were established; and too subservient to other, and, perhaps, conflicting interests, which might feel but little sympathy with those of the States. But I forbear. Other, and not less urgent, objections claim my attention. To dilate too much on one would necessarily sacrifice the claim of others.

I next object, that, whatever may be the right to enter into the proposed bargain, the mode in which it is proposed to make it is clearly unconstitutional, if I rightly comprehend it. I am not certain that I do; but, if I understand it rightly, the plan is for the Secretary of the Treasury to select twenty-five State banks, as described in the substitute, which are to be submitted to the two Houses to be confirmed, or rejected, by their joint resolutions, without the approval of the President, in the same mode as they would appoint a chaplain, or establish a joint rule for the government of their proceedings.

In acting on the joint resolution, if what I suppose be intended, each House would have the right, of course, to strike from it the name of any bank and insert another, which would in fact vest in the two Houses the uncontrollable right of making the selection. Now, if this be the mode proposed, as I infer from the silence of the mover, it is a plain and palpable violation of the Constitution. The obvious intention is, to evade the veto power of the Executive, which cannot be, without an infraction of an express provision of the Constitution, drawn up with the utmost care, and intended to prevent the possibility of evasion. It is contained in the 1st article, 7th section, and the last clause, which I ask the Secretary to read:

["Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."]

Nothing can be more explicit, or full. It is no more possible to evade the Executive veto, on any joint vote, than in the passage of a bill. The veto was vested in him not only to protect his own powers, but as an additional guard to the Constitution. I am not the advocate of Executive power, which I have been often compelled to resist of late, when extended beyond its proper limits, as I shall ever be prepared to do when it is. Nor am I the advocate of Legislative or Judicial. I stand ready to protect all, within the sphere assigned by the Constitution, and to resist them beyond. To this explicit and comprehensive provision of the Constitution, in protection of the veto, there but a single exception, resulting, by necessary implication, from another portion of the instrument, not less explicit, which authorizes each House to establish the rules of its proceedings. Under this provision the two Houses have full and uncontrollable authority within the limits of their respective walls, and over those subject to their authority, in their official character. To that extent, they may pass joint votes and resolutions, without the approval of

the Executive; but beyond that, without it, they are powerless.

There is in this case special reasons why his approval should not be evaded. The President is at the head of the administrative department of the Government, and is especially responsible for its good management. In order to hold him responsible, he ought to have due power in the selection of its agents, and proper control over their conduct. These banks would be by far the most powerful and influential of all the agents of the Government, and ought not to be selected without the concurrence of the Executive. If this substitute should be adopted, and the provision in question be regarded such as I consider it, there can be no doubt what must be the fate of the measure. The Executive will be bound to protect, by the intervention of its constitutional right, the portion of power clearly allotted to that department by that instrument, which would make it impossible for it to become a law, with the existing division in the two Houses.

I have not yet exhausted my constitutional objections. I rise to higher and to broader, applying directly to the very essence of this substitute. I deny your right to make a general deposite of the public revenue in a bank. More than half of the errors of life may be traced to fallacies originating in an improper use of words; and among not the least mischievous is the application of this word to bank transactions, in a sense wholly different from its original meaning Originally it meant a thing placed in trust, or pledged to be safely and sacredly kept till returned to the depositor, without being used by the depository, while in his possession. All this is changed when applied to a deposite in bank. Instead of returning the identical thing, the bank is understood to be bound to return only an equal value; and instead of not having the use, it is understood to have the right to loan it out on interest, or to dispose of it as it pleases, with the single condition, that an equal amount be returned, when demanded, which experience has taught is not always done. To place, then, the public money in deposite, in bank, without restriction, is to give the free use of it, and to allow them to make as much as they can out of it, between the time of deposite and disbursement. Have we such a right? The money belongs to the people—collected from them for specific purposes—in which they have a general interest—and for that only; and what possible right can we have to give such use of it to certain selected corporations? I ask for the provision of the Constitution that authorizes it. I ask, if we could grant the use, for similar purposes, to private associations or individuals? Or if not to them, to individual officers of the Government; for instance, to the four principal receivers under this bill, should it pass? And if this cannot be done, that the distinction be pointed out.

If these questions be satisfactorily answered, I shall propound others still more difficult. I shall then ask, if the substitute should become a law, and the twenty-five banks be selected, whether they would not in fact be the Treasury? And if not, I would ask, where would be the Treasury? But if the Treasury, I would ask, if public money in bank would not be in the Treasury? And if so, how can it be drawn from it to be lent for the purpose of trade, speculation, or any other use whatever, against an express provision of the Constitution? Yes, as express as words can make it. I ask the Secretary to read the 1st article, 9th section, and the clause next to the last.

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

How clear! How explicit! No money to be drawn from the Treasury, but in consequence of appropriations made by law; that is, the object on which the expenditure is to be made, to be designated by law, and the sum allotted to effect it, specified; and yet we have lived in the daily and habitual violation of this great fundamental provision, from almost the beginning of our political existence to this day. Behold the consequences! It has prostrated and engulfed the very institutions which have enjoyed this illicit favor, and tainted, above all other causes, the morals and politics of the whole country. Yes, to this must be traced, as one of the main causes, the whole system of excessive revenue, excessive expenditure, and excessive surpluses; and to them, especially the last, the disastrous overthrow of the banks and the currency, and the unexampled degeneracy of public and private morals, which have followed. We have suffered the affliction: may the blessing, which follows chastisement, when its justice is confessed, come in due season.

But I take a still higher ground. I strike at the root of the mischief. I deny the right of this Government to treat bank notes as money in its fiscal transactions. On this great question, I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions. In all instances in which a National Bank has come in question, I have invariably taken my ground, that if the Government has the right to receive and treat bank notes as money, it had the right, and was bound, under the Constitution, to regulate them, so as to make them uniform and stable as a currency. The reasons for this opinion are obvious, and have been so often and fully expressed on former occasions, that it would be useless to repeat them now: but I never examined fully the right of receiving, or made up my mind on it, till since the catastrophe in May last, which, as I have said, entirely separated the Government from the banks. Previous to that period, it was an abstract question, with no practical bearing; as much so as is now the constitutional right of admitting Louisiana into the Union. Things are now altered. The connection is dissolved, and it has become a practical question of the first magnitude.

The mover of the substitute assumed as a postulate, that this Government had a right to receive in its dues whatever it might think proper. I deny the position *in toto*. It is one that ought not to be assumed, and cannot be proved, and which is opposed by powerful objections. The genius of our Constitution is opposed to the assumption of power. Whatever power it gives is expressly granted; and if proof were wanted, the numerous grants of powers far more obvious, and apparently much more safe to be assumed, than the one in question, would afford it. I shall cite a few striking instances.

If any powers might be assumed, one would suppose that of applying money to pay the debts of the Government, and borrowing it to carry on its operations, would be among them; yet both are expressly provided for by the Constitution. Again: to Congress is granted the power to declare war and raise armies and navies; yet the power to grant letters of marque and reprisal, and to make rules for the regulation of the army and navy, are not left to assumption, as obvious as they are, but are given by express grant. With these, and other instances not less striking, which might be added, it is a bold step to assume, without proof, the far less obvious power of the Government receiving whatever it pleases in its dues as money. Such an assumption would be in direct conflict with the great principle which the State rights party, with which the Senator (Mr. RIVES) classes himself, have ever adopted in the construction of the Constitution. But, if the former cannot be assumed, it would be in vain to attempt to prove that it has been granted, or that it is necessary and proper to carry any of the granted powers into effect. No such attempt has been made, nor can be, with success. On the contrary, there are strong objections to the power, which, in my opinion cannot be surmounted.

If once admitted, it would lead by consequence to a necessary interference with individual and State concerns never contemplated by the Constitution. Let us, for instance, suppose that, acting on the assumption of the Senator, the Government should choose to select tobacco as an article to be received in payment of its dues, which would be as well entitled to it as any other product, and in which the Senator's constituents are so much interested. Does he not see the consequences? In order to make its taxes uniform, which it is bound to do by the Constitution, and which cannot be done unless the medium in which it is paid is so, the Government would have to assume a general control over the great staple in question; to regulate the weight of the hogshead or package, to establish inspections under its own officers in order to determine the quality, and whatever else might be necessary to make the payments into the Treasury uniform. So likewise, if the still greater staple, cotton, be selected. The weight of the bale, the quality of the cotton, and its inspection, would all necessarily fall under the control of the Government; and does not the Senator see that the exercise of a power that must lead to such consequences—consequences so far beyond the sphere assigned to this Government by the Constitution, must be unconstitutional? Nor does the objection extend only to these and other staple articles. It applies with equal, if not greater force, to receiving the notes of State banks, as proposed by the substitute, in the dues of the Government and the management of its fiscal concerns. It must involve the Government in the necessity of controlling and regulating State banks, as this substitute abundantly proves, as well as the whole history of our connection with them; and it has been shown that banks are, at least, as far removed from the control of this Government as the cultivators of the soil, or any other class of citizens. To this I might add another objection, not less strong, that for the Government to receive and treat bank notes as money in its dues, would be in direct conflict, in its effect, with the important power, conferred expressly on Congress, of coining money and regulating the value thereof: but as this will come in with more propriety in answer to an argument advanced by the Senator from Massachusetts, (Mr. WEBSTER) I shall now state his argument, and reply to it.

He asserted again and again, both now and at the extra session, that it is the duty of the Government not only to regulate, but to furnish, a sound currency. Indeed, it is the principal argument relied on by the Senator in opposition to the bill, which he says abandons this great duty. Now, if by currency be meant gold and silver coins, there will be but little difference between him and myself. To that extent the Government has a clear and unquestionable right by express grant; but if he goes farther, and intends to assert that the Government has the right to make bank notes a currency, which it is bound to regulate, then his proposition is identical in effect, though differently expressed, with that of the Senator from Virginia, (Mr. RIVES,) and all the arguments I have urged against it are equally applicable to his. I hold, on my part, that the power of the Government on this subject is limited to coining money and regulating its value, and punishing the counterfeiting of the current coins; that is, of the coins made current by law, the only money known to the Constitution. It is time to make a distinction between money, or currency, if you please—between that which will legally pay debts, and mere circulation, which has its value from its promise to be paid in the former; and under which classification, bank notes, as well as bills or promissory notes of individuals, fall. These are all in their nature private and local, and cannot be elevated to the level of currency, or money, in the fiscal transactions of Government, without coming into conflict, more or less, with the object of the Constitution in vesting the very power in Congress, which I shall now proceed to show.

It will hardly be questioned, that the object was to fix a standard in order to furnish to the Union a currency of uniform and steady value, and was therefore united in the same sentence with the relative power to fix the standard of weights and measures—the objects being similar. Now, if our experience has proved any thing, it has amply shown that so long as the Government is connected with the banks, and their notes received in its transactions as money, so long it is impossible to give any thing like stability to the *standard* of value, and that the power of coining and regulating the coins, becomes, in a great measure, a mere nullity. Every dollar issued in bank notes, when it is made the substitute for money, drives out of circulation more or less of the precious metals; and when the issue becomes exorbitant, gold and silver almost entirely disappears, as our experience at this time proves. The effects are analogous to alloying or clipping the coin, as far as stability of standard is

concerned; and it would be not less rational to suppose, that such a power on the part of individuals, would be consistent with a uniform and stable currency, than to suppose the receiving and treating bank notes as a substitute for money by the Government would be. The only check or remedy is to restrict them to their proper sphere—to circulate in common with bills of exchange or other private and local paper, for the convenience of business and trade. So far from such a course operating injuriously on the people, or from being liable to the charge of forming one currency for the people and another for the Government, as has been so often and with such effect repeated—it is the very reverse. Government by refusing to receive bank notes, as it is bound to do, would in fact furnish a choice to the people, to take either money notes at their pleasure. The demand of the Government will always keep a plentiful supply of the former in the country, so as to afford the people a choice, while the the opposite would expel the money, and leave no option to them but to take bank notes or worse, as at present.

I have now shown how it is proposed to form the league of banks, and have presented the constitutional impediments that stand in the way. These are numerous and strong; so much so, that they ought to be irresistible with all, except the latitudinous in construction; but I cannot expect they will produce their full effect. I know too well the force of long entertained impressions, however erroneous, to be sanguine—how strongly the mind rebels against the expulsion of the old and the admission of new opinions. Yet, in this case, where we clearly see how gradually and silently error crept in under the disguise of words applied to new and totally different ideas, without exciting notice or alarm; and when we have experienced such deep disasters in consequence of parting from the plain intent and meaning of the Constitution, I cannot but hope that all who believe that the success of the Government depends on a rigid adherence to the Constitution, will lay aside all previous impressions, taken up without reflection, and give to the objections their due weight.

I come now to the next point, to show how this league is to be revived or stimulated into life. Till this can be done, the substitute, should it become a law, would be a dead letter. The selection is to be made from specie paying banks. None but such can receive the public deposites, or have their notes received in the dues of the Government. There are none such now. The whole banking system lies inanimate, and must be vivified before it can be reunited with the Government. No one is bold enough to propose an union with this lifeless mass. How then is the vital spark to be revived? how the breath of life, the Promethean fire, to be breathed into the system anew, is the question? This is the task.

The mover tells us that it must be the work of the Government. He says that it is bound to aid the banks to resume payments; and for that purpose ought to hold out to them some *adequate inducement*. He tells us that they have been long preparing, and had made great efforts, but can go no farther; have rolled the round, huge rock almost to the summit, but unless the Government put forth its giant arm, and give the last push, it will recoil and rush down the steep to the bottom, and all past labor be lost. Now, what is this adequate inducement? What this powerful stimulus, which it is proposed the Government should apply, in order to enable the banks to accomplsh this herculean task? The substitute shall answer.

It prosposes to fix the 1st of July next for the period of resumption; and, as the inducement to resume, it proposes to select twenty-five of the most respectable and solid, out of the resuming banks, to be the depositories of the public moneys, and the fiscal agent of the Government, as has been already stated. It also proposes, and this is the stimulus,—the essence of the whole,—to make the notes of such banks as may resume on or before that day, exclusively receivable in the public dues. Here is a *quid pro quo;* something proposed to be done, for which something is to be given. We tell the banks plainly, if you resume, we, on our part, stipulate to make twenty-five of you our fiscal agents and depositories of the revenue; and we further stipulate, that those who resume by the time fixed, shall have the exclusive privilege *for ever* of having their notes receivable in the dues of the Government, in common with gold and silver. If the banks perform their part, we shall be bound in honor and good faith to perform ours. It would be a complete contract, as obligatory as if signed, sealed, and delivered. Such is the inducement.

The next question is, will it be adequate? Yes, abundantly adequate. The battery is strong enough to awaken the dead to life; the consideration sufficient to remunerate the banks for whatever sacrifice they may be compelled to make, in order to resume payment. It is difficult to estimate the value of these high privileges, or prerogatives, as I might justly call them. They are worth millions. If you were to enter into a similar contract with an individual, I doubt not that he could sell out in open market for at least thirty, forty, or fifty millions of dollars. I do then the mover the justice to say, that his means are ample to effect what he proposes. As difficult as is the work of resumption—and difficult it will turn out to be when tried—the inducement will prove all sufficient. But the resumption, however desirable, may be purchased too dearly; and such would prove to be the case, should the project succeed. Not only is the offer too great, but the mode of effecting it is highly objectionable. Its operation would prove not less disastrous than the bargain has been shown to be unconstitutional, which I shall now proceed to establish.

The offer will have a double effect. It will act as a powerful stimulus to resumption, but will act at the same time with equal force to excite a struggle among the banks, not only to resume themselves, but to prevent others from resuming. The reason is clear. The advantage to each will increase, as the number of the resuming banks decreases; and of course, the great point of contest among the strong will be to restrict the proffered prize to the smallest number. The closer the monopoly the greater the profits. In this struggle, a combination of a few powerful and wealthy banks, the most respectable and solid, as designated in the substitute, will overthrow and trample down the residue. Their fall will spread desolation over the land. Whatever may be the fate of others in this desperate contest, there is one in relation to which no doubt can be entertained: I refer to the United States Bank of Pennsylvania, a long name and a misnomer; and which, for the sake of brevity, but with no personal disrespect to the distinguished individual at its head, I shall call Mr. Biddle's bank. That, at least, will be one of the winners—one of the twenty-five to whom the prize will be assigned. Its vast resources, its wealth and influential connections, both at home and abroad, the skill and ability of the officer at its head, and, what is less honorable, the great resource it holds in the notes of the late United States Bank, of which more than six millions have been put into circulation, in violation, to say the least, of a trust, constituting more than five-sixths of all its circulation, and which it is not bound to pay—with the still greater amount on hand, making in the whole more than twenty-six millions, and which may be used in the same way, if not prevented—would place it beyond all doubt among the victors.

He starts without proper weights, and will lead the way from the first. Who the others may be is uncertain; this will depend mainly upon his good will and pleasure. It may be put down as certain, whoever they may be, that they will be powerful and influential, and not unfavorable to his interest or aggrandizement. But the mischievous effect will not be limited to this death-like struggle, in which so many must fall and be crushed that might otherwise weather the storm. The forced resumption, for such it will be in effect, would be followed by wide-spread desolation. It is easy to sink to suspension, but hard to return to resumption. Under the most favorable circumstances, and when conducted most leisurely and cautiously, the pressure must be severe; but, if coerced or precipitated by bankrupt laws or temptations such as this, it will be ruinous. To make it safe and easy must be the work of time. Government can do but little. The disease originates in excessive indebtedness, and the only remedy is payment or reduction of debts. It is estimated that when the banks suspended payments, the community was indebted to them the enormous sum of $475,000,000. To reduce this within the proper limits, is not the work of a few days, and can be but little aided by us. The industry, and the vast resources, of the country, with time, are the only remedies to be relied on for the reduction; and to these, with the State Legislatures and the public opinion, the resumption must be left. To understand the subject fully, we must look a little more into the real cause of the difficulty.

This enormous debt was incurred in prosperous times. The abundant means of the banks from the surplus revenue, and a combination of other causes, induced them to discount freely. This increased the circulation, and, with its increase, its value depreciated, and prices rose proportionably. With this rise, enterprise and speculation seized the whole community, and every one expected to make a fortune at once; and this in turn gave a new impulse to discounts and circulation, till the swelling tide bursted its barriers and deluged the land. Then began the opposite process of absorbing the excess. If it had been possible to return it back to the banks, the sources from which it flowed, through its debtors, the speculating, enterprising, and business portion of the community, the mischief would have been, in a great measure, avoided. But circulation had flowed off into other reservoirs; those of the moneyed men and bankers, who hoard when prices are high, and buy when they are low. The portion thus drawn off and held in deposite, either in banks or the chests of individuals, was as effectually lost, as far as the debtors of the banks were concerned, as if it had been burnt. The means of payment were thus diminished; prices fell in proportion, and the pressure increased as they fell. Though the amount in circulation be greatly reduced, yet the banks are afraid to discount, lest, on resumption, the hoarded mass of deposites held by individuals or other banks, should be let loose, and, in addition to what might be put into circulation should discounts be made, would cause another inundation to be followed by another suspension. How is this difficulty to be safely surmounted, but by unlocking the hoarded means? And how is this to be done, without deciding the currency question? This is the first and necessary step. That done, all will be able to calculate, and determine what to do. The period of inaction and uncertainty would cease, and that of business revive. Funds that are now locked up, would be brought again into operation, and the channels of circulation be replenished in the only mode that can be done with safety. Thus thinking, I am now and have been from the first in favor of an early decision, and averse to all coercion, or holding out temptation to resume: leaving the disease to the gradual and safe operation of time, with as little tampering as possible. In the mean time, I hold it to be unwise to cease discounting, and to adopt an indiscriminate system of curtailment. Its effects are ruinous to the business of the country, and calculated to retard, rather than to accelerate a resumption. The true system, I would say, would be to discount with business paper as freely as usual, and curtail gradually on permanent debts. The former would revive business, and would increase the debts to the banks less than it would increase the ability of the community to pay them.

Having now shown how this league, or combination of banks, is to be formed and revived, with the difficulties in the way, it remains to determine what will be the true character and nature of the combination when formed. It will consist of State banks retaining their original powers, that of discounting and all, without being in the slightest degree impaired. To these the substitute proposes to add important additions: to receive their notes as gold and silver in the public dues; and to give them the use of the public deposites, and to organize and blend the whole into one, as the fiscal agent of the Government, to be placed under the immediate supervision and control of the Secretary of the Treasury. Now what does all this amount to? Shall I name the word—be not startled: A

BANK—a Government bank—the most extensive, powerful and dangerous, that ever existed. This substitute would be the act of incorporation; and the privileges it confers, so much additional banking capital, increasing immensely its powers, and giving it an unlimited control over the business and exchanges of the country.

The Senator from Virginia (Mr. RIVES) was right in supposing that this new trial of the experiment would be made under very different circumstances from the first, and would have a different termination. That, too, like this, was a bank—a Government bank, as distinguished from the late bank, to which it was set up as a rival, and was at the time constantly so designated in debate. But the circumstances now are indeed different—very different, and so would be the result of the experiment. This bank would not be the same rickety concern as the former. That ended in anarchy, and this would in despotism. I will explain.

The former failed not so much in consequence of the adverse circumstances of the times, or any essential defect in the system, as from the want of a head—a common sensorium—to think, to will, and decide, for the whole, which was indispensably necessary to ensure concert and give unity of design and execution. A head will not be wanting now. Mr. Biddle's bank will supply the defect. His would be not only one of the resuming banks, as I have shown, but would also be one of the twenty-five to be selected. If there should be the temerity to omit it, the present project would share the fate of its predecessor. Mr. Biddle's bank, at the head of those excluded, would be an overmatch for the selected, in skill, capital and power; and the whole league would inevitably be overthrown; but if selected, the position of his bank in the league would be certain. Its vast capital, its extensive connections, its superior authority, and his skill, abilities and influence, would place it at the head, to think and act for the whole. The others would be as dependent on his, as the branches of the late bank were on the mother institution. The whole would form one entire machine, impelled by a single impulse, and making a perfect contrast with its predecessor in the unity and energy of its operations.

Nor would its fate be less dissimilar. Anarchy was inscribed on the first from the beginning. Its deficiency in the great and essential element, to ensure concert, was radical, and could not be remedied. Its union with the Government could not supply it, nor avert its destiny. But very different would be the case of the present. Add its intimate union with the Government, for which the substitute provides, to its other sources of power, and it would become irresistible. The two, Government and bank, would unite and constitute a single power; but which would gain the ascendancy—whether the Government would become the bank, or the bank the Government, is neither certain nor material; for whichever it might be, it would form a despotic moneycracy, (if I may be permitted to unite an English and a Greek word,) altogether irresistible.

It is not a little surprising that the Senator from Virginia, (Mr. RIVES,) whose watchful jealousy could detect, as he supposed, the embryo of a Government bank in the bill, should overlook this regular incorporation of one by his own substitute. Out of the slender materials of Treasury warrants and drafts to pay public creditors, or transfer funds from place to place, as the public service might require, and four principal receivers to keep the public money, he has conjured up, with the aid of a vivid imagination, a future Government bank, which he told us, with the utmost confidence, would rise like a cloud, at first as big as a hand, but which would soon darken all the horizon. Now, it is not a little unfortunate for his confident predictions, that these seminal principles from which the bank is to spring, have all existed from the commencement of our Government in full force, except the four receivers, without showing the least tendency to produce the result he anticipates. Not only ours, but every civilized Government has the power to draw Treasury warrants, and transfer drafts; nor has the power in a single instance terminated in a bank. Nor can the fact, that the money is to be kept by receivers, contribute in the least to produce one. The public funds in their hands will be as much beyond the control of the Executive, as it was in the vaults of the banks. But, to shorten discussion, I would ask, how can there be a bank without the power to discount or to use the deposites? and out of which of the provisions of the bill could the Treasury, by any possibility, obtain either, under the severe penalties of the bill, which prohibits the touching of the public money, except on warrants or drafts, drawn by those having authority, in due form, and for the public service.

But the danger which an excited imagination anticipates hereafter from the bill would exist in sober reality under the substitute. There it would require neither fancy nor conjecture to create one. It would exist, with all its faculties and endowments complete; discount, deposites and all; with which, immense means, guided by a central and directing head, and blended and united with the Government, so as to form one great mass of power. What a contrast with the bill! How simple and harmless the one, with its four principal receivers, twice as many clerks, and five inspectors, compared with this complex and mighty engine of power! And yet there are many, both intelligent and patriotic, who oppose the bill and support the substitute, on the ground that the former would give more patronage and power than the latter! How strange and wonderful the diversity of the human mind!

So far from being true, the very fact of the separation of the Government from the banks, provided for in the bill, would, of itself, be the most decisive blow that could be given against Government patronage, and the union of the two the most decisive in its favor. When their notes are received in the public dues as cash, and the public money deposited in their vaults, the banks become the *allies* of the Government on all questions connected with its fiscal action. The higher its taxes and duties, the greater its revenue and expenditure; and the larger its surplus, the more their circulation and business, and, of course, the greater their profit; and hence, on all questions of taxation and disbursements, and the accumulations of funds in the Treasury, their interest would throw them on the side of the Government, and against the people.

All this is reversed, when separated. The higher the taxation and disbursements, and the larger the surplus, the less would be their profit; and their interest in that case would throw them with the people, and against the Government. The reason is obvious. Specie is the basis of banking operations; and the greater amount they can command, the greater will be their business and profits; but when the Government is separated from them, and collects and pays away its dues in specie instead of their notes, it is clear that the higher the taxes and disbursements, and the greater the surplus in the Treasury, the more specie will be drawn from the use of the banks, and the less will be left as the basis of their operations, and, consequently, the less their profit. Every dollar withdrawn from them would diminish their business four-fold at least; and hence a regard to their own interest would inevitably place them on the side to which I have assigned them.

The effects on the politics of the country would be great and salutary. The weight of the banks would be taken from the side of the *tax consumers*, where it has been from the commencement of the Government, and placed on the side of the *tax payers*. This great division of the community necessarily grows out of the fiscal action of the Government. Take taxation and disbursement together, and it will always be found that one portion of the community pays into the Treasury, in the shape of taxes, more than it receives back in that of disbursements, and that another receives back more than it pays. The former are the tax payers, and the latter the consumers; making the great, essential, and controlling division in all civilized communities. If, with us, the Government has been thrown on the side of the consumers, as it has, it must be attributed to its alliance with the banks, whose influence has been, in consequence, at all times, steadily and powerfully on that side. It is to this mischievous and unholy alliance that may be traced almost all the disasters that have befallen us, and the great political degeneracy of the country. Hence the protective system; hence its associated and monstrous system of disbursements; hence the collection of more money from the people than the Government could require; hence the vast and corrupting surpluses; hence Legislative and Executive usurpations; and, finally, hence the prostration of the currency and the disasters which give rise to our present deliberations. Revive this fatal connection, adopt this substitute, and all this train of evils will again follow, with redoubled disasters and corruption. Refuse the connection, adopt this bill, and all will be reversed, and we shall have some prospect of restoring the Constitution and country to their primitive simplicity and purity. The effect of the refusal on the patronage of the Government would be great and decisive. Burke has wisely said that the "revenue is the State in modern times." Violence and coercion are no longer the instruments of Government in civilized communities. Their reign is past. Every thing is now done by money. It is not only the sinew of war, but of politics; over which, in the form of patronage, it exercises almost unlimited control. Just as the revenue increases or diminishes, almost in the same proportion is patronage increased or diminished.

But admit, for a moment, that neither the separation nor the connection would have any sensible effect to increase or diminish the revenue, and that it would be of the same amount, whether the bill or substitute should be adopted: yet, even on that supposition, the patronage of the latter would be a hundred fold greater than the former. In estimating the amount of patronage of any measure, three particulars must be taken into the calculation: the number of persons who may be effected by it; their influence in the community, and the extent of the control exercised over them. It will be found, on comparison, that the substitute combines all these elements in a far greater degree than the bill, as I shall now proceed to show. I begin with the number.

The bill provides, as has been stated, for four principal receivers, eight or ten clerks, and a suitable number of agents to act as inspectors, making in the whole, say 25 individuals. These would constitute the only additional officers to keep and disburse the public money. The substitute, in addition to the officers now in service, provides for the selection of 25 banks, to be taken from the most powerful and influential, and which would have, on an average, at the least, 100 officers and stockholders each, making, in the aggregate, 2,500 persons, who would be directly interested in the banks, and, of course, under the influence of the Government.

As to the relative influence of the officers and the selected banks over the community, every impartial man must acknowledge that the preponderance would be greater on the side of the latter. Admitting the respectability of the receivers and the other officers provided for in the bill, and the officers and stockholders of the banks to be individually the same, still the means of control at the disposition of the former would be as nothing compared to that of the latter. They could not touch a cent of public money. Their means would be limited to their salary, which would be too small to be felt in the community. Very different would be the case with the officers and stockholders of the banks. They, of all persons, are by far the most influential in the community. A greater number depend on them for accommodation and favor, and the success of their business and prospects in life, than any other class in society; and this would be especially true of the banks connected with the Government.

It only remains now to compare the extent of the control that may be exercised by the Government over the two, in order to complete the comparison; and here again the preponderance will be found to be strikingly on the same side. The whole amount of expenditure under the bill would not exceed $30,000 or $40,000 annually at the very farthest; and this constitutes the whole amount of control which the Government can exercise. There would be no perquisites, no contracts, jobs, or inci-

dental gains. The offices and salaries would be all. To that extent, those who may hold them would be dependent on the Government, and thus far they may be controlled. How stands the account on the other side? What value shall be put on the public deposites in the banks? What on the receivability of their notes, as cash, by the Government? What on their connection with the Government, as their fiscal agent, which would give so great a control over the exchanges and business of the country? How many millions shall these be estimated at, and how insignificant must the paltry sum of $30,000 or $40,000 appear to those countless millions held under the provisions of the substitute at the pleasure of the Government!

Having now finished the comparison as to the relative patronage of the two measures, I shall next compare them as fiscal agents of the Government; and here let me say, at the outset, that the discussion has corrected an error which I once entertained. I had supposed that the hazard of keeping the public money under the custody of officers of the Government would be greater than in bank. The Senators from New Hampshire and Connecticut, (Messrs. HUBBARD and NILES) have proved from the record, that the hazard is on the other side; and that we have lost more by the banks than by the collecting and disbursing officers combined. What can be done to increase the security by judicious selections of officers, and proper organization, is strongly illustrated by the fact stated by the chairman (Mr. WRIGHT) in his opening speech, that in the War Department there has been no loss for fifteen years—from '21 to '36—on an expenditure certainly not less than one hundred millions of dollars. I take some pride in this result of an organization which I originated and established when Secretary of War, against the most formidable opposition.

As to the relative expense of the two agencies, that of the bill, as small as it is, if we are to judge by *appearances*, is the greatest; but if by *facts*, the substitute would be much the most so, provided we charge it with all the advantages which the banks would derive from their connection with the Government, as ought in fairness to be done, as the whole ultimately comes out of the pockets of the people.

In a single particular the banks have the advantage as fiscal agents. They would be the more convenient. To this they are entitled, and I wish to withhold from them no credit, which they may justly claim.

The Senator from Virginia (Mr. RIVES) appeared to have great apprehension, that the collection of the public dues in specie might lead to hoarding. He may dismiss his fears on that head. It is not the genius of modern and civilized Governments to hoard; and if it were, the banks will take care that there shall be no extraordinary accumulation of cash in the Treasury. Pass the bill, and I underwrite that we shall never again have to complain of a surplus. It would rarely, if ever, in peace and settled times, exceed three or four millions at the outside. Nor is his apprehension that hoarding of specie would lead to war, less groundless. The danger is in another quarter. War is the harvest of banks, when they are connected with Government. The vast increase of revenue and expenditures, and the enormous public loans, which necessarily enure mainly to their advantage, swell their profits in war to the utmost limits. But separate them from Government, and war would then be to them a state of famine, for reasons which must be apparent after what has been said, which would throw their weight on the side of peace and against war, just as certainly, as I have shown, that the separation would throw it on the side of tax-payers, and against the tax-consumers.

I come now to the comparison of the effects of the two measures on the currency of the country. In this respect the Senator from Virginia (Mr. RIVES) seemed to think that his substitute would have a great superiority over the bill; but his reasons were to me wholly unsatisfactory. If we are to judge from experience, it ought to be pronounced to be the worst possible measure. It has been in operation but twice (each for but a few years) since the commencement of the Government, and it has so happened, that the only two explosions of the currency occurred during these periods. But, without relying on these disastrous occurrences, we have seen enough to satisfy the most incredulous that there are great and radical defects in our bank circulation, which no remedy heretofore applied has been able to remove. It originates in the excess of paper, compared to specie, and the only effective cure is to increase the latter, and reduce the former; and this the substitute itself impliedly acknowledges, by proposing a remedy that would prove wholly inoperative. It proposes that, after a certain period mentioned, none of the banks to be selected should issue notes under ten dollars. The effects would clearly be, not a diminution of the circulation of small notes, but a new division of the banking business, in which the issue of large notes would fall to the lot of the selected banks and the small to the others, without restricting, in the least, the aggregate amount of paper circulation.

But what the substitute would fail to do, the bill would effectually remedy. None doubt but the separation from the banks would greatly increase the proportion of specie to paper; but the Senator from Virginia (Mr. RIVES) apprehends, that its operation would be too powerful; so much so, in fact, as to destroy the banks. His argument is, that specie would be always at a premium, and that it would be impossible for the banks to do business, so long as that was the case. His fears are groundless. What he dreads would be but a temporary evil. The very fact that specie would bear a premium would have the double effect to diminish paper circulation, and increase the importation of specie, till an equilibrium between the two would be restored, when they would be at par. At what point this would be effected, is a little uncertain; but the fear is, that with our decreasing revenue, instead of the specie being increased to excess, it would not be increased sufficiently to give the desired stability to the currency.

In this connection, the Senator urged an objection against the bill, which I regard as wholly groundless. He said, that the payment of the dues of the Government in specie, would create a double demand; a domestic, as well as a foreign; the effects of which would be to increase greatly its fluctuations; and so deeply was he impressed with the idea, that he drew a vivid picture of its alternate flow from the coast to the interior, and from North to South, and back again. All this is the work of imagination. The effect would be directly the reverse. The more numerous the demands, the less the fluctuation; so much so, that the greatest stability would be where it exclusively performed the function of circulation, and where each individual must keep a portion to meet his daily demands. This is so obvious, that I shall not undertake to illustrate it.

But the superiority of the bill over the substitute would not be limited only to a more favorable proportion between specie and paper. It would have another important advantage that cannot be well over estimated: it would make a practical distinction between currency and circulation, between the currency of the country and private and local circulation, under which head bank paper would be comprehended. The effects would be, to render a general explosion of the circulation almost impossible. Whatever derangements might occur, would be local, and confined to some one particular commercial sphere; and even within its limits, there would be a sound currency to fall back on, not partaking of the shock, and which would greatly diminish the intensity and duration of the distress. In the mean time, the general business and finances of the country would proceed, almost without feeling the derangement.

With a few remarks on the comparative effects of the two measures on the industry and business of the country, I shall conclude their comparison. What has been said on their relative effects on the currency, goes far to decide the question of their relative effects on business and industry.

I hold a sound and stable currency to be among the greatest encouragements to industry and business generally; and an unsound and fluctuating one, now expanding and now contracting, so that no honest man tell what to do, as among the greatest discouragements. The dollar and the eagle are the measure of value, as the yard and the bushel are of quantity; and what would we think of the incorporation of companies to regulate the latter—to expand or contract, or shorten or lengthen them at pleasure, with the privilege to sell by the contracted or shortened, and buy by the expanded or lengthened? Is it not seen that it would place the whole industry and business of the country under the control of such companies? But it would not more certainly effect it, than a similar control possessed by the money institutions of the country, over the measure of value. But I go further, and assert confidently, that the *excess of paper currency, as well as its unsteadiness*, is unfavorable to the industry and business of the country. It raises the price of every thing, and consequently increases the price of production and consumption; and is, in the end, hostile to every branch of industry.

I hold that specie and paper have each their proper sphere; the latter for large and distant transactions, and the former for all others; and that the nearer our circulation approaches gold and silver, consistently with convenience, the better for the industry and the business of the country. The more specie the better, till that point is reached. When attained, it would combine in the greatest possible degree, soundness, and facility, and would be favorable to the productive classes universally; I mean men of business, planters, merchants, and manufacturers, as well as operatives. It would be particularly favorable to the South. Our great staples are cash articles every where; and it was well remarked by the Senator from Mississippi, (Mr. WALKER,) at the extra session, that we sold at cash prices, and bought at paper prices; that is, sold low and bought high. The manufacturing, commercial, and navigating interests would also feel its beneficial effects. It would cheapen productions and be to manufacturers in lieu of a protective tariff. Its effects would be to enable them to meet foreign competition, not by raising prices by high duties, but by enabling them to sell as cheap or cheaper than the foreigner, which would harmonise every interest, and place our manufactures on the most solid basis. It is the only mode by which the foreign market can ever be commanded; and commanded it would be, with a sound and moderately expanded currency. Our ingenuity, invention, and industry are equal to any people; and all our manufacturers want, is a sound currency and an even chance, to meet competition with success any where, at home or abroad. But with a bloated and fluctuating paper circulation, this will be impossible. Among its many drawbacks, it levies an enormous tax on the community.

I have already stated, that the community is estimated to have been indebted to the banks $475,000,000 at the suspension of specie payments. The interest on this sum, estimated at six per cent. (it ought to be higher,) would give an annual income to those institutions of upwards of thirty millions; and this is the sum yearly paid by the community for bank accommodations, to the excess of which we owe our bloated and unstable circulation. Never was a circulation so worthless, furnished at so dear a rate. How much of this vast income may be considered as interest on real capital, it is difficult to estimate; but it would, I suppose, be ample to set down ten millions to that head, which would leave upwards of twenty millions annually, as the profits derived from banking privileges over and above a fair compensation for the capital invested, which some body must pay, and which must ultimately fall on the industry and business of the country. But this enormous expansion of the system is not astonishing, so great is the stimulus applied to its growth. Ingenious men of other ages devoted themselves in vain to discover the art of converting the baser metals into gold and silver; but we have conferred on a portion of the community an art still higher—of converting paper, to all intents and purposes, into the precious metals; and ought we to be surprised, that an article so cheap to the manufacturers, and so dear to the rest of the community, should be so greatly over supplied, and without any reference to the interest or to the wants of the community?

If we are to believe the Senator from Virginia, and others of the same side, we owe almost all our improvements and prosperity to the banking system; and if it should fail, the age of barbarism would again return. I had supposed that the bases of our prosperity were our free institutions; the wide-spread and fertile region we occupy, and the hereditary intelligence and energy of the stock from which we are descended; but it

seems that all these go for nothing, and that the banks are every thing. I make no war on them. All I insist on is, that the Government shall separate from them, which I believe to be indispensable, for the reasons I have assigned, both now and formerly. But I cannot concur in attributing to them our improvements and prosperity. That they contributed to give a strong impulse to industry and enterprise in the early stages of their operation, I doubt not. Nothing is more stimulating than an expanding and depreciating currency. It creates a delusive appearance of prosperity, which puts every thing in motion. Every one feels as if he was growing richer, as prices rise, and that he has it in his power, by foresight and exertion, to make his fortune. But it is the nature of stimulus, moral as well as physical, to excite at first, and to depress afterwards. The draft which at first causes unnatural excitement and energy is sure to terminate in corresponding depression and weakness; nor is it less certain that the stimulus of a currency, expanding beyond its proper limits, follows the same law. We have had the exhilaration, and the depression has succeeded. We have had the pleasure of getting drunk, and now experience the pain of becoming sober. The good is gone and the evil has succeeded; and on a fair calculation, the latter will be found to be greater than the former. Whatever impulse the banking system was calculated to give to our improvement and prosperity, has already been given; and the reverse effects will hereafter follow, unless the system should undergo great and radical changes; the first step towards which, would be the adoption of the measure proposed by this bill.

I have, Mr. President, finished what I intended to say. I have long anticipated the present crisis, but did not expect its arrival in my time. When I saw its approach, I resolved to do my duty, be the consequences to me what they might; and I offer my thanks to the Author of my being, that he has given me the resolution and opportunity to discharge what I honestly believe to be that duty on this great subject.

How the question will be decided, is acknowledged to be doubtful, so nearly are the two Houses supposed to be divided; but whatever may be its fate *now*, I have the most perfect confidence in its *final* triumph. The public attention is roused. The subject will be thoroughly investigated, and I have no fears but the side I support, will prove to be the side of truth, justice, liberty, civilization, and moral and intellectua lexcellence.

THE NEUTRALITY BILL.

REMARKS OF MR. LOOMIS,

OF NEW YORK,

In the House of Representatives, Feb. 16, 1838—On the bill to maintain our neutrality with conterminous countries.

Mr. LOOMIS said that it was with much reluctance he felt himself compelled, under existing circumstances, to offer an important amendment to the bill. He would propose a substitute for the whole bill.

The SPEAKER remarked that it was not at this time in order to propose an amendment, as that reported by the Committee on Foreign Affairs was now pending.

Mr. LOOMIS said that he would offer it when in order. In the mean time, he would briefly submit his views upon the bill as it stood before the House. He was fully sensible of the necessity of the immediate action of Congress upon the subject, and he regretted that a sense of duty compelled him so essentially to differ from the highly respectable committee who had reported this bill, as to place himself in this attitude. He was not opposed to the principle that seemed to lie at the foundation of the bill. The prevention of our citizens from improperly interfering to excite or carry on insurrection in foreign States with whom we are at peace, and to whom we owe all the duties and rights of a friendly power. In this principle, and in its general application, therefore, he fully agreed with the chairman of the Committee on Foreign Relations in the remarks he had submitted; but the manner in which the committee had proposed to carry out their views was, in his judgment, liable o serious, if not insuperable, objections. He could not bring himself to assent to it.

The circumstances, said Mr. L. which have given rise to this bill—the disturbances on our Canadian frontier—are of a peculiar character, and warrant, nay, they require, the prompt and efficient action of this Government. There is a long line of frontier separating the two countries from each other, yet placing so narrow a barrier between them as to render it impossible that local disturbances breaking out on one side should not affect the minds of inhabitants on the other. There were several hundred miles in extent of an inhabited country, divided in some places only by an imaginary line, in others by rivers and by navigable lakes. The people of the two sides were in the habit of constant and friendly intercourse with each other, and were bound together by the ties of neighborhood, and intermingled in the social relations of life. When the inhabitants of Canada complain of infringement by their Government upon their political rights, and feel, or imagine they feel, oppression and tyranny, they touch a point upon which their American neighbors are peculiarly sensitive, and upon which their sympathies are readily aroused. The native love of liberty and the deep-rooted hatred of tyranny, which characterize American citizens, were easily excited to inflammation whenever an appeal was made to them involving those noble principles. Thus it was that, in a controversy between the Canadians and their Government of that character, our citizens throughout the whole of that extended frontier were easily led to take a deep interest; and, unless their impulses were restrained, would heartily embark on the side of the liberals in those struggles. Abstractedly taken, he would not wish to check those generous sympathies; he would do nothing to deaden or discourage the feelings which emanated from the innate love of freedom, nothing to extinguish the bright spark of liberty which glows in the heart of every true American citizen; yet something we must remember is due to national right and national obligation. We owe it to the well known prudential policy of this Government ever since its existence as a nation, to avoid entanglement in the quarrels and controversies of other nations, and we certainly owe something also to the spirit of friendship and good will which exists between this country and Great Britain, and which it is the duty, as well as the mutual interest, of both powers to continue. For the preservation of these, said Mr. L. I am willing to do every thing which ought to be done, but I insist that whatever restraint we impose upon our citizens should be done agreeably to well established principles of law.

There are several serious objections in my mind to the present bill, and as it came from the Senate. In the first place, it is inefficient to answer the end designed. In what manner does it propose to suppress the improper interference of our citizens in the controversy of their neighbors? By giving to the United States marshals and their deputies, and to all the officers connected with custom-houses, and others, power to seize without process of law, or any other limitation than their own individual discretion, any vessel or vehicle, arms, or munitions of war, which they may suspect are about being taken into a conterminous country, to be used in hostilities to be carried on there, and to detain them until satisfactory security should be given that they should not be so used. Assuming that each of the several officers in whom it was proposed to vest this extraordinary power would act discreetly, suppose one of them, in the exercise of his duty, to have seized property which he had rightly judged was about to be used in violation of the intention of the law, assuming also that he would fairly estimate its value, and that he also should judge properly in reference to the sufficiency of the sureties offered, and that he had skill to frame the proper bond to be taken. The bond is executed. What, then, is to hinder the owner or possessor from marching right along with his bonded property over the line into the adjoining country, in the very face and eyes of the officers of Government? Who can prevent him? He has complied with the law. What is to become of the bond? The officer taking it is not required to deposite it with any law officer, nor to make any report; his duty has been accomplished by taking the bond; he has nothing to do with its violation; but should the bond, by good fortune, find its way into the hands of the district attorney, how is he to know whether the obligation has been violated, the bond broken? or, if informed, how is he to prove that the property has been used contrary to the conditions of the bond? Does his jurisdiction extend to the only place where these facts can be ascertained, beyond the line? Can he obtain witnesses from the camp of one of the belligerents, identifying the very articles specified in the bond, and prove that they have been used in carrying on hostilities? No, sir; he would not be able to make the requisite proof in one case in ten. In a large proportion of the cases, the owner would probably get his goods over without subjecting himself to give a bond; and he would feel secure, that even if they were seized, and a bond required, there would be no difficulty in procuring it when the strong feeling of sympathy prevails, as it does on that frontier, and little or no danger of being convicted for its breach. He would be conscious of violating no law, if he escaped the seizure of his goods; and if seized, he would feel that he had satisfied the penalty of the law by giving a bond which could not be enforced.

There is another very serious objection to the bill. It vests unusual and dangerous powers in the numerous officers to whom its execution is entrusted. This feature is in violation of the whole policy of our laws, and, he felt constrained to say, against the Constitution itself. It proposes to give to *executive* officers discretionary powers of a *judicial* character, unparalleled in extent by any ever vested in that class of officers. The same individual who is to make the seizure, is made the judge of the exigency of the case authorizing it. His discretion is unlimited and without restraint. He is to judge, of his own knowledge, or otherwise, as he best may, whether it is "probable that the vessel or vehicle, arms or munitions, are intended to be employed in carrying on hostilities." These are the words of the bill; he is required to make no report, to keep no record or minutes, to render no account; and acting judicially, he is not responsible to any body, or in any form, for any error in judgment, however gross; nor is there any appeal from his judgment. The same individual judges of the probability, makes the seizure, and holds the property; he judges of its value, and of the sufficiency of the surety; he may fix the value at nearly nothing, so as to cover the free passage of the property, as having been bonded; or he may make it so exorbitant as to be oppressive and amount to a prohibition. What could prevent any one of the numerous officers named in the bill, in the exercise of his combined judicial and executive powers, from stopping any citizen riding along in his carriage on the highway on that frontier, ay, or in this very city, and saying, "I arrest this carriage as a vehicle contemplated by this law?" Who could restrain him? The presumption is, that the officer will do his simple duty; but such a law as this would throw in his way a strong temptation to pervert it to his own purposes.

The rights of our citizens to bear arms, guaranteed to them by the Constitution, is liable to be somewhat encroached upon, if it may not be absolutely violated, by the powers and duties vested by this bill in these officers.

But there was another clause of the Constitution with which it appeard to him the provisions of this bill came in direct conflict. The fourth article of the amendment of the Constitution provides that—

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

The fifth section provides that no person shall "be deprived of life, liberty, or property, without due process of law."

Sir, said Mr. L. does not this bill propose to vest in Executive officers, the power to deprive persons of property, without due *process* of law. They are authorized and required to seize the acknowledged property of individuals, without any *process*, to do it at discretion, to act as judges of the necessity, and then to execute. The great principle of protection to private rights, which the Constitution intended to secure by requiring proof on oath or affirmation of the facts and circumstances, before a judicial tribunal, and process of law, in order to justify a seizure, is directly violated. Will it be said that it does not contemplate to deprive the individual of his ultimate right or legal estate in the property; that he may, on certain conditions, have it restored to him? Sir, the right of possession and use, is property; the only end and object of the ownership of chattels, is that the owner may enjoy their use. The right of possession is as much property as the right to the fee itself.

The object of the bill was preventive. It was in-

tended evidently to prevent the commission of certain acts, which, in the judgment of the committee, were in violation of our national obligations. The possession of the means, connected with the unlawful intent, constituted the case which the committee intended to reach. The only, or the best mode to accomplish this object, was to pursue the same mode as that which had long prevailed in all similar cases—as in the case of persons having in possession implements for making counterfeit money, with intent to use them for that purpose. In that case, the possession of such implements, or of the counterfeit money itself, afforded evidence, to some extent, of the unlawful intent, because such possession was unusual, and, in general, unnecessary, except to accomplish the unlawful act; but in this case the possession of arms affords no such presumption; our Constitution and laws presume that every citizen has arms and munitions of war; hence there was much more need in this than in ordinary cases to have proof made, showing the "facts and circumstances"—some overt act from which unlawful intent could be inferred. And what is still more singular is, that the bill does not make the act unlawful for the imputed intention of doing which the citizen is made liable to have his property seized, and is held to give bonds and sureties. Any one may lawfully have in possession the articles enumerated, with the intent to use them in the manner described. He may carry that intent into effect and be conscious of violating no law of his country, and subject to no punishment. And yet certain officers are required to seize that property, if they think it probable he intends to use it in that manner.

The bill departs from the ordinary and well-tried usages of penal jurisprudence. Those usages have the advantage of long experience;—they have been moulded to utility and safety by the judgments of courts and the learning of counsel It seems to me, said Mr. L. that in order to carry out the recommendation of the President with prudence and safety, and effectually, the act should first make it an offence to procure the arms, &c. with the *intent* to make that use of them which its object is to prohibit, and should attach a proper penalty for that offence. The individual offending would then be subject to be arrested for violating a penal statute, under ordinary process of law. And the act might then, with much propriety, for greater safety, and as an additional penalty, authorize the seizure of the property thus intended to be applied to unlawful purposes. But, even then, it must be done under judicial process. Such a law, he could not doubt, would prove a far more effectual preventive measure than the present bill, by exposing its violator to the arrest of his person as an offender, and exposing him to pains and penalties, as well as the seizure of his property, while it would preserve the constitutional rights of the citizen, and conform to the established usage of our civil jurisprudence.

The third section of the bill presented another feature, which was also liable to the most serious objections. That section made it the duty of the numerous officers designated in it to seize the arms of any body of armed men who should come within our limits and jurisdiction, and who had been engaged in carrying on hostilities against any conterminous country with which we are at peace. This section is too extensive in its application. Instead of securing us against being involved in foreign quarrels, its literal execution would, in some cases, lead us into them. He would suppose a case, to illustrate this view of its application. Suppose a war should exist between the English Government and some other foreign power, (say Russia, or any other European nation,) and a national ship of the latter, which had been engaged in that war, should put into the port of New York. This Government is certainly bound, by the laws of nations, to protect that vessel and its armament, while lying in our port, even as against its enemies. It has a right to lie safely in our harbor as a place of refuge. The Government of England has territory conterminous with the United States; and the ship contains a body of armed men, who have been actually engaged in carrying on hostilities against a conterminous country with which we are at peace. By the provisions of this third section, it would be the duty of the several officers named to seize upon the arms of this "body of armed men," and detain them until they should enter into bond not to use them in the very manner their duty required of them. This clearly was too palpable a violation of the laws of nations and the rights of belligerents, to have been intended by the framers of this bill; and yet there does not appear to be any escape from that construction of it as it reads.

Mr. L. said he regretted extremely that he had felt himself compelled by a sense of duty to place himself in the attitude, he had done with respect to this bill. He had avowed himself friendly to the proposition to do our whole duty in preventing our over-zealous citizens from embroiling our frontier in hostilities, and endangering the peace of the country; and he was not disposed to be tenacious of any opinions he might have as to the extent of the preventive interference of the Government, and in the amendments which had been printed by the courtesy of the House, and which, when in order, he should offer, he had endeavored to follow the bill in its description of the acts to be prohibited; he had not felt at liberty in this stage of the business to depart from the expressed judgment of the committee, and of the Senate on that point; but reserved to himself a common right with others to act in that respect as they should on further consideration deem proper. He had merely endeavored to mould their views into a form to obviate his constitutional objections, and to conform it to the ordinary rules and practice of penal legislation.

NORTHEASTERN BOUNDARY.

SPEECH OF MR. FAIRFIELD,

OF MAINE.

In the House of Representatives, March 8, 1838—Upon the subject of the Northeastern Boundary.

Mr. FAIRFIELD addressed the House as follows:

Mr. SPEAKER: I am in favor of the bill which my colleague [Mr. EVANS] proposes to introduce. What is it, sir? Why, it simply provides that the President cause the Northeastern boundary line of the United States "to be accurately surveyed and marked, and suitable monuments to be erected thereon, at such points as may be deemed necessary and important." And it is a measure so just and reasonable in itself, and so imperatively demanded by the circumstances of the case, that I trust no member in this House will feel a disposition to oppose it.

In Maine, there is but one feeling upon this subject. That State, sir, feels that she has suffered deep and enduring wrongs at the hands of the British Government. She knows that she has been illegally and unjustly deprived of the property and jurisdiction in a portion of her territory; that the valuable timber upon that territory has been the subject of plunder and waste; that her citizens have been seized and imprisoned in foreign jails, without law and without right; and that the nation guilty of these multiplied and gross outrages not only denies redress, but refuses even to agree upon a mode by which the legality of her acts can be tried, and an amicable adjustment of the difficulties can be effected. That State also feels that "she has not been treated by the General Government as she has endeavored to deserve;" though, in her complaints upon this subject, she goes a little farther back than my colleague found it for his purpose to go.

This, sir, is no *party question* in Maine. It is true, there have been several attempts to make it a party question; but these attempts have always proved abortive. And this bill, introduced by my colleague, was agreed upon by the delegation from Maine without regard to politics or party, and is introduced in pursuance of an arrangement between them. It was with extreme regret, therefore, that I found my colleague disposed to make it the basis of an attack upon the Administration—to mingle it with party politics, and, *perhaps*, to send a speech home, to co-operate with similar efforts making there. Sir, I think no good can come of this course in any way; and I regret exceedingly that it should have been thought wise to adopt it. But this regret, great as it was, did not exceed my surprise and astonishment at hearing him eulogise the Administration of 1825, while condemning, in severe terms, the succeeding one, in reference to their respective action upon this subject. The first, it is said, nobly asserted and maintained our rights; while the other, by concessions, frittered away, and finally abandoned them. Sir, I think this declaration will be received with some surprise at home, too; for the general opinion there, as I have supposed, has always been directly the reverse of this. And, as the door to this investigation has been opened, I trust I shall be pardoned for walking in, and asking the House to go back with me to a period somewhat beyond that, to which it seemed to be convenient for my colleague to extend his inquiries. I will then endeavor to show, that Maine has been exceedingly ill treated, not only by the British Government, but by our own Government, and by that Administration, too, which has received the warm encomiums of my colleague.

In doing this, I beg the gentleman from Massachusetts [Mr. ADAMS] to believe that it will not be from any feelings of personal unkindness or disrespect to him. I shall refer to his acts, merely as a part of the history of the case, and only because I feel compelled to it, by the course of my colleague upon this subject. Besides, if I succeed in my attempt, it will afford an additional reason for the passage of the bill; for, corresponding with the extent of wrongs suffered by Maine, will be the measure of her right to redress. If she has been *doubly wronged*, then is she *doubly entitled to relief*.

Sir, if I have not totally misapprehended the history of this matter, almost every step in the progress of the case, taken by the Administration alluded to, was adverse to the interests and wishes of Maine, and, in most instances, against her solemn protest. That Administration did little or nothing to protect our rights and interests, but every thing to put them in jeopardy.

Of our long list of complaints, let me call the attention of the House to a few prominent ones. In the treaty of Ghent it was provided that commissioners should be appointed to ascertain that point in the highlands lying due north from the source of the St. Croix, constituting the northwest angle of Nova Scotia, and to survey the line extending from the source of the St. Croix to the highlands, and along the highlands to the northwesternmost head of Connecticut river. These commissioners having been appointed in conformity with the treaty, extended their official labors through a period of about five years, without being able to agree, and closed their commission by making reports to their respective Governments. In the progress of the case, a vast number of documents relating to it were collected, which, with the statements or argument of the commissioner, were deposited here in the national archives. Copies of these documents Maine was exceedingly anxious to obtain; and, as early as 1826, moved in the matter, by the Legislature authorizing the Governor to procure them, and at the same time making an appropriation of $500 to defray the expense of it, should there be any. And will it be believed, sir, that our Governor persevered in his efforts for a period of over two and a half years before he succeeded in obtaining them? His requests were presented in a variety of forms, and pressed with that earnestness and force which ever characterized his efforts in the public service. I refer to the "lamented Lincoln," the brother of the honorable gentleman from Massachusetts sitting near me. But notwithstanding the importance of the subject, and our deep interest in these documents, especially at the time they were called for; notwithstanding the offer to pay all the expense attending a compliance with our request; and notwithstanding the Governor proposed to receive them as confidential, if it should be requested, still Mr. Clay, then Secretary of State, pertinaciously refused to furnish them, or have them furnished!

May 29, 1827, the Governor, having discontinued his unsuccessful efforts with the Secretary of State, addressed himself directly to the President. In answer to this call, in October following, the copies were furnished; *two and a half years* having been spent in the accomplishment of that desirable object. In support of these statements, I beg leave to refer to documents now before me. Governor

Lincoln, in his message to the Legislature, January, 1827, says:

"My immediate predecessor [Governor Parris] has solicited the documents contemplated by a resolve of a former Legislature, relative to our boundary; and I cannot but hope that the person applied to will find the obligations of his situation so modified, as to admit his furnishing the proper officers of this State that information, by which it may be prepared to judge correctly of the rights of the Union, and of a foreign nation, in connection with that independent right which it ought to maintain, so far as the prudent application of all its justifiable means will permit."

At the same session of the Legislature, a resolve was proposed by a political friend of my colleague, [Mr. Deane.] The following is an extract:

"By a resolve of the Legislature of this State, passed January 26, 1826, the Governor of this State was authorized and requested to take such measures as he might think expedient and effectual, to procure for the use of the State certain copies and documents, etc. mentioned in said resolve. The Governor, having done *all in his power* to procure the information alluded to in said resolve, but his efforts *not having been successful*, your committee are of opinion that the interests of the State may be advanced by a renewal of the request to the Government of the United States."

Subsequently to this, viz: April 18, 1827, Governor Lincoln, in a letter to Mr. Clay, uses the following language upon this subject:

"It was with *much regret*, not unmingled with *mortification*, that I considered your *denial* of the use of the reports and arguments of the commissioners under the treaty of Ghent."

Again: in the same letter he adds:

"With this spirit of forbearance, she has sought information only as to an *interest vital to herself*, as well as important to the country, without any purpose *calculated to excite distrust*, with only such patriotic views as have rendered the refusal to comply with her request a subject of that *species of surprise* which a friend *predetermined to take no offence* feels, when he is *not treated with correspondent confidence*."

And again:

"As a free, sovereign, and independent Republic, may we not be permitted to have communication with the authorities of the Union; or do they mean that we shall submit implicitly to their direction, however wise it may be, at the same time that they declare their conviction of the *propriety of withholding information*? The general concerns of the Union are, of course, communicated only to the whole; but that which relates to a *particular community*, when its daily intercourse *demands information*, seems to warrant the request I have made, and which I am reluctantly *impelled to renew*, with this modification, that any communication made in return will be received, if so required, subject to a *restriction on publicity*, beyond a communication to the Legislature, in the usual terms of *confidential communications*."

In a letter to the President, dated May 29, 1827, he says:

"However *discouraging* may have been the correspondence I have had with the Secretary of State, I cannot decline a course deliberately determined upon, or admit the belief that a representation relating to the welfare of Maine can be unwelcome."

At the session of the Legislature of Maine, January, 1828, a report was made upon the subject of the boundary, by a political friend of the then National Administration. From that I extract the following:

"The delay to give information to the State of Maine, *when it had been so often requested*"—"is certainly *very extraordinary*."

Upon this point I have no more to say. The facts speak for themselves, and can be appreciated by the House without multiplying words on my part.

Again: Maine assumed the position that the General Government had no constitutional authority to *cede* any portion of her territory, either by a direct delegation of power in the Constitution, or indirectly under the treaty making power, by way of arbitration, or otherwise. This, or rather the latter branch of the proposition, was virtually denied by that Administration. The entire correctness of our positions, however, have been again and again admitted by the two succeeding Administrations; yet my colleague commends the first and condemns the last!

The Administration of that day, claimed the power to submit the question of boundary to the entire "exclusion" of Maine, even though it should involve *a dismemberment of our territory*, considering it as a *national question* merely, and regarding the efforts of Maine to present her views upon the subject to the Executive, as "*obtrusive*."

In connection with these remarks, I beg leave to refer to the letter of Governor Lincoln to the President of the United States, dated May 29, 1827. He says:

"Having learned that the title thereto [the disputed territory] is involved in the details of a diplomatic arrangement, conducted under the sanction of the Executive Department of the Federal Government, Maine, *although not consulted*, yet bound from deference to pay a due respect to reasons, the nature and force of which she is, from a *studious and mysterious reserve*, rendered *unable to comprehend*, believes that she ought to present her *expostulations* in regard to any measures threatening her with injury."

Again, in the same letter, he adds:

"It is not controverted that the control of our foreign relations belongs to the United States as to objects which have arisen under the Constitution or existing laws; but in regard to rights acquired by an independent party, and interests in property vested by acts anterior to the existence of that compact, the interposition of the Federal Executive, without an *express grant of power*, seems to be gratuitous. No statesman will assert that the treaty making power is competent to an act transcending the scope of the combined trusts of the Government."

In a letter to Mr. Clay, bearing date November 16, 1827, Gov. Lincoln says further:

"I have also this day received your communication of the 10th instant. From its contents, I am made sensible that the objection I have had the honor to urge *against the submission to a foreign umpire* of the territorial and jurisdictional rights of Maine, without *consulting or advising* her as to the *conditions*, have not been deemed available. If any injury shall result to her, the appeal will be made to the people of this country and to posterity. It has not seemed *arrogant* or *presumptuous* to have expected *a recognition of her rights*, and to have asked, that, if she is to be made *a sacrifice*, she might not be devoted without some consideration on her part of *the terms*. * * * When you cautioned us against suggestions of compromise and acts of precaution, it was not believed that it was that you might the more easily throw us within the power of an umpire, but that you intended to intimate that the powerful arm of the Federal Government was holding its ample shield before us. At last we learn that our strength, security, and wealth are to be subjected to the mercy of a foreign individual, who, it has been said by your minister, 'rarely decides upon strict principles of law,' and 'has always a bias to try, if possible, to split the difference.' I cannot but yield to the impulse of saying, most respectfully, that *Maine has not been treated as she has endeavored to deserve*."

In a letter from Gov. Lincoln to Mr. Clay, written April 18, 1827, he says:

"Anxious, as in my situation I cannot avoid being, for the preservation during my continuance in office, and always after, of the rights of the State, I must express my alarm at a portion of Mr. Gallatin's letter. He says: 'An umpire, whether a king or a farmer, rarely decides on strict principles of law; he has always a bias to try, if possible, to split the difference.' And yet, I am informed that there has been in progress an arrangement of the preliminary points for constituting such an umpire. I cannot but hope that no arrangement will be effected, which will endanger *the half* from the mere circumstance of *a wrongful claim to the whole*, under the *pitiful weakness* which is liable *to split the difference between right and wrong*."

Again, in his letter to the President of the 29th of May, 1827, he says:

"The treaty making power of the United States on one side, and his Britannic Majesty on the other, agree to consider the decision of the arbitration final and conclusive. Let me say that, to a surrender of territory involved as a possibility, it will, I trust, be made evident that there is another party not to be an indifferent spectator of its own delaceration. The mind, in contemplating our prospects, is carried to the courts of Europe, and led to scan the tribunals to which you may refer this subject. It would be unsuitable for me to comment on the dispositions or talents of foreign sovereigns or States; but it is not in cold blood that I can anticipate the committing the destinies of Maine to *an irresponsible arbiter*, to be found in a distant land, and *necessarily unqualified to act in the case*. The character of this arbitership has been portentously exhibited by Mr. Gallatin. Suffice it to say, that the proposed arbitration will *jeopardise, without her consent, and against her will, the rights of Maine*. * * * Maine, now standing in the place of her parent republic, (Massachusetts) may deem the fifth article of the treaty of Ghent as having led to a course *endangering her rights*, and rendered more painful and alarming by her *exclusion from a proper intercommunication* and *legitimate consideration* as a party in the case."

Again, he says:

"Whatever character appertained to the confederation, or to those who entered into that holy league, it is manifest that the States were not identified and confounded with the Union, in relation to the questions here presented, under the original treaty of peace and limits. I must therefore respectfully urge, that, however the policy and principles of the Executive department of the Federal Government may *dictate* the imposition upon Maine of *silence* and *forbearance*, and however plainly may be indicated the disposition to treat the subject as if *merely national*, she will not observe any procedure by the United States and Great Britain for the severance of her territory and the abrogation of her authority, without a sensibility *too serious to be passive*."

Once more:

"It has been urged that this concern is so *exclusively national* that Maine is *obtrusive* in presenting her views to the consideration of the Executive. It is nevertheless believed," &c.

In the same document from which I have been reading, I find a letter from the Lieutenant Governor of New Brunswick to Governor Lincoln, dated November 15, 1827, to a paragraph of which I wish to call your attention. It seems that a citizen of Maine had been seized on the disputed territory by the provincial authorities, and imprisoned in the jail at Fredericton. Gov. Lincoln addressed a letter to "his Majesty's Lieutenant Governor," asking him to communicate the circumstances of the arrest. His Majesty's Lieutenant Governor replies as follows:

"It is not for me to question the propriety of your Excellency's opening a correspondence with the Government of this province, on a question now pending in negotiation between his Majesty's Government and the Government of the United States, as contracted under the treaty of Ghent; but it would *neither be consistent with my sense of duty*, nor in *conformity with my instructions*, to give the explanations your Excellency requests, to any persons excepting those with whom I am directed to correspond, or under whose orders I am placed. Should any reference be made by the *General Government* of the United States," &c.

Here we see the unfortunate and humiliating condition in which Maine was placed. A foreign Government had seized and imprisoned her citizens, and when asked merely to communicate *the circumstances of the arrest*, turns up its aristocratic nose, and says it is *not consistent with its sense of duty* so to do. To the *General Government* it is willing to communicate. When we call upon the General Government for information, there too, we are repulsed: papers in which Maine is deeply and peculiarly interested, are locked up in the national archives, and she is not only denied copies of them, but her efforts are regarded as very obtrusive. Again: on the one hand, the British Government had unjustly wrested from Maine a portion of her territory; and on the other, the General Government was upon the eve of submitting to a foreign arbitrator the question in effect, whether the British Government should keep *the whole*, or only *half* of what it had thus unjustly taken! Thus was Maine bound hand and foot, and made ready for the sacrifice. Really, if Maine is under great obligations to that Administration for its efforts in her behalf, I confess myself totally unable to see or comprehend them. In relation to this matter, however, I suppose my colleague's political optics are some what kneener than my own.

But the case was finally submitted, and that, too, under the implied power, so far as our Secretary of State and his Minister had power to confer it, of *splitting the difference*. This was most manifestly a fair subject of complaint on the part of Maine, because it was entirely gratuitous and uncalled for on the part of the Minister and Secretary. The written terms of the submission were, upon this point, perhaps well enough. Why then make declarations inconsistent with these written stipulations, calculated to lead the arbitrator to an exercise of power, not strictly granted, and adversely to our interests? I am unwilling to believe tha it arose from any really settled feelings of hostility to Maine, and her then political Government. The letter of Mr. Gallatin has already been referred to, in which he says, that "an umpire, whether a king or a farmer rarely decides on strict principles of law; he has always a bias to try, if possible to split the difference." The correctness of this position was subsequently recognised and confirmed by Mr. Clay. In his letter to Governor Lincoln, of November 27, 1827, in reply to some objections which had been urged against the submission to arbitration, he says: "It is true, that it (arbitration) is a mode not free from all objections, and *Mr. Gallatin has adverted to one, in the extract which you give from one of his letters*." And this, too, was after the convention was entered into at London, prescribing the terms of the submission, that having been done, September 29, 1827. After, then, it had been solemnly agreed, that the arbiter should decide the question of boundary upon *strict principles of law*, that is, according to the terms of the treaty of 1783, and not under the influence of that "pitiful weakness" which "splits the difference between right and wrong," we find our Secretary of State admitting the latter as a *valid, though not insuperable objection* to arbitration. And here, I think, we may date most of the unfortunate difficulties that have since grown out of this case. If it had not been for these unfortunate expressions of our Minister and Secretary of State, would the umpire ever have thought of travelling out of the plain letter of his commission, for the purpose of splitting the difference between right and wrong? I think not. And the extent of their influence since, with the British Government, in protracting the settlement of this question, no man can calculate.

But again: Maine had not only just grounds of complaint, for submitting the question under the circumstances in which it was submitted, but of the selection of the umpire himself. I will not say it was the worst possible selection that could have been made, but I may say, that there were many and, to my mind, insuperable objections to him. He was, in the first place, under great obligations to England. He owed her a debt of gratitude, which, I suppose he would have been happy of an opportunity to pay. At the Congress of Vienna, in 1815, Holland and Belgium were united and

made one kingdom, under the name of "The Netherlands;" and, a few months afterwards, William was crowned King, with the title of "King of the Netherlands." England, it is well known, had an overpowering influence in that Congress, and contributed more to the result of a union of Holland and Belgium than all the other members combined. And to England, more than to any other nation, was King William to look to sustain him in the position in which he had been placed. Whether in consequence of all this, his subjection to British influence was more than it ought to be, I will not undertake to say; but it is a fact, that at one time he was called, by his own subjects, "*Le Prefect d'Angleterre*"—the Prefect of England.

But more than this, he was a member of the "Holy Alliance"—one of the band of conspirators against the rights of man. Cherishing the most deadly hostility to liberal principles, how could he be expected to feel any particular partiality or favor for a nation that was doing more to disseminate these principles than any other nation in the world?

His hostility to liberal principles was fully shown by the tyranny which he exercised upon his own subjects. In the first place, he abolished the right of trial by jury—"that bulwark of liberty, and best safeguard of private rights." He then destroyed the freedom of the press, and imposed punishments for libels upon the Government, from one year's imprisonment to death. He decreed that the French language should no longer be the national language in Belgium. "The Belgians were to unlearn their mother tongue, and frame their organs and those of their children to the use of the Dutch." No man was allowed to advocate a cause in the courts, except in Dutch. No man could devise property, except in a language every word of which required to be translated. And no man was admitted to office, until he had served an apprenticeship to the Dutch language.

Such tyranny can only be equalled by another act of the same king, which was this: On the adoption of the constitution presented by himself to the notables, he declared 527 votes to *be a majority of* 1,523, on the ground that some of the notables voted from *religious scruples!* The historian denounces this act, as well he might, "a barefaced outrage on common sense and equity." And this is the man—a member of the Holy Alliance, executing its tyrannical principles upon his own subjects—indebted to England for his crown, and naturally opposed to the United States as the friends and disseminators of free principles; this is the man who was selected to arbitrate upon the rights of property and sovereignty of Maine, when they had been assailed by Great Britain! Verily, if here is cause for gratitude on the part of Maine, I will leave it for the particular friends of that Administration to discover.

But again: Maine had just cause of complaint, that the case was not taken from him, when he ceased to be, what he was when the case was referred, viz: king of *the Netherlands*. In 1830, his tyrannical oppression of his own subjects caused a revolution, which, we all know, resulted in the independence of Belgium. So that, while he retained the empty title of the king of the Netherlands, he was, in fact, only king of *Holland*. Shorn of more than half his kingdom, subjects, power, and influence; and dependant upon the combined powers, one of whom was England, even for the retention of this "smaller half," he ceased to be that *independent* sovereign contemplated in the consent to his arbitration. At the very time of his pretended decision of our case, the question was pending with the combined powers *who should be made King of Belgium;* whether the Government should pass out of the family of the King of the Netherlands, or not: the Prince of Orange, son of William, and Leopold, of Saxe Coburg, being the principal candidates. England had an overwhelming influence with the combined powers, and the King of the Netherlands knew it. Without, therefore, alleging that the decision was at all influenced by these circumstances, they were sufficient to have authorized our Government to protest against his proceeding further in the case, and to have invited him to give up the papers. This, however, was not done, and the umpire went on to make what he called an award, by which more than two million acres of our land would have been transferred to Great Britain. From this, however, fortunately for Maine, another Administration, which had just then come into power, rescued us. Nevertheless, as my colleague would have it, the first Administration is worthy of all commendation, while the latter is worthy only of censure!

The Governor of Maine, in his annual message, delivered January, 1831, holds the following language in relation to the subject:

"But recent events having deprived that monarch [the King of the Netherlands] of the greatest portion of his kingdom by a revolution, thus rendering him necessarily dependant upon foreign power for succor and support, his political situation has been so essentially changed that it may be doubtful, at least, whether he will give a decision on this delicate and important question, which was referred to him under circumstances so essentially different from those which at present exist. If the effect of this revolution should be to unite in still closer bonds of amity the former friendly and intimate relations of the King of the Netherlands with Great Britain, which seems to be probable, it must be considered that the agreement to refer would, in that event, be rendered of no avail. Whatever confidence may be put in the justice of our cause, however clearly our right may be shown in argument, we certainly could not be willing to submit it to the umpirage of a sovereign, who is not only the ally, but who, by the force of circumstances, may have become, in some measure, the dependant ally of Great Britain."

Similar views were expressed by the Legislature of Maine by certain resolutions upon the subject, adopted February 28, 1827.

These are a portion of the complaints of Maine against the General Government during the Adams administration, and, I trust, that all will perceive them to be neither unjust nor unsubstantial. I will now pass to the specific charges of my colleague against the two succeeding Administrations, and endeavor to show how far they are right, and how for they appear to me to be without foundation.

And, first, in relation to the agreement or understanding had between the Governments of the United States and Great Britain, as to occupation and jurisdiction of the disputed territory. The Adams administration, it was alleged by my colleague, took high ground and maintained it manfully, while the succeeding Administrations had frittered away the agreement, and, finally, abandoned both possession and jurisdiction to the British. Now, this may be so, but I have not yet been able to see it, and, I think, the House will find the same difficulty with myself, after examining the instances particularly cited and relied upon by my colleague.

For the origin of this agreement the letter of Mr. Gallatin to the Secretary of State, dated July, 1827, is referred to, in which he says: "Mr. Canning also suggested the propriety of abstaining, on *both sides* pending the suit, from *any act of sovereignty* over *the contested territory*." We next find the agreement alluded to in a letter of Mr. Clay, Secretary of State, to the Governor of Maine, November 27, 1827, which was overlooked by my colleague. He says: "Both parties stand pledged to each other to practice forbearance, and to abstain from further acts of sovereignty, *on the unoccupied waste*, until the question of right is settled." Now, as that Administration has been complimented for making a good agreement and adhering to it, it is worth our while, for a moment, to examine these two statements of the agreement, and see how far they coincide. By Mr. Gallatin's statement, "both sides were to abstain from any acts of sovereignty over *the contested territory*"—that is, over *the whole*. By Mr. Clay's statement, we were "to abstain from further acts of sovereignty over *the unoccupied waste*," &c. Here is an important difference. If Mr Gallatin's agreement had been adhered to, Great Britain could not have exercised any acts of sovereignty even over *the settlement of Madawaska*. But as Mr. Clay has changed it, Great Britain is only restricted to the *unoccupied waste*. This is a very pretty beginning for the Administration which has received such high encomiums.

But let us go one step farther. The next notice we find of this agreement, is in a letter from Mr. Clay to Mr. Vaughan, bearing date January 9, 1829. After complaining of certain trespasses upon the territory, in cutting timber, which, it was alleged, had been done under the authority of the British Government, he adds: "I need scarcely remark, that the proceedings, thus described, are in opposition to the understanding which has existed between the Governments of the United States and Great Britain; that, during the pendency of the arbitration, which is to settle the question of boundary, neither party should exercise any jurisdiction, or perform any act, on the disputed territory *to strengthen his own claims*, or to effect the state of the property in issue."

Here, also, we find important modifications of the agreements before stated. In both of those agreements, the acts of sovereignty from which the parties were to abstain were *unqualified* acts of sovereignty. Now, it is not any act of jurisdiction or sovereignty whatever, but those acts only which have for their object *to strengthen the claim* of the party exercising it; and in proportion, therefore, to the difficulty of deciding upon the *precise object* of either of the parties in any particular act of jurisdiction exercised, is the agreement made loose, indefinite, and worse than none. Here, then, are three attempts to state the agreement, and neither agrees with the others. They all differ in very essential particulars. If, therefore, my colleague should have succeeded in showing, as he attempted, that the succeeding Administration had stated the agreement differently, at different times, and that some degree of confusion had been produced upon the subject, I think some allowance should be made on account of the example which, it is perceived, had been set them by their predecessors.

But as this last version of the agreement seems to have been settled down and practised upon as the real agreement or understanding in the case, let us see what it is, and what is the fair construction of it. There are two branches to it; one relating to the *jurisdiction*, and the other to the *property*, in the territory;—the parties were not to exercise any acts of sovereignty to strengthen their own claims, or to do any act which should affect the value of the property. It was to continue during the pendency of the arbitration. This I take to be the fair construction of the agreement. Now, how did it apply to the actual state of things? Why, Great Britain had possession of Madawaska village; Maine had possession up to that, or nearly so, and the land lying above Madawaska might be regarded as "unoccupied waste," which neither party had in actual exclusive possession. Hence, both parties might continue to exercise jurisdiction without any violation of the agreement, provided they kept within their usual and accustomed limits, and committed no *new* or *further* act of jurisdiction.

The rights of property were to remain untouched, that is, neither were to sell the land or cut off the timber. Here is the agreement, and here the mode of applying it, though we therein make a large concession in favor of Great Britain, to wit: in admitting her jurisdiction over Madawaska village. Maine always denied this, until a certain Mr. Barrell, who seemed to have imbibed strong prejudices against Maine and her interests, was appointed by Mr. Clay to go to the British Provinces to collect the facts in this case. He reported that Great Britain was *in possession* of Madawaska. This afterwards being recognised and confirmed by Mr. Clay, Maine found herself reluctantly obliged to yield a fact which she had always before, and rightfully, contested, unless the issuing of a few commissions in a militia, not in *esse*, and a few acts of a like character, were sufficient to constitute possession. That the foregoing is a fair construction of the agreement, I refer to Mr. Clay's letter to the Governor of Maine, bearing date November 27, 1827, in which he says:

"Both parties stand pledged to each other to practice forbearance, and to abstain from *further* acts of sovereignty on the *unoccupied waste*, until the question of right is settled."

But, whatever may be the true construction, I would now inquire by what *right or authority* was this agreement made? If the disputed territory belonged to Maine, and that Administration expressly admitted it, where did the General Government derive its power to say that Maine, a sovereign State, should not extend her jurisdiction over it? Would not such a power involve that of alienating the territory? If the General Government can rightfully deprive us of our property and bestow it upon another for one month, I do not see why it may not be done for one year, or for an indefinite period. This question of authority occur-

red to the mind of my colleague, when speaking of the agreement as having been made by General Jackson's administration. It was all right and proper, in his estimation, for Mr. Adams's Administration to enter into such an arrangement, but to *continue* it merely, by the succeeding Administration, was all wrong, and he calls for the authority.

Pursuing the order of my colleague, we now come to the first act of the new Administration, in which it is said that the agreement or understanding is entirely changed, and very much to our disadvantage. That, Mr. Hamilton makes it a question of *property* between the *citizens* merely, and not a question of *sovereignty* and *jurisdiction* between the two *Governments*. In a letter from Mr. Hamilton to Mr. Vaughan, under date of March 11, 1829, he says:

"I have received, and laid before the President of the United States, the note, with its enclosures, which you did me the honor to write to me on the 7th of this month, in answer to a representation which was made to you by Mr. Clay, on the 9th of January last, at the instance of the Governor of Massachusetts, concerning depredations complained of by him against inhabitants of the Province of New Brunswick, in cutting timber, preparing lumber for market, and erecting mills, upon the soil of the territory in dispute between the United States and Great Britain; and I am directed by the President to state, in reply, as I have much pleasure in doing, that he derives great satisfaction from the information contained in your communication, as he especially perceives in the prompt and energetic measures adopted by Sir Howard Douglass, Lieutenant Governor of the Province in question, and detailed in the enclosure referred to, a pledge of the same disposition on the part of the authorities of that Province which animates this Government, to enforce a strict observance of the understanding between the two Governments, *that the citizens or subjects of neither shall exercise any acts of ownership in the disputed territory whilst the title to it remains unsettled.*"

Now, although Mr. Hamilton was at the head of the State Department for a few days only, under a temporary arrangement, and probably had not given this subject much of his attention, yet, on a fair construction of what he has said, taken in connection with the circumstances of the case, it will be found that there is in fact no change in the agreement or misstatement of it, made by him. It will be perceived, that the correspondence then was in regard to certain *trespasses* alleged by us to have been committed by British subjects, and not on account of any *acts of sovereignty* by the British Government. The agreement, it will be recollected, was of two branches, one touching the property, and the other the jurisdiction. It is, therefore, fair to presume, that Mr. Hamilton alluded to *that part of the agreement* which bore upon the questions *then under consideration*, without intending to set out *the whole agreement*, or those parts of it bearing on questions not then drawn into discussion. This construction is deemed to be strictly in accordance with the fair and legitimate rules of interpretation.

But if he was in an error, the Governor of Massachusetts fell into it also. For, on recurring to his letter to Mr. McLane, then Secretary of State, under date of November 1, 1833, we find the following remark relative to the agreement, viz:

"Prejudicial as the delay in the settlement of this long-vexed subject of boundary is to the rights of property which Massachusetts claimed in the disputed territory, and impatient as both the Government and the people have become at the unreasonableness and pertinacity of the adversary pretensions, and with the present state of the question, yet the Executive of this Commonwealth will not cease to respect the understanding which has been had between the Governments of the two countries, that *no act of wrong to the property of either* shall be committed during the pending of measures to produce an amicable adjustment of the controversy."

Here it will be perceived that Governor Lincoln, in his statement of the agreement, confines it to *the property* merely. Now, how is this? No one, I presume, will accuse that gentleman of a disposition to relinquish any rights belonging either to Massachusetts or Maine, as connected with this subject. For myself, I have always regarded him and his distinguished brother among our best friends, and foremost in avowing and maintaining our claims, and in repelling British pretensions. The only true solution of the matter is this: that Governor Lincoln was corresponding with Mr. McLane, upon the subject of certain *trespasses* alleged to have been committed upon *the property* of the disputed territory; and hence he confined himself, in his reference to the agreement, to that part of it only which related to the subject matter of discussion. In this, he and Mr. Hamilton adopt the same course, and neither change the agreement, or yield any rights belonging to the States of Maine or Massachusetts.

My colleague [Mr. EVANS] next refers us to the letter of Mr. Van Buren, then Secretary of State, to Mr. Vaughan, under date of May 11, 1829, for further proof of a change in the agreement, and of a virtual abandonment of the rights of Maine. If that letter be susceptible of any such interpretation, then I have studied the English language to no purpose. Mr. Van Buren says:

"The undersigned *cannot acquiesce* in the supposition that, because the agent of his Britannic Majesty thought proper, in the proceedings before the commissioners, to *lay claim* to all that portion of the State of Maine which lies north of a line running westerly from Mars Hill, and designated as the limit or boundary of the British claim, *thereby the United States, or the State of Maine, ceased to have jurisdiction in the territory* thus *claimed*. In the view of this Government, his Britannic Majesty's agent might, with *equal justice*, have extended his claim to *any other undisputed part of the State*, as to claim the portion of it which he has drawn in question; and in such case, the Lieutenant Governor of New Brunswick could surely not have considered a continuance on the part of the United States, and of the State of Maine, to exercise their accustomed jurisdiction and authority, to be an encroachment. If so, in what light are we to regard the continued acts of jurisdiction now exercised by him in the Madawaska settlement? More than twenty years ago, large tracts of land, lying westward of Mars Hill, and northward on the river Restook, were granted by the State of Massachusetts, which tracts are held and possessed under those grants to this day; and the United States, and the States of Massachusetts and Maine, in succession, *have never ceased to exercise that jurisdiction* which the unsettled condition of the country in that region, and other circumstances, admitted and required."

Here is a plain, clear, and distinct avowal of the justice of our claims, and a forcible and manly vindication of them. He insists on both our jurisdiction and possession, and yields nothing. Surely Maine can find no fault with this. But a paragraph at the close of the same letter is referred to particularly, as containing the unfortunate modifications of the then subsisting agreement. It is as follows:

"The undersigned indulges the hope that Mr. Vaughan will perceive, in the manner in which the President, discriminating between the rights of this Government and their present exercise, has used the discretion conferred upon him—an additional evidence of the desire which he sincerely entertains, and which he has heretofore caused to be communicated to Mr. Vaughan, that both Governments should, as far as practicable, abstain from all acts of authority over the territory in dispute, which are not of immediate and indispensable necessity, and which would serve to create or increase excitement whilst the matter is in course of arbitration," &c.

Here, it is said, by the qualification of "immediate and indispensable necessity," a door is opened for British aggression, and a latitude given that Government which it did not possess before. But I would inquire whether it be any thing more than what Mr. Clay says, in his letter to Mr. Vaughan, of February 20, 1828, viz:

"Nor can they [certain acts of the British Government] be reconciled with that mutual forbearance to perform any *new act of sovereignty* within the disputed territory, *having a tendency to strengthen the claims of the party exercising it*, which, it has been expected, would be observed by the two Governments, during the progress of their endeavors amicably to adjust the question of boundary."

If persons, not subjects of either Government, for instance, should go on to the "unoccupied waste" for the purpose of plundering it of its timber, what shall be done? Shall both parties so construe the agreement or understanding between them, in regard to the abstaining from the exercising of jurisdiction as to compel each other to stand by and see such trespass prosecuted with impunity? Or should each party have the right to arrest and punish the intruder? The latter, undoubtedly; and more especially so, because it would not be done for the purpose of "*strengthening the claim of the party*," and would be of "*immediate and indispensable necessity.*"

This view is supported by reference to a report made to the Legislature of Maine, in January 1829, by a gentleman who was, and still is, the political friend of my colleague. His language is thus:

"There seems to have been an understanding between the Government of the United States and the British Government, early in 1826, that each party should abstain from any acts which might be construed into an exercise of the rights of sovereignty or soil over the disputed territory, *except for the purpose of preserving it in its then present state*, until the final determination of the question."

The next cause of complaint against Gen. Jackson's administration on my colleague's list, he derives from a letter of Mr. Bankhead to Mr. Livingston, dated October 1, 1831. Mr. Bankhead, after alluding to certain proceedings on the part of Maine touching the disputed territory, says:

"The undersigned regrets sincerely that these irregular proceedings should have been had recourse to, during a period when the question of boundary is in a course of settlement, and in opposition to *the desire expressed by the President*, that, pending the discussion of that question, *the State of Maine should refrain from committing any act which could be construed into a violation of the neighboring territory.*"

Here, it is said, we see the President ignobly yielding the possession of the disputed territory to Great Britain, and desiring Maine to acquiesce in it. And, if the facts were so, I would unite with my colleague in almost any language of reprehension that he might choose to employ. But where, I ask, is the evidence that the President ever expressed any such desire? It is only to be found in this letter of Mr. Bankhead. But, on referring to a communication from Mr. Van Buren to the Governor of Maine, of March 18, 1831, it will be found that the President is entirely misunderstood, and his language palpably misquoted. It runs thus:

"In making this communication to your Excellency, I am instructed by the President to express his desire, that while the matter is under deliberation, *no steps may be taken by the State of Maine*, with regard to the disputed territory, *which might be calculated to interrupt or embarrass the action of the Executive branch of this Government* upon the subject."

Thus, simply by citing the authority upon which Mr. Bankhead predicated his remark, the whole charge and complaint of my colleague falls to the ground. But it is said that, in a letter of Mr. Livingston, while Secretary of State, to Mr. Bankhead, October 17, 1831, there is an entire acquiescence that Great Britain should have the *exclusive jurisdiction of the disputed territory*. In this letter, my colleague says, all is abandoned, yielded, given up; and that now we have not a right to set a foot there. Sir, I have read that letter in vain to find any such acquiescence in the British claim, or abandonment of our own. On the contrary, it recognises the subsisting agreement between the two Governments, and insists on a strict compliance with it. The object of the communication was to procure the release from imprisonment of certain persons who had been arrested and imprisoned by the Provincial Government. It seems that in 1830, just before the award of the royal umpire, King William, the Legislature of Maine incorporated the town of Madawaska. But, as appears in the communications of the Governor upon the subject, it was merely in anticipation of the award, and without any intention of having any formal organization under the act of incorporation, until after the award should be duly promulgated; never for a moment doubting that it must be in favor of Maine. Certain individuals, however, without instructions or authority from the Government, applied to a justice of the peace in Bangor, to issue a warrant for calling a meeting of the inhabitants, for the purpose of organization, and choice of officers. The warrant was issued; and while in the prosecution of their design, they were arrested and imprisoned by the Provincial Government, on the ground that their acts constituted a violation of the agreement, about which so much has already been said.

Mr. Livingston sought to procure their release in the first place, on the ground that their acts, being unauthorized, and not followed out, were no violation of the agreement; and secondly, that even if it were so, the Provincial Government could not rightfully proceed to try and convict them. It might be a cause of complaint against our Government, if their acts were authorized; but to proceed to try, convict, and punish them, would be a practical decision of the question of *exclusive jurisdiction;* and against this he remonstrated in earnest language. Now, in all this, what is there to condemn? I am unable to perceive any thing.

But my colleague has instituted a comparison between the course of Mr. Livingston in the foregoing case, and the course of Mr. Clay in the case of the arrest and imprisonment of John Baker in 1828. It is said that Mr. Clay used stronger language in requiring the release of the prisoner than Mr. Livingston used. That is rather a small matter even if it be so; but it appears to me, that Mr. Livingston, in the positions he assumed, took the higher ground of the two. They both refused to justify the acts of our citizens, who had been arrested, but denied the right of the Provincial Government to proceed to trial and conviction, because it would be a practical decision of the question of right to *exclusive jurisdiction*. Wheelock was arrested for acts done and committed *in the village of Madawaska*, in the possession of the British; while Baker's settlement, Mr. Clay says,

"appears to have been made outside of the Madawaska settlement, upon contiguous waste lands." And hence he adds:

"Whatever jurisdiction the Government of New Brunswick might claim in virtue of the Madawaska settlement, being confined to it, could not be rightfully extended to Baker and his American neighbors. Even if he had been guilty of any irregularity of conduct, he was not amenable to the Provincial Government, but to his own."

Thus we see, that while Mr. Clay was denying the right of the British Government to try and punish Baker, inasmuch as he lived *out of Madawaska settlement*, on the unoccupied waste, Mr. Livingston was denying their right to try and punish Wheelock for an act done *in the settlement of Madawaska itself.* This is manifestly higher ground than that assumed by Mr, Clay, and yet my colleague can see in the course of the former every thing to praise, and in the latter every thing to condemn.

In the case of Greely, however, Mr. Stevenson is complimented for the bold and manly tone in which he denounced the arrest of Greely as an outrage, *demanded his release*, and denied the jurisdiction of the British Government. Sir, I am glad that this Administration, or any one of its members, can perform any act in a manner to please my colleague. But, he adds, Mr. Stevenson assumed it upon his own responsibility, not having received instructions from this Government of a similar character.

To this, I can make no more effectual answer than to turn to the letter of instructions itself, from Mr. Forsyth to Mr. Stevenson, under date of July 12, 1837. I here find that he expressly calls the seizure and imprisonment an "OUTRAGE *upon the personal liberty*" of one of the citizens of Maine; and, after dwelling briefly upon the argument of the case, he closes by saying: "You are directed, *immediately* upon the receipt of this despatch, to bring the subject to the notice of his Majesty's Government, and to DEMAND, as a matter of JUSTICE and RIGHT, the PROMPT *release* of Mr. Greely, and a *suitable indemnity for his imprisonment.*" Our inclinations must have become belligerent, indeed, if we would require any thing more than this; and one would naturally think, that the materials for fault-finding were very scarce, when such circumstances are seized upon as matters of grave accusation against the Administration.

But it is said, further, that the British Government has acquired possession of the disputed territory by means of a warden, and that this warden was appointed with the knowledge and concurrence of President Jackson. Where is the evidence of this? None is to be found except in a letter from Sir Archibald Campbell to Sir Charles R. Vaughan, January 20, 1834, in which he says: "Mr. McLaughlan was appointed to the wardenship of the country with the knowledge and concurrence of *the President;* and it is not conceived, therefore, that any fair ground of objection can be taken to his faithful performance of the duties of his office."

It will be observed, that he does not allege that *President Jackson* concurred in the appointment; and from the information to be gathered from the documents, it is manifest that it could not have been him, for the appointment was made before he came into office. By the foregoing letter of Sir Archibald Campbell, we learn that the name of the warden is McLauchlan; and on turning back to a letter from Sir Howard Douglass to Mr. Vaughan, dated February 11, 1829, we shall find the following in relation to this gentleman and his appointment:

"In order that your excellency may have full, circumstantial, and recent information upon this subject, (i. e. certain trespasses alleged to have been committed upon the disputed territory) I have despatched a magistrate of this county—a gentleman in whose prudence and discretion I place the firmest reliance—with instructions to inspect all the lumber camps any where near the line," etc. etc. "Having made this inspection, this gentleman will be *directed to remain in the upper part of the country*, with orders to enforce the strictest observance of the instructions I have already given to seize any timber," etc. "The report from *Mr. McLauchlan*, the magistrate whom I am about to despatch on this duty, will probably reach your excellency in about three weeks after this communication."

This is the only evidence I can find of the appointment of an agent or warden; and it will be perceived that this was during the existence of that Administration which, according to my colleague's views, did so much for Maine, and to which she owes such a debt of gratitude. For myself, however, I do not believe that any President concurred in that appointment. It was a matter of *inference* merely on the part of Mr. Campbell and he was probably as much mistaken in that as we have already seen Mr. Bankhead was, in undertaking to state the Predent's "desires."

Mr. Campbell in the same letter, speaks of a "*conventional frontier;*" and this furnishes my colleague with the occasion to inquire by what *authority* the President had assented to a "conventional frontier," and to complain of the Administration for its criminal abandonment of our territory and our rights. Sir, how easy is it to magnify trifles into importance, to see mountains in mole-hills, when our vision is diseased? Of the sincerity of my colleague I do not doubt; but in this instance, at least, his strong feelings of opposition to General Jackson's administration—an opposition which can see no good, but unmixed evil in all its acts—has misled and deceived him. The *conventional* frontier, of which Mr. Campbell speaks, is nothing more or less than that which was established by *Mr. Clay* himself, in the agreement before alluded to. If the British Government were to retain the possession of Madawaska settlement by the agreement, why, then, is it not manifest that the *boundary line* of that settlement is, for the time being, a "*conventional frontier*?" Nothing can be plainer; and no evidence can be found (published or unpublished) of President Jackson, assenting to any other conventional frontier.

After the rejection of the award of the King of the Netherlands, agreeably to the advice of the Senate of the United States, negotiations were opened with the British Government, for the settlement of the line according to the terms of the treaty of 1783, and my colleague complains of Mr. Livingston's pusillanimity in *inviting* negociations, and *apologizing* for the rejection of the award. I deny that there was any *apology*, or any thing approaching to it. He stated the fact of the rejection, and then, in plain and manly terms, gives the grounds of it. And as to the *invitation* to enter upon negotiations, pray why should he not have invited it? Should he rudely have *insisted*, or assumed a right to command? Sir, I am no friend to the old system of diplomacy, characterized by duplicity, indirectness and intrigue. No sir, I prefer General Jackson's mode of saying right on, in plain, direct, and forcible language, what he had to say—of asking for nothing but what was right, with a determination to submit to nothing wrong. But *inviting* negotiations, it appears to me, is in no way inconsistent with this.

[Mr. Evans said that his colleague was entirely mistaken; he (Mr. E.) had not complained of Mr. Livingston either for a supposed "apology" or "invitation" to negotiate.]

Well, sir, then I must let it go for my mistake, though I find it upon my minutes of that gentleman's speech, taken at the moment.

But complaint is made of Mr. Livingston for proposing to the British Government a new principle of survey, to wit: to abandon the due north course from the source of the St. Croix, if need be, in order to strike the highlands named in the treaty of 1783. If Mr. Livingston had stopped here, it appears to me, he would have been fully justified. It is a familiar principle, that courses and distances shall yield to monuments—that which is more certain shall control that which is less certain. The highlands, which divide the head waters of the rivers flowing into the Atlantic ocean from those which fall into the river St. Lawrence, is one of the monuments named in the treaty of 1783, and if it be necessary to diverge from a true north line from the source of the St. Croix to strike these highlands, I can see no objection to it. But to the correctness of the position that we should diverge to the *west* and not to the *east*, to the left and not to the right, I cannot assent; nor will Maine yield her assent to a proposition so dangerous and suicidal in its nature.

I have thus followed my colleague through his list of charges against the Administrations of General Jackson and Mr. Van Buren upon this subject, and have endeavored to set things right—approving and condemning, as the circumstances seemed to require. Nothing is to be gained by unnecessarily impugning the course of the General Government. Our object now is to procure the passsage of this bill—to take one decisive step towards restoring to Maine her long lost and much abused rights. In this we need the aid of the General Government, and confidently expect to receive it, in both its Legislative and Executive branches. We call for the passage of this bill, as a measure not only mild and prudent in itself, but imperatively called for by the rights of Maine, and corresponding obligations on the part of the General Government. Maine is so unquestionably right, and Great Britain so palpably wrong, in this matter, that I cannot believe any member who has looked at all into it will refuse us his vote.

But I am aware that, from the circumstance of this question being somewhat local in its character, and perhaps from the circumstance, too, that Maine has been so meek and uncomplaining under injuries, it is not generally well understood. I propose, therefore, as briefly as I can, to give an abstract of our title, and the questions now pending between the two Governments.

The northern and eastern boundaries of the United States, and, consequently, of the State of Maine, are thus defined in the definitive treaty of peace between Great Britain and the United States, concluded at Paris the 3d of September, 1783:

ART. 2. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are, and shall be, their boundaries, viz: From the northwest angle of Nova Scotia, to wit: that angle which is formed by a line due north from the source of the St. Croix river to the highlands, along the said highlands which divide those riversthat empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of the Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude," &c. "East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source: and from its source, directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence."

The first question that arose under this treaty, was, as to the true river intended by the St. Croix. Provision was made for the settlement of it in the treaty of 1795, commonly called Jay's treaty; and in 1798, the commissioners appointed in pursuance of the provisions of this treaty, determined that the river called by the Indian name of Schoodiac was the true St. Croix, and accordingly placed a monument at its source, which now remains as one of the acknowledged and undisputed boundaries between the United States and the British colonies.

At that time every thing else was supposed to be well understood. There was no other uncertainty or ambiguity alleged. There was no dispute or question made as to the localities of the monuments referred to in the treaty of 1783. There was then no pretence of title to the now disputed territory set up. All these things, as we shall perceive, were after-thoughts, suggested by the supposed convenience and all-grasping cupidity of Great Britain.

At the negotiation of the treaty of Ghent in 1814, the British commissioners asked for a *cession* of a part of this now disputed territory for *an equivalent.* Our ministers substantially replied and rightfully, that they had *no authority to cede.* That the territory belonged to Massachusetts and Maine, and no power could divest their title. Then, *for the first time*, a doubt was suggested as to the boundary. This doubt in a short time ripened into a claim; and this claim, founded upon pretences of title the most preposterous, has been urged ever since, if not with the most consummate effrontery, at least with a pertinacity worthy of a better cause.

However, provision was made in that treaty (1814) for the appointment of commissioners to survey the line, and, in case of disagreement, a submission of the question to some friendly sovereign was provided for. The commissioners appointed under this provision of the treaty, after attempts extending through a period of about five years, could not agree; and thereupon, in pursuance of the treaty stipulations, the case, in 1827, was referred; William, king of the Netherlands, as I have before stated, being selected as the arbiter. The evidence was laid before him, and the case argued with distinguished ability by Messrs. Preble and Gallatin, but without success. Notwithstanding his strong bias for Great Britain, and adversary feelings for the United States, the case

was so clear that *he could not decide against us*, and, situated as he was, *he would not decide for us*. He therefore *decided* neither way, but advised a compromise, by which the highlands were to be sought *in the bed of a river*, and by which Maine would have lost about two million acres of land. This advice was rejected by the United States, and afterward by Great Britain herself, and thus we were brought back to the point from which we started in 1814.

After this brief history of the case, I will call the attention of the House again to the terms in which the boundary is described in the treaty of 1783.

"From the northwest angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the *said* highlands, which divide those rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river." "East, by a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source; and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence."

With such a clear, unambiguous, and lucid description of boundaries, it is difficult to conceive how any controversies should have arisen in regard to them, and especially that any serious doubts should have been entertained as to the true intent and meaning of the terms employed. A glance at the map, and a slight attention to the topography of the country, will only tend to increase our surprise.

It will be perceived, that running nearly parallel with the river St. Lawrence, extending from the head of Connecticut river on the west, nearly to Cape Rossieres on the east, and at an average distance of some twenty-five or thirty miles, is a ridge or height of land, from which flow in opposite directions two classes of rivers; the first falling into the river St. Lawrence, and the other, mediately, into the Atlantic ocean, through certain gulfs and bays. This height of land separating the rivers aforesaid, is not a chain of *mountains*, but may more properly be termed "a ridge of broken highlands," its average height being about fifteen hundred feet above the level of the sea. At the termination of the American line, the height is over sixteen hundred feet, according to the survey of Mr. Bouchette, under British authority, in 1817.

About forty miles north from the source of the St. Croix, is an isolated mountain or peak, called Mars Hill, which, according to Mr. Bouchette, is eleven hundred feet high. Scattered along westerly from this, are numerous mountains or hills, near which the Penobscot and its branches take their rise, but not forming any regular and connected chain. Near that point of the highlands which we allege constitutes the northwest angle of Nova Scotia, it will be perceived two rivers take their rise and flow at nearly right angles, the Metis into the river St. Lawrence, and the Ristigouche into the bay of Chaleurs, and thence into the Atlantic ocean. Other features of the country will be adverted to as I proceed, and as may be found necessary.

The points now in controversy between Great Britain and the United States are as to the locality of the northwest angle of Nova Scotia and the highlands named in the treaty of 1783, and the northwesternmost head of Connecticut river. The latter, contending that the northwest angle of Nova Scotia is at the termination of a line due north from the source of the St. Croix to the highlands dividing the head waters of the river Ristigouche, which flows into the Atlantic ocean, from the source of the river Metis, which flows into the river St. Lawrence. Great Britain, on the other hand, contends that the line due north from the source of the St. Croix should terminate at Mars Hill; that, there is the northwest angle of Nova Scotia; that, there are the highlands intended by the treaty; and that, from this, the line extends westerly along a range of hills to the northwesternmost head of Connecticut river. This claim, however preposterous it may appear, has been pursued with a pertinacity, zeal, and seriousness that perhaps entitle it to a sober answer.

And first with regard to the starting point—the northwest angle of Nova Scotia. Where is it? The terms of the treaty of 1783 inform us; "to wit: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands" "which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean." We are not to stop at the *first* highlands on the course, nor the most *mountainous* lands, nor highlands of *any* description, other than those which *divide the sources of the rivers aforesaid*. This is an important and highly descriptive adjunct, which cannot be overlooked or disregarded without doing violence to the plainest principles of construction. Without it, the phrase "highlands" would be indefinite and indeterminate. With it, the meaning is too clear and precise to leave any room for doubt or ingenious construction.

But what are the objections taken by the British Government to our position? First, it is said that, as a matter of fact, there are no "highlands" within the meaning of the treaty of 1783, where our north line, from the source of the St. Croix, terminates. Now, if we admit, for the sake of the argument, that there is no mountain or large hill at the termination of our line, yet the denial of the existence of "*highlands*" at that place would seem to come with an ill grace from those who insist that *Mars Hill* is "highlands;" for, by a survey of Mr. Bouchette, a British topographical surveyor, made in 1815, it appears that the land at the termination of the American line is over 1600 feet above the level of the sea, while Mars Hill is only 1100. Land, 1100 feet high, *is highland*, but that which is 1600 feet high, is *not* highland! To such gross absurdities do our adversaries find themselves driven to support an unjust and groundless claim. But, in relation to this point, we would advert to the circumstances under which this boundary was agreed upon in the treaty of 1783. It is admitted by both of the contending parties, that Mitchell's map, published in 1755, is the only one which the negotiators of the treaty had before them at the time, and by which they were guided. At that time, but little accurate information had been obtained of the face of this part of the country; and, by an inspection of Mitchell's map, it will be perceived that little else beside the rivers is attempted to be delineated. Consequently, by these, the makers of the treaty must have been principally governed. Hence the selection of the very appropriate and significant term "highlands." They perceived on the map two classes of rivers flowing in opposite directions—one class into the river St. Lawrence, and the other into the sea—and that the sources of these rivers were divided by a narrow strip of land. With any knowledge, therefore, of the laws of nature, must they not have regarded this strip of land more elevated than that lying on either side of it? And not being aware of the existence of mountains, none being laid down on Mitchell's map, would there not seem to be a peculiar appositeness in the use of the term "highlands?"

Mars Hill cannot be the highlands intended in the treaty of 1783, (as contended for by the British Government,) because it is entirely destitute of the adjuncts named in the treaty. Instead of being a continuous tract of elevated land, it is an insulated peak, or mountain. Again, and what ought to be regarded as conclusive upon the subject, it does not "divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean." So far from this, it is one hundred miles from the sources of the rivers falling into the St. Lawrence, and *divides two tributary streams of one river, to wit: the river St. Johns.*

Again: it is said by the British Government that the rivers Ristigouche and St. Johns are not rivers falling into the *Atlantic ocean*, because they empty themselves, mediately, the first through the *Gulf of St. Lawrence*, and the latter through the *Bay of Fundy*. This argument, if it prove any thing, proves too much. If this position be tenable, then there were *no rivers* between the northwest angle of Nova Scotia and the head of Connecticut river, *falling into the Atlantic ocean*, inasmuch as all of them fall first into bays or sounds: the St. Croix into the Bay of Fundy, the Penobscot into a bay of the same name, the Kennebeck and Androscoggin into the Sagadahock, and the Connecticut into Long Island Sound. But the commissioners who negotiated the treaty, certainly did regard *some* rivers between the points aforesaid as falling into the Atlantic ocean, for they are so expressly named and described in the treaty. Does it not, then, conclusively follow, that, in the view of the commissioners, a river might be said to fall into the Atlantic ocean, though it first discharged itself into a bay or sound? and if one of the rivers could be so regarded, by parity of reason, might not all the others?

Again: that, the commissioners considered these bays and gulfs as a part of the sea or Atlantic ocean, may be gathered from the terms used by them in another part of the treaty. By the third article, it is provided "that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the *Gulf of St. Lawrence*, and at all *other* places in *the sea* where the inhabitants of both countries used at any time heretofore to fish." Here, it is perceived, they consider the Gulf of St. Lawrence as a part of the sea or Atlantic ocean.

Besides, the commissioners speak only of two classes of rivers, the first falling into the St. Lawrence river, and the other into the Atlantic ocean. Now, as the Ristigouche and St. Johns certainly do not fall into the river St. Lawrence, to what class *can* they be assigned, but to those falling into the Atlantic ocean?

But, without relying upon these clear and cogent proofs of the views and intentions of the commissioners, it is believed that the usual and common acceptation of the term *sea* or *ocean* embraces the bays, etc. before named. "Sea, in its general sense, embraces the whole body of salt waters on the globe. Its great subdivisions are designated by the names of Atlantic ocean, Pacific, Indian, Arctic, Antartic oceans, etc; and each of these is a general appellation, embracing, when not specially or impliedly excluded, all the bays, gulfs, and inlets, which are only portions of such ocean, being formed by the indentures of the shores to which it extends, or by adjacant islands."

But the claim of the United States, thus clear and indisputable upon general reasoning, will be found not only to be justified, but rendered doubly certain, by reference to the documentary evidence in the case.

In the year 1763, the war between England and France resulted in a relinquishment by the latter of all right to Nova Scotia, and a cession of Canada. England then became the undisputed owner of both Provinces; and, during the same year, a Royal proclamation issued establishing boundaries to the Province of Quebec, or Lower Canada. That portion of the proclamation applicable to this question, was in the following words, viz:

"Whence the said line crossing the river St. Lawrence and the Lake Champlain, in 45 degrees of north latitude, passes *along the highlands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea*, and also along the *north coast of the Bay of Chaleurs*, and the coast of the Gulf of St. Lawrence to Cape Rosieres."

In 1774, the foregoing boundaries were solemnly confirmed in an act of Parliament, entitled "An Act for making more effectual provision for the government of the Province of Quebec, in North America." The words are as follows, viz: "Bounded on the south by a line *from the Bay of Chaleurs, along the highlands, which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea*, to a point in 45° of northern latitude," &c.

The boundaries of Nova Scotia, as defined also in 1763, in the commission of the Governor, were in the following words, viz:

"Bounded on the westward by a line drawn from Cape Sable, across the entrance of the Bay of Fundy, to the mouth of the river St. Croix, *by the said river to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec*, to the northward by the said boundary, as far as the western extremity of the Bay of Chaleurs, to the eastward by the said bay, and the Gulf of St. Lawrence, to, &c."

Then followed the treaty of 1783, in which our boundaries are described as follows, viz: from the northwest angle of Nova Scotia, to wit: that angle which is formed by a line due north from the source of the St. Croix to the highlands; along the said highlands which divide the rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic ocean, to the northwestern-

most head of Connecticut river, "east by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence." No one can doubt, it is presumed, that, by adopting nearly the same phraseology the makers of this treaty, intended to place the boundaries of the United States where the boundaries of Nova Scotia and Canada were established by the foregoing proclamation, act, and commission, and that the terms and phrases were used in the same sense. Indeed this position has been assumed by the British Government itself, and constitutes the basis of an argument by Mr. Chipman, the British agent, under the treaty of 1794, the object then being to ascertain what river was intended by the St. Croix, and this question about the highlands and northwest angle of Nova Scotia, not then having entered into the imagination of man.

Between the period of the establishment of a separate Government for Lower Canada, (1763,) and the definitive treaty of peace between Great Britain and the United States, (1783,) a great number of British maps were compiled and published, in which the boundaries of Nova Scotia and Quebec are delineated, precisely in accordance with the present claim of the United States: the western line of Nova Scotia crossing the St. Johns, and extending to the highlands; while *not one* can be found agreeing with the present pretensions of Great Britain. The titles of some of thes maps, with the times of publication, are as follows, viz:

"1763.—A new map of the British Dominions in North America, with the limits of the Governments annexed thereto by the late treaty of peace, and settled by proclamation, October 7th, 1763. Engraved by T. Kitchin, geographer, for the Annual Register of 1763.

"1769.—A new and accurate map of the British Dominions in North America, according to the treaty of 1763, divided into the several provinces and jurisdictions. Projected upon the best authorities and astronomical observations, by Thos. Kitchin, geographer. Engraved for Knox's History of the War in America.

"1765.—A map of North America, by J. Palairet, with considerable alterations and improvements from D'Anville, Mitchell, and Bellin, by L. Delarochette.

"1766.—A map of the British Dominions in North America, as settled by the late treaty of peace, 1763. J. Ridge.

"1770.—British Empire in North America, with the West India isles, annexed to Wynne's History.

"1771.—A new and accurate map of North America, from the famous Mr. D'Anville, &c. Also, the new divisions, according to the late treaty of peace; by Peter Bell, geographer.

"1772.—A map of the British Dominions in North America, according to the treaty of 1763; by Peter Bell, geographer.

"1775.—North America and the West Indies, with the opposite coasts of Europe and Africa. Published according to act of Parliament.

"1776.—A new map of the province of Quebec, according to the royal proclamation of the 7th of October, 1763; from the French surveys, connected with those made after the war, by Captain Carver, and other officers in his Majesty's service. Sayer and Bennett.

"1776.—A general map of the Northern British colonies in America, which comprehends the province of Quebec, the Government of Newfoundland, Nova Scotia, New England, and New York: from the maps published by the Admiralty and Board of Trade, &c.

"1777.—A new and correct map of North America, with the West India islands, divided according to the last treaty of peace, concluded at Paris, 10th February, 1763; wherein are particularly distinguished the several provinces and colonies which compose the British Empire; laid down according to the latest surveys, and corrected from the original materials of Governor Pownall, member of Parliament.

"1777—The British colonies in North America. By William Faden.

"1778.—A new map of North America, from the latest discoveries. Engraved for Carver's Travels."

During this period also, in all the commissions to the several Governors of Nova Scotia and Canada, the description of boundary is the same, corresponding with the royal proclamation of 1763, and all the maps before enumerated.

From 1783 down to 1814, numerous British maps were published, in *all* of which the boundaries of the *United States* and the British Provinces correspond with the boundaries between these provinces and Maine, as defined in all the maps prior to 1783; the titles of some of them are as follows, viz:

"1783, Feb. 9.—The United States of America, with the British possessions of Canada, Nova Scotia, Newfoundland, &c. &c. according to the preliminary articles of peace signed at Versailles the 20th of January, 1783. R. Sayer and J. Bennett.

"1783.—A new and correct map of North America, in which the places of the principal engagements during the present war are accurately inserted, and the boundaries, as settled by treaty of 1783, clearly marked. J. Dew.

"1783, April 3.—The United States of America, laid down from the best authorities, agreeably to the peace of 1783. By John Wallis. London.

"1783, July 16.—An accurate map of the United States of America, with part of the surrounding provinces, agreeably to the treaty of peace of 1783. By John Cary. London.

"1783.—The United States of North America, with the British and Spanish territories, according to the treaty. By William Faster.

"1783, October 2.—A new map of the United States of America, with the British American dominions on that continent, &c. By Samuel Dunn, mathematician; improved from the surveys of Capt. Carver.

"Bowles's new four sheet map of North America and the West Indies, exhibiting the extent and boundaries of the United States, the British dominions, &c; the whole compiled and laid down from the best authorities. London.

"1781.—Bowles's new pocket map of the United States of America, the British possessions of Canada, Nova Scotia, Newfoundland, &c. as settled by the preliminary articles of peace signed at Versailles the 20th of January, 1783. London.

"1784.—A new and correct map of North America, with the West India Islands, divided according to the last treaty of peace, concluded at Paris the 20th of January, 1783, wherein are particularly distinguished the thirteen provinces which compose the United States of North America. By Matthew Albert and George Frederic Latter.

"1784.—Brion de la Tour's Etats Unis d'Amerique, &c. Paris.

"1783.—A new map of North America, with the West India islands, divided according to the preliminary articles of peace signed at Versailles 20th January, 1783, wherein are particularly distinguished the United States and the several provinces, governments, &c. which compose the British dominions, and corrected from the original materials of Governor Pownall, member of Parliament.

"1791.—Same map. London.

"1794.—A new map of the whole continent of America, divided into North and South, and West Indies, wherein are exactly described the United States of North America, as well as the several European possessions, according to the preliminaries of peace signed at Versailles January 20, 1783, &c. By Laurie and Whittle. London.

"1794.—A new map of North America, agreeably to the latest discoveries. London.

"1794.—A map of the United States of America, with part of the adjoining provinces, from the latest authorities.

"1795.—A map of North America and the West Indies. By L. D. S. De La Rochette. London.

"1800.—America, divided into North and South, with their several sub-divisions, and the newest discoveries. By Laurie and Whittle. London.

"1798.—D. F. Saltzman's Maine. Hamburg. Carl Earnest Bohn.

"1814.—Map of the British Colonies and the United States of North America. J. Lodge."

Since 1814, several have been published, in which it is believed the old well-known and well-established line is adhered to. At all events, there is one now suspended in the room of the Committee on Foreign Affairs, drawn by Mr. Bouchette, under British authority, in 1815, in which the "Province of Maine" is placed in large capitals across the now disputed territory, and on which the highlands are delineated, as of old.

But I should not be pardoned for dwelling longer upon this point, though there are many arguments, and cogent ones too, not yet noticed. Some of them were pressed upon your attention by my colleague, with a clearness and force I could not equal, should I attempt it. If his arguments upon this point shall have had the effect upon the minds of members which they ought, I shall be satisfied, and the object I have had in view obtained.

And now let me inquire, what mortal can say there is any doubt about the title of Maine to this territory? Is it not established by the most clear and indubitable evidence, and most of it, too, derived from the adversary nation itself? I will not believe, that an individual can be found this side the Atlantic, who will disparage our title, or admit that there is any doubt about it.

If then, the title of Maine is clear and indisputable, why not pass this bill? It asks merely that the line should be run and marked. Is it not the duty of the General Government to maintain the integrity of our territory? No one will deny that it is so, by virtue of the express provisions of our constitutional compact. Why not then take this single step towards discharging a most solemn obligation? What motives or what causes can be assigned to justify a refusal to do what *you have agreed to do*? I trust that gentlemen will give this matter a proper consideration, and not permit the constitutional rights of Maine any longer to be overlooked or disregarded.

Will any gentleman say that we should continue to solicit Great Britain to enter upon negotiations touching this matter—negotiations not to procure a relinquishment of territory wrongfully wrested from us, but simply to run the line? I would invite such gentleman to examine the correspondence which has been held between the two Governments for the last six years. It will furnish the most indubitable proof that nothing is to be expected from such a course. That, so long as Great Britain is permitted to hold the actual possession of Madawaska, and have free intercommunication between her Provinces, she will be very willing that we should dillydally with negotiations till doomsday.

Let me call the attention of the House to a few of the declarations of the British Government, made in a correspondence with this Government since July, 1832.

After the rejection of the award by the Senate of the United States, Mr. Livingston, then Secretary of State, in a letter to Mr. Bankhead, dated July 21, 1832, invited a negotiation upon the subject for the purpose of settling the line according to the treaty of 1783.

Sir Charles R. Vaughan, in a reply to this, by letter, dated April 14, 1833, says:

"His Majesty's Government regret that they cannot discover in this proposal any probable means of arriving at a settlement of this difficult question. It appears to his Majesty's Government to be *utterly hopeless* to attempt to find out, at this time of day, by means of a new negotiation, an assumed line of boundary."

Again: in reply to a letter of Mr Livingston, in which he suggests the principle of making courses yield to monuments, Mr. Vaughan says, in a letter bearing date May 11, 1833:

"The undersigned is convinced that it is hopeless to expect a favorable result from a renewed negotiation upon that subject."

Again, in the same letter, he says:

"It is the duty of the undersigned to transmit immediately to his Government the note of Mr. Livingston; but, at the same time, he cannot resist from inviting the Secretary of State of the United States to offer, without waiting the result of the reference, some more prompt and efficient measures for the settlement of the boundary than the renewal of a negotiation on an *inadmissible basis*, or recourse again to commissioners of boundary," etc.

"*Inadmissible basis!*" What was that basis? Why, the *treaty of* 1783. A treaty signed by the British Government, in which our boundaries are agreed upon in the most clear, explicit, and unambiguous terms, is set aside by that very Government as an *inadmissible basis* for running and settling the line! Will gentlemen, after this, tell us that we should still persevere in our hitherto abortive attempts at negotiation?—that we should coax the British Government a little longer, under the possibility that she may relent at last, and unsay what she has so often and so emphatically said? I will not believe that Maine is to be thus insulted. If there is to be any further negotiation—any new proposition—in the name of a proper self-respect let it come from the British Government.

But let us look a little farther at this correspondence. In a letter of Mr. Vaughan, dated May 31, 1833, he says further:

"It appears to the undersigned that the time is now arrived when this perplexed and hitherto interminable question can only be set at rest by *an abandonment of the defective description of boundary contained in the treaty*, by the two Governments mutually agreeing upon a conventional line of boundary more *convenient* to both parties than those insisted upon by the commissioners of boundary under the fifth article of the treaty of Ghent, or the line suggested by the King of the Netherlands."

In the same letter he adds:

"The propositions of Mr. Livingston very justly provides against any deviation eastward from the direct north line from the St. Croix; but the operation which it contemplates is still so restricted to *the terms of the treaty*, that the basis of it is the same as that which the undersigned has been instructed by his Government to inform the Government of the United States that it was *hopeless* to negotiate upon."

Here, again, the *treaty stipulations* are rejected, and it is substantially declared to be *hopeless* to negotiate further, unless we give up our poor puritanical notions that nations, as well as individuals, should faithfully abide by their agreements.

Notwithstanding all these discouragements, our Government still persevered, earnestly soliciting the British Government to agree upon some mode of settling the line according to the terms of the treaty, and suggesting ways in which it could be done. February 10, 1834, Mr. Vaughan makes another reply, and endeavors to show that although the King of the Netherlands had not decided the main question submitted to him, yet, by way of inference, he had decided seven other points; and he then adds:

"Now, whether the two parties adopt the mode of settlement recommended by the arbiter, and agree to divide between them, in some proportion or other, the disputed territory, or whether they shall still make another attempt to trace a boundary in strict conformity with the words of the treaty, in either case it appears to his Majesty's Government that it would be *necessary to adopt these seven decisions* of the arbiter as a *ground-work for further proceedings*; and it seems that *no satisfactory or useful result* could be obtained from the local survey proposed by the American Government, until the two parties are *agreed upon these seven points.*"

Now I ask the House to look at this proposition in all its naked deformity, and then to say, whether a proposition of a more *insulting* character could be made. A case is submitted to an arbiter, to wit: to settle a boundary line *according to the terms of a treaty.* He, pretending to find great difficulties in his way, declines *deciding*, setting forth his views at large in a report, and closing with his *advice* to the parties, to adjust the dispute in a particular way, utterly at variance with the terms of the treaty. But, as the arbiter had travelled out of his commission, had *advised* merely, when by accepting the papers he had agreed to *decide*, and had confounded "*highlands*" with the *bed of a river*, the award is rejected and set aside as of no validity or effect.

Some years afterwards, when another attempt is made to settle the difficulty, one of the parties hunts up the old report of the arbiter, and endeavors to show that the arbiter, *arguendo* at least, had decided seven points subsidiary to the main question, which he did not decide, and *insists* that these seven points shall be made the "*groundwork for further proceedings;*" in effect, insisting on a right to pick out of the award all that they consider as particularly favorable to themselves, and throwing the rest away! Now I ask, what can be more insulting than this? I ask if the history of diplomacy can show its parallel, and if we are willing to submit to this degradation any longer? But this is not all. In a letter of Mr. Vaughan to Mr. Forsyth, dated December 8, 1834, he says: "His Majesty's Government trust that the American Cabinet will be prepared to agree with that of his Majesty as to the construction to be put upon this passage of the treaty, and will concur in deciding that the Atlantic rivers which are to guide the commissioners in searching for the highlands described in the treaty, are those rivers which fall into the sea *to the westward of the mouth of the river St. Croix.*" That is, the St. Johns and Ristigouche are not Atlantic rivers; and he adds: "The undersigned is instructed to represent to Mr. Forsyth that his Majesty's Government consider *a clear agreement* between the two Governments on this point to be an *indisputable preliminary* to the establishment of any new commission of survey." And subsequently, he says, after alluding to the arbitration of the King of the Netherlands, the British Government "*cannot now consent to refer it to any other arbitration.*"

Here we have it, in express terms, that the British Government will not submit the matter to *arbitration* at any rate, and will not consent even to have a survey, unless we will agree to their "indisputable preliminary," to wit: that the St. Johns and Ristigouche are not Atlantic rivers; that is, they will not consent to enter upon a course to ascertain the line, unless we will first *admit that we have no case;* for I regard the acknowledgment that the St. Johns and Ristigouche are not Atlantic rivers, as equivalent to it. But, to cap the climax in this series of insulting propositions, let me quote once more from the letter of Mr. Bankhead to Mr. Forsyth, dated December 28, 1835. "His Majesty's Government, however, do not the less lament that the advances which they have made have been fruitless; but with their regret is mingled the satisfactory consciousness which they feel, that, in making those advances, they have gone *to the utmost extent* to which a due regard to the honor and interests of the British Crown could permit them to go." *Honor and interests of the British Crown!* What sort of honor is that which unblushingly and wantonly refuses to abide by the solemn stipulations of a treaty? But they have a "satisfactory consciousness" in contemplating the "*advances*" they have made. "Advances!" What advances have they made, but to advance *upon our territory*, and then insisting upon our agreeing that they are right, before they will consent to inquire into the legality of such an advance. They have, to be sure, made "advances," but they are upon our patience and good nature; they are a wanton trampling upon our rights.

But, sir, I will not occupy the time of the House longer with this branch of the subject. I have not read all from the correspondence bearing upon the point I have been considering, lest I should fatigue the House; but only enough to show that it is utterly "*hopeless*," as the British Government say, to expect any thing further from invitations on our part to protract this correspondence; and I think every member who has listened to me must be satisfied of that. What, then, shall be done? Shall Great Britain be permitted to remain in the quiet and undisturbed possession and use of our property, without making one single effort on our part to procure its restoration? Shall we tamely submit to the degradation of being plundered of our property, and then spend years in soliciting the plunderer to agree upon some mode in which the legality of his conduct may be tried? I trust not. It will not be in accordance with that spirit which has hitherto distinguished the American character. It would argue a weakness and pusillanimity disgraceful to us in the last degree, and cannot, I am confident, find advocates upon this floor.

What, then, shall be done? Shall we go to war? I answer, no; unless the surveying and marking our line, and resisting all forcible attempts to take our property from us, be war. I profess to be the friend of peace, and would not rashly and unnecessarily embroil our country in difficulties which would result in war; but, in this case, I have not the remotest suspicion that the measure proposed could have so disastrous and unhappy a result. Let this step be taken, and the whole question is settled. Great Britain, when she sees a determination, on the part of the General Government, to have this question settled, and to cause Maine to be restored to her possessions, will agree upon terms at once. When delay shall become dangerous to her *interests*, depend upon it she will delay no longer. A rupture of the peaceful relations subsisting between that country and this would be one of the last things that Great Britain could regard as desirable. Nor will she permit it, when it is so easily avoided.

The President, in his last annual message, holds the following language upon this subject:

"Of pending questions, the most important is that which exists with the Government of Great Britain, in respect to our northeastern boundary. It is with unfeigned regret that the people of the United States must look back upon the abortive efforts made by the Executive, for a period of more than half a century, to determine, what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States, and of the neighboring territory, was for a season such, that this, perhaps, was not indispensable to a faithful performance of the duties of the Federal Government. Time has, however, changed this state of things, and has brought about a condition of affairs, in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised that, with full confidence, often expressed, in the desire of the British Government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate, satisfactorily, this dispute, by proposing the substitution of a conventional line, if the consent of the States interested in the question could be obtained. To this proposition no answer has as yet been received. The attention of the British Government has, however, been urgently invited to the subject, and its reply cannot, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that Government to maintain them upon their present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you how cordially it is reciprocated by the Government and people of the United States. The conviction, which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement cannot be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session, I laid before you the recent communications between the two Governments, and between this Government and that of the State of Maine, in whose solicitude, concerning a subject in which she has so deep an interest, every portion of the Union participates."

In this, the President manifests that friendship for Maine, regard for her interests, and mild but firm purpose to maintain them, which has ever characterized his course upon this subject, in the several capacities in which he has been called to act. The London Times, of December 27th, understands the message as we do. In regard to that part of it touching this subject, it holds the following language: "From the tone and spirit of so much of the message now alluded to as is connected with this New Brunswick controversy, it appears natural to predict that it will not be suffered by the present Government of the United States to remain much longer *unsettled.*" The President says that no nation should long suffer its boundaries to remain in dispute. Does Congress doubt this? or will they cooperate with him in that action which the truth of such a position demands? He says the true interests of both countries imperatively require that this question should be put at rest. Will Congress say it should be kept open? or will they unite their efforts with those of the Executive to put it to rest? He says he does not coincide in the opinion of the British Government, that this boundary line cannot be run according to the treaty of 1783, and that a conventional line must be adopted. Will Congress sustain him in this? or will they tell us to negotiate and make the best bargain we can? I trust not. The time has arrived when some decisive step should be taken. Let there be union, energy, and firmness among the different branches of the Government upon this subject; let them manifest the determination to submit to nothing wrong, as well as to ask for nothing but what is right, and this long-vexed question will be terminated and settled forthwith.

INDEPENDENT TREASURY BILL.

SPEECH OF MR. MORRISS, OF OHIO,

In Senate, March, 1838—Upon the bill "to impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States."

Mr. MORRIS addressed the Senate as follows:

Mr. PRESIDENT: It is but a day or two since I remarked to the Senate that, at the commencement of this debate, I had not the least intention whatever to take any part therein. I should yet adhere to that original resolution, did not existing circumstances now almost compel me to a change. It is neither the pleasure of speaking, or the pride of being heard, that now induces me to throw myself upon the notice and indulgence of the Senate. After so much has been said, after the most eloquent tongues and strongest minds seem to be wearied and exhausted on the subject, it would be arrogance in me to suppose that I can add either force to the argument, or cast any additional light on this long-contested question. I shall not attempt to enter the wide field of debate, which gentlemen have spread before us. I shall confine myself to the mere expression of opinion on the great principles involved in the bill, and in the arguments which have been urged both in favor and against it, and such reasons and arguments as have been suggested to my mind in support of such opinions. I took my seat, Mr. President, in this body, with sentiments formed, and often expressed, as to the nature and powers of this Government, and how far it was connected with, or ought to influence, the Governments of the States. All the arguments that have been used on this important and delicate subject, (the subject of currency,) have more or less involved these important topics. I have, sir, listened with some attention, and examined with some care, the arguments used, and the positions assumed, by gentlemen on both sides of the House; and I have done so, I hope, with an impartial mind, as I know I have for the purpose of correcting my course, should I discover that I have been in error. But, sir, I am compelled to say that I have not been able to discover any substantial or abiding reason to shake the principles upon which I have heretofore relied, or that would justify a change in the course I have steadily and firmly pursued. Sir, to my mind, there has been more of description than of fact; more of fancy than of reason, in all that has been said. Truth has been covered over by fiction, and reason has been lost in imagination; and though we have had peal upon peal of bright and thrilling eloquence, yet let it be remembered that fiction, imagination and fancy, are the fields in which eloquence delights to roam; and in the exercise of its power there, it can most fascinate, control, disturb, and agitate the public mind. Sir, we

are told that this is now the state of the public mind in this country; that it is, upon the present question, deeply excited, and violently agitated. Without admitting, I will not, for sake of the argument, deny the fact; but, sir, it is worthy of grave consideration what has been the main cause, and among what portion of our citizens this agitation exists. It is true, that legislative bodies have spoken, that public meetings have spoken; but have the people, the great body of your intelligent yeomanry, spoken? I answer no. It is the politicians and the trading community ALONE that have spoken; and wanting the sure foundation of truth, and the basis of the Constitution on which to rest their arguments, they have resorted to declamation, to fiction, imagination and fancy, to rouse the PEOPLE to their aid. It has been urged upon us that this phosphoric light proceeds from the genuine blaze of public feeling. I cannot believe it.

Sir, allusions have been often made in the debate on this bill, to instructions sent here from the Legislatures of the different States. I feel myself involved in those allusions; and before I proceed to examine the great principles of the question before us, I must ask the indulgence of the Senate to adjust, settle, and cancel this private account, so far as it respects myself. A demand which the Legislature of my own State have made upon me, and, like the banks, I feel disposed to refuse specific payment. It is true, sir, that this honorable body have no particular interest in this matter. It is a question alone between a member and his constituents; but payment is demanded here, and here, if any where, the battle is to be fought, the protest entered, and the answer given. Had my honorable colleague, when he presented the resolution and declaration of our State, have felt it proper to have made any remarks, I should have availed myself of that opportunity to have said then what I feel my indispensable duty to say now. I rejoice that the General Assembly of my State has thought proper to express their opinions and sentiments on the present occasion. I consider it not only the right, but the duty, of the States, to watch, with jealous care, every action of the General Government; for on their vigilance, as well as virtue, must depend, in a great degree, the purity, perpetuity, and safety, of that liberty which was intended to be secured to each and every citizen by the institutions of our common country. It is of no importance, sir, whether I do or do not concur in the particular opinions and sentiments expressed by the Legislature of my State. The great principle of instruction remains forever the same. To protect and preserve the public liberty, promote the interest and welfare of the country, by reproof, admonition, and instruction, to them with whom they have instrusted, even for a short period, a portion of their power, is not only the right, but the duty, of the constituent body. Believing, then, as I do, in the right of instruction, I find myself differing, however, with gentlemen who hold the same doctrine, in the origin, force, and binding efficacy, of that right. I cannot believe that the doctrine of instruction ought to be so exercised as to make void, abridge, change, or alter, the will of the people as expressed in constitutional forms, or to require their representatives to do either a dishonest or dishonorable act. I hold that the Constitution is the every day expressed will of the people, and cannot be altered or changed in any other mode than that provided in the instrument itself. That when the power of the constituent body was exercised in the appointment to office, they had a right not only to the person appointed, but to his then known and expressed opinions also, for the constitutional term for which they elected him. I consider that the man and his political opinions are chosen together. The obligation I consider mutual, that the incumbent shall hold, for the constitutional term, and those who elected him shall have the benefit of his opinion (the very cause, no doubt, of his election) during the same term. The correct doctrine, in my opinion, is, that those who have the power of election, for the time being, in their hands, have the right to the Government of the country during the period for which those elected can hold their official stations. Our safety against the abuse of power, or the existence of any permanent evil in the country, brought upon it by any act of the Government, is found in the frequency of elections. I have always believed, sir, that, under our form of Government, the will of the people, as expressed by their representatives, was obligatory upon *all*, until altered or abrogated by the same will, expressed in the same constitutional form. I hold, therefore, that the will of the people of the State which I have the honor in part to represent here, as expressed by the Legislature in my election as Senator, is, in all cases in which my opinion was known, at that time, to that body, obligatory during the constitutional term, not only upon myself, but upon the State I represent, so far as my single voice can go, during that term. If this not the true case, I am unable to see any thing like safety or stability in our system of Government. If the present Legislature of my State can justly, by way of instructions, require me to change my opinion, I cannot see why I should not be equally justifiable in saying I had changed myself, and thus play false with those who were my immediate constituents. If doctrine of this kind can be sustained and brought into practice, instead of written laws and constitutions, by which alone liberty can exist, all our rights would depend on unwritten laws, promulgated by the breath of popular opinion, and brought into action by some momentary and exciting cause; and instead of sustaining principle, would operate on men, and would eventually be found to carry into effect its mandates by mobs and violence. The General Assembly of my State seemed to be aware of the great fundamental truths I have suggested, and have disclaimed the power to give binding instructions to their co-ordinate representatives in Congress. That instructions are not legally binding will, I think, be admitted by *all;* but this, instead of weakening, strengthens the moral obligation to obey. It is that obligation, when required by the voice of public opinion—no matter in what particular form expressed—that enjoins obedience on the representative. Viewing, then, the resolution and declaration of the General Assembly of Ohio in this light, so far as I am concerned, I am willing, nay, I feel it my duty, to acknowledge their instructions, in the same manner as if they had been conveyed in the most positive terms and approved form. I feel satisfied the General Assembly so intended, for they commended the opinions and sentiments therein contained to our consideration and concurrence. I will not, for a moment, sir, deal unfaithfully with my State, or with the Legislature, by taking advantage, by any technical evasion, of what I believe to have been the true intent and meaning of the Legislature in the passage of the resolution they have sent us.

I have given, sir, to this resolution and declaration my most serious attention, and, I trust, I have done so without any party feeling or party spirit; and I am unable to discover but two important objects which the Legislature had in view. The first is the distribution of the proceeds of the public lands amongst the several States, and the other the establishment, by Congress, of a United States Bank. All other propositions assumed or laid claim to, I believe, were considered as auxiliary to these, and of minor importance. I consider the resolution as instructing me to vote for both those measures, should they be brought before the Senate, and against any measure that was calculated to defeat either. The question now for me to decide is, am I bound, or ought I to obey? My answer is, I am under no moral or political obligation to do so. Shall I, then, resign my seat here? Not for this cause. It was, sir, a well known and notorious fact, at the time I had the honor to be elected to a seat in this body, that I was opposed to a distribution of the proceeds of the public lands amongst the several States, and also to the establishment of a National Bank by Congress. I believed then, as I believe now, that both those measures are not within the constitutional power of this Government; and I have no doubt but the members of the present General Assembly of my State will do me the justice to recognise this fact. I contend, then, that this was the opinion of the Legislature that elected me to the office of Senator in this body. I therefore most respectfully beg leave to change the question with the present General Assembly, and in my turn, ask them if they did not expect and believe that every person which they have or should elect to office would faithfully carry out the principles and doctrines which induced his election? And, if it was now the proper time for the election of a Senator to Congress, would they not look for, and select a man who would defend, and faithfully support, and vote for the principles contained in the resolution which they have sent us, and would they not deem him base and unworthy, if for any cause or motive, he would betray the trust thus confided to his hands? Sir, as far as I am personally acquained with the members of the present General Assembly of my State, I know them to be men of honorable minds, and high moral worth; and I believe all the others are of like character, and I will venture to answer for them in the affirmative to the question I have put. If faith thus plighted, and thus relied on, by which an important official station had been conferred was to be broken by instructions afterwards given, the most gross imposition upon the country might, and no doubt would, often take place. An important question is before the public, which must be decided by Congress. A United States Senator is to be chosen who will have a vote on this question; the people have that object in view in the election of their State Legislatures; *a large majority of members are returned* on one side of that question; they respond to the will of their constituents, and elect a man to the Senate of the United States professedly in favor of the will of that majority; the people have confidence in his integrity, they know his term of service is six years, and no other topic exists in which so deep an interest is felt. Many at the succeeding election neglect to attend the polls; chance, accident, or mere neglect, produces the election of a different set of men, with different political views to the next Legislature. They instruct the Senator, who has but barely taken his seat, to vote against his known, and expressed opinions, *expressed* at the time of his election, and, of course, against the opinions and principles of those who elected him. Shall he obey, and thus deceive his immediate contituents, and lay a foundation for the practice of every political fraud? I will submit the question, sir, to the people I have the honor to represent here, as well as the Legislature, and I am much mistaken indeed, if the response from both will not be that the representative ought to do his duty faithfully to the best of his ability, as he had engaged to do at the time of his election. No man has a more profound respect for the Legislature of his State than I have for mine, and this respect is not in the least degree abated, nor ought it to be, because the present Legislature is, as I understand, of different political opinions with myself. I view their rights and my duty the same as it were otherwise; and I believe in this particular case, in refusing obedience to the resolution now before me, I am, in fact, but carrying *into practice* the doctrines which the present legislative body itself would acknowledge correct. In all new cases, or cases in which the opinion of a representative was not known at the time of his election, he ought to obey the instructions of the constituent body, or resign his seat. I speak in no invidious sense when I say I hold the Virginia doctrine correct on this subject. There may be cases, however, in which the representative may be full convinced, that disobedience is the only alternative left him to save his country from some impending danger: in such an event, he ought to throw himself into the breach, but he should immediately thereafter surrender his trust. But, sir, there is no circumstance, in my opinion, that would justify my holding a seat here, and giving a vote that both my judgment and conscience should condemn, because I was instructed to do so by any power upon earth. I regret my peculiar situation has rendered it necessary that the time of the Senate, on the present occasions should be taken up with this explanation *of my views;* but as other States have instructed their Senators, as to the vote they shall give on the present bill, no one, I trust, will believe that I have, without reason, thus far overlooked the immediate question before us.

What, sir, then, is that question? It is, does there exist a vital inherent power in this Government,

that Congress can call into action, for the purpose of preserving and keeping safely the money contributed, by the people, for the purpose of carrying on the functions of Government, between the time of its collection and disbursement in pursuance of law, and that, too, without any foreign or extraneous aid? To a plain and honest man, unacquainted with the intrigues of office, or the wiles of speculators, to ask this question, would be to answer it. Yet such only is the main object of the bill before us, which has met with so much opposition, and been so vehemently denounced by gentlemen on the opposite side of the question. But, sir, it seems to me that gentlemen ought to end their arguments where they begin them. They assume premises which do not exist, and thus claim the exercise of powers by the Government of the most dangerous tendency. The position assumed is, that Congress is bound to provide a currency for the country. I can, by no means, admit this argument, in the sense in which it has been urged in this debate. Congress furnish, in fact, a currency! If so, from what source is that power derived, and in what form is it to be exercised? Congress, by the Constitution, has power to coin money and regulate its value, and the value of foreign coin. This provision of the Constitution by no means *authorizes* Congress to make or increase the currency by the mere act of the Government, either for its own use or the use of individual citizens. It would be a dangerous practice, and at war with every principle of our Government, for Congress to exercise or possess a power like this. I admit that, in despotic or monarchical Governments, where power is claimed to be derived, not from the people, but *jure divino*, the power to supply their own Treasury by their own authority is claimed and exercised. It is the peculiar prerogative of the Crown to make its own money. That power, in this country, belongs to the people. The Government can have no money but by their permission. The people have, in their Constitution, provided that gold and silver shall be the material of which money shall be made; and they have given the power to Congress to coin it, and regulate its value. Congress has declared, by law, the shape and size of money, and the inscription it shall bear. They have, also, caused to be erected a mint, a great national workshop, where money shall be made; they have erected machinery, and employed workmen, for this purpose, all at the public expense, and the operation is called coining; but Congress have no power to dig the ore, or purchase bullion, in order to make money for the use of the Government. The mint belongs to the people; it is for their use; it is to make money for them free of personal expense, out of their own metal, and for their own benefit; and how much, or how little, they will have, like all other articles of property, depends upon themselves, and will be regulated by their means, their industry, their fancy, or their taste; and the Government is under no more obligation to afford aid to individuals in this pursuit, than it is to aid them in the rearing of cattle, or in acquiring any other species of property.

It would be as dangerous to public liberty to permit the Government to enter into competition with individual enterprise in this particular, as it would be to enter into competition in the trade, commerce, manufacturing, or agricultural pursuits of the people.

Hence the wise men who framed our Constitution have prescribed that the Government shall have no other income for its support but what the people shall contribute, by taxes, duties, imposts, excise, the sale of the public domain, and the borrowing of *money*. If I am correct in the positions I have assumed, and upon which I cannot doubt, what becomes of the argument that Congress is bound to furnish a currency for the country? It is lost, having no foundation whatever on which to rest. But those who use this argument contend that gold and silver do not exist in sufficient quantities to furnish a sufficient amount of currency to answer all the requirements of trade and commerce; that a paper currency must exist, and that issued, not by the simple act of the Government, but by a private corporation on its own responsibility, and for the sole benefit of the corporations. Sir, suppose I admit their argument, that a sufficient quantity of currency cannot be obtained by the use of gold and silver only, does it follow that paper is the next best material for *this* purpose? I say not. Suppose I admit another false and extravagant argument advanced by gentlemen, that whatever Congress receives as money, is money, thus placing the power of Congress entirely beyond that of the Constitution itself. If this was so, why not make a currency of more substantial material than paper? why not use iron, copper, or any other metal? It is true that Congress have directed copper to be coined, which passes as money—a power which I greatly doubt Congress is competent to exercise; yet if it exists, and if Congress can make a piece of copper, of a given form and size, worth the hundredth part of a dollar, Congress can make the same piece equal to the dollar itself, and thus increase the quantity of money in the number of pieces, or by raising its relative value. Sir, gentlemen well know that all schemes of this kind would not only prove vain and illusory, promoting no valuable purpose, but producing much mischief.

But gentlemen urge on us another system, which they call the credit system—a concentrated and corporate credit, which circulates in the form of bank notes, and which, they contend, is the purifier of our morals, the reformer of the age, and whose benign influence scatters peace and smiling plenty on the country, and without which we should retrograde in a short time, at least, to a semi-barbarian age. Permit me, sir, to examine for a moment this credit system. Gentlemen say that the Government is making war upon that system, and thus destroying confidence, upon which the whole prosperity of the country depends. Sir, in my opinion, we have too much instead of too little credit; too many of our citizens are endeavoring to live upon credit, instead of industry. These consist of the trading and speculating classes. And they are asking the aid of the Government to enable them to seize upon the property of the laboring and productive classes, and appropriate it to their own use, by virtue of this credit system. Credit belongs to man in his individual character, not in his corporate capacity; and it is the essence of oppression and tyranny for the Government to bestow upon the few a fictitious existence, in order to give them a credit which they never could otherwise obtain, and for which, in that character, (their individual character,) they are not responsible. It is, to my mind, impossible for the Government to lend its support to the credit of any man, or set of men, without producing injury to others. The Government has nothing of its own intrinsically; what it bestows upon one, it must wrest from another; and it would be as highly impolitic, unjust, and despotic, for the Government to seize upon the individual credit of the country, and force it out of its natural channel according to its pleasure, as it would be to seize upon the entire property of the country for the same purpose. No country can be free where the Government thus interferes with the private concerns of individuals for the purpose of adjusting the balance of wealth among them. But, sir, I am told to look over the face of the country, and see what the credit system has done for its prosperity; to look at my own State, and see the canals and roads with which the credit system has checkered it. Yes, sir, this credit system is a part and parcel, if not the life blood and essence, of what we once condemned under the name of the American system. We were formerly reminded of the great progress of improvement that was taking place under the Governments of the old world, and it was thought strange that Congress should be so paralyzed by the will of their constituents as not to exercise the same power here. I well remember the statement that a public work (a canal) about that time had been completed in Europe by the power of the Government, (the particular place has at this moment escaped my recollection,) of vast magnitude, and in a short space of time, and it was held up as a glorious example for us to imitate; but the glory ended in the sad story that twenty thousand individuals had lost their lives in carrying on that work. The amount of suffering and deprivation by others, though not actually engaged in the work, must have been incalculable, by the change of situation and the transfer of property by the order of Government. This was a species of the credit system carried on by the power of the sword; it differs nothing in principle from that which gentlemen now so earnestly urge upon us, and which is carried on by the power of the purse and the pen. Permit me, sir, to use a borrowed idea. If I am to submit to tyranny, give me the tyrant who struts with a sword by his side, rather than one who rules with a pen behind his ear. I have always believed that the happiness of a country, and the safety of republican institutions, were to be found in an industrious and rich population, with a poor and just Government. All the public works executed and owned by any Government, have a tendency to strengthen its powers, and make it arbitrary and despotic, by reducing the people to the condition of its laborers, dependants, or tenants. It also has the direct effect of increasing official stations and the arrogance of office; and I am well satisfied that if the Government now owned all the canals, railroads, and turnpikes, in the United States, and should reduce the fare, it would not be to the advantage of the country, because it would soon change the nature of our republican institutions. Except we prefer a Government to rule over the people, instead of a Government to be ruled by the people, we might then put off the honest garb of home industry and glitter in the livery of power. Yet this is the elysium of good Government which gentlemen picture in their fancy.

But the argument is still more unfortunate which assumes that we should retrograde in our morals and policy without the use of the banking system. What was the state of the world before the banking system existed? Let history speak on this point. We, at the present day, under all the influence of bank facilities, look back to that period for models of wisdom as well as skill. I hold, then, that banks are neither necessary or proper for the safety or security of that individual liberty which it was the object of the Constitution to secure; that the Government created by that instrument, as I have before remarked, possesses within itself a vital, self-existing principle, capable, without extrinsic aid, of performing all its functions; that the moment this Government shall attempt to lean for support upon banks, it will find them at best but a broken reed, and oft a spear, whose sharp point will pierce its very vitals. I go, then, for a total separation of the banks from the Government. I go for it at once. Now is the accepted time to enrol the decree for a divorce *a vinculo matrimonii*, breaking the last link in that chain which connects the Government of the country with those private institutions.

From the acknowledged talent and eloquence which has been brought into this debate, I expected to have heard convincing arguments and unanswerable facts. I confess I have been somewhat disappointed. Our fears and our passions have been addressed rather than our judgment and our reason. It seems to me that another panic is attempted to be got up in the country. It is but a mimic, sir, of that of four years since, which I then witnessed with some forebodings. But I predict nothing of the present; it will pass by, and be forgotten so soon as the bill before us is disposed of.

We are told, however, that the country is in deep distress, brought upon it by the Government, and that the complaints of the suffering are reaching us almost daily, and we are warned, in the voice of solemn admonition, to beware the consequences. Sir, none of these things, as yet, have induced me to change my course. From whence do these complaints come? From the large cities; from the trading community; from the speculating classes; from the consumers; from those who live upon the labor of others, and from those whose tables are covered with gold and silver plate, and the very hubs of whose carriage wheels are plated with silver. It is these last who have, by their glitter of wealth, tempted into their employ the honest and industrious mechanic, who they have paid with their credit, (bank notes) and now, when that credit will no longer procure the necessaries of life, and which they refuse themselves to receive and cancel, they ask the aid of the Government for its future support; and that being refused, in-

stead of converting their plate into money, (the legitimate use for which the metal was intended by the Constitution,) and paying their honest debts, they join their dependants, and unitedly send their petitions here for relief from that condition which their own extravagance has brought them into, and even threaten the stability of the Government should they be refused. Sir, I would not lightly speak of any portion of my fellow-citizens; but there is something repugnant to my ideas of equal justice in such a course as this. I have no desire to say, in the language of Jefferson, that great cities are great sores on the body politic; but I will say, that great cities are not congenial to public liberty; they collect together the wealthy and the indigent, the haughtiness of riches, and the submission of dependent poverty; the principles that actuate them are constantly at war with each other, except occasion should offer to make war on a third party for the pecuniary interest of both. These parties are now united against the Government—the one hoping to compel it to sustain its credit, and the other hoping by that means to live upon that credit. These, sir, are the classes who now clamor at your doors for aid. The great body of the people, the agricultural class, are, happily, quiet and contented at home, willing to submit to the decrees of Providence, to earn, as well as eat, their daily bread in the sweat of their face. But we have been often reminded that instructions from our State Legislatures have been sent us to vote against this bill. This is true, sir; and I have examined with some care that branch of the question, because I felt an interest in this movement, having, as I considered, received instructions in the form of a declaration from the Legislature of my own State on the subject-matter of the bill under consideration. I have not been informed that, in a single instance, the Legislatures of any State who have sent instructions here, have themselves been instructed to do so by their constituents; and it is a remarkable fact, that in every such State but one, a majority of the Legislature were decidedly opposed to the present Administration, and in that one, a single vote in the popular branch would have changed the result. I view, then, these instructions as a political movement for effect; not the work of the people, but of the politicians: I fear the great moving cause was the advancement of men, not principles. I would not wish to be understood as speaking disrespectfully of any portion of my fellow-citizens, more especially of legislative bodies; all are entitled to my respect; but all should be judged by the same impartial rule of right. But, sir, all those circumstances are combined together, and presented to us as evidence of great distress pervading every portion of the country. That embarrassment and distress exists in some degree among the trading and speculating classes, I am willing to admit, and that the immediate cause of that distress is the stoppage of specie payment by the banks, and the refusal to discount, must be evident to all.

But gentlemen charge the whole upon the Government, and denounce its measures in the strongest terms. I admit the Government is blameable, in some degree, in this matter. On first taking my seat in this body, I was surprised to hear that the practice had been to permit those who had the public money in their hands to use it in trade or speculations between the time of its collection and disbursement. I expressed myself, in private conversation with gentlemen, who, I know, will do me the justice to acknowledge it, against this practice. Large sums were then being paid into the Treasury for which Government had no immediate use. I was asked if I would permit those sums to lie idle until expended by operation of law? Surely, I would. I thought then, and I think now, that it would be better for the country that they should have been entirely lost, even burnt in the streets of Washington, rather than be used for the corruption of the people. But, sir, other counsels prevailed, the money was ordered to be deposited in State banks, a measure to which I gave an unwilling assent. The banks were told to loan liberally on those deposites. And what has been the consequence? A host of borrowers were immediately found at the banks, who, in the pursuit of fancied wealth, neglected the ordinary and substantial pursuits of life. Loans were obtained, and many estimable young men, who otherwise would have been valuable and useful citizens, became speculators in practice, and gamblers in principle. The Government thus tempted them to leave the sober, honest walks of life for the uncertain pursuit of riches; and they forgot that excellent prayer, the best ever put into the mouth of man, "Lead us not into temptation." Thus this valuable class of our citizens were prevented from adding to the permanent wealth of the country; they became borrowers, poor dependants upon the banks; they forgot that word of truth, and it seems to be forgotten here also, that the borrower is servant to the lender. A gentleman near me, sir, says that slave is the original word; yes, sir, the borrower is the slave of the lender! Who, sir, will dare dispute this? Thus that manly independence of mind that should mark the American character, is exchanged for a miserable dependence on soulless corporations, and in the midst of this wild course of extravagance, the banks themselves became involved; they close their doors, refuse to refund to the Government the money deposited, or to discharge their other liabilities to individuals. What a monstrous picture of corruption does this present to the reflecting mind. But it did not stop here; men of wealth, in order to enlarge their fortunes, engaged in the same borrowing scheme; they employed the laborer to produce for them articles of show, or fashion, and paid them in credit for their work; that credit soon became worthless. These knowing ones then charged the whole blame upon the Government, and all united to raise the cry of distress, and call on Congress for relief. What a moral does this lesson teach. Well has it been said that the love of money is the root of all evil. But, sir, in condemning the principle of connecting this Government with the banking system of the States, I do not feel it necessary, nor do I believe it correct, to denounce, in general terms, the State banks, although gentlemen, on this side of the House, have done so. I cannot join in such denunciation. I think it is calculated to answer no valuable purpose, but may be productive of mischief. The banks are State institutions, created by the laws of the several States, and, to use language used on a former occasion, this Government ought not to intermeddle with State institutions. I use the word now, as I understood it then; meaning that this Government has no right to intermeddle with any institution of a State, exclusive of her own, in any manner whatever, by virtue of any act of Congress.

But, sir, gentlemen, on this occasion, as well as on most others, when questions of importance are under consideration, censure, in no measured terms, the acts and doings of the late, as well as the present incumbent of the Presidential chair. I have often thought in all this denunciation from which they were willing to screen the man, but condemn the officer, there was still not so much directed against the officer himself, as against the system which brought him into office. The blow thus struck, has always appeared to me to be aimed at the elective franchise: the right of suffrage, as exercised and enjoyed by the people at large. How many, sir, have said that the great body of the laboring and productive class, are not qualified for a proper discharge of this important privilege. It has been contended that this class never have, never can, nor never will be competent to understand the proper functions of Government. How often do we hear that "*Slam, Bang and Co.*" meaning the laboring class, are engaged in political affairs? Words are sometimes more full of meaning than at others, and the meaning here is, that these men who are thus designated, are unfit to make a President or any other officer of Government; that such high privilege ought to be left to the handy work of the more wealthy and noble. Enter into private conversation with gentlemen of this class, with whom you are on terms of intimacy; let the feelings of private friendship disarm each of policy; bring the conversation to this point, and you will quickly see the result. A confession in the belief that there is too much liberty in the country. Sir, I charge most of the assaults made upon this Administration to spring from that belief, and I call upon the country to watch with sleepless vigilance the progress of this doctrine, and to check it at every avenue, or they may lament too late its fatal prevalence.

It is contended by gentlemen, if we pass this bill, it will have a serious effect upon the credit of the State banks; and another gentleman asserts that if the bill pass the banks, never can and never will resume specie payments. What are we to understand by all this? That bank rule is to be the order of the day here; that banks shall dictate to the Government the course for it to pursue; and for non-compliance, will defraud their own honest creditors, by the refusing payment of their notes. This is a high handed assumption of the banks; but they go farther: they ask the money of the Government to be sent to their vaults, to be used in payment of their debts, and if no money is to be had, they claim that the Government shall give credit to their notes, in order to induce individuals to receive them. This, sir, is unparalleled impudence, not to call it by a harsher name. Are not banks private property? And what claim have the stockholders upon Congress to advance their interests over that of any other individual or corporation who hold property of another kind? It has been well said that corporations have no souls. The banks appear to have neither souls or conscience. Sir, when these petty institutions shall be permitted to claim for themselves a public character, and prescribe to Government its action, there will be an end of common liberty and common justice. I regret that I feel compelled to speak of State banks, but gentlemen have so thrown them in my path, that I cannot easily get round them, and am, therefore, constrained to give them a passing notice.

But gentlemen contend that the exchanges of the country are in a deranged condition, and that Congress is bound to regulate them. Exchange belongs to the trade and commerce of the country, and not to its monetary system. Let us understand it by the operation of a single case. We are too apt to form incorrect conclusions by looking at things in mass. A gentleman has money in the West, which he wishes to make use of in the East. A friend has money in the East, which he wants in the West. An exchange takes place between them, for mutual accommodation, not of the actual thing itself, but each gives the other an order written upon paper to receive his money where it is; and if one should give the other a premium for his order, this is called the rate of exchange. Does not this simple statement convey a full idea of the exchange business of the country. I so understand it, by all that I have heard on the subject. What, then, Mr. President, is it but a naked simple private transaction between individuals, with which the Government has no more concern than it has in the exchange of living animals between their owners. I cannot discover any obligation imposed by the Constitution upon Congress to keep money in the Eastern cities to exchange with Western merchants for their money at home, for the purpose of saving to them the expense of its transportation, any more than that Congress should pay the carriage of their goods, when purchased, from the East to the West. Sir, emigrants going westward have the same right, in principle, to call upon the Government to provide household furniture and domestic animals for them in the West, in exchange for those they are in possession of, in order to advance the "*general welfare*," as the trading community have to call on Congress for the exchange of their money, to save expense to them, and which they say Congress is bound to do in order to promote the "*general welfare*." Born, sir, and cradled in the lap of the Revolution, my infant mind received its first impressions of government from that Constitution under which we now live, formed by the wise and good men of that day. I was taught to believe that the great object of the Revolution, and the end proposed by the Constitution, was the security of individual liberty, not the promotion of individual aggrandizement, or the means of procuring individual wealth. It was to secure the blessings of liberty, of equal rights to each and to all, to themselves and to their posterity forever. All we ask of the Government is protec-

tion, security from violence, and the administration of impartial justice, that the domestic fireside may be safe from either internal or foreign aggression; that the bounties of Providence, which we have gathered through the day by the labor of our own hands, may be safe from the midnight robber; in fact, that we all may sit in safety under our own vine or our own fig tree, and none be suffered to make us afraid. We crave neither the vine or fig tree of Government; nor do we wish the power or means of the Government to enable us to avail ourselves of the labor, or possess the vineyard, of another. Riches and wealth should be the reward of individual industry, frugality, and economy, and not acquired by the favor or patronage of Government; yet the whole of the arguments against this bill are based upon this principle—the principle that the Government is bound to furnish the means to the citizens, not only of obtaining a livelihood, but of accumulating a fortune. Sir, this is the language of tyranny and despotism, to promise the people much for the purpose of gaining sufficient power to rob them of *all*. I heartily agree in the sentiment expressed by the President, "that all communities are apt to look to Government for too much. Even in our country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent Constitution, and the people who approved it with calm and serious deliberation, acted at the same time on a sounder principle. They wisely judged that the less the Government should interfere with private pursuits, the better for the general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money, or by legislation in favor of particular pursuits, the losses not incurred in the public service. This would be, substantially, to use the property of some for the benefit of others; but its real duty—that duty, the performance of which makes a good Government the most precious of human blessings—is to enact and enforce the system of general laws commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap, under its benign influence, the rewards of virtue, industry, and prudence." The President further says: "I cannot doubt that on this, as on all similar occasions, the Federal Government will find its agency most conducive to the security and happiness of the people, when limited to the exercise of its conceded powers. In never assuming, for a well meant object, such powers as were not designed to be conferred upon it, we shall in reality do most for the general welfare. To avoid every unnecessary interference with the pursuits of the citizen, will result in more benefit than to adopt measures which could only assist limited interests."

Sir, these are the sentiments of our Republican citizens, and of that eminent man, whom they have called to preside over the affairs of the country; they are sentiments, in the belief of which I have grown up, and they now form the creed of my political faith, and in the belief of which I expect to die. But, sir, this is not the political doctrine which the opposers of this Administration inculcate. Their doctrine teaches a servile dependence of the people upon the Government for the promotion of individual or local interests. A doctrine which makes the people nothing within themselves; and the Government every thing for the promotion of their pecuniary interests. This is the doctrine of despotism; and the means by which tyrants have always seized upon power. Establish it here, and your boasted liberty will be but an empty sound, a mere delusive phantom, of which you will soon lose even the sight. It has been thundered in our ears that the great question is, whether the people shall have bread or no bread. This sound was first heard from the consuming classes of our great commercial cities; it originated with those, who not only lived upon their own credit themselves, but had sold that credit to their laborers and dependants, and when it failed and became worthless, for want of a "BASIS," they came forward and asked the Government to sustain it in its sinking condition, by permitting them to amalgamate it with the credit of the Government; and because this unjust application is refused they raise the cry of bread or no bread, and declare that the Government is withholding bread from the people; indeed this false and groundless position is assumed on this floor. Gentlemen have asserted the same thing; indeed they have gone still further. It has been said, but I do not deem it necessary to designate gentlemen by reference, that the duty of the Government, as I understand them, is, to provide bread for the people. "The duty of the Government to provide bread for the people!" clothing, also, I suppose! This idea of providing, by the Government, for the private wants of the people, has in it nothing new. It has been long practised by men whose object was to overturn the Government of their country, and we find this scheme resorted to in almost every age of the world. When the unnatural son of the Jewish King wished to dethrone his father, he made use of this same principle; he told every man who had any application to make to the Government that his matters were *just* and right, but there was no one deputed to hear him; and he, also, told all such if he were made judge in the land, that he would do every man justice. I fear, sir, the same disposition is felt and breathed from many a heart, in this our day. "Oh! that I were made President of these United States, then should every man have bread." I trust the last scene of Absalom's career will not be theirs. And Watt Tyler, too, if I mistake not the name, promised the people of England, in his attempt to break down the Government of that country, that when he obtained rule, a four penny loaf should be sold for two pence, and the price of ale should be reduced; he also endeavored to make the people believe that a change in the Administration would give them abundance of bread. In every age, and in every country in which the people have not relied for their support and comfort upon their own individual industry, but have consented to be fed like cattle from the public crib, the downfall of freedom has been sure, and the establishment of despotism certain. If the gentleman who have urged this doctrine, can prove and sustain his principles, if I was disposed to exchange liberty for inglorious ease, I would not only agree to make him President, but President for life, with (as gentlemen now contend the President has) all the power of the country in his hands; for then we should have nothing to do, but to eat, drink, and praise our good Emperor, and obey his commands! Why, sir, one gentleman has said the banks could resume specie payments to-morrow, if confidence was restored, and that confidence depends on the breath of the Government. This is to me a strange and dangerous doctrine; it is an admission that all confidence depends on the Government. This can by no means admit: confidence depends on moral honesty alone. The Government has not the power to make men either moral or honest, though it may punish individuals for a violation of either.

It has been repeatedly said, that we who are in favor of separating the Government from the banks, are in favor of a Government bank, by which the power of the Executive is to be vastly increased. Yes, sir, the title page of the speech of the honorable Senator from Kentucky, now before me, makes this declaration, which the speech itself was intended to prove. I will read that title page: "Speech of the Hon. HENRY CLAY, of Kentucky, establishing a deliberate design on the part of the late and present Executive of the United States to break down the whole banking system of the United States, and to create on their ruins a Treasury Government bank, etc." Sir, that Senator is decidedly in favor of a bank created by Congress. Prove to me that Congress has power to create a national bank, or to adopt the State banks as fiscal agents, and that this Government cannot carry on its operations without the aid of a bank, and that the people require a paper currency issued by banks, in order to enable them to transact their necessary business with advantage; prove this, and I go for a Government bank at once; just such a bank which seems to excite so much terror in the minds of gentlemen. Pray, why should I not? If Government has the power to create a corporation, and own one-fifth of its stock, as was the case in the late Bank of the United States, it has the power to create a like corporation, and own all the stock. It can create such corporation, owning all the stock, and for its own use, with all the powers of contracting, being contracted with, and the liabilities of suing and being sued, as if it owned but a part of the stock. If such constitutional power exists, which I do not admit, the expediency and safety is clearly in favor of a Government bank. What are the banking operations, but the barter of credit with individuals, in which barter the bank is allowed six per cent. discount on the credit they buy, and for which they give nothing in return but their own credit? The credit of individuals thus bought by the banks amounts, at this time, to upwards of 450,000,000 of dollars; the annual interest on this sum, which is paid by the productive classes of the United States to the banks, is twenty-seven millions. Thus this beautiful system, which gentlemen admire and love so fervently, enables a few bankers to tax, or rather unjustly draws from the people of the United States a larger sum than is required to pay the entire expense of the Government. If the people of this country must sell their credit for a credit more extensively passable than their own, permit them, I beg you, to sell it to the Government itself, and take the Government credit in the form of bank notes, on the same terms as they obtain the notes of existing banks, and thus the twenty-seven millions which is now paid to a few individuals, by which extravagance and luxury is introduced into our country, would go into the Treasury of the nation, and would in a great degree supersede the entire system of taxation. But gentlemen say this would enlarge the Executive power, and strengthen the hands of this Government to a dangerous extent. In my opinion the reverse is the truth of the case. If the Government must be connected with the banking system at all, a Government bank would be the least dangerous, because it would be constantly under the control of the people, through the medium of their representatives in Congress. While, if the Government was ever allowed to attach itself to private corporations, or take them under its care and protection, it might, by their means, set the people at defiance, and rule them by a power beyond their control. This Government can never be too strong for the people while all its powers can be acted on by the elective franchise; but vest any portion of its power in hands from which the people cannot recal it, as is claimed for corporations, and you have a sure foundation laid by which the Government can soon make itself fearfully strong.

But we are also told that the Executive power would be increased by a Government bank. I am not one of those who fear Executive power in this country; that branch of our system has very little original and inherent power which can operate against popular liberty. Most of its actual powers are derived from, and exercised under, the control of the other branches of Government. It can never reach the liberty of the country without their co-operation, and through their means. I said in my place, on a former occasion, and I now repeat it, if the American people ever lose their liberty, it will take place by the act of an American Congress, and the opening scene of the grand tragedy will be on the floor of the Senate. Executive power, nor no other power, foreign or domestic, can ever successfully assail the liberties of this country, if the representatives of the people are faithful to their trust. If, then, we are to have a banking system and a paper currency, give me a Government bank and Government paper. A bank of this kind would be constantly under the power of the people, and subject to their control, through their representatives in Congress. All those appointed to manage its concerns could be chosen by joint resolution; and Executive influence be entirely excluded, if that influence should be thought dangerous in such an institution as this. And why do not gentlemen, who are so anxious for a bank of the United States, propose a scheme of this kind? The answer is obvious; its profits would belong to the whole people, and not to a favored few. It could not be used by political men against the Government, and of course would lose its charm upon those who are striving for place and power. It would not establish an aristocracy of wealth screened behind corporate privileges,

It would not establish castes and distinctions in society, and of course would not suit the taste of those who believe that one class of men will always live upon the labor of others. If the banking system, as now contended for, would not accomplish all this, it would have, I fear, but few friends among those who now advocate it.

We are told, however, that the object which the Administration and its friends have in view, is, to break down all the State banks, in order to secure their favorite project of an exclusive metallic currency. Sir, so far as this charge may reach me, I cannot admit its correctness. State banks are creatures of State power alone, with which this Government has no concern whatever. No act of mine here shall either break them down or build them up, if I can understand correctly what I am doing. I disapprove of general denunciations against them on this floor, and all I have said respecting them has been with the view of showing the propriety and necessity of separating from, and leaving them entirely uninfluenced by, any action of Congress. Their friends, however, contend (which I do not admit) that they need a supervisory or controlling power beyond that of the State which created them; that they need a general regulator to equalize the currency; that a bank created by Congress *only* can do that.

Sir, in the years 1822, '23, '24, and '25, (or about that time,) the Bank of the United States being in full operation, each city, town, and village, had then, as they have now, a table of depreciation for bank notes. In Tennessee, from a statement before me, made by one of the honorable Senators from that State, who was then President of the Knoxville Bank, bank paper in that State ranged from fifteen to twenty-five per cent. discount. It was more than that, according to my recollection, in Ohio, and stay laws and relief systems was the consequence; which laws always oppress the laboring classes, and benefit the speculator only; and every act of the Government which has for its object the promotion of individual interests, is sure to operate in the same way. No error is so great and mischievous in legislation, as to pass laws with our minds fixed on individual cases instead of general principles. We ought never to judge of principles by cases, but always to bring cases to the test of principle. But, sir, suppose we concede to gentlemen all they have said, and the full force of all their arguments. They contend that the majority here are wrong, and that continually. Will they permit us to borrow their mantle—the mantle by which it is attempted to cover every deformity and every usurpation—the broad mantle that all act for the *general welfare?* This, if sufficient for them, is sufficient for us; and, like Aaron's rod, it can be made to swallow up every remainining fragment of the Constitution. If we admit the latitude in which gentlemen use this argument, we have nothing left as a means of safety from the usurpation of power. One gentleman has contended that the power to levy and collect taxes or money from the people, is a power, the extent of which is governed alone by this clause of the Constitution, and that it can be exercised by Congress *ad libitum*, and that the co-ordinate power to appropriate money when collected, is governed by the same rule. I may not state the arguments of gentlemen verbatim, but I feel sure I state them substantially.

Sir, this broad doctrine places the whole productive industry of the country within the power of Congress; it vests in Congress the absolute right to every species of property, making the people the dependants, and not the masters of the Government. For, if this extravagant idea of the taxing power be true, we can at once see that it may be exercised so as to bring the whole property of the people within its grasp, and then parcel it out to retainers and sycophants at its will. Thus changing its very nature, as well as ownership. Who among our constitutents ever dreamed, that in clothing us with the power of a reprepresentative, he gave us an absolute control, for the time being, over his entire estate. Yet to this latitudinarian construction of the Constitution are gentlemen compelled to come to sustain the position they assume, that Congress is bound to furnish a currency for the country. I am, myself, clearly of opinion, that this last position is the most indefensible and dangerous part of the whole system. Give to Congress the power to make at its pleasure a currency for the people, and you vest in and confer upon that body, the highest prerogative claimed by a crown, and one that is in the very face of the Constitution itself. When I cease to oppose doctrines of this kind, I shall do so because I have more convincing arguments in its favor than I have heard on the present occasion, and this I believe no one need expect to hear. I am fully convinced, that, in our Government, the taxing power is to be exercised for specific purposes, and taxes can only be paid in money. I am not entirely without authority on this last point. I find that the Supreme Court of the State New York, in a case reported in 6th Johnson, decided, that the word taxes meant a contribution by the people in money, not labor or other articles, and I contend that this is the true and only meaning of the word, as used in the Constitution of the United States. But gentlemen attempt to get over this palpable truth, by asserting that whatever Congress receives as money, is money. In their imaginations the touch of Congress, like the touch of Midas, turns every thing with which it comes in contact into gold. If we can make the American people believe such fables as these, it is no wonder that they look to Congress for bread.

But gentlemen, in their hostility to the Administration, change even their love for the paper system. They shudder with a kind of political horror at the sight of a Treasury note, and even in this debate have held them up before our eyes in derision of the Government. The Government has done nothing in this case to merit censure from the most fastidious. It has done that which an honest man would do under like circumstances. Permit me, sir, to illustrate my ideas by a familiar and given case. I agree to pay my honorable colleague, who sits on my right, a certain sum of money for services which he is to render. I have the money on hand, and, wishing to keep it safely for that purpose, I deposite it with my honorable friend from Pennsylvania, who sits before me, as one in whom I have entire confidence. My colleague performs the service; he applies to me for payment; I call on my friend for the money I deposited with him; he refuses to return it, and, like the banks, informs me he has stopped specie payment. Sir, I have been deceived, and all I can do is to remunerate, as far as possible, my colleague for his disappointment. I still have credit left, though no money. I give him my note payable at a given period, bearing such interest as will enable him to convert it into money if he should wish to do so. Have I done wrong? No: but I have suffered wrong; and what difference, I pray you, exists between the act of the Government in the issue of Treasury notes and the case I have put? Congress made appropriations of the public money on hand, and, in order to keep it safely, and have it ready to meet those appropriations when the object for which they were made was accomplished, deposited the money in the State banks; with the most solemn assurance on the part of the banks to refund it when called for. The appropriations being needed, application was made to the banks for the money, who very unceremoniously informed the Government that they had stopped specie payments. The Government being thus deceived and imposed upon by these corporations, over whom it could exercise no legal control, informed its creditors that they should have the notes of the Government, bearing such interest as would make them equal to money, making those notes payable in a short time. This is "the whole head and front of the offence" which gentlemen charge upon the Government in this affair. It is no more. The country will soon consider this question, and I have no doubt rightfully decide it. I rejoice in the thought that I live under a Government where gentlemen opposed to its administration, of such great ability and untiring industry, have not been able to produce a charge against it of a more serious character than this, and one which can be no better sustained. The shafts which they hurl most assuredly rebound upon themselves.

I fear Mr. President that I am wearying the patience of the Senate, and my own state of health admonishes me to bring my remarks to a close. What I have said, brings me to the details of the bill under consideration, and my peculiar situation requires of me an explanation on this point. The bill contains two distinct and separate principles. The first provides for the safe-keeping of the public money; for which it is not only the right, but the duty of Congress to provide. The second undertakes to describe the funds to be received in payment of revenue. It contains, in my opinion, this contradictory and unconstitutional provision. That the resolution of 1816, so far as it authorizes the receipt in payment of taxes, duties, sales of the public lands, debts or sums of money accruing or becoming due to the United States, to be collected and paid in the notes of specie paying banks, shall be so modified as that one-sixth part of such sums becoming due the United States, shall upon the 1st day of December next, be paid in the legal currency of the United States, and thus rateably increasing in the same proportion, for the term of six years.

For this provision I cannot vote, because it is contrary to all the settled doctrines and opinions that I have advanced during the whole course of my political life, and because it, also, is at war with the opinions I have expressed, and concedes the whole ground to the Opposition, that whatever Congress calls money and receives as such, is money; and above all, it establishes and gives up the principle that Congress may, under certain circumstances, connect this Government with the banking institutions of the States. If we admit the principle, we give up the whole ground for which we have been contending. It is true, that, at the late session of Congress, I voted for a somewhat similar provision in the bill then before the Senate, on the same subject, but I did so under a kind of duress, and reflection has satisfied me that my vote then was wrong. I voted in a minority of only six at the preceding session, on an amendment offered by the Senator from Virginia, containing the same principle as the substitute he has now offered. I gave that vote without consultation with any human being, and I was much gratified to find myself in the majority when called on to give a like vote at the extra session, I then hoped that this question was settled, and that bank paper would not again be named as a proper receipt into the Treasury, but in this it seems I am mistaken.

My first objection to the constitutionality of the act incorporating the Bank of the United States, was that it permitted the notes of that institution to be received in payment of the public dues. That opinion I have never changed. I am constrained, therefore, by every consideration, to vote against this bill, should this provision be continued in it. It is true, sir, there are other expressions and details in the bill, which, though involving no important principle, I would gladly see altered. I dislike the parade of bars, bolts, safes, and iron chests, and receivers general, which it contemplates; all which are matters of show, more than necessity. They have already here been used as strong objections; and should the bill so pass, we must undervalue the sagacity of our opponents, if they do not use them with more success in the country. The honest, unsuspecting citizen will be taught to believe that those in office are attempting to seize on the public money for their own use; and that all this device is for that purpose; that as soon as these coffers are filled, the Government will declare itself independent of the people.

It is true there is nothing in all this argument, yet, if one election can be gained by it, a valuable purpose, no doubt, to some gentlemen, will be answered. In refusing to promise by law the receiving of bank notes in payment of public dues, it is not intended, in the least degree, to discredit those institutions, which belong exclusively to the States, and subject alone to State power, and State control. That the policy of the country is now, in some degree, connected with the banking system, I readily admit; but this is a domestic policy, operating differently in the several States, not brought upon the people by an act of Congress, nor does Congress rightfully possess the power to regulate it. The condition of the country, brought upon it by the action of the State Governments, never ought to

change the principles of the laws to be passed by Congress, or be considered as giving to Congress new and enlarged powers. Constitutional power always remains the same; but expediency is the creature of circumstance. So far, then, as we are in the midst of banking operations, as far as expediency alone may require, I would be willing to go.

In framing a law for the collection and safe-keeping of the public treasure, I would use words of the most plain and obvious meaning: the funds to be collected should be in *money*, because this is the proper constitutional term to be used for that purpose. I would cause this *money* to be kept safely between the time of its collection and disbursement, by men appointed for that purpose, and who, for mismanagement or embezzlement, should be liable to all the penalties of this bill. I would place payment for public land on the same footing as payment for taxes, duties, or customs. I would not blame or censure any one connected in the collection of the revenue, if, in its receipt, he acted with that care and sound discretion which prudent and honest men ought, in the management of their private affairs. If a collector took bank notes it should be on the responsibility of himself and sureties; if he, in such receipt, acted honestly, as a private man would act in such case, believing that he could convert such notes into money, at his pleasure, the bank being a specie paying bank at the time such notes had been received, and should afterwards fail, I would willingly release him in such case from all liability. Though I cannot sanction, by positive enactment, such a course as this, yet as bank paper is at present the principal currency of the country, I would, on the ground of expediency, adopt the course I have suggested. I well know that I have not the power to effect any alteration or amendment in the bill before us. I shall not attempt to do so, but submit to that necessity which compels me to vote against it, and leave my course to be judged of, approved, or condemned, by those to whom I am immediately accountable, and by my country at large.

THE INDEPENDENT TREASURY BILL.

SPEECH OF MR. BENTON,
OF MISSOURI,

IN SENATE, WEDNESDAY, March 14, 1838,

ON THE BILL TO SEPARATE THE GOVERNMENT FROM THE BANKS.

Mr. BENTON commenced his speech with remarking upon the different manners in which the discussion of the bill had been conducted on the different sides of the House. The chairman of the Finance Committe, [Mr. WRIGHT,] who had reported the bill, and opened the debate, had done it in a most business like manner; his luminous and masterly exposition of principles and details being entirely confined to the subject, and never once deviating into extrinsic matter, or touching upon any topic of party, or partisan character. Not so the speeches of the Opposition Senators. From the very beginning they launched into the ocean of party politics, and made the bill the occasion for a general attack upon the Republican Administrations of General Jackson and Mr. Van Buren, such as we have been accustomed to see for a long time on this floor. The debate has been conducted by them as an attack upon a party, and as a contest for power, and not as an inquiry into the merits of the bill. The speeches they have delivered have been such as might be expected at the partisan encounters of the hustings, on the stump, or at barbecue dinners, in the course of an electioneering campaign for an elective office, and not such as would be looked for in the parliamentary discussion of a legislative measure.

In this attack it has been assumed for granted that the country has been ruined by, what is called, the mad and wicked administration of General Jackson; and that President Van Buren being pledged to carry out his line of policy, is of course pledged to go on ruining the country, and therefore ought to be resisted and overthrown. I propose to inquire into the truth of these assumptions, and to ascertain, first, how far it is true that the country has, in point of fact, been ruined; next, how far this ruin, if any, has been the work of General Jackson's administration; and, after settling these preliminary points, I shall have something to say on the merits of the bill, and something on the peculiar system of party warfare of which this Senate has been the scene for the last six years.

In making my inquiries into the ruin of the country, I am not left to grapple with vague generalities and pointless declamation. Fortunately for me, the Opposition orators have descended to specifications, and have shown wherein this ruin has been perpetrated. Their specifications embrace almost every branch of foreign or domestic policy; and, taking the era of the second Mr. Adams's administration, when themselves were in power, and their cherished national bank was in its meridian—taking this period as the culminating point of our America's prosperity, felicity, and renown, they trace a rapid descent, from that high point of national pre-eminence, down the steep road to destruction, until the entire nation is landed in total perdition in the year of our Lord, 1837. They have given us specifications, but there they stop. No proof, no statistics, no statements, no comparative tables, accompany their specifications to establish their truth. Bold assertion, and terrifying descriptions, occupy the place of proof. These fierce denunciators assume the prerogative of genius; they assume to be independent of facts and of reasons; and they rely upon flights of fancy, dashes of imagination, and fierceness of invective, to supply the place of proof and argument. I have no pretension to this prerogative. I am a plain speaker, and tell what I know, and then prove it. Reversing then the method of our opponents, I shall discard altogether the painted and gilded creations of the imagination, and shall confine myself to the effective logic of facts and figures.

At the head of the specfications of gentlemen, is the article of commerce, both foreign and domestic, each asserted to have been prostrated and sacrificed by the fatal policy of General Jackson's administration. We will test the truth of this bold assertion; and for that purpose will have recourse to data which no gentleman will be at liberty to question. And, first, of domestic commerce. The great West shall be our first field of inquiry, and, casting the eye over the broad expanse of that magnificent region, we see two points at which the commerce of the upper half of the valley of the Mississippi, is subjected to a process which allows it to be annually, and easily, counted and compared. These points are, the Louisville canal for the commerce of the Ohio, and the port of St. Louis, for the commerce of the Upper Mississippi. Referring to the evidence obtained at these two points, and we have exact accounts of the commerce in the two largest sections of the West, and data for estimating the condition of the remainder. In each instance the statement goes back seven years, that is to say, to the second year of General Jackson's administration, and comes down to the first year of Mr. Van Buren's. For the Louisville canal, the official return stands thus:

Abstract of the boats that have passed, and tolls received on the Louisville and Portland Canal.

Year.	Steamboats.	Flat and keel boats.	Tons.	Amount received.
1831	406	421	76,323	$12 750 77
1832	453	179	70,109	25.756 12
1833	875	710	169 885	60,736 92
1834	938	623	162,000	61.848 17
1835	1,256	355	200,413	80.165 24
1836	1,182	260	182.220	88,313 23
1837	1,501	165	242.374	145,424 69
	6,611	2,713	1,103,324	$475,025 14

Mr. B. read over this table, and then commented upon some parts of it. The increase in the number of steamboats which passed the canal had increased four-fold in seven years; and the year of ruin—1837—had presented as large an increase as any preceding one had done. But the number of steamboats was not the most correct criterion; the tonnage is more accurate, especially as it includes flats and keel boats; and, tested by the tonnage, it will be seen that the increase was three-fold in seven years, and that the year of ruin presented an increase of 60,000 tons over that of the preceding year. So much for the prostration of commerce on the Ohio river, and in Kentucky itself, in this black year of perdition and destruction!

The commeree of the port of St. Louis was the second test to which Mr. B. subjected the domestic commerce of the country. St. Louis was a port of entry by law, and a port of destination by position for nearly all the boats which entered it. It was not merely a touching or stopping point for boats bound elsewhere, but was a port of destination for the delivery of cargoes, and the reception of lading. I have the statement of its steamboat commerce for seven years; and this is the result:

Years.	Number of different boats.	Their tonnage.	Number of entries.
1831	60	7,796	432
1832	80	9,250	508
1833	99	12,222	573
1834	110	13,173	607
1835	121	15,470	803
1836	144	19,447	1,355
1837	195	22,794	1,607

Mr. B. remarked upon this exhibit as corresponding wonderfully with that of the Louisville canal, and showing an increase of nearly four fold in the commerce of St. Louis, under the impracticable and outlandish administration, as it was called, of General Jackson, and a large increase in the year of ruin over that of any preceding year—even the bloated year of 1836. The arriving and departing tonnage for the year 1837, was 450,821 tons, the far greater part of it being the growth of seven years, and that not only without banks, but upon the loss of one—the loss of the United States Branch Bank, which wound up after the veto of 1832; and from which time the commerce of the city advanced with gigantic strides, and established itself upon foundations too solid to be overthrown by any convulsion.

The foreign commerce of some of the principal seaports, next claimed the attention of Mr. B. He took the ports of Boston, New York, Philadelphia, Baltimore, Charleston, and New Orleans, as presenting leading points in the different sections of the Union, and compared the imports in those cities during the administration of Mr. Adams, when the Federal party and the Federal bank were in full power, with those, not of 1836, which was a year of bloat and over-action, but with the year of ruin—1837—when the mad and wicked measures of the absurd, impracticable, and outlandish measures of the administration of the Republicans had produced the full measure of their fatal destruction. He presented a table, compiled for him at the Treasury Department, and read it.

Statement of the value of imports into the United States, for the years and ports mentioned.

	1825.	1826.	1827.	1828.	1837.
Boston	15,845,000	14,349,000	11,170,000	12,674,000	17,940,000
New York	49,639,000	38,063,000	38,684,000	41,863,000	78,543,000
Philad'a.	15,041,000	13,543,000	11,212,000	12,884,000	11,680,000
Baltimore	4,751,000	4,917,000	4,400,000	5,620,000	7,857,000
Charleston	1,892,000	1,534,000	1,434,000	1,241,000	2,610,000
N. Orleans	4,290,000	4,167,000	4,531,000	6,217,000	14,020,000

Remarking upon this table, Mr. B. said that, the year of ruin presented an increase of business in every port except that of Philadelphia, far exceeding the proportionate increase of population. Taking the last year of Mr. Adams's administration, as the one most favorable to the Opposition, and it would be seen that, at Boston, the increase of importations was five millions of dollars in value; in New York, the increase was thirty-seven millions; in Baltimore, above two millions; in Charleston, more than double; in New Orleans, doubled, and a million and a half over. Philadelphia, the seat of the great bank, was the only place that exhibited a decline: all the rest exhibited a vast improvement, and the further off from the Philadelphia protector the better. The case of Charleston was particularly striking. The commerce of that city regularly declined from year to year, under the withering influence of the high tariff policy, during the administration of Mr. Adams, and the presence of a branch bank of the great regulator. It declined for four years; then rapidly recovered under the administration of General Jackson; and, in the year of ruin was

double the amount of the last year of Mr. Adams's time.

Mr. B. referred to the exports, and imports of specie, to show the further superiority of the year of ruin over the finest year of Mr. Adams's administration, or even the whole of it put together. His averment was, that the gain on the import of specie, over the exports, was, for the year 1837, four millians and a quarter of dollars, while, for the whole four years of Mr. Adams's administration, the gain was but one million. On these points he exhibited these tables:

	Imports.	Exports.
1825 -	$6,150,130	$8,797,955
1826 -	6,880,960	4,704,553
1827 -	8,152,130	8,014,880
1828 -	7,489,741	8,243,476

Making a total of about 30 millions and a half of imports, and about 29 millions and a half of exports. The same test for the year of ruin, exhibited $10,964,432 for the imports, and $6,714,000 for the exports.

Pursuing the tests of the comparative prosperity of the two periods, Mr. B. came to the sales of the public lands, which stood thus:

1825 - -	$1,205,068
1826 - -	1,128,617
1827 - -	1,318,105
1828 - -	1,221,357
1837 - -	7,004,538

Here again the year of ruin appears, said Mr. B. in victorious contrast with the whole period of Mr. Adams's administration. The sales of the single year are equal to six years of such sales as occurred from 1825 to 1828. The sales in Indiana alone, during this year of ruin, exceeded the sales of the best year in Mr. Adams's time, for they amount to $1,565,390. The same may nearly be said of Illinois, where the sales for 1837 amount to $1,266,775. The whole of these sales were for hard money; for the Treasury order was in full operation during the whole year. The entire sum of seven millions was received in specie, and the one half of it after the banks had suspended payment. This fact was the fullest vindication of that order. It showed the error of all the caculations which were made upon the effect of that order. It showed that the farmers had no difficulty in getting hard money to buy lands. The quantity sold in 1837 was bought by farmers, and not by speculators. The Treasury order expelled the speculators, with their bales of borrowed bank notes, from the field. It operated as a pre-emption law in favor of cultivators. It is now operating as a pre-emption law in their favor, and, as such, ought to be sustained and supported by all the friends of the settlers. The respectable Legislature of Indiana had passed resolutions against this order; but the resolutions were founded in mistake, as the land sales of the year and of their own State will fully prove. All that are in favor of settlers against speculators should be in favor of that order; for hard money payment is the only thing which can put the farmer above the competition of the bank facility purchasers.

Mr. B. then exhibited the detailed statement of the sales of the public lands for 1837, to show that, under the operation of the Treasury order, and in the year of ruin, the prosperity of the farming interest, as indicated by their ability to purchase, and to pay for, public lands, was in the ratio of six to one over that of Mr. Adams's time.

Statement showing the amount of the sales of the public lands during the year 1837.

States and Territories.	Purchase money.
Ohio - - -	$591,283
Indiana - - -	1,565,390
Illinois - - -	1,266,778
Missouri - - -	828,452
Alabama - - -	475,918
Mississippi - - -	330,660
Louisiana - - -	283,696
Michigan - - -	969,106
Arkansas - - -	353,920
Wisconsin Territory -	223,479
Florida Territory - -	125,852
Total - -	$7,004,538

The ruin of the currency was the next topic which Mr. B. took up. No money, was the cry. Commerce, labor, industry of every kind, stagnant, languishing, paralyzed for want of money to put the wheels of business in motion! Such is the lamentation which fills this chamber, and is re-echoed every where. But is it true? Is it true that the country is destitute of money, or only that banks and capitalists have locked it up, and laid it away, to create fictitious scarcity, and thereby aid politicians in promoting discontent and in accomplishing a political revolution? This is the question, and let authentic facts answer it. What is the actual amount of currency, paper as well as specie, now in existence in our country? The most recent, and authentic, estimates will place the amount at about one hundred and seventy millions of dollars; namely, eighty millions of specie, and ninety-five millions of bank notes. The specie was computed at that amount a year ago, and has been increased near five millions during the year 1837—the year of ruin, and is now daily increasing; the bank notes now in actual circulation are computed at ninety-five millions by the gentleman in the Treasury Department, charged with collecting the returns and expositions of the banks, and who has made out this statement at my special request, to be used upon this occasion. Precise accuracy he knows to be unattainable, but a close approximation to the true amount is easily accomplished where publicity of bank reports are so general as they now are. The quantum of one hundred and seventy millions may then be assumed as the amount of the currency now in existence in the United States. How will this amount compare with periods proclaimed to have been prosperous, and held up for our unceasing admiration and gratitude? There are two of those periods, each marking the termination of a National Bank charter, and each presenting us with the actual results of the operations of those institutions upon the general currency, and each replete with lessons of instruction applicable to the present day, and to the present state of things. The first of these periods is the year 1811, when the first National Bank had ran its career of twenty years, and was permitted by Congress to expire upon its own limitation. I take for my guide the estimate of Mr. Lloyd, then a Senator in Congress from the State of Massachusetts, whose dignity of character and amenity of manners is so pleasingly remembered by those who served with him here, and whose intelligence and accuracy entitle his statements to the highest degree of credit. That eminent Senator estimated the total currency of the country, at the expiration of the charter of the first National Bank, at sixty millions of dollars, to wit: ten millions specie, and fifty millions in bank notes. Now compare the two quantities, and mark the results. Our population has precisely doubled itself since 1811. The increase of our currency should, therefore, upon the same principle of increase, be the double of what it then was; yet it is three times as great as it then was! The next period which challenges our attention is the veto session of 1832, when the second Bank of the United States, according to the opinion of its eulogists, had carried the currency to the ultimate point of perfection. What was the amount then? According to the estimate of a Senator from Massachusetts, then and now a member of this body, [Mr. WEBSTER,] then a member of the Finance committee, and with every access to the best information, the whole amount of currency was then estimated at about 100 millions; to wit: 20 millions in specie, and 75 to 80 millions in bank notes. The increase of our population since that time is estimated at 20 per cent.; so that the increase of our currency, upon the basis of increased population, should also be 20 per cent. This would give an increase of 20 millions of dollars, making, in the whole, 120 millions. Thus, our currency in actual existence, is nearly one-third more than either the ratio of 1811 or of 1832 would give. Thus, we have actually about 50 millions more, in this season of ruin and destitution, than we should have, if supplied only in the ratio of what we possessed at the two periods of what is celebrated as the best condition of the currency, and most prosperous condition of the country. So much for quantity; now for the solidity of the currency at these respective periods. How stands the question of solidity? Sir, it stands thus: In 1811, five paper dollars to one of silver; in 1832, four to one; in 1838, one to one, as near as can be! Thus, the comparative solidity of the currency is infinitely preferable to what it ever was before; for the increase, under the sagacious policy of General Jackson, has taken place precisely where it was needed—at the bottom, and not at the top; at the foundation, and not in the roof; at the base, and not at the apex. Our paper currency has increased but little; we may say nothing, upon the bases of 1811 and 1832; our specie has increased immeasurably; no less than eight fold, since 1811, and four fold since 1832. The whole increase is specie; and of that we have 70 millions more than in 1811, and 60 millions more than in 1832. Such are the fruits of General Jackson's policy! a policy which we only have to persevere in for a few years, to have our country as amply supplied with gold and silver as France and Holland are; that France and Holland in which gold is borrowed at 3 per cent. per annum, while we often borrow paper money at 3 per cent. a month.

But there is no specie. Not a nine-pence to be got for a servant; not a picayune for a beggar; not a ten cent piece for the post office. Such is the assertion; but how far is it true? Go to the banks, and present their notes at their counter, and it is all too true. No gold, no silver, no copper to be had there in redemption of their solemn promises to pay. Metaphorically, if not literally speaking, a demand for specie at the counter of a bank might bring to the unfortunate applicant more kicks than coppers. But change the direction of the demand; go to the brokers; present the bank note there; no sooner said than done; gold and silver springs forth in any quantity; the notes are cashed; you are thanked for your custom, invited to return again; and thus, the counter of the broker, and not the counter of the bank, becomes the place for the redemption of the notes of the bank. The only part of the transaction that remains to be told, is the per centum which is shaved off! And, whoever will submit to that shaving, can have all the bank notes cashed which he can carry to them. Yes, Mr. President, the brokers, and not the bankers, now redeem the bank notes. There is no dearth of specie for that purpose. They have enough to cash all the notes of the banks, and all the Treasury notes of the Government into the bargain. Look at their placards! not a village, not a city, not a town in the Union, in which the sign-boards do not salute the eye of the passenger, inviting him to come in and exchange his bank notes, and Treasury notes, for gold and silver. And why cannot the banks redeem, as well as the brokers? Why can they not redeem their own notes? Because a *veto* has issued from the city of Philadelphia, and because a political revolution is to be effected by injuring the country, and then charging the injury upon the folly and wickedness of the Republican Administrations. This is the reason, and the sole reason. The Bank of the United States, its affiliated institutions, and its political confederates, are the sole obstacles to the resumption of specie payments. They alone prevent the resumption. It is they who are now in terror lest the resumption shall begin, and to prevent it, we hear the real shout, and feel the real application of the rallying cry, so pathetically uttered on this floor by the Senator from Massachusetts, [Mr. WEBSTER,]—*once more to the breach, dear friends, once more!*

Yes, Mr. President, the cause of the non-resumption of specie payments is now plain and undeniable. It is as plain as the sun at high noon, in a clear sky. No two opinions can differ about it, how much tongues may differ. The cause of not resuming is known, and the cause of suspension will soon be known likewise. Gentlemen of the Opposition charge the suspension upon the folly, the wickedness, the insanity, the misrule, and misgovernment of the outlandish Administration, as they classically call it; expressions which apply to the people who created the Administration which have been so much villified, and who have sanctioned their policy by repeated elections. The Opposition charge the suspension to them—to their policy—to

their acts—to the veto of 1832—the removal of the deposites of 1833—the Treasury order of 1836—and the demand for specie for the Federal Treasury. This is the charge of the politicians, and of all who follow the lead, and obey the impulsion of the denationalized Bank of the United States. But what say others whose voice should be potential, and even omnipotent, on this question? What say the New York city banks, where the suspension began, and whose example was alleged for the sole cause of suspension by all the rest? What say these banks, whose position is at the fountain head of knowledge, and whose answer for themselves is an answer for all. What say they? Listen, and you shall hear! for I hold in my hand a report of a committee of these banks, made under an official injunction, by their highest officers, and deliberately approved by all the city institutions. It is signed by Messrs. Albert Gallatin, George Newbold, C. C. Lawrence, C. Heyer, J. J. Palmer, Preserved Fish, and G. A. Worth; seven gentlemen of known and established character, and not more than one out of the seven politically friendly to the late and present Administrations of the Federal Government. This is their report:

"The immediate causes which thus compelled the banks of the city of New York to suspend specie payments, on the 10th of May last, are well known. The simultaneous withdrawing of the large public deposites, and of excessive foreign credits, combined with the great and unexpected fall in the price of the principal article of our exports, with an import of corn and bread stuffs, such as had never before occurred, and with the consequent inability of the country, particularly of the South-western States, to make the usual and expected remittances, did, at one and the same time, fall principally and necessarily, on the greatest commercial emporium of the Union. After a long and most ardous struggle, during which the banks, though not altogether unsuccessfully, resisting the imperative foreign demand for the precious metals, were gradually deprived of a great portion of their specie; some unfortunate incidents of a *local* nature, operating in concert with other previous exciting causes, produced distrust and panic, and finally one of those general runs, which, if continued, no banks that issue paper money payable on demand, can ever resist; and which soon put it out of the power of those of this city to sustain specie payments. The example was followed by the banks throughout the whole country, with as much *rapidity* as the news of the suspension in New York reached them, without waiting for an *actual run*, and principally, if not exclusively, on the alleged grounds of the effects to be apprehended from that suspension. Thus, whilst the New York city banks were almost *drained* of their specie, those in other places preserved the *amount* which they held before the final catastrophe."

Resuming his remarks, Mr. B. repeated, this is what they say! These are the reasons assigned by those bankers for the stoppage! and what are they? They are, 1. The simultaneous withdrawing of the deposites; 2. Excessive importations of foreign goods on credit; 3. Fall in the price of cotton; 4. Importation of wheat and flour; 5. Some unfortunate incidents of a local nature; of which the death, by supposed suicide, of one of the bank presidents, may be considered as the principal. These are the reasons! and what becomes now of the Philadelphia cry, re-echoed by politicians, and subaltern banks, against the ruinous measures of the Administration? Not a measure of the Administration mentioned! not one alluded to! Not a word about the Treasury order; not a word about the veto of the National Bank charter; not a word about the removal of the deposites from the Bank of the United States; not a word about the specie policy of the Administration! Not one word about any act of the Government, except that distribution act, disguised as a deposite law, which was a measure of Congress, and not of the Administration, and the work of the opponents and not the friends of the Administration, and which encountered its only opposition in the ranks of those friends. I opposed it, with some half dozen others; and among my grounds of opposition one was, that it would endanger the deposite banks, especially the New York city deposite banks, that it would reduce them to the alternative of choosing between breaking their customers, and being broken themselves. This was the origin of that act—the work of the Opposition on this floor; and now we find that very act to be the cause which is put at the head of all the causes which led to the suspension of specie payments. Thus, the Administration is absolved. Truth has performed its office. A false accusation is rebuked and silenced. Censure falls where it is due; and the authors of the mischief stand exposed in the double operation of having done the mischief, and then charged it upon the heads of the innocent.

But, gentlemen of the Opposition say, there can be no resumption until Congress "*acts upon the currency.*" Until Congress acts upon the currency! that is the phrase! and it comes from Philadelphia; and the translation of it is, that there shall be no resumption until Congress submits to Mr. Biddle's bank, and recharters that institution. This is the language from Philadelphia, and the meaning of the language; but, happily, a different voice issues from the city of New York! The authentic notification is issued from the banks of that city, pledging themselves to resume by the 10th day of May. They declare their ability to resume, and to continue specie payments, and declare they have nothing to fear, except from "*deliberate hostility*"—an hostility for which they allege there can be no motive—but of which they delicately intimate there is danger. Philadelphia is distinctly unveiled as the seat of this danger. The resuming banks fear hostility—DELIBERATE ACTS OF HOSTILITY—from that quarter. They fear nothing from the hostility, or folly, or wickedness of this Administration. They fear nothing from the Sub-Treasury bill. They fear Mr. Biddle's bank, and nothing else but his bank, with its confederates and subalterns. They mean to resume, and Mr. Biddle means that they shall not. Henceforth two flags will be seen, hoisted from two great cities. The New York flag will have the word RESUMPTION inscribed upon it; the Philadelphia flag will bear the inscription of NON-RESUMPTION, *and* DESTRUCTION TO ALL RESUMING BANKS. Under the one, or the other, of these two flags, all other banks, all citizens, and each political party, will be found arranged. The whole country will divide between them, and no neutrals will be seen. In that great division, I assume to assign no one to a place. I leave it to each to find, and to take his own position. Of political parties, so far as chiefs are concerned, we can all see that their places are already taken. The Federal gentlemen are under the flag of NON-RESUMPTION; the Republicans are under the flag of RESUMPTION. My best wishes attend this latter flag; and, if need be, I shall be ready to give it a lift, and even to strain a point to help it on to victory.

I have carefully observed the conduct of the leading banks in the United States. The New York banks, and the principal deposite banks, had a cause for stopping which no others can plead, or did plead. I announced that cause, not once, but many times, on this floor; not only during the passage of the distribution law, but during the discussion of those famous land bills, which passed this chamber, and one of which ordered a peremptory distribution of sixty-four millions, by not only taking what was in the Treasury, but by reaching back, and taking all the proceeds of the land sales for years preceding. I then declared in my place, and that repeatedly, that the banks, having lent this money under our instigation, if called upon to reimburse it in this manner, must be reduced to the alternative of breaking their customers, or of being broken themselves. When the New York banks stopped, I made great allowances for them; but I could not justify others for the rapidity with which they followed their example, and still less can I justify them for their tardiness in following the example of the same banks in resuming. Now that the New York banks have come forward to redeem their obligations, and have shown that sensibility to their own honor, and that regard for the punctual performance of their promises, which once formed the pride and glory of the merchant's and the banker's character, I feel the deepest anxiety for their success in the great contest which is to ensue. Their enemy is a cunning and a powerful one, and as wicked and unscrupulous as it is cunning and strong. Twelve years ago, the president of that bank which now forbids other banks to resume, declared in an official communication to the Finance Committee of this body, "*that there were but few State banks which the Bank of the United States could not DESTROY by an exertion of its POWER.*" Since that time it has become more powerful; and, besides its political strength, and its allied institutions, and its exhaustless mine of resurrection notes, it is computed by its friends to wield a power of one hundred and fifty millions of dollars! all at the beck and nod of one single man! for his automaton directors are not even thought of. The wielding of this immense power, and its fatal direction to the destruction of the resuming banks, presents the prospect of a fearful conflict ahead. Many of the local banks will doubtless perish in it; many individuals will be ruined; much mischief will be done to the commerce and to the business of different places; and all the destruction that is accomplished will be charged upon some act of the Administration—no matter what—for whatever is given out from the Philadelphia head is incontinently repeated by all the obsequious followers, until the signal is given to open upon some new cry.

The ruin of the exchanges, both foreign and domestic, was the next topic of lamentation which Mr. B. examined. He said that the short interval which had elapsed since the extra session had put an end to one branch of this lamentation—the branch of the foreign exchanges. At that session nothing but the recharter of the National Bank could turn the foreign exchanges in our favor, which, in May, were 22 against us. Gentlemen were just as positive of that, at the extra session, as they now are of the present total perdition of the country; yet in three brief months, and left to the operations of commerce, foreign exchange has regulated itself! and is now at 4 or 5 per cent. nominal, giving a real difference in our favor of 5 or 6 per cent. If the Congress had yielded to the clamor got up for the recharter of the National Bank at the extra session, with what exultation would not this chamber, and the whole Union, have rang! We should never have heard the last of it. As it is, the word *foreign* exchange is not even mentioned. That branch of the lamentation has ceased. It is the *domestic* exchanges which now engross all concern. The revival of the great regulator is indispensable to their restoration. To hear these gentlemen, it would be supposed that domestic exchanges were never deranged before; that during the existence of the National Bank, all moneyed exchanges were level, and equal, and equable throughout the Union. Alas! that human memory is so short and treacherous. I have in my hand, sir, a comparative statement of domestic exchanges, in the bank note department, for the glorious year of 1826, when the Federal Administration was in the middle of its reign—when the Federal Bank was in its meridian splendor—when the Senator from Kentucky, who now mourns the ruin of all things [Mr. CLAY] was in the Department of State—and when all the present orators of wo, or woful orators, as the case may be, rejoiced in the plenitude of power which their party then possessed, and celebrated the felicity of man on earth. This comparative table is made up from the prices current of Philadelphia—from the very seat and citadel of the great regulator itself—and what does it say? Listen to it, and it will tell you.

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connnecticut, from 2 to 2½ per cent. discount in December, 1826; from 1½ to 2 in February, 1838. New York city, par then, and par now. Country banks of New York, 1½ to 2 per cent. discount then; par now. Baltimore, ½ then; ¾ now. Western Virginia, 4 to 5 discount then; 2½ to 3 now. North Carolina, 2½ to 5 then; 2½ to 3 now. South Carolina, 1½ to 2 then; 2½ to 3 now. Georgia, 2½ to 3 then; 3½ to 4 now. Alabama, 10 to 15 then; 9 to 9½ now. Louisiana, 5 to 6 then; 4 now. Mississippi, 10 to 16 then; 15 now. Tennessee, 10 to 20 then; 12 to 12½ now. Ohio, from 4 to 6 then; 3½ to 4 now. Kentucky—(and at the name of Kentucky, Mr. B. raised his voice, and repeated the name with great emphasis)—Kentucky, from 45 to 55, and from 55 to 35 per cent. discount then; from 3½ to 4 discount now! Let no gentleman suppose there is any mistake of figures in this reference to Kentucky. There is more than one person present who was then in Kentucky, and knows that 50 per cent. was the common difference of exchange against her currency. I myself travelled in Kentucky in that period, and know the fact, and often saw the bills of travellers and others made out double—so much in specie, and so much in Kentucky paper—and the latter precisely the double of the former. Such is the result of the comparison between the year 1826 and the year 1838; in almost every instance deci-

dedly in favor of the present day, and in the case of Kentucky ten to one more favorable to her now than then. Yet this Senate is to be lectured, and the people of the United States to be terrified, with a tale of the ruin of these exchanges, brought about by the misrule of a senseless, wicked, impracticable, and outlandish Administration. Such is the result; the same in exchanges as in commerce and in every thing else; the country incomparably better off than it ever was before. And yet grave Senators, or Senators who ought to be grave, are seen to rise in their places, compose their faces for the expression of wo, attune their voices for the communication of lamentable sounds, and then enact the part of Volney, sitting upon the ruins of Palmyra, and bewailing the downfall of states and empires.

I will grant you, continued Mr. B. that domestic exchanges are deranged at present,—much deranged, but not so much so as in 1826; and why are they deranged now? Because specie payments are suspended; let specie payments be resumed, and domestic exchanges instantly regulate themselves, and effect the regulation upon the simple and eternal principle of the expense of freight and insurance in the transportation of metallic money. The freight and insurance of silver, between any two extreme points in the United States, is 2 per cent.; and that is the fair exchange on silver between the extremities of the Union. The exchange on gold is less than half what it is on silver, the freight being so much less; and, in addition to all other arguments in favor of a gold currency, that of being the best regulator of exchange, is one of those which presents itself to the mind of every political oconomist.

Mr. B. would make a few observations upon this subject of domestic exchanges. It was a subject on which every body had got to talking within a few years past, and which was now thrust into every argument upon the question of currency and finance. All this has grown up since the Bank of the United States had undertaken to regulate these exchanges. More had been said and written on this subject since Mr. Biddle became president of the National Bank than in two hundred years before; more in fact than had been said upon it since the day that John Cabot first came in sight of the North American coast. And why? Because in the administration of that bank, immediately after Mr. Cheves left it, commenced the abuse and perversion of the business of exchange, which was soon imitated by local banks, until it has now become a means of extorting usury, transcending all other means of extortion, and brought to bear upon people who wish to borrow money, and not to sell bills, and many of whom never heard of a bill of exchange until they learnt that it was the only way in which money could be got out of a bank. The Legislature of Indiana has just made examinations upon this subject which show the nature of the abuse; but the practice of it was inconsiderable in that State compared to what it was in other places. The returns of the deposite banks, and of the Bank of the United States, show the extent of the practice: and referring to the last of these returns made before the suspension of specie payments, and the mass of dealings in these bills, and their excessive disproportion to ordinary loans, becomes impressively striking. I could name a bank, an interior one, not in a great city, nor even on a great river, in which the purchase of bills was $690,000, while the loans in the old way, on notes, were but $4,728 and 14 cents!

[Mr. BUCHANAN and other Senators here asked for the name of the bank.]

Mr. B. said his object was to expose a general practice, and not to exhibit particular instances; but as the name of this bank was called for, he would give it with the leave of the young Senator from Ohio [Mr. ALLEN]; it was the bank in the town of his residence, Chillicothe. But why mention particular instances where the practice is general? The returns of the Bank of the United States show that twenty odd millions were often out in domestic bills of exchange; the last returns of the deposite banks, before they suspended, showed that they had forty-four millions out in that way; nine of them only had twenty-two millions in these bills; and in looking over the column of suspended debts, it is seen that default in payment chiefly occurred on this description of debts. Much of this is an abuse of exchange. Much of it is a mere mode of covering usurious loans. A citizen is forced to give a bill when he only wants to borrow; if he got the money as a loan on his note, he would pay nothing but interest, but getting it on a bill he has to pay exchange in addition to interest, and then commissions besides. Where the citizen is obliged to have the money, the bank can put the exchange at what it pleases, and so practice extortion and usury to any extent that it is willing. This business, as an abuse, began with the Bank of the United States under the administration of Mr. Biddle. It was one of my original objections to that bank. Its branches were engines for practising this abuse; and its own friends were among the first that ever complained to me about it. In the reform of the banking system, to the necessity of which the public mind is now waking up, this abuse of the business of domestic exchanges is entitled to the first notice. It is a vast system of usury, extortion, and oppression of the community, a total perversion of the business of a bank, and a source of enormous and illicit gains, enabling them, after dividing vast profits, to give to their presidents and cashiers, in many instances, salaries transcending those of our Heads of Departments, Vice-President, and Chief Justice of the Supreme Court of the United States.

Mr. B. then adverted to the ruin of prices, which had figured so largely in gentlemen's speeches on the calamities of the country. Property, produce, labor—every thing, according to them, was now without price. But how was it in the fine times of Mr. Adams's administration? Compare the prices of the two periods. Pork, then $1 25 per hundred, in the western country; wheat, some 30 odd cents per bushel; flour, $3 a barrel; cotton, 8 or 9 cents a pound; and every thing else in the same proportion. The people remember all this, and read with astonishment the distress harangues which go forth from this floor. They know very well that all prices are better now, even when reduced to the specie standard, than they were in the time of the national bank, and under the Federal Administration. They have memory, and can recollect ten or twelve years back. Memory is the lowest attribute of the mind. It belongs even to irrational animals—to cattle. And yet the Federal gentlemen do not seem to know that the people have memory, much less reason and judgment; and here is the fault, or the misfortune, of the gentlemen of the Federal party. They believe they monopolize all the intelligence of the country; and, by consequence, that the people know nothing, and will have to believe all they hear; and, thereupon, they tell them most incredible things. Now this belief of a monopoly of all the intelligence extant, would be a very sweet conceit to indulge in privately, or even to point a Bacchanalian song, or grace a barbecue speech, or to swell the exultation of midnight orgies; but it is fatal to act upon it in the business of life. The fate of the panic-makers of 1833, should warn them of that! when every panic-making candidate for the Presidency, instead of killing Jackson and Van Buren, killed himself off of the list of candidates! And when the tug of war came, they were found to be, what the broken bank notes are in the Treasury,—*an unavailable fund!* So may it be again. The people have memory, and knowledge, and reason, and judgment; and it will not do for politicians to treat them as wanton boys do young robins, when they throw them gravel in place of bread. The people know their own condition, and they see through the conduct of others. The farmers who were selling their produce in 1826 for the one-third, the one-half, or the three-fourths of what they are getting for it now, will not believe in the ruin of prices with which politicians assail their ears.

Mr. B. finished the comparison, or rather the contrasts, between the year of Republican *ruin*, and the period of Federal *prosperity*, with the expression of his confident belief that the fallacy of all the gentlemen's lamentations had been completely shown. There was no ruin, but in their own imaginations. The year 1837, though not equal in the general activity of business to the bloated overaction of 1836, was yet transcendently superior to any year of Mr. Adams's administration. Making a due allowance for an increase of population, and the superiority was still far beyond that increase.

Having vindicated General Jackson's Administration from the imputation of having brought ruin upon the country, Mr. B. proceeded to notice some of the wars which he was charged with waging upon some public institutions, and some branches of industry. He was charged by two Senators on this floor [Messrs. TALLMADGE and CLAY] with having made war upon the late Bank of the United States; and one of these Senators [Mr. CLAY] had charged this war to the base motive of revenge, because he could not succeed in his attempts to seduce this virtuous institution into the field of politics, and into the support of his own political views. The first remark which I have to make upon this imputed war, is upon the new idea which it presents of the *right* of the bank to be continued in its existence, when to oppose that continuation of existence is deemed a violation of that *right*, and a commencement of hostilities upon the institution. General Jackson made no movement against the existing charter of the late bank; he made no attempt to impair, or to destroy, the existing charter. The extent of his action was, to recommend to Congress the non-renewal of the charter, and, afterwards, to disapprove the new charter which Congress had granted. This was the extent of his action—directed against a non-existent, and not against an existing charter. According to the Republican reading of the Constitution, the President had a *right* to do these things: nay more, that it was his duty to make this recommendation, and to express this disapproval, if he thought the Constitution, or the public good, forbid the future existence of the bank. He had a clear right, under the Constitution, to do what he did; but according to the Federal reading of the Constitution, as exhibited by this objection, he had no such right; but was guilty of lawless violence, and waged war upon the institution, both in the recommendation, and in the exercise of the veto. This is the fair inference resulting from the accusation! Such is the progress of anti-republican ideas among us! ideas which go to invest a moneyed corporation with a rightful claim to a perpetuity of existence, and to stigmatize as *war* the constitutional exercise of Executive rights and duties.

With these remarks, to show the progress among us of ideas towards the royal doctrine of legitimacy, I come to the main inquiry—the truth of the charge itself. Is it true that General Jackson made war upon the Bank of the United States? Is it true that he was in favor of that institution, and only turned against it after his election to the Presidency, and after he had failed in an attempt to convert it into a political machine, to subserve his own political purposes? These are the questions which are now to be answered, and, happily, they will receive answers which will consign the charges to the lowest place in the deepest abyss of political calumnies. These charges first crept into daylight at the veto session of 1832, and attained their full form and shape at the famous panic session of 1833–'34. In both instances they emanated directly from the Bank of the United States itself; and in the matured form which they received in 1833, in a report of a committee of that Bank, approved by the majority of its directory, they imported that, *immediately after the elevation of Gen. Jackson to the Presidency, a meeting was held, of the principal chiefs, to consider of the means of perpetuating their new authority; and the possession of the Bank was among the objects of the parties assembled. There was a combined effort to render the Bank subservient to political purposes, and to break it if it could not be bent to these purposes.* This was the charge,—one very specific, and very susceptible of proof, if there was any truth in it. No proof, however, has ever been attempted by those who made it, and no other specification under it, but the forty times exploded misrepresentation about Jeremiah Mason, the president of the Portsmouth branch bank. The cabinet meeting, and the application for the removal of Mr. Mason, are fixed for the spring of 1829; and as the whole attempted seduction, or destruction, of the Bank, was then planned, and as far as

seduction was concerned, was then fully tried, a date thereby presents itself which becomes the touchstone of the accusation. It is in the spring of the year 1829 that General Jackson has a meeting, and a consultation, and resolves to bend the Bank to his purposes, or to break it; and it is in June of the same year that the vile seduction is attempted, and is so indignantly repulsed! Of course, from that time forward, General Jackson could feel nothing but resentment against the unseducible Mr. Biddle, and Mr. Biddle could feel nothing but abhorrence for the man that had attempted his honor. Now mark what havoc a few stubborn dates, and a few recorded facts, will make of all this fine romance! The spring of 1829 is the date of this ferocious resolution of seduction, or destruction, and of repulse at seduction. Now what does January of 1830 bring forth? A nomination to the Senate of the United States, by General Jackson, of this same Mr. Biddle to be one of the Government directors of the bank; and nominated at the head of the list, which was tantamount to nominating him for the presidency of the bank. In the Senate this nomination is unanimously voted for by the friends of General Jackson, and Mr. Biddle accepts the appointment thus conferred. This is one date and one fact. What next? Why, in January, 1831, President Jackson repeats the same nomination; his friends in the Senate give it the same unanimous vote, and Mr. Biddle repeats his acceptance of this repeated appointment. This is a second date, and a second fact. Is there any thing more? Yes, sir, another nomination—another unanimous vote for it—and another acceptance, in January, 1832. So that three times, in three years, after resolving on the destruction of Mr. Biddle and the bank—after resolving to bend the bank to his purposes, or to break it—this violent man, who will brook no opposition to his will, replaced the same Mr. Biddle as a Government director, and indicated him for the head of the institution; and three times, in three years, after this attempted seduction, did Mr. Biddle receive appointments at the hands of the man whom, he now gives us to understand, he held in abhorrence on account of that attempt.

Mr. President, there are cases in which the wise maxims of the law—the Mosaic, as well as the civil, and the common law—require an immediate cry, and will not listen to a stale accusation. The instance before us is one of those cases. The virgin bank should have screamed in June, 1829! It was too late to begin, faintly, in May, 1832, after it was known that the veto was resolved upon, and only rise to an audible shriek in December, 1833, after the deposites had been removed. Such long delayed complaint of outrage, and then a limping and halting complaint, under such circumstances, looks more like the accusation of revenge than the shriek of injured innocence. It looks like the accusation of Pouphar's wife against Joseph. No, sir! the accusation is false upon its face. It is proven to be false by dates and facts; but the proof does not stop here. I have another piece of evidence in my possession, of character still higher, and of effect still more conclusive, to be produced if the Senate pleases: it is a letter from General Jackson himself; and being a *letter*, it cannot be read except by the leave of the Senate. [Cries of leave, leave, leave, from different parts of the chamber.] Mr. B. would avail himself of the leave which was granted, and would read the letter; but he first chose to explain the circumstances under which it came to be written. We have many prophets in this time, said Mr. B. but most of them are *ex post facto* performers in the art of divination—foretelling most accurately the whole event after it had happened. I, on the contrary, have undertaken to practice a little in the old way—to divine ahead—to prophetize of a coming event; and so, when on my way to Congress last fall, I wrote to General Jackson from my steamboat in the Ohio river, to inform him of this attack which was to be made upon him in the Senate, and to say to him that if he chose to answer it himself, and would write me a letter to that effect, I would dramatize the scene, when the attack was made, by introducing him to speak for himself. The attack has been made; and here is the answer, a letter from the Hermitage, dated November 29, 1837, all written in the old General's own hand, and written with the vigor and rapidity of an arm that was driving the British and the Indians before it. This is the letter:

"HERMITAGE, Nov. 29, 1 37.

"The charge made of my being friendly to the Bank of the United States until I found it could not be used to subserve my political purposes, when I turned against it, is one of the basest calumnies ever uttered. Such must all pronounce it who know any thing about me. I have ever opposed the establishment of this bank on grounds of both constitutionality and expediency.

"When the aristocratic few at Nashville first made a movement to obtain a branch there, they were forestalled by a law of the Legislature, imposing a heavy fine upon any bank that should attempt to do business within the limits of the State without being first chartered by the Legislature thereof. This provision of the Legislature had my cordial approbation, and prevented, while it continued in force, a location of the branch of the bank at Nashville; but it was afterwards repealed. I was absent at the time the subject of repeal was discussed, but reached the seat of Government the night before the final vote on its passage in the State Senate, and in time to expostulate with Robert C. Foster, esq. then the presiding officer over that body. I warned him of the danger of repealing that law, and stated to him that the object of those who favored the repeal was the introduction of the United States Bank, and that the results of the operation of this institution in Tennessee would be to drain the State of its precious metals, for the benefit of the foreigners who held its stock. The circumstance that there was at this time but one or two individuals in this State who owned any stock of the institution, enabled me to press the argument on this score with considerable force. But Mr. Foster, if now appealed to, must vouch for the fact that my objections to the bank were founded principally on my conviction that its charter was not authorized by the Constitution of the United States. My admonitions were, however, unheeded; the penalty was repealed; and, as I foresaw and predicted, steps were soon taken to obtain the location of a branch at Nashville. A memorial to this effect was presented to me for my signature, which I peremptorily refused to sign. General Cadwallader shortly afterwards came to Nashville as agent of the bank, and visited and dined with me. My opposition to the bank, and repugnance to its establishment at Nashville, were, on this occasion, as free and unreserved as they had been before.

"Some short period after the visit of General Cadwallader, when the branch was established, a recommendation for the appointment of two gentlemen to fill the places of its president and cashier was shown to me, with a request that I should state my knowledge of the character of these two gentlemen. The bank being established, and the people liable to be cursed with all its attendant evils, I expressed my confidence in the two gentlemen referred to, believing them to be honest, and that, as far as they had control over the institution, it would not be wielded for corrupt political purposes. This recommendation, I have been informed, has been used to prove my approbation of the establishment of this bank. So also has my agency in forwarding a memorial from the mercantile interest of Pensacola, in the year 1821, when I was the Governor of Florida. On this last occasion, my hostility to the bank was freely expressed, but this did not restrain me from forwarding a memorial of the citizens for the establishment of a branch. As Governor of the Territory, I deemed it my duty to make known the wishes and feelings of the people, however different they were from my own.

"Having early imbibed the jealousy of those who framed the Constitution, in respect to the dangers of monopolies to the freedom of the citizen, and to the sovereignty and efficacy of our State Governments, I have been always unfriendly to the Bank of the United States. Nor have I stopped here. My views have been equally repugnant to the establishment of State banks of mere paper issues, as all must recollect who have any knowledge of my conduct as a citizen of Tennessee, and particularly of the part I took when its late State bank was incorporated. My position now is, and has ever been since I have been able to form an opinion on this subject, that Congress has no power to charter a bank, and that the States are prohibited by the Constitution from issuing bills of credit, or granting a charter by which such bills can be issued by any corporation or other body."

Having read the letter, Mr. B. said he should make but three remarks upon it; *first*, that it contained a peremptory contradiction of this whole story of turning against the bank, because he could not bend it to his purposes; *secondly*, that it shows General Jackson to have been always opposed to any Bank of the United States, and against the recharter of the late one; *thirdly*, that it carries home a knowledge of all this to the bank itself in the person of its confidential agent, its frequent director, and the friend and connection of Mr. Biddle.

General Jackson is cleared of the foul imputation, and how stands the matter of fact with that bank? Is it, or is it not, a political machine, and as such constantly working with a political party, and with that party whose tenets favor the fundamental principles of that corporation? I hold the affirmative of these inquiries, and shall insist that the bank was created for a political machine; that it always has been, and forever will be, such a machine; and that it belongs to the party whose latitudinarian doctrines, and whose passion for a strong and splendid Government, find a natural support in an institution whose principle are—concentration of wealth, exclusive privileges, monopoly, perpetuity of existence, irresponsibility to the people, and succession of membership. National banks owe their establishment, in these United States, to General Hamilton—a frank and a brave man, who scorned to deny or to dissemble his objects. He made his first report to Congress, in favor of a national bank, in December, 1791; and in that original proposition for creating the institution, he boldly avows its political character. These are his words: "*Such a bank is not a mere matter of private property, but a POLITICAL MACHINE of the highest importance to the State.*" Created then for a political machine, it immediately entered upon the fulfilment of its destination; and this first bank, thus created, is said by Marshall, in his Life of Washington, "*To have contributed to that complete organization of those distinct and visible parties, which, in their long and dubious conflict for power, have since shaken the United States to their centre.*" A political machine, defining parties, and acting with the Federalists during the whole period of its existence, the first Bank of the United States sunk under the odium of its party character. The Republicans, in the ascendant, refused to renew its charter in 1811. The question of renewal, as the debates of the time fully show, largely turned upon the political character and conduct of the institution; and a member of the Senate, then and now on this floor, [Mr. CLAY,] characterized the Federal Senators present as the *Macedonian phalanx* of the bank.

The creation of the second bank, in 1816, was also contested as a political institution, but with an almost total reversal of parties. Mr. Madison's administration, in putting down the first bank, had committed the great error of falling back upon the local banks for a national paper currency. Instead of re-establishing the currency of the Constitution for the Federal Treasury, and especially restoring the gold currency, by correcting the erroneous standard of that metal, and thereby preserving an adequate supply of the precious metals for the use of the whole country, the great error was committed of falling back upon the paper currencies of the States. The fruit of that error was, the speedy reduction of the Federal Government to the use of broken bank paper, the involvement of the whole community in the same calamity, and a resort to a second National Bank to supply a national paper currency. The second bank was brought forward, in the extremity of their distress, by the Republican Administration, to hlep them out of the mud and mire of a broken bank currency, and to aid them in the operations of the Government. It was then to be a machine on their side. As such, it was supported by Republicans; as such it was opposed by Federalists; a reversal of party position having taken place in relation to the bank, and each party having fallen into the delusive belief that a National Bank could be the supporter of a Republican Administration! Parties changed position, a few individuals standing firm on each side; but the masses crossing over, taking each others places, and freely dealing out the accusations of, inconsistency—desertion—abandonment of friends—compromise of principle, &c. &c. It would be tedious to verify this statement by a citation of speeches, and the reading of yeas and nays; nor is it necessary to cite much. A single quotation from the speeches of the two eminent members, one of the Senate and one of the House, and both present members of this body—then on opposite sides in relation to the bank, now both on the same side in favor of it—will illustrate the point in issue, and establish every thing necessary to be known about it. By one of these speeches the creation of the bank was advocated as a political power, necessary to be possessed by the Federal Government, as a counterpoise to the political power which the local banks gave to the States; and the loyalty of the State in which the mother bank was placed, was relied upon to prevent a concurrence in any scheme for subverting the Federal Government. By the other speaker, the creation of this bank, with a participation in its management and direction by the appointment of five directors—its capital of thirty-five millions—and the control and influence which the Government would have over it, presented it as an object of vice and deformity; and as giving to the Government a power over the institution, and over individuals, which would enable it to bring any man into terms, and to compel the bank itself to do whatever the Administration pleased.

Mr. B. then read a passage from a speech of Mr. CLAY delivered in Kentucky, after his return from Congress in 1816, and explaining the reasons for his change of opinion in relation to a National Bank. The passage was in these words:

"If political power be incidental to banking corporations, there ought, perhaps, to be, in the General Government, some counterpoise to that which is exerted by the States. Such a counterpoise might not, indeed, be so necessary, if the States exercised the power to incorporate banks equally, or in proportion to their respective populations. But that is not the case. A single State has a banking capital equivalent, or nearly so, to the one-fifth of the whole banking capital of the United States. Four States combined have the major part of the capital of the United States. In the event of any convulsion in which the distribution of banking institutions might be important, it may be urged that the mischief would not be alleviated by the creation of a National Bank, since its location must be in one of the States. But in this respect, the location of the bank is extremely favorable, being in one of the Middle States, not likely from its position, as well as its loyalty, to concur in any scheme for subverting the Government; and a sufficient security against such contingency is to be found in the distribution of branches in different States, acting and reacting upon the parent institution and upon each other."

Mr. B. then read a paragraph from a speech of Mr. WEBSTER, delivered in the House of Representatives, April 4, 1836, in opposition to the charter of the second Bank of the United States:

"Mr. WEBSTER said this was a subject on which a great change of opinion had taken place on both sides of the House, and animadverted on what he called a compromise of principle on a great moneyed institution, and the desertion, not only of principles, but of friends, which had characterized the proceedings on the bill. He then spoke some time against the bill, which he pointedly condemned, on account of the participation of the Government in its direction and management. If, said he, instead of the little scraps of amendments, which were very well as far as they went, but very trifling, and only served to cover the vice and deformity of the scheme, the Senate had returned the bill healthy, in all the beauty of the original institution, it would have passed through the House swifter than the current of the Potomac. * * * * That control and influence over a great banking institution should not be possessed by the Government. The degree of that influence was not material, the principle remaining the same, be the influence more or less extensive. * * * * Could it be doubted that, with this capital, and this power over it, the Government could bring any man into terms, and make the banks act as they pleased!"

Such are the grounds on which the establishment of the second Bank of the United States was contested in 1816. The Republicans advocated it, because they saw no other way to get out of the slough of irredeemable paper money; the Federalists opposed it, because they feared the bank would be an engine of power and influence in the hands of the Republican Aministration. A few years' experience dispelled this fear. At the first reorganization of parties, the bank developed as a political power on the Federal side. This was at the Presidential election, in the House of Representatives, in February, 1825. The bank then took the field, on the side opposed to the candidate who had the plurality of the people's votes in his favor. It has kept the field ever since; and if it is now unable to resume specie payments, it must be principally on account of expenses and losses incurred in thirteen years' warfare against the people of the United States, against their form of Government, and against the persons whom they have elected to carry on the Government. The bank is now the head, and the support of the Federal party, all the Federalists who opposed its creation, have gone over to it. It is their leader, and their *pointe d'appui*. Any catastrophe to it, would be destruction to them, and would annihilate them as a national party. Away then with vain denials, of which nobody is the dupe. The bank is a political machine—a Federal political machine; and no denial of the fact can alter or conceal its truth. The leopard had as well deny the spots on his body—the Ethiopian had as well deny the color of his skin, as for this bank to deny its politica character, its anti-Republican nature, and its thirteen years' warfare upon the people and their form of Government.

War upon the local banks is the next accusation upon General Jackson and his successor. After putting down the Bank of the United States, he went to work to destroy the State banks. So say the Opposition speakers, [Messrs. TALLMADGE and CLAY.] Now let us examine into the truth of this accusation. What was the conduct of General Jackson to the local banks? In 1833 he removed the public deposites to these banks, and gave them the benefit of the immense accumulations of public money which then took place. At the same time, he released their notes from that state of exclusion from the Federal Treasury to which they had been subjected during the whole time of the Bank of the United States. For the first time, in near twenty years, their notes were received and paid out in the receipts and disbursements of the Federal revenue. At the panic session, when the whole Opposition exerted themselves for so many months to excite a run upon the local banks, and to blow them up, who defended them, here and elsewhere, but General Jackson and his friends? Who defended the Safety Fund banks from the dead set which was then made at them? General Jackson and his friends! Who rejoiced in the explosions of the District banks, and the Maryland Bank, and announced the joyful tidings on this floor? The Opposition! And who grieved over these failures? General Jackson and his friends! And when the time came for him to deliver his last annual message, what was his language in relation to these banks? Was it that of vengeance, or was it the language of kindness, of confidence, and of support? Listen to it:

"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents to the Government. At the time of the removal of the deposites, it was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges, the result will be still more favorable to the deposite banks." * * * * * * "It is believed that the law of the last session, regulating the deposite banks, operates onerously and unjustly upon them in many respects; and it is hoped that Congress, on proper representations, will adopt the modifications which are necessary to prevent this consequence."

This was the language of the last Message, and this is called war upon those banks. Certainly war should be made of sterner stuff! But, Mr. Van Buren! he carries on war against them also! so say the same Opposition Senators. But, here again the charge is met by proof which annihilates it. Mr. Van Buren has spoken for himself on this point, and his whole conduct corresponds with his declared sentiments. In his letter to Mr. Sherrod Williams, he says:

"Although I have always been opposed to the increase of banks, I would, nevertheless, pursue towards the existing institutions a just and liberal course, protecting them in the rightful enjoyment of the privileges which have been granted to them, and extending to them the good will of the community, so long as they discharge, with fidelity, the delicate and important public trusts with which they have been invested.

"But all experience having shown that there is no delegated power more liable to abuse than that which consists in chartered privileges of this description, I would be astute in watching the course of the banks, and vigilant and prompt in arresting the slightest aspiration on their part to follow a bad example, by seeking to become the masters, when they were designed to be the servants, of the people."

Such has been the language and the conduct of Gen. Jackson, and Mr. Van Buren, towards these banks; a conduct and a language utterly disproving the imputation of making war upon them. But this is not all: other proofs of forbearance, of indulgence, and of benefits extended to them, remain to be stated. When the deposite banks stopped payment last spring, the Government continued to receive their notes, at par, in payment of balances due, although these notes were 5, 10, 15, and in some instances 18 per cent. below par. This was a gain to them of that much, and an equal loss to the Government creditors, to whom they were paid out, and an immense injury to the character and popularity of the Administration itself. Again, when Congress met at the extra session, extended time was given to all these institutions to pay up their balances—a time which has not yet expired, and which has enabled them to give time and indulgence to their own debtors. Far from injuring them, the Republican Administrations have confided in them to their own cost, and to the great injury of their own popularity. They had the confidence of Government when the public money was put into their hands. In placing the public money with them, the fate of the Administration, in a large degree, was committed to them. We wished them well, upon the same principle that we wished ourselves well. Since our wishes have been disappointed, and the Administration and the country have been the chief sufferers, we make no war, but grant indulgence, exercise forbearance, and ask for peace. We want peace—that safe and permanent peace which results from separation of interests, and absence of all the causes of collision. True, General Jackson, and Mr. Van Buren, and all their friends, wish to see the banking system of the United States reformed. They wish to see great reforms introduced into the system; and, if it is not done, they believe that great mischeifs must eventually result to the community, and great injury to the banks themselves. They look for a great catastrophe, if great reforms are not effected.

A war upon the merchants is another of the offences charged upon General Jackson; and what is the evidence of it? The commerce of the country nearly doubled since he became President; nearly one half of the whole amount of imports made free of duty; the duties greatly reduced on all the remainder; indemnities obtained from France, Spain, Denmark, and Naples, for spoliations committed under former administrations, and which former administrations in vain solicited; ships of war sent into every sea for the protection of mercantile interests; ministers and consuls sent to new points, and to further points than they ever went to before; outrages punished on the opposite side of the globe, even among the antipodes; time given to merchants for the payment of their bonds; debentures paid to them in specie, while they withhold specie from the Government! Such are the evidences of this war upon merchants, of which we hear so much. So far from making war upon them, General Jackson's administration has done more for merchants than any one, or any two administrations, that ever preceded him. He has been their beneficent benefactor; and this is known to every citizen who knows the history of his country, and is acknowledged by every merchant whose heart is American. The imputation of hostility to merchants is an old Federal accusation against Republicans. It was made against Mr. Jefferson; and his "terrapin policy" was long the theme of the politician, the press, the jester, and the caricaturist.

No, Mr. President, General Jackson made no war either upon banks or merchants; not even upon the Bank of the United States, for he never attacked its existing charter; and his opposition to a new one can only be looked upon as aggressive, and as amounting to war, by those who consider the bank above the Government, and entitled, like a royal progeny, to a perpetuity of existence. That great man made no war upon any institution; or upon any interest; but, sir, we have seen some wars made—there are some still making—and I will take the liberty to enumerate a few of them.

First, there was the war against the local banks generally, during the whole panic session, in which no term of reproach was too odious to be lavished upon them, and no statements to discredit them, no assertion to destroy confidence in them, no attempts to excite runs upon them, and to blow them up, were too shameless or too unscrupulous to find authors, abetters, and aiders, in the ranks of their present most officious friends.

Next was the war upon the safety fund system, and the safety fund banks, of the State of New York, which, for two or three sessions, raged with such violence on this floor. During all that time, nothing so corrupt as this system, nothing more certain than its rottenness and explosion, and nothing so dreadful as the prospect of having it imposed upon the whole Union in the event of an election of a certain citizen of the State of New York to the Presidency of the United States. In this war, I had the honor to extend a feeble aid to the Senator from New York, [Mr. TALLMADGE,] in his patriotic defence of the institutions of his State against the repeated and violent assaults of his present coadjutor in politics from Kentucky, [Mr. CLAY.]

Then came the war, which still continues, upon the constitutional currency of the country—a war in which gold and silver has received all the abuse which, in other countries, would be lavished upon counterfeit money. First ridiculed as visionary and impracticable; then denounced and stigmatized as a barbarism; then attempted to be forced out of

the country by deportation; then attempted to be imprisoned, and shut out from the light of day, by shutting down all the banks upon it; then attempting to drive it off by turning loose upon it a pestiferous issue of shin-plasters and small notes; and now straining might and main to keep it down by keeping up irredeemable paper, preventing a resumption of specie payments, and forcing a currency of broken bank notes into the coffers of the Federal Government.

Another war which we have seen going on ever since the veto session, six years ago, and which we still see, is upon the general business of the country; turning off laborers, reducing wages, stopping work, shutting up factories; expanding and contracting the paper currency, so as to make money plenty one day and scarce the next; monopolizing bread and fuel, to double their price, while diminishing the capacity of the laborer to purchase; fabricating distress by every act of real oppression, and aggravating it by every art of fictitious exaggeration; looking forward to an "*awful winter*" as to a banquet of intellectual enjoyment; scarcely concealing their dissatisfaction with Providence for giving mildness instead of severity of weather, and insulting the victims of their oppression by doling out to them an ostentatious and contemptible charity.

Another of these wars, one which we have witnessed ever since the Presidential election in the House of Representatives, in February, 1825, is that which has been so appropriately denounced by the Senator from Ohio, who sits to the left, [Mr. MORRIS,] and which exceeds all others in enormity, because it is a war upon the fundamental principles of our Constitution, and upon the form of the Government under which we live. The revival of this war dates from the election of Mr. Adams by the House of Repressntatives, in 1825, but its origin is coeval with the foundation of the Government. Up to the first election of Mr. Jefferson, in 1800, this war was carried on openly and furiously, and the sentiment contained in the elder Mr. Adams's book on the American Constitutions, *that the British Constitution, with its king, lords and commons, was the most stupendous fabric of human invention*, had its open and public defenders. The second election of Mr. Jefferson sunk Federalism too low. It drove it into a state of hibernation, far north, from which it did not emerge for many years; and which left it without distinctive character, or object, until the Congress election of the second Mr. Adams. Then the ancient principles of the party revived, and the war recommenced upon the principles, and upon the form, of our Government, in the attacks which were made upon the capacity of the people to choose their own Presidents. This war then recommenced, and has continued ever since; for what is this eternal denunciation of General Jackson, but a denunciation of that immense majority of the American people, who have three times preferred him for President, and a fourth time approved his policy in the election of his successor? What is this infinite accumulation of degrading epithets upon the mad, wicked, outlandish, and ruinous administration of General Jackson, but an application of the same epithets to the people who elected him, and who have approved his Administration? What is this cry for a change of the "*experimenters*," but a cry for a change of the voters who elect them? Beyond doubt, the capacity of the people to choose thier representatives, is attacked in these incessant assaults upon their representatives; and the zeal and unanimity with which this war is carried on, make it high time to consider it in its true aspect, as a deliberate waging of hostility upon the principles of our Constitution, and the form of our Government.

Finally, we see a war against an individual, against a retired citizen, an aged man, one that has done the State some service—a war of which there are but few examples in the annals of Christendom, or within the boundaries of the civilized world. General Jackson is no longer on the stage of action; he is no longer in any man's way. Through the portals of everlasting fame he has made his exit from the stage of public life, and has gone into that retirement never more to be withdrawn from it, which he has always sought, and from which his country has so often recalled him. Repose is the only boon that he now asks of the world, and such a man has certainly a right to tranquillity—a right to be free from invasion—in the evening of his days, and in the shelter of his own house. But he is not free from invasion. Persecution follows him. A war of unexampled ferocity is waged against him; and the destruction of his character, public and private, and the laceration of his feelings, seem to be the relentless design of the assailants. That I may do no injustice to any one by mistaken recitals, I will here exhibit some specimens of this warfare, as I find them preserved and perpetuated in the printed copy of a speech delivered on this floor. I read from a revised copy, bearing every mark of authenticity, and of deliberate preparation.

"War and strife, endless war and strife, personal or national, foreign or domestic, were the aliment of the late President's existence. War against the bank, war against France, and strife and contention with a countless number of individuals. The wars with Black Hawk and the Seminoles were scarcely a luncheon for his voracious appetite; and he made his exit from public life, denouncing war and vengeance against Mexico and the State banks."

When Mr. B. had read this paragraph, Senator LINN inquired of him from whose speech he was reading?

Mr. B. said he would answer the inquiry authentically, by reading the title page of the speech. He read:

"Speech of the Hon. Henry Clay, of Kentucky, establishing a deliberate design, on the part of the late and present Executive of the United States, to break down the whole banking system of the United States, commencing with the Bank of the United States, and terminating with the State banks, and to create on their ruins a Government Treasury Bank, under the exclusive control of the Executive, and in reply to the speech of the Hon. J. C. Calhoun, of South Carolina, supporting that Treasury Bank. Delivered in the Senate of the United States, February 19, 1838. Printed by Gales and Seaton, Washington City, 1838."

Sir, this is the speech from which I read. The paragraph is a brief one, but it is comprehensive; and in the eagerness of the speaker to get at the victim, the public interests, the existing interests of the country, are overlooked, and endangered. Who can now look for any indemnities from Mexico, or for any submission from the Seminole Indians, until after the next Presidential election is over? Who can now count upon the quietude of Black Hawk, the removal of the Cherokees, or the peace of the Western frontiers? The foreign and domestic policy of General Jackson is set down to the love of strife, and the spirit of vengeance; this must excite all foreign nations, and all Indians, to resist his policy. His personal difficulties are said to be countless, although we can count the whole population of the Union; they are said to be endless, although he is known to have had no such difficulties for a quarter of a century, and to have become the friend and benefactor of many of those with whom he has had dissensions. Granted that he has had personal difficulties, and violent ones, yet they *can* be counted, and they *have* ended. Violence subsides; malice never dies! and that is the difference between General Jackson's feuds, and those of some other persons. Sir, I have some knowledge upon this subject; and this letter, (holding up one from General Jackson) delivered to me since I rose to speak, the seal yet unbroken, can attest that his animosities are not endless. "War and strife, endless war and strife, &c. &c. were the aliment of the late President's existence." And this is to be said of a citizen who, at the early age of thirty-three, resigned the place of Senator on this floor to go home, and live upon a farm so retired as to merit, and to receive, the name of Hermitage; who, being called thence to the bench of the Supreme Court of his State, resigned that station to return to his farm; who, being called again to lead an army to victory and to glory, and to be made Governor of an important Territory, with a high salary, a third time resigned to go back to his farm; who, being for the second time placed as Senator upon this floor, still resigned to go back to his farm; who, being offered embassies and departments, refused to touch them; and who, being twice called to the Presidency of the United States, availed himself of the first moment of the expiration of his office again to return to his farm, never more to be dragged away from it. This is the man whose aliment is strife, whose luncheons are wars, who went off breathing vengeance!

But to continue the reading:

"His Administration consisted of a succession of astounding measures, which fell on the public ear like repeated bursts of loud and appalling thunder. Before the reverberations of one peal had ceased, another and another came, louder and louder, and more terrifying. Or rather it was like a volcanic mountain, emitting frightful eruptions of burning lava. Before one was cold and crusted; before the voices of the inhabitants of buried villages, and cities were hushed in eternal silence, another, more desolating, was vomited forth, extending wider and wider the circle of death and destruction."

And this is the Senatorial description of General Jackson's administration! that Administration which has filled the country with prosperity at home, and covered it with honor abroad, and which has revived and restored the Republican spirit of our Government, and rallied the Republican party on the ground which it occupied under the illustrious Administration of President Jefferson.

Sir, it is not my intention to analyze this description, or to inquire into the truth of the allegations it contains. I leave that work to the *moral sense* of the community! I leave it to those who have witnessed these astounding measures—heard this appalling thunder—seen this volcanic mountain—and beheld this frightful river of burning lava! I leave it even to those "voices hushed in eternal silence"—to the voices of the inhabitants of the cities, towns, and villages, buried, crusted over, and cold, under the volcanic eruptions vomited forth by this desolating mountain!

And what has General Jackson done to draw upon him this relentless and undying persecution? Sir, he has done nothing but let the people elect him President, and then so administered the Government as to carry the star of his civil fame to the highest point in the political firmanent, there to remain forever, searing the eyeballs of envy, but cheering the heart, and guiding the footsteps of patriotism, and shedding its benign influence on the freedom, happiness, prosperity, and glory of his country.

Mr. President, I have answered some of the attacks on the Republican party which have been brought forward in this debate. They are such attacks as we have been accustomed to see for many years, and which have given to this chamber more the appearance of an electioneering hustings than a hall of legislation. We opened the debate on the merits of the bill; Opposition gentlemen have converted it into a canvass for the Presidency, and a contest for power. We have been obliged to follow them in this unparliamentary course, so far at least as to repel some of their attacks. Having done this, I take up the bill, and shall limit myself to a brief examination of its principles, and to a defence of some of the points on which it is assailed; and shall conclde with some observations upon the conduct of parties, and the political prospect ahead.

The bill contains two principles, and but two. 1. The exclusion of all banks from the use and custody of the public moneys. 2. The exclusion of all bank notes from the receipts and expenditures of the Federal Treasury. These are the principles; all the rest is detail. Against these two principles a strong division of this House rises up; among them a few of our own political friends, but the mass and body of the division are the friends of the Bank of the United States. The justice of this opposition, and especially in the quarter from which it chiefly comes, can well be judged of by recollecting that both these principles have been in full force against all the State banks for nearly forty years out of the forty-eight that our Government has been in existence They were so enforced during the whole time that the two Banks of the United States have existed. I have not got the by-laws of the first National Bank, but I have the charters of both, and the by-laws of the second. By these charters, the two Banks of the United States were entitled to the custody of the public moneys, to the exclusion of the local banks; and, by their by-laws, the notes of these local banks were excluded from payments to and from the Federal Treasury. I have a copy of these laws, as passed by the second Bank of the United States, and merely adopted from the code of the first one, in which this exclusion is enacted, and which runs in these words:

[Here Mr. B. read the 24th and the 25th articles of the by-laws of the Bank of the United States, passed immediately after the establishment of the bank, and excluding the notes of all State banks from all payments to the United States, except the notes of the specie-paying banks situated in the same place

with the branch; and directing the notes of those thus excepted to be presented to the bank that issued them for payment, at least, once in every week.]

This by-law was enacted in the year 1817, and was rigorously enforced until the removal of the deposites in October, 1833; it was therefore seventeen years in force under the second bank; and having been twenty years in force under the first bank, it results that this exclusion of State bank notes from the Federal Treasury has actually been in force nearly forty years out of the forty-eight which our Government has existed. The slight exception in the non-receivability of these notes was an exception to the prejudice of the local institutions; the exception was limited to the few banks located in the same town which contained the branch bank, and was an injury to these banks; for it caused their notes to be taken out of circulation, and to be presented to them in masses for immediate payment. Thus the great mass of the banks were peremptorily excluded from all receivability of their notes; and as for the few which were nominally excepted, the exception was an injury to them, and to my knowledge was complained of as such. Now, what was the conduct of the local banks under this forty years' exclusion from the use and custody of the public moneys under the provisions of National Bank charters, and this forty years' exclusion of their notes from Federal receipts and expenditures under the enactments of National Bank by-laws? What was their conduct under these long and double exclusions? Sir, it was the conduct of contentment, of satisfaction, of entire acquiescence! They made no complaint; they asked for no change. On the contrary, they endeavored to perpetuate it, and have always celebrated the period of their exclusion as the finest era of our currency, and the safest state of the Federal revenues. This they did in 1832, when our tables groaned under memorials from local banks to recharter the Bank of the United States; this they did again in 1833, when they prayed for the restoration of the deposites to the Bank of the United States, and actually refused to receive them; and this they do now in praying for another National Bank.

A celebrated French satirist has made us acquainted with a most worthy country gentleman, who had talked prose all his life without knowing it; so of these local banks. They have been ruined for forty years without knowing it. During the whole period of the existence of the two National Banks they were in as tate of total exclusion—absolute divorce—from all connection with the Federal Treasury. With this divorce, thus effected by corporation by-laws, they were contented and happy, nay, wished it to be eternal! but the moment the same divorce is proposed to be effected by an act of Congress, the banks are in arms against it, and declare themselves ruined if it is done. This is a noble instance of consistency—of submission to a Bank of the United States, and of resistance to the Government of the United States. The same of politicians—of all that class of politicians who advocate a National Bank. They go for the divorce of the by-laws, and against the divorce by a law of Congress. They support a Bank of the United States in excluding the local banks from all connection with the Government, and they support the local banks in resisting the Government of the United States in proposing the very same disconnection. They are now altogether for the local banks, and no praise too high for them; three years ago they were against them, and no abuse too low for them. When these banks resisted the panic, and did well, these politicians denounced them; now that they have stopped payment, and injured the country, and deprived the Government of its revenues, these same politicians exalt them to the skies. This is inconsistency—inconsistency in the means, not in the object. The object is to re-establish the National Bank; and the means are, to have another loss of Government revenues, and thereupon, another argument to restore their idolized institution. This they declare! for they tell us, with the defiance of over-confidence, that they take these local banks as a half-way house—as a house half-way to the Bank of the United States—where they will lodge and refresh a night, and then gallop into the Chestnut street palace, as a breakfast ride, the next morning. And so it will be. Trust them again! and the State banks will fail again, as they did during the war, as they did in 1819, as they did in 1837, and as they are now doing in 1838. They will fail again; the Federal Government will lose its revenues again; and then the cry will be redoubled for a National Bank.

Mr. President, I have opinions upon this subject—opinions not of recent adoption, or hasty formation. Their origin dates far back—a full quarter of a century; and they have been receiving confirmation ever since. I was in the public service during the late war—witnessed the failure of the State banks, and saw the calamities of a Government, and of a people, destitute of specie. The first Bank of the United States had expelled specie—it had done what Mr. Madison said it would do, in that masterly speech of 1791, which never has been, and never can be, answered. In that speech he placed at the head of the list of the disadvantages of such a bank, these prophetic words: "*First: Banishing the precious metals, by substituting another medium to perform their office.*" At the expiration of its charter, in 1811, it had completely effected this work. It had banished the precious metals. There was but ten millions of specie left in the country! Two great errors were then committed: *first*, in not replenishing the country with specie, and especially with gold; *secondly*, in falling back upon the paper of local banks for a national currency. In this condition, destitute of specie, and relying upon the notes of local banks, we went into the war. The result was inevitable—the explosion of our whole monetary system—the bankruptcy of the Treasury—the ruinous use of depreciated paper—a resort to Treasury notes, on which the creditor often lost 33⅓ per cent.—loans on oppressive terms—and the Government forced to make common cause with broken banks for the mutual support of each others credit. All this I saw. I saw the calamities, the humiliation, and the sufferings of the country; and I heard the loud and insolent triumphs of the Federal party—that part of it which opposed the war—exulting over an empty Treasury, an impaired public credit, a depreciated paper currency, and the national degradation for want of solid money. I saw all this; and my head, and my heart, both told me that the country ought never to be subjected to such a fate again.

This was my war experience; and now for the experience of peace. After three years of war, peace came, and with it, came revival of business, and a multitude of local banks, and, at their head, that immense charlatan of the monetary system—a National Bank! Off went the whole together; specie payments resumed; confidence restored; the credit system in all its glory, and every branch of business distended to the bursting point. To judge of every thing by a single instance, it is sufficient to name the public lands, of which the amount of TWENTY-EIGHT millions of dollars was sold in a single year! and nearly all on credit, payable in safe and solid specie paying bank notes. In two years the whole of these banks, the charlatan among the rest, were swamped. Then we had a repetition of the scenes of seven years before. No specie; no notes equivalent to specie; no credit; no revenues; no price for property! Tender laws—property laws—replevin laws—stay laws, the order of the day! An entire stagnation of business followed, not fictitious, but real; and such was the fall in the price of all produce, all property, and the wages of all labor, owing to the failure of the banks, and the absence of specie, that all debtors were placed in the jaws of ruin, and most of them entirely ruined. There was no Treasury order then; no removal of deposites; no veto; no Jackson administration to ruin the country; yet the distress and suffering was actually then, what it is falsely said to be, and wickedly attempted to be made, at present. There is no comparison between the state of things then and now.

At this epoch, this second explosion of the paper system, I came into the Senate of the United States. I came here in the autumn of 1820. I travelled from the Mississippi to the Potomac amidst the crash of falling banks, the wrecks of a paper currency, and the lamentations of a suffering nation. I arrived here to see a Government without a dollar, and borrowing money to pay its daily expenses, which, the year before, boasted a revenue of forty-seven millions, and tormented itself with schemes to get rid of surpluses! I commenced my Senatorial career under these circumstances—circumstances to make me meditate, and to make me feel. Happily, my associations were with the fathers of the Republic—with Macon and Randolph, whose intimacy I enjoyed, and whose friendship I possessed. My reading was that of the early history of the Government—the Revolution, the Confederation, the formation of the Constitution of '89, and the workings of the machinery of the Federal Government under the administrations of the earlier Presidents—Washington, Adams, and Jefferson. The result of this association, and of this reading, was a thorough conviction, 1. That the Federal Constitution was formed by hard-money men, and was intended to be a hard money Government; 2. That it had been converted into a paper money Government, contrary to the genius and intention of the Constitution; 3. That this departure from the Constitution was the cause of the moneyed calamities during the war, and again at that time; 4. That the remedy for these calamities was to return to the plain meaning of the Constitution, as expressed in the revenue act of 1789, and to confine the receipts and expenditures of the Federal Government to gold and silver coin only. These were my convictions; and as soon as circumstances were auspicious for action, I commenced a series of measures, all tending to carry back the fiscal action of the Government to the intention of the Constitution; fully believing that if the Federal Government would require gold and silver for its own Treasury, it would cause enough to be brought into the country, and to remain in the country, to supply the whole body of the people with hard money for all their common and ordinary dealings and transactions. It was not until General Jackson's administration, that I was able to take any strong and direct measures towards the accomplishment of the great object which presented itself to my view. The sagacious Mr. Macon often said to me that it was in vain to attempt any reform, unless the Administration is with you. The election of General Jackson gave such an administration. From that time there was a President, not only to favor, but to take the lead in the great business of restoring the constitutional currency, and my part became subordinate and easy. I had only to explain and defend the great measures which his sagacity and patriotism conceived and recommended.

It is not necessary to dwell on these measures, much less to enter now into any defence of them. A brief enumeration will suffice. 1. No more National Banks. They had been found to be the great exporters of specie; and their chartered right to pay the Federal revenues in their own notes, was in itself a clear breach of the Constitution, and banished gold and silver from the Treasury, and, by diminishing the demand for it, expelled it from the country. 2. To restore the gold currency, by correcting the erroneous standard of gold. 3. The repeal of the act of 1819, rendering uncurrent, with a few exceptions, the gold and silver coins of all foreign countries. 4. The multiplication of the mints, both for the purpose of coining money in different parts of the Union, and for becoming places of deposite and safe-keeping of the public moneys. 5. The suppression of all local bank notes under twenty dollars. Having no direct power over the banks of the States, the only mode of accomplishing this object was by the revenue regulations of the Federal Government, and by operating on public opinion in the different States. My own limit was one hundred dollars, but I did not attempt to establish it because I knew that I could not succeed. My conviction is now clear that there ought to be no bank note under one hundred dollars.

Such were our measures for restoring the currency of the Constitution to the coffers of the Federal Treasury, and supplying the country with gold and silver for all the common and ordinary transactions and dealings. The success, notwithstanding a powerful combined political and mo-

neyed opposition, was astonishingly great. The recharter of a National Bank sunk under the veto, sustained by public opinion. The act for the correction of the gold standard hit the point of correction with such perfect accuracy, that the two coins, gold and silver, issuing from our Mint, have precisely the same value in the money market. Under the auspicious operation of that act, our gold coin has risen, in little more than three years, from nothing to fifteen millions, and will probably rise to twenty-five millions before the termination of Mr. Van Buren's present term. The act for repealing the act of 1819, and for restoring foreign coins to circulation, has sent Mexican dollars into every part of the Union, and has enabled other foreign coins, both gold and silver, to make some progress in penetrating our country. Silver has increased three fold since 1832, and silver and gold together, four fold. Our specie was twenty millions then; it is eighty now, with the prospect of exceeding a hundred millions before the present term of Mr. Van Buren is out. Our currency in existence is more abundant and more solid than it ever was before; but the specie part of it is suppressed by the power and policy of the Bank of the United States, combined with the politicians and that part of the banks which follow its lead. Acts of Congress had passed to operate upon small notes, and to exclude those under twenty dollars from revenue payments altogether, and to exclude all others which were not convertible into gold and silver "*upon the spot*," at the will of the holder, and without loss or delay to him. Public opinion had been awakened on the subject of small notes; and the Republicans every where were moving towards the suppression of all under twenty dollars. Such was the progress, and such the success, of our measures in May last, when eight hundred banks stopped payment at once, shut down close upon all the specie in their vaults, denying a ninepence, a picayune, a five cent piece, even, to the Government whose thirty millions of deposi es they held, or to the community who held a hundred and twenty millions of their notes! In the midst of profound peace, general prosperity, under a Government without taxes and without a public debt, with four times as much specie as was in it five years before, came this crash of the banks. It came like a clap of thunder in a cloudless sky. In one moment, as it were, a Government, with thirty millions of revenue on hand, was left without a shilling: in one moment, a nation of fifteen millions of souls was deprived of ninepences for the market or the post office. As if to proclaim their design to banish all specie from the land, a simultaneous and universal deluge of small notes and shin-plasters was poured upon the people; and the significant cry was set up, that specie payments could never be restored until a National Bank was established. This cry explained the main cause of the general stoppage, and the sole cause of the shin-plaster and small note issue.

All this took place in May, 1837. It was a repetition, without the excuse of war, of the bank explosions of the war in 1814; it was the second explosion of the banks since the war, and in profound peace. It was expected to astound, terrify, subdue, distress, and coerce the country into a submission to the re-establishment of the National Bank! a result that would have been inevitable had it not been for the eighty millions of gold and silver which Jackson's administration brought into the country, and which has so well kept up the value of bank notes that those which are in good credit are now no more than one or two per cent. below par. This third explosion in twenty-five years—this second explosion in time of peace—this loss of national revenues, as if by enchantment—this disappearance of specie, as if touched by a magic wand—roused and electrified the continent. The public mind came at a bound to the conviction that the Federal Government ought to be disconnected from the banks, and from their paper currency. The conviction was general, almost unanimous, among the Republicans; a few only among them were for trying the local banks and their paper once more, as if three failures in twenty-five years were not sufficient; as if another failure was not inevitable, and as if another failure must not end in the restoration of a National Bank, with the restoration of the political party, with all their principles and measures, who go with that bank. The Federal party, of course, with some honorable exceptions, oppose the disconnection. They oppose whatever the Republicans propose, no matter what. They were opposed to the junction of the Government with the State banks three years ago, when those banks were doing well; they are for compelling the Government to stick to them now that they have done ill. This is the state of parties: the Republicans almost universally for the divorce of Bank and State; the Federalists, almost universally, for the conjunction of Bank and State. In this division and subdivision, I find myself with the mass of my own party, and with the Administration itself. I find *them* now where I was many years ago. I believe them to be right, and shall stand by them, and abide their fate. If they sink in this contest with the banks and the Federalists, I shall go down with them.

I stand upon the two principles of the bill—1. The United States to use the money of the Constitution in the receipts and disbursements of the Federal Treasury; 2. The United States to receive their own money, to keep their own money, and pay out their own money. I stand upon these two principles; I cannot surrender them, though I could consent to take them one at a time. The details of the bill are open to compromise. There I am ready to give and to take—to surrender and concede—to do every thing, consistent with the preservation of the principles, to conciliate the support, or to purchase the forbearance of friends. In some particulars I would prefer a change of details; I would prefer additional branch mints in place of the Receivers General—mints that would answer the double purpose of keeping the money of the Government, and coining money for the people.

The principles of the bill I hold to be founded in the clearest reasons of propriety, and constitutionality, and sustained by the fullest voice of trial and experience. Every Government should be, at all times, the master of its own property,—money and every thing else. A Government should not be put to the delays and contingencies of asking for its own, much less of sueing for it, and above all, of having to sue where State laws may interpose to delay, or to defeat the recovery. The revenue of a Government is its daily support,—it is like the daily support of a family,—it cannot be stopped, or withheld, without affecting the existence of the Government itself. Every Government upon earth, our own excepted, puts its money where it can go and take it. All other Governments put their money where they can command it, where they can seize it, if necessary, and punish a delinquent holder. We do the same with all our property, except money. Our ships and forts, our military and naval stores, our public lands, and public edifices, are all in our own custody. We do not have to beg, or bring suits at law, to recover their possession. We keep them, subject to our own order, because the existence, and the operations, of Government, which holds civil society together, and prevents mankind from relapsing into anarchy and violence, will not admit of interruptions and delays. If this is true of property, how much more true is it of money—that daily pabulum, without which Government cannot exist a day? This fundamental axiom, true of every Government, is preeminently so of ours. Our Government is complex—State and Federal—and each should have their own Independent Treasury. The present Constitution grew out of the Independent Treasury question. Other causes helped on to the formation of the Constitution; but a revenue of its own—a revenue independent of the States, and of course independent of corporations—was the exciting and controlling cause which led to its adoption. The whole history of the confederation, from the close of the Revolution to the year 1789, proves this. Yet where is the Independent Treasury, where is the Federal Treasury, if corporations are to hold our money, may refuse to pay it when they please, and shall be backed by their State Legislatures when they refuse to pay? To commit our money to the custody of such corporations, is to forego the end for which the Federal Government was formed; to commit it to such corporations again, after the experience which we have had, and during the experience which we now have, is to repeat a folly for which we have been three times punished, and to exhibit a fatuity which announces a doom to destruction. Upon the clearest principles of reason, of constitutional obligation, and of experience, the Federal Government is bound to take into its own hands the keeping of its own money. This is one principle of the bill; the other is the use of hard money in the receipts and disbursements of the Federal Government. This principle is the ally of the other. They go together, and can hardly live separately. To receive the promissory notes of the banks, is to receive nothing but their promises to pay money. If they break that promise, the only resource is to take what they choose to give; that is to say, more broken promises to pay money, or to sue them; and, if suit is brought, State laws may interpose to protect the bank, and to compel the Government to take its pay in more broken promises to pay. Far better to take the promissory notes of the citizens. They would not refuse payment, as the banks have done; and if they did, the State Legislatures would not interpose to shield them.

The Federal Government ought to use the money of the Federal Constitution. Its duty to the Constitution requires it to do so; its duty to the country equally requires it. By using that money, two great advantages would always result: 1. The Government would always have in its coffers real money; 2. The country would always possess an abundant supply of the precious metals. Certainly the Federal Government owes great duties to itself and to the country, in relation to the currency. It should not abdicate those duties, nor delegate them. It should not expel specie from the country by abandoning the use of it. The experience of forty years shows that a cessation of demand for specie, on the part of the Federal Government, banishes gold and silver from the country. This was the result both under the first and second banks of the United States. On the other hand, the experience of five years shows that a demand for specie by the Federal Government attracts it to the country; that we have increased our supply from twenty to eighty millions in five years, under that demand; and that a continuation of the demand will continue the increase until the country is adequately and fully supplied. This is the way to regulate the currency. A hundred and twenty or thirty millions in gold and silver will regulate the banks and the exchanges; and that amount can be attained, and ought to be attained, in six or seven years, by a continuation of General Jackson's policy.

An adequate supply of specie for the country, is one of the highest duties of the Federal Government. By the Constitution, it is made the conservator of specie; by abdicating its duties, it had banished from the land that which it was bound to preserve. The States delivered to this Government, in 1789, an adequate currency of gold and silver. The first revenue law ever passed by Congress, enacted that the revenue should be paid "*in gold and silver coin only.*" There was then no complaint of scarcity. General Hamilton's order for evading that law, did not turn upon the ground of scarcity of the precious metals, but on the plea of convenience in handling bank paper, and upon the policy of increasing the quantity of bank circulation. There was no complaint of the inadequacy of specie until the first Bank of the United States had banished it from the country, as Mr. Madison and others predicted that it would do.

Large mercantile payments always have been, and for ever will be, made in bits of paper, representing masses of property. He is a ninny, or believes others to be ninnies, who talks about merchants spending their time in counting piles of dollars, one by one. If masses of specie are to be paid, it is done in bulk, in kegs, or bags, or by weighing, or by a transfer of credit on the books of a bank. Bills of exchange, receipts, or certificates, representing masses of cotton, tobacco, rice, grain, flour, beef, pork, lead, cattle, &c. make the great payments. So far as large mercantile operations are concerned, specie is but an inferior part of the

means of payments. With the body of the community, it is different. Specie is, or should be, the main part of their payments, and with every Government, it should be the sole instrument of payments. As to banks, it is in vain for them to expect to live upon confidence. Those that attempt it will share the fate of the Irishman's mare, which her master undertook to make live upon a straw a day. One-third in specie, for all its liabilities in circulation and deposites, is the rule of the Bank of England. With less than that proportion the bank holds herself to be unsafe; with that proportion in hand, she expects to make up the other two-thirds, if ran upon, out of the debts due her, her credit to borrow, and Government aid in exchequer bills. Scarcely a bank in the United States undertakes to come up to the Bank of England standard of safety. The Legislature of Louisiana is the only one that I have seen attempting to establish that standard.

There is a concerted attempt at this time in the United States to decry specie; to ridicule it, to villify it, to suppress it, and to banish it. Gold, especially, is the object of the villification of this party—that gold which stands first named in the Constitution of the United States, and which, from the earliest records of the human race, has been the chosen money of the world. I do not envy that party their assiduous labors in the defamation of the precious metals. I do not fear the success of their exertions. I do not fear even that they will ever succeed in making themselves turn their backs upon the smallest piece of gold or silver which is offered for their acceptance. The necessity of an adequate supply of the precious metals is known and felt by the whole human race. It is the only money which it is safe for the body of the people to handle. It is the main basis for the operations of a bank; and it is the only standard or measure of values. One of the highest functions of money is to measure values. That is a function which paper cannot perform. The measure of values must itself possess intrinsic value, and must itself be free from sudden or material variations of value. It must have a uniform, and a universal value. As well might you attempt to make a measure of lengths out of that which has no length, a measure of weights out of that which has no weight, a measure of quanties out of that which has no capacity to hold any quantity, as to endeavor to make a measure of values out of that which has no intrinsic value. The precious metals alone can constitute a measure of values; paper money can measure the value of nothing, not even of itself; its own value is eternally measured by its relation—by its convertibility—into specie. Its want of intrinsic value, its liability to be made in any quantity, or to be diminished in any quantity, and its liability to total destruction, entirely disqualifies it for the high function of a measure of values.

The Constitution of the United States has vested Congress with authority to prescribe a uniform standard of weights and measures for the whole Union. Congress has not exercised that power; but the common feeling of the people has supplied the defect of Federal legislation. In all parts of the Union, they use the same weights and measures. A pound is a pound, a bushel is a bushel, a yard is a yard, from one end of the country to the other. The Constitution has also vested Congress with authority to regulate the value—not of *currency*, for there is no such word in the Constitution, nor any word which can be made to include *paper currency*—but to regulate the value of the coin of our own mint, and also of foreign coin. This power for forty-five years, that is to say, from 1789 to 1834, was so erroneously exercised as to under-value gold six and two-thirds per cent. The consequence was the total exclusion of gold from our circulation. In 1834 this error was corrected; and the consequence is, that gold is in the full process of restoration to its constitutional place in our currency. With respect to foreign coins, instead of making them current, as the Constitution intended, they were nearly all excluded from circulation by the act of 1819. This false legislation was also corrected in 1834; and foreign coins now enter largely into our circulation. The year 1834—the second year of General Jackson's second Presidential term—will be an era, a proud and glorious era, in the history of our constitutional currency. It will be the era of the reformation of the metallic currency. The year 1835, the last year of General Jackson's second term, will be another glorious epoch in our financial history. It was in that year that the promissory notes of a corporation ceased to be a lawful tender to the United States in discharge of all taxes, debts, and duties due to her. The year 1836 is the epoch of this deliverance of the Federal Treasury from the dominion of a corporation; but the year 1832 divides the honor with it; for in that year was the blow struck—the heroic veto applied—which effected the deliverance. Three noble acts have been performed; but a fourth remains to be achieved to consummate the duties of the Federal Government in relation to the currency. The error of Mr. Madison's administration, at the expiration of the existence of the first Bank of the United States, must not be repeated. The notes of the local banks must not be made a national currency! That error ruined the currency in 1814 and in 1819, and the repetition of it again ruined it in 1837. Three times, in twenty-five years, has that error deprived the Treasury of its revenues, the country of a measure of values, and rendered nugatory the uniformity of weights and measures, in which the whole Union had agreed. The effect upon the community has been the same as if every seller had possessed the privilege, and had exercised it, of altering his weights and measures at his pleasure; lengthening or shortening his yard stick; enlarging or reducing his bushel; diminishing or increasing his pound weight with every sale, and precisely as it suited his own interests in every instance. This is an enormous and a crying evil, the parent of unnumbered impositions upon the whole community, and especially upon the weaker part. In paying double for the necessaries of life, the effect has been precisely the same as if the purchaser had received but half a pound, half a yard, and half a bushel, when he paid for a full pound, a full yard, and a full bushel. But, sir, I drop this disquisition. The pursuit of it would carry me too far, at the present moment, into the workings of the paper system. I drop it with remarking, that the arbitrary debasement of the current coin, formerly practised by some European Kings, and latterly by some Turkish Sultans, was innocent and harmless, compared to the mischief done in our own country by the loss of a measure of values, and the consequent, or equivalent, destruction of all the measures of quantities. The thoughtless and inconsiderate man, invested with no legislative character, may say, that paper money is lighter than gold and silver; that paper will buy any thing that gold and silver will buy; that he does not care what his money is made of, provided it will pay his debts. The unreflecting man may talk in this way; but the statesman must look at money in its exalted character of a measure of values; and if that measure is lost or destroyed by his management, he commits a great error, and inflicts a great injury upon the entire community. We have lost that measure. The Federal Government has occasioned its loss. The use of paper at the Federal Treasury has banished coin—has set an example which has been followed by all the States, and by every individual—until paper has banished coin, and made itself a forced tender in every payment. Paper money is now the actual currency of the land. It is the medium of all payments; and, being no measure of values, there is no stability of prices. Every thing fluctuates. Trade is subjected to the hazards of gambling. The remedy for this evil—the means for the re-establishment of the measure of values—is for the Federal Government to use the true measure itself. In supplying itself with the true measure, it will cause the whole country to be supplied. No nation can saturate itself with gold and silver more easily than the United States. The hundred millions of exportable products, annually sent abroad—to say nothing of domestic mines, and the supplies brought in by emigrants—will bring back an annual supply of 12 or 15 millions. We have but to invite its presence, by creating a demand for it, and 8 or 10 millions of this amount will annually remain with us until the national supply is full and complete.

Mr. B. would examine some of the objections to the proposed bill. The able speeches which had been delivered by the numerous friends of the measure abridged his labor in this respect, and he should confine himself to brief notices of a few of the principal points. At the head of these objections stands the imposing assumption that the passage of the bill will inflict a severe wound upon the State banks, and entirely disable them to resume specie payments. This assertion is made by the whole body of the speakers on the opposite side; but they deal in assertion only. No explanation is given to justify it, and to show how it is that an array of eight hundred banks is to be thus mysteriously and powerfully affected. The amendment of the Senator from Virginia [Mr. RIVES] only proposes to distribute the deposites among twenty-five banks, so that seven hundred and seventy-five would remain unprovided for, and, consequently, subject to ruin under that plan. But there is a readier answer to this objection. The bill only proposes to remit these banks to the condition they were in under the dominion of the Bank of the United States. They were then in a complete state of divorce from the Federal Government, having no share of the public deposites, or any share in the privilege of paying the Federal revenue with their notes. They were contented with that condition, and affirm that they flourished under it; and such of them as wish for the establishment of a National Bank, are still in favor of that condition, and of being divorced from the Government. The only difference is that they will submit to a divorce imposed by the by-laws of a Federal Bank, but will resist it coming from Congress. This answer is enough to explode the objection. It not only puts an end to it, but makes it ridiculous. No further answer is necessary to be given; but a further answer is at hand, and will be given. It comes from an authoritative source. The report of the committee of the banks of New York, on the resumption of specie payments, made on the 28th of February last, and approved in a general meeting of the banks of the city, holds this language:

"In contemplation of the resumption of specie payments by the banks of the city of New York, on or before the tenth of May next, and under the uncertain contingency of a simultaneous or early resumption by the banks of some of the other great commercial cities, it is incumbent on those of New York to adopt all the measures within the limits of their resources, which may enable them not only to resume, but also to maintain specie payments."

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"The fall in the rate of foreign exchanges, now considerably below par in our city paper, renders it absolutely certain, that no exportations of specie can take place, and more than probable that a considerable influx may be expected. This fact, now indisputable, must have an effect on public opinion, and ought to remove the apprehensions of those who may have believed our efforts for an early resumption premature. Secure, as all the banks in the United States are, against foreign demands, we are justified in expecting their co-operation. If this is obtained, we do not perceive any obstacle to an early, easy, and safe resumption of specie payments."

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"A continued suspension, on the part of some of the other great commercial cities, can alone render the resumption on our part difficult, and may prevent a free application of the legitimate resources of New York. Yet, such is the favorable relative state of the balances between this and the other parts of the Union, that for the present, at least, but little need be apprehended from the effect of natural causes. Of deliberate acts of hostility, as there could be no motive for such, there should be no apprehension on our part. We trust that, supported by the community of this city, and by the State, the banks will be able to surmount all obstacles, and on or before the tenth of May to resume and maintain specie payments."

From this authentic report, it is seen that the banks of the city of New York have determined to resume specie payments on or before the 10th day of May next; that they ask nothing but the co-operation, or forbearance, of other banks, and are afraid of nothing but the deliberate hostility of some non-resuming banks in other cities, that is to say, Mr. Biddle's bank in Philadelphia. This is the language of the banks in New York. They ask nothing, and they fear nothing, from the Federal Government. They fear nothing from the Sub-Treasury bill. They declare their only danger to be in the conduct of the non-resuming banks of some neighboring cities. Now, which is entitled to most credit in this contradiction of opinion, the New York banks, or the politicians on this floor? Certainly it is a case in which the opinion of the banks must prevail. They know their own con-

dition; they know the condition of others; they have the work of resumption to perform, and they say they can perform it. If *they* can, all other banks must be able to do it likewise, or must have imposed falsehoods upon the country when they stopped payment last May; for all then declared that they did not stop from their own weakness, but from the example of New York; and that they would be ready to resume whenever her banks did. This was the language of all, and of none more publicly and positively than that of Mr. Biddle's bank. The banks, then, upon their own showing, are all able to resume, and it is not for politicians, who cannot be admitted to know the condition of the banks as well as the banks do themselves, and who have their own political objects to accomplish by prolonging the suspension—it is not for them to discover excuses for the future failure of the banks in the acts of a Government, the whole of whose acts are, in their eyes, full of folly and ruin. Even if these politicians stood before the country as sound judges, their judgment could not come in competition with the opinion of the banks. But they do not so stand. They do not stand as sound judges, but as frail and fallible partisans, whose habitual vaticination of ruin from every act of the Government—whose thousand and one mistakes heretofore committed—whose burning desire to get into power by destroying the credit of those in power—must reduce them to the condition of permanent prophets of wo, predicting destruction, as a matter of course, from every thing which their adversaries do.

The establishment of a Treasury bank is the next great objection to the bill. It is declared to be a Treasury bank; and then a frightful picture of the evils of such a bank is drawn by each speaker, and held up to terrify the people. I thank them for this objection; it kills off four others which this party have made against this Administration, and on each of which they have have insisted with all the vehemence with which they now urge this one. It kills off the whole charge of intending to establish a National Bank in New York; the whole charge of intending to impose the safety fund system upon the whole Union; the whole charge of intending to govern the country, by a corrupt league of pet banks; and the whole charge of intending to impose an exclusively metallic currency upon the country. The establishment of a Treasury bank is inconsistent with these four charges, and, being the last charge, it kills off the others. In this, it does us good service. It shows what stuff the gentlemen's charges are made of. It kills off four of their most serious charges at a blow; and now we will kill it off, and so finish five together. This can be done with two words; in the first place, there is not one feature of a Treasury bank in the bill; in the second place, I pledge myself to vote to eradicate it, if gentlemen can show me a single feature.

Sensible that there is nothing in the bill to justify the objection, gentlemen fly off to suppositions, and charge a future design to erect a Treasury bank upon the foundation of an Independent Treasury, and to furnish the Government with boundless supplies of money, by the issue of exchequer bills in the shape of Treasury notes. To these imaginations of the gentlemen, I can only oppose positive denials, and wait for time to perform its office upon this accusation as it has done upon all that they have made for eight or nine years past. For one, I shall never vote for such a bank, nor for nother issue of Treasury notes.

A *third* objection is to the insecurity of the public moneys in the hands of the Government agents. Gentlemen suppose that the moneys will be much safer in the keeping of the banks, than in the custody of the officers appointed by the Government to keep them. This is an objection which both reason and experience rejects. Reason teaches us that a number of men acting together, will do that which each one of them, individually, would scorn to do. Thus, a board of bank directors would do an act which each member of the board, in his own individual case, would spurn to do. Take the case of the thirty millions of public deposites in the hands of the banks in May last. They were in the custody of boards of directors; and, as boards, the directors acted in refusing the restitution of these deposites to the Treasurer of the United States, and to the disbursing officers in whose names they stood. But suppose these thirty millions had been deposited with the members of the same boards in their individual capacities, their personal honor, to say nothing of their bonds and securities, bound for the restitution—they would have restored the amount to the last dollar, and felt the deepest humiliation at the slightest delinquency. Such would have been their conduct. An individual is a safer depositary than a board; and far better would it be to confide the public deposites to any one single director of a bank, than to the whole together as a corporation. A corporation has no soul and no conscience: an individual director has both; and these, with his bonds and securities, would be the highest pledge for his fidelity. This is what reason teaches us. Now for experience. We have Treasurers of the United States, and but one Treasurer at a time. These Treasurers have passed through their hands, counting from the foundation of the Government, about eight hundred millions of dollars. Has any part of these eight hundred millions been lost in their hands? No: not one cent! Again: we have Treasurers of the Mint, one at a time. These Treasurers have had the actual keeping, counting, and paying out, of seventy-three millions of dollars in gold and in silver. Has one piece of it been lost in their hands? No: not one! Under the bill before us, the mints are to be made depositories of the public moneys. Experience shows them to be safe places; their peculiar occupation makes them proper places; and I wish we had three or four more of them, and then all the public moneys might be deposited in them.

But gentlemen, in support of their objection, made an assertion, and started an inquiry which has ended in the total overthrow of their position. They ventured upon a question of fact—a question of figures and records—a question to be answered by documentary evidence. It was as to the comparative amount of past losses; whether the Government had lost most by using banks, or by trusting to their own fiscal agents; and in this inquiry gentlemen were bold in their affirmation that the comparison was to the disadvantage of the Government agents, and entirely in favor of the banks. How unfortunate for their argument this attempt to do honor to the banks! It has led to official inquiries at the Treasury Department, and here is the answer. It is a communication from the Secretary of the Treasury, dated February 28th, of the present year:

"In answer to the first inquiry, as to 'the amount of balances against all banks which have been used as public depositories that is not secured, or will probably be lost, adding thereto the estimated loss that has accrued by taking on public account depreciated bank notes,' I would observe, that it is computed those balances so lost will be about $1,000,000, and the loss by taking such notes about $5,500,000; making, in the aggregate, $6,500,000. This is without the addition of any interest, as are the subsequent statements. If interest was cast on the above sums, the aggregate would exceed $13,000,000.

"The data on which this computation rests are, that the nominal balances against banks that have been public depositories, and in default, are now, though excluding what stands to the credit of disbursing officers, about $7,000,000. Of this sum near $1,076,000 stands against old bank depositories, and the residue against recent ones. The loss to the Treasury by taking depreciated notes in 1814, '15, '16, and '17, is estimated at quite $5,500,000; and there is now on hand of such notes, then received and never paid away or collected, about $80,000 more, as is more fully detailed in a report to the Senate from this Department, made the 1st instant. These constitute an aggregate of $12,580,000."

To these losses from local banks is to be added the sum of $233,422, for the principal and interest of dividend due from the Bank of the United States, and withheld on a pretexted claim for damages on the protested bill of exchange on the French Government. The answer to the second branch of the inquiry stands thus:

"In answer to the second inquiry, as to 'the amount of balances against all kinds of collecting officers which has not been secured and will probably be lost,' I have, after careful examination, computed that it will not exceed from $900,000 to $1,200,000. From the long period covered by these balances, connected with their great number, it must be obvious that the amount which has been wholly lost cannot, in many cases, be ascertained with accuracy.

"But the data for this estimate are as follows: The nominal amount of such balances is about $2,500,000. Schedules of most of them late as October, 1837, with certain explanations, may be seen in a report to the House of Representatives, made by this Department on the 15th January last; and another, with more detailed explanations, is now preparing, in conformity to a resolution of the Senate, passed the 15th instant. From the whole amount, there should first be deducted a sum for what has been ascertained to be probably secured or paid. This ranges from $1,000,000 to $1,150,000.

"Of the nominal balances, a further sum, equal to near $300,000, has never been put in suit; and, in most cases, this is believed to have arisen from a knowledge that nothing would appear to be due when the vouchers were all offered, and the allowances made which were considered legal."

Thus stands the comparison between the banks and the collectors and disbursing agents; and the difference is more than five to one in favor of the collectors and these agents. In both instances, the comparison goes back to the foundation of the Government, and it is to be observed that the losses among the collectors almost entirely accrued under the old system, before the four years' law took effect—that law which brings the accounts of every moneyed agent to a close every fourth year. Thi law, with other regulations at the Departments have nearly put an end to losses by collectors. In the War Department, in the disbursement of one hundred millions in the last fifteen years, there has not been the loss of a dollar. The other Departments have also been greatly improved. If the comparison had been confined to the last fifteen years, since the new law and the new regulations have been in force, it would have resulted still more to the discredit of the banks and to the honor of the Government agents. But it is not by the losses appearing on the Treasury books that this great question is to be answered. Those books only show the direct losses to the Government from the use of bank paper and banks as depositories; the indirect losses to the Government, and the losses to its creditors and to the whole community from the use of depreciated paper, must also be taken into the account; and then the mischiefs from the use of these banks and their paper money appear in their enormous, incalculable, and appalling amount. Gentlemen of the Opposition have recurred with great commendation to the report of a committee to the House of Representatives, of which Mr. McDuffie was chairman, some seven or eight years ago, to show the evils of a Treasury bank—that phantom of which there is no existence any where but in their own imaginations. They produce his report with every commendation; of course they cannot object to its authority; and here is a paragraph taken from it which should begin to open their eyes, or the eyes of the country, to the magnitude of the losses from Government reliance on local banks and their paper money.

"The Government borrowed, during the short period of the war, eighty millions of dollars, at an average *discount* of fifteen per cent. giving certificates of stock, amounting to eighty millions of dollars, in exchange for sixty-eight millions of dollars in such *bank paper* as could be obtained. Upon the very face of the transaction, therefore, there was a loss of twelve millions of dollars, which would, in all probability, have been saved, if the Treasury bad been aided by such an institution as the Bank of the United States But the sum of sixty eight millions of dollars received by the Government was in a *depreciated* currency, not more than half as valuable as that in which the stock given in exchange for it, has been, and will be redeemed. Here then is another loss of thirty four millions, resulting incontestably and exclusively, from the *depreciation* of the currency, and making, with the sum lost by the discount, forty-six millions of dollars."

Mr. McDuffie says, and says truly, in his report that this loss of forty-six millions was only one item in the catalogue of losses—that the loss to the community, and to the Government creditors, from using depreciated paper was beyond calculation. His remedy for these losses was a National Bank; mine is an adequate supply of gold and silver, and especially of gold; and if it is asked how much gold will be sufficient, I answer, that so far as the currency of a National Bank is concerned, twenty odd millions would be enough; for that is the maximum amount of currency that she ever furnished. A supply then of twenty odd millions of gold would meet all objections arising from the withdrawal of her currency, and that amount will be in the country before the present term of Mr. Van Buren's Administration expires, and double that amount in seven or eight years.

The loss to Government creditors was incredible from the use of depreciated paper during the late war. Even the Treasury notes were depreciated, in some parts, as low as 33⅓ per cent. The loss to creditors from the use of bank notes, since May last, has also been great. The public moneys in the hands of the deposite banks were then 30 millions; the Government has been paying it out ever since, to the great profit of the banks, to the immense dis-

credit of the Government itself, and to the heavy loss of many of its creditors.

But the money test cannot complete the comparison between the two classes of agents. Other considerations of great weight, and some of still graver character, belong to the subject. *First*, in point of amenability. The Government officers are amenable to the Government, subject to its laws and its orders; liable to summary proceedings for default, and to be pursued by execution wherever they go, and responsible in person and in property, themselves and all their securities, for all that is owing by them. Not so with the banks. They are the creations of the State Governments, subject to State laws, and having great influence over the enactment of State laws which concern themselves. The States may protect them, and have protected them, against the Federal demands. They have passed acts to prevent the recovery of damages which the charters had fixed; and to prevent execution against the banks themselves, unless the creditors would consent to receive his debt in current bank notes. This is what has been done; it is what is now done; and here is the evidence of it.

Mr. B. then exhibited a document, obtained from the Department of State, containing the acts passed by the legislatures of different States since the suspension of specie payments in May last. They were passed in States where there were deposite banks, then holding about thirty millions of public money, standing in the name of the Treasurer of the United States, or in the names of disbursing officers. These acts, in some instances, reduced the damages which depositors and holders of notes were entitled to recover; and, in some instances, denied execution against the bank, unless the creditor would endorse upon it that current notes should be receivable. Mr. B. said he had seen no instance in which these acts made any exception in favor of the United States; and he read the titles of several of the acts, and the names of the States in which they were passed, and referred to the Senators from those States to say whether there were any exception. No Senator answering in the affirmative, Mr. B. resumed, and said that here was an insurmountable objection to the future employment of State banks as public depositories, or to the reception of their notes in the payment of the Federal revenue. The States had interposed between the Federal Government and the holders of its moneys. They might interpose again and for ever. By so doing, they injured the United States, and laid a ground for complaint and collision with the State Governments. Every consideration of harmony and mutual independence should forbid the possibility of such occurrences for the future.

Again: The deposite banks, whether a National Bank or catalogue of State banks, were the friends of high taxes and low appropriations. They went for surpluses, for the accommodation of themselves and a few of their friends. They went for taxing the nation to the uttermost, and stinting appropriations to the minimum, that enormous surpluses should remain in their hands for loans to themselves and friends. He (Mr. B.) had a table in his hand, obtained from the Treasury Department, and showing the annual amount of balances in the Treasury from the foundation of the Government to the present time, and which he would read. It was valuable for two purposes: 1. To show how little need the Government has for large balances; 2. How large these balances became when the banks were powerful and the Government connected with them. In the first years of the Government, the banks were few in number, and comparatively weak; and then the surpluses stood thus:

Year.	Balance.
1789	$28,239
1790	570,023
1791	973,905
1792	783,444
1793	753,661
1794	1,151,924
1795	516,442
1796	888,895
1797	1,021,899
1798	617,451
1799	2,161,867
1800	2,623,311

Thus, during this period of twelve years, when the National Bank had but ten millions of capital, and State banks were few and weak, the average surplus for twelve years did not amount to one million of dollars. Now for a different picture. Behold the years 1815-'16-'17.

Year.	Balance.
1815	13,106,592
1816	22,033,519
1817	14,989,465

These three years covered the brief season of bank omnipotence after the conclusion of the late war. The second National Bank, with its thirty-five millions of capital, was then just created; State Legislatures littered local institutions by the forty at a time. Bank influence was predominant every where; and no where more powerful than in Congress. Its irresistible influence here was well described at that time by the intrepid and sagacious Mr. Randolph. This is what he said:

"Every man you meet, in this House or out of it, with some rare exceptions, which only served to prove the rule, was either a stockholder, president, cashier, director, attorney, clerk, or door-keeper, runner, engraver, paper maker, to a bank.

"We are tied hand and foot, and bound to conciliate this great mammoth," [the banking interest.]

Such was the power of the banks at that time; and the consequence was, an average surplus of near seventeen millions per annum. To be sure it only lasted three years; and the reason was, that the banks only ruled the country for three years. It was a short ride, and a merry one; and now for a plunge. Let us see the next four or five years.

Year.	Balance.
1818	1,478,526
1819	2,079,992
1820	1,198,461
1821	1,681,592
1822	4,237,427

Here the average is reduced to about two millions per annum; and why? Because the banks had lost their dominion over the country and the Government, and had neither the means nor the influence to inflate the Treasury. It was the season of their first catastrophe in time of peace; and every thing went down in proportion to their own great fall. It was the season of a general collapse. Let us pass on to the next ascension, to the next perihelion, of this ballooning of the banks. About the year 1833, when the National Bank had lost the prospect of a re-charter, but expanded its business, and when local banks were increased in unprecedented numbers, and as many as ninety of them became the depositories of the public moneys, their power and influence again became immense. The result, on the Federal Treasury, was:

Year.	Balance.
1833	11,702,995
1834	8,892,858
1835	26,749,803
1836	46,708,436
1837	35,759,630

Here is another season of five years of great power in the banks, and of close connection with them by the Federal Government. The result is, an average balance, that is to say, an annual surplus, of about twenty-seven millions of dollars! What a comment upon the connection between Bank and State! A connection which exhibits the Federal Treasury as a mere appendage to a rising, flying, plunging and falling balloon. We who have been here for some years have seen the inside working of this connection, and have seen the votes which created these enormous surpluses; votes to promote all taxation—to prevent all reduction of taxes—and to prevent all possible appropriations, even for the defence of the country, and for the completion of the fortifications; and we have seen these votes regularly coming from the friends of the banks. To complete the picture, it is sufficient to say that the banks had their second catastrophe, in time of peace, in May last; and that now the balance in the Treasury is low enough!

Mr. B. said, he had for years pointed out the Bank of the United States, while the depository of the public moneys, as the ally of taxes, and the enemy of appropriations; he had made the same remark upon the local deposite banks almost as soon as they were in operation; and he had now given the evidence to show the justice of the application of this character to them both. It was a most fatal objection to all connection with those banks; an objection from which the Government agents would be wholly free. With the mints and individual officers, to keep the public moneys, there would be no interest here to create surpluses for the benefit of banks and their favorites.

A *third* answer to this objection is, that it goes to the form of our Government, and impeaches the capacity of the people to administer their own Government. The objection is, that the agents selected by the Government, and responsible to it, cannot be trusted to keep the public moneys; and, therefore, the custody of the money must be confided to bank directors, who are not appointed by the Government, nor responsible to the people. This is the objection; and, upon its face, it impeaches the capacity of the people to administer their own Government, and to take care of their own property. This is an inevitable inference; and, perhaps, another inference will also result; *namely*, that if banks are *necessary* to the Federal Government, she will have the same power to *create* as to *adopt* these institutions.

A *fourth* objection made to the Independent Treasury is, that it will hoard specie—that it will cause the Government to become an immense miser, hoarding in the deep recesses of vaults, and confining with bolts, bars, and safes, a vast accumulation of gold and silver. Sir, the table of balances which I have read explodes this objection. It shows that the Government has no balances of any consequence, except when it is connected with banks. When free from that connection, or when the banks are too weak to exert an influence over the public counsels, the surplus on hand is next to nothing; a million per annum in the earlier stages of the Government, and two millions per annum in later times. The table shows how little need there is for any surplus; for it is notorious that the Government machine worked far better when it was a *touch-and-go* business with the Treasury, than it ever did with its ten, twenty, thirty, and forty millions of surplusses. There will be no surplus to be hoarded if the Government can succeed in breaking its connection with the banks. Economy can then be practiced, as well as professed. It can then be practised by those who are really in favor of it.

Mr. B said, that at the extra session he had given it as his opinion that the payment of the Federal revenues in gold and silver would not occasion more than four or five millions of dollars to be taken out of circulation; in other words, that four or five millions would accomplish the annual payment of the whole revenue. A further study of the subject, and a view of the table of balances which he had just presented, induced him to believe that two or three millions would be sufficient. One million was found to be sufficient in the first twelve years of the Government, and two millions in the five years from 1818 to 1822, inclusive. The same amount would have been equally sufficient at all other times. He was against surpluses; he was against any financial calculation for leaving any amount whatever in the Treasury; he was opposed to any scheme of finance which had for its basis any reserve of money in the Federal Treasury. This was an old subject with him [Mr. B.] He had made his acquaintance with it twelve years ago. He had then tried his young hand, for the first time, on a financial subject, and on resolutions submitted by himself to repeal so much of the Sinking Fund act of 1817 as directed a reserve of two millions per annum to be kept in the Treasury. He had then shown it to be an unnecessary precaution; that it was far better to cut down taxes to the estimated expenditure, and invest the Government with a contingent authority to borrow the two millions in the event of a need for it to meet appropriations before Congress would assemble. This was his opinion twelve years ago; it was his opinion now. He was opposed to any plan for leaving a surplus dollar in the Treasury; he was opposed to the issue of Treasury notes to supply deficiencies; he was for the contingent authority to borrow, if necessary, a small sum to meet appropriations, and then paying it off out of the first surplus. In this way, and by increasing and diminishing the amount for the flexible objects of ex-

penditure, such as fortifications, ships, harbors, light-houses, &c. the small, occasional, and alternate deficiencies and excesses in the revenue could be easily, safely, and economically met and provided for.

Not specie enough in the world to supply the demand which this bill would create, and not time enough in the year to count it, if there was enough, is another of the objections to this bill. This is relied upon by many speakers, and grave calculations are gone into to show that the three hundred and sixty-five days in the year would be too short a time to suffice for the counting in and counting out the Government revenues, if paid in gold and silver. Sir, there is a species of argument which the logicians call the *argumentum ad ignorantiam*—an argument to ignorance; but this argument goes beyond that, for it is an argument to the lowest degree of ignorance. If any answer was due to it—the counting part of it—it might be found in the act of 1789, when the revenues were directed to be paid in gold and silver coin *only;* and also, in a speech delivered on the floor of the House some years ago, when the collection of the revenues in hard money was so strenuously urged by a gentleman, now so entirely opposed to it.* But no answer is due to it. Every body knows better. Neither individuals, or nations, ever lost time in counting masses of specie. Ordinary sums are counted without loss of time, and masses are transferred by weight, or in kegs or bags.

With respect to the other part of the objection—the impossibility of getting an adequate supply—it is an objection refuted by the experience of all nations, and particularly by our own experience. At the close of the Revolution we had nothing but depreciated paper; in six or seven years afterwards we had an adequate supply of gold and silver. So of France: In 1800 she had nothing but assignats, depreciated as low as our old continental bills. In seven years afterwards she had a specie currency of five hundred and fifty millions of dollars. So of England: In 1819 she had nothing but depreciated paper; Parliament passed an act for the resumption of specie payments, and allowed four years for the banks to supply themselves. In two years the Bank of England reported an acquisition of twenty millions sterling in gold—one hundred millions of dollars—and that she was ready to resume. The same bank now, at this moment, has made an acquisition of six millions sterling—thirty millions of dollars—in the brief space of nine months. In May last, her supply was three and a half millions sterling; in January, it was nine and a half. But to come to our own country. Our custom-house returns show that specie flows in upon us annually in large masses, and either remains with us, or goes off again, precisely as it suits our own policy to retain it or not. Our correct returns of imports and exports of specie go back to the year 1821, and this is the result:

	Imports.	Exports
1821 - -	$8,064,890	$10,478,059
1822 - -	3,360,846	10,810,189
1823 - -	5,897,896	6,372,897
1824 - -	8,379,835	9,014,553
1825 - -	6,150,765	8,797,955
1826 - -	6,880,960	4,704,553
1827 - -	8,152,130	8,014,880
1828 - -	6,489,741	8,242,476
1829 - -	7,400,612	4,924,020
1830 - -	8,155,964	2,178,773
1831 - -	7,305,945	9,014,931
1832 - -	5,907,554	5,656,340

This includes a period of twelve years. The imports for that period amount to the large sum of $83,356,000. The average import was about seven millions of dollars per annum. If the specie policy of General Jackson had then been in force, a large proportion of this import would have remained in the country; but the paper money policy was then in the ascendant. The Bank of the United States was then omnipotent; and her policy was to export specie, for the double purpose of making a profit on the export, and creating a vacuum at home, to be filled by her own notes; and, above all, to deprive the country of specie, and reduce the local banks to the use of her notes for their capital; so that when she wished to upset the Government, to rule the elections, or to convulse the moneyed world, she would have nothing to do but to order a curtailment of two or three millions a month, and charge it upon any act, no matter what, of the Federal Government. This was the policy which then prevailed, and accordingly, large as the import of specie was in these twelve years, the export was still larger: it was $84,280,000. Thus, instead of retaining any part of what came in for the use of the country, there was actually sent out about a million more than came in.

The next period of five years shows the effect of the specie policy. The imports and exports for this period stand thus:

	Imports.	Exports.
1833 - -	$7,070,368	$2,614,951
1834 - -	17,911,662	1,676,258
1835 - -	13,131,447	5,748,174
1836 - -	12,166,372	4,435,815
1837 - -	10,954,432	7,714,990

Behold the difference! Our imports for five years amounting to sixty-two millions; our exports almost nothing. The average import for the whole five years, including 1837, amounting to about twelve millions and a half of dollars; and our exports, except for the extraordinary year of 1837, only averaging a little over three millions. This is the state of our own experience. It shows that, without any demand for specie, it flows in upon us at the rate of seven millions per annum, but flows out again; that with a demand for it, it flows in at the rate of twelve and a half millions per annum, and nearly all remains with us. This is the effect of a demand for specie for the Federal Treasury. Let that demand continue. Let the Government continue to collect, and above all, to pay out, specie, and in a few years the national supply will be complete. The country will possess as much as it can use, be it a hundred, a hundred and twenty, or a hundred and fifty millions. The supply will find its own level, and the excess will flow off.

These, sir, are the main objections to the bill. They are the principal ones which have been urged. They will not bear examination. Every argument resulting from them is an argument in favor of the bill, instead of being against it. And what is the alternative proposed by those who object to this bill? By the Federal gentlemen the alternative is openly proclaimed to be a National Bank: that is to say, Mr. Biddle's bank; for they mean no other. By a few of the Republicans, a resort to the State banks is the alternative. The Federal gentlemen agree to take this latter alternative for the present—as so much gained towards their National Bank—as a half-way house to that institution. This is candid in those gentlemen. It is candid, if it is not wise. They will go with a few of our friends to the half-way house, knowing that Mr. Biddle can blow up that house any night that he pleases, and that the Chestnut street palace must then become the refuge of the terrified inmates of the demolished stopping place.

Mr. B. would not dilate upon the dangers of this alternative. To learn danger—to take warning—from an enemy, is a maxim of great antiquity, and one which has its full application on this occasion. If neither the conduct of the Opposition, their language, their speeches on this floor, can warn gentlemen, it would seem to be almost in vain to appeal to past experience, to witness the present, or to contemplate the future. The State bank deposite system, with the use of their paper money, has failed us in time of war and in time of peace. It has twice failed in time of peace. It is now in a state of failure. The late deposite banks now owe the Government six and a half millions of dollars, which an empty Treasury in vain calls for. To rely upon them again, is to walk into the pit in broad day with the eyes wide open. Our banking system, always on fallacious principles—always unsolid and delusive—is now becoming worse than ever. It becomes worse daily, and in many instances, is made so on purpose, that another catastrophe may be produced, and then charged upon the Administration. Issuance of small notes, even down to a dollar; issuance of post notes; connection with party politics, and with that party whose connection has been fatal to all its associates; subjection to the policy of the Bank of the United States, on the part of a great many banks; such is the downward course of our banking system at present. Timely and prudent reformation might save it; but all reformation is resisted and baffled. To make all worse, seems to be the policy of those who have most power over the subject. Under these circumstances, what fatuity in the Government of the United States to connect its Treasury again with these institutions, big with inherent dangers, and beset by a tremendous foe!

I have gone over some of the objections to the plan for an Independent Treasury. I have spoken to some parts of the bill before the Senate; but the merits of that bill are no part of the real question. The contest is for power. Political power is the object of the Opposition—abuse of the bill, the means of attaining it—and a panic the grand desideratum. Panics are the aliment of the Federal party—terror their engine for governing the people. The mythological god *Pan* is the divinity of their worship. To him they look for help—to that grotesque and hideous deity, half man and half goat, whose bare apparition in ancient times would put whole armies to flight. This is the tutelary divinity of the Federal party, and always has been. Panics were their resource from the foundation of the Government; and, forty years ago, the French Revolution was what the Republican administrations now are, the great magazine of horrors from which they supplied themselves with "*gorgons' heads and chimeras dire*," to alarm and terrify the nation. Mr. Jefferson, in his memoirs, has described that period, emphatically called the Reign of Terror. He has given many pages to the description of it; but declares that no person, who did not witness it, can form any idea of the terrorism with which the Federal party then surrounded itself, and the rudeness and violence with which they browbeat and insulted the Republicans. Some extracts from his description of that period may bring up useful recollections at this time, when the violence of the revived Federal party so far transcends all that was witnessed forty years ago. He says:

"The horrors of the French revolution, then raging, aided them mainly, and using that as a raw-head-and-bloody-bones, they were enabled by their stratagems of X, Y, Z, their tales of tub-plots, ocean massacres, bloody-buoys, &c. to spread alarm into all but the firmest breasts. These transactions, now recollected as dreams of the night, were then sad realities; and nothing rescued us from their Iiberticide effect but the unyielding opposition of those firm spirits who sternly maintained their posts in defiance of terror. · · · · · The usurpations and violations of the Constitution at that period, and their majorities in both Houses of Congress were so great, so decided, and so daring, that after combating their aggressions, inch by inch, without being able in the least to check their career, the Republican leaders thought it would be best for them to give up their useless efforts there, go home, get into their respective Legislatures, embody whatever of resistance they could be formed into, and if ineffectual, to perish there as in the last ditch. All, therefore, retired, leaving Mr. Gallatin alone in the House of Representatives, and myself in the Senate, where I then presided as Vice President. Remaining at our posts, and bidding defiance to the browbeatings and insults by which they endeavored to drive us off also, we kept the mass of Republicans in phalanx together, until the Legislatures

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*Extract from Mr. Webster's speech on the Bank of the United States Charter Bill, February, 1816.

"No nation had a better currency than the United States. There was no nation which had guarded its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, were HARD MONEY MEN; they had felt, and therefore duly appreciated, the evils of a paper medium; they therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject, in regard to which Congress had run into no folly. · · · Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; *there could, in the present state of the world, be no other currency.* In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged *in direct violation of existing statutes*, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated. · · · ·

"As to the evils of the present state of things, Mr. W. admitted it in its fullest extent. If he was not mistaken, there were some millions in the Treasury of paper which were nearly worthless, and were now wholly useless to the Government, by which an actual loss of considerable amount must certainly be sustained by the Treasury. This was an evil which ought to be met at once, because it would grow greater by indulgence. *In the end, the taxes must be paid in the legal money of the country, and the sooner that was brought about the better.* · · · ·

If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it now was that nothing should be received in payment of duties to the Government but specie; and yet no regard was paid to the imperative injunctions of the law in this respect. *The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government in the legal currency of the country.*"

could be brought up to the charge; and nothing on earth was more certain, than if myself particularly, placed by my office of Vice President at the head of the Republicans, had given way and withdrawn from my post, the Republicans throughout the Union would have given up to despair, and the cause would have been lost for ever. By holding on, we obtained time for the State Legislatures to come up with their weight; and those of Virginia and Kentucky particularly, but more especially the former, by their celebrated resolutions, saved the Constitution at its last gasp. No person who was not a witness of the scenes of that gloomy period, can form an idea of the afflicting persecutions and personal indignities we had to brook. They saved our country however. The spirits of the people were so much subdued and reduced to despair, that they could have sunk into apathy and monarchy, as the only form of Government which could maintain itself."

Such, Mr. President, was the terrorism with which the Federal party surrounded itself forty years ago; such its mode of action then; and such its manner of acting on the public mind now. The Presidential election of 1796 was carried by terror, extracted from the French Revolution; the election of 1800 came within three votes of being carried by the same means. The second election of Mr. Jefferson prostrated Federalism—sent it into a state of hibernation far north, and with it the mythological deity of its worship, and the whole machinery of terror and alarm. The appearance of General Jackson, at the head of the list of Presidential candidates, in the winter of 1824–25, and the events of the election of President at that time by the House of Representatives, revived the two primitive political parties—the Republican and the Federal—and with the latter, its distinctive passion for terror, alarm, and panic. From that day to the present, a succession of alarms has agitated the public mind. Raw-heads-and-bloody-bones have stalked in solemn procession over the public stage. First, it was the military chieftain, who was to put an end to the Republic at once, with the sword. Then Congress was to be turned out of doors, neck and heels. Then the liberty of speech was to be put down—to be suppressed by main force: afterwards it was to be choked down by corruption. Then came a fright about pocketing bills. General Jackson did not return the land bill, which was sent to him too late to be returned; and, thereupon, all bills were to be pocketed, and all Federal legislation destroyed. After that, we had the Maysville Road bill veto alarm; and such was the effect of this fright for some months, that many good people believed that there was going to be a general destruction of all roads, and that all travelling would be reduced to scrambling through the woods, camping out at night, and swimming creeks and rivers like otters. Quick upon the heels of this fright, came the National Bank bill veto alarm. Then there was no mistake. Destruction had arrived. National wo had arrived. The price of all produce and property was to sink to nothing; every man's estate was to perish on his hands; black desolation was to sit upon the land. From the contemplation of this ruin, the nation was suddenly roused up to the apparition of the French war. For three months, this spectre of a French war kept its place on the public stage, to the extreme irritation of the nervous system of aged ladies, and with vast expenditure of ink and paper to the peace societies. The arrival of the *gold indemnities* put an end to the fantasies of this poor spectre. These brief and various little panics were preludes to the great one—the deposite-removal panic of 1833–34. This was a panic indeed, not only great in itself, but the prolific parent of a progeny of subaltern alarms. Orators here, and bank screws elsewhere, worked up the nation to a paroxysm of consternation. Great was the terror excited, and great the mischief inflicted. For six months, this chamber was the laboratory of alarm; the distress flag flying, the tocsin beating, and the alarm guns firing; all the while the Bank of the United States turning the screws on her debtors, to the sound of our music, and, with each scream of its suffering victims, exultingly demanding if the distress had not arrived?

The revolution without bloodshed—the expulsion of this body from its chamber by a military force—and the Protest, which was to wipe out the Constitution—were among the prominent scenes of that magnificent panic. The revolution was, in itself, a curiosity. It began in the middle, carried itself on without bloodshed, and ended without a catastrophe. That it has ended, I myself do know. I know it of my own knowledge, and can tell you how. You remember, sir, we were then informed that, in revolutions, there were no Sabbaths. Now, I have seen Sabbaths since that time myself. I have seen the people at church, worshipping, and keeping the Sabbath. This is conclusive; it is proof incontestible that the revolution has ended. Bloodless, we know it to have been. Without a catastrophe, we know it was. There was no list of killed and wounded; but there were some crippled and lamed—a certain catalogue of Presidential candidates, architects of panic, were gravelled on that occasion. They became what the "safe and solid specie-paying" bank notes are in the Treasury—*an unavailable fund!* They ended with finding themselves *hors du combat;* not horses of combat, as a worthy friend of mine is accustomed to read that French phrase, but stabled animals, withdrawn from the turf, tied up to the rack, solitary and alone, to digest their provender at their leisure.

The Senate expulsion panic, though severe at the time, is hardly to be regretted, on account of the noble spirit which it caused to be developed in this body. When the first tidings arrived of General Jackson's design to expel the Senate by force of arms, then was seen what stuff our hearts were made of. Incontinently patriotic indignation rose to the highest pitch, and courageous resolutions exhibited themselves in daring forms. Some proposed to go forth, and bravely meet the advancing danger. Others preferred to arm the doorkeeper, the messengers, and the boys with sticks and staves, and to plant them behind the jambs of the doors. Others, like ancient Romans, deemed it more senatorial to abide the event; in a sitting posture, not in curule, but in their leather back chairs. While still in this fearful condition, the portentous Protest arrived, to heighten the exciting scene, to multiply its perils, and to superadd alarm for the safety of our beloved Constitution to the personal consternation we endured on account of our own necks and limbs. How the Senate became relieved from this double peril is matter of history, which the tongue of eloquence has already immortalized on this floor, and which the pen of truth will faithfully transmit to a remote generation. Virginia came to the rescue! Hanover county did the business! We all remember that day when an orator of this body, rising in his place, announced to us the glorious results of the precinct elections at Long Tom, Slow and Hungry, Negro Foot, and Hell Town; and concluded with a declaration that he had heard the last knock of the hammer on the last nail in the coffin of Jacksonism. At this annunciation our spirits rose. The Senate breathed freer and deeper. We all began to feel like Brutuses, ready to brandish high our gleaming steel, and call on liberty, and bid the fathers of their country hail! for, lo, the tyrant down, and we again all free. But, alas! the mutability of human events! quickly we found ourselves in the condition of the poor fisherman in the Arabian Nights, who had corked up the terrific *genie* in a bottle, from which the giant spectre had emerged to fill all space with the expansion of his boundless form, to overshadow the whole earth with his endless height, and to menace the luckless fisherman with instant annihilation. So of the Senate, and its coffined Jacksonism. We had it in the coffin; we nailed it up; we were sure of it. We considered Jackson done for ever; yet he reappeared on the political stage with more power than ever, and with such effect upon the vision, that those who affirmed to us on this floor that they saw him coffined, now declare that he is still President of these United States, ruling the country with a rod of iron, and menacing all existing institutions with instant ruin.

Subordinate to these great alarms, Mr. President, were three small ones, which filled up the year 1834. There was the gold bill alarm, which was to debase the currency, and deprive the country of silver; the Safety Fund system alarm, in which the Albany regency were to extend corruption and intrigue to the uttermost boundaries of the Union; and the pet bank alarm, in which the country was to be ruined precisely to the same extent, by a conjunction with the banks, that it now is by a separation from them.

After so much agitation there was repose for a little while. We rested nearly two years, until the year 1836. In that year, the Treasury order appeared, and the occasion was deemed a favorable one for the revivification of panic and distress. A signal gun was fired from the Chestnut street palace, in the form of a letter from the president of the Bank of the United States to an ex-President of the United States. A response to that signal echoed from Kentucky, in the shape of a barbecue speech. Congress met; the proper resolution was introduced; panic speeches were let off. A brave effort was made, but to no purpose. The country refused to take fright, and that experiment upon the public nerves died out.

The expunging panic then took its turn. It was a hard struggle for an alarm, but no progress could be made at it. The people could not see the destruction of the Constitution, in the purification of the Senate journal. They could not see the destruction of the journal in the erasure of an iniquitous sentence from it. Far from being frightened at the act, they ordered it to be done; and the branded page will stand for ever as the evidence of a factious outrage on one side, and a monument of national reparation on the other.

The Treasury order and the expunging panics both failed. They were abortive experiments upon the nervous system of the people. Nothing disheartened, however, we find the Opposition gentlemen now bravely engaged at the fabrication of another. The Sub-Treasury bill panic is now the order of the day; and the total destruction of all banks—the total destruction of all credit—the sudden erection of a Treasury bank upon the ruins of all others—the exclusive imposition of Treasury bank paper money currency upon the people, and, at the same time, the exclusive imposition also of a hard money currency upon them; these are the raw-heads-and-bloody-bones which are now paraded before the eyes of the people. A certain speech delivered on this floor, the title page of which will claim a prominent place in the next emission of coffin handbills, is the congeries of these new horrors—collected, compounded, and conglomerated into one huge and frightful mass. With the delivery of that speech went forth the authoritative mandate for the new panic; but in vain. The people are tired of being scared. They refuse to take fright any more. Calm as a summer's morning, they read with indifference the programme for the alarm, and view with contempt the marshalling of the procession of the hobgoblins, phantoms, and spectres which are put in requisition for the ensuing elections. The country is quiet. But, behold the symptoms of panic in another quarter! The panic makers themselves are beginning to take fright! The tenth day of May approaches; and with it the elevation of that RESUMPTION FLAG which will cheer the hopes of all Republicans, and impress with terror the fainting hearts of the broken bank and shin-plaster party.

Thus we have gone on ever since the appearance of General Jackson on the political stage, and the coincident revival of the old political parties of 1798. Terror is the chosen agent of action upon the public mind *now* as it was *then;* but with this great difference, that the phantoms then brought forward to frighten the people into measures, were solely directed to the nervous system, and never combined with any attack upon the business operations of the country. People were then to be frightened out of their votes, but not deprived of work and labor, or ruined in their trade and occupation. Now the assault is double—it is both upon the nerves of the man, and upon his bread. The famous Queen Elizabeth, in stopping the income of the refractory Earl of Essex, said, *an ungovernable beast must be deprived of his provender.* So of the present Opposition tactics in our own country. Stop his bread—make him feel—turn him out to graze; this is the language of the day. An immense moneyed institution, able to create the distress which it foretells, has brought this *Queen Elizabeth ingredient* into the composition of modern Federal panics; and now every successive attempt at alarm is accom-

panied by an attack on the business of the country co-extensive with the power, and the ramifications of the power, of the Bank of the United States. Laborers dismissed—work stopped—factories closed—wages reduced—bread and fuel monopolized, and the price augmented—bank accommodations withheld from small dealers and hard workers, and profusely granted to capitalists, shavers, and speculators—specie payments suspended—exchanges deranged—actual distress created by every act of oppression and aggravated by every act of exaggeration—distress meetings—distress orations—distress committees—and the whole charged by its own authors on the Republican Administrations; such is the infusion of demoniac ingredients which bank vengeance has superadded to Federal panics, and by which the elections are to be governed, and the people scourged into submission to Federal and Bank domination.

It is now about six years since these attacks have been going on. They commenced with the famous veto session of 1832—the marble palace in Chestnut street, Philadelphia, being the source from which they emanate. The nearer to that source, the more the country is affected and injured; the farther off, the less. Thus, the South and West are less injured than the Northeast; and, in some particulars, the South and West are gaining under the effect of these attacks on business, while the States and cities North of the Potomac are losing. It is time for reflecting men to consider the consequences of this unnatural warfare upon the business of the country. It is time for them to ask themselves what its effects must be on the population, the manufactures, and the commerce of the Northeast, and on the banks themselves, which either become the criminal agents, or the unfortunate victims, of this diabolical policy. History informs us that the revocation of the edict of Nantes deprived France, in three years, of three hundred thousand souls, who carried to foreign States the arts and manufactures of their own native country. History also informs us that the tyranny of the Flemish manufacturing corporations transferred the woollen manufacture from Flanders to England. Already an effect similar to that of the revocation of the edict of Nantes on France, and of the tyranny of the Flemish corporations on Flanders, is beginning to be visible in the effects of this war upon the business of the country in the Northeast. Great is the number of respectable and useful artisans and laborers—great the number of enterprising young men—numerous the heads of families, with their sons and daughters, and promising train of young children, which have already bid adieu to the troubled scenes of the Northeast, and sought repose and independence in the rich and tranquil regions of the far West. Never was the emigration to the West so great. The roads, rivers and canals—all the western communications—are filled with moving masses, pressing into the great Valley of the Mississippi. "*Westward the star of empire holds its course.*" A continuation of the causes of this emigration must augment the emigration itself; and in a few years the effects must be felt on the population and manufactories of the Northeast. To the banks themselves, whether the agents or the victims of this unnatural warfare, a continuance of such conduct must be fatal. Political associations for any purpose, and with any party, must be dangerous to banking institutions; but an association with that party whose connection has been fatal to two National Banks, and to every thing else that it ever touched, and an association to govern elections by breaking up the business of the country—such an association, must be fatal indeed, not merely to the culpable banks engaged in the work, but to many innocent ones which avoid their policy. To the great importing cities, and especially to New York, a continuance of this course; with a repetition of bank suspensions, derangement of exchanges, and interruption of credit, must be highly deleterious. The early loss of the Southern and Western trade may be the penalty of such conduct. Habit, and adventitious circumstances, now carry the Southern and Western merchants to the Northeast to purchase goods; and to purchase them at all the disadvantages of a second hand sale, loaded with the costs, charges, profits and losses of an intermediate sale. Direct purchases in Europe are as easy for the South and West as this second hand operation, and far cheaper. They have the capital—the real capital—in their hundred millions of annual exportable productions. They sell at hard money prices in Europe, and purchase at paper money prices in the United States. The paper system, always hard upon the exporting States, becomes ruinous to them in its derangements. The South and West have only to begin direct importations, and the natural channels will vindicate their own rights forever afterwards. Venice, Genoa, Alexandria, Cairo, once entrepôts of Asiatic and European commerce, had as well look for a restoration of that commerce after the Cape of Good Hope had been doubled, as that New York, Philadelphia, or Baltimore, shall look for a continuation of Southern and Western trade, when once the Liverpool and Havre markets shall be in direct communication with New Orleans and Charleston.

Mr. President, I have said but little—comparatively little—on the merits of the bill before you, because I know, as I have already said, that the merit or demerit of the bill, is not the question before us. It *was* the question which we presented; it is not the question which gentlemen of the Opposition have discussed. They bring forward another question—one of party, of political power, of restoration of themselves to power. They fly to all the topics of party warfare; they arm themselves from the magazine of party politics; and the Presidential election of 1840 is the object in view. The struggle is for the recovery of a lost charter, and restoration to lost power. The party which got into power, without the consent of the people, in 1825, and which has since been evicted from power by the voice of the people—that party now nerves itself for the dying contest of 1840. At its side is its well beloved cousin and ally, the denationalized National Bank, collecting all its energies for the recovery of a charter which a hero President, and a patriot people, refused to renew in 1832. This double recovery is the object; and the question which really presents itself, is this: ought the evicted Federal party, and the vetoed Federal Bank, be restored to the possession of the political and the pecuniary power of these United States? This is the question, and I hold the negative of it; for, of all Governments under the sun, restorations are admitted to be the most abominable and insufferable! They are the worst Governments ever known. Vengeance and persecution are their ruling passions, and indemnification for lost time their main occupation. It has been so in all ages and in all countries, and will be so for ever. Ancients and moderns—in Asia, Africa, Europe, and America—the same passions govern the restored party, modified only by the different degrees of civilization which prevail. With the Romans, it was proscription and exile—the *aquæ et ignis interdictio*. In Asia and Africa, the restored chief gluts his savage vengeance in acts of brute violence upon his helpless enemies. In Europe, more courtly methods accomplish the degradation, and, if need be, the destruction of the defeated party. In England, the restoration of the Stuarts was the signal for infesting the country with delators, informers, and spies; for fabricating meal-tub and rye-house plots; for sending the Sidneys and the Russels to judicial slaughter; for filling the prisons with patriots, the Parliament with bills of attainder, and the King's palace with bullies and assassins. In France, the restoration of the old Bourbons brought with it executions, exiles, persecutions, infringement of chartered liberties, and war upon every liberal idea. Here, in our own America, we have constitutional guarantees for the protection of personal rights; but of what avail against the passions and the power of party, let the fate of President Jackson—adjudged unheard by his enemies on this floor—convicted of an impeachable offence without the form of a trial—let his fate tell! Yes, sir! restorations, of all Governments, are the most odious and intolerable. No country has been able, in modern times, to endure one of them. The English chased off the Stuarts; the French chased away the old Bourbons. What sort of Government should we have, in these United States, under the restored dominion of the Federal party, so violent in Mr. Jefferson's time, and so much more furious now? What sort of a *National* Bank would that institution make which is now boiling over with vengeance against every Republican who has not "*crooked the pliant hinges of the knee*" to its divinity? Imagination shudders at the though of seeing the political and the pecuniary power of this Union fall into the hands of *such* a party, and *such* a bank.

Is their restoration probable? I think not. Temporary and partial success, the delusive fruit of terror and deception, may gild their banners for a while. They may carry some counties, some cities, some States. They may continue to exult in the issue of some local elections, as they have done heretofore. But to succeed in the main object—to carry the Presidential chair in 1840—that I hold to be impossible. I go upon my knowledge of the American people. I know them to be for their country, and believe that they can never elevate to power the party which builds its elevation upon the calamities, the humiliations, and the misfortunes of their country. They can never elevate to power the party which in every contest, foreign and domestic, is found on the wrong side of the question—on the side of the British, the French, the Indians, the Mexicans, the non-resuming banks, and the shin-plasters. Such a party cannot succeed; and I announce to them their fate in advance—a Jackson defeat for the month of November, one thousand eight hundred and forty.

REMARKS OF MR. JOHNSON,
OF VIRGINIA.

In the House of Representatives, March 10, 1838—On the bill to restore Circuit Court powers and jurisdiction to the District Courts in Western Virginia.

Mr. BEIRNE had moved to strike out the first section of the bill, when

Mr. JOHNSON rose and remarked:

I regret exceedingly that my honorable colleague should have deemed it his duty to submit a motion to strike out the first section of the bill now under consideration. I can but think that, upon this occasion, he has in some measure departed from that expanded and liberal course which has hitherto marked and characterized all his legislative acts as a member of this House, and that, in his great zeal to to promote the supposed convenience of a portion of his immediate constituents, he has overlooked the great and abiding interest of Western Virginia.

It will be recollected that, as early as 1819, Congress passed an act establishing a United States Court west of the mountains, in the State of Virginia; that, previous to that date, all persons residing in the West, and having business in the Federal Court, were subjected to the irksome and expensive necessity of travelling some three or four hundred miles from their homes to the city of Richmond, that being the place where the court was holden.

To remedy this acknowledged inconvenience, the act of 1819, a copy of which I hold in my hand, was passed, by virtue of which act four courts were established in the West, and located at the following places: Clarksburg, Staunton, Lewisburg, and Wythe Court-house. This arrangement produced the most beneficial results, and gave general satisfaction to all concerned.

But, Mr. Speaker, by the provisions of the act of the third March, 1837, entitled "an act to amend the judicial system of the United States," a Circuit Court was established at Lewisburg, in the county of Greenbrier, and so much of the act of 1819 as invested the District Courts with Circuit Court powers and jurisdiction was repealed; and moreover, all actions, suits, prosecutions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, then pending in the District Court, which might have been brought, and could have been originally cognizable in a Circuit Court, or returnable to the several District Courts, were transferred to the Circuit Court established at Lewisburg. The injurious consequences following

in the train of this impolitic measure, is to leave the District Courts mere skeletons, having no business to do, over which they can exercise jurisdiction.

A reference to the relative powers and jurisdiction of the Circuit and District Courts, and a view of the geographical position of Western Virginia, will, at a glance, show the cause of the loud complaint on the part of the people in that region of country. The jurisdiction of the District Courts extends only to crimes and offences cognizable under the authority of the United States, and committed within their respective districts or upon the high seas; in civil cases of admiralty and maritime jurisdiction; where aliens sue for a violation of the laws of nations; or a treaty entered into by the United States, etc.; and again, suits at common law, where the United States is a party, and the matter in dispute amounts to one hundred dollars; suits against consuls, etc.: while that of the Circuit Court extends to all cases where the subject in controversy amounts to five hundred dollars; wheret he United States, aliens, or citizens of differentt States, are parties; and also, concurrent jurisdiction with the District Courts in most cases where crimes and offences have been committed against the well being, and in violation, of the laws of the United States.

If I am correct in the view here taken relative to the separate powers and jurisdiction of the Circuit and District Courts, a geographical survey of Western Virginia must satisfy all, even the most skeptical, that, situated in the interior—severed from the Atlantic by the lofty chains of the Alleghany, and remote from the seaboard, few cases can arise over which the District Courts have jurisdiction; but, restore to the court circuit powers and jurisdiction, and then what would be the result? Our courts would be in the zenith of usefulness, having full power to adjudicate and settle all controversies between citizens of the different States. There is Maryland, Pennsylvania, and Ohio, on the North; Kentucky, Tennessee, the Carolinas, on the South, thus situated: suits are continually springing up for adjudication in the Federal Courtt.

It is a fact known to all my colleagues who practice in that court, that, prior to the passage of the act of the 3d March, 1837, most of the suits brought in that court were by citizens of adjoining States, for the recovery of lands claimed, lying in Virginia. The unfortunate mode selected by the State for disposing of her western lands has, and must continue for years to produce a vast number of suits; consequently much litigation, depending chiefly upon questions of fact in regard to identity of survey, length of possession, date of patent; all of which it becomes the province of a jury to investigate and settle.

The facility with which dubious claims to land in Western Virginia can be obtained, has prompted many speculators to engage in that business. The consequence is, that innumerable claims are now held by persons having a right to bring their suits in the United States Court. Nevertheless, it is believed that but few of those claims can be sustained, provided a full, fair, and impartial development of all the facts can be aad. But, Mr. Speaker, if our citizens are to be drawn into court, remote from their residence, from their witnesses, and from the depositories of the record evidence, upon which, in most instances, their title depends, and this can only be found in the archives within the limits of their own counties; I repeat it, if they are forced some two or three hundred miles from home, subjected to all the additional cost and inconvenience incident thereto, it follows, as matter of course, that the most rational alternative would be for the wealthy to abandon his claim, as a poor man would be forced to do, rather than attempt to surmount the difficulties attendant on the prosecution of a suit, under such unequal and disadvantageous circumstances. But, sir, will the rich, unrelenting speculator surrender his claim? Will he abandon a field which affords so many facilities for over-reaching his less wealthy and more humble competitor? Will he forego consummating advantageously to himself, his nefarious speculations? No, sir, he will not; and we have much reason to fear that many claims, which are now dormant, or abandoned, will be purchased for a trifle, revived under false pretences, and suits instituted against the poor, honest occupant, not with the view of prosecuting him to the final issue, but for the heartless purpose of coercing an unfair and ruinous compromise.

I repeat, sir, that by the operation of the act of the last Congress, the district courts are left with original jurisdiction over maritime causes, etc. embracing none which are likely to arise in an inland country like that of Western Virginia. Another consequence is, that this entire district, forming a territorial area of four or five hundred miles in extent, is left with one solitary court, instead of four, placed at convenient points, as heretofore. Not only is the whole business of the country concentrated at remote and inconvenient points, but the delay of justice and expense of litigation enormously increased.

The bill under consideration does not abolish the Circuit Court at Lewisburg. With that we have nothing to do. It only provides for the restoration of circuit court powers and jurisdiction to the District Courts, and thereby restores to the people their rightful privileges and immunities, of which they have been unjustly deprived, by the operation of the law of the last Congress. The public voice throughout the State requires it, with the exception of my honorable colleague [Mr. BEIRNE] and his constituents in the immediate vicinity of Lewisburg. I will add that the public interest demands it. So far as I am informed, judges, lawyers, litigants, the people, all unite in asking this just right, this boon, at the hands of Congress. I ask the favor of my honorable colleagues to rise in their places and state the views of the people in their respective districts: for that purpose I now yield the floor.

REMARKS OF MR. BYNUM,

OF NORTH CAROLINA,

In the House of Representatives, February 12, 1838—On the resolution to raise a committee of investigation to inquire into the charges of corruption against a member of Congress, made by "*the Spy in Washington.*"

Mr. BYNUM addressed the House as follows:

Mr. SPEAKER: I do not rise to enter into the discussion of the merits or demerits of the resolution, which, in my judgment, sir, has been most unfortunately brought before this House. With me, personally, it is a matter of the least consequence whether it is adopted or not. I have, individually, no fears of the most rigid scrutiny into any part of my conduct here, and consequently have no personal regard in the passage or rejection of the proposition contained in the resolution. I am perfectly willing that it shall pass in any form or shape that its friends, in their wisdom, may deem it proper to give it.

But, sir, I have risen here in my place, as the Representative, I hope and believe, of a virtuous and intelligent people, deliberately and solemnly, to enter my protest against the propriety and expediency of arraigning the members of either House of this, or any other Congress, upon such evidence as has been referred to in this debate. Were it from a more unquestionable source, it is, in my judgment, entirely too vague and indefinite to justify this House in going into an investigation of the character and conduct of its members. I earnestly believe that the institution of such an investigation, upon such evidence, can terminate in no practical benefit to the members of the House, the individuals concerned, or to the country at large. I solemnly protest against the propriety of every idea, of every project, and every attempt, to institute investigations here, into the conduct of members, upon the charges of any *irresponsible hireling letter-writer*, or of every licentious, dissolute editor of a *partisan newspaper*—a practice which, if established, must be pregnant with the most *disastrous* consequences to this House, to the nation, and all concerned. It will obstruct the whole important business of the House, and prove detrimental, in the highest degree, to every important public interest. Adopt your resolution, carry out your principle, let it grow into a precedent, and my life upon it, sir, you will soon have a scene exhibited here, of *brawls* and *riots*, hitherto unexampled in the history of this Government.

This hall will exhibit a spectacle, of crimination and recrimination, of charges and reputations, involving individual character, to the almost entire exclusion of every other important business of the people of this nation. The attempts to blacken and whitewash character here, must terminate in the final humiliation and degradation of your Congress, to the dishonor and disgrace of the nation. Human ingenuity could not devise a plan better calculated to bring into disrepute the character of this body, nor one more subversive of its peace and harmony, if not its very existence.

The argument that has been advanced by several honorable gentlemen who have preceded me, that, when charges were made against members of this body, they should be immediately investigated as a matter of right, involved a variety of considerations, and should depend entirely upon the circumstances of the case; but that it was right or proper to institute investigation here, except upon charges of a most specific character, founded upon evidence equally definitive, emanating from a high and responsible source, I am compelled from every consideration of its expediency and propriety to deny. An investigation of this character should never be undertaken, without a full determination to the impeachment or expulsion of the individual if found guilty, and should therefore never be resorted to, except upon charges from the highest and most responsible sources, and founded upon evidence most clear and explicit. It was no ordinary transaction to arraign a member there for a high crime and misdemeanor, and the House should revolt at the idea of doing it upon such vague, indefinite, and irresponsible authority, as had been alluded to in the course of the debate on this *ill-omened resolution*.

What distinguished man, I ask, has ever taken an active part in the transaction of the public business here, that has not been *slandered, calumniated*, and villified by hund eds of the most infamous charges, emanating from the same or similar sources, such as wanton licentious presses, and the foul irresponsible hired *scribblers* that have for years (or since the reign of the banks) *haunted* this capitol?

How many distinguished and illustrious names have ever escaped their calumny? Did Washington, Adams, Jefferson, Madison, or Monroe? No, sir! no, sir! None are exempt from their *scandal*, though their characters were more pure than the icicle. *Scandal*, sir, is the very food upon which those *loathsome insects* live and *fatten*—it is the *mire* in which they *wallow* in generating their corruption. And is it from such a source as this that charges are to come, and to be treated by this august body with seriousness, that are to set members of Congress "*by the ears;*" to involve this House in *strife* and confusion? Sir, surely gentlemen cannot be serious in attaching importance and consequence to such sources. Nor can they be aware of the consequences that must grow out of giving importance to such authorities: they certainly cannot foresee the LEVEL that they are about to bring down this House to. Nothing appears more clear to my mind, if you carry out your principle, than that it must eventuate only in anarchy and confusion, and overwhelm the whole country with gloom, degradation and disgrace.

Is it for us now to learn that a regular system of scandal and detraction had been carried on here, under the influence of these banking corporations, for years, by the most profligate characters, and to subserve the interest of some of the most licentious partisan newspaper presses? Was it not their daily vocation to pimp and pander in the myriads of foul rumors that were constantly in circulation in this city? It was their dependance for daily *bread;* and should such accusers receive the deliberate attention of an American Congress? I cannot believe that the least good can possibly result from any investigation founded on the charges of such creatures as we daily witness here moving about in by-places and the cuddles and recesses of your Capitol? The least notice of such things would be to make men of them, and attach to them a pride of place, upon which they would look as a most distinguished honor, should it result even in an

escort of them to the prison or the penitentiary. I cannot, sir, therefore, see to the *bottom* of the depths of degradation to which the adoption of such a course must ultimately, in my judgment, reduce the once high character of this House.

But the source from whence these swarms of *insects* issue. Was it not known here that these *hireling scribblers* regularly flocked hither at the beginning of every session of Congress from most of the large cities, employed either directly or indirectly by the banks, or other incorporated companies, to defame and write down any member of this House who should *dare* oppose their interests? Was it not at the hazard of the denunciation and defamation of such *creatures* that any here ever rose to speak in favor of the interests of the honest laborer, or planter and ploughman of the soil? With the *herd* of such idlers, it is a crime to doubt whether they and their employers have a rightful claim to live on the profits of the laboring man and planter of your fields; and he who has the stubborn courage to stand here and speak in their defence, must expect to receive all the *odium* and *defamation* that their malignance and their ingenuity can invent. The most of them were *hired* and sent here by those banking corporations, no doubt, to *slander* and *hunt down* every Republican speaker that could not be either intimidated and seduced, or purchased over to serve their purposes, and to promote their interest, at the expense of the interests of the great body of the laboring and planting people of this country. They are the friends of these classes that these defamers are employed to traduce and villify, with the sole object of upholding themselves and their employers in living in idleness, and upon the earnings of the honest laborer. The people abroad should be informed of the means here resorted to by certain presses and bank corporations to sustain their interest, to the prejudice of the great body of the people of this nation.

But who are those *hirelings* that have been for years endeavoring to *pit* members of Congress against members, in that House, and to make them act the part of mere *tussey boys* of this servile crew? Sir, they are your "Spies in Washington," and anonymous, irresponsible correspondents of those base and mercenary institutions that do neither labor nor sweat for the *pelf* they enjoy. Was it possible that any man, a member of that House, could debase himself so low as to be played off on, and set on, by such a crew? I cannot, I will not, for a moment believe it. The low, disgraceful, and degrading system of espionage which they were trying to carry on over the conduct of every Republican member of this House, as well as the different officers of the Government that did not give in allegiance to their employers, called aloud, in my humble estimation, for the bitterest indignation of an insulted public.

"Spies" and "informers" had ever been held up with public reprobation by every intelligent people of whom the earliest historians give account; and why now should they be looked on with such peculiar favor as guardians of the public interests? Sir, it "omens badly;" there is a sickly disease in the times. For my own part, I have ever shunned them as I would have done a viper or a spotted toad. All seem to consider it a disgrace to be found in company with them; yet they speak and write as though from authority, justified by the closest intimacy with every member of this House. Nor did they stop even there: if they were to be believed, they were *perfectly intimate* with every Executive officer, from the President down; and not the least passed at any time in the Cabinet but what they either had been advised with and consulted on. All, too, professed to be perfect masters of belles-lettres and rhetoric; and no orator spoke with approbation who had not previously consulted them as to mode, enunciation, emphasis, gesticulation, etc. Such, sir, is the character that these *refined gentlemen* assume for themselves, and upon the consideration of whose charges and evidence this House is to be involved for days, and perhaps weeks. Sir, the very places of their resort are enough to brand their charges with ridiculous futility and falsehood. They are never to be found except in the bar-rooms and tippling-shops of your city; there belching forth and disgorging, and receiving again, the many idle, unfounded reports and rumors that they have collected in their daily vocations.

Nothing could have astonished me more than to hear an honorable gentleman, a few days since, from Massachusetts, [Mr. CUSHING,] say that a statement had gone forth from this city on the authority of one who calls himself a "Spy," and that he could not resist making the inquiry on such authority! Is it possible that that honorable gentleman could have been in earnest? Can he seriously think that this House should consume its important time by instituting an examination upon the vague and indefinite charges of an irresponsible letter-writer, who has taken upon himself the self-styled denomination of "The Spy in Washington?" Surely he must appreciate the despatch of public business as of little value, to entertain, for a moment, an idea so extraordinary. Is it possible that that honorable gentleman can be blind to the humiliating condition to which such a course would reduce this body, and the embarrassment of its necessary business? Sir, this new attempt to bring into this hall a new set of political gladiators, astounds me, and will astound every thinking man in the nation. Whom do your "Spies" represent here? From what district have they come? By what interests are they sent, that they should, more than others, undertake the special care of the public good; and, at their suggestions, inquiries should be made, investigations instituted, and committees raised? Sir, I pronounce it an insult to the American people, who know not your "Spies," nor have had any thing to do with sending them here. I protest against the attempt to exercise any such influence in this House? Sir, it is a new mode of electioneering, just *hatched*, to keep up a perpetual excitement—to involve Congress and the whole nation in one continual brawl.

If we are to have another kind of representation in this House, and the present are thought incompetent to the task assigned them, we should consult the people first, and they should know that an attempt is about being made to introduce another representative branch in the legislative councils of the Government, heretofore altogether unknown to them.

The idea of bring to the aid of any *party* such *gladiatorial influence* in this House, is not less new than it is monstrous to me. Sir, it is revolutionary, and if carried out, must sap the whole foundation of our free Democratic Government. Having spoken of the character of such authority collectively, I will now notice some of them, with a a little more particularity; and, first, as he seems to have been held in such high estimation by the honorable gentleman from Massachusetts, [Mr. CUSHING,] and some others, who have referred to him, and in substance vouched for his character and purity, I would ask, who is this "Spy in Washington?" What embassy is he on, and from whose *court* does he come, on whose suggestion, or charges, members sent here by the voice of a free people, are to be arraigned and tried?

Is he, I ask, the eulogist and biographer of Aaron Burr; a man notoriously convicted of high treason against his own country? Is it he, that is the panegerist of that libertine that entered the abodes of the innocent, but to infuse poison into every cup of their domestic circles? Is it he, whose daily practice is to *slip* from pillar to post, corner to recess, to fill every nook and by-place in your Capitol, for the purpose of *eaves-dropping* both male and female, and catching up and retailing *scraps* of rumors and reports, that he may overhear? Sir, is it upon the charge of such an one, that honorable members would have any honorable man arraigned, and tried, and convicted, here? Is it upon the suggestions of such a one, that you should raise committees, and institute investigations, to *embroil* this House, and consume its time, to the exclusion of every other important business? Is this the man who, in a recent publication, impeached the purity of mothers and matrons of the city of New York, and who is there execrated and detested as the vilest calumniator of female innocence? Sir, can it be possible that such is the character of him who is now pronounced here, by honorable gentlemen, as respectable, and whose authority would justify the instituting of an investigating committee? Can this House be so far forgetful of what is due to its own order and dignity, as to go into a serious investigation upon charges emanating from such a source?

I have been not less surprised than mortified to hear my honorable friend from Georgia [General GLASSCOCK] declare, "it was notoriously known that it was the old gentleman in specs, who sat there in the lobby of the gallery, who was the Spy in Washington," and that he should be requested to come down, and placed at the bar of the House, and tell us what he knew of these charges, and designate the guilty member. I was truly sorry to hear such a declaration, coming from the high source that it did. Surely my esteemed friend from Georgia cannot wish to establish a precedent, by which every vagabond that haunts your streets or Capitol can render himself conspicuous, by making the most ridiculous and futile charges against members of this House. Sir, nothing could be deemed a greater honor, by men of that caste, than to be brought into this House and examined, in relation to the characters of its members; to acquire which, if the practice be once established, you may expect, at every succeeding session, a repetition and a multiplication of charges, as ridiculous as innumerable. And why, let me ask, should we introduce a witness there, who would not be believed on oath? I have already heard a number of the most respectable members declare, that they would not believe such characters were they put upon their oaths. Then why again, I would ask, introduce such here? Such evidence should certainly not have the least weight in influencing my conduct towards any honorable member of this House, nor do I believe it would (judging from what I hear) with a large majority of this body. Hence, sir, if it is done, I must protest against its being used as a precedent, believing, as I do, that the most painful consequences will finally result from such a course.

But, Mr. Speaker, there is another set of individuals about whom I propose to say something more specifically, and in addition to what I have already said.

There is a set of individuals who have been introduced into this House, and occupy the seats of the reporters, who call themselves employed *letter-writers*, whose daily avocation here is to *eaves-drop* the members of the House, and are sometimes seen *slipping* into their seats. It is hardly necessary to remark on the character of those *creatures*: their very vocations bespeak most emphatically their true character. They would have the country to believe they were particularly intimate, too, with every member's private, as well as political, transactions here. I am yet to learn of any member being an intimate associate of theirs. I have seldom seen them even spoken to by members of either House, though there might be some that might court them privately to get *themselves puffed*, which, I presume, none would be found so hardy as to own. They, too, had been in the habit of acting the part of, more particularly, mischief makers, setting one member against another, and had sometimes so far presumed as to undertake to *pit* them at each other, and to match them out. Sir, I have been astonished and mortified, deeply mortified, to witness this unrebuked audacity so long. Both Houses, as well as the country, had been greatly to blame by their silent acquiescence in the conduct of this *banditti of scandal-bearers and rumor-mongers*. With them, for the last six years, every *bank orator* has been made a *paragon* of eloquence, and was always sublime, whenever he touched on the beauties of a United States Bank, while, on the contrary, any who dared to speak here in favor of the laborer, the farmer, or planter, or honest mechanic, was immediately represented as a mere *country boor*—a *rough, coarse*, uncultivated clown—without sense, without learning, and above all, most without *decency*—(they and their friends having all that.) Yes, sir, thus their employment has been (and the honest people who toil should know it,) to *hunt* and *run down* any and every member here who has had the *courage* to stand up and speak in favor of the rights of the people, and

in defence of their interests. The whole tendency of this infamous system of espionage and calumny has been carried on for the benefit of the idling classes, mostly to enable them to live on the industry of others. It is the *idlers and lazy dissolutes* that feed upon the calumnies vomited forth here by these miserable *scribblers*.

To show how perfectly reckless these *hired writers* are, and destitute of both respect and truth, a statement was made but a few weeks since, contained in the "Boston Atlas," a paper, by-the-by, somewhat distinguished for retailing such stuff, that the members of this House had absolutely committed a *robbery* upon your Sergeat-at-arms. Yes, sir, that your members of Congress had purloined from the office of the Sergeant-at-arms between $2,000 and $2,500; the amount of which has since been found to have been retained by the Metropolis Bank, and has been accounted for, about which not one word had yet been said by any single member of this body. No, sir, no proposition for committees; no investigation proposed to purge the House of this foul deed, and its perpetrators. After all this, an attempt now to get up one upon such vague and indefinite charges, and upon such flimsy and wretched authority, I confess, sir, to my mind, carries with it something more than *meets* the *eye*, and can but acknowledge my being totally at a loss to account for the *zeal* that has characterized gentlemen in the institution of this particular investigation. I again repeat it, according to my humble estimation, such investigations can result in nothing less than disaster, humiliation, degradation and disgrace. I am opposed to all and every investigation about moral character, believing that that alone belongs to those constituents who send us here, before whom we all have to stand our trials before coming into this body. I have myself often been met by charges emanating from these political *scavengers*, whose only vocation is to collect the *foul and loathsome scandal and falsehoods* upon which they feed and delight in, as being most congenial with their infamous and most disgraceful appetites. But, sir, though they may have sometimes succeeded in imposing upon a few weak and credulous people, I have never known that public opinion did otherwise than sooner or later to overtake them.

The influence, if any they have, can only be in proportion to the intelligence or want of it of the people upon whom they attempt to practice their impostures. Such influence is ever withered and blighted by the intelligence of a free people. But a few months since, a similar charge of corruption was made by the same source against a distinguished Democratic member of this House. I allude to the honorable member from Maryland [Mr. MEKIM of Baltimore,] than whom a more correct, high minded man, does not live, without the least shadow of truth, and which was acknowledged, as soon as exposed by that honorable member. Yet, sir, no proposition was made to investigate that foul and infamous slander, made by one of these same *letter writers* from Washington. No, sir, not one word was said about this base and extraordinary accusation against one of your most respectable members of this House. Then, sir, why, why was there so much sensitiveness displayed on the present occasion. To me, the whole proceeding is most unaccountable and extraordinary; I do not believe that the House can be justified in consuming its time in the discussion and prosecutions of such investigations. It is only giving to the *scandal* of these *hireling wretches*, an importance to which they would never otherwise attain.

The charges and abuse of such, I have ever treated with that silence and contempt with which I would the abuse of a drunken, vulgar blackguard, were I to meet one in the streets, going from the Capitol to my lodgings; nor sir, do I deem the editors of those *kennel presses*, through whose means such scandal and calumny are propagated, and who co-operate and act in concert with them, a *whit* better than the agents they employ to effect this *vile* and infamous purposes of *blackening* the character of every one who has too much independence, self-respect, and pure love of country, to kneel with them at the same altar, in worship of the foul author of their filthy *idolatry*.

But, sir, honorable gentlemen have asked will you not investigate charges that are made against members of this House? Certainly, whenever those charges are properly made, and in a definite and tangible form, and founded upon a proper and responsible source; but then, in my judgment, they should be entertained only on the most serious and weighty charges, such as would justify the expulsion of a member from this House; and, let me say, it will, at all times, be a most dangerous precedent to set here to institute inquiries into moral character. There is too great a diversity of opinion as to the proper standard of morality in this large and extensive country of ours, embracing, as it does, communities of almost every latitude and longitude, from almost every section of the inhabitable globe; speaking different languages, with different religion, and, of course, of different morals and manners; every attempt of the kind would necessarily meet with the greatest embarrassments.

Let the precedent once be sanctioned by this House, and how long would it be before you would have innumerable petitions sent here, from the abolitionists, perhaps, to exclude from a seat in this Hall every member who was an owner of a slave, and who did not consider it a moral sin? Had they not already denounced slavery as being the blackest and most damning sin, and the owners of slaves the vilest and most inhuman of all sinners?

Sir, we should be exceedingly cautious how we touch this subject of morals; such investigations must, at all times, be attended with the most embarrassing circumstances, and could be justified only upon extraordinary occasions. Were we to attempt to investigate a hundredth part of the charges made by the kennel and licentious presses of the country, against the members of either branch of Congress, and those in the high offices of the Government, we should have but little time left indeed to attend to public business here.

Sir, this House is not, nor should it be, the ordeal by which our morals are to be tested. It is the duty of our constituents, who send us here, to look to this subject. There are few that ever reach this place, who have not had their private and public characters well sifted in their respective canvasses; and to the people alone should these things be left.

In concluding my remarks, I am aware, Mr. Speaker, that I owe an apology to the House for the strong language I have felt it my duty to use towards a certain set of individuals; but it is extremely difficult to use language truly descriptive of such characters, without applying the coarsest and harshest epithets. It is necessary to present their odious practices in their appropriate colors, to the gaze of an insulted and indignant people, upon whom they have so long practised their foul and infamous impostures. Sir, I have already dwelt too long upon this subject. I beg pardon of the House for the time I have consumed on the occasion, and will trespass no longer upon their patience.

NOTE.—The above remarks of Mr. BYNUM would not have been now republished as corrected, but for the extraordinary conduct of the reporters for the National Intelligencer, who, after the garbled statement which they gave of them in their most unfair reports of that debate, undertook to criticise them in the most ironical manner, thus uniting the character of critics with that of reporters.

SUPPRESSION OF DUELLING.

REMARKS OF MR. NILES, OF CONNECTICUT.

In Senate, Thursday, March 29, 1838—On the bill for the prevention and punishment of duelling in the District of Columbia.

Mr. NILES said he had not intended to say any thing on this subject, had it not been for the extraordinary remarks of the honorable Senator from Delaware, [Mr. CLAYTON,] which he had heard with surprise, with pain, and the deepest regret. Such remarks from any member of this body he could not have listened to without the most painful emotions; but coming from the quarter they did—from a respectable member of the Judiciary Committee, distinguished as a jurist and for his knowledge of and respect for the common law—such remarks from such a source, from a member of the committee which is justly regarded as the guardian of the laws, and which has reported this bill, he had heard with the most profound regret.

We are told that it is in vain to pass this bill; that it will be useless, and worse than useless; that it will not restrain the barbarous practice which it is intended to suppress, whilst it may encourage assassinations and other acts of violence. This law, if passed, it is said, cannot be enforced; and why not, sir? The reason assigned was one he was sorry to hear, and which he did not believe to be well founded. We are told that it will not be sustained by public sentiment; that no jury can be found which would convict any person under it; that gentlemen will settle their difficulties in their own way, and according to their own notions of honor. Sir, said Mr. N. I am not prepared to believe this. I cannot entertain so low an estimate of the standard of moral feeling and principle of the people of the District. He had but little acquaintance with the inhabitants of the District; but, so far as his knowledge extended, he had seen nothing to justify such an opinion. Are we to look for the evidence of it in the wounded sensibilities and the high tone of moral feeling manifested on a recent melancholy occurrence? So far as he could judge, that painful event had produced as severe a shock to the moral sense of the people here as it had throughout the whole country. Whilst he concurred with the Senator from Delaware, that the severity of the punishment might increase the difficulty of enforcing the law, still he could not believe that this law, should it be passed, could not be executed. But had he any such apprehensions, it could make no difference with him. He was not legislating for the District, but for the country. He had a higher object in view than the protection of the inhabitants of the District. We do little for them in the way of legislation in any respect: it might almost be said that they were a community without laws. The light in which he viewed this subject gave to it infinitely more importance than could belong to it from any considerations of security to the people of the District.

The great object, and one which he regarded as of vital importance, perhaps, to the very existence of the Government, was to secure the *independence* of Congress, without which it could not long preserve the confidence of the nation. This confidence had already received a severe shock; and if such outrages were suffered to be repeated, it was impossible to say what might be the consequences. Sir, is it supposed that the people from those portions of the Union, where duelling is regarded as a crime, and as a crime only—where it is abhorrent to every moral and social feeling—will send Representatives here, to be shot down for words spoken in debate?

[Here Mr. GRUNDY remarked that he hoped the debate would be confined strictly to the bill, and that the melancholy event which had occurred would not be drawn into the discussion.]

Mr. NILES said he had no intention of alluding to that bloody tragedy; our feelings have been sufficiently shocked, and he had no wish to connect it with the present discussion, although we all know it gave rise to the bill before us; his only object was to present and illustrate that view of the subject, which he deemed most important, and that was the effect of this barbarous practice upon the freedom and independence of this body. Sir, whatever sentiments may prevail elsewhere, the peaceful portion of the country whence he came, would not justify their Representatives in acts of violence and blood; and if Congress is to be dishonored by scenes of violence and outrage; if members, in the discharge of their duty, for words spoken in debate, and within its ordinary latitude, which may give offence to some worthless bully, are to be beset and pursued by ruffians, or exposed to be forced into single combat, if not with the person claiming to be injured, with some member of the body who may step in and take up his quarrel, in violation of their own sense of right and duty, and against the known moral and religious principles and feelings of their constituents, the independence of Congress will be gone, and its

usefulness at an end. Sir, is it supposed that the people can have confidence in Congress, when even a suspicion becomes fixed in the public mind, that menaces and exposure to violence may destroy the entire freedom of our action, or of a single member? If members are exposed to personal violence in any form for words spoken in debate, where is the value of that great principle in your Constitution, which was intended to secure the entire and absolute freedom of discussion, by throwing around Congress the most perfect inviolability? So vitally important was this principle deemed, that it was not subjected to any limitation or restriction whatever, except the sense of propriety and decorum which, it was supposed, would belong to every one worthy of a seat in this body. Are members to be protected from suits for words spoken in debate, and yet exposed to personal violence, or to be forced into personal combats, in violation of their sense of right and the moral feelings of their constituents? What sort of freedom of debate is this? It is a mere mockery. If this barbarous practice prevails, and these outrages are not suppressed, all confidence in the independence of Congress is gone.

Mr. N. said he seldom indulged himself in speaking of dangers to the Union, or in predictions of its disruption. But he could not forbear to say, that whatever other elements may exist hostile to the Union—Abolitionism, high tariffs, or any other disturbing cause—he believed there could be none more dangerous than the sanction or acquiescence, on the part of Congress, in acts of violence and outrage growing out of its proceedings, which inflict a fatal blow at its independence and inviolability of character, and which necessarily tend to impair the confidence of the people in our entire freedom of action. When such an opinion becomes generally established, the very existence of Congress would be in danger, as the people from the section of the country whence he came, who cannot countenance such practices, would cease to send representatives here. This body is the keystone of the arch, the knot which unites and binds together as one the different cords of which the Republic is composed; and if it is cut asunder, or loosened, so as to destroy its efficacy, the fabric must fall into its original elements.

Mr N. said he would not go into the general question of duelling, nor examine its influence on society, as he desired to confine his remarks to what he regarded as the object of the bill. It had been said that this practice had contributed to civilization and refinement, and to prevent assassinations and violence. He regarded such claims as not only extravagant, but as preposterous. They were in character with the claims set up in relation to another subject, although he feared that, by the comparison, he should depart from the solemnity which belongs to the subject now under debate. He alluded to the extravagant pretensions which assign to *credit* the agency and merit of all the great results of industry. Our canals, railroads, cities, have all sprung from the potent agency of credit! He regarded both pretensions as equally incorrect and absurd. These results have been accomplished by industry, in spite of an abuse of credit, and civilization has advanced, and is going on advancing, notwithstanding the existence of a practice which has lagged behind as the relic of an earlier and more barbarous age.

We have been referred to other countries, and are told that this practice prevails in England, and that there the energy of the law has been found insufficient to suppress it. Mr. N. believed that it had greatly declined in that country, and that duels now seldom occurred; but whether so or not, the example proved nothing, for among the same class (those in high life) with whom this practice prevails there, other fashionable vices exist—of which we have little knowledge here, with our plain republican manners—such as elopements, adulteries, and other scandalous conduct, which belong to a depraved state of manners.

But, said Mr. N. I will not go into the question of the effect of this practice on society. I believe it to be criminal, and its influence pernicious. Other gentlemen may think differently. They may discover, or think they discover, some good mixed with the evil. They may believe that in this case, as in many others, both sweet and bitter waters flow from the same fountain. But this is not the question now to be decided. He looked to the special object of this bill, which was, as he regarded it, to suppress and put an end to this practice in Congress. Whatever may be thought of it in the abstract, or of its influence on society in general, all, he thought, would agree that it cannot prevail here, without the most alarming consequences. This, sir, is an evil of great magnitude; and a recent melancholy occurrence has roused the attention of the whole country to it; the moral sense of the people has been shocked, and their sensibilities wounded, and they can no longer be silent. They have spoken through the press, and public meetings, and will continue to speak, until Congress listen to their complaints, and fearlessly and honestly endeavor to put down this evil. This subject has been brought before us by the people, who have petitioned, and will continue to petition, until something is done.

There is a solemn duty resting upon Congress—a duty imposed by no ordinary considerations of interest or temporary excitement of feeling, but arising from a deep and solemn conviction that something is wrong here—that a practice prevails which is destructive to the freedom of debate, the independence of Congress, and which is in conflict with the moral feelings of the whole community. If this practice must prevail elsewhere, let us all unite and put an end to it within these walls, and within this District. Let this be a hallowed spot, sacred to liberty and peace, where violence cannot intrude; where the friends of the Union, and the organs of its powers, can meet on common and equal ground, and act in that spirit which belongs to our institutions, pre-eminently pacific, and which is in harmony with the moral and religious sentiments of our people. He hoped that we should not only pass this bill, but that we should do it by a unanimous vote in both Houses of Congress. This would be doing much more than the enactment of a law; it would be adding the moral weight and influence of the members of the National Legislature; it would be pledging themselves to the country, and to the world, that they will refrain from violence and bloodshed in any form, and use all their influence to discountenance such practices here.

Mr. N. said he regretted that some gentlemen had constitutional doubts and difficulties in regard to the third section of the bill. He had himself at first entertained some doubts; but the full and lucid explanation and illustration by the chairman of the committee, [Mr. GRUNDY,] and the Senator from Delaware, [Mr. CLAYTON,] had entirely removed them; and he did not now perceive the least difficulty in regard to that section. It does not, as seems to be supposed, punish in the District a crime committed out of the District; it only creates a crime here, and punishes it here. But the crime created, and which is to be punished, is not the fighting of a duel, or the sending a challenge, but it is a preliminary act leading to such crime; this act is, departing from the District with the intention to send or accept a challenge. Is it not within the competency of Congress to prohibit any preliminary act which may lead to a crime, and done with the intention to commit such crime? All persons within the District, not only residents, but such as are temporarily here, are subject to our jurisdiction, and we can make them amenable to our laws for any act done in the District, and can make any act criminal by merely prohibiting it. It is a well known distinction, that crimes are of two classes—those which are morally wrong, and those which are wrong only because they are prohibited. To fight a duel is morally wrong; to leave the District with the intention to fight a duel, if not morally wrong, may be made a crime by statute, by prohibiting the act. And where is the objection to doing it? Our object is to prevent the crime of fighting in single combat, and in order to do that, we make criminal a preliminary act, which will lead to such crime. Nor is there any conflict of jurisdiction; the fighting a duel, in that State, is a violation of the laws of Maryland, and punishable there; and if the parties go from this District for the purpose, the act of leaving the District with such intent, would be a crime here, and punishable in the District.

The objection to the third section is equally applicable to the first and second; if we cannot punish the act of leaving the District with the intent to commit a crime without the District, how can we punish the giving or accepting a challenge within the District, to fight a duel without the District? In principle the cases are the same, and he did not think there was any objection to either. He beseeched gentlemen, therefore, who had expressed doubts on this point, to review the question; he could not but hope that on a candid examination of the subject they will be satisfied that the objection has no solid foundation; he was the more anxious for this as he was in hopes that we might pass this bill by a unanimous vote of the Senate, which would impart to it something more than the authority of an ordinary law; which would give it the moral weight and influence belonging to the deliberate and unanimous act of this body, which ought to be respected, and he was sure would be respected, by a reflecting and moral people.

As to the suggestion of the Senator from Delaware, that the severity of the punishment would increase the difficulties of enforcing the law, he did not dissent from the principle, and was by no means sure but it might be well to consider whether, in this view of this matter, the punishment provided is not too severe. But he did object to the argument of the Senator, in support of his proposition, as that went not so much to show that the punishment was inexpedient, as that it was unjust. His remarks tended to mitigate and diminish the enormity of the crime, to palliate it, to gloss it over, and to take from it all its guilt and moral turpitude. It was these remarks, and not the proposition to reduce the punishment, which had occasioned surprise, excited some emotion, and led him to express himself with a degree of warmth which otherwise might have been deemed uncalled for, or unsuited to so solemn a subject. It was a subject, however, upon which he felt deeply, intensely; and, whilst he would endeavor not to be carried away by his feelings so as to sanction any unwise or impracticable legislation, which might defeat the object in view, still he did not desire to repress his feelings upon this subject.

INDEPENDENT TREASURY BILL.

SPEECH OF MR. WALL,
OF NEW JERSEY,

In Senate, March 23, 1838—Upon the bill "to impose additional duties, as depositaries, upon certain public officers, to appoint Receivers General of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States."

Mr. WALL rose and addressed the Senate as follows:

The bill which now demands our action, Mr. President, proposes to provide by law for the safe-keeping, transfer, and disbursement of the revenues and public moneys of the United States. This is a duty imposed upon us by the Constitution, and we cannot discharge ourselves from its performance, without being guilty of a neglect eminently censurable, if not criminal. It is a duty that all admit rests upon us; and the Legislature of New Jersey, in the resolutions which my honorable colleague has read to the Senate, and made part of his speech, and to which he professes fidelity, declare, "that it is the constitutional right and duty of Congress to provide for the safe-keeping and disposition of the public treasure." My colleague has satisfied himself, by what process of reasoning it is not my purpose to inquire, that that treasure is now in the hands of the Executive. If so, sir, it makes that duty more imperative, and ought to stimulate and accelerate our action. I think my colleague wrong in his view, on this subject. Still, however, I concur with him and the resolutions of the New Jersey Legislature, both as to the right and duty of Congress; and mean to perform that

constitutional duty faithfully, to the best of my abilities and understanding.

How, then, shall we perform that duty under the Constitution, in the best manner for the country? In other words, how shall we best provide for the safe-keeping of the public treasure? There are but two modes proposed, or which can be proposed; one is, to commit the custody of the public treasure to the constitutional officers of the people, designated, regulated, controlled, and punishable by law of Congress, and bound by all the solemnities and obligations, and restrained by all the punishments which the laws and the Constitution can impose *to keep it solely for the public use.*

The other is to withdraw it wholly from the custody of the constitutional organs and agents of the people, and to commit it to a bank, created by Congress, or to a league or oligarchy of banks, created by State sovereignties, *quo ad hoc, foreign to the United States, and beyond their control, to be used, until wanted for the public use, for the benefit, profit, and advantage of the privileged corporations selected.*

You will perceive, sir, that I have classed the distinct propositions which respect the committing the public treasure to a Bank of the United States, and the State banks as one and identical. It is so in principle. Both reject the officers chosen by the people, under the Constitution, as not trustworthy and safe depositees; both require the repudiation of the principle of keeping the public money solely for the public use. Both assume that corporations are better qualified to choose the officers to keep the public money than the people; and that the corporations, for thus performing a duty, with which the people are not fit to be trusted, should be rewarded by a privileges denied to all other persons, bodies, corporate or politic, of *using the public treasure for their own profit.*

Shall we, then, commit the public revenues, which have been called the life-blood of the people; shall we commit the public treasure, which Mr. Madison, on one occasion, denominated "the soul and body of the body politic," to the officers of the people, their constitutional agents and organs? or shall we give the soul and body, and the life-blood of the people, to corporations without soul or body, and the generous impulses which spring from the current of the life-blood?

Mr. President, in my judgment, this is reviving, in another form, the long agitated question whether the people are capable of self-government. Those who contend for the agency of banks instead of the people in choosing the guardians of the public treasure, in effect deny that the greatest experiment, in the pursuit of human happiness, ever made by nations—the experiment (I beg pardon of the gentlemen upon whose ears this word grates so unpleasantly, for repeating it) of the capacity of the people for self-government—has succeeded; nay, it is proclaiming that it has failed. It carries us back to the position of our ancestors, at the time of the glorious Declaration of American Independence. What was that position? Our ancestors had brought with them, from their mother country, that part of the common law called the Folk Law, but none of the essential portion of political power, or the *prerogatives* of sovereignty. All that portion which related to the independent right of self-government, the right to the purse and the sword, was left, or claimed to be left, beyond the Atlantic, in the keeping of the King and the Lords and Commons of England. The Revolution sprung from the claim of Parliament to the purse of the American people. Our ancestors periled life, liberty, and honor in resistance to a twopenny duty upon stamps, and a threpenny tax upon tea. Who does not recollect the argument of the Tories of that day, to prov that the people were not capable of self-government, and that it was the best policy, and greatly for their true interests, to leave their purse in the keeping of the English Parliament, and their sword in the custody of the King? Our ancestors triumphed. All political power became their own. They took it in their own hands, and by a written Constitution prescribed the orbits, and defined the limits, of that power, and regulated its future distribution, exercise, and action.

Let us not confound names, or confuse ideas. Our ancestors understood by the word sword, that part of the prerogative of sovereignty which relates to the declaration of war, and issuing letters of marque and reprisal—*the power over the peace of the nation.* By the British Constitution, that prerogative was assigned to the King. But the people, by their representatives in Parliament, retained the purse in their own hands; that is, the right to appropriate revenues, the right of taxation, and the right to raise and provide for armies, to control the Executive authority of the sword. But the right to appoint the officers who were to wield the sword, and to collect and keep the revenues, was an Executive power, and left with the King. The people, when they framed our Constitution, took both the sword and the purse from Executive power, and transferred it to Congress, the legislative power. But the appointment of the officers of the army, and of the revenue, to collect and keep the public treasure, was left still an Executive power, to be exercised by the nomination of the President, and the confirmation of the Senate. When the people, speaking through their legislative power, raise revenues, public treasure, they prescribe the mode of keeping and disbursing it, and then the Constitution steps in, and fixes the agents by whom it is to be done. But how? For private use? No, sir, no; for public use, by officers of the people, and according to the will of the people. Let us hear no more about the President's usurpation, of his grasping both *the purse* and *the sword*, because he appoints and removes officers of the army, and of the revenue, and the Treasury. Congress can neither confer nor take away that power; it is given by the Constitution. You can create officers, but you cannot appoint officers, without usurpation. I will not borrow the language of my honorable colleague, and say "that it is gross ignorance or deception" to assert that the President can usurp the purse and the sword by appointing or removing officers to command the armies, or collect and keep the revenues and public treasure; but I will say, that such a pretence has no foundation in the Constitution or the laws of our country, and it can do no harm but to him who has the hardihood to assert it. It is revolutionary and unconstitutional.

Mr. President, our ancestors, by the Revolution, acquired the whole political power, all the prerogatives of sovereignty. We are now asked to surrender to corporations, to banks, a part of that sovereignty, and the most essential part—the very life-blood of sovereignty, the soul and body of the people, the purse and public treasury. I am amazed and astonished at the magnitude of the demand. What, sir, give the custody and use of the soul and body and life blood of the public to corporations, who, in the quaint language of Lord Coke, have "neither souls to be damned, nor necks to be hung;" a defect the more to be lamented, as it protects them from punishment, but does not save them from sin.

But, sir, if you commit the custody of the public money to corporations or banks, how are they to keep it? Why, they must, after all, do it as the people do it, by agents or organs—by officers chosen by themselves—*by men.* This brings us to the true difference between the policy sustained and carried out by this bill, and the policy of its allied opponents; and it is simply this. We say that the people ought to choose those men; they say no, give the choice to the banks. Why should not the people choose? If they are to be excluded, it must be because the great experiment of self-government in their hands has failed, as relates to the purse; in other words, the people are not fit to govern themselves—to take care of their money. They are their own worst enemies, and that banks are the best conservators of their money. To carry on the great experiment of self-government, the people must dispense with their own agents, and substitute in their place the agents of banks, and give the banks the use and profits of the public treasure. Do the banks choose men who are more honest, faithful, and capable, than the people? Does a bank stamp upon men operate as it does upon paper, and change their qualities, value, worth, and character? Alas, sir, the history of banks and corporations is the blackest page in the history of fraud and violated trust.

Mr. President, I repeat that there are but two sides to this question. There are but two policies thought of. Shall we select the officers of the people, chosen and appointed under the Constitution, and regulated by our laws, to keep the public Treasury, or shall we delegate that selection to corporations or banks?

Now, sir, it may well be doubted whether we have any such constitutional power so to transfer and delegate our own legislative trust. Whether, if we have, we can so far change the Constitution, which gives to the President "the appointment of all officers of the United States established by law," and not otherwise provided for in that instrument. Does not an officer of a bank, selected to keep the public purse, become *ipso facto* an officer of the United States? The Constitution of the United States intended to create an independent Government—self-acting, self-moving, self-poised, self-sustained—to derive its vital power from the breath of the people of the States composing the Union. Its proportion, its stature, its features, its functions, all, all are delineated by the mighty hand of the people. One of the fundamental principles of that Constitution is, that all the functions of the Government, thus established, shall be performed by men of souls and bodies, nerve and sinew, responsible and amenable to impeachment, to punishment; natural bodies, not artificial bodies—soulless and irresponsible and unpunishable, but all deriving their authority from the people, and responsible to the people. Are corporations so? Who can open their books or doors without their leave, even if stipulated for by law or contract?

Could we delegate the trust of selecting our fiscal agents to the Queen of Great Britain, or to the King of France? Could we give the use of our moneys and the appointment of our fiscal officers to the Bank of England or of France? And if not, why not? These inquiries are full of weighty and important considerations; but I shall not pursue them further at present.

The policy proposed by this bill, and which the gentlemen on the other side call the policy of the Government, is, when analysed, simply to separate the treasures of the people from the funds of the credit system, or banks; to withdraw the public revenues from the use of a privileged class of men, who already have the right to draw treble interest upon their money; to prevent its being banked upon, and mixed up with the fluctuations of trade; to restrain the banks from loaning it for their own use to the people to whom it belongs, and charging them as the banks charge them for their own funds, treble interest; to interdict the banks from making usury of the public treasure, and putting that usury in their own pockets; it is to bring back the Government to its ancient simplicity, to its constitutional action; to return to the principles of the first Treasury law framed by the makers of the Constitution, the law of 1789.

This law collected, kept, and disbursed the public money, by the agency of the officers of the Government of the United States, not of banks, and such was the practice for nearly the first thirty years of the Government. Does this do wrong to any one? Is it not in conformity to the principles of our institutions, of equal rights and equal privileges, and that the blessings of Government be diffused, like the gentle dews of Heaven, upon all?

If we must look for agents chosen by corporations, what right has the corporations of banks over the corporations for railroads, canals, turnpikes, mechanics, manufacturers, farming, or other useful purposes. Nay, what right has the president and directors of a bank, in their corporate character, over the individuals who fill those offices? Who would not as soon trust Nicholas Biddle, Preserved Fish, Isaac Hill, and their respectable directors, and the other respectable presidents and directors of State banks, in their individual character, as in their corporate character? Yet what would be thought of the man who should seriously propose that the public funds should be committed to the charge of such men as *they* should select, and that they should have the use and interest of it for the trouble of keeping it?

Now, what is the antagonist principle of the allied opponents of this policy? The antagonist

policy, disguise it as you will, is, in fact, to separate the money of the people from the people and from their Government; to put it beyond the control of the people and their Government, *under the control of banks and bank agents, for bank uses.* How, sir, is this attempted to be done?

They attempt to separate the people from the Government, to sow dissensions, create animosities, and to alienate the people from the officers whom they have chosen. Does not he who causelessly attempts to make the people believe that their interest is distinct from their Government, and thus to create two separate powers, aim to overthrow and subvert the Constitution? Sir, the Government under our Constitution is from the people, of the people, and for the people, one and indivisible, forever inseparable. Cut the ligament which binds them together, and the people will not have left even the poor privilege of dividing a part of the prerogatives of sovereignty with bank corporations. They declaim against office-holders, and attempt to render them odious and suspected by the people. Why? Is it that office necessarily corrupts? Oh no. Let the banks confer office, and honor, integrity and talent go with the patent; or let their own party confer office, and the recipient at once becomes superhuman, godlike. Is it not strange that those who are continually denouncing office holders as corrupt and corrupting; who talk of scourging them back to their dens, and caverns, and prisons, will be found like the moth fluttering around the attractive flame, which is sure to consume their virtue, honesty, and patriotism? Nay, they are even willing to owe their greatness to their country's ruin. Their hopes rise as the barometer of their country's prosperity sinks. Their mirth and rejoicings seek the scenes of the greatest distress for their exhibition, and their feasts of triumph are spread upon the tombs of trade, credit, and commerce, and midst the ruins of the prosperity of their country. Like the revels of the guardians of the sick, in the cities doomed to the ravages of plague and pestilence, their orgies become more loud and revolting, as the scenes of human misery deepen in horror and suffering. If we believe that the scenes of distress which they depict, are drawn from nature, what but consolations of the near approach of office would shed joy, and mirth, and glee, upon feasts spread amidst the ruins of their country.

Mr. President, we have the scenes of the panic session acted over again on this occasion. Eternal war is declared against this odious policy of the Government, Executive encroachments, tyrant, General Jackson, the removal of the deposites, the war of the Executive upon commerce and the credit system, are again the fruitful subjects of eloquent declamation. All public misery and distress is again traced up to the war upon the credit system, and the removal of the deposites. Sir, have we lost our memories? Do we not recollect how positive the same gentlemen, who now renew daily their griefs from the same fountain, were, that the only panacea for the restoration of prosperity was the restoration of the deposites? The deposites were not restored, but the recuperative energies of the people restored prosperity. It is hazardous to try the same experiment of delusion twice before an intelligent people. Do the banks contract and expand, and then suspend, and thus fill the land with misery? it is all charged to the removal of the deposites, and the withholding the public money from the private use of the banks. This continual clamor reminds me of the tory who was found in office at the commencement of the Revolution, and his adherence to his *principles*, lost him both office and property. After the Revolution, having received the remuneration which was so royally bestowed upon the loyalists, he returned to this country, but to the day of his death, when business was dull, trade prostrate, crops short, or any disaster occurred in the political or natural world, he never failed to exclaim "that it was all owing to General Washington and the American Revolution." Prejudice is always the same; short sighted, vindictive, unjust.

The old story, that "he who trades on borrowed capital ought to break," has been taken from the counter, where it had been nailed as the counterfeit presentment of truth by the honorable Senator from Massachusetts, [Mr. WEBSTER] and my colleague, and new stamped, and once more put in circulation as genuine. Sir, I do not believe that even their mint, however excellent it may be, can restore credit to such currency: the metal is too base to receive new value from its impress.

The late and present Administrations have been accused of warring upon trade, upon commerce, upon banks, and upon the credit system. Why, Mr. President, you cannot open a statute book nor a treaty, nor can you walk abroad, in the city or in the country, but you find a refutation of these unfounded charges. Look to the millions restored by treaty to the merchants, the laws for the relief of merchants, of banks, and let them answer. This and the former Administration have been eminently the friends of commerce and the credit system, and have been rewarded, as benefactors are too often rewarded, by persecution and slander.

But, Mr. President, it is amusing, as a novelty, to find that gentlemen in the Opposition are now the advocates of the pet bank system. Have they so soon forgotten the eloquence which they displayed in abusing that odious system, and their prophecies that it would fail? It has failed; and now, when prophecy has become fact, they become its strenous supporters, and ask us to help them in sustaining a measure that has been tried, and failed. Sir, there is no disputing about taste; some prefer tainted viands, and I have heard of a whole nation whose taste requires the action of corruption to make food palatable.

However, in justice to the pet banks, I feel bound to say, that, in my opinion, their ruin was commenced by the recharter of the Bank of the United States by the Legislature of Pennsylvania; hastened by the deposite law, which originated with their present friends; and sealed by the Bank of England—by the one week's panic which caused the prostration of American houses, and the overthrow of American credit, to which my colleague has alluded. Sir, the first throb of the pulse of the great credit system, which ended in the revulsion, first beat in the veins of the Bank of England. There, sir, you must always feel and look for it. But it would not have been fatal here, if the State banks had not been guilty of the amiable error, to which my colleague alludes in such gentle terms, "of trying to make too much money for those who were entitled to it." In other words, they over-banked, and over-traded, and, like their unfortunate debtors, whose errors they begat, when called on, they could not pay. Fortunately for them, they are privileged debtors.

Whatever disputes may exist about the primary cause of distress, every man sees and feels that it is caused immediately by the contractions and expansions of the banks, and the suspension of specie payments by banks. This is palpable. He is no friend of the banks who advises them to become politicians, and to enter the arena of politics. I am no enemy to the banks; but I warn them that if they become politicians, they must share the fate of politicians. To be useful, to be faithful to their trusts, they must confine themselves to their proper sphere, and avoid both politics and usury. I warn them that the law makes a distinction between vested rights and vested wrongs.

Mr. President, it would be well for the State banks to take warning by the fate of the late Bank of the United States. It was assumed by its friends, and it is asserted daily here, that General Jackson made war upon it, and that its virtue and incorruptibility was the only cause of that war. I will not enter into the history of that war, but I will say that it is clear that this charge, which implicates both General Jackson and the then Secretary of the Treasury, Samuel D. Ingham, was never advanced until three years after the attempt was alleged to have been made upon the virtue of that institution; that such a charge is repelled, both by its staleness and the character of the Secretary, to say nothing of the character of Gen. Jackson; and I feel that it is due to the character of Samuel D. Ingham to say, that although I have differed with him on some subjects, yet, that his administration of the Treasury Department, able, upright, faithful, and independent, ought to have protected him from such a charge. Sir, gentlemen are *estopped* by the records of the people's voice, from renewing that old topic of declamation. The war was made by the bank itself, not of defence, but of offence, upon the pockets of the people, to extort from the sufferings of the people a renewal of chartered privileges. It was carried on by contractions and expansions; it stopped short, however, of the last resort of desperate valor, blowing up the ship; in other words, compelling all the banks to suspend specie payments. The war of that bank was like that of the genie, the son of the daughter of Eblis, and, like that genie, its pretext was that it had been summoned before the American people in breach of contract. It had the same power of metamorphosis. It assumed the shape of a lion, terrific and frightful; and when its lion-head was cut off, it changed into a scorpion, then a cat, next a worm, which pierced a pomegranate, the good old Keystone State. What is to be its future fate, is hid in the mysteries of futurity; but it is easy to see, that if the pomegranate should, after all the extraordinary motions that the worm made it perform, burst, that the worm will be found rolling on the banks of a canal, whose waters it will seek as its last refuge.

I concur, Mr. President, with those who believe that the interest both of the trading community and the banks will be best promoted by acting upon the principle of hands off, let alone. What have the merchants gained by becoming the allies of the Bank of the United States? What has their heroic devotion gained for them? The honor of being crushed under the wheels of the car of the Juggernaut of wealth, or being consumed upon the pyre which their own idolatry has raised.

Mr. President, one of the instincts of wealth is to gain political power. Its spirit is aristocratic, oligarchic, and monarchic, always warring for privileges, and against equal rights. In the days of feudality, wealth consisted in lands, and that gave rank and power. That system was simply a system of concentric circles, rising from the serf to the monarch in its different gradations, each under the influence of the next, and all moving round a common centre—the king, as the paramount lord. But the people or serfs had no rights. That system was gradually worn away by wealth assuming a different form—that of gold and silver; but it was not finally destroyed until gold and silver invoked the aid of the magic credit or paper system. In 1693, the foundation of the much boasted credit system was laid, by the establishment of the Bank of England; and in 1720 it was expanded by the South Sea project and additional capital. History tells us that both were opposed by the patriots of that day. Although the paper system crawled into existence in the humble guise of demanding eight per cent. interest on one million and a half, for half a million of gold and silver actually put in bank, yet all the beauties and benefits of the system were maintained there very much as they have been maintained here. Those who opposed the establishment of the paper system then, contended that it was calculated to enrich the few, and impoverish the many; that it would become a monopoly, and engross the whole money of the kingdom; that it must infallibly ally itself to political power, and be employed to the worst purposes of such power; that instead of assisting, it would weaken, commerce and trade, by tempting people to withdraw their money from trade, and employ it in stock-jobbing; that it would countenance the fraudulent and pernicious practice of stock-jobbing, which diverted the genius of the people from trade and industry; that it would allure people to part with the fruits of their property, by the vast prospects of gain it deceptively held out; that it would enable foreigners, by investing in their stocks, to withdraw from England their gold and silver; that it would produce a swarm of brokers and jobbers, to prey upon their fellow-citizens, encourage fraud and gaming, and further corrupt the morals of the nation; and, finally, that its large capital would endanger the liberties of the nation, for, by their interest, they would be enabled to influence most, if not all, the elections of members, and, consequently, overrule the resolutions of the House of Commons. Those patriots also contended that, in all such public bargains, it

ought to be made advantageous to the State, rather than to private persons.

What was then prediction, is now history. The great credit or paper system has changed the form of wealth, and has corrupted it. Wealth, under the feudal system, had its chivalry and its patriotism. It owned the soil which sustained it, and thus it was bound to its country, and its prosperity. The gallant barons, who paraded in armor at Runnymede against their King, were fighting for privilege; but in the conflict they accidentally struck, with their mailed hands, the rock of liberty in the desert of oppression; from which has flowed the purest fountains of the common law, whose waters nourish and sustain the liberties of man throughout the world.

The wealth of the credit or paper system has no chivalry, no patriotism, no country. It is a vagabond. Without any of the redeeming qualities of feudal wealth, it retains its worst instinct. It seeks political power with an appetite that never tires, and knows no bounds. The much boasted credit, or paper, or bank system, (for they are only different names for the same thing,) is only a modification of the feudal system, the system of privileges. The different banks which dot the maps of every State, are a system of concentric circles, each under the next in amount of capital, and moving around the common centre, the paramount lord, the money king, the feudal sovereign of banks. Where is that king to be found? In the Pennsylvania United States Bank in Chestnut street. Where must you seek its paramount lord? It is the Bank of England.

Mr. President, the fact cannot be disguised. Recent events have revealed it, and it has been acknowledged on this floor. The trade, the business, the prosperity of the United States, are no longer under the control of the constitutional agents of the people—the National Government. This credit system, as it now exists, has thrown us back to a more abject state of colonial vassalage than our ancestors endured sixty years ago. But they had a king, in all the pomp and circumstance of royalty, in name the Father of his People. I fear, sir, that we are to seek our king in the dark meanderings of Threadneedle street, in London; and there we shall find him enthroned on a three legged stool, with a pen behind his ear, graciously pondering on the mysteries of usury and stockjobbing; absorbed in the heartless selfishness of avarice, and intent upon the best mode of *skinning* his loving subjects.

What is the doctrine that we now hear? We are transported back to the days of feudality; take care of the lords and privileged classes, and they will take care of the people. But those privileged classes claimed to be the people, and the people were serfs. Now, sir, we hear the same cry: take care of the banks and the privileged classes, and they will take care of the people. The banks are the people, and the people are serfs; without rights, but derivative.

The same war-cry of aristocracy, too, is raised; Agrarian, Jack Cade, Fanny-Wrightism, Loco-Focoism, Revolutionists. It is the banner of aristocracy which bears these names, to alarm the timid, and summon its allies to the conflict.

Mr. President, the connection between the Government and the banks has been dissolved by the banks themselves. It is true, they have our treasure, our gold and silver. Shall we resume our connection? Shall we, in consideration of *the faithful manner* in which they have discharged their trust of keeping our treasure, so that we could not have it when we wanted it, give them all the moneys we shall hereafter collect? They are graciously pleased to trust us to collect the money: all they ask is to keep it after it is collected. I thank them for their modesty and forbearance.

I repeat the question, shall we choose agents to keep our money, or shall we delegate the choice to banks?

Our Government has now been fifty years in operation: so far, it has worked well. Our agents, chosen by the people, have been more faithful than the agents chosen by banks. We have lost no money by treasurers. Some of our collecting agents have been unfaithful; but they have been watched faithfully by the President and the sentinels appointed by the Constitution. We have had no President who was unfaithful, none impeached. I ask pardon, one has been impeached; however, not according to the forms of the Constitution, but by the Senate; accused by the Senate, tried by the Senate, condemned by the Senate. The impeachment has been reversed by the people, and the entry of the conviction expunged by the mighty hand of the people from the records of the nation. That President, together with his successor, have, against all the laws relative to conspiracy, been presented before the Senate on this occasion as conspirators. But where is the proof, sir? It is, like the virtues of a quack medicine, to be found in the *label* of a speech, entitled the "speech of the honorable Henry Clay of Kentucky, establishing a deliberate design on the part of the late and present Executive of the United States, to break down the whole banking system of the United States, commencing with the Bank of the United States, and terminating with the State banks, and to create on their ruins a Government Treasury bank, under the exclusive control of the Executive." I advise the man, however, who seeks for the proof of this conspiracy, to imitate the wisdom of the litigant, who commenced a suit for slander; and after the declaration was read to him, setting forth that he had been from his nativity, a good, true, and faithful citizen, of pure and unsuspected character, and never guilty or suspected to have been guilty of the crime with which he was charged, or any such hurtful crime, by which he had deservedly acquired and enjoyed the good opinion of all worthy citizens—and being informed that that allegation was to become a record, professed himself entirely satisfied, paid his fees, and declared that he did not wish to proceed any farther. He was satisfied with the establishment of his character, by the averments in the declaration. He who seeks beyond the label of this speech, for the establishment of the conspiracy charged, will have good reason to admire the wisdom of the litigant, and the prudence of him who is content to admit the virtues of a quack medicine from the label, without further trial.

The policy of this bill, Mr. President, I believe is the best measure for the people. I should prefer confining this bill, simply, to the keeping, disbursing, and transferring the public money; and separating it from the currency part, because I think that they ought not to be blended; and I am opposed to that legislation which unites distinct subjects. But I shall vote for it with or without that separation. I will not trespass upon the patience of the Senate, by entering at large upon the reasons for that vote. Permit me to allude to a few. I believe that this policy is the best and constitutional mode of performing the duty imposed upon us, of keeping the purse of the people by our own agents, the agents of the people, not the agents of the banks. That it will relieve the Government, "so far as their act can, from the action of any foreign power over the credit or banking system of this country, and the treasures of the people from the use and control of banks; and make the Government, as the Constitution intended to make it, efficient, self-acting, and independent, and capable of fulfilling its benign objects, and high purposes," to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." It will place the Treasury more immediately under the action and control of Congress, inasmuch as they must *create* the functionaries, prescribe their duties, examine into and control their conduct. It will operate favorably upon banks themselves; first, by breaking down favoritism, in selecting one or more, and excluding others from the benefits of the public moneys; and by counteracting the evil tendency of the banking system to centralization, or monarchy; or placing all power in the hands of the strongest, and of giving the places where such centralization is established, superior advantage over all other places. It separates the business of trade and banks—in their very nature, subject to fluctuations—from the fluctuations incident to the collecting, transfer, and disbursement of the public moneys, which cannot be counteracted by the wisest legislation. It will equalize the benefits of the Constitution, by providing that the money of the Constitution, its only standard of value, shall be the universal standard; the dollar of each State, from Maine to Georgia, shall have the same value.

If the Government receives paper money and shinplasters, they must pay them to their creditors. Ought the Government to be made to receive them from their debtors, unless they could compel their creditors to receive them? These, sir, are a few of the reasons which will constrain me to vote for this bill. A few words as to the objections which have been urged against the policy of this bill, and in favor of the antagonist policy.

It is said to be making war upon the credit system; and how? By taking from the corporation of banks the use of the public money. They must first establish that banks have a right to it. It is also said that it is creating one currency for the people, and another currency for the Government. How are these two currencies alleged to be created? Simply by declaring that the Government will receive from their debtors, and pay to their creditors, the money of the Constitution. That is acknowledged on all hands to be gold and silver—*to be coin.* How such an act can be said to create two currencies, is beyond my comprehension. The Government established by the Constitution was a hard money Government. The word currency is not found in it: it was carefully rejected; and why? Not because it was unknown, but because it was known, and condemned. Currency then meant, as it does now, *paper money*, made current, and deriving its sole value, not from its intrinsic qualities, but from authority. The framers of the Constitution had the ghosts of colony, proclamation, State, and continental money before them. They were currencies, as were also the deer skins, mink skins, and coon skins, of the State of Franklin. If these are two currencies, who created them? Not Congress. Every one knows what legal currency of the United States means. The other currency is created by the banks. They have, by their own act, dishonored their currency, reduced it below coin, which it pretends to represent; and having got the coin of the Government and the people, they want to force their paper and shinplasters upon the Government and the people, as of the same value as gold and silver, which they have locked up in their vaults. The banks, by violating their faith to the people, have debased their notes below the standard of value fixed by the Constitution, and forced it upon the people; and then most impudently it is asserted, that the debased currency is the currency of the people. Sir, one would think that impudence could go no farther. It has gone farther, and taunted the Government with bankruptcy, created by the very act of the banks, and branded the paper of the Government, which such conduct made it necessary to issue, as *shinplasters*, or no better than shinplasters. The currency of the people is the money of their Constitution—gold and silver—metallic money. The currency of the banks is paper money of their own manufacture, or their shinplaster allies, and this they call the money of the people. They force the people to pay for their own offspring, and now insist upon their adopting it, and giving it their own name. Sir, we have heard much of that stringent, strict, and literal adherence to the Constitution, which seeks refuge from obeying the command of the people, in construing the injunction of the Consttitution to keep a journal into a mandate to preserve it intact—not to make a journal, thus putting the cart before the horse. Where can those literal gentlemen find warrant in the Constitution to receive two kinds of *money*, one of *coin*, and the other of *paper*.

It is also objected that this bill increases Executive power. The reverse is the fact. Every one knows that if a President wished to increase his patronage, he would recommend the antagonist policy. Who can read the evidence of the servility and debasement of the banks in their applications for the public deposites, without being reminded of the subserviency of the Dutch to obtain the spice trade. They renounced their religion, and trampled upon its holy symbol. The safes, chests, locks, vaults, and other modes of safely

keeping the public treasure, prescribed by this bill, have been the fruitful subjects of declamation and objection. Is not that the mode resorted to by banks, merchants, and others who have money to keep? Can any better mode be devised? If so, let it be proposed; but until it is, shall the representatives of the people discard what every one else adopts as a safe mode. Rogues and thieves, who want to break into the Treasury, would have a right to object to such measures of precaution. Is that a reason for us to reject them?

But the great objection of every opponent of the measure is, that it is an untried experiment. Is it true? What is now called an experiment? It is either the mode of keeping the money, or the kind of money to be kept. What is the mode of keeping the money proposed by this bill? By officers chosen by the people, under the Constitution, instead of officers chosen by banks. It has been tried for nearly thirty years in this Government. It is now in successful progress in every State in the Union. What are all the townships, county, and State officers for collecting taxes, but Sub-Treasurers. It is the practice of every independent nation in the world, nay, every petty corporation, and friendly association in the world, have their system of Sub-Treasuries. *An experiment!* the antagonist policy is an *experiment*, which has ended not only in depriving Government, but the people, of their money, the true standard of value. That experiment has most signally failed. As to the kind of money, is that an experiment? It is gold and silver instead of paper; the money of the Constitution, instead of the money of the banks. Can we choose any other standard of value in collecting the people's money than the standard of the Constitution? But I have done with these objections.

Suffer me, sir, to ask your attention for a few moments to the substitute of my honorable friend from Virginia, [Mr. RIVES,] which has just been rejected. In the very able and eloquent speech made by him in presenting that substitute, he remarked, that he regretted he should be deprived of the support of many members of this body, with whom he had lately stood side by side in upholding and defending the principles on which it rested; and that his consolation was, that he stood now where he stood then—that is, three years ago. Sir, that we are to lose the support of that distinguished Senator on this occasion is a subject of painful regret to me. He has had, and has now, the confidence, not only of myself, but of my constituents, which was most eminently evinced on a late occasion; and justice to myself requires that I should ascertain where my honorable friend stood then. The confidence of my constituents in myself would be weakened, if they found me deviating from the track that he was then pursuing. Permit me, then, in the most kindly spirit, and with the most friendly feelings, to overhaul the reckoning, and ascertain the latitude of departure. I find the last recorded sentiments of the honorable Senator in a speech delivered on the removal of the deposites, on the 17th January, 1834—a speech which would give celebrity to any statesman or orator:

"The honorable Senator from South Carolina has also told us that so long as the Government itself receives and pays away bank notes, it is an insult to the understanding to discourse of the pernicious tendency and unconstitutionality of the Bank of the United States; that while the Government, by so doing, treats bank notes as money, it not only has the right, but it is in duty bound, to incorporate a Bank of the United States; and that the question of the constitutionality of such an institution can fairly arise only when the Government shall refuse to receive any thing but gold and silver in payment of the public dues. Without stopping at present to examine the correctness of the reasoning of the honorable Senator, (reasoning which, to my mind, is entirely unsatisfactory, inasmuch as it makes a great question of constitutional power to depend, not on the fixed and immutable provisions of the Constitution itself, but, in effect, on the *mere will* of the Government, as it may happen to do or not to do a particular thing,) without stopping, I say, sir, to examine this reasoning, at present, I will say to the honorable Senator, that, seeing so many abler gentlemen, himself among the number, while admitting the vital importance of the object, declining the task of its prosecution, I pledge myself to present this great issue in the shape in which only the honorable Senator thinks it can be legitimately presented.

"Sir, of all the reforms, social, political, or economical, required by the great interests of the country, that which is most urgently demanded, and which promises in its accomplishment the largest results of utility, security, and public benefit, is, beyond comparison, the restoration of the Government to what it was intended by the framers of the Constitution to be, a *hard money* Government.

"We are too much in the habit, Mr. President, of regarding the evils of the paper system as necessary and incurable, and of being content with the delusive palliation of those evils supposed to be derived from the controlling supremacy of a National Bank. Nothing, in my opinion, is more demonstrable than that the great evil of that system, its ruinous fluctuations, arising from alternate expansions and contractions of bank issues, making a lottery, in effect, of private fortunes, and converting all prospective contracts and transactions into a species of gambling—nothing can be more certain than that these ruinous fluctuations, (and we have a striking proof of it in the present distresses of the country,) are increased, instead of being diminished, by the existence of an institution of such absolute ascendency, that when it expands the State banks expand with it; when it contracts, those banks are forced, in self-defence, to contract also. Whatever influence such an institution may be supposed to exert, in preserving the soundness of the currency, that object would be much more effectually promoted by a return, as far as practicable, to a metallic circulation. The first step towards that return, is to let the Bank of the United States go down. Its notes being withdrawn, the convenience of travelling alone would immediately create a demand for gold coins as a substitute, and enforce the necessity of correcting that under-valuation of them at the Mint, which is said to have contributed to their disappearance. In concurrence with this, let measures be taken, as it is believed effectual measures may be taken, to discourage and suppress the circulation of bank notes under a certain denomination, (ten or twenty dollars,) of which the effect would be to produce another accession to the metallic circulating medium. The ordinary channels of circulation being thus supplied with gold and silver, the Government would be prepared, without hardship to the public creditor, to require payment of its dues in specie, and thus realise a reform, than which none could be more deeply interesting, in every aspect, to the safety and prosperity o the country."

"Sir, here is an object worthy to engage the most anxious labors of the patriot and statesman; and I feel persuaded that, with a little of the effort and talent daily expended in the ephemeral contests of party, we should see it happily accomplished. I conjure gentlemen, then, with ability so eminently fitted for this great work, to leave the Bank of the United States to its fate—a fate already pronounced by the voice of the nation, and called for by the highest considerations connected with the safety of our free institutions, and bring forward their powerful aid in an effort to restore the Government to its true constitutional character and destination, that of a simple, solid, hard money Government."

Mr. President, I intend to make no comments. My constituents must judge from this speech where my honorable friend stood then, and where he stands now. My march is onward in the luminous path which he then indicated "to restore the Government to its true constitutional character and destination, that of a simple, solid, hard money Government." Mr. President, that substitute of the honorable Senator from Virginia has been called, by the distinguished Senator from Kentucky, a good half-way house. That half-way house, I am persuaded, has not been erected by my honorable friend from Virginia. It has been created by the magic wand of eloquence; but it is the palace of *Circe*, gorgeous and glittering with stones, fair and enchanting to the eye, but surrounded by tame lions and wolves. Let my honorable friend beware how he enters into that magic palace, and how he tastes food and wine. Let him beware of the fate of the companions of Eurycholus. There may be no Ulysses to restore him to his former glorious shape and manly bearing. Mr. President, the fate of that distinguished statesman, now no more, who once filled with such acknowledged dignity the Chair which you now occupy, is full of warning. He was tempted to stop at a half way house, with the captivating sign of "an union of honest men." No, sir, my honorable friend, after the excitement of this subject has passed away, I trust will be found side by side with his former friends; maintaining, with his distinguished ability, the great principles which they advocate.

Mr. President, I had another objection to that substitute; it was against equal rights. Out of upwards of eight hundred State banks, it selected twenty-five; thus constituting an oligarchy of banks. It establishes a *bankocracy*, which would of necessity seek safety under the protection of the money king in this country, and thus be brought under vassalage to the money king in England. The only difference, in my judgment, between this substitute and establishing a bank of the United States, is, the one is *the beginning of the end*, and the other is *the end of the beginning*. Had we adopted the substitute, the Bank of the United States of Pennsylvania must have been one of that league, or we must have resorted to a Bank of the United States to protect the league of banks from its power.

Before I dismiss this branch of the subject, I will make one further remark. I deeply regret to have seen a motto on the speech delivered by my honorable friend from New York [Mr. TALLMADGE] in defence of the bank from an alleged charge against them made by the President. That motto is, "Out, damned spot; out, I say."

[Mr. TALLMADGE here rose and said, that the motto was put on without his knowledge and consent.]

Mr. WALL resumed. I am happy to hear the avowal of my honorable friend. It could have been no friendly hand that put it there. Who that is acquainted with the works of the immortal poet of nature does not recollect that it is the agonized cry of conscience, when the body slumbered, for its own deeds, for friendship betrayed, hospitality violated, and confidence murdered.

The other branch of the antagonist policy, Mr. President, proposes to create a Bank of the United States, to keep, transfer, and disburse the public money. Sir, the first question is, does the Constitution give to Congress that power? Clearly it does not give it as an express power. Nowhere do you find in the Constitution an authority to create a bank or corporation. If it exists, it must be an implied power. The distinguished Senator from Kentucky hunted what he with so much felicity denominated that *vagrant* power, through every article, section, clause, and paragraph, of the Constitution; and a most brilliant hunt it was, sir, and has immortalised him, and he could not find it. He has, it is true, found it since; but where has he found it?

[Here Mr. CLAY said that he had found it in the late war and the necessities of the country.]

Mr. WALL resumed. I thought so, sir; he found it out of the Constitution. That is no constitutional power.

Mr. President, I am free to acknowledge that I had supposed once that this question had been settled by judicial decision. A more careful examination has satisfied me, however, that I was in error on this point. The luminous and gigantic intellect of Marshall, a man whose name I always pronounce with reverence, could find that power only in the clause authorizing Congress to lay and collect taxes; and when Congress had determined that it was a necessary means to that end, no judiciary could look behind that act. That decision only settled the constitutionality of the late Bank of the United States. Before that power which sustained the constitutionality of a bank can arise, Congress must first declare that it is both necessary and proper to collect the revenue in that mode. When I am at liberty, and shall be called on to act on that subject, I will think of it. Congress has not now so declared.

It is perfectly clear, then, Mr. President, that this vagrant power must be looked for somewhere else than where the Judges of the Supreme Court found it. Another mighty hunter has started in the chase, and where does he find this power?

1. In the authority to coin money and regulate the value thereof. What is the meaning of the word money in that clause? Does it mean metallic or paper money, or both? If it means only metallic money, (and who will pretend to the contrary?) then does not the rule of construction, that specification of one thing is the exclusion of another, apply?

In the second place, the honorable Senator from Massachusetts finds it in the clause authorizing Congress to regulate commerce, &c. The argument of the Senator is able and ingenious upon the subject. At present I do not intend to express any opinion as to the power of Congress to regulate the currency of State banks. It is a subject too weighty, and of two grave import, to be decided collaterally.

But, Mr. President, admit that the Senator from Massachusetts has proved that Congress has power to regulate the currency of the country, and that it is our duty to do so. What kind of power is it? It is undeniably an implied power, a delegated power, and a trust power. Can we delegate that power to a corporation, either created by ourselves or by a foreign power, to be exercised, controlled, and regulated by officers unknown to the Constitution, chosen by the corporations, amenable to the corporations, and uncontrollable by the people, through their constitutional agents. Could Congress delegate that delegated and trust power to the Bank of England or France, and if not, why not? Will not

the same reason apply against a delegation to State banks as a United States Bank?

The honorable Senator, after all, if he has been successful, has only proved that Congress has power to create a Government bank, that monster that has so horribly affrighted gentlemen in the Opposition; he has only proved that Congress has power to create a people's bank, with the people's money, and for the people's use; and to be controlled by the officers of the people, chosen agreeably to the Constitution.

When the honorable Senator finds the constitutional power in Congress to regulate the currency, he has not advanced one step in his argument. He must still prove that Congress can delegate that eminent prerogative of sovereignty to corporations unknown to the Constitution—that we can withdraw ourselves from our constitutional duty, and substitute corporations to discharge it.

Sir, we can have no more right to create corporations to carry into execution implied powers, than express powers. We have authority to coin money, regulate the value thereof, to regulate commerce, declare war, etc. Must we not exercise those powers ourselves? Can we create a private corporation to coin money, regulate commerce, declare war, etc.? Can we, under the express and implied powers granted by the Constitution, shingle over the States with corporations to carry on mining, the manufacture of metals, to raise products, build ships, and for mechanical, manufacturing, and agricultural purposes? The mantle of construction of the honorable Senator is broad enough to cover the whole. How does he escape from this? By setting a distinction which is a *petitio principii*, a mere begging of the question.

But, sir, I do not mean to give my opinion on this subject. It is full of interest, and deserves a calm, unbiassed and unrestrained consideration. am not at liberty to give it that consideration Upon this subject I have been instructed both by the people and the Legislature of the State which I have the honor in part to represent, in every way that the voice of the people of New Jersey could be constitutionally declared, to vote against any Bank of the United States, such as proposed by the Senator.

1. The people settled it on the re-election of General Jackson.

2. It was settled by the Whig Legislature of 1832, in their abortive effort to instruct.

3. It was settled by the voice of the people, in the election of the members of Congress in 1832.

4. It was affirmed by the people, in the election of State officers in 1833.

5. It was declared expressly by the instructions of the Legislature in 1834.

6. It was again affirmed by the State elections and the election of members of Congress in 1834.

7. It was again affirmed by the election of the members of the State Legislature in 1835, with express reference to the election of a Senator.

8. It was settled both by the people and the Legislature in electing me as Senator.

9. It was again affirmed by the Legislature in plain and explicit terms in the instructions of 1835.

And what can be advanced to gainsay this array of facts? Nothing, sir, but the election of electors and members of Congress opposed to the present Administration in 1836, and the election and resolutions of the present Legislature. Now as to the first, the election of members of Congress; the only one of the elected members who expressed any opinion on the subject [Mr. HALSTEAD] was compelled by the pressure of public opinion to give a written pledge, that, if elected, he would vote against a Bank of the United States. I know, sir, that he has since voted differently, and told his constituents that there was an essential difference between the Bank of the United States and a Bank of the United States: that he meant to vote against the former, not the latter. Whether he has "paltered with them in a double sense," it is not for me to determine—and he will soon be before the tribunal that has ample jurisdiction to determine. This pledge takes away any implication that the people had changed, and indeed strongly confirms the former decisions on this subject. The candidate who made this pledge was the highest on the return. As to the electoral election in New Jersey, many extraneous matters were thrown in, and the majority was trifling. The majority was accidental, and could not repeal a settled uniform opinion so frequently declared and expressed directly by the people and the Legislature.

As to the last election, and the resolution of the present Legislature, they are silent on the subject of the bank. They leave the former instructions of the Legislature, on the subject of the bank, unrepealed, and in full force. But, sir, in this last election the great question about the banks came directly before the people. The banks had become dependent on the people by their suspension. The banks and their numerous stockholders and dependents had a deep interest in the choice of those who were to decide their fate. The raw-head-and-bloody-bones of Loco Focoism and Democracy were used with effect, and he who denies that the bank question did not enter into the elections and control them in New Jersey, I think is mistaken. In saying so, I do not mean to charge the banks with impropriety; they had a right to the preference. Those who had bank property considered it in danger. The gospel tells us that a man having a hundred sheep, and one being in danger, he straightway leaves the ninety-nine, and goes to look after the one in danger. That election also involved many State and local questions. The nominations in the different counties were all made before the President's Message, and the Sub-Treasury bill was never published and known in the State before the election terminated. I do not believe that the people did, by the election, instruct their agents here, or mean to declare their opinion as to the policy of the General Government. They were suffering under the pressure created by the suspension of the banks.

There are, then, but two policies presented for my choice: the one contained and carried out in this bill, and the other to charter a Bank of the United States. The Legislature of New Jersey have declared that it is not only the right, but the duty, of Congress, to provide for the safe-keeping and disposition of the public money. I am commanded, by the voice of the people of New Jersey, and the instructions of the Legislature of New Jersey, still in full force, not to vote for a Bank of the United States. I made that pledge to them when I was elected Senator. Now I am compelled to act, and have no alternative left, without disobeying the instructions of the Legislature and the voice of the people, but to vote for this bill. I rejoice, therefore, that my own judgment and conscience sanction that course.

Mr. President, it has been said that all that the banks want is confidence. Their misfortunes have flowed from too much confidence. Let them withdraw themselves from politics, move within their chartered orbits, avoid usury and oppression, and they will be safe. If they have lost confidence, it is by their own act, not by the act of the Government. They must regain confidence by their own act. They lost confidence by suspension; let them regain it by resumption. When they do so, sir, they will find confidence coming to their aid, and that the raw-head-and-bloody-bones of loco focoism, which has frightened them from their propriety, has no terrors for honest, faithful, and patriotic banks.

My colleague has said that the very name of Sub-Treasury is odious. I will not quarrel about names. Let us borrow from the great vocabulary of used-up names and call this bill "the American Constitutional Treasury system," and that objection ceases. It is more appropriate, and a better name, and I present it for his adoption.

Here, Mr. President, I would willingly stop; but I am not permitted to do so. My colleague has placed the resolutions of the Legislature of New Jersey, in 1837, in the foreground of his speech, and professed his fidelity to the wishes of the people of New Jersey. He has declared that they want only the little word instruct, to be instructions. I had borne the allusions of the distinguished Senator from Kentucky, and the other Senators acting with him in support of the antagonistical policy, with the most exemplary forbearance. The course of my colleague demands that I should ask the indulgence of the Senate while I recount to them the rise and progress of the doctrine of instruction in New Jersey. It will be found sufficiently curious to reward their attention. Sir, the Legislature of New Jersey have always been an instructing Legislature. It was so up to 1832.

On the 29th October, 1832, my colleague, then Governor of New Jersey, delivered an inaugural address. Among other things he took occasion to say:

"The people of New Jersey have two Governments equally their own, equally bound to protect their rights and interests; and they have divided the powers of legislation and sovereignty between them; and they have set limits to these powers in both. This was necessary in an union of free States in one Government. There are, therefore, subjects of ordinary legislation in other nations on which we are not permitted to act. An example of this is found in that question which so widely divides the people of the Union at this moment—the right to operate through our commercial relations with other nations on the industry of the community in its various departments. Without this right existing and in actual exercise, the country must be depressed, and the means and defences of prosperity lost. But in this matter the Government of this State, as such, cannot act. The compact with the other States prohibits it. But the people here are not deprived of the power on this point possessed by every other people. They have not left themselves unarmed and unshielded against foreign action upon their interests. They have not been so unwise. They have prohibited the representatives of their power here from deciding on this subject, because it might affect the peace and general interests of other portions of the Union. But they have conferred this power, and directed their representatives elsewhere to guard and protect their interests. To deny the power, and the right, and the duty to them, is to leave us without this attribute of sovereignty; not a people equal and free with others, but subject to all their caprices and impositions. When and how the power shall be exercised is matter of discretion; to be governed by a wise regard to all the interests and connections of the country.

"But the people of New Jersey, by themselves, or through their representatives here, and to their representatives there, have a right, and are bound by duty to themselves, to convey their commands on this as on any other interesting topic; and it is their business, both to watch and to control the doings of their general agents, and, as they appointed them, so to correct their wanderings and errors. But that duty is not appointed to us; the power does not exist in us, any more than a similar power exists in the representatives of the general will, to control and correct us in that which may have been entrusted to our care. It can only be so if it be thus written in the grant; and there I do not find it."

On the thirtieth of the same month of October the following *instructions* were introduced into the House of Assembly, and passed on the first of November following, by a vote of thirty-one to fourteen, every Whig voting for them:

"Whereas the people of New Jersey feel a deep interest in all things affecting the welfare of their common country, and particularly in every measure having relation to the judiciary, the tariff system, internal improvements, and the currency of the country, the maintenance of each in all their inviolability is deemed essential to the prosperity of the United States:

"Therefore, *Be it resolved by the Council and General Assembly of the State of New Jersey*, That our Senators be *instructed*, and our Representatives in Congress be requested, to use their best endeavors to maintain the present judiciary system of the United States inviolate; to give adequate protection to American industry; to foster and uphold internal improvements, and to vote for and advocate the renewal of the Bank of the United States, with such modifications as may be deemed necessary."

These resolutions, however, were never finally acted on by the Council, and they perished between the two houses. But while these instructions were pending before the Council, Governor Southard sent a message, on the 10th of January, 1833, to the Legislature, from which I ask leave to read some extracts:

"Some of those interests of the people of New Jersey, which have been confided to the General Government, are in a condition which calls for attention and consideration."

The Governor then communicates those interests. They are, the judiciary, the tariff system, internal improvements, and the currency of the country; the very interests specified and enumerated in the instructions then pending before the Council. He then proceeds:

"Some of the most valuable attributes of the Government which have given it strength, confirmed the Union, and made it a blessing, especially to the weaker members, are questioned, and their exercise deprecated. Even the supremacy of the laws, and the authority of treaties, are disregarded. Whether these things can give promise of good to the country, and promote the prosperity of the people of New Jersey, deserves to be well *considered, and it would seem to be expedient that their opinions upon them should be known and felt through those who represent them.*"

My colleague ceased to be Governor, and became a Senator. Benedict, when he was accused of having railed against matrimony, defended himself, by saying that he then did not believe that he should ever live to be married. So my colleague has reason to say, that when he recommended instructions for others, he did not believe that he should ever live to be instructed. Even-handed justice returned the chalice to his own lips.

On the 11th of January, 1834, the Legislature

of New Jersey, both houses concurring, by a very large majority, passed the following resolutions:

"Whereas the present crisis in our public affairs calls for a decided expression of the voice of the people of this State; and whereas, we consider it the undoubted right of the Legislatures of the several States to instruct those who represent their interests in the councils of the nation in all matters which intimately concern the public weal, and may affect the happiness or well-being of the people: Therefore,

"1. *Be it resolved by the Council and General Assembly of this State*, That, while we acknowledge, with feelings of devout gratitude, our obligations to the Great Ruler of nations for his mercies to us as a people, that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men, who would prostrate the fair fabric of our Union; that we ought, nevertheless, to humble ourselves in his presence, and implore his aid for the perpetuation of our Republican institutions, and for a continuance of that unexampled prosperity which our country has enjoyed hitherto.

"2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of chief magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.

"3. *Resolved*, That we view with agitation and alarm the existence and gigantic power of a great moneyed incorporation, which threatens to embarrass the operations of the Government, and, by means of its unbounded influence upon the currency of the country, to scatter distress and ruin throughout the community; and that we, therefore, solemnly believe the present Bank of the United States ought not to be rechartered.

"4. *Resolved*, That our Senators in Congress be instructed, and our members of the House of Representatives be requested, to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposites of the Government moneys, believing, as we do, the course of the Secretary to have been constitutional, and that the public good required its adoption.

"5. *Resolved*, That the Governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives from this State in the Congress of the United States."

These resolutions were presented to the Senate on the twentieth of January by my respected predecessor [Mr. FRELINGHUYSEN.] On the twenty-seventh of January, that gentleman addressed the Senate, and among other things, said:

"I know that I shall have the sympathies of the Senate, when I recall to them the instructions lately transmitted by the Legislature of the State which I, in part, have the honor to represent. This is a great national question, of common concern to us all; for these instructions are multiplying, and call certainly from me, sir, for distinct and respectful notice. The import of these instructions, I admit, sir, cannot be mistaken. The terms are unequivocal and plain to any apprehension. They instruct us to sustain, by our votes and influence, the course of the Secretary of the Treasury in the removal of the deposites. What are the nature and claims of legislative instructions? That a Legislature has the inherent right, legislatively and detached from their constituents, to direct the political conduct of a Senator in Congress, I can never subscribe to. Sir, where has such a right been delegated by the people? A Legislature of the State instruct or direct the Senate of the United States! Why, Mr. President, we had better change places at once. But when the resolutions of the Legislature can be satisfactorily regarded as the clear indication of public sentiment, deliberate and abiding, I am bound to hold them, as I do hold them, in most respectful consideration. And on such an occasion, when that opinion interferes with my own judgment and conscience, I should promptly surrender a trust that could no longer be held in harmony with my constituents. But here, sir, my embarrassment commences. I am not satisfied that these resolutions are the sure index of decided public sentiment. Sir, you know that, for the last five years, our political atmosphere has been very much given to change. The wheel is turning now, and unless I misread the language of events that are passing, impulses are given to its motion that will bring them to a whirl. Now, sir, will it be right to surrender private convictions of duty to an influence from this giddy seat of power? I think not. I am quite conscious of the delicacy of my position, but I trust that I shall meet it without fear. I will further say, sir, that even where the opinions of a State may be well known, occasions may arise to a representative of the people, rare I grant—when the emergency is of that deeply eventful nature—when he must go alone, so to speak, in the purity of his own purposes, and cast himself, with all his fame, and all the confidence of his country, into the crisis, and sink or rise, as success shall crown his intrepid conduct."

On the fourteenth of February, 1834, my colleague, in presenting a memorial to the Senate, said:

"He had believed, and he was of the same opinion still, that the Legislature, in adopting the resolutions which had been forwarded to him, had grossly erred in their representation of the public voice; and he had now in his hand two of the evidences of their error. Instructed, then, as he had been, by the Legislature of the State for what he conceived to be Executive usurpation, and charged by those who elected that Legislature to oppose such usurpation, he had a consolatory reflection, in the conviction that the course he had pursued would be sustained by a majority of the people."

On the twenty-first of March, 1834, my colleague, in a speech delivered in the Senate, said:

"There is another tribunal before which we [himself and his colleague, Mr. FRELINGHUYSEN,] shall meet most cheerfully our accusers, and as cheerfully abide the verdict and judgment which shall be rendered after the hearing, so far as they shall affect us personally, however we may feel for the laws and institutions of our country. That tribunal is the people of New Jersey, whom, we most solemnly believe, and think we have abundant evidence for our belief, were not correctly represented in those instructions. Again: is it true that the Legislature has a right, in disregard of popular opinion, and against the wishes of their own constituents, to control the other agents of those constituents? Is the power vested in the Legislature on this point, independent of the people of the State? Are they in that the masters of the people? I had supposed that the people were the source of power, and that their will was as controlling in its action on the members of the Legislature on this subject as on any other; and that their commands were only to be regarded as valid, when they conformed to the instructions and commands of their constituents. This may be skepticism; but I beg to say that it is old Republicanism and Democracy; not that of modern day, which seems to require that the will of a few who happen to be in a Legislature, or are leaders of a party, should be obeyed, in despite of the opinions and wishes of the people. Sir, believing as I do, that my constituents disapprove the act of the Executive, I should be guilty of treason towards them, if I obeyed the orders of others in approving that act against my own judgment."

Mr. President, an issue was thus fairly formed between the Legislature of New Jersey and my honorable predecessor and colleague. It was tried before that great tribunal which they selected in October, 1834. They had a fair hearing, for they both addressed public meetings of the people in different parts of the State, and no one appeared against them. The people rendered a verdict and judgment against them. They elected an increased majority, if I recollect right, of the friends of the Administration and the principles involved in the instructions—at all events, a large majority. The wheel did not come to a whirl that year.

How did my colleague and my predecessor fulfil their pledge to the public? Did they obey, or resign? Let the records of this Senate speak.

But the Legislature of that year gave them leave to imparl for one year. They did not instruct.

In October, 1835, a new election for members of the Legislature took place, whose duty it was to appoint a Senator in the place of my predecessor, whose time expired on the 3d of March following.

It is well known to the people of New Jersey that the name of my predecessor and my own were put before the people of New Jersey as opposing candidates for that office, and both were put in nomination by the Whig party. I, sir, was not selected for any particular affection which they entertained for me, but to gratify other feelings. I was held up before the public in such odious colors that I had not the option of declining the high honor, had I been disposed to do so, without compromitting my own honor and character, and that of my party. Sir, I should not have been a candidate at that time had I been left to my own volition, although it was the only office I desired: my own affairs required my attention. I became thus the representative of the principles of the instructions of 1834, and the friends of those principles triumphed by a large majority. The question was submitted directly to the people, and they gave judgment. I am here to carry it into effect.

The Legislature of 1835, the same which elected me as Senator on the 7th of November, 1835, passed the following resolutions:

"Whereas, in all representative Governments, the sovereignty of the people is an indisputable truth: they have a right, and it is their duty, upon all proper occasions, to instruct their representatives in the duties which they require them to perform. Therefore:

1. *Be it resolved, by the Council and General Assembly of the State of New Jersey*, That our Senators in Congress be, and they are hereby, instructed, to vote for, and use their influence to have *expunged* from the journal of the United States Senate the resolution passed on the 28th day of March, 1834, declaring "that the President, in the late executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both:" the same having passed that body without warrant of law.

2. *Resolved*, That our Senators in Congress, be, and they are hereby, instructed, and our Representatives in Congress requested, to vote against the recharter of the Bank of the United States, and against the chartering any other bank or similar institution.

3. *Resolved*, That the particular attention of our Senators be called to the foregoing resolutions, and that they be respectfully requested to conform thereto, or resign their seats in the Senate of the United States.

4. *Resolved*, That our Senators and Representatives in Congress be requested to lay before Congress the foregoing resolutions.

5. *Resolved*, That the Governor of this State be requested to forward a copy of the above resolutions to each of our Senators and Representatives in Congress, at the opening of the next session."

I came here, Mr. President, with these instructions in my hand, coming fresh from the people, and iterated and reiterated both by the people and the Legislature. What were they, sir? That the people and Legislature of New Jersey had unqualified confidence in the integrity and firmness of General Jackson, and in his purity of purpose, and elevated motives. That the Bank of the United States had disturbed the currency of the country, and scattered distress and ruin throughout the community, and ought not to be rechartered. That the removal of the deposites was constitutional, and required by the public good, and that the Senators of New Jersey were required to sustain, by their votes, the course adopted by the Secretary of the Treasury in relation to the Bank of the United States, and the deposites of the Government money.

After these first instructions were received, on the twenty-eighth of March, 1834, my honorable predecessor and my colleague voted directly in the face of them "that the President, in the late Executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

The resolutions of 1835 instructed the Senators to vote for expunging that resolution, as not warranted by law. It had been passed by those Senators in defiance of the clear and decided expression of the people and Legislature of New Jersey, under the assumption, by the Senators, that it was not in conformity to the will of the people. The people and the Legislature desired them, if they could not obey, to resign. Although pledged to resign in such an event, they would neither obey nor resign. New Jersey then had no voice on this floor, though she spoke in instructions. Where was then the solicitude of the honorable Senators from Kentucky, and the other Senators on this floor, who now manifest such sympathy for the voice of the people of New Jersey? Their eloquent tongues were mute, if not engaged in furnishing arguments to color disobedience and contumacy.

Sir, we have seen that the recusant Senators took issue before the people of New Jersey upon these great questions; that they pledged themselves to abide the verdict and judgment of that tribunal, and surrender their offices if it passed against them. Did they do so? No, sir; and what was the ground assumed by my colleague to justify his non-fulfilment of his pledge? It was, that instructions were not binding, and that the instruction to expunge was unconstitutional. But he had estopped himself from making any such defence. In his inaugural address as Governor of New Jersey, made on the 29th of October, 1834, a part of which I have read to you, as if to provide for the very case, he declares, in speaking of constitutional obligations:

"But my own judgment is not to be deemed infallible. The will of the officer is not the Constitution. The people of New Jersey made the Constitution. They have a right to say what was their meaning; and when they have said it, either by themselves or their constitutional agents, their decision is binding even upon the consciences of those who have to act for them. If there be error in the decision, the remedy is not to be found in disobeying or disregarding it, but by seeking in the proper channel, and from the proper source, a correction of the error. A different course savors of presumption. It is unbecoming in him who is but a fiduciary, whose office was not created for him and for his benefit, but for them and their interests—is but an agency under the people, the great principal."

This, Mr. President, is the history of the doctrine of instruction in New Jersey, as believed in, and practiced by both parties. My honorable colleague was supposed to be the founder of that school, but he treats his scholars very much as the Prince of Denmark treated the courtier Polonius. Instructions are like a cloud, which first assumes the shape of a camel, then a weasel, and finally, "is very much like a whale."

But, sir, his school is not original; he has undoubtedly borrowed from the horn book of the honorable Senator from Kentucky, [Mr. CLAY,] who says that he believes in instructions under certain qualifications. What those qualifications were he has not told us; but it is fair to infer, from his practice, that the qualification is, when he likes them, or when they please him.

Mr. President, upon the subject of instructions, I acknowledge that my colleague has the advantage of me. He is the best instructed Senator in this body, and if he obeys resolutions, it is claimed as a merit; and if he disobeys plain, positive instructions, stands recusant for three years, promises obedience, and then again disobeys, it is such high merit as to entitle him to the thanks of the Legislature," for his untiring and able defence of the rights of the State and the people." Sir, upon the subject of instructions, he is clothed with popish infallibility, while I for obeying am to be doomed

to infamy, and to be delivered over to the barkings of "Tray, Blanche, and Sweetheart," and all the cur dogs of the press, and libelled by the toasts of New York renegade loco focos.

But, Mr. President, it is said that I have been instructed substantially. Now who pretends that declaratory resolutions and instructions are the same. Are they the men who believe in instructions? No, sir, no. They are men who do not believe in it themselves, but they attempt to fashion a belief for others. They are like blind men discoursing of colors. "*De non apparentibus et non existentibus eadem est ratio.*" "A wink is as good as a nod to a blind man." I protest against the right of such men to prescribe a creed for me. An infidel is not a safe teacher of the doctrines of Christian sects. On this subject I claim the privilege of being bound by my own creed, and the creed of my friends, so far as I have adopted it; and that my consistency should be determined by its conformity to such creeds. I mean not to impose a creed on others, but I do claim the privilege of forming my own.

Now, sir, what is my creed on this subject? The only one that I have publicly avowed is, that the representative is the constitutional organ of the public will in the choice of President and Vice President, and that he is bound to conform to the voice of his constituents when lawfully expressed; and that he cannot look behind the electoral record Upon this subject I may claim the merit of consistency, however heterodox my creed may be in a case where all my feelings and personal preferences were in opposition to the choice of my constituents. I allude, Mr. President, to the occasion when I was so unfortunate as to be compelled, by my adherence to that creed, to record my vote for another, instead of yourself, for the place you now fill. Much misunderstanding prevailed on that subject, and I was complimented by a respectable clergyman in my neighborhood for my independence. I wrote him a letter on that occasion, which I ask the permission of the Senate to read, as it will best explain my views in respect to my representative duty. [Here several Senators called out, "permission! read it."] Mr. W. resumed. I am grateful for the permission. The letter is addressed to the Rev. Mr. John Plotts, at Mount Holly, and is dated, and was written, in this Chamber, on the 17th of February, 1837.

"Yours of the 13th instant was received by me this morning; and to prevent any misconception of my vote for Mr. Granger, I hasten to answer it. My vote was not given for Mr. Granger because I had any scruples about voting for Col. Johnson. On the contrary, Col. Johnson was my choice. I voted for him at the electoral election. That vote was my own. I believed that Col. Johnson was a brave, patriotic citizen, who was basely slandered by his political opponents, who would have taken him up as their candidate for the Presidency, could he have been induced to lend himself to their purposes. We should not then have heard any thing about the dark stain. Col. Johnson, throughout a political excitement unparalleled in our country, had for more than twenty years stood firm in the confidence of his constituents, triumphing at times over the political majority of his opponents. He had been honored by the confidence of his State; and I thought these repeated evidences of the confidence and good opinion of his neighbors and fellow-citizens were entitled to more reliance than the abuse of those who were striving to gain office by traducing him These charges did not move me, although I was aware that they did move many good men. I know the bitterness and the falsity of party malignity; and if Col. Johnson was not free from errors, if he was not perfect, he possessed the love, confidence, and respect of his neighbors, who knew him best; and his services to his country, his gallantry, and his pure devotion to the principles of our institutions, gave him a preference, in my judgment, over Mr. Granger, who was chiefly distinguished for his support of Antimasonic principles.

"But, sir, having given a vote for Col Johnson as an individual, I was called on as a Senator to choose between the two highest candidates for the office of Vice President, returned by the electors of the United States. My choice was restricted to two; in making it, I thought I was not to act individually, but as a representative. Of whom? I thought, of the people of New Jersey, for the Constitution of the United States does not recognise the Legislatures of the States in choosing Presidents and Vice Presidents, and if I was not the representative of the people, I was a representative without a constituent, which would be an absurdity. I thought the Constitution of the United States gives the choice of President and Vice President primarily to the people of the States numerically; if they fail in choosing a President, the selection from the three highest returned by the people, devolves on the States as States represented in the House of Representatives. I thought in that case, the representatives would be bound in the first instance to conform to the electoral vote of their States; that this was necessary upon the principles of our Constitution, which enables the small States thus to protect themselves from the overwhelming force of numbers in the large States; that it resulted from the very nature of representative Government, which makes use of agents to carry into effect the will of the people, not their own. Hence, also, results the doctrine of instruction and obedience. I believe that where the opinion of the people is fairly and *constitutionally* expressed, that the agent is bound to obey; that although this doctrine of instruction has its limits and restrictions, and the duty of obedience may be controlled by circumstances, yet that those exceptions only proved the general rule, and here was a case clear of all difficulty. If the people have any right, it is clearly the right to choose a President and Vice President, and that right is not forfeited by a failure to choose in one mode, but it lives throughout the other mode, although in choosing a Vice President the Senators act numerically; this does not make a substantial difference, as they are the representatives of the States, in their very creation; and as the Vice President may become President, I thought I was bound to give the voice of the people of the State I represent, not my own, on this occasion. Had I found that my scruples on this subject were disregarded by others, so as to destroy the principle on which I acted, I should have had the firmness and judgment in that case to act as became an American Senator. Nothing of the kind occurred. Six Senators stood as I did, with the choice of their constituents opposed to the feelings of their party friends. Five of them were Whigs; two of those voted with their constituents, three of them according to their own views. There was one Jackson Senator in the position I occupied. He voted for Colonel Johnson. There was then a balance of two Whig votes against their constituents; still, however, the voice of the people of the States triumphed. So situated, I was called on to vote. I voted as the people of New Jersey, through their electors, voted. I did not think that I was at liberty to look behind the record of the electoral vote, although it was a trifling, and, I thought, an accidental majority. Still, however, I thought my vote belonged to the people of New Jersey, and I gave their vote, not mine. This is in accordance with my own principles, and the principles and professions of my party. I am not willing to preach one thing and practice another. I was aware that this vote would subject me to censure on both sides; but I have entire confidence in the good sense and honesty of my constituents, and that even those who differ with me will do me the justice to believe that I acted consistently with my own principles and those of my party.

"I am not insensible of the value of the good opinion of yourself; and, although it is manifest that we differ in some respects. I cannot consent to leave you in any error as to the motives of my conduct, or to claim a merit which I do not deserve."

So much, sir, for my conduct on this occasion.

2. My party in New Jersey have declared that it is the *undoubted* right of the Legislatures of the several States to instruct those who represent their interests in the councils of the nation in all matters which intimately concern the public weal, and may affect the happiness or well being of the people.

It is due to myself and to truth, Mr. President, to declare that I was not consulted in relation to the instructions of 1834 or 1835; but they were both introduced and passed without consulting me. The doctrine which they contain has, however, my approbation. I believe that, according to the theory of our institutions, the Legislatures have the right to instruct Senators, because they are the immediate constituents of the Senators, and the right of instruction belongs to, and results from, the very nature of representative Government and constituency. The Legislatures may instruct Senators, and the people may instruct legislators. But I do not believe that the Legislature is chosen to convey the opinions of the people—the common principal both of Senators and State legislators—to Senators, in any other way than instructions. They may convey their own commands, in the way of instructions, to Senators, in all matters which intimately concern the public weal, or affect the happiness and well being of the people. They then assume the responsibility of the act which they command to be done, and make it their own act, and not the act of the Senator, and transfer all responsibility from the Senator to themselves. They discharge the Senator from responsibility to their common principal, and assume it themselves. But I do not, and never did, hold the doctrine of passive obedience and non-resistance. If a Legislature instructs me to do what I think will not promote the common weal and the happiness and well-being of the people, I shall here tell them so, and make known my opinion to our common master, the people; cast the responsibility upon them, where it does and ought to rest, and leave it for the people, in whose capacity for self-government I have full confidence, to decide between their common agents. But I shall obey the instructions of the Legislature when they are clearly given. Sir, in declaring this, I also feel bound to say that I do not believe that the people of New Jersey selected their Legislature to think for me, to reason for me, to believe for me, or to impose their political creeds upon me. They are a high-minded and generous people, and they mean to be represented, both here and in their own Legislature, by high-minded and honorable agents. They knew that when they selected members of the Legislature, they clothed them with the power of commanding their Senators; but if they did command, it was upon their assuming the responsibility of the act commanded to be done, and absolving the Senators from any responsibility to the people. But, sir, the people of New Jersey did not know and did not believe that a Legislature would be found that would meanly shrink from their proper responsibility of commanding what they thought the public interest required, and put forth their own wishes as the wishes of the people. The people know how to speak their own wishes and opinions in their own way, and in the constitutional mode. I have always repudiated the doctrine which those who do not believe in instructions put forth to disgrace the doctrine of instructions—that every election for a constable or other local officer, or for every member of the Legislature, is an instruction to the agent of the people in the National Legislature—that the representatives of the people here are to become political automatons, weathercocks, and turn north, east, west, or south, as such elections should point.

Mr. President, while I acknowledge the duty of obedience to *instructions*, it is right for me to say that I do not acknowledge the right of the Legislature to play with it as wax, and to mould it to any form. I will not be made the instrument of its abuse, nor shall it be prostituted to fraudulent purposes through my aid. I am no Jew, and do not believe that if my enemy disregards the Sabbath and makes war on me on that day, that the command to keep it holy forbids self-defence. I now announce that, if those who do not believe in the doctrine of instruction, but trample it in the dust and laugh it to scorn, attempt to destroy my political friends and principles by fraudulently availing themselves of our reverence for that doctrine, that they will not find me disarmed or unprepared for defence. I will not lend myself to any purpose to make the doctrine a sword for its enemies to destroy its friends, or a shield to save the enemies of the doctrine from all possibility of hazard. If they mean to blow hot and cold, they must select some other person to try that experiment upon. Now, Mr. President, let us see what the resolutions of the Legislature of New Jersey are, which are said to want only the little word instruct to make them instructions. So a statue may be said only to want vitality to make it speak. With your permission I will read them:

"Whereas it is the right and duty of the people to express their opinions in relation to public measures; and whereas the peculiar and embarrassed condition of our public affairs loudly demands an expression of the sentiments of the people of New Jersey. Therefore,

"*Be it resolved by the Council and General Assembly of this State*, That it is the constitutional right and duty of Congress to provide for the safe-keeping and disposition of the public treasure; and any act of the Executive, whereby it is removed from the custody of those to whom Congress have confided it, is a violation of law, and a dangerous abuse of power.

2. *And be it resolved*, That the resolution of the Senate of the United States, of the twenty eighth of March, in the year of our Lord one thousand eight hundred and thirty-four, which declares that "the President, in the late Executive proceedings in relation to the public revenue, assumed authority and power not conferred by the Constitution and laws, but in derogation of both," meets the decided approbation of this Legislature; and we regard the expunging of that resolution from the journal of the Senate, as an open infraction of one of the plainest provisions of the Constitution, and of most dangerous tendency.

3. *And be it resolved*, That the claim and practice of the National Executive, which regard all executive officers, and especially those to whom the public moneys are entrusted by law, as the mere agents of the President, whom he may on all occasions control and dismiss at his pleasure, are inconsistent with the Republican principles of our institutions, an assumption of regal prerogative, and tend to the establishment of arbitrary Government.

4 *And be it resolved*, That the circular letter from the Treasury Department, known as the "Specie circular," and issued by direction of the Executive, was not justified by law, inexpedient in relation to the currency of the country, unjust in its operation on different sections of the Union, and in violation of the constitutional rights of the States and the people.

"5. *And be it resolved*, That the removal of the public moneys from the deposite in which the law of the land required them to be kept, and where they were safe and available at all times; their deposite in banks, not selected or authorized by Congress, or capable of performing the duties of fiscal agents of the Government; the encouragement to them by the administration to enlarge their discounts and circulation, and increase the paper money of the country; the countenance given to the creation of an immense amount of new banking capital by the States; the unnecessary, unwise, and forced importations of specie from countries to which our own was indebted, and to which, by the operations of commerce, it must be restored; and the refusal to receive the ordinary circulating medium for dues to the Government constitute a succession of acts founded in ignorance of the condition and interests of the country, whose inevitable tendency was to derange the business and exchanges of the different portions of the Union, create distrust, embarrass every branch of industry, destroy the prosperity of the country

and oppress the laboring classes of the community; and that, in the opinion of the people of this State, these acts of the Government have destroyed the business of the nation, and are the immediate causes of the depreciated state of our circulating medium, and of the universal distress of the community.

"6. *And be it resolved*, That the recent act of Congress, founded on the recommendation of the President, which withholds from the States nine millions of dollars, which had been pledged to them, disappointed the just expectations of the States, and was an unjust and unnecessary violation of faith, leading to consequences injurious to the States and the people.

"7. *And be it resolved*, That the issue of ten millions of Treasury drafts to enable the Government to meet the expenses of its Administration, is evidence of a wanton waste of the abundant revenues and resources, an unnecessary addition to the paper money of the country, and a violation of the professions and promises which have been made to the people.

"8. *And be it resolved*, That this Legislature look with alarm to the measures proposed and urged by the present National Executive, and in the name, and on the behalf of the people of this State, do most earnestly and solemnly protest against—

"1st. The adoption of what is usually called the Sub-Treasury scheme, whereby all the public treasure will be in the hands of the officers of the Government, to be kept and disbursed by them; will be unsafe; may be used for party and corrupt purposes; and will augment the Executive power to a dangerous extent, inasmuch as the control of the whole treasure of the nation will, by the power of appointment and removal, be in the hands of the President alone.

"2d. The establishment of the principle and practice of compelling all dues to the Government, and all debts from the Government, to be paid in specie alone, because it will enable the Government to obtain possession of a large proportion of the specie of the country, and thereby control at pleasure, and destroy, the circulating medium, created by the States; and it also establishes a most odious distinction between the people and those who hold public office, inasmuch as the latter will receive for their salaries, and in payment for their services, gold and silver, while the labor of the people must be paid for in less valuable paper, which the conduct of the Government will more and more depreciate, and render worthless.

"3d. The passage of a special bankrupt law, applicable to State banks, because it violates the spirit of the Constitution of the United States, is partial in its application, and interferes with the acknowledged rights of the States; inasmuch as it assumes to the General Government the power to dictate the terms on which corporations created by the States shall be regulated and destroyed.

"9. *And be it resolved*, That we regard these measures as ruinous to the best interests of our country, and dangerous to the existence of our Republican institutions; and we declare our solemn conviction, that they are decidedly disapproved by the people of this State; and that our representatives in both Houses of Congress will best conform their acts and votes to the wishes of their constituents, by a faithful resistance to their adoption.

"10. *And be it resolved*, That in his unwavering opposition to all the foregoing measures, his patriotic and eloquent support of the above recited resolution, and his untiring and able defence of the rights and interests of the States and the people, the Hon. Samuel L. Southard has discharged the duties of the statesman and the patriot, and entitled himself to our highest respect and warmest gratitude.

"11. *And be it resolved*, That the conduct of the Representatives of this State, in the present House of Representatives, merits and receives our decided and hearty approval.

"12. *And be it resolved*, That the Governor be required to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, with a request to present the same to both House."

No man, sir, will seriously pretend that these are instructions. They are the mere declaration of what the Legislature profess to believe to be the voice of the people of New Jersey, respecting the policy of the General Government. They contain no commands, there is no manly assumption of responsibility; no generous confidence in avowing these opinions, which relieves the agents of the people here from their responsibility to the people. Why did they not instruct, if they so meant? Was it because they were ignorant of the difference between instructions conveying the commands of the Legislature, and resolutions professing to declare the opinions of the people? I have shown that the records of the Legislature abound with precedents. Was it because they considered them identical? I have shown that Whig Legislatures instruct when they so mean. Was it because they could not instruct without trampling upon the reputation of the Senator whom they meant to applaud? If so, it ought to have admonished them not to play with edged tools. But why speculate on this subject? I turn to the tenth resolution, which applauds the conduct of my colleague as a statesman and a patriot, as one which I view as decisive upon the subject. I ask, sir, could any Legislature be found that would, in the same breath, give instructions to Senators, and, in the same breath, pour out unmeasured praise upon a Senator who had stood, for more than three years, in open, repeated, and renewed, disobedience to the instructions of the Legilsature and the voice of the people of New Jersey; who had the presumption to appeal from the Legislature to the people; who had had two fair trials, both before the Legislature and the people, had promised obedience, and had, after all, disobeyed? Why, sir, it is a degree of inconsistency that amounts to fatuity. By the benign principles of the common law, no man can be permitted to stultify himself; and the Legislature of the State which I have, in part, the honor to represent, shall not do so, with my consent. My honorable friend from Pennsylvania [Mr. BUCHANAN] may look to the immunities of legislative bodies on the other side of the Delaware. It is no concern of mine.

Yes, sir; I take as deep an interest in that tenth resolution as my colleague can, although it was designed exclusively for his honor. It is my protection. It is at once an estoppel against these resolutions being set up as instructions and a letter of license to me.

View them as instructions, or as intended to operate on me, and in what a disgraceful position do they place the Legislature of New Jersey! How will they dare to look a generous, high-minded, and confiding constituency in the face? This construction assumes that they meant to dishonor the voice of the people by applauding him who disobeyed it; to dishonor legislative instructions, by holding out legislative honors to disobedience; that they dare not, out of tenderness to their friends, manfully express what they meant, or that the conduct of those friends had constrained them "to palter in a double sense"—to attempt by indirection what they had not the manliness to do directly; in short, sir, it assumes that they would not instruct, because they knew I would obey, and thus defeat malignity. And therefore they fraudulently contrived resolutions which they knew were not instructions, but intended to wear the form, without the substance, and thus place both my colleague and myself in false positions, and let loose upon me the cur dogs of party.

Mr. President, I do not view these resolutions as instructions. I cannot do so without stamping the Legislature with fraud and dishonor. I shall continue in that opinion until some one of that Legislature avows that they were so meant, under his own name, and I will then bring him before the tribunal of our masters to answer for the fraudulent use and abuse of legislative trust.

That these resolutions were not designed as instructions to me, is further confirmed by the history of the day. It is well known that the poetical gentleman who introduced them, and who, no doubt, considered that he held in the breath of his nostrils the issues of death and immortality, would not even "breathe my name," but committed it to the awful punishment of letting it "rest in the shade." He would not suffer it even to be breathed in connection with these immortal resolutions. Another, and a conclusive, reason why they were not designed as instructions, is, that both the Legislature and the people of New Jersey had, on two different occasions, sanctioned and confirmed that part of the policy of the General Government which related to the administration of General Jackson—the removal of the deposites, the taking the moneys of the United States from the use of the United States Bank, and repudiated the resolution of the Senate of the twenty-eighth of March, 1834, as not warranted by law, and commanded their Senators to vote for expunging that resolution. In fact, all the measures repudiated by the resolutions in question had been previously sanctioned by the people of New Jersey. If it were true, which I do not believe, that the people had changed their mind on the subject, I do not believe that the people who selected me as Senator, and at the same time commanded me to expunge that resolution, would afterwards disavow the act, censure me for my obedience, and shower thanks upon my colleague for disobedience. What could purify the doctrine of instruction from such disgrace, contempt, and infamy?

Sir, I have another reason for believing that these resolutions were not designed as instructions, and that arises from my modesty. I do not believe that the Legislature intended to put me on the road to honor by these resolutions; to place me in the way of entitling myself to Legislative thanks, by the merit of disobedience. Do you not perceive, sir, that if my colleague obtains honors by disobedience to instructions, that disobedience is merit, and that I can win honor in the same way? Surely, sir, it would be doubting the justice of the Legislature to suspect that, if disobedience was meritorious in my colleague, it could be less so in me. No Legislature would render itself odious by making fish of one and flesh of another Senator.

No, sir: they are not, and were not designed to be instructions. They are simply a Whig creed. It is well known, sir, that that party is composed of discordant and heterogeneous materials; and they want a common standard for action here and at home. They applaud their representatives in Congress for their conduct at the extra session in doing nothing, and opposing every thing. Here they present them a little book for their future guide, in their arduous duties of opposition. Now, sir, this creed teaches me to believe that every thing that General Jackson has done for the whole period of his administration, and every thing that his successor has recommended, or will recommend, is wrong. Sir, I have a very great respect for the Legislature of my native State, and the gentlemen who compose it; but they must excuse me. They believe too much for me: I cannot believe up to their standard. Besides, sir, I have just enough of the Quaker blood in my veins to reject creeds which are made for me. I do not believe in the right of any body of men to frame and fashion a political creed for me, or to order a faith for me. I look upon my own faith as best, and shall hold on to it until better advised.

Sir, we have heard much of the spoils party. It has been a fruitful subject of declamation; but the great Whig party, while they condemn it, adopt it. Wherever they get power they make a clean sweep from the highest to the lowest, and they reward the faithful. My own Legislature, I understand, did a snug business in that way, relieving the distresses of some eight hundred or a thousand of the new recruits in the ranks of the spoils party. But the effort to impose a creed on the vanquished, is going one step beyond the atrocities of the odious spoils party. Not content with stripping all those of office whom they can, (for when did they ever spare a victim,) here is an avowed effort to make those who are beyond their reach undergo the ignominious punishment of the yoke; an attempt to impose a creed upon them—to make them put on their livery and get up behind their triumphant coach. I will wear no livery but that of the people.

Mr. President, this attempt by the victors to impose a creed upon the vanquished, is a novelty. It is not Republican, for Republicanism teaches "that error of opinion may be tolerated while reason is left free to combat it." It is not Christian, for Christianity teaches charity. It is the Mahometan and Turkish creed which is now sought to be interpolated in the politics of the country; a creed which teaches that to the victors belong not only the spoils, but also the right of imposing their creed upon the vanquished. I am not prepared to turn Turk. I shall remain true to my friends and my country.

I sincerely thank the honorable Senator from Kentucky, and the other Senators who have manifested such zeal for my conversion. I have no doubt it arose from the most kindly feelings to propagate the true faith on the doctrine of instructions; and I would therefore recommend that they should unite their efforts upon the honorable Senator from South Carolina, [Mr. PRESTON] who is in the same unfortunate situation with myself. If he should become their neophyte, I will think of beginning to take lessons from my honorable colleague. I will owe my conversion to no other hands.

Mr. President, I have a few remarks more, and I will cease to tax your patience. It is always with unaffected reluctance that I speak about myself. I am, however, compelled to do so.

The distinguished Senator from Kentucky, [Mr. CLAY,] who plays many parts here, and always with eminent ability, the other day, in striking at friends and foes, spoke of my Federalism; and my honorable colleague has alluded to it in a manner too significant to be misunderstood. What do these Senators mean by such allusions? Do they mean that it is an eternal reproach, an indelible mark of disgrace, to have belonged to the Federal party? If that is their meaning, let them proclaim it in New Jersey, and they will soon find that they lose more than two-thirds of their supporters. If they drive from their ranks the Federalists, as

unworthy of association, they will be left with the skeleton of a party. Do they mean it as a reproach to me? I am willing to bear it. Here, sir, in the presence of the American people, I avow that I was a Federalist, and acted with that party zealously and actively, so long as their flag waved in New Jersey. Standing here, as it were, with the eyes of the immortal Father of his Country—the head and leader of the party to which I belonged—intently fixed upon me, I should be unworthy of my present honorable position, if I hesitated to make the avowal. Sir, it is an honor to any one to have been a humble follower of the purest and most unsullied Democrat that ever lived. Who, sir, were the leaders of the New Jersey Federalists? For, sir, I hold myself answerable only for their sins and my own. I reject all imputative sins. They were the men whose Democracy was tried by the fires of the Revolution, who had assisted in that glorious struggle in the field and in the cabinet and in forming the Constitutions which now support our liberties. They were talented, high-minded, and honorable, and, above all, they were eminently American and patriotic. When I arrived at manhood I found them prostrate, in a hopeless minority, and crushed by what I considered an oligarchy, whose claims for Democracy were not equal to those of the Federalists whom they expelled from power.

Sir, the Federal party, while it existed in New Jersey, after I became of age, never had but one year of power. They have few sins of commission to answer for. They stood in opposition, and I stood with them, side by side, until after the declaration of the late war, and the invasion of the country by the British. I thought then, and still think, that although there had been abundant cause for war from the time of the attack on the Chesapeake, that it was declared rashly, and that the Goverement had not done its duty in putting the country in a state of defence. But, sir, when the country was invaded, I thought it the duty of every man to go for the country.

I had hoped, sir, to have seen the venerable man, who was at that time the leader of the Federal party in New Jersey, (and a more patriotic, heroic, and American heart beats not in any bosom,)in the place which he has occupied for several days in this Chamber, [Col. OGDEN.] And he could have told you what were my feelings and sentiments then. Sir, the Federalists of New Jersey were Americans and patriots. I had the honor of commanding in camp during the late war a company composed exclusively of Federalists, and it is due to them to say, that among their gallant associates they had no superiors in patriotism, and every quality that becomes an American soldier. There, sir, I was brought in close connection with Democrats, and found in truth what Mr. Jefferson had declared, "that we were all Federalists, all Republicans." Shortly after the war the Federalists in New Jersey struck their flag by their own hands, and voluntarily disbanded. I remained with them with unshaken fidelity until that time, although some differed with me, no doubt honestly, as to the course I had taken in the war. We were conquered, sir, by our friends, not by our foes. But not by our friends in New Jersey. There, sir, we furled our flag with our own hands, still bearing the national stripes and stars undisgraced. The era of good feeling commenced with Mr. Monroe's administration. The friends of internal improvement in New Jersey were about commencing those great works which will immortalize them, and which has given to the State such prosperity. My feeble exertions were invoked in that cause, and I entered the Legislature as a representative of one of the most Democratic counties in the State. Party feeling was calmed and subdued for several years. The time came, however, when the principles which are always working in Republican Governments, were about to exhibit themselves in new forms. New parties were formed. I had been discharged from all parties by the voluntary disbanding of the party to which I belonged. I had remained neutral for years. When I thought the proper moment had arrived, I took "my musket, cartridge-box, and shot pouch," and entered the caucus, the great Wittenagemotte of the Democracy of Hunterdon county. But I did not go "solitary and alone." Those who had stood side by side with me in my course during the late war, went with me. I was opposed by some who made the same objection that has been made here. I did not meet that objection by denial, but justification. I told them that I had drawn my Federalism from the principles of the Revolution, the Constitution of the United States, and Washington's Farewell Address. The Democrats found that my Federalism and their Democracy did not differ much, and that difference related to the past, and they honored me with their confidence. Sir, I have never abused that confidence, and the last pulse which beats in my bosom will be in gratitude for their favors, and in devotion to their service.

Sir, I entered the Democratic ranks, not as a deserter, for I left no party, but as an American citizen should meet his fellows, conscious of the purity of his own purposes; and I was received and treated with a confidence equal to that which I had evinced. It required no sacrifice on either side to cement our union.

Sir, I never joined any party, but when it was in a minority, nor have I ever asked of any party with which I acted as much as they in their bounty were willing to bestow. I have never deserted either party or friends; nor, sir, have they been importuned, distracted, or weakened, to promote my ambition or interest.

My colleague, with some scorn, speaks of modern Democracy, and says that he went to bed one night a Democrat, and rose the next morning a Federalist. Sir, if such a sudden metamorphose took place, his democracy must have been composed of "such stuff as dreams are made of"—"like shadows it came, and like shadows it departed." My democracy, however modern it may be, neither came so suddenly, nor will it, I hope, be so evanescent. I admit that my democracy is a plant of slow growth; it neither came up in a night, nor will it be found withered in the morning. It resulted from reflection, experience, and the conquest over error and prejudice; and I hope that, like all plants of slow growth, it will be the more enduring. I have no pretensions to that *unctious* Democracy which arises from hereditary descent. I cannot boast that "I was born in the purple." Hereditary Democracy savors rather of Aristocracy, and, like hereditary property, is apt to be dissipated. Unfortunately for me, my father died before the formation of parties in this country, but he bequeathed to me his Revolutionary feelings and example, his only inheritance.

Mr. President, I do not boast of my consistency. Since I attained the age of twenty-one, I acknowledge that I have changed my opinion on many subjects, legal, political, religious, moral, philosophical, and as to men; and if my life is spared, and my opportunities and the possession of my faculties are vouchsafed to me, I do not doubt but I may still change. But, sir, in pure love of my country and its institutions, in devotion to what my judgment tells me will best promote its interests, in the love and pursuit of truth, and the attainment of honorable ends by honorable means, I am not conscious of any change.

Whatever my Democracy or my Federalism may have been, it is now drawn from the principles of our Revolution and of our Republican institutions, and an adherence to that mode of administering the Government which will produce the greatest good to the greatest number. I draw my Democratic principles from Washington's Farewell Address, from the doctrine of equal rights and equal privileges, and the protection of those rights and privileges, and all other privileges sanctioned by the Constitution, by law. Finally, sir, I believe in a strict construction of the Constitution, but such a construction as will develope and call into action all its express and implied powers, for the beneficent purposes of its adoption.

Now, sir, whether this Democracy is from the school of Federalism or Republicanism, of Washington or Jefferson, I shall not inquire. It is my Democracy.

Mr. President, I bow in submission to the voice of the people of New Jersey; but that voice is not declared by these resolutions. The Legislature may command, but they assume an authority not delegated, if they arrogate to themselves the right to bind the people of New Jersey by uttering their voice as the voice of the people. Have the people changed? for they must have changed, if these resolutions declare their voice. In what constitutional mode have they evinced that change? I have not been able to discover it. At the last State election the friends of the Administration polled more votes in the disputed counties in that State than they ever did on any former occasion. Many of the strongest Democratic counties were divided by two tickets, both professing the same political sentiments in favor of the National Administration.

Sir, at the time these resolutions were passed, no *one* of the people or the Legislature had seen this bill which it is pretended is condemned by the voice of the people of New Jersey. Then, Mr. President, I shall look to the Constitution and the instructions of the Legislature of New Jersey, twice sanctioned by the people, for my guide. I shall vote for keeping (as the laws now provide for collecting) the public treasure by constitutional officers, chosen, amenable to, and regulated by, the Constitution and laws, solely for the public use—instead of placing it to be kept in the possession and custody of bank agents—chosen by banks irresponsible to the Government or the people—to be used for the sole and exclusive profit of banks. If I err in this, my error is in the Constitution, and the remedy is with the people. I commit myself with unshaken confidence to their hands, and submit my actions to their judgment and decision, which with me will be decisive.

THE FULTON CLAIM.

SPEECH OF MR. DUNCAN,
OF OHIO.

In House of Representatives, March 30, 1838.—The motion of Mr. THOMPSON to reconsider the following bill, passed by the House on a former day, came up for consideration:

A BILL for the relief of the heirs of Robert Fulton.

Be it enacted, &c. That the Secretary of the Treasury pay to the heirs of Robert Fulton one hundred thousand dollars, for the services of said Robert Fulton in inventing a system of coast and harbor defence, and in testing its utility; and for his services for inventing and superintending the construction of a steam frigate at New York, during and after the late war; and for the use of his patent for steam frigate; and for the detention of his steamboat Vesuvius, impressed into the service of the United States, and detained from the thirtieth of December, eighteen hundred and fourteen, to the twelfth of March, eighteen hundred and fifteen, both days inclusive; and for the damage done to said boat while she was aground at New Orleans.

Mr. DUNCAN rose and said, when the bill in question was under consideration, he attempted briefly to explain his reasons why, at that time, he could not give it his support. His reasons were, that the friends of the bill had failed to convince him, as well as many others, that the enormous sum of one hundred thousand dollars, or any other sum, was due from this Government to the heirs of Robert Fulton.

He at that time moved a postponement of the bill for a short period, until he, as well as others, desirous of the same thing, could investigate the matter, and be prepared to vote understandingly; but that motion failed. He then moved a call of the House, to the end that there might be a full vote on the question of the passage of the bill, but in this he was also unfortunate: such seemed to be the determination to pass the bill, that he did not know but that his humble efforts to secure a reconsideration would not be viewed in any other light than that of temerity; but he was happy to find himself in good company, for he knew of many members who were anxious for a reconsideration, whose judgments were superior to his own, and whose charity, humanity, and singleness of heart were in no particular inferior to that of those who were exerting themselves to secure the appropriation contained in the bill.

Great reliance had been placed on the vigilance and scrutiny of the Committee of Claims, who reported the bill, and a most unmeasured, unbounded, and eloquent eulogium had been pronounced on the chairman of that committee, for his superior skill and depth of research. This was due, in

gratitude, from the friends of the bill, and it was expected as a matter of course; and all that had been said of that committee, and the chairman thereof, might be true. Mr. D. was not disposed to doubt one word of it; but when he acted on a matter of this kind, he acted officially, he acted upon oath; and when he was about to vote away $100,000 of the proceeds of honest toil, he felt bound, by the most solemn obligations, to examine for himself the propriety of the vote he was about to give. And should his vote be improperly given, and injustice done to those whose interests were involved, it would be but a poor apology either to his conscience, his God, or his country, that he had committed this violence on the rights of others, because *the Committee of Claims* said it was *right.*

This right, and this duty, to examine for himself into this matter, as well as others of a similar character, constituted his apology for asking the indulgence of the House for a short time to give his reasons why he felt bound to vote in favor of the present motion, and against the passage of the bill, should the present motion succeed.

Mr. D. remarked, that, before proceeding to give the result of the examination he had made of this subject, he thought it due to himself to say that he commenced the investigation with the strongest feelings of friendship for the claim, gratitude for the memory of Fulton, and sympathy for his heirs.

He had entertained a hope that, in the transcendent services of Robert Fulton that have tended so much to elevate his country in the scale of every thing that is calculated to add to her prosperity and advancement at home, and reputation abroad, he would find ample inducements for sustaining the appropriation in question; but in this he was disappointed, believing, as he did, that no appropriation of money could be made by Congress, except to carry into effect the purposes for which the Federal Government was formed, and these he would notice before he took his seat.

The credit of the invention of the application of steam to the propelling of boats, and the construction of machinery by which the power of steam is applied to the navigation of rivers, has almost universally been awarded to Robert Fulton, and I was, for many years, among the number that thought him entitled to that credit. But what does history say? I hold in my hand a book, the title of which is, "Anecdotes of Steam Engines," vol. 2. This work is in high repute, and its author well esteemed as a careful, judicious, and faithful compiler. I procured it at the Patent Office, where it is regarded as a text book. Here Mr. D. requested the Clerk to read from page 485.

"Blasco De Garay, a sea captain, exhibited to the Emperor and King Charles V, in the year 1543, an engine by which ships and vessels of the largest size could be propelled, even in a calm, without the aid of oars or sails.

"Notwithstanding the opposition which this project encountered, the Emperor resolved that an experiment should be made, as, in fact, it was, with the success, in the harbor of Barcelona, on the 17th of June, 1543.

"Garay never publicly exposed the construction of his engine, but it was observed at the time of his experiment that it consisted of a large caldron or vessel of boiling water, and a movable wheel attached to each side of the ship.

"The experiment was made on a ship of 200 tons, arrived from Calahia, to discharge a cargo of wheat at Barcelona: it was called the Trinity, and the captain's name was Peter de Scarza.

"By order of Charles V, and the Prince Philip the Second, his son, there were present at the time, Henry de Toledo, the governor, Peter Cardona, the treasurer, Ravago, the vice-chancellor, Francis Gralla, and many other persons of rank, both Castilians and Catalonians; and, among others, several sea captains witnessed the operation, some in the vessel, and others on the shore.

"The Emperor and Prince, and others with them, applauded the engine, and especially the experness with which the ship could be tacked. The treasurer, Ravago, an enemy to the project, said it would move two leagues in three hours. It was very complicated and expensive, and exposed to the constant danger of bursting the boiler. The other commissioners affirmed that the vessel could be tacked twice as quick as a galley, served by the common method, and that at its lowest rate it would move a league in an hour.

"The exhibition being finished, Garay took from the ship his engine, and having deposited the wood work in the arsenal of Barcelona, kept the rest to himself.

"Notwithstanding the difficulties and opposition thrown in the way by Ravago, the invention was approved; and if the expedition in which Charles V, was then engaged had not failed, it would undoubtedly have been favored by him. As it was, he raised Garay to a higher station, gave him a sum of money (200,000 maravedies) as a present, ordered all the expenses of the experiment to be paid out of the general treasury, and conferred upon him other rewards.

"Such are the facts collected from the original registers preserved in the Royal archives at Samancas, and among the public papers at Catalonia, and those of the Secretary at War, for the year 1543."

Thus, it seems, as early as 1543, that a vessel was propelled by steam, to the great amusement and astonishment of the Emperor and King, Charles V, and a portion of his Court; and the machinery consisted of *a boiler, engine,* and *paddle-wheels.*

Hebert on Steam Engines, a work of much celebrity, furnishes us with these facts, page 295:

"Among such attempts we find the invention of Mr. Jonathan Hulls, of London, who, in 1736, took out a patent for the application of the crank to the steam engine, by which addition he purposed 'to carry vessels or ships out of or into a harbor, port, or river, against wind or tide, or in a calm.'"

About the same time, or shortly after, Mr. Watt, of England, also took out a patent for a similar purpose, but constructed on a different plan, (ibid. 296.) These experiments opened the way for various others, some of which were successful within the eighteenth century, one of which appears to have been made for inland navigation on the Forth and Clyde, in Scotland, by Mr. Symington, but which seems to have been early abandoned, in consequence of the injury done to the banks of the canal by the waves produced by the paddle-wheels. But it appears in the same work, on the same page, by the statement of the ingenious Oliver Evans, a native son of America, whose engine is described in another part of it, (p. 141,) that so early as 1785 he had published a description of a mode of propelling boats by steam. It is said, in the history of Mr. Evans, that his indigent circumstances prevented him from carrying his plans into effect until 1804. But the historian says, "he does fully, in our estimation, establish his claim to the first contrivance of a *practical* steamboat."*

But a pamphlet published by a Mr. Fitch, an American citizen, also the legislative history of a contest between Mr. Fitch and Mr. Rumsey, before the Legislature of New Jersey, actually shows therein that Mr. Fitch had a small steamboat in operation so early as 1785, on the Delaware river. This boat was on the oar plan, in lieu of the wheel paddles.

Mr. Fitch obtained a patent for his improvement or discovery, or both, in 1791, from the Secretary of State, (the officer who at that time granted patents;) when, or soon after, he obtained, by the enactment of laws, the exclusive privilege of navigating the waters under the jurisdiction of New York, Pennsylvania, New Jersey, Delaware, and perhaps Virginia, I think, for the term of twenty years.

Mr. Fitch, from the want of pecuniary funds, was unable to carry his inventions, improvements, and legislative privileges into successful operation. He visited France for the purpose of raising the necessary means, and in Paris formed an acquaintance with the American Minister, Mr. Vail, to whom he disclosed the object of his visit, and to whom he developed all his plans, models, and draughts. Being unsuccessful in the object of his visit, he left all his papers in the hands of Mr. Vail.

The next thing of importance which demands our attention is, that Mr. Livingston, of New York, (the late lamented Chancellor,) reported that he was in the possession of a plan by which he could propel boats by steam, but that he was deterred from carrying his plan into practical operation in consequence of the exclusive privileges bestowed upon Mr. Fitch by the Legislature of New York. And he urged upon the Legislature of his native State, by memorial, the propriety and importance of repealing the act securing the "exclusive privileges," &c. to Mr. Fitch, stating, among other things, for reason, that Mr. Fitch had abandoned his project of steamboats, and that he had left the country, &c.

The Legislature entertained the proposition of Mr. Livingston, passed an act repealing the act granted to Mr. Fitch, and giving Mr. Livingston all the rights and privileges formerly granted to Mr. Fitch, and for the same term of time, provided he should put into successful operation, on the Hudson river, a steamboat, within one year from the passage of said act.

This act was submitted to the Council of Revision, who vetoed it; it was returned to the Legislature, reconsidered, and passed by the constitutional majority required, and thus became a law. The year within which, by one of its provisions, a boat was to be placed on the Hudson river, passed away, and the stipulated condition was not complied with. Farther time was asked, and two years more were merged in that which will be witnessed no more, and no boat had yet appeared on the Hudson river. An extension of time was solicited, and four additional years granted.

But, some time before this, Mr. Fulton, whose name I have not been able to introduce into this history until now, and whose name is in no manner yet connected with the invention of steam engines or steamboats, went to Paris in the humble capacity of a painter, in which he sustained, as history informs us, a good reputation, and attained great celebrity; and, being an American, whose excellence as an artist all were willing to acknowledge, formed an acquaintance and an intimacy with Mr. Vail, and it is believed had full access to the draughts, models, &c. left in his hands by Mr. Fitch.

Mr. Livingston about this time was appointed Minister to France, (Mr. Vail resigning or being called home,) and soon after his arrival Mr. Fulton, it is known, was associated with him in the monopoly granted by the Legislature of New York. He returns to America, and, by the united energies and means of the Chancellor and himself, puts in successful operation a steamboat on the Hudson river in 1807. This query naturally arises in the mind: was Mr. Fulton benefited by the use and examination of Mr. Fitch's models, draughts, and plans? I leave it to the friends of this bill to furnish a reply, as I am as unwilling as they possibly can be, that one leaf should be torn from the wreath that fame has entwined around his memory.

We see Mr. Fulton in the possession of a steamboat on the Hudson, invested, as an associate of Mr. Livingston, with exclusive privileges for navigating the waters of New York from that time to the full expiration of twenty years, with an additional benefit of five years more for every boat that he should construct and put upon the waters of the Hudson, provided the whole time of extension did not exceed thirty years.

Some two or three years subsequently, Mr. Fulton obtained from the United States Government a patent for this discovery of or invention of applying steam to the propelling of boats, with the exclusive right to the use and benefit of said discovery and patent for the term of fourteen years.

We now must throw into the rubbish of time the names and discoveries of Blasco de Garay, Jonathan Hulls, Mr. Watt, Mr. Symington, Oliver Evans, Mr. Fitch, Rumsey, and Livingston, to bestow on Mr. Fulton the name, reputation, and glory, of having discovered the application of steam to the propelling of boats.

And now in possession of a patent for the same, (the undoubted evidence of his invention,) together with all the pecuniary emoluments growing out of the vast monopoly granted to him, (truly vast in a pecuniary point of view,) but all of which which were small, compared with the transcendent glory affixed to his name, and the grateful remembrance that is indelibly impressed upon the hearts of his countrymen, which alone can be lost or eradicated when the steam palaces cease to defy the torrent, and subdue the current of the broad and mighty rivers on which they daily ride in majesty.

Far be it for me to say or do any thing that would for a moment deface or impair these proud recollections. True it is, in gleaning the history of his claim to the honors so profusely lavished upon him, which my situation here compelled me to do, regardless of smiles or frowns, or the praises which have been sung to the memory of Mr. Fulton, I have done no more than my duty.

I know, sir, I shall be taxed with hardihood for having the temerity, as some may be pleased to term it, and ingratitude, to attempt to set up my judgment against a torrent of public feeling that flows throughout the Union in favor of Mr. Fulton,

* The history of Mr. Evans's progress and experiments in the construction of engines, and the application of steam thereto, is highly interesting, which will be found in "Hebert's Steam Engine," page 141, and from page 296 to 306 inclusive.

But, sir, whatever effect this exposition of historical and well-authenticated facts may have in disabusing the public mind, I cannot hold myself accountable. I am no author; I did not make these large books which I now hold up to your view, and in which I have found all the information which I have this day presented before this House in relation to the steam engine.

I am aware, sir, that, had I not done so on this occasion, some other opportunity would have occurred, and some other individual—perhaps with less grateful regard than what I possess for the fame of Mr. Fulton—would have presented them to your consideration, and laid them before the American people. Still they exist, they constitute a part of the true history of the great agent, steam—the steamboat and the steam engine.

But, supposing that they are all untrue, that the record is false, and the whole narration the result and offspring of conspiracy, entered into and existing two hundred years before Mr. Fulton was born, and carried on with all the malignity, jealousy, bitterness, and injustice, with which conspiracies are generally characterized and conducted, to deprive him of his merited name and fame up to the time that he set in motion his boat on the Hudson, to the great advancement of navigation, the prosperity of his country, and the universal happiness of mankind. Supposing these historical facts are the results of such a conspiracy, and they should become generally believed, to the prejudice of his memory, *still* there is enough left to secure him a nation's everlasting gratitude for his improvement of the machinery by which the power of steam is usefully and beneficially, and I may with truth add invaluably, applied to the propelling of boats. The honor of being *successful in its application to boats* is his; he is entitled to all the glory that can redound from that improvement, and no conspiracy, principality, or power, on the face of the earth, can deprive him of t.

But, sir, setting aside these historical facts as untrue, and as unworthy of a place in history, or of our belief, and admiting Mr. Fulton to be the author and inventor of the first application of steam to boats, or giving him the credit that is really due to him, and which no person will attempt to wrest from him, I mean THE IMPROVEMENT OF THE STEAM ENGINE, how stands the matter so far as it regards this claim?

That Mr. Fulton has done much for the good of his country must be, and is, freely admitted. What has been his compensation? I am not prepared at present to say that it has been what it ought to have been. But, should it be found, and could it be made to appear, clearly and indisputably, that it fell short of his merits, and of the legal obligations of the United States to him, I will be the first and foremost person in this House in according to those who are entitled to the benefits of whatever may be so found due to him, the uttermost farthing thereof. Yes, sir, my vote shall be for the most liberal sum, but not till I am first convinced that there is a legal claim. Then, and not until then, will I vote an appropriation, for I am firm in my belief that we have no constitutional power to do it.

Mr. Fulton reaped incalculable benefits from the exclusive monopoly which he enjoyed for many years on the waters of New York, and also from his patent right for fourteen years. Sir, I am unable to present to the House an estimate, in dollars and cents, of the real intrinsic value of the privileges, anti-republican as they were, granted to Mr. Fulton; I can only say that he and his assignees did enjoy a lucrative income, for very many years, by the enjoyment of steam navigation upon the Hudson, by the sale of patent rights, and other sources, and, above all, by the sale of stock in his monopoly. The monopoly was obnoxious, and from the fact that, whatever fare cupidity and avarice pleased to demand, could be exacted from the wayfaring man and the traveller, impositions were practised for many years with a heavy or light hand, even as Mr. Fulton and his associates saw proper to lay on the public. The law securing to him these privileges on the Hudson, I am told, was carried into execution to the utmost extent of its letter, during the whole time of its existence, either by Fulton or his assigns, and that the price of a passage from New York to Albany was *seven dollars!!* and his boats were thronged with passengers; whereas, immediately after the expiration of the monopoly, the fare fell to two or three dollars, and has been as low as fifty cents.

I may be told that this monopoly, and the profits arising from it, were intercepted and diminished by the suit in the United States Courts; not so. True, there was a decision in favor of the United States, and unfavorable to the full extent of Fulton's claims; but they were no further affected than the General Government revenue was concerned; and, above all, did not affect Mr. Fulton's heirs at the latter portion of its being, because, some time before he died, Mr. Fulton sold out his right, title, and interest to Mr. John R. Livingston, who assigned his interest to the North River Steamboat Company, and the stock held by the heirs of Fulton in that company was sold for an enormous advance prior to the decision of the Supreme Court of the United States.

The Government appropriated five thousand dollars which was paid into the hands of Mr. Fulton for the purpose of making experiments for the defence of our coasts and harbors by means of torpedoes. These torpedoes were submarine machines intended for blowing up ships of war, and at the time when these experiments were in progress, were subjects of ridicule throughout the Union, and civilized Europe, and were what Napoleon Bonaparte pronounced "a system of quackery, and Fulton an impostor." What portion of the five thousand dollars he received, was expended in the experiments, we are not informed; but the fair, reasonable, and just presumption is, that he took care of himself, and make the most of the speculation upon Government, the game being entirely in his own hands.

The Government entered into an agreement with Mr. Fulton to build certain steamboats on the Western waters, by which agreement he received $40,000. Here Mr. DUNCAN requested the Clerk to read a copy of the contract, which is as follows:

Memorandum of an agreement entered into this twenty-seventh day of December, in the year eighteen hundred and fourteen, between the honorable James Monroe, Secretary at War for the United States of America, of the first part, and Robert Fulton, of the city of New York, in behalf of himself and the owners of the Vesuvius, the Etna, and the New Orleans and Natchez steamboats, trading and intended to trade on the river Mississippi, and the Buffalo steamboat, intended to trade on the Ohio river, of the second part.

Whereas it is the interest of the United States that the said steamboats should be put into operation with all possible despatch for the purpose of transporting troops and the munitions of war on said rivers, it is hereby agreed by the party of the first part to immediately advance out of the Treasury of the United States, and on account of the United States, to the said party of the second part, forty thousand dollars in Treasury notes, for the purpose of completing and bringing into operation said steamboats, and on the following conditions:

That during the present war with Great Britain and theese United States, and until said forty thousand dollars shall be repaid or satisfied to the United States by the passage of troops or freight in said steamboats, or in the money circulating medium of the United States, all officers and troops finding their own provisions and bedding shall be transported in the steamboats from Louisville to New Orleans down the stream for ten dollars each, and from New Orleans to Louisville up the stream for twenty dollars each: in all cases of shorter distances each person shall be transported for one cent a mile down the stream and two cents a mile up the stream. All ordnances, military stores and munitions of war belonging to the United States which can be conveyed in steamboats, and of which the captain shall be the judge, shall be transported down the stream from Louisville to New Orleans at the rate of one dollar per ton for one hundred miles, or up the stream at the rate of three dollars a ton for each hundred miles. In the Buffalo steamboat on the Ohio river, officers and men finding their own provisions and bedding shall be conveyed down the river from Pittsburg to Louisville for four dollars each, or up the stream the same distance for eight dollars each, and in like proportions for shorter distances; military stores, provisions and munitions of war shall be conveyed down the stream from Pittsburg to Louisville for fifty cents per hundredweight, and up the stream the same distance for one dollar and fifty cents the hundredweight, and in like proportions for shorter distances; and if within five years from this date the said sum of forty thousand dollars shall not have been earned and compensated to the Government of the United States by the passage of troops and transport of munitions of war as aforesaid, the whole or any deficiency of said forty thousand dollars not satisfied as aforesaid shall be paid by the said Robert Fulton, and the stockholders in said boats, to the Government of the United States.

ROBERT FULTON.

In the 16th line of the 2d page the word "earned," written on an erasure.

Signed, sealed, and delivered in presence of L. A. RIGAIL witness to R. Fulton's signature.

Sir, we learn from the agreement that its date was December 27, 1814, which was a short time previous to the conclusion of the war; and that Mr. Fulton received thereby forty thousand dollars. There was no boat fitted up in compliance with the contract but the Vesuvius, nor were any of the conditions stipulated in consideration of the forty thousand dollars advanced performed. I mean, by the transportation of troops and munitions of war; or, at most, there is no claim, or title to a claim, for services rendered, presented, except an account presented to an investigating committee by Mr. Hagner, which no one will vouch to be correct. Nor was there one dollar of this money ever returned to the United States, as it should have been, according to the condition of the agreement just read.

I have, sir, thus presented you with a view of the benefits Mr. Fulton received for his invention, his improvements, and his practical services to his country, with the exception of his superintendence of the construction of the steam frigate, which I shall notice hereafter.

I will next exhibit the account upon which the committee rely to make up the sum of $100,000, which they report to be due to the heirs of Robert Fulton:

Government of the United States in account.	*Dr.*
1810. To money expended by Robert Fulton, in making experiments for coast and harbor defence, by means of torpedoes - -	$5,000
Services in making experiments in the same - - -	5,000
1815. Damages for the detention of the steamboat Vesuvius from 30th December, 1814, to 12th March, 1815, at $600 per day - -	50,000
The use of Mr. Fulton's patent right for constructing steam frigates - - - -	60,000
Services as superintendent in building a steam frigate at New York	25,000
	$145,000

Cr.	
By cash advanced for making experiments for coast and harbor defence by torpedoes - -	$5,000
By cash advanced on contract to fit out steamboats, as per contract -	40,000
	45,000
Balance due heirs of Robert Fulton -	$100,000

Now, sir, speaking professionally, let us dissect this account, and ascertain how far each item will stand the test of scrutiny.

First, as to the five thousand dollars for which the United States is charged for money expended by Mr. Fulton in making experiments, etc. Sir, this small item must have emanated from the goodness of the hearts of the committee, for I defy them to show the least word, or syllable of proof, of a claim upon which to predicate it. On the contrary, I deny that the whole of the five thousand dollars, appropriated by the Government for this most ridiculous and foolish experiment, was ever expended by Mr. Fulton for that purpose. I have no disposition or wish to intimate that Mr. Fulton used the money for any other purpose than that for which it was appropriated, but I have charity enough for him to think he had a sufficient quantity of the sum of saving-knowledge to take care of himself; I am, therefore, willing to admit the services rendered in attempting to bring the torpedoes into the aid of our national defence as an offset against the five thousand dollars which the Government advanced, and for the credit of the intelligence of the United States Government I must insist that here the compromise be made, and this claim put at rest forever.

Fifty thousand dollars damages for the use of the steamboat Vesuvius, or for her detention from the 30th December, 1814, to 12th March, 1815, at six hundred dollars per day!!!

Well, sir, let us examine this item, as well as the circumstances attending it, and which, in the opinion of the committee, gave rise to it. It is alleged that General Jackson ordered the steamboat Vesuvius into the service of the United States on the day on which the battle of New Orleans took

place, or about that time, perhaps a day or two before, and that while in the service of the Government she was run aground, where she remained from the 30th December until the 13th of March following.

General Jackson has been called on, officially, to state the facts in this affair as they occurred. In his answer, he denies that he has any knowledge of her ever being in the service of the Government, and that it was *rumored* at the *time* that she was run aground by order of the master, to prevent her from falling into the hands of the enemy. I know not how that might be, but I am inclined to think that if the steamboat Vesuvius was of the value of six hundred dollars per day to either the company to which she belonged, or the United States, in whose employ she was alleged to have been pressed, General Jackson, who was ever wide awake to the welfare of the country, and every interest connected with his duty, would have known something tangible and definite about these services; particularly so, as she was pressed into service by *his* order.

There is proof on record that the Vesuvius was ordered to hold herself in readiness for service, and to consider herself in the employ of the Government. But where is the proof that can be relied on that she ever went into actual service? But we will agree that she went into actual service: may it not be true that she was run aground to save her from being captured by the enemy, or, if not done designedly, might it not have been the result of carelessness?

It seems to me, when so large a claim is made as $50,000, (as in this case) there should be ample proof in its support. In the first place, that the steamboat Vesuvius was actually in the service of the Government against whom the demand for compensation was made; that she was run aground while in such service, not designedly; and that it was not the result of carelessness. All of these positions would have to be proven in a court of justice, before any damages could be, by any possibility, recovered, and the more so, as the officers who commanded the boat while she is said to have been in the use of Government were the same that were in the pay of her owners, and their malfeasance, misfeasance, or nonfeasance, was properly at the risk of the owners, the Government being responsible for nothing but a liberal compensation for the use of the boat, and for all losses and damages, either from war or unavoidable accidents. There is no proof of this nature to be relied upon. The committee have furnished none, nor have they any to furnish.

Again, admitting that the Vesuvius was in the service of the Government, and that in executing the orders given she was run aground by accident, is not six hundred dollars per diem a most extravagant and unwarrantable charge. Six hundred dollars a day for the use of her the time she was out of the power of being used! for the time she was fast ashore! aground!! Preposterous absurdity! for it must be remembered that during all the time charged she was no expense to her owners for running, and various other necessaries. Besides, they were not at the expense of paying officers and crew if the boat was actually aground. They were not furnishing her with wood and stores—there was nothing out of use, save the capital invested in the construction of the boat and machinery, and which I hesitate not to aver did not cost $20,000. And if it be true, as I have been informed, that the Vesuvius was no more nor less than a barge converted into a steamboat, she was not worth the estimate mentioned. Upon this I do not place much reliance, for it may be erroneous, and a mistake.

Putting her at the fullest value, the damages which the committee have reported to be allowed for her detention will amount to four or five times her value in one year; and yet we are very gravely told that her services to her owners would have proved far more valuable than the estimate made by the committee.

I should consider that a very uncertain data to go by. She was equally liable to run aground in the use of her owners as she was in that of the United States, and as liable to any and every other species of accident that is common to steamboats. I will conclude my objections to this item by stating that with no other proof than we have for its support, a court of justice would scout it out of its presence, and impose a bill of costs upon him who introduced it; and with the best proof of the facts that would be necessary for its support, there is no court of justice that would give a judgment for one-tenth part of the amount claimed in this bill, so far as this item goes.

The next item that presents itself to our attention is the small sum of $60,000 for the use of Mr. Fulton's patent-right for constructing steam frigates. This is a very extraordinary proposition. We have had but one steam frigate, and, from the documents on file in the Navy Department, it will appear to have been rather a hard bargain for Uncle Sam. She cost the Government something like two or three hundred thousand dollars. It was an experiment not unlike the *torpedoes!* And I think Government by this time has had enough of both. She will about as soon engage again in the construction of the one as the other. For the use of a *patent-right to build a steam frigate*, give $60,000! Sir, there is no such thing in existence as a patent-right for constructing steam frigates. The duration of the one granted has long since expired, the right has ceased, and is at an end, and now reposes with the United States steam frigate Fulton the first, that was blown into atoms at Brooklyn a few years ago as a thing that never was, and I hope in God never will be again.

The next small item is the sum of $25,000! as compensation for superintending the building of a steam frigate at New York. These services consisted is merely superintending; there was neither sweat, toil, or money expended by Mr. Fulton; the nature of Mr. Fulton's superintendence consisted in occasionally calling and giving some general directions; and I am told that, from the time the first foundation block was laid for the steam frigate in question, until the time she was launched, did not exceed four months, when the necessity of Mr. Fulton's care and attention principally ceased. It would seem that $25,000 for four months' services, or even ten times that time, is rather more than a conscientious man can sustain by oath to be equitably due.

Why, sir, a Western man enters his father's fields, or the dense forests, at the age of twenty-one years, and if, by hard toil, at the age of threescore, he has laid up five or ten thousand dollars, to secure him a home, and sustain him in the evening of his life without labor, he has done well; he is regarded by his neighbors and all who know him as having been an industrious, saving, and economical man. This view of individual Western prosperity may, in general, be regarded as correct; yet there are some exceptions; some fortunes have been made in the course of a few years of successful trade; others have been made by the rise of land, as the country, or some favored portions thereof, have become improved. To tell a Western man that that that is a fair equivalent for five months' superintendence in any capacity, which entitles the individual to the sum of twenty-five thousand dollars, is to tell him something you cannot make him understand, more particularly when he learns that the money, or a proportionate part of it, must come out of his own pocket, and be part of the result of his toil. But, sir, Mr. Fulton volunteered to render the services here charged, and, however valuable they may have been, this precludes us from appropriating any money out of the Treasury for them now, as he is no more. Congress *might* have more generously rewarded Mr. *Fulton* for his virtues, but certainly the spirit of our Government and our institutions is against rewarding the heir for the virtues of the ancestor. The heir in our country loses all claim to Government reward at the decease of his ancestor, except if it be by virtue of a contract and a just consideration. The vast appropriation made to Lafayette for his services in the Revolutionary war has been referred to in the course of this discussion, and the affluent circumstances of his heirs were contrasted with the limited circumstances of the heirs of Fulton. Congress donated to Lafayette what they supposed his services were really worth to the country during the Revolutionary war. They paid him principal and interest, and I am not sure that he was paid a farthing over and above what his services and his expenses entitled him to. The rewards of his toil and patriotism have descended to his children, and long may they live to enjoy them. And, whenever it is made apparent that the Government is indebted to the heirs of Fulton for legal obligations not liquidated with their ancestor, Congress will appropriate every dollar that shall be found due; but on no other principle has Congress the power to appropriate one dollar.

I think, Mr. Speaker, I have shown that there is no foundation for any part of the $100,000 reported in the bill in question. Every item of which the bill is composed, seems to me to be not only extravagant in the extreme, but wholly unfounded. Sir, I have no more doubt of the fact that Robert Fulton died indebted to the Government to the amount of $40,000, than that I am now addressing you, viz: the whole sum advanced by the Government for the purposes set out in the contract which has been read; no part of the services having been performed, nor was one dollar of the money returned to the Government, according to the conditions of the contract, in the event of the services not being performed. But, to the end that this groundless application may here have a termination, and that a stop may forever be put to this dispute, I will propose to the committee to withdraw their claim. To use a western phrase, I, for one, will agree to jump accounts with the estate of Mr. Fulton, and burn books; or, if it will satisfy the committee better, I will agree that, as the representatives of Fulton, they shall have credit for the sum of $20,000 of the money advanced by the Government as an offset against the pretended detention and damages of the Vesuvius, which I suspect is more than her value, when she was alleged to have beed pressed into the service of the Government. I will next agree that $25,000 shall go to the liquidation of Mr. Fulton's voluntary services for superintending the construction of the steam frigate at New York, which I trust will be satisfactory to the committee, this being the sum asked; and of the $40,000 advanced, we have left $5,000. This sum I am willing shall go for the additional sum of that amount asked for his services in the experiments of torpedoes. These propositions are undoubtedly liberal to a fault. The committee surely can ask, in justice or liberality, nothing more. This disposes of all their claims, except the ridiculous suggestion (with due deference be it said) that the Government purchase the patent-right for constructing steam frigates. This, I hope, they will not seriously insist upon, for the honor of the character, reputation, and intelligence of the American Government.

Great efforts have been used in this discussion to impress us with a knowledge or belief of the great virtues of Mr. Fulton, and the obligations we are under to reward his heirs for these virtues. Gentlemen forget the republican maxim that "my ancestors' virtues are not mine." Every individual in our Government, so far as virtue is concerned, stands upon his own footing and merits. We have no privileged orders here. The nature of our Government, and all our free institutions, are against them. And it is that equality of rights that constitutes a free Government. It is as absolutely indispensable that this maxim should be maintained in its original simplicity and purity, to the support of our free institutions and equal rights, as that the laws of primogeniture in England should be maintained to the support of an aristocracy.

A word more as to the claim for fifty thousand dollars, this being the only item in the bill that seems to have the least foundation in truth or justice; and to name it as the grounds of a claim is but little short of an insult to the understanding. I must be permitted to make a remark or two more in relation to it. We will agree, for a moment, to the rule which the friends of this bill have insisted upon as just to establish the value of the use of the steamboat, viz: the sum per day to make up the aggregate amount of $50,000. This sum per day is $600. Will any man, disposed to think correctly on this claim, doubt for a moment that the exclusive privilege of navigating all the waters within the jurisdiction of New York is not worth

as much, for any given time, as was the use of the single boat Vesuvius for the same time on the Mississippi river? I think this will not be disputed. The monopoly was worth as much for one day, or any given time, as was the Vesuvius for one day, or the same time. I present the subject in this view, to ascertain, as near as possible, (and that, too, by the rule of justice the committee and friends of the bill have given us,) what compensation Mr. Fulton has received for his improvements in steam engine machinery, so far as the value of the monopoly can be known. The monopoly was enjoyed for near twenty-four years, or about 8,760 days, which, at $600 per day, will be upwards of $5,000,000, which Mr. Fulton has received from his invention by the exclusive privilege alone of navigating the waters of New York. I have no idea that he received this sum, but the estimate is made by the same rule that his friends rely upon to claim from the Government $50,000 for the use of the Vesuvius; and if it is a just rule in the one case, it must be just in the other. Taking this rule for our guide, pecuniary matters between the estate of Robert Fulton and the Government of the United States and the Government of New York, or the people of both, stand as follows:

Robert Fulton in account for monopoly of the navigation of the waters within the jurisdiction of New York twenty-four years -	$5,000,000
Cash advanced by Government to put four steamboats on the Mississippi and Ohio rivers - - -	40,000
Cash advanced to make experiments in torpedoes, which failed - -	5,000
	$5,045,000

I have not taken the usual bonus into the calculation that other patentees receive, which is all the framers of the Constitution, it seems, contemplated the patentee should have by law. I mean the exclusive use and benefit of his discoveries, and patent for fourteen years. The account, by this estimate, will exhibit Robert Fulton to have received five millions and forty-five thousand dollars to offset this account. The estate of Mr. Fulton has no claims that can be recognised as legitimate by this Congress or any court of justice in these United States, to offset this account. True, his memory has a claim of gratitude upon the American people that perhaps never can be cancelled; but the claim of gratitude to the memory of Fulton gives no claim to his heirs for an appropriation of money by this Congress.

Congress might (as is said in the case of Lafayette they did) have appropriated money for the benefits the American people derived from Mr. Fulton's discoveries, and gratitude might have induced them, with constitutional propriety, to have enlarged the sum. But no such appropriation can be made to his heirs for their ancestor's virtues, and not theirs. If any appropriation is made to *them*, it must be made by a claim founded in law and the Constitution, in the form of a contract, either expressed or implied, and no such claim exists, nor can any such claim be supported; it is an insult to the understanding of any man to insist seriously upon such a thing; and so conscious are the friends of this bill of this fact, that they scarcely attempt to insist, in argument, upon such claim. Their efforts to support it consist in eloquent appeals to our sympathies; our patriotism is called upon, and our humanity is invoked, and *loud* calls are made upon our liberality.

Sir, I hope the friends of this bill do not arrogate to themselves all the humanity, sympathy, and patriotism. When I hear gentlemen talk so much, so loud, and so long about patriotism, sympathy, charity, and humanity, I like to see some of it. I like to see gentlemen "down with the dust;" perhaps, when it comes to *personal* liberality, that is, measuring our own charity and liberality by *our own* purses, those opposed to this bill may be found quite as liberal and quite as humane and quite as patriotic as those who talk so much about it. Let no man tell me, sir, that he can outdo me in liberality on other people's means. It is easy for gentlemen to talk loud, long, and eloquently about liberality, and carry into effect their *good feeling*, when they have nothing to do to carry out their *noble natures* but open the National Treasury, and appropriate the contents thereof, for which, in all probability, many of them never toiled or sweat.

Here let me ask the friends of this bill, lest I should forget it, while they are singing hosannas to Mr. Fulton's *patriotism* for nobly sacrificing his time in the experiments of the *torpedoes!* whether he had not been to Europe manifesting his *patriotism* by trying to convince some of the Kings of the utility and importance of his plan, to the end that he might receive a pecuniary reward for his discovery? and whether it was not when thus displaying his *patriotism* for the benefit of the national defence of France, that his plans were pronounced by Bonaparte "a system of quackery, and he an impostor?" As a further evidence of his patriotism, I will ask the friends of this bill to deny that he afterwards offered to England, or any other European power, for their national defence, the benefits of his discovery and patent for *torpedoes and sub-marine engines of destruction.*

I hope, for the honor of the memory of the man whose services I esteem, that the friends of this bill who arrogate to themselves the right to eulogise him and sustain this claim, will be able to answer this question in the negative.

Sir, I hope to be indulged while I attempt to respond to some of the arguments of gentlemen. And first, that most relied upon, if it can be called an argument, is, that we are bound to pass this appropriation, in consequence of the great advantages the country has derived from the inventions of Robert Fulton; that it is due to his memory and his services, and consequently his heirs have a claim upon our gratitude. Sir, open the door once for claims of this character, and where will you stop? And I make the inquiry in relation to appropriations for other discoveries than that of the power and utility of steam and steamboats. Will the inventors of valuable improvements ever cease to knock at the door of your legislative halls, and will you discriminate between those that are meritorious in an eminent degree, and those that may be a little less so?

To judge of the importance and merits of discoveries by the cost and complication of machinery involved, like that of the steam engine, is not a correct criterion, for some of the discoveries we enjoy, involving the least complication and greatest simplicity of machinery, are of the greatest public and private utility. For instance, what comparison is there between the real utility of the plough and the steam engine? Small, and humble, and simple as is the mechanism of the former, it has done more to ameliorate the condition of mankind, and add to the wealth of our country, in one century, than will the steam engine for a millennium.

We have now no less than three patentees applicants for Government patronage, for what they think great and valuable improvements in the application of steam, viz: to prevent the explosion of steam boilers, (a very humane object.) How many other applications there are for Government patronage for improvements, I know not; but so long as Congress will entertain applications of this nature in the character of claims, so long will your halls be crowded with applicants, and your National Treasury be bankrupt. But dangerous as may be the practice of entertaining applications for appropriations for discoveries, where the value of the discoveries are in some degree the subjects of ocular demonstration, there is not half the danger that there is in applications that have for their foundation our sympathies, our humanity, and our charity! The former may be reduced to something like mathematical certainty, but the latter rides upon the affections, the sympathies, and goodness of the heart, without even *personal pecuniary* responsibility to regulate the head.

There are many valuable discoveries, and many highly important improvements upon those discoveries, whose vast and immeasurable public utility furnish them with as strong arguments in favor of Government patronage as the steam engine improvements of Mr. Fulton. But, if you had the financial ability to patronize all of them, there is one grand objection to doing it, which has its foundation in the nature of our free institutions: I mean that principle that secures equal rights and equality of property to all.

One individual may have a genius for painting, another for music; one for invention, another for carrying it into practical effect and public utility; one for general literary and scientific acquirements, and another for plain, common labor, and industry. All these may be physically and mentally constructed for the various pursuits that their inclinations lead them to follow, and for which their talents fit them, and yet all be equally useful to society. I ask, where is the justice of taxing all the rest for the benefit of any one of these, or one of these for the benefit of all the rest? I ask, what feature of our Constitution warrants the act that appropriates to a favored individual a princely fortune out of the honest proceeds of the working and industrious many, to gratify what gentlemen please to call *honorable humanity, sympathy, and patriotism?*

Establish and pursue a policy of this kind, and how long will it be before we will behold the spectacle of a population made up of a few enjoying princely fortunes obtained by your legislative bounty, the result of your *humanity!* and of the many in squalid wretchedness and degraded dependence, and hourly made so by you and your *humanity* and your *legislative bounty!*

But to respond to some of the arguments in favor of this bill. The gentleman from Kentucky [Mr. CHAMBERS] tells us, in substance, that Congress made an appropriation to an individual of $20.000 for a new, and, as it was supposed, an improved method of pointing cannon for the destruction of an enemy: therefore, this bill ought to pass. He also said there had been a bill introduced, and was now on our tables, asking for an appropriation of $10,000 for the perpetual use of an improved steam vapor bath in the navy and army of the United States: therefore, this bill ought to pass, or such was his inference.

The appropriation here referred to, of $20,000, may or may not have been right. The appropriation of $10,000, as referred to, and asked for in the bill on your table, may be right, or it may be wrong; that is a matter yet to be decided. But, right or wrong, they can have no bearing upon this bill. If they are wrong, that does not make the appropriation here asked for right; and, if right, they afford no reason why this should be wrong. They stand upon their own merits. I hope this bill will be compelled to stand on its own merits.

The gentleman informs us that it was by the influence of the steamboat Vesuvius that the glorious battle of New Orleans was gained, that saved and secured to that beautiful and rich city its beauty and booty. I think the gentleman does great injustice, if not to *Old Hickory*, at least to the brave riflemen of his own State. The Hero of New Orleans is a name as well known throughout the world as that of General Andrew Jackson; indeed, they are synonymous. But as I am inclined to think it unpleasant to the gentleman to associate any thing good and brave with the name of that distinguished individual, I will leave it out of the question; so far as he was connected with that glorious and imperishable victory, which claims one-third of the bright page of history that records the ever memorable battles of Marathon and Thermopylæ. But I cannot consent to tear thus rudely from the brow of the brave and gallant Kentucky, Mississippi, and Tennessee riflemen, the never-fading laurels that they so justly and meritoriously gained upon the plains of New Orleans, on the glorious eighth of January, and bestow them, *either on the steamboat Vesuvius*, or merge them in an appropriation of $100,000 to the relief of the owners of the Vesuvius. So very inconsiderable *was this steamboat* in that vast and splendid transaction, that the Commanding General was not aware that she was known in the transaction; nor is there a positive statement, accompanied with the solemnity of an oath, that any other person knew her to be.

Sir, the glorious events of that battle, and the brave riflemen who gained it, have been the theme of song in the Mississippi Valley from that day to this. Some have represented the brave Kentucky riflemen as "possessing the powers of the horse, with the ability, on the approach of the enemy, to kick them out of the country"—others have com-

pared them to "alligators, ready to snap off their heads"—others to a "steamboat ready to burst her boiler, and blow them to atoms"—and others to a "Mississippi snag against which they might run to their own destruction."

All these comparisons are only significant of the superior bravery, power, and chivalric patriotism of those who defended New Orleans in her beauty and booty, and their common country in their national and blood-purchased rights. But the gentleman is willing, for the time being, to strip them of all their laurels, and barter them off for the paltry consideration of $100,000, (paltry, I say, when compared with patriotism and love of country,) for the benefit of those whom it is not contended have ever served their country: I mean the *heirs* of Mr. Fulton. The same gentleman asks what consideration would induce us to give up the use and power of steam as applied to boats? I ask, what would induce us to give up the use of the plough, the cotton gin, the printing press, and the five hundred or more other improvements that serve to ameliorate our condition and diminish our labor? It is, sir, a sufficient answer to these questions to ask, what obligations are we under to give them up, or re-purchase them, when it is well known that the discoverers have long since received the last farthing that was expressly or impliedly promised them by the laws and the Constitution under whose protection they have enjoyed the benefits of their discoveries. Our Constitution holds out inducements to those who have an inventive genius, by securing to them, for a limited time, the exclusive use or benefit of their improvements, at the expiration of which their improvements become the property of the public, in return for the security given to the invention by the laws and the Constitution. Now, the advantages of the application of steam to all kinds of machinery are the property of the public, and we are under no obligation either to give them up, or to re-purchase them at the extravagant rate of $100,000. All the arguments advanced in support of the appropriation are lawyer-like—they are lapsided—they are like a jug, the handle is on one side.

The gentleman from New York [Mr. HOFFMAN] gave us an eloquent and glowing description of the improvements of our country. We are pointed to the craggy mountains that have been traversed, the hordes of savages that have been subdued, the forests that have been cleared, the wide and fertile plains of the West that have been made to teem with plenty and bloom in beauty, the splendid canals that have been excavated, the broad rivers that have been bridged, the magnificent turnpike roads that link together this Union in happy and inseparable bonds, and to the ocean that is whitened with the canvass of your commerce; and attributes *all* this to the agency, influence, and power, of steam.

The gentleman from South Carolina [Mr. LEGARE,] at one flourish of the rhetorical trumpet, placed us on the tip top of the highest pinnacle of the Alleghany mountains, and pointed us to the broad rivers, rich valleys, splendid cities, flourishing towns, and lovely villages, teeming with commerce, agriculture, and wealth, and happiness, and pronounces it *all* the work of steam and Mr. Fulton's discoveries. But the gentleman from New York [Mr. MCCLELLAN] goes a little farther, and not only gives all the credit to the agency of steam, and the inventions of Mr. Fulton, given by the former gentleman, but represents the West as having been populated by steam. Mr. D. thought this was going a little too far.

[Here Mr. D. made some remarks in a low tone of voice, to the amusement and diversion of those around him, but which were not heard by the reporter.]

He was willing that gentlemen might indulge in their figures of fancy and eulogy, so that the greater laws and designs of Nature were not broken in upon, to the entire destruction of the highest of human enjoyments. But he thought gentlemen talked about the West and her advancements with but limited practical knowledge of both. That the improvements of steam machinery and steamboats had done much for the West, no one would deny; but the mountains had been traversed, the savages had been tamed, the forests had been subdued, cities had been erected, towns were flourishing, commerce and agriculture were in prosperous progress, government, churches and manufactories were established in the West, before ever a steamboat rode upon the broad bosom of the Western waters. Sir, the Western country has been made by the toil and sweat of the pioneers and their descendants, and not by steam. Steam has been but an auxiliary to the industry of the West, and the perseverance of the first settlers and their hardy sons.

Gentlemen seem to have a faculty of applying the same argument to all purposes and objects. Sir, it is very convenient to have one argument possessing such gum-elastic elasticity that it can be stretched to cover all purposes and propositions that are wished to be successful.

When at the extra session the famous Sub-Treasury bill was under discussion, two of these gentlemen [Mr. HOFFMAN and Mr. LEGARE,] presented us, in their eloquent and captivating speeches, made to defeat that bill, with the same arguments they now use to sustain the claim of $100,000 in favor of the heirs of Fulton. Then banks and the credit system made the Westrn country, and produced all the vast improvements now described, which give power and happiness to this people at home, and character and reputation abroad; but now this magic and these wonders are produced by *steam*.

The Sub-Treasury bill will be before us in a few days; what will gentlemen do for arguments against it? They have stripped the banks and the credit system of all the honor and power that they alleged to have produced this happy and flourishing prosperity peculiar to our country, and have bestowed them upon the steam system.

I suppose, when the Sub-Treasury bill comes up, gentlemen will unite the glories and the benefits of the banking system with the power of steam, and its national utility, to prostrate the bill. Powerful agents, to be sure. Should gentlemen use this coalition, I will ask them, respectfully, to unite one other agency—it will be at least due to the hard-handed mechanic and agriculturist of the West. I mean the united agency of toil and sweat. They will then have a *triplicate* argument; and if the latter will be found not quite so convenient for banking purposes, or to prostrate the Sub-Treasury scheme, they will at least, have the conscientious reflection that they will have presented the true and just clause of Western wealth and Western prosperity. When the gentlemen were singing praises to the banks, and setting forth in glowing terms the prosperity, happiness, and wealth they secured to the country, they neglected to tell us of the hundreds of fortunes that were dissipated; the thousands of honest and industrious individuals that were reduced to squalid wretchedness; the periodical pecuniary calamities that rolled over the country like a pestilence, sweeping and blasting every public and private prosperity before them, and prostrating every moral and social principle with the general wreck, that distinguishes the noble nature of man! I say, that they neglected to tell us of these baleful effects, which are periodically the natural and inevitable results of the banking system. And now, when they have changed the venue, when they sing with the other side of their face a different tune, and shout hosannahs to the power of steam, steamboats, and the inventions of Fulton—all that is noble, happy, glorious, magnificent, and grand is exclusively attributed to steam and its powers for the present, to the entire exclusion of banks and the whole credit system—they fail to give us the whole history; they neglect to name to us the fact that scarcely a public newspaper crosses our observation without presenting us the account of some awful and melancholy steamboat explosion; they neglect to tell us of the tens of thousands of human lives that have been lost, and the millions of dollars worth of property that have been sunk to the bottom of every navigable stream in the United States, by the agency of steam. No, sir, these disclosures would not answer their purposes in neither one case nor the other—but, lawyer like, they are kept on the dark and silent side.

The gentleman from Pennsylvania [Mr. BIDDLE] asks us, in substance, if we can unfeelingly look upon the heirs of Lafayette, basking in the luxury of the saloons of Paris, while the heirs and descendants of our own native Fulton are pining in poverty and want? Sir, I will not now stop to compare the relative services of Lafayette and Robert Fulton. It will answer my purpose for the present to say that had the gallant young stranger not left the blushing vine hills of his native France, the fortunes and the palaces that owned him for their lord and master, the kings that acknowledged him for their youthful associate, and the wife of his bosom, "to crusade for freedom," the soil upon which stands your Capitol, in which we are now deliberating in the capacity of representatives of millions of freemen, might now be under British colonial government, and we, with those we represent, the indirect subjects of his Britannic Majesty, and the political vassals of English aristocracy.

But why does the gentleman take us to the saloons of Paris to display the luxuries of wealth, or into the Fulton family to exhibit the effects of poverty and want? Do we not see around us hundreds every day who are basking in the sunshine of affluence, who never sweat for the salt they consume, and, as far as industry and patriotism are concerned, are drones upon society, while hundreds and thousands of the widows and orphans of the soldiers of the Revolution, by whose blood, property and toil your country was emancipated, are pining in want and poverty? If the gentleman has a profusion of tears, sighs, and sympathy, he can pour them forth on the poor and indigent orphans of those heroic and brave men "who lighted the beacon of rebellion, that unfurled by its blaze the triumphant banner of liberty." They are subjects worthy of his sympathy; and did our Constitution admit of sympathetic bounty, and had our National Treasury facilities to warrant appropriations commensurate with their wants and necessities, we would all unite in raising them into comfort and even affluence; but the Constitution gives us no such power, nor have we the means, had we the constitutional power.

Mr. Speaker, it would be unpardonable in me to have occupied your time and the time of the House for the length of time I have, if I had no other object in view than the abstract purpose of defeating the bill appropriating $100,000 for the relief of the heirs of Robert Fulton, however destitute of justice and unwarrantable that appropriation may be. But, sir, it is due to myself to say, it is the principle I am contending against. The financial interest of our country forms one of the greatest interests. It is, indeed, in a legislative sense, emphatically the *great interest*. It constitutes one of the first and highest objects of our legislation. It involves principles and effects directly concerned and immediately interwoven with life, liberty, property, and the pursuit of happiness; and upon its judicious management, we may say, in a great degree depend the happiness of the people and the perpetuity of the Government. Equality of rights, equality of property, and equality of liberty, are fundamental principles of our free Government, and watch-words with the sentinels placed by the free suffrages of the people upon the great constitutional ramparts erected by the blood of our ancestors to secure us in all time to come in our civil and political enjoyments, and in the peaceful possession of our property.

I ask, if we are in the habit, as becomes the guardians of the people's rights, of observing with that nicety and scrupulous vigilance the financial interests of the Government, or, in other words, the protection and economical distribution of the people's money?

Vigilance, sleepless vigilance, is necessary on our parts. We are beset at every corner, and in every street and alley, with loafers, agents, and seventh-rate county court lawyers. Every applicant for relief who attends the Capitol, has his ten agents to importune you, and every agent has his ten claims to present; and every claim amounts to from 10,000 to $100,000. Every sympathetic feeling is roused

with the tale of *woe* and poverty; every applicant has a wife and nine small children, and one at the breast; and, over and above John Rogers's number, an aged and tottering father and mother to support, and some cousins. Sir, look at our desks every morning, piled breast-high with fresh claims, dripping from the press, while we are swamped, knee-deep, with those that preceded them the day before; all reported by the Committee of Claims; many of them, I suspect, the offspring of the goodness of their hearts, rather than the clearness of their heads.

The Committee of Claims report $10,000 for the relief of A B; another of $20,000 for the relief of C D; another of $30,000 for the relief of E F; another of $40,000 for the relief of G H, and so on to the end of the alphabet, morning after morning. Why, sir, the honest and hard-working people of these United States believe this Government is out of debt. The word is, that the nation is out of debt. Every State paper that goes forth carries with it the pleasing allegation that the national debt is paid off; every 4th of July orator proclaims, at the top of his voice, that our happy nation is out of debt; that we are the only instance of a great agricultural, commercial, and manufacturing nation in the world that presents an overflowing Treasury, out of debt, etc.

Sir, if all the claims now on our tables, reported by the Committee of Claims, and all that are in the hands of the thousand and one lazy, lounging, lazaroni loafers that beset your Capitol, should receive the reconciled light of the committee's countenance, together with the thousands of others that will crowd through the door that will be opened by the passage of this bill—I say, if all these are to be entertained, or one-half of them have their foundation in justice, this Government is not out of debt, nor will it be with a full century's national prosperity. Sir, had this bill forced its way into this House through any other means or medium than the Committee of Claims, I would say, unhesitatingly, (to use a common phrase,) the accounts upon which it is predicated had been *trumped* up to give it the *appearance* of a constitutional claim; for, of all the claims that have ever fallen to my lot to examine, in my individual capacity, in my capacity of representative in the State Legislature, or in the humble part I have taken here in such examinations, I am convinced, and compelled to say, that *this* claim is the most groundless in its nature, and has the least foundation in equity, law, or justice.

Sir, were I to give my vote for this bill, believing as I do that it has no foundation in equity, law, or justice, I would be guilty of a violation of the Constitution, and, consequently, of that oath I have taken, for which I am responsible to my country, my conscience, and my God. I would, in my opinion, be violently robbing the National Treasury. I would be wringing from the forehead of sweat and the hand of toil the precious results of honest industry, and be bestowing it upon—if not the profligate—those who have no claim to it in law or justice. Sir, how are the principles of that equality of liberty and of property to be maintained as recognised by our Coustitution and our free institutions, while almost the whole course of our legislation consists in arresting from the hand of industry princely fortunes, and bestowing them on a favored few? Sir, permit me to say, in conclusion, that the high regard I entertain for the memory of Fulton, and the value by which I appreciate the national importance of his improvements of the steam engine, make me deeply regret the necessity I have been under to oppose this bill in the manner I have. Lest my motives should be mistaken, and I should be wrongly represented, or incorrectly reported, let me say that I stand ready to do as much for the heirs of Robert Fulton (if they require relief,) as any other individual in my circumstances; and those I have the honor to represent on this floor, I hesitate not to say, will do as much, with as generous and noble a feeling, as any other people. Yes, sir, such I know to be their spirit of liberality; and some of them may be even prepared to censure me for the course I have taken against this appropriation. If so, I can only say in my own defence that I come not here to vote away money out of the National Treasury when our sympathy or humanity may dictate such a vote. I have a better guide for my official conduct. I have the plain, broad highway to travel, I mean the Constitution, and its dictates I must and will follow; and I now give notice to those who are associated with me here, and to those I represent abroad, that while I have a stand on this floor I will never give my vote for the appropriation of one dollar of the public money, either for local purposes, local patriotism, or charitable motives of a personal character, or any other purpose except for the support of the legitimate purposes for which the Federal Government was formed.

If my constituents are disposed to manifest their liberality, (as I know they are on all meritorious applications,) they must distribute their own bounty with their own hands to the extent of their own charitable feelings and their means; for of these they are better judges than I am.

They knew before they elected me, that I was in principle, and by practice, a strict constructionist, and a constitutional limitarian. They must not, now, and I trust will not, expect me to vote away, from charitable or any other motives, the public money, in violation of that Constitution they have required me to take a solemn oath to sustain.

REMARKS OF MR. HOFFMAN, OF N. YORK.

Mr. HOFFMAN said that he felt it to be his duty to call the attention of the House for a few moments to some of the remarks which had been made by various adversaries of the bill now under consideration, and to reply to some of the arguments used by those gentlemen in opposition to it. It was no part of his intention to repeat the arguments contained in the report of the Committee of Claims, a report which had been sustained by the House, in a decision which he believed would be deemed a righteous verdict by any impartial jury in the country; nor would he now advert to the many claims of Fulton upon his own State, or the young and enterprising States of the West. To the immense benefits which his application of steam to the propulsion of boats had conferred upon the Union, he had already called the attention of this House when this bill was first under discussion. By that application, and the facility it afforded to daily intercourse and communion of friendship, he believed that our States were bound together in an indissoluble Union. By it the mighty West had been made what she is, and by its agency her fair cities had started into life and beauty almost at the sound of the woodman's axe. But there had been some objections suggested, to which he did think some reply was necessary.

He would call the attention of the House to the startling item, which had proved the theme of so much discussion and animadversion—that of the detention of the steamboat Vesuvius and the damage done to the same, amounting to $75,000. It was now said that any boat might be obtained to do the same service for that or for a less sum; now, while all the navigable waters of the country are burdened with steam vessels. But if the House will remember the time and the situation of the country when this service was performed; it was a time of war, a period of distress, and of painful anxiety; when even the boldest and most sanguine patriot believed that New Orleans must fall into the hands of the enemy; when no one could have possibly predicted that the exertions of that brave and indomitable soldier who defended that city would prove successful; when in her very streets,

> "——— the citizens, with terror dumb,
> Were whispering, with white lips, 'the foe! they come! they come!'"

Then all were anxious to save what they might, if not all they would, of their fortunes; and, as he had been told by his friend from Louisiana [Mr. GARLAND,] enormous prices were paid for every kind of conveyance by which property could be transported. It was at such a time as this that this vessel was seized at New Orleans, and impressed into the service of the United States, when such immense profits might have been realized by its proprietor. This was done by the Government rightful and legally, and the Government are therefore bound to compensate the proprietor adequately and liberally. The Government has a right [Mr. HOFFMAN admitted] to take the property of a citizen against his will and without his consent, when absolutely necessary for the public good; but then, when that citizen asked for compensation, the power that seized it must also be exerted liberally to remunerate him for it. This item in the bill is the great stumbling-block in the path of its opponents. But there were others, to which he would not then advert. He, however, could not dismiss the subject without adverting to what had fallen from some of the opponents of the bill, in relation to the part taken by the public press in this matter. It had been said that the press had been enlisted in support of the bill under consideration. Mr. HOFFMAN would ask *when* it was that the press had taken so decided and warm a stand in favor of the measure? Was it before the vote was taken upon the bill in that body? No. While the subject was under debate the press was silent. It was only after that vote had been taken, and the public believed that that vote was final, that the press came, from the East and West, the North and the South, loaded with rejoicing that tardy justice had been done to the children of a public benefactor.

But how was it with those opposed to the measure? Were not the remarks of the honorable member from New York, [Mr. RUSSELL,] in opposition to the claim, (clear and conclusive as they doubtless were to his own mind, however sophistical they might seem to others,) not only published, but widely circulated during the actual discussion of the bill, and while the question was pending? Mr. HOFFMAN did not mention this in reprehension of that course: the friends of the bill did not fear the effects of discussing it freely and critically.

But (continued Mr. H.) the gentleman from Virginia [Mr. CRAIG] strikes at the very root of the matter. Others have contented themselves with tearing away the branches, and scattering the foliage. His blow is more direct and radical. He denies, boldly, any other credit to the genius of Fulton, as the inventor of steam navigation, than that he was the child of *good luck*; that good luck is the parent of all that we admire in science or in arms. If this be so, why then, indeed, what a bubble is reputation! How vain and how idle are the anxious days and sleepless nights devoted to the service of your country! By this argument you would (said Mr. H.) strip from the brow of the scholar his bay, and from those of the statesman and soldier their laurel. You would strike from your pension roll the name of the veteran patriot who has shed his blood in achieving your country's independence. Why do you deck with chaplets the statue of the Father of his Country, if good luck, and good luck alone, be all that commends him to our love and gratitude?

[Here Mr. CRAIG of Virginia observed, "*bad* luck would have made him a *traitor*."]

Ay, (rejoined Mr. HOFFMAN,) but in whose estimation? Not in that of those who saw and knew the true character of the contest in which he was engaged. What! has it come to this, in the estimation of the gentleman from Virginia, that the great and holy principles that governed and produced our Revolution depended for their truth and purity upon success or defeat? Would Washington, if his blood had been poured out as a prisoner and a rebel before the scaffold, been regarded as a traitor by Warren and by Hancock, by Greene, by Hamilton, by the crowd of patriots who encompassed him around, partners of his toil and sharers of his patriotism? Has the martyrdom of a Russell and a Sydney extinguished the love and the admiration of the world for their noble efforts to give freedom to their country? Was it good luck that impelled Columbus, through discouragement, conspiracy, and poverty, to persevere in his path of danger until this Western world blessed his sight and rewarded his energy and his daring? Does the gentleman emulate the glory of the third King of Rome, Tullus Hostilius? And would he erect in our own land a temple of Fortune? Would he tear in our own State, made an empire by the wisdom and sagacity of one of her sons, the statue of her Clinton from the mighty pedestal, reaching from the Ocean to the Lakes, upon which it stands, and place it in a narrow niche in *his* temple dedi-

cated to Fortune? But my friend from Virginia, if he will allow me to call him so, cannot mean what he said. It was a hasty expression. It would do dishonor to the great men of that Mother of States which he represents upon this floor with so much ability and fidelity.

But the last and boldest attack (said Mr. H.) against the claims of Mr. Fulton upon the gratitude and upon the justice of the country had been made by the member from Ohio, [Mr. DUNCAN.] He had attempted to show by documents, and to prove by labored arguments, that Robert Fulton was not the inventor of steam navigation. To some parts of that speech Mr. H. said he should not refer. He had been delighted with the refreshing and unusual sight of the merging of political and party feeling in that of justice and gratitude to a public benefactor, during the discussion of this question. In that hall, too often made the gladiatorial arena in which political contests were waged with violence and warmth, it was indeed refreshing to witness, upon a question like that under consideration, the walls of party petition for a season prostrated; and he should make no references, therefore, to that part of the gentleman's remarks which would tend to erect that wall anew upon the present occasion.

[Mr. DUNCAN here rose, and disclaimed the intention of giving a party character to his remarks.]

Mr. HOFFMAN said that he certainly did not intend to do injustice to the gentleman from Ohio. He did not mean to aver that that gentleman had intended to make this a question for the action of party against party. But he (Mr. D.) had alluded to what had been formerly said upon the Sub-Treasury scheme, that it was the banks to which the West owed its prosperity; and that now it was said that it was to steam, &c. Now Mr. H. had not opposed the Sub-Treasury scheme because it was opposed to banks, but because it tended to destroy a well-regulated credit system, the successful operation of which had made the West what it is. Mr. H. believed and knew, as well as the gentleman from Ohio, that it was the woodman's axe that cleared the way in the western wilds for the foundation of those fair cities that now showed so beautifully upon the banks of those rivers; but he also knew that it was credit—credit, which had nerved the arm of the woodman—credit, without which that enterprising people would have lacked the facilities which were requisite to make their hardy toil effective and triumphant over the obstacles it had to encounter.

But the House and the world were told that Fulton was not the inventor of steam navigation. This [said Mr. HOFFMAN] is no new idea. It had often rang through the different countries of Europe, and had been frequently ushered forth to the world by men jealous of the laurels of their own country in the peaceful walks of science and literature. But he had never before heard, and, indeed, had never expected to hear, especially in the halls of Congress, a repetition and admission of the truth of such an assertion, from the lips of an American citizen! Go to the western waters; tell the people of that country that not to Fulton, but to a foreigner, was due the renown of having been the first successfully to apply the power of steam to navigation, and see how such an assertion will be received by the constituents of the gentleman himself! Sir, it is not to be wondered at that such emulation exists among nations, in the assertion of a claim to such a source of national glory. Seven cities contended for the fame of Homer's birth; and it should excite no surprise that other nations should seek to place within their own borders the fountain from which such bountiful streams have flowed, to enrich and civilize the world. England tells the world that it is to a Scotchman that the honor of this discovery is due; and that it was the Clyde and the Thames that first witnessed the triumphant success of this wonderful invention. France, through her National Institute, declares that the Seine first witnessed this triumph of the genius of man over the conflicting winds and waves. And even Spain, degraded and enslaved Spain, roused by the voice of emulation, has looked forth from her cloistered halls of superstition, and has raised her head from her blood-stained fields of civil war, and declared that in the age of Charles, in the presence of her Court and nobles, this experiment was successfully tried! But America, proudly seated upon the enduring monument which Robert Fulton has reared, laughs to scorn the claims of rivals, and looks down serenely upon these billows of strife, which break at the base of her noble throne. And yet we, her Representatives, who should guard her honor, strive to tear her from her seat of dignity and pride, or else meanly stoop to calculate the value of each particular item, before we will compensate and reward the glorious architect by whom that monument of individual fame and national glory was reared.

The former report, to which gentlemen have alluded, in favor of the claimants, as being in full satisfaction of this claim, was made, the House must know, when the heirs of Fulton were destitute and in suffering. They had come to this House, and knocked gently at your door: they told you, we are the orphan children of him who has honored you—we are poor and destitute in the land which our father's genius has enriched. And, in the pathetic language of Lear, they asked "that you would vouchsafe to them raiment, bed, and food." At that time $5,000 was awarded, and they were referred to the future legislation of Congress for further relief.

Mr. H. would beseech that House not to send them again away, without satisfaction. A recommitment of the bill would work its total defeat at this session of Congress. Let it then be sent to the Senate, where it will meet with a cool and careful discussion; and let the gentleman from Ohio lay his griefs and his arguments before his friend, the Senator from that State, who will of course act upon it as he thinks best. But, if it now be reconsidered, its fate was certain; it can never be called up. It must die a lingering death upon the Speaker's table—a fate from which I again implore this House to save these interesting petitioners. He trusted that the motion to reconsider would not prevail.

SPEECH OF MR. CALHOUN,
OF SOUTH CAROLINA,

In Senate, March 22, 1838.—In reply to Mr. WEBSTER, on the bill to separate the Government from banks.

Mr. PRESIDENT: After having addressed the Senate twice, I would owe an apology, under ordinary circumstances, for again intruding myself on its patience. But, after what fell from the Senator from Massachusetts, nearest to me, [Mr. WEBSTER] the other day, the greater part of which was not only directed against my arguments, but at me personally, I feel that my silence, and not my notice of his remarks, would require an apology. And yet, notwithstanding I am thus constrained again to address the Senate, I fear it will not be impossible to avoid exciting some impatience, fatigued and exhausted as it must be by so long a discussion; to prevent which, as far as practicable, I shall aim at as much brevity as possible, consistently with justice to myself and the side I support.

The Senator's speech was long and multifarious, consisting of many parts, which had little or no connection with the question under consideration. For the sake of brevity and distinctness, I propose to consider it under four heads. First, his preliminary course, which treated at large of credits and banks, with very little reference to the subject. Next, his arguments on the question at issue; and that to be followed by his reply to my arguments at this and the extra session; and, finally, his conclusion, which was appropriated wholly to personal remarks, and a comparison between his and my public course, without having the slightest relation either to the subject or any thing I had said in the debate, but which the Senator obviously considered as the most important portion of his speech. He devoted one day almost wholly to it, and delivered himself with an earnestness and vehemence which clearly manifested the importance which he attached to it. I shall, as in duty bound, pay my respects first to that, which so manifestly occupied the highest place in his estimation, though standing at the bottom in the order of his remarks.

The Senator opened this portion of his speech with much courtesy, accompanied by many remarks of respect and regard, which I understood to be an intimation that he desired the attack he was about to make to be attributed to political, and not personal motives. I accept the intimation, and shall meet him in the sense he intended. Indeed, there never has been, between the Senator and myself, the least personal difference, nor has a word, having a personal bearing, ever passed between us in debate, prior to the present occasion, within my recollection, during the long period we have been in public life, except on the discussion of the force bill and proclamation, which, considering how often we have stood opposed on deep and exciting questions, may be regarded as not a little remarkable. But our political relations have not been on as good a footing as our personal. He seems to think that we had harmonized not badly till 1824, when, according to his version, I became too sectional for him to act any longer with me; but which I shall hereafter show originated in a very different cause. My impression, I must say, is different, very different, from that of the Senator. From the commencement of our public life to the present time, we have differed on almost all questions involving the principles of Government and its permanent policy, with the exception of a short interval, while I was in the War Department, when the Senator agreed with the South on the protective system and some other measures. I do not consider our casual concert, during the last few years of the late Administration, when we were both opposed to the Executive power, as constituting an exception. It was understood that we both adhered to our principles and views of policy without the least surrender, and our personal relations were formal and cold, during the whole period. In fact, we moved in entirely different spheres. We differed in relation to the origin and character of the Government, the principles on which it rested, and the policy it ought to pursue; and I could not at all sympathize with the grave and deep tone with which the Senator pronounced our final separation, as he was pleased to call it, and which, in my opinion, would have been much more appropriate to the separation of those who had been long and intimately united in the support of the same principles and policy, than to the slight and casual relations, personal and political, which had existed between us.

Setting, then, aside all personal motives, I may well ask, what political grief, what keen disappointment is it, which at this time could induce him to make the attack he has on me, and, I might add, the manner in which he made it? The Senator himself shall answer the question. He has unfolded the cause of his grief, and pointed to the source of his disappointment. He told us that "victory was within reach, and my co-operation only was wanted to prostrate forever those in power." These few words are a volume. They disclose all. Yes, victory was within reach, the arm outstretched, the hand expanded to seize it, and I would not co-operate. Hence the grief, hence the keen disappointment, and hence the waters of bitterness that have rolled their billows against me. And what a victory! Not simply the going out of one party and the coming in of another; not merely the expulsion of the Administration, and the induction of the Opposition, but a great political revolution, carrying with it the fundamental principles of the Government and a permanent change of policy. It would have brought in, not only the Senator and his party, but their political creed, as announced by him in the discussion on the proclamation and force bill, with which he now taunts those in power—a fact to be noted and remembered. He, the champion of those measures, against whom I contended foot to foot for one entire session, now casts up to me, that in refusing to co-operate with him, I protect the party in power, not a small portion of whom, I have good reason to believe, were drawn by the adverse current of the times reluctantly from their own principles to the support of those measures, and with it the Senator and his principles. Yes, I repeat, it would have brought in the Senator and his consolidation doctrines, which regard this Government as one great national republic, with the

right to construe finally and conclusively the extent of its own powers, and to enforce its construction at the point of the bayonet; doctrines which, at a blow, sweep away every vestige of State Rights, and reduce the States to mere petty and dependent corporations. It would have also brought in his policy, bank, tariff, and all. Even now, when victory is uncertain, the Senator announces the approach of the period when he shall move the renewal of the protective system; a precious confession, that dropped out in the heat of discussion.

[Mr. WEBSTER. No, I spoke deliberately.]

So much, then, the worse. That justifies all I have said and done; that proves my foresight and firmness, and will open the eyes of thousands, especially in the South, who have heretofore doubted the correctness of my course on this question.

The victory would not only have been complete had I co-operated, but it would also have been permanent. The portion of the State Rights party, with which I acted, would have been absorbed—yes, absorbed; it is the proper word, and I use it in spite of the sarcasm of the Senator. The other would have been scattered and destroyed, and the Senator and his party, and their principles and policy, would have been left undisputed masters of the field, unresisted and irresistible. The first fruits of the victory would have been the re-union of the political and money power—a wedded union never more to be dissolved. The tariff would have been renewed—I may now speak positively, after the declaration of the Senator—to be again followed by an overflowing revenue, profuse and corrupt expenditures, heavy surplus, and overwhelming patronage, which would have closed the doors to wealth and distinction to all who refused to bend the knee at the shrine of the combined powers. All this was seen and fully comprehended by the Senator; and hence again, I repeat, his deep grief, his keen disappointment, and his attacks on me, for refusing to co-operate.

The Senator must have known that, in refusing, I acted on principles and opinions long entertained and fully declared years ago. In my reply to his associate in this joint war on me, in which I am attacked at once in front and rear, I demonstrated, to the satisfaction of the Senate, the truth of what I assert, so completely, that the Senator's associate did not even attempt a denial. And yet, such is the depth of the Senator's grief and disappointment, that it hurried him to a repetition of exploded charges which, in his cooler moments, he must know to be unfounded. He repeated the stale and refuted charge of a summerset, of going over, and of being struck with a sudden thought; and summoned up all his powers of irony and declamation, of which he proved himself to be a great master on the occasion, to make my Edgefield letter, in which I assigned my reason for refusing to co-operate, ridiculous. I see in all this but the disappointed hopes of one who had fixed his gaze intensely on power that had eluded his grasp, and who sought to wreak his resentment on him who had refused to put the splendid prize in his hands. He resorted to ridicule, because it was the only weapon that truth and justice left him. He well knows how much deeper are the wounds that they inflict than the slight punctures that the pointed, but feeble, shafts of ridicule leave behind; and he used the more harmless weapon only because he could not command the more deadly. That is in my hand. I brandish it in his eyes. It is the only one I need, and I intend to use it freely on this occasion.

After pouring out his wailing in such doleful tones, because I would not co-operate in placing him and his party in power, and prostrating my own, the Senator next attacks me because I stated in my Edgefield letter, as I understood him, that I rallied on General Jackson, with the view of putting down the tariff by Executive influence. I have looked over that letter with care, and can find no such expression.

[Mr. WEBSTER. It was used at the extra session.]

I was about to add that I had often used it, and cannot but feel surprised that the Senator should postpone the notice of it till this late period, if he thought it deserving reply. Why did he not reply to it years ago, when I first used it in debate? But the Senator asked what I meant by Executive influence. Did I mean his veto? He must have asked the question thoughtlessly. He must know that the veto can only apply to bills on their passage, and could not possibly be used in case of existing laws, such as the tariff acts. He also asked if there was concert in putting down the tariff between myself and the present Chief Magistrate? I reply by asking him a question, to which, as a New England man, he cannot object. He has avowed his determination, in a certain contingency, which he thinks is near, that he will move the renewal of the tariff. I ask, is there concert on that point, between him and his associate in this attack? And finally, he asks if I disclosed my motives then? Yes: I am not in the habit of disguising them. I openly and constantly avowed that it was one of my leading motives in supporting General Jackson, because I expected he would use his influence to effect a gradual, but thorough, reduction of the tariff, that would reduce the system to the revenue point; and when I saw reason to doubt whether he would accomplish what I deem so important, I did not wait the event of his election, but moved openly and boldly in favor of State interposition, as a certain remedy, which would not fail to effect the reduction, in the event he should disappoint me.

The Senator, after despatching my letter, concluded his speech by volunteering a comparison between his and my public character, not very flattering to me, but highly complimentary to himself. He represented me as sectional, in the habit of speaking constantly of the unconstitutional and oppressive operations of the tariff; which he thought very unpatriotic; of having certain sinister objects in view in calling on the South to unite, and of marching off under the State rights banner; while he paints himself in the most glowing and opposite colors. There is, Mr. President, no disputing about taste; such are the effects of a difference of organization and education, that what is offensive to one is often agreeable to another. According to my conception, nothing can be more painful than to pronounce our own praise, particularly in contrast with another, even when forced to do so in self-defence; but how one can rise in his place, when neither his motive nor conduct is impeached, and when there is nothing in the question, or previous discussion, that would possibly justify it, and pronounce an eulogy on himself, which a modest man would blush to pronounce on a Washington or a Franklin to his face, is to me utterly incomprehensible. But, if the Senator, in pronouncing his gorgeous piece of autobiography, had contented himself in simply proclaiming, in his deep tone, to the Senate and the assembled multitude of spectators, that he came into Congress as the representative of the American people; that, if he was born for any good, it was for the good of the whole people, and the defence of the Constitution; that he habitually acted as if acting in the eyes of the framers of the Constitution; that it would be easier to drive these pillars from their bases, than to drive or seduce him from his lofty purpose; that he would do nothing to weaken the brotherly love beween these States, and every thing that they should remain united, beneficially and thoroughly forever, I would have gazed in silent wonder, without uttering a word, at the extraordinary spectacle, and the happy self-delusion in which he seems to exist. But when he undertook not only to erect an image to himself, as an object of self adoration, but to place alongside of it a carved figure of myself, with distorted limbs and features, to heighten and render more divine his own image, he invited, he challenged, nay, he compelled me to inquire into the high qualities which he arrogates to himself, and the truth of the comparison which he has drawn between us. If the inquiry should excite some reminiscences not very agreeable to the Senator, or disturb the happy self-delusion in which he reposes, he must blame not me, but his own self-sufficiency and boasting at my expense.

Know yourself, is an ancient maxim, the wisdom of which I never before so fully realized. How imperfectly even the talented and intelligent know themselves! Our understanding, like our eyes, seems to be given, not to see our own features, but those of others. How diffident we ought to be of any favorable opinion that we may have formed of ourselves! That one of the distinguished abilities of the Senator, and his mature age, should form so erroneous an opinion of his real character, is indeed truly astonishing. I do not deny that he possesses many excellent qualities. My object is truth, and I intend neither to exaggerate nor detract. But I must say, that the character which he attributes to himself is wholly dissimilar from what really belongs to him. So far from that universal and ardent patriotism which knows neither place nor person, that he ascribes to himself, he is, above all the distinguished public men with whom I am acquainted, remarkable for a devoted attachment to the interest, the institutions, and the place where Providence has cast his lot. I do not censure him for his local feelings. The Author of our being never intended that creatures of our limited faculties should embrace, with equal intenseness of affection, the remote and the near. Such an organization would lead us constantly to intermeddle with what we would but imperfectly understand, and often to do mischief where we intended good. But the Senator is far from being liable to such a charge. His affections, instead of being too wide and boundless, are too concentrated. As local as his attachment is, it does not embrace all within its limited scope. It takes in but a class even there—a powerful, influential, and intelligent, but still a class which influences and controls all his actions, and so absorbs his affections as to make him overlook large portions of the Union; of which I propose to give one or two striking illustrations.

I must then remind the Senator that there is a vast extent of our wide-spread Union, which lies south of Mason and Dixon's line, distinguished by its peculiar soil, climate, situation, institutions, and productions, which he has never encircled within the warm embraces of his universal patriotism. As long as he has been in public life, he has not, to the best of my knowledge, given a single vote to promote its interest, or done an act to defend its rights. I wish not to do him injustice. If I could remember a single instance I would cite it; but I cannot, in casting my eyes over his whole course, call to mind one. As boundless and ardent, then, as is his patriotism, according to his own account, it turns out that it is limited by metes and bounds that exclude nearly one half of the whole Union!

But it may be said that this total absence of all manifestation of attachment to an entire section of the Union is not to be attributed to the want of an ardent desire to promote its interest and security, but of occasion to exhibit it. Unfortunately for the Senator, such an excuse would be without foundation. Opportunities are daily and hourly offering. The section is the weakest of any, and its peculiar interest and institutions expose it constantly to injustice and oppression, which afford many and fine opportunities to display that generous and noble patriotism which the Senator attributes to himself, and which delights in taking the side of the assailed against the assailant. Even now, at this moment, there is an opportunity which one professing such ardent and universal attachment to the whole country as the Senator does, would greedily embrace. A war is now, and has been for years, systematically and fiercely carried on in violation of the Constitution, against a long-standing and widely-extended institution of that section, which is indispensable, not only to its prosperity, but to its safety and existence, and which calls loudly on every patriot to raise his voice and arm in its defence. How has the Senator acted? Has he raised his mighty arm in defence of the assailed, or thundered forth his denunciation against the assailants? These are searching questions. They test the truth of his universal and boasted attachment to the whole country; and in order that the Senate may compare his acts with his professions, I propose to present more fully the facts of the case and his course.

It is well known, then, that the section to which I refer is inhabited by two races, from different continents, and descended from different stocks; and that they have existed together under their present relation from the first settlement of the country. It

is also well known that the ancestors of the Senator's constituents, (I include the section,) brought no small portion of the ancestors of the African, or inferior race, from their native home across the ocean, and sold them *as slaves* to the ancestors of our constituents, and pocketed the price, and profited greatly by the traffic. It is also known, that when the Constitution was formed, our section felt much jealousy lest the powers which it conferred should be used to interfere with the relations existing between the two races; to allay which, and induce our ancestors to enter the Union, guards, that were deemed effectual against the supposed danger, were inserted in the instrument. It is also known that the product of the labor of the inferior race has furnished the basis of our widely-extended commerce and ample revenue, which has supported the Government and diffused wealth and prosperity through the other section. This is one side of the picture. Let us now turn and look at the other.

How has the other section acted? I include not all, nor a majority. We have had recent proof, during the discussion of the resolutions I offered at the commencement of the session, to what great extent just and patriotic feelings exist in that quarter, in reference to the subject under consideration. I then narrow the question, and ask, how has the majority of the Senator's constituents acted, and especially a large portion of his political supporters and admirers? Have they respected the title to our property, which we trace back to their ancestors, and which, in good faith and equity, carries with it an implied warranty, that binds them to defend and protect our rights to the property sold us? Have they regarded their faith plighted to us on entering into the constitutional compact which formed the Union, to abstain from interfering with our property, and to defend and protect us in its quiet enjoyment? Have they acted as those ought who have participated so largely in the profits derived from our labor? No; they are striving, night and day, in violation of justice, plighted faith, and the Constitution, to divest us of our property—to reduce us to the level of those whom they sold to us as slaves, and to overthrow an institution on which our safety depends.

I come nearer home. How has the Senator himself acted? He who has such influence and weight with his constituents, and who boasts of his universal patriotism and brotherly love and affection for the whole Union? Has he raised his voice to denounce this crying injustice, or his arm to arrest the blow of the assailant, which threatens to dissever the Union, and forever alienate one-half of the community from the other? Has he uttered a word in condemnation of violated faith, or honor trampled in the dust? No: he has sat quietly in his place, without moving a finger or raising his voice. Without raising his voice, did I say? I mistake. His voice has been raised, not for us, but our assailants. His arm has been raised, not to arrest the aggressor, but to open the doors of this chamber, in order to give our assailants an entrance here, where they may aim the most deadly blow against the safety of the Union, and our tranquillity and security. He has thrown the mantle, not of protection over the Constitution, but over the motive and character of those whose daily avocation is to destroy every vestige of brotherly love between these States, and to convert the Union into a curse, instead of a blessing. He has done more. The whole Senate has seen him retire from his seat, to avoid a vote on one of the resolutions that I moved, with a view to rally the patriotic of every portion of the community against this fell spirit, which threatens to dissolve the Union, and turn the brotherly love and affection in which it originated into deadly hate, which was so obviously true he could not vote against, but which he dodged, rather than throw his weight on our side, and against our assailants. And yet, while these things are fresh in our recollection, notorious, and known to all, the Senator rises in his place, and proclaims aloud that he comes in as the representative of the United States; that, if he was born for any good, it was for the good of the whole people, and defence of the Constitution; that he always acts as if under the eyes of the framers of the Constitution; that it would be easier to drive these pillars from their bases, than him from his lofty purpose; that he will do nothing to destroy the brotherly love between the States, and every thing that the Union may exist for ever, beneficially and thoroughly for all! What a contrast between profession and performance! What strange and extraordinary self-delusion!

But this is not the only instance. There is another in which the contrast between the course of the Senator and his lofty pretension of unbounded and ardent patriotism is not less astonishing. I refer to the protective tariff, and his memorable and inconsistent course in relation to it.

Its history may be told in a few words. It rose subsequent to the late war with Great Britain. The Senator's associate in this attack was its leading supporter and author. Its theory rested on the principle, that all articles which could be made in our country should be protected, and it was an axiom of the system that its perfection consisted in prohibiting the introduction of all such articles from abroad. To give the restrictions on commerce necessary to effect its object a plausible appearance, they were said to be for the protection of home industry, and the system itself received the imposing name of the American System. Its effects were desolating in the staple States. The heavy duties imposed on their foreign exchanges left scarcely enough to the planter to feed and clothe his slaves, and educate his children, while wealth and prosperity bloomed around the favored portion of the Union.

The Senator was at first opposed to the system. As far back as the autumn of 1820, he delivered a speech to the citizens of Boston, in Faneuil Hall, in opposition to it, in which he questioned its constitutionality, and denounced its inequality and oppression.

His speech was followed by a series of resolutions embodying the substance of what he had said, and which received the sanction of himself and constituents, who, at that time, were less interested in manufactures than in commerce and navigation, which suffered in common with the great staple interests of the South. I ask the Secretary to read the resolutions:

Resolved, That no objection ought ever to be made to any amount of taxes equally apportioned and imposed for the purpose of raising revenue, necessary for the support of Government; but that taxes imposed on the people for the sole benefit of any class of men, are equally inconsistent with the principles of our Constitution, and with sound judgment."

"*Resolved*, That the supposition that until the supposed tariff, or some similar measure, be adopted, we are and shall be dependent on foreigners for the means of subsistence and defence, is, in our opinion, altogether fallacious and fanciful, and derogatory to the character of the nation.

"*Resolved*, That high bounties on such domestic manufactures as are principally benefited by that tariff, favor great capitalists rather than personal industry, or the owners of small capitals; and therefore that we do not perceive its tendency to promote national industry.

"*Resolved*, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

"*Resolved*, That, in our opinion, the proposed tariff, and the principles on which it is avowedly formed, would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people."

What can be more explicit or decided? They hold the very sentiments and language which I have so often held on this floor. That very system was then pronounced to be unconstitutional, unequal, oppressive, and corrupting in its effects, by the Senator and his constituents, for pronouncing which now he accuses me as being sectional, and holding language having a mischievous effect on the rising generation.

Four years after this, in April, 1824, the Senator delivered another speech against the system, in reply to the then Speaker, and now his associate on this occasion, in which he again denounced the inequality and oppression of the system with equal force in one of the ablest arguments ever delivered on the subject, and in which he completely demolished the reasons of his then opponent. But an event was then fast approaching, which was destined to work a mighty and sudden revolution in his views and feelings. A few months after, the Presidential election took place; Mr. Adams was elected by the co-operation of the author of the American system, and the now associate of the Senator. Those who had been enemies came together. New political combinations were formed; and the result was a close alliance between the East and the West, of which that system formed the basis. A new light bursted in on the Senator. A sudden thought struck him; but not quite as disinterested as that of the German sentimentalist. He made a complete summerset, heels over head; went clear over; deserted the free trade side in a twinkling, and joined the restrictive policy, and then cried out that he could no longer act with me, whom he had left standing where he had just stood, because I was too sectional! At once every thing the Senator had ever said or done was forgotten; entirely expunged from the tablets of his memory. His whole nature was changed in an instant; and thereafter no measure of protection was too strong for his palate. With a few contortions and slight choking, he even gulped down, a few years after, the bill of abomination—the tariff of '28; a measure which raised the duties so high as to pass one-half of the aggregate amount in value of the whole imports into the public Treasury. I desire it to be noted and remembered that, out of an importation of sixty-four millions of dollars, including every description of imports, the free and dutied articles, the Government took for its share thirty-two millions under the tariff of 1828, and that the Senator, yes, he, the defender of the Constitution and equal protector of every section and interest, voted for that measure, notwithstanding his recent denunciation of the system as unconstitutional, unequal, and oppressive! But he did more, and things still more surprising, as the sequel will show.

The protective tariff did not change the character of its operation with the change of the Senator. Its oppressive and corrupting effects grew with its growth, till the burden became intolerable under the tariff of '28. Desolation spread itself over the entire staple region. Their commercial cities were deserted. Charleston parted with its last ship, and grass grew in her once busy streets. The political condition of the country presented a prospect not less dreary. A deep and growing conflic between the two great sections agitated the whole country, and a vast revenue, beyond its most extravagant wants, gave the Government, especially the Executive branch, boundless patronage and power, which were rapidly changing the character of the Government, and spreading corruption far and wide through every condition of society. Something must be done, and that promptly. Every hope of reformation, or change through this Government, had vanished. The absorbing force of the system had drawn into its support a fixed majority in the community, which controlled irresistibly every department of the Government. But one hope was left short of revolution, and that was in the States themselves, in their sovereign capacity as parties to the constitutional compact. Fortunately for the country and our institutions, one of the members of the Union was found bold enough to interpose her sovereign authority, and declare the protective tariff, that had caused all this mischief, and threatened so much more, to be unconstitutional, and, therefore, null and void, and of no effect within her limits; and thus an issue was formed which brought events to a crisis.

We all remember what followed. The Government prepared to assert by force its usurped powers. The Proclamation was issued, and the War Message and Force Bill followed, and the State armed to maintain her constitutional rights. How, now, I ask, did the Senator act in this fearful crisis; he who had, but a short time before, pronounced the system to be unconstitutional, unequal, unjust, and oppressive? Did he feel any sympathy for those who felt and thought as he did but a brief period before? Did he make any allowance for their falling into the same errors (if such he then considered them) into which he himself had fallen? Did he show that ardent devotion to preserve the brotherly love between the members of the Union he now so boastingly professes? Did he, who calls himself the defender of the Constitution, feel any compunction in resorting to force, to execute laws which he had pronounced to be in violation of the Constitution? Did he, who manifested such deep distrust of those in power, who had been foremost in proclaiming their usurpa-

tions, and calling on the patriotic of all parties to oppose them, show any dread of consigning to them unlimited power to crush one of the members of the Union, and which, after accomplishing that, might be so readily turned to crush the liberty of all? Quite the reverse. A sudden thought again struck him. He again, in a twinkling, forgot the past, and rushed over into the arms of power; and took his position in the front rank, as the champion of the most violent measures, to enforce laws at the point of the bayonet, which he had pronounced unconstitutional, unjust, and oppressive! And this, too, at the hazard of civil war, and the manifest danger of subverting the Constitution and liberties of the country; refusing all terms of adjustment, and resisting to the last with violence the bill which compromised and settled the conflict! And yet, with all this fresh in the recollection of himself and all present, he can rise in his place and proclaim himself the universal patriot; the defender of the Constitution, and benefactor of every portion of the Union; the man who has done every thing to preserve brotherly love between its members, and who is ready to make every sacrifice to make it beneficial to all the parties!

But what is more extraordinary, what is truly wonderful and astonishing is, while these words were on his tongue, he, in the same breath, with a full knowledge of all the disastrous consequences which have and must necessarily follow the renewal of the protective system, should declare that he anticipates the speedy arrival of the time when he will again undertake to revive the system! More cannot be added. The contrast between the Senator's course and the character which he ascribes to himself cannot be rendered more striking. I shall not add another instance, as many of them as are at my command. A volume could not more conclusively prove how unfounded are his pretensions to that lofty, universal, and ardent patriotism which he claims for himself, and how strong the delusion under which he is in regard to his true character.

Let us now turn and inquire what has been my course; I whom he represents as sectional, whose course he pronounces to be unfriendly to the Union, because I now call the protective system unconstitutional and oppressive; who, he intimates, desire to unite the South for no patriotic purpose, and represents as going off under the State rights banner. And here, Mr. President, let me say, I put in no claim to the lofty destiny to which the Senator says he was born. Instead of coming here, like the Senator, as the representative of the whole people, I appear in the more humble character of the representative of one of the States of this Union, sent here to watch over her particular interests, and to promote the general interest of all, as far as the Constitution has conferred power upon us, and as it can be done without oppression to the parts. These are my conceptions of my representative character, with the trust confided to me, and the duties attached to it, which I endeavor to discharge with industry, fidelity, and all the abilities which it has pleased my Creator to confer on me. Instead of falling short of what I profess, I trust my public life, if examined with candor, will show that I have ever so interpreted my duty to my State, as to permit it in no instance to interfere with the just claims of the Union. It is my good fortune to represent a State which holds her character far above her interest, and which claims the first place, when a sacrifice is to be made for the safety and happiness of all, and would hold me to strict account, if, in representing her interest, I should forget what is due to her honor among her confederates. All her acts prove that she is as liberal in making concessions, when demanded by the common good, as she is prompt and resolute to resist aggression to promote the interest of others at her expense. Acting in the same spirit, as her representative, I have never failed to meet and repel aggressions, while, I trust, I have, on no occasion, been unmindful of her honor and the general interests of the whole Union. Having made these remarks, I shall now proceed to show that, as humble as my pretensions are, and as sectional and unpatriotic as he has thought proper to represent me, my course for liberality and a just regard to the interest of every portion of the Union, will not suffer in comparison with his, as lofty as are his pretensions.

In making the inquiry I have, into the course of the Senator in relation to the section to which I belong, I called on him to point out a single instance, with all his boasted patriotism, in which he had given a vote to promote its interests, or done an act to defend its rights; but now, when the inquiry is into my course in relation to his section, I propose to reverse the question, and to apply to myself a much more severe test than I did to him. I ask, then, from what measure, calculated to promote the interests of his section, have I ever withheld my support, except, indeed, the protective tariff, and certain appropriations, which, according to my mode of construing the Constitution, I regard as unconstitutional, and would of course be bound to oppose, wherever the benefit should fall? I call on the Senator to point out a single instance; and, if he desires it, I will yield him the floor in order to give him an opportunity to do so. Will the Senator call, on his part, for instances in which I have supported the interest of his section? I can point to numerous; to my early and constant support of the Navy; to my resistance to the system of embargoes, non-importation and non-intercourse acts; to my generous course in support of manufactures that sprung up during the war, in which my friends think I went too far; to the liberal terms on which the tariff controversy was settled, and the fidelity with which I have adhered to it; and to the system of fortifications for the defence of our harbors, which I projected and commenced, and which is so important to the two great interests of commerce and navigation, in which his section has so deep a stake. To which I might add many more; but these are sufficient for one represented as so sectional, against the blank list of the Senator in relation to my section, with all his claim to ardent and universal patriotism. If we turn to the West, my course will at least bear comparison with his for liberality towards that great and growing section of our country. To pass over other instances, I ask him what measure of his can be compared to the cession I have proposed of the public lands to the new States on the liberal conditions prooposed? It is a measure above all others calculated to promote their interest, to elevate their character, to terminate their political dependence, and to raise them to a complete equality with the old States for the mutual benefit of us and them, but which, sectional as I am represented to be, proved too liberal for the Senator, with all his wide-extended and ardent attachment to the whole Union.

But it seems that I mean something very sinister in my call on the South to unite, and the Senator very significantly asks me what is meant. I have nothing to disguise, and will readily answer. If he would look at home, and open his eyes to the systematic and incessant attacks made on our peace and quiet by his constituents; if he would reflect on his threat to renew the system of oppression from which we have freed ourselves with such difficulty and danger, and bear in mind that we are the weaker section, and, without union among ourselves, we cannot resist the danger that surrounds us, he will see that there is neither mystery nor danger in the call. I go farther. Our union is not only necessary to our safety and protection, but is also to the successful operation of our system. We constitute the check to its over-action; and, as experience proves, the only power through which, when disordered, reformation can be peaceably effected. Our union is dangerous to none, and salutary to all. The machine never works well when the South is divided, nor badly when it is united.

The Senator next tells us that I declared I would march off under the State Rights banner, which he seized on to impugn my patriotism and to boast of his own. It is an easy task, by mis-stating or garbling, to distort the most elevated or correct sentiment. In this case the Senator, by selecting a single member of the sentence, and throwing a strong emphasis on "off," gave a meaning directly the opposite of what I really did say; but it afforded him an opportunity of representing me as abandoning the cause of the Constitution and country, and himself as being their champion, which it seems was sufficient for his purpose. The declaration is taken from my opening speech at the extra session; and, that the Senate may judge for itself, I shall give the entire passage:

"We are about to take a fresh start. I move off under the States Rights banner, and go in the direction in which I have been so long moving. I seize the opportunity thoroughly to reform the Government; to bring it back to its original principles; to retrench, economize, and rigidly to enforce accountability. I shall oppose strenuously all attempts to originate a new debt, to create a National Bank, to re-unite the political and money power, (more dangerous than Church and State,) in any form or shape."

This is what I did declare, and which the Senator represents as deserting the Constitution and country; and this is the way I am usually answered. I know not whether I have greater cause to complain or rejoice at the fact that there is scarcely an argument or sentiment of mine, which is attempted to be met, that is not garbled, or misstated. If I have reason to complain of the injustice, I have at the same time the pleasure to reflect that it is a high implied compliment to the truth and correctness of what I say.

There still remains an important chapter to complete the comparison between the public character of the Senator and myself; I mean the part which we took in the late war between Great Britain and this country. I intended at one time to enter on it, and to trace the rise and progress of the war, with its various vicissitudes of disasters and victories, and the part which the Senator and his political associates acted at that important period; but these are by-gone events, belonging to the historian, in whose hands I am content to leave them, and shall not recur to them, unless the Senator should provoke me hereafter by a renewal of his attack.

Having now despatched the personalities of the Senator, I turn next to his argument, which, as I have stated, consists of three parts: the preliminary discourse on credit and banks; the discussion of the question at issue; and the reply to my remarks at this and the extra session. I shall consider each, as I have begun, in the reverse order. The argument of the Senator is indeed so miscellaneous and loosely connected, that it is a matter of but little importance in what order it is considered.

When he announced his intention to reply to my remarks, both at this and the extra session, I anticipated that they would be met fully, if not satisfactorily, point by point. Guess, then, my surprise, on finding him pass by, without even attempting an answer to the numerous objections which I made to the union of the political and money power, as affecting the morals, the politics, the currency, the industry, and prosperity of the country, which, if the fourth part be true, is decisive of the question, and noticing but two out of the long list, in his reply. If we may judge of the strength of those which he has passed over by his inconclusive answer (as I shall presently show) to the two which he selected, my argument may be pronounced to be impregnable. I shall begin with his reply to my remarks at the present session.

It will be remembered, among other objections against the connection with the banks, I urged that the Government had no right to make a general deposite in bank, or receive the notes of banks in the public dues. I placed the first on the ground, that when public money was placed in deposite in banks, and passed to the credit of the Government, it was, if ever, in the Treasury; and that it could not be drawn out and used for any purpose, unless under an appropriation made by law, without violating an express provision of the Constitution, which provides that no money should be drawn out of the Treasury, but in consequence of appropriation by law. I then argued, that to place money in general deposite in banks, with the implied understanding always attached to such transactions, that they should have the right to draw it out and use it as they please, till called for by the Government, was a manifest violation of this provision of the Constitution.

In support of the other objection against receiving of bank notes in the public dues, I laid down the known and fundamental rule of construction on all questions touching the powers of this Government, that it had no right to exercise any but such as are expressly given by the Constitution, or that may be necessary to carry into effect the granted powers. I then insisted that no such power was

granted, nor was its exercise necessary to carry any granted power into effect, and concluded, that the power could not be exercised unless comprehended under one or the other head. To which I added the further objection, that if we had the right to receive the notes of State banks in our dues as cash, it would necessarily involve the right of taking them under our own control and regulation, which would bring this Government necessarily into conflict with the reserved rights of the States; and to this I added, that the receipt of bank notes by the Government tended to expel gold and silver from circulation, and depreciate and render their value more fluctuating, and, of course, could not be reconciled with the object of the express power given to Congress to coin money, and regulate the value thereof, to which it is as repugnant in its effects, as the debasing or the clipping the current coin would be. I, at the same time, conceded that the practice of the Government had been the opposite from its commencement. Such are my reasons, and how have they been met?

The Senator commenced by stating that he would consider the two objections together, as they were connected; but, instead of that, he never uttered another word in relation to the right of making a general deposite. That was surrendered without an attempt to meet my objections, which at least proved his discretion. He next undertook to show that precedents were in favor of receiving bank notes, which I had conceded, and no one disputed. Among other things, he stated, I was the first to authorize the receiving of bank notes by law, and, in proof, referred to my amendment to the joint resolution of 1816, which authorizes the receipt of the notes of specie paying banks in the dues of the Government. He stated, that the resolution, as proposed by himself, provided that nothing but gold and silver and the notes of the United States Bank should be received, and that my amendment extended it to the notes of State banks. This is all true, but is not the whole truth. He forgot to inform the Senate that, at the time, the notes of non-specie paying banks, as well as specie-paying, were received in the dues of the Government, and that my amendment limited, instead of enlarging, the existing practice. He also forgot to state that, without my amendment, the notes of the United States Bank would have been exclusively received in the public dues, and that I was unwilling to bestow a monopoly of such immense value on that institution, which would have been worth ten times the amount of the bonus it gave for its charter.

After bestowing much time to establish what none denied, the Senator at length came to the argument; and what do you suppose were the convincing reasons he urged against my positions? Why, simply that he had no time to reply to them! with which, and the erroneous assertion that I had denied that the Government could exercise any incidental power, he passed over all the weighty objections I had urged against the constitutionality of receiving and treating bank notes as cash in the public dues. It was thus he met the only argument he attempted to answer of the many and strong ones which I have urged in support of my opinion on this important question, and to which he proposed to make a formal reply!

I shall next notice the reply he attempted to my remarks at the late session. And here, again, he selected a single argument, and to which his answer was not less inconclusive and unsatisfactory than to that which I have just considered. Among other objections to the union of the Government with the banks, I stated that it would tend to centralize the circulation and exchanges of the country; to sustain which, I showed that no small portion of the credit and circulation of the banks depended on the public deposites, and the fact that the Government received and treated their notes a cash in its dues. I then showed that it was that portion which pre-eminently gave a control over the circulation and exchanges of the country. In illustration, I asked if the Government, when it first went into operation, had selected a merchant of New York, and entered into a contract with him that he should have the free use of the public revenue from the time it was collected till it was disbursed, and that nothing but his promissory notes, except gold and silver, should be received in the public dues, whether it would not give him a great and decided control over the circulation and exchanges of the country, accompanied with advantages to the port where he resided over all others? I next asked whether the location of a Bank of the United States at the same place, with the same privileges, would not give equal control and advantages? Nay, much greater; as, in addition, it would concentrate at the same place an immense amount of capital collected from every portion of the country.

Such was my argument, which the Senator, months after it was delivered, undertakes to controvert; but, I must say, for my life, I could not understand his reasons. He lost his usual clearness, and became vague and obscure, as any one must who attempts to refute what is so perfectly evident. To escape from his difficulty, he, with his usual address, confounded what I had said on another subject, with another point, which he thought more easily answered, and against which he directed his attack. He stated that I *proposed* a Government paper, and that my notion is, that all the paper that circulates should be Government paper; and then insisted that it would be the union of the political and money power, and would do more to centralize the currency and exchanges than the connection of the Government with the banks.

Now, unfortunately for the Senator, I proposed no such thing, and expressed no notion of the kind, nor any thing like it. He may search every speech I have delivered at this and the extra session, and he can find nothing to justify his assertion. To put this beyond all dispute, I will quote what I did say, and the only thing that I ever did that could afford him even a pretext for his assertions. The extracts are taken from my remarks at the extra session.

"I intend to *propose* nothing. It would be impossible, with so great a weight of opposition, to pass any measure without the entire support of the Administration; and if it were, it ought not to be attempted when so much must depend on the mode of execution. The best measure that could be devised might fail, and impose a heavy responsibility on its author, unless it met with hearty approbation of those who are to execute it. I then *intend merely to throw out suggestions*, in order to excite the reflections of others," &c.

"Believing that there might be a sound and safe paper currency founded on the credit of the Government exclusively, I was desirous that those who are responsible and have the power should have availed themselves of the opportunity of the *temporary deficit* in the Treasury, and the postponement of the fourth instalment intended to be deposited with the States, to use them as the means of affording a circulation *for the present relief of the country* and the *banks during the process of separating them from the Government*," &c.

Here is not a word about proposing; on the contrary, I expressly stated, I propose nothing; that I but threw out suggestions for reflection. Instead of excluding all paper from circulation, I suggested the use, (not of Treasury notes, as he stated, or any other paper containing a promise *to pay money*,) but simply one which should contain a promise to be received in the dues of the Government; and that, too, only to the extent necessary to meet the temporary deficit of the Treasury, and to alleviate the process of separating from the banks; and this he has arbitrarily construed and perverted to suit his purpose in the manner I have shown!

It is a great misfortune that there should be brought into this chamber the habits contracted at the bar, where advocates contend for victory, without being scrupulous about the means; while here the only object ought to be truth and the good of the country. All other considerations ought to be forgotten within these walls, and the only struggle ought to be to ascertain what is true and calculated to promote the honor and happiness of the community. Great individual injustice is done by such misstatements of arguments. The Senator's speech will be published, and circulated, in quarters where my correction of his statements will never reach; and thousands will attribute opinions to me that I never uttered nor entertained.

The suggestions which he has so perverted have been a favorite topic of attack on the part of the Senator, but he has never yet stated nor met what I really said truly and fairly; and, after his many and unsuccessful attempts to show what I suggested to be erroneous, I now undertake to affirm positively, and without the least fear that I can be answered, what heretofore I have but suggested; that a paper issued by Government, with the simple promise to receive it in all its dues, leaving its creditors to take it or gold and silver at their option, would, to the extent that it would circulate, form a perfect paper circulation, which could not be abused by the Government, that would be as steady and uniform in value as the metals themselves; and that if, by possibility, it should depreciate, the loss would fall, not on the people, but on the Government itself; for the only effect of depreciation would be virtually to reduce the taxes; to prevent which, the interest of the Government would be a sufficient guaranty. I shall not go into the discussion now; but, on a suitable occasion, I shall be able to make good every word I have uttered. I would be able to do more: to prove that it is within the constitutional power of Congress to use such a paper in the management of its finances, according to the most rigid rule of construing the Constitution; and that those at least, who think that Congress can authorize the notes of private State corporations to be received in the public dues, are estopped from denying its right to receive its own paper. If it can virtually endorse by law on the notes of specie-paying banks, "receivable in payment of the public dues," it surely can order the same words to be written on a blank piece of paper.

Such is the character of the paper I suggested and which the Senator says would do more to centralize the circulation and exchanges than the union of the Government and the banks, which, however, he signally failed to prove. That it would have a greater tendency than the exclusive receipt in its dues of gold and silver, I readily acknowledge, and to that extent I think it objectionable; for I do not agree with the Senator that there should be some one great emporium, which should have control of the commerce, currency, and exchanges of the Union. I hold it desirable in neither a political nor commercial point of view, and to be contrary to the genius of our institutions and the spirit of the Constitution, which expressly provides, among other things, that no preference should be given to the ports of one State over another. But that a receivable paper, such as I suggested, would have a greater, or as great tendency to centralize the commerce and currency of the country as the union with the banks, I utterly deny; and, if I had no other reason, the vehement opposition of the Senator, who approves of such tendency, would be conclusive; but there others that are decisive.

The centralizing tendency of such a paper would result exclusively from the facility it would afford to remittance from distant portions of the Union, in which respect it would stand just on a par with bank notes when received in the dues of the public; while the latter would, in addition, give to the favored port, where the mother bank might be located, (or the head of the league of State banks,) the immense profits from the use of the public deposites, and the still greater from having their notes received in Government dues. The two united would afford unbounded facilities in the payment of custom-house bonds, and give millions of profit annually, derived exclusively from the use of Government credit. This great facility and vast increase of profit would give a great and decided advantage to the commerce of the section where the head of the system might be located, and which, in a great measure, accounts for the decay of the commerce of the South, where there were no banks, when this Government was established, and which, of course, gave to the other section exclusively all the benefit derived from the connection. If specie had from the first been exclusively received in the public dues, the present commercial inequality would never have existed; and I may add, it never will cease till we return to the constitutional currency. What the Senator has said as to the union of the political and money powers, and the tendency to extravagance from the use of Treasury notes and their depreciation, is so clearly inapplicable to the description of paper I suggested, that I do not deem it necessary to waste words in reply to it.

Having now repelled his reply to my remarks at this and the extra session, I shall next proceed to notice his argument on the question under discus-

sion, which, extraordinary as it may seem, constitutes by far the most meagre and inconsiderable portion of his speech. The structure he reared with so much labor is composed of a little centre building, of some twenty or thirty feet square, with an extended wing on each side, and a huge portico in front. I have, I trust, effectually demolished the wings, and propose next to go through the same process with the centre building.

As long as was the speech, it contained but three, or, at the utmost, four arguments, directly applicable to the question under discussion; of which two have again and again been repeated by him every time he has addressed the Senate; another was drawn from an argument of mine in favor of the bill, which the Senator has misstated, and pressed into his service against it; and the other is neither altogether new, nor very well founded, or, from its character, of much force. I shall begin with it.

The Senator objected to the collection of the public dues in gold and silver, because, as he conceives, it would be exceedingly inconvenient; in proof of which, and in order to present as strong a picture as possible, he went into minute calculations and details. He first supposed that the average peace revenue would be equal to thirty millions annually, and the average deposites to twenty-one. He then estimated that this vast sum would have to be counted at least five times in the year, and then estimated that it would require eight hundred thousand dollars to be counted daily, which would require a host of officers, in his opinion, to perform the task. The answer to all this is easy. In the first place, the Senator has overestimated the average receipts by at least one hundred per cent. Fifteen millions ought to be much nearer the truth than thirty. Even that I regard as exceeding what the expenditure ought to be; and I venture to assert, that no Administration which expends more on an average for the next few years can maintain itself, unless there should be some unexpected demand on the Treasury. In the next place, twenty-one millions is at least five times too large for the average deposites. Should this bill pass, three millions would be much nearer the truth. We shall hear no more of surpluses, when the revenue is collected in gold and silver. This would make a great deduction in his estimate of the trouble and labor in counting. But I give the Senator his own estimate, and ask him if he never heard of other and shorter modes than counting, of ascertaining the amount in coins? Does he not know that it can be ascertained with as much certainty and exactness by weight as by counting, and with more despatch, when the amount is large, in coins than in his favorite bank notes? If I am not misinformed, it is the mode adopted at the English Exchequer, and that it is done with the greatest possible promptitude by experienced individuals; so that this formidable objection vanishes.

But the Senator next tells us, that I stated, in my remarks, that the bill, should it pass, would place the banks and the Government in antagonist relation to each other, which he considers as a very weighty objection to it. I again must correct his statement. I made no such remark. I indeed said, when the banks were connected with the Government, they had a direct interest in increasing its fiscal action. The greater the revenue and expenditures, and the larger the surplus, the greater would be their profit, but, when they were separated, the reverse would take place. That the greater amount of gold and silver collected and withdrawn from circulation, the less would be left for banking operations, and, of course, the less their profit; and that in one case they would be the allies, and, in the other, the opponents of the Government, as far as its fiscal action was concerned; or, to express it more concisely, when united with the Government, they would be on the side of the tax-consumers, and, when separated, on that of the tax-payers. Such were my remarks; and I now ask, is it not true? Can any one deny it? Or, admitting its truth, can its importance be disputed? Were there no other reasons in favor of the bill, I would consider this of itself decisive. It would be almost impossible to preserve our free institutions, with the weight of the entire banking system thrown on the side of high taxes and extravagant disbursements, or to destroy it if thrown into the opposite scale.

But the Senator regards the expression of tax-consumers and tax-payers as mere catch-words, of dangerous import, and tending to divide society into the hostile parties of rich and poor. I take a very different view. I hold that the fiscal action of the Government must necessarily divide the community into the two great classes of tax-payers and tax-consumers. Taking taxation and disbursements together, and it is unavoidable that one portion of the community must pay into the Treasury, in the shape of taxes, more than they receive back in disbursements, and another must receive more than they pay. This is the great disturbing principle in all Governments, especially those that are free, around which all other causes of political divisions and distractions finally rally. Were it otherwise, if the interest of every portion and class of the community was the same in reference to taxation and disbursements, nothing would be more easy than to establish and preserve free institutions; but as it is, it is the most difficult of all tasks, as history and experience prove. This principle of disorder lies deep in the nature of men and society; and extends equally to private associations as to political communities. There will necessarily spring up in both *a stockholding* and *direction interest;* the latter of which, without wise provisions and incessant vigilance, will absorb the former, of which the winding up of many a bank will prove.

The two remaining arguments of the Senator have been often asserted, and as often refuted; and I shall despatch them with a few words. He tells us, as he has often done, that we are bound to regulate the currency; and that the Constitution has given to Congress the *express* power to regulate it, with many other expressions of similar import. It is manifest that the whole argument turns on the ambiguity of the word currency. If by it is meant the current coin of the United States, no one can doubt that Congress has the right to regulate it. The power is expressly given by the Constitution, which says, in so many words, that it shall have power to coin money and regulate the value thereof; but if it is intended to include bank notes, as must be the intention of the Senator, there is no such express power given in the Constitution. It is a point to be proved, and not assumed; and every attempt of the Senator to prove it has ended in signal failure. He has not, and cannot, meet the answer which he received from the Senator from Pennsylvania at the extra session; and his repetition of the assertion, after so decisive an answer, serves but to prove how much more easy it often is to refute an argument than to silence him who advanced it. But I do not despair even of silencing the Senator. There is one, whose authority on this point I am sure he must respect: I mean himself. When the bill granting a charter to the late United States Bank was under discussion in the other House in 1816, he then took the opposite side, and argued with great force against the very right for which he now so obstinately contends. He then maintained that the framers of the Constitution were hard money men; that currency meant the *current coin* of the United States, and that Congress had no right to make any other. But the Senator shall speak for himself; and that he may be heard in his own words, I shall read an extract from his speech, delivered at the time:

"Mr. WEBSTER first addressed the House. He regretted the manner in which this debate had been commenced, on a detached feature of the bill, and not a question affecting the principle, and expressed his fears that a week or two would be lost in the discussion of this question, to no purpose, inasmuch as it might ultimately end in the rejection of the bill. *He proceeded to reply to the arguments of the advocates of the bill.* It was a mistaken idea, he said, which he had heard uttered on this subject, *that we were about to reform the national currency. No nation had a better currency,* he said, than the United States: there was no nation which had guarded its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, were *hard money men;* they had felt, and therefore duly *appreciated, the evils of a paper medium;* they therefore sedulously guarded *the currency of the United States from debasement. The legal currency of the United States was gold and silver coin;* this was a subject in regard to which Congress had run into no folly.

What, then, he asked, was the present evil? *Having a perfectly sound national currency, and the Government having no power in fact to make any thing else current but gold and silver, there had grown up in different States* a currency of paper issued by banks, setting out with the promise to pay gold and silver, which they had been wholly unable to redeem: the consequence was, that there was a mass of paper afloat, of perhaps fifty millions, which sustained no immediate relation *to the legal currency of the country*—a paper which will not enable any man to pay money he owes to his neighbor *or his debts to the Government.* The banks had issued more money than they could redeem, and the evil was severely felt, etc. Mr. W. declined occupying the time of the House to prove that there was a depreciation of the paper in circulation; *the legal standard of value was gold and silver;* the relation of paper to it proved its state, and the rate of its depreciation. *Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency.* In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged, in *direct violation of existing statutes,* to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated, etc. This was the evil."

What can be more decisive? What more pointed? They are the very doctrines which he is in the daily habit of denouncing under the name of Loco Foco. The Senator may hereafter be regarded as the father of the party; and I deem it not a little unnatural that he should be so harsh and cruel to his offspring.

But it may be said, that I then advocated the opposite side. Be it so, and it follows that his authority and mine stand as opposing quantities on the opposite side of an equation; and I feel confident that the Senator will readily admit that his will at least be sufficient to destroy mine.

I readily acknowledge that my opinion, after the lapse of upwards of twenty years, with the light which experience in this long period has shed on the banking system, has undergone considerable changes. It would be strange if it had not. I see more clearly now, than I did, the true character of the system and its dangerous tendency; but I owe it to myself and the truth of the case, to say I was, even at that early period, far from being its advocate, and would then have been opposed to the system had it been a new question. But I then regarded the connection between the Government and the banks indissoluble, and acquiesced in a state of things that I could not control, and which I considered as established. The Government was then receiving the notes of non-specie paying banks in its dues, to its own discredit and heavy loss to its creditors. The only practical alternative was at that period between a league of State banks and a Bank of the United States, as the fiscal agent of the Government. I preferred then, as I now do, the latter to the former, as more efficient and not a whit more unconstitutional; and, if I now were again placed in the same state of things that I then was, with all my present feelings and views, I could hardly have acted differently from what I then did.

The Senator greatly mistakes, in supposing that I feel any disposition to repudiate or retract what I then said. So far from it, I have, I think, just cause to be proud of the remarks I made on the occasion. It put the question of the bank, for the first time, on its true basis, as far as this Government is concerned, and the one on which it has ever since stood; which is no small compliment to one then so inexperienced as myself. All I insist on is, that the report contains but a very hasty sketch—a mere outline, as the reporter himself says—of my remarks, in which four-fifths is omitted, and that it would be doing me great injustice to regard it as containing a full exposition of my views. But, as brief as it is, what is reported cannot be read, in a spirit of fairness, without seeing that I regarded the question at the time as a mere practical one, to be decided under all the circumstances of the case, without involving the higher questions which now, that the connection between the Government and the banks is broken, come rightfully into discussion. At that time the only question, as I expressly stated, was, not whether we should be connected with the bank, for that was existing in full force, but whether it was most advisable, admitting the existence of the connection, that the United States, as well as the separate States, should exercise the power of banking. I have made these remarks, not that I regard the question of consistency, after so great a change of circumstances, of much importance, but because I desire to stand where truth and justice place me on this great question.

The last argument of the Senator on the question at issue was drawn from the provision of the

Constitution which gives to Congress the right to regulate commerce, and which he says involves the right and obligation to furnish a sound circulating medium. The train of his reasoning, as far as I could comprehend it, was, that, without a currency, commerce could not exist, at least to any considerable extent; and, of course, there would be nothing to regulate; and, therefore, unless Congress furnished a currency, its power of regulating commerce would become a mere nullity; and from which he inferred the right and obligation to furnish, not only a currency, but a bank currency! Whatever may be said of the soundness of the reasoning, all must admit that his mode of construing the Constitution is very bold and novel. To what would it lead? The same clause, in that instrument, which gives Congress the right to coin money and regulate the value thereof, gives it also the kindred right to fix the standard of weights and measures. They are just as essential to the existence of Congress as the currency itself. The yard and the bushel are not less important in the exchange of commodities than the dollar and the eagle; and the very train of reasoning which would make it the right and duty of the Government to furnish the one, would make it equally so to furnish the other. Again: commerce cannot exist without ships and other means of transportation. Is the Government also bound to furnish them? Nor without articles, or commodities, to be exchanged, cotton, rice, tobacco, and the various products of agriculture and manufactures. Is it also bound to furnish them? Nor these in turn, without labor; and must that, too, be furnished? If not, I ask the Senator to make the distinction. Where will he draw the line, and on what principles? Does he not see that, according to this mode of construction, the higher powers granted in the Constitution would carry all the inferior, and that this would become a Government of unlimited powers? Take, for instance, the war power, and apply the same mode of construction to it, and what power would there be that Congress could not exercise—nay, be bound to exercise? Intelligence, morals, wealth, numbers, currency, all are important elements of power, and may become so to the defence of the Union and safety of the country; and, according to the Senator's reasoning, the Government would have the right, and would be in duty bound, to take charge of the schools, the pulpits, the industry, the population, as well as the currency, of the country; and these would comprehend the entire circle of legislation, and leave the State Governments as useless appendages of the system.

Having now, I trust, taken down to the ground the little centre building, with its four apartments, nothing remains of the entire structure but the huge portico in front, and on which I shall next commence the work of demolition. The Senator opened his discourse on credits and banks, by asserting that bank credit was, in truth and reality, so much capital actually added to the community. I waive the objection, that neither credit, nor the banking system, is involved in the question; and that those who are opposed to the union of the political and money power, oppose that union, with other reasons, on the ground that it is unfavorable to a full development of the credit system: and dangerous to the banks themselves, which they believe can only be saved from entire destruction by the separation; and it follows, of course, that all he said in relation to them is either a begging of the question, or irrelevant. But, assuming what he said to be applicable, I shall show that it is either unfounded in fact, or erroneous in conclusion.

So far from agreeing with the Senator, that what he calls bank credit is so much real capital added the country, I hold the opposite—that banks do not add a cent of capital, or credit. Regarded strictly, the credit of banks is limited to the capital actually paid in. This usually is the only sum for which the stockholders are liable; and, without what is called banking privileges, they would not have a cent of credit beyond that amount. But the capital subscribed and paid is not created by the banks. It is drawn out of the general fund of the country. Now, I ask, what constitutes its credit beyond capital? In the first place, and mainly, it is derived from the fact that both General and State Governments receive and treat bank notes as cash, and thereby, to the extent of their fiscal action, virtually give them the use of their credit. It is an existing credit, belonging to them exclusively, and is neither created, nor increased, by permitting the banks to use it. In the next place, the deposites with the banks, both public and private, add a large amount to their credit; but this again is either the property or credit of the Government and individuals, which they are permitted to use, and which they neither create nor increase. Finally, notes and bonds, or other credits discounted by the banks, made up their credit, which are neither more nor less than the credit of the drawers and endorsers, on which the banks do business. They take in the paper or credit of others, payable at a given day, deduct the interests in advance, and give out their own credit or notes, payable on demand, without interest; that is, the credit of their own paper rests on the credit of the paper discounted, or taken in exchange, which credit they neither create nor increase. In a word, all their credit beyond the capital actually paid in is but the credit of the public, or individuals, on which, by what is called banking privileges, they are permitted to do business and make profit; and so far from creating credit or capital, they in fact add not a cent of capital or credit to that which previously existed.

But the Senator next tells us that there is three hundred millions of banking capital in the Union, and that it is real bona fide solid capital, as much so as the plantations of the South. This is certainly news to me. I had supposed that this vas amount was little more than a fictitious mass of credit piled on credit, in the erection of which but little specie or real capital was used; and that, when a new bank was created, the wheelbarrow was put in motion to roll the specie from the old to the new institution, till it got fully under way, when it was rolled back again. But it seems that all this is a mistake; that the whole capital is actually paid in cash, and is as solid as terra firma itself. This certainly is a bold assertion, in the face of facts daily occurring. There have been, if I mistake not, four or five recent bank explosions in the Senator's own town, in which the whole vanished into thin air, leaving nothing behind but ruin and dessolation. What has become of that portion of his solid capital? Did the Senator ever hear of a plantation thus exploding and vanishing? And I would be glad to know how large a portion of this three hundred millions of solid capital will finally escape in the same way? A few years may enable us to answer the question.

The Senator next, by way of illustration, undertook to draw a distinction between bank credit and Government credit, or public stocks, in which he was not very successful. It would be no difficult task to prove that they both rest substantially on debt, and that the Government stock may be, and is, to a great extent, actually applied in the same mode as bank credit in the use of exchanges and business. It, in fact, constitutes, to a great extent, the very basis of banking operation; but, after having occupied the Senate so long, it would be unreasonable to consume their time on what was introduced as a mere illustration.

The Senator next undertook to prove the immense advantage of banking institutions. He asked what would be done with the surplus capital of the country, if it could not be invested in bank stocks? In this new and growing country, with millions on millions of lands, of the best quality, still lying unimproved; with vast schemes of improvements, constantly requiring capital; with the immense demand for labor for every branch of business, the last question I ever expected to hear asked is that propounded by the Senator. I had supposed the greater difficulty was to find capital, and not how to dispose of it, and that this difficulty had been one of the main reasons assigned in favor of the banking system.

The next benefit he attributes to the system was the vast amount of lands, which had passed out of the hands of the public into that of individuals of late, which he estimated, during the last three years, at thirty-six millions of acres, forming a surface equal in extent to England, and which he stated would rise in value greatly, in consequence of their passing into private hands. That this immense transfer has been effected by the banks, I admit; but that it is to be considered an advantage to the country, I certainly never expected to hear uttered any where, especially on this floor, and by one so intelligent as the Senator. I had supposed it was infinitely better for the community at large, and particularly for those not in affluent circumstances, that the lands should remain in possession of the Government than of speculators, till wanted for settlement; and that one of the most decided objections to our banking system is, that it becomes the instrument of making such immense transfers, whenever the currency becomes excessive. This is a point not without interest, and I must ask the Senate to bear with me, while I pause for a few moments to explain it.

The effect of an expanding currency is to raise prices, and to put speculation in motion. He who buys, in a short time seems to realize a fortune, and every one is on the look-out to make successful investments, and thus prices receive a constant upward impulse, with the exception of the public lands, the price of which is fixed at $1 25, excepting such as are sold at public auction. The rise of other landed property soon creates a new demand for the public lands; and speculation commences its giant operations in that quarter. Vast purchases are made, and the revenue of the Government increases in proportion to the increased sales. The payment is made in bank notes, and these pass from the land offices to the deposite banks, and constitute a large surplus for new banking facilities and accommodations. Applicants from all quarters press in to partake of the rich harvest, and the notes repass into the hands of speculators to be reinvested in the purchase of public lands. They again pass through the hands of receivers, and thence to the banks, and again to the speculators, and every revolution of the wheel increases the swelling tide, which sweeps away millions of the choicest acres from the Government to the monopolizers for bank notes, which, in the end, prove as worthless as the paper on which they are written. Had this process not been arrested, by the deposite act of 1836, and had the banks avoided an explosion, in a short time the whole of the public domain, the precious inheritance of the people of this Union and their descendants, would have passed through the same process with the thirty-six millions of acres which the Senator so highly commends. What took place then will again take place, at the very next swell of the paper tide, unless, indeed, this bill should become a law, which would prove an effectual check against its recurrence.

The Senator next attributes our extraordinary advance in improvement and prosperity to the banking system. He puts down as nothing our free institutions; the security in which the people enjoy their rights; the vast extent of our country; and the fertility of its soil, and the energy, industry, and enterprise of the stock from which we are descended. All these, it seems, are as dust. The banks are every thing, and without them we would have been but little advanced in improvement or prosperity. It is much more easy to assign our prosperity to the banking system than to prove it. That in its early stages it contributed to give an impulse to industry and improvement I do not deny; but that, in its present excess, it impedes rather than promotes either, I hold to be certain. That we are not indebted to it for our extraordinary advance and improvements, wholly or mainly, there is an argument, which I regard as decisive. Before the Revolution, we had no banks; and yet our improvement and prosperity, all things considered, were as great anterior to it, as since, whether we regard the increase of population or wealth. At that time, not a bank note was to be seen, and the whole circulation consisted either of gold and silver, or the colonial paper money, which all now, and especially the Senator, considers so worthless. Had the Senator lived during that period, he might, with equal plausibility, have attributed all the improvement and prosperity of the country to the old colonial paper money, as he now does to the banks; and have denounced any attempt to change or im-

prove it, as an overthrow of the credit system, as warmly as he now does the separation of the Government from the banks. I tell the Senator that the time is coming, when his present defence of the banking system, as it is now organized, will be considered as extraordinary as we now would regard a defence of the old and exploded system of colonial paper money. He seems not to see that the system has reached a point, where great changes are unavoidable; and without which, the whole will explode. The state of its manhood and vigor has passed, and it is now far advanced in that of decrepitude. The whole system must be reformed, thoroughly reformed, or it must perish in the natural course of events. The first step towards its renovation is the measure he denounces in such unmeasured terms—the separation from the Government; and the next a separation between discount and circulation. The two are incompatible; and so long as they are united, those frequent vicissitudes of contractions and expansions, to which bank circulation is so subject, and which is rapidly bringing it into discredit, must continue to increase in frequency and intensity, till it shall become as completely discredited as continental money.

The Senator seems not to be entirely unaware of the danger to which the system is exposed from its frequent vibrations and catastrophes. He tells us, by way of apology, that had it not been for the Specie circular the present catastrophe would not have occurred. That it hastened it, I do not in the least doubt; but that we should have escaped without it, I wholly deny. The causes of the explosion lay deep, far beneath the circular, and nothing but the most efficient measures, during the session immediately after the removal of the deposites, could have prevented it. That was the crisis, which, having passed without doing any thing, what has since followed was inevitable. But admitting what he says to be true, what a picture of the system does it exhibit! How frail, how unstable must it be, when a single act of the Executive could bring it to the ground, and spread ruin over the country! And shall we again renew our connection with such a system, so liable from the slightest cause to such disasters? Does it not conclusively show that there is some deep and inherent defect in its very constitution, which renders it too unsafe to confide in without some radical and thorough reform?

The Senator himself seems conscious of this. He entered into the question of its expansions and contractions, and suggested several remedies to correct an evil, which none can deny, and which all must see, if not corrected, must end in the final overthrow of the system. He told us that the remedy was to be found in the proportion between bullion and circulation, and that the proper rule to enforce the due proportion between the two, was, when exchange was against us, for the banks to curtail. I admit that the disease originates in the undue proportion, not between bullion and circulation, but between it and the liabilities of the banks, including deposites, as well as circulation, (the former is even more important than the latter,) and that the remedy must consist in enforcing that proportion. But two questions here present themselves: what is that due proportion? and how is it, under our system of banking, to be enforced? There is one proportion which we know to be safe, and that is, when for every dollar of liability there is one dollar in bullion or specie; but this would bring us back again to the old, honest, and substantial Bank of Amsterdam, so much abused by all the advocates of banks of discount. If that proportion be transcended—if we admit two, or three, to one, to be the due proportion, or any other that would make banking more profitable and eligible than the mere loaning of money or other pursuits of society, the evil under which we now suffer would continue. Too much capital would continue to flow into banking, to be again followed by the excess of the system, with all its train of disasters. But admit that such would not be the fact, how are we to compel the twenty-six States of this Union to enforce the due proportion, all of which exercise the right of establishing banks at pleasure, and on such principles as they may choose to adopt? It can only be done by an amendment of the Constitution; and is there any one so wild and visionary as to believe that there is the least prospect of such an amendment? Let gentlemen who acknowledge the defect, before they insist on a reunion with a system acknowleged to be exposed, as it now stands, to such frequent and dangerous vicissitudes, first apply a remedy and remove the defect, and then ask for our co-operation.

But the Senator tells us that the means of enforcing the due proportion is to be found in the regulation of the exchanges, and for this purpose the only rule necessary to be observed is to curtail when exchanges are against us, and, as a counterpart, I suppose, to enlarge when in our favor. How much dependence is to be put on this rule, we have a strong illustration in the late catastrophe, under which the country is now suffering. The exchanges remained in our favor to the very last; and before the rule, on which the Senator so confidently relies, could be applied, the shock was felt and the banks ingulfed; and this will ever be the case, when preceded by a general expansion in the commercial world, such as preceded the late.

The cause of that commenced on the other side of the Atlantic, and originated mainly in the provisions on which the recharter of the Bank of England was renewed; which greatly favored the extension of banking operations in a country which may be considered as the centre of the commercial system of the world. The effect of these provisions was a depreciation of the value of gold and silver there, and their consequent expulsion to other countries, and especially to ours, which turned the exchange with England in our favor; and which, in combination with other causes, the removal of the deposites and the expiration of the charter of the late Bank of the United States, was followed by a great corresponding expansion of our banking system. The result of this state of things was, a great increase of the liabilities of the banks, compared with their specie, in both countries, which laid the train for the explosion. The Bank of England first took the alarm, and began to prepare to meet the threatened calamity. It was unavoidable, and the only question was, where it should fall. The weakness of our system, and the comparative strength of theirs, turned the shock on ours, but of the approach of which, the exchanges gave, as I have stated, no indications almost to the last moment. And even then, so artificial are exchanges, and so liable to be influenced by other causes, besides the excess of currency on one side and the deficit on the other, after it began to show unfavorable indications, we all remember that a single individual, at the head of a State institution, I mean Mr. Biddle, by appearing in New York, and bringing into market bonds on England, drawn on time, turned the current and restored the exchange. All this conclusively proves, that when there is a general expansion (the most dangerous of all) exchanges gives no indication of the approach of danger, and, of course, their regulation, on which the Senator relies, affords no protection against it.

I might go further, and show that at no time is it to be relied on as the index of the relative expansion or contraction in different countries, and that it is liable to be influenced by many circumstances besides those to which I have alluded, some of which are fleeting, and others more permanent. It presupposes the perfect fluidity of currency, and that it is not liable to be obstructed or impeded by natural or artificial causes in its ebbs and flows, which is far from being true, as I have already shown in the instance of Mr. Biddle's operation preceding the late shock. In fact, it may be laid down as a rule, that where the currency consists of convertible paper, resting on a gold and silver basis, the small portion of specie which may be required to uphold the whole has its fluidity obstructed by so many and such powerful causes, as to afford no certain criterion of the relative expansion of the currency between it and other countries, and, of course, afford no certain rule of regulating banking operations. The subject is one that would require more time to discuss than I can bestow on the present occasion; but of its truth we have a strong illustration in the state of things preceding the late shock, when, as I have stated, the exchanges remained favorable, while the vast amount of our imports, and the unusual character of many of the articles imported, clearly indicated that our currency was relatively greatly expanded, compared with those countries with which we have commercial relations.

To correct the defects of the system, the Senator must go much deeper. The evil lies in its strong tendency to increase; and that again, in the extraordinary and vast advantages which are conferred on it, beyond all other pursuits of the community, which, if not diminished, must terminate in its utter destruction, or an entire revolution in our social and political system. It is not possible that the great body of the community will patiently bear that the currency, which ought to be the most stable of all things, should be the most fluctuating and uncertain, and that, too, in defiance of positive provisions in the Constitution, which all acknowledge were intended to give it the greatest possible stability.

SEPARATION OF GOVERNMENT FROM BANKS.

SPEECH OF MR. ALLEN,
OF OHIO,

In the Senate of the United States, February 20, 1838.

—The Independent Treasury bill, and the substitute for it submitted by Mr. RIVES, being under consideration,

Mr. ALLEN rose and said:

This Government is but forty-nine years old. It is, Mr. President, your junior, and that of many members of this body; but, short as has been its duration, it has already experienced the most extraordinary political phenomenon which has ever occurred in human affairs. In May last, the nation was at peace with all mankind. The several departments of the Government, all the organs of its various powers, were performing their usual and appropriate functions. The public revenues had swollen into a surplus beyond the public necessities, of forty millions of dollars. The people were contented, prosperous, and happy. We were threatened neither with invasion from without nor insurrection within. All confided in the public security; all quietly reposed upon that confidence. And yet, in one night—in one moment, as it were—the Government was suddenly struck down, and the whole frame of society convulsed and disjointed by the shock! The laws were rent asunder, the revenues seized, the Government left without a dollar, and the labor and property of the whole people without a medium or standard of value. Then, and then for the first time, was it discovered that there existed in our midst a power independent alike of the Government and of the people, responsible to neither, and triumphant over both.

Many a time, sir, in the history of our race, have civil institutions been hewn down by the sword; many a time have they been effaced from the earth in the desolating sweep of human passions; many a time have they worn out by the friction of their own parts, or decayed and wasted away with age; but never, until May last, was a Government arrested in its action, and brought to a solemn stand, by a power wielded not by a foreign enemy, nor by the Government itself, nor yet by the people over whom it extended. And now, sir, what do we behold? We see this power, concentrated, embodied, organized, animated by a spirit of rapine and conquest; and having advanced to the Capitol over obligations broken, rights violated, laws infracted, authority defied, we now behold it standing incarnate upon the floor of the Senate, to demand a surrender of the affairs of the Republic into its own exclusive custody. Yes: and if this demand be not complied with; if the people will not agree to pay an eternal tribute to the banks; if they will not abandon the Government of themselves, and submit to the rule of these monopolies, with what are they threatened? They are threatened with a punishment, "compared to which all the calamities of a war with the most potent nation of the globe, would be a blessing." Such are the forebodings, such the language, of the Senator from Kentucky, [Mr. CLAY.]

That the freemen of this land, acting through

the Government of their choice, should refuse to deliver their present, and to mortgate their future, revenues to a league of private corporations—to corporations which have already betrayed them, which have conspired together, seized the public treasure, and still stand out in barefaced rebellion against public law; that such should be the honest obstinacy of the nation in resisting these demands, is a conduct "unaccountable, monstrous, criminal," in the judgment of the Senator from Massachusetts, [Mr. WEBSTER.]

This Government shall be compelled to receive, through all coming time, nothing for its revenues but the due-bills of banks—of banks which have refused, in advance, to pay those bills. It shall deliver the bills, when received, back to the very same banks, as a fund for their private traffic. It shall levy, for the use of these corporations, an everlasting tribute upon the country, and thus reduce the people to the mercenary dominion of banks and bankers. These things must be done in quiet, and under color of law; or, if not so done, the Senator from Virginia, [Mr. RIVES,] foresees their future fulfillment through a breach in the Constitution, and in the form of a National Bank.

Such are the demands, such the forebodings, such the substitute—a measure, the first principle and inevitable tendency of which is essentially revolutionary. It is nothing less than a demand of the public revenue, now and for ever, made by the banks as a political right; and that demand is expressly predicated upon the assumption, that the Constitution is theoretically and practically incompetent to effect the ends of Government. The substitute assumes, and its mover declares, that the present officers, though chosen by the people, are, and that all other citizens who hereafter may be chosen by their countrymen to administer the Government, necessarily must be, too ignorant or too corrupt to take care of the public revenue. We are, therefore, required to go beyond the Constitution for agents not selected by, nor responsible to, the people. And why is this to be done? Why should not the people be trusted to appoint their own agents to take care of their own money? For, after all, this is the real, the only question. The question is, who shall exercise the elective power of this Government? Shall the people, or shall the banks, appoint the men to be charged with our public affairs? Shall those who hold the public money be responsible to the public? To this question, the substitute answers, that the banks shall, that the people shall not, exercise this power. It says to the people, "the banks are more virtuous, more intelligent than you; they will appoint officers to take care of your money more worthy of your confidence than any selected by yourselves. You raise the revenue by your taxes, but you have no right to regulate its custody; you must trust to the honor of banks, in which, though they have once betrayed you, you must again confide; and turn your suspicions upon your own officers, who, though elected by yourselves, and thus far faithful to their trust, may yet deceive you." Such, sir, is the language which this substitute speaks to the people; such is the charge against their integrity, their virtue and intelligence; such the attack thus openly made upon the sovereignty of the people—upon the representative principle, the only principle which can, for a single hour, sustain this Government.

Thus, sir, we have the grounds of this contest distinctly marked out. Let no man mistake his position—let none waste his energies upon a delusive issue—let none be beguiled by the deceitful outside this controversy has assumed—let none suppose it a mere question of currency and finance. No: it is a struggle, not between two systems of currency, but between two forms of Government. Privilege, paper, and oppression, stand arrayed on the one side, against liberty, labor, and property, on the other. The revolutionary struggle for separation from the throne of Great Britain, was not more essentially a strife for independence and freedom, than is this to dissolve the connection which renders the Government basely subject, and the people basely tributary, to the banks. In this contest, (I speak it with a sigh for the weakness of our nature,) the contending elements are but too fatally matched. Each power acts with the concentrated energy of organization. One, the organized Government of the people, prompted to defence by the love of liberty; the other, an organized league of monopolies, fired in the assault by the hope of conquest and the prospect of plunder. Though apparently temporary, the struggle will be long and arduous; and, whatsoever may be the result, that result will blast or confirm the happiness of the present, and the hopes of many a succeeding, generation.

Sir, the events of the last century have wrought an amazing revolution in the social condition of man. The sword had ever been the great oppressor and plunderer of the world, but that sanguinary agent of conquest and crime has now lost most of its terrors, and physical force yielded to the ascendancy of moral power. Human liberty, nevertheless, still finds an antagonist; and it remains for this generation and for this country to determine whether organized fraud can be made to take the place of the sword in the oppression and plunder of mankind.

Our political institutions were framed with reference to this momentous question, and the maturest wisdom was exerted to guard them against the intrusion of an enemy more dreadful than the sword, because more subtle in its action, and more intense in its grasp. The framers of the Constitution knew that political power was neither more nor less than the control of one man over another; that, amidst the necessities of human life, control over the labor, the property, and the subsistence of man, was control over the man himself. They knew, too, that the natural disparity in the capacities, energies, and dispositions of men, unaided by political discriminations, was insufficient to destroy that equality of condition so essential to the safety of each, and to the common happiness of all.

Upon these high elementary principles the Constitution was based. Throughout the whole frame of our system, embracing both the State and Federal Governments, the people are viewed as an aggregate of individuals equal to each other, not as an association of classes and orders. Property is treated as an object of acquisition equally by all, not as a subject of monopoly or exclusive appropriation by any. Rights, only, are recognised: privileges, discarded. The contrivances which in other countries had been devised to classify the community, and graduate the scale of dependent orders, were rejected as incompatible with civil liberty. Titles of nobility, all the machinery of entails, perpetuities, and primogeniture, being thus rejected, our ancestors put the Government in motion, believing, as they sincerely did, that man, and the proceeds of his toil, were forever secured against pillage and oppression.

Such, in the begginning, were our institutions—such then was the condition of our country. But, sir, a power antagonist to these principles was soon transplanted from the British monarchy into our system—a power which has silently incorporated itself with our social economy, inverted the natural action of the Government, and now threatens its total subversion.

By common consent, the whole civilized world had set apart a particular species of property as the representative standard of value for all other property. Such were precious metals, gold and silver, which, after receiving a fixed form and the stamp of public authority, had, by way of eminence, been denominated money. When the Constitution was adopted, commerce had supplied our people with an amount of this money equal to their necessities; and, in addition to this, they had enjoined it as a duty upon their own Government, to adapt these metals to the public use, by regulating their form and value. This was done, and for a time all was well. But, from England, the banking system was transplanted upon our shores. By its agency, individuals were enabled to withdraw from the public use the whole metallic medium, and to retain it as a monopoly in their own hands. The means, as well as the privilege, of accomplishing this object, were conferred as gratuities by arbitrary legislation. Under these legislative acts, called charters, they assumed the name of banks, proceeded to issue their private credit in the form of due bills, which being thus made by law nominally equal to money, went forth to fill the void left in the community by the withdrawal of the precious metals.

Such was the fatal entrance of the paper or banking system upon our soil. It came as a tax-gatherer from that country to which our fathers had refused to pay taxes. It came immediately after our Revolutionary war, and its advent was the beginning of a counter revolution. It came fraught with monopoly, privilege, and perpetuity—principles in direct hostility to those upon which this Government stands.

And thus, sir, whilst the Constitution requires Congress to coin metallic money for the use of the country, and to regulate its value, the banks are authorized to annul the action of the Government, by withdrawing that money from the people, and substituting in its stead a paper medium, whose value it is impossible to regulate. Every citizen has a constitutional right to demand gold and silver in payment of his debts, because the Government is bound to coin these metals for the debtor; yet the banks have made it impracticable for the creditor to exact, or for the debtor to pay, any thing but paper. The Constitution seeks to secure the people against taxation, except with their own consent, for the use of Government, and in proportion to their representative influence; but the paper system levies an enormous tax upon them against their will, in unequal proportions, and for the exclusive benefit of the banks. All perpetuities are forbidden, yet moneyed corporations have arisen among us, with power to renew and perpetuate themselves by the threat of public ruin as the penalty of their discontinuance. Privileged monopolies, tending to enrich the few to the oppression of the many, by destroying the co-equal distribution of labor and its proceeds, were carefully excluded from our political system; but, notwithstanding this, companies have been chartered with authority to monopolize that species of property called metallic money—the only property which the Government is required to prepare for the use of the people—property with which they cannot dispense, and with the monopoly of which these corporations are enabled to control all other property, and the labor of the whole people. And thus, though the Constitution secures to the citizen his property inviolate, so that its quantity cannot be diminished but for the public use, and upon the payment of an equivalent, the banks are permitted to diminish, at will, the value of every man's lands and goods, by varying the amount of their discounts.

These things, deeply and vitally affecting the well-being, the very subsistence, of every man in the Republic, the banks are permitted to transact, not in the wholesome presence of the people, not in the light of day, but in darkness and in secret, between the walls of subterraneous caverns. And this is allowed in a country whose constitution and laws carry responsibility along with every act of power that may, in any degree, affect the public interests, subject the conduct of the most subordinate officer to the general scrutiny, and inflict penal justice upon every delinquent.

Sir, the privileges thus conferred upon these combinations of men called banks—the privilege of monopolizing the whole traffic in the precious metals—of withdrawing those metals from the use of the public—of issuing their due bills as the sole currency of the country—bills which are but the counterfeit of the money they purport to represent—bills which, for the most part, constitute a species of credit founded, not like that of individuals, upon actual property, but upon an arbitrary credit, created by acts of arbitrary legislation, and forced upon the people as the representative of things that do not exist—the privilege of monopolizing the faculty of loaning money—of loaning their credit as money—of compelling every citizen to exchange his for their credit, with a premium for the exchange—of increasing and diminishing their loans at pleasure, without notice to the community. These mighty privileges concentrate a mass of power, such as never existed in any other country, and never can be concentrated in any other form than that of the paper system. Such a system must forever act with a tenfold force upon the people of a free Government, because such a Govern-

ment is, in its social structure, necessarily too feeble, and exerts too little control over the citizen and his property, to protect him against a power holding in its own hands the value of his labor, and the measure of his subsistence; for, after all, man must, in the nature of things, ultimately yield to that power which bears most directly and steadily upon him. The necessities of life leave him no means of resisting a power that determines, at pleasure, the quantity of his daily bread.

And now, I ask, what monarch, what Government, in any age or country, ever possessed a power over the labor, the property, the subsistence of the people, over their domestic comforts, their social happiness, so arbitrary, so irresponsible, so omnipotent, as that which the banks of this free country now hold over this free people? But are we free, can we feel that we are freemen, whilst there exists in our midst a despotism of chartered companies, changing our social condition from day to day, at its own pleasure, for its own benefit?

Sir, one of the essential elements of freedom is the security for the future which we have in the present. Your paper system deranges the whole community by a single act. It throws out a hundred millions of loans to-day; it withdraws them to-morrow; and a revolution in property is accomplished. The honest citizen retires at night with the accumulated proceeds of his toil around him; he rises at morn in bankruptcy and despair. The banks have reduced the circle of their favors, and his property has been sacrificed upon the scale of depreciation caused by the curtailment. The third day comes, and he is once more stimulated into life and hope by the returning tide of bank facilities: the fourth day he is replunged into beggary by bank contractions. Thus, by these alternations, the cheerful prospect of improving his condition by regular labor is blasted for ever. He is left to beat about in the feverish void between the extremes of hope and despondency. And, sir, that restless irritation of the public mind which is hourly putting at hazard the repose and the neutrality of the country, is among the natural effects of these sudden and frequent transitions in the circumstances and fortunes of men.

But, Mr. President, the powers and privileges of the banking system, vast and direful as are now their effects upon the social circumstances of the people, are destined, if not arrested, to become still more so, by bearing down the Government of the country, and erecting in its stead, a cold, sordid, mercenary despotism. The progress of the system towards this end has been silent, but steady, direct and rapid. Already I have shown its power over property and labor, and, through them, over men, by its connections with our whole domestic economy. But its more immediate influence upon our political institutions remains yet to be seen. This influence is exerted, first, upon the mass of the people before they have delegated their power, and again, upon their agents, after the delegation is made.

Banks derive their being from legislation. They are of political origin. They sustain and perpetuate themselves by re-acting upon the source of their existence, and therefore necessarily become an element of political power. Every new one increases the strength, and guarantees the perpetuity of those that preceded it; and all unite, still further, to augment their number. Each is a monopoly as against the community, the common object of spoliation, but all stand upon a level with regard to each other as co-agents in plunder, and co-equal recipients of its spoils. Among themselves, they are not beings of a distinct existence, but cohesive parts of a system, with all the functions of a complete and powerful organization. The Pennsylvania Bank of the United States is the centre of the system, because that is the member in which the greatest power is accumulated, and which stands in the region where the payments of the continent are made. To this institution, therefore, all the parts of the system are attracted by a gravitation as infallible as that which draws the waters of the West to the Gulf of Mexico, or holds this Capitol to the earth. By dispensing its influence throughout all the channels of political power, and re-acting steadily upon the legislation of the country, the system has, within less than the half of a century, strengthened its grasp, and enlarged its orbit, till it now comprehends eight hundred banks, with a capital of three hundred millions, a circulation of a hundred and twenty millions, and a mass of loans amounting to near five hundred millions of dollars. This frightful power is concentrated, nominally, in the hands of about ten thousand officers of banks, but really in those of a single man, who, as president of the central member, controls, by his solitary will, the whole machinery of the system.

But in what manner has the system thus re-acted upon legislation, the source of its existence? What human agency has it employed thus to enlarge and perpetuate itself, and what is the extent of that agency? In reply to these questions, ten thousand bank presidents, directors, cashiers, clerks, counsellors, and attorneys, stand forth to our view. They are followed by an army of at least seventy-five thousand stockholders, whose rear is covered by a train of dependants indefinitely long. But if these numbers of men are great, what shall we say when we see still advancing the multitudinous host of borrowers, with their dependants, and all these to be succeeded by a swarm of impatient expectants? When the banks suspended payment, their loans and discounts verged close upon the sum of *five hundred millions of dollars*. This amount, if loaned for a single year, in the proportion of one thousand dollars to a man, would embrace *five hundred thousand men;* if loaned, in the same proportion, for six months, it would reach *one million of men;* and if loaned for the usual period of ninety days, then the bank borrowers, in a single year, would number *two millions of individuals*—a number far transcending the entire voting population of the Union. But these institutions distribute not their favors so equally as this. If, however, they do not bring the influence of their loans to bear directly on all this multitude, they advance far towards effecting that object, indirectly, by applying their money only to those who, from their influence in society, can control most of the rest.

And now, I ask, who are the men that compose this amazing concourse of bankers, stockholders, borrowers, and dependants? Where are they to be found? Are they among the humble citizens, doomed, by the necessities of life, to toil in obscurity? Are they to be found in the field or in the workshop? No, sir, no; they are to be found in the shade of summer and in the sunshine of winter; they are to be found amidst this forest of banks that overshadow the cities, towns, and villages, of the Republic. There they are; and there, at this very moment, they may be found, crouching in servile submission to these institutions—defending their frauds, the most stupendous that ever were committed—defending their open rebellion against public law, and reviling the Government of their country, and the friends of that Government, with all the bitterness of mercenary malice. Firm, sir, must be the heart of that man, and strong must be his nerve, who dares to complain of the oppression of the banks—who dares to lift the voice of patriotic warning to his countrymen. Stern must be his soul, and indomitable his fortitude, before he presumes to rebuke the power of the banks—a power which has already coiled around the sacred forms of the Constitution, which is day by day increasing the intensity of its pressure, and strangling public liberty in its folds.

I ask, again, who are these men, and where to be found? True it is, that many of them are citizens good and valuable—but true it is, also, that they are, in the general, men who live by devices, by traffic and speculation. They are congregated in towns and cities, where banks dispense their favors, and where they combine to defend all the injustice of the dispensing power. Thus, each one of these delinquent corporations stands securely in the midst of a faithful garrison. Let an injured citizen utter a word in complaint of his wrongs, and in a moment he is denounced, his character assailed, and his influence impaired or destroyed. Let a public journal print but an unfriendly line, subscriptions to the paper are immediately withdrawn, advertisements discontinued, and the affrighted printer persecuted into submission or beggary. Thus, that loud sentinel, the Press, intended as it was to sound the alarm on the first approach of danger, is subsidized by favors, or silenced by intimidation. If it speak at all, it must speak only in praises to the banks and in treachery to the people.

Among this crowd of clamorous dependants are found a thousand bank attorneys—men whose professional connections with the community, whose habits of public speaking, give them a disproportionate influence over the public mind. They, one and all, stand forth, in aid of subsidized presses, to justify whatever enormities these corporations may commit against the people, and to ascribe all the crimes of banks to the Government of their country.

It is thus that the powerful influences which contribute to mould and direct the passions and opinions of towns and cities, are arrayed on the side of the banking system; and it is thus, also, that towns and cities, through the intercourse of business and the agency of the press, contribute so powerfully to mould and direct the passions and opinions of the whole country.

Is it, then, wonderful, that a system which has prostituted and purchased into its service so much of the intellect, which has combined in its support so many of the active elements, of society, should have assumed a despotism, almost absolute, over the public judgment, and laid the country under tribute, even with the country's consent?

And yet, sir, notwithstanding all this, the control of banks over property, over labor, over the very subsistence of the people, notwithstanding their domination over such a multitude of men, whilst power yet abides in the mass, there would still be hope for public liberty, if that power remained uncorrupted when delegated to public agents; for this is the point where the attack is most direct and fatal. The representative principle is the vitality of the Government; and its corruption puts an end to civil liberty. Are we, then, exposed to danger in this direction? Has bank influence reached the public functionaries? Has it contaminated power in their hands; bent them from the line of duty? And have they rewarded the generous confidence of the people with treachery to their dearest interests? I ask these questions; and now, sir, who stands ready with a negative answer? Will it, can it, be denied, that the banking system has, from its very beginning, enlarged and perpetuated itself by re-acting constantly upon the legislation of the country? Look throughout the Union, with what assiduity bank presidents, stockholders, lawyers, borrowers and dependants, are pressed upon the public favor as candidates for all offices, legislative, executive, and judicial. And what, sir, has been the result? How many of these men, thus controlling banks, or controlled by them, thus directly interested in, or personally dependent upon them—how many are seen in the Legislature of every State? Who will say that these men, interested as they are in bank profits against the people who pay them, do not constitute at least one-third, and often a half, of every legislative body? Who will deny that these legislators, faithless to the sacred trusts confided to them, regardless of the public welfare, and mindful only of their own interests, have ever combined, and still do combine, to multiply the privileges, to diminish the responsibilities, and to increase the profits of the banks?

The fundamental laws of the Union, and of the States, have sought to guard public men against temptation and impurity, and thus to secure fidelity to the people, by express provisions. In most, if not all, of the States, men are ineligible to offices created by their own agency, as members of the Legislature; and the officers of the General Government, one and all, are disqualified to sit in the legislative bodies of the States. And yet, in a country so jealous, so vigilent of its freedom, what is the practice universally prevalent, where banks are concerned? Do we not see members of the Legislature, who are already interested in or dependent upon banks already established, conspiring among themselves, as well as with others, to charter new institutions, to incorporate themselves by name, and thus to levy money, for their own use, by their own acts, upon their own constituents?

But is this all? Are the corrupting influences of

banks to be found only in legislative bodies? No; the Executive departments of the States are equally exposed. Bank presidents, directors, stockholders, lawyers, and borrowers, may be seen in the persons of Governors and other officers, throughout all the gradations of executive and ministerial authority.

But if the influence of the banking system be fatal to the honest exercise of legislative and executive power, what are we to hope when it falls upon the inviolable ermine? for there it has fallen, and there it has left a stain of impurity broad as the face of the Union. Banks know, full well, the value of a friend at court. They know who are to expound their charters; to limit, or extend, by mere opinion, their powers and privileges; to probe or conceal, to punish or connive at, their frauds and delinquencies. This they understand, and bank officers and dependants are, therefore, converted into judges, or judges converted into bank officers and dependants. In either event, the result is the same to the people. And thus it is that the public law of this great and glorious country, instead of emanating from its freemen, is often both made and administered, in their very presence, by the agency of banks, which are themselves but the creatures of law.

Sir, it may be assumed as a political axiom, founded in the nature of our social being, that, in a popular Government, every considerable division of the community, whether based upon distinct interests, abstract principles, or upon the diversity of human passions, will, if it admit of a separate organization, ultimately become partisan in the struggles for political power. The banking system is such a division; it is so organized, and has openly assumed all the attributes of a partisan. But so comprehensive, so vast, are its powers, that instead of being merely secondary, it has itself become the primary basis of such a party. Instead of being attracted by other interests, it has drawn those interests to itself; and thus the politician is rendered subordinate to the banker, and the public welfare an object subordinate to the welfare of the banks. Sir, is the fact doubted? Then look back through the last eight years; look over the face of the country at the present moment; look through both Houses of Congress; look to the measure now pending in the Senate. What is, what has been during all this time, the controlling influence, the very life and soul, of the Opposition? Has it not been, is it not now, the influence of banks alone? And who are they that devise the measures and direct the energies of that party? Are they not bankers, or the agents, attorneys, and dependants of banks? For what is the struggle protracted? Is it not for the interests of banks? and is not their triumph the great and primary object?

Yes, in all the conflicts of mankind, the power which pays the troops will forever control their movements, and appropriate the benefits of victory. From the first day that the late President advised the discontinuance of the Bank of the United States, that institution, as the central member of the banking system, has struggled to coerce the American people to deliver up their Government into the hands of its lawyers and dependants. And even now, while I am speaking, this, with its eight hundred confederated banks, after having thrown off all the restraints of law, stand forward still claiming the empire of the country, and demanding the public money, in advance, to aid in establishing that claim. And, sir, in what spirit are these frightful pretensions of the banks put forth? What language have we heard? What passions have we seen displayed upon this floor? Have we not heard the same bitter invective, seen the same infuriated passion, which has ever characterized this mercenary warfare upon the Government and the people? In what language, in what spirit, in what manner, have we heard the late President of the United States spoken of by the Senator from Kentucky, [Mr. CLAY?] We have heard that illustrious citizen, though retired to private life, though in no man's way to power, though worn down with age, and standing upon the very verge of the grave; yet we have heard him denounced in the councils of his country—that country which he has served, and saved by his serving; yet even here we have heard such a man denounced as though he were the worst of traitors still prosecuting treason. Napoleon is declared to have been his object of imitation—and why? Did President Jackson usurp the Government? Did he slaughter three millions of his countrymen in attempting the subjugation of the earth? And is he now chained, for his crimes, to a desolate rock in the midst of interminable seas? Or if not so, why not? Why is he suffered to go at large? Why to live in safety, unguarded by power, unawed, unoffended by man? No, sir, his only crime is that of having secured the liberties of his country, by arousing the noble spirit of his countrymen against the sly and insidious attacks of a low, stupid, pilfering despotism. If he be guilty, who is innocent? Are the freemen of this land not as criminal as he?—they who, without flagging for a single moment, stood by him to the last?

But, sir, who is this man thus charged? Who was he? He was an orphan boy, poor and friendless. And yet, by the energy of his character and the force of his genius, he has made the entire cycle of public honors in the first country on the globe; and now, at a goodly old age, he reposes within the peaceful precincts of his beloved Hermitage, with a heart still pure, a judgment unimpaired, and a character still victorious over malice and defamation. That motley rabble of British mercenaries with arms in their hands, of British stipendaries with charters in their pockets, of political wranglers and declaimers, who made up the brindle faction of his country's enemies and of his persecutors, have served only to mark by their fall, one by one, the dates and space between the successive victories of truth, genius, and virtue, over their antagonist principles. There the old man stands, the private citizen, in the furrowed fields of rural life, his venerable form presenting the very incarnation of triumphant patriotism. His fame is fixed, and will for ever remain as immutable to the touch of hostility, as are the fixed laws of truth to the assaults of falsehood. You, Senators, who are his friends, need no longer be concerned on his account. His character is now safe in the public affection; and when he shall have passed down the steep declivity of his remaining days, his grave will be walled around by the hearts of his grateful countrymen, against that vampire spirit that would violate the tomb to glut upon his blood.

And now, sir, having been thus forced into a digression by the injustice done to an absent man upon this floor, I return to the matter before us.

It has been said that the Bank of the United States was never so powerful, because it had been prostrated by President Jackson. But this is an assumption not sustained by the fact. For although the President and people were united against it; although it had violated its charter, spurned the authority of Congress, refused to be examined, leagued with politicians, subsidized some, flattered the ambition of others, and made panic after panic to subdue the spirit of the nation, yet does it stand; and though black with these its notorious offences, it still claims the Government of the country. Yes, sir, it stands, as before, the central power, controlling the paper system throughout. What change has been made in any particular, excepting in the source of its charter? And how has even that change been effected? Was it by the agency of Congress? No, but by that of the people through the Executive veto; for when or where did such an institution ever want influence to obtain a recharter through a legislative body? And why, sir, is this the case? Is it not because these institutions re-act, as I have already said, upon their legislative creators? The bank was actually rechartered, so far as legislative action could effect it; but under what circumstances this was accomplished, the ever enduring records of Congress will show. Before, however, I proceed to exhibit these records, in evidence of the private relations subsisting between the bank and many members of the Congress which passed the renewal of its charter, I will read a precedent for this scrutiny into the bank connections of public men.

On the 31st of March, 1834, (it was the panic session,) this resolution was submitted by the Senator from Kentucky, [Mr. CLAY,] passed this body, and was afterwards satisfactorily responded to by Mr. Taney, then Secretary of the Treasury:

"*Resolved*, That the Secretary of the Treasury be directed to report to the Senate what amount of public money is now on deposite in the Union Bank of Maryland; when and on what account it was deposited; and also whether any Treasury drafts, contingent or other, have been, during the month of March, 1834, furnished to the said bank, or at any time heretofore to the Bank of Maryland, for any, and what purpose. *And that he likewise report what amount of stock in the capital of the said Union Bank was held by R. B. Taney, Esq. when the said bank was selected as one of the banks to receive, in deposite, the public money; and what amount of the stock he now holds.*"

Such was the resolution; such were then that Senator's suspicions against the purity of the very banks to which he now wishes to commit the revenue; and such then his determination to probe the bank corruptions of public men. If, therefore, these supposed connections of the Secretary with a bank selected by him as a depository of the public money, were deemed so perilous to the honest discharge of his official duties as to demand investigation, it cannot be improper or unwise to inquire into the private relations which the Bank of the United States contracted with the members of Congress, of whom it was asking a recharter. But, sir, should any man feel agrieved by such an exposure, he must ascribe his misfortune to the Senator from Kentucky, who first began this inquisitorial purgation.

In 1834, (it was the panic session,) a majority of this body being in favor of the bank, instructed the Committee on Finance, which was also favorable, "to investigate the affairs and conduct" of that institution; and that committee made, through Mr. Tyler of Virginia, a report upon facts furnished by the bank itself. What, then, are the facts thus furnished and thus reported? Here they are presented in words and figures, giving day and year, with all the distinctness and accuracy of the tabular form. The table suppresses the names, but exhibits the number, of the members of Congress who obtained loans of the bank, and the amount obtained, from 1826 to 1834. Now, sir, let the Senate and the nation bear it in mind, that it was in his message at the opening of the session of 1829–30, that President Jackson announced his objection to the renewal of the charter. From that moment, the renewal became the subject of political strife; and let it never be forgotten, that it was through Congress the bank was to pass, or die. Few, if any, of the members were merchants whose business required large advances of money. But if such advances were necessary, why were they not obtained from the six or eight hundred local banks, some of which were standing in the State, the district, and even at the very door of almost every member? Why did members pass all these, and apply for loans to the only bank upon whose life or death they were required to decide? But is this the fact? Can it be possible that public men could ask private favors from an institution which, at the same moment, was asking public favors of them? And will it be believed, that both parties, regardless alike of their obligations to the country and of the opinions of the world, gratified the desires of each other in every particular, and to the full limit of their mutual powers? Yes, this table answers these questions; and, if I mistake not, the answer will astound this nation. It shows, that in the very first year of the bank contest—the year of 1830—the bank loaned one hundred and ninety-two thousand one hundred and sixty-one dollars to fifty-two members of Congress, that, in 1831, it loaned three hundred and twenty-two thousand one hundred and ninety-nine dollars to fifty-nine members; that, in 1832, it loaned four hundred and seventy-eight thousand and sixty-nine dollars to forty-four members; that, in 1833, it loaned three hundred and seventy-four thousand seven hundred and sixty-six dollars to fifty-eight members; and that, in 1834, it loaned two hundred and thirty-eight thousand five hundred and eighty-six dollars to fifty-two members.

Thus it was, that during the five years of the contest, ending with the panic session of 1834,

the Bank of the United States, struggling for a renewal of its charter, distributed in loans, one million six hundred and five thousand seven hundred and eighty-one dollars, to two hundred and sixty-five members of Congress. This enormous sum, greater than the aggregate salaries of all the members of both Houses of Congress during the same period of five years—a sum equal to one-fifteenth part of the whole annual revenues and expenditures of the Federal Government—this sum was thus bestowed, as accommodations, by the bank, at a time of pretended pressure, upon the very men of whom it was asking a charter—a charter, which, if granted, would enable the bank to levy millions in tribute, year after year, upon their constituents.

Sir, these things may have all been innocent. It may be that the additional half million of dollars thrown, as facilities, into the two Houses of Congress by the bank, in 1832—the very time when its recharter was pending and passed—it may be that the large amount, still in addition, thrown in whilst the question of restoring the deposits was pending, in 1834—it may be, that these great and well-timed favors, bestowed by the bank upon men whilst sitting in judgment upon its life and its claim to the public revenue—it may be, that these things had no other effect than to make the recipient members better patriots, more devoted to the public interests, less intent upon their own, and more impartial actors in the contest between the people and the bank. These loans may have been harmless, these men uncorrupted. I know not one, by name, who received these moneys, for their names are suppressed in the report of the committee. I speak not, therefore, to criminate or wound the feelings of any one. But, sir, I know the nature of man; I know that coming to Congress changes him not for the better; I know that gratitude for favors is a principle of that nature; I know that obligations are thus created which the human heart is bound to acknowledge, and the human mind finds it hard to disobey. These things I know; and I know, too, that public liberty can never be safe whilst public men are exposed to such temptations. It is for these reasons, sir, that I stand up this day, not only as an American Senator, but in the still prouder attitude of an American citizen, to warn my countrymen of a danger which I most solemnly believe now threatens the purity and safety of their Government.

But, sir, is this all? Were there no other influences but the facilities of that bank exerted upon the members of Congress during the contest? Were there no other relations subsisting between the members and the bank, but those of borrower and lender? How many of its lawyers and stockholders occupied seats in this Capitol? How many men sat here who were the lawyers, stockholders, and borrowers of the numerous local banks which had petitioned for the recharter of the Bank of the United States, because interested as part of the same system? How many such men were to be found in the several legislatures, bending the influence of whole States to bear upon this cardinal object? And now, sir, I put the question, if that institution, alone, had, pending the struggle, such a number of its attorneys, stockholders, and borrowess, in the two Houses of Congress, how many of such agents and dependants may this, with its league of eight hundred local banks, be supposed now to have under this roof—now, when all these corporations are making a united effort to grasp the public revenues?

Sir, I again say, that members standing in such relations to the banks, even at a time like this, may still be innocent; they may be uninfluenced by bank emoluments in deciding the question of rewarding banks with the profitable use of the public money. All this is possible; but "lead us not into temptation" is, nevertheless, a part of that prayer which is the inheritance of our race.

If, in the administration of justice, the slightest interest in the result disqualifies men to testify or sit in judgment; if the parties litigant are forbidden even to speak in private to a juror, what would be thought of that judge or juryman, who, pending a trial for life, character, or property, should ask and obtain, from one of the parties, the private favor of an enormous loan? Or if the partner or attorney of one of the litigants were found upon the bench, or in the array of the jury, would not such offending judge or juryman incur and deserve as well the public odium as the penalties of public justice? And if, sir, such securities are necessary to the honest administration of law, are they not still more so to guard the purity of the law making power?

Sir, members of legislative bodies should be the last men in this nation to form private connections, or contract obligations, with banks, because they are the men of whom these institutions are constantly asking public favors. If, however, they will do so, regardless of the indelicacy of incurring such obligations, they have no right to evade detection, or to complain of exposure. For what is the course which they pursue, towards other citizens less exposed to corruption, and fully as likely as themselves to resist it? What do we hear, in both Houses of Congress, from day to day, through every session? Do we not hear all officers of Government indiscriminately denounced—denounced as dishonest partisans, corrupted by salaries for which their whole time and labor are bestowed in the public service? More than eleven thousand citizens are employed as postmasters; and although a large, if not an equal, proportion, of the number, are known to be hostile to the party in power, yet we have heard them, one and all, proclaimed to be unprincipled wretches, prostituted into the service and support of a corrupt administration. And now, sir, who are these officers, and what is the amount of those salaries with which they are thus corrupted? Nine-tenths, at least, of the entire number, are farmers residing at cross roads, or mechanics, or inconsiderable merchants, in the little villages, where they are induced to accept of the offices solely for the accommodation of the citizens in the neighborhood. For, in most of these cases, the whole salary received by the officer falls short of twenty dollars a year. But in this calculation I will leave nothing to conjecture; I will speak from the facts and the figures, as found upon the records of the Post Office Department. What, then, is the result?

On the first day of July, 1837, there were, in all, eleven thousand seven hundred and seventy postmasters; and the aggregate salaries paid to the whole, during the preceding year, amounted to eight hundred and ninety-one thousand three hundred and forty-three dollars. Thus, the aggregate amount divided by the number of officers, will show the average annual salary of each to have been but seventy-five dollars and seventy-three cents. And yet, sir, these humble citizens, who thus give their services to the public for a compensation so trivial as this, are denounced in their absence, denounced in the councils of their country, denounced with bitterness and ferocity, as basely prostituted by such salaries as these; and that, too, by members of Congress, who are themselves receiving, for less than half of their time, an average of fifteen hundred dollars annually of the public money. Yes, this is done; these denunciations are poured forth by the very members who, not content with the ample amounts drawn by themselves from the public Treasury, are daily asking, and daily receiving, thousands on thousands in loans from banks, whilst they stand in their places, voting in return to these corporations the custody and the use of the whole revenues of their country. It is in vain, sir, for men who so unjustly, so cruelly revile others for such causes as these, to expect to elude suspicion, whilst exposed themselves to temptations so much more powerful. No: the American people will judge; they have a right; it is their duty to judge, between the delinquency of the accused and the criminality of the accuser. They will judge, and correctly, too, who are the most exposed to corruption, who most likely to yield: the postmasters, with such salaries as these, living in the pure air of the remote interior, among the people themselves; or the men who, withdrawn from the people, stand here, amidst the impurities of the Capitol, reciprocating public for private favors with the banks.

And here, sir, in passing from this view of the subject, I will only remark that, if the liberties of the country are ever overthrown, it will be by corruption; and that if corruption ever strikes into our system, to a fatal degree, it will begin and end in the legislative department. This apprehension is authorized by history, and arises from the fact, that whilst a legislative body is necessarily so small that a majority of its members may have each an individual interest in measures adverse to the general interests of the community, such a body is yet so large that the individual responsibility of each member is weakened and obscured in the crowd. It is between these extremes of great interests and little responsibility, of great temptation and little danger, that corruption strikes; for detection is ever difficult, and impunity probable, when crime comes in organized masses.

If, Mr. President, the tendency of the banking system to exert unwholesome influences over legislative bodies, and if the exposure of those bodies to such influences were not already apparent, these facts might be clearly demonstrated by the extraordinary changes in the relations of public men since the bank contest began. The great body of the people have stood immovably opposed to a National Bank, and as invariably favorable to a reformation of the whole banking system. And yet how numerous are their public agents, who, after their elections to Congress or the State Legislatures, have shifted their ground upon all these questions? But where have they gone? What has been the result of these changes? How few who were friendly, have become unfavorable to banks? How many who were opposed have become friendly to them? Upon the known principles of the human mind, when acting beyond the sphere of adventitious influences, it might be supposed that these changes, for and against, would, in some degree, have counteracted each other. Has such been the fact? No, sir: the betrayed Democracy of the Union feel, and will never forget, that these changes in the course of their public agents have been almost uniformly against the country, and in favor of the banks. And why this strange coincidence? Is it because the conduct of these institutions has been such as to induce a belief in their purity and innocence? If so, why has the same conduct tended only to strengthen in the minds of the people themselves, the opposite conviction? No, sir, no: there can be but little, there can be no difficulty, in solving the secret. Scarcely a man, of all the deserters from the Democratic ranks, leaves behind him a doubt as to the place of his destination. When he goes, no reward is necessary to his detection. He is to be found in the vault of a bank—there is the attraction, and to that point he gravitates.

The Senator from Virginia, [Mr. RIVES] in the zeal of his opposition to the bill before us, has been pleased to attribute the present condition of the banks to "the hostile action of the Government"—to "the Treasury order." I regretted to hear such a charge from such a source. That Senator has long been a member of the party to whose agency he now ascribes these criminal results. We had a reason to hope, and a right to believe, that his opposition to the measure would be that of a friend dissenting with regret; not such an opposition as might be expected from one eagerly seizing an occasion to criminate his old associates, or from an enemy venting the rage of veteran hostility. This language is the more to be regretted, because, whilst it is rendered doubly painful by the sincerity of former friendships, it seems to spring from a conviction that those friendships may never be renewed. Had the Senator but gently chided his friends for what he supposed to be the impolicy of the pending measure, had he uttered but the counsels of mild admonition, he would then have evinced an unchanged temper of mind, rendering the probability of his future co-operation more than an equivalent for his present opposition. If, however, he could not, in sincerity, do this; if he has fixed his purpose to depart for ever, in spite of all the associations which formerly bound him to the Democracy of the Union; if such be his destiny, then not a syllable remains to be pronounced by his ancient friends but the melancholy word—Farewell!

——"A word that must be, and hath been;
A sound which makes us linger; yet, farewell."

This bill, sir, is assailed as a new source of Ex-

ecutive patronage, and the Senator from Virginia sees in its provisions nothing but the frightful spectre of political corruption. I admit the general tendency of patronage to corrupt; and yet that Senator might have given at least one example where it had been bestowed with no meagre liberality without corrupting the fortunate object of Executive bounty. But what is patronage, and to what extent is it sought to be increased? It is the means of acting upon men by rewarding their favor; and the bill creates but about twenty-five additional officers, with inconsiderable salaries. Thus it is, that this patronage, which cannot extend to thirty individuals—a number less than the one-hundredth part of those who may be reached and controlled by the patronage of the smallest bank in the Union; this patronage is denounced as dangerous, by the very men who are now seeking, by their amendatory substitute, to arm the Executive with the whole banking system of the country; with an absolute power over the whole currency; over the property, the labor, and the very subsistence of the entire body of the people! Can men who are struggling to confer powers so omnipotent as these, be sincere in their apprehensions of danger from the paltry patronage created in the bill?

But the first of the two principal features of the bill incurs the hostility of the Senator from Virginia, as affording insufficient security for the safety of the revenue. What, then, is this feature? It provides that the sworn and responsible officers of Government—they who have always collected the public dues—shall, aided by a few others named in the bill, continue to collect them; shall keep them safely till appropriated by law; shall give ample security; shall not use or loan a dollar; all upon the penalty of their bonds, of imprisonment for years, and of eternal degradation as men. Thus all the safeguards that can impose restraint on human agency are provided; and if these are insufficient—if pecuniary and corporeal terrors, with the certainty of personal debasement—if all these afford no guarantee for the rectitude of human conduct, then man can no longer confide in man, and all popular government must end. Why, if officers cannot be trusted with the care of the revenue for a week or a month, till drawn for the public service, why trust them with its collection in the first instance? and why trust other officers with its final disbursement? If agents appointed by the people, from among the people, to transact the affairs of the people, and responsible to the people, are unworthy of the people's confidence; and if, also, bank agents, appointed by banks, interested in banks, and responsible only to banks; if such men are alone worthy to be entrusted with the public income, why not give them its collection and disbursement? Why not deliver all public property to them—place them over your fleets and armies—give them, in a word, the government of your country? No, sir, these apprehensions for the safety of the national treasure, in possession of the sworn and responsible officers of the Government, cannot be sincere, without gentlemen solemnly believe the representative principle of the Constitution radically impotent, without they deem revolution plainly inevitable, and therefore desire to substitute the banks for the people as the source of political power. For, how can men, who believe the Constitution adequate to all the ends of Government—how can they look the country in the face, and declare the revenue more safe in the hands of banks, expressly authorized by law to use it, than in those of officers positively forbidden to touch a dollar, under the penalty of forfeiture, imprisonment, and dishonor? From what part of the conduct of banks and bankers, is such a conclusion to be drawn? Is it from the fact that they have already seized millions of your funds, placed for safety in their vaults—that they still retain them, and now demand of Government its future revenues, as the sole condition upon which they will pay their debts either to the Government or the people? Is it for these reasons that banks are again to be trusted?

To this feature of the bill, however, the Senator from Massachusetts [Mr. WEBSTER] urges another and a very different objection. He is alarmed at the strong boxes, the bars, and the bolts—the very means intended to increase the security of the public money. These cumbrous fixtures of Gothic barbarism offend his taste, affright his fancy, and shock, most deeply, his nervous sensibility. And yet that Senator can contemplate all the parts of this dreadful apparatus without terror or emotion, if it be but found in the vault of a bank. In such a cavern he seems composed and at home; there, in that subterraneous abode of all honesty and of all innocence, his imagination can rove, unappalled, through the chilled darkness and the dense vapor, and catch, and hang, and lounge, and repose, upon bars, and bolts, and locks, and hinges, swinging the ponderous door to close the iron entrance. His fright in the one case is equalled by nothing but his courage in the other; and if, in the one instance, his respiration is difficult, in the other, he "breathes deeper and freer."

Yes, it was the Treasury order, the hostile action of the Government, that brought the banks to the ground, by impairing the public confidence. Such is the charge, but what is the fact? All are aware that, until within the last few years, no bank ever dared to discount beyond the aggregate of its capital and deposites. What, then, was the case at the time of suspension? The Treasury order had long been issued; and yet, in the face of that order, and in defiance of its effects, the banks had discounted a hundred millions of dollars beyond the united total of their capital and deposites, both public and private. Such, sir, was then the public confidence, and such the imbecility of the order, that the banks were able thus to levy an extra tax upon the people, equal to the interest upon a hundred millions of ideal capital—a capital existing no where, based upon nothing but the incautious credulity of the country. And now, sir, the banks having expanded their discounts, and with them expanded the public confidence, until the very excess of that confidence has laid the whole system in ruins, we are told, told to our faces, told in the presence of these facts, that the system caved in under the pressure of the Treasury order! This we are told with the bank tables before us, and whilst these tables exhibit an expansion of loans and discounts, after the promulgation, and in despite of the order, such as the banks of no other country, nor our own banks at any former period, ever dared to attempt.

No, sir, the explosion of the banks was natural and inevitable. The Treasury order neither quickened nor retarded the catastrophe. Its only effect was to break the violence of the shock, and to circumscribe the extent of the ruin. The connections of the banks, instead of being confined within the circle of commerce and trade, had become so universal and intense with all the parts of society, as to compel men to silence their own apprehensions, and to express confidence, which they did not feel, in the solvency of the system. The supervisory control of public opinion was withdrawn; the system, therefore, acknowledged no responsibility to law, because no law could be enforced against it. It had grown beyond its natural limits, without the power of receding; and from the moment that it passed the point where public vigilance gave way to public credulity, the system was hurried on to its fall by its own momentum.

Well, the banks are prostrate, the public confidence is withdrawn, and now what remains to be done? We are told that this Government, though without power to control them, without authority to interpose in their affairs, must, nevertheless, restore that confidence by law—restore it, first, by receiving their bills as money, and then returning those bills for the use of the banks. Thus the Government is asked not only to bestow its own confidence upon these corporations, by receiving bills as money known to be worth less than money, and by depositing its funds for safety in banks known to be unsafe; but it is likewise asked to compel the people to acknowledge the solvency of institutions admitted to be bankrupt. And, sir, this confidence of the Government, and of the country, is demanded for the banks by the very same men who are proclaiming to the people that they should repose no confidence in the Government itself, or in their own virtue and ability to select the officers of Government. But what act of Congress, or of the Executive, could restore public confidence in these institutions? None, sir, none: the minds of freemen are not the subjects of legislative coercion; their judgments will never be forced by law upon falsehood in the very presence of opposing truth. You may declare the confidence of Congress in the solvency and honesty of all these corporations, but such a declaration will neither be true nor effective; and, if it could thus control the public judgment, as is asked and expected, it would be a legislative fraud upon the people, and an act of deliberate treachery to the country.

The second and last cardinal feature of the bill before us:—what is it, and what does it propose? Does it propose, as has been assumed in debate, an immediate collection of all the revenue in metal? No: it provides for the receipt, after one year, of one-sixth part only in specie, and then a proportionate annual increase of metal for the six succeeding years; after which, no notes are receivable. This, with the deposite feature, constitutes the whole of the bill called the Sub-Treasury; and it is for such a bill that the substitute has been submitted by the Senator from Virginia, [Mr. RIVES.]

And now, what are the features and principles of this substitute?

It first assumes that there are two currencies in the country, one better than the other; that the people and the Government are two separate and hostile bodies; and that the latter seeks to appropriate to itself the better currency, and to force the less valuable upon the former; and having assumed such to be the facts, and such the design of the Government, the substitute then proceeds to defeat this design, by forcing the inferior currency on both Government and people. Well, sir, metallic money is admitted, the world over, to be the only standard of value for labor and property. If, therefore, it be true, that paper is less valuable, then that fact is a reason conclusive, not only against its receipt as money by the Government, but also against the banking system itself, by which such paper is imposed upon the community.

But how stands the other proposition, so repeatedly urged by the mover and by the friends of the substitute? Is it true that the people and the Government are distinct and hostile bodies? It will be admitted, I presume, that the *men* of America, acting through their State agencies, created the Government; it will not be questioned that *they* elect its officers, supply its revenues, and prescribe its policy; nor will it be denied that *they*, the *men*, are, in fact, the Government itself. What, then, does the Senator from Virginia mean by the term *people*, as a body distinct from, and hostile to, the Government? I will seek his meaning in the tendency of his argument, and in the character of the authority he pressed into his service.

That Senator, sir, has commended the genius, and invoked to his aid the opinions of Mr. Burke. I, too, acknowledge, in many respects, the just authority of that transcendant intellect; nor do I withhold from the memory of the man that sacred respect which is due from an American to the memory of one whose life and actions, though an Englishman and at home, had a bearing upon the Revolutionary struggle of our fathers, by no means unfriendly to its success. But still, the writings and sentiments of Mr. Burke were those of a monarchist. He had been reared amidst, and died devoted to, the monarchical system of Great Britain, and of Europe. If his objections to the abuses of that system were great, his fears from its overthrow were yet greater; and it cannot be disguised that, as he declined in the vale of years, his mind took refuge in those very abuses, from the terrors of the French revolution. It was then that he sought to check those liberal principles to which his earlier life had been devoted; it was then, when the insurgent spirit and rising power of an oppressed people threatened the very existence of monarchy; it was then that he came forward as a politician and as an author, to repress that spirit, and resist that power. The same philosophical temper of mind which rendered him timid as a statesman, amid the convulsive action of masses, ultimately led him in search of some abstract principle upon which to rest his opposition to all popular movements. It was then, and with this view, that in his

works on the French Revolution, and in his celebrated "Appeal from the new to the old Whigs," he laid down and enforced the principle, that *men, told by the head*, are *not*, in a political sense, *the people* of a country; but that *fixtures, corporations, orders*, and *classes*, being distinct *parts* of the general mass, and founded upon *prerogative, privilege, perpetuity*, and *property*, that these, taken together, constitute "*the people*," or the nation. Thus, in his creed, the natural man, the individual citizen, is annihilated as a constituent element of the nation or the people, and the artificial combination substituted in his place—a principle, the exact opposite of that upon which this Government, with its freedom, stands. And yet, sir, it is upon this principle of Mr. Burke that the discrimination is here sought to be made between the Government and the people. It is here, in the Senate, that the same combinations, orders, banks, and corporations, resting upon the same separate interests, the same privileges and immunities, stand forth claiming to be "*the people*" of this country, and asserting a right to its Government. We can now understand what is meant when gentlemen of Mr. Burke's school speak of "*the people.*" We may know that corporations, that banks, not individuals, are intended; we may know that this principle, for proclaiming which Mr. Burke was publicly expelled from the liberal party of England, now lies at the foundation of a party in America.

But to the substitute. What are its features, what its principles? They are few, and by no means novel. It prososes no project yet to be tested by experiment, but one which experiment has already shown to be impracticable. It proposes the former State bank deposite system, in full view of the ruins of that system. Bank notes are again to be received, to be received as equivalent to money, though the very discrimination which constitutes the essence of the substitute, implies that they are not so equivalent. The public treasure is to be placed, for safety, in banks expressly authorized to render it unsafe, by applying it to their own use, as they have done millions still withheld from the Government. Such are the favors proposed as bounties to the banks for the resumption of specie payments—for complying with their obligations—for paying their debts—for ceasing to resist the law; such is the reward to be offered by Government to bribe rebellion back into obedience. And now, sir, I ask, in what will the resumption of specie payments, under the provisions of this substitute, benefit the Government, when, by the substitute itself, the Government solemnly contracts with the banks not to demand specie, but to receive, exclusively, the very notes it now rejects? The Government now refuses to receive them for no other reason than because the banks now refuse to pay them—and yet, the Government is required to receive them, in future, under an express stipulation that they are not to be paid. For if Government is compelled, by law, to receive notes, good faith, in the execution of the law, forbids their presentation for payment. And thus, instead of inducing resumption, this measure proposes, in effect, to legalize and perpetuate suspension, so far as Government is concerned, and to the full extent of its revenues. That such will be the effect, does any man doubt? Then test the question by extending the principle. Suppose the whole community should make the like contract with the banks; should agree that, for an indefinite series of years, their bills should be received as money, and thus incur the obligation, in good faith, not to present them for redemption. In such a case, would the banks keep a silver dollar on hand? Would they have use for one? And would not the suspension be universal and eternal—and that, too, under the plighted faith of the public? What, sir, is the language of the substitute? It says to the Government—Take the notes of banks; do not present them for payment; express this your confidence in them; the people will follow your example; they will do the same; no specie will then be drawn; the banks can then resume; we shall then have a currency mixed of paper and of metal, and all will go well. But, sir, what resumption? What are the banks to resume the payment of? Who is to ask for payment, and "whence is the metal to come which is to enter into the circulation?" How are these thing to be done, if both Government and people are to receive nothing but notes, and never to ask their redemption? No, sir, the only security for the banks themselves, and for the community against bank excesses and impositions, consists in leaving every one, Government and all, free to receive, to reject, or to present their notes at pleasure for payment. This being the fact, there will always exist a modified confidence in the solvency of banks that are solvent, which, whilst it is sufficient to sustain their circulation, will yet be so distrustful as to excite in them the apprehension of a run upon the appearance of any indiscretion on their part, and thus impose all the safeguards of which such institutions admit. To absolute and unqualified confidence, they are not entitled. Human experience forbids such confidence to be bestowed on any man, or combination of men, whose agency is to affect the well being of others. Government itself, the responsibility of all public functionaries, rests upon a degree of distrust in the public mind, sufficient to excite vigilance, and to detect delinquency.

Again, sir, what is the substitute but a covenant with the banks, by which the Government is to give them a credit, indefinite as to time, and limited in amount only by the total of its income? And this credit is to be given to the only species of debtors whose responsibility is always uncertain, whose security is never sufficient, and against whom it is impossible, in the nature of things, ever to enforce the laws of the country. For is it not manifest, from all past and present experience, that these institutions have become so connected with the whole machinery of society, so interwoven with the very texture of our social economy, as to defy the enforcement of legal obligations, and to compel their creditors, Government, and people, to temporize with and to coax them into compliance with those obligations? Why was the extra session of Congress called? Was it because the Government had no money? No, but because the banks had the money of the Government, and refused to pay it. Was the Government thus arrested in its action, and compelled to resuscitate itself by a forced loan from the people?—was this the case, because it had no revenue, and because there existed no specie in the country? No, but because the banks had possession of its revenues, and because their vaults withheld the specie from all their creditors. And yet, when, where, and by whom were the laws of the land enforced against them? When did the Government, in a single instance, obtain judgment and enforce execution? Who, of all the citizens, resorted to that law against the banks, which the banks were daily enforcing against them, and which they, the people, were daily enforcing against each other? No, sir, not at all; but, on the contrary, this universal rebellion of the banks against all law has been legalized and extended by the law-making power. Thus it is, that the Government is required to loan to the banks the whole revenue of the country; and, in effect, to double this loan, by receiving their notes, in the first instance, as money. It is to such debtors that the Government is required to make such a loan, whilst it refuses to credit an honest citizen, with his homeless family, for one solitary acre of its public domain.

Thus briefly, sir, have I sought to illustrate the principles and tendency of this substitute. It is a measure rendered equally odious by the circumstances under which it is presented, by the assumption on which it rests, and by the consequences which must inevitably result from its adoption. It comes to us in the form of a demand—a demand made as a political right—made by private corporations upon this Government and people, for the use of the public money, and for a mortgage upon the future revenues of the country. It demands, also, that, in addition to this, the Government and the people shall give to these corporations a credit indefinite as to time and amount, and that, too, without an equivalent, without adequate security, and without any necessity for so doing. This demand of objects so important is made at a time when these corporations, having prostrated the laws of the country—having seized the public treasure—having refused to pay their notes in the hands of the people—are now standing out in fearless defiance of all public authority. And what right have the banks to make this demand? Have they a better claim to the public money than an equal number of other individuals who are not incorporated? No, none whatever. What, then, should we think, what should we feel, if, instead of a league of eight hundred banks, eight hundred citizens should band themselves together in battalion form, should surround this Capitol, and, instead of agents, attorneys, borrowers, and dependants, should send their military commander into this chamber, to demand, on their behalf, the whole national income? Would not every Senator then spring to his feet, fired with the rage of insulted honor? Would he not meet such a demand with the deepest execrations; and would not the whole body of the American people rush to the Capitol to rescue their treasure from pillage, and their Government from usurpation? Yes: and what, sir, is the difference between the two cases? There is none; no circumstance of discrimination, except the popular delusion which transforms the banks from private corporations into political institutions, and invests these associations of mere brokers and shavers with all the authority, the attributes, and the dignity, of organized political departments. It is this delusion, arising from the unrebuked assumptions of the banks, and strengthened by the silent acquiescence of time, that has enabled these incorporated companies thus to change their character in the public estimation.

But, sir, I must again press upon the attention of the Senate the startling fact that this demand of the public money is made by the banks, upon the avowed assumption that the Constitution has provided no sufficient means for the execution of its own powers; that the officers elected under it by the people are not to be trusted; and that the irresponsible agencies of banks, unknown to the Constitution, must be brought in to supersede those officers, to supplant the Constitution itself, and to take charge of a Government which the people are supposed incompetent to administer. Thus we, the representatives of the States and of the people, are insulted to our very faces; for, if the numerous citizens selected to perform the duties of the other departments of Government be unworthy of the public confidence, how shall we escape the same denunciation, or assume to be more worthy than they? But even this outrage, great as it is, might be endured, if it were confined to us, and to the officers of Government alone. Such, however, is not the fact; for this demand, thus made upon the ground that agents selected by the popular voice are unworthy of confidence, is equally an insult to the majesty of the sovereign people themselves. It is a declaration to them that they are incompetent to elect; and that therefore, the elective franchise, so prostituted and abused, is to be withdrawn from them, and conferred upon the banks.

And now, Mr. President, what are the immediate consequences which are to result from the adoption of the substitute? The banks of deposite are to be selected by the joint vote of the two Houses of Congress. Here, then, the banks and the Government are to be united, not only in the exterior administration of the finances, but that union is to begin in the very source of the law-making power. The banks are to enter the Capitol, with their fatal facilities, to canvass against each other, with the members of Congress, for the custody of the national revenue. They are here to canvass for these favors with the very men by whose votes this revenue is to be raised, reduced, or diminished; and, consequently, the profits of the successful banks augmented or lessened. What a scene would this present! Eight hundred moneyed corporations, with five hundred millions of dollars to loan, garrisoned each winter in the Capitol, among their faithful presidents, lawyers, stockholders, and borrowers, canvassing for a majority of the two Houses—canvassing for the deposites, for an increase of taxes, and for a diminution in the expenditure of those taxes when collected! In such a scene, what would become of legislative purity? what of the rights of the people? What of the public liberty? And

which, of all the banks, would succeed in the contest for Congressional favors? Would not the Bank of the United States—the controlling centre of the paper system—she whose friends already throng these halls—she who is already so deeply skilled in political facilities—would she not stand triumphant in our midst? Yes, the same vote which could pass this substitute, would give her the deposites; and thus that institution would again become a National Bank, with all the powers and immunities she before enjoyed, without any of the restraints or responsibilities imposed by a Congressional charter. And here, sir, I shall express it as my deliberate opinion, that every man of the Opposition will sustain this substitute, and that, too, with a view to the very result I have anticipated. Those who desire the concentration of the money power in a National Bank, will ask for none better than the Bank of the United States will become, should this measure be adopted. Nor will that institution desire or accept of a national charter, if it can obtain the public moneys under the less embarrassing charter it now enjoys.

These, sir, are my opinions. The subject of a National Bank will still be urged before the people, but not seriously desired, by the political leaders. They are not the men to pursue visionary forms, to the neglect of substantial realities. Their object is the concentration and union of the money with the political power of the country, and they see in every line of the substitute before us the certain accomplishment of that object.

And now, sir, standing in my place, and in the immediate presence of the American people, I pronounce it as the solemn conviction of my judgment, that this union, should it be effected—the union of the banking or paper system with the Government—will prostrate the liberties of the country; and that this prostration will continue until that inborn love of freedom, the peculiar inheritance of this nation, shall rise to restore those liberties by the only means which despotism cannot withstand. In such a union, in such a compound of the money with the political power, it would be utterly immaterial which of the elements predominated—whether that of the Government, or of the banks. The junction of the two would speedily result in blending both into one; and it is this consolidation, this aggregation, of powers so vast in the same men; it is this which would enable those men to override the liberties of the country. What, then, sir, would be our condition, if the very men who are now struggling to effect this consolidation should succeed, and having succeeded, should, by that very success, place themselves in possession of these powers thus consolidated? Would not the fact of their success, in this effort, be proof conclusive of the dangerous strength of the banking system, which is now their sole support? and would not that strength, united with the powers of Government, enable these men to perpetuate their reign, and to spurn, with impunity, the complaints of a betrayed and ruined people?

How, then, can we adopt a measure fraught with consequences so momentous, so fatal, as these? How can we sit and hear, with patience, a demand thus made of the whole revenues of the Republic—made, as a political right, by private corporations—made upon principles tending infallibly to a revolution of the Government? Shall we sit and hear, unmoved, hear without a becoming spirit of resistance, a proposition so wounding to every sense of patriotism, so plainly destructive of the liberties of the country? Where, Senators, are the souls of your sires? Did you inherit nothing from them but freedom—freedom without the spirit to defend it? Are you thus destitute, and will you betray the only country where abides the only hope to solace the sufferings of mankind? If not, how can you, how dare you support a measure which is to place such a country as this under the vulgar despotism of a moneyed monopoly?

GRADUATION OF THE PRICE OF PUBLIC LANDS.

SPEECH OF MR. CLAY,
OF ALABAMA.

In Senate, March 29, 1838.—The "bill providing for the reduction and graduation of the price of the public lands" having been taken up for consideration—

Mr. CLAY of Alabama addressed the Senate, in substance, as follows:

MR. PRESIDENT: It is cause of gratulation, not only with their several delegations, but with the people, generally, of the new States, as they are familiarly called, that there is, at length, a disposition manifested by the Senate to give to the matters involved in this bill that examination and deliberation which their great importance to the interests and prosperity of those States would seem to demand. Impressed with a deep sense of the justice, as well as the sound policy, of such a measure, the Legislatures of the States embracing the public domain, and the people of those States in their primary assemblies, through their resolves and memorials, have repeatedly, and year after year, for the last twelve or fifteen, most earnestly invoked the attention and action of Congress. Nor is it remarkable that those States should evince such solicitude on this subject, when we reflect on the difference between cultivated fields, abounding in the rich and varied productions of their several portions of the country—not only adding to their own strength and resources, but increasing those of the whole Union—and the wild, unbroken forest, or waste and unproductive territory.

It is true, sir, our humble petitions have been received during the period alluded to, and generally referred, in each House, to the committee having charge of subjects connected with the public lands. In several instances, bills have been reported by those committees, in principle somewhat like the one now before us; but in no instance, do I recollect, within the last seven or eight years, has either House gone farther than to receive such report and place the bill on the calendar, there to remain untouched, and stand over amongst the unfinished business of each successive session. Yes, sir, whilst days, and even weeks, have been devoted to the consideration of local subjects and individual claims, I have often felt mortified and humiliated that not one hour was vouchsafed to the discussion of this question, involving directly the paramount interests of more than one third of the States, and, in a more remote degree, the welfare of the entire Union.

Although discouraged by these repeated failures and disappointments, we have not despaired; but, confiding in the good faith of our country, we have continued our annual appeals to her justice and magnanimity. A *blessing* is promised, by the highest authority, *to those who hold out to the end;* I am so far a believer as never to despair in a good cause; and I trust we shall, to some extent, realize the benefits of such perseverance on this occasion.

I am persuaded, Mr President, that all that is necessary to insure success to this bill, or some similar measure, is for gentlemen to examine, and understand its provisions. I do not ask gentlemen to take for granted, or yield implicit assent to, the representations which may be made by the friends of the bill; but, at the same time, I trust they will not take on faith, the objections or *the assertions* of its opponents: With some members on this floor, I have been sorry to observe a kind of nervous excitability, whenever a proposition is submitted in reference to the public domain, especially if that proposition should come from a member of a new State. We hear it frequently said, or insinuated, in substance, that the people of the new States wish to obtain the public lands without the payment of any consideration, or for a very inadequate one. Sir, said Mr. C. nothing is farther from the fact. The inhabitants of those States as seldom ask donations of public land as those of the older members of the Confederacy. When they ask the right of pre-emption for settlers and occupants, who have improved and given greater value to, and accelerated the sales of, the public domain, they do not ask them as a gift; but the application is always accompanied by the offer to pay the minimum price —the same price you obtain from the monopolist and speculator, who never contributed an iota to the improvement of the country, or to the interest of the Government. When they ask you to reduce and graduate the price of inferior land, which has been offered at public sale, and refused, then, and for years afterwards, at $1 25 per acre, they do not ask you to take less than its value. No, sir: the proposition is, *that you will sell it, in a reasonable time, at its fair value,* to be ascertained either by the length of time it may have remained in market unsold, or by any other just criterion of value. The imputation that the new States, or their representatives, wish to *rob* the nation of the public domain, or even to obtain it without the payment of a fair price, is wholly unfounded. They only ask the adoption of just principles in the sale of it, and permission to take it on the payment of a fair and full equivalent. It may, indeed, become a question with the *old* States, as well as the *new* ones, whether it will be sound policy for the General Government to retain the millions of acres, which may be found in all of them, so barren and sterile as not to command *twelve and a half cents, six and a quarter cents,* or, perhaps, *one cent,* per acre, and which, consequently, must cease to furnish a source of indemnity, even for the expense of keeping the land offices, indispensable to afford an opportunity to purchase. That question, however, does not present itself on this occasion, and may be safely left to the determination of those who will follow us. "Sufficient unto the day is the evil thereof."

Sir, said Mr. C. the enlightened views of the present Chief Magistrate, upon this subject, communicated in his annual message, however some of us may differ with him in opinion, as regards the particular mode of effectuating the object in contemplation, show that he has devoted to it the attention due to its importance, and are worthy of all commendation. The President's views are set forth, upon every branch of our policy, connected with the sale and disposition of the public domain, with such characteristic force and perspicuity, that I am almost astonished that any statesman can withhold his assent to some such course as he has recommended. After some general remarks upon the system, under which the public domain has been hitherto managed, he introduces the subject embraced by the bill under consideration, by remarking: "The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands, as are ascertained to be unsalable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps forever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at an uniform price, whatever difference there might be in their intrinsic value." Again, he adds: "*All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value,* so far as can be accomplished, without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is." Sir, no man can successfully controvert the principle here laid down. Its mere statement is sufficient to establish its truth.

Mr. President, said Mr. C. I have given this subject much attention during the last seven or eight years; and I have long since formed the opinion that *the price* might be *graduated* with sufficent accuracy, *according to the time* the land shall remain in market, subject to private entry, reducing it periodically, till it comes down to the fair relative value. Property of any description will soon find a purchaser, when offered on such terms. If land will not bring one dollar and twenty-five cents per acre, when offered at public sale, to which all are invited by a proclamation of from three to six months; nor when the offer at private

each of which affords a strong indication of the relative value; that is, *to the field notes of the several surveyors, the locality of each tract, and the time the same may have been in market subject to entry;* and, to guard against possible losses to the Government in particular cases, *when they, or a majority of them, shall deem that necessary to ascertain the fair value,* those *public officers* are to determine it *by actual inspection.*

A few moments' attention to the several considerations, which the amendment proposes to make imperative upon the public officers to be charged with the valuation and classification, it seems to sible, to "compromise conflicting opinions." The bill, referred to the committee, embraced substantially the principle of valuation, by the officers engaged in the sale of the public lands, in connection with the time they might be market. The amendment carries out this principle, and prescribes more definitely the mode in which that duty shall be performed.

The amendment proposes to associate with t e register and receiver of each land district, the surveyor general, or such deputy as he may designate for that duty, for the purpose of valuing and assigning to four distinct classes, all the public lands that may have been offered for sale, and remain unsold, in the respective districts, "having due regard" to *three distinct considerations,* in all instances, tive value of the public lands in the old districts, which have been for a length of time in market, to be appraised, and classed into two or more rates below the present minimum price, *by the officers now employed in this branch of the public service,*" &c.

The Committee on the Public Lands, to which this part of the message was referred, were fully aware that objections to a graduation *by time,* and a preference for *valuation,* were not confined to the President, but equally entertained by a large number of the members of both Houses; and though, perhaps, a majority of the committee preferred the former mode, they have, in the amendment under c nsideration, adhered to the latter; in order, if possale is continued on the same terms for four or five years afterwards, it affords a fair and reasonable presumption, that it is worth less; and, without much risk of sacrificing the public interest, it might l e reduced twenty-five cents. If it will not sell for one dollar per acre for four or five years more, it is sufficient evidence that it is still less valuable; and, on this principle, reductions might take place periodically, without the hazard of material loss to the Government. Besides, I came to the conclusion, that this plan might be carried into effect with more ease, simplicity, and economy, than any other. These opinions, sir, are not yet changed; and left to my own election, and regarding the interest of the Government, as well as that of my constituents, I should still prefer it to any other.

But, sir, the President has been led to a different conclusion, and has suggested the expediency of "an actual valuation of lands, and classification of them into different rates;" and, also, "to cause the relative, will impress the minds of Senators with the practical fairness of the plan. It will be borne in mind that neither the bill nor amendment embraces that portion of the public lands which have not been offered and refused at auction. Both are expressly confined to lands which "have been offered at public sale and remain unsold" at the minimum price, and "at private entry four years"

"The field notes of the several surveyors," to which the officers engaged in the performance of the duty of valuation, are to have due regard, constitute one important source of information. The law upon the subject requires that "*every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs, and mill seats, which shall come to his knowledge; all water courses over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the surveyor general, who shall therefrom cause a description of the whole lands surveyed to be made out and transmitted to the officers, who may superintend the sales.* He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the said lands, describing the subdivisions thereof, and the marks of the corners. *This plat shall be recorded in books to be kept for that purpose. A copy thereof shall be kept open at the surveyor general's office, for public information; and other copies sent to the places of sale, and to the Secretary of the Treasury.*"

From an examination of this law, it will be perceived that, if the surveyor has faithfully performed his duty, there will be little difficulty in arriving at a safe conclusion as to the value of any public land, after it has first undergone the test of an auction sale, without finding a purchaser. If the surveyor has honestly and carefully noted all the "*mines, salt licks, salt springs,* and *mill seats; all water courses* over which the line he runs shall pass; and also *the quality of the lands,*" what more can be considered necessary to ascertain its value?

If any thing more be necessary to a correct valuation, it may be found in the precise "*locality* of each tract," and "*the time* the same may have been *in market,* subject to entry." This information, added to that derived from the "field-notes," ought to satisfy the most scrupulous guardian of the public interest. When the "quality" of the soil is known, with *its mineral properties,* and its "water privileges"—as some denominate them—and the proximity of the tract to towns, villages, navigable streams, or other facilities of transportation, and the tract has been four, eight, twelve, or sixteen years in market, subject to private entry, open to be purchased by all the world, and still remains unsold, the public interest will be in little danger if it be sold at any of the prices contemplated by the amendment.

But if, from any peculiar consideration, those officers of the Government should not be satisfied as to the value of any portion of the public land within the particular district, another clause of the amendment remedies the imperfection. They may resort to "*actual inspection,* when they, or a majority of them, shall deem *that* necessary to ascertain the fair value."

Under all these restrictions and qualifications, sir, can we not safely confide in the judgment, integrity, and circumspection of our own sworn officers, charged, as they are, with the management of this class of the public property? Two of the officers, the register and receiver, necessarily reside within the limits of the respective land districts, and, usually, at some central point. The third officer may be found in every land district, in the person of some deputy surveyor. Independently of the information which is open to them, on the records of the Land Office, and which it will be their duty to regard, they will possess a general topographical knowledge of the country. No material error can be committed, unless it be wilfully done. But, were there more danger of undervaluing than can be reasonably apprehended, will you cavil with the industrious and humble cultivator of the soil for the paltry difference of a few cents an acre, after you have in vain tried to sell it at auction, and have, for four years afterwards, found no one willing to give one dollar and twenty-five cents per acre? Sir, I most heartily wish this question could be carried home to the honest hearts and feelings of every American citizen. I would most cheerfully abide by their response.

But, sir, the guards of the public interest do not even stop at those I have mentioned. However inferior may be the quality of the soil, or the disadvantages of its situation, the first class below the minimum must have been four years subject to private entry before it can be bought at one dollar per acre; the second class must have been offered at one dollar, four years more, before it can be bought at seventy-five cents; the third class must have been offered four years more, at seventy-five cents, before it can be bought at fifty cents; and the fourth class must have been offered four years more, at fifty cents—making sixteen years in all, at the various periodical reductions—before it can be bought at twenty-five cents per acre. Nor can the act take effect, except as to those lands which the register and receiver of the proper land district, and the surveyor, shall, within twelve months after its passage, report to the Secretary of the Treasury to be of no greater value than the prices fixed in the manner before mentioned. And to guard against the danger of monopoly and speculation, *no person is permitted to enter, at the reduced prices, more than six hundred and forty acres,* or *one section,* in legal subdivisions, *in his own name,* or *in the name of any other person for his own use.* It is no part of the policy of the new States, nor is it the desire of their citizens, to obtain the enactment of any law that will either encourage speculation, or result in a monopoly of the public lands. They entertain the opinion that their wealth and strength consist in a numerous, free, and independent population; and they are too intelligent not to know that the best way to attain that object is to promote and encourage the interests of agriculture. An independent body of freeholders, and industrious cultivators of the soil, are not only always the best friends of freedom, but they furnish the indispensable means of subsistence, and the resources, which constitute the substratum of national prosperity, in every other department of business.

With such views and sentiments as I have justly ascribed to the citizens of the States, comprehending the public domain, is it remarkable that they should be dissatisfied, nay, sir, that they should even be restive, under the operation of laws which are in direct conflict with those opinions, and tend to defeat their accomplishment? By the report of the Commissioner of the General Land Office, made in January last, responsive to a resolution of the Senate adopted at the late extra session, we are informed there are 71,004,068.68 acres remaining unsold, which have been first offered for sale at auction, and then at sale by private entry, five years and upwards. Including the quantity which has been since offered at public sale, and now also subject to entry, the quantity is increased to more than 97,000,000 of acres.

But, sir, as the bill does not contemplate a reduction of the price, unless the land shall have been in market, at private entry, five years or upwards, I will confine myself to that class. By this report, it appears that more than 14,000,000 of acres have been in market twenty years and upwards, and, looking back to former reports, much of it has been subject to private entry twenty-five or thirty, and some of it even as much as forty, years! About 22,000,000 of acres have been in market more than fifteen, and under twenty, years; more than 16,000,000 of acres have been so offered for more than ten, and less than fifteen, years; and 18,517,802 acres for more than five, and less than ten, years; making the grand aggregate, before stated, of more than 71,000,000 of acres, which have not found a purchaser, though offered in every manner authorized by existing laws for five years and upwards.

However unreasonable a fixed and uniform price for lands, of every description and quality, may appear in the abstract, it operates with peculiar injustice and severity upon the Southwestern States, and the Territory of Florida. There, we have every variety of soil, from the most fertile, productive, and valuable, to the most sterile and worthless—alluvial, rich low grounds, mountains, and pine barrens. In Alabama, out of the quantity within her chartered limits, (estimated at about 34,000,000 of acres,) more than 29,000,000 have been offered for sale, and only about 10,000,000 have been sold—little more than one-third. In Mississippi, (omitting fractions,) 20,000,000 of acres offered, (exclusive of that in the Chickasaw country,) and only 9,000,000 sold. In Louisiana, of 6,000,000 offered, only 2,000,000 have been sold. In Arkansas, of 12,500,000 offered, only 2,000,000 have been sold. In Missouri, of 21,000,000 offered, only 5,500,000 have been sold. And in Florida, of more than 6,000,000 offered, there have been sold but 683,324—a little more than one-tenth! Do not these facts demonstrate the inequality of the soil, and the absurdity of one arbitrary price for all the lands in those five States, and the Territory of Florida? With the exception of Missouri, they all produce the great staple of the South, and, a portion of the country, the sugar cane. Regarding agricultural profits, health, and enjoyment, it is the finest climate in the world. We all know with what eagerness lands are sought in that region; yet, in twenty years and upwards, the Government has not been able to sell more than from

one-third to one-tenth of the quantity surveyed and brought into market.

Mr. President, as a large portion of the public domain was acquired by cessions from the several States which claimed Western territory, I have thought it well to look into the early proceedings upon the subject, to understand the inducements held out, and the motives which probably operated to produce those relinquishments. The earliest action of the Continental Congress seems to have had little or no reference to revenue, or profit; but to have been prompted by political considerations of much higher import. The first document emanating from that Congress, which I have been able to find, is the report of a committee, having manifest relation to discontents and jealousies amongst the States, threatening the peace and harmony of the Union, which was adopted on the 6th of September, 1780. In that report, it was advised and agreed "*to press upon those States, which can remove the embarrassments respecting the Western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire, without endangering the stability of the general Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members;* how essential to public credit and confidence, to the support of the army, to the vigor of our councils, and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people," &c.

On the 10th of October, of the same year, the Congress passed a resolution, declaring "that the unappropriated lands that might be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, should be disposed of for the common benefit of the United States, and *be settled and formed into distinct Republican States, which should become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States,*" &c.

By a resolution adopted on the 18th of April, 1783, Congress renewed the recommendations to the States contained in those of September and October, 1780, to make the liberal cessions therein recommended, "as a further mean, as well of hastening the extinguishment of the debts, *as of establishing the harmony of the United States,* &c." And, again, on the 29th of April, 1784, that body adopted a preamble and resolution, referring to those which have already been mentioned, alluding to the national debt, growing out of the war which had been happily terminated, and again resolving that the said States (having Western territory,) be earnestly pressed by immediate and liberal cessions, to forward these necessary ends (the extinguishment of the debt of the Revolution,) *and the harmony of the Union.*"

Now, Mr. President, although the extinguishment of the national debt is presented, in the two last resolutions, as an inducement to the cessions recommended, is it not apparent that other and higher considerations prompted the action of Congress? That subject is not distinctly brought to view in any of the other resolutions, while we find prominent, in all of them, patriotic expressions of sentiment in regard to *removing embarrassments arising out of territorial claims in the West, promoting the stability of the general Confederacy, establishing the Federal union on a fixed and permanent basis, and preserving the harmony of the United States.* These were the paramount considerations, which were again and again urged upon the patriotism and liberality of those States, having or claiming extensive territory. They were too large—they promised to be too powerful: hence the jealousies and apprehensions of the smaller ones, and the frequent and earnest appeals of Congress, to remove the cause which so much threatened our tranquillity at home, and our reputation abroad.

The resolution of October, 1780, also contains an *express pledge*, which is, perhaps, implied in all the others, that the territory which might be ceded or relinquished, should be settled and formed into distinct Republican States, which should become members of the Federal Union, and have the same rights of sovereignty, freedom and independence, as the other States; and, judging from what followed, the harmony of the Union and stability of the Confederacy being restored and established by the mere acts of cession, nothing remained to be done by this Government of as much interest to the ceding States, as the performance of this solemn covenant. Although all the States which relinquished territory, stipulated in substance that the lands so ceded should be considered a common fund, for the use and benefit of such of the United States as had, or should become, members of the Confederation, there is not an intimation that they shall be made, through all time, one of the great sources of revenue, much less that the most inferior should be sold at as high a price as the most fertile. If such an idea had then been suggested, as refusing a home on the public domain to those who had fought the battles of the Revolution, and, by blood and peril, achieved the liberty and independence of their country, or to their descendants, for a moderate price, or, perhaps, without any price at all, the enlightened and warm-hearted patriots, either in the councils of the States or the nation, would have revolted at the proposition. Sir, such a proposition would not then have been entertained; and if any who were members of Congress in those times of high-toned patriotism, were witnesses of the violent opposition now made to every measure tending to ameliorate and liberalize the terms on which the cultivator of the soil may obtain for actual use limited portions of the public lands, and the pertinacity with which some gentlemen hold on to every fraction of a dollar in the price, they would be filled with astonishment. No, sir: the amount of money to be realized from the territory relinquished, was not the chief or controlling incentive of the States which made the cessions. Whilst they refer generally to a disposition of the ceded lands for the common benefit, they stipulate for no special advantage to themselves: they content themselves with an equal participation in the fund to be derived from them. But, sir, they all show a laudable anxiety to restore and preserve the harmony of the Union, by putting down all controversy amongst the States about territorial claims, and to establish and build up other free, happy, and prosperous communities.

The State of Virginia, perhaps, relinquished more territory than all the other States in the Union; and in this, as in every thing else connected with the early history of our country, maintained that elevated character for patriotism, and that surpassing devotion to the harmony of the Union, and stability of the Confederacy, which particularly distinguished her whole course, as well in our public councils as in the field. In her act of cession, the very first inducement she mentions, and the one which doubtless had prevailing influence over her determination, was "upon condition that the territory so ceded shall be laid out and formed into States," etc. "and that the States so formed shall be distinct Republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States." The cessions of North Carolina and Georgia were made upon similar conditions. Indeed, sir, we have not even acquired territory by treaty with a foreign power, that did not look much more to extending and strengthening the Federal alliance than to any other consideration. The treaty with France, by which Louisiana was acquired, and the treaty with Spain, by which we obtained Florida, both contain positive stipulations that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." Nor would the States have tolerated the acquisition of territory on any other terms. If the General Government had proposed the purchase of land for the mere purpose of selling it for profit, or for any other purpose than that of adding new members, and giving increased strength and stability to the general Confederacy, the proposal would have been, at any time, I have no doubt, indignantly rejected.

Now, sir, every leading inducement which was held out by this Government, or influenced the States to make relinquishments, has been accomplished. The debt incurred by the war of the Revolution has been extinguished. All the conflicting territorial claims, which threatened the peace and tranquillity of the Union, have been settled, and harmony has been restored. New States have been formed out of nearly all the territory acquired from the original ones, or from foreign Governments, and admitted into the Union. From thirteen States, and three millions of inhabitants, we have become twenty-six, and number fifteen millions of souls. From a few feeble colonies, we have grown to be a powerful confederated Republic—rich in resources, intellectual and physical, agricultural and commercial. Is this a time to palter about "the ninth part of a hair" in the sale of the public domain? Is this a time to wring from the hard hands of the laborious and industrious farmer and planter, who have been driven from the more fertile portion of the public lands by the rich capitalist, exorbitant prices for those of the most inferior quality?

Sir, the acts and resolutions for the admission of the new States invariably declare that they are "admitted into the Union *on an equal footing with the original States, in all respects whatever.*" Yet we have been required, before admission, to agree and declare, "by an ordinance, irrevocable without the consent of the United States," that we "forever disclaim all right and title to the waste and unappropriated lands lying within" our limits; "and, moreover, that each and every tract of land sold by the United States, (after the formation of our respective constitutions,) shall be and remain exempt from any tax, laid by the order, or under the authority of, the State, etc. for the term of five years, from and after the respective days of the sales thereof, etc." "and that no tax shall be imposed on lands, the property of the United States," etc. Thus we are *denied the right to dispose of the unappropriated lands, and denied the right to tax them, whilst they remain the property of the United States, or for five years after they are sold!*

How far it is correct that we have been placed "on an equal footing with the original States, in all respects whatever," it would perhaps now be unprofitable to inquire. I should be sorry to suppose that the mistaken policy of this Government will ever impose upon the new States the duty of raising that question. Whether "the original States exercised the right of "eminent domain," or *the power of taxation*, gentlemen can determine for themselves; but it is very certain that, although the new States have hitherto submitted to the restrictions imposed upon them, as the price of their undeniable right of admission into the Union, they have not always been insensible to the hardship; nor have they always acquiesced in the compatibility of such terms with the acts of cession. It is true the people of the Territories, which have since been admitted as States, at the close of their minority, through their representatives in their several conventions, assented to the terms required of them, if not expressly, at least by implication, to entitle them to admission. So, sir, the youth who has just attained full age, would oftentimes consent to almost any conditions his guardian might prescribe, in order to get possession of his estate; but, to say the least, how ungenerous would be the guardian who would exact conditions, involving great sacrifices in such a case; and how much more so, if he afterwards enforced them with a hard hand!

We have seen, Mr. President, that the United States undertook, substantially, in every instance of the acquisition of new territory, to *form* and admit new States out of the same, as soon as possible, according to the principles of the Federal Constitution, or, at least, *in a reasonable time.* To carry this undertaking into effect, just and fair legislation, on the part of Congress, was necessary. To have forbidden settlements within the limits of the territory thus acquired, absolutely, would have been a palpable violation of the compacts with the old States. A State could not be formed without inhabitants; the law, it is maintained, interdicted settlement before purchase; consequently, inhabi-

tants could not be had without a sale of lands. To have refused to sell altogether, would have violated the compacts; to have fixed a price at which the land would not sell, would have been equally repugnant. Nay, sir, the establishment of prices above the fair relative value of the lands, would necessarily have tended to retard the settlement of the country, and have delayed, unreasonably, the formation of States, and would, therefore, have been at least *a violation of the spirit of the compacts.*

Was the General Government released from the obligation to sell *in a reasonable time* and *on reasonable terms*, by the admission of the new States? No, sir, there is no change of the duty of this Government, in that respect, either made or proposed in the acts of Congress authorizing or sanctioning the formation of State Governments. The undertaking to build up and form new States, so far as the disposition of the public domain is concerned, is left in full force. By the compacts of the new States with this Government on their admission, as we have seen, they are restrained from all interference with the primary disposal of the unappropriated lands, and they are expressly agreed to "be and remain at the sole and entire disposition of the United States." The obligation of the General Government is even made stronger by the inhibition imposed on the exercise of sovereignty by the new States, as to selling and against taxing lands sold by the United States, for the term of five years after the day of sale. To prevent the settlement of the public lands retained by this Government without first purchasing them, and virtually to prohibit purchases, by fixing a minimum price amounting to double, and, in many instances, more than fourfold, the relative value, would be, to my mind, a manifest breach of good faith. By the ordinance organizing the Territories northwest of the river Ohio, afterwards applied to the others, (with the exception of the article against slavery,) it was stipulated that, whenever any of them should have sixty thousand free inhabitants, they should be at liberty to form a permanent Constitution and State Government, and be admitted into the Union. With little greater population, most of the new States have been admitted. Concede to this Government the power which I am controverting, and let it be exercised, and the population and resources of the new States might for ever remain stationary. But, sir, I cannot suppose that any gentleman who will examine the compacts can place such a construction on them. If this Government was bound to afford all reasonable and just facilities for the settlement and improvement of the Territories, that they might commence State Governments, having retained the power over the public domain, it is bound, in good faith, to continue its exercise in such manner as to facilitate their continued population and improvement till they shall have attained full maturity.

Mr. President, independent of the obligations imposed upon the General Government, by the terms of the compacts with the ceding States and with the new ones, a just and liberal policy toward the latter, demands a reduction of the price of inferior lands. We have seen from the report of the Commissioner of the General Land Office, made at the present session, that the sales of public lands at auction and private entry, for the entire period of the cash system to the 30th September last, have only averaged $1 27 4-5 per acre. Those sales have embraced the most fertile and valuable portions of the public domain. Within that period, (as prosperous as any we have known,) nearly all Alabama, Mississippi, and parts of Louisiana, including the finest cotton region of our country, or perhaps in the world, have been in market. Of 122,512,384, offered for sale, since the commencement of the cash system, 61,296,410 have been sold. Hence, the average stated may be considered a fair price for all lands of the first, or approximating the first quality. It may be considered *the maximum value, whilst the law makes it the minimum price.*

The entire quantity of public lands which has been offered for sale, *from the earliest period to 30th September last*, is 172,374,470 acres; and the whole quantity disposed of, at public and private sale, but 75,025,055 acres; leaving, as before stated, 97,349,315 acres subject to private entry; no purchaser having yet considered it worth the present minimum! Why does this large proportion remain unsold? Compared with the lands generally, which have been sold, it doubtless has equal advantages in all respects, except fertility. It is dispersed throughout the *old*, as well as the *new* settlements; and, consequently, may be regarded, generally, as equally healthy, equally convenient to trade, and possessing equal facilities of transportation. The true answer to the question I have just propounded will be obvious to all: it will not sell for the minimum price, as the other portion has, because it is not worth it. It is owing to the difference of intrinsic value. It is not only inferior in soil, but much of it is totally without value, according to documentary evidence which has been on your files for nine years. In the year 1828, the registers and receivers of the several land districts were called upon by the Secretary of the Treasury to report the quantity of land subject to entry in their respective districts, and its quality and description. The result was, as to the aggregate, 74,358,881 acres, of which 28,247,000 acres, being more than one-third, were *unfit for cultivation!* The same proportion of what is now subject to private entry, would amount to more than 35,000,000 of acres, *unfit for cultivation!* And yet the never varying uniformity of price presupposes that all lands must at least be worth a certain fixed sum!

Mr. President, is not the principle adopted by this Government, in relation to the sale of the public lands, altogether anomalous? What other vendor ever held land, or any other description of property, to be of the same value, and at the same price, without regard to quality? If an individual who holds lands bordering on the Mississippi or Red river, and also others, consisting of sand-hills, pine-barrens, or rocky mountains, were to demand, inflexibly, the same price for each quality, would not all the world impeach his understanding, or his judgment? Are all domestic animals of the same species, necessarily of the same value? How profound would that man's judgment be considered who would appreciate as highly the coarse dray-horse, as the fleet courser, or the war-horse! If a merchant were to demand the same price for all goods manufactured of the same kind of material, without distinguishing between *lawn* and *osnaburgs*, or between *broad cloths* and *kerseys*, the absurdity of his conduct would be universally denounced. Can that be wise in a Government which would subject an individual to the just charge of folly or madness?

Sir, a reduction of the price of the refuse public lands is not only demanded by justice to the people of the new States, but also by expediency in reference to the interest of this Government. At the present minimum, very little of the land now subject to entry will sell in many years, and much of it never will. It is better for the United States, even as regards the amount to be received, to sell at half the price established by law, than to keep it on hand for eighteen or twenty years. Of the 71,000,000 of acres which have been offered, without selling, for five years and upwards, and intended to be reached by this bill, it is probable 50,000,000 would sell for enough to average half the present minimum; say 62½ cents per acre. The aggregate sum produced at this rate, on the quantity supposed, would be $31,250,000; the interest on which, in about eighteen years, would make it equal the price demanded by the existing law. Some of it may be sold in less time; but a great proportion of the 50,000,000 of acres which I have supposed might now be sold at some price, will not sell at $1 25 per acre within thirty or forty years. An immediate sale, then, at half the present minimum, would not only be consistent with the pecuniary interest of the Government, but it would convert barren wastes into more or less productive fields, and thus add to the general resources and prosperity of our country.

Whilst the interest of the General Government is not advanced, the effects of the present policy on the prosperity of the new States is highly injurious. It greatly retards, if it does not entirely prevent, the population of large portions of their territory. Not being worth the present minimum, no one is willing to purchase the inferior lands; and few are willing to go upon them and make such improvements as would give them increased value, sufficient to induce some heartless speculator to enter them over their heads, and rob them of the fruits of their labor. The few who do go upon them may be regarded as mere itinerants. Knowing the uncertainty of their tenure, they make no improvements of a permanent character; they cut down and destroy the timber, without regard to economy, and they cultivate the soil merely for temporary convenience, having no interest in its preservation. The tendency of this mode of settlement and cultivation is to exhaust and impoverish, instead of adding any thing to, the permanent wealth and prosperity of the country. In the mean time, the right of taxation is suspended. Is it astonishing that the new States are dissatisfied or impatient, when their legitimate resources are thus crippled, or entirely cut off? And are not those of the Union also injuriously affected? Suppose the great Valley of the Mississippi were still a wilderness, unsettled and unimproved by the arts of civilization, how much would it not diminish the wealth and strength of this great Confederacy! Take away the *four millions of souls*, who now inhabit that region, and the rich products of their labor, industry and ingenuity, and what a hiatus it would occasion in the now mighty resources of our Government! Yet the soil would be there, in all its native richness. Sir, it is not vacant, unpeopled, and unimproved territory that constitutes the strength or greatness of any country: it is a numerous, virtuous, intelligent and enterprising population, with their agriculture, their commerce, their mechanic arts and their manufactures, constituting, at the same time, its wealth, and its best bulwark of defence. Give to the new States a hardy and industrious population, instead of your waste lands; and whilst you increase their strength and prosperity, you will add to those of the Union.

Put your refuse lands at their fair relative value, and you give homes to the honest and industrious poor, who have been unable to enter, or have been driven from, the field of competition with men of large capital, and still larger credit. By thus giving them an opportunity to acquire a permanent interest in the soil of their country, you will stimulate their industry and enterprise, and increase their usefulness as citizens. Nor will this liberal and enlightened policy inure exclusively to the benefit of the new States, or of their present inhabitants. No, sir: it will not only bring millions into your Treasury which can never be realized under your present system, but it will open the door through which thousands of the laboring classes and humble tenantry of the old States may acquire comfortable homes for their families, and enjoy the proud independence of freeholders. If gentlemen could see, as I have seen, the vast difference—the almost magic change—wrought not only on the face of the country, but in the character of its population, by converting mere occupants into fee simple proprietors of the soil, I am persuaded they would no longer hesitate as to the expediency of the proposed policy. They would see that not only the new States, but the Union at large, would gain by making unqualified donations, rather than by continuing these refuse lands a part of the public domain. But, sir, I repeat, we do not ask donations; the bill proposes no gift; we only ask that this class of the public lands may become individual property at their fair relative value. If that cannot be ascertained under the provisions of the bill, nor amendment, offer us a better plan; and, if it be a valuation by actual personal examination of every eighty acre tract, we shall not object. We ask for justice—no more. Deal with us as friends and brethren of the same great political family, and we shall be content.

The following are the resolutions of the old Congress, referred to in the foregoing remarks:

[No. 1.]

WEDNESDAY, Sept. 6, 1780.

Congress took into consideration the report of the committee to whom were referred the instructions of the General Assembly of Maryland to their delegates in Congress, respecting the articles of Confederation, and the declaration therein referred to; the act of the Legislature of New York on the same subject, and the remonstrance of the General Assembly of Virginia; which report was agreed to, and is in the words following:

That, having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the General Assembly of Maryland, or of the remonstrance of the General Assembly of Virginia, as they involve questions, a discussion of which was declined, on mature consideration, when the articles of Confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those States which can remove the embarrassments respecting the Western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils, and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the respective Legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before mentioned act of the Legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that State, the impediment arising from the Western country, and for that purpose to yield up a portion of territorial claim for the general benefit. Whereupon,

Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the Legislatures of the several States, and that it be earnestly recommended to those States, who have claims to the Western country, to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstable to a final ratification of the articles of confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.

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[No. 2.]

TUESDAY, October 10, 1780.

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred, since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed; that the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

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[No. 3.]

FRIDAY, April 18, 1783.

Congress resumed the consideration of the report on finance, and the following paragraph being under debate:

"That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the States which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to territorial cessions, to make the liberal cessions therein recommended; and to the States which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance."

Which was afterwards agreed to.

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[No. 4.]

On the 29th April, 1784, Congress passed the following additional resolution:

No. 25. Congress, by their resolution of September 6, 1780, having thought it advisable to press upon the States having claims to the Western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October, in the same year, having fixed conditions to which the Union should be bond on receiving such cessions; and having again proposed the same subject to those States, in their address of April 18th, 1783, wherein, stating the national debt, and expressing their reliance for its discharge on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6th, and of October the 10th, 1780, which several recommendations have not yet been complied with:

Resolved, That the same subject be again presented to the attention of the said States; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners: these several creditors have a right to expect that funds shall be provided on which they may rely for the indemnification; that Congress still consider vacant territory as an important resource; and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union.

CUMBERLAND ROAD.

REMARKS OF MR. RARIDEN,

OF INDIANA,

In the House of Representatives, April 12, 1838—

The "bill making appropriations for the continuation of the Cumberland Road through Ohio, Indiana, and Illinois," being under consideration—

The question pending was the motion of Mr. UNDERWOOD of Kentucky, to recommit the bill to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill to provide for the surrender of said road to the States through which it passes.

Mr. RARIDEN rose and said, that living in, and representing, a district of country through which this great national work passed, he must naturally be supposed to feel a very deep interest in every thing which was done or said in this House in relation to it; and he hoped his situation and feelings would be a sufficient apology for the time he might occupy in giving the House his views upon it. He regretted exceedingly that the proposition to recommit the bill, with the proposed instructions, had been made, and especially from the quarter whence it came; and that regret was by no means diminished by the avowal of the gentleman, that his proposition was retaliatory. Sir, asked Mr. R. could not the gentleman have sought out measures of this Administration less identified with his political friends and himself as a Western man, to wreak his resentment upon, and have saved his friends, and a measure much endeared to many of them? Mr. R. thought he could, and he did hope the gentleman would reconsider; and that what vengeance he had in store for the baffled hopes of the Portland Canal, might fall upon the heads and measures of his opponents, and of the opponents of this favorite measure of Kentucky.

Mr. R. proposed to go into a very brief account of the origin of that great national thoroughfare, and the considerations which the supposed governed the thoughts of those who then controlled the destinies of this great Republic, in regard to it. It should be borne in mind, said he, that, in 1803, the United States had acquired Louisiana, a great cotton growing country. It was then comparatively a wilderness; so was the entire region west of the Ohio river. Each might be made capable of producing, and be made auxiliary to each other, and to the whole nation, in producing products for foreign markets, as well as domestic consumption, by the adoption of a liberal and enlightened policy towards them; and it became very important, in bringing about this end, to adopt such a course as would facilitate emigration and people those countries. This could be done only by opening a way, and by creating facilities of commerce and intercommunication between the emigrant and his fatherland. This road was the expedient wisely hit upon to produce this result. By an act of Congress of 1806, sanctioned by Mr. Jefferson and his Democratic friends, provision was made for its survey from Cumberland to Wheeling; and this, too, at a time when the Revolutionary debt and the Louisiana debt was upon us, and our revenue very inconsiderable.

Well, sir, we went on from year to year, after the road had been commenced in 1810, till the present time, while the country was undergoing every vicisitude of fortune, peace and war, of scarcity and plenty. Yet at all times, and under every Administration, and every party which has held the reigns of power, this work has gradually progressed, and been considered of national importance. It has long since been finished to Wheeling. The way thus opened, and the facilities thus created, had the desired effect. The Western wilds became peopled with an industrious and enterprising population, its wilderness was converted into fruitful fields, and the avails of its industry were visible throughout the nation. The public lands for which a market had been created by Western enterprise, found their way into the National Treasury, and from thence into lighthouses, breakwaters, harbors, navy yards, &c. &c. This is not all sir. By this policy the West had become, as had been predicted by the projectors of this work, the fountain of Southern subsistence. The whole force of the Lower Mississippi valley was directed to the production of cotton, that great staple and inlet of national wealth. The West made the bread and meat which entered into its production, and the South finished the process, and paid us our portion. This, sir, said Mr. R. is what he supposed was in the contemplation of the patriots who projected this road to bring about. How their anticipations have been realized, and more than realized, let the present condition of the West and the Southwest bear witness. Let the unparalleled increase of Western and Southern production, and their effect upon the national income, speak for the wisdom of our fathers upon this measure. Well, sir, in 1818 the United States had acquired the lands through which this road would pass, through Indiana and Illinois, to the bank of the Mississippi, nearly the whole route; and in 1819 also had made a very large augmentation to its cotton-growing land, by the acquisition of East and West Florida. These two considerations induced the Government to extend the survey of the road from Wheeling, through the seats of Government of Ohio, Indiana and Illinois, to the left bank of the Mississippi, and to make appropriations to commence its construction in Ohio, looking to that point on the Mississippi. When this was done, the lands in its vicinity, in those States, the main part of which were owned by the Government, were much sought after from the enhanced value which their proximity to this thoroughfare gave them: they were all bought up. Lands which had little or no other value than their connection with the road, and which, without it, would have remained unoccupied and unbought for fifty years to come, were purchased and repurchased at enhanced prices. During this time, while the sales of Government lands was going on the road was going on. Every year you gave it its accustomed appropriation, as if the Government really intended its construction without a word of opposition, save the fashionable, stereotyped, constitutional objections which a few always professed to hold. The States through which it passed had no choice or agency in its location. They had to adjust and conform their State roads and other works to it as the great column of internal communication, plantations were adjusted to it, houses and towns sprang up like magic, and property rose to a value commensurate with the brilliant destiny of a country through which a wise and munificent Government had projected this monument of its justice and wisdom, and evidence of its parental regard. The process did not end here. The Government receipts did not end with the exhaustion of the lands upon the margin of the road. No, sir. The road only became the base of settlements, which extended north and south, till they absorbed the greater portion of the Government lands. And in this manner, and by this stimulant, were those lands converted into money, and the money appropriated to the use of the nation. The Western people do not complain that they had to pay for those lands, but that in the selection of homes for their families for life, their locations were determined by the just expectations created by the action of the Government in regard to the conveniences and facilities in prospect. They supposed its action to be in good faith, with a view to the consummation of the object indicated by its action, and they accordingly selected their homes. And now, sir, are they to be at this late day told, that the Government is not committed to this great work? Mr. R. said he would not discuss the power of the Government to commence and prosecute it. If thirty years' action—if the sanction of Jefferson, Madison, Monroe, Adams, and Jackson, and their advisers—if the uniform legislative sanction of fifteen successive Congresses had not placed the power out of controversy in the minds of some gentlemen, he confessed he despaired of doing it.

But some gentlemen tell us that they yield the power to Congress, but consider it inexpedient, at this time, to make an appropriation on account of the poverty of the Treasury. He would say a word as to the acts by which he considered the Government committed to the States, and the citizens of the States through which this road passes, to its completion, saying nothing of the original compact with the new States. The good faith of a Government is more than a bond: although there is no legal power of coercion to the fulfilment of the just hopes created by its acts; yet there is a moral power acting upon its agents, deemed by the

wise more efficacious, to which the injured or neglected are directed to look, with confident assurance, for the fulfilment of all the obligations expressed or implied from previous action affecting their interest. Well, sir, the location of the road from the Ohio to the bank of the Mississippi, with an appropriation to construct a part of it from the Ohio west, is an undertaking to finish it, when taken in connection with the action and course of the Government in locating and constructing that portion of the same road eas of the Ohio. But this is not all, sir; the Government afterwards promises that this road shall pass through the seats of Government of Ohio, Indiana, and Illinois; and, as if to make every thing certain, it sends its agents along the line, and procures releases of all damages which might be claimed for injuries to private property, and a cession of the necessary stone and timber for its completion, a great portion of which is now strewed along its borders.

This is not all, sir. When the Government wished to rid itself of the burthen of keeping the finished portion of the road in repair, it stipulated a large amount to the State through which it passed for present repairs, and another amount to another State, to finish another portion of it before the State should be requested to accept its charge This looks very much like the Government felt itself under an obligation to finish the road through those States at least. If those acts are not deemed sufficient to imply a promise to the new States that the road would be finished through them, as it had been begun, then I refer you to its acts, in connection with the road, for thirty years, to the quantity now finished, and the quantity half finished, extending very nearly from the east side of Indiana to Vandalia, with the materials in a half prepared condition to go into the work now lying upon its margin. If those things, taken together, do not amount to a pledge of sovereign faith, that the road shall be finished with convenient speed, I can conceive of no acts that would: acts and conduct more equivocal, in private life, would be deemed by an honest jury sufficient to fix liability upon a jockey, who had violated the understanding which they implied.

But to the expediency of making this appropriation at this time, considering the poverty of the National Treasury.

Sir, this road has been in account with the Treasury for thirty years. Since its commencement the nation has passed through an expensive war with one of the greatest powers of Europe; yet, in that time, or since, I have never heard that this cause was urged against an appropriation till now. What, sir, shall we be told we have millions to squander in voyages of discovery, and nothing to expend in knitting and uniting the members of this Confederacy together? Shall we be told that a preceding Administration, called prodigal, with an income not more than the present, could appropriate more than ever had before been, or has since been, to purposes of internal improvement, defray all the expenses of the Government, and pay ten millions annually into the sinking fund, for the extinguishment of the national debt, and still have a surplus left to corrupt the nation; and yet that this economical Administration, without a national debt to pay, with an equal income with the preceding one, and with a loan of ten millions in the way of Treasury notes, and another of the same or greater amount in anticipation within the fiscal year, cannot spare this small sum to this work? If this be true, and the real ground of opposition, he could only say it was a poor account of the economy and financial skill of those who administer our affairs. But a few words more, and I am done. I live on this road, and have observed its progress step by step with great interest for a few years past. Its operations have been managed with skill and fidelity, and with as much regard to economy, perhaps, as the extended operations upon it would allow of. The greatest fault is here: the lateness and smallness of the annual appropriation, causes it to cost the Government at least thirty per cent. more than it would, if the annual appropriation were larger, and made at earlier periods of the season. The time or amounts does not allow portions worked upon to be finished, and that which is done by labor in the summer, is undone by the frosts in the winter, and travel in the spring; and at this time, sir, through Indiana, though graded, it is impassible. Your mails cannot be transported upon it with any tolerable speed or safety, single horsemen find it difficult to pass, and yet its margin is strewed with materials going to waste, waiting the action of this House only to assume the place of usefulness in the road. It has not been long since the mail stage drove off a dangerous temporary bridge, thrown over Blue river, on this road, and greatly hazarded the lives of a number of persons. Of all things, the like of this should be provided against: those rivers, should be bridged, materials at least should be collecting preparatory, that the luxury of stage riding, and receiving early news of events, should be indulged to the same extent, and in the same safety, in the West, that it is in other portions of the world, where less is done to enrich the country than there.

The engineer charged with this work estimates five hundred thousand dollars for Indiana on this road; and I do conscientiously believe it would be economy and justice united, to appropriate this sum. Then the water courses could be immediately bridged, and a large portion of the road finished and ceded to the State, to be maintained and kept in order; then the mails could be transported with less cost and less hazard of human life; people could travel with comfort, and the West would look to that high destiny to which the enterprise, intelligence, and industry of its people is rapidly tending. But, sir, make the appropriation upon this road but little more than sufficient to repair the ravages of the winter and travel of the spring, as many seem disposed to do, and you will keep the Treasury always paying, and the road repairing and stationary. I ask this House if the Government does not owe it to those States through which this road passes, to prosecute it vigorously to final completion? Was not this expectation a stimulant to the purchase of wild lands? Has it not already been the means of bringing millions, directly and indirectly, to the National Treasury, which otherwise would never have found their way there? Has it not been the means of stimulating western and southwestern production, so as to make them together a rich mine to the nation? These questions must be answered in the affirmative. Then, sir, would it not be a gross fraud upon the purchasers of those Government lands, now to delay unnecessarily, or to abandon this work? It certainly would. I go further. Large amounts have been invested in houses, plantations and towns, upon the margin of this road, at prices greatly beyond their value, unconnected with it and its prospects, upon the faith that the Government was in earnest in the acts indicating a purpose to carry out the measures begun. Would it not be a fraud upon them now to suspend, or delay the work? I think it would. Have any of the American people been taught to expect impositions and frauds of this character, at the hands of the Government? No, sir: they have been taught to venerate its justice, and to admire its stable pursuit of all the great measures to which its sovereign faith has been committed by act or deed. Let them not be disappointed in this measure.

One other suggestion: think for the minute of the relation this work has ever been made to bear to the interests of the General Government, instead of the State Governments and the people of the States through which it passes. When was the interest, the purse, or cost, of the States consulted in its location, its commencement, termination, or construction? Not at all. It has been prosecuted thus far exclusively with a view to the business and subjects in the care and keeping of the General Government. The interest of the States through which it passes has upon no occasion been consulted in any thing in relation to it, as would have been had its location and construction devolved originally upon the States. And now, sir, would it be common justice for the United States to abandon it to the States in its unfinished condition, still retaining extensive privileges and immunities in its use, and expect the States to finish it according to the original plan, and maintain and keep it up for the common use of each? Mr. R. said he considered such a proposition disreputable to the General Government, and should not for a moment be entertained by Congress; and to abandon the road now to ruin, or to permit operations to be suspended upon it, would show an irresolution and instability in the administrators of the Government in the prosecution of a great national object, unworthy of the people they represent. He would not for a moment entertain such an idea, so humiliating and so fraught with mischief to the prospects of those who have expended their all upon the margin of that road, in the confidence that the Government was not alluring them to poverty and destruction. He would not entertain the idea, for a moment, that the immense treasure already expended, the effect of which is, in the present condition of the road, to make it worse than before it was began, should be wasted, and that the stone and other materials now lying upon its margin, prepared for those permanent superstructures like those which ornament it in the old States, should be set at nought and waste. He importuned Congress to act speedily and liberally upon this measure. Such a course would, he said, be worthy of the great and good spirits who had projected this work, and bequeathed it to the West as the means of commerce and communion with their Atlantic friends.

Mr. R. said he had now urged upon the House all the considerations which occurred to him to induce its speedy and liberal action; and had only to say further, that both justice and economy require a speedy and liberal appropriation for this work.

REMARKS OF MR. BOON,
OF INDIANA,

In the House of Representatives, April 17, 1838.—The bill to remove the walls of the new Treasury building being under consideration—

Mr. BOON said he had a very few words to say, and that most of what he might say would be in reply to what had been said by the gentleman from South Carolina who first addressed the committee, [Mr. THOMPSON,] to whom, Mr. B. said, he always listened with the most profound respect and attention. That gentleman had, in the course of his remarks, stated that the whole people of the country had been reduced to a state of starvation by the misrule of the late and present Administrations of the General Government. Now, Mr. Chairman, not knowing, I will not presume to say any thing as to what may be the situation of that gentleman's constituents, but I have the gratification to know, that that portion of the people I have the honor to represent on this floor, are not only free from starvation, or even want of ample subsistence, but they have annually a very large *surplus* on hand. Sir, the State of Indiana exports yearly an average surplus of the products of the State, an amount much larger than that consumed by her own citizens. This, to me, does not look much like a state of *starvation*.

But the gentleman from South Carolina had alluded more particularly to the poverty and distress of the people of New York. Now, said Mr. B. it is not my province to defend the people of New York from any reproach that may be made upon her, while she has on this floor so respectable a number of Representatives, who are far more able to defend her interests here or elsewhere than I am. I recollect that, during the *panic* season in the recess which intervened last fall between the called session and the commencement of the present session of Congress, that some "Whig" charities were extended to the suffering poor of New York city for political effect; and I recollect, too, that about the same time a *ten dollar* Whig dinner was got up in New York in honor of a distinguished gentleman from the State of Tennessee! Of what kind of ingredients the dinner was composed or made of, I do not know, but the facts of the case show that there could not have been the actual *distress* in New York complained of by those who are opposed to this Administration. So much, Mr. Chairman, for the starving condition of the people of the country in general, and of New York in particular.

Sir, said Mr. B. as it relates to this most extraordinary proposition to pull down and rebuild the new Treasury building, the reasons which have just been so forcibly urged against the measure by the gentleman from South Carolina, [Mr. PICKENS] who last addressed the committee, render it unnecessary for me to add any thing more on that head. The honorable member from Massachusetts, [Mr. LINCOLN] who is a most zealous advocate of the measure proposed, has fully acquitted the President of the United States from any and all blame whatever in the misconstruction of this building. Mr. B. himself wished to go one step further in this matter. He wished every friend of the Administration to refrain from assuming any portion of the responsibility of this waste of the public money. If this project was to be persisted in, he was desirous that the Opposition should take upon themselves the whole credit of the measure, and the responsibility of the waste of the public money; for, should this project be carried out, it would hereafter be referred to as one of the gross follies of this Administration, and a waste of the money of the people. The proposition now pending before the committee is to strike out the enacting clause of the bill. Should this proposition fail, and there should seem to be a determination to pass the bill, Mr. B. remarked that he might feel it his duty to offer an amendment to the bill, providing that the building shall be erected in the city of Cincinnati or Louisville, in view of the removal of the seat of the General Government west of the Alleghany mountains.

Sir, said Mr. B. if we are to pull down the work of one architect, upon fault being found by another architect who may want a profitable job, there will be no end to putting up and pulling down of public works. The first reasons that I heard assigned for pulling down the new Treasury building were given by gentlemen of taste, upon the ground that the building, when completed, would obstruct the view of the President's House from a certain quarter of the city; but these reasons not being considered quite sufficient of themselves, it is now assumed that the building will fall down under its own weight.

EXPLORING EXPEDITION.

REMARKS OF MR. CRARY, OF MICHIGAN,

In the House of Representatives, April 10, 1838—On the motion to reduce the amount of the appropriation for the naval service, for the purpose of putting an end to the South Sea Exploring Expedition.

Mr. CRARY said he did not know what could be the object of the gentleman from Virginia, [Mr. MERCER,] in bringing the character of Commodore Jones into this discussion. From the correspondence between that officer and the Navy Department, every gentleman in the House would form his own opinion. The gentleman from Virginia might come to one conclusion, and Mr. C. to a very different one. No one had yet attacked the character of Commodore Jones; but if the matter of eulogy was to be carried any farther, there were those who would attack it. Mr. C. was of the number; but in so doing, he had no wish to take from Commodore Jones any of the laurels he had won for past services. He could join in praise of them with as much good will as the gentleman from Virginia.

Mr. C. said that the law of 1836 declared the object of this expedition. It was to visit the Pacific ocean and the South seas, and when there, it was to be employed in surveying and exploring. It was advocated by the gentleman from Massachusetts, [Mr. REED,] on the ground of the immense amount of our commerce in those seas. It was said by that gentleman, and another gentleman from the same State, [Mr. PHILLIPS,] that we had constantly employed there some four hundred and fifty vessels in the whale fishery; that this fleet was manned by upwards of ten thousand men, and cost, with their outfit, about twelve millions of dollars, and were estimated to be worth, when their voyages were completed, twenty millions of dollars. This expedition was designed to aid this commerce, by procuring regular maps and charts of those regions; by ascertaining the character of the tides, currents, and dangerous reefs; by establishing permanent relations with places where our trade was now limitted and uncertain; by seeking for, and restoring to, their homes and families, those American seamen who had been unfortunately left or cast away upon shores inhabited by a race of savages; and, incidental to all these objects, it was expected that some attention would be paid to the great cause of natural history and science generally.

After much discussion, the advocates of the measure succeeded in convincing the House of its importance. The Executive was authorized to send out "a sloop of war and such other smaller vessels as might be necessary and proper, to render the expedition efficient and useful." President Jackson, in consequence of the past conduct of Captain Jones, called him to the command. The conduct of this officer from that time plainly manifested that his object was to make this a great and magnificent expedition, such as should secure to him lasting renown, and give him, not only a great and dazzling name among his own countrymen, but with the whole civilized world. He looked for his recompense in a wreath of amaranth. Had he confined his views simply to the objects proposed by the House, the squadron might have been at sea long ago. But this would not satisfy his ambition and his vanity. He must have a body guard of scientific men from all "of the most celebrated institutions of the country" to catch birds and flies, toads and fishes. This was all very pretty. There were men in the country who would be delighted with an account of the butterflies that sip the nectar of the flowers that spring up on coral rocks, or of the plumage of a bird that spreads it wings over a far off sea. It was very well to take advantage of so favorable an opportunity to augment the stores of science, but that object should have been only incidental and subordinate to the great purpose of the squadron, which was that of surveying and exploring in the latitudes of an almost unknown sea.

Mr. C. said that he was not originally in favor of this expedition, because he thought we had other and more important objects to attend to nearer home. He wished to have the survey of our own coast completed, so that the attention of the Government might be turned to the great lakes and rivers of the interior. Judging from what had already been done, the survey of the coast by triangulation would not be terminated in the life time of the man at the head of that business; even though he should live the full period of a century. He knew that there were men in the country amply qualified to take a leading part in this great work, and he wished to see them brought forward, that they might remove from it the veil of mystery. It was but a science, and could be learned by any school boy with a few months of application.

He thought the blame for the delay of the expedition lay between the Secretary of the Navy and Commodore Jones. The Secretary was the ostensible head of the Navy Department; but if he were to express the opinion that he had often made known to his particular friends, he should say that the Department had not any head at all. That officer had plainly shown himself not competent to his place by allowing himself to be rode over by the commander of a squadron; and it was Mr. C's belief that the sooner he retired to the walks of private life, the better it would be for the naval service. For his own part he believed the fault was chargeable on them both. Sure he was that Commodore Jones had given the expedition a too scientific character.

[Mr. MERCER here interposed, and said that Commodore Jones had no more to do in fixing the scientific character of the expedition than the gentlemen from Michigan.]

Mr. C. resumed, and reminded the gentleman from Virginia and the House that Commodore Jones had made it a *sine qua non* that no one of the commanders of the smaller vessels should have a scientific duty assigned to him. As early as the fall of 1836, the Commodore threatened to resign, because the Secretary of the Navy intimated an intention to appoint Lieutenant Slidell to a command, and at the same time confer on him the office of historiographer. At a later period, he had been greatly outraged in his feelings, because Lieutenant Glynn was offered, and accepted, the appointment of geographer and hydrographer.

[Mr. MERCER here again insisted that the enlargement of the objects of the expedition had not, in any sense, been the act of Commodore Jones.]

Mr. C. would not say that the Commodore had been the cause of the change, but such was his opinion. It was certain that it was made to conform to the views expressed by him in a letter to Mr. Reynolds, written when the expedition was under consideration in this House. There was a wonderful similarity between the views expressed in that letter, and those which had influence in getting up the squadron.

It had been said that the commander of the squadron was not chargeable with the defective construction of the smaller vessels. This fault had been very unjustly ascribed to the chief naval constructor. This officer acted under special instructions, and he prepared his draughts accordingly. Mr. C. did not know who gave these instructions, but he presumed they came from Commodore Jones, as it was an order of the Department that his wishes should be consulted, and his suggestions adopted, in every thing pertaining to the construction, arrangement, armament, and equipment, of the vessels, as far as circumstances would permit. Mr. C. believed that it was a matter of record that the two brigs and the schooner were planned agreeably to the suggestions, and built under the superintendence, of Commodore Jones. At any rate, he had exhibited as strong an affection for them as though they were his own children. He had labored in season and out of season, to convince the public that they were well adapted to the service in which they were to be employed. He had forced Lieutenant Tatnall to tender his resignation of the command of the Pioneer, in consequence of his having expressed the opinion, formed by a cruise among the reefs and currents of the Gulf of Mexico, that she "steered badly when sailing over six knots," and was unable "to claw off a lee shore in a short head sea." The sailing qualities of these bantlings of the Commodore had been tested during the past winter. The two brigs had formed a part of our coast squadron. The Pioneer got ashore in the sound, and had a number of her men severely frostbitten. The Consort returned to port, after a cruise of fifteen days, with a loss of her mainyard, topgallant-mast, and one man killed, who was thrown upon deck by her breaching-to against her helm. Lieutenant Glynn, a gallant officer, a good seaman, and a man of science, was in command of her, and in his report of the cruise to Commodore Ridgely he says:

"Off the wind with any sea on the Consort is dangerous, and should never be allowed to go over six knots; at seven knots she became unmanageable, and, I think, could not possibly be made to go eight knots, while drawing more than twelve feet water; for her short and full water lines, particularly abaft, make so much wake, that from five knots and upwards the rudder plays in more or less dead water; and thus its influence is diminishing till it ceases to be the principal directing power. Her full of the body and low transom afford a fair hold for a sea coming up with her; while her want of length allows her to be swung round as upon a pivot. In scudding, therefore, long before she had attained a velocity sufficient to diminish perceptibly the violence of the following sea, she would be breached to, or brought by the lee. * * * * It would be impossible to drag *her* off a lee shore if there was any thing of a sea on. While lying-to on the 29th of January, she pitched every thing beyond the knight heads under water, and carried away the foretop-gallant mast. Any attempt at that time to force the vessel through the water by carrying the sqare-sails, must soon have terminated in the loss of her masts; and I was quite satisfied if she was ever fairly caught within twenty miles of a lee shore in a gale of half as many hours' duration, she must have been inevitable wrecked."

And yet these are the vessels that were to explore and survey the islands and reefs of the Pa-

cific, and go among the icebergs of the South Seas! The first severe gale off a lee shore would have sent them to destruction. No man can blame sailors for running away from such vessels, or from a commander who could speak in praise of their excellent qualities.

He thought the expedition ought to have been at sea a year ago. The Secretary of the Navy, or Commodore Jones, was answerable for the delay. If the former had done his duty, he ought to call the latter to a strict account; but if the Secretary was in fault, he ought to be placed where his imbecility could bring no dishonor upon the country hereafter.

Mr. C. would not now desert this expedition. He would force it to sea with all convenient despatch. He cared not who was sent out as commander, if he was only qualified for the station. He was willing that a midshipman, a lieutenant, or post captain should be selected. He was disposed to leave this matter entirely to Executive discretion. He had only to say, that so far as his vote would effect it, the Expedition should go to sea: he would not desert it: he would not thus reflect upon the acts of a former Congress. If the measure was proper two years ago, it was equally proper now. Not only were all the reasons for it as good now as they were at that time, but there were additional reasons. We had entered into the plan; we had made a beginning; we had gathered together the necessary materials; we had expended large sums of money, and we had raised great expectations. These would never all be realized; they had been considerably lowered by a series of unfortunate events; but the country had not yet lost all interest in the measure. It was the character of the people to go ahead in every thing; and they expected to see this character developed by all their public servants. Whenever such servant failed in a great and important measure, or lagged in the performance of his duty, he very soon became the subject of animadversion and reprehension.

The gentleman from New York [Mr. BRONSON] had said that Congress, by voting the appropriation, authorized the employment of a frigate. Mr. C. voted for it, not because he approved of the frigate, but because he was unwilling to furnish an excuse, in the event of a failure, for charging that failure upon Congress. He wished the responsibility to rest on the commander of the Expedition, who had insisted on having a frigate. That commander had had his own way: he had been indulged with just such a squadron as he asked for; and he had left it in the harbor of New York, for the milder atmosphere of a more southern region.

Mr. C. did not regret this determination. He had long since ceased to have any confidence in the success of the Expedition, as it was organized; and he was glad that an opportunity was afforded of placing it upon a proper footing. He believed that a similar feeling pervaded the whole country.

REMARKS OF MR. CALHOUN,
OF SOUTH CAROLINA,

n Senate, March 22, 1838.—In reply to Mr. WEBSTER.

Mr. CALHOUN rose and said: I am not at all surprised, Mr. President, that the Senator from Massachusetts should show such solicitude to free himself from the responsibility of converting this discussion into a mere personal altercation, so unworthy of the place and the occasion. But it is not a little unjust in him to attempt to transfer the responsibility from himself to me, having acted throughout, as I have, wholly on the defensive, and done every thing I could to avoid personalities. I have, in truth, a deep and unfeigned aversion to personal altercations, in any case; especially here, in my official character, where duty and self-respect, as well as the dignity of the body, forbid its introduction. On the present occasion, I had every reason to avoid it. The subject is one unsurpassed in magnitude and importance, and which requires the calmest and most deliberate consideration. I have had entire confidence in the strength and truth of the side I support; and, of course, felt deep solicitude to limit the discussion strictly to the merits of the question.

But the Senator, in order to throw the blame on me, denies that he drew a comparison between us. Does he consider it no comparison to claim for himself the most universal and ardent patriotism; and to attribute to me the opposite qualities, of being sectional, and entertaining feelings far from friendly to the Union? And this, too, without any thing in the question, or my previous remarks, that could, by possibility, justify it? Does he really think that I ought to have sat in silence without attempting to show, as I have done, how perfectly unfounded are his claims to superior patriotism, and how unjust his charges against me?

But in order to justify himself, he accuses me of having first attempted to fix on himself and friends the charge of inconsistency, in supporting the substitute of the Senator from Virginia, [Mr. RIVES.] I made no such charge. I simply availed myself of the opinion which he and they entertained and expressed, in relation to a similar measure in 1834—acquitting them expressly of all inconsistency. So far from a charge of the kind, I placed my argument on the assumption, that their opinion remained unchanged; and yet this he calls a charge of inconsistency—a throwing of the first stone; and on which he rests the justification of his unprovoked personalities.

The Senator next attributes to me the assertion, that I intended to draw a comparison between his course and mine during the late war, if time had permitted, accusing me, at the same time, of making a "*railing accusation*" against him. My answer is, that I said nothing like it; and made no accusation whatever, either "railing" or specific. I said not a word of "*time permitting me.*" What I really said was entirely different; and bears no analogy whatever to what he attributes to me, as the Senate must remember. I confined myself to an inquiry into the truth of the picture he had drawn of his patriotism; and his comparison between his public conduct and mine. I demonstrated what little claims he had to the high qualities he arrogated to himself; and how unfounded his assumption was to a more universal and ardent patriotism. I illustrated all this by a reference to his course in relation to abolition and the tariff; and declined going into a comparison between our courses during the late war—not for a want of time, as he states, but expressly on the ground that the events of that day were by-gone, and belonged to history, where I was willing to leave it, and where I should leave it, unless provoked to go into the comparison, by some future attack from the Senator. I added not a word of accusation whatever, either "*railing*" or otherwise. It is true, I said that, at one time, I intended to go into the comparison. I certainly had no reason, personally, to decline it; but I felt a strong repugnance, which I could not overcome, to recurring back to such distant events, that have passed out of the circle of the politics of the day. Acting under its influence, I limited my remarks, in reference to the Senator and myself, to the great and living questions of the day, which are still unsettled, and are destined to exercise an important control over the future destiny of the country.

But, if I should be forced into the comparison, I shall not confine myself simply to what the *Senator did* at that important period of our history: I would take a far wider range. He claims for himself an exalted patriotism, far above others, and myself in particular; and that, too, in *war* as well as peace; and he would have no right to complain, if held responsible, not only for what he *did*, but for what he *did not;* not only for his *own acts*, but also for his political associates and party, which passed without his *censure* or *rebuke*. I have no wish, for the reasons I have stated, to enter on the comparison; but if he desires it, I will read a statement of some dozen or fifteen of his votes, which I laid my hands on since he commenced his reply; and which will furnish some index of his course during that period.

[Mr. WEBSTER indicating no desire for the reading, Mr. CALHOUN proceeded:]

Dropping, then, the Senator's course during the war, I shall proceed to notice some remarks of his in reference to myself. He has hunted up with much industry, and brought forward with great parade, my course in relation to the tariff—to the Bank—and the Bonus bill, immediately subsequent to the late war, in order to fix on me a charge of inconsistency. I am pleased that he has afforded me, on this occasion, an opportunity to speak of this portion of our political history, and of the part I took. It is one that requires explanation, not only in reference to myself, but the party to which I belong.

In supporting the measures to which the Senator referred, I was not alone: I acted with the great body of the party: and, if I took a more prominent part in relation to them than others, it is to be attributed to the position which I held in the House and the party at the time. It is not my intention to defend those measures, but to explain, in justice to myself and the party, the circumstances under which we acted. I do not deny but that we departed, more or less, from the true principles and policy of our party; but it was under circumstances which, though they do not justify the departure, are calculated, in a great degree, to excuse it, and to repel effectually any inference that it was an intentional abandonment of them.

No popular party is proof against success, and the long possession of power; and such proved to be the fact in our case. We had been in the uninterrupted possession of power for more than sixteen years, and had just carried through successfully a war against the greatest power on the earth, and, at the same time, overthrown the party in opposition to us. The flush of victory had, as is usual, the effect of working a considerable change in the feelings and views of our party, which contributed to the introduction of the measures to which the Senator refers. But there were other, and powerful causes, which also contributed to it. During the war, the country had suffered much from a depreciated and unequal currency; from the want of domestic supplies to take the place of those articles which we had been in the habit of receiving from abroad, but which had been cut off by the war, and from the want of good roads, and other channels of conveyance, on which to transport munitions of war, and to concentrate promptly a sufficient force on the points menaced or attacked by the enemy. After its termination, there was a vivid recollection of the difficulties occasioned by these wants. The danger, at the time, to the country, was believed to be connected exclusively with our foreign relations. The war, it is true, had terminated successfully, but there were hostile feelings left behind on both sides, between our country and Great Britain; and she kept up a powerful force in her possessions in our immediate vicinity, which was calculated to excite our vigilance, and to admonish us of the necessity of being prepared for a renewed contest. Besides, we were in danger of being involved in a long and dangerous contest, growing out of the revolution in Spanish America; in which, at one time, the great powers of Europe, united by what was called "*The Holy Alliance,*" were strongly inclined to interfere. Under these circumstances, and when the political principles of our party appeared to have gained a permanent ascendancy, by the prostration of our old opponents, and to be in no danger, it is not at all wonderful that the measures with which the Senator now reproaches me should have received the support of myself and the party to which I belong. I confess, for myself, that I then believed the danger to be, not within, but without—not from the giving away of our principles, but violence from abroad; and that I had no suspicion that it lay in the quarter which experience has shown it really did. This accounts for my course at that period.

In voting for the tariff of 1816, which I am still of opinion was a judicious measure, with the exception of the *minimum* principle, of which I think as badly as any one, I regarded it as a *revenue measure*, and called for by the circumstances of the time. But I did not dream that, in the short space of twelve years, it would be perverted by those interested into an instrument of such unbounded oppression as to exact and pass into the Treasury one-half of the whole proceeds of our foreign exchanges. Nor did I imagine that, in introducing a bill to *set apart a particular fund* for internal improvement, and leaving it to Congress to determine

thereafter the extent of its power over that subject, and to what objects the funds should be applied, (that was its real character,) there was the least danger that, in a few years, the whole revenue of the country would become an object of scramble among the various sections; in which the struggle would be, who should get most, without any reference to the public good. As to the bank, placed in the circumstances in which I and those with whom I acted were, I do not now see how we could have acted differently, even with our present experience. The time for reformation in reference to the currency had not then arrived; and any attempt at reform would have proved abortive.

But I offer not what I have said as a justification; I acknowledge we all departed, in a greater or less degree, from the stern and rigid principles of the party, and the true policy of the Government, and well have we paid the penalty. It has taught me a lesson never to be forgotten; and I now call on the younger and more inexperienced members of the party, as I then was, to profit by our example. Avoid, as you would the greatest evil, the least departure from principle, however harmless and innocent it may at the time appear to be. The smallest departure may prove to be an entering wedge; and others, differing from you in views and principles, will drive the measure farther than you ever contemplated; just as we have seen our old opponents seize on the tariff, internal improvement, and the bank, to overthrow our principles and to establish their own. Never cease to bear in mind that ours is a limited Government, with specific powers; and that if the prescribed line be passed ever so little, there is no fixing any limits to the encroachments of power.

Nor is the period of which I am speaking the only one in which success has caused departure from the principles and policy of our party. The vast revenue, which the protective tariff placed at the disposal of the Government, had the effects on those in power which might have been anticipated. They no longer relied on principles as the means of preserving their ascendency. The patronage and resources of the Government were deemed sufficient for that purpose; and many measures were adopted, which will hereafter be regarded as great and dangerous departures from the creed of the party; and which have done more to reconcile the people to the principles and policy of our opponents, and to weaken their confidence in ours, than all other causes put together.

As to myself, each revolving year impresses me deeper and deeper with the truth and wisdom of the old Virginia school of politics. She was blessed, when this Government went into operation, with leaders of the clearest discernment and purest patriotism; the Jeffersons, the Taylors, the Roanes, and many others, who had formed the most just conception of our system of Government, and the policy to be pursued to preserve it. I had, from my earliest years, imbibed a strong attachment for that school. Indeed, I may say, it was inherited by me. But I never realized to the full extent the depths of its wisdom, and the vast importance of adhering rigidly to its maxims, till experience, and the reflection of riper and more advanced years, taught me. And here is the broad line of distinction between the Senator and myself, which he, with all his ingenuity, cannot obliterate. He belongs, and always has, to another and an opposite school, which, to designate by its most distinguished leader, may be called the school of Hamilton; a man distinguished for his great abilities, perfect frankness, and ardent patriotism, but who was decidedly inferior to Mr. Jefferson in genius, the power of original thinking, and the clearness and depth of his conception of the true nature and character of our Government. Belonging, as we do, and ever have, to schools so diverse, our agreement has been casual, while our difference has been habitual and fundamental, both as to the nature and character of our Government, and the policy it ought to pursue; and which has placed us opposite to each other on the present, and most of the other great questions which have been agitated in our time.

He sees in the success of the present question the advancement of the principles and policy to which I am devoted, and in its defeat the advancement of his own; hence our difference, and the ardor of the present conflict—a conflict of opposing systems, in which, as one or the other may prevail, the future destiny of the country will be permanently influenced. The separation of the political and moneyed power will give a lasting ascendency to the political school to which I belong, and their union to that of the Senator.

He is right in fixing on 1825 as the year when my views in relation to the principles and character of the Government became firmly fixed and settled. It was then I took my seat in the chair which you, sir, now occupy. I had devoted the seven preceding years laboriously to the duties of the War Department, which I found in a state of complete disorder, and which so engrossed my attention as to leave me little leisure to attend to the general politics of the country. The change of office gave me both time and opportunity to view more minutely the general operations of the Government, which I did not neglect. I soon saw the incipient state of those disorders, which had then just begun to develope themselves, and the causes in which they originated, as well as the fearful consequences to which they threatened to lead. This induced me to make a careful review and examination of the principles of the Government. I went to the source, the Kentucky resolutions and the Virginia resolutions and report, which I carefully investigated, in all their bearings. I then turned my attention more carefully to the investigation of the character and tendency of what was called, at the time, the American system, and saw clearly its oppressive, corrupting, and dangerous tendency. I took a firm stand aginst it. Since then, my life has been one incessant struggle to maintain or restore the principles and policy of the old State rights Republican party, regardless of all personal consequences. During this long period of thirteen years of continued action, amidst the most trying scenes, I may bid defiance to the most rigid scrutiny to point out the slightest variation in my course, or the least departure from the principles or doctrines of the political school to which I belong. I may be accused of carrying my principles too far, or of adhering too rigidly to my doctrines, but of the opposite fault none have ventured to accuse me. My adherence to them has never wavered under the greatest difficulties or danger. If, then, I erred in common with the great body of the party, under the circumstances which I have explained, I, at least, have long since made, I trust, ample amends. If I have done any thing to contribute to the common errors of the period immediately subsequent to the late war, I have done far more, I hope, towards their correction, and the restoration of the principles and doctrines which our party profess, as well as to arrest the ascendency of the opposite. To this great object, which, I solemnly believe, involves our liberty and the perpetuation of our popular and free institutions, I have devoted my life.

REMARKS OF MR. CALHOUN, OF SOUTH CAROLINA.

In Senate, March 24, 1838—On ordering the bill to separate the Government from banks to a third reading, after the specie section had been stricken out, on motion of Mr. CUTHBERT.

Mr. CALHOUN said, as late as it was, (near 10 o'clock at night,) and fatigued and exhausted as the Senate must be after sitting ten hours, he was compelled to intrude himself on their patience. The question was on the engrossment of the bill; and as he could not dossibly vote for it in the shape it had assumed, he was constrained to assign his reasons, but he would do it in the fewest words possible. He said he was most anxious to vote for the measure. He had taken the deepest interest in it, and felt most solicitous for its success; and if he thought that the bill, as amended, advanced the great cause for which he had been so earnestly contending, one inch, he would give it his vote. But such was not his impression. On the contrary, he believed that it was an entire surrender of the cause. He would go further—it was a retrograde movement, and would leave the cause in a worse condition than it was. So far from a divorce from the banks and a return to the constitutional currency, the bill, as it stood, would virtually restore the deposite bank system again, with some features more objectionable than it formerly possessed; which he would now proceed to show.

On the motion of the Senator from Georgia, [Mr. CUTHBERT,] the 23d section, which provides for the collection of the dues of the Government in specie, was struck out, with the aid of a few on this side, and the entire opposition to the divorce on the other. That section provided for the repeal of the joint resolution of 1816, which authorizes the receipt of bank notes as cash in the dues of the public. The effects of this will be, should the bill pass in its present shape, that the Government will collect its revenue and make its disbursements exclusively in bank notes, as it did before the suspension took place in May last. Things will stand precisely as they did then, with but a single exception, that the public deposites will be made with the officers of the Government instead of the banks, under the provision of the deposite act of 1836 Thus far is certain. All agree that such is the fact; and such the effect of the passage of this bill as it stands. Now, he intended to show conclusively, that the difference between depositing the public money with the public officers, or with the banks themselves, was merely nominal, as far as the operation and profits of the banks were concerned; that they would not make one cent less profit, or issue a single dollar less, if the deposites be kept by the officers of the Government instead of themselves; and, of course, that the system would be equally subject to expansions and contractions, and equally exposed to catastrophes like the present, in the one, as the other, mode of keeping. He spoke of bank profits and bank issues generally, as derived from the deposite of public money—the aggregate profits and issues of all banks, without reference to the distribution of the profits under the one or the other mode of keeping the public money. He would show, in a word, that the bill would no more divorce the Government from the banks, in relation to the deposites, than it would as it now stood, as to receiving their notes, and giving them credit and circulation as cash, in its dues and disbursements; and that it would unite them as effectually in respect to both, as they were before the suspension in May. Although the assertion might excite some surprise at first, it would be very easy to make plain every word he had said.

The profit which the banks derive from the public deposites, when their own notes were collected and deposited, as would be the case if the bill passed in its present form, arises from the withdrawing of their notes from circulation. While their notes are in deposite, they are as completely withdrawn from circulation for the time as if burnt or destroyed; and the withdrawal makes a vacuum to that extent in the circulation, which has to be filled up by new discounts, and, of course, increased business and profits; and this was equally true whether the notes withdrawn were deposited in certain banks, as under the deposite act of '36, or in the hands of receivers general, and other Executive officers, as proposed by this bill. The profit depended, in no degree, on the fact *where* their notes were deposited; but *on the amount withdrawn, and the length of time they were kept out of circulation.* The larger the amount withdrawn, and the longer kept out, the greater the business and profits of the banks. Nor can the issues exceed the sum necessary to fill the vacuum occasioned by the deposites, whether they be made with the banks themselves, or the officers of Government. When the vacuum occasioned by the withdrawal is filled, whatever exceeds that must return on the banks, without regard to the place of deposite, and check farther issues. It follows clearly from all this, that the deposite of the public funds, if collected in bank notes (as proposed by the bill as it now unfortunately stands amended) in the custody of the public officers, would not in the least affect the discounts and the business of the banks. They would be as great as if deposited with the banks, and would keep the circulation of bank notes as much expanded, and subject to as many fluctua-

tions and shocks. These propositions he held to be incontrovertible. He would be glad to hear any member rise in his place and attempt to answer them.

Nor would the Treasury be a particle more independent of the banks than under the deposite system, before the suspension of specie payments. The revenue, as he had said, would be collected under this bill, should it pass, as it was then, exclusively in bank notes, which, on another suspension, would be just as worthless in the hands of the officers in whose custody they might be deposited, as they would be in the banks themselves, and which, of course, would again compel the Government, in such an event, to pay its debts in worthless rags, to its own great discredit, and the loss of its creditors, or not pay them at all. Nor would it be possible, any more than in the present instance, to collect its debts in the legal currency of the country. Gold and silver would as certainly disappear as completely from circulation, under the operation of this bill, as it did under the system of bank deposite that existed at the time of the late suspension.

But if it will have no effect in rendering the Treasury more independent of the banks, nor in limiting banking operations or profits, as it certainly will not, where, he asked, will it differ from the late deposite system under the act of '36, which this bill is intended to supersede? There is and can be but one point of difference, viz: in the distribution of the profits from the deposites; and even that difference, he would show, is more apparent than real. Where the revenue is deposited with certain banks, selected by the Secretary of the Treasury, as under the act of '36, the profits of the deposites accrue almost exclusively to them. They discount on them, and issue the notes of other banks which they hold in deposite, or draw specie for them, and thus increase their business and profit, without incurring any additional liability; but where the deposites are made with the Executive officers, the profits would accrue, apparently, to the banks generally. He said apparently, for it would depend wholly on the officers holding the deposites. They can, at pleasure, give the profit to what banks they please, by holding back the notes of one bank, and disbursing the notes of another, and thus keeping the notes of one out of circulation, and throwing the other into circulation through disbursements, to return on the banks issuing them. The effects of this would be to give one all the profit that it could derive from being a deposite bank, and stripping the others almost entirely of the advantage of having its notes received in the dues of the Government. Take, for instance, two banks, in a place where the average public deposites were a million of dollars; is it not clear, if the Executive officer would make it a rule to disburse the notes of one bank, and hold back those of the other, it would operate, in fact, as a standing loan to that amount to the favored bank?

The result is, that in either case the distribution of the profit resulting from the public deposites would depend on the Executive Department, whether made with the Executive officers, or in deposite banks under the act of 1836. The Executive in one case would have the selection of the banks, and in the other the control over the subordinate officers of his department; with this difference, that when the bank was selected, it would, under the act of 1836, be under the control and protection of law, but the officers would be completely under the control of the head of the department at all times. This is the sum total of the difference. If you pass this bill you have the one, and if you defeat it you have the other.

Thus regarding it, and being opposed on constitutional grounds to receiving any thing but the legal currency of the country, or Government securities, in the public dues, and to the increase of Executive patronage, he could not possibly vote for the bill as amended. He was decidedly opposed to all discretionary powers, especially in the Executive branch of the Government, and this bill would give greater than any that has ever passed. It would not only give the power to which he has already alluded of favoring what bank it pleased, but the controlling power of demanding specie at pleasure of the Executive, of any bank it might desire to oppress, and abstaining from demanding of those it intended to favor. Powers such as these he regarded as incompatible with our free system of Government, and he for one could not consent to confer them.

But he had other and insuperable objections. In giving the bill originally his support, he was governed by a deep conviction that the total separation of the Government and the banks was indispensable. He firmly believed that we had reached a point where the separation was absolutely necessary to save both Government and banks. He was under a strong impression that the banking system had reached a point of decrepitude—that great and important changes were necessary to save it and prevent convulsions, and that the first step was a perpetual separation between them and the Government. But there could be, in his opinion, no separation—no divorce—without collecting the public dues in the legal and constitutional currency of the country. Without that, all would prove a perfect delusion, as this bill would prove should it pass. We had no constitutional right to treat the notes of mere private corporations as cash; and if we did, nothing would be done.

These views, and many others similar, he had openly expressed, in which the great body of the gentlemen around him had concurred. We stand openly pledged to them before the country and the world. We had fought the battle manfully and successfully. The cause was good, and having stood the first shock, nothing was necessary, but firmness; standing fast on our position to ensure victory—a great and glorious victory in a noble cause, which was calculated to effect a more important reformation in the condition of society than any in our time—he, for one, could not agree to terminate all those mighty efforts, at this and the extra session, by returning to a complete and perfect reunion with the banks in the worst and most dangerous form. He would not belie all that he had said and done, by voting for the bill as it now stood amended; and to terminate that which was so gloriously begun, in so miserable a farce. He could not but feel deeply disappointed in what he had reason to apprehend would be the result—to have all our efforts and labor thrown away, and the hopes of the country disappointed. All would be lost! No; he expressed himself too strongly. Be the vote what it may, the discussion would stand. Light had gone abroad. The public mind had been aroused, for the first time, and directed to this great subject. The intelligence of the country is every where busy in exploring its depths and intricacies, and would not cease to investigate till all its labyrinths were traced. The seed that has been sown will sprout and grow to maturity; the revolution that has been begun will go through, be our course what it may.

The alternative to the rejection of this bill would be to do nothing, which, in his opinion, was infinitely preferable. It would throw the responsibility from this on the opposite side. We would thus have done all we could, and if nothing be done, theirs would be the fault; and the country would hold them responsible. But to pass this bill in its present form would be to assume, not only the responsibility of acting, but of leaving things in a worse condition than we find them; to strike the disease deeper into the system, and render it more concealed and dangerous, while the attention of the patient would be withdrawn for a time from his danger. If, on the contrary, we stand fast on our principles and professions, and suffer the bill to be lost rather than to yield our principles, the public attention would be doubly roused; the subject would be more fully and perfectly investigated and understood, and the great cause we have so nobly supported would finally and gloriously triumph. Let others do as they may, he would maintain his position, and stand where he stood in 1834, and ever since. He could not be driven from it when others came to it, and now he could not be drawn from it by their departing. To stand alone had no terrors for him. It was to him not unusual.

REMARKS OF MR. DROMGOOLE,
OF VIRGINIA,

In the House of Representatives, April 19, 1838—Explanatory of his amendment offered to the resolution of his colleague, (Mr. HOPKINS.)

Mr. DROMGOOLE, having succeeded in obtaining the floor, remarked that it had been his purpose on yesterday, when he submitted the amendment now under consideration, to accompany the same with a few observations in explanation. He was, however, prevented from fulfilling his intention on account of his colleague [MR. WISE] having anticipated him in getting the floor and consuming the remainder of the morning hour. If his colleague, who had again this morning occupied the attention of the House, and who had just taken his seat, could have forborne for a short time, and waited to hear his (Mr. D's) intended explanations, he felt confident that the trouble of supposing that the slightest imputation or reflection upon the select committees, to which reference had been made, might well have been spared.

[Here Mr. WISE rose, and was understood to say that he owed an apology to his colleague for having on yesterday preceded him.]

Mr. DROMGOOLE said, in reply, that no apology was necessary; that he had not made reference to it with any feeling of dissatisfaction, or for the purpose of censure or complaint; and he took this occasion to return his colleague his thanks for the very prompt and decided manner in which he then expressed his determination to sustain the proposed amendment. The resolution offered by his colleague [Mr. HOPKINS] refers to abuses which have gradually crept into the practice and proceedings of this House, whereby its expenditures have been greatly and unnecessarily augmented. Retrenchment and reform is proposed to be systematically introduced, and guards are to be set against the recurrence of similar abuses and corruptions, and for complete security in all future time. Now, said Mr. D. the subjects embraced in the proposed amendment have an immediate and direct connection with the purposes and objects of the original resolution. He [Mr. HOPKINS] proposes a faithful and comprehensive examination into all extravagancies and malpractices; and, in order to preserve the purity of the press from the alarming corruption engendered by the patronage exercised in the appointment of printer, he deems it indispensibly necessary that the political journals and the public printing shall be entirely disconnected. So thoroughly convinced is my honorable colleague, that the employment of an editor to execute the printing required to be done by order of this House, sheds a baneful and contaminating influence over his morals and his political principles, that he is constrained to become the advocate of a total and an absolute *divorce* between the political press and the Government printing; and, furthermore, with a view to screen them from temptation, and preserve their integrity, he would provide *by law*, that all conductors of newspapers should be forever *proscribed* from being employed to do any printing, officially required to be done, for their Government and their country.

It had occurred to him, said Mr. D. that his honorable colleague, the mover of the original resolution, must have *lately* espoused the opinions now held by him, and must have *very recently* become a convert to the doctrines now promulgated. As they have not heretofore been avowed and advocated, it would seem to be not an improbable conjecture that they have been produced by serious reflection upon the circumstances connected with the last election of printer by the House of Representatives. Sir, the candidates on that occasion, the protracted struggle, the interest and the excitement manifested, are still freshly remembered by all. After the close of the election, with but little delay, and with remarkable promptitude, it was announced in the National Intelligencer that the printing would be executed in that office, and not in the office of the elected printer, who was not prepared to do it.

It is the current rumor that such is still the arrangement.

Before Mr. D. proceeded to state the reasons and considerations which, in his mind, amply

sustained and justified an investigation into the conduct of the public printer, and into the manner in which the duties of his office were discharged, he would barely advert to a remark made by his colleague [Mr. WISE] on yesterday. He spoke of the *spirit* of the resolution (my amendment) and the *spirit* in which it was offered. That the inquiry asked by me, said Mr. D. is not improper in its spirit, its tendency, or its purpose, a mere reference to the fact that it elicited the ready and unqualified avowal of support from my colleague himself, ought to be received for conclusive proof as to him. As regards myself, sir, I trust I manifested no improper spirit, and was guilty of no indecorous conduct.

I endeavored, on that occasion, as I always do, to observe decorum and propriety, and to conform to the rules of the House. Whether an officer of this House discharges his duties faithfully, and complies honestly with the terms and conditions of his appointment, is unquestionably a fair and proper subject of inquiry. Surely it will not be denied, or even doubted, that the House of Representatives may supervise an officer of their own appointment, and examine whether the office itself is correctly administered. Neither the power to examine, or the propriety of exercising it, can be questioned. If the information sought could only serve to gratify party spleen, then it would be vain, and idle, and useless, to pursue it; if it could only serve to harass an innocent and faithful officer, and inflict a wound upon honorable and sensitive pride of feeling, then to urge the investigation would be wanton cruelty. But public and paramount considerations require a full disclosure of all the suspicious circumstances connected with the subject of the printing, and they demand that any information obtained shall be applied to useful and practical purposes.

If, Mr. Speaker, the fact shall be disclosed that the individual elected printer hold the office *nominally* only, performs none of its duties, and yet receives a *certain stipulated* profit, dependent on no contingency whatsoever, does he not palpably and shamefully enjoy a sinecure at our hands? If he receives a fixed and certain sum, and allows or agrees for others, in consideration of this sum paid to him by them, to perform all the business of the office and receive the entire proceeds, and they also realize profits, is it not strong presumptive, if not conclusive, evidence that the rates paid for printing are extravagant, and that they ought to be reduced. The question also is suggested whether the public printer can *farm*, *let out*, or *depute*, the business of his office? And if he can, whether an agreement that the person *deputed* must pay a certain, fixed, and in no way contingent sum, and for the same be allowed to receive the *entire* proceeds of the office, whatever they may be, is it not a question whether such an agreement is not immoral, fraudulent, corrupt, *void*? Nay, more: Does not the transfer of the entire business and proceeds of an office for a certain and fixed sum, involve the disgraceful and criminal offence of *selling an office*? If there was an agreement or understanding subsisting prior to the consummation of the election, that one of the parties was to stand the successful applicant, and that there should be a joint participation in the proceeds of the office obtained, a division of the spoils, does not such an agreement also come within the English statute against the sale of offices, the provisions and principles of which have, I believe, been generally introduced into this country?

In every aspect of the case, in every point of view, a full development of all the facts and circumstances is requisite. Rumors, and suspicions, and doubts, ought to be made to give way to ascertained and established truths. I have not, said Mr. D. any *personal* knowledge of the matter. But let *all* be disclosed—let *nothing* be concealed—integrity and honor will scorn concealment—they will eagerly embrace every opportunity for their vindication. If improprieties are detected—if corrupt practices are exposed to view, we may perhaps be able to devise an adequate remedy for their present correction, and an efficient precaution against their future recurrence. Let us, however, look at this matter in one other point of view. An individual seeks an office—he requests and permits his immediate friends and supporters to recommend him as qualified and competent: he succeeds. In the sequel, it appears that he was in no wise prepared to perform the duties of the office; that from his condition and circumstances he could not *possibly* perform them; that he had sought the office from a combined desire of pecuniary and political speculation; that he did not intend, at the time, to execute the business connected with the appointment, but designed to transfer it to others for *pay*. In the eyes of all honorable men, would not such an individual appear, unmasked, an impudent and unprincipled impostor? And what ought to be the mortification and chagrin of honorable, but deceived and disappointed, friends?

Mr. D. repeated, that the conduct of an officer of the House was a proper subject of investigation—that it was perfectly fair and legitimate to inquire how he had performed his duty. Indeed, he had heard of no objection from any quarter, except that he understood that the *nominal* printer himself very strongly objected. This, said Mr. D. is very natural.

Now, sir, said Mr. D. in reference to other topics embraced in the amendment, what was proposed? It was proposed to ascertain the amount of expenditure incurred in consequence of the appointment of certain select committees of investigation. It is not designed or intended to cast any, the slightest, reflection upon these committees: the purpose is to show how various items of expenditure have been incurred by the action of those committees, and thereby explain, to some extent, the cause of the augmented expenses of this House. It is to an improper and erroneous proceeding of this House, and of course I embrace all, without distinction of party, who have concurred in clothing committees with general and indefinite powers, that very heavy portions of our expenses is to be ascribed. It is known, said Mr. D. that I have uniformly opposed authorizing our committees to send for, and require, the attendance of any and every citizen throughout the whole community, at their mere will. He believed that the committees placed an improper construction on the power to *send* for persons, when they interpreted it to mean an authority to issue a subpœna to *compel* the attendance of witnesses. There appeared to his mind a clear distinction between the act of sending for a person to give information to a committee, and the power of issuing a compulsory process requiring the presence of a witness to be examined upon oath. Let it not be said that the mere authority to *send* for persons is vain and useless, and can answer no practical purpose. It is to be presumed that every good and creditable citizen is ever ready, voluntarily, to impart any information in his possession deemed useful to his Government or his country. Nor let it be said, that we have no security that statements, made by persons attending, by request, will be full and correct. It is the solemn duty of a person under such circumstances to tell the truth; it is the unquestioned right of the House to seek, through the organ of a committee, pertinent and useful information; and he who shall suppress the truth, give false and delusive statements, prevaricate or equivocate, trifles with the authority of the House, is guilty of contempt, and may be punished. Mr. D. said that he wholly denied that under the expression "to send for persons," was covered the power to issue subpœnas; and he further denied that the House could, by express grant, delegate any such power. A subpœna is a peremptory command, under a penalty, to attend and testify. No person will pretend that a committee can exact a penalty, or inflict a punishment, for contempt. A *subpœna* from a *committee*, therefore, is quite an idle and impotent process.

The rules adopted for our government, said Mr. D. expressly provide that subpœnas are to issue by order of this House, and are to be signed by the presiding officer. The Manual to which we have always referred as authority, and which has lately been adopted by express order, states explicitly that subpœnas for witnesses shall not be issued in blank, and refers to authority to sustain it. This he believed was the long established and invariable practice of the British House of Commons, from which we derive all our parliamentary precedents. When a member proposes that a witness shall be required to attend and testify, he is caused to name the witness to the House, and sometimes perhaps to state the importance and materiality of the expected testimony.

[Mr. GARLAND of Virginia said, that as he was a member of the first investigating committee referred to in the amendment proposed by his honorable colleague, and its chairman, it was proper that he should state, that when he was first applied to to issue a subpœna for a witness, he declined, and sent the subpœna to the Speaker, who also declined, saying it was the duty of the chairman. In this opinion, upon an interview with that officer, Mr. G. acquiesced, and issued all the subpœnas which went out during the investigation.]

Mr. DROMGOOLE said, that he had heretofore remarked, and now repeated, that he intended not to impute blame or censure to any one. He believed that the House had always silently acquiesced in, if it had not formally sanctioned, such practice. He maintained, however, that the practice was fundamentally wrong, and in violation of the written rules of the House and of parliamentary usage. His great object was to have an exhibition of the consequences of this illegal exercise of power, with a view to its correction. He understood that these investigating committees exercised the power of commanding the attendance of witnesses, at their pleasure, from the remotest sections of the Union, without naming them to the House, and without any averment of their supposed materiality. And he had understood that they had gone still one step further, and had actually issued commissions and appointed commissioners to take depositions when and where they pleased. Can the grant of power to command the attendance of witnesses, and subject them to a personal examination before a committee, be fairly and properly construed into a grant of authority to appoint and empower commissioners to take depositions? Now he maintained that it was the grant of this indefinite and latitudinous power, or the silent permission to exercise it, which had swelled the expenses of this House to a greater amount than would have been otherwise the case. Whenever it shall be proper to examine witnesses before a committee, and procure testimony for the use of the House, let them be named to the House, and let the direct and undoubted authority of the House be exerted to insure their attendance. The desired evidence will thus be more certainly obtained, in a mode free from objection or doubt; whilst we shall have a better security of the peace and comfort of the citizen, and of individual liberty, from useless and unnecessary disturbance and vexation, than when left exposed to the caprice or mercy of a bare majority of an investigating committee. It was, then, in the hope, that by showing how the expenses of this House were liable to be greatly and improperly augmented, and how, possibly, power might be wantonly and capriciously exerted, by a very few members, to the great inconvenience, if not oppression, of the citizen, these aberrations would be restrained, and correct principles and practices revived. Such was his object in desiring this branch of the information. The same course of remarks would apply with equal force to the information called for in reference to investigations by the Committee on the Judiciary.

There was another item of expenditure embraced in the proposed amendment. He alluded to the expense incurred for printing a large edition of the rules and orders of the House, together with Jefferson's Manual. How many copies were embraced in the order, he did not recollect; one or two thousand he believed. Now the investigation might show that a heavy expense had been incurred on this account; and, if so, it would be the duty of the House to guard against it for the future, or at least to take some measure to prevent the necessity of another edition within any short time. The plan which at present suggested itself to his mind was, that the copies should be carefully preserved for the use of the members, as the property of the House. They might be deposited in the Library of the House of Representatives, be taken out by members at the commencement, and returned at the close, of each session. This would save the expense of another edition of the Manual.

[Here Mr. MERCER rose and reminded his colleague that, in reference to the printing of Jefferson's Manual, that work had been made a part of the rules of the House, where it did not conflict with them.]

Mr. DROMGOOLE was fully aware of that fact. He believed that his colleague was chairman of the committee that reported the revised rules at the extra session, including the order for the adoption of Jefferson's Manual as a part of them; and it was upon that gentleman's motion, in the first instance, and a subsequent motion of the gentleman from Massachusetts, [Mr. ADAMS,] who sits near me, that the printing of a large edition of the work was directed. It was certainly with no view of attaching blame to any one, that he sought for this information. It was for the purpose of avoiding a repetition of the expenditure. The matter had presented itself to his consideration, and he thought it not an improper subject for the attention of the proposed committee.

In what he had proposed, said Mr. D. he had no design of precluding his honorable colleague, the mover of the resolution, from going into the most full and ample investigation of all other topics deemed to come within its scope. His colleague proposed, he believed, to provide, *by law*, for preventing the employment of any conductor of a political journal in the execution of the public printing. Whether he should ultimately concur with his honorable colleague [Mr. HOPKINS] in that object, he could not then say. He would hear the reasons for it, weigh them dispassionately, and be governed by his best convictions of duty. It would take, however, very strong reasons indeed to induce him to vote for a law, proscribing, in advance, any individual or class of individuals from being employed in the public service. If it was wrong to elect the conductor of a political journal to do the public printing, in the estimation of a majority of the House; if it had, on account of the patronage bestowed, a corrupting effect, let them decline to elect an editor, and select a practical, professional printer. According to the present impressions of his mind, he was not disposed to pass a proscriptive law.

Mr. D. said, surely he had no inclination to blame the zeal of his honorable colleague, [Mr. HOPKINS,] who moved the original resolution, for desiring to withhold all the patronage of Government from political journals. It would be recollected that a short time before a colleague of theirs [Mr. PATTON,] vacated his seat, he had, under the direction of the Library Committee moved for a very large subscription, for the use of the members, to a political journal, (Niles's Register,) the expense whereof would exceed, according to calculations submitted at the time, $12,000 per annum. Mr. D. had been opposed to the adoption of that resolution; it proposed a direct patronage of the press for the individual purposes of the members. He, with others opposed to it, succeeded in laying it on the table, and it was but a reasonable conclusion that those who refused to lay it on the table were in favor of its adoption. If Mr. D. was not mistaken, his colleague [Mr. HOPKINS] voted *against* laying it on the table. This proposition was a direct proffer of Government patronage to a political journal, and moreover looked pretty much as if it squinted at a censorship over said journal. Here, sir, is the resolution reported by "Mr. PATTON, from the Committee on the Library:"

"*Resolved*, That the Clerk of the House of Representatives be directed to subscribe for ten numbers of 'Niles's Register' for each member of the House, to be delivered once a week: *Provided*, The editor of said Register will agree to publish in, or as a part of, said work, at least once a week, under the direction of the Clerk, the Journals of the House, with the yeas and nays on all questions: *Provided, further*, That the editor of said Register will also agree to publish, at the end of every session of Congress, under the direction of the said officer, a supplement to said work, containing all the laws passed thereat, and treaties ratified by the Senate: to which shall be prefixed a copious index, to be approved of by said officer, and furnish one copy thereof, free of charge, to each member of Congress for the time being."

Mr. D. did not allude to this, for the purpose of making any charge of inconsistency upon his honorable colleague, but merely that it might be seen that those who complain of the baneful influence of Government patronage over the press, sometimes, unwarily perhaps, give votes having the appearance of bestowing that very patronage so strongly deprecated.

Mr. D. knew that it was very common for gentlemen to talk about the corruption of the press, by the influence of the patronage of the Government; and he knew that the subject of venal editors, and a subsidized press, filled up much of the ordinary and regular declamation of the day.

Much of these charges, or all of them, may be true; and if so, are they not alike, and equally, applicable to all political parties? How far the election of printer by this House may corrupt or influence the course of the political journal under his direction, he would not undertake to decide. Nor would he undertake to declare that a person might not be influenced by unworthy motives in seeking the office, and that he might not commit an act of corruption in the very management or contrivance by which he effected his election.

In relation to the present nominal printer to this House, Mr. D. said he did not mean to affirm or deny any thing in reference to any influence which his election may have had upon the course of his paper. It was no part of his business or purpose to inquire if that paper had faithfully fulfilled its *prospective* promises. It was no concern of his to know whether a prudent observation of the co-operating political influences which were visible in his election had not had some effect in regulating the tone, the temper, and character of its articles. No: it was a matter of no moment to him to be informed if this paper has not, by a natural and gradual process, accommodated itself to the opinions and views of those to whom it is known that the editor was *mainly* indebted for his appointment. Of the course of that paper, Mr. D. said he had but little knowledge, and certainly cared nothing at all about it. He had nothing to do with the newspaper or its concerns. His proposition applied to the *printer* to this House.

But, said Mr. D. these charges and rumors of profligacy and corruption are constantly reiterated. They are not confined to one party alone. It is not always the same party against whom the missiles are hurled by their adversaries. The adversary party in their turn have to ward off blows levelled at them, some times with force and directness. Sir, crimination and recrimination is the employment of opposing parties almost without intermission. Why, said Mr. D. he had seen the charge going the rounds that a strong combined effort was making to raise an extensive fund to buy and establish a press, and to employ a competent editor to publish a new political journal in this city; and a circular, purporting to be signed by three members of this House, soliciting liberal contributions for the support of the establishment, has been very conspicuously exhibited to the public attention. In relation to this matter, he had not a single remark to make, either as to the truth of the charge, or the propriety of the measure.

Mr. D. said that he would take the liberty of briefly adverting to one remark made on yesterday by his colleague, [Mr. WISE,] in reference to another subject. His colleague had taken occasion to refer to him as one of those belonging to what was denominated the Divorce party—that party which was in favor of the Independent Treasury bill. Now, he did not complain of this allusion of his colleague, but he was at a loss to perceive the connection between that question and the one now before the House. Mr. D. however, had no objection to avowing, at this or any other time, his opinions on that subject. He *was* one of those who wished to organize the Treasury of the United States upon its true constitutional ground, and to disconnect it entirely and wholly from its union with State institutions. He believed that good policy required it; that past experience demonstrated its necessity, and he believed it to be according to the spirit of the Constitution, and the obvious intention of the framers of that instrument. He was well satisfied, from reason and reflection, as well as from the lights of former experiments, that the State banks, from their limited and local character, and from their separate and unconnected existence, under different State authorities, could never harmoniously, adequately, and efficiently, perform the functions of fiscal agents to the Federal Government.

Mr. D. observed that it was a principle long established in Virginia, that the business and operations of each Government, State and Federal, should be kept separate and distinct. That each Government should be confined to its own orbit—that each should separately exercise its own appropriate powers—that the offices and the administration of the two Governments should not be united or blended in the same persons—are in the good old Commonwealth of Virginia, regarded as cardinal doctrines. The proposed connection between the banks and the Federal Government—the mixture of the revenues of the two Governments in the hands of a common fiscal agent—the transfusion of the moneys of the Federal Government into the business of corporations—are a palpable violation of the political creed of Virginia, which she has constantly and ardently cherished. Such was the wakeful jealousy on this subject—such the anxious desire to establish and secure this great principle of State sovereignty, (doubtless to guard effectually against any sinister influence on the part of the Federal Government)—that at the very first session after the Virginia Convention had ratified the Federal Constitution, the Legislature enacted that any person holding any office or place, any commission or appointment whatsoever, whether any pay or emolument was attached thereto or not, or if in any way accepting or receiving any emolument whatever, should be entirely disqualified for holding any office in the State. And the preamble of the act, after reciting that the convention had assented to the Federal Constitution and the creation of a Federal Government, declares that "it is judged expedient and necessary that all those employed in the administration of said Government ought to be disqualified from holding or administering any office or place whatsoever under the Government of the Commonwealth."

This was the doctrine maintained from the first by the Revolutionary fathers of the Old Dominion, and solemnly embodied into law in 1788, at the session that intervened between the act of ratification and the commencement of the Federal Government. From that period to the present it has been carefully preserved among our living statutes. And for the purpose of upholding the same principle of keeping the State and all its institutions exempt from any improper influence or interference by the Federal Government, it is a part of our fundamental law, a provision of our amended Constitution, that certain persons in the service of the United States shall be incapable of exercising the elective franchise. Mr. D. unhesitatingly avowed that he *was* one of those who advocated an entire separation between the revenues of the Federal Government and the State banks. When that vitally important subject came up for regular discussion, he hoped to have an opportunity of giving his views on it at length; and he thought he did not deceive himself in supposing that upon that occasion, or upon his return to the district which he had the honor to represent, he could give satisfactory reasons to *his* constituents for the course which he should deem it his duty to pursue. At present he would say no more on this topic, for he knew that remarks on it were not pertinent to the subject matter under consideration; but this much he had felt constrained to say, in consequence of the direct allusion made to his opinions by his colleague, [Mr. WISE.]

He would not longer detain the House, and hoped that his amendment would be at once adopted, and that the whole resolution might pass, so that his colleague, [Mr. HOPKINS,] the original mover, might, without further delay, commence a faithful and comprehensive investigation, with a view to retrenchment and reform.

PROTECTION OF THE ABORIGINES.

SPEECH OF MR. TIPTON,

OF INDIANA,

In Senate, April 18, 1838—On the bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas.

Mr. TIPTON addressed the Senate as follows:

I am happy to find that we have reached this bill in the regular order of our business. I consider it the most important measure, with, perhaps, one exception, of any that has, or is likely to come before us at the present session of Congress. I feel much diffidence in attempting to speak on any question in this Senate, composed of members so much better qualified to throw light on every subject they discuss than I can pretend to be, but the position I occupy here seems to make it my duty to submit a few remarks explaining the views of the Committee of Indian Affairs, and my own opinion, on this important measure.

On the success of this measure materially depends the character of our Government, in regard to its treatment of the aborigines of our country, and upon it also depends the existence of the Indians as a separate and distinct race of people. The removal of the Indians from the east to the west side of the Mississippi, and of giving them a Government and laws, has been the settled policy of this Government for many years; it has been ably discussed both in this and the other branch of Congress, and is, so far as my information extends, unanimously approved by the people. The subject has been favorably reported on by the Committee on Indian Affairs of the Senate at three successive sessions of Congress, but the posture of our Indian relations for three years past, has prevented us from urging it to a final decision. I am happy to be able to say that, in the opinion of the friends of the measure, the time has arrived when Congress should act definitely on the subject. We think it very desirable that this bill should become a law before the present session closes.

In the remarks which I am about to submit to the Senate, I propose to say something concerning the condition of the aborigines of North America when our forefathers took possession of their country, of the effects of our laws regulating trade and intercourse with these people, and to contrast the cost of administering the intercourse laws among our Indians with what will be the expenses of administering the government under which it is proposed to place them by the bill before us. I hope to be able to show to the satisfaction of the Senate and the country, that a better form of Government can be established and administered for them at a saving to the United States of sixty per cent. on the sums annually expended, as our law now stands, for the Indians of the proposed Territory.

I cannot doubt that, if we pass the bill, and if the superintendence of the Territory, and the execution of the plan proposed by the Committee of Indian Affairs, be placed in the hands of experienced, talented and honest men, the next generation of Indians in the territory may dispense with the agents of the United States, and become their own agents, their own merchants, their own mechanics, manufacturers, legislators and lawyers—*become a civil community, depending on their own exertions for existence, and independent of all others.*

It appears to me that in our system of government no part is so imperfectly understood as that which relates to Indian affairs, and none more urgently calls for reform. My residence for the last sixteen years has been near the Indians, during which time I have had the honor of serving the Government in various capacities in the transacting of business with them. The relations which I have sustained to the subject when in and near the Indian country, and when acting with you in this place, have afforded opportunities of becoming acquainted with it, which few have enjoyed. I should have been dull, indeed, had I not by this time learned something in relation to this matter, and, with what I have learned, I must now declare that I should be an unfaithful Senator, and an unfeeling neighbor to the Indians, were I to remain silent upon this occasion.

Under the healthful influence of our institutions, there has, for a few years past, been a rapid increase of kind feeling for the suffering Indians, and almost every act of the Government, in relation to them, is marked with increased liberality. But, I am sorry to say, that I know, from personal observation, that the benevolent designs of Government towards this unfortunate race of men are seldom accomplished. We are conscious of our superiority over them; we are not dependent upon them; we do not fear them. Still, we are not the less kind towards them on account of our superiority. Were the United States Government capable of acting towards the Indians from selfish motives, destitute of kindness, and regardless of the principles of humanity, it could at once coerce them beyond the sphere of vexation, and beyond the necessity of legislating for them, But, in the plenitude of our power, we are not regardless of their interests. We legislate for their relief every year; we are spending millions of money, and are sending numerous agents to relieve and protect them. We discard the hateful principle of exclusive selfishness. We are actuated by kind feelings towards them; by a desire to do them good.

Now, I know, sir, by personal acquaintance with the subject, that, with slight exceptions, our well-meant efforts have injured rather than benefitted them. They who have had an opportunity of seeing the Indians at their homes—no, I recall the expression, for they have no homes; but they who have enjoyed the opportunity of witnessing the effects of our intercourse laws and regulations on them in the places where they have existed—must, I think, attest the truth of my remark; while they who have been at a greater distance from them, may infer its truth from the fact that, with all that has been done for them, they, as a people, have not prospered. It is true, a few thousands of them may be classed with civilized men, yet, taken as a whole, a general decline, which has been in progress ever since the white man first set his foot on the American continent, has not been arrested—as a people they are still perishing.

If this position be true, what follows? Why, sir, that we should change our policy towards them. This necessary change is intended to be provided for by the bill now on your table.

If there were not something wrong in principle in our former policy, and injudicious in its application, why has it resulted in disappointment? Why have not the Indians prospered under it? Like causes will produce like effects. There are causes which result in the improvement of other people; these causes have not been brought to operate upon the Indian tribes, or they, too, would have been improved; unless we believe, as some of the early superstitious Spaniards believed, that the Indians are unsusceptible of improvement.

With regard to mental ability, we have no reason to believe that they would suffer by a comparison with any other people. Some minds are more obtuse than others, and receive instruction in the arts of living, and in sublimer science, more slowly; but it would be preposterous to suppose that a whole nation of people were destitute of capacity to improve their condition; and that generation after generation should pass away under these mental inabilities. No such thing has happened in regard to other people, and no such thing ever should have been attributed to the aborigines of America.

Are they not human beings, possessing all the passions of rational man, and all the powers of thought which belong to the human mind? If they are not of our stock—if they are not human, why legislate for them in the manner that we do? But we know that they are human beings, possessing the faculties of human understanding; and it is no less certain that they are capable of being improved in their condition. There may exist causes to retard improvement, but not to render it impracticable. If we have sought their improvement unsuccessfully, it is because we have not sought it by suitable means. The failure is in consequence of an error on our part, and not because the Indians are incapable of improvement.

The circumstances of men may be changed; Governments may be destroyed, and others may succeed them. Convulsions may remove mountains, and fill their places with seas; still the laws of nature remain unchangeable. If we were told that fish had left the sea for want of capacity to enjoy the element of water, and were breathing upon land; or that fowls, which had been formed to fly in the heavens, had become averse to air, and were winging their way through the briny deep, the boldest assertions would not be believed, because they would be at variance with the known laws of nature. No less absurdity is attached to the conclusion, that though the Indians are rational beings, they are unlike all other rational beings in regard to some mental or constitutional defect; or, if they possess the faculties and passions of other people, they will nevertheless render themselves different from all, by choosing a course which others would not—a course of wretchedness during a brief existence, and ending in utter ruin. Such things would be contrary to the laws of nature as they operate upon rational beings, and such absurdities ought never to have obtained credence among civilized men.

Other nations, it is true, have disappeared, but not from the causes to which Indian decline has been attributed, to wit: an inveterate aversion to improvement, entailed upon generation after generation, and which is to continue until they disappear from the face of the earth. Nations may be conquered by others more powerful, and the vanquished may disappear by amalgamation with their conquerors, or may sink into oblivion under their oppressions; but neither of these causes operates upon the Indians. They are not, at this time, sinking under positive oppression, because, on the contrary, we are kindly seeking their preservation. Neither are they disappearing by amalgamation with their conquerors. They remain a distinct class of people, with separate interests.

On the discovery of America, some millions of aborigines lined the Atlantic coast, where, at this time, scarcely one is found. Where are they? In relation to many tribes, the inquiry is made in vain. They have disappeared. Not a vestige of them is now to be found, not even a stone to tell where they lie. They have no record in history, except the obscure traces which are barely sufficient to enable us to conjecture that once they were here. We have reason to believe that both the name and the existence of some tribes have been obliterated from the recollections of man. They have melted away before the approaching whites like snow beneath the beams of the sun. They who have been most exposed to the blighting emanations of their conquerors, have been the first to disappear. More remote tribes, upon which these evils operate more indirectly, have been less injured by them. Looking after them, we perceive some fragments of tribes remaining, and numbers increase as we go back from the people from whom emanates their ruin. Destruction has marked the way they have gone; and wherever we find them in contact with the white man, they are on the decline.

There is something painful in the reflection that these people were once numerous, and that by our approach they have been reduced to a few. It is natural that we should feel averse to the admission that the true causes of their decline are to be found among *us*. Hence we have sought for the seat of the disease among them; but, in my judgment, it is not there to be found.

That the true cause of Indian decline does not originate with them, I undertake to prove from another consideration. Our inquiries whence, by what means, and at what period they came to America, can never be answered but by conjecture; but none can suppose that they were thrown upon this continent in greater numbers than we found them. There are many reasons for supposing that the number which first reached our continent was very small, and that this small band increased to millions. If the causes which produce Indian decline are of Indian origin, and are peculiar to themselves, how did it happen that they increased from a few to many? Are they at this time decreasing under causes which at that time produced increase? Have the laws of nature changed? The case is too plain to be misunderstood. A few Indians increased to many millions under the

privations of savage life. The white man came, and from that moment they have declined. We brought with us from Europe the bane that produced a rapid diminution of numbers, and from us a wasting influence has constantly emanated.

In our unwillingness to admit that we had occasioned the rapid decline of this people, it has been reported that, prior to the arrival of our pilgrim fathers, whole tribes had been destroyed by pestilence on the New England coasts; and hence it has been inferred that, in order to make room for the whites, Providence, before their arrival, had commenced the work of destroying the aborigines; but that such a destroying pestilence had raged to the depopulation of the country, lacks proof. What disease was it? Why has it not attacked a tribe since our arrival? or, how have we escaped it? We hear of the small-pox destroying thousands in the course of a few months, and we hear of the ravages of other diseases which we have introduced into the country, but we hear nothing of the wastings of the disease which is said to have slain its myriads a year or two before the landing of the pilgrims.

We who are acquainted with wilderness countries, inhabited by Indians in the West, are at no loss to account for the mistake of supposing that villages had been destroyed by a plague. Indians frequently change their places of residence; and we frequently discover places on which were once Indian villages, abandoned by the inhabitants, because of the superior eligibility of other places. Similar causes, it is probable, occasioned the abandonment of Indian villages, discovered by early European emigrants, and the story of the destruction of the Indians most likely originated in this preconceived opinion of the whites.

The causes of the rapid decline of the Indians evidently exist among us, and therefore, must be within our reach, and under our control. It is no less evident, that in this matter we have labored under some mistake of vital import—a mistake which we have already seen has rendered abortive our efforts to do them good. True, efforts of the benevolent have, in no instance, I believe, been entirely unsuccessful—a few have been benefitted; but I speak of the Indians in the aggregate; and, as a whole, they have constantly been on the decline.

That we should have labored so long under a vital mistake, is rather unaccountable. I suppose that one cause of our error has been, that we have overlooked the fact that the condition of the American Indians is an anamoly in the history of man. No nation of people ever was similarly situated, either as it regards their own barbarous condition as a people, or as it respects their relation to others. In our reasoning, we have supposed a similarity of condition where it did not exist, and, consequently, we have drawn conclusions from premises which were true only of others. The barbarians of ancient Greece, who deified a man for the improvement he effected in society by teaching men to eat acorns instead of weeds, we now feel confident existed only in fable, as did a thousand other things of which we have been told. The world has not furnished a case parallel to the one under consideration. On this account much of our fireside theory has been erroneous. At a distance from the Indians, we have indulged in speculations which were inapplicable to them. More practical knowledge of their true condition, and of what ought to be done for their improvement, could be acquired by a month's residence in their villages, than by seven years' theorising at a distance of a thousand miles from them.

But our errors appear the more astonishing inasmuch as we seem to have looked for effects in the absence of causes. We have looked for improvement when the essential means of improvement had been wanting. Then, in our disappointment, we have, with still greater absurdity if possible, attributed to the savage some peculiar propensity which belonged to no other nation of people—an unnatural passion for war, for hunting, &c.

I have assumed what admits of ample proof, but which I presume few will deny, that the history of man does not furnish a case similar to that of the American Indians. Here, in the commencement of savage life we may say, for the first time, we find man left in a state of nature, to seek subsistence from spontaneous productions. Without an implement of iron with which to fell a tree, to till the ground, to butcher an animal of the forest for food, or to catch a fish in the waters, or even to dig a root from the earth. No spinning wheel, or loom on which to manufacture a garment, and no seed corn from the mother country. Here man begins existence as in another world, where all is unknown except the brook at which he slakes his thirst. They have every thing to learn, and the brevity of life, especially under the calamities of this new state of things, soon deprives the destitute company of profitable recollections of the arts of life in the mother country. No book of record preserves the story, or directs succeeding generations to improve their condition by telling them of what is done in other lands. Tradition alone tells of the past, but here are no regular institutions to preserve the veracity of tradition. Commencing under these disadvantages, and with the wilderness of our continent before them, they remained barbarians, and so would any other race of men have remained under similar circumstances.

But, it may be objected, that many of the tribes near us, and especially those which the bill before us concerns, have seen the operations and advantages of civilization, but have not abandoned their wild habits. For this, I answer, many reasons are at hand. As civilization has approached them on one side, they have been encouraged to recede from it. Our prejudices have stamped upon them a mark of inferiority, in consequence of which they are thrown out of good society, and into that which is worst. Such disadvantages as these, the existence of which are admitted by all, produce their evil effects; but, such as these are the mere appendages of the real evils which have protracted savage habits, and augmented savage woes. Notwithstanding all their disadvantages, some have improved their condition, and a few have attained to the comforts, though not to the privileges, of civilized man. We have imposed upon them a system of regulations which necessarily holds them fast in their uncivilized habits. Our laws recognise them only as savage men, headed by chiefs. We appoint agents to manage them and theirs, and to teach them to neither think, hope, nor act for themselves, but to feel dependent upon us. Our laws, therefore, not only detain them in savageism, but deprive them of such advantages of the savage state as formerly enabled them to live under it, without imparting to them the essential properties of civilization. In this state of dependence and degradation we have given them good advice, and kept them at the same time exposed to the example of the most worthless of our own people.

While we have done some things for them which were right, we have withheld others which were of vital importance, without which no people ever did prosper, and without which, I venture to say, no people ever will prosper.

It can easily be perceived that many things have tended to perpetuate the wretchedness of the Indians, but that which claims our first attention, is one which we have been most slow to perceive, and yet it is of itself sufficient to destroy the whole fabric of civilization in the whole world, were it allowed so widely to operate. It is the state of *anarchy* which belongs to savages. I mean the *absence of law*—the *want of civil government.*

Can any thing be more evident than that without law, without civil government under some name, the most civilized nation upon earth would soon sink into insignificance, and ultimately become savages? The condition of the Indians is the very reverse of civilization—without law, without government. Can it be possible for them to improve their condition in life without both? I answer, no, fearless of contradiction. Nor is it possible for them in future to become substantially improved in the arts of life without law, without government. No, never can they be civilized in the absence of this requisite principle in the system of civilization. The last remnant of the last savage tribe that shall be left upon this continent, will pass out of existence in a savage state, *unless they be brought under the influence of law.*

We have given them axes and hoes, oxen and ploughs, and have sent men among them to teach them their use; we have instructed them in letters, and the soothing voice of religion has invited them to the house of worship. A few have been improved; still, taken as a whole, they are perishing, and perish they must, unless they be made subject to *law.*

The bill under consideration proposes to supply these essential wants, to remedy these vital defects, by placing them in a situation in which they may become a civil community, organized and exercising the functions of civil government. The design of the bill, I do most heartily approve: I hope it will be approved by both Houses of Congress: the doctrine in which consists the essence of the bill is sound, and I cannot easily conceive on what ground it can be objected to.

I esteem it a high commendation of this bill, and one that augurs well for its passage by Congress, that it is in conformity with sentiments expressed by the Father of our Country. In a special message to Congress on the seventh of August, 1789, respecting the Creeks, Cherokees, and the Wabash Indians, General Washington used the following language:

"While the measures of Government ought to be calculated to protect its citizens from all injury and violence, a due regard should be extended to these Indian tribes, whose happiness, in the course of events, so materially depends on the national justice and humanity of the United States."—(State papers, vol. 4, p. 12.)

I quote these words with the more pleasure, because they were spoken in reference to the tribes whose interests at this time are most intimately connected with the provisions of the bill. Here let us notice that, in the words of Washington, the following points were presented to the consideration of Congress: first, the protection and security of the citizens of the United States, and secondly, the happiness of the Indians; "which," says he, "materially depends on the national *justice* and *humanity* of the United States." In urging Congress to seek the happiness of the Indians, he appeals to the *justice* and the *humanity* of our Government.

The bill is designed to cover precisely this ground, and no more. It provides for settling the tribes where the localities of their situation will be such as to diminish, and ultimately to annihilate, all just grounds to apprehend future hostilities from them. In regard to this matter, the local advantages of this place are greatly superior to any other under our control.

We know that there is a recklessness hovering around the Indian character, that often leads to rash and ruinous deeds; and it will be wise in Congress to place these people in a condition presenting strong inducements to them to quit the chase, and to commence agricultural and other pursuits to support themselves. This will diminish their propensity for war, as well as for hunting. Since a prominent feature of the bill is its design to promote the happiness of the Indians, I trust that Washington's appeal to the *justice* and *humanity* of the United States, will not be unavailing in the support of its passage.

The first section of the bill describes the Territory which is to become the scene of Indian reform, and provides that patents shall be granted them for their lands. What may be termed the northern boundary, commences at the source of a small river called Puncah, after a tribe of Indians of that name, who reside on and near it, and follows that stream to its junction with the Missouri river; thence in an easterly direction with the Missouri river about 200 miles; these two rivers form a natural boundary, extending nearly east and west; thence with the Missouri river a little east of south about 200 miles to the western boundary of the State of Missouri; thence with the western boundary of the States of Missouri and Arkansas to Red river, and up Red river to a point 200 miles west of the western boundary of the State of Arkansas. (This point has been fixed on chiefly on account of the country beyond it being uninhabitable, on account of the scarcity of timber.) Thence a direct line to the place of beginning.

It will be perceived that the northern, a portion of the eastern, and the southern boundaries are na-

tural. Natural boundaries are to be preferred in all cases, more especially when they are to separate the white and red people. It will be more easily known by the latter; and, in all respects, the purposes which render a line of demarcation necessary, are more fully understood by natural than by artificial boundaries.

The western, and most of the eastern boundaries are of necessity artificial. The Territory is large enough to include the tribes already there, and has sufficient space to accommodate all the Indians east of the Mississippi, that are intended to be transferred to that country to form a part of the Indian confederacy.

That the country is of suitable dimensions, will appear from an examination of the numbers now there, and ultimately to be located there.

The Indians within the Territory at present appear to be as follows:

Emigrants.		*Indigenous Indians.*	
Choctaws	15,000	Osages	5,510
Chickasaws	1,500	Kanzas	1,606
Seminoles	407	Omahas	1,400
Creeks	22,000	Ottoe and Missourias	1,600
Cherokees	8,000	Pawnees	10,000
Weas	206	Puncahs	800
Piankashas	157		
Peorias and Kaskaskias	142	Total Indigenous	20,916
Ottawas	242	" Emigrant	53,325
Pottawatamies	940		
Ioways	900	Present population of Territory	74,241
Sauks	400		
Shawanoes	823		
Delawares	921		
Kickapoos	625		
Senecas and Shawanoes of Neosho	462		
Quapaws*	600		
	53,325		

*The Quapaws are a branch of the Osage tribe. They have been living within the State of Arkansas, have recently been located within the Territory, and are reckoned among the emigrants.

The tribes now East of the Mississippi, and under treaty stipulations to remove West, are:		*Tribes East of the Mississippi, and* NOT *under treaty stipulations to remove West, are:*	
Winnebagoes	4,500	Menominies	4,200
Ottawas of Ohio	230	New York Indians, say	4,176
Pottawatamies of Indiana	3,000	Wyandots	575
Chippewas, Ottawas, and Pottawatamies, unit'd	6,288	Miamies	1,100
Cherokees	14,000		10,051
Creeks	1,000	To which add those now in the Territory	74,241
Chickasaws	3,900	And those under treaty to remove	42,418
Seminoles	2,600		
Apalachicolas	400	Will make a population of	126,710
Ottawas and Chipewas in Michigan	6,500		
	42,418		

Between the Mississippi and the Missouri are the Sauks and Foxes, which probably must be brought into the Indian Territory, say - 6,400

To which may be added stragglers of several of the emigrant tribes not included in the above estimates, say - - 773

Making - 7,173

Which, added to those already mentioned, viz: - - - - - - 126,710

Will make - 133,883

Which will be the population of the Territory when all the tribes which will probably be gathered into it shall be located.

The Territory, being about equal to 600 miles by 200, will embrace 76,800,000 acres. This, divided among 133,883 persons, will give to each a little over 593¼ acres; or it will give to a family of seven persons about 4,015 acres.

The State of Ohio contains 25,600,000 acres. The population of Ohio, according to the last census, is 937,903. The average amount of land in Ohio to each person within the State, is a fraction over 27¼ acres; or, to a family of seven persons, 190¾ acres. The inhabitants of the Territory, therefore, will have more than twenty-one times as much land to each individual as the present population of the State of Ohio possesses.

The country between the Shawanoes and others on the north, and the Osages and Cherokees on the south, has been examined within the last year, and found to be adequate to the wants of the Pottawatamies, Ottawas, united Pottawatamies, Ottawas, and Chippewas, New York Indians, Wyandots, and Miamies.

North of the Delawares, and south of the Pawnees and Otoes, is a tract of 8,960,000 acres of unappropriated land.

The Pawnees, Puncahs, Omahas, and Otoes, own about 19,008,000 acres. Their entire number is about 13,800 souls. Allow to each of them the average quantity calculated for the whole Indian population when all shall have been gathered into the territory that will be necessary, viz: 573¼ acres, and the amount required for them will be 7,914,300 acres, leaving a surplus of 11,094,700 acres. Add this 11,094,700 acres to the other unappropriated tract, which contains 8,960,000 acres, makes 20,054,700 acres to be given to the people yet to be provided for within the territory.

The tribes to be located within this tract are the Sacs and Foxes, the Winnebagoes, and the Menominies, numbering in the whole about 15,100 souls. The amount of land to each person would be about 1,328 acres. This is more than enough. But as in this northern part of the territory there is a greater scarcity of wood than in the more southern, the whole country north of the Delawares had better be fairly divided between the three last mentioned tribes, and the indigenous tribes now resident thereon.

The Territory as described in the bill is not too large, because,

First. It barely embraces those tribes that have intimated a willingness to be thus organized into a community.

Second. Some allowance should be made for succeeding generations. Their prejudices, which have kept them at a distance from each other, are too inveterate to be abolished in a few years, so far as to make it pleasant and profitable for them to be brought in contact, as our own people are in civilized communities. There they will have room to settle their descendants for generations to come, among themselves, untrammelled in their march of civilization by the mortifying prejudices of white neighbors.

Third. It is not too large, because of the great scarcity of wood in some portions of the Territory. The assumed western boundary of habitable country at the distance of two hundred miles from the States of Missouri and Arkansas, is at the utmost extent at which it can be placed, according to information derived from the most authentic sources. The boundless prairies, or plains, between the western boundary of the proposed Indian Territory and the Rocky Mountains, or the line between us and Mexico, should, in my opinion, be kept by the United States for their own use, to be disposed of as future circumstances may require, as a hunting ground for the Indians or otherwise.

It is not easy, for one who has been accustomed only to countries covered with timber while in an unimproved state, to form a just conception of a prairie country in which the order of nature is reversed. Here, instead of extensive forests, are extensive plains, interspersed only with groves of timber. In view of these circumstances, and the number of Indians which we have yet to remove to the Territory, the country described in the bill will not be too large for the purposes contemplated.

A common objection to be met at this place is, that on account of the scarcity of timber, the country is not suited to the object contemplated. This difficulty is obviated by observing that the timber now there will be sufficient for the present and a few succeeding generations. The soil is good; wood is prevented from spreading over the country by the burning of the grass on the prairies. These prairies are covered with grass tall enough for the scythe, and which is usually burned during the dry season of the fall. The flames are borne along by the winds with great rapidity, and are very destructive to young timber on the margin of these prairies.

As the country becomes peopled and stocked with domestic animals, the quantity of grass will be diminished, and the ravages of annual fires will become less destructive, and timber will rise up with astonishing rapidity. These remarks, sir, are not mere theories; they are facts, known to every one acquainted with the prairies on the Wabash and Mississippi rivers. Many persons now cut firewood from land that thirty years ago was open prairie.

The suitableness of this country is such that one is almost ready to conclude that Providence had contrived it for this very time and for this special purpose. The soil is generally very fertile. The Missouri river washes its borders, not reckoning by the meanders of the river, about four hundred miles. The Red river washes its southern border two hundred miles. The Arkansas, Kanza, and Great Platt rivers, run across the territory from west to east. These are all large rivers, and although, on account of their great width, and the sand bars over which they run, steamboats cannot ascend them far without danger of being left aground, by the rapidity with which their waters fall, still, the navigation of these rivers will be of benefit to the inhabitants, for transporting their produce to our markets, in times of high water, in ordinary flat boats, with which it will not be desirable to return.

There are many smaller streams that might be used in the same way after great rains. Creeks and rivulets are abundant. There is perhaps less swampy or marshy land there, than in any portion of the settled parts of the United States, of equal extent. Hence may be inferred its general healthiness.

The sickness which has occurred with the Choctaw, Cherokee, and Creek emigrants, is not to be attributed to the general unhealthiness of the climate, but to an imprudence which frequently attends the first settlers of new countries, in placing themselves along the large water courses. Such situations are unhealthy in all rich countries of the West, until the exuberant foliage of these lands becomes somewhat subdued by the grazing of stock.

Salt springs and rivulets of salt water are numerous; and coal, without search, has already been discovered in so many places as to justify the belief that it exists in great abundance throughout the Territory. This circumstance will greatly diminish the inconvenience which might otherwise be felt on account of the scarcity of wood. Both lead and iron ore have also been found in the Territory.

Its adaptation to leading a barbarous people to civilization is not more conspicuous in any feature than that of pasturage. These extensive plains are covered with grass, and afford excellent grazing during the warm seasons, and hay during the winter. These prairies, that were once spotted, or rather blackened, with thousands and tens of thousands of buffaloes, could sustain an equal, or even greater, number of domestic animals. The pastoral state is one that seems, by Nature, to intervene between the savage and the civilized. The truth of this remark is already apparent in several tribes now in the Territory. The facility with which domestic animals are reared are in some measure appreciated, and give stimulus to renewed exertion.

By reference to the annual report of the Commissioner of Indian Affairs, p. 59, respecting the Creek Indians, I find it stated by the Agent, that they dwell in comfortable farm-houses, have fine gardens and and orchards, raise from forty to fifty thousand bushels of corn more than is necessary for their own consumption. They furnish large quantities to the commissariat at Fort Gibson annually, and have contributed to the supplying of the late emigrants. The same report says, the produce of the Cherokee farmer is his corn, oats, potatoes of both kinds, beans, peas, pumpkins, and melons. The great profit of the Cherkee farmer is his corn, his horses, his cattle, and his hogs. Some of the Cherokees have taken and fulfilled contracts for the garrison at Fort Gibson, and for subsisting emigrant Indians, to the amount of from forty to sixty thousand dollars, without purchasing an article, except in the Indian country; and at their principal saline, they make eighty bushels of salt per day.

"The Choctaws," he states, "have mostly given up the chase for a living, and are engaged principally in the cultivation of the soil, and in raising stock. It would be impossible to estimate the number of acres of farms in cultivation, nearly all have their fields well inclosed, and raise corn, potatoes, peas, beans, pumpkins, and melons, and those settled along Red river raise large quantities of cotton. The country is well adapted to raising stock, and so prolific has been the increase, that they have furnished large quantities to the Creek

contractors, without apparently diminishing the main stock. The corn crop of last year was very good, producing a surplus of about fifty thousand bushels, a large quantity of which was furnished to the garrison at Fort Towson. The quantity raised this year will greatly exceed former years, as the people have enlarged their farms, and turned their attention to farming, with much greater care and industry." Of the Senecas and Shawnees, he says: "They cultivate the soil and raise stock; they make corn, oats, wheat, rye, and garden vegatables; no tribe own more horses, cattle, and hogs, than those people, in proportion to their number."

These facts, it seems to me, should silence the statements so frequently made, that the Indian territory was a sterile country, not suitable to become the habitation of a highly cultivated civil community, and it proves another fact, very important, and I state it with great pleasure, that here is a proof positive, that the aborigines of this continent are competent to support themselves by cultivating the soil, and pursuing any or all of the arts of civilized man.

The more judicious and well informed Indians, who reside in this Territory, from the nature of their relation to the United States, will not be liable to unkind feelings, or hostile intentions, toward our citizens. Their interest and ours, from the nature of their pursuits, will become assimilated. But there are inconsiderate outlaws to be found in all countries, and especially among the Indians, who, through foreign emmisaries, have excited jealousy and distrust, which have proved injurious, both to the Indians and to ourselves; and I know of no place so well guarded as this Territory is from the approach of foreign emisaries.

Look upon the map of the United States embracing our uninhabited territory westward, and it will be perceived that they could not be so well situated, in reference to this matter, in any other place. Far removed from the British possessions on the north, still farther from the ocean on the east; and, moreover, immediately on their west is the uninhabitable region of 400 or 500 miles; and on the southwest is a country of so much prairie as to form a barrier against an improper foreign intercourse from that quarter.

Here the Indians are to be placed, not so compactly as to produce collisions among themselves, and yet so much so as that the whole will be under the eye of our Government; the slightest expression of unkind feeling toward the citizens of the United States would be perceived, and could be nipped in the bud. It is because the Indians have had an opportunity of devising mischief in the obscure recesses of the wilderness, and because there were fastnesses there to which they could send their women and children, and in case of emergency to which their warriors could retreat, that they have at various times had the temerity to make war upon our frontier. Here they would adjoin no such secluded places, in which to hatch mischief, and no such fastnesses in which they could evade a speedy retribution of their offences.

The bill secures to the tribes within the Territory, severally, peaceable possession for ever, unless they abandon their land, in which case the land will revert to the United States.

Nothing can be more plain than that insecurity of title has a tendency to paralyze industry and enterprise. In this is to be found one of the causes that have held back from improvement most of the tribes near us. The Southern tribes, for various reasons, had been induced to feel themselves more secure than others, and this was one cause of their improvement.

Many instances might be produced to show the sad effects of the uncertain tenure by which they have held their possessions. As early as 1646, Indians in New England, under the labors of Elliott* and others, learned to read and to work; but the crowding of white people around them sometimes produced war, and sometimes peaceable negotiations for their removal, and rapidly drove them away from civilization, or else penned them up under circumstances still more disastrous to the Indians.

Subsequently, Brainard in New Jersey,† and the Moravians in the West,‡ were in like manner disappointed. Even among the rude Pottawatamies of the St. Joseph of Lake Michigan, as late as between the years 1822 and 1828, a very promising beginning of improvement was made by that truly benevolent society, the Baptist Board of Foreign Missions. More than sixty youths of both sexes were in their school, making pleasing progress in the knowledge of letters, while their progress in industry was no less prosperous. The males learned to work on the farm, in the smith-shop, and in the shoe-shop. The females learned to sew, spin, and weave, and to attend to the various branches of domestic economy. Three new settlements were formed by the institution. At these settlements they commenced making rail fences, log dwellings, &c. Seven of their youths were sent to New York, and two to Vermont, to complete their education, hoping that, by the time of their return, the improved state of society would afford them employment, beneficial both to themselves and their countrymen; but scarcely had the work of improvement commenced before it was destroyed by the rapid influx of white population, and all ended in disappointment. The society has removed its establishment west of the Mississippi, where, I have no doubt, it will be useful.

In the history of this ill-fated people may be found many instances similar to those which I have noticed. I have mentioned these, because the three former are part of the history of the country, and known to every body; the latter took place while I was attached to the Indian Department. I had frequent opportunities to visit the school conducted by the society, and it is but an act of justice to bear testimony to the prudence, economy, and industry with which it was conducted, and I had the mortification to witness its failure, from the causes which I have stated. My purpose will be answered by saying that by the provisions of this bill, the difficulties that have been experienced in improving the Indians for near two hundred years, arising from the insecurity of possession of the tribes near us, will be prevented in future; the lands they may in truth call *their own;* the improvements which they shall make thereon will benefit their descendants. For this reason, parents will be stimulated to provide for their children, and children will be induced to respect their parents. In order to make this provision, the parents will blend their interests together, correcting that destructive error of savage life, of keeping separate the property of husband and wife, and of alienating their affections, as well as their interests. Here schools can be permanently established and conducted without interruption, as they are among us, and I hope with equal success and usefulness.

The ambiguity which seems to have attached itself to what we term Indian treaties, is a strong argument in favor of this feature of the bill, which provides that they shall hold their lands by patent; by the same instrument by which the citizens of the United States hold their lands. Concerning the validity of this instrument, a question cannot be started among civilized men. For a trespass upon a landed right secured to the owner by patent, the decision of a court will, without legal doubt, secure to the owner ample remuneration for damages.

By securing to them their lands by patent, the better informed, who can understand it, will be inspired with additional confidence in the security of their possessions; and, through them, the same confidence will be instilled into the minds of the less informed, promoting through the whole the salutary ends we are seeking. In securing to them their lands by patent, we are but redeeming pledges already given. We have not only assured all of those tribes that within this Territory they might expect a permanent residence, but to many we have actually promised *patents,* using the very word that I now use.

We have not only promised them security in that country by treaties, but this assurance has been confirmed by law. An act of the 28th of May, 1830, makes it lawful for the President of the United States to solemnly assure the nation or tribe which, by exchange of lands, shall locate in the Territory, that the United States will for ever secure and guarantee to them, and to their heirs, the country so exchanged with them; and if they prefer it, a *patent* is to be made and executed to them for the same.

In treaties, the promise of a patent has been made to several tribes. By a treaty with the Choctaws of the 15th September, 1830, article 2d, it is stipulated that the United States, under a grant specially to be made by the President, "shall cause to be conveyed to the Choctaws, a tract of country west of the Mississippi river, in fee simple to them and their decendants to inure to them while they shall exist as a tribe, and live on it."

The treaty with the Creeks of the 24th March, 1832, stipulates that "as soon as the boundaries of the Creek country, west of the Mississippi, are ascertained, the United States will cause a patent or grant to be executed to the Creek tribe, agreeably to the 3d section of the act of 28th May, 1830." Similar stipulations have been entered into by the United States, with the Cherokees, Senecas, Senecas and Shawanees, Quapaws, Shawanees, Delawares, and Potawatomies of Osage river, by which their lands in the Territory are to be secured to them respectively, by patent.

I can anticipate no objection to the provision which is to secure by patent the claims of the several tribes within the Territory, because it does not propose to introduce any new principle into our Indian relations. It is merely designed to complete the fulfilment of obligations which we have already come under. We cannot in justice deny the patent which we have promised them for their lands in the Western Territory.

The 2d and 3d sections provide for the appointment of a superintendent and a clerk. Every Government must have a chief officer to see that their laws are faithfully executed, and it matters not what title he bears, if his duties are properly performed. Sections 5th, 6th, and 7th provide for a legislative council, to be convened once a year, for the purpose of enacting such laws as the welfare of the community requires. These laws will not take effect until approved by the President of the United States.

Here, within this Territory, will, ere long, be an Indian population of more than 133,000. They will belong to 28 tribes, not to mention some minor divisions. In order to promote peace and harmony among them, it is important to establish, upon just principles, the relations which the tribes are to sustain towards each other, and to make all fully to understand these relations. The measure is further necessary, in order to prevent the strong from oppressing the weak. Further, the proximity of such a population to our settlements, and the necessity for our citizens to pass through their country, imperiously require that they should not be left loosely, as they now are, under our present management, but that they should be considered as one people, and that whatever rules or regulations exist in their country, especially such as can in any way affect our citizens, should be such as our Government would approve, and the tendency of which would be the promotion of peace and amity between them and us, and among themselves.

We have now reached the ground upon which alone the fabric of civilization can be erected, namely, a union of intellect, of interests, and of pursuits—a confederacy of people thus united, enacting laws for the security of their persons and their property. For want of these the Indians have heretofore led a savage life. Now, when put in possession of these privileges, we have a right to expect them to look up to a better condition.

But, as the general council, at first, will be inexperienced in legislation, it is deemed expedient for the United States to exercise a guardianship over them, and not allow laws to operate until approved by the President of the United States.

Sections 4, 9, 10, 11, and 12 are merely for filling, in detail, what is embraced in the several sections which give character to the bill.

It only remains to notice the 8th section, which

* Belknap's History of New Hampshire.

†See Life of Rev. David Brainard.

‡See Brown's History of Missions.

is that part of the bill which provides that the confederacy shall appoint an agent to remain at Washington, during each session of Congress, to attend to the interests of the Confederacy as they stand related to the United States. The delegate is to be an Indian—one of themselves. His pay is to be equal to that of a member of Congress, and his duty will be to attend to their business here.

Upon this subject, which is one of some importance, I am happy to find that, as far back as 1778, in the days of Washington, by a treaty with the Delawares, it was agreed that that tribe, united with others, might have a Representative in Congress By the treaty of Hopewell, Nov. 28, 1785, with the Cherokees, it is agreed that that tribe shall have a right to send a deputy of their choice whenever they think fit, to Congress. And in the 22d article of a treaty with the Choctaws, of 27th Sept. 1830, the Indians request of the Commissioners to secure to them the privilege of a delegate on the floor of Congress. The commissioners stated, in the same article, that they could not, under a treaty stipulation, accede to their request, but that they would submit their request to the consideration of the Government. The treaty containing that stipulation has long since received the sanction of the President and Senate of the United States, and is the law of the land. I have added the case of the Choctaws to those which preceded it for no other reason than to increase the strength of the plea, not for a delegate on the floor of Congress, but for an agent to attend at Washington during the sessions of Congress; for this I put in a plea, not for the Choctaws separately, but for all the tribes that may see fit to unite in forming the Confederacy. In order to accomplish the work which we have begun, it is not only necessary to make them thoroughly acquainted with our institutions, but to hold out inducements to stimulate them to laudable emulation to improvement. The provision for this agent is admirably calculated to answer these ends.

Their agent here will not be an idle spectator, but one actively engaged in bringing to the notice of Congress, and the heads of Departments, matters of interest to those who sent him, and which require the notice of the Government. By these means he would acquire self-respect, and a correct knowledge of our laws and institutions.

The Choctaws, Cherokees, Creeks, Weas, Shawnees, Delawares, Pottowatomies, Otoes, Ioways, and Osages, have had books printed in their several languages; the Shawnees have a newspaper printed in their own language, edited by Mr. Johnston Lykins, a gentlemen of talent and great moral worth I have had the pleasure of his acquaintance for many years. He is well suited to the task he has undertaken for these people.

The facility with which many of the Indians learn to read and write in their own language, is owing to the simplicity of a new system of writing, which promises to be of great utility. In their newspaper they take a deep interest. By the reading which is now introduced among them, they will acquire information of the arts of life, the science of Government, and of the condition of the world, that will elevate and enlarge the mind with great rapidity.

Again: By admitting an agent of their own to attend to their business here, it would relieve some members of Congress of much labor on that subject, who could devote their time to the business of their own immediate constituents.

Such is the nature of the bill now under consideration. Is there one thing in it which is not called for by one, or by all, of the considerations which, (as I have stated,) Washington urged upon Congress, so long ago as 1789, namely, the safety of our own frontier, and justice and humanity to the Indian tribes? Placed under the same circumstances under which our new settlements have improved, they may be expected also to improve. Situated, as they will be here, on our Western frontier, and separated from every body else, and our own citizens prevented in future from making encroachments upon either their territory or their rights, and as their interest and ours become more and more identified, as enlightened communities, the ties of friendship between us will be strengthened, and the decline of this heretofore ill-fated people may be arrested.

That our design will, if reduced to practice, succeed, we have just grounds to believe, from the advanced state of improvement of the Cherokees and some other tribes. The Cherokees were so situated as to feel more of national pride than the perishing tribes on our borders; and they have made advances in civilization while many other tribes have been sinking into insignificance. But the Cherokees possessed only a *portion* of the facilities to improvement which we propose to give to the Indians in the Territory. We may fairly infer, therefore, that in the Territory, improvement will be much more rapid than it has been among the Cherokees.

It is rather surprising that the Cherokees, or their advisers, did not earlier see this, and long ago embrace the opportunity of acquiring rank, reputation, and all that makes life desirable; far beyond what they would ever have attained by remaining in their original place. There all laudable ambition was circumscribed to the little sphere of an Indian tribe; here, in the Territory, the sphere will be enlarged, until it shall equal in population and business one or two of the largest States of this Union.

The Governor of the Wisconsin Territory—than whom few men in the country understand Indian character better, or have done more to chastise their temerity in time of war, or are more zealously engaged in preserving their existence as a people, or more desirous to ameliorate their condition—in his letter published with the annual report (page 17) of the Commissioner of Indian Affairs, and laid on our tables at the commencement of the session, while speaking of the wretched condition of the Winnebago Indians of Wisconsin, says: "It would, however, be much better for the Indians and the Government, if they could be located southwest of the Missouri river, where they could have no intercourse with the whites. I have no hesitation in saying that the Government should interpose its aid to save this miserable and degraded race of Indians from the ruin and destruction which seems to await them." These remarks, coming, as they do, from Governor Dodge, are stronger arguments in favor of the bill than any opinions of my own that I can hope to urge on your consideration.

None can believe that we have discharged the obligations of justice towards a perishing people, whose territory necessity compelled us to take possession of. The world is large enough for all its inhabitants. There is room enough for us and for them: we have yet unoccupied, except by a few Indians, the best place, taking into view the whole case, which our continent ever afforded for their residence; a place unembarrassed by State rights, and, as I have endeavored to show, favorable in its location, and ample in its resources. There are already in that country 74,241 Indians, on the ground, ready to receive at our hands the initial institutions of government and greatness. We can do them justice in this case, without loss to ourselves. I say more: the act of justice which we are called on to perform, promises us positive benefits. Not less distinctly is the voice of humanity heard in this case. Who can think of a race of men, possessing undisturbed a quarter of the globe, with noble intellect, though within naked bodies, retiring from the vast Atlantic coast before the Spaniards' cross-bows and the Spaniards' bloodhounds, before English guns and English institutions, now halting to oppose a feeble resistance, and again receding farther into the wilderness to hide, strewing the way of their retreat with the victims of their suffering, and appearing fewer and fewer upon every occasion that brings them to our view, without a softened heart! A hundred times over have we declared that we wished them well; and yet our wishes have not been reduced to practice: neither their retreat nor their decline has been arrested. They have at length reached the extremity of habitable country on our western border: no farther can they go, unless we crowd them off the land where man can live, and let them die at once. To this extremity, I say, 74,241 have already come. There they stop; and their numbers daily accumulate, by influx from the various tribes east of the Mississippi. There, for the last time, they turn towards this Government, imploring mercy by all that is dreadful in the past, or hopeful in the future. And shall we shut our eyes, that we may not see their sufferings, or stop our ears, that we may not hear their cries? And shall we fold our arms, and refuse to help? No: our history must not, will not, be stained with such a dereliction of duty toward the race that preceded us. I anticipate a response in every American heart. *We will help them:* we will help them *now;* for if we delay, it may deprive us of the opportunity.

I would fain persuade myself that I am but expressing the feelings of every one who has brought his mind to bear on this subject, when I say that I consider it a privilege, than which none in my short life will afford me greater satisfaction, that I have been allowed to bear a part in this noble work of justice and of charity. Centuries have passed away, and with them millions of the ancestors of those for whom we now legislate, but it has been reserved for this generation, for this time, and may I hope for this Congress, to extend the hand of kindness to a noble race of men.

Now let us act, and not delay about quibbles of minor import, which experience will correct in the progress of the work. Let us not deny ourselves the felicity of improving this rare opportunity of doing good. Let us speedily prepare a message of kindness to be carried to these people already within the Western Territory. Let us tell them in truth, here terminates your wanderings west, and here shall terminate your wretched sufferings; from this time date the commencement of your elevation which will not leave you short of the summit of all that is desirable among your conquerors. Now they present the hand, not of the conqueror, but of the kinsman; see ten thousand eyes dried at once, or rather wet with tears of joy, and listen to the voice of a grateful people gladdening the solitary places of the desert, followed by the hum of industry, which shall convert the wilderness into fruitful fields. Under these auspicious and pleasing anticipations, let us act on this bill, and I have no fears of the result.

Here, sir, I would gladly close my remarks, but I must claim the indulgence of the Senate a few moments longer, while I draw the parallel between the present expenses of administering the intercourse laws to the people of the Territory, and the expenses of the Government proposed by the bill. I have prepared a statement, showing the number of artisans and others now engaged within, and connected with, the people of the Indian Territory.

Present annual expenditures under existing laws within the proposed Indian Territory.

Five agents, at $1,500	$7,500
Four sub-agents, at $750	3,000
One clerk, at $1,000	1,000
Seven interpreters, at $300	2,100
Twenty-five gun and blacksmiths, at $840	20,000
Seven farmers and assistants, at $600	4,200
Twelve teachers, at from $833 to $840	6,960
Three millers	1,700
One millwright, (vacant,)	600
St. Louis Superintendency.	
One superintendent	1,500
One interpreter	300
Two clerks	1,800
One laborer	180
	$53,240

Expenses of proposed Territorial Government.

Superintendent's salary	$2,000
Clerk's salary	800
Subsistence of delegates attending general council	2,000
Printing laws and regulations	300
Contingencies	1,000
	$6,100

At the end of the first four years after the Territorial Government goes into operation, one-half of the agents, sub-agents, and interpreters may be dispensed with; and after the expiration of eight years, every agent, sub-agent, and interpreter may be discharged, leaving to the superintendent, the chiefs, and the general council, the management of the entire business of the Territory. Among

the emigrant tribes, there are a number of young men of talent, well educated, and wanting employment. These men, with the assistance of the superintendent and council, will be able to manage all the business for their people within their Territory. Offices will be created for them to aspire to, and it will, I have no doubt, be found the interest of both our Government and the Indians, at no distant day, to withdraw every white man holding an office from the Territory, leaving the Indians to manage their own concerns for themselves.

The expenditures will soon be still farther reduced, by discontinuing the artisans at present employed among the Indians under treaty stipulations, as above stated, all of whom, excepting two, are engaged for limited periods. Two are permanent; the others are for the following periods, viz: during the pleasure of the President, 18; at the discretion of Congress, 4; for five years, 4; for ten years, 8; for sixteen years, 3; for twenty years, 4; for thirty years, 5; uncertain, 11.

Some of them have been several years engaged, and may soon be discharged. In the year 1859, the term of service for the longest engagements will expire. At that period we can withdraw the last of our mechanics from the service of the Indians, and it is proper that we should do so.

It will become the duty of the head of the Indian Department to inform the Indians that our Government will, at the end of the present engagements for white mechanics, discontinue them. The superintendent and all other officers of the Territory will see the necessity of placing Indian youths in workshops, either within their Territory or elsewhere, to learn all branches of mechanism, to be prepared for the time when our present engagements to furnish them will have expired.

When we shall discontinue the practice of furnishing mechanics and laborers to work for the Indians, the expenses of the Territorial Government will be reduced to $6,100 per annum.

Not the least of the difficulties which we have to encounter in organizing the Indian Territory is to reduce the salaries, and withdraw our agents, artisans, and others, employed among the Indians. These men are rolling in ease and luxury, receiving better salaries than the States pay their officers, higher wages than can be realized from the ordinary pursuits of life. The salary of an Indian agent is higher than the salary paid by some of our States to their Governor. Agents are also furnished fuel, quarters, clerk hire, and stationary, and to some a laborer. They will not willingly let go these comfortable places. When a move is made in Congress to retrench expenditures, they will be found in this city urging their own claims to place. Congress should take up this subject and reduce the salaries paid to most of them, twenty-five per cent. It will require some firmness in both the Executive and Congress to reduce these extravagant expenditures, and bring them down to the real wants of the service. But, sir, we are compelled to retrench if we intend to fulfill our duty to the Indians or to ourselves. I feel justified in saying, from not a very limitted acquaintance with the subject, that we have become extravagant in making Indian treaties, careless in appropriations, and wastefull in the application of public money to the use of the Indians, and to those employed by the Government among them, and that retrenchment is necessary.

Should this bill become a law it will not be necessary to keep more than three agents, and about six sub-agents, in the employ of the Government for all the Indians not within the territory. An agent for the upper lakes, one at St. Peter's, and another at Council Bluffs, with a half dozen subs at suitable places, will, in my opinion, be sufficient. It is bad policy for Congress to create agencies to be scrambled for, and worse to advance them far into the wilderness, and make it necessary to send out a military force to protect them; the regular increase of population, and the advances of our settlements approach these people fast enough.

The bill of the last session for organizing the Indian territory was submitted to the consideration of eleven tribes, and was assented to by them. These tribes are Delawares, Shawanoes, Kickapoos, Pottawotamies, Sauks of Missouri, Ioways, Weas, Piankashas, Peorias and Kaskaskia, Kansas, and Ottowas, every one of these tribes approved of the provisions of the bill, and desired the Government to carry into effect without delay, and each of these tribes sent to Congress, through the Commissioner of Indian Affairs, a petition to that effect. An extract from one of these petitions is found in page 65, of the annual report of the Commissioner of Indian Affairs, it concludes thus: "with all the foregoing propositions we are well pleased, and we earnestly request the Government to carry them into effect as soon as practicable."

The Commissioner appointed to submit the bill to some of the tribes, in his report, also printed, and on our tables, says further: "the agent for the Pawnees, Ottoes, and Omahas, in a conference held with him last summer, appeared confident, that these three tribes would acquiesce in the measure. Such, says he, is also my decided opinion. The subject has not been submitted to their consideration."

I have the pleasure of a personal acquaintance with Major Dougherty, the agent spoken of; have long considered him an efficient business man, and I entertain, no doubt, that if he makes the effort, all the tribes, for which he is agent, will yield their assent, and join the confederacy.

To the Osages, Quapaws, Senecas, and Senecas and Shawanoes, the subject has not been submitted for their consideration. It is believed that each of these tribes would have been in favor of the measure if the subject had been properly explained to them.

No answer has been received from the Creeks; the bill not having been submitted to them in a formal manner. Some of their Chiefs, I understand, are favorably inclined. The Cherokees and Chickasaws have expressed a disinclination to come into the measure. This is owing, I have no doubt, to erroneous information, or bad counsel.

It may be laid down as a general rule, to which there are but few exceptions, that wherever the agent for a tribe of Indians is in favor of the measure, the Indians of his agency will agree to it. There is not a tribe of Indians in our country, excepting the Cherokees east of the Mississippi, and which is evidently under the influence of bad counsel, but what will yield their assent to any measure that may be desirable with the Government to accomplish, provided their agent does his duty. If he desire complaint, they will complain; if he desire peace, or war, he can influence his Indians to conform to his wishes. Indeed, sir, so perfectly satisfied am I of the unbounded influence of an agent over these people, that wherever an agent has been in office a sufficient time to become acquainted with his Indians, if they refuse to conform to the wishes of the Government, I would justify the Executive in dismissing him, as being either incapable or unfaithful; either of which is good ground for removal. An incapable or unfaithful agent frequently produces difficulties, and sometimes such as end in blood. We owe it to the people of Missouri and Arkansas to complete our plan of defences of the Western frontier with all possible despatch. I have no fears of a rupture between the whites and the tribes sent to their Western border from east of the Mississippi; but strong forts should be speedily erected and well garrisoned, to prevent combinations or collisions between the emigrant tribes and the numerous tribes of the Rocky Mountains, that would bring upon us a blaze of war from the Sabine, in the Southwest, to the great Lakes of the North, and which would certainly retard, and might forever prevent us from realizing the fond hope we now entertain of seeing the Indians of the Territory become, under our protection, an enlightened civil community.

For the present, we must keep a military force near them. While they remain untamed savages it is indispensable that we keep them within hearing of a morning and evening gun, and the roll of the drum; but this should not be looked to as the permanent policy of the Government. The rod can sometimes be advantageously holden over the child in minority, but, lamentable, indeed, must be the condition of a people who can only be kept in bounds by the presence of physical force. We must strive to enlighten their minds and elevate their character by moral power, not by physical force; looking to the time when we can, without danger of harm to them, or to us, withdraw our troops from their presence; and leave them to depend on their own resources, not looking up to us to furnish them the most common necessaries of life, that are within the reach of every inhabitant of North America, of ordinary intellect, and common industry. They should be taught that, as man is a perishable being, he owes it to himself to make exertion to support his existence, not depending on the spontaneous productions of nature, or upon the exertions of others, as they have heretofore done. So long as we furnish artisans and laborers, and supply provisions, to the Indians, and continue our agents to administer to their wants, they will look up to and depend on us. It belongs to human nature to indulge listlessness when an opportunity is afforded us to do so. Necessity prompts to industry and exertion. These people have depended on our presents and annuities for half a century. We should undeceive them at once, by letting them know that, within the Indian Territory, we will supply them with artisans and laborers no longer than to the expiration of our present engagements, the last of which will terminate in 1859, twenty-one years hence, except two blacksmiths that are permanent. If we teach them division of property, labor, and the elements of Government, and protect them from foreign emissaries and invasions by the strong arm of this Government, we have good reason to look forward with the confident hope of seeing them, at no distant day, emerge from degradation, and become an independent state, and its citizens an intelligent, industrious, and happy people.

REMARKS OF MR. YELL,

OF ARKANSAS,

In the House of Representatives, April 16, 1838—In Committee of the Whole House on the State of the Union, on a bill reported by Mr. LINCOLN of Massachusetts, making an appropriation of money for the destruction of the new Treasury building, and for other purposes.

Mr. YELL addressed the Committee as follows:

Mr. CHAIRMAN, it was not originally my design to say one word on the merits of this bill at the present stage of its existence; but as I find that it has already elicited much debate, and the hounds are out, I may as well utter what I have to say on this occasion. I am not prepared for a set speech, and will occupy the attention of the committee for a few moments only.

I am an opponent of the bill, Mr. Chairman; and, at the very threshold, I protest against its passage. I behold in it, sir, the commencement of another scheme for a splendid and a profligate Government; a scheme for the recommencement of that system of expenditure and profligacy which distinguished other days, and rendered immortal another Administration, when we had splendid projects for a vast chain of internal improvement on the earth below and in the heavens above; a scheme for the projection and completion of "light-houses" in the skies; of beacons, buoys, and palaces, and all those fanciful projects which a versatile fancy could originate, and an administration of idolators could, if they had consulted their own wishes, have carried into execution. Mr. Chairman, the storied debut of that Administration has now become a matter of history; but, sir, it is yet recollected; and, as I opposed its existence with all my zeal, I shall now, and ever after, I trust, be found among the most strenuous of those who lend a helping hand to obliterate and destroy the baleful example which it set for the imitation of subsequent Administrations of the laws and principles of the Constitution, and the obligations of the Government. I object to this bill, and protest against its passage, for other, and, I trust, not unpatriotic reasons than that which I have already stated; I behold, sir, in this bill, a feature and a design, both of which are too palpable to escape the observation of the most reckless observer. When the preceding Administration came into power, it was pledged to carry out the principles of reform in the abuses of the Govern-

ment, and retrenchment in the public expenditure. The present Administration stands pledged by ths avowals of the Executive to carry out those principles; and I, for one, Mr. Chairman, am not disposed to shrink from the performance or fulfilment of the pledges of the Administration to the people. But, sir, this bill meditates the very reverse of all our pledges. It is intended and designed for political effect: it has been conceived in a settled determination to get up a wasteful expenditure of the public funds, for the purpose of enabling the opponents of the Administration to raise the watchword of alarm, preparatory to a deafening outcry of profusion and prodigality against this Administration. I am not to be led astray by any such artifice: no gulltrap of the kind can catch me; and I appeal to any man of this Administration, to any man of the "*bread and soup party*," as we are called, to come forward and defeat the project of the opponents of he Administration.

Sir, I am a friend and supporter of this bread and soup party, as it has been scornfully denominated, and I am proud of the cause in which I am engaged; for it is the cause of the people, of civil liberty, and of law. I am, sir, a radical in all things, and particularly a radical in my support of the Administration. I am a foe of those who would waste the public treasure; I am a foe to all splendid schemes of Government; I go for an economical administration of the affairs of the country; and am determinedly hostile to high tariffs, quixotic expeditions to the South Seas, and hold in abhorrence all projects which have not the happiness and the interests of the people in view; nor am I to be found among those who would pamper the pride and luxurious fancy of public officers, by erecting stately edifices and palaces for them to luxuriate in at the expense of the people.

If this bill is to pass, I wish to know who is responsible for it, the Administration or its opponents; and if one hundred and fifty thousand dollars are to be wasted in destroying one building to erect another, I am anxious that my people should know who the act is to be accomplished by. Will the friends of the Administration, with retrenchment and economy on their lips, consent to an act so opposite to the sincerity of their professions?

Who, sir, will support this bill? The partisans of Mr. Van Buren and the former advocates of General Jackson? It may be, sir, that it will find the support of a few of all sides, and I shall not be surprised if gentlemen of weak nerves and timid hearts, professing to be the champions of the Administration, are found giving it their votes.

Sir, it is ever the misfortune of overgrown and successful parties to find in its ranks men who, in the hour of adversity, or in the hour when a little extraordinary thunder is supposed to be discernible in the political atmosphere, shrink from their professed fealty and political attachment, and are surely to fly for safety to the camp of the enemy. Sir, it has been the misfortune of the Administration party to have many men of this description among its numbers. Our opponents gathered in its folds old Federalists, the champions of the Hartford convention, counterfeit Democrats, National Republicans, Antimasons, and Abolitionists. They have, sir, been a kind of catch-all, or *omnium gatherum;* and it is from such base material, that we find skulking and dodging, when it is supposed that a cloud of danger is gathering. Thank God, the recent elections in the North and the East have nearly cleared our ranks of such materials, and I thank God for it. Let them go. We wish none of their aid—none of their assistance. In fact, sir, they were an incubus to the party, and will ever be an incubus to the party to which they may attach themselves.

There may be others, sir, professed friends of the Administration, who have, of late, been frightened to their wits ends, by the gasconade and bravado of the Whigs, who may vote for the passage of this bill. They have, of late, been told that Whiggery, as it is called, is about to take possession of the whole world. The Whigs say they have carried Maine by a majority of I know not how many thousands, Connecticut by five or six thousand, New York by thousands, and even Baltimore, where the election for a successor of the late Mr. McKim has not yet taken place, they loudly affirm has already been carried by a majority of computing thousands. They will, probably, vote for this extravagant bill. Well, sir, let them do it, and let them also quit our party if they choose. Our party has, at all times, and on all occasions, suffered much from men of this description. In its early history, it had its Judases—men professing our principles and advocating our cause, the moment they saw, or thought they saw, a little danger in the distance, [*here* Mr. YELL *turned round and pointed to a gentleman who sat near by him,*] deserted the camp, fled to the enemy, and left us—I hope forever. We wish no such men in our ranks, and I rejoice that they have taken up their quarters with our common enemy.

This bill, Mr. Chairman, if sustained at all, or if passed, must be sustained and passed by other men than those who support this Administration. It must be sustained and carried by men who are determined to get this Administration ashore, and then ask us to get it afloat by a flood of worthless bank notes and shin-plasters.

[Here Mr. YELL and Mr. WISE held an indirectly good-natured conversation, in an under tone, about banks and shin-plasters, the precise nature of which was not understood by the Reporter.]

As for this new Treasury building, Mr. Chairman, what are the objections raised against it, that call for its demolition? Why, sir, it is said that it stands in the way of the President's mansion! It is guilty of the monstrous crime of hiding the White House from the view of *some gentlemen* who hold seats in the other end of the Capitol. It impedes their vision, and, forsooth, they cannot see that building, for the occupancy of which their hearts palpitate, and all their aspirations are breathed by midday, and on which their dreams are based at the midnight hour. [Loud laughter and approbation.] Sir, they cannot see the Executive mansion! Indeed, they cannot behold that edifice from that end of the Capitol; and let me tell you, sir, that if they were to change their seats, and come to *this* end of the Capitol, they would still find themselves suffering under total obscuration of vision. The Executive mansion would not then greet their anxious eyes, and let me add, they never can behold it, for the people have already decided that they never shall occupy that edifice, for they are not worthy. [Here the House indulged in a hard fit of laughter, all sides partaking of the general humor.]

As for the new Treasury building, Mr. Chairman, it is, in my opinion, good enough for all the purposes for which it was intended, although I have never examined it, or taken any pains to procure any information that would enable me to decide on its merits. If I were to examine it, I should know nothing about it, for I know but little or nothing about the laws and rules of architecture. If, however, I should take the trouble to go into an analysis of its excellencies or defects, I should be just as wise in relation to it as the Committee on Public Buildings are; for they tell you that they know nothing, of themselves, about the matter, and have furnished a report to this House on information obtained from others. The building is good enough for all the purposes contemplated in its erection; and I protest against the waste of a large sum of money to destroy it.

Mr. Chairman, whilst gentleman stood ready to waste one hundred and fifty or three hundred thousand dollars, not to build up, but to destroy, is it not a little singular, that they refuse to vote one farthing to suppress Indian hostilities, or place the frontier in a state of defence. The whole of your frontier border is now threatened with a bloody and desolating war. The tomahawk has been ground, and the scalping knife is whetted, for the bloody action, and from the Upper Lakes to the shores of the Sabine, you hear the war cry of the infuriated savage of the forest. You are called on for money to defend the lives and property of those whom you are bound to protect, and what is your reply. The Treasury is exhausted, the prospects of the country are gloomy, you must wait a little longer; assistance cannot now be given! Sir, wait a little longer? and how long must we wait? Till your border is deluged in blood, your lands devastated, and your offspring are given to the faggot and the knife; and all this must be waited for, because politicians at the other end of the Capitol want to see the Executive mansion.

Mr. Chairman, I represent a people, who are as intelligent as they are patriotic, and as economical as they are brave and hardy. They demand a free participation in the affairs of this Union, and they stand ready to denounce prodigality and extravagance, wherever it be found. They never can be much capable of justifying the gross and un pardonable wast and abuse, which this bill, if passed, must carry in its train; and in the name of the American people, I protest against its passage; and in doing so, I appeal to the friends of this Administration in Congress, to *veto* a measure at once, which, if submitted to by them, will at once justify the abuse that has been heaped upon them by their foes, and seal without reflection or objection, the charge of profusion and prodigality, which has been for months rung in their ears by their foes.

Having said much more than I originally designed to say, and having trespassed on the patience and indulgence of the committee, I yield the floor, again and again most unequivocally protesting against the passage of the bill.

CUMBERLAND ROAD.

REMARKS OF MR. CAMPBELL,

OF SOUTH CAROLINA,

In the House of Representatives, April 11, 1838.—The motion of Mr. UNDERWOOD to recommit the "bill making appropriations for continuing the Cumberland road in the States of Ohio, Indiana, and Illinois, and for other purposes," to the Committee of Ways and Means, with instructions to report a bill ceding the road to the States through which it passes, being under consideration, and Mr. UNDERWOOD having addressed the House in support of it—

Mr. CAMPBELL remarked that, with the opinions he entertained, he would be wanting in his duty if he did not raise his voice in opposition to the bill now under consideration, and in support of the motion just made by the honorable gentleman from Kentucky, [Mr. UNDERWOOD.] He congratulated the House and the country upon the motion, coming from the quarter it did, as indicative of a better feeling upon the subject of public expenditure, and hoped, if successful, that an eternal separation would take place between the Government and this favorite object of internal improvement.

He would ask gentlemen whether the Cumberland road is more immediately connected with the military defence or foreign commerce of the country than a thousand others that intersect it in every direction, or whether the appropriations contained in the bill under consideration are not liable to the general objections applicable to appropriations for other objects of internal improvement?

He knew that this road had a sort of prescriptive right to the patronage of the General Government: that as far back as 1806 an appropriation was made for its construction out of the two per cent. fund, reserved from the sale of public lands, for laying out and making roads to the State of Ohio, under the "act of 1802, authorizing the people in the eastern division of the territory on the northwest of the Ohio river, to form a constitution and State Government." Whether it was then supposed that this would become, what it has long since been, a charge upon the public Treasury, it is not material to inquire. We know that appropriations for its construction commenced in 1806, under the administration of Mr. Jefferson, and have continued to the present time.

If this was a Government whose constitutional powers were settled by precedents, the frequent appropriations for this road, extending through a period of more than thirty years, would be sufficient to establish the constitutionality of this bill. While, however, he protested against such a construction, he would waive its discussion, and base his opposition upon grounds of expediency.

He did not intend to condemn the policy under

which this road was commenced. Arguments, *at this time applicable*, have, from the altered condition of the country, now lost their force. In illustration of this, he would state that the report of the committee of the Senate in 1805, recommending an appropriation to form a communication between the Ohio river and the Atlantic States, concludes with the following argument:

"Politicians have generally agreed that rivers unite the interest and promote the friendship of those who inhabit their banks, while mountains, on the contrary, tend to the estrangement of those who are separated by their intervention. In the present case, to make the crooked ways straight and the rough ways smooth, will, in effect, remove the intervening mountains, and, by facilitating the intercourse of our Western brethren with those on the Atlantic, substantially unite them in interest, which the committee believe to be the only effectual cement of union applicable to the human race."

Sir, (said Mr. C.) these objects have been accomplished. The crooked ways have been made straight, the rough ways smooth, the intervening mountains have been scaled—not by this road only, but by numerous communications that owe their existence, not to Governmental patronage, but to individual enterprise; to enterprise prompted by enlightened views of commercial advantage, and the strong stimulant arising from the hope of individual wealth.

Other arguments, *applicable in* 1805, have now lost their force. Formidable tribes of savages at that time hung upon the skirts of our infant settlements on the western side of the Alleghany mountains, for whose defence it may have been proper to form a communication by this road with the Atlantic border. How changed is the prospect! The magician has waived his wand, and the transitions have been as rapid as the shifting scenes of a moving panorama! Those infant settlements have sprung up into flourishing communities; the extended forest that then reposed in the deep solitude of primeval silence, is now a cultivated country, whose fields teem with fertility, whose towns and villages and cities resound with the hum of busy multitudes. Over a country, at that time unrodden, save by the foot of the untutored Indian or solitary trapper, independent States now hold sway over a population, numerous, intelligent, patriotic, brave; a population that, except on the extreme frontier, is so far from requiring defence from others, we must look to with pride and pleasure as being not only able but willing to afford effectual assistance to their Atlantic brethren should they ever be invaded by a foreign foe.

The Cumberland road is completed continuously for some distance beyond the Ohio river, and has been worked upon in different places as far west as Vandalia, in Illinois, within less than 100 miles of St. Louis, and more than 400 on the line of the road beyond the Ohio river. Mr. C. acknowledged the force of the argument that might be used in favor of appropriations to connect the different parts of the road, and thus to render what has already been expended available. But look, sir, said he, to the condition of the Treasury. The report made a few days since by the Committee of Ways and Means shows that on the first of January last, *there was less than five hundred thousand dollars* in the Treasury of the United States applicable to public expenditures. In the same report the estimated resources of the present year, including $7,000,000 of Treasury notes, are placed at $31,000,000. Of which $13,000,000 are estimated as the receipts from customs, and $3,000,000 from public lands; both of which resources are admitted, in the present condition of the country, to be uncertain.

Mr. C. had not, nor did he suppose that any gentleman, either in the House or out of it, possessed the data that would enable him to form a satisfactory opinion of the amount of duties that would probably be paid into the Treasury on the importation of foreign commodities; for the experience of former years will afford no criterion by which to judge of the present. It must, however, be obvious to all, that the fever of land speculation, which, nder the influence of credits easily obtained, had een stimulated almost to delirium, is rapidly subsiding, and that the purchases of the public land will for the present year be limited almost exclusively to the demand for settlements. This last demand will be diminished at the public sales, from the strong and pernicious tendency of your preemption laws to induce emigrants to seize upon the *best portions* of the public domain not yet brought into market. He observed some of the representatives from the new States smile incredulously at this assertion. But with the most respectful deference to those who advocated this system, he could not but think that it held out an inducement to avarice that operated unfavorably upon the morals of our pioneer population. Mr. C. wished not to be misunderstood; he made no charge against that population, whose hardy enterprise had conquered the wilderness. Among them you will not find the rude unfeeling boor, that "against the houseless stranger shuts his door," but a population as much distinguished by generous hospitality as by a love of liberty and hardy enterprise—a population which, although perhaps destitute of some of those minor advantages that a higher degree of improvement will introduce, are clearing the way for towns and villages and cultivated fields—a population whose energies have surmounted difficulties and dangers from which almost any other people would have shrunk in despair, that have conquered and are going on to conquer, that have laid and are now laying the foundation for future empires.

Mr. C. would now return to the subject from which, he said, he had somewhat digressed, and admit that the estimated receipts from the customs and the public lands were not exaggerated, and that the available means of 1838 would amount to $31,000,000. Deduct upwards of $16,000,000, not drawn from the Treasury on the 1st of January, of previous appropriations, and upwards of $2,000,000 of appropriations under permanent laws, and there remains less than $13,000,000 applicable to the appropriations of the present year. Deduct from this amount upwards of $6,000,000 for Indian hostilities, and upwards of $600,000 for the Canadian frontier, and there remains *less than seven millions of dollars* for the expenditures of the Government, including the civil and diplomatic list, the army, navy, fortifications, armories, the survey of the coast and harbors, the erection of light-houses, and all other expenses. It is true that the report of the committee estimates that there will be $11,000,000 of unexpended appropriations on the 1st of January, 1839, but Mr. C. contended that this did not weaken the force of the argument; for appropriations unexpended this year will remain as a tax upon the next; and the $10,000,000 Treasury notes that must be redeemed either towards the conclusion of the present, or early after the commencement of the next year, is more than equal to any temporary convenience that may be supposed to arise from the estimated unexpended balance of appropriations on the 1st of January, 1839.

We are as careless, sir, as if we were sailing under a clear sky, with propitious breezes, over a summer sea. But do you see no speck on the political horizon? It is no longer a speck; a cloud has arisen, whose dark shadow is thrown upon the prospect before us. Where is the faithful pilot? Why does he not warn us of the breakers on which, with every sail spread out to the deceitful breeze, we are madly driving? Where is the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] or the chairman of the Committee of Claims, [Mr. WHITTLESEY,] those faithful guardians of the public treasure? Why do they not warn us of a national debt, as the inevitable consequence of unnecessary and extravagant appropriations?

Mr. C. warned gentlemen of the consequence of a national debt. If we contract a national debt, the "compromise act of 1832," which brought peace to a distracted country, will prove but a rope of sand to an increase of duties. Yea, more, the very next revolution of the political wheel may bring those into power, who will not hesitate to direct the duties upon importations, constitutionally imposed only as a means of raising revenue to pay the legitimate expenditures of the Government, to objects of protection.

Scenes would then return, upon which he could not look back without feelings of unutterable disgust. Protection and anti-protection would again become the watchwords of parties divided by geographical lines. Local prejudices and individual avarice would again usurp in the halls of legislation places that should be consecrated to patriotism and virtue. The clamorous importunities of partial interests would again intrude upon our deliberations, and the American Congress be again converted into an arena for the most bitter contests.

If we would avoid this, we must, if possible, avoid contracting a national debt. A debt to some extent, from the present prospects, cannot be avoided. But it is our duty to refuse all appropriations, *whether constitutional or otherwise*, that are not absolutely necessary to defray the expenses of the Government. No gentleman can doubt that a large national debt will inevitably lead either to an increase of the tariff, or to recalling the instalments from the States. To say nothing of the consequences (of which we have recently had bitter experience) of suddenly diverting, by an act of legislation, a large amount of money from the chanels in which it was employed, he doubted whether there would ever be found sufficient firmness in Congress to adopt the latter alternative. Even if the instalments should be recalled from the States, he doubted whether it would not prove to be calling "spirits from the vasty deep." You may, perhaps, recall them, "but will they come at your bidding?" Mr. C. intended to make no insinuation against the honor of the States, but, from the debates at the extra session upon the proposition to withhold the fourth instalment, he thought it probable that many of the States looked upon the deposites that have been made with them as legitimately their own property, and, under this impression, they will not willingly tax the industry of their citizens to comply with what they may believe to be an arbitrary and unauthorized demand.

Within the last two hours we have passed a bill containing appropriations for an exploring expedition, for the employment of naturalists, geologists, botanists, to examine the animals, soils, and plants of distant lands, subjects with which this Government has as much to do as with the "vespertilio homo," or man-bat of the moon. In such appropriations do we give evidence of our sympathies for the condition of our constituents, or afford a *revelation of the calamities that await them from our legislation?* Do gentlemen not see that, by unnecessary appropriations, they are sowing the seeds of bitterness between the different sections of this Union? That they are digging a mine, which, when it is filled, as it will be, with the elements of wrath, a protective tariff, and fired by the collision of separate interests, will produce an explosion that may shake our political fabric? If public opinion does not rise against unnecessary appropriations, and the voice of economy be heard in this hall, he would not say that the ruin of the country, but he would say that the oppression of the people, so far as an increase of taxes is oppression, will be the inevitable consequence.

The present is an auspicious time to commence a reduction in that system of extravagant appropriations, which certainly received a great accession during the time of a large surplus revenue, and there is no subject upon which we can with more propriety commence than the Cumberland road. It it has long been a favorite object of Government appropriations, and, if we recommit the bill, with the instructions proposed, the people will at once be convinced of our sincerity, and that they must rely, at least while the Treasury is in an embarrassed condition, upon their own energies, with the assistance of the States, to effect such objects as an enlightened view of their interests may induce them to undertake. Individual and State enterprise are, indeed, the only legitimate, safe, and economical agents that can be employed in the construction of internal improvements not immediately connected with the foreign commerce or military defence of the country.

He appealed particularly to the public spirit of those gentlemen whose constituents were more immediately interested in the passage of the bill under consideration. No distinction, no honor arising from place or power, can afford to the patriot the

consolation that flows from the conscientious discharge of his duty to his country; and no gentleman can discharge his duty who, in the present condition of our finances, will vote for unnecessary appropriations. No one need implicate himself upon the constitutional question of appropriations by the General Government for objects of internal improvement, by voting for the motion to recommit the bill, with the proposed instructions. The condition of the Treasury is surely more than a sufficient excuse.

In 1830, when General Jackson placed his veto on the Maysville road bill, it was said in this hall that he had raised to his memory a more imperishable monument than when he won the glorious victory that preserved the queen of our Southern cities from the pollution of a conquering foe, and, with her safety, the honor of the country. And yet, if he was not mistaken, he heard an honorable gentleman from Virginia [Mr. MERCER] congratulate the House a few days since that more extensive appropriations by the Government for objects of internal improvement had been made since that time than during any other equal period in our history! Let gentlemen look to this.

As he had before remarked, Mr. C. did not intend to discuss the constitutional power of Congress to make appropriations for objects of internal improvement, further than to say that the great variety of opinion that existed in relation to it should, if there were no other objection, make gentlemen hesitate to pass this bill. Leaving, however, the subject of constitutionality out of the question, it must be admitted that appropriations by the General Government for objects of internal improvement are partial in their operation, tending to the benefit of particular sections at the expense of the whole, and therefore inconsistent with that equality upon which our institutions are founded. To remove this objection—to make appropriations sufficiently extensive to embrace every section of the country having, or claiming to have, objects worthy of Governmental patronage, would create a vortex of expenditure that would engulf the diamonds of Golconda and the gold of Peru—would require a revenue, the collection of which would produce a wide-spread ruin, and, after exhausting the resources of the country, would be insufficient to accomplish the object.

To advocate appropriations for the Cumberland road, upon the ground that it will enhance the value of the public lands in those States through which it passes, is almost equally inadmissible: for the same argument will apply in favor of the construction of roads into every wilderness where the Government owns land. Who can suppose that the opening of roads by the Government is necessary to attract the farmer to the virgin soil of the West? Who has not observed the tide of emigration, sweeping in its progress the population of the old States, to this land of promise? The temptations are already strong enough to induce thousands to break through those local attachments, originating in childhood, increased by the associations of their maturer years, "growing with our growth, and strengthening with our strength," until at last they entwine themselves around the affections with a power that nothing but that love of wealth that springs eternal in the human breast could sever. A human tide has for years been pouring into the new States and Territories with a rapidity unequalled in the annals of the world, since, perhaps, those immense migrations recorded in history, when whole tribes of barbarians poured in upon and settled the territories of their less warlike neighbors, sometimes bringing with them their own institutions, sometimes adopting those of the conquered race. Whole districts of country in the old States have declined in population; attracted from a soil that in any other country would be considered as yielding a bountiful reward to the cultivator, to encounter the hardships and privations preparatory to converting the wilderness into a garden. Can any one, with these facts before us, contend that additional inducements to emigration are even desirable?

Our western brethren labor under no peculiar disadvantages in relation to the means of intercommunication. They hold constant intercourse with the rest of the world, not by those majestic rivers only which, uniting their waters in the Mississippi, together pay tribute to the Gulf of Mexico, but by numerous other channels of communication which owe their existence to individual and State enterprise.

He hoped the motion to recommit would succeed: now was the time by its adoption to relieve ourselves of a work whose constitutionality is doubtful, whose benefit is partial, and appropriations for continuing which, in the present condition of the Treasury, must bring on us the reproach of reckless extravagance. Let us surrender it to the States through which it passes; if worthy of patronage, it will be continued under their auspices, sanctioned by the enlightened liberality of their citizens, and paid for by those who enjoy the advantage.

If an additional argument was necessary to show that the General Government should abandon, not only this, but all other objects of internal improvement *not immediately connected* with the foreign commerce or military defences of the country, that argument could be found in the large surplus recently deposited with or *paid* to the States.

REMARKS OF MR. ELMORE,
OF SOUTH CAROLINA,

In the House of Representatives, April 24, 1838.—The House having resumed the consideration of the motion of Mr. TOUCEY, made under the unanimous direction of the committee appointed to investigate the causes which led to the death of the late Mr. CILLEY, to print the report of that committee, and postpone it till next Monday week—

Mr. ELMORE of South Carolina addressed the House as follows:

Mr. SPEAKER: The debate which has arisen on the report in this case was unexpected to me. It began on Saturday, by a censure on the committee by the gentleman from Virginia, [Mr. ROBERTSON,] who objected to the printing of the reports and proceedings of the committee, and censured the committee for having transcended their powers. The precise extent or manner in which the committee had gone beyond their powers was not stated.

[Mr. ROBERTSON disclaimed any opinion that the committee had intentionally transcended their powers; they were irregular. He did not censure them in any other sense than that they had merely transcended.]

Mr. E. had understood the gentleman as acquitting the committee of any intentional violation of duty—as censuring them technically, not morally.

The gentleman from Virginia did not, when he spoke on Saturday, define the grounds on which he censured the conduct of the committee, but had subsequently been more explicit, and more limited. Other gentlemen had followed from various parts of the House, and assumed much the same positions, enlarging on them, and extending their remarks indiscriminately on all these points of objection to the whole committee. It is not a little remarkable, sir, that no investigating committee has been appointed by this House, *in late years*, without itself becoming the subject of attack the instant it comes to report the discharge of the duty imposed on it by the House. I do not complain of this; it may be all right, and the House may be fully sensible of the justice and propriety of thus repaying the services of their committee. But, sir, what I do complain of is, that this censure should be indiscriminate, and upon generalities; and not that merely, but generalities growing out of a state of things imagined by some gentlemen to have existed, and taken for granted by others upon no better foundation than this vague fancy. The censures of those who have thus blamed the committee as having transcended their authority, do so without having read their reports, the evidence, or their journal, and upon the erroneous assumption that the committee examined witnesses without authority, implicated members, and put them on their trial without the permission of the House, and reported resolutions for their punishment. This mode of identifying the majority and minority in an indiscriminate censure for all the proceedings of the committee, where they agreed as well as where they disagreed, places me in the awkward position of receiving reproof, although differing from the majority in that part of their proceedings which seems to create the greatest dissatisfaction, and to have called out the strongest reproof. As the House had not ordered the papers laid on your table by the committee to be read, I did not feel at liberty, in the few remarks I made yesterday, to go into particulars which would explain the fact announced in general terms, when I presented a paper to the House on the coming in of the report of the majority, stating my dissent from that report. I trust I may be indulged by the House, under these circumstances, in going somewhat further into detail than will be strictly regular, as, under the action of the House, all the papers which would give the proper explanations of the part and opinions I have sustained are kept upon your table and from the knowledge of the House, and I can in no other way make my position known.

I do not feel myself called upon to vindicate any part of the conduct of this committee beyond that point to which it had my concurrence. There was a point to which all agreed; and beyond that, there was such difference of opinion, as each division of the committee has indicated in the reports upon your table. I feel myself called on to defend nothing beyond what had my assent. The majority must take care of its own conduct, and are, I presume, prepared to do so to the best of their ability, and to them I leave that task.

It is objected that the conduct of the committee was irregular, unparliamentary, because they proceeded to examine witnesses, by which members proved to be implicated, and then proceeded to try them, without permission of the House or hearing the parties implicated, making it an *ex parte* proceeding.

If it was irregular and unparliamentary to examine witnesses in this investigation, and report the facts proved by them, then the House alone is responsible for it, as, by its resolutions of the 28th February, this committee was expressly ordered "to inquire into the causes that led to the death of Mr. CILLEY, and the circumstances connected therewith." But it is said that the committee should not have proceeded after "a member proved to be involved," without reporting to the House, and having its order to proceed, because the privileges of the House and the member would be violated by doing so. A rule laid down in the Manual of Mr. Jefferson is the authority relied on for this that rule is as follows:

"When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him."

The Manual refers to 9 Grey's Debates of Parliament, for the case establishing this point of Parliamentary law. It is contended that this is the law of this House, adopted by the 118th rule. Sir, the question is not whether this is the law of the House, for *of that* there is no doubt, but *what is the meaning of that law*? How are you to construe it? Are you to put an arbitrary interpretation on it, or, by referring to the case out of which it sprung, to gather its true meaning and intent? Can any man doubt that it was adopted *only in that sense*, which every just and reasonable rule of interpretation gives it in the book from which you take it? Well, sir, before we apply that test to it, let us ask what is that interpretation which we would most naturally put upon it? It is this, sir: that if a committee, charged with some inquiry of another character, finds a member implicated, say in a fraud, as in the case of Ridge, 2 Hat. Prec. 257,* they shall not proceed against him till they have informed the House and had instructions; for this obvious reason, that the House never allows its privileges to be acted on without authority from itself to take cognizance of its privileges; a case entirely different from the present, as I will show presently. And, sir, in exact accordance with this construction are the facts in the case from 9th Grey's debates, on which this rule, or law, or decision of Parliament stands, which is now relied on for censuring the committee. The Commons, in that case, ordered a committee to examine into a case

* Manual 123, 2 Hatsell 256, 257, 258, 259.

of the trial of Sir Thomas Armstrong for treason, and his execution, and to report a bill to levy an indemnity for his family out of the estates of two lawyers,† who prosecuted, and four judges who tried and unjustly condemned him. In examining into the matter, it was proved that Sir Robert Sawyer, then a member of the House, was attorney general, and had assisted in prosecuting Armstrong; the committee put his name in the bill without first reporting to the House the facts as to Sir Robert Sawyer, and the House considered this against their privilege, and recommitted the bill, with instructions to include his name in it. John Hampden, who took a prominent part in the debate, said that, if in an investigation on other matters, it "fall out" that a member is implicated, it is his privilege and the privilege of the House to have it reported to the House before he can be *proceeded against*. No jurisdiction over its privileges, arising, collaterally, out of an inquiry ordered by the House, on other subjects, can be obtained by a committee. But, sir, the true doctrine of privilege is, that the House has all privilege in its keeping. The privilege of the member is its privilege; and when it refers to a committee an order to inquire whether its privileges have been violated in any transaction, within the limits of that transaction the whole question of privileges has been referred by that body which has all privilege in its keeping. Such was the case here; the House expressly directed that the committee should "further inquire whether there has been, in the case alluded to, a breach of the privileges of this House, and to report thereon to the House."

This principle is too important to the justification of the minority of the committee to allow it to pass without more full examination. I have said, sir, that the privilege of the member is the privilege of the House, and in its keeping. The privilege of each member is a part of that great aggregate, the privileges of the House, and in its keeping and control; and here, sir, I speak by that same law of Parliament which is now the law of this House, and refer to the Manual, page 122, for the following rule: "The privilege of a member is the privilege of the House. If a member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House." 3 Grey, 140, 222. Again, sir, on the same page is another law of the House: "Privilege is in the power of the House, and is a *restraint* to the proceeding of inferior courts, but not of the House itself."—Manual 122, 2 Nelson 450, 2 Grey 399. When the House, therefore, ordered this committee "to inquire whether there has been, in the case alluded to, a breach of the *privileges* of this House, and *to report* thereon to the House," they referred the question of privilege in its broad and unqualified meaning. In the very words of your *law*, "the privilege of a member is the privilege of the House." In all the cases from which are drawn the rules relied on to censure the committee, I have not seen one which arose where a committee was charged to inquire into any matter or question of privilege, but in every instance they occurred where inquiries were ordered on other matters *not relating to privilege*, and in the examination a member proved to be involved; when, under the well-known rules of Parliament, *to proceed against* him, without express authority, was against the privilege of the House. Sir, when time has passed on, and the feelings of the present moment shall have left our judgments free and impartial, we will see and acknowledge the full force of this distinction.

Your resolution directed the committee to inquire whether a breach of the privileges of the House had been committed, and your laws told us the privileges of the House included the privileges of its members; and under your imperative order the committed proceeded with deliberation to execute the most painful duty which I have ever been called upon to perform; one which I solemnly protest I never could have been induced to undertake under any other than an imperative sense of the highest obligations to obey you.

† The lawyers were Burton and Graham, and the judges were Jeffreys, C. J., Sir F. Wythens, Sir Thos. Walcott, and Sir Richard Holloway. See Journal House of Commons, vol. 10, pages 137, 284, 289, 290, 298, 300, 331, 337.

I now ask, sir, how the committee could have answered to the inquiry you ordered, "whether a breach of the privileges of the House had been, in the case alluded to, committed," without examining witnesses? Did the House not understand that witnesses were to be examined, and testimony taken? If not, why, sir, were the committee empowered to send for persons and papers, the highest powers required *to investigate facts*? Sir, the committee were required to *ascertain a fact*—was there "a breach of privilege in the case alluded to?" and to enable them to do so, they were clothed with this ample power; and, sir, when they had ascertained the fact, they were further ordered not to lock it up in their own bosoms, *but to report it to the House*.

It is also said by some of the gentlemen who have spoken, that this proceeding was *ex parte*, the members implicated having no notice. This is another of those imaginary facts, which have led some gentlemen into a train of mistakes. The very first act of the committee, in beginning the examination of witnesses, was to give formal notice in writing, as its journals will show, to all the parties, that the committee authorized their attendance, and considered them entitled to confront, examine, and cross-examine every witness—a privilege which was exercised to its fullest extent. Every witness was sworn, and was examined with every form and under every sanction which could unveil truth and satisfy the parties, who were present personally, or by such persons as they choose to represent them. It is a total mistake in gentlemen who suppose it was ever the idea of the committee that the House should take this examination as final, or that it should take this testimony at all as evidence, if it decided to proceed against those implicated; it was reported because the order of the House required it, and because it was proper to show the facts.

I have examined the precedents in similar cases in both Houses of Congress; but before calling the attention of the House to them, and submitting any remarks on them, I will ask the attention of the House to some facts not heretofore brought into the discussion. You raised this committee to inquire whether a breach of your privileges had been committed in the case referred to them, and very shortly after commenced the presentation of petitions to this House, praying you to expel, by name, the members who had been concerned in that case, which you had referred to your committee. From day to day, these petitions were presented, to the number of hundreds, and you, day by day, referred them to this very committee. For what purpose, sir? Gentlemen who have favored us with learned opinions on parliamentary law can perhaps answer this question satisfactorily. One gentleman from New York [Mr. SIBLEY] said yesterday that it was always understood, when a matter was referred to a committee, that the committee was to report on it of course, and I agree with him. Sir, the majority report is in conformity to the prayer of these petitions; mine against them. But, sir, the gentleman from Massachusetts [Mr. BRIGGS] says the rule in the Manual before quoted is a rule of the House, and that a simple reference is not sufficient to give the power to the committee; but, sir, the gentleman forgets that the very first of these petitions was presented by his colleague, [Mr. ADAMS,] on the 6th of March, when it was not in the regular course of the business of the House to do so, and that to enable him to present them, and have them referred to this committee, the rules were suspended by the very vote of two thirds required by his argument.

There has been one objection made to these proceedings, sir, which I have heard with surprise. It has been said, sir, that the committee has *tried* the members implicated, and that against the authority of the House. When the committee were called on to act in this matter, I examined the precedents in this House and the Senate. I understood the gentleman from Massachusetts [Mr. ADAMS] yesterday to say there should have been no argument submitted in the report, and no final action recommended; that he believed there were no precedents for it in the House; in the Senate, in 1808, the case of John Smith was somewhat similar. When I was assigned this duty, sir, I looked into precedents, and the first which attracted my attention was this of John Smith. I found the report of the committee, (vol. 20, State Papers, 701,) drawn by the honorable member from Massachusetts, in that masterly style which has always characterized his pen. It is said that this committee has tried the members implicated. On comparing the proceedings of the two committees, I have not been able to see the difference in principle in their proceedings, except that in this investigation the committee kept within the rules of evidence adopted by all courts, and in that they were avowedly enlarged to the "admission of a spe ies of evi ence which in courts of criminal jurisdiction would be excluded." In John Smith's case, I find argument on law and fact, keen, pertinent, and powerful. I find also, sir, that that committee say: "The committee have never conceived themselves invested with authority *to try Mr. Smith*. Their charge was to report an opinion relating to the honor and privileges of the Senate, and the facts relating to the conduct of Mr. Smith. Their opinion, indeed, cannot be expressed *in relation to the privilege of the Senate, without* relating at the *same time* to Mr. Smith's right of holding a seat in this body; but in that respect the authority of the committee extends only *to proposal, and not decision*." Upon turning to the close of the report, I find that proposal was this resolution:

"*Resolved*, That John Smith, a Senator from the State of Ohio, by his participation in the conspiracy of Aaron Burr against the *peace, union, and liberties* of the people of the United States, has been guilty of conduct incompatible with his duty and station as a Senator of the United States. And that he be therefor, and hereby is, expelled from the Senate of the United States."

Here, sir, is the annunciation of guilt and sentence, not as a trial, but as a proposal to the Senate for its confirmation, enforced by arguments of great ability, both on law and the evidence, which that committee took.

The case of Humphrey Marshall, a Senator charged with perjury, had the examination and report of acquittal. (2d vol. Sen. Jour. 217 to 224.)

The case of Mr. Blount, a Senator from Tennessee, occurred in 1797, (2d volume Senate Journal, 383 to 392.) A copy of a letter implicating him in conduct incompatible with his duty to the country was communicated to the Senate by the President, and it was referred to a committee to report what "it is proper for the Senate to do thereon." That committee examined witnesses and reported their evidence, although not specially authorized to do so, and reported a resolution that he was "guilty of a high misdemeanor," and "that he be expelled," which was done by a vote of 25 to 1.

In this House, sir, the precedents equally show that it has been the custom to examine witnesses, submit arguments on law and fact, and recommend final action to the House. The first case is one of high sanction, Mr. Madison having been chairman of the committee. James Gunn, a Senator from Georgia, in 1796, sent a challenge by the hands of Frederick Frelinghuysen, a Senator from New Jersey, to A. Baldwin, a member of the House of Representatives from Georgia, (2d vol. Jour. H. R. 470 to 475.) The papers were laid before the House by Mr. Baldwin, and referred to a committee without *any instructions whatever*, and that committee took evidence, reported it a breach of privilege, but recommended to the House, as the Senators had apologized, it should proceed no further.

On the 14th January, 1800, the President communicated to the House a letter received by him from John Randolph, one of its members, complaining against certain officers of the Army or Navy for insulting him for words spoken in debate. It was referred to a committee *without any instructions*, and that committee, without informing the House that any question of privilege had arisen, examined witnesses, and reported that it was *a question of privilege*, and censured Mr. Randolph for "derogating from the rights of the House," by appealing to the Executive, and recommended that no further action should be had by the House, (3 vol. Jour. H. R. 559 to 573.) In the case of Matthew Lyon, the committee *were ordered* to report them, and did report for his expulsion, (3 vol. Jour. H. R. 157 to 179.) In the case of J. A. Coles, the committee examined evidence, and recommended what should be the final action of the House, (Jour. H.

R. 7 vol. p. 111; State Papers, 21 vol. p. 18 and 19.) In the case of Russel Jarvis, (Jour. 1 sess. 20 Cong. 587 to 834,) the committee recommended what should be the final action of the House. In the case of Henry G. Wheeler and Robert Codd, two Reporters who had an affray in the presence of the House, the committee appointed to inquire into the facts, examined witnesses and reported it a breach of privilege, and recommended the adoption of resolutions affirming H. G. Wheeler guilty of contempt and breach of privilege, and that he should be excluded from the Hall and imprisoned. Indeed, sir, it has been, I may say, the unvarying practice of committees of both Houses to do what is now called trying the cases referred to them, and that, too, whether they were specially empowered or authorized to report opinions and recommendations for the final action of the House, or only had a simple reference.

I have stated these precedents, because they had, on my mind, much weight and influence; and I stated in the committee, while the report was under consideration, that the current of practice seemed to be in favor of the power of the committee to recommend such action as they judged suited to the case; but that I was not prepared to yield to precedents in the face of a resolution which I thought defined our powers in a more limited sense, or, at most, did not require of us to report what ought to be the punishment; and while I did believe, and do still believe, that *we were* required to report all the evidence, and to report whether there was a breach of privilege, and by whom committed, with the proof and reasons for that opinion, because it was so ordered by the resolution of the House, by the same rule of construction I concluded that we were not bound to report what should be the punishment of the offence, because the resolution did not order us to do so. When, therefore, the majority and the minority both went beyond what I deemed the letter of our authority and its spirit in the discussion of testimony, or the expression of opinions upon men or subjects not connected essentially with the inquiry ordered, I dissented. I participated in no questions of opinion or conduct beyond that point.

Having these views, and differing from the majority, I have no objections to the course intimated by the honorable gentleman from Massachusetts, to vote against postponement of the consideration of the report, and refer it back to the committee, with proper instructions. Upon the coming in of a report without recommendations for the course of the House, it will be disembarrassed in deciding whether to proceed or not.

SPEECH OF MR. BYNUM,
OF NORTH CAROLINA.

In the House of Representatives, March 13, 1838.—On the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1838; in reply to Mr. HALSTEAD, of New Jersey, on his motion to strike out the appropriation for the completion of a *jet d'eau* in the public grounds in front of the Capitol.

Mr. BYNUM rose, he said, to express his utter surprise and astonishment at the extraordinary speech which had just been concluded by the member from New Jersey. He was entirely at a loss for language to express the feelings he entertained for the singular and extraordinary course which that member had seen fit to pursue on that occasion. He declared that he had never before, since he had had the honor of a seat on that floor, witnessed any thing to compare with it, in many particulars. In the whole course of his legislative experience he had never witnessed any thing so unnecessary, so little called for, and so entirely inappropriate to the occasion.

The member had commenced his extraordinary remarks with a view, he said, of opposing an insignificant appropriation for a *jet d'eau* in the area of the Capitol. Yes, sir, the member, in discussing the appropriation for this little *jet d'eau*, had taken it upon himself to pour out the bitterness that had probably been generating in him for years, against those to whom he was politically opposed. Without the remotest provocation, he had made a most wanton and unjustifiable attack upon the whole Democratic party, towards whom he had used language which decency and respect for the place he occupied there should have prohibited.

The member had surely forgotten where he was, and whom he represented. He [Mr. B.] could not bring himself to believe that the language or sentiments which he had just heard delivered, were truly representative of the feelings, language, and sentiments, of the freemen of New Jersey, towards the friends of this or any other Administration. He knew such was not the course that had met or would meet the approbation of the respectable portion of that party to which the member professed himself to belong. He had no doubt that such a course would be repudiated by every high-minded man of that party, and would be by any other. He had already heard members of the party uttering expressions of disgust at such a course, at such a time and on such an occasion.

He believed it was the same member, who in a speech at the extra session had distinguished himself in a way nearly as singular and extraordinary. This member then had *electrified*, no doubt, as he thought, the House some hours, with the most classic quotations, from nearly, he said, from the time that he consumed in delivering them, the third of a volume of Shakspeare's plays, as much from Ovid, and the Lord knew how much of Horace; and from what other school-books he was not now prepared to say.

The member then exhibited himself as a pure classic scholar, and a worthy representative of the true "*decency party*," to which he believed no person objected, and the member was left unmolested in the full fruition of the honors he had achieved in this *school-boy* and classic exhibition and, sir, for the honor of the State, and the credit of the member himself, it would have been well for him not to have departed from those innocent classic juvenile exhibitions even here, and so long as the member had been disposed to confine himself to such innocent indulgence, he [Mr. B.] would have been the last there to have interposed, to have cast a single censure upon his course.

But what a contrast had the member from New Jersey's [Mr. HALSTED] conduct then exhibited, with that on the occasion to which he then alluded? What a stupendous fall, had all present witnessed, in the conduct of that member then and on the present occasion! Then he addressed us almost exclusively in the refined language of Shakspeare, Ovid, Virgil, Horace, and other classic poets; now, sir, the whole of the member's quotations have been made, evidently, from *tippling shops, pot houses*, and *cros-road inns*. His language and figures are with such exactness, that they bear with them almost the *fume* of those places.

That member, having certainly lost sight of the place he occupied, in his brilliant effusions had denounced the Democratic party as, *as*—Mr. Speaker, I am loath to use it—*Van Jacks*. What a most classic epithet! What a polite, classic, and distinguished taste it exhibits! and from what source comes it? Is it possible that the member could have learned such classic epithets at Princeton? Could he have brought them from old Nassau, at which place, perhaps, he may have been? If so, it certainly does an *honor* to that venerable institution, of which she will, doubtless, never be found to boast. *Van Jacks!*

That member surely intended such language for another place, and other ears. "He stands solitary and alone," let me say, I believe, in having the honor of being the first of his party that has ever condescended to employ that epithet for the edification of the galleries here—for, I am sure, he could not have intended it for the ears of the honorable members of this House. Epithets illy suited to the pretensions of a member of a party that professed, and have long since monopolized to themselves, all the "*decency*" of the country. As much as I have mingled in society for years past, I do not ever recollect to have heard the first respectable man, of either party, however zealous as a partisan, condescend to employ it in serious debate. I never have seen it but once or twice, and then employed by the lowest and dirtiest *kennel presses*; and certainly had never expected that a member of this House would have so far lost that respect that was due to it, as to employ it here; and the member will certainly hereafter stand so far pre-eminently distinguished above all his predecessors.

The member had used another epithet truly illustrative of his fund of classic epithets; he had denounced the Democracy as the "*spoils party*." This, no doubt, he has procured from another quarter, whose classic beauty had seized tenaciously on the refined fancy of the member from New Jersey. With this classic epithet, too, the member seemed to be no less pleased than with his "Van Jacks." I think I have heard him use it before, and turn it in his mouth as some precious morsel most agreeable and delicious to his classic taste. Sir, we all have our peculiar tastes, and most assuredly I shall envy not the member from New Jersey for his. "*The spoils party!*" What was the member and his party after, if it were not the *spoils* of office, as they choose to call them. They had them once, but used them in such a manner as to induce the people to take them away from them, and this seemed to be the "*old grudge*," from the classic remarks with which that member had honored the House to-day. The object of these *catchwords* the people understood, I presume, as well as the member from New Jersey, or nearly so, though they may not possess as much of his classic learning; and if the member intended them for his constituents alone, he had certainly paid a poor compliment to their intelligence and plain common sense, which had ever been so greatly undervalued by the party to which that member belonged. It was to the misappreciation of the intelligence of the plain common people throughout the country, that the invariable defeat and overthrow of that party had ever been attributable, more than to any other cause. It was the "*accursed rock*" upon which their political bark had so often been wrecked, and it was in the teeth of this oft-repeated lesson of experience that the member from New Jersey was still rushing ahead to repeat again the experiment. Whether he would be found more successful than those who had preceded him of his party, depended mush upon the intelligence of that particular portion of people whom the member might represent here; but unless they were far behind the times, and in the rear of their brethren in other sections, the destiny of that member is already decided. The people are often deceived by their newspapers and public speakers; but, in time, they have never failed to right themselves.

But the member from New Jersey seemed to express an "*inherent horror*" at the very sound of the word Democracy, as though it were something foul and loathsome to the touch, that stained the mouth that uttered it; nor was he alone in being smitten with this horror, whenever that word was announced there. Sir, what is there so horrific in the word Democracy, that should make gentlemen tremble and turn pale with scorn whenever it is mentioned here, and which they were continually in the habit of speaking of with such dread and terror? What was the true meaning of this word, Democracy? According to my reading, it is derived from the two Greek words *demos*, the people, and *cratia*, their rule, or control, and simply means the *people's control*, or the ruling people. The word Democracy is used, then, in contradistinction to the word Monarchy, the rule or control of one man—a monarch, a king, or tyrant—and an Aristocracy, the rule of a few men—heretofore the patricians and nobility! Sir, there is nothing in this *demos cratia*, this rule of the people, that is at all frightful to me, nor should there be to any but to those who would usurp their inalienable right to control, and to tyrants.

What, sir, is there then in this *Democracy* that seems so odious and revolting to certain gentlemen here? Is it the power of the people that they dread? Is it at the idea of their control that makes them tremble and turn pale? Or is it their judgment that they so much deprecate? Are they those that are to be expelled from "your Capitol as the ignorant servile crew," as announced by your proud bank autocrat? Gentlemen should pause and beware,

lest the people understand distinctly what they mean by these bitter denunciations of their control, power, and influence in this Government. Sir, they will, and do understand it, and will apply the remedy, as soon as they are disenthralled from the influence of *partizan presses*, by whose representations they are so often betrayed, bewildered, and deceived, and will in due time teach all false orators the fallacy and folly of their arrogance and presumption in relying too much upon their stupidity, credulity, and ignorance. They all know, and will soon better understand, for what all this denunciation of the Democracy is intended; at whose "*control*" this "*poisoned dart*" is aimed. Sir, the word Democracy, let me tell the member, is another word for the people's rights, the people's "control," which, the oftener repeated, the oftener denounced, the more strength it will acquire with those who would be the freemen of this country. Neither his ridicule, nor the sneers and taunts of his party, can or will ever bring it into contempt or disrepute, but with those who at heart are the true enemies of freedom, and of the equal rights of freemen.

What was the true meaning of this *tirade*, of this ridicule, of this Jeffersonian-Jackson-Van Buren-Democracy, dwelt on with such peculiar delight by the member from New Jersey? Why connect with it his Loco Foco and Fanny Wrightism, but to bring it into disrepute? With whom? With the people themselves, and to disgust them with their own rights, with their own power, with their own control. Could this be misunderstood? What is the whole tendency of this war against the Democracy, but to lessen the claims of the people to self-government, and the character of their claims to control that Government and those that wield it? Sir, all such attacks are aimed directly, or indirectly, at the sovereign power of the people themselves. They are but *covert* and *insidious* attacks on their right to control, and of self-government, made under various delusive and deceptive pretences. Such is no new mode now, of assailing popular rights by their enemies; it is their "*way*," and has ever been since the first dawn of public liberty and equal rights. This Jeffersonian-Jackson-Van Buren-Democracy, that is now attempted to be held up in ridicule, and amidst *sneers* and *scorn*, may be the *war-cry* of future ages, to rally around the standard of Democracy the friends of freedom and equal rights upon every soil where liberty has a devotee.

Connected with these illustrious names, the character of American Democracy can never suffer disparagement by bitter, unrelenting denunciations of disappointed, broken-down, soured, Presidential aspirants, or by the accumulation of coarse and vulgar epithets that may be heaped upon them by their minions, whose daily avocation is to *cater* for them here.

The member from New Jersey, sir, has entertained us with a dissertation upon "*dandies*," and the qualities that consitutes one, and here let me say to that member, and I do it with feelings of the best kind, and in no spirit of ill-will, that he has touched upon forbidden and *sacred ground*. The member seems to have forgotten what has recently clothed this House in mourning, and roused to madness, with public indignation, the people from one extremity of this Republic to the other. The member seems to have forgotten, that he is responsible for what assaults he may make here against a distinguished individual; he cannot presume that any here are too ignorant to understand his insinuations against one of the first officers of the people of this country. The member is certainly grossly ignorant of the character that he has so wantonly, and without the least provocation, assailed; he must be ignorant that he is forming combustibles, that may involve this House by their explosion, in consequences far more deplorable than any which have been recently witnessed, as painful as they may have been to many. Let me say, were that individual present, against whom these extraordinary insinuations have been so unjustly made, it might require a guard of armed men to conduct the member safely to his lodgings. Sir, I am astonished at any rational man, whose conduct here would invite or justify the resort to such consequences, particularly after what has so recently happened before us. The language of the member illy comported with the dignity of that House to repeat: I will not do it in the precise language of the member; a proper respect for the House would forbid it. I understood him to say, however, to use as decorous language, as I well can, that "the Democrats had turned dandies," and that "the dandies had a great liking for *dickies*," and that *dickies* had a close affinity to *darkies* "or *blackies*."

Sir, what a classical allusion? What refined *wit* have we here? coming too from one of a party professing all the "*decency*" and *decorum* of the country. Were I one of that party, if never before, I should now for the first time feel humbled. I know there are some high-minded men of the party to which the member belongs! Some, sir, that would do honor to any country, and I can but feel, feel, for them on the present occasion.

Such allusions, Mr. Chairman, are unworthy of this House, and of the seat that the member occupies. Sir, he has acted, no doubt, without advisement on the present occasion with the senior members of his party, and to none but the very *dregs* of his own party, that from often *disappointment*, have become indifferent to every sense of shame and decency, can such allusions be agreeable or approved of.

Sir, I hope that such loathsome insinuations may be deemed unworthy of notice, and that they may end here; but I have my *forebodings*, and can but caution gentlemen against the indulgence of such a course, if they appreciate the high character of this House, the good order and peace of society.

So far from the remark being true, that the Democrats are "dandies," the exact reverse is true; and the member must know it. The Democracy are the laboring and working men in every country, and in every section of this. They are mostly of your hard-handed mechanics, laboring men of every description; manufacturers, raisers of produce of every character, planters, farmers, ploughmen of the soil, who aim to procure a livelihood by their honest industry. They are strangers to the follies of foppishness and dress, and have no faith in those that delight in such, and are consequently often ridiculed by your light-headed "*dandies*" and *city cockneys*, for the plainness of their deportment and simplicity of apparel: to call such "dandies" is a perversion of terms, bearing with it a species of intended deception, to escape the immediate detection of the most superficial observer.

Of all the artifices to which the enemies of Democracy had yet resorted for the delusion of the people, this was unquestionably one of the most shallow; it was self-contradictory, and could but recoil on those who had advanced it.

The member had forgotten, it was to be hoped, that he was addressing an American Congress. He could not seriously intend such an address for this body: I cannot for a moment believe that he did. This address was most evidently intended for his constituents at home. The member had been truly improvident in making this House the battery from which he was to discharge volleys of abuse against his political enemies at home, to the great delight and glory of his friends there. The selection of the place was truly unfortunate, in many particulars, for such exhibitions, and had ever proved so. This house was never intended as an *arena* for *husting displays*, to gull, excite, and delude the people, by a bold and reckless discharge of every species of political *balderdash*, to the great annoyance and obstruction of all important public business. It was a most erroneous idea, that seemed to be entertained by certain gentlemen, that they were sent here to *cater* and *huckster* for low, party purposes, and to serve their Presidential candidates. Sir, this is no part of the duties of a member of Congress. It belongs more appropriately to another place These are matters that should be settled by the people at home; placed far from the influence and excitements of Congressional intrigues. Had the member consulted some of his seniors in making this singular and extraordinary attempt, they would have told him, from sad experience, the inutility of making electioneering harangues on the floor of Congress, with a view of effecting an influence abroad. Sir, the attempt has been before made here, and has failed, and proved worse than abortive. The halls of Congress are the last places that should be converted into political and electioneering arenas, and can never be done but at the expense of the great purposes for which we are constitutionally assembled here.

It has never been attempted without inflicting a wound, either on the feelings of one party or the other, or at the great obstruction of public business, and the important interests of the country.

If such remarks are intended for home consumption, and to effect ulterior interests there, I put the question, as the member professes himself a political economist, if the time he has consumed, and which he will cause to be consumed, will not amount, in fact, to more than twice the amount of expenditure to which he has made his objection. I venture to affirm that the speech of that member has and will cost the Government more than twice the amount of the appropriation upon which it has been made.

This, then, is a specimen of the members economy in public expenditures. If, however, the true object of the member is to address the people of New Jersey from the floor of Congress, would it not be more economical to the Government to write them a circulur, as is usual amongst members, and have it published at his own expense?

Sir, it would be by far more in accordance with that rigid economy that the member has so zealously advocated, and of which I myself approve.

Had that member to pay out of his own pocket the expense for the loss of time to the Government and to the people, by his long electioneering speeches, it is much to be doubted whether we should have them as long and as frequent as the member is disposed now to afflict the House with. It is to be hoped if in future any member is disposed to address his constituents in an electioneering speech, if he is a strenuous advocate for economy, that he may do it at his own expense. He [Mr. B.] could never give his consent that the time of this House, which was intended for higher purposes, should be consumed in mere electioneering *bilingsgate*, for the edification and instruction of the most reckless and dissolute partisans. A wise man had said that there was a time and a place for all things, and it never was more applicable than to the present occasion. The member seemed entirely to have forgotten that any expense that he and his party might run the Government to, would be at all felt by the people, or objected to. He seemed unconscious that he and his party had concurred in and supported nearly every extravagant expenditure that had been made by the Government for the last ten years or more. He had been exceedingly unfortunate in falling upon the subject of extravagance, as it was the very subject, above every other, of which his party could have been shown to have been most guilty.

Extravagant appropriations and prodigal expenditures, it could be easily shown by the records and journals of the House, were, most of all others, the crime of the party to which the member belonged, and of which they could at all times be most easily convicted, or whenever it might be thought necessary by their opponents to convict them. Should the member in future be disposed to commence his political hustings, it were greatly to be hoped that he would select some other arena than the Hall of the House of Representatives. Such a course was too expensive to the public, and too well calculated to embarrass the public business, to the inconvenience of the great body of the community. He, therefore, hoped that the practice would not be repeated on that floor either by the member or by those who acted in concert with him there, as all could, on its first blush, see its most glaring impropriety.

But, sir, the member had, in his usual mode of pursuing a back trail after the scent had become stale and cold, in his onslaught against the measures of this Administration and the Republican party, fallen back and pounced upon the back of our old, venerable ex-President. He had showered volley after volley of abuse on the head of Gen. Jackson, and had represented him as faithless, imbecile, treacherous, and deceptive, characterised

throughout by only one prominent feature, and that was ignorance. Every charge the American people had again and again impliedly pronounced unfounded, and without a shadow of justification. Sir, these charges were resurrectionary, and had long since been consigned to the tomb as thrice refuted calumnies; and it was to be regretted that any could be found who had the boldness now to repeat them? The member from New Jersey, like the honorable member over the way from Pennsylvania, [Mr. BIDDLE,] seemed never to have risen in that House to speak to any subject, however irrelevant or trivial, that the spectre of that time-honored old veteran soldier and statesman did not appear continually to haunt his disturbed imagination! And why was all this? Was there never to be an end to the malignity of a disappointed, unrelenting, defeated party? Why pursue longer an individual who has so often been tried by an inquest of his countrymen, and on every occasion been pronounced "not guilty?" Is it courageous, is it generous, is it magnanimous, to carry on this war against an individual in retirement, who has so often defeated and overwhelmed you with shame and confusion whenever you have dared to meet him before the great tribunal of his country? or is it the mere howling of the jackal after the lion has left the field of prey?

It was unnecessary to characterize the kind of courage that such a course continued to display before the eyes of a discerning public. The effects of all such attacks could only be compared to the *file* and the *gnawing-viper*. The fame of that illustrious man could not be affected by the denunciation of the whole host of malignant spirits who now embraced every occasion to riot in his absence, and glut their morbid appetites in pouring out their venom against the character and fame of one whom they can never reach; and between whom and themselves and their friends such is the distance that all comparison is lost. Sir, would it were that these gentlemen could know the immense and unmeasurable space that existed between their friends and them and the object of their hate! And why this more than mortal hatred to this distinguished and time-worn veteran? Is it because the Democratic people, in defiance of the screws and mandates from the "*marble palace*," have seen fit, in their wisdom, twice to honor him with the first office of the world? Does it spring from that inherent hatred that gentlemen and their party have for the power of the people to control? Does it spring from this innate hatred towards the Democracy, the idea of whose control in this Government filled them with so much horror—the enemies of popular rights?

Sir, this illustrious man is not so much to be blamed for his elevation, as the people are themselves, who alone could have effected it. Why not then speak the *truth*, and denounce the great body of the American cultivators of your soil, farmers, manufacturers, raisers of produce, mechanics, and laboring men of every description. These are the men who are to blame for President Jackson's election, in opposition to the power and influence of your rag and paper aristocracies, banking institutions and brokers, *swindling* stock jobbers, privileged corporations, &c. They were the only true antagonistical interests, that had been arrayed against each other, in the election of President Jackson. It was by this array of this latter combination, that the measures of his administration had been so violently opposed, and denounced in the most unmeasured terms; but it was by the former interest, that he had been twice triumphantly elected, and which he never had failed to devote the whole of his energies to sustain, at any and every hazard. It was for his defence of those great interests, that the Democracy had rallied to his support in every section of this Republic, and it was in the furtherance and support of those great and essential principles that that same Democracy had now rallied in the support of the principles of the present Administration.

President Van Buren stood committed in favor of the interests of the true yeomanry of the nation, which compose the producing and working classes of every community: while the opposing interests would be found, when properly examined into, to consist of the *non-laboring and unproductive classes* of the country, whose ingenuity had been taxed, since the first dawn of society, how to arrest from the hands of the honest laborer the profits of his industry, and of the *planter* and *producer* the *fruits* of their honest *toil*. These were the great natural divisions in the first organization of society. They were now, as then, the only true antagonistic interests that had been arrayed against each other in this country, ever since the appearance of the *veto message* of 1832. The influence of the Bank of the United States, and all other similar institutions had never been of a laboring or producing character, and could, consequently, have had no fellow sympathy, or identity of interest, with that class of the community. But not so with the other interests. It was the fostering and prolific parent of every species of non-laboring and unproductive influences; and it was by the aid of this great machine of modern invention, wielded by a most skilful, though a *non-laboring* and a non-producing interest, that the unprofitable, unproductive classes had acquired such ascendancy in many sections of this country; and should such an influence, with such interests, finally triumph in this Republic over the productive and laboring interests of the country, it would prove a calamity more deplorable and fatal to the best interests of this nation, than all the calamities combined that had ever afflicted this country, since our first settlement as a colony of vassals from the shores of Britain.

Sir, it is impossible, when this *game* is fairly understood, that the mechanic, manufacturer, planter, producer, and laboring man, can ever consent to place at the control and disposal of a *gambling*, *banking*, *non-laboring*, *non-producing* class, the profits of their labor, and the produce of their planting. Such a demand is as unnatural as it is illiberal and unconstitutional; a thing to which this people will never submit, except by a temporary delusion, and a diversion from their true positions in society—the arts to effect which, however, have been no less numerous than untiring. By the aid of the great capitalists of these institutions, a great portion of the public *presses* in every section of the country had been suborned to subserve their interest, and to promote their ambitious and aggrandising views; by the use of such, had the people been so long kept in partial ignorance of the true nature and designs of these opposing parties.

Their facilities to corrupt and establish presses were immensely greater than any that either the people of the country or their Government possessed, nor had any thing been *sparing* in their efforts, either by direction or indirection, in subsidizing them, wherever it had been found practicable. It was by such means that this *non-productive* interest had grown with such gigantic strides, and threatened to control the profits of the whole laboring and producing classes of the country, to the importance of which it was impossible that this people should any longer continue indifferent or ignorant.

But the member from New Jersey had been exceedingly unfortunate in his selection of a subject on which to pour out his vials of *gall* and *wrath* on the devoted heads of the friends of this Administration. The member had been too impatient for attack to have possessed himself of the proper "vantage grounds." It might have been well for him to have paused awhile, until he had gained the true position of the enemy, and the facts, as they existed on this subject in relation to his own friends. The member could not have been aware of the position they occupied upon the subject before the House, which had called forth his most bitter and extraordinary effusion. The member certainly could not have known that the very measure which had brought forth his very bitter and unrelenting denunciation, was concocted, and originated, and brought in, at the special request and instance of one of his own best friends. Yes, sir; this extravagant proposition—this prodigal measure—this most useless appropriation—which had been the theme of that member's bitterest reprobation, had been introduced and reported at the special request and recommendation of the distinguished chairman of the Committee on Public Buildings, [Gov. LINCOLN of Massachusetts,] a member fully worthy of the place he occupies, distinguished as a member of this House, and more distinguished as one of the party to which the member from New Jersey belongs. He is no Democrat, and cannot be suspected of having any particular attachment for this Administration, or the measures it pursues. A gentleman in every sense of that word, and whose membership would do discredit to no party in this or any other country.

It had been at the request and instance of that distinguished gentleman that the measure had been proposed, that had been denounced as so monstrous, and as evidence of the extravagance of this Administration. He would not undertake to argue the propriety of that appropriation. He would not look to it It had been reported by the acquiescence of both parties, and he thought it a matter too immaterial to consume the precious time of that House on, particularly after its meeting with the almost unanimous support of both parties in the two committees. The game, he thought, too insignificant to embarrass the important business of the House in playing, though it might ultimately be found to be improper, which seemed from every species of information that had been yet given on this occasion was far otherwise. If, however, there was blame to attach to any party there for the measure, he could assure the member that it would not attach to the Administration, or to the odious Democrats. He would have to look to another quarter on which to saddle its guilt.

In the course of the member's truly singular and eccentric dissertation upon political economy, he ingeniously fortified himself by a most redeeming confession, and surely it had had much weight with him [Mr. B.] After enumerating a catalogue of abuses, and a great number of appropriations for one object or another, and that appropriations had been made for the civil list, the army, and contingent funds—an idea, by-the-by, somewhat bright to inform the House of at this late day of our history—he had declared to the House, by a most precious confession, that he was a "novice in politics," and was little acquainted with the manner and nature of those appropriations. Why, then, if a novice, had the member undertaken to play off there the instructer? It required no ghost from the dead to inform the House of his being a mere novice in legislation; nor did he think that the member himself was under any necessity of informing the House of it.

The member had expressed the greatest desire to learn why such and such appropriations were proposed, and their objects; assuming to himself at once the double capacity of teacher and scholar.

Now, if the House had to learn every gentleman every reason that had influenced it in bringing forward every measure on which it might be proper to act, it would be placed in a most embarrassing condition. It might happen that it would have but little else to do. He did not look upon it as one of the appropriate duties of that body to take upon itself the instruction of its members there. Information upon nearly every subject embraced in the bill had been called for in some shape or other, and placed on the table of every member of the House; and it could do no more: it would not, he hoped, undertake to make members read them. Every latitude had been granted (and he was glad to say by both parties) to the demands for information to be laid before the House; and if gentlemen did not acquaint themselves by that means of the nature of the business, and the reasons upon which it was carried on, he confessed he knew of no better mode by which it could be done. Besides, there was something incumbent on the members themselves. It was their duty to acquire information for themselves, both out of, as well as in, the House.

He hardly presumed that the member professed to stand in need of so much information on the subjects of legislation, while electioneering on the hustings in New Jersey; he doubted much if the member had not then professed to have known all about it. Had it been otherwise, the people of that State would hardly have taken it upon themselves to have sent a learner, "*a mere novice*," in legislation here, to transact their business.

The member had therefore in another way, paid

a poor compliment to the intelligence and sagacity of his constituents. It had, in his judgment, ever been one of the greatest misfortunes to the people, that their representatives, after getting to Washington, learnt too much.

They were too often taught different politics here, from those they professed, when elected. It was exceedingly unfortunate that we came here to learn either our politics or morals. It was by such learning, and from such a source, that the people had been too often placed under the necessity of changing their representatives. They were too apt to learn here, very different lessons from what they had learned at home; and by this means, much of the simplicity of our republican form of Government had been departed from, and no party had ever suffered more severely by such *arilling* and *learning* here, than had the old truly Republican Democratic party of this country.

It was here that their representatives had constantly been won over by the splendor of *equipage*—the *intrigues* of distinguished leaders—the great conveniences of a great moneyed controlling institution, from the economical simplicity of a plain Democratical Government. It was against this mode of *learning* and *instruction* of members here, that he had ever protested, as being repugnant to the best interest of every constituent people of this nation. It was, in his estimation, *treason* to any party, that when any change was effected in the course of their representative, while here in the discharge of his duties. It was a source of much of that party rancor, that was so much to be deprecated in every community. It was but natural, that when a representative deserted the party here, that had elected him at home, that he should move heaven and earth afterwards, in search of an excuse to justify that desertion: better, far better, in his judgment, that these changes should be effected at home, in the presence of the people, whose agents we professed to be here.

Scenes of this kind had become matters of daily occurence, disreputable alike to the representative body, and the people whose want of sagacity had induced them to select a *changeling*, to be played off on, by every artful intriguer, and to be used up by any canting politician, who might temporarily stand in need of his services. Sir, it had been such men, after having been literally used by men of superior parts, to justify their desertions of the people's interest whom they represented, had converted mere specks of improprieties into mountains of corruption, and joined in the great *chorus* of *alarms* and *panics*, to divert the attention of the people from the infamy of their own desertion and treason to the great interests of their people. There was no subject to which the great body of the people should look with more intense anxie y, than to that of the desertion of their representative of the principles and interest, to carry out which he had received their suffrages. It was from such apt representatives of the Democracy, who so easily learnt things here, that they had ever had the greatest danger to apprehend, and by whom they had so often been betrayed. He trusted most sincerely that the time had well nigh arrived, when the intelligent people would brook such impositions and base betrayal of their interests, principles, and sentiments, no longer. It was firm and faithful representatives that they stood mostly in need of here. Men that could never be seduced by the blandishments of men of superior tact and design, or the overweening influence of moneyed facilities and conveniences. It is of such influences that the representatives of the people stand in the greatest dread and danger. It is against such that they have to guard with the most sleepless vigilance for the preservation of the great rights and liberties of freemen.

Again, sir, the member has characterized this as an extraordinary appropriation, with other extraordinary measures of this Administration. It is not at all wonderful that any measures of this Administration should seem extraordinary to that member, who would doubtless consider any thing extraordinary that was not of bankish or whiggish manufacture. As extraordinary as it might seem to the member, he confessed that he saw nothing of an extraordinary character about it. Instead of being an extra, he thought it the most ordinary and common-place measure; so much so, that it was about the last on which he had expected the discharge of such a combination of artillery; and from the preparation and show of which mighty *onslaught*, he had been strikingly reminded of an anecdote, by way of a metaphor, that had been applied in that House, in answer to some remarks that had been made over the way by his very honorable friend from New York, [Mr. CAMBRELENG,] on some former occasion, by a most distinguished and talented member from the State of Kentucky, who, he regretted, had not a seat on that floor at that time; for, whatever failures and imperfections he might have had, he made free to say, though differing with him in general politics, that there never had been a more valuable member of that House, as a vigilant, and faithful, and uncompromising guard of the disbursement of the public revenues of this country, nor a more economical legislator. He alluded to the honorable Benjamin Hardin of Kentucky. That gentleman had observed, in relation to some preparation once made by his friend over the way, which he thought could be with much more appropriateness applied on the present occasion; that he had put him in mind of a company of backwoods hunters, who had gone to the Rocky mountains, armed with the best of rifles and muskets, with a most plentiful supply of both powder and ball, to encounter the grissly bear, and the more rugged and ferocious buffalo; and who, after arriving at the spot or place of contest, had shot away the whole of their ammunition at *minks* and *polecats*, before the arrival of the noble animals for which they had gone in search.

After much preparation and parade for an attack upon the enormities of this Administration, which had increased its expenditures by millions and tens of millions of dollars, the member had let loose the whole of his artillery against a little "*jet d'eau*," requiring an appropriation of some three or four thousand dollars, the painting or papering of some musty mantled room in the President's house of some two or three hundred dollars, and had dwelt with great emphasis and much zeal upon the extravagant increase of expenditures for the printing of public documents. Now there might be some truth in all this, in which, if the member was right even, so diminutive was the game that he struck at, he doubted if the time he had consumed in delivering himself upon these subjects did not cost the Government more in reality than the whole amount of the appropriations here alluded to. He had been exceedingly unfortunate, however, in his allusions to the printing of public documents, though, as the member professed to be a "novice" in these matters, he was certainly in a measure excusable. For any extravagancies incurred by the legislative department, the Executive could not, by any process of justice or reason, be made responsible. The increase of the public printing of voluminous documents had been effected by both branches of Congress, and not by the Executive, as the member would have his constituents to believe; and he had now to learn, for the first time, if the members of the party to which that member belonged had not always been as forward in asking information, and demanding it, of the different departments, as those of the Administration. Had not the opposition party always been ready, when any opposition was made to many, as he supposed, of their unnecessary calls, (as he thought, which was intended more to embarrass the Administration than otherwise,) to rise up there and to accuse the friends of the Administration of a disposition to *stifle* inquiry, and to prevent the exposure of the truth? Let the member, though a noviciate in these matters, refer to the journals of that House, and observe the yeas and nays upon every subject of the kind.

Sir, said Mr. B. I am proud whenever I can hear gentlemen come out in favor of economy, retrenchment, and reform. Upon those subjects, he would be glad to compare notes with the member from New Jersey, or any other of his party. He would then, and there, pledge himself to go with that member, or any other, or any party, for any reduction or reform that they might bring up in good earnest, and press forward in good faith. He had ever been an advocate of economy in both private and public life, and was ever ready, on all occasions, to test his sincerity in either branch by his practice.

But in undertaking these great measures of reform and reduction, he did not believe that any thing beneficial to the public welfare could be effected by coupling with them bitter lectures, and malignant party rebukes. Such would always carry with them a greater presumptive evidence of influences of party spirit than public good, and would, therefore, contribute greatly to defeat the very object which they proposed to effect.

Again: an attempt of that kind should be directed at some great principle, or object of importance, that might effect some radical change, both in the *revenues* and disbursements of the public moneys of the nation.

Such were the reductions and reforms of which he was in favor; and to effect which he would pledge himself to go as far as he who went farthest. He doubted very much, whenever a *bona fide* proposition for reduction and reform was brought forward, whether he should have the aid and support of the very economical and zealous member from New Jersey.

He [Mr. B.] had always believed that there had ever been more collected out of the pockets of the people, than there had been any real or absolute necessity for, which had caused, more than any other one thing that came within his knowledge, an increase in the public expenditures. It had been the great and fruitful source of those liberal and prodigal appropriations that had been so much the theme of denunciation with the Opposition for years past, notwithstanding they had been almost the sole and exclusive advocates and supporters of the very means by which much, if not all, of these extravagances and prodigalities had been effected.

Sir, it was nothing less than the "*protective tariff*," which was the prolific mother of all these extravagances, and profuse and exorbitant appropriations, that had been indulged in for years past, connected with that notorious and prodigal system of internal improvement, which, united with the protective tariff, bore the political *cognomen* of the "*American System.*" It was that American System that had given birth to every extravagant appropriation. By its effects more had been collected from the pockets of the people than there had been any necessity for; and it had been an inducement to all parties to look out for new objects for which to make appropriations, rather than to have the money to lie idle in the Treasury of the nation.

He would here ask honorable members, who had been the great champions and advocates of this prolific mother of abominations, what party did it originate with, and by what party had it been sustained?

Never had it been the doctrine of the Democracy, or the *controlling people*, that seemed so much of late to horrify a certain party in this House, to collect more from themselves than was absolutely necessary for the expenditures of the Government.

Stop your exorbitant levies upon the people, and exactions from the profits of their honest labor, and there could then be but little danger of extravagant appropriations. It was by this "American system" that the sluices of extravagance and prodigality had been so widely opened, and overflooded the whole country with the most profuse, and, in some instances, reckless appropriations. It had been the great fountain of almost every species of governmental corruption, since its earliest organization.

Now, I would ask, in all soberness, said he, will the member from New Jersey, or any of his associates in this indiscriminate party-war against this Administration, join me in forthwith striking down this *tariff system*, by which so much has been unnecessarily collected from the people, to a mere revenue standard? Is he, or his party, prepared for it? Will he, or they, pledge themselves to vote for any measure to effect it, however slightly? No, sir. No, sir: you cannot get them to touch it, and they yet live in hopes, if they ever should be restored again to power, not to diminish, but to increase, your tariff, and saddle on us again your American

system—this most fruitful of all sources of prodigality, extravagance, injustice, and oppression.

By this kind of reform and reduction—that is, to strike down your tariffs immediately to be commenced, in good faith, and to arrest your extravagant system of internal improvements, which had been so effectually crippled by the last Administration—you would effect a reduction and retrenchment in truth, to the amount of millions and tens of millions annually to this Government, an object truly worthy of the time that might be consumed in its discussion, and one of the highest benefits to the great body of the people of this country.

Mr. B. asked if the member from New Jersey, or any of his party, was prepared to go this length with him in economy, reduction, and reform; if not, he would be compelled to doubt the sincerity of all their professions of economy and retrenchment, as being designed to amuse the ear only, while they were intended to deceive the heart.

This cavilling about individual appropriations of petty amounts was a penny-post business, in his judgment little worthy of serious debate in that House, when objects of so much higher moment were continually staring them in the face, and calling aloud for a reform; yet he doubted, greatly doubted, if the member would not be found among the last of that House to lend a listening ear to such a call. It never had been any part of the policy of the party to which that member belonged, to let the money of the people remain in their own pockets. Such doctrines were only to be found in the Democratic creed, but which occasionally had been seized hold of by their bitterest enemies to use for special and temporary purposes.

He was perfectly convinced that there could be no salutary reform, economy or retrenchment so long as there was more money collected from the people than the necessary wants of Government required, and we could never produce the effect without we removed the cause. Any action by Congress less than that, would effect but little, in his opinion, towards economy and retrenchment. He believed, let either party gain the control of the Government, so long as there was money hoarded in your Treasury, that there would be objects found or invented to appropriate it to. This was natural, and would be found to be a necessary consequence, from a variety of reasons, too numerous to enumerate.

That there had been, and would be in all time to come, petty defalcations and want of economy in the different functionaries of Government, and under any and every Administration, he had not the least doubt; and he would always be found as ready, without regard to party, to apply a corrective as any man, in or out of that House. But, never had he, nor would he, place the merits or demerits of any Administration upon the existence or non-existence of such petty abuses. These were subjects over which this House had control, and no Executive should be held responsible alone for such abuses. It was his duty, however, as far as his power extended, to correct them when brought within his knowledge.

If the member will recur to the yeas and nays upon all questions of appropriations in that House, he would find that his party would have but little to brag of for their votes against those that had been considered the most extravagrant; in fact, he, Mr. B. would be willing to risk the character of the friends of the Administration upon that issue. And the member would find too that there was a great difference in the facts, as recorded, and in the mere declamation used here, for political effects and party purposes.

Mr. B. would always be found willing to lend his support to the raising of any *scaling committee* that the member might propose, provided he would specify the objects to be reduced. None would be more ready than himself to aid any member in any measure that had for its object the reduction of the public disbursements to an economical standard. Economy, he had ever believed, was an essential feature in a Democratical Government, and one from which there should be no departure, except called for by the most urgent necessities. But it was the reverse with almost every other species of Government, which throve mostly in proportion to the excessive revenues which they could exact from the labor and produce of their people. He never had been, nor never could be, found an advocate for extravagance, either as a public man, or as a private individual; and if there was a virtue to be found in it, he confessed that he had lived to the present age without having been able to discern the first part of it. Nor would he, for a moment, remain a friend of any Administration that would, knowingly, sanction, directly or indirectly, any system of extravagance in any one of its departments or functionaries.

He was no *baby*, however, to be frightened from his long-cherished principles of Republicanism and Democracy, by mere cries of extravagance, emanating from *upstart politicians*, *office-seekers*, or *malignant broken-down* Presidential aspirants, or by the wailings of dismissed secretaries, who had long since lost the confidence of the public; by such he was neither an object to be played upon, cheated or deceived, which seemed to have been almost their sole object since their expulsion from power by the people in 1828. He knew that the charges of extravagance, when made by such, were not intended for investigation, nor for the ear of the well informed upon political subjects, but were made for political effect, to operate upon the more ignorant of mankind. Hence their universal concealment, beneath vague generalities, in the most of their charges, which, they well knew, could never lead to specific investigation. Such for years had been the character of the charges of extravagance against this and the former Republican Administration of President Jackson. He had not, himself, seen any thing new in these charges: they did not even possess the merit of novelty; and the American people, too, had but too well learnt both the character of the charges, and the *sources* from whence they came, for them longer even to answer the purposes of deception. The public appetite has become cloyed to *sickness* with these oft-repeated charges by the same sources, and they demanded proof and specification against the Administration; but they had done it in vain. The foul authors of these charges had always found shelter under their *vague generalities*, that embraced every body and every thing, but could be fixed on none.

But it was the known tactics of a great brag-player to boast most upon the weakest hands. It so appeared with the Opposition. They had always been loudest and most prolific in their charges of extravagance and corruption when in possession of the least proof to substantiate them; a practice with them that had been reduced to a system. They had a common shield, under which they always sought protection, and from which they seldom ever ventured very far, which always consisted in vague and indefinite *generalities*, too cautious ever to specify facts or to designate individuals. To such vaunting economists he had ever said, name your time, your place, your facts, your individuals, and he would go with them in any and every investigation to ferret out the truth, and to expose the delinquent; but no, that had been going rather too far for them; their purpose had been answered, by simply making the charge with a bold front. It was for political effect and deception, and not that of truth, or to remedy abuses. There had not been a single instance, where a member of the Opposition had brought forward in good faith, any measure of a reform and reduction founded on principles of economy, in which they had not been promptly met, and every means furnished to aid them in their investigations. Had gentlemen forgot what had occurred there but a few years ago with certain famous investigating committees raised by the suggestion, and at the instance of the same Opposition? Had they forgot how they had been caught, in relation to the investigation of the conduct recently of a certain Senator. These happened to be too specific to answer there purposes of abuse and calumny. When had the Administration undertaken to conceal any acts of its extravagance, or shield from exposure the corruptions of its departments or officers? Sir, never. Then why these *hues* and *cries* against it, but to deceive and impose upon the innocent and uninformed people, in which attempt, indeed, existed much of the true and real corruption with which our country had been for years so sorely afflicted. If there was corruption to be found with any body of men on earth, it was with those whose continual efforts had been for years to deceive, to excite alarm, and rouse the peaceful people of this nation against their Government, and its free Democratic Republican institutions, and to disparage the idea of a Government being successfully carried on under the control of a Democratic people.

The member had next made his objections to the members of the departments, and clerks of bureaus, taking and reading newspapers, and had exhibited much *wit*, no doubt, as he thought, in his description of mahogany and hickory bureaus. He knew not to what extent the practice prevailed of furnishing the departments with newspapers for their clerks. It looked to him, however, like another "*Rocky Mountain hunt.*" The game, he thought, was too small to pay for the ammunition that it took to kill it, or the time that it had consumed to prosecute it. They were all matters that should come within the cognizance of some of the committees, and particularly that upon accounts and contingent funds. If there was any thing amiss in this respect, they should have reported it else they have been delinquent in their duty to the country; and if the member wished it, and would move it, he would vote him a committee to examine the facts and report them to the House, and forthwith apply the remedy; but he could not vote for or against any thing upon the mere prejudiced and heated assertions of political partisans of that House. No man could be safe in so doing.

If too, there had been so great a number of *hickory-bureaus* created for the member, and he thought them more durable than mahogany, why did he not come forward with some tangible, specific proposition that was practicable, for a committee to inquire into the propriety of dispensing with these hickory bureaus? Why content himself with these mere general charges, when he had it in his power to make a practical demonstration of his sincerity? Was it beneath these "generalities" again, that he found it most convenient to take shelter? Or was it because he thought that it would be more difficult to demolish hickory bureaus, than those of "ebony and mahogany;" and that it was necessary for him to call *on the people to help him* to accomplish it now? Or was it only a part of the system of his party's warfare? Would that member's constituents require nothing more from his hands, than to make mere charges of extravagance and corruption, without a single effort to prove them? If so, happy indeed might he be, who had constituents so silly and so easily satisfied. Sir, it had always been easy to make such charges: it required neither tact nor talent to do it; but the difficulty was in the proof, and it was that, that would be required by every intelligent, thinking and discerning people. All had become heartily tired of these heartless, idle charges, intended merely for excitement and deception alone. The people looked for something else. They were entitled to something more. Such a course was undervalueing their intellect, and treating with contempt their ordinary faculties of mother wit and common sense. It was the folly of children to be influenced by the repetition of charges, and the boldness of assertions without proof, and that there was something more due to the good sense of the people, than such a course to be pursued with them, by any set of men or party.

The member had again alluded to the voluminous documents that had been published by Congress, and the length of the reports of committees, and of the public officers of the Government, and would have his constituents to infer, that for this too the friends of this Administration were alone responsible. As to the committee's reports there was no doubt, and he would challenge proof to the contrary, that those emanating from his own party had ever been found as voluminous, and more so, than those made by the Democratic party; and to attempt to restrict such reports in any shape whatever, would be immediately construed into an attempt to stifle the truth, and would be without its parallel in legislative or judicial history. He believed it was the first attempt he had either read or

heard of, and would undoubtedly be found as impracticable as it was novel and without a precedent.

But the reports of the officers of the Government, the Secretaries, etc. were too long, said the member. Now sir, was the like of this objection ever before known or heard of? Certainly not in this House. There could not be found any record of such a one in the whole annals of the legislation of this country. What did it amount to? Why, this House, by a resolution, calls on one of the officers of the departments for information on some particular subject: the officer of the Government complies; reports the information required to the House, in obedience to the call, and immediately objections are made to the report, not for its inaccuracy or defectiveness, but because it contains too much of the facts called for; it is too long; the author of the call did not want to hear so much of it. Now this was to his mind the most extraordinary step that had ever yet been taken by the most reckless of those who had been urged on by the wildest infuriation of party prejudice. Was it the character of this House—had it ever been—to restrict the reports of public officers? Would it not be exercising an inquisitorial censorship, known only to the despotisms of the old world, whose very existence depended on the most limited and restricted statement of facts to go before the public eye. It was one of the veriest appendages of tyranny to bolster up the despotisms of the most oppressive Governments of the world. The whole idea was not less new to him than it was revolting to every principle of liberty, and repugnant to the investigation of truth. It was worse than calling a witness into court, and then telling him how much truth he should swear to in the evidence he was about to give.

But the whole subject was too monstrous to prosecute further. The character of such a proposition was too near self-evident to require further comment or exposure.

One word more as to the "Democratia," the control of the people, or the Democracy of the country; a name which had become so offensive, and productive of the sneers of that member, and the party to which he belonged, in that House. The fickleness of the Democracy had been proverbial from the earliest history of the political world; and though the most honest had ever been the most subject to perpetual change and abuses, no party has ever been so subject to every species of abuse and imposition. There had scarcely been an instance in its history, where it had ever been overthrown or defeated, that it had not been done by the desertion and treason of professing friends. Scarcely a year had passed within the history of this Government, that did not witness striking instances of some prominent members seceding, and attempting to betray the interests of that party into the hands of its bitterest enemies. No body was ever more replete with instances of this kind, than had been the Congress of the United States for the last six or eight years.

The history of the Government did not record as many instances of desertions and betrayers of that party as had taken place here in the same length of time. At every new election that party had sent members here, who no sooner arrived than they appeared to place themselves in the market, to be bid for or won over by their more wily opponents. It was one of the curses with which that party had ever been afflicted. Men seemed now-a-days to seek the confidence of the Democratic people, but with the most wilful intent to betray them. The eye of every friend of Democracy and a free Government should be turned immediately to the correction of an evil that threatened so imminently to sap the foundation of a party who were the upholders of the only free Government on earth—a party whose great object had ever been to secure and give efficacy to the unbiassed control of a majority of the great body of the freemen of this country—and guard them against the insidious approach and allurements of aristocracy, in whatever delusive form or shape its interest might prompt it to assume.

It was a most notorious fact too, though not at all unnatural, that these deserters from the people's party, in attempting to betray the Democracy, had always become their most furious enemies immediately after their pretended conversion. It then became their interest to justify themselves with the people whom they had betrayed at home, to see or *pretend* to see a thousand *corruptions and mal-practices* in the party that they had deserted, that had hitherto escaped the most discerning of the greatest and most talented of all the most aged, experienced, and distinguished men, by whom that party had been opposed for so many years.

Yes, sir; no sooner do they desert that party and become converts to the non-laboring and non-productive interests, than they become purified and illuminated, and discover innumerable corruptions, which a long life heretofore, in the ranks of that party, had not enabled them to get even a glimpse of, and this now had become of every day's occurrence. Sir, I have said this was natural; it always would be so; it was done to cover the disgrace of their *treachery*, and to justify it in the eyes of those whose interests and honor they had betrayed. It was time that the sense of the Democracy and the people should be aroused to this monstrous and preposterous conduct of their Representatives here. Such men had caused much of that party rancor and malignance which had for so many years disturbed our country, and kept up continually the bitterest animosity amongst the people in every section of the nation, and which made every Government, and every Administration, that depended upon such, subject to continual fluctuations, changes, and convulsions. But he would pursue that subject no further, as being impertinent somewhat to the occasion, to which he had been led by the course of the extraordinary remarks made by the member from New Jersey.

One word more to that member, and I shall have done; to whom I would say, the many bitter, petty *items* that have so much engrossed his magnificent attention, and furnished such a fruitful theme for the venting of malice against those whom he can never reach, could have all been remedied with the greatest ease, by simply calling the attention of the appropriate committees to these subjects, and that on Accounts particularly, that have the most of these subjects especially under their charge, either by instructions to those committees or otherwise, to examine them and report the facts, or apply whatever remedy which might, in their wisdom or that of the House, appear best. Sir, this was the true practical mode of getting at the subject, if gentlemen were sincere in their professions in favor of reduction and reform. Let them pursue such a course, and he was ready to go with them, and they would be sustained by the Democracy of that House; but this they did not wish, and preferred making general, indefinite charges for electioneering purposes, and spurning every specific investigation, that could terminate only in any practical benefit to the people.

As to the character of the assaults that have been made upon the distinguished individuals, he would be permitted to say, what he in the utmost sincerity of his heart regretted to say, from his earliest associations, that New Jersey, one of these United States, in the classic language that the member had used towards a distinguished individual of another body, "*stood solitary and alone*," in having sent to the Congress of the American people, the first two representatives, (and they were as yet alone,) so remarkable for their *decency, courtesy, good breeding*, and classic learning, as to have pronounced in their places vulgarly—one in the Senate, that the President elected by the American people, a man who had literally filled the measure of his country's honor, worn down in the service of that country, and grown grey in the arduous discharge of the duties thereof, "*a ruthless liar and scoundrel*," or words to that effect; and the other here in his place, in the presence of the American people, had just declared, in the *filthy* language of the kennel presses of his party, that the Vice President of your country, elevated to the eminent station he now occupies, with so much credit to himself and satisfaction to the public, by the great Democracy of this nation, had certain "affinities to darkies," or a negro: language, sir, that is alike insulting to this House, to the nation, and to the whole Democracy of this country. Under such circumstances, sir, were I but an humble citizen of that State which had the distinguished honor of having sent such distinguished representatives to this body, and were told that they had been the first and only two that had so far forgot what was due to their stations, and to the moral sense of this nation, as to have used such epithets in their places here towards so high and meritorious public servants of their country, my face would crimson with shame and confusion at the mention of the name of my State.

RESURRECTION NOTES.

REMARKS OF MR. NILES,

OF CONNECTICUT.

In Senate, Thursday, April 19, 1838.—Upon the bill to prevent the issuing and circulation of the bills, notes and securities of corporations created by Congress which have expired.

Mr. NILES said he did not rise to go into any general discussion of the subject before the Senate, but to notice a remark of the Senator from Vermont, [Mr. PRENTISS,] and to submit very briefly the views he took of the power of Congress to pass this bill. The Senator from Vermont has made a statement of the facts in regard to the putting off, and circulating the notes of the late Bank of the United States: he says they are issued by the officers of the Pennsylvania Bank of the United States at their counter, in the same manner that they are put off by other banks; that the officers do not act or pretend to act as the trustees or agents of the late Bank of the United States, but as officers of the present bank; that there is no ground therefore to charge them with a breach of trust, or an abuse of the authority of the United States, and then asks how this Government can take cognizance of their acts. In reply to this, sir, I have only to say, that it is not necessary to consider the case stated, or to decide upon it. It is not a case that comes within the provisions of the bill before us. The remarks of the Senator are not against the bill; they have nothing to do with it; they only go to show that a case which exists, or which he supposes to exist, does not come within the provisions of the act we propose to pass. Such considerations are of no importance, unless it is to show that the law is not broad enough to reach the evil. If the Senator means that abuses may prevail in relation to the notes of the late Bank of the United States, which the bill, should it become a law, would not reach, I shall not differ with him. Does the gentleman fear that the bill will not reach Mr. Biddle? that he may be able to evade it? Mr. N. had himself fears that such might be the case, and was inclined to believe that it ought to have been more comprehensive in its scope. That, however, is not the question which has been raised, as the objection is, that the bill goes beyond the proper limits of our power. The remarks of the Senator from Vermont would be more suitable before a judicial tribunal, as they are rather calculated to show that the conduct of the officers of the present Bank of the United States, as he understands it, will not come within the provisions of the act, than to prove that Congress has no power to pass it. The Senator states a case clearly not embraced by the bill, and then attempts to prove that Congress has no jurisdiction over such case. This is the way gentlemen reason, and endeavor to prove that we have no power to pass this bill; if they can state cases which are beyond our power, that will not prove that those which are within the purview of the bill, are not subject to our jurisdiction.

The question regarding the power of Congress cannot properly be considered with reference to any particular case, real or suppositious, but by reference to the provisions of the bill. We must see who, and what acts, it is that we propose to punish, by penal enactments, before the question of our jurisdiction can be fairly raised. On whom is this bill to operate? It is not on those who may have in their possession the bills or notes of the late Bank of the United States, nor even on those who may have the property or assets

of that institution in their hands. Another, and a very important fact is required, which is, that the person having such property in his possession, must be the agent or trustee of the expired corporation, and possess the assets thereof, for the purpose of paying the debts of that institution. The bill, therefore, by its express terms, is confined to persons who possess the property of the late Bank of the United States for a particular purpose, who assume to act for and in behalf of that institution, and who violate the trust which they have undertaken to perform.

What, then, is the object of the law it is proposed to pass; and what are the means by which that object is to be effected? If either are beyond the jurisdiction of Congress, it must be conceded that the bill cannot be sustained. The object of the law is to compel the winding up and final settlement of the concerns of the Bank of the United States, or any other corporation established by Congress; and this is to be effected by affixing a penalty and punishment to such acts of the agents of any such corporation as constitute a gross abuse of the powers conferred on the institution, and of the authority of this Government. Can there be any doubt that the Legislature which creates a corporation, possesses the authority to see to the winding up of its concerns, and to compel this to be done by pains and penalties, if it shall be found necessary?

Mr. N. said he was considering the question, without reference to the opinions of those, of whom he was one, who do not believe that Congress has any power to incorporate a bank: he should notice that objection before he closed his remarks. Congress established the Bank of the United States, and conferred on the corporation certain powers, which was really a delegation of a part of its own powers: it by the same act created certain rights, which had no existence, independent of the act of Congress. These rights were not natural rights, and pre-existing, but were entirely artificial, and derived their existence from the exercise of the sovereign power of this Government. The act created certain rights in the corporation, certain rights in the United States, and certain rights in individuals, who might become creditors of the corporation. Having created these rights, Congress must have the power, and it must be its duty, to protect and defend them: it must protect the rights of the corporation, the rights of the United States, and the rights of individuals springing from the corporation. To deny this power, would be to maintain the absurdity that Congress could create rights and interests which it had not power to defend, and which could not be protected by the States. The States can have no cognizance of corporate rights originating from Congress. No one, he thought, would maintain a proposition so unreasonable and inconsistent.

That Congress has the power, and that it is its duty, to protect the rights of the corporation and of individuals, originating from it, during the existence of the charter of the bank, no one will perhaps deny. And it is equally clear that, during the life of the corporation, Congress has the power, and that it is its duty, to supervise the acts of the corporation, and see that it does not abuse its powers, to the injury of the United States or of individuals. And hence it is that there was a provision in the charter for the appointment of a committee, by either house of Congress, to inspect the books, and examine into the proceedings of the corporation, to determine whether its acts were in conformity to its charter, and in case such committee should report that the charter had been violated, it was made the duty of Congress to direct the issuing of a scire facias, to vacate and set aside the charter of the bank. In case also the President believed that the charter had been violated, it was his duty to order a *scire facias* to be issued against the corporation. These provisions in the very law which created the institution, rest on the principle that it is competent and proper for Congress to watch over the corporation, to see that it does not abuse the powers conferred upon it, and to guard the rights of the United States and of individuals. It is on the same principle that the charter contains a provision making it felony, and punishable by confinement at hard labor, to counterfeit the notes of the bank; deriving which, their existence from the authority of this Government, Congress must have the power to protect them, and to protect the public; against an abuse of its own authority. There is no provision in the Constitution expressly conferring on Congress the power to punish counterfeiting, except of the current coin or the public securities of the United States. But if it has power to establish a bank, and to give legal validity to a paper currency, it must possess, as a part of that power, the right to protect the same, and to do this by penal enactments, if deemed necessary. These principles do not seem to be denied, so far as respects the period for which the bank was created, but it is claimed that when the term has expired, the authority of Congress must cease. This cannot be, because both the power and the duty of this Government extend to the final settlement and winding up of the concerns of the corporation. The act of incorporation is regarded as a contract, and it is an essential part of that contract that all the concerns of the corporation shall be settled and closed, and the rights which originated from it become extinguished. When there are no rights remaining, either of the corporation, of the United States, or of individuals, which were created or originated from the authority of the act establishing the bank, then the jurisdiction of Congress will be at an end, because there will be nothing on which it can operate.

The twenty-first section of the act of incorporation provides, "that, notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation."

Upon the face of the act it thus appears that the corporation did not cease to exist at the expiration of the term for which it was created. Its powers of doing business ceased, but it had a legal existence for the purpose of winding up its concerns. This provision in the charter makes it the duty of the bank to collect and pay its debts within two years after the expiration of the charter, and this is a part of the contract obligatory on the corporation. If this has not been done it is a direct violation of the contract. And is it not as clearly within the power of Congress, and as much its duty, to see that this part of the contract is not violated as any other? The bill before us is designed only to enforce the obligation expressly created by the charter; it is not creating a new obligation, but only enforcing one which has always existed. The original act imposed a duty on the corporation, but contained no penalty or sanction to enforce it. We now propose to add a penalty to a gross breach of trust. That this penalty could have been attached to the act of incorporation will hardly be denied. And if it could have been done then, cannot Congress do it now? A violation of the charter, and an abuse of the authority of this Government, involving a fraud on the law and on the public, are acts which Congress must have the power to restrain, and to do it by penal enactments. This was, in part, provided for in the original charter; but, if further legislation is found necessary, either to protect the rights of the corporation, or the United States, or the public, it can be supplied at any time afterwards.

Supposing there had been no provision in the charter against counterfeiting the notes of the bank, could not Congress, at a subsequent period, have passed an act for that purpose? Would this be claimed to be an interference with the contract, and either enlarging or diminishing the powers of the corporation? And upon what principle could this be done? Certainly upon no other than that Congress possessed general jurisdiction over the subject; that, having created the corporation and authorized the issuing of its notes, it must have the power to protect the corporation and the public against a fraud practised upon both. And will it be contended that Congress has power to restrain and punish frauds, by individuals, against the corporation, and not to prohibit and punish frauds committed by the corporation to the injury of the public?

It will hardly be denied that during the two years Congress had power over the corporation, and could have restrained and punished frauds against the institution, or frauds committed by its agents against the public. It could also have punished any gross abuse of the powers conferred on the corporation. But it is said that when the two years expired the corporation was entirely extinct, and that Congress could have no further jurisdiction over the subject. If the institution was entirely extinct, then it would be true that the jurisdiction of Congress would be at an end, because there would be nothing on which it could operate. But the corporation would not be extinct until it had fully and completely executed its trust; and this could not be done until its debts were collected and paid, its property disposed of, and its affairs finally settled. Suppose the agents of the corporation entirely neglected, during the two years following ing the 4th of March, 1836, to take any steps to close its concerns, neither collected its dues or paid its debts, or disposed of its property: what would be the consequence? The corporation could not be sued; and would the creditors be remediless? And if the corporation was entirely extinct, to whom would the property belong? Sir, it is apparent that the institution cannot be regarded as entirely extinct by the mere expiration of the term for which it was created. That only suspends the exercise of its powers, yet it may exist in contemplation of law. By its charter, the Bank of the United States was authorized to exercise its full functions for twenty years; after that period, it was allowed two years to exercise certain of its functions for closing up its concerns. But if its affairs were not closed, by a gross neglect or a fraudulent non-user of its powers, can it be said that the jurisdiction of Congress over the subject is gone? Can it be said that the institution is extinct whilst all its assets, its contracts, debts, credits, all remain? Certainly not, as this would be to expose the stockholders, creditors, and all any way interested in the institution, to the grossest injustice and fraud. It would leave them without remedy.

In such a state of things the functions of the corporation would be suspended, but they might be revived, or Congress might appoint trustees to take possession of the assets of the bank and close its concerns, and could punish the agents of the institution who had its assets in their hands for refusing to deliver them over to trustees. During the present session we have passed an act to extend some of the functions of the bank, to enable it to maintain suits and to be sued. We have, therefore, expressly recognised the corporation as being still in existence, so far as it regards the winding up of its concerns.

Suppose, that under the provisions of the charter to which he had referred, a scire facias had been issued, and the charter, during the twenty years, had been adjudged to be forfeited, and had been annulled and set aside, how would its concerns have been settled? There is no provision in the charter, no power conferred on the Federal courts, to proceed any further than to adjudge the charter forfeited, and to annul it. Would it not have been competent for Congress to have passed a law providing for closing its concerns? and could it not have punished any fraudulent act of any agent of the corporation, who should convert the property, or expose the public to injury by issuing the notes, or exercising any of the powers of the corporation, after it had been adjudged to be void, and had been annulled?

Sir, the power of Congress attempted to be maintained is exercised by all the State Legislatures. They all punish frauds committed by the officers and agents of banks during the existence of their charters, and provide for closing their affairs after their charters expire or are forfeited. In some of the States, this power is conferred upon the courts, which are authorized to grant injunctions, to appoint trustees, and to superintend the final winding up of their affairs. But the authority of the courts is derived from the Legislature, which must possess jurisdiction over the whole subject, and can exercise it as it thinks most expedient. In

the view he had taken of the subject, his argument proceeded on the ground that Congress possessed the power to establish a bank; and if such power existed, it could not be denied that it was as full and complete a power as that possessed by the States. There is no limitation in the Constitution; and if the power to create a corporation exists, it must embrace the power to protect it, and to protect the rights of others from being injured by an abuse of its franchise, and the power to enforce the settlement and winding up of its concerns.

But, Mr. President, the principal difficulty in the case remains to be considered, which arises from a doubt or denial of the power of Congress to have established the bank. Those who do not admit this power—and he was one of the number—seem to suppose that an unconstitutional law cannot give Congress any jurisdiction over the subject to which that law relates, no more than though the law had never been passed. This, as an abstract proposition, is no doubt correct; a law which is unconstitutional, which is void and a mere nullity, can certainly confer no power on Congress, and it can create no rights in a corporation or in individuals. The ground on which he had endeavored to maintain the jurisdiction of Congress was, that the rights of the corporation, and of individuals growing out of it, were created by Congress; that they had no existence independent of its authority; and that having created them, it must have the power to protect them; and having conferred certain powers on the corporation, Congress must possess the authority to see that they were not abused, and to protect individuals against such abuse. The jurisdiction of Congress, therefore, is derived from the existence of rights which have originated from its authority, and which no other authority is competent to maintain or protect. If an act of Congress, therefore, is unconstitutional and void, so as to create no rights, either in the corporation, the United States, or individuals, it is clear that it could in no way impart any jurisdiction, either to Congress or the Federal courts, over the subject matter of such law. If no rights were created, if none exist by our authority, then there are none to protect, and no subject matter on which to exercise our jurisdiction. An unconstitutional law, in strictness of language, is a solecism; it is no law; it is a mere nullity, or an attempt, on the part of Congress, to pass a law. Such an act might be repealed, because the repeal of a law is not the exercise of jurisdiction derived from the act repealed; it is only undoing what has been done, or what has been attempted to be done.

The true question, Mr. N. said, when doubts exist as to the constitutionality of a former law, he considered to be this: whether the law had had any legal operation—whether rights had been created by it? In the latter case, he did not see how it could be treated as an unconstitutional act, as such a law could produce no results, could create no rights, and there would be no interests originating from it requiring subsequent action on the part of Congress. But a law which had been executed, and which, by the competent authorities at the time, had been adjudged valid and within the Constitution, which had created private rights and interests, must be regarded as a constitutional law, so far as respects the rights originating from it, and which it had become the duty of Congress to protect. The law having gone into operation, and been decided to be valid, a subsequent Congress, which might regard it as having been passed by a stretch of power, cannot undo what has been done; they cannot abandon the rights which have been created by the authority of this Government. The rights of the corporation, of the United States, and of individuals, being in existence, and by the act of Congress, it becomes our duty to protect them. We cannot annihilate the rights of this corporation, or of individuals springing from it, if it would be just to do so; and the fact of the existence of rights created by this Government, and sustained by the judicial branch of it, gives Congress the power, and imposes on it the duty, to protect those rights. All that can be claimed is, that the exercise of a power not within the Constitution, although decided to be a constitutional act by the competent authorities at the time, shall not interpolate new powers into the Constitution; that the Constitution cannot be enlarged, and its provisions extended, by such stretch of power; and when the question again arises, it is to be decided in the same manner as though the power had never been exercised.

A contrary doctrine would lead to the most serious and absurd results. To consider the charter of the Bank of the United States, after it has been executed and adjudged to be valid by the competent authorities, as a mere nullity, and giving Congress no jurisdiction over the rights and interests originating from the execution of the act, would be not only to abandon the rights of the corporation, and of individuals, which come into existence from the authority of Congress, but also to abandon all the interests of the United States growing out of said corporation. We must consider the whole that has been done as a nullity, and not only abandon all jurisdiction, but all rights of property, originating from the connection of the Federal Government with the corporation. We must refund the bonus of a million and a half of dollars, and give up the bonds we hold for our stock in the expired corporation. It will not do to insist on our own rights, arising under an act of Congress, and abandon the rights of others, on the ground that the act was unconstitutional and void. The act having been executed, Congress must regard it as valid, so far as respects the rights which have existed, or which may now exist under it, and must exercise the jurisdiction necessary to protect such rights, in the same manner and to the same extent as though no doubts existed as to the constitutionality of the original act.

Mr. N. said he could not understand how it was that the opponents of this bill could entertain doubts of the power of Congress to pass it. They were not the men to be scrupulous on questions of constitutional power. They do not doubt the power of Congress to establish the bank; and can they deny its power to put an end to its existence? Objections of this kind come with an ill grace from that quarter. Those who admit the power of Congress to create and regulate the currency in the broadest sense, could not, Mr. N. thought, consistently, doubt its power to punish a fraud in relation to a currency which derived its existence from the authority of Congress. Do they hold that Congress has power to create and give validity to a currency, but not not to withdraw that authority? If we can create, can we not destroy? He did not exactly understand the source of the remarkable scruples of gentlemen, who were not often troubled in that way; but he presumed they did not proceed from any special regard for the corporation, or the persons who might be affected by this bill.

If this view of the subject is correct, what doubt can there be as to the power of Congress to pass this bill? It is simply a question whether we have power to compel the final settlement and winding up of the concerns of a corporation which we have created. This is the only object of the bill. It is true, it proposes to do this by punishing the agents of the corporation for a breach of trust, and a gross abuse of the authority of this Government; for exercising the functions of the corporation, after they have expired, and in direct violation of the charter. But it is said we can have no criminal jurisdiction. If we have jurisdiction over the subject at all, we can exercise it by penal enactments, as well as by civil provisions. The question is, whether we have jurisdiction over the subject? Whether we have the right to compel the closing up of the concerns of the expired corporation, and to inhibit the exercise of its functions, after its charter has expired? If we can do this by civil regulations, we can by criminal enactments. As regards the criminal character of the bill, that is not a question of power, but of propriety, and depends on the nature of the act which is to be punished.

And what is that act? It is the reissuing and circulating the dead notes of the defunct corporation. Whether these notes have any validity, whether the late Bank of the United States, or the present bank, incorporated by Pennsylvania, is bound to pay them or not, are questions he did not propose to investigate. There may be a claim against the late bank, so far as it has assets, but it cannot be prosecuted in the usual way, as that corporation is not liable to be sued; and the present bank, having received these notes as a trustee of the expired bank, may be liable on the ground of a breach of trust; but the notes prohibited from being reissued are not the notes of that bank, and no suit at law can be maintained against it. If there is any remedy against either corporation, it must be by a proceeding in chancery, which would be dilatory and expensive, so that the holders of the notes would hardly think of having recourse to such a remedy, and of engaging in litigation with a powerful corporation. If there is any legal or equitable remedy, it is not one which can be made available for any practicable purpose. The public, then, have no security for the payment of these notes except the will and pleasure of the Pennsylvania Bank of the United States. These notes have no legal validity, and carry with them no legal obligation. They purport to be notes issued by the late Bank of the United States, and to be binding on that institution. But they are no such thing. If originally issued by that bank, they have been received back and paid by it, and have since been reissued by the present Bank of the United States, who came into possession of them as the trustee and agent of the expired bank. Such reissuing of them is clearly an unlawful act, and manifestly a violation of the charter of the original bank, as that charter required that its concerns should be finally closed within two years from the 4th of March, 1836, and during the two years it was not authorized to issue its notes. It is also a violation of the charter of the Pennsylvania Bank. The reissuing of these notes, then, is indisputably an unlawful act; and it is not only unlawful, but a palpable fraud—a fraud upon the law, and upon the public. Is not the putting into circulation a spurious and illegal currency a base fraud? Admitting that there may be some validity in these notes, or some liability on the part of one or the other of these institutions, still they are not what they purport to be, and consequently are *false, deceptive,* and *fraudulent.*

The notes of the Bank of the United States were designed for a general currency, and were required to be paid on presentment in specie; and to counterfeit them, was made felony; this high punishment was inflicted for the purpose of preserving the purity of this currency, and guarding the public against fraud.

But what is the difference between counterfeit notes of the Bank of the United States, and the dead and spurious notes of the same bank. The last as well as the first are illegal, false, and fraudulent. The only difference is that the fraud in the one case is greater than in the other: the first are entirely worthless; the other may have some value: the counterfeit notes created no obligation on the bank; the dead notes may not be entirely void; they are worth something, there may be a liability some where to pay them, in whole or in part; but neither the expired bank which originally issued them, nor the present bank which has reissued them, will pay them on presentment, or is liable to a suit on the promise which appears on the face of the note. If the holder has any remedy, it is entirely different from what the notes purport on their face; it is a remedy which is too troublesome and expensive to be pursued; so that whether the holder of these notes will receive any thing for them or not, depends entirely on the will and pleasure of the party which has wrongfully put them into circulation.

The act which this bill is designed to restrain and punish, is not only illegal and fraudulent, but is an offence very similar to that of knowingly circulating counterfeited bank notes or coin. Is it not perfectly proper then, that it should be treated as a *crime,* and punished as such?

But it is said that we are punishing the officers or agents of a State institution over which we have no control; that if their conduct deserves punishment, it is a matter which belonges to the State which incorporated it. This is a mistake. The bill has no reference to the Pennsylvania Bank of the United States, or any of its officers. It is confined to the officers, agents, or trustees of the late

Bank of the United States, or other persons who may have the property of that bank in their possession, for the purpose of paying the debts of the same.

If the president or other officers of the Pennsylvania bank are in this situation—if they have become the assignees or trustees of the Bank of the United States, and have its assets in their hands for the purpose of discharging the debts of the expired corporation, and shall, in violation of their trust, reissue the notes of the original bank, to be circulated as money, they will be liable to punishment under this law, not, however, as officers or agents of the Pennsylvania bank, but as trustees of the Bank of the United States; or as individuals possessing the property or effects of that bank, and whose duty it is to collect and pay its debts. They will be liable to punishment for illegally and fraudulently putting into circulation the dead notes of that institution which no one is legally bound to pay. Having accepted the trust, to collect and pay the debts of the Bank of the United States, it was their duty to cancel its notes when paid. But, instead of this, they have been reissued, in violation of their trust, in violation of the original charter, and in contempt of the authority of the United States. These dead and illegal notes are now in circulation to the amount of more than six millions of dollars. These notes are issued on the authority of the United States, when that authority has long since ceased.

The country has thus been flooded by an illegal, spurious currency, purporting to be issued on the authority of the United States, and to be payable by a corporation which has expired, and in which the United States was a large stockholder. Can any conduct be conceived more reprehensible, and that calls more strongly for severe penal enactments? Because this breach of trust, and illegal conduct, proceeds from persons who are officers of a State corporation, is that any reason why we cannot punish them? It is not for their acts as officers of a State corporation that they are to be punished, but as agents and trustees of a corporation created by Congress, whose property they possess, and attempt to exercise the powers of such corporation after its charter has expired, and in direct violation of the same, which required that its concerns should be closed and wound up within two years after the expiration of the period of its existence.

Believing that there is no doubt as to our jurisdiction over the subject, and regarding the offence of putting into circulation a large amount of illegal and spurious notes, as a fraud upon the law, and a fraud upon the public, he regarded it as a case in which Congress was called upon by the strongest considerations, to put a stop to such dishonest practices, carried on by a gross abuse of its own authority.

RESURRECTION NOTES.

REMARKS OF MR. CLAY,

OF ALABAMA,

In Senate, Friday, April 20, 1838—Upon the bill to prevent the issuing and circulation of the bills, notes and securities of corporations created by Congress which have expired.

Mr. CLAY of Alabama said he thought it had been well remarked, that the principal difficulty upon the bill under consideration arose from the idea that it was intended to apply specially and exclusively to the late Bank of the United States. Gentlemen on the other side, he said, had argued as if it were intended to operate solely upon Mr. Biddle. Now, it ought to be recollected, said Mr. C. that, in its terms and provisions, it embraces all banks which have been chartered by Congress. It is intended to prohibit the reissue of the bills of any bank, which has had its existence in an act of Congress, after the expiration of the time limited by the charter, whether that period has already, or may hereafter expire. Nor, said Mr. C. does the bill operate, or purport to act, upon the Pennsylvania Bank of the United States, nor upon any other existing corporation. Its effects are confined to the agents constituted by ourselves, or their sub-agents and trustees. It is intended to restrain them from violations of the law, enacted for their government, and the protection of the rights of other citizens generally. Whether the law, if passed, would operate on Mr. Biddle, Mr. C. said was a judicial question; let the proper tribunal decide.

Sir, said Mr. C. I agree with the Senator from South Carolina [Mr. PRESTON] that we have ceased to be a stockholder, and that our having been a stockholder gives us no power; nor is the bill predicated upon any such idea. It is founded upon our supposed right and duty to enforce the limitations imposed by our ourselves upon those to whom we may have granted the great privilege of banking, and who, by the very acceptance of their charters, assented to be bound by those restrictions.

The Senator from South Carolina [Mr. PRESTON] said Mr. C. asks us if the reissuing the bills of the late Bank of the United States is an offence. And has it become a question whether a violation of law by the officers or agents of that institution constitutes an offence? The charter declares that, after the expiration of twenty years, "it shall be lawful to use the corporate *name, style*, and *capacity* for the purpose of suits *for the final settlement and liquidation of the affairs and accounts of the corporation*, and for the sale and disposition of their estate, real, personal, and mixed, *but not for any other purpose, or in any other manner, whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation.*" Thus it *expressly prohibits* the reissue of the bills, by confining the power of its officers, after the expiration of the charter, to "*the final settlement and liquidation of the affairs and accounts of the corporation.*" Even if we had no power to grant the charter, it by no means follows that we cannot restrain them from doing what it professed to authorize, if those things in their nature involve the responsibility or credit of the Government. Again: the Senator inquires where we get the power to punish the acts made unlawful by the bill. Sir, said Mr. C. my answer is ready; my mind is fully and conclusively made up: I derive the power to punish in the cases contemplated from the same source whence I derive the power to punish other crimes against the Government, and injurious to the welfare of our citizens—I derive it from the Constitution.

Mr. C. said he believed no Senator had objected to the passage of the bill on any other ground than its supposed unconstitutionality. There were, he said, a number of banks in this District, which had been chartered by Congress, whose charters no doubt all contained the usual provision, that after they had severally expired, no business should be done under their authority than to wind up and settle their affairs. Could any one contend that Congress had not power to pass laws to prohibit the business of banking, and the reissuing of the bills of any of these institutions, after the expiration of their respective terms, under such penalties as were calculated to restrain them? Were we to rely on the good faith of those corporations alone, that they would close their affairs according to the terms of the laws to which they owed their existence? This would be strange, indeed! It would be according to them, or to the individuals composing them, an exemption from the ordinary frailty of our nature, to suppose them incapable of a violation of law; and would, in effect, be conceding to them a perpetuity of privileges, if they desired it. If they could be made to incur no penalty for continuing the exercise of their privileges beyond the terms of their charters, the grant being once made, for whatever period, might be never-ending. He said he did not think gentlemen could be prepared to assent to such a doctrine.

But, said Mr. C. the objection of unconstitutionality is mainly urged in reference to the late Bank of the United States. It is said that the Bank having been originally unconstitutional, we consequently have no power to pass any law touching its affairs. This objection, of course, must be confined to those who believed Congress had no constitutional power to create a national bank; for, if we had that power, all must admit that it carried with it all the incidental powers with regard to its management, and the final settlement of its affairs. But, Mr. C. said, he saw no force in the objection in any point of view; whether Congress had the constitutional power to create a bank or not. Does it follow that, because Congress has not the constitutional power to cause a given thing to be done, that it has not power to restrain others from doing the same thing, *in the name*, and by the *assumed authority*, of the United States? If we cannot constitutionally cause bank notes to be issued and circulated in the name and authority of the United States, can we not restrain others from doing so, when the manifest tendency is to deceive and defraud the community, by falsely assuming such credit and authority? The States can pass laws, inflicting the highest penalties for forging or counterfeiting any paper they may think proper to describe, in anticipation, falsely purporting to bind, either their own Governments, or their individual citizens. Could we not, by our enactments, prohibit the like fraudulent and unauthorized use of the name and credit of this Government, by inflicting such penalties as our discretion may indicate to be proper, for making, uttering, or passing, paper, purporting on its face to bind or involve the liability of this Government to any amount? Mr. C. thought, if we could not pass such a law, and all who thought proper to forge or circulate any description of paper, purporting to bind the United States for money, or any thing else, could do so with impunity, this Government was much more imbecile than he had ever supposed it.

Mr. C. further said, on the assumption that the late bank of the United States was unauthorized by the Constitution—the term of its privileges having expired—as it was the fault of the Government that it ever had existence, the obligation to restrain the reissuing, and again putting in circulation its paper, purporting on its face to be upon our authority and credit, was even heightened. What, sir, said Mr. C. if Congress even unconstitutionally authorize the issue, by any agents, of paper purporting to be binding on the credit and resources of the Government, after the time limited for its existence has expired, and it has returned to the hands of the same agents, whose duty it is to cancel it, is it possible that we have no power to prevent such agents from again throwing it into circulation? If we employ certain agents to do an unconstitutional thing for a certain period, can it be possible we have not power to prohibit the same agents from repeating the same unconstitutional acts afterwards, *in our name*, under any sanction we may think proper? Sir, said Mr. C. I cannot believe it. All must admit, that if we pass a constitutional law authorizing and requiring certain acts to be performed, we may repeal such act, and prohibit, under any penalty in our discretion, the doing the same acts, under its pretended authority, afterwards; and can it be possible that there is so much more virtue in an unconstitutional law, that, being once passed, we can never never revoke or control the authority it merely purported to impart? This, sir, would involve the absurdity of making an unconstitutional law better and more obligatory than a constitutional one. Powers and rights under the latter may have an end; but, once possessed under the former, they are interminable.

Sir, to test still further the soundness of the proposition, that the law creating the late Bank of the United States having been unconstitutional, we have no power to control the agents employed in its execution, I will, said Mr. C. submit this case for the consideration of Senators. I assume it to be unconstitutional for this Government to issue *mere bills of credit*; but suppose Congress were, notwithstanding, to authorize the Treasurer, or any other agent, to issue and throw into circulation a certain amount of them, which, after a limited period, should cease to circulate, and, when received by such officer or agent, be cancelled. Because it was unconstitutional to have issued them originally, will any man contend that we cannot declare it unlawful to reissue them, and impose whatever penalty we think necessary and proper to restrain it? I think, said Mr. C. that no one will deny us this power in the case supposed. What difference is there in principle? It cannot be because they might be issued by the Treasury, for we are equally authorized to direct them to be

issued, and the whole business to be performed, by any other agent. Nor would it change the principle, to say we had only pledged our resources to a part, instead of the whole amount of liability, or of our resources to discharge it.

Now, said Mr. C. Congress passed the law creating the late Bank of the United States. By the same law this Government became a stockholder and partner with individual stockholders in that bank. We called it the Bank of the United States, and authorized certain agents, appointed under our authority, to issue notes and bills, resting on the joint credit, capital, and good faith of the stockholders (the United States included) for their redemption. We also undertook to participate in the management of this joint capital. Do not the bills so issued at least purport to involve the responsibility of this Government? and could we have divested ourselves of that responsibility, moral as well as legal, merely by the payment of our part of the capital? I think, sir, doubts may well be entertained whether we could. The law creating the bank, as well as the form of its bills, gave them currency and credit, as well upon the supposed responsibility of the Government, to a certain extent, as upon the capital invested. The bills so issued, under our authority, by agents appointed by our direction, have returned, or may return, as this bill contemplates, to their hands, or to those of sub-agents constituted by them, when all semblance of right to throw them again into circulation has ceased. Can it be supposed that we are so powerless that we can neither restrain or control our own agents? This would seem to me to involve a manifest absurdity. No, sir, it cannot be; and if we can restrain our agents from acting in the manner alluded to, personally and directly, it follows, necessarily, that we can restrain them from so acting by or through the instrumentality of others.

The power to control, or restrain, our agents, from a violation of the trust reposed in them, being admitted or established, the manner and means we shall employ to accomplish that object are mere incidents. A jurisdiction, or power, cannot exist, or be conferred, without attaching all the means of its exercise, or carrying it into execution. Give a court jurisdiction, and it implies that it shall have all the process, and other incidental powers, to give it complete effect. So when Congress, or any other legislative body, are vested with power to pass laws, compelling or restraining individuals, the manner in which they shall do it, whether by mild or severe penalties—by the scaffold or the penitentiary—is mere matter of sound discretion.

But, sir, gentlemen say we are not bound by these bills of the late bank, and therefore we cannot, and ought not, to pass the contemplated law. Suppose we are not bound; neither would we be bound by forged notes, nor any other counterfeit securities, purporting to involve the liability of the United States; yet no person could deny our power, or duty, to restrain and punish the making, or the issuing, of such forged or counterfeit paper. Nor can there be any difference in principle, as before intimated, whether such spurious paper purports to be on this Government wholly or in part.

But, sir, whatever difficulty those who usually support the Administration may feel in legislating in the manner proposed, how can the Opposition refuse to vote for the bill, unless they are willing to sanction the reissue of such extinct paper. They certainly can have no scruples about the exercise of the power. They maintain that we not only have the *power*, but that it is our *duty to create a paper currency;* and, if we have the power to *create*, no one can doubt we have the power to *regulate* such a currency. According to their doctrine, as often avowed on this floor, we have heretofore constitutionally created such a currency, through the agency of the late United States Bank—constituting, as they and their friends affirm, "the best currency in the world." In exercising the power of regulating it, we authorized its circulation for twenty years; after which, we provided it should cease, and the affairs of the institution be wound up. Had we the power to do all this—to create this "best currency," for a limited period, at the same time declaring it should not continue beyond that period—and yet have no power to carry this regulation into effect? No power to enforce a compliance with a law, or to punish infractions of a law, which, at least, according to the doctrines of our opponents, we had ample power to enact? Why, sir, certainly no one should be found to maintain propositions so obviously inconsistent.

If we do not possess, and do not also exercise, this power, what will be the consequences? Why, sir, one result is, that we have conferred a temporary authority, expressly limited to a certain period in the grant, and yet our creature, in defiance of the very law of its creation, is beyond our control, and may continue its most important functions interminably! Another result will be to inflict on the community a spurious paper currency, to the amount of as many millions as have been manufactured by the late United States Bank, and may now be in existence as long as it may suit the will and the interest of those whose duty it is to redeem and cancel it; to leave it in the power of those who are interested in pursuing that course, to let it float among the people unredeemed, till it shall, in truth, become utterly irredeemable, or be worn out, and fall a dead loss upon their hands. Is it not then in the highest degree expedient, that, possessing the power to prevent or mitigate these evils, we should exercise it, and that in the most efficient manner? We all agree that one of the very worst evils that can afflict any people, is a depreciated and fluctuating currency. Here, then, is a proper occasion for all to unite in giving to the country evidence of their sincerity. No case more palpable or flagrant can well occur. More than twenty millions of the paper of the late Bank of the United States have been thrown into circulation, not only without the sanction, but against the express enactments of the law of its creation; not only against law, but in flagrant violation of all moral principle, and all the obligations held sacred amongst honorable men; insomuch, that not one of the most zealous and ardent friends and advocates of that institution, heretofore, have thought proper to justify or vindicate its conduct.

Sir, no man can justify it. We were partners in this bank: the other partners were entrusted with the duty of winding up and settling the partnership affairs; and, instead of doing so, they are, and have been, reissuing the paper liabilities of the old firm! If the partner of any commercial house, charged with the performance of the like duty, were, after taking them in, to reissue the notes and bills of the late firm, would not the fraud meet the condemnation of all honest men? Or, if an executor or administrator, whose duty it is to call in and cancel the notes and bonds of his testator or intestate, were to pay, or send them out again to satisfy his own debts, or for the advancement of his own interest in any other manner, what member of the community would not be indignant at the violation of moral principle, as well as the obligations of law? Sir, in such case as this, there would be no difference of opinion: execrations upon such conduct would be loud and universal. Is there any real difference between the cases supposed and the conduct of the officers and trustees of the late bank, charged with the settlement of its concerns? None whatever. The object of this bill is to correct this evil; to prevent the repetition of such offences; and to punish perpetrators in future. It seems to me to be the least we should do—the least our constituents have a right to expect of us. With these impressions, Mr. C. said, he should vote for the bill, and earnestly hoped it would become a law.

RESURRECTION NOTES.

REMARKS OF MR. CALHOUN,
OF SOUTH CAROLINA.

In Senate, April 20, 1838—Upon the bill to prevent the issuing and circulation of the bills, notes, and securities of corporations created by Congress which have expired.

Mr. CALHOUN said, that as the question was about to be put on the engrossment, he rose not to discuss the subject at large, but simply to state the reasons which would govern his vote. The hour was late, and the Senate impatient to adjourn, and he would promise to detain them but a few minutes.

When the bill was taken up yesterday, he had never turned his attention seriously to the subject, and he listened attentively, in order to make up his mind, both as to our power, and the expediency of passing the bill. The result was, that he found himself in precisely the same state of uncertainty which the Senator from Virginia described himself to be, and was relieved when he (the Senator) moved an adjournment, with a view to obtain time for farther deliberation. Had he been forced to vote then, it would have been against the bill, as it was an invariable rule with him, when he doubted on constitutional questions, to vote in the negative. Since then, he had calmly and deliberately investigated the subject, and the result was a thorough conviction that we possessed the power, and ought to exercise it, and he proposed now to assign his reasons.

He held that the right proposed to be exercised in this case rested on the general power of legislation conferred on Congress, which embraces not only the power of making, but that of repealing laws. It was in fact a portion of the repealing power. No one could doubt the existence of the right to do either, and that the right of repealing extends as well to unconstitutional as constitutional laws. The case as to the former was in fact stronger than the latter; for, whether a constitutional law should be repealed or not, was a question of expediency, which left us free to act according to our discretion; while in the case of an unconstitutional law, it was a matter of obligation and duty, leaving no option; and the more unconstitutional, the more imperious the obligation and duty. Thus far there could be no doubt nor diversity of opinion.

But there are many laws, the effects of which do not cease with their repeal or expiration, and which require some additional act on our part to arrest or undo them. Such, for instance, is the one in question. The charter of the late bank expired some time ago, but its notes are still in existence, freely circulating from hand to hand, and reissued and banked on by a bank chartered by the State of Pennsylvania, into whose possession the notes of the old bank have passed. In a word, our name and authority are used almost as freely for banking purposes as they were before the expiration of the charter of the late bank. Now he held that the right of arresting or undoing these after-effects rested on the same principle as the right of repealing a law, and, like that, embraces unconstitutional as well as constitutional acts, superadding, in the case of the former, obligation and duty to right. We have an illustration of the truth of this principle in the case of the alien and sedition acts, which are now conceded on all sides to have been unconstitutional. Like the act incorporating the late bank, they expired by their own limitation; and like it, also, their effects continued after the period of their expiration. Individuals had been tried, convicted, fined, and imprisoned under them; but so far was their unconstitutionality from being regarded as an impediment to the right of arresting or undoing these effects, that Mr. Jefferson felt himself compelled on that very account to pardon those who had been fined and convicted under their provisions, and we have at this session passed, on the same ground, an act to refund the money paid by one* of the sufferers under them. The principle is too clear to require further illustration, and the difficulty which some have felt in voting for this bill, because they believe that the charter of the late bank was unconstitutional, and apprehended that the passage of the bill would indirectly recognise it constitutionality, would, he trusted, be entirely removed by what he had said. So far otherwise, it imposed a duty on us to act as far as we may have the power; and this brings up the question how far we have the right, in this case, to arrest or undo the consequences, still resulting from the charter of the late bank, notwithstanding its expiration.

Those on the opposite side, who believe that

* Dr. Cooper.

this Government has unlimited control over the actual currency of the country, whatever form it may assume, or under whatever authority issued, can have no difficulty in the decision of this question. According to their conception, the Government has a right to act on the thing itself—to prohibit the circulation of the notes of the old bank, in whosever hands they may be, and to call them in, just in the same manner as they could any worn-out or debased coin, the circulation of which they might choose to prohibit. But we, who think differently, must find some other ground to justify our support of the bill. If, then, we cannot act on the notes themselves, on what can we act? Certainly not on the people at large, who are only subject to our jurisdiction in specified cases, of which the present is not one. It follows, if we can act at all, it must be on those who are personally subject to our jurisdiction, and this is precisely what the bill proposes to do. It is limited to those only who are the trustees, or agents for winding up the concerns of the late bank, and it is those, and those only, who are subject to the penalties of the bill for reissuing its notes. They are, *pro tanto*, our officers, and, to that extent, subject to our jurisdiction, and liable to have their acts controlled, as far as they relate to the trust or agency confided to them; just as much so as receivers or collectors of the revenue would be. No one can doubt that we could prohibit them from passing off any description of paper currency that might come into their hands in their official character. Nor is the right less clear in reference to the persons who may be comprehended in this bill.

Whether Mr. Biddle or others connected with his bank are, in fact, trustees, or agents, within the meaning of the bill, is not a question for us to decide. They are not named, nor referred to by description. The bill is very properly drawn up in general terms, so as to comprehend all cases of the kind, and would include the banks of the District, should Congress refuse to re-charter them. It is left to the court and jury, to whom it properly belongs, to decide, when a case comes up, whether the party is, or is not, a trustee, or agent, and, of course, whether he is, or is not, included in the provisions of the bill. If he is, he will be subject to its penalties, but not otherwise; and it cannot possibly affect the question of the constitutionality of the bill, whether Mr. Biddle, and others connected with him, are, or are not, comprehended in its provisions, and subject to its penalties.

It remains to be considered whether it is expedient to pass the bill. This point has been discussed with such ability by the Senators who preceded him on the same side, as to leave him but little to add. Congress has determined not to continue to exercise the power of authorizing banking, and permitted, accordingly, the charter of the late bank to expire; but, notwithstanding, the function of banking was still continued under its name and authority, by those whose duty it was to wind up the business of the defunct institution. The notes of the old bank are issued as freely as if the institution was still in existence, to the great profit of those who have no right whatever to use them, and who are not responsible for their redemption, and, at the hazard of the ultimate loss of the community, and especially of those who were stockholders in the old, but not the present institution. Such being the facts, the dignity of the Government, and a regard to its interests, as well as that of the community, clearly demand our interposition.

With these impressions, he was in favor of the passage of the bill, and never gave a vote with a clearer conviction, both of right and expediency, than he would give for its passage.

THE LATE DUEL.

SPEECH OF MR. TOUCEY,
OF CONNECTICUT,

In the House of Representatives, April 27, 1838—Upon the motion to postpone and print the report of the select committee on the death of the late JONATHAN CILLEY.

Mr. SPEAKER: The House imposed on this committee a delicate and responsible duty. They have discharged it, have executed the order of the House, and now submit the result of their labors. They have not been anxious to inquire who would stand by them in this matter. If it be the pleasure of the House to desert them, to retrace its own steps, to rescind the resolution under which they acted, and the various orders enjoining upon them the consideration of the vast multitude of memorials with which they were charged, and to leave them stranded on the shore, it will be no part of their duty to complain of others for instability or infirmity of purpose.

But when the House has ordered a duty to be performed, and it has been performed strictly, precisely, according to the spirit and the letter of the instructions, without objection from any quarter, with the implied knowledge and acquiescence of all, and in exact conformity with the invariable practice and usage of both Houses of Congress, I do protest against the injustice of censuring those who have only obeyed you.

What, sir, is the question? It is whether the report of this committee shall be suppressed—whether all their proceedings, and the entire result of this investigation, the evidence, and the resolutions, shall be thrown under the table; for the objection which has been made was, if it be valid, presented in its true form and extent by the gentleman from Virginia, [Mr. ROBERTSON,] and urged by the gentleman from Massachusetts, [Mr. ADAMS,] when he first addressed the House, that the committee had no power to go into the investigation at all; that when it appeared to them that members were to be involved, they should have stopped, reported that fact to the House, and should not have proceeded to take any accusatory evidence whatever. This is, beyond doubt, the rule of parliamentary law laid down in the Manual, which has been so often quoted. It will not be questioned by me. It is a sound and salutary rule, and has been the rule of this House and of the Parliament of Great Britain from the earliest times: "When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, *or* a special authority is given to the committee to inquire concerning him."

"If a member prove to be involved;" if it turn out that a member is involved; if it be brought to light that a member is involved, the committee shall give notice of that fact to the House, and the House may then hear the member, *or* may grant special authority to the committee to inquire concerning him. The object of reporting that fact to the House, is to give notice to the House that a question of privilege has arisen involving a member; and the object of the notice is, that the House may itself take up the subject, or may refer it to the committee for inquiry. The rule itself, therefore, shows that the House, whenever it has notice that a member is involved in a question of privilege, may, at its discretion, refer it to a committee for investigation.

I admit, sir, in the fullest manner, that in all cases to which this rule of parliamentary law applies, the committee have no power to proceed. They must stop, if I may so express myself, before they begin, because they have no power over the question of privilege which thus suddenly springs up, involving a member, but must report the fact to the House, and obtain the authority of the House to proceed, before they can take one step in the investigation of that question. I deny that, in any case which falls within this rule, it is in the power of a committee of Congress to proceed behind the back of a member, and to collect a mass of accusatory evidence against him, and hurl it like a thunderbolt into this House, without the authority of the House first fully given. The rule protects any and every member against the investigation of his conduct, in any manner, in any degree, by any evidence, before any committee, in a case affecting the privileges of the House, without the clear authority of the House. The rights and privileges of the House, the peace and safety of its members, the public interests committed to their charge, could not be preserved without the due enforcement of this rule of parliamentary law.

The privilege of a member is not his own; it is the privilege of the whole House. He cannot waive it. Should he attempt to do so, he would himself be punishable for a breach of privilege; because it is not his own privilege, created for his own benefit, but a right secured for the preservation of the legislative body to which he belongs, of the rights of the constituency represented by him, and of the interests of the whole country, which are more or less committed to his care. No committee, therefore, created for any general or for any particular purpose, can take jurisdiction of this transcendent right of the whole House, affecting its very organization and existence, without a clear grant of power by the whole House. But the power may, at any time, and on any occasion, be granted; and whether it is granted in any particular instance, is a question of intention and construction. If the House intended to grant it, and has made use of language which will clearly confer it, there no longer remains any question as to its existence or its exercise. In the present instance it was expressly granted, in language clear, explicit, and unequivocal.

The gentlemen who have maintained with the greatest ability that the committee in the present instance were restrained by this rule and have exceeded their powers, indeed almost all, who have addressed the House on that side of the question, especially in the earlier stages of the debate, have abandoned, yielded, given up the whole ground, upon which they took their stand: for they now, with here and there a solitary and strange exception, fully admit that the whole mass of accusatory evidence was rightly taken, and properly reported to the House. They yield up the whole objection, and virtually admit, either that the rule has no application, or has been complied with, on the present occasion. They admit that the committee had ample powers to go into this investigation, and to take and report all the evidence which which they have reported in the present case, although it directly and deeply involves the right and privilege of members of this House; which could not have been done, if that rule were applicable here, and had not been complied with.

Sir, I advance three propositions, and I propose to establish them so clearly and conclusively, that no human intellect under the dominion of truth and reason, shall withhold its assent, or deny that any one of them is not well founded:

In the first place, the House conferred upon this committee of investigation full power to do precisely what they have done: and conferred the power, that it might be exercised.

In the second place, the committee have acted in precise conformity with every precedent which has been set from the foundation of the Government to the present time.

In the third place, the resolutions proposed are not adjudications, but mere propositions submitted to the House, involving inquiry by the House; and to be adopted, rejected, or otherwise dirposed of, after a full hearing of the members implicated, and in the usual mode.

The House conferred upon the committee full power. It was conferred by the resolution of the 28th of February:

"*Resolved*, That a committee consisting of seven members be appointed to investigate the causes which led to the death of the Hon. JONATHAN CILLEY, late a member of this House, and the circumstances connected therewith; and further to inquire whether there has been, in the case alluded to, a breach of the privileges of this House, and to report thereon to the House."

And power was given to the committee to send for persons and papers, and to sit during the sessions of the House. The language of this resolution is exceedingly broad. It conveyed a special authority and direction:—first: To investigate the causes which led to the death of Mr. Cilley, late a member of the House; secondly: To investigate the circumstances connected therewith; thirdly: To inquire whether there had been, in the case alluded to, a breach of the privileges of the House; and fourthly: To report on those three subjects directly to the House. The committee was "*appointed to investigate*," "*to inquire*," "*to report*."

This special authority was conferred on the committee, in the first instance, without any previous investigation or inquiry. The House knew "by common fame" what had occurred; and that is a sufficient ground to proceed upon in any legislative body, in directing an investigation by witnesses. The same manual of parliamentary law, which is recognised by the standing rules of this House, to which gentlemen have resorted, and on which they rely, for their objection to this whole proceeding, lays down the law upon this subject also: "Common fame is a good ground for the House to proceed by inquiry, and even to accusation."—Jefferson's Manual, page 133.

It was known, therefore, in a strictly parliamentary way, in a strictly legal manner, for all the purposes of instituting an investigation, that the principals and the seconds, in the tragedy ordered to be investigated, were exclusively members of this House. This was known to every member of this body, from common fame, and from a printed statement, published in the newspapers, under the signatures of the seconds, in the hands of every one. And the fact, that members of the House of Representatives were involved, was spoken of in the debate on the resolution of inquiry, and made a ground of objection to the passage of that resolution. And now, sir, it is asserted that this fact is the only one which this committee were authorized to inquire into and report to the House; or, in other words, that when the House adopted that resolution, it was a dead letter in all its parts, authorized no investigation into the causes which led to the death of Mr. CILLEY, into the circumstances which attended it, or into the breach of the privileges of the House, which was involved in it; and that all this was well known to more than three fourths of the members of this House, who recorded their votes for the passage of that resolution.

This would seem to me to be an exceedingly frivolous, absurd and unaccountable proceeding if the committee had no power. The House of Representatives, well knowing, in a legal and parliamentary way, that its own members were directly, principally, and, perhaps, exclusively, involved in the inquiry, did, notwithstanding, direct the investigation to be made into "the causes," "the circumstances," and "the breach of privilege;" did direct the committee to report upon the whole subject-matter of the investigation, and did clothe them with the power to send for persons and papers for that purpose. The House, at the very outset, granted the special authority, in the fullest manner, "to inquire whether, in the case alluded to, there had been a breach of the privileges of the House," which, necessarily, involved the inquiry, by whom acts of violation had been committed. The whole question of privilege had, at the outset, intentionally and specifically, been referred to the committee, and it had been worse than useless to have reported to the House a fact which the House knew before, and to have obtained a new grant of the same authority which the House had already granted.

But, sir, the various orders of the House, referring to this committee the great number of memorials, signed by more than twenty thousand citizens, praying an investigation of the facts of this transaction, and some of them praying *an expulsion of the principal and the seconds*, not only by description, but *by name*—praying expressly for the expulsion of Messrs. GRAVES, WISE and JONES—would have conferred upon the committee full power to investigate and report, had the resolution itself been more limited in its terms. By those memorials, the House referred to the committee, for inquiry and report, the transaction itself, which resulted in the death of Mr. CILLEY, the names of the principal and the seconds involved in it, and the question whether the prayer of those memorials, for their expulsion, should be granted. That reference was equivalent to an express order to investigate and report in reference to the persons charged. This is one of the most familiar principles of parliamentary law and practice, illustrated by daily experience, and well known to every member of any legislative body.

And yet the gentleman from Massachusetts, [Mr ADAMS,] the boasted champion of the right of petition, upon a subject clearly within the jurisdiction of Congress, upon memorials which he himself has presented, seems, in effect, by his course, to deny the power of a committee, charged with the consideration of those memorials, to report whether, in their opinion, the prayer of them ought, or ought not, to be granted. If, sir, the committee had not that power, if they had not the right to consider the subject of the memorials referred to them, in its full length and breadth, and to report to the House whether the prayer of the memorialists should be granted or denied, the right of petition is a mockery, the whole system of parliamentary law and practice is but a name.

The committee, therefore, had full power, both by the resolution of the 28th of February, and by the memorials referred to them, to examine this matter, and to sift it to the bottom. They had the most ample authority to report what were the causes which led to the death of Mr. Cilley, what were the circumstances which attended it, whether the privileges of the House had been violated, who were involved in their violation, and to propose any measure for the action of the House, even to the extent of expulsion. And when, in the course of the debate on the adoption of the original resolution, it was intimated that this was a perilous service; that those who engaged in it might find it necessary to be armed to the teeth; I, for one, did not feel at liberty to shun it, nor do I now feel disposed to shrink from any part of the responsibility consequent upon its performance.

The course pursued by the committee, on the present occasion, is the same which has been pursued in every other case of privilege referred to a committee, from the foundation of the Government to the present time.

The first precedent to which I will refer is that of Humphrey Marshall, Senator from Kentucky, in the year 1796. A memorial from certain members of the Legislature, and a letter from the Governor of Kentucky, showing that that Senator had been charged with fraud and perjury, were presented to the Senate of the United States, and referred to a committee, who were ordered "to consider and report thereon to the Senate." The committee reported *the facts*, their opinion thereon, their reasons, and what, in their view, should be the final action of the Senate. They reported, in that case, that "the memorial ought to be dismissed."

In the same year arose the case of James Gunn, a Senator from Georgia, and Frederick Frelinghuysen, a Senator from New Jersey. The one had sent, the other had borne, a challenge to Abraham Baldwin, a member of the House of Representatives from the State of Georgia, for a cause not connected with his duty as a member. The correspondence, which was presented to the House by Mr. Baldwin, was, together with a letter from Mr. Gunn, and one from Mr. Frelinghuysen, referred to a committee, of which James Madison was chairman. Mr. Madison made the report. The committee, in this case also, reported the facts, their opinion, their reasons, and what, in their view, should be the final action of the House. They reported that the two Senators were guilty of a breach of privilege, that their apologies should be deemed satisfactory, and that, therefore, no further proceedings were necessary: in all which the House concurred.

The next year (1797) arose the case of William Blount, a Senator from Tennessee. A message of the President of the United States, and papers accompanying it, relating to a certain letter, purporting to have been written by Mr. Blount, were referred to a select committee, to consider and report what, in their opinion, it was proper for the Senate to do thereon, and power was granted to send for persons, papers, and records. In this case, also, the committee reported the facts, their opinion, their reasons, and what should be the final action of the Senate. The resolution, which they reported, was in these words: "*Resolved*, That William Blount, esq. one of the Senators of the United States, having been guilty of a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator, be, and he hereby, is expelled from the Senate of the United States." And this resolution was considered in the Senate, witnesses were examined, counsel were heard, and it was finally adopted by a vote of 25 to 1, and William Blount was thereby expelled from the Senate of the United States.

In 1798, a member of this House insulted another member in the presence of the House. Mr. Sewall, of Massachusetts, immediately, in his place, submitted a resolution, "that Matthew Lyon, a member of this House, for a violent attack and gross indecency committed upon the person of Roger Griswold, another member, in the presence of this House while sitting, be, for this disorderly behavior, expelled therefrom." This motion was referred to a committee, with instructions to inquire into the whole matter thereof, and to report the same, with their opinion thereon, to the House. The committee did report the facts, their opinion thereon, and a resolution for the expulsion of the offending member, and recommended its adoption by the House. The report was committed to a Committee of the Whole House, witnesses were heard, and the testimony reported to the House; and while the trial was proceeding, or rather before it had terminated, another case of privilege arose. Mr. Griswold took the redress of his grievances into his own hands, and a personal rencontre ensued just as the House was assembling. A resolution was immediately submitted by a member, "that Roger Griswold and Matthew Lyon, members of this House, for riotous and disorderly behavior committed in the House, be expelled therefrom." This motion was referred to the same select committee, "with instructions to report their opinion thereupon to the House, together with the evidence in writing upon which they formed their report." They reported the evidence, with their opinion that the resolution be disagreed to.

The case of Capt. James McKnight and Lieut. Michael Reynolds occurred in the year 1800. The President of the United States communicated to the House of Representatives a letter from John Randolph, jr. of Virginia, complaining of an insult offered him by certain officers of the army or navy for words spoken in debate. The message and the letter were referred to a select committee, of which Mr. Chauncey Goodrich of Connecticut was chairman. They called witnesses, and heard the parties. Commending the President highly, and censuring Mr. Randolph severely, they reported the facts, the evidence, their opinion, and their reasons, together with resolutions for the final action of the House.

I will now call the attention of the House to the proceedings of a committee, of which the gentleman from Massachusetts [Mr. ADAMS] was chairman. That gentleman has seen fit to denounce the course of the select committee on the present occasion in severe terms. He has seen fit to declare in his place that they have committed a greater breach of the privileges of this House, in making their report, than any of which they have complained; or, in other language, greater than if their hands had been imbrued in the blood of a fellow member; and this charge he has made against us, for following the only unexceptionable part of the example which he himself set for us in his younger days, some thirty years ago, when he was a member of the other branch of Congress. I will not deny that the precedent which he furnished us on that occasion, had some influence upon our course in discharging the duty of making a report. But there are other parts of that precedent which our own sense of justice and propriety did not permit us to follow. *We* did not feel it to be *our* duty to call the accused member from the lobbies or from the promiscuous crowd, and to move that he be arraigned before the assembled multitude, with all eyes fixed upon him, to hear read one of the most extraordinary documents to be found upon our legislative annals—most extraordinary for its vituperative energy, for its biting sarcasms, for its withering invective, and its galling accusations. *We* did not pursue that *mild and merciful* course. *We* did not deny the accused the right to defend himself before the committee, and insist that his defence should be before the Senate only. *We* did not insist that all the rules of law in favor of innocence, until guilt was established, were to be discarded. *We* did not insist that the accused should be aspersed upon *ex parte* evidence, should be denied the privilege of cross examining the witnesses against him, or should be tried and con-

demned upon proof, which the laws of every State in this Union, in a matter of a penny's value, declare to be no proof at all. *We* did not insist that either House of Congress was a high tribunal, of such exalted character and transcendent dignity and importance, that all the principles of evidence, and all the rules of law, which the wisdom of ages had established for the protection of innocence and the defence of the accused, were to be trampled under foot, when a humble individual was on trial for all that was most dear to him in life. *Our* course, in all these respects, was exactly the reverse of that pursued by the member from Massachusetts [Mr. ADAMS] in the well known case of John Smith, a Senator from Ohio. We adhered to the rules of law. We presumed innocence until guilt was established. We held no man, acquitted by the verdict of his peers, to be an acquitted felon. We allowed no *ex parte* evidence. We permitted the parties implicated in a charge to be present, to meet the witnesses against them face to face, to cross-examine them in the most rigid manner, to call witnesses in their own defence, to be witnesses for each other and indirectly for themselves, and finally presented the whole mass of the evidence on all sides, simultaneously, to the House, and, through it, to the country. We *did* follow the precedent of the gentleman from Massachussetts in one respect, though in a somewhat different spirit. We reported the facts, the evidence, our opinions thereon, our reasons, and what, in our view, should be the final action of the House. We reported, as he did, a resolution for expulsion.

On the 27th of November, 1807, a resolution was presented, which was adoped by the Senate, "that a committee be appointed to inquire whether it be compatible with the honor and privileges of this House, that John Smith, a Senator of the State of Ohio, against whom bills of indictment were found at the Circuit Court of Virginia, held at Richmond in August last, for treason and misdemeanor, should be permitted any longer to have a seat therein; and that the committee do inquire into all the facts regarding the conduct of Mr. Smith as an alleged associate of Aaron Burr, and report the same to the Senate." That committee examined the evidence against the Senator, such as it was; and Mr. Adams, the chairman, in their behalf, reported it with a summary statement of the facts, with reasons and arguments, a resolution for the expulsion of the offending Senator, and a recommendation that it be adopted by the Senate. I will read the words of the resolution, as the gentleman from Massachusetts, [Mr. ADAMS,] reported it:

"*Resolved*, That John Smith, a Senator from the State of Ohio, by his participation in the conspiracy of Aaron Burr, against the peace, union, and liberties of the people of the United States, has been guilty of conduct incompatible with his duty and station as a Senator of the United States: and that he be therefor, and hereby is, expelled from the Senate of the United States."

Upon this resolution, thus reported by the committee, John Smith was heard before the Senate, by his witnesses and his counsel; and when the final vote was taken upon its adoption, it did not pass for the want of a single vote.

The case of Captain Isaac A. Coles was in the year 1809. He had assaulted General Nelson, a member of the House from the State of Maryland, in the north wing of the Capitol, after the House had adjourned, and for a cause not conneeted with the duties of General Nelson as a member. A committee was appointed to inquire into the circumstances attending the occurrence, and to report a statement of the facts, with their opinion thereon. Governor Taylor of South Carolina was chairman, and Mr. Pitkin of Connecticut was a member, of this committee. They reported the facts, the evidence, their opinion thereon, that Mr. Coles had been guilty of a breach of privilege, that his apology should be deemed satisfactory, and a resolution also that no further proceedings should be had.

The case of Russell Jarvis, in 1828, who assaulted the private secretary of the President of the United States while passing from the hall of this House to the Senate chamber, although not the ase of a member, is deserving of notice. Mr. McDuffie of South Carolina was chairman of the committee. They heard the witnesses, and the parties, by consent, reported a summary statement of the facts, all the evidence, their opinion thereon, and a resolution declaring Mr. Jarvis guilty of a breach of privilege, deserving the censure of the House, and that no further proceedings be had thereon.

In the case of Lieutenant Lane, who assaulted Mr. Ewing, a member of this House from the State of Ohio, in the year 1835, the subject was referred to a committee, who reported a summary statement of the facts, together with the evidence; but the Congress expiring in a few hours, they, *for that reason*, recommended no action by the House.

In the case of the affray between two Reporters, (Wheeler and Codd,) in 1836, within this hall, while the House was in session, the committee reported the facts, the evidence, their opinions, and resolutions for the final action of the House.

The case of Mr. Ruggles of the Senate, so sadly connected with the occasion of the present investigation, is fresh in the recollections of all. The committee there, also, have reported the facts, the evidence, their opinions, and a resolution for the final action of the Senate.

Such has been the course of precedents. They are uniform, invariable, extend through every period of our political history, and it remains to be seen whether they are all to be subverted to meet the exigencies of the present moment. I only desire that it may be known and understood by the House, and by the country, that if, for the purpose of suppressing this report, and getting rid of the resolutions of expulsion and censure, the whole subject shall be recommitted, with instructions, directly or indirectly to suppress them, it will be in open violation of the whole practice and course of both Houses of Congress from the earliest to the present time.

The review of this long course of precedents has anticipated, and rendered unnecessary, what I had intended to have said upon my third proposition. It has been already seen that we have acted only in conformity with precedent, in submitting resolutions for expulsion, and censure. The gentleman from Massachusetts [Mr. ADAMS] has relieved us from any necessity of explanation. In his report upon the case of John Smith, he says "The committee have never conceived tnemselves invested with authority to try Mr Smith. Their charge was to report an opinion relating to the honor and privileges of the Senate, and the facts relating to the conduct of Mr. Smith. Their opinion, indeed, cannot be expressed in relation to the privilege of the Senate, without relating, at the same time, to Mr. Smith's right of holding a seat in this body; but in that respect the authority of the committee extends only to proposal, and not to decision." And yet the committee, in that case, reported a resolution for the expulsion of John Smith, and he was heard, and tried, before the Senate upon that resolution, though upon the final vote it did not pass by the constitutional majority, and he was therefore not expelled. The committee did not, in the present case, conceive themselves invested with authority to try the members accused. They knew that their authority extended only to proposal, and not to decision. They knew that the trial, if trial there was, would be before the whole House; that the first question would be whether the members implicated had violated the privileges of the House; and that the second question would be, whether they should be expelled or censured therefor. They knew full well that the committee, in presenting these resolutions, had done no more than any one of them upon his individual responsibility, or any other member of the House, might have done when this report was presented. It was not believed that the concurrence of four or seven in a proposition, which any one of them was competent to make, upon a subject referred to them explicitly, would take from them combined the power, which each one of them separately possessed, even without the additional grant of power.

The whole subject is under the control of the House. They can modify these resolutions or reject them. They can proceed with the trial or refuse to do so, upon the motion of any member. They can get rid of the resolutions and the trial also, by referring them back to the committee, with the report and the evidence, with instructions to suppress them. Whatever course is taken, the committee have discharged a duty which they neither sought nor shunned, and it now rests with the individual members of this House, and they are responsible to their constituents and to the country.

PUBLIC LANDS—GRADUATION BILL.

SPEECH OF MR. BENTON,
OF MISSOURI,

In Senate, April 12, 1838.—The "bill providing for the reduction and graduation of the price of the public lands" having been taken up for consideration—

Mr. BENTON said he rose with peculiar gratification to speak on the present occasion. The Graduation Bill was an old and favorite measure of his, commenced twelve years ago, prosecuted with various success, impeded sometimes by unexpected opposition, baffled at one period by the scheme to distribute money among the States, but never abandoned nor despaired of. Conscious of the justice and rectitude of the bill, and a firm believer in the eventual triumph of all that is morally and politically right, he had never suffered himself to be discouraged by opposition, or disheartened by defeat. He had always believed in the final success of the bill, and the period for success seemed now to be approaching.

The bill comes to us now under more favorable auspices than it has ever done before. The President recommends it, and the Treasury needs the money which it will produce. A gentleman of the Opposition [Mr. CLAY] reproaches the President for inconsistency in making this recommendation; he says that he voted against it as Senator heretofore, and recommends it as President now. But the gentleman forgets to tell us that Mr. Van Buren, when a member of the Senate, spoke in favor of the general object of the bill from the first day it was presented, and that he voted in favor of one degree of reduction—a reduction of the price of the public lands to one dollar per acre—the last session that he served here. Far from being inconsistent, the President, in this recommendation, has only carried out to their legitimate conclusions the principles which he formerly expressed, and the vote which he formerly gave.

The bill, as modified on the motions of the Senators from Tennessee and New Hampshire [Messrs. GRUNDY and HUBBARD] stands shorn of half its original provisions. Originally it embraced four degrees of reduction; it now contains but two of those degrees. The two last—the fifty cent, and the twenty-five cent reductions, have been cut off. I made no objection to the motions of those gentlemen. I knew them to be made in a friendly spirit; I knew also that the success of their motions was necessary to the success of any part of the bill. Certainly I would have preferred the whole—would have prefered the four degrees of reduction. But this is a case in which the homely maxim applies, that half a loaf is better than no bread. By giving up half the bill, we may gain the other half; and sure I am that our constituents will vastly prefer half to nothing. The lands may now be reduced to one dollar for those which have been five years in market, and to seventy-five cents for those which been ten years in market. The rest of the bill is relinquished for the present, not abandoned for ever. The remaining degrees of reduction will be brought forward hereafter, and with a better prospect of success, after the lands have been picked and culled over under the prices of the present bill. Even if the clauses had remained which have been struck out, on the motions of the gentlemen from Tennessee and New Hampshire, it would have been two years from December next, before any purchases could have been made under them. They were not to take effect until December, 1840. Before that time Congress will twice sit again; and if the present

bill passes, and is found to work well, the enactment of the present rejected clauses will be a matter of course.

The bill will operate, not upon the whole body of the lands of the United States, but on comparatively a small part: seventy millions of acres is the nominal amount which the bill will reach, but in reality its effect will be confined to half that quantity. We have authentic reports upon this subject, made under the requisition of the Senate, by the registers and receivers of all the land districts. These officers were required to report upon the quantity, quality, and value of the unsold lands within their respective districts. These reports were made several years ago, and exhibited this result: the whole quantity of unsold lands, then remaining unpurchased at $1 25 per acre, was seventy-one millions of acres; of that quantity, thirty-four millions of acres were returned as unfit for cultivation and worth nothing; the remaining quantity was reported at various and average prices, from eight or ten cents per acre up to the Government price. The quantity of land then, on which this bill can operate, will be about thirty-five millions of acres; and the quality will be the refuse of sales, donations, and many years' cullings and pickings. Nominally the bill is to apply to lands which have been five years, and ten years, in market; in point of fact it applies to those which have been twenty, fifty, a hundred, and even a hundred and fifty years in market, and that not merely at $1 25 per acre, but, in many instances as a mere donation. Take the case of Missouri. The Spanish Government was established in Upper Louisiana in 1764—say seventy-five years ago—and the lands were offered as a free grift to the settlers. At the change of Government in 1804, the same lands were picked by head rights and settlement rights, and when the land system of the United States was brought to bear upon it, it was again picked over, first by pre-emptions, then at public auction, and afterwards at private entry. Thus, these lands have been picked for three quarters of a century, and under three different sovereignties—the French, Spanish, and American—not in fact over the whole State, but over a great part. The concessions under the French and Spanish Governments extended four hundred miles up and down the Mississippi, within the present limits of the State of Missouri, and above a hundred miles back from the river. In Louisiana, Mississippi, Alabama, Florida, and some parts of Arkansas, a good part of their lands have actually been picked over for a century and a quarter. The French and Spanish settlements commenced in those places about the year 1700; and the best lands were disposed of by donations under the bountiful system of free gifts which prevailed under the Kings of France and Spain. In Illinois, Indiana, and Michigan, there are lands which have been picked for a century and a half—since the year 1680—when the French first took possession of those countries. The same countries have since been picked under our system of auctions, pre-emptions, and private entries; and it is not only unjust in itself, but derogatory to the Republican Government of the United States to be holding up the refuse of these lands—the mere remnants and relics, the offal and leavings, the dregs and lees—of so many years' pickings and cullings, at one dollar and twenty-five cents per acre.

This is the quantity, and this the quality, of the lands on which the bill will operate—about thirty five millions of acres, the residuum of years and centuries' donations and sales, and scattered over nine States and two Territories. If the whole quantity lay in a body, it would make but an inconsiderable extent, but it is scattered over almost a boundless region—scattered in detached parcels from the Gulf of Mexico to the Northern lakes, and from the Atlantic coast of East Florida to the frontiers of Texas.

Every interest which can be brought to bear on the subject requires these lands to be immediately sold; and to sell them, the price must be reduced to their value. It is due to the Federal Treasury—to the State Governments—and to the whole body of the agricultural community. The Treasury is empty, made so by a distribution of twenty-eight millions of the public moneys among the States, and the deferred payment of nine millions due from merchants and banks. It is empty, and must be replenished. Loans and Treasury notes are both humiliating resources, and are only justifiable as temporary expedients. The thirty-five millions of acres of refuse lands is the natural and adequate reliance of the Treasury in this emergency. At reduced prices they would sell immediately, and for a respectable sum. They lie in the settled parts of the States, mixed among the farms, and are desirable for their locality, if not for their intrinsic value. They would be purchased immediately at prices adapted to their value, and would throw several millions into the Treasury in a few months. Fifteen or twenty millions might be expected from them in two years if the graduation was complete, down to twenty-five cents. To the new States the sales of these lands are necessary to the completion of their sovereignty within their own limits. The unsold public lands are exempted from their jurisdiction—as much so as if they belonged to the Indians. They pay no tax; they contribute nothing to the support of the State Government; they are desert barriers between settlements. Every reason which required the extinction of the Indian title within the limits of the States, also requires the extinction of the Federal title. Under the Federal title the lands are useless to every party; they contribute nothing to taxation, to cultivation, to improvement. Federal dominion over land is a barren sceptre, under which nothing grows; individual ownership is the fruitful sceptre which makes the soil available for every public and for every private benefit. No State should feel its sovereignty complete while the Federal Government wields a barren sceptre over any part of its soil. Every one should labor for the extinction of the Federal title; and every one has so labored. Numerous are the memorials which have been forwarded to Congress on this subject. The Graduation bill is the feasible mode of accomplishing this great object; and in favor of that bill, the Legislatures of Indiana, Illinois, Missouri, Michigan, Arkansas, Louisiana, Alabama, and Mississippi, besides the Territories, have repeatedly sent us their memorials. Never has there been so general and so lasting a concurrence in favor of any one measure among so many States. Surely something is due to the wishes of so many States, so unanimously and so perseveringly presented to us. To the farmers and cultivators of the soil, the passage of the bill is eminently due. It is due to the whole body of the cultivators, whether rich or poor, whether with or without land at present. Some gentlemen treat it as a mere relief to the poor—as a plan merely to supply the poor with homes. That is a partial and imperfect view; it is only true in part. Doubtless many poor will thereby obtain homes, and become freeholders, who would otherwise have remained tenants; but there is no propriety in requiring from a rich man double or treble its value for a piece of refuse land which is necessary to complete his farm, or to supply him with wood, or water, or pasture, or to give him a quarry of stone, or the possession of which is merely necessary as an outlet, or to keep off a bad neighbor. Many are the persons of considerably property to whom these parcels of refuse lands will be desirable for these purposes, and from whom it would be unconscionable to demand double or treble price merely because they are able to pay it. It may be assumed, without the fear of contradiction, that there will not be a first rate quarter section of land to be sold out of the whole thirty-five millions of acres on which this bill will operate. There will not be one in which there is not a mixture of sterile, or broken ground, unfit for cultivation. Our surveys are all made to the cardinal points; the lines go straight forward, without regard to good or bad land; the corners are made at given distances, without regard to soil. Often a patch of good land s cut into two parts by a line; often it is thrown into three or four different quarter sections by a corner made in the middle of it. Creeks and branches may have narrow bottoms of good soil, bordered by steep hills unfit for cultivation; and bodies of good land may be cut up by lines and corners. In all such cases, while a poor man may find space for his small field on a single quarter section, yet a man of some property must purchase four or five quarter sections to combine as much soil fit for cultivation as his force requires. To demand a dollar and a quarter all round for such land, is to demand four or five dollars an acre for all that is fit for use. The rich and the poor, then, are both interested in this bill. It concerns the whole agricultural population of eight States and two Territories. It concerns the farmers and planters of Alabama, Mississippi, Louisiana, and Florida; of Arkansas, Missouri, Illinois, Indiana, Michigan, Wisconsin, and a part of Ohio. It is a bill which will carry benefits, and give satisfaction, to a greater number of States, and to a greater number of individuals, than any bill which ever came before Congress. The eyes of one-third of the Union are upon us, watching the issue of this bill, to them the most important measure which ever came before Congress!

This, then, is a bill for the benefit of the agricultural part of the community, and is it not right that something should be done for the benefit of that numerous and meritorious class? Few know the value of their labor to the country? Few calculate the amount, small in the detail, but enormous in the aggregate, of their meritorious labors. I see in a report of the Secretary of the Treasury, made to Congress at the commencement of the present session, that the bread alone consumed in the United States, estimated at the low rate of three cents a day of each individual, is worth one hundred and twenty-four millions of dollars. This comes from the agricultural class, and is only one item in the long list of its productions. The meats may be deemed of equal value with the bread. Then comes the food for all the domestic animals, and, after that, the animals themselves, of almost inestimable value. The cotton, the wool, the hemp, the flax, the leather, which furnish the material for the raiment of the greater part of fifteen millions of souls, come from their hands. After all this, there is an annual surplus of a hundred millions of dollars of exportable productions, to be sent abroad to foreign climes, to bring back the comforts, the luxuries, the necessaries of life from all foreign nations, with gold and silver, and healing medicines. The same exportable productions, in the return form of foreign merchandise, pay the taxes which support the Government. Upwards of eight hundred millions of taxes have been derived from that source, all bottomed upon the productive industry of the farmer. Nor is this all. The manufacturer, the navigator, and the merchant, find their occupation in the productive industry of the cultivator of the earth. The factory is furnished with its material, and the ship with its freight, from the labor of his hands. The opulent merchant, who counts his wealth by millions, has derived his estate from the mere filtration of the farmer's productions through his hands; and the banker, with his bales of paper money, what would he be were it not for the annual millions of gold and silver which the exported productions of the earth cause to be brought into our country? Confining our estimate to the direct annual product from agriculture, its annual product in food and raiment to man, and food for beasts, and in exports, and one thousand millions of dollars may not exceed its value! All other interests put together are insignificant, compared to this great one. Compare the farmer with the banker, now the object of so much legislative care and encomium in our country. He produces nothing. He takes an old handkerchief, worn out in service, has it made into silk paper, cuts it up into little slips, and sprinkles it over with figures for dollars. In this way these cherished and exalted characters have made what is called about a hundred millions of dollars. Grant that it is really a hundred millions—that every paper dollar is good for a real dollar—what then? why, the whole is only the tenth part of the annual product of the cultivation of the earth! The whole is only worth thirty-six days' labor of the agricultural interest! But their hundred millions of paper is not worth dollar for dollar; vast defalcations will be encountered when the day of realization arrives; and if three-fourths

are made good, it will be a happy deliverance for the country. Peradventure the whole of the bank notes now afloat in this Union are not worth twenty-five days' labor of the agricultural class; yet this class can scarcely conciliate a majority for a pre-emption law, or a graduation law, while the support and applause of the banks command the first cares and labors of the legislative bodies.

Besides their productive industry, the agricultural class is the great fountain and nursery of the Republican spirit. Other laboring classes divide that noble prerogative with them; still, from the vast superiority of their numbers and the peculiar adaptation of their occupation to the cultivation of the independent spirit of man, the cultivators of the earth must be looked upon as the great and perennial fountain of that Republican spirit which is to maintain and perpetuate our free institutions. Gentlemen of the Opposition affect a great alarm for the overthrow of the Republic by military chieftains. Let them moderate their terrors. Let them remember that no conquering general ever overturned the civil institutions of his country until the faction, corruption, and venality of politicians had first rendered them odious and contemptible; and let them see in the productive classes of the United States,—the laborers of all kinds as well as the agriculturalists,—the incorruptible mass which will long save our country from that fate. The Roman Senate had been twice bribed by Jugurtha,—an African and almost a negro,—Cato had been defeated for the consulship by Clodius,—before Cæsar marched his legions to the capital. Let us cherish our productive classes; let us promote their independence; let us multiply our freeholders and all the producers. Let us enhance the consideration of him whose labor draws wealth from the earth, and from its mines—from the forests and from the waters—and of him whose skill and industry imparts a new value to whatever the earth, the sea, the forest, and the mines produce. Let us cherish and advance these classes, and far distant is the day when a Cæsar, a Cromwell, or a Buonaparte is to be feared in our America.

This bill is one of the means, and the most essential one ever brought before Congress, for advancing the agricultural interest. The pre-emption bill which passed the Senate some weeks ago, does much for them; but the benefits of this bill will be far more extensive and diffusive. It will reach thousands where the other will reach hundreds. And now, what are the objections to this measure? What are the objections to it? For the human mind is so constructed that there must be variations of opinion upon every subject, and more or less opposition to every measure. This beneficent bill is opposed! Called for by the united voice of the whole West, it is opposed by the voice of a single Western State! The gentlemen from Kentucky [Messrs. CLAY and CRITTENDEN] oppose it; the undivided phalanx of Senators from Ohio, Indiana, Illinois, Missouri, Michigan, Arkansas, Louisiana, Mississippi, Alabama, and Tennessee, support it. Kentucky stands alone in he Great West, sole opponent, on this floor, to this great Western measure!

And what are the objections which are brought forward? What are they? Are they such as have any foundation in reason, in fact, or in propriety? Is there any Senator who argues that sterile land is as valuable as fertile—that the last choice is as good as the first—that ridges, hills and swamps, knobs and mountains, arid prairies, pine barrens, post oak flats, stony points and brushwood jungles—the refuse of scores of years' of sales and donations—is there any Senator to stand up and maintain the affirmative of these propositions, and to justify, upon the principle of a uniformity of *value*, the uniformity of *price*, for all these varieties of soil? No, sir: no one is found to stand up and expose himself to such a glaring absurdity. Other reasons must be sought for. The region of imagination—the field of wild conjecture—the visionary creations of fancy, must be resorted to, in order to conjure up something that can be paraded before the Senate. In this far distant search after arguments, a motley array of baseless reasons has been gathered into he service, the whole of them invalid, and a part of them such as would discredit the political economy of boarding school misses.

It is assumed that the Federal Treasury is to lose a quarter of a dollar an acre upon every acre of land that is sold for one dollar; and fifty cents per acre upon all the sales for seventy-five cents; and so on through the whole scale of graduation. This is assumed; and then an imposing table of calculations is made out, and presented to the Senate, exhibiting tens of millions and hundreds of millions of dollars to the loss to the Treasury. It is difficult to reply to such objections without using language which the moderation of parliamentary debate forbids. In the first place, the assumption is absolutely unfounded! It is an absolute error in point of fact! for these refuse lands are not worth a dollar and a quarter an acre; and, therefore, there is no loss in selling them for less. Even if they should be worth some cents more in the acre than they are sold for, the Government becomes the gainer by passing them into private hands, to pay taxes to the State, to contribute to the mass of cultivation and to the quantity of productions for home consumption, or for exportation. It would be true wisdom in the Government to make a donation to every cultivator of as much as would make him a reasonable farm. But gentlemen say, keep the land long enough and it will bring the dollar and a quarter. This, again, is untrue in point of fact, and is unjust and unwise in point of policy. Some of these lands will never rise to $1 25; others will not rise in centuries; in the mean time the actual value of the land, at simple interest, is sunk every sixteen years, and the States are injured for want of them. The actual value has already been lost two or three times over in the loss of the interest upon so much dead capital.

Sinking the price of all lands all over the Union, is another of the fine objections brought forward against this bill. It is pretended that it will have a universal effect on the price of property; that it will reduce the value of real estate in every part of the United States, and that every landholder will find his estate diminished in proportion to the reduction which this bill makes in the price of the refuse public lands. Sir, this is an argument to fear and avarice. It is an argument to alarm landholders in the old States, and to work upon their sense of interest in opposition to a sense of right. It is an absurd and ridiculous attempt to frighten and seduce the people of the old States. Why, sir, who ever heard of the price of good land being governed by the price of bad land? This bill operates only on the refuse, and it does not bring that refuse as low as the price of such refuse now is in every State of the Union. Go into any State, no matter what one, and you will find millions, and in some States tens of millions, of acres, which can be purchased for less than a dollar and a quarter an acre—for less than a dollar—less than seventy-five cents, or fifty cents, or twelve and a half cents! and millions of acres for which no price at all can be obtained. This is a truth which every Senator knows; and, therefore, every Senator must feel the absurdity of the argument which is brought forward. Philosophers tell us that a pea thrown into the Atlantic ocean will disturb the equilibrium of the waters on the coast of China; but no navigator has ever reported that his ship was endangered by such a disturbance. So of this objection. Orators here affirm that it will affect the price of real estate all over the Union; the event will prove that it will have no more effect upon the price of land in the Atlantic States than the pea in the Atlantic ocean would have upon the sailing of Chinese junks in the Gulf of Tonquin.

The derangement of the whole landed system of the United States, is another of these objections brought forward to impede the passage of the bill, and is about as well-founded as all the rest. It has no foundation at all! not even a particle of truth to rest upon! The change of price has nothing to do with the structure of the land system. The system consists of the scientific mode of surveys—the land offices—and the patents derived from the United States. These compose the system, and the bill before us touches none of these things. It affects the price only, and in that it only follows the act of 1820—that act which reduced the price of lands from two dollars to one dollar twenty-five cents per acre. It follows that act, which no one pretended was an overthrow of the land system. It follows that act; but does not go its length; for the proposed reductions are not equal to the reduction then actually made. The reduction was then seventy-five cents in the acre; it is only proposed now to make reductions of twenty-five cents, and of fifty cents in the acre. The bill then has an example in our own legislation which answers the objection now brought forward; and it is to be remembered that the reduction of 1820 was opposed by the same arguments, and, so far as they remain in Congress, by the same persons, who opposed the reduction of 1820.

The loss of their population, by the old States, is another of these fine objections. Elaborate tables of comparison between the increase of population in the old and the new States are exhibited here; and the balance is shown to be to the prejudice of the old ones. It is shown that they are losing their population—that the new States are out-growing them—and that it is necessary to keep up the price of public lands in order to slacken the tide of this emigration. Sir, this is a strange objection. It is anti-national, anti-social, and anti-Western! It is an argument founded in sectional feelings, and calculated to array the old States against the new ones. It is an argument which turns its back upon the West, and caters to the jealousy of the East! It is an argument which counteracts the genius of our Constitution, and goes to array one half of the Union against the other. By the genius of our Constitution, the whole Union is considered as one country, and the right of every citizen is fully acknowledged to promote his happiness, and to better his condition if he can, by pursuing his own notions of his own interest; but by this objection the West is considered as an alien country! and the inhabitants of the Eastern States are contemplated as Russian *serfs*, attached to the soil of the lords paramount, and without the privilege of removing from it without the permission of their feudal barons. It is an objection which smells strongly of the high tariff system.

Such are the best of the objections urged against this measure; and these being the best, how miserable must be the remainder! Too miserable, surely, to merit a moment's consideration. Yet there is one which cannot be overlooked, though it is difficult to see with what propriety it was dragged into the debate. It is that famous Treasury Order of July 11th, 1836; which, in addition to its beneficial effects in favor of the public Treasury, has operated as a PRE-EMPTION LAW in favor of settlers and cultivators. That noble order drove the speculators, with their bank facilities—with their bales and bundles of bank notes—it drove them out of the field! It freed the settlers and cultivators from the competition of these harpies—the only competition which they have to fear; for no HARD MONEY MAN ever bids against a settler to take his home and his improvements for nothing. It is the PAPER MONEY SPECULATOR who performs that operation; and, therefore, the Treasury order, which expelled these speculators from the field, relieved the settlers and cultivators from their only dangerous competitor, and secured to them their homes and settlements at Government prices. As long as that noble order is maintained, just so long will the settlers and cultivators of the soil be free from the competition of speculators, and actually blessed with the main advantages of a general, permanent, and universal pre-emption law.

It is to no purpose that politicians, or speculators, or those interested in the banks, shall cry out against that order as imposing a hardship on the settler—as compelling him to purchase specie at a premium to enter land. Even if he had to do so, he would still gain by the operation; for it would be a great gain by paying two or three per cent. to get rid of the competition of a bank facility speculator, to whom fifty or a hundred dollars, more or less, in the price of a quarter section, is no object at all. The two or three per cent. frees him from a competition which might cost him fifties or hun-

dreds of dollars. But it is not so. The farmer, the cultivator, and the settler, has no money but good money. He takes care to have hard money for the produce of his hard labor. He has the hard money any way, and has no business with treacherous paper. Seven millions of dollars in gold and silver paid into the land offices last year, and the whole of it by cultivators, attests the facility with which the farming interest can supply themselves with hard money. Notwithstanding the stoppage of the banks, seven millions were paid without difficulty last year. A far greater sum can be paid without difficulty this year, and next year, and every year to come. The specie in the country was estimated at eighty millions last year; it now exceeds ninety millions; and it will exceed one hundred millions before Christmas. Never did gold and silver flow so fast as at the present moment into the country. The gold bill, and the hard money policy of General Jackson, are now triumphant over the sneers and machinations of banks and politicians, and are saturating the land with the precious metals. Every farmer can now have all his productions paid for in hard money, and it is his own fault, and it may be his own sorrow, if he does not. To attack the Treasury order, is to attack the shield and ægis of the farmers! To revoke that order is to remove their protection, and to lay them open to the competition of speculators. To receive the notes of the banks for lands, is to give that *credit* to the banks which is denied to the citizens; for what is a bank note but a promissory note to pay money? Far better would it be to *credit* the farmers, if any credit is to be given. Far better would it be to take *their* promissory notes! for the farmers would never combine, as the banks have done, to dishonor their notes, and to leave the Government without revenue.

Mr. B. concluded with presenting the bill as a measure emphatically for the benefit of the agricultural interest—that great interest, which he declared to be the foundation of all national prosperity, and the backbone, and substratum of every other interest—which was, in the body politic, front rank for service, and rear rank for reward—which bore nearly all the burthens of Government while carrying the Government on its back—which was the fountain of good production, while it was the pack-horse of burthens, and the broad shoulders which received nearly all losses—especially from broken banks. This bill was for them; and, in voting for it, he had but one regret, and that was, that it did not go far enough—that it was not equal to their merits.

MR. CLAY'S RESOLUTION.

DEBATE IN THE SENATE,

WEDNESDAY, May 2, 1838.

On motion of Mr. CLAY of Kentucky the following resolution, submitted by him, was taken up, and read the second time:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no discrimination shall be made as to the currency or medium of payment in the several branches of the public revenue, or in debts or dues to the Government; and that, until otherwise ordered by Congress, the notes of sound banks which are payable and paid on demand in the legal currency of the United States, under suitable restrictions, to be forthwith prescribed and promulgated by the Secretary of the Treasury, shall be received in payment of the revenue and of debts and dues to the Government, and shall be subsequently disbursed, in course of public expenditure, to all public creditors who are willing to receive them.

Mr. WRIGHT moved to refer it to the Committee on Finance.

Mr. CLAY of Kentucky said if the Senator from New York would assign any sufficient reason for the reference, he would not object to it. The resolution, he said, or some measure like it, was not only called for by the situation of the country, but its adoption would be attended by the most practical benefits. It contained two principles: first, to do away with all discrimination in the payment of the revenue, whether derived from the lands or the customs, and as, on that subject, the Senate had already expressed its opinion by an almost unanimous vote, he could not see the necessity of a reference of it. The second provision was that, until otherwise ordered by Congress, the notes of sound and specie-paying banks shall be received and paid out in the receipts and expenditures of the Government. Now it appeared to him that that principle was so simple that every Senator could comprehend it, and therefore, there was no necessity for referring it. He was only anxious for a speedy action on the subject.

Mr. WRIGHT had no objection to state the views which governed him in making this motion, and he hoped they would induce the Senate to think that the matter was not so clear as the Senator from Kentucky supposed. He was well aware that the first branch of the resolution was in terms, such as the Senate by a strong vote incorporated in the bill in relation to the finances sent to the other House; and it seemed to him that would supersede the necessity of a repetition of it, in sending it again to the House. That, however, was not the question. The last clause of the resolution was on a subject that had constituted part of the legislation of the country, from the commencement of the Government; and it did seem to him that an examination was proper, to see how far the resolution would conflict with the existing laws. The resolution proposed to go much farther than any act of Congress had ever gone. But we well know that we have recently passed laws on the subject, (the deposite bill of 1836,) in reference to notes that may be received. He recollected in 1834, when the political friends of the gentleman had predominance in the Senate, provisions were passed in reference to bills to be received by it; and now the provision is that the bills shall not only be received, but paid by it. How far it was designed by the resolution to repeal all former legislation, without saying so, in terms, he did not know, but it was quite certain that an inquiry to see how far the resolution would conflict with the existing laws, was highly necessary. No act of Congress has ever made it imperative on the Treasury to receive and pay out bank bills as contemplated by the resolution. In proposing the reference, Mr. W. did not wish to delay the action of the Senate on the resolution. He was only for satisfying himself and others on the points he had adverted to.

Mr. CLAY of Kentucky said he had attended very respectfully to all that had been said by the Senator from New York, and he owned that he had heard nothing to satisfy him of the propriety of a reference. Mr. C. then went into an argument to show the expediency of passing the resolution. Now he said was the accepted time to act, and to signify to the whole country that there was no intention to persevere in a course of discrimination with regard to the money to be received in payment of the revenue.

Mr. WRIGHT did not design to protract the discussion. He would say one or two words in answer to the Senator from Kentucky. The first design in passing the resolution, was to sustain the banks in resuming specie payments. The banks of New York had resumed, and he discovered by public papers, that several of the banks of Boston had also resumed; and he discovered from the same source of information, that the collector of the customs and the post office were receiving their notes. The resolution would, therefore, do no good, for the notes of the banks that have resumed are received and disbursed, precisely as they were before the suspension of specie payments.

Mr. CLAY: am I to understand that the notes of these are received and disbursed by the public agents.

Mr. WRIGHT said so he understood by the papers; and, so far as he was concerned, he would agree to receive and pay out the notes of all sound and specie-paying banks. But it would be in vain for the Government to issue a notice in advance, that the Government would receive the notes, till the banks put themselves in a position to render them receivable under the existing laws. He could not agree that the Senate should legislate with reference to bank notes, and put them on the same footing with our own paper. One objection to the resolution had been confirmed by the remarks of the honorable Senator; and that was, that all the money to be received, from New York, for instance, in bank paper, was to be disbursed in whatever portion of the country disbursements were to be made. Then what position did you put the country in? You must send the New York bank notes to the extreme South; and there, if the public creditor refuses them, he must be paid in specie, which is to be transported there at great trouble and expense. This might be a very great advantage to the New York banks to compel their notes to be paid out for one-half the expenditures of the Government. He would detain the Senate no longer, but ask for the yeas and nays on the question.

The yeas and nays were accordingly ordered.

Mr. CLAY of Kentucky, said it appeared to him that the reference was urged, not for the purpose of an examination into the merits of the resolution, but for the purpose of opposing it altogether. The Senator tells us, said Mr. C. of the resumption of the banks of New York, and says that, therefore, the resolution with regard to them is unnecessary. Now, the resumption of the New York banks was not in consequence of their ability to resume, but of the law of that State, which made it imperative on them to do so by the 9th or 10th. There was a wide difference between actual resumption and the nominal resumption of the New York banks, not venturing to put out their notes. But it seemed the collector and postmaster was doing what the resolution proposed they should do—that they were doing, without law, what he proposed they should do in consequence of law. As to sending the notes of New York to the extreme South or West, to pay them out for the expenditures of the Government, it would be a bungling operation. He supposed the Government might authorize some one to draw for them on New York, and the drafts would sell for a heavy premium. Mr. C. spoke of the great benefits that would result to New York from the measure, and concluded by expressing the opinion that nothing but the establishment of a National Bank would effectually remedy the evils of a disordered currency, and that without it, the country would be perpetually exposed to the difficulties and embarrasments under which it was now suffering.

Mr. CALHOUN said he was gratified that the Senator from Kentucky had introduced this resolution. The banks were about to resume specie payment, or rather had actually resumed, and this in the most easy manner, and in the shortest period, that resumption had ever been effected, notwithstanding all the predictions to the contrary, so confidently made on the opposite side, that resumption was impossible without the aid of Government.

The movement was an important one, and demanded our immediate attention, in order to determine what relation we ought to assume in reference to the banks, in the new condition in which they now are, or shortly may be. The resolution offered a favorable opportunity for the consideration of the subject, which he thought ought to be embraced.

He had turned his attention partially to the subject, and intended to do so much more fully, before the resolution was taken up for discussion; but with the slight consideration which he had given it, he felt a strong conviction that a reunion with the banks, as proposed by the resolution, would, at no distant day, be followed by another shock, such as that in May last, but still more terrific. He would not enter on the discussion now, but hoped an opportunity would be afforded him, in the progress of the resolution, to assign his reasons for this belief, and when, he trusted, he would be able to satisfy the Senate that it was well founded.

In the mean time, acting under its influence, he, for one, would do no act to countenance, in any way, a reunion with the banks. Indeed, he could not see how even those who are in favor of a reunion, could justify a vote in its favor, unless some measure should first be adopted to guard against a recurrence of a calamity which he regarded as so obviously inevitable, without some effectual remedy to prevent it. As to himself, he believed that a National Bank was totally out of the question, and, if it were not, it would prove, if adopted under ex-

isting circumstances, one of the greatest calamities that could befal the country.

Thus thinking, it appeared to him, that this resolution should undergo a full and deliberate investigation, and, for that purpose, if the chairman of the Committee on Finance was in his seat, he would ask him to withdraw his motion for a reference, in order to assign an early day, say Monday or Tuesday next, to take up the resolution for discussion. After the views of the Senate had been fully expressed, if it should be thought advisable, it might then be referred.

After some remarks from Mr. DAVIS,

Mr. BENTON rose and addressed the Senate in favor of the reference. His remarks were given in last night's paper.

Mr. CLAY did not rise with a view to reply to any thing that had been said by the Senator last up, but merely to make a single remark in answer to the Senator from South Carolina, [Mr. CALHOUN.] That Senator had said that the banks were about to resume without any assistance from Government or any agency on its part. He wished it were so; but what were the facts in the case? With the exception of a few banks in New York, and probably one or two in New Jersey, none others had admitted their readiness to resume. Some of these institutions had named the first of January as the earliest period, while others again thought a much longer period would be required. We all knew that those of Tennessee, Arkansas, and Mississippi would not be ready under two years. What he, Mr. C. meant to say was, there would be no general resumption. He had never said that a United States Bank was indispensable to a resumption of specie payments. What he had said, and what he would say now, was, that under the present deposite system, without the agency of a United States Bank, if they did resume they could not continue for any length of time. Mr. C. said he was well aware that the discussion of the the question of a United States Bank was foreign to the matter before them just then; but he was for a Bank of the United States, and wished it so pronounced, so understood, that every man, woman, and child, should know it; and he would take some suitable occasion hereafter to present his views in relation to a United States Bank, such as he thought would be required by the exigency of the times. What his resolution proposed was to give the sanction of law to this measure, and not leave it to the whim and caprice of the Postmaster General and the Secretary of the Treasury. He thought there was no necessity for a reference; there was no objection to the phraseology of the resolution; it was the principles contained in it which caused the opposition; and to refer it to a committee, a majority of whom were known to be decidedly hostile, would be contrary to all parliamentary usage, and he hoped it would not be referred.

Mr. CALHOUN said that in making the declaration he did, that specie payments had been resumed, he did not suppose that any Senator would understand him as affirming that all the banks had commenced paying specie. He only meant to say that a commencement had been made; and that in spite of the declaration, so confidently made, that it could not be without the aid of the Government. He ventured little in saying, that what had been commenced, would, under the operation of the causes that had produced it, go on till there would be a general resumption; and that an event so desired would be accomplished in the shortest time, and with the least pressure, under the action of natural causes, without the aid of quackery. Under this impression, he had from the first opposed all intermeddling on our part. He had always, as he expressed himself at the extra session, dreaded the doctor more than the disease.

He could not agree with the mover of this resolution, that this was an improper time to discuss the merits of a National Bank. He (the mover) as well as the Senator from Massachusetts farthest from the Chair, agreed that unless some effectual remedy should be adopted, another bank explosion would in a few years take place. The thing is inevitable, and how can they or any one who thinks with them, justify their vote in favor of this resolution, which proposes to unite the Government with the banks, without applying the only remedy, which, according to their conception, can prevent so great a calamity? If the application is impossible now, it would only prove, even according to their own conception, that the time for a reunion with the banks has not yet arrived.

As to himself, he agreed that there were but two measures which could possibly prevent a repetition of the explosion, which it is now contended on all sides must follow, without the application of some effectual remedy: a complete and an entire divorce from the whole system, or the establishment of a National Bank; and, of the two, he considered the former as by far the most safe and effectual. This resolution proposes an entire abandonment of the divorce, without substituting the Bank, or any other preventive measure in its place, which appeared to him by far the least defensible course that could be adopted. The plainest dictates of prudence demanded that we should adhere to the remedy we have, till another could be substituted. At all events, this was the suitable moment to determine on our future course; and the opportunity which this resolution afforded for discussion and deliberation, ought not to be permitted to pass in silence. Specie is flowing in with a strong current from all quarters, just as it did previous to the late suspension; and unless some measure be adopted to prevent it, it will become the means of enlarging banking operations, instead of entering into the general circulation of the country, in the same manner as it did then. The result will inevitably be another expansion, and another explosion more calamitous than the late, unless, as he had said, some effectual measure be adopted to prevent it. He, and those who thought with him, believed that the most safe and effectual was a complete and entire divorce from the banking system; while those who differed from us, for the most part, believed that a National Bank was the only safe and effectual measure. Now was the time for a thorough examination and comparison of the two measures. Indeed, he could not see how even the friends of a reunion could vote for this measure, without previously adopting some remedy against the danger which even they admitted. The country could not stand another explosion. It would not only overthrow the banking system, but would shake our institutions to their centre.

The Senator from Massachusetts, [Mr. DAVIS,] said, as he understood him, that the late explosion was caused by the Independent Treasury scheme Such he conceived not to be the fact. Instead of being the cause, it was but the consequence. The existing laws provided, that on the banks ceasing to pay specie, they should cease to be the fiscal agents of the Government, and have their notes received in the public dues. The Independent Treasury was the result of this provision, and has, in fact, been in existence ever since the explosion. Under its operation, the banks are gradually resuming specie payments, and the currency returning comparatively to a sound condition. But for that, it would have become daily more and more bloated, till the disease would have been utterly incurable. Every State would have had a direct interest in enlarging its circulation; for the more expanded the circulation, the greater would have been the depreciation, and the greater the depreciation at any point, the more certainly would the commerce of the country have been attracted to it, just as was the case after the late war. The reason is obvious. The greater the depreciation, the less in reality would be the amount of duty paid. It was thus that the divorce had not only checked the increase of the evil, but had, in a great measure, counteracted it; and it was a safe conclusion, that a remedy which had proved so efficacious in remedying the disease, should prove not less so, if persisted in, to prevent its recurrence.

The mover of the resolution thinks very differently. He believes a National Bank to be the only effectual remedy, and promises to suggest a project for one during the present session. He was glad to hear him say so. Now was the time, and he hoped that he would be prepared to suggest his plan when his resolution should be taken up for discussion.

Mr. C. said, that as the chairman of the Committee on Finance was now in his place, he would renew the expression of his hope that he would not insist on a reference. He thought the better course would be for the discussion to precede the reference; but he would, notwithstanding, vote for it, if insisted on, as he did not wish to embarrass any arrangement the committee may have made.

Mr. DAVIS opposed the reference, as he saw no necessity for sending it to a committee, and particularly to one known to be opposed to all the principles contained in the resolution. Mr. D. said he had expressed an apprehension that there would be another explosion, and he thought it just as likely to occur under the Sub-Treasury scheme as any other. A United States Bank would act as a regulator, a kind of a balance wheel, to the other institutions, and preserve soundness and order in the currency. So far as we had any experience, the nation had cause to be proud of such an institution—and almost all the ills we had suffered, were caused by the improper war made on that bank. The deposite system had resulted, as we all knew, disastrously, and the Sub-Treasury which was supposed to be a healing measure, was proved to be any thing else.

Mr. CLAY of Kentucky said the banks in New York were to resume he was aware, but there was an immense difference between a nominal issue and a safe issue. Under the present state of things the banks could not lend; they did not know how long it might be the pleasure of those officers—the Postmaster General and the Secretary of the Treasury—to sustain them. They might come down upon the banks at their pleasure, demand the dues of Government in specie, and cripple those institutions in their business. What was wanted was some security in the shape of law, designating the medium in which the dues should be paid; and would it not be better to give them this security than leave them to the tender mercies of the Treasury and Post Office.

Mr. CALHOUN said he certainly did not think that the Senator from Kentucky "was so silly" as to introduce a bill to charter a Bank of the United States, after the sense of the Senate had been so unequivocally expressed against any such institution. He even considered him not a little indiscreet in promising to present the outlines of a bank, considering the object which *he* has in view. It was manifestly his intention to turn the public attention as strongly as possible towards a bank, as the only measure of relief. What he [Mr. CALHOUN] wanted, on the other hand, was some definite plan of such an institution to be proposed by its friends, in order to have something tangible, between which and the Sub-Treasury a comparison might be drawn. He felt very confident, whenever it was presented, that it would not be difficult to demonstrate the superiority of the latter to the former. He might be mistaken, but he could not but feel, after much reflection, that the establishment of a National Bank, under existing circumstances, for the purpose of regulating the currency, would prove a curse to the country. If made sufficiently powerful to effect that object, it would be too strong for our liberty; but, if not strong enough, it would be too weak to effect the object proposed, and, of course, would not prevent the explosion in the currency which, it is conceded on all sides, must again take place, if the Sub-Treasury be surrendered, and no effectual remedy be applied to prevent it.

Under this impression, he thought it highly desirable that the Senator should present his project now. He saw no reason for the delay; but, on the contrary, he regarded the present occasion, when we were called upon by the mover of the resolution to abandon the measure which has thus far proved effectual, and again to reunite the Government to the banks, as the most suitable of any to bring forward his plan.

Mr. PRESTON opposed the reference in a speech of some length. He animadverted on the course pursued by some of the Administration members, who contended that all connection between the Government and banks was dissolved by the suspension of specie payments, and voting against all banks as fraudulent and corrupt institutions, unworthy of public confidence, and now came forward

and lauded these same institutions as great and glorious, and doing every thing for the good of the country. Mr. P. admitted that another explosion was not at all improbable, if they went on in the same wild way in relation to the Deposite System. The great object of Government should be to limit these moneyed corporations, and to regulate them by means of a United States Bank. He thought it infinitely better to regulate the system by law than to leave it to Executive usurpation.

Mr. NILES then spoke against the resolution. His remarks were given in last night's paper.

Mr. BUCHANAN did not rise to prolong this debate, but merely to state the reason, without entering into any argument, which would induce him to vote for the reference of this resolution to the Committee on Finance. He was anxious to place his vote upon this question in such a light that it could not be misunderstood. If he had been successful in obtaining the floor at an earlier stage of the debate, he thought he could have demonstrated, that in every statesmanlike and in every practical view of the subject, the resolution of 1816, in regard to the receipt of the notes of specie paying banks, was better than the resolution proposed by the Senator from Kentucky. If his resolution had merely proposed to revive the resolution of 1816 in regard to the public lands, and to place them upon the same footing with the customs, it should have received his [Mr. B's] support. The purposes for which the Specie Circular was called into existence, had long been accomplished. No reason any longer existed to continue the discrimination between the currency receivable in payment of the public lands and in payment of duties. There was now a powerful reason why this discrimination should cease. How could it be expected that the Western banks would resume specie payments, under the operation of that circular? If all the public lands must be paid for in gold and silver, (and extensive sales had recently been advertised,) whilst the customs were paid in bank paper, would not this produce a run upon the Western banks, and drain them of all their specie, in case they resumed? He would place the Western and Eastern banks precisely on the same footing; he would interpose no obstacle in the way of resumption; and then he would call upon them all to redeem their notes in specie. Had the resolution of the Senator, therefore, been confined to a repeal of the discrimination which now existed, he must have voted for it, or abandoned his fixed opinions, which had already repeatedly received the sanction of the Senate.

As the proposed resolution was not confined to this object, he hoped that it might be referred; and when the report of the committee should be made, he would then undertake to prove that the resolution of 1816, the construction of which had become settled by a practice of more than twenty years, was better for the Government, better for the banks, and better for the people, than the change now proposed to be adopted.

Mr. B. said the ordinary and proper course was to refer all such resolutions, after they had been twice read, to the appropriate committee, which, in this case, was the Committee on Finance. He felt a high respect for the intelligence and financial knowledge of this committee, and he would not give any vote which might be considered disrespectful to them in the slightest degree. Besides, he was anxious to have a report from them on the second branch of the proposed resolution. He thought such a report might be made as would satisfy even the Senator from Kentucky himself, that the resolution of 1816 was preferable to his own.

Mr. B. as an individual member of the Senate, would not undertake to propose such an amendment to the Senator's resolution as would make it satisfactory to himself, when we had been assured that we might speedily expect a report from the committee. He could see no want of fairness in making this reference. On the contrary, he should consider it a want of courtesy towards the committee to vote against the motion which had been made by their chairman. In no event could it prevent the Senator from Kentucky from bringing his proposition fairly before the Senate.

After some remarks from Messrs. TIPTON, KING, and CLAY of Kentucky, the question was taken on the reference, and it was carried—yeas 28, nays 19, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Trotter, Wall, Williams, Wright, and Young—28.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—19.

The Senate then adjourned.

REMARKS OF MR. BENTON, OF MISSOURI.

In Senate, May 2, 1838—On the resolution of Mr. CLAY of Kentucky for the receipt and disbursement of bank notes in the revenues and expenditures of the Government—the question being on its reference to the Committee on Finance.

Mr. BENTON rose to make some remarks on the *distress* which had just been resuscitated for the occasion, and made to play its part again in discussions on this floor. He knew of no distress, except at New York, where they had more gold and silver than they knew what to do with, and from which nobody would relieve them by coming and taking a part; and except among the advocates of a National Bank, whose distress is agonizing at seeing specie payments resumed without the creation of a National Bank. These were the only cases of distress now visible; and they were real and afflicting cases, especially the latter. The advocates for a National Bank saw all their predictions defeated by the event; their thousand millions of asseverations that there never could be a resumption until a National Bank was rechartered, were all blown sky high! Resumption had begun, and they could not defeat it, and their distress was not only great, but without sympathy; for it was sorrow in the midst of universal joy.

This resolution of the Senator from Kentucky, [Mr. CLAY,] is to aid the banks to resume—to aid, encourage, and enable them to resume. This is its object, as declared by its mover; and it is offered here after the leading banks have resumed, and when no power can even prevent the remaining solvent banks from resuming. Doubtless, immortal glory will be acquired by this resolution! It can be heralded to all corners of the country, and celebrated in all manner of speeches and editorials, as the miraculous cause of an event which had already occurred! Yes, sir, already occurred! for the solvent banks have resumed, are resuming, and will resume. Every solvent bank in the United States will have resumed in a few months, and no efforts of the insolvents and their political confederates can prevent it. In New York the resumption is general; in Massachusetts, Rhode Island, Maine, and New Jersey, it is partial; and every where the solvent banks are preparing to redeem the pledge which they gave when they stopped—*that of resuming whenever New York did.* The insolvent and political banks will not resume at all, or, except for a few weeks, to fail again, make a panic and a new run upon the resuming banks, stop them if possible, then charge it upon the Administration, and recommence their lugubrious cry for a National Bank.

The resumption will take place. The masses of gold and silver pouring into the country under the beneficent effects of General Jackson's hard money policy, will enable every solvent bank to resume; a moral sense, and a fear of consequences, will compel them to do it. The importations of specie are now enormous, and equalling every demand, if it was not suppressed. There can be no doubt but that the quantity of specie in the country is equal to the amount of bank notes in circulation—that they are dollar for dollar—that the country is better off for money at this day than it ever was before, though shamefully deprived of the use of gold and silver by the political and insolvent part of the banks and their confederate politicians. On this point a document would soon be forthcoming to establish its truth. The document called for this morning in relation to the local banks, and which the Treasury will furnish, will show the amount of the bank circulation; and that amount will not exceed the quantity of gold and silver now in the country, or known to be coming into it. A hundred millions of specie may be assumed to be the amount in the country before the rise of the present Congress; and out of that amount every solvent bank in the Union can supply its wants. None admitted they had any wants when they stopped except the New York banks; all the rest stopped without standing a run or admitting a want. They stopped upon example, and not upon necessity, and pledged themselves to resume when New York did. New York has resumed, and they are bound to redeem their pledge, or admit its falsity. More than that, New York offers supplies of specie to all other banks. She has no need for the quantity she has received; she cannot use it; she is offering it to all other banks, especially to the non-resuming Bank of the United States. She is calling upon all solvent banks to come and get supplied; and if she cannot get it taken off her hands in the United States, she will be forced to reship it to Europe; for the quantity is too great to be used in her own business. There is specie enough then in the country to enable every bank to resume, and the moral sense of some, and the fear of consequences in others, will induce a resumption by all except the insolvent and the political ones. Many are the banks which have resumed and will resume from a sense of what is right—from a feeling of honesty—from a determination to pay what they owe; many others will resume from the fear of consequences, and because they know that protracted suspension must end in the total destruction of the whole banking system. The solvent banks will resume, and Congress cannot prevent them if it tried. They have received the aid which they need in the $100,000,000 of gold and silver which now relieves the country, and distresses the politicians who predicted no relief, until a National Bank was created. Of the nine hundred banks in the country, there are many which never can resume, and which should not attempt it, except to wind up their affairs. Many of these are rotten to the core, and will fall to pieces the instant they are put to the specie test. Some of them even fail now for rags; several have so failed in Massachusetts and Ohio, to say nothing of those called wild cats—the progeny of a general banking law in Michigan. We want a resumption to discriminate between banks, and to save the community from impositions. The renowned Sancho Panza has told us that all cats are of one color in the dark; so of the banks: they are all alike during the suspension. Resumption will discriminate them, and that resumption is at hand. It has began where the suspension began—in New York. It has began where the main cause for the stoppage existed—in that city where the public moneys were accumulated, and where they were suddenly called for in masses, at short intervals, to be distributed among the States. The banks had lent that money under our sanction; to call for it suddenly, was to reduce them to the alternative of breaking their customers, or breaking themselves. I was one of half a dozen who opposed that law: I then said in my place that it must be fatal to large deposite banks; that they would have to choose between ruin to themselves, or to their customers. These banks had cause for stopping; they are the only ones, according to all the declarations, which had a cause for it. The rest stopped, or professed to stop, upon example; and pledged themselves to follow the example of resumption as promptly as they had followed that of suspension. Some redeem this pledge; others violate it, and at the head of these violators, is the Bank of the United States. But New York has not merely set the example of resumption; it also offers the means of resumption to all others. The insolvent and political banks alone refuse the means; and, covering their conduct with false pretexts, exert themselves to perpetuate the reign of shin-plasters and irredeemable paper money.

Distress! to relieve the distress! this is declared

to be the object of the resolution! and the mover seems to be in furious haste to get it through quick, lest the distress will be all gone, and the glory of relieving it will be lost. This resolution is now to do what nothing but the creation of a National Bank could do—it is to relieve the distress! Sir, the distress is gone; it has gone off like the panic distress of 1833 went off; it has fled before an avalanche of gold and silver. An arrival of twenty millions of specie frightened off distress in 1834; an arrival of twenty-five or thirty millions has chased it off again. The only real distress is that of the New York banks, which have more specie than they can use; and that of politicians, who see that General Jackson's policy is victorious—that the gold bill and the hard money policy are filling the country with specie, and drawing the line between the solvent banks on one hand, and the insolvent and political ones on the other.

We have gone through a similar scene to that of the panic session of 1833–34. Then there was a ditty incontinently sung upon this floor, and taken up and sung again all over the country. It ran in these words: "*That the removal of the deposites made the distress; and nothing could relieve the distress but the restoration of the deposites, or the recharter of the bank.*" This was the musical ditty with which the ears of a continent were entertained for six months; yet the deposites were not restored, the bank was not rechartered, and the distress did cease. Even while this pretty little ditty was still in the course of rehearsal here, the Bank, as if in contempt of all its votaries, wheeled about, stopped its pressure, commenced relief, and ran out in six months an expansion of twenty millions of loans and ten millions of circulation. Seeing that the arrival of the specie had put an end to the distress, the Bank changed her tactics; and having failed to crush the local banks by compression, the next step was to burst them by distension. So of this resolution. Since May last, we have had the incessant cry, "*That the Treasury order made the suspension, and nothing could produce a resumption but a repeal of the order and the recharter of the Bank of the United States.*" This song has had its day. It has been sung to death; it is dead. It has shared the fate of the sweet little ditty about the removal of the deposites. The Treasury order is not repealed, the Bank of the United States is not rechartered, and the solvent banks have resumed, or will do it. The river Pactolus has poured its golden flood into the country. Every body sees and feels that the country is relieved; and now this resolution, like a Harlequin leaping upon the stage, jumps up before us to claim the honor of accomplishing that which already exists. The professed object of this resolution is to aid the banks—to aid banks which are already full of specie, and offering it to others! This is the professed object. Its effect will be to do what was done in 1834—to run out another expansion—create another season of delusive prosperity—followed by another catastrophe, to be charged again upon the Administration. It is found that the country cannot be depressed for more than one year at a time—that the export of a single crop relieves it. The mode of operating must then be changed. Another expansion, followed by another catastrophe, to be accomplished in the summer of 1840, may turn the scale of the Presidential election at that time; and two years are enough to organize an expansion and explosion. The last expansion and explosion was commenced and completed in two years. It began in June, 1835, and finished in May, 1837. Another one can be accomplished in the same time. Begin it now, and it can be consummated in the summer of 1840, in the exact time for the Presidential election of that year. Pass this resolution, or any thing like it, and a grand expansion will immediately ensue, to be followed by a grand explosion—to be laid, of course, upon the Administration. What is this resolution? It is to make all the notes of all the banks in the United States a legal tender to the United States in payment of lands and customs, and all debts and dues, and a forced tender from the Federal Government to all its creditors. It is a PAPER MONEY and SHIN-PLASTER RESOLUTION! the adoption of which would surrender the public lands to nine hundred banks for a fund to redeem their notes—would fill the Treasury with notes which could never be redeemed—would dispense with the use of gold and silver at home—would occasion the exportation of the one hundred millions which the Jacksonian policy has collected in the country—would reduce the country to broken bank notes and shin-plasters in two years, and raise another cry for the establishment of a National Bank. These would be the consequences of the adoption of the resolution; and I announce them in advance, that I, for one, may warn the country of the impending mischief, and exhibit this proposition at once in its hideous and revolting colors.

We wanted specie, and we have got it Five years ago—at the veto session of 1832—there were but twenty millions in the country. So said the Senator from Massachusetts who has just resumed his seat, [Mr. WEBSTER.] We have now, or will have in a few weeks, one hundred millions. This is the salvation of the country. It compels resumption, and has defeated all the attempts to scourge the country into a submission to a National Bank. While that one hundred millions remains, the country can place at defiance the machinations of the Bank of the United States, and its confederate politicians, to perpetuate the suspension, and to continue the reign of rags and shin-plasters. Their first object is to get rid of these hundred millions, and all schemes yet tried have failed to counteract the Jacksonian policy. Ridicule was tried first; deportation of specie was tried next; a forced suspension has been continued for a year; the State Governments and the people were vanquished; still the specie came in, because the Federal Government created a demand for it. This fatal demand has frustrated all the schemes to drive off specie, and to deliver up the country to the dominion of the paper money party. This demand has been the stumbling block of that party; and this resolution now comes to remove that stumbling block. It is the most revolting proposition ever made in this Congress! It is a flagrant violation of the Constitution, by making paper money a tender both to and from the Government. It is fraught with ruin and destruction to the public property, the public Treasury, and the public creditors. The notes of nine hundred banks are to be received into the Treasury, and disbursed from the Treasury. They are to be paid out as well as paid in. The ridiculous proviso of willingness to receive them on the part of the public creditor is an insult to him; for there is no choice; it is that or nothing. The disbursing officer does not offer hard money with one hand, and paper with the other, and tell the creditor to take his choice. No! he offers paper or nothing! To talk of willingness, when there is no choice, is insult, mockery and outrage. Great is the loss of popularity which this Administration has sustained from paying out depreciated paper; great the deception which has been practised upon the Government in representing this paper as being willingly received. Necessity and not good will, ruled the creditor; indignation, resentment, and execrations on the Administration, were the thanks with which he received it. This has disgraced and injured the Administration more than all other causes put together; it has lost it tens of thousands of true friends. It is now getting into a condition to pay hard money; and this resolution comes to prevent such payment, and to continue and to perpetuate the ruinous paper money payments. Defeat the resolution, and the Government will quickly pay all demands upon it in gold and silver, and will recover its popularity; pass it, and paper money will continue to be paid out, and the Administration will continue to lose ground.

It is the duty of the Federal Government to diffuse the specie which its policy has brought into the country. This specie arrives at the sea ports, and a part of it has thence to be transferred to the interior of the country, and to the remote frontiers. Government payments will effect this diffusion. Hard money payments for lands will occasion gold and silver to be carried to the new States; specie payments to the army, militia, volunteers, laborers upon public works, and Indians, will diffuse it among the people. If not diffused, the specie now in the country will be exported, or will go to the creation of new banks, to flood the country again with paper money, and to make another expansion, followed by another explosion. The policy of General Jackson was to use the specie when it was brought; the effect of this resolution is to prevent it from being used, and to drive it away. His policy was to suppress all bank notes under twenty dollars, and to make gold and silver the medium of payment for all sums under that amount.

This resolution is to compel the repetition of the error which has already been so often fatal to the country. The original error of the Government, in relation to the currency, was in dispensing with specie, and resorting to the use of paper. General Hamilton effected this, first by violating the act of 1789, and next by establishing a national bank, with a charter right to pay its notes to the Government, and a *de facto* right to pay them out. The Federal Government having dispensed with the specie standard, all the States followed the example. They all dispensed with it, and substituted the paper of their banks, in the payment of their revenues. They created banks, with chartered privileges to pay the State revenues in their paper; of course the States had nothing else to pay out; and when the banks stopped, the Government stopped, or took depreciated paper. What the Government did the people were obliged to do. All had to dispense with the specie standard, and betake themselves to paper. This total dispensation of specie by the General Government, and the State Governments, left the country bare of hard money, and produced the catastrophes of 1814, and of 1819. Now for the first time in forty years the Government is determined to avoid General Hamilton's error. It is determined not to dispense with specie. It is determined to preserve the specie standard, and, by doing so, to create a demand for it, and a use for it, which will bring it in the country, keep it in the country, and diffuse it over the country. This resolution is to defeat that policy. It is to conquer the last remaining advocate for specie, and to inundate the whole Union with paper money. The General Government conquered, and the triumph of the paper money party is then complete. To this conquest all efforts are now turned. The whole struggle of the Federal party has been to force paper money upon the General Government. From this policy they have never deviated from the time of General Hamilton to the present day; but all their efforts put together fall short of the revolting effects of this desolating proposition.

The resolution proposes to make the notes of 900 banks the currency of the General Government, and the mover of the resolution tells you, at the same time, that all these banks will fail! that they cannot continue specie payments if they begin! that nothing but a National Bank can hold them up to specie payments, and that we have no such bank. This is the language of the mover; it is the language, also, of all his party; more than that it is the language of Mr. Biddle's letter—that letter which is the true exposition of the principles and policy of the Opposition party. Here then is a proposition to compel the Administration, by law, to give up the public lands for the paper of banks which are to fail—to fill the Treasury with the paper of such banks—and to pay out such paper to the public creditors. This is the proposition, and it is nothing but another form of accomplishing what was attempted in this chamber a few weeks ago, namely, a direct receipt of irredeemable paper money! That proposition was too naked and glaring; it was too rank and startling; it was rebuked and repulsed. A circuitous operation is now to accomplish what was then too rashly attempted by a direct movement. Receive the notes of 900 banks for the lands and duties; these 900 banks will all fail again; so says the mover, because there is no king bank to regulate them. We have then lost our lands and revenues, and filled our Treasury with irredeemable paper. This is just the point aimed at by the original proposition to receive irredeemable paper in the first instance: it ends in the reception of such paper. If the resolution passes there will

be another explosion; for the receivability of these notes for the public dues, and especially for the public lands, will run out another vast expansion of the paper system, to be followed, of course, by another general explosion. The only way to save the banks is to hold them down to specie payments. To do otherwise, and especially to do what this resolution proposes, is to make the Administration the instrument of its own disgrace and degradation—to make it join in the ruin of the finances and the currency—in the surrender of the national domain for broken bank paper—and in producing a new cry for a National Bank as the only remedy for the evils it has produced.

The motion before the Senate is to refer the resolution to the Committee on Finance. It ought to be referred. It runs foul of too many laws and principles to be hurried on without the usual examination of a committee. If not referred, I shall be ready for it here, come when it may. I ask no time to prepare to encounter such a proposition. It is a mass of deformity, iniquity, and mischief. It goes to plunder the public lands, to ruin the revenue, to defraud the public creditors, to involve the country in shame and disaster, to re-establish a National Bank, and to perpetuate a paper-money Government. It goes to disgrace and destroy the Administration. It is a rebuke to all who voted for the Independent Treasury bill, and a modest request to them that they will stultify themselves by voting for a proposition standing in contradiction to every principle which they voted for in that bill. It goes to contradict every principle of General Jackson's hard-money policy—that policy which has received the sanction of an immense majority of the American people.

If referred, gentlemen may rest assured it will be back time enough for them. It is such a proposition as ought to be discussed, and will be discussed. It is a proposition to fix the attention of a continent. It goes to fundamental principles, and presents the fairest occasion for the array of parties which has yet been seen in Congress. It is paper-money and bank Government to the backbone; and, far from keeping such a resolution in a committee to avoid debate, I am for bringing on debate with all due speed. I rejoice that such a proposition is brought in, and shall make my thanks to all such customers for all such favors. I mean to speak to it when it comes back, and merely give it a passing compliment as it now goes out.

REMARKS OF MR. NILES,

ON THE SAME SUBJECT.

Mr. NILES said he felt reluctant to prolong the debate, yet would ask to be indulged in submitting a few remarks. The resolution he considered as a very extraordinary one, and the observations of the three gentlemen who had supported it were scarcely less remarkable. This resolution, consisting of ten or a dozen lines, has been treated by the Senator from Kentucky, [Mr. CLAY,] who introduced it, as though it was a trifling thing, which would be adopted almost as a matter of course. It required, in his view, no reference and no discussion; was a plain, simple proposition, which every one must be prepared to act upon. But brief as the resolution is, it contained principles of vital importance—principles which covered the whole ground occupied in the debate in which the Senate had been engaged for nearly four months during the late and present session. And he might say more than this: it embraced principles which lay at the foundation of the legislation of Congress since the commencement of the Government. And it proposes to reverse and set aside the fundamental principle, by which the legislation of Congress has been governed. It contains the novel and dangerous principle of *legalizing* a paper currency in the transactions of the Government. This has never been done, except so far as respects paper deriving its authority from Congress. The notes of State banks have never been made a legal currency in the collection and disbursement of the revenue. This resolution proposes to introduce that principle, and yet it is treated as of so little importance, as not to require to be disposed of in the usual way, and referred to a committee. The resolution contains two propositions: one, that the same currency shall be received in the different branches of the revenue; the other, that the notes of banks which are payable and paid in specie on demand shall be received and disbursed by the Government. The first of these propositions has been adopted by the Senate as an amendment to the Treasury bill that passed this body; the other was prepared as an amendment to that bill, and rejected by a considerable majority. That the Senate have changed their views on this subject, he had seen no reasons to believe.

It is said that because there are no details to be examined, there is no occasion for the reference. But considering the importance of the principles involved, and their connection with the legislation of Congress, is it not necessary to examine the operation of these principles upon existing laws? The resolution proposes to renew the connection between the Government and the banks; and this is to be done without any limitation or restriction whatever. The resolution would therefore repeal, or supersede, all the existing laws on the subject. So far as bank notes are now authorized to be received and disbursed, it is subject to certain regulations, limitations, and restrictions. The joint resolution of 1816, the deposite act of 1836, and an act passed the same session, in regard to the payment of bank notes, all contain restrictions and limitations which this resolution would entirely sweep away. At a time when a majority of the Senate have decided to disconnect the Government from banks altogether, it is proposed to unite them more closely than they have ever been—a union which is to be beneficial on one side only; which is to favor the banks without any corresponding advantage to the Government; which is to open the Treasury door wider than it has ever been, and expose it to be filled with paper of every description, without any check or restraint whatever, either as to the denomination of the bills, or the limits within which the receiving officers shall be required to take the paper of State banks. A receiver in Arkansas would be bound to take the notes of a bank in Bangor, and judge of its soundness; and the collector at the latter place would be required to receive the notes of a bank in Arkansas. Mr. N. said he was aware that there was a provision in the resolution authorizing the Secretary of the Treasury to prescribe regulations as to the receipts and disbursements, but that would give him no power to limit the operation of the resolution. He could no more do this than he could repeal the law. To limit its operations would be to repeal it in part. The resolution would make the receipt of the notes of all specie-paying banks, wherever located, obligatory on all collectors of revenue. This is perfectly clear. For several years it has been the policy of this Government to endeavor to exert a salutary influence on the paper currency through the operations of the Treasury; and all the laws designed to effect this purpose, to which the Senator from Virginia [Mr. RIVES] attaches so much importance, are to be superseded by this resolution, and that without even a reference of it.

But, sir, what is the object of this resolution? what purpose is to be effected by it? what is the necessity for it? The Senator from South Carolina [Mr. PRESTON] has used a very strange argument. He says the measure for divorcing the Government from the banks has failed; that it has been decided that the separation shall not take place, and, therefore, it has become necessary to provide for regulating the connection between the Treasury and the banks. Does he suppose there is any want of laws to regulate this matter? The disconnection has not been from a repeal of, or defect in, the laws, but from the failure of the banks, which threw them out of the pale of your laws. When the banks resume the laws will again be in force, and the banks will be entitled to the benefits of them. It will be the duty of the Secretary of the Treasury to employ them as depositories, and he will no doubt authorize the receipt of their notes, subject to the restrictions of the law. What occasion, then, is there for further legislation? The majority of the Senate have decided in favor of disconnecting the finances of the Government from those of the banks; but, if this measure shall fail, we have only to fall back on the existing laws, and, when the banks resume, things will be precisely where they were. The connection revives without the aid of Congress. There is no occasion for legislation, unless it is proposed to change the existing laws, and effect a more intimate connection between the Treasury and the banks, entirely free from the restraints and regulations which they impose. Is this the object of the resolution? If not, what is it? Is it called for, because the laws are not properly executed, or a proper construction put upon them? because the Secretary of the Treasury is pursuing a course hostile and illiberal towards the banks? Is there any foundation for such an opinion? It has already been stated in this debate, that the notes of banks which are paid in specie, except so far as they are restricted by law, are directed to be received, and are in fact received, at the custom houses and post offices. But we are told that this is unauthorized, and without legal sanction. How consistent, to charge the Government with being hostile to the banks, and at the same moment to complain of the Secretary of the Treasury for receiving and paying out bank notes without any legal authority for doing it! This point is well understood by every one, and there is no occasion to illustrate it. There is no compulsion on the Secretary to take bank notes, but he is fully authorized to do it. If there was ever any doubt about the construction of the resolution of 1816, the question has been settled by a practice of more than twenty years. Although there is nothing compulsory as to the receipt of bank notes, yet it has been the practice of the Treasury to receive them, and pay them out, under certain restrictions and regulations.

Sir, there can be no object in this resolution, unless it is to change the existing laws; to give the banks privileges which they do not now enjoy. We are told that it is proper for the Treasury to aid them in the resumption of specie payments, and that this is only a temporary measure for that purpose. How a temporary measure? It is to continue during the pleasure of Congress, and no law can continue any longer. But if this is the purpose, the resolution rests altogether on a false assumption. It is assumed that the banks cannot resume without aid from the Government. This has been declared by the head of the chief banking institution. And are we to be called upon to act to carry out his purposes, or establish his predictions? What foundation is there for this opinion? Have not the banks already resumed in New York, in Boston, in Albany, and some others? And what difficulty is there in all sound banks resuming? Circumstances are so favorable for it, that they cannot avoid resuming. Exchanges have been for a long time decidedly in our favor, and instead of specie going out of the country, it is coming in with a flood tide. The quantity received is without any example in the history of the country; ten millions have been received within a few weeks, principally gold. The premium on specie is gone, and the country is flooding with gold; and yet we are told the banks cannot resume payment without the aid of the Government. All solvent, sound banks can resume when they please; and those which are not sound, which have not reduced their circulation, diminished their loans, and concentrated their resources, cannot resume, whatever aid they may receive. Have not the banks said that they did not require or want any assistance? This is true of the banks of New York, where the Executive and Legislature proffered their assistance, not in their ordinary business, but in case war should be waged against them by the principal bank in the Union, having a capital nearly equal to all the banks in the State of New York, by loaning them the credit of the State to the amount of six or seven millions, which they declined. They wisely chose to stand upon their own strength, and not to be propped up by any Government, State or National. They felt strong enough to sustain themselves not only against ordinary difficulties, but against the threatened hostilities of the great bank autocrat.

Sir, the sound banks do not want any aid from this Government; we cannot benefit them, but we might do them an essential injury, as well as the country. They are beginning to resume, and the

best service we can render them, or the monetary affairs of the country, is to let them alone; let them stand upon their own strength, and return to a sound and healthful action as fast as they can. If they understand their own interest, they will say to us "hands off," the "let-us-alone policy" is all we ask of you. But, if it was in our power to aid the banks, would not a sudden and powerful stimulus from the Government, at a time like the present, be highly dangerous? What is most to be feared is, that their action will be too rapid and violent; that, recovering from their torpid state, they will spring into life with all the vigor of a giant. From the long suspension of business, and the vast influx of the precious metals, there is a powerful stimulus operating upon them.

Do gentlemen forget what was one of the principal charges against the late Administration: the importation of gold for the French and Neapolitan underwriters. The charge was, that the importation of specie gave a dangerous stimulus to the banks, and was the principal cause of their excessive issues. If there was any truth in these charges which the Opposition made against the late Administration, what will be the effect of the immense importations of gold which have recently been made? Now, the importations of gold have had no connection with the Government, and, perhaps, on that account, it may not have so dangerous an influence. Whatever the Government does, is sure to injure the banks, and he thought, therefore, the better course for both parties was to have as little to do with them as possible.

Mr. N. said he could not forbear to notice a remark of the Senator from Kentucky, [Mr. CLAY,] which he had heard with surprise, and which might seem to authorize an unfavorable inference as to the object of introducing this resolution. He would by no means say that he believed such to be the object, but only that the language of the Senator seemed to authorize such an inference. The Senator said that the conduct of the majority, in relation to this resolution, would place them before the country in their true postion; it would test their sincerity, and satisfy the country whether they were hostile to the banks or not. If they seek to evade action upon it, or oppose its adoption, it will then be seen what sincerity there is in the denial of their hostility to the banks. Are we to understand that this is the purpose for which the resolution was introduced? Has the Senator introduced a resolution containing principles which he has reason to believe that a majority of the body cannot approve, and which they have recently decided against, that its rejection may furnish evidence to the country in support of the charge of their being hostile to the banks? Is this a measure in co-operation with a bold movement from another quarter, which has attempted to array this Government in hostility to the banks? This charge has been deliberately made and proclaimed to the country by the great bank autocrat, in a formal manifesto, designed to rally and unite all the banks in the Union against the Government, which is charged with waging war upon them. Is it thought that the just and liberal course of the Secretary of the Treasury towards the resuming banks is calculated to put down this unfounded charge so boldly put forth, and that some new facts were necessary to give it some little countenance? Is the object to keep up the agitation, and prolong the present state of things? to continue the delusion which, to some extent, has prevailed in the public mind, of the hostility of the Government to the banks? Is the country to have no repose? Do gentlemen think to continue the panic, and prevent the resumption of the banks and the restoration of business, by keeping alive the clamor and delusion about the hostility of the Administration to the banking and credit system? These bold denunciations and charges, which had been made by one claiming to speak for the moneyed interest, were losing their force; the prejudices and fears which had prevailed were subsiding, and the public opinion is settling down; and nothing can be more important than this for the revival of business, and the restoration of confidence. Is it the purpose to prevent this quieting of the public mind, and to continue the alarm about the hostility of the Government? Mr. N. said he could not believe that any such purpose existed, although the language of the Senator from Kentucky would seem to authorize it. But if there were any such views, he forewarned gentlemen of the consequences of endeavors to prolong the panic, and prevent the restoration of the business of the country. He told them that this state of things could not be prolonged; it was not in the power of politicians, if so disposed, which he did not believe, to prolong it. It has already continued one year, and even those who rejoice at the political fruits of it, feel that they have paid dear for them in private sacrifices; they feel that they have suffered in their business all that they could afford to suffer. If they love political power, they also love money, and are now desirous for a return of those pursuits by which it is to be acquired. They think they have suffered enough for the benefit of the Opposition cause, and now wish to return to their accustomed pursuits of business. He really hoped that gentlemen would be satisfied with the results of the panic which had been realized. It had worked well for them; they had carried most of the elections, his own State among others, and perhaps somewhat to his own loss. He really hoped gentlemen would show some little moderation in their triumphs, and try to be satisfied with what they had obtained. They had certainly turned the suspension of business and the distresses of the times to a good account: they had made the most of them whilst they lasted; and he really hoped they would be satisfied, and suffer the public mind to become quiet, without which business could not revive. But the people are beginning to understand this matter; and whatever course politicians may pursue, the present state of things cannot be prolonged. The banks want none of our aid; they will resume without it. Circumstances force it upon them; and solvent banks cannot avoid resuming, and business must and will soon revive. This resolution is not called for, and can do no good. Its tendency will be to keep the public mind unsettled; but if there is to be any action upon it, it ought to be referred, and its principles examined in reference to the existing laws.

RESURRECTION NOTES.

SPEECH OF MR. GRUNDY,

OF TENNESSEE,

In Senate, April 16, 1838—upon the bill to prevent the issuing and circulation of the bills, notes and securities of corporations created by Congress which have expired, and, also, upon the late letter of NICHOLAS BIDDLE to JOHN QUINCY ADAMS, recommending a non-resumption of specie payments by the banks.

MR. PRESIDENT: this bill presents two questions for the consideration and decision of the Senate—

The first is, does Congress possess the constitutional power to enact its provisions.

The second is, if the power exists, is it expedient to exercise it?

My intention is to discuss both these propositions in the order I have named them. But, before I proceed to establish the affirmative of each, which I believe I can do, I wish to call the attention of the Senate to one of the most extraordinary productions which has been presented to the public in these extraordinary times. It is intimately connected with the subject matter of the bill now before the Senate. Should I be tedious upon this branch of what I have to say, my apology will be found in this, that my lips have been sealed, by the mandate of the Legislature of my State, during the whole discussion upon the currency question. Now, that I have obeyed the injunctions which it was their pleasure to impose on me, not only in their letter, but in their spirit, I feel as free as any Senator here. But, let it be distinctly understood, that, in regard to the bill which has passed the Senate for the collection, safe-keeping and disbursement of the public money, and upon which I was instructed, I have not one word to say, either for or against it.

The extraordinary production, to which I have referred, is a letter, written by the president of the Pennsylvania Bank of the United States, and addressed, in form, to the Hon. JOHN QUINCY ADAMS, but evidently designed as a manifesto to the public of the principles upon which the institution, over which he presides, intends to act, and also as a declaration of war against the present Executive of the United States. I am not mistaken; nor have I spoken too boldly, or said what I cannot make good.

In the concluding paragraph of this letter, the following language is employed:

"The banks should remain exactly as they are, preparing to resume, but not yet resuming. They should begin as the Bank of England did, under similar circumstances, by paying the small notes, so as to restore coin to all the minor channels of circulation; but not make any general resumption until they ascertain what course the Government will pursue; employing, in the mean time, their whole power to forward the crops to market. The American banks should do, in short, what the American army did at New Orleans, stand fast behind their cotton bales until the enemy has left the country."

Now divest this paragraph of its rhetoric, and what is its plain import and meaning? The author, in the whole preceding part of this paper, had been laboring to prove, (unjustly, as I will show) that the present Chief Magistrate was hostile to all State banks, and had resolved on their destruction, and then concludes with the language I have quoted. Yes, the counsel given clearly is, that as the American army stood fast behind their cotton bales until the enemy left the country, so the banks should retain their present non-specie paying position until the present incumbent shall cease to occupy the Presidential chair; or, in Senatorial language, "until the Goths are driven from the Capitol." In other words, this great national calamity of a suspension of specie payments is to be continued until the people of the United States shall be tortured into a change of the administrators of the Government; and their afflictions are to be continued and increased in intensity, until, as happened in ancient times, they shall be constrained to say, "Give us a King to rule over us, that we may be like the other nations of the earth;" that is, give us a Bank of the United States, not to regulate the currency only, but to regulate the politics of the country, and save the people the trouble and inconvenience of governing themselves, or electing their own agents to manage their own public affairs.

Sir, if I am not mistaken in the character of the American people, this paper will do more than any thing which has been, or can be done, by the exertions of any individual or set of individuals in this nation, to prevent the accomplishment of that which its author designed. Until the 4th of March, 1841, when the Presidential term of the present Chief Magistrate expires, the banks are to remain intrenched behind their bales of bank paper. Then, when "the enemy has left the country," when "the Goths have been driven from the Capitol," the people may be suffered to enjoy the advantages and benefits arising from a resumption of specie payments; but not before. This is the fiat of Mr. Biddle; this is the decree of the president of *one* out of eight hundred State banks that now exist in the United States.

Here is a moneyed corporation, created by the authority of a single State, denouncing the Chief Magistrate of all the States, and demanding his exclusion from office at the expiration of his present term, under the penalty, that until it be done no resumption of specie payments shall take place.

I have said that the charter or recharter of a Bank of the United States is also required by the writer of this letter as the price of a resumption. He says, referring to the Congress of the United States:

"The only reform in the currency which that body has yet made, is the issue of ten millions of irredeemable paper money, and a proposal for ten millions more."

One passing remark upon this statement. The impression it is calculated to make is, that ten millions of dollars, in Treasury notes, have been issued by the Secretary of the Treasury, and that they are now in circulation. The fact is, eight

millions only have been issued, and one half of them have been redeemed, leaving only four millions in circulation. Nor can these, with the least propriety or justice, be designated as "irredeemable paper money." They are received by the Government as equivalent to gold and silver; the revenues of the country may be paid in them without depreciation; they are transmitted from one part of the country to another at an equal value; in no sense can they be properly spoken of as irredeemable paper money; with no justice can they be classed with the depreciated and unredeemed paper of non-specie paying banks.

But I proceed with the letter. It continues:

"Is it worth while, then, so long as Congress fails to exercise its legitimate powers, to waste the strength of the country in efforts to accomplish what we all know to be impracticable? To resume now, without some understanding with the Government, seems to be throwing away the benefits of experience, and the lessons of misfortune. We have gone through all the mortification and all the inconvenience of suspension. Let us endeavor to profit by them; to fix the future on some solid basis; have some guaranty of the stability of the currency, and not set every thing afloat again without knowing where we may be drifted. For, compare the situation of the banks at the last resumption and now. After a suspension of nearly three years, Congress applied all its power to induce, to persuade, and to assist the banks in their efforts to resume. They passed the resolution of 1816, authorizing the receipt of the notes of specie-paying banks. But this alone was insufficient; and at the same time, they established the Bank of the United States, with a capital of thirty-five millions. That bank called a convention of State banks, and agreed that if they would resume specie payments, it would, 1st. Assume all their debts to the Government of the United States; 2d. Discount, to those who had payments to make to the Government, the whole amount of their bonds; and, in addition, 3d. Discount, to those not indebted to the Government, two millions in New York, two millions in Philadelphia, one and a half milions in Baltimore, and half a million in Richmond; and, 4th. Would sustain the resuming banks in case the resumption brought them into difficulty."

Of this the evident meaning is, that a bank charter from the General Government, and nothing short of it, ought to be obtained, before, in the opinion of the writer, specie payments, so far as may depend on his power and influence, shall be resumed; and all will admit that his power and influence are considerable, and difficult to be resisted. From this view—drawn from the manifesto of this institution itself—the inference is irresistible that no relief, so far as this bank is concerned, is to be extended to the country by a resumption of specie payments, until Congress shall yield and charter a Bank of the United States. For myself, I say that I will yield to no such arrogant pretension. I will never consent that the flag of the country, the flag of the Constitution, shall strike to any such intruder or invader. No, sir: every such high-handed attempt of a moneyed corporation to influence or coerce the public councils of the country into its measures, should be promptly met and unyieldingly resisted by the people and their public functionaries. When I first read the Constitution of the United States—and every subsequent reading has but confirmed my first impression—I learned that for certain specified objects, for which the State authorities acting separately were incompetent, a Federal Government was formed, to consist of legislative, judicial, and executive departments; and by these the Government was to be administered. The framers of the Federal Constitution believed that the Government they had formed could be carried on by the functionaries employed in these departments. Modern wisdom, however, has discovered that there is a power outside of, and beyond, the limits of the Constitution, which should control the Government and all those engaged in its administration; and this power, so far as the bank in question can wield it, is now actually engaged, with all its influence and authority, in dictating to and coercing the Government into its measures.

Here is a corporation whose duty it is, under its State charter, to carry on its business of banking according to the limitations and restrictions imposed on it by the law of its creation. By these it is imperatively enjoined to pay its debts honestly and punctually. Yet it is at this moment laboring to convince the public, that for reasons of State or policy, it is expedient and proper that neither it, nor any other bank, shall pay their debts according to their solemn engagements. And why not pay? Not because of inability—the only allowable excuse in any case for a refusal to pay—for the means of this institution are declared to be amply sufficient to meet all its engagements. I do not pretend to judge—I do not pretend to know what code of ethics prevails among banking corporations, or what is considered dishonest or immoral among them, for I never have been an officer in any institution of this kind—but I think I understand reasonably well what is considered honest or dishonest among private individuals; and certainly, among them, he who has money to pay his debts, and refuses to do so when required, could never satisfy the public that he was acting honestly. If you had my note for a sum of money, and were to demand payment, and I had the money in my desk, and not only enough to pay your debt, but all the other demands I owed, I think I should pay you, and if I refused, it would be difficult to convince you that I acted honestly; nay, though I should talk to you as plausibly, as politically, and as lengthily as Mr. Biddle has written, the conclusion of the whole matter would be, that you would want your money, and would not accord to me the character of an honest man unless I paid it. This was the old fashioned way of thinking and acting when banks were few and punctual. Nor have the people yet learned this new rule of morals, which teaches that a bank can stand justified in refusing payment of its just debts when it possesses the ability to pay, and I trust it will be long before they do learn it. It seems to me that banks should be placed, in this respect, upon the same footing with individuals. If either be unable to pay their debts, a refusal to pay does not prove them dishonest. The causes which led to, or produced, the inability, must be examined before a just judgment can be pronounced upon their conduct. The correctness of my own opinion upon this subject is confirmed by the report of the delegates of the banks of the city of New York, made in November last. That committee consisted of Albert Gallatin, George Newbold, C. W. Lawrence, Cornelius Huger, John J. Palmer, Preserved Fish, and G. A. Worth, some of whose names are as well known, and as much confided in, by the American public, as that of the writer of this letter. They say, in their report:

"That whatever explanation may be given concerning the past, since nothing but actual inability can be alleged as an excuse for having ceased to perform the express condition on which the privilege to issue a paper currency had been granted, it is equally obvious that nothing can justify a protracted suspension but the continued inability to resume and sustain specie payment. This principle is indeed so evident, that, as an abstract proposition, its correctness is universally admitted. All agree in expressing their thorough conviction, that nothing can excuse the continuance of suspension, after the necessity which demands it shall have ceased."

These gentlemen, although presidents of banks, less ambitious to bring the moneyed power of the country to bear upon the Government and its politics, content themselves with laying down a rule of action which I supposed, until lately, would govern the conduct of every banking institution in the whole country. It is this. If a sudden revulsion in the monetary affairs of the country shall compel the banks to suspend specie payments, from an inability to meet their liabilities, they should hasten to relieve themselves from their inability; and so soon as this shall be effected, instantly to resume. The authors of this report seem to have anticipated the very ground now assumed by the president of the Pennsylvania Bank, and have rendered their judgments of condemnation against it. They say, in their report:

"When we see such extensive, general, and, we may say, intolerable, evils, flowing from a general suspension of specie payments by the banks, it is monstrous to suppose that, if they are able to resume and sustain such payments, they should have any discretionary right to decide, or even to discuss the question, whether a more or less protracted suspension is consistent with their own views of the condition and circumstances of the country. There would be no limit to such supposed discretion. Thus, for instance, should the hope of a favorable action of Congress on the currency be still alleged as a motive for delay, would not this be tantamount to a protracted suspension for an indefinite period of time? 'The banks are bound, by the strongest legal and moral obligations, to resume specie payments whenever they are able to maintain such payments. It is the paramount duty, to which every other consideration must yield. Their ability to perform that duty is the only question which they have a right to discuss, and which they are bound to examine with the utmost care and candor."

This committee, although composed of banking men, expressly disclaim all other considerations except their ability to pay, and recognise the principle, that the laws of the land and of public morals require a strict compliance with their engagements, when the ability exists, without any reference whatever to the action of political bodies. Not so with Mr. Biddle. The legal obligation, the moral obligation, he is under to pay the debts of his bank, seem to have been overlooked altogether, so anxious is he to rectify the politics of the country.

The writer of this letter ascribes the suspension of specie payments to three causes only. They were, he says:

"The Specie Circular, which forbade the receipt of any thing but gold or silver at the land offices; the mismanagement of the deposites, which scattered them to the frontiers; the clamor raised by the Executive against bank notes, which alarmed the people for their safety, and caused a run upon the banks for specie. Now has any one of these causes ceased? On the contrary, have they not acquired ten-fold force? The Specie Circular is not repealed; on the contrary, it has been extended, for bank notes are proscribed, not merely from the land offices, but from all payments of every description to the Government. The distribution of the surplus is over, because there is no longer any surplus to distribute; but the great disbursements on the Southern and Western frontier, operate as injuriously, by requiring the transfer of so much revenue from the points where it is collected; lastly and mainly, the alarm about bank notes, propagated by the Government, has been deeply spread throughout the country, till what was at first a passing outcry, has settled into an implacable hostility. No man, I think, can doubt for a moment that the Executive of the United States seeks to maintain his power by exciting popular passions against the credit system, and that the whole influence of the Government is employed to infuse into the minds of the people distrust and hatred of all banks."

I will contrast with this the opinions of the minority of the Committee of Ways and Means in the House of Representatives. It is composed of Opposition members, and Mr. Sergeant, who drew the report, as is understood, is as well acquainted with this whole subject as Mr. Biddle himself. He says:

"Avoiding a recurrence to the primary causes of the suspension of specie payments by the banks, and omitting for the present to refer to the action of the Government, it seems to the minority of the committee to be very easy to discern the immediate agency which disturbed and disordered our circulation. While the United States were receiving specie, England was parting with it. Finally, the Bank of England discovered that her stock of gold was rapidly being diminished to an alarming extent, and for her own protection from a continuance of the drain, sought to discover, and of course to stop, the channel through which it was made. It was found to have been opened by means of credits of the United States upon England, ordered to be remitted in gold. The fact, as stated by the

Secretary of the Treasury is, that the stock of gold in the United States had, within a short time, been increased fifteen millions of dollars; the greater part of it, beyond a doubt, coming from England, and much of it (how much cannot be ascertained) borrowed, that is, obtained by means of credits. The Bank of England, to stop this drain, frowned upon and discredited the bills drawn in the United States upon credits. They could no longer be discounted. Hence the revulsion, the failure of some of the American houses, (as they were termed) in England, and the excessive pressure upon all of them; the dishonor and return of bills, with all their consequences, and the sudden demand for a large balance not expected to be called for. Exchange rose, specie became a better remittance, and specie began to rush out.

"At the same time our great staple fell in England. The Secretary of the Treasury computes the loss to the United States upon half the crop then disposed of, at no less a sum than twenty millions of dollars. He computes the commercial debt of the United States at thirty millions of dollars. If these estimates be correct, then the cotton if it had not fallen, would have paid two-thirds of the debt, and the balance, reduced to ten millions of dollars, would not have been sufficient to cause any very serious embarrassment. It further appears, from the statements of the Secretary of the Treasury, (especially from his report in December, 1836,) that while we were getting in debt to England, we were importing specie, and that the amount added to our stock of gold and silver was more than the amount of debt just mentioned. It follows that the gold and silver must be considered to that amount, as having been bought upon credit, and not paid for, coming into the banks, nevertheless with nothing upon them to show this impunity; it would be dealt with as any other money in its vaults, and deemed to justify an expansion of credits. Such is a brief, but in the opinion of the minority of the committee, an accurate sketch of the times, immediately preceding the suspension, in which are to be sought its causes."

It should be remarked that the Specie Circular is no where mentioned in this report as a cause of suspension. The prominent cause noticed, is the drain of specie from England, and the exertion of the Bank of England to prevent it, which caused it to frown upon bills drawn upon that country. The second cause assigned, is the fall of the price of cotton in England, which occasioned a loss of twenty millions of dollars in that single article. The causes assigned by the minority of the committee, are of magnitude sufficient to produce the effect which followed.

The report of the New York Bank Committee, to which I before referred, perhaps more accurately enumerates the causes of the suspension, than even the report of the minority of the committee. It says:

"The immediate causes which thus compelled the banks of the city of New York to suspend specie payments on the 10th of May last, are well known. The simultaneous withdrawing of the large public deposites, and of excessive foreign credit, combined with the great and unexpected fall in the price of the principal article of our exports, with an import of corn and bread stuffs, such as had never before occurred, and with the consequent inability of the country, particularly of the South-western States, to make the usual and expected remittances, did at one and the same time fall principally and necessarily upon the greatest commercial emporium of the Union. After a long and most arduous struggle, during which the banks, though not altogether unsuccessfully resisting the imperative foreign demand for the precious metals, were gradually deprived of a great portion of their specie, some unfortunate incidents of a local nature operating in concert with other previous exciting causes, produced distrust and panic, and finally one of those general runs, which, if continued, no banks that issue paper money payable on demand, can ever resist, and which soon put it out of the power of those of this city to sustain specie payments."

Again, it will be observed, the Specie Circular is not named among the causes of suspension, nor is the denunciation of bank notes by the Executive. The only one of the causes mentioned by Mr. Biddle, to which this committee adverts, is the distribution of the public deposites among the different States. Sir, old Albert Gallatin would not hazard his reputation as a statesman, by the assertion that the Specie Circular was one of the causes which produced the suspension. No, he has been too long in earning and establishing his fame, to risk it for any passing political advantage.

Let us now see what have been the effects of the causes of suspension which are charged, substantially, against the Executive of the United States. The Specie Circular is the first of them mentioned in the letter upon which I am commenting. Why was it issued? is the first inquiry which every man should make, who desires to form a just judgment of its merits. At the time it issued, the United States were being plundered of all their specie; such exertions were made as had never before been witnessed, to procure the gold and silver of this country, to replenish the coffers of the Bank of England. The then President of the United States saw this, and resisted it, by creating a demand for the precious metals in the United States; and this, to a certain extent, prevented their exportation.

Further: at that time, such was the rage for purchasing and speculating in the public lands, that large companies were formed in every quarter of the country, who were monopolizing the best portions of the public domain, and making payment in bank paper. It was believed that, if this course of things continued, in a short time all the public lands of much value would be in the hands of speculators; and thus the public would be despoiled of its valuable domain, and have in its stead, and in payment, irredeemable bank paper. The events which have occurred since have fully proved the wisdom and patriotism which dictated the measure. The specie, to a considerable extent, has been retained in the country. The speculations in the public domain have ceased. The United States still own the lands, except so far as they have been needed and purchased for cultivation. Surely this is a better state of things than that which would have existed had the Specie Circular never been issued. But for it, the lands would have been in the hands of speculators, and the Government in the possession of bank paper of little or no value. Another beneficial effect has been produced: the extravagance of bank paper issues was checked; and, so far as Government deposited its specie in the Western banks, they were strengthened.

It should be remembered that a great portion of the specie collected under that circular, was immediately expended by the Government, in its disbursements, for the protection of the Western frontier. The remainder was deposited in the Southwestern banks, where it was when their doors were closed. Had it been in the banks of the Eastern cities, it would have been transported to England or have been in the possession of non-specie-paying banks. At one moment the complaint against the Executive is, that the public money collected for the customs in the East is not permitted to remain there, although a law of Congress, and not the Executive, has caused the distribution. In the next, the complaint is that the money collected from the sales of the public lands has been partly kept and expended in the protection of the Western frontier, and the remainder placed in Western banks. It would seem that nothing less than the use of all the public money, wherever collected, is required for the accommodation and benefit of the Eastern banks. If banks would trade, and rely upon their own capital and credit more, and not depend so much upon the public money, it would be better for both the banks and the community. If the idea shall prevail that the convenience and interest of the banks are to be consulted in the disposition of the public money, the great objects for which the Government was formed will be disregarded; your expenditures for the protection of the inhabitants of the frontier, and all the means of national defence must be paralyzed, until the banks are consulted, and it shall be ascertained whether their operations may not be incommoded or obstructed. Instead of this Government being carried on upon the principles, and for the purposes, intended by the Constitution, its main business will be to collect money for the benefit of banks, and expend it as may best suit their convenience.

On the grounds which I have thus rapidly reviewed, I have come to the confident conclusion, that, while the spirit in which the Specie Circular originated was patriotic, so, upon the whole, its effects have been productive of much practical benefit. I do not undertake to deny that at the present time the circumstances and condition of the country are very different from those which existed at the time it was issued; and that the necessity for it as a practical measure to retain our specie, save our public domain, and prevent the injurious effects of excessive speculation on the National Treasury, has in a great degree terminated. With the suspension of specie payments its operation has ceased, because the existing laws prohibit, in that contingency, the receipt of bank notes in any branch of the revenue. I do, however, contend that it ought never to have been considered or enumerated among the causes which contributed to this condition of the banks.

The second cause assigned for the suspension by the writer of this letter, is the scattering the deposites to the frontiers, or the distribution act of 1836. This was no Executive measure. It was forced upon the late Chief Magistrate, who reluctantly gave his assent to it. It was passed by the unanimous vote of the Opposition in Congress, aided by a majority of the friends of the Administration, who believed that justice and sound policy required its passage. If the assertion be true, that it aided in producing a suspension of specie payments, the fact would furnish additional evidence to prove the impropriety of permitting the banks to trade or discount on the public money; but it would not make the Executive branch of the Government chargeable with that consequence of the measure. It seems, however, in the view of this writer, that although the act of distribution s no longer in force, other causes equally injurious to the banks, and equally forbidding the resumption of specie payments, that is, the expenditures in the South and West, are still in operation. This shows that the great measures of defence must be abandoned, and the banks accommodated with the public money, or this evil, the suspension of specie payments, is not to be removed, so far as the writer of this letter has the power to prevent it. From this I think it manifest that the banks, relying upon the use of the public money, have overtraded, and that is principally the cause of the inability of some of them to resume specie payments.

The third reason assigned for the suspension, is the clamor which it is said the Executive has raised against bank notes. This is so intangible a matter that it is difficult to reason about it. If the writer had stated, that in a public document bank notes had been denounced, and their want of safety proclaimed, and then shown the effects produced by it, the subject could have been examined, and the accuracy of the assertion tested. Instead of this, a general allegation is presented, which, from its nature, and the vague manner in which it is brought forward, is incapable of proof or disproof.

This letter further states, that the suspension was wholly conventional between the banks and the public. It is true the people have in a degree acquiesced. But why? Because of the necessity under which the banks were laboring. The foreign debt was pressing upon them, and a general apprehension prevailed, that the country was to be drained of its specie; and that without a suspension the banks would become bankrupt, on account of the exertions made by the Bank of England, through its agents here, to procure coin for the benefit of that institution. What is the state of things now? The foreign debt is paid, and exchanges are in favor of this country. Instead of specie flowing out of the country, it is daily arriving in large amounts; nearly every arrival from England is accompanied with the annunciation of the arrival of large quantities of coin. In short,

the condition of the moneyed relations between England and the United States, is wholly changed. The pressure and necessity which existed at the time of the suspension of specie payments has entirely ceased, and it may well be doubted whether the public will be satisfied with a continuance of a policy, apparently dictated by necessity, when that necessity no longer exists.

In the second paragraph of this letter, a false issue is attempted to be made up. The language of the letter is as follows:

"The credit system of the United States, and the exclusively metallic system, are now fairly in the field, face to face, one or the other must fall. There can be no other issue. It is not a question of correcting errors or reforming abuses, but of absolute destruction: not who shall conquer, but who shall survive. The present struggle must be final."

Now, I would inquire, by what authority the writer of this letter made up this issue? Has the President, or any of his friends, avowed a determination or wish to destroy the credit system? This credit system, I presume, is but another term for the banking system. So far as my opinion goes, I disclaim every sentiment of the kind. Banking, in my judgment, is necessary to promote the growth and prosperity of the country. But what kind of banking, and how far shall it be carried? That is the true question, and the point upon which a difference of opinion exists. Safe, honest banking, which shall not only promise, but shall actually pay and redeem its liabilities, when required, according to its engagements, I am favorable to. But that kind of banking which promises liberally, but fails in the performance, I always have been, and am still, opposed to. A bank which shall issue two or three for one upon its capital paid in, may be, probably is, safe and entitled to public confidence; but that which shall issue twenty, thirty, or forty for one, is unsafe, and will end in dishonest bankruptcy. It is the excess, not the thing itself, towards which I feel any hostility. Recently we have seen instances of the explosion of banks of the latter description, which should teach us all the danger there is in such institutions.

What evidence is there that the party of which I am a member, is opposed to State banks, and wishes their destruction? This seems to be taken for granted, from the fact that the Opposition are the owners and directors of almost all the banks in the country. That they own them, and control them, is generally true, probably to the extent of ten to one. But it does not follow from this, that their destruction is sought for or desired. That they should be honest, and obey the laws of the country, and comply with their engagements, is anxiously wished for—nothing more.

As to what course the Government should pursue towards banks which may resume specie payments at some short period, I can only express my own opinion, which is, that whatever aid and assistance the laws that may be in force shall permit, should, if necessary, be given to them; in other words, all the discretion which may be allowed to the Executive branch of the Government, should be exercised in their favor. At the same time, I should be unwilling to see any negotiation commenced or carried on with them, for the purpose of inducing them to resume specie payments. They should first show that they were honest and safe depositories before any kind of convention should exist between them and the Government. Then, to guard them against any unforeseen contingency which might arise from the designs or assaults of other institutions, every incidental aid which the Government can furnish should be extended to them. The hostility of the present Chief Magistrate to all banks has been charged upon this floor; and what was the only evidence relied on to establish it? It was that the President and Secretary of the Treasury had suggested, at the special session in September last, the propriety of a bankrupt law in relation to banks refusing to discharge their liabilities when demanded, according to their engagements. This has been spoken of and treated as a new and alarming measure, never before thought of or attempted. Have gentlemen forgotten that Mr. Dallas, Secretary of the Treasury under Mr. Madison, neither of whom was ever suspected or charged with hostility to State banks, made a similar recommendation; and, in addition, advised that a double stamp duty should be imposed on every note issued by a non-specie-paying bank? Have they forgotten that Mr. Crawford, also, Secretary of the Treasury under Mr. Monroe, recommended the same measure? The communication of Mr. Dallas, containing this recommendation, was made to the House of Representatives on the 19th of March, 1816. That of Mr. Crawford was made on the 20th of February, 1820. These recommendations excited no alarm: no denunciation of the hostility of their authors to State banks was ever made. So far from it, when the enemies of Mr. Crawford were exhibiting charges against him for the purpose of destroying his popularity and standing, the charge exhibited was, that he was too favorable to the State banks. And was the occasion or the manner in which the subject has been adverted to by the present Chief Magistrate, such as to give to it a different character? He refers it to Congress for consideration, among those means "authorized by the Constitution," through which they may "provide a remedy against a depreciated paper currency." As such it was referred to the Judiciary committees in both Houses of Congress. The majority of members composing each of these committees was friendly to the Administration, (and I was of the number,) yet they did not report in its favor, or introduce any bill upon the subject.

As to an exclusive metallic currency being aimed at by the Administration and its friends, I consider the charge as wholly gratuitous, and unfounded. A sound metallic basis for paper issued upon it, and a paper at all times convertible into specie, is all I have heard contended for. The truth is, we are charged with being for an exclusive metallic currency because we are not in favor of paper not convertible into specie. It is true, many of us, myself I among the number, are in favor of banishing small notes from circulation, that their places may be supplied by specie for the ordinary daily transactions of life.

I have said this was an extraordinary letter; and it seems to me that every thing attending and connected with it partakes of the same character. It is addressed to the Hon. John Q. Adams whose opinion upon this whole subject had again and again been expressed, under circumstances much more favorable to the bank than those which now exist. In a written address made to some of his constituents, immediately after the suspension in May last, when speaking in reference to this same bank, he says "I incline more strongly to the opinion, that the suspension of specie payments by such a bank should not only operate as an immediate forfeiture of its charter, but be made a penal offence in the president and directors of the institution. The violation of moral principle committed by a bank in suspending specie payments is, in my estimation, not inferior to that of fraudulent bankruptcy in an individual."

In another letter, of July 1, 1837, Mr. Adams again observes, on this subject:

"We are now told that all the banks in the United States have suspended specie payments. And what is the suspension of specie payments but setting the laws of property at defiance? If the president and directors of a bank have issued a million of bills, promising to pay five dollars to the holder of each and every one of them, the suspension of specie payments is by one act the breach of one million of promises. What is this but fraud upon every holder of their bills? And what difference is there between the president and directors of such a bank and the skilful artist who engraves a bank bill, a *fac simile* of the bill signed by the president and directors, and saves them the trouble of signing it by doing it for them? The only difference I can see in the two operations is, that the artist gives evidence of superior skill and superior modesty. It requires more talent to sign another man's name than one's own; and the counterfeiter, at least, does his work in the dark, while the suspenders of specie payment brazen it in the face of day, and laugh at the victims and dupes who have put faith in their promises."

Now sir, is it not among the most strange and extraordinary things connected with this letter, that it should be deliberately addressed to a person who has deliberately expressed these sentiments, and one who, it is understood, has seldom, if ever, retracted one word that he has uttered in his whole life, or changed an opinion deliberately expressed.

I have now done with the letter of Mr. Biddle.

I will proceed to the discussion of the propositions involved in the bill before the Senate. The first is, does Congress possess the constitutional power to act upon this subject in the manner proposed?

This bill contains two provisions. The first prohibits the reissue of the notes of an expired corporation created by Congress, and inflicts a punishment upon all those entrusted with the settlement of the affairs of such corporation, for a violation of this provision. It should here be remarked, that the penalties imposed, apply only to persons having the possession of notes of an expired corporation for the purpose of settlement, and whose duty it is to destroy or cancel them; and not to persons who receive and pass them in the ordinary course of business. Further, this provision is altogether prospective: whatever improprieties or wrongs may have been committed, are passed by unnoticed, because Congress has no power to notice them. The second provision is, that when the charter of any corporation created by Congress shall have expired, and the United States may have been a stockholder, and the notes of such corporation shall be in the possession of any corporation or person entrusted with the settlement of the affairs of such corporation, the circuit courts of the United States shall have a power, by injunction, to prevent the reissue of such notes, and, by a decree, may cause them to be cancelled. This is all that is proposed. If I am asked if I have been able to find any precedent for such legislation, I answer frankly, I know of none; and for the obvious reason that no such transactions as those which call for this legislation have ever before occurred. Never before, so far as I can learn, has a corporation attempted to perpetuate itself after the expiration of its charter. Never has this, or any other country, witnessed the reissue of the paper of a bank, after it has ceased to exist. Therefore it is not a matter of wonder that no such legislation is to be found, inasmuch as no case calling for it has taken place. The course taken by the late bank has been of so extraordinary and unprecedented a character, that no human foresight could provide against it. We have all read of an ancient sect of philosophers, who believed that after death, the souls of men passed into other bodies, and continued on earth. But that a creature *without* a soul, after the termination of its existence should pass into another state of being, and remain upon earth, is what no philosopher or statesman ever imagined. The Congress of 1816 supposed that when they declared that the charter should continue for twenty years, and no longer, and that two years after that time should be allowed for winding up its affairs, there would be an end to the corporation they had created, and every thing connected with it. *They* therefore made no provision for that state of things which now exists. It is upon principle and analogy alone that this bill can be sustained.

The first section makes the issuing of the old notes by the persons therein described, and for the purposes mentioned, a criminal offence, and prescribes the punishment. The Constitution, article 3, section 2, declares "that the *judicial power* shall extend to all cases in law and in equity arising under this Constitution or the laws of the United States." Cases in law are either civil or criminal, according to their nature and the provisions of law applicable to them. Article 1, sec. 8, gives Congress "power to pass all laws which shall be necessary and proper for carrying into effect the enumerated powers, and all other powers vested in the Government of the United States or in any department thereof." Consequently, whenever a case arises under a law of the United States, to which it is necessary or proper, in the opinion of Congress, that the judicial power should be applied, they can pass the laws requisite to give the courts jurisdiction, and to enable them to proceed

civilly or criminally, according to the nature of the case. Thus Congress has passed laws to punish larceny of letters from the post offices, robbery of mail, and other offences against the Post Office Department; against larceny and embezzlement of public property, against bribery of public officers, false swearing in pension and other cases, counterfeiting notes of the Bank of the United States, and other offences enumerated in the bank charter. In all these cases Congress proceeded without any *special grant* of power to pass these laws; the *special* grant of power to pass criminal laws in the Constitution being only as to "counterfeiting the securities and current coin of the United States, piracies and felonies on the high seas, and offences against the law of nations." Therefore, in passing all the other criminal laws to be found in the statute books, Congress have acted upon the general power above stated.

Now let us apply the principles I have above stated to the first section of the bill before the Senate. The notes described in the first section of the bill have been created under a law of the United States; that is, under the act of 1816, creating the Bank of the United States. The issuing of them either before or after the expiration of the charter is, therefore, a case *arising under a law of the United States*. The payment of these notes by a suit against the bank before the expiration of the charter, or against its trustee in equity after the expiration of the charter, could be enforced in the courts of the United States. Why? Because they are causes *arising under a law of the United States*, and, therefore, under the judicial powers of the United States. For the same reason, the counterfeiting of the note may be made punishable in the United States courts, although a concurrent jurisdiction exists in the State courts. Had no provision been contained in the charter against counterfeiting these notes, and although Congress had passed no law upon the subject until the expiration of the charter, still Congress might now pass a law to punish the counterfeiting of the notes, because they arose under a law of the United States. That the first section of this bill might have been incorporated in, and made a part of, the act of 1816, will, I presume, be denied by no one. If it could have been done then, Congress can do it now; for time does not affect the principle, as I will presently show. Congress did, in fact, after the bank was in operation, pass several acts upon the subject. One on the 3d of March, 1819, (vol. 6, page 409,) "To prevent bribery of the president or directors;" and new provisions against crimes in the acts of 1825, (vol. 7, pages 397 and 399) etc. The act of the present session to prevent the abatement of suits in which the bank is a party, passed *after* the expiration of the charter. This proves that although the corporation is extinct, yet Congress possesses the power to act upon any matter or thing which arose, or had its origin, under the charter or law of the United States. Had Congress foreseen what has occurred, they would doubtless have inserted some provision in the charter similar to the one contained in the first section of this bill. Now that this evil, which was unforeseen, has occurred, it is no less their province to suppress it.

There is another ground upon which the power to pass the first section of this bill can be maintained. By the Constitution, article first, section eighth, Congress is authorized to "coin money, and to regulate the value thereof, and of foreign coin." The last clause of the same section gives power to pass all laws necessary and proper to carry this power of coining money into execution. Now, without construing this power, or the power to regulate commerce, in the broad, latitudinous manner in which it has been interpreted by some Senators in the debate on the currency question, and without admitting that it empowers Congress to create and regulate a paper currency, I think it should be conceded, that if Congress should think the circulation of the old notes of expired corporations created by Congress an injurious interference with the circulation of *the money coined in pursuance of the Constitution*, then they have the same power to suppress their circulation which they have to suppress spurious or adulterated coin. No express power is given to prohibit the circulation of foreign coin; the express power is *to regulate its value;* but Congress has always exercised the power to discriminate as to what shall pass as a legal currency, and no doubt could positively prohibit the circulation of all foreign coin, if it were discovered that its circulation was injurious to our own coin. Then, as these old notes *grew out of an act of Congress*, and as the bank has no longer under its charter any vested or other rights to circulate them, Congress may undoubtedly prohibit their further circulation by persons connected with the expired corporation, which is the sole object of the 1st section of this bill.

Whether Congress could pass such a law as to the notes of an expired State institution, is a very different question, and upon which my conclusions would be different; but it certainly is competent for Congress to control acts and things growing out of their own legislation, in such a manner as not to obstruct or defeat the great purpose for which the coining power was given; that is, the circulation among the people of gold and silver, made by the General Government, provided Congress shall not, by its enactments, violate any existing contracts or vested rights.

I will further add to the views already presented, that those who believe Congress has the power to create a national bank, and make and regulate a paper currency, cannot deny to Congress the power to pass the 1st section of this bill; at least, all the arguments they use in favor of these powers, necessarily prove the existence of the power for which I contend.

Those who deny the power of Congress to create a national bank, and also deny its power to make and regulate a paper currency, should not object to this measure; because the power to pass it has been shown under the judicial and coining powers. Further, whatever they may think of the constitutionality of the act of 1816, incorporating the bank, the fact that it was incorporated, that it acted, and in its action made and issued these notes, cannot be denied.

Legislators must deal with facts as they find them, and act practically. The facts being that these bills were put afloat under a law of Congress actually passed, and that they are now afloat, no doubts as to the power of Congress to pass acts should prevent Congress from suppressing the evil in question. If there were no power to authorise the issue of these notes, *a fortiori*, ought Congress to suppress them Inftead *of the want of power* to create the bank, being an argument against suppressing these notes *now*, it would have been a good reason twenty years ago; that is, so soon as Congress became satisfied that the Constitution had been violated by passing an unauthorised act.

As to the 2d section of the bill, all the arguments I have used in reference to the first section equally apply to it. It provides for the issuing of an injunction against the trustee, and those acting under its authority, and clothes the Circuit Courts of the United States, sitting in chancery, with power to cause these notes to be cancelled. In support of this section, there is the additional argument, that the United States have a direct pecuniary interest in the matter.

If the Government were suable, I think it very clear, that in case of a failure to pay by the trustee, the Government, would be liable, in equity, for such of these bills as were issued before the expiration of the charter, and as have never been redeemed, to the extent of the stock it owned in the corporation, and for which it has withdrawn corporate funds. If it could be proved that the holder of bills had received them from the trustee or its agents after the expiration of the charter, that might be proof of notice on the holder, that they were issued after the dissolution or termination of the partnership, which would exonerate the United States. But the proof of this fact would be difficult, if not impossible, under any circumstances; and therefore it is a fit case for a chancellor to enjoin the party having them in possession from issuing them.

Although the Government cannot be sued, its moral obligation to see that the trust be not violated remains, and so does its pecuniary interest; and whatever an individual, under the same circumstances, would be compelled to do by the judicial tribunals of the country, a just Government will do voluntarily. It would be impossible to distinguish between the bills which were put into circulation before the expiration of the charter, and never redeemed, and those which have been redeemed, and again put into circulation, so that all the bills of the late bank which may be in circulation, in case of a failure in the trustee to pay them, will constitute a claim against the United States, to the extent I have stated.

This pecuniary interest added to the other consideration I have mentioned, makes a clear case for the interposition and action of Congress. For it is as much the duty of Congress to provide against the arising or creation of an unjust debt or demand against the United States, as it is to provide against the incursions of the savages or any foreign enemy.

I have understood that some doubt whether the United States would be liable, under the circumstances which have taken place. I entertain no such doubts, provided the United States could be sued. I admit, if A sells his stock in a bank to B, and transfers it, A is no longer liable, because by this transfer the funds of the bank are not lessened, and its ability to pay is not diminished; but this is a very different case. Here a corporation, out of its corporate funds, has paid to a partner or corporator, eight millions of dollars, which were subject to the liabilities of the bank, and for the redemption of these old notes. To that extent, *its ability* to pay is reduced. It may be assimilated to this case. There are three partners in trade; their property and liabilities are extensive. At the close or termination of their business, one of them withdraws, while the other two continue the business, undertaking to pay all outstanding debts. The party withdrawing, receives out of the partnership property his proportion of the capital and supposed profits. In case of a failure, would any one say that the partner who had withdrawn would not be answerable? I presume not.

Upon the second question, Is it expedient to suppress the circulation of these notes? Will the circulation of the bank be diminished? Certainly not, if it be the intention of the present bank to act fairly and honestly. As to the notes on hand or under its control, the bank has nothing to do but to issue its own notes, instead of issuing them, and so of those now in circulation, whenever they are redeemed by the bank. The ability of the bank to extend or carry on its business, does not depend on the kind of notes it puts into circulation, if all are paid in specie on demand. It depends on its means of payment and its credit. If it shall be said that the old notes will have more credit than new ones, this is a false credit, which ought not to be permitted to exist. This bank, like all others, should rely on its own resources; that is, its money and its credit.

The character of the Government requires that a stop should be put to the circulation of these notes. Such was the intention of the Congress of 1816, and such the plain import of the charter under which they were made. It is disreputable to the Government to permit any set of individuals to pervert its enactments to purposes altogether inconsistent with its original design; and such is plainly and palpably the case in this instance. No man who voted for the act of incorporation in 1816, supposed such an evasion to prevent the closing up of the affairs of the corporation, as has been practised, would be attempted. By the seventeenth section of the original charter, the power is reserved to Congress to make laws to enforce the payment of the notes of the bank, with twelve per cent. per annum in favor of the holders; now they are circulated by a corporation which disclaims the power of this Government to make any law whatever to enforce their payment. In this way the power of this Government is eluded.

Mr. President, this is the institution which has placed itself at the head of the non-resuming banks, and its president, as generalissimo of the allied forces, has called upon his supposed feudatories and dependants to come to his assistance in the war he is waging against the people and their Govern-

ment. He has called, but will they obey his mandate? May we not hope that there are a sufficient number of honest, independent banks who will disavow his authority, and refuse to unite with him in this crusade against the rights of the people, undertaken without cause, and carried on against all law and sound morality. Yes, sir, "he may call spirits from the vasty deep, but will they come?" I hope and think not.

It is a little remarkable that, in all which has been written by the president of this institution, not one word is said to excuse or palliate his own refusal, or the refusal of those he is attempting to influence, to comply with their engagements. He has the money to pay, and will not do it. The law commands him to pay—morality requires it; still a law superior to both, in his estimation, forbids. That superior law *is his own will;* which, for his own purposes, he has substituted for that code of laws and morals which most men feel constrained to regard.

In the present discussion, I must take it for granted that this bank is able to pay its debts, and meet all its liabilities. I am obliged to do this, because the president of the institution says the fact is so; and he has not furnished, in his letter, the means of enabling me to form an opinion for myself. When he stated that he had four millions of specie in his vaults; had he stated his available means; had he also stated what amount of of notes, payable on demand, old and new, were in circulation; what the deposites in the bank were; what were the balances in favor of other banks, which rumor places at a very high amount, and his other items of indebtedness, then something like a correct opinion might be formed as to his ability to resume and continue specie payments. When he stated that he had eight or ten millions of specie in England, had he stated what demands there were upon him in that country, then the public could have seen whether any aid could have been expected from that source to sustain the bank in Philadelphia, in case of emergency.

Let it be remembered that this is only a State institution, which is putting up these arrogant pretensions. If countenance be shown to this assumption, what security have we that the same may not be attempted by all and every one of the eight hundred banks scattered throughout the country? Your petty tyrants and dictators will spring up in every village where a bank is located, and these who are entitled to but common respect and estimation, so soon as they acquire any authority or control in one of these institutions, will attempt to teach their honest neighbors, who may be indebted in bank, that they must think with, vote with, and act with them in all things, under the penalty of having every cent they owe exacted from them, even to the impoverishment of their wives and children.

On one account I am pleased with the appearance of this letter of the president of the Bank of Pennsylvania; it is a plain, frank declaration on the part of the bank, of a determination to use its power to operate upon the politics of the country, and the measures of the Government. This is the warfare which is to be carried on. For myself I am ready to engage in it; and although it is decreed that I am to leave this august body, and my voice is no longer to be heard in the Senate chamber, still I will not be silent. Although afar off and in private life, my voice shall be heard, advising, urging, and cheering on my neighbors and countrymen in this conflict.

Mr. President, in the language of *the great charter of our liberties*, I WAS BORN FREE; I have not only been an advocate, but a devotee to freedom for many years—from my youth up, even to my three score years. If liberty and the rights of self-government are to be lost to me, to my descendants, even now numerous, and to the great body of my countrymen, (which may the God of all mercies forbid!) I pray that we may have some choice in the kind of men by whom we shall be ruled. May we be placed under the dominion of mind. May we pay our obeisance to the majesty of genius and intellect. May intellectual men rule over us; and may we never be subjected to the will of a cold, heartless, soulless, unfeeling, cent per cent moneyed power.

RESURRECTION NOTES.

SPEECH OF MR. BUCHANAN,
OF PENNSYLVANIA,

In Senate, Monday, April 23, 1838—On the engrossed bill to prohibit the issue and circulation of the notes of the late Bank of the United States.

Mr. BUCHANAN said there was but one consideration which could induce him, at the present moment, to take any part in the discussion of the bill now before the Senate. He felt it to be his duty to defend the Legislature of the State which he had, in part, the honor to represent, from the charge which had been made against them by the Senator from New Jersey [Mr. WALL] and other Senators, and by many of the public presses throughout the country, that, in rechartering the Bank of the United States, they had conferred upon it the powers of a great trading company. This charge was wholly unfounded in point of fact. The charter had not constituted it a trading company; and he felt himself bound to make the most solemn and public denial of that charge. If this Bank had become the great cotton merchant which was represented, and he did not doubt the fact, it had acted in express violation of its charter. He therefore rose, not to criminate, but to defend the Legislature of his native State.

The Democratic party of Pennsylvania had been, unfortunately, divided in 1835; and the consequence was the recharter of the Bank of the United States. Of the wisdom or policy of this measure (said Mr. B.) the Senate of the United States are not constituted the judges. I shall never discuss that question here. This is not the proper forum. I shall leave it to the sovereign people of the State. To them, and to them alone, are their representatives directly responsible for this recharter of the Bank. As a citizen of the State, I have, on all suitable occasions, both in public and in private, expressed my opinion boldly and freely upon the subject. In a letter from this city, dated on the 30th June, 1836, which was published throughout the State, I have presented my views in detail upon this question; and I feel no disposition to retract or recant a single sentiment which I then expressed. On the contrary, experience has only served to confirm my first convictions.

My task is now much more agreeable. It is that of defending the very Legislature who renewed the charter of the Bank, from the charge which has been made and reiterated over and over again, here and throughout the country, of having created a vast corporation, with power to deal in cotton, or any other article of merchandise. A mere reference to the charter, will, of itself, establish my position. It leaves no room for argument or doubt. The rule of common reason, as well as of common law, is, that a corporation can exercise no power, except what has been expressly granted by its charter. The exercise of any other power, is a mere naked usurpation. On the present occasion, however, I need not resort to this rule. The charter not only confers no such power of trading, but it contains an express prohibition against it. It was approved by the Governor on the 18th day of February, 1836, and the fifth fundamental article contains the following provision: "*The said corporation shall not, directly or indirectly, deal or trade in any thing except bills of exchange, gold and silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which shall be the proceeds of its lands.*" In this particular, it is but a mere transcript from the charter granted to the late Bank by Congress on the 10th of April, 1816, which was itself copied from the charter of the first Bank of the United States, established in the year 1791. I have not recently had an opportunity of examining the charter of the Bank of England, but I believe it conains a similar provision. The Senate will, therefore, at once perceive that there is as little foundation for charging the Legislature of Pennsylvania with conferring upon the existing bank the enormous powers of a great trading company, as there would have been for making a similar charge against the first or the last Congress which chartered a Bank of the United States. It is true that the Bank, under its existing charter, can deal much more extensively in stocks than it could have done formerly; but this power does not touch the present question.

The Bank, by becoming a merchant and dealing in cotton, has clearly violated its charter, and that, too, in a most essential particular. Either the Legislature or the Governor may direct a *scire facias* to issue against it for this cause; and, if the fact be found by a jury, the Supreme Court of the State can exercise no discretion on the subject, but must, under the express terms of the act creating it, adjudge its charter to be forfeited and annulled Whether the Legislature or the Governor shall pursue this course, is for them, not for me, to decide. This Bank has already so completely entwined itself around our system of internal improvements and common school education, that it doubtless believes it may violate its charter with impunity. Be this as it may, the sin of speculating in cotton lies at the door of the Bank, and not at that of the Legislature.

Heaven knows the Legislature have been sufficiently liberal in conferring powers upon this institution; but I doubt whether a single member of that body would have voted to create a trading company, with a capital of $35,000,000, in union with banking privileges. Let us pause and reflect for a moment upon the nature and consequences of these combined powers. A bank of discount and circulation, with such an enormous capital, and a trading company united! By expanding or contracting its discounts and circulation, as a bank, it can render money plenty or money scarce, at its pleasure. It can thus raise or depress the price of cotton, or any other article, and make the market to suit its speculating purposes. The more derangement that exists in the domestic exchanges of the country, the larger will be its profits. The period of a suspension of specie payments is its best harvest, during which it can amass millions. It is clearly the interest of this Bank, whatever may be its inclination, that specie payments should continue suspended, and the domestic exchanges should continue deranged as long as possible. The ruin of the country thus becomes its most abundant source of profit. Accordingly, what do we find to have been its course of policy? I have heard it described by several gentlemen from the South and Southwest, some of whom are members of this body. It has gone into that region of the Union with these resurrection notes of the old Bank, the reissue of which this bill proposes to prohibit; and, in some States, it has exchanged them, the one-half for the depreciated local currency, and the other half for specie. With this local currency it has purchased cotton, and sent it to England for the purpose of paying its debts there, whilst with the specie it has replenished its vaults at home. In other States it has exchanged these dead notes of the old Bank for the notes of the local banks, receiving a large premium on the transaction, and with the latter has purchased cotton on speculation. A general resumption of specie payments would at once put an end to this profitable traffic. It has, then, first violatad the charter from Congress by reissuing the notes of the old Bank, and then violated the charter from Pennsylvania by speculating in cotton. During the suspension of specie payments, these notes have been the only universal paper circulation throughout the country; and thus, by reissuing them, in defiance of the law, the present Bank has been enabled to accumulate extravagant profits.

This charge against the Bank of speculating in cotton has never, to my knowledge, been contradicted. We have heard it from the other side of the Atlantic, as well as from the South and the Southwest. The Whig press of our country has commended, nay, almost glorified the Bank for going into the cotton market, when that article was depressed, and making large purchases, and its friends in England have echoed these notes of praise. Its example has produced a new era in banking. We find that the Southern and Southwestern banks have also become cotton merchants; and, from present appearances, the trade in this great staple of our country is no longer to be conducted by private merchants, but by banking corporations.

Under this system, what will be the fate of your

private merchants? This practice must be arrested, or they msut all be ruined. The one or the other alternative is inevitable. What private individual can enter the cotton market in competition with the banks of the country? Individual enterprise can accomplish nothing in such a struggle. It would be the spear hurled by the feeble hand of the aged Priam, which scarce reached the buckler of the son of Achilles. The Bank of the United States, which, according to the testimony of its president, might have destroyed, by an exertion of its power, almost every bank in the country, could, with much greater ease, destroy any private merchant who might dare to interfere with its speculations. Such a contest would be that of Hercules contending against an infant. It can acquire a monopoly against individual merchants in any branch of mercantile business in which it may engage; and, after having prostrated all competition, it can then regulate the price of any article of commerce according to its pleasure. I do not say that such is either its wish or its intention; but I mean thus to illustrate the vast and dangerous power which it may exercise as a merchant. The East India company monopolized the trade of Asia, but it possessed no banking powers. It could not, therefore, by curtailing or expanding its issues, make money scarce or make money plenty at pleasure, and thereby raise or depress the price of the articles in which it traded. In this respect its power as a merchant was inferior to that now exercised by the Bank of the United States.

How vain, then, I might almost say how ridiculous, is it for the people of the South to make the attempt to establish merchants in the Southern seaports for the purpose of conducting a direct trade with Europe in cotton and other articles of their production, in opposition to the Bank of the United States and their own local banks. This effort must fail, or the banks must cease to be merchants. I am glad to learn that, at the late Southern convention, this alarming usurpation by the banks of the appropriate business of the merchant has been viewed in its proper light. The time, I trust, is not far distant when they will be confined, by public opinion, to their appropriate sphere. What a fatal error it is for any free people, tempted by present and partial gain, to encourage and foster such institutions in a course which must, if pursued, inevitably crush the merchants of the country who conduct its foreign trade! As a class, these merchants are highly meritorious, and entitled to our support and protection against a power which, if suffered to be exerted, must inevitably destroy them.

Philadelphia is a city devoted to the interests of the Bank; but even in that city, if it should undertake to speculate in flour, in coal, or in any other article which is poured into her market froqqm rich abundance of the State, such conduct would not be submitted to for a moment. The Legislature of the State would at once interpose to protect our merchants. Such an attempt would at once break the spell of bank influence. And yet it possesses no more power to deal in Southern cotton than it does in Pennsylvania flour. It will remain a banker at home; whilst its mercantile speculations will be confined to the Southern and Southwestern provinces of its empire.

The reason will now, I think, appear manifest why the Parliament of Great Britain, the Congress of the United States, and the Legislature of Pennsylvania, have so strictly prohibited their banking institutions from dealing in any thing except bills of exchange and gold and silver bullion. If the Bank of England should dare to invade the province of the merchants and manufacturers of that country in a similar manner, the attempt would instantly be put down. Every man acacquainted with the history and character of the people of England, knows that such would be the inevitable consequence. And yet this violation of law, on the part of the Bank of the United States, has been lauded in our free Republic.

As I am upon the floor, I shall proceed briefly to discuss the merits of the bill now before the Senate. It proposes to inflict a fine not exceeding ten thousand dollars, or imprisonment not less than one nor more than five years, or both such fine and imprisonment, at the discretion of the court, upon those who shall be convicted under its provisions. Against whom does it denounce these penalties? Against directors, officers, trustees, or agents of any corporation created by Congress, who, after its term of existence is ended, shall reissue the dead notes of the defunct corporation, and push them into the circulation of the country, in violation of its original charter. The bill embraces no person, acts upon no person, interferes with no person, except those whose duty it is, under the charter of the old bank, to redeem and cancel the old notes as they are presented for payment, and who, in violation of this duty, send them again into circulation.

This bill inflicts severe penalties, and, before we pass it, we ought to be entirely satisfied, first, that the guilt of the individuals who shall violate its provisions is sufficiently aggravated to justify the punishment: second, that the law will be politic in itself; and, third, that we possess the constitutional power to enact it.

First, then, as to the nature and aggravation of the offence. The charter of the late Bank of the United States expired, by its own limitation, on the 3d of March, 1836. After that day, it could issue no notes, discount no new paper, and exercise none of the usual functions of a bank. For two years thereafter, until the 3d of March, 1838, it was merely permitted to use its corporate name and capacity "for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed; *but not for any other purpose, or in any other manner, whatsoever.*" Congress had granted the bank no power to make a voluntary assignment of its property to any corporation or any individual. On the contrary, the plain meaning of the charter was, that all the affairs of the institution should be wound up by its own President and Directors. It received no authority to delegate this important trust to others; and yet what has it done? On the second day of March, 1836, one day before the charter had expired, this very president and these directors assigned all the property and effects of the old corporation to the Pennsylvania Bank of the United States. On the same day, this latter Bank accepted the assignment, and agreed to "pay, satisfy, and discharge all debts, contracts, and engagements, owing, entered into, or made by this [the old] Bank, as the same shall become due and payable, *and fulfil and execute all trusts and obligations whatsoever arising from its transactions, or from any of them,* so that every creditor or rightful claimant shall be fully satisfied." By its own agreement, it has thus expressly created itself a trustee of the old Bank. But this was not necessary to confer upon it that character. By the bare act of accepting the assignment, it became responsible, under the laws of the land, for the performance of all the duties and trusts required by the old charter. Under the circumstances, it cannot make the slightest pretence of any want of notice.

Having assumed this responsibility, the duty of the new Bank was so plain that it could not have been mistaken. It had a double character to sustain. Under the charter from Pennsylvania it became a new banking corporation; whilst, under the assignment from the old Bank, it became a trustee to wind up the concerns of that institution under the act of Congress. These two characters were in their nature separate and distinct, and never ought to have been blended. For each of these purposes it ought to have kept a separate set of books. Above all, as the privilege of circulating bank notes, and thus creating a paper currency, is that function of a bank which most deeply and vitally affects the community, the new Bank ought to have cancelled or destroyed all the notes of the old Bank which it found in its possession on the 4th of March, 1836, and ought to have redeemed the remainder, at its counter, as they were demanded by the holders, and then destroyed them. This obligation no Senator has attempted to doubt, or to deny. But what was the course of the Bank? It has grossly violated both the old and the new charter. It at once declared independence of both, and appropriated to itself all the notes of the old Bank, not only those which were then still in circulation, but those which had been redeemed before it accepted the assignment, and were then lying dead in its vaults. I have now before me the first monthly statement which was ever made by the Bank to the Auditor General of Pennsylvania. It is dated on the 2d of April, 1836, and signed J. Cowperthwaite, acting cashier. In this statement the Bank charges itself with "notes issued," $36,620,420 16; whilst in its cash account, along with its specie and the notes of State banks, it credits itself with "notes of the Bank of the United States and offices," on hand, $16,794,713 71. It thus seized these dead notes to the amount of $16,794,713 71, and transformed them into cash; whilst the difference between those on hand and those issued, equal to $19,825,706 45, was the circulation which the new Bank boasted it had inherited from the old. It thus, in an instant, appropriated to itself, and adopted as its own circulation, all the notes and all the illegal branch drafts of the old Bank which were then in existence. Its boldness was equal to its utter disregard of law. In this first return, it not only proclaimed to the Legislature and people of Pennsylvania that it had disregarded its trust as assignee of the old Bank, by seizing upon the whole of the old circulation and converting it to its own use, but that it had violated one of the fundamental provisions of its new charter.

In Pennsylvania we have, for many years past, deemed it wise to increase the specie basis of our paper circulation. We know that, under the universal law of currency, small notes and gold and silver coin of the same denomination cannot circulate together. The one will expel the other. Accordingly, it is now long since we prohibited our banks from issuing notes of a less denomination than five dollars. The Legislature which rechartered the Bank of the United States, deemed it wise to proceed one step further in regard to this mammoth institution; and in that opinion I entirely concur. Accordingly, by the sixth fundamental article of its charter, they declare that "the notes and bills which shall be issued by order of said corporation, or under its authority, shall be binding upon it; and those made payable to order shall be assignable by endorsement *but none shall be issued of a denomination less than ten dollars.*"

Now, it is well known to every Senator within the sound of my voice, that a large proportion of these resurrection notes, as they have been aptly called, which have been issued and reissued by order of the new bank, are of the denomination of five dollars. Here, then, is a plain, palpable violation, not only of the spirit, but of the very letter of its charter. The Senate will perceive that the Bank, as if to meet the very case, is not merely prohibited from issuing its own notes, signed by its own president and cashier, of a denomination less than ten dollars, but this prohibition is extended to the notes or bills which shall be issued by its order, or under its authority. If I should even be mistaken in this construction of the law, and I believe I am not, it would only follow that its conduct has not amounted to a legal forfeiture of its charter. In both cases the violation of the spirit of its charter, and the contravention of the wise policy of the Legislature, are equally glaring. So entirely did the Bank make these dead notes its own peculiar circulation, that until July last, in its monthly returns to the Auditor General of Pennsylvania, the new and the old notes are blended together, without any distinction. In that return we were, for the first time, officially informed that the Bank had ever issued any notes of its own.

And here an incident occurs to me which will be an additional proof how lawless is this Bank, whenever obedience to its charter interferes in the least degree with its policy. By the tenth fundamental article of that charter, it is required to "make to the Auditor General monthly returns of its condition, showing the details of its operations according to the forms of the returns the Bank of the United States now makes to the Secretary of the Treasury of the United States, or according to such form as may be established by law." From no idle curiosity, but from a desire to ascertain, as far as possible, the condition of the banks of the country, and the amount of their circulation, I request

ed the Auditor General, during the late special session of Congress in September, to send me the return of the bank for that month. In answer, he informed me, under date of the 22d of September, that the bank had not made any return to his office since the 15th of the preceding May. Thus, from the date of the suspension of specie payments until some time after the 22d of September last, how long I do not know, a period during which the public mind was most anxious on the subject, the Bank put this provision of its charter at defiance. Whether it thus omitted its duty because at the date of the suspension of specie payments it had less than a million and a half of specie in its vaults, I shall not pretend to determine. If this were the reason, I have no doubt that it sent to the Auditor General all the intermediate monthly returns on the 2d of October, 1837, because at that period it had increased its gold and silver to more than three millions of dollars.

In order to illustrate the enormity of the offence now proposed to be punished, Senators have instituted several comparisons. No case which they have imagined equals the offence as it actually exists. Would it not, says one gentleman, be a flagrant breach of tru t for an executor, entrusted with the settlement of his testator's estate, to reissue, and again put in circulation for his own benefit, the bills of exchange or promissory notes which he had found among the papers of the deceased, and which had been paid and extinguished in his lifetime? I answer, that it would. But, in that case, the imposition upon the community would necessarily be limited, whilst the means of detection would be ample. The same may be observed in regard to the case of the trustee, which has been suggested. What comparison do these cases bear to that of the conduct of the Bank? The amount of its reissues of these dead notes of its testator is many millions. Their circulation is coextensive with the Union, and there is no possible means of detection. No man who receives this paper can tell whether it belongs to that class which the new Bank originally found dead in its vaults, or to that which it has since redeemed and reissued, in violation of law; or to that which has remained circulating *lawfully* in the community, and has never been redeemed since the old charter expired. There is no earmark upon these notes. It is impossible to distinguish those which have been illegally reissued from the remainder.

I can imagine but one case which would present any thing like a parallel to the conduct of the Bank. In October last, we authorized the issue of $10,000,000 of Treasury notes, and directed that when they were received in payment of the public dues, they should not be reissued, but be cancelled. Now, suppose the Secretary of the Treasury had happended to be the president of a bank in this District, and, in that character, had reissued these dead Treasury notes, which he ought to have cancelled, and again put them into circulation, in violation of the law, then a case would exist which might be compared with that now before the Senate. If such a case should ever occur, would not the Secretary at once be impeached; and is there a Senator upon this floor who would not pronounce him guilty? The pecuniary injury to the United States might be greater in the supposed than in the actual case; but the degree of moral guilt would be the same.

Whether it be politic to pass this law is a more doubtful question. Judging from past experience, the Bank may openly violate its provisions with impunity. It can easily evade them by sending packages of these old notes to the South and Southwest, by its agents, there to be reissued by banks or individuals in its confidence. There is one fact, however, from which I am encourged to hope that this law may prove effectual. No man on this floor has attempted to justify, or even to palliate, the conduct of the Bank. Its best friends have not dared to utter a single word in its defence against this charge. The moral influence of their silence, and the open condemnation of its conduct by some of them, may induce the Bank to obey the law.

I now approach the question—do Congress possess power under the Constitution to pass this bill? In other words, have we power to restrain the trustees of our own Bank from reissuing the old notes of that institution which have already been redeemed and ought to be destroyed? Can there be a doubt of the existence of this power? The bare statement of the question seems to me sufficient to remove every difficulty. It is almost too plain for argument. I should be glad if any gentleman would even prove this power to be doubtful. In that event I should refrain from its exercise. I am a State Rights man, and in favor of a strict construction of the Constitution. The older I grow, and the more experience I acquire, the more deeply rooted does this doctrine become in my mind. I consider a strict construction of the Constitution necessary not only to the harmony which ought to exist between the Federal and State Governments, but to the perpetuation of the Union. I shall exercise no power which I do not consider clear. I call upon gentlemen, therefore, to break their determined silence upon this subject, and convince me even that the existence of the power is doubtful. If they do, I pledge myself to vote against the passage of the bill.

If this power could only be maintained by some of the arguments advanced by the friends of the bill, in the early part of this discussion, it never should receive my vote. Principles were then avowed scarcely less dangerous and unsound than the principle on which the Senator from Vermont [Mr. PRENTISS] insists that the friends of the bill must claim this power. He contends that it does not exist at all, unless it be under that construction of the Constitution advocated by his friend from Massachusetts, [Mr. WEBSTER,] which would give to Congress power over the whole paper currency of the country under the coining and commercial powers of the Constitution. The Senator from Connecticut [Mr. NILES] was the first in this debate who presented in bold relief the principle on which this bill can securely rest.

Neither shall I dodge this question, as some Senators have done, by taking shelter under the pretext that it is a question for the judiciary to decide, whether the general language of the bill be applicable to the officers of the Bank of the United States under the Pennsylvania charter. We all know that it was intended to embrace them. Indeed, it was their conduct, and that alone, which called this bill into existence. It is true that the provisions of the bill extend to all corporations created by Congress; but it is equally certain, that had it not been intended to apply to the Bank of the United States, it would have been confined in express terms to the District of Columbia, where alone corporations now exist under the authority of Congress. Away with all such subterfuges! I will have none of them.

Suppose, sir, that at any time within the period of two years thus allowed by the charter to the president and directors of the Bank to wind up its affairs, these officers, created under your own authority, had attempted to throw thirty millions of dollars of their dead paper again into circulation, would you have had no power to pass a law to prevent and to punish such an atrocious fraud? Would you have been compelled to look on and patiently submit to such a violation of the charter which you had granted? Have you created an institution, and expressly limited its term of existence, which you cannot destroy, after that term has expired? This would indeed be a political Hydra which must exist for ever, without any Hercules to destroy it. If you possess no power to restrain the circulation of the notes of the old Bank, they may continue to circulate for ever in defiance of the power which called them into existence. You have created that which you have no power to destroy, although the law which gave it birth limited the term of its existence. Will any Senator contend that during these two years allowed by the charter for winding up the concerns of the bank, we possessed no power to restrain its president and directors from reissuing these old notes? There is no man on this floor bold enough to advance such a doctrine. This point being conceded, the power to pass the present bill follows as a necessary consequence.

If the president and directors of the old Bank could not evade our authority, the next question is, whether, by assigning the property of the corporation to a trustee the day before the charter expired, and delivering up to him the old notes which ought to have been cancelled, they were able to cut this trustee loose from the obligations which had been imposed upon them by the charter, and from the authority of Congress. Vain and impotent, indeed, would this Government be, if its authority could be set at nought by such a shallow contrivance. No, sir, the fountain cannot ascend beyond its source. The assignee in such a case is not released from any obligation which the assignor assumed by accepting the original charter. In regard to Congress, the trustee stands in the same situation with the president and directors of the old Bank. We have the same power to compel him to wind up the concerns of the bank, according to the charter, that we might have exercised against those from whom he accepted the assignment. The question is too plain for argument.

The present case is still stronger than the one which I have presented. It is an assignment by the old Bank of the United States, not to strangers, not to third persons, but to themselves, in the new character conferred upon them by the Legislature of Pennsylvania. The new charter expressly incorporates all the stockholders of the old Bank, except the United States, so that the individuals composing both corporations were identical. For the purpose of effecting this transfer from themselves to themselves, they got up the machinery of one President and one Board of Directors for the old Bank, and another President and another Board of Directors for the new Bank. What kind of answer, then, would it be to Congress for them to say, True, we accepted a charter under your authority, by which we were bound to reissue none of our old notes after the 3d March, 1836, but we have since assumed a new character; and under our old character, we have transferred the Bank which you created, to ourselves in our new character; and we have thus released ourselves from all our old obligations, and you have no constitutional power to enforce them against us? No sir, no sir; we have the power, and it is our duty, to compel the president and directors of the Bank, which we established, or their assignees, to close its concerns; and this power will continue until the duty shall be finally accomplished. The one power is a necessary implication from the other. If this duty has not been performed within the two years which we have allowed for its fulfilment, our power depends not upon any such limitation, but upon the fact whether the concerns of the Bank have been actually closed. If this were not the case, then all the affairs of the Bank left unfinished at the end of these two years would be outlawed. This limitation was intended not to abridge the power of Congress, but to hasten the action of the president and directors in winding up the concerns of the Bank. At this very session, and since the two years have expired, Congress has passed an act, without a shadow of opposition from any quarter, giving the president and directors of the old Bank authority to prosecute and defend existing suits. I should be glad to see any Senator rise in his place, and make even a plausible argument in opposition to these plain and almost self-evident positions.

In this brief argument, I have not attempted to derive any power from the fact that the United States were proprietors of one-fifth of the stock of the old Bank, and that they might be rendered responsible, either legally or equitably, for the eventual redemption of these dead notes. I disclaim any such source of power. To be a proprietor is one thing, and to be a sovereign is another. The mere fact that we owned stock can confer no power upon us, which we would not have possessed, had we never been interested to the amount of a dollar. We should have the same power to wind up a bank emanating from our sovereign authority in the one case as in the other. We possess the same power to close the concerns of all the banks in the District of Columbia after their charters shall have expired, although we are not proprietors of any of their stock, which we have to wind up the Bank of the United States, in which we were so deeply interested.

I need scarcely observe that I do not contend for

any power to punish citizens of the United States, or even the officers of banking institutions, except such of them only as the trustees of the Bank created by ourselves, for issuing these dead notes. We intend to punish the trustees under our own law, and them alone for the violation of that law. These notes may circulate from hand to hand without rendering those who receive or those who pay them obnoxious to any punishment. Even if we possessed the power, it would be highly unjust to attempt its exercise. As I observed before, these notes have no earmarks, and no man can tell whether any one of them has been illegally reissued by the bank since the 3d March, 1836, or whether it was issued before that date, and has continued legally to circulate in the community ever since.

I repeat, I should be glad to see any Senator, and especially any one who believes that Congress possesses the constitutional power to charter a Bank of the United States, rise in his place, and make even a plausible argument in opposition to the plain and almost self-evident positions which I have taken in support of the power to pass this bill. Those Senators who doubt or who deny our power to create such a bank are placed in a different situation, because their vote in favor of this bill might at first view seem, by implication, to concede that power. This objection does not appear to me to be sound. That question cannot be fairly raised by this bill. Whether the charter of the late Bank was constitutional is no longer a fair subject of consideration. It was adopted by Congress, approved by the President, and afterwards pronounced to be constitutional by the highest judicial tribunal of the land. It thus received every sanction necessary to make it binding on the people of the United States. The question was thus settled beyond the control of any individual, and it was the duty of every good citizen to submit. Under every Government there must be a time when such controversies shall cease; and you might now as well attempt to exclude Louisiana from the Union, because you may believe her admission was unconstitutional, as to act upon the principle, in the present case, that Congress had no power to charter the late Bank. No man on this floor had ever avowed that he would vote to repeal the charter of the late Bank, during the twenty years of its existence, because he might have thought it was originally unconstitutional. During this period all were obliged to submit. Under such circumstances, it would be carrying constitutional scruples very far, indeed, for any gentleman to contend that, although the Bank has existed under the sanction of a law which we were all bound to obey, we cannot now execute that law and close its concerns, because as individuals we may have deemed it to be originally unconstitutional. If it had been so, the obligation upon us would only be the stronger to wind it up finally, and thus terminate its existence.

I most cheerfully admit that if an attempt should ever be made to charter another bank, the question of constitutional power would then again be referred to each individual member of Congress, to be decided according to the dictates of his own judgment and his own conscience.

Before I take my seat, I intend to make some remarks on the causes of the suspension of specie payments by the banks of the country, and the causes equally powerful which must, and that ere long, compel a resumption.

The late manifesto issued by the present Bank of the United States displays, upon its face, that it has inherited from the old bank an unconquerable disposition to interfere in the politics of the country. This has been its curse, its original sin, to which it owes all its calamities and all its misfortunes. It has not yet learned wisdom from its severe experience. Would that it might, and confine itself to its appropriate sphere! As a citizen of Pennsylvania, I most ardently and devoutly express this wish. It has now set itself up, as the primary power, against the resumption of specie payments, and has attempted to enlist in the same cause all the other banks of the country. Its language to them is, "that "the Bank of the United States makes common cause with the other banks." And again: "They (the banks) are now safe and strong, and they should not venture beyond their entrenchments, while the enemy is in the plain before them." "The American banks should do, in short, what the American army did at New Orleans, stand fast behind their cotton bales, until the enemy has left the country."

Thus whilst every eye and every heart was directed to the banks, expecting anxiously from them a speedy resumption of specie payments, this grand regulator of the currency has proclaimed to the country that all its vast power will be exerted to prevent the accomplishment of our wishes.

The Bank does not even attempt to conceal the fact that, in pursuing this course, it has been actuated by political hostility against the present Administration. It has boldly avowed that "if the banks resume, and are able, by sacrificing the community, to continue for a few months, *it will be conclusively employed at the next elections to show that the schemes of the Executive are not as destructive as they will prove hereafter.*" In plain language, the banks must not resume before the next elections; they must not open their vaults, pay their honest debts, and thus redeem the country from the curse of an irredeemable paper currency; because, if they should, this may operate in favor of the present Administration, and place its opponents in a minority. And such is the conduct of the Bank whilst it vaunts its own ability to resume immediately.

The Bank proceeds still further, and complains that "bank notes are proscribed not merely from the land offices, but from all payments of every description to the Government." I would ask, has any Senator upon this floor, has any statesman of any party in the country, ever raised his voice in favor of the receipt by the Government of irredeemable bank paper? I beg their pardon; two Senators have proposed such a measure, [Messrs. PRESTON and CLAY;] but I will do them the justice to say, that although I considered their proposition most unwise and impolitic, and resisted it as such at the time, yet they intended by this means to enable the banks the sooner to resume specie payments.

Mr. PRESTON. It was exclusively limited to that consideration.

Mr. BUCHANAN. Although the proposition was limited to the first of August, the Senators themselves, upon reflection, thought it so improper that they abandoned it, and we have heard nothing of it since.

What would have been the condition of the country, at the present moment, had we received irredeemable bank notes in payment of the public dues? The banks, by our conduct, would have been encouraged to increase their discounts and expand their issues, and we should have gone from bad to worse, until, at this moment, we should have had no prospect of the resumption of specie payments. Mr. Cheves has informed us that if the Government had not stood firm in 1819 against the receipt of irredeemable notes, the banks would at that period have suspended. Much more necessary is it that we should now maintain the same ground, in order to secure a resumption. Had we pursued any other course, it is true we should have had but one currency for the Government and the people; but it would have been a currency of irredeemable bank rags, without the hope of a better. And yet the Bank of the United States complains that the Government does not receive such paper. In order to have done so, we must have repealed the existing laws upon the subject; and who has ventured to propose any such measure?

The Bank of the United States has succeeded, at the late Bank Convention in New York, in keeping its forces behind their cotton bales. The banks of only two States in the Union have voted against the resolution to suspend the resumption of specie payments until the first day of January next. These were New York and Mississippi; and whether the latter voted thus because their banks are ready now to resume, or desired to postpone resumption until a still more distant day, I shall not pretend to determine. After this display of power, no one will question the ability of the Bank to keep its forces behind their entrenchments, unless they should be driven into the plain by the resistless power of public opinion.

Several weeks ago I attempted to imitate the illustrious examples which had been set before me on this floor, and became a political prophet. I then predicted that, before the close of the present year, commerce and manufactures would again revive and flourish, and the country would be restored to its former prosperity. The signs of the times have already confirmed the truth of this prophecy. Encouraged by past experience, I shall venture to make another prediction: There is not a sound and solvent bank in any of the Atlantic States of this Union, including the Bank of the United States, which will not have resumed specie payments long before the first of January. All the opposition of the banks themselves cannot prevent this result. In the very nature of things it must come to pass. The power of public opinion is yet still greater in this country than that of the banks. The Bank of the United States will not be able to keep its forces behind their cotton bags until so late a period.

It is now too late in the day for us any longer to doubt what was the true cause of the suspension of specie payments. That question has been settled on the other side as well as on this side of the Atlantic. Abundance of light has been shed upon this subject, and no two sound-judging men, at all acquainted with the facts, can arrive at different conclusions. It has already become history. And yet the Bank, in its manifesto, has not once alluded to this cause. What was it? In the perpetual fluctuations which must ever be produced by our present banking system, unless it should be regulated by State legislation, of which I now almost de-pair, it was expanded in the commencement of the year 1837 almost to the point of explosion. The bubble is created, it expands, and reflects the most brilliant colors. Its admirers gaze upon it with hope and ecstacy, when, suddenly, it bursts, and leaves them in ruin and despair. Such has been the history of the past, and such will be that of the future. This expansion had produced, as it must ever produce, enormous speculation and over-trading. The commercial debt which we then owed to England for foreign merchandise was immense. We must have suffered the fatal collapse sooner or later, but a circumstance then occurred in England which at once produced the explosion. It was the spark applied to the magazine of gunpowder.

A similar state of expansion then existed in England. They were threatened with similar evils from extravagant bank credits, and their inevitable consequence—enormous speculation and over-trading. The Bank of England had in vain attempted to control the joint-stock banks, and confine them within reasonable limits. She at last became alarmed for her own safety. In the beginning of 1837 her stock of specie was reduced to about four millions of pounds sterling, or one-sixth of her circulation and deposites. This was not more than one-half of the proportion which, it is believed, she ought to have in order to render her secure. The state of the foreign exchanges was gradually withdrawing the remaining bullion from her vaults. At this crisis, under the influence of a panic, she withdrew her credits from the American houses in England, and ruined them. The price of cotton, in consequence, suddenly fell from nineteen and twenty cents to seven and eights cents per pound; and thus, according to the best and most discreet estimate which I have seen, we lost at least thirty millions of dollars. This sum was thus, as it were, in a single moment, abstracted from our means of paying the immense commercial balance against us. At the close of this disastrous operation, that balance was estimated at forty millions of dollars What was the immediate consequence? A drain of specie then commenced from our banks for exportation, in order to pay this debt, and they were thus compelled to suspend or be ruined. Another circumstance existed to increase our embarrassments. Our merchants had drawn heavy bills upon England, predicated upon the cotton which they had shipped there, expecting to receive the old prices. In consequence of the sudden fall of prices, these bills were dishonored, and came back pro-

tested. Thus many of our largest mercantile houses were ruined.

The catastrophe proceeded from the same causes, and was similar in both countries, except that in England the banks were not compelled to suspend specie payments. The revenue of both has been insufficient to meet the current expenses of the Government, and each will be obliged to borrow nearly the same sum to supply the deficiency.

This is now history, which can neither be changed nor perverted. On both sides of the Atlantic all men of business and practical statesmen have come to the same conclusion. Away, then, with your Specie Circular, your mismanagement of the depositesites, and your clamor raised by the Executive against bank notes, as the causes of the suspension of specie payments. The Bank calculates too much upon the political credulity of the people, when, at this late day, after the subject is perfectly understood, it attempts to palm off upon them such exploded reasons for the suspension. A convulsion which has shaken the commercial world to its centre, and has extended over three quarters of the globe, could never spring from such trivial causes.

If the Executive has been carrying on a war against the credit system of the country, and in favor of an exclusive metallic currency for the people of the United States, I am ignorant of the fact. I have never even suspected it. I believe this is a mere phantom which has been conjured up to alarm the fears of the timid. If the President ever should wage any such war, I shall not fight under his banner. The only pretext upon which this charge has been founded is, that he and his political friends desire to separate the business of the Treasury from that of the banks, not to render them hostile to each other. Until that propitious day shall arrive, we shall be forever agitated by the connection of the currency with our miserable party politics. Political panics, political pressures, charges against the Government for exercising an improper influence over the banks, and charges against the banks for interfering with the politics of the country; all, all which have kept us in a state of constant agitation for the last seven years will continue to exist, and will be brought into action upon every successive election for President and Vice President. We shall thus continue in a state of perpetual commotion; and the great interests of the country will be sacrificed. Let the Treasury and the banks part in peace, and whilst they are mutually independent, let them wage no war against each other; and I solemnly believe it would be the greatest blessing which could be conferred upon both parties. To this extent I should go with the President if I had the power; but when I determine to obey instructions, I shall do it honestly and fairly. I shall, therefore, say no more on this subject.

It is true that at the special session I did endeavor to prove that the present banking system, under its existing regulations, was one of the very worst which the art of man could devise. Under it, ruinous expansions and revulsions must continue to succeed each other at stated periods, and many of the best and most exterprising men of the country must become its victims. I then expressed a hope, not unmingled with fear, that the State Legislatures at their next session might impose wholesome restrictions upon their banking institutions—restrictions which would prove equally advantageous to the banks and the people. These Legislatures have all now risen without prescribing any such regulations, and we are destined again and again to pass through the same vicissitudes which we have so often already witnessed.

The Whigs have always been exceedingly unlucky in regard to the time of these periodical revulsions, occasioned by excessive banking. They have either come too soon or too late to answer their political purposes. Had the suspension of specie payments occurred one year sooner than it did, the hero of Tippecanoe might have been the successor of the hero of New Orleans. But the revulsion came again at the wrong time; and long before the Presidential election of 1840, the country will again be prosperous. The effects of the suspension will have passed away, like the baseless fabric of a vision, without leaving a trace behind. Our late experience has been so severe, that the next bank explosion may possibly be postponed until the year 1844. Whom it may then benefit I know not, nor do I much care. One thing is certain, that these revulsions can never do any thing but injury to the party in power. It is the nature of man to accuse the Government, or any thing else, except his own misconduct, for his misfortunes.

I now approach a much more agreeable part of my subject; and that is, to prove that the banks must and will speedily resume specie payments. I shall attempt to establish that now is the very time, the accepted time, the best time, and, within the period of a few months, the only time, when they can resume, without the least embarrassment. Some of the causes which will speedily effect this happy result, I shall enumerate.

In the first place, I shall do the banks of the country generally the justice to say, that since the suspension of specie payments they have curtailed their circulation and their loans to a great extent, and have done every thing they reasonably could to atone for their past extravagance. The banks of Pennsylvania, including that of the United States, during a period of ten months, commencing in January, and ending in November, 1837, had reduced their circulation from twenty-five millions and a quarter to almost seventeen millions, and their discounts from eighty-six millions and a half to nearly seventy-one millions, whilst, during the same period, they had increased their specie from five millions and three-quarters to upwards of seven millions. From all I can learn, they have been since progressing at nearly the same rate, though I have not seen their official returns. The banks of other States have been generally pursuing the same course. The consequence is, that the confidence of the country in their banking institutions has been, in a great degree, restored. I feel convinced that if they should resume specie payments to-morrow, in the interior of Pennsylvania, at least, there would be no run upon them, except for as much silver change as might be required to supply the place of the miserable trash now in circulation under the denomination of shinplasters. Besides, they would soon receive on deposite a greater amount from those who have been hoarding specie, under the belief that it would be safer at home than in the banks, and in the hope that they might hereafter use it to great advantage. No foreign demand now exists to drain the banks of their specie; on the contrary, the reflux tide has set in strongly, and is now wafting immense sums of gold and silver to our shores.

But, sir, another powerful cause of resumption exists. Our exports of cotton have, many months ago, paid our foreign commercial debt. Whilst that has been extingished, the disastrous condition of our currency has reduced almost to nothing the orders of our merchants for foreign goods. Our imports are of small comparative value. In the mean time, our cotton crop of 1837 has been regularly and steadily seeking its accustomed markets in England and France. We have sold much, and bought little, and the balance in our favor is nearly all returning in specie. From the last English accounts which I have seen, the exports of specie from that country to this were still on the increase; and now, by almost every vessel from abroad which reaches our shores, we are receiving gold and silver. Specie, by the latest advices, was the most profitable means of remittance from England to the United States, yielding a profit of four per cent. When Congress met in September last, the rate of Exchange against us on England was upwards of twenty per cent. It is now reduced to six per cent. which is three or four per cent. below the specie par. A great revolution in so short a period! It proves how vast are the resources of our country.

This great revolution has been effected by means of our cotton. The English manufacturers must have this article, or be ruined. This necessity has reversed the ordinary laws of trade, and the foreign market for it has remained firm and steady, although we bring home scarcely any equivalent, except in specie.

If a large portion of our cotton crop still remains unsold, so much the better. The golden tide will continue so much the longer to flow into our country. It is the policy of our banks to take it at the flood, and go on to fortune. If the banks do but seize the present golden opportunity, they will have completely fortified themselves before a reverse can come. This state of things cannot always continue. A reaction must occur. If the banks wait for the ebbing tide, and postpone a resumption until our merchants shall make heavy purchases abroad, and specie shall begin to be exported, they will then encounter difficulties which they need not now dread. I again repeat that this moment is the accepted time for the banks to resume.

But it is not only the ordinary laws of trade which are now bringing vast amounts of specie to our country. Two other causes are operating powerfully to produce this result.

The conduct of the Bank of England, in arresting its credits to the American houses, which was the immediate cause of the suspension of specie payments, has been loudly condemned by men of all parties there. This measure has done that country nearly as much injury as it has done this, because England must always suffer from every derangement in our currency. The Bank is now conscious of this truth, and is retracing her steps. She has increased her stock of bullion between February, 1837, and March, 1838, from £4,032,090 to upwards of ten millions sterling. She is now strong, and it is her interest, as well as that of the people of England, that she should use this strength in assisting us to resume specie payments. Accordingly, she has, through the agency of one of our most intelligent and enterprising citizens, made an arrangement to furnish the banks of New York one million sterling in specie, to aid them in resuming payments in gold and silver. This million is now arriving, by instalments, in the United States. In resuming at the present moment, our banks have every thing to hope, and nothing to fear, from England.

Again: The spirit of internal improvement is abroad throughout our land. States and private companies have loans to make for the purpose of erecting their public works. Money is now plenty in England, and is every where seeking an investment. The derangement in the business of that country has thrown capital out of employment. The rate of interest has been reduced to three and three and a half per cent. Their capitalists are anxious to make secure investments in loans to our different State Governments, and incorporated companies, at a higher rate of interest than they can obtain at home. These loans are now being disposed of in England to a very large amount; and the greater proportion of their proceeds must return in specie to this country. Every thing is propitious to an immediate resumption by our banks.

Will the Bank of the United States resume? I confess I do not doubt the fact. She has made a false movement, and it is the great prerogative of strength to acknowledge and retrieve an error. Her late manifesto against the resumption of specie payments has not found a single advocate on this floor. It has struck dumb all her friends. But yesterday she might have stood against the world. To-day there is none so poor as to do her reverence. Even those who must politically suffer by the resumption, because "it will be conclusively employed at the next elections, to show that the schemes of the Executive are not so destructive as they will prove hereafter," have not dared to break a lance in her defence. This was not wont to be the case in days of yore, for hitherto her champions have been always ready to do battle in her cause. Notwithstanding all which has been said upon the subject, I am not one of those who believe that the Bank of the United States is not able to resume. Although the statement of her condition, as recently published, is not very flattering, yet her resources are vast. She is able if she were willing. Of this I cannot entertain a doubt.

Again: Will not the Bank take compassion on the good city of Philadelphia, which has ever been devoted to its interest? Boston has been called the Athens of America; New York, the great Commercial Emporium; and Baltimore, the Monumental City; whilst Philadelphia has been distinguished

by the name of the City of the Bank or marble palace; and well have her citizens earned this distinction by their loyalty. Will the Bank now consent to see her commerce and trade languish, and her star wane before that of New York, rather than retrace its steps and resume specie payments? No, never. Forbid it, gratitude!

That this must be the effect, who can doubt? Merchants who come from a distance to purchase goods with money in hand will go where they can buy the cheapest; and goods at a specie standard must always be cheaper than in a depreciated currency. Those who have produce to sell, especially if the sale is to be made upon credit, will select that market where they will receive its price in a sound currency. Already the prospect of resumption in New York has made Philadelphia bank notes worth less by five per cent. than those of that city. What will this difference become when the one city shall have resumed, and the circulation of the other shall be irredeemable paper? Who that has money to remit or deposite will send it to Philadelphia, to be returned in notes depreciated to an extent which cannot be foreseen, when they can send it to New York with a perfect confidence that it will be returned to them according to the specie standard? Under such a state of things, the trade of New York must increase and flourish at the expense of that of Philadelphia. I have not time, at present, to enter into further particulars on this branch of the subject.

The people of Pennsylvania have submitted patiently to the suspension of specie payments by their banks. They have bowed to the necessity which existed, and have treated them with kindness and generosity. The Bank of the United States has proclaimed its ability to resume, and our other banks are in the same situation. The necessity for a further suspension no longer exists. Pay your honest debts when you are able, is a maxim dear to the people of Pennsylvania. This duty has now become a question of morality, far transcending any question of policy. If these privileged corporations now any longer refuse to pay their honest debts, either for the sake of their own advantage, or from a desire to elevate one political party and depress another, the indignation of honest men, of all parties, will be roused against them. There will be a burst of popular feeling from our mountains and our valleys, which they will be compelled to respect. Thank God! public opinion in the interior of Pennsylvania is yet stronger than the money power. Our people will never submit to the degradation that their banks shall furnish them no currency but that of irredeemable paper; whilst, throughout the State of New York, the banks shall have resumed specie payments. Nothing could be more wounding to my own pride, as a Pennsylvanian.

If our banks should hold out, under the command of their great leader, until the first day of January next, many of them will never be able to resume. The public confidence, which their conduct since the suspension has hitherto inspired, will long ere that distant day cease to exist. No run would now be made on them in case they resume; but if they are forced into the measure by public opinion, after resisting as long as they can, the days of many of them will then be numbered. Honesty, duty, policy, all conspire to dictate to them a speedy resumption.

In conclusion, permit me to remark, that the people of the United States have abundant cause for the deepest gratitude towards that great and glorious man now in retirement for preventing the recharter of the Bank of the United States. He is emphatically the man of the age, and has left a deeper and more enduring impress upon it than any individual of our country. Still, in regard to the bank, he performed but half his work. For its completion we are indebted to the president of the Bank. Had the Bank confined itself, after it accepted the charter from Pennsylvania, to its mere banking and financial operations—had it exerted its power to regulate the domestic exchanges of the country—and, above all, had it taken the lead in the resumption of specie payments, a new bank, Phœnix-like, might have arisen from the ashes of the old. That danger, from present appearances, has now passed away. The open defiance of Congress by the Bank—the laws of the country over and over again violated—its repeated attempts to interfere in the party politics of the day—all, all have taught the people the danger of such a vast moneyed corporation. Mr. Biddle has finished the work which Gen. Jackson only commenced.

Not one particle of personal hostility towards that gentleman has been mingled in my discussion of the question. On the contrary, as a private gentleman, I respect him; and my personal intercourse with him, though not frequent, has been of the most agreeable character. I am always ready to do justice to his great and varied talents. I have spoken of the public conduct of the Bank over which he presides with the freedom and boldness which I shall always exercise in the performance of my public duties. It is the President of the Bank, not the man, that I have assailed. It is the nature of the institution over which he presides that has made him what he is. Like all other men, he must yield to his destiny. The possession of such vast and unlimited power, continued for a long period of years, would have turned the head of almost any other man, and have driven him to as great excesses.

In vain you may talk to me about paper restrictions in the charter of a bank of sufficient magnitude to be able to crush the other banks of the country. When did a vast moneyed monopoly ever regard the law, if any great interest of its own stood in the way? It will then violate its charter, and its own power will secure it impunity. It well knows that in its destruction the ruin of hundreds and thousands would be involved, and therefore it can do almost what it pleases. The history of the Bank for several years past has been one continued history of violated laws, and of attempts to interfere in the politics of the country. Create another bank, and place any other man at its head, and the result will be same. Such an institution will always hereafter prove too strong for the Government; because we cannot again expect to see, at least in our day, another Andrew Jackson in the Presidential chair. On the other hand, should such a bank, wielding the moneyed power of the country, form an alliance with the political power, and that is the natural position of the parties, their combined influence would govern the Union, and liberty might become an empty name.

MR. BUCHANAN'S REPLY TO MR. CLAY, ON THE SAME DAY.

Mr. BUCHANAN said he had never enjoyed many triumphs, and therefore he prized the more highly the one which he had won this day. He had forced the honorable Senator from Kentucky, [Mr. CLAY,] to break that determined silence which had hitherto sealed his lips on the subject of this bill. Thus, said Mr. B. I have adorned my brow with a solitary sprig of laurel. Not one word was he to utter upon the present occasion. This he had announced publicly.

[Here Mr. CLAY dissented.]

Mr. BUCHANAN. I thought he had announced the other day his determination not to debate the question, and stated this as the reason why he propounded to the Senator from New Jersey [Mr. WALL] the question whether, in his opinion, John Brockenbrough and Albert Gallatin could be constitutionally punished by Congress for re-issuing the old notes of the Bank of the United States.

[Mr. CLAY again explained.]

Well, said Mr. BUCHANAN, the Senator did intend to address the Senate on this subject, and the only sprig of laurel which I ever expected to win from him has already withered. Yet still there was an evident reluctance on his part, which all must have observed, to enter into this contest. The Senator from Vermont [Mr. PRENTISS] had made an able constitutional argument in opposition to the bill. With the exception of that gentleman, and the Senator from South Carolina, [Mr. PRESTON,] a profound silence had reigned on this (the Whig) side of the house. The question had been propounded by the VICE PRESIDENT, and the vote was about to be taken, when I rose and addressed the Senate. Immediately after I had taken my seat, the Senator from Kentucky sprung to his feet, and has made one of his best speeches, for it belongs to the character of his mind to make the ablest efforts with the least preparation. I will venture to say he had not intended to make that speech when he entered the Senate chamber this morning.

[Mr. CLAY admitted this to be the fact.]

Then, said Mr. BUCHANAN, I have succeeded, and my sprig of laurel is again green.

The gentleman says I may hang Nick Biddle, if I please; but I please to do no such thing. I would be sorry to subject him even to the punishment of imprisonment denounced by this bill; and if he should ever be convicted under its provisions, I hope the court may content itself with the infliction of a mere pecuniary fine. Hang Nick Biddle, indeed! I wish to keep him for the service of the Whig party, should they ever come into power. The Senator from South Carolina [Mr. PRESTON] had said, at the extra session, that Mr. Biddle, if appointed Secretary of the Treasury, would, in thirty or sixty days, I forget which, heal all the disorders in the currency, and remove all the financial embarrassments of the Government. His appointment would prove a sovereign panacea for all existing evils. Now I go for this Administration both from principle and inclination, and shall support the re-election of the present President; but if I were a Whig, the Senator from Kentucky would be my first choice. I should, therefore, be very sorry to deprive him of the services of Mr. Biddle, who will make, in the opinion of the Senator's friend from South Carolina, the very best Secretary of the Treasury in the whole country.

The Senator from Kentucky asks me why I do not defend Mr. Biddle, a distinguished citizen of my own State. My answer is at hand. I cannot defend his conduct as president of the Bank, because I believe it to be wholly indefensible; and he has been attacked in no other character. I should have been proud and happy to undertake this task, could I have performed it consistently with my conscience. But why does the Senator propound such a question to me? I confidently expected Mr. Biddle would have been defended by a much more eloquent tongue. I defend him! when the eloquent gentlemen all around me are his own peculiar friends; and yet, strange to tell, not one of them has attempted to justify his conduct. "But yesterday he might have stood against the world." "He has fallen, fallen from his high estate." Whence this ominous silence? I wished to hear him defended, if it could be done, by gentlemen of his own political party, who have never hitherto shrunk from such a responsibility.

The Senator asserts that the Bank of the United States is no longer in existence. But are not the president, directors, and officers, the same that they were under the old charter? Has it not branch banks in at least two States—Louisiana and Georgia, and branch agencies scattered over the rest of the Union? And to render its continued existence still more palpable, has it not seized all the notes of the old Bank, good, bad, and indifferent, and converted them to its own use? Why, sir, according to its very last return, it has but little more than three hundred thousand dollars of new notes in circulation, whilst the circulation of its old notes exceeds six millions. Is it not still diffusing its blessings and its benefits every where, in the opinion of its friends and admirers? Why has it not, then, proved to be the grand regulator of the currency, and prevented a suspension of specie payments? If that were impossible, why is it not, at least, the first among the banks to urge their resumption? Had it acted thus, it is possible it might have obtained another charter from Congress. But when we find not only that it could not save itself from the general crash, but that it is now the great leader in opposing a resumption of specie payments, we must lose our confidence in its power as a grand regulator.

But this Bank, says the Senator, is a mere domestic institution of Pennsylvania. With one of its arms stretched across the Atlantic, for the purpose of loaning money, buying bills, and regulating exchanges there, whilst, with the other, it conducts immense banking and trading operations here, coextensive with the Union, how can it be called a

mere domestic institution of a single State? Nay, more: it seems, by its last manifesto, to have taken "the great commercial and pecuniary interests" of the Union into its keeping, both at home and abroad. Sir, a single State cannot furnish employment for its immense capital. It would starve within such narrow limits. It is no more a State institution now than it was under the old charter, except that its existence as the same identical corporation has been continued by an act of the Legislature of Pennsylvania, instead of an act of Congress; and that, too, with much greater powers than it formerly possessed. It never ventured to plant itself in England under the old charter. No sir, let not gentlemen delude themselves. The old Bank of the United States still lives, and moves, and has its being, without even having changed its name.

The Senator from Kentucky asks, why pass this bill? He says it is wholly unnecessary; and whilst he admits that the present Bank had no legal power to reissue these old notes, he thinks it ought not to be prevented from acting thus, because these notes furnish the best and only universal currency in the Union. The Senator reminds me of the ancient heretics which existed in the Church, mentioned and condemned by the Apostle Paul. Their doctrine was, that it was lawful to do evil that good might come. It seems we are now to have a similar sect of political heretics, whose doctrine is, violate the law, if you can thereby furnish a good currency for the people. But there was not the least necessity for any such violation. As the old notes came in, the Bank might have supplied their place by circulating its own new notes. They are a better currency in every respect; because the present Bank is under a legal obligation to redeem them on demand. Not so in regard to the old notes. Their immediate redemption depends upon the honor of the Bank, and nothing more. I have no doubt Mr. Biddle intends to redeem them; but he may be succeeded by another and a different man. Besides, the Bank may, in the course of time, become insolvent; and in that event the payment of its own notes and debts must be preferred to that of these resurrection notes. It is certain that no direct remedy can be had upon them against the present Bank.

The Senator denounces the present bill not only as unconstitutional, but as the most enormous stretch of power he has ever known to be attempted. I am glad to find that the Senator has become the advocate of a strict construction of the Constitution, and an enemy to the exercise of doubtful powers. In this particular we agree. And I am much pleased to learn from himself that he does not concur with the Senator from Massachusetts [Mr. WEBSTER] in deriving power over the paper currency of the country from the clauses in the Constitution authorizing Congress to coin money and regulate commerce. By abandoning this latitudinarian construction, however, he virtually surrenders up the power to create a National Bank. The Senator shakes his head, but I shall endeavor to prove that this is the dilemma in which he has placed himself. On what ground did the Supreme Court decide the Bank to be constitutional? It was because Congress, possessing the express power to levy and collect taxes for the purpose of paying the debts of the United States, might create a bank by implication, if they believed it to be a necessary agent in the execution of this taxing power. Now will any man, at this day, pretend that the taxes of the Government cannot be collected, and its debts paid, without the agency of such a bank? I think not. It must have been for the purpose of extricating himself from this dilemma, and finding a power somewhere else to establish a Bank, that the Senator from Massachusetts asserted a general power in Congress to create and regulate the paper currency of the country, and derived it from the coining and commercial clauses in the Constitution. I should be pleased always to agree with the Senator from Kentucky, and I am glad that we unite in denying the power claimed by the Senator from Massachusetts.

In regard to the power to pass this bill, I shall state the proposition of the Senator from Kentucky as fairly as I can. He says that the Bank of the United States is a corporation created by a sovereign State, and that this bill, intended to operate upon such a corporation, is wholly unconstitutional and subversive of State Rights. Now, sir, if the bill were intended to act upon the Bank, as a Pennsylvania corporation, I should abandon the argument. The president and directors of this Bank sustain two characters, totally separate and distinct from each other. They are officers of the Pennsylvania Bank, and in that character they are beyond our control. But they have voluntarily assumed another character, by becoming assignees and trustees of the old Bank chartered by Congress, for the purpose of winding up its concerns; and it is in this character, and this alone, that we have any jurisdiction over them. We do not attempt to interfere with the Bank as a corporation of the State of Pennsylvania. No, sir: we only undertake to operate upon it as the assignee of our own old Bank. The gentleman asked if the old Bank had assigned its property to individual trustees, could we pass any law to compel those trustees to wind up its concerns? Most certainly we could; because, no matter into whose hands the duty of winding up our Bank may have passed, we should possess the power to compel a performance of that duty. This power of Congress can never be evaded or destroyed by any transfer to trustees made by officers created by our own law, whether the transfer be legal or illegal. Our power attaches to such trustees, and will continue until they shall have closed the concerns of the Bank.

The gentleman says that the power to create a bank is one implication, and that to wind it up is a second implication, and to pass this bill would be piling implication upon implication, like Pelion upon Ossa, which cannot be done under the Constitution. Now, sir, to what absurdities does not this argument lead? By implication you can create a bank for a limited period, which you cannot destroy after that period has expired. Your creature, the term of whose existence you have foreordained, becomes eternal in defiance of your power. And this because you cannot add implication to implication. The gentleman asks where do you find this winding up power in the Constitution? I answer, wherever he finds the creating power. The one necessarily results from the other. If not, when you once call a bank into existence, its charter, although limited to a few years, becomes in fact perpetual. You cannot create that which you cannot destroy, after it has lived its appointed time.

As to Mr. Gallatin and Mr. Brockenbrough—nobody pretends you can touch them or their banks by your law. The bill is confined to your own agents, acting under your own law, and therefore subject to your own jurisdiction. These agents are as much yours for the purpose proposed by the bill, as the president and directors of the old Bank would have been. There is a perfect privity, as the lawyers would say, between the two; nay, there is a perfect identity. It is no argument to say that the old Bank is dead; but even this is not the fact. We have extended its existence at the present session, without a dissenting voice, in either House, for the purpose of prosecuting and defending its suits, and it has always continued to elect a President and Board of Directors.

The Senator has asked if the Bank of England or any of the banks in Canada had ceased to exist, and their agents in this country should re-issue their old notes, whether we would claim the power of punishing them for that cause. This question, in my opinion, presents the only instance of haste and want of sufficient reflection in the gentleman's speech. There is no analogy between the two cases. Congress never created the Bank of England, nor any bank in Canada, and therefore Congress can never claim any power to close their concerns. We assert no power except over our own Bank and its trustees. We cannot interfere with the banks of the several States, much less with those of a foreign country.

The Senator thinks he has caught me in a palpable inconsistency. He says I first condemned the expansion of the banks in this country, and afterwards condemned the contraction of the Bank of England. I might have done so, in the special case of the refusal of that bank to extend its accustomed credits to the American houses, without any inconsistency; but I expressed no opinion of my own upon the subject. In stating the causes which produced the suspension of specie payments in the United States, I said that this act of the Bank of England had been condemned in that country both by their statesmen and men of business. I passed no censure whatever on the conduct of that bank, and the gentleman, therefore, need not have reminded me that it would but little regard my censure. I am content to confine my humble exertions to our own institutions at home, leaving to other gentlemen the glory of having South America on one side of the Atlantic and Greece on the other, shouting hosannas in their praise.

The gentleman asks, with a triumphant air, where is England and France at the present moment? Are they not prosperous, whilst we are embarrassed? In regard to England, I answer that money there is plenty and cheap; and this simply because business has been paralyzed by the great convulsion under which we have both suffered; and it is the capital which has been thrown out of active employment, from this very cause, which is now seeking investment at a low rate of interest. The commerce and trade of England have fallen off to such an extent that Parliament has been obliged to borrow two millions sterling to meet the current expenses of the Government. In this particular they are placed in a similar situation with ourselves. And yet after all the light which has been shed upon the subject, the gentleman still attributes that convulsion which has shaken the commercial world to its centre, to the removal of the deposites, the Specie Circular, and Gen. Jackson.

I have but lately turned prophet; and there has been such poor success in that line on this side of the House, that I have almost determined to abandon the trade forever. In one respect I resemble the false prophets of old, because they phophesied nothing but good. This may probably result from my sanguine temperament, and my desire to look upon the bright side of human affairs. In my prophetic vision I have therefore never, like the gentleman, denounced war, pestilence, and famine against the country.

The gentleman strongly condemns the members of the present cabinet. I am willing to accord to the President the privilege of selecting his own agents and advisers, without any interference on my part. When he, or they, shall recommend measures of which I disapprove, I shall exercise my right of opposing them as an independent Senator. I do not believe that any evidence can be produced that the President and his cabinet are opposed to the credit system of the country. If this should ever appear, it will then be time enough for me to denounce such a policy. My instructions have prevented me from expressing my views at length upon this subject. They contain nothing, however, which forbid me from saying, nay I am only expressing their sentiment when I assert, that a separation of the business of the Government from that of the banks, would be one of the greatest blessings which could be conferred on the country. In releasing the banks from the Government, and the Government from the banks, the interest of both parties would be promoted, mutual jealousies and recriminations would be ended, and the currency and business of the country would cease to be involved in the perpetual struggles which exist for political power.

I might say much more in reply to the gentleman, but I forbear.

RESURRECTION NOTES.

REMARKS OF MR. ROANE,

OF VIRGINIA,

In Senate, April 23, 1838—On the engrossed bill to prohibit the issue and circulation of the notes of the late Bank of the United States.

Mr. ROANE said: I do not rise, Mr. President, to make a speech, as nothing was further from my mind, when I entered this chamber, than to open my lips on the subject before us. The Senate knows that I do not often trouble them, and that I am always brief in my remarks; and if I was disposed to be otherwise on the present occasion, I

would not at this late hour, and protracted stage of the debate, trespass on their time and patience. But, having formed a very decided opinion in favor of the measure under consideration, and concluded, only a few moments since, that it was perhaps my duty to say something, I rise thus unexpectedly to assign, in such language as the occasion may prompt, the reasons which control the vote I shall give.

Mr. President, I have ever been a strict constructionist of constitutions—most especially of our limited Federal Constitution—so much so, as to have opposed measures merely because I thought them unconstitutional. Nay, sir, I have ever acknowledged the justice, and felt the force, of the excellent rule just adverted to by the Senator from Tennessee, [Mr. WHITE] that it is best not to vote for a measure when the mind entertains even a *doubt* of the constitutional power to pass it. I hope I shall ever abide by this safe and sound rule. Entertaining these sentiments, the very first moment that the sound fell upon my ear, that there were constitutional difficulties in the way of this bill—that the Congress of the United States does not possess the power to arrest this outrageous fraud, perpetrated under the cloak, but in reality, in defiance of a law it had passed—I was struck with astonishment, and at once resolved to review, calmly and dispassionately, the opinion I had formed. I have done so. I have listened, not only with a profound and anxious attention, but with a jealous vigilance, to every word and argument used to establish the proposition; and, sir, I must be permitted to say, that so far from being convinced that there is any such constitutional impediment, I have not been able to find even "a loop or hinge to hang a doubt upon" as to the right.

Sir, I voted against the passage of the law incorporating the late Bank of the United States. I am one of the few members of either House of the present Congress who voted against that law, and, perhaps, the only one who voted against it on constitutional grounds. I *then* thought, as I *now* think, that Congress had no power whatever, either express or implied, in the Constitution, to pass such a law. But, sir, when I voted against that law because I thought it unconstitutional, I little dreamed that when the twenty years within which the operations of the Bank it created were limited, should have rolled around, we were then to be told that it is unconstitutional to compel it to wind up its concerns: that we should then hear it proclaimed, on the floor of either House of Congress, that the immense amount of paper money which that Bank was thereby authorized to issue and keep in circulation for twenty years only, might, by any conceivable management, trick, or finesse, be kept in circulation for an indefinite period of time.

What, Mr. President, is meant—what do we understand—when we speak of "winding up a concern?" Is it not, let me ask, of the very essence of winding up the affairs, or concerns of a bank, that it should collect and pay its debts, and, above all things, draw in and cancel its promissory notes? Has the late Bank of the United States, or its agents, or trustees, or executors, if you choose the term, done this? Have they attempted to do it, or any thing like it? On the contrary, have they not done exactly the reverse, in direct and known violation of the law which gave it existence? Have they not at this moment out, and in circulation among the people, millions of the identical notes, struck by the plates of the late Bank of the United States, signed by its officers, and issued by the authority of its legitimate directors, acting under a law of Congress? None deny these facts, and none deny the iniquity of the transaction; yet are we gravely told, that Congress has no power to arrest the progress of the evil; forsooth—because the bank is dead—because its charter has expired! And, sir, we should be told by these same gentlemen that neither the State of Pennsylvania, or any other State of this Union, has the power to arrest it. Does not every person know that those who took possession of the notes of the late Bank of the United States, on the expiration of its charter, became its trustees or representatives, to wind up its concerns; and as such, were responsible for their faithful conduct to the law under which they were appointed, and under which the bank whose concerns they were deputed to close, lived and died? When Congress, sir, incorporated the late Bank of the United States, *they* acted but as trustees or agents of the people, and, as such, made for and in behalf of them two pledges—one was to the company thus incorporated, to guarantee to them, so long as they complied with the provisions of their charter, all the privileges and immunities it conferred upon them. The other was to the people, that after the term of twenty years had elapsed, all those exclusive privileges and immunities should cease; and the vast amount of paper money issued by the bank, should be withdrawn from circulation, unless they, the people, should choose to revive and extend its charter. The people have not so chosen. But the first pledge has been fully redeemed. They have submitted most quietly to the entire fulfilment of the law; and the bank has been secured by the judiciary department, whenever it was necessary, in the full enjoyment of all its legal rights. Has the second pledge been redeemed? Has the paper money put in circulation by it or its representatives in pursuance of a law of Congress, been withdrawn and cancelled in pursuance of the same law? No, is the ready and undeniable answer from every lip. Yet are we told that outrageous as is this proceeding, in defiance or absence of law, Congress has no power whatever to interfere! That, gross and palpable as is the fraud, Congress cannot either prevent it or punish its perpetrators! Who I ask in the name of common sense, and common justice, and common honesty, can punish it, if Congress cannot? If it be an offence at all, it must be an offence against law, or within the reach of law, and all will admit that it is not an offence against a law of any State of this Confederacy, or of any foreign nation. Were not these notes originally issued by authority of a law of Congress; and are they not continued in circulation in the teeth of a plain provision of that same law, which, I contend, is in full force so long as one single one of them is permitted to perform the functions of a circulating medium.

I am asked, Mr. President, to put my finger on the clause in the Constitution which *grants* the power sought to be exercised by the bill on your table? I in return ask *those* who can put their finger on the clause in the Constitution which *grants* the power to establish a National Bank, to show *me* the clause which withholds the power to limit its charter, or, when it has expired, to wind up its affairs? Surely, sir, it is most unreasonable to require *those* who *deny* any power whatever in the Constitution to establish a National Bank, to show a clause in that instrument which *grants* the power to compel a National Bank to wind up its concerns! The honorable Senator from Tennessee, [Mr. WHITE] has truly told us that those who claim the power to establish a National Bank, have rambled through all the mazes of the Constitution, and have located their right, sometimes in one, and sometimes in another of its clauses, until it had been called, not unaptly, a vagrant power. Call it, sir, by what name you will, a "vagrant," or even a "squatter," it affords no reason to me to grant it a "pre-emption right."

Mr. President, I pretend not to show any clause in the Constitution which grants the *specific* thing contemplated by the bill on your table. I am free to say, that I do not derive the power to pass that bill from any *literal* clause, or *specific* grant, in the Constitution. I, who deny the right of Congress to pass *irrepealable* laws, and contend for its power to *alter, amend, repeal*, or *enforce*, the laws it does pass, am at no loss for power to pass the bill under consideration; it goes with, and is a part of, the power of *legislation* granted to Congress by the Constitution. It is of the very *essence* of legislation that a vice or *mischief* growing out of one law, should be abated or punished by another law; that where one law has opened a door for fraud, another law should shut it. I contend, sir, that every part and parcel of the bank law of 1816 which has not been *fulfilled*, or *repealed*, is now in full force and effect; and I further contend, that that section of it which provides that the bank it created should, within two years after the period of its limitation, wind up its concerns, has neither been repealed nor complied with, and is therefore in force; and that if further legislation is necessary to compel a compliance with its provisions, it is not only the *right*, but the *duty*, of Congress to afford it. That bank was allowed two years to wind up its concerns and close its business. If, instead of closing them in one day, as they *pretended* to do, they had gone on in *good faith* to draw in and *cancel* all its outstanding notes, and had been unable to perform the duty within the time limited, does any person doubt the power of Congress to have extended the time? Why, then, when they have acted *notoriously* with *bad faith*, and have permitted the two years to run out without an effort, and, as is now apparent, without the slightest intention, to withdraw its notes from circulation, can not Congress compel them to comply with their engagements, and punish them for a continuance of such open and flagrant violation of law and duty?

But, Mr. President, we are told, in answer to every objection to a continuance of this fraud, that it is not the *late* Bank of the United States chartered by *Congress*, but the *new* Bank of the United States chartered by the State of *Pennsylvania*, that perpetrates it. It is, sir, an unwarrantable imputation on the vigilance and fidelity of the constituted authorities of Pennsylvania, to suppose for a moment that such can be the fact. The Bank of the United States chartered by that State, is expressly prohibited from issuing notes of a less denomination than ten dollars, under pain of an immediate forfeiture of its charter. Most of the millions of the paper of the late Bank of the United States now in circulation are notes of *five dollars;* and I therefore repeat, that it is a violent presumption to charge that Bank with such folly. My life on it, that if the constituted authorities of Pennsylvania were to charge it with this violation of its charter, it would promptly deny it. It would say, "Shake not your gory locks at *me;* you cannot say 'twas *I* that did it." And go, sir, to the directors of the late Bank of the United States, and charge the act upon *them*, and their ready and evasive reply will be, "*We* do not issue these notes. The charter under which we once acted has *expired*. The Bank we once directed is defunct!" And thus, sir, they "palter in a double sense;" and by the vilest equivocation, *perpetrate*, and may *perpetuate* a fraud, unless Congress interposes its power to prevent it. The time has been when the good old maxim "*qui facit per alium facit per se*" was intelligible and valuable; but modern bank *legerdemain* and *hocus pocus* nullifies its salutary principle with the same ease and complacency with which it has heretofore defied your laws, and disregarded the plainest obligations of commercial morality.

The whole amount of the game played by the late Bank is this: I make myself trustee or agent for myself; and by that involution of terms, and consequent confusion of ideas, they are enabled to assume or shift obligations, as interest or policy may dictate. Nicholas Biddle and Co. president and directors of the *Bank of the United States of Pennsylvania*, become trustees or agents for the *same* Nicholas Biddle and Co. directors of the late *Bank of the United States;* and by quibbling, trickery, and cunning, one is made to mean two, and two to mean one, as occasion may prompt.

Suppose, Mr. President, that the State of Pennsylvania had not chartered her bank; and instead of that Bank undertaking to wind up the affairs of the late Bank of the United States, that you and I, or other individuals, had assumed that duty: think you that by issuing and reissuing, we would have been permitted to keep in circulation millions of the notes of that Bank up to this time, or the end of time? And if not, to what other law but the law of Congress should we be amenable for the attempt to do so? Suppose that the Bank of the United States of Pennsylvania should forfeit its charter, and cease to exist: is it pretended that there would be no power to withdraw from circulation the notes in question, and that she might, by another device, keep in circulation as long as she pleased, all the paper she now has out?

Mr. President, I, as chairman of the Committee

on the District of Columbia, have reported to the Senate a bill to renew and extend the charters of the six banks of this District, which all expire, by limitation of law, on the fourth of July next. If this bill is rejected, does any person pretend that these banks could, under any pretext, or by any device, be permitted to continue to issue and reissue their notes? I have, also, reported, from the same committee, two bills granting further time to two banks of this District, that stopped years ago, to wind up their concerns. I deemed it my duty, before making such a report, to ascertain that the trustees had been using due diligence in closing the concerns of these banks; and especially in drawing in and cancelling their notes. Had I have found that they had been remiss in this duty, I certainly would not have recommended further indulgence, and it would have been the duty of Congress to apply the corrective; and I ask, sir, whether any of these District banks are more directly and exclusively the creatures of Congress than was the late bank of the United States?

There can be no doubt that this bill, the provisions of which are applicable to all companies incorporated by Congress, has grown out of the conduct of the late Bank of the United States; and it does seem to me that if it could be forgotten for a moment that that bank ever existed, there would not be an objection, constitutional or otherwise, to its passage. No Senator has raised his voice in defence of the conduct of the bank in regard to its circulation. On all sides of the Senate it is said that it is objectionable, improper, and indefensible. But, alas! say they, we have no power to do any thing to prevent or punish it! I, sir, use stronger, and, I think, justly merited, terms when I speak of its conduct in this particular. I say that it is a gross, rank, palpable fraud! And "I go for the fraud!" To what extent, if any, the Government of the United States is bound for the ultimate redemption of these notes, I do not pretend to inquire; but this I will venture to say: that thousands of those who daily receive and pass them, think them sustained by the credit and faith of the Government; and well they may, as on their face they show that they were issued on the authority of the Government, and at a time when it was a large stockholder in the bank. It is said, sir, that, if we pass this law, it cannot be executed by the courts. That may be. But, sir, whatever the rules of courts of justice may require, or the chicanery of able lawyers may prevent, the passage of this bill will, at least, be the opinion of Congress that an extensive fraud exists, and will, I trust, have its effect in suppressing it. It is impossible to suppose that those concerned in it can disregard or escape the force of public opinion. If, sir, an executor, a guardian, or an agent had so used the funds of his testator, ward or principal, as have those to whom was confided the notes of the late Bank of the United States, he would not only have incurred the severest penalty of the law, but be degraded in the estimation of every honorable man. I give my vote with pleasure for the passage of the bill, and leave the execution of the law to those who feel what I feel to be due from every public man in his particular sphere of action, to the majesty of law, the sanctity of justice, and purity of morals.

DISTRICT BANKS—FREE BANKING.

REMARKS OF MR. NILES,
OF CONNECTICUT,

In Senate, May, 1838—On the bill for the recharter of the banks in the District of Columbia.

Mr. NILES said that the question now before the Senate was a preliminary one, whether Congress ought to renew the charters of the banks named in the bill for twenty years. Whatever might be his opinion regarding the banking system, he was disposed to act reasonably and liberally towards the District. As long as banks exist elsewhere, and are the medium through which commercial and other business is transacted, it would be unjust to deny to the people of the District the facilities which were enjoyed elsewhere. He was perfectly willing that they should have bank capital to the full extent which the business and the wants of the people required.

But he was not prepared to say that it would be proper at this time to renew the charters of the existing institutions for twenty years. The objection in his mind to doing this, arose from the present condition of the banks. What is the condition of these institutions? In common with other banks in the country, they suspended payment a year ago, and have been going on since issuing their notes, without redeeming them. They have not resumed payment; and are now, strictly speaking, broken banks. They are now in a prostrate condition; and having suspended payment, we can know nothing of their real situation. They may be perfectly sound and solvent; yet if the fact was known to be so, it would not remove the difficulty from his mind These banks have all forfeited their charters; they are existing without law, and in violation of law; and the question is, whether we shall resuscitate them, and bring them into life, after they have become defunct by their own act; whether we shall renew their charters for twenty years, whilst they remain in this prostrate and suspended condition? If we do this, will it not be to sanction their suspension; and, what is more, to legalize their non-resumption? It is not necessary to examine now the causes of the suspension. Whether the banks suspended for a sufficient cause, and whether that was brought upon themselves by their over action and mismanagement, or by circumstances beyond their control, he would not now examine. These questions have gone past; and it certainly is not necessary to inquire into them on this occasion.

So far as regards the banks in this District, he was willing to suppose that they suspended from an imperious necessity. But the question now is one of resumption. To recharter these banks in their present condition, whilst they are issuing their notes without redeeming them, and their agency is exerted to flood the community with irredeemable paper, would be to legalize this debased currency, and sanction their non-resumption.

Sir, is the Senate prepared to do this? Is it prepared to lend its influence to prolong the present state of things? There are two standards now raised: one of resumption, the other of non-resumption. Will the Senate enlist under the latter, and give its sanction to the violation of law and of moral obligation which belongs to this condition of non-payment on the part of the banks?

This question may not be thought of great importance, because it is confined to the District, and can have no general influence on the state of the currency of the country. The principle, however, is not the less important because its operation is limited. For one, he would not consent to renew the charter of any bank, unless for a short time to wind up its affairs, which was existing in violation of law and of all moral obligation. He was not willing, for any supposed necessity or temporary advantage, to act in disregard of sound principles of legislation. He would in no way sanction the further suspension of payment by the banks. Let them resume, perform their obligations to the public, and return to a correct course of business, and it will then be in time to decide on the renewal of their charters. Mr. N. said he should prefer to continue their charters, on the condition of their resuming payment by a certain day, to the next session, when we could with more propriety act on the question of a renewal for twenty years If this course was not pursued, the only ground on which he could consent to a renewal of their charters at this time was, that there should be incorporated into the bill a provision that they should resume payment by a specified day, and if they fail to do so, that the act shall have no operation. Resumption by a given day must be a condition precedent, or he could not vote for the bill.

Does it not belong to Congress to say when the banks can resume, and when they ought to resume? Or will you leave this to the corporations themselves? Does it not belong to the Legislature, here and elsewhere, to decide this question? But have they decided it in a single State in the Union? What is the present condition of the country? Humiliating and degraded in the extreme. He could not reflect upon it without the deepest mortification. Sir, the moneyed incorporations have triumphed over the Legislatures and over the people; they have subdued the public will; they have trampled the laws under foot, and usurped the powers of legislation. Merely private corporations, the creatures of the Legislatures, have bid defiance to their creators, and declared themselves independent of all authority. If they have not done this in form, they have in substance, as they have assumed the power to decide when their own interests and the public interests required that they should pay their debts. What if a number of merchants, who had failed or stopped payment, should hold a convention to decide when it would be expedient for them to pay their debts, and when the public interest required them to do so? Would not such a proceeding be scouted as an outrage upon common sense and common honesty?

But the banks have done this; they have assumed the prerogative of declaring when their own interests and the interests of the public required them to pay their debts. They have established a system of bank legislation, which has superseded the legislation of the States. They have held two conventions; and what did they do? Why, the first agreed to adjourn, and the second fixed a day for resumption, so remote that, instead of its being an effort to promote resumption, it was an attempt to prolong the suspension. It must have been viewed in this light by the banks themselves, for almost immediately, many of the banks set about the resumption of payment. The banks in New York, and some in all the Eastern States, have already resumed, although the bank legislature fixed a time so remote as next January. This business of resumption cannot depend on any conventional regulations. All solvent, sound banks can resume when they please; they can resume as well to-day as two or four months hence. Foreign exchanges being decidedly in our favor, and specie, instead of going out of the country, is coming in in a flood tide, and being no longer at a premium, any bank which can pay in any thing can pay in specie.

But he did not propose to go into the question whether the banks could or could not resume, or when they ought to resume. What he contended was, that that was a question which belonged to legislation, and not to the banks. It was not for them to say how long their own interest, or the public interest, required the suspension to continue. Their duty was the same as any other debtor, to pay their debts the moment they were able to do so. With them it was a question of ability, not of expediency. If there were any considerations of public policy, or expediency, which demanded the delay of the resumption, this belonged to the State legislatures, and to Congress as regards this District. But has a single State exercised this power? Most of their legislatures have been in session since the suspension of the banks; and he believed there was not a State in the Union that had passed any law for compelling the banks to resume payment, either immediately, or at any future period. Not one, it would seem, that dared to coerce the banks into a performance of their obligations to the public. The Legislature of Massachusetts has been in session the whole winter, and has given much of its attention to the subject of banks; they have had some eight or ten broken banks in their hands, but, he believed, they had done nothing in regard to the present condition of their banks, either to settle the question whether they ought to resume, or to subject these corporations to any restrictions, or disabilities, tending to compel a resumption. Instead of this, he believed they had repealed or suspended the provision in their laws, subjecting the banks to the payment of twenty-four per cent. interest, after the refusal to pay any demand. What was this but giving a sanction to the suspension, and encouraging the banks to prolong it. He believed in Virginia the banks had been, by direct legislation, justified and protected in their suspension. The same was done in New York for one year, which he believed expired this day, which was the anniversary of the bank explosion. But the Legislature that has just closed its session, refused to extend the time, which was a tacit or negative act coercive upon the banks. It

would seem that they dare not, by a direct act of legislation, renew the license to the banks to disregard both the legal and moral obligation of contracts. Although he differed politically with this Legislature, yet he was disposed to do them justice. In these days of bank supremacy and legislative degradation, they were certainly entitled to credit for refusing to sanction a further extension of the non-payment of the banks, and the prolongation of the evils of a depreciated currency. The strong appeal made to them from an influential quarter, was not heeded; but had it been, it is difficult to say when the country would have recovered from its present degraded condition.

In Pennsylvania, one branch of the Legislature exercised the power which belonged to them, and passed an act to compel their banks to redeem their bills; but it failed in the other branch, where the moneyed influence prevailed.

In his own State, the Legislature which was in session at the time of the bank explosion, passed an act declaring that the charters of the banks had been forfeited, but re-establishing and confirming them on condition of their resuming payment in specie by the first of June of the present year. This bill was strenuously opposed by the bank party, and its original provisions essentially modified. Another Legislature has since been elected, and is now in session, and it remains to be seen what measures they will adopt to relieve the people of the State from the evils they now suffer from inconvertible paper. The Governor, although he dwells at length on the subject of the currency, says not a word about any legislation being required to compel the banking institutions to return to a lawful and honest course of action. It seemed to have suited the purpose of his Excellency better to charge the disorders of the currency to what he was pleased to call the "visionary measures" of this Government. So far as the Executive is concerned, it seems that the banks are to be left to go on in violation of law and of all moral obligation, and to pay their debts just when they please. Surely, sir, there is nothing very visionary in this; as it is a palpable disregard, not only of every sound principle of legislation, but of every principle of morality and of common honesty. Of what the Legislature may do, we have some evidence from their first movement, which consists in repealing the law passed last session authorizing the issue of one and two dollar bills, subject to a forfeiture in case they should not be paid in specie. This removes all restrictions from the banks, and allows them to issue bills of the lowest denomination, and redeem them when they please.

Mr. N. said he believed he could safely assert, that no State had exercised any power over the banks since the suspension, or attempted to coerce them into a resumption. The banks have become supreme, they have become independent of the Legislative power, and of the will of the people. Their influence has been found irresistible, they have triumphed in all the States, and elevated themselves above the law.

Sir, is there nothing alarming in this state of things? In the existence of a power in this country, which is entirely independent of the regular constituted authorities—a self-constituted and self-existing power, free from all responsibility, and which acts by the most subtle and dangerous of all means, by operating on the interests and on the fears of the people? Have we not been told, sir, by that venerated man, who by common consent has been regarded as the Father of his Country, that all combinations or associations, in whatever form they may exist, assuming or exercising power in opposition to, or independent of, the constituted authorities, was dangerous to liberty. Whether such irregular, irresponsible, and independent power exists in the form of corporations, in a military force, or in factious combinations, or in any other form, it is equally inconsistent with all regular Government, and dangerous to freedom.

If the States have been subdued by the moneyed power, shall Congress follow their example, and yield to it also? Or shall we assert and exercise the power which belongs to the Legislature? Is it not our prerogative to decide when the banks shall resume, when they may be in a condition to do this, and when the public interest requires it? As our action is confined to this District, this question may not be deemed of much importance; but the principle is of vital importance, and he could not by any act, directly or indirectly, sanction the monstrous assumption of these corporations, that they can suspend payment when they please, and resume when they please, and that it belongs to them to say when their own interests and the public intereests require them to conform to the law, to comply with their obligations, and to pay their debts To renew the charters of these banks in their present condition, would be to sanction this doctrine, and to legalize their non-resumption.

But we are told by the Senator from Virginia, [Mr. ROANE,] that this bill contains a provision compulsory on the banks in regard to specie payments. The provision is, that they shall resume the payment of their debts in specie, when the banks in Baltimore and Richmond resume. He was not satisfied with this; it belonged to Congress to fix the time, and not leave it dependent on other banks; and it should be a condition precedent, so that the renewal of their charters should be made to depend entirely on their returning to a regular and honest course of business. If they can resume in a reasonable time to be named in the bill, it is their duty to do so; if they cannot resume, that is the best reason in the world why their charters ought not to be renewed for twenty years.

Mr. N. said that the considerations which he had heretofore submitted to the Senate against the renewal of the charters of those banks, were founded entirely on the fact of their present condition. But he had since learned other facts, which he thought the Senate could not overlook or disregard, when called on to decide on the renewal of their charters for twenty years. The facts he referred to, were the suspension of these banks, or most of them, in 1834, and their conduct at that time. They have twice suspended payment in a period of three years; and in the first instance, they were almost the only banks in the country that did suspend. Whether that suspension proceeded from political motives, whether they were controlled by a sinister influence, and were induced to co-operate with the Bank of the United States, in its gigantic efforts to create a factitious panic, or whether they suspended from weakness and necessity, he should not undertake to inquire. He called attention to the fact that they did suspend, and to their conduct during that suspension; whether it proceeded from one cause or the other, unless it could be satisfactorily explained, it would seem to be evidence of gross mismanagement.

When these institutions appear before us, and ask for a renewal of their lease for twenty years, they should come with clean hands; and it becomes our duty to look back, and see how they managed their affairs; how they have discharged the important trust committed to them; whether they have respected their charters, and performed their engagements to the public. If this was not proper, he saw no possible use in a limitation of charters. Is not the object of a limitation to hold them to a stricter accountability, by giving them to understand that the expiration of their lease would be a day of reckoning. If they have been faithful and honest, and have not violated their corporate privileges, it might be right to renew their charters, in preference to creating new institutions. But if they have been faithless, fraudulent, and have violated the law of their existence, it was proper that their affairs should be closed.

The question then is, sir, what was the conduct of these corporations, or some of them, in 1834, when they stopped payment? What explanation or excuse has been given for that act, which is in itself a failure, and a forfeiture of their charters? He had heard none; and if any existed, or could be given, he should like to be informed what it was. Is the stoppage of payment by a bank to be regarded as a slight offence? or is it to be regarded as an act which is a palpable violation of all its obligations and duty—which necessarily destroys its credit, depreciates its issues and its stock, and exposes the whole public to a serious loss?

But these corporations not only suspended in 1834 without any satisfactory excuse, but their conduct at the time, and afterwards, appears to have been most reprehensible. Having failed, and depreciated their own notes and stock, the directors, through the agency of brokers and others, appear to have gone into the market and bought up their own notes and stock, at a discount, in some instances, of fifty per cent. Whether such purchases were made for the benefit of the institutions, or of the directors, is not perhaps very material. If the directors were speculating for themselves, the objection is equally strong. The corporations can act only through their officers and directors, and must be held responsible for their conduct.

Is conduct like this in any way to be countenanced by the Senate? and can institutions which have been thus mismanaged have any claims for a prolongation of their corporate existence?

Mr. N. said, on examining this bill he was surprised to find that, although the capital of the banks was fixed at a specified sum, yet they were authorized to issue new stock. He could not understand what this meant, because the stock of a bank is supposed to be all taken up, and to be held by individuals; and when its charter is renewed, no new stock is to be created, unless the capital is enlarged. But the capital of these banks is not enlarged, and yet new stock is to be issued. This mystery is explained by the fact to which he had alluded, that a considerable portion of the stock had been purchased in, either for the benefit of the corporations or the directors, and purchased at fifty per cent. discount in some instances; and we are now asked to renew the charters of these banks, and raise the value of their stock to par. This would be a fine speculation for the managers of these institutions, or for the corporations themselves. How the plunder was to be shared was not very material.

Mr. N. said the facts to which he had referred were contained in a report made by a committee of the House of Representatives in 1836, to which he would beg to call attention. He would read some part of the report, which appeared to have been the result of a very elaborate and thorough investigation of the condition and management of these corporations, and refer to some part of the testimony derived from the directors themselves. It is stated in this report, that "in 1821 there were in the District of Columbia eleven banks, the capitals of which amounted to $5,214,641; of these, four, whose capitals amounted to $1,994,694, have since failed. At different periods at the time of their failure they had of notes in circulation, private and public deposites, the aggregate sum of $741,037 dollars. The committee have not had time to ascertain what proportion of these stocks was ever in fact paid in originally; neither do they know exactly what part of these deposites and circulation, if any, have been or will be redeemed; but from the price at which the obligations of those institutions have been sold in the market, it is not unreasonable to conclude that the United States (the deposites of which alone in these banks exceeded $450,000) and the people of the District have lost in capital, circulation, and deposites, *a sum exceeding one million seven hundred thousand dollars.*" So much, sir, for the first chapter in the history of banking in this District, by which it appears the Government and the people of the District have sustained a loss approaching two millions of dollars, by four banks, which have failed outright, and disappeared from the face of the earth. He would now call the attention of the Senate to that part of the report which relates to the banks whose charters are proposed to be renewed by the bill under consideration. "The other seven banks chartered in 1821 (all of which are now petitioning for a recharter) had originally capital amounting together to $3,279,629, of which they have severally purchased up to the amount of $1,258,887, and having now, in pledge, stock for debts to the amount of $205,488, which leaves actual capital paid in $1,815,252, being $1,464,376 less than the amount with which these institutions commenced operations. Here the committee must again say that they have not had time to ascertain precisely the sum for which each share of this stock has been purchased in by the several banks. That

would be a work of some labor, and without it an opportunity is not afforded to decide how large or how small is the amount of the speculation of those who hold the residue of the stocks of these banks; but it may be safely assumed, that where a large proportion of the capital stock of a bank has been purchased in by the institution, there has been gross mismanagement of its affairs. It is imprudent for a bank having notes in circulation to own or loan largely on pledges of its own stock; and it is indubitable, that large amounts of the stock of a bank, skilfully conducted, would not be so far below par that no purchaser could be found for it, when pledged to secure the payment of a loan at six per cent. but the bank itself.

"From the testimony of a respectable broker, to be found in the appendix, it appears that the stocks of two or these banks have sold as low as fifty per cent. below par.

"There were four banks in the District which suspended specie payments in 1834; one of them the Bank of Alexandria, has not applied for a recharter, and consequently, no means have been taken to ascertain the extent of the depreciation of the various obligations in the hands of the holders. At the time of its failure, its capital was $500,000, of which $115,565 had been taken by the bank in payment of debts. Its notes in circulation, its public and private deposites, amounted to $152,167. As this bank has not yet settled with the holders of its obligations, it cannot be said with certainty how much of this amount of property has been lost to the public, but we feel warranted in estimating that at least sixty per cent. of it, say $350,000, may be added to the large sums heretofore named, which have been taken from the profits of labor, and been absorbed by adventurers and speculators in currency and stocks. What amount of the stock or paper of the other three banks which suspended specie payments changed hands at a discount cannot be stated fully. It appears from the testimony of several witnesses who have been examined, and whose testimony is appended to this report, that large amounts of the stock and notes of these three banks changed hands at a discount of from fifteen to sixty per cent. And the committee regret to discover that several of the directors of those institutions, some of whom had, by their own acts, depreciated their obligations, entered the market, and purchased freely the stock and notes of the banks of which they were directors, at a discount, and then paid the paper thus obtained into the bank at par in discharge of the debts due by them thereto.

"The extent of these and other speculations in the currency of the four banks, may be measurably estimated, from the fact that they had in circulation and in deposites, at the time of suspension, six hundred and ninety-six thousand four hundred and seventy-one dollars; more than one half of which obligations, together with their stocks, changed hands in sixty days after the suspension, at an average of thirty per cent. discount to the original holder. A considerable proportion of the profits of which operations were made by the directors of those institutions, whose speculations were certainly reprehensible, as they were largely indebted to the several banks committed to their care, at the time of their respective failures, and had it in their power, by paying in current funds their own notes, to have postponed, and, in all probability, to have prevented entirely those disastrous speculations by which they profited so much while the community suffered so seriously."

Such, sir, appears to have been the conduct of the four banks now asking for a recharter, which stopped payment in 1834. By their own act, by their gross mismanagement, if not fraudulent conduct, they depreciate the value of their stock, and notes in circulation, and then go into the market, and purchase in their stock for the benefit of the institutions, at a large discount; and the notes are in like manner bought up by the directors at a discount, to pay their debts to the banks.

And these operations have not been to a limited amount only; it appears that the entire capital of the seven banks was 3,279,629 dollars, and that nearly one half of the whole was purchased in or pledged to the banks in 1836; that is to say, 1,464,376 dollars. This amount of the stock of these banks has been bought in at a discount in some instances of fifty per cent. and we are now called upon to recharter the institutions, and raise it to its par value. What must be thought of a bank which suspends payment and then buys in its own notes and stock? By their own misconduct they depreciate the value of their stock and notes, and then take advantage of their own wrong. The directors and officers of these banks knew their real condition; they knew the value of their notes and stock, but no body else could know. The stoppage occasioned distrust and alarm; whether the bills would ever be paid, or whether the stock would be worth any thing, were questions which no one but the directors and officers of the banks could decide, and taking advantage of this secret knowledge, they speculate in their own stock and bills at the expense of the rest of the community. Stock belonging to widows and orphans was purchased up in this way. He could not trust himself to speak of such conduct as he thought it deserved to be characterized, as he should have to use language which he did not wish to use. Contracts like these, it is well known, would be set aside in a court of equity as fraudulent and dishonest.

Mr. N. said he would now call the attention of the Senate to the testimony in the report in proof of the general statements he had read. William Jewell, who was a director of the Farmers and Mechanics' Bank of Georgetown, in answer to the inquiry whether he had dealt in the stock or notes of the bank during its suspension, says: "I did purchase. The bank failed during my absence in Baltimore. After my return, I told Mr. W. W. Corcoran that I wished to exchange property which I had for stock of the bank, if he should hear of any for sale. In a few days he told me that a widowed lady had stock worth, at par value, fifteen thousand dollars, for which we gave her houses and lots assessed at about eight thousand dollars. I purchased also of another person two hundred and twenty-five dollars' worth of stock, at fifty dollars in the hundred. During the last winter I also purchased three thousand seven hundred dollars' worth of stock, at fifty-six dollars in the hundred." This is the sworn testimony of one of the directors, who purchased nearly twenty thousand dollars' worth of stock at a discount of about fifty per cent. paying for most of it in real estate, which may have been over-estimated fifty per cent.

John Pickering, who was chosen a director after the suspension, says, in reply to an inquiry whether he had dealt in the stock of the bank: "I sold to a lady in Georgetown a house and lot, and took in payment two thousand nine hundred dollars' worth of stock at seventy-five in the dollar. I also exchanged property in Washington city, which had cost me less than twelve hundred dollars, for eighteen hundred dollars' worth of stock. This transaction also took place before I was a director. A few weeks ago I purchased of a broker $3,750 worth of stock, at fixty-six dollars for the hundred dollars. I have also received, during the last fall or winter, a small amount of stock in the Patriotic Bank at par, and of the Bank of Washington at seventy-five dollars on the hundred."

William Nichols says that he was in business as a broker in Georgetown, and that "late in the summer of 1834 I bought a small amount of stock of the Farmers and Mechanics' Bank at fifty cents in the dollar. I also bought a small amount of notes of the Bank of Washington and the Farmers and Mechanics' Bank of Georgetown at ninety and ninety-five cents in the dollar. I sold, at a small discount, the greatest proportion of the notes of the Farmers' and Mechanics' Bank of Georgetown to an individual, to pay a debt in the bank. I deposited also in the Bank of Washington its notes; and after the resumption of specie payments, I received specie or its equivalent therefor."

The testimony of William Prout, a broker in this city, is the most important. He says: "I dealt in the stocks of the Patriotic and Washington banks, and in the paper of all three of those banks. I bought stock of the Washington bank at fifty cents in the dollar, and Patriotic at seventy-five cents in the dollar. I bought paper of the Bank of Washington, and of the Farmers and Mechanics' Bank of Georgetown, at sixty-five cents on the dollar, and the Patriotic at eighty-five cents on the dollar. I purchased notes to an amount exceeding $80,000. I sold it again, but not to any officers of the bank; I sold them again to individuals to pay debts at the bank at a small profit.

"I made frequent sales to the directors" [this witness, said Mr. N. appears to make a distinction between officers and directors] "of the banks, at a small profit. Some was sold, I recollect, to Mr. Ingle, a director of the Patriotic bank, Mr. Edward Semmes, a director of the Bank of Washington, William A. Bradley, President of the Patriotic Bank, Jonathan Prout, and Samuel J. Todd, directors in the Bank of Washington, and Raphael Semmes, a director in the Farmers and Mechanics Bank of Georgetown. I kept no records; I speak only from recollection when our transactions were very heavy. To some of the above gentlemen I sold these notes, and took in payment their individual notes, at long dates without interest. I recollect that Mr. Smith, President of the Farmers and Mechanics Bank of Georgetown, and William A. Bradley, President of the Patriotic Bank, offered to exchange bills and notes discounted, or property of the bank, for any amount of their paper that I might procure. In the transactions between Mr. Bradley and Mr. Ingle, and myself, I think, though I am not certain, that there was no money passed. They gave me in exchange for Patriotic Bank paper, scrip of the Chesapeake and Ohio Canal Company, and due bills of the corporation of Washington. The scrip and the due bills were selling at that time for about eighty-five cents on the dollar."

Mr. N. said he had had but little time to examine this report, which he believed contained a mass of information tending to show the mismanagement of these banks in 1834. If he was not misinformed, it would appear in some part of the report that the bills of some of these banks were put into circulation after their suspension, and then bought up by directors at a large discount.

Mr. N. said, that in view of the conduct and mismanagement of these banks in 1834, and their present condition, he thought the better course would be to extend their charters for one or two years, to enable them to close up their concerns, and to establish such number of new banks as may be required for the wants of the District.

On the motion of Mr. BUCHANAN to amend the bill so as to require one dollar in specie for every four dollars of circulation and deposites, instead of circulation alone, Mr. NILES said the question raised by the amendment rendered it necessary to examine the principle already contained in the bill, which required a certain proportion of specie as the basis of the circulation. The soundness of this principle, and the reasons on which it rests, would, he thought, go far to decide the question of the amendment. This principle is not only one of great importance, but one about which there is great diversity of opinion. This diversity of opinion is not confined to those who essentially dissent in regard to the paper system; it is not a difference of opinion only between the ultra paper money men and the ultra hard money men, but it prevails among the opponents of the banking system. There are those, decidedly hostile to our existing banking and paper system, who feel the full force of the evils of our currency, and describe them in the strongest possible terms; who appear to look for a remedy for these evils by breaking down the monopoly principle, and removing all restrictions. They propose to apply to banking, in their utmost latitude, the principles of free trade. The free trade principles he was not disposed to controvert, (although he thought they had their limitations,) but the question is, how far are they applicable to banking, so far as that consists in manufacturing or coining money, putting it into circulation, and thus supplying the currency of the country?

Trade will regulate itself, and never flourishes well as when left open to general competition, and is free from all restriction. But will the manufacture and emission of *money* regulate itself, and especially when it is only a form of credit, and of no intrinsic value? Money composed of gold and silver, was it not for the facility of a fraudulent

adulteration of these metals, might perhaps regulate itself. The object of coinage laws is to guard the public against fraud, and to secure a uniform fineness and weight to the pieces of metal used as money, which it would be difficult and troublesome for individuals to ascertain. But how can paper money, which cost nothing, and can be manufactured to any extent, regulate itself? What principle of self-regulation does it possess? He knew of none. But those who apply the free trade principles to banking operations, consider that if the monopoly principle was removed, the paper issued by banks would not possess the character of money. If they were right in this, their conclusion would no doubt be correct, that banking should be left entirely free. But in that case, there would be no *paper money*, so that by this course of reasoning they do not establish the position that *paper money* will regulate itself. They only propose to destroy paper money, or change its character into commercial paper or credit merely. If such a change could be effected, the currency of the country would necessarily become metallic, and the paper issued by banks and bankers would perform no other function than that of commercial credit.

If such would be the effect of applying the free trade principles to banking, the result would be highly favorable, although it would not prove that a paper currency requires no legal regulation, and that it is capable of regulating itself.

In this view of the matter, the whole difficulty resolves itself into a mere question of *fact;* whether, under the principles of free trade, the credit or paper of banks would cease to possess the attributes and perform the functions of money? If it should, free banking would be perfectly safe and work well. But if it should still retain the character of money, so as to supersede coin, then free banking will not be safe, unless paper money can regulate itself, which he entirely denied, and regarded as a proposition false and absurd upon its face. In regard to the fact whether the emissions of banks and bankers, under the free trade principle, would acquire the character of money, so as to supersede coin, there was no room for doubt on the subject. The experience of our own and other countries fully establishes the fact, that such paper will acquire the character and be used as a currency, and supersede specie. The existence of chartered companies, and the monopoly principle, no doubt imparts to the paper of banks more readily the attributes and functions of money. Under the free banking principle, it would no doubt require more time to give to the paper and credit of a banking company the circulation and uses of money; still, however, it would acquire them, and would as effectually supersede and displace coin as is now done by the paper of incorporated companies.

The free banking system, therefore, rests on a position unsound in point of fact. Where the law *allows* of the emission and circulation of credit for the uses and purposes of money, it will exist, and especially in a country where the people have been accustomed to a paper currency. So great is the facility of circulating paper money in this country, that even the authority of positive laws is found almost incapable of restraining it. As paper money will exist, unless positively prohibited, it becomes the duty of the Legislature to attempt to regulate and restrain it, so as to keep it from running into excess, and to guard the community against a fraudulent currency. The error in regard to free banking, appears to arise from not attending to the distinction between paper credit which circulates and is used as money, and paper of a mere commercial character. If banks were restrained from issuing paper to be used as money, which usurps the place of the national coin, the free trade principle would no doubt be the true system of banking. But if by free banking is meant the unrestrained manufacture and circulation of money by any company or individuals who may choose to assume the trade of brokers and bankers, without any legal regulation, restriction, or safeguards whatever, then free banking is but another name for free and legalized swindling. It is no doubt the right of any one to make as free a use of his credit as he pleases—it is as much his property as his capital; but he has no right to use it as *money or currency*, as that does not belong to any individual—it is a concern of the State.

Whenever, therefore, the laws allow of paper money, in whatever form it may be created and circulated, it becomes the duty of the Government to regulate it so as to give to it security and stability as far as possible, to guard the public against frauds, and check and control its tendency to excess. Mr. N. said he had thrown out these ideas, as not inapplicable to the question before the Senate; for as long as such great diversity of opinions prevail among those who admit the defects and evils of our present banking system, in regard to the *remedy*, he saw little prospect, or even hope, of the country ever being relieved from the calamities of a vicious banking and paper money system. Assuming, therefore, that if Government authorizes a paper currency, it is its duty to attempt to regulate it, and protect the public against frauds and excesses, it becomes necessary to inquire what principles are important to secure this desirable object; and none, he believed, was more essential or fundamental than that requiring a reasonable specie basis to sustain the issues and credits of banks.

It is well known, as has already been stated in this debate, to be a rule with the Bank of England, to require one dollar in specie to every three dollars of their circulation and deposites. This bill requires one dollar in specie to four of circulation, if the amendment prevailed, it would require one in specie for four of circulation and deposites united. This is objected to on various grounds, as being too rigid a rule.

We are told by the Senator from Virginia, [Mr. RIVES,] that there is something peculiar in this District; that it is an isolated community, unrepresented; and that, from these peculiarities, rules which might be applicable elsewhere, ought not to be applied here, or ought to be relaxed in their rigor. He could not perceive the force of this argument. If the people are unrepresented, he should regard that as an additional reason why we should be more cautious not to expose them to the dangers of unsound and unsafe banking institutions, and the evils of a fraudulent currency. And if we look to the history of banking in the District, he thought we must be satisfied that there was at least as much danger from banks here as any where else. He hoped for the honor of the country, there was no other ten miles square with the same population, where there had been so many bank failures, or where the people had suffered so severely from the mismanagement and gross abuses of their banking institutions. He could not, however, admit that there was any thing peculiar in the District; it was like other places where there was but little capital and less trade; and the disasters which had befallen the money institutions here, were, no doubt, owing mainly to the great excess of banking capital which had been imprudently created.

But, having first denied the application of the rule in regard to specie to this District, the Senator finally seemed to doubt, if not to deny, the propriety of the rule itself. He tells us that the condition of the currency in England is very different from what it is in the United States; that one-half of their currency is metallic; and a much less proportion here; and on this account, he contended, that a greater proportion of specie to circulation would be required there.

Mr. N. said he believed the reverse of that was the truth. The more specie enters into the currency of a country in general circulation, the less is required by banks as a basis to sustain their paper issues. This results from the reasons of the rule requiring a certain proportion of specie to paper. What is that reason? The Senator from Massachusetts, [Mr. WEBSTER,] says it is to regulate the issues of banks, the principle of convertibility not being adequate for that purpose; and the Senator from Virginia [Mr. RIVES] says it is to impart to paper issues the capacity to expand and contract in the same manner as specie would do. These reasons are substantially the same, and both correct so far as they go, but they are only results of a principle which lies still deeper, and is one of more vital importance. It is a law of currency, that only a certain part or proportion of paper currency can be maintained in any country. What that proportion is, has not been established, and it would vary in different countries, and in the same under different circumstances. Still it is a settled principle, that a part only of the currency of a country, can consist of paper; as the idea of an entire paper currency is an absurdity. One important reason then why banks are required to keep a certain amount of specie, is to retain it in the country, and prevent the currency becoming entirely paper. But when the channels of circulation are one-half filled with coin, there is much less necessity for the banks which supply the paper to be fortified with specie, as they may obtain a supply, as they have occasion for it, from the general circulation.

It was said by the late Mr. Huskisson "that the circulation of one pound notes, and the convertibility of bank issues, could not coexist." The reason for this opinion is, that whilst the circulation of small notes would greatly increase the danger of runs upon banks, they would, at the same time, drive nearly all coin from circulation, and leave the country with nothing but a paper currency.

The importance of maintaining a proper portion of specie in the country was admitted by Alexander Hamilton, in his report in favor of the bank which was established in 1791. Among other objections to the banks, he notices this, that it would drive the specie from the country, and remarks that it is contended by many, that if such was the result, it would be of no consequence. He, however, does not admit the correctness of that opinion, but attempts to prove that the banks would increase capital, stimulate industry, and augment the exports, which would bring specie into the country rather than tend to drive it out.

But although it be true that the greater quantity or proportion of coin in general circulation in England would require less specie to be kept on hand by the banks, yet there are other causes operating there which do not exist here that might render more necessary. The notes of the Bank of England are a legal tender in all payments, except at the banks; they are made, by law, the standard of value, and to support that standard, they must have a strong specie basis: being treated as money in law, it must be nearly assimilated to money in fact, otherwise the standard of value would be altogether factitious and arbitrary; one which could not be maintained.

But whilst we are told that the rule in England would not be a proper one in this country, we are, at the same time, informed that there is no rule there in respect to specie, or that it is not regarded. It is said to have been departed from in 1836, when, instead of having nine or ten millions of bullion, which was necessary to maintain the proportion, the bank had but about four millions. This is true, but it is also true that the conduct of the bank was universally condemned by all parties; and their disregard of this rule of safety was alleged and believed to be the principal cause of the expansion of the currency, and the subsequent revulsion.

We are further told, sir, that the proportion of one to four of specie is unnecessarily large, and the condition of the banks in the United States in 1829 is relied upon in support of this position. It is said, on the authority of Mr. Gallatin, that at that time the banks had but one dollar in specie for eight of circulation, and asserted that our banks and currency were never in a sounder condition. That the banking institutions of the country were in a sound condition with so small a proportion of specie to their circulation, is utterly impossible. If the banks were then in a sound condition, and acting on sound principles, how has it happened that they so soon run down and exploded? If this statement is correct, they had less specie compared to their circulation than they had last year at the time of their explosion. The very fact that the banks have, in a few years, without increasing their circulation, as compared with their specie funds, beyond what it was in 1829, run down and exploded, is conclu-

sive evidence that they were then unsound, and conducted on unsafe principles. What stronger evidence can we have of the defect of this system than its total failure?

The honorable Senator from Virginia also says this is a new principle in legislation; that it has not been recognised in any of the States, except his own, the past year; and there, one dollar of specie is required to five of circulation. Such a restriction as that is a mere mockery, as no well-administered bank can keep up such a circulation. That this principle has not been recognised in the legislation of the States is true; yet it is by no means a new principle. It is as old as the existence of banks; for originally banks of circulation keep their entire capital in specie, and their issues were true representatives of it. This principle has been gradually departing from, and, within the last few years, it has been almost entirely disregarded in this country. And what is the consequence of this? Is it not to deprive the currency of all connection with specie, and to reduce it to the common standard of commercial paper? Paper which is to be used as a currency, must have some other foundation to rest upon than mere security, or the responsibility of the issuers. It is a substitute for money, performs the functions of money, usurps the place of coin, and must, in some degree, possess the qualities and attributes of specie. It must, to some extent, be a true representative of coin, otherwise it will soon depreciate and lose its character as money.

Mr. N. said he believed the explosion of the banking system the past year, was much more to be attributed to a general disregard of the principle of preserving a sound specie basis, than to the undue expansion of the issues. In times of real or apparent prosperity, not only individuals, but corporations, forget or disregard the ordinary principles of prudence and safety. It is the instinct of banks to make as much money as they can, and this leads them to invest their entire capital where it will be productive. The specie in the vaults of a bank earns nothing, and all of them were diminishing the quantity, regarding it as dead capital; and it had become a pretty general sentiment that this was the true course of conducting banks—to loan all the capital, on mortgages or other securities, and to loan all the deposites and circulation for paper having a short run, and to depend upon this paper to meet any demand against the institution. That this course would afford the greatest profits, cannot be doubted; and that a single bank might be safely conducted on this principle, if managed prudently, will not be denied, and especially if in the vicinity of a large commercial town, where it can dispose of its discounted notes or bills, in case of necessity.

But Legislatures must not look at the operations of a single institution; they must look at the system. One bank might exchange its own credit for the credit of individuals, and carry on a business of dealing in credit without any money, as it could sell its own credit, or the credit of others which it possessed, for money when necessity required it. There would, no doubt, be some hazard in a course of this kind in a single institution. But could all the banks in the country do this? Could they all reduce their business to a mere exchange of their own credit for the credit of others, and continue this without any specie funds? This would not be practicable for three months; and it was an approximation to this state of things that run down the system, and produced the explosion.

Sir, the banking system can never regain the confidence of the people of this country, until it is brought back nearer to its original principles, from which it has recklessly departed. Bank credits, which are circulated and used as money, must become in truth and fact the representatives of coin to a reasonable extent. If made the true representative and substitute of specie, in a reasonable proportion, it will have in a good degree the attributes of specie, the stability of it, and will contract and expand in the same manner as specie would, and be governed by the same laws.

But, Mr. President, the more immediate question now is upon what rule the specie shall be graduated—whether it ought to bear a certain proportion to the circulation, or the circulation and deposites united. This question can be decided by reference to the reason on which the principle rests requiring any specie to be kept by banks. That reason, as we have attempted to show, is, in addition to greater security, to impart to bank credits, which are used as a substitute for coin, the attributes of money; and to make them, in fact, the representatives of specie to some extent. The question, then, is, what are these substitutes? What bank credits are used in the place of coin? Are there no other bank credits but bank notes? If not, then the specie should bear a proportion to the circulation only. Such, however, is not the fact. The deposites are a part of the circulation almost as much as the notes. This is especially the case in all commercial towns, where most of the business is done by a transfer of the bank credits, consisting of deposites. The merchants deposite their funds in the banks; but they do not do this for the purpose of having them lie dead there, but for the express purpose of using them. They draw checks on their deposites, which circulate as a bank credit, and when finally presented to the bank, they are not paid in its bills, but the amount of the check is charged to the drawer, and credited to the holder, on the books of the bank. This is the way in which a large portion of the business in cities is transacted. And hence it is, that banks of large capitals and large aggregate deposites, in great commercial towns, have but a very small circulation. A rule, therefore, which should require such banks to have one dollar in specie for every three or four of their circulation, would amount to nothing at all, for the real circulation of such banks, is their deposites. Country banks have a small amount of deposites, and a large circulation; city banks, or those in commercial places, have small circulations, and a large sum on deposite. These two forms of bank credit, both perform the office of a currency, and are a substitute for coin: that being the case, it is difficult to see why the rule requiring specie should not apply equally to both?

If you adopt circulation alone as a rule, you do great injustice to the country banks, and require vastly more specie of them than of the city banks, whose deposites constitute their principal circulation.

It is not very material which rule is adopted, provided you assume one that operates equally and justly. To attain this end, is the strong reason in favor of combining the two kinds of bank credit which are used as a currency, as an element by which to regulate the specie. If the note circulation alone is made the rule, the proportion of specie should be greater.

Mr. N. said he would notice one other objection which had been urged, and conclude. It is said that to require one dollar in specie to four of circulation and deposites, will be too severe on the banks, and that they cannot live under so rigid a rule. He was far from believing this. It is true that during a limited period of successful business of two or three years, the banks may not be able to make as large dividends, but for a period of ten years, he believed their profits would be greater. How is it that with the enormous privileges enjoyed by banks, few have, for the last twenty years, earned more than six per cent. on their capital stock. They have the earnings of their entire capital, of all their deposites, and of their circulation, except the small amount of specie they keep in their vaults. And yet with these immense advantages they make to the stockholders only about the ordinary income of capital.

On the first of January, 1837, the circulation of all the banks in the Union was one hundred and fifty millions, and about one hundred and thirty millions of deposites, making two hundred and eighty millions, on which the banks were receiving interest over and above their capital. At this time they had less than forty millions in specie, and if that was deducted, would leave over *two hundred and forty millions of dollars, for which the public was paying them interest, in addition to their actual capital.* This would amount to more than fifteen millions of dollars a year. And yet, with this immense income over and above the use of their capital, the business has afforded little more than the legal interest to the stockholders. How is this? Why, it is easily explained. The fact that the banks are allowed to use their credit without limit, in times of prosperity, almost invariably causes them to act rashly and imprudently. They make loans incautiously to doubtful persons, and they loan largely to speculators, brokers, gamblers in stocks, and to encourage bold and hazardous enterprises. Whilst the steam is up, they make one or two large dividends, and then comes the revulsion, and the heavy losses thrown upon the banks. If they were limited in the use of their credit, they would act more cautiously, more steadily, and their business would be more profitable in the end.

There is another reason why the banks have not earned more for their stockholders, which is, that a large share of their earnings is squandered in salaries and expenses Does not the fact of the enormous salaries paid by banks to their officers prove, was there no other evidence of it, that they enjoy privileges which they ought not to possess? Is there not something manifestly wrong in the idea that a mere private corporation should be able to pay its officers one or two hundred per cent. more than is paid to the highest officers of the State from whence they derive their charters? The cashier of a bank receives two and three thousand dollars, and the Governor of the State, and the judges of the Supreme Court, perhaps one thousand. Is there not something wrong in this? Must it not have a pernicious influence on public sentiment? Is it not adding greatly to the power and influence of these institutions, to allow them such privileges as will enable them, combined, to control more patronage than belongs to the State, and to pay their officers one or two hundred per cent. more than the State can afford to pay? Is not this setting up the creature above the creator? Must it not have a pernicious influence on our free institutions?

If they were more restricted in their issues and earnings, had less profits, but those more sure and stable, they would be obliged to cut down the salaries of their officers, and other expenses, and it is highly desirable that all banks were compelled to do this.

But would the restriction requiring a proportion of specie equal to one-fourth of their circulation and deposites, be oppressive and onerous upon these banks? Let us suppose a bank of two hundred thousand dollars capital, with one hundred thousand dollars in circulation, and one hundred thousand in deposites: this bank would be required to have fifty thousand dollars in specie. It would have the earnings of its entire capital, and of one hundred and fifty thousand dollars of its deposites and circulation, which cost it nothing. It would be receiving interest on a capital of three hundred and fifty thousand dollars, when its actual capital paid in was but two hundred thousand. Such would be the immense privileges enjoyed by these banks, even upon the restrictive principle proposed to be incorporated into the bill. But, sir, the question is not one of profit to the banks, but of *safety* to the public. It is the first and important duty of the Legislature, in establishing a bank, and authorizing the circulation of paper money, to take care that *the public shall be safe;* and if this cannot be done consistent with the interests of the banks, then the system is bad, and should be abandoned. He believed, however, there was no difficulty on this point: the banks will continue to make their profits; the only difficulty is to throw around them sufficient guards to afford security to the public. He hoped the amendment would be adopted, and that the true specie principle would be incorporated into our banking system, so far as Congress has any jurisdiction over the subject. How far our legislation would be respected by the States, or influence their action, he should not stop to inquire. He did not propose to make model institutions here, but if called on to establish banks for the District, he wished to establish them on sound principles, and if this was not attained, no bill could have his vote.

TREASURY NOTE BILL.

SPEECH OF MR. JONES,
OF VIRGINIA,

In the House of Representatives, May , 1838.—On the bill to authorize the issuing of Treasury notes to meet the current expenses of the Government.

MR. SPEAKER: I rise, sir, to ask the indulgence of the House, while I shall undertake to assign the reasons which induce me to give to the bill, now under consideration, my support; and, in doing even this, I am departing from a rule which at a very early period of this proceeding I had laid down for the government of my own conduct. I had believed, sir, that the best service it would be in my power to render my country, at this time, was to consume as little time as possible, in order to enable us to act promptly, and speedily, upon the bill before us. Nor should I be disposed now, for a moment, to depart from my original determination, but rather have remained a silent spectator of the scene that has been acting around me, had it not been for the course the debate has taken, and which seems to render it necessary, on the part of those at least who are members of the committee from which this bill was reported, that the grounds of their action should be fairly and frankly presented to the House, and to the country, in order that all may have afforded to them an opportunity of judging of its merits.

Sir, I should feel that I was recreant to the trust confided to me, and unworthy of the place I hold here, if I could set tacitly by, and tamely submit, without explanation or resistance, to what I have heard in the course of this debate. Sir, what have we witnessed? An honorable member from Tennessee, [Mr. BELL,] has made a labored argument to prove that this bill is calculated to mislead and deceive the public mind; that in effect it is to operate as a deception and fraud upon the public. Sir, when this extraordinary declaration was made by that member, I sat in anxious expectation to hear so grave a charge sustained by as grave reasoning, based upon proof, which would be clear, strong, irresistible, incontrovertible. But in what did his proof consist? Not in facts which applied to the bill itself, which is identical in principle with that passed at the last session of Congress, after the most minute investigation, mature reflection, and full debate; but in his own naked declaration that the title to the bill is deceptive! Sir, as to the title, I candidly confess that my attention has never been drawn to it for a single moment; indeed, I never spent a thought upon it until I saw it taken hold of in this House, and relied upon by honorable gentlemen as a ground of attack upon those who have been instrumental in reporting it; and without pretending to know the reasons which influenced the framer of the bill, and the author of its title, to adopt the phraseology which he has, I presume that he, looking to what was intended by Congress at its last session, considered that it was the object of the former bill to give to the Goverment the use of ten millions of dollars of Treasury notes, up to the full end and close of the present year; and perceiving that such was not the effect of that law, but, on the contrary, that we have now returned into the Treasury, and cancelled, about six millions of those notes, he very naturally concluded that what was intended by the bill of the last session was not in fact done; and hence he adopted the following as its title: "An act to carry into effect an act approved the 12th day of October, 1837, to authorize the issuing of Treasury notes."

Mr. Speaker, the members of the Committee know too well the character of the Opposition in this House, to have attempted so shallow an artifice, if, under any circumstances, they could be capable of resorting to artifice at all; an Opposition which can find nothing that proceeds from this Administration or its supporters to approve, but every thing to condemn. They know that no such thin and gossamer covering as a deceptive title to a bill, could ever conceal the perpetration of a fraud upon the country; and yet the argument is, to prove that an attempt is made to place this question before the country in a point of view calculated to mislead and deceive the public mind. Sir, does not every man know (and none better than the honorable member from Tennessee) that the title to this, as well as every other bill that comes up for consideration, is at all times under the control of the House, to be altered and amended at its will and pleasure? And I doubt not I express the sentiments of every member upon the Committee friendly to the bill, when I say that there would have been no objection on the part of any one of them to any proper amendment which should be proposed, better suited to the taste of honorable gentlemen, come from what quarter it might. But the people are to be imposed upon, it seems; and imposed upon by the mere reading of the title to a bill!

This is taking it for granted that, while they are able to read the title, they have not intelligence enough, but are too grossly ignorant, to understand the body of a bill just ten lines in length! Sir, I will not dwell upon this frivolous objection. It would be insulting to an intelligent people.

Mr. Speaker, we are all here, I apprehend, doubtless in quest of truth. I am sure it is the anxious desire of all gentlemen, of every party, to obtain correct information, to enable them to act understandingly, and with a view to promote the best interests of our common country. I feel, however, that I am circumscribed, very much so, in the remarks I have to submit to the consideration of the House; but I trust I shall not be found violating your rules of order; intentionally I never shall. I propose, sir, to discuss this question upon proofs, and not upon mere assertion, or loud and empty declamation. It is upon the proofs alone I shall rely, in the confident expectation that I shall satisfy all, who may not have been convinced before, if there be such here, that this Government has the most ample means to redeem all its obligations; and although they may not be all available in the course of the present year, which I shall not insist upon, yet that it has ample means to redeem all its obligations, and that, too, before there can be any call upon it under the law now proposed to be passed. This induces me to look back for a single moment to days gone by; for it is sometimes useful to refresh our memories by recurring to the past, even if it be not very remote, and although it may be at the risk of involving honorable gentlemen in inconsistency.

It will be recollected, sir, that at the called session of Congress, in September last, the finances of the Government were scanned with the closest possible scrutiny; yes, sir, by eyes that looked to it for the express purpose of proving the ability of the Government, in a pecuniary point of view, to carry out the provisions of the Deposite act of the 26th of June, 1836. It cannot be so soon forgotten that it was then maintained that the condition of the Treasury was such as not only to enable the Secretary to meet the current demands upon it, and to pay over the fourth instalment, but that there would then remain some millions of dollars of surplus beyond the legitimate wants of the Government. These were the views then entertained, and acted upon, by those who now oppose the passage of this bill; and by none were they more strongly urged and sustained, on that occasion, than by the honorable member from Tennessee, [Mr. BELL,] who sits before me; but who now maintains, while the same state of things exists, the very reverse of the proposition which he then labored to establish and to prove.

A strange alteration of opinion this, Mr. Speaker, in the space of a few short months! Then the gentleman could demonstrate, to his own satisfaction at least, that there were millions upon millions in the Treasury over and above the nine millions for the States—over and above all the necessary expenses of the Government—to meet its legitimate wants, and over and above our extraordinary expenses on account of Indian hostilities; but now, alas! the scene has changed, and the same gentleman has made a labored argument to prove that there is nothing, no, not a solitary dollar, not even in expectancy, in the Treasury, to meet the legitimate wants of the Government, but that there will be at the end of this year an actual deficiency of about eleven millions of dollars.

"*Tempora mutantur, et nos mutamur in illis.*" "The times have changed, and we change with them." [Mr. BELL, in an under tone, I have not changed.] The gentleman informs me that he has not changed. I can only say, sir, that his ground is changed, his argument is changed, and his results are changed, and that to the tune of some twenty or more millions of dollars. This may be no change. The honorable gentleman may not regard it as one in these ever-changing and changeable times, and perhaps, therefore, I ought not to have adverted to it. But the majority of the two Houses of Congress, entertaining a widely different opinion from the one expressed by the gentleman at that time, upon this subject, deemed it expedient to pass an act withholding from the States the fourth instalment of deposites; and satisfied oo, that, even with that aid, the available means of the Government would be insufficient to meet the ordinary demands upon it, they furthermore authorized an issue of ten millions of Treasury notes, not, be it remembered, because the Government did not possess abundant means to meet all the demands upon it; but because, amidst that universal embarrassment which had extended itself over the whole mercantile community, embracing the banking institutions of the country, it was scarcely to be hoped that the several amounts held on deposite by the banks, and due from merchants on duty bonds, could be made available to the Government without greatly increasing those embarrassments which all were anxious to mitigate. Sir, at that time, all eyes were turned to Congress, anxiously looking for and awaiting such relief as would, through the ordinary channels of legislation, be extended to what was every where represented to be a suffering community. An anxious desire to fulfil this expectation, so universally indulged in, led to legislation, both towards the banks which had been selected as depositories of the public money, and the merchants whose duty bonds had fallen due, and were about to fall due, which, as we all know, placed, for the time, beyond the reach and control of the Government some eleven or twelve millions of dollars, due from the deposite banks and from merchants. It will be recollected that the provisions of one of these laws gave to the merchants an extension of nine months to pay their bonds, making the whole credit twelve and fifteen months, instead of three and six months, as provided by the then existing laws; and that the law in reference to the banks, gave to them an extension on their liabilities to the Government of one-third until July next, one-third until January next, and the balance until the first of July, 1839.

And now, with a view to further explanation, I am led naturally to inquire, what was the amount thus rendered unavailable by this indulgence granted by the Government itself, by our own legislation; legislation, designed and intended for the sole aid of its debtors, whether individuals or corporations. By reference to the report of the Secretary of the Treasury, it will be found that there were—

In the deposite banks, subject to draft on the 1st of January - -	$5,411,364
Due on account of merchants' bonds, say - - - - -	6,000,000
The report was, at first, necessarily imperfect, from the returns not having come in, and the amount is there set down, at only $4,000,000 but it is since ascertained to be largely over $6,000,000. The returns, however, are still incomplete, and the amount will probably be found to approach nearer to $9,000,000.	
	$11,411,364

Being, as you will see, sir, in round numbers, eleven millions and a half of the Government's resources, placed beyond its control, by its own legislation, for the relief of its debtors; legislation too, be it remembered, *subsequent* to the passage of the Treasury note bill, on the passage of which, if indulgence was anticipated, it was not expected to extend beyond the limitations of that act, viz: the 31st of December next.

But we have been told, in the course of this debate, that the issue of ten millions of Treasury notes was intended to supply the deficiency occasioned by the indulgence extended to the merchants and the banks. Sir, it was so intended; and, permit me to add, that there existed at that time strong reasons to believe that that aid extended to the Government by means of those Treasury notes, would have been just as effectual to enable it to meet all demands upon it, as if the amount due from the banks and merchants had been paid up to the last dollar; but owing to circumstances, over which this Government could exercise no control, over which the legislation of Congress could exercise none, this then reasonable expectation has been disappointed. And how, permit me here to inquire, has it been disappointed? Why, we all know that, in consequence of the general suspension of specie payments by the banks, in connection with other causes, which the limits of this debate do not authorize me now to examine, it had the effect of depressing the Treasury notes from an eighth to a quarter, and half of one per cent. below the value of gold and silver; and, as nothing could be received in payment of the public dues but gold and silver or Treasury notes, the certain and inevitable consequence was, growing out of that anxiety which every man feels to protect his own interest, and pay his debts in the most convenient mode, and with the smallest amount of money; I say, sir, the consequence was that, in the cities of New York and Philadelphia, points at which we collect, I believe, full one half of the public revenue, they sunk below specie par, and were consequently paid into the Treasury almost as fast as they were issued, redeeming, to be sure, the exact amount of Treasury notes returned, but bringing into your Treasury nothing that could be available to meet the ordinary demands upon the Government. Now, sir, had these Treasury notes, as was then expected, been spread over the whole year, coming back in something like equal proportions, the means furnished by them, together with other resources, would have enabled the Government to take up much the larger part of them, or at any rate have left but a very small amount indeed to be redeemed at the time when the provisions of the law would have expired. I say, sir, this would have been the result, the inevitable result; but, instead of that, nearly six millions of the amount were redeemed in the first four months of the year: because, as they came back, and were canccelled, the amount so returned and cancelled was equivalent, *pro tanto*, to applying thus much of the resources of the Government to their redemption.

Now what does this bill propose? We have heard it reiterated by the honorable member from Massachusetts, [Mr. ADAMS,] that we have borrowed ten millions last year, and that we now seek to borrow another ten millions by this bill. Yes, sir, it has been sent forth to the world, that we are for borrowing twenty millions; when there is not a single paragraph, or line of the bill, in virtue of which there ever could be more than ten millions outstanding at any one time. If you choose to call it borrowing, it was originally but ten millions, but as about seven millions (including seven hundred thousand dollars of them, returned and cancelled during the last year) have been redeemed; it is, so far as the former act was concerned, and by the present circumstances, growing out of its operation, a debt of three millions only; that being the amount now outstanding. And what do we now propose? Not to issue a new batch of Treasury notes; but to pass a bill by which you will put it in the power of the Government again to issue the same amount which was authorized by the act of the 12th of October, 1837, as they shall be returned to the Treasury and cancelled, and as the exigencies of the country may require; and thus to anticipate, and for a short period only, its own means by which it will be enabled very soon to redeem the whole of this debt.

Mr. Speaker, I have said that the means of the Government are ample to meet all its liabilities; and how does it appear? I speak now from that condemned, that much abused communication of the President of the United States, sent to us on Friday last, consisting of some fifteen or twenty lines. What are we therein told, sir? That there are on deposite with the States $28,000,000, and more than $15,000,000 due from individuals and banks; and he might have added that, at the close of the present year, the accruing revenue from customs and the sale of public lands, would amount to $15,000,000 besides, making an aggregate of some $58,000,000. Sir, I feel that I should be careful when I rely upon this communication of the President, after the remarks that have fallen from the gentleman from Tennessee, [Mr. BELL.] I know that I should rely with great caution upon any statement which the President of the United States may deem it proper to make to Congress; for what have we heard from that honorable gentleman? Why, he has said, in round and unmeasured terms, that this was gross and unwarrantable dictation to Congress on the part of the President. It would seem, then, that it is gross and unwarrantable dictation for him to undertake to make to us a communication of the fact that the Treasury is upon the verge of becoming unable to meet its liabilities, and in that communication to recommend what he deemed expedient for the best interests of the country. Sir, it may not be unimportant for us to bear in recollection the fundamental law of our land. It may not be amiss to read the article in the Federal Constitution, bearing upon this subject, for the purpose of seeing the duties imposed by that sacred instrument upon this high officer. We shall there find his duty so clearly and plainly marked out and defined, that he who runs may read.

Let us, then, go back to the Constitution, and see what this act of his is that has drawn down upon him this heavy and unmitigated denunciation. That instrument prescribes, in the second and third sections of the second article, that "he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices;" and, having done so, "he shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient:" not that *he may;* but here is the more forcible and imperative word, *shall*, in the Constitution itself, which has been so strongly objected to, and so severely criticised, by honorable gentlemen in another part of this debate. Yes, "*he shall*," from time to time, give to Congress information of the state of the Union, *and recommend to their consideration such measures as he shall judge necessary and expedient.*" The President has no choice about it.

The people have placed him in the station he occupies, and here are the duties imposed upon him by the Constitution. It "shall" be his duty, to do what? "Recommend to their [our] consideration such measuees as he shall judge necessary;" the very thing, sir, the President has done, to the spirit and the letter. And yet, while, as we have seen, he is pursuing but the strict and straight line of his duty, and when he would have been criminal if he had failed to do what he has done, he is to be denounced and held up to the world as a dictator, and have the finger of scorn and contempt pointed at him, for the performance of the very task imposed upon him by that Constitution which he has sworn to support! But I will not dwell longer upon this subject.

Mr. Speaker, it has been remarked further, that this communication was an attempt to deceive. Sir, not only are your committees charged with an intention to deceive, but your heads of departments also; and when the President himself, in the performance of his high duty, faithfully discharges it, the same charge is also reiterated against him. It is done to deceive the people of the country, is the allegation. How is it made out? Why he has told us that there are twenty-eight millions of dollars on deposite with the States, and more than fifteen millions due from banks and from individuals; and this, a fact susceptible of demonstration to all, is the head and front of his offending. Let us see then how it stands, and if there be any ground for the charge; for I agree that the President's high station ought not to shield him, if he has been guilty. But, sir, if I can prove, as I feel assured I can, that there is not the slightest foundation for the charge, then, I think, it must be conceded on all hands, that it was alike ungenerous and unjust to make it. Sir, have we, or have we not, $28,000,000 on deposite with the States? Will any gentleman here deny that? Is there a man in this House who will rise in his place and tell me that the fact is not so? Have you distributed it finally? Was there a man who, at the time the deposite law was passed, maintained that it was designed as a distribution among the States?

[Mr. WISE, in an under tone. It was so intended.]

It may have been so intended by some who voted for it; but certain I am, they never avowed it; for if they had, I doubt very much if one-half the men who sustained it would ever have recorded their votes in its favor.

Mr. WISE. I avowed it.

Mr. JONES. My colleague informs me that he avowed it; and I am sure he did, because he says so.

Mr. WISE. My colleague misunderstands me. I voted *against* that bill; but nevertheless, I avowed it to be the intention of those through whose agency it was passed; and I did not hear it contradicted.

Mr. JONES. The very thing, sir, I was urging. I said that those who advocated that bill never intimated that it was for a positive and final distribution of the surplus. I know there was an impression that some of those who voted for it believed that to be the intention, but they never avowed it; and that but confirms my position, that if they had, the measure never would have been adopted. Then I presume it will not be denied that we have $28,000,000 on deposite with the States.

The next item in this communication in which deception is charged, is where it sets forth that there are $15,000,000 due to the Government from banks and individuals. Sir, is this true or false? Has the President told the truth or not? Let the question be answered by facts and not by argument; for argument is not needed where we have to deal with facts like these. Here, then, sir, are the facts, which speak conclusively, and must bring conviction to the mind of every man who examines them. In the deposite banks on the 1st January - - - - $5,411,364
Due from merchants, say - - 6,000,000
Bonds of the Bank of the United States, say - - - 7,000,000
$18,411,364

Or put the merchants' bonds at even four millions, deducting the amount ascertained since the previons returns, and the President's estimate, or statement of our resources, is still below the actual amount due. Sir, the statement was true to the letter; and yet, for having told this plain truth, to enable us to come forward in a becoming spirit to aid our country, and rescue it from temporary embarrassment, he is held up to the people and denounced for having furnished statements which are not to be relied upon.

The honorable member from Pennsylvania, [Mr. SERGEANT,] in noticing the remarks of the chairman of the Committee of Ways and Means, in which he stated that the time was rapidly approaching when candid and intelligent men would do justice to this Administration, for its firmness in rejecting the counsels of fear, and disregarding the denunciations of frenzy—for its elevated patriotism in sacrificing temporary popularity to preserve the sumpremacy of the laws, and the permanent welfare of the Union—characterized that period as constituting a new era in the history of this Government.

Sir, the gentleman's new era is already ushered in upon us, to be commemorated, I presume, by the arguments which I am now attempting to answer; in which truth is made to mean falsehood, and open and fair dealing knavery and fraud. It is indeed a new era when such perversions are given to facts, and facts, too, in reference to which sophistry itself cannot possibly mislead the judgment. When the Secretary of the

Treasury makes a communication to this House, it seems, too, that he "stumps" every body, from the venerable member from Massachusetts, [Mr. ADAMS,] down to the most beardless among us. Some gentlemen say that his communications are mysterious and obscure, others that he cannot write grammar, others again that he cannot cypher, in short, that he is the merest dolt in the world. But when, as now, a rather more laconic communication is transmitted to Congress, one that presents the question as clear as a sun beam; when the President speaks, and tells you what no man can misunderstand; why then, forsooth, there is knavery and fraud at the bottom. Your Secretary cannot be understood by any body, and the President is endeavoring to practice a fraud: and, strange as it may appear, this is urged here by members in the Congress of the United States, intended to go forth to the people of this country, and to be relied upon as true.

Sir, permit me to say this is drawing largely indeed, upon the credulity and ignorance of the people. But I will proceed. Taking, then, the amount due from the States, and the amount due from the merchants and banks, and estimating (which is a low calculation) the accruing revenue of the current year at $15,000,000, we have an aggregate of resources of $58,000,000 under the control of the Government. But I will narrow the question still further, and come down to the resources of the Government for the present year only; and how stands that account? I solicit attention to this statement, because I have prepared and tested it with much care, and if I have fallen into any error, I am open to correction; for it is far from my wish, even inadvertently, to mislead any one. I am aware that statistics are dry things, and do not suit the taste of every one; but from them we derive many of our best lessons of instruction, and they are indispensable to lead us along the unerring path of truth.

Resources of the Treasury for the year 1838.

Balance in the Treasury on the 1st of January, 1838		$500,000
To be received in 1838, from Deposite banks, by drafts and bonds,	$2,400,000	
United States Bank bond,	2,300,000	
Postponed merchants' bonds, say	6,000,000	
but believed to be 9,000,000		10,700,000
Revenue from customs and lands		15,500,000
Treasury notes, to be authorized by the bill under consideration		10,000,000
		$36,700,000
Outstanding appropriations at the end of 1837		16,000,000
New appropriations for 1838, ordinary and extraordinary		26,000,000
		$42,000,000
Off, for appropriations which will remain unexpended at the end of the year, estimated at		11,000,000
		$31,000,000
Balance of resources over expenditures		5,700,000
		$36,700,000

I think it proper here to remark, that in this statement I have not charged upon the resources of the present year those Treasury notes which are now outstanding, because the amount expected to come into the Treasury from postponed merchants' bonds will probably exceed the sum above stated by an amount which will be sufficient for their redemption. These, then, are the plain facts which gentlemen are so puzzled to hunt up through the reports of the Secretary, and to understand after they have been found. There is really no difficulty about it.

You will perceive, Mr. Speaker, that I have not attempted to prove or to maintain that the means of the Government will be sufficient, at the close of the present year, to redeem at once all the Treasury notes authorized to be issued by this bill, but that they will be sufficient on the day when, by the terms of the bill, they are redeemable, to wit: on the 31st day of December, 1839. On the 31st day of December next, if I am right in my estimates, you will have in hand for that purpose $5,700,000; and on the next day, the 1st of January, 1839, another instalment from the deposite banks, amounting to one million and a half, falls due; making the available means the day after the bill of the 12th of October, 1837, shall expire, over seven millions of dollars. And, sir, what other means have we? Extend your inquiries but a little farther, and you will find that in the next year you have another instalment falling due from the deposite banks of more than a million and a half, and another bond of the Bank of the United States for $2,400,000, making, together, an additional sum of $5,600,000; which, added to the other sum of $5,700,000, makes together, of available means, $11,300,000, to redeem the $10,000,000 of Treasury notes authorized to be issued by this bill. After this, will gentlemen tell me there are no means in the Treasury. If they are not satisfied, will any one point out to me the errors of this statement? And yet we are told not only that there is not a dollar in the Treasury, but the gentleman from Tennessee avers it as his opinion that there will be a deficiency of eleven millions of dollars at the close of the year.

Mr. BELL explained that the Treasury notes, being made receivable for the public dues, would create a deficiency to that amount.

Mr. JONES. True, sir, they are made receivable in payment for the public dues; but that does not alter the case, because each note returned to the Treasury redeems that much of the debt of the Treasury. But let me tell the gentleman that the strong probability is, that they will not find their way back into the Treasury as fast as they have heretofore done, now that the banks are beginning, in despite of all efforts to prevent it, and in despite of all impediments thrown in their way, to resume specie payments. Let them but continue, as now, at specie par, or rise above it, as they have done to the South and Southwest, and you will not see one-half the amount come back, notwithstanding they are made receivable for the public dues.

But, say gentlemen, we are to go into the revenue of next year. True; and what do we go there to get? Why, the revenue that will fall due next year, a part of which has been postponed from the last year by our own legislation; and because we do so, we are told we have not the means on hand. Be it so: I have shown why we have not. I repeat, it is because of the indulgence which has been extended to the merchants and to the banks.

I think, sir, I must have succeeded in showing, should this bill pass, without touching the deposites with the States, there will be of actual means $36,700,000. And what is our situation with these means, and these resources, to relieve ourselves from difficulty? Why, we are informed by the Secretary that, on Friday last, there was only about half a million of dollars in the Treasury subject to draft. Now, if gentlemen will bring themselves to reflect, but for a moment, upon the daily demands upon the Treasury, increased, as they must necessarily be, immediately after the passage of the heavy appropriation bills, at the present session of Congress, they will concur with me in the opinion that we are fast hastening to a day on which we may find ourselves without a dollar in the Treasury to meet the demands upon it, and to maintain unbroken the faith and honor of the Government; a state of things that I have been anxious to avert, and which, if I thought now that I was contributing to produce, I would, without one moment's delay, close what I have to say on the subject before the House.

To relieve the Treasury from this state of embarrassment, two schemes have been proposed: one submitted to our consideration by the Executive branch of the Government; the other by those who stand politically opposed to this Administration. The first proposes an issue of Treasury notes, with a view to anticipate, for a short time, the means of the Government, which I think I must have shown are ample to redeem them. The other contemplates what appears to me a permanent loan. The one will furnish prompt and immediate relief, and put it in the power of the Government to meet the demands upon it without delay, and maintain its faith and integrity inviolate; the other may, or may not do this: time alone will disclose. But But we are met at the threshhold with a declaration that it will not do to issue Treasury notes, because they were recommended by the Executive, and such a recommendation is an act of dictation on his part. That charge has been met already, and, I think, refuted. In the course of this debate, it has been said by an honorable member from South Carolina, [Mr. THOMPSON,] that he would appeal from the ignorance and folly of this administration to the better days of the Republic; that he would go back to the periods when Mr. Gallatin and Mr. Dallas were at the head of the Treasury, and who, he informs us, not only never recommended such measures, but steadily opposed them. Sir, we have here grave and serious charges again. Let us examine them. The days alluded to, when Mr. Gallatin was Secretary, were the days of Thomas Jefferson; and what, allow me to inquire, were the opinions entertained by Mr. Jefferson? They will be found in his letter to John W. Eppes, dated on the 24th of June, 1813; Jefferson's Works, vol. 4, p. 199. He there says: "If Treasury bills are emitted on a tax appropriated for their redemption in fifteen years, and (to insure preference in the first moments of competition) bearing an interest of six per cent. there is no one who would not take them in preference to the bank paper now afloat, on a principle of patriotism as well as interest; and they would be withdrawn from circulation into private hoards, to a considerable amount. Their credit once established, others might be emitted, bottomed also on a tax, but not bearing interest; and if ever their credit faltered, open public loans, on which these bills alone should be received as specie. These, operating as a sinking fund, would reduce the quantity in circulation, so as to maintain that in equilibrium with specie."

When was Mr. Dallas Secretary of the Treasury? During the administration of Mr. Madison. It is true that Mr. Dallas was opposed to the issue of Treasury notes; but what thought the President of the United States, and the two Houses of Congress at that day? Why that Treasury notes must issue. There was then no constitutional impediment in the way, and every consideration of expediency demanded that they should issue; and the reasoning of the Secretary had to yield. We know that at that dark and gloomy period of our history, several bills for the issue of Treasury notes were passed by both branches of Congress, all of which were approved by the President, he having, doubtless, first satisfied himself that there was no constitutional impediment in the way. By the act of the 30th of June, 1812, $5,000,000 in Treasury notes were authorized to be issued. By the act of the 25th of February, 1813, $10,000,000 more. By the act of the 4th of March, 1814, $10,000,000 in addition. By the act of the 26th of December, 1814, $7,500,000; and by the act of the 24th of February, 1815, $25,000,000 were authorized. And are we, with these facts before us, to have the opinions of Mr. Gallatin, and Mr. Dallas, held up as our only guides, and wholly disregard the opinions of the President and of Congress at that same period. Nay, more: have we not the authority of this Congress in direct support of the measure, upon a bill which passed at the last session identical with this, both in principle and details, and which became a law after minute investigation, mature reflection, and full debate? But now, forsooth, we are told that the same measure is characterized by the ignorance and folly of this Administration! Sir, I would as soon expect to see the mountain fortress of Gibraltar itself crumble into ruins under the attack of that honorable gentleman, made with pocket pistol in hand, as to see the intelligent people of this land withhold from the President their confidence in his intelligence, integrity, and patriotism, by the employment of such a rabble of words. One is about as likely to ensue as the other.

My colleague [Mr. MASON] has also relied upon

the opinions of Mr. Gallatin and Mr. Dallas; and in further illustration of my own views, allow me to advert for a moment to the period at which these opinions were entertained and expressed, and take a brief review of the circumstances in which the country was placed at the time this measure was opposed by these gentlemen. Did you then want temporary means only? No, sir: the war was fast drawing to a close, leaving us involved in a debt of many millions of dollars beyond our existing or immediately prospective resources to pay; and with all the talents and energy of preceding Administrations, has never been discharged till within the last four years. But because it was then deemed inexpedient by Mr. Dallas to issue Treasury notes, does it necessarily follow that it is never proper to do so? That would seem to be the argument. Why, to have issued them then would indeed have been as has been remarked by my colleague, [Mr. MASON,] borrowing from hand to hand. He, however, is of opinion that, if we have to borrow, we should never borrow like "mendicants," but do it like men of capital and credit, taking a good round sum, and holding on to it for a good long time; and I think he gave us some account of what should in like circumstances be done by us in private life. Sir, illustrations drawn from private life, often afford us principles and guides for public policy; and let me ask, what should we think of a man who wanted a thousand dollars for six months, and should go on my colleague's scale of a man of credit and fortune, to borrow double that amount for an indefinite period, when he had no earthly use for it longer than for six months? I doubt if any of us who consider ourselves prudent men would ever act upon that principle in our own case. Here the amount will only be required for six, nine, or twelve months at farthest, and we are told that the only mode in which this should be done is to act "above board," and borrow the money for six years or a longer period; almost as many years as we need it months, so that we may have the gratifying reflection of keeping in mind that we have got the interest to pay on it for years after we have no possible need of the principal, and when it has even become a burden upon our hands!

My colleague [Mr. MASON] urges another objection to this bill, on the ground of expense. It is said that it will be more expensive than the negotiation of a loan. How does he make that out? Why he undertakes to show that the appropriation made in the bill of the last session for the purchase of plates and the hire of clerks is more than would be required to effect a loan. I suppose the most expensive item, that of engraving the plates, need not be incurred again, for the old ones will answer the purpose; and the remaining expense will be the hire of four clerks. But if a loan be adopted, suppose it should then turn out that the money cannot be obtained: and we have very recently heard deep lamentations to that effect from almost every quarter. I say, suppose it shall turn out that we shall not be able to procure, in this country, ten millions of dollars in specie, or its equivalent; what then? Why, we shall have to send a responsible agent to England, or to the continent of Europe, to negotiate a loan. I know not what such a gentleman's services would be worth in our Government, for among our plain Republican people we know very little about these matters; but I apprehend the Bank of the United States could give us some information on the subject, as that has occasionally sent persons to foreign countries on such business; but what is the rate of compensation for such service I have no knowledge, though I should think a good round lumping fat fee. If then this account be balanced on the score of economy alone, it will, I think, be found decidedly in favor of the measure proposed by the bill now under consideration.

An honorable gentleman from Pennsylvania [Mr. SERGEANT] objects to this bill, on the ground that it proposes another issue of continental paper money; and to sustain that objection, a fac simile of the accounts of that great and good man, [General Washington,] whose memory still lives in the grateful recollection of a grateful people, has been exhibited before us, with a view to present not only a sample of what was then denominated money, but also to show the point to which it was depreciated, being five hundred for one. This continental money the honorable member compares with the Treasury notes proposed to be issued by this bill, and at last brings his own mind to the conclusion that the continental paper is best, for the reason, among others, that they had a latin motto stamped upon them! That latin motto is *exitus in dubio;* in plain English, that the issue of the contest in which we were then engaged was doubtful; and consequently, that the redemption of this continental paper money was also doubtful. Then, sir, how do they compare with Treasury notes? The gentleman has shown that continental paper was, at the time just referred to, at a depreciation of five hundred to one, his Latin motto shows that their redemption was doubtful; and we all know that, in the hands of the present holders, they are not worth the paper on which they are written. And how is it with Treasury notes issued under a bill identical both in principle and details with the one now under consideration? We have the cheering intelligence, received by this morning's mail, that in the cities of New York and Philadelphia they are at par with specie; while in the South and Southwest they are at a premium of from one to two per cent. above specie. And how many gentlemen are there now sitting around me (I mean not, of course, to include the honorable member from Pennsylvania) who have their pockets pretty well lined with these much abused Treasury notes, and which have been received by them (all their abuse of them to the contrary notwithstanding) in preference to gold and silver! Nay, more: an honorable gentleman from Massachusetts [Mr. CUSHING] has stated the fact, that the notes which bore an interest of one mill to the dollar are at the same price in the Northern cities with those that bear six per cent. interest. Not a very inconsiderable item to be set off against the argument of my colleague [Mr. MASON] on the score of expense, or unsatisfactory to those who have emptied the vials of their wrath upon the measure, because they say that those who receive notes at an interest of one mill to the dollar, get less for the same demand upon the Government than those who receive them at a higher rate of interest.

But, sir, is the argument of the gentleman from Pennsylvania sound? I hold, that in a sound state of the currency, Treasury notes should never depreciate while the amount authorized is below the amount of revenue intended for their redemption; in other words, if they be based either upon revenue or upon a specific tax for their redemption, there will be no depreciation. We are informed by Mr. Jefferson, in his correspondence, vol. 4, page 199, that in the year 1755, the State of Virginia issued paper money, bottomed on a specific tax for its redemption, and to increase its credit, bearing an interest or five per cent. and that, in a very short time, not a bill of this emission was to be found in circulation; that they were locked up in the chests of executors, guardians, widows, farmers, &c. That Virginia then issued bills bottomed on a redeeming tax, but bearing no interest: these, he informs us, were readily received, and never depreciated a single farthing.

Now, sir, what was the character of the continental money which the gentleman from Pennsylvania has compared with, and pronounced better than, the Treasury notes proposed to be issued by this bill? In the revolutionary war the old Congress, and the States, issued bills without interest, without tax, and without revenue to redeem them. They occupied the channels of circulation freely, till those channels were overflowed by an excess beyond all the calls of circulation—the amount in 1781 being $357,476,541—and having been issued without tax, and without revenue to redeem them, they continued to depreciate, until they beeame worthless in the hands of their holders. But let us extend the comparison a little further, and inquire when it was that the continental money, of which the honorable member speaks, was issued? Sir, it was during the war of the Revolution, when the Government possessed neither money, nor credit; at a time when no man could look forward to any probable period when the Government would be able to redeem its obligations. But how is it with us now? I have attempted to give some account of your Treasury, and even those gentlemen who represent its condition much worse than many here know it to be, tell us we have nothing to do but to set on foot a loan, and that ten millions of dollars can be raised in the course of a few days: pretty conclusive evidence, I take it, of the high credit of the Government. But how stood the credit of the Government at the time to which the honorable member refers of continental paper money memory? It was literally without money and without credit. Still the gentleman insists that the comparison is good! The reasoning may be conclusive with the honorable member who urges it, but I must say it does not carry conviction to my mind.

But there is still another objection urged against the passage of this bill, and it is not the less singular, considering the quarter from which it comes. Failing in argument, gentlemen have conjured up "hydras and chimeras dire," as if to frighten and alarm the good people of this land. They insist that the issue of these Treasury notes looks so much like a bank, that they cannot, for a moment, endure the thought of seeing one. Sir, in my anxiety to avoid splitting upon such a rock, I began to cast around me and see who were those so terrified and alarmed at the idea of a bank that they could not even hear its name mentioned without being horror struck! Who are they? Why the very men who are, to use a homely but expressive phrase, "up to the hub" for a bank; one that can control and regulate all the other banks in the country; and upon a scale which may God in his mercy long avert. Sir, I am myself, in good faith, so utterly opposed to this Government's chartering a bank, that I cannot contemplate its establishment without real dread and alarm; and, if I could bring myself to believe that, in the issuing of Treasury notes, we were approximating to such an institution, I would avoid it as I would "war, pestilence and famine." But, before we give into the opinion that it is a bank, let us satisfy ourselves what the functions of a bank are: its principal functions are, under an act of incorporation, to issue money, receive deposites, discount notes and bills of exchange, and make dividends among its stockholders. But what are the features of this pretended bank? No act of incorporation; no power to issue any thing other than the obligations of the Government to pay its honest debts; no power to loan money, or to receive money on deposite; no power to discount notes; no power to deal in exchanges; in a word, no one feature of a bank whatever; but you simply confer upon the Government the power to perform an act of common honesty when it is unable to pay its debts at sight, by giving its creditor a simple evidence of his debt. I had almost forgotten another feature that was lacking in this bill to make it a bank, Mr. Speaker; *it has no power to buy or speculate in cotton;* no authority, under cover of its corporate powers, to enter into the market and compete with the honest industry of the people, under legal enactments and legal protections, devised by itself; it has none of these alarming traits about it.

Mr. Speaker, I had intended but for a moment to have detained the House with a few remarks on the constitutional question involved in this measure, but the argument on that branch of the subject has been presented so clearly, so forcibly, and so conclusively by my friend from South Carolina, [Mr. RHETT,] that he has left nothing to be added.

I have, however, sir, one other branch of the subject to touch upon, and but one, and that is to examine the scheme which these gentlemen themselves recommended in place of that proposed by the bill under consideration. What is their scheme? A loan for four years we are told. [Mr. ROBERTSON, in an under tone: No time was mentioned, but it was to be at the pleasure of the Government.] Well, sir, redeemable then at the pleasure of the Government, I suppose, for there have been so many propositions offered, that I have been unable to keep pace with them. I am now informed by my colleague that the loan he proposed is to be redeemable at the pleasure of the Government. I would thank my colleague to tell me who it is that would lend money on such terms? Where will he find capitalists in this country, or on the other side

of the Atlantic, who would loan their money to be paid back at the will of the borrower, the Government, perhaps in five or six months? Would they draw in their money, secured by mortgages or trust deeds, or sell out in the funds, for such a contingency as this? Permit me to tell my friend that the thing is utterly impracticable.

Mr. ROBERTSON explained that the amendment offered by him proposed a loan, redeemable at the pleasure of the Government, or at any period, leaving it to the House to fix that period. He had left the clause blank for that purpose.

Mr. JONES. I took my colleague's first remark, that the period of redemption was at the pleasure of the Government, and I was going to show, sir, that no capitalist, or association of capitalists, would lend money on such terms. At all events, we are, by my colleague's proposition, to incur a debt, and a large annual amount of interest, when we do not want the principal. Sir, I have not been educated in that school of politicians who believe that a national debt is a national blesssing. I consider a national debt a national curse, never to be saddled upon my country, except under circumstances of the most overruling necessity.

Again, Mr. Speaker, can you obtain the amount of money which Government is expected to stand in need of? That is a question well worthy of consideration. Where are you to get it? Will gentlemen inform me? Shall I be told, it can be procured in New York, in Philadelphia, or in any other commercial city of the United States? Shall I be told, that at a time when every nerve has been strained, and the people pressed almost to the last extremity, for the purpose of discharging an enormous weight of foreign debt, that ten millions can be spared here? Shall I be told, that at a time when the banks are making every effort to resume specie payments, and when they have turned, and turned the screws, as long as those who have connection with them can bear, with a view to control their circulation, and business generally, and save, if possible, the forfeiture of their charters, which hangs suspended over them by the legal enactments of the Legislatures of the States; when the Government itself, crippled and embarrassed as it has been in its finances, has been appealed to by its debtors for relief—and let it be remembered that that Government never turned a deaf ear to those appeals—I ask, sir, is it to be expected, can any man expect that, in such a state of things, that amount of money can be procured in this country? It cannot. Then what must you do? You must resort to some foreign source, and send a mission abroad for the purpose. How long will that take? Remember, we have no Great Western steam ship at our command at a moment's notice, but, at the least, it would take to go there, either to England or Holland, to negotiate the loan and return with the proceeds, from two to three months; and what is to become of the Government in the mean time? Unable to pay the army, unable to pay the navy, unable to advance a single dollar to those brave men now fighting the battles of your country; unable to carry on any of those works for which you have made appropriations; unable to pay your common ordinary expenses; and you are to wait all this time that you may have the pleasure of saying, when you have succeeded in carrying out that Federal doctrine, that at last we have a national debt.

But again, suppose you succeed in authorizing a loan: you want ten millions of dollars, and you must get it in specie or its equivalent, convertible paper, if there be any such in the land; it would be a rare sight, I confess, but still that is the only medium in which you can get it—specie or convertible paper. Where are the ten millions of specie to come from? Can the banks spare it? Why, they cannot redeem their own notes; and great as has been the influx of gold into this country for some weeks past, I very much doubt whether you could get ten millions of spare specie from the whole of them. What shall we next hear? Is this Government, which is waging war with the banks; this Government, that stands in hostile array against all the banking institutions in the country, to be indulged by them with specie? Why, sir, it is alleged that if you collect ten millions of your revenue in the course of a whole year from these banks in specie, for the purpose of putting it in the power of the Government to hold its own funds safely for disbursement, you are warring against the banks! How much more forcible, then, would be the argument, should the Government now come forward with a single demand for ten millions of dollars, at a time when they are straining every nerve to resume specie payments?

But gentlemen in the Opposition say that they are not opposed to granting all necessary supplies to carry on the Government: only let them be asked for in the proper way; negotiate a loan, establish a permanent debt, and all shall be readily voted.

"Timeo Danaos et dona ferentes."

I am afraid of these Greeks, even while bringing presents; and why is it that my fears are excited? Because, sir, I think I can discover a remoter object in these professions of liberality, than the mere borrowing of money to meet the present demands upon the Treasury. I cannot but suspect that a portion of those gentlemen who sustained the deposite law, intending thereby what they did not avow, I mean a final distribution among the States, are desirous of commencing this system of borrowing, and thus to get into the Treasury more money than its necessities require, in order to pay over the fourth instalment to the States, and thus to create a debt, which the people must pay under a system of taxation which is unequal in its operation, unjust in its principles, and ruinous to the agricultural interests of the whole South.

Mr. Speaker, I have attempted, in my feeble way, to present to the consideration of the House the actual condition of the Treasury, together with the liabilities of the Government during the present year. I think I must have succeeded in proving that the present deficiency of means is merely temporary, and has arisen principally, if not entirely, from the indulgence extended to the banks, and to individuals who were largely the debtors of the Government; and that, with the aid which this bill proposes, the resources of the Government are ample to meet punctually all its liabilities. I have only farther to say, that if, under these circumstances, the Government is to be placed in a condition in which it will be unable to discharge its numerous pecuniary obligations, and to maintain, unbroken, its faith, that blow shall not be inflicted by my hand.

SPEECH OF MR. SEVIER,
OF ARKANSAS,

In Senate, Saturday, April 28, 1838.—On the resolution of Mr. CLAY in relation to the receipts and expenditures of the Government.

Mr. SEVIER said, that since the last adjournment of the Senate, he had read, with much care and attention, the very lengthy and learned report of the honorable chairman of the Committee on Finance, and particularly that part of it which treats of the Treasury order of the 11th of July, 1836. Sir, I concur pretty fully in all that the Senator has said in his report, with the exception of that part of it which labors so strenuously to prove the wisdom and expediency that there was at the time, or that there is now, for the existence of the Treasury order. Upon this controverted point we differ, and differ widely.

I am aware, sir, that, for entertaining this difference of opinion, I am running some risk of being thought, by those who assume to be the only true and legitimate expounders of the Republican creed, a political infidel, or traitor, or something worse. I am aware that I incur this risk; and especially as the Treasury order has been so pertinaciously adhered to by the Executive, against the known wishes of a large majority of his friends; and especially as this report, as a whole, has been so highly extolled and complimented here, as to make it a matter of grave consideration for us to decide whether it was best for us to publish, at the public expense, thirty thousand, or fifty thousand, or a million copies of it, for the benefit and edification of our poor and benighted constituents. And more especially do I hazard this risk, as this report, in these times of discontent and supicion and political disaster, has been represented as a cannon, which is to prostrate all our adversaries; and when it is also calculated, as some suppose, to have the happy effect of crushing to death, by the wheels of its carriage, as it rebounds from its discharge, all of the unbelievers in the wisdom and expediency of the Treasury order—all of those who are not prepared to cry out, *without qualification*, that Allah is great, and Mahomet is his prophet. Yes, sir, when this report is thus considered, I fear that an exception taken to any part of it by the lips of one belonging to the rank and file of the party, will be considered such an intolerable heresy as can only be atoned for by the stake, the fire, and the faggot.

Sir, a total disbelief in the wisdom and expediency of the Treasury order, is no new opinion with me. It is not one which has grown up with me in the course of a single night. It is one which I have consistently and uniformily entertained, from the first appearance of that order, down to this day. I have, on all occasions, invariably voted for its repeal. I have done more, sir, I have spoken against it. But through some fatality, my speeches upon this subject, and particularly my last, which I delivered on the night of the passage of the divorce bill, upon an amendment offered to that bill, by the Senator from Massachusetts, have never been published. I do not mention this, out of any spirit of complaint, or with a temper of unkindness. Far from it. The mere publication of any of those speeches was to me a matter of but little consequence, and of still less to the public. I allude to it, solely with purpose of showing my consistency upon this subject, in the first place; and in the second, of satisfying my constituents that if I have not appeared as a speechifyer upon this very interesting question, that it has been no fault of mine.

Now, sir, having "defined my true position," with regard to the report and the measure upon which it mainly dwells, and having explained my course to the satisfaction, I hope, of my beloved and confiding constituents, I will now, with God's help endeavor to show that all the arguments in favor of the Treasury circular are delusive fallacious, and utterly untenable. I will now endeavor to convince my friend from New York, who generally hews away all difficulties, like a giant-armed backwoodsman, with a two foot broadaxe, that on this occasion, he has undertaken a labor too difficult, too knotty and tough for even his Herculean strength.

I will begin with the joint resolution of 1816, as all that precedes that, in my friend's report, is mere matter of history, and rightfully belongs to the family of the dead. What is that resolution? That resolution, among other things, authorizes the Secretary of the Treasury to receive all debts, dues, or sums of money becoming due to the United States, in the notes of banks which are payable and paid on demand in the legal currency of the United States. This is the resolution. It is the law of the land. It contemplated no discrimination between lands and customs. It holds forth no such idea. It is general in its terms, and was designed to bear equally upon every source of revenue. And why was such a resolution ever passed, if so very reprehensible? The Senator answers the question; and so far as I know, he has answered it truly. He says the resolution of 1816 was called into existence in consequence of the derangement in our monetary system at that time; a derangement occasioned by a war with 'a rich, a powerful, a dangerous, and fearful enemy;" and that on that account he will not *censure*, (what forbearance, what gracious lenity, what christian charity!) he will not *censure* "the able, the worthy, and patriotic public officers, whose duty made it necessary for the Government to receive the notes of specie paying banks;" yet he "*mourns*" (and, no doubt, sincerely) "for that distressed condition of our beloved country which made it necessary for faithful public officers to place her in such extremities." In what extremity, Mr. President? Why in the extremity of receiving for the public dues the notes of specie paying banks! What a direful calamity! What a prodigious misfortune!

[Here Mr. WRIGHT rose to explain: He said his friend from Arkansas had misapprehended the report; he said the part of the report upon which he

had commented, referred to the notes of banks which did *not pay specie.*]

Mr. S. said he was truly happy in being corrected. If those were the kind of notes he referred to, he believed he was rather disposed to concur in than censure the report.

Sir, in 1816 and in 1838 we had and have, thank God, a beloved country; and every American heart, now as then, which felt or feels that our beloved country is suffering, from whatever cause, and from whatsoever counsels or agency, is unworthy of himself, and unworthy of his illustrious ancestors, if he hesitates about stepping forward to her relief. Sir, in 1816 our beloved country was suffering by the difficulties through which she had passed, in checking the insolence, and piracy, and plunder, of a foreign enemy; and in guarding and sustaining herself at home against the machinations, and calumnies, and treason of domestic traitors. Yes, sir, our beloved country, in this crisis in her affairs, passed the resolution of 1816; and what has been its happy results? Under the operations of that resolution, we have seen our public debt paid off; we have seen her get along, for upwards of twenty years, without much actual loss; the public dues have been collected with convenience, and without embarrassment to the people. Under the provisions of that resolution, our beloved country has been enabled to pay a debt of gratitude, by pensioning her heroes of the Revolution, and those honorably scarred in the public service during the last war. Under the happy provisions of that resolution, this beloved country has gone on in a grand and unparalleled course of prosperity. She has grown in wealth, in population, in the arts and sciences, and is still marching onward on an elevated plain, with her broad and noble front erect, to the fulfilment of her great destiny, alike the wonder and admiration of every civilized community!

Sir, this beloved country is now suffering, as she was in 1816, by a derangement in her monetary system. We find that the resolution of 1816 has been repealed, so far as one great branch of the public revenue is concerned; and we find that immediately succeeding that repeal that this derangement has occurred. And shall we now stop and cavil metaphysically about what has occasioned this *derangement*—whether it has been occasioned by wars, or banks, or our own excesses and prodigality, before we will apply any remedy? I hope not, sir. I hope we shall profit by the lessons of experience, and endeavor to correct this derangement in our monetary system by an application of the same remedy which cured it in 1816. I hope we shall receive the notes of specie-paying banks for lands and for customs, too, under such regulations as the Secretary of the Treasury may require. Let this be done, and I have no fears for the most desirable result. And why, let me ask, should we hesitate about it?

Senators tell us that if we receive the notes of specie-paying banks *now*, the connection with banks is again revived, and that it will become the settled policy of the country; and, further, that we shall again have new explosions. Sir, so far as the connection exists with the banks, and is confined to the receipt of the notes of specie-paying banks, under the responsibility and discretion of the Secretary, I am in favor of it; and as to the *settled policy* of the country, of all things on earth that is what I most desire. Sir, I am tired of experiments, of fluctuations, of false alarms, of glorious uncertainties. As to new explosions, that is a matter which depends pretty much upon ourselves. We can have them whenever we want them. The Government has but to declare war against the banks, and they will soon go by the board; with the exception, perhaps, of the United States Bank; that is, perhaps, rather too powerful for us. But we can smash any other other institution at any day or hour we may select.

The Senator tells us that the resolution of 1816 was *temporary* in its design. Temporary! Where is the evidence of that intention? Where is its limitation? Is it to be found on the face of the resolution? No, sir. Is it to be found in the construction given to it by the Departments? No, sir. If it was designed as a *temporary* measure, why has it been permitted to remain upon the statute book for twenty-two years, without a single effort ever being made to repeal it? Sir, I "*mourn*" to see my friend driven to such a miserable shift and subterfuge, for I cannot so far disgrace the term as to call it *argument.*

The honorable Senator, sir, having given us a history of the origin, and his opinion as to the nature, of the joint resolution of 1816, next proceeds to favor us with the reasons which induced the late Executive to issue the Treasury circular. These reasons are numerous, plausible, and imposing, but yet inconclusive and unsatisfactory to me. I will apply to them the test of truth, and show, as I think, to the satisfaction of the Senate, that by such a test, each of those reasons will vanish into smoke and empty air.

The Senator begins his enumeration, by telling us "that complaints were made of extensive frauds practised in the sale of the public lands." Sir, I will ask him, who made those complaints? I will ask, who it was that charged fraud upon the land officers? Shall I tell him who they were? These charges were mainly made by the late Senator Poindexter, and by his allies in politics. By him, and others equally hostile to the late Executive and his Administration. These charges were made some years preceding the Treasury order, and with the known design of reaching a certain land officer in Mississippi. I will ask the Senator if these charges had any influence with the late Executive, or with us? Yes, sir, they had an influence with the late Executive, and with us; and that was, to induce us all to denounce, in turn, the late Senator and his associates, and to defend, with zeal, and skill, and perseverance, the individual alluded to. This was the influence, as well as my memory serves me, which these complaints had upon us. Who else complained? Were there any such complaints made by the Legislatures of any of the States? Were any such complaints made by the people, in the form of petition? No, sir: as far as my memory serves me, we had no such complaints from any of these sources. I will go further: I will ask the Senator, did any friend or foe of the late Executive, from the *new* States, where the public lands lie, or from any of the old States either, where the public lands do not lie, rise in his place and propose any remedy for these complaints? No, sir. Did the late President deem these complaints of such vast importance as to form the subject of any general or special message to Congress for legislative remedy? No, sir. Did the Secretary of the Treasury complain to us of the then existing state of things, and solicit our interference? No, sir. There were, according to my recollection, no complaints made except those to which I have alluded. And those we laughed at as the bitter outpourings of disappointed ambition, and as the whining, senseless, and hypocritical effusions of our political adversaries, who were, above all things, desirous of bringing the Administration into odium, contempt, and disgrace. And if we had not viewed these complaints in this light, but had, on the contrary, believed them well grounded, what need was there either for the Treasury order, or for Congressional interference, to prevent these fraudulent practices? In the first place, we all knew that no land officer can buy land without the special permission of the Secretary of the Treasury. In the second place, we all knew that if land officers were disposed to commit fraudulent practices, that the Treasury order would not mend the matter. No, sir; they could as readily sign receipts for *specie* as for bank rags. And, again: As a full and comprehensive answer to every objection, if the land officers were guilty of fraudulent practices, the President held in his own hands the ample remedy. He had but to remove them from office and appoint others in their places who were competent and faithful. This reason, therefore, for the necessity of the Treasury order, in every light in which it can be presented to my mind, seems to me utterly groundless, and on that account I am sorry that it has been gravely enumerated as one.

The next reason, sir, which the Senator assigns in justification of the Treasury order, is that "of alarming attempts to monopolise large tracts of land in the hands of individual and associated proprietors." This reason, I think, I can fully answer in a very few words, and satisfy the Senate, that, if that had been desirable, it could have been accomplished without the aid of the Treasury order. If the late Executive had wished to prevent a monopoly of the public land, all he had to do to accomplish his object, was to withhold his proclamation for a sale of the public lands. This prompt and simple remedy would have cured the evil without the agency of any Treasury order. If it had been the pleasure of Congress to prevent a monopoly of the public land, all they had to do, was to withhold the annual appropriations for the the surveys, and the object was accomplished without the intervention of the Treasury order. And did the Executive or Congress either show any determination on their part to stop the sales of the public lands. No, sir: Congress passed the usual annual appropriations for the public surveys, and the Executive, on his part, brought the lands into market, as rapidly as it was desired by those interested; and I will add, that if either the one or the other of these things had not taken place, that it would have created in the West no little sensation.

While upon this branch of the inquiry, I will give the honorable Senator the views entertained in the *new* States, so far as I understand them, upon the question of land monopolies. I will give them cheerfully, and hope they will not fall upon his senses, "like seed sown by the way side, which the thorns and thistles grew up and choaked," but that they may be remembered by him in time to come, and be of some service to him hereafter.

There are, sir, in the new States, three kinds of land monoplies, which are felt as almost intolerable grievances. The first of these is that of the Indian monopoly. Whilst their title is unextinguished, the lands cannot be settled upon, or cultivated by our citizens, nor do they yield any tax or tribute to the States. The war now going on in Florida, the apprehended difficulties with the Cherokees in Georgia, will go far to show the Senate the light in which this monopoly is viewed by the citizens of the States interested. It is considered as such a grievance, that we find the people of those States, and their friends, readily disposed to risk blood and treasure, and, as some allege, national faith and honor too, to remove this monopoly. Sir, this feeling, upon this kind of monopoly, is not local. It exists wheresoever this monopoly exists. And the Senator will find, with all his intellect, that he will strive in vain to convince the people interested, that it is better for the United States, and better for them, that their lands should remain in that situation than to be disposed of for even bank rags by the bale, and that, too, to "associated proprietors."

The next most objectionable monopoly of the public land in the new States, is the monopoly of the Federal Government. It is true that we can settle, and live and breathe upon the lands owned by the Government, unless, indeed, we should be driven off from it by the military force, as was recently most graciously intimated by the Senator from Kentucky that we ought to be, under the provisions of the obsolete act of 1807. This permission to settle upon the public lands is the only benefit derived while these lands are monopolised by the Federal Government. These lands, in that condition, yield no revenue by taxation to the States. They are but sparely settled, and but indifferently improved by the occupants, on account of the uncertainty of the time they will be permitted to remain undisturbed in their possessions; and on account of the great uncertainty they feel of ever owning the land, or of being remunerated for their labor upon it. This monopoly is considered a great grievance; so much so, that at almost every session of Congress we have tons of petitions, I may say, in one form or another, beseeching and imploring Congress for the passage of graduation laws, of pre-emption laws, of donation laws, or for some other remedies by which the Federal title may be extinguished.

If the Senator will but reflect upon these things, I think he will agree with me in opinion that the citizens of the new States, with every disposition to do as he desires them; to swallow whatever logic he may wish to poke down them; to cry when he cries; to mourn when he mourns—will nevertheless

find themselves unable to sympathise with him anp his friends on this occasion, in their blubbering grief over the mighty misfortune which had befallen the country, in having a part of the *Federal title* to the lands in the new States extinguished with the notes of their specie-paying banks. No, sir; upon this subject they will find themselves unable to make the squatters *groan* by telling them, most piteously, in tears, in sobbing emotions, that the public lands, "the rich inheritance of the blood and treasure of our Revolutionary fathers," have, in some instances, actually gone into the hands of speculators for bales of "bank rags." No, sir; he will find, and that, too, I hope, before it be too late, that he must tune his instrument to a different key, if he expects us of the West to dance to his music, or join him in his pithy lamentations.

Sir, the third and remaining class of land monopolists in the new States are the speculators. This class is generally detested by the citizens of the new States, and for the reasons so eloquently assigned by Senators. But, sir, there are degrees in hatred. As much, sir, as these land monopolists are disliked, the Indian or Federal monopoly of the public land is still more disliked. The quantity of land owned by any speculator is small, compared to that held by the Government. The land held by speculators is of some profit to the State; it is taxed, and taxed freely. These assessments form no inconsiderable item in our State revenues. They contribute largely in defraying the expenses of our local Governments. The taxing power over them is unrestricted, and it is properly exercised with no sparing hand. The tax these speculators feel, and feeling it, as they do, they are ever willing and anxious to sell out upon liberal terms, as to time and price, and mode of payment. I need but to refer you to the papers in my State, containing their advertisements, as an evidence of their anxiety to sell. Many can, and do, in fact, buy lands of speculators, who are unable to purchase of the Government, even at the minimum price. They purchase of them on time, and frequently for property. For these, and many other reasons which could be assigned, the monopoly of land by the speculators is less objectionable than a monopoly of them either by the Indians or the Federal Government. They are, nevertheless, unpopular, and, therefore, every lashing the honorable Senator or his friends may give these nabobs, will be highly gratifying to the great mass of the community.

Sir, I do not speak from books, for with them I but seldom hold consultation, but from memory; and unless that greatly deceives me, the first proposition ever made, in my time, to retard the sales of the public lands, was that made by Mr. Foote some years ago, when he was a member of the Senate. And how was that proposition met? It was scouted down in this body, and condemned throughout the West. The next effort made to stop the sales of the public lands was that of the Treasury circular. That of Mr. Foote failed because it was tangible; that of the Treasury circular has partially effected its object, because, thus far, it has been beyond our reach.

Now, sir, I will repeat my interrogatories to my friend from New York, and again ask him, if there were any complaints made from any of the States, or their people or their representatives, that these lands were becoming individual property too rapidly? If so, I will esteem it as a special favor, if he will favor me with the name of the State, the number of the petitioners, or the member of Congress who made that complaint. Sir, if there were any such complaint, that the public lands were becoming individual property too rapidly, it has wholly escaped my observation.

The Senator next tells us, in justification of the Treasury order, that the banks aided individuals, through loans and discounts, to the means by which they were enabled to extinguish, in part, the Federal title to the lands in the *new* States. If the banks have done this, all I have to say is, that they have done for the new States a very acceptable service. Sir, it is unquestionably true, that the banks did discount excessively, not only to the purchasers of the public lands, but to merchants, to factors, and to planters. The banks were stimulated to these excesses by both of the political parties in this country, and the blame, if any should attach, should be mutually shared between them. We gave them the public deposites, and the joint action of the two parties placed the distribution fund also into their vaults. Being thus strengthened and doubly armed, and, at the same time, avaricious, as well as a little ambitious to convince the world, that our destruction of the United States Bank, so long their terror and their master, was rather a blessing to the community than a misfortune, they went heedlessly on discounting, not only upon their own capital, but upon their trust money or deposites, as banks, I believe, invariably do, until they made money excessively abundant. This abundance raised the price of every thing. The country became drunk with apparent prosperity. Every body, land speculators as well as others, were trying to live by their wits, and to accumulate large estates without labor. Then, we all seemed to think that the millennium had actually arrived, and that we had nothing to do but to "eat, drink, and be merry."

This, sir, was the situation of things when the Treasury circular was issued. And what was its effects? The banks, as well as the public, were taken by surprise by it. Runs were made immediately upon the banks for specie to buy land; these runs forced them to curtail their discounts; and by adhering to this rigorous process, which they had to do for their own preservation, they sustained themselves for eight or ten months afterwards, indeed, until a general suspension throughout the United States occurred. Their rapid curtailment rendered money scarce, and knocked down the price of every thing. Property fell from 25 to 50 per cent. Many were forced to sacrifice their estates, and ended in total bankruptcy. This was one of the fruits of the Treasury circular; and now let me ask my honorable friend what good has grown out of it? It has beggared thousands, it has embarrassed a whole section of the country; and, lastly, it has bankrupted your Treasury! And why have these things been done? They have been brought about, we are told, to stop bank excesses. Was this necessary? Will not bank excesses, like excesses of every other description, correct themselves? I think so.

But the Treasury was in danger, we are told, of losing by a receipt of specie paying bank notes for lands. Was not the Treasury in as much danger of losing by those notes which were paid into the Treasury for customs? I should think so, sir. These bank notes at that time, and for many months afterwards, were equal to specie, and passed currently at par; and, nothwithstanding the war made upon the banks, their notes kept up at par for every thing but land, down to the time of the general suspension. Yes, but says the honorable Chairman, these bank notes fell 10 per cent below the specie par *after* the Treasury order issued. And this circumstance is insisted upon as an evidence of the dangerous state of the currency. Sir, is this a fair conclusion? I think not. The Government, when unrestrained by constitutional obligations, have it in their power to make any thing they please below par; and my surprise has ever been that these notes fell so little below par as they did. For every ordinary purpose, for every thing but for land these notes passed at par, until the general explosion. This I know to be true in my part of the country. Yes, sir, if the Government were not prohibited by the Constitution from doing so, they could make gold and silver too below par. Mr. Woodbury would but have to issue his circular prohibiting the receipt of gold and silver for lands, and for customs, and he would bring them down as much below par as he did the notes of the specie paying banks, and, if he had the power, it is possible he would do so, in order that he might not sustain any loss upon his Treasury notes.

Sir, specie, like bank notes, when abundant, increases the price of property; and, when scarce, the price of it is lowered. Specie, like bank notes, when abundant, stimulates speculation and engenders immorality, vices, and excesses; and, as my honorable friend has such a *pious horror* for all speculations and excesses, I suppose, if unrestrained by the Constitution, he would make war upon specie. Sir, specie seems to be coming into the country in such frightful quantities, that I really wonder that his anxiety for our morals will permit him to sit quietly in his seat. I wonder that he has not already introduced a bill full of pains and penalties, and penitentiary punishment, against this debauching buccaneer. It is not yet too late. He will yet have time before the session closes to give us a bill to prohibit the importation of specie, that "root of all evil," into the United States. And who knows but that he will do so. His apparent love for the precious metals must surely be altogether feigned; for we all remember when filthy "bank rags," even by the bale," seemed to stand as high in his affections, as does now his new love for specie. Sir, his deeply rooted antipathy for all the excesses which money can purchase, and his great anxiety for the public morals, will, I am sure, induce him to propose a law by which we shall be guarded against the one and shielded in the other; for, O, ye gods! how eloquently he discourses upon the besetting sins of the age! No reformer, I am sure, can equal him in sermonizing upon virtue, morality, and money excesses. Sir, when the Treasury is empty my friend seems to fear that we shall be in want; and, when it is full to overflowing, he fears we shall fall again into extravagant excesses. Sir, I should be extremely happy if I could see my friend perfectly composed, and willing to let the world jog on in the old-beaten track under the provisions of the resolution of 1816, and to find him willing to give up his guardianship of the public morals, his notions of an exclusive specie currency, and, lastly, his long-cherished and beloved Treasury circular.

Sir, upon the subject of the public lands, I have ever had but one opinion, and that is: that those lands should never be considered a source of revenue. They are not so considered by any other Government than ours. They should be granted generously and freely to the States in which they lie. Our revenue should come solely from the customs. And holding, as I do, these opinions, the honorable Senator will never get my sanction to the Government holding those lands an hour longer than I can help it. No, sir, I am for getting those lands for the citizens of the respective States for specie, or bank notes, or without either, which would still be more acceptable, if I can. Those lands are no longer pledged for any public debt, and there is as much moral justice in selling the public lands in the old States for the common benefit, as there is for selling the public lands in the new States. They are all alike the fruits of the joint struggle of our revolutionary ancestors. But the lands of neither should be sold for the common benefit. They should belong exclusively to the States in which they lie. The Senator has kindly told us why the Treasury circular was issued. He has also told us why this order was confined to the lands and not extended to the customs. He tells us, in so many words, that there was wisdom in this discrimination. Of that we will now consider and then decide.

But before entering into his argument to establish this propriety, he has with great research and minute particularity, grouped together many instances in which this discrimination was heretofore made. And here let me remark, that all of those instances were in favor and not against the lands. But, unfortunately for his argument, all the instances he has given us, are irrelevant to the point in issue. He tells us, what is most unquestionably true, that in many instances land scrip was a legal tender in payment for lands, and not for customs. But in giving us those instances, he has lost sight of a very material and important point in the history of this discrimination. This discrimination grew out of a *special contract* with the States. In consideration of extensive cessions of land to the United States, it was agreed upon and stipulated that the United States would pay in land out of the ceded territory a certain class of claims which the States owed in land to their citizens. This was, in other words, a property obligation, payable in land, and not in money. These property notes are common in the western country. Nothing is more usual than for one farmer to give his note to another for

so many dollars, payable in corn, hogs, cattle, and sometimes for manual labor. And no honest man ever thinks of requiring money upon such an obligation. This was the kind of contract the United States made with the States, and the scrip was nothing more or less than the property note of the United States, payable in land. It was paid in good faith by the United States, and no body ever thought it a cash obligation. It was a debt not due, and owing *to* the United States, but it was a debt due, and owing *by* the United States. It is, in short, no discrimination in the debts due and owing *to the United States*. And so the Senator must tax his ingenuity again, before he will succeed in establishing the point he has labored so hard to prove.

The Senator tells us, that "an excessive currency of any character, has a necessary tendency to sink the value of that currency when compared with the value of marketable property for which it is exchanged. Hence the invariable nominal rise, in the market, of property of all descriptions which is open to a free market, when that which is used as money is abundant and cheap; and one of the strongest evidences that our paper currency was excessive during the years 1835 and 1836, is found in the fact that prices constantly advanced, although the supplies in almost every department of trade and production were unusually abundant, and no extraordinary demand was known to exist. The duties which constitute our revenue from customs are almost all a rate per centum imposed upon the value of the article. If, then, the quantity of dutiable goods imported be the same, and the value be nominally increased in consequence of an excessive currency, the value or the duties will be nominally increased in the same ratio, and therefore the collection of the duties in the cheapened currency will keep the real value of the revenue from the importations at a given standard."

Now, sir, all this I comprehend, and I am not disposed to controvert it. But I shall controvert what follows. He tells us that: "Not so with our public lands. They have not been, and are not, in this sense, open to a free market. Their value, per acre, is fixed by law, and however much the currency in which they were purchased may have been cheapened by abundance, they could not rise, with other property, to a price which would restore the equilibrium. They were bound down by a statute vale; and when the currency to be received in payment for them was designated, the same nominal value of that currency, however much it might be cheapened by excess, would purchase the same quanty of the lands."

Now, sir, I consider this false, and I cannot help expressing my surprise that the honorable Senator, in his eagerness to justify the Treasury circular, should attempt to palm these statements upon us for gospel. Sir, the public land is open to a free market; it is sold at public auction to the highest bidder; every body is invited to the sales; every body is authorized to purchase the land except the public officers; and if this is not a free and open market, what, in the name of Heaven, is a free and open market? I should like for the Senator to tell me. "But the price of the land is fixed by law?" In this true, sir? I say it is not true. I say the price of the public land is not fixed by law: the *minimum* price of it is fixed by law, but not the *maximum*. Their price, he says, "is bound down by statute value." Where is that statute? Produce it; for such a statute is new to me, and to every other settler in the Western country.

Sir, being wrong in his premises, his conclusions throughout must of course partake of the same error. Sir, if bank paper was excessive, and that I concede, and on that account was of less value than specie, there was as much propriety of applying the Treasury order to the customs as to the lands. The evil to be guarded against was the *quantity* of bank rags, and not the source from which they found their way into the Treasury: for it is the same thing to the Treasury, whether I pay a dollar of depreciated bank paper into it for lands, or you pay a similar dollar into it for customs. The loss is the same to the Treasury. And therefore, if three-fourths, or more, taking one year with another, of the whole revenue, as it is, is derived from the customs, it would seem to me that there would be more propriety in applying the principles of the Treasury order to the customs than to the lands; because so much the greater quantity of bank rags gets into the Treasury from that source; secondly, because in the cities where the customs are collected, specie is generally more abundant, and more easily obtained; thirdly, because, from the very nature of things, the citizens of the new States are doubly taxed. They, sir, pay their equal portion for the customs, and then the additional tax for lands. But still I am for no discriminating rule; for although the agricultural interest of the country is the vital interest of it; although it is the chief pillar upon which our whole fabric rests; yet I am for no discriminating rule even its favor; all I desire for that interest is an equality, and nothing more.

Sir, the discrimination in the moneys received for the public dues is odious to the people; and are they to be reconciled to it being told that bank rags will not buy goods in Europe—that *good money* is required in that quarter for that purpose, and hence their banks will not fall into such excesses as ours? Sir, are we to be tickled into good humor with such sophistry as this? Do we not know that it is our exports that purchase foreign goods?—exports which the New York merchants pay us for with their bank rags? Sir, our Western banks, notwithstanding the run made upon them, under the operations of the Treasury circular, yet kept up and paid specie for their notes until your Eastern banks failed.

Sir, this discrimination is odious to the people, and the longer it is continued in operation the more so will it become. They have felt, and still feel, its deleterious consequences. It is not your wealthy speculators only that it reaches; it reaches the industrious, laboring, poor man. He is not able to go to New Orleans for specie; and if he does, he is but illy prepared to pay the premium for it. So long, sir, as this Treasury order is in force, the banks cannot resume specie payments with any advantage to the community. Throughout the whole West the land sales are now coming on, and you will take for these lands nothing but *specie*. What is the consequence? If the banks resume specie payments they will be afraid to let a dollar of their paper out. And why? Because they know that if they let a dollar of paper out in the morning, that it will be changed into specie at the counter before night, in order that they may obtain acceptable land office money. Your Treasury order, therefore, keeps up the causes of a depreciated currency among us. It keeps up ruinous rates of exchange against us; and the longer this is done, the worse it will be for all parties.

Sir, if the President will not rescind that order, I hope there will be found stamina and independence enough in both Houses of Congress to do it for him. Sir, if he is anxious for political martyrdom, I hope he will not require his friends to mount the funeral pile with him.

Sir, if he would but condescend to listen to the advice of an honest hearted friend, as I know myself to be; to one who will always tell him what he considers wholesome truths, whether they be acceptable or not—I would tell him to rescind the Treasury order without delay; I would tell him to surrender up manfully all notions of false pride, and to do it promptly, generously, and with a good grace; and while insisting upon the purity and patriotism of his motives, and his thousand virtues, which no candid man will question, I would advise him frankly to acknowledge his error, and atone for it to his friends by repealing that odious order instantly. Let him do this, and his friends will be found once more with their heads up, ready to stand or fall with him in the approaching contest. I would advise him not to procrastinate an action upon this subject, until he will find himself forced into it by the representatives of the people. I sincerely hope he will not wait to be driven to such an extremity; an extremity in which his friends will not, and cannot, but in which his enemies will, rejoice.

SPEECH OF MR. WILLIAMS,
OF MAINE,

In Senate, May 14, 1838—On asking leave to bring in a bill to provide for running and marking the Northeastern Boundary line, according to the treaty of 1783.

On a former day, I gave notice that on this day I would ask leave to introduce a bill to provide for running and marking the Northeastern Boundary line, according to the treaty of 1783, and pursuant to that notice, I propose now to ask that leave. The object of the bill is to make it the duty of the President to cause that line to be run and marked, as it is described in the Treaty of Peace.

Among the few questions remaining unsettled between this country and foreign nations, there is, probably, not one so irritating, and so likely to disturb our amicable relations, as that of the Northeastern Boundary. It is now more than half a century since our ancestors, by their struggles and sufferings in the war of the Revolution, successfully resisted the tyranny and oppression of the mother country, and obtained for themselves and their posterity the acknowledgment that the then colonies of Great Britain were free, sovereign, and independent States, and a relinquishment, by his Britannic Majesty, of all claims to the *Government, propriety, and territorial rights of the same and every part thereof;* and yet, at this day, it is a fact that the British Government usurp possession, and claim jurisdiction, over more than one third part of the State of Maine, then part of the province of Massachusetts Bay, the government and *territory* of which were expressly relinquished. Yes, sir, notwithstanding the *territory now in dispute* was, at the formation of the treaty, *part and parcel of the then province of Massachusetts Bay*, and so represented and designated upon Mitchell's map, which was used and referred to by the commissioners in making the treaty, it is true that the British Government *now claim it* as a *part of New Brunswick*, then Nova Scotia, and deny to this Government the right to occupy it, or to exercise any jurisdiction over it. This claim, by the British Government, is comparatively of recent origin, (having sprung up since the treaty of Ghent,) but is persisted in with great tenacity, and has been, and still is, the cause of continued border difficulties between the people and authorities of the State of Maine and of the province of New Brunswick, and those troubles are *increasing daily*. Already have some of our own citizens been arrested upon our own territory, dragged to a foreign jail, imprisoned, tried, and condemned, under the pretence of offences *against the sovereignty* and laws of a *foreign Government*, but in fact for no crime other than *obeying or attempting to execute the laws of their own country* within our rightful limits. And the Government and people of Maine are warned, by the authorities of New Brunswick, that any attempt to exercise jurisdiction within what they denominate "disputed territory," will be resisted and repelled "if the whole military force of British America should be necessary to effect it." This is a condition of things that cannot, and will not, be submitted to. Soon after Maine was separated from Massachusetts, in 1819, measures were taken for the protection of the timber upon a part of what is now claimed to be disputed territory, surveyed some of the lands into townships, and made preparations for opening roads and settling the country. Some of these acts were complained of by the British Government as inconsistent with the understanding between this Government and Great Britain, "that, pending the negotiations for settling the boundary line, each party should abstain from any acts of sovereignty over the contested territory, and upon the request of the General Government, Maine postponed some of her proposed improvements. At the same time the authorities of New Brunswick were extending their claims to ownership and jurisdiction, which furnished cause of complaint by Maine to the General Government, which was communicated by the latter to the British Government, producing at some times a disavowal of the acts, and at other times a claim that the acts were justifiable. In this state of things the attention of the Legislature of Maine was often called to the subject of their boundary, and the history and evi-

dence of their title have been embodied in reports and resolutions which were forwarded to Congress, and the aid of the General Government urgently requested to bring about the settlement and establishment of the line of boundary. More recently, and since the commencement of the present session of Congress, (very soon after the receipt of the last communication from the British Government upon the boundary question,) the President caused to be sent to the Governor of Maine a statement of the correspondence which had been had between the Governments of the United States and Great Britain upon the subject of the boundary, since the rejection of the opinion of the arbiter in 1832, with a request that he would adopt such measures as he might deem necessary to ascertain the sense of the State of Maine with respect to the expediency of attempting to establish a conventional line, as well as to additional surveys and explorations with a view to the satisfactory adjustment of the controversy according to the terms of the treaty, or enabling the parties to decide more understandingly upon the expediency of opening a negotiation for a line that would suit their mutual convenience, &c. The message of the Governor communicating that statement to the Legislature, and the resolutions of the Legislature thereupon, which I had the honor a few days ago to present to the Senate, have been printed, and are in the hands of Senators. They are a full, unequivocal, and direct response to the questions propounded, and speak the language and determination, not of a party, or of a mere majority, but of the whole Legislature and people of Maine. This, sir, is no party question in Maine. The *whole people* of that State feel that they are injured, and that their appeals to the General Government for the protection and guarantee of their rights, which they believe the Constitution of the United States was designed to afford them, have already been too long disregarded; and they now hope and trust that Congress will adopt such measures as will insure the running and marking of the boundary line between that State and a foreign Government, *according to the terms of the treaty.* Such measures are not intended by Maine, and ought not to be regarded by others, as hostile, but as means, and probably the only means, of settling the question of boundary for many years yet to come. The bill which I propose to submit and urge the passage of, in conformity with the resolutions of my State, provides that the President shall cause the boundary line to be run and marked agreeably to the provisions of the treaty of peace of 1783. The time for executing this service, and the manner of doing it, is left entirely to the discretion of the President, and it is believed that it may be done without giving just cause of offence to Great Britain. What other mode of running this line of boundary can be pursued when it is considered that our Government has repeatedly proposed to the Government of Great Britain mutually to appoint surveyors or commissioners to run and mark the line *according to the treaty*, and that those propositions have been declined on the pretence that the description of the line in the treaty is so imperfect that it is impracticable to run that line so as to conform to the terms of the treaty, and that the British Government still refuses to assent to such a survey and running of the line *unless this Government will agree to such preliminaries as would change, or render impracticable, the survey of the line of the treaty.*

It will be seen by reference to the correspondence between this Government and that of Great Britain, since the rejection of the opinion of the arbiter, that our Government have been constantly endeavoring to open negotiations with Great Britain for the establishment of the line according to the treaty of 1783; that the British Government have *declined* to negotiate *upon that basis*, and have insisted and still insist, that a *conventional line* must be substitu- for the *treaty line*. That there may be no mistake upon this part of the subject, the correspondence between the two Governments should be examined with care, and it will show that on the 21st of July, 1832, Mr. Livingston informed Mr. Bankhead that the decision of the arbiter had been rejected by the Senate; and that the President, in pursuance of the advice of the Senate, proposed "to open a new negotiation with his Britannic Majesty's Government for the ascertainment of the boundary between the possessions of the United States and those of Great Britain on the northeastern frontier of the United States, *according to the treaty of peace of* 1783;" and it was further suggested that if the parties should be unable to agree upon the establishment of the treaty line, means might be found of avoiding the constitutional difficulties that hitherto had attended the establishment of a boundary more convenient to both parties than that designated by the treaty, and that such a negotiation would naturally embrace the right of navigation of the river St. John. On the 14th of April, 1833, Sir Charles R. Vaughan replied "that his Majesty's Government regret that they cannot discover in this proposition any probable means of arriving at a settlement of this difficult question. It appears to his Majesty's Government to be *utterly hopeless* to attempt to find out, at this time of day, by means of new negotiation, an assumed line of boundary which successive negotiators, and which commissioners employed on the spot have, during so many years, failed to discover, &c.; that his Majesty's Government will *eagerly* avail themselves of any probable chance of bringing the question to a satisfactory settlement, and will lose no time in endeavoring to *ascertain from Mr. Livingston* in the first place, *what is the principle* of the plan of boundary which the American Government appear to contemplate as likely to be *to be more convenient to both parties*, &c.; whether any, and what arrangement for avoiding the constitutional difficulties has yet been concluded with the State of Maine, that it was necessary that his *Majesty's Government* should be *informed* of the *basis* upon which it is proposed to negotiate before they can either *entertain* the proposal, or decide upon instructions to be given; that they must be *previously assured* that the President will possess the power of carrying into effect his part of any engagement, &c.; and that his Majesty cannot consent to *embarrass* the negotiation respecting the boundary, by *mixing up with it a discussion respecting the navigation of the river St. John.*"

On the 30th of April, 1833, Mr. Livingston proposed to Sir Charles R. Vaughan that the disadvantages of the modes of settlement heretofore adopted might be avoided by appointing a new commission, consisting of an equal number of commissioners, with an umpire selected by some friendly sovereign, to decide on all points on which they disagree; or by a commission entirely composed of skilful men in Europe, so selected, to be attended in the survey and view of the country, by agents appointed by the parties. And further suggested that where two natural boundaries are named, and running from one towards the other on the prescribed course will not touch the other, the rule is not to consider the boundary as one impossible to be traced, but to preserve the natural boundary, and to reach it by the nearest direct course. Thus, if after more accurate surveys shall have been made, it should be found that the north course from the head of the St. Croix should not reach the highlands, which answer the description of those designated in the treaty of 1783, then a direct line from the head of the St. Croix, whatever may be its direction, to such highlands ought to be adopted, and the line will still be conformable to the treaty; and Mr. Livington informs Sir Charles R. Vaughan, that the anticipations of an arrangement by which the Government of the United States might be enabled to treat for a more convenient boundary have not been realized, and in the *present state of things*, they must treat *on the basis of the establishment of the boundary presented by the treaty.*

On 11th of May, 1833, Sir Charles R. Vaughan replies that he is *convinced that it is hopeless* to expect a favorable result from a renewed negotiation *upon that basis*; that with regard to the proposal of a commission of boundary, it would be with great reluctance that the British Government could consent to have recourse to such a measure; and that he does not sufficiently *comprehend* the other view which Mr. L. has partially developed, and suggests that in deviating from the direct north line might lead to mountains to the *eastward of it*, which would trench upon his Majesty's territories of New Brunswick, *and invites Mr. L. to offer some more prompt and effectual measure* for the settlement of the boundary, than the *renewal of a negotiation on an inadmissible basis*, or having recourse again to commissions of boundary, &c.

On the 28th May, 1833, Mr. Livingston informs Sir Charles R. Vaughan that the American Government make no pretensions *further east* than a line directly north from the source of the river St. Croix; but if, on a more accurate survey, it should be found that the north line mentioned in the treaty should pass each of the highlands therein described, and that they should be found at *some point further west*, then the principle would apply, viz: that the direction of the line to connect the two natural boundaries must be altered, so as to suit their ascertained position; and to simplify the operation, the President is willing that the commissioners should be restricted to the single question of determining the point designated by the treaty as the highlands which divide the waters, to which point a straight line shall be drawn from the monument, etc.

On the 31st May, 1833, Sir Charles R. Vaughan replies, that it appears to him that the question of boundary can only be set at rest by an *abandonment of the defective description of boundary contained in the treaty*, and the two Governments mutually agreeing upon a *conventional line more convenient to both parties;* that the proposition of Mr. Livingston is so *restricted to the terms of the treaty*, that the *basis of it* is the same as that which he has been *instructed by his Government* to inform the Government of the United States that it was *hopeless to negotiate upon.* While the point of departure of the line to be traced according to the proposition of Mr. Livingston is clearly established, *the point at which it is to terminate* is left in doubt, and to be decided by the special commission, etc. He wishes to be *informed what limitations* it is intended to put upon the course to be followed by the commission; whether the attention of the commissioners is to be directed to any *particular spot*, or whether they are to be left at liberty to stop at the *first* highlands answering the required description, and observes that the impression left upon his mind, after a conversation with Mr. Livingston, and the production of a map upon a small scale, is, that the *highlands to be sought* in the manner he proposed, would probably be found *north of the St. Johns, but westward some miles of the river St. Francis*, and that he would be happy to receive from Mr. McLane some further explanation of the intended course to be pointed out to the special commissioners.

On the 5th June, 1833, Mr. McLane replies that it is not expected that *any limitations* will be put upon the course to be pursued by the special commissioners, but such as are required by a faithful adherence to the description of the boundary in the treaty of 1783, and proposes to make another effort to overcome the difficulty, and discarding the due north line, should that become necessary; to seek for and find, in the first place, the "highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean;" and when these shall be found in any part of the disputed territory, north or south of the St. Johns river, to draw a line from the monument to the said highlands, and to that point thereof which shall be nearest to a due north line from the monument.

On the 10th February, 1834, Sir Charles R. Vaughan replies, that no satisfactory or useful result could be obtained from the local survey proposed by the American Government, until the two parties are agreed upon *certain points urged by him*, and says no doubt can exist that by going *far enough to the westward*, such highlands as those required by the treaty could be found, because *it is well known* that the *high ground* in the neighborhood of the *source of the St. Johns* divides the *Kennebec*, which falls into the Atlantic Ocean, from the *Chaudiere*, which falls into the St. Lawrence; and upon a full view of the matter, his Majesty's Government think that, *in the first place*, and *previously* to any further negotiation, they are *entitled to claim* from the Government of the United States an *acquiescence* in the decisions pronounced by the arbiter upon all

those points which he has decided; and in the next place, that as a preliminary to any attempt to settle the remaining point by negotiation, they ought to be *satisfied* that the Government with which they have to treat is *possessed of the powers* necessary for *carrying into effect* any arrangement upon which the two parties might agree.

On the 11th March, 1834, Mr. McLane replies, that the arbiter having failed to decide the question submitted to him, the opinions of that arbiter, in the course of his reasoning upon the point submitted, are liable to many objections, which are regarded as insuperable, and repeats the proposition to submit the whole subject to the commission, with an *unlimited discretion over all the points* necessary to the proper decision of the subject committed to it.

March 16, 1834, Sir Charles R. Vaughan replies, that under *such* a commission, not a step could be taken, unless the two Governments agree upon two of the subordinate points, viz: the *character of the land* they are to discover as dividing waters according to the treaty of 1783, and what are to be considered as *Atlantic rivers.*

March 21, 1834, Mr. McLane replies that the United States have no power to discard the line called for by the treaty of 1783, without the assent of Maine; and that assent, in the present state of the controversy, while there remains a reasonable hope of discovering the true and original boundary, it is not possible to obtain; and under such circumstances, the Government of his Britannic Majesty is invited to unite with the President in another effort, aided by the adoption of a plain and easy rule of surveying, to find the line of the treaty of 1783.

December 8, 1834, Sir Charles R. Vaughan repeats the arguments before urged as to the necessity of agreeing upon the *character of the highlands* and *the river question*, and trusts that the American Government will be prepared to agree with that of his Majesty as to the *construction* to be put upon the *passage of the treaty* respecting the *rivers* which empty *into the Atlantic ocean*, and will concur in deciding that the *Atlantic rivers* which are to guide the commissioners in searching for the highlands described in the treaty, are *those rivers* which fall into the sea to the *westward of the mouth of the river St. Croix;* and he is instructed to represent to Mr. Forsyth that his Majesty's Government consider a *clear agreement* between the two Government *on this point* to be an *indisputable preliminary* to the establishment of any new commission of survey. Till this point is decided, no survey of commissioners can lead to any useful result. But the decision of this point turns upon the interpretation of the words of the treaty, and not upon the operation of surveyors; and his Majesty's Government having once submitted this point, in common with others, to the judgment of an impartial arbiter, by whose award they have declared themselves ready to abide, they cannot consent to refer it to any other arbitration.

April 28, 1835, Mr. Forsyth replies that it is with unfeigned regret the President learns the decision of his Majesty's Government not to agree to the proposition made in that spirit of accommodation by which the United States have throughout been influenced, without a *precedent compliance* on their part with *inadmissible* conditions; that the President has made it the duty of Mr. Forsyth to apprise Sir Charles R. Vaughan that he cannot agree to clog the submission with the condition proposed by his Majesty's Government, and that a new submission, if made, should be made without restriction or qualification upon the discretion of the commissioners, other than such as result from established facts, and the just interpretation of the treaty of 1783, and such as heretofore have been, and are now again, tendered by him to his Britannic Majesty's Government, and invites a proposition from his Majesty's Government.

December 28, 1835, Mr. Bankhead, under instructions from his Majesty's Government, argues the river question, and says that with respect to the President's proposal for a commission of exploration and survey, his Majesty's Government could only agree to such a commission, *provided* there were a *previous understanding* between the two Governments that, although neither should be required to give up its own interpretation of the river question, yet as the commission of survey would be intended for the purposes of conciliation, and with a view of putting an end to discussion on controverted points, the commissioners should be instructed to search for *highlands*, upon the *character* of which *no doubt could exist on either side;* repeats that his Majesty's Government are ready to treat for a *conventional* line, and proposes to *divide the disputed territory equally* between Great Britain and the United States.

February 29, 1836, Mr. Forsyth replies, that agreement between the two Governments is impossible, while his Majesty's Government continues to maintain the position indicated by Mr. Bankhead's note; declines the proposition of his Majesty's Government to divide the disputed territory equally between the two Governments, and says that the President will, if his Majesty's Government consents to it, apply to the State of Maine for its assent to make the *river St. Johns, from its source to its mouth*, the boundary between Maine and his Majesty's dominions in that part of North America.

March 4, 1836, Mr. Bankhead refers to his note of 28th December, proposing to instruct the commissioners to search for *highlands*, upon the *character* of which no doubt could exist *on either side*, and thinks that the Secretary of State has not given this *modification* on the part of his Britannic Majesty's Government of the President's proposition the full weight to which it was entitled; and again submits it, bearing in mind that the commissioners who may be appointed are not to *decide* upon points of difference, but are merely to present to the respective Governments the *result of their labors*, which it is hoped may pave the way for an ultimate settlement of the question; and he notifies Mr. Forsyth that the proposition offered in Mr. Forsyth's note, to make the river St. Johns, from its source to its mouth, the boundary between the United States and his Majesty's Province of New Brunswick, is one to which the British Government, he is convinced, will never agree.

March 5, 1836, Mr. Forsyth hopes that the President's proposition for making the St. John's the boundary, may, when brought before his Majesty's Cabinet, be received in a more favorable light than that in which it appears to have presented itself to Mr. Bankhead.

If, however, the river boundary be rejected *before* the President consents to the *modification* of his previous proposition for the appointment of a commission of exploration and survey, it will be necessary to be informed more fully of the view of the British Government in *offering* the *modification, etc.*

August 10, 1837, Mr. Stevenson makes known to Lord-Palmerston the earnest and unabated desire which the President feels that the controversy should be speedily and amicably settled, and expresses the anxiety with which the Government of the United States is waiting the promised decision of his Majesty Government upon the proposition submitted to it as far back as July, 1836.

January 10, 1838, Mr. Fox recapitulates the various attempts which have been made to settle the question of boundary and failed; and in reference to the only remaining proposition of a commission of exploration and survey says, that her Majesty's Government have little expectation that such a commission could lead to any useful result, and on that account would be disposed to object to the measure. But at the same time they are so unwilling to reject the only plan now left which seems to afford a chance of making any further advance in this long pending matter, that they will not withhold their consent to such a commission, if the *principle* upon which it is to be formed, and the *manner in which it is to proceed*, can be satisfactorily settled; and says that her Majesty's Government have stated their opinion that, in order to avoid all fruitless disputes as to the character of such highlands, the commissioners should be instructed to look for highlands which *both parties might acknowledge as fulfilling the conditions of the treaty.* But if the two Governments should agree to the appointment of such a commission, it would be necessary that their agreement should be *first* recorded in a *convention;* and it would obviously be *indispensable* that the State of Maine should be an assenting party to the arrangement.

February 6, 1838, Mr. Forsyth replies to Mr. Fox that the President, for the purpose of placing in the possession of the State of Maine the views of her Majesty's Government, as exhibited in Mr. Fox's note, and of ascertaining the sense of the State authorities upon the expediency of meeting those views, has directed him to transmit a copy of it to Governor Kent for their consideration; repeats that the American proposition is intended, and, if agreed to, will doubtless be successful, to *decide* the question of boundary definitively, by the adoption of the highlands reported by the commissioners of survey, and would thus secure the treaty line. The British modification looks to no such object. It merely contemplates a commission of boundary analogous to that under the fifth article of the treaty of Ghent, and would, in all probability, prove equally unsatisfactory in practice.

From this history of the efforts on the part of our Government to settle the line of boundary by negotiation, it must be apparent to every Senator that there is no hope of establishing the boundary of the treaty by negotiation. The Government of Great Britain has not, at any time since the rejection of the advice of the arbiter, consented to treat upon *the basis of the treaty line, unless* the American Government would, *in advance*, yield some point that would prove fatal to its just rights under the treaty; and although the British Government have professed to be *eager to substitute a conventional line*—one that shall be more convenient to both parties than the treaty line—they have never been willing to intimate what that line should be, or what equivalents on either side should be granted, except that, after *fixing their own limits* to what they denominate *disputed territory*, they would consent to *divide that territory* equally between the two Governments. It is evident and clear, that while our Government have been pressing upon the Government of Great Britain their anxious desire to settle the question of boundary according to the provisions of the treaty, and in some instances have been induced to go beyond what may fairly be regarded the legitimate construction of the treaty, in order to obtain an amicable adjustment of the controversy, it has been the purpose and endeavor of the other party to avail themselves of this disposition to obtain concessions and admissions on our part which, in their effect, would render the description of the boundary contained in the treaty utterly nugatory. After such a lapse of time, and after such efforts as have been made on the part of our Government to settle this question of boundary, and with such dispositions on the other part as are manifested by the attempts at negotiation which have been detailed, it is vain to hope that the question of boundary can be settled without some decided action on the part of Congress. What that action shall be depends very much upon the justice of our claim, and upon the pretences of the Government of Great Britain to resist it; and that Senators may be possessed of the means of coming to right conclusions, and of forming a correct judgment upon these points, it is proposed to state, in a brief manner, some of the grounds and evidence upon which it is believed that the right is clearly with us, and that the pretences of the British Government are of recent origin, and without any valid foundation.

By the first article of the treaty of peace of 1783, his Britannic Majesty acknowledges the said United States—viz: New Hampshire, Massachusetts Bay, etc.—to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs, and successors, *relinquishes* all claims to the Government *propriety and territorial rights of the same, and every part* thereof. It is admitted, as well on the part of the British Government as of the United States, that the map which was used by the commissioners who negotiated the treaty of peace, and to which they had reference in forming the terms of the treaty, was Mitchell's map, of which copies, upon a reduced scale, are now exhibited to the Senate. Upon this map are represented New England, Province of Maine, Province of Sagadahock, on the *west side of the river St. Croix*, and Nova Scotia or Acadia on the *east side of that river, with a line drawn from the source of the St. Croix,*

directly north to the river St. Lawrence, crossing the St. Johns. It is to be remembered that Mitchel's map was published in 1755, when the province of Massachusetts Bay, as well as the province of Nova Scotia extended to, and were bounded by the river St. Lawrence, and so continued to be bounded, until the formation of the province of Quebec in 1763. By the grant of King James the first to Sir William Alexander, afterwards Lord Sterling, in 1621, the boundaries of the Territory of Nova Scotia are, so far as relates to this question, thus described: "to the river commonly called by the name of Holy Cross, or the St. Croix, and to the furthcrest source or spring upon the western branch of the same, which first mingles its waters with those of the said river; thence by an imaginary *direct line*, to be drawn or run through the country, or over the land *to the north* to the first bay, river, or spring emptying itself into the great river of Canada, and from thence running to the east along the shores of the said river of Canada to the river, bay, or harbor, commonly known, or called by the name of Gachepe or Gaspee, etc."

By the charter of 3d William and Mary, 1691, it is declared "that the territories and colonies, called and known by the names of the colony of Massachusetts bay and colony of New Plymouth, the Province of Maine and the territory called Acadie or Nova Scotia, and all the tract of land lying between the said territories of Nova Scotia, and the said province of Maine, be erected, united, and incorporated *into one* province, by the name of our province of the Massachusetts bay in New England.

Upon referring to Mitchell's map, it will be seen that the line drawn upon it, from the source of the St. Croix to the river of Canada or St. Lawrence, is the westerly line described in the grant to Sir William Alexander, and Nova Scotia, as then known and understood; and the easterly line of the province of Massachusetts Bay: each of those provinces, when that map was made, extending northwardly to the river St. Lawrence. After the publication of Mitchell's map, viz: in 1763, by an order in council, the province of Quebec was formed, and the southwardly line of it thus described: "the said line crossing the St. Lawrence and Lake Champlain in forty-five degrees of north latitude, *passes along the highlands which divide the rivers* which empty themselves into the said St. Lawrence, from those which fall into the *sea*, and also along the coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers," etc. and the like description of boundary is contained in the commissions to Governor Murray, November 21, 1763, and to Goveror Carlton, April 21, 1767. By the act of Parliament, 14, George III, 1774, making more effectual provision for the government of the province of Quebec, it is enacted that all the territories, islands, and counties in North America, belonging to the Crown of Great Britain, bounded *on the south*, by a line *from the Bay of Chaleurs, along the highlands which divide the waters that empty themselves into the river St. Lawrence, from those fall into the sea* to a point in forty-five degrees of north latitude, on the eastern bank of the river Connecticut, etc. be, and they are hereby, annexed to, and made part and parcel of, the province of Quebec, as created and established by royal proclamation of the 7th October, 1763. In the commission to Guy Carlton, Governor of Quebec, dated December 27, 1774, the southern boundary of the province of Quebec is thus described:" bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees north latitude, etc. After the proclamation of October 7, 1763, the commissions to the several Governors of Nova Scotia, viz: to Montague Wilmot in 1763, to Lord William Campbell in 1765, to Francis Legge, esq. in 1773, and to John Parr, esq. in 1782, described that province of Nova Scotia thus: "to the northward by the southern boundary of our province of Quebec, as far as the western extremity of the Bay des Chaleurs; to the eastward by the said bay and the Gulf of St. Lawrence to the Cape or Promontory, called Cape Breton, in the island of that name, including said island, etc.; to the westward, (although our said province hath anciently extended, and doth of right extend, as far as the river Pantagonet or Penobscot,) *it shall be bounded* by a line drawn from Cape Sable, across the entrance of the bay of Fundy to the mouth of the river St. Croix, *by the said river to its source, and by a line drawn due north, thence to the southern boundary of our province of Quebec.*"

The province of New Brunswick was established in 1784, and embraces what was, before that time, the northerly part of Nova Scotia. It is thus described in the several commissions to Governors of the province of New Brunswick, from the first one to Thomas Carlton, in 1784, down to that of the Earl of Dalhousie, in 1819, viz: "bounded on the westward by the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our province of Quebec, to the northward by the said boundary as far as the western extremity of bay of Chaleurs, to the eastward by the said bay, and the gulf of St. Lawrence; to the bay called Bay Verte, to the south," &c. From all these documents, it is clear and undeniable that the western line of what was formerly Nova Scotia, now New Brunswick, *is, and always has been*, the river St. Croix, and a line from the source of that river *due north*, extending formerly to the river St. Lawrence, and since 1763 to the south line of Quebec; or, to what is the same thing, a line from the bay of Chaleurs, *along the highlands*, which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea toward a point in 45 degrees of northern latitude, &c. That the north line of that province is as far north as we claim the north line of Maine to be, is proved, first, by the fact that the Bay Chaleurs is a part of that north line; secondly, by acts of the provincial Government, incorporating counties, and parishes, upon the Bay Chaleurs, and *upon the river Restigouche*, and regulating the *fisheries in that river*, granting land, and establishing roads, &c.; thirdly, from the acts, and declaration, of the Surveyors General of the provinces of Quebec and of New Brunswick, in 1787, when it was proposed by the authorities of the province of Quebec to run and mark the line between these provinces, as disclosed in the extracts hereafter to be mentioned.

Inasmuch as the province of Maine or Massachusett's bay formerly extended to and was bounded north by the river St. Lawrence, and as no change of its boundary had been made prior to the treaty of 1783, (except so far as the province of Quebec had been extended South of the St. Lawrence,) it is only necessary to see how far the *south line of Quebec* extends to the *southward* of the St. Lawrence, to ascertain the *north line* of the province of Massachusetts Bay, *as it was at the time of the treaty*, when his Britanic Majesty *relinquished* all claim to the *government, propriety and territorial rights of the same and every part thereof.* That line was described, in the proclamation, to be a line "crossing the St. Lawrence and Lake Champlain in 45 degrees north latitude, passing along the highlands which divide the rivers which empty themselves into the said river St. Lawrence from those which fall into the sea, and also along the coast of the Bay des Chaleurs," and in the act of Parliament "by a line from the bay of Chaleurs along the highlands which divide the waters that empty themselves into the river St. Lawrence from those which fall into the sea to a point in 45 degrees of north latitude, on the eastern bank of the river Connecticut." If there was any doubt as to what highlands were intended by these several descriptions, or as to their locality, in the absence of other satisfactory evidence, it might be sufficient to look upon the map of the country, then extant, and see that a range of highlands, extending all along from the western extremity of the bay of Chaleurs to Connecticut river, in 45 degrees north latitude, and north of all the streams flowing into the St. Johns river, is distinctly represented upon the map, and that *no other* range of highlands is indicated upon the map, between the bay Chaleurs and Connecticut river; and that this range, as indicated by the map, does divide the streams running northwardly into the St. Lawrence from the streams running southwardly into the sea. But a glance at this map must at once satisfy the mind that such highlands as are mentioned in the proclamation and act of Parliament must, in the nature of things, exist between the great river St. Lawrence on the northwest, and the Atlantic ocean on the southeast, and that such highlands must, of necessity, divide the rivers and streams represented on that map as running in different and opposite directions; and, but for the ingenuity of British agents and diplomatists, it would be difficult to imagine how any question could be made upon such a state of facts.

Thus far the question has been considered independently of the further article of the treaty of 1783, which was added "that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz: that angle which is formed by a line due north from the source of St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, (and thence round to the Southern boundary,) *east* by a line to be drawn along the middle of the river St. Croix from its mouth, in the bay of Fundy, to its source; and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence."

The point of beginning, the *terminus a quo*, mentioned in this description of the boundary of the United States, viz: *the northwest angle of Nova Scotia*, not being fixed or marked by any actual monument existing at the time the treaty was formed, it was necessary so to describe it that its position and location might be ascertained and fixed by reference to other known monuments, and directing the manner in which a line should be extended from one to the other, and hence the further description of that angle, the point of departure, viz: "That angle which is formed by a line drawn due north from the source of St. Croix river to the highlands." To determine, therefore, the particular place and location of the angle thus described, it could only be necessary to commence at the source of St. Croix river, and run a line therefrom *due north*, until it should reach the highlands, and at whatever *point of the highlands* that line should meet them, would be the angle called for by the treaty. To effect this, the *source of St. Croix river* and *the highlands* must be ascertained, and it is matter of history that the two Governments were not, for years after the formation of the treaty, agreed as to what river was the St. Croix river, mentioned in, and intended by, the treaty; the American Government claiming that a river further east than the Scoudiac was the St Croix of the treaty; and the British Government contending that the Penobscot was the St. Croix of the treaty. This point of disagreement was settled and finally determined in 1797 by commissioners of both Governments under the provisions of the treaty of 1794, and a *monument* was accordingly erected at the source of the western branch of the river Scoudiac, or St. Croix river, as the *source of St. Croix river mentioned in the treaty of* 1783, and that monument has ever since been, and now is, recognised by both Governments as the point from which the line is to be drawn due north to the highlands. This point being fixed, and not now disputed, it remains to ascertain what highlands are to be reached by the line running due north from this monument, *at which* the northwest angle of Nova Scotia is to be located and fixed, and this is the point of difference between this Government and the Government of Great Britain, and of course requires a careful and close examination. In the former part of the description (in the treaty of 1783) of the highlands, at which the angle is to be formed, there is not any further designation of them, than that the line drawn due north from the source of St. Croix river to the highlands is the *point from which* the line of boundary is to start, and that line of boundary is "*along* the *said* highlands, which

divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river"—the highlands called for, as constituting the *point of departure* of the line of boundary, must be the *same as those upon which that line of boundary* is to *run along*; and the highlands upon which that boundary is to run *along*, are highlands which divide the waters, etc. Further, in the latter part of the description of boundaries, in the treaty of 1783, *the highlands intended* are more certainly fixed, in the following words: "East by a line to be drawn along the middle of the river St. Croix from its mouth, in the bay of Fundy, to its source, and from its source directly north to *the aforesaid highlands, which divide the rivers* that fall into the *Atlantic ocean* from those which fall into the *river St. Lawrence.*" The highlands mentioned in both parts of the description of boundaries are therefore *the same* and not different, and, to satisfy the description of them, must be such highlands as divide the rivers in the manner mentioned in the treaty.

That such highlands were known to be near to the river St. Lawrence, and between the source of St. Croix and the river St. Lawrence, is not only apparent upon inspection of Mitchell's map, used by the commissioners in forming the treaty of peace, and in preparing the description of boundaries, but was then matter of history and record in England, as well as in the British provinces in North America.

In Pownal's topographical description of part of the British colonies in America, in describing mountains, highlands, etc. he says: "And in the latitude of 45 or thereabouts, turning eastward, run away to the Gulf of St. Lawrence." Again: "Going from the same line in latitude 45 of the greatest height of *this range of mountains, and following them to the east northerly*, they all seem to range *as united* until again divided by the Bay of Chaleurs." Again: "All the rivers which have their sources amidst the *northern ridges* of this great range, fall into *Canada or St. Lawrence river*, as the St. Francis, Chaudier, and many others. All which have their sources in the *southern* ridges, fall into the Bay of Fundy or *into the main ocean*," etc.

The range of highlands thus described is near to the St. Lawrence and north of the St. Johns, and has always been claimed by the American Government as the highlands intended and described in the treaty; and although formerly admitted to be such by agents of the British Government, it is not so now; but the latter Government contend that the due north line from the source of the St. Croix shall stop at *Marr's Hill*, which is situated some thirty miles *south* of the Great Falls in St. Johns river, and not more than forty-five miles from the monument at the source of St. Croix.

To show that the highlands of the treaty were formerly *understood and admitted* by the agents of the Government of Great Britain to be situated *north* of the St. Johns river, and where the American Government now claim that they are to be found, the following extracts are submitted:

Extract from minutes of Executive Council of Quebec.

MONDAY, 9th July, 1787.—Present his Excellency the Governor, &c.

His lordship intimated the propriety of ascertaining the limits between this and the province of New Brunswick, and that the Surveyor General of that province would soon meet Mr. Holland for that purpose, &c.

Extract from Lord Dorchester's instructions to Mr. John Holland.

QUEBEC, July 9, 1787.—You will be pleased to accompany Mr. Finley to the *Great Falls* on the river St. Johns, in order to assist in marking out the boundary between the provinces of Quebec and New Brunswick, &c. You will there meet the Surveyor General of the province of New Brunswick, or some other person authorized by the Lieutenant Governor of that province, in concert with whom and Mr. Finlay, you will proceed upon that business. You will be guided therein by the enclosed *descriptions of the boundaries* of the provinces of Quebec, Nova Scotia, and New Brunswick, extracted from *commissions as Governor* thereof, to which is likewise added the description of the boundary of the United States, taken from the definitive treaty for your information, &c.

Extract from Mr. Holland's report.

"*July* 26, 1787.—Pursuant to orders, proceeded to Great Falls, on the river St. Johns, and on the 16th met Capt. Sproul, Surveyor General of New Brunswick, who said that, conceiving his waiting for us at the Great Falls totally unnecessary, he was now proceeding on his way *to the height of land or the carrying place between St. Lawrence and Lake Timisconta*, as there (according to his idea) the boundary ought to be fixed. I observed, it was generally understood in Canada, that the line between the provinces of Quebec and New Brunswick should run *from the head of Chaleur bay* along the highlands in a westerly direction *to the Great Falls* on the St. Johns river, and from thence west to the westernmost or main branch of the river St. Croix. He answered that, *should a boundary be fixed at or near the Great Falls*, he would protest against such doings as contrary to *directions laid down in his instructions*. Afterwards, Capt. Sproul repeated the same to Mr. Finlay, adding that he would proceed immediately *to the portage, to examine which way the waters incline on the heights there*, that, *by their course*, he might *ascertain the boundary between the provinces of Quebec and New Brunswick*, as all the streams running into the rivers which empty themselves into the river St. Johns are in the province of New Brunswick, and those which fall into the St. Lawrence are in the province of Quebec. After many arguments to show the *impropriety* and *disadvantage of fixing a boundary on the portage*, &c. but *more especially* that the fixing *that limit* would *materially affect the boundary between us and the United States of America*, and that a large territory would *thereby* be saved or lost to his Majesty's dominions, &c. and requested Mr. Sproul to return with us to the Great Falls. He refused, saying that he had formed his opinion of the *situation of the boundary* from geographical knowledge and *ocular demonstration*, and it was *unalterable*, &c."

The written instructions from the Governor of New Brunswick to Sproul, dated 7th July, 1787, were to *run the boundary* line between the provinces of Quebec and New Brunswick *agreeably to the act of Parliament for establishing the province of Quebec.*

Extract from the report of the Commissioner of Council of the province of Quebec, appointed to consider the boundary between the provinces of Quebec and New Brunswick, &c. Oct. 18, 1787:

"The Commissioner most humbly submits to your Lordship whether it *would not be for the advantage of both Governments* that the province of Quebec be separated from that of New Brunswick by a line running along the *highlands, which extend from the head of Chaleurs bay to the foot of the great fall of St. Johns river*, and from thence crossing the river (so as to include the whole of the portage or carrying place) and continuing in a straight line toward the *sources of the river Chaudeur, which rise on the highlands that commence at the said head of the Bay of Chaleurs, and extend all the way to the northwesternmost head of Connecticut river.*"

Extract from the arguments of the British agent, in 1797, *before the Commissioners under the 5th article of the treaty of* 1794.

"If it can be shown that the *river Scoudiac*, so called by the Indians, *is this* river *St. Croix*, and that a line along the middle of it to its source, together *with a line due north from its source, formed a part of the western boundary of the province of Nova Scotia*, and that *the highlands* formed the *northern boundary* line of this province *at the time the treaty of peace was made*, so as to form the northwest angle of Nova Scotia, by these western and northern boundaries, the intention of the treaty of peace is at once ascertained in the great point in controversy.

"But to apply these facts to the point more immediately under consideration, whether a line due north from the source of the Western or main branch of the river Scoudiac, or St. Croix, will leave to each of the parties to the treaty those rivers that empty themselves, or whose mouths are, *within its territories, upon the sea coast respectively.*

"The effect, so far as regards the United States, is completely secured by the treaty, in all events; and thence we have further reason to suppose it was intended to be *reciporcal* in this respect, if a just interpretation will warrant it. A line due north from the source of the *western or main* branch of the *Scoudiac*, or St. Croix, will fully secure this effect to the United States in every instance; and also to Great Britain in all instances *except in that of the river St. Johns*, wherein it becomes *impossible*, by reason that the *source* of this river is to the westward, not only of the western boundary line of Nova Scotia, but of the sources of the Penobscot, and even of the Kennebec, *so that this north line must, of necessity, cross the river St. Johns;* but it will cross it in a part of it almost at the foot of the highlands, and where it ceases to be navigable. But, if the north line is traced from the source of the Cheputnaticook, it will not only cross the river St. John within about 50 miles of Frederickton, the metropolis of New Brunswick, *but will cut off the sources of the rivers which fall into the bay of Chaleurs*, if not of many others," &c.

Extract from a letter of Robert Liston, his Majesty's Minister Plenipotentiary to the United States, to Ward Chapman, esq. agent of the British Government in 1798.

"I have considered, with attention, your letter of this date, and it appears to me evident that the adoption of the river Cheputnaticook, as part of the boundary between his Majesty's American dominions and those of the United States, in preference to a line drawn from the easternmost point of the Scodiac lakes, would be attended with considerable advantage. It would give an addition of territory to New Brunswick, together with *a greater extent of navigation on St. Johns river*," &c.

It thus appears that when the two Governments were contending with each other as *to the true St. Croix, or place from which* the due north line was to be run, it was well understood and admitted that such due north line would cross the river St. Johns, and that the highlands of the treaty were north of that river. If *Marr's Hill* (now claimed by the British Government as the highlands of the treaty, and which is far *south of the river St. Johns,*) had been then supposed or claimed to be the highlands, at which the due north line was to stop, why the zeal and effort of the British agent to fix the starting point (the source of the St. Croix) *so far west* as that the line, running due north from it, should *not cross the St. Johns near Frederickton*, but so far up that river as to be *beyond where it was navigable and near to the highlands?* Or why should Mr. Liston, the British Minister, write to their agent for managing the question before the commissioners, that, by adopting the course suggested, it would give to New Brunswick a *greater extent of navigation on the St. Johns?*

Again: at the making of the treaty of Ghent in 1814, it is manifest that the British Government made no pretension that the highlands were south of the St. Johns, or that any portion of the territory now denominated disputed territory belonged to that Government The idea that the St. Johns river was not an Atlantic river, that the highlands of the treaty were south of the St. Johns, or that the line of boundary was so imperfectly described in the treaty that it was impossible to find and locate it, was not then entertained. Hence we find that, on that occasion, the British commissioners first propose "*such a variation* of the line of frontier *as may secure* a direct communication between Quebec and Halifax." On being informed that the American commissioners had not authority to *cede* any territory, the British commissioners say that they were not prepared to anticipate the objections stated by the American commissioners that they had no authority to cede territory, however *insignificant*, although the *proposal left it open* to them to demand an *equivalent* for such cession, in *frontier* or otherwise; and further add, that "they are pursuaded that an arrangement on this point might be easily made, if entered into with a spirit of conciliation, without any prejudice to the interests of the district in question, [viz: the now State of Maine,] and Col. Bouchette, Surveyor General of Lower Canada, in his Topographical description of the province of Lower Canada, printed in London in 1815, says: "The main ridge, continuing its northeasterly direction, is intersected by an imaginary line, prolonged in a course astronomically due north from the head of the river St. Croix, and

which ridge is supposed to be the boundary between Lower Canada and the United States; at least such appears to be the way in which the treaty of 1783 is construed by the American Government, but which ought *more fairly to be understood* as follows, viz: that the astronomical line running north from the St. Croix, should extend only to the first or easterly ridge, and thence run westerly along the west of said ridge to the Connecticut, thereby equitably dividing the waters flowing into the St. Lawrence *from those that empty* into the *Atlantic within the United States* and those that have their estuaries within the British province of New Brunswick. It is important, and must always have been had in contemplation, that an uninterrupted communication and connection should exist between all his Majesty's North American possessions; but, by the manner in which the treaty is insisted upon by the opposite party, a space of more than eighty-five miles would be placed within the American limits, and by which the British provinces would be completely severed; it would also produce the inconvenience of having the mail from England to Quebec carried over that distance of American territory, which may be deemed either as matter of indulgence, or complained of as an encroachment, according to the temper of the times."

Since it was ascertained that the American Government was not disposed to vary the treaty line, to *cede*, or to *exchange* for an equivalent, the right of communication between Quebec and Halifax, which seems so desirable to the British Government, other objections have been invented and urged by that Government against the claim and right of the American Government to the territory before admitted to be ours, and which is most clearly ours by the terms of the treaty of 1783. One of these objections is, that the St. Johns river does not empty its waters into the *sea* or *Atlantic ocean, but into the bay of Fundy*, and hence that the highlands which divide the waters running into the river St. Lawrence from those which run into the river St. Johns, are not such highlands as are called for by the treaty. Second: that there are not any highlands north of the St. Johns river which would be reached by running a due north line from the source of St. Croix river; and, thirdly, that Marr's Hill, about thirty miles south of St. John's river, on the due north line from the source of St. Croix, and the hills and mountains separating the waters which run in the St. Johns river from those which run into Penobscot river, *are* the highlands of the treaty, and *along which* the boundary is to be established. In answer to the first objection, it is sufficient to ask Senators to look at Mitchell's map, and they will see that the great river of Canada, or St. Lawrence, is laid down on the north of New England and Nova Scotia, into which certain rivers are represented as running from among the highlands therein indicated; and on the south and east is the Atlantic ocean, into which all the streams and rivers south of the same highlands appear to run, and St. Johns river is one of the latter. The objection that the St. Johns river empties its waters into the *Bay of Fundy, and thence into the ocean*, is none other than exists against the Penobscot, which empties its waters *into Penobscot bay, and thence into the ocean*; and to the Kennebec, which empties its waters *into Sagadahoc bay, and thence into the ocean*, and both of which latter rivers *are admitted by the British Government to empty themselves into the Atlantic ocean.*

To obviate the second objection, the following extracts are deemed sufficient. Colonel Bouchette, Surveyor General of Lower Canada, in his topographical description of that province, before quoted, states: "Beyond this range, at about fifty miles distance, is the ridge, generally denominated the Lands height, dividing the waters that fall into the St. Lawrence from those taking a direction towards the Atlantic ocean, and along whose summit is supposed to run the boundary line between the territories of Great Britain and the United States of America. This claim commences upon the eastern branch of the Connecticut river, takes a northeasterly course, and terminates near Cape Rosier, in the Gulf of St. Lawrence." And, "From the Connecticut river, the height of land on which the boundary is supposed to pass runs to the northeast, and divides the waters that fall into the St. Lawrence from those flowing into the Atlantic; and which height, after running some distance upon that course, sends off a branch to the eastward, that separates the heads of streams falling into Lake Tamisconata and river St John, and by that channel into the Bay of Fundy, from those that descend in a more direct course into the Atlantic."

Colonel Johnson, United States surveyor, in his account of the survey of the due north line in 1817, says that, proceeding north from the last mentioned ridge, the land continues very high, and not very uneven, 144 miles 26 chains, (north from the monument,) where the land is nearly as high as at 132 miles, and *is the ridge* which divides the waters emptying into the St. Lawrence from those which fall into the Atlantic ocean.

Colonel Partridge, United States Surveyor, states that the land at Grand Portage, near Lake Tamisconata, is 1336 feet above tide water of the St. Lawrence at St. Andre.

To the third objection it is answered that the location of the boundary at Mars Hill, would contradict all cotemporaneous understanding as to the highlands, which formed the boundary between the province of Quebec on one side, and the provinces of Massachusetts Bay, and Nova Scotia or New Brunswick on the other. It contradicts the arguments and opinions of the British agent, and of the British minister, at the settlement of the true St. Croix, of the treaty, and fixing the monument at the source of the Scoudiac river. It does not divide any waters *running into the St. Lawrence* from waters running into the Atlantic ocean, but does divide streams running into the St. Johns from other streams running into Penobscot river, and through those rivers into the sea or Atlantic ocean; in other words, it divides waters running into the Atlantic ocean, through the St. Johns river, from waters running into the Atlantic ocean, through the Penobscot river. Mars Hill is a separate, isolated mountain, and there is not *any range of highlands* extending from it in the direction toward Connecticut river. It cannot be the *northwest angle* of Nova Scotia, for the reason that the *west line* of Nova Scotia, now New Brunswick, *continues due north more than* 100 *miles from Mars Hill.* The highlands of the treaty must be where the northwest angle of Nova Scotia was at the making of the treaty. That Nova Scotia extended north, as far as the Restigouche, is proved by her acts of jurisdiction, incorporating counties, parishes, &c. upon that river, and the line between the now province of New Brunswick, and the province of Lower Canada, is upon the bay Chaleurs, and the range of highlands extending therefrom toward the head of Connecticut river, making the *northwest angle* of New Brunswick where the American Government claim it should be, more than 100 miles due north from Mars Hill. Further, the original west line of Nova Scotia extended from the St. Croix river, from its mouth to its source, and from its source directly north, to the St. Lawrence, (since changed to the highlands, or south line of the province of Quebec,) and that west line has not been varied, but now is the west line of the province of New Brunswick. It is not denied that the north line of New Brunswick is at least 100 miles north of Mars Hill, and yet, strange as it may appear, the British Government contend and insist that the *northwest angle* of Nova Scotia, now New Brunswick, is *in the west* line of New Brunswick, viz: at Mars Hill, a point *in* that west line, and about *one-third* of the distance from the *source of St. Croix* to the *north line* of New Brunswick, or the south line of Canada.

If Mars Hill be the *northwest angle* of Nova Scotia, now New Brunswick, it would be expected that the line of New Brunswick, in its further extent, must *vary* to the *eastward* of north; but so far from this being the fact, it continues (according to the American claim) due north, about 100 miles from that hill, and (according to the British claim) it turns *west*, and extends more than 100 miles to the head waters of the Kennebec and Chaudier.

Who, before this, ever heard of *an angle* midway of a *straigt line?* but so it must be if *Mars Hill* be the *northwest angle* of Nova Scotia or New Brunswick.

It should, also, be borne in mind that, according to the British claim as now insisted upon, and as marked upon map A, which is agreed to be a true representation of the topography of the country, and of the lines of boundary claimed by the respective parties, the tract of country which is situate west of the due north line from the monument, (and west of the west line of Nova Scotia, now New Brunswick, as described in all the commissions to the Governors of that province, from 1763 down to 1819, and probably to this day,) and between the lines contended for by the respective parties, contains from five to six millions of acres of land, and is now claimed as part of the province of *New Brunswick.* By what right or pretence can it be claimed as belonging to New Brunswick; even if it do not belong to the United States, it would rather seem to belong to Quebec, or Lower Canada, as now called. If Mars Hill, and the line running from it westwardly, and designated on map A as the line claimed by Great Britain, be along the highlands as described in the treaty of 1783, then it must follow that the territory in dispute is part of the former Province of Quebec, now Lower Canada, the south line of which is described in the same language as is the north line of the United States. But it is not so claimed, and never has been. There is no controversy between Maine, or the United States, with Lower Canada, as to the line of boundary between them. There is not, and never has been, any conflict of jurisdiction with that Province, and so late as 1815, the Surveyor General of Canada, Col. Bouchette, by authority of that Government, published a map of Lower Canada, upon a large scale, and from actual surveys, (which now hangs in the Senate chamber, and to which the attention of Senators is earnestly called,) which shows clearly and distinctly the highlands dividing the Province of Canada from the Province of Maine, now the State of Maine, and which highlands are identical with those for which the United States always have and still do contend. On the *north of that range of highlands* are marked the counties and parishes in Lower Canada, and on the *south of it* is marked *the Province of Maine;* and it would be with an ill-grace, after such a survey and map of Lower Canada, for any one to contend that Lower Canada extended over those highlands and south to the line claimed by Great Britain. But notwithstanding all the obstacles to the claim of New Brunswick to this territory, and all the absurdities to which such a claim is liable, it is a fact that the Government of New Brunswick not only claim actual and exclusive jurisdiction over it, but have granted land within its limits, have appointed a warden to superintend and protect it, and deny to the Government of Maine and of the United States the right of property and jurisdiction within it. Yet more: American citizens, residing upon that territory, are made amenable to the authorities of that Province, have been arrested at their own homes by officers of that Province, taken to Frederickton and there imprisoned, tried by their courts, condemned and punished for no other crime than asserting their rights as American citizens, and attempting to execute the laws of their country; and when we complain of these acts of outrage, and contempt of our rights as American citizens, we are told that Great Britain was originally the owner of the whole, and that their right continues until the line shall be settled, and the part released be formally set apart. Such doctrine is not applicable to the case in question. The treaty was not a grant of territory, but the acknowledgment of the independence of colonies, and prescribing limits to such as were declared to be independent; and when such claim is put forth and threatened to be enforced, in the language held by Sir Archibald Campbell, while he was Lieutenant Governor of New Brunswick, and by Sir John Harvey, the present Lieutenant Governor of that Province, there seems no alternative but to submit, and abandon all, or to assert our rights, perform our duties to one of the States of the Union, and maintain the honor of the nation by running the line and giving protection to all our citizens within it.

In 1831, Sir Archibald Campbell, then Lieutenant Governor of New Brunswick, in a letter to the then Governor of Maine, says: "It is, perhaps, unnecessary to remind your excellency, that until the unfortunate boundary question is *definitively* settled, it is my *imperative duty* to maintain *inviolate* the *existing* boundaries of the Province committed to my charge." And so late as September last, Sir John Harvey, Lieutenant Governor of New Brunswick, in a letter to Governor Dunlap, of Maine, says: "I hold positive instructions from my Government not to suffer any act of sovereignty to be exercised by any foreign power *within the territory in dispute* betwixt Great Britain and the United States, until the right to that territory shall have been determined by negotiation by the two Governments; that he has no discretionary power whatever upon the subject; and that, if *the whole military force of British America* should be necessary to enable me to give effect to these instructions, *that force would be placed at my disposal.*" Add to these official declarations that recently the British forces destined for Canada, without asking the permission of this Government, were marched across the disputed territory to Quebec; that preparations for a military post at Woodstock are being made, and that the military force at Fredericktion and Halifax has lately been increased by the addition of two regiments at the former, and three regiments at the latter place, and I need not say that the crisis has arrived when this controversy about our boundary should be taken in charge by Congress, and such measures promptly adopted as will afford protection to our citizens, bring the question of boundary to a speedy issue, preserve the rights of Maine, and save the honor of the nation.

How these objects shall be attained is for Congress, in its wisdom, to determine. It is altogether probable, that should Maine attempt to run the line, unaided by the General Government, conflicts might ensue which must eventually bring the General Government to her aid. Is it not better, more just to Maine, and less likely to disturb the peaceful relations between the two Governments, that the United States should at once undertake the survey of that line? If the Government of Great Britain will concur, and aid in the survey, there can be no trouble; if that Government should not concur, she cannot reasonably complain of our making it; and when made, it will remain for her to acquiesce in it, or to pursue such other course as she may think the merits of her pretended claim will justify her in adopting.

Sincerely desirous of preserving peace, I propose the bill to provide for surveying the boundary under the authority of the United States, in the full belief that it is the only mode in which the rights of Maine and of the nation can, or will, be maintained.

DISTRICT BANKS—SPECIE BASIS.

REMARKS OF MR. BENTON,
OF MISSOURI.

In Senate, May 10, 1838—On the bill to recharter the banks of the District of Columbia. The question being on Mr. BUCHANAN'S amendment to fix the proportion of specie on hand to the circulation and deposites,

Mr. BENTON said: This is a point of great moment—one on which the public mind has not been sufficiently awakened in this country, though well understood and duly valued in England.

The charters of banks in the United States are usually drawn on this principle, that a certain proportion of the capital, and sometimes the whole of it, shall be paid up in gold or silver before the charter shall take effect. This is the usual provision, without any obligation on the bank to retain any part of this specie after it gets into operation; and this provision has too often proved to be illusory and deceptive. In many cases the banks have borrowed the requisite amount for a day, and then returned it; in many other cases, the proportion of specie, though paid up in good faith, is immediately lent out, or parted with. The result to the public is about the same in both cases; the bank has little or no specie, and its place is supplied by the notes of other banks.

The great vice of the banking system in the United States is in banking upon paper—upon the paper of each other—and treating this paper as cash. This may be safe among the banks themselves; it may enable them to settle with one another, and to liquidate reciprocal balances; but to the public it is nothing. In the event of a run upon a bank, or a general run upon all banks, it is specie, and not paper, that is wanted. It is specie, and not paper, which the public want and must have.

The motion of the Senator from Pennsylvania [Mr. BUCHANAN] is intended to remedy this vice in these District banks; it is intended to impose an obligation on these banks to keep in their vaults a quantum of specie bearing a certain proportion to the amount of their immediate liabilities in circulation and deposites. The gentleman's motion is well intended, but it is defective in two particulars: first, in requiring the proportion to be the one-fourth, instead of the one-third, and next, in making it apply to the private deposites only. The true proportion is one-third, and this to apply to all the deposites except those which are special. This proportion has been fixed for a hundred years at the Bank of England; and just so often as that bank has fallen below this proportion, mischief has occurred. This is the sworn opinion of the present Governor of the Bank of England, and of the directors of that institution. Before Lord Althorpe's committee in 1832, Mr. Horsley Palmer, the Governor of the Bank, testified in these words:

"*The average proportion, as already observed, of coin and bullion which the bank thinks it prudent to keep on hand, is at the rate of a third of the total amount of all her liabilities, including deposites as well as issues.*" Mr. George Ward Norman, a director of the bank, states the same thing in a different form of words. He says: '*For a full state of the circulation and the deposites, say twenty-one millions of notes and six millions of deposites, making in the whole twenty-seven millions of liabilities, the proper sum in coin and bullion for the bank to retain is nine millions.*' Thus, the average proportion of one-third between the specie on hand and the circulation and deposites, must be considered as an established principle at that bank, which is quite the largest, and amongst the oldest, in the world. It might be well also to remark that the same proportion, very nearly, prevailed in the Bank of the United States at the time of the removal of the deposites in October, 1833: it was, of specie on hand, $10,663,441; of circulation and deposites, $37,105,465; being at the rate of between one-third and one-fourth of specie in hand for immediate liabilities."

The Bank of England is not merely required to keep on hand, in bullion, the one-third of its immediate liabilities; it is bound also to let the country see that it has, or has not, that proportion on hand. By an act of the third year of William IV, it is required to make quarterly publications of the average of the weekly liabilities of the bank, that the public may see whenever it descends below the point of safety. Here is the last of these publications, which is a full exemplification of the rule and the policy which now governs that bank:

Quarterly average of the weekly liabilities and assets of the Bank of England, from the 12th December, 1837, to the 6th of March, 1838, both inclusive, published pursuant to the act 3 and William IV, cap. 98:

Liabilities.		Assets.	
Circulation	£18,600,000	Securities	£22,792,900
Deposites	11,535,000	Bullion	10,015,000
	£30,135,000		£30,807,000

London, March 12.

According to this statement, the Bank of England is now safe, and accordingly we see that she is acting upon the principle of having bullion enough, for she is shipping gold to the United States.

The proportion in England is one-third. The bank relies upon its debts and other resources for the other two-thirds, in the event of a run upon it. This is the rule in that bank which has more resources than any other bank in the world; which is situated in the moneyed metropolis of the world—the richest merchants its debtors, friends and customers—and the Government of England its debtor and backer, and always ready to sustain it with exchequer bills, and with every exertion of its credit and means. Such a bank, so situated and so aided, still deems it necessary to its safety to keep in hand always the one-third in bullion of the amount of its immediate liabilities. Now, if the proportion of one-third is necessary to the safety of such a bank, with such resources, how is it possible that our banks, with their meagre resources and small array of friends, to be safe with a less proportion?

This is the rule at the Bank of England, and just as often as it has been departed from, the danger of that departure has been proved. It was departed from in 1797, when the proportion sunk to the one-seventh; and what was the result? The stoppage of the Bank, and of all the banks in England, and a suspension of specie payments for six-and-twenty years! It was departed from again about a year ago, when the proportion sunk to one-eighth nearly; and what was the result? A death struggle between the paper systems of England and the United States, in which our system was sacrificed to save hers. Her system was saved from explosion! but at what cost? at what cost to us, and to herself? To us a general stoppage of all the banks for twelve months; to the English, a general stagnation of business, decline of manufactures, and of commerce, much individual distress, and a loss of two millions sterling of revenue to the Crown. The proportion of one-third may then be assumed as the point of safety in the Bank of England; less than that proportion cannot be safe in the United States. Yet the Senator from Pennsylvania proposes less—he proposes the one-fourth, and proposes it, not because he feels it to be the right proportion, but from some feeling of indulgence or forbearance to this poor District. Now, I think that this is a case in which kind feelings can have no place, and that the point in question is one upon which there can be no compromise. A bank is a bank whether made in a District or a State; and a bank ought to be safe whether the stockholders be rich or poor. Safety is the point aimed at, and nothing unsafe should be tolerated. There should be no giving and taking below the point of safety. Experienced men fix upon the one-third as the safe proportion; we should not, therefore, take a less proportion. Would the gentleman ask to let the water in the boiler of a steamboat sink one inch lower, when the experienced Captain informed him that it had already sunk as low as it was safe to go? Certainly not! So of these banks. One-third is the point of safety; let us not tamper with danger by descending to the one-fourth.

Mr. B. here read an extract from a speech of Mr. WEBSTER, in which he quoted with approbation the rule of the Bank of England to keep on hand the one-third in bullion of its circulation and deposites, and in which speech it was averred that the same rule prevailed at the Bank of the United States. These remarks of the Senator from Massachusetts were in relation to the Safety Fund banks of New York, during the panic of 1833-34, and to show that those banks were not safe, because their specie on hand fell below that proportion. The attacks then made on these banks, though dangerous to them at the time, may have stimulated them to attain the point of safety. Certain it is they are now doing better than any other banks in the United States. They have all resumed! all the banks of the State and city of New York have resumed! and I give them applause, and wish them a safe deliverance from every danger.

Mr. B. continued. When a bank stops, the first thing we see is an exposition of its means, and a declaration of ultimate ability to pay all its debts. This is nothing to the holders of its notes. Immediate ability is the only ability that is of any avail to them. The fright of some, and the necessity of others, compel them to part with their notes. Cool, sagacious capitalists can look to ultimate ability, and buy up the notes from the necessitous and the alarmed. To them ultimate ability is sufficient; to the community it is nothing. It is, therefore, for the benefit of the community that the banks should be required to keep always on hand the one-third of their circulation and deposites; they are then trusted for two-thirds, and this is carrying credit far enough. If pressed by a run, it is as much as a bank can do to make up the other two-thirds out of the debts due to her. Three to one is credit enough, and it is profit enough. If a bank draws interest upon three dollars when it has but one, this is eighteen per cent. and ought to content her. A citizen cannot lend his money for more than six per cent. and cannot the banks be con-

tented with eighteen? Must they insist upon issuing four dollars, or even five, upon one, so as to draw twenty-four or thirty per cent. and thus, after paying their officers vast salaries, and accommodating friends with loans on easy terms, still make enough out of the business community to cover all expenses and all losses, and then to divide larger profits than can be made at any other business?

Mr. B. complimented the late General Assembly of Louisiana in having incorporated into an act the English proportion of one third specie for the circulation and deposites combined; and also for having adopted the important provision of a limitation on the denomination of notes to a minimum of twenty dollars. He made no remark upon the general character of the bill which contained these provisions, and which had not ripened into a law. He only spoke of the two provisions mentioned; any thing further would be improper; and he mentioned these provisions as setting an example which it would be good for the Congress of the United States, and for every State in the Union, to follow.

We now touch a point, said Mr. B. vital to the safety of banking, and I hope it will neither be passed over without decision, nor decided in an erroneous manner. We had up the same question two years ago, in the discussion of the bill to regulate the keeping of the public moneys by the local deposite banks. A Senator from Massachusetts [Mr. WEBSTER] moved the question; he (Mr. B.) cordially concurred in it; and the proportion of *one fourth* was then inserted. He (Mr. B.) had not seen at that time the testimony of the Governor and Directors of the Bank of England, fixing on the *one third* as the proper proportion, and he presumed that the Senntor from Massachusetts [Mr. W.] had not then seen it, as on another occasion he quoted it with approbation, and stated it to be the proportion observed at the Bank of the United States. The proportion of one fourth was then inserted in the deposite bill; it was an erroneous proportion, but even that proportion was not allowed to stand. After having been inserted in the bill, it was struck out, and it was left to the discretion of the Secretary of the Treasury to fix the proportion. To this I then objected, and gave my reasons for it. I was for fixing the proportion, because I held it vital to the safety of the deposite banks; I was against leaving it to the Secretary, because it was a case in which the inflexible rule of law, and not the variable dictate of individual discretion shou'd be exercised, and because I was certain that no Secretary could be relied upon to compel the banks to *toe the mark*, when Congress itself had flinched from the task of making them do it. My objections were unavailing. The proportion was struck out of the bill; the discretion of the Secretary to fix it was substituted; and that discretion it was impossible to exercise with any effect over the banks. They were, that is to say, many of them, were far beyond the mark then; and at the time of the issuing of the Treasury order in July, 1836, there were deposite banks, whose proportion of specie in hand to their immediate liabilities were as one to twenty, one to thirty, one to forty, and even one to fifty! The explosion of all such banks was inevitable. The issuing of the Treasury order improved them a little; they began to increase their specie, and to diminish their liabilities; but the gap was too wide, the chasm was too vast to be filled; and at the touch of pressure, all these banks fell like nine-pins! They tumbled down in a heap, and lay there, without the power of motion, or scarcely of breathing. Such was the consequence of our error in omitting to fix the proper proportion of specie in hand to the liabilities of our deposite banks: let us avoid that error in the bill now before us. True we are now legislating not for the whole Union, but for a District of ten miles square. Our legislation is confined to a narrow district, but our example spreads over the wide Union. That example, for good or for evil, will have its influence; and let us endeavor to set some good examples in the provisions of these charters; let us endeavor to lessen the dangers, and to increase the safety of banking; and, for that purpose, to require them to keep specie on hand to the amount of the one-third of their circulation and deposites, and also to issue, or use no note of less denomination than twenty dollars. To make this latter provision effective it would be necessary to banish all notes under twenty dollars from the District.

TREASURY NOTE BILL.

SPEECH OF MR. RHETT,
OF SOUTH CAROLINA,

In the House of Representatives, May 13, 1838—On the Treasury note bill.

Mr. CHAIRMAN: It is not my intention, on the present occasion, to discuss at length, the various subjects embraced by the remarks of my honorable friend and colleague, [Mr. THOMPSON,] who has just taken his seat. When the Independent Treasury bill comes up for consideration, I may take an opportunity to controvert many of the positions he has assumed, with respect to this great conservative measure; but, at present, I shall confine myself chiefly to the subject strictly before the committee—the authorizing a reissue of Treasury notes, in the place of those which have been returned into the Treasury in the payment of public dues, before the period contemplated for their redemption by the act of October last. To judge of the propriety of this measure, it is necessary to look to the state of the Treasury. In a communication addressed to the House a few days since, on this subject, by the President of the United States, it is stated, that there are in the Treasury, of available means, in round numbers, but $216,000, and in the Mint, but $347,000. Demands to a large amount are suspended in the departments, waiting for payment from the means to be provided by Congress; and the present means will carry the Government but a few days longer, when, if not provided with them, it must stop. Of unavailable means, the resources are abundant. Twenty-eight millions are on deposite with the States. Fifteen millions more are due from the banks and individuals—one-half of which will come in with the next six months. The necessity of the Treasury is an immediate, present necessity; not extending (unless increased by your legislation) beyond the next four or six months, and limited chiefly to the next two or three months. This, sir, is the nature of the necessity, and this the state of the Treasury. The embarrassment is accidental and temporary, occasioned by the legislation of Congress for the relief of the banks, by which the means in the Treasury have been postponed, and the premature return of the notes authorized to be issued by the October law, before the period of their redemption. The remedy proposed by the bill under consideration, is this; to authorize other notes to be issued, as the emergencies of the Treasury shall require, in the place of those which have been returned into the Treasury, before the period contemplated for their redemption—not exceeding the limits imposed by the act of October, as to the amount and time of issue. The relief will be immediate, and will create the debt only when necessary, and to the amount necessary.

To this bill, there are various objections urged; but nearly all of them are but iterations of those which were pressed at the extra session, against the original bill, to which this may be considered an amendment. They were then answered; but being of such a nature, I suppose, in the opinions of those who presented them, as to require repetition to ensure recollection—they are brought forward again; and to aid this very commendable design, it may not be improper, again, briefly to notice them.

First then: Treasury notes are unconstitutional, because they are bills of credit, and this Government has no right to issue bills of credit.

Mr. Chairman, I am a State Rights man. I am disposed to regard with great jealousy every power exercised by this Government; and to require, in every case, that it shall be shown, either by express grant, or by nesessary implication, that the power claimed is clearly given by the Constitution. Now, sir, the Government wants to borrow money, for some four or six months. I turn to the Constitution, and find no prohibition to this Government to "emit bills of credit," but the power "to borrow money" given, without any limitation or restriction as to the manner or form in which it shall be done. What is the meaning of borrowing money? Is it not getting money on your credit? The shape in which you put out your credit or promise to pay is perfectly immaterial. I hold in my hand a Treasury note, and a certificate of stock. To "borrow money" in the latter form, gentlemen say, is constitutional, in the former not. The Treasury note is a promise on the part of the United States to pay to B or his order a certain sum, one year from date, with *six* per cent. interest; the certificate of stock is a due bill, certifying that a certain sum is due by the United States to B, or his assigns, one year after date, bearing five per cent. interest. Now, sir, what is the difference between these two methods of borrowing money? Both are promises to pay, one year after date, at nearly the same rate of interest. Both are transferrable—the one by endorsment—the other by assignment, which may be in blank; and thus afford the same facilities for passing from hand to hand. There is, in fact, but one material difference between the two forms of loan, and that does not appear upon the face of either. The Treasury note may be received, according to a clause in the October law, in payment of public dues; and thus be redeemed before the expiration of the year. Yet even this peculiarity in these notes, is not uncommon in the issue of stock; which is often made redeemable at the will of the Government. But can the time or manner of redeeming the loan, in the least degree, affect the constitutional power of making it? If so, then the constitutionality of the form, depends upon the greater or less convenience of redeeming the loan. If the method is prompt and easy, as is provided with respect to these Treasury notes, it is unconstitutional, I suppose; if it is postponed, and rendered difficult, then it is constitutional. Nor can the interest to be paid, at all affect the constitutionality of the issue. If you have the power to "borrow money," it is your duty to the people, who must ultimately pay the debt by the sweat of their brows, to borrow it upon the cheapest terms possible. If from the abundance of capital, and the superior credit of the Government, and the uses to which this credit may be applied, you can borrow money at two or three per cent. interest, or at no interest at all, it is your duty to do it. The only question is, do you want money, and do you design to borrow it? The Constitution leaves the method absolutely at your own discretion and control.

My colleague has quoted the case of Craig *vs.* the State of Missouri, by which it has been determined by the Supreme Court of the United States, that *a State* cannot emit a bill of credit. Now, sir, suppose that there was in the Constitution, an express prohibition (which there is not) to the United States emitting bills of credit, as there is to the States; this case would not at all affect the measure before you? In that case, Chief Justice Marshall, in delivering the opinion of the court, (every Republican Judge upon the bench dissenting,) put the decision upon the fact, that the certificates of the State of Missouri were designed to be the currency of the country, and a substitute for the constitutional currency of gold and silver. Is that the case here? The Treasury notes authorized by the bill on your table are limited to the amount of $10,000,000. None can be issued after the first day of December next, when they are all redeemable; and when received into the Treasury cannot be reissued. Do these features show any design of furnishing a currency to the country, as a substitute for the constitutional currency, and make these notes "bills of credit," in the meaning of the Constitution? The word "emit," says the Judge, "is never employed in describing *those contracts by which a State binds itself to pay money at a future day, for services actually received* or *for money borrowed;* nor are such instruments bills of credit." Now, what are these Treasury notes, but "*contracts for the payment of money at a future day for services actually received?*" to pay your army—your navy—your civil and diplomatic officers—you, yourselves? What are they, but evidences of debt, for "money borrowed" to carry on the machinery of Government? Why, sir, it is most apparent, that

even upon the authority of this case, every State in the Union, despite the express prohibition to "emit bills of credit," would be authorized to issue these notes. Our minds are sometimes like our eyesight, capable of seeing things only at very remote distances. Gentlemen who deny the constitutionality of these Treasury notes, yet maintain that Congress may establish a United States Bank; and either as part or the entire proprietor of the stock, through its instrumentality, issue such notes, to any amount, expressly designed to be currency. We have no right to issue these notes say these gentlemen, because they may enter into the currency; yet, under the power "to regulate commerce," they maintain that we have the power to supply a currency for the whole Union—and control and crush, if we please, all the banking institutions of the States. Thus it is, that things which are most obvious, are undiscerned, and the remotest inferences, and most metaphysical deductions, are apprehended with the clearest distinctness and conviction. During the whole period of the last war, Treasury notes were freely issued, in all respects, similar to those authorized by the bill. Mr. Dallas recommended them—Mr. Madison approved of them, and Cheves, Randolph, Clay, Lowndes, and Webster filled some of the seats we now occupy. To these men, the constitutional objection did not even occur.

The following table shows the issues:

1812—June 30. In Treasury notes bearing interest of 5 and 2-5th per cent. redeemable in one year -	$5,000,000
1833—Feb. 25. Same interest, redeemable in one year - -	10,000,000
3814—March, 4. Same interest, redeemable in one year - -	10,000,000
1814—Dec. 26. To be issued in lieu of that amount of loans heretofore authorized - - -	7,500,000
1814—Dec. 26. To be issued -	3,000,000
1815—Feb. 24. Do. do. -	25,000,000
	$60,500,0000

The next objection urged against the bill by my honorable colleague is, that by the issue of the Treasury notes it authorizes, a Government bank will be established. I cannot but suppose, Mr. Chairman, that my colleague, in making this objection must have misapprehended the provisions of the bill. He must have supposed, to justify any thing like an argument in support of such a position, that, both as to time and the amount of the issue, the bill is entirely unlimited. He cannot be aware, that no notes can be issued by its authority, after the first day of December next, when all are redeemable; and that the amount can at no time exceed ten millions of dollars. A bank without any capital, with a charter for six months! Surely the argument is answered by the statement of the facts.

It is said, however, that another form of borrowing is better. Go in at once for a regular loan on time, by issuing stock for some $10,000,000. That will be proper and constitutional, and will be doing the thing in a dignified manner. Now, Mr. Chairman, in the first place, no loan such as gentlemen propose for the time needed by the Government, can be negotiated in this country, in the present situation of the banks and the currency, unless the Government will receive the irredeemable paper of non-specie paying banks. If the object of gentlemen is to drive the Government into the arms of these banks, and to implicate it with the irredeemable currency of the country, for the support of the banks, certainly a loan in their paper will be a very good way to accomplish the object, and place the Government in their power. But if the loan is to be negotiated in specie, or the notes of specie paying banks, it cannot be done. Would any such bank or banks, in the doubtful position in which they are now placed, venture to take a loan of ten, or even five millions of dollars, at the rate of five per cent. and pay for it in specie, or by an issue of their notes? Would individual capitalists do it? They could scarcely obtain the notes of specie paying banks, or specie, with which to carry the loan into effect. There are now, I am told, not more than nine millions of specie in New York, and but little more than half of that amount of the notes of their banks in circulation. But could the capitalists or the banks easily obtain the means, what inducement would there be to take a loan for six months, which the wants of the Treasury only require? What compensation would there be in an investment for so short a time, to induce the capitalist to call in his bonds and mortgages, and sell his stock or real estate? The same obstacle exists to the sale in this country of the bonds of the United States, due to the Government. These bonds are of $2,000,000 each; one payable within six months, and the other the year after. Suppose, however, that the loan could be effected in New York; how do gentlemen reconcile this operation with their tender professions of an exclusive regard for the welfare of the banks? There would be created an immediate demand upon the banks of New York for $10,000,000 in specie, or their notes, convertible into specie. Do gentlemen want another crash—another stoppage of specie payments, upon which new changes may be rung of the hostility of the Government, and their own entire devotion to the banking institutions of the country? A loan ought not to be effected in the present situation of the banks. It cannot be effected, unless made upon time; redeemable in some five or ten years. Gentlemen from the North may go for such a measure. They desire a debt upon the country; and the greater, and the longer continued, the better for them. But how will gentlemen from the South reconcile this policy with their views of duty? To place a permanent debt upon the country of $10,000,000, to meet an emergency of but six months' necessity. My colleague proposes, however, that the loan should be negotiated in Europe, and the amount brought back *in specie*. But this, sir, would be postponing the cure until the patient is dead. The wants of the Treasury are now, at the present time, chiefly within the next two or three months. Long before the loan could be negotiated in Europe, and the avails be returned, the Government will be bankrupt and disgraced—its faith and its engagements dishonored. If the relief could be postponed for six months, why not authorize the Secretary of the Treasury to recall back a portion of the amount deposited with the States? That would be a far more Southern measure; for then the amount contributed would be, as it was deposited, upon the principle of direct taxation; and the South would not be compelled, through indirect taxation by duties on importations, to pay a disproportionate share of the contribution. But the most remarkable part of my colleague's proposition is that the loan, when negotiated in Europe, should be brought back to this country *in specie*. He has just made a most elaborate argument to show that every importation of specie from Europe must necessarily depress the price of our cotton. To him the importation or the existence of specie in the country brings no satisfaction, because it is at the expense of our great staple, and consequently injurious to the South. Well, sir, under the increased abstraction of specie from Europe, which his operation will occasion, what will become of our cotton, declined and now declining in Liverpool? If his argument is good, his whole plan of relief will operate as a double injury to the South; it will establish a debt, and depress the price of our cotton. The veins and arteries will be opened at the same time. Sir, my friend's project for relief will not do. The other projects for a loan will not do. We must pass this bill, or disgrace and dishonor the country. If this measure stood alone on its own merits, gentlemen know that it would pass this House with scarcely a dissenting voice. Although the necessities of the Treasury are far greater and more immediate than at the extra session, many gentlemen who then supported the Treasury bill to which this is an amendment, oppose now most bitterly this measure. Why this change? Why the combination, so obvious to the least observant, to defeat the bill? It is, sir, because gentlemen connect this measure with the Government, and the Government with the great financial and political contest now waging in the country. In ordinary times, with $28,000,000 on deposite with the States, and $15,000,000 due the Government by the banks and individuals, one-half of which will come into the Treasury within the next six months, no man would think of denying to the Government the use of its own credit for a few months, in a form sanctioned by unbroken usage, at the only period the necessities of the country required its use. No one, for such an emergency, would think of proposing impracticable methods of relief to the Government; and useless, if practicable. The idea would be spurned, that any triumph of party, or measure of policy, could compensate the country for the degradation and dishonor which would attend a violation of its faith and engagements. But unfortunately, sir, the country is divided—this House is divided, upon the great issue which the president of the Pennsylvania Bank of the United States, on the part of the banks, has presented to the country. The Government and the banks, he says, are in the field face to face, and one or the other must be driven from it: My colleague utters the same opinion, and says that "a mortal conflict is now waging between the Government and the banks." I do not admit that any such contest exists in the Southern States; and especially on the part of the banks of that State which I, in part, represent. In that quarter of the Union, the banks have the good sense to perceive that, if united to the Government, the banks will soon become the Government, or the Government the banks. Patriotism and interest, therefore, in their estimation, alike dictate an entire separation of the Government from the banking institutions of the country. But, sir, I agree with my friend that such a conflict does exist in another part of the country. I deny, however, that this Government has made or seeks the contest; or has placed itself in the field against the banks. On the contrary, if facts can show any thing, they all show, if fairly viewed, that so far as the present Government is concerned, it has neither sought any contest, nor evinced any hostility, to the banks of the country. Suppose, sir, that the Specie Circular was a cause of embarrassment to the banks—did the Government do more than it had a right to do with respect to its own property? Had it not a right to sell or not to sell its own lands, and to dictate the terms on which it would sell them? Admit that the deposite of the surplus revenue with the States was clumsily executed—were the banks, in that operation, required to do more than they had engaged to perform? Did they not, for compensation received, of their own accord, agree to do what was required of them? and will any man seriously assert, or expect others to believe, that these measures originated in hostility to the banks? and that implicated, as the Government was, with millions on deposite with the banks—committed, as it was, against the re-establishment of an United States Bank, contrary to every principle of duty or common sense, it would seek a contest in which it had nothing to gain, and every thing to fear, from the combination of the banks and capitalists against its measures and power? Even the corporation bankrupt law, so much declaimed against, suggested by the President of the United States, but which received no support in this House, meditated no hostility to banks; but was only intended to apply to those banks which should cease to be banks, by becoming insolvent. Sir, it is a truth unquestionable, that if the banks had fulfilled their own promises and engagements, the idea that this Government had warred upon them never would have been raised; and if they have not been able to meet their engagements, in their too eager pursuit of gain, who is to blame but themselves? The Government did not control their issues, nor has it taken away any of their means to meet them. On the contrary, since their suspension of specie payments, what indulgence has been refused on the part of the Government, that their warmest friends have required, consistent with the laws and the safety of the revenue? What functionary of the Government—what member on this floor, or in the other wing of the Capitol, has expressed any hostility to these institutions? The real ground for offence—the whole war—exists in the proposition to separate the Government from all connection with the banks. The banks do not like the separation; and, because it is proposed by the Government, they declare that it is war. To have nothing to do with them, and to leave them unmolested in the full enjoyment of all their chartered privileges, is atrocious hostility.

To avoid them—to fly away from their agency or assistance, is to make a "mortal conflict" with them. The Government only asks what the humblest citizen has a right to require, that it should be let alone, to manage its own fiscal affairs in its own way; but the banks and the capitalists will not let it alone. They insist that they shall be taken into the Government, and participate in managing its revenues; and, because the Government declines their intervention or co-operation, they proclaim that they and the Government are in the field, face to face, and that one or the other must perish. Whilst hypocritically crying out that they are pursued, they are, in fact, in combination with the great Federal party of the country, hunting down the Government, and storming the battlements of the Constitution for its overthrow. Sir, although distress brings confusion, and, in times of trouble, the people are most liable to be deceived, it will be impossible to conceal from them the true issue forced upon the country, according to the vaunting declarations of the banks themselves. It is a contest between the banks and the Government—the capitalists and the people. The Government, and the people to whom the Government belongs, are on the defensive, and, I trust, they will calmly and immovably remain so. The demands on the one side are another United States Bank, capable of controlling the whole currency of the country—or a reconnection of the Government with the State banks. On the other side, it is insisted that the Government has no more right to connect itself with banks than with individuals; and that an absolute and entire separation from them is its right and duty. Such are the measures of the assailants and the assailed.

To divert attention from their own aggressions and designs, it has been urged by the banks, that by the Government separating itself from all banks, two covert measures of hostility are meditated. By receiving in payment of the public dues nothing but specie or its own paper, it is designed to bring the whole currency of the country to gold and silver, and thus dispense with all bank paper; and secondly, by using its own paper, it is intended to supply a paper currency on the part of the Government for the whole country, and thus destroy all bank paper. Neither of these assertions have any foundation in fact; and are, in truth, inconsistent and antagonistical to each other. If the Government should issue a paper currency, which should be a substitute for all the bank paper in circulation, how would the circulation be a mere metallic circulation? And if the country is reduced to a mere metallic circulation, how could a Government paper currency be in circulation? My colleague has dwelt upon both of these points. He has gone elaborately into statistics to show how impracticable for the uses of the country would be a currency of gold and silver without any paper, in the form of credit, in circulation. Sir, he should have first shown, that receiving specie in payment of the public dues by the Government, would have the effect of destroying all the solvent banks in the country, abolishing all credit, and reducing the currency to nothing but gold and silver. According to the most liberal calculation, the Treasury, under such a policy, will not require more than ten millions of specie to carry on its operations; and this, according to the plan proposed by its friends, will be gradually drawn, in a series of years, from the metallic supply of the whole world; whilst there is in the United States alone, at the present time, not less than eighty millions of dollars. To argue gravely that such a cause can produce such an effect, and that, by the employment of ten millions of specie, the Government designs forcing upon the country the use of no other curreney than gold and silver, and the prostration of the banks and all credit, is as poor a compliment to the sagacity of the Government as it is to the intelligence of the people. Sir, I have never yet met the man, either in or out of Congress, who has ever maintained the propriety or possibility of reducing this great and enterprising country to a mere hard money currency. If you were to abolish to-morrow every bank in the land, paper credit, in the shape of the notes of individuals or some other form, would crowd into your circulation. Is it not remarkable, that gentlemen should be so eager to attack what nobody defends? They stuff up a man of straw, and then show their dexterity in shooting it down. And that other diversion from the true issue before the country—that the Government designs to establish a Government bank, and to destroy the State banks by a substitution of its paper in the place of theirs. Where is the proof of any such design? In the destitution of facts, even the paltry and carefully restricted issue of Treasury notes authorized by the bill before you, has been relied on to make out the charge. In another part of this building the same charge has been made, because the Government proposes to do what it has done ever since it was established—draw upon its own funds—a privilege undenied to the humblest citizen of the country. The only measure which gives the least semblance to any such design, was a measure proposed, not by the Goverument, but by myself, at the extra session of Congress, and voted down by a large majority—that bills receivable in payment of the public dues should be issued instead of Treasury notes. But this measure was intended to be confined strictly within the wants and operations of the Government. There was no assigned capital —no discounting of notes, or dealing with individuals, proposed. Sir, neither the banks, nor the capitalists of the country, believe that any hostile designs exist towards them on the part of those who oppose their association with the Government, or refuse to bend it before their ambitious and selfish pretensions. We intend to maintain the banking institutions of the States, in all their powers and privileges, with as much fidelity and energy as they can evince. These are mere tubs to the whale—mere pretexts to divert the attention of the people from their true designs. The know that the banks rest in security, beneath the protection of the State sovereignties who created them, and to whom alone they are responsible. They know that there are not twenty men on this floor, who would consent that this Government should touch, much less destroy them; and that those who are most strenuous for the separation of the Government from all banks, oppose the re-establishment of an United States Bank, (their panacea for all the ills of the currency,) expressly upon the ground, that this Government has no right, by the establishment of such an institution, to enter the States, and cripple or crush the banking institutions they have established. Not then, upon policy only, but upon constitutional principles, we are necessarily the fast friends of the banks of the States. Sir, the capitalists are in no delusion as to this matter. These pretexts are but feints in the battle, to disguise the true point of attack. If they can succeed in making the people believe that they are the party wronged—that the Government, and not their own imprudence and weakness, caused them to fail in redeeming their promises, and that it is now seeking their destruction; why then, the more confusion and distress to the people, the greater the odium to the Government, and the more power they will possess of accomplishing their design of controlling its action, and making it contributary to their credit and aggrandizement. Hence, the violent and sudden contractions and expansions in the currency a few years since, by which thousands were injured or ruined. Hence, the innumerable suits which crowd the courts of the country on the part of the banks, whilst refusing to meet their own promises to pay. Hence, the refusal lately to resume specie payments. Through the agitations of distress, and the mists of tears, the people are to be confounded and blinded, and the Government is to be struck down and throttled beneath the gripe of monopolists and money changers. The last blow—the "crowning mercy," may be the measure alluded to by my honorable colleague—"*stopping the supplies*" to the Government—destroying the bill upon your table, without any adequate substitute to meet the wants of the Government. "If ever there was a time," he says, "when this old method, common with our English ancestors, of redressing the rights of the people against their Government, was justifiable, it was now."

[Mr. THOMPSON rose and said, that he did not recommend such a measure, or say that he would vote for it; on the contrary, he had declared his willingness to vote for a loan or any other constitutional method of supply.]†

I have stated, Mr. Chairman, the words of my colleague as I understood him to utter them, and my statement is not incompatible with what he says. I know that he did suggest a method of supply, in connection with his remarks—a loan in Europe—for which he said he would vote, but which he expressly declared at the same time he should not propose. This scheme I have already considered, and have shown, I think, that it will not answer the emergency of the Treasury; but if adopted, would, in fact, be "stopping the supplies." Let it be, sir, that my friend has merely *hinted* at this grand remedy. It is followed up by a proposition of the gentleman from Virginia, [Mr. HOPKINS,] for another form of supply, who declares at the time, that he shall not vote for his own proposition.* The gentleman from Tennessee [Mr. BELL] proposes another form, but he does not say that he will vote for it. Mr. Chairman, I trust that I mistake these intimations, and that gentlemen do not intend to carry them into effect. Is it come to this, that for usurping power or aggressing upon the rights of the citizens, but because the Government will *not* act—will *not* unite itself to banks—will *not* usurp a power (establishing a United States Bank) questioned from the very first origin of the Government—that it is to be violently suspended and overthrown? No one can doubt our control over the supplies. It is absolute—unlimited. But to stop them, is a revolutionary measure, justifiable only when we are prepared to dissolve the Government; throw away the shield of the Constitution and the laws—and reconstruct from the entangled elements of society, a new political fabric. I call upon gentlemen to look to the consequences boldly, before they trifle with them. Neither your civil nor military dependants are bound to serve you without bread or pay. Your army—your navy—your Judicial and Executive officers all over the land, will have a right to disband and leave your service. Suspend for a single day the laws and the Constitution of the country—and when, and where may it end? Let the spirit of anarchy and lawlessness at a time like the present, full of confusion and distress, of violent political agitation and fierce contention for power, once lift its hydra head in our land—and who shall strangle it? Sir, I bid gentlemen beware. They may sow to the wind, and reap the whirlwind. I am a friend to the banks, although no apologist for their abuses. I can be no enemy to the capitalist, for I own property; and hold that its accumulation is the necessary fruit and reward of civilization itself; but if they, in conjunction with the great Federal party to which they are allied, shall make this experiment upon the patience and patriotism of the people, their madness will be their ruin. Banks and capitalists are the natural allies to Government. They are the creations of law, and essentially depend on its steady and certain administration for their support. Credit is a delicate plant, often of slow growth, and can only live in the sunshine or peace, and the calm of confidence. Forgetful or regardless of their true nature and policy, for the first time in the history of the world, the banks of the country are arrayed against the Government; and the path of revolution is pointed to as the triumphant road in which they are to tread to power. Sir, let them enter it, and their ruin will be inevitable. The very first victims to lawless popular fury, may be those who shall have created, excited, and dared it; and even that marble palace, with its

*Mr. Hopkins in the debate subsequently declared, that he would vote for no supplies, until their custody was properly provided for, by new legislation. He had just proposed as an amendment to the Treasury bill, Mr. Rives's bill uniting the Government to a league of twenty-five State banks. Mr. Randolph of New Jersey, in the course of the debate expressed also the opinion that the abuses of the Government justified the House in "stopping the supplies."

†At the late election in New England, the manufacturers, it is said, compelled their workmen in the factories to vote colored tickets.

splendid halls and lofty colonades, towering in all the pride and glory of classic architecture, may not be too high for the grasp of the people's rage. Over deeper, wider foundations, planted as they may have been firmly in the affections and interests of the people, the ploughshare of ruin has been ruthlessly driven.

Mr. Chairman, this method of embarrassing the Government, by "stopping the supplies," is not new even in the history of this country. It was tried during the last war, and we all know the result. The supplies were opposed by a certain party in this country within these walls; and, out of this House, after the supplies were voted, the same party did all in their power to defeat the Government in negotiating its loans to carry on the war. I do not intend, sir, to indulge in indiscrimate condemnation of the motives, although I do not approve of the conduct of this party. Many of them, I have no doubt, believe that their course was justifiable, upon the highest principles of policy. Their error was in acting upon the fear of speculative evils, instead of doing their immediate duty. At that time England was battling, not only for her own existence, but for the independence of all the nations of the earth. We had undoubtedly, the best and highest causes for war—but they might have supposed that success in such a contest might have been our ruin; and that if England was overthrown, our liberties and independence would perish with her. But they opposed their country in favor of a foreign enemy. Instead of rallying to the support of the Government, at a time of great danger and difficulty, they endeavored to paralize, embarrass, and overthrow it. Sir, what was their fate? The war rolled on—triumphantly rolled on—borne up by the patriotism of the people, responding to that lofty sentiment of him, whose brow in life wore the laurel of the hero, and whose memory should live forever embalmed in the lays of the minstrel—"our country right or wrong." Where are those who were for "stopping the supplies" during the war? Sunk forever into privacy, suspicion, and contempt! And so it will ever be. The Government might be weak or wrong; but the people will not stand passively by, and see it beaten down by a foreign enemy; nor will they now permit it to be appropriated and prostrated by the banks and capitalists of the country. Why, if we are to have masters, let them at least be those whom we can respect or fear. Let there be one battle-field at least, which can tell to after-times that one brave and mighty effort was made for our liberties: but to be overcome, not by the power of the sword, but by the influence of money—to give up the Government and Constitution of the country by the base instrumentality of colored votes, or distress wrung from the poor, or the terrors of anarchy—Sir, it will not be. The people—the people will come to the rescue. Although surrounded by mists and darkness, and drugged with distress, they will ere long awake; and rising up in the majesty of truth and justice, they will snap asunder the chains which ambition and avarice have forged for their ruin. They will soon perceive, from the principles and parties involved, that the disgrace of the Government in this contest will be their infamy—its fall, their overthrow: and that noble patriotism which, during the last war on land and sea, rallied to its support, will once more come forth in all its majestic power, and march on to victory. And in this mighty struggle where, sir, shall each of us be found? My position, at least, shall be in the van. If this Administration had continued in its strength, approving as I do nearly all of its measures, since I have been upon this floor, I should have been content to stand aloof, as I have heretofore done, and see it go on in its career of constitutional usefulness and duty; but the more it has fallen, the nearer I have found myself to its destinies; and now, if it is to fall in maintenance of the great financial measures, upon which I believe it has staked its existence, I am willing, I am ready, to go down with it. Better to fall with those who fall in defence of the Constitution and liberties of the country, than triumph with those whose victory, in my opinion, will be their prostration.

Mr. Chairman, our duty, on the present occasion, appears to me to require us to pass the bill before the committee as soon as possible. The necessities of the Government cannot be postponed. Let those who agree in this opinion determine to occasion as little delay as possible, by discussing the measure, and be ever ready to vote upon it. If those who oppose the bill think proper to consume time in discussion, and thus postpone relief to the Government, let them do it—on them be the responsibility. If they think proper to defeat the bill without any efficient substitute, let them do it. On them be the responsibility.

NORTHEASTERN BOUNDARY.

REMARKS OF MR. FAIRFIELD,
OF MAINE,

In the House of Representatives, May 29, 1838—The question being on the motion of Mr. EVANS, to refer the message of the President relating to the Northeastern Boundary to the Committee on Foreign Affairs.

Mr. FAIRFIELD said, that as he and his colleague, who had just taken his seat, [Mr. EVANS,] had the same object in view in regard to the settlement of the disputed boundary line, he was happy to be able to say, that in the justness of many of the remarks of his colleague he entirely concurred. In regard, however, to the nature and proper construction of the proposition of this Government to the British Government, as contained in the letter of Mr. Forsyth to Mr. Fox, under date of the 27th of April last, he felt constrained to differ with him. But whichever was right in this respect, he agreed with his colleague in doubting whether any thing would come of it, even if accepted by the British Government. It might, he thought, reasonably be feared, that it would only be productive of delay and vexation. That, after years had been frittered away in prosecuting the object of the commission, we should find ourselves where we were at the beginning, no nearer to a determination of this long pending controversy, and Great Britain, in the mean time, enjoying most of the fruits of ownership. But the proposition—what is it? My colleague understands it as expressing a willingness, on the part of this Government, to authorize the exploration and survey, *upon the terms* suggested by the British Government, as their modifications of the original American proposition. He (Mr. F.) could not so regard it; but, on the contrary, simply as a proposition to open a *negotiation* upon that *basis*. The language of Mr. Forsyth is as follows: "By the accompanying papers, received from the Executive of Maine, Mr. Fox will perceive that Maine declines to give a consent to the negotiation for a conventional boundary; is disinclined to the reference of the points in dispute to a new arbitration; but is yet firmly persuaded that the line described in the treaty of 1783 can be found and traced whenever the Governments of the United States and Great Britain shall proceed to make the requisite investigations, with a predisposition to effect that very desirable object. Confidently relying, as the President does, upon the assurances frequently repeated by the British Government, of the earnest desire to reach that result, if it is practicable, he has instructed the undersigned to announce to Mr. Fox the willingness of this Government to enter into an arrangement with Great Britain for the establishment of a joint commission of survey and exploration, *upon the basis* of the original American proposition, and the modifications offered by her Majesty's Government." And he thereupon invites Mr. Fox to a *conference* upon the subject at an early day.

Now, though he (Mr. F.) did not profess to be at all familiar with the language and technicalities of diplomacy, yet he could not think that any thing more was intended by this than an offer to negotiate an agreement in which *the terms* of such agreement were all open for discussion and determination. The original American proposition and the modifications thereof suggested by the British Government, were to form the basis of the negotiation, and were not absolutely and unconditionally to be incorporated into the agreement itself.

One of the modifications of our original proposition was, that the commissioner should have the right to diverge westerly from a due north line in search of "highlands," and not easterly. Another was, that they should run from the source of the St. Croix to highlands that both parties would agree were the highlands named in the treaty. This would give to Great Britain much more than she has now the hardihood to claim *directly*, for the point of highlands which *both* would agree were the highlands of the treaty would extend but a short distance northerly of the head of Connecticut river. Neither of these can Mr. Forsyth be considered as assenting to; indeed, the terms of his letter would seem almost necessarily to exclude them; for an agreement to the effect of either proposition might, perhaps, be regarded as virtually assenting to a *conventional line*, which the General Government have again and again admitted they had no right to do. And Sir Charles R. Vaughan, in his letter to Mr. McLane, February 10, 1834, takes the same view of the nature of such an agreement; and, therefore, insists that Maine should be a party to it. Mr. Forsyth then, in a letter, in which he was communicating the decision of the State of Maine against investing the General Government with power to agree to a conventional line, and acknowledging her authority in that respect, could not fairly be considered, in whatever language he may have expressed himself, as *indirectly* agreeing to any such line, or to an arrangement necessarily involving it.

Our original proposition was for the establishment of a joint commission of survey, with power to decide and settle the question conclusively. The proposition of the British Government was to have such a commission of survey merely by way of experiment, to ascertain facts, but without the power of binding the parties. These are the propositions which are to constitute the elements of the agreement now proposed.

But to settle this question of construction conclusively, and not to leave it to the determination of general reasoning, Mr. F. said he would ask leave to read a letter from Mr. Forsyth to one of the Senators from Maine. This Senator, understanding that different opinions were entertained as to the extent and design of the proposition of this Government to the British Government, addressed a letter to Mr. Forsyth, asking for an explanation of it; in answer to which he received the following:

DEPARTMENT OF STATE,
May 26, 1838.

SIR: I have had the honor to receive your letter of the 24th inst. and to state in reply, that from the negotiation to which the British Government has been invited, the President anticipates the establishment of a joint commission with an umpire whose power will be restricted to the purposes of exploration and survey only, without authority finally to decide upon the rights of the parties, as contemplated in the original American proposition. The suggestions that have been made on either side with respect to the mode of constituting that commission, the principles upon which it is to act, and the instructions to be given it, are all to be discussed and decided upon as justice between the parties and their respective rights shall be deemed to require. The object of the President in offering to make such an arrangement, as you will see by my note to Mr. Fox of the 27th April last, is to test the correctness of the opinion of the State of Maine, "that the line described in the treaty of 1783 can be found and traced whenever the Governments of the United States and Great Britain shall proceed to make the requisite investigation, with a predisposition to effect the desired object.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH.

To the Hon. REUEL WILLIAMS,
United States Senate.

This appeared to him (Mr. F.) as conclusive upon the subject, and showed that his colleague had misconceived the true meaning and import of the proposition, at which, it is believed, he will be much better pleased than he would have been to have had his views upon the subject confirmed.

But as to the original American proposition referred to in the letter of Mr. Forsyth, is it not equally clear that, in that also, my colleague is mistaken. That proposition is contained in the letter of Mr. Livingston to Sir Charles R. Vaughn, April 30, 1833, and is in the following words: "All the disadvantages of these modes of settlement, *heretofore* adopted, might, as it appears to the American Government, be avoided by appointing a new commission, consisting of an equal number of commissioners, with an umpire selected by some friendly sovereign, from the most skilful men in Europe, to decide on all points in which they disagree; or, by a commission composed entirely of such men, so selected, to be attended in the survey and view of the country by agents appointed by the parties." This is what is called "the original American proposition;" and is that alluded to by Gov. Kent in his message to the Legislature as a proposition equitable and fair, just to all parties, and full of promise of adjustment upon proceedings satisfactory to us. Subsequently, to be sure, Mr. Livingston speaks of certain well known principles which are observed in the running of boundaries, one of which is, that courses and distances should be controlled by monuments. But this is no part of the original proposition. They are entirely distinct and independent. One is the proposed agreement, the other is stated as an inducement to Great Britain to enter into the agreement.

The correctness of this, as an abstract proposition, Mr. F. said he presumed no one was disposed to question, though many doubted its applicability to a case of this sort, considering the direction in the treaty as equivalent to one for running to a *line of latitude*.

The further suggestions made by Mr. Livingston in subsequent letters, intimating that the commissioners might diverge to the west, and not to the east, of the due north line, in order to reach the highlands named in the treaty, were for the same purpose, to wit: to induce Great Britain to agree to the establishment of the commission of su vey, by showing her how she might possibly be a gainer by it. That suggestion, however, was not well founded in law or justice, and can never command the assent of Maine. But it did not constitute a part of the original American proposition; and therefore, no reference was had to it by Mr. Forsyth, in his late letter to Mr. Fox.

In closing, Mr. F. said he would repeat that however the proposition may be construed, he did not believe that, accepted or not, we should thereby make any progress towards a final determination of the question. The only effectual step now to be taken, was the passage of the bill lying upon the table; and he united with his colleague in hoping that the House would soon take it up, and give it all that consideration which its importance demands, and which the obligations of this Government to the State of Maine imperatively require.

BRANCH BANK, U. S. PORTSMOUTH, N. H.

REMARKS OF MR. CUSHMAN,
OF NEW HAMPSH

In the House of Representatives, Tuesday, May 15, 1838—The Treasury note bill being under consideration.

Mr. CUSHMAN said he was unwilling to interrupt the public business for one moment, with any remarks of his, but as the gentleman from Rhode Island, [Mr. TILLINGHAST,] had thought proper to introduce into this debate a transaction which took place in the town in which he had the honor to reside, and one in which he participated, it was due to himself, as well as all others connected with that transaction, and the cause of truth and justice, that a plain and unvarnished statement of fasts should be made, and for this purpose he would, for a short time, claim the attention of the House. That gentleman has remarked the first difficulty to his knowledge, with the Bank of the United States, commenced in New Hampshire, in the attempt to remove the president of the branch which was established in that State. From that fact, he has taken the liberty to infer that the friends of the late, as well as of the present Administration, have manifested a deadly hostility, not only to that bank, but to all the banking institutions in the country.

Similar charges have been made, not only in this House, and in the other branch of Congress, but have been repeated over and over again, by every travelling politician, who has scoured the country, for political effect, from the time the transaction took place to the present moment.

Some have been so wild as to say, "that the attack made upon the President of that branch was done to induce the Bank to favor the designs of the Administration; and failing to induce the Bank to subserve the interests of the friends of the Administration, the whole power thereof was at once set in hostile array against that institution." A more unfounded charge could not be conceived. It has not even the shade of a shadow upon which to rest itself. This will appear from a plain, unvarnished, statement of facts. These facts are as follows: Some time in the spring of the year 1829 the merchants of Portsmouth conceiving themselves aggrieved by the course which had been pursued by the gentleman who had been, but a short time before, placed at the head of that Branch, memorialized the directors of the parent Bank to have that gentleman removed, and some other one appointed in his place. The principal allegations stated in the memorial against the directory of that branch were, as far as my memory serves me, that their measures were unnecessarily harsh and oppressive, and the want of a proper spirit of accommodation.

One sample of unnecessary harshness, about which much, at that time, was said, was an edict that all the debtors should pay to the bank twenty per cent. upon their notes every sixty days, when the loans had been made under an express or implied understanding that only ten per cent. should be paid at the end of every four months. And the merchants saw, or at any rate thought they saw, under the order of things, as they then existed, nothing but distress and ruin. It was under these circumstances that the directors of the parent Bank were requested to make such a change in the directory of that branch as would not only stay the hand of oppression, but restore confidence between the bank and the business-men of that place. The foundation of the memorial seemed to be the mutual benefit and accommodation of all concerned. Not only to aid those who were actively engaged in business, but to promote the interests of the bank itself. This fact no one would deny who was acquainted with the merchants whose names are attached to that memorial.

Now, sir, let us turn our attention to the political character of the memorialists, because upon this fact depends the issue. What was it? Were they, sir, the friends of that illustrious patriot and statesman, General Jackson, who but a short time previous had been elected the Chief Magistrate of the United States? Did they, in general, belong to the Democratic party? If they did, then there might have been some faint pretext for the allegations which have been made by our political opponents. But such were not the facts. No, sir, but far otherwise. That memorial was signed by about sixty individuals, the most of whom were merchants, and nine-tenths of whom *then were* and *now are* the political friends of the distinguished gentleman who was at the head of that branch, and from whose arbitrary administration they wished to be relieved; and a majority of the board of directors, which the memorialists proposed to substitute for the one then in existence, were the political friends of that gentleman, and were then, as well as at the present time, the friends of that institution.

Some of those who took a part in that transaction were members of the Democratic party, and were among the most firm and sincere friends of General Jackson.

Among that number was the present Secretary of the Treasury, the present Chief Magistrate of New Hampshire, and the humble individual who now has the honor of addressing you. But, sir, were either of those gentlemen, or any other friend of the Administration, the first to move in that affair? No, sir: those gentlemen only operated as they were operated upon by the political friends of those connected with the bank.

As to myself, I can assure this House, as well as the country, that it was with great reluctance that I took any part in that transaction. Although the gentleman at the head of that branch was opposed to me in politics, yet he did not cross my path. I had, therefore, no feelings of jealously to gratify, and, on my own account, I had never had any thing to do with that institution; and, moreover, had no desire to be connected therewith; and it was not until after a powerful appeal had been made to me by those merchants, that I gave my consent to aid them in removing the grievances of which they complained; and I believe the same was the case with Mr. Woodbury. He could have desired no aid from the bank; and as a majority of the proposed board of directors were strongly opposed to him in politics, he could have had no expectation of benefiting either his private or political interests. I have never entertained a doubt that his sole object was to promote the interests of the above mentioned memorialists; and for this purpose, and this purpose alone, did he consent to participate in that transaction.

As to Governor Hill, he was entirely ignorant of the whole subject until he received a letter from me relative to what had transpired in Portsmouth. On reception of that letter, in which were expressed the wishes, views, and desires of the merchants of Portsmouth, that gentleman, who is ever ready to relieve the distressed, and to do all the good in his power, drew up a memorial similar to the one which had been signed at Portsmouth, to which he procured the signatures of several members of the New Hampshire Legislature, which was then in session, and then forwarded the same to the parent Bank at Philadelphia, whither the other had been transmitted.

What followed the presentation of these memorials is, I presume, too well known to require comment. Suffice it to say, that although the request of the memorialists was not granted, and the gentleman whose conduct has been complained of, was reappointed to the same office for the succeeding year; yet before that year had expired, he left not only the bank, but the State. And the memorialists have the consolation of knowing that the representations which they then made to the directors of the parent Bank were true, and that the subsequent history of that branch verified every material fact which was set forth in those memorials.

Now, sir, inasmuch as those gentlemen who originated and sustained those memorials, were the political friends of the president of that branch, who then were, and now are, the open and avowed advocates of a United States Bank, I ask every fair and candid mind if there is the slightest foundation for the charges which have so often been made against those who participated in that transaction? I am confident the answer must be in the negative.

BANK OF WASHINGTON, D. C.

REMARKS OF MR. DAVIS,
OF MASSACHUSETTS,

In Senate, May 17, 1838—On the bill for rechartering the District banks.

Mr. DAVIS remarked, that he had risen chiefly to correct an error. He had been informed that an expression which fell from him the other day, in the debate respecting the banks of this District, had been misunderstood. He had expressed some surprise that the Senator from Missouri [Mr. BENTON] should condemn the Bank of Washington, because it paid specie for its bills, and gave him to understand it was difficult to please one who was neither satisfied with nor without a redemption of notes in specie. The Senator said this did not do justice to his views; for he complained that the bank did not put out its bills, and therefore had nothing to redeem; and its declaration was mere pretension. Mr. D. in reply, said he well knew that, so far as regarded active banking business, it was substantially a humbug. By the use of this phrase, it had been supposed that he concurred with the Senator in condemning the course of the bank. Nothing could be farther from the truth;

and he thought he explained himself so fully at the time, that no one could misapprehend him, for he affirmed that the bank did all it could do. It was its duty to redeem its bills, and it had done so. This was just as it should be. But he added further that, in the existing state of things, no bank, pursuing this course, could keep its bills out, for paper was less valuable than specie by several per cent. The Bank of Washington could not, therefore, safely issue a dollar of its paper unless it had on hand a dollar of specie to redeem it. No bank could do business in that way without loss; for if as much money must lie idle in the vaults as is equal to all its bills afloat, the loss of interest is exactly equal to the gain, and nothing is left to indemnify for risk or to defray expenses. The Bank of Washington had not, therefore, kept out its bills because it could not work impossibilities; and, moreover, it was difficult to see how one as zealous for a specie circulation as the Senator could be anxious to have a bank withdraw it from circulation to give the public only dollar for dollar in paper. With his views, one would think it better to leave the specie afloat than to make this substitution of paper. All this he had said in substance, and supposed of course every one would understand what he meant by humbug: namely, that payment of specie was, under such circumstances, merely nominal, as the bank could not do business.

Now that he was up, he would add a few words more in regard to this bank, for he thought remarks unjust in their character had been made in relation to it. Its embarrassments in 1834 had been adverted to with great disapprobation, and urged as a reason for withholding confidence from it, and refusing to renew its charter. It was true it had been embarrassed, but he thought even that could be explained without leaving upon the corporation any stain of dishonorable reproach. He would, however, content himself with looking at its subsequent conduct, and see whether it afforded evidence, that if it possessed the public confidence, and whether it had given proof of a design rather to stand fair with the public than to make money. It had made no dividends for five years, not a farthing had the stockholders received during that time, but it had been sedulously employed in reparing and restoring its credit. It then had $21,000 of deposites; it now has $372,000, an amount, actually greater than its capital. He had before him a statement of its affairs then and now, both as to its liabilities and resources, by which it was most manifest, that by prudence and economy it had repaired its losses, and had justly entitled itself to the high confidence of the public which it now possessed.

It was the last among the banks to suspend payments, having redeemed over $40,000 of its circulation before it yielded to the pressure of the times. At the moment of suspension it had about $43,000 of bills in circulation. This event occurred in May, 1837; and in August following, it resumed the redemption of its bills in gold and silver, having suspended for about three months; and, sir, there is a striking fact connected with this, illustrative of the great confidence felt in the ability of the bank. During this period of three months, it went on like other banks, receiving its bills in payment of debts, on deposit, and in exchange for the bills of other banks. And how much of their circulation, think you, came in? Did the holders of bills rush upon them? Could those who owed the bank buy them up at a heavy discount, and thus pay their debts? All it was able to collect in during that time amounted to about $8,000, leaving in circulation, when it resumed, over $35,000, which has since been reduced to $13,000, or to a nominal sum; for it is probable most of this will never return.

Is not this a triumphant refutation of all the slanders about its having defrauded the public? Has it not forsaken its own immediate interest, and sacrificed all present advantages to the stockholders, to strengthen itself? Has it not promptly met its liabilities? What has it omitted to do which it ought to have done, or what has it done that it ought not to do? If any institution can present itself with clean hands, does not this do it? If any institution can atone for losses or errors in business, has not his done it? It stands in no shape wrong, unless we exact impossibilities. Mr. D. said, having now done this act of justice to the Bank of Washington and its officers, he would notice some misapprehensions which gentlemen labored under respecting the banks in Massachusetts. He then proceeded to show that, from the manner of conducting business in that State, the banks were necessarily made the collectors of the bills of each other, and, when thus collected in, they were withdrawn from circulation and exchanged, so that the circulation on paper always appeared much larger than it really was, for the bills thus held might, on an average, be considered as cancelling each other in the different banks. He then proceeded to prove, from the returns taken in this view, as compared with other States, that the banks of that State were in a condition beyond distrust; and he believed that no bank could comply with the laws of Massachusetts and fail to be sound. The system was guarded with great caution, but frauds would sometimes occur.

REMOVAL OF THE TREASURY BUILDING.

SPEECH OF MR. LINCOLN,
OF MASSACHUSETTS,

In the House of Representatives, April 17, 1838.—The House having gone into Committee of the Whole on the state of the Union, (Mr. POPE, of Kentucky, in the Chair,) took up for consideration the following bill:

A BILL providing for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department.

Be it enacted, &c. That the President of the United States be, and he hereby is, authorized to cause the unfinished walls of the Treasury building, now in the process of construction, to be taken down, and the materials to be removed and applied to the construction of a fire-proof building of such dimensions and upon such plan of arrangement as may be required for the use and accommodation of the Post Office Department, on the site of the Post Office building recently destroyed by fire; and, for this purpose, that he be authorized to employ a skilful architect to prepare and submit to him the necessary plans for the proper construction of such building, having regard to the use of the materials aforesaid, which, being approved by him, shall be conformed to in the erection of the structure. And the said architect may be continued in the superintendence of the construction of the building, or another employed in that service, as the President may judge best.

SEC. 2. *And be it further enacted*, That, for the erection of the building authorized by the first section of this act, in addition to the materials to be removed and applied thereto, as therein mentioned, there be, and hereby is, appropriated, the sum of one hundred and fifty thousand dollars, out of any money in the Treasury not otherwise appropriated by law.

Mr. LINCOLN (chairman of the Committee on Public Buildings and Public Grounds, who had reported the bill) addressed the committee in substance as follows:

Mr. Chairman: The report which accompanies the bill, and which is on the tables of gentlemen, explains the views of the committee, and presents the general reasons upon which the measure proposed is to be sustained. I might be content to rest here the merits of the proposition, and wait the objections (if any) which are to be urged against it, had not circumstances, extraneous to the matter of the report, and subsequent to its presentation to the House, admonished me of the propriety of being well understood in the outset of this discussion. An appeal from the judgment and recommendation of the committee has been already made, by the architect of the buildings, to the House and the country; and I am anxious that no misapprehension should exist in the minds of members as to the course of proceeding, the statement of facts, or the results, which are intended to be presented. There are, indeed, certain minor and subordinate considerations, not particularly adverted to in the report, which are proper to be connected with the subject of inquiry, and will serve to assist to a better understanding of the occasion of the bill.

The new Treasury building is being constructed, under the authority of the fifth section of the act of July 4, 1836, which is in the following words:

SEC. 5. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause to be erected, on or near the site of the former Treasury building, or on any other public lot which he may select, a fire-proof building of such dimensions as may be required for the present and future accommodations of the Treasury Department, upon such plan, and of such materials, as he may deem most advantageous; and that, for this purpose, there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars.

Here, Mr. Chairman, is the authority under which the work was commenced and is proceeding. The law required three distinct acts to be done by the President, which in their character were previous, and necessarily prerequisite, to the construction of the building. First, in their proper order, he was to select a site, either near the old Treasury, or some other, as his judgment should prefer; second, to determine upon the plan and dimensions of the structure, and in the latter to see that they were sufficient for the present and future probable occasions of the Department; and third, as indispensably connected with the other two, to appoint an architect for the work. If the building is now ill-placed and defective, or otherwise obnoxious to the objections urged in the report, it arises from a default in the execution of the trust confided to the President in one or all the above particulars, or it has resulted from incapacity or unfaithfulness in the mode of construction by the architect. It is a necessary duty to show *where* the fault lies, that the mind may be disabused of prejudice which partial or party considerations may interpose to the correction, as far as may now be, of manifold and important errors.

The act, as I have before shown, passed on the 4th of July, 1836, the very day, as I recollect, of the adjournment of the session of Congress. I now hold in my hand, Mr. Chairman, evidence of the time and manner in which the late President of the United States discharged that part of the duty which Congress had devolved upon him. It is contained in a paper which I will send to the table, and ask to have read by the Clerk.

It was read in the following words:

Under the act of Congress, authorizing the President of the United States to cause a Treasury building and Patent Office to be erected, I hereby designate the Commissioner of the Public Buildings to superintend generally the detailed modifications of plans for them, the advertising and forming of the contracts, and the whole disbursements thereon; and to enable him to keep the accounts, make the payments, and prepare vouchers for settlement, and conduct the other correspondence relating thereto, I authorize him to employ a clerk at not over $900 a year, to be paid equally out of the appropriations for said objects. I further appoint Robert Mills as architect, to aid in forming the plans, making proper changes therein from time to time, and seeing to the erection of said buildings in substantial conformity to the plans hereby adopted; which are, in their general outlines to be, as to the Treasury building, that annexed by said Mills—and as to the Patent Office, that annexed by Mr. Elliott; the former building to be erected on the old site, and the latter one on the square north of the Post Office.

ANDREW JACKSON.

WASHINGTON CITY, July 6, 1836.

Mr. Chairman, resumed Mr. L. it is important that the date of this document should be regarded. It will be observed to be the 6th of July, the second day after that on which the act was passed. Here, sir, we find that within forty-eight hours of the enactment of the law, in the bustle of an adjournment of Congress, and the fatigue and lassitude occasioned by its protracted sessions, and the heavy pressure of business at its close, the duties required of the President in relation to the selection of the site, on a view and consideration of all the circumstances which should enter into the decision of such a matter, the preference of a plan, upon a comparison of many which might be presented of different designs of construction, and the appointment of an architect, were all performed. It would, indeed, seem, upon a superficial thought, that much more opportunity for consideration should have been given to either of these objects, especially to an inquiry for an appropriate plan. The *future* occasions of the Department, even if the *present* were known, involved large scope for contemplation. Who can limit, in imagination even, the growing business of this mighty Republic? But, sir, I intend not to impute blame to the Executive for this apparent precipitation. On the contrary, under the circumstances which I shall state, I hold him acquitted of fault therein. It will be remembered by those who were members of former Congresses; that this subject of the erection of a Treasury building had engaged for several sessions the attention of the Committee on Public Buildings. Numerous and very different plans had been offered for their adoption; and at length a preferred one, presented by Mr. Elliot, an architect in this city, was suspended in the lobby. For weeks it was made subject to the inspection of the members of the House, and remained upon the wall at the date of the passage of the bill. At the same time Mr. Mills was in the actual employ of the Government as an architect. He had come recommended to

their service by some previous reputation, and had received several special engagements, with the approbation of the House, in repairs upon the Capitol, and particularly in the alterations of this Hall. With such testimonials of qualification, he presented himself for the appointment. What representations he made to induce to the adoption of *his plan* of building, or to commit to his *discretion* the arrangement and construction of the edifice, the committee had no means of being informed. The result only of his application is known in the brief letter of authority which has just been read at the Clerk's table; the evidence at once, as is seen, of the appointment of the architect, the designation of the site, and the plan of construction, upon the opportunity for inquiry and examination afforded by a single intervening day between the passage of the law, and the performance of the Executive trust in all these particulars.

But, sir, I have said, I impute no fault to the late President of the United States for this seeming precipitancy of action. He had reason to believe the architect previously employed by the authority of the House "honest and capable," and with the sustaining recommendations which he exhibited of sufficient skill and experience for the task. He might well also rely, that one who should be appointed to carry into effect the design of Congress would adopt, as a guide to his conduct, the plan which received the preference of the committee, and had at least the tacit approval of the House. The site also was indicated in the law, by the mention of its proximity to the old Treasury building, unless a preference should be given to some other place. Besides, it is again to be regarded that the President was, at this time, worn down by the labors and confinement attendant upon a protracted session of Congress, and the weakness and infirmity of impaired health, and within a few days left the city for that relaxation from arduous duties which had become necessary to the restoration of exhausted strength. The necessary application to the more important business of the nation upon his return, immediately preceding the following session of Congress, and his subsequent severe and continued sickness, precluded all further attention, and doubtless the bestowment of any thought upon the subject until the close of his term of office, on the 4th of March of the last year. In the meantime the work of construction had been commenced by the architect, the position of the building had been fixed, and its foundations laid, and the structure was rising to view. To whatever objection it might now have been exposed, there seemed no power for interposition. It is understood that representations were made to the present Executive unfavorable to the site and plan of the work. But the office of the law had been already fulfilled in these particulars. He rightly deemed that it was not within his province to change the location once determined upon, or to interfere with a plan of construction supposed to have been approved by his predecessor in office, and the building has thus been suffered to proceed.

Mr. Chairman, [continued Mr. L.] I have thought it not irrelevant to present the circumstances under which the architect was appointed, and the site and plan of the building were designated, to preclude any misapprehension of the personal application of the objections which the committee have urged to the design and execution of the work. Sir, I should deprecate the excitement of party feeling from a supposed implication of the conduct, either in act or neglect, of the late or present Executive in this matter. This is no party affair. The report of the committee, now upon your table, has the *unanimous* consent of gentlemen of *both* political parties, a majority of them the friends of the Administration. It truly presents, with the bill, the result of the deliberations of many weeks, most laboriously and faithfully devoted to the examination of the subject, and is entitled to all the confidence which patient inquiry and impartial judgment, with whatever capacity the committee possess, may claim. It is to be borne in mind also that it is not the work of the committee of this House only. Under a resolution of the other branch, concurred in here, we have brought to our aid the consentaneous advice and opinions of a committee of that body. Again I say, therefore, this is no party matter, and the indications abroad or in this House that it may be made so, are to be received with no sentiments but of reproof and regret. For myself, I shall continue to treat the subject, as I have hitherto regarded it, as one of business merely, a transaction having relation to property, aside from politics, in which the Administration and those who oppose it have a like concern, under the law, to see that the Government obtain those accommodations which convenience and the public interest have demanded. I full well know that it is a dry and uninviting topic; but I would fain hope for that attention to it from this committee which its bearing upon the Treasury and its importance to the country should secure.

I proceed now to consider the objections to the building, and to show *where* and *with whom* the responsibility lies for its defects. The report which accompanies the bill points to the position of the building, the plan of its construction, and the insecurity of the work, for the former; and to the architect appointed by the President, for the latter. In the judgment of the committee, *with the architect*, and *with him alone*, rests the fault for whatever cause of complaint justly exists. And here, let me remark that, in arriving at this conclusion, no unfavorable bias preoccupied the minds of the members, to the prejudice of Mr. Mills. For myself, I may truly say, that my prepossessions had been altogether in his favor; and, throughout the whole process of inquiry and examination by the committee, he was uniformly treated with a delicacy and tenderness towards his feelings and professional reputation, but ill requited in the extraordinary appeal which he has thought proper to prefer. It is now made painfully my duty, in discussing the principal subject, to connect with it an exposition of the *incapacity* or *misconduct* of the architect, for either the committee are wholly unjustified in their report, or to *one* or *both* of these causes are to be ascribed the errors of which they complain.

On the very threshold of their inquiries, the attention of the committee was directed to the actual position of the new Treasury building, in reference to the site. They saw that, with a greatly extended front, it was placed on an inclined plane of rapid elevation, and so protruded upon the line of the contiguous street, as to admit of no relief to the unequal height of the base, and an inconvenient access to the rooms. Moreover, it was brought, with its unfinished walls, into such near proximity to the office of the present State Department, as to indicate a design in the architect, if not to create a necessity, for the removal and destruction of that edifice. An examination of the interior arrangement of the structure suggested objections to the passage ways, and to the imperfect light which could be received into parts of the building. It was upon such observations, Mr. Chairman, that the architect was first called upon to explain the plan of his work. Sir, it is proper I should state that it was his inability to do this in a satisfactory manner, which induced to subsequent and more critical inquiries into the matter. When asked the occasion for precipitating the building to the line of the street, and carrying the unfinished walls to the side of the building occupied by the State Department, his excuse was, *the positive command of General Jackson to preserve the building of the State Department*, and the necessity, therefore, of conforming the walls to the position of the old edifice, with a view of connecting them with it. When it was pointed out to him that this object had not been regarded, inasmuch as the line of colonnade of the new structure was several feet in advance, while the principal wall receded as far from the front line of the building, his reply was, that the front of the old building was to be cut off, and the colonnade extended. It was then suggested to him that this would necessarily occasion the destruction of all the front rooms of that building. He said the front rooms must be taken away. When asked how he would dispose of the chimneys in that case, his reply was, they must be taken down also. It was remarked to him, by the committee, that the windows of the State Department did not correspond with those of the new building; his answer was, they must be altered and made to conform. It was further objected, that the buildings were of different number and height of stories, that the floors were not on the same level, that the passage ways did not coincide, and would not admit of communications with each other; and now it was that the architect admitted, for the first time, that there could be no conformity short of *an entire change* in the interior, and mostly so of the exterior structure of the old building; and it might be best to take it entirely away. Thus, the new building had been forced into an inconvenient and improper position, and arranged upon an objectionable plan of construction, under the pretext of respect to a mandate to preserve the old, while the destruction of the old had now become the preferable mode to the completion of the new. Sir, upon this exhibition of the reasoning and conduct of the architect, the committee did, indeed, entertain distrust of his judgment and fidelity. The commission in his hands gave no warrant for such an arrangement, either in the *position* or *plan* of the new Treasury building; and I will show that, neither in the one nor the other, has he the sanction or the authority of General Jackson.

The law requires that the President "cause to be erected, on or near the site of the former Treasury building, or any other public lot he may select, a fire proof buildng," &c. In the only paper signed by General Jackson on the subject, that of 6th July, 1836, which has been read, and which is both the evidence of the execution of his duty in the designation of the site, and his authority to the architect to engage in the construction of the work, he directs in so many terms, that the Treasury building be erected "on the old site." In connection with this, we have the word of the architect himself that he was specially enjoined to preserve the State Department. Indeed, the instructions could not have been otherwise; nor in the absence of instructions, could any other interpretation have been given to the law. This latter building was comparatively new. It had been erected since the last war with Great Britain, of durable materials, in a substantial manner, and at a cost *exceeding the sum of one hundred and thirty thousand dollars*. The reference by the President for the *site* of the new building was to the *old Treasury;* and, by enjoining the preservation of the State Department, he, in effect, prohibited all interference with it. Sir, whatever may be the pretence that the President approved or understood the present position and extent of the new building, it is utterly inconsistent with the little attention which he had opportunity to give to the subject, and repugnant alike to his written designation of the site, and his more explict verbal direction to the architect.

Nor is the architect better sustained in the plan which he is now prosecuting for the completion of the building. It is not the plan selected by General Jackson. I say this advisedly. The plan of present execution could not have been the plan of original design upon which the building was authorized to be constructed. Does any doubt of this? Let him but examine the foundations and present state of the structure, and regard the clear indications to the necessary mode of its completion. The whole design of the architect is to be seen in the drawing now suspended in the lobby, behind the bar. It presents the elevation of an edifice of given dimensions, corresponding with the front walls of the present building, extended over the site occupied by the State Department, and with a north wing covering the whole foundation of the latter building. It exhibits a corresponding wing at the south, and a projection of like proportion in the centre. Such, Mr. Chairman, are the outlines of the plan, and such the sure indications, from the actually existing state of the work, of the intention of the architect to its execution. Was such a plan ever approved by the Executive? And, from the consideration that it must destroy the very thing which the late President insisted should be preserved, (the building of the State Department,) the committee found, in the explanation of the plan given to them by the architect, a conclusive fact against the possibility of there having been such approval. Upon inquiry into the designs upon the drawing of the south wing of the

building, it was said to be intended for the accommodation of the Post Office Department. And surely such an object could not have been contemplated by General Jackson in July, 1836. At that time, no want existed of such accommodation. The Post Office Department had then a convenient and appropriate building, and it was months after when the conflagration which caused its destruction could have rendered any thought of this further provision proper. Sir, there must be some mistake in this matter. In the very loose and indefinite terms of the commission given to the architect may be found the source of much of the present difficulty. He is there authorized "to aid in forming the plans, *making proper changes therein, from time to time;*" and these changes it is that lay at the foundation of all the mischief. It was this authority which has substituted for the simple, neat, convenient, and economical plan of Mr. Elliot, which had been approved by the committee, the complex, ornate, incongruous, and extravagant design of the present architect; which, instead of improving a bad site by the judicious position of an appropriate edifice, has added to the inconvenience of place by the faulty arrangement of an imperfect and unauthorized structure.

Mr. Chairman, lest I should be thought to press this point of objection beyond the degree of consideration to which it may be entitled, I beg leave to refer to a document which has not before come to the notice of the committee, to show that the design of the building, and consequently the expense involved in its completion, is not even now understood by the Government. In a communication made during the present session to the House by the President of the United States, in answer to a resolution moved at the special session, I believe by the gentleman from Vermont, [Mr. EVERETT,] is the following statement:

"As the 5th section of the act of July 4, 1836, under the authority of which this building has been commenced, provided only for the erection of an edifice of such dimensions as may be required for the present and future accommodation of the Treasury Department, the size of the structure has been adapted to that purpose, and it is not contemplated to appropriate any part of the building to the use of any other Department."

Sir, I would respectfully ask, "what is the size of the structure," now in the process of erection? We have the plan of the building. We see its foundations, and the present state of its walls; and where and how are these to terminate? They are now open at both ends, more nearly resembling the tunnel of a railroad than the "dimensions" of a building. Again, the President says:

"As it is understood, however, that the plan of the edifice admits of its being completed either with or without wings; and that, if Congress should think proper, accommodation may be provided, by means of wings, consistently with the harmony of the original design, for the Department of State, and the General Post Office, it is not thought that the public interest requires any change in the location or plan," &c.

A report from the architect to the President is the authority for the *understanding* that "the plan of the building admits of its being completed with or without wings." Mr. Chairman, I much fear that the confidence of the President has been abused in this matter. Sir, the plan of the buildings is of a *building with wings*, and the plan cannot be executed without them. The main entrances would otherwise be cut off, and in no way else can the ends of the building now be finished, without violating every rule of architectural order. Your committee repeatedly and carefully inquired into this subject, and I feel well assured that there can be no completion of the *present parts of the building*, "no harmony of the original design," but with the addition of the wings. This misapprehension of the President is the assigned cause, too, why "it is not thought that the public interest requires any change in the location or plan." It may be fair to infer that, with more correct information from the architect, his conclusion would have been different in this respect also.

I have thus endeavored to show that the intentions of Congress in regard to the passage of the law have not been regarded, either in the designation of the site by the President for the precise location of the building, or the selection by him of the definite plans for its construction, but that the architect, availing himself of the opportunity which the absence or sickness of the late Chief Magistrate afforded, and under a misapprehension of facts induced in the mind of his successor, has substituted the dictates of his own judgment, or taste, or interest, both in the design and the location of the edifice. The work derives no sanction from the authority which was to direct to its construction; and the consideration of its defects, whatever they may be, is disembarrassed of all other reference than to their intrinsic character.

It was, Mr. Chairman, from the unsatisfactory result of their own observations, that the Committee on Public Buildings proposed to the President to be permitted to call to their aid the advice of some skilful, experienced, and unprejudiced artist. Their application was promptly responded to, and, by the appointment of the President, Thomas U. Walter, esq. an architect of high and deserved celebrity, then and now in charge of the construction of the Girard College, in the city of Philadelphia, one of the most costly and magnificent structures which ever adorned any age or nation, was engaged in their service. The report of this gentleman is upon the desks of members, and to the opinions which it expresses I shall advert hereafter.

The survey and examination by Mr. Walter having resulted unfavorably to the character of the work, the committee, with a scrupulous regard to the feelings and interest of the architect of the building, submitted to him a copy of the report, and invited an answer to the objections it contained. That answer is also given to the House. It could be matter of no surprise that there should thus be exhibited a conflict of opinions, the almost necessary consequence of diversity of taste or judgment, or of varied practice and experience; influenced, too, on the one side by the pride of previous opinion and of deep personal interest. In the spirit of impartiality and of anxious inquiry after truth, recourse was again had to the authority of the President to call to the assistance of the committee another well-qualified, unbiassed, and unprejudiced witness and judge of the work. In the report of Mr. Parris, appended to the printed report of the committee, we have the opinion of an architect to whose science, eminent skill, and large experience in his profession, the highest testimonials were offered, and whose judgment in the matter it will ill become less instructed and competent men to resist. That judgment is in accordance with the report of Mr. Walter, and condemns the structure, in its design and progress, from the very inception of the plan to its present point of execution.

Mr. Chairman, it has been the occupation and the duty of some portion of my life to consider the character of human testimony, to analyze, compare, and weigh facts and circumstances, and to arrive at conclusions from the prevailing power and force of evidence. The situation of witnesses is no inconsiderable element in the credit which should be given to their testimony. On the subject under discussion, we have, on the one hand, the confident assurance of the architect of the building in the fitness and thoroughness of the work, and, on the other, the impeachment, by two artists, both of the plan and execution.

I have before referred to the different positions in which these gentlemen stand to the subject; the one implicated in his conduct, his professional reputation involved, and the continuance of his employment here, perhaps, depending upon the issue of this investigation; the others involuntarily brought from a distance to an examination of the work, previously unapprized of its supposed defects, uncommitted by the expression of any previous opinion, and to be affected by no possible result. The preponderating claim to confidence might well be determined from these considerations alone. But there are other circumstances which are proper to be brought to view in this connection. The architect of the building, in his report to the committee, challenges what he is pleased to term the *theory* of the other artists against his *long* and *successful practice;* and, in support of the latter, points "to numerous fire-proof buildings erected by me" in South Carolina, and to "some of the custom-houses designed by me, and erected within the last five or six years in New England," particularly at Newburyport and New Bedford, in Massachusetts, and New London and Middletown, Connecticut; and to "the custom-house stores in Baltimore, now under construction, and designed by me as a fire-proof building."

Mr. Chairman, in respect to his claims to merit for the design of the custom-house stores in Baltimore, I beg to have read a letter from the architect employed in the erection of that building, addressed to an honorable member of this House, which I send to the table.

BALTIMORE, April 11, 1838.

To Hon. B. C. HOWARD:

RESPECTED SIR: I have taken the liberty of intruding on your time by asking the favor of you to explain to the President of the United States an error I have seen in Mr. Robert Mills's (architect) reply to Mr. Lincoln, and the architects Mr. Thomas U. Walter and Mr. Alexander Parris, on the inefficiency of the structure of the Treasury building. Mr. Mills says, in his reply, "*the custom-house store in Baltimore, now under construction, designed by me.*" Sir, this assertion is altogether erroneous, as I will prove to you. From the first day, I was employed by the Commissioners, Messrs. Joseph White and James Howard, appointed to have this house constructed. On entering on my duties the first day, the Commissioners laid before me a general plan, and other sketches and plans designed by Mr. Mills, engineer and architect, and other plans designed by Colonel Small, of Baltimore, with instructions that I should examine those plans carefully until the next day, when they would meet, and I should report to them my opinion of the plans, whether there was any that I would recommend at their meeting. I made an unfavorable report, not accepting any of the plans submitted for my consideration. I was then instructed by the Commissioners to make drawings, and at as early a period as possible, and submit them for their consideration. On their examining my plans they approved of them. They sent the plans to Washington for examination, and they were there approved, sent back to the Commissioners, and I have built by them in this particular way.

I cannot see how Mr. Mills can claim, in his reply to the report of the committee of the House of Representatives, that he designed the plans of the custom-house store in Baltimore.

Sir, this assumption on the part of Mr. Mills I deem an injustice to me as a mechanic and draughtsman, who can design his own plans of edifices, and execute their construction afterwards.

I will not trespass on your time, as I know it is all important, but would beg of you the favor to inform the President and the Committee on Public Buildings of the grievances of which I complain. Your obedient and humble servant,

JOHN F. HOSS.

Mr. Chairman, I apprehend that, upon inquiry, the architect will be found scarcely more meritorious in relation to some of the buildings to which he has called the attention of the committee, as *designed by him*, and *erected in New England*. If, by the use of these terms, he intends only that he furnished plans and drawings for such buildings, or, in respect to some of them, that he directed the mode of construction and order of work, I have no authority to gainsay the expression; but that, in any other sense, he *erected* or *designed* the buildings, or, in regard to some of them, knows even in what manner they were executed, I may be permitted to doubt. In one thing, at least, he is, as I am informed, greatly mistaken. He claims that, at the time of his engagement upon the custom-houses in Massachusetts, he "found not a single bricklayer that knew how to turn a groin;" and that "up to that day, such a thing as a brick-groin was not to be found in New England." Sir, against this pretension of vanity, it has been stated to me, from a source not to be questioned, that long before Mr. Mills ever saw New England, or had himself "turned a groin," the Massachusetts General Hospital, in Boston, one of the noblest structures in that beautiful city, abounding in public edifices of the most approved models, had been constructed in its basement story upon precisely the same principle of arching; and that the practice was there well understood and familiar to mechanics. The fact imports but little of itself, but may serve to disabuse the public mind of false confidence in the genius and experience of the architect.

And here I gladly dismiss both the Architect of the Public Buildings and his report to the committee from further consideration. It seemed to me necessary to have bestowed upon them thus much particularity of attention, as upon the degree of credit to which they are entitled may, in a great degree, depend the disposition of the subject-matter under discussion. Sir, I again repeat, that, in what I have said, I indulge in no unkind feeling towards the individual. It is to the merits of his work of construction, to his capacity and fidelity in the service in which he has been engaged, and to the effect of his labors upon the public interest, to these, *and to these alone*, as brought to the view of the committee, within the scope of their duty to the House and to the country, that I have directed my remarks. I now pass to the provisions of the bill

itself, and to the grounds upon which it is sustained by the committee by whom it has been reported.

The first proposition contained in the bill is, an authority to the President of the United States "to cause the unfinished walls of the Treasury building, now in the progress of construction, to be taken down;" and the report of the Committee on the Public Buildings justifies the proposition, by representations of the unsuitableness of the plan to the site of the building, the bad arrangement of the interior parts of the structure, and the defective character of the work. Of these in their order.

To the first point of objection I have already had occasion to call the attention of this committee, when referring to the act of Congress under the authority of which the building was commenced. That act contemplated a simple edifice for the accommodation of the Treasury only; and the appropriation of $100,000 to the object may be regarded as some indication, at least, of its anticipated cost and extent. But it is not to the enlargement of the plan of the structure that the objection is intended to apply. This may, indeed, transcend the authority of law, but is not a matter within the appropriate cognizance of the committee of which I have the honor to be a member. It is to the plan of the building, in connection with its actual position, the means of access to its accommodations, and its convenient occupation and use. These are not now subjects for doubt or speculation. The foundations of the building are laid, and the superstructure has risen upon them. They are visible to the eye, and the defects are obvious to the remark of every observer. Will gentlemen but accompany me to the site of the edifice, they will there see an extended base of several hundred feet, upon an inclined plane of more than fourteen feet, with one end buried in the earth, and the other elevated as far above the adjoining foot-way. They will find the face of the building so protroded upon the line of the street as to allow room only for a passage from the side-walk to the platform of a splendid colonnade, and thence to the principal halls, by a flight of narrow side-steps perpendicular to the base, and *under* which, also, must be the entrance to the front corridor of the basement. They will see, to their greater surprise, as I apprehend, what must be an anomaly in the process of architectural construction, the front and rear walls of a stone edifice carried to the height of two stories, with both ends open from the foundation, and with a durable brick building in the way of closing the one, and no authorized or determinate mode for completing either. Had the building been but thrown back from the street, and constructed upon the design approved by the Committee on the Public Buildings of the last Congress, bad as was the site, all these difficulties would have been avoided. By any mode in which it may now be finished, its position will be most awkward, its approach inconvenient, and its general appearance reproachful to the architectural skill and taste of the country.

But, Mr. Chairman, I have yet to learn upon what precise plan it is *proposed* even that the unfinished walls shall be carried out. They are now of unequal extent from the centre; and at the north, which is their shortest arm, approach within some three or four feet of the building occupied by the State Department. Here is no room for extension, but over the foundation of that edifice. What, then, I ask, is to be done? Is it the intention to destroy this valuable building? The plan, which hangs in the lobby behind me, indicates this. It is the plan of the architect; and one of the wings, delineated in the drawing, is made to occupy the very site of the present building. Or are the walls to terminate with their present extent? How, then, is the building to be closed, and in what manner the end finished? The committee were told, in answer to the objection, that the front approach was narrow and inconvenient; that the main entrances were designed to be at the ends, directly opposite to the principal halls, or passageways, of the building. But what space is there left for this accommodation, either for entrance or light to the passages between the two buildings, now brought almost into juxtaposition with each other? And at the other extremity, too, the south end of the building, with its main entrance *fourteen* feet above the level of the ground, what here is the plan of completion? and how are you to ascend from the street? If the design, as shown upon the plan, be carried out, the building is yet to be extended in this direction some *ninety* or a *hundred* feet; and steps descending from that extremity, at the elevation of the passageway, will reach far into the avenue, upon the south. Sir, if any one knows what *is* the present plan of execution, he has more information than I have been able to acquire.

A second reason with the committee for reporting the bill was the bad arrangement of the interior of the structure, and the want of adaptation to the purposes for which it was designed. These objections rest not in taste or opinion only. The defects are palpable, primary in importance, and, in the present advanced state of the building, beyond remedy. They consist in the narrowness of the halls or passage-ways, and the want of provision for the admission of sufficient light to the rooms. The building, carried out according to the plan, will be 456 feet in length, while the principal halls, running longitudinally through thi great extent, when finished, in the three upper stos ries, will be hardly more than *nine* feet in width- and, in the basement, but little exceeding *eight*. On this part of the subject, I beg leave to read an extract from the report of Mr. Walter, as descriptive of the character and consequences of this fault of construction:

"I should remark," says he, "that all the passages in the building are entirely too narrow for either beauty, convenience, or comfort. The main passage, by which all the rooms are approached, will be four hundred and fifty-six feet in length, (should the whole design be carried out,) while its width is only *nine and a half feet*. The only means of lighting this passage is by a window of four feet by eight at each end, and the secondary light it may receive from the cross entries, stairways, and glass that may be inserted in the doors. All these, however, will not amount to much. A passage as long as the one in question should have been at least fifteen feet wide, with as much light at each end as could possible have been introduced. Ampler arrangements should also have been made for introducing intermediate lights."

I may permitted, I trust, to refer also to the authority of Capt. Parris, in support of the opinion of Mr. Walter. He states, that—

"Considering the length of the building, the number of rooms to be entered through this passage, the many occupants and others having occasion of ingress and egress through it, in my opinion, this great thoroughfare for the whole building should have been, at least, fifteen feet in width; and I have not seen any sufficient reason for confining it to its present reduced limits. I consider this defect without remedy."

On the authority of these two experienced and accomplished artists, it might seem that the objection was conclusive. But I rest not here. There are *facts*, in the practice of the architect of the building, which speak a language as unequivocal as the opinions I have cited. The Patent Office, now in the course of construction, under his superintendence, of little more than one-half the extent of the Treasury building, has a passage-way of *fifteen* feet; and we have all seen upon our desks, at the present session, a plan for a Marine Hospital, prepared by this very architect, of less than two hundred feet in length, with a like breadth of fifteen feet passages. Wherefore, then, this great contraction in the most necessary and oft-frequented part of the Treasury building? Whether it result from mistake or design, the effect is the same, and alike injurious. Either fifteen feet passageways in a structure of one or two hundred feet in length are wastefully improper, or nine feet in an edifice of four hundred and fifty feet is insufferably defective. Had I not dismissed from regard the report of the architect, I might cite with effect his distinct admission that, "in respect to the width of the corridors and passage-ways, it would have added much to their beauty had they been half as wide again;" and, as regards the lighting these corridors and passage-ways, the *pregnant* expression of a *belief* only "that they will not be deficient in light, but that they will be sufficient for the transaction of the business of passing to and fro!" I will apply to this but the single comment, that, in the present advanced state of architectural science and improvement, that must be but an ill construction, indeed, of a national edifice, which is less ample in all its proportions than good taste demands, and can only subserve, by its accommodations, the most necessary and restricted uses.

Another branch of the same general objection of want of adaptation in the arrangement of the building to the purposes of its construction is, the deficiency of light in the front range of rooms of the basement and attic stories. In the former, the light can be but secondary and very imperfect. It is first to be admitted through a thick wall, by windows of only four feet square, into a corridor under the platform of the colonnade, and thence into the rooms back of the corridor. The dimensions of the windows of the attic are the same, and these will be much obscured by the columns and entablature of the colonnade. The light, whatever it may be, must be admitted near the floor, below the level of the height of the desks, and will not be sufficiently reflected for the necessary use. With this statement of position, it can hardly be necessary to seek the opinions of architects, to satisfy any considerate mind of the effect. But the declarations of Messrs. Walter and Parris are so direct and explicit to this point, and so brief withal, that I hope to be pardoned a reference to them: The former remarks:

"The rooms in the basement story will be entirely too dark and damp for office purposes, and the apartments in the third (attic) story, having windows but half the size of those below, will be so darkened by the colonnade as to render them almost useless. The only comfortable rooms in the building will, therefore, be found in the first and second stories, which embrace but seventy-five apartments."

The latter gentleman expresses the opinion that, from such observations as he has been able to make of the rooms in the basement story, "they will be entirely too dark for the occupation of clerks, and too damp, when closed, for the deposite of papers." In relation to the attic, he observes:

"The windows of the attic are too small. I was informed by the superintendent of the work that they are to be only four feet square, the top coming only five feet above the floor. The soffit, or under side of the entablature, will be placed but a small distance above the tops of the windows. All these arrangements combine to render the rooms dark, and, in my opinion, they will not be sufficiently lighted, especially in cloudy weather, to render them suitable for the occupation of clerks."

Is this, Mr. Chairman, a building to satisfy the expectations or the wants of the Government—a building in which one-third of the rooms are utterly useless for all needed purposes? Sir, let it be remembered that this House of Representatives, by a resolution of the last session, called upon the President for information of the number of apartments which would be required for the business of the Treasury. I now hold in my hand a report to him from the Secretary of that Department, by which it appears that 132 rooms were *at this time* wanted. The act, however, under which the building is being erected, directs that provision be made, not only for the *present*, but for the *future* occasions of the Department. The present edifice is to contain but 150 rooms in the whole and such portions of these unfit to be occupied as to reduce the number below the immediate requirement. Sir, I submit it to this committee if such manifest violation of the intention of the Legislature is not sufficient cause of itself for arresting the further progress of the structure. Let none be deceived by the suggestion that these objections are the dictates of apprehension merely, or the results of a misguided judgment even. There stand the walls, within view of this Capitol, as witnesses to facts. There are the narrow and dark corridors, and damp cells of the basement, to speak for themselves. There are the contracted halls and passages of the first and second stories in the uprising superstructure, with its open and exposed ends, to be seen and measured, in all their length and breadth. Feet and inches will not lie. The attic is yet to be added. But the plan of construction which has been commenced must now be pursued. The entablature, with its frieze and cornice, must surmount the columns, with their capitals, and the windows be placed within the obscuration of light which they will occasion. That "these rooms will be too dark for the occupation of clerks," we have the opinion of skilful builders, and neither the facts nor the effects will my own judgment permit me to doubt. Here, then, we are again brought to a stand. The inquiry is directly and pertinently presented, shall an imperfect building, in a bad location, and upon an objectionable plan, with *four* stories of rooms needed for occupation, and but *two* suitable for use, be carried to its completion; or shall the work of construction stop, the incumbrance

be removed, and more fit and appropriate arrangements made for the future better accommodation of the Department? This inquiry it is now among the duties, and upon the responsibility, of this committee and of this House to decide.

Yet, with all these causes of objection, the committee might still have hesitated in recommending the demolition of the walls of the building, at the consequent sacrifice of a heavy expenditure, but for the admonition of another and more fatal defect, which rendered the duty equally clear and imperative. The architects who were employed to examine the structure, have condemned the work as deficient in the requisite strength and security. This objection depends upon principles of architectural science, and a rightful application of the rules of art. Sir, I profess no judgment in this matter above the skill and capacity, and fidelity of the artisans, who have been witnesses to the committee, and whose opinions accompany the report. If they are to be relied upon, and their judgment is worthy of any degree of confidence, here is an insuperable difficulty in the way of further proceeding with the work. The objection did not originate with the committee, nor is it obvious to any superficial and unpractised observation. I take occasion, in passing, here to say, that the representations of the architect of the building, in his appeal to the House, if they intended to apply to my associates or myself, are unfounded and unjust in this particular. The committee have nowhere asserted that of which he complains. They have at no time made or given countenance to a suggestion that "the arches had already cracked," that "the walls were falling," or that "the building was already crumbling into ruins." These are the imaginings of a jealous spirit, the cob-house fabrication of an artificer who builds but to show his skill on what he may most easily destroy. The opinions of the architects, Messrs. Walter and Parris, are the warrant to the committee for the impeachment of the strength of the work. To this point their language is so unequivocal and decisive, that I must crave the patience of gentlemen while I read some brief extracts from their reports.

"The second objection advanced (says Mr. Walter) is the weakness of the structure. My decided opinion in reference to this subject is, that all the outside walls are entirely too thin and too weak for so large a vaulted building as the one in question. These walls should have been, at least, *three and a half feet* thick, exclusive of the antæ, (or pilasters, as they are commonly called;) instead of which, they are only *two feet three inches*. And here, permit me to remark, that the strength which would have been derived from these antæ, had they been constructed according to the principles of stereotomy, is not only lost by the manner in which they have been built, but the walls, which would have been too weak without them, are actually rendered weaker by their introduction."

He describes these antæ as "occurring in every eleven feet around the whole building," and adds:

They "should have been constructed in courses corresponding with those of the ashlar, so as to have formed a band with it; but, under the existing circumstances, the band of the ashlar is cut off from the bottom to the top of the building, on each side of every one of the antæ; while the antæ themselves afford little or no resistance to lateral pressure, being composed of large stones set on the end of each other, without a single *cramp* or *tie* to hold them to the ashlar, or a *dowel* to keep them in their places. We have, therefore, a straight joint on each side of every antæ, extending its whole height, by which all the horizontal band of the wall is destroyed, except that which is obtained from the filling in of the brick work, which is so reduced by the thickness of the ashlar as to afford but little strength."

This, Mr. Chairman, let it be borne in mind, is the language of a professional architect, addressed to the Committee on the Public Buildings, upon the responsibility of his character, and the high obligation to fidelity in the execution of a trust committed by them to his skill and judgment. There is nothing doubtful or equivocal, either in the description he gives of the work, or the condemnation which he pronounces upon it. If there be error in either, it boldly challenges correction. Nor is he less explicit in his objections to other parts of the work:

"Another defect is evident (says he) in the vaulting of the vestibule on 15th street. These arches are all groined; and one half of their horizontal thrust is resolved on the front wall, without any counteracting influence whatever, except the wall itself, the bond of which is unfortunately cut off by the outside antæ, at the very point upon which the thrust of the arches is concentrated."

Again:

"In the plans for the upper stories, I find that the rooms directly over the vestibule are increased by omitting two of the cross walls that occur in the lower story, so as to throw the whole width of the centre building into one room of fifty-four eet in each of those stories, the whole of which is to be groin-arched in their compartments, without any provision whatever for resisting the lateral pressure of the arches. This plan of arching can never be executed with safety to the building. The arches in the lower story would probably stand, provided the centres were kept under them, until the walls receive the superincumbent weight of the structure; but the fate of the upper arches, if executed upon the same plan, is certain."

As a striking illustration of what is meant by the *horizontal thrust of the arches against the resisting power of the perpendicular walls*, I cannot forbear to refer to a demonstration of the character of this defect, in the descriptions given by Mr. Walter of the plan of construction proposed to be adopted in another public building (the new Patent Office) now in progress, under the superintendence of the same official architect. It may serve, also, to *test* the greater confidence which is due to the "experience and practice of thirty years" of the latter gentleman over the immutable laws of matter, and the well-settled principles of science, which he is pleased to characterize as the "theory" of his professional opponents. I read from the report of Mr. Walter, on page 16 of the printed document:

"The plan of the grand exhibition room, which includes the whole of the upper story, (of the Patent Office) being about sixty-five feet wide by two hundred and sixty feet long, provides for the same kind of vaulting as that of the lower stories. All the arches are to spring from columns to the exterior walls, suspending over this vast room more than 300,000 bricks, without any possibility of preventing the lateral thrust from acting on the outside walls; and that, too, almost at the very top of the building. Had the exhibition room been vaulted on this plan, the building must have spread with the keying, and the arches come down with the centres. The horizontal thrust exerted by each of these arches upon the outside walls, and which is resolved, in every instance, by the peculiar form of the arches, upon a single point, amounts to 12,256 pounds, while the resistance offered, under the most favorable circumstances, will not exceed 6,500 pounds."

But I will not weary the patience of the committee by reading further passages to show the want of soundness and substantial, enduring strength in the different parts of the structure. I earnestly commend the whole of the able report of this accomplished architect to the careful examination of every gentleman before he gives a vote upon the subject. They will find there set down many more and not less decisive instances of defect than I have brought particularly to their notice. In the description of the character and construction of the work given by Mr. Walter, he is fully sustained by the judgment and opinion of Capt. Parris. The latter pronounces decidedly "that the walls of this building are not sufficiently strong to sustain the lateral pressure of the arches, to be continued above the present height." Other architects, of no less reputation, have, with like explicitness, condemned the edifice. I have been informed that such was the result of the observations of the superintendent of the new custom-house in the city of New York, and of the principal constructor of the State House at Montpelier, in Vermont; gentlemen distinguished for professional talent, good taste, and the high degree of public confidence which they enjoy, and whose attention was casually drawn to the building while recently on a visit to this city. I might also adduce the more frequent and familiar remarks of respectable builders in and about the city, in connection with the extraordinary fact that, although the plan and construction of the building have been made the occasion of much severe criticism before the public, and of inquiry and close investigation by the committee, for many months, and this well known to the architect, he has not yet attempted to justify either his designs or his practice, by a single approving voice from another. Sir, it might seem that all this should suffice to satisfy the minds of honorable members on this floor of the insecurity and instability of the structure. The position which I occupy in the Committee on Public Buildings, devolved upon me the task of offering this exposition of the sources of information, the evidence, and the results of personal observation, which induced to the report; and, with no feeling or motive beyond a sense of duty, I am less solicitous for the disposition which may now be made of the subject, than that it should be fully and rightfully understood here and elsewhere.

Mr. Chairman, it is given *as the deliberate judgment* of one of the architects, "that the defects are beyond the reach of any remedy, and that the course dictated alike by prudence and economy, is to take down the whole building." Concurring in this opinion, the committee have accompanied their report with a bill for this purpose. For myself, I see not how, on any plan which has been suggested, aside from all exceptions to the supposed weakness of the walls, the ends are to be closed, the light admitted, the entrance and passage-ways made convenient, and the building advantageously and appropriately finished. By an official statement from the Commissioner of the Public Buildings, it appears that, discarding fractions, the sum of *two hundred thousand dollars* has already been expended, and a further sum of *three hundred thousand dollars* will be required for the completion of the building, making an aggregate expense of HALF A MILLION OF DOLLARS. I have seen another estimate, *coming from the architect himself*, which requires, for the execution of his plan, and which I verily believe is the only mode by which the building can now be finished, NINE HUNDRED THOUSAND DOLLARS! The calculations of others have carried it to a MILLION AND A HALF!

Sir, I vouch not for the accuracy of any of these estimates. The latter may be, and probably is, too large; but it is not to be supposed that the *architect* would swell the amount beyond the actual cost. And for what, I ask, is this heavy charge to be incurred? For a building with which, when completed, the Government and the country never can be satisfied—a building which will not answer the purposes intended by the law, badly located, inconvenient of approach, deficient in the required accommodations, and unsafe in its construction. Stop, then, the work at once. Do what the bill on your table proposes. Take down the imperfect and half-finished walls; and, if you would have a suitable edifice, employ a competent architect, select a proper site, adopt an appropriate plan of adequate diminsions, in the language of the law, "for the present and future accommodations of the Treasury Department," and let the work be executed in a style consistent with economy, and not dishonoring the good taste and architectural skill of the nation.

I proceed now, very briefly, to show that the measure which the bill is intended to effect, in the removal of the walls of the building, is recommended by considerations of economy, and will be attended with an actual saving of charge upon the Treasury. A few simple statements of calculations and deductions will afford this demonstration. I have before me, Mr. Chairman, a written communication from Mr. Mills, the architect, addressed to the Committee on the Public Buildings, from which I read the following:

"Upon the question submitted to me, what would be the estimated loss of labor and materials used in the new Treasury building, in the event of taking down the same, to be used again in erecting a building upon a new site, I would respectfully state as follows:

"1st. The present expenditures on this building amount to	$200,065 79
2d The value of the materials and work, when taken out and removed to a place of safety, with those on the ground, are estimated at	97,800 00
	$102,265 79
"3d. The site being changed, would render it unnecessary to regrade and pave 15th street, and construct a culvert under the same, estimated at (which deduct)	20,000 00
"Making the total estimated loss	$82,265 79
"4th. In the event of removing the building, there will be no necessity to take down or alter the present State Department building, which cost $100,000; and the saving here, which might properly be carried to the *credit* side of the account, would be	80,000 00
"Leaving an actual loss of only	$2,265 79

We thus have it from the architect himself, in plain black and white, and in precise, certain, arithmetical numbers, that the difference in amount of sacrifice between taking down the walls of the new building, or proceeding in their execution to the consequent destruction of the building of the State Department, will be but about *two thousand dollars*. I have before shown that the two buildings cannot stand together. And this is the inevitable alternative—either the old must be taken down, to give place to the execution of the plan

of the new, or the walls of the new may be removed to the saving of the old. But these are not all the considerations, in stating the account current of profit and loss. To the small balance even of $2,265 against the removal of the walls of the new building, I propose the great under valuation of the property in the old. It is represented to have cost, at least, $130,000. At the certain present value of $100,000, the difference, instead of being $2,265 *against* the removal, would be $17,735 in *favor* of the measure. To this is to be added the cost of a parapet wall, or stone terraee, along the line of the basement, to guard the front from the caving earth and brick of the adjacent sidewalk at one extremity of the building, and to conceal the present exposed state of the rough foundation work at the other, as well as to give the appenrance of a horizontal line of colonnade, at an estimate of $20,000 more. It is threatened that there will be claims for damages, also, to the abutters on the opposite side of the street, by reason of reducing its grade, and obstructing a ready access to their buildings; but as the right, at best, is questionable, I have not taken it into the account. Taking, then, the items only which are derived principally from data furnished by the architect himself, it results that, by immediately stopping the progress of the work, and removing the unfinished walls, rather than prosecuting the plan and sacrificing the State Department building, a saving, at the least, little short of $40,000 will be effected.

There is yet another view of the matter, which presents the effect upon the interest of the Government in a more striking point of light. The estimated cost, by the architect, of the present plan of the building, if fully carried out, including the loss of the State Department, is $900,000; but would probably rise to a million. If the work is now arrested, and the design heretofore approved by the Committee on Public Buildings substituted in its stead, the State Department building will be saved, and an edifice of ample dimensions, and of plain and simple style of architecture, may be constructed for less than one-half the cost. But if the present plan be persisted in, the expense of the building in progress is not only to be incurred, but it will impose the necessity, at no distant day, of a similar process of construction on the opposite side of the square. It is well known that the building occupied by the Navy Department is defective, and must soon come down. It was, originally, badly built, and was greatly injured by fire, set to it by the British, on their incursion to the city during the last war, and is now not worthy of repair. Whenever it shall be rebuilt, whatever form of structure is adopted on the *east* of the President's square, to preserve uniformity must be conformed to on the *west*. *Here*, now, stands the building occupied by the Department of War, a substantial and valuable brick structure, corresponding in position and appearance with that of the Department of State. The destruction of the one is but the signal for that of the other; and the sacrifice and the outlay are thus to be repeated, to the expenditure of another million of dollars. Let gentlemen not be blind to this scheme of extended and wild extravagance. Once entered upon, it cannot be stayed. If the bill now before the committee shall be rejected, my word for it, appropriation after appropriation, without stint, will hereafter be required. The plan is but little understood. The object to which one hundred thousand dollars was first appropriated, now demands one million; and we have just seen how that will give occasion for a million more! But, Mr. Chairman, I hear the gentleman from Pennsylvania, near me, [Mr. PETRIKIN,] in an undertone, declare that *he* will not vote another dollar, either to build up or to pull down. Sir, we must do the one thing or the other. The walls of the new Treasury building cannot be permitted to remain in their present condition. They now darken the windows of the State Department, and the materials prepared for their completion incumber the public way. The eye of the gentleman himself would not long endure the offence of the unfinished pile, nor his spirit of economy rest satisfied with the waste of property which might be applied to a profitable use. I trust he will yet go with me for the bill, if for no other reason than as a measur eminently consistent with his own professed policy of "retrenchment and reform."

A single point more remains te be considered. In addition to the authority to the President "to cause the unfinished walls of the Treasury building to be taken down," the bill provides:

"That the materials shall be removed and applied to the erection of a fire-proof building of such dimensions and plans of arrangement as may be required for the use and accommodation of the Post Office Department, on the site of the Post Office building recently destroyed by fire."

This application of the materials, the committee who reported the bill were fully satisfied was recommended both by expediency and a regard to economy. The want of accommodations for the Post Office Department is scarcely less urgent than for the Treasury. Since the conflagration of the former building, the business of the office has been conducted in inconvenient and insecure apartments, and the accumulated valuable papers and records, the evidences and assurances of multiplied and extensive contracts and disbursements, are constantly exposed to the imminent hazard of destruction. If it shall now be determined, as I trust it will be, that the walls of the Treasury building be taken down, the materials must necessarily, from their quantity, be removed to some other place, to prevent incumbrance to the adjacent grounds and streets, and it would obviously, therefore, be most judicious to transport them directly to the spot, where they might be immediately and advantageously used. The stone, somewhat defaced by the two-fold process of construction and removal, although not substantially injured, will be less objectionable on the proposed site for the Post Office than in the more conspicuous position which will doubtless be selected for rebuilding the Treasury, and the construction of the building will be hastened at least a year by this direction to their application. That the materials are appropriate to the object is vouched by Mr. Walter, the architect, who, in answer to inquiries addressed to him on the subject, has certified that "there will be no difficulty whatever in arranging the design for the Post Office so as to bring all the materials of the Treasury building into use, with very great advantage!" In this opinion Mr. Mills also has expressed his entire concurrence, and presented to the committee a plan for a building, in conformity thereto.

But, Mr. Chairman, I hasten to a close, and to relieve the committee from the heavy tax which I have exacted from their indulgence. I have endeavored to state, in a manner, I trust, to be understood, the weighty considerations which influenced the Committee on Public Buildings after a laborious investigation, extended through a period of nearly five months, to report to the House the bill under discussion. Theirs was a task of duty; and they have performed it with reference only to the high obligations to its faithful discharge. The subject, as it was presented to them, related to *property* and *business*, and they have treated it, not as a political, but as a practical question, in which the necessary accommodations of the Government, and the pecuniary interests of the People, were especially to be regarded, For myself, I have indulged, on this occasion, in none of those feelings of pride for a display of national taste, and of emulation for national distinction in the cultivation and encouragement of the arts, which may well become the statesmen of this great Republic, in an age of improvement in all which adorns a state of civilization and refinement. I have left it for this committee and this House to compare what is about to be done with that which already exists; to judge how far, in the construction of the public edifices, in a day of peace and prosperity, they will fall behind the liberality and grandeur which was indulged, in a time of debt, insecurity, and public embarrassment. I leave them to contrast the magnificence of this Capitol, and the Executive Mansion, erected by the order, aud in the far-reaching wisdom, of enlightened and high-minded predecessors, with the design of structures which are about to mark the period and the policy of their own legislation; and to decide for themselves how much the one will give pre-eminence to *their* fame, or be in keeping even with the standard of the other.

DEBATE ON MR. CLAY'S RESOLUTION.

IN SENATE, May 25, 1838.

REMARKS OF MR. NILES.

Mr. NILES said he regretted to see such distrust of the Executive branch of the Government in any question, and still more, in that whence he had just witnessed it. Must not some confidence, and some discretion, be reposed in the Chief Executive officers, acting under a high responsibility to the laws and the country? or is confidence only to be reposed in the banks? Are we to presume that the Secretary of the Treasury will do wrong, and be governed in our legislation by mere suspicion? Sir, what are we called on to do? Why, in the first place, it is proposed to make the receipt of the notes of eight or nine hundred State banks compulsory upon the officers of the Treasury; to legalize this immense mass of paper money, and make it a tender for all dues to the Government. It would seem that this was going far enough, as it is placing the Government in a situation in which no individual is placed, and in which no bank is placed, as they all possess and exercise the power of receiving or refusing the notes of other banks, as they may think is for their own interest. But the Senator from Virginia [Mr. RIVES] is not satisfied with this; he wishes to go farther, and compel this Government to disburse the bills of these nine hundred banks, however troublesome or inconvenient this may be to the Treasury. After the Senator from Kentucky, [Mr. CLAY,] who introduced the resolution, seems to have become satisfied that such a principle would be dangerous, and has moved to strike it out, the Senator from Virginia comes forward to sustain it, with a modification, providing that the bills which may be received shall not be presented to the banks issuing them, unless there be reason to believe that the bank is unsafe. This permission would amount to nothing, for how could your officers, who would be required to take the notes of the most distant banks in the Union, know whether the banks were safe or not? The proposition would be a prohibition against returning any notes received for redemption or payment.

In what situation, then, would this Government be placed? Why, sir, it would be compelled, by its own laws, to receive for revenues the notes of eight or nine hundred local banks, to retain them until wanted for expenditure, and then to disburse them, however inconvenient, and at whatever sacrifice. The object seems to be, sir, to make this Government the *great absorbing power* of the bank circulation of the country. Our officers are to be compelled to receive, to retain, and to pay out the paper currency of the State banks. We are to tie up our hands, and deprive ourselves of a right which belongs and is exercised by the humblest individual in the country. We are to subject this Government to restrictions which the laws of no State impose on any individual, nor on any moneyed corporation. The Federal Government is to be fettered and bound hand and foot, and to receive and pay out the multifarious local currencies of the States, which are not only unsafe, but must be depreciated.

Do gentlemen forget that bank notes are, and ought to be, a mere *local* currency; that they are, and always must be, at a discount at all points remote from where they are issued. He spoke of a state of things when the banks are paying specie for their liabilities. Will not the bills of a bank at Bangor be at a discount in Illinois, where they will be receivable for the public lands? and will not the notes of the banks of Illinois be at a discount in Maine, where they must be received for customs? You propose, then, to force this Government to take *depreciated* paper, and, at the same time, to deprive it of the poor privilege, which belongs to every individual, of returning it upon the banks for payment, if it shall be found necessary. You propose to subject your Treasury, and the people who pay the taxes to supply it with funds, to restrictions which must not only be attended with great inconvenience, but expose it to heavy sacrifices.

Is the Treasury of the whole country to be subjected to restrictions which are imposed on no bank in the country? Sir, the Bank of the United States,

instead of being compelled to receive the notes of all the local banks in the country, would not take even its own notes issued by the different branches. It commenced in this way; but at an early period, in 1818, he believed, it adopted a different system, and the notes or drafts issued by the different branches were refused to be paid at the parent bank and the branches, except the one issuing them. This rule converted the branches into so many independent banks, so far as regards their issues; and this practice, which was believed to be in violation of its charter, was justified on the ground of necessity. The Bank declared that it could not carry on its business, that it could not exist, if compelled to receive the notes even of its own branches. As to the bills of the State banks, it refused all except those in the same town or place.

The Senator from Virginia is afraid to trust the Secretary; he fears he will oppress the banks; and, on the ground of this suspicion, he wishes to take awy all discretion, and compel him not only to receive indiscriminately the notes of the nine hundred banks in the country, but also to pay them out, whether it is for the interest of the Treasury to do it or not.

Mr. N. said he would agree with the gentlemen so far as this: that the discretion left with the Secretary was too great; but he regarded it as a consequence of the system of using the local currency of the States. The true remedy for this was to return to the lawful and constitutional currency; that would remove all difficulties, and leave no occasion for a discretionary power. He would not, however, say that there was not a middle course; he thought there was, and that the discretion of the Secretary might be limited and regulated by law; but his honorable friend had not gone to work in the right way to accomplish this object; he should apply his discriminating and regulating principles not to the disbursement, but to the receivability of bank notes. He does not seem disposed to do this; he wishes to throw open the door of the Treasury to all the local currencies of the States, and then to take away all discretion from the Secretary in regard to the same. Sir, if there is to be any restriction on Executive discretion, it must be in regard to the receivability of the notes of the local banks. This might be an improvement upon the present practice, and on this subject we are not without light to guide our course. This light is from a source which he hoped the Senator would respect, and which he was sure his friends over the way would respect; they were bound to respect it. The authority and example was one which they could not disregard; it will not do for them to deny that the late Bank of the United States acted on correct principles in the collection and disbursement of the public revenues. And what was the practice of this institution in regard to the local banks when the collection and disbursement of the revenues was farmed out to it? The Senator from Missouri, [Mr. BENTON,] informed us yesterday what it was; he read to the Senate the general rules of the bank, by which its conduct was regulated. These rules were, that the notes of no State banks should be received for public dues except those of banks in the city or place where the Bank of the United States or its branches were located. All State bank notes were excluded except those in the place where the payment was to be made. And the notes thus received were to be returned once a week, and the balance demanded in specie or its equivalent. The notes of the State banks were not paid out at all; they were returned on the banks issuing them weekly for payment. Such was the manner in which your revenue was collected when it was farmed out to the Bank of the United States. But we heard no complaints then; this practice was not then deemed oppressive or unreasonable. But suppose the Secretary should adopt a course as restricted and unreasonable as this? My word for it, sir, the welkin would ring with cries of oppression, distress, hostility to the banks, war on the currency, on the credit system, and the like. The bare suspicion that the Secretary may pursue an illiberal course towards the State institutions alarms the Senator from Virginia; he cannot trust the officers of the Government, acting under a high responsibility, but he can trust a bank, acting without responsibility, and governed by no other principle than its own interest. Ought not your own Treasury to be placed on as favorable a footing in regard to the local banks as a great moneyed institution, which had the use of your revenues for nothing, or the mere trouble of collecting?

Sir, said Mr. N. I am willing to restrict the Secretary by enacting the rules of the late Bank of the United States; indeed, he would be more liberal, more indulgent, and enlarge the circle of the banks whose notes should be receivable, and be satisfied with their being returned for payment once a month, instead of once a week.

It seems to be supposed, sir, that there is great hardship, that there is something oppressive, in calling on the banks to redeem their bills. We are to be compelled to receive them, with an express prohibition against presenting them for payment. On what ground is it, that it is claimed we ought to receive the notes of specie paying banks? Is it not on the ground of their convertibility; that they are equivalent to specie, because they can be converted into specie on presentment? No one, sir, dares to propose the receipt of inconvertible paper; but we are called on to take convertible paper, because it is equivalent to specie, and can at any moment be exchanged for specie; and, in the same breath, it is proposed to take away its convertibility, and, so far as the United States are concerned, to reduce it to a level with irredeemable paper. Such appeared to him to be the strange inconsistency of those who urge the propriety of receiving the issues of specie paying banks, and yet wish to take from the Treasury the power of demanding specie for their bills.

But, sir, it is not difficult to see the scope and object of the resolution before us. It is intended to make this Government the general absorbent of the paper currency, and this, on the ground, in part, of aiding the banks in resumption. At a time so critical and peculiar as the present, we are to apply a powerful stimulus to the banks. And why shall we do this? We are told, to aid the banks in resuming. But the solvent and prudently conductly banks do not want this artificial aid; they are resuming without it; they choose to stand on their own strength, and know they could stand on no other.

The error in our legislation, for some years past, has been, that we look only at the peculiar state of the revenue and the country at the present time. Congress has not acted with even the ordinary foresight which belongs to individuals. Many years ago, the Senator from Massachusetts [Mr. WEBSTER] said that, in matters of finance, it belonged to Government to have a little more foresight than pertained to private individuals. It was a very just observation, but he regretted that the Senator, in his course since, had not been more fortunate in illustrating his own maxim.

Without going back father than 1834, what has been the legislation of Congress in regard to the revenue and the monetary affairs of the country? At that period, there was a scarcity of money, and a stagnation of business; and not looking beyond the existing state of things, it seemed to have been supposed that the importations would be greatly reduced, and that the revenue would rapidly fall off. An empty Treasury was then the subject of apprehension; and bold and persevering attempts were made to alarm the country on this account. The banks would not be able to do any business; commerce would decline, and all the sources of revenue be dried up. He did not know that any legislation was consummated, springing from the views of the subject; but this was owing to the disagreement between the two Houses. But the majority in the Senate then entertained the sentiments he had expressed. They wished to adopt measures to stimulate the action of the banks, and revive commerce; and without the aid of Congress, it was confidently asserted that the monetary affairs of the country could not be restored to a healthful state, and commerce could not revive.

But what was the result? Congress did nothing, yet in the autumn of the same year, the Bank of the United States commenced a rapid expansion, and the other banks followed, which continued during the years '35 and '36. Business became unusually active, the importations during the two years, exceeded by nearly one hundred millions the exports, as well as the general average of importations for the five preceding years. The sales of the public lands were equally unprecedented, amounting in the two years to more than forty millions; and the revenue flowed into the Treasury like a flood tide, so that instead of an empty Treasury, the great difficulty was to get rid of an immense and alarming surplus. To dispose of this surplus, and diminish the revenue, was the great object at the last two sessions of Congress. Having disposed of the surplus in 1836, Congress in 1837, was occupied during the whole session in devising measures to reduce the revenue. A bill to check the sales of the public lands, by confining them to actual settlers, and a bill to reduce the imports were among those measures. Fortunately they were not consummated. All these measures originated from the state of things existing at the time, without apparently much foresight, as to the changes which might reasonably have been anticipated.

And now, sir, with this experience before us, we are still going on in the same way; we are legislating for the present condition of the country, without the least foresight; the blunders of preceding years are lost upon us; we are as blind as ever, and cannot see beyond the present moment. Surely, sir, we afford but little evidence that Congress possess more foresight than belongs to individuals. We are now urged to adopt this resolution, to apply a powerful stimulus to the banks, to force them into premature action, and by forced means, give activity to business. If this, or any other measure, would have such an effect, that would be the strongest reason why it should not be adopted. Shall be go on making laws for the present moment only, or shall we look a little ahead? Shall we suffer the lessons of the past to be entirely lost? Surely, sir, no great sagacity is necessary to perceive that the present state of things cannot continue long. The tide has long been out, and is now beginning to return, and shall we thoughtlessly build our house at low-water mark, so as to be swept away by the returning flood. Are not the fluctuations, the flood, and ebb tides in our monetary affairs and commercial interests, as certain, although not quite so regular, as those of the ocean?

Now, sir, is the time to have an eye to the future, and not to be wholly influenced by the present posture of affairs. What the country wants is *stability:* stability in its legislation, its revenue, its currency, and its commerce. The revulsion has spent its force; the crisis is already past; the country is gradually recovering, and business returning. This process has been going on its its natural way, and has gone on as fast as it could with safety. To attempt to force it, will be highly dangerous, and probably eminently mischievous. When there has been a long course of over-action, brought on by a redundant currency, the principal difficulty in getting back to a healthful state of things, is in reducing the currency and bringing down prices, which had acquired a factitious elevation. This is attended with sacrifices and sufferings. The country has already passed through this scene: the currency has been reduced from one hundred and fifty millions to one hundred millions of dollars, a reduction of thirty-three per cent. in one year; and prices are also reduced in proportion. Our imports having stopped, and the exports been continued, foreign exchange has become favorable, and specie is flowing into the country. In this state of things, the banks require no artificial stimulus: having reduced their excessive issues, they cannot help resuming. Resumption is a matter of course with all sound banks. He spoke of those banks which have reduced their circulation; but this was not the case with those in some of the Southwestern States, which may not be able to resume for a considerable time.

When the country has passed the crisis, and is recovering, and recovering as fast as it can with safety, will it be wise for Congress to interfere, under a mistaken idea of aiding the banks and reviving business? How was it, sir, in 1816, when

Congress attempted to assist the banks in resuming? The excess in the currency then was vastly greater, and the resources of the country much less. At that time, the paper circulation had swelled to one hundred and ten millions, and was undergoing a process of reduction, when the Bank of the United States was put into operation in 1817. That institution checked the reduction, by introducing a new species of paper credit, and by discounting freely during the years 1817 and 1818. This gave a stimulus to business; and for one or two years the country enjoyed great apparent prosperity. But this forced and premature activity was short, and soon followed by a relapse, and years of distress and suffering, almost unexampled.

All the Western banks, and many others, had to suspend the second time, and most of them were entirely swept away. This was the result of the establishment of branches at the West which discounted freely. The notes they put out were sent to the Eastern cities for remittance, and the payments made to the branch banks were in local notes, and in that way a large amount of the paper of the State banks fell into the branch banks. The sudden and dangerous extension of its loans and circulation by the Bank of the United States during the latter part of the year 1817 and 1818, brought that bank into a perilous situation, and to save itself it was compelled to commence a rapid curtailment. The large mass of paper of the State banks, in its Western branches, was converted into specie, which broke all the Western banks in 1819. A second contraction of the currency commenced, and continued until the one hundred and ten millions was reduced to forty-five millions, a reduction of about sixty per cent. This produced a rapid reduction of prices, and a scene of sacrifices, distress and suffering, almost unexampled in this or any other country. As late as 1820, Mr. Crawford informs us, that notwithstanding the reduction of the paper circulation from one hundred and ten millions to forty-five millions, the currency then was far from being sound; that the resumption was little more thau nominal; and that a still further reduction in some sections of the Union must take place place before the currency could become sound. This opinion was proved to be correct, for it was not until the year 1824 that resumption was complete in all the Western States. Such, sir, were the fruits of forcing a premature resumption by the legislatton of Congress, and the application of an artificial stimulus. The banks suspended in 1814, and the resumption was not complete, and the currency generally restored to a sound condition, before 1824, a period of ten years. And yet, sir, with these facts upon our records, and before the world, we are constantly reminded of the important and beneficial agency of the Bank of the United States in bringing about specie payments, and restoring the currency in 1816. This beneficial agency cost the country immense sacrifices, and long years of distress and suffering, which might have been avoided had things been left to take their natural course. The country was recovering, the redundance of the currency reducing, when the artificial stimulus created by the Bank of the United States was applied, which produced a forced resumption, and a premature restoration of business before the banks or the country were prepared for it.

Sir, shall those lessons, so recent and so severe, be lost upon us? Shall we profit nothing by experience? Shall we go on committing one blunder after another, shaping our legislation with reference to present circumstances alone—not looking ahead a single year, nor scarcely a single month?

Sir, in the present condition of the country, no more foresight is necessary than what belongs to ordinary sagacity. The course of events does not depend on doubtful or uncertain causes, but on well known and well established principles. The country has passed the crisis; the currency has been reduced thirty-three per cent. and as low as is required; prices have been reduced, importations diminished, foreign exchanges have become favorable; specie is flowing into the country; the sound and well conducted banks are resuming, and business is reviving. All this has been accomplished in one year, and when the financial concerns of the Government have been *separated from the banks;* when in fact, sir, the Independent Treasury scheme, represented to be so hostile to the banks, has been in practical operation. The process has been going on fast enough; as fast as the condition of the country would admit; and as fast as its strength has been restored, its energies and activity have been displayed.

In this condition of the country, what course ought Congress to pursue? His opinion was well known; he was for confirming and establishing, by law, the practical separation, which has existed, of the Government from the banks; of disconnecting our financial interests from theirs. This is the policy of the majority of this body; but if we cannot carry it out, what then shall we do? Shall we remove the existing barriers which, to a certain extent, do separate our revenues and our credit from the banks? Shall we open the door of the Treasury wider than it has even been, for the reception of bank notes? Shall we apply to the banks in their present critical situation the powerful stimulus of the entire credit of this Government, and thus force them into action before they or the country are prepared for it? Sir, the danger is not that the banks will be too slow in their movements; it is the other way—that they will be too rapid; that they will extend their discounts and their credit too fast, and before the country is prepared for such a change. This is the danger; and shall we contribute to increase it, by an uncalled for and dangerous application of our credit? Sir, it is time to act with caution, and with some little foresight. He beseeched gentleman, and particularly the majority, to be careful how they moved at a time so critical as the present; to be cautious how they assumed the responsibility of measures which may give a sudden and dangerous expansion and enlargement to the currency and bank credits. What has been will occur again; the results which have been witnessed have not proceeded from accidental causes, but from fixed principles. If we apply the credit of the Government to the banks, they will suddenly extend their discounts, increase their circulation, and impart a factitious impulse to trade and every kind of business. Importations will suddenly become large, speculation will revive, and particularly in the public lands, and your Treasury will be once more overflowing.

If, sir, the separation cannot be brought about, at this time, consistency requires that we should remain where where we are. If we cannot advance, let us not recede: if we cannot complete the separation, let us not bring the Government into a closer connection with the banks. It was often true of nations, as of individuals, that their greatest strength isshown in standing still. Let us remain where we are, and stand on the joint resolution of 1816, and the deposite act of 1836. There were principles in those acts which produced a partial separation of the finances of the Government from those of individuals and corporations; the latter had occasioned an entire separation during the suspension, and would continue it after resumption, so far as respected all banks issuing notes less than five dollars.

He was was aware that the ground on which it is claimed that the Government should loan its credit to the banks, to aid them in resumption, is that it will relieve the country. But he denied that there were any examples in history that justified the interference of Government to relieve the people from the evils of a revulsion brought on by a redundant currency. When it had been attempted, it had increased the difficulties it was designed to remove. England is the country to which we look for examples; and can gentlemen point to any there? What measures did Parliament adopt for the relief of the country at the commercial revulsions of 1793, of 1814, of 1825, and during the past year? Were the evils the nation suffered, believed to be within the reach of legislation? and if so, what were the remedies that were applied? Will gentlemen be so good as to inform us? In 1825, it is true, or the following year, Parliament removed in part the monopoly of the Bank of England, so as to allow of private banking beyond sixty-five miles from London. But this was a remedy very different from what is proposed here; and the success of it has been a subject of controversy ever since in that country.

In regard to the Treasury order of July 1816, he had but a word to say. It has no doubt performed the office expected from it at that time, and the condition of the country is now very different from what it was then. Still a similar state of things may occur, and that soon. He had at the last regular session voted for what was called the currency bill; that bill when ordered to be engrossed, contained no principle inconsistent with the Treasury order; it was only a re-enactment of the joint resolution of 1816, with some provisions of a restrictive character operating on the banks, and designed to exclude small bills, and favor the circulation of specie. After the bill had its third reading, and when on its final passage, on the suggestion, he believed of the Senator from Kentucky, [Mr. CLAY,] a provision was inserted similar to that in the present resolution, which superseded the Treasury order. But with this principle in it, he voted for the bill very cheerfully, because it was then the policy of the Government to connect its finances with the banks, and through that connection to attempt to regulate their issues; or at least to impose restrictions and checks upon them. As long as this was the policy of the Government, he considered the Treasury order as inconsistent with that policy, as a general rule, and regarded it only as a temporary measure. To collect the revenue in specie to be immediately deposited in banks, and converted into bank credit, and then to be loaned out again in such form as the banks saw fit, appeared to him a very useless operation, attended with inconvenience, and producing no practical results, as respects the introduction and circulation of specie. If the revenue operations of the Government are to promote the circulation of coin, it must be paid out as well as collected, for if deposited in banks, they will use it as the basis of paper issues. As long, therefore, as the revenues of the country were connected with the banks, he could see no efficacy in the Treasury order as a general principle.

But the banks having exploded, and the deposite system failed, the policy of the Government is changed. We now propose to separate our finances from the banks, and to get back to the lawful currency as fast as we can. We may be defeated in this, but it is the present policy of the Administration and its friends. Under these circumstances, he was not disposed to give up any principle which produced a partial separation. If we cannot advance, he was not willing to recede, but hold fast to what we had gained; to occupy the ground we now do, and yield nothing which might bring us into a closer connection with the banking and credit system of the country.

Believing that the Treasury order violated no principle, that there were reasons for applying a different rule to the lands, than may be applied to the customs—the first being a sale of public property at a fixed price, and not an indirect tax on the country, and regarding the order as consistent with the policy of a separation, he could not vote to supersede it. The customs are a tax paid by the consumers, and if the currency varies, or sinks below the proper specie standard, the whole country has the benefit of it; not so with the revenue from the lands; that is only the consideration of public property sold, and if paid for in a depreciated currency, the benefit goes entirely to the purchasers. It is in effect to reduce the price, which was fixed and established on a specie standard, and if that standard is reduced, the price is to the same extent reduced, and that for the exclusive benefit of the purchaser. He was aware, however, that a large majority of the Senate, believed that the Treasury order ought to be repealed, and he should be content with giving his own vote against that and every other part of the resolution.

REMARKS OF MR. HUBBARD.

Mr. HUBBARD said that in voting, as he should, against the passage of the resolution, he was unwilling that it should be inferred, from so doing, that he felt any hostility to the local banks. He had been, and he still was, their friend; and those institutions which should so conduct themselves as

to deserve confidence and to merit support, would continue to find in him a firm friend. He could not well conceive how the vote he was about to give conflicted with this sentiment. He had reasons for voting against the resolution, which, from the course the debate had taken, he felt himself now called upon to state; but there was not an unfriendly feeling towards the State institutions which mingled with those reasons. He had long been of the opinion that the true interests of all well regulated banks, and the convenience of the Government and the safety of its funds, demanded that an entire practical separation ought to take place between the Government and the banks; that no longer should the affairs of the one be commingled with the affairs of the other. This he believed both the interests of the Government and the interests of the banks demanded. It is now proposed by the resolution on the table, that hereafter no discrimination should take place as to the kind of money in which the public revenue should be received; and the propriety of passing the resolution must depend upon the construction given to the joint resolution of April 30, 1816, and also upon the expediency of restraining the exercise of Executive discretion under that resolution. If the resolution of 1816 is general, imperative, and obligatory, he entirely concurred with the Senator from South Carolina, that there would be no occasion for the passage of the joint resolution now on the table; but he totally differed with the Senators from Massachusetts and South Carolina as to the true character, the fair import, of the joint resolution of April, 1816. It is contended by those gentlemen that the resolution is obligatory, absolute, and imperative; that it is general in its provisions and mandatory in its terms.

He entirely differed from those gentlemen in this matter. He did not, for himself, believe that that resolution could fairly or justly receive such a construction. That it had ever received such a practical construction by those charged with the execution of the laws, none would pretend. He had, on a former occasion, given, very much in detail, his views upon this subject; and after what had been said pending this debate, he felt no necessity, or even a disposition, to repeat his former arguments. But he hazarded nothing in saying that, under every Administration since the adoption of the resolution, the construction for which he now contended had been given to it. It has uniformly been regarded as a resolution, not general and universal in its obligations; not of the binding and absolute force of positive law; but merely permissive in its character. The law of 1789 required the revenues to be collected in gold and silver; special acts made Treasury notes receivable for the public dues; and the charter of the Bank of the United States had declared that the bills of that bank should also be received in payment of all taxes, and for debts due the Government. The joint resolution of 1816 was not called for to re-enact the provisions of those existing statutes. It neither added to, or took from, the power of those laws which made Treasury notes or the bills of the Bank of the United States receivable. But the resolution was passed to correct an existing, a growing, and an alarming evil. The Treasury Department had, from necessity, during the period of the war, been obliged to receive for the customs, for direct taxes, and for every description of the public dues, the notes of non-specie paying banks. This had been done not only without law, but against law. Necessity alone had compelled the Department to this cour e; and it was to check this evil that the joint resolution of 1816 was offered. The Senator from Massachusetts says that when he first proposed the resolution, it did not contain the provision permitting the receipt of the notes of banks which are payable and paid on demand in the legal currency of the country; that this was added by way of amendment. Suppose the resolution had been passed precisely in the terms in which it was offered by the Senator from Massachusetts, would it have added an iota to the existing laws? Certainly not. The purpose was to correct an evil practice, and not to enlarge the provisions of existing statutes. And if Congress had adopted the precise resolution offered by the Senator from Massachusetts, it would have been nothing more and nothing less than a declaration on the part of Congress, that the Secretary of the Treasury must thereafter desist from the receipt of local paper. But the resolution was amended; and will it be said that, by the terms of the resolution, the Secretary of the Treasury could require the revenues to be collected in the bills of the Bank of the United States, to the exclusion of specie, and of Treasury notes? Certainly not. Will it be said that he could require the revenues to be collected in the bills of local banks, to the exclusion of the notes of the Bank of the United States? Certainly not. The resolution provides that the Secretary of the Treasury "*adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing, or becoming payable to the United States, to be collected and paid.*" How? In what? 1st, in the legal currency of the United States; 2d, in Treasury notes; 3d, or notes of the banks of the United States;" which media of payment were then, by law, provided and declared; and the resolution further adds: "*or in notes of banks which are payable, and paid on demand, in the legal currency of the United States.*" He would ask that, if the resolution had simply provided that the Secretary of the Treasury "ought to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, &c. to be paid in the notes of banks which are payable, and paid on demand, in specie," and contained nothing more, whether it would have repealed the act of 1815 making Treasury notes receivable? and whether it would have made it the bounden duty of the Secretary to have received such notes? He thought this could not, with propriety, be contended? The very language of the resolution gives to the Secretary a discretionary power—it does not impose an imperious obligation. It is either one thing or the other—it is either absolutely obligatory, or else confided to the sound discretion of the Secretary. He believed that this whole matter, by the terms of the resolution itself, was within the discretion and control of the Executive. He believed that the resolution was introduced and passed to correct an existing evil—to give to the Department the sanction of Congress that no further disregard of existing laws, in the collection of the revenues, would be countenanced. Such a declaration was made necessary: the state and condition of the country, the long continued practice of the Department, in the collection of irredeemable bank paper, absolutely required such an action on the part Congress, in order to produce a change in the practice. There was no alteration whatever in the obligation of existing laws, by the adoption of the resolution of April, 1816.

By the sixteenth section of the charter of the Bank of the United States, which was incorporated in 1816, it was provided "that the deposites of the money of the United States, in places in which the said bank and the branches thereof may be established, shall be made in said bank and the branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct." And by the fifteenth section of the same charter it was made the duty of the United States Bank to transfer the public funds from place to place, without charge to the Government, as the bank might be thereto required.

After the adoption of the resolution, the notes of local banks which should be received in pursuance of its provisions constituted "a portion of the money of the United States;" and if the construction given to that resolution by the Senator from Massachusetts be correct, the Bank of the United States was bound to receive this description of money on deposite; and was equally bound to transfer it as a part of the public funds, as the Secretary of the Treasury might from time to time require, and that without charge to the Government. And yet one of the first acts of the Bank of the United States, after its incorporation, was a refusal to receive the notes of all specie-paying banks in deposite, and to credit the Government therefor as cash; and a refusal to transfer, in effect, this part of the public funds, when required by the Secretary of the Treasury.

The resolution of 1816 was thus regarded by the United States Bank, and by the Secretary of the Treasury, as it has ever since been regarded, not as imperative and obligatory, but merely as discretionary and permissive; and was then, and has ever since been, treated accordingly. The select committee appointed in 1823 to examine the charges against Mr. Crawford, then Secretary of the Treasury, so treated the matter. The charges made against Mr. Crawford necessarily produced a commentary upon the joint resolution of April, 1816. The committee remarked that—

"At the time of the adoption of this resolution, debts accruing to the United States, whether on account of the sales of public lands, or at the custom-house, or from other sources of revenue, were, in fact, received in some parts of the country, but evidently in disregard of the law, in the notes of the State banks which did not redeem their paper by cash payments. By this resolution, it was obviously made the duty of the Treasury Department to correct that departure from law as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th February, 1817, to allow nothing to be received in payment of debts due to the United States, but the legal money of the United States, Treasury notes, notes of the Bank of the United States, or of those State banks, the notes of which were payable and paid on demand in cash."

And it would seem that language could not be more explicit, that the Secretary was not, after the 20th of February, 1817, "to allow" to be received depreciated local bank paper, in the collection of the public dues; but if the notes of State institutions should be received, the Secretary should allow only those "payable and paid on demand" in the legal currency of the United States, to be received. There is not in the resolution a partial direction to the Secretary of the Treasury to receive even this description of local paper.

Mr. Crawford had made large permanent deposites with certain local banks, amounting to nine hundred thousand dollars; the interest on which would be $54,000, and the committee state that,

"It is alleged in the memorial, that this sum of fifty-four thousand dollars was thus annually paid for receiving and transmitting the public money; a service which, it is said, the Bank of the United States was bound to perform without any compensation. The committee does not see the ground of this obligation on the Bank of the United States. That institution is, indeed, bound to give necessary facilities for transferring the public funds from place to place, but this can only mean *cash* funds; and it is bound, also, to receive money in deposite for the United States; but it is not bound to receive in deposite as cash, the bills of any banks whatever but its own, although they may come within the provisions of the resolution of 1816. The committee do not perceive any thing in the principle of these arrangements with the banks, either in violation of law, or contrary to the usage of the Government; since the Treasury has, for many years, had agreements with more or less of the banks, by which the public moneys were deposited in such banks, and drawn from them when wanted; certain terms and conditions, as to the mode of drawing, being stipulated, such as were thought beneficial, both to the Treasury and the banks."

He could not well understand how the committee could exonerate Mr. Crawford from the charge against him, if the joint resolution of 1816 was general in its character, and universal in its obligation. If the resolution had received the construction then which is now given to it, the course of Mr. Crawford would have been plain, and any departure from that course would have provoked the severest reprehension. If the resolution had been then considered as obligatory, Mr. Crawford would have been bound to receive the notes of specie paying banks, and to have deposited the same in the Bank of the United States and its branches.

But Mr. Crawford gave to the resolution the same construction prior to the investigation of the committee in 1823 which has been uniformly given to it since at the Treasury Department.

"On the 1st of August, 1820, the Treasury issued circular instructions to the receivers of public moneys, authorizing them to receive, in addition to specie and bills of the Bank of the

United States and its branches, notes of the incorporated banks in Boston, New York, Philadelphia, Baltimore, and Richmond, and in the States of South Carolina and Georgia, (except the City Bank of Baltimore,) and of those specie-paying banks in the State in which the land office is situated. 'This instruction,' it is added, 'supersedes those which have heretofore been given on the subject, except in so far as they prohibit the receipt of the paper of any bank which does not discharge its notes, on demand, in specie; and that prohibition must, in every case, be rigidly adhered to.'"

Here, then, was the construction given to the joint resolution of 1816 by Mr. Crawford himself; and this very circular was incorporated in the report of the select committee; and yet there was no objection made against this construction of Mr. Crawford by the committee who then had him on trial. Such had been the practice of the Government from the adoption of the resolution to the present period. He differed therefore wholly in the views which had been expressed by the Senators from Massachusetts and South Carolina as to the true import of that resolution. It gave to the Executive, in plain terms, the control of this whole matter—a discretion over this whole subject—and that control and that discretion had been exercised by the Executive Department as circumstances from time to time demanded. And had any complaint been made by the State banks, or by individuals, that this was an assumption of power on the part of the Executive, to receive the bills of particular banks, and of the banks of particular States, to the exclusion of all others? And yet the course of the Department has been perfectly well known, and no pretence whatever has been asserted, that the Department, in so doing, had disregarded the positive requirements of the law. As he had observed, the resolution was either imperative or permissive: if imperative, its obligation was universal, general, unqualified. There was no authority given to the Executive to receive the bills of any particular banks to the exclusion of all others; or the bills of the banks of any particular States, to the exclusion of the bills of the banks of all the other States. If the terms are absolute, there is no escape—there is no exception. *The notes of all the banks which are payable and paid on demand in the legal currency are* receivable; not the notes of the banks of Baltimore and of Boston, but the notes of all banks within the description; and if this be the fair construction of the resolution of 1816, there certainly was no occasion for the second clause of the resolution as originally offered by the Senator from Kentucky.

This, in his judgment, was not the true construction and the fair import of the resolution of 1816. He believed that by the resolution itself a descretion was given, and most properly given, to the Executive Department over that matter. And he believed that discretionary power should remain unchanged and undisturbed. He was willing to confide to the Executive this control. And had not the late President of the United States seen fit to have issued the Specie Circular, as it has been called, of July 1836, this resolution would not have been proposed. That order was promulgated by Executive authority; and in his judgment, it should be controlled, and, when necessary, annulled, by the same power which created it. The Executive is answerable and responsible for it.

He could not doubt that the President of the United States would rescind this circular whenever the interests of the country required it. If the reasons which induced its promulgation have ceased to operate, there can be no doubt that the order will be rescinded. It was the work of Executive power, and its causes and its effects must be well known to the Executive Department; and whenever a proper occasion shall arrive when this order shall be rescinded, he believed it would be done. He was disposed, at all events, to leave it to Executive discretion. It had been said, and undoubtedly well said, by the Senator from Alabama, and by other Senators, that this circular was in its origin a proper measure; that it was just and patriotic in its conception; that it was called for by existing circumstances; that it had performed its office, and that its repeal was now demanded. If this be so, and he could not gainsay it, as the sentiment had been repeatedly expressed by gentlemen better acquainted with the subject than he was, he could not doubt that its immediate repeal would take place, but he was disposed to leave it to Executive discretion. But what is the present resolution? To do away with all discrimination as to the kind of money in which the revenues shall be received hereafter; limiting the exercise of Executive discretion under the joint resolution of 1816. He doubted the policy of the measure. He was disposed to leave the whole matter, as it had been more than twenty years, entirely to Executive discretion. If there shall be, at any time, danger of loss from the kind of money in which the public dues shall be collected, that danger will proceed from the paper currency received for the public lands. There is no danger to be apprehended from the kind of money in which the customs shall be collected, for this plain reason, that disbursements on the Atlantic frontier keep pace with the receipts. There is no danger of there being at a port of entry any extraordinary accumulation of revenue from customs. Not so with the receipts arising upon the sales of the public lands; and it may be wise and prudent for the Executive, under the joint resolution of 1816, to inhibit the receipt of paper money at the various land offices for a time, until the accumulation can be transferred or converted into specie. The self-same cause which rendered the Specie circular of July, 1836, necessary, may again occur, and again demand the issuing of a similar order. And he would ask whether there would be occasion, or even a propriety, to extend that inhibition to the receipts for customs. No one would say that in July, 1886, there was the slightest reason for interdicting the receipt of paper money for customs; and yet if this resolution should become the law of the land, no such inhibition can hereafter extend to the receipts for the public lands, without embracing also the receipts for customs. He thought there might be an occasion for the exercise of such a discrimination. Senators had admitted that such an occasion existed in 1836. It may again occur, and for one he was not disposed to interfere with that Executive discretion over the subject which has existed since the adoption of the resolution. For these reasons he should give his vote against the passage of the resolution.

REMARKS OF MR. CALHOUN.

Mr. CALHOUN said, that he agreed with the Senator from Massachusetts [Mr. WEBSTER] that the resolution of 1816 conferred no discretionary power on the Executive, and that the Specie Circular was illegal and unconstitutional. Such was the unanimous opinion of the Opposition at the last session, and it was accordingly opposed, not only as having been issued without authority, but also on the ground that it was an assumption of power calculated to give vast influence to the Executive, and, as such, was of a most dangerous character, in which he understood the Senator concurred. Entertaining these views, it was impossible for him to vote for this resolution. It indeed superseded the portion of the circular that made a discrimination between the medium in which the public lands and the customs should be paid; but in doing that, it abandoned to the Executive the right to designate at its pleasure in what the public dues should be paid, with the single exception that he should make no discrimination between one branch of the revenue and another. He could never agree to confer such power on the Executive, or any other department of the Government. It would give a great and dangerous influence to that branch of the Government; and he must say, that after what he has heard from the Senator and his political friends in opposition to Executive power and influence for the last few years, he was at a loss to reconcile their votes on the present occasion with what they had so often avowed to be the principle on which they acted. Nor was his surprise diminished by the reason which he has assigned as a justification of his course.

He [Mr. W.] admits that this resolution surrenders the power in question to the Executive, and that he may, under the authority which it implies, direct the revenue, at his option, to be collected in gold and silver or bank notes; but alleges, in justification, that the power was in reality surrendered at the last session by the Senate, in voting for the measure introduced by the Senator from Virginia, [Mr. RIVES.] He would admit that that measure, like this, yielded the power, but he could not agree that those who voted for it believed that the Executive had the power to issue the circular. On the contrary, it is well known that the great body of the Opposition who voted for it regarded the exercise of the power as a plain and dangerous act of usurpation; but then, as now, were willing to yield it to get clear of a present inconvenience. The measure failed then to become a law, by the President withholding his approval; and now the Senator, on so frail a foundation, abandons a power to the Executive which he, and those who act with him, denounced as illegal, unconstitutional, and dangerous! He regards a mere vote of the body as sufficient to establish a most obnoxious principle without further struggle; and, for the purpose of getting clear of a temporary inconvenience, is willing to confer discretionary power too high to be entrusted to a Washington, on that department of the Government which he has so often held up to our jealousy and fear.

He admitted that where there was no principle involved, and where the subject was one of slight importance, we might regard a vote of the body as deciding the question; but, in a case like this, where the power and principle involved are of great importance, nothing could be more feeble and unwise than to surrender our ground on the first trial of streng h, and that under such doubtful circumstances. As connected with the subject, he would avail himself of the opportunity to state what was his course in reference to the circular at the last session. A Senator from Ohio, now no longer a member of the body, [Mr. EWING,] moved a resolution to repeal it. Though decidedly opposed to the circular, he hesitated to vote for his resolution, on the ground that he doubted the right of Congress to repeal an Executive order, though we might supersede it by passing an act inconsistent with it, as is now proposed by this resolution. He expressed his doubts to the mover, and the apprehension that a direct repeal might bring the Senate into a conflict with the Executive, in which it would be difficult to maintain our ground. It was, however, soon ascertained that the supporters of the Administration, who were opposed to the circular, would not vote for the repeal, on the ground that it denied the authority of the Executive to issue the circular, which they maintained. The consequence was a compromise between the Opposition and that portion of the friends of the Administration, and the measure of the Senator from Virginia was the result. Though urged to assent to it, he refused, on the ground on which he now opposes this resolution, that it abandoned the right to the Executive to issue the circular, to which he could not bring his mind to assent, either then or now. He had another reason. He then foresaw what was coming. He clearly perceived that the explosion would take place whether the circular was repealed or not; and he would not agree to do any thing by which the least share of the responsibility would attach to him. He was free from all blame, and was determined, as he now is, to avoid any acts by which the disaster that has befallen, or may hereafter, might be imputed to him. He intended, when the measure was on its passage, to have stated at large his views on the subject, and his reasons for voting against it; but was accidentally prevented, and as he did not choose to vote against it without presenting his reasons, he declined answering when his name was called.

He not only agreed with the Senator that the resolution of '16 conferred no discretionary power on the Executive, but that its object was simply to prevent the receipt of the notes of banks that refused to pay on demand. During the late war, the Treasury had been compelled to receive such notes, and the practice, as illegal and pernicious as it was, could not be arrested immediately on the

return of peace, or without the intervention o the authority of Congress. Having performed the function for which it had been adopted, the resolution itself ought to be considered defunct.

He could not agree with those on the one hand, who considered it mandatory, or on the other, as conferring discretionary power on the Executive. It was a simple recognition of the long-continued practice of the Treasury to receive the notes of banks that were paid on demand, while it overruled the more recent practice of receiving those that were not; and it may fairly be considered as a sanction of the former, and the condemnation of the latter. It is well known how the practice originated. The act of Congress, passed in 1789, directed all the dues of the Government to be paid in gold and silver coins. The then Secretary of the Treasury, in the face of this positive law, acting under the dangerous and delusive idea still entertained by the Senator from Massachusetts, that bank notes were identical with gold and silver, ordered them, contrary both to law and the Constitution, to be received at the Treasury as specie. Congress acquiesced, and thus gave its implied sanction to this dangerous order, which has been productive of so much mischief. Thus things stood when the general suspension took place this time twelve months, when the Government became disconnected entirely from the banks. That event ought to be fairly considered as putting an end to a practice that ought never to have existed, and restoring the ascendancy to the laws, which are still on the statute books unrepealed, and which direct nothing but the legal coins of the Government to be received in the public dues. He regretted that the Executive did not seize the occasion, and rescind, as it might fairly have done, the original order of General Hamilton, and thus restore the currency to what the Constitution intended. It would have been, in his opinion, the proper course, and one in which the country would have sustained it triumphantly.

His object in making these remarks was not to influence the Senate, but to place himself on the ground on which he desired to stand in reference to this question. He saw what was coming, and experience had taught him the necessity, in discharging his duty, to guard against misrepresentation. No opportunity had been omitted for years past to distort and misrepresent all he said, or did, which he had been able to baffle only by a rigid adherence to what he believed to be right, accompanied by a faithful exposition of his views on all trying questions. He did not doubt but that another explosion would follow at no distant day; and he believed the Senate was moving precipitately and thoughtlessly in the direction that would produce it.

The Senator tells us that the present crisis is very like that of 1816. He could not agree with him. The two were in his opinion wholly unlike, both in the causes which led to them and the consequences likely to follow. The former occurred in a period of war, and grew out of circumstances connected with it; and as the only other general suspension that had ever occurred before took place under similar circumstances, (he meant the one in England,) the impression was that the suspension was the mere incident of war, and belonging exclusively to such periods. The only thing then thought to be necessary was to cause a resumption, when it was believed the system would move on steadly and successfully, without the hazard of a shock, till another war. We were all, in fact, at that time, very ignorant of the real character of the banking system, and the dangers to which it was exposed. But what is the fact now? The stoppage has taken place in time of profound peace and universal prosperity. The system has sunk down, and stopped on a dead level. It is in vain we again call on a United States Bank to put it in motion. The establishment of one would crush half of the existing institutions, and cause a derangement and distress greater than what followed in 1818, '19, and '20, after the establishment of the former.

The only safe remedy is the total and entire separation of the Government from the banks. The evil lies in the union, and the remedy in disconnection. That has already partially restored the system to a healthy condition, and, if persisted in, would affect a permanent cure. Had it not been for the separation, the disease, instead of being arrested in a great degree, as it is, would have been greatly aggravated, if not wholly incurable. Instead of resumption, bank paper would have gone on rapidly depreciating; all of the cities along the coast would have been interested in depreciating their bank paper. The more they depreciated it, the less duty, in point of fact, they would have had to pay, and the city that depreciated most would have drawn all the trade. The separation prevented this state of things, and threw the inducement into the opposite scale, that of resuming, instead of depreciating the paper. Continue the remedy, and a complete restoration would follow; but instead of that, our daily study is to get clear of it, and to return to that very state of things which caused it.

It is time we should reflect and understand the laws that govern the disease that now afflicts the country. When a suspension takes place, there are but two modes by which a cure can be effected; the one is to leave it to the gentle operation of time, without coercion, under the simple application that has been made in this case; and the other is to resort to a United States Bank, or some other instrument of coercion. The former has the advantage of effecting a cure without destroying the public institutions, and oppressing the debtor class, but leaves the patient subject to relapse. It simply brings the system back to where it stood prior to the attack, and leaves it exposed to another. To guard against a relapse, the tonic which stopped the disease must be continued. It must not be discontinued on the first intermission of the disease. Such is the present case. The tonic that has arrested the disease, as he has stated, is the withdrawal of the Government from a connection with the banks. It has brought the banking system back to where it was before the suspension, and, if continued, will restore it to health; but, if discontinued, will be sure to be followed by a relapse.

The other remedy is to establish a National Bank, and to keep the system right by its controlling influence; and those who are in favor of it are impatient to lay aside the remedy that has already proved to be so efficacious, and at the same time so gentle. They may succeed in that, but unless he was wholly deceived, they will be entirely deceived in their favorite remedy. It will be, in his opinion, impossible to establish a Bank. All the powerful existing institutions, and those that are contemplated, will be opposed to it, which, added to those who are opposed to it on the higher grounds of the Constitution and liberty, will interpose an obstacle not to be overcome. But if it should be established, it would prove but a temporary remedy. It would crush, as he has stated, half of the existing institutions, leaving an open space for its own operation; and during this state of things, the currency would be comparatively sound, and safe from the hazard of revulsion. But a new crop of banks would again spring up in the course of ten or fifteen years, which would again encumber and crowd each other, and cause another struggle for existence, just as was the case before the expiration of the charter of the late Bank, to be followed by similar, but more disastrous consequences.

He would say to those with whom he has been acting on this occasion, you have a good cause, and all that is wanting is firmness and fidelity to it. Be careful to avoid every act which will leave the people doubtful as to your sincerity. Nothing would prove so fatal to the cause. What has been done already has caused great mischief in unsettling the public mind. Nothing was so fatal to a good cause as art and management. He had had some experience in political affairs, and had never yet known a good cause, honestly and manfully maintained, fail to succeed.

REMARKS OF MR. BUCHANAN.

Mr. BUCHANAN said he would confine himself to a few observations on this question; because he desired that a final disposition might be made of the subject before the adjournment of the Senate to-day. He was decidedly in favor of the first branch of the resolution, which would repeal the Specie Circular; and was opposed to all the rest.

First, then, as to the repeal of the Specie Circular. He would not now go back to its origin, or discuss the question whether it ought ever to have existed. I shall consider this question, said Mr. B. under the aspect in which it presents itself at the present moment, and in the existing condition of the country. I find that the banks generally throughout this immense country are now engaged in a struggle to resume specie payments; in which may God speed them! The curse of an irredeemable paper currency is one of the greatest curses which can befal any people. It is then the imperative duty of this Government to remove every obstacle in the way of resumption which it can, and by all the means within its power to aid in this great effort. Upon this principle, I think that the Specie Circular ought promptly to be repealed. It is due to the people of the Western and Southwestern States. Whilst throughout the whole Atlantic frontier, the dues of the Government may now be paid in the notes of specie paying banks, in all the new States gold and silver alone are receivable. Whilst the customs are payable in bank notes, nothing but specie can be received for public lands. Is this equal—is it just, in the present circumstances of the country? I ask how is it possible for the Western banks to resume specie payments in the face of this Specie Circular? Should they make the attempt, what would be the consequence? In addition to the ordinary sales of public land by private entry, public sales of large bodies of land are now advertised throughout the Western and Southwestern States. If all the lands purchased must be paid for in specie, the inevitable consequence will be, a ruinous and exhausting drain of gold and silver from the banks in that portion of the Union, to supply the demand thus created. It will operate precisely like a foreign drain of specie from the banks of our commercial cities; because it will be transported to a great distance—to the extreme frontiers of the country—in order to pay the debts of the Government; and a great portion of it can never return to the places from whence it was taken. If this Treasury Circular should not be repealed, our brethren in the West will suffer all the evils of a depreciated paper currency; whilst we of the East will be redeemed from this calamity. And why? Because, whilst we in the East, under the joint resolution of 1816, will have the notes of our banks received in payment of the customs, the people of the West will have the notes of their banks excluded in payments of the public lands. I think that if the Government be not bound to aid the banks in resuming, it ought, at least, not to stand in the way. The resolution of 1816 ought to be rendered uniform in its operation thoughout the whole country, by the repeal of the Specie Circular; and all the banks and all the people ought thus to be placed on a fair and equal footing in their efforts to resume specie payments.

He could not agree with his friend from Missouri, [Mr. BENTON,] that the Specie Circular operated as a pre-emption law in favor of those who desired to become actual settlers and cultivators, and against speculators. Directly the reverse was probably the fact. Was it easier for the farmer to obtain specie than for the speculator? That was the question. Was it not manifest that the speculator—the man who could command extensive means and enjoyed the favor of the banks, could more easily procure gold and silver than the cultivator of the soil, who was almost obliged by the necessity of his condition to sell his productions for the common paper circulating medium of the country? He apprehended that it would be found, upon examination, that under the operation of the Specie Circular, the farmers who desired to purchase small tracts of land, had to obtain their specie from these very speculators; and that at an extravagant premium.

He was opposed to the second branch of the resolution of the Senator from Kentucky, [Mr. CLAY,] for what he deemed to be the strongest reasons. We are (said he) engaged in a great struggle, and it is vain to disguise the fact. We must either have a Bank of the United States, or the Govern

mant must keep and transfer its own money, by its own officers, from the time when it is received until it is disbursed. This is the question to be determined. I am in favor of the proposed separation of the Government from all banks; but this question may remain a long time undecided. Whilst we are engaged in the struggle—whilst the Sub-Treasury bill is pending before the other House, and before the country, shall we form a more intimate connection with the banks than has ever existed before? Shall we make the receipt of bank notes mandatory, when it has heretofore been only permissive—under the resolution of 1816? Whatever doubts might originally have existed as to the true meaning of that resolution, the uniform practice of the Government under it has settled its construction. The Treasury Department, and the Bank of the United States acting as its agent, have always determined what notes they would receive and what notes they would reject. The general rule has been the proper rule; and that is only to receive the notes of sound, specie paying banks, in the vicinity of our depositories, which can be immediately converted into specie, in case specie should be required to meet the demand of the public creditors. We have lived under the operation of this joint resolution for two-and-twenty years; and, during that whole period, it has been executed in such a manner that the notes of specie paying banks have always been received in payment of the customs. Can any body then suppose for a moment that the Secretary of the Treasury will now, at this late day, upon the repeal of the Specie Circular, disregard the practice of all his predecessors, and require all the dues of the Government, not only for public lands but for customs, to be paid in gold and silver? Certainly not. The Senator from Kentucky has himself read a letter from the Secretary to the president of a bank in New York, which conclusively proves that he has determined to receive, as formerly, the notes of sound, specie paying banks.

[At the request of Mr. BUCHANAN, the Secretary of the Senate here read that part of Mr. CLAY's resolution, relative to the receipt of bank notes, as follows: "And that, until otherwise ordered by Congress, the notes of sound banks, which are payable and paid on demand in the legal currency of the United States, under suitable restrictions, to be forthwith prescribed and promulgated by the Secretary of the Treasury, shall be received in payment of the revenues and of debts and dues to the Government."]

Now, said Mr. B. what is the difference, in point of discretionary power conferred on the Executive, between the Senator's resolution and the existing law? Nothing at all; unless we can suppose that the Secretary of the Treasury will arbitrarily refuse to receive the notes of all specie-paying banks, under the resolution of 1816. The Senator has himself admitted—every person must admit—that we cannot receive the notes of all the nine hundred State banks now in existence. Nobody will pretend that the notes of the Bank of Missouri, though it has always been a sound specie-paying bank, ought to be received in New York or Boston in payment of the customs. Neither will it be contended that the notes of a bank in Maine ought to be received in Arkansas or Louisiana in payment of public lands. From the very nature of things, in order to secure the public revenue, there must be considerable discretion vested in the Secretary of the Treasury. The Senator admits that, under his resolution, the Secretary must decide what notes shall be received, and what notes shall be rejected; what banks are sound, and what banks are unsound. Turn this question as you will—although in principle there is a great difference between the Senator's proposition and the resolution of 1816; because the one is mandatory and the other merely permissive—yet, in practice, they will be identical. His resolution, according to his own comment, amounts in fact to nothing more than the resolution of 1816, in the manner in which it has been construed and executed ever since its adoption; because the practice, under that resolution, has always been to receive the notes of such banks in the vicinity of the different collectors and receivers of the public money, as the deposite banks would accept from them, and place, as cash, to the credit of the United States.

Should the Senator's resolution be adopted, a consequence would follow to which I desire to direct his attention. It has been the general sense of the country that we should discourage the issue of bank notes of a less denomination than five or ten dollars. Without accomplishing this purpose, we can never have a specie circulation for the small every-day transactions of life, which we all desire. We have, therefore, for years been struggling to reach this result. According to the existing law, the Secretary of the Treasury cannot receive the notes of any bank which issues notes of a less denomination than five dollars. The Senator from Virginia [Mr. RIVES] has gone further, and has proposed gradually, and in a series of years, to exclude the notes of all banks which issue notes under twenty dollars. Ought we now to abandon this salutary principle, by making it mandatory on the Treasury Department to receive the notes of banks which issue one dollar notes, and shin-plasters? If not, then we ought to reject the latter branch of the resolution of the Senator from Kentucky. It is general in its terms, and will repeal all former restrictions of this nature.

Mr. B. would say a few words in regard to the remark of the Senator from South Carolina, [Mr. Calhoun,] that he would not receive any thing in payment of the public dues, which he could not lawfully tender to the public creditor. He, Mr. B. would not now, whatever he might do in another condition of the country, vote for an immediate and unconditional collection of the revenue in gold and silver. Whilst the country was struggling for a resumption of specie payments, he would not vote for any measure which might prevent this consummation, so much to be desired. The gentleman from South Carolina had himself pursued a different course in the amendment which he proposed to the Sub-Treasury bill. By that amendment, he had authorized the reception, as heretofore, of the notes of specie paying banks for two years, and afterwards excluded them gradually for the six succeeding years, so that eight years must elapse, before we could reach an exclusive metallic currency for the General Government. This was acting like himself; it was acting like a statesman. He [Mr. CALHOUN] knew that sudden and violent changes could not be made in the settled policy of a country, without doing the people great injury. In such cases, all great reforms must be gradual, in order to be successful. He, therefore, had provided that eight years must elapse, before we should require the dues of the Government to be paid exclusively in specie. This was the true policy, and he Mr. B. would continue to pursue it. He could not, therefore, but express his regret, that the Senator from South Carolina was now in favor of requiring the revenue of the Government to be collected immediately and exclusively in gold and silver. Mr. B. could not go with him in this policy.

On the whole, he should vote for the first part of the resolution, because he thought the discrimination ought now to cease in the medium of payment required for public lands, and for the customs: and he would vote against the second part of the resolution, because it made the reception of bank notes mandatory, and not as heretofore permissive; because in practice, except in one particular, it would prove to be the same with the existing laws; and because, in that particular, which was to receive the notes of banks which continued to issue notes of a less denomination than five dollars, he was wholly opposed to the policy of the Sennator's resolution.

MR. CLAY'S RESOLUTION.

SPEECH OF MR. BENTON,

OF MISSOURI,

In Senate, Friday, May 26, 1838—On Mr. CLAY's resolution to rescind the Treasury Order, and to make bank notes receivable and disbursable by the Federal Government.

Mr. BENTON said the resolution before the Senate contained three propositions, namely: 1. To rescind the Treasury Order of July 11, 1836; 2. To make the notes of all specie paying banks receivable in all payments to the Federal Treasury; 3. To make the same notes a conditional tender in all payments from the Federal Treasury. He was opposed to each branch of this resolution, and would give his reasons for his opposition to their passage with the brevity which the occasion required, and with such force and precision as he might be able to command.

The Treasury Order was the first point to be discussed; and the first inquiry on that point was the question, What was the Treasury Order? The answer to this question is, that the Treasury Order of July 11, 1836, is nothing but a continuation of the twenty-fourth and twenty-fifth articles of the by-laws of the Bank of the United States of January 3, 1817. Those by-laws excluded the notes of all the State banks from all payments to the United States on account of the public lands, and the Treasury Order did precisely the same thing, and no more. This is a copy of those by-laws:

"ARTICLE XXIV. The offices of discount and deposite shall receive in payment of the revenue of the United States the notes of such State banks as redeem their engagements with specie, provided they are the notes of banks located in the city or place where the office receiving them is established; and, also, the notes of such other banks as a special deposite on behalf of the Government as the Secretary of the Treasury may require.

"ARTICLE XXV. The offices of discount and deposite shall at least once every week, settle with the State banks for their notes, received in payment of the revenue, or for the engagement of individuals to the bank, so as to prevent the balances due to the office from swelling to an inconvenient amount."

These two articles constitute the Treasury Order, for they operate a complete exclusion of the State bank notes from all revenue payments, both lands and customs. Under these by-laws no notes could be received on account of the United States from any State bank unless the Bank of the United States had a branch in the same place where it was situated. This limitation cut off nearly all the local banks. To the few which were not cut off, a serious injury was done by the nominal exception in their favor; for it caused their notes to be taken out of circulation, and to be presented to them for redemption at least once in every week. These by-laws were enacted in January, 1817, and the Bank of the United States acted upon them until the removal of the deposites in October, 1833. During all that time, with the exception of a few years, when the Bank of the United States was in a state of paralysis, and did no business, the notes of the State banks were excluded from the land offices, and not a word of complaint was heard against it. Neither politicians, nor local banks, nor purchasers of public lands, uttered a word of complaint. They were all satisfied; and such of them as wished a recharter of the National Bank were not only satisfied with this exclusion, but were in favor of continuing it; for a recharter of the Bank was a continuation of the by-laws which excluded State bank notes from all revenue payments.

Upon the removal of the deposites the door of the Federal Treasury was opened to the reception of local banks; they were received for lands and customs; and whatever notes the deposite banks would agree to credit *as cash* were received *as cash*. This rule was a wide and a loose one; and besides being wide and loose, it delegated to the deposite banks the high function of deciding what should, and what should not, be the currency of the Federal Government. This high function was left to the discretion or the caprice, to the ignorance or the knowledge, and to the selfish and interested arrangements of the banks; and the consequence was a laxity and uncertainty in the reception of notes which, while perpetually changing the list of receivable notes, to the annoyance and oppression of the people, and to the profit of brokers and money dealers, was always operating in the same way upon the Treasury; that is to say, filling the Treasury with notes *as cash* which could not be *cashed* when the Government wanted the *cash*. So great was this evil that a Senator, Mr. EWING of Ohio, complained of it in the Senate in the spring of 1836—

a few months before the Treasury Order was issued—and proposed to apply some remedy to the mischiefs of these fluctuations. Notes continued to be received; the public lands were rapidly changing for bank credits; and the President interfered to protect the national domain and the Treasury, by doing what the by-laws of the Bank of the United States had done from January, 1817, up to the time of the removal of the deposites. He interdicted the reception of bank notes for lands; and this interdiction had no other effect upon the currencies of the local banks than to place them precisely where they had been under the by-laws of the National Bank.

An outcry was immediately raised against President Jackson for issuing that order; and that outcry originated with the Bank of the United States and its particular friends. They treated as an indignity, and as an injury, to the local banks, the very exclusion of their paper which that bank had itself practised; and from that day to this they have been the leaders in the clamor against the Treasury Order. This is glaring and gross inconsistency. They condemn in the President of the United States what they applaud in the president of the *Bank* of the United States! They approve the exclusion of local notes by virtue of corporation by-laws, and they condemn it when done by the constitutional Executive of the country! Nay, more. These very persons, while opposing the Treasury Order with one hand, were supporting it with the other; while demanding its repeal, they were also demanding its re-enactment; while crying Down with it, they were also crying Up with it; they were blowing hot and cold with the same breath, and presented a fine illustration of that contradictory position in which the operator looks one way and rows the other. They are for a National Bank, and they are against the Treasury Order; they want a bank established, and they want the order rescinded; as if the very first act of the Bank would not be to re-enact the 24th and 25th articles of the by-laws, and thereby to do what the Treasury Order does—excluding these notes again, as they were before the time of the removal of the deposites! To all the friends and advocates of a National Bank then, the objection of inconsistency, gross, glaring, inexplicable inconsistency, attaches! Their objections can be of no weight—their complaints are of no force—their sorrow is of no avail—their grief is a cloud without rain, until they can deny the fact, or explain the difference to the banks and to the people between an exclusion of State bank notes by a corporation by-law, and a Treasury Order. They must deny or explain, before they are entitled to the credit of believing what they say, or intending what they propose. They must deny or explain; and they can do neither. They must show they have faith in their own works, before they can ask any body else to believe in them; and as they cannot do this, they must be set aside in the discussion, and left out of the debate. They must be left out, so far as replies to them would apply. Reply to them is useless, so long as they remain in their contradictory and inexplicable position.

But there is another class of objectors to this Treasury Order who are entitled to replies—the class which is opposed to a National Bank, and consequently free from inconsistency, and free from the appearance of being for and against the same measure in the same breath. This class are entitled to replies, and they shall have them with the freedom and fullness which truth and confidence inspires. I say to that class, then, that they are totally mistaken! mistaken in every particular, and at every point! Mistaken in their opinion of the interest of the settlers in the new States—mistaken in their opinion of the interest of the new States—mistaken in their opinion that it is an indignity to the new States—mistaken in their opinion of the interest of the public Treasury—mistaken in their opinion of the interest of the banks—mistaken in their opinion of the wishes of the Western people—and utterly mistaken in their opinion that there is no more evil to be apprehended from receiving bank notes for lands than for receiving them for custom-house duties. The whole a budget of blunders—the whole a chapter of mistakes; and so I will demonstrate to them now, and so will time prove to them in a few short years.

And first, as to the interest of the settlers in the new States. To all such settlers, whether now in these new States, or to go there hereafter, the Treasury Order—that order which requires hard money from all persons for public lands—is the most equitable and beneficent that ever emanated from the Federal Government. In the first place, it is a pre-emption law, in substance and in effect, though not in name. It protects the settlers, and the purchasers for cultivation, from the competition of bank facility speculators and paper money capitalists. These characters, as long as paper money is receivable for public land, have undue advantages over the settlers and cultivators. They come with bundles and bales of paper, borrowed at the banks, and outbid the settlers at the public sales; and they sweep the townships at private entry, when there are no public sales. While farmers are waiting to get in a condition to purchase some quarter sections near him, either to extend his farm, or to procure future homes for his children, along comes a bank facility character, with his quires and reams of paper money, and sweeps a township of all its vacant land at once. So it has been heretofore; so it will be again. The Treasury Order of July 11, 1836, protected the settlers and cultivators from the competition and monopolies of these characters from the day it issued to the present moment, and so it would continue to do if it remained in force. We all profess—all who come from the new States profess—to be in favor of a pre-emption law; and yet here is an Executive regulation operating as a pre-emption law, and conferring the essential advantages of such a law; and yet many of the new State Representatives and Senators are for repealing it, and repealing it before the pre emption bill is passed which was sent from this chamber to the House of Representatives so many months ago. We have no pre-emption law now, nor any thing as a substitute for it but this Treasury Order; yet we repeal the order, and run the risk of subjecting all the settlers to the competition of paper money bidders and bank note manufacturers. Even if our pre-emption bill was passed, it would only protect settlers up to the close of the last year, while the Treasury Order would protect all up to the present time, and in all time to come. Regarding the order, then, as a species of pre-emption law, operating permanently, uniformly, and equally in favor of all settlers against competition and interference from speculators and paper money capitalists, I cannot consent to aid in rescinding it.

In the second place, the Treasury Order is a complete protection to the people from the impositions and losses resulting from the fluctuations and changes in what is called "*land office money*" as long as bank notes are received. All the notes of all the banks in the Union cannot be received. That is impossible, without surrendering the public lands at once to pillage, and the public Treasury to disgrace and bankruptcy. All the notes of 900 banks cannot be received; there must be selections and limitations; and in making these selections and limitations, there is a dangerous latitude allowed to those who make the selections; bad banks may be selected and better ones rejected, and perpetual changes will be inevitable. What is land office money in one place is not land office money in another place; what is receivable to-day may not be receivable to-morrow; and the industrious, hard-working cultivator and settler is the victim of all these uncertainties and variations. The farmer is the sufferer; he who, remote from the seat of power, and occupied with his meritorious labors, learns nothing of these changes until after they are made; and, after obtaining at a premium one supply of land office money, has to change it for another, paying another premium; at the same time giving as good, or better notes, than those which he received. To such a degree had this evil grown, when local notes were receivable, that the abuse had ripened into a trade; and at most of the land offices brokers were stationed to prey upon the farmer when he came in, by *accommodating* him with land office money—giving him notes no better than those he brought, and receiving five or ten per cent. premium. Against this abuse there was no protection; for the land office money was always changing with the changing credit of the banks, the change of orders, and the sense of duty in some, the caprice of others, and the interested views of more, among those to whom the power of selection and rejection was confided. To save themselves from these impositions, many farmers supplied themselves with hard money, even when notes were receivable; and many will continue to do it. It is an illusion and a dream to suppose that the agricultural community are benefitted by paper money payments for lands. They have to give the premium for land office *paper* money, as well as for hard money, if the paper they have in hand is not equivalent to specie. If it is not equivalent, the Government ought not to receive it. If it is equivalent, it can be exchanged for specie without loss. The whole benefit of receiving paper for lands goes to speculators. The evils of it fall upon the farmers and the Government; and to the farmers one of the great evils is the perpetual changes in the list of receivable paper. From such changes, the uniform and simple rule of hard money payments is the only safe and practicable relief. That farmers cannot obtain the hard money in sufficient quantities to buy the lands is an opinion disproved by the experience of the last year. The Treasury Order was then in full force; and, besides that, the banks had suspended specie payments. Yet the hard money received for the lands exceeded seven millions of dollars, being the largest sales ever made, except in the years of wild speculation.

A third injury to the settler and cultivator from the use of paper money in the land sales, is in the fact, that the sales are for ready money to them, and on credit to their bank facility competitors. The act of 1820 abolishes credit; and this abolition is complete upon the farmer; he has to earn his money before he pays it. But the speculator, instead of earning the money, borrows it of a bank and so gets the land upon credit. It is to him a credit sale; the only difference is, that the banks give the credit instead of the Government. To the parties concerned, it is the same thing as if the old credit system was still in force in behalf of speculators, and not in force in behalf of farmers. And thus the settlers and cultivators are put to the disadvantage of competing with those who are purchasing on credit, while they themselves are purchasing for ready money.

For these reasons, being a few out of many that might be offered, I consider the recision of the Treasury Order as decidedly injurious to the interests of the settlers and cultivators; and being always on their side against speculators and monopolizers, I should adhere to the order on their account, even if there were no other reasons for doing so.

The next mistaken opinion, as I conceive it to be, is in the supposed injurious effects of this order upon the general interests of the new States. It is alleged by gentlemen to be injurious to those States; but they do not explain wherein, and it is impossible to discover how it is so. On the contrary, I can easily see how this order operates largely and most beneficially in their favor. It causes the emigrants to carry gold and silver into the country, and it is almost the only way to get it into the interior. Hard money does not grow in the new States; it is an exotic production, chiefly coming from foreign countries; and New York and New Orleans are the two principal points of its importation. The new States are entitled to a share of the precious metals; they cannot carry on their business without specie. In the revival of the currency of the Constitution, and in its increase in six years from twenty millions to one hundred millions of dollars, they are entitled to their proportion of these advantages; but how to obtain it is the question. The gold and silver arrive at the sea ports; the mints also are at the sea ports, except the local gold mints of Georgia and North Carolina. The great importations, and the great coinage, are both at the sea ports; and now how is the diffusion of these importations and of this coinage to be effected, so as to give to the interior and frontier States their fair proportion of the precious

metals? Merchants will not carry it there. Their operations are the reverse; they carry it off. Banks will not take it there; on the contrary, they collect it, sell it, or ship it. How, then, are the remote new States and frontier States to be supplied? The answer is, by emigrants and by Government payments. This is the answer, and such has been the effect under the Treasury Order. It has caused much specie to flow to the interior, but not a tythe of what our specie policy has caused to be imported from foreign countries; it has restored a part, but only a small part, of the many times ten millions of dollars which the Bank of the United States collected and took from the West; it has caused a part of that specie to go to the interior of our own country, which, otherwise, would have been shipped off last summer. In fine, it is easy to see that the Treasury Order is beneficial to the new and interior and frontier States, both in causing emigrants to carry specie there, and in enabling the Government to expend specie there; and it is impossible to discover or to explain how it should be injurious to those States. The opinion is unfounded, and what renders it almost ludicrous is the complaint on the other side—the complaint to the contrary—the complaint of the old States, that it injured them by drawing off their specie. This complaint has been made with as much gravity as the other, but without justice or reason; for surely the new States are entitled to their proportions of the importations of specie and the coinages of the mint. They are entitled to their proportions of these supplies, and the Treasury Order helped them to a little, but by no means to the full measure of their proportion.

Indignity to the new States is the next opinion in which I hold these gentlemen to be mistaken. They assume it to be a great indignity to the new States to reject paper money at the land offices in those States, while such money is received at the custom-houses in the Atlantic States; and they call upon the new States to resent this imputed indignity. Now, sir, where was all this patriotic wrath during the whole time that this same exclusion was effected under the by-laws of the United States Bank? and where will it be if another National Bank is chartered? The local notes were excluded during the main part of the existence of the National Bank; yet these sensitive gentlemen, so alive to the honor of the new States, never once brought forward their patriotic indignation against the act of that Bank. They will assuredly be excluded again if another National Bank shall be established; yet the gentlemen most clamorous now on account of this indignity, are in favor of a National Bank; and consequently in favor of receiving indignity from that institution. If gentlemen really want a subject of indignity in point of discrimination in collection of the revenue, let them look to the discrimination between credits at the custom-house, and ready money payments at the lands. The merchants have long credits on the duties; the farmers have none on the lands. The merchant is allowed time to sell his foreign goods, and to raise the money for the duties out of the sales before he is required to pay the Government; the farmer is allowed no time to raise the money out of the land. He pays in advance. The old law which allowed him to pay by instalments, and five years to complete his payment, and by which he could always raise a part of the money out of the land, has been repealed, and all credit denied. The cultivator of the soil is denied credit, although the United States retained a lien on the land; the merchant has a credit, incurs no lien, and gives nothing but ordinary bonds and securities. This is a real case of discrimination to the disparagement of the people of the West, and worthy to occupy the feelings of Western gentlemen. It was made in 1820, when the credit system for lands was abolished. The inequality has often been complained of on this floor; bills have been brought in to correct it, and to make the duties payable in ready money as well as the lands. I have supported such bills always; but have not been fortunate enough to obtain much aid from those who are now so indignant at a discrimination which does not concern men, but corporations; which, instead of being injurious, is in the highest degree beneficial to the West. As a mere Western man, I would prefer that the revenue should be paid in paper at the East, and in gold and silver at the West; it would occasion the precious metals to flow to us, and the paper to fly to them; but as a citizen of the Union, and as a member of the National Legislature, I would have the hard money payments established in a reasonable time for every branch of the revenue. I am for the act of 1789—that act which required the public dues to be paid "*in gold and silver coin only.*"

In its effects upon the public Treasury, I hold the recision of the order to be eminently disastrous. It must lead to another accumulation of unavailable funds. What has been experienced heretofore must be experienced again. The scenes of 1817–18, and of 1835–36, must be witnessed again. It is to no purpose that bank notes are received *as* cash; they are not cash; and when cash is wanted for them by the Treasury, that truth is always ascertained. They were received *as* cash; they have to be paid out *as* cash. It is all a *quasi* business. We have now in the Treasury masses of notes received for lands in 1817–18–19; we have also in the late deposite banks some four or five millions of notes received in 1835–36. They were all received *as* cash; yet cash cannot be had for them. After paying out millions of their depreciated notes at a former period, and again during the last year, to the immense loss of credit and popularity in the Government, there still remains many millions which cannot at present be used at all. All this must be gone over again if the land offices are opened to the deluge of paper money. Gentlemen say the Treasury Order has done its office; that it has put an end to speculation in the public lands, and has reduced the sales from twenty-five to seven millions per annum. Granted: The Treasury Order has done all this; and in doing it, has rendered an immense service. But, restore the circumstances of 1835–36; open the land offices again to the reception of paper money; and the Treasury Order will have to perform all its work over again. It will have to do its office a second time; and that after great mischiefs have first been suffered before Congress can be brought to act.

Mistaken in so many points, there is no one in which gentlemen are more mistaken than in supposing the interests of the Western banks to be injuriously affected by this order. And here we have a fine contradiction between the opinions of those who oppose the order. One division of them opposes it because it is too favorable to the Western banks; because it causes them to be filled up with gold and silver; and because the injury is not to them, but to the banks of the Atlantic cities. This is the doctrine of Mr. Biddle's letter to Mr. Adams; and is, of course, the doctrines held by the Atlantic division of the Treasury Order assailants. This objection is popular in the East; it goes well in the Atlantic States; but it will not do at all in the West. It can have no place there. Therefore a reversal of the objection becomes necessary. It must be opposed in the West upon a contrary reason, and because it is injurious to Western banks, and will deprive them of their specie, and destroy them if they attempt to resume specie payments. Such is the contradiction between the two wings of the line which assail this order. Sir, the objection is equally unfounded in both particulars. The Atlantic banks have their ample supplies of specie in the vast importations of gold now arriving in New York; the Western banks will be strengthened by the continuance of the Treasury Order; for it will increase, instead of diminishing, their specie basis.

The receivability of their notes for lands, instead of aiding, will end in crippling and injuring the Western banks. They can force many notes into circulation by the credit of such receivability; but what is to become of those notes? They are taken out of circulation to be put into the land offices. Every person going to a land office will hunt for those notes; he will gather up by exchange, purchase, loan, and in every manner that he can obtain them. He will pay them to the Receiver, and masses of them will accumulate in the office. They then belong to the Government, and must be disposed of in some way; either paid out to public creditors, or sent to the bank and cashed, or transferred to some other quarter of the Union. If paid out to public creditors, to the military, or to the Indians, they fall in masses into the hands of suttlers and Indian traders, who quickly present them to the bank from which they issued, for specie or its equivalent; if not paid out by the Government, the disbursing officer must present them for redemption; and, if the receipts at the land offices exceed the disbursements of the Government in that quarter, the excess must be transferred to some other quarter; and in that event, nothing but specie, or its equivalent, will be transferrable. Thus, act as the Government may, the notes thus stimulated into circulation eventually come back upon the bank; and when they come back, they must be paid in something else besides land office credit. The theory of banking is, that for each bank note which goes out, there shall be something put into the bank to redeem it: the experience of all banking is, that no forced or stimulated issues can be kept afloat. Excessive issues will return; and the notes put out on the credit of the public lands, will return immediately. Often they go straight to the land offices, and return straight back. No bank can rely upon such a circulation; every one will be deceived that attempts to rely upon it. A general receivability of the notes of a bank all over the Union will make the fortune of a bank; but a limited local receivability is disadvantageous and dangerous. Sir, this is not merely theory; it is experience also. All this experiment has been tried. When the Bank of the United States fell into a paralysis in 1818–19, and could do no business, the notes of the Western banks were made receivable for public lands. This privilege was sought by the banks with avidity; and, when obtained, the bank considered itself on the high road to honor and to fortune. Yet what was their fate? Disastrous in the extreme! Every such bank—I believe every one without exception—was wound up in a few years; some with great loss to the Government, some without loss to the Government, but with death to themselves. The history of that period should not be forgotten. It should be well remembered, not only by Congress, but by the banks themselves, and by the Secretary of the Treasury. It contains proof that banks cannot live upon Government credit, and that Secretaries of the Treasury cannot so act in the reception or rejection of bank paper as to escape the most cruel and harassing persecutions. No Secretary ever was, or ever can be, more faithful, honorable, disinterested, and able than Mr. Crawford; yet the House of Representatives teemed for years with charges and accusations against him. All that he did, and all that he omitted to do, in the reception or rejection of bank paper at the land offices, was equally a matter of attack; and, although he issued from the contest as pure gold from the fire, yet it was at the cost of health, and quiet, and peace. His fate should be a warning to every Secretary that has to tread the same path; and, I now announce, in my place here, beforehand, that a succession of attacks, commencing with the first order that he issues, and to be continued until after the next Presidential election, awaits the present Secretary of the Treasury! Do what he may, and omit what he may, his commissions and omissions will all bring the same fruit to him. Attack! attack! attack! will be the portion which he will have to receive until November, 1840. He will be pushed at with a long sword—long enough to go through *his* body, and pierce a gentleman *beyond* him.

Another opinion of gentlemen is, that this order is odious in the new States. This is their assertion; but where is the evidence of it? The order has been in force nearly two years. It was made a subject of party attack the moment it issued. It has been a subject of party attack ever since. In Congress and out of Congress, party spirit has constantly assailed it; but with what effect? I know of but one legislative memorial against it, and that one comes from Indiana, where the Opposition is in the majority. Except that memorial, I know of nothing from the people or their local representatives on this subject. No petition has come in; and, so far as my knowledge extends, no letter has

been received, calling for the recision of this order. The people of the West have manifested no opposition to the order; and it is a gratuitous assumption to aver their discontent. I do not undertake to say that all are for it; on the contrary, I know the Opposition party to be against it, as they are against every measure of the Republican Administration; some persons interested in banks are against it, because they wish to make the national domain a fund to bank upon; the speculators are all against it, because it puts an end to their speculations. These classes are against the order, but the body of the people are for it. They know it to be salutary and beneficent in its operation. They know it to have been attacked because it was too favorable to the West—because it transferred gold and silver from the East to the West—because it filled the Western banks with specie—because it made specie the common currency of the people in the West. They know the order to have been attacked on these grounds; and they know that while it in reality caused specie to flow to the West, it caused no more to flow there, and, in fact, not as much to flow there, as the people of the interior are entitled to receive out of the foreign importations and from the coinages of our own mints. The sea port towns are not entitled to the whole importations of specie and to the whole coinages of the mint; the interior of the country is entitled to a share; and the effect of this order was to give them a share, but by no means a full share. Gentlemen, then, are mistaken in averring this order to be odious in the new States. Great efforts have been made by politicians to render it odious; a political clamor has been kept up against it; but the fact that not one petition, no legislative memorial, except from an Opposition State, no letters even, have been received against it, is conclusive evidence that there is no foundation for the assertion that is here made.

Finally, gentlemen suppose there is no reason for excluding notes from the land office, which do not apply with equal force to the customs. This is a mistake. There is a great difference in the evils of the receivability at the two places; and, while I adhere to the act of 1789, and of 1800, which made gold and silver the only currency of the Federal treasury, and shall never consider the Treasury safe until those acts are re-established and enforced, yet I can see manifest reasons for excluding paper money from the land offices which do not apply to the customs. In one case, there is a limit upon the amount which can be received; in the other case, there is no limit. In one there is danger of exciting a spirit of speculation; in the other there is none. In one you may lose the whole national domain, the land itself as well as the paper received for it; in the other you can lose nothing but the paper received. These are clear propositions which have but to be seen in order to be felt and understood. There is no limit to the amount of paper money which may be paid at the land offices, except in the quantity of the land, and the capacity of the banks to manufacture and to lend paper. At the custom houses there is a limit. The quantity of goods imported, and the rate of duty upon these goods, impose a limitation upon the receivable amount of that branch of the revenue. No more can be paid than the duties amount to; but in the case of the lands, the sales can go on as long as land can be found, and paper can be manufactured. Thus, in our great fluctuations in the revenue, the excesses and deficiencies have chiefly occurred in the land office receipts. In the great surplusses of revenue which accrued in Mr. Monroe's time, the land sales were seen to rise and fall, in less than three years, from two millions up to twenty-eight millions, and back to about one million. In the surplus season which has just passed, we have seen the land sales again rise from four millions to fifteen; from fifteen to twenty-five, and from twenty-five fall back to seven. The paper money buys the land, but it does not buy the goods. If the paper of our 900 banks could be carried to Europe, and be paid, *by force of law*, to merchants, and manufacturers for foreign goods, then the cases would be parallel: there would be no limit on the importations, and none on the duties, and as great fluctuations would occur in the custom house revenue as in land revenue. A thousand millions might be imported one year, and nothing the next year. As often as the right has been given *by law* to go and take the public lands for paper money, just so often have the sales become excessive; and so it will be again, and for ever. So it has been, and so it will be. Nothing but hard money payments can impose the proper and regular limit upon the sales which the safety of the Treasury and the welfare of the settlers require. Open the land offices to paper money, and the Treasury becomes a balloon, now distended and rising above the clouds, then collapsed, plunging to the earth, and dragged along the ground. I have mentioned this evil to gentlemen: they could not deny it to be true, nor excuse it; but they said it could be prevented by stopping the sales of the lands. Stopping the sales! as if the new States would submit, or ought to submit, to such a stoppage! Error upon error, and blunder upon blunder, would be the history of such a stoppage. The first step is wrong; the second one worse; and the only true course is to begin right, and sell lands for hard money only. This is the simple and easy remedy for all the evils; it limits the sales to the amount required for cultivation; it gives to the Treasury a uniform and regular supply; it prevents speculation; it operates as a pre-emption law in favor of settlers; it saves the land from being plundered from the Government in exchange for worthless or depreciated paper; and it helps to diffuse that gold and silver over the country, and among the people, which would otherwise lie in masses at the import cities.

The resolution of the Senator from Kentucky [Mr. CLAY] consists of three parts; the first to rescind the Treasury Order; the second to compel the universal reception of local bank notes in payment of dues to the General Government; the third to compel the Government to pay out the same notes to all that will receive them.

I have discussed the first of these propositions, and have presented myself prominently in opposition to it; not in the expectation of preventing its adoption, for I know its passage to be certain, but to show my own opinions, and to disclose in advance some view of the evil consequences to result from rescinding the Treasury Order. That order will be rescinded. Every body knows it will be rescinded. A bill has gone from this chamber to the House of Representatives with a clause to that effect; a clause inserted by a vote almost general. The whole current is for the rescision; but I never swim with the current when I see it flowing upon rocks and plunging into a gulf. That order will be rescinded; so far as this chamber is concerned, it is already rescinded; and there is no use in doing the work over again, except to gain the high honor of killing the dead. It is condemned; but it is a wise and patriotic order, honorable to the sagacity and courage of the President that issued it, and one that its few friends will never be ashamed of. It had my approbation in the beginning; it has it now; and the experience of a few years will evince the wisdom of its conception and the improvidence of its rescision.

The two other branches of the resolution are yet to be discussed; and in that discussion I shall consider the two as one; for the second is only a corollary of the first, and needs no enactment to give it effect if the first shall be adopted. Pass the one, and the other follows of itself. Compel the Government to receive all its debts and dues in the paper of nine hundred banks, and it will have nothing else but the paper of these banks to pay out. It must pay out that paper, or nothing; and the public creditors must take that paper, or nothing. The Government will have nothing else to offer, and there will be no occasion to effect by legislation what would already be effected by necessity. I perceive gentlemen are disposed to shrink back from the conditional tender which the third clause of this resolution prescribes. They shrink from making paper money a forced tender; for it would amount to a forced tender, under the operation of this resolution, in all payments from the General Government. The author of the resolution [Mr. CLAY] discovers a disposition to relinquish it; but it is nothing to relinquish the disbursing clause if the receiving one is retained. One includes the other. What is received, must be disbursed; and gentlemen had as well go the whole, and vote the disbursing clause if they vote the receiving one. I can see no difference between the two votes; the one implies the other. The only effect of adopting the receiving clause, and rejecting the disbursing one, would be to impose upon the Executive Department the necessity of paying out paper money when Congress itself shrunk from the responsibility of voting it.

Here, then, is a proposition to compel the General Government to receive all the notes of all the banks in the United States, chartered and unchartered, created and to be created, in the payment of all the debts and dues to the United States, and in exchange for all the public lands which are held in trust for the public benefit. Upon what petition, and with what object, is this extraordinary proposition presented—a proposition which goes the whole length of repealing the Constitution of the United States, and converting her hard money Treasury into a paper money balloon? Upon what petition is this proposition founded? Has any State, any public meeting, any bank directory, asked it? Not one! Tho whole originates with a solitary member of the Senate, unsupported by a voice in the Union for the unheard of favor which he proposes to confer upon 900 banks. Doubtless it will be very agreeable to these banks to have their paper made a national currency! Doubtless it will be very profitable to them to have their paper made a legal tender at all the land offices, custom houses, post offices, and Federal court clerks' and marshals' offices throughout the Union; but certain it is that no one of them has had the face to ask it! They must feel infinite gratitude for the boon, if obtained for them; but they have not been able to commit the impropriety of asking for it! Reduced to its essence, and it is a proposal to the Senate to violate the Constitution, ruin the finances, and plunder the public creditors; and these are things which no bank in the United States has thought proper to ask at our hands. The whole comes forward as the solitary proposition of an individual Senator, and bottomed upon the single assumption that it is necessary to enable the banks to resume specie payments. To enable the banks to resume! Strange that none of them found out that secret! and that all the solvent commercial banks in the United States have resumed, or have put themselves under pledges to resume before the first day of January next. The honest and solvent part of the banks have resumed, or have bound themselves to do it; and that without hoping any thing from the aid, or fearing any thing from the hostility, of the General Government. They have resumed, are resuming, and will resume, and no action of ours can prevent them from doing it, much less is any action from us required as a condition precedent to enable them to do it. The hundred banks of New York have resumed; the whole without exception, and all without difficulty. In all quarters of the Union the solvent commercial banks have followed the New York lead, either actually resumed, or declared their determination to do so. To offer these banks aid, under these circumstances, is to perform that service which is called *post bellum, auxilium*, that is to say, aid after the war. It is doing what Dr. Johnson ridiculed the Earl of Chesterfield for having done—patronised his dictionary after the book happened to need no patron—after withholding patronage, when the book did need it. No, sir, no! The honest and solvent banks have resumed without asking for Government aid, and without inventing flimsy pretexts to screen themselves, or to inculpate others. The New York banks, and those which have followed their lead, have acted openly and candidly; they have no need for aid, or for pretexts. If the miscalled Bank of the United States, and her subalterns, require aid to enable them to resume, let them say so, and tell what they ask. If they need a pretext to cover a retreat from the non-resumption position in which they have placed themselves, let their file leader invent that pretext. Let Mr. Biddle invent it. An invented pretext will answer all their purposes perfectly well; and if they will neither ask aid in plain terms, nor back out from a false position upon simulated pretexts, let them stand as they are.

Let them lie behind their cotton bags until they force the people to choose a bank attorney for President. Let them lie there! lie till doomsday! I thank them for their folly in getting there; and with my good pleasure, they may lie there until they get up of themselves, or die. The New York flag, and those which rally under it, will be enough for the country; the Philadelphia flag, and its non-resumption crew, may stick it out as long as they can, or as long as they dare, behind the defences of their cotton bags, and under the battery of public contempt, popular indignation, and judicial prosecution.

The first objection to this proposition is its gross and utter unconstitutionality. It is a plain, open, palpable, violent infraction of the Constitution. That instrument recognises gold and silver coin only as the currency of the Federal Treasury; and all attempts to make paper money a legal tender to the Government is a clear violation of that instrument. It is to no purpose to quote the practice of the Government, and to say that paper money has always been received in payments to the Federal Treasury The answer to that reference is, that such receipt was always voluntary on the part of the Government, and never compulsory; that the Government always had a right to reject it; and the holders of the paper never had a right to tender it. But now this is to be reversed. The receipt of these notes is to be made compulsory, not voluntary. The right to tender it to the Government is to be vested in every individual, and in every bank; and the right to reject it is to be denied to the Government. This constitutes a difference between the past practice of the Government and the present proposed enactment, too obvious to be overlooked, and too essential to permit one to be justified by the other.

The order of General Hamilton, of 1790, permiting bank notes to be received in payment of the revenue, contrary, as I believe, to the act of 1789, was wholly intended to be for the convenience of the Treasury, and was, besides, declared by him to be a temporary measure. He merely directed the notes to be received as the actual representatives of the dollars they promised to pay; he merely took them as so many little wallets, or bags, containing the number of dollars borne on their face. This was General Hamilton's order. The joint resolution of 1816 was of the same character—permissive to the Government, not obligatory upon it. Under this order of General Hamilton, and under this resolution, the practice of the Government has obtained; and nothing in that practice can be pleaded in justification of this compulsory reception of paper money at the Federal Treasury, now for the first time proposed to be made compulsory, since the foundation of our Government.

Convinced of the liability of the resolution to the objection of unconstitutionality, the Senator from Kentucky who has moved it, [Mr. CLAY,] has come forward in advance to remove that obstacle from the path of his favorite measure. He has given us an argument on the point; and the substance of it is, that the Government has a right to receive its taxes and dues in any thing that it pleases. Sir, this argument has neither originality nor force. It was used forty-five years ago by General Hamilton; but has never been used since until on the present occasion. General Hamilton used it once, and but once, the enormity of the proposition striking every mind, and shocking every sense. The proposition is bottomed upon the idea that we have no Constitution; that the will of the Legislature is sovereign; and that it may order taxes to be collected in what it pleases. This may do in Russia, but it will not do in the United States; it will not do where such a Constitution as ours exists. By our Constitution Congress may lay taxes; but for what purposes? to pay the debts of the Government. Now, can the Government pay its debts with any thing but money? and is there any *money* but gold and silver? Can the Government pay its debts—pay its army and navy—its civil officers, contractors and laborers—can it pay them in cotton or tobacco, in lead or in furs, or in the notes of nine hnndred banks, or of any one bank? Certainly it cannot make such payment. I speak of the legal right to make such payment—the right to tender it, and to plead tender and refusal in the discharge of the debt, if not accepted? It has no right to do these things; but when the Government has nothing else to tender—when the creditor has no choice—when it is that or nothing, then the creditor is under a duress, and must take what he can get. He must take the cotton or tobacco, the lead or the furs, the bank notes or the shin-plasters, be it what it may, that the Government offers. He is in no condition to coerce the Government, and must submit to receive what it tenders to him. But this is "might," not "right;" it is power, not justice. Heretofore it has sometimes been the misfortune and the humiliation of the Government to tender depreciated paper; under this resolution, if adopted, such tender will become the regular and permanent practice of the Government.

From the unconstitutionality of this proposition, I proceed to its consequences, than which nothing could be more disastrous to every interest, to the public Treasury, to the banks themselves, and to the country generally.

To the public Treasury it would be fatal. The paper of 900 banks to become a legal tender to the Government at every land office, post office, and custom-house in the United States, would sweep off the lands, the duties, and the postages in double quick time. The lands would all be sold, the duties would all be paid, the postages would all be met; and what would the Government receive? a pyramid of paper, composed of bank issues from all quarters of the Union, subject to every degree of depreciation, and destined to constitute a frightful mass of that humiliating stuff known in the vocabulary of our finances by the name of "unavailable funds." Under this resolution, the customs in New York, and in every sea-port town, might be paid in the notes of any bank in the remote West, which could obtain the reputation of a specie payer, by paying specie for a week, or a month; the lands, in like manner, might be paid for in the notes of similar banks in the extreme east, north, or south. The postages in New Orleans might be paid in notes from Vermont. All that would be wanting would be a broker's report, a newspaper paragraph, a bank note table, or an affidavit, showing that the bank was paying specie when last heard from. This would be sufficient; it would constitute the bank a sound specie-paying institution, within the words of the resolution; and the right of the holder of her notes would be complete to tender them to the Government in discharge of every debt or due, in every quarter of the Union. The loss of the whole national domain, the payment of the revenues in depreciated paper, and the bankruptcy of the Treasury, would be inevitable. Two years might suffice for the accomplishment of this disastrous result; and certainly the mover of the resolution cannot but look to it himself. He says the local banks must fail again, if there is no National Bank to keep them in order; he admits there is no chance for a National Bank—that it is in vain even for him to introduce a bill for one. He therefore admits the ruin of the finances as the consequence of the adoption of this second branch of his resolution. He admits it fully; and this admission is in full accordance with his ancient and well settled opinions. As far back as the year 1816, that Senator, in a speech to his constituents in Kentucky, in justification of his vote for the Bank of the United States, gave as a reason for it that the State banks "*could not be depended upon*"—that the General Government could not DEPEND UPON them; and, therefore, a National Bank must be created to supply a currency and to keep the public moneys. Experience has confirmed the truth of this opinion, so far as the State banks are concerned. Since the time it was uttered, the State banks have twice proved that they cannot be *depended upon* by the General Government. They proved it in 1819, and again in 1837. They had proved it before, in time of war; they have twice proved it since, in time of peace. The banks are more numerous now than they were then—more closely engaged in politics now than then—more addicted to hazardous schemes of trading and railroad and canal making now than then—as much addicted to small notes as ever, and, therefore, more dangerous now than then. Right as the Senator from Kentucky was, in 1816, in his opinion that the State banks could not be *depended upon* by the General Government, he is still more so in his opinion that these banks must fail again. Big with inherent dangers, they are beset by new and extraordinary perils. An enemy lies in wait for them! one that foretells their destruction, is able to destroy them, and which looks for its own success in their ruin. The report of the committee of the New York banks expressly refers to "*acts of deliberate hostility*" from a neighboring institution as a danger which the resuming banks might have to dread. The reference was plain to the miscalled Bank of the United States as the source of this danger. Since that time an insolent and daring threat has issued from Philadelphia, bearing the marks of its Bank paternity, openly threatening the resuming banks of New York with destruction. This is the threat: "*Let the banks of the Empire State come up from their Elba, and enjoy their hundred days of resumption; a Waterloo awaits them, and a St. Helena is prepared for them.*" Here is a direct menace, and coming from a source which is able to make good what it threatens. Without hostile attacks, the resuming banks have a perilous process to go through. The business of resumption is always critical. It is a case of impaired credit, and a slight circumstance may excite a panic which may be fatal to the whole. The public having seen them stop payment, can readily believe in the mortality of their nature, and that another stoppage is as easy as the former. On the slightest alarm—on the stoppage of a few inconsiderable banks, or on the noise of a groundless rumor—a general panic may break out. *Sauve qui peut*—save himself who can—becomes the cry with the public; and almost every bank may be run down. So it was in England after the long suspension there from 1797 to 1823; so it was in the United States after the suspension from 1814 to 1817; in each country a second stoppage ensued in two years after resumption; and these second stoppages are like relapses to an individual after a spell of sickness; the relapse is more easily brought on than the original disease, and is far more dangerous. The banks in England *suspended* in 1797—they *broke* in 1825; in the United States it was a *suspension* during the war, and a *breaking* in 1819–20. So it may be again with us. There is imminent danger to the resuming banks, without the pressure of premeditated hostility; but, with that hostility, their prostration is almost certain. The Bank of the United States can crush hundreds on any day that it pleases. It can send out its agents into every State of the Union, with sealed orders to be opened on a given day, like captains sent into different seas; and can break hundreds of local banks within the same hour, and over an extent of thousands of miles. It can do this with perfect ease—the more easily with resurrection notes—and thus excite a universal panic, crush the resuming banks, and then charge the whole upon the Government. This is what it can do; this is what it has threatened; and stupid is the bank, and doomed to destruction, that does not look out for the danger, and fortify against it. In addition to all these dangers, the Senator from Kentucky, the author of the resolution himself, tells you that these banks must fail again! he tells you they will fail! and in the very same moment he presses the compulsory reception of all the notes of all these banks upon the Federal Treasury! What is this but a proposition to ruin the finances—to bankrupt the Treasury—to disgrace the Administration—to demonstrate the incapacity of the State banks to serve as the fiscal agents of the Government, and to gain a new argument for the creation of a National Bank, and the elevation of the Bank party to power? This is the clear inference from the proposition; and viewing it in this light, I feel it to be my duty to expose, and to repel it, as a proposition to inflict mischief and disgrace upon the country.

Unconstitutional as this proposition is upon its face—ruinous as it must be in its consequences—it comes before us without the excuse, apology, or palliation of a single extenuating circumstance. No necessity for it can be pleaded, or pretended. So far as it is safe, or desirable to receive bank notes, they can be received, and they are now received,

under the permissive operation of the joint resolution of 1816. The Secretary of the Treasury is now acting under that resolution; and no bank, no State, no public body, has asked him to go further than he has gone. Politicians alone have taken up this matter, and have proposed, for the first time since the foundation of the Government—for the first time in 48 years—to compel the Government to receive paper money for its dues. The pretext is, to aid the banks in resuming! This, indeed, is a marvellous pretty conception! Aid the banks to resume! Why, sir, we cannot prevent them from resuming. Every solvent, commercial bank in the United States either has resumed, or has declared its determination to do so in the course of the year. The insolvent, and the political banks, which did not mean to resume, will have to follow the New York example, or die! Mr. Biddle's Bank must follow the New York lead, or die! The good banks are with the country; the rest we defy. The political banks may resume or not, as they please, or as they dare. If they do not, they die! Public opinion, and the laws of the land, will exterminate them. If the president of the miscalled Bank of the United States has made a mistake in recommending indefinite non-resumption, and in proposing to establish a confederation of broken banks, and has found out his mistake, and wants a pretext for retreating, let him invent one. There is no difficulty in the case. Any thing that the Government does, or does not—any thing that has happened, will happen, or can happen—will answer the purpose. Let the president of the Bank of the United States give out a tune: incontinently it will be sung by every bank man in the United States; and no matter how ridiculous the ditty may be, it will be celebrated as superhuman music.

Sir, the honest commercial banks have resumed, or mean to resume. They have resumed, not upon the fictitious and delusive credit of legislative enactments, but upon the solid basis of gold and silver. The hundred millions of specie which we have accumulated in the country, has done the business. To that hundred millions the country is indebted for this early, easy, proud and glorious resumption! and here let us do justice to the men of this day—to the policy of General Jackson—and to the success of the experiments—to which we are indebted for these one hundred millions. Let us contrast the events and effects of the stoppages in 1814, and in 1819, with the events and effects of the stoppage in 1837, and let us see the differences between them, and the causes of that difference. The stoppage of 1814 compelled the Government to use depreciated bank notes during the remainder of the war, and up to the year 1817. Treasury notes, even bearing a large interest, were depreciated ten, twenty, thirty per cent. Bank notes were at an equal depreciation. The losses to the Government from depreciated paper in loans alone, during the war, were computed by a committee of the House of Representatives at eighty millions of dollars. Individuals suffered in the same proportion, and every transaction of life bore the impress of the general calamity. Specie was not to be had. There was, nationally speaking, none in the country. The specie standard was gone; the measure of values was lost; a fluctuating paper money, ruinously depreciated, was the medium of all exchanges. To extricate itself from this deplorable condition, the expedient of a National Bank was resorted to—that measure of so much humiliation, and of so much misfortune, to the Republican party. For the moment it seemed to give relief, and to restore national prosperity; but treacherous and delusive was the seeming boon. The banks resumed—relapsed—and every evil of the previous suspension returned upon the country with increased and aggravated force. I have apt authority for saying that the seven years of most disastrous fortune which ever this country experienced, were those which immediately ensued the establishment of this second United States Bank, and which covered the period of its own paralysis, and the general breaking of the local banks. I have authority for this, and I read it from a speech delivered in the Senate in the year 1832.

"Eight years ago it was my painful duty to present to the other house of Congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed and borne down by an enormous load of debt; that ruinous sales and sacrifices were every where made of real estate; that stop laws, and relief laws, and paper money were adopted to save the people from impending destruction; that a deficit in the public revenue existed, which compelled Government to seize upon, and direct from its legitimate object, the appropriation to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. In short, sir, if I were to select any term of seven years since the adoption of the present Constitution, which exhibited a scene of the most wide-spread desolation and dismay, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824."

Such is the picture, drawn by a hand [Mr. CLAY] which makes it authority in this case, of the desolation of the country during the period of bank stoppage, from 1817 to 1824. The Bank of the United States was then in full life, and was no shield or support to the country in all this calamity; nor did it aid the country in recovering from it. The same speech informs us that the tariff was then the grand panacea for all the calamities of the country! and that the act of 1824 for the protection of American industry lifted the people from the abyss of ruin in which they were plunged, and, in return for their seven years of unparalleled calamity, gave them a jubilee of seven years of unprecedented prosperity. This is the statement of our revived prosperity from the same hand:

"If the term of seven years were to be selected of the greatest prosperity which this people have ever enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff act of 1824."

Such was the language a few years ago. Then tariff was every thing, bank nothing. The want of a tariff for seven years, then, ruined the country; the presence of it for seven years restored prosperity. Now bank is every thing, and tariff is nothing. The loss of the National Bank has sunk us into woe and poverty; its presence is to re-establish national prosperity. And thus we play off, on this grave theatre of legislation, these juggling representations to deceive the people, as if they had neither memory to recollect the past, nor judgment to understand the present, nor eyes to see the players shifting their parts with the shifting of the changing scenes.

But to return to the point, the contrast between the effects and events of former bank stoppages, and the effects and events of the present one. The effects of the former were to sink the price of labor and of property to the lowest point, to fill the States with stop laws, relief laws, property laws, and tender laws; to ruin nearly all debtors, and to make property change hands at fatal rates; to compel the Federal Government to witness the heavy depreciation of its Treasury notes, to receive its revenues in depreciated paper, and, finally, to submit to the establishment of a National Bank as the means of getting it out of its deplorable condition—*that bank, the establishment of which was followed by the seven years of the greatest calamity which ever afflicted the country, and from which calamity we then had to seek relief from the tariff, and not from more banks.* How different the events of the present time! The banks stopped in May, 1837; they resume in May, 1838. Their paper depreciated but little; property, except in a few places, was but slightly affected; the price of produce continued good; people paid their debts without sacrifices; Treasury notes, in defiance of political and moneyed combinations to depress them, kept at or near par; in many places above it; the Government was never brought to receive its revenues in depreciated paper; and finally, all good banks are resuming in the brief space of a year, and no National Bank has been created. Such is the contrast between the two periods; and now, sir, what is all this owing to? what is the cause of this great difference in two similar periods of bank stoppages? It is owing to our gold bill of 1834, by which we corrected the erroneous standard of gold, and which is now giving us an avalanche of that metal; it is owing to our silver bill of the same year, by which we repealed the disastrous act of 1819, against the circulation of foreign silver, and which is now spreading the Mexican dollars all over the country; it is owing to our movements against small notes under twenty dollars; to our branch mints, and the increased activity of the mother mint; to our determination to revive the currency of the Constitution, and to our determination not to fall back upon the local paper currencies of the States for a national currency. It was owing to these measures that we have passed through this bank stoppage in a style so different from what has been done heretofore. It is owing to our "*experiments*" on the currency—to our "*humbug*" of a gold and silver currency—to our "*tampering*" with the monetary system—it is owing to these that we have had this signal success in this last stoppage, and are now victorious over all the prophets of wo, and over all the architects of mischief. These *experiments*, this *humbugging*, and this *tampering*, has increased our specie in six years from twenty millions to one hundred millions; and it is these one hundred millions of gold and silver which has sustained the country and the Government under the shock of the stoppage, has enabled the honest solvent banks to resume, and will leave the insolvent and political banks without excuse or justification for not resuming. Our experiments—I love the word, and am sorry that gentlemen of the Opposition have ceased to repeat it—have brought an avalanche of gold and silver into the country; it is saturating us with the precious metals, it has relieved and sustained the country; and now when these experiments have been successful—have triumphed over all opposition—gentlemen cease their ridicule, and go to work with their paper money resolutions to force the Government to use paper, and thereby to drive off the gold and silver which our policy has brought into the country, destroy the specie basis of the banks, give us an exclusive paper currency again, and produce a new expansion and a new explosion. Gentlemen cease their idle ridicule, and now go to work to make laws to defeat us; and defeat us they will, if they pass their laws. We despise their ridicule; but we cannot despise laws. Ridicule was harmless; but laws will be potent. Ridicule could not prevent gold and silver from coming to the country; but paper money laws will expel it. We yesterday voted an appropriation for the Southern Exploring expedition; and now mark me; remember what I say: Pass this resolution to compel the Government to receive paper money, and before that expedition returns, a new expansion of the currency, and a new explosion of the banks, will take place; and when they take place, they will be charged upon the folly and wickedness of the present Administration.

Justice to the men of this day requires these things to be stated. They have avoided the errors of 1811. They have avoided the pit into which they saw their predecessors fall. Those who prevented the renewal of the bank charter in 1811, did nothing else but prevent its renewal; they provided no substitute for the notes of the bank; did nothing to restore the currency of the Constitution; nothing to revive the gold currency; nothing to increase the specie of the country. They fell back upon the exclusive use of local bank notes, without even doing any thing to strengthen the local banks, by discarding their paper under twenty dollars. They fell back upon the local banks; and the consequence was, the total prostration, the utter helplessness, the deplorable inability of the Government to take care of itself, or to relieve and restore the country, when the banks failed. Those who prevented the recharter of the second Bank of the United States had seen all this; and they determined to avoid such error and calamity. They sat out to revive the national gold currency, to increase the silver currency, and to reform and strengthen the banking system. They sat out to do these things; and they have done them. Against a powerful combined political and moneyed confederation, they have succeeded; and the 100,000,000 of gold and silver now in the country attests the greatness of their victory, and ensures the prosperity of the country against the machinations of the wicked and the factious.

It is due to General Jackson and his friends to state and to proclaim these successful results of their policy. The country now feels these results in the early, easy, victorious resumption of specie payments, without the aid of a National Bank; it feels them in the revival of business and confidence, and in the restoration of the general pros-

perity, which the combined enemy can no longer keep off, nor longer attribute to flimsy pretexts and absurd causes. This is our condition—victorious over all the ills and evils of the day; and being victorious, here come in two propositions—the paper money resolution, and the project for a fifty million bank—to claim the merit of effecting what is already accomplished, and to end in expelling our one hundred millions of specie from the country, producing a new expansion and explosion, and involving the Federal Government again in the fate of the local banks. That these banks are to fail again is declared by the Senator who moves this resolution; yet he undertakes to make their paper—the paper of banks doomed to fail, as he declares—the currency of the Federal Government; to be received in, and paid out by it. And here another contradiction, of the highest order of absurdity, is presented to us. The author of the resolution, and of the project for a fifty million bank, claims the establishment of the bank upon the great ground of regulating the currency. This is his great ground; and now how is this regulation to be effected? Simply, and plainly, by two operations: 1. To exclude local bank notes from revenue payments; 2. To hold the local banks to weekly settlements, at least, for all their notes received. These are the means by which the regulation of the currency is to be effected by the great National Bank; yet the author of this resolution, and the advocate of this bank, for this purpose, denies to the Government the right of regulating the currency in the same way! He denies it the right of excluding bank notes from revenue payments; he is for compelling it to receive all the notes of all the banks in the Union; and he is for denying the Government the right to have settlements with the banks for their notes, and compelling them to pay out these notes in all disbursements from the Treasury. Such is the contradiction which is presented! a contradiction which exhibits the mover of this proposition as denying to the constitutional Government of his country the powers and privileges which he grants to a moneyed corporation; and then calling for the erection of the corporation to exercise the precise powers and privileges which he denies to the Government!

Sir, I conclude with a remark upon this project for a fifty million bank. It cannot be established now, nor until the Democracy of the Union shall have fought their battles of Chæronea and Pharsalia. The Democracy must first be vanquished and subdued; then the fifty million bank charter may be established; and all I ask is, that the institution of King, Lords and Commons, may be put into the same charter, and established at the same time, in order to spare the country from the scenes that would have to be passed through in order to establish King, Lords and Commons, by corrupting all the great fountains and sources of Liberty—THE PRESS—THE ELECTIONS—THE PUBLIC SCHOOLS—and THE LEGISLATIVE HALLS.

INDIAN HOSTILITIES.

SPEECH OF MR. BENTON, OF MISSOURI.

In Senate, Friday, June 8, 1838—On the act from the House of Representatives, on its third reading, making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

The VICE PRESIDENT having announced the third reading of the act, and put the question, shall this act pass?

Mr. BENTON rose, and said, that so far as the passage of the act was concerned, there was no necessity for him to say a word. The vote of the previous day had shown that the act would pass unanimously, although violently opposed. The gentlemen who had spoken against it would all vote for it; and it was to answer things said in their speeches, and not to gain votes, that he now felt himself called upon to speak.

A Senator from New Jersey [Mr. SOUTHARD] has brought forward an accusation which must affect the character of the late and present Administrations at home, and the character of the country abroad; and which, justice to these Administrations, and to the country, requires to be met and answered upon the spot. That Senator has expressly charged that a fraud was committed upon the Florida Indians in the treaty negotiated with them for their removal to the West; that the war which has ensued was the consequence of this fraud; and that our Government was responsible to the moral sense of the community, and of the world, for all the blood that has been shed, and for all the money that has been expended, in the prosecution of this war. This is a heavy accusation. At home, it attaches to the party in power, and is calculated to make them odious; abroad, it attaches to the country, and is calculated to blacken the national character. It is an accusation, without the shadow of a foundation! and, both, as one of party in power, and as an American citizen, I feel myself impelled by an imperious sense of duty to my friends, and to my country, to expose its incorrectness at once, and to vindicate the Government, and the country, from an imputation as unfounded as it is odious.

The Senator from New Jersey first located this imputed fraud in the Payne's Landing treaty, negotiated by General Gadsden, in Florida, in the year 1832; and, after being tendered an issue on the fairness and generosity of that treaty by the Senator from Alabama, [Mr. CLAY,] he transferred the charge to the Fort Gibson treaty, made in Arkansas, in the year 1833, by Messrs. Stokes, Ellsworth, and Schermerhorn. This was a considerable change of locality, but no change in the accusation itself; the two treaties being but one, and the last being a literal performance of a stipulation contained in the first. These are the facts; and, after stating the case, I will prove it as stated. This is the statement: The Seminole Indians in Florida being an emigrant band of the Creeks, and finding game exhausted, subsistence difficult, and white settlements approaching, concluded to follow the mother tribe, the Creeks, to the West of the Mississippi, and to reunite with them. This was conditionally agreed to be done at the Payne's Landing treaty; and in that treaty it was stipulated that a deputation of Seminole chiefs, under the sanction of the Government of the United States, should proceed to the Creek country beyond the Mississippi—there to ascertain first whether a suitable country could be obtained for them there; and, secondly, whether the Creeks would receive them back as a part of their confederacy: and if the deputation should be satisfied on these two points, then the conditional obligation to remove, contained in the Payne's landing treaty, to become binding and obligatory upon the Seminole tribe. The deputation went; the two points were solved in the affirmative; the obligation to remove became absolute on the part of the Indians; and the Government of the United States commenced preparations for effecting their easy, gradual, and comfortable removal. The entire emigration was to be completed in three years, one-third going annually, commencing in the year 1833, and to be finished in the years 1834, and 1835. The deputation sent to the west of the Mississippi, completed their agreement with the Creeks on the 28th of March, 1833; they returned home immediately, and one third of the tribe was to remove that year. Every thing was got ready on the part of the United States, both to transport the Indians to their new homes, and to subsist them for a year after their arrival there. But, instead of removing, the Indians began to invent excuses, and to interpose delays, and to pass off the time without commencing the emigration. The year 1833, in which one-third of the tribe were to remove, passed off without any removal; the year 1834, in which another third was to go, was passed off in the same manner; the year 1835, in which the emigration was to have been completed, passed away, and the emigration was not begun. On the contrary, on the last days of the last month of that year, while the United States was still peaceably urging the removal, an accumulation of treacherous and horrible assassinations and massacres were committed. The United States Agent, General Thompson, Lieutenant Smith, of the artillery, and five others, were assassinated in sight of Fort King; two expresses were murdered; and Major Dade's command was massacred.

In their excuses and pretexts for not removing, the Indians never thought of the reasons which have been supplied to them on this floor. They never thought of alleging fraud. Their pretexts were frivolous; as that it was a long distance, and that bad Indians lived in that country, and that the old treaty of Fort Moultrie allowed them twenty years to live in Florida. Their real motive was the desire of blood and pillage on the part of many Indians, and still more on the part of the five hundred runaway negroes mixed up among them; and who believed that they could carry on their system of robbery and murder with impunity, and that the swamps of the country would forever protect them against the pursuit of the whites.

This, Mr. President, is the plain and brief narrative of the causes which led to the Seminole war; it is the brief historical view of the case; and if I was speaking under ordinary circumstances, and in reply to incidental remarks, I should content myself with this narrative, and let the question go to the country upon the strength and credit of this statement. But I do not speak under ordinary circumstances; I am not replying to incidental and casual remarks. I speak in answer to a formal accusation, preferred on this floor; I speak to defend the late and present Administrations from an odious charge; and, in defending them, to vindicate the character of our country from the accusation of the Senator from New Jersey, [Mr. SOUTHARD,] and to show that fraud has not been committed upon these Indians, and that the guilt of a war, founded in fraud, is not justly imputable to them. To do this, it is necessary to prove statements, as well as to make them; and to that proof I shall now proceed.

I draw my proofs from two authentic sources—from the treaties themselves, and from the evidence furnished by the Secretary at War in 1836, Gen. Cass, in answer to a call from the House of Representatives for information upon the causes of the Seminole war.

I draw from these two sources, and will begin with the treaties. I read from the Payne's Landing treaty, concluded May 9, 1832.

"The Seminole Indians, regarding with just respect the solicitude manifested by the President of the United States for the improvement of their condition, by recommending a removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, are willing that their confidential chiefs, *Jumper, Fustilustihadjo, Charley Emarthla, Coi hadjo, Holati Emarthla, Yaha hadjo,* and *Sam Jones,* accompanied by their agent, *Major Phagan,* and their faithful interpreter, *Abraham,* should be sent at the expense of the United States as early as convenient, to examine the country assigned to the Creeks west of the Mississippi river; and if they should be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people, the articles of the compact and agreement, herein stipulated at Payne's Landing, on the Ochlawaha river, this 9th day of May, 1832, between James Gadsden, in behalf of the Government of the United States, and the undersigned chiefs and head men, for and in behalf of the Seminole Indians, shall be binding on the respective parties.

"ARTICLE I. The Seminole Indians relinquish to the United States all claim to the land they at present occupy in the Territory of Florida, and agree to emigrate to the country assigned to the Creeks, west of the Mississippi; it being understood that an additional extent of territory, proportioned to their numbers, will be added to the Creek country, and that the Seminoles will be received as a constituent part of the Creek nation, and be readmitted to all the privileges as a member of the same."

This is the preamble, and the first article of the treaty. The second, third and fourth articles stipulate for the amounts which the United States are to pay, and the aid they are to render the Indians in removing. The seventh article stipulates for the removal of the tribe in three years, commencing in 1833, and to be completed in 1835, provided the delegation to the West should be satisfied upon the two conditions expressed in the preamble to the treaty. It is signed by fifteen chiefs, the leaders of the nation, and comprehending the seven which were to form the delegation to the West.

We will now follow this delegation to the West, and see what was the result of their negotiations in that quarter.

The Seminoles had stipulated that the agent, Major Phagan, and their own interpreter, the negro Abraham, should accompany them; and this was done. It so happened, also, that an extraordinary commission of three members, sent out by

the United States to adjust Indian difficulties generally, was then beyond the Mississippi; and these commissioners were directed to join in the negotiations on the part of the United States, and to give the sanction of our guarantee to the agreements made between the Seminoles and the Creeks for the reunion of the former to the parent tribe. This was done. Our commissioners, Messrs. Stokes, Ellsworth, and Schermerhorn, became party to a treaty with the Creek Indians for the reunion of the Seminoles, made at Fort Gibson the 14th of February, 1833. The treaty contained this article:

"ARTICLE IV. It is understood and agreed that the Seminole Indians of Florida, whose removal to this country is provided for by their treaty with the United States, dated May 9, 1832, shall also have a permanent and comfortable home on the lands hereby set apart as the country of the Creek nation; and they, the Seminoles, will hereafter be considered as a constituent part of the said nation, but are to be located on some part of the Creek country by themselves, which location shall be selected for them by the commissioners who have seen these articles of agreement."

This agreement with the Creeks settled one of the conditions on which the removal of the Seminoles was to depend. We will now see how the other condition was disposed of.

In a treaty made at the same Fort Gibson, on the 28th of March, 1833, between the same three commissioners on the part of the United States, and the seven delegated Seminole chiefs, after reciting the two conditions precedent contained in the Payne's Landing treaty, and reciting, also, the convention with the Creeks on the 14th of February preceding, it is thus stipulated:

"Now, therefore, the commissioners aforesaid, by virtue of the power and authority vested in them by the treaty made with the Creek Indians on the 14th of February, 1833, as above stated, hereby designate and assign to the Seminole tribe of Indians, for their separate future residence forever, a tract of country lying between the Canadian river and the south fork thereof, and extending west to where a line running north and south between the main Canadian and north branch will strike the forks of Little river; provided said west line does not extend more than twenty-five miles west from the mouth of said Little river. *And the undersigned Seminole chiefs, delegated as aforesaid, on behalf of the nation,* HEREBY DECLARE THEMSELVES WELL SATISFIED WITH THE LOCATION PROVIDED FOR THEM BY THE COMMISSIONERS, *and agree that their nation shall commence the removal to their new home as soon as the Government will make the arrangements for their emigration satisfactory the Seminole nation.*"

This treaty is signed by the delegation, and by the commissioners of the United States, and witnessed, among others, by the same Major Phagan, agent, and Abraham, interpreter, whose presence was stipulated for at Payne's Landing.

Thus the two conditions on which the removal depended, were complied with; they were both established in the affirmative. The Creeks, under the solemn sanction and guarantee of the United States, agree to receive back the Seminoles as a part of their confederacy, and agree that they shall live adjoining them on lands designated for their residence The delegation declare themselves well satisfied with the country assigned them, and agree that the removal should commence as soon as the United States could make the necessary arrangements for the removal of the people.

This brings down the proof to the conclusion of all questions beyond the Mississippi; it brings it down to the conclusion of the treaty at Fort Gibson—that treaty in which the Senator from New Jersey [Mr. SOUTHARD] has located the charge of fraud, after withdrawing the same charge from the Payne's Landing treaty. It brings us to the end of the negotiations at the point selected for the charge; and now how stands the accusation? How stands the charge of fraud? Is there a shadow, an atom, a speck, of foundation on which to rest it? No, sir: Nothing—Nothing—Nothing! Every thing was done that was stipulated for; done by the persons who were to do it; and done in the exact manner agreed upon. In fact, the nature of the things to be done west of the Mississippi was such as not to admit of fraud. Two things were to be done, one to be seen with the eyes, and the other to be heard with the ears. The deputation was to *see* their new country, and say whether they liked it. This was a question to their own senses—to their own eyes—and was not susceptible of fraud. They were to *hear* whether the Creeks would receive them back as a part of their confederacy; this was a question to their own *ears*, and was also unsusceptible of fraud. Their own eyes could not deceive them in looking at land; their own ears could not deceive them in listening to their own language from the Creeks. No, sir: there was no physical capacity, or moral means, for the perpetration of fraud; and none has ever been pretended by the Indians from that day to this. The Indians themselves have never thought of such a thing. There is no assumption of a deceived party among them. It is not a deceived party that is at war—a party deceived by the delegation which went to the West—but that very delegation itself, with the exception of Charley Emarthla, are the hostile leaders at home! This is reducing the accusation to an absurdity. It is making the delegation the dupes of their own eyes and of their own ears, and then going to war with the United States, because their own eyes deceived them in looking at land on the Canadian river, and their own ears deceived them in listening to their own language from the Creeks; and then charging these frauds upon the United States. All this is absurd; and it is due to these absent savages to say that they never committed any such absurdity—that they never placed their objection to remove upon any plea of deception practised upon them beyond the Mississippi, but on frivolous pretexts invented long after the return of the delegation; which pretexts covered the real grounds growing out of the influence of runaway slaves, and some evilly disposed chiefs, and that thirst for blood and plunder, in which they expected a long course of enjoyment and impunity in their swamps, believed to be impenetrable to the whites.

Thus, sir, it is clearly and fully proved that there was no fraud practised upon these Indians; that they themselves never pretended such a thing; and that the accusation is wholly a charge of recent origin sprung up among ourselves. Having shown that there was no fraud, this might be sufficient for the occasion, but having been forced into the inquiry, it may be as well to complete it by showing what were the causes of this war. To understand these causes, it is necessary to recur to dates, to see the extreme moderation with which the United States acted, the long time which they tolerated the delays of the Indians, and the treachery and murder with which their indulgence and forbearance was requited. The emigration was to commence in 1833, and be completed in the years 1834 and 1835. The last days of the last month of this last year had arrived, and the emigration had not yet commenced. Wholly intent on their peaceable removal, the Administration had despatched a disbursing agent, Lieutenant Harris of the army, to take charge of the expenditures for the subsistence of these people. He arrived at Fort King on the afternoon of the 28th of December, 1835; and as he entered the fort, he became almost an eye witness of a horrid scene which was the subject of his first despatch to his Government. He describes it in these words:

"I regret that it becomes my first duty after my arrival here to be the narrator of a story which it will be, I am sure, as painful for you to hear as it is for me, who was almost an eye witness to the bloody deed, to relate to you. Our excellent Superintendent, *General Wiley Thompson*, has been most cruelly murdered by a party of the hostile Indians, and with him *Lieutenant Constant Smith*, of the 2d regiment of Artillery, *Erastus Rogers*, the suttler to the post, with his *two clerks*, a *Mr. Kitzler*, and a boy called *Robert*. This occurred on the afternoon of the 28th instant, (December,) between three and four o'clock. On the day of the massacre, Lieutenant Smith had dined with the General, and after dinner invited him to take a short stroll with him. They had not proceeded more than three hundred yards beyond the agency office, when they were fired upon by a party of Indians, who rose from ambush in the hammock, within sight of the fort, and on which the suttler's house borders. The reports of the rifles fired, the war whoop twice repeated, and after a brief space, several other volleys more remote, and in the quarter of Mr Rogers's house, were heard, and the smoke of the firing seen from the fort. Mr. Rogers and his clerks were surprised at dinner. Three escaped: the rest murdered.

"The bodies of General Thompson, Lieutenant Smith, and Mr. Kitzler, were soon found and brought in. Those of the others were not found until this morning. That of General Thompson was perforated with *fourteen* bullets. Mr. Rogers had received *seventeen*. All were scalped, except the boy.

"The cowardly murderers are supposed to be a party of Micasookees, 40 or 50 strong, under the traitor Powell, whose shrill, peculiar war whoop, was recognised by our interpreters, and the one or two friendly Indians we have in the fort, and who knew it well.

"Two expresses (soldiers) were despatched upon fresh horses on the evening of this horrid tragedy, with tidings of it to General Clinch; but not hearing from him or them, we conclude they were cut off. We are also exceedingly anxious for the fate of the two companies (under Major Dade) which had been ordered up from Fort Brooke, and of whom we learn nothing."

Sir, this is the first letter of the disbursing agent, specially detached to furnish the supplies to the emigrating Indians. He arrives in the midst of treachery and murder; and his first letter is to announce to the Government the assassination of their agent, an officer of artillery, and five citizens; the assassination of two expresses, for they were both waylaid and murdered; and the massacre of one hundred and twelve men and officers under Major Dade. All this took place at once; and this was the beginning of the war. Up to that moment the Government of the United States were wholly employed in preparing the Indians for removal, recommending them to go, and using no force or violence upon them. This is the way the war was brought on; this is the way it began; and was there ever a case in which a Government was so loudly called upon to avenge the dead, to protect the living, and to cause itself to be respected by punishing the contemners of its power? The murder of the agent was a double offence, a peculiar outrage to the Government whose representative he was, and a violation even of the national law of savages. Agents are seldom murdered even by savages; and bound as every Government is to protect all its citizens, it is doubly bound to protect its agents and representatives abroad. Here, then, is a Government agent, and a military officer, five citizens, two expresses, and a detachment of one hundred and twelve men, in all one hundred and twenty-one persons, treacherously and inhumanly massacred in one day! and because General Jackson's administration did not submit to this horrid outrage, he is charged with the guilt of a war founded in fraud upon innocent and unoffending Indians! Such is the spirit of opposition to our own Government! such the love of Indians and contempt of whites! and such the mawkish sentimentality of the day in which we live—a sentimentality which goes moping and sorrowing about in behalf of imaginary wrongs to Indians and negroes, while the whites themselves are the subject of murder, robbery and defamation.

The prime mover in all this mischief, and the leading agent in the most atrocious scene of it, was a half blood Indian of little note before this time, and of no consequence in the councils of his tribe; for his name is not to be seen in the treaty either of Payne's Landing or Fort Gibson. We call him Powell; by his tribe he was called Osceola. He lead the attack in the massacre of the agent, and of those who were killed with him, in the afternoon of the 28th of December. The disbursing agent, whose letter has been read, in his account of that massacre, applies the epithet *traitor* to the name of this Powell. Well might he apply that epithet to that assassin; for he had just been fed and caressed by the very person whom he waylaid and murdered. He had come into the agency shortly before that time with seventy of his followers, professed his satisfaction with the treaty, his readiness to remove, and received subsistence and supplies for himself and all his party. The most friendly relations seemed to be established; and the doomed and deceived agent, in giving his account of it to the Government, says: "*The result was that we closed with the utmost good feeling; and I have never seen Powell and the other chiefs so cheerful and in so fine a humor, at the close of a discussion upon the subject of removal.*"

This is Powell, for whom all our sympathies are so pathetically invoked! a treacherous assassin, not only of our people, but of his own—for he it was who waylaid, and shot in the back, in the most cowardly manner, the brave chief *Charley Emarthla*, whom he dared not face, and whom he thus assassinated because he refused to join him and his runaway negroes in murdering the white people. The collector of Indian curiosities and portraits, Mr. Catlin, may be permitted to manufacture a hero out of this assassin, and to make a poetical scene of his imprisonment on Sullivan's island; but it will not do for an American Senator to take the same liberties with historical truth and our national character. Powell ought to have been hung for the assassination of General Thompson; and the

only fault of our officers is, that they did not hang him the moment they caught him. The fate of Arbuthnot and Ambrister was due to him a thousand times over.

I have now answered the accusation of the Senator from New Jersey, [Mr. SOUTHARD.] I have shown the origin of this war. I have shown that it originated in no fraud, no injustice, no violence, on the part of this Government, but in the thirst for blood and rapine on the part of these Indians, and in their confident belief that their swamps would be their protection against the pursuit of the whites; and that, emerging from these fastnesses to commit robbery and murder, and retiring to them to enjoy the fruits of their marauding expeditions, they had before them a long perspective of impunity in the enjoyment of their favorite occupation. This I have shown to be the cause of the war; and having vindicated the Administration and the country from the injustice of the imputation cast upon them, I proceed to answer some things said by a Senator from South Carolina, [Mr. PRESTON,] which tended to disparage the troops generally which have been employed in Florida; to disparage a particular general officer, and also to accuse that general officer of a particular and specified offence. That Senator has decried our troops in Florida for the general inefficiency of their operations; he has decried General Jesup for the general imbecility of his operations, and he has charged this General with the violation of a flag, and the commission of a perfidious act, in detaining and imprisoning the Indian Powell, who came into his camp. I think there is great error and great injustice in all these imputations, and that it is right for some Senator on this floor to answer them. My position, as chairman of the Committee on Military Affairs, would seem to assign that duty to me; and it may be the reason why others who have spoken have omitted all reply on these points. Be that as it may, I feel impelled to say something in behalf of those who are absent, and cannot speak for themselves—those who must always feel the wound of unmerited censure; and must feel it more keenly when the blow that inflicts the wound falls from the elevated theatre of the American Senate. So far as the army, generally, is concerned in this censure, I might leave them where they have been placed by the Senator from South Carolina, and others on that side of the House, if I could limit myself to acting a political part here. The army, as a body, is no friend of the political party to which I belong. Individuals among them are friendly to the Administration; but, as a body, they go for the Opposition, and would terminate our political existence, and put our opponents in our place, at the first general election that intervenes. As a politician, then, I might abandon them to the care of their political friends; but, as an American, as a Senator, and as having had some connection with the military profession, I feel myself called upon to dissent from the opinion which has been expressed, and to give my reasons for believing that the army has not suffered, or ought not to suffer, by the events in Florida. True, our officers and soldiers have not performed the same feats there which they performed in Canada, and elsewhere. But why? Certainly because they have not got the same, or an equivalent, theatre to act upon, nor an enemy to cope with over whom brilliant victories can be obtained. The peninsula of Florida, where this war rages, is sprinkled all over with swamps, hammocks, and lagoons, believed for three hundred years to be impervious to the white man's tread. The theatre of war is of great extent, stretching over six parallels of latitude; all of it in the sultry region below thirty-one degrees of north latitude. The extremity of this peninsula approaches the tropic of capricorn; and at this moment, while we speak here, the soldier under arms at midday there will cast no shadow: a vertical sun darts its fiery rays direct upon the crown of his head. Suffocating heat oppresses the frame; annoying insects sting the body; burning sands, a spongy morass, and the sharp cutting saw grass, receive the feet and legs; disease follows the summer's exertion; and a dense foliage covers the foe. Eight months in the year military exertions are impossible; during four months only can any thing be done. The Indians well understand this; and, during these four months, either give, or receive an attack as they please, or endeavor to consume the season in wiley parleys. The possibility of splendid military exploits does not exist in such a country, and against such a foe: but there is room there, and ample room there, for the exhibition of the highest qualities of the soldier. There is room there for patience, and for fortitude, under every variety of suffering, and under every form of privation. There is room there for courage and discipline to exhibit itself against perils and trials which subject courage and discipline to the severest tests. And has there been any failure of patience, fortitude, courage, discipline, and subordination in all this war? Where is the instance in which the men have revolted against their officers, or in which the officer has deserted his men? Where is the instance of a flight in battle? Where the instance of orders disobeyed, ranks broken, or confusion of corps? On the contrary, we have constantly seen the steadiness, and the discipline, of the parade maintained under every danger, and in the presence of massacre itself. Officers and men have fought it out where they were told to fight; they have been killed in the tracks in which they were told to stand. None of those pitiable scenes of which all our Indian wars have shown some—those harrowing scenes in which the helpless prisoner, or the hapless fugitive, is massacred without pity, and without resistance; none of these have been seen. Many have perished; but it was the death of the combatant in arms, and not of the captive or the fugitive. In no one of our savage wars have our troops so stood together, and conquered together, and died together, as they have done in this one; and this standing together is the test of the soldier's character. Steadiness, subordination, courage, discipline; these are the test of the soldier; and in no instance have our troops, or any troops, ever evinced the possession of these qualities in a higher degree than during the campaigns in Florida. While, then, brilliant victories may not have been seen, and in fact were impossible, yet the highest qualities of good soldiership have been eminently displayed throughout this war. Courage and discipline have shown themselves, throughout all its stages, in their noblest forms.

From the general imputation of inefficiency in our operations in Florida, the Senator from South Carolina [Mr. PRESTON] comes to a particular commander, and charges inefficiency specifically upon him. This commander is General Jesup. The Senator from South Carolina has been lavish, and even profuse, in his denunciation of that General, and has gone so far as to talk about military courts of inquiry. Leaving the General open to all such inquiry, and thoroughly convinced that the Senator from South Carolina has no idea of moving such inquiry, and intends to rest the effect of his denunciation upon its delivery here, I shall proceed to answer him here—giving speech for speech on this floor, and leaving the General himself to reply when it comes to that threatened inquiry, which I undertake to affirm will never be moved.

General Jesup is charged with imbecility and inefficiency; the continuance of the war is imputed to his incapacity; and he is held up here, on the floor of the Senate, to public reprehension for these imputed delinquencies. This is the accusation; and now let us see with how much truth and justice it is made. Happily for General Jesup, this happens to be a case in which we have data to go upon, and in which there are authentic materials for comparing the operations of himself with those of other Generals—his predecessors in the same field—with whose success the Senator from South Carolina is entirely satisfied. Dates and figures furnish this data and these materials; and after refreshing the memory of the Senate with a few dates, I will proceed to the answers which the facts of the case supply. The first date is, as to the time of the commencement of this war; the second, as to the time that General Jesup assumed the command; the third, as to the time when he was relieved from the command. On the first point, it will be recollected that the war broke out upon the assassination of General Thompson, the agent; Lieut. Smith, who was with him; the suttler and his clerks; the murder of the two expresses; and the massacre of Major Dade's command; events which came together in point of time, and compelled an immediate resort to war by the United States. These assassinations, these murders, and this massacre, took place on the 28th day of December, 1835. The commencement of the war then dates from that day. The next point is, the time of General Jesup's appointment to the command. This occurred in December, 1836. The third point is, the date of General Jesup's relief from the command, and this took place in May, of the present year, 1838. The war has then continued, counting to the present time, two years and a half; and of that period, General Jesup has had command something less than one year and a half. Other Generals had command for a year before he was appointed in that quarter. Now, how much had those other Generals done? All put together, how much had they done? And I ask this question not to disparage their meritorious exertions, but to obtain data for the vindication of the officer now assailed. The Senator from South Carolina is satisfied with the operations of the previous commanders; now let him see how the operations of the officer whom he assails will compare with the operations of those who are honored with his approbation.

The Senate will recollect that, early in the present session, a Senator from Massachusetts [Mr. DAVIS] made a very detailed call upon the Secretary at War, for information upon all the events of the Florida war; and that an answer, fully commensurate with the call, was duly returned. That answer was printed by the order of the Senate, and constitutes No. 226 of our Executive documents. One of the inquiries contained in the call was, as to the number of the killed, wounded, and prisoners by our arms during this war? To that call I find this response in the answer of the Secretary:

"*From the commencement of Indian hostilities in Florida, in December, 1835, inclusive of November, 1836, it is seen that the number of Indians reported to have been killed, is* 131; *the number of Indians, women, children, and negroes taken prisoners within the same period,* 15."

This statement, it will be perceived, comes down to the exact period at which General Jesup took the command, namely, December, 1836; the totality of the killed to that day was 131; the totality of the prisoners 15; making an aggregate of 146. Now we will see the result of General Jesup's operations. These amount to two thousand two hundred prisoners! and the killed may amount to seventy or eighty. Such are the comparative results. In prisoners, 2,200 against 15; in killed, about half as many under General Jesup as under his predecessors. Putting the totals of killed and prisoners together, and it will be 2,270 against 146; a difference of fifteen to one in favor of General Jesup!

Sir, I disparage nobody. I make no exhibit of comparative results to undervalue the operations of the previous commanders in Florida. I know the difficulty of miliary operations there, and the ease of criticism here. I never assailed those previous commanders; on the contrary, often pointed out the nature of the theatre on which they operated as a cause for the miscarriage of expeditions, and for the want of brilliant and decisive results. Now for the first time I refer to the point, and, not to disparage others, but to vindicate the officer assailed His vindication is found in the comparison of results between himself and his predecessors, and in the approbation of the Senator from South Carolina of the results under the predecessors of General Jesup. Satisfied with *them*, he must be satisfied with *him;* for the difference is as fifteen to one in favor of the decried General.

Besides the general denunciation for inefficiency, which the Senator from South Carolina has lavished upon General Jesup, and which denunciation has so completely received its answer in this comparative statement; besides this general denunciation, the Senator from South Carolina brought forward a specific accusation against the honor of the same officer—an accusation of perfidy, and of a violation of flag of truce, in the seizure and detention of the Indian Powell, who had come into his camp. On the part of General Jesup, I repel this accusation, and declare his

whole conduct in relation to Powell to have been *justifiable*, under the laws of civilized or savage warfare; that it was *expedient* in point of policy; and that if any blame could attach to the General, it would be for the contrary of that with which he is blamed; it would be for an excess of forbearance and indulgence.

The justification of the General for the seizure and detention of this half-breed Indian, is the first point; and that rests upon several and distinct grounds, either of which fully justifies the act.

1. *This Powell had broken his parole; and therefore, was liable to be seized and detained.*

The facts were these: In the month of May, 1837, this Powell, with his followers, went into Fort Mellon, under the cover of a white flag, and there surrendered to Lieutenant Colonel Harney. He declared himself done with the war, and ready to emigrate to the west of the Mississippi, and solicited subsistence and transportation for himself and his people for that purpose. Lieutenant Colonel Harney received him, supplied him with provisions, and, relying upon his word and apparent sincerity, instead of sending him under guard, took his parole to go to Tampa Bay, the place at which he preferred to embark, to take shipping there for the West. Supplied with every thing, Powell and his people left Fort Mellon, under the pledge to go to Tampa Bay. He never went there! but returned to the hostiles; and it was afterwards ascertained that he never had any idea of going West, but merely wished to live well for a while at the expense of the whites, examine their strength and position, and return to his work of blood and pillage. After this, he had the audacity to approach General Jesup's camp in October of the same year, with another piece of white cloth over his head, thinking, after his successful treacheries to the agent, General Thompson, and Lieutenant Colonel Harney, that there was no end to his tricks upon white people. General Jesup ordered him to be seized and carried a prisoner to Sullivan's Island, where he was treated with the greatest humanity, and allowed every possible indulgence and gratification. This is one of the reasons in justification of General Jesup's conduct to that Indian, and it is sufficient of itself; but there are others, and they shall be stated.

2. *Powell had violated an order in coming in, with a view to return to the hostiles; and, therefore, was liable to be detained.*

The facts were these: Many Indians, at different times, had come in under the pretext of a determination to emigrate; and after receiving supplies, and viewing the strength and position of the troops, returned again to the hostiles, and carried on the war with renewed vigor. This had been done repeatedly. It was making a mockery of the white flag, and subjecting our officers to ridicule as well as to danger. General Jesup resolved to put an end to these treacherous and dangerous visits, by which spies and enemies obtained access to the bosom of his camp. He made known to the chief, Coi Hadjo, his determination to that effect. In August, 1837, he declared peremptorily to this chief, for the information of all the Indians, that none were to come in, except to remain, and to emigrate; that no one coming into his camp again should be allowed to go out of it, but should be considered as having surrendered with a view to emigrate under the treaty, and should be detained for that purpose. In October, Powell came in, in violation of that order, and was detained in compliance with it. This is a second reason for the justification of General Jesup, and is of itself sufficient to justify him; but there is more justification yet, and I will state it.

3. *Powell had broken a truce, and, therefore, was liable to be detained whenever he could be taken.*

The facts were these: The hostile chiefs entered into an agreement for a truce at Fort King, in August, 1837, and agreed: 1. Not to commit any act of hostility upon the whites; 2. Not to go east of the St. Johns river, or north of Fort Mellon. This truce was broken by the Indians in both points. A citizen was killed by them, and they passed both to the east of the St. Johns and far north of Fort Mellon. As violators of this truce, General Jesup had a right to detain any of the hostiles which came into his hands, and Powell was one of these.

Here, sir, are three grounds of justification, either of them sufficient to justify the conduct of General Jesup towards Powell. The first of the three reasons applies personally and exclusively to that half breed; the other two apply to all the hostile Indians, and justify the seizure and detention of others, who have been sent to the West.

So much for justification; now for the expediency of having detained this Indian Powell. I hold it was expedient to exercise the right of detaining him, and prove this expediency by reasons both *a priori* and *a posteriori*. His previous treachery and crimes, and his well known disposition for further treachery and crimes, made it right for the officers of the United States to avail themselves of the first justifiable occasion to put an end to his depredations by confining his person until the war was over, This is a reason *a priori*. The reason *a posteriori* is, that it has turned out right; it has operated well upon the mass of the Indians, between eighteen and nineteen hundred of which, negroes inclusive, have since surrendered to Gen. Jesup. This, sir, is a fact which contains an argument which overturns all that can be said on this floor against the detention of Powell. The Indians themselves do not view that act as perfidious or dishonorable, or the violation of a flag, or even the act of an enemy. They do not condemn General Jesup on account of it, but no doubt respect him the more for refusing to be made the dupe of a treacherous artifice. A bit of white linen, stripped, perhaps from the body of a murdered child, or its murdered mother, was no longer to cover the insidious visits of spies and enemies. A firm and manly course was taken, and the effect was good upon the minds of the Indians. The number since surrendered is proof of its effect upon their minds; and this proof should put to blush the lamentations which are here set up for Powell, and the censure thrown upon General Jesup.

No, sir, no. General Jesup has been guilty of no perfidy, no fraud, no violation of flags. He has done nothing to stain his own character, or to dishonor the flag of the United States. If he has erred, it has been on the side of humanity, generosity, and forbearance to the Indians. If he has erred, as some suppose, in losing time to parley with the Indians, that error has been on the side of humanity, and of confidence in them. But has he erred? Has his policy been erroneous? Has the country been a loser by his policy? To all these questions, let results give the answer. Let the twenty-two hundred Indians, abstracted from the hostile ranks by his measures, be put in contrast with the two hundred, or less, killed and taken by his predecessors. Let these results be compared; and let this comparison answer the question whether, in point of fact, there has been any error, even a mistake of judgment, in his mode of conducting the war.

The Senator from South Carolina [Mr. PRESTON] complains of the length of time which General Jesup has consumed without bringing the war to a close. Here, again, the chapter of comparisons must be resorted to in order to obtain the answer which justice requires. How long, I pray you, was General Jesup in command? from December, 1836, to May, 1838; nominally he was near a year and a half in command; in reality not one year, for the summer months admit of no military operations in that peninsula. His predecessors commanded from December, 1836, to December, 1836; a term wanting but a few months of as long a period as the command of General Jesup lasted. Sir, there is nothing in the length of time which this general commanded, to furnish matter for disadvantageous comparisons to him; but the contrary. He reduced the hostiles about one-half in a year and a half; they reduced them about the one-twentieth in a year. The whole number was about 5,000; General Jesup diminished their numbers, during his command, 2,200; the other generals had reduced them about 150. At the rate he proceeded, the work would be finished in about three years; at the rate they proceeded, in about twenty years. Yet he is to be censured here for the length of time consumed without bringing the war to a close. He, and he alone, is selected for censure. Sir, I dislike these comparisons; it is a disagreeable task for me to make them; but I am driven to it, and mean no disparagement to others. The violence with which General Jesup is assailed here—the comparisons to which he has been subjected in order to degrade him—leave me no alternative but to abandon a meritorious officer to unmerited censure, or to defend him in the same manner in which he has been assailed.

The Senator from South Carolina speaks of the large force which was committed to General Jesup, and the little that was effected with that force. Is the Senator aware of the extent of the country over which his operations extended? that it extended from 31 to 25 degrees of north latitude? that it began in the Okefenokee swamp in Georgia, and stretched to the Everglades in Florida? that it was near five hundred miles in length in a straight line, and the whole sprinkled over with swamps, one of which alone was equal in length to the distance between Washington City and Philadelphia? But it was not extent of country alone, with its fastnesses, its climate, and its wily foe, that had to be contended with; a new element of opposition was encountered by General Jesup, in the poisonous information which was conveyed to the Indians' minds, which encouraged them to hold out, and of which he had not even knowledge for a long time. This was the quantity of false information which was conveyed to the Indians, to stimulate and encourage their resistance. General Jesup took command just after the Presidential election of 1836. The Indians were informed of this change of Presidents, and were taught to believe that the white people had *broke* General Jackson—that was the phrase—had *broke* General Jackson for making war upon them. They were also informed that General Jesup was carrying on the war without the leave of Congress; that Congress would give no more money to raise soldiers to fight them; and that he dared not come home to Congress. Yes, he dared not come home to Congress! These poor Indians seem to have been informed of intended movements against the General in Congress, and to have relied upon them both to stop supplies and to punish the General. Moreover, they were told, that, if they surrendered to emigrate, they would receive the worst treatment on the way; that, if a child cried, it would be thrown overboard; if a chief gave offence, he would be put in irons. Who the immediate informants of all these fine stories were, cannot be exactly ascertained. They doubtless originated with that mass of fanatics, devoured by a morbid sensibility for negroes and Indians, which are now *Don Quixotting* over the land, and filling the public ear with so many sympathetic tales of their own fabrication. The Cherokees who went among the Seminoles are reported to have encouraged them to remain in the country, though to cease fighting.

These false and poisonous reports, sent among the Indians, greatly increased the difficulties of General Jesup. They encouraged them to hold out, and poisoned their minds against him personally. Under all these disadvantages, it is wonderful that he did so much; especially that he succeeded so well in gaining their confidence, and inducing so large a number of them to come in. The hostiles were computed at five thousand souls at the commencement of the war; near one-half of them have been withdrawn from the war by the measures of General Jesup. The negroes, whose influence was so great among the Indians, and whose ferocity was so implacable against the whites, have nearly all surrendered. They were computed at 4 or 500 at the breaking out of the war; not 40 now remain; and thus this most insidious, dangerous, and ferocious part of the enemy—that portion to which, and to Powell, we are indebted for the war—are now reduced to nothing, and their weight no longer to be dreaded or felt. I repeat: General Jesup has withdrawn nearly one-half of the whole number of Indians from the hostile ranks; let any other commander do as much, and the peninsula is cleared of all its enemies.

The essential policy of General Jesup has been to induce the Indians to come in—to surrender—and to emigrate under the treaty. This has been his main, but not his exclusive, policy; military

operations have been combined with it; many skirmishes and actions have been fought since he had command; and it is remarkable that this General, who has been so much assailed on this floor, is the only commander-in-chief in Florida who has been wounded in battle at the head of his command. His person marked with the scars of wounds received in Canada during the late war with Great Britain, has also been struck by a bullet, in the face, in the peninsula of Florida; yet these wounds—the services in the late war with Great Britain—the removal of upwards of 16,000 Creek Indians from Alabama and Georgia to the West, during the summer of 1836—and more than twenty-five years of honorable employment in the public service—all these combined, and an unsullied private character into the bargain, have not been able to protect the feelings of this officer from laceration on this floor. Have not been sufficient to protect his feelings! for, as to his character that is untouched. The base accusation—the vague denunciation—the offensive epithets employed here, may lacerate feelings, but they do not reach character; and as to the military inquiry, which the Senator from South Carolina speaks of, I undertake to say that no such inquiry will ever take place. Congress, or either branch of Congress, can order an inquiry if it pleases; but before it orders an inquiry, *a probable cause has to be shown for it;* and that probable cause never has been, and never will be, shown in General Jesup's case.

The expenses of this war is another head of attack pressed into this debate, and directed more against the Administration than against the Commanding General. It is said to have cost twenty millions of dollars; but that is an error—an error of near one half. An actual return of all expenses up to February last, amounts to nine and a half millions; the rest of the twenty millions go to the suppression of hostilities in other places, and with other Indians, principally in Georgia and Alabama, and with the Cherokees and Creeks. Sir, this charge of expense seems to be a standing head with the Opposition at present. Every speech gives us a dish of it; and the expenditures under General Jackson and Mr. Van Buren are constantly put in contrast with those of previous Administrations. Granted that these expenditures are larger—that they are greatly increased; yet what are they increased for? Are they increased for the personal expenses of the officers of the Government, or for great national objects? The increase is for great objects; such as the extinction of Indian titles in the States east of the Mississippi—the removal of whole nations of Indians to the west of the Mississippi—their subsistence for a year after they arrive there—actual wars with some tribes—the fear of it with others, and the consequent continual calls for militia and volunteers to preserve peace—large expenditures for the permanent defences of the country, both by land and water, with a pension list forever increasing; and other heads of expenditure which are for future national benefit, and not for present individual enjoyment. Stripped of all these heads of expenditure, and the expenses of the present Administration have nothing to fear from a comparison with other periods. Stated in the gross, as is usually done, and many ignorant people are deceived and imposed upon, and believe that there has been a great waste of public money; pursued into the detail, and these expenditures will be found to have been made for great national objects—objects which no man would have undone, to get back the money, even if it was possible to get back the money by undoing the objects. No one, for example, would be willing to bring back the Creeks, the Cherokees, the Choctaws, and Chickasaws into Alabama, Mississippi, Georgia, Tennessee and North Carolina, even if the tens of millions which it has cost to remove them could be got back by that means; and so of the other expenditures; yet these eternal croakers about expense are blaming the Government for these expenditures.

Sir, I have gone over the answers which I proposed to make to the accusations of the Senators from New Jersey and South Carolina. I have shown them to be totally mistaken in all their assumptions and imputations. I have shown that there was no fraud upon the Indians in the treaty at Fort Gibson—that the identical chiefs who made that treaty have since been the hostile chiefs—that the assassination and massacre of an agent, two Government expresses, an artillery officer, five citizens, and the 112 men of Major Dade's command, caused the war—that our troops are not subject to censure for inefficiency—that General Jesup has been wrongfully denounced upon this floor—and that even the expense of the Florida war, resting as it does in figures and in documents, has been vastly overstated to produce effect upon the public mind. All these things I have shown; and I conclude with saying that cost, and time, and loss of men, are all out of the question; that, for outrages so wanton and so horrible as those which occasioned this war, the national honor requires the most ample amends, and the national safety requires a future guarantee in prosecuting this war to a successful close, and completely clearing the peninsula of Florida of all the Indians that are upon it.

SUPPRESSION OF INDIAN HOSTILITIES.

SPEECH OF MR. TURNEY,
OF TENNESSEE,

In the House of Representatives, May 31, and June 1, 1838—In Committee of the Whole, on the bill to suppress Indian hostilities.

Mr. TURNEY addressed the committee as follows:

Mr. Chairman: Personally, I entertain for my colleague [Mr. BELL] good feelings; but differing from him in politics, and having heard him repeatedly denounce on this floor the party, its principles, and its motives, of which I am a humble member, and having read, with astonishment, a speech delivered by him in the city of Hartford, State of Connecticut, in which he denounced both the men and measures which he had heretofore professed to support with zeal and devotion, and being the only member from my State of the party to which I belong who is in a situation and in the habit of participating in debates, it would, under these circumstances, be criminal in me longer to remain silent. I shall, therefore, proceed to discuss the bill under consideration, and shall speak of men and measures as truth may authorize or duty demand.

My colleague, in his introductory remarks, complains that one portion of the members of this House (meaning, I suppose, the friends of the Administration) are, or were, prepared to vote on this measure without discussion; that they had not examined the subject; had formed no opinions of their own, but were voting on the confidence which they had in the Executive who recommended it; and that this party was unwilling to afford the Opposition time to examine the subject, and to form opinions to enable them to act understandingly. Sir, I deny the truth of this assertion. I do not know by what rule my colleague acted while he was in the ranks of the Administration. He may have acted then as he now charges others with doing—of giving to the Executive recommendations his support, without any opinion of their correctness, merely because they had been recommended. This is not the course which the friends of the Administration are pursuing. They, sir, so far as I have any knowledge, have examined the different subjects of legislation for themselves, and act upon their own judgments and opinions of their respective merits. But my colleague [Mr. BELL] complains of this party for attempting to hurry this measure through, without giving to the Opposition time and opportunity of examining the subject, and forming their opinions on the merits of the measure. The Opposition have had the same time and opportunity for preparation, that the friends of the Administration have had to qualify themselves to act understandingly on the subject; but this was not, in fact, the true cause of complaint. They are not only prepared to vote, but were prepared to rise in their places, and make long speeches for the purpose of informing others how to act. Sir, the truth is, and it is useless to attempt to disguise it, that the Opposition desired and were determined to consume the public time by making long speeches, not on the merits of the bill, but to abuse the present and late Administrations for party purposes and political effect.

Mr. Chairman, my colleague complains of the discretionary power conferred on the President of the United States by the Indian treaties, and charges the late President not only with a great dereliction of duty, but with usurpation of power in the discharge of his duties in the execution of them. He charges, for party and political purposes, that he had appointed unworthy agents, who were not qualified to discharge the duties confided to them, and who had used their appointments for the purpose of speculating on the Indians, and that these were the causes which led to and produced the Creek and Florida wars. These charges will be noticed in their order; but before proceeding to do so, I will bestow a few moments to the consideration of the remedy which my colleague, as chairmain of the Committee on Indian Affairs, had proposed on the 1st July, 1836. Here Mr. T. read from the journal:

"Mr. BELL, from the Committee on Indian Affairs, reported the following:

"*Resolved*, That the Committee on Indian Affairs have power to sit in the recess of Congress, for the purpose of completing the investigation directed by the resolution of this House of the 15th of January last, and that any two or more of them, under the direction of the committee, be authorized to take testimony in relation to the same."

It is the duty of the President of the United States, under the Constitution and laws, to see that these treaties were faithfully executed; and to show that the President had, in the discharge of this duty promptly and efficiently, on the first intimation he had of frauds having been perpetrated on the Indians, I will read to the House the remarks of the gentleman from Georgia, [Mr. GRANTLAND] which were made when this resolution was undergoing consideration and discussion in this House.

"Mr. GRANTLAND said that the Georgia delegation concurred fully in all that had been said by the gentleman from Alabama, as to the disposition evinced by the President and the Secretary of War to have a strict investigation of the frauds alleged to have been committed in certifying contracts for Creek Indian lands. At the suggestion, and on the recommendation, of the Georgia delegation, two additional commissioners, gentlemen of high character, were appointed several months ago to aid Colonel Hogan in bringing that investigation to a speedy close. While that investigation was in progress, it was arrested by the commencement of Indian hostility."

From these remarks, sir, it appears that the President had, upon the advice and recommendation of the Georgia delegation, some months previous to that time, appointed two gentlemen of high character for integrity and patriotism, of undoubted capacity and qualifications, to act as commissioners, in addition to those who had been previously appointed to investigate the alleged frauds. What more could he have done? If this was done, and none pretend to deny it, I would like to be informed of the necessity or utility of this House sending a committee of politicians to the State of Alabama to investigate Indian frauds. Was it to be expected that a committee, coming, as they did, from the different States in the Union, and who were unacquainted both with the Indians and the people of the South, where, and by whom it was alleged these frauds had been committed, could be better, or half so well qualified, to discharge this duty as gentlemen raised in the vicinity, and who were well and intimately acquainted not only with the whites and Indians, by and between whom the contracts and dealings had taken place, and those frauds had been perpetrated, but who had a knowledge of the nature and character of these dealings, and the persons by whom the facts could be proven? For the purpose of showing to the committee the opinions entertained, at least by a portion of the members of this House, when this resolution was reported by the chairman of the Committee on Indian Affairs, I will read an extract from the speech then delivered by an honorable gentleman from Indiana, [Mr. BOON] who is now a member of this House

"Mr. BOON said that he had entire confidence in the President, and he had no doubt but what every exertion would be made by the President to probe this matter to the bottom; and if fraud shall be found to exist, have the guilty punished. Sir, said Mr. B. I am one of those who never feared responsibility on my part; and as one of the representatives of the people I am willing to bear my share of responsibility in voting against the appointment of a committee on the part of this House, to travel through the country to electioneer from now until the

next annual meeting of Congress, at eight dollars per day, and eight dollars for every twenty miles' travel. Mr. Speaker, I will not detain the House at this late period of the session, but I felt myself called upon to say thus much by way of offset to some of the many charges that have been made against the Administration and its friends."

From a full view of this subject, I have come to the conclusion that the case supposed by the gentleman from Indiana [Mr. BOON] was the real object of the committee. For I cannot for a moment believe that the House desired to send a committee of some eight or nine members to the State of Alabama, at an expense to the Government of eight dollars per day, and the like sum for every twenty miles each travelled in his tour during the recess of Congress, in going to and returning from the place where these investigations were progressing under the commissioners appointed by the President. Was it designed that this committee should superintend and overlook the movements and conduct of the commissioners? or was not the secret object the one which was suggested by the gentleman from Indiana, [Mr. BOON]?

I will now notice the charge made by my colleague [Mr. BELL] against the late President of the United States, of appointing, for party and political purposes, unworthy agents. Is this charge *true*? Who was the unworthy agent, and what party or political object was to be effected by his appointment? On this subject, my colleague is as silent as the grave. He will not afford to the friends of the late President an opportunity of disproving this charge. But upon whom does the labor rest? Who makes the charge? Who holds the affirmative? My colleague makes it. He charges misconduct and corruptions on the late President in certain official acts; which, if true, are susceptible of positive, and direct proof; but, if untrue, cannot be negatived by proof. Where then is the evidence to justify this grave charge? None has been afforded. Does it exist in his imagination, or has it any foundation in fact? Let us for a few moments investigate it. My colleague is the last member on this floor who should make such a charge. He ought to recollect that he now is, and has been, at the head of the Committee on Indian Affairs for many years, and during almost the entire Administration of General Jackson, and as such, it was his particular and especial duty to investigate and report to the Houses every thing connected with the execution of the treaties, or touching the interest of this nation or the interest of the Indians in any way connected with the treaties, or our relations to the Indians. But no such report has been made; and if this charge was known to be true, he was himself guilty of a much greater dereliction of duty for not bringing the subject properly before the House in some tangible form. But, again: my colleague was examined as a witness before a celebrated select committee of this House, and he was particularly interrogated as to any frauds in the Executive Departments; and if this charge was true, why did he not disclose it when called on, and sworn to tell the *whole truth*? Sir, the fact of his failing to disclose it, is evidence conclusive that the charge has no foundation, or that he failed to tell the whole truth, as he was sworn to do. From these facts, and others which I could name, I am well satisfied that this charge has no foundation in truth. But my colleague inquires, with an air of triumph, how it is that one Indian could personate another? I will tell him how I suppose it was done. A certifying agent was appointed by the President, and sent there for the purpose of certifying to the Government the sales of Indian reservations made to the whites. This agent was furnished, I suppose, with a list of reservations. He, in fact, did not, nor could it be expected that he should, personally know all the Indians who were entitled to reservations under the treaty, an Indian would present himself to the agent, claiming to be entitled to a reservation, assuming the name of another. He bringing another with him to identify himself as the reservee, the agent never having seen him before, takes it for granted that he is the reservee. The sale is made, the deed signed and certified, and they retire; and others come in throughout the day, so that it is impossible for the agent to be able to recognise and identify the Indians afterwards. And as to the frauds in paying the money in the presence of the agent, and taking it back after they have left his office, this was a species of fraud that the agent could not, nor was it expected that he would, prevent. He had protected the Indian, so far as to see that he received a full and fair price for his land, and that the money was in fact paid to him; and there his duty and power were at an end, after which the Indian could do as he pleased with the money.

I next propose to consider the amendment offered by my colleague. This amendment proposes, first, to divert two millions of the sum in the bill from the objects therein specified, and to place it in the power of the President to use it in negotiating a new treaty with the Indians. If this amendment be adopted, it will be in effect to open the present treaty, and to authorize the making a new one. To this I am decidedly opposed. In my opinion, the best policy to be adopted to induce the Indians to remove in peace to their new homes, would be to adopt an amendment to this bill, providing that all extraordinary expenses in the execution of this treaty, produced by either their hostile movements, or obstinate refusal to execute it according to its letter and spirit, should be deducted from the five millions six hundred thousand dollars agreed to be given them for their lands. This would make it their interest to remove in peace. I am opposed to the policy of paying them for their friendship. I am willing, on all occasions, to act justly and liberally towards them; but at the same time, I would let them know that they were expected to act in good faith, and to comply with their stipulations with the Government. For what purpose was it proposed to give them this two millions, in addition to the five millions six hundred thousand dollars, given in the treaty? Is it offered simply as a bribe to remove in peace? And if so, what assurance have you that they will do so after they receive the two millions more than you now have? None. This amendment, therefore, cannot be productive of any possible advantage; and for one, I would never consent to tax the laboring white man, to raise money to give to the lazy, thieving, and murderous savage. Congress has no power to do so. In view of the Constitution, Congress has no power to levy and collect taxes but for the purpose of raising a revenue to meet the legitimate wants of the Government. Any other construction would be conferring on Congress unlimited powers of taxation.

Again, sir: my colleague says that Tennessee held back and would have permitted the Indians to have remained there unmolested forever. In this I think he is much mistaken. As early as 1829, a bill was introduced by Mr. CARTER in the Tennessee Legislature, extending the laws of that State over that portion of the Cherokee nation which was within the limits of the State.

[Here Mr. TURNEY was interrupted by Mr. CARTER, who said that he introduced the bill referred to by Mr. TURNEY; but after he had done so, he examined the Cherokee treaties, and came to the conclusion that the Legislature had no power to enact the law. That he was by no means certain, but was impressed with the belief that Mr. T. then entertained the opinion that the Legislature had no power to extend the laws over the Cherokee territory.]

Mr. TURNEY resumed. The gentleman is grossly mistaken in relation to my opinions; on the contrary, I have expressed my opinion in favor of the power of the State, as early as 1826 or 1827. The reason why the bill introduced by Mr. CARTER was not passed into a law, was, that Gen. Jackson had, but a short time previously, been elected President of the United States, and it was believed, by his friends in the Legislature, to be impolitic for Tennessee to take the lead on that subject, thereby seeming to dictate to the President the course of policy he ought to pursue on this important subject, but that it would be more more modest and respectful for the State to await the action of other States equally interested, and accordingly the bill was never acted on. But at the next session of the Legislature, which was in 1831, and which was four or five years before this treaty was made, the Legislature of Tennessee did extend her laws over that portion of the Indian nation lying within her chartered limits. Knowing as I do the anxious desire of the great mass of the people of the State to acquire the immediate possession of this country, I would be recreant to my constituents were I not to insist upon the prompt execution of the treaty, by the immediate removal of the Indians west of the Mississippi river.

Mr. Chairman, my colleague has told us that this Indian policy involves issues of vital importance. Sir, if he had said that the opposition to this policy involved issues of vital importance to this Government, and to the stability of the Union, I would agree with him. This opposition to the late and present Administrations, of removing the Indians west of the Mississippi river, and of executing in good faith the treaties which have been fairly and *bona fide* entered into with them, by which at least two prices had been paid for their land, has something more in it than a mere desire to do justice to the Indians. Yes, sir, this opposition, when well understood, will be found to be nothing more nor less than a branch of Abolitionism in disguise, which I will prove by documentary evidence, if the committee will give me their attention for a short time. Your table is crowded with petitions praying a rescision of the Cherokee treaty. From what quarter of the Union do these petitions emanate? Do they come from the States where the Indians are situated, and from citizens who are acquainted with their wants and conditions? No, sir: they come not only from the Abolition States, but are printed by Abolition presses; are signed and sent here by Abolitionists themselves. These are the men, women and children who are praying in behalf of the Indians for the rescinding of the treaty. I will now read from a pamphlet which has been laid on our tables, the title of which is, "The Sixth Annual Report of the Board of Managers of the Massachusetts *Anti-Slavery Society*." Speaking of the Indians, the author says:

"It may be safely affirmed that the war now waging by this nation against the Indians, has an aggravation of guilt on our part scarcely equalled by any tribe or nation in any age or clime since the first murderer slew his brother Abel. The recital of their wrongs and sufferings which they are now experiencing, and have been called to endure within the last five years, (a recital not from their own lips, but by those who are engaged in their expulsion or extermination,) is soul harrowing. The primary object of the *South*, through the instrumentality of the General Government, is doubly atrocious: first, to get forcible possession of their lands; and next, upon those lands to establish slavery, with all woes and horrors."

I read this for the purpose of showing that the removal of the Indians west of the Mississippi river was opposed by the same set of people who, under the false and pretended garb of religion, were straining every nerve for the nefarious purpose of exciting the slaves of the South to insurrection and bloodshed. Why all this apparent sympathy in behalf of the Indians? Is it because they murder the women and children on our Southern frontier? Or is it because they think that they would be important allies to the slaves in the event of their rebellion against the whites? Or is it because they desire to reward the Cherokees for their treachery in Florida, when they went there under the pretence of friendship, and for the laudable purpose of advising the Seminoles to peace, but secretly advised them to fight on; and told them if they would not surrender until the close of the then campaign, that the war would be over, as Congress would not make another appropriation for its prosecution? These questions I will leave for my colleague and others, who advocate the cause of the Indians against their own Government, to answer. But sir, there is something more in this damning heresy than is seen at the first blush. It is not only the Northern fanatics that we have to combat with, but I will charge here, in my place, that this was a mere party question. The Federal party, or at least the Northern portion of them, have united themselves to, and are now making common cause with, the Abolitionists. In truth, and in fact, Abolition forms one of the main and leading principles in the political creed of the Federal party. I will prove it. At an early period of the present session, we were excessively annoyed with the numerous petitions which were introduced on this subject, and the inflammatory and highly exciting debate which was commenced; to suppress which, and to

prevent any further legislative action on the subject, an honorable gentleman from Virginia, not now a member of this House, [Mr. PATTON,] offered a resolution, the object and provisions of which were well understood by this House and by the country. On the passage of the resolution, there was not a member opposed to the late and present Administrations from a free State who voted for it. Was this the work of party, or was it fanaticism? If it was not the effect of party spirit and party discipline, it was strange that this fanatical enthusiasm should be confined alone to a set of gentlemen who entertained certain political opinions. Why did it not infuse itself among the Democrats from the same States? But this is not all. This irritating and exciting question was before the Legislature of the State of New York, and in that body the two great parties of this nation were divided, and the newspapers inform us that it was strictly a party vote in both houses; the opponents of the present Administration voting in favor of Abolition, and the friends of the Administration against it. *In the House, where the Opposition had the majority, the resolutions passed; in the Senate, where the Administration had the majority, they were rejected.* This has very much the appearance of party spirit and party action, for the purpose of effecting party objects and purposes. I could refer the House to the resolutions passed by the Legislatures of other States, of similar import; but it is unnecessary. I will, however, read to the committee another authority; it is one, I presume, my colleague will not object to.

[Mr. T. here read an extract from a speech delivered by Mr. BELL to his constituents, in Nashville, on the 23d May, 1835. In speaking of parties, Mr. BELL said:

"A proscribed and disregarded minority, respectable for its numbers, its talents, and even for the virtues of many of its members—for virtue is never the exclusive attribute of any one party—such a minority is always tempted, in resentment of its real or imaginary wrongs, in redress of its violated privileges as American citizens, in being deprived of all actual participation in the Government of the country—compelled to obey laws, and to be the subjects of a policy, prescribed and directed exclusively by their opponents. *Such a minority, I repeat,* is constantly tempted to seize upon every vexed and irritating question, to *make common cause with the spirit of fanaticism itself,* in an effort to right, or, at all events, to avenge, their injuries. This is the danger of our system. It is still party."

Has my colleague, to use his own language, seized "upon this vexed and irritating question," and made common cause with the Abolitionists, for the purpose of revenge? And is this the course which his party has adopted, and are now pursuing, for the purpose of turning their adversaries out, and placing themselves in power? If so, the people ought to know it. Yes, sir, this is an attempt on the part of the Federal party to unite, by these means, the entire Church in the free States, hoping, by such influences, to gain the ascendancy, and place themselves in power. If they should be able to accomplish this object, what will be the condition of this happy Republic? A union not only of Bank and Government, *but also a union of Church and Government.* Whenever the Church shall unite upon any common object, and shall acquire strength and influence enough to control the Presidential elections, and shall enter into the political party strifes of the times, then, I say, the liberties of the people are greatly endangered. They may free the slaves, but this will not be all; for the Church will enter your legislative halls, dictate the policy of the Government, and give shape and substance to your laws.

My colleague, in his Hartford speech, pronounced the war in Florida an *inglorious war.* I will not do him the injustice to suppose that he meant by this language to say that our armies were disgraced by any cowardly conduct. How, then, is this war inglorious? Has this Government demanded any thing more of the Indians than it is entitled to by the provisions of a treaty fairly made, and upon a full and adequate consideration? Did he not, himself, vote for the appropriations to carry this treaty into execution? He certainly did. And has he not, from time to time, voted for the appropriations to carry on this war? Yes, sir. Then I would inquire what new light has since burst on his vision to prove the war was inglorious? The Abolitionist would say that the war was inglorious, because the South desired to settle these lands with a slaveholding population, and thereby to give strength and importance to the slaveholding interest of the Union; but this is a reason which my colleague [Mr. BELL] dare not give. He must find one more congenial to Southern feelings. I leave it for him to do so. Again: my colleague, in this same Hartford speech, said:

"I will refer to a few prominent measures of our present and late Administrations. First, I shall notice to you that by the pernicious course which has been pursued, the Congress of the Union, that safeguard and bulwark of our liberties as formed by our Constitution, has been, both in substance and in effect, abrogated and repealed. The Constitution has been constantly, habitually, trampled on and violated by the Executive, and a passive, timid, time-serving majority obtained in both Houses. The Senate, which was originally constituted as a check upon the Executive, has ceased to be so any longer; the State Legislatures, bought over and led by a party to make such nominations as were required of them, have sent instruments who are obedient to the mandates of the President, and not only of the President, but to the heads of his party."

This is a grave charge; the Executive should have been impeached. It remains, therefore, to inquire whether it be true; and if true, why was not the charge made at a proper time, and in a proper manner? In what, I would inquire, was the Constitution trampled on and violated? He does not condescend to tell us; and unless he will inform us in what particular, when, and in what manner, the Constitution was violated, it will not be possible to answer and refute the charge. But who were, I ask, "this passive, timid, and time-serving majority in both Houses of Congress?" What part did my colleague act? Did he stand up and manfully defend the Constitution as the great palladium of American liberty, against the lawless encroachments of the President and his degraded adherents? Or, did he give, in his own language, "his passive, timid, and time-serving aid," assistance, and support, to the Executive in his violation of that sacred instrument? He, sir, as I will show you before I have done, was a devoted leader of that "passive, timid, and time-serving" majority which he denounces with so much bitterness in his Hartford speech. But, sir, to pursue this celebrated speech a little farther. My colleague said:

"General Jackson professed economy. How did he practise it? From an expenditure of $13,000,000 he raised the expenses of the Government to thirty millions! Did not Jackson say that patronage ought to be limited? Yes. But still he doubled the Executive patronage in ten years! Did not Jackson manifest a desire to exercise a questionable authority, while he expressed his opinion on the danger of giving to the Executive too much power?"

Who raised the expenditures of this Government from thirteen to thirty millions? Was this the work of General Jackson? or, was it the acts of Congress? By the Constitution, no money can be drawn from the Treasury of the United States except by appropriations made by law. For what was this money expended. Was it, as my colleague alleges, for corrupt and profligate purposes? If so, then I would inquire who voted these profligate appropriations? My colleague, in his Nashville speech, says that in every instance "*he gave to the Administration of General Jackson a devoted and zealous support.*" Then, sir, it was my colleague who voted these corrupt and profligate appropriations. He, by voting these appropriations, increased the expenditures from thirteen to thirty millions; and, by "his devoted and zealous support," trampled on and violated the Constitution, and increased the Executive patronage; and he was a devoted and zealous leader of this "passive, timid, and time-serving majority," who "gave in every instance his devoted and zealous support" to all the measures which he now alleges "trampled on and violated the Constitution," which doubled the Executive patronage, and increased the expenditures of the Government from thirteen to thirty millions. This, Mr. Chairman, is like the conduct of a man who had been associated with a lawless banditti in the perpetration of crimes, and becoming apprehensive that they would be detected, treacherously turns States' evidence against his companions, discloses the whole of their crimes, and expose the infamy of his own conduct. I will again read you from my colleague's speech:

"Did he (General Jackson) not even grasp in his own hands all the powers of the Executive for many years? Did he not complain of the corrupt system of appointing members of Congress to official station? And still he appointed ten for every one appointed by his predecessors; he would mention no names but he would freely appeal to his colleagues in Congress from Kentucky and Connecticut, if he has not done so day after day, and month after month, for seven years; and he could point at members who were known to give their votes for the promised reward. Were not the observations and predictions of those who warred against the system, fulfilled by the nomination to office of the profligate and the venal, as soon as the session had terminated.

Here, sir, he makes the charge explicitly, that Gen. Jackson, for the last seven years of his administration, was in the constant habit of bribing, with appointments to office, members of Congress to vote for his corrupt measures, and that *he could point to members* who were known to give their votes for the *promised reward.* What was the duty of my colleague to himself, his country, and to his constituents, who had confided to him the high honor and important duty of guarding the Constitution, of preserving the integrity and purity of the Government, and of promoting the best interests and prosperity of the people? Could he, consistently with his duty in the discharge of the high and important trust confided to him, not only studiously conceal from the public and from his immediate constituents, who had thus confided in him, such base and infamous conduct on the part of the Executive for seven long years; but to be in the daily habit of not only denying those charges of corruption, but of supporting and sustaining the Executive in their perpetration, by his votes, his contenance, and by his speeches, in and out of Congress? Is there then the slightest foundation in fact for this foul charge? Can it, I again inquire, be possible that my colleague would, for seven long years, carefully conceal from the public and from his immediate constituents, to whom he was under high obligations, not only to represent them faithfully and truly, but of rendering to them an honest and faithful account, not only of his own course, but of the official conduct of their other public servants as might be interesting and important to them, could he, under such circumstances, and consistently with his duty and honor, suppress and conceal such base and corrupt conduct? If he did so conceal such corruptions, his conduct in concealing was as infamous and corrupt as that with which he charges the late President. But, sir, what proof does he offer to sustain this charge? Not a word. True, he refers to his colleagues from Kentucky and Connecticut; but which of them, and what they would state, he leaves to conjecture. I will, Mr. Chairman, before I take my seat, prove to you that not only this, but the whole catalogue of his charges, are utterly unfounded in fact, and have not the semblance of truth to sustain them.

I will again read you my colleague's own language to his constituents in 1835, from this same Nashville speech. My colleague, speaking of General Jackson, said:

"A man towards whom I have never yet failed in showing a proper respect, and whose Administration I have *faithfully* supported, and *in every instance,* with that degree of zeal which could consistently and reasonably be expected from me."

Again, my colleague in his speech says that:

"Opposition to the Administration of General Jackson, is the course which the worst enemies of Judge White desire his friends to adopt; they are so anxious upon this point, that they appear determined to put Judge White and his friendsin opposition, whether they will or not. But, gentlemen, the friends of Judge White will adhere *to Gen. Jackson and his Administration* from consistency, and a respect for their own characters; and because they will be supporting their own principles."

Now, sir, I have fulfilled my promise, by showing you that my colleague, who has denounced the Administration of Gen. Jackson, and the conduct of that party in Congress which supported and sustained his measures, as being one scene of corruption and violation of the Constitution from the beginning to the end, was a leader of *that party,* and gave his *zealous support* to all those measures which he now denounces as being corrupt and in violation of the Constitution. He tells his constituents that he will adhere to General Jackson and his Administration, because, in so doing, he will be supporting *his own principles.* What principles does he mean? Does he mean those principles which, in his Hartford speech, he denounced as being in violation of the Constitution, of doubling Executive patronage, and corruptly increasing the expenditures of the Government? These are the principles which he, when addressing his constituents, claimed for his own. Was my colleague can-

did when he expressed those sentiments to his constituents? Was he sincere in his professions to them? And if so, I would inquire what new ray of light has burst upon his vision, to convince him all at once that his own political course for years has been not only in violation of the Constitution, but one of supporting frauds and corruptions of the deepest dye? Why these contradictory sentiments at the two places? Was it the effect of climate, atmosphere, or the political sentiments of the audience to which they were expressed? In Tennessee he was addressing a Democratic audience; at Hartford, a high-toned Federal audience. By the Nashville speech I can prove General Jackson to be one of the most devoted, pure, and wise, patriots that ever lived; by the one at Hartford, the most corrupt and vile demagogue that ever disgraced any nation. I could, sir, were it necessary, successfully defend the conduct and character of Gen. Jackson against the foul charges which my colleague has imputed to him; and, were I called on to do so, I would need no other evidence than his own. I would use his Nashville speech to his immediate constituents, which disproves all these charges. I would next use his evidence, given *on oath*, before a celebrated select committee of the House, when and where he was, after being first sworn to tell the *whole truth*, minutely interrogated as to his knowledge of Executive frauds, corruptions, or usurpations, and in answer thereto fully acquitted not only the Executive himself, but all of the Heads of Departments, of any such charge or imputation. If, then, these foul charges had the least foundation in fact, my colleague did not, as he was bound to do by the solemnity of his oath, *tell the whole truth*. But, sir, the conduct and character of General Jackson needs no defence; his great public services, both in the field and in the cabinet, constitute the brightest page in the history of his country. He, sir, who is now in the evening of his days, who has one foot in the grave, and the other on the threshold, has served his country in various stations, from that of a private in the Revolutionary war to that of Major General in the late war, and Chief Magistrate of this nation, and against whose public or official acts, his vilest enemies cannot point to the first act of corruption, or of intentional error, needs no defence from me.

Mr. Chairman, I do not object to my colleague's leaving his old Democratic party and friends, and going over to the Opposition. Let him go. If he has changed his opinions, and is now satisfied that the course of policy which he has heretofore pursued is destructive of the best interests and prosperity of the country, I would say he has done right. But, sir, I complain of his assigning reasons for his change of party and principles which have no foundation in fact. It is the charging of his former party and political friends with corruptions, and designing to undermine and subvert this Government, that I complain. I would inquire, was my colleague honest in his principles and course when he acted with this party? If so, he should have charity to believe that the party are still governed by the same honest motives which then governed him. One thing is certain, and that is, the reasons he assigns for his sudden political summerset are not the true reasons for his change. Men act from motive. The motive which produced this sudden and unaccountable conversion of his apparent devotion to both men and principles to bitter hatred, is a question for him and the country to determine. Was it produced by the power and influence of the United States Bank? Did he receive accommodations from this institution to such an extent as to produce this, or was it a thirst for office and self-aggrandisement that caused him to alienate and abandon his former party and friends, and to throw himself into the arms and embraces of his former political adversaries? These are questions which I leave the gentleman and the country to determine.

TO THE PUBLISHERS OF THE GLOBE.

GENTLEMEN: I herewith send you for publication the speech which I delivered in Committee of the Whole on the state of the Union, on the Indian appropriation bill. I desire, also, that you will publish the subjoined correspondence, which it is intended shall accompany the speech. When the charge was made on the floor, that my remarks on that occasion were concocted or prompted at the instance of others, I promptly pronounced the charge to be "false—basely false." This I did from my own knowledge of the fact that the charge was "false." I took an early occasion after the occurrence in the House, as an act of justice, to address a note to the gentlemen who, I supposed, were alluded to. My note and their answers are herewith enclosed. I had another reason for addressing them. Not intending that the responsibility which I might have incurred by the course of my remarks, should be divided or shifted upon the shoulders of others, it was my object to show the gratuitous character of the charge, and where the responsibility rested. It is a fixed rule of my life to think and to act for myself, and always to be responsible for what I say or do; and I take this occasion to say, that the remarks which I made upon that occasion were deliberately prompted by my own views of propriety, uttered and applied as I intended, upon a full knowledge of the responsibility which I incurred in doing so; a responsibility which then, as now, and at all times and upon all occasions, I am ready to meet.

I am, gentlemen, very respectfully, yours, &c.
H. L. TURNEY.

HOUSE OF REPRESENTATIVES,
June 2d, 1838.

SIR: I must request of you to state whether the speech I delivered in the House of Representatives, when in Committee of the Whole on the bill to suppress Indian hostilities, on the 31st of May and 1st of this month, was concocted or prepared by you, or by your procurement, counsel, or advice; and whether you knew the course of argument I would pursue, or what I intended to say, on that occasion, as has been charged in debate on the floor of the House, in reply to my speech.

Very respectfully, yours, etc.
HOP. L. TURNEY.

HON. FELIX GRUNDY.

A copy of the above was also sent to Mr. POLK.

WASHINGTON CITY, June 2, 1838.

SIR: In reply to your note of this day, I have to say that your speech on the bill to suppress Indian hostilities, was not concocted or prepared by me, in whole or in part, nor was it prepared by my procurement, counsel, or advice, nor did I know what course of arguments you intended to pursue, or what you intended to say. So far from it, I did not even know you intended to make a speech, until I was told you were on the floor. I was then busily engaged, and did not go to hear you, which I should have done, had I been at leisure at the time. For the last five or six weeks, we have lived at some distance from each other; we have had no intercourse, except casual meetings on the streets and in the Capitol. You have at no time had any suggestions from me, respecting matter to be used by you in a speech or in debate.

Yours, with respect,
FELIX GRUNDY.

Hon. H. L. TURNEY.

WASHINGTON CITY, June 2, 1838.

DEAR SIR: In answer to your letter of this date, I state, that your speech made in Committee of the Whole on the state of the Union, on the Indian appropriation bill, was not "concocted or prepared" by me, and was made by you without my procurement, counsel, or advice. I did not know that you intended to speak on that occasion, until the day you obtained the floor, and after you had made an unsuccessful attempt to do so, and much less did I know what you intended to say. If by the charge to which you refer, I was meant to be embraced, as one of those at whose instance you acted, I have to say that the charge is without foundation in fact. This I would have promptly said in Committee of the Whole, had it not been manifestly improper for the Speaker of the House to engage in debates of a partizan or personal character, which might hazard the violation of the order and decorum of the House, which he of all others is bound to preserve and maintain. I cannot so far forget my duty to the public and to the House itself, while acting as its presiding officer, as to permit myself voluntarily to be engaged in personal altercation on the floor with any of its members.

I am, very respectfully,
Your obedient servant,
JAMES K. POLK.

Hon. H. L. TURNEY.

SUPPRESSION OF INDIAN HOSTILITIES.

SPEECH OF MR. TOWNS,
OF GEORGIA,

In the House of Representatives, May 23d, 1838—In Committee of the Whole on the state of the Union, the subject under consideration being the bill making appropriations for preventing and suppressing Indian hostilities.

Mr. TOWNS proceeded as follows:

Mr. CHAIRMAN: From what has just passed between the honorable member from Virginia [Mr. WISE] and from New York [Mr. FILLMORE] I should feel encouraged at the prospect that the venue will be changed from Georgia to New York, and that hereafter the latter will come in for her portion of whatever infamy there may be in Indian treaties. Sir, I shall not object to this. In order to impart interest to the old and stale story of Indian wrongs and Indian frauds, I doubt not the contemplated change will be wise and prudent; my State, sir, has long borne in comparative silence the torrent of calumny that has poured in from the North and East upon her people and her institutions. She has looked on with feelings of regret and indignation at the repeated efforts made here and elsewhere to disparage her in the estimation of her sister States. But, Mr. Chairman, she has never yet felt, because she had never cause to feel, remorse for the past, or alarm for the future. Honest in her principles, just in her pretensions, humane in her policy, she could but rely with confidence in the judgment of a virtuous, and impartial public. From ignorance, fanaticism, or malice, she had nothing to hope, nor had she any thing to fear. Her course has been onward; and if she has not stooped to meet all the foul charges that have been levelled at her institutions, it was because her own self-respect and love of justice would not permit her to mingle in an inglorious and unworthy contest.

Mr. Chairman, allow me to ask what is the immediate object of the bill now before the committee? To furnish means of prosecuting the Florida war, and to prevent an Indian war with the Cherokees. To this bill amendments have been offered by the honorable gentleman from Virginia [Mr. WISE] and others, proposing important changes in our present relation with the Cherokee people. To each and all of these amendments I am opposed. I can see in them nothing to authorize my support, but much to require my opposition. In the original bill are provided the efficient means of enforcing your own laws, preserving peace and harmony on the frontier of Georgia, and enabling this Government, without the shedding of blood, to administer justice with humanity to those people, whose welfare and happiness have engaged so much of the time of this Government and the nation. I would have been glad that a subject of so much importance could have received the calm consideration of this committee, free from all the irritating topics that have been drawn into the discussion. But, sir, since it is otherwise, I feel myself called upon, by every consideration of duty, to answer some of the arguments introduced in this debate.

It was said by the honorable member from Virginia, [Mr. WISE,] "that he presumed the treaty of New Echota would not be executed; as he could perceive in the late communication of the President on this subject much to encourage the hope that, in the end, justice would be done the Cherokees." Sir, it is seldom we hear the voice of the honorable member in support of any measure of the Presi-

dent; and, for one, I regret that he should have selected this late message as deserving of praise above all others. For myself, I can say that no recommendation has ever more astonished me, or excited in my bosom feelings of deeper regret—a recommendation as unnecessary as it is mischievous in its tendencies, creating hopes on the part of the Indians that never can be realized, and holding out encouragement to those who have for years arrayed themselves against the rights of Georgia. Sir, had the Chief Magistrate of this Union desired to conciliate the dissatisfied Cherokees, that work should have commenced long since. It is now too late. We have advanced too far in the execution of the treaty now to look back and review the ground we have passed. Our course is onward—we neither can stop nor recede. If we pause, the man knows but little of the Indian character who does not perceive that each moment of delay adds to the chances of bloodshed and massacre. If you recede, you violate the supreme law of the land; you do manifest and flagrant injustice to the conceded rights of four States of this Union; and, with the strong arm of power, wrest from the citizens of Georgia the possession of their own lands. Sir, is this to be endured? Can any portion of this House so far deceive themselves as to suppose, come what may, that the people of Georgia will submit to an invasion of their rights through the legislation of Congress? No, sir: it never can be.

The President, in his communication of yesterday, exhibits an ardent desire that this unhappy controversy should be settled. I will do the Chief Magistrate the justice to say that, in my opinion, he was actuated by the kindest and most humane motives; but, for one, warmly attached as I have been to the principles of his Administration, I will neither pay homage to his wisdom, nor compliments to his sagacity, for thus thrusting upon the House and the nation, at this late hour, a communication that can do no good, and may yet do much mischief.

The honorable gentleman [Mr. WISE] says "that he will repeat to-day what he said yesterday: that, as a State rights man, he would compel the State of Georgia to respect the laws and treaties of the United States." Sir, what is the attitude of Georgia in relation to this treaty? Has Georgia proposed to violate the treaty or any law of the United States? Does she now stand in defiance of the treaty and the laws? No, sir; on the contrary, she is urging this Government to execute its own laws. Sir, the treaty of New Echota, of December, 1835, approved by the President, ratified by the Senate, and now the law of the land she wishes executed. This, the supreme law of the land, vesting rights of the most sacred and delicate character to four States of this Union, Georgia demands should be faithfully executed; and for this Georgia is to be denounced, and branded with the doctrine of Nullification. Sir, is it maintaining and enforcing the laws of the United States that constitute the doctrine which the honorable gentleman from Virginia so much dislikes? It this be Nullification, then, sir, should I expect the honorable member to rank first among the list of champions of that doctrine. But the honorable gentleman and myself entertain very different notions of the principles of the political creed to which he has alluded, and which he charges the State of Georgia of having repeatedly practiced, without incurring the displeasure of the Federal Government, while the same doctrines met with such pointed rebuke in a sister State. Sir, this would be a most unprofitable discussion, and I will not now be drawn into a review of it, further than to place my own State right before this House and the nation. Georgia never has nullified a constitutional law of Congress. She has never yet had occasion to place herself in her highest sovereign attitude; but whenever that necessity shall arise, which God avert! she will not be backward in choosing between oppression on the one hand, and resistance on the other. Conscious of asking nothing but her just and constitutional rights, she will never be found wanting in asserting and maintaining, with all the means at her command, her honor and her liberty. Sir, in the mixed and perplexing questions that have so long harrassed her, the policy of Georgia has been to avoid the issue of Nullification, and the very case of Tassells, so confidently relied on, went off on a *point* not involving the powers of this Government. This man met his fate for a violation of the penal laws of Georgia, making wilful murder punishable with death. I repeat, in no case has Georgia stood in bold defiance of the Constitution of the United States, or of laws passed in pursuance thereof. But, sir, if it would be any satisfaction to this committee, I think I can safely say that not only Georgia, but the whole South, will be united in asserting their rights, under the Constitution, whether they be stigmatised by the name of Nullifiers or any other. They will not, they dare not, stop to bandy words and names, when all they hold sacred and dear is about to be wrested from them, under false notions of philanthropy and religion. No, sir; no matter what the menace, though it be to "castigate" a State into submission, we will still be found asserting and maintaining our rights.

[Mr. WISE was then understood to explain as follows: That he had made use of that remark in reply to what was regarded as a threat, from more than one member from Georgia, who declared that unless this treaty was carried into effect, Georgia would take her own rights into her own hands; and it was in reply to that threat he had used the term he had.]

I am aware, Mr. Chairman, continued Mr. T. of the language used by my colleagues, and that their remarks had elicited a reply from the honorable gentleman. But, sir, I must insist that those remarks did not authorize the application of a term so offensive to the State of Georgia; a term which must excite in the bosom of every true Georgian, feelings of the deepest emotion. When, sir, was it ever before said of one of the States of this Union, that she was to be "castigated into submission?" Never, sir: no, never. It is a term that you may apply to the slave or the serf; but when applied to Georgia it falls harmless and disregarded. Georgia has heard, without quailing, threats from that Government which the honorable gentleman is so ready to aid. She never halted, and now the gentleman must excuse her, if she and her sons are equally indifferent whether menaces come from him or the Government. If the one was impotent, why should we feel alarm at the other? But, Mr. Chairman, if the honorable gentleman should harbor the thought that there is a want of moral courage in the citizens of Georgia, or any portion of them, no one knows better than himself the mode of satisfying his curiosity. Offensive words are the common weapons of weakness and rashness, and I should think no one understood better than the honorable member that their use in debate would never alarm a truly brave man, nor infuse spirit in the bosom of a coward.

Mr. Chairman, the honorable member takes the broad ground that there is, in point of fact, no treaty. That the instrument entered into in December, 1835, at New Echota, between certain Cherokee chiefs and the commissioner on the part of the United States, approved by the President, and ratified by the Senate, according to all the forms of the Constitution, is nevertheless no treaty, because it was made by persons on the part of the Cherokees not authorized to treat, and because undue and improper influences were brought to bear on the Cherokees, which makes the whole negotiation fraudulent and void.

Sir, I have heard the honorable gentleman repeatedly discuss this subject; and he has never let an opportunity pass, in which he has failed to denounce Schermerhorn and Curry as faithless public agents; as destitute of all the moral and honorable feelings that give dignity to man, and inspire confidence in human actions. How far the gentleman has made good his charges, is a very different question. With the character of either or both of these individuals, I have nothing to do, further than relates to their official conduct in the negotiation of the treaty of New Echota; and I feel the most perfect assurance that their conduct throughout this whole negotiation will not receive from the public scrutiny that measure of reproach and censure that honorable gentlemen, under the excitement of debate, are disposed to bestow upon it. But, Mr. Chairman, it is not my purpose to be drawn off into the investigation of the character of Schermerhorn and Curry. I have higher objects to accomplish. It is to vindicate your national honor, and the supremacy of your laws. And here, sir, let me ask the honorable member, [Mr. WISE,] by virtue of what power under the Constitution, does he now propose to go behind the treaty to exhibit facts, either as relates to the negotiation, or as to the competence of those that did negotiate, going to show that this treaty is null and void? Sir, I undertake to affirm that, under the question now presented to the committee by the bill on your table, it never was before gravely insisted that the House of Representatives was competent to annul a treaty solemnly made, and having received all the sanctions prescribed under the Constitution.

[Mr. WISE explained, in substance, as we understood, as follows: He said he could tell the gentleman from Georgia, that the doctrine for which he contended was not new to him, [Mr. W.] if to the gentleman from Georgia. Upon the celebrated discussion that arose upon Jay's treaty, the Democratic party of that day settled the doctrine, which has been acquiesced in by all parties from that time to this, that it was competent for this House, when a treaty was made requiring appropriations by Congress for its execution, for the House of Representatives to look behind the ratification of the treaty, and to examine the facts connected with its formation, in order to enable the House to determine whether the money required to execute the treaty should, or should not, be supplied.]

Mr. TOWNS continued. Mr. Chairman, the honorable gentleman has not relieved himself, for the very case he has cited is strong authority against him. Sir, let us recur to facts. How stands the question before us? Not only has a treaty been made with the Cherokees, approved by the President, ratified by the Senate, but, during the same session of Congress, the five million six hundred thousand dollars stipulated therein to be paid the Indians for the cession of their territory, were actually appropriated by Congress, after strong opposition to the bill by the honorable member himself. Then, sir, this treaty, in all its forms, in all its possible bearings, according to the very doctrine of Jay's treaty, has received its last and final sanction, and is irrevocably the supreme law of this land. Now, how is it that the honorable member proposes to rip up this treaty, scatter it to the winds, and thereby to deprive four States and their citizens of their vested rights? A bill is sent to us embracing two objects: first, an appropriation of money for the Florida war; and secondly, to maintain an armed force in the Cherokee country, not for the purpose of waging war on the Cherokees, but to prevent war; not to spill blood, but to prevent the spilling of blood; and the gentleman seizes this opportunity to discuss the treaty, to open negotiations for a new one, under the doctrine settled in Jay's treaty, that the House of Representatives had the power of withholding appropriations for money stipulated by treaties, and thereby assuming the responsibility of all the consequences of war that might ensue. Sir, it is impossible for the honorable gentleman to find one inch of ground on which to stand, either under the Constitution, or his own doctrines as insisted upon under Jay's treaty. Suppose you reject this bill, does it touch the treaty? Is there one dollar proposed to be appropriated by the present bill called for by the provisions of the treaty? No, sir, not one cent. Is there one dollar yet to be appropriated to execute the provisions of the treaty? No, sir, not a farthing. All the treaty itself stipulated for has been done nearly two years ago, and the appropriations now asked for are founded upon that elevated principle of humanity that would expend millions to prevent the shedding of human blood, sooner than hundreds to punish the guilty offender. Yet, sir, an object which must meet with the approbation of all sides of this House, and receive the sanction of every man in whose bosom can be traced one spark of pure humanity, is likely to be converted by the course of intemperate debate into endless mischief; for if this treaty should be disturbed—if

its execution should be unnecessarily postponed under the sanction of Congress—it will be an assumption of power no where authorized by the Constitution; subversive of the vested rights of the States and the people; and abrogating all the powers of one of the co-ordinate branches of this Government. Yes, sir, this branch of Congress, by its assumption to set aside this treaty, would not only nullify, in the most odious and offensive form of which my imagination can conceive of that doctrine, not only the treaty making power, the Judiciary, the private vested rights of individuals and States, but her own act appropriating money to execute this treaty. We should then stand, not as one branch of a co-ordinate department of this Government, with prescribed powers and duties, but with powers greater, and far more dangerous, if danger there be, than in all the departments of Government combined. I hope, sir, that such is not the object of any.

Mr. Chairman, having shown that this treaty cannot be touched, I will not decline an examination into its history, with the full persuasion that I shall be able to show, at least, that it stands upon the same footing of all other treaties with Indian tribes. The only ground upon which a candid difference of opinion can arise in the mind of any one as to the validity of the treaty, provided it was now an open question, which I utterly deny, is the charge that a treaty was made by a minority of the nation. There is some conflicting testimony on the question as to the exact number in attendance at the time the treaty was concluded; from three to five hundred, as shown by some of the witnesses, and by others a less number; none, however, reducing the number below seventy. I believe it will also be conceded that the wealth and intelligence was decidedly in favor of the treaty.

Mr. Chairman, it is well known that, for several years past, a strong and influential party of the Cherokees have been decidedly in favor of ceding their lands to the Government, while, on the other hand, they have been met by a strong party opposed to a cession. John Ross headed the latter; John Ridge may be considered as the leader of the former. Ae far back as 19th June, 1834, a treaty was concluded in this city, between John H. Eaton, in behalf of the United States, and Andrew Ross, John West, T. J. Pack, and James Starr, on the part of the Cherokees. This treaty, by one of its provisions, enabled the John Ross party to defeat it. John Ross next appears in Washington, and proposes to treat with the Government, asking some twenty millions in cash. This proposition could not be entertained by the Government; for it was evidently made in bad faith, with no expectation that the Government could treat upon such a basis. The following letter was thereafter addressed to the Secretary of War:

WASHINGTON CITY, Feb. 27, 1835.

SIR: Having been informed by Wm. H. Underwood, esq. and others, that the President considers the terms of our proposition to be too extravagant, we beg leave to remind him that he has often remarked that he would grant us as liberal terms as the Senate, or *the friends of the Indians*, would be willing to allow. We would therefore respectfully ask that our propositions be submitted to the Senate by the President, in order that the sense of that honorable body be had on them.

We have the honor to be, sir,
Your obedient humble servants,
(Signed) JOHN ROSS,
R. TAYLOR,
DANIEL McCOY,
SAMUEL GUNTER,
WILLIAM RODGERS.

To the Hon. LEWIS CASS, Secretary of War.

Well, sir, on the next day the same individuals addressed the Secretary of War another letter which is most explicit. It is worthy of remark, as we pass on, that John Ross at this early day considered the Senate as the friends of the Indians. He uses the term Senate and friends as synonymous. But to the next letter of the Ross party.

WASHINGTON, February 28, 1835.

"SIR: Having submitted a proposition *for a final adjustment* of our differences with the Government of the United States, *and understanding* that the President deems it extravagant, we *must beg* that the subject be referred to the Senate for its sense on the question. The President having often told us that he was disposed to treat us with liberal justice, and that he would go as far as the Senate would allow him in regard to money matters. We therefore trust he will adopt this course. Being extremely desirous that this unhappy controversey may be speedily adjusted, and deeply sensible of our dependant condition, and confiding in the liberal justice of the United States Government, *we are prepared*, so far as we are concerned, to abide the award of the sense of the American Senate upon our proposition, and *to recommend* the *same* for *the final determination of our nation.*

We have the honor to be, sir,
Very respectfully.
Your ob't humble serv'ts,
(Signed,) JOHN ROSS,
R. TAYLOR,
DANIEL McCOY,
SAMUEL McCOY,
WM. ROGERS.

To the Hon. LEWIS CASS,
Secretary of War.

On the 3d of March, 1835, the following letter was witten by John Ross:

"DEAR SIR. The delegation have thought proper that a communication should accompany the documents which I have placed in your hands the other day, containing propositions which they made to the President, and that the same be laid before the Senate; and I take the liberty to inclose the same to you.

Very respectfully,
Your obedient humble nervant,
JOHN ROSS.

To the Hon. TH. FRELINGHUYSEN.

Now, Mr. Chairman, it is manifest that every document, which John Ross believed would advance his cause, was submitted to the Senate. The delegation of which he was the head and soul, addressed a memorial setting forth in the strongest terms the claims of the Cherokees upon the liberal justice of the nation. The Senate was selected by Ross, because of the known feelings of that body, and he regarded, and so spoke of it, as the friend of the Indians. Can any man then doubt but that the utmost liberality and justice were done them in the award of the Senate? And can or will any gentleman on this floor contend that Ross and his party, so far as they were concerned, were not bound by the award of the Senate, and also bound as men of honor and truth to recommend to the nation the adoption of the Senate's award? Sir, if it should appear that this man Ross and his party, after the award of the Senate was made, wholly disregarded the solemn obligation they were under to observe it themselves, and instead of recommending it, as they were bound to do to their people—used their influence to prevent its approval, every one who respects and fair dealing, must hold in abhorance the duplicity and perfidy of John Ross and his associates, whosoever they may be. Sir, let us look to the facts.

Mr. Secretary Cass in his communication of 6th March, 1835, to Ross, Taylor, and others, says:

"In your letter 28th February ultimo. you stated your readiness to accept for yourselves, and recommend to the Cherokee people to accept such a sum for their claims east of the Mississippi river, as the Senate might deem just. The Senate have, by a resolution, stated as their opinion, that a "sum not exceeding five millions should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river." The President wishes now, as he has always done heretofore, to treat with you in the spirit of candor as well as liberality. He has therefore directed me to communicate to you at once the resolution of the Senate, and to state his willingness to enter into a negotiation with you for the cession of all your claims east of the Mississippi, upon condition that the whole amount of consideration to be given shall not exceed the above mentioned sum. This you were informed should be done, and the pledge will be redeemed with fidelity."

This is the language on the part of this Government to John Ross and his party. The sum of five millions far exceeded any previous offer made by the Goverment, and was more than the Cherokee country was worth at public sale; yet, as Ross and his party had pledged themselves to be content with a price fixed by the Senate, the President consented to the award, though the price was extravagant, and we find that he instantly proposed to Ross and his party to enter into a negotiation for a treaty on the basis of that award. Now, sir, was this proposition met by those men? By prevarication, by a call on the Secretary of War to furnish him, Ross, with all the papers and communications submitted to the Senate, declaring that it was due to himself and his people, that he should know on what precise ground the Senate acted. He wished to know whether it was intended to pay for removal and subsistence, and to enlarge the tract of country for the Cherokees; "they say it is utterly impossible for them to proceed further until they understand," &c.

Now here was the first indication on the part of Ross and his party that they did not intend to abide by the Senate's award. It is contained in a letter to the Secretary of War, dated 6th March, 1835. Did not John Ross know the contents of the papers that had been submitted to the Senate? Had he not himself, through the Hon. Mr. Frelinghuysen, communicated all documents and memorials that he desired? Was it not notorious that a majority of the Senate were more inclined to John Ross than to the President? Did not Ross know full well the motives that influenced the Senate? Yet he seeks to open a negotiation with the Secretary of War for explanation, before he could proceed to hear specific propositions for a treaty. The Secretary of War, under date of 7th March, 1835, sends the following answer to Ross and his party:

"GENTTLEMEN: I have just received your letter of this date. The sum of five millions, which is offered for your claims east of the Mississippi, will, as I have already informed you, be in full of your entire cession. The application will be as you desire, a just regard being had to individual rights. Nothing more will be paid for removal, or for any other purpose or object whatever. In giving you the full value of your property the United States comply with all the demands of justice on them."

The Secretary of War further informs John Ross in the same letter, that he would "give him any information he would desire if he would come to the office for that purpose," and that he would enter into "a candid examination of the whole affair, with a desire to adjust it in a manner satisfactory to the Indians, and just on the part of the United States." But that letter would close the intercourse in writing between them. Now, sir, what was the course of John Ross and his friends upon this occasion? Did they call at the office of the Secretary of War to obtain any real or pretended information, as preliminary to a settlement of the question? No. They did call, however, and from a letter addressed to the Secretary of War, dated 9th March, 1835, they set forth the substance of their interview, from which every one will discover that they had varied the proposition, and were not disposed to be bound by their own express agreement. In that letter they say:

"That we, as the duly authorized delegation of the Cherokee nation, are prepared, in good faith, to redeem any promises which we have made to the Department, so far as recommending to our nation the *expediency of closing our unhappy difficulties by a treaty with the United States.*"

Was this the extent of Ross's promise that induced the President to submit the whole project to the Senate? Certainly not. Ross and his party said in their letter on that subject, "*that we are prepared*, so far as we are concerned, to abide the award of the American Senate upon our proposition, and to recommend the same for the final determination of our nation." This was the promise, the engagement, that induced the Executive to refer the point in dispute to the Senate. It was referred; and when the response is had, John Ross and his friends seek to avoid it, by saying that they are ready to redeem their promise to the Department "by recommending to the nation the *expediency* of closing our difficulties by a treaty with the United States." He here changes the entire character of his obligation. He does not feel himself bound by the Senate's award, but will redeem his promise by recommending—what?—that "our *difficulties* be closed by a treaty" with the United States, without adhering to the basis as established by the Senate's recommendation.

But this is not all. Ross and his friends, in the same letter, say: "And to enable us to do so more successfully and satisfactorily before the Cherokee people, we proposed that the whole matter should be referred to our nation and there, in general council, to deliberate and determine on the subject." Was there ever exhibited a more palpable evasion—a more deliberate and settled purpose to violate any promise made by any man, than is here exhibited? He now seeks to refer the whole subject to his nation, in order, doubtless, that himself and his associate delegates might release themselves from an unconditional obligation on their part to abide the Senate's decision.

But, Mr. Chairman, there are other portions of the same letter which unfold the secret that, from first to last, has operated on John Ross. It is a desire to get into his own custody and management the whole sum of money that this Government may or has paid for the Cherokee cession. Sir, I firmly believe, if a treaty had been proposed by which the consideration for the cession was to have been paid to Ross and his party, that we never should have heard one word of complaint from him, or his friends. Here lies the great secret after all; not that John Ross is a patriot, and is waging

war against this treaty to save his people and his nation from ruin, but, sir, it is because the treaty, as it is made, has placed it beyond his power to pocket the money, and convert it to his own and the use of his friends. It is, sir, because, by the treaty, the five millions and six hundred thousand dollars agreed to be paid by this Government to the Cherokee people for their lands, are applied mostly to specific objects, and the balance *per capita*. This was a death-blow to all his hopes—to all his ambition; and, sooner than let the last opportunity pass through his hands to plunder his people, under the sacred name of patriotism, he will put all upon the hazard of the die, even to the extermination of his race. And, yet, sir, strange to tell, this man, Ross, has won for himself a reputation in portions of this country, and can command the support of the first talents in the nation, upon the ground that all he has done, and is now doing, is for the good of his people.

But, Mr. Chairman, to give something more than my assertions for the opinions I here expressed, I will again advert to further remarks of Ross and the others in the same letter. They say:

"In your letter of the 7th instant, closing all further intercourse in writing between us, you distinctly informed us that the application of the five millions which is offered for our lands east of the Mississippi river *will be such as we desire*—a just regard being had to individual rights. Well, then, if the nation will consent to treat and accept of the sum offered, let its own wishes in regard to the application be consulted and adopted—*a just* regard being *had to individual rights*. And on the part of the delegation here, we again repeat that *we* are prepared to comply, in good faith, with any promise we have made to the Department on the subject: *Provided*, you do the same on your part, *and will not throw any obstacles in our way*."

Such, sir, is the language of that communication addressed to the Secretary of War in March, 1835; after all efforts to get them to treat had failed in this city.

Now, Mr. Chairman, is there an unprejudiced man here or elsewhere that can affect to misunderstand John Ross in thus violating his pledges? He had got from the Senate their utmost limit they would go. He was bound to accept it for himself and his colleagues, at least. This he evades; and, finally, when the correspondence was closed, he and his friends refusing to treat, they then use the insolent language to this Government that they will comply, in good faith, with their promise, "*provided*" the Government will throw no obstacle in their way, and the money be applied as they may desire. Sir, the *English* of all this is: we will make a treaty if you will let us have our own way. We will return to our people, and, instead of taking the responsibility of cheating them here, where, if we do so, we may be detected, we will return to our nation, call our people together, and make them cheat themselves.

If, Mr. Chairman, there is still any doubt on the mind of any gentleman as to the motives of John Ross, subsequent events, as they occurred in the Cherokee nation during the summer and fall of 1835, will remove them. It is well known to this House and the country that the President appointed two Commissioners (Mr. Schermerhorn and Governor Carroll) on the part of this Government to repair to the Cherokee country to conclude the treaty with the Cherokee people. The correspondence that took place between the Commissioners and Ross, fully sustains the charge that his object was to prevent a treaty in the nation, by submitting the question directly and fairly to the sense of the Cherokee people; but, by various pretexts, he prevented the United States Commissioners from all opportunity of presenting their projet, until he had succeeded in preparing their minds against a treaty; but, at the same time, had secured to himself, and the delegation associated with him, unlimited power over the question of the treaty, which power, under the grant, was made irrevocable.

This was a part of the master policy of this Cherokee diplomatist; and it was not until he had secured himself in this treaty-making power, even beyond the reach of his own people, making himself, and the delegation appointed to act with him, whom every body knows to be his creatures, greater than the Cherokee nation, and beyond its control and reach, that he ever would recognise Mr. Schermerhorn as the Government agent. It is a matter of curious inquiry to see with what remarkable address this man Ross—at times so plausible, his motives and designs so admirably veiled, that the most scrutinizing eye would pass them undetected—carried on his schemes to their final consummation. Sir, he was an overmatch for the balance of his nation, and has baffled for years the public agents and the humane policy of this Government. But in his march, adroit and skilful as it was, he has left traces that enable us to identify the spirit, the motive, and the object. As far back as the 7th of July, 1835, Mr. Schermerhorn addressed John Ross, from which I make the following extract:

"I hope this, however, will not prevent you from convening your principal men at such time and place as you think best, to give me an opportunity of an interview with them, for the purpose mentioned in our personal interview."

This letter was followed by another from Mr. Schermerhorn on the 9th July, of the most conciliatory character. On the 10th July, Governor Carroll and Schermerhorn addressed Mr. Ross, informing him that they much regretted to learn he had prevented the census from being taken of the Cherokees east. This letter was answered by John Ross on the 12th, denying his interference. On the 24th July, John Ross addressed a letter to Mr. Schermerhorn, declining to meet him and Governor Carroll one week from the 29th of that month, for the purpose of holding a conference on the subject of their mission. Ross assigns as reasons, the trouble and inconvenience of the measure, and other causes, none of which can be considered valid. On the 29th of July, Governor Carroll and Schermerhorn addressed Ross, calling upon him distinctly to state if he intended to comply with his engagements to submit the question of the treaty to the Cherokees. They further say that "they are altogether ignorant of the course pursued by you and your principal men after leaving the council ground last week, and the speeches you made them, and the advice that was given not to meet the Commissioners here at this time." It will be remembered that this letter bears date at the time and place the United States Commissioners expected to meet John Ross, and all the Cherokees, on the subject of the treaty. They did not meet them, however; and Ross, in reply to the above letter, under date 30th July, urged the same reasons he had done in a former letter. Here, then, it was made manifest that Ross had certain objects to accomplish with his people, before he would suffer them to meet in council. Nearly one month had elapsed, and no advance was yet made by Ross to convene his people, and had actually refused himself to meet them at the time and place appointed. This negotiation was suspended from July to 14th October, 1835, when Mr. Schermerhorn addressed "the chiefs, head-men, and warriors of the Cherokee Indians, in general council convened, at Red Clay Council Ground," apprising them of his attendance, and readiness and desire of opening the negociation for a treaty on the five million basis recommended by the Senate. On the 15th October, the Committee and Council adopted the following resolution:

Resolved, That they see no reason for departing from the customary forms of the nation in communications of this nature, and therefore they return the letter of Mr Schermerhorn to the *principal chief*, with the desire that he will (together with the Executive Council) answer the aforesaid letter in such manner as they may think advisable, and that the Committee of Council will act upon the result.

Well, sir, the principal chief, John Ross, with Lowrey, Waters, and Lewis Ross, straightway answer the letter. John Ross had now gained all he wished. He was invested with plenary power, and they, in their letter, express a wish to hear the proposition, but remind Mr. Schermerhorn that the Senate's basis had been rejected, and "how unnecessary it will be again to ask the sentiments of the people upon the treaty you have already proposed, and to which they have altogether objected. If, however, (it goes on to say,) you are fully authorized to offer any new terms, they shall be faithfully and promptly attended to." This last letter was, on the 17th October, answered by Mr. Schermerhorn, in another addressed to "The chiefs, headmen, and warriors," reminding them of their interest, the obligations that Ross and his party were under to submit the matter to a council of the nation, and to recommend its adoption to his people. On the 22d of the same month, while the council was yet in session, John Ross addresses "The Committee and Council," in which he distinctly recommends to appoint a delegation, with powers to treat with the United States at Washington, if, as he believed was the fact, it should turn out that there was no person authorized to treat with them on the ground. On the 24th of October, the Council of Red Clay, of 1,076 individuals,

"*Resolved*, That a delegation, consisting of John Ross, principal chief, Richard Taylor, Lewis Ross, James Brown, James Daniel, Thomas Foreman, Richard Fields, Sleeping Rabbit, Joseph Vann, John Burge, Ooternawa, Elijah Hicks, John Huss, John F. Baldridge, Peter of Aquohee, Jesse Busheyhead, John Ridge, Elias Boudinot, and Charles Vann, be endowed with full powers to enter into an arrangement with the General Government of the United States, for the final adjustment of the existing difficulties of the Cherokee nation, upon such bases and terms as may be deemed by them best fitted to secure the peace and future security of the Cherokee people."

In the last resolution adopted at the same time, they resolve:

"And that we forbid any negotiation through any other persons, and will not hold ourselves bound by the proceedings of any (other) delegation," &c.

Mr. Chairman, it is under this authority that Ross and his party now allege that the treaty is null, because not made by the competent persons. By whom was the treaty of New Echota made? By John Ridge, Elias Boudinot, members of this very committee, and eighteen others, influential men, of known character among the chiefs. Why was it made in Cherokee? Because Ross and his friends would not conclude a treaty at Washington in the preceding March, alleging that he must take the sense of their people; that it must be submitted to them. Well, sir, he was then distinctly notified that he need never again return to Washington to effect a treaty; that if there should ever be a treaty concluded it must be done in the nation. Ross was again and again reminded of this by Schermerhorn. Nevertheless, we see him, after having himself and friends invested with power; not by a majority of the nation, for the documents show that the Senate basis of five millions was rejected in open council by only 1076, and that the same number ratified and confirmed the delegation of Ross and others, and protested at the same time against any other delegation disposing of their land; did succeed first in rejecting the five millions by less than one sixth of the whole nation, and by less than one sixth of the whole nation caused himself and friends to be invested with power to treat then and through all time. A minority is competent, it seems, to authorize Ross and his party to sell their country, but a majority is required to make the sale of Ridge, Boudinot, and others binding. Yes, sir, the treaty of New Echota is now denounced as a foul blot on our national character, conceived in fraud, consummated by a minority, and therefore a nullity, which the honesty of the nation should repudiate, and all honest men decry. Yet, sir, those who hold this language, whose delicate sensibility is so aroused at the very name of this treaty of New Echota, are prepared to enter into a treaty with Ross and his party, who themselves represent a minority of less than one sixth. And, sir, I ask if a treaty was now made, or had been made, by Ross and his party, would it not have been liable to the very same objections now urged to this treaty? How can you draw the distinction? If a minority of the Cherokees are competent to invest a delegation with treaty making powers, is not the same, or even a greater minority, upon the same principle, equally competent to make a treaty themselves?

This, sir, brings us to another remarkable incident in this affair. The records show that Ross and his friends here in Washington, after the news of the treaty reached them, were enabled, from some time in the early part of January to 3d of February, to present to the Senate two protests against the ratification of the treaty, one of 3,250 signers, the other 14,910, making 18,160. This is a circumstance I leave for Ross and his friends to explain. Can any man believe it possible that in one month's time, or less, in the midst of winter, among mountains and snows, eighteen thousand one hundred and sixty persons in the Cherokee country could have been seen, their names got to these protests and transmitted from the Cherokee country to this city? The thing is impossible. There were not, at that time, as many Cherokees in the

nation; and, if they had been there, the time in which the protests were obtained absolutely forbids the belief that the names were genuine. Yet, sir, we see many gentlemen are willing to take eighteen thousand one hundred and sixty as the number opposed to the treaty, when there can be but little doubt that the whole population at that time east of the Mississippi did not number as many. But, Mr. Chairman, all must admit that, if the resolution of the General Council was competetent authority for John Ross and other delegates then appointed to treat with the Government, their power was unrestrained, and they were at liberty to make such treaty as was, in their judgment, to the interest of their people. It will be remembered that Ross, in his correspondence, expressed a deliberate conviction that the happiness, nay, the very existence, of his afflicted nation, depended upon their protection from State laws. In this he was doubtless correct. But the question is, did he act in conformity with this opinion by defeating a treaty? Certainly not. No sooner had he secured himself and his friends in a treaty-making power in the manner I have already described, than he became bolder and more unequivocal in his movements. He announced with much pomp his readiness to treat, if Mr. Schermerhorn would produce his credentials and they were satisfactory. At length our commissioner exhibited his credentials, and received for answer that, though there might be well-founded objections taken to them, he, [Ross,] however, would waive all exceptions to form, and hear the proposition of Mr. Schermerhorn. The project of a treaty was again submitted and again rejected, and Ross and his party then gave notice that they would leave for Washington and there receive propositions. Our commissioner, as he was in duty bound to do, again gave notice for the nation to be convened for the purpose of making a treaty, and that none would be made in Washington. In the mean time, Ridge and Boudinot, discovering the game that Ross was resolved to play, withdrew from the delegation and declined to have any thing more to do with Ross. A council was assembled at New Echota in December, after full and fair notice to all parties, and there the treaty, so much denounced, was concluded; and, I am free to admit, with less than a majority of the nation. But while I make this admission, it was the fault of the nation, or rather John Ross's intriguing and selfish policy, that prevented the Indians from meeting in larger numbers. Had Ross been faithful to his nation he never would have abandoned it at this time, when he was aware that a council was again called, when he had been officially informed that no negotiation could be again opened at Washington, and when he had himself, about the middle of the preceding March, declined entering into a negotiation at Washington; alleging, as a reason, that it was his duty to submit the subject to the sense of his nation.

Now, Mr. Chairman, under all these circumstances, when it is remembered that this Government exceeded, by six hundred thousand dollars, the award of the Senate—when every body must have perceived that Ross and his party were wielding a despotic influence over their people, in order to advance his own selfish views—I submit it to the candor of all if this treaty is not placed upon as high grounds of moral justice as any ever made between this Government and our Indian tribes. I claim for this treaty no more nor less than for other treaties with the Indians. If all others are null and void that fill our statute book from the origin of this Government to the present day, then you may consider this in the same light. If those that precede the New Echota treaty are valid and binding upon the conscience and honor of the nation, so is this: I place them all upon the same footing. All—yes, sir, all—if to be regarded in the light of treaties as made between civilized nations, between equal powers, are null, and, if you please, sir, fraudulent. Will any gentleman tell me that the means resorted to to effect this treaty were different or more exceptionable than have always been practiced? No, sir: if you charge those who made the treaty of New Echota as usurpers and dishonest men, I answer you by saying that I have proven Ross to be both the one and the other. So much for the treaty if it were now an open question, which, as I said before, I utterly deny.

Mr. Chairman, has it occurred to gentlemen on this floor that Georgia, in her federal relation to the other States, has rights of the first magnitude involved in this question? It has long been to me, sir, a matter of much surprise to see all the sympathies of this House constantly and earnestly engaged on the part of the red man in all our disturbances with them; but of this I do not complain. I stand here to ask for the rights of my State, not the sympathies of the House; if the one cannot be obtained, the other is not worth having. What, then, let me repeat, are the rights of Georgia? So far, sir, as regards sovereignty and jurisdiction, and soil, they are equal to the rights of any of the original thirteen States. None will, none can, controvert this. Has Georgia, whilst a colony, or since she became a member of this Union, parted with her right of jurisdiction and soil over the lands in the occupancy of the Cherokees? Certainly not; but, on the contrary, as far back as April, 1802, the State of Georgia entered into a compact with this Government, whereby she ceded that immense tract of country now comprising the States of Alabama and Mississippi, and the latter stipulated, among other things, to "extinguish, for the use of Georgia, as soon as the same can be peaceably obtained on reasonable terms, the Indian title to all the lands in said State." And what is of some consequence in this discussion, by the same compact, this Government did "cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any lands lying within the United States, and within the defined limits of Georgia," as settled by said compact, which embraces a portion of the territory ceded by the New Echota treaty.

Mr. Chairman, this compact does not enlarge the rights of jurisdiction and soil in the sovereignty of Georgia, but it is a full recognition of an antecedent right, an unquallified surrender of all pretension whatever to the soil and jurisdiction within the limits of Georgia, and thereby surrendering up to Georgia the undisputed control of jurisdiction and soil which embraces property and population in its fullest sense. Hence, sir, if Georgia thinks proper to move against any portion of her population, unless they can claim protection under the Federal Constitution, which I admit to be paramount to the act of cession, there is no power known to our form of Government that can rightfully interpose or question our course. Can the Cherokees claim the protection of the Federal Government as against Georgia, by virtue of any power under the Consttution? Certainly not. The only clause of the Constitution that has a bearing on the question is, that "the Congress shall have power to regulate commerce with foreign nations, and among the States, and with the Indian tribes." The States mean nothing more nor less than the States of this Union, and of course embrace the whole population of the entire State. The boundary of the State, so far as territory is concerned, gives us the idea of locality and extent, and to regulate commerce with a territory as contradistinguished from the population inhabiting the territory, is an absurdity. To regulate commerce with the States, means the people of the States. It is not possible you can discriminate between portions or colors, but all must be regarded, in a commercial point of view, as a State or community. If this be true, then there is no power in Congress, either in a commercial or political point of view, to draw a discrimination between different portions of the people of the same State. Hence, sir, all your treaties with the Cherokees within the limits of Georgia, are merely permissive, not binding upon that State a moment longer than she may choose to submit. You have the same power under the Constitution to treat with the citizens of any one county in a State; and attempt to enforce the provisions of such a treaty against the will of the State, as to insist upon the right of treating with the Indian population of the original States, and enforcing the provisions of the same against the will of such State. In the one case as in the other, a State might acquiesce, but the sovereign right to disregard at pleasure is not at all impaired, and can be called in requisition whenever the occasion may require. Georgia has paid this Government thirty-six years ago to extinguish the Indian title within her limits; but it will not be pretended that Georgia is thereby precluded, by virtue of her sovereignty, to do it herself. She may, by her own act, forfeit her lien on the Government to perform the contract, but she never has, for one moment, divested herself of complete power over the whole subject.

Now then, Mr. Chairman, how does the question stand? You have made a treaty with the Cherokees by which you have extinguished their title to the lands in Georgia. In this you have redeemed at last your obligation by the compact of 1802. Here then the question is settled. If Georgia is satisfied with the manner and mode you have thought proper to discharge your obligation to her, it does not become this Government to object. We hold you to the compact with us; we hold you to the compact with the Indians, which is the fulfilment of your obligation to Georgia. And never will that State, nor will I as one of her representatives, consent to any modification or alteration of its terms. To the letter I will go, and on that will I stand or fall. Yes, Mr. Chairman, Georgia remained quiet, confiding in the justice of this Government, for more than the fourth of a century. She looked with regret and mortification at the shameful neglect of her rights. She saw and felt that repeated opportunities were offered when this Government could have extinguished the Indian title to the lands within her borders. In 1808, in 1814, and in 1817 and 1819, at which times treaties were made with the Creeks and Cherokees, it was in the power of this Government to have quieted the Indian titles to lands in Georgia. But sir, the policy of the Government was to purchase the Indian title west of our boundary. In Mississippi and Alabama the Indian title was first to be extinguished. What was the effect of this policy? To concentrate in Georgia, and on her frontier, the whole Indian population of the mighty tribes of Creeks and Cherokees. And, sir, as you narrowed down her territory, in the same proportion did this Government increase her difficulty in discharging her obligations to Georgia. This consequence should have been forseen, and strictly guarded against. Yet it was the pleasure of the Federal rulers, notwithstanding the repeated memorials and protests of Georgia, obstinately to persist in this course of policy, the direct tendency of which was to fasten upon the territory of Georgia, throughout all time, an Indian population—a population that this Government was under the highest moral obligation, as well as by express stipulation, to remove with the least possible delay, and at her own expense. Well, Mr. Chairman, after waiting from 1802 to 1829, with no earnest effort having been made to discharge the obligations of this Government to Georgia, a state of things had actually taken place in the Cherokee country which would no longer admit of delay on the part of that State. It was most manifest that Georgia had to look to herself for the preservation of order and good neighborhood, for the maintainance of her political rights, and the enforcement of her own laws. Remonstrance and petition had failed, argument, reason, and justice urged with all the eloquence of candor by the constituted authorities of Georgia, by her legislative bodies, were no longer regarded with favor by this Government. And the alternative was presented to my State either of beholding, for the first time in the history of this Government, the right of a sovereign State over the jurisdiction and soil within her own limits—a right for which she, in common with the original thirteen States, fought for and won in our Revolutionary struggle, and which she believed and felt was guarantied to her by the Constitution—prostrated under foot by a code of Indian laws; or, otherwise, to assume the responsibility that honor and patriotism demanded, of vindicating her laws and free institutions from violence at home, or aggression from any other quarter, Sir, she did take her stand; and I behold in her attitude that undying and unconquerable spirit—the love of liberty—which is the patriot's

best hope that our free institutions may yet be preserved.

Mr. Chairman, in 1827, the Cherokee tribe of Indians organized a Government with a written constitution and code of laws, extending over all that portion of territory then in their occupancy within the limits of Georgia. The Cherokees claimed exclusive jurisdiction over the persons and things within their limits. What, sir, was the consequence? The bad, the profligate, the idle, all grades of the human character from every portion of the country, were rapidly congregating in the Cherokee nation. Public highways, connecting the white settlements in Georgia, Tennessee, and Alabama, were frequently beset by these lawless wretches; robbery, and murder was the necessary consequence. These examples were quickly imitated by the more ignorant Indian. The scene was too shocking to describe. If, perchance, the offenders were likely to be brought before the tribunals of the Cherokee nation, they sought safety in flying to the mountains in Georgia and Carolina, Tennessee and Alabama, and then would again commence new operations, by plundering the Indians. When in the Cherokee country, they would plunder the whites; when on the borders of the settlements, they would plunder the Indians; and so numerous and well organized was this band of thieves, that for a length of time the arm of the judiciary, the ministerial officers of the law were resisted, and often baffled by the superior force of the offenders, in the due administration of the laws. This state of things, brought about solely by the pretensions of this Indian Government, could not longer be endured. The jurisdiction of Georgia and her responsibility to herself and the world, for preserving the rights of her citizens of property and life itself, imperiously demanded of her, as the Government had failed to remove the cause of this annoyance, to arrest the evil. Well, sir, what was the first step taken by Georgia to accomplish this object, which the candid of all parties must admit was her duty? It was, by legislation, to extend her criminal jurisdiction over her entire territory, and thereby abrogating the Indian form of Government. Was not the Indian as much protected by this act as the white man? Was it not as much, nay more, necessary to protect the Indian than any other portion of our population? Their own laws had proved inadequate to the object, they had been tried and failed. Instead of preserving order, the result was endless confusion and misrule. We had stood by and seen the experiment fully made, and it had most signally failed. Every principle therefore of enlightened humanity, as well as of honor, of patriotism, and of State sovereignty, demanded the course that Georgia pursued. Yet, sir, it is remarkable, that for this act of Georgia there has been an uniform and deep voice of censure, from a particular quarter of this Union, from that day to this. Nor has there been any thing left undone, that could thwart the policy of Georgia, in adjusting her own domestic rights and interest, to which it is even indecent on the part of other States to allude, in the terms of censure, much less of interference, and more especially the older States of this Union. If, sir, I were disposed to retort, by telling the story of outrage, cruel, merciless, and vindictive as it was, even to the extermination of whole tribes, what answer are gentlemen prepared to give? Where are the tribes that once inhabited this country from Maine to Georgia? Either swept from the face of the earth, or here and there small numbers residing in obscure corners, broken down in spirit, degraded, poor, and miserable. Yet, sir, we of Georgia are to receive lectures on morality, on the rights of the Indians, of humanity to savages, from the people of those States whose forefathers have exterminated tribe after tribe, by their just, and humane policy to the savage! Did it ever occur to those who are thus unjustly dealing out their denunciations against Georgia, how different must be the judgment of posterity from their own, when history shall tell the solemn truth, that the humanity and justice of the East and North, as well as portions of the South, had exterminated the mighty tribes that once held the possession of those sections, long before the close of the eighteenth century; while at this day the cruelty and injustice of Georgia towards the savages in her State had enabled them to boast of men of the first talents, high literary attainments, and in numbers exceeding the entire Indian population of all the old States together. These are things, sir, of which, as an American, I can take no pleasure in adverting to; but, as a Georgian, I can only feel all the emotions of disgust, when I hear my State denounced for her Indian policy, by the people of States who have hunted down, as the wild beast of prey, the last of the red man within their borders. If we are to be lectured, let it come from pure hands and honest hearts; not from those whose practice it is to preach justice, equality and humanity abroad, while at home every act is shrouded with designs black and wicked.

But, Mr. Chairman, there are other facts that should be known to this committee and the nation, in order to understand the true position of Georgia. By the treaty of 1819 with the Cherokees, made with Ross, Gunter, and others, who have been opposing the late Cherokee treaty, there is an express reservation in favor of John Ross, Lewis Ross, John Martin, James Brown, John Burge, Edward Gunter, Richard Taylor, Thomas Foreman, and Richard Fields, and a number of others, of 640 acres of land to each, provided they wished to become citizens of the United States, &c.

Now, sir, I will state also, as a fact not generally known, that this very same John Ross, Lewis Ross, Edward Gunter, George Lowrey, and John Gunter, did put in, in writing, which was regularly recorded at the Cherokee Agency, their applications for the reservations as set forth in the treaty. I will give the letters of Lewis Ross and John Ross.

WASHINGTON CITY, March 6th, 1819.

SIR: Agreeable to the 3d article of the treaty signed at Washington on the 27th February, 1819, I hereby notify that it is my intention to continue to reside permanently on the land reserved to me in said treaty.

(Signed) LEWIS ROSS.

COL. R. J. MEIGS, Cherokee Agent.

CREEK AGENCY, June 17, 1819.

SIR: Finding that some of those persons who have been granted special reservations in fee simple, by the late treaty, concluded at Washington City on the 27th day of February last, have thought proper to report to you, agreeable to the condition stipulated in the third article of said treaty, notwithstanding I am fully convinced in my opinion that said condition does not immediately apply to special reservations, yet, in order to avoid any misunderstanding of the treaty, I have also thought proper to follow their example. You will therefore please to acknowledge this as my notification, in compliance with the *aforesaid stipulated condition*, that *it is my intention to continue to occupy and enjoy permanently the land reserved me in that treaty.*

I am, sir, your obedient servant,

JOHN ROSS.

Col. R. J. MEIGS, Cherokee Agent.

The letters of the others are of the same character. Mr. Chairman, can this House, will the American people, ask more to satisfy them of the true character of John Ross and others who are oppposing this treaty, and the peculiar situation in which Georgia has found herself situated? Sir, it should be remembered that it was not until after John Ross, his brother, Lewis Ross, and the others now hostile to this treaty, had accepted the provisions of that of 1819, constituting them citizens of the United States, and with a fee simple in 640 acres of land, selected as the most valuable in the nation, that the project was set on foot by the same individuals, that they would sell their reservations, return again to the nation, assume the command and the control of the Cherokees, organize a Government, adopt a written Constitution and code of laws, to advance their own ambitious projects. What have the eulogists of John Ross to say to his solemn, written pledge, that he intended to reside permanently on his reservation, under the 3d article of the treaty of 1819? Where stands his unblemished character in this transaction? Just where it stands in the present. It was John Ross and his party that made the treaty of 1819, securing, among other things, the best possessions in their country in fee simple, with the rights of a citizen of the United States. How long did they adhere to the conditions upon which they obtained this bounty? No longer than was necessary for them to pocket the profits of their treachery, and a new scene of ambition opened to their view. He then renounced all the rights and honor of an American citizen, and sought for glory and distinction by again betraying the best interests of his nation; and it is this man and his party who, it is contended, have the sole and exclusive right of making treaties for the Cherokees. Is it so, sir? Have not he and his associates, by their own voluntary act, as far back as 1819, deprived themselves of the influence they now seek to exercise?

One other fact, Mr. Chairman, I will allude to in justification of the course of Georgia, in abrogating the Cherokee Government. Among other oppressive enactments, these people passed the following barbarous laws for the sole purpose of perpetuating in the hands of Ross and his party, who had then seized upon the government of the Cherokees: "That any person or persons *whatsoever*, who shall be found guilty of forming *unlawful* meetings, with intent to create faction against the peace and tranquillity of the people—to encourage rebellion against the laws and government of the Cherokee nation, shall receive *one hundred stripes* on *the bare back.*" Another section provides: "That any person or persons who shall, contrary to the Legislative Council, enter into a treaty, &c. and agree to sell any part or portion of the national lands, upon conviction, shall suffer death." And it is, also, provided that persons who abscond, or who shall refuse, by resistance, to appear at the place of trial, are declared outlaws; "*and any person of this nation shall kill them, so offending, in any manner most convenient, within the limits of this nation, and shall not be held accountable to the laws for the same.*" And another section of the Cherokee laws provide, after administering one hundred lashes on the naked back, for a particular offence, "and no treaty shall be binding upon this nation which shall not have been ratified by the General Council, *and approved by the principal chief.*"

I will not spend the time of the committee in commenting on these laws. No one can mistake their object. John Ross was the principal chief, and no treaty could, therefore, under their law, be binding without his approval. This gave him the power, unlimited and despotic as it was, that he desired. These laws were enacted in October, 1829, and it was not until November or December, 1829, that the Legislature of Georgia extended her criminal jurisdiction over the Cherokee country within her limits. I need not here repeat what is universally believed to be true, that these laws prevented the great mass of the Cherokee people from emigrating. If one dared express a desire to go West, or treat with the United States, we all know his fate; and, if the reports of the day are to believed, many paid the forfeit of that law with their lives. Under such circumstances, Mr. Chairman, was my State placed at the moment she took her stand and asserted her rights. If consequences to be deplored have resulted, they must be attributed to the folly and ambition of Ross and his party, and the delay of justice by this Government to Georgia. Georgia acted as became her at so momentous a crisis. Had she done less, she would not have commanded the respect of her sister States, herself, or of posterity.

Mr. Chairman, the honorable gentleman from Virginia condemns the policy of this Government, in removing all the Indian tribes West of the Mississippi. That this policy, so fatal to the red man, originated with General Jackson, and must end in ruin. I think the honorable member is mistaken, when he gives the entire credit, for so I regard it, to General Jackson. The policy of removing the Indians West, and without the limits of the States, commenced under the administration of General Washington, and has been the settled policy of the Government, from that day to this. It is true, sir, and so much the more creditable to General Jackson, that he never failed to urge this policy upon Indian tribes within the States, or upon Congress, on all suitable occasions, as the last and only means of throwing around the savage the efficient protection of this Government. But while I am free to admit, that this policy, under his Administration, assumed a decided and organized form and practical bearing, yet I will not yield all the honor of this mighty work of national humanity to General Jackson. It originated in the benevolent and comprehensive charity and practi-

cal humanity of our first Chief Magistrate, and has been sanctioned by all who have come after him; and though it may be said of General Jackson that more has been done under his Administration to carry out this great work, in which every philanthropist must feel an abiding interest, it does not show the whole credit to be his, or that the policy itself is wrong. The honorable gentleman will take upon himself a task of no ordinary character, when he attempts to prove that what is understood to be our Indian policy, is either wrong in itself, or will be productive of results fatal to them or to the whites.

The honorable gentleman, as is somewhat common in this House on particular occasions, reminds us of the danger of a large standing army to the liberties of the people; and that such an army will become necessary, in order to protect our western frontier, if the Indians are all concentrated on the west of the Mississippi. He informs us, from our experience in the Seminole war, that we have found that it was necessary to have *seven* American soldiers to contend against *one* Indian warrior; that when the Cherokees shall reach their western home, the mighty tribes can number sixty thousand warriors, which would require, according to our late experience in Florida, a standing army of upwards of three hundred thousand soldiers to protect that frontier, and hold the savages in check; and the honorable gentleman concludes that the policy is unwise, because it will necessarily lead to this overgrown standing army, that is to swallow up the liberties of the people. Sir, I cannot think there is much force in his view of the question. The honorable gentleman greatly underrates the character of the American soldiers, if such is his opinion. But I regard the immense army spoken of by the gentleman as imaginary, and that he entertains too much respect for the courage of our soldiers, to disparage them by any such comparison.

Mr. Chairman, the honorable gentleman insists that we can live side by side with the Indians in harmony, and that it would be humanity and justice in Georgia to permit the Cherokees to remain on the land of their fathers. Sir, this is the feeling of many gentlemen, who have either forgotten the lessons of all experience, or know but little of Indian character. How often has the experiment been tried; and where can you point to a solitary instance of permanent good resulting to the savage? No sooner do you bring the white and red man in close contact in the same community than the latter falls into all the vices and errors of the former, imitating none of his virtues. Sir, I have seen something of Indian character; I know something of the demoralizing influence upon the white and red man by placing them in contiguous neighborhoods; and I should regard it as one of the greatest moral evils that could befall the Cherokees to remain in their present situation. Better for them that they be driven at the point of the bayonet to their western homes, than to remain where ruin, wretchedness, and misery await them. Why, from the beginning, such should be so, I will not attempt to explain; but that the fact exists, all must admit. Then, sir, should we now halt in our career, again to make experiments that have, as often as repeated, led its victims to the altar? Is it not the part of wisdom, is it not our duty, to provide for evils that exist, to treat the condition of these Indians as a practical question, rather than indulge in morbid sympathies and bitter railings, that the laws of nature have fixed an insuperable barrier between the moral condition of the savage aud the christian? In all this there is a providence beyond the ken of man; stubborn and unalterable laws of nature, that will neither yield to our entreaties, nor disappear at our bidding.

Mr Chairman, the honorable gentleman, with his accustomed earnestness of manner, asked, would not Georgia consent to pay an additional sum of money to induce the Indians to emigrate sooner than engage in a war? Yes, to bribe Ross and his party to sanction this treaty, rather than see war raging on our soil? I would deprecate as much as any man living a conflict with the Cherokees. I will pursue no course here or elsewhere, with the intention of bringing about such a result; but, sir, I will never vote one dollar to bribe a faithless man to sanction the supreme law of this land. Others, who take a different view of the subject, may vote John Ross million upon million for pacification. I shall not complain at that; but, as one of the representatives of Georgia, I cannot consent, by any vote of mine, to purchase the peace of my constituents at the hands of John Ross. And has it come to this, that the treaty which has been so often on this floor denounced as fraudulent, as a foul blot upon our national character, as a crying sin invoking the vengeance of heaven, is at last to be purified, stripped of its infamy, made worthy the support of all that have denounced it, by voting two or three millions to John Ross and his friends? I rejoice, sir, that the true issue has, after all, been presented. John Ross is now, as he always has been from the first moment, in the market. Give him one or two millions, and the entire control of the five millions embraced in the treaty, with the power of conducting the emigration of the Indians, and all his attachment for the land of his fathers, the soil of his birth, will die in that false and treacherous bosom, unlamenting the necessity that compels the separation.

For one, Mr. Chairman, whatever may be the consequence, I can conceive of nothing I would not prefer to placing my State by any vote of mine in a situation so humiliating. I will never consent to vote one dollar to bribe Ross, or extend the emigration one day beyond the time prescribed in the treaty.

SUPPRESSION OF INDIAN HOSTILITIES.

SPEECH OF MR. HAYNES,
OF GEORGIA,

In the House of Representatives, May 28 *and* 29, 1838—In Committee of the Whole on the bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for the year 1837.

Mr. HAYNES addressed the Committee as follows:

Mr. CHAIRMAN: When I first came into this House, in 1825, it was in the midst of an Indian controversy between the then Executive of the United States and the State of Georgia; and no one can regret more than I do, that, after having occupied a seat here, first and last, for more than twelve years, and when the period of my public service is drawing to a close, I should find myself under the necessity of once more entering into the discussion of such a subject. It is with the deepest regret, and alone under the strongest sense of duty to my constituents and myself, that I could be induced to take any part in this discussion. But, sir, I should be recreant to the trust reposed in me by an intelligent and confiding people—I should be false to the honor which belongs to my character as their representative—if I could sit by and hear the denunciations which have been hurled against the State of which I am one of the representatives, without endeavoring to repel them. The wide range of discussion which has been opened before this committee, renders it indispensable that I should indulge a scope of remark entirely beyond what properly belongs to the bill now under consideration. To enable me to do justice to Georgia, uninteresting as it may be, I am compelled to recur, briefly, to the European colonization of the American continent. It must be well known to this committee, that the various nations descended from European stock, now settled on this continent, emigrated to the portions colonized by them upon one great and general principle. I may assert, without fear of contradiction, that from the time the standard of Ferdinand and Isabella was planted on the shores of the new world by the great man who discovered it, the European colonies were settled in this country upon the principle that discovery gave a perfect right to soil and jurisdiction over every person and thing whatsoever. I could not better lay down the doctrine, in its application to the aboriginal inhabitants, as it has been carried out and acted upon by every nation which has established colonies here, than by a reference to remarks made by a distinguished citizen of Massachusetts [Mr. JOHN QUINCY ADAMS,] in an anniversary oration delivered by him in commemoration of the landing of the Pilgrims at Plymouth in that State, in December, 1802.

"The Indian right of possession itself stands," says Mr. ADAMS, "with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, were undoubtedly by the laws of nature theirs. But what is the right of a huntsman to the forest of a thousand miles, over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of a thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of the world? Shall he forbid the wilderness to blossom like the rose? Shall he forbid the oaks of the forest to fall before the axe of industry, and rise again, transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howling of the tiger and the wolf silence forever the voice of human gladness? Shall the hills and the valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists. Heaven has not been thus inconsistent in the work of its hands! Heaven has not thus placed at irreconcileable strife, its moral laws with its physical creation!"

The doctrine contained in this extract is not only conformable to the system of English colonization on this continent, but that of every other European nation which established colonies upon it. From the settlement of the oldest of the Anglo American colonies, from the settlement of Virginia in 1606, to that of Georgia, the youngest in 1733, there is, among the original thirteen States, but a single exception, in which entire jurisdiction has not been exercised by them, either as colonies or States, over the Indians within their respective limits, as will be found on reference to their statute books. Of all the old thirteen States, Delaware alone has abstained from the exercise of such jurisdiction; and if I am not very much mistaken, alone for the reason that there was not a single Indian tribe within her limits. A small portion of the Nanticokes were there, but the body of the tribe was in Maryland, and subjected to her jurisdiction. The terms of the statutes of the different colonies and States are various, but the principle of absolute sovereignty over the aboriginal inhabitants, with the single exception of Delaware, is found in them all. It would be easy to sustain the assertion, that entire sovereignty and jurisdiction over the Indians was the principle of Anglo American colonization, by reference to the laws of the several colonies and States now composing this Union, but it could not be necessary to inflict such labor upon myself, nor so far to tax the patience of this committee. As this principle of jurisdiction over Indians was at first established upon the settlement of the colonies, so did our fathers find it at the commencement of the Revolution. Well, sir, Georgia stood upon the same footing, both as a colony and a State, with her sisters on this subject. After the establishment of American independence, when the articles of confederation were found to be insufficient to promote the public welfare, and to secure the blessings which the union of the States was intended to establish and perpetuate, when the delegates met in convention in 1787, for the purpose of revising our form of Government, we find in the Federal Constitution, that great and glorious result of their labors, but a single particular which touches at all upon the jurisdiction of the several States over the Indian tribes within their limits. In fact, the word "Indian" occurs but twice throughout the whole instrument—once in the clause which confers the commercial power upon the General Government, and once in relation to the persons entitled to be enumerated for representation in the Congress of the United States. Nor does the Federal Constitution confer any power upon this Government over Indians, except the single and simple power to "regulate commerce with the Indian tribes." We know very well that for a long series of years, attempts have been made

so to torture and misinterpret that clause of the Constitution, as to authorize the extension of jurisdiction over them by the Federal Government in all cases whatsoever; but, sir, it is the idlest and absurdest of all deductions that could be drawn from any one clause in that instrument. Every one knows that the whole commercial power of the General Government in relation to foreign nations, the several States, and the Indian tribes, is embraced in one single little clause of the Constitution. But if the power to regulate commerce with the Indian tribes, confers exclusive jurisdiction upon this Government over them, it confers a like jurisdiction over the several States, and annihilates their respective Governments at a single blow. I repeat, that such an interpretation of the Constitution is the idlest and absurdest inference which could be drawn from any part of that instrument. I am very well aware that this may be considered a stale and unprofitable train of argument on my part; but it is impossible to do justice to Georgia, without adverting to it. Sir, in the whole history of the legislation of that State, she has never, in a single instance, overstepped the principles set forth in the extract just read from the Plymouth speech of the honorable gentleman from Massachusetts, [Mr. ADAMS,] nor strained her jurisdiction one inch beyond what all the other original States have exercised, except Delaware, with respect to the Indians. In exercising this jurisdiction, which was alike exercised by the various colonies, or States, it was based upon the principle of entire sovereignty over the whole soil, and over the whole population within their limits as colonies or States.

It is now too late to inquire into the question of abstract right to such jurisdiction; it is enough for my argument to have shown its universal application to all the European colonies planted on this continent. If the time shall come when it will be necessary for me to inquire whether the sum of human happiness has been increased by the settlement of European colonies in America, giving full allowance for its effect upon the aboriginal inhabitants, I shall be prepared to sustain the affirmative. It is well known that the British colonies on this continent were settled under the authority of charters from the Crown, and that the limits of the original States have been settled by them where no conflicting claim has been shown to exist. Georgia, like her sister colonies, was settled under a charter, by which her original limits were so clearly defined, that no contest is believed ever to have arisen between her and another colony or State, except that which involved a small strip of territory claimed by South Carolina, and which was amicably adjusted between them at the convention of Beaufort in 1787.

By the commission to Governor Wright, and the royal proclamation in 1763 or 4, her limits were defined to extend from the Savannah to the St. Mary's, and inland from the 31st to the 35th degree of north latitude, and from the Atlantic ocean to the Mississippi. Thus stood the extent of her territory at the treaty of peace with Great Britain in 1783; and thus it continued to stand until she ceded a large portion of her territory—about one hundred thousand square miles—to the United States, in 1802.

Mr. Chairman, we have heard much about the common right of the Union to the waste or unappropriated lands within the several States. Often as that question was brought before the Revolutionary Congress, and much as it retarded the ratification of the articles of Confederation, some two or three of the States insisting upon the establishment of the principle before they would ratify them, the ratification of all was finally accorded without it. So far, indeed, from the affirmation of the principle, it was distinctly disaffirmed as often as it was brought before the Congress of the Confederation. The utmost length to which that body ever consented to go was earnestly to recommend liberal cessions by the States owning large bodies of unappropriated lands.

At the close of 1787, or early in the year 1788, Georgia made a formal proposal to Congress to cede a large portion of her western territory to the United States; which, instead of being rejected because the lands were already the property of the Union, was declined on the ground that the Federal Government was not then in a condition to meet the payment demanded for it by Georgia, and for other considerations not necessary to mention. Notwithstanding Georgia was entitled to all the land embraced within her charter, about forty years ago, the then President of the United States, and a Congress subservient to his views, established a Territorial Government within her limits, although within the preceding four years, in negotiating the treaty of San Lorenzo El Real touching the southern boundary of the United States, Spain had been vanquished upon the title of Georgia. That circumstance, together with others of a local nature, occasioned the assembling of a convention in 1798, for the purpose of revising her constitution; which convention inserted a provision in the revised constitution authorizing the cession of a large portion of her territory to the United States, defining the boundary beyond which such cession should be made.

On the 24th day of April, 1802, twenty-five days after the passage of the law to regulate trade and intercourse with the Indian tribes, and which virtually repealed that law as to Georgia, a compact was entered into between the United States and Georgia, for a cession of this territory to the United States, by which Georgia conveyed to the United States about one hundred thousand square miles of her most valuable lands, upon the condition of receiving, at a period uncertain and remote, the pitiful sum of $1,250 000, and the removal of the Indians from the limits reserved by her. The language of that compact deserves particular consideration. I do not, however, place the right of Georgia to jurisdiction over the soil and people, and every thing else upon her territory, upon the compact of 1802. I place it upon the high and original ground of European colonization, referred to at the opening of my remarks, as confirmed and settled by the Declaration of Independence, the treaty of peace with Great Britain, and the Federal Constitution which now binds these States together. But if doubt could exist in any human mind whatever, as to her rights, that question would be clearly settled by the compact of 1802; for, by it, in express terms, Georgia ceded to the United States "all claim to soil and jurisdiction" beyond a certain limit; and the United States ceded to Georgia "all claim to soil and jurisdiction" within that limit, as reserved by Georgia to herself. The United States entered at once fully into the enjoyment of "soil and jurisdiction" as ceded to them by Georgia; and who will dare to say that Georgia had not the same right to enter upon and enjoy the "soil and jurisdiction" ceded to her by the United States?

By no known rule of construction can one branch of these mutual stipulations be enforced, and the other not. Is it not, then, surprising that, after the United States should have entered at once and fully into the possession and enjoyment of what was ceded to them by Georgia, we should find at this late day, in defiance of the cession to her of "soil and jurisdiction" by the United States, the doctrine set up that an Indian tribe may hold a position as an independent political community upon the soil of Georgia? I have said that all the colonies, and original States of this Union, exercised perfect and entire jurisdiction over the Indians within their limits; and, I will now add, that the very last of all the old States, as she was the last one planted on this continent, to extend her jurisdiction over the Indians, was Georgia. Various acts of legislation, it is true, were adopted by her some forty or fifty years ago, in relation to the Indians; but she deferred the whole and entire exercise of her sovereignty over them until within the last ten years.

The occasion was this: In the summer of 1827 a council of delegates of the Cherokee nation assembled, and adopted, and promulgated, a formal Constitution, setting up a permanent, independent, sovereignty, embracing some four or five millions of acres of territory, within the limits of Georgia. Notwithstanding the proceedings of this convention were known to the Governor and Legislature of Georgia, at its meeting in November, 1827, even then, Georgia forbore to interfere with this pretended Cherokee sovereignty.

In January, 1828, the distinguished individual who now presides over the Department of State, [Mr. Forsyth,] being then Governor of Georgia, communicated a copy of the Cherokee constitution to the President of the United States. That President, with whom Georgia had just triumphantly closed the memorable controversy which grew out of the Creek treaty made at the Indian Spring, in February, 1825, being willing, so far as might be practicable, to carry to fulfilment the obligations of the United States to remove the Indians from within the limits of Gergia, entered into a treaty with the Cherokees of the West in May, 1828, looking, among other things, to the emigration of the Eastern portion of the tribe to the west of the Mississippi. Is peak from a knowledge of the fact, that such was one of the important motives which led to the conclusion of that treaty, being, at the time it was made, a member of the Georgia delegation, who were consulted on the subject. It was understood that a portion of the Western Cherokees, who made that treaty, returned through the Eastern portion of the tribe, in the summer of 1828, for the purpose of inducing their friends and kindred to emigrate to the West, and that, so far from finding a friendly reception, were abused and maltreated for it. But the opposition of the authorities of the tribe did not stop there.

At the meeting of the Cherokee council in October, 1828, an act was passed, disfranchising any Cherokee who might enrol for emigration to the West, and authorizing any other Cherokee to enter into the possession of houses and lands then occupied by him. It was not until after the passage of that act that the Legislature of Georgia extended the jurisdiction of the State over the Cherokees, at the annual session in November, 1828. In spite of the attempt to enforce the Cherokee law of 1828 against emigration, the spirit was not checked sufficiently for the authorities of the tribe; and in November, 1829, another act was passed by the council, or, as would appear from a printed copy of the Cherokee laws, solely by John Ross, as principal chief, inflicting a fine of one thousand dollars, and the punishment of one hundred lashes, upon any and every Cherokee Indian who should dare to enrol for emigration to the West. As the law of Georgia, of November, 1828, was made to meet the Cherokee law against emigration which preceded it, so in November, 1829, the Legislature of Georgia passed another act to countervail the Cherokee law which preceded it. In both instances, it will be perceived that Georgia legislation followed that of the Cherokees, and was occasioned by it. It would not be difficult to show that Georgia has proceeded progressively in the same course, basing her legislation upon the previous action of the Cherokees. It is worthy of remembrance that the Creeks, Chickasaws and Choctaws have been removed from the lands ceded to the United States by the compact of 1802; while the Cherokees, after the lapse of thirty-five years, and the establishment of two flourishing States upon the ceded territory, are still permitted to encumber the soil of Georgia.

If the expense of removing the Indians from Georgia is alleged to her prejudice, my answer is, that the United States have received not less than sixty millions of acres of land as an equivalent for doing it. Surely, upon an examination of the account current, no one can complain that the United States have made a hard bargain. Would the people of this country be willing to cancel it, and restore the ceded territory to Georgia upon being reimbursed what has been expended in removing the Indians? I think not. The difficulties growing out of the conflicting legislation of Georgia and the Cherokees were heightened by the depredations mutually committed by bad men of either race upon the people of the other, or both. During the period under review, and that which followed it, the question was not as to the *mode* in which Georgia should exercise, or had exercised, jurisdiction over the Cherokees, but involved the naked, vital principle of her right of jurisdiction. By what right could any community, either before or since the adoption of the Federal Constitution, establish an independent Government within the limits of any one of the States of this Union, I

leave to the adversaries of Georgia, and defy them to answer. Let moralists say what they will, it does not become the people of this country, especially those of the older States, to arraign the course of Georgia on this subject. Well might she say to them, "Let him who is without sin first cast a stone at me." In 1828 and 1829, the extent to which Georgia carried her authority over the Cherokees, was to protect such of that people as might desire to emigrate from the barbarous inflictions of the laws of the tribe. In 1830, a Cherokee by the name of Tassels committed murder upon one of his own countrymen, for which he was arraigned before the superior court of Hall county for trial, and upon solemn inquest was found guilty of murder. I might here show that it was far better, on the ground of humanity, for an Indian to be tried by the white man's law than by the law of the Indian; by the Anglo Saxon institutions than the bloody code of his own countrymen; by that law which not only requires proof of the fact of killing, but which requires to be brought home to the culprit malice aforethought, express or implied. But Georgia was not permitted to proceed quietly in the exercise of her jurisdiction over this Indian murderer. A hue-and-cry was raised against her throughout the whole length and breadth of the land, and the power of the Supreme Court of the United States was invoked to arrest his execution, and to take him away from her authority. A citation was served upon the Governor of Georgia, and upon the judge before whom the murderer had been been tried and convicted; and because the authorities of the State went on to execute Tassels in conformity with his sentence, Georgia was accused of braving and defying the authority of the United States. I may say here, before I proceed further with the narrative of the contest between Georgia and the Cherokees, that in the case of Tassels there was no haste to execute the sentence of the law. On the contrary, the day of execution was made so distant as to enable the unfortunate convict and his friends to invoke Executive clemency for a respite, and to memorialize the Legislature for a pardon. No mitigating circumstances being shown, the pardon was refused, and he was executed. But even according to the doctrine contended for, that the Supreme Court had appellate jurisdiction over the case, under what obligations did Georgia stand to obey the citation of that tribunal? How she braved the authority of the Supreme Court, will be seen by referring to the decision of the late Chief Justice Marshall, in the case of Cohens against the State of Virginia. In considering what a citation is, Judge Marshall says:

"And what is a citation? It is simply notice to the opposite party that the record is transferred to another court, where he may appear, or decline to appear, as his judgment or inclination may determine. As the party who has obtained the judgment is out of court, and may therefore not know that his cause is removed, common justice requires that notice of the fact should be given to him. But this notice is not a suit, nor has it the effect of process. If the party does not choose to appear, he cannot be brought into court; nor is his failure to appear considered as a default."

Sir, if a citation is neither suit nor process against an individual, I should like to know how it can be so against a State? Such an idea would be preposterous in the extreme.

To show, still further, that it was the question of jurisdiction alone which was in controversy, and not the *mode* of its e xercise, it is only necessary to refer to the celebrated Cherokee chancery bill against the State of Georgia, which was argued before, and determined by, the Supreme Court, at its session in 1831. That bill denied entirely the jurisdiction of Georgia over the Cherokees, and prayed the Court to enjoin that State against the future exercise of such jurisdiction. And what was the decision of the Court, as delivered in March, 1831? We shall learn from the following extract from its decision, delivered by Chief Justice Marshall himself.

In delivering the opinion of the Court, Chief Justice Marshall observes: "The Court has bestowed its best attention on this question, and, after mature deliberation, the majority is of opinion that an Indian tribe or nation within the United States, is not a foreign State in the sense of the Constitution, and cannot maintain an action in the courts of the United States."

* * * "A serious additional objection exists to the jurisdiction of the Court. Is the matter of the bill the proper subject for inquiry and decision? It seeks to restrain a State from the forcible exercise of legislative power over a neighboring people asserting their independence; their right to which the State denies. On the several matters alleged in the bill, (for example, on the laws making it criminal to exercise the usual powers of self-government in their own country by the Cherokee nation,) this Court cannot interpose, at least in the form in which these matters are presented."

In reference to the jurisdiction of Georgia over the possession of lands by the Cherokees, Chief Justice Marshall says: "The mere question of *right* might, perhaps, be decided by this Court in a proper case, with proper parties; but the Court is asked to do more than to decide on the title. The bill requires us to control the legislation of Georgia, and to restrain the exercise of its physical force. The propriety of such an interposition by the Court may be well questioned. It savors too much of the exercise of political power to be within the proper province of the judicial department."

In the closing paragraph of the opinion of the Court it is observed: "If it be true that the Cherokee nation have rights, this is not the tribunal in which these rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future."

"The motion for an injunction is denied."

It is very remarkable that, after pronouncing such an opinion as this, disclaiming jurisdiction, and that too for the reason that its exercise would savor too much of the exercise of political power, in one short year, the Supreme Court of the United States should have attempted to arrest the jurisdiction of Georgia over one of her own citizens, residing in the country occupied by the Cherokees; and still more so that the Court should have sought to justify it, by assuming the individual to be the citizen of a State some eight or ten hundred miles off, when he had a permanent residence within the limits of Georgia.

If ever there was an attempt by a judicial tribunal in this country to usurp power not belonging to the Government of which it was a member, that attempt was made by the Supreme Court in the case of Worcester and Butler against the State of Georgia; an attempt which, I venture to predict, will never be renewed by that Court against any member of this Union.

The State of Georgia, in the progress of her legislation for the purpose of extending her jurisdiction over the Cherokees, organized counties, and established her civil and other authorities within them. In 1831 the Legislature of the State went the whole extent of the doctrine contained in the extract from the Plymouth speech which was read at the commencement of my remarks, by surveying and apportioning the waste lands in the Cherokee country among her own people, securing the Indians in the possession of such portions as were occupied and improved by them.

There is, in connection with the legislation of Georgia, and the course of the principal chief of the Cherokees, one important circumstance which has not yet been brought to the notice of the committee. I have said, the Legislature of Georgia had determined to take possession of the country, subject to the principle of Indian occupancy, to which I have already adverted; and I will now say, that, up to the 25th of May, 1838, the Cherokees were protected in the possession of the improvements occupied by them to the extent of from one hundred and twenty to one hundred and sixty acres, to each head of an occupant family. This was the state of the case between Georgia and the Cherokees, when the delegation, at the head of which was John Ross, urged upon the Executive of the United States to submit the valuation of all the lands occupied by them east of the Mississippi, to the decision of the Senate, as has been shown by more than one gentleman who has already addressed the committee, and most particularly by the gentleman from North Carolina [Mr. GRAHAM.]

In February, 1835, that delegation, clothed, as I believe, with the whole power of their tribe, being essentially its Government—for I consider John Ross as the impersonation and embodiment of Cherokee power and Cherokee will—through the Secretary of War, proposed to submit the question of the valnation of their land to the Senate of the United States, pledging themselves to use their efforts to induce their people to accept the award. That award was made; and the committee have already been told, that when the delegation was urged to enter into stipulations on the basis of five millions of dollars awarded by the Senate, their own especial umpire, they then for the first time discovered that they had no power to enter into such stipulations. They could not treat at Washington, but must treat in the Cherokee nation. Pending the transaction, after the question had been submitted to the Senate of the United States; after that body had awarded five millions of dollars as an ample indemnity to the Eastern Cherokees as the price of their removal to the West, a very short time before the proposed meeting of the Commissioners of the United States with Ross and his people in their country, for the purpose of there consummating the award of the Senate, while the Cherokees were still under the protection of the laws of Georgia for an indefinite time; John Ross and his council transmitted to the Governor of Georgia a communication, a copy of which I will ask the Clerk to read.

The CLERK read the following:

COUNCIL GROUND OF THE CHEROKEE NATION,
Red Clay, October 26, 1835.

SIR: The undersigned, the principal Chief, the assistant principal Chief, the Committee, and Council of the Cherokee nation, trust you will appreciate the purity of their motives for thus addressing you. You are aware of the distressing situation in which our country stands. We are the earlier possessors of the soil, which we yet retain, but where events, which we have had no share whatever in producing, surround us with all the anxieties and privations of war, although in a perfect state of peace.

Various attempts have been made to arrange our difficulties, and upon conditions which may satisfy the people. We have been misrepresented, we have been slandered. The General Government of the United States has been swayed by agents of its own, who do not enter into the feelings of our nation, and who adopt a course in reference to it which has made the nation distrustful The Cherokees will only put faith in those whose devotedness to them has been tried. They have appointed a delegation to settle their difficulties. To accomplish this, they have invested that delegation with the fullest powers. If sources of irritation are now avoided, we doubt not all will be accomplished which can be desired on the close of the present session of Congress, should we not greatly misapprehend the feelings of the General Government.

Under these circumstances, we have thought it due to ourselves, to you, to the United States, to the interest of humanity, to make this representation, and to ask that you will submit it the Legislature, of which you are the head; and, in submitting it, that you will entreat the Legislature, whatever they may have had the purpose of doing regarding those portions of our nation which border on their possessions, to abstain, at any rate until this negotiation shall be completed, from passing any law, of sanctioning any proceedings, which may further harass a people so deeply galled that a renewal of irritating measures, at a moment so critical, might entirely defeat the objects of those who have nothing at heart but the peace and happiness of their own countrymen, and a permanent friendship with yours.

We have the honor to be, sir,
Your Excellency's most ob't servants,

(Signed) JOHN ROSS, *Principal Chief.*
GEO. LOWRY, *Ass. Prin. Chief.*
RICH'D TAYLOR, *Pres'nt N. C.*

JAMES DANIELL	CHOONOLUSKEE
JAS. D. WOFFARD	JOHN HINSON
OLD FIELDS	SAMUEL GUNTER
HAIR CONRAD	GEORGE STILL
JOHN FOX BALDRIDGE	GEORGE HICKS
JAMES HAWKINS	RICHARD FIELDS
NAHHOOLAH	

WM. ROGERS, *Clerk Nat. Committee.*
his
GOING x SNAKE, *S. N. C.*
mark.

ARCHY CAMPBELL	TAHQUOH
BARK	JOHN. R. DANIEL
MONEY CRIER	WHITE PATH
SLEEPING RABBIT	JAMES FOSTER
YOUNG GLASS	JOHN OTTER LIFTER
CHUNE KEE	CHARLES
O. OLENOWA	CHUALOKEE
BEAN STICK	JOHN WAYNE
WALKING STICK	SITUWAKEE
JOHN WATTS	SWEET WATER
JAMES SPEARS	PETER
EDMUND DUNCAN	

MOSES DANIEL, *Clerk Nat. Council.*

To his Excellency the GOVERNOR OF THE STATE OF GEORGIA.

I stated, Mr. Chairman, that at the time this communication was made to the Governor of Georgia, the Cherokee Indians were secured, for an indefinite period, in the possession of their improvements in Georgia, to the extent of one hundred and twenty to one hundred and sixty acres of land for each family. Therefore, there could have been no motive on the part of the State of Georgia to have changed her legislation on the subject, unless it was intended to bring this matter to a close. But, acting on this pledge from John Ross, the Legislature, in November thereafter, passed an act securing Indian occupants in their possessions until November or December, 1836, reserving to the State the power still further to extend their right of occupancy. John Ross and his Council stated to the Governor of Georgia, that, relying on the disposition of the Executive of the United States, not starting any difficulty in relation to the award of their own umpire, the Senate of the United States, but leaving Georgia to act on the clear, distinct, and unquestionable presumption that they would carry out that award by the neces-

sary details; in consideration of which, Georgia legislated specifically to protect the Cherokee occupants in their possessions until November, 1836, several months beyond the session of Congress within which Ross pledged himself to close a final adjustment, still reserving the power of further extension, and in 1836 actually extending the right of Cherokee occupancy up to the 25th of May, 1838. In the course of that session of Congress in which Ross held out to Georgia the promise of a final arrangement, the treaty of which we have heard so much was ratified; and in conformity to its provisions, allowing to the Cherokees two years to complete their removal from the 23d of May, 1836, in November thereafter, the Legislature of Georgia extended the protection of the State to the Cherokee occupants up to the 25th of May, 1838. Sir, the whole course of the legislation of Georgia upon this subject, from the time the communication from Ross was laid before the Legislature, was based upon the faith of that document.

[At this stage Mr. HAYNES yielded to the entreaties of a number of gentlemen, and gave way to Mr. UNDERWOOD of Kentucky, on whose motion the committee rose. On the following day the House went again into committee on the same bill, and Mr. HAYNES concluded his remarks as follows.—*Reporter.*]

Mr. Chairman, when I addressed the House yesterday, I had, as I thought, closed, or nearly closed, the remarks I proposed to make as to the right of Georgia to jurisdiction over the Indians within her limits, together with her legislation upon the subject. As I stated to the committee at the commencement of my remarks, it was a subject of sincere regret to find myself under the necessity of once more taking part in the discussion of this Indian subject. But I will now recur, for a moment, as connected with the history of this subject, to a document written, or purporting to have been written, by a distinguished citizen of Kentucky, now one of her Senators in the Congress of the United States, [Mr. CLAY.]

ASHLAND, June 6, 1831.

DEAR SIR: I received your letter of the 14th ultimo, describing the wrongs and sufferings of the Cherokee nation. Of these I have been previously well informed. In common with a large portion of the citizens of the United States, I regretted them, and felt the sincerest sympathy with you on account of them; I regretted them not only because of their injustice, but because they inflicted a deep wound on the character of the American Republic.

I have supposed that the principles which had uniformly governed our relations with the Cherokee and other Indian nations, had been too long and too firmly established to be disturbed at this day. They were proclaimed in the negotiation with Great Britain, at Ghent, by the American commissioners who concluded the treaty of peace; and having been one of those commissioners, I feel with more sensibility than most of my fellow-citizens, any violation of those principles. For, if we stated them incorrectly, we deceived Great Britain; and if our Government acts in opposition to them, we deceive the world.

According to those principles, the Cherokee nation has the right to establish its own form of Government, and to alter and amend it from time to time, according to its own sense of its own wants; to live under its own laws; to be exempt from the operations of the laws of the United States; and quietly to possess and enjoy its lands, subject to no other limitation than that, when sold, they can only be sold to the United States. I consider the present Administration of the Government of the United States as having announced a system of policy in direct hostility with those principles; and thereby encouraged Georgia to usurp powers of legislation over the Cherokee nation, which she does not of right possess.

Such are my opinions, which are expressed at your request. But they are the opinions of a private individual, which can avail you nothing.

What ought the Cherokees to do in their present critical situation? is a most important question for their consideration. Without being able to advise them, I see very clearly what they ought not to do. They ought not to make war. They ought to bear every oppression rather than fly to arms. The people of the United States are alone competent now to redress these wrongs, and it is to be hoped that they will sooner or later apply the competent remedy.

In communicating these opinions at your instance, I have done it with no intention that they should be published. A publication might do injury, and I therefore request that it be not made.

I feel very thankful for the friendly sentiments towards myself, which you have expressed; and offer my sincere wishes that your nation finally may obtain justice at the hands of the United States, and may become a civilized, christian, and prosperous community.

I am, with high respect,
Your obedient servant,
H. CLAY.

MR. JOHN GUNTER.

There is no member of this committee who is less inclined to engage in partisan conflict than I am; but as a part of the history of the influences brought to bear upon the controversy then pending between Georgia and the Cherokees, I should have felt conscious of doing injustice to the people who have confided to me a high trust, if I had not placed that communication in such connection with this subject as to have brought it to their notice. I will advert once more, for a moment, to the controversy between the authorities of Georgia and the missionaries Worcester and Butler, for the purdose of stating, that all which Georgia required of them, or any other individuals residing within that portion of her territory occupied by the Cherokees, was the acknowledgment of, and submission to, the jurisdiction of the State.

I might not have thought it necessary to spend a word upon this subject, if it were not for the impressions made in various parts of this country as respects the true motives which actuated Georgia in these transactions, and if she had not been represented as designedly trampling upon the dispensation of religious and christian principle. When those missionaries entered the Cherokee country, it was by permission of the Government of the United States, and the law of Georgia under which they were tried and convicted, contained ample provision for the protection of every individual settled there as an agent, &c. by the permission of that Government; and they must have been exceedingly ambitious of martyrdom, or something else, wantonly to have exposed themselves to the criminal jurisdition of the State.

In the remarks made by the gentleman from Virginia, [Mr. WISE] upon the conduct of Georgia towards the Cherokees and other Indian tribes within her borders, he was pleased to arraign her motives for disposing of, or distributing her own lands, and not only designated them as mercenary, but spoke of her plan of distribution as a gambling lottery system, if I rightly understood his expressions.

In adopting that method, she adopted no new principle in reference to her public and unlocated lands. From the earliest period of the history of Georgia, so far as I have been informed, and certainly ever since the passage of her law for opening a land office on the 7th of June, 1777, the public lands of the State of Georgia have been considered the property of her citizens, and distributed among them. This, sir, is an old system of gambling, and sanctioned by some of the wisest and best men of this country, which has existed in one form or another, certainly for sixty years, and probably in substance for more than a century. I remarked yesterday, that in the jurisdiction claimed for the Federal Goverment over Indians, there was but a single grant of power to it in the Federal Constitution on that subject, and that that grant was contained in the brief clause conferring the commercial power upon this Government, and was alike applicable to the regulation of commerce with foreign nations among the several States, and with the Indian tribes. I said it was the absurdest of all inferences to attempt to deduce exclusive jurisdiction over Indians from that clause of the Federal Constitution. For that in so doing, we should annihilate the reserved rights and jurisdiction of the States in every thing else. The slighest attention to the general tone of discussion on the part of those who contend for the exclusive jurisdiction of the United States over the Indians, must satisfy every unprejudiced mind, that it is made to rest upon the extravagant an erroneous impression that, from first to last, the United States, as one consolidated nation, possessed original, inherent sovereignty over this whole subject. But, as I said yesterday, the entire sovereignty over the soil and population of the several colonies planted on this continent, from the hour that the banner of Ferdinand and Isabella was unfurled upon its shores by Columbus, was claimed by the colonizing nations of Europe; and that such sovereignty, as to us, passed, perfect and unimpaired, to the possession of the several States at the establishment of American Independence. This being the case, all the powers of the Federal Government are the free gift of the States; and none but the commercial power having been granted to it in regard to the Indian tribes, their jurisdiction over them is not in the slightest degree impaired or limited in any other particular.

Having passed as briefly as I could over the question of the jurisdiction of a State over Indians within her limits, and especially adverted to the legislation of Georgia towards the Cherokees, it may be proper that I should say something on the subject of the emigration and colonization of the Indians to the west of the States and Territories of this Union. Upon inquiring into the history of this subject, the first official notice I have been able to find of the adoption of the principle of Indian emigration and colonization, is to be found in the treaty concluded with the Cherokees in 1817, in which is recognised a pledge given to a portion of the tribe by President Jefferson early in the year 1809. I have understood, but cannot now lay my hand upon the document, which may be quoted as authority, that one important consideration which induced Mr. Jefferson to desire the acquisition of Louisiana, was to procure an extensive range of wild country, to which to remove and colonize the then residing Indians east of the Mississippi. Be that as it may, he encouraged the emigration of the Cherokees as early as January, 1809, urging them to settle high up the Arkansas and White rivers, that they might be entirely removed from the neighborhood of the white population; and one of the provisions of the treaty of 1817 purports to carry into effect the pledge thus given to the Cherokees, in 1809, by President Jefferson, and to secure to them the peaceable possession of their new country in the West.

There is nothing further in our legislation, or other documentary history, so far as I have been able to learn, on this subject, until we come down to the last annual message of President Monroe to Congress, in December, 1824, in a short paragraph of which he invites the attention of Congress to it, and urges its adoption. At a subsequent period of the same session of Congress, on the 27th of January, 1825, Mr. Monroe communicated a special message to Congress, emphatically recommending a general plan of Indian emigration and colonization west of the Mississippi, but Congress then adopted no general, or even partial legislation, so far as I know or believe, in regard to it. Early in the year 1826, troubles having arisen in the Creek nation the previous year, which resulted in the death of Tustunnuggee Hadki, the white warrior of Muscogee, better known as General McIntosh, his followers were anxious to remove to the West, and provision was made by law for their emigration and settlement there.

As has been already stated, in 1828, a treaty was made by the Western Cherokees, one of the objects of which was to induce the emigration of that portion of the tribe still remaining, east of the Mississippi.

In the last annual message of President Adams, communicated to Congress in 1828, he invited its attention to the general plan of Indian emigration as fully and elaborately urged in the report of Gen. Porter, the then Secretary of War. The subject was again earnestly pressed upon the attention of Congress, by President Jackson, in his first annual message to Congress, in December, 1829; and in May, 1830, the Indian bill, as it was called, was passed, the object of which was the full and entire emigration of all the Indian tribes residing east of the Mississippi, to the west of that river.

So, sir, the scheme of Indian emigration to the west is not new, nor the offspring of a single, heated and visionary imagination. For near thirty years we have evidence of its existence, in a more or less extended form; and from December, 1824, the entire plan has had the sanction and recommendation of three successive Presidents of the United States. As I have before said, in May, 1830, under the recommendation of President Jackson in his first annual message to Congress in December, 1829, an act was passed contemplating the entire emigration of all the Indians residing east of the Mississippi to the west; and I very well remember the hard fought battle through which we accomplished its passage in this House. Sir, it was with no little regret, upon my return to this House in 1835, that I found we had lost, or seemed to have lost, to this great question of Indian emigration, the powerful co-operation of my honorable friend, the distinguished member from Tennessee, [Mr. BELL,] now, as in 1830, the chairman

of the Committee on Indian Affairs. I could not readily express my regret at the altered, or apparently altered, position of my honorable friend, for personally he is so, and I regret that I cannot call him my political as well as personal friend, upon this subject. I have taken this occasion to speak of the honorable gentleman from Tennessee, that he may have the opportunity to set me right if I have mistaken his present position in reference to this question of Indian emigration, in the furtherance of which we so heartily co-operated with each other eight years ago.

What are the considerations which bear upon this subject of Indian emigration and colonization? What has been the course of the different States of this Union—I mean the original thirteen States—in regard to the Indian tribes settled within their territories? I shall not recur to it in a spirit of unkindness, or for the purpose of awakening unpleasant recollections, but to contrast for a moment the fate of the numerous tribes scattered over this great country, and subjected to the legislation, as I have shown, of twelve of the thirteen original States, with what will be the condition of such as shall emigrate beyond the reach of our population to the west of the States and Territories of the Union. I shall not attempt to enumerate the Indian wars which have occurred at various periods of our history, nor the severe enactments of many of the colonies towards the Indians. In many instances, what seems to have been kind, benevolent, and paternal legislation, has been exercised towards them; and I may here say, without intending to make an invidious distinction between one portion of the country and another, that the Southern States have been as remarkable (might I not say more so?) for kindness and indulgence towards the Indian race, as any other members of this Union. That ancient and renowned Commonwealth (Virginia) which I am proud to call my mother, may well compare her legislation over the Indian tribes, for humanity, kindness, and paternal solicitude, with that of any other State in the Union, and what has become of her Indians?

The honorable gentleman from that State, [Mr. WISE] who so vehemently opposes the fulfilment of the Cherokee treaty, and seems to be so much opposed to the general scheme of Indian emigration, has given us a sad commentary upon the fate of Indians surrounded by a white population, in his statement of the degraded and now extinct Gingaskins, once flourishing on the eastern shore of Virginia. Looking throughout the wide extent of our country, looking back to the numerous and powerful tribes by which it was covered when our fathers colonized the American wilderness, let me ask, where are the Catawbas, the Tuscaroras, the Nottoways, the Pamunkeys, the Nanticokes, the Delawares, the Six Nations, the Narragansetts, the Pequods, the Penobscots, and the thousand other tribes which once covered the land? Gone, buried, most of them, and the next generation may forget their very existence. Does this encourage us in the course which has been pursued by the various States of this Union towards the Indians? Does this justify us, as a humane and benevolent people, in endeavoring to subject to a process, by which all these tribes have been annihilated, or nearly annihilated, the remnants still lingering among us? I think not, sir. And if any one will take the trouble to inquire of an intelligent Cherokee or Creek, of John Ridge or Chilly McIntosh, he will find that the portions of those tribes which have emigrated to the West are in a more prosperous condition than they have ever been at any former period of their history. On the one side, degradation, decay, and final extinction await them; on the other, their social, moral, and intellectual advancement in all the arts of refinement and civilization, with the permanent preservation and elevation of the Indian race.

These are some of the considerations which justify the great men who have gone before us, and which should embalm their memory in the heart of every lover of his kind, for setting on foot this great scheme of Indian emigration and colonization in the West. We have been told of the danger to be apprehended from embodying so large a number of Indians on our Western frontier, and the gentleman from Virginia [Mr. WISE] has seemed to desire to appal us by arraying an aggregate of more than three hundred thousand, ready, without warning, to devastate one of the fairest portions of our country. That gentleman must have forgotten that much the largest portion of that number exist in that country independently of any action of ours, and has overlooked the countervailing force of the four great Southwestern tribes residing between us and the wilder and more turbulent portions of their race. For my part, I do not hesitate to express the confident belief that the Chickasaws, Choctaws, Cherokees and Creeks, will form for our frontier a cordon of defence against the wilder tribes beyond them. The various considerations of interest and good will which must tend to such a result, it cannot be necessary for me now to enumerate. I am aware that I have fatigued the committee by going into a tedious detail of the principles of American colonization by the different nations of Europe, and the extent of jurisdiction claimed and exercised by the colonies over the aboriginal inhabitants of America. I have, perhaps, added to that fatigue by the brief and desultory observations I have made upon the emigration of the Indians to the West, but I could not otherwise have placed the subject in the light in which I think it ought to be viewed by every benevolent mind from one extreme of our country to the other.

Having, in this imperfect manner, passed over what seemed to be essential preliminaries, I come now to make a few brief closing observations upon the subject immediately before us. I regret exceedingly the wide range of discussion which has been indulged in, especially by the gentleman from Virginia, [Mr. WISE,] upon a bill, the single object of which is to make an appropriation to repress and suppress Indian hostilities, and to discharge arrearages for the past. I regret, with no less sincerity, that a topic which has no necessary connection with the bill, whether the Cherokee treaty be indeed a treaty or no treaty, should have been introduced into this discussion. But as it is our habit to discuss any thing and every thing in Committee of the Whole on the state of the Union, however immediate or remote its relevancy, it might be considered indelicate for me to remark further upon it. I will, therefore, come, as briefly as I can, to the consideration of that treaty, the opposition to which has rendered a portion of the appropriation now asked for necessary. In the winter of 1834–5, as the Committee has been informed over and over again, a delegation of Cherokee Indians came to this city, and proposed to the President of the United States, through the Secretary of War, to settle all their difficulties by a final cession of their territory east of the Mississippi, for the gross sum of $20,000,000. This proposition being very properly considered extravagant and unreasonable, was promptly rejected by the Secretary of War. He was then urged, in February, 1835, in a further communication from the delegation, to submit the question, without stating any particular sum, to the Senate of the United States, with the assurance that whatever sum might be fixed by that body as a fair equivalent for the territory to be abandoned, they would use their exertions with their countrymen to induce them to accept. In compliance with this earnest assurance, the proposition was submitted, and the Senate returned as their answer, that the Cherokees should receive five millions of dollars.

Subsequent to the declaration of the award by the Senate, an attempt was made by the Executive to induce the delegation to enter into the necessary stipulations for carrying the award into effect, and then, and not until then, as I verily believe, did that delegation dicover that they had no power to close the arrangement without reference to their countrymen. It is necessary to be remembered, that in the course of the communication referring the acceptance or rejection of the award to their countrymen, the delegation again pledged themselves to use their influence to induce them to accept it, laying particular stress upon the principle that it should have due regard to *individual rights*.

Reference has been made to an attempt subsequently made by the Executive to enter into an arrangement with another delegation, and it has been attempted to be shown that the Executive endeavored to depart from the award of the Senate, by reducing its amount. This was triumphantly answered by the gentleman from North Carolina, [Mr. GRAHAM,] who showed that it still proposed to adhere to the basis of five millions of dollars. The Executive having failed to induce the delegation to enter into stipulations here, it was adjourned to the Cherokee council to be assembled at Red Clay in October, 1835. Commissioners were sent by the President to that council, under the pledge of Ross and his delegation, that the arrangements should be there made for closing the affair, by carrying out the award of the Senate, by such stipulations as might be agreed upon by the parties. The delegation stood doubly pledged to endeavor to induce their people to accept the award of the Senate, and to enter into the necessary stipulations when met by commissioners in their own country.

But what was the course pursued by John Ross at that council? Notwithstanding his pledge to treat, and to endeavor to induce the acceptance of the five millions awarded by the Senate, he not only declined to treat with the commissioners altogether, but himself presented to the meeting, and procured the adoption of, a protest against the acceptance of the five millions awarded by the Senate.

This violation of the pledge given by John Ross, both before and after the declaration of the award by the Senate, is not left to inference or conjecture, but is placed beyond the possibility of doubt by the statement of an individual of the nation, Elias Boudinot, as respectable as Ross himself, who says, that so far from endeavoring to redeem that pledge, by pressing the acceptance of the award upon his countrymen, Ross himself presented to them and induced them to adopt a protest against that very award.

Mr. Boudinot, in speaking of the proceedings at the meeting at Red Clay in October, 1835, holds the following language:

"At the call of the public crier, the Cherokees, to the number of about one thousand, were collected around a stand, to hear some important communication from their chief. Mr. Ross soon appeared, with a bundle of papers in his hand, which turned out to be the nomination of the twenty delegates, and their powers. They were all written out, ready to receive the assent and the signatures of the multitude, who stood around the chief with indescribable anxiety, to hear some important development, or a suggestion of some plan that would result in their relief. Mr. Ross commenced to read an instrument of writing, drawn in the form of resolutions, to be adopted or approved by the people, granting powers to the twenty delegates, of which number he was one. Those powers, to an English reader, or to a person understanding the English language, may be understood as being ample and sufficient. They authorized the delegation to terminate the difficulties with the United States, by a treaty arrangement, either there or elsewhere. They gave them full power to negotiate, upon what principles they pleased, in any manner they pleased, and for any amount they pleased. In fine, they were unlimited, discretionary powers. So far, it was well enough, only that they were too extensive to be intrusted to twenty irresponsible persons. In addition to the fullest extent of authority which the people had conferred upon their delegation, they were made to declare that *they would be bound by all the acts of that delegation*. What will be your surprise when I tell you that those resolutions, containing such a declaration, were accompanied with a protest in which the people are made to say, that *they will never consent to a treaty made upon the basis of the five millions of dollars!*"

Thus did that artful and perfidious chief, John Ross, concentrating in himself Cherokee power and Cherokee will, violate his own voluntary pledge to urge upon his tribe the award made by the Senate at his own pressing solicitation. As Ross had violated his engagements by the proceedings at Red Clay, the commissioners notified the Cherokees that they would meet them at New Echota in December following, for the purpose of drawing up these stipulations. According to that notice given to the nation, a meeting did take place at New Echota on the 29th of December, 1835, and a treaty was entered into with a larger number of delegates than usual on such occasions, which treaty, subsequently modified by the Senate, was ratified by that body on the 23d of May, 1836. We know that the opposers of this treaty have artfully directed public odium against the two individuals by whom its stipulations were arranged with the Cherokees. And why? Because the breath of calumny dares not utter a whisper against the Senate by whom it was ratified. Who are the commissioners usually employed on such occasions? Men of business, acquainted

with Indian character, and competent to settle the details of the proposed arrangement. But is their work a treaty? No, sir; far from it. The only power known to our laws competent to make a treaty, is the President of the United States, by and with the advice and consent of the Senate. When we remember that there is not another body in the world possessing a higher character for intelligence and integrity than the Senate of the United States, it would seem sufficient to stamp the seal of validity upon any transaction, treaty or otherwise, which had passed the ordeal of its scrutiny. If objections are made to this transaction, it is sufficient answer to say, that it was not the work of an hour, or a day. It was under advisement, from the first to the last, from February, 1835, to the 23d of May, 1836. All the evidence, all the documents referred to in the course of this discussion, all that had been said or written on the one side, all that had been said and written on the other, was under the calm and deliberate consideration of the Senate, previous to the ratification of the treaty. And upon solemnly viewing and reviewing the whole ground, with an eye single to justice to all parties, t received the assent of the Senate. Whatever opinions others have entertained on the subject, it is my solemn conviction that there never has been a treaty entered into by the United States with an Indian tribe, ay, or with any other nation in the world, more fair, just, and honorable to our Government than this. Under what circumstances was this treaty negotiated? It was essentially a transaction directly between the United States and the Government of the Cherokee nation; as much so as a similar transaction could be between us and any one of the Governments of Europe.

Mr. Chairman, who is John Ross? He is the principal chief of the Cherokee nation, so far as the two are concerned; and his friends here who have extolled him—especially his peculiar friend, the gentleman from Virginia, [Mr. WISE,] who has ranked him above every citizen of Georgia—have said enough to convince this committee, and every intelligent man in this country, that he is the impersonation, the embodiment, of the political power and will of the Cherokee nation. In his proposition to refer, and, so far as he was concerned, to abide by the umpirage of the Senate, he placed himself and the Cherokee people under as strong an obligation to this Government as any civilized Government in the world could place itself. Yes, sir, if Great Britain, or France, or Russia, or any other power in the world, had contracted such obligations to the American Government as John Ross contracted, and failed or refused to redeem its pledge, it would furnish just cause of war.

It is said that fraud has been done to the Cherokee Indians. What is fraud? It is wrong, injustice, injury. Let me ask what wrong, what injustice, what injury, has been done to the Cherokee Indians?

Sir, the head of that nation, the Cherokee government, politically the Cherokee nation, bound himself to the Government of the United States to accept five millions of dollars as an equivalent for the abandonment of the territory occupied by them east of the Mississippi, and how has wrong been inflicted by the treaty we are considering? That treaty not only secures the full amount of five millions of dollars, as stipulated by the award of the Senate, but it gives the additional sum of six hundred thousand dollars for the expenses of removal, and certain spoliations prev onsly committed upon them.

Not only this, but it also stipulates to extinguish, for the use of the Cherokees, certain reservations within the country to which they are to emigrate, which will cost some twenty or thirty thousand dollars more. Nor is this all: for it further provides that they shall be authorized to send a delegate to this House, whenever Congress shall make provision for it. Further still, it takes particular care of *individual rights*, in the mode of applying the funds to be received under it; and I am not quite sure that this does not constitute one of the greatest objections in a certain quarter against it.

Where, then, is the wrong, the injustice, the injury, of which we have heard so much? John Ross, the Cherokee Government, politically the Cherokee nation, not only placed himself under a pledge to the United States to accept the award of the Senate, when the question of the value of the Cherokee country was submitted to that body, but in October, 1835, as I showed to the committee yesterday, addressed an official communication to the Governor of Georgia, desiring him to lay it before the Legislature, and asking forbearance, as all difficulty would be adjusted at the approaching session of Congress, unless he misunderstood the sentiments of the Executive of the United States, about which he could not be mistaken. Georgia did not only forbear to authorize her citizens to enter upon lands in the occupancy of the Cherokees, but passed an act especially to protect them in such occupancy until November, 1836; a period beyond the close of the session within which Ross expected a final adjustment—reserving the power still longer to extend such protection.

In the course of the session referred to by Ross, a treaty was made and promulgated, allowing two years from the 23d of May, 1836, for the final emigration of the Cherokees. Georgia hears nothing more from Ross; but when her Legislature convened in November, 1836, an act was passed still further extending protection to the Cherokee occupants until the 25th of May, 1838. Sir, upon a review of the whole subject, I do not think I go too far when I say that John Ross has been faithless to the United States, faithless to Georgia, and faithless to his own people.

I have already spoken, in the course of these remarks, of the various causes which were brought to operate upon the relations of Georgia and the Cherokee Indians—of the attempted usurpation of the Supreme Court—of the letter of the distinguished Senator from Kentucky, [Mr. CLAY] all brought to bear upon us before the formation of the treaty which it has just been my duty to discuss. But, from the showing of Ross himself, in a letter addressed to George Lowry, and published at pages 679 and 680, of Senate document, No. 120, of the present session of Congress, powerful and active influences have been at work, since the ratification of the treaty, to prevent the emigration of the Cherokees, in compliance with their obligations. Ross says, in that letter: "Some of the members say that the President is displeased with the Senate's amendment; and others say, what has been done cannot be viewed as final, until a majority of the whole Cherokee people shall approve it; *but all that has been done would be nothing, if the Cherokees would be firm in their minds, and consider it the same as if there was no treaty made and ratified, and be strong in this resolution, and not accept of the provisions of the fraudulent treaty, made by unauthorized individuals.*" Who were the members that advised this course, I cannot pretend to know; but this I will say, that if the blood of the white man or the Indian shall flow from the unhappy controversy they have so largely contribute to create, theirs will be the responsibility.

The gentleman from Virginia, [Mr. WISE,] has given to John Ross great credit for his forbearance in restraining his people from acts of violence towards the citizens of Georgia. Does not that gentleman know that the plainest dictate of self-preservation of himself and his tribe imperiously demanded it? Is there any thing magnanimous in the forbearance of the weaker party, when his own existence depends upon it? I think not. I have already expressed my regret at the latitude of discussion indulged on the present occasion, and could very much have desired that it had been confined to the bill immediately before the committee. Upon that bill, a brief discussion upon the contingency of Cherokee hostility, and the necessity of precautionary measures for its prevention would have been sufficient. I shall not now enter into it, but refer to the warning given us by our Indian relations in Alabama and Florida, that it is our imperative duty to be prepared for the worst. If war with the Cherokees should come, we shall be free from the vain regret of not having foreseen or provided against it, and if it should not come, the appropriation now asked, so far as it relates to the future contingency of war, will not be needed, and in due time will fall back into the Treasury. I trust, therefore, for that reason, and further for the reason that, as a representative of Georgia, I insist upon the full and complete fulfilment of the Cherokee treaty, that I am most decidedly opposed to diverting from its original object any portion of the proposed appropriation. I cannot vote either for the amendment offered by the honorable gentleman from Tennessee, nor that offered by order of the Committee on Indian Affairs. I will not, I cannot, consent to recognise any alteration of the treaty in the smallest tittle whatsoever. Sir, I can but express my astonishment and regret at the proposition of the Secretary of War to the Cherokee delegation, essentially to change, as I understand him, the terms of the treaty. That proposition meets my most decided and unqualified disapprobation.

I regret that proposition more on account of the correspondence that preceded it than any thing else. The bare opening a correspondence with John Ross, to a certain extent, placed the Executive in his power, and justified, on his part, the expectation of essential modifications of the treaty, at least in the particulars of time and money. I do not question the benevolence of the motive by which the Secretary was actuated; but cannot doubt that the tendency of this measure has been materially to retard the execution of the treaty.

I know not who may have been his advisers, but, for myself, I would never have consented to any alteration of the treaty whatsoever. Its prompt execution, I have no doubt, was equally demanded by the best interests of the Cherokees, as well as that of the citizens of the States concerned in its immediate execution.

A word or two in reply to the gentleman from Virginia, [Mr. WISE,] and I have done. I will not discuss the question mooted by that gentleman about the castigation of a State by this Government. I need only say to him that "sufficient for the day is the evil thereof," and that when such a contingency shall arise, Georgia will be prepared to meet it as becomes her. Sir, Georgia threatens no one. Her Representatives threaten no one. But whenever the gentleman from Virginia shall set on foot his expedition for the castigation of Georgia, we shall be glad to see the projector the leader also. Georgia has not been unused to the threat of castigation. And whatever the gentleman from Virginia may think of her spirit, she stops only to consider the power of her enemy that she may return him a fitting answer. To the powerful she gives defiance, to the powerless contempt. Georgia has heard the war clang rung out by a President of the United States, without blenching, and is little likely to quail at the report of a pop-gun.

My task is done. Would that it had been done more worthily. But if I have succeeded in wiping out from the fair name of Georgia the blot which ignorance or malevolence has cast upon it, in regard to her Indian relations, I shall have cancelled some small portion of the debt of duty and of gratitude to her, which has been accumulating upon me for more than half a century.

NEW TREASURY BUILDING.

REMARKS OF MR. YELL,
OF ARKANSAS,

In the House of Representatives, June 11, 1838.—On a motion of Mr. HARRISON of Missouri, to lay a motion to reconsider a motion to lay a bill for taking down the walls of the new Treasury building on the table on the 9th instant.

Mr. YELL, on taking the floor, moved a call of the House. He saw it was the determination of many gentlemen to pull down the walls of the Treasury building at all hazards, and he was anxious to know who was disposed to vote for such a proposition.

Mr. S. WILLIAMS of Kentucky and Mr. YELL simultaneously demanded the ayes and

noes on the motion for a call of the House, but subsequently withdrew it. The debate was now opened, and Mr. YELL had possession of the floor, when Mr. MERCER of Virginia asked him to give way for a moment till he [Mr. MERCER] could submit an amendment. Mr. YELL nodded assent, and Mr. MERCER submitted his amendment, which was, in substance, that the cost of completing a new Treasury building should not exceed *one hundred and fifty thousand dollars.*

Then Mr. YELL offered the following as an amendment to the amendment: That no farther appropriation should be made in the erecting of a new Treasury building, until the Treasury was relieved from the debt of ten millions of Treasury notes issued during this session of Congress, &c.

Mr. WISE rose and said that it was a matter of perfect indifference to him what became of the bill; the consideration of the value of a *bawbee* would not sway him one way or the other in relation to it. For his own part, however, if he had his own way, the new Treasury building should stand as it now stands, till the brief period of time which this Administration had left to it had expired. Sir, (said Mr. WISE,) this Treasury building is the House that Jack built; it is a monument of the inability and stupidity of the Administration; and I am reminded to inquire, where is the malt that once lay in this House that Jack built. It is all gone; the rats have eaten it; and yet we are called upon to vote more malt to be placed in this House that Jack built, to be devoured by the rats and cats of the Administration. Mr. WISE proceeded at some length to play on the nursery tale of the House that Jack built, and closed by expressing and reiterating a perfect indifference as to the fate of the new Treasury building.

Mr. MERCER followed Mr. WISE briefly, and seemed to deprecate the position which his colleague [Mr. WISE] had assumed. He proceeded to descant on the importance of the subject before the House, and was understood to deprecate all attempts to connect the subject with the political topics of the day.

Mr. YELL, from the beginning to the present moment, had been opposed to the project of pulling down the Treasury building, and hoped most sincerely that it would be defeated. As for the amendment that had been offered by the honorable gentleman from Virginia [Mr. MERCER] to limit the expenditure in pulling down and building up, it was not acceptable; and if adopted, and the bill should be passed, what would be the end of it? If the building were commenced, and were half erected, and it were ascertained that it would cost a little more than had been appropriated, would it stop there? Not at all. Every day's experience and practice were sufficient to prove to the contrary.

I, Mr. Speaker, continued Mr. YELL, have had some small experience in these matters, and I know what they lead to; I know somewhat of the extravagance that these limited appropriation bills engender; and every gentleman may know as well as I do, if he will but watch closely the history of the country. Sir, I never knew a limited appropriation to be made that did not, in the end, before its objects were half executed, lead to a quadruple expenditure of money beyond that which was originally called for. Some years ago, when the State which I have the honor to represent, stood in the humble relation of a mere Territory to this Government, she appealed to Congress—the common nursing mother of all the original offspring—and asked for an appropriation of money or lands to enable her to erect a Territorial Government house. If she was then young, she was also modest; and having resolved that, as she could not deem it expedient or sound in policy to ask her nursing mother for too much money at once, she said that if the sum of ten sections of land were awarded, she would be enabled to erect a Government house for the Territory, which would be every way calculated to meet her wants, and establish among her fertile plains and towering hills an edifice that would do honor to her ancient Grecian and Corinthian models. Well, sir, the good natured nursing mother of Arkansas, like a kind and an indulgent parent, or like Cornelia of old, pointed to her offspring in Arkansas, and exclaiming, "These are my jewels!" opened her coffers, and with a liberal hand, and without a moment's hesitation, paid over the money; or, which was the same thing, or better, gave to Arkansas the amount desired in the public domain.

The building was commenced, and Arkansas rejoiced in beholding, in anticipation, a noble structure, from which she was destined to dispense justice and mercy, and enact those laws which wisdom should engender, to promote the happiness and glory of a free people. The edifice had scarcely been commenced, before it was discovered that a little more money would be wanted to complete it. Like good and confident children, relying on the justice and liberality of our nursing mother, they again asked, and the donation was liberally allowed.

Well, sir, the artisans continued their labors; the edifice advanced in size and beauty, when it was accidentally discovered that other "five thousand marks banco" would be needed to carry out the execution of the original plan. Again and again was the nursing mother called on "for other moneys;" and the end of all was, that the Government edifice for the Territorial Government of Arkansas, which originally, according to figures, was to cost only five thousand dollars, (and let me tell you, sir, figures will sometimes *lie*, and types, too, sir, that print Federal newspapers will now and then utter gross falsehoods,) cost the round sum of *sixty thousand dollars!*

Mr. Speaker, I do not intend to cast any, nay, not the remotest, censure on the people of the Territory of Arkansas. I am glad that they got the money, for they were entitled to it and as much more as they can get; and my only object has been to show that the moment you make an entering wedge to the public chest, by making limited and specific appropriations, you open a door for almost interminable prodigal appropriations. So much sir, for the amendment of the gentleman from Virginia, [Mr. MERCER,] who is now so ready to limit the cost of the new Treasury building to one hundred and fifty thousand dollars.

Another gentleman from Virginia, [Mr. WISE,] who has addressed the House on this subject, has been pleased to manifest a total indifference to the fate of the bill. He, sir, says it is "the House that Jack built;" and, for one, he had rather it would stand as a monument of the folly and weakness of this Administration. Mr. Speaker, the candor of that gentleman, in thus openly avowing that he is disposed to convert it into a political hobby, wherewith he can succeed in charging the Administration with profligacy and extravagance, is entitled to all commendation. Sir, the gentleman is right. For some years past that honorable gentleman, and the party with which he associates, has looked anxiously at this "House that Jack built;" and of late, within the last three months, the aspect of the political atmosphere has been such as to lead him to hope and believe that the lapse of a little period would enable him and his friends to take possession of this "House that Jack built," together with all the malt that may be deposited within its bins. He may be mistaken, and it may be well enough to suggest to him the expediency of not over-calculating his prospect of triumph.

Mr. Speaker, it is not to be denied that there are in this House cats and rats—I certainly do not intend to offer any term of reproach or of discourtesy to any gentleman, when I make use of such epithets—who have for years been struggling, and often with too much success, to clutch the malt, and carry it away from this House that Jack built. The fact has been known to all—the late and the present Executive have both been aware of the fact; and if I have any language of censure or of reproach to add, it must be found in a well-grounded complaint that they have not drawn the offending rats from their hiding places, dismissed them from their confidence, and held them up to public reprobation.

Sir, I am opposed to this bill in all its varied phases and ramifications. I protest against its passage; and I will exert myself to defeat it. What, sir, does it contemplate? A grand scheme of profligate expenditure.

Mr. LINCOLN rose, and asked if Mr. Y. would suffer him to propound a single interrogatory?

Mr. YELL. Certainly, sir.

Mr. LINCOLN. I would then ask the gentleman from Arkansas upon what authority he avows that the bill to which he refers is a "*grand scheme*" of profligate expenditure?

Mr. Y. said that he would answer the gentleman as well as he could, and then went into a recapitulation of sundry facts in connection with the public buildings in Washington; but as this portion of the conversation was held in an under tone, it was not distinctly heard by the reporter.

Having replied, continued Mr. Y. to the satisfaction of the gentleman from Massachusetts, I hope I shall again and again protest against a bill which proposes the waste of four or five hundred thousand dollars, for the purpose of gratifying a mere matter of taste and fancy; and I shall propose that no further appropriation be made to tear down or upbuild the Treasury building, till the Treasury is filled, and the country is disembarrassed of the debt of ten millions of dollars, which now hangs over it. As for the building itself, I believe it to be capable of sustaining all the purposes for which it was originated. Its fitness is a question about which architects may quarrel and differ; but, be that as it may, I am not disposed to tax the people three or four hundred thousand dollars, to enable scientific architects to settle their private quarrels.

Is this the time, sir, for us to think of useless taxation, and useless expenditure? What is our condition? An empty Treasury, a national debt, a vilified credit, a factious party around us, seeking to break down the fortunes of the nation to enable them to creep into power. With all these evils around us, shall it be said that this Administration is found voting away the money of the people to enable a faction to blaspheme its good name, libel its doings, and render it odious? I cannot for a single moment harbor any such supposition.

At a time like this, strict and rigid economy should be the order of the day. Your western and southwestern border is now threatened with the horrors of an Indian war. Already have the war songs of the savage foe broken the silence of he wilds of the West, and, wafted on the gale, have carried alarm and consternation from the sources of the St. Lawrence to the passes of the Sabine. Your defenceless borderers, lured by your promises, and cheated by your visions of ultimate greatness, were induced to emigrate to the wilds of the West; and what do you say to them, when they ask you to interfere in their behalf, and stay the uplifted tomahawk, and scalping knife? You reply, the Treasury is embarrassed; we want the means to assist you; be of good cheer; confide in your own good arms, and rely on the justice of our common God, and we will protect you in all good time, provided we can but obtain the means essential to your wordly salvation! Sir, when the hardy and brave hearts of your western settlers shall realise any of the promises you thus hold forth, the baseness of your ingratitude may be recorded in wrecks of desolated hamlets, in the headless trunks of violated matrons, in the expiring groans and cries of murdered infants, and in the just imprecations of those who have been betrayed and desolated in heart by your ruthless inhumanity and cold blooded mendacity.

And, sir, while these scenes are enacting, you are to be found wasting, with a criminal prodigality, the public money, in erecting stately edifices, and splendid palaces, to entertain the lazzaroni that you would feed and fatten on the pap of the Treasury.

On the North, you are threatened not only with a war with one of the most powerful and civilized nations of the earth, but with domestic rebellion. You have not made any preparation for the defence of the northern border; the West is exposed to savage violence; and until the country is put in an ample state of defence, I, for one, cannot be so reckless to all duties of honor and patriotism, as to be found voting for the erection or destruction of any of your princely palaces.

SUPPRESSION OF INDIAN HOSTILITIES.

DEBATE IN THE SENATE,

THURSDAY, June 7, 1838.

On motion of Mr. WRIGHT, the Senate proceeded to consider the House bill making appropriations for the prevention and suppression of Indian hostilities for 1838, and for the payment of arrearages in 1837.

On ordering this bill to its third reading,

Mr. WEBSTER said he did not know that any amendment would be necessary to the bill, nor did he mean to propose any, neither did he know that he would offer any opposition to the measure. It struck him, however, that public attention should be awakened on the subject. We were now making provision for an army of eight thousand men; what necessity there might be for it, he was not prepared to say. From the latest accounts we had received from that quarter, and he was sensibly rejoiced at such an event, there would be no trouble in relation to a certain matter, for the result of which so many fears were entertained. The transportation charged showed an enormity of expense hitherto unknown in former wars; he was not prepared to say that it was an unnecessary charge; but the enormous expense incident upon it must strike every body. This Florida war, (said Mr. W.) has already cost us over twenty millions of dollars. After all we had heard of the difficulties of the army, the small number of fighting men that ever were together in that country, it did really appear to him that the cost was far greater than need have been. He had no disposition to obstruct this measure; but he should like to know what assurance we had that we should not want some five or six millions more before the affair was ended. The whole matter was such in his opinion, that it ought to receive a thorough investigation from the hands of Congress.

Mr. PRESTON said so large an amount of money had already been expended, that he felt but little disposed to give more without a thorough investigation of the whole subject. An appropriation of million after million had been suffered to go on without any deliberate examination into the matter, until it had cost the country twenty millions of dollars, a sum larger than all our Indian wars put together. When we first entered into it, no human being could have supposed it to cost five millions. The late President never permitted himself to believe that there were ever at any time in the province more than a thousand fighting men; and when the first million was asked for we were astounded; and yet appropriation after appropriation had gone on, until it had reached the enormous sum of twenty millions of dollars, four times the price we paid to Spain for the acquisition of the whole country. The whole subject required a thorough and deliberate examination, which Congress could not do. It should be the action of the Executive, and the inquiry made by competent military men, whose knowledge of such matters rendered them fitter agents for such purposes than any committee of Congress could be.

Mr. P. then adverted to the recall of Gen. Scott, and the court of inquiry instituted into his conduct, when a million only had been expended. That gallant officer, said Mr. P. was censured, and superseded, because he had not brought the war to a close. At that time, the Executive would not hear of the slightest pause in the movement against these Indians, and now millions are lavished without any inquiry into the matter: nobody ever asked "Why this delay?" All went on quietly; the enormous sums expended year after year to subdue a handful of poor, naked savages, without any knowledge of the rules of practised warfare, and nothing, in short, but their own unbroken, unsubdued spirit. The great master chief, Oseola, had been captured, it was true, but how captured, let the history of the times speak. That great and daring man had ended his days on a deserted island, in a state of utter destitution and misery, without any of those sympathies which the high conduct and noble daring of so great an aboriginal chief should have challenged from his captors.

Mr. P. went on to maintain that this great warrior deserved a better fate, and animadverted on the manner of his capture (which was said to have been under a flag of truce,) with some severity. Mr. P. asked, too, why it was that the successor of Gen. Scott had not been called to account for the delay of the war, and for the money so wantonly lavished in the transportation and other matters connected with it.

Mr. CLAY of Alabama rose, and said he had heard the remarks just made by the Senator from South Carolina [Mr. PRESTON] with the most profound astonishment. That Senator had not only most extravagantly eulogized the savage chief Oseola, but had, at least by insinuation, cast most injurious reflections upon the gallant officer who lately commanded the army in Florida, whilst, at the same time, he had assailed the Administration on account of the amount of money expended in the prosecution of that war.

Sir, said Mr. C. why this impassioned and high wrought eulogy, of the Senator from South Carolina, upon this savage chief? Was it on account of Oseola's utter disregard of the obligations of the treaty into which, with his tribe, he had solemnly entered, for their peaceful emigration west of the Mississippi, and which he had, but recently before, reaffirmed? Was it on account of his reckless violation of all the obligations binding between man and man, whether savage or civilized, in the murder of General Thompson, the agent of the United States, whose kindness, humanity, and hospitality, he had repeatedly experienced, and even just before the perpetration of that most foul murder? Or was it because he had wielded the unrelenting tomahawk and scalping knife against the innocent and defenceless women and children of Florida, with a cruelty and ferocity even surpassing ordinary savage barbarity? Mr. C. said he knew of no other merits of this savage warrior to call forth such extraordinary panegyric! He said Oseola was as faithless as he was bold and daring; he made promises merely to deceive: he inspired confidence only to violate it; he had, throughout his whole career, so far as we had any knowledge of it, exhibited a degree of treachery unparalleled. When he put on the smile, and made the most solemn assurances of friendship, it was but to delude, and to make more sure the victim of his perfidious artifice. Yet this was the wretch who was to be extolled for his virtues, while the Administration was to be censured, and the gallant soldier of many a well-fought field degraded in the estimation of his countrymen! Sir, said Mr. C. I have no praises to chant to the memory of one whose chief merit consists in giving additional and more abhorrent traits of treachery and cruelty to the character of the savage. He said his sympathies were much more justly due to the brave and patriotic men who had encountered the hardships, the privations, and the perils of the Florida war. Were he to weep, it would be for our gallant countrymen who had fallen, fighting with courage unsurpassed, for the rights and honor of their country.

The Senator from South Carolina had spoken, Mr C. said, of the enormous expense of the Seminole war; but why introduce that topic on this occasion? Had we the data on which to form a correct opinion on the subject? Was there no danger of doing injustice by this loose censure, upon mere conjecture? It should be recollected, said Mr. C. that this tract of country covers four or five degrees of latitude, abounding in interminable swamps, inaccessible hammocks and everglades, unexplored, if not inexplorable. The cost of transportation was a very important item in the expenses of an army. Mr. C. asked who could determine, with the information we had, the amount of this item of expenditure in such a country as Florida? And how could gentlemen, without any personal knowledge of the country, and without having ascertained facts, by any process of investigation, undertake to press on the question, whether the expenditures had been reasonable and proper, or the contrary.

The Senator from South Carolina, Mr. C. said, had alluded to the course of the Executive, in regard to General Scott, and had asked, why it was that his successor had not been treated in like manner.

Mr. C. said, the result of the investigation in the case of General Scott had, in all probability, been one of the principal considerations which rendered the Executive less disposed to institute a similar proceeding in the case of General Jesup. He said, whatever suspicions had been entertained of the mismanagement or delay of the commanding General in the first campaign, they had all been dissipated and removed by investigation, which had resulted in the honorable acquittal of General Scott of all ground of blame or censure. This result had been satisfactory on all sides, so far as he was informed. Was not this calculated to inspire caution and hesitation in regard to his successor? Yet, Mr. C. said, he had no objection to an investigation of General Jesup's conduct. If the Senator believed that could be properly done by a committee of the Senate, he would agree to vote for one—he would readily give him all the facilities of prosecuting the inquiry Mr. C. would not be understood as saying or admitting, however, that this was the most proper place, or a committee of the Senate the most proper tribunal, for the examination or trial of charges against military men. But he had no doubt, if the President were properly assured that such a proceeding was desired, that he would promptly institute it. Then, said Mr. C. let the Senator from South Carolina, and his friends, if they believe there are sufficient grounds to call for the investigation of a court of inquiry, or a court martial, intimate their opinions and wishes to the President; he will, no doubt, promptly respond to the application. But, Mr. C. said, was the passage of this bill to be arrested, because the war might not have been prosecuted with as much energy, as came up to the expectations or judgment of Senators, or because there may have been a prodigal expenditure of money heretofore? He trusted not. It would be recollected that a large portion of the appropriations proposed by this bill, was to discharge liabilities already incurred, and to meet drafts already drawn upon the Treasury by disbursing officers, charged with the Subsistence and Quartermaster's Departments. These were debts already contracted by our authorized agents; and were the public creditors to be required to wait till an investigation could be had, to ascertain whether the campaign had been mismanaged, or whether its expenditures had exceeded the limits of a strict economy? He hoped not. The honor of the country was pledged for the payment of those debts, and it should be promptly redeemed.

Another part of the appropriations proposed by the bill, Mr. C. said, related to the removal of the Cherokees, now in progress, and was indispensable to the success of our operations in that quarter. Major General Scott was now in the field, with an adequate force to effectuate a prompt execution of the treaty, by a removal of that tribe, he hoped peacefully, to the country assigned them west of the Mississippi. Energy and promptitude, Mr. C. said, were demanded by every consideration of economy, expediency, and humanity. He said he was gratified to be able to announce, that the work of removal had already been auspiciously commenced by the commanding General. He had that morning been favored with the perusal of a letter from a highly respectable officer of the General's staff, which contained the very agreeable intelligence that every Cherokee warrior within the limits of Georgia had already been disarmed, and that a general submission in that quarter had been secured without bloodshed. Mr. C. said he had entire confidence in the energy and discretion, the humanity and forbearance, of the commanding General. He had gone to the Cherokee country with proper instructions, and with the proper spirit and sentiments for carrying them out. His instructions did not require him, nor was he disposed, to exercise any unnecessary harshness or severity. He had gone upon this service with the most kind and humane feelings toward those deluded people, compatible with the faithful discharge of his responsible duties. He had already given evidence that such were his views and feelings in his initiatory measures. He had announced to the Cherokees, in a tone of firmness and moderation, that their treaty with the Government required them to remove; that it was his duty to carry that treaty into execution; that he had adequate strength and power to perform it; yet

that he was ready to extend to them all the forbearance and indulgence which their circumstances might require, so long as they manifested a disposition to comply with the requisitions of the treaty, in good faith.

Mr. C. said it was only necessary to let General Scott proceed in the performance of his duty, under the instructions with which he had gone forth, without alteration or change, and with the temper which obviously actuated him, and all would be well; in a few short months the great body of this tribe would be on their march to the far West, perhaps, peacefully, and without any waste of human life.

With regard to the additional appropriation of money for the benefit of the Cherokees, although he did not admit it to be justly due, Mr. C. said he would vote for it. He concurred in the views taken of this subject in the report recently submitted from the Committee on Indian Affairs. On the proposition of Ross himself, this body had determined five millions of dollars, in addition to the country they were to be allowed west of the Mississippi, to be not only a just, but a liberal, compensation. Mr. C. said it no doubt exceeded the fair intrinsic value of the country they now inhabited; but he was willing to go beyond the mere measure of justice. If they could be induced to go peacefully, and without coercion—the condition on which they were to have the benefit of the appropriation—he would give it cordially, and consider it sound economy; for, if it became necessary to resort to force, it would doubtless cost the Government an amount far exceeding the sum proposed by the bill, besides the loss of many lives.

Mr. C. hoped the bill would meet the approbation of the Senate in its present shape, and that it would not be retarded in its passage by any remarks which had fallen from gentlemen.

Mr. PRESTON replied at some length to the remarks of Mr. CLAY. He was glad to hear the Senator from Alabama say, that the commanding General in Georgia had made such prompt and energetic arrangements as would be likely to prevent any further disturbance. He thought the matter wisely confided to that gallant and humane officer, who, he knew, would do all that humanity and justice would require in the matter. Mr. P. then went on to comment upon the capture of Oseola by treachery, by detaining him after he had came in under a flag of truce—at least so said the rumors of the day, and the doubts and suspicions entertained, seemed to justify the truth of what had been said. If such were the fact, he [Mr. P.] would not have been his captor for all the wealth in the wide spread universe. He was aware that Oseola was an aboriginal savage, and, as such, entertained the feelings peculiar to such a people; but did he not exhibit all the nobler traits found among that race? was he not brave in fight? was he not full of courage and noble daring, and did not his exploits bespeak his noble and lofty character? Admit that he and his untutored race were cruel in battle; subtle, revengeful, and treacherous, if gentlemen pleased to think so; but did that furnish a justification for our conduct towards that generous chief? If this race of men departed from all the rules of warfare recognised by the code of civilized nations, should we stand justified in the eyes of the world, if we perpetrated upon them such enormities? He thought that no justification could be found for treachery on our part towards the unhappy Seminoles, who were defending, as they supposed, the soil of their ancestors. Mr. P. said we had all been made aware of the difficulties connected with the Florida war. The country was known to be intersected by swamps, by hammocks and savannahs, and all that, and dreadfully unhealthy; still he should like to know how it happened that Gen. Scott should have been recalled at the time he was, when the same difficulties were presented to our soldiers, and reproached for not terminating a war at a cost of less than one million of dollars, while his successor had been permitted to go on from year to year, without subduing these savages, costing the Government the most enormous sums, and yet no inquiry instituted into the matter.

Mr. CLAY of Alabama again rose in reply to Mr. PRESTON. The Senator from South Carolina, [Mr. PRESTON,] Mr. C. said, seemed to justify himself for the reflections cast upon the officer charged with the prosecution of the Florida war, on the ground of the doubts and suspicions which, he said, were abroad; and intimated that they seemed to rise spontaneously in his [Mr. C's] own bosom whilst he was speaking. Mr. C. said he could not account for this latter intimation. He could not understand in what manner he had manifested doubts or suspicions; that, feeling and entertaining none, he had expressed none, and could not imagine from what circumstance the honorable Senator had made such an inference. On the contrary, Mr. C. remarked, that so far as he had been able to judge of the conduct of the late commanding General in the management of the several campaigns under his direction, he had seen nothing to censure. He was not prepared to say General Jesup could have effected more than he had done in such a country as Florida. If that General had erred in any thing, it had been, in the opinion of Mr. C. on the side of humanity, and forbearance toward his savage enemy; certainly not in cruelty or treachery.

Mr. C. said he regretted that the Senator from South Carolina had thought proper to make insinuations unfavorable to the character of an American officer of high grade, merely upon the authority of doubts and suspicions which might have been abroad. Mr. C. remarked that, for his own part, he would never suffer himself to be made the conduit of doubts and suspicions injurious to the reputations of officers or citizens, who were not here to answer for themselves or make defence. He said, upon a moment's reflection, the Senator from South Carolina must be sensible of the dangerous tendency of adopting too hastily the slanders of mere rumor, or the libels of the licentious press of the day. If that course were pursued, and too ready an ear given to such slanderous imputations, who amongst us could stand? Was there, he asked, a member on that floor whose reputation had not been, at some period, injuriously assailed? And if reputation be dear to others, it is doubly so to the soldier, who lives and fights for it, and whose "wealth is honor."

Mr. C. denied that there had been any treachery practised toward Oseola. So far as he understood the facts, the treachery had all been perpetrated on the part of the savage chief. He had been faithless throughout, not only toward the unfortunate and lamented Thompson, but in every movement calling for the confidence of any of our officers.

The Senator from South Carolina, too, had laid much stress upon the opinion he alleged to have been expressed by the late President, that there were not more than six or eight hundred warriors belonging to the Seminole tribe. Now, said Mr. C. if the late Chief Magistrate ever expressed that opinion, it was, of course, founded on mere conjecture. No man could pretend to an accurate knowledge of their numbers, dispersed, as they were, in small bands, over a country of the peculiar character, and such vast extent, as Florida; and, said Mr. C. conjecture in this case, as in all others, must give way to ascertained facts. He said we had killed and taken a much greater number than that supposed, and still there were many warriors in arms, and not yet taken.

But, said Mr. C. if the Senator from South Carolina is not satisfied that the Florida war has been well conducted, let him institute the requisite inquiry in the proper manner, and before a tribunal qualified to judge, and nobody will object. Whether that war has been well managed or not, was not a question necessarily involved in the passage of this bill, and he hoped it would be permitted to pass without further delay.

Mr. STRANGE said he was unwilling to prolong the debate, but, from the course it had taken, he did not feel satisfied to remain silent. Gentlemen on the other side had not announced any purpose to vote against the bill, but, as they said, were desirous to call public attention to the ruinous amount which had been, and was about to be, expended in the Florida war; and he was, on his part, desirous to call public attention to the course taken in this debate. Why did gentlemen wish to call public attention to the large amount expended in the Florida war? Was it with the expectation it would thereby be ascertained that the amount was greater than necessary? Will any portion of the public be more competent than the gentlemen themselves to discover and point out this excess, if it exist? They do not, they cannot, think so. And have they pointed out any single item, and shown it to be excessive? Not one. Their design, then, is obvious enough. They are aware of the startling effect upon the public mind of the expenditure of large sums. They know that the people are naturally and justly jealous upon this subject; and they hope, by merely throwing before them this large amount, accompanied with their own expressions of doubt and suspicion—unaccompanied by specification or calculation—may excite prejudices against the Administration, and especially if those inuendoes and doubts are silently listened to by its friends. So well convinced was the Senator from Massachusetts [Mr. WEBSTER] of the necessity of the appropriation proposed, that he does not attempt an argument against it. He had too much sagacity to place himself in the attitude of direct opposition to it. But true to the principle (almost instinctive) of the Opposition, of never yielding a hearty approval to any thing coming from the Administration, he could not forbear giving the bill a side blow as it passes, although his own vote must ultimately be given in its favor. But he dare go no further than adopt this masterly stroke of Opposition tactics, of merely remarking upon the largeness of the sum, and the importance of public attention being directed to it. The warm imagination of the Senator from South Carolina, [Mr. PRESTON,] however, perceives a great many other circumstances which may be thrown in, greatly to thicken the cloud of prejudice against the Administration, and, with less caution than the Senator from Massachusetts, fully discloses the impulse under which they act. With his characteristic ardor he brings before us mere pictures of the fancy, and forces us to contemplate them as living realities, deeply affecting the question under consideration. He presents to us Oseola as a noble aboriginal chief, doing battle in some glorious cause, and suddenly transferred, by the basest treachery, to a desert island, where he is left to perish of starvation. But, sir, the whole picture is one of fancy, and finds no original in historic truth. Oseola was not a noble savage battling for rights, but a miserable half breed, a traitor, and violater of every thing held sacred among all races of men, whether civilized or savage. His heart was warmed in equal proportions by the blood of the white man and the red. His ties were as strong by nature to those whom he butchered and assassinated, as to those whom he lead on to murder and spoliation. His quarrel was unjust, and he prosecuted it in violation of every principle of honor and humanity. We see, then, sir, in whose behalf this effort has been made to excite our indignation. And against whom is it sought to direct it? Against the brave and the patriotic of our own land—against those who have staked life and reputation in the cause of our country? No one has said, however, either here or elsewhere, that treachery or injustice is to be tolerated towards even this heartless and unprincipled savage; and if any have been guilty of it, let them answer it in the proper place, at the proper time, and in the proper manner. But this is neither that time, place, nor manner. Let it be conceded that all that has been said by the Senator from South Carolina is, in sober seriousness, nothing but substantial truth, and borrows none of its tints from the pencil of imagination—does it follow that we shall fold our arms, and suffer our country to be overrun, and our citizens butchered by the compatriots of Oseola? What has the fate of Oseola to do with the question, whether we will tamely submit to savage aggression—whether we will give up a portion of our country to the most ruthless of foes? As little to the purpose, it seemed to him, was another subject adverted to by the Senator from South Carolina, and which had given rise to a long and animated discussion between him and the Senator from Georgia [Mr. LUMPKIN.] These topics could only have been introduced for the reason before stated, of rousing and nourishing in

the public mind prejudices against the Administration. In the bill under consideration, there is an additional appropriation proposed on account of the Cherokee treaty. Now no one, I believe, is opposed to this appropriation, but it is made the pretext for inflicting upon the Administration a severe castigation for some supposed improprieties in relation to the execution of this treaty. A message sent to the Senate and House of Representatives, a few days ago, upon that subject furnishes the main, perhaps the only, subject of complaint. Now, as this subject had been introduced, he felt bound to contribute his mite towards placing the Administration upon what he conceived to be the proper ground, and the more so, as he might have conduced, in some slight degree, to the present misapprehension. Let us inquire, then, in the first place, what are the complaints against the Administration growing out of this message. They are,

First. A design to procrastinate the execution of the treaty.

Secondly. Holding out to the Cherokees false hopes of procrastination, and thereby producing ruinous mischiefs.

Thirdly. Indirectly condemning the treaty, and censuring those who voted for it.

Now the statement of these charges, and the proof of them, are two very different things; but such is the frailty of the human mind, that it is as much prone, according to the circumstances in which it may be placed, to believe things without proof, as to reject those which rest upon the strongest testimony. But it surely behooves a grave legislative body not to send forth, with the currency which its sanction gives, imputations against the Executive not only without being proven, but when the whole testimony is directly the other way. Now, sir, said Mr. S. I venture to say, in sending the message, (of which I, among others, complained, hearing it in the imperfect manner which we always do such things from the Clerk's desk,) the Executive not only did nothing wrong, but could not with propriety have acted otherwise, under all the circumstances. This is the opinion to which he had come after that deliberate perusal of which, having it in a printed form, had afforded him an opportunity. It is true a treaty was made with the Indians in 1835, which they were bound to fulfil, and of which the Government might have enforced the fulfilment. But in the very fact of entering into treaty with them, we had treated the Indians as a quasi independent power, upon whom we could not act individually, but collectively. If, then, they did not choose to execute the treaty, we had no mode of enforcing it but by making war upon them. A high responsibility rests upon every Government in its dealings with independent powers, which there is no eluding. The eyes of the world are upon them, and there are two sets of public opinions, against neither of which can they with safety or propriety act. Their acts must not only be based upon principles of abstract justice, but they must be such as will be recognised as being applicable to the particular case by public opinion at home, and public opinion abroad. Now, sir, in our dealings as a nation with the aboriginal tribes, we are forced to look back upon the past history of our intercourse with them. We must not forget that they were the early possessors of every foot of soil we now occupy, and that in establishing their possession, our forefathers were forced to make might the standard of right. A change of circumstances has produced great changes in the conduct of their successors; but a heavy debt to humanity has been transmitted by them to us, which we can never hope to pay; but it imposes upon us the obligation of manifesting in our dealings with the Indians not only the most rigid justice, but the most enlarged liberality; not only abstinence from unprovoked outrage, but great forbearance under even aggravated wrongs. Such is public opinion, both at home and abroad. In this state of things, a treaty has been made with the Cherokee Indians, which, so far as I am informed and believe, is quite as formal and obligatory as treaties with savages can usually be made; but yet its validity is doubted by great numbers of both nations; and a very large portion of the weaker power complains that it has been overreached; that if the treaty must be enforced, humanity demands that they shall be allowed more time in relinquishing the homes of their fathers, and that such additional pecuniary provision should be made, as that, all private claims being paid off, and the expense of removal discharged, the sum originally contemplated, to wit, five millions of dollars, should be left to them, to recommence their national existence in their new home beyond the Mississippi. Under all these circumstances, how did it behoove the Government to treat these applications? Suppose the Secretary at War had stopped his ears, and turned his back upon their complaints; or, having listened to them, suppose he had stoically told them, "here is the bond—this is the treaty—it must be literally fulfilled. What is your distress to the people of the United States? You have made your bargain, and you must abide by it. Ruin may overtake you individually and collectively; but your Great Father, as you have been wont to call him, cares not for it; it touches not the hearts of your white brethren. Literal execution of the treaty or extermination is the alternative." What would have been the verdict of public opinion? A tumultuous roar of disapproval would have resounded through all lands; and the welkin might well have rung with the shout of triumph which the Opposition would have sent up." "This weak, ruthless, tyrannical Government, it would have been said, would have been too cowardly to have made war upon the strong; but see how it crushes the weak into the dust! Behold how needlessly the blood of our own citizens has been shed, and the most civilized of the savage tribes annihilated, that its purposes may be accomplished!" A response, then, was necessary, and that response must be dictated by kindness and humanity, and it must meet distinctly the several suggestions of the suppliants. The first is, as to time. And upon that point, the reply is, this Government possesses no power to act. We have not the language of the suppliants before us, but there is no doubt they represent, in the most glowing colors, the miseries impending over them if their flight must be sudden; and this picture was presented in all the seeming sincerity of anticipated distress. To such an appeal, how could a feeling man return the cold response, "I have no power to help you," without throwing in some word of consolation, without pointing to the only remaining hope, however faint and distant it might be? If, said the Secretary, you cannot remove within less than two years, I know the generous hearts with whom you have to deal; and if the ruinous consequences which you depict are likely to follow from an earlier removal, I know they will relieve you. And could not any citizen in this country have ventured to give the same assurance? might he not with confidence have said, There is no State in this Union which will not suffer some temporary inconvenience to its citizens, rather than thousands of fellow-creatures shall be involved in irremediable distress and ruin? But the Secretary believed in his conscience, as every other man who knows any thing upon the subject believes, that the story was an artful appeal, intended for effect; and that there would be no necessity for this exercise of liberality on the part of the States concerned. But he was not at liberty to say so. A tale of sorrow falls upon a benevolent mind, and whether true or false, its first effect is touching, and the answer is according; and it is left to experience and reason to test its truth.

Upon the point of a further provision in money, the answer of the Secretary finds an echo in every bosom, and has met the concurrence of the appropriate committees in the two Houses of Congress. This branch of the subject must necessarily be laid before Congress, and the question is, whether he ought to have kept back from it what he had said in relation to removal? If he had done so, we can well imagine, what charges of fraud, cowardice, duplicity would have been brought against him. He did right in laying the whole document before Congress, and would have done wrong had he suppressed any part of it. He gave no assurance that time for removal would be allowed, and disclaimed all authority to do so. He promised to recommend further appropriations of money: he has made that recommendation. It has received the sanction of both committees and of one House of Congress, and will doubtless receive that of the other.

But the Senator from South Carolina, with a warmth and indignation which seemed to him to be entirely out of place, says this message is a condemnation of the treaty, and a censure upon those who ratified it. No such condemnation or censure could, he thought, be found any where but in the imagination of the Senator himself. The message proposes no annulment of the treaty; but, on the contrary, insists upon its fulfilment; and for reasons therein stated, proposes a donation of a further sum for the preservation of peace, and insuring the fulfilment of the very treaty of which condemnation is imputed. He regretted having dwelt so long upon this topic, but having hastily misconceived the drift of the message, and having become convinced of his error, this explanation was due. But none of these things have aught to do with the subject. All agree the further appropriation for the Cherokees to be right. And with respect to the appropriation for the Florida war, the matter was as simple as could be, and it was mainly to disencumber the subject of foreign and exciting matters, which had been improperly complicated with it, that he had risen. Is any one here prepared to give up the war, and surrender the peninsula of Florida to the Indians and negroes now in possession of it? If there be any one, he may, of course, consistently vote against the appropriation. But he, for one, was not so disposed. He would never consent to see this Government withdraw its protection from any portion of its citizens. Gentlemen had said that Florida had cost much more to defend it than it had to acquire it. Be it so. There was a time when the cry rang through this nation, "Millions for defence—not a cent for tribute." He hoped that would always be the cry; and he, for one, would never consent to yield to force one foot of our soil, though it might take millions to defend it. The object of the appropriation, then, is legitimate, is indispensable? Is the appropriation proposed too large? We raise committees in both Houses upon the respective subjects of legislation, that they may give to them their particular attention, and advise the whole body as to the result of their investigations. This subject has been under the consideration of the Committee of Ways and Means in the other House, and the Committee of Finance in this, and the sum proposed has met their approbation. If gentlemen think themselves more competent to decide, better informed upon the subject, let them show themselves so, and it will be well. Let them show us by figures (for they are bound to figure as well as we) that a less sum will answer, and they will deserve well of their country. But no attempt is made to show the sum too large; and he would feel himself safe in following the guidance of the appropriate committees.

But gentlemen ask for a new datum. They ask us to count the number of the Seminoles, and then, I suppose, to ascertain how much it will take per head to get rid of them, and thus find the proper amount of appropriation. "Hic labor, hoc opus est." This is the very difficulty. Let the gentlemen count the flight of birds passing above them. To count the savages we must catch them; and if caught, the necessity for counting would be over.

They tell us further, that the war has been more expensive than it should have been, because at its commencement it was considered a very trivial affair; that the foe was contemptible and his conquest easy. That is probably the very secret of the difficulty. Had we not underrated the strength of our adversary, and put forth more force at once, we should probably have finished the war much sooner. England committed a similar mistake in her first assaults upon the e colonies, and both England and ourselves were guilty of a like fault in the last war; and if gentlemen wish a prolongation of any war, they can adopt no plan more effectual than stinting or delaying the supplies of each successive year. It is reproachfully asked why the system which brought one officer to public examination, who did not terminate the war, has not been followed up, and his successor brought to examination also? Without going farther into the subject, an answer may be found in the result of that very examination. It resulted in the convic-

tion that the foe was more formidable than had been supposed; that he had a pestiferous climate warring on his side, and was surrounded by natural defences and entrenchments impregnable to civilized man. But, sir, I institute no invidious comparisons among the brave officers of our army. I cannot, however, forbear remarking that the officer against whom I suppose this inquiry to be more personally levelled, has succeeded in capturing about two thousand savages. Others have doubtless done well; but whether as well, I will not undertake to decide.

Believing, then, that the objects of these appropriations are just and proper, and their amounts do not exceed the dictates of prudence, the question seems to me to be answered whether the bill should be ordered to a third reading.

Mr. LUMPKIN then addressed the Senate, but as his speech has already been given, it is not deemed necessary to repeat it here.

Mr. L. was replied to by Mr. PRESTON.

Mr. WHITE went into the subject in a speech of considerable length, in which he affirmed his entire belief in the validity of the Cherokee treaty, and went into a full and detailed statement of the connection between the General Government and Georgia in relation to the extinction of the Indian title in that State. Mr. W. complimented Georgia on her long patience and forbearance, after she had ceded to the United States Government that portion of her most valuable territory which now constituted the rich and productive States of Alabama and Mississippi.

Mr. CLAY of Alabama said he hoped when the question was taken it would be by ayes and noes; which being assented to,

Mr. SOUTHARD intimated his intention to vote for the bill, which, in some measure, had now become necessary through the mismanagement of those entrusted with the affairs of Government; but he would take occasion to say, that he believed both treaties had their origin in fraud. We had now paid away twenty-one millions on account of a feud, which, had it been properly looked into by those in power, would have saved to the nation the blood spilt, and money expended. With regard to what had been said on the capture of Oseola, the proof rested on the hand writing of the accused. The whole conduct of the war could not be approved by those who felt for the honor of their country.

Mr. S. then glanced at the Cherokee treaty, and defended John Ross, whom he declared to be one of nature's strong men; and if he had erred at all, it was from the attachment to the people of whom he was the chief.

Mr. CLAY of Alabama rose in reply: He said, after what had fallen from others who had spoken on this occasion, in reference to the communication of the Secretary of War, addressed to John Ross and others, it was due to himself to explain his own position. He could not say, as the Senator from North Carolina [Mr. STRANGE] had done, that he now took a different view of the language employed by the Secretary of War from that which he had taken when that communication was first laid before the Senate. He still thought the import of its language justified the construction he then placed upon it. But, he said he had no objection to the effect and meaning of that communication, as construed by the Secretary himself, in his letter to Gen. Scott, since published. If that construction should be adhered to, he was entirely satisfied, and thought there could be no well founded complaint from any quarter.

Mr. C. said, as he had risen, he would take occasion to make a remark or two in reply to the Senator from New Jersey, [Mr. SOUTHARD,] who had just spoken. As that Senator had intimated his intention to vote for the bill, he could not see the propriety of his observations. That Senator had thought proper to state his belief that both the treaties with the Seminoles and Cherokees were fraudulent, and without any of the sanctions of a treaty.

Mr. C. said, as the validity of neither of those treaties was involved in the passage of the bill under consideration, he could see no motive in giving utterance to such sentiments, but to feed and nourish that spirit of fanaticism which, unfortunately, was abroad in a portion of this country, and, under professions of philanthropy, had been, for some years past, seeking the universal guardianship of this wide-spread confederacy. One while, Mr. C. said, those influenced by this spirit had been found intermeddling with the transportation of the mails on Sunday, and characterizing it as a national sin, which would bring us under the displeasure of the Almighty. At another time they were interposing in behalf of the poor Indians, and essaying to take care of the national honor! At another they were impelled, by pure religion, to enlist in the cause of the poor negroes, to deprive us of our property guarantied by the Constitution, and involve us in all the horrors of a servile war.

And now, again, they have directed their attention to the poor Cherokees; and, under the professed object of preserving them, and defending their supposed violated rights, these philanthropic christians (good souls) were ready to involve us in another Indian war, although it might carry death and misery into many families of the white inhabitants, and result in the almost total extermination of the Indians themselves. Such, Mr. C. said, was the character and tendency of this universal benevolence, which was not content with the management of its own affairs, but must take care to direct and control those of every body else.

But, sir, said Mr. C. on what ground does the Senator from New Jersey undertake to pronounce these treaties fraudulent? Mr. C. said there had been two treaties with the Seminoles—one at Payne's Landing, in Florida, and the other west of the Mississippi. In regard to the first, he was aware that a similar charge had been elsewhere made; but he had since seen a publication over the signature of the high-minded and honorable man by whom it had been negotiated, inviting and defying investigation.

[Here Mr. SOUTHARD interposed, and said he did not intend to apply the charge of fraud to the treaty of Payne's Landing—that his remarks only had reference to that subsequently made west of the Mississippi.]

Mr. C. resumed, remarking that he was glad so much of the charge had been withdrawn. He was sure that the high character of the individual by whom that treaty had been made, would be a sufficient protection, amongst those who knew him, against the imputation of any thing like fraud or dishonor.

As to the treaty subsequently made west of the Mississippi, Mr. C. said he saw as little ground for censure. He had not had time to examine the subject with much attention; but, if he did not misremember, the treaty of Payne's Landing stipulated that a special delegation should be sent west to explore and examine the country contemplated for the future residence of the Seminoles; and, upon the contingency that this delegation were satisfied with the country, and the Creek tribe were willing to receive them, the treaty was to be fully carried into effect by the removal of that tribe. The delegation did go west of the Mississippi, and did examine the country; and by a treaty then made with the commissioners of the United States—Messrs. Montfort Stokes, former Governor of North Carolina; Henry L. Ellsworth, now Commissioner of Patents, and the Rev. John F. Schermerhorn—ratified and confirmed the former treaty, in all its essential provisions. Those commissioners were appointed by the Government for the adjustment of our Indian affairs west of the Mississippi; employed in settling limits amongst the several tribes in that region; and as he had never heard any complaint that they had transcended the powers confided to them, and as the treaty had been ratified, he thought it fair to presume that they had acted on ample authority. So, Mr. C. said, the Seminoles had given the sanction of their acquiescence far nearly three years afterwards, and, as he understood, had reaffirmed the treaty by a new stipulation to emigrate. It seemed to Mr. C. that these circumstances were a sufficient answer to the charge of fraud, and want of authority, on the part of the negotiators.

Well, said Mr. C. what were the facts in regard to the treaty with the Cherokees? Commissioners of unquestionable respectability had been appointed on the part of the United States, to go into the Cherokee country and negotiate with the tribe on their own soil. Besides the large and respectable delegation of the tribe, it was well understood an unusually large number of the Cherokees was present at the negotiation, and gave the treaty their sanction. Since then, the treaty had not only been ratified by the votes of two-thirds of the Senate, but it has also received the sanction of the House of Representatives, by its co-operation in the enactment of laws to carry it into effect. How, then, could the Senator from New Jersey, with a knowledge of the facts stated, feel justified in saying he believed this treaty was without any of the sanctions of an instrument of that character? Sir, said Mr. C. it has the highest sanction that can be given to any treaty; it has the united sanction of both branches of Congress; and to say the contrary, when the validity of the treaty is not necessarily involved, I repeat, is but to nourish the michievous spirit of fanaticism, without the possibility of producing any good effect whatever.

Mr. C. concluded by saying he was far from desiring to consume the time of the Senate unnecessarily, but he had felt called upon to make this brief reply to the remarks of the Senator from New Jersey, as he thought they reflected injuriously upon the character of our country, and were calculated to keep alive the discontent known to exist in reference to these treaties in some portions of the Union. He hoped the vote would be taken, and the question put at rest.

The bill was then ordered to be engrossed by a unanimous vote.

FINANCES OF THE GOVERNMENT.

DEBATE IN THE SENATE,

FRIDAY, June 8, 1838.

Mr. WRIGHT, From the Committee on Finance, to which was referred the resolution of the Senate of the 1st May last, directing them to take into consideration certain provisions of the deposite law of 1836, made a report thereon, and moved that, without reading, it be printed for the use of the Senate.

Mr. WEBSTER observed that he had looked over the report, and concurred with the chairman that it would be very proper that it should be printed. A majority of the committee, Mr. W. said, were of opinion that it was competent for the Secretary of the Treasury to reappoint, as banks of deposite, such banks as had been appointed under the deposite law of 1836, but which had, since that time, suspended specie payments; but the committee were further of opinion that, as the law now stood, it was not competent for the Secretary of the Treasury to select and employ any banks, which, since that time, had issued and paid out notes of a less denomination than five dollars. There was no doubt of the correctness of this opinion, because such was the provision of the law. As to the other matter referred to the committee, the expediency of repealing so much of the law as forbids the employment of banks that have issued and paid out notes less than five dollars, the committee came to the conclusion that it is necessary to make some modification of the law, by fixing another day beyond which they shall cease to issue notes less than five dollars; and, in the mean time, permit their notes to be received for the dues of the Government. But the committee were opposed to an unconditional repeal of the provision referred to. The majority of the committee entertained the opinion that if, in this respect, some provision became necessary, it was not expedient for this House to act, till the final vote on the Independent Treasury bill in the other House shall be ascertained. Entertaining different views on this subject, he gave notice that before the decision of the other House is presented, he should ask leave to introduce a bill making further provision for the deposite of the public money; not that he supposed it possible for such a bill to receive the decision of both Houses at this session, but because he believed it necessary to act in some way. It was not enough to say that the Senate had already acted on the subject. It had taken one of the provisions of that bill, (the Independent Treasury,) and passed it into a law by a subsequent act of legislation, which showed that those who voted for it must have been under a doubt whether the House would act on the bill referred to at this session. He could not take his seat on this occasion, without expressing his regret that, after the expiration of three months since the passage of the Independent Treasury bill, there was some disposition to revive it. He believed that for the last three weeks the business of the country was going on well—the country was recovering from the depression under which it had long suffered, commerce was reviving, and confidence was returning. The banks of New York and others had resumed specie payments, and there was a prospect of resumption by those of Philadelphia and the cities south of it. But if this Independent Treasury bill is revived, it will prevent the resumption of specie payments, and interrupt the returning prosperity of the country. To bring it up now, after it was considered by the country as defunct, would no nothing else but create new alarm and discouragement. He sincerely hoped that those who had the administration of the Government of the country, would avail themselves of that policy which some philosopher called masterly inactivity. As things were going on well, it could not but be regretted that there should be an attempt to revive that bill, when even the attempt itself must necessarily produce alarm. It was his purpose to ask leave to introduce a bill to render more effectual the resolution which was passed the other day.

Mr. NORVELL protested against what had been said by the Senator from Massachusetts in relation to the repeal of the

Treasury Circular, as connected with the Independent Treasury bill. Many Senators, on this side of the hall, in voting for the section introduced into that bill repealing the Specie Circular, had so voted with reluctance, because they did not consider the two subjects properly or necessarily connected; but the question of repeal being directly presented to them, they were bound to sustain it. When the separate joint resolution on the subject subsequently came before us, we voted for the repeal with pleasure. We considered the Specie Circular partial and sectional in its operation, and as having ceased to have any beneficial effect. It never had any such effect, except for four or five months, in checking inordinate speculations in the public lands. But its repeal did not impair the objects or policy of the Independent Treasury; and it was new to him that the intended action of the other House upon that subject was to be considered a matter of surprise, either by the honorable Senator, or by any one else. Certainly no friend of the measure had ever, for one moment, supposed that Congress would adjourn without a direct decision upon it, in one way or the other. Without, however, indulging in any further observations, he would call for the reading of the report.

Mr. WRIGHT observed that he was not disposed to excite a debate on this matter, but he could not discharge what he believed to be his duty, and fail to reply to some of the remarks of the Senator from Massachusetts. What he had to say would not be in reference to the proposition the gentleman had given notice of his intention to introduce, but in reference to a sort of surprise he expressed that a measure which he referred to, and which having passed this body, had been sent to the other House, and was there pending, would be taken up and acted on. The gentleman spoke of the taking up of this measure, and acting on it by the other House, as something new and surprising. He knew, Mr. W. said, that there had been an attempt, vast and persevering in its character, to inculcate the belief throughout the country, that this measure was ended for the present, or to use the language of a gentleman on that floor, that it was dead and buried. He was not able to contradict the allegation, but he knew that when it was first made here, he expressed his own dissent, and declared that he had never renounced the hope that the other branch of Congress would, before the end of the session, consider and decide on that subject with which the feelings and interests of the country were so closely connected. He had therefore hoped that any movement respecting it would not have been represented here as altogether new and surprising. He knew of no expectations that an effort would be made here to consider that measure. He himself had no intention to make such an effort. He also knew that by a large number, a disposition had been entertained that it should not be again considered in either House. But it was not right that it should be represented any where, that that measure was ended, and not again to be considered; that to take it up and act on it in the body in which it was pending, was new and surprising. If such were the expectations of the Senator from Massachusetts, he had drawn them from a source not known to him, [Mr. W.] He could not consent to sit by while the Senator was making such allegations, without expressing his dissent to them. Again the Senator told them that within a few weeks the country was springing into new life, that prosperity was returning, and business reviving, but that this Administration had started up a measure which had thrown them back again.

We have seen that measure the subject of constant agitation and unreasonable anxiety; and yet they were told that it was dead and buried, and that the attempt to revive it would produce alarm, embarrassment, and distress. It was against such inferences that he was compelled to speak. He had heard it announced from the same quarter, that in consequence of the passage of a measure to which some importance was attached, a resumption of specie payments was soon to commence by the Bank of the United States; and that fact had been announced by their great ally himself. Was that ally to recede so soon from his purpose, and that, too, in consequence of the apprehended attempt of this Administration to revive the Independent Treasury bill? If this proclamation is not to be carried into effect; was it intended to lay the blame at our door? The Senator knew that all those who advocated and supported this Independent Treasury bill here had never abandoned it; and he should not be surprised that they still advocate it, and represent them as bringing up as something new that which had been consigned to the tomb. He ought not to represent it as consigned to the tomb till it is really so. At present, said Mr. W. we do not agree that it is.

Mr. WEBSTER. The gentleman says if I flattered myself that the subject was not again to be agitated, that I have been in great error. I certainly never flattered myself that they would have ceased at any time to urge its passage, if they thought they could have done so. It is part of their system—part and parcel of their avowed policy. When I state that it was supposed the matter was at an end, it was not of ourselves that I spoke, where we were in daily habits of conversation in relation to these topics; but I spoke of the country, where, I undertake to say that the impression is general, ay, very general, that the subject would not be likely again to excite and agitate the country. And, sir, let me ask if I have not very good foundation on which to rest such an opinion even for myself? Has it not been continually the party topic of the times? Was it not received from the Chief Magistrate at a former and the present session? Has it not twice passed this house, the last time by a majority of two votes, and been sent to the other House, where it has slept a solid sleep for ninety days? And was it likely to suppose that, at this advanced state of the session of six months, and near the time of adjournment, when Congress sits even longer than usual—was it not natural, I say, to suppose that it was abandoned? Certainly, nothing was more natural than to suppose that there was no further disposition to disturb it. Mr. W. then went on to show, that, so far as they were able to judge from their correspondence, from the articles of the daily presses, etc. that the matter was at an end, and would no longer excite and agitate the country. The public had acted on the belief that we had fallen back on the deposite law. Mr. W. concluded by expressing a hope that the subject might not again be made the means of agitating the country, at a time when the late action of the Government had already begun to be beneficially felt, in the reviving business of commerce and trade.

Mr. WRIGHT understood now the difference between the Senator and himself. It was not here, then, that the impression existed that an attempt would not be made to take up the measure pending in the other House, but the impression existed abroad. He did not know but that strong efforts had been made to produce that impression; but in a paper of the Opposition where he had seen it declared that the measure was dead and buried, and could not succeed, he had also seen the declaration that it would pass. Now he did not know but this last declaration was a better move than the other, or whether both were not made for the purpose of producing a conviction on the public mind unfavorable to the measure. But the Senator knew that when the vote to which he alluded was taken in the other House, that the House was thin—that there were some twenty or thirty members absent. The Senator knew also, as well as he did, that from that time to this there had been a strong controversy in the public mind as to what would be its ultimate fate.

Mr. BENTON said the conversational debate which had taken place appeared to him to be irregular and unparliamentary. It is out of order to call in question the action of the House of Representatives upon any subject, and to make remarks which, even by implication, reprimand or threaten that House. The remarks of the Senator from Massachusetts, [Mr. WEBSTER,] seem to imply a reprimand upon the House of Representatives for proposing to revive, as he calls it—to revive the bill for the divorce of Bank and State; and he attributes to that revival the infliction of distress and alarm upon the country. Upon this idea of revival of a bill in the House of Representatives, there is certainly some remark to be made. Has the Divorce bill ever been dead in that body? and if it was dead, have not the house a right to revive it? and if they revive it, has the Senate a right to animadvert upon them in the nature of a reprimand, or of a threat, for so doing? How stands the fact? Has the Divorce bill ever been dead in the House of Representatives? Certainly not. They have two such bills there; one of their own, which has never been acted on, and one from the Senate, which has been laid upon the table. Now it is perfectly competent to the House of Representatives to act upon either of these bills. Neither of them are dead; and to take them up is merely to go on with existing bills, and not revive dead ones. If gentlemen, who have carried on a system of boasting that the Divorce bill was dead, perhaps to make it die—if these gentlemen have deceived themselves, or others, it is their own misfortune, and no cause of censure upon the House. The Divorce bill has been in that House, as sent from us, three months; but how many other bills have been there as long, or longer? The army bill has been there longer, the pre-emption bill also, the steamboat explosion bill likewise; and the graduation bill nearly as long; none of these measures are considered dead; nor can it be called a revival when the House shall take them up and act upon them. I know not whether the Divorce bill will pass the House of Representatives. I never remark upon such a subject in this chamber. I have seen gentlemen of the Opposition, for months past, proclaiming on this floor that that bill was dead and buried in the House of Representatives. I deemed all such speculation on the fate of bills in the House of Representatives, to be unparliamentary and irregular, and never would join in any such remarks, even to express a contrary opinion, if I felt it.

Mr. B. said this was a day to be marked in the history of the times; this Friday, the 8th day of June, was a day to be remembered; for it was a day on which had commenced, and from which time would go forward, a new war from the political part of the banks against the Government and the country. The Treasury Order of July 11th, 1836, was rescinded. Scarcely was it done, when a billet from the president of the miscalled Bank of the United States appears, addressed to an old correspondent of the other House, in which the writer gives the public to understand that the scales had been knocked from his eyes; that he could now see what he could never see before; and that the vision brought to light by this second sight was the immediate resumption of specie payments, and the preservation of a good currency. Now, sir, the insignificance of the cause for such great events struck every body. The Treasury Order had been inoperative for a year! it had been the same as dead since the 10th of May, 1837. Besides that, the Senate had passed a bill which contained a clause for its recision three months before, and the passage of that clause, in some form or other, was known to be absolutely certain in the House of Representatives. That order was then no longer a stumbling block, even to the blind, to the resumption of specie payments; its entire recision was nothing but an act on paper, the fact of inoperation already existing. Yet this most insignificant circumstance is seized upon by the president of the miscalled Bank of the United States to back out from the famous non-resumption letter which placed that bank at the head of a confederation of insolvent and political banks, so much to its *honor* both in Europe and America! A pretext might be wanting to retreat from that letter, or to enable the writer to take a new hold upon his subject, and bottom his non-resumption on a more tenable ground. It was a miserable pretext, and laughed at by every body. Fair, open resumption, if resumption was intended, would have been much better. But it would seem, from this day's proceedings, that resumption was not intended; that a shifting of ground only was wanted; that a quarrel with the Government was the thing desired; and that non-resumption was to be the policy still, but based upon a new ground, and that ground to be founded in the conduct of the Government itself. I look upon the speech of the Senator from Massachusetts this day as a revelation from the miscalled Bank of the United States! as a proclamation that she does not mean to resume! and as a declaration that she is going on to form her league of non-resuming banks; to revive the old panic scenes of 1833–35; to make all the mischief that she can; and to charge the whole upon the Independent Treasury bill, or the new Treasury Order, or both; and so make war upon the country again for the purpose of governing the elections and forcing the Government to submit to her. This is the aspect under which the scenes of this day present themselves to my mind; and let the events tell how far they are true. Certain I am that the events of this day furnish new and potent reasons for the passage of the divorce bill. It presents us a parcel of banks making our action the cause of their resumption, or non-resumption, of specie payments; pretending to live, or die, as we do this or that. The import of what they present is, that they cannot resume if the Federal Government is separated from them; and certain it is that the Government cannot live if it is connected with them. They make their own ability to resume to depend on their conjunction with the Federal Government: now what is this but to admit their insolvency and to require the Government to supply them with credit to go on? It is a confession of insolvency, if it was true, and a pretext for non-resuming if it was not; and, in either event, furnished new and strong reasons for the passage of the divorce bill. It is not safe for the banks to depend upon the Government; nor for the Government to depend upon the banks. Divorce, eternal divorce, should be the word; and so fully am I convinced of the necessity of that divorce, that I stake my political existence upon it, and I am ready to sink with it. If that measure goes down, I am ready to go down with it.

Mr. WEBSTER said it might appear strange to the Senate, that he should rise again on this question, but he could not allow the member who last addressed them, or any other, to indulge in such a course of perversion of remarks made by him without notice. He did not say, nor intend to say one word disrespectful to the other House. The gentleman called his reference to the delay of action by that body on a particular measure irregular and unparliamentary; and on his denial that there were any such irregularity, the gentleman boiled over as tempestuous as Etna or Stromboli, with smoke, heat, and lava. What did he say? He said that the agitation of this question again in Congress would necessarily produce agitation in the country. He said that he believed that a new attempt to carry that question would agitate the country anew; and the gentleman came out with a warm and zealous vindication of the other House, as if it was assailed. "Non tali auxilio eget"—the House did not want the gentleman's assistance; it could take care of itself; it knew him, and the denunciations and the volcanic eruption of the gentleman would produce no effect. Every body knew that he was speaking of this measure as one that had already agitated the country, and therefore he was warranted in saying that an attempt to take up again would agitate the country anew.

Mr. BENTON said if the Senator from Massachusetts had said nothing to threaten the House of Representatives when he was first up, he had certainly done so now. He had charged that House with agitating the country, and preventing the revival of business, by reviving the Divorce bill. Agitation is the word he used; agitating the country, and preventing the revival of business, is the accusation which he prefers. And has it come to this, that here, on the floor of the Senate, the term agitation is to be applied to the regular and Constitutional action of the House of Representatives, on questions depending before them? and are they to be deterred from proceeding with a bill by being stigmatized on this floor as agitators, and charged with doing mischief to the country? Sir, we have seen agitators assembling in public meetings, adopting panic resolutions, sending on distress committees with distress petitions, to this city; all done by self-constituted assemblies, acting under bank impulsions; and we have seen all these agitators extolled and applauded on this floor; and now when the Constitutional representatives of the people proceed with their regular duties, they are to be called agitators, and to be charged before hand with creating that distress in the country, by agitating measures here, which the political bank party mean to create for their own purposes of mischief, and then falsely charge upon the measures of the Government. This is what they have done before; this is what they are preparing to do again; and this is what these preliminary attacks upon the House of Representatives are to cover over, and to excuse in advance. Sir, it it time for us to speak out, and to call things by their right names; it is time for us to strip off the masks, and to exhibit the mischief makers in their odious deformity. Here is an attack in advance upon the House of Representatives, to deter it from going on with its business; and this attack comes from a class of political banks which have been making mischief ever since 1832, and falsely charging their own work upon the Government. These banks must be met with the language that is due to their conduct; they must be discriminated from the business institutions, and the stamp of reprobation must be fixed upon them. They and their followers must be detected and exposed; they must not be allowed to plot mischief against the country, and then come here and falsely charge their own machinations upon the Government.

The Senator from Massachusetts complains of fire and rocks, of burning mountains, and rivers of lava; and seems to think that I have hurled all these things upon his head. Far be it from my intention to use him so cruelly. I only undertook to learn the future conduct of the Bank of the United States from his present conduct here to-day; and if, in doing this, I have been writing on his naked skin with the point of a red-hot iron, it may have been the innocent cause of all these confused sensations about these fiery eruptions, heaving mountains, flowing rivers, and falling rocks, which have led the gentleman to believe that he was standing under the showers of one of those volcanic mountains which bury a city in a moment. The remedy is to cover the head, and fly. The inhabitants of Pompeii and Herculaneum, in the time of Pliny the elder, covered their heads with pillows; let him cover his with a document, and he will come out safe.

Mr. WEBSTER observed that the gentleman, with a remarkable emphasis, and with a very warm repetition of the argument, insisted on for the last six months, had repeated the charge that the Bank of the United States was about to scourge the country, with a view to bring about a state of things desirable to it; and the gentleman had found every time he addressed his argument of the solidity of mountains in favor of his pure doctrine, that this bank had some such design in view. What was the scourge which the gentleman announced with so much emphasis was to go abroad to the country? Why, it was a repetition of the same song so long sung that the banks were in a state of hostility to the Government, and that their interests were opposed to each other. Who believed one word of this, from Dan to Beersheba? The gentleman had taken great exception to some remarks which he [Mr. W.] had just made, in reference to the action of the House. Why he [Mr. W.] announced nothing: he spoke in no one's behalf, but only gave his own individual opinion as to the effect likely to be produced by the revival of a particular measure. He only spoke of what was apparent to every gentleman who looked at current events, and who was acquainted with the business and commerce of the country. Every man at all conversant with commercial affairs, and who was in the habit of consulting the public newspapers, would see that a disposition to press the Sub-Treasury bill, would seriously affect the business and commerce of the country. The gentleman might entertain a different opinion. But the gentleman spoke of the great irregularity of the reference he [Mr. W.] had made to the proceedings of the other House, and stigmatized it as unparliamentary. How long was it since a report was made to the Senate by a committee, of which the gentleman was a member, and with the gentleman's concurrence, in which this measure and others pending in the other House were spoken of again and again. Was this irregular and unparliamentary? Did it not meet with the gentleman's concurrence? And if this report was not irregular in the particular referred to, how could he justly be charged with irregularity for following the example set by it? But the truth was, there was no irregularity in it. There was no parliamentary rule applicable to it. It might be irregular

to notice what was said in debate in the other House, because the member thus noticed could have no opportunity of replying, but it was far different with regard to any measure which might be acted on by that body, or passed over without action. Are not their journals [said Mr. W.] sent to us every day, for the purpose of letting us and the country know what they are doing, and shall we refrain from speaking of what is notorious to every body. Besides, if we send them a measure which is not acted on for three months, it is natural to suppose that it is dead and buried. Why it was the height of affectation to say that it was irregular and unparliamentary to notice the proceedings in the other House.

It was idle to have doubts on this subject when every body knew the common course of things was to speculate on the probable fate of measures pending in either House. With regard to the effect produced by our measures, and the effect produced by the delay to act on them in the other House, had not every body a right to know and comment on it? Are we not surrounded by millions of active, intelligent, and industrious citizens, whose interests are deeply concerned, and are we to shut our eyes as if we are not seen by them? Such a course of conduct was not becoming our condition, or consistent with our obligations to the country? I see that the country entertained the hope that, after the passage of the joint resolution rescinding the Treasury Order, no further attempt would be made to take up the Sub-Treasury bill, and that the returning prosperity of the country would not be interrupted. But the gentleman said that the same thing as this joint resolution was passed by this body five months ago, in a clause of the Sub-Treasury bill, and, therefore, it could not have produced the effect attributed to it. But did it receive the sanction of the other House? Did it become a law? It did not; and, consequently, it was to the passage of this joint resolution, as a distinct measure, that the returning prosperity of the country was to be attributed.

When it was seen that both branches of Congress, with a degree of unexampled eagerness and unanimity, had taken the subject of this joint resolution out of the Sub-Treasury bill, and passed it as a separate measure, the people had a right to understand that the bill would not be acted on; and to speak of this was considered the Senator as irregular and unparliamentary. Under the state of things existing on the adoption of the joint resolution, the public had a right to expect that there would be no further attempt to agitate the country by reviving this measure, which was considered as defunct. As to any attempt on his part to reprimand the other House, he did not believe that any member of that body would consider what he had said in that light.

Mr. BENTON rose again to say that, since he had sat down, a member of the House had communicated to him a piece of information, which, if true, would serve as a key to unlock the door which would give a view of the secret springs which put this day's proceedings in motion. The information is, that a letter has this day been received from Philadelphia, stating that a bank meeting was held in that city on Wednesday night last, and that the Bank of the United States put herself at the head of non-resumption, and actually gave the casting vote against taking measures for resuming. This is the information. It may be true, or it may not be. Of this I know nothing; but if it is true—if that Bank either has fallen back, or means to fall back, upon the non-resumption policy indicated in the April letter to Mr. ADAMS, then the broad light of day is shed upon the movement which we have just witnessed. Then we see clearly the reason of this coming forward in advance to raise a new panic and alarm about the Independent Treasury bill—to predict ruinous consequences from the passage, or even the discussion, of that bill—and to charge specifically that no resumption of specie payments can take place if the House of Representatives goes on with that bill. All this movement here, if this is, or shall be true, is to cover the plot of the mis called Bank of the United States, and to get a start on the public mind in falsely charging upon the Government the very mischief which that Bank is contriving to perpetuate. If this information either is true, or shall become true; if this Bank either opposed resumption last Wednesday night, or shall oppose it hereafter, then it is clear that the elaborate, argumentative letter—the cotton bag letter of April last to Mr. ADAMS—contains the settled policy of the Bank; and that the billet of May to the same gentleman was nothing but a juggler's trick to shift the reason for non-resumption from the cause assigned in the cotton bag letter to the new one disclosed by the Senator from Massachusetts this day. That billet was looked upon from the first, as a flimsy pretext for a change of position in the Bank; it was considered by every body as a flimsy pretext; but it now seems that it did not even amount to the respectability of a ridiculous pretext, but was in reality a mere juggler's trick—a mere piece of legerdemain—to conceal an evolution on the part of the Bank; to conceal a change of position, and place its non-resumption upon a new basis. Be all this as it may, the events of a few weeks will decide. If that Bank does not resume, all that is supposition now, will become historical truth. The public patience, and the public credulity, has been sufficiently taxed by the exactions of that Bank on the public understanding. When she stopped in May, 1837, it was declared to be purely to follow the New York example; that she was strong enough to go on; and should take the lead in resuming. So far from taking the lead in resuming, she has been, since November last, the sole obstacle to universal resumption. Now when the 100 banks of New York have resumed, she refuses to follow their lead, is getting up a confederation of insolvent and political banks, of which she is to be the head; and finding that the reasons given in the cotton bag letter are too contemptible to be tolerated by the public, a change of reasons must be effected; and this notable scheme of a new panic about the Independent Treasury bill seems to be the delectable device fallen upon! Sir, I despise such trickery. I abhor it. I denounce it upon this floor; and I call upon the Senate and the American people to mark it, and to remember it; and, when the new distress commences, and when the chorus of accusation resounds against the Government, let the revelations of this day be recollected; and let the finger of the miscalled Bank of the United States be seen, directing the whole mischief, and charging it upon the Government.

Mr. WEBSTER said he would rather have the hot stones on his head than some of the documents. The gentleman seemed to insist that he spoke with the knowledge of the views of the Pennsylvania Bank of the United States. This he Mr. W. chose to deny. He only knew what the bank published to the world, and nothing more. The gentleman dealt a good deal in the motives of others; but take away that part of his argument, and he would be found in the condition of that warrior of antiquity who, when he was deprived of all his weapons that had been poisoned contrary to the rules of war, was found to have no weapons left.

Mr. NILES said that he was about rising just as the war between the giants [alluding to Mr. WEBSTER and Mr. BENTON] commenced, but after such a fight, he might perhaps omit what he had intended to say. He had supposed, or at least hoped, that the bank war, or what some called the war of the Government upon the banks, but what he considered as the war of the banks and the bank petitioners upon the Government, had ceased He had hoped that if there could not be a permanent peace, which the country and all the interests so much desired, we might at least have a truce—a temporary suspension of hostilities. We all certainly have had a right to expect this, since the appearance of a certain document from the head of one of the belligerent parties. The paper referred to, was on its face a declaration of peace, or at least a declaration of the cesation of hostilities. It came upon us somewhat unexpectedly, and was, no doubt, received joyously by the people, tired, if not exhausted in this currency war. It occasioned the more surprise, because it was but a few weeks before that a new and formal manifesto was issued from the same high source, setting forth at length the causes of the war; we were told that the two parties were in the field face to face; that it was to be a war of extermination; that there was no neutral ground; that there could be no compromise; that one of the parties must conquer. Either the credit system or the hard money system, as this manifesto called the policy of the Government, must fall. The Treasury Order of July, 1836, was named as one of the causes of the war, but by no means a prominent one; the alleged hostility and determination of the Government to destroy the banks, seems to have been regarded as the principle cause for continuing hostilities, as set forth in this famous manifesto.

Immediately after the passage of the act which superseded the Treasury Order, a proclamation was put forth declaring that the repeal of the Specie Circular had removed all causes of war; and we were told that this unhappy controversy was now at an end, that the currency was to be restored, and all hostilities were to cease.

Mr. N. said under these circumstaeces he had not doubted that we should, at least have a truce, and that the country would, for a time, enjoy a little repose, which all seemed so anxious for; the merchants, manufactures, and even the banks, all classes seemed rejoiced at the prospect of returning once more, after so long an interruption, to their accustomed pursuits of business.

But, sir, within a few days past, these favorable indications of a termiaation of this controversy appear to have suddenly changed, and fresh evidences of hostility have appeared. The new Treasury Order, which is predicated on the existing laws, is seized upon us as a fresh aggression on the part of the Government, and new cause of war. We are also now told by the Senator from Massachusetts, [Mr. WEBSTER,] that there is a renewed determination on the part of Congress to pass the Independent Treasury bill; that this has alarmed the country, and was beginning to agitate the public mind anew. He, Mr. N. had heard the remarks of the Senator with surprise, and considering his known connection and influence with the class who control the moneyed institutions and interests of the country, he could not but consider his remarks, taken in connection with the other circumstances to which he had referred, as strong evidence that attempts were to be renewed, to arrest the progress of resumption, and prolong the present state of things. Is the proffered truce to be recalled, the resumption arrested, and a new panic to be got up?

The Senator says that the country has been led to believe that the Independent Treasury bill was to be abandoned, and that the policy of the Administration was changed; and, if he did not say, seemed to insinuate, that it was this state of public opinion which had encouraged the banks to resume, and led to the improvement which had taken place in the monetary affairs of the country and the revival of business. We are then told of alarm and new agitation of the public mind, by a renewed attempt to pass the Independent Treasury bill and new measures from the Executive unfriendly to resumption.

Mr. N. said he believed all these statements to be incorrect. So far as he was informed, there was no such public opinion. The country did not believe that there had been any change of policy on the part of the Administration or its friends; nor did they believe that Congress had abandoned the Treasury bill which passed the Senate. He knew not what information the Senator may have received, or from what sources it is derived; he may have means of information in relation to a particular class not enjoyed by others; but he, Mr. N. spoke of the ordinary channels of intelligence, the public press and public meetings, which we must regard as the surest indications of public sentiment. He had seen nothing in the public press, either on one side or the other, of the Administration, that even led him to suspect that an opinion prevailed with any party, or any portion of the public, that there had been, or was to be, any change of policy on the part of the Administration or its friends in Congress; and, so far as respected his correspondence, it was in perfect harmony with what he regarded as the tone of the public press. Instead of the expression of an opinion that the Independent Treasury bill was abandoned, his correspondents who made any allusion to the subject expressed the strongest convictions that the bill ought to be acted upon and passed at the present session. And, Mr. President, is it probable, or scarcely possible, that an opinion can have prevailed to any extent with any portion of the public, that the Treasury bill would be voluntarily abandoned, or that there had been any change in the views of the majority in Congress or the Executive in relation to it? Has there been any act, any proceeding of either branch of Congress, or any Executive measure, which authorized any such opinion? None has been referred to, because none exist, except the negative circumstance that the bill which passed the Senate has not been taken up in the House. This is the only circumstance relied upon; but the delay is generally understood to have arisen from the peculiar condition of the House, being nearly equally equally divided on this question, its having been occupied with other business, and the embarrassments from its own rules. There has been no intimation by any of the friends of the measure that it was to be abandoned, and no want of disposition to act upon it at the earliest possible period. But why should it be inferred that this measure was given up, because it has not been acted upon? This is also the case of all the important bills which have passed the Senate. The Army bill, the Steamboat bill, the two Land bills, and others, all had slept in the same way. He learned that one of the Land bills was now under consideration. Has it been supposed by the public that all these bills have been abandoned? He presumed not. Why, then, should it be inferred that the Treasury bill, the most important measure of the session, and upon which the Senate had spent nearly four months at the extra and the present session, was to be abandoned, simply because the action upon it has been delayed in the House?

What act, then, has there been of either House that could have given rise to the opinion which we are told exists? He knew of none: a bill, it is true, has passed, superseding the Treasury Order of July, 1836. But that bill only contained the single principle that there should be no discrimination in the different branches of the revenue; but it had nothing to do with the management of the finances, or the currency in which they are to be collected and disbursed. These depend on the joint resolution of 1816, and the deposite act of 1836. But, instead of there having been any thing done to authorize an opinion that there was a change of policy since the Independent Treasury bill passed the Senate, the proceedings of the Senate must have satisfied the country that there was no change If there has been no movement in the House, there certainly has been here. The views of this body have been constantly brought into discussion, and particularly in the various proceedings upon the resolution of the Senator from Kentucky, [Mr. CLAY.] The able report of the committee, the debate, and all the proceedings of the Senate on that resolution, must have satisfied the country that in this body, at least, there has been no change. We go for a separation; if we cannot obtain that, we take what comes nearest to it. If we cannot carry that measure, we choose to remain where we are; we do not intend bringing about a more intimate connection between the Government and the banks than results from existing laws, unless it be so to modify the deposite act of 1836 as to remit the forfeiture the banks have incurred by the suspension of payments. We are willing to place them where they were when that act was passed, or before the suspension. More than this they can have no claims to. There are restrictions in that act, which, if the connection between the Government and the banks is to be revived, we intend to hold on to. This is our position; and it is, or certainly ought to be, known to the country. There has been no act, no proceeding of the Senate, inconsistent with it. And yet we are told that the public have supposed that the policy of the Administration and its friends is changed; and it is intimated that it is this opinion, that a more favorable course was to be pursued in relation to the banks, that has encouraged and favored resumption thus far.

Sir, the banks which have resumed have acted from a more just view of this subject; they have not been influenced by any supposed change in the policy of the Administration. They have not looked to the Government for aid or encouragement. They do not ask it, or desire it; it is only the politicians, and the political banks, that desire this: the banks which have resumed, have done it from their own resources; they rely on their own means, and them alone; they depend on their own strength, by which they expect to stand or fall. They know that the Government has not, and will not, oppose them, or, in the language of the day, make war upon them. This is all they ask; they know that to depend on the revenues of the Government, would be to lean on a precarious prop, which, the very moment it is most wanted, might be removed.

The resumption has not commenced, and gone on thus far, in consequence of any real or supposed change in the policy of the Administration, or of the majority in Congress; and if it is now to be arrested, and a renewed effort made to prolong the present state of things, let it not be supposed that it can be successfully charged upon any new indication of an unfriendly policy towards the banks. If, as he feared was the case, the resumption is to be arrested, or such an attempt made, a new panic got up, and the country forced to suffer still longer the evils and difficultics of a suspension, let it not be supposed that it can be charged upon the Administration!

That this will be attempted, however, cannot be doubted. The country has been told from high authority that the controversy was at an end, and that the currency was now to be restored. Is this proclamation to be revoked, and the war about the currency to be continued? There are many indications that such is the case; and the speech of the Senator from Massachusetts is not at all calculated to remove these apprehensions, considering his connection with the sources whence these indications have appeared.

If the resumption is to be arrested, and the derangement and suspension of business prolonged, it is natural that new grounds of complaint should be sought for, and urged upon the public mind. If the war is to be resumed, new *causes* must be assigned; the old ones have lost their force. Some new aggressions on the part of the Executive, or Congress, must be found out, and made use of, to justify the renewal of hostilities. The new Specie Circular is doubtless to be one; and the refusal of Congress to repeal or modify some of the restrictions of the deposite act of 1836 may be another. We are already told that there is a new alarm and agitation of the public mind, in regard to the measures of the Government.

Sir, if there is a design to arrest resumption, and prolong the present difficulties, let me say to those engaged in it, whether here or elsewhere, that they assume a heavy responsibility. Let me also say to them, they will not succeed. The people, of all parties, have got tired of this war about the currency and the banks; they want a respite at least, and all are anxious for the revival of business. This war has been kept up by a union between the politicians and the banks, the merchants and the manufacturers. The advantages of it have resulted to the politicians a one. To the other classes engaged in the contest, it has been attended with heavy sacrifices; these they have borne for more than a year cheerfully; but they have for some time shown symptons of uneasiness and dissatisfaction; they begin to be satisfied that it is a contest in which they are to make the sacrifices, and the politicians to reap the advantages.

The merchants and manufacturers never engage in these panic contests as an end, but only as a means. When their business becomes deranged, and almost at a stand, being unable to perceive the true cause of the difficulty, they readily believe what is told them by their political friends, that all the difficulties arise from the measures of the Government, which is waging war on the banks, and trying experiments on the currency. Under this belief, and vexed and cross from the loss of their usual profits, they neglect their business, and enter furiously into party strife. They are led to believe that if they will help

to put down the Administration, they shall then have better times; that money will be plenty, and their business become good. But on the present occasion they have struggled long, and got tired of a contest productive of so little good to them. They are anxious to return to pursuits more congenial to their feelings; they love money better than politics.

The more intelligent among them also begin to discover that all the clamor about the measures of the Government being the cause of all the difficulties the country has experienced, is intended for political effect. They begin to perceive that the true causes which prostrated the banks, and brought on the commercial revulsion, lie much deeper than any measures of the Government. Men of sense, of all parties, cannot but see that if the banks or the merchants have traded beyond their means or the wants of the country, the embarrassments which have followed can be justly chargeable upon no one but themselves. He believed that the time was not distant when all would be convinced that the measures of the Government, having a reference only to its own revenues, had much less influence, either for good or for evil, on the currency and monetary concerns of the country, than is generally supposed. This subject is becoming daily better understood; and the more generally it is understood, the better for the quiet of the country and the interests of all, unless it be that class of politicians whose cause will flourish only by the stimulus of panics.

Whether an attempt is about to be made to revive the panic, he could not say; nor would he say that the remarks of the Senator from Massachusetts have any connection with such a purpose. He knew not what the designs of the Senator may have been, but he must say that they were directly calculated to produce a new alarm, and prolong existing difficulties.

[Mr. WEBSTER remarked that he only meant to say that an attempt, at this time, to pass the Independent Treasury bill was calculated to embarras and delay resumption.]

Mr. NILES. There has been no grounds to suppose, as he had attempted to show, that there would be any change in the financial policy of the Government. The banks commenced resumption under the influence of this policy, and have experienced no inconvenience from it. They have gone on since they began steadily and successfully, and how can it now be said that an adherence to this policy is calculated to retard resumption? There was no difficulty in resumption; and he repeated that if there was a design, either here or elsewhere, to arrest it for political or other purposes, it will not succeed. The merchants and manufacturers want to return to their accustomed pursuits of making money; all classes want repose, or a short respite at least, from this war about the currency; they have suffered evils enough from the suspension for more than a year, and the general opinion is, that the banks can and ought to resume; and public opinion, and the interests of all classes, will compel them to do it.

The question was then taken and the report was ordered to be printed.

SPEECH OF MR. STRANGE,
OF NORTH CAROLINA.

In Senate, March 29, 1838—On the resolution to repeal the Specie Circular.

Mr. STRANGE addressed the Senate as follows:

I should have profited little by experience, if I did not feel conscious that I shall be in a very small minority upon this question, and I should not have troubled the Senate with any remarks, if the Senator from Massachusetts, [Mr. WEBSTER,] had not thrown out some observations which ought not, in my judgment, to go forth unanswered. That Senator could have no motive, so far as this body is concerned, in addressing us. He could entertain no doubt of his favorite measure passing by a very large majority, and I am persuaded he did not cherish the slightest hope of winning over here a single proselyte. It was far beyond these walls that he intended his remarks to take effect; it was upon the country at large he designed they should operate. I desire on my part, so far as I may, to counteract their tendency, and if any feeble voice can be heard amid the roaring of the lion, to quiet as far as possible the undue excitement they are calculated to produce.

When the Senator from Kentucky introduced his resolutions of which the present is a modification, I was absent from the Senate, and I confess myself greatly surprised when I heard it had been done. All the topics embraced in them had already been fully discussed in this body, and the country had been agitated in a degree correspondent to the warmth of that discussion, and I could not but feel surprised that a renewal thereof should be solicited. When a man is surprised at a fact, he is naturally led to the inquiry why this fact came into existence, and what consequences its authors expect to deduce from it. The acts of men often have an obvious palpable design, and another more important, hidden from the eye of the superficial observer; and it is the part of wisdom narrowly to examine the acts of others by which we are likely to be affected, and endeavor to ascertain the whole compass of their objects, whether primary or secondary, palpable or covert. With respect to the resolutions of the Senator from Kentucky, the avowed objects, so far as I understand them, from looking into the resolutions themselves, or attending to the arguments advanced in their support, were threefold. The first was relief to Government creditors—increased facility to those who directly paid in the revenues of the country. I would not deny to this consideration the respect it merits. But legislation should always be treated as a necessary evil, and ought never to be resorted to but when the demand for its use is urgent. Even the most beneficial legislation is apt to give rise to mischiefs not previously existing. It is proper, then, for us to inquire whether the payers of revenue stand in any such need of relief, as even, if we could lawfully do so, would render it expedient for us to legislate in their behalf. Where is the evidence of any such need? Where shall we look for marks of their distress? Or what cry of theirs has come to our ears? I have seen, I have heard none. There is no such need; and indeed the friends of the resolution do not seem to urge this argument with any earnestness.

The second object of the resolutions was the relief of the banks; and in this is, in fact, contained the whole pith and marrow of the proceeding. But I deny that it will prove a permanent, wholesome relief to the banks. A temporary and seemingly beneficial effect it may, and doubtless will, produce; but that it will infuse sound health into the banking system of this country, is an idea opposed alike to experience and sound philosophy. So far from the present time being favorable for the renewal of the connection between the Government and the banks, it is peculiarly inauspicious. Who would give a patient, just passing out of the cold into the hot stage of an intermittent fever, brandy, and other stimulants? Such applications, if proper at all, were so when the collapse was first coming on, with the hope of averting, or greatly mitigating it. But when reaction is commencing, and the fever beginning to rise, reason would seem to forbid their use. The banks are the habitual subjects of intermittent fever. Now the tide of circulation courses through their arteries in an impetuous current, and now it moves sluggishly along, scarcely giving impulse to the powers of life. And what is their present condition? Is it not notorious that they are passing from a state of collapse into that of increased action, which will be very soon heightened into a raging fever, to be followed, as all must foresee, by another collapse, more prostrating than any which have preceded it? It is an established maxim in philosophy, that action and reaction are equal. In proportion, then, as the excitement shall rise, so great will be the succeeding prostration. Looking to the interest of the banks alone, then, I repeat, this is no time to administer to them that strongest of stimulants, a renewed connection with the Government. They are now rising from that collapsed state in which a variety of causes had contributed to throw them; and Nature, by the application of her great law of reaction is raising them up with great rapidity, and our interference would but precipitate the operation beyond the point of safety. Confidence, that magic Being, when roused from her state of torpor, is prone, from her very nature, to run into the most extravagant excesses, and requires no encouragement. Business men, tired of the inactivity which a time of pressure produces, as soon as that pressure is removed, rush eagerly into the most extensive operations. Stockholders, anxious to be indemnified for the very small profits they have derived during the season of curtailment, press the banks to seize the favorable occasion to increase their discounts, and an abundance of money in circulation, enables every man to purchase, with a moderate premium, a credit which before he had no means of commanding. One stimulant gives an increased action to another, and the tide of events is setting in one direction. Does not prudence, then, dictate to us, that as we have no power to check it, we ought, at least, to contribute nothing to its extravagant flow, and that least of all should we embark the body politic upon its bosom? Take a single instance as a sample of the illimitable excess to which this thing is prone to run, as appearing upon the very face of the resolutions of the Senator from Kentucky. They contained a proposition not only to receive the notes of the banks in payment of the public dues, but that they should also be tendered to the public creditors, and an actual refusal to receive them by such creditors should precede their being returned upon the banks for redemption, or having any other medium of payment offered to the creditor. Thus taking a new and most extensive stride in making the Government the guarantor of all the paper circulation in the country. It is true the Senator from Kentucky has stricken out that portion of his resolution; but was that satisfactory to all? Did not the Senator from Virginia, [Mr. RIVES,] insist upon retaining it, with some trivial modifications? And does not the fact that any member (and that, too, a distinguished one of this body) could be found willing to tender to public creditors the notes of all the banks in the United States, alarmingly indicate the dangers of the system out of which the proposition springs, and furnish a striking admonition of what it is likely to bring upon the country? But, sir, the policy of connection between the Government and the banks presents a very wide field for discussion, and as I have heretofore occupied it pretty extensively, I forbear for the present to enter it farther.

The third object of introducing the resolutions seemed to be the abolition of an odious discrimination in the medium of payment for the public lands and the ordinary customs. Now, sir, I am well aware that this discrimination is odious to the people, and it is natural, and perhaps right, that it should be so; and the gentlemen in the Opposition have spared no pains in availing themselves of this circumstance to excite popular prejudice against the Administration. I wish they had been equally diligent in pointing out to them the source from whence this principle of discrimination springs. I am content that they shall address the people in the strongest terms against discrimination, if they will let them know, at the same time, in what soil this noxious plant finds its growth. The Constitution never contemplated the exercise of any such discrimination, because it contemplated but one medium—the precious metals—in the collection of its dues. If the finances of the country had always been administered in the currency recognised by the Constitution, every man would have understood at once what he had a right to receive from the Government, and in what he was bound to pay it; and there would have been no discrimination and no murmuring. The necessity for discrimination grew out of the joint resolution of 1816—the first legal authority for receiving the dues of the Government in paper money. If gentlemen really desire to abolish discrimination, let them repeal this resolution. I have voted for its repeal as the most effectual, and, indeed, the only, mode of dispensing with discrimination. So long as the Government dispenses with the constitutional currency, discrimination will, of necessity, exist; and pass what law you may to limit or prevent it, discrimination must, in spite of them, prevail in, practice. If you wish to overcome an enemy, level your blow at his real lurking place; if you intend effectually to destroy an evil, cut it up by the roots. Repeal the joint resolution of 1816, and force your public officers back upon the constitutional currency, and you will hear no more complaints about inequalities in the *media* of receipts and payments.

The Senator from Massachusetts has favored us with a history of the circumstances which gave rise to, and attended, the passage of the joint resolution of 1816, and with his opinion of its character and design. So far as his historical reminiscences are concerned, I am not at all disposed to question their correctness; they suit my purpose, and enable me to arrive at a very different conclusion from his as to the operation of that act. The framers of our Constitution were hard money men, and it was a hard money Constitution. It was their design that the Government should collect its dues in gold and silver, and such was the primitive practice. The practice of receiving bank paper crept in, and gradually progressed, until every thing which bore the name of money, in the form of bank notes, was accepted by the public officers, and grew into an obvious and pressing inconvenience. The current values of the notes received

were exceedingly various, and grew daily more so. The nominal receipts of the Government were far beyond its real income, and the depreciated currency in which its revenue was collected forced it into acts of injustice to its creditors, as well as to be a heavy sufferer by losses to itself. The pernicious and corrupting influence of this state of things was perceived and felt by every man of the least reflection. It rendered the Government a participant in a great gambling concern, having itself the largest stake in the game. The gambling spirit was pervading the community; and of all the spirits furnished from the legions of Satan, none is more corrupting to the individual or community of whom it takes possession than the gambling spirit. The public officers, it is true, had assumed upon themselves without any authority, and as the Senator from Massachusetts justly remarked in another part of his argument, would have been liable to the Government for the amount of their receipts in specie. But this right could not be enforced without the utmost cruelty, if it could have been enforced at all to the full extent; for the difference between the real amounts in the hands of the officers and the nominal amounts received could scarcely have been realized out of the whole property of both the officers and their securities. But besides this, although the Government had not expressly authorized the receipt of bank paper, it was cognizant that it was done, and, by its silence, connived at the act; and having so long stood by without any word of disapprobation, or prescribing any limits to the exercise of this assumed power of the receiving officers, it would have been highly unjust to have held them to a strict account for doing what had not been disapproved in their predecessors. For the past, then, there was no remedy; and the question was, what should be done for the future. Must they submit to the evil, or endeavor to prevent or altogether restrain it? They might have adopted the latter course, and warned their officers that the connivance heretofore extended to them should be henceforth withheld; that a rigid account would in future be exacted, and nothing but the constitutional currency received from them; and if they received ought else, it must be at their own peril. Or, they might have gone still farther, and actually prohibited the receipt of bank paper, and made it penal in the officer to accept it from any debtor. But every one agrees they did neither of these things. And why did they not? I may be greatly mistaken in my conjecture, but I verily believe that this bold and salutary measure was prevented by the same influence which now distracts our counsels, and paralyses our energy—that of the banks, in all its subtlety and complication. It was an influence less suspected then than now; but, on that very account, nearly as potent, although much less extensive. The banks had then, as now, their stockholders, their officers, and above all, their debtors, through whom they exercised their imperceptible and magic spells on all classes of society. Now, it is true, we are conscious of the fact; but, like Gulliver, we find that while we have been sleeping, the Lilliputians have so multiplied their pigmy chains, that we strive in vain to put forth our strength: our contemptible foes have thickened around us, and now openly add to the bonds which hold us down, and mock at our exertions to break through them. Then they were exerted secretly, and almost unconsciously; but were sufficient then as they are now, to enslave the legislative will, and forbid an absolute repudiation of bank paper, and an administration of the finances in the mode prescribed by the Constitution. But this influence was not merely negative in its action. It did not stop at preventing the Legislature from prohibiting the Executive from receiving any thing but the constitutional currency. It went further, and forced it to abandon its attitude of mere connivance, and for the first time to *authorize*, as I say, the receipt of bank paper, and, as says the Senator from Massachusetts, to command it.

And this brings me to that question between us, whether the joint resolution of 1816 is a permission, or a command. I was somewhat surprised, but even more amused, at perceiving how the force of truth had compelled the Senator from Massachusetts, almost unconsciously, to abandon for a moment the ground so strenuously maintained by him at the extra session, in stating the object of this resolution. He said it went no further than to give the Secretary of the Treasury permission to receive the notes of specie-paying banks, and to prohibit the reception of the notes of those which did not pay specie. This is precisely my idea of its operations and I am sorry that the Senator did not rest there. But he quickly returns to his first love, and insists that it is mandatory upon the Secretary, in the first clause, to receive the notes of specie-paying banks, as well as in the second not to receive those which do not pay. The Senator commences his argument by saying, that gentlemen in this chamber had spoken of the resolution of 1816 as having created the practice of receiving bank paper for revenue. I have heard no such declaration made. I have never heard it contended that this resolution gave rise to the practice; but I have heard it insisted, and as I think properly, that it is the first legislative direct authority for so doing. What was done before was upon the private assumption of the officers themselves; the Government merely acquiesced in the practice until it became unreasonable to hold the officers' acts unwarrantable, or to visit upon them their consequences. But by the resolution of 1816 the Government was no longer a mere acquiescent stander-by, but deliberately and solemnly, by legislative action, sanctioned the proceeding. The Senator then proceeds with his argument to show that it was not merely permissive to the Secretary to receive bank notes, but that it commands him to receive those of such as pay specie; and says, in the first place, the resolution is mandatory, and prohibitory, in its very nature. This I do not question. I freely admit that the resolution commands whatever it does command, and prohibits whatever it does prohibit; and in stating the argument in this way, the Senator exhibits more adroitness as a logician than fairness as a politician. The true question is, what does the resolution command, and what does it prohibit? It commands, as I say, and nothing more, that the Secretary shall proceed as soon as possible to collect the public revenue in the constitutional currency, or &c. and prohibits, as the Senator from Massachusetts justly says, the reception of any part of it, after a given day, in the notes of unsound banks. Let any plain man read the act, and he would find no difficulty in its construction:

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or of notes of banks which are payable and paid on demand in the legal currency of the United States, and that from and after the 20th day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States, as aforesaid, ought to be collected or received, otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks, which are payable and paid on demand in the said currency of the United States.

Here, then, is the act itself, and if any man of unbiassed mind can have any doubts about its meaning, the English language is a mere snare to entrap plain men—a plaything for the amusement of logicians. To whom is the act directed in its mandatory and prohibitory character? To the public debtor or to the public officer? Does it say that the public debtors may hereafter pay their dues to the Government in such or such currency, and shall not pay it in such and such? Does it not, on the contrary, say that the Secretary of the Treasury shall collect them in such or such, &c. and that they ought not, after such a time, to be received in such and such, &c? Now, I care not what relation the person commanded may bear to the commanding power, if the command be in the alternative do this, or this, or this, the person commanded has fulfilled the command if he does either of the three, and if nothing more is said in the command, it is surely left to the person commanded to adopt either of the alternatives he may think proper. If there was no alternative expressed in the command, of course there would be no place for choice; and, if in an alternative command, the option had been intended for another than the person commanded, it would have been so expressed. Had the resolution of 1816 intended to confer the option on the debtor, it would have been so expressed. The command, however, was addressed to the public officer, and it was in substance as if the Government had said to him, I am entitled to receive from you specie for all my dues which you have collected, or ought to have collected, but I am sensible of the difficultiss which have surrounded you, and will probably continue to surround you. You have collected the revenue in all sorts of paper currency, some of which is utterly worthless. Of what is past we will say nothing, but in future you may collect the revenue in the Constitutional currency, or in the notes of specie-paying banks, and either of these will be received by me as equivalent to specie; but the worthless trash of non-specie-paying banks you ought not to receive, for that I will not take at your hands, neither do I choose to run the hazard of your being able to make it good to me in specie. Nothing is hinted in all this of the option being left with the debtor. Such is the obvious construction which a plain unsophisticated man would put upon this resolution, applying to it nothing but the simple rules of grammatical construction. But suppose the language were more ambiguous than it is, and we were driven to the application of technical rules in reaching the legislative meaning. The Senator from Massachusetts well knows that in the construction of statutes the most approved professional guides are attention to the old law—to the mischief existing under it, and to the remedy for the mischief. Let us, then, apply this rule to the case before us. What was the old law? We may take either the law of 1789, requiring the payment of the revenue in money, and the practice springing up under it of considering every thing having the name of bank paper as money; or the practice alone, as constituting the old law. What was the mischief? Obviously the throwing upon the Government a vast quantity of currency of unequal value, or of no value at all, and a consequent injustice to the public creditor and an inequality in the levy of the taxes and customs. What was the remedy? Plainly as all other remedies—a removal of the mischief. The mischief was not an oppression of the public debtors, a rigid exaction from them of the constitutional currency, a refusal to take from them the mingled currency of the country, and thus subjecting them to loss and inconvenience, but precisely the reverse—a too facile acceptance of what they might think proper to offer, to the loss of the Government and the wrong of its creditors. It would be a strange remedy of this evil to pass a law giving to these very debtors a privilege which they had not before, of offering at their own choice any and every currency, and commanding to the officer a laxity which he had already manifested himself too willing to indulge; making it imperative upon him to do that which against the law and against the interest of the Government and its creditors, whom he represented, he had already shown himself but too prompt to perform. Take, then, either the natural or artificial rules of construction, and it is equally clear that the first branch of the joint resolution of 1816 was not mandatory, but permissive; to be restricted in its exercise by the second branch, which is the really remedial branch, directed against the receipt of inconvertible paper money. But the Senator from Massachusetts says that bank paper ought to be received from the public debtor, because Congress says it ought to be received. This is a mere *petitio principii*, an assumption of the very position about which we dispute. I deny that Congress has said that it ought to be received. It has said no more than that it may be received, and that the paper mentioned in the second clause ought not to be received. But the Senator further urges, that if the first part of the resolution was not mandatory, the second could not be prohibitory. Now, I do not see any logic in this mode of reasoning. The deduction seems to me to be a perfect *non sequitur*. Such reasoning is even more inconclusive than some examples of ingenious sophism, in which is syllogistically demonstrated what every man of common sense knows to be false. Such, for instance, as this: a man is a two-legged animal, a goose is a two-legged animal; therefore, a man is a goose. But, sir, these ingenious devices will not avail. They will not serve

to wrest plain English from its obvious meaning. Every rule of construction results in showing that, by the resolution of 1816, a power of discrimination is vested in the Secretary. A discrimination, then, first directly given by legislative action; and, if gentlemen wish to take it away, let them unite with me in repealing that resolution. In so doing, they will part with what has been to them a most efficient and artful electioneering topic; but will, at the same time, do much towards the restoration of a violated Constitution.

I have now commented upon the three apparent or avowed objects embraced in this measure; but I have intimated, and I now distinctly say, that its covert designs are, in my judgment, much more important, and still more objectionable. There are few books more stored with wisdom than that which is put into our hands in an early stage of our progress in the acquisition of the dead languages—a book in which, like many other ancient works, the contributions of men of different places and ages are brought together, and all attributed to one man—the book I allude to is Æsop's Fables. Among these fables is one full of useful moral, in which a cat is represented, who, having exhausted all other devices in bringing within her reach the mice whom melancholy experience had rendered wary, fell upon the expedient of covering herself copiously with meal or flour, and laying herself down in a tub where that article was went to be kept; that the cheated mice, tempted by hunger, and mistaking her for a mass of flour, might approach to eat, and be themselves eaten. The Federal party have, in like manner, been striving, from the beginning of our national existence, to devour the people, and have occasionally made upon them successful onslaughts. But the people have become so very suspicious, that not only a change of name has been found necessary, but a change in their appearance and apparent designs. They now pretend that they are the true friends of the people; that the measures of the Administration are leading them to ruin and starvation, while those proposed by them will lead to plenty and satiety; that their measures will scatter money in abundance over the land, open vast commercial facilities, people our western wilds, multiply the steam-moved palaces which float upon our waters, and, in short, present to every man in the country food and raiment, without any care or labor on his part. With this fallacious show they tempt the people as treacherous puss did the mice, to place themselves in their power, and with the same purpose of working their own will upon them to ruin and devour them. While they profess a purpose of assisting the public debtors, of aiding the local banks, and, through them, the people, scattering plenty over the land, and abolishing odious discrimination, their real design and primary object is to fix upon us a United States Bank. The measure proposed will, in two ways, tend powerfully to that result. First, by increasing bank issues to an extent so extravagant as must necessarily result in a derangement of the currency altogether insupportable, forcing many, with all their consciousness of its evils, to fly to a United States Bank as the only remedy. And, secondly, by producing so intimate a connection between the Government and the banks as to give entire effect to that specious argument, that whatever the Government treats as money is money, which it is bound to regulate; that the Government does treat the local bank notes as money, and is therefore bound to regulate them, which it can only do by a United States Bank. In this way is preparation making to subdue, imperceptibly, the public will to that which it now abhors, to lead it into difficulties, from which it is thought there will be no other mode of extrication.

The original resolutions were much more objectionable themselves than the present, but they were not so dangerous, for they did not so well disguise the ultimate tendencies of the system they were designed to advance. They required what had never been done before in this Government, that bank paper should be tendered to the public creditor, and that too in the face of the sentiment avowed by all parties, that nothing but gold or silver, or their unquestionable equivalent, ought ever to be paid to a public creditor. Acknowledged policy, and not a sense of its impropriety, induced the mover of those resolutions to part with that feature against the earnest opposition of the Senator from Virginia. But, disguise it as they may, this resolution, even as now modified, is but one of the series of untiring efforts made by the Opposition to bring the Government back to a connection with the banks, and to render that connection even more intimate than ever: the termination in a United States Bank becoming more certain in proportion to the intimacy of that connection. To promote this object, the most specious, and yet the most fallacious, appeals are made to blind prejudice. They tell us that in the receipt of bank notes the Government does nothing more than is done by every citizen of the country; that every citizen receives in his dealings the notes of solvent banks. But is it not apparent that the case of the Government and the citizen are not parallel and can not be rendered so. No law compels the private citizen to take bank notes; neither does any citizen in advance, not only for a day, but for all time, bind himself to take the notes of every bank which may happen to pay specie. It is true, if at any given time a bank note is tendered him, he receives it or not, according to circumstances; according to the ability of his debtor to give him that or any thing better; according to the hazard there may be of his losing his debt if he does not take what is now tendered; according to his present ability to make the particular money available to him as so much specie; according to his knowledge of the actual present value of the note, or his judgment of the substantial soundness of the bank issuing it. By the joint resolution of 1816, if bank notes were to be received at all, the public officers were very wisely left in all these respects in a situation very similar to that of the private citizen, and acted upon his official responsibility. But by this resolution you, as it were, "bind him fast in fate." You chain up all his faculties, and if a certain state of facts exist at the moment, his action is fixed. The slightest pervision of coming events is forbidden him; none of that clairvoyance by which a sagacious man may look through the brick walls and iron grates of banks into those vaults which are often hollow and empty enough when the bank wears a very fair exterior, is allowed him. Whatever losses he may see *in futuro* for the Government, he must yet take the paper. Besides this, does not every one know how readily this legislative declaration will be seized upon by the banks and their friends as an agreement or contract on the part of the Government to take their notes, and how embarrassing it may prove to the Government in its future movements? How widely in this does the Government differ from the private individual who keeps his purposes in his own bosom, and acts upon them, nay, forms them as circumstances arise, and is in no danger of having demanded of him as a right what he merely yields as a favor, or in simple reference to his own convenience? From all these difficulties we were measurably free under the joint resolution of 1816. And here I will frankly confess (for I have no political secrets) that I was much surprised that many of my political friends should have been dissatisfied with the Independent Treasury bill as sent from this body to the other House. In connection with the joint resolution of 1816, I consider it stronger than the bill as amended by the Senator from South Carolina. I voted for that amendment, it is true, because I discovered that, with such an amendment, it would command some support which it would not without it; but, for myself, I, in truth, preferred the bill as it passed this body. As the bill stands, we are free from any compacts or entangling alliances with the banks, while the amendment contains provisions which, whether so designed or not, will be construed into stipulations on the part of the Government, which the banks will insist upon enforcing, and make the pretext for demanding other concessions. If we have any thing to do with banks at all, I wish to be perfectly free from permanent contracts with them. I wish to be free as air—free as the Constitution made us. I wish the Government to be as the individual is, at liberty to make use of banks or let them alone, according to its own convenience or exigencies. With the bill as it passed this body, had I the administration of this Government, (as I never expect to have,) I would, under the joint resolution of 1816, have received the notes of such banks as I considered perfectly safe, and following the example of the United States Bank, I would have made short settlements with the banks, and demanded specie for their notes. I would not have done so from any disposition to make war upon the banks, as is erroneously attributed to the friends of the Administration by its enemies. I am certain no such feeling exists in my bosom, and I am well convinced it exists in the bosom of very few of the friends of the Administration. My object in making these settlements, would be to render the Government in practice what even the gentlemen on the other side say it is in theory—a hard money Government. But gentlemen say it is in practice a hard money Government, while it takes only convertible paper; that there is no real difference between specie and paper convertible at pleasure into specie. Now it is not necessary for us to inquire into the truth of this proposition until a state of facts arises in which it may be brought into practical action. The paper which is called convertible, is not so in fact. There is, in truth, little or no really convertible bank paper in the country, and never will be while the present banking system continues. This fact has not been sufficiently pressed upon public attention, and the delusion produced by the talk of the gentleman on the other side has been suffered to take quiet possession of the public mind. Gentlemen practice a sort of legerdemain upon us: they say convertible paper is equal to gold and silver, and they hold up to us something which they tell us is convertible paper, and is, therefore, as good as gold and silver; but they take care to divert our attention from the inquiry whether what they thus hold up to us be in truth convertible paper? They know very well it will not bear this investigation, and, therefore, resort to all sorts of contrivances to prevent us from making it; they even represent it as the height of oppression and unjust cruelty to do so. Do not gentlemen now directly say, that they are doubtful whether the Government can be trusted to carry out this resolution in its spirit, and whether some further guards ought not to be thrown around the banks. They are apprehensive that the Government will not play into the hands of the banks, and circulate their paper, but will return their notes upon them, when received, and demand specie. And why are they apprehensive? It is the conviction that such a test might expose the jugglers, and discover the mystic secret. They say to the Government in one breath—"You ought surely to take this, for it is convertible into gold and silver—you have only to ask at the bank for the gold and silver, and you will be certain to obtain it;" but in the next they say—"It would be exceedingly ungenerous in you to ask the banks for the specie; this would be making war upon them, and through them upon the people: for you would be certain to break the banks, and force them to grind the people." Such is the boasted convertibility. It amounts to this: Only believe this to be equal to gold and silver, and it will be just as good as if it were so. It is true, I tell you, if you make the experiment you will be sure to find it otherwise; but still it will be generous and patriotic in you to believe it, and, therefore, you must do so, although the evidence is all against it. It is astonishing to me that so large a portion of the people should be gulled by this everlasting din about convertibility, when the very priests themselves tell them that their god will not bear examination; when they tell them in one breath that the bank notes are convertible, but that it would ruin the banks to ask them to convert them. It is amazing that gentlemen should attempt such impositions upon popular credulity. If the banks are able to redeem their paper, it cannot ruin them to do so; and if they cannot, why then it is obviously not convertible. I know well the deceitfulness and flexibility of the human mind—that predisposition is every thing—that "trifles light as air, are to the jealous confirmation strong as proof from holy writ"—that, to the credulous, the most absurd propositions may be made to wear the show of probability; but that such absurdities as those on which

I am remarking should be swallowed by a whole people, fills me with wonder inexpressible. I sincerely wish the people would look into this system of hocus-pocus, by which they have been so long deluded.

Gentlemen spoke of the present low state of our Treasury as presenting an occasion most advantageous for the renewal of our connection with the banks. This topic was an important one, but it looked in precisely the opposite direction from that suggested by the other side. A small revenue—one not exceeding the wants of the Government—was, on many accounts, highly desirable. Many of our troubles had grown out of an expanded revenue; and our connection with the banks has been the main cause of that expansion. Our disconnection with the banks, and a reduction of our revenue, have been nearly coincident events; and a continuance and completion of the disconnection will ensure us a moderate revenue, and a consequent economical expenditure. A renewal of that connection will be a renewal of surpluses and of all the troubles incident to them. No man, who is not wilfully blind, can fail to perceive the overpowering influence of banks over public affairs. It is obvious that, while the connection exists between the Government and the banks, the larger the revenue of the one, the greater the trading credit of the other. The interest of the banks, then, would be to increase the revenues of the Government; and there are a thousand disguised modes in which schemes might be brought forward to effect their object. This object being accomplished, it would naturally lead on to a great pecuniary catastrophe, and, in alarm and desperation, even constitutional doubts would be yielded by many to the supposed necessity of the times, and a United States Bank be chartered.

But why do certain policians press the recharter of a United States Bank with so much zeal upon the country? Is it from any particular regard to the thing itself, or a belief that is for the real good of the country? No, sir, no! Some may so believe, but my charity does not extend so far in favor of those who are most clamorous for this measure. It is a convenient hobby for riding into the Presidency, which gentlemen are anxious to mount. It is a mistake that this is a hobby which will not carry double. It is one large enough and staunch enough for many to ride; and he who rides it successfully, may take a whole army of friends behind him. Sir, we shall never have quiet in this country, while this chamber is made the arena of Presidential strife—the theatre on which is to be decided who shall be elevated to the Chief Magistracy of this land. As long as this continues to be the case, no question will be discussed with reference merely to the public welfare, but in relation to whose Presidential prospects it will be likely to advance. I wish I could see the Constitution so amended, and I yet hope to see it, as to exclude from the Presidential canvass every man who is, or has been, within three years, a member of either house of Congress. When that shall be the case, we may hope to see questions discussed in this body exclusively upon their merits, and speeches published to inform, and not to mislead, the people. Yes, sir, the United States Bank is used, like the elephants in ancient warfare, as a most powerful auxiliary, and destructive to any foe against which its fury can be successfully directed. But I warn the gentlemen on the other side that they may be exposed to the same danger that, they will remember, sometimes overtook those of ancient times who used elephants in battle—the ponderous allies occasionally turned upon their friends, and trampled in the earth those who trusted in them for victory. I rejoice, Mr. President, that the elephant to be used in the coming war has been so early paraded before us; that we have had time allowed us to examine his structure and appearance, and become accustomed to his roar, so that we may not be overcome with surprise at the one, or alarm at the other. I am happy to say that he is likely to prove a very harmless creature—that he is so miserably put together as to be very deficient in strength, as well as in tractability. He is so wretchedly misshapen, that even his own friends are ashamed of him, and will not, I think, venture to trust themselves with him in the day of battle. None, I am persuaded, but the fearless rider who has brought him upon the field would venture to mount so unpromising a brute, and I doubt not even he will find reason to repent his rashness.

Mr. President, two great political parties have ever divided this country; and the leaders of each should openly and fairly set forth their principles, and leave it to the people, the only true and legitimate arbiter, to decide between them. Let things be presented to the people in their true character; let them see things as they really are; and let us have no more cats in the meal tub. I, for one, support the present Administration, because I think I understand its general principles, and approve them. I have nothing else to bind me to it but the promotion of those great Democratic principles which are identified, in my judgment, with the true interests of this nation; and those very measures which the Opposition are now denouncing, they will find themselves compelled, should they ever get into power, to adopt, or they will soon be hurled by the people from the places they shall have obtained. These principles are too dear to the people of the United States ever to be abandoned by them; and no Administration which does not adopt them for its government, can maintain its place any longer than it can succeed in deceiving and gulling the people, by the same acts which gets it into power. One of these principles is economy in public expenditure; a principle without which Republican purity and simplicity cannot exist. Conscious of this, the Opposition are constantly charging the Administration with profligacy, and taunting them with the vast amount of their expenditures. But what are the facts, so far as this body is concerned? The members of this body are but men, and are subject to all the frailties of men. It is declared of the Divine Saviour of our race, that he was a man of like passions with ourselves, conscious of our frailties, and touched with our infirmities. It is surely, then, no disparagement to this body to say that its members are but fair specimens of human nature; perhaps no worse, and certainly not much better, than other men, or more exempt from the ordinary effects of human weakness. Our judgments are as liable to be warped by the peculiar position in which we stand to any given subject, and, with the most honest purposes, to have our views of things obscured when the interests of ourselves or our friends are interposed. The Administration party here is, in truth, as it professes to be, opposed to an expensive administration of the General Government. They are the advocates of low taxation and economy in disbursements. But when we come to apply our principles in practice, almost every proposal for expenditure addresses itself to the local interests of some few members of the Administration party. Affected by the frailty of our natures, we see in such case some feature pecuilar to itself, which excepts it from the general rule; we discover in it some extraordinary claim to public favor, and are persuaded that we may well vote for it without running counter to our principles, or bringing our consistency into the slightest suspicion. On these occasions, the almost unanimous vote of the Opposition united to our own, and that of a few looking at the subject in the same light with ourselves, insures the passage of the measure against the vain resistance of the mass of the Republican party. In this way, most of the schemes for the expenditure of public money are carried. But Opposition gentlemen go home to their constituents and make speeches, or scatter publications among them, imputing all the extravagancies to the Administration and its friends. They say, plausibly enough, "it is well known that the Administration has a majority in both Houses of Congress; if, therefore, they were not in favor of these appropriations, they could not have been made." It is seldom that any friend of the Administration is by to put the subject on its proper footing, and when it does so happen, "it is like the voice of one crying in the wilderness;" the answer falls upon very few ears. The accusation is caught up and circulated widely and loudly; the thousands of newspapers (nearly all of which depend upon mercantile patronage) echo it and re-echo it; while the few Administration papers say but little about it, or if they do say much, are seen comparatively by very few.

With similar fairness is the Administration party called the party of office holders and office seekers. This imputation has been, in the hands of the Opposition, a spell far more potent than that of the wizard Owen Glendower; he could call spirits from the vasty deep, but we have no assurance that they ever came when he did call for them; but the Opposition, with this cry of office holders and office seekers, have operated powerfully upon public opinion, and waked up a spirit of indignation in many an honest bosom. But it is a most deceptive cry. Sir, I very believe, if all the officers of this Government could pass in review before us, fully two to one would be found openly opposed to the Administration; and of the balance, I will not undertake to hazard a guess at the number who secretly nourish discontent, and are just ready to break out with avowed disapprobation, because their own supposed merits are not more adequately rewarded. So much for office holders; and the cry of office seekers is, if possible, still more unjust. With regard to appetite for office, I will do the gentlemen in the Opposition the justice to say that I do not suppose theirs is naturally more keen than that of persons of opposite politics. Either will take office where a suitable one presents itself, if they believe, upon the whole, they can do better in the office than out of it; and if the office is not thought eligible, it will be rejected. Such is the general principle of action with both. But with the Opposition that expectation is more general, and desire more whetted by the hope of gratification, I think is abundantly evident. Under the present Administration the offices are all filled; and it is only now and then that a vacancy occurs which may possibly be supplied by one of the many deserving friends of the Administration. No general turnout can be by them expected, and a change of Administration could promise them nothing, for it would bring in those whose success they had opposed. In this state of things, with most, hope must sicken and expectation die. They live only with the very few, who are, from circumstances, placed, as it were, very near some office on which some fair promise of vacancy is written. But how is it with the Opposition? One hope inspires every bosom. They are striving for victory, and in their sanguine zeal success is, in their estimation, but waiting to crown them. When this is accomplished, the spoils are to be distributed, and each man feels that he has a ticket in this mighty lottery which may not prove a blank. Every bed will be open in this great caravansary where their political journey is to terminnte, and no one knows whether he may not be the fortunate man who will be allowed to repose himself in one of the best. From persons thus situated, then, how illy comes forth the cry against office seekers! The people, when they have a little more time to think upon the subject, will be struck with its audacity—will perceive that it is not the honest note of warning from the public watchman, but the cry of the conscience-stricken and designing, who strive to cover their own guilty purposes by unfounded and ungenerous imputations upon others.

Mr. President, I have trespassed longer than I had intended on the patience of the Senate; but in addition to the motive stated in the commencement of this address, I wished to vindicate, as far as possible, my voting on the present question in so hopeless a minority.

REMARKS OF MR. BUCHANAN, OF PENNSYLVANIA,

In the Senate of the United States, Monday, June 18, 1838—On the motion of Mr. WILLIAMS of Me. for leave to bring in "a bill to provide for surveying the Northeastern boundary line of the United States, according to the provisions of the treaty of peace, of seventeen hundred and eighty-three."

Mr. BUCHANAN addressed the Senate as follows:

This bill, said Mr. B. in effect, proposes that the Congress of the United States shall, without fur

ther delay, wrest from the Executive the control of the disputed question concerning our Northeastern boundary, and assume the responsibility of terminating the negotiation now pending between this country and Great Britain. Should it pass, it will probably cut the gordian knot, and involve the two nations in all the calamities of war. Under the circumstances of the case, the proceeding which it proposes can never be considered as a peaceful and friendly measure. For a period of fifty years, our boundary has been a subject of dispute between the two nations. This portion of it has been referred to commissioners; and they have failed to agree. Afterwards it was submitted to the King of the Netherlands; and the United States rejected his award, because it was made in violation of the terms of submission. Negotiations have been pending ever since. Meanwhile the jealousies and the angry passions of the people on both sides of the border have been excited in the highest degree; contests have arisen about the exercise of jurisdiction over the disputed territory; crimination and recrimination have followed in rapid succession; and in this state of the question, we now propose to run and mark the boundary line between the two countries, and erect monuments upon it, without the consent, and in defiance of the will, of Great Britain. This, I fear, will prove in effect an appeal from negotiation to arms. There is at least so much danger of this result, that a wise and firm nation ought to be prepared to carry this law into execution by a military force. Let the die once be cast—let us once determine that the line must be run—the national honor will thus become involved in the controversy, and then no American can ever think of receding. Cost what it may, the line must then be run. It is the part of wisdom first to calculate the danger; and after you have once determined to encounter it, then to proceed with energy and determination.

There is another consideration which ought not, in the present crisis, to be disregarded by wise and prudent statesmen. The revolt in Canada has produced bad and dangerous feelings, on both sides of the line, all along our Northern frontier. It is now with the utmost difficulty that the two Governments can prevent actual hostilities between the lawless people which infest both sides of the border. There is another circumstance deeply to be regretted. Although it is well known to every Senator within the sound of my voice that the Executive Government and people of the United States are anxious to perform, and have in good faith endeavored to perform, all their neutral obligations to Great Britain, yet neither our intentions nor our actions have been justly appreciated in Canada. To say nothing of the public press in that province, which has been exceedingly violent and unjust towards our country, high public functionaries, in solemn public acts, have been actuated by a similar spirit. Even in England, a distinguished press, which is the principal organ of a powerful party now struggling for victory, and in the highest hopes of obtaining it, is pursuing a course which may eventually lead to war between the two countries. I refer to the Times newspaper, which probably exercises more influence than any public journal in the world. Our Government and our people are denounced in that press, and other kindred journals, as faithless and insincere in their conduct towards Canada; and we are accused of a disposition to wrest it from Great Britain, and annex it to the United States. Here, we all know these accusations to be unjust and unfounded; but still they are calculated to produce a powerful impression on the public mind of Great Britain. The old prejudices which were so strong in this country against Great Britain after the Revolution, and after the late war, though now they have happily almost subsided, may be easily revived by such unfounded accusations, and the people of the two free and kindred nations may again become exasperated against each other, and prepared for hostilities.

It is true, that a war between the two nations would be the most foolish as well as the most ruinous contest for both, in which two free and enlightened nations ever engaged; but that man knows little of human nature or of history, who considers such a war either impossible, or, I fear I may add, improbable.

Let no one suppose that I should dread the result of a just war with Great Britain. I have the most abiding confidence in the bravery, energy, and resources of my country. But a war, to be well sustained by the people, must be just and necessary. We must be able to appeal to Heaven, and to all nations, for the justice of our cause; and then victory, sooner or later, will perch upon our banners. I go further, sir, and state, that if we cannot obtain our rights by negotiation; if there should be no alternative left but that of surrendering up a portion of the territory of Maine, or an appeal to arms, I should not hesitate one moment in the choice. If the Government of the United States be not both able and willing to protect the territory of each State inviolate, then it will have proved itself incapable of performing one of its highest duties. An invasion of any part of our territory is an injury and an insult to the whole nation, and would be felt as such at the remotest extremities of the Union.

The question still recurs, whether, under all these exciting and dangerous circumstances, the Senate of the United States ought to arrest the pending negotiation, and assume the responsibility of running and marking the boundary. I think not. Negotiation has not yet been exhausted. I feel the most confident reliance in the justice of our cause; and sooner or later the sober and reflecting portion of the British people will, I trust, arrive at the same conclusion.

It is not my intention to examine in detail our title to the disputed territory. If I ever had intended it, I should have abandoned the intention after hearing the Senator from Massachusetts, [Mr. WEBSTER.] For clearness of statement and accuracy of detail, I have rarely heard any thing superior to his speech. I feel confident that every Senator who attended to it, must have been convinced, not only of the justice, but the clearness of our title, to the territory in dispute. To that argument I shall add but a few remarks.

Where is the northwest angle of Nova Scotia, the place of beginniug mentioned in the treaty of 1783? The treaty itself answers that question. It is "that angle which is formed by a line drawn due north from the source of the Saint Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river." This angle then is formed by the intersection of two lines, at the point where the one running due north from the head of the St. Croix, meets the line of highlands which run southwest from that point to the northwest head of the Connecticut river; and these highlands are identified as those from which, on the north side, the rivers flow which empty themselves into the St. Lawrence, and on the south, those which empty themselves into the Atlantic ocean. Was ever description more clear and accurate? Whether these highlands be high or low, whether they be mountains or table land, can make no difference in the question. That they do exist and may be found is certain as the laws of nature. Just as certain as the Rimousky flows into the St. Lawrence, and the St. Johns into the Atlantic ocean, so true is it, that there must be a ridge which divides the head waters of the one from those of the other. There never was any dispute for more than thirty years after the date of the treaty, in regard to the location of these highlands; and it may not be too much to say, that there never would have been any such dispute, did not the northern part of the State of Maine intercept a direct communication between Nova Scotia, now New Brunswick, and Quebec. Can there be any serious difficulty in tracing this line or discovering this angle on the ground? Certainly not. And in what manner ought it to be done?

In ascertaining the true boundary of territory, whether claimed by an individual or a nation, the important point is to fix with precision the place of beginning. This is peculiarly the case, in relation to the present question. Let the place of beginning be clearly ascertained, and all difficulty in regard to the true boundary of the disputed territory will at once vanish. Where is "the northwest angle of Nova Scotia," to be found on the face of the earth? To answer this question is to settle the whole controversy.

The commissioners, who concluded the treaty of 1783, had Mitchell's map before them. This map, upon its face, appears to have been undertaken with the approbation, and at the request of the "Lords Commissioners for Trade and Plantations," and may, therefore, be fairly considered as official. It was first published in 1755. At that period, the northwest angle of Nova Scotia was that point on the river St. Lawrence, intersected by a line running due north from the source of the St. Croix. This line is distinctly marked upon the map. On the east of it appears Nova Scotia; and on the west, New England. In what manner, and to what distance, was this northwest angle of Nova Scotia, on the St. Lawrence, brought further south? In 1763, Great Britain acquired Canada from France, under the treaty of Paris. Being then the sovereign of Canada, Nova Scotia, and New England, she thought proper, in creating the province of Quebec, to extend the line of this new province to a certain distance south of the St. Lawrence; and, to this extent, to deprive New England, and Nova Scotia, of a portion of their former territory. Accordingly the king, by his proclamation, in October, 1763, describes the southern line of the province of Quebec as "passing along the highlands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the Bay des Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosiers." This boundary was often afterwards recognised by the most solemn acts of the British Government, between the year 1763, and the date of the treaty. Where then did this southern line of the province of Quebec cross a line running due north from the source of the St. Croix to the St. Lawrence. This point of intersection is, and necessarily must be, "the northwest angle of Nova Scotia," described in the treaty. It is as plain, and as clear, as demonstration can make it. The description of the southern line of the province of Quebec, is identical, in this particular, with our northern line contained in the treaty, except that in the latter "the Atlantic ocean" is substituted for "the sea." This change is wholly immaterial, as both were evidently intended to convey the same meaning.

In ascertaining the northwest angle of Nova Scotia, our first duty then is to trace the southern line of the province of Quebec. I would first look for those highlands which formed the southern boundary of that province. Find them, and you necessarily find the northwest angle of Nova Scotia. Now, let any man of plain understanding look upon Mitchell's Map, and he will at once perceive how absurd the attempt is to bring these highlands so far South as Mars Hill, according to the present claim of the British Government. He will there find, distinctly marked, a range of highlands, or table land, running in a northwest direction from the head of Connecticut river, nearly parallel with the St. Lawrence, and along the North coast of the Bay of Chaleurs, which separate the numerous streams flowing into the St. Lawrence from those which flow into "the sea," or "the Atlantic Ocean." This dividing range of the sources of these streams intersects the Northern line from the head of the St. Croix, about the forty-eighth degree of North latitude; whilst Mars Hill, which the British Government now claim to be the northwest angle of Nova Scotia, is in latitude about forty-six and a half. Thus they attempt to bring the Southern line of the province of Quebec one hundred miles south of the line clearly designated by the treaty, and to wrest from us that extent of our territory. Can any human being, endowed with common understanding, looking upon this map with the eyes of the commissioners who formed the treaty, and seeing the tributary streams of the St. Lawrence flowing in one direction, and those of the Atlantic river St. Johns flowing in another, doubt that the ridge, whether of mountains or table land, which separates them, is the highlands described in the treaty?

Now, sir, what is the pretext on which the British

Government assert their claim to the disputed territory? After all the negotiations upon the subject, it is confined to a single particular; and I shall endeavor to state their position fairly. They allege, truly, that the treaty description is highlands dividing the rivers which empty themselves into the St. Lawrence from those which fall into "the Atlantic ocean." They then contend that the river St. Johns is not a river which falls into the Atlantic ocean, according to the description of the treaty, because it has its mouth in the Bay of Fundy; and that, therefore, you must look for highlands south of the St. Johns which answer this description. This brings them down to Mars Hill.

Now, sir, let me state one or two of the objections to this extraordinary claim. It is founded upon the presumption that a river does not fall into the Atlantic ocean, because, in arriving at the ocean, it may pass through a bay. For example, the Delaware does not fall into the Atlantic, because it flows into it through the Delaware bay; and the St. Johns, for the same reason, does not fall into the Atlantic, because it flows into it through the Bay of Fundy. Is not this the merest special pleading ever resorted to in a solemn negotiation between nations? But to proceed further. What is a bay but a part of the ocean itself? It is a mere opening of the ocean into the land—a mere breaking of the uniformity of the sea coast by an indentation of water. These portions of the ocean have received the name of bays, merely to distinguish them from other portions of the vast deep to which they belong. And this is the nature of the argument by which the British Government expect to deprive Maine of one-third of her territory.

Again: should this construction prevail, you render the treaty of 1783 the most arrant nonsense in the world, and the wise and distinguished statesmen by whom it was framed the merest children ever entrusted with the management of a solemn and important negotiation. Although they established the boundary between two great nations to be the range of highlands separating the waters of the St. Lawrence from those which flow into the Atlantic, there is not a single river in that whole region of country which, according to the British construction, answers this latter description. The Ristigouche does not fall into the Atlantic, because it empties itself into the Bay of Chaleur. Neither does the Penobscot, because it empties itself into the Bay of Penobscot; nor do the Kennebec and Amariscoggin; because, after their junction, they fall into the Bay of Sagadahock. The same is true even of the Connecticut, because it empties itself into Long Island sound. And thus, with Mitchell's map before them, the commissioners have concluded a treaty, and described highlands as a portion of the boundary of the United States, whence streams proceed which fall into the Atlantic ocean, when, from the very face of this map, no such streams exist in that region of our territory. The description of the treaty is thus to be rendered utterly void; and the British Government expect thus to establish the position that its lines cannot be found upon the face of the earth, and that, therefore, the only mode of settling the dispute is to establish a conventional line.

But the British Government have also themselves contended that the treaty line can be found. And where do you think, Mr. President, they find it? Wherever it exists, it must be that ridge from the northern side of which streams proceed, emptying into the St. Lawrence. They abandon this portion of the treaty description altogether. They come far south of that ridge whence the northern tributaries of the St. Johns flow; they pass the main stream of that river; they arrive at the heads of its southern tributaries, and then they fix upon the highlands which divide the sources of these southern tributaries of the St. Johns from the head waters of the Penobscot. The treaty line, instead of being highlands which separate the sources of streams flowing in opposite directions into the St. Lawrence and the Atlantic ocean, becomes highlands, dividing the southern branches of the St. Johns from the northern branches of the Penobscot. The highlands claimed by Great Britain as the treaty boundary, are nearly two degrees south of the highlands specially described in the treaty, whence the streams flow which empty themselves into the St. Lawrence. This is the British pretension. What are the consequences which flow from such an absurd construction of the treaty? You interpose a great river, the St. Johns, with all its tributaries north and south between you and the highlands from whence the tributaries of the St. Lawrence proceed. You go south to Mars Hill to find another range of highlands between the sources of the Penobscot and the St. Johns, entirely different from those described in the treaty; and when you have gotten there, according to the British construction, you find highlands dividing streams, not one of which falls into the Atlantic Ocean; because they all empty themselves into bays of that ocean. You make the treaty itself sheer nonsense; and you bring the province of Quebec as far south as Mars Hill. Ingenuity can accomplish much. There is one fact, however, to which no ingenuity can give even a plausible coloring. You cannot, by human argument, remove the highlands along the northern shore of the Bay of Chaleur, which is a part of the continuous range mentioned in the treaty, in the latitude of forty-eight and a half degrees, so as to connect them in the same range with Mars Hill, in the latitude of forty-six and a half. Unless you can do this, you can accomplish nothing; because the southern line of the province of Quebec is these very highlands, extending themselves along the northern coast of the Bay of Chaleur, and throughout their whole chain dividing the rivers flowing into the St. Lawrence from those falling into the sea. It is in these highlands, and not at Mars Hill, that the northwest angle of Nova Scotia is to be found, by running a line due north from the head of the St. Croix to the point where they are intersected. Instead of Mars Hill being a part of this continuous range, in order to reach them from that point, you would have to cross the St. Johns and the Ristigouche, and travel a distance of more than a hundred miles northerly in order to reach the highlands on the northern coast of the Bay of Chaleur. Such absurdities and such contradictions flow from the British claim that it cannot endure the light of reason for a moment.

The Bay of Fundy has been twice incidentally mentioned in the treaty; and upon this foundation the whole of the British superstructure has been erected. Now, sir, can any person who reads the treaty, suppose that it was mentioned to specify a third class of rivers flowing into it, as distinct from the rivers flowing into the St. Lawrence, and those which empty themselves into the Atlantic ocean? The object of mentioning the Bay of Fundy at all is palpable from the face of the treaty. After starting at the Northwest angle of Nova Scotia, and from thence sweeping round the boundaries of the United States, it was necessary to fix precisely the point at which our eastern boundary commenced. This was essential for a double purpose. In the first place, it was the extreme northern point from which the line was to be run due east into the ocean for twenty leagues, according to the treaty; and within which we were entitled to all the islands along our coast, except those which were within the limits of Nova Scotia. And in the second place, it was the point from which our eastern line was to commence and to run until it arrived at the northwest angle of Nova Scotia. It was obviously proper to fix this point with the greatest precision in the treaty; and in order to effect this purpose, it is described as the mouth of the Saint Croix, *in the Bay of Fundy*. This was evidently done not for the purpose of destroying the treaty, as the British Government contend, but for that of marking this important point with greater precision. And here it may be proper to observe that the river St. Johns is no where described in the treaty as a river flowing into the Bay of Fundy, nor is it even mentioned in that instrument. The following is the language of that part of the treaty:

"East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy, to its source, and from its source directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of said province of Nova Scotia."

Another reason suggests itself to my mind, for mentioning not only the mouth of the St. Croix, but its mouth *in the Bay of Fundy*. Properly speaking, the mouth of this river is not in the Bay of Fundy, but in the bay of Passamaquoddy. After entering the latter bay, and passing through it, its current, as I am informed, enters the Bay of Fundy between Quoddy Head and the island of Grand Manan; and this would appear to be the case, from a view of Mitchell's map. We have every reason, therefore, to believe that the commissioners who framed the treaty, when they introduced into it the mouth of the St. Croix, *in the Bay of Fundy*, did it to distinguish it from the mouth of the same river *in the bay of Passamaquoddy*. These two mouths are some twenty or thirty miles distant from each other. This is, I believe, a new idea; but it is one which struck me with great force the first time I read the treaty, and compared it with Mitchell's map.

The remarks which I have made on the question of our title to the disputed territory, are intended by me merely as a supplement to the speech of the Senator from Massachusetts. They present some different views of the subject, and enlarge upon other views of it, which he merely touched. Upon the whole, I solemnly declare, after having divested my mind of all partiality in favor of my country, so far as that was possible, that I never have examined any disputed question in which the right appeared to me to be more clear and plain than it does in favor of the United States in the present controversy. Every new effort to escape from the obvious meaning of the treaty, only involves those who make it in still greater absurdity.

Notwithstanding these are my opinions in regard to our title, I am, nevertheless, decidedly opposed to the passage of any bill, under existing circumstances, directing the President to run and mark the lines of the disputed territory. In order to justify this opposition, it is only necessary for me to present to the Senate, not a history of this everlasting negotiation with Great Britain, but its present condition. This, of itself, will be sufficient to prove that Congress ought not, at the present moment, to arrest its progress, and take the subject out of the hands of the Executive.

Ever since the award of the King of the Netherlands was rejected by the United States, it has been the constant policy of the British Government to urge that it was impossible to find the lines of the treaty upon the ground, from the vagueness of its description. Astonishing as it may appear, they seem to have satisfied themselves that neither the northwest angle of Nova Scotia, nor the highlands dividing the fountains which flow into the St. Lawrence from those which flow into the Atlantic, can any where be found upon the face of the earth. Assuming, then, that the treaty line is void for uncertainty, the British Government have proposed a conventional boundary instead of this line, and offered to make an equal division of the disputed territory with the American Government. This proposition, for any conventional line whatever, has been rejected by the American Government; it has been rejected by the Government of Maine, and I hope we may never again hear it mentioned. The treaty is the foundation of our rights. To that, and to that alone, we ought to cling, until it shall be found, which I deem impossible, from the nature of things, that the northwest angle of Nova Scotia cannot be found, and that the idea of a dividing ridge between waters which flow in different directions on the face of the earth, is a mere delusive fancy. Then, and not till then, ought we again to discuss the question of a conventional line.

This conventional line being disposed of, and the State of Maine being thus secured against dismemberment, I hold that she has no more right to control the negotiation in regard to our Northeastern boundary, than Pennsylvania, or any other State of the Confederacy. It is natural that her citizens should be more irritated at the delay, and feel a deeper interest in the event, than those of any other State; but still it is a question to be settled between

the Government of the United States and that of Great Britain. It is a question which regards the fair and just execution of a treaty between these two Governments, in the settlement of which Maine cannot directly interfere. Her representations on the subject ought to be fairly considered and justly appreciated by the authorities of the United States; but the true treaty line must be settled, not by the Government of Maine, but that of the twenty-six States of this Confederacy, which are all deeply interested in the result. And what cause has she for alarm? Justice may be slow, but it will be sure. When have the United States ever abandoned any of their rights? When have we failed to assert them at the proper moment against any power, no matter how formidable? I hold, therefore, that the Legislature of Maine has transcended its legitimate power in adopting a resolution, in March last, declaring, that "if the Government of the United States, either alone or in conjunction with Great Britain or the State of Maine, shall not, on or before the first day of September next, establish and appoint a commission for a survey of said boundary line, it shall then be the imperative duty of the Governor, without further delay, to appoint forthwith suitable commissioners and surveyors for ascertaining, running, and locating the northeastern boundary line of this State, and to cause the same to be carried into operation." Maine has thus allowed to the Government of all the States only six months to create this commission for a survey of the boundary line; and if we should not be able to accomplish it within this brief period, then she proposes to withdraw the question from us, and settle it for herself. In this particular, I fear she has manifested more of passion than of policy. I feel confident, however, that the good sense and the ardent patriotism which so strongly characterize her people, will induce them to pause and reflect long before they carry this determination into effect. If they should thus proceed, I venture to say it will be a course eminently calculated not only to embarrass the Government of the United States, but to jeopard their own rights. The time may come—although I trust the justice of the British Government will prevent it—when it may be the imperative duty of the United States to run and mark the line, and assume jurisdiction over the disputed territory. If ever that period should arrive, we must then be prepared, as a nation, to meet the consequences, whatever they may be. It must then be the act, not of one State, but of all. In the mean time, it is the policy, it is the interest, of Maine to act in such a manner as to carry with her the united sympathies of the American people.

But what cause has Maine for complaint in the present state of the negotiation? Have we not got clear of the question of dividing the disputed territory between the two countries, or of establishing any other conventional line—a consummation which she so much desired? Are we not now in pursuit of the old line of the treaty? Maine will not deny that this is the proper course. Under all the circumstances, the Administration have, in my opinion, adopted the only means within their reach calculated to attain this end.

The late President of the United States had proposed to Great Britain to create a joint commission to run, mark, and establish the Northeastern Boundary, according to the treaty of 1783, whose decision should be final. After long delay, and after many attempts to avoid a direct answer to this proposition, the British Government, finally, on the 10th January last, through their Minister, Mr. Fox, has given such an answer; and that too in an amicable and friendly spirit. Still clinging to the hope of a conventional line, he professes little expectation that such a commission could lead to any useful result; yet he declares that her Majesty's Government "are so unwilling to reject the only plan now left, which seems to afford a chance of making any further advance in this long pending matter, that they will not withhold their consent to such a commission, if the principle upon which it is to be formed, and the manner in which it is to proceed, can be satisfactorily settled." Here then is a distinct proposition on the one part, and an equally distinct acceptance of it on the other, with modifications which I need not now specially mention. It being almost impossible that the principle upon which the commission is to to be formed, or the manner of its proceeding, could be satisfactorily arranged, by diplomatic notes, Mr. Fox very properly proposes a convention for that purpose. As the British Government had previously rejected that portion of the American proposition which offered to make the award of the commissioners final, the commission will be one merely of exploration and survey, if that Government should still adhere to its first determination. But even this question may probably be open for discussion in the formation of the convention; because throughout the note of Mr. Fox there is no direct declaration that his Government will not consent to make the decision of the commissioners final. Then the whole substance of the matter is, that the two Governments have agreed to create a joint commission, by means of a convention, for the purpose of exploring and surveying the disputed lines of the treaty. It may be asked for what purpose shall such a commission be established? Let Mr. Fox himself answer this question.

"The object of this commission," says he, "as understood by her Majesty's Government, would be, to explore the disputed territory in order to find, within its limits, dividing highlands, *which may answer the description of the treaty; the search being first to be made in the due north line from the monument at the head of the St. Croix;* and if no such highlands should be found in that meridian, the search to be then continued to the westward thereof; and her Majesty's Government have stated their opinion, that, in order to avoid all fruitless dispute as to the character of the highlands, the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty."

Now, sir, does not the State of Maine believe that, in running a due north line from the monument at the head of the St. Croix, such a line will meet highlands answering the description of the treaty? For my own part, I have not a doubt upon the subject. This is the line first to be run and explored; and yet, because a mere suggestion has been subsequently made, that it is the opinion of the British Government that "the commissioners should be instructed to look for highlands which both parties might acknowledge as the highlands of the treaty," a clamor has been raised as if this expression must necessarily render the whole proceeding void and nugatory. Undoubtedly it would be desirable to find such highlands, because that would at once terminate the controversy. I scarcely expect it; but I do expect that an accurate survey and exploration of the treaty lines will produce such information; that the British Government, if actuated by a spirit of justice, which I do not doubt, will abandon their pretensions.

This question has been treated as if the two Governments, after having discussed elaborately the mode of constituting the Board of Commissioners, should enter into a solemn treaty, that these commissioners must be restricted in their search for highlands, to such alone, as both parties might acknowledge to be the highlands of the treaty. This would indeed be a solemn farce. It is what, judging from the note of Mr. Fox, the British Government never intended. This observation is merely thrown in as a suggestion; the first object of the commission, as stated by himself, being a search for the highlands of the treaty in a due north line from the monument at the source of the St. Croix. No plenipotentiary of that Government—unless indeed he should adopt the reasoning furnished to him by Maine, that the true meaning of the British proposition was only to appoint commissioners to look for highlands on which both parties might agree—will ever contend for such a proposition. The commission would in itself not only be useless, but absurd, if both parties must first agree upon the highlands. No, sir, no, sir: the creation of the commission for the purpose of exploring and surveying the disputed lines, is the substance, and the only material part, of the agreement between the two nations. How this commission is to be formed; whether it is to consist of equal numbers appointed by each Government, with an umpire to be selected by some friendly European power, or by the commissioners themselves; or whether the commissioners shall be altogether selected by a friendly sovereign; and in what manner they are to explore the disputed lines; are all matters of detail to be settled by the convention. The British Minister, it is true, expresses opinions upon these subjects, but no absolute determination. The difference between a suggestion, or an opinion, and a *sine qua non*, is distinctly understood in diplomatic language. Mr. Forsyth is, therefore, completely justified in stating to Mr. Williams, in his letter of the 26th May last:

"That, from the negotiation to which the British Government has been invited, the President anticipates the establishment of a joint commission, with an umpire, whose power will be restricted to the purposes of exploration and survey only; without authority, finally, to decide on the rights of the parties, as contemplated in the original American proposition. The suggestions that have been made, on either side, with respect to the mode of constituting that commission, the principles upon which it is to act, and the instructions to be given to it, are all to be discussed and decided as justice between the parties and their respective rights shall be deemed to require. The object of the President in offering to make such an arrangement, as you will see by my note to Mr. Fox of the 27th April last, is to test the correctness of the opinion of the State of Maine, that the line described in the treaty of 1783 can be found and traced whenever the Governments of the United States and Great Britain shall proceed to make the requisite investigations, with a predisposition to effect the desired object."

Mr. Fox, in his note of the 10th of January last, states that "it would obviously be indispensable that the State of Maine should be an assenting party to the arrangement." In my opinion, no such necessity existed. Were it our purpose to dismember that State, or to deprive her of any portion of her territory, such a necessity would have been obvious. But when nothing is proposed, except to survey and explore the lines of the treaty of 1783, this is the performance of a duty which devolves exclusively upon the General Government. Maine would have no right to interfere with it, even if she felt the inclination, which certainly she does not feel. But I admit it was highly proper and respectful to that State to submit to her the modified proposition of the British Government, and ascertain her opinion on the subject; and this, not that the United States would be bound by it, but that it should receive the most respectful consideration. Accordingly, before this proposition was accepted, the Secretary of State, on the first day of March last, in a communication to the Governor of Maine, which does him great honor, laid the whole subject before that State. In the concluding sentence, he observes:

"Should the State of Maine be of opinion that additional surveys and explorations might be useful, either in leading to a satisfactory adjustment of the controversy, according to the terms of the treaty, or in enabling the parties to decide more understandingly upon the expediency of opening a negotiation for the establishment of a line that would suit their mutual convenience, and be reconcilable to their conflicting interests, *and desire the creation, for that purpose, of a commission, upon the principles, and with the limited powers described, in the letter of Mr. Fox, the President will, without hesitation, open a negotiation with Great Britain for the accomplishment of that object.*"

In what manner did the State of Maine respond to this communication? The Governor, on the 14th March last, in a message, with the general tone and character of which I am much pleased, presented the whole subject to the Legislature. To show he was satisfied that such a commission of exploration and survey should be established as that assented to by the British Government, for the purpose of adjusting the controversy, according to the terms of the treaty, I shall read a short paragraph from his message. He says:

"In respect to the proposition for additional surveys, it seems to me inexpedient for this State to acquiesce in the proposed negotiation for a conventional line, until it is *demonstrated* that the treaty line is utterly impracticable and void for uncertainty. *I can have no doubt that the line ought to be run, either by a joint commission of exploration and survey, or independently by our General Government by its own surveyors. It is evident to me that Great Britain is determined to avoid, if possible, such an examination, and exploration, and establishment of the line, and such proof of the real facts of the case.*"

I trust that the Governor judges too harshly of the intentions of Great Britain. Whether he be correct or not, the event of the negotiation can alone determine.

That the Legislature of Maine were also satisfied that this joint commission should be created, provided Congress, during its present session, should not pass this bill for the survey of the northeastern boundary, independently of the consent of Great Britain, appears manifest from their resolutions. On the 23d March last, they resolved against any conventional line, and insisted on the line established by the treaty; they also resolved against the appointment of any new arbiter under the treaty of Ghent; and their third resolution declares:

"That our Senators and Representatives in Congress be requested to urge the passage of the bill for the survey of the

northeastern boundary of the United States, &c. now pending in Congress and that if said bill shall not become a law during the present session of Congress, and if the Government of the United States, *either alone or in conjunction with Great Britain or the State of Maine, shall not, on or before the first day of September next, establish and appoint a commission for a survey of said boundary line*, it shall then be the imperative duty of the Governor, without further delay, to appoint forthwith suitable commissioners and surveyors for ascertaining, running and locating the northeastern boundary line of this State, and to cause the same to be carried into operation."

The message of the Governor of Maine, accompanied by these resolutions of the Legislature, was transmitted by him to the President of the United States, on the 28th day of March last.

Now, I ask, what could the President have inferred from these proceedings of the State of Maine? The whole question was submitted to the Legislature. They had the proposition of the British Government before them, contained in the note of Mr. Fox of the 10th of January last. They had, likewise, before them the answer of Mr. Forsyth to Mr. Fox of the 7th of February, stating strong objections to that proposition, and the determination of the President to transmit it to Governor Kent, for the purpose of ascertaining the sense of Maine upon the subject. And what has the Legislature of Maine done? They have firmly, decidedly, and, in my opinion, properly, expressed their opinion against a conventional line, and against the appointment of a new arbiter; but have they said one word against the proposed commission for exploration and survey, according to the terms of the treaty? On this point of the question they are not even silent; though silence, under such circumstances, might fairly be construed to give consent. Both the message, and resolutions of the Legislature, speak with approbation of the proposed joint commission to run the disputed line, according to the treaty. It is true, their consent was not necessary to enable the President to pursue this course; but if it had been, it was obtained.

Let us for a few moments consider this point. The question propounded to the State of Maine in the concluding sentence of Mr. Forsyth's proposition was, do you desire the creation of a joint commission of exploration and survey, upon the principles stated in the letter of Mr. Fox, either for the purpose of adjusting the controversy, according to the terms of the treaty, or for the purpose of enabling the parties to agree upon a conventional line? These two purposes are distintly and plainly stated. Now what is the answer of Maine? She responds clearly and explicitly to one branch of the alternative," that it is not expedient to give the assent of this State to the Federal Government to treat with that of Great Britain for a conventional line for our Northeastern Boundary, but that this State will insist on the line established by the treaty of seventeen hundred and eighty-three."

Why then did she not respond to the other branch of the alternative, and resolve also that it was not expedient to give the assent of the State to the proposed convention between the two Governments, for exploring and surveying the boundary line under the treaty? Had she been hostile to this measure, can any man doubt but that she would thus have expressed her opinion boldly and unequivocally, as she had done in regard to the conventional line? When the Governor declares that he has no doubt the treaty line ought to be run, *either by a joint commission of exploration and survey*, or independently by the General Government, what does he mean? Was there any proposition before him, but one for such a joint commission of exploration and survey as had been agreed to by Mr. Fox? Certainly not: and he gives his assent to it in the strongest terms.

Again: what is the palpable meaning of the third resolution of the Legislature? Is it not this? In the first place, they prefer that the present bill now before the Senate should pass. In the event of its failure to become a law during the present session—which I consider certain—their next preference is in favor of the establishment of a commission by the Government of the United States, either alone or in conjunction with Great Britain or the State of Maine, for a survey of the Northeastern boundary line: and in order to hasten this commission as rapidly as possible, they declare, that if it shall not be established on or before the first day of September next, they will run the line themselves. To what possibly could the Legislature have referred, when they speak of the appointment of a commission "*in conjunction with Great Britain*," if it were not to the proposition of Mr. Fox, which had been submitted to them by Mr. Forsyth? They had no other proposed commission before them; and they could not have supposed that a negotiation for another and distinct commission could have been entered upon and completed with the British Government before the first of September. I appeal, therefore, to the Senate; I appeal to the people of Maine themselves, notwithstanding all that has been said to the contrary by their representatives in Congress, whether the President had not a right to believe that Maine at least acquiesced in the proposed convention with the British Government. Convinced of this fact, Mr. Forsyth, the Secretary of State, on the 27th April last, addressed the following note to Mr. Fox:

DEPARTMENT OF STATE,
Washington, April 27, 1838.

The undersigned, Secretary of State of the United States, has the honor, by the direction of the President, to communicate to Mr. Fox, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, the result of the application of the General Government to the State of Maine, on the subject of the Northeastern boundary line, and the resolution which the President has formed upon a careful consideration thereof. By the accompanying papers, received from the Executive of Maine, Mr. Fox will perceive that Maine declines to give a consent to the negotiation for a conventional boundary; is disinclined to the reference of the points in dispute to a new arbitration; but is yet firmly persuaded that the line described in the treaty of 1783 can be found and traced whenever the Governments of the United States and Great Britain shall proceed to make the requisite investigations, with a predisposition to effect that very desirable object. Confidently relying, as the President does, upon the assurances frequently repeated by the British Government, of the earnest desire to reach that result, if it is practicable, he has instructed the undersigned to announce to Mr. Fox the willingness of this Government to enter into an arrangement with Great Britain for the establishment of a joint commission of survey and exploration, upon the basis of the original American proposition, and the modifications offered by her Majesty's Government.

The Secretary of State is, therefore, authorized to invite Mr. Fox to a conference upon the subject at as early a day as his convenience will permit; and the undersigned will be immediately furnished with a requisite full power by the President, to conclude a convention embracing that object, if her Majesty's minister is duly empowered to proceed to the negotiation of it on the part of Great Britain.

The undersigned avails himself of this occasion to renew to Mr. Fox the expression of his distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, esq. &c.

Mr. FOX, in his answer of the 1st of May to this note, informed the Secretary of State that he was not then provided with full powers for negotiating the proposed convention, but that he would forthwith write to his Government for the purpose of obtaining them.

On the 8th of May, Mr. Forsyth addressed the Governor of Maine in the following language:

I am instructed to announce to your excellency, that, by direction of the President, upon due consideration of the result of the late application of the General Government to the State of Maine on the subject of the Northeastern boundary, and in accordance with the expressed wishes of her Legislature, I have informed Mr. Fox of the willingness of this Government to enter into an arrangement with that of Great Britain for the establishment of a joint commission of survey and exploration upon the basis of the original American proposition and the modifications offered by her Majesty's Government; and to apprise you that Mr. Fox, being, at present, unprovided with full powers for negotiating the proposed convention, has transmitted my communication to his Government, in order that such fresh instructions may be furnished to him, or such other steps taken, as may be deemed expedient on its part.

It is in this state of the negotiation, the important preliminaries having all been settled, that the Senator from Maine [Mr. WILLIAMS] proposes to arrest its progress; to take the question out of the hands of the Executive, to whom it constitutionally belongs, and, by act of Congress, to run, and mark, and establish this line against the consent of Great Britain. Such a course, if adopted, might prove fatal to the interests of Maine, and would be an open, palpable violation of the public faith. Let us wait until the negotiation shall terminate. Should it ever become necessary, Maine will find me as firmly resolved to maintain her just rights, to any extremity, as any other individual in the nation. I trust that hour may never arrive.

It has been contended that to run this line could not be construed into an unfriendly measure by Great Britain. Even if the bill proposed nothing but an experimental survey for the purpose of obtaining information, this proposition could not be stated with justice, in the present posture of the negotiation. But this bill contemplates no such measure. By its express terms the President is directed to cause the disputed boundary line "to be accurately surveyed and marked, and suitable monuments to be erected thereon a such points as may be deemed necessary and important." It proposes not merely an experimental survey, but an absolute determination where the treaty line is, and to have it fixed and perpetuated by the erection of monuments. It breaks off the negotiation, assumes the fact that the British Government are wrong and we are right, and declares, in effect, that we will agree to no convention with them to ascertain this treaty boundary, in a manner satisfactory to both parties. Would the spirit of the British nation brook such a violent proceeding, in the face of the pending negotiations between the two countries? Would we ourselves, of kindred blood as we are, tamely submit to a similar proceeding? Suppose the British Parliament, at this moment, and whilst negotiations on the subject are still pending, were to direct her Majesty to survey and mark the line from Mars Hill, and erect permanent monuments along it, which they claim to be the treaty line, would we tamely acquiesce in such an act? No, sir: for one I should resist the execution of such a law of the British Parliament, by the whole power of the United States. Let us then do unto others as we would they should do unto us.

It has been suggested that this bill might be amended, so as to direct the line to be run and marked only in case the pending negotiation should fail, in consequence of the refusal of the British Government to bring it to a satisfactory and speedy conclusion. But does not every one perceive that this would be holding out a threat in advance? It would be an open declaration that if they will not negotiate in a manner agreeable to us, the consequence shall be, that we will establish the disputed line for ourselves. Sufficient for the day is the evil thereof. Let us wait. It cannot be long until the result of the negotiation shall be ascertained. Should it fail, we shall then have all the facts before us; and it will then be time enough to determine what course the interest and the honor of the country require that we should pursue.

Again: It has been insisted that this bill might pass with a clause conferring a discretionary power upon the President to run and mark the line or not, as he may deem most expedient. To this I am utterly opposed. In the first place, it would impose a responsibility upon him which properly belongs to Congress; and in the second place, it would confer a power upon him which I shall never entrust to any Executive. On the performance of this act might, and probably would, depend peace or war, although the power to declare war belongs exclusively to Congress. If ever the time shall arrive when it will become necessary to run and mark this line in defiance of the power of Great Britain, Congress ought to direct the performance of the act; and we ought to be prepared to carry it into execution by the whole power of the country.

Before I resume my seat, I desire to express my hearty concurrence in a suggestion made by the Senator from Massachusetts, [Mr. WEBSTER.] Let Great Britain surrender her claims to the territory in dispute, and recognise our right to it under the treaty, as we have every reason to expect she will do eventually, from her justice and magnanimity; and then the General Government ought to use all its influence with Maine, if indeed that should be necessary, to induce that State to consent to a cession of all her territory north of the St. Johns, upon receiving an equivalent to the south of that river. In this manner, the British provinces would be rendered compact, and a direct communication between New Brunswick and Quebec would not be intercepted by the intervention of our territory. Indeed, nature herself seems to dictate this exchange. A river boundary between the two nations would be much more convenient than any other; and the territory of Maine north of the St. Johns, judging from the map, seems to be about equal in extent to the British territory south of that river. If there be a d fference in value between the two, this difference could be easily adjusted. In the relative position of the adjacent territory of both parties, it would be a circumstance ever to be lamented, if any serious misunderstanding should arise between the two na-

tions out of the present controversy. It would be a contest comparatively about nothing.

In conclusion, I scarcely know what disposition the Senate ought to make of this bill. It would not be treating a sovereign State with proper respect to vote against its introduction. After it shall have been received, should it be referred to the Committee of Foreign Relations, as one member of that committee, I shall be in favor of letting it sleep there, or of reporting it back to the Senate, with a recommendation that it be indefinitely postponed.

NORTHEASTERN BOUNDARY.

REMARKS OF MR. HOWARD, OF MARYLAND.

In the House of Representatives, May 29, 1838—

On the proposition of Mr. EVANS, to refer so much of the Message of the President on the subject of the Northeastern Boundary, as related to the remuneration of certain individuals, to the Committee on Foreign Affairs, and that the residue thereof be, for the present, laid on the table.

Mr. HOWARD (chairman of the Committee on Foreign Affairs) said that this debate, like one which had occurred a short time ago upon the subject of the territory to the westward of the Rocky Mountains, contemplated no vote by the House upon any controverted point, and was, therefore, important only as far as the expression of opinion by members of the House might breate an influence upon the public mind. In the course of the debate, some things had been said which seemed to him to require such comments as he might be enabled to make from his general recollection; for, being entirely ignorant until that morning of the reasons which induced the gentleman from Maine [Mr. EVANS] to make the motion which he had made, or of the train of argument which he meant to pursue in support of that motion, he was obliged to throw himself upon his remembrance of the multitudinous documents relating to the Northeastern Boundary, without having an opportunity of inspecting them minutely. Whilst the gentlemen who had preceded him were addressing the House, he had referred to some of these papers, and felt a sufficient justification for the dissent which he intended to express from some of the opinions advanced by those gentlemen. The motion was twofold: to refer that portion of the Message which related to the claims of certain persons for compensation to the Committee on Foreign Affairs, and to lay upon the table the residue of the Message. Upon each of these points he proposed to say a few words.

The Governor of Maine had addressed a letter to the President of the United States, enclosing several resolves of the Legislature of that State, and claiming reimbursement from the General Government, of certain moneys paid to Ebenezer S. Greely, John Baker, and others, in compensation for losses and sufferings experienced by them respectively, which letter had been transmitted by the President to the House of Representatives; and it was now proposed to refer it to the Committee on Foreign Affairs. To this reference he had not the slightest objection. On the contrary, it would give him, individually, and, he was sure, the committee, collectively, great pleasure to re-examine the subject, and review the opinion which they had expressed in a report at the last session of Congress. The demand now made by the Governor, in the same form as before, which did not receive the sanction of the committee, and its repetition, under circumstances which manifested an entire disregard of the principle which had governed the committee in coming to the conclusion which they reached, must be construed into an implied but strong censure of that report; and he (Mr. H.) felt himself called upon to vindicate it. He did not know whether the persons for whom compensation was now asked were, or were not, the same whose cases had been the subject of that report, as, in 1837, one of them is called John Harford, and, in 1838, John Harford, jr.; and the name of Phineas R. Harford, which was before the committee last year, nowhere appears in the documents now before the House. But the principle is the same upon which all the claims rest, as will be evident from a comparison of the report of 1837 with the papers now before us.

On the first of February, 1837, the President, by message, communicated to the House of Representatives a letter from the Governor of the State of Maine, with sundry resolutions of the Legislature of that State, stating that there had been paid from the State Treasury to John and Phineas R. Harford the sum of one hundred dollars each, as a compensation for losses and expenses incurred by them in 1831, and claiming to be reimbursed from the Treasury of the United States. On the 22d of February, 1837, the Committee on Foreign Affairs made a report, from which the following is an extract:

"The uncertainty of the principle upon which the claim rests, shows the propriety of having this, like every other case involving an expenditure from the National Treasury, submitted to an examination by a committee of Congress, upon a direct claim by the individuals interested. Where a State Legislature interposes its decision, and asks that the money paid by it should be refunded, a committee of the House is placed in the embarrassing condition of reviewing the facts and principles alleged to be settled by the vote of the Legislature, or of sanctioning the inadmissible pretension, that the opinion of any one State is a sufficient warrant for a charge upon the Federal Treasury. There are cases where an expenditure by a State should be promptly and liberally refunded; such, for example, as those in which she steps forward to defend herself from a sudden invasion by an enemy, or to ward off danger from any quarter. Taking upon herself the performance of a duty which the Constitution has devolved upon the Union, it is highly proper that the Union should acknowledge the service; but, even in these cases, the practice of the Government has been to subject the claim to a rigorous scrutiny by the officers of the Federal Government."

It might be [Mr. HOWARD continued] that these principles were unsound; and the Governor of Maine appeared to think so, because, in his letter to the President, after asking reimbursement by the Government of the United States of the several sums paid out of the Treasury of the State, he says:

"The justice and propriety of granting this request, I can have no doubt, will be apparent to you and to Congress, when the circumstances under which the allowances were made are called to mind."

It appeared somewhat extraordinary that the Governor of Maine should repeat his demand upon the President, without taking the slightest notice of the fate of a preceding demand, or thinking the doctrines laid down by the committee worthy of a passing comment. So far from being shaken in his belief of their correctness, he [Mr. H.] himself was confirmed in his opinion of their soundness, and their conformity with the settled practice of the House, although he was perfectly willing, as he had said before, to have them strictly and dispassionately reviewed by the Committee on Foreign Affairs, now composed, in part, of different persons from those who constituted it when the report was made. He begged leave to test them by their application to the case before the House. On the 12th of March, 1838, the Legislature of Maine passed the following resolutions:

"*Resolved*, That there be allowed and paid out of the Treasury of this State to Ebenezer S. Greely, five hundred dollars; which sum is in full for all sufferings and losses attendant upon his arrest and imprisonment in the jail at Frekerickton, N. B. in consequence of taking the census of Madawaska.

"*Resolved*, That the Governor of this State be requested to ask and receive from the Government of the United States a reimbursement of the sum hereby allowed to the said Greely, after the same shall have been paid to him out of the Treasury of this State."

On the 19th of March the Legislature passed resolutions similar to the above, allowing to John Baker, Walter Powers, Nathaniel Bartlett, Augustine Webster, Isaac Yearington, and John Harford, jr. various sums of money in full compensation for all sufferings and losses in consequence of organizing the town of Madawaska.

Before any compensation for *losses* ought to be taken out of the Federal Treasury, it became those who were the only constitutional guardians of the public money, viz: the Government of the United States, in all its branches, to see that the losses were of such a nature as to furnish a proper claim upon that Government, and that the compensation allowed was of a proper amount. But if a State undertakes to decide both these questions, and leaves to Congress nothing but the subordinate duty of providing an appropriation of the amount which another tribunal has determined to be the just debt, where is the security for the public money, which is the property of all the people of the United States? What is the right of one State must be equally the right of all; and we should have in existence twenty-six keys to the National Treasury, the possessor of each of which could enter at his or their pleasure. Again: the remuneration provided by Maine, is, in part, for *sufferings* sustained. What were these *sufferings*? How much will compensate them? These are questions to be answered only by a committee of the House of Representatives, or some officer of the Federal Government, if Congress choose to vest him with the power, but by no means to be liquidated by any State Government, whose opinion is to be held as final. This is the practice of the Government, and has been so as long back as he had been able to trace it.

After the late war with Great Britain, large claims were presented by many of the States for money advanced under an urgent necessity to resist actual invasion by the enemy, and amongst these States was the one which he had the honor in part to represent. Maryland was obliged, from her geographical position, to call out her militia almost continually, and so promptly that there was no time to apply to the Federal Government; the consequence of which was that, when the war was terminated, she had expended all that constituted her capital. In obtaining the reimbursement, to which every principle of honor, gratitude, or policy entitled her, at the hands of the Federal Government, she was nevertheless obliged to pass her accounts through the ordeal of an Auditor's office, where none were admitted unless they were in conformity with the acts of Congress, and practice of the Executive Departments; and he believed that, up to this day, she was largely a creditor of the United States for sums which she had spent in the defence of the country, without stopping to look always at the receipts to see whether or not they were in proper form to pass the Auditor's inspection. A gentleman of talents and industry, afterwards a member of this House, had been appointed an agent on behalf of the State, and he had bestowed upon his duty that care, zeal, and ability, which might have been expected from his well-established character; but, still, speaking from general recollection, Mr. H. thought there were large sums expended by the State in the desultory militia warfare which she was obliged to carry on, for which no sufficient vouchers ever could be obtained, and they were, consequently, lost. But if the doctrine which is now contended for by the Governor of Maine be correct, it would only have been necessary for Maryland to assert that she had incurred these expenses, which ought properly to have been borne by the Federal Government, and from her decision there would have been no appeal. Cases might be cited, even at the present Congress, where the claims of a State for militia services in repressing Indian hostilities are passed upon by a committee of the House of Representatives, but it was not necessary to go further into the examination of this point. In all this, he did not mean to be understood as expressing any opinion as to the merits of the claims which the sufferers in Maine might have upon the Federal Government. They might be perfectly just; and, if so, he would be amongst the first to reimburse them cheerfully. All he meant to contend for was, that he might be allowed to make up an opinion for himself upon the evidence in the case; and not be bound down by the opinion even of the Legislature of a State, which, although entitled to great weight and respect, ought not to be considered obligatory. But he wished again to say that he should make no opposition to the reference of this part of the message of the President to the Committee on Foreign Affairs.

The other subject of the message consisted of some documents relating to the Northeastern boundary—a topic of the deepest interest. The question had been so long discussed that the papers connected with it had grown to a great bulk. The proceedings before the arbiter, of themselves, constituted a large folio volume, and this was only a part of the entire mass which it was proper to read, in order to arrive at a thorough knowledge of all the points in controversy. The gentlemen from Maine, [Mr. EVANS and Mr. FAIRFIELD,] and the gentleman from Massachusetts, [Mr. CUSHING,] had very properly avoided a general discussion of

the question, and confined their attention to a few points which were more especially brought to the notice of the House by the recent correspondence between Mr. Forsyth and Mr. Fox, now communicated to us by the President, and to those few points he would also restrict himself, digressing only to some collateral subjects upon which those gentlemen had expressed opinions from which he dissented. The first error into which they had fallen was in considering this a question appertaining to the State of Maine, almost to the exclusion of the Federal Government, in feeling and interest. He did not so estimate it. It was the boundary of the United States which was in controversy, as well as the boundary of the State of Maine; it was with the United States that the treaty of 1783 was made; it was upon the Government and people of the United States that the responsibility rested of conducting the negotiation to adjust the limits, and of bearing the consequences, if all friendly negotiation should fail, and the two nations be unhappily involved in a war on account of it. For one, [Mr. H. said,] he did not *fear* a war with Great Britain or any other power; and if such should unfortunately be the result of this long dispute, he had an unwavering confidence that the people of the United States would do their duty to themselves, their ancestors, and their posterity. But he desired to say to those gentlemen whose feelings were necessarily more deeply interested in the controversy than his own, because they came from States whose pride was deeply roused, that their sister States and the National Government must be permitted to pursue such course as they might deem advisable, and exhaust every possible mode of amicable arrangement, before plunging into an alternative so much to be deprecated. It was easy to account for and excuse the great anxiety of Maine upon this subject. Her territorial extent and valuable possessions were drawn into question; her frontier population were so much excited that the peace of the country, often seriously menaced, had been hitherto preserved only by the exercise of great and praiseworthy prudence. As for himself, although coming from a part of the Union which was many hundred, perhaps nearly a thousand, miles distant from the land in dispute, he nevertheless felt all that interest in the question which its nationality was calculated to inspire; and, unless he greatly mistook the character of the American people, they would stand by their brethren even in the distant regions of Maine or Arkansas, whenever the Union was called upon to fulfil its duties to its members.

But he must say, in all kindness to the gentlemen who had spoken, that they must not run ahead of the feeling of their sister States, and take upon themselves the decision of questions which the Government of the United States was alone competent to adjust. He viewed the resolution passed by the Legislature of Maine, directing the Governor to run out the boundary line, as a step of questionable propriety. If it were intended as a mere survey for the gratification of curiosity, unattended by any practical consequences, it would be unnecessary and harmless, except for the danger of being misconstrued. But he did not so consider it. It was not probable that such a step would be taken for such a purpose, nor was it looked upon as an idle, unproductive, running of the line. If it was intended to accompany or follow the survey by taking possession of the territory in dispute, he protested most solemnly against this transfer of one of the most important powers of the Federal Government to any State whatever. It was impossible to permit the peace of the Union to be put in jeopardy by any frontier State along our border which might choose to assume to itself the responsibility of settling, by a summary process, a dispute between the United States and an adjacent foreign power. The gentleman from Maine [Mr. EVANS] had spoken of the present as a "crisis" in this affair, and said that, upon the action of this House at the present session the whole future condition of this dispute depended. He has read to us the resolution as passed by Maine, upon the construction of which he [Mr. H.] wished to say a word or two. It is as follows:

"*Resolved*, That our Senators and Representatives in Congress be requested to urge the passage of the bill for the survey of the Northeastern boundary of the United States, etc. now pending in Congress; and that if said bill shall not become a law during the present session of Congress, and if the Government of the United States, either alone or in conjunction with Great Britain or the State of Maine, shall not, on or before the first day of September next, establish and appoint a commission for a survey of said boundary line, it shall then be the imperative duty of the Governor, without further delay, to appoint, forthwith, suitable commissioners and surveyors for ascertaining, running, and locating the Northeastern boundary line of this State, and to cause the same to be carried into operation."

This resolution was passed on the 23d of March, 1838.

It appears, from the documents before us, that on the 27th of April, 1838, Mr. Forsyth addressed a note to Mr. Fox, in which he refers to the opinion expressed by the Legislature of Maine upon some other points, and then says:

"Confidently relying, as the President does, upon the assurances frequently repeated by the British Government, of the earnest desire to reach that result (finding and tracing the line described in the treaty of 1783) if it is practicable, he has instructed the undersigned to announce to Mr Fox the willingness of this Government to enter into an arrangement with Great Britain for the establishment of a joint commission of survey and exploration, upon the basis of the original American proposition, and the modifications offered by her Majesty's Government."

He concludes the note by inviting Mr. Fox to a conference for the purpose of concluding a convention embracing that object. Mr. Fox, on the 1st May, replies that, at present, he has no power to conclude such a convention, but will transmit the note of Mr. Forsyth to his Government.

This is the state of the case which has been denominated by the gentleman from Maine a crisis. He thinks that the Governor of Maine will proceed, on the 1st of September, to execute the resolution of the Legislature, and "ascertain, run, and locate the boundary." It might be so. The gentleman from Maine, no doubt, knew more of the purposes of the Governor of his State than he [Mr. H.] could possibly do; but he must be allowed to say that, if the Governor did take that course, it would not be justified by his obligations to the Federal Government, nor a fair construction of the resolution of the Legislature itself. That resolution contemplated the probability of a survey made by the United States in conjunction with Great Britain; and this was one of the cases in which the Governor was instructed to omit the survey under the authority of the State. We have then a proposition on the part of the Secretary of State to institute a survey "in conjunction," and early in May the note of Mr. Forsyth is transmitted to England for the necessary instructions of powers to Mr. Fox. The course pursued by the President is, in the highest degree, respectful and conciliating to the State of Maine, and ought to receive her cordial approbation She thinks that the line of the treaty can be traced and found upon the surface of the earth. Very well. The President acquiesces, and takes the necessary steps for obtaining the gratification of her wishes, by proposing to the British Government to run the line "in conjunction." And yet the gentleman from Maine says that, with all this effort to carry her desires into effect, without waiting for the result, she is determined to run riot, and put the peace of the nation in jeopardy. It cannot be. Suppose that, when the first of September shall arrive, the contemplated convention should not have been finally concluded, owing to whatever cause of delay or difficulty may have intervened, will it be said that Maine, like a rigorous task master, will hold the Governments of both the United States and Great Britain to the very letter and hour of her requisition? Such was not the course of reasonable men. It would be assuming a tone so unbecoming, that the great object which Maine ought to have in view—of carrying with her the sympathy and feelings of the people of the United States—would be entirely frustrated.

But it had been said that the proposition made by Mr. Forsyth is not in conformity with the wishes of Maine, because he aims at a joint commission of survey and exploration, *upon the basis of the original American proposition, and the modifications offered by her Majesty's Government;* and it is further said that neither that basis nor those modifications are acceptable to Maine. Let us consider this.

The first reflection which arises in the mind is the strange existence of such a debate upon such a topic in the House of Representatives. A proposal is made by the agent of one Government to that of another to form a convention or treaty; and, whilst the subject is pending, this House, which is excluded by the Constitution from all share in the treaty-making power, rushes into the discussion, criticises the negotiation, finds fault with the terms, and condems the course of the agent of its own Government; or, rather, some members of the House, for no vote is asked or desired upon the subject. But still the matter is publicly debated, and the unprosperous issue of the negotiation predicted. Would it not have been well to have permitted the constitutional functionaries of the Government to have formed the convention before thus censuring them for it in its inchoate state? Does not every negotiation, as it proceeds, vary its aspect, the two parties mutually receding from or changing their ground as the stages advance? And have gentlemen ever reflected upon the injurious consequences of debating propositions in their unsettled form? In Louisiana there is a practice of relinquishing the dower of a wife upon a general family consultation. If all the assembled branches of her family agree to the renunciation, it is valid in law. So he was informed. But a family consultation of all the branches of the Government was not the most expedient mode of carrying on a negotiation, particularly when their arguments were given to the public, and, of course, to the adverse party. In the convention, if one should be formed, the *basis* and *modifications* would, of course, be clearly set forth. Now, it is difficult to understand what they were. Mr. Fox's own understanding is this, as expressed in his note of 10th January, 1838:

"The object of this commission, as understood by her Majesty's Government, would be to explore the disputed territory in order to find, within its limits, dividing highlands which may answer the description of the treaty, the search being first to be made in the due north line from the monument at the head of the St. Croix; and if no such highlands should be found in that meridian, the search to be then continued to the westward thereof; and her Majesty's Government have stated their opinion, that, in order to avoid all fruitless disputes as to the character of such highlands, the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty."

The first thing to be done by the commisioners, therefore, will be to find "within the limits of the disputed territory dividing highlands which may answer the description of the treaty?" Is not this exactly what the State of Maine desires? "the search being first made in the due north line from the monument of the St. Croix." This is exactly the line claimed by the United States and Maine. Is there any doubt of the existence of such highlands in the spot where they are alleged by us to exist? There can be none. Mr. H. said that he had personal knowledge of their existence. Whilst walking upon the ramparts of Quebec, in the year 1828, in company with an officer in the civil employment of the Canadian Government, a range of distant hills to the south was pointed out to him by this officer as the highlands to which our line was claimed to run. Their distance from Quebec he did not know, but they were distinctly visible. Whether th ir vicinity to Quebec constitutes any part of the objection of the British Government to permit the people of Maine to be such near neighbors to that important citadel, he did not know; he believed that such an objection had never been expressed. But there are highlands there. If Maine is sure of this, why object to the search?

But the utility of the joint commission is further commented on by Mr. Fox, in the same note of the 10th of January, in the following extract:

"But with respect to the way in which the report of the commission might be likely to lead to an ultimate settlement of the question, her Majesty's Government, in the first place, conceive that it was meant by the Government of the United States, that if the commission should discover highlands answering to the description of the treaty, a connecting line drawn from these highlands to the head of the St. Croix should be deemed to be a portion of the boundary line between the two countries. But her Majesty's Government would further beg to refer the United States Secretary of State to the notes of Mr. McLane, of the 5th of June, 1833, and of the 11th and 28th of March, 1834, on this subject; in which it will be seen that the Government of the United States appears to have contemplated, as one of the possible results of the proposed commission of exploration, that such additional information might possibly be obtained, respecting the features of the country in the district to which the treaty relates, as might remove all doubt as to the impracticability of laying down a boundary in accordance with the letter of the treaty."

What is here said to be the understanding of the British Government as to the "basis" and "modifications" so much complained of? It is, that if

the commission should discover *highlands answering to the description of the treaty*, "a connecting line drawn from these highlands to the head of the St. Croix should be deemed to be a portion of the boundary line between the two countries." There can be nothing in this unsatisfactory to Maine. On the contrary, it is precisely what she has always contended for, and she cannot hesitate to risk the case upon the discovery of such highlands as answer the description of the treaty. If doubts existed whether the commissioners would agree in a report, Mr. H. said he shared in those doubts. The argument was already strong enough to carry conviction of our title to this disputed territory to every unprejudiced mind; and if the King of the Netherlands had decided the case which was submitted to him, instead of going in search of a fancy of his own, he felt strong confidence that the decision could not have been against us.

But the gentleman from Maine [Mr. EVANS] complained that in the *basis* and *modifications* nothing was said about the northwest angle of Nova Scotia, which was the hinge upon which the whole dispute turned; and thought that Mr. Forsyth was yielding up an important point when he left that out o view. This complaint seemed to be entirely unfounded. The northwest angle of Nova Scotia could not be found, without first finding the highlands. The early calls for the boundary lines of Nova Scotia, before the Revolution, are for the "highlands," and the call is repeated in the treaty of 1783. It is called "that angle which is formed by a line drawn due north from the source of St. Croix river *to the highlands*." Starting from the source of the St. Croix, and running due north, where do you run to, in order to find the northwest angle? To the highlands. And where are they? You must find them in the first instance, and, when you have done so, you then ascertain this angle. The objection is, therefore, ill founded. The Government of the United States gives up nothing. They are in quest of the highlands, which is the very first step in the investigation. Without knowing whese these highlands are, you cannot move an inch. Unfortunately there are too many highlands, or hills which are made to pass for such, and the problem to be solved is, which are the highlands which best answer the description of the treaty of 1783? If none such can be found, then the suggestion made by Mr. Livingston, which is so much reprobated by the gentleman from Maine, may perhaps come in as a last resort for solving the difficulty. That suggestion is nothing more than an application to the case of a rule which prevails in the municipal law of England, and most, if not all, of the States, being founded upon the plain dictates of common sense. Every lawyer in the House must understand and agree that, in the trial of ejectment suits between rival claimants for land, where the course and calls for natural boundaries cannot both be gratified, the former yields to the latter. It is founded upon the obvious consideration that the compass may vary, but natural boundaries, such as a tree, a hill, or a rock, cannot change their position; and Mr. Livingston proposed that, if they could find no highlands by running a due north course, they should adopt such a course as would bring them to the highlands at such place as would best gratify the requisitions of the treaty, and consider that line as the boundary. It is true that Sir Charles Vaughn inquired from Mr. Livingston whether his idea was to run to the east as well as the west of a due north course, and that Mr. Livingston answered that the United States claimed nothing to the eastward of such a line. But this proposition was not accepted by the British Government. Its acceptance was clogged with inadmissible preliminary stipulations; and the *basis* and *modifications* upon which it is proposed to conclude the convention, must be found in some subsequent part of the correspondence. They are thus described by Mr. Forsyth in a note to Mr. Fox, dated February 7, 1838:

"The American proposition is intended, and, if agreed to, would doubtless be successful, to decide the question of boundary definitively, by the adoption of the highlands reported by the commissioners of survey, and *would thus secure the treaty line.*"

Whatever may be thought of the proposition of Mr. Livingston, it seemed to have passed away from the view of both parties. The circumstances under which the suggestion was made ought not to be overlooked. The President had previously submitted the decision of the King of the Netherlands to the judgment of the Senate, who refused to ratify it, and passed a resolution requesting the President to open a new negotiation with Great Britain. No basis was mentioned, no clew to their opinion given as to the terms of that negotiation; no indication afforded of the ground upon which the President should place it. But he was requested again to renew a negotiation which had ended in a fruitless arbitration, and he was left to extricate himself from the difficulty, with perhaps a secret satisfaction in the minds of some persons at the extent of the embarrassment. In this state of the case, Mr. Livingston threw out the suggestion complained of, with a view, perhaps, of presenting something to the British Government which had not previously been brought before them, and avoiding the repetition of the same arguments which had been unavailingly employed for fifteen years. At any rate, the proposition was not considered in the same light in which the gentleman from Maine [Mr. EVANS] now views it, for they rejected it.

But, it was asked, of what use a survey would be? This question ought to be answered, instead of being propounded, by the gentleman from Maine, since that State appeared so much to desire one, as to be ready to undertake it at its own expense and responsibility. The note of Mr. Forsyth, read by the gentleman from Maine, [Mr. FAIRFIELD,] shows that this survey is only to collect information, and that the commissioners are not to be clothed with the power of deciding the question. This was the *modification* of the *basis* of the American proposition, which it was much to be regretted that the British Government persevered in urging. A survey would illustrate one point in the controversy, which would strengthen the American argument very much. The second line of the boundary had never yet been run officially, and he was satisfied that when it came to be so, the claim of the British would be much weakened. In the course of his reading upon this subject during the winter, it had occurred to him as strange why the commissioners under the treaty of Ghent did not make the entire survey, instead of stopping short at the termination of the first line, or that which runs north from the head of the St. Croix. Finding no satisfactory reason in the printed documents, he had referred to the manuscript report of Mr. Van Ness, the American commissioner, on file in the State Department, but found no reason given there. It seemed to be the most natural course, when two different terminations were proposed of the first line, to continue the survey all round, in order to see which termination would best gratify the subsequent calls of the treaty. This was the course always in disputes about land between individuals. Who ever heard of submitting an ejectment case to a jury with only one line run out upon the plat? The first line was required to run north to certain highlands, and the second along said highlands, &c. Now, if it should be found that, according to the American location, the call for highlands in the second line would be gratified fully by finding a range of highlands exactly responding to the call, and, according to the British location, the second line would pursue a sinuous course, running round the head of some little stream, and then striking across a country nearly level, to the distance of twenty or thirty miles, in order to reach another spring, and thus making a crooked line, as serpentine as the course of the Mississippi in its most crooked parts, it would require great imagination to denominate such a line as a line running along highlands." Ranges of mountains or hills, and particularly those which divide waters flowing in different directions, are usually straight, or nearly so, and when laid down upon the map, are traced by a line nearly straight. Upon recent maps the pretensions of the British Government are laid down, he did not know by whom or when surveyed; but if there are "highlands," in the natural acceptation of the term, where their line is made to run, it is the only such range of highlands to be found upon any map of any country in the world. He did not believe that there were any highlands there, and an official survey would settle this point.

The gentleman from Massachusetts [Mr. CUSHING] had expressed great but unnecessary alarm at the doctrine maintained in some of the British State Papers, that we in the United States derived our title to our country by grant in the treaty of 1783, and that, if we could not show that the territory in question was included in the grant, it belonged of course to the British. The apprehension expressed by that gentleman seemed to him entirely unnecessary, because nothing upon the American side of the correspondence had been, or could be found, which tolerated the pretension for a moment. The venerable colleague of that gentleman [Mr. ADAMS] had settled the doctrine upon this point many years ago, in an argument, which was one of the most logical and irresistible which he [Mr. H.] had ever read upon any subject. And no American statesman would ever think of adopting any other than the law thus thoroughly settled. For this essay, establishing that the treaty of 1783 was a severance of joint property, instead of being a grant from a superior to an inferior power, that honorable gentleman was entitled to the thanks of his country; and he took pleasure in expressing this opinion, although the commendation of such an humble individual as himself might not be esteemed as of much account. He thought that the anxiety expressed by the gentleman [Mr. CUSHING] was entirely superfluous. When the Secretary of State should be found to admit the validity of this British doctrine, there would be cause of alarm; and he [Mr. H.] would be ready to concur in the most effectual method of expressing the opinion of the House of Representatives upon a point so deeply involving both the interests and honor of the nation. But the accomplished statesman at the head of the State Department was too well acquainted with the history of the nation, and too much alive to whatever might touch its honor, ever to listen to or countenance such an inadmissible pretension on the part of the British Government.

INDEPENDENT TREASURY.

REMARKS OF MR. CHAPMAN,
OF ALABAMA,

In the House of Representatives, June 13, 1838—In Committee of the Whole on the state of the Union, on a bill to grant pre-emption rights to the settlers on the public lands.

Mr. CHAIRMAN: I congratulate the citizens of those States and Territories in which public lands are situated, that, after three years' struggle and vigilant watchfulness on the part of their representatives, they have a prospect now of some action by Congress on a bill that is so essential to their prosperity. Representing a district so deeply concerned in this measure, I should be unfaithful to those constituents who have chosen me mainly because they had confidence in my zeal in effecting the passage of this bill, if I were not to express the views I entertain on the subject *here*, that I have so often declared to them. But, thankful to the members of this body for their aid in taking the bill up at this time, I shall not longer trespass on their patience than will be required to present, as briefly as possible, the most prominent arguments that occur to my mind in favor of this important measure.

Mr. Chairman, I am pleased to find from the indications we have had since the subject has been before the committee, that it is not made a *party* question. I hope it will not be so considered by any. Although it has been strongly recommended by the President of the United States in his late Message, and sanctioned and approved by his predecessor, yet I flatter myself that none of those who oppose the present or late Administrations will, on that account alone, refuse their support to this bill. Nor, Mr. Chairman, is this a mere local question, effecting only the interests of the new States. It addresses itself to every member, of whatever party, whether he comes from the North or the South, the East or the West, as a subject calling for his impartial and serious consideration. The disposition of the public lands among the citizens in the way best calculated to advance the in-

terests and prosperity of our common country, must be the earnest desire of every patriot: the only disagreement is, as to the proper manner of obtaining these ends.

Having resided for some years in Alabama, and witnessed the practical operation of the various acts of Congress on the subject of the public lands, without ever having been in the slightest degree a participant in the benefits of any, I am prepared to say, that the measure now proposed is the best that can be devised for the disposition of the public domain, whether it be regarded in its effect on the revenue, the rights of those citizens immediately interested, or the application of those lands to agricultural purposes, for which they were designed.

This, sir, is no new proposition, now for the first time brought forward for the consideration of Congress. If it were an original measure, it might still be sustained on grounds that could not be shaken; but we are now enabled to bring to our aid, in supporting it, the practical lessons of experience for many years past, to show the wisdom of this policy when first adopted.

It would scarcely seem necessary to discuss the merits of the pre-emption system at this day, after it has so often received the sanction of Congress. I have, however, as a matter of curiosity, looked somewhat into the history of it, and find, that it commenced by special acts, affecting particular classes of individuals, at a very early period of our Government. Of these special acts, besides a great many others for the benefit of particular individuals, there have been, perhaps, fifty, embracing almost every description of settlers, although limited in their application. It is a strange fact, too, that many of those acts were passed for the benefit of foreigners, when our own citizens were denied the advantages. I have ascertained further, that before the passage of the first general pre-emption law, as well as since, but when no such law was in operation, the principle was not only recognised by the special acts referred to, but that, in various others, granting lands for particular objects, the rights of all occupants thereon were protected by express provisions.

On the 29th of May, 1830, Congress, for the first time, passed a general law for the benefit of *all* occupants on the public lands, as had been done repeatedly before, as I have stated, for particular classes of citizens, by special acts. Although that act was limited as to time, it has been revived at different periods since, until it is now considered as the settled policy of the country—as a pledge that, in all future time, those who settle down in the wilderness, and encounter the privations, dangers, and difficulties incident to an early settlement—who not only improve the land they take possession of, by their own labor and expense, but give additional value to the surrounding lands by the public improvements they make, and the conveniences they afford to other settlers—shall, in the purchase thereof, be preferred.

If, in the origin of this system, the considerations, some of which I have suggested, influenced, as it certainly should have done, a grant of the right of pre-emption to the then settlers, how much stronger must be the claims of the occupants since?

In reference to all law, it is well said, that the uniformity of it is of the utmost importance to the happiness and prosperity of the people; and in the administration of any Government, nothing is of more importance than the observance of good faith, not only towards other Governments, but the citizens of our own country. The practice of good faith, in the sense I intend the application of the term, requires, that when a system has been adopted, under which any interest or employment has sprung up depending on it, great injustice would be done to such interest or business by a sudden abandonment. When a course of policy has been pursued calculated to inspire expectations among the people, subsequent legislation ought not to defeat them. Upon this principle it was that all parties in this country, a few years ago, acquiesced in a gradual, instead of a sudden, reduction of the tariff. Great and important interests had grown up under that policy, admitted to be unequal, and by many believed to be unconstitutional, that could not have been suddenly abandoned without great injustice towards the owners, and perhaps bad faith, added to unwise policy, by the Government. The same reasoning may be applied with still greater force to the settlers on the public lands now. They, seeing the policy of the Government to protect those who had settled heretofore under circumstances less calculated to create such expectations, so frequently carried out, have been thereby induced to take possession of the waste lands, and improve them to an extent beyond those who preceded them, as much as their confidence in the further protection of Congress has been increased by repeated legislation on the subject.

The most prominent argument in favor of the right of occupancy arises from the fact of the improvement made by the first settler. At this day, for the reasons stated, such improvements are much more valuable than formerly. Consequently, the argument in favor of that class of persons has strengthened in proportion to the increase of their improvements

But the advocates of the pre-emption policy are told that every settler on the public lands is a trespasser, the act of settlement itself a violation of law, &c. and the statute of 1807 to prevent persons from taking possession of the lands of the United States, is the authority for these charges. I deny that the act alluded to has any application to the settlers on the public lands who set up no claim adverse to the title of the Government. It was intended only for those who set up adverse claims, and not for the *bona fide* occupant for cultivation, claiming no title against the United States. By an examination of the history of this act, (which I leave for those gentlemen who will follow me on the same side of the question,) it will sufficiently appear that it was never designed to prevent the settlement of the public lands by persons setting up no title.

But admitting it to be true that the act of 1807 embraced in its terms *all* occupants, it is now in effect, if not by legal construction, inoperative—a dead letter. It cannot be denied but that it was suspended while the several occupant laws referred to were in force, and that all offences (if offences they could be called) committed under it were legalized by those laws; will it be pretended, then, that a statute so highly penal could be revived by mere implication and construction? It is one rule of construction, I believe, of such laws as are not penal in their character, that an act repealing another, being itself repealed, revives the first. But this rule does not apply in the construction of *penal* statutes; nor would it sustain the proposition that the act of 1807 is in force, even if it were not a penal statute; for the several occupant laws that in effect, as I contend, repealed that act, were not repealed, but expired by their own limitation.

I trust I have shown that the act of 1807 is not, by a fair construction, in operation; but surely this was unnecessary, since no attempt has been made, at least for many years, to execute it. I am certain that in the State I in part represent, no instance can be given of an effort to enforce it. Indeed public opinion would not countenance a prosecution of that sort, admitting it susceptible of a construction such as has been contended for. The law of 1807, then, out of the way, those for whose protection this bill is intended present themselves as the occupants of the public land for cultivation, invited to locate upon it by the long settled policy of the Government, and they have, by that continued policy, been encouraged to make improvements of great value to themselves, and important in developing the advantages and resources of the country in which they live. The Government lands are for sale, and if you choose to have it so, I will add that they are offered for the best price that can be obtained.

This leads us to an inquiry into the operation of the pre-emption system when compared with the auction plan, in the sale of the public lands, so far as it affects the revenue of the country.

Until 1820, most of the public lands that had then been sold, were sold under the hammer; but little had then been taken by private entry. Before that, the minimum price was two dollars an acre, and on a credit for the balance, after paying one-fourth cash, of one, two, and three years. No other mode of disposing of the lands had been adopted by Congress, except in particular instances, as I have before remarked, until 1830. Under the credit system, the prices were so high that purchasers would have been utterly unable to complete payments; and therefore various relief laws were passed, granting further time, authorizing relinquishment, and reducing the amount in cash payment, &c.; and finally, the credit system was abandoned, and the minimum reduced to the present price of one dollar and a quarter. From 1820, when the cash system was adopted, to the present time, or to the last returns, the average price of all the lands sold is only one dollar twenty-seven and four-fifths cents per acre; only two cents and four-fifths over the minimum.

The highest average any one year since 1821, is only one dollar and thirty-three cents; and in 1836, when upwards of twenty millions of acres were sold, the average price was only one dollar and twenty-five cents. Since the cash system commenced, more than half the quantity of lands sold, have only brought an average of about one and a third cents above the minimum price.

All these facts appear in the late report of the Commissioner of the General Land Office in answer to a resolution adopted at the late called session of Congress. Thus it will be seen that, although the pre-emption laws of general operation have only been in force for three years, (the act of 29th May, 1830, was limited to one year, and that of 19th June, 1834, to two years,) during the eighteen since the cash system was adopted, and during the whole period the auction system has been going on, yet the average price has been less than three cents above the minimum. It will be seen further that, during the last years, the average has been only about one and a third cent above.

The additional expense to the Government attending the sale at auction, over that by pre-emption, (saying nothing of the increased inconvenience and expense to the people,) greatly exceeds the highest excess that has been obtained over the minimum, even when it was at two dollars per acre. Since the cash system, and especially for the last ten or twelve years, combinations at public sales have been so completely organized, and reduced to such a system, that the nominal amount is little or nothing above Government price, and the *nett* proceeds considerably less.

From these facts, the conclusion is irresistible, that, every other consideration aside, and looking at the question only as one of dollars and cents, the pre-emption policy ought to be preferred.

I have taken it for granted that it is the policy of the Government to dispose of all the public lands; and although this is the only Government that ever has exacted from the citizens more for the lands than a sum sufficient for the expense of surveys and sale, yet I have, for the purposes of the present inquiry, admitted that the object is to obtain the best price. Our past experience, as I have shown, proves that, in protecting the claims of occupants, prices as high, and after deducting expenses, even above that received for the like quantity by auction, have been realized. The next inquiry is, whether the pre-emption or the auction system is most likely to increase sales. For the facts on this point, I beg leave again to refer to the same report of the Commissioner.

The estimated quantity of public lands to which the Indian title had been extinguished was, at the date of that report, three hundred and thirteen millions six hundred thousand acres and upwards, lying within the several States and Territories. Up to that time, one hundred and eighty-nine millions six hundred and eighty-six thousand had been surveyed; of which, one hundred and seventy-two millions and upwards had been offered at public sale, and seventy-five millions and twenty-five thousand had been sold.

Since the passage of the first pre-emption law in 1830, including the whole of that year, there had been sold at the time of said report, about fifty-four millions of acres; being considerably over two-thirds of the whole quantity sold from the commencement of the sales of public lands. Thus within a period of less than eight years, and only a portion of that time the pre-emption laws were

in force, more than double the quantity was sold, that had been before, from the earliest period of the sales of public lands. Admitting then, to the fullest extent, that many other causes have operated to increase the sale of the public lands within the period mentioned, still the facts stated sufficiently show, that the pre-emption acts have been the principal means of producing this heavy increase; for, on examination of the report, it will be perceived that in the years when these laws were in force, the quantity of land sold was greater than in any others.

Mr. Chairman, it has been objected by some gentlemen to this system, that it gives improper advantages to one class of citizens over another; that some are permitted to go upon the public lands and take possession of the best, while the inferior and refused only, is left for those more high-toned gentlemen, who scruple at going in the face of the law of 1807, upon the public lands, until after they have purchased. In answer to this, it would be sufficient to point to the proof adduced to show that no more than the minimum price is obtained for *any* land—the rich as well as the poor yields no more. It becomes, then, a question, who shall be permitted to purchase; the man who has mixed the value of his labor with the price of the land, and uses it for cultivation; or the other, who desires it either because it is rendered more immediately profitable by the labor of the original settler, and therefore better suited for the purposes of cultivation; or because he perceives that by this increased value he can realize a larger pre-emption by the operation, if he intends it for purposes of speculation? Is it the business of Congress, in disposing of the Government lands, to transfer the labor of one man to another more wealthy, and especially without bringing one cent more into the public Treasury? Or is it the policy of this country to evict from the land the industrious husbandman, who has overcome by his labor all the difficulties of early settlement—the productive cultivator of the soil, who stands ready to defend his country in the hour of peril, and turn his family from their happy home, and transfer all to the heartless, cold-blooded speculator, who offers no more? I hope such will not be the opinion of a majority of this committee.

But, sir, it is not true that the choice lands are taken by the first settlers, as gentlemen have supposed. Those who remove, are much more careful to locate upon a healthy place, having the advantage of pure water, and easily cleared to make the first crop, than they are in selecting a rich tract of land. The most valuable lands are not those that emigrants take possession of. That description of land requires more force in the preparation for cultivation, than the class of persons referred to have it in their power to obtain. Nor is it a profitable business, as has been said by gentlemen, to make improvements on the public lands, and sell them to others. The original settler rarely gets the value of his labor in the operation, and he who *buys* an improved place, instead of *making* an improvement, is always benefitted.

From the report of the Commissioner of the General Land Office, it appears that lands have sold more freely during the existence of the pre-emption laws. Those who have observed the operation of that system, know also that more of the inferior quality sells to the cultivators of the soil than to those who buy for speculation. When the speculator comes into the market he selects none but the most valuable—that on which he can make the greatest profit from his capital; and while it continues in his hands, the more inferior lands adjoining remain unsold. But the occupant, after he gets the quarter section by pre-emption, finds it necessary, in making out a compact farm for cultivation, to enter poor lands convenient; and as his means increase, continues to extend his settlement. By this way most of the lands of inferior quality are taken up, that would never have sold while the fertile lands in their neighborhood were in the hands of the speculators.

It is good policy, especially in a Republican Government, to encourage the distribution of lands among the citizens in small tracts, and not to favor the accumulation of a great quantity in the hands of a few individuals. particularly those who do not intend it for cultivation. By the auction system, the lands are bought up by speculators, who hold them up in large tracts, not for cultivation, but to sell out to the productive class at high prices. The speculators, not the Government, are benefitted by the public sales. They form a monopoly among themselves, to the exclusion of the settlers, who are unable to come in competition with them at a public sale. Those who want the land for cultivation can only get it by paying a high bounty to the capitalist, either by an agreement before the sale, in the way of "hush money," or a high advance on cost after. By this means the improvement and prosperity of the country are retarded, and the military power weakened. The pre-emption principle tends to make every industrious citizen a freeholder; a more independent, a more patriotic citizen. I have in my immediate district the best practical proof of this. That portion of it benefitted by former pre-emption laws, has sent out more volunteers since the commencement of the late hostilities with the Seminole and Creeks, than any other country of the same extent. By becoming the owners of the soil they feel a stronger love of country; and having received the favor of the Government by pre-emption right to their improvements, they are grateful, and ready to take up arms in their country's defence. I believe that one half of those capable of bearing arms in the section of the country referred to, have volunteered. That they were true and gallant soldiers, the officers under whom they served, have given ample testimony.

Mr. Chairman, I do not propose to examine, at this time, into the question how far, under the compacts between the United States and the several new States, there is an obligation on the part of the former to divest themselves of the lands within the limits of the latter, and in a manner best calculated to promote early improvement and cultivation. Those States are evidently much crippled by the policy of continuing the lands in the hands of the General Government, and their prosperity thereby greatly postponed. I consider the claims of the new States to have the title of the United States divested of the lands within their limits, much stronger than to extinguish the Indian title; because, in one case, it depends alone on the action of this Government, but in the other, it requires the consent of the Indians also.

It has been said by some that it is the interest of the old States to prevent the rapid settlement of the younger members of the Confederacy, and thereby prevent the heavy drafts on their population and wealth. I trust, Mr. Chairman, that such contracted and narrow policy will find but few advocates on this floor. We are *one* people; and what advances the interest of one section of the country, reflects corresponding benefits to another. *Our* citizens were once *your* citizens, and, I trust, still deserve justice at your hands; we ask nothing more. The improvement of the new States adds wealth and strength to the Union, lightens taxation, increases our national resources, and creates a new and extensive market for the trade of the old. We all advocate free trade: let us not, then, by a narrow policy, restrain our people from following the dictates of their own judgment in pursuit of wealth, honor, and happiness.

Mr. Chairman, having thus presented some of the arguments in favor of the general principles of this bill, I will notice very briefly the specific proposition now submitted, and a few of the objections that have been urged.

In all the former laws on this subject, provision was made, that when two were settled on the same quarter section, one or both should be entitled under certain restrictions to select other lands not particularly designated. This right is familiarly called a "floating" privilege. To equalize the benefits of such a law among those who fall within its provisions, some such advantage it would seem ought to be given. But the great clamor raised of late years about frauds committed under the pre-emption laws, especially under this floating provision, (the accounts of which, however, have been much exaggerated,) brought the system itself somewhat into disrepute, and rendered the floating principle so odious, that the friends of the measure thought it best to guard this bill as strongly as possible against any attempt at fraud or evasion, and to yield up altogether the floating feature. In drawing up the bill now under consideration, the defects in former laws, in this particular, have been, as far as experience in their operation would enable us, corrected; every avenue of fraud has been closed. It provides for those only who have a personal residence on the land; and, as the floating right for the reasons stated has been left out, all those who reside on the same quarter section are to have it in common. Other laws required *cultivation;* and what constituted *cultivation* was a question of much doubt and difficulty; and therefore that requisition was omitted, and *habitation* substituted; about which there can be no difference of opinion. Thus we think the bill now under consideration will not be subjected to doubt or misconstruction; and, while we have retained the main principle of the former laws, we have guarded this so, that none who do not come within the reason, can obtain the benefits.

The gentleman from Massachusetts [Mr. LINCOLN] objected to that part of the bill, as it came from the Senate, requiring a residence on the 1st December last, as being indefinite and uncertain. Although I could not perceive the grounds for his doubts, yet, as it might have been misconstrued, I am perfectly agreed to accept the amendment he proposed as a remedy; that is, to require a residence at the passage of the bill, and for four months previous.

I cannot, however, consider as favorably the other amendment offered by that gentleman, proposing to exclude all from the benefits of this bill who have taken land under any former pre-emption law. This amendment strikes at the very fundamental principles of the system; and I cannot see how any of those who favor the right of pre-emption, can support it. We have shown you by the printed documents that as much is obtained for the public land by this system as any other. Where, then, is the loss to the Government by permitting more than one pre-emption? All the arguments that have been urged in favor of the right, apply to him who made the second with as much force as to him who had made the first improvement. The labor bestowed, which is the basis of the claim, is the same in both cases; and in neither does he get it without payment. My colleague, [Mr. LYON,] who is well informed as to the operation of this system, has shown most conclusively the injustice of this amendment, especially in the general terms in which it is proposed. We know that many of those embraced in former bills were allowed so small a quantity of land, that they were obliged to look out elsewhere. Others, finding their places unhealthy, had to remove.

The gentleman from Massachusetts, in advocating this amendment, which was offered by him in the Committee on Public Lands, and rejected at my instance by a majority, has thought proper to remark on the organization of that committee, too favorable, as he thinks, to the interests of the new States. In reply to that charge, I have only to say that, in the appointment of committees, it is usual, and, indeed, necessary, to select those who are most familiar with the questions they have to consider. The committees of this House on other subjects will be found to have been organized on the same principle.

The gentleman himself is from an old State, and yet I have found him generally liberal in his views of policy in relation to the public lands. He professes, however, to be an advocate of the right of pre-emption, under proper restrictions; but really I am obliged to conclude, from the character of the amendment he has now proposed, and his remarks in support of it, that *his restrictions* would lead to the destruction of the principle itself.

The gentleman from Kentucky, [Mr. UNDERWOOD,] too, comes forward with another proposition of the same fatal character; and, after some controversy between himself and the gentleman from Massachusetts, they make terms, and both amendments are now insisted on, each fatal to the measure.

Mr. Chairman, the bill before us has, for three years, been a favorite measure with the members

from the new States; they have, with fear and anxiety, watched this little bantling with a mother's care and tenderness. For months and years, indeed, we had the mortification to see it pale and sickly; languishing in disease, until we were almost in despair. By unceasing and patient attention, however, the vital spark continued to cheer us, and at last signs of recovery became manifest. It strengthened and revived; and now, when we have the heartfelt gratification of once again beholding it in full vigor and life, beautiful as the morning rose, ready to take its flight with healing on its wings, angel-like, to carry the welcome news to our humble cottages, to dispel the gloom and cheer the inmates, the gentleman from Massachusetts, and the gentleman from Kentucky, who have shown themselves hostile to its existence, come forward and propose to take upon themselves the responsible office of family physicians. They consult together and prescribe, each his dose—one an emetic, and the other a cathartic, either of which would prove fatal, but finally conclude to give both, and render its destruction beyond doubt.

The gentleman from North Carolina, [Mr. WILLIAMS,] still more inimical to the family to which it belongs, proposes to become consulting physician, and advises more desperate drugs still. Under such circumstances, these gentlemen must excuse us for refusing their aid. We ask them to permit us, who feel so much solicitude, to make our own selection of doctors. They must pardon us for our want of confidence in either their skill, or their good intentions in this matter. They profess opposition to untried experiments. We will profit by their example, and rather leave the patient to take care of itself, than risk so much by a dangerous experiment.

Mr. Chairman, we are indebted to the same gentleman from Kentucky for a novel project on the subject of disposing of the public lands. He paused and hesitated, however, before he favored us with it, as if he himself wanted confidence in the practicability of the plan, as, I trust, every other member on this floor does in the justice of it. He proposes that all the Government lands (that occupied and all) shall be by proclamation open for entry at the several land offices, for the first four months, at five dollars per acre, and gradually reducing for a year, until it gets to the present Government price, without giving to those who have improvements any better claim than the speculating capitalist.

Now, sir, I was not prepared to hear a scheme so iniquitous from that gentleman, who is, I believe, a native of Kentucky, where the claims of settlers have ever been regarded, even when coming in conflict with the individual owners of the soil. But that gentleman, who claims to know much of the practical operation of the occupant system from what he has seen in his own State, has ascertained that the settler is never benefitted by it; but that the more sharp and shrewd members of society always swindle them out of such rights when allowed. The gentleman says you cannot make one of that class rich by legislation, etc.

I hope the gentleman does not favor the doctrine, that the poor are to be kept poor, and the rich are to be made richer. I am no "Loco Foco," sir; but still I beg leave to differ from the gentleman from Kentucky, when he lays it down that the situation of the class of men who emigrate to a new country, cannot be improved by a proper system of legislation." I can tell that gentleman, and the committee, that I have seen innumerable instances to the contrary. I will venture to say that many a family have removed from the old States, where they were on the parish register, to the new, and by the recuperative energies and improved habits of industry, which the products of a more fertile soil encouraged, not only become wealthy and respectable in a few years, but some have been seen participating in the legislative councils of their adopted States. If the gentleman from Kentucky despairs of making the poor man rich by legislation, I trust he has not fallen into the unjust policy of taking the little that he has, and putting it into the pockets of the waelthy. His plan evidently leads to this result, if carried out. Permit entries to be made of the Government lands, without regard to the improvements of settlers, and I will venture to predict that the case would rarely occur, that the labor of the most virtuous and industrious did not fall into the hands of the more indolent and vicious. Does the gentleman recommend a policy so fatal to the rights of the honest and useful portion of the community? There is scarcely a doubt, but that if his scheme is adopted, the poor man will not only fail to get in a better condition, but grow poorer, and the little substance he has will go to fatten the rich and the cunning.

The gentleman from New Jersey, [Mr. RANDOLPH,] in a labored speech yesterday, in opposition to this bill, evinced so little knowledge of the grounds on which it is based, or the real provisions it contains, that I do not deem it necessary to reply to all the remarks he submitted. He has followed in the wake of some distinguished politicians of the present day, in denouncing the settlers on the public lands as a lawless band of desperate adventurers, etc.; the system of granting pre-emptions as encouraging vice and immorality, and irreligious in its tendency. Now, sir, I am not informed in what school of morals and religion that gentleman was reared up, or what opinion he entertains of ours, further than as he has expressed himself. Possibly he comes from the part of the country where, I understand, they take up collections in order to raise a fund to "convert the heathens in the Valley of the Mississippi." As far as my information on the subject enables me to judge, I should conclude, that we are as religious in the new States as in the old, and practise morality as much. If he is ready to take from us our homes, for which we have labored, and give them to those at the same price we offer, who contributed nothing to the improvements, I must, in behalf of my constituents, reject him as a teacher of religion and morals.

Mr. Chairman, it does seem to me, from the general course of the debate, in opposition to this measure, that gentlemen have fallen into one palpable error, at least in this: they reason on the subject, as if the bill before us proposed a donation of land to the settlers, instead of what is really asked—the poor privilege of buying the place we have improved by your implied invitation, at a price as high as any other will give. This is the simple question presented. When gentlemen can discover the mistake into which they have fallen on this subject, I trust we shall have but little difference of opinion as to the justice of the measure.

Mr. Chairman, those who have settled on the public lands, as far as concerns my own district, although in moderate circumstances in life, yet they scorn the idea of coming here in the character of supplicants at the throne of wealth and power. They are not rich, but independent. If they are not polished, according to your city notions, they are generous, hospitable, and virtuous. They have encountered dangers, hardships, and privations in making their settlements, and preparing the country for the more timid; and they now stand ready to endure others in defence of it against the common foe. Just themselves, they claim justice at your hands. Jealous of their own rights, they ask nothing of you that will prejudice those of others. Faithful and brave in discharging every duty that devolves on them as true and patriotic citizens; prompt and willing to discharge, according to the "letter of the bond," every obligation that devolves upon them, they claim of you the exercise of good faith towards them, according to your promises. They expect from you that protection in their rights against encroachment by the vicious, that, as good and virtuous citizens, they deserve. All this they justly merit; they disdain to ask more.

SPEECH OF MR. HARRISON,
OF MISSOURI,

In the House of Representatives, June 12, 1838—In Committee of the Whole on the state of the Union, on the bill to grant pre-emption to settlers.

Mr. HARRISON addressed the committee as follows:

Mr. CHAIRMAN: I was not at all surprised to hear the remarks of the gentleman from New Jersey, [Mr. RANDOLPH.] I anticipated something of the kind. I was prepared to hear not only the principles of the bill, the whole system denounced, but also reproachful language used towards the settler. I am not disappointed. What but a moment ago was anticipation, is now reality. Frauds are charged as growing out of the system; and not only is it alleged that the principles of the measure lead directly to frauds and perjuries, but that those who are to enjoy its benefits, are the ready instruments of all the mischiefs with which it is fraught. And to prove the charge of fraud, certain reports of Mr. Brown, who was Commissioner of the General Land Office, are brought forward.

Sir, I do not hesitate to say that the reports alluded to, of that officer, are altogether incorrect. I know all about them. If gentlemen will turn to them again, they will see that the main one was in answer to a communication of my own as a member of the Committee on Public Lands. Knowing that many charges of fraud had been brought against the pre-emption system, and being very desirous to do all in my power to prevent the evils complained of, I wrote to the Commissioner, calling his attention to this point, and enclosed him the bill which I had the honor of reporting at the first session of the last Congress, in order that every avenue to fraud might be closed. The report just read by the gentleman from New Jersey, he will find was directed to me through the Secretary of the Treasury, in answer to a letter of mine, which I had addressed that officer, calling for all the information in his possession in relation to the frauds that had been committed under the pre-emption system. And, sir, what sort of a document is this report? Instead of being a cool and temperate document, founded upon known facts, and relying upon figures and calculations which could not deceive or mislead, it resembles more the heated effervescence of an interested advocate. I would sooner have taken it as the effusion of some of the frothy declaimers of this House, than as a grave document emanating from an officer of this vernment. The whole of it is incorrect; and what makes it worse, it bears upon its face self-conviction of the truth of the charge.

Let me read what he says. It is astonishing that any man having a standing worth the preserving, should make such thoughtless charges. "It is confidently believed that these privileges, covering *at least four millions of acres of land*, joined with outrageous combinations to intimidate purchasers and other unjustifiable confederacies, have diminished the receipts of the public lands *in the year* 1835, *full three millions of dollars*, at a moderate estimate below what they would have brought in fair competition." Now, sir, in this short extract, there are not less than two egregious and shameful mistakes. And I will bring this same Commissioner upon the stand as a witness against himself. By reference to Senate document No. 402, you will find this remarkable language: "By Senate document No. 376, printed May 19, 1836, it appears that the number of acres taken by pre-emptions from the adoption of the cash system to the present period, is TWO MILLIONS *three hundred and eighty-seven thousand six hundred and fifty acres*, for all which the pre-emptioners paid the Government the price of $1 25 per acre. Now, by the documents from the Land Office before referred to, it appears that the average price obtained for all the public lands sold since the cash system, is less than $1 31 per acre, being an excess of less than six cents over the minimum price. Now multiply the total number of acres procured by pre-emptions, as before given, by six cents, and the result is $143,259, being the highest estimate of loss arising from the pre-emption system, instead of the millions upon millions so frequently proclaimed by the enemies of the system." Here, sir, are two extracts from documents coming from the same office, which not only contradict each other, but directly disprove the charge of this sapient officer. At one time, he tells us that "at least four millions of acres" have been covered by pre-emptions; but *afterwards* informs us that there are but little over *two* millions and a half, and furnishes figures to show the fact.

What reliance can be placed in the statements of such an officer? He either does not understand what he is talking about, or purposely misstates the fact.

The second mistake made by this officer, is so palpable from his own data, that I wonder it did not occur to him as he was penning it. He says there are "at least four millions of acres covered by pre-emptions," and that the Government lost in 1835, "full three millions" by the system. How is it possible? A loss of three millions of dollars upon four millions of acres of land bought at the Government price! The idea is preposterous. I should be glad if the gentleman from New Jersey, who has dwelt so long and so *feelingly* on this point, would make the calculation, Let him try it, and see if he can make out a loss of three millions of dollars upon the purchase of four millions of acres at $1 25 per acre.

Sir, I assert it to be true, and the documents now before me will show it to be so, that up to this period there have not been more than about three millions of acres of land taken up by pre-emptions; and that the loss to the Government—if it can be called a loss—scarcely exceeds two hundred thousand dollars! Documents from the Land Office, laid upon our tables this session, will demonstrate what I have said; and in the face of these facts, we have it constantly wrung in our ears that millions have been lost by the system. Sir, wishing to observe some system in my remarks, I will not now dwell longer on this point; but, after touching upon other topics, will again call your attention to it before I take my seat.

It has been the policy, Mr. Chairman, of all Governments, to encourage the system of settling its waste lands. The wisdom of such a course has been abundantly established by the fruits of the measure. Spain, France, and England, pursued this policy with all the lands which they owned on our continent. Nor were they satisfied with making mere donations; for they not only gave away the lands gratuitously, but rewards were offered, and indulgences extended, to those who would go upon the lands, settle, and improve them. They justly measured the value of land by the labor and improvements put upon it, and the strength and power of a country by the population it contains. To accomplish purposes of so important a character, they wisely pursued the course I have mentioned.

If a system, sir, so universally adopted, is right with respect to other Governments, is it not also right with regard to our own? Indeed, it should be a favorite measure with us; for never, in the history of the world, was there a Government that should so perseveringly pursue and carry out the system. It peculiarly becomes us; it comports with all the principles upon which our Government is established, and recognises the importance of the station of being a citizen of the country. I go farther: I maintain that—each individual of our country being a constituent member of the Government—an integral portion of the sovereign power—it is our high and solemn duty, as legislators, to adopt such legislation as will make every citizen a freeman indeed, by making him independent—by extending to him those facilities which will place him beyond the power of want, and enable him to live as becomes one invested with a portion of the sovereign power, having high and important duties to discharge to himself and his country. It is not the *number*, but the *condition, the comfortable condition*, of the number, that constitutes the real wealth and true greatness of a people. Paupers and vagabonds may fill up a country, but they neither add to its wealth, nor do they contribute to its strength. The rays which illuminate the path of a nation to greatness and glory, can only issue from a people blessed with the comforts of life, and above the necessities which lead to vice. Let them be independent, and they are virtuous; let them be independent, and they are soon well informed; for they have then the time to spare, and the pride to stimulate them, to devote their attention to the great cause of education. Are not these considerations worthy of the profound regard of the American legislator? What possible mode could you adopt so well calculated to develope all that is great and noble in the character of a people, as that of making every citizen of the country a freeholder—the lord of the soil on which he lives?

That the pre-emption system is right—although not as liberal as I could wish it—and no innovation, is proven from the fact that not only has the Federal Government, but every State in the Union having public lands, adopted it.

[Here Mr. LINCOLN rose and said he would beg leave to say to the gentleman from Missouri that he was mistaken; that Massachusetts never had any such laws; and hoped that the gentleman would make the necessary correction in his printed speech.]

Mr. H. continued: Mr. Chairman, if I am in an error, I will correct it. But I do not think I have committed any error on the subject. I made a particular examination of the laws of all the States on this head; and found that every one owning public lands, without exception, had either passed pre-emption laws to protect the settler, or had adopted principles of a similar character.

I have references to those laws, and among them to the laws of Massachusetts and to the page, which I will re-examine when I close. But, sir, I call upon other gentlemen from the old States to notice the references which I shall give, and to deny, if they can, the policy which I say has been pursued by their States. Gentlemen can readily see what application I mean to make of these facts.

The States that I am alluding to not only passed laws of the kind I am speaking of, but their legislation on the subject was of the most liberal character; much more so than the legislation of Congress.

Virginia, for more than a hundred years back, adopted and pursued this policy; in some cases *giving* to the settler two hundred acres, and exempting him from taxes for twenty years.

New York, also, had her pre-emption laws; and so particular was she to protect the settler, that she passed a law compelling any person who might buy over his head to pay him for his improvements.

Maryland had her pre-emption laws, certainly as far back as 1788, and perhaps much earlier.

South Carolina also; and in the preamble to the law which she enacted, the reasons for such a measure are forcibly and most eloquently set forth.

Georgia, too, is found among the number. She went farther than the granting of pre-emptions—*she allowed head rights;* and so extremely anxious was she to have her waste lands settled and cultivated, that the Governor was authorized and required by act of her General Assembly *to invite settlers to the State by proclamation.*

North Carolina is also found sustaining the good cause. And so particular was this State on the subject, that she made it one of the conditions, expressly, in her deed of cession, that the Federal Government should protect settlers in their pre-emption rights.

Quite sure that I am not mistaken in my reference to Massachusetts, I will speak of what she has done, and correct it hereafter, if in an error. Her laws were of the most liberal character, giving to each settler a lot of one hundred acres for five dollars, requiring him to erect a house within one year, and to have ten acres in cultivation within five years.

[Here Mr. LINCOLN again rose and remarked: If the gentleman will permit me, I will show that he is under an entire mistake. He has gone and got this old book, containing our colonial laws two hundred years old, to prove that Massachusetts had pre-emption laws. I protest against those laws being brought here to prove the point the gentleman is aiming to prove.]

Mr. HARRISON continued. Mr. Chairman, I do not now recollect, and cannot say, what book it was, from which I got the extract I have quoted. I still think I am right; but if wrong, will do as I have promised.*

Pennsylvania, too, adopted a liberal policy with her public lands. And as late as last year, there was a meeting of a portion of her citizens, who avowed the same principle that I am now contending for, in a matter which related to their personal interest; and for the benefit of the members from that State, I ask that it may be read.

"LAND MEETING.—At a very numerous meeting of the citizens of Bradford co. Pa. held on Saturday, the 7th day of October, 1837, at the house of Dr. Theodore Wilder, in Springfield township, Elam Bennet, esq. was called to the Chair, and John L. Webb and Zeno Remington chosen Secretaries.

The object of the meeting having been stated, the following preamble and resolutions were unanimously adopted.

Whereas, a large portion of the settlers in Northern Pennsylvania entered upon the lands, then a wild and rugged forest, with the full belief that the legislative enactments of the Commonwealth guarantied to them the quiet enjoyment of their domiciles when rendered valuable by the labor of their own hands, at the prices for which the State sold her lands:

And whereas, their just hopes have been prostrated by the judicial decisions of our higher courts, which have confirmed the claims of an European aristocracy to large bodies of these lands, contrary to the primary intention of the Legislature, by reason whereof the hardy yeomanry of the country, after years of toil and privations, find themselves unable to meet the demands made upon them, and are liable to be cast in destitution upon the world, (many of them at an advanced age,) without the means of support; thereupon,

Resolved, That the Legislature, as the guardians of the rights of all the citizens of the Commonwealth, are confidently looked to as the tribunal from which a just remedy in behalf of the just rights of the settlers is to emanate.

Resolved, That the lands in Northern Pennsylvania having been rendered valuable by the labor of the settlers, it is unjust that they should be ejected therefrom without an equivalent for their labors; and that the Legislature be earnestly and respectfully memorialized to pass a law providing for the payment of a just compensation for their betterments, before they are allowed to be dispossessed.

I come now to Kentucky, the land of my nativity, and I am indeed gratified to have it in my power to show the noble stand which she took in her earliest legislation, and has ever since maintained, to protect the hardy settler, who, in spite of difficulties and dangers, sought a home in the solitude of the wilderness. No State has been more liberal. Every indulgence was granted that was asked for. And it is with no less pride than pleasure that I mention the remarkable fact, that her legislation on this subject increased in liberality from the time it was commenced. At first, settlers were allowed so much land for a certain sum, which was to be paid down. Afterwards they were indulged with a short credit. In a short time, a longer credit was given, and the price reduced. Again, the credit was still further extended, and the price reduced to a trifle. It is now almost nothing, being but ten cents the acre; and the proceeds go to the counties, in which the land lies, to make bridges, and other works of internal improvement. Here is a worthy example. Not only are pre-emptions allowed, but pre-emption and graduation go together hand in hand, to aid the bold and hardy pioneer to procure a home, and the State to get a useful and independent citizen.

Such, sir, has been the legislation of the different States of the Union on the subject. And, now, I would ask why has it been done! Say, what motive prompted such legislation? What influence stimulated to the adoption of such a policy? Is it wrong?—wrong in theory, wrong in practice? Why then have so many States, without any connection in their legislation, without any connection in interest, adopted and carried on and sustained it for such a series of years? Answer me. What inducement led to the system? Will any gentleman here undertake to deny the justice of the principle? Sir, a measure which has received the sanction of so many different Governments—has been so often and so long favored by their legislation—that has been asked for and sustained by so many different people, must not only be right in policy, but right within itself, founded upon the eternal and immutable principles of justice, and resting upon that consciousness within, which not only enables us to see, but to feel, the righteousness of the act we perform. All that ever stimulated a people to seek a high and noble destiny, was the salient and originating principle that prompted the different States to adopt the system. And now, sir, that the States have no more public lands, has the principle changed? What spirit of evil has come

* The day after I delivered my speech, I made a particular examination into the laws of Massachusetts, and found that, by a law passed in 1815, commissioners were appointed, who were to lay off the public lands in a given number of lots, each lot containing 100 acres. Each *alternate* lot was to be sold for $5, to such as would settle upon the same, and give bond to erect a house within one year, and have ten acres in cultivation in five years. I gave the book to Mr. PRENTISS of Mississippi, as he was speaking, who read the section referred to, and sustained me in my position. In my opinion, it is of a more liberal character than the laws of Congress allowing pre-emptions. What Western man is there, desirous of getting a farm, that would not give a similar bond?

over us, that it is now less applicable to our people, our country, and institutions, than when this mighty domain was held by the States?

I can add to the proof already advanced of the justice of the principle, the weight of that of the General Government. From the time that these lands were ceded up to the present period, the General Government adopted and continued the system. Why should we abandon it now? What reason operates now, which never existed before, that should induce us to give it up? None whatever. For more than forty years, Congress has passed pre-emption laws; and it is now too late to object. You have, in fact, invited men to become settlers; you have virtually told them to go upon the public lands and improve them. Supposing you sincere, they had no hesitation in going upon the lands, and there bestowing their labor, believing that you would do for them what you had done for others. If they have done wrong, you have done worse, because it was your uninterrupted policy on this subject that led them into the error.

I know full well, Mr. Chairman, what has been said of the settlers of the new States. I know how they have been denounced and abused. I know the reproachful epithets that have been heaped upon them. I know that they have been called "plunderers," "lawless depredators,"&c. but, sir, no man knows better than I do how unjust and inapplicable are all these harsh epithets. It is at all times painful to hear any class of the citizens of our country denounced by any reproachful language, or brought within the scope of any general charges; but it has been done—most unjustly done; and I am determined to vindicate them as they deserve.

Sir, it is in my power to vindicate them. My personal intercourse and personal acquaintance with these men, enables me to speak what I know to be facts. It is utterly false that they are obnoxious to the epithets which have so wantonly been lavished upon them; and the man, whoever he be, that here or elsewhere, in or out of this House, chooses to apply such epithets to these men, I pronounce to be guilty of a foul and wilful calumny. I know them well. I have eaten at their board, slept under their roof, and mingled with them in their intercourse with the world; and a more kind, hospitable, brave and generous people I defy the world to produce. They, in truth, are the fathers of the country. Every State in this Union has had its settlers—men, brave and daring, who went into the wilderness as pioneers, opening and preparing it for the more timid who were to follow. It is these men who give character and tone to the generation that follows them; and it is to such men that the West owes its character for bravery and chivalry. Sir, men who go into the deep solitudes of the wilderness, seeking a home for themselves and their families, risking their lives at every step, ready for any danger, and prepared for every difficulty, giving up most of the comforts of life, and subjecting themselves to hardships, which you and I would consider the heaviest punishment that could be inflicted upon us, are not the men to be guilty of the foul charges that have been alleged against them. The God of Heaven never ordained that the noble qualities of virtue, patriotism, courage, and noble daring, should be found in the same bosom with treachery and baseness. No, sir. The high tone of character of the Western settler is far above that deep abyss of vice to which some seem so willing to consign them. They are the best blood of the country; and, if they are deficient in those accomplishments which a liberal education affords to others, they make up for the loss in the possession of qualities of a sterner cast, which belong only to them. And it affords me a self-gratification, which none but he who is acquainted with them can experience, to say that I am proud of being the representative of such men. Others may affect to be ashamed of representing such a class of men; but I am not, and nothing shall deter me from doing them the fullest justice. I am no more ashamed of the settlers of the West—ay, *squatters*, if you will have it—than should the proud and lofty-toned "old Virginia" be that her first mothers were women who were brought from England, put up at public auction, and bought by the planters for a few pounds of tobacco.

Strangers might well suppose, from the denunciations employed against these men, that they were as low and degraded in intellect as they are charged to be abandoned in moral principle. I am truly happy that I have the opportunity of furnishing you with a specimen of their intellectual powers. The paper which I ask to be read, is a memorial of a portion of the settlers of Illinois, asking Congress to pass the pre-emption bill.

"In the further execution of what we conceive to be duties devolving upon us, in virtue of our appointment, we are constrained to say, that it is not without feelings of surprise and regret we have heard, especially within the last year, that unfounded reports are put in circulation, impugning, in general and no very measured terms, the character, motives, and objects of the settlers upon the public lands, representing them (in the use of epithets which neither a just self-respect, nor a due regard for dignity of your honorable body, will permit us in this place to repeat) as men without character and without rights. We are pained to observe that many of these fallacious reports are gaining credence, and, becoming the theme of conversation in the older States, have found their way into the public prints, and have even been echoed from the walls of the Capitol.

"As settlers on a portion of the public lands not in market, we feel it incumbent on us to assume a portion of the responsibility and odium (if such it is) of these attacks; and knowing that falsehood, often and confidently repeated, sometimes gains the credit due only to truth; and believing that these fabrications are, in their tendency and design, directly subversive of the just rights of those whom we represent, we could not pass them in silence, without a gross dereliction of duty.

"If you ask, then, 'who are the settlers on the unsurveyed public lands?' we answer for the northern section of the State of Illinois, we are your brethren. Our number includes natives of all the eastern, middle, southern, and older western States of this great confederacy; whose character for intelligence, industry, and moral worth, would not (we venture to assert) be disparaged by a fair comparison with the communities which they have left.

"Invited hither by repeated acts of our own Government; from time to time extending protection to the hardy pioneer, who bears the heat and burden of the day in reclaiming the wilderness; converting the haunts of the prowling wolf, and the roaming savage, to the delightful abodes of civilized man; we were impelled to accept the invitation, by that spirit of enterprise which constitutes the distinctive feature and the peculiar boast of the American character.

"We are engaged in the quiet pursuits of agriculture and its kindred employments; and in a country which, three years ago, was little better than a desolate waste, are now to be seen comfortable dwellings surrounded by valuable improvements. Water power is being improved; and saw and grist mills are built or rising in every direction.

"We have churches—not stately temples, but bands of devout worshippers, who, prizing above all price their personal interest in the Christian religion, and regarding it as the surest basis of individual happiness and of general prosperity, feel bound, as parents and as citizens, to provide for the early establishment of its institutions amongst us.

"We have ministers of the Gospel: men respectable for talents and estimable for piety, whose cheerful diligence in the duties of their calling, under severe hardships and privations, has won for them our confidence and affection, and will cause them to live long in the grateful remembrance of our children.

"Thus, while struggling with the difficulties ever incident to new and frontier settlements, we have not lost our regard for the maintenance of good order, nor our respect for the laws of our beloved country. And we are at the same time making, as we think, large sacrifices and strenuous exertions to uphold the standard of a pure and elevated morality amongst ourselves, and to provide for the intellectual and moral improvement of the rising generation.

"If such is the general character of the body we have been appointed to represent, (and we rest all claims to your favorable regard upon the correctness of the foregoing statements,) are we then to be considered lawless depredators on the public property? Are we to be regarded as mere trespassers, already beyond the pale of a liberal protection? Are we not, in fact, located on the public lands under circumstances precisely similar with those who have settled a large portion of them heretofore, and who have been repeatedly confirmed and protected in their possessions by the legislation of Congress?

If a different policy were now to be adopted; if, regardless of the value which the toils and expenditures of actual settlers have conferred on the public lands around them, their own improvements were to be set up for sale to the highest bidder; nay, more, if by some new regulation the present inhabitants on the unsold land were to be placed completely within the grasp of the wealthy speculator—what, we ask, would be the consequence? Would the great and paramount interests of the Union be benefitted? It is barely possible that our overflowing Treasury might receive a temporary accession, while thousands of worthy citizens, with rising families, would be beggared. The prosperity of our rising State would suffer a withering blight, and (we must be permitted to add) our nation's honor would contract an indelible stain."

Does this show any thing like a degraded ignorance? The vainest of this body might well be proud to be the author of such a piece. It contains an eloquence which burns upon the lip, because it comes warm from the heart.

It is a very common opinion, I know, that the General Government has done much for the West; and the gentleman from New Jersey took occasion to allude to it. I do not mean, by any thing I may say, to excite sectional feelings; nor do I desire to offend the sensibilities of any gentleman by my remarks on this head. A careful examination of this point will show the contrary. Those who so flippantly speak of this, by way of showing the many obligations of the West to the old States, do not know the ground they stand on, and take a leap in the dark, when they make the assertion. The fact is, there has been something of a feeling of opposition to the West, from the first deeds of cession to the present hour. How else can we account for many strange acts of legislation on this subject? After the cession of the lands to the General Government, the attempt was made that every previous township should be sold out complete, before another should be offered for sale. Then the proposition was submitted, that 640 acres should be the smallest tract sold. If these propositions had been carried, what would have been the present condition of the West? A wilderness, with prowling beasts roaming where now are towns and villages, and cultivated fields.

Is it the result of accident that the resources of the West have been locked up? Look at the mineral lands, the saline lands, and salt springs, so abundant in the new States, and tell me what it was that induced you to reserve them from sale? What but a sordid feeling, which led you to believe that, by withholding them from private enterprise, you could suddenly amass immense wealth by monopolizing them, in spite of the experience of every day, which taught you that at best you was but a bungling operator. Look at the private land claims that yet cover the territories of Missouri, Arkansas, Mississippi, and Louisiana, in the face of that treaty in which you solemnly plighted your faith that those who were transferred to our Government, should be protected in their private rights. More than the third of a century has elapsed since the date of the treaty, and these rights not yet protected! But the injury to private individuals is not all that has been done. The States in which these claims are to be found, are to be harassed for years to come with lawsuits, growing out of the course that has been pursued; and many portions of them are doomed to be a wilderness, because you will not take the necessary steps to have them finally settled.

I will now reverse the picture. What has the West done for the General Government? Western enterprise has made you rich. It is the labor of the Western man that has given value to your lands. It was Western bravery that redeemed them from the hands of the savages; and what was the assistance of the Government to the West in thus redeeming the country from the possession of the savages? None. Tennessee fought through a twelve years' war without any. Kentucky, in her fifteen years' war, received none until about the close of it. Your lands have been redeemed by the sweat and the labor and the sufferings of the Western pioneer, and made valuable by the price of his blood. But, sir, if the labor we have bestowed, the improvements we have made, and the blood we have spilt in acquiring the country, will not entitle us to consideration, then I would ask you to look to the revenues you have derived from that quarter. Go to the city of New Orleans, and examine the amount of her exports and imports; and after you have made a calculation of the revenues that have been derived from that single port, then deny, if you can, that you have not long since received an equivalent for your lands. You have been more than paid in hard dollars.

We are a neglected people. Ours is a farming interest; you have done nothing to aid it. But year after year, you make appropriations, and millions upon millions you spend, to protect commerce—to assist and extend facilities to the mercantile interest. At this time, every sea on the globe is whitened with the sails of our navy, which has been distributed throughout the earth to give protection to our commerce. I do not complain of this; I only complain of the exclusiveness of your fostering care. It was but the other day that hundreds of thousands of dollars were appropriated to fit out an exploring expedition; an expedition expressly designed to advance, assist, and give further advantages to commerce. This is not all. I address myself to certain gentlemen of this House, and ask them to turn their attention to the fisheries, and to see that here, we not only give all the protection which they could ask, but that, in addition to this, we give bounties to vessels engaged in

the trade. Yes, sir, bounties in the nature of a reward to carry on a certain branch of industry! Are gentlemen coming from the section of the Union where these bounties are allowed, prepared to vote against the pre-emption bill?—a bill which does not merely give a home to those entitled to its benefits, but which adds to the permanent wealth of the country by enlarging its producing means. The great wealth of a nation consists in its agricultural and planting interests. It is these that give an impetus to, and feed, commercial pursuits. They are the fountain that waters and fertilizes every department of industry; the life spring that sets in motion, and sustains in their movements, all the various branches of business that lead to a nation's prosperity. And there is no branch of trade in the whole department of political economy that is so peculiarly proper for our Government to foster and cherish as the agricultural interest. It is not only compatible with, but exactly suits, the genius and spirit of our Government. Rural pursuits withdraw us from the scenes of vice and crime. The life of the farmer is the life of virtue, of peace, and contentment. As an index to the condition of the country populated with these "plunderers" and "depredators" of the public lands, and as a further specimen of their character, I gladly seize upon this occasion to read from the Columbia Patriot of the 12th of January, 1836—a paper printed in the town of Colnmbia, in the State of Missouri—a statistical account of crimes that had been committed in that county from the time it had been organized up to the time of the issuing of the paper.

STATISTICS FOR BOONE COUNTY.

Boone county is supposed to contain at the present time about 13,000 inhabitants. As an index to the moral condition and character of the people, we offer the following table, which exhibits accurate statistical results upon the subject of crime committed within i s limits since it was organized as a county, embracing a period of nearly sixteen years:

Crimes.	*Number of trials as shown by the records of the Court.*
Murder,	none.
Manslaughter,	none.
Robbery,	none.
Duelling,	none.
Burglary,	none.
Arson,	none.
Perjury,	none.
Forgery,	none.
Rape,	none.
Seduction,	none.
Bigamy,	none.
Adultery,	none.
Larceny,	Three convictions, (two white men and one negro.)

Here, sir, is a display of virtue and moral rectitude which you cannot show me in the States of those who are so ready to cast reproaches upon us; and I feel proud of the honor of being the representative of such a people.

It is the farming interest that constitutes the solid wealth and real glory of a Government. A man who is a freeholder has the means of educating his children; and the very fact that he is so, infuses into him a feeling of pride which prompts him to give that attention to this great subject which otherwise might never have engaged his mind.

Let me, then, entreat you to relax your grasp. Our land system is the most rigorous of any on earth. We are the only people who have ever attempted to speculate upon our public lands. The whole system is at war with nature. The earth was given to man to cultivate and to live upon it; and it was a high command, which we cannot question, that directed us to replenish it.

But gentlemen express a fear that these laws will soon consume the public lands, and that the Government will lose millions by them. Never was there a greater fallacy. The Government loses nothing by pre-emption laws. By an examination of a document, from the Land Office, which I hold in my hand, laid upon our tables this session, it will be seen that the average excess over the minimun price, from 1st July, 1820, when the cash sales commenced, to the 30th September, 1837, *is but two cents and four-fifths of a cent per acre.* About three millions of acres only have been taken up by pre-emptions. Now, if any one will make the estimate, it will be found that the amount which it is said the Government loses by the pre-emption system, does not amount to the incidental expenses attending the auction system, which, by reference to another document now before me, will be found to be $362,957 17. Sir, is this worth quarrelling for? Is it worth the grave discussion we are now carrying on? It is humiliating to think that we are consuming the valuable time of this House about so miserable and paltry a matter.

The true secret of the opposition of some is, that the system drains the old States of their population. This is a sordid and seifish consideration, which I fain would hope is not seriously entertained by many. What of it, if population does go from the old to the new States? It is all one common country, having one common destiny; and whether in weal or in wo, we shall all be equally the common recipients of the cup that may be offered us. We should think and act upon more expanded views. There are some, east of the mountains, who have taken a wider range, a more comprehensive scope, of the effects of this measure; and, taking a survey of the whole as one people, have, as liberal and high-minded statesmen, given it the strength of their talents and influence. Time will not obliterate the deed from the memory of a grate ful people. Long, long, will it be remembered; and many will they be whose hearts will beat high at the mention of those distant friends of the East, who came to their relief in the time of need, and assisted in furnishing them a home.

The true policy of the Government is, to sell these lands as soon as possible; to get rid of the whole system, as not only vexatious to itself, but as cramping the energies of a vigorous people, and blighting their fairest prospects. The speedier it is done, the better; for, in doing it, you increase the number of those who will by the policy become independent and happy, and then you make the States in which the lands lie, what they should be, *really free and sovereign.*

I have here touched a theme that should enlist the attention of States Right men. This I consider the most prominent point in our whole land system. Will any gentleman here say that we are *free, sovereign, and independent States?* I mean *as free, sovereign, and independent as the old States?* I know that we are said to be such; but it is a mockery—a vile mockery as was ever uttered. How are we *as* free, sovereign, and independent *as* the old States, when you hold within our limits upwards of three hundred millions of acres of land, over which we have no control, and can exercise none; we cannot tax it, nor indeed can we tax it after the General Government has parted with its interest in it, until five years shall have elapsed from the day of sale. More than all this, the State tribunals cannot make an order for the establishment of a road, without becoming trespassers, and yet we are called free and sovereign! It is out of courtesy, I presume, that we have the privilege of applying to ourselves these high-sounding words; for were it done in sincerity and in good faith, according to the spirit of the Constitution and the literal meaning of the resolutions of Congress in 1780, your land system would vanish in an instant before the real and omnipotent presence of sovereignty.

But the system is liable to other objections. It operates most oppressively upon us. Having no lands of our own from which to raise taxes, we are necessarily compelled, for the purpose of carrying on our Governments, to levy a heavy poll tax, and a heavy tax upon personal property; such a tax as the people of the old States would not bear with. But *we* bear them without complaining, because we know how unavailing would be our murmuring, although free, sovereign, and independent.

Sir, no people ever attained the pitch of power, of wealth, and of influence, that the West has done, who had to contend against so many difficulties and obstacles as we have found in our path wherever we travelled, and around us in whatever direction we turned.

We are constantly drained of our money by the system. We have paid more than one hundred millions for the lands that we have purchased of you, and that money has gone to the sea board, and there been expended upon fortifications, light houses, and other works of the kind. In this silver stream that has been running and rushing from the West to the East, ever since the existence of the land system, there is no ebb to throw back the mighty current from whence it issues. We have no trade with the East by which we can get back the money that is sent across the mountains. And yet, sir, we have not only lived in spite of this eternal exhaustion, but we have grown, and strengthened, and flourished under it, arising from that indomitable spirit of enterprise which so peculiarly characterizes the western man. Our difficulties have been many, our trials severe, and we consider that we are entitled to the favorable consideration of the General Government.

The rejection of this bill will not profit you a farthing: in no way can you gain by it. But pass it, and you will make thousands happy. It will give a home to thousands, who, relying upon your policy, and confiding in your justice, have sought the solitude of the wilderness, and made it resound with the busy hum of civilized man, engaged in the various arts of peaceful industry. Cultivated fields and blooming gardens now greet the eye in every direction where but a short time back was to be seen naught but the deep gloom of the heavy forest. By passing this bill, you give a guaranty to those who are to be the recipients of its benefits, which, through all time, will redound to the honor and prosperity of the country. You will give to the poor man the opportunity of getting a home that will make him independent; that will render him a useful citizen, and enable him to educate and bring up his children in the paths of virtue, and make them ornaments of society. You indissolubly tie him to his country, because he *has* a home—a country to defend and a home to love. It is this—the consciousness of having a home and a comfortable independence—that nerves the arm in battle, and makes the citizen soldier so ready to pour out his blood like water for the liberties of his country. It was this proud and independent feeling that roused up the spirit of the West in the late war, and made them carry in their hearts what they uttered from their lips, the battle-cry of liberty, "*Free trade and sailor's rights.*" It was this that prompted the citizen soldiers of the West to seek the enemy of their country in every clime where he dared to pollute the soil of our country, whether in the frozen regions of the North, or on the burning sands of a Southern sun—on the bloody plains of the river Raisin, or the glorious field of New Orleans. Can you expect such devotion to the cause of the country from men who have not these ties to bind them? From men of whom it may be said they have no country, because they have no homes? Now is a time when you may give birth to such attachments as these. The occasion is at hand when you may perform one of the noblest offices that falls to the lot of man: that of providing the means, without injury or loss to yourselves, by which thousands may acquire homes for themselves and their families.

There is something dear and sacred in that word; it thrills the heart with fond associations, and many a cherished recollection. Home is the abode of virtue; and say what we may, talk as we will, it is at last the only altar of patriotism. It is here that the germ of virtue buds forth and blossoms; here, that the purest affections of the heart—the best and warmest feelings of patriotism—the holies: impulses of religion, spring forth, and are cherished. It is here, around the fireside, in the family circle, that all the great guaranties of a nation's liberty have their origin. This is the altar from whence shall emanate that spirit of independence, and that deep, abiding, love of liberty, which, as a wall of fire, shall guard and protect the country in its heaviest trials. It is in vain that you look for it elsewhere. It is "the cloud by day and the pillar of fire by night," that shall conduct us unerringly to greatness and to glory, and perpetuate the liberties we enjoy. Let us do, then, at once, and without further hesitation, what interest dictates, what duty demands, what patriotism requires—pass this bill, that we may help the settler.

NOTE.—I observe it has been stated that those living upon unsurveyed lands will not be benefitted by the pre-emption bill which came from the Se-

nate. This is altogether incorrect. Such as live upon unsurveyed lands will be included within the provisions of the bill, as well as those residing upon lands that are surveyed. The bill, so far as this point is concerned, is in exact conformity with the instructions of the Commissioner of the General Land Office, under date of the 11th October last.

NORTHEASTERN BOUNDARY.

SPEECH OF MR. WILLIAMS, OF MAINE,

In the Senate of the United States, Monday, June 18, 1838—In reply to Mr. BUCHANAN, on the motion of Mr. WILLIAMS for leave to bring in "a bill to provide for surveying the Northeastern boundary line of the United States, according to the provisions of the treaty of peace, of seventeen hundred and eighty-three."

Mr. WILLIAMS addressed the Senate as follows:

Mr. PRESIDENT: For the able and unanswerable argument of the Senator from Pennsylvania, in support of the right of Maine and of the United States to hold the disputed territory according to the line claimed by us, and exhibiting the unsoundness of the argument of the British Government in opposition to it, I return to him my sincere thanks. But when that Senator supposes that Maine wishes to take the law into her own hands, and in the measures she has adopted appears to have been governed more by passion than by policy, I feel bound, as a native citizen of that State, and as one of her representatives, to say that this depends more upon the facts of the case, than upon his, or my own, conclusions from those facts. While I would not deny to that honorable Senator the right to form his own opinions, I must be permitted to dissent from them, and to state facts as they exist, from which Senators will be enabled to determine for themselves, whether or not the State of Maine ought to be regarded as acting from passion, or from a just regard to her important rights, and the proper maintenance of them, in the measures she has adopted.

It is admitted on all hands, that the right to the territory in dispute is in Maine, and that the pretence of claim by the Government of Great Britain, is without foundation. This right was recognised and established by the treaty of 1783; and Massachusetts, as early as 1802, granted lands up to the line now claimed by Maine. The grantees were suffered to enjoy their lands without objection from any quarter, till after the treaty of Ghent. These lands are now claimed to be within the disputed territory, the settlers upon them are claimed as British subjects, and the territory put under *wardenship* by the Governor of New Brunswick. However ready Senators may be to admit and maintain the perfect right of Maine, and of the United States, to the disputed territory, it is true, and to be borne in mind, that in 1827 certain American citizens, settlers thereon, were arrested by the authorities of New Brunswick, for attempting to prevent the passage of the British mail across and over this territory, were torn from their homes and their families, dragged to Fredericton, and there required to recognise, with sureties for their appearance at court, to answer to high crimes and misdemeanors, alleged to be committed against the sovereignty and laws of New Brunswick. Some of them were able to find sureties, and thereby obtained their release, and returned to their families. Another (John Baker) could not, or did not, find sureties; in consequence of which, he was thrown into prison at Fredericton, and there detained until he was tried; and although he claimed his rights as a citizen of the United States, and insisted that he was not subject to the jurisdiction of the courts of New Brunswick for any act done within the limits of the United States, yet he was *convicted*, and *condemned* to pay a large fine to the Government of New Brunswick, as the penalty for his supppsed offence; and not complying therewith, was remanded to prison, and there kept a long time, until the Government of the United States remonstrated to the Government of Great Britain, and finally procured his release, *upon the gracious pardon of the British authorities;* and to this day no satisfaction has been made by the British Government for this outrage.

In 1831, certain inhabitants of Madawaska, west of the line running north from the monument, and within the disputed territory, acting under a warrant from a magistrate of the State of Maine, undertook to organize a town which had been incorporated by the Legislature of that State, and were arrested as offenders against the laws of New Brunswick, tried and convicted by the courts of New Brunswick, sentenced to pay fines for their supposed offences, and imprisoned for the non-payment of them. Afterward, upon the representations of this Government to that of Great Britain, these persons were released and permitted to return to their homes, and the fines imposed upon them were *graciously remitted.* In 1837, the Legislature of Maine passed a law to deposite with the towns and plantations within that State the proportion of surplus revenue assigned to Maine by the United States, according to the number of inhabitants in each town and plantation. Under this law, a Mr. Greeley was appointed to ascertain the number of inhabitants in the unincorporated places in the county of Penobscot, and while performing this service within the disputed territory, he was arrested, carried to Fredericton, and there imprisoned as an offender against the laws of New Brunswick. He was detained a short time, and upon the application of this Government was set at liberty. Soon after this he recommenced the business of enumerating the inhabitants of that territory, and was again arrested and thrown into prison at Frederickton, and there detained several months, until the authorities of Maine appealed to this Government, and this Government to that of Great Britain, when his release was procured; and thus ended the efforts of Maine to obtain the information necessary for carrying into effect her laws respecting the surplus revenue, so far as respected the disputed territory. Not the least apology or satisfaction has ever been obtained from the British Government, or the Government of New Brunswick, for these outrages upon the just rights of Maine, and upon the persons of her citizens, who had been guilty of no crime other than attempting to execute the laws of their State within her rightful limits. Add to this the fact that the Lieutenant Governor of New Brunswick, in an official communication to the Governor of Maine, in 1837, says:

"That he holds positive instructions from his Government not to suffer any act of sovereignty or jurisdiction to be exercised by any foreign power within the territory in dispute betwixt Great Britain and the United States, until the right to that territory shall have been determined by negotiation betwixt the two Governments; and that if the whole military force of British America should be necessary to enable him to give effect to those instructions, that force would be placed at his disposal."

Thus, sir, we have a foreign power claiming and exercising jurisdiction over one-third of the territory of Maine, arresting, imprisoning and punishing our citizens for no crime against that Government, with notice that that Government will not suffer any act of sovereignty or jurisdiction to be exercised by us within the disputed territory until the right shall have been determined by negotiation; and if necessary, the whole military force of British America will be exerted to give effect to that determination. Can it be expected by any free born American that Maine or the United States are to submit quietly to such outrages upon their property, and upon the persons of their citizens? Would any Senator feel justified by his vote to give countenance to such acts? Can it be expected that Maine will longer remain quiet, and permit a foreign Government to usurp so large a portion of her territory, and to arrest and imprison, in a foreign jail, her citizens for no other crime than that of yielding obedience to her own laws?

Now, sir, let us inquire what Maine has done to subject herself to the charge of being governed more by passion than by policy. After Maine had suffered all the indignities which have been enumerated, and without the least promise of redress from any quarter, her Governor was informed by the letter of 1st March, 1838, from the Secretary of State of the United States, of the various attempts which had been made by the Government of the United States to settle the question of boundary with the Government of Great Britain; detailing the propositions which had been made since the rejection of the advice of the King of Holland in 1832, and the answers which had been given thereto by the British Government; and inviting the Governor of Maine to adopt such measures as he might deem necessary to ascertain the sense of the State, with respect to the expediency of attempting to establish a conventional line of boundary betwixt that State and the British possessions, by direct negotiations between the Governments of the United States and Great Britain; and whether the State of Maine will agree, and upon what conditions, if she elects to prescribe any, to abide by such settlement, if the same be made? Should the State of Maine be of opinion that additional surveys and explorations might be useful, either in leading to a satisfactory adjustment of the controversy, according to the terms of the treaty, or in enabling the parties to decide more understandingly upon the expediency of opening a negotiation for the establishment of a line that would suit their mutual convenience, and be reconcilable to their conflicting interests, *and desire* the creation for that purpose, of a commission upon the principles, and with the limited powers described in the letter of Mr. Fox to the President will, without hesitation, open a negotiation, with Great Britain, for the accomplishment of that object.

This letter was communicated by the Governor of Maine to the Legislature, then in session; and it may be proper here to remind the Senate that in Mr. Forsyth's reply of 7th February to Mr. Fox's note of the 10th of January, 1838, he concludes by saying:

"That he is instructed to inform Mr. Fox, that if a negotiation be entertained at all upon the *inconclusive and unsatisfactory basis* afforded by the British counter proposition or substitute, which possesses hardly a feature in common with the American proposition, *the President will not venture to invite it*, unless the authorities of Maine shall think it more likely to lead to a final adjustment of the question of boundary than the General Government deems it to be, though predisposed to see it in the most favorable light."

All the papers, with the Governor's message, were referred to a committee, who made a report thereon, from which the following is an extract:

"To such a conventional line, *or to such a commission of survey*, we believe the people of this State are not prepared to assent. They ask, and they think they have a right to demand, that after the lapse of more than half a century, the eastern line of our State, in its whole extent, *shall be run and established according to the treaty of* 1783."

Upon which report the following resolutions were adopted nearly unanimously:

"*Resolved*, That it is not expedient to give the assent of this State to the Federal Government to treat with Great Britain for the establishment of a conventional line for our northeastern boundary, but that this State will insist on the line established by the treaty of 1783.

"*Resolved*, That as this State has never heretofore given her consent to the appointment of an umpire under the treaty of Ghent, in 1814, but has protested against the same, and as she believes it to be a grave question whether the provision in the treaty for this purpose has not done its office, and is therefore no longer in force, she is not now prepared to give her assent to the appointment of a new arbiter.

"*Resolved*, That our Senators and Representatives in Congress be requested to urge the passage of the bill for the survey of the northeastern boundary of the United States, now pending in Congress; and that if said bill shall not become a law during the present session of Congress, and if the Government of the United States, either alone or in conjunction with Great Britain, or the State of Maine, shall not, on or before the 1st day of September next, establish and appoint a commission for a survey of the boundary line, it shall then be the duty of the Governor, without further delay, to appoint forthwith suitable commissioners and surveyors for ascertaining, running, and locating the northeastern boundary of this State, and to cause the same to be carried into operation."

Now, Mr President, being well satisfied from a careful examination of all the correspondence between the two Governments on the subject of the boundary, that Great Britain is determined *not even to open a negotiation* with this Government for the establishment of the boundary line upon *the basis of the treaty of* 1783, or to agree to any mode for establishing the treaty line, unless this Government will *first* agree to *some modification* or *instruction* which shall secure to her a line *different* from that prescribed in and by the treaty, how can it be said that the resolutions before recited are the result of passion, or different from what the exigency of the case demands?

It is to be remembered that the resolutions were adopted by the Legislature in *March last*, when all attempts to settle the boundary had failed, and when the Legislature were informed by this Go

vernment, "that if a negotiation be entertained at all, upon the *unsatisfactory basis* afforded by the British counter proposition or substitute, *the President will not invite it*, unless the authorities of Maine shall think it more likely to lead to an adjustment of the question of boundary than the General Government deemed it to be, although predisposed to see it in the most favorable light." What should Maine do under such circumstances? She had already repeatedly seen her citizens arrested, imprisoned, and punished unjustly by a foreign Government. She had been admonished and entreated by the General Government to desist from doing any act upon the disputed territory that might be inconsistent with the understanding that was said to be had between the two Governments as to the territory during the pending of the question; and while endeavoring to conform thereto, she found the claims of New Brunswick enlarged and extended until they covered one-third of her whole territory, and that a warden was commissioned by a foreign power to watch over, and ostensibly to protect the territory from depredation, and at the same time the valuable timber upon it was fast disappearing.

Maine had often remonstrated to this Government against these violations of her rights and territory, and entreated the aid of this Government to settle the line of boundary and to obtain redress for the many wrongs done to her. All had failed, and no hope was left, as she was informed, of settling the question upon terms which the General Government would "venture to invite," *unless Maine should desire it.* To such terms she could not agree, and hence resolved to request her Senators and Representatives in Congress to procure, if possible, the passage of the bill now under consideration, authorizing the President to run and mark the line according to the treaty of peace; and if that fail, and the Government of the United States, either alone or in conjunction with Great Britain or the State of Maine, shall not, by the 1st of September, establish and appoint a commission *for a survey of said boundary line*, then it shall be the duty of the Governor to appoint surveyors and to run and locate the boundary. What is there rash or impolitic in this measure? What other mode is left for Maine to obtain her rights? If the General Government, after having made at the last session an appropriation for this object, will not *now* direct the line to be run, will they *ever* do it? If ever, *when?* The Senator from Pennsylvania says after we shall have waited the result of the pending negotiation! But recollect that when this resolution of Maine was passed there was no negotiation pending, nor any reason to expect that it would be renewed *unless Maine should desire it;* and she knew, if she did not make herself so understood, that she did not desire it upon the *inconclusive and unsatisfactory basis* proposed.

Then I would again ask, What should Maine do to obtain her right, and a boundary line according to the treaty? Was any other mode left to her than those contemplated by the resolve, viz: first, to get Congress to authorize the President to run and mark the line: if that fail, then to get the President, with the aid of the former appropriation for this object, either alone, or in conjunction with Great Britain if she will, or with Maine, to establish a commission *for the survey of the boundary line*, by the 1st of September; and the other mode failing, thirdly, that the Governor should forthwith cause the line to be ascertained, run, and located. If the line be ever run, it must be done in some of these modes. If Congress will not authorize it, and the President will not do it, either alone or with Great Britain, or with Maine, then Maine must do it, or it will not be done. Then shall Maine be considered to have acted rashly in adopting her resolutions? Do they propose any thing beyond what the exigency of the case demands? If not, then the Senator from Pennsylvania was wrong in supposing that her acts were more the effects of passion than of policy?

It has been further said that Maine acts inconsistently in finding fault with the late proposition of the President to the British minister; that her Government and Legislature invited the measure, and when adopted, it is complained of. Whether or not Maine be liable to this charge, depends upon her acts, and a just construction of her resolutions. It may be, and probably is true, that her acts and resolutions have been considered by the President as indicating her desire for the establishment of a commission of exploration and survey; but knowing, as I do, the feelings of the people of Maine upon this question, and having examined the report of the committee to whom Mr. Forsyth's letter, and the messsge of the Governor, were referred, I am well satisfied that it was not intended by the Legislature, or by her resolutions, to express any desire for the creation of a commission *upon the principles proposed* by Mr. Forsyth to Mr. Fox, in his letter of 27th April last; and unless they did desire the creation of such a commission, it was not to be expected that it would be invited by the President.

The Senator from Pennsylvania supposes that the resolution of Maine does, in terms, ask such a commission, and if not in terms, it is fairly to be inferred from an omission to negative it, as was done in reference to the conventional line, and to the appointment of a new arbiter. He construes that part of the resolution which says "that if the Government of the United States, either alone, or in conjunction with Great Britain, or the State of Maine, shall not, on or before the 1st of September, establish and appoint a commission for a survey of said boundary line" to mean "the establishment of a joint commission of survey and exploration, upon the basis of the original American proposition and the modifications offered by Her Majesty's Government," as proposed to Mr. Fox by Mr. Forsyth; and so, it would seem, the President must have regarded it, or he would not have ventured to invite it, in contradiction of what had been said to Mr. Fox in the letter of Mr. Forsyth of 7th February last.

The Legislature of Maine has not, as yet, had any opportunity to say whether or not the construction of the Senator, and of the President, is in accordance with their understanding of the resolution; and it remains for the Governor of that State to determine whether the proposition now made, if accepted, "will establish and appoint such a commission for a survey of said boundary line" as will relieve him from the obligation imposed by the resolution "to appoint forthwith suitable commissioners aed surveyors for ascertaining, running, and locating the Northeastern boundary of this State, and to cause the same to be carried into operation." While I would not insist that the Governor may not so regard it, I cannot suppose that, in forming the resolution, the Legislature had in view *any such* commission as is now proposed, but that the "survey of said boundary line," mentioned in the *resolution*, was such a survey of the boundary line according to the treaty of 1783, as is mentioned in the *bill* now before Congress, and as is to be made by the Governor in the event of such a survey not being made in the other modes mentioned in the resolve.

But, suppose the President did understand the resolution and the Governor's letter as desiring the appointment of such a commission, and hence directed the proposition of Mr. Forsyth to Mr. Fox of the 27th April, should that prevent the passage of the proposed bill to authorize the President to run and mark the boundary line according to the treaty of 1783? This may depend upon what that proposition is, and the probability of its leading to any satisfactory result. If it means what the words ordinarily imply, it might lead the commission to such a survey as would make the final settlement of the line more difficult than it now is, especially if such commission should be "instructed to look for highlands which *both parties* might acknowledge as fulfilling the conditions of the treaty;" and, in that case, produce the condition of things which Mr. Fox, in his note of the 10th January, 1838, describes in these words:

"And if the investigations of the proposed commission should show that there is no reasonable prospect of finding a line strictly conformable with the description contained in the treaty of 1783, the *constitutional difficulties* which *now* prevent the United States from agreeing to a conventional line, may possibly be removed; and the *way* may *thus be prepared* for the satisfactory settlement of the difference by an *equitable division of the disputed territory.*"

The unexpected information that such a proposition, and the apparent broad terms in which it was made, as are contained in Mr. Forsyth's note to Mr. Fox of 27th April, produced alarm and anxiety for the rights of Maine, and very naturally induced expressions which the Senator from Pennsylvania considers as finding fault with the Administration for doing that which was understood to have been desired by Maine. It is very true that until Mr. Forsyth's letter to me of 26th May I had considered the proposition, according to its natural import, without knowing how it was, or should be, regarded in a diplomatic sense, and was alarmed; but since the explanations and assurances in that letter my fears are allayed, and the people of Maine will have confidence that her rights are not to be put in jeopardy by any thing that shall be admitted into a convention for forming the commission of survey and exploration. As to the probability of such a commission leading to any useful result, the Governments of Great Britain and of the United States have expressed their opinions in their late correspondence, as follows. Mr. Fox, in his note of 10th January, 1838, says:

"In this state of things, the Government of the United States has proposed to the British Cabinet that another attempt should be made to trace the outer boundary according to the letter of the treaty, and that a commission of exploration and survey should be appointed for that purpose. Her Majesty's Government have *little* expectation that *such a commission* could lead to any *useful result*, and *on that account* would be disposed to object to the measure." "Her Majesty's Government have already stated that they have little expectation that such a commission could lead to any useful result, and that they would on that account be disposed to object to it; and if her Majesty's Government *were now to agree* to appoint such a commission, it would be *only in compliance* with the desire so strongly expressed by the Government of the United States, and *in spite of doubts* which her Majesty's Government still entertain of the *efficacy of the measure.*"

In Mr. Forsyth's reply of 7th February, 1838, speaking of the British proposition, he says: "It merely contemplates a commission of boundary analogous to that appointed under the 5th article of the treaty of Ghent, and *would in all probability prove equally unsatisfactory in practice*, and that the President will not venture to invite it unless the authorities of the State of Maine shall think it more likely to lead to a final adjustment of the question of boundary than the General Government deems it to be."

Now allow me to ask what possible good can be expected to result from the proposed commission of exploration and survey? Both Governments understand that it can lead to no useful result, and experience proves that it will be so. Then why enter upon it, and suffer the delay, without any prospect of settling the question?

The commissioners under the treaty of Ghent had the power to *ascertain* and *determine* the point of the highlands due north from the source of the river St. Croix, designated as the northwestern angle of Nova Scotia, and the northwesternmost head of Connecticut river, in conformity with the provisions of the treaty of 1783, and to survey and mark the boundary; and in case of disagreement, they were to make report of their doings to their respective Governments, and the question was then to be submitted to some friendly sovereign to be decided by him. The commission now proposed is not to have that power, but are to be limited to survey, explore and report. Under the treaty of Ghent, seventeen years were spent in forming the commission, making the survey and reports, agreeing upon the arbiter, and obtaining his advice; and when done, it was rejected, and no useful purpose was obtained by all the time and money which that experiment cost the parties. Can it be hoped that less time, or less money, will be required to test the proposed experiment? or that the border difficulties will be less during the process of this than of the former attempt? or that a satisfactory result will be obtained? The representatives of Maine think not. The British Government claim and insist upon having exclusive possession and jurisdiction of the disputed territory until the question shall be settled; and so long as the settlement can be delayed, they have all the benefits of our territory which they would have if it were their own. This is a state of things so unjust to Maine, so dishonorable to the American nation, that it should not longer be submitted to; and yet we are told that if we will not take the law into our own hands, but "maintain our rights firmly," they will

be granted to us by Great Britain "when fairly presented," and "that negotiation is not yet exhausted." Look at the correspondence from 1832 to this day, and see if any thing can be more unfounded than these suggestions. Again we are told that it may be well to make the St. Johns, from its mouth to its source, the line. Has not this already been proposed to Great Britain by our Government, and *rejected* in no very courteous terms? Still we are regarded by some as wanting in discernment of our true interest, and as recreant of our duty to the General Government, in urging the passage of this bill; that by so doing we are putting at hazard the peace of the country, and the attainment of our rights. It may be so, but we feel confident that the reverse of this is true. By passing the bill, we show to Great Britain that the settlement of the boundary cannot longer be delayed; that the nation will insist upon its establishment according to the terms of the treaty of 1783. It will furnish to the President a strong argument to induce Great Britain to agree to fix the line by negotiation, or to join us in running and marking the boundary according to the treaty; and why shall this be regarded as a hostile measure? It does not propose to take any thing that is not clearly ours; and why should Great Britain be offended at our doing that? The President may, and probably will, ask Great Britain to join in that survey. Why will she not do so? She cannot justify herself to the world if she shall refuse it. It was a maxim of our late venerable President to ask nothing but what is right, and to submit to nothing that is wrong: let us practice it, and if Great Britain will not join in the survey, nor establish the treaty line, then we must do it; and if Great Britain complain, she will do so without cause; and if we will be careful to take no more than by the terms of the treaty we have a right to, she cannot consider it cause for war; but if the General Government will not assume the question, and act with a determination to bring it to a speedy issue, but will leave it to Maine to struggle alone with the neighboring province, it is easy to see that it cannot be long before her citizens, and perhaps her Government, will be in collision with New Brunswick. This must soon lead to border strife, from which war will ensue, and very soon involve both Great Britain and the United States in the controversy. Senators may think that Maine and New Brunswick may fight it out; it will not prove so; each nation must, and will come to the aid of their respective parts, and it may not then be so easy to convince the world that we are right, as it will be if we pass this bill, and under it claim nothing but what is ours.

If, therefore, we would avoid war, which every one should desire, let us pass the bill, and leave the execution of it to the constituted head of the nation, in whose judgment and discretion the people have confidence. By so doing, this irritating and long protracted question of boundary will be brought to an end; and, if it must be that we must fight to maintain it, it will not be the first time that this nation has been driven to that alternative to obtain their liberty and to maintain their rights; and while we regard such an event as greatly to be deplored, we should consider that the dismemberment of our territory, and the usurpation of it by a foreign Government, are much more to be deplored.

PRE-EMPTIONS TO SETTLERS.

SPEECH OF MR. SNYDER,

OF ILLINOIS

In the House of Representatives, June 14, 1838—On the bill granting pre-emptions to settlers on the public lands, on the motion of Mr. LINCOLN to exclude from its benefits those who had heretofore availed themselves of pre-emption rights.

Mr. SNYDER addressed the House as follows:

Mr. SPEAKER: I had not intended to occupy the time of this House with any more remarks on the merits of this bill; but my duty to a very deserving class of my constituents forbids that I should sit here in silence, and permit an amendment which, if adopted, will exclude a great portion of meritorious citizens from the benefits of this pre-emption law. The gentleman from Massachusetts [Mr. LINCOLN] proposes, by his amendment, to prohibit any man who has ever availed himself of the benefit of any former pre-emption law from again being entitled to a second pre-emption. It would seem, from the arguments of that gentleman, that the Government, in once granting the right of pre-emption to an actual settler on the public lands, is granting a boon, is giving a liberal donation, for which the person receiving it should for ever be shut out from the benefits of any other provision in favor of occupants on the public lands. Sir, I deny that the Government gives away any thing when it grants a pre-emption right. The sales of the public lands for the last eight years show that but two cents an acre have been realized over the minimum price; one dollar and twenty-seven cents an acre having been the average of the sales of the public domain. When from this you deduct the cost of advertising, and of selling at public sale, it will be found that at public sale the nett price falls below the minimum price at private sale. Suppose though I am mistaken in the amount for which the public lands have been sold within the last eight years—and I believe no man contends the average sales for that time have produced more than one dollar and twenty-eight cents an acre—who would, for that small pittance, exclude the man that, through his enterprise and his labor, had heretofore, under a former pre-emption law, given the Government price, purchased the land, and sold out his labor to some more wealthy man, who was unwilling to encounter the privations and difficulties of making an improvement in the wilderness? I cannot think that the sense of justice of this House will permit so great an act of selfish tyranny to a class of men who merit from us a more enlightened and liberal legislation.

This bill is opposed with as much obstinacy and pertinacity as though it proposed to give the lands of the Government away. Sir, you give nothing to the settler. You receive from him the price you receive from the speculator. Even admitting you gained three cents an acre by non-resident speculators, to whom are you indebted for the pitiful augmentation in price, if not to the resident cultivator? The speculator does not enter into the unsettled wilderness to purchase public lands. The poor man, driven by misfortunes to explore and settle your solitary wastes, unwilling to beg, and unable to buy, the refuse of your populated districts, is forced into the wild woods; builds his log cabin; frequently hunts to sustain him and his family, until, by laborious improvement, he succeeds in getting a patch under cultivation for the sustenance of his family. The first years are passed in toils and privations incident to a frontier life, cheered only by the hope, that, by the time population shall have gathered around him, he shall be enabled to pay the minimum price, still extorted by our unjust and unnecessary laws. These are the pioneers who first make known the relative value of our unsettled and unexplored wastes. These are the men who first give positive value to our Western lands. But, unfortunately for them and for us, the very value bestowed on the adjacent lands by their improvements; the additional value of the public lands resulting from their privations; that very additional value attracts the speculator from your moneyed States. Sir, you yourselves are the great cause of speculation and of speculators in the public lands, by that provision in your law which prohibits the new States from taxing the land for five years after you have sold it, and which also prohibits the new States from taxing the land of a non-resident higher than that of a resident. Remove those prohibitions: allow the new States to tax the lands as soon as they are sold, and to make a just discrimination between the lands of residents and non-residents, and my word for it we would soon be rid of the curse of non-resident speculators.

But, sir, let us look at the beneficial results of our previous pre-emption laws. How many millions of dollars have the actual settlers paid into the Treasury during the last twenty years. Since the enactment of the pre-emption law of 1830, continued up to June 1836, upwards of fifty-seven millions of dollars has been received from the sales of the public lands: although all this sum was not received from actual settlers, it was received during the existence of pre-emption laws. At no former period did the sales ever amount to this sum. Since the pre-emption expired in June 1836, the sales of the public lands have very sensibly diminished: in 1836, during the existence of the pre-emption law, the proceeds of the sales of the public lands was upwards of twenty-four millions of dollars; in 1837, after the pre-emption law had expired, the sales amounted to about five millions six hundred and forty-four thousand dollars. In a pecuniary point of view, then there can be no objection to the passage of this bill, neither can there be found any objection extending its provisions to a man who before has availed himself of the benefits of a former law. The argument would show, if it showed any thing, that the Government would sell two quarters of land in place of one. No, sir, that is not the objection; there are other motives which operate on the minds of those gentlemen who oppose this bill. Sir, we have heard on this floor that the facilities given to acquire lands in the new States, act as a drain to the population of the old States! How long is that selfish and illiberal policy to continue? This Government is the only really free one on earth, yet it is the only one that ever demanded from its citizens a sordid price for its waste lands. How many of our citizens has this cruel and heartless policy driven from their country? When Louisiana was purchased from the French Government, near one-half of its citizens were Americans who had emigrated from the United States, and had contributed to the glorious Independence of their country. In 1789, but a few years after the Independence of this country, and at a time our Government was preparing and adopting the system of selling its Western lands at two dollars an acre, how different was the policy of the provincial Government of Louisiana! We find at that time this letter published in the United States. It is signed by Estaven Miro, Spanish Governor at New Orleans, in the province of Louisiana, dated September 16th, 1789, addressed to Benjamin Sebastian, esq. of Kentucky. Extract:

"In order to populate the province, his Majesty has been graciously pleased to authorize me to grant to the emigrants, *free of all expense*, tracts of from *two hundred and forty to eight hundred acres*, in proportion to their property, and in particular cases of men of influence, who may aid these views, I shall extend the grant as far as *three thousand acres*. You will be *exempt* from all *taxation*, and will be allowed the private exercise of your religion, without molestation from any person whatever, and will enjoy all the rights, privileges, and immunities of his Majesty's other subjects."

I need not produce authorities to satisfy this House that the French Government was equally liberal with the waste lands of her colonies in America, and, like the Spanish, donated the land to the actual settler free of all expense. Neither need I trouble the House to produce documents to show that Great Britain gave not only donations of land in the Canadas to emigrants, but even furnished them with the implements of husbandry for cultivation, and, in some instances, provisions to sustain the emigrant and his family one year. How many of our countrymen, induced by the liberal policy of the Republic of Mexico, have emigrated to Texas, receiving four thousand acres of the finest soil, in the most genial climate, for the bare cost of surveying and recording the titles. The character of those men who were driven by the parsimony and selfishness of the Legislature of this country to another, require from me no eulogy. Their defence of the Alamo, and their gallant valor at the battle of St. Jacinto, has shown them worthy of the free country of their birth, and has won for them lasting and imperishable glory. Their success, and the liberal policy extended by them to persons emigrating there, is now constantly draining from all the States, and particularly the Southern, many of our best and wealthiest citizens. They will not only populate Texas and develope her resources, but the same spirit of enterprise, the same narrow and mistaken policy of this Government, in regard to the mode and manner of disposing of her public lands, will cause our countrymen to wrest from the imbecile and feeble hands of the Mexican Government other and fairer provinces. How long, with these facts staring us in the face, will this Shylock land system continue to weaken, in place of strengthening, us; to drive away, in place of retaining, our own citizens?

Thus have I contrasted the policy of other Governments that are now, or were, the proprietors of unappropriated waste lands adjoining the United States. I will adduce one other example which has occurred to me; it is from a most numerous, though distant and semi-civilized people—page 354, History of China, by J. F. Davis:

"The Provincial Government of Canton, in 1833, obtained the sanction of the Emperor to a very sensible plan for inviting the poorest people to settle down on waste spots of land wherever they might find them, cultivating them in the best way they could for their own sole benefit, *without any tax or other charge whatever.* The land thus entered on might hereafter become liable to the land tax, but it was made the *freehold property of the first cultivator*, with a deed of grant from the Government, and as the object was the relief of the poor, no rich person was permitted to apply."

The edict by which the foregoing regulation was promulgated observed that, "in Government there is nothing so important as a sufficient supply of food for the people; and, in order to do this, the means should be provided them."

What a commentary on the civilized, enlightened, and free Government of the United States. Is it not humiliating that an idolatrous, half-civilized Government should be so much in advance of us in liberality, humanity, and true national policy.

[Here Mr. LINCOLN observed that the people of China belonged to the Emperor.]

Mr. SNYDER replied, so do the poor belong to the wealthy manufacturer in your States; and you propose to keep them not only poor, but under your control, without doing as the Emperor of China does—provide lands for them. The poor of this country are our equals, our fellow-citizens. It should be the first consideration, the first duty, of every philanthropic man, either in or out of this House, to legislate, to provide for the poor. They should be the first objects of our legislation. The rich require none of our solicitude; they will take care of themselves only too well, sir. How many thousands of poor are crowding your cities and your villages, suffering all the horrors of indigence and misery! How often have we heard on this floor the most eloquent appeals to our sympathies in their favor! How often, too, in this hall, have we heard the Administration denounced, alleging that its policy closed the workshops and manufactories of the country, and shut the doors of the banks, throwing thousands of poor out of employment! Let us now see whether gentlemen are serious in their sympathies for that class of our fellow-citizens.

It is from the opposition to this Administration that we have heard these soul-stirring appeals. The Administration has recommended this measure; it is a measure for the enterprising poor man. We propose this measure first. We have, also, another before this House, which graduates the price of the public land according to the time it has been in market, according to quality, to enable poor men to procure homes to better their condition, to elevate their moral character by raising them to the proud condition of freeholders. Yes, sir, to better their condition, to gladden the hearts of thousands, to make the West the promised land of the needy. Will those gentlemen who have shown such sympathy for the poor, aid us now in this benevolent design; we present you an opportunity to evidence your faith by your works. I listened with riveted attention to the eloquent speech of the distinguished gentleman from Pennsylvania, [Mr. SERGEANT,] when he so feelingly portrayed the wants of the poor, so eloquently told the tale of their sufferings during the inclemencies of the winter. That gentlemen subsequently introduced petitions from mechanics and laborers of Philadelphia, praying Congress to finish certain ships now on the stocks, in order that they might get employment, and thereby save themselves and their families from suffering.

This Government, these people—I mean the whole people of the United States—have at their disposal more than one hundred millions of acres of unappropriated waste, wild land. Why not give those suffering poor these lands to cultivate? Why do you force them to remain in their starving homes, when, in the wide West, we have room and land enough for them all? Perhaps that selfish policy which prevents those lands from being given to the actual settler, will be well understood by your poor constituents. May they not ask you, who are their representatives, what right or justice have you to oppose our free settlement on the public lands in the West; we protest against your tyrannical restrictions, intended to prevent our emigration to better homes. If you wish to retain our laborious hands on your sterile soil, stimulate us with bounties, but dare not bind us with chains. The Middle and Eastern States, who have offered premiums for the encouragement of the culture of the mulberry and the sugar beet, have pursued the only policy admissible, under our free institutions, to retain their free citizens within their bounds. So long as our public lands were pledged for the public debt, so long did we continue to pay cheerfully the price set on the public lands. That debt is paid: this nation is out of debt. Why any longer withhold those lands? Why prevent us from resuming our right to the free cultivation of the national soil?

The friends of this bill have been told that to pass it in this shape is giving a credit of two years to the settler to pay for his land, and therefore it should be so amended as to confine its provisions to lands not now in market. I hope it will receive no such amendment. If you pass the bill as it came from the Senate, and as it was reported from the Committee on Public Lands of this House, it does give a credit on all lands, whether in market or not, whether subject to private entry or not, to all who are occupants on them at the passage of this bill. Is there any thing wrong in this? I had always supposed, at least before I was honored with a seat here, that the settlers on the public lands were within the legitimate sphere of Congressional legislation, and entitled to legislative protection. How much of the time of this House has been consumed in giving relief to every other class of citizens? It is certainly fresh in the recollection of every gentleman, that, notwithstanding the banks had received the money of the Government, loaned it out to individuals at an interest, banked upon it, and instead of returning it when wanted by the Government, they shut their doors, suspended specie payment, refused to give up that which was not theirs, which common honesty and good faith required them to return when demanded, yet, notwithstanding this breach of their contracts, of their faith, one of the first acts of our legislation at the special session was to give these banks time to pay; to extend relief to the *poor suffering banks.* It is true I did not vote to give them that relief; a majority of this House did, and a long time, a long credit, was given them to restore that money which did not belong to them, and which they so improperly withheld. The same session we extended a credit to the merchants to the amount of upwards of three millions of dollars. A large sum was given to those of them who suffered by the great fire in the city of New York. Sir, I have not been taught to believe that the banks and merchants were more deserving of the patronage, of the lenity and beneficence of Congress, than the honest, though poor, pioneer of the West. Some gentlemen urge on this floor as a reason that they will not give countenance to occupants on the public lands, because there is a law prohibiting persons from settling on the lands of the Government. I know there is such a law, which disgraces the pages of our statute book, passed in 1807. I tell you now that you never can enforce that law. It has lain as a dead letter on your statute book. It is unjust. The public sentiment of the West never has, and never will, regard it as a law. It is, in fact, long since obsolete. But suppose the law was violated by these settlers, did not the banks violate their contracts with the Government? Did not common honesty require them to pay their debts; to return the money given them to keep? Yet to them you gave all the relief they required; as much as they or their friends asked for, and as much at least as their conduct deserved. Will you not apply the same rule to the settler on your lands? Why is he less entitled to have credit? It is a fact that the policy of this Government for many years has been to reduce the price of every article which we import, which we have to consume. We have reduced the tariff so as to afford articles that supply our wants at a cheap and reduced rate. Even the articles of luxury are afforded cheaper. All are reduced but the price of your public lands; they remain the same; no reduction there, no change of policy toward the people of the new States; no liberality, no justice, for the cultivators and occupants of the waste lands of the West.

Mr. Speaker I have already detained this House longer than my health justifies: I will conclude by urging the friends of this bill in the language of my honorable colleague [Gov. CASEY,] when he addressed you on this subject to vote down all amendments, to give us a liberal pre-emption act, or give us none: if the bill is to be lost, let it be without amendment; it proposes no new principle. This Government granted pre-emptions as early as 1798; it has from time to time granted them ever since; this bill proposes only to give a quarter section to each settler, who may pay for the same in two years. I will go as far as those gentlemen who say it is proper to guard it against speculation. It is far from being the interest of the people I represent to have lands owned by non-resident speculators. The policy and wishes of the people of the new States is to have as many resident cultivators as they can. The strongest protection against speculation in the public lands is a pre-emption law; it should be prospective; such law should never be permitted to expire; then indeed would we secure the labor of the honest cultivator of the public land against the rapacity of the wealthy.

I look forward with pleasure to the time, (and it is very near,) when the destinies of this great Republic will be in the hands of the people west of the Alleghany mountains, when the representatives of the great West shall stand in numbers on this floor doing themselves justice. The new States have not justice done them. More than two-thirds of the lands within the limits of the State I have the honor in part to represent, is in the hands of the General Government; less than one-fourth is taxable; yet with all this, that State is engaged in a most gigantic system of internal improvement, which, if completed, will benefit more acres of land for the General Government than for her own citizens, although the whole cost is borne alike by the people of Illinois, without having the power to tax all the lands within her limits. This inequality between the new and old States cannot long exist, and will not, when the representatives of the new States will stand here in numbers to do themselves justice; then, and not until then, do I look for that legislation which will place all the States of this confederacy on an equal footing, and place within the reach of every family a home on the public domain.

COLLECTION OF THE REVENUE.

REMARKS OF MR. BUCHANAN,
OF PENNSYLVANIA.

In Senate, Wednesday, June 27, 1838—On offering his substitute for Mr. WEBSTER's proposition.

Mr. BUCHANAN said that as the session was rapidly approaching its close, and time was now precious, he should endeavor to be as brief as possible in explaining the nature of his amendment. The whole subject had been amply discussed, and was well understood by every member of the Senate. It was, therefore, incumbent on him to do no more than simply to state his propositions as clearly as he could.

But, in the first place, said Mr. B. allow me to make one or two remarks in regard to the bill of the Senator from Massachusetts, [Mr. WEBSTER.] It proposes neither more nor less than that the Government shall return to the deposite bank system, which has so utterly failed. If adopted, it will re-establish, more closely and intimately, the connection between Bank and State, than it has ever heretofore existed. Under the deposite law, the Secretary of the Treasury could not select any bank as a depository which issued or paid out notes of a less denomination than five dollars. The Senator's bill removes this restriction altogether. Banks may be selected as depositories which issue and pay out notes of the lowest denominations, even down to six and a quarter cents; and the notes of such banks are directed to be received in payment of the

public dues, not for a limited period, but indefinitely. The expression is, "until the further order of Congress." Nay, more: as if our existing banks were not sufficient in number for depositories, the Senator has provided for those which are now in embryo, and may or may not be called into life under the great banking law of New York. No bank has yet, I believe, been established under it. As associations under this law could not be considered incorporated banks within the meaning of the deposite act, the Senator has extended its provisions so as to embrace all such banking associations as may hereafter be established by any State.

Now, sir, for myself, I am utterly opposed to ever again returning to the use of State banks as general depositories. I shall not again consent that the money of the Government may be employed in the business of banking. I think experience ought to have taught us a lesson upon this subject which we should never forget. It is my fixed opinion that the former connection between the Government and the banks has proved equally injurious to both parties, and ruinous to the country. I trust it may cease for ever.

I proceed now to offer a few observations in favor of my own amendment; and here permit me to say that, under my instructions from the Legislature of Pennsylvania, I felt myself bound to present some proposition of this nature. They directed me to vote against the Sub-Treasury bill. In this I have obeyed them fairly; yet, although I was directed to vote against that bill, I was also instructed "to vote for such a mode of receiving, keeping, and disbursing the public moneys, as will separate, as far as practicable, the banks from the Government. Thus, whilst I was instructed to vote against the Sub-Treasury bill, I was equally instructed to vote for some other measure distinct from the creation of Sub-Treasuries, which would separate the banks from the Government as far as practicable. This is what my amendment proposes; but candor compels me to confess that, without any instructions upon the subject, I should have felt myself bound to move this amendment after the defeat of the Sub-Treasury bill in the House, because I think Congress ought not to adjourn and leave the Treasury Department without any law whatever to shield and to direct its proceedings.

What is the present state of the case? At the called session in September last, the Sub-Treasury bill was passed by the Senate. Whilst it was under discussion here, I made a speech in its favor, and exerted myself to the utmost of my feeble abilities to secure its passage. What was, at that time, its fate in the House? It was laid upon the table by a majority of twelve votes.

My opinions then upon the subject are my opinions now. They have not changed in any particular. I should have again, at the present session, advocated and supported the passage of the Sub-Treasury bill, had I not been prevented by my instructions.

It passed the Senate a second time, without the specie restriction, and was again laid upon the table of the House. The House have since considered their own bill, which contained the specie clause originally introduced on the motion of the Senator from South Carolina, [Mr. CALHOUN,] and it has been directly negatived by a majority of fourteen votes. We cannot, therefore, hope that this or any other similar bill will become a law during the existence of the present Congress, which will not expire until the fourth of March next. The subject is, therefore, necessarily postponed until the meeting of the next Congress, which will not take place until December, 1839.

The question, then, is, shall the friends of the Administration (and I profess myself to be one of the most decided amongst them) do nothing at all, because we have been defeated in our favorite measure? Shall we, because we have lost this measure, make no attempt to pass any other, but leave all the public money for the next eighteen months to be managed without law, at the mere discretion of the Secretary of the Treasury? I am not one of those who can arrive at any such conclusion. The people of this country expect that Congress will, before its adjournment, adopt some measure to separate the money of the Government from the business of banks; and at the same time direct by law in what manner it shall be kept and disbursed by the Secretary of the Treasury. It would, in my judgment, be suicidal, in a party point of view, to go home without making any further effort to settle this perplexing question. The President, in his Message at the commencement of the present session, after again expressing his preference for the Sub-Treasury system, says:

"It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law; and, if possible, at your present session. Besides the plans above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the State banks in special deposite. This plan is, to some extent, in accordance with the practice of the Government, and with the present arrangement of the Treasury Department, which, except, perhaps, during the operation of the late deposite act, has always been allowed, even during the existence of a National Bank, to make a temporary use of the State banks, in particular places, for the safe-keeping of portions of the revenue. This discretionary power might be continued, if Congress deem it desirable, whatever general system may be adopted. So long as the connection is voluntary, we need, perhaps, anticipate few of those difficulties, and little of that dependence on the banks, which must attend every such connection when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of Government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the public money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the Government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree, accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the Government from those of individuals or corporations. With these observations, I recommend the whole matter to your dispassionate reflection; confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give safety and stability to the fiscal operations of the Government, and be consistent, on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents."

Now, what is the plain meaning of this extract from the President's message? He prefers the Sub-Treasury system; but if that should not succeed, he still urgently recommends the settlement of the question, if possible, at the present session. He then suggests the keeping of the public money in the State banks on special deposite, as the next alternative, and states that it is, to some extent, in accordance with the practice of the Government and the present arrangement of the Treasury Department. Although the Sub-Treasury plan is his first choice, yet he says, it must be admitted that the special deposite system would, in a great degree, accomplish the separation of the fiscal concerns of the Government from those of individuals or corporations. Now, my amendment is based upon these very principles thus recommended by the President.

Most heartily do I concur with him in these opinions; and I entirely dissent from those who believe it to be our best and wisest policy to separate and go home, leaving the entire subject under the control of the Secretary of the Treasury, without any regulation by law. There may be a difference of opinion on this question among the friends of the Administration. The alternative presented is, shall we now do nothing—shall we go before the people and agitate the Sub-Treasury question, until the commencement of the next Congress, in December, 1839, or shall we enact some temporary measure which will secure the great principle of separation, and put the question at rest for the present? There are some convictions upon my mind so strong, that I almost feel them to be intuitive truths. This one is among the number. I feel that the most dangerous course we can pursue, is to fold our arms and determine to do nothing; merely because we have not been able to do every thing. To announce to the American people, that, although we have been placed by them at the helm, and are responsible to the country for the management of the vessel, yet that we will not consent to gain the haven of safety, unless we can reach it by one predetermined course. Shall we ask nothing; shall we accept nothing; because we cannot obtain all we desire? Other gentlemen may wish to frame such an issue, and go before the people with it for their determination. I feel confident it would not be favorably responded to by the sober and reflecting citizens of Pennsylvania.

What is now the law in regard to the safe-keeping of the public money? The old act of the 2d September, 1789, to establish the Treasury Department, passed nearly fifty years ago, is the only law upon that subject now in full force. It simply provides, in general terms, that the Treasurer of the United States shall receive, keep, and disburse the public money. This act was passed in hard money times, and evidently contemplated that nothing except current coin was to be received into the Treasury. This is evident from its whole tenor, as well as from a single provision. The Treasurer is obliged at all times to submit to the Secretary of the Treasury, or the Comptroller, the inspection of the moneys in his hands. This act was framed to meet the state of things which existed at the origin of the Government, and is wholly inadequate to the present circumstances of the country.

Under the joint resolution of 1816, the notes of specie paying banks are now receivable in payment of the public dues. When the banks shall resume specie payments, by far the greater portion of our revenue will be collected in bank notes. After they reach the Treasury, what is the Secretary to do with them? There is now no law upon the subject. Every thing is left to his discretion. Ought this to be the case under any free Government? How can those who dread Executive discretion rest contented without attempting to remedy this evil? In my opinion, the enemies of the present Administration ought to desire nothing more ardently than to leave things just as they are. There will then be nothing but agitation throughout the country. As often as the Secretary, in his discretion, shall present these bank notes to be cashed, so often will the banks raise a clamor that it has been done in hostility to them, and without necessity—that it is an abuse of his discretion. Constant complaints against the Administration will be echoed and re-echoed throughout the country. Every sort of attack which political malice can dictate, will be made upon it from some quarter or other. The Secretary will be accused of hostility against some banks, and favoritism towards others. It will be impossible for him to pursue any course whatever without subjecting himself and the Administration to unmerited reproach. Is it right, then, for us who are friends of the Administration to go home, having made no attempt to regulate by law the manner in which the Secretary shall dispose of these bank notes after they reach the Treasury? Will the people rest satisfied with this determination, and consider it a sufficient excuse for our omission of every other duty, that we have not been able to pass the Sub-Treasury bill?

Now, sir, the amendment which I propose amounts to little more than a legal sanction of the present practice of the Treasury Department. The Secretary of the Treasury, for the sake of security, now keeps special deposites of gold and silver in certain banks. The President, in the extract from his Message, which I have already read, gives us this information; and I have since heard it from other sources entitled to all confidence. The Sub-Treasury bill itself provided for such special deposites of gold and silver in State banks every where, except at the five or six points where we had mints, or were to have receivers general. That bill, therefore, as well as the practice of the Treasury, sanctions those special deposites. Why not, then, regulate them, and place them under the protection of law? Why not adopt this alternative, recommended by the President, for the safe-keeping of the public money?

The first section of my amendment is exclusively confined to specie. It simply requires the collectors and receivers, under the direction of the Treasury Department, to make special deposites with the banks, for safe-keeping, of the balances remaining in their hands, at least once in sixty days, and as much oftener as the security of the public money may render necessary. The rest is chiefly detail, and merely regulates the manner in which these banks shall be selected, and their duties performed. It is nothing more than to sanction the use of the vaults of these banks, as being more secure than the private houses of the collectors and receivers. Of course, from the very nature of a special deposite, it is impossible that the banks can ever use this gold and silver for their own benefit, in any manner whatever.

The second section provides first, that the bank

notes received in payment of the public dues shall never be placed in banks *either on general or special deposite*. It is necessary to declare that these notes shall not be placed on general deposite, in order to create an entire and absolute separation of the money of the people from the business of banking. Without such an enactment, the old deposite system will revive in regard to all the banks of the country which have neither issued nor paid out notes of a less denomination than five dollars since the 4th July, 1836; and we should thus have that system in operation in some parts of the Union and not in others. And in what condition would this absurd anomaly place the Treasury Department? In Indiana, in Illinois, in Arkansas, and in Missouri, the banks have not violated this provision of the deposite law. In Georgia and South Carolina, I am informed, there are several banks, and in New York and other States there are some, in the same condition. The Secretary of the Treasury will be imperatively bound to employ these banks as general depositories of the public money as soon as they shall have resumed specie payments. The deposite act leaves him no discretion upon this subject. Thus in some States, and in regard to some banks, this law will be again in force; whilst the public money collected in other large portions of the Union cannot be deposited in their banks. You will then have a law in force in some portions of the Union, whilst it is a dead letter in others. Will the people submit to this inequality? No, sir: they will not. If banks in some sections of the country have a right to trade upon the public money, they will claim the same privilege in other sections. Thus you will have constant agitation. I ask, then, ought Congress to adjourn without even making an attempt to correct this anomaly, and to provide for uniformity, by declaring that no bank whatever shall be a general depository of the public money?

I have always been opposed to a special deposit of bank paper with the banks. Those who are hostile to general deposits of this paper, ought, for the very same reason, to be equally opposed to special deposits. In either case, the banks can discount and make issues upon your deposits, almost with equal facility. For example: A bank is employed as a special depository which has a circulation of half a million. It knows that one fourth of this circulation, belonging to the Government, is, on an average, lying on special deposit in its vaults. A knowledge of this fact will enable it to discount and to issue just as much more as if the same sum were placed on general deposit. If it had kept in circulation half a million before, it could, and it would, increase its circulation one hundred and twenty-five thousand dollars; the amount of the notes which the Government keeps dead in its vaults.

The second section of this amendment also prescribes in what manner the Secretary of the Treasury shall use the bank notes which he may receive in payment of the public revenue. It declares his duty by law, and places this information before the whole people. It will be both his guide and his safety. It provides that our collectors and receivers shall once at least in sixty days, and as much oftener as may be necessary, to render, in the opinion of the Department, the public money secure, convert the balances of bank notes on hand into specie, and place this specie on special deposite with the selected banks. This will, at all times, render it absolutely secure. No bank of any character has, I believe, ever violated a special deposite. It would be justly considered a high crime. What you give to them to keep for you, that they will always restore on demand. The box of specie which you entrust to their care will always be forthcoming; and if another suspension of specie payments should occur, you will not again have mere bank credits, but actual coin, for the use of the Government. This system of special deposites of specie was adopted in the Sub-Treasury bill, as I have said before, every where throughout the Union, except at six points where there were mints, or were to be receivers general.

Would this system have an injurious effect upon the banks themselves? It is true it would require them to make frequent settlements with the collectors and receivers, and with each other; but this would be a great advantage to themselves, as well as a great security to the public. If the bank in which the special deposite is made should be one of sound character and credit, always redeeming its notes in specie, the holders of Treasury drafts would, under ordinary circumstances, prefer accepting payment in the notes of such bank to receiving the gold and silver. But, in the natural course of business, the banks themselves would generally obtain the possession of these drafts.

In conversing some weeks ago with one of the most distinguished financiers of this country, I was struck with the remark, that even if the Government should proceed at once to require exclusive specie payments, the banks would not be injured unless a large surplus of specie were kept on hand. He said that holders of Treasury drafts almost always kept an account with some bank, where they would deposite them; and, in a large majority of instances, they would be transmitted for collection to the very bank itself holding the special deposite, or to some other in the immediate vicinity, and that thus these drafts would be presented for payment to the collectors and receivers by the banks which had charge of the special deposites; that this would be the common course of business, and that the banks which held these special deposites would thus themselves become entitled to receive them. Does not the justice of this observation strike every mind? If any one of us held a Treasury draft, would we not at once deposite it to our credit in the bank with which we kept our account?

In the mean time, during the periods that the collectors and receivers might hold the bank notes before they were converted into specie, Treasury drafts would be paid by them in these notes, in all cases where they might be *bona fide* preferred. This would happen in most instances; because sound specie-paying bank notes in good credit, are generally more convenient than gold and silver. But require specie; require what you will; from the very nature of the business of the country, these Treasury drafts will, in most instances, be presented for payment by the banks.

It is only in case of a large surplus of specie that the banks would be at all affected. To prevent such an accumulation, and to limit our revenue to our necessary expenditures, would thus become the interest of all classes of society.

The proviso to the second section is in exact accordance with the late report of the Committee on Finance. At present, under the provisions of the fifth section of the Deposit law, the notes of no bank can be received in payment of the public dues which has, since the 4th of July, 1836, issued notes of a less denomination than five dollars. It was the policy of this section to restrain the circulation of small notes as much as possible. Specie and small notes of the same denomination can never circulate together. It was said in England that a one pound note and a sovereign were natural enemies of each other; and that the former always expelled the latter from circulation. In that country, therefore, the issue of one pound notes was prohibited, and sovereigns immediately came into circulation. Congress acted upon the same principle when they declared that the notes of no bank should be received in payment of the public dues which issued notes of a less denomination than five dollars. This was done to secure, as far as we could, a specie basis for our paper circulation, and promote the use of gold and silver in all the small every-day transactions of life. To this policy I would steadily adhere. Under the existing law, banks which, since the suspension of specie payments, have not issued small notes of their own, are entitled to have their notes received in payment of the public dues, although they may have used and paid out the small notes of corporations and individuals: whilst the notes of all the banks which have issued small notes themselves are excluded. There is no justice in this discrimination. Whether a bank has issued small notes of its own, or has paid out similar notes of corporations or individuals, they have equally violated the spirit, though not the letter, of the existing law; and in justice they ought all to be placed on the same footing.

Take, for example, the banks of New York and Virginia. They were authorized by their respective Legislatures to issue small notes, on the express condition that they should be redeemed in gold and silver even during the suspension of specie payments. Would it not be manifestly unjust for the Government to refuse the notes of these banks, and at the same time receive the notes of banks who had paid out, not their own notes, but the small irredeemable notes of corporations and individuals of much less intrinsic value? This discrimination ought no longer to exist. I was glad, therefore, that the Committee on Finance reported in favor of abolishing it. The amendment is in exact accordance with their report. Should it be adopted, it will take off the interdict in favor of all banks which shall, after the first day of October next, cease to issue, reissue, or pay out any note or bill of a less denomination than five dollars. It does not propose a general and indefinite suspension of this restriction, as the bill of the Senator from Massachusetts has done. It forgives the past, but requires the banks to conform to the law in future, or forfeit the privilege of having their notes received in payment of the public dues.

The third section of the amendment repeals the deposite act of June, 1836, except the last three sections directing the balance in the public Treasury on the 1st of January, 1837, to be deposited with the States. This exception is so manifestly proper, that it requires no explanation. The repeal of this act, together with the adoption of the first two sections of the amendment, would establish the divorce between Bank and State, by law. It would wholly separate the public money from the business of the banks, and accomplish a purpose which I have much at heart.

I am solemnly convinced that it is both our duty and our policy to use every effort to adopt this or some other similar measure before the adjournment of Congress. The people expect, nay, they demand the settlement of this question for the present, in some form or other. As a party, the friends of the Administration have solemnly announced to the world their hostility to any future connection between the business of the banks and that of the Government. Consistently with this cardinal principle, we ought to use every effort to adopt some measure putting the Treasury Department under the regulation of law. It will not do for us to go home and tell our constituents, that, because we failed with our first and preferred measure, we had determined to try nothing else, and left every thing in confusion. If we make the attempt fairly, and should fail, the responsibility will not be with us, but with our political opponents. The country will then be convinced that we have done all we could, and will justify our conduct.

I am a party man, because I consider that the best interests of the country are identified with the principles of the party to which I belong. There is no wish nearer my heart, than that the Administration of the present President may prove prosperous and happy. He is sound in all great political principles, and I feel myself to be identified with him for weal or for wo. I shall neither look to the right hand nor to the left, nor even think of enlisting under any other banner. Some of his friends may differ from me in regard to this amendment, and my proposition may be rejected; but I shall put myself on record in its favor, under a firm conviction that we owe it to the Administration as well as to our country to make another effort to settle this perplexing question.

INDEPENDENT TREASURY.

SPEECH OF MR. DROMGOOLE,
OF VIRGINIA,

In the House of Representatives, June 20, 1838—In Committee of the Whole, against the constitutionality and policy of employing State banks as fiscal agents of the Federal Government, and in favor of organizing the Treasury of the United States in conformity with the Constitution.

Mr. DROMGOOLE rose and addressed the committee as follows:

Mr. CHAIRMAN: I am aware that our session is

drawing to a close, and that, consequently, our time is precious; but the recollection that I have seldom, heretofore, obtruded myself upon the House, or committee, and always with brevity, in connection with the importance of the subject now under examination, will, I trust, relieve me from the charge of asking, on this occasion, an unreasonable indulgence. No question, perhaps, since the American Revolution, and the subsequent adoption of the Federal Constitution, has arisen in the United States, involving more seriously and extensively the principles of civil liberty and free government.

Ought the financial operations of the Federal Government to be entirely and completely separated from the business and the transactions of banking institutions? Ought that "Treasury," mentioned in the Constitution, required by it, in which "all public money" is to be placed and kept, and from which "no money shall be drawn, but in consequence of appropriations made by law"—ought that "Treasury" to exist separately and distinctly organized—ought that "Treasury" to be *independent* of the banks of the country? Or, ought that "Treasury" to be closely connected and allied with the banks, and made essentially *dependent* on them? Does the Constitution *require* that this "Treasury" shall, in any manner, be connected with, or made dependent on banking companies? Does the Constitution *require*, did I ask—does it *permit* that money in the "Treasury" may be promiscuously blended with the funds of these companies, and used and employed in their business, so that its ultimate availibility to the Government is left to depend upon their honesty, their solvency, their success or failure in trade? And if the Constitution does not positively enjoin such connection, still is it practicable or possible to dispense with it? Is such a connection "necessary and proper for carrying into execution" any power vested by the Constitution in the Government of the United States, or in any department or officer thereof? Can the "Treasury" of the United States be properly, completely, and *constitutionally* organized, and made to perform its appropriate functions successfully, without the aid or interposition of bank agency?

Sir, these questions involve the great problem, are the people capable of self-government; whose solution, we had flattered ourselves, had been definitely accomplished by the establishment of our Republican and representative systems. Substantially, the momentous, the vital question, is revived of the right and the capacity of the people to govern themselves

I ask, Mr. Chairman, if the framers of the Constitution had sufficient wisdom, and did they exercise this wisdom, in forming a plan of Government capable of healthy existence, and efficient action, independent of the fact, whether companies, with the power of banking, would, or would not, be created. Can the people of the United States, through their own agents, *constitutionally appointed*, and *constitutionally responsible*, administer this Federal Government peacefully and successfully? Or, must they, with a shameful and degrading admission of their incompetency, resign the management of a portion of the affairs and business of their Government—a portion, too, vitally important; must the people of the several States confess their utter incapacity, and quietly submit the management of their finances, their entire moneyed concerns, to artificial persons—to bodies politic, irresponsible to the constituted authorities of the United States; distinguished from the mass of the community, not by their superior integrity, but by their odious monopolies and exclusive privileges; who boast of vested rights, not enjoyed by the rest of society, but inviolably secured by charters, which, in most instances, presumptuously claim to be beyond the reach of repeal or modification by the whole legislative authority of the country?

Mr. Chairman, I desire to examine this proposed union of Banks and Government according to its own intrinsic merit. I will not yield blind obedience to the opinions or dicta of any, however eminent. I will deliberate and reflect. I will draw my own conclusions. I will form my own opinions; and I will venture to express them, I hope, with becoming boldness. I will not search for *precedents*, scattered through the history of Federal legislation, opposite and irreconcilable in character, and borrowing their complexion from the alternate ascendancy of party. No, sir: were all *such* precedents collected, and congregated into a mountain's magnitude, they would not, they ought not, to preponderate over my own deliberate convictions of the true intent and purpose of the Federal Constitution. It is my duty to exercise the faculties of my own mind, however feeble, in applying the test of immutable principle, and the Constitution, to every measure presented here for adoption or rejection. A tame submission to precedents, an acknowledgment of their binding obligation, may protect error, and promote a continuance of its evils in society, whereby the development of truth is retarded, and the gradual work of improvement is impeded. On this doctrine of precedents, I beg leave to read to the committee some brief extracts from a political work, written by one of Virginia's most illustrious statesmen. I refer to the late John Taylor, of Caroline, than whom no man had more thoroughly considered the principles of the Constitution, and to whose writings Mr. Jefferson himself confessed that he was indebted for the correction of some errors of opinion into which he had fallen.

"Let us, (says he in his Construction Construed,) look at the logic which supposes that acquiescence makes precedents, and that precedents make reason. All precedents or laws are at first theory, and acquiescence alone can convert them into practice. Banking began as a theory; and political augurs differed in their prognostications of its effects. The worst precedents are often but little felt in their infancy, because they move with caution, until they gather strength; and the worse they are, the more time is often required to develope their character. Some foretold that banking would be beneficial; others, that it would be pernicious to our country. It would be an odd judgment, however honest, which should assert, that fulfilment ought to destroy, and falsehood to establish an augury, because just at the time when experience has converted the theory of banking into evidence, both felt and understood, acquiesence has also mellowed the same theory into a precedent, and a precedent deprives us of the benefit of experience; so that the time expended in ascertaining the truth or falsehood of an augury, renders it impossible to remedy its imposition, just at the moment when it is discovered."

And in another place he continues:

"Precedents would make a strange species of Constitution, according to our notions; they would be repealable by the Legislatures which made them. In those countries where the Governments are absolute, this is no objection to them; but here precedents are nothing but laws, and the question, whether they are constitutional or not must forever remain attached to them, unless it can be proved that it is a question of no importance after have obtained the title of precedents. It will then become a matter of very great importance to ascertain by whom this title is to be bestowed."

And whilst I repudiate the *authority* of precedents, I will not search for practices or professions of party to guide me. I will not hunt up the isolated opinions of this or that illustrious statesman, living or dead, as a rule by which my own vote is to be *controlled*. Much less will I rely on any hasty or detached opinions of my own, expressed or inferred, on former occasions. My freedom of thought and my right of independent deliberation, shall not be fettered with the chains of prejudgment. The illuminations of *experimental* truth shall not be excluded from my political path, because heretofore I may have boggled in darkness, or been misled by an imperfect light or a false glare. The friendly advances of reason and argument, with all their benign influences, shall not be obstructed by any barriers which pride and prejudice may exert in defence of primary positions. No peculiarity of position, no associations, personal or political, connected with its first occupancy, can justify, for the single purpose of holding out in its defence, an abandonment of the interests of the whole country. Whilst pride may urge selfish considerations in favor of obstinate perseverance, patriotism will strongly recommend the surrender of original prepossessions for the sake of a nation's good. Those who will, may make their boasted consistency the sole deity of their adoration, and may fall down at its shrine in blind and unthinking devotion. Those who will, may remain immovably fixed to their peculiar positions, and may spurn with scorn every change or modification which time and circumstance, and the development of principles, may suggest and invite, until their positions, by their *outre* and inharmonious appearance, as contrasted with the surrounding improvements, effected by a judicious application of political science to human affairs, will serve only to excite the ridicule of all intelligent and patriotic observers. For myself, I shall ever hold my anxiety for consistency in strict subordination to my love of truth. The correctness and sincerity of my present convictions, are to me a matter of much higher consideration than their conformity to opinions of a previous period on other subjects, and in a far different condition of affairs. Instead of appealing to formal precedents, to the influence of conspicuous names, or mooting the unimportant question of my own consistency, I prefer to recur to fundamental principles, and to the plain letter and spirit of the Constitution, and by these to test the correctness of my present views.

It is then, sir, a fundamental principle, that there is a division of political power between the States and the Federal Government. The powers conferred on the Government of the United States, in the language of the Federalist, "are few and defined;" whilst, without exception, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The powers, therefore, which remain with the States respectively, and with the people of each State, "are many and undefined." These Governments having a separate and distinct organization, and having a separate and independent action of each other, in the execution of their respective powers and duties, there is necessarily a *dividing line*, which must be kept constantly in view. The more clearly it is marked and defined, the more certainly will each Government be restricted within its own appropriate and constitutional province; and the more effectually will confusion, embarrassment, and collision be avoided in the progress of their administrations. An obliteration of this line, an encroachment upon this boundary, mars the beauty, deranges the design, destroys the harmony, and impairs the strength of our whole political system.

Having presented to the committee this fundamental and essential principle of a separation of the powers of the States and of the Government of the United States, I beg leave to read certain *express provisions* of the Constitution, to which our action, to be rightful, must conform in prescribing regulations for the administration of the finances.

Section eight of article the first, vests Congress with power—

"To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States;

"To borrow money on the credit of the United States;

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

"To provide for the punishment of counterfeiting the securities and current coin of the United States;

"To make all laws which shall be necessary and proper for carrying into exection the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

SEC 7, ART. 1. "All bills for raising *revenue* shall originate in the House of Representatives."

SEC. 9. "No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

SEC. 10. "No State shall coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts."

Now, Mr. Chairman, it is proposed, on one hand, to organize the Treasury of the United States, so as to dispense with bank agency, and to conform strictly with the requisitions of the Constitution; on the other hand, it is proposed to engage and employ, by contract, State banks, corporations, to perform the office of fiscal agents to the Federal Government. Thus a direct issue is made up between the advocates and opponents of the two schemes, and fairly presented to the country. To the employment of the State banks, an objection, *in limine*, has sometimes been urged—that they are contrary to the Constitution of the United States. It is not necessary to the course of argument which I propose, to enter into the question of the constitutional power of the States to incoporate banking companies. From careful study and honest conviction, I belong to that political party who insist upon a strict and limited construction of the grants of power enumerated in the Constitution, and who, in my own State, in the early struggle waged between State rights and Federal encroachment, concurred with the General Assembly in peremptorily and explicitly declaring that "it views the

powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." Holding fast to this doctrine, maintaining that the States, as sovereign parties, having no common arbiter, may interpret the compact for themselves, and may interpose to arrest its violation, as a State rights man, I cannot admit—on the contrary, I utterly deny—that Congress, or any department of the Federal Government, the mere creature or agent of the parties, can construe the powers, or define the limits of State authority. Congress is not a competent tribunal, and cannot undertake to decide whether any provision of the Federal Constitution prohibits the States from creating banking institutions. I am not to be understood as contending that such a question might not incidentally arise before the courts of the United States, or that they could not properly decide such point, arising in a case of which, under the Constitution, they had cognizance. Nor do I mean to deny that their decision, pronounced in such a case, would be of binding obligation between the parties litigant. I decline, therefore, a discussion of the constitutionality of State banks, and shall admit, for the purpose of argument, their rightful existence. On this occasion, too, I decline an examination of their expediency or utility. For the present, also, the important inquiry is waived, whether their exclusive privileges and chartered immunities are in accordance with the genius and principles of Republican government, or consistent with the equal rights of all the citizens. I will not indulge myself here to speak of the great question of bank reform—the great question of a necessary and thorough revisal of the entire system and doctrine of corporations—questions which are irresistibly forcing themselves upon public consideration both in England and America, in spite of all Conservative resistance in both countries. Waiving the discussion of these topics on this floor, I proceed to an examination, not of the provisions in detail, but of the principles of this fondly cherished scheme of selecting in the first instance, and then employing, by contract, State banks to perform the fiscal operations of the Federal Government. I arraign it before the country, and impeach it at the bar of public opinion of violating some of the express provisions of the Constitution—of tending to defeat the object designed, by the substitution of a direct power to raise revenue, in place of the indirect mode of requisitions on the States—of exercising "other powers not granted in the compact"—of disfiguring, if not obliterating, the line of distinction and separation between the authorities of the United States and of the respective States—of contradicting the settled doctrines of political economy, and grossly mistaking the nature and effect of taxation and public expenditure—and finally, upon a comprehensive view of all its purposes, promises, and designs, I accuse it of commending to our lips a rank and poisonous Federalism, worthy of the time and the school of Alexander Hamilton.

The plan of converting the State banks, by league and compact, into an adequate and uniform fiscal system for the whole United States, requires a latitudinous construction of the Constitution, and an expanded exertion of Federal power, extravagant, unprecedented, and alarming. Solemnly and deliberately convinced that such is the character of the measure, I am impelled by a sense of duty to essay its exposure to public reprehension; and although I strongly desire to indulge a peaceful temper and a conciliatory spirit; to avoid crimination, dissension, and division; and to prefer no charge against personal friends and political associates; yet, sir, this sense of duty to my constituents and my country is paramount and must be obeyed.

By reference, Mr. Chairman, it will be clearly perceived that the clauses of the Constitution which have been cited absolutely require that the revenue, and all the "public money," shall be kept in a Treasury. It is, therefore, the duty of Congress to create by law, to call into existence by legal enactment, this Treasury, in which the public money must be deposited when collected or received; and it is also the duty of Congress so to regulate and guard the custody of the revenue, that it may be ready at every moment, without contingency or delay, after its receipt into the Treasury, when required, to meet appropriations. As the revenue must be placed in the Treasury, and as no money can be drawn therefrom but in consequence of appropriations made by law, it results conclusively that no part of the public money once received into the Treasury can be intermediately withdrawn, or otherwise used and employed. Now, sir, a Treasury cannot be recognised by these essential characteristics—of being the receptacle of all public money, retaining it secure and inviolate for any purpose but for appropriations, and keeping it *ever* ready for these—unless it be of the entire creation, and under the separate and independent supervision and regulation, of the constituted authorities of the United States. This Treasury, to answer the wise purposes of its institution, must, of course, be entrusted to the management of human agency; and this agency, to insure its fidelity and efficiency, must be held strictly accountable and responsible, and made susceptive of coercion into a proper discharge of duty. The laws creating and organizing the Treasury may and ought to contain sanctions; they may and ought to prescribe and enforce fine and punishment for delinquency and failure. Corporations, especially those existing by State authority, cannot completely and effectually, if at all, be subjected to compulsatory and penal legislation. Hence not only the superior expediency, but, to my mind, the necessity, of selecting *individual* rather than *corporate* agency—of employing *natural* rather than *artificial* persons. If this be so, it cannot be completely and effectually accomplished unless the Treasury is wholly administered by officers of the Federal Government. Yes, sir, the officers proper of the Treasury must be appointed and commissioned, as officers of the United States, by authority of the Federal Government, must be amenable to the same authority, punishable by the same authority, and by the same authority removable from office.

According to my perception, it appears clear and indisputable that the deposite of the public money in the State banks, and the grant of its entire custody to them and their officers, are a violation of the positive provisions of the Constitution, which require that this public money shall be placed in the Treasury, and there so kept, that no part shall be withdrawn at any time, or for any purpose, "but in consequence of appropriations made by law." But the revenue, the public money, thus on deposite, although collected and received, *is not actually in the Treasury of the United States.* It is there only by contemplation of the law—it is there only by the magic of legal construction. The revenue is placed in the possession of these corporations; they have the same use and control of the public money, for all purposes of business, as they have of the money and funds of themselves; and, in palpable contradiction of this flagrant fact, a credulous and confiding constituency are gravely invited to believe, to take it for granted, that the money is really and *bona fide* in the Treasury, lying ready and capable of being drawn therefrom according to law.

Sir, this requires a force of the imagination, a transport of the fancy, utterly beyond the exertions of plain sense and common observation. It is offering an idle mockery to an honest man's reason. It cannot be that the mass of the people of this country have a love for fiction and romance so extensively cultivated, so exquisitely refined, as to require artifice and deception for its gratification, in the dull and dry concern of an account current of receipts and expenditures. It cannot be that the people are yet prepared to adopt a system, and stamp it with "a final consideration and deliberate adherence," which authorizes and requires financial inventions, instead of "a regular statement and account of the receipts and expenditures of all public money." An honest and confiding people cheerfully and generously discharge all their public burdens; they ungrudgingly, and without complaint, satisfy the last exactions of their Government; with an uncorrupted simplicity, they readily believe that their contributions, rendered in willing obedience to law, will be put in their own common Treasury, and drawn out only to meet legitimate and necessary appropriations; and that their servants will give them, from time to time, a plain, intelligible, and satisfactory exposition. Instead of a regular statement and account, comprehensible to an ordinary mind, they receive an elaborate dissertation upon the condition of the finances, and an abstruse explication of *available* and *unavailable* funds. The very laws are an offence to their sense of morality and their love of truth, because they require technical misrepresentations of the true state of the Treasury.

Sir, Congress is guilty of gross financia dilapidation, by surrendering the public mone yto irresponsible persons and bodies politic for their own use and benefit, instead of keeping it securely in the Treasury; and but for legal forms and technicalities, would be justly chargeable with peculation and embezzlement. The withering indignation of a betrayed and outraged communitv is prevented only by imposing on them "a fiction of law" for "a matter of fact."

Mr. Chairman, I have endeavored to show that the Constitution requires that the collected revenue shall be safely kept in the Treasury of the United States, and that it cannot be intermediately used or and command such duties. A palpable defect of power can be supplied only in the mode designated in the Constitution: it cannot be obviated by artful contrivance by indirection, and by circuity of legislative action. No compact, stipulation, or agreement with these corporations can confer on Congress, or the Executive, or any department of this Goverament, additional powers. The authority of Congress over the subject of finance and revenue cannot depend, in whole or in part, for its existence or its exertion, upon the assent or dissent of bodies politic. The consent of one or more States cannot empower Congress to do an act not warranted by the Constitution, nor can the dissent of one or more States prevent the exercise of a power clearly granted. This doctrine applies *a fortiori* to corporations created by the States, and subordinate to their sovereignty.

The conclusion is regularly reached, and is undeniable, that the State banks are not, and cannot become, the Treasury of the United States, as designed and required by the Constitution itself. The corollary from this conclusion is, that public money, placed in the banks on deposite, is not in the Treasury, safe, and ready at every moment, from the time of its receipt, to be drawn therefrom, "in consequence of appropriations made by law," and incapable of being subtracted therefrom, in consequence of any thing else. It is true, that the Secretary of the Treasury annually reports all that public money as being in the Treasury which is on deposite, and in possession of the banks; and it is also true that the acts making appropriations, regard this public money in the same point of view. But, sir, I think it has been made manifest in a previous part of my argument, that this whole proceeding rests upon delusion, and not upon reality; upon hypothesis, and not upon fact; that artificial conclusions are required by the character of our financial system, and the nature of our legislation, not warranted by the actual condition of the Treasury. Are we to be told that there is no distinction between the actual possession of money, the real cash in hand, and a debt due, a mere liability to pay money. I understood my colleague [Mr. GARLAND] as asserting that money deposited in bank was just as much in the possession of Government, as when in the hands of its own officers. Do you recognise no difference, Mr. Chairman, between drawing money out of your own chest, and paying your creditor, and giving him a check or order on your debtor, in satisfaction of his claim? The most ordinary intellect must perceive clearly the distinction in the case of individuals; and, having per-

ceived this, must inevitably admit that there is a similar distinction between money in the Treasury, in the actual possession of the Government, which can be seen, touched, counted, and used, and a debt or liability from the banks to the Government, which may or may not be paid, according to promise and contract, on demand. Many an honest creditor, by the story of his disappointment and distress, a tale of real life without the embellishment of fiction, can readily and easily explain the difference between receiving *money* drawn out of the Treasury and paid to him by a responsible and authorized officer of Government, and receiving a draft upon an insolvent or suspended debtor bank employed, because there is a positive injunction against taking any money out of the Treasury but to meet appropriations made by law.

I have also endeavored to show that this Treasury, which is *thus* to hold the public money, must necessarily, if it accomplish its intended purposes, be wholly created and solely governed by the authority of the United States. Those who are required to place money in a Treasury, and to keep it there securely, without being used by themselves or others for any purpose, until wanted for a specific object, and are then bound to produce it, must, in the very nature of things, not only have access to this Treasury, but must also, to the entire exclusion of all others, have the entire possession and control of it. Now, sir, bank officers and directors and stockholders do not correspond with this description of persons; and the banks do not, and cannot, constitutionally, constitute such a Treasury as I have described.

A mere direction to deposite the public money in the banks does not, *ipso facto*, convert them into the Treasury. The act of Congress does not create them, cannot increase or diminish their powers, and cannot rightfully stipulate for the performance of any service repugnant to their charters. It will hardly be argued that Congress has power directly and peremptorily to require the banks to receive, to keep, to transfer, and to disburse the public money—to prescribe, by law, the manner in which these duties shall be performed, and to punish for refusal, failure, or neglect. Sir, I hazard nothing in expressing the opinion, that no man will maintain that Congress can *compel* the banks to become the depositories of the revenue. If there be no substantive power, which can be *directly* exercised to compel the banks to perform these duties, then the authority to accomplish the same end circuitously, by indirect means and by contrivance, must be derived by unfair interpretation. If Congress does truly possess the power under the Constitution, to devolve this duty on the banks, then it may legitimately carry it into execution, and may adopt *coercive* measures. Not only does the Constitution expressly authorize the passage of all necessary and proper laws to carry into execution a granted power, but it is the very essence of law to exact obedience. A law is a rule prescribed, which must be obeyed—it enjoins duty, and may compel performance—it speaks to command, and not to parley—and a want of approbation cannot render a law, enacted in pursuance of the Constitution, nugatory, or justify disobedience on the part of those to whom it is addressed. If a *sanction* cannot be annexed—if a *penaltly* cannot be enforced, then it is clear that there is a want of Legislative authority to *command* what it proposes to be performed. In other words, an evident and acknowledged inability to enforce compliance, to compel performance, is conclusive proof of the non-existence of the power. As then Congress cannot constitutionally impose fine and punishment on these corporations and their officers, for refusing to keep the public money, for failing to keep it safely, for declining to transfer or disburse it, for neglecting to refund it when required, or even for embezzling it, it would seem idle to discourse about the existence of any substantive or efficient power to prescribe in discharge of his claim. Such an one knows and feels the difference between the receipt of money and the receipt of a bill drawn on another for money. A debt due and unpaid, is not money in possession. This delusive idea, that money deposited in bank is in possession of the Government, is dissipated by a positive enactment of Congress at the late extra session. This act rests upon the existing facts of the case, and not upon the hypothesis of the deposite system.

[Mr. DROMGOOLE here introduced and read to the committee the act of Congress passed October 16th, 1837, and entitled "An act for adjusting the remaining claims upon the late deposite banks."]

Here, sir, is an admission of the fact, which the deposite system endeavors to conceal and mistify, that the public deposites in the banks are not public money in the Treasury. This act recognises them as debts due to the United States from those institutions; it extends indulgence to them; and it exacts interest for delaying payment. It is an utter absurdity to assert that the same identical money is in the Treasury, and at the same time an unavailable or unpaid debt. It is defaming the Constitution to charge it with giving sanction or countenance to such inexplicable contradictions—such irreconcilable inconsistencies.

Next in the order of impeachment, Mr. Chairman, I am to make good the charge, that this union of the banks with the Government tends to defeat the object designed by the framers of the Constitution in substituting a *direct* power to raise revenues in place of the *indirect* mode of making requisitions on the States. It is unnecessary to detain the committee with a history of the requisitions made by Congress, under the articles of confederation, on the different States of the Union; with an account of the delay or failure of the States, in many instances, to comply; or with explanations of the insuperable difficulties, indeed the acknowledged inability, of Congress to enforce compliance. The principles of legislation for States or Governments, in their *corporate* or *collective* capacities, as contradistinguished from the *individuals* of whom they consist, was pronounced by the writers of the day to be the "great and radical vice" of the existing confederation. The narrative of those times, the current essays, and the solemn debates, incontestibly prove that the correction of this radical vice was a powerful and leading inducement in the formation of the present Constitution. So thoroughly penetrated were the framers of the Constitution, and the American people, with the conviction of the necessity of delegating to Congress a power of raising revenue, separate from and independent of the States, in order that that body might preserve the public faith, comply promptly with all engagements entered into in behalf of the United States, and execute efficiently all acts requiring an appropriation of money, that they consented, in this particular, to give the Government of the Union a *National* instead of a *Federal* aspect.

Congress was, therefore, authorized to apply the revenue power *directly* to the persons of the citizens, relieved from any dependence on the States, as communities, in their *corporate* character, and exempt from the embarrassments and difficulties of their intervention. The *principle* introduced is that of obtaining the necessary revenue by acts of legislation operating upon *individuals*; the *object* was to secure to the Government the appropriate application or use of this revenue to its wants, without *dependance* on *corporate bodies*. The *principle* will have been introduced in vain, if, after the collection of the revenue, it may be returned to the States under the name of deposites, by which operation Congress is again reduced to a *dependance* on them, and compelled again to resort to the abandoned system of requisitions. And is not the *principle* violated in a twofold degree by a *dependance* on banks, by creating the necessity of making requisitions on *corporate bodies*, which are but the creatures of the *corporate authority* of the States? The case is too clear for argument, that in both instances the *principle* is violated, and in both instances the *object* is defeated. These corporations may delay or decline compliance with the requisitions of the Government—may refuse to pay the bills of Government drawn on them—may deny to the Government the use of its own revenue. The patriotism, the public spirit, the sense of justice which resides in corporations, is a sorry and an unsafe reliance for the support of Government. Suppose they lock up the revenue; suppose they refuse to yield it up for ever, or for a time, in peace or in war, where is the remedy against their contumacy; where is the relief from this miserable dependance? For the present, I only raise the question of remedial action—I do not go into a discussion of its feasibility.

Mr. Chairman, I am sincerely convinced that a Government made, by its organization, dependent on corporations is fundamentally defective and imbecile; if the agents, entrusted with its administration, voluntarily reduce it to such a dependance, they are faithless to their charge. Such a dependance, especially in matters of revenue, is incompatible with the very idea of government. A Government does not exist in its full constitutional health and vigor, which depends, for its supplies, on the contingent will of a corporation.*

The next count in the bill of indictment which I have preferred, charges the scheme under examination with exercising powers not granted in the compact. It usurps a power, no where granted, of loaning out the public money. The Constitution does not, and, for wise reasons, ought not, to confer on Congress the authority to lend money. "To borrow money, on the credit of the United States," is expressly authorized; but no permission of the converse operation is to be found in the enumeration of grants to Congress. To loan public money is not necessary or proper for carrying into execution any vested power, and cannot be regarded as of indispensable implication. The power to loan money implies the right to levy and collect an excess of revenue beyond the necessary and appropriate wants of the Government. Applications for loans would greatly multiply the inducements to superfluous, unjust, and oppressive taxation. A desire to negotiate loans from the Government, urged under the pretext of promoting the public good, would enlist a host of expectants and applicants, and would combine an interest in favor of surplus revenues, which would ultimately prove irresistible and overwhelming. Among the most eager and importunate in their solicitations for the use of the public money always, as at present, will be seen the corporations of the country. Deficiencies of the revenue appear to have been contemplated as of probable occurrence, and hence, very properly, the power "to borrow money" is expressly granted, and made permanent; but the idea of a surplus revenue of taxation beyond the necessary wants and consumption of Government, seems to have been cautiously excluded from any place in the Constitution. We search in vain for any semblance of the power to lend public money. The evident danger of abuse and oppression, by inordinate taxation, for the purpose of granting loans to favored individuals or associations, vindicates the wisdom of withholding such a power, and impresses, with certainty, the conclusion that none such could possibly have been contemplated. A total absence of all authority to lend the public money, in any form, ought to furnish some security that taxation would be restricted to the simple purpose of appropriation. Unless *loan* and *appropriation* are synonymous, or confounded, the restriction of the money in the Treasury to appropriations is an exclusion of its employment in the business of loans.

Having ascertained, as I think, incontrovertibly, that "to lend money" is the exercise of a power not granted in the compact, it remains, in regular order, to inquire whether the deposites of the public money with the banks are, in fact, loans. It has been previously demonstrated that these deposites are not *money actually in the Treasury*, but are *debts* due from the banks to the United States. To undertake, in addition to this, to demonstrate further that these *debts* are the result of moneys advanced or loaned, would be clearly to supererogate. It would be the useless employment of adducing testimony in proof of a notoriously self-evident fact. The eleventh section of the famous distribution and deposite act of the 23d of June, 1836, entitled "An act to regulate the deposites of the public money,"

* The reader is respectfully referred to Nos. 15 and 16 of the letters of Publius, in the work entitled the "Federalist;" extracts from which had been noted, but were omitted in committee for the sake of economizing time.

expressly admits that the public money placed in the banks, under the name of "deposite," is loaned to them, and requires interest for the use of it. In Committee of the Whole on that bill, I moved to strike out the part requiring interest, placing the motion distinctly on the ground that it openly recognised the right of Congress to loan out the public money. The clause requiring interest had been inserted and defended upon the principle that the banks ought to *pay* for the *use* of the public money. Thus did Congress, "a mere trustee of the public treasure," bound to make a specific application of it, assume the right to divert it, and to loan it out on interest.

Mr. Chairman, this scheme of forming compacts or agreements with persons or bodies politic, not holding offices created, or appointments made, by this Government, to take possession of the revenue, with permission to use and employ it upon condition of performing certain services, rests upon a virtual assumption of the power to "farm out the revenues." There are general laws specifying and declaring what duties or taxes shall be paid. We have an estimate of the probable amount of revenue accruing from the collection. Can the Government turn over to others, be they natural or artificial, the collection of the taxes, with the right of conversion to their own use, in consideration of a promise or agreement to pay out and disburse, as may be required, an equivalent sum? Let this indebtedness, this liability, be equal to a fairly estimated amount of all duties and taxes, deducting only a reasonable compensation for the expense and trouble of collection, and making a just allowance for failures or losses; let there be ample security for strict and faithful performance, still is it competent for Congress to convey and transfer the gross uncollected revenue? I shall take it for granted that no person will undertake to defend the policy or the constitutionality of such an arrangement. And where, it may very properly be inquired, is the difference in principle between receiving an acknowledgment of a debt, as a consideration for the transfer of the revenue before and after its collection? In both cases, the custody, possession, and use, of the revenue is surrendered, given, granted, and conveyed; and, in return therefor, a promise or obligation is taken for so much money, payable and to be paid on demand; to be disbursed or doled out by the grantee according to the requisition of the grantor.

The Government, sir, is to encounter all the difficulty and expense of collecting the public money; it is to incur, as it should do, the responsibility and the odium, if any, of enforcing an unjust and oppressive system of taxation; and then is to let out, by special contract, to such banks as may be the selected objects of favor, the entire revenue, to be employed, at their unlimited discretion, in the business of trade and speculation in all its varieties. No matter how artfully this system of deposite may be disguised in its terms and stipulations; no matter by what delusive epithets it may be denominated, "to this complexion it comes at last," that the banks are the "Farmers General" of the revenues of the United States. I have characterized this proceeding as an assumption of a power not granted, but it might be adopting a more correct mode of expression to designate it a surrender of the rights and duties of Congress to corporations.

Let us, Mr. Chairman, to these charges of a violation of the Constitution, and an assumption of power not granted, make an application of a leading doctrine of the Republican party, contained in their creed, as expounded in the Kentucky resolutions, in Taylor's resolutions, and in Madison's report. In that resolution, to which the attention of the committee has been heretofore invited, it is declared: "That, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them." The principle here asserted is maintained also in the Kentucky resolutions; and it is clearly explained, strongly enforced, and conclusively defended, in Madison's report. It receives my most hearty and unqualified concurrence. The purpose, at present, however, is not to inquire whether it is a case of such deliberate, palpable, and dangerous exercise of powers not granted, as to require and justify the interposition of the States for the purpose of arresting it within their respective limits. Probably it might be so regarded, were it possible to discuss the matter in all its relations and consequences to our institutions, State and Federal, free from the influence of banks and the power of money.

The Federal Government possesses its powers, separate and distinct from the States and their Governments, and in a rightful exercise of them cannot be hindered, obstructed, or prevented by the interposition of State authority. The States cannot so exercise this right of interposition for the purpose of arresting the evil of Federal usurpation, as to violate the compact to which they are parties. Whenever, therefore, a State can successfully interpose, without violating the compact, to defeat and prevent the progress of Federal action, it would seem to show conclusively that the arrested action was not authorized by the compact. I do not mean to go into an exposition of the whole doctrine of State interposition. Let it suffice here to avow the belief that the modes are various; that the interposing act may be effected by the existing Governments of the States through the agency of one or all its departments, as may be deemed best and most appropriate; and that the mode and the manner of interposing must depend on the nature and extent of the evil to be arrested.

Now, sir, is there any mode in which the States may, rightfully and successfully, interpose to arrest and prevent the employment of their banks as fiscal agents of this Federal Government?

Surely it will not be questioned but that the States may prohibit any subscription to the stock of their banks on behalf of the United States, and may prevent the Federal Government from becoming a member of any incorporated company within their respective limits. The States, in the act of incorporation, may prescribe admissions into, and exclusions from, the company. Here, then, is one species of connection which may be avoided. The States have clearly the right to supervise, regulate, and control, the conduct of their own local institutions. They may, in their wisdom and discretion, in the progress of time, discontinue, within their respective limits, the whole banking system. They may, in virtue of their exclusive power of legislation over their own corporate bodies, interdict them from entering the service of another Government. They may inhibit or annul all contracts and agreements made by the banks, which are not in strict pursuance of a rigid interpretation of their charters. These things are manifestly within the competency of State authority, and would effectually prevent any connection between the Federal revenues and the local banks, without impeding or obstructing the rightful action of the Government; without impairing, in the least, its right "to lay and collect taxes, duties, imposts, and excises," to place all public money in the Treasury, to provide for its being kept there exclusively and securely, and to regulate the mode and manner of drawing out the same by its own officers, in consquence of appropriations. If, however, the selection and employment of these banks rested upon any authority deducible from the terms of the compact, the States, who are parties, could not thus easily and efficiently interpose to arrest the progress of its exercise.

Mr. Chairman, I proceed next to show that this alliance with the banks tends to efface the line of partition between the States and the Federal Government. It will be borne in mind by the members of the committee, that, in the commencement of my remarks, I laid down, as part of the groundwork of my argument, the fundamental principle of a division and distribution of political power between the two Governments. I have marked several passages, both in Taylor's "Construction Construed," and his "Inquiry," demonstrating and enforcing this great principle in the structure of our political systems. It is with pleasure that I refer to the views and arguments of this pure patriot and eminent statesman, on account of their own merit and the high estimation in which they are held in my own State; but to save time, now become so valuable, I will forego my desire to read extracts from the works before me.

This primary principle teaches us that each Government has its appropriate and separate duties to perform, and that each has its separate and distinct functionaries and institutions. The conversion of those belonging to the States into the fiscal functionaries of the Federal Government, blends, mixes, and confuses the public money of the latter with the money and funds of the States, and of the local companies organized by their authority. In many instances the same banks will be in the fiscal employment of the States and of the United States at the same time. The officers and members of companies created by the States, accountable and responsible to the States, undertake, by contract, to render themselves accountable and responsible to this Government, and thus to draw over them the mantle of Federal jurisdiction. If, technically speaking, they do not become officers under Federal appointment, yet most assuredly they are *contractors* with the Government. How far, in virtue of this contract with the corporate body, the character of contractor attaches to each member individually, it is not material to inquire; nor is it necessary to revive a question mooted in this House in 1806, whether *contractors* are *officers*. If the president, directors, and members, are converted into contractors, and *contractors* are *officers*, then they are all ineligible to seats in either House of Congress, under the sixth section of the first article of the Constitution; and in my own State, every person holding any office or place, any commission or appointment whatsoever, whether any pay or emolument be attached thereto or not, and every person in any way accepting or receiving any emolument whatever, is entirely disqualified for holding any office therein. I will not undertake to decide here for my State a question *coram non judice*, and which she is fully competent to decide for herself: whether every officer and stockholder of a bank, performing, under selection and appointment by this Government, and under the terms and obligation of an express stipulation or agreement, the duties of fiscal agent, do not hold some office, place, commission, or appointment, or do not, in some way, accept or receive some pay or emolument, and are not thereby entirely disqualified for holding any office in the Commonwealth? It is a question, perhaps, novel to all, and never considered by any; but in the progress of the system, should it unfortunately be revived and continued, it may prove to be one of deep and vital importance to the rights of the State, and to the pure administration of her laws. It is no part of my purpose to discuss or decide it. My object was to bring to view such effects, to suggest such questions and doubts and difficulties, as served to show that the enlistment of State institutions into Federal employment, tended to confuse and complicate the business and the duties of the two Governments, and thereby to efface, or render less distinct, that "line of partition," which the Republican members of the General Assembly of Virginia, in their solemn address to the people, accompanying the resolutions of December, 1798, declared they were under "the strongest obligation to preserve unimpaired." I will conclude this division of the subject, by repeating and reaffirming some observations which were incidentally drawn from me on a former occasion:

"He *was* one of those who wished to organize the Treasury of the United States upon its true constitutional ground, and to disconnect it entirely and wholly from its union with State institutions. He believed that good policy required it; that past experience demonstrated its necessity; and he believed it to be according to the spirit of the Constitution, and the obvious intention of the framers of that instrument. He was well satisfied, from reason and reflection, as well as from the lights of former experiments, that the State banks, from their limited and local character, and from their separate and unconnected existence, under different State authorities, could never harmoniously, adequately, and efficiently perform the functions of fiscal agents to the Federal Government.

"Mr. D. observed that it was a principle long established in Virginia, that the business and operations of each Government, State and Federal, should be kept separate and distinct. That each Government should be confined to its own orbit; that each should separately exercise its own appropriate powers; that the offices and the administration of the two Governments should not be united or blended in the same persons—are, in the good old Commonwealth of Virginia, regarded as cardinal doctrines. The proposed connection between the banks and the Federal Government—the mixture of the revenues of the two

Governments in the hands of a common fiscal agent—the transfusion of the moneys of the Federal Government into the business of corporations—are a palpable violation of the political creed of Virginia, which she has constantly and ardently cherished. Such was the wakeful jealousy on this subject; such the anxious desire to establish and secure this great principle of State sovereignty, (doubtless to guard effectually against any sinister influence on the part of the Federal Government)—that at the very first session after the Virginia Convention had ratified the Federal Constitution, the Legislature enacted that any person holding any office or place, any commission or appointment whatsoever, whether any pay or emolument was attached thereto or not, or if in any way accepting or receiving any emolument whatever should be entirely disqualified or holding any office in the State. And the preamble of the act, after reciting that the Convention had assented to the Federal Constitution and the creation of a Federal Government, declares, that 'it is judged expedient and necessary that all those employed in the Administration of said Government ought to be disqualified from holding or administering any office or place whatsoever under the Government of the Commonwealth.'

This was the doctrine maintained from the first by the Revolutionary fathers of the Old Dominion, and solemnly embodied into law in 1788, at the session that intervened between the act of ratification and the commencement of the Federal Government. From that period to the present it has been carefully preserved among our living statutes. And for the purpose of upholding the same principle of keeping the State, and all its institutions exempt from any improper influence or interference by the Federal Government, it is a part of our fundamental law, a provision of our amended Constitution, that certain persons in the service of the United States shall be incapable of exercising the elective franchise. Mr. D. unhesitatingly avowed that he *was* of those who advocated an entire separation between the revenues of the Federal Government and the State banks.

Mr. Chairman, I have also charged this scheme, of surrendering the revenues to the use and employment of the banks, with contradicting the settled doctrines of political economy, and grossly mistaking the nature and effect of taxation and public expenditure. On this branch of the subject I might detain the committee with numerous references to authors of established reputation, and with copious extracts from their erudite investigations. Admonished by the brevity of our time, and out of respect to the anxiety of others to be heard, I will content myself with a few quotations from a single writer.

On the subject of public expenditure, of consumption by Government, I will take the liberty of reading from Say's Political Economy the following:

"If I have made myself understood, in the commencement of this third book, my readers will have no difficulty in comprehending that public consumption, or that which takes place for the general utility of the whole community, is precisely analogous to that of consumption, which goes to satisfy the wants of individuals or families. In either case, there is a destruction of values, and a loss of wealth, although, perhaps, not a shilling of specie goes out of the country.

"By way of ensuring conviction of the truth of this position, let us trace, from first to last, the passage of a product towards ultimate consumption on the public account.

"The Government exacts from a tax-payer the payment of a given tax in the shape of money. To meet this demand, the tax-payer exchanges part of the products at his disposal for coin, which he pays to the tax-gatherer: a second set of Government agents are busied in buying with that coin cloth and other necessaries for the soldiery. Up to this point, there is no value lost or consumed; there has only been a gratuitous transfer of value and a subsequent act of barter: but the value contributed by the subject still exists in the shape of stores and supplies in the military depot. In the end, however, this value is consumed; and then the portion of wealth which passes from the hands of the tax-payer into those of the tax gatherer, is destroyed and annihilated.

"Yet it is not the sum of money that is destroyed: that has only passed from one hand to another, either without any return, as when it passed from the tax-payer to the tax-gatherer, or in exchange for an equivalent, as when it passed from the Government agent to the contractor for clothing and supplies. The value of the money survives the whole operation, and goes through three, four, or a dozen hands without any sensible alteration: it is the value of the clothing and necessaries that disappears, with precisely the same effect as if the tax-payer had, with the same money, purchased clothing and necessaries for his own private consumption. The sole difference is, that the individual in the one case, and the State in the other, enjoys the satisfaction resulting from that consumption.

"The same reasoning may be applied to all other kinds of public consumption. When the money of the tax-payer goes to pay the salary of a public officer, that officer sells his time, his talents, and his exertions, to the public, all which are consumed for public purposes. On the other hand, that officer consumes, instead of the tax-payer, the value he receives in lieu of his services, in the same manner as any clerk or person in the private employ of the tax-payer would do.

"There has long been a prevalent notion, that the values paid by the community for the public service, return to it again in some shape or other; in the vulgar phrase, that what Government and its agents receive, is refunded again by their expenditure. This is a gross fallacy, but one that has been productive of infinite mischief, inasmuch as it has been the pretext for a great deal of shameless waste and dilapidation. The value paid to Government by the tax-payer, is given without equivalent or return; it is expended by the Government in the purchase of personal service of objects of consumption; in one word, of products of equivalent value, which are actually transferred. Purchase or exchange is a very different thing from restitution.*

"Turn it which way you will, this operation, though often very complex in the execution, must always be reducible by analysis to this plain statement. A product consumed must always be a product lost, be the consumer who he may: lost without return, whenever no value or advantage is received in return but to the tax-payer, the advantages derived from the services of the public functionary, or from the consumption effected in the prosecution of public objects, is a positive return.

"If, then, public and private expenditure affect social wealth in the same manner, the principles of economy, by which it should be regulated, must be the same in both cases. There are not two kinds of economy, any more than two kinds of honesty, or of morality. If a Government or an individual consume in such a way as to give birth to a product larger than that consumed, a successful effort of productive industry will be made. If no product result from the act of consumption, there is a loss of value, whether to the State or to the individual; yet probably that loss of value may have been productive of all the good anticipated. Military stores and supplies, and the time and labor of civil and military functionaries, engaged in the effectual defence of the State, are well bestowed, though consumed and annihilated; it is the same with them as with the commodities and personal service that have been consumed in a private establishment. The sole benefit resulting in the latter case is, the satisfaction of a want; if the want had no existence, the expense or consumption is a positive mischief, incurred without an object. So likewise of the public consumption: systematic profusion, the creation of an office for the sole purpose of giving a salary, the destruction of an article for the mere pleasure of paying for it, are acts of extravagance either in a Government or an individual, in a small State or a large one, in a Republic or a Monarchy. Nay, there is more criminality in public than in private extravagance and profusion; inasmuch as the individual squanders only what belongs to him; but the Government has nothing of its own to squander, being, in fact, a mere trustee of the public treasure.

"What, then, are we to think of the principles laid down by those writers who have labored to draw an essential distinction between public and private wealth, to show that economy is the way to increase private fortune, but, on the contrary, that public wealth increases with the increase of public consumption; inferring thence this false and dangerous conclusion, that the rules of conduct in the management of private fortune and of public treasure, are not only different, but in direct opposition."

In relation to the character and effect of taxation, I ask indulgence whilst I read a few selected sentences from the same author:

"Taxation is the transfer of a portion of the national products from the hands of individuals to those of the Government, for the purpose of meeting the public consumption or expenditure. Whatever be the denomination it bears—whether tax, contribution, duty, excise, custom, aid, subsidy, grant, or free gift—it is virtually a burden imposed upon individuals, either in a separate or in a corporate character, by the ruling power for the time being, for the purpose of supplying the consumption it may think proper to make at their expense; in short, an impost, in the literal sense.

"It would be foreign to the plan of this work to inquire in whom the right of taxation is, or ought to be, vested. In the science of political economy, taxation must be considered as matter of fact, and not of right; and nothing further is to be regarded than its nature, the source whence it derives the values it absorbs, and its effects upon national and individual interests. The province of this science extends no further.

"The object of taxation is, not the actual commodity, but the value of the commodity given by the tax-payer to the tax-gatherer. It being paid in silver, in goods, or in personal service, is a mere accidental circumstance, which may be more or less advantageous to the subject or to the sovereign. The essential point is the value of the silver, the goods, or the service.

"The moment that value is parted with by the tax-payer, it is positively lost to him: the moment it is consumed by the Government or its agents, it is lost to all the world, and never reverts to, or re-exists in, society. This, I apprehend, has been already demonstrated, when the general effect of public consumption was under consideration. It was then shown that, however the money levied by taxation may be refunded to the nation, its value never is refunded, because it is never returned gratuitously, or refunded by the public functionaries, without receiving an equivalent in the way of barter or exchange.

"The same causes we have found to make unproductive consumption nowise favorable to reproduction, prevent taxation from at all promoting it. Taxation deprives the producer of a product, which he would otherwise have the option of deriving a personal gratification from, if consumed unproductively, or of turning to profit, if he preferred to devote it to an useful employment. One product is a means of raising another; and therefore, the subtraction of a product must needs diminish, instead of augmenting, productive power.

"It may be urged, that the pressure of taxation impels the productive classes to redouble their exertions, and thus tends to enlarge the national production. I answer that, in the first place, mere exertion cannot alone produce: there must be capital for it to work upon, and capital is but an accumulation of the very products that taxation takes from the subject; that in the second place, it is evident that the values which industry creates expressly to satisfy the demands of taxation, are no increase of wealth; for they are seized on, and devoured by, taxation. It is a glaring absurdity to pretend that taxation contributes to national wealth, by engrossing part of the national produce, and enriches the nation, by consuming part of its wealth. Indeed, it would be trifling with my readers' time to notice such a fallacy, did not most Governments act upon this principle, and had not well-intentioned and scientific writers endeavored to support and establish it."

The opportunity afforded the banks, the permission and encouragement to them, to employ the revenue in trade and business; its conversion, in fact, after collection, into banking capital, as the basis not only of commercial, but of various other operations, is a palpable violation of these plain and simple truths. The introduction of a system founded upon the hypothesis that that value which is consumed by Government is still in existence, and capable of profitable employment and reproduction, is an absurdity and a delusion little less extravagant than would be the idea, in a treatise on population, that the extinguishment of life is not a destruction of human existence—a subtraction from the numerical aggregate. It may be urged that the visible growth and prosperity of the country, the acknowledged augmentation of the grand total of national wealth, refutes the opinion that taxation and expenditure are an absolute destruction of so much value or wealth. Such reasoning is about as convincing, such logic is as conclusive, as to maintain that the continued increase of population, the constant and invariable addition to the aggregate number in a country, by natural means, proves that no death has ever occurred. It is passing strange that a fallacy so absurd, a delusion so implausible, should be attempted upon the credulity of a whole nation. And what are the necessary consequences, the unavoidable mischiefs, of this scheme of deception and folly? The employment of the revenue in business and trade inevitably *tends* continually to the creation of an unnatural condition of things, tends incessantly to disturb and derange the regular and ordinary course of business transactions, and tends to produce an artificial and deceitful relation between the trade of the country, and the capital *actually* applicable to that trade. In the intervening time, between collection and consumption, the revenue is stimulated into active employment; it becomes a moving cause in business and speculation; it is regarded and considered as the basis upon which may safely rest extended additional operations. Whenever the revenue, thus enticed or forced by the action of Government into busy employment, is withdrawn, as it must be necessarily at some time, then the public expenditure is a destruction, to that extent, of so much capital. The capital being gradually withdrawn to supply the wants of the Government, in the same ratio, and even in a much greater, must business be affected. Not only the amount of business resting on this capital, artificially multiplied, must cease and perish; but the tumbling of the superstructure, thus erected, must shake and convulse all others in any way connected with it, and must produce panic and alarm throughout the country. But the *accruing* revenue, in order to prevent these, otherwise certain and disastrous, consequences, must be made to supply the deficiency created, must be made to fill up the chasm. Thus we have disclosed and avowed the startling, the odious doctrine, that besides the mere support of Government, the object and purpose of taxation is to contribute to the increase, or certainly to prevent a diminution of that amount of capital employed by bank agencies. The principle of transferring wealth or value, by force of legislation, from one class or portion of society to another, under whatever pretext of public utility, is a principle of plunder and robbery. It is taking the property of A, depriving him of the use, increase, and profit, and giving it to B, because he will, in the estimation of the Legislature, vest and employ it more beneficially for the "general welfare." It is as clear as the sun in the firmament on a cloudless day, that this unprincipled and unconstitutional connection between the banks and the Government operates as an unmitigated stimulant to superfluous, excessive, tyrannical, and unconstitutional taxation—to taxation greatly surpassing the amount required for proper and economical expenditure.

But suppose, admit, that this licensed and approved conversion of *revenue* into *bank capital* does essentially assist in augmenting the aggregate wealth of the nation to an extent not otherwise attained. The admission of such a fact would be no refutation of the charge of injustice, partiality, and tyranny, urged against the system; and would, by no means, prove that such a system operated *equally* in improving the condition and multiplying the general comforts of society—that its tendency was the production of "the greater good for the greater number."

Take, for example, a small community of one hundred persons, whose total production of value, or increase of wealth, is ten thousand dollars.

* Dr. Hamilton, in his valuable tract upon "The National Debt of Great Britain," illustrates the absurdity of the position here attacked, by comparing it to the "forcible entry of a robber into a merchant's house, who should take away his money and tell him he did him no injury, for the money, or part of it, would be employed in purchasing the commodities he dealt in, upon which he would receive a profit." The encouragement afforded by the public expenditure is precisely analogous.

Whether this increase shall, by the partiality and injustice of law, be monopolized by five individuals, or shall be left free to the acquisition and enjoyment of all, does not at all affect the certainty of the fact of such increase; but it does materially concern the comfort, happiness, and equal rights of ninety-five out of one hundred in society. The augmentation of the aggregate wealth of a nation is not, therefore, always the proper measure of the aggregate improvement and amelioration of the condition of its inhabitants. Strange and paradoxical, therefore, as it may at first appear, it is nevertheless undoubtedly true, that a nation may be rapidly increasing in wealth, whilst individual poverty and inequality may be still more rapidly multiplying; and this deterioration of the comfort and means of subsistence of the inhabitants, separately or in different sections or parts, may be the result of those very laws which are stimulating the employment of capital, and enhancing its profits. Such will be the *tendency*, in a greater or less degree, of any system which takes from individuals, by taxation, a sum more than sufficient for the most rigidly economical wants of Government, and permits the sum of taxation, or any portion thereof, to be transferred to favored classes or associations, to capitalists and speculators, under the shallow pretence of sustaining credit, invigorating confidence, extending commerce, and promoting the *general* prosperity of the country, but really for the purpose of swelling the profits and aggrandizing the wealth of these favorites.

I should not have gone thus seriously, and at large, into this investigation of the deposite system, as connected with the principles of political economy, but for the fact that the policy of using the revenue, as active business capital, has heretofore been recommended and sanctioned; has been maintained on this floor, and has been recently and zealously urged and defended in the other end of this building "The whole surplus revenue beyond the current disbursement of the Government" is to be rescued from "barren and unproductive idleness," is to be preserved from "annihilation" as so much "national capital," and is to be made "susceptible of multiplication, through conventional substitutes, to four times its nominal amount, and capable of fructifying and sustaining the national industry to a corresponding extent."* I have felt it my duty to meet and repel this doctrine of availing ourselves of the revenue power, the power of taxing the people, for the acquisition of national capital, to be employed in the encouragement of national industry. Such a system of deriving capital from the labor of the country, such a mode of giving it employment, with the consequent distribution of its profits, is partial and unjust in its effects upon the different sections of the Union, and is repugnant to the spirit and intention of the Constitution. Against such a departure from the meaning and intent of the compact, against such sectional preferences, against such odious inequality, we have just cause of complaint. Without discrimination or favor, let all be left free to exert their industry and skill, to employ their capital according to the suggestions of their own judgments, and to enjoy, without interference, the fruits of their toils. But to see taxes, generously contributed for the sole purpose of equal government and equal security, diverted from their legitimate end, in order to bestow partial benefits, is to feel the sting of injustice and oppression.

In vain has the Constitution secured uniformity throughout the United States, in "all duties, imposts, and excises;" in vain has it ordained that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another:" these provisions lose their salutary qualities, under the operation of that system which regards the revenue as national capital, and allows its employment for the encouragement of the industry and trade of one commercial city in preference of another.

Mr. Chairman, notwithstanding all these objections, to the constitutionality and policy of the measure, which I have endeavored to enforce, and which, to my own mind, are insuperable, a revival of this exploded experiment is still most pertinaciously recommended. Numerous apologies, alike ingenious and unsatisfactory, are offered for past insufficiency, whilst the most liberal promises are tendered for future fidelity and prompt performance of duty. For myself, I have no confidence in its adequate ability or its efficient agency. Unquestionably it has performed one miracle, a repetition of which, no man, in his senses, who loves his country and its Government, ought to desire. With millions of revenue actually collected and unexpended, reported by the Secretary as having been received into the Treasury, this system has reduced the Government to want and embarrassment, in the language of the day, to bankruptcy. Is it the part of wise men to urge an immedate exposure to a similar fate? Or is it not a wanton disregard of a high and solemn obligation to insist again to place the public money in an exposed condition, liable to be withheld from lawful use and appropriation at the mere pleasure of artificial and irresponsible bodies, acting under the suggestions of fraud, caprice, convenience, or necessity. Exposed to such contingencies, and destitute, as I contend, of any complete remedy, we cannot, with strict propriety, affirm that the revenues are in a place of security. He, who is exposed to danger, who is in actual peril, cannot, in truth, be considered safe, because probably he may have the good fortune to escape without injury. The banks may again suspend, (should they generally resume and get possession of the public money,) may refuse to redem their promises, may violate their contracts, and may disregard all their obligations. Because they may ultimately prove solvent, because they may perhaps, if so inclined, refund the money placed in their custody, and because eventually nothing may be lost, is it therefore safe or prudent to subject the Government, for its support and very continuance, to such contingencies? To speak with accuracy and precision, I cannot admit that banks are such agents as the public ought to believe safe and suitable. My colleague, [Mr. GARLAND,] however, will insist that banks give security, and are as much responsible as the officers of the Government; and that we have all the power over them which we have over individuals.

It will be an exceedingly difficult task to demonstrate that there is the same degree of responsibility to this Government on the part of State banks and Federal officers. It will be a rash undertaking to strive, by argument, to prove that we have all the power over them which we have over individuals holding Federal offices. This subject of *corporate* responsibility, and *corporate* liability to coercion and punishment, has already been anticipated. Suppose, in defiance of all principle, it should be attempted to declare by law the same penalties, the same sanctions, against State corporations, as against individual officers of this Government for delinquency; suppose, by the contrivance of compacts and stipulations, you set on foot some species of prosecution in the Federal courts: how can their judgments and sentences be enforced against bodies politics of the States? If the coercion of the civil magistracy be insufficient, shall resort be had to the coercion of arms? It is absurd to think of fine, and punishment, and imprisonment, as applicable to corporations. In the very nature of things, there cannot be the same kind, or the same degree, of responsibility on their part as on the part of regularly appointed officers. In the very nature of things, no Government can exercise all the power over its *own* corporations which it may exercise over individuals; and much less can, or ought, this Federal Government to exercise all the power over the State banks which it may, and does, exercise over its *own* officers. But there is an acknowledged distinction between a *law* commanding and compelling performance, and a *compact* or *agreement* for mutual service or favor. Suppose a violation of the bargain by the Government, or its officers, where is the remedy of the corporations? Confiscation of the public money? Suppose a violation or failure on the part of the corporations, how can a specific performance of the contract be enforced? And again, these contracts may be prohibited by the State Legislatures; nay, more: may be set aside *nullified* by the stockholders in general meeting, as was the case of the contract made with the Bank of Virginia.

Having made these suggestions in relation to security and safety, to responsibility, and to the practicable application of a coercive power, I proceed to take a very cursory view of the manifold advantages so confidently promised, as the result of this fiscal connection with the banks. I am much mistaken if the ends to be accomplished, the benefits designed, will not be found, on examination, to be objects not contemplated or authorized by the Constitution. The power to raise revenue, and to disburse it is unquestionably granted.

It is proposed so to exercise this power as to regulate or restrain the banks from issuing notes below a certain denomination to be prescribed by act of Congress. Congress has no power to enact in direct terms any such prohibition, and yet principle is equally violated by the adoption of regulations indirectly accomplishing the same purpose. It proposes to stimulate the banks to good management, and to deter them from misconduct, by operating on their "hopes and fears." The hope of being permitted to derive profit from the use of the revenue, the fear of losing the opportunity of enjoying this boon, are held out as inducements to the banks to conform their proceedings to the wishes of Federal authority. The power to foster and encourage domestic manufactures in the States, by means of the revenue power, and by force of commercial regulations, rests on no better foundation than the power to foster and encourage the issue of a local currency. The power to encourage the manufacture of articles of prescribed dimensions and quality depends upon the same rule of construction as the right to encourage the manufacture of bank notes of prescribed denomination and value. The right to create public confidence in the strength and durability of the article of cloth, is as clear as the right to impress public confidence on the articles of paper promises. They are both articles of domestic manufacture, and may be produced with or without acts of incoporation.

The "reward" of public confidence is proffered to one class; the withholding of public confidence is the rod of "punishment" to another class of banks. Where is the constitutional power to convert the public confidence and the credit of the Government into a system of "rewards and punishments?"

It virtually establishes a treaty of peace and cooperation with the pliant and conformable, and makes war upon the solvency and credit of the recusant and non-conforming banks.

The power of selection is founded upon the assumption of a right to pronounce upon the *solvency* and sufficiency of our State institutions. In practice, it makes an odious, unjust, and injurious discrimination. Its effect is to divide the local currency of the States into two classes: one class is to have the credit and confidence of the Government, and its issues are to be received in payment of dues; the other class has not the endorsement of the Government for its solvency, has not the favor of its confidence and good opinion, and its issues are not receivable in payment of dues. Equal though they may be in all other respects, the receivability of one in payment of dues, and the exclusion of the other, destroys their uniformity. The additional function of discharging public dues, enhances the value of the one in public estimation, and depreciates the other.

On this subject of currency the United States present an anomaly.

No State can make any thing but gold and silver coin a tender in payment of debts. The power thus prohibited to the States, is no where conferred on Congress. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures," is a power delegated to Congress, and expressly denied to the States. The gold and silver coin, thus under the regulation of Congress, is the only money known to the Constitution, and of which Congress can take cognizance, or can produce or regulate. In addition to this current and constitutional coin of the whole United States, the States respectively claim, and have exercised, the right of creating banking companies,

* See speech of Mr. Rives in the Senate of the United States, February 6-7 1838

with the privilege of issuing promissory notes, serving the purpose of a local currency.

The advocates of the deposite system propose, by an affiliation of certain banks, placed by contract under the supervising control of the Federal Government, exerted by an application of the revenue power, to convert this *local* currency into a *general* currency, and to impart to it uniformity. Sir, the plan, at the outset, is chargeable with the absurdity and inconsistency of promising uniformity, and actually aggravating inequality by the mode and terms of selection. The promised uniformity in the multifarious and diversified paper currencies of so many separate communities, can never be consummated. Such is its versatility, such its uncertainty and inequality, at different times and places, that it seems to expose mathematical truth to ridicule and doubt. A bank note in the city of Richmond may be equivalent to specie ,and so may another bank note, of similar denomination ,be in St. Louis. Now, sir, in mathematics, that things equal to the same, are equal to each other, is a truth independent of time and place. He who should act upon this truth, in reference to the two supposed bank notes, would be egregiously deceived. They are, perhaps, in no other places ,equal to the same thing, and are no where equal to each other. The uniformity of such variety of circulation and currency, emanating from the separate and independent States of this Confederacy, can never be effected by any constitutional application of the limited powers conferred on Congress. The want and the desire of uniformity in this various currency, its elevation above, or depression below, the standard of the Constitution, its tendency to exclude gold and silver from circulation, its useful or injurious functions in commercial transactions, its agency in disturbing or deranging the fair rate of exchange between different parts of the Union, neither from one, or all of these considerations combined, can any power be derived to Congress over the subject. For correction and reform in the character of the currency of the several States, we must, under *our* forms of Government, rely upon the same authority which has bestowed the privilege of creation and issue. For weal or wo, in wisdom or in folly, constitutionally or unconstitutionally, the States have adopted this paper system; they have, respectively, exclusive jurisdiction in the regulation of their own issues, and each may wholly exclude from circulation within its limits the issues of any or all the rest. Sir, I repeat that the great question of reform in local banks and currency, the great question of a revisal of the whole system of corporations—these great questions between Republican equality and Aristocratic privilege—belong to the States separately; and any attempt on the part of Congress to interfere, regulate, control, or settle State policy, directly or indirectly, overtly or clandestinely, I denounce as an unwarrantable exercise of power. Congress ought not to be permitted to divide with the States the glory of achieving a radical reformation in their own peculiar local institutions, nor ought it to desire to participate in the crime of perpetuating existing abuses by interposing the ægis of protection, upon the false and slanderous suggestion that, under the cloak of reform, the Democracy conceal the demon of destruction. Let the struggles for reform of State policy be carried on, free from all unjust obtrusion and illegal interference on the part of this Government.*

I see with approbation that the eminent individual to whom is entrusted the Executive power, has adopted this safe rule of conduct; and, in his adherence to it, I trust confidently that he will be triumphantly sustained. The States may, and doubtless will, improve their currency; will cause it to approximate more nearly to the constitutional standard; will make it uniform, and equivalent to gold and silver within their own limits; and without, must leave it to depend upon its good character at home and the condition and wants of business. I will not doubt both the inclination and wisdom of the States to accomplish, without Federal dictation or prescription, the general reform so earnestly demanded by the state of public opinion. In the fulness of time it will be accomplished. It is a certain stage in the regular advancement of political truth, and in the gradual progress of the great Democratic principle.

Mr. Chairman, let us briefly recapitulate the purposes, promises, and designs, of this union of the State Banks with the Federal Government.

It assumes the power to loan out the public money:

It converts the State banks into Farmers General of the revenue:

It reduces the Government to the necessity of making requisitions on the banks for the use of its own revenue:

It effaces the line of partition between the two Governments:

It applies national capital, raised by taxation, and multiplied four-fold, to fructify and sustain national industry:

It undertakes to prescribe the denomination of notes to be issued by the State banks:

It undertakes to restrain and regulate their issues:

It addresses, as motives of conduct, their "hopes and fears:"

It uses the public credit for "reward and punishment:"

It promises to give uniformity to the whole local currency:

It makes odious discriminations, and aggravates its disparity:

It proposes to recur to "existing materials," "State institutions," upon which to build up a system of Federal power:

To make the most of these for the convenience of the Government, as well as for the general good:

To reform their abuses, correct their defects, and adopt every precaution which may be necessary to insure their fidelity and efficiency.

These are but an imperfect enumeration; and where, since the days of Hamilton, can its parallel be found? I call to mind none, except, perhaps, the *extravaganzas* of Richard Rush, in his first annual report, as Secretary of the Treasury. There appears to my mind so strong a resemblance, that I cannot forego the opportunity of introducing to the notice of the committee the enumeration of the legitimate objects of Federal legislation contained in that famous document:

"To give perfection to the industry of a country rich in the gifts of nature, and blessed in the beneficence of its Government; to draw out its obvious resources, and seek constantly for new ones, ever ready to unfold themselves to diligent inquiry, urged on by adequate motives; to augment the number and variety of occupations for its inhabitants; to hold out to every degree of labor, and to every modification of skill, its appropriate object and inducement—these ranking amongst the highest ends of legislation. To organize the whole labor of a country, to entice into the widest ranges its mechanical and intellectual capabilities, instead of suffering them to slumber; to call forth, whenever bidden, latent ingenuity, giving to effort activity, and to emulation ardor; to create employment for the greatest amount of numbers, by adapting it to the diversified faculties, propensities, and situations of men, so that every particle of ability, every shade of genius, may come into requisition, is, in other words, to lift up the condition of a country, to increase its fical energy, to multiply the means and sources of its opulence, to imbue it with the elements of general, as well as lasting, strength and prosperity."

With an avowal of so many objects and purposes of Federal legislation, with our State institutions *nationalized*, and drawn, by consequence of compacts and agreements, within the cognizance of, and subjected, if possible, to the decision of, the Federal judiciary, as cases, in law or equity, arising under the Constitution and laws of the United States, what portion of the reserved rights of the States, may we hope, will ultimately be saved from encroachment, should these alarming doctrines obtain? Then the Republicans of the present day, as did the Republicans of '98, will have too much cause to express their deep regret, "that a spirit has been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter which defines them."

In lieu of this scheme, which has so lately failed with a most disastrous explosion, it is proposed in the bill before us, reported by the Committee of Ways and Means, to organize the Treasury according to the requisitions of the Constitution. My colleague [Mr. GARLAND] has candidly admitted that there is no constitutional objection to the plan which we, on our side, advocate, whilst the plan which he so zealously defends, is surrounded with insurmountable difficulties. I was glad that my colleague did not indulge in the usual cant of charging our bill with creating two currencies, one for the Government, and another for the people. Sir, it is utterly untrue that this bill creates any currency at all. I have heretofore adverted to the anomalous condition of the United States on the subject of currency, and have shown that whilst the Constitution requires a metallic currency, and authorizes no other, the States respectively, with or without constitutional right, have superadded a paper currency. Neither Congress or this bill is at all responsible for the existence of two currencies in the country. The coinage of money, the regulation of the value thereof, and of foreign coin, is the imperative duty of Congress. The existence of a metallic currency, therefore, is an indispensable constitutional requisition. There is, then, *one* currency, under the Constitution, which is necessary and unavoidable, and must perform its intended functions; and those who are disposed to murmur because there is *another* currency, which cannot answer all the same purposes, ought to go to the source of its creation to vent their complaints and remonstrances, and ought not to hurl their indignation against our bill, which, in that particular at least, is innocent. Our bill is based upon the principle, that according to the Constitution, in the payment of all dues and debts to the Government, gold and silver ought to be required, and looks to the ultimate establishment and general application of this principle. Although taxation, in its broad sense, implies any species of contribution or impost for the support of Government, yet I presume that it will not be contested or denied that our rates of taxes, duties, imposts and excises, must be laid and collected in a general medium, denominated money. We have seen that the Constitution makes money to consist of gold and silver, and does not authorize any other currency; this, therefore, must be the species of money intended to be employed, in Government purposes, by the framers of that instrument. Money is only the standard or measure of value. Taxation is but the transfer of individual wealth or value to the Government for its consumption. The amount or extent of value taken from each citizen is measured by this standard. Entire uniformity and exact equality in all contributions and exactions cannot be attained *really* as well as nominally, but by the use of this common or constitutional standard or measure of value. Specie payments of all debts and dues to the Government are the necessary result of requiring uniformity, and employing a common and invariable standard. In addition to the argument resting on uniformity and a common standard, it will be remembered that neither the States or the Federal Government can make any thing but gold and silver a tender in payment of debts. Should the Government receive the paper substitutes, issued in the different States, in place of gold and silver, how can it with these preserve the public faith, and fulfil all its engagements at home and abroad, according to the terms of the Constitution? Should the Government receive paper at all, it ought to be with a certainty, excluding every possibility of doubt, of its immediate convertibility into gold and silver, and it ought to be so converted invariably before disbursement. In such case, the Government, as a matter of *convenience* to the tax payer, assists him in the process of converting his paper into that medium required for the use of the Treasury.

As an authority for the receipt and disbursement of a paper currency, my colleague [Mr. GARLAND] relies upon the construction given to the act of 1789 by Alexander Hamilton, then Secretary of the Treasury, and to the subsequent practice of the Government. In my opinion, sir, there has been a constant tendency to depart from the strict line of constitutional duty, in the administration of the finances, from the commencement of the Government, which is mainly attributable to the unfortunate bias acquired from the doctrines inculcated by Hamilton under the imposing authority of the head of the Treasury Department. Hamilton's Federal ideas were embodied and brought into practice in his management of the Treasury, and

* See Democratic Review, No. 1, pages 118-19.

in his systems of finance. Against his constitutional constructions and his fiscal arrangements, the Republican party have regularly protested; and I cannot but think that my colleague, as a Republican, has made a most unfortunate reference. Instead of gold and silver in the receipts and disbursements of the Government, in pursuance of the provisions of the Constitution, it is maintained that the receipts and disbursements of *equivalents* is a fair compliance with the Constitution and the law. Sir, the doctrine of *equivalents* is unknown to the Constitution. It is one of the many and fatal heresies of Federalism. If Congress, or any department, or officer of the Government, can, in place of a *specific* thing, at discretion substitute an *equivalent*, then *all the specific* provisions of the Constitution may be supplanted, at the discretion of one, or all the departments combined, by the substitution of their *equivalents*.

Sir, all the doctrines and arguments of those who profess to belong to the Republican party, and yet advocate bank agency and a paper medium in the public receipts and disbursements, are of strong Federal tendency; they lead, inevitably, to an admission of the constitutionality and necessity of a National Bank. They maintain that bank agency is essential in the collection, safe-keeping, transfer, and disbursement of the revenue, and that a paper currency, convertible into gold and siver, and as an *equivalent* for gold and silver, is also indispensable in the collection, transfer, and disbursement of the revenue.

Now, Mr. Chairman, a Chief Justice Marshall would, from premises not so strong and pointed, easily and logically deduce the conclusion that it was the right, and the duty, of Congress to establish a National Bank as a proper, convenient, useful, and necessary appurtenance of the revenue power.

I do not mean to charge my colleague [Mr. GARLAND] or all his political associates on this question, with any wish or intention to favor the establishment of such an institution at present. He has always disclaimed it—disclaims it now, and I am satisfied of his sincerity. I was, however, showing, as I migh legitimately do, and, as I think, I have successfully done, that the creation of such an institution must be the ultimate result, the final conclusion, of all their arguments and doctrines.

In the long departure of the Government from the true rule of duty, and in the systems and practices which have grown up, I am fully aware that the habits, business, and interests of society are involved in a complicated and intimate connection. No man is more sensible than I am, that, in the application of principles, however true in theory, we ought most carefully to survey all the difficulculties and obstructions presented by the existing condition of things. Whilst I would not, in defiance of every obstacle, and regardless of consequences, press an immediate adoption of a favorite system, in all its parts; neither would I, relinquishing all hope and all effort, abandon it in despair, because it was not, at once, wholly practicable. Existing difficulties, caused by the errors and defects of the past, cannot justify a change or an abandonment of principles founded in truth, and in the Constitution. It is rather the duty of the statesman and the philosopher, sincerely convinced, and firm of purpose, to strengthen his defences by reason and argument; and to remove, prudently and gradually, with the least inconvenience and injury, the difficulties which oppose the introduction of his system. In obedience to the suggestions of prudence, and from a desire to avoid any shock or injury to the interests of the community, the bill under consideration proposes, very gradually, an entire disuse of the paper currency for the use of the Treasury, and a complete restoration of the constitutional standard; and thus, after a long course of error, to retract the Government, in the management of the finances, to the simple duty prescribed in the instrument defining its powers.

Mr. Chairman, an objection has been urged, that this separation of the Treasury from the banks will require an additional number of officers, and will increase the patronage of the Executive. Sensitive as may be the public mind on the subject of patronage, it is yet too intelligent and too patriotic to be deluded into an abandonment of a wise and constitutional measure, by an unfounded clamor. It relies for its execution, like every other measure, upon officers competent in capacity and number, *constitutionally* appointed, and *constitutionally* responsible. Ample personal security, the solemn sanctions of oaths, liability to removal from office, the certainty of punishment for offences, the dread of exposure and disgrace—these are the guarantees, which will, in the general, ensure capacity and fidelity. Shall we surrender the belief, so long and so universally entertained in America, that man in his natural person, and in his individual responsibility, is worthy of trust and confidence, is capable of executing the ordinary functions of civil Government? Shall we surrender this theory of Republican Government as an impracticable speculation or an idle dream, and in utter despair commit the vital concerns of this extended Confederacy, to associations of men converted by legal magic into bodies politic and corporate, with chartered protections, known to the Government as agents only in their artificial character, whereby responsibility is diminished, and the difficulty of applying the restraints and coercions of the law is greatly increased? In lieu of the vast and complicated machinery of bank agency, our bill substitutes only some nine or ten additional officers. The increase of patronage to be exerted through these few additional officers of the Treasury Department, rigidly prohibited from using or employing any public money in their charge, under any pretence, for private purposes, dwindles into insignificance, compared with the almost incalculable influence which may be secured by an alliance between the banks and the Treasury. Take the favorite number of deposite banks—twenty-five; multiply these by the whole number of officers, stockholders, and debtors, too, in each: the extent of corrupt influence and patronage into which this system may degenerate is absolutely appalling. The public attention cannot be diverted from the contemplation of this stupendous combination, so susceptible of a sinister influence, and so tempting to a designing Secretary, by the artful and causeless cry of Executive patronage over nine or ten officers, fettered with legal restraints. Look at the numbers of opulent merchants, capitalists, stockholders, and stockjobbers, who may, under the operation of this system, be brought into financial, and, probably, political, union and concert, with the Secretary as common head. It would seem that the genius of Hamilton had awaked to revive "those fiscal systems and arrangements which keep a host of commercial and wealthy individuals embodied, and obedient to the mandates of the Treasury," and which the advocates of free Government and the enemies of corruption have heretofore assailed.

Mr. Chairman, under the separation of the banks and the Government, proposed to be effected by the bill under examination, "a regular statement and account of the receipts and expenditures of all public money" will be practicable. All the artificial conclusions and legal constructions of former systems, which, in most cases, were confused and unintelligible to the mass, will be avoided. A plain system of accounts, so anxiously desired by Mr. Jefferson, will be introduced, and the object of the Constitution fulfilled in requiring a publication, from time to time, of the account current of the Treasury. The great body of taxpayers will see and understand the whole operation of the Treasury.

The strict inhibition against employing any portion of the revenue in trade or business, will remove every inducement to excessive taxation; a superfluity of revenue beyond the economical wants of the Government, will neither be desired by Congress or permitted by the people. The transfer of revenue, in no way connected with trade or commerce, from points of collection to places of expenditure, can produce no inconvenience, shock, or revulsion. No charge can with justice be preferred, that the financial operations of the Government have interrupted business, paralyzed commerce, and destroyed credit. No class of citizens or section of the United States, can complain of partiality in the benefits to be derived from the use of the revenue, whilst all are alike excluded from any such favors. All unjust discriminations in the local currency, all improper interference in its regulation, will be avoided; and the States, without impediment or assistance, may proceed in its reformation, according to their own sense of duty and policy. The strict adherence of the Government in all its money transactions to the common standard, will furnish both the measure of value and the example of enforcing it, which the Constitution intended, and will be more persuasive to the States to conform to it, than any direct attempt to control and regulate their diverse currency. Finally, the organization and management of the Treasury, according to the Constitution, will be to exercise and vindicate the right and capacity of the people of the States respectively to govern themselves, and to emancipate their Federal Government from bank thraldom.

INCREASE OF THE ARMY.

REMARKS OF MR. YELL,

OF ARKANSAS,

In the House of Representatives, June 20, 1838—On the bill to increase the military establishment of the United States.

Mr. YELL said, he should not now have troubled the House; but from the peculiar position he occupied as a representative from Arkansas, his duty to those whom it was his honor to represent here, forbade him to be silent, and rendered it his imperative duty to urge upon the House the duty, under existing circumstances, to increase the regular army, to some extent. He would say with his friend from Virginia, [Mr. WISE,] who had just taken his seat, that he was as much opposed to an overgrown standing army as that gentleman, or any other was, or could be. He believed that such an army would not be found dangerous to the liberties of the people; and as soon as he apprehended such a result in regard to the army of the United States, he should oppose its increase with what little ability he possessed; but until then, he saw no impropriety, but, on the contrary, great necessity, for so far increasing it as to provide for the protection of the country. The gentleman had asked the House why should we increase the army? In reply, I will recall his recollection to the commencement of the war in Florida. Every one knew that at the time it broke out no one apprehended the least danger of an Indian war in that quarter. The signs of war were not more ominous, nor as much so then as now on the whole Western frontier. There was but one man slain, that was Wiley Thompson, the Indian agent; yet in a few months the whole line of boundary in that quarter was in the flames of open war. Had we had a competent military force upon the ground at that day, there would not have been the necessity of calling out militia and volunteers to the tune of forty-three thousand men. The volunteers from Kentucky, Tennessee, and Alabama, might have remained in peace at their homes, and the nation would have been saved the whole expense. There is now an obvious cause of war on the frontier; and the reports from that quarter all agreed in stating the probability that it would happen. The officers from whom this intelligence was received were actuated by no secret design to increase the army, as the gentleman had suggested, nor would their own rank be raised by its success if they had. They were men far above so base a conspiracy, and have given only their views as they were bound to do. General Arbuckle and Colonel Vose, and others, all state that the Indians in their vicinity were engaged in preparations for war, as will be seen by reference to a document from the War Department a few days since. Would this House refuse to credit the statements of such men, officially made to the Department? The House would understand him as confining his remarks entirely to the Western frontier. He spoke for the benefit of his own people. The gentleman from Missouri was abundantly able to look after his own constituents.

Mr. Y. said he had voted to strike out the Senate bill, and in favor of the substitute moved by the

Committee on Military Affairs. The former recommended the augmentation of the army to the number of 14,000; the latter to only 11,500. He had voted for the smaller number, because he saw no necessity for so large an increase as was proposed by the Senate. There was no need for augmenting at all the existing staff, of the army, as reported by the Senate; all he asked was, that the *rank and file* should be increased in number. This he demanded of the House as an act of mere justice. The House had placed on the western frontier a body of Indians mustering not less than 66,000 warriors, as will be seen by the report of the Commissioner of Indian Affairs—an officer distinguished for his ability and integrity. Whole number of Indians west of the Mississippi river, 332,498; estimated warriors, 66,499. No matter by whose advice or policy this had been done; it was too late now to inquire into that; certainly, it never had been done by the suggestion, or with the consent, of the representatives of the people of Arkansas or Missouri. They had opposed the plan from the beginning. One of his colleagues in the Senate, then a delegate, opposed it on this floor and elsewhere. But without reverting to the past, the fact now was that those Indians were there; the Government had sent them there; and it was the duty of Government to provide against their hostile operations.

He would remind the gentleman from Kentucky, [Mr. POPE,] and from Virginia, [Mr. WISE,] that the Indians on the Arkansas frontier were not such Indians as Clark and Harmar had fought. These Indians were all fully armed; each one of them was furnished with as good a rifle as any of our own people, and they were well supplied with all the munitions of war; and what was their numerical force? There were 20,000 Creeks, 15,000 Choctaws, 10,000 Cherokees, besides some 5,000 Osages, and some 1,500 Chickasaws, and how many Seminoles would depend upon the final results of the Florida war.

Now, he did not wish to be understood as taking the position that the people of Arkansas stood in dread of these Indians, however numerous they might be, as of a superior foe, from whom they fled to the Government for protection. No; if matters ever came to extremities, the people he represented were both able and willing to defend their own homes, and to protect their own wives and children. But the danger was not a personal or peculiar one, in which they alone had an isolated and independent concern. It was the danger and the concern of the country at large; and it was the duty of the whole people of the Union to guard against it. The people of Arkansas demanded protection, not as a boon, not as a gratuity, not out of pity; but as a matter of right to her own citizens, and by treaty stipulations with the Indians. He appealed on this subject alike to gentlemen on both sides of the House. Would they be willing, on account of any political or party bearings of this question, to stand by and see their fellow-citizens scalped and tomahawked? Would they have them exposed to the danger of such a fate, merely for the sake of saving a little money? No. He had a better opinion of the representatives of the American people. He was sure that both the friends and the opponents of the Administration would freely vote whatever might really be requisite in this matter.

M. Y. was well aware of what were the feelings, the apprehensions, and the desires of his people at home. They all fully expected an Indian war; they had no doubt that it was coming; and in that expectation, it would be their desire that the largest increase which had been proposed by either of the amendments should be granted by Congress, and they would be glad to increase it yet farther. Yet, though he knew these were their wishes at the present moment, he could not consent to vote for the increase proposed by the Senate's bill; he thought a smaller addition would be sufficient, and he took the responsibility of saying to the gentleman from Missouri [Mr. HARRISON] that he could not go for the amendment he had proposed. He proposed, and it was all he asked, that five regiments of infantry and two of dragoons, making in all upwards of 6,500 men on our western and north western frontier, should be forthwith raised, and this amendment will give it. This was, in his judgment sufficient to meet the exigency of the country. If the companies of infantry were increased to 80 privates, this would give a force of 5,000 infantry, and 1,450 dragoons for the defence of the south western frontier. He would dispose of this force as follows. He would place in Fort Jesup, at the mouth of the Sabine, 500; at Fort Towson 500, to protect the frontier from the inroads of the Camanches and Pawnees; at Fort Smith 500; at Fort Gibson 500, and 200 at a post to be established in the northwest corner of Arkansas. These, with the dragoons would give 3,400 men to meet the Indian force west of Arkansas.

Now let gentlemen consider the formidable amount of the Indians which have been collected at our western frontier. They might be reckoned as follows:

Choctaws and Chickasaws - -	30,000
Creeks - - - - - -	20,400
Cherokees, about - - - -	10,000
Osages - - - -	5,000
Pawnees - - - - - -	12,000
Camanches - - - - -	20,000

What then was the condition of the frontier as to safety? Why, it was true, as the gentleman from Virginia [Mr. WISE] had said, that 25,000 men could not defend it, if it came to a trial of actual strength; but if the Government erected a line of posts well garrisoned, with mutual means of easy communication between them, the moral effect on the minds of the Indians would operate as a sufficient defence, and prevent hostilities. But let war once actually break out, and twice the number of troops would afford no effectual resistance. The Indians were more than two to one. The Cherokees lay within half-a days march of some of the strongest counties in the State; in ten days the Indians, if united, could drive every thing before them, and take Little Rock, the seat of Government. The militia would have to be called out, but they would not check their progress to the Mississippi river. This was no dream of the imagination. The Indians, it appeared from late advices, were planting no corn, and some of them had burned their fences; and they declared to the whites, that at the time of their green corn dance they would finally determine whether to make war or no. The President had been apprised of this state of things, and if he believed it to be true, as Mr. Y. did, he ought to draw off some troops from elsewhere. If, as the gentleman from Massachusetts [Mr. REED] had said, the troops were not wanted on the Atlantic seaboard, send them to the West, where they really were needed. Under this view of the case, Mr. Y. had been willing to vote for one additional regiment, as proposed by the present amendment.

The force at present on the frontier Mr. Y. stated as follows:

Men at Fort Towson, some - -	200
" at Fort Gibson, say - -	400
" at Fort Jesup - - - -	200

with a portion of the regiment of dragoons; in all, about 1000 men. The garrison at Fort Gibson was no protection to Arkansas with her present force; so far from it, that they had been obliged to send out three battalions of volunteers to protect the protectors. If this was the manner in which the Government meant to protect the people of Arkansas, it would be better at once to withdraw all the United States garrisons, and let the people fight it out themselves. If they were not to have enough troops to do any good, better take away what were there, and not oblige the people of Arkansas to defend the troops of the United States Government. There had been a selection of two posts to defend Arkansas and Missouri. He would give them 2000 infantry, and 1450 dragoons, for Missouri. But the honorable gentleman from Missouri must remember that the Indians west of his State would not have to be fought till those in Arkansas had been met first. The people of Missouri would not be troubled till the people of Arkansas had been attacked. He was willing to give his friend from Missouri two regiments; and then let the dragoons be divided. Let Arkansas have one regiment, and Missouri another. There were a body of 66,000 Indian warriors to be met, as he had before stated, all well armed with the best of rifles, and with plenty of ammunition. Was not the country bound to provide some addition to the army to meet a force so formidable?

Mr. Y. said that, perhaps, he was willing to put up with too little; but he was the more willing to be content with a small increase, because he well knew the ability, zeal, and energy, of the present Governor of his own State. That excellent officer would never be wanting to his duty; and if it did come to hard fighting, he rather thought they would whip these Indians a little sooner than Uncle Sam had whipped those in Florida, and at much less expense.

He was willing to give two regiments to the Northern frontier, from Detroit to Maine. He believed this would be as much as would be needed in that quarter.

It must be remembered that they in the West had no artillery; all the cannon were on the seaboard. They might be taken, some of them, to the Northern frontier; and if the force he had named was insufficient, he would consent to raise one more regiment, as proposed in the amendment of the committee.

He believed that the Northwestern and Northeastern frontier needed additional regular troops, but not very many, unless Maine was determined to rise up and take by force the portion of her territory now unlawfully held by the British. When it came to that, he was willing to vote her 25,000 men, if necessary; but, as matters now stood, the people on the Northern frontier had as many as those on the Western.

In taking the ground he had done in relation to this bill, it must be recollected that he did not calculate on any further provision for the war in Florida. If they could not get along with the Seminoles without more troops, let them try the virtue of militia and volunteers. One thing was perfectly certain: we must keep the body of western Indians in awe, or we should have war just as surely as the sun would rise. As long as the Government kept the Indians there, they must furnish forts and soldiers to keep them in order. This was necessary, also, to restrain evil minded whites, and to keep them from intruding and imposing on the Indians. A military force was as necessary to keep the whites off the Indians as the Indians off the whites.

What the gentleman from Virginia [Mr. WISE] had said about Indian agents was, in general, true enough. But Mr. Y. knew of at least one bright exception, and that was the United States agent among the Choctaws. That gentleman had been on to this city lately, and during his absence the Choctaws had met the Chickasaws, the Cherokees, and the Creeks in council, and were likely to unite with them in any hostile movement that might take place.

What he had asked was less, he knew, than his people expected; but he should persuade them to be content with it; at least, he should try. The Indians were two to one against them; and better armed than they. They would have, in the first place, to get their wives and children across the Mississippi. This was the first thing a Western man cared about. And by the time that was done, the Indians would have possession both of Arkansas and Missouri. After that they would face about and drive the Indians beyond the Rocky Mountains. But before it came to that, and to prevent, if possible, the commencement of hostilities, it was no more than a matter of sheer justice that the Government should send there a competent military force, as he had every reason to believe and hope they were disposed to afford.

REMARKS OF MR. PRATT,
OF NEW YORK,

In the House of Representatives, June 8, 1838—On the bill providing for the removal of the Treasury building.

Mr. PRATT of New York, one of the Committee which reported the bill rose, and said that he was altogether unused to public speaking, but

hoped that he might be allowed to claim the attention of the committee, while offering to them a few practical observations upon the subject under consideration. He was glad that the discussion had, thus far, been mainly carried on in a business-like manner. This pleased him the more, that it strengthened him in the hope that his own unadorned and plain mode of expressing his views would meet the indulgence of the committee.

Mr. P. said that having been placed upon this Committee of Public Buildings, and the subject of the fitness for its intended purposes of the new Treasury building having been brought to his attention, he had looked at the matter in the same practical manner in which he usually went about his own affairs. Thus viewing the building, he had not been long in coming to the opinion that it was all wrong, both in the matter of taste, and in the matter of execution. It was at his request and suggestion that the committee had examined the building personally; he believed it to be going wrong, and the examination had tended to confirm, not to confute that opinion. At first the proposition personally to inspect this building was not favored by the committee, although it had at last been acceded to. And here Mr. P. would take the occasion of paying a merited tribute to the singleness of purpose and purity of motive, which dictated the course of the members of the committee, of both political parties, in reference to this subject, from first to last. He would particularly instance in this connection, the course pursued by the honorable chairman of that committee, [Mr. LINCOLN,] in regard to the furnishing and repairs of the Executive mansion. He, as well as the honorable gentleman from Virginia, [Mr. MERCER,] though a political opponent, was as liberal and fair as any friend of the Administration could have desired. They had acted with the spirit of business men, and could honestly answer to the country, with the rest of the committee, that they had discharged their duty faithfully and conscientiously.

For himself, he had for years been practically engaged in building; he could not avoid, therefore, looking at the work submitted to his examination in a practical point of view. He intended, in doing so, to do his duty, and to be useful, if possible, to the country, whose servant he was. He knew well the responsibility he assumed, and had not shrunk from it. He and the whole committee had taken great pains to enable themselves to lay before the House all the facts upon which the report which accompanied the bill under consideration had been founded. It was now the province of the House to judge for itself, as to the validity of the committee's conclusions from those facts. The committee had counted the cost—they had come to the deliberate conclusion that the public money was being wasted on this unlucky piece of work, and they had told the House that such was their opinion.

Mr. P. then stated that the length of the Treasury building, as it stands, is four hundred and fifty-six feet, the lower hall eight feet two and a half inches wide, and the upper hall nine feet. He assumed as a demonstrable fact, that this was far too narrow. He compaired it with the hall of the new Patent Office, now in process of erection, which he said was a little over one hundred feet in length, and fifteen in width. Nearly half the Treasury building, he stated, was so constructed as to be under ground, which would have the inevitable effect of rendering thirty-seven, at least, of the rooms proposed to be made upon that floor, too dark and too damp for use.

Mr. P. also contended that this building, which Congress had ordered to be built under the direction of the President of the United States, had not been executed according to the directions given by General JACKSON; who had expressly stipulated that the building should not interfere at all with the State Department; a building, nearly new, and which cost the country over $100,000. But by the plan of the architect now engaged on this building, it seems that this Department is to come down, at an admitted loss of some $90,000. This, Mr. P. could not but look upon as miserable economy indeed. The new erection was now within three or four feet of the State Department; and, owing to the different heights of the walls of the two buildings, it was quite obvious that they could never be made to match. White and black could not differ more widely than the two from each other; and was this a specimen of workmanship and of taste for an American citizen to point out to the stranger who may visit the Capitol of his country? He thought not.

Mr. P. then went into a series of statements by way of exposing some of the prominent imperfections of the building; its entire want of adaptation to its purposes, the unfitness of the architect who designed it, and the palpable necessity which existed for taking it down, as a matter of the best and most prudent economy. He took the statement of the architect himself, as contained in the National Intelligencer, in a communication signed M, and which was as follows:

The architect's estimate for completing the present building, under the construction, is - - - - - -	$500,000
Expense of simply grading the street, without including the cost of culvert underneath - - - - - -	2,500
Total cost - - -	502,500
Estimate for carrying out the whole plan, as approved by the Executive, including the renewal of the State Department building, and constructing a corresponding building at the south end - - - - - -	397,500
Whole cost - - -	900,000

And showed that, in 1837, this architect's own estimates were not much more than half that sum. In commenting on this discrepancy, Mr. P. remarked that he was compelled to say that this architect's rule in building was like that adopted by a certain Irish journeyman he had heard of, who, as he could neither read nor write, dispensed with the draughts, and said he could work best by his eye! It seems to be the maxim of this architect to "cut and try."

In reply to some remarks of the gentleman from Pennsylvania [Mr. KEIM] who had addressed the committee on this bill, and in behalf of the architect of the Treasury building, Mr. P. observed, that that gentleman's estimate of the thickness of the walls, at 3 feet 3 inches, was entirely erroneous. He, Mr. P. had been told so before; and had taken the trouble to measure them for himself with the rule. Their thickness was only eighteen inches stone, filled inside with brick nine inches, making only a thickness of two feet three inches in all; and this for the walls of a building three stories, or forty-eight feet, high. The gentleman from Pennsylvania, in his zeal to endorse the character, as an architect, of Mr. Mills, had stated, upon the authority of the latter, what he, Mr. P. knew, from his own personal observation, to be inaccurate. He did not rest content with hearsay. His highest ambition, in making out his case, was to state facts.

Mr. P. alluded also to some remarks which had fallen from the member from Arkansas, [Mr. YELL,] who had expressed the opinion that the present building was adequate to the purposes for which it was designed. He would ask that learned judge a simple question. How was light to be obtained in the lower story of the hall of that building, four hundred and fifty-six feet long, eight feet wide, with both ends closed; one-half of the story being under ground, and a high wall in front of the building, and ascending to the next story; how could he obtain sufficient light in such a hall, for the most necessary purposes for which light is required?

Mr. P. said that these walls should have been at least three feet and six inches thick; that the iron bands are now precisely in the position where they are least useful, to wit: at the corners, and not at the antæ, where, if at all, they should be. And he entered into a particular statement of the number of rooms, which it was a part of the plan to put into the building, many of which he demonstrated must be entirely unfit for use, by reason of the want of light, and the dampness. He also showed great errors in the calculations of the cost of executing different parts of the work, and demonstrated the entire want of any thing like a fixed plan of proceeding, on the part of the architect, from first to last. He thought the duty of the legislative branch of the Government to take the execution of this and similar works into its own hands; believing as he did, that the duties of the Executive were already sufficiently onerous, without superadding those of master builder of the public offices. The Legislature, he contended, should attend to these matters itself, and carry them on, by appointments emanating from itself, of men in whom confidence could be placed, and who would be responsible to Congress for the manner in which they did their duty. This would be the course, he said, that each man would pursue in his own case, not only in architecture, but in law, in commerce, and in every other department of life.

This was the building of the nation, and it was not his. He had here strung out facts which he had ascertained by careful examination for the benefit of those concerned. It was proper to act as they saw fit. On them rested the responsibility. He had shown them that their money was being uselessly lavished, almost without any accountability on the part of those entrusted with its expenditure, and here Mr. P. remarked upon the meagreness and unsatisfactory character of the accounts rendered by the Commissioners of Public Buildings, who had put down a gross amount of estimates, with a long string of *dittoes*, instead of giving particular statements of every item of expenditure. That was not the way, he, [Mr PRATT] did his own business, and he was not inclined to permit that of the country to be done in that loose and unsatisfactory manner. He certainly did not intend to impute any thing like default to that officer; but what he wanted were the facts, that he might be able to act understandingly.

In the inquiry ordered by the House, as a part of the duty of the Committee on Public Buildings, they had had the aid of experience and disinterested architects from New York, Philadelphia, Boston, and Vermont; not one of them sustained the views and statements of the architect of public buildings; and he, [Mr. PRATT,] had already said enough in other portions of his remarks, to convince the House that the statements of that architect had not always been correct, or consistent with themselves, in relation to this subject. He had deceived two Presidents already, and was seemingly disposed to lead the country into an expense of some $3,000,000 to carry on this extravagant project of his; and should this be done? What was the proposed alternative? To cause the walls of this building to be taken down, and its materials used for the erection of the Post Office, and then to erect a substantial and economical Treasury Building, according to a feasible and reasonable plan, as proposed in the bill under consideration; and what would be the expense of taking down and removing these walls? The following estimate, Mr. PRATT said, was made by Mr Mills, which could probably be relied on safely.

1st. The present expenditures on this building amount to - - -	$200,065 79
2d. The value of the materials and work when taken out, and removed to a place of safety, with those on the ground, are estimated at -	97,800 00
	$102,265 79
3d. The site being changed would render it unnecessary to regrade and pave 15th street, and construct a culvert under the same, estimated at (which deduct) - -	20,000 00
Making the total estimated loss -	$82,265 79
4th. in the event of removing the building, there will be no necessity to take down, or alter the State Department building, which cost $100,000, and the saving here which might properly be carried to the *credit* of the account, would be	80,000 00
Leaving an actual loss of only -	$2,265 79

But, said Mr. P. I fear I am troubling the com-

mittee beyond their patience. I will relieve them. I am no friend to long speeches; and what I dislike in others, I will not myself inflict on them. I went into this inquiry, and into the discussion of the subject, in a practical way, as a business man. The building, which is the subject of present consideration, is not mine, Mr. Chairman, but yours. It is for you to act as you please upon the advice which has now been given you. If you take it, well and good; if not, do not complain if you find, when too late, that it had been better to follow it. The passage of this bill would save the country at least a half million of dollars. The building now erecting, if permitted to go on, would cost more, ere it is complete, than its erection thus far has cost. With these plain facts, stated thus plainly, I leave the decision of the question to the House, where it properly belongs.

PROTECTION OF THE FRONTIER.

REMARKS OF MR. FULTON, OF ARKANSAS,

In Senate, June 13, 1838—On the bill to set apart a belt of land on the western borders of the States of Missouri and Arkansas as bounty lands, to be granted to settlers engaged for a term of years in defence of the frontier.

Mr. TALLMADGE said he should like to hear the provisions of this bill explained; when

Mr. FULTON arose, and said:

MR. PRESIDENT: The Senator from New York [Mr. TALLMADGE] has only anticipated my intention, in asking an explanation of the objects of the bill which has just been read to the Senate. The measure proposed by the bill is of too much importance to at least two States of this Union, not to enlist the deepest anxiety on the part of those who represent them on this floor, or to be submitted to the Senate without a zealous effort to satisfy every Senator that, in voting for the bill, he is not only supporting a measure of great national importance, but also a measure calculated, in the most economical manner, to give security and protection to our exposed southwestern frontier; a measure, sir, which, in all human probability, may be the means of preventing, at no distant day, that portion of our country from being deluged in blood. The report upon this subject of the Committee on Public Lands, has given the reasons which induced a majority of that committee to sanction the measure; but, as the members of the Senate may not have felt the force of those reasons as sensibly as those of us must do who are so deeply interested for the lives and property of our constituents, and who must necessarily regard with intense solicitude every measure calculated, in any manner, to afford them protection, yet I cannot but indulge the hope that a further and fuller consideration of the subject must lead the Senate to the adoption of similar conclusions with those which influenced the action of the committee in reporting the bill upon your table.

The bill contemplates the creation of a strong military force upon the western borders of Missouri and Arkansas, of sufficient strength, and in such a position, as, when united with such a portion of the troops of the United States as the Government may be able to assign to the defence of that frontier, will be capable of giving protection to the country, and, by forming a barrier against the sudden incursions of hostile Indians, (now concentrated upon that frontier in such numbers as renders them a most formidable foe,) will be the means of giving security to all the inhabitants of both those border States.

By the provisions of the bill, a belt of land, two townships deep, commencing on Red river, and running across the States of Arkansas and Missouri to the Missouri river, within and bordering upon the western boundaries of those States, is to be set apart as bounty lands, to be granted in quarter sections to such persons as shall enrol themselves as volunteers or militiamen, to be organized and regularly trained for military service, and each of whom shall go upon and settle the quarter section he shall select. Each settler is to be registered, and to be bound at all times to take up arms in case of an apprehended or actual attack by the Indians upon the settlements, and to continue in service as long as troops may be required for the defence of the frontier. It will be the interest of each settler to see that the companies and regiments are fully organized agreeably to the provisions of the bill, and that he is regularly exercised and instructed in military tactics, as the title to the land is made to depend upon the organizing and training of the settlers, and without which the right is forfeited. The bill requires that each settler shall select and occupy the quarter section he wishes to own, and shall cause himself to be registered as the claimant of such quarter section; which registration will secure the possession, unless the same is forfeited by a failnre to comply strictly with the terms imposed by the provisions of the bill. These terms are, as already stated, either that the occupant shall unite himself with a volunteer company, bound to serve upon the frontier for five years, or shall enrol himself in a militia company for a like period of five years, and which company must belong to a regiment regularly organized and officered, and to be kept at all times prepared for action. These volunteer or militia troops are to be regularly trained to service, and to be subjected to such military duty as may be required of them during the whole term of five years, even should it extend to constant service during the whole of that time; the right to the land to be forfeited if the same is not occupied for five years from the time of registration, or upon a refusal to do military duty at any time during that period. The fact that no title can be obtained except upon the certificate of the proper officer that the settler has strictly complied with all the requisitions of the bill, and has faithfully served his country for five years, creates a perfect security that the services will be rendered, and that the fullest consideration will be paid for the bounty of the Government.

The object of the committee in limiting the quantity to be granted to each settler to one quarter section, was in order to increase the number of troops, and, at the same time, place them in such a convenient position to each other as would secure promptitude and certainty in bringing them immediately into the field of action. It was estimated that of the quantity of land included within the proposed limits, much more than one half of it would be unfit for cultivation; and, when it is considered that the most valuable tracts are already sold and settled, it is believed that within the belt of land proposed to be set apart by this bill, there would not be much over five thousand quarter sections which would be likely to be settled under the provisions of the bill; so that, if the inducement should be found to be sufficient to produce the desirable object contemplated by the bill, the force which would be in this way obtained would not exceed five thousand men. When it was considered that there are, or will be in a very short period, about seventy-five thousand Indians of the various tribes collected together and settled so close to each other as to be able to embody a force of fifteen thousand warriors almost at a moment's warning, all of whom have been removed from the east to the west of the Mississippi, and who have been, by the policy of the Government, concentrated immediately upon the borders of the State of Arkansas, many of whom, also, have been removed there under circumstances justifying the belief that they will avail themselves of the first favorable opportunity to gratify their thirst for blood by making inroads upon the frontier settlements, and against which a war of the most devastating description might be at this time most successfully prosecuted, it was considered by the committee that the additional force which this bill might be capable of affording, would be still necessary even if such an increase of the army took place as would enable the Government to place upon that frontier from five to seven thousand regular troops. And when the great uncertainty of the increase of the army is taken into consideration, the importance of such a measure as the one proposed by the present bill becomes still more obvious.

Mr. President, this bill does not propose a mere donation to the settler. It is not intended to encourage persons to seize upon the public lands, as the hardy pioneers of the West have, as I think, most unjustly been accused of having done. No, sir: those who are to get the benefit of this measure are required to render valuable services to their country. The policy of granting bounties in lands to those who risk their lives in the public service, is as old as the Government itself. And what service, I would ask, can be greater than that of voluntarily placing onesself in the very face of danger, as all must do who comply with the provisions of this bill? What better troops, I would ask, could there be than might be obtained in the manner proposed by the bill? These settlers would be called on to defend their property, their families, and their lives. They would go forth to battle, animated not only by a proper sense of the obligation which the service they have entered into imposes, but also by the consciousness that the lives of others, near and dear to them, depend upon their valor. They would fight, not only from a sense of duty, but for their country, and their homes, and their firesides. In this way may a respectable and efficient force be permanently established upon the frontier, to maintain and supply which the Government will not be required to expend a single cent, except when the men are called into active service. Once established there, with the improvements and cultivation which each will be required to make to support himself for five years, their population will become fixed, and although all may not always remain, yet the inhabitants will be so permanently established, by separate farms, that the number of occupants will be, most probably, continued, and a dense settlement of citizen soldiers will thus be secured, capable, almost within themselves, of giving security to the frontier in all future times.

It has been objected that a thick settlement of our citizens close upon the Indian border, would be calculated to lead to difficulties with the Indians. The best answer to this objection is derived from the experience of the past. The counties immediately bordering upon the Indian line, in the State of Arkansas, (and through which the belt of land now proposed to be set apart runs,) are the most populous counties of the State. A highly respectable, industrious, and enterprising people are now inhabiting this belt of land, having purchased the land of the Government at a time when they had no right to suppose they were destined to be exposed to all the horrors of the tomahawk and scalping knife. These citizens of Arkansas have lived in the immediate neighborhood of the Indians for many years. No intrusions upon the Indian country have ever taken place; no depredations have been committed; and the established boundary between our citizens and the Indian tribes, has been as sacredly respected as it would have been if it had been defended by a sufficient standing army to enforce respect. No, sir: our frontier inhabitants are as good and law-abiding a people as live. From such a population, no matter how dense they may become, nor how close they may be to the border, no difficulties with the Indians need be apprehended from them. They have amongst them many hardy adventurers, who have endured the greatest privations in reaching the country of their choice; but they are now generally surrounded by all the comforts of life, and by a course of industry and prudence, have made themselves independent. They are a moral and exemplary people, and peace and good order universally prevails throughout those distant settlements. Relying upon each other for mutual protection, they are bound together by the strongest ties. No deeds of violence happen there. The Government has placed them in their present perilous situation, and they have a right to expect from her the most ample protection. They are not willing to believe that their country will abandon them to their fate, or leave them a prey to the merciless savage, instigated to deeds of blood by imaginary wrongs, and the bad counsels of wicked and vindictive spirits amongst them. And yet, sir, such is the state of alarm which prevails upon the frontier; so suspicious have been the movements of the Indians; so many secret councils have recently been held; such have been the character of their threats; such their confidence in their strength, and

the knowledge of our weakness; and so universal is the belief there that a combined Indian attack will ere long be made upon our settlements; that if adequate protection is not immediately afforded, the country will either be abandoned, or such steps will be taken for the purpose of fortifying the country and placing it in a state of defence, as they may themselves be capable of, if they find that they have been abandoned to their fate by the National Government. Our people are brave, sir, and would make a determined stand if they could be embodied; but, separated as they are, and scattered over so wide a surface, an Indian force of many thousand warriors, such as they are now capable of collecting instantly together, armed as they have been by our Government, and well supplied with ammunition, might deluge our country with blood, and spread desolation over the whole border settlements, before a sufficient force could be embodied to stay the work of death.

The excitement which now prevails upon the frontier, from the belief that the powerful Indian tribes are rife for war, makes it the imperious duty of the Government to afford prompt and adequate protection. I trust, sir, I have satisfied the Senate that the measure now proposed will add materially to the defence of the country, and would form a solid barrier against the incursions of a merciless and exterminating savage foe.

I feel it to be my duty to state to the Senate and to the country, that the inhabitants of Missouri and Arkansas are at this moment in a most critical situation. The lives of all sexes and conditions are in jeopardy. They are now looking with intense anxiety to the action of Congress. Nothing has yet been done. Will you, after having forced upon them such terrible neighbors, refuse them that protection which humanity demands? I am satisfied it will not be refused. By the proposed measure, the services of an efficient and considerable force will be secured for five years, at the rate of $200 for each soldier. It is true, they may not be required, even during the whole of that period, to go to the field of battle; but they will be at all times in the face of danger, and fully prepared for action. I feel the utmost confidence that a body of troops thus collected together, may be certainly relied upon, and that they will bravely and nobly defend the land they have upon such terms chosen as their homes. If the country proposed to be thus occupied, was an uninhabited wilderness, then indeed, perhaps, some might fear that such a measure might cause it to be filled up with a dangerous and lawless population. Settled, however, as this country already is, by an honorable, high-minded, and virtuous people, amongst whom desperate and bad men would not be permitted to remain, the vacant lands must necessarily be occupied by such a description of people as will promote the prosperity, as well as add to the defence, of the country.

In an economical point of view, no defence could be cheaper than that which is proposed by the bill under consideration. It is true, it would not do to be alone relied upon; but if a dense settlement is presented to the Indians all along the line, trained to the use of arms, and so organized as to be capable of taking the field in considerable force at the shortest notice, such would be their consciousness of our military strength, and our ability to defend ourselves, as must necessarily force them to remain at peace, or at least to hesitate long before they would consent to make war upon such a settlement. Powerful, however, as are the Indian tribes immediately upon our border, and relieved, as they now are, from all apprehensions of attack from the Indians of the prairies, and since the policy has been adopted of making peace between the wild Indians and those who are somewhat civilized, the necessity for maintaining a sufficient number of regular troops, not only to preserve peace amongst the Indians themselves, but also to deter them from all attempts towards uniting together, and making common cause against the frontier States, is most strikingly manifested. Indeed, sir, it is the duty of this Government to place the frontier in the most perfect state of defence. Experience has proved to us that whenever the Indians become desperate, even the fear of extermination will not prevent them from madly rushing upon death, and forcing upon us the necessity of destroying them, as the only mode by which they can be prevented from perpetrating the most desperate deeds of blood. It is also true, that no matter how war may come upon us, the certain consequence always will be, that then at least we must expect an Indian war to break out. We cannot hope to escape from war altogether; and therefore, a large force will be constantly required to keep the Indians in check. If a sufficient force could have been sent to Florida at the time the Indians began first to manifest a hostile spirit, what a vast expenditure of blood and treasure would have been saved to the nation? So long as there are indications of hostility manifested by the Indians, or a remote prospect of a foreign war exists, the only means of preserving peace will be to place our exposed frontier in such a state of defence, as will be calculated to give ample protection to the people.

Some objection may be made to the quantity of land proposed to be set apart for military purposes by this bill. But, sir, that portion of it now unoccupied, and capable of yielding a support, is not considerable. The quantity of land proposed to be set apart is only two townships in depth; not wider than is necessary to create a barrier over which an invader cannot pass. The belt commences on Red river; and, as the greater portion of the country between Red river and the Arkansas is exceedingly broken and sterile, only a small portion in that section of the State, within the proposed limits, will be settled upon on the terms offered. That section between the Arkansas river and the Missouri line, is capable of supporting a dense population; and such fearless and enterprising men as will risk their lives, and those of their families, there at this time, and who desire to live by field labor, may procure homes in between those limits, if disposed to avail themselves of the terms offered. But as already much of this land has been purchased from the United States, the remainder will not be sufficient to afford settlements for a larger number of persons than the defence of the country demands. The same remark applies, I presume, to the country between the line of the State of Missouri and the Missouri river. This is the extent to which the bounty settlement is contemplated to extend. That portion of the State of Missouri bordering on the Missouri river is considered not to be in danger, or so much exposed to Indian aggression.

The policy of all other Governments has been to grant lands with a view to encourage their settlement and cultivation. Our country having settled so rapidly, many of our statesmen have become opposed to the wide-spread extension of our population. Their policy is to adopt measures to enrich the nation from the sales of the public lands. No measure, therefore, having for its object only he settlement of the country, could hope to find avor at this time with Congress. But as the present measure proposes the grant of lands already culled over, and in consideration for perils and services to be rendered upon a national object of the first magnitude and importance, and in the defence of a portion of the country, to protect which the Government has, by its own action, imposed upon itself an obligation of the highest and most binding character, and to neglect which would be a breach of faith, which would not only be disgraceful, but would also involve her in a most bloody and exterminating war—it does seem to me that the bill before us cannot fail to find favor in the breasts of Senators.

The proposed measure will create a considerable force, answering nearly every purpose of a corresponding amount of regular troops, and without subjecting the Government to any of the expenses, or giving rise to any of the apprehensions which standing armies are calculated to produce.

I trust the Senate is satisfied that there is an urgent necessity for a large increase of force upon the southwestern frontier. It is not my purpose to urge this or any other measure, by an attempt to create unnecessary alarm. It is known to all that a vast number of Indians have been congregated upon the frontier. It is also known that they have been instructed in the use of the rifle, and that we have put the very best description of that weapon into their hands. It is known that great dissatisfaction and loud complaints have been poured out against the Government by the inhabitants of the frontier, for having manifested so little concern, as they think, for the perilous situation in which they have been placed by the policy of the Government. They tell their representatives not to cease their efforts until they succeed in rousing every department of the Government to a proper sense of the danger to which they are exposed. They say it will not do to compare their situation with that of the early settlers of Kentucky and Tennessee. Those settlers had to contend with (comparatively speaking) but a handful of Indian warriors, and those, too, not armed with the deadly rifle. They, too, went prepared to fight for the country they settled in. They spilt their blood freely, and held the land at an immense sacrifice of life, and by sufferings, at the mention of which all our sympathies are awakened. This Government has no right to place the citizens of Arkansas and Missouri in a similar situation. The people of those States have done no act which should involve them in an Indian war, and particularly such a one as may now be waged against them. It is against the whole people of the United States that the Indians are disposed to make war, and it is, therefore, the duty of the Government to see that our citizens are not left to suffer alone. I trust, sir, that every measure of defence will be promptly taken by the Government; and I hope that the measure proposed by the bill under consideration may be speedily adopted.

INDEPENDENT TREASURY.

SPEECH OF MR. TOUCEY,

OF CONNECTICUT,

In the House of Representatives, June 23, 1838—In Committee of the Whole on the state of the Union, on the bill for the establishment of an Independent Treasury.

Mr. TOUCEY rose and said:

I regret, sir, that this measure has not been brought into discussion in this House at an earlier period of the session. The bill from the Senate on the same subject was laid upon the table, without discussion, by a silent vote; and this great measure, the deliverance of the Government of the American people from abject and dangerous dependence upon the banks, and the establishment of an Independent Treasury in pursuance of the plain principles of the Constitution—a measure, fraught with immense interest to the country, and destined to influence permanently, as well as deeply, the welfare of this great nation—has not, until this late period, been made the subject of debate and deliberation in the House of Representatives. I approach it now under a strong sense of my responsibility to a most enlightened constituency, and to the American people; and I shall endeavor to discharge my duty under the guidance of truth and reason, and in entire forgetfulness of every consideration not connected with the best interests of the country.

This measure has already taken effect, practically, by force of existing laws, and was brought about by the suspension of specie payments on the part of the banks. It is no longer a question whether the separation shall take place, but whether a *new union* shall be formed with them, after they have separated themselves from the Government; have entirely failed to perform their engagements in the most essential particulars; have, in the midst of a long and prosperous peace, inflicted upon the country a multitude of depreciated currencies, and when the whole system has fallen prostrate under the weight of its own excesses. I am against a reunion, and I propose to state the reasons for my opinion.

We are still in the midst of one of the greatest calamities which can befall a people, because it reaches every individual in the country. No one so humble, no one so exalted, as not to taste its bitter fruits. In the downward progress to it, and in the convulsive struggle to return and escape from it, the value of every man's property is un-

settled, every contract is changed, and every human being in the land is visited with injustice, fraud, and robbery, under the forms of law. It is the most stupendous iniquity which can be practiced, and prevail in a civilized community, without involving it at once in all the horrors of insurrection and bloodshed.

Such a calamity, so extensive, and all-pervading, cannot exist without a plain, palpable, adequate cause. What is it? If the Government has done the mischief, if the agents of the people have brought it upon us, let them be held responsible for it, and let the indignation of the whole country pursue them to the uttermost. But if, on the other hand, it has been brought upon us by the agents of *another power*, which has sprung up as it were by stealth, and grown upon us unawares, into perfect organization, and the most gigantic dimensions; which has a foothold in every part of this broad land, already rises higher than the Republic, can master the Government itself, and dictate law to the States and the people—the law of necessity which must be obeyed—if this great overshadowing, organized, moneyed power exists among us, and has brought this calamity upon the country by its own irregularities or abuses, then, sir, let us hold it responsible for the mischief, acquit the Government of the charge, and let us provide guarantees for the future.

What was the cause of this calamity—the cause of causes; the cause of the many conspiring agencies, which contributed to produce it? What was the true, real, radical, vital cause, from which this mighty mischief sprung into existence?

Will any one deny that the immediate, efficient cause was the undue expansion of the currency by an excess of paper money? The fact is most certain; established by indubitable evidence, and acknowledged on all sides; that the actual currency of this country, at the commencement of the past year, was incomparably greater than at any former period. In the year 1830, the whole currency of bank paper was but sixty-one millions; in the beginning of 1837, it was one hundred and fifty millions, and was estimated by some of very high authority, to be one hundred and eighty-five millions. Thus the actual currency of the country, in that short period, suddenly, violently, in subversion of every principle of political science, of every maxim of political wisdom, had been augmented nearly threefold.

What was the *unavoidable* consequence of this incredible augmentation of the currency? For, although the results of a very considerable expansion may be overcome, without producing overwhelming calamities, yet, when it proceeds beyond certain bounds, an earthquake or a tempest is not less under the dominion of man, or its effects less inevitable or less disastrous. A great enlargement of the currency, beyond all due bounds, is necessarily followed always by a great and rapid increase of prices, (without an increase of value,) an irrepressible spirit of trade and speculation, an inundation of foreign goods, an accumulation of foreign debt, a heavy drain of specie, a violent pressure upon the banks; and when the drain of specie is so great, and so long continued, that the banks are unable to meet it with the specie fund which they have on hand, why, of course, every body knows they must suspend their payments, that is, in gold and silver, the only currency which will go abroad.

This expansion of the paper currency, this increase of prices, this spirit of speculation, this flood of foreign goods, this foreign debt, this heavy drain of specie, and this pressure upon the banks, and their suspension, we have witnessed in regular succession; the over-banking, over-trading, and excessive speculation have passed under the eyes of every one; and the deplorable consequences, the prostration of credit, of business, and of the banking institutions of the country, so severely felt in the embarrassments and bankruptcies of so many thousands—I had almost said millions—and the curse of so many depreciated, inconvertible paper currencies, will not soon be forgotten by the men of the present generation.

Who were the authors of this mischief? Who put forth this excess of paper money? Who produced this expansion of the currency by this excess of paper money, and thus became responsible for the consequences which necessarily ensued? Was it the banks, or was it the Federal Government? Was it the banks, which have been clothed, by the several States, with the high sovereign power of furnishing the entire paper currency of the country; or was it the Federal Government, which neither has, nor exercises, any such power? By what arts of sophistry shall the responsibility be transferred from the exclusive authors of paper money, who have issued it in boundless excess, to others, who have issued none, but have striven to increase the currency of hard money?

The answer is given by the banks: *We* have done it; *we* have put forth such an excess of paper currency that we have not been able to redeem it; but *you* have destroyed the great regulator by which we were checked; *you* have refused to recharter a National Bank, by which we should have been restrained from these excesses; and we have run riot, and you are responsible.

The advocates of a National Bank have always insisted on its indispensable necessity, or, at least, its great utility, as a regulator of the currency. This is the great argument for such an institution, urged by its friends, and they deem it unanswerable and irresistible. From 1830 to 1836, we had such a bank. What was its course? Did it regulate the currency? Did it hold the State banks in check, and confine them within proper limits? Did it prevent, or even impede, the enormous expansion of the currency, which has proved so disastrous? Far from it. On the contrary, it was precisely the worst conducted institution in the country, the most irregular in its action, the greatest disturber of the currency, the most vicious in its influence, the most powerful for evil, and most immediately and directly efficient in producing the present disasters. Let facts speak; let history speak; let the records of the Bank tell its own tale. In 1830, its issues were fifteen millions and its loans forty millions; in May, 1832, during the struggle for the succession to the Presidency of that year, it had increased its issues to twenty-six millions, and its loans to seventy millions. In this *then* unprecedented career of expansion it was, of course, followed by the whole train of State banks. Suddenly taking an opposite direction, it forced the whole army of State banks to contract; and in November, 1834, its issues were down to fifteen millions and its loans to forty-five millions. Suddenly again veering about, it set off with redoubled speed and vigor in a still wilder and more disastrous career of expansion; and on the 1st of July, 1835, in the brief period of eight months, it had expanded its issues from fifteen to twenty-five millions, and its loans from forty-five to sixty-five millions; and, if the State banks were guilty of an equal expansion, that memorable period of *eight months* deluged the country with more than *fifty millions* of currency, and more than *one hundred millions* of bank loans, beyond what existed at the commencement of it.

It was impossible that this sudden and vast increase of the currency (to pass over that of 1832) should not have broken up the settled course of all business, disturbed the prices of all property, and roused and maddened the spirit of speculation, already rife, to tenfold fierceness. We find, therefore, that immediately after the Bank of the United States, then acting under a charter granted by Congress, began this expansion, immediately after the termination of the ever-memorable session of panic and consternation, the sales of the public lands began to increase, and rose to five millions in the very year 1834, to fifteen millions in 1835, and to twenty-five millions in 1836. At the same time our imports began to increase, and rose to one hundred and twenty-six millions in 1834, to one hundred and fifty millions in 1835, and to one hundred and ninety millions in 1836. At the same time, so profitable was the business of banking, and so great was the employment of banks, that bank capital increased from two hundred millions, in 1834, to two hundred and thirty-one millions in 1835, to two hundred and fifty-one millions in 1836, and to three hundred and twenty-three millions in 1837. From 1834 to 1837, bank capital increased more than one hundred and twenty millions, bank loans more than two hundred and fifty millions, and the surplus in the Treasury rose to forty millions.

The Bank of the United States, the boasted regulator of the currency, the vaunted controller of the State banks, was the first to start off in this mad career of expansion, of over-banking, over trading, and exorbitant speculation, and pushed on at the top of its speed, under whip and spur, followed by the rest in close pursuit, until the whole troop, exhausted, fell prostrate, and all who were borne along by them were brought to the dust. Such was the forlorn and wretched condition of the currency (inflated, false, and hollow, ready to explode at the slightest shock,) which the Bank of the United States bequeathed to the country as the fruits of twenty years' salutary influence and beneficent operation!

Such was the action of the banks. Furnishing the entire paper currency of the country, they increased it to such an extent, under the lead of the Bank of the United States, that its immense expansion produced, 1st, a great and rapid advance of prices, with its usual concomitant, an exorbitant spirit of trade and speculation; 2d, a vast influx of foreign goods, with its usual attendant, an immense foreign debt; 3d, a heavy drain of gold and silver, and a tremendous pressure upon the banks, (which were out at sea, upon the top of the highest billow, with every sail unfurled;) and, lastly, a disruption and separation of the metallic and paper currencies. This is the ordinary and natural course of things. The uncontrollable laws of trade require it. It could not be otherwise, where the expansion had been enormous, and had long operated, with little to resist its powerful agency. The laws of trade must be repealed, and the course of human affairs must be entirely reversed, or the light of experience will always, and every where, disclose such results.

These enormous expansions, followed of course by corresponding contractions, are the great practical evils of the American banking system, whose radical vice is, that this propensity to periodical expansions is the law of its nature, under its existing organization. It would be difficult to devise a system, which would have a more powerful and necessary tendency in that direction. The interests of the banks and the interests of those who deal with them, the large dividends on the one side, and the large accommodations and ample profits on the other, combine perpetually to produce these expansions and explosions of the currency. The profits of banking, and the profits of trade and speculation, go hand in hand, increasing together, and by the same operations. Most men want money, because it can be profitably employed. The banks can manufacture it to any extent, and send it forth in any quantities, because they are not in truth called upon to redeem it. There is absolutely no demand for the precious metals, no necessity of redeeming their paper, no necessity of keeping any sum beyond the merest pittance of gold and silver in their vaults, while the expansion is in progress, and of course the bubble may be blown indefinitely. At last, in the midst of the most largely extended business, and the most highly excited hopes, an adverse balance of trade, a foreign movement upon American securities, calls for the gold and silver in the banks, and the whole scene is changed in an instant; the bubble bursts, and ruin and desolation stalk through the land, claiming half the community for their victims!

Having thus stated the direct and obvious cause of the present derangement of the currency and business of the country, it becomes an inquiry of the gravest import, whether any remedy can be applied, which, though it may not entirely remove, may yet greatly repress, and hold in check, this vicious propensity of our moneyed institutions, and how far the Government has ministered, or can minister, by its operations, to the same important object; important alike to those institutions, to all who are particularly interested in them, and to the whole community.

Passing over the great question of the constitutional authority of Congress to create a National Bank, the concentration of so much power in the hands of one man, the establishment of a virtual monarchy in the moneyed world, the danger threatened by it to the interests of the country, and the

liberties of the people, and the unequivocal and repeated expression of the public will against it, I shall confine myself to the only view appropriate in this connection, the influence of such an institution upon what I have denominated the radical vice of the American banking system—its propensity to expansion and explosion.

I have already anticipated this view, by a narrative of facts and experience, which render theory and speculation of little moment. We have seen precisely this institution, at a period most favorable for the exertion of a corrective agency, first and foremost to stimulate the currency and trade of the country to the brink of destruction; opening the floodgates when they should be shut, and shutting them when they should be open; without the skill to discover, without the ability to correct the evil, or without the disposition to do so, unless it may have the Government and the country under its heels.

But why should we expect that a National Bank, even if it were not an instrument of partisan warfare, or an element of political power, would furnish an adequate check upon these expansions of the currency? From its very nature, it is essentially the same, in the laws of its existence, with all other banks. It is immaterial in what city of this Union its directory may reside, or under what name they may act. Subject to the same general influences, and operated upon by the same powerful and universal causes, it would inevitably itself take the same downward course. Borne along upon the same tide with all other banks, it would equally, with them, be incapable of offering resistance. The same interests of the Bank on the one hand, and the same interests of those who dealt with it on the other, would be in incessant operation, in perpetual conspiracy, for ever leading to the same end—the expansion of the business and profits of both. We have yet to see men, in the conduct of a moneyed institution, organized for purposes of profit, act invariably, and at all times, in direct opposition to motives of pecuniary interest, to the urgent solicitations of confiding and dependant friends, and to the importunate demands of an excited community. A National Bank might, at times, check a solitary irregularity here and there, but it would only inflame and aggravate those general disorders of which we are speaking; would only perpetuate those general abuses which we are deprecating; would only augment the power of expansion, and that fatal tendency of the system to revulsion, which we desire to counteract and resist. The history of the past, to which I have alluded, drawn from the records of a National Bank, fully illustrates and establishes these positions, not as theory, but as actual, attested experience.

It is beyond the utmost power of human legislation to remove, in any great degree, this deep-rooted evil—an undue increase of the representative part of the currency over the real money represented by it—without diminishing the one, and increasing the other; without substituting a metallic currency for some portion of the paper currency, and enlarging the amount of gold and silver to be kept in the banks as a basis for the remainder. We have too little hard money in use, because the Government had discarded it, and because all the channels of circulation are filled with paper money of larger or smaller denominations, which dispenses with it; and we have too little in the banks, because year after year the fund which lies there is not called for, is therefore encroached upon from time to time, and not kept up; and, finally, in the ordinary course of affairs, is not deemed necessary. These two evils, so prevalent in times past, are the very elements of an undue expansion of a paper currency.

The policy of the Administration of the Federal Government, and of its friends generally, has been to reform these evils, and the abuses connected with them. In the first place we enlarged the mint, and increased the coinage. In a very short period we coined more gold than had been coined from the foundation of the Government. In the next place, we established a new valuation of the gold coin. Before that, there was practically a premium for exporting it, in consequence of its low valuation; and it went immediately out of the country as fast as it was coined. Now it remains in the country. In the third place, in the several States where our friends had the control, they prohibited the use of small bills, as had been done in France and England, and supplied their place with hard money. By these measures, we increased the gold and silver in actual circulation among the people of the United States, from four millions in 1834 to thirty millions of dollars in 1837; and we increased the gold and silver in the banks from twenty-four millions, in 1834, to forty-five millions of dollars, in 1837. In three or four years, we added forty-seven millions of dollars to our stock of gold and silver in the country. The States, it is true, where the Opposition have had the control, have to some extent counteracted this policy, by flooding the country with small bills, which, as far as they prevail, expel the gold and silver; and the banks by suspending specie payments obtained a temporary victory over our policy, by shutting up the specie in their vaults; and by arresting the circulation of it as long as their depreciated paper shall continue to circulate. The great result of this policy, however, still remains, and gold and silver is even now so abundant in the country, though locked up, that the banks are able to resume their payments, which otherwise would not have been the case. Let them resume, as they can and ought to do, and the auspicious results anticipated from this policy will be signally manifest to every body, when the measure of suppressing small bills shall have been carried into full effect. In the first place, there will be an abundance of gold and silver in circulation for the ordinary transactions of the great mass of the people. In the next place, this abundance in circulation will furnish a ready supply to the banks. At the same time the greater amount in their vaults and at their command, will enable them at all times more surely to redeem their bills and sustain their payments, in the only money recognised by law. These results, so much desired by all, will, when once accomplished, be permanently accomplished, and enjoyed without interruption, if the banks can only be compelled, or induced, to preserve themselves in that condition, which will enable them to sustain their payments; a condition so much more easy to be maintained in consequence of these very results.

But, sir, that condition the banks will not maintain, unless there shall be a uniform, steady, unremitted and persevering demand upon the specie in their vaults, which will compel them to keep an adequate supply. They are too much disposed, from motives of immediate profit, to reduce that supply too low. This is a matter of the utmost importance. The whole paper circulation of the country depends upon it for its solidity, for its convertibility, for its equality with the real money it represents, for its character as money, for its hold upon the confidence of the community, for its ability to withstand the first shock from any vicissitude in trade, the first pressure from any cause at home or abroad; and when we reflect that if this fund, aided by an abundant specie circulation, is unequal to the task of sustaining the payments of the banks, the whole paper circulation of one hundred and fifty millions is depreciated in a moment, the whole people of the country are plundered of fifteen millions at the first onset, and all the evils of broken faith, prostrate credit, and depreciated currencies, are fastened upon us by the failure, I am confident that no one will accuse me of overstating the importance of this supply of specie in the vaults of banks, of setting additional gaards over it, and rendering its withdrawal more difficult, if not impracticable.

The policy of coming ultimately, but gradually and surely to the use of coin chiefly in the fiscal operations of this Government is, in part, to fill another great channel of circulation (not in the control of any State) with gold and silver; and also to fill the banks with a larger supply by creating a uniform, steady demand upon them to a reasonable extent. The only effect upon the banks will be to check them, as was done by the late Bank of the United States, to require them to keep a larger supply of the precious metals, to prevent them from doing too much business upon too little capital, to constrain them in a degree to keep within safer limits, to guard the public in some measure against those dangerous expansions which are always followed by disastrous consequences, to prevent the growth of those enormous excerscences upon the body politic, which absorb the vital juices and induce the most terrible maladies. This sound and healthy circulation of the precious metals, the banks, if they are not too overgrasping, will easily supply and sustain. It requires only an increase of their supply not inconsistent with a reasonable profit. It will go out of their vaults and return again, and the process will be gradual, constant and steady. It will not go out of the country, and when exchange is against us, and there is a demand for the precious metals for exportation, it will not diminish the ability of the banks to meet that demand.

This is the great power of regulating the currency conferred by the Constitution: to coin money, to regulate its value, and use it in the fiscal operations of this Government. It is not a doubtful power, obtained by forced constructions. It is a clear and express grant; and if exercised in the mode proposed, it will hold the banks in check, restrain their improvident issues, keep them within safe bounds, or at least have a most powerful tendency to do so, by a reasonable, constant, steady, unremitting, all-pervading operation, which the banks now affect to dread so much, and for no reason whatever, except that *it will require at all times a broader specie basis to be kept perpetually in their vaults;* the very thing which the whole community so much desire, which the immense interests involved in our vastly extended paper currency imperatively demand, and which cannot be dispensed with without essentially compromising periodically, at short intervals, the substantial prosperity of the country.

Such will be the effect of the return of this Government, not suddenly, but gradually, by sure and cautious steps, to the use of its own money in its fiscal operations. It must be obvious that it will not destroy or prejudice a safe, well regulated credit system; on the other hand, it will strengthen it where it ought to be strengthened; will reform it where it needs reformation; and will only lop off abuses.

Instead of overthrowing it, it will give it a sound and healthful existence. I have, sir, both here and elsewhere, listened to much unmeaning and some gorgeous declamation upon the splendid results of the credit system; as if we were indebted, not to our liberty, our free Government, our equal laws, our untiring industry, to the overflowing cup of Heaven's bounty in this new world, for our vast and astonishing progress in wealth and power, but to monopolies and exclusive privileges granted to a few favored individuals; as if the very vices, deformities, and distempers, which grew out of an excess of health, were the parent of it; as if the very evils generated in the hot bed of our prosperity, were the very cause and foundation of that prosperity. Sir, I deny that the return to the constitutional currency in the pecuniary transactions of this Government will injure a just credit system at all. If there be any force in the considerations which I have urged, they show that it will have exactly the contrary effect, by giving to that system greater stability and a more equable operation; by enlarging its solid basis and repressing and preventing, in some measure, expansions on the one hand and contractions on the other; and by guarding against those terrible vicissitudes, in which the trade, commerce, currency, and credit of the country are so often overthrown.

The policy of the Administration has been directed exclusively to the improvement of the currency, by increasing the solid part of it, and checking these expansions.

Even the tendency of the far famed Specie Circular was merely to check the banks in some small degree, as the friends of a National Bank insist would be done by such an institution. It carried no specie out of the country; it merely removed a portion to the interior. It created a demand upon the Atlantic banks, which in some measure checked and limited that expansion, which, in the event, has been so destructive. It perhaps prevented the fever from rising to a fatal height. It perhaps ac

celerated a little the final winding up, which could not have failed to be worse, the longer it was delayed. At all events, it did not increase the expansion; it did not increase the amount of foreign or domestic debt; it did not inflame the universal madness, which seemed to reign triumphant in all classes of adventurous men; it did check, in some measure, the career of infuriate speculation, and arrest, in part, the progress of those evils which were then threatening the business and currency of the country with overthrow.

I say then, sir, that the Bank of the United States, chartered by Congress, in conjunction with the State banks, brought upon the country the calamity under which we are now suffering, while the policy of the Government has been directed to our permanent relief from similar calamities in all time to come. And it is notorious that the same Bank, under the same control, conducted by the same hand, but acting under a charter granted by a single State, has taken the principal lead in preventing an early return to a better state of things, and is now the chief obstacle in the way.

Such has been the policy of the Administration; such has been its course. Is there any thing in the present condition of the country which should induce it to change its ground? I have already observed that this policy has been partially and temporarily arrested. The circulation of small bills, under the authority of certain States, was at war with this policy; the immense expansion of the banks, by which the paper money was increased so much more rapidly than the precious metals, was still more at war with it; and the suspension of specie payments has crowned with partial success the efforts of the Opposition to thwart this policy of the General Government, and of those State Governments which have co-operated with it.

It is to this suspension of payments, on the part of the banks, that we are almost entirely indebted for this temporary defeat. This is the only reason why the metallic currency has disappeared, and why the country is overrun with depreciated paper. Let the banks resume, and the evil is at an end. It is their duty to do so. It is equally their legal and their moral duty to resume their payments, to perform their promises, to comply with their solemn and deliberate engagements. The depreciated currencies which afflict the country are theirs. The metallic currency is the only true, legal, and constitutional standard. The paper currencies are below it. It is the absolute duty of the banks, under the laws and constitutions of the country, to maintain them at the point of equality; and that can only be done by instantaneous convertibility at the will of the holder. Until that is done, until the banks perform their promises, until they abide by their engagements, the depreciation must continue, the paper is not as it is designed to be, the representative of gold and silver, and hard money must necessarily be expelled from use, as we all know it cannot circulate side by side with a degraded currency. It is this suspension of specie payments, therefore, which is the cause of there being two currencies, if that may be called a currency, which is driven out of use by depreciated paper. Let the paper be raised to the value of gold and silver, by being convertible at will, and the depreciation would cease in a moment; the specie currency would be instantly restored, and the whole mass of evil annihilated. Whose fault, then, I ask, is it, that the banks fail to perform their moral and legal obligations, and preserve their currencies at par? Is it the fault of the Government, or their own?

The banks were invested with this high power of putting forth their currencies upon the fundamental condition—that they should at all times be equivalent to gold and silver, by being convertible at the will of the holder. The whole mass of their currencies, amounting but recently to $150,000,000, was received by the people of this country upon this indispensable condition. The faith of the banks was pledged to it. The engagement was impressed in broad and legible characters upon every parcel of the mighty mass. And yet, sir, this engagement was broken; this faith was forfeited; this fundamental condition was violated; the whole mass was degraded; the people were defrauded to the extent of the depreciation; fifteen millions of dollars were taken from their pockets just as truly as if exacted at the point of the bayonet, with this most aggravating circumstance, that it was accomplished by delusion, without the ability to resist, as they could have done had there been open force; and now, when the banks have arrested the whole specie currency, and depreciated the whole paper currency, by their failure to perform their legal obligations, they or their exclusive friends turn round and charge the evil upon the Government of the people, and denounce the Government for adhering to a currency of gold and silver, for not abandoning it at once and adopting their depreciated paper money in its place! And this great and terrible evil, existing in defiance of all law, so demoralizing in its character, so destructive in its effects upon the community, is the chosen means by which its authors and abettors are to ride into power over the necks of a suffering people.

Sir, I do not say this for the purpose of exciting hostility against any man or any set of men. But when the charge is made against a Government elected by the people, and founded upon their will, that they have given two currencies to the country, gold and silver for the office-holders, and degraded paper money for the people; when the unjust and groundless charge is made and reiterated, day after day, by the very authors of the mischief, against the Government itself, merely because it will not relapse into the depreciated currency of the banks, truth and justice require that the charge should be exposed in all its nakedness, to the contempt which it justly merits.

I say again, sir, let the banks resume, and the evil is at an end. Already have they begun *without* a National Bank, and *with* an Independent Treasury. Already are we upon the eve of a general resumption. It must take place. The people of this country are too intelligent to submit much longer to the present state of things. Let the banks do their duty, and the whole evil is annihilated. In the first place, the derangement of the paper currency will cease. If their bills are redeemed at all times promptly with gold and silver; if they are truly convertible at will; if they are in fact equivalent to the precious metals, as they profess to be, at the place where issued, the paper currency is no longer degraded nor deranged. In the second place, the specie currency, no longer banished by degraded paper, will re-appear whenever and wherever it is called for, and the immense sum, approaching one hundred millions of dollars, already in the country, no longer locked up, will come into sight and into use, as the wants or the wishes of the community shall require. In the third place, the exchanges will be instantly regulated by the laws of trade, as they should be, and not by the wit or the devices of man. Sir, no human regulations, no board of control, no device of man can repress the excesses of trade, save only the necessity of liquidating unfavorable balances, when they reach a certain point, in gold and silver. Any expedient to evade this necessity only aggravates the evil. The time of payment will come, and if there are no products of the earth, or of labor, wherewith to make payment, the precious metals must be transferred. It is of the utmost importance to the stability of trade, to the soundness of credit, for the suppression or prevention of over-trading and undue speculation, that these balances between different countries, or different parts of the same country, should be promptly and freely adjusted by the laws of trade. The great instrument is the precious metals, acting upon the currency, and when the local currency is equivalent to them, is promptly convertible into them without loss or discount, so that they can easily be obtained for it, without a large item of depreciation to be charged into the account; the exchanges will then be precisely what they ought to be—equal where they ought to be equal, unequal where they ought to be unequal, adjusted by the laws of trade in exact conformity with the principles of eternal justice, and the true interests of the respective communities. A suspension of the laws of trade is just as pernicious as a suspension of the laws of gravitation, by which the ocean is kept near its level, and within its bounds. Let the northern merchant, who has funds deposited in a bank far to the South or West, which has suspended specie payments, remember, that the laws of trade are suspended as to him, and that to the loss which ordinarily he must sustain in transferring his funds home, not exceeding the freight and insurance on specie, he must now add the depreciation of a degraded inconvertible paper currency. Finally, the resumption of payments by the banks will be simultaneous with the revival of the business of this great, rich, powerful, and prosperous country. Its progress is onward and onward. It may be depressed for a brief space; but its recuperative energy is too mighty to be subjected for a long time to the sinister designs of those; if there be such, who would make its distresses a source of pecuniary profit, or of political power.

This Government is not hostile to the banks. It adopts no measure, it recommends no measure, it pursues no line of policy, in conceived hostility to them. Its position is that of non-intervention, its policy that of non-interference, in their concerns, but to withdraw itself from them, for its own security and independence, and to leave them to the policy of the States, respectively, which created them, and alone can control them. They are confessedly within the reserved powers of the States, and there we leave them. On the other hand, this Government has a high duty to perform within its sphere. It has the sole power to coin and regulate the only *money* recognised by the Constitution and laws; which is not only a power, but a trust also. It is its high duty to maintain, by its own operations, the just prevalence of this hard money, this sole standard of value, this immense balance wheel, by which alone the motions of that great and tremendous machine, the paper money currency, may be so checked and regulated that it shall not, by its own self-accelerating velocity, run to destruction. Federal power and State power, each harmoniously acting within its proper sphere, and each exerting its appropriate influence, will together work out the greatest possible results of happiness and prosperity to be achieved by legislation.

I have thus far, sir, endeavored to show that the true cause of the present disorders in the currency was its expansion, by an excess of paper money; that the Bank of the United States was a principal agent in producing it, and would never be an effectual check upon that tendency of the system; that the policy of the Administration has been to increase the amount of gold and silver in the country, both in the banks and in circulation among the people; and by ultimately collecting its revenue principally in its own coin, to create a demand upon the specie in the vaults of banks, which will insure an ample supply, and check the tendency of the banks to these pernicious expansions; that this policy has not failed, but is only temporarily defeated by the suspension of specie payments, and that it is the duty of the banks immediately to perform their engagements, which will at once restore the metallic currency, bring up the degraded paper currencies to an equality with it, and put an end to the existing disorders.

I now proceed to state some further reasons why the connection between the banks and the Government ought not to be restored, and why an independent constitutional Treasury ought to be established.

The recent connection of the Government with the banks, furnished a practical illustration of its dangerous tendency in reference to these very expansions, which all now admit ought to be repressed. We have at the very outset the most astounding fact, that it actually gave forty millions to the banks in augmentation of their active capital, at the very moment when they ought to have restricted their operations

This connection has a necessary tendency to produce these expansions, at all times, to foster overbanking, over-trading, and exorbitant speculation in every emergency: and especially when other causes co-operate with it.

Our revenue is derived principally from two sources: the customs and the sales of the public lands. When, from any cause, prices begin to advance, and the spirit of speculation is abroad, it is

obvious our revenue from both these sources will be greatly augmented. This excess goes immediately into the banks to swell the public deposites there, to be loaned out again to swell the ready means of an over-trading community, and the profits of the over-trading banks. By this process, the very money, which is drawn into the public Treasury for public purposes, and should be held there, and would then constitute a check upon this tendency to extravagance and excess, instead of being a check, becomes a stimulus to excessive action, and reproduces itself in rapid succession, inflames the growing disorder, and swells the tide to the utmost height. The connection gives a bounty to the banks to push on the community in the mad career; and this stimulating bounty increases, exactly as the evil and the danger and the necessity of repression increase. So, when the period of contraction and embarrassment commences, the withdrawal of this fund, always inevitable in such case, increases the embarrassment and aggravates the distress, precisely when the greatest indulgence should be granted.

On the other hand, the establishment of an Independent Treasury, and the withholding of its contents from the uses of trade, would constitute a a great and powerful check upon any excess in trade, banking, and speculation, at its inception, and in every stage of its progress. This excess augments rapidly the excess in the Treasury, which is withdrawn and withheld from the uses of the commercial community; and thus the check becomes constantly more powerful, as the evil increases, until finally it is subdued and overcome. And if this surplus, thus flowing into the Treasury, should ultimately, by the policy of this Government, consist principally of the precious metals, it would be difficult to estimate the power and influence of this check, to prevent those expansions, which the commercial world has long dreaded as the worst of all possible evils.

This union of bank and State will always have a tendency to foster an undue growth of the banking interest. It gives it undue importance. It draws into it an excess of capital. It gives it a degree of confidence, which it does not merit from its intrinsic strength and prudent management, which are the just foundation of all just confidence. It inspires in the public mind a false and delusive confidence, which is felt principally in the season of prosperity, but vanishes in the hour of trial.

This old system of Bank and State connection, and trading upon the public treasure, is most pernicious to the manufacturing interest. It is, virtually, as to them, a partial repeal of the tariff of protective duties. It causes, as I have already shown, an inflation of the currency, and of course an inflation of prices. Thus the prices of all the elements of our manufactures are increased, of labor, of stock, machinery, buildings, land. The foreign article is made at a lower standard of prices, and whether we go into the foreign or home market, we meet a foreign competition at disadvantage. The higher price, which may for a time be obtained at home, will be no indemnity. It will be but a bounty to the foreign manufacturer, who makes his article at lower prices, comes in for the higher paper prices, and carries home ultimately the precious metals. The effect is obvious. The temporary high, inflated price, produces a competition of new works springing up at home, and an influx of goods from abroad, until the business is ruined. Or probably, more suddenly, the contraction comes, when all their works, new and old, are of course at a stand, many of them never to start again, without new owners. It requires no proof that a specie duty, or an equivalent to specie duty, is the most effective for protection; and that a settled and stable course of things is infinitely preferable to one that is unstable and unsettled, for any of the great, solid, and permanent interests of the country.

I pass, sir, from high considerations of political economy and national policy, to higher questions of constitutional law and propriety, which preeminently belong to this subject. It is quite apparent that the use of banks as fiscal agents, and of bank paper as Federal currency, is a policy of a suicidal character, at least in one point of view, on the part of this Government. It has a tendency to thwart the exercise of the high constitutional power of coining money, and to defeat the ends for which that power was conferred. It has a most powerful tendency to expel from use and from the country the very currency of gold and silver, which it is the duty of this Government to make and to maintain. It leads to its neglect, to its disuse, to its banishment. It destroys the standard of value, and introduces a false one, silently, invisibly, unheeded by all, until the public attention is forced to the wide-spread mischief, and the pernicious effects, growing out of an unchecked, fraudulent paper currency, and the unsettling of the standard of all value, are felt universally by all classes of the community.

It was, beyond all doubt, the design of the framers of the Federal Constitution, and of the people of the States in adopting it, that there should be truly and really a FEDERAL TREASURY, where the PUBLIC MONEY should be KEPT. "Congress shall have power to coin money, regulate the value thereof, and of foreign coin;" and "to provide for the punishment of counterfeiting the securities and current coin of the United States." "No State shall coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts." "No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all *public money* shall be published from time to time." These clauses in the Constitution do not leave it open to doubt or question that it is the will of the people of the United States, as expressed in the Constitution of their Government, that there shall be, in deed and in truth, not evasively, or in name merely, A PUBLIC TREASURY; that the PUBLIC MONEY shall be KEPT THERE; that no State shall coin MONEY; that Congress alone shall have that power; that NO MONEY shall be drawn from THE TREASURY, but in consequence of appropriations made BY LAW. Let these provisions of the Constitution be carried into effect honestly and faithfully, and it is impossible that the public money should be *in* the Treasury and *out of* the Treasury at the same moment of time; should be *in* the Treasury, and at the same time *loaned out*, even to the most meritorious class of borrowers; should be *in* the Treasury, and at the same time, by the will of private individuals or private corporations, without the default of any public officer and without an appropriation made by law, be scattered, broadcast, over the wide circumference of this land!

It was most obviously the design of the Constitution that the public money, drawn from the pockets of the people in any manner, for the constitutional purposes of this Government, should be applied exclusively to those purposes. The application of it to other purposes is clearly a misapplication of the public money, an abuse of the powers of the Government, a concession of advantages to one interest not granted to others, to one set of men at the expense of the whole. It is manifestly against the true spirit of the Constitution that the public money, the common property of all, put into the common treasury by all, for certain specified purposes which are for the common benefit of all, should, instead of being devoted exclusively to those purposes, be made use of for different objects, for private profit and private accommodation. It strikes the mind at once as an anomaly; as an irregularity; as an abuse crept in; as a species of favoritism; as an act of injustice to the whole community; as a practice, which need only be brought to public view to receive the verdict of condemnation. And when we reflect that we have too much rather than too little capital employed in that manner, that the aggregate of our bank capital is in fact already swollen beyond all reasonable bounds, and that the public money, when thus illegitimately diverted from its proper object, goes only to increase those expansions, which involve the whole so often in one common ruin, it becomes a matter of the utmost astonishment that this irregular and extraordinary practice should receive the least countenance or support from any quarter.

Equally anomalous, irregular, extraordinary, and contrary to the design of the Constitution is it, that the powers of this Government, which are essential to its daily operations, should not be exercised by its own officers, but committed to private hands, to the agents of private corporations, to the officers of these private bodies, selected by them and responsible to them, and not responsible to the Government or the people? Why is it? Cannot the people trust themselves with the management of their own affairs? Are their agents, selected by them, dependent upon them, and responsible to them, for that very reason unworthy of trust, and to be thrust aside to make way for the officers of banks, for the agents of moneyed men, not chosen by the people, not dependent upon the people, and not responsible to the people, but exempt entirely from their control? No man in this country dare hold this, I had almost said unconstitutional, language; and yet every man who advocates a reunion of Bank and State, and a surrender of the public money into the hands of the banks as the best public Treasury, does hold this language in the most emphatic manner, by his course, which speaks louder than words. Public officers are the agents of the people, the necessary instruments by which their will is executed; and yet they are denounced, while the agents of private moneyed corporations are worthy of all trust!

This position, that the people of the several States of this Union, in framing a Constitution, and setting up a Government of limited and specific powers, designed that the Executive powers, conferred upon the new Government, should be exercised by its own officers, would seem to be so reasonable and so plain as to require neither argument nor illustration to enforce it. And yet, it is now insisted, that the custody of the whole public treasure shall be taken away from the officers of this Government, and shall be conferred, not upon any officers of the several States, but upon officers of local corporations:—that the vaults of these corporations shall, by fiction of law, be constituted the Treasury of the Federal Government; that the treasuries of these corporations and the Treasury of the Union shall be commingled and blended into one!

The consequences of this departure from the plain and simple theory of the Constitution, are in the last degree deplorable. We have no public Treasury, except by fiction of law. We have no public money, except on paper, and as a mere matter of account. The Government becomes a mere creditor of the banks, and absolutely dependent upon them for all its fiscal operations. The whole public treasure, as fast as it is collected by taxation, or from any other source, is surrendered to them, is put out of the control of the Government; and the millions which had been drawn from the people for great public purposes, and had been placed, in form at least, in the public Treasury, to be forthcoming in the hour of need, by the least concert among the banks vanish in a moment! No law, no power of this Government, can control them. They are not amenable as public officers. They may be sued in the civil courts. In the mean time, public faith is broken; public engagements are violated; the honor of the country is trampled under foot. The Government, entirely dependent upon commercial vicissitudes, and upon the concerted action of a few private individuals, may at any time, either in peace or war, be defeated in those measures, which are essential to the prosperity or the safety of the country. In the most important or perilous crisis, its powers may be paralyzed, or its strength broken, by the collusion of an extremely small number of men. Such would be the degraded and imbecile condition, the base, humiliating dependance of the Government of a great and powerful people; created to execute their sovereign will in all matters confided to it, yet utterly impotent of itself to execute the most essential purposes for which it was called into existence.

I will now reply to the two principal objections which have been urged against the system of withholding the public money from the use of local corporations or private individuals, and appointing public officers to keep and guard the public Treasury, and will then relieve the House from any further trespass by me upon their attention.

It is objected that the public money is not so secure in the hands of public officers as it is in the custody of banks. This objection is probably forever set at rest by the facts disclosed in the report of a committee of this House at the present session, showing that the average loss upon the public money in the custody of banks, has been three-eighths of one per cent.; while the loss upon the public money in the hands of public officers, has been but one-tenth of one per cent. Fact, therefore, is at war with the theory of objectors But the experience of the last few months, the sudden stoppage of the banks, the sudden reduction of the Treasury to bankruptcy with its millions in their possession, merely from their inability to comply with their engagements, furnish a decisive and triumphant reply to this objection.

The other objection, which we hear from the opponents of this measure on whichsoever side we turn, is that the Executive patronage of this Government will be increased.

This objection, did it exist in truth, would not be entitled to any very great weight. If there are certain duties properly appertaining to this Government, and necessary to be performed by it, it is not a very solid objection, that the appointment of the agents necessary to discharge those duties will involve some patronage. It is no sufficient reason why those agents should be altogether dispensed with, and those duties shuffled off upon the officers of private corporations.

No Government can abdicate its duties, because patronage is involved in the performance of them. This would put an end to all government. There is, however, no danger from this source, while the Executive power is kept within the proper sphere of appropriate duty. The danger is when it goes beyond those limits, and assumes to itself new powers by doubtful constructions. The necessary patronage incident to the exercise of the undoubted powers conferred by the Constitution for great public ends, is not to be feared by an intelligent and independent people.

But, sir, the objection does not exist at all, except in heated or distempered imaginations. It is not a process of accumulating power and influence in the hands of the Federal Government, to dissolve its alliance with the power and influence of the banking system.

I cannot but express my astonishment, that it should ever have entered into the mind of any man, that the dissolution of the alliance between the Federal Government and the Banking Power of the country would be attended with any actual augmentation of the influence of the Federal Executive. The question must be viewed under two predicaments: when this moneyed power is, by party allotments, placed in the attitude of Opposition to the Administration; and when, on the other hand, it is identified with those who sustain the Administration. In the first aspect, every one will see there is less danger from the restoration of this connection. But even in that view the influence which the Executive would acquire, by its control over the banks, would far exceed all that could be exercised by the appointment of a few additional Treasury officers. The public money has always been collected and disbursed by public officers. Between the collection and the disbursement, though deposited in banks, it is still at all times, and must be, under the control of public officers; that is, if the banks are faithful to their trust. Can any one doubt then, which would confer greater influence, the appointment of a few, a very few officers, rendered necessary by the disuse of the banks, or a Governmental alliance with these banks, when even in the hands of those opposed to the Administration?

But, sir, it is in the other aspect of this question, when those who have possession of this Government are the political allies of this great Banking Power, that a union between them, established by law, assumes the most formidable character. Then, indeed, would this country have reason to dread an alliance between the patronage of this central Government, and the patronage of this great moneyed interest, which penetrates into every State in this Union; which, one year ago, embraced eight hundred and twenty-three banks, three hundred and twenty-three millions of permanent capital, one hundred and fifty millions of circulating medium, and more than five hundred millions of loans in the hands of its thousands and myriads of dependent debtors; which holds the foreign and domestic trade of the country and the business of every class throughout these States in strong subjection to its will; which has power to subdue to its purposes, and to absolute dependence upon it, the commercial, manufacturing, and all other interests; and, by its control over them, and its influence through them, in the great cities, and at the principal commercial points, to subsidize and wield that most powerful of all political engines, the public press. It is when this central Government combines its own rightful patronage, by legal union, and political identity, with the immensely larger and more fearful patronage of this vast moneyed power, that the people of this country will find it no easy matter to check the tendency to consolidation, to change their rulers, or preserve their liberties.

It is, sir, from this view of the subject that I am anxious that the Federal Government should be separated from the banking power of the country; that this immense interest, perhaps already too powerful to be resisted or controlled, should, in its organized form, be withdrawn from the political arena; and that the great mass of the business of the country dependent upon it should no longer be involved in those party struggles, which are inseparable from the enjoyment of liberty. It is not for the interest of the banks that one-half of the community should be perpetually arrayed against them; it is not for the quiet of the citizen that his private pursuits should be for ever implicated in the unceasing conflicts of party strife; it is not for the happiness, the tranquillity, the prosperity of the country, the vigorous growth, the felicitous working of our institutions, that all the private business and interests of men should be embroiled, from year's end to year's end, by the selfish ambition of partisan leaders, in those schemes and agitations which are destined to convulse this country, as long as any combination of men and money shall entrench itself in any position, and strive to give law to the American people.

It is from reasons growing out of this view of the subject, from an apprehension of too great a concentration of power and influence in this central Government, from a deep conviction of imminent danger that this Government with all its patronage may fall permanently into union with this vast organized moneyed power beyond the hope of redemtion, from a desire to minister to no pernicious commercial expansions, to apply the public Treasure exclusively to public purposes, to exercise the powers of this Government by its own responsible officers, to render the public Treasury independent of the vicissitudes of trade and of the interested combinations of private corporations, and to carry into effect the plain intent of the Constitution, that I am anxious that this separation of the Government from the banks should be maintained; and that the great measure of an independent, constitutional Treasury, should triumph now and hereafter, for the present, and for future generations.

I will not pursue the subject further. We are engaged in a mighty contest with this vast MONEYED POWER. The war now rages over the PUBLIC TREASURE, with more violence than that of Greece and Troy over the body of Patroclus. Shall the PEOPLE hold it, or shall the MONEYED POWER hold it? Shall it be guarded by the *agents* of the people, or by the *agents* of this MONEYED POWER? Shall it be held by the PEOPLE exclusively, for *their own public uses*, or shall it be held by this MONEYED POWER *for its own private uses* also? It is a contest for the essential principle of Republican Government, against all-grasping avarice and thirst for power in a *few*. It involves essentially the same arguments which have been often urged, and often refuted, that the people are not competent to govern themselves, and take care of their own affairs by their own agents, but that they need the kindly assistance of a few, in whose hands they will be safer, and their affairs better managed than in their own. The bold and fearless—those who have confidence in their fellow men—those who have no fears of the power of the multitude—will rally in defence of the principle of Republican liberty. Those who are haunted by imaginary terrors; who have no trust in their race; who have no faith in the intelligence and virtue of the mass; who see nothing but ruin in the largest liberty and the power of the many, will take their wonted refuge in the power of property. We plant ourselves upon this broad basis of universal liberty and equality—*the capacity of the people to govern themselves, to take care of their own affairs, and to exercise all the powers of Government, safely and happily, by their own chosen, dependent, and responsible agents;* and if we are not able to stand upon this rock of adamant, which bears up our country's institutions and the hopes of liberty throughout the world, then, sir, I say, for one, let us fall; but truth and reason, and the cause of freedom and humanity, must fall with us.

REMOVAL OF THE TREASURY BUILDING.

SPEECH OF MR. KEIM,
OF PENNSYLVANIA,

In House of Representatives, June —, 1838.—The House having gone into Committee of the Whole on the state of the Union, (Mr. POPE, of Kentucky, in the chair) took up for consideration the following bill:

A BILL providing for the removal of the walls of the Treasury building, and for the erection of a fire proof building for the Post Office Department.

Be it enacted, &c. That the President of the United States be, and he hereby is, authorized to cause the unfinished walls of the Treasury building, now in the process of construction, to be taken down, and the materials to be removed and applied to the construction of a fire-proof building of such dimensions and upon such plan of arrangement as may be required for the use and accommodation of the Post Office Department, on the site of the Post Office building recently destroyed by fire; and, for this purpose, that he be authorized to employ a skilful architect to prepare and submit to him the necessary plans for the proper construction of such building, having regard to the use of the materials aforesaid, which, being approved by him, shall be conformed to in the erection of the structure. And the said architect may be continued in the superintendence of the construction of the building, or another employed in that service, as the President may judge best.

SEC. 2. *And be it further enacted*, That, for the erection of the building authorized by the first section of this act, in addition to the materials to be removed and applied thereto, as therein mentioned, there be, and hereby is, appropriated, the sum of one hundred and fifty thousand dollars, out of any money in the Treasury not otherwise appropriated by law.

Mr. KEIM addressed the committee in substance as follows:

MR. CHAIRMAN: An apology is due in the outset to this committee, for an attempt to solicit their attention upon a subject of comparatively so little interest to them. Indeed, it seems as if every mind was already determined to acquiesce in the unanimous report of the Committee on Public Buildings and Public Grounds, without any further reflection. A proper sense of duty, however, prompts to a moment's forbearance on the part of the House, to ascertain whether, really and earnestly, it is proposed to carry into effect the most singular requisitions of this bill, and establish a precedent so anomalous and extraordinary in its character.

If it be tedious to perplex with remarks, the only consolation is, that the country may not deem them ill-timed, or irrelevant, particularly when a large amount of expenditure is involved, which, at least, some think should not be allowed, without good and substantial reasons. At the present eventful period, when all the various sources of industry are paralized, when commerce and trade are depressed by financial agitation, and when we are told that the Government has not revenue sufficient to meet the necessary appropriations, a proposition is presented to destroy a building now being progressed in, at an admitted loss of $80,000, but which will be found greatly to exceed that amount, and perhaps consume not only the money already appropriated, but also the additional sum proposed by the bill, being in the aggregate, $247,648 29 actually expended, with $100,000 remaining on hand, and $150,000 in the bill itself. In the general confidence reposed in the committee who presented this bill, there were none, who, for an instant, supposed, that in a subject of mere taste, economy and judgment, party bias could have the least influence or tendency to govern their conduct. In this respect, every one who has marked the pro-

gress of the debate, will agree in the conclusion, that a latent propensity is apparent throughout to confer odium upon the past and present Administration. Indeed, with all the smooth denials of the gentleman from Massachusetts, [Mr. LINCOLN,] his indirect and apologetic language for the state of things, was the first inducement to invite my attention.

The remarks, too, of my colleague, [Mr. SERGEANT,] that the new Treasury building originated a new figure of speech; for instead of falling it was rising to ruins, induced me to ascertain whether this hyperbole was not rather what some desired to promote than obviate. If I remember aright, that remark was also coupled with the expression, that it seemed at least as if some "expert in demonology" had been identified with it. Such sentiments from such a source astonished me, knowing as I did that the late President was closely identified with the plan of construction, and that he was not in the habit of building on a very slender foundation. On reflecting, however, that the doctrine of "the end justifies the means was very popular with a certain party, the argument was taken in its proper sense, and placed at the account of those destructives who would destroy even a well-constructed edifice, so that some impediment might be cast into the way of the Executive officers of the Government.

It occurred to me, also, that, as ruin and desolation was part of the panic machinery by which the whole country had been visited, the phantasmagoria had reached this city to destroy the Treasury building. But when, for myself, I visited the doomed structure, so "light and flimsy," with all the trepidation that caution could bespeak, what was my surprise to find those castles in the air firm and stable as the granite of my native hills, and rising in all the simple grandeur that human skill could accomplish, the evil spirit was no where to be found but in the assertion itself, and the good genius of the Hermitage seemed still to protect it from the ruthless hand of the infatuated spoiler.

The new Treasury building is being constructed, under the authority of the fifth section of the act of July 4, 1836, which is in the following words:

SEC. 5. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause to be erected, on or near the site of the former Treasury building, or on any other public lot which he may select, a fire-proof building of such dimensions as may be required for the present and future accommodations of the Treasury Department, upon such plan, and of such materials, as he may deem most advantageous; and that, for this purpose, there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars.

This act is very explicit and easily understood, nor has any man the right to go beyond it for the purpose of objections as to the indisposition of the President, or as to the want of ability of those he consulted. It was the law under which General Jackson acted, and if it is at all to mean what it says, the site is plainly selected *on or near* the former building; the size for *present and future* accommodations is fully defined, and the material left at his option as to its *advantageous* selection. In conformity with the power *to cause it to be erected*, he selected Robert Mills as architect in the following words:

Under the act of Congress, authorizing the President of the United States to cause a Treasury Building and Patent Office to be erected, I hereby designate the Commissioner of the Public Buildings to superintend generally the detailed modifications of plans for them, the advertising and forming of the contracts, and the whole disbursements thereon; and to enable him to keep the accounts, make the payments, and prepare vouchers for settlement, and conduct the other correspondence relating thereto, I authorize him to employ a clerk at not over $900 a year, to be paid equally out of the appropriations for said objects. I further appoint Robert Mills as architect, to aid in forming the plans, making proper changes therein from time to time, and seeing to the erection of said buildings in substantial conformity to the plans hereby adopted; which are, in their general outlines to be, as to the Treasury Building, that annexed by said Mills—and as to the Patent Office, that annexed by Mr. Elliot; the former building to be erected on the old site, and the latter one on the square north of the Post Office.

ANDREW JACKSON.

Washington City, July 6, 1836.

Immediately after the appointment of Mr. Mills, whose character in every respect has been fully established from the time of Mr. Jefferson to the present, he applied to the Secretary of the Treasury to ascertain what number of rooms would be necessary for the immediate wants of the Department, and received the following statement:

Treasury Department proper will require	21	rooms.
First Comptroller - - -	8	"
First Auditor - - - -	8	"
Treasurer - - - -	5	"
Register - - - -	12	"
Land Office - - - -	36	"
	90	rooms.

Several plans were submitted to the President: the one receding from the line of the street, and the other facing more immediately upon the line of the street; this latter plan was adopted by him, and presents a perfectly simple structure, containing a centre building, and wings to the north and south connected with it, and contemplating, also, at some future period, the completion of two other buildings, corresponding in dimensions, and parallel with the centre, at the extremities of the wings.

The centre building and wings were calculated to contain 108 rooms, which, in the language of the Secretary of the Treasury, "would leave a surplus of 18 rooms, or 6 in each wing, and 6 in the centre." Agreeably to these preliminaries, the following order was made by General Jackson, to which he affixed his signature: "Let the foundation be laid accordingly, for centre, and north and south wing." This is dated July 8, 1836.

Thus, every incident has been done strictly in conformity to law; and here I would be understood, even now, as disapproving the plan adopted, on the score of economy alone, although it is in keeping with other public edifices in this city. A cheaper and more comfortable plan could have been projected, to have been erected of bricks, instead of freestone, and without a colonnade. The question now is, not whether we remove this building, that has already cost so much, for a cheaper, but for a more extravagant one to be built of marble. I refer you to report, page 9, which says:

"Should the walls be removed, and the materials applied to the construction of a Post Office building, a new structure for the Treasury might be erected near the same location, with some change of position, and upon a plan better adapted to the site; or a new location might be selected, which would admit of an edifice upon an enlarged design, to embrace the required accommodations for all the Departments. Whenever this shall be done, the committee cannot but earnestly advise to the substitution of *marble* or *granite*, on the exterior walls, for the pervious and destructible *sandstone*, which can only be protected, by the frequent application of paint, from defacement and decay, under the ordinary action of the atmosphere and climate."

Sir, of two evils I prefer the lesser, with a perfect knowledge of the fact that if the committee had evinced the same nursing anxiety last session that now seems to impel them, every real objection could have been easily accommodated to suit the most captious of their number; but, as the delay has been so protracted, it is ungenerous now that Congress should be importuned with it. Although the character of Mr. Mills has ever stood beyond reproach, it became necessary that it should be doubted or suspected, not only professionally, but morally. As a reference to his past services, Mr. Mills designated several edifices which he had planned, and some of which he had constructed. Amongst these the custom-house stores in Baltimore were mentioned. A Mr. John F. Hoss, however, denied the fact in the following letter:

BALTIMORE, *April* 11, 1838.

To Hon. B. C. HOWARD:

RESPECTED SIR: I have taken the liberty of intruding on your time by asking the favor of you to explain to the President of the United States an error I have seen in Mr. Robert Mills's (architect) reply to Mr. Lincoln, and the architects Mr. Thomas U. Walter and Mr. Alexander Parris, on the inefficiency of the structure of the Treasury building. Mr. Mills says, in his reply, "*the custom-house store in Baltimore, now under construction, designed by me.*" Sir, this assertion is altogether erroneous, as I will prove to you. From the first day, I was employed by the Commissioners, Messrs. Joseph White and James Howard, appointed to have this house constructed. On entering on my duties the first day, the Commissioners laid before me a general plan, and other sketches and plans designed by Mr. Mills, engineer and architect, and other plans, designed by Colonel Small, of Baltimore, with instructions that I should examine those plans carefully until the next day, when they would meet, and I should report to them my opinion of the plans, whether there was any that I would recommend at their meeting. I made an unfavorable report, not accepting any of the plans submitted for my consideration. I was then instructed by the Commissioners to make drawings, and at as early a period as possible, and submit them for their consideration. On their examining my plans they approved of them. They sent the plans to Washington for examination, and they were there approved, sent back to the Commissioners, and I have built by them in this particular way.

I cannot see how Mr. Mills can claim, in his reply to the report of the committee of the House of Representatives, that he designed the plans of the custom-house store in Baltimore.

Sir, this assumption on the part of Mr. Mills I deem an injustice to me as a mechanic and draughtsman, who can design his own plans of edifices, and execute their construction afterwards.

I will not trespass on your time, as I know it is all-important, but would beg of you the favor to inform the President and the Committee on Public Buildings of the grievances of which I complain.

Your obedient and humble servant,

JOHN F. HOSS.

Fortunately the entries in the Auditor's office present a confirmation of the truth, as per following certificate:

TREASURY DEPARTMENT,
Auditor's Office, Sept. 16, 1833.

I hereby certify that I have examined and adjusted the account between the United States and Robert Mills, and find that the sum of two hundred and fifty dollars is due to him for designs, specifications, and estimates, for the custom house stores purposed to be built at the southeast corner of Gay and Water streets, city of Baltimore, &c.

R. HARRISON, *Auditor.*

And if Mr. Hoss can point out any changes in that plan, at least as to any new construction of arches, he is bound to do so, and give his reasons wherefore.

The veracity of Mr. Mills, with his most exemplary character, are too well established in this community to be impugned; nor was it at all to the purpose that he should be obnoxious to any other than professional objections. The filthy slang of the billingsgate school illy becomes any censors of public taste, and our own infirmities should induce us not to investigate those of others, particularly when so much ill would result to the comforts and happiness of an interesting family.

I will now pay my respects more closely to the report of the committee; at all events, as to the leading testimony upon which they rely, and from which we are almost induced to believe that it were cheaper to half complete a building, and remove it, than to finish it on its original site. Predetermined that the whole of the labor exerted should be obliterated, and the work commenced anew, a letter was addressed to the President, designating their objections, distrusting, however, with feminine timidity, their own taste and judgment, and desiring the "appointment of some distinguished and skilful artist to give his opinion." The President assented to the employment of Thomas U. Walter for the purposes specified, whose most singular coincidence with all the committee had stated in their letter, proves that, for once, science and skill confirmed the preconceived prejudices of doubt and mistrust. He was the principal person connected with their observations, and the main dependence of their determinations and conclusions. In the language of their report, he is noticed as "Thomas U. Walter, Esq. of Philadelphia, an architect of great distinction, and superintendent of the construction of the Girard College in that city." Proud as a Pennsylvanian, of the metropolis of my native State, it is neither my province or inclination to say aught against her enterprise or prosperity; on the contrary, every interest is very dear to me that is in the least conducive to the welfare of the Keystone State, or any section of her, however great or humble it may be. Honest doubts, however, may be entertained whether after-time will accord the encomiums those gentlemen so freely bestow.

Stephen Girard, mariner and merchant, if we may judge from his general regard for economy, and his antipathy to useless and unnecessary expenditure, never projected, either in the spirit or the letter, a building such as is that college. "The said college shall be constructed with the most durable materials, and in the most permanent manner, *avoiding all needless ornament*, and attending chiefly to the strength, convenience and neatness of the whole," are the words of the will. Has the architect borne them in mind? When we reflect too that Girard's whole life was characterized by an humble and unostentatious department, a despiser of the affectation of the great, and the influence of the wealthy, a lover of the poor and oppressed, a firm supporter of Republican simplicity, it may well be asked have the executors fulfiled their trust in approving that model. His intentions evidently were the promotion of intelligence, where it was most neglected, and his express desire looked upon the extent of the charity as limited only by the concentrated and well-managed investment of the utmost farthing of his means. "For a long time impressed with the importance of educating the poor, and of placing them by the early cultivation of their minds,

and the development of their moral principles, above the many temptations to which, through poverty and ignorance, they are exposed," he granted two millions of personal property, besides a large residuary estate, for that purpose; and although the most minute description of the manner of construction, the material, and every essential incident is expressly defined, not one syllable can be found to justify the massive display of truncated pyramids, or those marble columns, the cost of whose entablature alone would have brought personal comfort and intellectual blessings to numerous suffering orphans—the only legitimate object of magnificent expenditure and munificent charity under his will. The fact is also palpable, that the intention was to have "as many poor white male orphans as the income would be adequate to maintain, introduced into the college as soon as possible; and from time to time, as there may be vacancies, or as increased ability from income may warrant, others shall be introduced." The expense of needless ornament alone would support an additional school; but in the spirit of fashion, which too much governs the world, the architect seized upon the public propensity for external style and ornament, even at the risk and sacrifice of the funds. Allow me to remark, that as to the grievous delay in the building itself, that may be attributed to the president of the college, but who, in other respects, if he has any notoriety at all, *is certainly a man of letters.*

This benevolence required prudence and caution in its exercise, because it was not intended for one district of the country only, but for many places. First, to the city of Philadelphia; secondly, to other parts of Pennsylvania; thirdly, to those born in the city of New York, and lastly, to the city of New Orleans, "that it may not be perverted," he says, "that if the said city shall knowingly and wilfully violate any of the conditions mentioned, then the Commonwealth of Pennsylvania, or, in neglect thereof, the United States of America, shall receive the remainder, and accumulations." It seems, then, that others are interested in the proper management of the bequest, besides the city of Philadelphia; and it becomes a primary duty that it should be controlled in the strictest economy and good faith, lest the Legislature of Pennsylvania be invoked, for the purpose of scrutiny, and to assume the exercise of that benign power of visitation which pertains to her, so that the good intended may be as widely extended as possible, according to the request of the liberal and benificent testator. Thus, whatever character the builder or architect may have acquired, it is at least susceptible of great doubt whether, when the length and breadth of the ground plan is defined by will, when the utmost caution is urged, to avoid unnecessary display, both ordinations are sacrificed to an improper ostentation, leaving at least the imputation that however beautiful and strictly in good taste may be the design in the abstract, it is, in this particular, an open and plain violation of the last will and testament of Stephen Girard.

So much, by way of digression, as to the skill of Mr. Walters, and the independent and faithful manner in which he exercises it.

We have now Mr. Mills and Mr. Walter, the very Ajax and Hector of this modern seize. Armed to the teeth, and ready for the onset, Walter sounds a round of musico-architectural dialectics, Mills responds by a problem in dynamics; Walter makes a thrust at an opening in the stereotomy, and Mills parries it with his abundant ægis of esthetics,

> Thrice round the walls to ruin or to save,
> Contending heroes sought a glorious grave.

The committee, looking upon this commotion, glean from it a variety of conclusions, under no less than four distinct heads, all of which are greatly aided by imaginative theory, in contradistinction with rational experience and successful practice:

"1. That the location of the Treasury building on Fifteenth street, in the precise position given to it, is injudicious and highly objectionable."

This is a mere matter of opinion, and not demonstrable; for what may seem most offensive to some, may in turn become highly agreeable to others; and whose opinion shall be the correct criterion? Certainly the judgment must be suspected where the will is predetermined and the result predicted. They say further:

"It is obvious that the grade of the street can never be conformed to the base of the building. It must continue, after any reduction, consistent with the least practicable ascent to the level of the intersecting streets, to present, along the line of the building, an inclined plane, and thus exhibit to the eye the awkward appearance of a continuous colonnade, at an unequal height from the elevation of the contiguous foot-way. The proximity of the building to the street will likewise preclude any other mode of entrance to the platform of the colonnade, than by narrow and diminutively disproportionate steps, placed perpendicular to the base, and opposite to the centre, and *under which*, also, must be the entrance-way to the front corridor in the basement. The extension and number of steps at the ends must necessarily be unequal, in proportion to the difference in elevation of the opposite extremes from the earth. Besides, by the position and extent of the building, if the work be carried to its completion on the present plan, the original design of the arrangement of the streets and squares of the city will be prejudicially invaded; the view from F street, south, will be entirely shut out; and the principal objects of attraction and regard, the Capitol and the President's House, will be concealed, each from the other, so as materially to impair the beauty and grandeur of the prospect from both. How far these and similar considerations are entitled to regard, will be for Congress, upon admonition of the effect which is about to be produced, to decide."

It is exactly the site of the old Treasury building, and appropriations are now pending to lay aculvert in that street, which will undoubtedly allow the inclination to be brought more upon a line with the base of the building. As to the proximity to the street, and the objection to the use of side steps, the former was located according to law, and the latter would be found to be strictly in accordance with ancient science and skill. The Artemisium at Ephesus, the work of Dinocrates, whose majestic fancy proposed to change Mount Athos into the form of a statue, will exactly confirm the method by which these steps are placed. The Louvre, so renowned as being the production of twenty monarchs and eight centuries, and which defies the world in competition with it, is open to one admitted defect, and that is the breaking of the line of colonnade by the pediment in the centre. The last idea of objection, the hiding the President's house from the view of the Capitol, is, to the political aspirant, a vital reason why the impediment should be removed, so that he may see the wished for haven. In every other respect, it is entirely unworthy of a moment's notice.

"II. The erection of the new building, upon its present site and plan of construction, must unavoidably produce the removal and destruction of the building now occupied by the State Department."

It never entered into the calculation of any one that the old State Department should be removed; nor is at all necessary to the accommodation of the plan that it should be immediately removed. The ends of the new building, to use the phrase of a gentleman from Ohio, may be "chunked, scutched down, and daubed," so as to be made comfortable without touching a single stone of the old building.

"III. The plan and interior arrangements of the new building are manifestly defective; neither adapted to the object of its construction, nor admitting the necessary accommodations for the present wants of the Department."

The Secretary of the Treasury on the 8th of July, 1836, submitted a communication to the President in which ninety rooms only were required: by some singular obliviousness the Secretary may have forgotten that document, but it is now before me, signed by him, and approved by the President. It is absolutely necessary that some attention should be exerted to prevent the discrepancies that occur in that Department. It would be a novelty to tear down all that has been done in two years, because, forsooth, in the interim, the wants of the Department had increased. The size of the rooms was taken from those now in use in the State Department, and their area served as data to regulate the dimensions of the new building. There will be room enough and light enough, notwithstanding the narrowness of the passage, which Mr. Walters considers a defect without a remedy. The great difficulty with me, is to know how the committee can want light on this subject; they are not so benighted as to avoid the due investigation of the effect of the direct rays of light in this Hall. Has not the whole study of intelligent gentlemen for years endeavored to ameliorate the effect of those rays, and render them secondary? Was not that an inducement to change every position in this House? When then the experience of things is against the committee, the objection itself should be considered as untenable.

The last great source of anxiety and care is presented by the committee in one general maranatha, as if some tornado were wasting its force in strewing around it every impediment in its course. But let me, without delay, proceed to the last count in this indictment.

"IV. *The construction of the walls of the building is imperfect, inartificial, and deficient of the requisite strength for secure and durable structure.*"

They say: "The principal defects under this head of the subject, may be resolved into the want of sufficient thickness to the walls, and a proper bond of connection between the blocks composing the antæ and the courses of the ashlar. This will be better understood by the following extract from the report of Mr. Walter: 'My decided opinion, (says he,) in reference to the subject, is, that all the outside walls are entirely too thin and too weak for so large a vaulted building as the one in question. These walls should have been at least three and a half feet thick exclusive of the antæ, (or pilasters, as they are commonly called;) instead of which, they are only two feet three inches.' After treating of the mode in which the walls should have been constructed, alluding to the defects of the work, he subjoins, 'Under existing circumstances, the whole bond of the ashlar is cut off, from the bottom to the top of the building, on each side of every one of the antæ; while the antæ themselves offer little or no resistance to lateral pressure, being composed of large stones set on the end of each other, without a single *cramp* or *tie* to hold them to the ashlar, or a *dowel* to keep them in their places.' Again, he remarks, that 'the strength which would have been derived from these antæ, had they been constructed according to the principles of stereotomy, is not only lost by the manner in which they have been built, but the walls, which would have been too weak without them, are actually rendered weaker by their introduction.' In reference to the effect upon the stability of the building by the mode of arching which has been adopted, Mr. Walter expresses the opinion that 'this plan of arching can never be executed with safety to the building. *The arches in the lower story would probably stand, provided that the centres are kept under them until the walls receive the superincumbent weight of the structure; but the fate of the upper arches, if executed upon the same plan, is certain.*' Mr. Parris certifies his concurrence in the description given by Mr. Walter of the character and construction of the work, and gives it as his decided opinion, 'that the walls of the building are not sufficiently strong to sustain the lateral pressure, if the arches are to be continued above the present height.'"

If ever the climax of hypothesis was indulged in, this is it. Not satisfied with anticipating evils, they unhesitatingly, and without qualification, predict "that the fate of the building is certain. The building itself, however, exhibits a palpable contradiction of the assertion of Mr. Walter, whose positive language is, "that this plan of arching can never be executed with safety;" that the arches in the lower story would probably stand, provided that the centres are kept under them, until the walls receive the superincumbent weight of the structure. Now let any member of this House for himself, visit the premises as he should do, to vote understandingly, and he will find the very centres "struck" in both stories, and the naked truth developed, that the prediction of a fall is too theoretical to be realized. The walls stand firm and unmoved, without showing either settlement or crack, notwithstanding they are open to very severe weather at all points.

They are but three inches in the thickness of the wall between safety and destruction, according to the hair splitting calculations of the umpire architect to resist the thrust of the arches.

The continued experience of thirty years, as to the durability of the arches of the Capitol, concur in the practice of Mr. Mills's construction of arches; but he also proves, from a valuable author on the subject, that he strictly doubles the strength required, as by the annexed table.

TABULAR STATEMENT showing the comparison between the theory and practice of vaults in the case of certain arched buildings erected by Robert Mills architect, in the several places named.

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By consulting Rondelet, we would find a proposition demonstrated that there is in some constructions of arches no lateral thrust, but their power is exerted only vertically.

There is one evidence of a want of minute investigation on the part of Walter, in his inattention to an important material used in the building. I allude to the cement which binds it together. The cohesive qualities, compared to mortar, are almost as two to one in its advantageous application and use; and as the arches are of brick work, and the power is in the ratio of the surface of the joints, the strength of arches thus luted together becomes almost as firm as adamant, and most assuredly should have received some notice on that account.

I have no particular knowledge in the science of architecture, but have considered it like sculpture and painting—the expression of a refined imagination and pure taste, brought into shape and visible form by the skilful hand of an accomplished and intelligent artist. What may be its early history, it is not my design to inquire. Whether it originated in the infancy of the world, was cherished and promoted by the Egyptians, attained perfection among the Greeks, declined among the Romans, or was revived by modern Italy, would require more research than I am willing to bestow upon it. I will venture one suggestion, that, at least, some effort should be made on our part to be inventors, instead of followers of any system. If science is progressive, so should the polite arts keep pace with them, and American architecture become a new school, in which might predominate, as a characteristic feature, the principles of economy, simplicity, and convenience. That architecture owed its birth to necessity, and its embellishments to luxury, is an admitted truth; and how far, as a national trait, the costly expenditures upon public buildings assimilate to that age of luxury should be fully inquired into by the economist.

Instead of making this the counterfeit imitation of "the Eternal City," would it not be conducive to our better interest if the same simplicity were preserved which the spirit of our Constitution inculcates. We are taught to avoid all affectation of superiority amongst ourselves, excepting only where authority is defined, in order more faithfully to preserve the general harmony of our political structure. Indeed, it is admitted to be strictly in keeping with the nature of things, that an unassuming and Republican people should be more the admirers of the useful than the extreme patrons of the polite arts. Ours is a primitive, not a secondary, Government, to use a geological phrase to express its analogy with early times, associated together upon a perfect equality, having a common interest, and pledged in a common defence of civil and religious rights. Amongst us the gaudy trappings of royalty find no throne to embellish; our only sceptre is the law, and our only sovereign is the people's will. Since, then, it is congenial with all our habits, let us compare our Government to a plain, unadorned column, whose base is the people; the shaft the Constitution; and the capital the laws.

Utility is emphatically the American order, and look where you may, it will be found to be consonant with the feelings, as it is compatible with American tast. To look at the front of this stately pile, one would suppose it was the palace of a king; but if common custom is indicative of public sentiment, we have but to visit the rotundo, and we will find it fully displayed. There may be seen a collection of pictures, and butter churns, cannons and busts, basso relievos, and statues promiscuously blended. This hall itself we find reversed in its order, and the main entrance entirely blockaded by the gewgaws and tapestry that hang around your chair Do we want any other expression of national taste than this? Utility, convenience, and comfort are, as they ever should be, the only principles of composition with which we are acquainted.

Let then this object be considered hereafter, and instead of rearing these extravagant structures for external show, let plain, unostentatious and comfortable buildings meet with proper consideration. In the present instance, there is no alternative left, but to proceed; if we destroy it, it costs more money than it will take to complete it.

There are, however, many other subjects to which the committee might devote their attention, without doing injury. Let them restore the original earth, in preference to the micaceous pavement, or remove the whirligig from the *jet d'eau*, indicating the truth of a suggestion that taste is as curious as it is inexplicable, or the monument itself, now hanging in our way, like the sign of a Chinese chop-house, and by its contiguity with surrounding objects, losing its intended effect. I would be the last to obliterate any record of those brave men, who, in the language of Madison, "fought until humanity tore down the colors that valor had nailed to the mast." Let it rather be removed to some eminence upon which the eye of the ocean warrior may linger, as he bids adieu to his native shores. It will inspire him with new ardor for noble achievements, and promote the memory of those noble spirits that slumber beneath it.

Motives of economy are always patriotic; and when we must know that the finances are out of joint, that prudence should govern all our acts, let every one reflect for himself, whether it would not be better to allow the workmen now thrown out to complete what is so nearly finished, instead of indulging a mere depravity of taste in its immolation.

The admitted cost thus far is $356,000, whilst the computed loss in removing it would be $82,000; but which, I believe, would far exceed that sum; and the amount asked to finish the "centre and north and south wing" is an additional 100,000 dollars; so that the only question is, whether we will involve in doubt, upon imaginary grounds alone, the work as is now stands, or whether we will incur a comparatively small expenditure, in order to finish it as speedily as possible.

SPEECH OF MR. BYNUM,
OF NORTH CAROLINA,

In the House of Representatives, June, 1838—On the bill reported by the Committee of Ways and Means, to reissue Treasury notes, not exceeding in amount ten millions of dollars

Mr. BYNUM said he rose reluctantly, to enter into the discussion of the subject then before the House; and nothing could have induced him, at that hour, to have trespassed upon its attention, but the most singular, unwarrantable, and extraordinary course that had been pursued by a number of honorable members, in relation to the subject then under consideration. He said this course to him was most singular; it would have been more so under any other Administration than the present, or the one that had just preceded it. The character that the debate had assumed, was unquestionably any other than that appropriately belonging to it. The simple question before the House was comprised within a *nutshell*. It was, whether this House would consent to reissue a limited amount of Treasury notes, to supply the vacuum occasioned by the redemption of those now about being returned, and which, by the present law, could not again be put in circulation.

The question, it appeared to him, resolved itself into the most simple propositions:

1. Should we supply the deficiency in the revenues by collecting the moneys due to the Government by compelling the banks, the merchants, and States, to pay in their dues to the Government.

2. To borrow the money from individuals, or from foreign Governments.

3. Or to reissue the amount of Treasury notes, as redeemed, not exceeding the amount of ten millions of dollars.

This, sir, is the sum and substance of the propositions now before the House, which gentlemen of the Opposition, with but short intervals, have consumed four days in the discussion of. During which time they have dilated and brought before the House, for political effect, no doubt, as it could have had but little or no relation to the present subject, almost every act of the present and past Administrations. Had they confined themselves to the subject of the bill immediately before the House, he would challenge and defy all their boasted talents and inventive faculties, to have spun out an argument longer than twenty-five minutes upon the intrinsic merits or demerits of the bill then before the House. No, sir: there is no genius here, of the Administration or of the Opposition party, prolific enough to have consumed more than twenty-five minutes in a discussion of the legitimate merits of this bill; yet, sir, both Europe and America, Asia and Africa, had been gone over in search of materials and comparisons to aid in assaults by far-fetched and irrelevant matter upon this, and its preceding Administration. Sir, the American people can but be astounded at the exhibition of the diminutiveness of the bill upon which such an explosion of Opposition oratory has been let off to blind, to bewilder, and confuse their common sense and practical understanding.

Mr. B. then called on the Clerk of the House to read the original bill; which was read by the Clerk, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions of an act entitled 'An act to authorize the issuing Treasury notes,' approved the twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled."

The bill was again read by the insertion of the following amendment, between the fifth and sixth lines, after the word provisions: "*and subject to all* the conditions, limitations, and restrictions.

Now, sir, said he, we have the whole bill as originated and amended before us; its length, breadth, and depth. Let us scrutinize it, examine it, contemplate and dissect it, and it must be seen that human genius, however productive or refulgent, could consume but a little space in the discussion of its pertinent and intrinsic merits. Sir, the whole discussion has been a mere farce, or it has been intended to effect ulterior objects. The course that has been pursued by those opposed to the bill, justifies this inevitable conclusion, to apply to whose remarks, it is more my object at present, than to either vindicate or discuss the merits of the bill. The very honorable gentlemen from Pennsylvania [Mr. SERGEANT] and his honorable colleague [Mr. BIDDLE] had embraced this occasion to go into a general discussion of the merits and policy—not, sir, of the bill before the House; no, sir, but—of the merits and policy of this and of the passed Republican Administration of President Jackson, the policy of which they contend this Administration was pledged to carry out. Sir, in this, if in nothing else, they are right; and may God, in his infinite mercy, grant it success in the faithful execution of the pledges that its members have made to the hardy Democratic yeomanry, and laboring, planting, and productive classes of this country. Sir, it is all we ask to make this a great, growing, prosperous, and a happy people, But to faithfully execute this pledge, they and we must be prepared to meet the bitterest denunciations, and to hear fulminated peals after peals of anathemas against them, by those drones and their immediate representatives, who live, and fatten, and luxuriate upon the industry and labor of others Yes, we may be prepared to hear and witness too all this, and those who have not hearts stout enough to meet and brave them, let them now retire from our ranks, as imbecile, unworthy defenders of liberty, of law, and of right.

Mr. Speaker, there does appear to me to have been a peculiar delicacy involved in the discussion of this subject, in consequence of the very peculiar relations which certain honorable gentlemen bear towards some of the principal topics that they have thought proper to introduce into the debate. The Bank of the United States and its character have been introduced by the two honorable members from Pennsylvania, and discussed and defended at large, accompanied with denunciations against all others who believed not in its infallibility. There has been a time, sir, when modesty has restrained gentlemen from a forward expression of their opinions on subjects in which they were most notoriously known to have been deeply interested, but not so now. Honorable gentlemen should not presume too much upon the insensibility of the House

to the peculiar situations that they bore towards certain subjects. It was to be expected, from immediate and deep personal interest in certain institutions, however obnoxious to the public good, there would be found individuals in and out of this House, always ready to step forward in their defence on any and every occasion. Sir, it would be ungrateful in them not to do so, regardless of every species of diffidence on the occasion. The ties of consanguinity had too a wonderful tendency to render more acute our sensibility, when the conduct of a friend had been, or was about to be, implicated in any course of policy that he might have pursued. Such things as these were natural, and almost inevitable consequences, and most frequently prompted us to action imperceptibly, and without due consideration of motives; but I will not now dwell either upon the remarks or course pursued by those two distinguished gentlemen, as I design to notice them more particularly hereafter.

Sir, when I reflect upon the character of the opposition to the present and past Administrations, upon the peculiar circumstances under which it has been created, and on which it is known to act, and on the peculiar materials of which it has been made, I am lost in *wonder* and *surprise* that consequences more, by far more, disastrous have not befallen to, and been witnessed by, this great nation of freemen; that it has not, is the greatest compliment that could be bestowed upon the great mass of the free and intelligent men of this Republic. Yes, to the immortal honor of the people will it be said, by the future historian who shall chronicle the events, that, under similar circumstances, there is no nation of the old world that would not have been plunged into the most deadly of civil wars, and have drenched the land with the best blood of her own citizens, and which would have originated, and set in a *blaze* a revolution, that nothing short of human gore could have extinguished. Sir, I say emphatically, had a similar incident to that which we have all witnessed here, taken place in any Government in Europe, ancient or modern, a revolution, most bloody, disastrous, and fatal, would have inevitably been the result.

Lt us for a moment look at the circumstances and materials; let us not throw our attention further back than for the last six or eight years, and contemplate for a moment what has transpired here, and before our own eyes, and none will say that he ought to be surprised at any of the most extraordinary attempts to confuse and oppose and thwart every action of this Government, even at the hazard of revolution and bloodshed. Nor can any intelligent, disinterested man say, that he could reasonably have expected otherwise than an indiscriminate opposition to nearly every measure of this and the late Administration, without the least regard to *right* or *wrong*, its policy or impolicy. How shall we account for this? I have been astonished not to have heard or seen, even in the newspapers, that these facts have not been alluded to before, so palpable, so instructive, so admonitory to the American people, of the natural course that should have been expected, from the very composition and materials of the opposition to their Government, that has kept up one continued scene of strife with the people of this country ever since the election of President Jackson to the Presidency of these United States. Could it have been otherwise, when, as soon as it was practicable, nearly the whole of that very discarded, defeated *cabinet* which had been so recently defeated and superseded by President Jackson and his administration, all, all sir, burning with revenge, were placed immediately, either in the Senate of the United States, or in the House of Representatives, where they could glut their most malignant appetites upon the objects and conduct of those by whom they had been driven from office into retirement, if not disgrace. I say, sir, could it have been otherwise? Look to the Senate, analyze its composition, and with such disappointed spirits, all thirsting alike for revenge, seeking out the victims of their disgrace, what would their conduct not effect in other countries less enlightened, less intelligent, less patriotic, than our own? In that body was placed the Prime Minister [Mr. CLAY of Kentucky] of the defeated Administration to arraign and try and execute competitors who had disrobed him of his ill-gotten honors. It was on their conduct that it had become his daily duty to pass, and, with such feelings, enter on the duties of a judge, to enter up a decision on their conduct. The Secretary of the Navy, too, [Mr. SOUTHARD of New Jersey,] of the same defeated and discarded Cabinet, was also, with the same feelings, thrown about the same time into the same body, as a co-judge of the conduct of those by whom he had been expelled from his place in the Cabinet of a former administration; of the character of whose feelings, as there exhibited, the public has had the most incontestible evidence.

Another distinguished individual, who had had a personal altercation with the former President, that had once held an exalted station in the Government, was also placed by their sides, in the same body, all men most distinguished for their talents and powers of eloquence, and men who were not in the habit of brooking an insult, or submitting peaceably to disappointment and degradation by an adversary. These, sir, were surrounded by many of their adjuncts, most devoted partisans and proselytes from almost every section of the country. The House of Representatives, too, has not been without its portion of these rebuked and disappointed spirits, upon whom public censure had rested, whose duty it has become to convulse heaven and earth to wipe off this foul blot. In the House of Representatives has been placed the very head of that superseded Administration which had been condemned by the voice of this free people. Nor, sir, does he stand here alone; but aided by the powerful arm of one of his former ministers, [Mr. SERGEANT of Pennsylvania,] who is ever ready to do him service, and lend a hand in making any opposition to the present Administration: and at different times, within the same periods, have we been favored on this floor with the distinguished talents of two disappointed and defeated Vice Presidents; each with their train of friends and devoted partisans, all colleagued in the holy office of opposition, indiscrimately, to the measures of those by whom they have been defeated before the people. Nor was it long before they united their destinies with a gigantic money power, more potent than the Government itself, possessing more amply the means to keep up and carry on a war against the Government, than the Government itself had for its defence against it. Such, sir, has been the position, the composition, and materials, of the opposition to the past and present Administrations of this country. With such materials in this and the other branch of Congress, is it to be wondered at, that panics extraordinary, and every other effort to thwart, embarrass, defame, degrade, and even to revolutionize and disgrace, this Government, should be attempted? No, sir, no, sir: the only *marvel* is, that with such materials, placed under such circumstances in your Congress, that a revolution, bloody, disastrous, and convulsive, of this great Republican empire, has not been effected. Sir, nothing but the hand of Providence could have prevented it in any other Government than our own; and much cause have we for congratulation, that there has been found in our blessed native country virtue, intelligence and patriotism enough, amidst the sons of her Democracy, to ward off a calamity so fatal to the peace, happiness and prosperity of our people; and for having effected that which no nation of Europe could have done, under similar circumstances, without being deluged in revolutionary blood. Sir, the future historian will be amazed, in recording these facts, at the little mischief that has been done this country by the composition and position of such materials of an opposition to your Government. Yet much has been attempted, and more has been designed, to effect a revolution with the people. The leaders of the Opposition, in my humble opinion, have been long prepared for it, and have been awed from the attempt at its excution by nothing but the unflinching integrity and intelligence of the people.

Yes, sir, no intelligent mind could have misunderstood the invocation of that "*revolution, though bloodless as yet.*" It gave utterance to an intention and recklessness of feelings, that the American people have not yet properly appreciated, nor rebuked; and happy this thrice happy people, who have thus far escaped the mischiefs and intrigues to conjure up a revolution by this modern Philip of Macedon, to whom life, and fortune, and peace, and revolution, and blood, were as a feather, when weighed in the scale against his malicious and ambitious projects. But with this I have done, and will proceed to notice, with more minuteness, the character of the body of the great contending parties now before the country.

Sir, I have, on another occasion, said that the great political divisions of the two most prominent parties now contending for power in this country were composed, on one side, of the great mass of the non-productive classes, and on the other, of the great productive and laboring classes of this country; which ever have been the only true great natural divisions of society since the first organization of civilized institutions for the government of man, and which will ever continue to be, to the end of time, though often interrupted by domestic and foreign wars, which for a time may, and have, contributed to obscure the original landmarks that have divided these primary classes; yet, whenever they have passed away, society has never failed to revert back to its original divisions, which ever have been, and are now, common alike to all countries where civilization has proclaimed its dominion. Sir, at no time in the history of our country has this line of demarcation been so distinctly drawn as at the present moment; a division that has become, at this time, too palpable and obvious to escape the observation of the most superficial observer, and which neither skill nor artifice can longer conceal from the discerning eye of a plain, practical, foreseeing people.

Under the specious name of Whig have all the elements of the non-productive interests been recently arrayed, which had been formerly known in this country by the name of Federal, and then National Republican, party, and which has been recently augmented by the addition of the Abolitionists and Antimasons, with all their intolerance; both of which, however, are greatly subordinate, in point of strength and influence, to that of the great banking and moneyed interest of the country, with which they have all become now identified and united in one common interest against the industry, laboring, and productive classes of the country. Enlisted, sir, under the Whig party, you will find every man who lives on the interest of his money and the labor of others—the banker, stockholder, stockjobber, and usurer; every speculator and man who lives by traffic and chicanery; every idler and vagabond who lives on the productive industry of others; which, whenever united, will constitute a force sufficiently large to carry every city election in this nation, in which places you will ever find the greatest proportion of this species of population to the whole number of its inhabitants.

Sir, what is the fact now? Look at Boston, New York, Philadelphia, Baltimore, Richmond, and Norfolk, and, until within a few months, Charleston, New Orleans, and Mobile. Sir, what has been their language, and what the character of their politics? Add to these, Providence, Plymouth, New Haven, Hartford, Albany, Utica, Trenton, Brunswick, Elizabethtown, Morristown, Harrisburg, Wilmington, Petersburg, Lynchburg, Winchester, Lexington, Nashville, Cincinnati, Raleigh, Newbern, and hundreds, if not thousands, of other villages, partaking of their nature and sympathies, and say, sir, what are their political castes, and by what interest are they led, if not by the trafficking, non-productive, banking interest of the country, all presenting a uniformity of sentiment, demonstrating a general cause, beyond the power of all earthly contradiction? There is scarcely a note shaver, or pawnbroker, or extortioner, to be found in any section of the country, that is not a member of that party. There is scarcely a gambler, or speculator either in stocks or lotteries, that has not espoused the interest of that party. Sir, I admit that there are many honest farmers, planters, and mechanics, who have been won over to its interest, and are conscientious members of it; but the number that they have been able to delude and entice into their fold is comparatively small, and they are compelled to act an insignificant part to

the great moneyed and unproductive interest that so effectually predominates with the great majority of the party. Now, sir, upon whose industry and labor, upon the produce of whose toil, does this army of non-productive classes live and luxuriate and fatten in their idleness? Out of whose products and labor and industry come the profits from which these unprofitable, unproductive classes obtain their subsistence? Can there be but one answer? No, sir; no, sir. It is on the labor and produce of the industrious laborer and husbandman, that they can alone live and procure a subsistence; and to wrest it from them with the most plausibility and with the greatest facility, has the ingenuity of that class been taxed from the earliest ages of man: hence the fierceness of this war now carried on against the industry and producing classes of the country, under the most shallow pretext of protecting and defending the banks—yes, sir; yes, sir; the banks.

But, said Mr. B. against whom is this war declared? Against the other party? And who is that other party? the Democracy or Democratic party, or the old Republican party? And of what materials is it composed? Turn your eyes to every section, in every State and Territory in this vast Republican empire, and behold them in their daily vocation, and you find the Democracy in every section composed of the hardy sons of toil, who live by honest labor, and the sweat of their own brow. You will find that Democracy in every soil, composed of the honest ploughman, the hardhanded mechanic, the planter, farmer, whose only chartered privilege is the use of the axe, the hoe, the hammer, the saw, the adze, and the spade, and who only claim a valuable consideration for the produce of their industry, not *in promises* merely, but in the thing itself; and your backwoodsmen, too, the pioneers of your western and southwestern forests, are Democrats, and must be from the very nature of their pursuits. They can have no affinity to *bankers*, traders, or stock jobbers and money changers, of whatever description or denomination; and in no instance has there been attempted a connection with them by the farmer or mechanic, that they have not been invariably ruined, and which all experience will show with some small exceptions. Sir, it is the bone and sinew of this country that live by industry and labor, and such as you will find the Democratic party composed of on every soil, and section of this Union. These now constitute the two great parties, whose interests have been brought in conflict by the too great partiality that has been shown in legislative enactments, both State and Federal, to the non-productive interests, in the character of chartered privileges and corporations, with the common name of banking, and, whether State or Federal, are alike prejudicial and ruinous to both the labor and industry of every country in which they have been similarly instituted.

But I have come now to another branch of this subject, which, though not at all relevant to the bill before the House, has an important relation to the subjects that have been discussed by the two honorable members from Pennsylvania, [Messrs. SERGEANT and BIDDLE,] and one to which I will not only invite the particular attention of this House, but the whole American people; and for its further prosecution and exposition, I invoke the aid of mightier geniuses, both in and out of this House, for the benefit of posterity; and I here most sincerely hope, at some future day, that some mightier intellect, with more expansive genius, may be devoted to the further exposition and development of the character and tendencies of this subject. Sir, the fact is not less extraordinary than *startling*, that we are informed, by the most authentic historians of all ages, that an order or class of men have ever existed, in almost every nation of the civilized world, that have lived in idleness, and been supported in their luxury from the industry and labor of the great mass of the working people. That the concurrent evidence of all antiquity establishes this fact, the history of the world most abundantly proves.

In the earlier stages of society, priestcraft was the universal method resorted to by the sons of luxury and idleness to filch the pocket of industry and labor; and which, in some shape or other, has been equally successful in its operations almost in every section of the habitable globe; and perhaps no system ever was, or ever will again be, devised so effectually to answer all the purposes of its authors, or more effectually to retain in bondage the human intellect, and steep in ignorance, debasement, and degradation, the great mass of mankind throughout the world. The history of the whole eastern empires abounds in the recitals of innumerable acts of the most inhuman cruelty, frauds, oppressions, and the most distressing exactions, committed by their priesthood upon the labor and industry of the country. By their chicane, "the flesh-pots of Egypt" were placed entirely under their control; and the miserable, squalid inhabitants of the Nile were made dependent on them for the crumbs on which to feed, from whose very labor the priesthood had exacted the luxuries of the land; and to this the poor laborer was taught to submit, for fear of incurring the wrath of an angry and insulted *idol*, which, in fact, was not less stupid or insensible than the stone or marble on which it was placed, while it answered all the purposes of terror, alarm, panics, and intimidation, to exact from the laborer the fruits of his industry.

Nor, sir, was this system of extortion and oppression by the priesthood confined to Egypt alone. Persia has from that time until this, been a scene of the blighting influence of priestcraft, misery, and oppression. Assyria and India, and, in fact, the whole eastern continent, up to this day, are reigned over by, and administer to the cormorant appetites of, priestcraft; where the fruits of industry and the produce of labor are extorted by compulsion or deception from the honest laborer, who has made them. Europe, too, has ever been, and is to this day, afflicted with this greatest of all earthly curses to the human family.

Ancient Greece had her augurs, and oracles, and her Delphic temples; from which, through priestcraft, her pretended gods spoke, and for centuries held in the most abject bondage the human intellect of that renowned and most celebrated empire; and its historians inform us they were to the priests "mines of wealth and power," exacted from the hands of industry and labor. At these temples all sorts of deceptions and frauds and devices were practised for their acquisition of dominion over the consciences of that brave and superstitious people; and but too effectually have they ever succeeded in making them the most oppressive means of hoarding the wealth of the country.* Such have been the effects of priestcraft during the reign of paganism.

*It is stated by a most accurate historian, that the principal hoards, both in bullion and coined money, were in their temples, which were crowded with presents of immense value, brought by the superstitious from every part of Greece. These temples were considered as *national banks*, and the *priests officiated as bankers*—not always, indeed, the most honest, as was once proved at Athens, where the State treasurers, having expended or embezzled the public money, had the audacity to set fire to that part of the Temple of Minerva where the treasure was contained; by which sacrilegious act, that magnificent fane was near being wholly consumed. Their purpose, however, was fully answered, since the registers of the temple were reported to have perished with the treasures, and all responsibility precluded. The temple just mentioned, the superb fane of Jupiter Olympus at Elis, and of Apollo at Delphi, were the principal of the three *sacred depositories* The priest at times concealed the total sum of the treasures lodged in them with too much caution for us to know the amount; yet, when the Phocians, urged to despair by the *exactions* of the Thebans, seized on the treasures of Delphi, they amounted to ten thousand of talents, (above two million two hundred and fifty thousand pounds sterling,) and probably that was but a small portion of what holy perfidy had previously secured. The deposit at the Temple of Ephesus, considered through all ages as inviolable, probably far exceeded those of the three last mentioned.

The spirit of avarice, which at all times characterized the priesthood, and prompted them to such immense accumulations, is not more detestable than dangerous; for, let any one reflect what must be the consequence to a nation, whose monarch and the priests are in coalition, as is usually the case; and the monarch, as is usually the case, too, is *watching to extinguish every spark of popular freedom*—what, I say, must be the consequences when such overwhelming resources are within his reach? The fate of Greece is a melancholy warning on this subject. These immense treasures were eventually seized upon by rapacious conquerors, and their soldiers paid by them to enslave these renowned States, and thus the coin drained from the people by the hands of *priestcraft*, became in the hand of *kingcraft*, the means of their destruction." So has it been in every country—so was it in Palestine—so in ancient Rome—so in Constantinople, and so was it, pre-eminently, in India.

Britain and Gaul, too, at different epochs, were wont to groan under the superstitious lash of priestcraft. The Jewish church was conducted in like manner until it became powerless. Christianity gave to it its last, final blow; but even it could not escape the withering blast of priestcraft.

Sir, let us look to Rome, and see the myriads of monks and friars, and other subalterns—mere drones that feed on the earnings of the labor and industry of others—and in what abject poverty and ignorance the proud pontificates held for centuries the entire western world. The bloody altars of the Inquisition are yet before our eyes, and the fumes of burning victims of our own race are in our nostrils. All, sir, all effected with universal havoc by that great demon, Priestcraft; while the wealth of all Italy, Spain, and Germany, have been hoarded to enrich pontifical coffers. Other nations of Europe, too, have contributed much to the luxury of priesthood and popedom; and, to this moment, the Church of England is grinding into dust and ashes the poor of that realm, and with their glebes and tithes are rolling in luxury upon the products of their labor and industry. Sir, what does all this not prove, if not my first assertion: that there has in all ages, at all times, with all, or nearly all nations, been a class of non-productive, non-laboring people, who, by contrivance, have been enabled to live and roll in luxury and idleness upon the industry and earnings of others? Sir, this fact cannot, nor will not, nor dare not, be denied.

Here let me distinctly be understood as saying nothing against the Christian religion; for I contend that Christ himself was betrayed, tried, adjudged, sentenced, condemned, and crucified by priestcraft; than which, nothing can be more repugnant or hostile to their diabolical purposes than his holy precepts, as taught by him, and him alone, whose simplicity and purity would have ever continued uncontaminated but for the efforts of the priesthood to connect them, for selfish purposes, with the temporal affairs of men and nations.

The great antagonist of every species of craft, of superstition, and ignorance; that great conqueror that has ever thwarted, dissipated, overcome, and put to flight their brightest prospects, is the light and progress of truth, and the blaze of intellectual knowledge. Sir, wherever they have been promoted, priestcraft and all other crafts have been, and will continue to be, driven back into their dark abiding places, and, snail-like, shrink back from an intelligent people into their original squalid shells. Podedom is now reeling on its throne, and the horrors of the Inquisition have ceased to terrify by its burning faggots, or its torch, while its unholy edifice is now tottering to its base.

[The SPEAKER here interrupted Mr. B. and said the debate was taking too wide a range, and that he should confine his remarks to the subjects more immediately before the House.]

Mr. B. replied, that he had said the most he had to say on that part of the subject; and if the SPEAKER would bear with him but a little while, he would soon show its strict applicability, not to the bill—no, said he, I did not set out with that view—but to one of the principal subjects that had been introduced into this debate, and to which he claimed the right to reply.

I now declare, sir, (said Mr. B.) before heaven and earth, that the institutions of banking, as now practised and conducted in the United States, (and in other countries, if you choose,) are upon principles precisely identical and similar (with the single exception of calling to its aid the Divinity) to those upon which priestcraft has practised for centuries—to pillage and plunder the proceeds of industry and the fruits of labor. Sir, I defy human ingenuity to devise a more perfect substitute for priestcraft of old, than the present banking system of this country.

Bankcraft now, with a most trifling exception, is precisely what priestcraft has ever been, since its earliest organization by its primitive impostors; and now, before the bitter drops of its afflictions have been wiped away from the eyes of distress with which it has visited mankind through all ages, here has been attempted its substitute, with a most subtle texture of incorporated institutions, controlled,

in most instances, by individuals as unfeeling and as irresponsible as ever were the priesthood of antiquity, to the people whom they fleeced without mercy.

Yes, sir, *bankcraft* in whatever light you view it, is a legitimate *offspring* of those institutions of *craft*, by which the idle, the cunning and luxurious, have in all ages and all nations availed themselves to rob industry of its profits, and labor of its rewards. Sir, the institution is the same, with a trifling modification not at all improved, but in witty devices, in extracting by stealth the substance from those it impoverishes; its attributes are many of them identical and analogous, striking and impressive. Their secret conclaves, by which their business is governed and controlled, are precisely the same; their modes of extortion the same; their often coming in conflict with their Government, where they failed to get the entire control of it, identical; and their objects and effects upon the people are the same and inseparable. Their armies of pensioned stipendiaries and dependants, have every resemblance, and stand always ready at a beck or a nod to denounce and proscribe those who even doubt their infallibility and purity; and as was with the poor heretic, a reward awaits the favorite that shall prove most distinguished in hunting down the political sceptic and disbeliever, who thus dares to question their divine right, to the first fruits of the earth. Sir, look around you and behold the army of them that are continually crying bank, bank, bank, bank; examine the material of which they are composed, and my life upon it, you will not find one twentieth part who calculate on living either by industry or labor. No, sir, but upon their capital, their speculations, their traffics, shaving, jobbing, and the like, all to be benefitted, supported, and enriched out of the products of the industrious laborer, planter, mechanic, manufacturer, and farmer; who alone give substantial wealth and true prosperity to a nation. Your bankers and capitalists enrich no part of our country, nor improve no part of its soil, and many of them, as priests of old, with their monks, and their friars at their heels, are mere drones in society, that live upon the labor of the more industrious of the hive.

Sir, are the people of the United States prepared longer to endure this system of corruption, with its most demoralizing tendencies? Will they longer endure it, without holding its authors to the strictest accountability? Do they not see the consequences of this *bankcraft*, from its intimate relation and most striking analogy to its great parent, *priestcraft*, that has depopulated, demolished, and impoverished, more nations, than any visitation of Providence has ever effected by *fire*, the *sword*, or *pestilential disease*. Sir, in my opinion, the age is too far in advance of civilization, of science, and intelligence, for them ever to submit to a system so oppressive, so unjust, so degrading, to all the nobler feelings of our nature.

The American people are too free, too much enlightened, too intelligent, to accept this old system of rapine and plunder of the fruits of their industry, by the mere change of names. *Bankcraft is priestcraft in disguise*, and its effects, in the end, cannot prove to the common people, the laboring classes, and productive interests, less destructive, distressing, and devastating. Yes, sir, and this is the system that your Government, and the whole Democracy, are denounced and proscribed for refusing their countenance to. This is the system that your Philadelphia *Bank Delphian oracles* are endeavoring now to rivet on your country; and for refusing his assent to which, your President is denounced and proscribed by your Congressional *bullies* on this floor, who, "*Swiss like*," fight most bravely when *thrift* follows most sure. Sir, can they fail longer to understand this game, that has thus long been but too successfully played off upon them? Can the hired missionaries, and suborned bank-bought presses, longer *blink* the true issue which is before them? Can the ingenuity and eloquence of bank-bought attorneys and advocates, longer keep over them this veil of deception, by a continual appeal to their fears, and the creation of alarms and panics, the very means of terror that were used by the primitive institutions of *priestcraft* to hold in check, and intellectual bondage, the whole productive interests of the land, that they pillaged of the fruits of its labor and industry. Sir, the authors of these enormities cannot, will not, fail sooner or later to be overtaken by the wrath of an indignant, robbed, and insulted people.

If, then, the *truism* is correct, that like causes produce like effects in all ages and nations, what have we to expect from the substitution of *bankcraft* for the great parent, that, for so many ages and centuries, has afflicted almost every civilized nation upon the globe, and at different epochs has deluged them with carnage and blood. Sir, nations, like individuals, who will not be instructed by the lessons of wisdom and experience, must be blind indeed, and must expect to reap in *gaul* and *bitterness* the harvest of their ignominy and folly.

Yet this is one of those beautiful systems that the great new-born Whig party is now struggling to impose upon the freemen of my country, and for a faithful, determined opposition to which, this Administration is denounced and proscribed, and the whole Democracy declared too illiterate and stupid to perceive the *sublime benefits* of the system. Being already in possession of the capital of the country, they wield with more dexterity and expedition those engines that operate most powerfully on public opinion. Public presses are not only by them purchased and suborned, but, with the greatest facility and expedition, created in every section of the country, to play as a battery and fortress on public sentiment, for the benefit of the craft; and herein they possess an incomparable advantage over, and which was unknown to, those prototype institutions to which those of modern date possess such an impressive and striking analogy in all their attributes of operation and deception.

There is scarcely at this time a single public press in the whole country, distinguished in the ranks of that party, that has not been set up by, or aided with, the facilities, or under some influence, of some one bank or other, in which it is directly or indirectly connected; and, sir, with such a gigantic machine operating with an indefatigability that never tires, can it be marvelled at that public opinion should be frequently led astray, and the own, best, dearest interests of our country renounced? No, sir, no. Sir, aided by such machines, operating with the most uniform system, the odds are against the people and the country; and nothing can rebuke it, dissipate it, or exterminate it, but the intelligence of an active, enterprising, intellectual, spirited people. Its strength, as of old, lies in its deep and mysterious operation on public opinion, which, when once exposed, (like the powers of the Pope who would anathematize) nothing becomes more feeble, disgraceful, nor contemptible. Let, then, the people go to work to expose it; let the Democracy be aroused, and like "dew drops from the lion's mane," will fall this incubus upon public sentiment. Sir, this people cannot be enslaved, if they will presume to act, and judge, and think for themselves. It is against the arts and devices of a most formidable, internal, and insinuating enemy that they are now called upon to sally in defence of their rights. Sir, the landmarks are sufficiently chalked out for each party to tell upon what side they stand; and the true party of the people and the country have only to guard against foul flags and false names, and victory is theirs.

I will now, Mr. Speaker, call the attention of the House to a few remarks that fell from the honorable gentleman from Pennsylvania, [Mr. SERGEANT.] That gentleman, after an address of three hours or more, not more than twenty minutes of which he devoted to the bill on the table, went into a general attack upon the measures of this and the preceding Administration. The honorable member tells us that he was opposed to the bill because it proposed to make paper money. This was certainly one of the wonders of the age, that that gentleman should be opposed to a measure because it authorized the making of paper money. What, a gentleman opposed to any measure to make paper money, when he is sent here, almost solely, by an institution whose very existence depends upon its privilege to issue paper money. He opposed to any measure because it issues paper money! What an extraordinary attitude does that gentleman assume, who has, and does now, in every speech that he makes, advocate the banks in their most unlimited, unrestricted privilege of making paper money! He opposed to paper money; and how? He wishes that his idol, the Bank of the United States in Philadelphia, should have alone this privilege. He would have it to monopolize the whole paper money making power, and the balance of the country contributing to this monopoly. Does this gentleman, who undertakes to play the "*Delphin oracle*" here, think that there is not enough intelligence in the country to detect his flimsy designs? He would have no other power or institution to make paper money but his own dear bank on Chestnut street! No, not even the Government of the people. How monstrous, I had liked to have said how arogant, absurd, and ridiculous. The gentleman from Philadelphia is the last man in this House that should raise his voice against paper money, when he contradicted, by every act of his life, the sincerity of his own declarations. He was the special representative of that interest.

That gentleman, whenever it suited his purpose, was in the habit of charging the Executive and the whole party, with the acts and language of a particular individual—the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] To this he objected, as disingenuous, unreasonable, and unfair; and it could not be sustained by any fair, honorable mode of debate. He was very unwilling that either himself or the Administration should be held responsible for the acts or sentiments of any individual member, here or elsewhere, and to attempt it, was a mere *catch*, to allure.

The honorable member had said much about the interest of the people, and the friendship of the banks and bankers for the people. This really put him in mind of the Devil serving God. The banks' friendship for the people, all past and present history had shown, was that of the "lion for the lamb." It was on the labor and interest of this people upon which they lived and fattened, and it was well for them occasionally to use towards them honeyed words, and to flatter them. That gentleman had held forth on this occasion, the same language nearly that he had in his minority report, from the Committee of Ways and Means, which was certainly one of the most complete pieces of demagogueism, and feeble attempts to flatter and cajole the people for the wrongs that his Bank had done them, that had ever been put forward in this country. The people—the people—the precious people—was the whole burden of that gentleman's song throughout that report, and he again had taken pretty much the same course in his remarks yesterday and to-day. He had never read the report without *smiling* at the frequent repetition of the word people—people—it contained; and he would refer gentlemen to it for their especial edification. The gentleman had again, in his discourse upon this subject, mounted the people.

Now, Mr. Speaker, in all conscience, I do think that the honorable member has carried on this *farce* long enough; that the especial representative of a bank and its interest, should become the champion of the people's rights, caps the climax of the ridiculous—for one who has been in the service of the banks for years, to make such professions, is adding insult to injury, and can result only to the disparagement of him that attempts it.

What, sir, does the gentleman look upon us all as children? Surely he does? Else he would not attempt in this bare faced way to soothe us, by patting and pitying us, and telling us lie still, be quiet good people; while his institutions are *robbing* them of the last vital drop of their life's blood, But this is only one of the old ways that has been resorted to by "*the Craft family.*" To get the people to submit to their exactions, extortion, and oppression, the most astounding efforts were about being made to convince the country, that the banks were the people; and the honorable gentlemen had taken the lead in this attempt, which I have not language to characterize respectfully.

To convince the people that the banks were themselves, and that the interest of the banks was their interest, such was not only insulting, but monstrous. It was upon the interest of the people

upon wh ch the banks fed; it was upon their labor that they existed and enriched themselves; and it was the profits of their industry that they filched and wrung from the hands that made it. If the banks are the people, so are your mosques, inquisitions, priesthoods, and other abominable institutions that have for so many centuries robbed and oppressed, and impoverished mankind. Have the people not been ever told, in all ages, that these institutions of horror and misery were first erected for their especial benefit? Identical are the reasons advanced now that were then, to lull, deceive, and oppress them; and every step we take, shows the existence of some additional analogy that banking institutions have to those long since founded on *priestcraft*.

But I will again return to this gentleman and representative of the marble palace, who has evinced so much *sophistry* and *cunning* to work in favor of the banks, or a bank, with the people. The gentleman had spoken of the new era. Now new diseases, I think, have ever required new remedies. The existence of *bankcraft* was entirely unknown to the ancient world—they had other modes of *fleecing* the people—and is now but partially known to the modern world. Its pernicious effects have but recently developed themselves amongst us; and consequent y, the discovery of every remedy of the disease, must be of the "new era." Yes, the discovery of the whole system of free constitutional government, belongs to the "new era." The ancient *feudal* systems of *crafts* and oppression may, however, be more palateable to the taste of that gentleman, than any system of improvement of modern date, or of "the new era."

The honorable member had next adverted to the State banks, and labored with much ingenuity to rally them against the Government for political effect. He had endeavored to excite the States, and alienate them from the General Government, first by flattering them, and then appealing to their pride, and telling them that they had been insulted and their rights usurped by the General Government. Do gentlemen think that great States, as well as silly individuals, are to be caught by the efforts of demagogueism? Do they think to play off on them, without their motives and designs being suspected, detected, and exposed? Yes, sir, they do! So little knowledge have these city declaimers and Federal orators of the plain, honest country people, that they sincerely believe that nothing imaginable is more easy than for them to practise and play off upon their ignorance and credulity. These are some of the old arts again attempted in a new way, to enlist the people against their own Government—formed, erected, and instituted by themselves, equally for the good and happiness of all. The member made a great effort, at least as great as he was capable of, to conjure up and excite the State Legislatures against the General Government. They, too, had been appealed to with an intent most obviously and palpably to be enlisted in the cause of the banks against the people and their Administration. They were told by the honorable gentleman, with what design we all know, that they had been treated with contumely and contempt by this Administration. Such were the artifices and sophistry resorted to by that member to further the views of his party, and to sustain the accursed system of fraud and deception by which his dearly beloved banking institutions had so long, with impunity and arrogance, practised upon the people of this country.

Sir, what rights of the States has this Administration interfered with or invaded? What insults has it offered to the Legislatures of these States? Where and when was it done? What State has been so debased as to have submitted thus long to such ignominy? Such declarations are foul slanders upon the independence, intelligence, and patriotism of the Legislatures of these States, and the members that composed them, and in so many words, is saying, that they have been composed of men heretofore too ignorant to have discovered it; or, if they were not ignorant, they wanted both the patriotism and independence to resist and expose such usurpations, insults, and violations of their right. Then it is a poor compliment that the member has paid those States, whose intelligence, independence, and patriotism he has thus attempted to sport with, if not a most direct insult which he himself has offered to their understandings. The member not only undervalues the good sense of the mass of the people, but depreciates and underrates the common sense, intelligence, and sagacity of the members of the State Legislatures.

This is carrying their contempt for the good sense of the people, a little further than usual. But this is "their way." It is the ancient rock upon which they have ever split—that eternal want of confidence in the intelligence of the common people, and overrating their own, is their bane, from which no age nor experience have ever been able to purify the aristocracy of a country. The effects of their gulling system have, on every occasion, proved temporary and ephemeral; and so long as enterprise and industry are left free from the trammels, shackles, and restraints forged for them by the devices and arts of the "craft family," they may never expect other than a harvest of fatal disappointments, and victories as ephemeral as delusive.

The honorable member [Mr. SERGEANT] has certainly laid under the greatest obligations to him the inert and stupid politicians of the great States of Virginia and New York, for whose rights and interest hes has affected so much sensibility on this occasion. The policy of New York, and the recent acts of Virginia, the honorable member has dwelt on with ecstacies of delight. Sir, these States may feel not a little honored when his motives are scanned and resolved into their original elements, and they may soon learn whether or not the whole of his speech and compliments to them, was not a recruiting concern, intended for the solitary design of using them to further his own selfish and favorite system of banking, and the views of that party. That member, on nearly every occasion, had used the word people for banks. This is another analogy to the practice of the "*priesthood*," who ever operated with a shelter or bearer between them and responsibility. With them the word God was *profaned*, and other deities were substituted for their own selfish purposes. It was always for God and their deities that they made war, and effected the most oppressive exactions from a credulous, ignorant people. It was for them hundreds of thousands of human victims were broiled and burnt at the stake, and their estates confiscated to enrich their *damnable and fiendish coffers*; for them, professedly, rivers of human blood have been caused to flow by these *priestly monsters*, whose examples are now about being followed with an exactness, in most particulars, unprecedented by any modern comparison. The gentleman and his party have suddenly fallen in love with the people—the precious people—whom the head of that same party so recently denounced with a sarcasm and indignation never to be forgotten by the plain, *honest dealing* people of this country, *as an ignorant herd, a vulgar, ignoble rabble, that had gained possession of high places which their presence dishonored, and a war proclaimed by this prince of money-changers, interminable, until these Goths were expelled and driven out from every portal of your Capitol.**

Sir, what a beautiful moral does it not teach, to see two *sainted brethren* of the same principles, from the same *high temple*, laboring in the same cause, preaching in different places, and at different times, doctrines so adverse, so inconsistent, so contradictory, to promote the same *holy* cause. On this I invoke the candid, impartial reflection of a liberal world. "Thou hypocrite! thinkest thou that man for you alone was made?" Sir, from these loathing attempts the heart turns and sickens with disgust.

The honorable member, again, has told us that the banks were unpopular, and it was deemed popular to denounce them, and indicated that President Jackson, and the party that sustained him, did it to gain popularity. This is perfectly in character with his other assertions, unsustained by the facts, contrary to experience, and unfounded in truth. What were the facts? what the truth? what our own experience? which no sophistry, nor the "crafts" of the cunning, can rob us of.

Up to 1832, the United States Bank was one of the most popular institutions that had existed in this or any other country; laudats, hymns, and jeremiads were sung in every section of the country in its praise. Then, sir, it was (I recollect it well) political death to question, or to doubt even, its infallibility; to do it, faggots and stakes were immediately threatened to the political heretic, and he had tremblingly to whisper his dissent to the dogmas it contained. Then it was the most popular hobby that could have been mounted. No crime then to speak of this paragon of modern invention! In 1832 and '33, in this House, there was an immense majority in its favor, and a like one in the Senate. A bill was then passed by both Houses, by an overwhelming majority, in favor of its rechatter, when the old Roman—born to bless his race, to preserve and protect the liberties of his country—with a mien undaunted, but characteristic of himself; with a heart that neither horrors nor threats could alarm, and a courage that has never failed him—threw himself into the breach, and waved aloft once more the proud banner of the Constitution, and summoned thereto the drowsy friends of Democracy, of equal rights, and of freedom, to arouse and rally to the rescue. The bill was vetoed. The Veto message went forth, amidst the thunders and anathemas of the high priests of the craft. But, sir, the old Roman quailed not. He who had seen a little service was not to be alarmed by the discharge of paper caronnades. He appealed to his countrymen for a justification of his act, and they responded in language not to be misunderstood.

The principles of the message were confirmed by the approbation of the people. The conduct of the Bank was investigated in every canvass in every State, its dangers and corruptions exposed and condemned by an intelligent public; and not until its hideous features had been exposed, did it become unpopular with the people of this country. Its arrogant and precocious introduction into this hall in 1832—its entering on the political arena, demanding its charter to be renewed, aroused the people to its audacious bearing. It was done to produce a political effect at the time. It was to effect the ensuing election of President Jackson, that its friends introduced it here, armed and equipped for political battle, and it was openly and publicly proclaimed then on every occasion, that the *veto* had sealed forever his fate as a public man; that Pennsylvania, the keystone of Democracy, then supposed to have been held by the bank barons, was and would be inevitably lost to the party and to Jackson, and we heard then the same cries of anticipated triumph that we hear now. But the Pennsylvania Democracy were of little "sterner stuff," and were neither held, nor could they be transfered. From that time to this, the party have been at work to subjugate the Democracy, and reinstate their minions in power. By the subornation of presses—the extension of facilities to its influential friends—and the erection of branches of the bank in every section of the Union—and the creation of distress, alarms, and panics throughout the country. The Bank then was not originally unpopular, but became so by its own acts. Such were the facts in relation to that subject, as I then did, and now understand them.

The gentleman has boasted that the Government had not a dollar to discharge its debts with; it could not pay off its workmen. And why, let me ask the honorable member, did he not tell us the reason? He well knew the reason was that his favorite banks had in their vaults the money of the Government, and refused to pay them out one dollar; and, sir, there is a party here that is backing them in their refusals to return the money of the Government, even if able to do it without creating distress. He well knows, or ought to know, that the deficits of the Treasury have been brought about entirely by the inability of the Government to collect the funds due it, and deposited by law in other institutions—a circumstance brought about entirely by the operation of his most favored banks; and showing, most conclusively, the fatal effect that must result from these institutions, when in connection with the Government; and yet that

*Nicholas Biddle's Oration, delivered at Princeton College, New Jersey, 1836.

member would rivet on the Government, and prolong such a state of things.

The member has spoken of the neglect, by the Government, of the industry of the country; meaning, I presume, those in the employ of his favorite banks—brokers, stockjobbers, constables, sheriffs, &c. He knows well that it is for the protection of the industry and labor of the country that every energy of the Government has been put forth, for which it has been so virulently denounced by those who neither live by labor nor industry. He, then, is at fault again in this respect, and must try another *gull-trap* to catch innocence and ignorance. He said the surplus of cotton, he expected, would be thrown overboard and burnt by the Secretary, rather than have it paid for in any thing other than gold and silver. Does the gentleman seriously think so? or was this one of his hyperboles? or did he intend it as grave argument for this deliberative body? It evidently shows the means which men in high places may be induced to employ under desperate circumstances, when more laudable and honorable ones are not exactly at hand.

The member has said, many had rode into office upon the war-horse of anti-bankism, and denouncing corporations; but he did not tell us how many rode into office on the shoulders of the banks, nor what facilities were used to get members here, nor how many it held by the hand after getting them here.

But the honorable member is again contradicted, from an unfortunate quarter for him. He has said that the Bank of the United States was unpopular, and upon its unpopularity many rode into office. Here, again, is a different language, held at the same time, by brethren of the same *church, blowing hot and cold* to suit the appetites of those whom they would use. The honorable member from Rhode Island [Mr. TILLINGHAST] has just told us that the Bank of the United States was a popular institution; that it had ever been with the people; and that he had boldly met the question before them, and had put his opponents to the rout upon that subject. Now, without deciding which of the honorable members of the *craft* is in the right, I shall leave their consistency and political sincerity and accuracy to be judged of by others. They are of the *same church*, but advocate very different doctrines to promote the same holy cause. I leave them in the hands of the country. It has been exceedingly amusing to me to witness the *chameleon course* of the honorable Representative of the palace in Chestnut street. At one moment playing the *high-priest* and expounder of constitutional law, strictly, as spoken and delivered by the oracles of the temple, and the next moment swelling his voice, and crying aloud—the people—the people—their voice should be heard, with an appeal to the worst and lowest of passions: law, Constitution, ancient institutions and all, all are to be disregarded when the people speak. Sir, are not such human inconsistencies ominous of something more monstrous? No, sir: it is the wonted means by which the *craft* has ever worked their way into power, and retained an ill-gotten ascendancy over the sturdy sons of labor and toil.

The gentleman's repugnance to the sight of gold and silver, gives him the hydrophobia. The whole idea of such a currency is ridiculed and denounced by him as impracticable, and a ridiculous experiment, notwithstanding the evidence of all ancient and modern history to the contrary. The same party denounced, in the same way, the whole theory of this free Democratic Republican form of Government, in its origin, under which we now live, as an impracticable and dangerous experiment, because the enlightened *principles* of freedom, justice, and equality, upon which it is founded, were subversive and destructive to the *grinding* and *extortionate* principles of aristocracy, by which their hierarchical crafts can alone be sustained. They foresaw this in the origin of our free Government, and they foresee now the enlightened principles that are, ere long, to sap the very foundations of their system of *bankcraft* and extortions; to sustain which members of the same family, advocates of the same abominations, are driven to advocate different principles and hold different language at the same and different times. Such are the political effects of a *dilemma* so torturing and inextricable.

But I do not propose to dwell much longer upon the remarks of the member from Philadelphia. I think I have already shown a sufficient "leaven to leaven the whole."

The honorable member, however, has informed us that Treasury notes were money; because, says he, you can pay your debts with them, and he was opposed to them for that reason. Now what do the people pay their debts at this time in, if not in bank notes of different kinds? What did they pay their debts in before the Revolution? Do we not then know that tobacco, and other articles, were made receivable for debts in many of the States, and particularly in Virginia? Let him ask the honorable gentleman on his left [Mr. JAMES GARLAND.]

Various articles at different times, in different states, as well as nations, have been taken in liquidation of debts; yet, none ever thought of their being considered money. Such an objection is too shallow for serious argument. The gentleman seems disposed to think that nothing should be taken in payment of debts, but United States Bank notes, and whether money or rags, depends upon the nod of one man. He also brought up the old bugbear, which was used with but little effect at the last session by any honorable Senator [Mr. WEBSTER] from Massachusetts, of continental money, and declared in the true oracular language, that Treasury notes would be in a short time what Continental money was; they had as well told us that every other bank note would in time have been the same, for there was just as much resemblance in the one as the other. The same objections were made to the issue of Treasury notes, by the same party, under another name, during or immediately after the last war; and the same identical predictions made, and with what truth the history of the Governmentshows. Such arguments are mere bugbears and bugaboos, intended solely for panics, but which should alarm only children under their teens. Such, sir, is the character of the most of the arguments used by the honorable member from Pennsylvania [Mr. SERGEANT] and in his minority report is the most feedle attempt to sustain his corrupt and rotten institutions by catchwords, sophistic arguments, and demogogueism that I have ever witnessed in this or any other deliberative body; and I hazard nothing in asserting it, that the intelligent practical people will decide it so upon a candid impartial view of them, and here will take leave of the honorable member and his remarks on this subject.

I will now say a word or two to a few observations that fell from the gentleman from Rhode Island, [Mr. TILLINGHAST.] This gentleman has enlisted as one of the new *oracles* and prophets of the *craft*. This gentleman, in doleful sounds and lugubrious vaticinations, tells us that all is wrong, and all must end in wreck and ruin, unless the Government will listen to the *melody* of his voice. The House is wrong; the committee are wrong; they have not given the bill the right name; it is intended for another purpose than that for which it purports to be. Now will the gentleman be so kind as to christen it properly, as it may belong more particularly to those from the high temple to do such things, which may be, however properly, unecclesiastically done by others, who may not have been vested with those high functions. This gentleman, too, leaving the subject, seems to have thought of little else than the United States Bank and its interest. Poor people! little does the honorable member seem to have thought of them or their interest, and scarcely gives them a passing notice, so eager is he in defence of the great Bank. He too has renewed the old cry of "war against the banks." I had thought that this had become too *stale* longer to answer the purpose of deception, even. If it is intended for home consumption, let me tell the gentleman that the people whom he represents must be much behind the times, and weighed down by superstition and impositions of the *craft*, for it to have much effect with them. What, sir! War against the banks! how absurd! how ridiculous! how insulting to the injured people of this nation! What war? For the Government to beg to be separated from the banks, and to be let alone by them? Is this your war? Has not the Government done every thing in its power to accommodate and appease them? Is it not at this very time doing it?

Or, is it war against the banks for the Government to resolve no longer to be preyed upon at the mercy of these Shylock institutions? Is it war against the banks for Government to endeavor to stay their grinding extortions and exactions from the industry and labor of the country? Is this bill a part of that war now, which is to wait with them and to indulge them, to enable them with convenience to pay what they justly owe to this Government, and wrongfully detain from its use? What shameful ingratitude towards the most indulgent of Governments! How audacious and insulting to the people, whom they have robbed and put at defiance!

Sir, in human impudence and arrogance they stand without a parallel. If there is a war, it is emphatically a war of the banks against the Government and the labor and industry of the country, which has been carried on for years in disguise. It is an effort on the part of the banks to subjugate this proud and once freest Government on earth, and make it nod in servile submission to the mercenary will and interest of a single pampered and arrogant institution, which has entered and besieged your very Capitol, and made battle with you for the power of the Government on both floors of your Congress.

The gentleman has spoken of the dangers of popular commotion. Well may he and his *clique* have an eye to that. The proud spirit of independence and generous love for freedom is not yet subdued in all sections of this country, nor is it in the power of priestcraft, kingcraft, or bankcraft, to place this yoke of ignominy and corruption around their necks, without exciting popular indignation as well as commotion, pregnant with revenge, if not with death.

Sir, let me tell him the people have been tampered with already too much by these hypocritical, cunning, crafty, institutions. Much have they borne of long suffering and patience. They have not only been supporting with food and raiment your unproductive drones in society, but have been turned on by them, and insulted as *ignoble, ignorant herds*, that should be *driven from your Capitol and the high places they dishonor*.

Gentlemen should not presume too much upon the ox-like forbearance of a high spirited noble minded people; and let me invoke them not to oppress them too far, nor to rely too much upon their systems of cunning and craft, to keep up the delusion, and to hold them in bondage.

Mr. Speaker, I will now notice some of the remarks of the amiable, modest, and forbearing gentleman from Pennsylvania, who sets nearest to me on my left [Mr. BIDDLE,] whose mild and amiable disposition never permits him to speak of one that he hates, "unkind things."

He too has had but little to say on the subject of the bill before the House, but has launched off into a discursive electioneering harangue intended, no doubt, to operate on the good people of Pennsylvania. He has performed but the usual duties of his office, and anathematized, and prepared, no doubt, as he thought the Secretary of your Treasury for the guillotine, of popular indignation. He informs us that the Secretary, with others of his party, must go down to posterity, as the most miserable and wicked mercenaries; and entertained us with an amusing dialogue between the Secretary and the laborers in the service of the Government. The fiction has been drawn with great exactness, to suit the taste of those reckless squads of idlers, who would delight most in the reality of the scene, and give pleasure alone to those bank myrmidons, who rejoice at such a state of things; and none, sir, none more than the particulars and intimates of the honorable member, whose tastes he so well understands, and seems so carefully to have consulted in the pictures he has drawn to fancy.

The starving laborer, he tells us, goes to Mr. Woodbury, and demands his pay, and receives for answer that he has no money—the Government is

bankrupt; and there the gentlemen stops the dialogue.

Now, why did he not give us the full benefit of his picture, so well drawn to the taste and liking of those for whom it was manufactured? Why not tell us, if truth was his object, what might have been the true, and only true, reply, that in such a state of things could, or had they then have happened? Why not have said that the Secretary's reply could have been, "Sir, the money of the Government was deposited by an act of Congress in the banks, and they will not let us have out one dollar. We have money due from our merchants and States, that cannot be collected in consequence of the conduct of the banks, and we cannot at this moment get hold of it; but we will give you our notes, with the plighted faith of the Government to be redeemed in specie at such a date." Now, sir, what patriot, what friend of his country, could have, at such an offer, raised a murmur? None, sir, none but your bank bought hirelings and palace minions, whose joy and transport are never so great as when this country is oppressed, and the people threatened with embarrassment and distress. Sir, from all participation, sympathy, or fellowship with such a party, may God deliver me now, henceforth, and for ever.

The gentleman says they have tried to relieve the Government from the sarcasm of the *newspapers*. From the sarcasm of what!—of his own papers—papers that have been established and suborned, and extended facilities to, for that especial purpose? With whom can the sarcasms of such have any effect, except with the *light-fingered* tribe, who live by their cunning and *craft*, and who, *vulture-like*, watch to pounce upon the profits of the industrious and laboring man with a view of feathering and decorating their own nests. Sir, I, in the name of the people—of the honest laborers of this country—of the Government of the people, and not that of the banks, defy their sarcasms. They can have no effect here or elsewhere, when their intent and designs are known; their entire strength is in the deception and imposition with which they practice on the credulity and ignorance of the public.

The gentleman next tells us that there were certain filthy parrots that were always crying banks! banks! etc. Now, sir, that member should be the last on this floor to rebuke any bird for crying in *filthy notes*, unless, by the long custom of monopolising by his feathered tribe, he would exclusively appropriate this filthy practice to himself and a few such associates. But, says the gentleman, he deals not in personalities, and with a *most delicate* allusion to a recent event, tells us that others might now seek to do it with impunity. Does the gentleman mean this as a threat to awe and intimidate the *cowardly Democracy* from boldly repelling his unfounded charges and ridiculous fictions? If so, he may find himself mistaken, and some of the plain Democrats less submissive than might be palatable to the delicate taste of the honorable member. But as to his personalities. He has surely given to the House a new idea on that subject; for though that member may think (from habit, perhaps) that he and his few friends have the exclusive right to abuse others and their principles, and denounce all that as yet may be uncontaminated by the *special facilities* of his *idol*, that he is really not personal, because he claims it as a right. Yet, sir, there are others here with equal rights, who, in defiance, will view this conduct in a most unquestionable and different light. If that gentleman be not personal in the extreme, then we have none so in this House.

What, sir, has been his charge against the honorable member from South Carolina? [Mr. RHETT.] Was there no personality in that? What *liberal allusion* has he made towards the new converts, as he is pleased to call them? I disdain to attempt the defence of the honorable member from South Carolina, while he is so much more able to defend himself. His course has been such as will meet the approbation of every disinterested patriot in the land, who has been unseduced by the foul and contaminating influence of *bankcraft*. Sir, it was his home *thrusts*, the *thrilling* truths that he proclaimed to reluctant ears, that brought honorable members on their feet. It was the plain, practical truths that he announced, that *rung* like a *deathknell* in the ears of those emissaries of *Mammon*, in whose blind pursuit they had lost all sight of the power of those upon whom they preyed. They will like nothing that is to awaken the injured and suffering multitudes whom they have wantonly robbed by the most grinding oppressions and exactions. Sir, they should be thankful for the advice that they have received from the honorable member from South Carolina, and do justice to his motives; but they will not: they are too arrogant for advice, and too much bent on humbling your Government to their power, to be influenced by the warning voice of truth or reason.

The member from Pennsylvania has arraigned a distinguished individual, who is now a member of the other body of this Congress, [Mr. CALHOUN,] and denounced, in most unmeasured terms, the course that he has conceived it his duty to pursue in relation to the great measures now pending before Congress. Let me say to that member, and to the world, that had not that distinguished man pursued the identical course that he has in relation to those subjects, he would have been justly obnoxious to the charge that he has preferred. Had he acted otherwise, he would have been recreant to every principle heretofore considered sacred and essential to the prosperity and preservation of southern institutions. He would have been guilty, from mere party considerations, of bartering for a mere mess of pottage, all that our fathers have heretofore held to them more dear than life. This he could not, he dare not have done, without incurring the black and *damning* guilt of treason to the South, treason to the Democracy, treason to all those high and disinterested principles which it has ever been the pride of his friends to allow him to possess. Then how could he have acted differently, without forfeiting this high character, and *delving* in party malice and rancor for low revenge, at the great sacrifice of the dearest rights, interests, and liberties of this people? Nor would his luminous and enlightened mind permit him to be seduced and *played off on* by the petty *arts* and *crafts* that hold in bondage, and wield to their purposes, minds of lesser calibre. No, sir: if they would seduce and suborn men to their unholy offices, let them look out for those composed of *less materials*, and of more supple and pliant integrity.

The gentleman has spoken of the zeal of new converts. With regard to principle, I deny that there has been any change in the party to which he alludes. The great State rights party are precisely now where they have ever been; and their acting together on this or any other occasion, presupposes no abandonment of principles which, to them, have ever been paramount to every personal consideration, local or temporary. About men they have differed, and may and will differ.

I never have believed that there was any material difference in principle between the State rights party and the Administration party; and the schism that took place between General JACKSON and Mr. CALHOUN, I have ever thought, was merely personal. The latter felt it his duty to oppose his Executive usurpations: he did so, as he no doubt conscientiously believed. The causes of that opposition have now ceased, and of course the effect should cease with it. That gentleman, then, is exactly where he was in 1828; and the great cause of complaint is, that those of the craft have not been able to seduce or force him from his principles, by an effort to excite his prejudice against a party with whom, by mere accident, he had been thrown in conflict. In this, however easily effected with smaller men, they have failed with him. Sir, this is the true clue to the bitter denunciations of the man on whom they have been unable to operate by their arts, to use and seduce to effect their purposes of extortion, exaction, and legal plunder.

It is one of the oldest practices of the *craft-fraternity*, from the earliest ages, to *cry* and hunt down all those who have been too virtuous, too patriotic, and too intelligent to be seduced and corrupted by their arts. The cry of schismatics and heretics, and tortures and crucifixions, has scarcely ceased to ring on our ears from those whose habit it has ever been to reign by the deceptions which they practice on the credulous and ignorant.

One word more as to new converts. Here the gentleman would again monopolize. Does he think, even if it were so, that no party has the right to receive *new-born converts* but his own? What are his *Conservative friends*? What his distinguished and leading friends from Tennessee, [Mr. BELL] and the Tennessee allies which *he* brings to the assistance of his Federal plalanx? How delighted has he been with the denunciations from that quarter of the conduct of that war-worn soldier, whom Tennessee—yes, *once Democratic Republican* Tennessee—delighted to honor, but who now, since the formation of her *new alliances*, can find none, sir, none to do honor to the services of that veteran soldier, enlightened and inflexible statesman, Andrew Jackson, who has contributed more to elevate the character of Tennesseeans, and place around their names a halo of glory and renown that shall be forgotten only when the history is lost that records the deeds of the valor of her sons, as perhaps ever will live again. Sir, oft has this brought me to reflect, on my *pillow*, amidst the gloom of midnight, on the lessons that I have been taught in early youth, of the black, cruel ingratitude of States and Republics. How early, how forgetful of the noblest deeds of the greatest and best of benefactors!

Sir, were I this day a Tennesseean, my face would crimson at the name of ingratitude, and my heart bleed in sadness to witness the incidents that are passing before me; but there are Tennesseeans who must feel more than I feel—must have seen more than I have seen of this subject, and to them I leave it.

Mr. Speaker, the times are rife in enormities; there is little telling what another day may not bring forth. France—revolutionary France—had her Dantons and Robespierres, by whose machinations and contrivances she was deluged with the best blood of her most patriotic and devoted citizens; and, sir, all, all for office, for power, and for place, were thousands of human butcheries perpetrated before the eyes of a civilized world; and, sir, by what means effected? when reason, that great lamp and luminary of human safety, revolted at the execution of the deed. What, sir, was then resorted to, to effect their purpose by these incarnate fiends? Just such, sir, as has been exhibited on this floor. Caricatures—caricatures—when failing by reason to convince, and would excite to action the most debased and damnable passions of guilt and corruption. We have just seen for the first time exhibited here on the floors of Congress, caricatures of continental bills and Treasury notes, waved on high for the purpose of excitement, when truth and reason had failed to do the office.

Sir, the signs are portentous, and grave men should pause ere it be too late to divert the match that would enkindle the explosion, the horrors of which might visit us, alike indifferent to age or to sex. I would turn from this scene with a heart sickened with disgust, but another circumstance strikes me, which I will relate for the benefit of my Southern friends. The Abolitionists, to effect, too, their fiendish and abominable purposes, have resorted to identically the same means. At a loss for reason, truth, or justice, these demons of discord and of blood have resorted to their caricatures, where Southern planters and slaveholders are held up as monsters incarnate, who delight alone in the torture and oppression of their fellow-beings; and our slaves depicted, by caricatures, in every attitude of entreaty and mercy, writhing under the agonies of the bitter yoke of slavery. Sir, this has been done to arouse to madness the vulgar and the ignorant, to enlist them in the ranks of the crusaders of Abolition. For months and years have their papers been filled with such foul and loathsome representations of our first and purest men of the South. This is one of the nice examples to be followed up by the pure spirits of Whiggery. Sir, the old adage has been, "Any port in a storm;" but with the Whigs it is any thing for excitement and effect, "come weal or wo," or desolation dire to the country, that they would ruin or rule; such is their insane, maddening thirst for office, for power,

and for place. From them the South has now but little else to expect than plunder and blood, or chains. Then let them go it; we will look to ourselves and our own resources.

A word to the honorable member [Mr. SOUTHGATE] from Kentucky, who with some zeal addressed the House on this subject; and I shall have ceased to notice what of rancor and madness have fallen from the Opposition in this debate.

This gentleman has denounced the office holders as horse-leeches and blood suckers. I could commend to the gentlemen, that striking fable of the fox and the swallow; its moral may not be very inapplicable to the present occasion. "Drive not off those, (said the witty reynard to the swallow,) whose appetites are gorged and filled, for there are others waiting, more lank and hungry, thirsting for blood, to fill whom might exhaust my already depleted veins."

Ay, sir, there are already lank and hungry expectant office hunters and seekers in wait for the spoils, for which they have so long yearned, and envied others the possession of. It is that possession, let me tell the gentleman from Kentucky, that is the head and front of their greatest, blackest, and abominable crimes—it is the office—the office—the office with its spoils, that I want before I can be reconciled to this or any other Administration. Can there exist a Government without office holders? I doubt it, unless we revolutionize this Government, and have a pure monarchy, and would all be ruled by the will or caprice of one man; else officers and office holders we must have, and surely the freemen of America are not yet so much humbled by bank *dicta* as to be ripe for a monarchy, and expel their office holders; this I cannot, nor will not, torture myself into the belief of. Perhaps gentlemen are not aware of the extent to which their ultra doctines lead.

I will now call the attention of the House, for a few moments longer, to what I conceive to be the merits and objects of the bill on your table, which has been so much denounced and violently opposed by the Opposition in this House. It has been introduced with an intention of relieving both the Government and the people. This is the merit to which it is entitled, if it answers the purpose of its friends. It is intended to relieve the merchants that are indebted to Government, by enabling it to give further indulgence to them. It is intended, also, to aid the Bank of the United States—that *hideous monster* of ingratitude and corruption. It is intended as a relief to the deposite banks, by allowing them further indulgence, and thereby to enable each to grant further indulgence to the people who may be their debtors, and to enable the States to refund the amounts loaned them, without producing distress or embarrassment to the country.

Such are the objects of this bill, that has met the bitterest opposition and vilest denunciations from the Opposition, the self-styled Whigs, as a war against the banks. But for this attempt to indulge and give relief to all that are interested, there would have been no necessity for this measure. If the Government was to proceed to collect its dues, it would inevitably bring about that state of distress, embarrassment, and ruin, that has been so often predicted, and no doubt, in my mind, so greatly desired by the friends of the banks and the enemies of the Government. Nothing, in my judgment, would give them more pleasure than to see this attempted by the Government. It would, for the first time, make them all prophets, by realizing their wishes and predictions. Sir, this the Government cannot be forced to do, either by the threats or machinations of its enemies.

At this moment, this Government, which has been so often tauntingly denounced as bankrupt, insolvent, and without a dollar, has the following sums due to its Treasury:

Due on merchants' bonds, about -	$7,000,000
From the United States Bank -	6,000,000
From the deposite banks - -	5,000,000
From loans to the States - -	28,000,000
Making an aggregate amount of	$45,000,000
It will be seen there is due from the Bank of the United States - - -	$5,000,000
And from the deposite banks -	6,000,000
Making an aggregate amount of	$11,000,000

More by $1,000,000 than the whole amount of Treasury notes that are proposed to be issued for the relief of the country. Then if the banks had not failed to have performed their offices, as public agents, there would have been neither necessity nor apology for the bill of relief which is now before this House. If the Government has been embarrassed, it has been effected by the sole action of the banks, and is attributable to both their faithlessness and inefficiency, as public agents; yet, with all this odium attached to them, as the sole authors of all the mischief that has befallen us by their system of deception, and *priestcraft policy*, they have never failed to shuffle it off on the Government, and thus divert public attention from the mischiefs they themselves have effected, by charging it to the acts of the Government.

The next question is, shall we issue these notes, or borrow the money, which is now required for immediate use, or to force the Government to collect immediately its dues from the merchants, the States, the deposite banks, and the Bank of the United States. That the issue of Treasury notes is the most appropriate and remedial course there can not be a question seriously entertained by any, whose object is in good faith, apart from party considerations, to assist the Government in its relief of the people connected with those great interests. Sir, collection is out of the question, and the risk and expenses and uncertainty of borrowing, and the unnecessary creating a national debt when we have the money due the Treasury, to the amount of forty-five million of dollars, and know not how soon we may be able to collect a sufficiency for the purposes required, it does appear to me, would not only be impolitic in the extreme, but the height of madness to adopt; and which could only find favor, at this time, in the blindness and rancor of the most reckless party spirits.

But, sir, this has been made too manifest by others, for me to dwel on now. This subject has been investigated in another branch of this body, (the Senate of the United States,) in a most masterly manner. There the Opposition have been met, man to man; and the great Ajax of their party has been foiled and routed upon every subject of the finances of the country.

In point of argument, I believe their best friends and most ardent partisans think them defeated, overwhelmed, and routed, horse, foot, and dragoons. The policy of these measures has been so clearly demonstrated in that body, that it would be supererogation in me to attempt now to go into their examination, with a view of adding any thing new. The reasons for, and objections to them, are before the people; and they will, if they have not already, decided on their merits.

Mr. Speaker, I will now notice a single charge against the friends of this bill, of being arbitrary in wishing an early action on the measure. To show with what an ill mien, and awkward one, the charge of *arbitrary* power comes from the gentlemen of that body, I beg to have the journals of the House read in relation to the motion made to lay the Independent Treasury bill, that was lately sent us from the Senate, on the table, immediately on its introduction into this House, without reference, or allowing its friends one moment to discuss or even examine it, either in principle or detail. [Objections being raised, immediately cries from all quarters of the Opposition, "No, no, no," were heard, and the SPEAKER was about putting the question on the reading of the journals.] When Mr. B. said, I will withdraw the request, sir, since my purpose has been fully effected, by nearly the whole party objecting to hear their names read out, who voted, with an undivided phalanx, to lay that bill, under such circumstances, on the table, without giving to its friends one minute to examine or discuss it. I was aware that this objection would be made. I knew that gentlemen would be unwilling to sit quiet and hear their inconsistency published to the world without remonstrating against it. Yes, sir; these are the men who now gibe and prate about arbitrary power, ever ready to blow hot or cold, as best suits the purposes of their party, or their own convenience. This shows the character of their profession and practice; their duplicity, and the double parts that are carried on here for political purposes. Such as this, connected with other acts more daring, has often led me to say, that I should not be at all astonished at any course they might pursue, here or elsewhere, and that they were prepared for any sort of a revolution or bloodshed, to get themselves into office. Their whole thirst is for power and place; and but for the intelligence, patriotism, and virtue of our people, they would long since have had this mighty Republic involved in the most devastating and bloody revolution; to effect which, it has long been my deliberate and candid opinion that the leaders of that party have been prepared, and have waited only for the sanction of the people, to attempt it. We have heard already, from high quarters, the invocation of "war, pestilence, and famine," rather than a continued exclusion from office and from power. With such feelings and sentiments have they enlisted thousands of hungry expectant hordes under their banners, only waiting the ripening of public opinion by misrepresentation and corruption, to sanction the perpetration of their deeds.

INDEPENDENT TREASURY BILL.

REMARKS OF MR. PICKENS,
OF SOUTH CAROLINA,

In the House of Representatives, June 19, 1838.—The bill to provide for the collection, safe-keeping, tranfer, and disbursement of the public revenue, being under consideration in Committee of the Whole on the state of the Union,

Mr. PICKENS rose and said:

Mr. CHAIRMAN: In the remarks which I propose to address to this committee, it will be my object and desire to avoid dwelling on those topics that I urged on a former occasion when this subject was under consideration, and also to avoid, as far as possible, touching upon those points which have been elaborated with so much ability on a recent occasion in the other end of this capitol.

The provisions of the bill under consideration are plain and simple. Its leading traits are, 1st, to separate the Government from all bank agency in the collection and disbursement of its revenues; 2d, to collect gradually, in small portions, through a term of about seven years, those revenues in the constitutional currency of the country. It proposes, in the execution of this design, to use four principal receivers, with moderate salaries, and nine additional clerks, with salaries not to exceed two thousand dollars each. It secures their faithfulness by ample bonds and security. It makes it a crime for any of them to use directly or indirectly any of the public moneys, except under the directions of law, and punishable with fine and imprisonment and the forfeiture of bonds. The whole appropriation required to provide proper places for the safe-keeping and disbursement of the money, is the sum of $10,000, and the annual cost, salaries and all, will but little exceed $25,000. These are the features of this bill. And now, I would ask, where are the monstrous forms in which it has been clothed? Is it a crime for this Government honestly to take care of its own revenues? Has it come to this, that we dare not throw off the agency of banks without incurring their denunciation, and the bitter curses of a thousand presses that live and flourish under the patronage flowing from their stupendous and seducing system? Did the fathers of our Constitution ever dream that this Government which they were forming was necessarily to be made dependent upon corporations which were to spring up in so short a time in every State and Territory of this republic? One of the great and leading objects of its framers, was to relieve this Government from this dependence for revenue upon the States, which formerly existed under the old articles of confederation. And the clamor now is, not that we propose to make our revenue independent of the States, but of the moneyed corporations of the States.

We are surely in a singular position. Gentlemen who are imbued with feeling and sympathy

for the banking system, and who have been in the habit of tracing our prosperity to its influence, have become rabid with indignation and bitterness under the idea that the Government is waging war upon it. Sir, they only view the surface of things. Look abroad for a moment upon the world, and contemplate daily events. That reform which is now moving the deep foundations of despotism throughout Europe—that skepticism, as it were, in relation to all those dogmas which have so long held a sway over the human intellect—that close investigation which belongs to the age—all, all, are producing the most profound impressions. The Government is only impelled on under circumstances, over which it can now have but little control. It is the spirit of the age moving upon the face of society.

Let not gentlemen push on in their mad career and demand too much. If they do, as certain as destiny, they will finally produce a revolution, which will overwhelm every banking institution in its desolating fury. Let them pause and secure their present position, before they rush fatally into that which is worse. Whatever triumphs of the day may appear to the contrary, it will be but a temporary check. The spirit of a great and free peope is at work on the subject, and to attempt to heckl reform in the banking and credit system at this late day, is as vain as to chain the fretted torrent on the precipice. Gentlemen may be deceived by appearances. True we have a drained and deranged Treasury; the Executive Government, divorced and separated from banks as fiscal agents by recent events, is shorn of much of its power and patronage, and appears prostrate under the bitter war waged upon it by almost a thousand banks. On the other side, we see combined the resources of at least one hundred millions of dollars, with men of talents, and energy, and undying activity, and the bright prospects of success and triumph opening upon the future. With them the road to wealth, and power, and distinction seems clear and broad. These events are well calculated to make the timid waver and the doubtful falter. But, sir, these things have no terrors or temptation for me. I look with abiding confidence to the redeeming spirit of a free and enlightened country.

Mr. Chairman, much has been said in eulogy of the credit system. Sir, I concur in that eulogy to a certain extent. The modern system is to make credit supply the place of capital almost entirely. There is, no doubt, a vast increase of the resources and comforts of society by banks and capitalists loaning their credits to aid those who are without credit, in the purchase of property—and thus exciting enterprise. We see through this operation many gigantic schemes of modern society, which seem to have given a new life to the world; but while we look at this bright side, let us not forget to contemplate the dependence and obligations thus created, and the fearful power which is thereby added to those institutions and those men who manage and control this credit. It gives them the mainsprings of life, and enables them to touch the tenderest fibres which vibrate through the whole body politic. To this I have nothing to say, so long as its operation is confined to the business wants and commercial enterprise of the community. But when this interest seeks to become allied with the Government, and demands that credit and circulation shall be received and treated *as money*, then it becomes a grave political question, involving the highest principles of liberty. The whole object is, not only to use their own credit, which they have an undoubted right to, but, also, to subsidize the credit of the Government to their operations, and for their benefit. This it is which has heretofore produced an unnatural expansion in the credit system, and widened the circulation, beyond demands, in the actual business of the country.

A sound credit system, not stimulated by a connection with Government, but limited by the competition and enterprise of individuals, or banks upon a safe basis, is the life of civilized society. But when it becomes stimulated and expanded by the artificial fiscal action of Government, then it becomes dangerous, and throws the business and the property of the country under the control of the speculating and the profligate. The whole frame of the body politic then grows bloated and excited, which finally ends in convulsion and paralysis. This is the credit system that I war upon, as vicious and dangerous in the extreme.

Mr. Chairman, much has been said of the sublime merits of the banking system, as the true source of modern prosperity and power; and Spain and Turkey have been held up to us as examples of hard money Governments, while England has been painted in all the glowing colors of fancy, by way of contrast. In looking over the debates which took place some years since, in favor of the restrictive system, I find precisely the same language used, and the same countries held up in contrast, to exhibit the sublime merits of the "prohibitory policy." They seem to be the same speeches that are how delivered, except that every thing in the prosperity of England was then attributed to the restrictive system, while now it is to the banking system. Such a loose range of thought as this is only calculated to widen the field of declamation, and enable some to gather the ornaments that adorn a brilliant imagination. Sir, it is a miserable and contracted idea to attribute the prosperity of England to her *banking system*. No! it arises from the fact that she has the noble inheritance of the common law, which throws its broad shield over every human being who treads upon British soil; it arises from the fact that her people swear upon the *Holy Evangelists*, and are capable of enjoying personal liberty; it is because she can produce her Hampdens, and her Sydneys, who have the moral courage to perish upon a principle. These are the causes which have developed her vast resources—enabled her to stretch her power across the four quarters of the habitable globe, and exhibit the moral grandeur of *Christian civilization* united with physical prowess, in such wonderful combination as to command the study and the admiration of the world. When England is quoted as an example for us to follow and imitate, to make it suitable, you must first make us a consolidated nation, with a Government equal in power to the omnipotence of parliament. What may do for a very compact people under one Government, may be unsuited to an extensive territory, embracing all varieties of interests, with twenty-six separate Governments. England has an annual revenue of $250,000,000, and disbursements to make in all parts of the world. What may be a necessary fiscal system to her, may be utterly unnecessary to us. What may be necessary to make a magnificent monarchy, may be entirely unsuited to a Republican people.

Sir, in many points of view, it is a great blessing that we have encountered this recent shock in our system. It will force us to examine a complicated subject, which deeply affects the distribution of wealth, and the political liberty of all. And it is a little curious to trace out the first commencement amongst us of this system, which has made such rapid strides towards remodeling, not only all society, but even our Government. Alexander Hamilton, about the year 1790, commenced to make the impress of his genius upon every thing around him. He was ardent, bold, and energetic in all his plans. With a full perception of the ground upon which he stood, he always marched to his object with a heart that never faltered. The convention which formed the Constitution, did not make the Government as strong as he desired it to be. He had contemplated the English Constitution with admiration and delight; and, without considering the difference of circumstances, he thought it a perfect model for our adoption. But the Republicans of that day thought differently; and he, coming into the Administration after the formation of the Government, determined to make up by construction what it wanted in specific grants of power The funding system introduced by him created a stock interest, which formed the nucleus that has increased in power, and made a rallying point for that moneyed influence which he desired to substitute for the stability given to the British Government by a fixed aristocracy. I do not mean at present to question the financial ability developed in funding our national debt, and substituting public credit for capital, but only to speak of the political effects produced upon our whole system by these measures. The 30th section of our first revenue law under the Constitution, in 1789, is in these words: "The duties and fees to be collected by virtue of this act, shall be received in *gold and silver coin only*." There is no doubtful import in these words. Yet, in a very few months afterwards, Hamilton, as Secretary of the Treasury, issued the following important circular to collectors of customs:

"TREASURY DEPARTMENT, September 22, 1789.

"SIR: In consequence of arrangements lately taken with the Bank of North America and the Bank of New York, for the accommodation of the Government, I am to inform you that it is my desire that the notes of those banks, payable either on demand or *no longer period than thirty days* after their respective dates, should be received in payment of the duties, as equivalent to gold and silver, and that they will be received from you as such by the Treasurer of the United States," &c.

Thus we see that the Secretary then construed "gold and silver coin only" to mean bank notes payable thirty days after date. It will be remembered that at that time there were no banks at all in large portions of this Union, and thus, while the importers in one section were compelled to pay duties in "gold and silver coin only," in other sections they could pay in the notes of two banks, even though they might not be redeemable until thirty days after date. There is no man so blind who cannot understand the operation of this system. The Secretary then made his report to Congress at the next session in justification of this circular. This report is dated 22d April, 1790. In that document he uses, amongst others, the following reasons: "That the extension of their (bank notes) circulation by the Treasury is calculated to increase both the ability and the inclination of the banks to *aid the Government*." And he further says, in the same report, "Bank notes being a convenient species of money, whatever increases their circulation increases the quantity of current money." About three months after this report was made, Congress passed another act, on the 4th August, 1790, and in the fifty-sixth section of it expressly re-enacted the exaction of "gold and silver coin only," contained in the thirtieth section of the last act. And yet, notwithstanding this, the law was disregarded. The Secretary clearly shows that he well understood the operation of things even at that early day. These were the circumstances under which was formed the nucleus of that great stock interest, into whose power the Government has been thrown, and which now demands as a right what was at first granted as a favor. Sir, in tracing out these events it is well for us to consider the motives and the objects of those who then held the future destinies of this Government in their hands. Hamilton used this emphatic language in 1791:

"Purge it (the British Constitution) of its corruptions, and give to its popular branch equality of representation, and it would become an impracticable Government, as it stands at present, with all its supposed defects, it is the most perfect Government which ever existed!"*

Sir, this sentence speaks a volume. It is language of living light that no man can mistake. It is wonderful now to look back and see his sagacity and foresight in forming those measures by which he was to ingraft upon our Government that power and stability which he so much admired in the British Constitution, and in which he thought ours so defective. We have witnessed the progress of this system until it has now spread through our whole country, reaching in its ramifications all interests in society, not only demanding an alliance with this Government, but threatening to dictate law to this confederacy.

Mr. Chairman, in deciding upon the action of a Government, there are far more important matters to be considered than the pecuniary interest of this or that class in society. And let no man deceive himself by the plausible and beautiful theory that all classes in the body politic have a mutual dependence and harmony of interest blended together. Let no man suppose that that which adds power and profit to a species of capital necessarily has a corresponding effect upon labor. I utterly deny the ingenious doctrine, lately put forth from very high authority, that there is no such thing in this country as capital and labor; that all are capitalists and all are laborers. This is certainly a new dis-

*Jefferson's Correspondence, page 450, volume 4.

covery, left for modern invention. There never was a community, constituted under political power, which would not finally, in the progress of time, classify itself into capitalists and laborers, and that which may be a blessing to one may be a curse to the other. With a view that we may understand that there is a difference in the interests of some in the community, and with no other view at present, let us look at the operation of the banking system on this country in reference alone to the expense of the currency it furnishes. Calculate circulation as it was in January, 1837, at $148,000,000, and then add to that the $72,000,000 specie lying in vault to sustain this circulation, and upon which interest must be made by those who keep it, so as to indemnify them for its use in this agency. And then we have, upon adding them together, $220,000,000, upon which the interest will be $15,400,000 annually. This is equal to the whole tobacco crop of the United States. Who receives this interest—laborers or capitalists in bank stock? And this is but a small item in the amount of their profits and dividends. Banks, too, in modern times claim an identity with the people, as if they were one and the same. No wonder, then, that we hear there are no capitalists, no laborers—that all sections are the same, and all classes the same.

Again, while on this point, let us look for a moment at the peculiar operation of this *bank currency* upon those who depend upon daily labor, and see if there be no difference of interest. When banks furnish the circulation of a country, they unquestionably have the power to expand and to contract that circulation according to their views of interest or policy. Suppose, then, prices to settle down under a state of contraction, and then expansion commences to take place. What do we see? Stocks go up; personal property rises; real estate rises; and wages for daily labor are the last to rise. The desire of the industrious is to lay out all, over and above what is necessary for supplies, in property. How can this be done when wages are at a stand and property rising, under an expanding currency thrown out by banks, and stimulated to enlarge, as they have been heretofore, by Government deposites.

Sir, it is this desolating operation of expansion and contraction which brings productive industry at the mercy of fictitious capital; and it is all vain to tell me there is no difference. It is a stable gold and silver currency under which labor flourishes, and through which it can calculate with certainty, as to the acquisition of property; and it is a paper expanded currency on which speculators flourish and revel in spoils plundered from others.

No difference between labor and capital!!! Go, in the depth of winter, to the frozen banks of the Miami, or the deep forests of the Mississippi, and ask the hardy pioneer if there be no difference between his lot and that of the princely speculator, who carves out for himself a barony from your splendid domain. Ah! sir, go into the back streets and alleys of your large cities, and ask the tenants that dwell in their thousand hovels, if there be no difference in their lot and those who live under the drippings from the palaces which have sprung up like magic throughout our land to give us the blessings of an expanded paper currency! Perhaps, sir, if you were to pause for a reply, you might hear some one exclaim, in the bitter anguish of a desponding heart, Merciful God, is this the equal justice of a free country! The doctrine, that all classes in society are mutually dependent upon each other, and benefits to one class are benefits to another, is utterly untrue; and the legislator who habitually acts upon such an idea perpetrates cold, heartless, cruel injustice. That is the very doctrine by which the aristocracy of the old world claim to be supported. Those who vindicated an established clergy, do so upon the avowed ground that it sheds corresponding blessings upon all otber classes in society. By the same sort of plausibility a nation may be deluded into the support of the stars and the diadems of royalty. Sir, the profound truth is that there are conflicts in all communities, and that the Government is the wisest and the freest which abstains from creating any artificial class who expect to live by its favor or flourish upon its bounty. Not only are there different classes in society, differently affected, but in this extensive country, there are different sections deeply and vitally affected, in different ways, by the fiscal action of this Government. Look over that balmy land that expands its exuberant bosom under the genial rays of the southern sun, with its rich exports, amounting, in some years, to near $100,000,000, and what do we see? Much of this vast product actually taken to northern ports, and again reshipped, while three-fourths of the returning imports upon this amount are brought back again through the same circuitous direction. Is this a natural operation? No. It arises, in a great degree, from the fiscal action of this Government. Your impost system operates so as to collect, indirectly, two-thirds of your revenues from the exports of the country; and the same interests which have formed this system, also have the power to control the disbursements. The result of which has been to collect two-thirds of the revenue from the exporting interest, and to disburse the same amount in the non-exporting region. This it is that has made your towns and your cities languish and die in one section, while they have sprung up and flourished, to the astonishment and admiration of the world, n another section. Connected with this subject, also, it is a view worthy of notice, that about three-fourths of the paper credits of the country have heretofore issued, also, from the non-exporting region. These credits have circulated as money; and, ever since Hamilton's Treasury order in 1789, the whole power and patronage of the Federal Government have been devoted, in its fiscal action, to give that circulation the profits and attributes of gold and silver currency. This operation has given those who issued these credits precisely the same power over the productive industry and labor of the country, as if they had actually held that much capital in gold and silver. The great struggle now is, whether those exports which have an intrinsic value at home and abroad, shall form the basis of a sound system of credits and exchanges, or whether banks of discount and circulation, aided by, and allied to, the political power of the community, shall produce an artificial and unsound system?

Let us look for a moment into this artificial system. We find at present a shock in the whole trade and exchanges of the country, and in the shock those who hold the paper circulation control the property and the products of the nation. Exchanges have changed their whole nature. They used to be considered the difference between cash and a bill drawn for payment on some distant point. But now it is the difference between paper circulation at one point, and its value in the paper circulation of some other point. The creditor point contracts, and the debtor point remains stationary, or enlarges, and of course exchanges rise. The paper circulation, for instance, in Mississippi, may be thirty per cent. below specie par there, because of its inconvertibility; and from different circumstances in New York, paper may be at specie par, or, by way of illustration, five per cent. below specie par. The difference is then twenty-five per cent. between the capacity of converting the circulation in Mississippi into legal currency, and the capacity to do the same with the circulation in New York. Now, are we by any bounty or power of ours to make it the interest of New York to receive that at only five per cent. below specie par which, from want of convertibility, is thirty per cent. below par at home? Yet this is exactly what is required from the Government in what is now called equalizing exchanges. There never was greater fraud conceived than this operation. It is nothing more nor less than a bounty to the banking interest at the expense of the producing interest of the community. The only true and legitimate basis of exchanges is the trade between different points. Give the banking interest the privilege and power of having the circulation of their credit received and treated as cash or money, and you at once give it the direction and monopoly of trade. Give them the power of discounting upon the public funds as upon specie, together with the certainty that the commerce of the country shall flow indirectly through their hands, both going and coming, and well may they afford to equalize exchanges, by indemnifying themselves through the tribute they levy upon the productive industry of the country. Sir, it is this whole system, allied as it has been with the over fiscal action of this centralizing Government, that has tended to monopolize trade, and force the exports, as well as the imports, through great Northern cities, at the expense of all that section which lies South and West of this place. And the great pressure which has been felt principally in the Northern cities, arises, in a great degree, from the fact that, heretofore, they have received an unnatural and inflated impulse from the vast surpluses in the Treasury, and from their discounts running upon the revenues of the Government, for the benefit of dividends to private stockholders. When this unnatural and unjust state of things is withdrawn, we begin to see trade, like water, finding its natural level, and in receding, it is not strange that many should be left to struggle who have been heretofore sustained by the flood tide from an overflowing public Treasury. Things will now become sounder and safer; and if you do not see such rapid increase, you will see more honesty and stability, and the landed interests will be blessed, although stock-jobbers and speculators may suffer.

Upon this point, Mr. Chairman, it strikes me that no part of the country has more interest than the interior West. Their operations are peculiar. Their largest single interest is their live stock and provision trade. The most profitable part of that commerce is their cash sales in the exporting region. It is this which gives them their greatest capacity to purchase elsewhere. Around this interest all others rally. The natural course of all trade is to buy where you sell; but under existing trade, they do not buy where they make their greatest cash sales, and, consequently, they have double exchanges to encounter.

The merchants of the West have been, for the most part, from the East, with Eastern credits, and have given their purchases that direction, at the expense of the provision producing interest. This artificial system, fostered, as it has been, by the action of this Government, allied with those who hold the credit circulation, has raised embankments, and forced their trade into unnatural channels. It is their cash sales into the staple or exporting States which gives them their highest prosperity. That system which benefits or injures the former, indirectly produces corresponding effects upon them. As cotton rises, all their cash produce rises also. If, instead of selling their stock in one market and buying goods in another, they were to buy and sell in the same region, they would save at least one operation in exchanges. And the result of this would be, that the circulation where they made their sales would not only serve their purposes, but would be actually at a premium. And the only reason why this is not the fact now, is from the indebtedness of their merchants, who trade where the farming interests do not sell. This would be reversed, if it had not been for the artificial aid afforded by Government in its fiscal action, to the banking interests, at the expense of the agricultural. The present nominal rate of domestic exchanges is not the slightest evidence of what ought to exist under a sound and healthy state of trade. The toleration extended by the public to the suspension of specie payments, together with the large debtor interest now in society, gives the banks the complete power of the country, and makes it their interest, in many instances, to depreciate their own bills. Many make out of exchanges their chief profits. Exchange now is only the difference in paper circulation at different points. If those who raise the produce would only act in concert, they could command and control proper exchanges. There is no part of the world, the course of whose trade is more unnatural than the West at present. It had its consummation in their suicidal alliance with the protective and tariff interests of the country, and has never yet righted itself. Things will now change, and they will find it eminently their interest hereafter, as it has been with all other sections, to purchase where they make their largest cash sales.

Those schemes of internal improvement, by

which we are now proposing to connect the exporting region directly with the provision producing country, are founded upon a natural reciprocity of interest. It is the natural trade between the two regions which is to support them. While they are now struggling for existence, as it were, let not gentlemen give this Government such a direction as again to fall into the hands of that artificial class, who, from their connection with its bounty and power heretofore, have been enabled to monopolize the nett profits of trade, and give it such direction as their interest might dictate. If they do, it will be fatal to the investments of capital which have been made with us, under the calculation that we were to have a fair and impartial opportunity to control that portion of trade which God and nature proclaim to be ours. I desire no aid or favor from this Government. Only do that which is equal and just to all.

In maintaining the position I do on this bill, I consider myself as maintaining one branch of that great free trade system with which it has been the pride and the glory of my State to be identified.

Mr. Chairman; all that I ask is, that the Government will collect its revenues and make its regular disbursements in gold and silver, and thus preserve for all parts a stable and fixed standard of value, and leave every section, as it ought in justice to be left, to rely upon its products for the prosperity of all. Under such a system we could at least have a free and a contented people. This would undoubtedly have considerable check and control over the tendency to excess, which naturally exists in an exclusive *credit circulation*. But, sir, it is contended that this exaction would produce ruin throughout the land; that its effects would be to destroy the whole banking system in any form. And it is perfectly astonishing to me, that the imagination of any man could be so worked upon as to produce such impressions. The bill proposes that the exaction of gold and silver in payment of public dues shall be very gradual; only one-sixth of the whole revenue the first year, and in the same ratio for six years. Then, suppose the revenue to equal $24,000,000, the amount of specie required will be four millions only the first year, and eight millions the next year, &c. It must always be remembered that, in these operations, the disbursements will take place nearly as rapidly as the collections. The revenue may at least be divided into quarterly receipts and quarterly payments. This would be at twenty-four millions annually, $6,000,000 quarterly. Thus we would require the first year but one million in specie per quarter, which would, in all probability, be disbursed by the end of the quarter, or nearly so; for, in such a state of things, all interests in society would be against any idle surplus, and a reduction would immediately take place, and correspond with what was absolutely necessary. Collect in bank circulation, and the reverse of this will be the case; for any idle surplus collected by Government would be equivalent to hoarding that much of their circulation beyond business demands, and consequently, increasing their profits. Collection in coin throws the banking interest, together with the tax-paying interest, against high revenues; while collection in paper circulation throws the bank interest in favor of high revenues and its attendant consequences. Receive in bank paper, and the more that is hoarded in surpluses the greater the profits. Suppose the revenue to average $24,000,000, annually, and all finally collected in gold and silver, what then would be the operation? Let it be remembered, that this would not take place for nearly seven years, under the bill; and by that time things will have become settled, so that those banks that are sound would feel no dread from its operation. Let it not be supposed that this amount would all be required at one time. On the contrary, all know how many debts may be paid by the circulation of a single hundred dollars. When the hundred dollars have performed their circle through the creditor and debtor interests of society, it is not unreasonable to calculate that they have cancelled debts at least to the amount of one thousand dollars. So it would be in the collection and disbursement of twenty-four millions by Government. One-fourth would be a very large estimate to perform this operation; and this would be $6,000,000. At most, the Government could do no more than accumulate a sum equal to the permanent public funds usually on hand, and not actually disbursed; and this would scarcely ever exceed, at the highest estimate, $8,000,000, except in extraordinary cases of high surpluses, which, from what I have said, never would be permitted to occur permanently, because all interests in society would be against it, and none can be conceived of that would be for it. Now let us examine the effect of even $8,000,000 in specie upon the banking operations of the country. Mr. Gallatin, in 1834, together with an able committee, calculated the payments in the banks of the city of New York alone to amount to $5,000,000 per day, or near sixteen hundred millions of dollars a year. He then estimated the annual collection of revenue in that city at $15,000,000, and the action of Government could not extend beyond its receipt and disbursement, or $30,000,000, annually, which would be *less than one-fiftieth part of the whole.*

Suppose, upon this basis of Mr. Gallatin, you calculate the annual payments in Philadelphia at $1,000,000,000, New Orleans at $600,000,000, and the same for Boston and Baltimore, and $300,000,000 for Charleston, and so on through other cities of the Union, and what, then, would be the proportion that $8,000,000, or even $20,000,000, would bear to those transactions? Sir, it would literally be as "a drop in the bucket, and dust in the balance." This clamor which has been raised, that the collection of specie in public dues would ruin banks that were on a *sound basis*, is the shallowest pretext that ever was manufactured to impose upon a credulous and deluded country. But, sir, I do not choose to rest this point upon any thing that I may say alone. I will make some quotations, which will be good authority, at least, with those who seem to follow leaders that draw upon "imagination for facts," and rely upon vapid declamation for argument. First: in the report to which I have referred, Mr. Gallatin says:

"The impossibility of attaining the object, (a metallic currency,) through the action of the revenue alone, is palpable, and results from the immense disproportion between the mass of payments for the ordinary and current business of the country, and those which are affected by the General Government. It has already been stated that the daily payments in the banks of this city, (New York,) amounted to near five millions on the 1st of October, (1833,) and exceeded four millions on the 1st of February last. This includes neither the payments made in each bank in its own notes, or in checks drawn upon it, nor any portion of the retail business of the city, or of any of the other payments made without the immediate agency of the banks. The daily payments in this city alone, amount to at least five millions of dollars a day, or near sixteen hundred millions of dollars a year. The annual revenue collected in New York cannot now exceed fifteen millions of dollars, and the action of Government cannot extend beyond its receipts and its disbursements; that is to say, to more than thirty millions, or less than one-fiftieth part of the whole. All that Government could do would be to accumulate an amount of specie equal to the permanent public deposites. It might, at most, establish a separate metallic currency for Government, by compelling importers and purchasers of public lands to pay in specie, and by paying its creditors in the same currency. But this metallic currency would be used for that, and for no other purpose. It could have no control over the general currency of the country, nor prevent its depreciation, or a general suspension of specie payments. It might only enable Government, if such a catastrophe should ensue, to preserve, through the general confusion, the public faith towards the creditors of the public. We must aim only at what is practicable; and the only rational plan, for the present, must be, without excluding the paper currency, to restrict it within proper limits."*

He further says, in the same report, page 28:

"But, without discussing the constitutional question, it is impossible to suppose that the Government of the United States is so constituted that it cannot perform its most legitimate functions through its own officers and agents: that even for collecting its own revenue, it is compelled to resort to State institutions. Why not at once recur to the Treasurers of the several States, and make them Sub-Treasurers of the United States!"

So much for Mr. Gallatin as authority. I think he under-estimates the effects that would be produced by the collection of specie upon a vitiated state of the paper currency, (not that I believe he would entirely reform it,) but he is true as to the harmlessness of its effects upon banks that do business upon a sound basis.

I will quote the authority of another very distinguished gentleman, to show that he did not consider the collection of Government dues in gold and silver as disastrous upon credit or banks. All remember the state of things in 1816, when the country had just come out of a war, and felt all the dreadful effects of a depreciated and excessive paper currency. In reference to these points, this distinguished gentleman, on the 28th February, 1816, said in this House: "The establishment of a National Bank *not being, in his opinion, the proper remedy*, he proceeded to examine what was." "The banks, he said, were making extravagant profits out of the present state of things, which ought to be curtailed." After illustrating this point, he says: "With a receipt of *forty millions a year*, if the Government was faithful to itself and to the *interests of the people*, they could control the evil; it was their duty to make the effort. They should have made it long ago, and they ought now to make it. The evil grows every day worse by indulgence. If Congress did not now make a stand, and stop the current whilst they might, would they, when the current grew stronger and stronger hereafter, do it? As to the evil of the present state of things, he admitted it in its fullest extent. If he was not mistaken, there were some millions in the Treasury of paper, which were nearly worthless, and now wholly useless to the Government, by which an actual loss of considerable amount must certainly be sustained by the Treasury. This was an evil which, he said, ought to be met at once, because it would grow greater by indulgence. In the end, the taxes must *be paid in the legal money of the country, and the sooner that was brought about the better.* Such was the operation of the present state of the circulating medium, he proceeded to show, that the duties laid by the United States were at a rate of ten per cent. higher in Boston than in Baltimore, and in Baltimore higher than in Washington, &c. If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it was, that nothing *should be received in payment of duties to the Government but specie;* and yet no regard was paid to the imperative injunctions of the law in this respect. The *whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government in the legal currency of the country.*" This, sir, was the language, and these the opinions of Daniel Webster, than whom there could be no higher authority with some gentlemen in this country. We see no woful prediction of destruction to banks or credit at that time, by the exaction of "specie" in public dues, even though it should amount to "forty millions of dollars a year." I will quote but one more authority, and then I em done with this point for the present. Another gentleman, on the 27th February, 1816, in the same debate, used this language:

"With regard to the present time, he said, he should be glad to know why the Treasury of the United States had *not now the command of specie payments* and the rate of exchange in its own hands? How much better, if the Government had this power, as he *believed they had*, that they should exercise it *to compel* the resumption of specie payments."

This was the opinion of the experienced gentleman [Mr. SERGEANT] who now so ably represents a portion of Philadelphia upon this floor.

Mr. Chairman, I have quoted these authorities with no other view than to show that if I am mistaken in supposing the collection of gold and silver in public dues can produce no injury, but, on the contrary, the most wholesome effect upon all interests in society, then I err with those who are capable of forming the clearest judgments, and let us not be too rash in denouncing that which very sensible men have heretofore advocated. I shall not quote the sentiments delivered by John Randolph, who, in my opinion, spoke more like a prophet upon these subjects than any man of his day. He, perhaps, might not be considered good authority. No, sir! the clamor raised against the collection of public dues in specie, savors full as much of demagogueism as of sound patriotism. It can do no injury to banks who desire, in reality, to have sound paper, and to do business upon a proper commercial basis.

It is undoubtedly the duty of the Federal Government to furnish a safe standard of value which nothing can vary. This is made a duty under the power given "to coin money, regulate the value thereof, and of foreign coin;" and by the Constitution declaring that no State shall "coin money, emit bills of credit, or make any thing but gold and silver coin a tender in payment

* Gallatin's Union Committee Report, 1834, page 25 and 26.

of debts."* This preservation of a fixed standard of value is essential to the protection of property. The Government can, at least, through its collections and disbursements, furnish one sound and healthful artery, whose pulsation shall send forth a pure circulation into all those veins that run from the great points of our system. The great error has been in taking it for granted that paper credit represented coin, from the fact that it was esteemed convertible, when, in reality, it never was convertible. No bank that has all the attributes of deposite, discount, and circulation, can have paper representing, in fact, coin. The truth is, that it can only have a credit circulation, which is vastly beneficial to commercial operations, when confined to a sound basis; but it is not money, nor can it, in justice, be a measure of value for every man's property. No, sir! a specie standard is the law of this country at home, as it is the law of the world abroad. And it is an eternal truth, that nothing but the precious metals, or circulation resting upon them, gilder for gilder, and dollar for dollar, can be *made money*, in fact, in any nation or in any age. All the powers of despotism have in vain been exerted upon this point, at different periods of the world, and it has produced no other effect but to compel those who held the metals secretly to hoard them, while fraud, perjury, and swindling, have become the legalized characteristics of society. Upon these points, I exultingly triumph in the truth of my position, and defy refutation.

Mr. Chairman, it is poor and contracted declamation to say, that collections in gold and silver would break down the prosperity of the country. As well might you expect the waking lion to be pressed down by the weight of the morning dewdrop hanging upon his mane. Look abroad, and contemplate, for a moment, the vast power of your cotton trade upon commerce; cast your eye upon the thousand sails that annually swell on the bosom of the ocean, freighted with *one million five hundred thousand* bales of the richest produce that the world ever saw; look to the deep valleys of the far west, unfolding the temptations of a virgin soil, upon which a hardy and enterprising people are developing the resources of new empires! Yes, sir, look from the polar regions even down to the tropics, and behold the Missouri and the Mississippi sweeping through the inheritance of freemen; and then, sir, after you have contemplated those mighty prospects, come and talk to me, if you can, of the contemptible idea, that the collection of a few millions in specie, by this Government, is to throw us back into the dark ages! It is miserable *humbugry*, that banks, in their anxiety to monopolize all gain, should exclaim that we war upon credit, and are to break down the prosperity of this mighty people, walking erect in all the energy of manhood, and with giant strides, to the empire of the world, under the quickening influences of free and glorious institutions!

Gentlemen sleep under a delusion; they are where the world was twenty years ago. Steam-power has revolutionized all inland navigation, and now the resources of the country, with its cotton trade, will revolutionize commerce. The day is past when bank circulation is again to be considered as cash or currency, to form a permanent system. It is to have value in proportion to the credit and capacity of the institution issuing it, and no more, and will facilitate large commercial transactions. As far as we are concerned, in our foreign trade, cotton is to supply, to a great extent, the place of coins in transmissions, and is to regulate exchanges. The tide is changing, and those who repose under the fatal idea that banks are to regulate the helm, as heretofore, and that the same breeze is to swell the sails, will find themselves wrecked amid breakers, and bleaching under the unrelenting winds of heaven. On these subjects, there is a deep current of thought in the world, and the spirit of reform is abroad. Let not gentlemen move further in their bold career under an idea that the banking interest is to rule this country. I warn them to pause before they bring down destruction from an outraged and indignant people. The responsibility will rest upon them. As to our trade abroad, cotton is to be the great regulator. The bank or banks that ally themselves with that interest, upon a proper commercial basis, will have the means to meet credits in Europe, and will be relieved from all transmissions in coin.

There is no position so dangerous to the banks themselves as to reunite them in any transactions with this Government. It would be the pregnant cause and the pretext for conflict and party warfare, in which the property and the business of the peaceful and the honest would be placed at the mercy of the profligate and the ambitious. All who desire to preserve the usefulness of those institutions which rest upon a sound basis, should dread the fatal embrace of the Government, which will either prove too strong for them, or will make a combination too strong for liberty.

Mr. Chairman, it is interesting to trace out the progress and power of banking operations, not only over the currency, but over the politics of the world. I shall not trespass upon the patience of the committee on this point, except by referring briefly to some prominent events. We can draw from them some important lessons. Even going back but a short time, we see that, in 1792, Clavier, with those who had control of the finances in France, through agents in England, by means of cashing drafts, produced an operation upon the Bank of England, which spread alarm and bankruptcy throughout the nation, and compelled the Government to create five millions sterling of Exchequer bills in aid of the bank and commercial men. This would have been carried much further at that time, but for want of unity in the French councils. Again, in 1796, the advances made for allies and armies upon the continent, and particularly the imperial loan of that time, produced confusion in the English currency, and brought down ruin and desolation to every class in society. Impending invasion and destruction seemed to threaten a total overthrow. The derangement of her currency paralyzed the strength of the nation. The bank could no longer perform its functions. The nation could not bear, at that time, the taxes requisite for defence. The ministry were forced to resort to a method of debasing the coins, and violating the sacredness of contracts, by legalizing an irredeemable paper currency. The bank stopped specie payments on the 26th February, 1797; and Parliament, in its omnipotence, sanctioned the act. The act of 1797 professed to sustain the suspension only "for a limited time." The second section exempted the bank from paying any of its notes, although "issued as payable on demand or otherwise," and provided the mode in which it might apply to the court to stay proceedings against it. This act expressly violated existing contracts, and upon the plea of State necessity; that plea under which profligacy and despotism have claimed a sanction in every age and in every country. This was the first act of the British ministry which, in effect, debased the coins by legalizing an irredeemable paper currency; and this is nothing more nor less than the modern substitute for debasing and clipping them, that ancient prerogative of despotism. This act of continuing the suspension was repeated, from time to time, for twenty-two years. That which at first professed to be "for a limited time," lasted about twenty-five years; and from 1806 to 1823, seventeen years of the suspension, the bank made an average dividend of ten per cent. a year. It has been under the operation of this legislation that the seat of power in England has entirely changed in modern times. Formerly, the aristocracy held four-fifths of the property of the nation, but now they hold only one-sixth. The Government threw itself into the power of those they could not control, and gave ascendancy to capitalists in stocks. It has changed the aristocracy from one of landed interests and hereditary to one of bankers and money. The lords are now numerous, but poor. They were formerly, from their independent wealth, checks upon the Crown—not so now. The wealth of the kingdom has changed, and the real power is in the Commons, representing, as they do, capitalists in manufactures, commerce, and stocks; which will inevitably end, in the progress of events, in an unchecked Crown. The result of all these great movements upon the distribution of wealth was, that, in 1833, Parliament renewed the charter of the Bank of England, and passed this remarkable section: "*And be it further enacted*, That from and after the 1st day of August, 1834, a tender of a note or notes of the Governor and Company of the Bank of England, expressed to be payable to bearer on demand, *shall be a legal tender*, to the amount expressed in such note or notes, and shall be taken to be valid as a tender to such amount for all sums above *five pounds*, in *all courts and in all places* in which any tender of money may be legally made: *Provided, always*, That no such note or notes shall be deemed a legal tender of payment by the Governor and Company of the Bank of England." Thus it will be seen, by this clause, that the unlimited power of the British Government has made the notes of the Bank of England a legal tender from all persons and all classes, except from the Bank itself. This great principle is destined to consummate that revolution which has taken place in England in the distribution of wealth; whilst, also, it makes the Bank, in fact, a separate estate in political power. It discards the necessary use of gold and silver, to a great extent, and practically substitutes paper as legal currency. The result must be to throw out gold and silver from England, particularly the former, as it is now worth more, in this country, when compared with silver. While she thus discards gold, let us take it; while she takes the less stable currency, let us take the sound; and it will give our capital and industry a permanent ascendancy in the next shock that occurs. If we intend, in our future policy, to run a career with Great Britain, upon the basis which she has established, we must first make our Government as strong as hers, and unite its destiny and power with the paper circulation of the country, or every commercial convulsion must accrue to her benefit. Without this, our system will be too weak to stand the shock. In England, they have a consolidated interest, and the omnipotence of Parliament allows them to delegate, to a separate institution, control over whatever they choose to constitute as currency. Here the reverse is the fact, and every separate sovereignty furnishes circulation; and in the competition there can be no systematic action, but through the simple preservation of the constitutional currency, by the fiscal action of this Government, or the creation of a superintending regulator, to which must be delegated the power of substituting paper for gold and silver. This power reaches the very vitals of all society, for it practically changes the standard of value, and is the highest attribute of sovereignty. The fact is, the power to issue and regulate paper currency, if it is to be made money, ought to be as strictly confined to the control of sovereignty as to stamp coin and fix its value. In England, where they have an annual revenue of $250,000,000, indirectly levied from every quarter of the world, and disbursed, for the most part, upon a small territory with an identity of interests, the Government may need a bank as a fiscal agent. Their interest is for high revenue and extravagant disbursements. It is the reverse with us. With our extended territory and diversity of interests, if you attempt to follow England, you may have a splendid Government, and magnificent wealth concentrated on certain points; but you will have dependent provinces and a corrupt and enslaved people. Instead of the aristocracy of the old world, we will have in its place the practical power of corporations concentrating wealth, and giving that energy to a central Government which Hamilton so much desired. We might have more apparent wealth and gigantic enterprises, but we would pay dear for them. Without this we may be poorer, but we will be freer and happier. The organization of banks, with their credits, fostered and centralized by their connection, through the receipts and disbursements, with this Government, tends to consolidate the Confederacy, and to place us all under the subjugation of those who hold a certain species of capital, without reference to the various interests of the country.

Ordinarily, Government is too strong for liberty, but allied with this tremendous interest it must become despotic. Separate them, and the tendency is for them to check and balance each other. The

*Article 1, section 10, Constitution.

real danger at this juncture is more from the power and combination of banks and their influence than from the Government. We are, in some points of view, just at that crisis that the people of Great Britain were in 1797, when Parliament legalized an irredeemable paper circulation; and deeply as that affected the change of power and the distribution of wealth there, yet still more deeply will our institutions be affected if this Government does any thing, as a permanent system, towards receiving any treating the credit circulation of the local authorities as money, and making it the measure of value.

Mr. Chairman, independent of the peculiar operation of the vitiated system of modern credit and banking upon our internal and domestic relations as a people, it presents itself to us in an interesting point of view as a nation connected with other nations. The great markets for our exports, particularly cotton and tobacco, are England and France, from whence, through the process of manufacturing, they are reshipped to all parts of the world. We want an expanded currency there, with a contracted safe one here; because we wish to sell high and buy cheap, or convert our sales into available funds. They must come down to our prices, or lose our market. With inflated credit and currency in England, and limited and safe here, English manufactures could never reach our market; unless they came down to our prices under a sound currency. There can be no greater protection to our industry and capital than this; and it forces the English manufacturers to our price, or under our sales of cotton there, enables us to convert their currency into available funds, and thus gives us the control of trade. The struggle is, whether we shall control through our exports of raw material, or whether they shall control through banks and credit. If we contract within safe bounds, and rely upon the former, whenever a shock takes place in the commercial world, it will be felt in England, and accrue to our benefit in the final adjustment. But the reverse will be the fact if we enter into a career with Great Britain for ascendancy over the currency and credit transactions of the world She holds the banking and credit power of the commercial world. All commercial points are debtors to Great Britain. She expands her currency and enlarges her credit. The consequence is, that all other points in commercial connection with her feel the stimulus and the impulse. They are induced to enlarge, too, and receive extension from the bank and bankers of London. And when all points become largely indebted, under high prices from expanded credits, she then contracts, and through the Bank of England, connected as it is with the power and credit of Government, enlarges the *proportion of bullion*, and limits paper issues. And what is the consequence? She calls in her debts and compels payment in gold and silver or available funds. A shock takes place—credit contracts itself—prices fall—and the great seat of bullion and the banking power becomes then mistress over the property of the commercial world. She puts up every thing to the highest prices, and then purchases at the lowest. Look at recent facts. In the single year of 1836, there were, including branches, two hundred joint stock banks created in England. This swelled the expansion of credits and circulation. On March 7th, 1837, the Bank of England commenced reducing her loans, and by December the 14th, 1837, had actually reduced them in those few months, £7,852,000, or nearly $40,000,000. She increased her bullion in the same time, £4,124,000, or near $20,000,000. This specie of course was hoarded, and reduced the general circulation, which, together with the credit circulation of $40,000,000, made a contraction of near $60,000,000 in nine months. We all remember the disasters which have occurred with us since 12th May, 1837, up to the present time. The Bank of England commenced her contractions on the 7th March, 1837, and we felt the electric shock in May following, and a few months, as the contraction grew closer and closer, we were thrown into convulsions. And so it will ever be, as long as we are urged on in the heedless and mad career which we have heretofore followed. The truth is, this whole system of expanding and stimulated modern credits connected with Government, does nothing more nor less than reduce us again to a state of colonial vassalage to Great Britain. To meet the shocks and the periodical reverses which she has the power to create, we are compelled to three alternatives; either to yield up our gold and silver—or sacrifice our exports for her benefit—or to issue bonds and stocks running upon time at high interest. This last is but an extension of the catastrophe which awaits with more astounding effects. It may now be said that the banks and bankers of England hold the strings of power over the two countries—they even hold the question of peace or war in their hands. And the Government of neither country could this day make war or peace without their consent, and without their interest. Well may crowned heads attempt to *purify the blood* of bankers, as they have done in modern times, by conferring upon them the empty title of baron, before whose presence courtiers shall bow, and even the diadem of royalty itself shall glitter.

Mr. Chairman, I love the wealth and apparent prosperity of my country; but I love, still more, her independence. Give us poverty and an humble destiny, if you will, rather than to have our people wear the badges of vassals, with all the gorgeous *livery* of bondsmen. I envy nothing European but their glorious literature. Rude as many suppose us to be, still I love the hills and the valleys of my own country, because it was the home and the country of those who once flashed on high the sword of freedom in the war of our Revolution. *Independence forever to my country*, is the first and dearest sentiment of my heart.

The writers in Great Britain, with some very honorable exceptions, on these subjects connected with currency and credit, write, for the most part, for the interest and power of Great Britain. I do not blame them, but they are of little authority with me. What is for her interest under an expanded currency and an enlarged system of credits, is precisely the reverse for the United States, unless we should in turn become the great reservoir of commerce, and the banking creditor of the world. A stable and safe currency, and sound limited credit system with us, limits the power of Great Britain. An enlarged and expanded system, stimulated by her, gives her the purse strings in all convulsions. France has perceived this, and wisely abstained from joining in her proud career of fortune and of ambition. If *she* had fallen into that system at the conclusion of peace, twenty-five years ago, the title of being "King of Great Britain and France," which has been handed down as a proud inheritance to the English crown, would not at this day be a vain and empty sound, but would be felt as something substantial in all its sad and degrading realities.

Mr. Chairman, in the whole operation of this system which I have been discussing, we of the weaker portions of this confederacy hold the same relation to the gigantic stock interest of the North that the whole country bears towards Great Britain. While the confederacy would become commercial colonies in fact, we of the South would be tributary provinces to those who would hold in their hands the destiny of credits and banks, fostered by Government, with all its disbursements. Let those whose investments are in land and labor beware! Their fate depends upon this controversy!

Allow me to say that there are no subjects in the whole range of politics calculated to produce a deeper impression upon our future destiny, as a people, than the very questions upon which we are now called to decide. Let gentlemen who represent the weaker portions of this Union remember that the result of all modern improvement and organization is to consolidate all society into one living mass, where local interests and local feelings are to be absorbed for the benefit of one mighty whole. The tendency of civilization in modern times is to *aggregation*, where the stronger classes subjugate the weaker. Formerly, the same result was produced by physical force and the conqueror's sword. Not so now. Through combinations and corporations, whole *interests* and *classes* are brought to act with the *system* and *energy* of a *single head clothed* with *power*. Under these circumstances, when I think of the future, and turn my eyes to the land of my forefathers, I confess that I feel my *heart filled* with the *foreboding* emotions that rush upon it. Let those whose homes and whose children are there, and there forever, hesitate, long hesitate, before they do any thing, directly or indirectly, to strengthen the hands of *others*, who may be *forced by an irresistible destiny to sweep our peculiar institutions from* the face of the earth; and if any of us should survive the shock, it will only be to drag out a miserable existence of *degraded impotency*. But I forbear to pursue this painful subject.

It is unpleasant to be arrayed, as I am, against the supposed interest of any class or any party, and to encounter their fierce hostility. But viewing things as I do, he who falters is false to his duty. Those who suppose that I have taken my course from any partisan feelings, little understand the emotions of my heart. I would not turn on my heel for all the party triumphs of the day. I took my position without consulting any politician living; and there are those around me who know that I took it immediately after the suspension of specie payments. I should never have deviated from it, if I had stood alone; and, under existing circumstances, I am resolved to maintain it, be the consequences what they may. Thank God! I ask no favors of any man, or set of men living, save my own constituents. I scorn and defy power, whether it comes from this Government or from the banks. All I ask is a fair hearing; and if the cause I advocate is to be vanquished, let it be done by the power of truth, rather than by party drill; for remember, upon this great subject, the triumph of error may prove fatal to the best interests of our common country.

In *all free communities, it is upon the fiscal action* of Government that great parties divide. There may be divisions under individual leaders for personal objects; but, from the nature of things, all such must have a temporary career. There are those who naturally love a strong Government, and those who fear it. They will stand on different sides. Jefferson and Hamilton, the two master minds of their day, separated in 1790 *on fiscal questions*, and the consolidating action of this Government; and such, in my opinion, will *again* be the division of *parties* at this *momentous juncture in our affairs*.

I return my thanks to the committee for their kind attention, and beg pardon for having trespassed so much longer upon their time than I had intended.

INCREASE OF THE ARMY.

SPEECH OF MR. BRONSON, OF NEW YORK.

In House of Representatives, June 27, 1838—The House being in Committee of the Whole on the state of the Union, on the bill providing for an increase of the army of the United States,

Mr. BRONSON addressed the committee as follows:

Mr. CHAIRMAN: the increase of our standing army at any time, and under any circumstances, is a measure that should receive the mort deliberate reflection and anxious consideration. No hastily formed opinions or slight reasons should be relied upon for a step of this kind, and the necessity, as well as sound policy of such a measure, should be quite apparent, in order to justify a vote in its favor. I have endeavored to bring to the consideration of this subject, the most dispationate and patient investigation. I have reflected much upon it, and being satisfied, both of the necessity and policy of this increase, and that it is a measure loudly demanded by every consideration of prudence and policy, I shall give it my support.

I am satisfied that the present force of our army is entirely inadequate for the protection of our extended frontier; that it is too small to render that efficient service to the country which is expected from the army, and most particularly inadequate for the present emergencies.

We are told by the chairman of the Military

Committee, that the present military force as authorized by law, is 7,958, including all the staff departments, and every person in any way attached to the military establishment. The bill which has passed the Senate, and which we now have under consideration, would give an increase of 6,692; making the total 14,650. This, perhaps, would not be too much, according to the estimates of the best authorities; but the amendments proposed to the Senate bill by the committee of this House, reduce the number proposed by the Senate bill to be added to 3,689, which added to the present number of the army, would give a total of 11,647; but I am informed by the chairman of the Military Committee this morning, that that committee have come to the conclusion to recommend an additional regiment, and that an amendment will be offered by him from the Military Committee to that effect, so that if this House shall adopt the amendments proposed by their Military Committee, the result will be as follows:

Present force of the army - - - -	7,958
Additions proposed by Military Committee,	3,689
One new regiment—80 privates to a company, (say) - - - - - - -	940
Total	12,587

Making in all a force of 12,587; and although this amendment does not give as large a force as the Senate bill, yet for the reasons which I will hereafter give, and which are principally founded on the belief that the amendments as proposed by the House committee provide for a better arrangement and organization of this force, and that the lesser number may be rendered more efficient than the larger number proposed by the Senate bill, I prefer the amendments of our committee, although I am not prepared to say that the increase as proposed by the Senate bill, is too large. But, sir, in order to estimate the importance of an increase, and to determine with such accuracy as we may the extent of that increase, it is necessary that we go into an examination of the state of our frontiers, that we look at the condition of the Union, and see whether any and what causes exist, which render this measure necessary. On this point, I beg leave to call the attention of this committee first to the condition of the Western frontier; and when I speak of that frontier, I mean to include only the western frontier proper—beginning at the mouth of the Sabine, and extending along the west bounds of Arkansas and Missouri, and from thence to Fort Snelling on the upper Mississippi, near the falls of St. Anthony. Along the whole line of this frontier the savage tribes of the West are congregated, and not only those who originally inhabited those regions, but also the various tribes which have been removed west of the Mississippi. The removal of the tribes from the east side of the Mississippi, to the west, has been gradually going on year after year, until there are now but few left on this side of that river, excepting the Cherokees, whose removal is now in progress, and a few in Wisconsin, with a remnant of the Seminoles in Florida. The estimated number of Indian warriors now west of the Mississippi, is upwards of 50,000; and when the removals now in progress shall have been completed, there will be, according to the estimates of the head of the Indian department, about 66,000 warriors among all the Indians west of that river; many of them, too, of the most fierce and warlike tribes that ever existed in North America. This, sir, is a most portentous congregation of savage force on our Western frontier; a force which, under any circumstances, would make it the duty of this Government to afford a strong and powerful protection to our border settlers, by means of regular troops. But when we bear in mind the causes of disaffection which exist among these tribes, particularly those who have been removed from this side of the Mississippi, we cannot shut our eyes to the fact that the danger of a speedy and most bloody Indian war, on that frontier, is imminent in the extreme. Some of the Indians who have been removed, have gone peaceably, and with kindly feelings towards our Government, but with most of them such is not the case: they are brooding over their supposed or real wrongs and injuries; they have been *forced* across the Mississippi against their will, although in pursuance of treaties entered into by them. I say against their will, because, in most instances, when the time has arrived for them to depart, under these treaties, they have not been ready to go. But the circumstances attending the removal of these tribes I will not advert to, further than to say that their worst passions and prejudices have been aroused, and that the inherent, and almost instinctive, hatred of the white man, which they possess, is increased; and they go to their new homes goaded almost to desperation by their fancied wrongs, and with their feelings of enmity and wrongs whetted and sharpened to a degree that forbids all idea of peace on their part. Sir, there is, at this moment, no sign of peace on that frontier; on the contrary, the indications are of war—of murderous, savage border war. Scarcely a mail or a messenger arrives from that region by which these indications are not confirmed. Hardly a breeze blows from that quarter that does not bear on its wings the rumors of a savage war. In truth, sir, if we are to credit the reports, the war is already declared; the tomahawk is dug up; the scalping knife is whetted; and the war-whoop is sounded. The chiefs and warriors of some of the tribes on the Arkansaw frontier, it is said, have already given notice to the officers of our army there that they intend to go to war with us. They make no concealment of their designs. The question that they will fight is settled; and it only remains to be determined by them when they shall commence; and this point, they say, is to be determined when they assemble for their green-corn dance in July. Sir, every consideration of mercy and duty call loudly for the immediate and prompt display of more military force on that frontier.

And how is it with the Atlantic coast? From the northeast corner of Maine to the mouth of the Sabine, or at least to Florida, there are no troops, or comparatively none. Every fort and every military post on the whole Atlantic coast has been stripped to carry on the war in Florida, and to garrison the Western posts. There are hardly men enough at any post on the whole coast to fire a salute. Many of the posts are entirely abandoned, and fortifications and other public works are going rapidly to decay for the want of sufficient men to keep them in repair. Millions have been expended to construct these fortifications, and unless men are provided to take care of them, dilapidation and decay will render them wholly useless. But, sir, I do not intend to dwell upon this topic. The impolicy of leaving our Atlantic coast in such a defenceless and unprotected state must be apparent; and as my colleague [Mr. KEMBLE] has already dwelt largely upon this point, I shall leave it by merely calling the attention of this committee to the language of the Secretary of War, in his report, on the 5th March, 1838; wherein he says, that "there is not a fortress on our long line of sea defences capable of resisting an armed brig;" that "the works are unfinished, unarmed, and not even men enough to preserve them from dilapidation, or protect them from plunder."

And then, sir, let us turn our attention to the Maine border. Is there no necessity for troops there? The exciting and hitherto unsettled question in relation to the boundary line between Maine and the British provinces would seem to require some force on that frontier. Great Britain has already 5,000 troops along that line, or in the adjoining province. The question of the boundary is still not only unsettled, but daily becoming more troublesome, and the feelings of the inhabitants on both sides of the line becoming more excited. I would refer to the gentlemen from Maine on this floor, and ask them whether they are willing that that frontier should be left in its present unprotected state; whether they see no necessity of troops upon that frontier.

Next, Mr. Chairman, I propose to call your attention to the Northern and Northwestern frontier—to the line separating the Union from Canada, extending from the foot of Lake Superior down through the Lakes and river St. Lawrence, and from thence easterly to the west line of the State of Maine. Along this whole frontier, comprising an extent of nearly two thousand miles, the whole military force had been withdrawn previous to the opening of the present year, with the exception, perhaps, of a very few troops at some of the posts above Detroit. I admit, sir, that the profound state of peace and quiet which reigned along that whole border until within the last few months, might and did justify the withdrawal of the military forces from that line when their services were so imperiously required in Florida and elsewhere. They were withdrawn; and the fortifications, cantonments, and military establishments, along that border, exhibit the inevitable and speedy result of such a state of things. Dilapidation and decay, and, in some instances, almost the utter ruin and destruction of such works, has been the consequence. In the mean time, the British Government has been busily engaged in rebuilding and repairing *their* military posts on the Canada side, and, although in a state of profound peace, keeping up a very considerable military force. But this has been a subject of no particular alarm to our citizens on that border. Conscious of their own strength, as well as of the rectitude of their conduct towards their Canadian neighbors—hardy and brave, and prompt to repel aggression—they have entertained no fears, nor do they now entertain any doubts, of their ability to protect themselves against any *open* hostilities from any quarter. Moreover, the business and social relations between the citizens on the different sides of the line were of the most friendly character; their intercourse easy and frequent, almost constant; so much so, that a rupture of these friendly relations was hardly imagined, much less expected. But a sudden change has been wrought. The torch of civil war has been lighted in the Canadas, along the whole of this frontier, and strong efforts have been made to involve our own citizens, and, through them, our country, in these civil disturbances of a neighboring and friendly power. The proximity of our territory to the Canadas, and the easy and frequent intercourse thereby afforded, and the facility with which those disaffected to the present Government in the Canadas can communicate with our citizens, has aided to produce a degree of sympathy, on the part of some of our people, towards the Canadian patriots, not by any means favorable to a strict observance of neutrality. Vast numbers of the Canadian refugees, who have been driven out of Canada during the past winter, are scattered along the frontier, as it is believed, busily engaged in enlisting the sympathies of our own citizens, and exciting them to espouse their cause, and appealing (perhaps, in some instances, not in vain,) to our citizens to redress those flagrant outrages which were committed at Schlosser, and others of a similar but less atrocious character. In the mean time, the frontier citizens on both sides have become much excited; offences, retaliatory in their character, have been committed, and an exasperation of feeling prevails imminently dangerous to the peace of the frontier, and seriously threatening our neutral relations.

Under these circumstances, the presence of United States troops on that frontier is deemed to be indispensably necessary. The military posts should be garrisoned, and effectual measures taken, not only for the due protection of the frontier and our own citizens, but also to maintain our neutrality, enforce our treaty stipulations, and to prevent those disturbances which are likely to occur in the present posture of affairs.

With this view, or to these ends, the inhabitants from that region have called loudly for a regular military force. And I have repeatedly, during the winter, urged the Secretary of War to send troops to that frontier; and so late as the 5th inst. after the affair of the "Robert Peel," and in answer to my renewed request to send troops there, and to an inquiry made by me of the Secretary, whether a regiment could not be withdrawn from the Cherokee country, or Florida, I received an answer, a copy of which I hold in my hand, and from which I beg leave to read the following extract:

Extract of a letter from the SECRETARY OF WAR *to* ISAAC H. BRONSON, *dated June 5th*, 1838.

"To remove any part of the forces from the Cherokee country until we know more of the disposition of those people, and ascertain positively whether they will accept of the liberal offers of Government, and remove peaceably to their new homes in the West, might be attended with the most injurious conse-

quences. Nor can the Department consent to withdraw any part of the army destined to protect the inhabitants of Florida, as it is conceived that such a movement would expose that Territory to the depredations of the savages. The accounts from the Western frontier are of a character to render it very desirable to augment our force there; and it cannot, in my opinion, be diminished, in the slightest degree, without danger to the peace of that country. You will perceive, from this statement, that our little army is actively and usefully employed elsewhere, and cannot be withdrawn from its present stations without serious injury to the public service. I am convinced, however, that it is of the last importance to place a complete force upon the Northern and Eastern frontier. The character of the country, and the obligations of the Government to maintain its treaty stipulations, to protect its own citizens, and to execute the laws, all require the presence of a regular force, under the command of prudent and discreet officers. Having these objects in view, and aware of the exigencies of the service, the Department has recommended, most urgently, an increase of the army, and an additional number of regiments."

I am aware, sir, that it is, or may be be said, that these Canada disturbances are drawing to a close; that there is no danger of any further trouble on that frontier; but gentlemen deceive themselves on this subject, if they so believe. If the revolt in the colonies is entirely suppressed, and all further hostilities cease, still many years must elapse, even under the most favorable auspices, before that state of peace and quiet and neighborly feeling can be restored which existed previous to the recent troubles. But I have yet to learn that the present disaffection and struggle for a change of Government, will be suppressed. I know, sir, that Great Britain has poured in her legions of armed men, and almost filled the Canadas with her chosen cohorts; that some fifteen thousand of her choicest troops, aided by twenty-five thousand local militia, are now under arms in those provinces, and that it is expected that this spirit of freedom (or revolt, if you choose to call it so) will speedily be crushed beneath the strong arm of power. Smothered, for a time, it may be; but, unless I greatly mistake the nature of that spirit, it cannot be crushed and destroyed. The maxim, that "revolutions do not go backward," is not an idle saying. There is truth and history in it. Why should we suppose that this maxim will be falsified in this particular instance? The inhabitants of the upper province particularly, are an intelligent and worthy people, reputed to be brave and persevering, and capable of appreciating and enjoying a free government. They claim to be actuated by a love of liberty, and a desire for free government, and to be struggling against oppression. But, sir, as to the merits of the quarrel, I have nothing to say, because that is not necessary to the argument. It is sufficient for us to know that such a contest was commenced, and is going on, in a neighboring country; and knowing that, we know that the experience of latter times forbids the idea that people engaged in such a cause can be completely conquered or crushed. The march of civil liberty and free government, particularly on this continent, is *not* backward; and in the consideration of the present state and future prospects of that frontier, we should be careful not to deceive ourselves with the supposition that all trouble in Canada is at an end. We must take things as they are; and our policy in relation to the protection and garrisoning that frontier, should not be based upon the supposition that all disturbances there are destined to be of short duration. I have already alluded to the proximity of our citizens on the northern frontiers to their Canadian neighbors, and the facility of intercourse, etc. and the great number of refugees along our line, all conspiring to enlist the sympathies, and arouse the kindly feelings of our citizens on the frontier, in behalf of the patriots; and, sir, it would be strange indeed if such sympathies were not aroused in the breasts of our countrymen. They would be less than freemen, less than Republicans, if they could, without one kindly feeling, see a struggle going on, in which they supposed a question of civil liberty and free government was involved. Sir, if they were entirely indifferent to such a contest, they would lack that Republican spirit and principle which attaches men to free government. How was it in the Southern and Southwestern States, when the Texan revolution was in progress? What feeling was excited in behalf of the Texan patriots, particularly in Tennessee, when that struggle was going on?—a contest, too, which was not on their immediate borders, but which was waged hundreds of miles from them, and whose proximity of territory lent no aid to the sympathetic feeling exhibited. The events of that day evince too plainly what feelings our own citizens individually entertain. When such struggles are going on, and they warn us also to what dangerous and improper interference such feelings may lead them in disregarding the rights of a neutral and friendly power. But while I would warn you of the existence of such sympathy, and while I would hope that the citizens of this Republic may never be so dead and stupid as to have lost all feeling and friendly regard for those who may be struggling for free Government, yet, sir, I should most deeply deplore any, the slightest, interference on their part, either in word or deed, which would be inconsistent with our neutral obligations. On this point I trust that I shall not be misunderstood. Our treaty stipulations and neutral obligations to neighboring and friendly powers, are not only some of the most sacred laws of the land, but the strict observance and enforcement of them are among our highest duties, both nationally and individually; and no considerations of sympathy, or respect for abstract rights or free principles, should for a moment tolerate or excuse a few of our citizens, in the violation of duties so plain, and obligations so imperative; and when it is borne in mind that their violation is not only an act of such manifest wrong to a neighboring friendly nation, but tends so directly to involve our whole country in all the horrors of war, the severity of censure and condemnation can hardly be too strong against those who would thus foolishly and recklessly endanger the peace and happiness of their own countrymen. To possess such feelings of sympathy is one thing; but to express them by improper overt acts of interference is another, for which I would offer no apology or excuse. I am aware that, under the present excited state of feeling on the frontier, a cool, judicious course of conduct may be difficult with some, but I trust and believe that with the great mass of our citizens it will not be found so. I have confidence to believe that a high sense of national and individual justice will actuate them, and that they will be as ready to aid the arm of the General Government in enforcing our neutral obligations, as I know they will be in repelling invasion, or protecting our own honor if necessary.

I have thus sketched briefly the state of our frontiers, but I have not adverted to the northern part of the Territory of Wisconsin, and to the necessity of keeping up some military force in that Territory, particularly at Forts Winnebago and Howard, and at some point on Lake Superior, near Fond du Lac. A large number of Indians still remain in that Territory north of the Wisconsin and Fox rivers, and a force is considered indispensably necessary at those forts, as well as on Lake Superior.

I now propose to show what amount of force is considered necessary for the efficient protection of our extended frontier; what number of troops is supposed to be needful for a peace establishment, and to guard and protect all the various interests of the Republic; and on this point, I must necessarily rely upon the opinions of military men and others, who have bestowed much reflection on these subjects, and who, from their great experience and peculiar position, are supposed to know, or ought to know, best, and to give the most satisfactory opinion; and in going over this ground, I will avoid, as much as possible, the details mentioned by the chairman of the Military Committee, though I must necessarily advert to them, and to some of them particularly where he did not mention some facts in relation to them, which I conceive important.

In the first place, we have the recommendation of the Secretary of War, in the documents annexed to his last annual report, showing what number of troops he deems necessary for a peace establishment in the present state of the country, and amounting, in all, to 14,240, viz:

For the forts on the Atlantic, erected, in course of erection, and repairing	2,300
For works projected	1,565
For Western frontier proper	5,600
In Wisconsin, at Forts Howard and Winnebago, and at Prairie du Chien	1,000
For Canadian frontier, from Hancock barracks, Maine, to Fort Brady, at the Sault St. Mary	900
	11,365
At points requiring protection along the Atlantic coast	2,875
	14,240

In this calculation, however, it will be observed that only 5,600 men are assigned to the Western frontier, (which is a much lower estimate than is made by any other person) and only 900 for the whole Canada frontier, which, at the present time, is altogether too small, though, at the time the report was made on the 5th of December last, it might have been deemed sufficient. The item of 2,875 for other points on the Atlantic, however, I do not deem necessary; so that on the whole, perhaps, the aggregate is sufficiently large.

General Scott's estimate, made on the 19th of November last, as contained in his letter of that date in Doc. No. 199, is as follows:

For the Atlantic coast, including Baton Rouge at the south, and Hancock barracks at the north	7 regiments.
For Fort Brady, Fort Mackinaw, Fort Howard, and Fort Winnebago	1 regiment.
For western frontier	8 regiments.
Making, in all	16 regiments.

Which, estimating 80 privates to a company (as he does) with the usual quantum of officers, would make a force, in all, of about 15,500. But in this estimate, it will be perceived that the Northern or Canada frontier is entirely omitted, with the exception of Fort Brady and Fort Mackinaw; and the letter was written before any of the recent disturbances in the Canadas had taken place. But still General Scott proceeds, in that letter, to give an estimate of a provisional army for that frontier, and remarks, that "taking the peace establishment numbers as before, additional companies will be required as follows, viz:

At Fort Brady	1
At Fort Mackinaw	1
At Fort Gratiot, foot of Lake Huron	2
At Detroit	6
At Fort Niagara	2
At Sackets Harbor and Oswego	8
At Lake Champlain	10
At Maine frontier	10
Making, in all,	40

companies, or about 3,800 troops in the aggregate for that frontier—a number too large, in my opinion; but even reducing it one-half would give an aggregate of 17,400 for the whole army: and in this estimate it will be seen that Gen. Scott assigns 8 regiments, or nearly 8,000 men, to the Western frontier.

I will now advert to opinions of other military men, as to the force necessary for the Western frontier alone.

General Atkinson, under date of 22d August last, (document 276,) says:

For the protection of the Lake country, including Green Bay and Fort Winnebago, I should assign one regiment of infantry (1,000 men)	1,000
For posts on the Upper Mississippi, one regiment of infantry and two troops of dragoons	1,200
For posts on the Missouri river, and intermediate posts on the Osage or Neosho river, one regiment of infantry and eight troops of dragoons	1,800
For Arkansas and Red river frontier, one regiment of infantry and six troops of dragoons	1,600
For posts on the Red river and Sabine river, two regiments of infantry and four troops of dragoons	2,400
Making	8,000

This would give, for the Western frontier proper, about 7,000.

In the document last alluded to, (No. 276,) Mr. Dougherty, the Indian agent at Fort Leavenworth, expresses his opinion that 6,000 troops are necessary for the defence of the Western frontier proper.

Col. Kearney, of the dragoons, in the same document, under date of June 20, 1837, estimates

the necessary force for the protection of the Western frontier at 4 regiments of infantry and three of dragoons, or about 7,000 men; but in this I do not understand him to include the posts on the Upper Mississippi.

General Gaines says, under date of August 17, 1837, (vide same document:)

"I am decidedly of opinion that, *in addition* to the posts and garrisons already placed on the frontier between the mouth of the Sabine and Missouri rivers, inclusively, there should be held ready for action a dispesable force of six thousand men."

The amount of force already there at that date I am not able to state, but I conclude it could not have been short of two or three thousand. Subsequently, under date of February 28, 1838, (Doc. No. 311,) General Gaines recommends a force of 8,910 men for that frontier.

General Gratiot (vide Doc. 59) estimates the force necessary for the protection of the Western frontier at 12,910, and General Cross, Acting Quartermaster General, estimates it at 7,000 men.

I might give the opinions of many other distinguished gentlemen on these points, but enough, I trust, is shown by those already quoted. They are the opinions of gentlemen who are well acquainted with the subject, and entitled to the most respectful consideration; and, from all these, it is quite evident that the lowest number of troops requisite for the protection of the Western frontier would be 6,000, or upwards. For the Atlantic coast, I will take the estimate of the chairman of the Military Committee, which is 3,400, and which is the lowest estimate, and some 1,500 below the Secretary of War; and then, if we allow three regiments, of 1,000 each, for the whole Northern or Canada frontier, including Maine, and including the forts in Wisconsin, which is a very low estimate, and we shall have a force of 12,400, which is just about the amount to which the army will be increased by adopting the propositions now before us, and including the new regiment to be reported by the Military Committee; and all this is without any estimate for, or reference to, Florida or the Cherokee country; where, I believe, upwards of 4,000 troops are now employed, and where, in any event, considerable force will yet be required for some time to come. I know it is said that the Florida war is *nearly* ended; but, sir, it *is not* yet ended, and will not be while a single Seminole or Mickasuky remains in the everglades of that peninsula.

It must be evident, therefore, that a force of from twelve thousand to fifteen thousand is not only indispensably necessary, but is the lowest possible number of which our military establishment should consist, if it is intended to afford by it any thing like adequate protection to the country. Without an increase of the army, it seems inevitable that we must resort to volunteers and militia, not temporarily merely, and for emergencies, but for a permanent standing force.

Within the last six years, no less than forty-three thousand eight hundred and eighty-five volunteers and militia have been employed at different times, and for different periods, in the service of the United States, as appears by rolls of the Pay Department. The average would be upwards of seven thousand per annum; and I think, from a careful examination of the documents showing this fact, that it may be safely stated that the number for the whole of that time has been equivalent to four thousand constantly in service; though much of the time during the Florida war the number has been much higher than that. Is there any probability that for the next five or six years we shall want less military force than we have for the last six years? Are there indications of a state of such profound quiet as to warrant such a belief? On the contrary, sir, is it not evident that in all reasonable probability we shall require a greater military force? I have already alluded to the situation of our Northern and Western frontiers particularly, and it seems to me that no man can shut his eyes to the necessity of a considerable and speedy augmentation of force on those frontiers. I will not institute a comparison as to the relative efficiency of volunteers and regular troops. If we are to have a standing army, it should be such a one, in point of numbers, as the interests of the country and the exigencies of the public service require, and such a one as to obviate the necessity of constantly calling, and almost permanently keeping, in the service the militia of the country or volunteers, which is alike detrimental to the productive industry of the country, and ruinous to the National Treasury.

If an increase of the regular army is necessary to enable the General Government to keep a national police to enforce its treaty stipulations and obligations, and, above all, to afford that protection and security to its own citizens, which is the first object and highest duty of all Governments, then such increase must take place, without reference to the question of expense, or without stopping to inquire how much may be the cost; but, as I have shown that either such an increase is necessary, or that we must resort to the volunteer system, I deem it, therefore, not improper to call the attention of the committee to the relative expense of volunteers, militia, and regular troops, and to the vast disparity in the cost of maintaining volunteers and regulars.

By a report from the War Department (Doc. No. 271,) in answer to a resolution of this House at this session, it will be seen that the expense of a company of volunteers, not mounted, is about double that of an infantry company in the regular service, under all circumstances; but if the volunteers are mounted, as most of them are, the difference is still greater, and is, in fact, nearly six to one.

The following extract from Gen. Towson's letter to the Secretary of War, in the report above alluded to, exhibits this matter very clearly, and I beg the especial attention of members to this extract; which is as follows:

"Mounted volunteers or militia are not wanted to supply the place of dragoons or cavalry: they are armed as infantry or riflemen, and, in battle, act on foot as infantry. Horses for such troops are unnecessary; and so far from facilitating the movements of an army, they retard and embarrass it, especially in unsettled countries, where the forage must be transported in wagons, and the roads opened by troops. Notwithstanding this most serious inconvenience, three-fourths of the volunteers that have served in Indian wars have been mounted; and, to form a proper estimate of the relative expense of such troops, the comparison should be made with the United States infantry, to which the proportion is as 14,570 76 to 2,590, or very near six to one.

This enormous disparity in the expenses of the two forces is not owing to the extravagant allowances made to volunteers; for, except in the article of clothing, they are not better paid than regular troops, and altogether insufficiently compensated to reimburse them for the pecuniary sacrifices they make in leaving home and employment, to say nothing of the danger and hardships they encounter. It is caused, principally, by expenses for travelling to and from the place where the services of volunteers and militia are required; to the hire, maintenance, and indemnity for horses; and to furnishing them a full supply of clothing as a bounty, without regard to length of service. The statements also show the expense of volunteers serving on foot, and of militia. The term of service of the latter never exceeds three months, unless specially provided for.

There is one comparison that would place the contrast between the expenses of regular and irregular troops in a much stronger light, if I had the data to enable me to state it in figures; and that is, the comparative loss and destruction of military stores and public property by the two forces. The immense importance attached to this subject by European Governments as a principal means of sustaining war, has led to the most rigid economy, and the strictest accountability in every thing connected with the *materiel* of an army. We have profited by their experience; and it is probable a more perfect system of accountability is no where to be found than in our little army; but it requires the study of years to understand, and the exercise of martial law to enforce it. This cannot be expected of irregular troops, that serve at most but a few months. As volunteers are frequently relieved, and their places supplied by others, it requires a large number to keep up a moderate force in the field. This increases in proportion not only the travelling and clothing expenses, but adds greatly to the pension list.

"There is another subject which I would respectfully suggest should be considered in connection with the employment of volunteers; and that is, the great inconvenience to which it subjects that useful class of citizens, the heavy tax imposed on their patriotism, and the loss the country sustains by diverting labor from its proper object, and turning producers into consumers.

Respectfully,
Your obedient servant.
N. TOWSON,
Paymaster General."

Hon. JOEL R. POINSETT.
Secretary of War.

So far, therefore, as expense is concerned, every consideration of economy would indicate the impropriety of employing volunteers. This has been one of the causes of the enormous expenditures of the Florida War. In March, 1836, the Executive called upon Congress for an increase of the regular army, to enable him to avoid the expense and difficulties which have occured in the volunteer system. Congress, however, refused to increase the army, but passed the act of 23d May, 1836, authorizing the employment of 10,000 volunteers.

Volunteers were accordingly employed, and it may not be irrelevant to trace, for a moment, the history of their employment and service in Florida, for a little more than two years past, and see how army after army has been marched into and out of Florida, at the most frightful expense, and with comparatively small results.

1st. In January, 1836, when the news of Dade's massacre reached New Orleans, General Gaines raised a corps of volunteers, and, united with a few regulars, marched them from Louisiana to Florida, where they served till the ensuing May, when they were marched back to their homes and discharged.

2d. In the month of February, of that year, an army of militia and volunteers, about 3,000 strong, was organized by General Scott, in South Carolina, Georgia and Alabama, and marched to Florida, where they served about sixty days, and were then marched back and discharged.

3d. In June following, Governor Call undertook a "summer campaign," and a brigade of mounted volunteers was organized in Tennessee, and put in march towards Florida. As his appeal to the people of Florida for an auxiliary force proved unavailing, the summer campaign was abandoned, and the Tennessee brigade halted for a while in the Creek country. It entered Florida late in September, and its term of service expired in December, when it took up the line of march on its return to Tennessee, in the midst of the campaign then in progress under the chief command of General Jesup.

4th. This departure of the Tennessee brigade imposed upon General Jesup the necessity of calling upon Georgia and Alabama for another contribution, and, accordingly, a corps of volunteers was organized in each of those States, and marched from thence to Florida, where they served until May, 1837, when they likewise took up their line of return march to their homes after a little more than three months' service.

5th. Next came the preparations for the campaign of the past winter, in which a very large volunteer force was drawn from Georgia, Alabama, Tennessee, Louisiana, and Missouri.

From this brief retrospect of the last two years, it will be seen that five volunteer armies have, during that time, been organized and marched from distant points to Florida to serve for short periods, and then to march back again to their homes. The nature of the country and climate is such that no military operations can be carried on there in the summer, consequently these levies have generally been only for short periods, and during that part of the season when the war could be prosecuted.

The expenses of militia and volunteers, by the act of 20th April, 1818, commence the moment they leave their homes, and while marching to the place of rendezvous, and continue till they are marched back again to their homes. Sir, it is no cause of wonder that the expenses of that war, under this state of things, have been so enormous; and it is believed by some that one half of the expenses of that war have resulted from this volunteer system, forced upon the Executive by the act of Congress above referred to, which, instead of providing him with regular troops, compelled him to resort to the employment of volunteers and militia.

General Towson, in the extract above quoted, alludes to the great importance of a rigid economy and accountability in relation to the military stores and MATERIEL of an army, and of the great difficulty of infusing that spirit of economy in raw and irregular troops. As germane to this point, and to show the profuseness and extravagance which is likely to prevail with such troops, I will read an extract, or a few of the items, from an account against the United States, a copy of which, among one or two others in my possession, are certified by the Acting Quartermaster General to be "true copies of originals in the hands of Col. H. Stone, Quartermaster, to whom they were presented for payment, and that they are retained as fair samples of the kind of expenditures incurred by volunteers and militia."

The items to which I refer, are as follows, viz:

1 basket of Champagne Wine	-	$28 00
4 boxes Champagne Cider, at $6	-	24 00
1 keg Newark Cider	- -	10 00
1 bbl. Cognac Brandy, 40 gallons at $2 and barrel	- - -	81 75

1 bbl. Malaga Wine, 32 gall's, at $1 25,	40	00
6 quarter boxes best Cigars, at $6 -	36	00
½ box honey-dew Tobacco, 64 lbs. at $1,	64	00
120 bottles of Porter, at 40 cents -	48	00
1 bbl. Claret Wine - - -	38	00
½ dozen Cologne Water - -	3	00

The account was incurred by a corps of the Alabama militia, who were called into *the service of the United States;* and at the foot of the account, the quartermaster of the corps certified that the above account is true and correct, and that the articles were purchased agreeably to his order *for the service of the United States;* and then, at the foot of that, the commanding general of the division certifies that "the above account is true and correct." [Here a number of gentlemen asked, "Who is it signed by? whose name is to it?" and Mr. B. handed it to them for examination.] It is not material to the argument what particular person signed this account, or for what corps the articles were purchased; the account is open to the inspection of any gentleman who chooses to examine it. The object in exhibiting it is not to reflect upon the officers or the corps who incurred it, but to show the laxity that prevails among such kind of troops in the matter of economy, and as a sample of the kind of expenditures incurred by them. This account was not paid, however, by the department.

But, sir, should any gentleman entertain any doubt on the subject of the greatly enhanced expense of militia or volunteers over regular troops, I would refer him to the document on that subject, (No. 271) where the details are given, and the expenses of the different corps minutely compared.

In any light in which we can view this subject, the proposed increase of the army, as recommended by the Military Committee of this House, and which, with the additional regiment, will bring up the army to about 12,500, is not only an increase which is rendered necessary by every proper consideration of expediency, policy, and economy, but, in the present condition of the country, seems to be unavoidable, and is the lowest possible number which can be considered sufficient for the proper protection of our frontiers; and the additional regiment is particularly necessary, at the present time, in order to enable the Secretary of War to organize a force on the Northern frontier. At present the force on that frontier consists mainly of new recruits, not regularly attached to any regiment, and the skeleton companies to which they should be attached are mostly in the South or Southwest. I believe only one or two regular companies are now on the northern lines; but, by authorizing a new regiment to be raised, the Secretary can at once cause it to be organized on that frontier, and fill it up, almost immediately, with the men now there; and without disturbing the present forces in the South and West; and this, among other reasons, induces me to prefer the bill as amended by the committee of this House, to the one which came from the Senate.

Mr. Chairman, I cannot imagine any reasonable or plausible objections which can be urged against this increase, unless it may be the old and oft-repeated warning of the dangers of a standing army—a warning, sir, to which I would give as much heed as any other man; but that point is not now involved in the question under consideration, and I do not propose to discuss it farther than to say that the policy and propriety of keeping up a small standing army has been long admitted and settled, and the measure is one which has for a long time received the sanction of the people, and which is universally conceded to be necessary; and, as to the dangers to be apprehended from such an increase as the one now proposed, I have only to remark, that I think gentlemen must be laboring under a very unnecessary alarm, if they have the slightest fears that the liberties of fifteen millions of people—free, brave, and intelligent, as the people of this Union are—can be endangered by a standing army of less than 15,000 men, and that army scattered along or around a frontier of upwards of 8,000 miles in extent.

I had intended to discuss more at large the merits of some of the *details* of the bill now before us; but time presses, and I will only allude to two or three of the most important and deserving of consideration.

This bill allows cavalry pay, which is the highest grade of pay, to all the staff officers of the army who are not already entitled to it, and particularly to all those who are to be appointed by this law; and, if I correctly understand, every officer of the staff department will be entitled to cavalry pay if this bill becomes a law, but no provision is made for the officers of the line; their pay is to remain the same. Now, sir, this is an invidious distinction, and one that ought never to be made, and, in my opinion, extremely unjust towards the officers of the line. If any increase of pay takes place, it should be to them first. They, sir, are the working men, (if I may so term them,) at all events the fighting men, of the army. It is your line officers who are exposed to all the dangers of field service, and to all the privations and hardships of a military life; one year, perhaps, stationed on the Northern boundary of Maine; the next, transferred to the swamps and sickly climate of Florida; then watching the Indian on the Western frontier of Arkansas; and anon cooled off, perhaps, by a winter's residence at Green Bay. And it is your officers of the line, too, who, on many a well-fought field, have borne their country's flag to victory, and who have, on all occasions, exhibited a devotion and zeal for the service of their country, seldom equalled, and never surpassed. But they need no eulogium from me. They are known to be brave and meritorious; and it will be found, on examination, that their present pay (particularly for those who have families) is hardly sufficient for their ordinary support. It was fixed as long ago, I believe, as 1802 and, with some slight exceptions, remains now as then fixed; while, in the mean time, the expenses of living and the cost of almost every article necessary to their comfortable subsistence, have nearly doubled. It would be most gross and manifest injustice, then, to raise the pay of other officers whose duties are not so arduous or so dangerous, and omit the officers of the line. My colleague [Mr. KEMBLE] has already laid upon the table an amendment calculated to remedy this defect in the bill, and I trust that it will receive the hearty concarrence of the House.

The 15th section, Mr. Chairman, provides that officers of the line shall not be detached from their proper duties to serve in the Indian or pay departments, or on engineer duty. In other words, that they shall not be taken from the line for extra duty. This is, no doubt, an excellent provision, and will tend to remedy one of the evils that has of late years very much weakened the efficiency of the army; but I find a *proviso* tacked to the end of that section, which, in my opinion, will defeat the whole object of the section; and that proviso is, that when officers of the line are now detached on such extra duty, they may be continued in such employment until they can *conveniently* be spared therefrom, or until they can leave it without detriment to the public service. Now, sir, you may depend that the *convenient* time for these men to return to their duties in the line will never arrive, under this proviso, and the result will be that, by one excuse and another, they will remain as now employed, and the real service of the army will continue to suffer as it has done. This proviso should be stricken out, or at least so modified as to state some precise period beyond which they should not be continued on such extra duty.

There are also other details of this bill equally interesting and important, which I had intended to discuss, but I have already occupied much more of the time of this committee than I had intended; and the mass of other business yet before the House to be acted upon within the very few days that yet remain to us of the present session, admonishes me that I ought not further to trespass upon their patience at this time.

REMARKS OF MR. SMITH,
OF CONNECTICUT,

In Senate, June —, 1838—On the bill to appropriate alternate sections of land to the construction of the New Albany and Mount Carmel Railroad, in the States of Illinois and Indiana.

Mr. SMITH of Connecticut said that large sums of the public money, which belonged to all the people of the Union in common, had been appropriated from time to time to construct and build roads, and make improvements, in different States in the Union, which were of a local character, and which belonged to the State in which the improvement was made, though done at the sole expense of the General Government. Mr. S. said it was difficult for him to see from what source Congress derived the power to make these appropriations. He was confident the Constitution conferred no such power; and if it did not, no such power existed. So confident was he that no such authority was vested in Congress, that he was very unwilling to attempt to exercise it, and had always refused to support any such bill while he had had the honor to be a member of this body; and he felt bound, at all times, to vote against such bills, though he was quite friendly to the projects which were sought to be sustained by appropriations from the public Treasury. If this bill was of that character, he should feel himself bound to oppose it; but this he conceived to be far different, in every aspect in which it could be presented. A company, by the aid, and under the auspices, of the State in which the work was to be done, proposed to build an expensive railroad through the public lands, which have been in market, and offered for sale at the minimum price, more than thirty years, and no purchasers have been found to take them up, or settle upon them. There must be some good reason why these lands have not been sold; there may be different causes for it. One may be, that the lands are not of the first quality; but he was apprehensive that the principal reason was, that the lands were too far from market to come in competition with those which were much nearer market, and at least equal in quality Be it either the one or the other of these causes, or both, the influence which the proposed improvement would have upon these lands would be very great beyond a doubt. The facilities that the railroad would afford in transporting the productions of the country would add greatly to the value of the land, and induce settlers to take them up, and improve them, and without some such improvement, which must be conducted by private enterprise, there would be, perhaps, no more prospect of a sale and settlement of the lands for thirty years to come, than there had been for thirty years past. If this is a just calculation, what then are the lands, without the improvement, worth to the Government? They are literally worth nothing. If individuals owned the land, and could much improve the value by giving a portion of them to some enterprising company to build the road, would it not be just to himself to do so? No one, [Mr. S. said] he apprehended, would doubt it. And is not the Government justifiable in taking the same course to raise the value of the land? If it was not, Mr. S. said he was not able to discover the reason. These lands belong to the people, and whatever the Government does in relation to them, is in behalf of, and for the benefit of, the people, or should be so. Mr. S. said he had no hesitation in saying that if the railroad would raise the lands to the Government price, it would be an excellent bargain to give one half of the lands, for a mile in width, as was proposed by the bill, retaining the other half. The Government would then get the rise on one half within that space, and on the whole beyond that. But is the Government were to receive no other benefit from the railroad than the rise of one half of the land, the half would be worth infinitely more than the whole is in its present condition. There is every reason to believe that the lands to be affected by the improvement, would rise in value to three times the amount of the value of the land which is proposed to be given to the railroad, or to the States, for the improvement. The object of the bill is not to appropriate money, or apply lands, in constructing a road by the Government, but by receiving a fair, full, and adequate compensation for the lands to be conveyed to the State, by the improvement and consequent rise in the remaining land, which would be as well for the Government, as it would be if the Government were to convey to an individual or company an equal moiety of land, in consideration that the grantee would sell the other moiety for the same price that the whole would produce on the sale of

it. The sale of the land through which the road is proposed to be made, is not the only interest which the Government or the people has to advance; indeed, the value of the land has always been considered of but trifling consequence, compared with the important consideration of settling and peopling it. The nation is yet in its infancy; but a very small portion of the public domain is yet settled or cultivated. To cause the new lands to be settled with a virtuous and industrious people, is an object of the first magnitude. Will any one doubt but this bill has that tendency? All will agree that it is vastly more important, and the nation would be a greater gainer by giving away all the public lands, if it would be the means of bringing into the country a wholesome population, than it would be to sell the lands at an extravagant price, if, by that means, a corrupt and base population would follow. Adding to the means, and facilitating transportation, Mr. S. said, in his opinion, would be a very important step in inducing the settlement and cultivation of the new lands with an industrious people. The people could see the manner in which their industry was to be rewarded; the whole country within the vicinity of the road would soon feel its vivifying influence; good and valuable inhabitants would find their way on to the lands; the lands would be highly cultivated; the produce would go to market, the people would grow rich; and the prosperity of the country would be easily traced to the improvement, to which we should contribute by the conveyance of a small portion of our vast uncultivated territory, and which, as it now lies, is, to the nation or individuals, entirely useless, and without any prospect of a better condition. Will it be said that the aid of Congress in this enterprise is sectional, and therefore ought not to be given, because it does not immediately redound to the benefit of all the people in the Union? Be it so; and what does that prove? Why, nothing at all. Erecting light-houses, forts, buoys, breakwaters, &c. may, in the same sense, be said to be sectional, and that such expenditures contribute to the advancement of the interest of but a portion of the people of the Union, and yet, virtually, all are benefitted; and so it is with the present project, for the promotion of which the aid of Congress is invoked.

Any such appropriation as can be made consistently with the powers and duty of Congress, and judiciously applied, though it may not directly advance the interest of but a portion of the people, if it indirectly promote the general interest, it is not unjust to make the application. The most of appropriations made by Congress operate directly partially, but indirectly impartially; and this is necessarily the effect when applied to the various departments of the business of our country; but as the whole constitutes one great interest, in the benefit of which all participate, contributing to one branch, in a greater or less degree, promotes the interest of the whole. The honorable Senator from Ohio [Mr. ALLEN] opposes the bill for reasons which appear to be wholly unsound. He objects because he is averse to the General Government becoming a partner with individuals in private business or enterprise. Mr. S. said he could not be more hostile to this principle than he was, or would lend a more unwilling hand to aid it; and if the action of Congress, in the support of this bill, required the countenance of any such principle, he was sure it could not have his support. He should be the last man to give countenance or support to such a principle. If this bill brings us within that principle, Mr. S. said he acknowledged himself incapable of discerning its application. What interest does the General Government, by parting with the lands, take in the corporation? None at all. The principal objection which appears to be made to the bill is, that the Government is giving away the lands which belong to the people, and not that the Government is subscribing for stock, and becoming a partner in a private enterprise. The former objection he had endeavored to obviate, and the latter needs no effort of his to remove, because there did not appear to him to be a plausible foundation for it. Mr. S. said he thought he could, without any violation of, but in strict accordance with, his duty, support the bill.

INDEPENDENT TREASURY.

SPEECH OF MR. HUNTER,
OF VIRGINIA,

In the House of Representatives, June 22, 1838—In Committee of the Whole, on the bill to establish an Independent Treasury.

Mr. HUNTER addressed the committee as follows:

It is unfortunate for the country that this measure did not receive the support of some of its present friends when it was first proposed, and when its adoption would perhaps have contributed much towards saving the community from that explosion in the banking system under which it is suffering. Nor is it less to be regretted that many of its original friends should refuse to practice upon their theory, now that experience may be said almost to have verified its truth. But it is not my purpose to make this circumstance the occasion for pointing that moral in relation to the baneful influence of party spirit upon our counsels, which, as I firmly believe, our people must read before they can so reform their institutions as to make their Representatives what they ought to be—the representatives of the wishes and interests of their constituents, and not of the will of a party. Neither shall I remark, sir, upon the singular fact, that the few friends of the present measure who retain their original position, are precisely those who are most denounced by the opponents of this bill. It was Cardinal De Retz, I think, who, after remarking upon the strange inconsistencies of human conduct, and the manner in which they are received in their day, has hazarded the conjecture that the appointment of a horse to the consulship, by Caligula, excited none of the wonder in its time with which it was viewed by posterity. But, Mr. Chairman, I leave it to the historian to state the case as between these parties, and posterity will pass judgment upon it in that spirit of justice and impartiality to which perhaps it would be arrogant in me to pretend. For myself I shall be content if I can vindicate the propriety of my own conduct, without assailing that of others. I am too well aware of the difficulties of my position to be willing to increase them unnecessarily. The history of all great reforms teaches us that they are full of dangers and trials to their projectors and early advocates. The one before us seems to be attended with its full share of difficulties. The friends of the bill are already reeling under the load of denunciation which has been hurled at their heads. The banks, it can scarcely be doubted, have taken the field against the measure with all of their tremendous power and mighty machinery. They have a direct political interest in its fate, which they at least must both know and feel; an interest to be measured by the value of the power to control this Government, so far as its operations can possibly affect them. Connect the Government with the banks by receiving their paper in its dues, and by depositing its funds with them, and they hold the sinews by which it moves. The Government must share in their embarrassments, and as it cannot well move without them, they hold in this connection an effectual security against all change or reform. Nay, more sir: they have thus the power to force the Government to furnish them the means of moving, that it may itself proceed without hindrance from them. We have been lately compelled to lend them our funds, although that very loan imposed upon us the hard necessity of borrowing money to supply the pressing wants of the Government. Whilst this connection exists, they have nothing to do but to make common cause in their delinquencies, and they may commit them with perfect impunity. At such a period, the Governments, both State and Federal, are so far from having the power of forcing them to perform their most obvious duties, that they cannot even collect their own dues from the banks, except upon terms which they may choose to dictate. And why, sir? Because they say, and they may make it so if they will, "any burthen laid upon us will communicate the pressure through our feet to the necks of the whole debtor class of the community upon which we stand." If any man doubts the truth of this picture, let him look through our land to the spectacle of charters violated with impunity, and of promises broken almost without reproach, with an attendant train of sufferings almost as great as if the trace of an invading foe were fresh within our borders. Let him listen to the clamors for a renewal of that very dependence of Government upon banks which is to enable them to re-enact these scenes at their pleasure, and with perfect impunity. Mr. Chairman, if it be true that a political necessity sternly requires of us to renew this dependence of the Government upon banks; if it be true that, like the Siamese twins, they must forever continue to feel the same sympathies, to make the same movements, and to partake, in common, of all the vicissitudes of this life, because any severance of the tie which binds them would be death to both, I may at least be pardoned for looking into the effects of the operations of this Government twin upon the body politic, and for examining the nature of that necessity which binds them together indissolubly and forever. As it seems to be claimed that these banks are indispensable to the people, and that the banks cannot well exist without this connection with Government, it becomes us to examine the truth of these propositions, and to ascertain the nature of the pecuniary and political action of this system upon our people, both with and without this connection, or, in other words, both with and without the bill now under consideration. In conducting this examination I shall endeavor to exercise a spirit of impartial, but of candid and fearless inquiry. I shall not knowingly excite any unjust prejudice against these institutions or their rights; but I shall not be deterred from exposing what I believe to be the evil tendencies of the system, from the fear that the task is unpopular. The time has come when I must speak out what I believe to be the truth, without regard to personal consequences.

The first step in this inquiry, Mr. Chairman, will be to examine the operation of the banks upon the commerce between this and foreign countries, and then to point out the extent to which that operation will be modified by the bill now under consideration.

When we first adopted this banking system, the mighty energies of this country were beginning to develop themselves, and its great want was capital. A new and vast field was opened to human enterprise; its resources, which seemed to be untold, because they were innumerable, afforded all the natural elements of credit. With the capacity to reproduce with interest a vast amount of capital in proportion to our labor, the great object was to invite its investment on our shores. And here, sir, I wish to avoid the confusion of terms by which capital and credit are so often confounded. By capital I mean the accumulated productions of labor, which always constitute, at any one time, a certain amount, to whose sum no human legislation can add. This, if left to the natural laws of trade, will distribute itself between different nations, and between the different classes of productive industry, in proportion as they offer most profit, or pay most interest on its investment; and this process, if Government did not interfere, would go on until all profits attained the same level. This capital is invested upon the faith or credit that it will be reproduced with interest. This credit depends upon the nature of the material and mental agency engaged in the work of reproduction. Nature had given us every thing to establish our credit so as to invite an exchange of capital for it. Unfortunately for us, however, these ideas were confounded, and artificial means were used to disturb the healthy operations of nature. As the field for the profitable employment of capital was greater here than in the older countries of the world, so it was with the natural rates of profit and interest. This, of itself, would have attracted foreign capital to our shores upon terms profitable to both parties, if Government had not attempted to have regulated this branch of trade. By a strange mistake of the inherent difference between capital and credit, our Government seemed to suppose that credit could be transmuted into capital by modifying its form in the shape of a circulating medium. Their real wish was for capital; they saw there was a want of money, and set to work to satisfy that want by increasing the issues of paper having that form. They

first fixed the rate of interest by law so far below the natural rate in this country—although it was still above that of older nations—that it almost amounted to a prohibition to the citizens to borrow directly from abroad; and yet they managed, by a circuitous mode, to force upon us the use of foreign capital, at an exorbitant rate of interest, and in a manner which charged with this expense the great mass of the community, whilst a few only enjoyed the peculiar advantages of the loan. Banks were incorporated, with the power to make the money which they were to lend; they were permitted to issue twice or thrice the amount of their capital; and although they were not permitted to charge more than the legal rate of interest upon any one loan, yet the device was created by which they might derive twice or three times that rate of interest upon their capital. The effect of these double laws was to force the greater portion of the demand for capital upon the banks, and this demand was for as much capital as could be employed profitably at the legal rate of interest. The natural demand for capital, of course, was for as much as could be profitably employed at the natural rate of interest, which was always higher than that fixed by law. The natural demand, therefore, was smaller in amount than that thus created by artificial means. As if the vigorous appetite of high and youthful health was not sufficient, we offered unnatural stimulants, that it might be ravenous enough to devour the food which we were about to provide for it, and which otherwise it might have refused. In tracing, then, the operations of our laws regulating the banking system upon our people, this was the *first step*. There was a difficulty in procuring food enough to satisfy the wants of natural hunger, and we began the task of supplying it, by provoking this appetite to further excesses.

Let us look, now, to the nature of the food which we were preparing for its use. These banks were endowed with the exclusive privilege of issuing paper money, which was received by Government for its dues, whilst all artificial means were used to give it currency. The entire amount of money loaned by the banks beyond their specie capital consisted of their own credit, issued in the form of a circulating medium. Bank credit, in the shape of a circulating medium, was placed on the same footing (so far as Government could make it so,) not only with specie as a currency, but with real capital, inasmuch as no more interest could be charged upon a loan of real capital than upon the loan of this species of credit. The consequence was, that the cheapest currency took the place of the dearer, but better, and the cheaper substitute for capital was used instead of real capital, because the latter could not come into competition with the former upon fair terms; and because those who held the latter, would prefer to invest it in banks, through whose peculiar privileges they might derive more than the legal interest to which they were confined if they had attempted to loan it as individuals The effect of these laws was to force the great portion of the demand for capital by the community upon the banks, where they obtained credit as its substitute, which was received, too, in the shape of currency. Of course, these regulations naturally produced an inflation of the currency, and a rise of prices, not real, but nominal. I have once before endeavored to demonstrate the process by which this expansion of the currency produces a rise in prices, which, reacting again, by increasing the nominal amount of capital demanded by the community, causes another expansion of this bubble of currency until it bursts, and, therefore, I shall not now weary the committee by repeating the view; it is enough for me that we all see how these banks, finding it to their interest to issue as much currency as they can, expand it, without regard to the level of the currencies in other portions of the world. This, then, is the second step in the operation of this system; and here the foreign capitalist, who had been excluded before, except as the stockholder of a bank, comes in to claim his usury under the fiction of price. The money price of his commodities becomes not only higher than its natural price here, but so much higher than the nominal price in other countries having a less inflated currency, that capital laid out abroad in commodities, to be sent here, is more profitable than in any other investment. So long as the foreign merchant sold more than he bought here, it mattered little that he took such of our productions as furnished the raw material for his manufactures at a price enhanced somewhat beyond its real value. The balance of trade was in his favor, and the artificial rise in prices afforded him an enormous interest upon his investment. This balance, if regularly withdrawn as it accrued, would have operated as a check upon the issues of the banks, by producing a run upon them for specie, which is the only money of the whole world. But there are several causes which would always prevent this, for a time at least. In the first place the foreign merchant would not care to withdraw these balances so long as he could keep up his stock in trade by borrowing at home; because the legal rate of interest here, though below its natural standard, was still above that which was paid upon capital borrowed in older countries; and because, too, he would be naturally averse to disturbing a trade which was so profitable to him, by making it, in any avoidable respect, inconvenient to his customer. In addition to this, the expense of withdrawing this capital was something, whilst another cause, also, operated to prevent an early settlement of these balances, which might have checked, gradually, the mischievous effects of this artificial rise in prices. Our Governments, State and Federal, from time to time, have issued large amounts of State stocks, negotiated generally through the banks, and in exchange for their paper. The transfer of this Government credit abroad absorbed a large amount of the debt due upon the balance of trade, and thus its payment in money was avoided by charging posterity with the debt. The banks, too, by this liberal use of State credit, were enabled to continue the process of expansion, and the foreign capitalist was allowed to extend his usurious operations upon this country, under the legal fictions of artificial prices. But notwithstanding this extravagant use of Government credit, through which a mortgage, estimated at $100,000,000, upon the property of the country, is held by foreign capitalists, the day of payment came at last. When it did come, and the money of the world was demanded, it was found that, for any real practical purpose, the pretence of convertibility was a fiction. The banks were unable to meet their engagements. It was impossible to procure specie, which alone answered for remittances abroad, except at the heaviest expense; and we were forced to rely upon the productions and property of the country, at prices reduced to the specie standard, for the payment of the debt thus contracted to foreigners. Upon whom, then, did the loss fal? Why, sir, chiefly upon the *producer*. The fall of 50 or 100 per cent. in the price of his productions was the rate of usury which he had to pay for money borrowed abroad under the fiction of high prices, and by means, too, which gave no extraordinary benefit to any but the few who enjoyed the banking privilege and received its favors. Trace, Mr. Chairman, the entire circuit of capital as it passes from the bank to the wholesale merchant, thence to the retail dealer, and thence to the consumer, who, not having cash to pay for the articles which he wants, obtains them on the credit of his future productions; and you will find that the great mass of credit rests with the producer, and is to be redeemed out of his future productions. I say the great mass, because the spendthrift class, who live, not upon income, but upon principal, is always comparatively small in any community. Credit is that by which the present use of capital is obtained upon the faith of its reproduction, with interest, and this process, *ex vi termini*, is conducted by the producer. He thus obtains capital worth to him about the average bank interest, say six per cent.; and, under the process of an artificial state of price, is forced to pay abroad, in the fall of his productions, fifty, and sometimes a hundred per cent. for its use.

It has always been thought the master-stroke of financial policy to lay taxes so as to operate upon consumption. This, however, is a tax laid upon production; and for whose benefit? For the Government? for the people? By no means, sir. The only extraordinary advantages derived by any during the process, is derived by the banks. They alone receive more than legal interest upon their capitals; and when the suspension of specie payment takes place, theirs is not the suffering. If they make common cause their charters are safe, because no Government dares take them away; and, in a pecuniary point of view, their extraordinary profits continue, if they have been conducted with tolerable prudence. If they are not forced to curtail, they derive interest upon more than their capital; and if they do curtail, they buy in the property of their debtors at low prices, which was mortgaged to them for money when it was cheap and prices were high. Nay, sir, there are various means by which they can make this period of suspension their principal harvest, although I hope there are many which have never practised this fraud. They may use their specie, by means of secret agents, to buy in their own paper at a discount; or, if this be thought too dangerous a game, they may transfer their specie funds to distant cities, and, under a pretence of exchange, buy in their own notes, so as to make a profit by their depreciation. If I am correct, then, Mr. Chairman, in these conclusions, this is a system which taxes the entire productive industry of the country for the benefit of the few; and the class upon which this burden falls first and heaviest is the laboring class, for it is an established maxim in political economy, that labor is the last thing to feel a rise in prices, and one of the first affected by their fall.

And this is the system which we must strain every sinew to foster, or we are told that credit and commerce will perish. This is the appetite which we must exhaust the means of Government to gorge, or we are to be called Loco Focos, Agrarians, Levellers, and I know not what else, that is opprobrious. These are the institutions so necessary to the community that we must make our very Government dependent upon them to obtain their good offices. Mr. Chairman, if it be so odious and criminal, as I admit it to be, to take the property of the few to distribute amongst the many, I ask how is it with him who would reverse the proposition, and take the property of the many for the benefit of the few? In times long gone in merry England, it was recorded in the epitaph of Robin Hood, as one of the virtues of this renowned freebooter, that

> "For fifteen years and something more,
> He robbed the rich to feed the poor."

For one, sir, I never admired the sentiment, notwithstanding the excuse to be found for it in the age which gave it birth; but I think I should have admired the eulogy not more, or scarcely as much, if its sentiment had been reversed.

Mr. Chairman, I hold no Government as better than a system of licensed robbery, which does not respect as holy the private rights to property, and which preserves not inviolate its own engagements. For this reason I would encourage no measure whose object was to deny the banks their just rights, or to encourage Government in the violation of the faith which it has plighted to them; but, on the other hand, I will expose what I believe to be the vices of the system, because I would effect, by all legitimate means, a just and temperate reform in these institutions. I will never consent to any system of privileged plunder either in the many or the few; and the banks themselves may at last find more steadfast friends in their just rights, in those whose views of justice extend to all classes of the community, than in those who regard only the claims of a few.

Sir, I have heard but one answer to the view of the banking system, which I have just presented, that seemed to my mind at all plausible. That is an argument which I have not heard within these walls, but which is used by some of the bullionists of the English school These maintain that convertible paper currencies in different countries fluctuate according to the same laws which govern specie, and preserve the same comparative levels. They insist that if currency rose to different levels in different countries, this difference would be shown in the rate of exchange, and the rise in exchange would produce a demand for the conversion of the paper, which would check its issue, and reduce th

two currencies to a common level. If this were so, it would be a sufficient answer to my argument, because the foundation would be taken from it.

These persons, Mr. Chairman, mistake fiction for truth, and confound a nominal with a real convertibility. If this paper rested upon an actual deposite, dollar for dollar, of specie, then their position would be true. The value of such paper would depend upon precisely the same laws which regulate that of specie. But they forget that this bank paper rests upon other credit substituted in its place, and that the value of this credit depends upon circumstances entirely different from those which regulate the value of specie, the money of the world. The value of specie depends upon a few circumstances, which are generally the same over the world, whilst that of credit depends upon many circumstances, which vary in different places. Because they sometimes see bank credit equivalent to specie, they forget that many things may occur to make it worth less, or even more. In short, they forget that they must suppose the secret of alchemy to have been discovered, if they believe that a form of credit has been devised, which is precisely equal to specie. There are notorious facts, which, without explanation, or the aid of theory, ought to have shown them the confusion of ideas upon which they are acting. It is known, for instance, and every one admits the fact, that no bank, constituted as ours are, can redeem its bills in specie, if all were presented at once. It is only claimed that they can convert the amount which will probably be offered them at any one time; and this probability has to be determined by conjecture. The amount to be presented for conversion depends confessedly upon accident; and there are no known and general rules by which it can be determined, so as to enable the directors to provide for the emergency. They may provide that their bills shall be ultimately redeemable if they are prudent, but the promise to convert them upon sight gives them a part of their value; and as their ability to do so depends upon circumstances which the community cannot foresee or know, so a thousand accidents may take from the bills of the very best banks this portion of their value; false as well as real alarms, because none of them can stand an extensive run, which may be sometimes produced by accident. Here, then, is one fact, which shows that the values of bank paper nominally convertible, and of specie, depend upon different circumstances, and, therefore, cannot fluctuate according to the same laws. Another fact of the same nature is also familiar to the history of banks. Their paper may be convertible to-day, and inconvertible to-morrow, although nothing can have happened in that time to have changed its real value; and here, sir, I might rest the replication of this answer to my original position; but the subject is one of much importance, and with your permission I will pursue it a little further, to show why it is that this difference in the levels of currencies is not always exhibited by the rate of exchange.

The value of exchange, like that of every thing else, depends upon the relative proportion of demand and supply; and, accordingly, the price will not rise until the demand for it begins to exceed its former proportion to the supply. Now the currency of one country may rise above the level of another; the balance of trade, too, may be against it; and yet, if there be no desire on the part of the creditor to withdraw this balance, the demand for exchange may not increase, and the price, therefore, will not rise. I have before endeavored to explain the reasons which have prevented this desire to transfer the balance due from us; and if I was successful, I have shown why the rate of exchange did not express the full difference between our currencies, because I have shown that the natural demand for it was suppressed, and therefore its real or natural price was diminished. The other branch of the proposition which I undertook to meet, is, in my opinion, equally untrue with that from which I have just passed. It is not true, Mr. Chairman, that a difference in exchange will always produce a demand for the conversion of bank notes. The merchant generally owes the banks, and he will not run upon them if he can avoid it, when he knows that they will return upon him. Abstract considerations of profit do not always govern him in this case, although exchange may be unfavorable to him. A regard to his own interest induces him to forbear with the banks. In addition to this, the gradual rise of prices enables him to charge for the greater part of this loss on exchange to the consumer, especially if that loss be not large. As some confirmation of this theory, permit me to advert to the fact mentioned by Mr. Gallatin in his review of the currency, written in 1830. He informed us then, that for nine years previous to that time, the exchange between this and England had been 2 3-5 per cent. above the true or real par. In other words it was 2 3-5 per cent. above the value of the precious metals with all the costs of transportation, etc. added to them. And yet this produced no such run upon the banks as to reduce the currencies to the same levels. This state of things continued for nine years, and that, too, during the existence of the United States Bank, and at a time so often represented here as the most palmy period of our currency. So much, then, Mr. Chairman, by way of argument, to show that the natural tendencies of our banking system are to expand our currency beyond the levels of those of some older nations. And yet I cannot dismiss this branch of the subject without referring to some remarkable facts which would seem to establish the truth of my conclusions. In examining Mr. Woodbury's report upon the subject of cotton made in 1836, it occurred to me to look into his statement of the average annual prices of that article in the United States and England. I ascertained from that examination that there were two entire years, 1829 and 1831, (and I believe I might have selected others,) during which the English price was considerable less than the price given, with the addition of freight, and other charges to which the article was liable. In 1829, the price in England was eleven and a half cents of our coin, while here the price was ten cents in our money. Add two cents for freight, five per cent. for insurance, commission, and guaranty, and throwing out of consideration the duty which is repaid in drawbacks upon that portion which is manufactured for export, and you have the result, that during this year our merchant lost one cent upon every ten laid out in cotton. In 1831 the result is of the same character, though the loss is not so great. We find, then, that this trade was conducted by our merchants at a loss of ten per cent. or of seven and two-fifths per cent. if you estimate the difference of exchange at two and three-fifths per cent.—a result perhaps only to be accounted for upon the supposition that the American and English currencies were of different value, inasmuch as it is not likely that a losing trade would be steadily carried on by our merchants for so long a period as a year. The fact, however, of the difference of exchange to which I have before referred, as stated by Mr. Gallatin, conclusively establishes the existence of a difference between the value of the two currencies, although, in my opinion, it was not, under the circumstances, a measure of the precise degree of difference. When capital is distributed between the different nations of the earth, and between the different classes of society, according to its natural rate of profit in the employment of each of them; and when the whole world uses one and the same currency, then, and then only, in my opinion, will the rate of exchange be the true measure of the difference of level in currency. Mr. Chairman, when I trace what I believe to be the evil tendencies of this banking system upon the commerce between this and foreign countries, whose currencies approach more nearly the specie standard, I am not deriving my conclusions from mere theory. Remarkable facts, whose existence no one can deny, have led me to these opinions—facts which, as I believe, can only be explained by supposing a drain in the currency, brought about most probably in the mode which I have suggested.

Sir, we have all seen the immense balances accumulating against us in our trade with England. The great sacrifices which our country has made, and is making, to satisfy them, are equally notorious. The English merchant has been the great tax-gatherer amongst us for years, and that, as I believe, flows through the operations of this banking system, which we are called upon to make so many sacrifices to sustain. It is a remarkable fact in the history of power, that when driven from its olden haunts in one shape, it is apt to return under another disguise. When the star of the Roman empire descended in the west, it would have seemed that it had set for ever. Its dominion of force was gone before the fierce approach of the wild barbarians of the north. But the subtle genius of Roman power appeared under a new transformation, and assumed another disguise. It went out in the panoply of the warrior; it reappeared in the habiliments of a priest. It went out sword in hand; it returned with the crucifix. It disappeared with the haughty air of the soldier; but it came again with the lowly mien of the disciple. Its instruments were changed, but its object was the same. It no longer carried fetters for the limbs; but charmed with spells the human mind which became its subject, whilst empire was still its aim. The banner of the cross was borne beyond the furthest flight of the imperial eagle, and the Leos made conquests by their arts, which the Cæsars had never achieved by their arms. There is no saying what might have been the limits of its conquests, if the spirit of the north had not arisen, like a genius of opposing destiny, to dispute its empire over the moral world. But this spirit did arise with the Reformer's wand, with which it claimed, like Ithuriel with his spear, to detect the spells of southern enchantment.

Mr. Chairman, the history of our political and commercial relations with England affords, in my opinion, another remarkable instance of this disposition of power to revisit its old abodes under a new disguise. When Great Britain was no longer able to enforce a tribute from us by her arms, she determined to gather it by her arts, and eminently successful has she been in that attempt. She discovered the secret by which our own banks might be converted into her stampmasters; and keeping her currency below the level of ours, she was able, not only to profit by their expansions and contractions, but almost to produce them at pleasure. So long as she remains the single focus of the credit system of the world, she will centralize its trade, and rule a far more extensive empire by her policy than she ever acquired by her arms. Within the course of a year we have felt the shock of a vast convulsion in our credit system, and we have seen that it was hastened, at least, by the action of the Bank of England upon what were called the American houses in that country. Sir, he has looked but little into the spirit of this age, who does not see that trade is becoming more and more the object of contests between nations, and that these contests are to be decided more by strokes of policy than of arms. For one, I believe that the day is not very far distant, when there will be a struggle between nations as to which shall reduce their currencies by gradual means the nearest to the specie standard. It becomes, then, a question for American statesmen to consider whether they will enter into this line of policy, and be the first or the last to prepare for the contest. But here, sir, I shall be asked if I am for a specie currency, by gentlemen, who at one time maintain that no one is absurd enough to entertain such a proposition, and at another, would have it believed that many of the friends of this bill are secretly in favor of the doctrine, but dare not avow it. Sir, I turn upon these gentlemen to demand of them the meaning of their question. Do they mean to ask, whether we would return suddenly to the specie standard? whether there are any who would at once reduce the obligations made upon the inflated paper standard to a specie settlement? Sir, I have never seen or known the man who advocates such a sudden change in the measure of value—a change which would affect so injuriously the relations between creditor and debtor. It is one of the great objections to the banks, that their operations produce changes in the measure of value, such as no Government would ever dare directly to attempt. It is the very evil which the friends of reform wish to prevent. They cannot mean, therefore, to ask if we entertain this doctrine, which, it is known, is held by none in this country.

What, then, is it that they mean to ask? Do

they inquire if there be any one so absurd as to believe that, as an abstract question, a specie currency is the best? If so, I say for one that I maintain the proposition, and am not afraid to avow it. Sir, I say further, that the arguments in favor of the superiority of this standard of value are such as never have been answered, and such as gentlemen do not choose to meet, except by the stale jest of a projected return to black broth and Spartan money. They may evade the issue, but they cannot dispose of the argument by such a jest. The true use of currency is as a measure of value. To be a *true* measure of value, the proportion of the currency to the material wealth, or to the exchanges, must be uniform between the different nations of the earth, and must also be uniform from time to time. To be a *convenient* measure of value, currency must be portable; and to be *safe*, it must be durable. Now, sir, it stands confessed that none but the specie standard has ever come to the first requisite, of uniformity between nation and nation; for it is the only money of the *whole world*. As between age and age, it is not perfectly uniform; but experience has shown not only that it was near enough for most practical purposes, but that no other money standard has ever approached it in this respect; and so far as durability and portability are concerned, no improvement upon specie has ever been devised except that of the original plan of the Bank of Amsterdam, whose paper represented specie, dollar for dollar. Apply these tests of currency to paper money issued upon any other foundation than its actual equivalent in specie, and it will be found that it cannot stand an examination by any of the true rules of currency, except in its portability—an advantage which, it is shown, can also be given to the specie standard, by the device above mentioned. But gentlemen, not choosing to expose their paper currency to an examination by these tests, would persuade us that it is fixed upon us by necessity, because, as they say, there is not specie enough in the world to answer its purposes of currency. And here permit me to say, sir, they confound the abstract question with the propriety of a present and sudden return to that standard. This consideration of quantity enters a very small way into the consideration of the abstract question. If the world were beginning anew, it would be a matter of no importance whether an ounce or a half ounce of silver was called a dollar. If the quantity of precious metals preserve the uniform proportions to exchanges of which I before spoke, it matters little whether that quantity be small or great. But how do gentlemen ascertain that there is not enough of specie in the world for its currency? This has been reckoned a subject of curious inquiry amongst the learned, and none have ever pretended to do more than give its probable amount, for there are no sufficient data for an accurate calculation. Now, if any one is at liberty to suppose upon this subject, I should say that it was Jacobs; and he tells us, after a very ingenious view of the subject, that the amount of specie, in currency, ornaments, &c. in Europe and America, is equal to 1,000,000,000 of pounds sterling. Of this, all that exists in the shape of ornaments and domestic utensils, constitutes a fund to resort to for currency whenever it may become necessary to do so. Up to the establishment of the Bank of England, there was certainly specie enough for the currency of the world, for it had, in effect, no other; and the mines have not only been open ever since, but are still open, when a demand for the precious metals shall cause a resort to them. Sir, when gentlemen dispose of these arguments, as absurd, by a jest, I take it as a polite intimation that they mean to settle the question by the weight of their own authority. Here, again, with all possible deference, I beg leave to take issue with them even under that form of arbitrament. If the question is to be settled by authority, I venture to place against them such a name as that of George Washington, who distinctly expressed his preference for the specie standard, in his letter to a member of the Maryland Legislature. If that will not do, I will throw in the names of George Mason—said by John Randolph to have been the most sagacious Virginia politician of his day—of John Taylor, of Caroline; of John Randolph himself; of Nathaniel Macon, of North Carolina; of William H. Crawford, who, in his currency report of 1820, affirmed that all the experiments of paper money had signally failed; of Albert Gallatin, whose opinions are shown in his review upon currency in 1830; and even of George McDuffie, who said, in his celebrated report upon the United States Bank, that he was far from maintaining, as an abstract question, that a specie currency was not the best. Nay, sir, I might throw in the names of the framers of the Constitution themselves; for we have the authority of Fisher Ames for declaring that they designed this for a hard money Government. If the authority of all of these great names is to be disposed of by that same comprehensive jest, then, sir, I can only say with Parson Adams, that "I would prefer being one of the victims to being the author of such a jest."

If it be true then in the abstract, that specie constitutes the best currency now known to the world, it follows, as a consequence, that any easy and gradual return to it, would be salutary in point of policy. But if a single voice is raised for reform in this particular, the very air resounds with cries of credit! credit! from the friends of the banks, as if there could be no credit without banks constituted precisely like ours. Gentlemen meet any proposition for such a reform with vague generalities about credit, and like the gods of Homer, they veil this their favorite idea in a cloud of words, and bear it from the field of battle, when there seems to be a chance of its coming into contact with reason. For the cause of truth, it would be well, however, if this notion could be stripped of its veil, so as to expose it to a closer scrutiny than they permit us to give it. If this were done, I think they would find that they have have been led into strange mistakes by a confusion of ideas: first, because bank credit, in the form of circulation, is sometimes worth its equivalent is specie, they mistake it for specie; and then because it is sometimes exchanged for capital, they again confound it with this last. In this way, they might carry bank credit through all the transmigrations of Indus, and make it the same with any thing they pleased. They forget that credit, currency and capital are all distinct in their natures, and that you cannot increase the real amount of credit, by changing the currency which is the standard by which it is measured. The first bank in the world, which united the right of lending money, with the power to make this money of their own credit, was that of England, chartered in the reign of William III. Will gentlemen pretend that before this there was nothing like credit known to the world? Was there no credit amid those nations of antiquity, of whose wealth we read so much, both in profane and sacred history? Was there no credit in Holland or England, previous to the time of William? And if there were, then it follows that the ideas of credit and of a specie currency are not incompatible. The difference between those gentlemen and myself, in relation to currency, is this. They would raise the fabric of credit by a variable measure, so that the walls would be thrown out of the perpendicular in the very process of construction, and thus they would tumble before the building was finished; I, on the contrary, would place an invariable standard of measure in the hands of industry and enterprise, so that the fabric should rise in its just proportions and stand when once erected. In a comparison of ideas upon the subject of credit with most gentlemen here, I think it would be found that I would go for even a more liberal use of it than they themselves are willing to allow the world. The difference between us is only as to the standard of measure: they prefer a variable, and I prefer a fixed standard. As the uses and nature of credit and currency are different, so it should be with the laws which regulate them.

I have thus endeavored, Mr. Chairman, to trace the operation of this banking system upon our foreign commerce. If that operation be such as I suppose, it is manifest that any thing which increases its tendency to over-issues and sudden changes in the standard of value, is unwholesome to the community; while, on the other hand, whatever serves gradually to diminish this tendency, must be salutary. That the connection between the Government and the banks seems to increase the tendencies of which I have been speaking, is so clear and so generally admitted, that I need not argue the proposition. The question for present consideration is, whether this bill, which proposes to dissolve the bond, will operate suddenly and harshly, or gently and gradually? If the former will be its operation, I admit that it would be impolitic; if the latter, however, be true of it, then I maintain that it is just and expedient, as a measure of financial policy, inasmuch as it will serve to reduce the circulation of the banks a little nearer to the specie basis.

To measure the probable effects of this bill, we must look to the nature of the bounty which the use of Government credit and funds affords the banks. It endows them in two ways; first, by the use of public money deposited with them, and upon which they trade; and, secondly, it increases the circulation, which they can sustain by producing a Government demand for their paper. Supposing the Government to collect no more money from the people than enough to satisfy its yearly wants, (a state of things which I take it for granted the nation will insist upon, as they ought,) I would estimate the amount at $25,000,000. This I believe to be a liberal allowance; but, as some gentlemen, opposed to this bill, have placed the probable annual revenue at $30,000,000, I am willing to base my calculations upon their estimate. First, then, what will be the loss of the banks in losing the use of the public funds? Supposing the public revenue to be adjusted to the wants of the Government, it is manifest that the average period of deposit in their institutions would of necessity be short. It would be extravagant to suppose, under this state of things, that the collection would be three months ahead of the disbursement; and yet, even upon this supposition, the banks would lose, at an allowance of six per cent. for three months upon $30,000,000, only $450,000, when the ultimate policy of the bill is attained. But it is to be remembered that this bill operates gradually, through the period of six years, so that they would lose only $75,000 in the first year, $150,000 in the next, and so on until the divorce was final. There are in this country about eight hundred banks, with a capital, probably, of $317,000,000. Will it be asserted that this loss would crush, or even seriously injure them? But I believe that the sentiment is now almost universal that this portion of the bounty ought to be taken from them. Let us look, then, to the other feature, and see how far this bill affects their circulation. This circulation is sustained by the demand for it, and this demand has hitherto proceeded from two sources, the Government and the community at large. If we can ascertain the amount of notes which the Government demand will keep afloat, we shall then know the extent to which that circulation will be diminished by this measure. In 1820, our revenue amounted to a little more than $20,000,000. In the celebrated report upon currency, made at that time by Mr. Crawford, he declared that if $5,000,000 were then issued in Treasury notes, receivable for public dues, he was justified in asserting that not a dollar in any other medium would ever reach the public treasury.

If, then, $5,000,000 in currency would have transacted all the Government exchanges when its revenue was $20,000,000, it would follow that $7,500,000 in currency would suffice for this purpose when the revenue amounted to $30,000,000. The proportion of the amount of currency to that of exchanges, public and private, is usually estimated as one to thirty; but as the operations of Government are slower, and for larger amounts, than those of indviduals, they would of course require a greater proportion of currency. When for collection and disbursement we place the Government exchanges at double its revenue, we shall find that Mr. Crawford's estimate allows one-eighth of the exchanges as the amount of currency required for Government purposes, which surely is liberal enough. But attempts have been made to show that under this bill a larger proportion of currency would be required by the Government, inasmuch as, according to their statements, 10,000,000 will be locked up during the year. When the revenues and expenditures are equal, it is absurd to suppose

that one-third of the revenue will be constantly in deposit. It is true that the amount locked up will depend much upon the execution of the scheme. If the Secretary discharges his duty judiciously, the collection will probably never be more than $2,000,000 in advance of the disbursement. Recent experience would seem to justify this conclusion. But this is a mere conjectural mode of conducting the inquiry. The data afforded us by Mr. Crawford, whose experience and ability qualified him to judge, furnish us with a principle which will lead us to much more certain results upon this subject. We are justified, then, in believing that the abstraction o the Government demand for bank paper would not diminish that species of circulation more than $7,500,000, when the revenue amounted to $30,000,000. This diminution, it is to be observed, too, operates gradually through the period of six years. The diminution, therefore, for the first year, would be only $1,250,000, $2,500,000 for the second, and so on. Now the circulation of the eight hundred banks amounts, at present, to about $100,003,000, and in 1836 it was more. Is it to be believed that so gradual a diminution of this circulation could be of serious injury to them? All must admit, bank and anti-bank men, that the bank circulation has been excessive. A check, therefore, so gentle as this is likely to prove, ought to be desired by all. But there is a class who object to this bill, because they say its passage will destroy all confidenee in the bank paper, inasmuch as no private individual will take it if the Government refuses to receive it. If this paper has any value, sir, I presume it is indisputable, as a general rule, that individuals will take it at that value so long as it is permited to circulate, and this we neither propose nor have the power to prevent. If it is meant that it will not then be taken at more than its value, or when it has no value, my reply is, that it ought to be so. Government can have no interest in deceiving its citizens as to the value of the commodities which they purchase, or in making them pay more for an article than it is worth. If it be good policy to induce a community to receive a currency of no value, and to circulate it upon mere confidence, why is it that we have no propositions to repeal the laws against counterfeiters? Their paper circulates upon confidence, and upon this principle is as good as any other. I had thought the reason for the law was, that this paper was circulating upon a false confidence reposed in that which was valueless, whilst it ought only to circulate upon a true confidence resting on its real value. As the truth of this confidence is important, it would seem that Government should do nothing to deceive the peodie in regard to it.

In making these efforts, Mr. Chairman, to measure the effects of this bill, I have thrown out of view those calculations which are based upon the supposition of a surplus revenue. So far from being willing to make provision for the annual accumulation of a surplus revenue, it is, in my opinion, one of the great recommendations of the measure, that it will place the stock interests of the country against this mischevious result. We shall have them aiding instead of opposing us in our efforts to keep down this dangerous tendency of our Government. We have seen the corrupting effects of one surplus: he must be mad who desires another. I might have shown the estimate of ten millions to be locked up the vaults of the Treasury was extravagant, even when a surplus is accumulating. Inasmuch as it was made by looking to the statements of the surplus at the end of the last quarter, always greater than any other during that period, because unusual amounts were gathered to discharge the national debt, then being paid off. So much then, for the operation of this bill upon the banks, an operation so moderate, that I should think it my duty, if it passed, to warn the people, that it was far from being any thing like a thorough reform in the system. So far as the general system is concerned, the leading feature of reform in the bill is this: It will relieve the General Government from a dependence upon the banks; and thus the State Legislatures may make such reform as they may think just and temperate, without embarrassing the General Government. The banks, too, in this case, will be more responsible to the people for being independent of the action of the General Government, they can never find in that, either just or unjust excuses and causes of complaint.

Let us now trace the operation of our banking system upon the domestic commerce of the country, with and without this Government connection, or, in other words, with and without this bill.

We find, in our early history, that some of the eastern colonies commenced the system of paper money by Government issues. The effect of this issue, in the colony which commenced it, was to raise the nominal price of commodities, within its borders, beyond that which regulated the sale of property without its limits. The consequence was, that its neighbors were induced to sell their property to its citizens at their enhanced prices, and exchanged it for their obligation to pay according to this false standard. But when pay day arrived, the colony which issued the paper found itself in this predicament: If it paid the debt according to promise, its own citizens would be ruined, because they would pay for more than the consideration for which they made the contract. On the other hand it was impossible to ascertain the real consideration received, as they had no means of measuring the fluctuations of the paper standard by which they promised to pay, and which too was constantly changing; to pay the whole was ruinous to its own citizens. It was impossible to ascertain the precise amount in equity; and accordingly, as the temptation to pay nothing was strong, so I believe it usually resulted in point of fact.

Thus its neighbors were defrauded of the property given in exchange for this paper. When our ancestors came out of the war of the Revolution, experience had given them a just perception of these and many other evils of the paper system; and accordingly they inserted in the new Constitution a provision to prevent the States from issuing bills of credit. The States however evaded this prohibition, by creating banks with the power to issue paper money, upon principles which I have before attempted to explain. If this Government had not connected itself with their operations, the disease would perhaps have cured itself. The natural laws of currency would have operated between the States. That which departed farthest from the specie standard, would have gone in debt for the property of its neighbors, when its price was high, and would have been forced to pay for it when the price was low. The notes which it issued would have circulated in other States, but the property pledged for their redemption would have been that of the State which issued them; so that when the bubble burst-ed by expansion, its neighbors would buy that property at specie prices in payment of the debts contracted to them for their own property sold at paper money prices. One or two shocks of this sort would have developed the nature of the system so plainly, that probably the disease would have cured itself. Instead then of seeing a contest between States, as to which should issue the most paper, as has been the case, we should have seen them contending for the nearest reduction of their paper to the true specie standard. But, unfortunately, the General Government intervened between the disease and its natural remedy. It undertook to receive this paper in payment of public dues; and these banks were made depositories of the public funds when collected, with the privilege of trading upon them. The use of Government credit, thus offered to the banks, operated as a bounty to those States within which public revenue was collected to depreciate their currency. All paper that was nominally convertible, was alike endorsed by Government with the stamp of receivability. And, accordingly, of these States, that which expanded its currency most within the nominal limits would usually enjoy the greater share of this Government credit. When the public funds too were once deposited in these banks, this irregularity was apt to continue even in a period of suspension. For some time even the suspension of specie payments did not prevent their paper from being received. The resolution of 1816, however, required the paper to be convertible before it could be received, but even then we have seen that they continued to enjoy the use of the Government funds upon deposite, which are usually unequally distributed, and upon which debt a long credit is generally given them. These were not the only modes in which this use of Government credit operated as a bounty to the States to depreciate their currency. I think I have demonstrated the truth that paper currencies nominally convertible, may exist, and yet be of unequal value, I have exhibited facts, too, which seem to show that this difference may be considerable notwithstanding the nominal convertibility of both. If so, this use of Government credit operates as a bounty to the States within the reach of foreign trade to depreciate their currency as far as possible within the limits to which I have just referred; because this not only operates as a general diminution of the duties, but may reduce them in the port where this currency circulates below the value paid in the customs in other sections of the country. If duties may be paid in different States under our laws, in currencies of different values, the effect is the same as if the discrimination had been made in the duties themselves. If one or two States should gain this advantage over the others in the beginning, it is very difficult to rectify the inequality afterwards. Foreign trade first concentrates there, and the domestic soon follows it.

The ends, therefore, attained by this bounty, so far from operating as a general good, plainly tend to a common evil; I mean the depreciation of the currency. And how is this bounty distributed between the States? The equitable rule (so far as established by the practice of the Government) for distributing public property, would seem to be the ratio of representation. It occurred to me to look to the actual division of these favors as between my State and New York. The first period to which I looked, was that at which Hamilton repealed, by a Treasury order, that law of the land which required public dues to be paid in specie. Under this left-handed marriage, I found that the Virginia merchant paid his duties in specie, (for we had no banks,) whilst the New York merchant discharged his with bank credit, which was nothing more than his own, being based upon it. In addition to this, a large portion of the Federal revenue was deposited in that city, to be used for purposes of private trade, whilst no such facility was received in Virginia. The effect of this was soon made manifest. According to McPherson's Annals of Commerce, the foreign trade of Virginia and Maryland, out and in, whilst they were colonies, was more than that of New York and New England together, and yet in four years after this connection of Government with the banks, New York exported abroad more than three times as much as Virginia. Of the imports we have no account at this time.

The next period to which I adverted was during the last Administration. I find by the report of the Secretary of the Treasury, in 1836, that at one time $10,278,000 were deposited in New York, and only $358,230 in Virginia, so that whilst the representation was as two to one, she shared the use of Government funds about in the proportion of twenty-eight to one. This last disproportion was always great, although, of course, it varied at different times. And the end to be attained by this unequal distribution of the bounty, is the general depreciation of the currency. But, Mr. Chairman, it has been said that we defeat our own ends, if we succeed in showing the strong section that it is profiting by this regulation, at the expense of the weak. It is asked, can you expect them to give up such an advantage? I reply that I should expect it, even if I were to fail in an appeal to their justice and fraternal feeling. I should expect it, because, after all, they have a deeper interest in the just administration of this Government, and in the peace and harmony of the whole, than in any present perversion of its powers to their temporary benefit. In addition to this, the action of the State Governments alone would soon make it their interest to remodel their policy: other States would extend their banking systems, so as to prevent any from enjoying exclusive benefits from so selfish a policy. In defence of their own commerce they would do it; and in the end the shocks in the monetary system would succeed each other so quickly,

as to force a general reform. But, Mr. Chairman, if there were no considerations of interest which would induce the different portions of this Confederacy to do justice to each other, I should not fear the result of an appeal to their sense of right alone. The mass of the people, in every section of the Union, are just in their feelings. None of them would deliberately institute and pursue a course of policy by which their brethren were to be injured for their exclusive benefit; and if by accident such a system were adopted, they would themselves be willing amongst the first to abandon it. In such an appeal I should not fear to go before the people of any section of this confederacy; and such is my faith in their justice that if I were to fail, I should still be inclined to think that it was not because they wished to plunder us, but because I had not made out the case to their satisfaction. Long, long, sir, may this spirit of justice remain with our people, for upon that, at last, will rest the surest guaranty, and most efficient protection, for the Union. When the Athenian people rejected, by acclamation, the proposition which Aristides told them was at the same time most expedient, but most unjust, they did themselves more true honor than when covered with all the glory of Marathon and Salamis. Had they continued to have cherished this principle in after times, they would have placed their power and empire upon the surest of all foundations.

Mr. Chairman, nothing but a sense of duty and justice to my constituents, could induce me to offer a view to this House which looked to the Union by sections, because, sir, I should be ashamed to give just ground for even the shade of a suspicion that I would seek through this Government a benefit for my own State at the expense of others, or that I was capable of envying the growth and power of more prosperous portions of the Confederacy. If there were no feeling in my heart to teach me better, I should not dare to make such a proposition, because I and my colleagues all know that Virginia would spurn us upon our return if we were to ask such a boon of injustice. Still less, sir, am I capable of envying the splendid success of other sections of my country. When I look around upon the mighty evidences of the spirit of Northern enterprise, I not only rejoice, but, as an American, I feel proud of them. The tribute which Burke paid to this spirit in its infancy, was just even then; but he had not seen it as he might now see it, in all the freshness of maturing vigor. He had not seen it, as he might now see it, conducting its mighty march through the wilderness to leave civilization in the morning where it rested but the night before, or disturbing the ancient silence of the primeval woods with the panting speed of the flying car. He had not seen it as now, cutting paths for its commerce through the deep foundations of the everlasting hills, or toiling up the mountain summit with the rich presents which the far West sends greeting to the steep Atlantic stream. He had seen it waging successful warfare with difficulties which subdue all feebler races; but he had not seen it as now familiar with every clime, gathering tribute in every sea; and when there was neither turf nor twig to be rendered as the emblem of its seisin, bearing away the frozen fields of the northern seas, to allay the burning thirsts of the line, and to exchange for the fruits of a summer clime. I do see these monuments of their enterprise more useful, if not so enduring, as those of the Pharaohs, and I never see them that the response does not rise from my heart, "*macte virtute*"—go on and prosper in the cultivation of these and every other manly virtue. But, sir, when I have paid this tribute to Pyrrhus refusing to take his ease at his feast, though rich with all the spoils of the east, I am not to be blamed for turning to render the deeper homage of my heart to the honest poverty of Fabricius. Surely "my own, my native land"—the mother who bore me, may justly claim a share of my regard. When I ask that Virginia shall participate equally in the benefits of the Government, I seek nothing more than her due, for no State has contributed more largely to the common stock of the Union.

But it is said that we cannot carry on commerce in the South under any system of policy, because nature has designed us for another destiny. I shall not now join issue upon this proposition, although I do not see why I might not if I chose. Our people descend from the same stock, our harbors are as fine, our rivers are as deep, and penetrate as far, as those of any other section, and our productions constitute the great mass of exports to foreign countries. But, sir, I do not join issue upon this proposition, because it is enough for me that, if the action of the Government is equal, and trade is left free, it will flow where it is most profitable. Then, sir, if it be profitable to conduct it in our borders, it will flow there; and if it be not, it will remain where it is carried on to more advantage. In either way, the ends of justice will be attained, which is all that I desire. But, Mr. Chairman, we are told not only here, but in another wing of this building, that the common interest and good of the whole require the centralization of business and credit in some one grand city of this Union. A much wiser view, I think, was that of De Tocqueville, the distinguished author of the book upon American Democracy. In his opinion, such a centralization of business and credit is inimical to the success of the experiment which we are making in Republican Government.

Sir, what is the nature of the interest which we are supposed to have in this centralization? Is it pecuniary or political? It is surely not the interest of the whole in a pecuniary point of view. Under this system the Southern producer, instead of sending his products directly abroad, sends them first to New York, and thence to their place of ultimate destination. His commodities are thus charged with an extra freight and commission. The Southern consumer receives his portion of the return cargo by the same circuitous route; he, too, is charged with an extra freight and commission. This process surely is far from being beneficial to the South, if, when trade was free, its portion would go directly out and in. Again, a great portion of the West sells in the South, and is forced to carry this money to the North for the articles which it buys; so that its trade is charged with the expense of this exchange. But it is said that the Western dealer lays this charge upon his commodities, and thus does not suffer by the operation. Be it so, then, for argument's sake; still it results in a loss to the Southern consumer, which would not be for the common interest of the whole, if, when trade is free, the West would buy where it sells, and thus relieve this important branch of business from the expense of exchange. But, in point of fact, Mr. Chairman, it will be found that the West does not escape this expense so entirely as is supposed. Any thing which necessarily tends to raise the price of its productions, diminishes the quantity consumed. It is an established fact, that as prices fall, the consumption increases, like the circles as you descend the cone. As the natural price or cost of production decreases, the consumption extends, the demand becomes more steady, and the producer is more prosperous.

Where, then, is this common benefit? Is it in the centralization of credit? When one city becomes the focus or centre of the whole credit system of the Union, whatever affects it, either by accident or design, affects the whole system. The value of the entire property of the community, depends upon the skill and fidelity with which this city directs the operations of credit. The whole system is under its control, and that system extends over such a range of country, and such a variety of interests, that it is impossible for any degree of human skill, placed at one point, to embrace the whole in its providence, or to manage it efficiently. If, on the contrary, there were several centres of trade and credit in the Union, one system might fall, and yet the others might stand entire to assist and sustain it. The calamity would not be common. As it was, however, under the late centralization of commerce and credit in New York, we have all seen how extensive was its control over the property of the Union. Every bank in the country fell at the approach of the courier who brought the news of the suspension of specie payments in New York, as if he had been the angel of death itself. I think then I have shown, Mr. Chairman, that the benefit of this centralization is not pecuniary. Is it *political*? Can it be, sir, that it is for the common interest of the Union to place its whole credit and property under the control of any one city, no matter where placed? Ought our people to wish so tremendous a power to be placed in the hands of a few who cannot be responsible to them for its use? Do not those legislators, whom the world calls wise in their own generation, already begin to look more for instructions to the price current, which brings the news of the rise and fall of stocks in New York, than to the opinions and wishes of their constituents? We have seen that no man can propose a reform in the policy of this Government, no matter how essential, but that this awful sheet is waved as a "*memento mori*," before his eyes, if the measure should happen, in the slightest degree, to diminish the profit or power of these stock interests. Sir, if this connection between Bank and State is permitted to continue much longer, the day is not far distant, when we shall see the course of our Government, like that of trade, regulated by exchange. In taking this view of the case, Mr. Chairman, I by no means design to disregard the just interests, or to disparage the future prospects, of New York. On the contrary, I believe that she has nothing to desire but free trade. It is neither her interest nor ours, that the control of the whole trade and credit system of the Union should be forced by legislation upon her. The concern is too vast for her management; and she would only injure both us and herself in making the attempt. The region of country whose trade and credit, nature has obviously designed for her regulation, is vast enough to to task all of her energies, and to afford them as much exercise as can be healthful. So long as the action of this Government continues equal, she will grow in prosperity. While the mighty Hudson holds his majestic way, he will continue to bear her upon his bosom the rich offerings of the far regions from whence he comes. And so long as the winds of Heaven perform their course from clime to clime, they will waft to her shores commerce with its choicest gifts.

So far, Mr. Chairman, I have been examining the operation of this bill upon the pecuniary interests of the country, and I have endeavored to show that this operation was just and salutary. I come now to the political view of the separation which this bill proposes between the banks and the Government. It is here that some of the strongest arguments in favor of the bill are, in my opinion, to be found, for I feel assured in the conclusion that it is to operate as a purifying reform upon our political institutions.

In the first place, it will relieve the General Government from a dependence upon the State banks. While a connection subsists between the two, no matter how well Government may manage its affairs, yet it will have to share the sufferings and embarrassment of the banks, if they mismanage their concerns. It will be forced to take all the consequences of the errors of the banks, notwithstanding its inability often to have prevented them. Under the old system, it gave the use of its credit and funds, and then if they became embarrassed, it could not withdraw the first, without adding to the distress of the community, nor could it command the other, until it was convenient to the banks to pay them over. Under the proposed change, its funds being in the hands of its own officers, would always be withdrawn for its purposes; and using nothing but specie in its receipts and payments, enough of this medium would be reserved in the hands of the people for the necessary wants of the Government, at all times, and in every state of affairs. In addition to this, it would then be in the power of the State Legislatures to reform, at their own pleasure, these institutions, without embarrassing the General Government.

But there is yet another reform proposed by this bill, which is of still more importance in a political point of view. It takes from the Executive the power of using indirectly the public funds. It takes from him the power of controlling the bank patronage, through their use of Government credit and funds, and of regulating through them the currency, so far, at least, as to alter the standard of value at

pleasure. Here is the great difference between this and the other plans which I have seen proposed for collecting and keeping the public revenue. This bill takes from him these tremendous powers, while the others, in effect, bestow them upon him. It is easily demonstrated that any plan which proposes to collect the public dues in bank notes, gives, in effect, to the banks the use of the Government funds and credit; but the proposition has been so clearly demonstrated by others, that I shall not now repeat the argument. If the banks are allowed to use the Government credit and funds, it is easy to perceive that the power of regulating this use will, in effect, rest with the Executive, and thus give him the means of controlling these banks. The power of selecting and discontinuing the banks as public depositories, in most of the schemes, is directly vested in the Executive. And if the attempt were to be made to place it with Congress, it would be found in practice, that he in fact exercised it. Congress not being always in session, and being an unwieldly body, charged with the consideration of many and various subjects, would scarcely ever enter into that examination of details which is necessary for ascertaining the condition of the banks and their mode of performing their contracts. This would be entrusted generally to the Executive, and the continuance of the favors enjoyed by the banks would usually depend upon the course which he might choose to pursue in relation to them. It would almost always be so, for the Executive is at the head of his own party, who usually constitute a majority of Congress, and who would be generally disposed to sustain him in such measures as would enable him to control the banks, and maintain the ascendancy of the party. If he, then, could regulate the use of the Government credit by the banks, the boon would be great enough to give him the control over them—a control which would place both their patronage and the currency at his disposal. Mr. Chairman, the patronage of the eight hundred banks in this country every one can estimate in some degree; it is known to be vast. But he nature of the power of altering the standard of value is one which is not perceived at the first glance. It requires some little reflection to comprehend its extent, and to perceive that it reaches every citizen, and all the property of the community. He, sir, who would fully measure its extent, should turn to the example of England, whese history is, perhaps, more instructive to us than any other. If I were called upon to select the revolution which, of all others since the Norman conquest, had effected the most radical change in the foundations upon which that Government rests, I should pass over at once the wars between the Roses, which always ended in the mere substitution of one king for another; I should pause but a moment upon that contest which carried the first Charles to the block, and raised a subject to his place; and passing over the Restoration, come at once to the period at which William III was elected. In making this choice, I should not be governed by the precedent of electing a monarch by Parliament, or by most of those changes in the organic law which are usually referred to as marking the extent of the revolution. The great, the leading change, which left the deepest impression upon the institutions and destiny of the country, was the establishment of the Bank of England, and its connection with the Government. This, together with the funding system, which was the twin-sister of the Bank, enabled the Government to raise money almost at pleasure, and that too without responsibility. The power over the purse then changed hands, from the Commons to the Bank, and through it to the Ministry. In comparison with this, all previous devices of Governments for debasing the coin were clumsy and useless for the purposes of power. The money of the world being the same, exchange soon told the secret. But the establishment of this Bank, with its paper money, enabled the Government to alter the standard of value, by means so secret and subtle, that after an experience of more than a century, its people scarcely understand them as yet.

The system soon developed itself in its consequences. Before that time England had achieved much, in comparison with the rest of the world, both in arts and arms, as she has done since. She had poured forth her hosts to redeem the holy sepulchre and moistened the sands of Palestine with the blood of her nobles and yeomen; she had marched her armies into the very heart of France, and held a great portion of that kingdom by right of conquest. Under her Tudors she had maintained the balance of power in Europe and protected the Protestant faith. In short, she had laid the foundations of her colonies, her commercial system and her power long before the time of William of Orange; and yet at that day she was not burthened with a national debt. A new era, however, had now taken place. As the first fruits of this system, the civil list of William and the revenue were swelled to more than double those of any of her previous monarchs.

But it was reserved for the younger Pitt to develope the tremendous power of the machinery transmitted by William. It was said of him by John Randolph, that his dialectics had like to have cost England her national existence. Their power was undoubtedly great; but they would never have enabled him to have overwhelmed her in debt, if it had not been for the connection of the Bank of England with the Government, through which he changed the standard of value. Finding that his expensive projects would cost him his place, even with the aid of the funding system, if he called upon the country for the means of executing them, he caused a suspension of specie payments, and debased the currency. Intelligent observers of the time estimated the depreciation at fifty per cent. Prices rose, the people became contented at their imaginary prosperity, little dreaming that their Premier was borrowing money for them at an interest of one hundred per cent. and leaving it to posterity to pay the debt. He increased the national debt during his ministry to £620,000,000* sterling, for which it is almost certain the nation received not more than half the value as a consideration; and yet, upon the resumption of specie payments in 1819, they assumed the obligation to pay the entire amount by the specie standard. Such are the stupendous frauds to which Governments are invited by their connection with banks. Their alliance is so tempting and convenient to power, that I believe nothing could ever have severed our own Government from the banks but that earthquake in the credit system which shook them apart. Sir, if time permitted, I think I could refer to the history of our own country for illustrations of the abuses to which this connection is liable. But he who considers the nature of this power of altering the standard of value will not need illustrations to convince him of the appalling danger of confiding it to the Executive. The question for our solemn consideration is, shall we renew this dangerous connection? For one, I answer, never with my consent.

But gentlemen avoid the consideration of the great principles presented by the bill, by raising objections to the details. They say that this bill will increase the patronage of the Executive. Permit me for a moment, Mr. Chairman, to institute a comparison of the Executive patronage, with and without this connection between Bank and Government. If you pass this bill, and sever the connection, you increase the number of office-holders by nine, and make an addition in the way of salaries by an amount something less than $25,000. This is the whole patronage conferred by the bill. Without the bill, however, and with the connection, you give the Executive the control of eight hundred banks, with all of their patronage, and confer upon him besides the power of altering the standard of value. Can there be a doubt, then, but that, upon this comparison, the balance should be struck in favor of the bill?

I come, now, then, to a second objection which is made to this bill. It is said that the public money will not be so safe in the custody of the Government officers as it will be in the banks. This is a question which we have no means of determining with perfect certainty. It must at last be settled by a calculation of probabilities. If we are to confine ourselves to the single consideration of the quantity lost by actual default in the custody of the different depositories, the facts presented by the industrious research of the chairman of the Committee of Ways and Means, would seem to establish the strong probability that the chances of loss by actual default were less when the funds were in the hands of the public officers than when placed with the banks. He has ascertained, (as appears by his report upon the subject,) that the entire loss of public money in the custody of public officers during forty-nine years, is certainly not one quarter of one per cent. and probably about one-tenth of one per cent. upon the entire sum which passed through their hands; whilst the actual loss of public funds in the banks, for a period of seventeen years only, is nearly three-eighths of one per cent. upon the amount deposited in them.

I confess, sir, that this result was contrary to my previous impressions, which were vague upon this subject. But in examining another matter, I chanced upon a report made by a committee of this House in 1801, which seemed to confirm this view of the case. A committee, of which Mr. Otis was chairman, was charged with the examination into the losses of public revenue in the hands of public officers. The result was, that in six years the entire loss of money received for customs and lost by the default of these officers, was less than one-seventh of one per cent. of the sum collected. It is to be remarked, too, that the period to which the examinations of these two committees were directed, was one during which there was no personal penalty upon defaulting officers. Should this bill pass, which attaches the loss of liberty to this offence in public officers, the chances for their safe-keeping of these funds will be increased, and the comparison will turn still more in their favor. But I beg leave to remind these gentlemen that, under any system of custody, the public revenues must twice pass through the hands of public officers; first in collection, and next in disbursement. I ask them to reflect, too, that after all, it is a question of human agency, in which they have to determine the relative fidelity to their trust of two different sets of agents; the one chosen by Government, and punishable in person as well as in property for a default; the other, selected by the banks, and not visited by these personal penalties in case of the like offence. If there be any candid mind which, after these considerations, shall still decide that the chances for safe-keeping are in favor of banks, I hazard nothing in affirming that it cannot suppose this difference to be great. If so, I put it to that individual to say whether, for the trifling consideration of a little greater loss of public money, he would sacrifice the great advantages which I have endeavored to show would result from this divorce between Bank and State. He could not hesitate; and if he did, I would then demand that he should conduct the whole inquiry upon which this question of loss depends, and not a single branch of it. The true question is this: Will the public loss be more by depositing its fund with its own officers, or by placing them with the banks? In stating this account, we must introduce more items against the bank than the loss by actual default. We must charge them with the loss by the depreciation of the paper in which they pay, and with the pecuniary loss sustained by the community in the expansions and contraction of the currency, which this deposit tends to increase and produce. When the account is thus stated fairly, I think a glance of the eye would determine that there was a large balance against the banks.

I have thus endeavored to meet this objection fairly. But gentlemen must pardon me if I refuse to go into the irrelevant issue which they have raised for popular effect. When they rise upon this bill to clamor against the union of the sword and purse in the hands of the Executive, I must take leave to tell them that they speak to an issue not made in the case. Let them make their case,

* It is worthy of remark, that the interest upon the whole addition made to the national debt of France, during the entire reign of Napoleon, up to 1814, and whilst that country had a specie currency, amounted only to £160,000. With a specie currency, France encountered a world in arms for this long period; and yet she made only this small addition to her national debt; an amount not to be compared with that contracted by her great rival under the paper system.

and I will be as ready as any to decide upon it. The difference between the separation proposed by this bill, and the connection between Bank and State for which they clamor, is this: The bill proposes, whilst it leaves the custody of the revenues in the hands of the public officers, to take from the Executive the power of *using* these funds. The connection which they espouse, not only leaves the public purse in the hands of Executive officers whilst it is collecting and disbursing, but, as I have before attempted to show, gives the President the means of using these funds through the banks for purposes of patronage. There is but one way in which this question of the union between the purse and sword can be fairly and practically raised: that is, by submitting a proposition to place the Secretary of the Treasury under the control of Congress. So long as he is treated as an Executive officer, the President may exercise, through him, a control over the custody of the Federal revenues. When gentleman make this proposition, I shall then think that they wish to raise this issue; but until then, I must suppose that their declamation is designed merely for effect.

But, sir, another objection is urged against this bill, which, if founded in truth, would be conclusive to my mind against it. With great felicity of imagination, some have converted the unpromising materials of this bill into a Treasury bank, with all its forms of horror. They say it is a law for a Treasury bank of circulation and discount. When I ask them for the feature which makes it so, they point to the power left with the Secretary to draw upon the depositories for transfer and disbursement. If this be so, then I reply that gentlemen will have a Treasury bank when they defeat this bill, for these powers exist, and to a great extent, under the law organizing the Treasury Department. I go farther, sir, and maintain that, if this inference be true, then the Government cannot proceed without such a bank; for it is obvious that unless the Secretary could transfer money by warrant from one point to another, and draw upon the funds when deposited for disbursement, he would be forced to keep the public treasure himself, and either go to every public creditor with it, or force them to come to him. Every man in the community would view such a provision as preposterous. But if it be admitted that no such Treasury Bank has existed heretofore, then I maintain that if these powers, vested in the Secretary from the institution of the Government up to this period, have not produced a Treasury Bank, it is not likely that one should arise under this bill, which limits these powers. And this brings me to the nature of this limitation. In conducting this comparison between the chances of perverting these powers to such purposes under the law organizing the Treasury Department and under this bill, I beg leave to premise that the place of deposite is nothing to this question, inasmuch as they may be abused as well when the funds are deposited in banks as in the hands of public officers. First, then, let us look to the relative chances for perverting them to the purposes of a Government circulation. Under the old law, Alexander Hamilton claimed the power* "to issue Treasury drafts, receivable at the several custom houses, and in anticipation of the duties." From thence he argued to the conclusion, that he might receive bank notes issued upon a specie fund, and did receive such notes, notwithstanding the law, which required gold and silver to be paid. Nay, we have lately seen, under this law, drafts drawn upon public funds in banks, and made so receivable. In short, there is under this law no limitation as to the time of payment, or presentment, of their drafts. By the bill, on the contrary, the Secretary is required to make provision for the *speedy* presentation of these drafts; and the holder is notified that unless he complies with these provisions, the place of payment may be changed. Under this law, the Secretary could not issue drafts which would circulate without a violation of law: because no draft can answer the purposes of circulation, which requires a speedy presentation for payment. Upon this point, to satisfy all qualms, I would be willing to vote for a provision specifying the time within which such drafts must be paid, although I do not deem the provision necessary, or even very material. Again: under this bill, these drafts could never become a circulating medium, because they would not be receivable in payment for public dues. Nothing but specie, or evidences of public debt which the Secretary cannot execute, except by authority of law, being receivable for dues to the Government.

I come now to the comparison as to the means of discounting, which these powers are said to confer upon this imaginary Treasury Bank. Under the law organizing the Treasury Department, Hamilton claimed the power to draw his drafts and sell them through his officers; and accordingly, upon his own confession, he did make and sell such drafts† upon credits of thirty and sixty days; and this, too, in exchange for bank paper. Now, sir, if this power would remain after the passage of this bill, it would flow, not from the bill, but from the law to which I have just referred. In truth, however, no opportunity would exist for such an abuse of power when the bill had reached its ultimate policy—I mean the entire collection of the public revenue in specie. Public creditors would then be paid in specie, and the operation of these drafts would be this: if the draft upon a distant place would be worth its amount in specie, the disbursing officer would exchange it for specie to pay the public debt. In this case, there would be evidence that there should be no transfer of specie from the place of deposite, and none would be made. Upon the contrary, if the draft would not command a similar amount of specie, then this specie would be transferred by Government, and the state of the money market would prove it to be expedient. The exchange of the draft for cash, or in other words for specie, would give the Government no patronage; its exchange for credit, as was practised under the law organizing the Treasury Department, would give it an improper patronage; and yet gentlemen oppose this bill, which limits the powers whose abuse they fear, and propose to leave the original law, under which they are unrestrained.

But when the opponents of the bill are driven from this ground, what is the other position which they assume? Why, sir, because the public money is in the hands of the officers of the Government, they argue that it will be used by them for banking purposes, although this bill makes it a penitentiary offence in them to make such a use of the money confided to their care. It has always been reckoned a little curious that honest Fluellen should have attempted to establish an analogy between Macedon and Monmouth, because there was a river in both; but his comparison will have its parallel, when the Treasury of the United States shall be identified with a bank, because, forsooth, there is money in both.

I come now, Mr. Chairman, to the last of the objections to this bill, which I propose to notice. It is said that this bill falls short of the line of our duty, because it does not regulate, or in other words make, a currency. Upon this point, I beg leave to state that if there be two constitutional modes of attaining a constitutional end, and the incidental effects of one upon the currency are better than those of the other, that then we should prefer that mode whose incidental operation is best. Accordingly, I have endeavored to show that the incidental effects of this bill upon the currency were salutary, and they extend as far, I believe, as our power over the subject. For one, I utterly deny that it is either our duty or our right to regulate the currency. This power is now derived mainly upon the argument which implies it as necessary for the regulation of commerce. Now, sir, I maintain that it is against reason to imply a power as necessary to carry out a power expressly granted, when that which is implied is as important in its own nature, as that is which is granted. If both be equal in importance, there is as much reason to suppose that the framers of the Constitution would have specified the one as the other. If they intended to give both, they would have specified both. Still less reasonable is it to suppose that they designed to give, by implication, a power more important in its own nature than that which they specified as the necessary means of carrying out the less important end. I deny, therefore, that the right to regulate currency can be implied as the means necessary to regulate commerce; inasmuch as the former power is more important and extensive than the latter. The first reaches directly every class of the community, and every species of property, whilst the latter affects immediately but one class of productive industry. This conclusion is fortified in my mind by the clause of the Constitution which forbids any thing but gold and silver to be made a legal tender between man and man. To suppose that the framers of this instrument would give this Government a power to make a currency of any thing but gold and silver, and yet deny it the privilege of making this currency a legal tender between its citizens, is to believe that it gave us the right to pass a law, but at the same time provided that any individual might nullify it at his pleasure.

Having now reviewed most of the arguments for and against the bill, I beg leave briefly to recapitulate the reason which induce me to support this measure. I believe, first, that it will operate as a gentle but salutary check upon the mischievous operations of our banking system upon foreign trade; secondly, it will take away the bounty heretofore offered by this Government to the States for the depreciation of their currency, and relieve, in a great degree, not only the different sections of this Confederacy, but the different States of the same section from the unequal operation of our fiscal system upon commerce; thirdly, it will relieve the General Government from its dependence upon these State institutions, and thus the people will have it more in their power through the State Legislatures to effect necessary reforms in the banking system; and, fourthly, it will take from the Executive, not only an immense amount of bank patronage, but also the power to alter the standard of value.

I cannot, however, pass from this subject, without explaining clearly my opinion in relation to the extent to which this bill would reform our currency. I have already said that I thought its operation in this regard would be gentle and salutary. Further than this I have declared my belief that our authority does not extend. But the public would be deceived if it expected from this measure a thorough reform in our banking system. This work must be performed by the people, through the State Governments, who alone have authority over the subject. It is not for me here to indicate the means by which I believe this great work might be accomplished I will declare my opinion, however, that a rational spirit of reform will seek, as its first object, to take gradually from these institutions the power of making a currency. They will thus be divested of the great source of their mischiefs, whilst all that is beneficial in their operations will be left to them. The great considerations which have hitherto sustained them, notwithstanding their tremendous abuses, have been that individuals obtained through them the use of capital, whilst society found their agency useful in transacting its exchanges. Their power to perform these useful functions were, however, rather diminished than increased by endowing them with the privilege of changing the standard of value. In the infancy of our society, when they were first instituted, there were no large capitalists in the country. It was a known principle that capital could be employed at a less interest in masses than in small quantities. The natural means of converting this principle to a beneficial use was to aggregate this capital by incorporations. There was no necessity to have given these incorporations the power of making currency for sale. On the contrary, without this power, if there had been no restrictions upon them as to interest, it is manifest that we should have procured at once our just share of the capital of the world, at precisely what it was worth. It is one of the vices of our banking system, that its rate of interest is fixed. They have no means of using this interest like the Bank of

*American State Papers, vol. 1. Finance, p. 49.
†See American State Papers, vol. 1, Finance, p. 226.

England, as the index of its expansions and contractions in its new business. This bank has found from experience, that the readiest way of curtailing its business is to raise the rate of interest. This throws out all of that demand which comes from employments of low or doubtful profit, whilst it lets in those whose natural rate of profit is high and certain. Ours, on the contrary, curtail upon all indiscriminately—the safe as well as the doubtful; or, having no fixed and equitable rule by which to discriminnte between their customers, they make personal distinctions which are odious to society.

Let us look now to the operations of exchange. This consists of two branches. The first is a system of offsetts, which dispenses with the use of currency. For instance, the merchant in Mobile, owes the merchant in Richmond $1,000; the merchant in Richmond owes the merchant in New York a like amount; a nd the New York merchant owes him from Mobile the same. Now the dealer in exchange who could command all these obligations would settle them without the use of a cent of currency. This is the great and beneficial part of the business of exchange. A dealer of large capital would perform this business much better than one with a smaller amount, because it is manifest that the greater the number and amount of obligations commanded by one dealer, the greater the prospect for setting them off against each other. In this point of view, too, it might be necessary to use aggregate capital in order to employ it efficiently in this business. But here again the currency function was unnecessary, because this business, like all others, has its natural rate of profit, which would of itself invite the employment of capital, without the aid of bounties and monopolies so mischievous to the community. Indeed it is known to be the natural and profitable part of the business of banking. There is however another branch of this business, not here so important or extensive, to which I would call the attention of the committee before I conclude. It will sometimes happen, that after selling off all of the obligations to or from a particular city, the balance of trade will be against it. Now the transportation of the money to discharge this debt cannot be made without cost. As the city owing the debt desired the consideration for which it was contracted, so it is just and natura that this expense should be borne by it. And if any bank undertakes to transfer it for nothing, it does so, because Government has given it some privilege of pecuniary value, which compensates them for their loss. This is manifest, from the nature of the thing; and if they pretend that the power to issue currency, enables them to perform this task without cost to themse ves or others, they state the account erroneously. They do not make this change of funds without cost to themselves. But for the immense advantage of the exclusive power to coin paper money, they may well undertake to assume this burden. It is obvious, however, at the same time that Government would be doing much more justice to the community, even if it were to take upon itself the immediate charge of carrying this money from city to city in its own ships.

It seems to me clear therefore, Mr. Chairman, that so far as exchange saves much of the cost of transporting money by setting off mutual demands against each other, the banks could perform the business profitably to themselves and others, without the power to issue a cent of currency; while on the other hand, the cost of transporting the actual ballances due upon trade from city to city, ought of right to fall upon them who benefit by trade; and it is unjust to the community at large to give the banks the power of altering the standard of value to their own profit, for the smaller loan of their doing this comparatively unimportant branch of exchange without cost to the merchant.

Mr. Chairman, I have endeavored to examine the subject in which I have been engaged fairly and impartially. I have certainly expressed my opinions candidly, perhaps too boldly. When I looked to the magnitude of the interests involved in our discussions, I hesitated whether I ought to place before the public these results of my humble reflections and immatured experience. But when I remembered that my name had no weight to give authority to opinions which are unpopular in themselves, I was convinced, that, if erroneous, their expression could injure none but myself, whilst if true, it was right that they should be known. The task which I have executed, in some respects, has been painful. I regretted to differ with men whose superior wisdom I ackowledge, and with whom I should have been happy to have agreed, had the constitution of our minds permitted it. Perhaps this regret would have been deeper, if imputations as to the party motives of those who support this bill had been hazarded less freely upon this floor. For myself, I am governed by no party motives upon such a question as this. I feel myself to be proudly above them. In saying this, I mean no disrespect to those who adopt the rules of party action; they have the authority of eminent names, perhaps of public opinion itself, to sustain them in the propriety of submitting their conduct to such rules. For one, however, I never will consent to merge all individuality of sentiment and action in the great mass of party. I never will take upon myself that allegiance which should bind me to obey the will of a party, even though the obedience involved a sacrifice of the wishes and dearest interests of those who sent me here. As the agent of my constituents, I will either represent them, according to their sense of right when I know it, or I will give way for another who may do it with a safer conscience. But beyond this, and when they leave me a free agent, I acknowledge no responsibility to any but to that Being who gave me a conscience for my guide. Sir, short as my course has been, there have yet been times when I should have turned aside from public life, heart-sickened by the narrow disputes of party for power and place, if it had not been for my fixed belief that great principles were at work in society, which would accomplish their results in despite of the obstacles of a mistaken legislation. I believe that the Reformer is abroad on the earth to change and to purify; and I trust that the day is not distant, when he will liberate trade, and turn that mighty innovator loose upon mankind; who, when free to take the range of the earth, will tread down the barriers that divide man by sections, and trample upon those monopolies which array in hostility the different classes of society, which, but for them, would have an identity of interest and harmony of purpose. If the dream of the visionary and philosopher who sighs for universal peace shall ever be realized, that work will be accomplished through the agency of the great principles of free trade; for it is the nature of these to teach man, through his interest, to reduce the rules alike of national law and municipal regulation to that simple maxim of Christian ethics, which commands us "to do as we would be done by." In conclusion, sir, I must return my thanks to the committee for indulging me so long. As the best excuse which I can offer, I will say that it has been a long time since I troubled them before, and, probably, it will be long before I shall trouble them again.

SPEECH OF MR. POTTER,
OF PENNSYLVANIA.

In the House of Representatives, June 23, 1838—In the Committee of the Whole on the state of the Union, on the bill reported by the Committee of Ways and Means, to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue, and the various amendments offered thereto.

Mr. POTTER addressed the committee as follows:

Mr. CHAIRMAN: The subject has been here and elsewhere so fully and ably discussed, that if it was not for the resolution adopted by the Legislature of my State, I should feel justified in preserving silence during this debate—a situation much more consonant to my position in this House; but respect for that body, and a sense of what is due to my constituents, compel me, reluctantly to trespass on the precious time of this committee. The resolution to which I refer, is as follows, viz:

"That our Representatives in Congress be requested, and our Senators instructed to vote, and use their influence *for a postponement*, until the *next session* of Congress, of the act introduced by the honorable SILAS WRIGHT of New York, commonly called the Sub-Treasury bill; and that they vote *at this session* for no act of a similar nature; and that we have *full* confidence in Martin Van Buren, and in the wisdom and intelligence of our *Democratic* Senators and Representatives in Congress; and our Senators are hereby further instructed, and our members requested to vote for such a mode of receiving, keeping, and disbursing the public moneys, as will *separate*, as far as practicable, the banks from the Government."

Unique as is this singular production, and *unworthy* as it is of the intelligent people of that State, which I have in part the honor to represent on this floor, I give it my serious deliberation, with a desire to conform with its behests. It was sustained, and finally passed, by the vote of every *Federal* member in the House of Representatives, and furnished the *anomaly* of every political opponent of Mr. Van Buren in that body declaring their confidence in his "*wisdom and intelligence*," and their faith in their political opponents on this floor, the *Democratic* portion of the Pennsylvania delegation; thereby casting an implied and *severe reflection* on those honorable gentlemen of their own political party from our State, as undeserved as unmerited. This instruction process had its origin here, and is the *illegitimate* bantling of politicians, instead of the spontaneous movement of the Legislature of Pennsylvania. The Governor of our State was the organ used on that occasion to convey the *dictation* of a political *clique*, located in this city, to their humble followers in the Legislature. That high functionary descended from the dignity of his station, and became the aider and abettor of this interference in the action of a sovereign State. If an attempt had been made to dictate to a State Legislature, on a question of vital importance to the whole American people by this Administration, or traced to its friends in this House, how justly would the charge of the *unauthorized and unjustifiable* interference of the officers of the National Government, with State legislation, been denounced and sustained! If a Democratic Governor of a State had lent himself to this attempted *degradation* of the State, whose honor and destinies had been confided to his care, what *indignation and contempt* would have been felt and expressed! When we see the mandate to control and fetter the judgment of our Senators, and intimidated a portion of our representatives in the national councils, concocted at the seat of the National Government; the rescript issued to a Chief Magistrate of a State, and *servilely* obeyed by that functionary, have we not cause of dread for the preservation of the State sovereignties, and alarm at the consolidating tendencies of such proceedings? I, for one, appeal from this *spurious and sybilline* instruction of the General Assembly, to the free and enlightened people of my district. To them I am amenable for my conduct, as their representative. They, and they alone, have power to instruct, and to their unbiassed judgment I will most cheerfully submit my whole political course during the time I am honored as their organ in this place.

A brief review of the mode and manner of the safe-keeping and deposite of the public funds, will illustrate how the idea arose *that banks have an inherent right to be the depositories of the public money.* In fact, it will be found that their use, as depositories, and the reception of their notes in the payment of the dues of Government, grew up from the custom and usage of the Treasury Department, and not from any absolute provisions of law. The Continental Congress laid the germ of a Treasury Department in the resolution of the 29th July, 1775, by which they appointed Michael Hillegas and Geo. Clymer joint treasurers of the United Colonies; and directed they should *give bond, with surety,* for the faithful performance of their duties. They were directly responsible to Congress, and held their offices at its will. They were the depositories of the public treasure, and paid out the money *on warrants drawn by the President of Congress.* Under the aticles of confederation, Congress, so far as it possessed the attributes of government, exercised the blended powers of Legislative and Executive

In all the various resolutions and ordinances, up to the period of the adoptionof the present Constitution, whether the superintending powers of the Treasury Department, including the authority over the depository of the public funds, was vested in a committee of Congress, or in commissioners, composed, in part, of members of Congress, or in the creation of a "civil executive department of the Treasury, it reserved to itself the control of the whole system. At first, Congress reserved, as a power not delegated to any subordinate agent, the authority of the selection of the place where the public moneys should be kept. Subsequently, they granted it successively to the "Committee on the Treasury," "the Commissioners of the Treasury," "the Superintendant of Finance," and "the Board of Treasury," in subordination to the resolutions and ordinances of Congress. The new Constitution separated the Legislative and Executive branches, and vested the latter in the President. The reorganization of the Executive departments became necessary, to render them conformable to the new order of things effected by the change in the form of government. This, at the first session of Congress, under the Constitution, produced the act entitled, "An act to establish the Treasury Department.' The duties assigned to the head of the Department, were assimilated to those pointed out, by the ordinance of the Continental Congress, to the Superintendant of Finance; and an officer called the "Treasurer" was to be appointed, whose duties it was "*to receive and keep the moneys of the United States, and disburse the same upon warrants.*" The construction given to this act, by the first and every succeeding Secretary of the Treasury, and acquiesced in by every branch of the Government, was, that it conferred *on the Secretary of the Treasury* the power of directing where the public moneys in the Treasury *were to be deposited.* The practice and usage was, sometimes to place it *in the hands of individuals*, sometimes *in State banks;* and, during the period of the charter of the old Bank of the United States, portions of the public moneys were deposited with it. The Treasurer, on no occasion during the period that has intervened from 1789, attempted to exercise the power of selection. *No bank, either State or National*, until recently, claimed any right to be the depository of the treasure of the people. It was admitted by all the constituted authorities of the nation, as well as by the whole people, that the *safe-keeping* of the public money *was by law*, under the exclusive power of the officers of the Government, subject to the supervision of the President, as the head of the Executive department, and the action of Congress.

For a period of twenty-seven years subsequent to the adoption of the Constitution, officers of the people, selected and appointed by the President, by and with the advice and consent of the Senate, were, *in fact*, the depositaries of the public money. On the 14th October, 1789, Alexander Hamilton, Secretary of the Treasury, addressed a circular to the collectors of the revenue, in which he directs them "to remit all the notes in hand weekly by the post to Samuel Meredith," who then held the situation of Treasurer. As to the specie, which the collectors should return, as remaining in their hands, he informed them, "*I ppose that the Treasurer shall draw orders on you, from time to time, for the specie.*" The Treasurer of the United States, and the collectors for the time being, were the designated depositaries of the public money. On the 6th of April, 1790, the Secretary addressed a circular to all the collectors of Georgia, except Savannah; and in it he directed them to "*remit all moneys which you may now have on hand, or hereafter receive, on account of the customs, to John Habersham, Esq. collector for the port of Savannah.*" In the same circular, he further orders, "*this mode of payment you will continue till otherwise directed by me.*" This shows the practice and usage of the department early after its organization under the Constitution, and proves that there is nothing *novel* in the suggestion, that individuals under the control, and subject to the action, of the *people's* Government, should be entrusted with the safe-keeping *of the people's* money. If the officers, elected by the people, can be entrusted, under the Constitution, with the administration of the Government, with the power and patronage incident to their duties, with the collection, with the disbursement and the raising of the revenue, why not with its safe-keeping? If the people are so innately corrupt that they cannot confide to themselves the selection of the depositaries of their own money, unless corporations are chosen, our Government is fast toppling to its fall. Representative Governments and republican institutions are based on the purity of the people, and their fitness for self-government. Their servants, their agents and representatives reflect back the purity or the impurity of the constituent body. For one, I must express my confidence in the intelligence and virtue of the people of this country, and my firm belief, that they are as capable of selecting competent and fit individuals to be entrusted with a sacred trust, as the directors or stockholders of any moneyed corporation, or any other corporate body in the Union. The circular of Albert Gallatin, Secretary of the Treasury, of the 25th February, 1811, addressed to the collector of the port of Philadelphia, shows that he claimed and exercised the power, as Secretary of the Treasury, of directing the place of deposite for the public money, and that he delegated that power to the collector for the moneys received at that port. The act of 1816, chartering the Bank of the United States, contained a provision in the 16th section, which declared that the deposites of the moneys of "the United States, in places in which the said Bank and branches thereof may be established, shall be made in the said Bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct." By the provisions of this section, the authority of the Secretary, as to the selection of the depositary, in places other than where the Bank or its branches were located, remained untouched, as it had existed previous to its enactment. And in case the Secretary "*should order and direct*" the deposites to be withheld from the Bank of the United States, for satisfactory reasons to be assigned to Congress at its next session, after the issuing of the order, the whole power of selection was remitted, under the existing laws, to the Secretary.

When this event occurred, we find the selection made by that officer, as had been the uniform practice under the act of 1789. From the time of the charter of the late Bank of the United States to the removal of the deposites in 1833, the Bank of the United States and its branches were generally used as the fiscal agents of the Treasury Department, although not exclusively so. In 1817 an arrangement was entered into between the Bank and the Secretary of the Treasury, by which it was stipulated that in places where it had no branches, the Bank was to designate certain State banks in which the public money should be deposited, and for whose fidelity in discharge of the trusts confided to them it would be responsible to the Government. This arrangement went into effect, and continued in operation until the 30th day of June, 1818, when it terminated, in consequence of difficulties arising between the selected State banks and the Bank of the United States. On its termination the Bank intimated to the Treasury Department that, thenceforward, it could receive nothing in deposite as *cash* but the *legal currency* of the country, or its own notes. It is a remarkable fact, that this discrimination of the Bank to receive, as the fiscal agent of the Government, under the provisions of its charter, on deposite, as *cash*, nothing but *specie* or its own notes, created no alarm for the safety of the *great credit system;* nor was its policy denounced as ruinous to the interests of the people, or arraigned as hostile to the State institutions. Where then slumbered the sentinels whose voices now so loudly proclaim the danger from an analogous measure, sustained and advocated by the great body of the Democracy of the country? Their patriotism slept when a great moneyed corporation, the *god of their idolatry*, advanced the doctrine of the non-reception of State bank notes, convertible at the will of the holder into the precious metals, on deposite, by that institution. Their devotion to the Bank did not falter or waver for a single moment. The kind of money that *was not good enough* to be received by it as *cash*, is abundantly fit for the people and their Government, in the estimation of these new-fledged Whigs and patriots. When the President recommends the collection and disbursement of the public dues in the "legal currency," he and his friends are assailed in bilingsgate language, which vies with that of the fish market in chaste beauty. They are denominated Loco Focos, Destructives, and denounced as hostile to the banks and the credit system.

The act of 1836 regulating the deposites, constitutes the latest action of Congress on this subject. Its provisions are familiar to all who are conversant with the legislation of Congress. The States became the depositories of the surplus revenue on hand, and banks, to be selected by the Secretary of the Treasury on specified terms, became the depositories of the accruing revenue; and that portion which it was deemed advisable to retain, to meet any exigencies of the Government. The suspension of specie payments in May, 1837, by the State banks, in compliance with the provisions of the act of 1836 terminated their connection with the Government, as fiscal agents, for the time being, and threw the Treasury Department back upon the act of 1789, as the regulator of the depositories of the public money. For how short a period during the existence of our country as an independent nation, have banks, *by express law*, been the sole depositories of the public money? On the 20th November, 1789, Mr. Secretary Hamilton, in a circular letter addressed to the collectors of Massachusetts, directed them to deposite in the Bank of Boston "whatever money may come to their hands;" and he further instructed them that they were to continue to do so until they should "*receive a countermand*" from him. The reason assigned for this order exhibits the views of the Secretary, and the motives which, in the then situation of the internal communications and commerce of the country, governed and controlled his policy. It was to enable him, "*as far as possible, to avail the public of the revenues arising in that State, without drawing the specie out of it, by facilitating the negotiation of drafts.*"

From this small beginning, intended to facilitate the operations of the Treasury, and protect the specie circulation in a State, from whence, at that day, a great portion of the revenue was derived, has *the claim* of the banks, which now *overshadows* the whole land, arisen? It is, and has been, the boast and glory of the founders of our Constitution, that they saw at a distance the mighty growth and extension of this Republic, and to have laid the foundations of a *great, free, and powerful nation.* We have increased in population and wealth, and acquired an adamantine strength, which no foreign power can affect. So long as the people are true to themselves, this Republic will be indestructible. Such has been the rapid increase of our commerce, navigation, agriculture, and manufactures, that it was thought necessary to establish numerous banks, by State legislation, under the fallacious idea of increasing capital; many of these went into operation without a sufficient metallic basis, and were, in all respects, without solidity of capital, or prudence of management. The idea prevailed that a bank was the panacea for every real or imaginary evil. When their own cupidity and mismanagement caused them to dishonor their credit, every nerve is strained to clear their own skirts, and cast the odium on the National Government. To *change the Administration* many of them have entered the arena of politics, to coerce the Government and the people to entrust them with the custody of the public moneys, for the avowed purpose of discounting upon it, and using it as capital, *to increase* and swell their profits. To compel the people to receive and disburse their notes, in the expenditures of the Government, so as *to extend* their circulation, and give them a fictitious credit, they are entrenched behind "*the cotton bags,*" have closed their vaults, and refused to pay their debts. In these dishonored entrenchments they are counselled to remain until the "*enemy*" are driven from the country, by the presiding officer of the most powerful bank in the Union. To what enemy does he allude? To a foreign foe. No: the reference is to the servants of the people, elected and selected by them to administer the Government, under the Constitution; to the *downfall* of the Re-

publican party, and the *prostration* of the principles, which marked the administrations of Jefferson, Madison, Monroe, and Jackson; and consequently the predominancy of the adverse principles which were so prominently shadowed forth during the administrations of the Massachusetts dynasty of Presidents. Thus the moneyed power, wielded by irresponsible corporations, *is volunteered in aid of a political party.* If the people yield to this potent influence, and bow in obedience to the mandate of the banks, it will be time to despair of the Republic. The conflict is emphatically one for life or death; for liberty or for a monocracy. If the people can be roused to the true issue, the danger is passed and gone. True to themselves, true to the glory of their ancestors, they will preserve the rich inheritance of liberty which has descended to them, and transmit it, unsullied, to their posterity. The prize is a vast one; the banks who struggle for the attainment of this power, deem all stratagems fair in the war, and will, deliberately and knowingly, endeavor to deceive the people. Already we have seen it put forth, *ex cathedra*, that the banks are but another name for the stock and farms, the work shops, the manufactories and ships of the people, nay, that they are, "*ipse ipsissimus*," the people themselves. The creatures, created by the servants of the people, assume to be the sovereign people. *How modest!* Ambition uses foul ladders and crooked paths to reach the summit of its proudest hopes!

The intelligence and virtue of a free people foil every effort, and leave the plotters at the foot, instead of the summit, of power. Confined to their legitimate sphere, and within the provisions of their charters, the State banks are beyond the control of the National Government, and unconnected with its operations. Properly restricted in numbers and in power, they are useful to the people, and, from long custom, firmly interwoven with the institutions of the country. It would be unjust, and contrary to the spirit of our Government, for Congress to shape its legislation so as to overawe and oppress them, and bring ruin upon multitudes of our citizens, who are stockholders, creditors, or debtors, of these institutions. None to whom the Administration of the Government is entrusted could be so unwise; none could possess so little sympathy for the sufferings of the people as to pursue such a course. Certainly the restoration of the collection and disbursement of the revenue to the mode and manner where it was placed by the sages who framed the Constitution, is not an attack on the banks, or evidence of hostility towards them, or the credit system. Serious embarrassments exist among the commercial classes in our cities. We look in vain for the cause of this embarrassment in the present state of our markets. Our agricultural and manufactured articles bear a fair price; foreign exchange is at its lowest rate; the precious metals are flowing in upon us. Whence, then, does the evil arise? Clearly from the deranged state of the currency, produced by the wild excess of banking operations, the vast expansion of credit, the untoward and extensive speculations of companies and individuals, followed by the sudden contraction concomitant upon expansion. That this scene of embarrassment and derangement of the exchanges of the country should be kept up as a means of operating on public opinion, and controlling the dynasty of the Government, was the avowed object of one great moneyed institution of the country, if the late letter of its president speaks the sentiments of its directory. To guard against these evils, and *to take away all cause of agitation relative to conflicts between the National Government and State institutions, is the great and leading object of the bill under discussion.* The principle on which it is predicated is, to entrust the public money no longer to the safe keeping of corporations, but to assume the custody of the public treasure by the Government itself. Its first and main object, the continued severance of the financial relations of the Government, "*as far as is practicable*," from "*the banks.*"

The suspension of specie payments in May last, under the provisions of the Constitution and the existing laws, coerced the Treasury Department into a withdrawal of the deposite of the public money from the State corporations, and cast upon the Executive Department a wide discretion in the mode and manner of keeping the funds of the nation. The deposite act of 1836 did not contemplate or provide for a crisis such as that which occurred. The probability of the refusal of some one of the selected deposite banks to redeem their paper was foreseen, and provision made in the eighth section for such a contingency. It was enacted: "*Or if any of the said banks shall at any time refuse to pay its own notes in specie, if demanded,*" "*it shall be the duty of the Secretary of the Treasury to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposite.*" This was the law. It was obeyed. No discretion was left to the Secretary. The connection was wholly dissolved. The Executive Department is not chargeable with the dissolution. If it is again to exist, it must be re-established by a new reunion, consummated by law. So, also, the non-reception of the notes of banks refusing to redeem their issues, in payment of debts due the Government, was produced by operation of law, and not by the volition of the Executive branch of the Government. The act of 1789, the resolution of 1816, and the act of 1836, were imperative, and forbid the officers of the Government to receive, in payment of its dues, *any inconvertible paper*, issued either by the State sovereignties or banking corporations. In a Federative Republic, organized under a written Constitution, of limited powers, it would present a singular anomaly, closely allied to despotism, to clothe ministerial officers with the power of dispensing with positive laws. It is equally foreign to the character of our institutions to confide *immense discretionary powers* in the hands of the Executive. A jealous limitation of the control of the Executive over the finances of the nation, is a principle coeval with the Republican system. The framers of that admirable chart of our liberty, the Constitution, recognised this safeguard of our Government in the provision that "no money shall be drawn from the Treasury except in pursuance of appropriations made by law." Deeply impressed with the truth of these positions, I cannot consent to forbear making an effort to place the safe keeping of the public moneys under the regulations and restrictions of law, during the present session, and thus limit the power of the Executive over the finances of the nation.

Two plans of accomplishing the object of taking the public money out of the immediate control of the Exscutive branch. and placing it under the custody of the laws, has been submitted to the consideration of the people and Congress; first, *to revive and resuscitate the union of the State banks with the Treasury Department, on principles allied to those of the deposite act of* 1836; secondly, *to provide for the entire separation between the Government and the banks.* No proposition for the creation of a National Bank to be made the fiscal agent of the Treasury Department, has been submitted for the consideration of Congress or the people. The question is narrowed down to the two positions stated: which shall we select? The solution of this important inquiry involves momentous interests in its decision, deeply affecting the future destinies of the people, the States and the Union. Its magnitude is felt and acknowledged; the high responsibilities under which we act recognised. None can deny the disasters which have been entailed upon our country, during and immediately succeeding the period that State banks were used as fiscal agents of the Government. The connection proved alike unfortunate to the people, the Government and the banks. On both occasions, when State banks were resorted to as fiscal agents, the experiment *signally failed.* A striking similarity exists between the results arising during the period between 1811 and 1816, and those recently developed. Are these misfortunes attributable to the inauspicious periods at which State bank agency was employed in the financial relations of the Government, or did they occur from an inherent defect in the system? During the continuance, and at the close of a foreign war, *the experiment failed.* In a time of profound peace, and great individual and national prosperity, a second disastrous failure happened. *When is the auspicious period to arrive for a fair trial?* And what inducement has the people to try a third experiment, based on similar principles with two former ones, which utterly failed?

The evil is in the system, and not in the period when the experiment has been tried. This admonishes us of their insecurity, and inability to successfully perform the necessary functions of the financial agency of the Government. The defect is in their organic structure; and hence the hopelessness of amendment. When money is abundant, all who have the command of it use it improvidently. The Government, with all its checks and balances, cannot be restrained from doing the same. Bank directors and officers are not exempt from this general frailty of our nature: they are usually the largest borrowers and prime operators in bank credits. Next, they accommodate their friends. It is the interest of banks to lend; and borrowers think it their interest to obtain money to invest in speculations, the profits of which are generally over-estimated. The tide rolls on, until the mass of the community are drawn into the vortex. No one dreams of the reflux, except here and there a solitary individual, who is termed a *croaking raven*; behind the age in which he lives. *This is human nature*, which no wise statesman will overlook, in framing a system of government. Operated upon by such causes, no Treasury contrivance by the General Government can impose upon the State banks, whose existence is independent of their power, sufficient obligations, or offer sufficient inducements, to repel the infectious influence of the trading mania, when at flood tide; and until that can be accomplished, the public money will not only be *unsafe* in the State banks, but it will greatly enhance the danger of their *insecurity. They would be much more sound and beneficial to the country without, than with it.* The occasional fluctuations of internal exchanges will occur, under any system of financial arrangements by this Government. The evidence of the last year has given a remarkable instance of the utter inability of State banks, when connected with the Treasury Department, to preserve uniformity of exchange. A memorable instance of the failure of the United States Bank to secure the same desirable uniformity, occurs in the past history of internal exchange, from the year 1817 up to 1821; during which period the western banks, and most of their enterprising men, were prostrated, the Bank of the United States itself, reduced to the very verge of bankruptcy, and compelled to suspend and wind up some of its branches; particularly one in Cincinnati. The convulsions of that period overwhelmed whole masses in the Middle and Western States with ruin; and as it respected this Government, terminated in its relinquishment of upwards of *twenty-one millions* of debt due for the sale of public land; and an accumulation of upwards of *one million and a half of dollars* of unavailable funds in the Treasury, in the notes of *broken banks.* After the evil had fallen upon us, and the mischief was done, the Government interfered. At the instance of the Chief Magistrate, the then president of the bank resigned, and Mr. Cheves was placed at the head of the institution. A man of iron nerve, he applied the remedy with an iron hand; and property throughout the Middle and Western States was reduced in a short period, from *fifty to seventy-five* per cent. in value. This occurred at a period when our staples were depressed abroad, and aggravated the evil. The seat of the disease was in the *expansions* of credit and bank issues, during the preceding years, and in the rigid and unbending *contractions*, and consequent reduction of the circulating medium, in the years of 1819, '20, and '21. This brief review of bygone times, proves that all the skill of the able and patriotic men of that day, with every motive for exertion men of exalted reputation, occupying the highest stations of public trust, was not competent to arrest the ruinous misfortunes arising from the *use of the public money*, in expanding bank facilities. Nor when the evil was presented, were they able to prescribe such a remedy as the debilitated condition of the body politic would bear. They mistook the plethora for robust health, and depleted the patient until he fell into an incurable dropsy.

On the Government and the people, the consequences of this unnatural union of Federal power with State institutions, produced dangerous results. A mean subserviency on the part of many of the conductors of these institutions to the Treasury Department, is clearly evinced in the published correspondence between them. A wide and almost boundless range was given to the power and patronage of the Executive—*the more fatal and dangerous because unseen and secret in its operations.* Corrupting as such a Union was to the spirit and genius of our institutions, it was no less fatal in its consequences to the currency, the prosperity and the business of the country.

Two great explosions have overwhelmed the currency within the last twenty-five years; and is it not remarkable that on both occasions the occurrence took place at periods when State banks were connected with the fiscal operations of the Government? The blighting influence of an irredeemable and depreciated circulating medium warns us to beware of this doubtful and dangerous remedy. Experience has demonstrated to the most incredulous, that there are radical defects in our bank circulation, which can only be cured by an increase of the specie circulation, and a reduction of the paper medium. So long as the money of the people is diverted from its constitutional purposes, and used *as capital by banking corporations to discount upon*, an occasional redundant circulation is inevitable. A crisis in our national or commercial relations produces a rapid contraction of this redundancy; depreciation is the natural consequence; and the evil is inflicted on the whole community. But the effect upon the business of the country is still more deleterious. A sound and stable currency fosters and encourages industry; and an unsound one, attended by constant fluctuations, prostrates the enterprise of the industrious and honest portion of the community. *Currency is the measure of value;* and that nation which places it under the control of incorporated companies, surrenders the industry and business of the country into their hands: they raise the price of labor, and increase the price of production and consumption at their own will and pleasure; then, by a moment's operation, convulse the value of all the products of the country, and reduce the price of labor and property far below the correct standard. It is, then, evident that a sound and stable currency would produce highly beneficial results to the agricultural, manufacturing, and commercial interests. It would give to the products of the farmer a certain and fair value, and to the manufacturer a protection which would enable him to meet foreign competition, by manufacturing the article at a price which would authorize him to sell as cheap, or cheaper, than the foreigner. The interests of all would harmonise, and the prosperity of all be secured. As this stability and uniformity of circulation is *endangered* by the union of banks and State, ought the connection to be renewed? I honestly believe that the best interests of the people imperatively forbid the reunion, which the banks themselves dissevered. Come coolly and reason, while I briefly examine the alternative measure. Calm deliberation and reason should be the only guide in this investigation: appeals should not be made to prejudice, to passion, or to party. Truth, and the attainment of the best interests of our country, are the objects fervently desired. *The Constitution evidently contemplated that money should be raised from the people for the purposes of supporting the Government, defending the country, and increasing the prosperity and happiness of the whole people, and for no other object whatever.* When the money of the people was collected, it was to remain in the Treasury until drawn out *in virtue of appropriations made by law.* So jealous were our ancestors, that, in the grant of powers to the National Government, they confined the power to the immediate representatives of the people of originating appropriation bills. These principles militate against the idea that it is *right or constitutional* to give the money of the people to corporations *to loan out and bank upon;* or, in other words, to use it *for the unauthorized purpose of private gain.* They accord in principle, on the other hand, with the proposed plan of separation. By the provisions of the Constitution, Congress holds the purse, and is entitled to the custody and safekeeping of the finances of the nation. The power of raising revenue, and directing its appropriation, is vested in that body. The revenue is to be raised and expended by authority of law. The agents for collecting and disbursing, under the Constitution, are appointed by the President, by and with the advice and consent of the Senate; but when appointed, *they cannot raise or disburse one dollar without the authority of law.* A just regard to constitutional injunction, and an exalted patriotism, demands that the National Treasury, with overflowing means, *should not be exposed to bankruptcy by the vicissitudes of banking and commercial fluctuations.* Pledged to no peculiar plan or bill to effectuate the object of separation, I am disposed to anxiously inquire and deliberate carefully upon the details, so as to secure the least possible injury in the process, and to accommodate the return to the early and approved policy of the Government, to the existing situation of the currency and circulating medium of the country. Party prejudice, united with an *avaricious* feeling on the part of bankers and speculators, have left no effort untried to assail, with a ferocious spirit, the plan of an independent Treasury. By some it is attacked *as the creation of a great Government bank.* This is the most unfounded of all the attempts which have been made to prejudice the public mind. Under the provisions of the bill reported in the Senate, as well as that under discussion, less power is conferred upon the Secretary of the Treasury over the public funds than what he has possessed since the origin of the Government, and no more than what he must exercise under any system. He has always paid the public creditors by Treasury drafts, and always must pay them in this manner. Whenever greater accumulations of revenue arise at any one place than are required for expenditures at that point, he must, and always has had the power of transferring the surplus to places where it is wanted. Such, and no greater, are the powers conferred by the provisions of the bill; yet it is said that the holders of these Treasury drafts or warrants may endorse them over to third persons, and thus render them negotiable, and that these drafts will constitute the paper currency of the Government bank. This pretext is at once *annihilated* by the provision requiring these drafts to be promptly presented and paid, so that they cannot continue in circulation, and form a part of the circulating medium of the country. Compare the limited powers proposed to be vested in the Secretary of the Treasury with those which a connection with a league of combined banks would give. The league would consist of State banks, retaining all the powers conferred by their charters. In addition, you secure to them the use of the public deposites, to be discounted upon, and used as an increase of capital. You give them unlimited credit by the reception of their notes as gold and silver in payment of the public dues. You consolidate, organise, and blend the interests and capital of the selected and united banks into one great whole; and as the central power, you place that whole under the supervision of the Secretary of the Treasury. *One mind, one powerful will, would direct and control the operations of this central power, to which the currency, the business, and the property of the country, had been surrendered. Would not this create a bank?*—a Government bank, under Executive control, which might end in despotism?

Again: it is alleged that the Independent Treasury plan extends and enlarges Executive patronage. To make the comparison between that and the deposite bank system on this point, analyze and compare the provisions of the bill. By it there are four public receivers to be appointed, by and with the consent of the Senate, whose united salaries will amount to about twelve thousand five hundred dollars; and ten clerks, whose salaries will average about twelve thousand dollars; and these, together with such visiters as may be occasionally appointed to count the money, and examine the accounts of the different depositories are all the *addition* to the Executive patronage. How trifling in comparison with all that immense influence, which is abandoned by dissevering the corrupt and corrupting influence of a connection with selected deposite banks! In them are united all the elements of power; immense capital, controlled by a central influence, and blended and united with the Executive, so as to constitute a mighty mass, portending danger and ruin to republican liberty. View the number of persons who are liable to be affected by banking influence, the power they possess in the community, and the extent of control that may be exercised over them, and the most sceptical will be convinced that the deposite system *combines the elements of political power in a much more eminent degree than the alternative plan.* In addition to the officers now in service, say twenty-five of the most powerful banks are to be selected. The officers and stockholders of these institutions are directly interested in their prosperity, and, of course, as their peculiar interests are embarked in a common bottom with the Executive who selected the banks, they would sustain him. These, in the aggregate, at a fair computation, number *two thousand five hundred persons*—the most influential in the community, with numbers dependent on them for favors and accommodation. Admit that the twenty-five or thirty individuals appointed to office under the Independent Treasury system are equal in character and respectability to an equal number of the officers and stockholders of banks, yet how much less influence do they possess, and how small their means of exercising control over public opinion, in comparison with that of the others. How immeasurably is this power increased, when you view American banking as one great system, extending throughout the broad limits of the land, and numbering upwards of eight hundred and twenty banks, wielding a capital of hundreds of millions, and possessing an influence, either directly or indirectly, over near one million of persons. What a standing army of friends and partisans could an Executive Magistrate rally around him, when closely allied to, and united with, this great system! The State bank deposite system, by placing the selected banks at its head, under the control of the Secretary of the Treasury, would constitute that dangerous combination.

It is further objected that the public money would not be safe under the Independent Treasury scheme. *The officers would be under heavy bonds for a faithful discharge of their trusts, and would, in addition, be subject to fine and imprisonment for using or lending the public money for any private purpose whatever.* Does the fact that they are officers of the Government render them dishonest and corrupt, and that if they were bank officers, they would be transmuted into trustworthy and honorable men? Every dollar of revenue has heretofore passed through the hands of two sets of public officers. Collecting officers first receive the money; it is in their hands until deposited with the selected depository. The disbursing officers pay out the public money; and it is in their hands from the time it is withdrawn from the depository until it is paid to the party entitled to receive it. These are Executive officers. The banks, as depositories, from the recent report of the Secretary of the Treasury, have caused greater losses to the Government than have arisen from both these classes of Executive officers. Experience, from the origin of the Government, repels the allegation.

But it is objected that the plan assails credit, and aims a fatal blow at the banks. What right have the State banks to the custody of the public money? An individual who would set up a claim to be made the depositary of the public money, for the avowed and express purpose of *loaning it out, at an interest, for his private advantage*, would be laughed to scorn. Yet grave claims are set up in favor of a number of individuals associated by charter, and who enjoy high privileges under their charters, to the use of the public money. Have corporations greater rights than individuals? With great respect for the opinions of others, I hold the reverse of this position. If the banks have *no vested right* to the public funds, it certainly is not attacking them to withhold from them the possession of that which they have no right to claim. But it is said that the refusal to receive their issues and notes in the payment of public dues is an assault on their credit. The Constitution only recognises the precious metals as currency; no creditor can be compelled to

receive from his debtor any other medium than specie in the liquidation and payment of a debt. The reception of the notes of individuals or of banks in payment is entirely at the option of the creditor; and it is never deemed an assault upon the credit of an individual or a bank to refuse their notes in the liquidation of a demand. *Why should the public Treasury be placed in a different position from all other creditors? and why should the public dues be made an exception to all other debts?* Credit, sound and well regulated credit, is the germ of prosperity. Its preservation, in importance, is second only to the preservation of the liberties of the people. It is best cherished and protected when corporations and individuals confine their operations within due bounds, and discharge faithfully and promptly their pecuniary and moral duties. Would not integrity and enterprise command the same confidence, whether the funds of the nation are kept in State banks or in the hands of the officers of the people? Would a neighbor cease to trust his neighbor, because the Government did not receive bank notes in payment of its dues? Undoubtedly not. Convinced that the just credit of banking institutions and individuals cannot be injuriously affected by the continued severance of the Treasury Department from the State banks, it is believed this objection has its origin in a heated and excited imagination, and not in sober reason.

The *modus operandi*, under the bill, will, in my judgment, have this effect. In many cases, when a Treasury warrant is drawn upon one of the branch Treasuries, the holder will deposite it for transmission and collection in, or exchange it for, the notes of the best and most convenient specie-paying bank, by which the bank will effect a very desirable object—the circulation of its own notes in exchange for a Treasury warrant, payable only in specie. If there should be a branch Treasury in the vicinity of the bank, it will draw the specie; or, if remote, the warrant will be sent to settle balances, if any be due, at the commercial points in the vicinity of a branch Treasury. Specie-paying banks will thus get hold of many of the warrants, which will either answer for exchanges in the settlement of balances due distant banks, or for the purpose of strengthening their vaults by an influx of the precious metals. This process, the natural incident of the system, is calculated to remove all cause of alarm from the true friends of the State banks, or from the *anxious* advocates of the credit system—a name which has usurped the place of the former appellation of friends of the *American system*. What will constitute the real difference between the antagonist systems? In the one case, the public funds *are to be loaned out for private gain;* in the other, they are retained *for the legitimate use of the Government.* In the one, it will be the interest of a powerful class to swell the revenue to the highest possible standard: in the other, it will be the interest of the *whole people* that the revenue should be strictly limited, and confined to the most economical expenditure compatible with the public weal. If, at any time, it should suddenly and unexpectedly accumulate, its first effect would be to lock up an undue portion of the active capital of the country. This would produce a continued effort to reduce the revenue, to get clear of the Treasury hoards. These operations will rather tend to preserve the equilibrium in the monetary system, as the accumulations in the Treasury will check the speculations which have caused it; whereas the accumulation of deposites in the banks, *to be loaned out*, will increase, and, for a considerable time give new impetus to the injurious excitement. Irregularities will accrue in the revenue, independently of any plan for keeping the public money; *but that system is the worst which aggravates these irregularities most.*

I am friendly to credit; have no hostility to well regulated State banks; and repudiate, as a clear and palpable misrepresentation, that charge so perseveringly promulgated against the Democratic party "that it desires the destruction of all banks, and the prostration of all credit." The bill provides that, from and after the 31st December, 1838, one-sixth of the revenue is to be collected and paid in the legal currency, or in the evidences of debt against the United States, created by law; and increasing in amount one-sixth annually, until 1843, when the whole revenue is to be paid in this medium. Up to that period, the bills of such banks as now pay specie, or as may think proper to resume specie payments, are to be receivable. This, for the time being, will hold out an inducement to the banks to resume; and the change in the kind of money receivable, will be so gradual that it cannot possibly produce any sensible effect upon the banks, or the community. Nay, if, on trial, after one or two years, one-sixth should be found to operate injuriously to the commerce or the people of the country, how readily can the act be reduced, or the whole system, as to the collection in specie only, be changed, or modified. While the revenue is daily being received, it will as daily be returning into circulation in payments to the creditors of the Government, who immediately pay it out to the other classes of the community. The pay to officers o the Government, for services rendered, constitute but a small item in the expenditures of the nation. The sums expended in paying and maintaining the Army and the Navy, in erecting fortifications for the protection of the country; in extinguishing the Indian title to lands; in Indian annuities; in improving harbors; in pensions to disabled and Revolutionary soldiers; constitutes the great drain on the public purse. Who are those creditors and officers of the Government? *Are they not of the people?* The Government itself belongs to the people. The revenue raised, is by and under the authority of the people. The money, when received and collected, is the property of the people. When paid out and disbursed, it goes into the hands of the people. Yet, we are gravely told that this bill "*establishes one currency for the Government, and a different and inferior currency for the people.*" The character of creditor and debtor is constantly fluctuating—changeable as it is, that of private citizen and officer is yet more uncertain. To-day, an individual may hold the most exalted office in the Government, and to-morrow be a private citizen; and so *e converso*, to-day a private citizen, and to-morrow the Governor of a State. *Yet, in either situation, he is neither more nor less than one of the people.*

The Constitution protects every citizen in the reception of the legal currency only, in the liquidation of debts due him. All the branches of this Government, united with all the branches of all the State Governments, *under the Constitution*, could not make aught but gold and silver a legal tender in payment of a demand. The united action of the whole could not compel the humblest citizen to accept and take bank notes in payment of a debt due to him. Yet the highest attribute of sovereignty in the Government is to be surrendered, and the people, *in their aggregate capacity of rulers, are to be coerced to receive bank notes in payment of their dues.* How void of foundation in truth is this objection. The act of 1789 provided "that the duties and fees to be collected by virtue of this act ,shall be received *in gold and silver coin only.*" At that time there existed, and were used as currency in the business of the country, the bills of credit of the several States, and the notes of several State banks then in being. This established the Treasury currency, "in gold und silver only." The act of 1790 pursued the same policy, in similar language. The act of 1791 creating a Bank of the United States, extended the Treasury currency to the bills or notes of the said corporation, payable on demand "in gold or silver coin." The resolution of 1816 was the first legislative act recognising the reception of the notes of State banks *convertible at the will of the holder* into the precious metals, in payment of debts due the Government. *From* 1789 *up* 1816, *this policy was not arraigned as creating a discrimination between the Government and the people, or as an attack upon the credit system, or as an assault upon the State banks.* These objections, now so clamorously urged, are the growth of latter times. By the passage of the bill, the Government will have the control of its own means and the command of the funds in its possession wherewith to liquidate its debts *in a medium of uniform value*, instead of the *promises to pay* of corporations, who, at a moment, by suspension, can render them unavailable. It will have a tendency to increase the specie circulation, and retain in the country a metallic basis, on which the every day business of *the small trader, the laborer, and the mechanic*, may rest with perfect security. So far as its influence operates, it will restrain importations, and in some measure check the spirit of wild adventure and speculation *in foreign goods*, which has on various occasions produced such deleterious effects on the *industry* of the country. The restraint upon importation will act a *a stimulant* to the domestic manufacturer; inasmuch as it will afford him a certain market, and a fair price, for the manufactured article. The effect it may produce on the currency of the country attaches to the measure a deep and extensive control. The National Government cannot directly interfere with the issue of State banks. Incidentally, in the arrangement for the collection, safe-keeping and disbursement of the revenue, it may produce an effect, calculated either to increase their issues, and swell the circulation of their paper, or to restrain them within safer bounds. The ascertainment of the evils inflicted upon the community by our paper system of currency, and the causes thereof, inevitably point to the course of policy demanded by the best interests of the country. These evils consist in its *instability*, and its sudden tendency to *immense expansions and sudden and ruinous contractions.* Whatever checks these tendencies must produce salutary effects. Will this bill produce this consequence? A demand for specie to the amount of the revenue and expenditures of the Government, will be constantly kept up. This will compel the banks to be more cautious in their issues in the commercial cities, and to keep in their vaults a larger quantity of specie in proportion to their circulation. Their caution will act upon the country banks. This restraining influence, so far as it exists, will be salutary. True it will reduce the profits of banks, but this is inevitable in any process of reform that may be adopted to purify and renovate the system. The withdrawal of the public money from the mass of capital on which banks discount and issue paper, will do more to restrain the over-issues of banks, and produce stability and uniformity of currency, than all the other provisions of the bill.

The consequences of this restraint on bank issues and circulation, although highly advantageous to the nation, lessons the profits of banking. Hence it is natural to find those who are deeply interested in swelling the dividends and profits of the State banks, opposed to the Independent Treasury plan. Their pecuniary interests influence their judgment, and control their actions. This accounts, in part, for the deep and deadly hostility which has been exhibited towards the measure. It is in truth a struggle between the holders of stocks and the other classes of the community. The former, though much less numerous than the latter, possess such powers of combination and unity of action, that they are enabled to hold the conflict in doubt. Having time at command, they meet, consult, advise, and act in concert. Possessed of immense wealth, they control a large portion of the public press. The avenues of information to the people, being thus subject to the stock interests, convey such intelligence as is calculated to advance and sustain the policy of those who maintain the press. This admixture of individual pecuniary interests into the political conflicts of the day, has tinged them with a bitterness and personality, unfavorable to the permanency of our beautiful and admirable polity. To this is to be traced the increased licentiousness of the press: to which superadd the intense thirst for office and political power, and you have a key which lays open the causes, and makes bare the motives which has converted this hall into a gladitorial arena.

The settlement of those financial questions that draw into the vortex of political strife all the business of the community, is among the most desirable results that can be anticipated by the passage of the bill. It will give peace to the agitated elements and stormy passions of party. Men will settle down to their business with the certain hope that industry and enterprise will better their situation. Every well regulated Government should foster and cherish this desire in the citizen to advance his prosperity as the source of perpetual progress in civilization. That desire transports the imagination of man in the future.

"Spes fovet agricolas
Crura sonant ferro sed canit interpus,"

THE PUBLIC FINANCES.

REMARKS OF MR. CAMBRELENG, OF NEW YORK.

In the House of Representatives, June, 1838—On the bill to modify and repeal certain provisions of the deposite act of June, 1836.

Mr. CAMBRELENG said that, at an earlier period of the session, he would have moved to refer the bill to the Committee of Ways and Means. He should have preferred adding some of the salutary provisions of the Sub-Treasury bill, restricting public officers, prescribing their duties, and protecting the revenue by additional guards. But the mere proposition of any of the sections of that bill, he was sure, would alarm gentlemen, and produce debate, and there was no time now to hear denunciations or discuss amendments.

He thought the bill ought to be acceptable to both sides of the House. The first section removed the restriction in the act of 1836, on the receipt of the notes of banks issuing notes of a less denomination than five dollars since the 4th of July, 1836, and placed the banks which had resumed specie payments on a footing with the Bank of the United States and other banks which had resisted the resumption. The second section proposed to repeal the provisions of the same act, establishing the State bank deposite system, which had been, so far as that system was concerned, rendered mere nullities by the general suspension of specie payments; which event brought into operation other provisions of that act, the last of which placed the public money in the keeping of the Treasurer of the United States, according to the act of 1789.

He was at a loss to discover what part of the deposite act of June, 1836, worth struggling for or against, remained to produce so much excitement on either side. The law prohibits the Secretary from employing almost every bank in the Union, and whether the State bank deposite provisions are repealed or not, the effect will be essentially the same. The first section makes it "the duty of the Secretary of the Treasury to select, as soon as may be practicable, and employ as the depositories of the money of the United States, such of the banks incorporated by the several States, by Congress for the District of Columbia, or by the Legislative Councils of the respective Territories for those Territories, as may be located at, adjacent or convenient to, the points or places at which the revenues may be collected or disbursed," etc.

The banks then employed were to be continued as depositories. Once employed, the Secretary was not authorized to discontinue them as depositories, or to withdraw the public money from their keeping, unless, as is provided for in the eighth section, "any one of said banks shall fail or refuse to perform any of said duties as prescribed by this act, and stipulated to be performed by its contract; or if *any of said banks shall at any time refuse to pay its own notes in specie if demanded;* or shall fail to keep in its vaults such an amount of specie as shall be required by the Secretary of the Treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having due regard to the nature of the business transacted by the bank."

This case unexpectedly occurred in May, 1837, and this section further and expressly provides that "in any and every such case, *it shall be the duty of the Secretary of the Treasury to discontinue any such bank as a depository, and withdraw from it the public moneys* which it may hold on deposite at the time of such discontinuance. And in case of the discontinuance of any of said banks, it shall be the duty of the Secretary of the Treasury to report to Congress immediately, if in session, and if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance."

The late deposite banks have forfeited their right to be employed as depositories of the public money. The Secretary has discontinued them as such, and, in September last, reported to Congress. His authority under this act, as it respects these banks, is exhausted. The power has returned to the source from whence it was derived—the Congress of the United States; and it now rests with that branch of the Government to determine what measures, if any at all, shall be adopted in regard to them. There is no provision whatever in the Deposite act of 1836, which authorizes the Secretary of the Treasury to employ again any such bank, under that act, as a depository of the public money. Its repeal cannot, therefore, in any manner affect the late deposite banks.

Far from being authorized to employ, under this act, these banks, the same section provides that, "in case of the discontinuance of any of said banks as a place of deposite of the public money for any of the causes hereinbefore provided, *it shall be lawful for the Secretary of the Treasury to deposite the money thus withdrawn in some other bank of deposite already selected, or to select some other bank as a place of deposite,* upon the terms and conditions prescribed by this act." The condition of the banks of this country rendered this provision a nullity. The Secretary found it impracticable to execute the law and place the money in other banks of deposite; for the fifth section of the same act expressly prohibited him from selecting or continuing any bank "as a place of deposite of the public money which *shall not redeem its notes and bills, on demand, in specie,*" or "which *shall, after the 4th of July, in the year one thousand eight hundred and thirty-six, issue or pay out any note or bill of a less denomination than five dollars.*"

These two provisions excluded every bank in the United States from Canada to Texas, or the Atlantic and Gulf of Mexico, and especially at all the great points where our revenue was collected. A bank or two in the interior, and a few savings banks, may have escaped the prohibition. It would, however, be difficult to find in any State in the Union any bank, though it may not have suspended specie payments, issued notes or bills under five dollars, or may not have been a bank of issue at all, which did not "pay out" during the suspension, the notes or bills of other banks or corporations of a less denomination than five dollars. The Secretary of the Treasury is consequently, by these restrictions, prohibited from employing almost every bank in the Union, and it is not easy to perceive what interest they have in resisting the proposed repeal of the deposite act of 1836.

But, sir, I have now to refer to another, and by far the most important, provision of the act of 1836, especially as it regards the power of the Secretary of the Treasury over the public money, and the employment hereafter of any bank not already employed under the provisions of that act. Under the provisions already referred to, the Secretary was authorized to select deposite banks, to discontinue them, to report to Congress his reasons for such discontinuance, and to place the public money in other banks. These duties have all been discharged except the last, and that was wholly impracticable. Here the power of the Secretary of the Treasury under the act of June, 1836, was exhausted. Another provision, being the last clause of the eighth and same section, took effect, and transferred the keeping of the public money to the Treasurer of the United States in the following words:

"In default of any bank to receive such deposite, the money thus withdrawn *shall be kept by the Treasurer of the United States according to the laws now in force, and shall be subject to be disbursed according to law.*"

This provision of the act of 1836 has been executed; the public money is in the custody of the Treasurer "according to the laws now in force," and is "disbursed according to law." Such is the end of the deposite act of 1836, so far as it regards the power of the Secretary of the Treasury to employ State banks, under that act, as depositories of the public money. The act of 1789, the foundation of the Sub-Treasury system of collecting, keeping, and disbursing the public revenue, is revived and confirmed by the act of 1836; and until Congress repeals that provision, and the act of 1789, they must remain the law of the land. The power of the Secretary of the Treasury relates to the "collection," not to the "keeping," of the public money, which is given, by the act of 1789, to the Treasurer. That act became the law in 1837, when the provision referred to took effect; and the Secretary has no power to set it aside. He cannot, by mere construction, undo what has been done according to law, and take the public money from the keeping of the Treasurer of the United States, deposite it with banks, and revive the State bank deposite system. This power now rests exclusively with Congress. If banks are hereafter to be employed for any purpose, the authority must be found in the several powers given under acts which were in force prior to the existence of the deposite law of 1836. This is, and must remain, the law of the land; and no "lamentations here or elsewhere," to excite alarms for party purposes, can change it. It depends upon no veto, nor in any manner upon the will of the President or of the Secretary of the Treasury. They are bound to execute the law, and dare not disobey it. The Sub-Treasury, or the collection, keeping, and disbursement of the public money by our own officers, must continue, till our existing laws are modified or repealed.

What prospect is there of any modification of our financial laws—of our concurrence in any new plan for collecting, keeping, and disbursing the public revenue? None, sir. The two Houses are at variance, and a majority even here cannot agree on any plan whatever. The National Bank, State bank, and special deposite systems have been each and all rejected. The Sub-Treasury is undoubtedly the strongest measure here and abroad. Whenever and wherever an issue may be made between that and any one of the various plans proposed, it will be ultimately triumphant. There is, however, but one issue between parties, and that is, whether we shall employ agents who hold their offices under the authority of, and are responsible to, the people; or others, responsible alone to stockholders from whom they derive their appointments; whether our public money shall be devoted to public use, or surrendered to banks to add to their profits and embarrass trade. The issue is now, as it has been, and will be, whether we shall confide in a Government of our own choice, or submit the administration of our affairs to the dominion of a National Bank.

Until this great issue is decided, we must have some system; and as we cannot concur in the principles or details of any other plan, we must submit to the laws as they are. By the failure of the State bank deposite system, and the nullification of that law, we have returned to the constitutional point from whence we started; and all that is now required, are judicious laws for regulating the duties of our public officers, and more perfectly guarding our revenue. Whether the deposite portion of the act of 1836 be or be not repealed, is not material. The only important provision now in existence, and which has superseded the others, is the last clause of the 8th section of the act, which puts aside banks as the keepers and disbursers of the public money; and, dropping all future intervention of the Secretary of the Treasury under that act, expressly directs that the public money "shall be kept by the Treasurer of the United States according to the laws now [then] in force, and shall be subject to be disbursed according to law." If the twelve sections were repealed, the revenue would be collected, kept, and disbursed "according to the laws in force" prior to the passage of the deposite act; and if they are not repealed, the same laws are in operation.

The act of 1836 clothes the Secretary of the Treasury with no authority to revive the system then proposed. His powers are prescribed in the act; he has discharged his duties under it, and exhausted his authority. He cannot revoke the last condition of that act, nor can he revive its provisions without new and express authority from Congress. If these provisions are not superseded and extinguished, that officer would at this moment possess extraordinary powers. By the first section of the act, it is made the duty of the Secretary to select banks "adjacent or convenient to the points or places at which the revenues may be collected or disbursed; and in those States, Territories or Districts in which there are no banks, or *in which no bank can be employed as a deposite bank,* and

within which the public collections or disbursements require a depository, *the said Secretary may make arrangements with a bank or banks in some other State, Territory or District, to establish an agency or agencies, in the States, Territories or Districts so destitute of banks, as banks of deposite;* and to *receive through such agency such deposites of the public money* as may be directed to be made at the points designated, and *to make such disbursements* as the public service may require at those points.

What would have been the operation of this section but for the last clause of the eighth section? or what would it be if the Secretary could now revive the act? It is said that a few banks, among others the Bank of Missouri and the Bank of Wheeling, have not violated the provisions of that act, though I doubt whether they have not "paid out" the bills or notes of other banks or corporations of a less denomination than five dollars. But, suppose either of these banks had not, under such a construction, it would have been, and would still be, the Secretary's duty to make arrangements with the Bank of Wheeling, or of Missouri, to establish agencies throughout the Union to receive and disburse the public money. If such be the true construction of the act, it would be his duty to make arrangements with some one of the new free trade banks in New York to establish agencies in almost every State of the Union. But such is not the law. The case provided for in the act of 1836 has occurred. Deposite banks coming within all the provisions of that act were not to be found, and the public money has gone, according to the last and express condition of that act, into the custody of the Treasurer of the United States. It cannot be drawn from the depositories, created under the act of 1789, to be placed in banks, under the deposite act of 1836; the former having superseded the latter in all the collection districts throughout the Union, with very few exceptions. Until the law is changed, the deposites must be made under the authority of "the laws in force" prior to the existence of the act of June, 1836.

So far, then, as it regards the question of reviving a State bank deposite system, it is not very material whether the first twelve sections of the act of 1836 be repealed or not. With the exception of a very few districts, where little revenue is collected, the depositories are all established under the laws in force prior to the act of 1836; and if the remnant of that act were repealed, we should have, as we ought, one system for the whole Union.

The first section of the bill is more important. It removes the restriction on the receipt of the notes of banks which have, since the 4th of July, 1836, issued notes of a less denomination than five dollars. There is, under existing circumstances, an obvious propriety in removing the discrimination which now exists.

The notes of banks which have zealously labored to resume specie payments, cannot be received in payment of public dues, while those of the Bank of the United States and of other banks, which have uniformly resisted the resumption, would be received. Whatever opinion may be entertained of the receipt of bank notes of any denomination, all such discrimination should, for the present, be removed. We can agree on this point, if we cannot concur in any judicious financial plan. The next most important measure for the public is an adjournment. When this session ceases, we shall not be disturbed by ridiculous alarms about the Sub-Treasury, spread abroad by those who never read a section of the bill. It is now in operation, and the longer we try it the better shall we appreciate its simplicity and economy. No other system can relieve trade from an embarrassing connection with Government, and render our Treasury independent of banks.

CUMBERLAND ROAD.

REMARKS OF MR. ATHERTON, OF NEW HAMPSHIRE,

In the House of Representatives, June, 1838—On the bill making appropriations for the continuance of the Cumberland road in the States of Ohio, Indiana, and Illinois.

Mr. ATHERTON said he would detain the House but a few moments. The gentleman from Kentucky who reported the bill [Mr. POPE] had several times, in his remarks, referred to the bill as coming from the Committee of Ways and Means. So far as this circumstance would indicate that a majority of the members of that committee approved of the principles of the bill, it might lead to an erroneous conclusion. It was his impression that a majority of the members of the committee were not favorably disposed to the bill, and that they had merely suffered it to be reported because it referred to a subject in which many members of the House felt much interest, and which was proper for the consideration and decision of the House, and which they would hardly expect the committee to retain from them, or to reject. At any rate he could speak for himself, and say that such were the views by which he had been governed, if he had voted to report the bill; for he was decidedly opposed to its passage.

He considered the system of internal improvement by the General Government as intimately connected with a high *protecting* tariff, as it is called; for when such a system is undertaken, what limit can be fixed to the expenditures to be made in pursuance of it?—what limit to the revenue to be raised for the purpose of being wastefully lavished in those expenditures?

Notwithstanding the ingenuity and ability manifested by those who have supported the bill, he had listened in vain for arguments to show that the system which the bill proposed to continue was either just and expedient, or constitutional. Sir, what has been the main argument relied upon to prove to us that we ought to pass this bill? Why, that the Government is bound by the obligation of a contract to do this, and that not to do it would be a breach of faith. This consideration was most strenuously urged by the gentleman from Indiana, [Mr. EWING,] and was also touched upon by the gentleman from Kentucky, [Mr. POPE.]

When he heard gentlemen of acknowledged ability rely mainly for the support of a measure on an argument utterly and entirely destitute of any foundation—an argument which had long since been abandoned by the leading advocates of the measure, he was induced, at once, to conclude that reasons, with them, were not as "plenty as blackberries," and that the measure was, by this very circumstance, rendered liable to just suspicion. And he must say that it was with some surprise that, at this time, he heard this pretended *obligation* brought forward gravely to the notice of the House, and the House told they were bound, "by contract," to continue this system. Sir, the person who may be considered the founder of this system of internal improvements, or, who, if not its founder, has certainly been, and is still, its most distinguished advocate—the individual who has carried his doctrines in favor both of the constitutionality and expediency of the system to a greater extent, perhaps, than any other statesman in the country, the champion of the "*American system,*" so called, has, long ago, dismissed this argument as unjustifiable and untenable. He has abandoned this position. He has rebuked and repudiated this pretence as having no foundation. To show this, he [Mr. A.] would trouble the House by reading a passage or two from the Register of Debates.

In the debate on the bill "for the continuation and repair of the Cumberland road, in the States of Ohio, Indiana and Missouri," which took place in the Senate of the United States, in the year 1835, Mr. EWING of Ohio, an advocate of the bill, said:

"That the Senator from South Carolina seemed to have forgotten the origin of the appropriation, and had overlooked what was *in justice due* to one of the States of the Union. It must be recollected that, when Ohio was admitted into the Union, and her constitution was formed, there was inserted in it a clause appropriating two per cent. of the produce of the sales of the public lands, within her limits, for the making of roads leading to the State; and Ohio, in consideration of this provision, agreed not to tax the lands belonging to the United States for five years."

Mr. CLAY of Kentucky, also an advocate of the bill, in the course of his remarks on the subject, used the following language:

"Now he did not concur with the gentleman [Mr. EWING] that Ohio could, as a matter of strict right, demand of the Government to keep this road in repair; and why so? Because, by the terms of the compact under the operation of which the road was made, there was a restricted and defined fund set apart, in order to accomplish that object; and THAT FUND MEASURED THE OBLIGATION OF THE GOVERNMENT. It had been, however, LONG SINCE EXHAUSTED. There was NO OBLIGATION then on the part of the Government to keep the road in repair."

He (Mr. A.) would, then, repeat his surprise that an argument so untenable, and which has thus been repudiated by the champion of the internal improvement system, should be now brought forward and urged in favor of that system, and his conviction that the friends of the system must be hard pressed for arguments.

He agreed with the gentleman from South Carolina, [Mr. CAMPBELL,] that it was a matter of congratulation that the gentleman from Kentucky, [Mr. UNDERWOOD,] formerly a friend of the system of internal improvement, and, even now, believing in its constitutionality, should have come out frankly and openly against its continuance. The gentleman from Kentucky acknowledges that he has become convinced that the system is partial in its operation, and properly says that he wishes to treat all sections alike; and if any system is to be adopted, he calls for a system of equal justice. Sir, these arguments have again and again been urged against the adoption and the continuance of this system, and he was happy to know that some of those formerly its friends, have become convinced of their truth. The gentleman from Kentucky also says, that, to stop this system, cuts off patronage from the General Government, and throws it into hands that can exercise it better; and that expenditures thus carried on are wasteful and extravagant, compared with the execution of projects carried on by States or prompted by individual interest. This is most true. These arguments he (Mr. A.) remembered to have seen stated in what he considered a most unanswerable speech, delivered on this floor many years since by a distinguished representative from Virginia, now on the bench of the Supreme Court of the United States. He was happy that the force of these arguments was now admitted, and that the lessons of experience had caused the abandonment of this odious and unjust system by some of those who had honestly heretofore supported it.

The argument that there is any obligation resulting from a compact binding us to pass this bill, is shown to be utterly futile. The system of internal improvements recognised in the bill is admitted by its former friends and supporters to be unequal, partial, and unjust. Why, then, he would ask, shall this system of inequality, partiality, and injustice, be continued? What excuse can be imagined for its continuance? What reason can we give to our own consciences, or to our constituents, for passing this bill appropriating nearly half a million of dollars, and more especially at the present time? Are we about to lavish hundreds of thousands on this unjust and unequal system, because our Treasury is full to overflowing? No, sir. The time has passed when those in favor of a strict construction of the Constitution need strain a point for the purpose of getting rid of an accumulating revenue, which they fear may lead to the dangerous principle of distribution. The *present* is the time for stopping this vast and wasteful expenditure on this unjust system. If any excuse were needed for such a determination, the present situation of the country would fully afford it. Not only so: it demands so imperatively such a result as to leave no excuse for a contrary determination.

The gentleman from Indiana [Mr. EWING] had cautioned the gentleman from Kentucky not to "rob other States." Mr. A. did not conceive that the rejection of this bill would be to rob the State of Indiana or any other State; but he did think that to pass the bill would approach much nearer to such a consummation. To carry on such a system is to tax one State for the benefit of another. It is to "rob" one section of the Union for the benefit of another.

The gentleman from Indiana has further said that this system is necessary for the purpose of cementing together our Union.

Mr. A. believed the best method of cementing

the Union, was for the General Government to keep itself within its constitutional sphere, and not to exercise powers which did not belong to it, in pursuing a partial and oppressive system, the effect, if not the object of which is to build up one section of the Union at the expense of another. For, he must say, he viewed this system of internal improvements by the General Government as not only oppressive and partial, but as unconstitutional also. Its injustice and unequal operation, when attempted to be carried out, would go far to convince him that the wise men who framed the Constitution, never intended to confer such a power on the Federal Government, unless, indeed, the clause of the Constitution can be pointed out, which explicitly and unequivocally confers it. Not only does experience show the injustice of such a system, but it would seem to him, that from the beginning, it must have been foreseen by those who considered the subject, that such a system could result in nothing else than injustice. It would have given him great satisfaction, if gentlemen who advocate the bill, instead of referring to the names who have sustained or have seemed to sustain this system, to prove its constitutionality had pointed to the clause in the Constitution where the power is conferred. It can surely do no harm to go to the *Constitution itself;* for "a frequent recurrence to fundamental principles," is necessary as a safeguard to our liberties, and to prevent the Constitution itself from being overwhelmed by glosses and constructions, and the opinions of those who not only were not its framers, but who have no sentiments in common with those distinguished patriots.

The consequences to which the possession of this power by the General Government must lead go very far to show how cautious we should be about hastily admitting its existence. Mr. Monroe's name had been mentioned as among those in favor of the exercise of this power. Mr. A. believed it was in 1822, that Mr. Monroe returned with his veto a bill, establishing toll-houses and toll-gates on the Cumberland road, on the principle, that if Congress possess the power to enter a State, interfere in their domestic concerns, to erect toll-gates upon their roads, to establish a system of police over them, and inflict penalties for its violations, and create tribunals, before which such offences might be tried, every barrier between Federal and State authority would be at once be prostrated; and so far as entire jurisdiction over the post roads of the country, for the purpose of levying tolls to keep them in repair, could extend, that this principle would lead to perfect consolidation. Yet the distinguished Senator from Kentucky, to whom he had alluded, contended, certainly with great plausibility, that the *power* to *make* the *road admitted*, the rest all followed as incidental to it, and as a necessary consequence. And he [Mr. A.] would again say, that it would give him great pleasure if the advocates of this power would point out that particular clause in the Constitution, from whence they deduce it.

The people of the State he had the honor, in part, to represent, as long ago as 1822, had thought this subject of so much importance that they expressed, through their Legislature, by a most decided majority, their utter disapproval of the system of internal improvements by the General Government, both on account of its unconstitutionality and its inexpediency. They have ever been uniform in this opinion. They feel and know its injustice and inequality and oppressiveness. They have made their own roads, unaided by the General Government; they are willing to do it. Why, then, shall they be taxed to make roads in the flourishing, fertile, and rich States of the West? Sir, it is monstrous and wicked injustice. Let it not be thought that the opposition of his constituents to this system arose from any hostile feeling towards the Western States. Far from this. No longer ago than the last year they instructed their Senators, and requested their Representatives, in Congress to use their exertions to procure "such graduation of the prices and limitation of the sales of the public lands as will best promote the settlement and actual occupancy of the same." Their soil is not like that of the fertile and luxuriant West; but it requires the utmost exertions of the industrious and hardy population which covers it, to subdue and cultivate it, thus serving to promote both their moral and physical energies. By those energies and unceasing industry, they are enabled to provide for themselves the necessaries and even the luxuries of life, and to spread over their borders as uniform competence and content as prevail in any portion of our favored land. They are actuated by the strongest feelings of attachment towards the inhabitants of the Western States, who, on account of the continued stream of emigration which has poured thitherward from New England, may literally be called their brethren. But justice to themselves requires that they should protest against any further continuance of this system, so fraught with evil and injustice.

He would, in conclusion, ask that the Clerk might read certain resolutions adopted by the Legislature of New Hampshire, Jan. 30, 1837, which expressed the views of his constituents on this subject.

REMARKS OF MR. CHAPMAN,
OF ALABAMA,

In the House of Representatives, May 30, 1838—In Committee of the Whole on the state of the Union, on the bill making appropriations for the suppression of Indian hostilities in Florida, executing the late treaty with the Cherokees, and the removal of that tribe west of the Mississippi.

Mr. CHAPMAN addressed the committee as follows:

Mr. Chairman: it was not my intention originally to participate in the debate on the question now before the committee; but since remarks which I conceive to be of a most extraordinary character, have fallen from some of the gentlemen who have preceded me, it would seem to be my bounden duty to make a few observations upon this subject. Besides, the whole of the Cherokee country in the State of Alabama, is embraced in my immediate district, and forms a large portion of its territory. No other member from my own State is so deeply interested as myself; and perhaps the constituents of no gentleman from either of the other States immediately concerned, are so extensively involved in interest as my own. I trust, therefore, my peculiar position will be a sufficient apology for asking the attention of the committee, if but for a few moments.

I am not in the habit of indulging in the debates in this House; for I found, very early after I had the honor of a seat here, how little was effected by the speeches made on this floor, notwithstanding much time was spent in their delivery.

I am aware, however, that many of my constituents blame me for not more frequently taking part in the discussions; still, with a view of saving the time of Congress, I forbear, even when strongly provoked, so fully am I convinced of the total inefficiency of these efforts.

I could heartily wish that the people knew these things as well as I do myself. Then, I am sure, instead of rewarding those who consume the time of the House, and squander the public money, by long and fruitless harangues, they would select others who would talk less and think more.

I never speak, sir, for home consumption; and yet, on looking around at those empty seats, I am admonished that unless I do that it will be of little or no use to speak at all; for there are but very few present to hear me. Of this, however, I do not complain, as did the member from Pennsylvania, [Mr. NAYLOR,] who immediately preceded me, and whose views on the question now before us differ so materially from my own.

That gentleman rose to address the committee evidently under feelings of powerful excitement. He had a studied eulogy to pronounce on his celebrated champion, John Ross, and, in his own exalted imagination of his powers of oratory, a most withering denunciation of all who disagreed with him in opinion of that individual, or in the wild, enthusiastic, and fanatical notions he had conceived, and has just poured forth here with so much vaunting. When he got up, he flattered himself that this was the fit occasion, this the very day, hwen immortal honors and glory would await him, and crown his success; but after he looked around on this floor, and gazed with an earnest stare at the galleries above, as one about to "cut fantastic capers before high Heaven," and seeing few to witness his grand display, in rage he cries, "*I am mad!*" Again he struggles in these loud and boisterous strains, as if he designed to reach a distant ear, or bring even "spirits from the vasty deep." He calls for all to come! They heed him not, and he still says, "*I am mad!*" With such enthusiasm, in a manner so frantic, displayed on an occasion when sober reason ought to have been predominant, accompanied, too, by such a declaration so often repeated, I almost resolved that it would be improper to notice or comment on any thing that fell from one in a state of mind so perfectly irresponsible; nor shall I, at least to the extent I well might do, but will suppress much of what had occurred to me by way of retort.

That gentleman stated in the outset, that he had carefully read and examined the volume of documentary papers relating to the Cherokee affair, containig more than 1,000 pages, and found not one insinuation against John Ross; and before he concluded his speech, read a letter, [he might have found many,] directly contradicting the assertion he set out with. Now, sir, I did not rise to investigate the character of Ross; for I do not perceive what bearing it has on the present inquiry; but without pretending that I have been as industrious as the gentleman from Pennsylvania, to read this entire volume, yet I have seen enough in it to convince me, that the subject of his extravagant eulogy, in his intercourse with this Government, has acted with great duplicity; and with a view to advance his own interest, at the sacrifice of the Cherokee nation.

The gentleman from Pennsylvania, in his zeal for the Cherokees, seems to have been so far carried away by his sympathies, as to forget altogether that he is a citizen of the United States; but turns a deaf ear to the cries of his own fellow-citizens. He comments with great severity, on the conduct of two individuals, who had acted as attorneys for the Cherokees, for having aided in bringing about the late treaty; charging it as a violation of their trust, and a breach of their professional engagement. *He* looks to one side of the case only, and has shown himself to-day truly an advocate of the Cherokees, instead of a cool and reflecting legislator. When the heart-rending tale is related to him of his slaughtered countrymen by savage cruelty—when the bloody scene of Indian butchery—the work of the tomahawk and scalping-knife, is exhibited to his view—when he sees the torch applied to the houses of his own fellow-citizens, by savage hands, in the still hour of midnight, and defenceless and innocent women and children, while attempting to escape, massacred by the light of their burning habitations—he heeds not, but says: "I am engaged as the advocate of their oppressors, and will afford no relief." Great God! is this the language of an American statesman? Does the fate of this nation depend on such counsellers? Have the sons of our gallant fathers, who fought to establish this Government on principles of equal rights, and which has for more than half a century moved on prosperously, so degenerated in patriotism? I trust the gentleman will, now that he has blown off his steam and become cool, reconsider his rash determination. I leave him, therefore, to pursue his own sober and dispassionate reflections.

I pleaded my excuse for trespassing on the time of the committee, because of the deep interest my constituents have in the subject now under consideration. That interest is involved only so far as the bill and proposed amendments provide for ap prop iations to suppress hostilities in the Cherokee country, and for removing that tribe west of the Mississippi, in conformity with the treaty of December, 1835.

These appropriations are opposed by gentlemen, as they allege, on the grounds that no treaty has in fact been made, and that the instrument purporting to be a treaty is not binding on the Cherokees, and ought not to be enforced.

I propose to examine this subject, by considering,

first, the rights and obligations created by the treaty as we find it now; secondly, the circumstances under which it was made; and, thirdly, the rights and duties of this Government towards the Indians in the absence of treaties, in carrying out the policy, *designed to be*, as it evidently *is*, beneficial to them as well as to the United States, by removing the tribes West, beyond the *limits* of the said States.

The treaty-making power in this country is vested in the President and Senate, and, as a greater security that they shall be made only after great caution and deliberation, the concurrence of at least two-thirds of that body is required by the Constitution. When thus made they become, in the emphatic language of that instrument, "the supreme law of the land." No State has power to make treaties, but every State, and the people of all the States, are bound by them when made by the President and Senate. It is true that Congress may refuse to make an appropriation, if an appropriation be necessary to fulfil the obligations created by a treaty; but this does not affect the binding force of it, or destroy rights created under it, if constitutionally made; for, since the States and the people are bound by a treaty made in the manner prescribed by the Constitution, it follows that all the rights they acquire by it are absolutely vested, and cannot be defeated by any act of this Government, or its omission to perform the duties required by the treaty. Indeed, the States not only have the constitutional power to maintain their rights thus acquired by such means as may be necessary, but it becomes their duty to protect their citizens in the rights they have under such treaty.

In the present case a treaty was made with the Cherokees, approved by the President, and ratified by more than two-thirds of the Senate, at that time consisting of a majority of members opposed to the Administration. By the provisions of the treaty, five millions of dollars were stipulated to be paid by the United States to that tribe, for their country, and, consequently, an appropriation for that purpose became necessary. By an act of the last Congress, this appropriation, together with the amount required for the expenses attending the negotiation, was made by a vote of more than three-fourths of the House of Representatives; and a considerable proportion has been paid, in conformity with the terms of the treaty. By a compact between the United States and Georgia, as soon as the Cherokee title to the lands within the limits of that State was extinguished, by a treaty made in the constitutional mode, it became immediately vested in Georgia. Accordingly, she has parcelled out the lands among her citizens, and made them titles thereto, with an assurance of possession on the 23d of May, the time stipulated by the treaty that the Indians should have been removed. The Cherokees having failed, on their part, to execute the treaty, but still continuing in possession of the country ceded away, it becomes necessary for the United States, in compliance with their obligations under the treaty, towards the States concerned, to carry it out in good faith; and to do this, the appropriation proposed by the bill under consideration is asked.

From this brief statement of the facts of this case, it would seem difficult to ascertain how a question could possibly arise as to the propriety of granting the sum required; still we find gentlemen here who do oppose the appropriation, and assert that there is no obligation on the part of this Government to execute the treaty. They say, also, as I have before remarked, that the treaty was fraudulent and void—not binding on the Cherokees, or the United States, and of course conveyed no rights to the States concerned, or the people of those States. I might inquire where these gentlemen find the power for this House to supervise an act done by the President and Senate, (who are, by the Constitution, invested with the authority of doing it,) for the purpose of declaring the act void? We all know that if the corruptions charged in making this treaty, really existed, this House has the constitutional power of instituting proceedings to punish those who have been guilty; but still the *act* remains in force. I might, indeed, admit all that to be true, which gentlemen say, as to the manner of making this treaty, and yet defy them to show how this House can avoid the obligations under it, or refuse to the States and the people concerned, the vested rights they have acquired. The States and the people have yielded up certain powers to the General Government, and obliged themselves to submit to all obligations created by the exercise of those constitutional powers. The States have no intercourse, as such, with foreign states or Indian tribes. Can it be said, then, that when a solemn treaty has been constitutionally made, involving them in certain duties, from which they cannot escape, but must strictly observe, that the corresponding rights they have acquired shall not be respected? It seems to me that gentlemen overlook the main questions involved in this inquiry. They forget that States, and citizens of those States, are concerned in this matter. It has been insisted that this treaty ought to be abandoned by this Government; and, further, that if any attempt should be made by the States interested to protect their citizens in the possession of the lands in the Cherokee country, against the power of the United States, it will be nullification. Gentlemen have attempted to draw a distinction between nullification in theory, and nullification in practice, and call it practical nullification to resist the power of this Government, when attempted to be exercised in the case supposed. I, Mr. Chairman, have always repudiated the doctrine of nullification, as *I* have understood it. I have considered myself, and have been considered by all who have known my course, a Union man, devotedly attached to the union of the States, and ready to submit to the authority of the General Government even in doubtful questions of constitutional power; yet, I must tell these gentlemen and the country, that according to the definition they have given of *practical* nullification, I am a practical Nullifier. For one, I am ready to resist any attempt on the part of this Government to drive the citizens from the country acquired from the Cherokees by a treaty, made according to the provisions of the Constitution. I repeat, what has been often said, that we cannot go beyond or behind the treaty; to do so, would lead to endless difficulties and uncertainties.

The power of this Government to make the treaty of 1803 with France, by which we acquired Louisiana and all the territory then west of the Mississippi river, was doubted; the exercise of a similar power *now* in relation to the proposed annexation of Texas, is, by many gentlemen from a certain quarter of this Union, positively denied—would it be contended by any one, that in a question of right, growing out of the treaty with France, (when made in the courts or in Congress,) the constitutional power to make that treaty could be inquired into at this day? And yet, the objections now made against the Cherokee treaty are of the same character. In a claim for land arising under the treaty with France or Spain, (by which much of our territory was acquired,) brought before Congress for confirmation, as well might the question be made, whether these treaties were constitutionally entered into, or whether fraud was not committed in the negotiations, as to go into an inquiry now, in relation to the manner of making the late treaty with the Cherokees, after it has received all the sanctions required by the Constitution.

Having, as I conceive, shown that we cannot go beyond the treaty; that it is, according to the Constitution, the supreme law of the land, binding on all parties, and absolute, so far as rights have been acquired under it, it would, for all the purposes of this inquiry, be needless to examine the other remaining propositions; but I promised next to consider the circumstances under which this treaty was made, in order to set the subject in a proper form before the country.

The policy of the Government in removing from the States all the Indian tribes within their limits, has been deprecated and denounced by gentlemen who have addressed the committee in opposition to the appropriation; and the late President of the United States has been charged with having originated it, with a view of gaining strength in those States. I do not consider it necessary, at this day, to inquire into the expediency of this measure. It *did not originate* with General Jackson, for it had been earnestly recommended by most of his predecessors as being essential to the safety, and, indeed, the very existence, of those tribes within the limits of the States, as well as to the interest of the States themselves. In urging this policy, General Jackson did no more than to repeat what had been recommended by others; but at a time when the propriety of it had become much more manifest, he told these Indian tribes that it was incompatible with the rights of the States for them to continue within their constitutional limits, and pretend to set up an independent form of Government, and that this Government possessed no power to control the States in extending their jurisdiction over them, if they did so continue. He warned them of the consequences of refusing to avail themselves of the liberal terms proposed by the United States to them, if they would consent to remove from the States. Before this, Georgia had already extended her jurisdiction over the Cherokees, and had enacted the highly penal and sanguinary laws on that subject which we have heard read during this debate. The Indians complained of oppression, and, indeed, their situation was such as to require immediate action, or all traces of them as a nation were likely to be blotted out.

Under these circumstances, a strong feeling sprung up in that nation among those who looked not to their own private interests, but to the good of the nation as such, in favor of concluding a treaty, as the only means of rescuing their country from the dangers by which it was threatened; and negotiations were set on foot for that purpose accordingly. Urged by the strongest necessity, delegates were elected in 1834 by the Cherokee people, who came on here to conclude a treaty. John Ross, then one of the delegates, with others, proposed to treat; but insisted on terms so exorbitant, ($20,000,000) that they were at once rejected by the President. He then addressed a communication to the Secretary of War, dated the 28th day of February, 1835, in which he says: that the President had before that, in conversation, expressed a willingness to give for the country, as much as the Senate would sanction, and expressed his desire to make the submission to the Senate, composed, as he well knew, of a considerable majority of his (Ross's) political friends. To this proposition, the President acceded: and in conformity with it, the question was submitted to the Senate, for the decision of that body. The Senate with a full understanding of the subject, having perfect knowledge of the value of the Cherokee country, with strong feelings of partiality towards that tribe, and especially for John Ross, determined that five millions of dollars was the full value of the country, and recommended a treaty on that basis. This was officially made known to the delegation of which Ross was the head, with the most confident expectation that a treaty would be at once concluded, according to the promise referred to; but, instead of carrying out his agreement, Ross commenced a studied course of diplomatic correspondence, replete with every evidence of prevarication, until, finally, he refused to consummate a treaty, under the pretext that he and the rest of the delegation had no power to do so; although he had, at the commencement of the negotiation, represented that they were invested with full authority for that purpose. He, however, promised to submit the proposition to the Cherokee people, and use his influence to have it adopted. This deceitful conduct on the part of Ross, determined the President not again to open negotiations with him here, but to submit, through commissioners, the terms that had been settled upon, on the basis of the five millions, (and which had been drawn up and signed by John Ridge and other delegates, then in this city, favorable to a treaty,) to the Cherokees in their own country. Commissioners were appointed and sent into the country, who commenced negotiations there; but, instead of exerting his influence to conclude a treaty as he had promised to do, Ross exhausted all his powers to prevent it; and, at a meeting held for the purpose of deliberating on this important subject, he caused resolutions to be adopted that cut off all hopes of effecting a treaty, endeavored to destroy those who

had been favorable to it in the nation, and had a delegation appointed, of whom he was one, to visit this city, although he had been positively and repeatedly told that no negotiations would be held with him, or any other delegation for that purpose, here.

Under these circumstances, the party in the nation favorable to a treaty, seeing no prospect of settling the controversy through the agency of Ross—their country and their people groaning under calamities that had been borne for years, but which had accumulated until they become almost insupportable—finding that unless some means could be adopted, and speedily adopted, their nation must soon become utterly destroyed, and their people, already degraded and demoralized, scattered to the four winds without "a habitation or a name"—being without institutions, without law, or a regularly organized system of Government, they determined to march boldly to the breach, and hazard their lives in an effort to save their nation. This could only be done by a treaty, and no treaty could be made but in the nation, and there only on the basis of the five millions which Ross himself had before agreed to accept, as has been before remarked. A meeting of the people was called at New Echota in December, 1835, at which from one to five hundred assembled, and appointed the delegates who concluded the late treaty. That delegation, before concluding on the terms of the final treaty, however, and in conformity with their determination at the meeting, used every effort to obtain the co-operation of Ross and his delegation to that treaty, or any other within their power, with such alterations or modifications as might be agreed upon here. Indeed they offered to yield up to Ross and his party the whole management of the negotiation, if he would agree to conclude a final treaty; but that individual obstinately refused every proposition; and unless the Government would agree to give him the price he asked, and place the money under his control, he objected to any arrangement, however advantageous to the nation at large. There being no other mode of relieving their country from the difficulties in which it was placed, partly, too, by the conduct of Ross in refusing all terms for an amicable adjustment, these New Echota delegates, and others sent by the Cherokees west to act in making a treaty, concluded the one which has been approved and ratified, as I have before stated. These individuals have been denounced by gentlemen as traitors to their country—as having been bribed to sell it. Where do gentlemen find the evidence of this corruption and bribery? The gentleman from Kentucky [Mr. HARLAN] has ascertained that they have been paid for the time they were engaged in the negotiation, their expenses incurred for travelling here, etc.; and this is his proof of corruption and bribery. Can that gentleman point to any case where an Indian treaty has been concluded, without such payment? And have *all* been by bribery and corruption? John Ross and his delegation were paid $13,000 for *their* time and expenses here, on the same occasion. Were *they* paid for *opposing* the treaty? Why did not the gentleman tell us how much Ross and his delegation, who were here to prevent a treaty, were paid? I am quite certain they received as much as the others, in proportion to numbers, and the time they were engaged; and if the gentleman will look on the other side of this picture, he will find it so. It has been charged and repeated, that the Cherokees, with the exception of very few, are opposed to this treaty; and a pretended remonstrance which has been sent here, purporting to have been signed by eighteen thousand persons, is the proof of the fact. I am not prepared to say that a majority of the Cherokees did give their assent to this act; nor is it likely, among all the treaties heretofore made with Indian tribes, that this has been the case. Indeed, from the character of the people, it is impossible it could be, where so much ignorance prevails. Perhaps, even among the Cherokees, who are admitted to be much the most intelligent of all the tribes with which we are acquainted, there are not more than one in ten, perhaps not one in twenty, who have intellect enough to understand any thing about it. John Ross, we all know, speaks for the ignorant Indians, but without their will. Of those who know or take any interest in the affairs of the nation, counting all, east and west, I have strong grounds to believe that a majority are *favorable* to the treaty. The statement that eighteen thousand have protested against it, is absurd; for it appears, from the official report of the Commissioner of Indian Affairs, that there are only about 14,000, men, women, children, slaves and all, of the nation east of the Mississippi. How, then, could eighteen thousand be found capable of protesting? About one-third of that number have removed West, of whom it is not pretended that any have signed the memorial. Less than one-fourth of the fourteen thousand East, with the seven or eight thousand West, would make a majority of the whole nation.

It appears, from the documents before us, that a great many who opposed the treaty, as well as most of those in favor, have taken the benefit of it, and removed West. Among those are perhaps one-half of the delegation who were here at the time the treaty was concluded. We have already paid a considerable part of the money stipulated to be paid by the provisions of the treaty, and incurred great expense in its execution. The price agreed upon for the Cherokee lands is not only more than we have ever paid for any Indian territory heretofore, but far above the real value of the country; and the mode of distributing the amount, although not satisfactory to John Ross, who wishes to control the money, as he now does the ignorant part of the nation, is just and equitable, with a proper regard to the rights of the people. From this brief statement of the affair, I am at a loss to conceive where gentlemen find evidence to justify the denunciations they utter against this Government, and all who had any agency in making the treaty. They charge it to have been corruptly and fraudulently made, because John Ross and those under his immediate control have refused to sanction it. I insist that a full consideration has been paid for the country, and indeed more than it is worth. A majority of the nation, capable of understanding their interest, have consented to, and availed themselves of, the provisions of it. It has been said by several gentlemen who undertook to calculate the losses which the Indians will sustain by the treaty, that, admitting the sum of five millions to be the value of the lands in a wild state, yet, the improvements in the country, when paid for out of that sum to the individual Indians, will exhaust nearly the whole.

The valuation of improvements, under the treaty, is not all they receive. After they have secured the amount of that estimated value, (which by the way, I understand, has been generally very high,) they sell out their places to our own citizens, (the possessory right,) for a further sum; in many cases, I have known as much as the fee-simple title would be worth.

If gentlemen call it ruinous to the Indians, to remove on the terms I have stated, they can find most of the white settlers in the country willing, on terms less favorable, to remove themselves.

But independent of the obligations under the late treaty, I contend, that by the power which the United States have reserved to themselves in various treaties heretofore made, to guard and control the affairs of the Cherokee people, so as to promote their interests and prosperity, we were bound under the circumstances I have mentioned, to remove them, as the only means of saving the nation from utter annihilation. And this duty, it seems to me, ought not to be omitted, even when the Cherokees, deluded as they are by the false and selfish counsels of an ambitious chief, refuse their consent to such a measure.

Much has been said of the absurdity of a sentiment read from a pamphlet written by a Cherokee, (Elias Boudinot,) in defence of the late treaty, that "if one hundred persons are ignorant of their true situation, and are so completely blinded as not to see the destruction that awaits them, we can see strong reasons to justify the action of a minority of fifty persons to do what the majority *would do*, if they understood their condition—to save a nation from political thraldom and degradation." From my acquaintance with Mr. Boudinot, and from the pamphlet alluded to, and other articles written by him, I can say that, as a man of intelligence, he would not suffer by a comparison with John Ross, who has been so much complimented. The sentiment alluded to, when applied to an intelligent community, each individual participating in the administration of the Government, may not be orthodox; but in reference to the great body of the Cherokees having no understanding or will of their own, but influenced by a self-created ruler, it is by no means absurd. In this pamphlet (from which I have obtained some of the other facts I have stated,) it is alleged that, according to the custom of the Cherokees, the chiefs are to be elected every four years.

In 1830, Ross was elected, but since that time they have held no election; so that, although he calls himself the principal chief, and pretends to exercise all the power, as if he was really, as he frequently says, "the constituted authority of the nation," his office, in fact, has long since expired, and he now acts as a self-created dictator. Influenced by his fixed determination to prostrate those Cherokees who have negotiated with the Government, encouraged by that spirit of fanaticism which he has observed prevailing among a portion of our own people in a certain quarter to make common cause with him, or any others who will war against the interest of the South, he has been, for two years, causing petitions to be sent here against the treaty, without the least prospect of setting it aside, until the time has expired when, by the treaty, the Cherokees were to have removed. The victims of his mischievous policy, who have been misled by him, will soon discover that the hope he has held out so long has been false and illusive, and that, in despite of his opposition, the treaty will be executed.

With the controversy between the gentleman from Virginia [Mr. WISE] and the State of Georgia, I have nothing to do, any further than it involves the rights of Alabama. The able and efficient representatives from Georgia here are fully competent to the task of defending their own State. The Gold'n claim, about which so much has been said by that gentleman, is exclusively a Georgia matter, and I profess no information on the subject; but I beg leave to remark that if, on the mere testimony of John Ross, given before the committee of investigation last winter, when he was exerting himself to set aside the treaty, and laboring under prejudices and motives of strong personal and political feeling, a high functionary of the Government and an officer of this House are to be suspected of corrupt conduct in bringing about the treaty, to secure a supposed interest in the claim referred to, we have but little chance of escaping assaults on our reputations.

The gentleman from Virginia (Mr. WISE) threatens to "castigate" Georgia, if she attempts to assert her claim to that portion of her territory, in possession of the Cherokees. When does that gentleman, who professes so much jealousy of the increasing power of the General Government over the States, and prides himself on his State Rights principles, find authority to "castigate a sovereign State," in the constitutional exercise of her jurisdiction within her own limits? But the sentiment uttered by the gentleman from Virginia, which struck me with most astonishment and alarm, was that in reference to the numerous petitions and remonstrances sent here against this treaty, when he says, that he has been exerting himself to bring the petitions of the people to bear upon the action of this House. These petitions, no doubt, flow from the same northern horde of fanatics and false philanthropists, who, regardless of the constitutional rights of the Southern States, or the danger of a dissolution of the Union, have been so long exciting Congress with their petitions on another delicate subject, with which they have nothing at all to do. A feeling of hostility to the South, causes the movements on both these questions, so nearly allied in their imaginations.

Can the gentleman from Virginia, whose constituents are so deeply interested in preserving our constitutional rights, free from the influence of the fanatical spirit that has sprung up of late, favor an attempt, evidently designed to be in aid of the great

object of destroying the citizens of the Southern States? How can he aid them in their efforts in the one case, without in some degree giving countenance to their movements in the other? Especially since many, no doubt, consider them so intimately connected, as to constitute a common cause.

I know the gentleman from Virginia does not design this, because he has been foremost in protesting against such movements on this floor; but although *he* may not apprehend such effects, I confess I am not without some apprehension, when I see the subjects treated by others as identified. I am happy, Mr. Chairman, that amidst all the complaints of oppression towards the Indians, no one has charged the State I represent, in part, of any such harsh measures. Indeed, I am sure that no such charge can, with justice, be made. Our policy in relation to the Indian tribes has ever been marked with great justice and humanity. So jealous have been our legislators of their rights, that instead of placing them on inferior terms to our our own citizens, they have passed laws guarding against any frauds upon them, by requiring at least two witnesses to any contract by our own citizens, to enable them to recover of an Indian, while one Indian may enforce a contract against a white man, by proof of one witness. The courts of Alabama were open to them, and every means provided to prevent any violation of their rights. Our citizens have been much more oppressed by the acts of officers under the Federal Government in the Cherokee country, than they have been by the people of Alabama. Their intercourse with the Cherokees has been perfectly friendly, and they live on terms of strict harmony.

However great the inconvenience may be by the longer residence of the Cherokees, I undertake to say that my constituents desire their removal in a manner best calculated to avoid cruelty and add to their comfort. For myself, I can say that I would deprecate any difficulty with them, if it can possibly be avoided. I am friendly with all with whom I am acquainted; and, while I am aware that gentlemen are greatly deceived when they consider that the delegations who visit this city are a fair specimen of the nation generally, yet I admit that they are more intelligent than any other tribe, and many of them not only generous and hospitable, but really eminent for talents.

Entertaining these views, I am in favor of adding the amount recommended by the Committee on Indian affairs to the appropriation, in order that the treaty may be executed as early as possible in a mode most agreeable to the Indians and without a resort to arms. I have never feared, however, that the Cherokees would commence hostilities against our citizens. They are too familiar with our strength and resources to begin a contest against such fearful odds.

I shall vote for the further appropriation also, because, according to my understanding of the treaty, the expense of removal was to be paid by the United States; and inasmuch as the amount set apart for that purpose falls far short of what will be required, it should be made up by an additional appropriation.

Mr. Chairman, when the late message of the President on the Cherokee subject, which caused so much excitement in both Houses of Congress, was received, I voted against the motion to lay it on the table, because I thought that course wanting in respect to the Chief Magistrate. In this vote, I differed from most of those with whom I generally act, although, like them, I considered the communication unfortunate at the time, and calculated to keep up the delusion among the Cherokees that John Ross will succeed, if not in setting the treaty aside, at least in effecting some modification, so as to prolong the time.

I do not understand, however, that any modification or alteration is in contemplation; indeed, the Executive possesses no power to alter the treaty. I cannot discover, from the correspondence of the Secretary of War, that any delay in the removal has been promised; but as the States interested are to be consulted, such is likely to be the construction of this proceeding among the Indians who have so much anxiety on the subject. I trust, however, that there will be no delay in executing the treaty, beyond what may be dictated by a proper regard for the rights of the Indians, and consistent with humanity.

The time has arrived when the States interested have a right to demand their speedy removal. Longer delay would be destructive to the best interest of the States, injurious to the citizens residing in the country, and above all, to the Indians themselves, who would be decidedly the greatest sufferers by procrastination. Their own security requires that they be immediately removed; every feeling of humanity calls for it; and those who sympathise so deeply with them, ought to be foremost to hasten the time of their departure.

Remarks of Messrs. CLAY of Kentucky, NILES, and SEVIER, in Senate, June 30, 1838, on the the amendment of Mr. WRIGHT, to strike out the first twelve sections of the Deposite Act of 1836, as a substitute for the amendment offered by Mr. WEBSTER.

Mr. CLAY denounced the amendment of the Senator from New York, as monstrous in itself, in as much as it proposed to take the whole revenue of the country from its legitimate keeping, and place it under the control of the Executive. As fast as that monster, the Sub-Treasury system, had been strangled by the people, it was sought to revive it in that body. What would be the consequence of the adoption of the amendment before them, but to destroy all law, all usage in relation to the keeping of the public money, and to substitute in their stead, Executive discretion? Could the Senate be prepared for any such dangerous step? Mr. C. then briefly alluded to the causes which had incapacitated a portion of the banks from becoming the depositories of the public money, and maintained that the original measure as introduced by Mr. WEBSTER would have the most salutary effect, while the amendment would place the whole Treasury of the nation at the will of a single individual. That these banks had issued notes of a less denomination than five dollars, was the offence which brought them under the interdict; but was it an offence? The General Government had no power to regulate their issues; the banks owed allegiance to another authority: to the States under whose control they were. In a season of the most calamitous reverses of fortune, (into the causes of which he would not then take time to inquire, though it was pretty generally conceded that the Government had been mainly instrumental in bringing about that melancholy change,) the people had risen almost *en masse*, and asked the Legislatures to authorize these very corporations to issue small notes, as a relief measure to the country. These banks were, in the main, as solvent as any banks in the country, and were certainly safer places of deposite for the public money than individuals could be. Mr. C. thought that, if confidence were exhibited on the part of the Government, and something like a disposition shown to aid these institutions to remove the impediments in their way, rather than the hostile feeling so constantly evinced towards them, that the happiest results would soon follow. Mr. C. contended that the only measure which would regulate, and keep in a sound and healthful manner the foreign and domestic exchanges of the country, was a National Bank; such a one as had been destroyed to make room for the introduction of those wild and reckless experiments upon the currency, which had ended in one universal and wide-spread ruin of all the great leading interests of the country.

Mr. C. said that in some remarks he had made the other day in relation to the Sub-Treasury, he had taken occasion to say that it was dead, dead, dead, like any other malefactor that had been hung, drawn, and quartered. An honorable Senator from Connecticut had said, in reply, that he did not understand that triple kind of death; that one death was sufficient; but denied that it was even once killed. Why, the Senator himself was dead, but he did not know it; and he, Mr. C. should not be at all astonished if he were to get up in his place and deny it, as he had before done the death of the Sub-Treasury. But, sir, the gentleman is dead, said Mr. C. Notwithstanding, it is true he is not buried yet, but will be on the 3d of March, 1839. His epitaph is written, Here lies the body of ———, (I will not name him, Mr. President; that would be unparliamentary,) lamented by his friends, especially his political friends! His course was marked by great ability and attachment to the tenets of the Jackson party! He acted as postmaster at Hartford, from whence he was translated to the Senate, where his career, though short, was no less brilliant and distinguished! When instructions came from his own State, he had the firmness and manly independence of character to get up and denounce the measure as unworthy of the Legislature, and to read a long and elaborate argument against the right of instructions! He was finally voted out of the Senate by the Whig Legislature. Peace to his remains! There let him rest.

Mr. NILES remarked that he was gratified that the Senator from New York [Mr. WRIGHT] had offered an amendment to repeal the first twelve sections of the deposite act of 1836; he had prepared an amendment himself for the same purpose, which he intended to have offered, but was rejoiced that one had come from a quarter whence it would be more likely to be successful. In his remarks yesterday on the bill of the Senator from Pennsylvania, [Mr. BUCHANAN,] he took occasion to say that he did not believe that we could stand on the maimed and disabled deposite act of 1836. Most of the banks in the country were disabled from becoming depositors under that act; if it remained, then, as it was, its operation must be unequal; and inequality, whether so or not, always had the appearance of injustice. The finances must be managed upon different principles; in some States there would be deposite banks, in others none, as all had become incapacitated.

He desired no partial system; he did not wish to attempt to put in operation machinery which had not only once broken down, but which was still disordered, and the operations of which must be obstructed and partial. To remove the disabilities which had attached to the banks, would be to restore the deposite system which had failed; it would be to go back instead of advancing. To decline to do it, and yet suffer the act to remain in force, would be to stand upon a point too technical for him. He did not wish to occupy such a position, and to have the management of the finances depend on penalties and forfeitures. He did not want the fragment of a law, and did not feel willing to be found hanging, like the unfortunate passengers of that ill-fated boat, to the wreck of the Pulaski, or any other foundered vessel. He wanted no fragment of a law, which was objectionable enough when sound. He could not, however, admit the justness of the reasoning of the Senators from Virginia and New York, [Messrs. RIVES and TALLMADGE,] that there would be any injustice done to the banks of any State by the partial operation of the law. Whatever may be claimed by some, nothing could be more clear than that the banks never had any right to the public revenue. No one, he believed, would go so far as to contend that the act was passed for their benefit, or that it vested in any bank any rights whatever. If they have placed themselves in such a situation that they cannot be depositories, it is the result of their own acts, and they cannot complain. The system was designed for the management of the revenues of this Government, and the advantages to any bank were only incidental. No bank had any right to the use of the public funds; and if all the banks in a State had become incapacitated to become depositories, it was no injustice to them or the State. Where there is no right, there can be no injustice. The objection to the act is, that it will occasion a partial and unequal system of conducting the finances, banks being employed in some States and not in others. The system should be uniform, and governed by general principles. This is the objection to the law as it is, and, to remove this difficulty, we must either remit the penalties, or repeal the act. He much preferred the latter.

Sir, what is the condition of this question? Our financial system has been deranged by the failure of the banks. After a long trial, Congress has been unable to agree on any law. It is divided into the

advocates of three different plans, and neither can obtain a majority. The country is probably in about the same situation. What, then, is to be done? Why, things must remain as they are; we must fall back upon former laws; upon the act of 1789, and the joint resolution of 1816. The act of 1836 has become obsolete; it cannot be brought fairly into operation without additional legislation. It has become so partial and unequal that it cannot be regarded as a law in force. But it is said we can make it complete by further legislation. So we could adopt either of the schemes which the great body of Congress prefer, by further legislation. But the difficulty is, a majority will not unite in favor of either of the three schemes. As long as this is the case, what other course is there but to fall back on the ancient laws?

It is argued, that because Congress has not been able to pass the Independent Treasury bill, or to establish a National Bank, it has therefore decided that the deposite bank scheme shall remain for the present. This is entirely incorrect. A very large majority of both branches of Congress, it is evident from their votes, are opposed to that plan. It has but few supporters in either House. Is it right, then, that it should be revived, when it requires an act of Congress to give it life? Did it appear that there was a majority of Congress in favor of the principle of the act of 1836, there would be some grounds for saying that the impediment which has arisen, ought to be removed, so as to carry out the principle. But such is not the case. The true state of things is, that Congress cannot agree in relation to either of the three schemes, and that the State deposite plan is much the weakest of the three. Under these circumstances, is it not proper to fall back upon the act of 1789? And what objection is there to this? Cannot the finances be safely conducted under the authority of that act? Were they not so conducted from the foundation of the Government down to 1816?

But we are told that this will be placing them in the hands of the Executive, without law; that they will be subject to no other regulation or control, but Executive discretion. The Senator from Kentucky, [Mr. CLAY,] asks whether we are prepared to take the revenues out of the custody of the law, and place them in the hands of the Executive without law? He already begins to sound the tocsin of alarm about Executive discretion. He, Mr. N. did not think the country would be alarmed at the cry of Executive discretion. It was an alarm note, which they had often heard within a few years; and if it ever carried terror with it, he believed that day was past. Is Executive discretion more alarming now than when Hamilton was at the head of the Treasury? This was no new discretion; no new scheme; it was as old as the Government. This discretion in the management of the finances had existed from the origin of the Government, until 1816; and even after that, a discretion existed in the Executive, to remove the public funds from the Bank of the United States—a discretion which was exercised in 1834, and justified by the nation. A law under which the finances had been managed during the greater period of the existence of the Government, without occasioning complaint, he did not think conferred on the Executive any alarming discretion. For one or two years at least, the revenue will not exceed, if it is equal to the expenditure, so that there will be no occasion for special legal enactments, in regard to depositing it any where. It will be safe in the hands of the Treasurer, under the direction of the Secretary of the Treasury. Under the circumstances in which we are placed, the deposite act of 1836, being deranged, disjointed, and partial in its operation, he thought the better course was to repeal it, and rest upon the act of 1789, and the joint resolution of 1816.

Sir, said Mr. N. before taking my seat, I must notice some personal remarks of the Senator from Kentucky, [Mr. CLAY,] which I heard with surprise, as I had supposed that the account between him and myself was balanced, at least for the present session. He has, however, seen fit to open it, under circumstances somewhat unexpected; and it remains for me to endeavor to balance it again. In allusion to the comment I made yesterday upon the remark of his, that the Sub-Treasury bill was something more than dead; that it was thrice dead; the Senator says there was nothing extraordinary in the remark, although it may have appeared so to me, because I am myself dead, but not sensible of it. I suppose he means dead in a political sense. It might be so; but unless Providence should order otherwise, he thought that about the year 1840, the Senator would find that he [Mr. N.] was still alive, and kicking. If, however, it should prove that he was politically dead, time would show that he had only gone in advance of others, as he was quite sure that in 1840 he should have the honorable Senator's company. He did not know what connection there was between the announcement the Senator had now made, and an occurrence which took place last night. He alluded to a sort of mock funeral procession, got up, he supposed, by some of the Senator's friends of the "decency party," and intended as a burial of all his enemies. How far this had reference to himself he could not say; but as the Senator had announced his death, he supposed he must be one who was interred with the Sub-Treasury bill. The proceeding was certainly very creditable to the Whig party, and proved their claims to all the "decency."

Not content with his death and burial, with such high honors, the Senator had volunteered to write his epitaph, which did pretty fair justice to his memory. He saw no special reason to complain of it; indeed it had laid him under an obligation to the Senator, which he would endeavor to satisfy on the spot, and in kind. It speaks of my having been postmaster at Hartford; of being translated from thence to the Senate; of having, during my brief career here, discharged my duties with distinguished ability, particularly in supporting the Sub-Treasury bill; of having read an able argument against the right of instruction; and finally of being voted out by the Whig Legislature of my State. This was all very well; he saw nothing to except to it. His public life was so short and humble, that all his deeds might be summed up in the brevity of an epitaph. It was not so with the Senator; his long and distinguished career would require something more than an epitaph; it would occupy an ample space in history; and he really hoped he would be so fortunate as to have his great deeds recorded by a pen worthy of so illustrious a subject. His posthumous fame, he hoped, would fare better than his living merit, which had suffered some by falling into the hands of a bungler, who, in the extravagance of his panegyric, made the faults of his hero the more conspicuous.

Mr. N. said he owed the Senator something more than an epitaph, and would honor him with a brief biographical notice of his public life. The honorable Senator commenced his career early, and its dawn was illumined by bright hopes and noble aspirations. Like other aspirants for power, his early life was distinguished by an ardent love for the people, and strong professions of devotion to popular rights. He was a Democrat of full blood; a Jeffersonian Democrat; a strict constructionist; a believer in the right of instruction; a friend of economy, and a mortal enemy of a National Bank and all aristocratic institutions. He talked loud and eloquently about the rights of the people and the rights of the States, and denounced the Federalists and all their works.

But notwithstanding all this zeal and love for the people, it would seem that there was at the bottom a little love for self, as we are informed by a distinguished but eccentric statesman of the Old Dominion, now no more, that the moment he entered the halls of Congress, he fixed his eyes upon a certain white house in this city, which appears to have had a peculiar fascination upon his mind. This early sentiment soon became a ruling passion, and "grew with its growth, and strengthened with its strength." This supreme object of the Senator's ambition has been a sort of *ignis fatuus*, which has led him on from point to point, from one measure to another, through political bogs and quagmires; but if he has sometimes sunk into the mud, he has hitherto had the good fortune to get out and on to his feet once more. The pursuit of this darling object has led him to mount, booted and spurred, numerous political hobbies; all of which he rode very hard, and all of which he rode down, without reaching the object of his pursuit. A high tariff, the American system, internal improvements, and the Bank of the United States—all these have been rode down and broken down; but the latter, having the most bottom, the Senator has mounted again, and is now riding as furiously, and with as sanguine hopes of success, as at first.

With his eye steadily fixed on his object, and never for a moment withdrawn, the Senator watched the progress of events, and waited rather impatiently, the movements of the troubled waters of politics; the derangement of parties in 1824, was thought to present a favorable opportunity. The Senator entered upon the Presidential course, with high hopes and sanguine expectations. The result, however, showed that vaulting ambition had overstepped the bounds of probability, as he was not only beaten, but distanced, and driven off the course the first heat. But although beaten himself, and thrown out, he was still placed in a favorable position; and in regard to the election in the House of Representatives was generally supposed to have the game in his own hands. And here there is one point of resemblance in the Senator's life and my own, as he has described it. He says I have made an able argument against the right of instruction. If I have made an argument, he has done much more; he has furnished an *example*; and however able the Senator might regard his (Mr. N's) argument, he was very sensible that its weight and influence would be trifling, compared with the conspicuous example of the Senator. His State had instructed him to vote for the Western candidate; but overruling their decision, he voted for the Eastern candidate, and threw himself into the "line of safe precedents." In his new position, and with his new associate, having postponed indefinitely the "deferred question of veracity," he struggled manfully, but unavailingly, for four years, against the strong current of public opinion. This struggle terminated in the memorable contest of 1828, in which the Senator did not, it is true, take the field in his own person, but as a political partner with his Eastern associate, a sort of joint stock concern of ride and tie, in which each put in an equal moiety of the stock in trade, with an understanding that they were to divide the profits. But Old Hickory had too much capital for the firm, which failed, and of course had no profits to divide.

But not discouraged by these two defeats, the Senator never for a moment abandoned his object, but immediately commenced rallying his broken and scattered forces all over the country for another contest. This came on in 1832, when he again took the field, aided by a powerful ally, the Bank of the United States, against the most heroic and powerful captain of the age. The conflict was tremendous, although at no time doubtful. The Senator and his Bank allies were beaten, routed, and driven from the field, with the loss of bag and baggage.

Well, now, Mr. President, if it is true, as the Senator says, that I am politically dead, I have an example in his own case that a politician may be dead and yet be alive. He has been killed off three times, and yet we find him alive and at his post, struggling as manfully as ever in pursuit of the same high prize. At no former period, perhaps, has he had such high hopes and expectations, or deemed his prospects so bright. To his eye the horizon appears perfectly clear, with scarcely a cloud to obstruct his vision. His old Bank allies are still with him, more ardent in the contest than ever. After a long struggle of thirty years, he seems to suppose that the golden prize is nearly within his reach. Fearing the consequences of a fourth disappointment, I have on several occasions heretofore warned him not to be too sanguine, and have reminded him that appearances are often deceitful, and that public opinion is at all times extremely unstable. I have told him that recent changes had been the result of a panic and pecuniary difficulties, brought upon the country by the banks, and that they would, in all probability, be as transitory as the causes which had produced them. But I do not suppose my advice will be heeded, although given in the most friendly spirit,

and with the most anxious desire to save him from the consequences of a fourth disappointment, which might prove very serious.

Well, now, sir, in regard to this fourth and last trial, for I think this will be the last. I might foretell its result without much hazard, but I will not do that. I will not turn prophet, lest, like many others, I should be found a false prophet. But, sir, I have an opinion, a settled conviction, on this subject, the result of some little observation and reflection on past and present events. My deliberate opinion is, that the Senator will again be defeated, and that he is destined to suffer a fourth and last political death. About the year 1840 the Senator, as well as myself, will, in all probability, be much at leisure, when I intend to avail myself of his kind invitation and pay him a visit amidst the quiet shades of Ashland, where, I doubt not, he will find more real enjoyment than in the turbulence of political strife, which has characterized his long career.

From this brief notice of the prominent events in the Senator's life, it is evident that his public career will occupy a broad space in history; yet it is equally clear that the gist, substance, and marrow of the whole, may be summed up in about the same brief words as were used by him to record the events of my public life. I believe that this biography is a fair offset against his epitaph; but, in order to have the account not only balanced, but paid off in kind, I will conclude it by offering an inscription, which I think will do pretty good justice to his memory, and which he and his friends can use or not, as they may see fit. It is as follows, short and simple:

HERE LIES THE HON. ———, [I leave it for them at the proper time and place to insert the name,] A DISTINGUISHED ORATOR, A DARING POLITICAL ASPIRANT, AND FOUR TIMES A DEFEATED CANDIDATE FOR THE PRESIDENCY.

Mr. SEVIER rose merely for the purpose of giving his reasons for the vote he was about to give, and said that, as he was the only one of the party with whom he almost invariably acted, that would vote against the proposed substitute of the honorable Senator from New York, for the proposed amendment of the honorable Senator from Massachusetts, he must ask the indulgence of the Senate for a single moment, in assigning his reasons for the vote he was about to give. It was not the interest of the bank which influenced his course; so as they alone were concerned, he cared nothing about the question. The directors of the bank of the State he had the honor, in part, to represent, had unanimously refused accepting the deposite of the public money. From this decision he inferred that the Bank of Arkansas considered the deposite of the public money a matter, at best, of but trifling importance. His objection to the substitute was, that it proposed to repeal all law upon the subject of the safe-keeping and disbursement of the public money, and to leave it, as it was by the act of 1789, solely at the discretion of the Executive. This was a discretion he was unwilling to entrust to any Executive. It is a discretionary power that the late Executive was unwilling to have confided to him; it is a discretionary power which the present Executive is unwilling to have conferred upon him; and, for one, he was as unwilling to confer such enormous power and responsibility in the hands of any one, as they were.

We have tried our favorite expedients, said Mr. S. upon the subject of the safe-keeping and disbursement of the public money, and we have been defeated on those measures; and the only question for us now to decide is, shall we fall back on the defunct act of 1836, or leave the whole revenue of the country, as it was by the act of 1789, under the unlimited control and discretion of the Executive? Of these two evils, I prefer the former. I cannot reconcile it to my feelings to place the revenues of this country, without law, in the hands of any one.

I regret, sincerely regret, for many reasons which I will not now take up the time of the Senate in enumerating, that I cannot, consistently with my notions of public duty, go with my party on this occasion. I cannot feel myself justified in going home to those to whom I owe every thing, and whose interests in part I represent on this floor, and say to them, that I have left the whole revenues of this country, without law, at the unlimited discretion of the Executive, although that Executive is one of their choice, and in whom they have every confidence that they ought to have in any Executive.

I asked of the Senate but a moment's indulgence, for an explanation; and I will not abuse that indulgence, by uttering another word upon the subject.

SPEECH OF MR. DUNCAN,
OF OHIO,

In the House of Representatives, July 3, 1838—On the bill to establish an Independent Treasury.

Mr. DUNCAN addressed the House as follows:

MR. SPEAKER: Advanced as the session is, and aware of the vast quantity of unfinished business of an important character, both of a private and public nature—important to individuals and important to the public—I feel a diffidence in asking the attention of the House while I offer a few ideas which I entertain in relation to this measure; and let me assure you, sir, I do it not from any disposition to make a vain show, or from a pride to be heard in the great councils of the American Government for, let me assure you, that when I rise to express myself on any subject, I rise from a sense of duty that I owe to those I represent, and always with embarrassment and great diffidence, knowing, as I do, that I am surrounded by those of far superior talents and acquirements to those of my own—statesmen who grace this country, and who would be an ornament to any country and to any people. No, sir; it is the importance of the measure, and a paramount duty, that induce me to ask your attention at this time.

Almost on every question of a general nature, when and where it is possible to drag a party feeling, party facts, and party arguments into discussion, it is universally done. I know of no instance where this has not been the case. Political effect is the object; but it seems to me that the result will hardly warrant the design, more especially when it is done at the expense of private and public business, and of the public money, at so great a disproportion. We have witnessed the sacrifice of day after day in the discussion of a simple appropriation for the Florida war, or, rather, such was the measure before the House for discussion; and yet no man could tell, by the debate, what the question was. The whole song was the extravagance and profligacy of this Administration; the ruin of the people; the financial embarrassments of the country; the destruction of our manufactories; the prostration of the merchants; the ruin of the banks, and forfeiture of credit and confidence—all by the base and wicked mismanagement of this Administration, and the one that preceded it. When will the people learn intelligence from these *modern Whigs?* From the commencement of the Government to this day, (while the Democracy administered the Government) this has been the cry—an imbecile Administration, corrupt men, and ruinous measures! This kind of Federal howling has been so long kept up, and is so well understood to be a kind of hypocritical, crocodile Federal whimpering that it is no longer regarded or seriously listened to. Such murmuring and such fault-finding are the characteristics of Federalism, and have their foundation in a want of confidence in the honesty, integrity, and capacity of the people to govern themselves, or, which is the same in a representative Government, of electing those who are capable of making, adjudicating, and executing the laws. All the Democratic Administrations that have existed since the organization of our Government, have been administrations of the people. They have been elected by the people, and not from personal attachment on the part of the people to those they elected, but upon principle, and upon some one or more important questions in which the whole community felt a deep interest.

Such was the fact in relation to the present Administration, and to denounce an Administration which has been elected under such circumstances, and to denounce the measures that the Administration are bound, by the nature of its official existence, and every obligation connected with its duty, to carry out, is revolutionary in its character, subversive of our free institutions, and an indirect denial or denunciation of one of the most important and fundamental principles of our Government, viz: the capacity for self-government and the right to govern.

Such, I say, is the situation of the present Administration, and such its obligations. Certain great and important and leading measures were commenced by the Administration—measures in which a great majority of the American people felt an interest in carrying out, and for that purpose was the present Chief Magistrate elected: so was the Vice President, and many of both branches of Congress. One of the most important of those measures was the improvement of the national currency; and for that purpose was this measure introduced. Its object is declared by its title, its various provisions. Its importance and utility I am about to discuss; but the very circumstances that made its introduction not only necessary, but absolutely obligatory, on the powers that be, constitute the strongest argument in its favor. It provides that the Government shall collect, safely keep, and disburse its own revenue, and, further, that it shall gradually establish the constitutional currency as the Government revenue currency; that is, gold and silver. The suspension of specie payments by the banks, while they had upwards of $30,000,000 of the public money in their possession, (not a dollar of which could be procured for a time) produced the separation which this bill contemplates; and vast injury, loss, and expense to the Government, by this unwarrantable measure, and, I might say, high-handed fraud, practiced upon the Government, makes it important that this unnatural and dangerous connection never should be revived. And the great reduction in the value of bank paper, produced by the want of intrinsic value and public confidence in it, makes it important to the highest interests of the people that the Government should return to the collection for its revenue to the only currency known to the Constitution.

Sir, I am in favor of continuing the separation which exists between the Government and the banks—a separation produced by the malfeasance of the banks themselves. I think the connection that has existed heretofore was in violation of the Constitution, and most unquestionably impolitic and unwise, calculated to embarrass the Government and derange the currency. I say I believe such a connection to be unconstitutional. Permit me, sir, here to lay down a proposition, to which I may have to recur in the course of my remarks. It is this: that Congress can exercise no constitutional power, except that power be plainly authorized by expression contained in the Constitution, and that the State Legislatures can exercise all legitimate legislative powers not expressly prohibited by the Constitution of the United States and the Constitutions of their respective States: that is to say, Congress can do nothing but what the Constitution expressly authorizes, and the State Legislatures can do every thing (not morally wrong) that is not expressly prohibited by the Constitution.

We find in the ninth section of the first article of the Constitution these words: "No money shall be drawn out of the *Treasury* but in consequence of appropriations made by law." This provision proves, beyond a doubt, that the framers of the Constitution intended that the General Government should have an independent Treasury, and in that Treasury the public funds should be kept, and from it they should be drawn out by law. There is no other meaning that can be given to this provision, without running into absolute absurdity and ridiculous sophistry. If it be a fact that the General Government shall have a Treasury, it is equally true that the revenue should be kept in that Treasury; and it is a violation of the Constitution to keep the public money in any other place than the public Treasury.

Sir, it is of the first importance that the Government should be in actual possession of its own money, so that it may draw that money "in conse-

quence of appropriations made by law;" but money deposited in the banks is not in possession of the Government, but is a debt due the Government by the banks, and it cannot be drawn as the Government may want it, and as "appropriations made by law" may authorize its application, of which we have had sad experience in the high handed transactions of the banks in May, 1837. But the act authorizing the deposite of the public moneys in the local banks contained another violation of the Constitution. By one of the provisions of the Constitution, (article 1, section 8,) Congress shall have power to *borrow* money on the credit of the United States, but Congress has no constitutional authority to *lend* money. In that deposite transaction, the Government money was lent to the banks for a per centum—a consideration. But another evidence of the unconstitutionality of the act authorizing the deposite of the public money in the local banks, will be found in the fact that Congress cannot interfere with the local banks to make deposites in them, without the consent of the banks, or, in some instances, the States, and in some instances both the banks and States. When the Government wishes to use the banks for such or any other purposes, she must, with humility, ask their consent or the consent of the States, or both, as the case may be. This kind of humility is unworthy of, and degrading to, the character of the Federal Government. Whatever is proper and right for the Government to do, she can issue her mandate to have done; and the very fact that she cannot interfere with State institutions without the consent of such institutions, or the States that create them, is the strongest evidence that she not only wants the constitutional authority, but that it is unconstitutional to do so. Hence I infer that it is a violation of the Constitution to deposite the Federal revenue in the State and local banks. But I have another constitutional objection to that act. It is, that it authorizes and requires the Secretary of the Treasury to take the notes of specie-paying banks, under certain restrictions, in the payment of the Government revenue.

The Constitution (article 1, section 10) provides that nothing shall be made a lawful tender in the payment of debts, but gold and silver. That act makes bank paper a lawful tender in debts due the Government, a violation of that provision so express and so unequivocal. The receivers of public money, when they know that bank paper can be disbursed without loss to the Government and sacrifice to Government creditors, will collect bank paper to the amount of the immediate disbursements; (they may and will frequently do it) I have no objections that they should, when it can be done safely, they being held responsible; but to make paper a lawful tender by law, which is made unlawful by the Constitution, is a violation of that Constitution. These are my constitutional objections to the financial connection of the Government with the local banks; but I believe such a connection is inexpedient, impolitic, and dangerous. Permit me, before I undertake to show the reasons that bring me to these conclusions, to deny a charge made against the Administration and the Democratic party. The charge to which I allude is, that this Administration and its supporters have declared war against the banks, and upon commerce. Sir, I can only oppose this with a direct denial, so far as I am concerned, and I am one of the warmest (in feeling) supporters of the Administration, and I believe I may venture to pronounce the charge, on behalf of those who act with me on this measure, one of the foul, false, Federal slanders of the day, conceived in a benighted brain, cultivated by a malignant heart, and given birth to by the pen of poison, and the tongue of pollution, to do its part to the destruction of the confidence of the people in this Administration. Sir, let us refer to some facts, and see whether I have grounds and evidence to sustain this indictment for slander which I have presented to the jury, (country.) When the American people (Democratic part) had determined to put down the Bank of the United States, or rather to let it expire on the limitation of its charter, it became necessary for the public deposites to be removed; and in order that the public might sustain no sudden shock from the loss of the use of them, (for they had been discounted upon while in the United States Bank,) they were placed in the local banks, where they were also discounted upon. Here, then, is a manifestation of friendship towards the local banks in giving them this great and valuable boon. But that was not all. By an act of Congress (to which I have before referred) their notes were made payable in the Government revenue, which gave them a credit far and wide, which they could not otherwise have had; which credit, as I shall show, or rather the improper use of it, has been the cause of all the pecuniary embarrassments and commercial ruin about which we have heard so much piteous whining and howlings Those advantages were extended to the bank. by the last Administration, and was sustained by the almost entire Democratic party; while the Federalists were unmeasured in their abuse, as well of the measure as of the banks themselves. The measure was denounced as ruinous to the country—and a criminal violation of the "*chartered rights!*" of the Bank of the United States, and the local banks were sneeringly denounced as pet institutions, unworthy of the Government's confidence, and incapable of performing the trust and the duties imposed upon them. In these predictions there seems to have been some truth; but they have performed the trust and duty to the Government and the people about as well as the Bank of the United States:—both bad enough—too bad to be again trusted. So much for the last Administration and its course towards the banks. How has it been with the present Administration and its supporters? Why, sir, the present Chief Magistrate had hardly been fairly seated in his chair, when he and every body else was shocked and astounded with one of the most violent pecuniary tornadoes that ever rolled its destructive torrents over a land, crushing and prostrating every institution in the country in its desolating sweep. (I give the Whig account.) A Government that had funds on hand to the amount of more than 70,000,000 of dollars was made bankrupt in one night; and to save the character, reputation, and honor of the nation, the Executive was obliged to call Congress together, at an expense of more than $200,000 dollars to the people. But what was the course of the Administration and the Democratic party towards the banks? War, do you think? No. The course of the Executive was indulgence to the banks and indulgence to the people. Suspend the debts of the banks, said the Chief Magistrate, and use as a substitute for Government money in their vaults, the Government credit. This was done, and the banks were saved, and the people, who were their debtors, indulged. But war is waged upon commerce. Ah! how so? During the last Administration, a system of credit was established toward the importing merchants; the same policy was pursued by the present; and when the banks suspended payment, the custom-house bonds due the Government amounted to upwards of $14,000,000. What was the course of the Administration, think you? Was it to prosecute on the bonds, obtain judgment, issue execution, expose to sale all the property the merchants had, sell them out, bed and bedding, cow and calf, dog, broom, and tea kettle, for a part of the debt, and send them to jail for the balance, as would be the course of a soulless corporation with the Shylock principles of a bank. No, sir. No, sir. No such course was pursued. What was done? Why, a bill was introduced by the Democratic party, on the recommendation of the President, to give the banks indulgence, and a like bill to give indulgence on the merchants' bonds, extending the time of payment, I think, in the first instance, four, eight, and twelve months; and, I think, in the latter, six, twelve, and eighteen months; and this, sir, is the kind of warfare that this Administration has declared against the banks and against commerce. Twice, sir, has the Government been compelled to use her credit in the issuing of Treasury notes to the amount of ten millions of dollars each time to favor the banks and the importing merchants. Who, sir, in this measure, was found wanting in kindness and good feeling to the banks and merchants? Look at your journals, sir. You will find the entire Federal vote against the measure to a man, I think; and the last bill that passed this House, (owing to the absence of some of the Democratic members,) passed by the casting vote of the SPEAKER. But for his vote, the bill which saved the country from ruin and bankruptcy would have failed. Yes, sir, the wheels of Government would have stopped from want of Treasury oil; and this great Federal fabric would now be mouldering with the fallen and almost forgotten Republics of Greece and Rome; and there were more gentlemen than one [Mr. MENEFEE] who said on this floor, in discharge of official functions, that they would rejoice to see this Government prostrated, if it would secure the downfall of this worthless and corrupt Administration.

But to return to the subject. I am in favor of establishing the Independent Treasury. I believe there is no other method by which the public money will be safe, and the Government secure at all times in its possession and use.

It must be manifest to every impartial man that there is no safety in depositing the public revenue in corporations over which the Government has no control. Give me your attention while I present you some of the difficulties and dangers that must always attend such a connection with the banks, and such an abandonment on the part of the Government over the control of her revenue, the only means by which she has to carry on her operations. I say that the Federal Government can exercise no control over State institutions contrary to their corporate privileges, or contrary to what may be the wish or desire of the several States from which they receive their charters. Hence it was, no sooner did banks suspend specie payments, than some of the States, by their Legislatures, justified them in it, though they were in possession of millions of the public money; and I believe not one State attempted peremptorily to coerce payment. Sir, what would have been the situation of the country and the Government had we been at war with a foreign nation during the suspension? The question is easily answered. Universal ruin and national degradation would have been the result. Some of the difficulties under which the Government labored during the last war must be too fresh in the mind of every true friend to his country, to desire to see the national means put from under the control of the Government, and into the hands of capitalists, who generally carry what little patriotism they have in their pockets, and have much more attachment to the means by which their wealth is augmented than to our free institutions, our national character and honor, and the equal rights of individuals. Out of the vast number of international difficulties which give rise to just causes of war, there is none, nor indeed are all put together, half so likely to produce war as violations of national commercial rights, (which involve the preservation of the rights of sailors.) It was violations of this character on the part of Great Britain that superinduced the last war, commonly called the second war for independence. Who was most interested in the defence of American commerce? We would suppose the Northern capitalists. But, sir, who was found on the side of the war? Not they. No indeed, they (with some honorable exceptions,) were found assisting the enemy, like the tories of the Revolution, aiding and abetting and performing the part of spies for the enemy, carrying on daily intercourse with them, and furnishing them with provisions and munitions of war. Every thing that could prattle, from the corrupt tory of the gown, down to the *tete a tete* of the cap and ribbon, was employed in denouncing the war as unjust and unholy. It was considered a crime to rejoice at the victories gained over the enemy, and the man was denounced and execrated with religious anathemas, as bringing blood upon his head, and divine judgment and wrath upon his soul, who would give aid, comfort, or support to so unjust and so unholy a cause as the American war. So odious was the war in northern estimation, that all efforts to obtain loans had to be made in secret. It was dangerous for the man who had money, and felt disposed to befriend and assist the Government, for him to do so. Hence, it was not uncommon for advertisements for loans to contain a promise that the purpose for which the loan was

made should be kept secret. This was not the worst: when Ohio's frontier soil was fertilized with Ohio and Kentucky's richest and best blood—when the land was desolated, and the swamps and dense thickets were the hiding places and only home of hundreds of women and children—when the red scalping knife was hardly permitted to dry—when the farmers chests were drained of their last dollar, their barns of their last bushel of grain, and their houses of their choicest sons, to support the drooping and desponding troops, and fill up their thin ranks—it was then, when application was made to Congress for men, means, and munitions of war, the Government was derided, the war denounced, and its friends and supporters sneeringly asked "if this was the entertainment to which we were invited at the declaration of war?" and this by men now high in the confidence of a *certain* party. All this hostility to the war was felt and manifested by northern capitalists, and so long as the same causes exist, so long will the same effects and feelings be produced.

What, sir, would be the situation of your Government, in time of war, with your revenue in the possession of the banks, and the banks owned (as they all almost are, or their capital, which is the same,) by northern and British capitalists, with British feelings and British attachments, such as the capitalists were during the last war, and as they will be during the next. Then, sir, I think the policy bad and dangerous to connect the Government with banks, under such unequal circumstances, under such great disadvantages to the Government, and the people whose Government it is. Sir, much as I would dread, fear, and abhor a union of Church and State, I would not consider such a union half so dangerous as a union of Bank and State. The former would operate to the prejudice of our liberties, through the medium of the conscience—a very slender and a very scarce article these days of political corruption, and moral and pecuniary depravity; but the latter would operate to the destruction of our liberties, through the medium of the purse, which is the god of our souls, and divinity of our worship. Sir, since the hard and tory times about which I have been talking, one of the great parties of this country has often changed its *name*, but *men* and *principles* are the same.

But, sir, I am afraid to try this scheme again of giving the banks the control of the Government finances. I fear another bank explosion; then will follow the cry of panic; ruin, mismanagement, corruption, and profligacy of the Administration, will be howled, hyena like, from Maine to Mexico. Yes, sir, this is the object. It is to have another explosion, to ripen the people for a great central National Bank, about which Federalism can rally and consummate its political schemes, and establish its favorites in power. The Opposition care little about the prosperity of the local bank system; that is, the leaders of it. Their interests are too much diversified, and they are too widely spread over the country, to bring them to bear with sufficient force and power upon their political efforts. There is, in the local bank system, too great a want of concert of action for their purposes. They will take them rather than have nothing of the kind; for so far as they can be brought to bear, they answer generally a good purpose. Yes, they would even take the Conservative plan into their keeping, rather than be without the assistance of corporations in their political movements. It is a great National Bank they want, and I trust the people will not permit themselves to be gulled. The question is, a National Bank, or a complete and undivided Independent Treasury system. There is no middle ground. The half-way house (Conservatism) is now deserted; it stands in the wilderness "solitary and alone." The highway has been taken from it; its windows are shattered; its doors are broken from their hinges. The raven croaks from its chimney top by day; the owl hoots from its garret by night; the wild wolf howls from its threshold unscared; and not a solitary human foot enters it but that of the prowling midnight thief and robber. Misnamed Conservatives are now seen wandering in small, scattered remnants, like the lost children of Israel, waiting for a call or edict of admission into the Whig ranks, whom they can join without much sacrifice of feeling or principle; for the real difference between them is the difference between

Twedledum and twedledee.

Although they have claimed to belong to the Democratic party, yet they never were of the true blue. They were not dyed in the wool. They were the calico Democracy. These Conservatives are an *upright* class of politicians. So far as my experience and acquaintance of them goes, I must pronounce them the most *upright* politicians I have ever seen. Indeed, they are so very *upright* that, let the political wind come from what point of the compass it may, whether from the North, the South, the East, or West, it never fails to incline them to the modern Whig side of the party line. Sir, I see too much of the treachery of Sinon, and too much of the cunning of Ulysses, in the Conservatives, for my purpose. Their scheme is like the Trojan horse; it is too enormous to be admitted into the Democratic city without breaking down her walls, demolishing her ramparts, and destroying her sentinels, which have defended her liberties for more than half a century. Moreover, sir, when admitted it will be found to be filled with armed Greeks, ready to open the gates to their companions in crime and in arms, who will murder your citizens, and lay waste your city. Sir, the Democracy are unwilling that this monster shall be consecrated to Minerva. But I hope for thus hurling our javelin against the side of this horse, whose hollow sound is sufficient to convince all that it is filled with hypocrisy and danger, we shall not share the fate of the unfortunate Laocoon. I hope we shall not invoke the wrath of Neptune, and be strangled to death with serpents.

Sir, the propositions of the Conservatives are like the earthen pots of Hannibal. They are full of snakes and poisonous reptiles, which, if thrown into the Democratic ship, will coil round the Constitution, crush and strangle our free institutions, and poison and corrupt the fountains of Democracy, from which flow the pure principles of civil and religious liberty.

Sir, when the banks suspended specie payments, the *Conservative* plan, which is now recommended, was in full operation; and yet the whole argument of the friends of this measure is to establish confidence in the banks, and the business and prosperity of the country will instantly revive. Yes, sir, we have heard this cry of confidence, confidence, until our ears have been shattered and our stomachs nauseated. How, sir, are you going to establish confidence in a set of institutions that are destitute, from their very natures, of the moral and intrinsic requisites which entitle them to confidence, and especially to so great a trust as that of the management of the finances of this Government. And why, sir, in May, 1837, when they were in the full possession of not only the confidence of the Government, but were in possession of her broad panoply of protection and in the practical use of her vast revenue—when their credit constituted the circulating medium of this vast, wide-spread dominion, and their paper was received in payment of the Government revenue and in all the vast and extensive commercial and mercantile transactions, and in domestic consumption—I ask, when the banks enjoyed all these advantages, public and private, why did they suspend specie payments? And I ask further, if this Government patronage—the possession and use of the vast funds of the Government, as well her deposited revenue as her undrawn balances, together with the unlimited public and private confidence which they enjoyed—was not all-sufficient to enable them to sustain themselves and to continue to redeem their bills, how will the simple act of the Government to receive in payment of her revenue the notes of specie-paying banks, restore confidence in the banks, so as to enable them to resume specie payments and revive the prosperity of the country? I leave the Conservatives to answer these questions.

The gentleman from Virginia [Mr. GARLAND] says tauntingly, "these principles [Conservative] were good Democratic doctrines in '35–36; why are they not good Democratic doctrines now?" I answer, because the local banks have forfeited the confidence that Government, or rather the Democratic party, reposed in them; and further, the question really involves no party principles, and ought to be treated as an abstract question of financial expediency. It has been made a party question for political effect.

If it was Democracy in 1835–36 to give the banks the control of the Government revenue, while they had the confidence of the Government, it is no reason why it should be Democracy in 1837–38, since they have forfeited all confidence of the Government. Prior to the American Revolution, obedience, and submission to British mandates was considered patriotic, but such obedience during the Revolution, and after the confirmation of our independence, would have been considered toryism. We have been frequently asked, in rather taunting tones, by the modern Whigs, why it is that we are now seeking a divorce from the banks, when in 1835–36, we were their friends, and used them to put down the Bank of the United States? I would ask in return why it is that the modern Whigs are now seeking an alliance of friendship, (pretended I suspect only for political effect) with the banks, when in 1835–'36, they denounced them corrupt and imbecile institutions, unfit to regulate the currency—pet banks?

Yes, it is said that the Government is trying to be divorced from the State banks.

Sir, I deny that ever the Federal Government was wedded to the banks. There is an alliance between the Government and the States: you may regard that alliance in the character of a husband, friend, protector, guardian, or what you please. To accommodate the Whigs, we will call it husband; we will agree that the sister States confederated, and gave up certain portions or parts of their independence, supremacy, and means, and out of those constructed a Federal Goverment, and imposed on that Government the duties of a husband towards them, defining specifically the power he shall exercise over them in a written Constitution, which was to stand for all time as a wall of fire to secure them from any Federal innovations upon their reserved rights and sovereignties. All this we know to be true; but was the Federal Government thereby to play the husband with and for every handmaid that the States might take into their employ. Was she to bed and board with every wrinkled yellow and toothless washerwomen that the States might engage to do that which which was beneath their dignity to do themselves? When the Federal Government united in the honorable bonds of matrimony with the States, that union was superinduced by their youth, beauty, intelligence, wealth, and chastity, and every other requisite necessary to make such an union desirable and permanent. And the defence of the peace and tranquillity of the States from foreign invasions and domestic insurrection, and some other expressed duties constitute the object for which the Federal Government was formed, all which have been imposed upon him. By uniting the Federal Government with the local banks in any Union like political matrimony, you would impose duties upon the Government which it has no power to enforce, because it cannot interfere with State institutions, this I have before stated. But, supposing that there has been something like matrimonial union between the banks and the Government, the only condition upon which that union was predicated was the just, faithful, and honest management of the Government revenue as her fiscal agents; this condition the banks have not only failed to perform, but violated in the most injurious manner, and therefore made the marriage contract not only voidable, but *ipso facto* void.

But, sir, I have another objection to this system which partakes of the constitutional character; and in accordance with that objection, I put the same question that the gentleman from Virginia [Mr. DROMGOOLE] raised. It is this: are not the officers, directors, stockholders, debtors, agents and attorneys of banks disqualified from holding a seat in Congress, owing to the direct interest which they may respectively have in those institutions, when they are made the fiscal agents of the Government? Or if you please, is a member of Congress not disqualified from acting officially on a proposition or

measure connected with the banks, in which he may have a direct pecuniary interest? Should the banks be employed as fiscal agents to the Government, I trust that all banks that involve the pecuniary interest of members of Congress, shall, without exception, be excluded from such employment. Why is it the trial by jury has time out of mind been regarded as a sacred and almost apostolic mode of doing justice between man and man? It is a palladium of liberty; an institution that has done more to secure the liberty and protect the property of the citizen, as well in England as in this country, and where ever it exists, than magna chara, or the bill of rights of England, or the Revolution or the Constitution of this country, and all other causes put together. Why is it so? It is because the jury is to be composed of men good and true, who are to be neither of kin to the parties litigant nor are they to have an interest to the amount of a farthing; neither shall the facts be established upon which they are to predicate their judicial decision, be presented by witnesses who can be supposed by any possibility interested; neither is the judge who has an interest in the decision of the cause to be tried, permitted to expound or explain the law upon which the cause may turn or rest. And herein consists the value of the trial by jury; it is stripping it of every thing like interest. When so much care was deemed necessary by the common law, and our Anglo Saxon ancestors, and when our immediate ancestors have adopted the same caution and care, and made the trial by jury, with all its common-law guards and protections a part of our Constitution, to secure to us for all time in the civil protection it affords, and its security and protection consists in removing every thing savoring of interest in the trial, why is the law-making power not equally to be guarded from the corrupting influence of interest? We all remember well the national interest that was felt when the question of the recharter of the Bank of the United States was before the American people. There was a strong party who were in favor of the recharter of that institution; there was a stronger party who were opposed to it. The interest was intense on both sides; so much as even to threaten violence and revolution. The action and decision of Congress was looked to with agonizing anxiety. The removal of the deposites of the public money from the Bank of the United States and the branches thereof, and the deposite of the same in the local banks produced the same feverish excitement. And what do you think, sir? I hold in my hand the Senate journal of that time; it contains the report of a committee appointed to examine the Bank of the United States, with a view to ascertain whether any members were interested in a pecuniary sense in the Bank. This report contains the astounding fact, that the Bank had loaned to members of Congress, who then owed it, the enormous sum of $400,000. Yes, sir, members of Congress, whose pecuniary salvation from ruin, and the support of whose families may have depended on the favor and indulgence of the Bank, were a part of the men who had to decide this great question between the people and the Bank. Ought such a state of things to have existed? Ought they ever to exist again? Ought the frailty of man to be exposed to such overwhelming temptations? and ought our free institutions to be exposed to the blighting and withering effects of such temptations? The law-making power is supreme over every temporal institution, except the Constitution; it is the fountain and source of all power; and if poisoned, all the streams that flow from it, will carry poison and death, by every medium through which it flows, to all our institutions; and even the Constitution, which is protected mainly by the sanctity of an oath of those who administer its powers, may totter and tumble by the same poisoning and corrupting influence of pecuniary interest.

I hope for the honor and reputation of this Congress, and for the credit of the nation, the sanctity and preservation of the Constitution, our great charter of rights, and anchor of our political hopes and civil liberty, that no member of this Congress has an interest in local banks that could possibly sway his vote, or swerve his judgment; or, if he has, I hope he has not so far forgotten his duty to his conscience, his God, and his country, as to have voted on a question involving that interest. I do not charge those members of Congress, who were indebted to the United States Bank, with being interested in the recharter of the Bank in consequence of the accommodations which they had received at its hands, or of being overawed by its threats; but to show that the Bank had some interest in making friends to its cause, I will refer you to a portion of the same report of the Senate committee. I allude to that part of the report which relates to the New York Courier and Enquirer and its editor. I defy any man to come to any other conclusion, who will carefully and impartially examine that part of the report, than that the Courier and Enquirer, type, press, printers' devil, editor, books, and bonds, were bought by the Bank of the United States for the consideration of $52,000. Yes, sir, that vile sheet of slander and corruption —that polluted sewer, through which Bank slander, foul detraction, and the basest and most infamous falsehoods are continually flowing in one uninterrupted torrent to the public mind, is now the property of the United States Bank, or its friends and allies, bought and used for corrupt political purposes, to serve the degrading and servile ends of the Bank, together with its editor, the degraded coward, and the bought up vassal, James Watson Webb.

Let me hope, that so long as there is a connection between the Government and the banking interests of this country, that the great interest of the Government and the rights of the people may be defended from the corrupting effects of selfish and interested legislation. Should Congress neglect or refuse to interpose their authority against a principle and a practice so pernicious in its nature, and so dangerous in its practice, so subversive of justice, and degrading to the character of our free institutions, I hope the people will take the matter in hand, and do justice to themselves, and honor to their country. But it is said that there is less security in keeping the public money by the Sub-Treasury plan than by banks. This seems to me to be a strange objection, and must rest upon one of two reasons, perhaps both; one must be that Government cannot make vaults, boxes, or safes as strong as the vaults of the banks. The best way to get clear of this objection is, to treat it as unworthy of notice—so I leave it. The other objection may be, that there is not as much moral honesty among men as there is among banks: this may be, but it is unnecessary to speculate in theory and probabilities, when we have experience and facts to govern us. From an examination of financial reports in a given time, perhaps since 1814 to this time, we have the exhibit of about $13,000,000 lost by banks, and about one million of dollars by individuals, when the chances to lose by individuals were two to one, as all the revenue was twice in the hands of individuals, and once in the hands of the banks, viz: once in the hands of the receiving officers, then in the banks; next and last, in the hands of the disbursing officers. I ask, then, if the public money must be, and has been, first in the hands of public officers; and last in the hands of public officers, what benefit does the Government gain by placing her money in the banks, by way of handing it over from the first class of officers to the second. So much for practice and experience. This objection to the Sub-Treasury scheme, only deserves answering from the respectability of those who make it, and not from any force in itself. Let us examine the theory and moral of the objection. Men have an honorable and a moral reputation to maintain, involving pride of character and standing in society, far above any pecuniary consideration; banks have a pecuniary credit to maintain, involving nothing higher than dollars and cents, and whatever course of civil conduct will secure the most of them is their course, without a conscience to dictate in the matter. Men have a conscience whose peace must be consulted; they also have a body to be imprisoned for purloining the public money, or to be punished corporally for crime or fraud. "Banks have neither bodies to be kicked, or souls to be damned." Therefore, in every moral and respectable sense, men have the advantage over banks as fiscal agents of the Government. Moreover, this bill has provisions that go as far as strong boxes, strong safes, and strong vaults; moral obligations, penal, and pecuniary bonds, corporal punishments, degrading imprisonment, and loss of liberty and reputation, can go to make the public money safe.

But it is said that the Independent Treasury will be more costly to the Government than the method of using the banks. The additional expense is a matter so inconsiderable, that it is unworthy of consideration. The advantage of always having the money in possession, for the support of the Government, the security of the country, and the protection of the people under all emergencies, is more than a compensation for the small additional expense. The expense of four receivers general, and four or five additional clerks, which cannot exceed fifteen or twenty thousand dollars; and the establishment of places of security, which may cost fifteen or twenty thousand dollars more, which would make thirty or forty thousand dollars for the first year, and half that sum each year after. This is a small sum to constitute a serious objection to a scheme so much wanted, and so absolutely necessary.

But it is said that this plan is going to increase the Executive influence and Executive power. This is a stale cry. We have heard the cry of Executive power and Executive influence raised on a thousand changes this session. But this objection comes in bad time, and bad taste, from a party whose fundamental principles are an increase of Executive power, and whose watchword is Federal influence. But, sir, this objection is like many of the others: it is without foundation; and if it were for me to invent a plan of stripping the Executive of a portion of his influence and power, I would think myself happy and lucky in the discovery of the Independent Treasury plan.

How is it in regard to the plan that connects the Government with the banks? The President may, through his Executive officers of the Treasury, control, for political purposes, the banks. Having the selection of the local banks in which the deposites are to be made, he may make a compliance on their part with his political plans a condition. The alliance and connection may be of that character, and the control of that nature, that he may make all persons interested in the deposite banks subservient to his purpose. He might, through the banks, wield an influence dangerous, yes, destructive, to this Government, and the overturning of all our free institutions. The thought is shocking to the man who will properly appreciate the danger of throwing into the hands of the Executive the control (it may be for political purposes) of the whole American revenue, through as many banks as he may see fit to employ, or as many as could be brought to his own corrupt terms.

Sir, it seems to me that no more powerful method could be invented to bring this Government to any terms, and to any situation that a corrupt Executive might see fit, than to give him the control of the banking interests and powers over the country. Suppose that the President was to form an alliance with the banks, and that alliance had for its object the increase of his Executive power, and the augmentation of their capital and profits: here would be a union of interests at the expense of our free institutions and the liberty of the people, but perfectly in harmony with each of their natures and characters: for it is natural for Executive power to desire to increase its influence, and extend and augment its powers indefinitely; and it is natural for banking institutions to extend their credit, augment their influence, and increase their profits; and whenever those two influences are brought to bear upon one or more objects, for the political influence of the one and the pecuniary interests of the other, the result may be dangerous to the liberties of this country.

It seems to me that the direct tendency that the Sub-Treasury plan has to strip the Executive of power, by his connection with, and control over, the banks, that might be dangerous, is one of its greatest commendations; and if there were no other advantages to attend its adoption, that alone is sufficient to recommend it, at least to those who look with a jealous eye upon Executive powers and Federal influence. The Sub-Treasury plan

contemplates the increase of four principal officers, whose duty it shall be to receive the public moneys; (this duty is now performed by Executive officers;) and perhaps six subaltern officers, such as clerks. It is possible there may be an increase of ten or twelve Executive officers, added to ten thousand that now exist; (a mere drop in the Ohio.) And what does the bill provide as an offset to this increase of Executive officers? Why, sir, it places the Government revenue beyond the control of the Executive influence, strips him of all power to exercise an undue influence over the banks or any other corporate institutions or private individuals, by means of the public revenue.

But the enemies of this Administration say that this Independent Treasury scheme is an attempt secretly to establish a Government Bank. This is not the fact, nor are those who make the charge sincere. If they thought so, they would sustain the measure to a man; for a Government Bank is the watchword with them. Every local interest, and every general interest too, is made to yield to the establishment of a National Bank with them. What is a bank, sir? My experience teaches me that it is an office of discount and deposite. It has stockholders, directors, a president, a cashier, and tellers. It discounts its paper, that is, its promises to pay, on the silver and gold in its vaults. Sometimes it discounts without either gold or silver. It receives money in deposite, and discounts upon its deposites. It deals in exchanges, that is, it buys and sells bills of exchange. It grants credits on its books, and transfers the amount of credit from one *merchant* to another. It buys and sells stocks. These are attributes and functions of a bank. Now will any gentleman here point to me any one of these powers as connected or belonging to the bill establishing the Independent Treasury, though all are necessary to make it a Government Bank, or bank of any kind; and, until that is done, I will hope to hear no charge of this kind against this measure.

Some of the enemies of this Administration say that the attempt to establish an Independent Treasury is an attack upon the whole credit system. Sir, I repel the charge, and repudiate it as I would the attempt, let it be made by whom or by what party it may. I know no better method of regulating the credit system, than by the check which the collection of the Government revenues in gold and silver would establish. The great objections of the Democratic party to banks, grow out of their hostility to the establishment of institutions that have for their object inequality of privileges; but in addition to this general objection, (which has its origin in the Constitution and in the nature of our Government,) they object to banks, because the currency of the country is made unsteady. By the fluctuations of the currency, all pursuits in life are made uncertain, and the whole credit system made as unsteady and as uncertain as April weather. To-day, a man may be worth $50,000 in paper prices; he may owe $10,000 in paper contracts. To-morrow, the credit of the paper system may be blasted, and it may take the man's $50,000 to pay the $10,000 which he owed. Hundreds and thousands of instances of this character can be produced, where men, who, by industry and economy, have laid up what they supposed would be a competent living for themselves in the afternoon of life, have, by the destruction of credit and the consequent downfall of property, been reduced, in ten short days, from supposed affluence to poverty and wretchedness. There are none of us who have reached the meridian of life, but have seen more than one period of universal destruction of credit, confidence, trade, and commerce; and it is the nature of unrestrained banking to produce periodical prostration and ruin, with all the effects of poverty and its train of evils, such as the loss of private and public confidence, and the destruction of every moral and social feeling that constitutes the ties of society and civilization. The evil does not consist in banking or the credit system; it consists in the unrestrained exercise of the banking powers and the improper and imprudent issues of paper money. In proportion to the increase of circulating medium, whether of gold or silver, so will the price of every marketable commodity, as well of personal as of real property, increase. If there are five dollars in paper in circulation to one in specie for the redemption of that paper, so long as it has credit, and the confidence of those who receive it and pay it out, property of every description will be estimated in proportion to the amount of paper actually in circulation. Purchases are made, and debts contracted, all with reference to the fictitious value. When the time comes that this paper must be redeemed—that is, when the people begin to lose confidence in the ability of the banks to redeem, or a demand comes from abroad for the liquidation of our commercial debts, which must be paid in gold and silver, bank paper having no circulation or credit abroad—then it is the banks are compelled to stop issuing, contract their credits, call in their debts, and generally shut up shop; that is, stop specie payments. Money, by this operation, becomes scarce; property falls in value to the specie basis; debts which were contracted in paper times must be paid in specie, the effect of which is to compel the debtor to pay to the creditor five dollars for every one he really owes him, or for which he ever received consideration. When the paper balloon was inflated to the extent of its capacity and elasticity, large contracts were made for real estate, merchandise, or commerce, and half the price paid down. Now the paper balloon has burst, the price of property has fallen four-fifths. The consequence is, that the money advanced upon the real estate, merchandise, or commerce, is lost to the purchaser, and the property will not sell for more than half as much as will pay the balance which is due on it. This is the financial operation by which thousands of as honest and industrious citizens as ever adorned any country, or any society, are brought to sudden and unexpected poverty and ruin, by circumstances and operations over which they have no control. And these are some of the effects produced by unrestrained banking. I stated that this state of pecuniary ruin—which, ever since the introduction of the banking system, as now conducted, has produced periodically—may be brought about by foreign demands for specie, and generally is. I will tell you how it is; and to illustrate it more clearly, I will confine illustrations to the operations of a single bank, but which will, and does, apply to all. Supposing a bank is authorized with a capital of $500,000: the requisite number of instalments is paid in; the bank commences operations; discounts paper on the specie paid in on its stock shares; deposites are made in it; it discounts on its deposites; and its paper, now spread far and wide, has become the circulating medium of the country. Its paper answers all the purposes of domestic exchange and consumption. Prices rise in proportion to the quantity of paper in circulation, but the credit and circulation of the paper being confined to its own country, the price of our produce is not raised abroad; foreign produce is invited here, while our produce bears so high a price at home, that it will not admit of exportation. The consequence is, that our specie must be taken out of the country, or exported, to pay for our own importations. This produces a constant flow of the precious metals from our country, and no return. This operation is made more fatal by the contracts of foreign and domestic debts contracted in the course of commercial trade. Exchanges are now against us; the balances must be paid. The commercial or importing merchants are called upon to pay their foreign debts in hard coin; they, in turn, are compelled to call upon their customers, the country merchants; and the country merchants are compelled to call upon their customers, the people, and the people upon their debtors and the banks. Then the calamities begin which I have before described; and this development accounts for the causes of all the difficulties that this country, this people, and this Government, have suffered for the last year in their commercial and financial affairs, although the whole blame, for political effect, is laid at the feet of the Administration. I have said all those pecuniary and commercial difficulties grew out of unrestrained banking. It is true, and there are other difficulties which I have not named, nor have I time to name them. I will name one: when money is made plenty, and prices are thereby made high, great inducements are held out to all classes to engage in speculations. The carpenter's bench, the shoemaker's seat, and the tailor's board, are robbed; the anvil is deserted, "and the plough is left to rust in the half-finished furrow;" all by the alluring prospects which a bloated paper currency holds out to make fortunes suddenly by speculation. The more honorable, but slow, methods of making a living by honest industry and useful employment, are given up for speculating pursuits, about which more than two-thirds of those who engage in them know nothing.

Soon after I arrived here at the extra session last summer, I visited the port of Alexandria. I became acquainted with the Danish Consul, who invited me on board a ship which was then in port. On being introduced to the captain, I asked him where he was from. His answer was, from Prussia. What is your lading? Wheat. I felt surprised that wheat should be imported between four or five thousand miles across a boisterous and tempestuous ocean, with all the risk of the sea, from a frozen and sterile country between the 55th and 60th degree of north latitude, and a land of despotism, to this fertile and mild climate and land of liberty, which is proverbially all over the world an agricultural country. I was so much surprised, that I was induced to inquire what he paid for his wheat in Prussia, and think he said $1 25 per bushel. What do you get for it here? $1 75. What do you pay your sailors? $8 per month. What is the price of labor in your country? $8 per month. What kind of money constitutes your circulating medium? Gold and silver is our consumptive medium. These answers unfolded the secret. Here it is proper to remark, that nothing in the currency way could be taken for this wheat but gold and silver. Our paper would not pass in Prussia, and what produce we had to spare bore so bloated a paper price, that it would not bear shipping to Prussia. But the secret was, that labor and produce in Prussia was at the specie standard; here it was at the paper standard; or, in other words, produce and labor there bear their real value; here they bear a fictitious value. This was produced by the unbridled manner in which banking was conducted. Permit me, sir, to read an article from a German paper, printed in the district which I have the honor to represent. I think the article excels any thing I ever read for brevity, truth, candor, and comprehension. Here, sir, it is: it is in point:

CAUSES OF THE LATE REVULSION.—I believe that justice requires that we should attribute the disorders of the times to other causes than the measures of the late or the present National Administration; and, first, among those causes I would name—

The excessive issues of bank paper with which the country has been flooded, and the consequent abuses of bank credits.

2d. The vast sums invested in unproductive lands, city and village lots, fancy stocks, and other property, by men of limited resources.

3d. The great excess of our importations above our exports—contracting large debts abroad, the payment of which required the withdrawal of an equal amount of our capital from the ordinary channels of business at home.

4th. The almost total neglect of that most useful, as well as most honorable, of all employments, the cultivation of the soil, observable in some sections of the country, and the consequent necessity for the importation of bread stuffs.

5th. Extravagance in expenditures of all kind; and the luxurious style of living, and the habits of idleness in which too many have, for years past, indulged. R. C. GREENE.

Then, sir, I say that the principle in the Independent Treasury scheme that makes the Government revenue collectable in the constitutional currency, is one of the best principles or means that could be adopted to regulate the discounts of the banks, and balance trade, commerce, credit, and agriculture; and any man whose mind is unswerved by party considerations, and uninfluenced by selfish interest, can see in this provision of the Independent Treasury scheme sufficient reasons why it should become the settled and permanent law of the land. While it exists, the banks will always be kept under proper restraint, and the currency of the country will always be redeemable, and of a creditable quality; nor will it ever in quantity (as it never should) exceed the wants of the country. But take away the restraint from the banks, and we are subject periodically to all the distressing and desolating effects by the violent and sudden expansion and contractions consequent upon an unrestrained paper circulating medium.

But, sir, we have been told that it is the office holders who are urging this ruinous measure upon the country; and we hear a great deal about office holders. This measure is the measure of the office holders, and that measure is the measure of the office holders: it is office holders in the morning, office holders at noon, and office holders in the evening: we can hear the hyena howl about the office holders on our going out, and on our coming in; in our eating, our drinking, in our sleeping, in our waking, and in our praying, (when we do pray.) Sir, there may be something degrading and criminal in holding an office; but I believe I would a little rather be a comfortable, fat, well-fed office holder, than a lean, lank, hungry office seeker. The former situation is quite as honorable as the latter, and much more comfortable. Constant murmurings and complaints about the office holders have ever been considered worthy of a demagogue. What is meant by this incessant cry against the office holders? Is it to disband all the office holders, and dissolve the Federal Government, and return to a state of originality, or is it merely to open the way for a new and hungry swarm of office seekers, to sap the last drop of Uncle Sam's blood from his already exhausted veins? Where is the Government that ever had a spark of freedom, but what was conducted by office holders, and a regularly organized system, with proper checks and balances to guard against usurpation, or the undue exercise of power? We may disband our Federal officers when we wish to establish the Agrarian system, or exchange our free institutions and our republican Constitution for an unlimited despotism, like the Autocrat of Russia. But suppose the ins are ousted to make room for the outs, as that is the object of the cry with which our ears are incessantly grated, would the public be benefitted by the change? Would the expenses of the Government be diminished? The Federalists have had the sway twice since the organization of our Government, and they were hardly well seated in power, when the people flirted them into the mud; and it will be so again, whenever they get into power. A few Federal strides of official power will bring down the popular indignation upon them. What power they may gain by the sleeping apathy or unsuspecting carelessness of the people, will soon be wrested from them by a fearful wakening up.

The gentleman from Maryland [Mr. KENNEDY] advanced some strange doctrines on the subject of banking, calculated, I think, to arouse the most unsuspecting. He tells us that the banks are never able to redeem their paper. It is preposterous to suppose that they can. Such a supposition is vulgarism; and it is such vulgar ideas that make people rush to a bank whenever they suspect its ability to redeem its paper. This may be vulgarism, sir, on the part of the people, but it is a vulgarism that has its foundation in justice and self-defence, and will never be cured in a land of freedom by any species of Bank refinement. If it is a vulgarism in the people to expect the banks to pay their debts, and to call upon them, upon their promises, to do so, it is immoral and fraudulent in *them* not to pay.

I think he told us that the banks of England had a provision in this charters, by which they were guarded against captious calls for specie redemption of their paper. I would like to see one of our western buckeye woolhats interrogated at the counter of a bank whether he made his demand for the redemption of his note in a captious manner or not. I think Mr. Corset would be apt to get his stays broken.

Gentlemen, who have been singing praises to the banks, and the banking system, constantly refer us to the wealth, the power, the independence, and the grandeur of England. The gentleman from Virginia, [Mr. GARLAND] tells us that she has ruled the commercial world, as she sways the ocean, against the combined powers of Europe; and all this by the glorious and happy influence of her credit and banking system.

Mr. Speaker, I will not detain you now, by giving you an account of the English national debt, which is more than all the dray horses in her kingdom could draw in dollars. Her eclesiastic estate, her entails, her rotten boroughs, her tythes, her lords—spiritual and temporal—her monarchical department, &c.

I have never heard of the powers of Europe being combined but once, and that was to put Buonaparte down, and England was in the combination; and Buonaparte would have whipped the whole concern, had it not been for the treachery of some of his officers. But this is not the first time in the history of our political and legislative service that we have had England offered to us as the proper model of a Government. The argument is a Tory and a Federal argument. It is the same that was used by the Tories during the Revolutionary war against the Patriots. It was that argument that prolonged the war for many years, and increased all its hardships—the loss of thousands of lives, and the destruction of millions of property. It is an argument that true hearted Americans never want to hear. It is the argument that was used by the Federalists and Tories at the formation of our Government. The very man who introduced the English banking system into this country, [Alexander Hamilton,] said that the British Government was one of the most splendid fabrics on the face of the earth. It is the same argument that was used to establish the alien and sedition laws, that brought disgrace on our free institutions, infamy upon the memory of our Government, and placed a foul and everlasting stain upon the American statute book.

It is the same argument that was used to prevent the repeal of the same odious laws; it is the same argument that was used to prevent the election of the distinguished statesman, philosopher, and patriot, THOMAS JEFFERSON, by whom Federalism was routed, "horse, foot, and dragoons," for a time, the Constitution restored to its original principles, and many who were imprisoned in loathsome and pestilential dungeons by the alien and sedition laws were restored to the light of heaven and the bosom of society. It is the same argument that was used against the declaration of our second war for independence, though our seamen had been pressed, our navy disgraced, our commerce assailed, and our national flag dishonored. It is the same argument that was used by the same Tories and Federalists against our rejoicing in honor and gratitude over our national victories, which was regarded as a sin, inasmuch as the war was "an unjust and an unholy war. It is the same argument that was used to justify the treasonable practice dayly exercised, of giving comfort and aid to our enemies, and of denying aid and munitions of war for the relief of our suffering frontier. It is the same argument that was used to cheat the people out of their Republican President, fairly elected in 1824, in violation of the principles of our Constitution, our free institutions, and the sacred rights of the elective franchise.

It is the same argument that was used to prevent the election of General JACKSON in 1828, and urged with double energy, because he had thrashed the red coats of their beloved England on the plains of New Orleans. But the argument was unavailing. JACKSON was elected; the Augean stable was swept, and the rolling tide of Federalism was thrown back. It is the same argument that was used to prevent his re-election, and to renew the charter of the United States Bank, by which it was intended to merge the pecuniary interests and political liberties of this country in British capital and British power. But the people met the argument, put down the Bank, and redeemed the country, by the re-election of General JACKSON. It is the same argument that was used against the confirmation of MARTIN VAN BUREN as Minister to the Court of St. James. He was rejected because he was a little too much given to the institutions of his own country, and a little too much opposed to the institutions of England, whose praises we have heard sang in such loud and long strains in the discussion of this question. It is the same that was used to prevent the election to the Vice Presidency of the same distinguished and talented individual; and the same that was used to prevent his election to the Presidency. It is the same that was used to prevent the election of RICHARD M. JOHNSON to the seat he now occupies in honor to his patriotism, his services to his country, and the scars that cover his body received in her defence, and the duties of which he discharges with so much ability, credit to himself, and advantage to the country, and the satisfaction of those over whom he presides.

In short, sir, the glories and splendor of England is a standing argument with a certain party against every thing proposed to advance the interests of this country, to establish on a firmer basis our free institutions, or to spread broader and wider the principles of Democracy. The enemies to Democracy and this Administration, are daily singing praises to their *Whig* victories: bright prospects of glory await them. You may see them in groups by night and day congratulating each other and the Federal party, on the success that awaits their toils in the Federal field for their promotion, the success of the Federal party and the establishment of Federal principles. It requires but little stretch of the imagination to see them with their leader [H. CLAY] parcelling out the spoils, and assigning stations to the commanding officers from their first general to their fourth coporal. But, sir, disappointment awaits them, still disappointed hope must be their lot for a time! Yes, sir, the little Duchman blockades their passage to glory. About the year forty he will again move his wand over the heads of the American people, and their hearts will beat in his breast; his patriotism, his talents, his political integrity, his sound Democratic principles, and his services to his country will rise vividly in the recollection of every lover of American freedom, and the Magician is again placed in the President's chair; while old Tecumseh's claim to national gratitude will retain him in the possession of his present situation, and the laurels that his gallantry and dauntless bravery so gloriously won for him at the battle of the Thames will still adorn his memory. Sir, we have some struggling about currency; some is for one kind and some for another; some for a National Bank paper; some for local bank paper; some for shinplasters; some for all kinds of paper, so that it smacks of the beauties and *glories* of the British banking system; and here and there we find one who is inclined to the American constitutional currency, viz: gold and silver. There may be some uncertainty how this game may end, and what the financial currency may eventually be; but I can tell you, sir, of one kind of currency we will have for the next seven years. It is a political currency, signed by the magician of Kinderhook, and endorsed by Tecumseh of Thames memory. This paper will pass all over these United States; and it will not be like your common paper currency, five per cent. below par at New York; twenty per cent. below par at New Orleans; fifteen per cent. at St. Louis, and so varying at every principal mart or seaport town in the United States. No, sir, it will be at par at all times and all places, and compared with its antagonist, paper will be at least 33⅓ per cent. above par. The Kinderhook paper will pass current with the Dutch, who deal in nothing but sound currency; it will pass current with the Irish, who are Democrats by nature, and it will pass current with all who love freedom and equal rights; all who go in for the support of the Constitution, the defence of our free institutions, and against the establishment of a British Bank upon American soil.

But, sir, we have been told by the gentleman from Maryland [Mr. KENNEDY] that this bill contains a provision embracing the principles of the Treasury Circular, which was repealed but the other day by a large majority of both branches of Congress. Yes, sir, it contains such a provision in part. The Treasury Circular made a discrimination in the kind of currency that should be received in the payment of land over a certain amount, (320 acres,) and the kind of currency that should be received from custom-house and other officers—the former being made payable in gold or silver, and the latter in the paper of specie paying banks. This bill provides for the gradual collection of the whole Government revenue in the constitutional currency, and that is one of its most valuable features, as I think has already been shown.

The object of the Treasury or Specie Circular was to prevent the whole public domain from being

engulfed in the vortex of speculation. Such was the rage for land speculation, that the poor and industrious man, for whose use the lands are really held in trust, who, when he purchases, purchases for the purpose of settling on and improving the land, to the advancement of agriculture, the benefit of society, and the pecuniary interests of the State or Territory in which the land may lie—I say such was the rage for speculation, that the poor man, after travelling perhaps many hundreds of miles with his knapsack on his back, and his staff in his hand, for the purpose of purchasing a home for himself and his family, was not unfrequently compelled to return to his home without being able to make a purchase; or he was driven to the dilemma of purchasing second handed at a great advance, or taking land of an inferior quality. It was to remedy this evil that the Specie Circular was put in operation—an evil which ought not to be tolerated. It is an evil which no friend to equal rights, if he properly appreciates it, would be willing should exist. It is an evil that I shall ever while I have a stand here oppose; and the specie provision of this bill is well calculated to restrain within some bounds this evil, but not to the extent that it should. I shall never feel satisfied on this point until I see the sales of wild land limited to the actual settler, and in amount to half a section. If this rage for speculation in the public domain is permited to go on unlimited, it will not be half a century until all political names and party distinctions will be merged in the feudal names of landlord and tenant. Then we will have the beauties and glories of the British Government, indeed, to the satisfaction of a certain party, who are always singing hallelujahs to her.

One gentleman, [Mr. PRENTISS, of Mississippi,] in his praises of the banking system, stated that there was no real difference between capital and labor; and, between the capitalist and the laborer, both enjoyed equal advantages from capital; they were so intimately connected that they were the same. Well, this is very fine. If it is true, I suppose the capitalists will have no objection to exchanging situations with the laborer; that he will give up his capital to the laborer; and all his lands, and houses, and chattel property, and introduce him into his parlor, upon his soft, brilliant, Turkey carpeting; give him the key to his costly sideboard, and the freehold to his rich wines, gold goblets, cut glass decanters, and his massy plate, together with his soft sofa to lounge upon; and he, the capitalist, will enter the field of toil and sweat, and there labor from morning till night, day after day, week after week, and month after month, to the end of the year, when he will find that he has just made, with all his toil, a scanty living to the end of the year for his family; and that the last scanty supper that he and his family eats at the evening of the first year makes it necessary for him to be early in the field on the morning of the second year to procure by his continued toil their next breakfast. When will such an exchange as this take place think you? It will be when the lion and the lamb shall lie down in peace together. It will be found that there is a great difference between labor and capital; a great difference between the comforts and happiness of the

> "King in the parlor, counting up his money,
> The maid in the kitchen, eating bread and honey;"

and the laborer, who too frequently, owing to some of our monopolizing institutions, and unequal systems, has to eat bread in sorrow, and frequently gets but little to eat.

Mr. Speaker, I hope you will not infer from what I have said, that I am an enemy to the banks, or to the banking system, if conducted on proper principles. I know that the people of this country will have banks; perhaps the commercial interests of the country require that there should be banks, at least, of exchange and deposite, if not of discount. But I see no necessity, justice, or political propriety, in keeping up a system of banking which has powers and privileges that have a direct and unavoidable tendency to make the rich richer, and the poor poorer, or that banks have untramelled sway over the whole moneyed interest of the country, and control of the value of property of every description.

I am unfriendly to the system that puts it in the power of banks to make money plenty or scarce—to raise the price of property a hundred per cent. above its value, or reduce it twice that sum below par, at their will and pleasure, and benefit themselves by the operation, at the expense of the fortunes and happiness of the balance of the community; and such is the nature and tendency of the present system. I believe I voted for the incorporation of most of the banks in Ohio, incorporated since 1828. I done so, not because I was in favor of the principle of banking, but because I was instructed so to do by those I had the honor to represent in the State Legislature, and because I thought the immediate interests of the country required the establishment of local banks at that time, at least in Ohio, for reasons which probably apply to other sections of the Union.

I think it was between the years 1832 and 1834 that the most of the modern banks were incorporated in Ohio. The people of the United States had determined, through the ballot-boxes, in a manner and by a vote which could not be misunderstood, that the Bank of the United States should not be rechartered. The debts in the State due the branch ot Cincinnati, I think, amounted to near $2,500,000. I think our canal debt, about that time, was about $5,000,000. The branch bank was calling in twenty per cent. every sixty or ninety days, as the case might be, and the interest on the canal debt had to be paid annually, in addition to keeping up the canal sinking fund.

To support all this, as well as the necessary quantity of circulating medium for domestic consumption and the ordinary exchanges, as well as the necessary and indispensable Government revenue—I say, to sustain all this, there was (exclusive of the capital of the United States Branch Bank) only about four and a half millions of bank capital in Ohio, one-third of which was domestic. This, sir, is a general view of the finances of Ohio when her late banks were incorporated. She was in an embarrassed situation, and it was to give her temporary relief that the banks were established. It was by inviting foreign capital to the State, and to bring into active use the dormant capital that was in the State, and to supply the place of the capital and circulation of the branch bank, which was about to be withdrawn from circulation and from the State, and to prevent a state of pecuniary ruin and desolation which had swept over the State of Ohio like a pestilence, that withered and blighted every thing living that fell within its influence, once before, (in 1819) by the sudden curtailments of the branch bank at Cincinnati. It was to prevent a return of a calamity of this kind that the late banks were incorporated; and I am happy to say, and it is due to *them* to say, they had the effect; they warded off the blow, until the State was relieved from her embarrassments by her own resources, by the economy and industry of her citizens, and the fertility of her soil. Although I am opposed to some of the privileges these banks possess—believing, as I do, that they are contrary to the spirit of our free institutions, and dangerous in their tendency to equal rights—yet I shall never regret the part I took in their establishment. I believe they have done some harm, but I believe they have done more good. I know that, let them take what course they may, or terminate in what evil they will, they never can produce more evil than the winding up of the United States Bank would have produced, had they not have been established. I think the charters of the banks of Ohio, generally, expire by their own limitation in 1843. I am no enemy to them. I hope they may be permitted to live out their days in peace, and that they may be permitted to enjoy, uninterruptedly, the benefits which their charters entitle them to; and when the time comes for their renewal, if it is thought expedient to renew them, such restraints may be interposed as will secure equal justice to them and political and pecuniary security to the State and the people. The intelligence and patriotism of the people will provide for the times; they will do what is right and just for the country and the banks.

The feeling which I have expressed in relation to the banks of the State which I have the honor, in part, to represent, I extend to the banks of other States, so far as such a feeling is necessarily connected with my representative duty as a member of the American Congress.

We have heard another objection to this measure, and I give the gentleman from Mississippi [Mr. PRENTISS] credit for his candor in openly making the objection. I like such honest, unsophisticated candor.

His great objection rests upon the fact that this is an Administration measure. It is alone sufficient to call down all his hostility and opposition, that it comes from the Administration. Yes, sir; and I suspect that this is the great pinch with some other gentlemen, if they would be candid. This measure smacks of Democracy; there is something wrong about it; it comes from an Administration elected by the people; an Administration, in every possible way identified with the people, and an Administration solemnly pledged to carry out the will and the wishes of the people to their best interests. Yes, sir, there is where the shoe pinches. If it had been a measure of the banks, in place of the people's Administration, the gentleman would have better understood it, and been ready and willing to have appreciated its importance. Sir, we have heard an almost incessant torrent of abuse againt this and the preceding Administrations; and most of this abuse has been poured forth upon the devoted heads of the Administrations for carrying out measures which have originated with the people, or which the people have expressly required them to carry out. Do gentlemen reflect, that in denouncing this Administration in such unmeasured terms, and the measures which they are bound to carry out, they are calling in question, not only the political capacity of the people to elect their representative and executive officers, but also their qualifications to judge of the propriety and necessity of measures in which they have a right to instruct, and to call their officers to an account at the bar of public opinion if they disobey? Sir, there has been no man in this House at whose hand the Administration has received more abuse than the gentleman from Tennessee [Mr. BELL.] There is no man who has more violently assailed and opposed every leading measure of the Administration than he has—as well measures that have originated with this Administration as those that fell to it to carry out that had their origin with the last Administration. Such a course I did not expect from him. I came here expecting a different course. If I were asked, what is the greatest qualifications in a statesman, I would answer, patriotism and virtue. What would you require as evidence to establish in your mind those qualities in any given statesman? I would say, consistency must be one of the evidences.

Mr. President, I hold in my hand a pamphlet containing a political speech, made by the gentleman at Vaxhall Garden, in the State of Tennessee Sir, I will not detain you to read extracts from his speech, whenever and wherever they occur favorable to General JACKSON's administration, and to the measures of a leading character which that administration was bound to carry out. Let it be sufficient for me at present to say, that his speech abounds in eulogy to JACKSON's administration, and in streng and powerful appeals to the people of Tennessee to carry out his leading measures. He tells the people of Tennessee in substance, that General JACKSON is soon to retire from office, and that the welfare of this Union, the preservation of the great leading principles (Democratic) of the party and the highest interests of Tennesee, require that Judge WHITE should be General JACKSON's successor. Judge WHITE has always been a firm and decided supporter of General JACKSON, a Jeffersonian in principle. No man was more thoroughly acquainted with the leading measures of General JACKSON's administration than was Judge WHITE. I was delighted when I read this speech. I expected to find in Judge WHITE and the gentleman two devoted friends to the Administration, (now that Judge WHITE had failed in his election, and no longer a candidate,) but what was my surprise when I came here, to find the gentleman himself, and Judge WHITE also, the most violent opposers, not only of the Admi-

nistration, but of all the important measures commenced in the late Administration, and which this Administration stands pledged to carry out! The party, the Administration, the measures of the Administration, the honorable SPEAKER, and even the retired patriot of the Hermitage, have been alike the subjects of the gentlemen's abuse. Yes, sir, the honorable SPEAKER, whose situation places him beyond the power of retort and defence, without a violation of the dignity and character of his station, the dignity and character of the body over which he presides, and the dignity and character of the nation for which they legislate—I say, even *his situation* has not secured him from the gentleman's buse, although his tongue has been tied, and his hands bound. Nor, sir, has the bleached head and withered form of the retired inmate of the Hermitage been sufficient to secure him from the outpourings of slander and detraction. His palsied hand and tottering frame, together with the recollection that the tooth of Time has been wasting him for seventy winters, admonish him that the sun of his day has sat—the death bell of three score and ten begins to ring in his ears, and the clouds of eternal night begin to thicken and darken about his pillow, yet his enemies are unwilling that he should cease to be the subject of base detraction; and even his fellow statesmen and one of his followers and political disciples is found to be the foremost and most unrelenting in persecution, still holding the poisoned cup of slander to his quivering lips, even to the outpouring of the last dregs of bitterness and bonds of iniquity.

The gentleman and Judge WHITE had always been supporters of General JACKSON and of the Democratic principles, or at least so professed to be. All the constitutional principles recognised by the Democratic party, from the commencement of the Government to the time they left the Democratic party and the people's administration, they professed to support; such as financial economy, and strict construction of the Constitution; hostility to a National Bank; legislation confined to the actual wants of the people, and within the limits of the Federal Constitution; opposed to extravagant appropriations, or any other appropriations not warranted by the Constitution. All these, and many other principles of a like nature which characterize the Democratic party, and make up their code of principles, these gentlemen professed to believe in, and by them, in their political course, to be governed; more especially political hostility to all institutions that have for their object the establishment of exclusive privileges, and unequal pecuniary and political advantages to a favored few at the expense of the many, and to the prejudice of our free institutions, that have for their object equal rights to all.

But where do we find the gentleman [Mr. BELL] now? Fighting with the Democracy and the Administration, on whose flag is inscribed equal rights to all? No, sir; the American motto, simple and short, "*E pluribus unum*," has no charms for him; he goes the royal banner, bearing the inscription of a British bank. Is the gentleman exerting himself now to prevent the necessity of incorporating a National Bank? Is he now exerting himself, with the Democratic party, to establish a sound, constitutional currency, which has ever been a favorite measure with the Republican party and the supporters of the Constitution, and always opposed by the British bank party? Is he now engaged in sustaining all those principles, in short, that have for their object the security of justice and equal rights between citizen and citizen, and to prevent Government encroachments upon any? I hope his private feelings may justify an answer in the affirmative to all these interrogatories; but his speeches, votes, and the party with which he is acting, will not. How will the gentleman account for the extraordinary position he occupies, and the course he is pursuing? Has he left the Democratic party, or have the Democratic party, consisting of more than two-thirds of all the people of the United States, of men, women, and children, with all the long and well established Democratic principles and practices that have existed from the commencement of the Government to this time, left him? One or the other must be the case; and which is most credible, according to our understanding of men and things?

When the gentleman goes to a good comfortable fire on a cold winter evening, and gets one side warmed, does he turn round to warm the other, or does he sit still, his chair on a pivot, and cause the fireplace, chimney, house and household, to be turned round? When the gentleman feels disposed to discharge his representative duties, does he come to the Capitol, walk in with hat in hand, take his seat by his desk as other members do, or does he cause this magnificent pile of noble and grand architectures surpassing any thing of the kind in the world, to be carried to him? Lastly: does this world turn round on its axis once in twenty-four hours, by which night is produced, so well suited to the repose of the wearied creation, and by which the morning sun is made to rise to cheer the busy world; or does the sun travel round the world to produce these desirable effects? Certainly the former is most natural, as well as most credible; more in accordance with the well-established prineiples of astronomy. In the first proposition, the surface of the earth would have to move but 24,000 miles in twenty-four hours. This distance is astronomically credible, within the pale of human understanding, perfectly finite, and within our comprehension of divine power. But, by the second proposition, the sun would have to move in his orbit an incredible distance; let us see how far, sir. The sun is, in round numbers, 95,000,000 of miles from this earth; a great distance, but this is but one-half of the diameter of the circle of the orbit he would have to perform: the whole diameter would be 190,000,000 of miles. This is a greater distance, and almost incredible; but it is but one-third the distance of the cycle. The whole distance would be three times the diameter, which would be 570,000,000 of miles, which the sun would have to move in the space of each twenty-four hours—a distance incredible; a distance almost infinite, a motion of velocity beyond the capacity of human comprehension, and almost beyond Divine power. I hope, sir, that the gentleman will not drive his friends to the dilemma of believing what is incredible in itself. I hope he will agree, and permit his friends to believe, that when he takes his seat by the fire on a cold evening, when he gets one side warmed he turns the other to the fire, and does not require the fire to be turned to the cold side; that when he is disposed to give his attention to his official duties he comes to the Capitol, and does not require the Capitol to be taken to him; that when it pleases the Almighty to produce, through his Divine goodness, the pleasing, useful, and delightful changes of day and night, he causes the world to move round its own axis once in twenty-four hours, in place of causing the sun to move round the world; and that the *gentleman* has left the great Democratic party, and that *it* has not left him.

Mr. Speaker, I have seen some service in the political wars. I have been an attentive observer of political men and political measures. I have read some history, (not much.) I have seen some deserters from the Democratic standard, some traitors to the Democratic cause and the Democratic party, and the result of my experience in this matter is, that all the tracks of traitors go from the Democratic standard—none directed towards it. Of all the tracks that I have seen, the heel is towards the Democratic standard, and the toe towards the Federal Bank standard. I suppose pecuniary avidity accounts for this singular fact. I suppose it proceeds from the same principle that induced the children of Israel to desert the standard of Moses, (although witnessing and enjoying the daily manifestation of Divine goodness,) and bow down in humble adoration to Aaron's golden calf; for, sir, Democracy has nothing to pay her troops with but patriotism and love of country; but her dissenters, those who can sing hosannahs to the Bank, can be accommodated with "*honorable facilities.*"

I find by what little history I have read, mankind is the same in all countries, at all times, and in all Governments; and such is his depravity, that his civil, moral, and religious obligations constitute but frail ligaments, when attacked by the "shears of the fatal sisters, Ambition, Avarice, and Power." Sir, there is no crime that is capable of entering the human heart, that is so abominable as that of treachery. If there is any one crime of an infamous and base character that is more abominable than another in the sight of God and man, it is treachery. If there is any one infamous crime that more deserves the curse of the Almighty and the universal execration of man than another, it is treachery. The best men that ever lived, and bound society together, have been brought to infamy, the stake, and the guillotine, by treachery. Even the Savior of mankind was brought to an infamous death and the cross by the treachery of one of his own disciples. Kingdoms, Empires, and Republics have been prostrated, subverted, and brought to ruin and annihilation, by treachery. There has been no Government or party of a Government since the first dawn of civilization and political organization, but has been cursed and tortured with traitors.

There is no one who cries louder for the liberties of a country than a traitor, and that, too, frequently when the vilest plots may be ripe in his heart for execution. Patriotism and economy dwell upon his lips, when foul conspiracy, despotism, and extravagance rankle in his heart. Prostration of the Government, the downfall of its free institutions, and the degradation and poverty of the people, are watchwords and cardinal maxims with him, so that he can thereby obtain the rule, and sway the sceptre. Carthage had her Hanno. When the brave Hannibal, at whose approach the lofty Alps bowed, and the rivers, as it were, dried up, planted the Carthaginian standard on the plains of Cannæ, and one victory seemed but to make way for another over the arms of Rome, until the very walls of her city shook, and her citadel trembled; it was under circumstances so honorable to the arms of his country, that Hannibal despatched his brother Mago to Carthage with the news of his greatest and last victory, and at the same time, to demand succors, in order that he might be enabled to put an end to the war. Mago, being arrived, made in full Senate a lofty speech, in which he extolled his brother's exploits, and displayed the great advantages he had gained over the Romans. And to give a more lively idea of the greatness of the victory, by speaking, in some measure to the eye, he poured out, in the middle of the Senate, a bushel of gold rings, which had been taken from the fingers of such of the nobility as had fallen in the battle of Cannæ. He concluded with demanding money, provisions, and fresh troops.

Hanno, who headed a faction opposed to Hannibal, and opposed to the war with Rome, said that the exploits of which Hannibal boasted so much, were wholly chimerical and imaginary. "I have cut to pieces (says he, continuing Mago's speech) the Roman armies; send me some troops." "What more could you ask, had you been conquered?" "I have twice seized upon the enemies' camp, (full, no doubt, of provisions of every kind,) send me provisions and money." "Could you have talked otherwise, had you lost your camp?" What must have been the surprise of every one whose hearts beat in gratitude for Hannibal, and in patriotism for Carthage, to hear one of her Senators, in the face of his country, attempt to blight the ardor of so successful a General, and dishonor her armies in the face of the world? Such was the fact. Here we have an instance of vile treachery in the person of Hanno, who would prefer to see the whole expedition against Rome fail, the proud and terrible name of Carthage sink, her victorious arms disgraced, and her proud fame wither and wilt, rather than that Hannibal, towards whom he was inimical, and of whom he was jealous, should succeed in subduing Rome. Sir, I have not time to specify particular instances of treachery in the several Governments of the old world. But history informs us that the orators who were loudest, most eloquent, and apparently most zealous, in protecting and defending the liberties of Athens, were easiest seduced and the soonest bribed to the standard of Macedon by the gold of Philip.

Sempronius, who had declared for the standard of Cato and for the patricians of Rome, was loup-

est and most boisterous against Cæsar when in the Senate at Utica; and in the presence of Cato, such were his outward displays of patriotism and zeal for the cause of Cato, that he would shake the Senate walls with denunciations against Cæsar; and yet all his patriotism dwelt upon his lips. Foul treachery and infamous conspiracy saturated his heart, and every secret moment was used with Syphax, the Numidian general, and his partner in treachery, in preparing his troops to fly to the standard of Cæsar, and drench the streets of Rome with the remainder of the patrician blood. Sir, in honor of my own country, I would conceal the fact that America has had, and I am afraid now has, her traitors. Did not the history of the vile Arnold spread far and wide over the civilized world; and the name of Aaron Burr, not less to be abhorred, but which still lives in infamy in our own recollections, and to the disgrace of some who survive him, has had his biographers, his adherents, and his eulogists!

Mr. Speaker, I hope the Independent Treasury scheme will become a law; I hope so, because I think the highest interests of the country require it—I mean every interest connected with trade which requires the establishment of a sound currency. I think it of vast importance to the banks that it should become a law. I would be at a loss to know what better to recommend for their interest, and I am in possession of letters from presidents and cashiers of banks, and intelligent merchants, sustaining me in this opinion. I think the preservation of the Constitution and the sovereignty and independence of the Government requires that it should become a law; and lastly, a look upon the establishment of the Independent Treasury, as the only means of preventing the establishment of a National Bank which I would look upon as the greatest calamity that could befall this nation and this people.

REMARKS OF

MESSRS. CALHOUN AND BUCHANAN,

In Senate, June 28, 1838—On the amendment of the latter to the bill introduced by Mr. WEBSTER in relation to the deposites of the public money.

Mr. CALHOUN arose and said:

I shall vote against the amendment of the Senator from Pennsylvania, [Mr. BUCHANAN,] in the first instance; and, if that should fail, vote against the bill itself. I am opposed to both, and prefer things as they are, to either; but, if one or the other must prevail, I would rather see the bill succeed than the amendment. I prefer the bill, among other reasons, because it comes from the proper quarter—from the responsible party. We who are in favor of the Constitutional Treasury (for that is the proper name) have done all we could to effect our object; all have been defeated for the present. We have already made all the concessions consistent with the great and constitutional ground of separating Government and banks, which we have pledged ourselves to maintain. In order to effect this most important object, and to avoid the possibility of a pressure in carrying it through, we proposed to effect the separation gradually and slowly, through the long period of seven years. But, notwithstanding this liberal concession, we have been defeated on a vote, going directly to the merits of the question, by a small majority. Our defeat has shifted the responsibility. It is admitted on all sides that something ought to be done, and that the revenue ought not to be left under the mere discretion of the Executive. We, who are for the separation, have met the responsibility fairly and fully, by proposing what we believed to be the proper remedy, and have failed; and it now belongs to those who have defeated us to propose theirs, or to stand responsible for the continuance of the present state of things, to which all sides are opposed. Our Government, it must be remembered, is very different from that of Great Britain. There the responsibility is wholly on the ministry, which is forced to retire on a defeat, or to dissolve Parliament, and make a direct appeal to the people; but according to the principles of our Government, all are responsible; with this difference only, that the Executive, who is charged to administer the Government, is bound to recommend, in the first instance, the measure he deems proper, which, if it fails, throws the responsibility to find a substitute on those who have defeated his recommendation. In this case I am for leaving the responsibility where reason, and the forms of our Government, place it. The Senator from Massachusetts, feeling this responsibility, has brought forward this bill; and although I cannot, in conformity to my principles, give it any support, yet with these views of the two measures, other considerations being equal, I should prefer that the bill should be adopted rather than the amendment.

There is another view of the subject which raises strong objections in my mind to the amendment. Coming from the quarter it does, it is calculated to distract and confound the friends of the Constitutional Treasury, though I feel confident it was not so intended. I do but justice to the mover in saying, his declarations and votes, when not instructed, have been uniform and steady in favor of this great measure of reform; but it is not the less certain, that the measure he proposes must have an unhappy effect. It cannot be disguised that the real issue is between the Constitutional Treasury—that is, that the Government should collect and keep, by its own officers, the revenues in the currency of the Constitution, free from all connections with private corporations—and a National Bank. This is the real issue that divides the people and their representatives.

There are, indeed, a few respectable individuals who are in favor of the pet bank system, and still fewer in favor of special deposites; but they are too few to make a party, or to be taken into the estimate. It is desirable on all sides that the real issue should be seen, and that the people should prepare to meet it. It is indeed a great issue, involving a great revolution in our social condition, and the fate of our free institutions. The proposition of a special deposite system, coming as it does from a friendly and prominent quarter, cannot but tend to confound the friends of the Constitutional Treasury at this critical moment, and excite distrust and suspicion. It illy accords with the lofty position that we have sustained, I will say, with such triumphant and unanswerable arguments, and which have done so much to brace and prepare the public mind to meet this mighty contest; and in this case I cannot but regret the move as very unfortunate. If there ever was a move that required inflexible firmness, and when the least giving way was hazardous, it was this. Our cause is good. We have truth, reason, justice, and the Constitution on our side; and these, if the cause be firmly and manfully maintained, must in the end prevail. I have never yet seen a good cause, supported as it ought to be, fail of success. In this case I always dreaded the onset. I saw the power of the opposite side sustained by the almost undivided banking interest of the country, and knew how imperfectly the question at issue was understood by the country at large; while, at the same time, I clearly perceived that such was the solidity and strength of our cause at bottom, that if we could resist the first onset without being utterly overwhelmed, victory in the end, if we stood fast, was inevitable. Well, we have met the first shock; and though defeated, so far from overthrown, a few more votes would have carried the cause triumphantly through both Houses. We have now only to stand fast till the people shall come to the rescue of the Constitution and our free institutions; and come they will, with an overwhelming rush, when they come to understand the true character of the issue, if we, whom they have appointed to stand sentinels, do not desert or betray our trust. Thus regarding the character of the struggle, I would have a strong repugnance to vote for the amendment, coming from the quarter it does, even if I thought much more favorably of it than I do.

But, independent of these considerations, I cannot give it my support. I consider it of itself much more objectionable than the bill. The adoption of either would restore the pet bank system; but the latter, in a much more objectionable form, as will be manifest on a comparison of their respective provisions. They both propose to make the banks the depositories of the public money, and to collect the revenue in bank notes. The essential difference between them, and the only essential difference, as I shall show, is that the amendment proposes to repeal entirely the deposite act of 1836, as far as it relates to the banks, and the bill to retain it, with some, but not very important modifications, which it is not necessary to enumerate. The difference, then, is this: if the amendment prevails, we shall have the pet bank system, without any legal restrictions or limitations, as it stood prior to the passage of the deposite act of 1836; and if the bill prevails, we shall have it with all the restrictions and limitations which that act provides, except, as I have stated, a few not important modifications. The repeal of the act would give the Executive the right to select what banks he pleased, and as many as he pleased, to keep the public money; to dismiss them at his pleasure; to establish what regulations he chose; and to bestow or withhold favors at pleasure; in a word, would place the whole under his unlimited will and discretion. Such would be the case, if the amendment should prevail. On the other hand, if the bill should, the selection, the dismissal, the regulation, the duties to be performed, and the compensation to be paid for the use of the public funds, would all be under the control of law, instead of being left to Executive discretion. I am, said Mr. C. opposed to discretionary power; and when forced to decide between a system of deposite regulated by law, and one left to discretion, must prefer the former, though decidedly opposed to both; and must, therefore, vote in the first instance against the amendment, and, should that fail, against the bill itself.

Mr. BUCHANAN said, he would not enter upon a general discussion of the question; but the remarks which had just been made by the Senator from South Carolina, [Mr. CALHOUN,] rendered a brief reply from him absolutely necessary. He wished to place himself in the position he desired to occupy before the country, in relation to this amendment; and that too, so clearly and distinctly, as to prevent all misrepresentation. This was a duty which he owed to himself, especially as the remarks of the Senator, and from first to last, showed that he had entirely mistaken the whole tenor and effect of the amendment. Indeed, if he had never read it at all, he could not have been less acquainted, than he seemed to be, with its provisions.

Mr. B. regretted that the Senator had preferred the bill of the Senator from Massachusetts, [Mr. WEBSTER,] to his [Mr. B's] amendment; and his astonishment was fully equal to his regret. After all he had said against the deposite bank system, and in favor of separating the Government from banks, Mr. B. could not have anticipated that he would prefer the bill of the Senator from Massachusetts, which was a perfect preforation of that very system with additional privileges, to the amendment, which would effect an entire divorce of the Government from all banks as general depositories. Had the Senator determined to vote first for the amendment, and then after its insertion to vote against the bill as amended, I should have understood his course. At present, it appears to me to be perfectly incomprehensible.

The Senator commences by stating that as we have been defeated on the Sub-Treasury bill, which was our favorite measure, that therefore we are not bound to propose any other mode of collecting, keeping, and disbursing the public money. That this defeat has thrown the responsibility entirely upon the Opposition; and it has thus become their duty, and is no longer ours, to propose measures for this purpose.

Now, sir, what is the plain meaning of this proposition? That those to whom the people of this country have entrusted the administration of their Government shall abandon this trust altogether, when they find that a majority in either House of Congress have refused to adopt the measure which they had recommended—that they shall then fold their arms, and appeal to their enemies to introduce some other measure. We cannot discharge our duty to the people by pursuing any such course. We cannot abandon the helm without disgrace. If we have been defeated in our favorite measure,

we ought, without deserting our principles, to resort to another. The great, the leading object is to separate the Government from the banks as general depositories, and thus to prevent them from trading on the public money. Keeping this great principle steadily in view, it is our duty to adopt any measure likely to obtain a majority, which will secure the public money, and place it under the guard of laws. It will not do for us to say to the people, you shall take the Sub-Treasury, or you shall have nothing. Such a determination is opposed to the genius of our institutions. The President of the United States, although as great a friend of the Sub-Treasury as any of us, did not agree in opinion, on this point, with the Senator from South Carolina. Although, in his message at the commencement of the session, he strongly recommended the adoption of the Sub-Treasury system; yet he suggested an alternative—a second choice. It is upon this suggestion that I have acted, and my amendment has been framed in strict conformity with it. I need not again read to the Senate what the President has said upon this subject. We, as friends of the Administration, and I esteem myself as good a friend to it as the Senator from South Carolina, cannot shift the responsibility from ourselves to our political opponents, by telling them that because they have rejected our favorite measure, the duty devolves upon them to propose a substitute. Suppose they refuse to do it, shall we stand still, and leave the country to suffer? We can only relieve ourselves from our responsibility, by presenting every reasonable measure; and if they choose to reject them all, we shall then, and then only, stand acquitted before the country; and they will then, and then only, be held responsible.

The Senator from South Carolina says he is opposed to the extension of Executive discretion. So am I. One chief object of my amendment was to limit, not to enlarge, Executive discretion, and to prescribe, by precise law, the duties of the Secretary of the Treasury in relation to the public money. This amendment was prepared with great care, and after consultation with some of those who best understand the subject. I had two purposes in view. One was to direct the Secretary of the Treasury in what manner he should dispose of the bank notes which he might receive in payment of the public dues; and the other, to produce an entire separation of the money of the Government from the business of the banks. I thought the amendment would accomplish these two objects; and yet, strange and wonderful to tell, the Senator prefers the bill of the gentleman from Massachusetts, because my amendment, as he says, leaves every thing to Executive discretion, and restores the Pet Bank system without any limitation whatever. I have never been more astonished in my life than when I heard these objections to the amendment.

What, sir, this amendment a return to the old Pet Bank system, to use his own phraseology, when it declares in so many words that no bank notes shall be placed, "either on general or special deposite," with any bank whatever! This single provision entirely severs the connection between the Government and the banks, as general depositories, which had been created by the deposite act. It renders it impossible that the banks shall ever again trade upon the public money; and yet the Senator has declared that, should it prevail, it will be a restoration of this very system without any limitation whatever. It is impossible to argue against such statements. In order, however, to tear up this system by the roots, my amendment proposes to repeal the deposite law altogether, which he so much condemns; and yet, notwithstanding, he argues strenuously against this repeal, and says its effect would be to leave the public money entirely to Executive discretion. This might have been the consequence, had I been guilty of the folly of attempting to destroy one system without substituting another. That is not the case. The two first sections of my amendment prescribe clearly what shall be done with the public money, between the time of its receipt and its disbursement. It is to be kept in the hands of the collectors and receivers, and is to be disbursed by them during fixed periods, not exceeding sixty days; and the balances remaining on hand at the end of these periods are to be converted into specie, and, for greater security, are to be placed on special deposite, to the credit of the Treasurer of the United States, in the vaults of such banks as may be selected by the Treasury Department. Every necessary power is conferred upon the Department to render these deposites special, in the strictest sense of the word, and to confine the banks to the mere safe-keeping of them, in the form they are delivered. The vaults of the banks are to be substituted for the private houses of the collectors and receivers, as places of greater security. In substance, this is the very same provision, in regard to special deposites of specie, as that contained in the Sub-Treasury bill, which received the warmest commendation of the Senator. Under that bill, in every portion of the Union, except the six places where there are mints, or where receivers general were to be established, the public money, in specie, was to be placed in such banks as the Secretary of the Treasury might select, on special deposite. And yet, after all, the Senator prefers the bill of the Senator from Massachusetts to my amendment. He prefers the old Pet Bank system, with new privileges, to a system which will keep the Government money in the hands of Government officers, until it shall accumulate to such an amount as to render it insecure; and afterwards place it, in gold and silver, on special deposite with the banks, precisely according to his favorite plan. The Senator even says that the bill is greatly superior to the amendment.

And what is this bill? It is not only a revival of the old deposite act which he so much abhors, but an extension of its provisions to embrace all banking associations which may hereafter be established under the general banking law of New York, and under similar laws of other States, which may be passed hereafter. Nay, more: it repeals every restriction, and directs the employment of all banks, notwithstanding they may have issued, or shall hereafter issue, notes of the very lowest denominations.

Now, sir, it is certain that the bill of the Senator from Massachusetts cannot pass. I would, therefore, ask him, as an enemy of Executive discretion, whether he will consent to go home and leave the whole revenue of the United States in the hands of the Executive, without any legal provision whatever, unless it may be in regard to deposites made with the few banks which have not forfeited their right to become general depositories? This is the question. As a friend of my country, and a friend of the Administration, I am unwilling to pursue such a course.

We shall then have no law except the act of 1789, which I have shown on a former occasion was wholly inadequate to meet the crisis. It merely provides that the Treasurer shall receive, keep, and disburse the public money; and was evidently intended for the infancy of our institutions, and for hard money alone. But under the joint resolution of 1816, as soon as the banks shall resume specie payments, nearly the whole of the public revenue will be received in bank notes, or, what is the same thing, in drafts on banks. What is the Secretary of the Treasury to do with these notes and drafts? Will you leave him without the protection of any law upon the subject? His position will be most embarrassing. If he demands gold and silver from the banks to meet the wants of the Government, this will be denounced as an abuse of his discretion, and as an evidence of hostility to these institutions. Should he keep a mass of bank notes on hand, and any of the banks become insolvent, and thus the Government sustain loss, he will be loudly condemned for favoritism towards them. If, in the exercise of a sound discretion, he call upon some banks to redeem their notes in specie, and not upon others, this will be considered as proof of guilty partiality. Let him do what he may, he is equally certain of censure. As a man, desirous to maintaining a fair character with my countrymen, I would not accept the office, of Secretary of the Treasury, at the present crisis without any law to guide me, for the wealth of the Indies. Charges will be echoed and re-echoed, by the enemies of the Administration, against the Secretary, from every portion of the Union, for the purpose of driving it from power. Ought any of its friends to place it in this situation? Ought the present state of things to continue until the session of 1839, '40? Before that period, we cannot entertain the most remote hope of passing the Sub-Treasury bill. Ought we to attempt nothing, because we cannot obtain every thing? The country will never sanction the principle advanced by the Senator from South Carolina, that because we have tried one measure and failed in it, that therefore the responsibility of introducing another will devolve exclusively on the enemies of the Administration.

What shall the Secretary of the Treasury do with this mass of bank paper, after it shall have been received in payment of the public dues? My amendment answers the question in a plain and satisfactory manner. He shall pay out the bank notes, by drafts on the collectors and receivers, to the public creditors, who may *bona fide* elect to accept them during periods of sixty days; and at the end of these periods, the collectors and receivers shall make settlements with the banks whose notes they hold, and the balances shall be converted into specie, and placed with the banks on special deposite. Should the security of the public money at those points where the largest amounts are collected require more frequent settlements, the Secretary is authorized to direct them to be made. In all cases, this would be much more liberal than the rule of the old Bank of the United States, which required weekly settlements with the State banks. At these settlements, the banks would receive credit for the Treasury drafts in their possession, and the balance would be struck and converted into specie. That this would not operate with too much severity upon the banks, I have shown in the remarks which I made when I offered the amendment.

This amendment removes all Executive discretion except what is absolutely necessary from the nature of the subject; it prescribes a precise rule of action which would be known to the whole country, and it shields the Secretary of the Treasury under the laws of the land, to which we all must submit. It substitutes the law of Congress for the will of the officer; and if this law be fairly obeyed, all complaints against the Administration in relation to the use of the public money must cease.

But the Senator is opposed to my amendment, because it will bewilder and confuse the public mind, in relation to the issue presented to the people between a Bank of the United States and a Constitutional Treasury, limited in its receipts and its disbursements to gold and silver. Now, sir, in my opinion, this amendment, even if it had no other merit, ought to prevail; because it is the best, if not the only means by which we can reach this Constitutional Treasury. Great and fundamental changes in the settled policy of a people, unless under extraordinary circumstances, can only be accomplished gradually. The public mind must first be prepared to adopt them. For this reason, it appears to me unwise to refuse to make any advance towards our object, because we cannot reach it at one bound. Public opinion, I firmly believe, is already prepared for a separation of the money of the Government from the business of banks. My amendment completely accomplishes this purpose. It divorces Bank and State; and provides a distinct and independent mode of keeping the public money, such as has been suggested by the President, and is already to a certain extent practised by the Treasury Department. Let us take this first, this important step; and wait for better times to accomplish the remainder. The Senator himself was in favor of proceeding gradually. Under his amendment to the Sub-Treasury bill, we should have been eight years in reaching exclusive specie receipts and payments.

Upon the whole, I flatter myself that as the Senator has most certainly misapprehended my amendment in every essential particular, he will upon reflection, change his opinion, and give it a preference over the old pet bank system, which the bill of the Senator from Massachusetts proposes to re-establish.

Mr. CLAY then addressed the Senate in opposition to the amendment, and in reply to Mr. CALHOUN; after which,

Mr. CALHOUN said: I rise to notice some remarks of the Senator from Kentucky, [Mr. CLAY,]

intended to represent me as a partisan of the Administration. I have no fear that they would have the least possible effect within the limits of these walls, where my course is well known and understood. I confidently appeal to every Senator present, whether my acts and votes, on all occasions, have not been in strict conformity to principles which I have been known long to entertain. Not an instance can be pointed out to the contrary. But though the Senator's declarations will be harmless here, they may not be so beyond these walls, where they were intended to have an effect, if I should remain silent; and it is only on that account I notice them. I am no partisan of any man, nor any Administration. I am free to act on all questions according to my unbiassed judgment, unembarrassed by party trammels. I concur with the Administration on the great question of the Constitutional Treasury, and have, and will continue to give them, so far as that is concerned, a sincere, decided, and hearty support; and shall stand prepared to support or oppose whatever other measure they may propose, just as it may, or may not, accord with my principles and views of policy. I hope they may give me many opportunities to support, and few to oppose, them. It is my fortune to stand here alone, looking to no other guide in the discharge of my duty but God and my conscience. I seek neither office nor popular favor.

The Senator asks me if I belong to that sectional party in the South, which he intimates has views not very friendly to the continuance of the Union. He was not very explicit in his reference. If he means the party there which has stood up for Southern rights and interests—the party opposed to the Tariff and his American System, to unequal and excessive duties and appropriations, the party opposed to Abolition, and in favor of the direct trade—I am proud to say that I do belong to that party; but, if he refers to any party entertaining views or feelings hostile to the Union, I have only to say I know of no such party there, nor do I belong to any such.

Providence (Mr. President) has pleased to cast my lot in the weakest and most exposed section of the Union; and I have, and shall continue to defend it, as far as my abilities go, against all oppression and unconstitutional acts, without regarding how it may affect my popularity and standing in other quarters. Nor, in doing this, am I in the least actuated by a feeling of hostility towards this Union, or any section of the country. I defy my most bitter enemy to point out any act of injustice or oppression towards any other portion of the Union, that I have ever countenanced, unless, indeed, resistance to injustice towards my own should be considered injustice towards other sections, which might be benefitted by it. So far from hostility, I have been governed by directly the opposite motives—by a deep and an abiding attachment to the Union, and the most anxious desire to preserve it and its integrity. Our Union rests on justice—on the equal distribution of its advantages and burthens. So long as that is preserved, there is no danger of the Union; while, on the other hand, if it be habitually and permanently disregarded, nothing can preserve it. He knows nothing of the human heart, or the working of a political system extended over so wide a country, who does not see that there must be a constant tendency on the part of the stronger portion to monopolise all the advantages for itself, and to transfer all its burthens to the weaker. Nor is he less ignorant, who does not see that such a tendency must, in the end, prove fatal to the Government, if not steadily and successfully resisted. It has been my fortune to see and act on these principles, and in doing so I have been governed not only by a sense of justice towards those whom I represent, and the portion of the country to which they belong, but by deep devotion to the interest of the whole Union. The Senator seems to take a different view. He would seem to regard resistance to wrong as hostility to the Union, and the support of aggression as the means of preserving it. He habitually confines his censure to those who oppose oppression, without ever raising his voice against the oppressor. I am, however, glad to see that he does not entirely deny the truth of the principles on which I act. He is at last compelled to admit, that Abolition is making greater progress than he had anticipated, and to acknowledge that the time may come when he shall be compelled to take a stand and lead against the fanatics. We may then oppose aggression, I suppose, without losing attachment to the Union, at least on the Abolition question; but if we may do it in that case, I would ask why we may not also against the Tariff and American System, and other oppressive measures to which the South has been opposed? Why shall it be justifiable in the one and not in the other case?

The Senator thinks I have been too stern and uncompromising in my opposition to the fanatics, and that its effect has been to increase their number. He would take a more compromising course. He would have opened the doors of this chamber to their admission, and reasoned the case with them, whether we had a title to our property or not. Without adding a word, I leave those interested to judge which of the two courses is the safest and best.

The Senator regards the defeat of the Constitutional Treasury bill in the other House, as a complete overthrow, and raises the shout of victory. He greatly mistakes. It is but a skirmish at the commencement of a conflict, which is destined to last for years. The cause of the struggle is too deep to terminate with the first onset; and so far from being discouraged by the slight defeat which some half a dozen of votes would have turned into a victory, I feel a renewed assurance of final and complete triumph, if we but stand fast. What I always dreaded, as I have said, was the first shock. I never doubted, if it could be resisted, a final and glorious triumph awaited the cause we advocated. We have now met the first shock; and, so far from being overwhelmed, we have been defeated by only a few votes. Time is now working for us. The discussion is gone to the community. Truth and reason are on our side. Our arguments neither have, nor can be, answered; and time and reflection only are wanting to give them their full effect. The people are roused; and their attention is intensely directed to the subject, which will not fail to tell hereafter.

In the mean time, the difficulties on the opposite side will soon begin to present themselves. They have thus far had the easy task of being the assailants, but the very victory, of which they boast so much, throws the responsibility on them, and will compel them to move; and let me tell the Senator, when he comes to bring forward his gigantic scheme of blending into one the General and State Governments, and uniting the two with the great capitalists of the country in his fifty million bank, with the view of controlling the currency and industry of the country. When, in a word, he comes *to rear up his bank monarchy* to govern the country with despotic sway, he will begin to find his trouble. He will find it no easy task to fix on the seat of its empire, and place the despot on his throne; and whenever he attempts it, let me tell him, instead of a slight defeat of a few votes, as we have experienced, he will be overwhelmed with a Waterloo overthrow, from which he and his cause will never recover.

REMARKS OF MR. GARLAND,
OF VIRGINIA,

In the House of Representatives, July 2, 1838, in Committee of the Whole, on the Harbor bill. The motion pending being to amend the bill by making an appropriation to purchase the stock of the Louisville and Portland canal.

Mr. GARLAND said that he did not rise for the purpose of discussing the particular merits of the amendment proposed, but to express his opinions upon this subject generally, which were in opposition to the bill, and the whole system of internal improvements by this Government. He said he had not before had an opportunity to state his objections to this system, which he now proposed very briefly to do. The Constitution gives no power to the Federal Government to invade the territorial jurisdiction of any State, at the expense of its sovereignty. It can acquire no right of property or permanent jurisdiction over the soil in the States; if it could, then the States were not sovereign, but hold their right of property at the discretion of this Government, which would constitute this a consolidated and supreme Government over all the power and jurisdiction of the States. The powers expressly delegated to this Government, were the only powers which this Government could exercise; and they, in no case, required this supreme power and jurisdiction over the soil of the States, as necessary to their exercise. The soil constituted the jurisdiction of the State, and to that must be referred the jurisdiction over navigable streams; one jurisdiction could not attach to water, and another to the soil which it covered; jurisdiction of the one was jurisdiction of the other, and the establishment of ports of entry could not confer jurisdiction. The arguments derived in favor of constitutional power from the establishment of ports of entry was utterly fallacious; and, if true, would subject every stream in a State to the control and jurisdiction of this Government. If this Government possessed this power over navigable streams within the jurisdiction of a State, upon the same principle it had it over the soil, and might cut and construct roads and canals at pleasure, and thus plant its officers and jurisdiction through all the valuable arteries of the States, to the exclusion of State authority. This would be the inevitable result; and when the Federal Government should have completed the establishment of its jurisdiction upon bays, harbors, and rivers, it would take up roads and canals, and finally draw into its vortex all the valuable jurisdiction of soil and avenues of trade, to the ruin and impoverishment of the State Governments, and sink State power into insignificance and contempt. He warned gentlemen, particularly those who valued the power, efficiency, and respectability of the States, to ponder well the ground upon which they stood, and the danger to which they were exposing the jurisdiction, power, and interests of the States. Once let unconstitutional Federal power, with the immense influences which it could exert, get firm footing in the States, and its ultimate absorption of all the valuable powers of the States was inevitable.

It was said [said Mr. G.] that this bill only made appropriations to complete works already began. Sir, said he, this had been the practice from the foundation of the Government, and there were always some unfinished works on hand, and, it seemed, few were ever completed. The Constitution was first violated, and then continued appropriations were sought to complete the violation. Mr. G. said he did not understand how one violation of the Constitution could justify another; and if the first appropriation was in violation of the Constitution, the second was equally so; but yet, sir, under this garb, appropriation after appropriation had been made, until many millions of money had been expended in utter disregard of constitutional power.

The gentleman from New Hampshire, [Mr. CUSHMAN,] said truly, when he said that this system is objectionable, because of its inequality; nature has created the inequality, and the Constitution has therefore left the work of internal improvements to be conducted by themselves. But, sir, some gentlemen shelter themselves under the mantle of nationality. This Government, say they, has the power to construct works of a *national character*; this surrenders the whole power. Who is to judge whether a public work is national? This Government! What limit is there, or what appeal from its judgment? None whatever! What remedy has a State if the power be indiscreetly exercised? None! The plain solution of the proposition is, that, although this Government cannot enter into a single State, and construct public works, yet, by running through two or more States, it can exercise the power, and run through the whole, or as many States as it pleases, without any limit or control. It is only necessary to dub it "*national*," and the jurisdiction is acquired.

The numerous propositions and the insignificant streams proposed to be improved, warn us of the extensive and dangerous extent to which this system may be pressed; and the *logrolling* by which it may be carried, all warn us of the dangers to which we

are exposed. He knew, he said, this was old fashioned *Virginia doctrine*, and would have but little weight; yet it was true, and time would develope the impropriety of departing from it. He said he should vote against this, as he should every other bill of like character; he would vote for the improvement of a harbor really within the national jurisdiction, but if gentlemen choose to hang so many dead weights upon it, he must vote against it. He would not vote for a host of unconstitutional works to save a constitutional one.

SUPPRESSION OF INDIAN HOSTILITIES.

SPEECH OF MR. GRAHAM,
OF NORTH CAROLINA.

In the House of Representatives, May 24, 1838—On the bill making an appropriation to prevent and suppress Indian hostilities.

Mr. CHAIRMAN: The bill now under discussion proposes to appropriate money to prevent and suppress Indian hostilities. This appropriation is asked, not to declare war against the Cherokee Indians, but to prevent and suppress a protracted and bloody war by them upon the white settlements in North Carolina, Tennessee, Alabama, and Georgia. This objects meets my decided approbation. The volunteers and militia now called by the Government into public service for this specific purpose must be supported and paid. A small portion of the Cherokee country laps on the southwestern part of North Carolina, and lies within the limits of the Congressional district which I have the honor to represent on this floor. I have no hostile feelings to the Cherokee Indians; my constituents and my State have no unkind feelings to them. Since the treaty of Hopewell, in the year 1785, down to this day, the State of North Carolina has uniformly acted with justice and generosity towards those Indians; and my constituents have respected their rights, and dwelt in amicable relations on their frontier borders. The treaties of 1817 and 1819, granting reservations of land to certain resident Indians, were productive of much confusion and some litigation in North Carolina; still the Indians and their council were always well satisfied with the decisions of our courts; for justice is ably and impartially administered in North Carolina to all classes and to all colors. About one hundred Cherokee Indians, seven or eight years since, voluntarily left their tribe, and removed themselves to a white settlement in my district; and I am informed they are temperate, orderly, and industrious, and dwell in peace among their white neighbors. I am further informed, by late letters, that the Indians are now coming from all parts of their nation, and taking refuge in my district. I mention these facts to repudiate and repel all the unfounded charges of oppression and cruelty that have been hatched in sickly sympathy, and conjured up in this debate, so far as they relate to me and mine, and to demonstrate that my district and State have at all times acted with justice, liberality, humanity, and mercy, towards the Cherokee Indians. Some of the Cherokees are more civilized and cultivated than any other Indians with whom I am acquainted; still the great body of their tribe are cruel, savage Indians; and God forbid that I should ever surrender my country and forsake the white people for the red race.

In the year 1835 the Cherokee chiefs sold by treaty all their lands east of the Mississippi river to the United States, for the gross sum of five millions six hundred thousand dollars, ($5,600,000,) and agreed, on or before the 23d day of May, 1838, to remove west of the Mississippi river, to an extensive territory allotted to them by different compacts, and embracing, by computation, thirteen millions eight hundred thousand acres of land. It is now alleged here in debate that this treaty is fraudulent and void, and that the appropriation now demanded to execute it, and preserve the peace, ought to be withheld or suspended until we pronounce that treaty fair or foul, good or bad.

Mr. Chairman, I hold, and now contend, that the Constitution of the United States has conferred upon the President and Senate, alone and exclusively, the treaty-making power. This branch of Congress has nothing to do in making or unmaking treaties. This House has the rightful and constitutional power over the purse and money of the people; and, in pursuance of that very power, so vested, this House, two years since, made an appropriation of five millions six hundred thousand dollars to execute and fulfil this treaty. Yes, sir, the journal of 1836, which is now before my eyes, proves that one hundred and twenty-five members voted for the appropriation, while only forty-three could be found to vote against it. This treaty, therefore, was made and ratified by the proper parties to whom the Constitution committed this high trust, and was solemnly approved, in appropriating the ways and means for its execution, by a large majority of the representatives of the people. It has now become the supreme law of the land, and both State and individual rights are vested under it. The contract is no longer executory, but *in part actually executed*, and hundreds of Indians have received thousands of dollars and removed to the far western wilderness, under its bountiful provisions. I could not if I would, and would not if I could, overthrow and demolish it.

The very question involved in this treaty, and at present under investigation, was solemnly decided by both branches of Congress, about two years ago, in a protracted and perplexing controversy with France. France then delayed and declined to perform her treaty stipulations and obligations with the United States. What then did this House say to the "law's delay and the insolence of office?" The answer was unanimous: we will stand upon our constitutional rights; we will not look back, beyond or behind the treaty. The French case is analogous and parallel to the Indian case; it decides it. We cannot *now* look back, behind or beyond the Cherokee treaty, solemnly made and ratified by the President and Senate. We cannot rightfully get over it, under it, or around it, because the Constitution has erected an impassable barrier between us and the treaty-making power.

Mr. Chairman, although this treaty is a constitutional shield in defence of the ground I assume, yet I will proceed and show, I think, to the satisfaction of all unprejudiced minds, that the Cherokee treaty of 1835 was fairly made, upon a full consideration, and ought to be fairly and truly executed; that a more beneficial and liberal treaty was never made with any tribe; and that no real and sincere friend of the Indians should wish to see it abrogated, nullified or violated. Now, sir, to the law and to the testimony. The most intelligent and influential Cherokee chiefs are quite rich, (the owners of valuable lands and slaves,) and they have become so by the frequent receipts of annuities and appropriations from the General Government, while the great mass of the tribe are poor, very poor, miserable creatures. The chiefs and head-men are generally white Indians—not red Indians. By white Indians I mean those who have more of the white man's blood in their veins than they have of the Indian stock. John Ross, the principal chief, is seven parts white, and only one degree Indian. Mr. Chairman, are you acquainted with the Indian character and customs? If you are, you know they repose implicit confidence in their head-men. The law of their nation is the will of their head-men. *All* the treaties of the United States with the Indian tribes have been made with their chiefs. The Cherokee Indians have, for a number of years, had serious difficulties with the State of Georgia; and, to add to their misfortunes, they also have had bitter internal divisions among themselves. The chiefs and tribe have split into two formidable parties. Amidst these difficulties and dissensions, John Ross and his party, delegates, in the year 1835, came to Washington, and offered to sell all the Cherokee nation east of the Mississippi river, for the gross and lumped sum of twenty millions of dollars. This proposition was promptly rejected by the President (General Jackson) as being too extravagant and enormous, and very far beyond the real value of the land. Ross and his associates then addressed a note in writing to the President, reminding him "*that he has often remarked, that he would grant the Indians as liberal terms as the Senate, or the friends of the Indians, would be willing to allow;*" and he asked that his proposition might be submitted by the President to the Senate, for their sense and opinion thereon. In this *fishing diplomatic note*, Ross wishes the sense of the Senate to be ascertained and pronounced, but does *not* promise to stand by their judgment. The President and his Secretary at War perceived *the bait on the hook*, and declined all idle children's play with this adroit and skilful negotiator. Let it be borne in mind, that at that time the majority of the Senate were politically opposed to the President. Ross and his party then made another proposition of sale to the President, and reference of value to the Senate, which I will read from their own words:

FEBRUARY 28, 1835.

SIR: Having submitted a proposition for a final adjustment of our difficulties with the Government of the United States, and understanding that the President deems it too extravagant, *we must beg that the subject be referred to the Senate, for its sense on the question*, the President having often told us that he was disposed to treat us with liberal justice, and that he would go as far as the Senate would allow him in regard to money matters.

We therefore trust he will adopt this course. Being extremely desirous that this unhappy controversy might be speedily adjusted, and deeply sensible of our dependent condition, and confiding in the liberal justice of the United States Government, we are prepared, so far as we are concerned, *to abide the award of the sense of the American Senate upon our proposition, and to recommend the same for the final determination of our nation.*

We have the honor to be, sir,
Very respectfully,
Your ob't, humble servts.
JOHN ROSS,
R. TAYLOR,
DAN'L McCOY,
SAM'L GUNTER,
WM. RODGERS,

To the Hon. LEWIS CASS,
Secretary at War.

The Secretary at War (Gov. Cass) answered the letter I have just read, as follows:

DEPARTMENT OF WAR,
March 6, 1835.

GENTLEMEN: In your letter of the 28th ultimo, you stated your readiness to accept for yourselves, and to recommend to the Cherokee people to accept, such sum for their claims east of the Mississippi river as the Senate of the United States might deem just. The Senate have, by a resolution, stated, as their opinion, that "*a sum not exceedidg five millions of dollars should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river.*"

The President wishes now, as he has always done heretofore, to treat with you in a spirt of candor as well as liberality. He has, therefore, directed me to communicate to you at once, the resolution of the Senate, and to state his willingness to enter into a negotiation with you for the cession of all your claims east of the Mississipp, upon condition that the whole amount of the consideration to be given shall not exceed the above mentioned sum. This you were before informed should be done, and the pledge will be redeemed with fidelity.

I am *now ready* to receive your propositions concerning the various stipulations to be imbodied in a treaty for the protection of private rights, and for such arrangements as may be necessary for the removal and and re-establishment of your people.

Very, &c.
LEWIS CASS.

Messrs. JOHN ROSS,
R. TAYLOR,
DAN'L McCOY,
SAM'L GUNTER,
WM. RODGERS.

Now, Mr. Chairman, here is a proposition, on behalf of Ross and his party, so far as they were concerned, to abide the award of the American Senate in relation to the value of the Cherokee country; the President directly acceded to that proposition, and communicated the matter in dispute to the Senate, and *referred the value of the land* entirely to that enlightened body. They took the subject under consideration, and decided and de-

clared, by resolution, as their opinion, that a sum not exceeding five millions of dollars should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river. Ross and his party further agreed and undertook to recommend to their nation to make a treaty for such sum as the Senate's award should fix and designate. Here is a fair contract, (dictated by Ross himself,) founded on *a high and heaping price.* Now, how has this promise been performed? How has this contract been executed? The President, through his Secretary, immediately notified Ross and his party that he was ready to negotiate the treaty for the aggregate sum of five millions of dollars, to be in full for the entire cession; but the application of the money would be such as the chiefs desire, a just regard being had to individual rights. John Ross, learning that five millions, and not twenty millions of dollars, had been fixed and awarded, as the consideration of bargain and sale, suggested many excuses, and *pretended* that the expenses and costs of removal, subsistence, and so forth, were to be added, *over and above the five millions;* and that he must return directly to the Cherokee nation, to arrange and adjust all the details and specifications, and take the sense of the Indians, before he proceeded to consummate the treaty. He left this city, and went home; not to recommend, but to oppose, the treaty, on the basis and value pronounced by the Senate; and he has opposed it from that time to this day, and used and exerted all his power and influence to defeat it. He procured a great meeting in council among the Indians, at Red Clay, and prevailed upon them (both the Ridge party and the Ross party) to co-operate and unite in rejecting the treaty he had solemnly promised to recommend for their adoption. He then had eighteen commissioners nominated and appointed, (nine from each party,) invested "*with full power from the Cherokee people, in general council assembled, to make such treaty as may appear to them best calculated to insure the present peace and future prosperity of that country.*" Here was absolute power conferred and vested in both parties to sell the Cherokee lands and execute a treaty. The President sent commissioners into the Cherokee country to conclude and consummate the treaty, according to the Senate's award. The rival chiefs soon terminated their amicable relations and harmonious action, and were again torn asunder, and stood in hostile opposition to each other. You will hold in remembrance, when Ross was in Washington he pretended he could not negotiate the terms and details of the treaty *there*, because he wanted all specifications settled and arranged in the nation, for the satisfaction of the Indians; and when the commissioners went into the Indian nation, and announced the object of their mission, then he endeavored to evade and give the go-by to the whole subject, by informing the commissioners he could not negotiate and make a treaty *there*, in the Indian nation, but he would go back to Washington and consummate the whole business. Thus you perceive Indian diplomacy bears the likeness and similitude of Reynard, who, when closely pursued, in his doublings and windings, strives hard to take the back track, and return to the place where the chase began. The Ridge party, who were sincerely desirous to sell and remove, saw and knew this double dealing and talking with a forked tongue must ultimately sacrifice the great body of the Cherokee people, and they refused to accompany Ross and his party to Washington; and they resolved to make a treaty on the best terms they could with the United States commissioners, then in the nation for that purpose. In this unhappy internal division and distraction of councils and chiefs, John Ross and his delegation came off to Washington, while Ridge and his party (who were rendered by the nation coequal with the Ross party in all powers to sell) remained in their country, and concluded the treaty of New Echota, (or, in English, the City of Refuge,) on the 29th day of December, 1835, on the basis of five millions of dollars, as awarded by the Senate, and six hundred thousand dollars more, *to be given and paid for removal and subsistence* west of the Mississippi river. The six hundred thousand dollar provision was conditional, and dependent on the subsequent approbation of the Senate. This treaty was signed generally by the Ridge party, and by William Rodgers, one of the Ross delegates, who agreed to abide the award of the Senate; and he faithfully redeemed that pledge. The treaty of New Echota was sent by the President to the Senate, who knew the whole history of this matter from beginning to end, and they approved and ratified it.

Now, Mr. Chairman, I have shown you that Ridge and his party were equally authorized by the tribe with Ross to make a treaty; and they did actually execute one, for six hundred thousand dollars *more* than the Senate (as referees) said the country was worth; and still Ross refused to sign it. Here you perceive this treaty was indeed signed by one party, (the Ridge party,) and it was solemnly *agreed*, in writing, to be signed by the other party, (the Ross party.) When the Senate of the United States advised and consented to the ratification of this treaty, they acted upon the well-known and long-established principles of a court of equity, so far as John Ross and his party were concerned: "Those who ask equi y must first do equ ty." "The court will consider that done which ought to have been done." That Ross and his de egates, having expressly given their assent by previous submission and award, were bound in conscience to abide by and execute the treaty. A chancellor, upon these facts, adduced and attested in a court of equity, would have directed and decreed a specific performance of the original agreement, and compelled Ross to execute the contract according to the Senate's award.

The advocates and apologists of John Ross charge fraud in the execution of this treaty. Speculation, declamation, and denunciation, have each exhausted their vocabulary of hard words and harsh names, to stamp and brand this whole transaction with iniquity and infamy; but hard words are not strong argument. Now, gentlemen, where is the bad faith? Where is the foul fraud? There is none *on the part of the United States.* Can John Ross, the complainant, who seems to excite and enlist the tender sympathies of so many honorable members of Congress, say as much, and say it truly? No, sir; *no.* His word is not equal to his bond: his written promise is not equivalent to a treaty; and yet he imputes fraud to others: to the President and Senate of the United States. For doing what? For acceding to his own proposition. He is estopped by his own act to make his allegation. He is condemned out of his own mouth, and that condemnation is written and recorded by his hand and pen. *He is like an eagle, shot by an arrow feathered from his own wing.* This wily chieftain must not be permitted to play the game of fast and loose at his pleasure. Heads, he wins; tails, we lose. Twenty millions, he's fast; five millions, and he aint there.

Mr. Chairman, this treaty is fair and valid, and was made according to the long-established usage of treating with Indian chiefs. The amount of money (five millions six hundred thousand dollars) paid for the lands, possessions, and removal, is a very high and heaping price; and I do believe it is more than the country is actually worth. It was liberally bestowed and awarded by the Senate, supposing at the time it would make abundant satisfaction for the land and all injuries committed. This treaty not only rests upon a large and very liberal pecuniary consideration, but is founded on a most humane and benevolent policy and philanthropy. The history and experience of every State in this Union abundantly prove that the white man and the red man *cannot dwell together* in peace, tranquillity, and equality. The Cherokee Indians are now surrounded by a dense white population. Their hunting ground is abandoned. Their game is gone. They cannot convert the tomahawk into the ploughshare, nor the scalping-knife into the pruning-hook. Their home is in the wilderness; their delight is in the chase. Civilization and refinement paralyzes and destroys all their faculties and energies. Some wild animals never can be rendered tame. You cannot change the order of nature. You might as well expect the red man to change the color of his skin as his habits and pursuits. The Indian on the white frontier is a degraded, desponding, and forlorn creature. He learns the vices, not the virtues, of civilized society. He is cheated by speculators, swindlers, and Shylocks. He is often left only with his blanket, his bow, and his arrow. The buffalo, the bear, the deer, and other noble game, which constitute the chief food of nature's noblemen in their aboriginal condition, have all fled from the sound of the woodman's axe, toward the Rocky Mountains. Why, then, not advise and assist the children of the wilderness to remove to a new wild country, suited to their wants and conditions of life? And there let them remain, in the full enjoyment and contentment of their own hunting grounds and game, unmolested by the curiosity of Yankees, and undisturbed by the cupidity of speculators. Yes, sir, I would build up on the Western frontier a Chinese wall, by Congressional enactments, between the white and red man, that the Indians might forever live there in security and peace.

The policy of the United States in removing and locating all the Indians west of the Mississippi river is a wise and humane, and *life-preserving policy.* It had its origin with the lofty statesmen and enlightened philanthropists of by-gone days, and was intended to save and rescue the Indian tribes from extermination and annihilation. In the thick forests and flowery prairies of the Western wilds their hearts will leap for joy in the manly exercises of the hunter's life. There they will roam over nature's gardens and pure streams, contented and happy in the pursuits of their own chosen pleasures, unannoyed by the frauds of the frontier, and uncorrupted by the vices of the pioneer. It has been said in this debate, by way of censuring the Government for its policy: If the Indians are removed and congregated on the Western frontier, they will unite and wage war upon the United States, and devastate and depopulate the States of Arkansas and Missouri. Is this view of the case founded in fancy or in fact? Is it not a fancy sketch, which exists only in a diseased state of the imagination? How can fifteen or sixteen different tribes, scattered in the wilderness from Texas to Canada, and speaking different languages, having different habits, customs, and interests, unite and co-operate in one common war against the white people? It is certainly not within the range of probabilities; and it requires some effort and stretch of imagination to bring it in the neighborhood of possibilities. We might as well expect all the nations of Europe to unite and declare war upon us. The Indians will have wars with each other; and they may, and occasionally will, have wars with us; but, in the nature of nations and individuals, there can be no concerted and united action of the various tribes to make hostile movements upon the white people.

Mr. Chairman, the message of the President of the United States, and the accompanying communication of his Secretary at War, *just received by this House, and proposing in effect to give the Cherokee Indians two years longer for removal*, meets my reprobation and decided condemnation. *It is indiscreet, unwise, and ill-timed;* it is a giving way in the very hour and trial of danger. What, sir, after the President and his Secretary have ordered and sent General Scott and six or seven thousand troops into the Cherokee country, to preserve the peace and remove the Indians; after the militia are all gone, and most enormous expenses incurred, and every thing ready for removal; *then* (on the very day before this treaty is to be executed) comes this unfortunate and most unwelcome message, proposing and pledging himself to use and exert his influence to give two years longer for removal. If we have any Cherokee war, it will be justly attributable to this ill-timed and timid message of the President, and to the indiscreet speeches of members on this floor, in their blind devotion to John Ross and his party, while they are forgetful of the rights and true interests of the great body of the Cherokee Indians.

Mr. Chairman, the plain and patriotic people whom I have the honor to represent, entertain no fears from the Cherokees; but they do dread and deprecate the necessity of killing the Indians. They hope most sincerely that the wise counsels of humane legislators, under the dispensation of a merciful Providence, will avert this melancholy ca-

tastrophe and painful duty. But, sir, if the Indians once shed the white man's blood, and commence hostilities, then the die is cast, and the scene is changed; then *the eagle-eyed and lion-hearted men of the mountains* in North Carolina will snatch their rifles from the rack over the mansion door, and go forth in defence of their homes and hearths, their wives and children, and exterminate the revengeful savage Indian, and leave not one behind to tell the tale of wo. Sir, this is a critical juncture among the Cherokees; the flash of one rifle may set that whole frontier in a blaze. This momentous crisis and unfortunate situation of the great mass of the Cherokee people, who have been deluded and deserted by some of their chiefs in this their day of affliction and distress, entitles them to the kind feelings and practical philanthropy of every one whose generous heart throbs for peace on earth and good will toward all mankind. Those who oppose this treaty, and induce the Indians to believe they can remain where they are, know not the mischief and murder they may cause to be committed. The opposition to this measure, though dictated by good intentions, is predicated upon irrelevant evidence and mistaken views of fact; upon a total absence and want of a familiar and practical acquaintance with Indians customs and character. Those who feed upon the day-dreams of fancy, and delight to spin cobweb theories into the most attenuated abstractions, may make a *show* of charity, sympathy, and humanity, but they never will administer to the real comfort and true happiness of the human race.

Sir, I truly and anxiously desire that the officers and agents, whom the Government have selected and intrusted to perform this delicate and difficult task of removing the Cherokee Indians, may do their duty in mildness and mercy, and prevent the land recently acquired by treaty from being crimsoned with crime and drenched with blood.

SPEECH OF MR. DUNCAN,
OF OHIO.

In the House of Representatives, July 7, 1838—On the bill making appropriations for harbors, and in reply to the speech of Mr. BOND of Ohio.

Mr. DUNCAN addressed the committee as follows:

Mr. CHAIRMAN: I am happy to have this opportunity to make some remarks in relation to the financial policy adopted, and so far pursued, by this and the late Administration. The bill now under consideration has been amended in the Senate, by striking out the appropriation of twenty thousand dollars for the improvement of the Cumberland river within the limits of Kentucky and Tennessee.

The gentleman from Kentucky [Mr. WILLIAMS] says that this amendment was made in a *certain* quarter (meaning the Senate) for a *certain* purpose, (I suppose to punish the people of Kentucky for not being more Democratic,) and to affect a *certain* individual, [Mr. CLAY.] This may all be, if we are prepared to suppose that grave Senators could so far forget their high stations as to make such paltry considerations an object of action in the discharge of their high functions and sacred duties. But I think we may find another reason for this judicious and laudable amendment—a reason that has its foundation in patriotism and economy. The howl of extravagant profligacy and bankruptcy has never been out of our ears since the commencement of the session until this time, and it will continue with the session. Yes, sir, that howl has cost the people more money than would redeem the Treasury notes now in circulation, which constitutes our present national debt. I say it was a regard for economy, and a desire to confine the appropriations within the probable estimates for the year, that indueed the Senate to make the amendment in question.

Sir, what base and sickening inconsistency do we witness here every day: a charge constantly kept up that the Government is bankrupt, and the best prospects of the country ruined, by a profligate Administration; when it is a well known fact, and the journals show it, that every measure of extravagance and profligacy is brought forward, sustained, and carried through to a law, by those who are opposed to the Administration, and who are constantly denouncing it for its profligacy.

It seems, from the profligate and reckless course of the Opposition in worthless and extravagant expenditures, that bankruptcy of the Government is one of the means by which this Administration is to be brought into disrepute with the people, and finally overthrown. Whenever there is an attempt made at reform, it is denounced as demagogueical. Whenever there is an attempt made at economy and prudence in public expenditures, the whole pack of Oppositionists who may have the most remote local interest, raise the howl that this attempt at economy is made for party purposes—to affect a certain State—to affect *certain* individuals—and to effect *certain* purposes. Yes, sir, although economy dwells on the lips of a certain party, extravagance has its home in their hearts. For the truth of this assertion, I refer you to the examination of the journals of the last six or eight years; where on all appropriations made that savor of extravagance, there will be found a large majority of the names of those opposed to this and the last Administration in favor of such measures, and the names of a large majority of the members friendly to those Administrations will be found to be recorded against them.

Sir, I hold up the journals which contain the evidences of what I say. I only ask investigation. Among the vast number of unwarrantable appropriations, which I have not time to notice specially, I ask your attention to one, only distinguished from the rest by the size of the sum. It is the appropriation made in the session of 1835 and 1836, for liquidating the debt due from the District of Columbia to Holland, and for carrying out certain improvements for which that loan was made. This entire appropriation amounted, I think, to one and a half millions. But let us inquire for what purposes this money was applied. It was applied first to the construction of a canal through the suburbs of your city, (Washington,) which needs a canal about as much as a cart wants a third wheel. The south side of the south wing of this capitol faces the whole line of that canal. It is in view of every one who looks out of one of the south windows. I have been looking out for seven months, and I have yet to see the first boat disturb the stillness of its water. One is at a loss to know which to be most astonished at, the wickedness that conceived such unpardonable folly, or the sterility of the soil through which the canal is excavated, or the poverty and sterility of the country for whose benefit it is made. This canal is of Whig origin. The next extravagant and worthless appropriation of this money is for the construction of a turnpike road, made on the bank of the Chesapeake and Ohio Canal. This road was made at great expense, and runs the extent of the District. The next is the turnpike road running parallel with the former. I am unable to draw the distinction between the folly involved in the construction of each of those roads. The existence of the one completely supersedes the necessity of the other, and both of but little use. The hill road seems to have been made to display the power of the Federal Government to prostrate hills and fill up hollows. I occasionally ride out in the evening for exercise. My rides have, some six or seven times, been on these roads. I generally go out the bottom road and return the hill read. I have once seen a shackling wagon, drawn by two mules and a jack, (Demerara team,) so poor that one might hang his hat on their hip bones. This establishment was driven by a negro half naked, lame in one leg and blind of one eye. This, sir, is a specimen of the use made of what is called the bottom turnpike road; but I have never seen the first living creature on the hill road except the horse I rode. So much for for the roads—useless roads—I mean those that have come under my observation, which have been made by the people's money, and, I undertake to say, in gross violation of their rights, if not in violation of the Constitution.

But, sir, the most profligate and extravagant appropriation is yet to be presented. It is the appropriation for the Georgetown and Alexandria Canal and Aqueduct. This canal is now under way. Is located on the bank of the Potomac—a canal, deep, still, and wide, (being tide water.) Why, sir, what will your people say when they learn that half a million of their money has been appropriated for the construction of a canal on the bank of the Potomac—a canal constructed by the Almighty, as far superior to your pitiful effort as the majestic steamboat that rides upon its bosom is superior to the contemptible packet that floats upon your canal? But, sir, for whose benefit has this vast appropriation been made? For the benefit of the city of Alexandria. It is almost incredible with those who have seen Alexandria within the last three or four years, that such an appropriation should be made for her—a city that seems to have the anger of God and the hand of ruin upon it—now desolation itself, and without the most remote prospect of ever surviving. The almost total abstraction of trade from her port, the barrenness and poverty of the soil that surrounds her, must ever prevent her from being revived. Nothing can save her from final prostration and ruin. In half a century from this time, there will hardly be a standing monument of art for the tooth of time to operate upon; and yet it was for the benefit of these tottering remains of a city that this vast and expensive work has been undertaken, and to finish it must take much of the sacred proceeds of toil and sweat of those who will never see or witness the practical result of such consummate folly and wicked extravagance. Sir, you may draw upon the industry of the people for, and recover, a sufficient amount to complete this work; but there never will be commercial motion enough on it to prevent the stagnation of its water. The noble canal which the Almighty has made, (the Potomac,) and of which yours is but a contemptible imitation, will for ever bear the produce destined for other places, (no toll being to be paid on it, but, like other Divine gifts, free.) Your canal will be the generator and birth-place of reptiles, and the abode of frogs. It will be a putrid, green pool of pestilence; and its exhalations will spread disease and death over your country. These, sir, are specimens of the appropriations that have emptied your Treasury, and been part of the means that have made it necessary for you to use your credit in the form of Treasury notes, to keep the wheels of Government in motion; and I repeat it, that these profligate appropriations are made at the instance, and carried into ruinous practice by the votes of the very party who are constantly denouncing this and the late Administration for their extravagance and profligacy.

Sir, my object in discussing this question is not only for the purpose of sustaining the amendment in question, and to sustain the principles and policy that induced it, but also to answer and refute many of the propositions and assertions contained in a small pamphlet, which I hold in my hand, purporting to be a speech delivered by my colleague, [Mr. BOND, from Ohio,] on a resolution offered some time since by the gentleman from Virginia, on the subject of the public printing.

In order to give his remarks upon that resolution some force with the Democratic party, my colleague says that the gentleman who offered it acts generally with the Administration party. I deny that assertion. I deny that the gentleman from Virginia, [Colonel HOPKINS,] has acted generally with the Administration party; and I say so without any disrespect to the gentleman, for he has a right to act with whatever party he pleases, and no one has a right to question his motives. But fair play is a jewel; and my colleague must represent things as they are, not as he would desire to have them, for political effect. Sir, this is a little pamphlet, but it contains more Federal poison in a small way, than any thing I ever saw of the kind. It is a little pamphlet, and its whole contents remind me of minnow-catching. I live near a river called the Little Miami; and into it there empties a creek called Sycamore. I fish in the river, and my boy catches minnows in the creek for bait. It is this last operation that the contents of this little pamphlet remind me of. It is a system of a small kind of fault-finding; and yet I am told that there is not a foul stream of Federalism in the Union, on

which it does not float. Every corrupt, bought-up Federal press in these United States, I am told, has given it an insertion in its columns; and the mails have groaned under the weight of its multiplied numbers, by the franking privilege, ever since it made its appearance.

Sir, seeing, on one occasion, a great number of Federal members engaged busily in franking documents, my curiosity induced me to walk round among them to inquire what documents they were franking for distribution. I asked one: Mr. BOND's speech; another: Mr. BOND's speech; another: Mr. BOND's speech; another: Mr. BOND's speech; and so on. This led me to a perusal of my colleague's speech, and the vast circulation which was given to it, for political effect, induced me to collect some statistics by which I might neutralize any poisonous effects his speech might have on the political atmosphere. Those statistics I have procured, and have them in my hand, and will ask that they may constitute a part of my speech, which I design to write out more fully than time will now permit to deliver.

But to the speech. My colleague complains that, within the last nine years, there has been an increase of public officers and of public expenditures, which he charges as a fault of the party in power. It is their fault, too, I suppose, that within the same time, two new States have been added to our Union, and several millions of people to our population. If public officers have been increased, so has public business, and in a much greater ratio. As a matter of course, an increase of expenditures must follow. If this be an evil, it can only be cured by stopping the extension of our settlements, and the increase of our population. There is a large increase of clerks in the New York custom-house; but the business there has been more than doubled. There has been a large increase of clerks in the Land Office; but the business of that office has increased ten fold. It was physically impossible that the President could sign the increased number of land patents, and yet it is made an offence to create another officer for that purpose. There has been some increase of clerks in the War Department; but the business in that Department has been more than doubled. The number of postmasters has been doubled, and so has the number of post offices, for the convenience of the people.

Would our new-light Bank Federal reformers have six or seven thousand post offices discontinued, to avoid an increase of Executive officers? Do the people want any such reform? Would they shut up the land offices, because to keep them open requires an increase of officers? Would they deny patents to purchasers of land, because it takes a few additional clerks to make them out? Shall the business of all the Departments remain undone, because it requires more clerks to do it as it increases with the growth of our counrry? These would be reforms worthy of *Federal Bank reformers!* Let the business of the people's Government remain undone, and the *banks* will govern for the people.

There are few offices, if any, in the country, in which the public business has not increased faster than the clerks and the expenditure. As our country increases, the public officers and public expenditures must and will increase. It is unavoidable, as every man knows. It is as stupid as wicked to complain of the party in power on account of this increase, for no party can prevent it and do its duty to the country. The only inquiry should be, whether there are too many clerks to do the public business; whether any of them spend in idleness the time for which the people pay. If so, they should be lopped off. But no such thing is alleged. It is not asserted that the clerks who have been added have not enough to do, or that the public business could possibly be done without them.

These new-light Federal-Bank-Reformers propose no measures to retrench, because they know that no retrenchment can be made, but seek only to fill the country with false impressions, for the sake of producing political results favorable to the Federal-Bank cause. This game of base and foul lying, to get into power, is as old as Absalom, the son of David, and older too. My colleague undertakes to arraign certain members of the Administration for having, in some instances, received payment for extra services. But does he pretend that any one of them has received such compensation in violation of law? not at all. He knows that the principles upon which those allowances were made have been repeatedly adjudicated upon and sanctioned by the Supreme Court, the highest judicial tribunal in the country. The allowances, therefore, were all lawful. Is the principle wrong? If gentlemen think so, why do they not bring forth a proposition making all such allowances *unlawful?* If they were really in favor of a reform, or change in this respect, should we not see them proving it by *acts*, rather than by *words?* They have a majority in this House, and have had during this seven months' session, and yet they have made no attempt at reform of any kind.

Perhaps my colleague may have thought the prospect discouraging; but he ought not to have stopped on that account, he ought rather to have followed the example of the gallant Colonel Miller, who, when he was ordered on a perilous service on the Niagara frontier during the war of 1812, did not say it was impracticable, but said "I'll try, sir," to the commanding general. He did try, and he succeeded. The achievment not only rendered essential service at that crisis, but honored his country's arms, and elevated his own fame. I hope my colleague will not be dismayed, because the undertaking of reform of the abuses of which he complains is perilous. If he wilt *try* he may succeed, and if he does he will render essential service to his country, and crown himself with lawrels as unfading as those of Colonel Miller. But, sir, the fact that they content themselves with mere clamor, without attempting to do any thing to bring about reform, is conclusive that they do not believe there is any thing wrong in the principle, and have only one object in view, that is to put others out office that they may get in. How they used their power over the public money while in office, and how they may be expected to use it again, I will attempt to show before I am done.

But my colleague brings a general charge against the party in power, who, by their representatives in part (Colonel BENTON, Mr. CAMBRELENG, and others) had promised something like reform (should they get into power) in abuses which they said existed, and which they set out in a report on that subject, and which my colleague has presented in a garbled manner to the public attention, through his speech. Does my colleague not know that many of the abuses in that report complained of, grew out of the manner in which the powers that then existed got into office, and the corrupt manner by which they held the administration of the Government? The Government fountain being corrupt, all the streams that flowed from it conveyed abuse and violation wherever they reached; and that by a reformation of the Administration, most of the abuses that flowed from it were dried up; which, in a great degree, superseded the necessity of further reform. Some abuses still remained; they were reformed in part, as I will show you before I am done. Some remain unreformed, and always will, as they do in all Governments, and are of a nature like the cholera, incurable. Yes, sir, the people have made that general reformation, by pulling down an Administration that had its origin in a corrupt bargain, and existed in violation of the spirit of the Constitution, and the sacred right of the elective franchise.

Here, sir, permit me to name some of the objections my colleague presents to the public against this Administration. Some of the practices which he denounces as corrupt, and still existing, notwithstanding the reform the people were promised; and permit me to compare these practices, that he is pleased to denounce as corrupt, with those of a imilar character, but a thousand times more aggravating, as practiced by the administration of Messrs. Clay and Adams, which is urged upon us as worthy of example, and entitled to the confidence of the American people, and soon to be revived.

My colleague complains that the aggregate expenses of the Government far exceeds the expenses of the administration of the dynasty which he wishes revived.

That there is an additional number of clerks in all the Departments, and consequently an unnecessary expense incurred to the Government. Such is the character of his charges against each of the departments of the Government.

And now, sir, I proceed to answer the gentleman on some of these charges, and, I trust, I shall be not only able to prove many of these destitute of foundation in truth, but that the gentleman has withheld many important truths in relation to reforms and abuses, which it is due to this Administration that the people should know.

Sir, there is very little difference in the moral offence of withholding the truth, where it may be due to reputation and character that it should be told, and telling that which is wilfully false. The gentleman constantly (indirectly) holds up to view the coalition administration (Adams and Clay) as a mirror, in which is to be seen a pure Administration. I think, sir, we will find some corruptions charged to this and the last Administrations, which will be found to have been practiced with impunity in *that.* One of the great violations of economy and extravagant expenditures of the administration of General Jackson was sending Mr. Buchanan and Mr. Randolph severally, as Ministers to Russia, with a salary of $9000 per annum, and an outfit of $9000; that each of them staid but a year and a day, and then returned. Now, sir, let us see if we can offset this "*useless*" expenditure of General Jackson's administration by one of a similar character in the administration of Messrs. Adams and Clay. During the immaculate dynasty which my colleague desires to have renewed, no less than three ministers were sent to England, viz: King, Barbour, and Gallatin, with an annual salary of $9000, and an outfit of $9000. This made 27,000 in outfit, besides the annual salary, which amounted to the same. Also, the son of Rufus King, who was left Secretary of Legation, was left by his father as Charge d'Affairs, who received an outfit of $4,500, although (being there) he had not to fit out at all.

Then the account for money expended for keeping up our legation in England during that short reign of corruption and bargain, which only lasted four years, was—

Outfit for R. King - - -	$9,000
" for A. Gallatin - - -	9,000
" for J. Barbour - - -	9,000
" for Mr. King's son; who never was fitted out - - -	4,500
Salary for do - - -	4,500
" " Ministers - - -	27,000
	$63,000

Yes, sir, $63,000 was spent during that Administration, to procure the discharge of the diplomatic duties of one single individual. I think this will offset the Russia diplomatic story. My colleague had better have kept that story in the dark, as his reform is a kind of one-sided reform. My colleague says that the State Department sent Mr. Early to Bogota with despatches, and that he never delivered them, but received his pay. Well, sir, this was a hard case, and, taken in the abstract, smacks of fraud and improvidence. But what is the whole story? Mr. Early was sent to Bogota with despatches: when on the way, and within two days of St. Thomas, the vessel in which he had taken passage caught fire. There was a cargo of powder on board. The crew and passengers, amounting to nineteen in all, were instantly, to save their lives, compelled to take to the boats, two in number. They had left the vessel but half an hour when she blew up; and with her went the despatches. After the lapse of seventy-four hours without water or food, the famished crew reached the island of Hayti, from whence they got home as well as they could. I believe Mr. Early was paid the same as though he had delivered the despatches. Perhaps this was wrong; but I can tell you something worse under the coalition administration.

Mr. Clay (Secretary of State) sent Mr. Pleasants to Buenos Ayres with despatches. It is said that he found the crew rather unpleasant, (he being a pleasant man,) being principally mechanics and work-

ies, and not the white fingered gentry. He put the despatches in the possession of the captain, and he wheeled about and put for England, where he amused himself in high life a time, and returned; for which Mr. Clay paid him nineteen hundred and forty dollars. So I think this will offset the charge of paying Mr. Early.

So far, I think my colleague has been unfortunate in his charges, inasmuch as they have the effect to call to recollection charges against the dynasty he wishes to reinstate, much more aggravating and pernicious. This, so far, seems to me to be a blunder on his part; but the worst have to come yet. I think his speech will be unfortunate for his party and his purposes. Another most important blunder has been committed by my colleague in his "few comments on the professions and practice of Mr. Amos Kendall, late Fourth Auditor, now Postmaster General." He quotes from certain letters of that gentleman, published soon after he came into office, showing some of the abuses he found in office, committed by my colleague's political friends, and showing, also, that he had or would reform them, and affects to show that he had not done so. One of these extracts is as follows, viz: "The interest of the country demands that this office shall be filled with *men of business*, and not with *babbling politicians*." Can any man say with truth that this principle was not carried out? I assert, sir, and challenge contradiction, that the Fourth Auditor's Office, while Mr. Kendall was in it, *was* "filled with men of business," and *not* "with babbling politicians." Mr. Kendall himself was "a man of business," and neither he nor his clerks ever neglected their public duties to babble politics with any one. When he went into that office, what did he find to be its condition under the dynasty which my colleague is laboring to restore? Was it all purity, all honesty, all industry? No, sir: it was all rottenness, all idleness. His predecessor was one of the favorites of the Clay party; and Mr. Kendall soon discovered that he had been guilty of the grossest and most direct frauds on the Treasury, of which he was found guilty by an unwilling court, and more unwilling jury, after a tremendous party struggle to secure him from punishment. What thanks did Mr. Kendall get from my colleague and his party for exposing these frauds, and bringing them to merited punishment? Why, sir, he was abused through the party presses as a conspirator and persecutor, and while the prosecution of the culprit was in progress, was night after night *insulted and hooted at under his window*. Yes, sir, this was the mode the gentleman's party undertook to prevent the exposure and punishment of their corruptions. This was the reward they, then, bestowed on integrity and fearlessness in office; and the same game has been kept up since, down to the speech of my colleague. Now, I ask, was it no reform to remove a peculator upon the Treasury? My colleague does not seem to think so. Why? Is it because he belonged to his party?

Well, Mr. Kendall filled the Fourth Auditor's Office "with men of business," and what was the consequence? Much of its business was one, two, and three years in arrears, and in about a twelve month, it was brought completely up. Did he obtain or ask any additional force? No, sir. After the business was brought up, he suffered two clerkships to remain vacant for a long time, and one until he left the office, because, having "men of business" about him, he did not need the whole force which the law allowed. Moreover, under the Clay administration, which my colleague would restore, the contingent appropropriation for the Fourth Auditor's Office was $1,500 a year; but Mr. Kendall reduced it to $1,000, and one year asked for no appropriation at all, having enough surplus of former appropriations on hand to meet his wants. Thus the expenditures of the office were largely reduced by him, while its business was greatly improved. What credit do my colleague and his friends give him for it? They have poured on him, from beginning to end, a torrent of unceasing abuse. On every new exposure of a defaulter or a rogue, through his instrumentality, their abuse has been redoubled, clearly showing that an honest and fearless public officer is their highest antipathy.

While complaining that the party in power have not made the promised reforms, my colleague gives incontestible evidence of his *sincerity* by sneering at those which were made. He even finds grounds of attack upon Mr. Kendall for sending to the post office, to be charged with postage, the letters and pamphlets fraudulently enclosed to the Fourth Auditor to evade the post office laws, and for discontinuing sundry newspapers, because he could derive no assistance from them "in settling the accounts of the United States Navy." Yes, sir, in the reforms actually made by Mr. Kendall, as well as in those not made, the bank attorneys, immaculate and consistent men! find ground of attack!!

When Mr. Kendall went into the Fourth Auditor's office, the legal postage on private letters received under cover to the Fourth Auditor, was about a dollar a day, or at the rate of $365 a year, and on the supposition that as great a number had gone out under his predecessor's frank, the fraud on the post office revenue, through that single office, under the CLAY-ADAMS administration, was over $700 a year! Mr. Kendall put an entire stop to this abuse, and what thanks does he get from the Bank stipendiaries? They hate and abuse him the worse for it. But, says my colleague, he franked some prospectuses of the Globe. Well, if he chose to send them to his friends, had he not a lawful right to do so? Did he violate any law, or do so much of it as to constitute an abuse? That is not pretended, nor can it be with truth. But because he put a stop to violations of the law, and then exercised his privilege in conformity with law, the Bank attorneys find an inconsistency in it! I can tell my colleague, upon undoubted authority, that Mr. Kendall's course in that respect is not changed; that he uniformly sends to the post office letters for others enclosed to him, to be charged with postage, and sometimes pays it himself; that he covers no letters with his frank, not strictly his own; no, not even those of his wife and children. What praise does he get from the Bank attorneys for this scrupulous obedience to the law? The highest praise —*their unceasing abuse*.

My colleague finds a vast inconsistency in Mr. Kendall's discontinuing newspapers as Fourth Auditor, because they gave him no assistance "in settling the accounts of the United States Navy," and paying for a number of them as Postmaster General! Is this effort to show inconsistency a whit short of contemptible? The papers were not of use to him in performing his public duty as Fourth Auditor, and therefore he did not take them; they are of use to him in performing his duty as Postmaster General, and therefore he does not discontinue them. Is there any inconsistency in this? None but a Bank attorney can make it out. While Mr. Kendall was Fourth Auditor, he paid all his newspaper subscriptions *out of his own pocket*, because they were exclusively for his *private* use; but, as Postmaster General, it is essential that he should have not only the general but the local intelligence from every quarter of the country, and the only wonder is that he pays so little for it.

It is natural, sir, for the Bank attorneys to find fault with the part acted by Mr. Kendall in the removal of the deposites. Their client was destroyed by that measure, and the source of many a good fee dried up. But here, again, Mr. Kendall is followed by misrepresentation. "He got ten dollars a day," it is said, "for doing this injury to the public"—meaning *the Bank*. Now, sir, I pronounce this statement entirely without foundation. Mr. Kendall, under an appointment from the Secretary of the Treasury, visited the cities of Baltimore, Philadelphia, New York and Boston, to negotiate with the banks, and spent some days in each city. He had necessarily to see much company at the hotels where he stopped, and those who have had occasion to take private parlors, and have private tables, at the public houses in those cities, where they necessarily see, and treat civilly, many gentlemen calling on them, know that the actual expense, including travelling, can scarcely average less than ten dollars a day. Mr. Kendall paid all these expenses out of his own pocket, and received from the Treasury barely enough to make himself whole. This is the whole of this mighty affair, and the sum received, all told, was $316 11. How rich this man must have made himself!

My colleague follows Mr. Kendall into the Post Office Department, and makes another *mistake* at the first jump. "The printed list of clerks in his Department," says he, "exhibits his father-in-law and two nephews, with salaries of $1,000, $1,200, and $1,400," &c. Mr. Kendall has not, and never had, two nephews among the clerks of his Department. But what if he had two nephews in his Department? Have they not as good a right to be there as any body else, if they are honest and competent to the duties assigned them? If there be places of peculiar trust, is it wrong that the head of a Department should fill them with men whose integrity he best *knows*, although they may be his nephews or his brother? When abuses and frauds, instead of the most honest and honorable discharge of their public duties, are perpetrated by his relations, it will be time enough to censure their appointment.

Nothing will satisfy these Bank attorneys. Major Barry is abused for not keeping every thing right in the Post Office Department, and Mr. Kendall is abused for putting every thing right. The committees of Congress, majority and minority, complained of Major Barry for making extravagant allowances to Stockton and Stokes, and now Mr. Kendall is abused for not being willing to pay them allowances a thousand times more extravagant. One of my worthy colleagues [Mr. WHITTLESEY] I believe wrote some twenty-five pages in a book, 30,000 copies of which were printed by order of the House, to prove that Major Barry had allowed those contractors some $100,000 more than they were entitled to by law, and yet voted for an act under color of which they have been allowed $161,000 more under the same pretences, and has stood quietly by and seen Mr. Kendall compelled to pay it by judicial usurpation, if not something worse. I should like to ask my honorable colleague [Mr. WHITTLESEY] a question or two. Did he not thoroughly understand this case, having investigated and written a long report about it? When the bill for the relief of Stockton and Stokes was before the House, did he not offer a long string of provisos, which were adopted? Were not these provisos so *carefully* framed as *not to touch one of the claims in controversy*, and be, in fact, perfectly nugatory? If so, what was the object? If he did not think Stockton and Stokes entitled to as much as they got from Major Barry by $100,000, why did he vote for a bill to give them more? And when he found that an enormous sum more was awarded them, why did he not propose to repeal the act, instead of standing by and seeing Mr. Kendall compelled to pay it?

This case will illustrate the *sincerity* and *honesty* of the Bank attorneys. For political effect, they abused Major Barry for making allowances, then voted for a bill authorizing allowances much more extravagant; and because Mr. Kendall refused to pay still further allowances, which he did not believe authorized even by that act, they abuse him for withholding from Stockton and Stokes their *just dues!* All this shows that they care not a fig what use is made of the public money, and that their only object in finding fault is, to impair the confidence of the people in the Administration. They see $161,000 wasted on Stockton and Stokes with indifference, if not with joy, and complain that $316 was allowed Mr. Kendall, to pay his expenses when upon public service.

Sir, I have taken some pains to ascertain on what principles the Post Office Department is administered by this much-abused man. I understand that he went into it with a declaration that he should try the experiment of administering it in strict conformity to moral principles, and the laws of the land; and, if convinced of its impracticability, would hold it no longer. It was the fashion for officers and clerks in the Department to receive presents from contractors; and, when travelling, to ride free in their coaches. Believing that, to say the least of it, these practices tended to corruption, he forbade the reception of all or any such favors from contractors under penalty of dismission, and prescribed the same rules for himself. All presents from con-

tractors he has declined; and on every occasion has refused to travel free in their stages, steamboats, and cars. Free tickets have been sent him from some of the great lines, which he has uniformly returned.

As before remarked, this man does not cover with his frank even the letters of his wife and children, but pays the postage out of his own pocket; nor does he take stationery from the Department for his own use, much less for that of his family, believing that the public stationery is not his property, and that he has no right to use it but for public purposes. Of this, I have the most conclusive testimony, not coming from himself. When I was informed of this fact, although I was bound to believe it myself, I did not know that others would believe that Mr. Kendall's honesty was so scrupulous. I therefore addressed the following note to his stationer, of which this is a copy, and received the annexed answer:

WASHINGTON CITY, D. C. July 1, 1838.

DEAR SIR: Will you be so good as to inform me where the Hon. A. Kendall, Postmaster General, procures stationery for the Post Office Department? If from you, will you have the kindness to inform me from whom he procures his private stationery, such as he uses for his private purposes, and for the use of his family? If from you, will you next inform me whether both are paid out of the public contingent fund, or is the latter paid for out of his private means? These inquiries are not made from any sinister motives, nor are their answers intended for any unfavorable prejudice to Mr. Kendall or any other person.

Your early attention to this request will much oblige your friend. A. DUNCAN.

JOHN T. SULLIVAN, esq.

WASHINGTON CITY, July 1, 1838.

DEAR SIR: In reply to your note of this morning, I would remark, that I "supply stationery for the Post Office Department," which is charged to that Department, and paid for "out of the public contingent fund." Those articles are procured by the messenger, and are entered in a pass-book kept by him.

I have also furnished paper and other articles of stationery for Mr. Kendall's private use. These have been ordered by his servant, or by members of his family; sent to his private residence, and charged, in every instance, to his *individual account*.

I remain, very respectfully,
Your obedient servant,
JOHN T. SULLIVAN.

Hon. A. DUNCAN.

I know that most men think Mr. Kendall overscrupulous, and too precise on these points; but to all such suggestions he replies, that it is impossible for a man to err on that side, and that he will go out of office as conscious of rectitude as he came in.

And has this man done nothing for the public that he should thus be pursued with never-ending abuse? Has he not been efficient and faithful in every public trust? Could the duties of Fourth Auditor be better discharged than they were by him? Did he not bring the Post Office Department out of deep embarrassment as by magic? Has he not almost doubled its business and usefulness? Has he not, with great skill, sustained its credit under circumstances which shook that of all the banks in the country, and of most business men? In fine, could that Department be managed with more efficiency or better success?

Sir, it is for his virtues, his talents, and his success, that the bank stipendiaries hate him. They know he will not corrupt, and cannot be corrupted. He was efficient in putting down the Bank of the United States; and he desires to see the Government independent of institutions which, experience proves, have not discretion enough to manage their own affairs, and, of course, not enough to be trusted with the use or custody of the public money. These are his real offences. It is feared that his integrity, his efficiency, and his success will give weight to his opinions and his judgment; and every pretext is seized on to assail him. He has sent a few prospectuses of a newspaper to a few friends; he has expressed his opinions in certain letters and toasts; he takes a few newspapers to see what complaints there are of the mails, and what suggestions of improvement; and he received three hundred and sixteen dollars for his expenses in negotiating with the State banks! Are these his only crimes? No, sir. It is made an offence in him to have said that he could sustain the credit of his department without the help of Congress! The Treasury Department is abused because it wanted help, and the Post Office Department because it did not; as if to put it out of the power of Mr. Kendall to to sustain the credit of his department, we have been throwing extra allowances upon him, and endeavoring to force upon him in the present depressed condition of the revenue, near 500 new mail routes to be put in operation. And I have seen men exult here, under the impression that they would thus embarrass him, that they had "got him up a tree at last." It has even been said that he was already embarrassed; but this is so far from the truth, that the most credulous do not believe it. Their "wish is father to the thought." The Committee on the Post Office Expenditures, contains a majority of Opposition men. If they find the Department embarrassed, why do they not show the fact? Do you think, sir, the matter would not be examined into, and reported if there was the slightest faith in the assertion? If it were so, we should soon know it, and the exultation of certain *patriotic* gentlemen on this floor, would know no bounds. But, sir, scrutiny is invited, and malignant aspersion defied. Instead of having treed their game, gentlemen will find themselves still "barking up the wrong tree."

I cannot help giving some very conclusive evidences of the sincerity of the bank attorneys, in their attack upon the Administration in money matters.

Mr. Kendall is abused for having received $316 to refund his expenses, after performing a journey on public business. Now let us see what the bank men did while in power.

Mr. Southard was Secretary of the Navy in 1826, 7, 8. He is now, I understand, one of the pillars of the party; a man whom they specially delight to honor. He had a chief clerk, named Hay; he was positively forbidden by law to advance the public money to any body but disbursing officers of the navy, and persons employed in the naval service, on distant stations; yet, though thus positively forbidden, Mr. Southard advanced to his chief clerk $800 of the public money, in November 1826, and sent him to New Orleans to look after the accounts of a former navy agent. He did nothing there whatsoever, but get $100 more from the navy agent; and without any bills rendered, Mr. Southard allowed him $800 for his expenses, when he was allowing only $200 to officers of the navy for the expenses of the same journey. Would you believe it, sir, after hearing my colleague's speech? This man was receiving his $2,000 salary as chief clerk during the whole period of his absence. In what case has any member of the present Administration so grossly and directly violated the law?

This Mr. Southard, as Secretary of the Navy, was also Commissioner of the Navy Pension Fund, which was vested in stocks. On the 1st of July 1828, these stocks were paid off to the amount of $281,384 72, and on the 1st of January, 1829, to the amount of $243,880 17 more. These were not reinvested until February 17th, 1829, by which means more than $9,000 of interest was lost. Who was using the money in the mean time, is what I do not know. Mr. Hay having written a letter or two on the subject, and perhaps conferred with the cashier of the branch bank in this city, made out an account, charging half per cent. commission for reinvesting these stocks, and $150,000 more which had been reinvested in 1825. Mr. Hay was still Mr. Southard's chief clerk, at a salary of $2,000 per year; he was cut off by law from receiving any extra compensation; the service rendered was properly a part of his regular duty, and did not probably occupy him two hours; and yet Mr. Southard allowed him this monstrous charge of $3,376 32, and he *pocketed the money*. Thus was this charity fund for the support of the crippled officers and seamen, and their families plundered; yes; sir, *plundered*, by loss of interest through neglect, and cash actually paid Hay, in violation of law, of about THIRTEEN THOUSAND DOLLARS; and yet the men who want to restore the dynasty who did this, mouth at us about corruption and abuses which now exist only in their own corrupt hearts. Has any thing like this been done by the present Administration? No, sir, it has put an end to the allowances of commissions in all such cases.

Let us look a little further at the pure dynasty whom the reign of banks is to restore.

Upon Mr. Southard's recommendation Mr. Adams, in 1828, I believe, appointed one Andrew Armstrong, navy agent at Lima, in Peru. This is believed to be the only instance on record, in which a foreign navy agent was nominated to the Senate, that class of officers having been considered special agents, not expressly provided for in the law. Mr. Southard then advanced to Armstrong $10,000 out of the Treasury. What this was for, nobody out of the secret could divine; for exchange at Lima is always in favor of the United States, and it seemed ridiculous to send money to a country where money grows. But a reason has been discovered. No sooner was the money got, than $2,000 of it *was lent to Mr. Southard's chief clerk for two years, without interest, and was never repaid by him!* Whether this was the true reason for a departure from all usage in this proceeding, I know not. Whether Mr. Armstrong thus bought his appointment, I know not. All I know is the fact I have stated, and every one must draw his own inferences.

What an outery is kept up, Mr. Chairman, by the Bank advocates, upon the false allegation that the Administration is seeking, by the Independent Treasury plan, to get the public money into their possession for sinister purposes? Those who are struggling to get the public money for private uses, are clamoring to the skies against those who wish it kept by sworn and bonded officers, subject to heavy penalties, for public purposes only!! Let us see what was the practice of these men when in power.

When Mr. Southard was Secretary of the Navy, he converted the public cannon and cannon-shot into money to the amount of $25,000, and had the money placed to his own credit in the Branch Bank in this city! But, sir, I will give you particulars. General Mason, who has a foundry near Georgetown, was applied to by some of the South American authorities for a quantity of cannon; but he had none on hand, or not enough to meet the order. So, to enable him to make a good speculation, Mr. Southard lent him a quantity of the public cannon and shot, and, as security for the return of new guns in their place, required him to deposite $25,000, as already stated. It was, I believe, about eighteen months before General Mason completed the deliveries to replace these cannon, and in the mean time the money remained at Mr. Southard's credit, unless he used it, as it was in his power to do. If he did not use it, the bank did, by discounting on it as a deposite.

Now I should like to know what *law* there was for such a transaction? I should like to know what law authorized Mr. Southard to lend the public property, and receive money *into his own pocket*, (for that is the amount of it,) as security for its restoration? It is in palpable violation of all law and all propriety. But did the Bank advocates ever whisper a word of censure against this illegal conduct of one of their great champions? Not a lisp, sir. All is right, because a Bank man did it! The public property or money may be *lent out and used* by *banks* and *their peculiar friends* with perfect impunity; and to put a stop to it is a humbug and a crime! But have the gentlemen found a case like this, in which any member of the present Administration has put $25,000 of the public money or property into his pocket for a twelvemonth? No, sir, nothing like it. If they could, we should begin to hear, and justly, too, of impeachment by this House. Yes, sir, any public officer who will commit such an outrage, ought to be instantly impeached.

The corruptions and abuses of the Clay-bank administration were manifold and glaring.

The same Secretary of the Navy, aided the Fourth Auditor in fraudulently drawing thousands from the Treasury, and afterwards attempted to screen him from punishment by withholding important facts, when sworn before a grand jury and petit jury to tell "the truth, the *whole* truth, and nothing but the truth."

He directed the Fourth Auditor to settle a claim of Messrs. Allen and Leonard of New York, which was originally about $3,500, as stated by themselves, but had been increased by additional charges, from time to time, until it was swollen to upwards of $10,000, and, under the direction so given, upwards of $11,000 were allowed, $1,000 of which were forthwith lent to the same Fourth Auditor, and *never paid!*

He violated the positive laws of the land in multitudes of cases, by causing moneys to be expended for one purpose, when they were appropriated for another.

He made to Congress estimates for the service of the Navy Department which were false, and, year after year, spent, for contingencies, nine to ninety thousand dollars more than was appropriated; taking it out of other appropriations, in violation of law, and concealing the fact from Congress.

He made use of a favorite clerk in the Fourth Auditor's office, at a salary of $1,400, as special agent to make certain payments, and by commissions and a double salary, in violation of law, increased his compensation to upwards of $2,000 a year for a series of years.

But the most obnoxious case remains to be noticed. The Navy Agent at Boston had made advances on account of the Government during the last war with Great Britain, upon which he claimed interest. That claim, amounting to $7,679 64, or thereabouts, was allowed by Smith Thompson, Secretary of the Navy, in 1819, and passed to the agent's credit. The agent went out of office in 1826, and early in 1828, he made out an account for certain alleged omissions in his former accounts, going back to 1812, upon which he charged interest. This claim was submitted to Mr. Southard, who wrote thus on the voucher with his own hand, viz:

"Let him be allowed interest upon the aggregate advance of $3,899 72, in conformity with the decision made by Mr. Secretary Thompson on the former accounts.
8th March, 1828. S. L. S."

Accordingly interest was calculated on the voucher up to the time of settlement in 1819. This shows that Mr. Southard knew the interest account had been settled.

Soon afterwards, the late Navy Agent trumped up a new interest account upon his war advances, obviously unfounded and false in every particular. This new claim was submitted to Mr. Southard, who wrote a letter to the Fourth Auditor, as follows, viz:

NAVY DEPARTMENT, May 21, 1828.

SIR: Having examined the claims of Amos Binney, late Navy Agent at Boston, as far as the pressure of business during a session of Congress will permit, I see no reason to doubt the justice of a claim on his part for losses on Treasury notes, &c. But I do not feel at liberty to authorize the allowance of any of the items, except *for interest actually paid by him which you will be pleased to settle.*

"For the other claims, he will be obliged to address himself to Congress, where, I do not doubt that his application will be successful.

"I am respectfully, &c.
SAMPL L. SOUTHARD."

"T. WATKINS, Esq. *Fourth Auditor.*"

The Auditor took up the case, and passed an account allowing upwards of THIRTY-ONE THOUSAND DOLLARS *for interest,* when all parties concerned, *Mr. Southard, the Auditor and the claimant,* KNEW that every cent of just claim for interest had been settled and paid *nine years before!* Yes, sir, Mr. Southard *knew it.* I have given an entry of his on a voucher, dated 8th of the preceding March, not three months prior to his letter to the Auditor, conclusively *proving* that he knew it!!

But this is not all. This allowance gave Mr. Binney *no ready money.* It all went as a set-off against moneys due from him to the Government, leaving him still in debt over $9,000. He could not, therefore, readily pay his corrupt instrument in this and many other gross frauds on the Government. But Mr. Southard was kind enough to help him out. Money could not be *legally* advanced to him out of the Treasury, because he was not a disbursing officer, having been two years out of office; but law, or want of law, was no obstacle in those glorious times, which my colleague thinks are soon to be restored. So Mr. Southard advanced to that man, who was officially reported in debt to the Government about $9,000, the comfortable additional sum of $30,000 more out of the Treasury! Yes, sir, having allowed a corrupt claim of more than $30,000, he puts the recipient of his bounty in cash by advancing him, in the face of the law, $30,000 more, to be covered by claims equally fraudulent and corrupt; and it *was* afterwards covered by his friend, the Fourth Auditor, and the Government brought in debt upwards of $49,000, in addition; but the accession of the *no*-reform Administration of General Jackson, prevented the consummation of this last outrage.

What was done with the $30,000 thus advanced in cash? I have heard what became of a part of it, but I cannot prove it. So far, I have not spoken what I believe merely, but *what I can prove.* In relation to the men and things of that day, I believe many things which I cannot prove. I believe some $10,000 of the $30,000 advanced by Mr. Southard, *went directly to men in power,* or was applied to promote their designs. A charmingly rare Administration that was, when Secretaries put the public money in their pockets, $25,000 at a lick, and distributed it gratuitously to their favorites, or investments $30,000 at a time! Can the impudent assailants of the present Administration justly charge it with crimes like these? Yet, they are zealous to thrust out the men who have put a stop to these corruptions, and restore to power those who committed them. What a Fourth Auditor got fraudulently from the Treasury, Secretaries guzzled down in wines and meats, and other luxuries at his table, or won of him in gaming. The Bank candidate for the Presidency has been grossly wronged, if he did not, in the way of brag and other games, profit more by the current frauds on the Treasury, than the men who committed them. But that was all *pure* and *right,* Mr. Speaker; to put an end to it is *no reform,* for which Mr. Van Buren ought to be put out, and Mr. Clay put in.

And where now is the man who committed, authorized, or winked at, all these corruptions? Do you find any account of him in my colleague's speech? Not a word, sir. There is too much of a fellow-feeling between them. Mr. Southard, who held the Navy Department, is now one of the open-mouthed foes to Executive corruption and abuse; but if report speaks true, he profits as much by *bank* abuses, as he could have formerly done by *Government* abuses. He is president of one of the gambling bank concerns of the day, a particular adjunct and favorite of the Biddle bank, at a salary of $6,000 a year! He holds a public station which gives him $8 per day, and at the same time I am told receives his thousands in fees for practising as a lawyer in the Supreme Court. He is paid as a bank president, a legislator, and a lawyer, all at the same time, and of course, is absent most of his time from his public duties, except when there is a bank question on hand. Thereis no abuse or corruption in this. To be under pay by a bank, while pretending to serve the people, is no offence in the eyes of those who would pull down this Administration. But do you think, sir, the people, when they understand the game, will be content to be governed by bank presidents from New Jersey, and bank attorneys from Ohio? The banks pay better than the people. It is but a small part of $6,000 which a member of Congress gets from the people; but the banks can afford to pay thumping salaries and fees, especially to those who are *honest* enough to represent them in Congress instead of their constituents. One Henry Clay, who is looked to as the restorer of the old order of things, is known to have received in fees, from the Bank of the United States, upwards of $17,000, and probably $20,000 more from the branches. What a *pure* Government we shall have, when the President, heads of Departments, and a majority of Congress, shall be presidents, directors, stockholders, debtors, and attorneys of banks! Should not the farmers, mechanics, and all other honest men in the country, be required to lend a hand in putting down the present Administration, that they may bring about so glorious a reform?

To bring suspicion on innocent men, s one of the arts used by villains to escape detectioin. Our bank orators and stipendiaries practice upon this principle. Corrupt themselves to the very core, they are eternally bawling corruption against the Administration, hoping to gain credence by their impudence and their perseverance. The very men who have practised all sorts of abuse and corruptions at the expense of the people while in power, and are sold body and soul to banks, great and small, are now spending their money to disseminate far and wide a certain speech, knowing it to be charged with false and libellous imputations from beginning to end. To add the honors of office, and the emoluments of Government corruption, to those of bank corruption which they now enjoy, without regard to honor, justice, decency, or truth, is the great end and aim of all this false clamor and mischievous industry.

Let the people not be deceived. Great reform was notoriously accomplished by Gen. Jackson's administration in expelling from power the direct, profligate, and felonious plunderers of the Treasury. Yet it is said there has been no reform! and the people are appealed to to restore the old order of things. Yes, to restore Southard to the Navy Department, and perchance Watkins to the Fourth Auditor's Office, and Clay, the head man of the whole corrupt gang, not to the State Department, but to the Presidency *de jure,* as he once was President *de facto.* And poor old Gen. Harrison having, with one White, been used by them until they feel strong, is to be laid on the shelf, and yield all honors to Monsieur Brag, the corruptest of the corrupt. Whether honest men of any party can be so deceived as to relish *such* reform, remains to be seen.

My colleague has made an attack on the War Department, and because there is an increase of clerks and expenditures consequent upon the increase of business and unavoidable duties to more than double of what they were in the times of the *economical* administration of Messrs. Adams and Clay, and has attempted to impress the public mind that extravagance and profligacy mark this Department with the rest, and *that* reform promised has been neglected in relation to this Department.

To ascertain the facts, I called upon Mr. Poinsett, the Secretary of War, and presented him a copy of my colleague's speech, with a request that he would furnish me answers to the allegations and charges contained in said speech. In conformity with my request, he has been kind enough to furnish me with the following statements. They are full and complete so far as they go, and will be satisfactory to all who hear or see them. Comment is unnecessary. Time and space have not permitted a further investigation into this and other Departments; but I have little doubt that the result, on further investigation, would be the same. I before stated that abuses do exist, always have existed, and always will exist, in this and in the administration of all other Governments. It is impossible that this vast political federal fabric can be conducted without some abuses so long as frailty and depravity exist and form a part of the very nature of men, by whom it is governed. But here follows the statement from the War Department:

PAYMASTER GENERAL'S OFFICE,
Washington, July 5, 1838.

SIR: In compliance with your instructions to examine Mr. Bond's speech, as published in the National Intelligencer of the 4th and 5th of May last, and report how his statements agree with the facts as they are known to exist in this office, I have the honor to submit the following statement:

Mr. Bond says, "in 1828, the Paymaster General employed three clerks, whose united compensation was $3,900."

"In 1838 the salary of the same number of clerks is $4,290, besides the messenger's salary."

The estimates submitted to Congress for those years, show that the sums asked for the clerks and messenger in the office of the Paymaster General, were as follows:

In 1828.—"Clerks in the office of the Paymaster General		$3,900	
Do. "Messenger		700	
			$4,600
In 1838.—"Clerks and messenger in the office of the Paymaster General			6,100
Difference between the two years			$1,500

Accounted for as follows:

The clerks and messenger in the office of the Paymaster General are appointed under the act of the 20th April, 1818, which provides for, viz:

1 chief clerk, at a salary of	$1,700		$1,700
1 clerk "	1,400		1,400
2 clerks "	1,150 each		2,300
3 clerks "	1,000 each		3,000
1 clerk "	800		800
1 messenger "	700		700
			$9,900

The business of the office has not required at all times so many clerks, and they have been reduced accordingly. In 1828, but three were employed, and not all of these at the highest salaries. The numerous volunteers and militia, called into service to suppress Indian hostilities, increased the business so much as to make it indispensably necessary to re-employ one of the five additional clerks to which the office is entitled, and, in order to retain the services of competent persons, to allow to those employed the highest salaries provided by law. This makes the difference in the estimates for the two years.

It is still competent for the Secretary of War, under the act of the 20th of April, 1818, to appoint for this office three additional clerks, at $1,000 each per annum, and one at $800 per annum.

Very respectfully,
Your obedient servant,
N. TOWSON, P. M. G.

To the Hon. J. R. POINSETT,
Secretary of War.

Comparative statement of the number of persons employed in the Quartermaster General's office, in the years 1828 *and* 1838.

In 1828—3 officers; 2 clerks; 2 sergeants, acting as clerks; 2 sergeants, acting as messengers; total, 9.

In 1838—2 officers; 6 clerks; 1 messenger; total, 9.

NOTE.—It will be seen that there is no increase in the number of persons employed in the Quartermaster General's office, since 1828. The only change is in the substitution of clerks for officers and sergeants then employed. During the last two years, the duties of the office have been increased fourfold.

T. CROSS, Act'g Q. G.

QUARTERMASTER GENERAL'S OFFICE,
Washington city, July 5, 1838.

SURGEON GENERAL'S OFFICE, *July* 3, 1838.

SIR: In obedience to your instructions, I have examined the speech of Mr. Bond of Ohio, so far as it relates to this office, and have the honor to report, that the regular salary of the clerk employed in this office is the same as was received by him in 1823, viz: $1,150 per annum, to which 10 per cent. was added, during the last year, by an act of Congress, making $1,265 per annum, and not $1,266, as stated in the speech referred to; this addition of 10 per cent. continues to the adjournment of the present session of Congress.

From the organization of this office a sergeant from the army was employed to perform the duties of messenger, until 1836, when, by an act approved on the 4th of July of that year, provision was made for a messenger in lieu of the sergeant, whose salary is $500 per annum, and to which 20 per cent. was added by the act of Congress of the 3d of March, 1837, referred to when stating the salary of the clerk, so that the *actual difference* consists in paying the messenger by specific appropriation, instead of his being paid from the army appropriation, as was the case when a sergeant was employed.

I have the honor to be,
Very respectfully,
Your obedient servant,
BENJAMIN KING,
Acting Surgeon General.

Hon. J. R. POINSETT,
Secretary of War, Washington.

OFFICE OF THE COM. GEN. OF SUB.
Washington, July 3, 1838.

SIR: In compliance with your request of 2d inst. the speech of Mr. Bond of the 4th and 5th May ult. has, as far as regards this office been examined, and I have the honor to report, that in that speech as published in the "National Intelligencer," it is asserted, that

In 1828, the Subsistence Department employed four clerks, whose joint compensation was $2,950; and

In 1838, the Subsistence Department employs four clerks, whose joint compensation is $5,880.

In 1823, the number of clerks permanently employed in the Subsistence Department was three, and their compensation was, thus:

2 clerks per act, 26th May, 1824	$2,150 00
1 clerk per act, 2d March, 1827	800 00
	$2,950 00
1 clerk temporarily employed by permission of the Secretary of War at $25 per month	300 00
Making	$3,250 00

At that period, an orderly sergeant was employed as a messenger, who received his compensation from the "*pay of the Army.*"

By the 1st section of the act of 9th May, 1836, the employment of non-commissioned officers in any of the offices of the Department of War was prohibited; and it became necessary to ask compensation for a messenger to be paid out of the appropriation for the civil list.

In 1838, the compensation of clerks and messengers in the Subsistence Office is,

1 principal clerk per act, 3d March, 1835	$1,600 00
1 clerk	1,200 00
1 do	1,000 00
	$3,800 00
And the messenger paid by appropriation	500 00
Aggregate	$4,300 00

By act 3d March, 1837, Congress added ten per centum upon $2,800, of the above salaries making	$280 00
And upon $1,500, including the messenger, twenty per cent.	300 00
Making	$580 00
Which added to the above	4,300 00
Makes	$4,880 00

being $1,000 less paid to clerks permanently employed, than stated by Mr. Bond; but when the resolution of Congress of 1st February, 1836, passed, "authorizing the President to furnish rations to certain inhabitants in Florida;" the Secretary of War directed that a special account should be kept in this office of the issues under that resolution; the permanent force in the office being insufficient for that purpose, in addition to their other duties, it became necessary to employ a clerk to attend especially to that business, whose annual compensation was fixed at $1,000, which added to the other items, constitutes the amount as stated in the speech.

When the department was rendered permanent by act of 3d March, 1835, the then Secretary of War thought that the salaries of the clerks in this office, should approximate as nearly as practicable, those of clerks employed in the civil bureaus, as he was particularly aware, that the salaries previously paid, were inadequate to the services rendered, and the responsibility attached to the situations; but in every instance where compensation to clerks or messenger in this office has been paid, it has been done invariably under acts passed by Congress itself, except in the two instances above mentioned.

Very respectfully,
Your most obedient servant,
GEO. GIBSON, *C. G. S.*

Hon. J. R. POINSETT,
Secretary of War.

INDIAN DEPARTMENT.

ASSERTION No. 1—The business of Indian Affairs was discharged by some one or two of the seventeen clerks employed in the War Department.

FACT—In 1828, *four clerks* were engaged in the transaction of this business—Mr. McKenney, Mr. Hamilton, Mr. Kurtz and Mr. Miller. The Secretary then conducted a much larger portion of the correspondence, and supervised the details far more extensively than now.

ASSERTION No. 2—In 1828, there was one Superintendent of Indian Affairs, who was paid $1,500 per annum.

FACT—In 1828, there was one Superintendent, *eo nomine*, at $1,500, and three Governors of Territories, acting as Superintendents, one at $1,500 and two at $750. These allowances were made by Mr. Calhoun in 1821, 1822 and 1823; to the Governor of Michigan in 1821; (see Mr. C's answer to the resolution of the House of Representatives of January 15th, 1832, State papers, 1st session 17th Congress, vol. 6th, Doc. 60;) to the Governor of Arkansas in 1822; and to the Governor of Florida in 1823; (see extract herewith of letter to Governor Duval of October 25, 1823;) aggregate compensation $4,500.

Extract of a letter from the SECRETARY OF WAR *to his Excellency* WILLIAM P. DUVALL, *dated 25th October*, 1823.

"Your letter of the 2d ult. was duly received.

"Upon a review of all the circumstances, the following principle has been adopted for the settlement of your claim to compensation as superintendent of Indian affairs in Florida, to wit:

"For the time past when there was no Indian agent for Florida, an allowance will be made to you, as superintendent, at the rate of fifteen hundred dollars per annum, which is the rate of compensation allowed to the Indian agent now authorized by law

"Since the appointment of an Indian agent for the Territory, in virtue of the authority above mentioned, and for the future, an allowance will be made to you at the rate of seven hundred and fifty dollars per annum, which is intended to cover the expense for clerk hire, office rent, and all others necessarily incurred by you in your intercourse with the Indians, that being the same amount as is now allowed to the Governor of the Arkansas Territory, and is considered a fair compensation for all expenses incurred by him of a similar nature."

ASSERTION No. 3—In 1838, we find four Superintendents of Indian Affairs, with salaries of $1,500 each.

FACT—In 1838, there is one Superintendent at $1,500, and one Governor (of Wisconsin) acting as such, whose compensation as Governor and Superintendent is fixed, by law, at $2,500. Adopting the principle of division established this session, in regard to the Governor of Iowa, and his pay as Superintendent will be $1,000; aggregate $2,500.

The other two acting Superintendents are Indian Agents, and receive only the pay of agents, as fixed by the law of 1834. This is stated in a note in the Blue Book, page 91, to which Mr. B. evidently had referred.

ASSERTION No. 4—In 1828, there were twenty-one Indian Agents, (three at $1,800, six at $1,500, one at $1,400, five at $1,300, six at $1,200, see State papers, 2d session 20th Congress, 3d vol. Doc. 117, page 7,) and twenty-eight sub agents. In 1838, ten Indian Agents at $1,500, and fourteen sub-agents at $750.

FACT—In 1838, there are but eight Indian Agents, exclusive of the two acting as Superintendents, and whom Mr. B. has counted as such.

In 1828, the appropriations for the Superintendents and Indian Agents was $31,000—In 1838 it is $16,500.

In 1828 the appropriation for sub-agents was $15,100—In 1838 it is $13,000.

In 1838 the number of interpreters at agencies is *eight less* than in 1828. The average pay of an interpreter in 1828 was $300 per annum, (see Blue Book for that year,) making the aggregate compensation of the thirty-nine employed in that year $15,600.—Appropriation in 1838, $9,300.

ASSERTION No. 5—In 1838 we hear of a commissioner whose salary is $3,000, and 12 clerks and two messengers, whose joint compensation is $19,400.

FACT.—In 1828, Governor Cass and General Clark, at the invitation of the Secretary of War, prepared a report, containing, among other things, "a code of regulations for the government of the (Indian) Department, and for the general administration of its affairs." This was in the form of a bill. The first section provided for the appointment of a commissioner at $3,000; the second prescribed his duties; the third related to the number of clerks; the fourth gave him the franking privilege, and the fifth authorized the employment of a messenger. These five sections are stated to "contain substantially the provisions of a bill reported by the Committee on Indian Affairs" in the House of Representatives, at the first session of the same Congress."—(See State Papers 2d session of the 20th Congress, Vol. 3d, Doc. 117, p. 4.) This report was submitted to Congress by the Secretary of War, "with a respectful but earnest recommendation."

The number of clerks now employed in the Indian office is 12. The number in 1828 was 4. In 1830 1 was added; in 1831 another; and in 1832 a messenger. In the latter year, the business of emigration was committed to the Commissary General, who employed 5, and a messenger. In 1836, 2 were authorized by law to be employed on the business of Indian reservations. The increase was occasioned in 1830 and 1831, by the passage of the act of May 28th, 1830, providing for an exchange of lands, and the treaty of September 27th, 1830, with the Choctaws, according to the stipulations of which, their removal was immediately commenced. The provisions in the same treaty, in that with the Creeks of March 24, 1832, and with the Chickasaws in 1832 and 1834, granting reserves to individuals and heads of families, to the number of about 10,000, and which were the first provisions of the kind to any extent, authorized in the judgment of Congress the employment of the other two in 1836. The whole number was 13.

The business of emigration has been transferred to the Indian Office; the number of clerks is 12, and the number of messengers is 2.

Thus far for the Indian Department in the two years specified, independent of treaty stipulations. The expense of superintendents, agents, sub-agents, and interpreters, in 1828, was $61,970; in 1838, it is $38,800; less in 1838, $23,170. This is exclusive of the compensation of the acting superintendents, which, as has been shown, is $2,000 less than in 1828; making the entire difference in favor of 1838, $25,170.†

We now come to the composition of the Indian Department, under and by virtue of treaty stipulations.

Mr. Bond enumerates 6 superintendents of emigration, 15 conducting and enrolling agents, 2 valuing agents, 8 collecting agents, 2 issuing agents, 16 assistant agents, 15 physicians, 11 clerks, 14 interpreters, 2 conductors of exploring parties.

REMARK.—These are all engaged in the business of emigration. As no agents of either of these classes are stated to have been employed in 1828, or prior thereto, the impression will naturally be that none were employed.

FACT.—In the treaty with the Creeks of January 24, 1826, were stipulations for the valuation of their improvements; for their removal and subsistence; valuing, collecting, enrolling, conducting, and issuing agents were employed. The number of each class, and the pay of each, cannot be ascertained without reference to the Auditor's Office, and a long examination; the fact of their employment is proved by the correspondence in the Indian Office. Some appointments of the same kind were also made under the treaty with the Cherokees of May 6, 1828.

REMARK.—The treaty with the Choctaws of September 27, 1830, was the first under which emigration took place extensively; and it was not until the following year that it commenced with much vigor under that with the Cherokees of 1828; and it was in 1831 that, for the first time, regulations were prescribed which gave form and system to the business of removal. These provided for the employment of the different classes of agents above enumerated, and fixed their compensation. These were not only approved by the President, but, slightly revised, have been appended to the reports from the Indian Office for the last year.

For the reasonableness of them, consider the number of Indians to be removed, and the stipulations to be fulfilled. Since the beginning of 1828, sixty-four treaties have been made with Indians. Of these, thirty-four provided for the removal of the Indians, the valuation of their improvements, stock, &c. and their subsistence for twelve months at their new homes. Living in different sections of the country, different sets of agents were necessarily employed, the number in each case being graduated with regard to the number of Indians, and the amount of service to be rendered. For the removal of the larger tribes, a general superintendent was essential as the only means of preserving harmony and subordination among the other agents, and among the Indians, and of ensuring unity of action. All responsibility was devolved upon him. To him was committed the selection, in the first instance, of all the other persons to be employed, and also the power to suspend them from duty; and upon his requisitions alone were the disbursing officers, military and civil, to make payments. For this responsibility, and his various and numerous services, $2000 will not be considered too large a compensation. The six named by Mr. Bond as in the service in 1838, are General Smith, superintending the removal of the Cherokees, numbering 18,000; Maj. Upshur, the removal of the Chickasaws, 5,500; Colonel Pepper, the removal of the Pottawatomies, Ottowas, and Chippewas, 6,700; Colonel Sands, discontinued, and duty transferred to Pepper. There are, therefore, three at $2,000, neither of whom will be in service, probably, at the close of the present year, as all these Indians will be removed. There is one other at five dollars a day, collecting straggling Choctaws in Mississippi, whose employment is temporary, and the sixth, who received the same pay, has been discharged.

Of the fifteen enrolling and conducting agents, five are employed among the Pottawatomies, Ottowas, and Chippewas, five among the Chickasaws, and five among the Cherokees, whose services will terminate before those of the superintendents. The enrolment must exhibit the name of each head of a family, and the number in each family, to be ascertained by personal inquiries through the nation, and it is required to regulate the issues of rations on the route, and payments and subsistence after their arrival west. The conductor has charge of the movement of a party, directs the issues of provisions, the transportation of the sick, and of the baggage, &c. and is held accountable for the delivery of the party to the agent of the Government west of the Mississippi. The interpreters are as necessary in the emigration as at the agencies; their compensation is higher, to cover the expenses of travelling. The employment of physicians is required by humanity, and the experience with the earlier emigrants would not justify the Government in refusing to employ them, merely to avoid the expense. Four of the physicians enumerated by Mr. Bond are provided for in treaties; two in that with the Winnebagoes, of September, 1832, and two in that with the Ottowas and Chippewas, of March 28, 1836: in both the pay is fixed. Conductors of exploring parties are also employed under treaty stipulations.

Mr. BOND says: "We find thirty-three commissioners and special agents."

REMARK. Of the thirty-three, twelve were employed under resolutions or laws of Congress, directing negotiations, or the examination of claims; six to execute treaty articles, and one conducted an exploring party, for which the appropriation was made at the suggestion of the Committee on Indian Affairs in the Senate. Of the remaining fourteen, ten were employed by the express requirement of laws or treaties, two to execute treaty articles, one to conciliate the wild tribes of the prairies, and bring deputations of them to Washington, and the last is the district attorney in Florida, charged with temporary duty, having in view the removal of the Apalachicolas. Of the thirty-three, there is but one not authorized and required by resolution, law, or treaty, and that one has been employed to

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* So, then, it appears that this Indian Department, with its Commissioner at $3,000, clerks, and messengers, was first proposed by a Whig committee, under a Whig administration, in the very year 1828, when the business was not more than one-third of what it is 1838.

† There is also another consideration. The appropriations for the Indian Department proper, in 1828, were under four heads—pay of superintendents and agents, pay of sub-agents, presents, and contingencies. The amount under the latter was $95,000, which was applied at the discretion of the Department, and out of it were paid smiths, farmers, interpreters, and any body the Department might choose to employ. In 1838 the appropriations are specific, based on laws and treaties, and the estimates for which are minute and full.

preserve the peace of the Western frontier. Since the 30th of September, 1837, the date of the report from which Mr. B. quotes, 19 of the 33 have been discontinued. The pay of commissioners was, as far back as 1801, eight dollars per day, from the time they left home, until they returned, and all necessary expenses were reimbursed, (see instructions from General Dearborn to Messrs. Davie, Wilkinson and Hawkins, American State Papers, Indian Affairs, vol. 1, page 650.)

Mr. BOND presents an array of fifty-three blacksmiths, twenty farmers, eighteen teachers, five millers, one surveyor, and five miscellaneous agents. It is enough to say with regard to these, that with the exception of one in the last class, who is a messenger in the office of the Acting Superintendent at Detroit, performing duty also as a clerk, at $30 per month, (not a very extravagant allowance,) they are all employed in the fulfilment of treaty stipulations, and that when the treaty does not fix their compensation, it is regulated by the 9th section of the act of June 30th, 1834, organizing the Department of Indian Affairs. Every one conversant with Indian relations, knows that, in every negotiation, the Indians wish provision made for smiths, farmers, and teachers, &c. and the Government has always assented, because such measures will conduce to their civilization. The amount set apart for these purposes, forms a part of the consideration paid for the land ceded by the Indians. If these persons were not employed, so much more money must have been paid to the Indians. But in this case, too, Mr. Bond leaves it to be inferred, that such persons were not in the service in 1828. But from a very hasty examination of the reports from two of the superintendencies, St. Louis and Michigan, it appears that there then were thirty blacksmiths, twenty-two laborers, nine farmers, two teachers, three physicians, and four special agents. And it is probable that most of the treaties under which they were employed, are still in force, and of course these appointments make a part of those enumerated by Mr. Bond.

But, says Mr. B. even this is not all, The Commissioner of Indian Affairs says the list in the Blue Book is not accurate or complete. He leaves room to add or alter. And why did he not quote the reason assigned by the Commissioner?

"It being required that the names of all the persons employed on the 30th September should be given, it is impossible to procure the returns in season for printing the Register. Besides this, many of the agents neglect to make returns, and in other cases it is impracticable, from a variety of causes to obtain the requisite information. It is believed to be complete and accurate, so far as this office has the means of making it so." Knowing well the provisions in the treaties, the Commissioner could not help seeing at once that the returns did not embrace all the persons in the service. Taking only the treaties made since 1828, (sixty-four in number,) he knew that they provided for forty principal smiths, while the list shows only twenty-eight; the residue of the fifty-three named by Mr. B. being assistants; and so with the other classes of persons.

"Here, indeed," exclaims Mr. B. "is a display of patronage." Truly it is a great thing to have the appointment of a smith or a farmer for Indians on the frontier, and hardly within reach of a white settlement. But how has it happened that so much "patronage" rests with the Executive? Not by any act, primarily, of his own. It is Congress that directs a treaty to be made, ratifies it, and makes appropriations to carry it into effect. If the Executive, in consequence, possesses power, it has been knowingly and deliberately given by Congress.

It has been shown that the expenses of superintendents, agents, and interpreters, is twenty-five thousand dollars less now than in 1828. And more than that. In Doc. 474, House of Representatives, First session, Twenty-third Congress, page 146, may be found an "organization of the Indian Department," proposed by the Committee on Indian Affairs, the expense of which is a fraction more than the present. This report was prepared by Mr. Everett of Vermont, who deservedly acquired much credit by it, and the country was congratulated on the reform and retrenchment introduced by the laws then passed, and which were based upon it.

The sum of the matter is this. There have been sixty-four treaties made with Indians since 1828. The States have been slowly and gradually relieved of their Indian population. The tribes have been settled beyond the Mississippi and Missouri, so that intercourse with them is necessarily more expensive than ever. New features have been introduced into treaties. The Indians have not been talked with merely to get their lands, been offered for it only trifling and temporary aid, and left in the neighborhood they were found in. They have had assigned to them a fertile and healthy country, and have been liberally supplied with ploughs, hoes, and axes, for the men, and looms for the women; with mechanics to teach and work for them, and farmers to break up land and plant it for them, and teach them to do likewise. They have ceded to the United States 18,250,000 acres, for which the Government has stipulated to give them in land money, &c. $72,560,056; and it is expected that all this should have been done at no increase of expenditure over that in 1828.

My colleague has recourse to the official statements of the amount received by the Globe office, during the last and present Administrations, as proof of the extravagance of the Republicans, and ground of suspicion against the honesty of the editor. He gives the sum total of the amount paid for printing for Congress and the Departments, in the Globe office, hunting through the terms of two Presidents, at $220,000. I take it for granted, having no opportunity for the examination of the multitude of items of which it is made up, that this sum may have been disbursed through the Globe office for printing and paper, and other materials necessary to this species of work, so absolutely indispensable in the proper discharge of the business of Congress and the Departments. My colleague will allow that printing must be done for the Government. It is looked upon as the glory of our free Government, that all its acts are exhibited in print, and full information afforded to an enlightened community of every thing done by its public agents. This is the medium through which the fuctionaries and representatives of a people overspreading a continent, are held to an accountability, stricter than that which the people of the ancient Republics could command in a district of country, not greater than one of our large counties. The only questions brought up by my colleague's display of the public printing done by the Globe establishment are, has it been done well? Has it been done cheaply? Has it been done honestly? By bringing together the labors of a great establishment from its foundation to the present moment, my colleague [Mr. B.] would insinuate an accusation of exorbitant charges against the Government on the part of Messrs. Blair and Rives. My colleague showed his caution in thus accusing by inuendo. He was perfectly aware of the unimpeachable honesty of the proprietors of the Globe office, and did not dare to make a single specification against them. But a member from Tennessee, [Mr. CROCKETT,] in pursuing the game of the Opposition in a private letter, charged that three or four hundred thousand dollars of the public money had been paid to the Globe office for printing the speeches of Messrs. BENTON and CALHOUN in defence of the Administration. His colleague, [Mr. CARTER,] perceiving that this exceeded by some hundreds of thousands all the public money that passed through the Globe office in payment for work done and materials purchased for all the Departments and Congress, came to the rescue of his friend [Mr. CROCKETT] by declaring that a tariff had been laid on the pay of the clerks to make up the sum paid for publication. The moment that these charges appeared, the Editor of the Globe, through his paper, challenged an investigation by a committee of Congress. The members of Congress who made them were told it was their duty to bring the delinquent they denounced to justice. My colleague and his accomplice advisers shrunk from meeting the man they had charged, before a committee of our own body. Mr. Blair then appealed to this House, by petition, to refer the matter to a committee, and have a full scrutiny of all his accounts with the public. The special committee was ordered by this House, and then commenced the effort of the Opposition to defeat, by indirection, the inquiry, which they knew would disgrace the persons they had put forward to stigmatize the Administration and the official paper by their accusations. Only six weeks of the session remained, and the Opposition knew how difficult it would be, when all the business of the session was huddled into this narrow space, to take up a postponed question, especially in regard to a petition which could only come up, by the rule, on the Monday of every alternate week. An hour, therefore, after the inquiry had been ordered by a special committee, a Conservative [Mr. HOPKINS, of Virginia] moved a reconsideration. This hung up the decision two weeks, and was, I am afraid, intended for that purpose. When the subject was again taken up, every artifice was resorted to for the purpose of defeating inquiry. It was first proposed to refer it to a standing committee, composed of one of the accusers [Mr. CROCKETT] and others, making a majority of Opposition members who had shown themselves afraid of the investigation. If the case had been referred to the *accusers* as *judges*, would not the whole inquiry have been smothered, or a report as foul and erroneous as the original charges returned by those making them? The accusers [BOND, CROCKETT, and CARTER] exerted themselves in this attempt, but it was voted down by the House. An effort to lay the subject on the table, an so get rid of it, was tried by the same party in vain. At last, after the committee was appointed, and had the instructions of the House to inquire into the whole subject of the public printing, when it came forward and asked the ordinary power of sending for persons and papers to obtain evidence of the facts it was required to report, the Opposition opposed this, and moved to discharge the committee altogether from the duty assigned.

This failed, and the committee met and organized for the examination. It opened its sittings almost every morning at 8 o'clock, but not one of the accusing members came forward to make good their charges. At last the committee addressed a note to Mr. CROCKETT, inviting him to support by evidence, the allegations made by him in the House and his private letters. Mr. CROCKETT replied, if the investigation was to be confined to the prayer of the petition, to a scrutiny embracing only the accounts of the Globe office with *the public Departments and Congress, he would have nothing to with it;* but if the committee would go out of the instructions of the House, and inquire into the *private* accounts of the editor of the Globe, he would examine witnesses! How the committee treated this evasion, I am not informed; probably with silent contempt. But I am authorized by Mr. Blair to say that he is willing to submit his private accounts and his private life to the closest scrutiny. The bold assailants in this House skulking thus from the summons, the committee had no alternative but to seek out testimony on the allegations made before the representative body, by interrogating those who, from the nature of the charges, must know their truth or falsehood.

Mr. CROCKETT's charge, made by him in writing, verified by his signature, and secretly circulated, was couched in these words:

"Hundreds of thousands of Mr. Benton's and Mr. Calhoun's speeches, as I am informed, have been printed *gratuitously*, and circulated by '*the party*' throughout the land.

"My own opinion is, honestly, that they are paid for out of the *public Treasury*, and I believe it could be proven to the satisfaction of every unprejudiced mind; at any rate I should like to know how *Dear Blair*, the printer of the Globe, can afford to print so many thousand speeches' for nothing, and find himself? No man *can* believe it who is not as blind with party prejudice as a snake in dog-days. The cost at the ordinary rate cannot, I think, be less than from 3 to $400,000."

As explained by his colleague (Mr. CARTER) in the presence of the House and of Mr. CROCKETT, and afterwards published by Mr. CARTER in the National Intelligencer, it stood thus:

"Sir, my colleague did not intend to say that the money was taken *directly* from the Treasury, and applied to these purposes, but he intended to say, and does say, that the public money is indirectly appropriated, and applied to this specific use. Sir, are there no grounds for this opinion? If the salaried officers of the Government are paid extravagantly, and those salaries made sufficiently high to give the officer a reasonable compensation for his services, after contributing several hundred dollars for party purposes—to pay for these partisan speeches and extra Globes, if you please, which is said to be coerced from them by this party regulation and discipline—I would ask, in the name of common sense, if this is not virtually defraying these expenses out of the public Treasury, to all intents and purposes? Sir, it is virtually the same thing, just as much so as if the editor of the Globe was directed by the Government to cause to be printed ten thousand copies of that paper every week, and circulated to non-subscribers, and to draw his money directly from the Treasury. The effect is the same; the Government pays the money in either case, and, in either point of view, improperly. Sir, were not the salaries of these officers increased ten or twenty per cent. just before the last Presidential election, upon the recommendation and vote of the party that reigned and ruled in this House so triumphantly—increased just as much as is said to be the tax laid and collected off those officers for party operations?"

This imputation on the Government and the Editor of the Globe thrown out in secret letters at first, and afterwards promulgated on the floor of this House, for the purpose of giving it the stamp of a Congressional impeachment; and which, as I have shown, they attempted to keep pending and unrefuted by an inquiry, until after the elections, was put down by a cloud of witnesses. The committee addressed a note to all the Departments, in pursuing the inquiry as to the facts put in issue by Messrs. CROCKETT and CARTER:

It was responded to by all the Departments; every one proving that no change in the ordinary price of printing had been made favorable to the Globe office; but on the contrary, the Department of State, Treasury and Post Office, point to particular instances of considerable reductions. The clerks of all the Departments have, in a body, given written testimony, signed by their names, establishing, in the most explicit manner, the utter want of foundation in truth for the assertion of the members from Tennessee, [Messrs. CROCKETT and CARTER,] that a tariff had been imposed on them to pay for publications at the Globe office. I select the shortest replies as a sample of the whole:

NAVY DEPARTMENT,
July 7, 1838.

SIR: I herewith transmit the answers of myself and clerks, and that of the clerks of the Navy Commissioners' office, to the queries propounded in your letter of the 3d instant.

I have the honor to be, sir,
Very respectfully,
Your obedient servant,
J. K. PAULDING.

Hon. Jas. J. McKAY,
Chairman Select Committee House of Representatives.

DISTRICT OF COLUMBIA, *ss.*

Personally appeared before me, Robert Getty, one of the Jus-

tices of the Peace for said District, James K. Paulding, Secretary of the Navy of the United States, and, being duly sworn, saith:

1. That he does not know of any instance in which the Editors of the "Globe" have been allowed for printing for the Navy Department a compensation greater than that usually paid to other printers for printing, similar to that required to be done by those Editors.

2. That he does not know any instance since he has been at the Head of the Navy Department, in which printing, not properly chargeable to the United States, according to law or the usages of his predecessor, has been ordered and paid for out of the public fund, either to the Editors of the Globe or any other printers; and that he does not know of any of the officers of the Navy Department being tariffed or required to raise funds to pay for public documents or speeches to be published at the office of the Globe or elsewhere.

3. That no change as to the mode or prices in the execution of the printing done for the Navy Department has been introduced since he has been at its head, differing from that customary under his predecessors; and further saith not.

J. K. PAULDING.

Sworn and subscribed this 7th day of June, 1838.

ROB'T GETTY, J. P.

NAVY DEPARTMENT, *June* 7, 1838.

The undersigned, clerks in the Navy Department, respectfully state, in answer to an inquiry contained in a letter of the 3d instant, addressed to the Secretary of the Navy by the Hon. James J. McKay, chairman of the select committee of the House of Representatives, to which was referred so much of the memorial of F. P. Blair as invites a scrutiny into all his accounts for printing for Congress and the public offices, that they have not "been tariffed or required to raise funds to pay for public documents and speeches to be published at the office of the Globe, or elsewhere."

(Signed) JOHN BOYLE.
J. D. SIMMS.
L. B. HARDIN.
THOS. L. RAGSDALE.
B. M. VOORHEES.
H. STARK.
M. POOR.
A. H. QUINCY.
N. B. BOYLE.

Sworn and subscribed before me, at Washington city, this 7th day of June, 1838.

(Signed) ROBT. GETTY, *J. P.*

A declaration like the above was sworn to and snbscribed by the clerks in the Navy Commissioners' office, before Chas. W. Goldsborough, J. P. and sent to the committee.

There are 444 clerks in all the Departments. Of these a large majority are in opposition to the Administration, and to the press which supports it; and yet, with perfect unanimity, they bear unhesitating testimony to the utter groundlessness of the charge made by the members from Tennessee, [Messrs. CROCKETT and CARTER.] It appears there was not the slightest circumstance to countenance it—not a pretence to found it on. It was made on this high authority, was to do mischief to the Administration in the approaching elections, under the hope that inquiry might be baffled during the remnant of the session, or that the committee would not be able to examine the whole subject submitted to it; and that as it could not report in full, the evidence would not come out in time to correct what I might call fabrication, until it had done its work for the party. To defeat this iniquitous scheme, I felt myself called on to seek from the same quarter the same evidence which the committee has obtained, and I use it to put in a proper light before the country those who would abuse their high station to destroy the reputations of innocent men for party objects.

It appears from the official and verified statements of the Departments, that no increase of price on any jobs executed for them by the Globe office, has in any instance taken place; on the contrary, that great reductions have been made on several; and on inquiry, I learn that the printers and others who appeared before the committee, who measured the work, and made the requisite calculations to ascertain whether it had been well done by the Globe office, and charged for according to law, proved, as far as they progressed, that all was right.

To enable the public to judge of the excess of profits, which my colleague, [Mr. BOND,] by his aggregate of $220,000, would make the impression had been made by the Globe office, I have obtained from Mr. Rives, who has the entire management of the establishment, the following statement:

"The prices which Congress pays for its printing were fixed by three disinterested practical printers in 1819, residing in different sections of the Union. Two weeks after the Globe office commenced printing for Congress, (the 11th December, 1835,) the wages of journeymen printers were raised by the Typographical Society of this city, 10 per cent. on former prices. That rate has continued ever since; but the price paid by Congress has remained unaltered."

The Globe office and materials cost $40,000; the wear and tear of materials is about $5,000 a year; the interest on $40,000 is $2,400; the hands in the Globe office have been paid in six years $140,000; the paper used in printing for the Departments and Congress, cost $68,000."

It will be seen, therefore, from the foregoing statement, that the actual expenditure of the Globe office, in connection with the public work, is $268,000; a sum greatly exceeding the amount received from the Treasury. Yet a reasonable profit has been made upon the public work, because an establishment adequate to its performance in the intervals of public employment, and in association with it, is enabled, by publishing newspapers, speeches for members of Congress, jobs for private ndividuals, and advertisements, to add largely to ts income.

I now turn to the public printing executed at the ewspaper offices of the Opposition in this city. One would suppose from the outcry that they, at least, had been proscribed, as they pretend the office-holding partisans of Federalism have been, and were almost starving for patronage, while the Globe was rioting in an enormous monopoly. My colleague—who has been almost petrified with horror at the extravagance of the Administrations which (with the command of the Departments and majorities in Congress) have, in a course of six years, allowed the only press in this city advocating the Republican policy to derive a reasonable profit on work and materials furnished to the amount of $220,000—does not think worth while to mention the trifling amount which has passed through the mills of the Intelligencer and Telegraph during the same six years, and when both were devoted to the cause of the Opposition. Every body in Washington knows (it is of record) that the National Intellenger, office, house and lot, types, presses, profits due and to become due, are deeded to the Bank of the United States for facilities granted it at various times, amounting to between ninety and one hundred thousand dollars. This is *prima facie* proof that it has been starved at the Treasury during the six years that the Globe has rolled in such abundance. I have looked to the record, and find that the editors of the National Intelligencer have drawn the following sums from the Treasury during the six years of long abstinence that the Globe interfered with its income:

Gales and Seaton received during the six years beginning the 1st October, 1831, and ending the 30th September, 1837 - -	$432,348 18
Duff Green received - -	363,293 94
Together,	$795,642 12
For the extra session, in the name of Allen, up to this time (7th July) Gales and Seaton have received for printing to the House - -	$120,000 00
In addition to this, is an appropriation of $49,000, which has just passed, for the purchase of Gales and Seaton's Register of Debates, (volumes made up from the pages of the Intelligencer) and other books which they have printed and kept on hand for distribution, at the expense of the public, among the members. Of this sum, a few job printers in this city will come in for five or six thousand dollars. Gales and Seaton's part will be at least - - - -	43,000 00
For work ordered at this session and not yet paid for, there will be added to the receipts of Gales and Seaton (in the nane of Allen) at least -	15,000 00
The sum total already voted by the present House to its printers, is -	178,000 00
If the next session of three months may be calculated upon as the ratio, (and as there is always more work done in the same space of time in the short session than the long one,) it is a fair calculation that one-third of the printing expenditure already incurred by the House, may be set down for the coming short session—that is -	59,000 00

The following results are shown by the comparison:

1st. The editors of the Intelligencer will have received for the printing for *one branch, during the 25th Congress*, and for old books distributed among the members, seventeen thousand dollars more than the whole amount which my colleague [Mr. BOND] has drawn together for work done by the Globe establishment for all the Departments, and for Congress, during six years.

2d. It shows that the two leading Opposition presses in this city have received about one million dollars, commencing with the period which my colleague [Mr. BOND] has fixed upon as beginning the condemned career of the Globe establishment.

And yet my colleague sees nothing extraordinary in the enormous expenditure on the National Intelligencer, but is shocked at the pampered condition of the Globe.

But if the difference of amounts received by the two establishments is amazing, the mode in which the Intelligencer's receipts have been so swollen is not less astonishing.

Neither branch of Congress has ever been solicited by the proprietors of the Globe to print books for distribution among the members; nor have any such publications been voted to be done by the Globe office. Only two works, I understand, have passed through its press—the Diplomatic Correspondence of the United States from 1783 to 1789, and the Commercial Regulations. The former was printed for less than it had been done for previously; and the latter, which had not been printed before, was printed and bound at less than Congressional prices.

The enormous sums which have swelled the bloated receipts of the Intelligencer, are made up of books to fill the private libraries of members of Congress, being the republication of old State papers and Registers of Debates, containing the speeches of the members themselves. This system of seducing members of Congress, by their private interests and personal vanity, to vote the wagon loads of volumes annually distributed from the Intelligencer office, began before I came here. The old members having obtained their share, the new comers do not refuse what has been previously printed for them: and the old members, as matter of course, vote it, because, if they did not, it would be an acknowledgment that they had taken money from the Treasury to make perquisites in books for themselves to which they were not entitled; and so this abuse is handed down from Congress to Congress by the rump of the old members, who are obliged to give to the new members the douceur of books which they had previously shared among themselves. I voted for this resolution. I regret that I done so. I did not understand at the time its full bearing, and the amount it involved; and I now say, that the portion of the books which falls to me, is the property of the Government, and at its service, whenever it may be found advantageous to surrender them. The Senate have again and again voted down this appropriation; but the majority in the House then tack it on some indispensable appropriation bill, and compel the Senate to vote it, and the President to sign it, or else lose the means of supporting some regular establishment of the Government, and be compelled to throw the business of the country into confusion, or leave it undone. The forty odd thousand dollars appropriated to the Intelligencer's book contribution, was rejected by the Senate at the present session, as heretofore; but it was afterwards coupled by the House with the bill "to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes," and so forced upon the Senate and President. It is in this way, when the Federalists have a majority in either branch of Congress, that they compel a Democratic Administration to submit to the appropriation of unnecessary millions, with which, by log-rolling, they load the bills indispensable to the support of Government. Their corrupt appropriations to subserve private, local, and personal interests, are always tacked to a bill which must be passed, or the Government be stopped.

But another mode is adopted by the Federal party having the majority in either House, to swell the expenses against the wishes of the Administra-

tion, and then charge the extravagance to it. For example, at the present session, the House printed more than one hundred thousand dollars in documents, many of them not worth the paper (now made waste paper,) on which they are printed. Of this sort is a volume of one hundred and thirty-eight pages, consisting entirely of the cancelled drafts of the Treasury which my colleague [Mr. BOND] called for, and had printed. He could have had no motive in calling for this but to make a fat job of rule and figure work for Gales and Seaton. It is just as valuable a work as so many cancelled checks drawn on a bank. In the beginning of the session, Mr. GARLAND of Virginia, a Conservative, called for the correspondence of the Treasury with the banks. The House was informed that there were not clerks in the Department sufficient to prepare it during the term of the members. It would have made a fat job of at least $50,000, on which the gentleman's friend, Mr. Allen, would have had a per centage, and Gales and Seaton their profits. Another call was made by him for all the documents in regard to the defaulters to the Treasury; and this would have been to copy and print the papers of the office of the Solicitor of the Treasury out and out. This would, besides the expense of copying, cost at least $50,000 more for printing. It was found there were not clerks enough to make the copies, and Mr. GARLAND moved a resolution to authorize new appointments for this purpose, but it failed. This shows what the Conservatives and Whigs *would have done*, by way of bringing grist to Gales and Seaton's press, to afford vast profits to them, and increase the per centage of Allen. What they have done appears, from the gross sum of a hundred and twenty thousand dollars for the extra and present session of the House printing, with an arrear of fifteen thousand dollars yet to be received for it, with forty-three thousand dollars for books; and at least fifty-nine thousand dollars to be realized, at the same rate, for the approaching session, showing an aggregate of TWO HUNDRED AND THIRTY-SEVEN THOUSAND DOLLARS for one branch of Congress for one Congressional term; whereas Messrs. Blair and Rives have received, during the six years by colleague [Mr. BOND] has scanned their printing, only one hundred and six thousand dollars for Congress printing and materials, and one hundred and fourteen thousand from all the Departments, for the same time.

But the most scandalous part of this history of the printing of the House is yet to be told. Although Gales and Seaton receive all this money for printing, they were not elected its printers. Allen was elected to perform this confidential trust, although he had only about 21 or 22 votes in a House of 242 members. Does it not look as though after three days' balloting a corrupt bargain was made, under which it was arranged that Allen was to become nominally the printer to the House, but Gales and Seaton were to do the work and receive the pay? After the caucus was held which consummated the infamous agreement, (if such was the case,) by which it was stipulated that Gales and Seaton's friends would go over to Allen and unite with the Conservatives in his election, suspicions were excited by the announcement of this determination; and several of the honest Conservatives, whose votes were necessary to the success of Allen, interrogated him as to the supposed intention of transferring the printing to Gales and Seaton. He denied positively that there existed such an engagement, and pledged himself to execute the printing in his own office, declaring that he was making provision for that purpose. That he made the pledge, and forfeited it, is established by the statement of a member on this floor, [Mr. SNYDER, of Illinois.] Their votes were, in effect, sold to Gales and Seaton, although they protested, in advance, against being made accessory to such a shameful and corrupt transaction.

Mr Chairman, a high public trust, personal in its character, has been farmed out in violation of all principle and decency, to individuals to whom it is known a majority of this body, as well as their constituents, were unwilling to confide it; and Allen, in violation of another Republican principle, holds a sinecure. Will any one hereafter say, that this House is to be trusted to elect the Chief Magistrate of this country, when it is found, that in electing a printer, pecuniary considerations, the bases of bargaining between parties, have controlled the result.

Another natural consequence of this bargaining, has been discovered before the committee appointed to investigate the subject. This committee being appointed at the heel of the session, has not yet had time to make full investigation, and report; but I feel at liberty to use the information which I have derived from a witness, sworn before it. A first-rate practical printer, called on by that committee to measure the work and calculate the price which it was lawful to charge for it, and compare it with that which Gales and Seaton, in the name of Allen, as printer to this House, had received for it, found that the first document printed for this House at this session, by Gales and Seaton, was fraudulently printed; and hat by diminishing the page, and using types different from those authorized by law, they had made an illicit profit, amounting to between thirteen and fourteen hundred dollars. He examined another document, and found a like fraud committed; and an unlawful profit of between 3 and $400 obtained by it. This was but a beginning. The committee had not time to prosecute the inquiry further at this session; and asked leave to continue it at the next, which was granted. I have a statement of these facts, in writing, from the witness, as sworn to by him before the committee. He is a first-rate printer, well acquainted with Congressiona work, and of unimpeachable character. I have little doubt from this commencement that it will be found in the end, that Gales and Seaton have made as much out of their frauds, as will pay Allen the per centage he required as compensation for the deception practised upon those Conservatives whom he betrayed; and to make good to those who acted with him his promise, to convert the consideration he received into the means of supporting the press established in this city for their common benefit. All the legitimate profits upon the public work will thus, probably, be cleared to the Intelligencer, and the aliment of the Madisonian will be derived from the frauds committed by his Whig accomplices on the Treasury. How characteristic this of the two printing concerns, and the two parties which entered into the vile coalition that gave birth to the bastard Madisonian? Is it not notoriously fed on offal of the foul peculations of the Intelligencer? And this is an earnest of what the Federal party will do for the little Spartan band of Conservatives, who shall have joined their standard, in the event of success. They will, no doubt, give them a share of the plunder, but not an atom of the power, of the Government.

Will not the American people ask, for whose interests the honor of the great representative body of this country has been compromised, and its hall made a market place, in which the votes of members, and a high public trust, have become a subject of mercenary barter between the leaders of two parties assuming to be actuated by lofty political principles? When understood, their principles are like the man for whom they have sacrificed the noble character of the country. He is an Englishman, a perfect prostitute in politics—notoriously the stipendiary of the Bank of the United States—and the ready instrument of every faction, which, in alliance with that institution, would contribute to the overthrow of our Republican institutions. He is an alien, too, in all his fellings. He was found the willing organ of Gorostiza in vindicating the cruel and perfidious conduct of Mexico towards our citizens, and its insults to our Government. He took the part of France, when she shamefully withheld the indemnity she was pledged by treaty to pay, and endeavored to throw the blame on our Government, and raise a party for France, in case we were driven to war in defence of our rights. He has encouraged the resistance of the Indians to the policy of the Government, and stimulated the feeling which led to the butchery of so many gallant men, the exhaustion of the public Treasury, and the ruin of the Indians, whose cause he pretended to espouse. It is on this dishonest fraudulent Englishman, that more than a million of the public money has been lavished from first to last. And yet my colleague, [Mr. BOND,] and the party with which he is associated, think him poorly compensated.

Mr. Chairman, I think I have said, perhaps more than once, that there are existing abuses; and for reasons which I have given, abuses will exist. But if "those who administer this Government were as pure as the angels that minister in Heaven," there would be lean, lank, hungry, unprincipled hyenas to howl around this Capitol, with appetites prepared not only to devour the reputation of those who live to administer the Gavernment, but the grave itself would be insufficient to secure the dead from their blighting and withering howl.

My colleague has finished his speech with a case from the Old Testament Scriptures, illustrative, as he supposes, of the corrupting influence of *power* upon the Democratic party; the total want of analogy between which, in some of its strongest points, may be easily perceived; for while Hazael came to the throne by the murder of his master, that is, through blood and crime, the present and past Administrations came into power, not by crime and blood, but by the suffrages of a free and indepenpent people; and by the same operation which brought these Administrations into power, was a corrupt and usurped Administration politically throttled, and its corrupt workers of iniquity thrown into the mud. But, sir, to the Scriptural case. I shall close my remarks by a reference to a case from the same high authority. Sir, the course of the party at present out of power—but earnestly desiring, and sparing no pains, labor, or expense, to get into power—reminds me, and may remind the country forcibly, of the case of the unfortunate Absalom. I refer not to his contriving the death of Amnon, nor his forming a conspiracy with Ahithophel against the administration of the government, but to his ambition, and the means he used with the people to carry his designs.

Being suffered to return from his banishment into the neighborhood of the throne he plied his political wiles with the unsuspecting people, alledging that justice was not done them, promising if *he* was put into office, that things should be made better. Thus speaking, and forming a party against the Government, we are told that Absalom rose up early, and stood beside the way of the gate, and if any man had a controversy, and came to the king for judgment, then Absalom said "The matters are good and right, but there is no man deputed of the king to hear thee. O! that I were made judge in the land, that every man which hath a suit or cause might come unto me, and *I* would do him justice." And it was so that when any man came nigh to him to do him obeisance, he put forth his hand, and took him and kissed him. So Absalom stole the hearts of the men of Israel. He sent spies throughout the land (political missionaries) to all the tribes of Israel, and under pretence of piety towards God, he left Jerusalem for Hebron, where he was to set up his authority. But ere his mad ambition obtained its consummation, the beast which he rode forsook its rider, and Absalom fell by the hand of trusty Joab, who made his grave in a pit.

Absalom went out to war upon a mule—a mongrel beast, half horse, half ass. What kind of a mongrel hobby is the present Opposition mounted on? Bank, Anti-bank—Tariff, Anti-tariff—Masonic, and Anti masonic, &c. &c. They have no opinion in common, except it is hostility to the people's best interests, and a contempt for their understanding, or, in other words, a decided hatred to the simple institutions of Democracy. But when the people shall rise in their strength, this modern mule shall forsake its riders, and leave them to the fate of Absalom.

With all the ambition and chicanery of Absalom, backed by the cunning of his counsellor, Ahitophel, the Federal party never can again succeed in getting into power. They have been driven into political banishment, from which they never will be permitted to return.

SUPPRESSION OF INDIAN HOSTILITIES.

SPEECH OF MR. DAWSON,
OF GEORGIA,

In the House of Representatives, May 31, 1838—On the bill making appropriation for the suppression and prevention of Indian hostilities, for the year 1838, and to carry into execution the treaty made with the Cherokee Indians in 1835; and to provide for their removal, and in vindication of the policy of Georgia, &c.

MR. CHAIRMAN: I am sure that the committee will cheerfully indulge me with a hearing on the bill now before us. The extraordinary latitude taken in the discussion, the unkind if not illiberal imputations, yea, the unprovoked and provoking attacks repeatedly made upon the authorities of Georgia, in reference to the policy of that State towards the Indians within her jurisdiction, not only justify, but demand it of me. Sir, I deeply regret the temper and character of this discussion; it has given me no pleasure to hear such representations of the legislation of the State of Georgia. I heard with surprise the extravagant and enthusiastic eulogies pronounced on the Indians in contrast with the whites. Such unnecessary and highly wrought comparisons and contrasts can only result from a total ignorance of the subject, or from a prurient disposition to be esteemed the bold assailants of the supposed oppressors, and the vindicators of the oppressed; a propensity which must have many charms, from the influence it seems to exert over some gentlemen. These things would render it inexcusable in me to remain silent. The attacks thus made on my constituents, a just sense of the injury, and of the resentment due to such ruthless violations of the respect due to the feelings of others, by such groundless and uncourteous allegations, would make me a recreant to my duty, and a traitor to my constituents, if I were to remain silent. Honor, feeling, justice and humanity have been spoken of as being disregarded, in the relations between the white and the red man in Georgia, by those who do not understand those relations, and, consequently, deserve severe reprehension for their slanderous denunciations. Independent of these urgent considerations, it is due to the position I occupy, as a representative of the State of Georgia, and to those who particularly sent me here, that I should present the views I entertain on the subject. I will show that Georgia, in her legislation, has uniformly observed a cautious and just regard for the interest of the Indians; controlled them by the principles of humanity and justice; and that, whatever kindness and liberality (compatible with the rights of the State) would dictate, has been done.

To comprehend fully the rights of Georgia to all the territory, and the jurisdiction over it, within her chartered limits, and to present her vindication fairly, it will be necessary to examine into the rights belonging to the States *separately*, before the formation of the Federal Constitution. I shall then show what has been our State policy, and that this policy has not been in violation of, or incompatible with, a just, a wise, and a liberal humanity. In this I shall confine myself chiefly to recorded facts, so that, if my constitutional positions be wrong, or the policy of the State be cruel or oppressive, both can be easily controverted.

The first position which I shall assume, and which I deem necessary to a full understanding of the right of jurisdiction of the States over the whole extent of their chartered limits, is, that at the time of the formation of the Constitution of this confederacy, the States were severally sovereign and independent. Each State being sovereign, was so, not only over persons residing within their respective limits, but necessarily over the territory. And what territory? Why, all that comprehended within the charter which granted them political existence, as separate and distinct colonies under the crown of Great Britain. Within those chartered limits, the State holding the sovereignty held the jurisdiction.

The convention which formed the compact of this confederacy, bestowed on the Federal Government the exercise of a portion of their sovereign powers. To do this, the States must have previously possessed it *entire;* or how else could they delegate it? The right to bestow, implies clearly the pre-existing right to hold; and the act of receiving, is of itself a recognition of the power of the grantor.

Before the adoption of the Federal Constitution, the sovereign power must have been held by the States respectively; for the powers exercised by this Government are all derived from the States. The States, then, having delegated a part, retained all the powers not thus delegated to the General Government, or prohibited by the compact to them.

The States, being then in possession of these powers, after the adoption of the Constitution, had the original right, under the retained sovereign powers, *and also* under the Constitution of the United States, to exercise all power not thus delegated. Georgia then, as well as the other States, had sovereignty and jurisdiction within her limits, over both persons and territory; and the undoubted right to use that jurisdiction, subject only to the limitations of the Constitution: hence, it is clear that the State of Georgia, like all other States or nations, has jurisdiction over all persons, white, red or black, within her boundaries, and can exercise that jurisdiction by extending her civil and criminal laws over the entire population without distinction of color. There is nothing in the Constitution or the law of nations exempting Indians.

But again: under the Constitution of the United States, Indians residing within a State are subject to taxation at the will of the State; and after taxation, they become, in part, the basis of representation. I refer to the following clause of that instrument:

> Article I. Section 2 Representatives and direct taxes shall be apportioned among the several States which may be included in this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, *and excluding Indians not taxed*, three-fifths of all other persons.

The power of taxation is one of the highest and most important of sovereign attributes; and here, in the Constitution, this power is expressly recognised: does it not, then, necessarily follow, that the power of taxation carries with it, not as an incident merely, but absolutely, the authority to create a tax, and to regulate the assessment, and the other incidents necessary to the execution of the power? If this be so, (and it is clear,) that Indians can be taxed by a State, under whose jurisdiction must they be? Let any constitutional lawyer, whose opinions are opposed to these views, and who thinks proper to enter into this debate, come to the argument fairly, and with candor—not as a partisan, or an enthusiast—and I am persuaded, his investigations will force him to admit that this power belongs to the States respectively. To my mind, sir, it is beyond controversy.

Then, by the Constitution of the United States, independent of the original right of sovereignty, inherent and reserved to the *States, under that instrument*, the States respectively have the right of jurisdiction over the Indians within their limits. This position involves the whole question of the Cherokee controversy, so far as the State of Georgia is particularly involved; and I shall listen (at the proper time) with great pleasure to any gentleman who shall be pleased to controvert this position. But, sir, I apprehend none will desire to meet the question thus presented, but will prefer to indulge in the expressions of the sympathies of the heart, and not in the convictions of the understanding.

Under this right of jurisdiction, Mr. Chairman, notwithstanding the sympathies and morbid sensibilities exhibited by gentlemen in this debate, *every old State* in this Union has, long since, exercised this very power, and extended their laws over the Indians residing within their limits: but, sir, none of the tender feelings and yearning sympathies are, in these days, indulged by our political enthusiasts and religious fanatics *at home*. It is one of those characteristic of those under the influence of this malignant philanthropy, to disregard their own actings and doings, and the conduct of those immediately around them; and their distempered humanity and mistaken sympathy are sent *abroad* in search of their objects.

In days that have have passed away, we were taught that charity should begin *at home*. It is not so now; it begins anywhere else than *at home*. Hence it is that our people, in certain sections, are found intermeddling with the affairs of others; shedding tears over the condition of those whom they have never seen, and whose comforts and pleasures far exceed those of three-fourths of the world. I trust I shall be pardoned for this digression. If there be a State among the old thirteen which has not extended her jurisdiction over the Indians, I ask any member from that State to rise in his place, and state the fact. Who will do it? Not one, sir.

The history of the States has recorded it; many of them did so before the adoption of their own constitutions; yes, sir, before the formation of the articles of the confederacy. To prevent a Stat from the exercise of this jurisdiction, and its enforcement; you must show the inhibition in the Constitution of the United States. I ask gentlemen to point out, in that instrument, the clause which prohibits a State from exercising this power. It cannot be shown. I assume, then, this position: that the Indian tribes within the chartered limits of a State, are not sovereign and independent. Sir, no member on this floor, who regards his reputation as a statesman, would venture the opinion that Indian tribes within a State, and especially within one of the old thirteen, are not subject to the laws of that State, by virtue of their sovereignty. Once admit that position, and our ideas of discovery and conquest, and all their consequences, fall.

The legislation of the States has closed the argument; and it is an important historical truth, which these enthusiasts and fanatics ought to recollect, that the Indians within the old thirteen States, and the lands in their occupancy, have, for years, been regulated by the laws of the States in which they reside, and *not by treaties*; and, sir, notwithstanding all that we have heard to the contrary Georgia!—yes, sir, Georgia! was not only among the last, but the very last of the old thirteen, to take on herself the regulation of the Indians by law; and yet Georgia has been censured, abused, and slandered, for doing that which her sister States had done, and long persevered in, before she even contemplated it.

I will be excused, I trust, for adverting to a few historical facts in reference to this point, not for the purpose of censure or reproach, but to show others that Georgia was far more tardy than themselves in establishing this principle of jurisdiction.

Massachusetts herself, at an early period, and whilst she was a colony, extended her laws over every tribe of Indians within her borders: nay, more, she limited their rights of occupancy to so many acres of land; appointed guardians for them; among other prohibitions, made it penal for an Indian to become intoxicated, and, if found so, he was liable to *stripes*. Many seemingly rigorous and oppressive laws were enacted by that State, to regulate and control those Indian tribes. The fanatic of the present day would weep over the misdeeds of those who have gone before us, and ask of Heaven to look in mercy on them! What weakness! what ridiculous sanctity! Sir, I have a deep and sincere regard for our Puritan forefathers; they have, for centuries, been the theme of eulogy and eloquence; but the restless, intermeddling, morbid philanthropist of this generation, denounces them as demons. It is the part of wisdom and of duty to regard our ancestors with respect, and to have a sacred regard for their character and their virtues. Every age and section of the world must be controlled and governed by the existing causes and circumstances which surround them; and he is a useless and troublesome fool, who disturbs society by his hypocritical whinings and cantings over the transgressions, as he supposes, of his progenitors, or the actings doings and of his contemporaries, because they value common sense, and totally disregard his sickly and wicked intermeddling with the affairs of others, and his absurd attempts to change the destiny of the world. I have no doubt Massachusetts acted towards the Indians according to the necessities of the times, the character, the feelings, and relations existing between them; yet, under these laws, and the influence of

civilization, though designed for a different effect by the good people of that State, their Indian tribes have yielded to their destiny, and have been swept away from the face of the earth.

Virginia, one of whose representatives [Mr. WISE] has spoken with so much zeal on this subject, and who has travelled out of his way to comment severely on the legislation of Georgia, has long since extended her jurisdiction over the Indians; limited their rights of occupancy to fifty acres; and yet her representative seems to have forgotten it. His remarks shall receive my attention before I conclude.

New York, too—is it necessary for me to show an intelligent body what has been her legislation? Her statutes are known: she has extended and exercised her jurisdiction over the Indians in the fullest manner; and yet, from that State, Georgia has been denounced and rebuked. Sir, I assert it, and history will sustain me, that the Indians within the limits of Georgia have been treated, by that State, with as much liberality, justice, and humanity, as those of any other State. I will be excused for adverting briefly to the history of the past; I am necessarily driven into it from the course pursued towards the State which I represent; I shall, therefore, review a few of the statements made, and bring into contrast the conduct of Georgia with that of other States, as well in their course of policy as their moral justice towards the aborigines; for I claim to be the representative of a people whose moral character and reputation will not be subjected to reproach by a comparison with that of any other people.

Sir, as a Georgian, one who loves his State, and knows well the character of her people, I can but feel indignant at the unfounded charges which have been so profusely lavished upon her. What has she done to authorize these groundless, injurious, and calumnious charges? Has she pursued a policy different from other States? Where are those mighty tribes which were once seen on every hill and in every valley, roaming in the forest, and pursuing the game on every mountain top in the State of Massachusetts? Yes, sir, tell me where are the Passamaquodies, the Penobscots, and numerous other tribes? Swept away, gone, extinct; and how? Look to the statute books of Massachusetts, the history of her legislation, and the history of her people. There you can find the causes. Those who are weeping over the oppressions of the Cherokees, and asking Congress to abrogate the treaty, may find food for their sympathy; scenes over which to shed their tears; outrages and violence which may strike them with horror. But still, there were reasons in the then existing state of things to palliate, if not to justify all this. The friend of Christianity and civilization cannot sorrow for the change. It is true that a mighty change has taken place. The forest has disappeared; beautiful fields now gladden the eye; the wigwam and the savage are gone; the church and the Anglo-Saxon occupy their places. Civilization, with all its arts, beauties, pleasures, comforts, and glory, has spread its irresistible and predestinated power over the home of the red man; and under its influence he has dwindled away, without much change in his moral condition. It was his destiny. Let those who so anxiously feel for the Cherokees, and whose petitions have loaded your desk, remember the days when even the Puritans were driven by savage cruelties to the commission of deeds which the heart shudders at. That may admonish them of the indelicacy of speaking unkindly of other States or other people. Comparisons are unpleasant. It is not my object to disparage others, but to vindicate my native State. Let me advise the benevolent intermeddlers in the affairs of the South, and especially in the business of Georgia, to attend to their own affairs, and I am sure they can find employment for all their charity, benevolence, and sympathy. It is not with feelings of shame and reproach, but with pride and exultation, that I look back upon the long forbearance, the generous kindness, and the enlightened humanity, of my native State, in her intercourse with the Indians; and I hesitate not to say, that whenever a demand shall be really made, not for crocodile tears, but for real sympathy and friendship, nowhere on this broad continent will such demand be more promptly and liberally met than in the State of Georgia.

Will the gentlemen from Rhode Island, whose constituents have petitioned this body to rescue the Cherokees from the cupidity and avarice of Georgia, and to interpose and stay her oppressions towards that tribe, permit me to say that it is exceedingly strange that such censures should be inflicted upon a State by those who, certainly, are ignorant of many of the facts? These unwelcome allegations are too grave to let pass unnoticed; a proper spirit would dictate to those petitioners the moral atrocity of arraigning the character of a whole people, without a knowledge of the facts which would justify such uncharitableness.

Is there no reason why Rhode Island should exhibit a modest diffidence on this subject? Let her remember the destiny of that warlike and noble tribe, the Narragansetts, which once proudly traversed the hills and plains around that beautiful and capacious bay, between points Seconet and Judith; whose canoes alone, for centuries, floated on its otherwise undisturbed waters; a tribe which was the terror of the whites. Tell me not of the cruelties and oppressions of the Cherokees—of the patriotism of their white chiefs. Go and read the tale of your own Indian wars; the fate of noble Miantonimo, a chief of the Narragansett tribe; the treachery which produced his death; and inquire who abetted his destruction: then tell me whether there is more of effrontery or decency in forgetting these things, and making a crusade into Georgia in search of objects over which you may sympathize. The religious fanatic is more an object of pity than hatred; but the political agitator, who thus acts for mere party purpose or for individual notoriety, deserves the execrations of mankind. I censure not the people, under the protection of whose humanity and christian philanthropy this distinguished tribe have disappeared, like the cloud of the morning, before the sun; that same kindness, under the same circumstances, would again produce the same result. To preserve the race from extermination, you must plant them beyond the influence of the white man.

Look at Connecticut; yes, sir, that land of "steady habits," the theatre of many pleasing associations to me; she, too, has made sympathizing remonstrances against the Cherokee treaty, alleging fraud in the Government, and demanding of Congress to stay Georgia in her course and in her Indian policy, and to prevent the perpetration of further outrages on the Indians. The representatives of that State, I trust, will not consider me unkind in asking, "Where is the last of the Mohegans?" the early friends of the white man: the bones of their ancestors—the burial-grounds of their chiefs—where are they? Fertilizing the fields of the town of Norwich—where once was to be seen the grave of Uncas, the sachem, the honored friend and confiding ally of New England in her early days. To history I commit their memory. Already has "the last of the Mohegans," been commemorated in story. The annals of no State in this Union are more strongly marked with acts of harshness, oppression, and cruelty towards the Indians than that of Connecticut. Perhaps many palliatives for these apparent barbarities are to be found in the ferocious charater of the savage, and their unrelenting antipathies to our race. My object is not to charge the early settlers of that section with cruelty and inhumanity, but only to remind their descendants, their kinsmen of this day, who obtrusively and unkindly speak of the State of Georgia in terms of reproach, that the Cherokees have much cause for thankfulness that their residence has been in Georgia, and not in "the land of steady habits."

Mr. Chairman, were you not surprised when you heard the voice of New York? Why, her boldness amazed me. She cried aloud and spared not—Georgia. I speak of the petitions forwarded to this House, and now on the Clerk's desk; they speak of oppression, cruelty, and fraud. Let me turn the glass to her, and ask her to see herself as others see her, and to examine herself before she complains of the improprieties of others. Does she not perceive the great difference between precept and example? It must not be considered illiberal in me to inquire after the Senecas, one of the confederated tribes of the Six Nations. Will the representative from Buffalo tell me in what part of this Union that powerful confederacy now exists? What has been the destiny of that distinguished chief Red Jacket? whose honor and honesty were untouched and unsullied—now mouldering in his grave, and nothing left of the tribe but his portrait, now hanging in your Indian gallery. It would be useless to trace the destiny of the Tuscaroras, Oneidas, Onondagas, Cayugas, &c. a few remain as miserable monuments of the numerous tribes which, at one period, were the lords of the Empire State. Their hunting-grounds are now decorated with splendid cities, beautiful towns, plentiful fields, a dense, thriving, and intelligent population. Go and visit the western part of that State—the inheritance of these tribes: will philanthropy sicken and weep over the change, or mourn at the prosperity of our race? Who will sigh when he beholds the magnificent churches, temples of the true God, erected on soil once the heritage of a race that knew not christianity? The race has dwindled, but few remain—they are gone—"the places that knew them once shall know them no more forever." Who occupies their lands? and how was that occupancy obtained—by treaty or contract? If so, to whom was the consideration paid? Not to the Indians, for they are poor and dependent. And yet gentlemen from that State speak of the South, and especially Georgia, as being illiberal and inhuman; and insinuate, in lofty tones, that we are violators of justice and humanity. Is this kind? is it right? It is one of the devices of the world to conceal our own improprieties by diverting the attention to others; but it is the part of wisdom, and one of the obligations of duty, to strive at least to know one's self. An observance of this precept would have shielded Georgia from the attacks or censures of New York. Let her remember the moral of the "glass house."

I have, from a disposition to economise the time of the committee, passed, without comment, the legislation of several of the Eastern States, connected with their Indian relations. Many were fortunate and successful (from the rigor of their enactments, and not, I presume, from their extreme humanity and indulgence to the Indians) in being relieved at an early period from such troublesome neighbors. I shall, for the same reason, omit all the Middle States, not one of which, at this day, has even the remnant of a tribe remaining. Such has been the influence which their philanthropy and humane legislation have had, that the numerous tribes which once existed among them have vanished, disappeared, and are now forgotten: a beautiful commentary on the benevolence of those States, and the practical operation of their humane protection!

I will, Mr. Chairman, however, refer for a moment respectfully to the State of Pennsylvania; otherwise, one of her representatives from Philadelphia, and the numerous petitioners whose petitions he has laid before this committee, might consider me wanting in respect, if I were to pass unnoticed the Keystone State. I shall not be wanting in civility. Sir, that State, in 1681, was granted to William Penn by Charles the Second; it was rapidly settled with Friends and Quakers—certainly a peaceful and quiet people, deeply imbued with philanthropy, benevolence, and Christian forbearance, but still they were vastly perplexed, disturbed, and harrassed by numerous tribes of Indians, although their great leader established a friendly intercourse with the tribes, which lasted for seventy years. Will the gentleman from Philadelphia whose feelings during this debate have been wrought into madness, tell me where are those numerous tribes with whom that long and friendly intercouse was maintained? Will the peaceful and humane of Pennsylvania answer me? Have peace, brotherly love, Christian kindness, and benevolence, utterly exterminated them? One fact is certain: not a remnant, not a solitary man of the forest, remains within the limits of that State, to tell of the renown of his tribe, their deeds of war, or to point to the depositories of their chiefs and their warriors—none to speak, with the eloquence of nature, of their destiny and the cruelty of being forced from their homes and the

graves of their ancestors. What has produced this state of things? The influence of that peaceful intercourse and the indulgent legislation of that State? As charity should begin at home, I can but regret that the good people of Pennsylvania would not confine themselves to a careful examination of their own relations and conduct to the Indian race; and, whilst they are pouring out their sympathies with such freedom over the Cherokees, they should be reminded that, if they had been generous in the use of it at home, so much would not have been on hand to supply foreign markets, when neither religion nor justice requires it. Charity is a domestic article, useful at home, and should never be exported except under extraordinary circumstances. It is deeply humiliating to observe the character of man, the tendencies of his nature. A better man than William Penn scarcely ever lived; his whole life was marked by strong virtues, and was influenced by strong common sense; he always chose the lesser evil; he had more than the suavity of the present day; none of its false philanthropy—he lived for his day. Rum he knew to be the bane of the savage; he, therefore, denied it to them: land he knew to be the object of his people; he, therefore, obtained it for them: for have it they must—to obtain it peaceably was desirable. To succeed, he found rum an irresistible instrument, filled with arguments *strong* and *overwhelming;* he, therefore, it is said, permitted it to be given to the chiefs on treaty-making days. It was better thus to control the ignorance of the savage by that means, than to have resorted to physical force. Abstract and metaphysical morality, perhaps, may deny the position; it is not my business to vindicate it.

There are many incidents in the history of this delightful region which will serve to amuse, whilst they may convince, those who have been so free in their attacks on others, of the dangers of investigation to themselves. Under the treaties made at an early day, in Pennsylvania, lands were measured by the step: our friends, it is said, *in the most peaceful manner*, always engaged for that service a *long-legged man*, who could step far; sometimes lines were to be prescribed by a day's walk; and it is worthy of remark, that among the ancestors of our steady and circumspect friends a man was found who went his ninety-five miles in a day, to the utter amazement of the Indians! Was this a fraud? The county of Chester, adjoining the city of Philadelphia, and one of the most fertile counties in the State, was obtained for a keg of *Jamestown tobacco*. This incident belongs to history; I do not allude to it for the purpose of impugning the honesty of that day—not at all; it was in perfect accordance with the policy of the times. In imitation of such contracts and transactions have grown all our treaties with the Indians; we have used them as means to do that which would otherwise have been done by power. The Cherokee treaty, which has been so violently abused, has more to recommend and sustain it than any treaty which I have examined. I speak of the consideration to be paid; the persons who are to receive it; the support they are to obtain; and the vast and lasting benefits the Indians are to secure by it. Rum had no instrumentality in procuring it; nor is tobacco any part of the consideration. Let no man cry fraud, and abuse our people for their intercourse with the Indians. It is needless to attempt concealment on the subject—the General Government and the State Governments have treated the Indians *as children;* seduced them by presents, by kindness, and by such means as would procure the object with the least difficulty, and without violence. Who believes that, if the aborigines of this country had stubbornly and pertinaciously refused to treat or sell the lands to our race, we would not have taken them? I repeat, that our policy has been, under the cover of treaties and contracts, to do that which would have been, and might rightfully have been done, without them. I ask the gentleman from Pennsylvania, who has actually *shed tears* in speaking of the Cherokees, not to *cry any more* for them, and to take consolation, for they are protected by the laws of the States, are secure in their property, and have more wealth than the same number of people in any portion of the Union. And, let me ask him, when he again feels either in a weeping mood, or indignant at the injustice committed against the Indians, and deals in abuse and denunciation, to commence at home, then travel South, and I assure him, when he reaches Georgia, his stock, unless a very large one, will be all exhausted.

Sir, I will notice the fate of the Indians in one other State only, and that purely for the gratification of the gentleman from that State (Mr. WISE) who has entered into this race with his "bridle off," and whose leaps and charges shall not be forgotten. Look to the history of the Old Dominion, and see what were the three greatest calamities she had to contend with when she was young and modest, and had no sons capable of "castigating a State." That informs us that the colonists of Virginia encountered many difficulties, among the most prominent of which were *sickness, famine, and wars with the Indians.* Now, sir, I trust sickness has been greatly mitigated in its terrors, from the increase of intelligence; famine, by the success of agriculture, and the *absence* of the Indians, is banished. But that third difficulty—what has become of those Indians? the terror of "young Virginia?" Gone! Will the gentleman say where? These mighty tribes, reduced to a wretched and forlorn condition, dwindled down to some forty or fifty in number, under the influence of your laws; and the few now remaining, in continuation of the custom established by the tribes in their better days, annually pay their respects to the Governor of Virginia, and present him with *ducks and fish*, more in commemoration of their existence than as a tribute to the power which has innocently caused the desolation of their race. Sir, long may this poor remnant live; and perhaps I may yet see the day when the gentleman from Virginia, "*ex officio*," may be the beneficiary and recipient of these *ducks and fish*—the offering of friendship to the power that smote them, by that last of the warlike tribes, once the scourge of Virginia. Yet the laws of that State controlling those people were marked by humanity, and an absence of all cruelty—a liberal spirit breathing throughout. But still these nations seem no less to vanish. It seems to be the doom of this race to pass away and be forgotten; the efforts of civilization cannot arrest it. The subject is one on which the philanthropist and philosopher may speculate, over which christian benevolence may weep, and bid us acknowledge, from every valley we pass, and every lofty mountain we ascend, the power, the wisdom, and the *mystery* of the ways of Providence.

Thus, sir, I have rapidly and very slightly sketched the policy of several of the States of this Union, and the consequences of that policy in its influence over the aborigines of this country; and this brings me to that of Georgia, and the course she has pursued—a course, too, be it remembered, made necessary, at least, by attempting to carry out the policy of this Government. The policy of that State shall be defended, and her character vindicated from the aspersion cast upon it. With this object I shall proceed, and shall do so briefly, as a compensation for that attention and patience which have been so kindly extended to me.

At the adoption of the Federal Constitution, (have gentlemen forgotten it?) Georgia comprehended all the territory which now constitutes three large States of this confederacy, and held the proprietary control thereof to the year 1802. To that period the now States of Alabama and Mississippi belonged to Georgia, and were within the limits of her charter; and the commission, under the kingdom of Great Britain, to James Wright, bearing date "on the 20th of January, 1764, constituting and appointing him to be captain-general and governor-in-chief in and over the colony of Georgia; bounded on the north by the most northern stream of a river, there commonly called Savannah, as far as the head of said river; and from thence *westward as far as our territories extend;* on the east, by the seacoast, from the said river Savannah, to the most southern stream of a certain other river, called St. Mary's, including all islands within twenty leagues of the coast, lying between the said rivers Savannah and St. Mary's, as far as the head thereof; and from thence westward, *as far as our territories extend*, by the north boundary line of our provinces of East and West Florida;" and, also, according to the boundaries set forth in the Constitution of the State of Georgia. She, however, for wise and patriotic purposes, by the compact of 1802, ceded to the United States the whole of the territory within the limits of Alabama and Mississippi, as will be seen by the first article of said compact, which is in these words:

"The State of Georgia cedes to the United States all the right, title, and claim, which said State has to jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of the Chattahoochie river, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chattahoochie, and along the western bank thereof, to the great bend thereof, next above the place where a certain creek or river, called 'Uchee' (being the first considerable stream on the western side above the Cussetas and Coweta towns) empties into the said Chattahoochie river; thence a direct line to Nickaguck, on the Tennessee river; thence crossing the said last mentioned river; and thence running up the said Tennessee river, and along the western bank thereof, to the southern boundary line of the State of Tennessee," &c.

In consideration of which, the United States was to perform certain things, as will be seen by reference to the articles of cession and agreement; and, especially, "that the United States shall, at their own expense, *extinguish, for the use of Georgia*, as early as the same can be peaceably obtained, on reasonable terms, the Indian title," &c. to all the lands in their occupancy within the limits of Georgia. Did this compact change any of the constitutional powers of the State, and her right of jurisdiction over the territory not ceded to the United States, but retained? Certainly not. She yielded nothing within her retained limits; her title to, and authority over, those limits, were full and complete.

But, should any doubt exist on this position, the articles of cession will remove it. The 2d article is in these words: "The United States accept the cession above mentioned, and on the conditions therein expressed; *and they cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any lands*," &c. being within the State. The United States (as a previous part of my argument, I trust, has shown) had no jurisdiction within any of the States; and the only powers that she can exercise within a State are delegated by the Constitution, and not by virtue of any inherent sovereign power; but still, if it were otherwise, the 2d article has determined that power, so far as it could be determined by a compact.

Independent of the articles of cession, Georgia has the same jurisdiction, and the same power over her territory, and the Indians thereon, which other States possess; with the additional force of the solemn recognition, that by the compact of 1802 the United States ceded to Georgia "whatever *claim, right,* or *title* to the *jurisdiction*," &c. she had within the State of Georgia. If she held not the jurisdiction before, she does *now*.

The intents and objects of the compact of 1802 were particularly to relieve Georgia from the payment of any consideration which might be necessary to satisfy the Indians for their mere right of occupancy, although, strictly, they are tenants at will. The State, at any time, had the power to extinguish the Indian right by contract, or in any other form her judgment and sense of justice might dictate. Her power over the Indian was as unlimited as over the white citizen. If the State cannot exercise that power, what political power can be exercised according to the forms of our Government?

When the compact was confirmed, which was in April, 1802, two tribes of Indians, warlike and numerous, were within the State of Georgia—the Creeks and Cherokees. They were in the occupancy of nearly one half of the whole State, and of the most fertile and desirable lands. The United States was bound to remove them: she had given her obligation to do so; she had pledged her faith to do it. Justice and equity required a punctual fulfilment of the engagement. What has been the history of this transaction? Many years were suffered to pass without much effort to discharge this obligation—at least no strong manifestation of a sincere desire to do it. In 1808 an opportunity was presented to the General Government to fulfil the convention with Georgia, to the extent of the Chero-

kee possessions. She did not embrace it, for causes which were not then satisfactory to the State.

Since the articles of cession, and whilst the strongest legal and moral obligations were constantly pressing the United States to the discharge of her stipulations with Georgia, she has obtained, by Indian treaties, millions on millions of acres of land. State after State has been organized and admitted into the Union—the population of several of them now far exceeds that of Georgia. Yea, sir—and I almost blush for the faithlessness of this Government when I mention it—she has obtained, by treaty, from the Indians, every acre of land in the now States of Alabama and Mississippi; the very lands ceded by Georgia to the United States, in consideration that she should extinguish the occupant right in that State.

These States, the daughters of Georgia, though not so extensive in territory as their mother, have outstripped her in production; and an Indian does not own, within either State, an acre of land, except as reservee. An obligor who should thus act towards his obligee would be pronounced faithless and unjust. A debtor who would thus disregard the rights of his creditor would forfeit his character as an honest man. Yet Georgia has been thus treated for more than thirty years; and now she is accused of rashness, intemperate zeal, and excessive importunity, in pressing the fulfilment of the compact.

Why did not this Government, instead of obtaining immense bodies of land in the West, honestly discharge her obligations to Georgia? Why did she not extinguish the occupant right in Georgia, instead of Alabama and Mississippi? The answer is obvious—the lands in Georgia, if obtained, went to that State; the other belonged to the General Government. Had the interest been reversed, the Indians within Georgia would long since have be n peaceably removed.

This is not mere assertion: I will demonstrate it In 1817, a treaty was negotiated by Andrew Jackson, (late President,) Joseph McMinn, (formerly Governor of Tennessee,) and General David Meriwether, as commissioners on the part of the United States; and the chiefs, headmen, and warriors of the Cherokee nation east of the Mississippi, and the deputies of those on the Arkansas river. This treaty was most fairly obtained, without the least imputation of fraud from any quarter, and was *unanimously* ratified by the Senate of the United States; by which Georgia would have acquired nearly all the lands in the occupancy of the Cherokee tribe within her territorial limits, and the obligations of the United States would have been fulfilled.

Mr. Chairman, the treatment of my State in relation to this very treaty, was so extraordinary, unjust, and unfaithful, that I feel constrained to ask a few moments' indulgence, in presenting the facts to this body, that the State I represent shall be vindicated, and the public mind disabused of the misapprehensions so extensively prevailing. Let me read to the committee the preamble to the treaty of 1817, and I ask particular attention to it: (6 vol. Laws of the United States, p. 702.)

Whereas, in the autumn of the year one thousand eight hundred and eight, a deputation from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington—the first named to declare to the President of the United States their anxious desire to engage in the pursuits of agriculture and civilized life in the country they then occupied, and to make known to the President of the United States the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee river to the upper town; that by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular Government; the deputies from the lower towns to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and under those circumstances their wish to remove across the Mississippi river on some vacant lands of the United States: And whereas, the President of the United States, after maturely considering the petitions of both parties, on the 9th day of January, A. D. one thousand eight hundred and nine, including other subjects, answered those petitions as follows:

"The United States my children, are the friends of both parties, and, as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain, may be assured of our patronage, our aid and good neighborhood. Those who wish to remove, are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White rivers, and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the Government of St. Louis are already laid off to the St. Francis.

"When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a right. Every aid towards their removal, and what will be necessary for them there, will then be freely administered to them; and when established in their new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand:"

And whereas the Cherokees, relying on the promises of the President of the United States, as above recited, did explore the country on the west side of the Mississippi, and made choice of the country on the Arkansas and White rivers, and settled themselves down upon the United States lands, to which no other tribe of Indians have any just claim, and have duly notified the President of the United States thereof, and of their anxious desire for the full and complete ratification of his promise, and to that end, as notified by the President of the United States, have sent on their agents with full powers to execute a treaty, relinquishing to the United States all the right, title, and interest to all lands of right to them belonging, as part of the Cherokee nation, which they have left, and which they are about to leave, *proportioned to their numbers*, including, with those now on the Arkansas, those who are about to remove thither, and to a portion of which they have an equal right, agreeably to their numbers.

The "lower towns," who thus made known their desire, in the year 1808, to continue the hunter-life, and also the scarcity of game where they then lived, and their wish, under those circumstances, to remove across the Mississippi river, on some vacant land of the United States, were chiefly that portion of the Cherokee tribe who were in the occupancy of the lands which the United States were to obtain for Georgia. Notwithstanding this disposition of the Indians to surrender their lands as early as 1808, the United States did not embrace it, but, on the contrary, abandoned her duty, and made no effort to obtain the land until this treaty of 1817, which extinguished the occupant right of the Cherokee Indians to nearly all the lands contemplated by the compact of 1802. Georgia now thought her just rights were secured; and that soon her forests would become fields, and her population increase. Notwithstanding these just expectations, this treaty of 1817, against which no allegation had been made of fraud or injustice, unless it was considered a fraud in the United States to comply with her contract, and to have done an act of justice to Georgia, was, by articles of convention made between John C. Calhoun, Secretary of War, being specially authorized therefor by the President of the United States, and the chiefs and headmen of the Cherokee nation of Indians, duly authorized and empowered by said nation, at the city of Washington, on the 27th February, 1819, readjusted, and, so far as the interest of Georgia was involved, measurably abrogated, and, on its very face, virtually declared that the United States *did not intend* to comply with the articles which she was solemnly pledged to fulfil. Sir, let me read to the committee the preamble of this treaty:

Whereas a greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi, and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, signed the eighth of July, eighteen hundred and seventeen, might, without further delay, or the trouble or expense of taking the census, as stipulated in the said treaty, be finally adjusted, have offered to cede to the United States a tract of country at least as extensive as that which they probably are entitled to under its provisions, the contracting parties have agreed to and conclude the following articles.

Thus, by this treaty, arrangements are made, and measures adopted, by which the Indians were to remain east of the Mississippi, within the limits of Georgia; and the treaty of 1817 to be set aside, in violation of the vested rights of Georgia under that treaty, and with a reckless disregard of the obligations of the compact. By this treaty of 1819, the Cherokee nation ceded to the United States all of their lands lying north and east of the following lines, viz:

Beginning on the Tennessee river, at the point where the Cherokee boundary with Madison county, in the Alabama Territory, joins the same; thence, along the main channel of said river, to the mouth of the Hiwassee; thence, along its main channel, to the first hill which closes in on said river, about two miles above Hiwassee old town; thence, along the ridge which divides the waters of the Hiwassee and Little Tellico, to the Tennessee river, at Talassee; thence, along the main channel, to the junction of the Cowee and Nanteyalee; thence, along the ridge in the fork of said river, to the top of the blue ridge; thence, along the blue ridge, to the Unicoy turnpike road; thence, by a straight line, to the nearest main source of the Chestatee; thence, along its main channel, to the Chattahoochie; and thence, to the Creek boundary.

I am thus particular, Mr. Chairman, to show the treatment Georgia has received; to present to the people of the Union the injustice she has suffered, the patience she has exhibited, the christian forbearance which has marked her submission amidst the embarrassing difficulties and disappointments which this Government caused by its neglect of solemn engagements. Remember, in 1817 our rights were partially regarded, and our territory obtained. In 1819 our rights divested, our prospects blighted; the Indians, instead of being removed, were arranging for permanently remaining, and this Government approving these arrangements; and if Georgia utters a complaint, files a protest, or uses that "*ultimato ratio*" of some politicians, *remonstrance*, she is charged with violence, cruelty, and hatred to the Indians. Such conduct is insulting to the feelings of every Georgian, disreputable to the General Government. We have paid millions for the mere obligation to extinguish the Indian titles. Look at the sales of public lands in the States of Alabama and Mississippi. You have received the proceeds; and how have you compensated Georgia for all this? Have you discharged your obligations? have you acted in good faith? No, sir; to vindicate yourself as a Goverament, and as an obligor, you have slandered your creditor; when she has requested payment, you speak of her importunities. Sir, the whole conduct of this Government towards Georgia, on this transaction, has been faithless and dilatory. Why has it been so? Mere avarice; a desire to obtain for herself—to procure millions, for her own use, by neglect of her obligations to us.

To add to all this, in making this treaty of 1819 and others, you violate the compact, by placing it out of the power of the Government to discharge it; you guaranty in fee simple six hundred and forty acres to each head of an Indian family who reside within the ceded territory, who choose to become citizens of the United States, &c. Is this extinguishing the Indian occupant rights for the use of Georgia? No, sir, for the use of the Indian—he or she is to have the absolute fee, and the consequent right of individual alienation or sale to whom he or she pleases. And yet, we are told, Georgia is too clamorous.

Mr. Chairman, I ask of gentlemen who have so frequently expressed themselves unkindly, if they are not convinced of the injustice of their censure? In 1808, the Cherokees in Georgia were anxious for a treaty; the Government, perhaps, was too much involved in foreign difficulties and embargoes to attend to such matters: we did not protest at that time—no, sir, not even remonstrate. Georgia saw the position of the nation, and patriotically awaited a more favorable condition of the country; she indulged her debtor. War, in the mean time, was declared, and all its evils, and perils, and sacrifices freely encountered, and by no State more freely than by Georgia. Peace was restored; unusual prosperity sprung up; the Government was basking in a glorious sunshine; and Georgia, who had contributed her share in the struggle, and severely earned her proportion of the fame, asked once more, in 1816, that the compact of 1802 should be executed. Her request was responded to, and she saw, as she supposed, an end of this exciting controversy. But, unfortunately, she was mistaken; soon she heard of local jealousies—Carolina and Georgia feeling; the great men to which the war had given birth began to aspire; individual jealously commenced taking root; "trifles light as air" soon increased the flame into a blaze: the end of all this has been an injury to the entire South. We then heard of the duty the Government owed to itself to prepare for the payment of the public debt incurred by the war; it was a patriotic object, and a praiseworthy suggestion, and should have been done, but not at the expense of the faith of the General Government to Georgia. To disencumber the Government of her debt, taxes had been increased by the tariff of 1816; lands were obtained for the purpose of sale, so that the proceeds might go into the treasury of the Union. The treaty of 1817 obtained lands for Georgia, for which the General Government had *to expend*, not *receive;* hence the modifications of the treaty of 1817 by the one made at Washington city, 1819, by which Georgia lost her rights, and the rich and fertile lands of Tennessee and Alabama were obtained, sold, and the proceeds applied, in payment

of the public and other debts of this Government. To all this, in 1819, Georgia *remonstrated* and *submitted*—injustice increasing, as it always does, by submission to it. The spirit of the State, under the auspices of the fearless, able, and honest Troup, threw her a step beyond this glorious remedy of remonstrance—upon the self-protecting and conservative remedy of State interposition—call it by what name you please—none better than *nullification*.

Since the year 1819, we have been continually told that no treaty could be obtained on peaceable and reasonable terms. And why, sir? Because the treaty of that year indicated to the Indians a willingness on the part of the Government that their location should be permanent; that the compact should not be enforced: but, above all, a new influence and a moral power had arisen amongst the Cherokees, which began then, and has ever since governed that tribe; white men, many of them foreigners, who had taken Indian *wives*, were numerous, and by their alliances soon had great influence. Their children grew up, many half-breeds, one-fourth and eighth Indians, were well educated; parents, who through their intelligence and cunning had become rich, and were able to educate their children. This class grew into a complete aristocracy; having all the wealth, the intelligence, and energy, impelled by the great ruling motives of human action, avarice and ambition, soon took the *entire control* of the tribe. No people on earth exhibited distinctions in society more completely aristocratic. Finally, these mixed men became the mind of the tribe—completely despotic. The annuities due the people by this Government, and the whole of their finances, soon became an object of systematic and legalized plunder. To give this system a patriotic coloring, a Republican form of Government must be instituted. In 1828 these white men, half-breeds, &c. actually formed a written Constitution, very much in spirit like the Constitutions of the States. They had legislative, executive, and judicial departments. The members of council, their chief executive, and their various circuits, judges, clerks, sheriffs, &c. were filled—with whom, sir? Your Rosses, Gunters, Taylors, Hickses, Martins, Fields, Bushyheads, &c.; men of sense and cunning, who received salaries just in proportion to the annuities and other receipts. There were but few of your Sleeping Rabbits, Going Snakes, and Standing Turkeys, whole bloods, who held office or received salaries. No, sir, such know nothing of the frauds in Governmental appropriations, and the other arts of the white man. They know nothing of the annuities or of their disposition; like all other full-blooded Indians, they are ignorant.

This Government went into operation as independent and sovereign, exercising civil and criminal jurisdiction.

The question here presented is important, and involves directly and vitally the doctrine of State rights. Had Georgia the right to extend her jurisdiction over the Cherokees, and abolish this independent and sovereign Government of theirs? Most clearly; "for, by the Revolution, the duties as well as the powers of Government devolved on the people of the State. It is admitted that among the latter were comprehended the transcendent powers of Parliament, as well as those of the Executive Department."—4 Wheaton, 451, case of Dartmouth College *vs.* Woodward. In the case of Buckner *vs.* Findley, 2 Peters, 591, the same principle, it is decided, applies to the States; "for though they form a confederated Government, yet the several States retain their *individual sovereignties*, and, with respect to their municipal regulations, *are to each other foreign*." "These powers of Government [in the language of Judge Baldwin] which thus devolved on Georgia by the Revolution, over her whole territory, are unimpaired by any surrender of her territorial jurisdiction, by the old confederation, or the new Constitution, as there was in both an express saving, as well as by the tenth article of the amendments.

"But if any passed to the United States by either, they were retroceded by the convention of 1802. Her jurisdiction over the territory in question is as supreme as that of Congress over what the nation has acquired by cession from the States or treaties with foreign powers, combining the rights of the State and General Government. *Within her boundaries there can be no other nation, community, or sovereign power*, which this department can judicially recognise as a foreign state, capable of demanding or claiming our interposition, so as to enable them to exercise a jurisdiction incompatible with a *sovereignty in Georgia*, which has been recognised by the Constitution and every department of this Government acting under it." "Indian sovereignty cannot be roused from its long slumber, and awakened into action by our fiat. I find no acknowledgment of it by the legislative or executive power." The right of the State being established, it then becomes a question of *expediency*, depending entirely on the legislative will of Georgia, whether the Cherokee Government should be abolished, and the laws of the State extended over the Indians.

Georgia delayed the exercise of this power; she felt unwilling to do any act which might change the habits of the Indians, or limit them in their pursuits; she determined to forbear as long as the Cherokee people were capable of self-government, according to their habits and customs. Many years ago the authorities of Georgia saw the approaching difficulties—the evils that were accumulating. That country, notwithstanding your intercourse laws, became the home of white men; foreigners from every part of Europe, stragglers from all parts of the Union, gathered there. They saw a good prospect for influence and speculation. These men became connected with the Indians. The father of John Ross was a Scotchman by birth, married a Cherokee, settled himself among them, enjoyed all the rights of the tribe, accumulated property within the limits of Georgia, without discharging a single duty to the State as a citizen, and denying all allegiance and obedience to her, as many others did. The consequence was, large families of half-breeds grew up intelligent and well-educated men. Such men as Ross, Vann, Martin, Gunter, Rogers, and hundreds of others, may be considered, from their complexion, white men, not Indians. They claim to be Indians, with the intelligence and color of white men. This class of the Cherokee people have become very wealthy—and how? By the advantages which education and intelligence give over ignorance, combined with the advantage of living without taxation of any kind. The proceeds of labor, the annuities, and the means generally of the tribe, found their way into the pockets of these men. These white men, who owed no allegiance and paid no taxes to the United States or Georgia, discharged not a single civil duty, fought no battles, and were in fact exempt from all legal responsibility, on the soil which of right belonged to the State. They had become "squatters" on the best lands, and had large plantations, with large numbers of slaves and full-blooded Indians cultivating them, because they had married Indians, half-blooded, with a fourth or an eighth; and their children's children, almost purely white, continuing the same schemes. These are the "Cherokees" who have interfered to prevent the removal of the "Indians," who have been anxious (when these half-breeds and whites did not oppose) since the year 1808, to go west of the Mississippi. These men—Indians in nothing but the name, not so in color or in character—would not willingly treat with the United States unless they derived all the advantages, as they now have all the power; and for the last twenty five years, whenever a treaty has been effected, it has been through the influence of these men, who made the treaty, so that they might be profited by it. These are facts known to every Georgian and Tennessean near the Indian territory; hence it is that any treaty giving all the *heads of Indian families* equal benefits and proportions of the money paid, will be opposed by such men as have ruled that unfortunate people for many years. If the five millions had been given to "the Government" of the nation, which is John Ross and his friends, instead of the common Indians, &c. there would have been been but little dissatisfaction.

It has been urged that it was not only beyond the constitutional authority, but inexpedient, for the State to extend her civil and criminal jurisdiction over the Cherokees, and thereby abolish their organization. This is an extraordinary mistake for gentlemen of intelligence to make, when it is notorious that the old States of the Union, and nearly every new State, has done the same; and for violations of the laws thus extended, Indians have been hung, confined in the penitentiaries, and punished otherwise by many of the States of this Union. But still it is nevertheless wrong, in the opinion of certain gentlemen, for Georgia to do so.

This independent Indian Government, exercising all the powers and franchises of an independent sovereignty, enacted laws which a sovereign power alone had a right to enforce; all this, too, in the midst of a State—one of the States of the Union which aided in the formation of this General Government, and whose sole and complete sovereignty, within her chartered limits, was undoubted and unquestionable. Sir, I ask what State has submitted, or would submit, to such assumptions of power and jurisdiction over her territory? None, sir.

But this is not all; our citizens were murdered within this Cherokee jurisdiction—the traveller, innocent and unsuspected, waylaid and assassinated—robbed of his property—insulted and assaulted by Indians and white men, claiming to be citizens of *the sovereign State of Cherokee*; and the only redress that could be invoked, was from a pretended independent sovereignty, independent of Georgia, but within her limits. At the time this new State was formed, the gentleman from Massachusetts [Mr. ADAMS] was President of the United States. In his message to Congress in 1828, whilst speaking of our Indian relations, and especially of their pretensions to sovereignty within the States, he says: "We have unexpectedly found them (the Indians) claiming to be independent of ours, and rivals of sovereignty within the territories of the members of this Union. This state of things requires that a remedy should be provided—a remedy, which, while it may secure to the members of our confederation their *rights of sovereignty and soil*," &c.

Yes, sir, these are the views of Mr. Adams on this subject. He says "this state of things requires a remedy. What political power could apply the remedy? Who had the right of abolishing this Cherokee independent sovereignty within the limits of Georgia? Why, the State of Georgia, which alone had the right of sovereignty and supreme jurisdiction, and which was coextensive with her chartered limits; and she did so.

Mr. Chairman, there were other causes demanding of Georgia this extension of her laws—additional circumstances which urged the adoption of that measure. She was cut off, by the territory in the occupancy of the Cherokees, entirely from Tennessee, and parts of the States of North Carolina and Alabama; so that between Tennessee and Georgia, there was a distance through the Indian settlements of about one hundred and twenty-five miles. The mother, whose residence was in Georgia, who desired to visit her daughter, who resided in Tennessee, could not enjoy that happiness, in consequence of apprehensions of being outraged in her feelings, if not endangered in her person, in passing through the Indian territory, by the Indians or the profligate whites who had taken refuge there. Facilities for intercourse between the States were not permitted; no roads of any kind could be constructed; no bridges erected; no work of any kind carried on by the State to facilitate commercial or other intercourse. Georgia, thus deprived of the direct trade from the West, droves of horses, mules, and hogs, going to Georgia for sale, were compelled to travel a great distance out of a direct route, to avoid the Indian country, and procure grain for their stock; and the same causes impeded the transportation of merchandise from our Atlantic cities. All this operated severely on the Georgians, who purchased from the western tradesman his stock, for the consumer had to pay the increased expenses of the circuitous route to market; all this because the Cherokees claimed the unrestricted right to the country. But, in addition, the gold mines were discovered in that section of Georgia,

What was the consequence? Why, sir, from every section of the United States, and from all parts of Europe too, people began to gather there; a more heterogeneous population were never congregated any where; almost every nation and every tongue were seen and heard; they were subject to no law that could be executed under the circumstances then existing; hence outrages were constantly committed there, in violation both of the laws of God and man. The country not being organized, that region was overrun with dissolute foreigners and others, who had taken possession of the gold region without the semblance of authority, and outraged all the rights of the State. These intruders tore up the land in search of gold, to an alarming extent, and exercised all the rights of absolute owners, so far as the use of the soil was involved, committed every trespass, and were frequently on the eve of civil commotion among themselves. The laws of Georgia could not then be fully executed, because there were not citizens settled within the country to aid in their execution.

In this state of things, the General Government attempted the execution of the "intercourse law," and sent a military force into the country, under the command of a Federal officer; and, sir, what was the result? A ridiculous farce. Such were the numbers and power of these individuals, that they were not easily alarmed; they had strength enough to defy the Federal forces; but they did not desire to fight, but preferred laughing at you. Some were arrested because they had violated the intercourse law, but were discharged by *habeas corpus*, on the ground that the State of Georgia had jurisdiction over her territorial limits, and the General Government no authority within them. The State finally sent into the country a guard—a power neither military nor civil, but partaking of both. That, too, failed of success.

Let me ask, was a sovereign State to permit such disorganization? a State which, in all her relations, in the language of our own Troup, (whose "political character and principles are admired by his friends, and respected by his enemies,") "has evinced a sincere desire to harmonize with the Union; to maintain peace and tranquillity with the Indians, until longer forbearance would cease to be a virtue; in fact, to lend ourselves, as we have always done, heart and hand, to the support of every wise and virtuous administration of the General Government? Let it be remembered that Georgia has a deep state in the prompt decision of the present question. Of all the old States, Georgia is the only one whose political organization is incomplete; her civil polity is deranged; her military force cannot be reduced to systematic order and subordination; the extent of her actual resources cannot be counted; the great work of internal improvement is suspended; and all because Georgia is not in the possession of her vacant territory; a territory waste and profitless to the Indians; profitless to the United States; but in the possession of the rightful owner, a resource of strength, of revenue, and of union." This was the language of that statesman and patriot, George M. Troup.

Sir, until Georgia exercised her jurisdiction, and abolished this Cherokee sovereignty, she could not proceed in the great work of internal improvement. To gratify the hypocritical sanctity of designing politicians, and the mistaken zeal of religious fanaticism, or the selfish designs of John Ross, must Georgia suspend the great work of uniting by railroad the western waters with the Atlantic, and thereby opening a great highway for western productions and western trade direct to our seaports of the South?

To remedy all these evils, and secure peace and subordination, what could the State do? Just what she has done, sir, and nothing else—extend her laws over the country; exercise her criminal and civil jurisdiction; and this she did in 1829, but to go into operation in June, 1830; which law was necessary to the protection of the Indians, the soil in their occupancy, and the character and rights of the State.

But it has been said that Georgia extended not only her laws over the country, but also took possession of the soil. Yes, sir, she did, reserving the occupancy of the Indians to a very ample extent, greater than any other State; and I invite a comparison. If others have been kind, we have been kinder; if they were liberal, we have been more so.

How could the civil authority of the State be enforced, unless the country was organized into counties, and officers residing in them to carry out and execute those laws? It was the only course, better than a military government, to preserve the peace of the country. Hence the formation of counties; their organization and settlement by a population, intelligent, obedient to the law, men of character and respectability. I submit to the country the legislation of Georgia, and ask an honest comparison with the legislation of any other State. Georgia has truly subserved the cause of humanity and justice in thesteps she has taken to protect herself, the Indians, and her citizens.

I have often had cause of excitement, if not of resentment on this subject. I feel it due to the State I represent, and to myself, in all sincerity and truth, and in a spirit very different from vain boasting, to say to such gentlemen as have determined to go against this bill, and the appropriations in it intended to carry into execution the Cherokee treaty, and to sustain a military force in the Cherokee country, to prevent hostilities, and to protect the lives of our citizens, that if they are now unwilling to do so, and are not satisfied that Georgia has been justified in her course, and that you intend to maintain Ross and his party against the treaty, and leave that State to protect herself, say so. And if this be your object, for one, I will say, withdraw your Federal troops, recall your legions, declare that this Government will not fulfil the compact of 1802, notwithstanding her long deferred obligations. Let these things be done, and my life on it, sir, Georgia will carry out the treaty, and assert all her rights under the compact of 1802. Then, sir, let the gentleman from Virginia come, at the head of an army, "to castigate the State;" I promise him that he will be met the first footprint that he makes on the soil of Georgia; and I shall be greatly mistaken if he does not find it much easier and more pleasant to talk here in these walls of castigating a State, than to do it. Georgia has not asked you to throw your protection around her; she has asked you to carry out your treaty, honestly to fulfil your compact, to remove the Indians, to send a force to do it, and prevent them from committing depredations on our citizens. That State understands her rights, and can protect her citizens. But she desires to rid herself of the Indians in her borders without the shedding of blood. In parting with these neighbors she desires to do it in peace; and if she does not, it will be the fault of this Government. But gentlemen on this floor, who reside more than a thousand miles off, and many of whom can scarcely tell how their neighbors five miles from them manage their domestics or children, boldly and unhesitatingly pronounce judgment on the people of Georgia, and claim to direct their legislation and their conduct, and to judge of the propriety of their measures. This is not a question to be used for party purposes; the rights of Georgia and the lives of her people are not to be weighed by electioneering balances; such considerations deserve and will receive the contempt of every honest man. All the tendencies of this discussion, as conducted by gentlemen in opposition to these appropriations, are to inflame the Indians; and if Ross and his associates who are now in the gallery, were not sensible men, war and bloodshed would be the inevitable consequence. It is well that the common Indian, whose nature is revengeful, has not heard this debate; nothing could be better calculated to inflame him. It is a subject that, if discussed, should be done with calmness, and with a view to the peace and safety of our citizens and the Indians.

But what were those laws which Georgia extended over the Indians? They were the same which operated upon her own citizens; for crime, the punishment the same for the same offence; in their contracts they are cautiously protected—wisely so.

To close this review, I invite gentlemen east or west, north or south, of Georgia, to point to a single case where an Indian has been subjected to cruelty or an arbitrary punishment. On the contrary, they have been protected, protected by the law, and by a kind and generous people, and none are more so than the citizens of the Cherokee counties. Some of the present generation may condemn, but the time will come when the policy and conduct of Georgia and her people will be appreciated by all; and whenever that time arrives, I do not doubt that the unanimous opinion of all unprejudiced minds will be, that in the necessary exercise of her constitutional powers, the policy of the State has been characterized by a forbearing kindness and enlightened humanity towards a powerless remnant of an unfortunate race.

Mr. Chairman, I will now turn my attention for a short time to some of the gentlemen who have preceded me in this debate. I take no pleasure, sir, in the discussion of matters having little or no connection with the subject under consideration, nor should I now do so, but from an imperious sense of duty. In answer to some remarks I made a few days since, on the President's message and the propositions from the War Department, in relation to the Cherokee treaty, much has been said during this debate.

When that message was communicated and read to us I spoke freely. I knew that it would be productive of no good, but, in all probability, would lead to bloodshed—at least to confusion and delay in the execution or the treaty. And I told the House if the Government undertook to postpone the citizens of Georgia in taking possession of their lands, that a conflict between the State Government and the General Government would inevitably ensue; for I knew the Governor of Georgia would execute the laws of that State at every hazard, and that the interposition was unexpected to me, and would be so to the people of Georgia, whose Governor had been notified that the treaty should be executed. I also stated that the friends of humanity—the real, not the canting hypocrites—had labored day after day to induce John Ross and his Cherokee delegation to return to his people, and advise them to remove peaceably; that it was his duty to do so; and I told him myself, that every misfortune that should fall on the Cherokee people, unless he did return, would be justly chargeable to him, for at a word he could remove them in peace and harmony; that by so doing he would subserve the cause of humanity, and prove to the world the sincerity of his regard for his people; that by such conduct he might save the lives of innocent women and children, the lives of the unlettered and ignorant among his own people, for the white Indian would avoid danger. Sir, it is due to that gallant and patriotic officer, General Scott, whose services have been required in the execution of this treaty, to say, that the night before he left this city he urged Ross to go with him to the Cherokee country—told him it was his duty to do so. I was present, and united in the advice. Ross refused, and since that period I considered the determination of Ross fixed, not to go; and that nothing further would be heard from Ross except through General Scott. Both General Scott and myself held this language to Ross, not on account of any difficulties he could interpose in the execution of the treaty, but exclusively from feelings of humanity for the poor ignorant and misguided creatures who had been misled by his counsels. Gentlemen have expressed great gratification at this sudden interposition of the President, and have congratulated the country that Mr. Van Buren would stay the execution of the Cherokee treaty; *that the treaty should not be executed.* This language is bold, peremptory, and dictatorial, and evidently means that this House would sustain the President in this course, and that Georgia should submit. Permit me to say, sir, to this body, Be not deceived; that State obeys the exercise of all constitutional power; she will not submit to the enforcement of that which is unconstitutional. I trust the day has passed when a sovereign State can be awed or deterred from any quarter in the maintenance of constitutional rights. Let no one act under the belief that these menaces will alarm Georgia, even if aided by a proclamation or a force bill.

Sir, it has been asked, why should Georgia insist upon the execution of this treaty? I reply, because the treaty has been made, has been ratified

under the forms prescribed by the Constitution; because it is the supreme law of the land, and the State has been duly notified that the compact of 1802 had been at last fulfilled, and the Indian title extinguished for the benefit of the State, after thirty-six years' delay.

Mr. Chairman, I desire that this whole subject should be distinctly understood; for should this untimely interposition of the President produce a conflict between this Government and the State authorities, the difficulty will not be of Georgia's seeking, nor will she, in the least, be responsible for the consequences. By the legislation of Georgia, the Indian rights of occupancy were extended until the 25th day of May, 1838, by which time, under the treaty, the Indians were to be removed. The Legislature of Georgia, according to the treaty, had disposed of the lands in the occupancy of the Indians: grants had issued to the citizens, and possession by law to be taken after the 25th of May, 1838; on that day the title became complete and absolute in the grantee. The Legislature of Georgia is not in session, and if that body were, the title being absolute in fee, the whole interest vested in the grantee, under the laws of Georgia; the right to interfere with the private property of the grantees is beyond the reach of constitutional legislation; so the Legislature of Georgia could do nothing, and the Governor, *I am most certain, will not convene that body.* Hence it is that the State cannot interfere with the matter, and the President, or the Secretary of War, if they had known or recollected the legislation of Georgia under the treaty, would have seen the legal impracticability of the State interfering, if the rights of the citizens were to be respected, and the laws and Constitution are to be regarded.

It has been urged in this debate that Georgia should be compelled to await a new treaty. Is any effort making to abrogate the treaty of 1835? Who has declared that treaty void? No constitutional authority, I am sure. Perhaps those gentlemen who speak without reference to any particular object save a desire to keep themselves constantly in the public eye, and have been so flattered by the notoriety of their attacks, that they can presume to declare the will of the people; that they speak but to command, and command but to be obeyed; and, therefore, the treaty is void. Such gentlemen must excuse me if I disregard their vain and empty mandates.

The gentleman from Virginia [Mr. WISE] has told us he is a State rights man, (by faith, I presume, surely not by his works) and, as such, he would resist the execution of the treaty, and that he would take up arms against Georgia to prevent her carrying out its terms. Why, Mr. Chairman, what a misfortune it is that the gentleman (*a State rights man*) should have been wrought into such a belligerent tempest against a State; one so warlike in his temperament ought to be more cool and deliberate. But this champion of State rights, this new light of that political faith, would "take up his arms," and, disregarding all the restraints of discretion and decorum, and with the tone, port, and bearing of the god of war, exclaims, "I would castigate the State of Georgia if she attempted to enforce any of the provisions of that treaty." Sir, I shall not suffer myself to forget where I am, but I shall also remember that I am the representative of a people who will regard such language as it deserves to be regarded; such language towards a member of this House would be unparliamentary and indecorous, and, towards a State of this Confederacy, is altogether unwarrantable and uncalled for, and wholly unjustifiable. As a representative of Georgia, I shall not compromit her dignity in hurling back any defiance to such language, but will only say that Georgia, in her sovereign character, would not deprecate so much an attempt to castigate her, by whomsoever made, as she does this incessant rant, disrespect, and insult, by gentlemen who are utterly ignorant and uninformed on the subject on which they attempt to enlighten others.

The gentleman spoke of threats uttered by one of the representatives of Georgia. At that time I was the only member who had spoken freely of the President's message, and I am sure I used neither the language of menace nor violence; nor is it my wont to do so, either in reference to States or individuals; nor do I seek the notoriety consequent upon such a course; nor shall I indulge in loud accusations and denunciations of those high in power merely for personal gratification; nor shall I ever inflict a wound on those who are not in a position to defend or justify.

But we are told the treaty was obtained by fraud. If this be true, why have no direct attempts been made to annul it, by those gentlemen making the allegation, before the proper tribunal? Sir, no treaty has ever been obtained for a fuller and more adequate consideration; on the same terms the citizens of any State in this Union would exchange their lands. One gentlemen has said the Senate never regarded it as a treaty. This is another of those bold and extraordinary assertions, suited to the tastes of some, and involves very serious charges against the Senate: it places two-thirds of that body in the same category with the Rev. Mr. Schermerhorn, whose character has been drawn on this floor in colors none of the brightest. Sir, these often repeated allegations and accusations will only serve to shake the public confidence in their authors, and will finally be a protection to misrule and corruption. The gentleman from Virginia says that the Senate ratified the treaty to save the *lambs* from the *wolves*—the Cherokees from the Georgians. How much of justice and truth there is in making such a charge, I have fully shown, by adverting to the whole course of Georgia towards the Indians within her borders. As to the decorum or propriety of such language, the tastes of that gentleman and myself are so widely different that we are not likely to agree on such matters until there is a total change in all my notions of the courtesy due to this House from one member to another, and, above all, to a sovereign State of this Union. Ferocious as the comparison of the gentleman would represent the people of Georgia, they are not yet enough so to forgive one of their representatives for paying back, in kind, such language and epithets.

Sir, I am by birth and education a Georgian. I shall not, therefore, indulge in any eulogy on her people, nor shall I permit the scorn I feel for such rude assaults to throw me beyond that line of propriety and self-respect which shall always mark the conduct of a Georgian; but, in perfect coolness and composure, I will say to the gentleman from Virginia, "words sometimes wound more than swords;" and that it would not detract from his influence or usefulness to watch over his own *lamb-like* disposition, and in future to reflect whether it would not be equally pleasant to avoid unnecessary violence to the feelings of others.

That gentleman has said that already he "snuffed the difficulties, the shedding of blood, in Georgia;" "that the spoilers should be spoiled." What does such language mean? Such language from members of Congress, within the hearing of the Cherokees, is incendiary, and well calculated to inflame them into hostility, under the belief that this Government will sustain them in resisting the treaty.

Sir, I have said it was Ross's duty to have returned home to his people, and have aided in their removal, as he was advised to do by the Secretary of War, General Scott, and other friends of peace, harmony, and humanity; but, said the gentleman from Virginia, "if he had, he would have been snatched up and hung, like another Tassels, on a tree, by another Georgia guard." It is difficult, Mr. Chairman, to speak in obedience to the promptings of a just indignation, at such a reckless assault upon the constitutional authorities of the State, without violating the rules of the House, and the decorum of debate. When has Georgia or her people thus acted? Sir, I scorn the slanderous imputation. It is an imputation that carries with it its own antidote, and I pronounce the whole insinuation unfounded—a groundless and unjustifiable attack upon the honor and character of the people of Georgia. What, sir! John Ross not safe in Georgia! Why, sir, was he not born and reared in that State? Such allusions I reprobate and contemn. I trust the people of Georgia cannot be harmed by such outrages upon their character—a people whose past history is marked by no act of violence justifying such an imputation. That part of Georgia known as the Cherokee region, has been settled by a population equal to any portion of the Union for honesty and patriotism; inferior to no new country in intelligence and morality; and, for humanity, kindness, generosity, and hospitality, equal to any people on earth. Sir, they are pure and unsophisticated in their intercourse with the world, but bold and resolute, firm and unyielding, in maintaining their rights, and brave and quick in defence of their character; and would, no doubt, feel more inclined to resent the insult offered to themselves, in reference to Ross, than to injure him.

Mr. Chairman, I am certain you have been astonished, as well as others in this body, at the tantalizing and insulting references to Georgia. It has been said that the Cherokee Indians, if the General Government will not interfere, are willing to fight it out with the Georgians. Are these things said to excite the Indians to bloodshed, or to urge Georgia into rashness? Did the member using this language desire to insult the people of Georgia, through their representatives, or did he expect to excite me into passion and indiscretion? There are limits the mildest and most forbearing cannot permit others to pass. There are bounds to the liberties and freedom of debate, beyond which personalities necessarily follow. At that I point I hope not to arrive; but, should it come, the honor and character of my native State shall not be tarnished in my person.

Sir, not content with holding Georgia answerable for all the anticipated Cherokee difficulties, she must be charged as accessary to the Florida war. Is it not beyond endurance? Is it not amazing to hear it? Can it be from mistake? Sir, Georgia had no more to do with the causes of that war than the State of Kentucky. I repel this accusation, and demand the ground of the allegation.

Mr. HARLAN rose and said: In the remarks made by me yesterday, on the subject of the causes of the Florida war, and the State of Georgia in connection with it, I did not mean to say that Georgia had any direct agency in the causes of that war. When speaking of the policy of the late Administration for the removal of the Indian tribes west of the Mississippi river, I expressed the opinion that the Florida war was one of the fruits of that policy; that the anxiety of Georgia to have the Indian title to the lands within her boundaries extinguished, superinduced the passage of the act of 1830, providing for the removal of the Indian tribes; and that that bill was carried in this House by a majority less than the number of representatives from the State of Georgia.

Mr. DAWSON: Then, sir, there is no ground for such a change; and the apology for making it is, that the representatives of Georgia voted for the act of 1830, providing for the removal of the Indian tribes west of the Mississippi. Why, sir, upon the same principle, every State in the Union may have contributed to the Florida war. No further reply to such an argument can be expected.

Much has been said by the gentleman from Philadelphia. His excitement was too great for the subject before him; his feelings led him into the use of language which, so far as language was concerned, I considered offensive; but so far as the intent was involved, inoffensive. He *worked* himself into such wrath that he was driven into the exclamation, "I am mad, sir, I am mad!" Let him cool, sir; restore his temper; suffer his passion to subside; speak with deliberation, under the control of his reason, and then, sir, I will weigh his arguments, and, if necessary, reply to them. But, sir, I am much exhausted; and I would do injustice to myself and the committee to reply to the ravings of an enthusiast—one who admits that he is *mad*.

I am convinced, sir, that much more ought to be said by me on this subject; but I shall desist. The appropriations, to subserve the cause of humanity by preventing and suppressing Indian hostilities, and for the purpose of aiding in the execution of the Cherokee treaty, I have no doubt will be made. If I shall have vindicated my native State from unjust imputations, (as I trust I have,) it will be to me one of the most gratifying acts of my life.

INCREASE OF THE ARMY.

SPEECH OF MR. KEMBLE,
OF NEW YORK,

In the House of Representatives, Tuesday, June 26, 1838—On the bill from the Senate "to increase the military establishment of the United States.

Mr. KEMBLE rose, and said: After the able exposé which we have received from the chairman of the Military Committee, of the past and present state of the Army, it may appear temerity in one unaccustomed altogether to public speaking, for the first time to rise in this House; but the position which I hold on that committee, and my dissent on some points from the majority, render it necessary that I should offer an explanation of my own course.

At the reduction of the army in 1821, the frontiers of the United States were estimated at about six thousand three hundred miles. The Indian tribes were subdued and humbled, surrounded by white population, and convinced, by the failure of repeated efforts, that all attempt at resistance must prove unavailing. Since that time, the frontiers of the United States have been extended to not less than eight thousand five hundred miles, and the Mississippi is no longer an impassable barrier to the Western red man; and the Government, with motives of humanity, if not of policy, has added, and is adding to the Indian force on the Western frontier, by the transportation of the tribes within the States, until the whole force, as estimated by the Indian Department, will be not less than sixty-six thousand fighting men. To keep this force in check, the Secretary estimates an army of five thousand men, stationed in two lines of fortifications, one of six posts penetrating into the Indian country, and eight posts within the States of Arkansas and Missouri, which, with a reserve of two thousand men at Jefferson barracks, and a militia force organized and to be called out by the Governors of the States, he considers to be sufficient to maintain the peace of the frontier. For the northwestern frontier, General Scott estimates one regiment of ten companies of eighty muskets, nine hundred men; and for the seaboard and Eastern frontier, sixty companies, or five thousand four hundred men. This distribution will leave the whole Northern and Northeastern or Canadian frontiers without the protection of a single man; and it will be seen that, without protection to the Canadian frontier, the Western frontier requires seven thousand, and the Eastern military division of the country six thousand three hundred men, making, together, thirteen thousand three hundred men, while the bill reported by the committee authorizes only eleven thousand six hundred. Thus it would appear that under no distribution whatever of this military force, can the country be efficiently protected. But how is this deficiency to be met? By militia? Or, in the West and South, by mounted volunteers? The expense of this last force is estimated by the Secretary of War to be four times the cost of infantry, and by the Paymaster General at six times the cost of infantry, exclusive of the enormous waste of military stores and munitions of war inseparable from the employment of irregular troops, which the Paymaster General estimates again as six for one. But, taking the whole at ten for one, and supposing, as is universally practised, that twice as many militia and volunteers are called as would be required of regular troops, it would give us the startling fact that, in the employment of mounted volunteers, who are armed and used as infantry, and can be compared only with them, their cost to the country is not less than twenty for one of regular troops; and to this, and this alone, is to be attributed the enormous cost of the Florida war. And, sir, that the whole subject of our defences may be before you, although somewhat long, I would beg leave to read a report from the Secretary of War, made some time since to the Senate of the United States:

DEPARTMENT OF WAR, March 5, 1838.

SIR: In bedience to the resolution of the House of Representatives, directing me to report the state of the defences of the Atlantic seaboard and Gulf of Mexico, and on the Northern and Eastern frontiers, I have the honor to transmit a report of the Chief Engineer, the details of which are withheld for the reasons assigned by him; a tabular statement made in 1831 by Inspector General Croghan, together with his letter on that subject; a tabular statement furnished by the Chief of the Ordnance office; and a printed copy of the report, on the same subject, made some time since by the Department, in answer to a call of the Senate.

From these documents it appears that the defences on the Atlantic seaboard and Gulf of Mexico are altogether inefficient; the works being unfinished, unarmed, and without garrisons, not even men enough to preserve them from dilapidation, or to protect them from plunder; and that every naval station and principal seaport on the whole maritime frontier of the United States is exposed to be attacked and destroyed by a very inferior force.

The defences on our Eastern and Northern frontiers require repair and enlargement, provided the army be so increased as to allow sufficient garrisons to be placed in them. This measure is necessary, to enable the Government to maintain peaceable relations with friendly powers, by restraining the lawless within its own borders, as well as to protect our soil from sudden and unprovoked aggression.

Very respectfully, your most obedient servant,
J. R. POINSETT.

Hon. JAMES K. POLK, *Speaker Ho. of Reps.*

INSPECTOR GENERAL'S OFFICE,
Washington, March 2, 1838.

SIR: In December, 1834, I prepared a tabular statement of the armament required for the fortifications on the seaboard, which I beg leave to submit to you; not that it gives an exact exhibit of the wants of the several fortifications at this time, but as putting forth all the positive information which I possess in relation to our seaboard defences, and upon which I had your instructions this morning to make a report.

In excuse for my want of that exact information which, as Inspector General, I may be supposed to possess, I would remark, that of late my visits have been confined to the posts on the inland frontier, and that of the seaboard I can speak with no official certainty, but will at the same time express my belief that the following extract of my last report upon the state and condition of certain fortifications on the seaboard is but too well suited to the present condition of most of them:

"The seaboard from New York to Eastport has alone, as yet, come within the course of my inspection, and its defences are in a most wretched condition—not a single post along the whole line, with the exception of Fort Independence, perhaps, being able to protect itself against the attacks of even an armed brig. If any of them have guns mounted, they are upon decayed carriages, which can be no longer traversed, and upon platforms that have long since been declared unsafe."

With respect to the inland posts, I will, in anticipation of any inquiries that you may make, aver that, even with the largest garrisons that can be assigned to them from our present army force, respect being paid to the claims of other portions of our frontier, they can afford no sufficient protection to the settlements of whites in their respective vicinities. In a word, that the entire frontier, from St. Peter's to the Red river, can be laid waste whenever the restless tribes of Indians along it may choose to decree to that effect.

Very respectfully,
Your obedient servant,
G. CROGHAN,
Inspector General.

Hon. J. R. POINSETT,
Secretary of War.

Report from the Secretary of War, in compliance with a resolution of the Senate of the 14th October, 1837, relative to a plan for the protection of the North and Eastern frontiers of the United States.

DEPARTMENT OF WAR, *January* 9, 1838.

SIR: In a reply to the resolution of the Senate of the 14th October last, asking for a "plan for the protection of the North and Eastern frontiers of the United States," &c. I have the honor to transmit herewith extracts of a letter from Major General Scott to the Commanding General. In this communication, that officer does not suggest any new plan of defense, but confines himself to a statement of the minimum force required at the several posts and stations for the protection of the Northern and Eastern frontiers of the United States. Indeed, the very thorough examination given to this subject by a board of engineers appointed after the close of the last war, and the general system of defence laid down by them, render it unnecessary to submit new plans for that purpose. All that can be done is to reiterate their recommendations, and to state the actual condition of those frontiers. They are exposed to insult and attack along their whole line; the inland borders, for want of proper garrisons for the several posts, and the maritime frontier, from all the fortifications being incomplete, unfinished, and unarmed.

Admonished by the difficulties which had been encountered, and the incredible expenses incurred at the commencement of the last war, from want of preparation, the nation, immediately on the return of peace, adopted measures for the defence of the seaboard. The circumstances attending that contest had shown that the whole extent of the coast was vulnerable, and that an active and enterprising enemy, with comparatively small means, might keep the country in a state of alarm, by threatening the entire line, and selecting the unguarded points for attack—a mode of warfare which obliged the Government to incur great and disproportionate expense, and to employ an immense force in ineffectual attempts to protect its defenceless and extensive maritime frontier.

The coast was reconnoitered by a board of engineers, and a system of defence adopted, intended to cover our great naval establishments and principal cities; to close important harbors to the enemy, and secure them to our own navy; to deprive the enemy of strong positions, where, protected by his naval superiority, he might fix permanent quarters in our territory, maintain himself during the war, and keep the frontier in a state of perpetual alarm; to prevent, as much as possible, the great avenues of interior navigation from being blockaded by a naval force, at their entrance into the ocean; and to cover the coastwise and interior navigation, and give our navy the means necessary for protecting this navigation.

For these purposes sites were selected, and works projected and commenced, upon a scale commensurate with the magnitude of the interests they were intended to protect. The whole system was adapted to the principles of modern warfare; and, if the plan had been prosecuted with the same vigor with which it was commenced, the fortifications on our maritime frontier might have been, if not completed, in a state to be defended, and to afford some protection to the points of attack.

Unfortunately, the efforts to carry on these necessary works have been relaxed. Whether lulled into security by a long peace, or influenced by other causes, the nation has ceased to feel respecting them that interest their importance ought to inspire. Appropriations have been denied altogether, or made with a sparing hand; the fortifications have been left in an unfinished state, exposed to the action of the elements, requiring costly and extensive repairs before they were half finished; and, after a period of more than twenty years, and the expenditure of many millions of dollars, there is not a fortress on our long line of sea defences capable of resisting an armed brig; not one that may not be taken by a small force, and some of them, from their *quasi* insular position, if captured, may be occupied permanently during the continuance of a war, or only to be retaken at the cost of much blood and treasure.

The chief cause of this neglect in one of our most important interests, is the opinion, which has so generally prevailed, that our navy is the first and best fortification, and that all the resources and energies of the country ought to be directed to the improvement of that arm of the service. No one has a higher opinion of the navy of our country than I have; but I believe that, even when carried to the fullest extent to which it can reach for many years to come, it will, alone, prove entirely inadequate to defend the extensive maritime frontier of the United States.

The Board of Navy Commissioners, in a late report, state that, "having due regard to the number of seamen employed in our foreign and coasting trade, and in the fisheries, the force to be prepared ready for use when circumstances may require it, ought to consist of fifteen ships of the line, twenty-five frigates, twenty-five sloops of war, twenty-five steamers, and twenty-five smaller vessels; and that the frames and other timber, the copper, ordnance, tanks, and chain cables, should also be prepared for ten ships of the line and ten frigates." These will probably be required to supply losses from decay and casualties.

The French navy now consists of forty ships of the line, fifty frigates, and two hundred and twenty smaller vessels. That of Great Britain, of one hundred and thirty ships of the line, one hundred and twenty frigates, seventy-five sloops of war, forty-five steamers, and ninety-eight smaller vessels of war. Of these, there are in commission twenty-six ships of the line, eighteen frigates, fifty-three sloops, and fifty smaller vessels of war, and six steamers. And yet the coasts of both these nations are lined with fortifications, and possess a complete system of permanent defences along their maritime frontiers. Without such a system, the navy will have no place of refuge when driven into harbor by stress of weather or a superior force; and, instead of protecting our own commerce, and harassing that of the enemy, will be confined altogether to defensive operations, always distressing and expensive, and too often humiliating. The extent to which our navy can be carried ought, in my opinion, to be fixed; for it is erroneous to suppose that it has no other limit than what a due regard for the revenue of the country imposes: to build more ships than we have seamen to man them, would be to incur a useless expense; and the force proposed by the commissioners ought not, for many years to come, to be exceeded. Anxious as I am to see the defences of the country established upon a permanent basis, and equally desirous to see every arm of the service rendered as perfect and useful as possible, I may be pardoned for travelling out of my own department, and urging the usefulness of fixing this or some other determined limit to our naval forces. This principle once established, the number and size of the naval establishments, store-houses, magazines, and preparations of every kind, would be ordered in conformity to it. The number of officers would likewise be limited to a due proportion, and the young and the ardent and enterprising officer might aspire to command. The best interests of the country require that this system should be adopted, and the preparations be made to carry the navy to this limit as promptly as possible; but this measure will not enable us to dispense with permanent fortifications. Without them, the commencement of a war will always be disastrous. Our laws do not allow the use of the summary means resorted to by other maritime powers to man their fleets. Our ships of war are to be manned by volunteer seamen, and the coast might be laid waste, and important points occupied, before our naval force could be put in motion. Indeed, without fortifications, and strong ones too, ships of war are exposed to be captured or destroyed before they can be fitted for sea. At Copenhagen, the whole Danish fleet was captured, the batteries silenced, and humiliating terms imposed upon a nation, by the sudden attack of an overwhelming force.

With respect to the magnitude of the works, to which objections have been urged, they will be worse than useless if they be not of a description to stop an enemy's squadron, and, if assailable by land, and in a position not promptly to be succored, strong enough to resist a *coup de main*—not such an assault as the common acceptation of the term implies, but to offer an effectual resistance for five or six days against an attacking force of ten thousand men, furnished with all the means and appliances to conduct a siege. Not to provide against such expeditions would be to neglect the lessons of experience, and to act in opposition to the principles of modern warfare. It has been said that we are too strong to dread such assaults, and need not provide against them; that the enemy could never hope to keep permanent possession of any part of our territory, and, therefore, we are safe from attack. An active and enterprising enemy will make war upon the resources of its adversary; and, by the temporary occupation of any one of our naval depots, principal cities, or harbors, they might drive this country to expend an amount of blood and treasure to recover it, ten times greater than the cost of the expedition. There is always danger of the attempt being made, and, without due precaution, we are exposed to suffer the degradation of having our soil occupied by a foreign foe. From these dangers, neither ships of war nor steam batteries can protect the nation; the former cannot be rendered effective to the full amount of their force at the commencement of a war, nor until commerce receives such a check as to throw out of employment a sufficient number of seamen to man the fleet; nor then ought it to be relied upon to watch over our long line of coast. To resist the navies of England or France, it must be concentrated, and either the Atlantic frontier or that of the Gulf of Mexico be abandoned. With regard to steam batteries, they ought only to be regarded in the light of auxiliaries to the permanent defences of the coast—important, it is true, but, for reasons which it would be tedious to detail here, entirely inadequate, of themselves, to afford sufficient protection to the great interests we

are called upon to guard on our Atlantic frontier, and on that of the Gulf of Mexico.

As it may be objected to the completion of all the works projected, that if ever we should be involved in a war with either of the great maritime powers, they are too far off to assail our coast with success, or to send formidable expeditions against the United States; and therefore, it is unnecessary to incur this great expense, I will simply observe that the events of the past wars prove this assertion to be erroneous, and that such stations as Halifax and Bermuda on our Atlantic frontier, and the West India islands on that of the Gulf of Mexico, are near enough to bring those powers within striking distance of all the vulnerable points upon our seaboard; and with regard to the expense to be incurred, I beg to refer to the very able and luminous exposition of the board of engineers, laid before Congress in February, 1821, where it is conclusively shown that the cost of protecting the seacoast of the United States, when menaced by an assailing expedition of twenty thousand men, by means of a competent force of militia for the limited period of six months, would exceed the amount required to establish a permanent system of defence.

Having laid before you the exposed state of our seacoast, and stated the dangers to which the country would be exposed in the event of war, I most earnestly recommend the early completion of the fortifications intended to cover our principal cities and naval establishments, and to protect the entrances of our great harbors. Without entering into the controversy respecting the proper selection of the sites for these works, which would demand a profound knowledge of engineering and great military skill and science to determine, I am disposed to yield implicit confidence to the very able engineers who planned them. I have considered all their reports with an earnest desire to arrive at the truth, and my judgment is satisfied. No doubt rests upon my mind of the wisdom of their choice, and of the vast importance of proceeding, without delay, to complete all those fortifications considered by the board as of the first class; nor of the extreme probability that our enemy will, in the event of a war, avail himself of our negligence to attack, and probably to occupy, some of the most exposed points of our coast. Boston, New York, Philadelphia, and Charleston, are all uncovered, and exposed to attack. In the same condition are Narragansett bay and Hampton roads. The defences of the first are of the last importance, whether it be regarded as a refuge to our own fleets in the tremendous northwest storms which so often desolate our coast in the winter season, and from which this bay affords the only entrance and protection during their continuance, or as a position from which, when once occupied by an enemy in time of war, it would be both extremely difficult and immensely expensive to dislodge him. Hampton roads is of equal importance, and equally exposed: and here let me observe that fortifications, such as those projected and in progress at the entrance of this roadstead, serve not only to defend the country and navigation behind them, but to protect the waters within reach of the auxiliary force which ought to be within their walls and under their guns. What enemy would dare to occupy Lynnhaven bay, if steam-batteries were anchored under the fires of Fort Monroe; or attempt to march against Norfolk, if a *corps de reserve* were within that fortress? So of the works to defend Boston. The fortification at George's island not only covers that city, but protects Nantasket roads, and will prevent an enemy from occupying that position.

There is no part of our maritime frontier more exposed, and that calls more immediately for the attention of Congress, than that of the Gulf of Mexico. The rest of our coast, by a proper system, may be so united as to lend each other mutual succor; but this portion of it is insulated, and, as it were, abandoned to its own resources. It requires for its defence a great naval depot and a considerable naval force; and it demands a complete and distinct system of defence. It must not be considered merely as the frontier of Louisiana, Alabama, and West Florida, but likewise that of Kentucky, Ohio, Tennessee, Mississippi, Missouri, and Arkansas. The whole of the rich and fertile portion of the Union whose waters find their outlet in the Gulf of Mexico is interested that the defences of this frontier should not only be strong and respectable when they are completed, but that the fortifications intended for that purpose should be carried on vigorously, and finished without unnecessary delay.

It is not only necessary that the forts should be built: they must be armed and garrisoned before they will constitute fortifications for the defence of the coast. Without these necessary requisites, they are fitted only for the use of an invading enemy. Not only the appropriation for fortifications, but that for ordnance, ought, in my opinion, to be increased, and the cannon applied altogether to the armament of the forts, until that be completed; the army be so far augmented, that the artillery regiments may occupy these posts; and such an organization adopted of the militia or volunteer forces as will render the neighboring population available in cases of alarm or sudden war.

I have the honor to be, sir,
Your obedient servant,
J. R. POINSETT.

Hon. R. M. JOHNSON, *President of the Senate.*

Such, then, is the state of the country—a frontier unprotected, a seaboard undefended, and the very fortifications, raised for the defence of our seaport towns, decaying from neglect, robbed by our own citizens, and liable to be taken, and our cities laid under contribution by the most inferior force, and that which was erected for our strength converted to our weakness. It is a state of things which must make every friend of his country pause and inquire into the causes; it were enough to bring our republican institutions into disrepute, and to prove our scheme of self-government to be Utopian. But let us hope for better things, and commence by inquiring what should be done to save our people from massacre, and the nation from disgrace. Honest differences of opinion exist among us as to the course to be pursued. Some, regardless of the increased expense, and jealous of standing armies, lest they should be used to the destruction of our own liberties, prefer to depend entirely on militia; while others, from their comparative inefficiency, consider that their employment should, if possible, be avoided. For my own part, I consider that both are important to the well-being and protection of the state; and while I cannot fear the contemplated danger of a force of 15,000, or even 20,000 men, scattered over 8,500 miles of frontier, I would not unnecessarily increase it, but rather would keep it below what might be considered by some as necessary to our safety and honor. With a militia force of one million and a half, where can be the danger of a small, but well-appointed army, drawn from the great body of the people, our relations and our friends, educated as ourselves, and imbued with the same holy love of liberty that characterizes every American? Supposing the power to exist, can such men be formidable to the liberties of our common country? Although history may afford some striking examples, when a lawless soldiery, under an ambitious leader, have violated their duty to the state, I recollect of no instance of their eventual success, nor could it happen until the great body of the people had become degraded, and existed only as the ready prey of the first invader, foreign or domestic. But how many more cases can be found of armies devoted to the rights and liberties of their common country? Then, why should we consider the American soldier devoid of those high attributes which adorn the private citizen? Why suppose him less patriotic, and less devoted to the common interest? Is there any thing in the history of our own country which would warrant such a conclusion? On the contrary, does not every page of our short, but eventful, story warrant a conclusion directly the reverse?

Now, sir, while I am willing to grant every security to the Western frontier of the United States, I claim equal protection for the North and East, and seaboard of our country. At this instant, Great Britain has 40,000 men in arms in Canada, and 5,000 in New Brunswick; great excitement exists on both sides of the frontier, and troops are necessary for the protection and the execution of our own laws. And I here claim, as one of the Representatives of the State of New York, that this Congress will so act upon the subject as to place us in safety, without endangering other portions of the Union. It is due to justice and to the interests of the United States, for from New York we derive the largest portion of our fiscal resources; and her position renders her, independently of her population, of equal, if not greater, importance to the nation than any other State in this Union.

There were some points of difference of opinion with the military committee, to which the chairman has adverted in his speech, which I wish, at this time, to respond to, and particularly in relation to the transfer of an officer from each of the companies of artillery. These companies, when used as light infantry or in the field, are organized into three divisions of two guns each, in all six guns: a lieutenant commands two guns; one lieutenant has charge of the ammunition, one acts as aid-de-camp to pass the orders, and the captain commands the whole. Thus, if you take off one lieutenant, you must reduce the effective force of the company two guns, or one third of its power. At other times the artillery is employed in detachments, and, in such, a greater number of officers is always required, as no detachment can be made with less than two officers. The two principal amendments which I have offered to the bill consist, first, in an equalization of the pay of the whole army, conceiving it unjust that those who serve in the field should be worse paid than those who are comfortably accommodated here or elsewhere. The next is a plan to enable officers who have served their lives in the army, but are now worn out or mutilated, and unfit for active duty, to retire upon their pay proper. There are many such who now receive their full pay, because there is no provision otherwise for them, but who would be glad to retire upon a pittance. At a proper time, I shall more fully state the case to the House, considering it, as I do, an act of justice, policy and sound economy.

INCREASE OF THE ARMY.

DEBATE IN THE SENATE,

WEDNESDAY, JULY 4, 1838.

On the bill "to increase the present military establishment of the United States, and for other purposes."

Mr. BENTON having briefly explained the object of the bill—

Mr. PIERCE of New Hampshire said that he had never found it more difficult to determine what was his duty, than on the present occasion. That an increase of the military force was highly necessary, if not indispensable, he believed was very generally admitted; and he had felt upon the subject, individually, no ordinary solitude. It was demanded by the present relations of the country, by the unhappy and unquiet state of things on our widely extended borders, on the North and on the East, as well as on the South and West. The call at this moment comes alike from our Southern and Western frontier, and along the Eastern and Northern boundary from Madawaska to the lakes. He was not disposed to disregard the *necessity* which was urged in favor of the bill. A sufficient force should be provided for the preservation of our neuterality, and to afford to our border inhabitants the protection which they have a right to demand at our hands. His embarrassment, on the occasion, arose from the fact, that the bill had reached a stage in its progress, when it was impossible to amend it; and it embraced provisions, in his judgment, most unequal and unjust. It was emphatically a staff bill; and he would not allow the invidious distinctions made between the officers connected with the bureaus of that department and the line of the army to pass in silence, at least one voice should be raised for those who were not here to speak for themselves, and who are hardly heard of in Washington, except in the official reports from the frontier, or from the battle field.

Mr. P. said he should not, at this late hour, feel justified to enter upon a detailed argument, or attempt any nice analysis of the bill; but he would notice some of its provisions, which were as extraordinary as they were unjust. Let it be known to the country, said Mr. P. that this bill provides for an increase of one hundred and forty-six officers; that one hundred and thirty-three out of the *one hundred and forty-six are for the staff*, and *thirteen* for the line of the army; and let it be known, too, that in this reorganization of the staff, and in its immense increase, promotion is exclusively to accrue to those officers who now hold places in this favored arm of the service.

Look, for instance, at the fourth and fifth sections of the bill. They provide "That the corps of topographical engineers shall be organized and increased *by regular promotions in the same*, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants; that vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers," &c. It would be perceived at once that officers in the line of the army were prevented, by the terms of the bill, from promotion to any situations of rank. In the organization of the corps, is not the Executive competent to judge of the merits and qualifications of officers? and is it necessary thus to provide *against* the appointment of officers from the line of the army? The Executive has taken an officer from the staff to command the whole army in Florida, but the Executive is not to be left at liberty to take an officer of rank, who has been fighting your battles in that sickly climate, and disheartening warfare, and give him an appointment in the staff. Other provisions, similar in character, Mr. P. said, will strike the attention of any Senator who would carefully read the bill; and he predicted that the construction which he gave to the bill would be verified by the fact, that, in this reorganization of the various corps, not a single situation above the rank of captain would be conferred upon any officer now in the line of the army.

He, Mr. P. was not one of those who believed that an efficient field officer and fighting officer

was disqualified for making a good staff officer. But, said Mr. P. the advantage of the staff, on the score of promotion, is not all of which the officer of the line has to complain; though, as every man knows, it is much to the proud and gallant soldier. By the provisions of the bill, a major in the staff would receive one hundred and forty-nine dollars per month, while an officer of the same grade in the line would receive but one hundred and twenty-seven dollars per month, making a difference annually of two hundred and sixty-four dollars; and the same difference would obtain in relation to all grades in the two corps, in proportion to their rank. These were all provisions for which no man here would pretend to assign any good reason. They are distinctions most unjust and invidious, and distinctions against which he took occasion to enter his decided protest. Having passed this bill, said Mr. B. nothing will be left to be done in the way of injustice, and, he would add, indignity, to the line of the army, except to repromulgate the celebrated order (No. 48) issued several years since, *which denied to the officers of the line the right to visit this city.* While speaking of the injustice proposed to be done to the officers of the line by this bill, he felt authorized to advert to the treatment they had received on other occasions. He asked what was the cause of that order? Upon what suggestion, and by whom made? Why was it promulgated? Had any officer of the line *dared* to question here the superior qualities, the superior services, and consequently superior claims, of the staff? Did the occasional appearance of an officer of the line in this city, not leave the field of Washington campaigning sufficiently clear for the different Bureaus? These were questions which he presumed the officers of the line would like to have answered. Listen, said Mr. P. to a paragraph or two of this notorious order:

"No officer will visit the seat of Government, unless ordered, or unless specially permitted so to do by the General-in-chief. An officer, however, may pass through the seat of Government when on duty or on leave of absence, provided it is the most direct route to his place of destination; but in such case he will report in person to the Adjutant General, and will not remain more than twenty-four hours."

Sir, said Mr. P. was it not most gracious to allow the officer who had been for years, perhaps, on your extreme western frontier, to pass through the capital of his country on the way to his post for duty, or, it may be, to the home of his childhood, "provided it was in his most direct route?" Was it not most kind and considerate to allow the gallant soldier of the line, after the toil and exposure of active service, to rest his weary foot for a single night in this city, provided he reported *in person* to the Adjutant General? Weary and fatigued, he could not report by sending his note, but must make his bow *in person* to the head of a bureau!

The repeal of this obnoxious order was imperiously demanded by a power higher than the power of Congress, by public opinion; and public opinion would fix the seal of its disapprobation upon the invidious distinctions recognised and established in this bill.

Mr. BENTON replied to the Senator from New Hampshire, [Mr. PIERCE,] and showed that the increase of the staff which he spoke of was nominal, not real; that it occasioned but few additional persons to be employed in that branch of the service, and actually lessened, instead of increasing, the expense in the branches of the staff which occasioned the remarks of the Senator from New Hampshire. The engineers had particularly attracted his attention, and excited his remarks; but a look into the blue book would show him that with an apparent increase of above seventy officers in the engineers proper and in the topographical engineers, there was an actual reduction both in the numbers employed, and now employed by law, in those two corps, and in the amount of compensation which they received. This apparent contradiction is thus solved. These two corps have been proved by the experience of about twenty years to be physically incapable, from their defect of numbers, to perform the duties required of them. To supply this defect, Congress, instead of increasing the corps, directed citizens to be employed, and left it to the Department to fix the compensation. The act of 1824 for making surveys for internal improvement contained a section of this kind. Under these acts a corps of citizens were permanently employed to do the duties of engineers and topographical engineers, and this citizen corps was much more numerous, and in many instances much more highly paid, than the officers of the corps. Thus, look to page 118 of that volume, and it will be seen that the corps of engineers proper consist of twenty-eight officers, of which upwards of one half are first and second lieutenants, and have but small pay; then look to page 100, and you will see fifty-six names under this caption: "*A list of officers and agents, civil and military, not named in the Army Register, employed under the Engineer Department.*" Looking into the compensation which these fifty-six persons so employed receives, and it will be found, in many instances, that they receive much more than any officer allowed by the bill under consideration to be added to the corps. Thus, the first named person receives six dollars per day, and two and a half per cent. on disbursements, not to exceed two dollars per day for disbursements; the second receives two dollars per day and two and a half per cent. on disbursements; the third receives five per cent. on disbursements; the fourth receives the same; the fifth receives $3000 per annum, fixed by law; the sixth receives $1,200 per annum, with 2½ per cent. on disbursements, not to exceed two dollars a day for disbursements; the seventh receives $1,500 per annum, and nine cents per mile while travelling on duty: and so on, some more, some less, according to the duty they have to perform, until the whole fifty-six are provided for. Now, this long list of persons thus employed, are doing the duties of engineers, because there are not engineers enough to do their own duties. They have been appointed for defect of engineers: if this bill passes, a large proportion of these fifty-six persons may be dispensed with; and thus there is, in reality, neither increase of numbers employed, nor of expense in the engineers proper.

The Senator from New Hampshire [Mr. PIERCE] also speaks of the topographical engineers; and here he must receive the same answer as in the case of the engineers proper. There are now but ten officers in that corps; their names are seen at page 119 of the Blue Book; but these ten could not do the fourth part of the work required of them, and Congress, by act of 1824, authorized citizens to be employed to do the work required of them; and at page 110 of the same book, you will see the names of thirty-six persons so employed, and their compensation stated thus: $6 per day, and 10 cents a mile while travelling on duty; $5 a day, and 10 cents a mile while travelling on duty; $4 per day, and 10 cents a mile while travelling on duty; $125 a month, and 10 cents a mile while travelling on duty; $4 per day, and 2½ per cent. on his expenditures; $3 50 per diem, and 2½ per cent. upon his expenditures. By the bill before the Senate, the corps of topographical engineers will be increased twenty-six in number, and the act by which the thirty-six are employed to do their duty will be repealed. Instead of an increase of twenty-six, then, in this branch of the service, there will be a diminution of ten. There will also be a diminution of expense; for, of the increase, six will be captains, and twenty will be first and second lieutenants, at from $30 to $50 a month and their rations, instead of the compensation of twice, or thrice, or even four times that amount now given to citizens to do their work. There is, therefore, a further gain in the reduction of expense, as well as in the reduction of numbers; but these are not the only gains. The person who is employed in place of an officer does nothing but attend to the particular service for which he is engaged, and is not subject to the rules and articles of war, how great soever may be his mismanagement in the conduct of the work; while an officer of the army is subject to any other duty which the Government chooses to put him on, and is under the strict discipline of the rules and articles of war for the fidelity of his conduct.

Having shown how great was the error of the Senator from New Hampshire [Mr. PIERCE] in relation to the two corps of engineers, Mr. B. then went on to show that he was also in error in regard to the ordnance, where an increase of twenty officers was counted, when, in fact, there was no increase at all, the twenty officers added to that corps being merely so many *transferred* from the artillery. So of the quartermaster's department. Upon the face of the bill there would seem to be an increase of twenty-eight, but, by looking into the existing laws and the present state of that corps, and it would be seen that twenty of the twenty-eighty are already there. This reduces the apparent increase to eight; but by the supplemental bill which the Military Committee of the two Houses had digested, and which he [Mr. B.] should offer as soon as the main bill passed, these twenty-eight officers would not be detached from the line of the army; they would continue to be officers of the line performing duty in the staff. Thus the increase of the staff will, perhaps, be two dozen, instead of the one hundred and thirty-three, which the Senator from New Hampshire supposes; and of this increase a part will undoubtedly be taken from the officers of the line. Having shown these errors with respect to the increase of the staff, Mr. B. went on to show that the Senator from New Hampshire was also in an error with respect to the officers of the line. He says one hundred and forty-six new officers are created by the bill, of which only thirteen are officers of the line. This is a great error. There are forty-five new officers of the line provided for in the bill. The new regiment of infantry itself requires thirty-three officers, and the four new companies of artillery will require twelve more. Thus, instead of one hundred and thirty-three staff officers to thirteen of the line, the bill will show about double as many of the line as of the staff.* The fact is, that the line gains far more than the staff by this bill and the supplement. It gains about double in point of numbers; and besides that, above thirty officers of the line will be employed on staff duties in the Quartermaster's and Adjutant General's department, receiving staff pay and retaining their place in the line at the same time. But the bill was not drawn with a view to favor either class of these officers, but to increase the rank and file—to increase the number of fighting men, by restoring the 4,000 men who were disbanded when the army was reduced from 10,000 to 6,000, in the year 1821. This was the main object of the bill, and this object it accomplishes. By this bill the 4,000

* The list of new officers created during the session, and published by the Clerk of the House of Representatives, shows that the new Army bill and the supplemental bill increased the officers of the line to the number of forty-five, and the officers of the staff to the number of twenty-seven, being a total increase of seventy-two. The following is the statement of the Clerk. The infantry and artillery are line officers, all the rest are staff:

"*New regiment of Infantry*—One colonel, same compensation as other officers of same grade; one lieutenant colonel, do. one major, do. ten captains, do. ten first lieutenants, do. ten second lieutenants, do.

"*Artillery.*—Four captains, same compensation as other officers of similar grade; four first lieutenants, do. four second lieutenants, do.

"*Corps of Engineers.*—One lieutenant colonel, same pay as other officers of same grade in the dragoons; two majors, do. six captains, do. six second lieutenants, do.

"*Commissary Department*—One assistant commissary general of subsistence, pay same as lieutenant colonel of cavalry; one commissary of subsistence, pay of quartermaster of the army; three do. do. pay of assistant quartermasters.

"*Ordnance.*—Two majors, pay of officers of dragoons of same grade; one professor of chemistry, mineralogy, &c. at West Point, pay of professor of mathematics.

"*Medical Department*—Seven surgeons, same pay as other surgeons.

"NOTE.—The other appointments authorized by the new army bill are staff appointments, to be made from the line of the army, and do not increase the number of officers."

will be restored which were cut off sixteen years ago from motives of economy, and for want of which the Southern Indians in Florida, Alabama, and Georgia, have since cost the United States about twenty millions of dollars. This has been our economy: disband regulars which cost but a moderate sum, and employ militia and volunteers to do their duty, at between four and five times the cost of regulars.

Mr. CRITTENDEN spoke for some time against what he deemed the objectionable features of the bill; but admitted, however, his hearty concurrence in some of the sentiments which had been expressed from the other side of the Senate in relation to the pay of the officers of the line. He thought they had been paid with less liberality, or even justice, than any other branch of the public service. His feelings were such on this occasion as would induce him to go as far as propriety would dictate in rewarding that meritorious class of officers engaged in the inglorious war of Florida; he used the word "*inglorious*," because, through mismanagement on the part of the preceding and present Administrations of the Government, it had been productive of nothing but expense, disaster, and suffering; and although the officers and soldiers engaged in that conflict had signalized themselves by a devotion to their country, by a chivalry and noble daring, and by a patient endurance, such as history furnished few examples of, yet they had reaped no laurels; indeed, were scarcely heard of, unless some poor fellow, with leg or arm gone, made his appearance at Washington. And it was these very brave spirits, (never heard of but in the hour of battle,) who were totally neglected by the bill before them; while others, who had lived their career in one uninterrupted sunshine, were alone made the recipients of Government bounty! Was it not time that such a system should be checked? was it not time to break up the prætorian cohorts, these Capitoline guards, half officer, half civilian, "sprinkled with the dandy," who were dancing attendance at the skirts of Congressmen, or basking in Executive sunshine; never seen in the hour of danger, and found only where favors were to be had? Another objection, which struck him with peculiar force, was the fearful ratio in which the staff was increased. Was it not already a most overgrown branch of the service? The honorable Senator from Missouri, whose judgment might be better in military matters than his, [Mr. C's,] had reported this increase; but could it be possible that, out of an augmentation of one hundred and forty-six officers, one hundred and thirty three were necessary for the staff? Was the whole army to be converted into staff officers? He had always understood that, in its former organization, the avowed object of keeping up such a disproportionate branch, as the staff evidently was, even at that time, to be the readiness with which the rank and file could be filled up, and the economy that would accrue to the Government from a well organized body of officers of that description. Where, then, was the necessity of this further addition? where the necessity of still further increasing this disproportion? Besides, was it not seen that whenever an increase was contemplated, that the prætorian band, to which he had alluded, were found marching in advance, and obtaining all the honors and advantages which such an increase was calculated to bestow. Why were these men made to receive more emolument than those worthy officers of the line who had signalized themselves by their services and sufferings in Florida? Might it not be traced to the influence which their position here enabled them to exert? He thought it high time that this system of favoritism should be checked; and he called upon the Senator from New Hampshire to give his vote against the bill as it then stood, and thus aid in arresting what he considered an unequal and unjust proceeding. If an increase of the staff were necessary, which he would by no means admit, it certainly could not be to the extent contended for in the bill; and such was his [Mr. C's] repugnance, that he would vote against the whole measure rather than lend his sanction to it in its present shape. If this *little increase* to the staff were admitted now, might we not again be called on for a still further increase, and an increase of their pay, until, like Brennus, they would place their swords in the scale, and still complain that they did not weigh enough. We all knew how easy it was to go on creating abuses, but how difficult it was to retrace our steps; and he, therefore, thought it would be better that the whole matter should lie over until the next session than to be precipitated through Congress at this late period, with all its faults and glaring inconsistencies upon its head. He agreed most fully with the Senator from New Hampshire, that it would have a tendency to create heart-burnings and distrust among those gallant officers of the army, who, after fighting the battles of the country, found all their well-earned claims neglected, and the honors and emoluments bestowed on those who made their campaigns at this metropolis.

The honorable Senator from Missouri, [Mr. BENTON,] in his explanation of the bill, had told us that, for want of a sufficient number of competent officers in the Engineer corps, citizens had necessarily to be employed, and read us a very formidable list of persons engaged, some at $12 and others at $8 per day, which, to his [Mr. C's] mind, indicated a very great piece of extravagance, as the wisest and best men the nation produced were sent here, and did not receive more than $8 for their services. In the war in Florida, too, it appeared that citizens had been employed, ay, and paid, three hundred thousand dollars, to cut wood and draw water, and make military roads. Why had not the soldiers been taken for these purposes? It appeared to him that one abuse only was to be corrected by the creation of another. Congress was, or ought to be, competent to correct them all at once. He was of opinion that that body was fully adequate to the task, and he called upon Senators not to pass the bill before them until it was pruned, or, at least, made just and equal in its bearings. He thought there was still time sufficient for the introduction of such clauses, at least, as would render it less objectionable than it was at present.

Mr. BENTON replied to the Senator from Kentucky, [Mr. CRITTENDEN] and regretted that he had not been in his seat a few minutes sooner, while he [Mr. B.] was replying to the Senator from New Hampshire, [Mr. PIERCE.] He would then have seen that there was no ground for his fears from an overgrown staff; that there was a great error in supposing there were to be 133 staff officers, and only 13 line officers; and that it was all a mistake to suppose that the line was sacrificed to the staff. He [Mr. B.] had shown all this error before the Senator from Kentucky had got into his seat; but he would go over it again to show him his error, and to prevent him voting against the bill under wrong impressions. Mr. B then briefly recapitulated, showing that there would be about double as many officers of the line as of the staff, and that, so far from being excluded from the staff, upwards of thirty staff officers were ordered to be taken from the line, and, what was more, to be both line and staff officers at the same time. Mr. B. said the Senator from Kentucky seemed to be founding his objections to the bill, not upon the bill itself, such as it was, and such as it lay printed before them, but such as it had been described to be in a newspaper, (the National Intelligencer) and where all these errors about the 133 staff officers and the 13 line officers, and all these statements of invidious distinctions between line and staff, and to sow jealousy between them, and to excite animosity against the friends of the bill, were to be found. The newspaper statement had been shown by him to be a description of what did not exist; and if the bill passed, it would speak for itself, and would show that the newspaper account was entirely erroneous.

With respect to the troops serving in Florida, Mr. B. said it was not necessary for *him* to speak his sentiments of their merits. That he had done on former occasions, and when it was the fashion to revile and disparage. Mr. B. had defended those troops when they were attacked; and he was glad to see that both sides of the chamber now united in giving them the applause to which they were entitled. He did not, therefore, deem it necessary for *him* to repeat his opinion of those troops; but as the Administration seemed to be struck at, he believed he would speak with a perfect knowledge of the truth when he should say, that the President and Secretary at War were fully sensible of the services and sufferings of those troops which were in, or had been in Florida, and that, if the bill passed, the officers who had served and suffered there would find that they were not forgotten, or undervalued, when the new regiment came to be officered, or the staff appointments to be made.

Mr. B. was surprised at the distinctions which the gentleman from Kentucky [Mr. CRITTENDEN] was making between the staff and the line officers. Did not the gentleman know that all the staff officers had been line officers, and had done their part in the services and sufferings of the field? Were not many of them as well scarred with wounds as any officer of the line? And were they not, in many instances, identical, that is to say, both line and staff officers at the same time? These officers of the staff are reproached with being in this city, as if it was not the post of service for most of them! Many of them were stationed in the city; and as for hanging about the halls of Congress, they were but little subject to the reproach. As the chairman of the Committee on Military Affairs, he [Mr. B.] knew that their presence was often necessary; that they came upon business; that he himself often applied to them to come in person and answer questions to the committee or to its chairman, both as more expeditious, and a more satisfactory way, than answering questions in writing. There were some staff officers who had hardly ever been seen in Congress: the late commander in Florida, the Quartermaster General Jesup, was one of these. He, [Mr. B.] in eighteen years' service in the Senate, had never seen him in the Capitol. It would be invidious to particularize; but there was a staff officer now, or just now, in the galleries, who was appointed to the staff twenty-five years ago, on the field of battle in Canada, and from the line, and who had served all round the circumference of the Union, north, south, and west, from the Lakes to the Gulf of Mexico; from the Falls of St. Anthony to the Creek nation and Florida, and who now, for the second time in his life, had seen this Capitol, and now only sees it on his way from Florida to the Northwest. He spoke of Major Brant, and who, if this bill passed, might be promoted to a lieutenant-colonelcy. He was one instance, and one only out of many which might be quoted, of the injustice of the kind of remarks which had been made.

It was complained that the officers of the staff, in some corps, were to have promotion; but was not this the case in the line? All officers of the line were entitled to promotion within their respective corps as high as the rank of colonel; and why not give the benefit of the same principle to the staff? Promotion is the life of every service. Man lives upon hope; and he must always see something in the future better than the present to invigorate and animate his exertions, otherwise he pines and languishes and sinks into despair.

The Senator from Kentucky, [Mr. CRITTENDEN,] is persevering and excessive in his objection to the staff. Does he reflect that there can be no army without a staff? that there can be no military operations without a commissariat of subsistence to furnish food, a commissariat of clothing to furnish clothing, an ordnance department to furnish arms and ammunition, a quartermaster's department to furnish transportation, engineers to construct forts, topographical engineers for maps and drawings, paymasters to pay them, adjutants general for the dissemination of orders, the preservation of records, and the keeping and the right ordering of the details of service, and finally, a medical staff to care of the sick and wounded? Has the Senator from Kentucky considered that there can be no army without all these things; and that the departments which give these indispensable aids, must have their heads at the seat of Government, and their subordinates dispersed all over the country? Certainly, if he had considered these things, and also considered that the staff officers have no soldiers under them, he certainly would not have

felt such objections to them, and such dread of them.

The Senator from Kentucky objects that $300,000 have been paid to citizens in Florida to do work and labor for the troops; and why were they so employed? Because the reduction of the army in 1821 left the companies with only 42 men in each; a number which, after making allowances for the usual casualties, would often reduce a company to 20 or 30 men for duty. The present bill raises the companies to 80 men; and if it passes, there will be no more occasion to employ citizens at five times the cost of soldiers, to do the work of soldiers.

Mr. B. again expressed his astonishment at the character endeavored to be given to this bill, as a mere bill for the benefit of the staff, and unjust to every other part of the army. He must be permitted, with the bill in his hand, to contradict the idea. The bill was a witness whose testimony could not be invalidated, and which would prove that the army itself, THE WHOLE ARMY, and not any subdivision, or favorite part of it, was the object attended to. The rank and file, the non-commissioned and the commissioned, the staff and the line, were all attended to; and beyond question it was the most general and universal bill in favor of the army, *the whole army*, which had ever been passed from the foundation of the Government. In the first place, it increases the rank and file and the non-commissioned officers in number between four and five thousand men. In the next place, it increases their compensation, by giving to every private, to every non-commissioned officer, and to every musician, a dollar more in the month. In the next place, it restores them their bounty money on enlistment. In the fourth place, it makes them a liberal allowance of sugar and coffee as part of the ration, and in consideration of surrendering the whiskey part of the ration. In the fifth place, it creates post chaplains, to be attached to remote posts, and to perform the double duty of inculcating the gospel, and giving instruction to the children of the post. Here are many advantages which enure directly to the rank and file and non-commissioned officers of the army. It puts them on a better footing in relation to their compensation than any army in the world possesses. As to the commissioned officers of the army, both line and staff, the bill gives an increase of compensation upon a new principle, and one of more uniform and equal operation than any other that could be devised. It is the additional ration for every five years' service. This will give to the officers of the late war, now in service, five or six additional rations per diem, and it will come equally to all, without regard to rank, but according to the *time* which they have served. It makes *time* the measure of this additional compensation, which is the fairest measure which can be adopted, as time carries forward all alike—the lieutenant and his family as well as the colonel and his family—while rank and promotion are irregular and uncertain, in some corps slow, and in some staff corps not at all until this bill shall give it. Besides this, this bill creates places for 45 new officers in the infantry and artillery, and besides makes several new places in the staff, and besides that authorizes above 30 line officers to be employed in staff duties, with the compensation of staff officers. The bill raises the pay of all the staff officers to that of cavalry pay; and this is an advantage to many officers of the line as well as of the staff, as many of them are to be employed in staff duties. But, the Senator from Kentucky, and the Senator from New Hampshire, [Mr. CRITTENDEN and Mr. PIERCE,] object to the whole bill because it does not raise the pay of all the officers of the line to the same degree. Certainly the bill would be more acceptable to me if it did. I have heretofore, and often, labored for an increase of their compensation. I have heretofore stated, and now state again, that our officers are paid less than they received during the war of the Revolution—that while all the expenses of living have increased, and while all civil officers and the navy have received additional pay, the pay of the officers of the army remain where it was fixed in the year 1791. The bill would be more acceptable to me if it raised the pay of the officers of the infantry and artillery; but is it a cause for any friend of the army to vote against it that it does not? On the contrary, take the bill, and secure the good which it contains, and labor for the remainder hereafter. This is the wise course, in my opinion, for gentlemen to follow. It is the course which I shall follow. The bill does not contain all that I wish, but it does more for the army, *the whole army*, and every part of the army, than any bill has ever done since the foundation of the Government; and I trust it will be supported by every friend to the army.

In speaking of the bill before the Senate, Mr. B. said he had generally combined it with the supplement which he held in his hand, and which presented some amendments to obviate objections, and which the military committees of the two Houses had agreed upon in informal meetings, and which they had cast into a separate bill, in the form of a supplement, in order to save the main bill from all contingency in the process of amendment between the two Houses at this late and hurried period of the session. He now asked the Senate to pass the main bill, and make sure of it, and he held up the supplement containing the amendments which he should immediately offer. The course of proceeding was new in our Congress, but common in England, and was perfectly parliamentary, and strictly proper in a case like the present, where the main bill, though needing amendments, was too valuable to be hazarded in the last moments of a hurried session, when accidents and contingencies, no way connected with the merits of the bill, might cause it to be lost between the two Houses.

Mr. PIERCE said he had listened with pleasure to the remarks of the Senator from Missouri, [Mr. BENTON,] and the Senator from Kentucky, [Mr. CRITTENDEN.] They had expressed sentiments which, he believed, were heartily responded to by every member of the Senate. This was doing justice to the line of the army in words, and, from the assurances given, he had a right to expect that some more substantial justice would be done at the commencement of another session. He did not doubt that this would take place, so far as the equalization of compensation was concerned; but, with regard to promotion, the bill precluded the hope of justice; it denied it, in terms, as he had undertaken to show in his preceding remarks; and he would be more happily disappointed than he had ever been before, if the nominations which would soon be made did not prove that his anticipations were well founded.

In relation to the pay of the staff and the line of the army, he had something more to say. It had been said that this odious distinction between the two arms of the service had existed from the very organization of the army. It was no new fact to him; it was one with which he was perfectly familiar, and his surprise was that it had been so long patiently submitted to. No course of legislation, unequal and unjust in itself, was to be sanctioned or rendered venerable, in his estimation, by age. Bad examples were not to derive respect from usage and precedent. He must know the reason of the distinction before it could receive his approbation. Was the distinction made on account of peculiar elevation of character, commanding and extraordinary qualifications? No: he claimed for the officers of the line no superiority in any respect, but he did claim equality, and challenged comparison. Was the preference claimed for the staff on account of superior services rendered, extraordinary exposure and fatigues endured, and dangers encountered? If so, when, how, and where? Mr. P. did not complain of the pay received by officers of the staff, or say one word in derogation of their merits; but he desired to know in what consisted their superior claims to the consideration of Congress and the country. Mr. P. said he knew full well that, within the last four years, the army had not been in favor. He would not inquire from what arm of the service popular sentiment had taken its tone; but for the three or four past years, the whole effective force of the line of the army had been in Florida; and with regard to their services there he had a few questions to ask, and some comments to make. It had become quite fashionable to sneer at services rendered in that disastrous warfare; and he wished now to ask, in the face of the Senate and of the country, whether, among those troops who had been ordered to repair to that sickly climate, (*and who had obeyed the order*) and to engage in most disheartening services with a horde of wild and cruel, but brave and artful, savages—in which service even the conqueror's brow was hardly permitted to wear the laurel, but in consequence of which, many a widow and orphan wept over the wreath of cypress, stained in a husband's or father's blood—whether there had been a single instance of shrinking from duty or from danger?—a single instance where the fight had not been sought, when there was a prospect of bringing on an engagement?—a single instance where a soldier's *duty* was not discharged in a manner becoming a soldier? If so, it did not come within his knowledge. Sir, said Mr. P. the circumstances of this service, the situation of the country, the character of the foe, has been most imperfectly understood; a country, until this war, entirely unexplored by the white man; a country abounding with creeks and muddy rivers, where the ordinary munitions of war could not be transported; full of impenetrable hammocks and inaccessible swamps; or, if accessible at all, only through "single file," or trail passages known to the savage foe, and to him alone; and through which he sought his lurking places, where he could not be followed, immediately upon the approach of our troops. In such a country, and against such a foe, as gallant and patriotic a little army as ever stood in the field had nobly done its duty.

Why, said Mr. P. I can speak with no patience upon this subject, and the manner in which this service has been regarded. I would award the meed of honor where it is due, whether acquired on the plains of Orleans, or on the banks of the Withlacoochie; and I would look upon no service as degrading where every man performed his duty as gallantly as has our troops in this unenviable service. No battle had been, or could have been, fought in that Territory except under the greatest and most manifest disadvantages, arising from the nature of the country, and the fact that it was wholly unexplored by aught but the savage; and yet when have our troops failed to avail themselves of any opportunity for a combat, no matter what were the disadvantages? Never, sir! The only difficulty with them was that of finding the foe. Recollect, Mr. President, the battles of the Withlacoochie and of the Wahoo Swamp—where men were fighting breast-deep in mud and water, without the possibility of charging upon the enemy, in consequence of the deep morass—and let me ask, was there ever more gallantry, or more devotion, displayed? And in the engagement where the invincible Taylor overcame the enemy on the Okechobee, the conduct of his gallant troops was beyond all praise. Mr. P. said he could not pass over that exhibition of gallantry without noticing it with some particularity. He had seen the official report to-day, and he would read an extract from it. After speaking of the first onset which was made, as usual, under every disadvantage, the report proceeds:

"The enemy, however, were promptly checked and driven back by the 4th and 6th Infantry, which, in truth, might be said to be a moving battery. The weight of the enemy's fire was principally concentrated on five companies of the 6th Infantry, which not only remained firm, but continued to advance until their gallant commander, Lieut. Col. Thompson, and his Adjutant, Lieut. Carter, were killed, and every officer, with one exception, as well as most of the non-commissioned officers, including the sergeant major and four orderly sergeants, were killed, or wounded. In one of the companies, but four men remained untouched."

Sir, said Mr. P. here is an exhibition of bravery, of cool determined courage, and patient endurance, not surpassed in the history of warfare. There was nothing to excite individual ambition; there was no bridge of Lodi; no battle of Wagram, of Lutzen; no "sun of Austerlitz" had arisen to excite them onward; the watchword was not *glory*, but *my country and my duty*. A savage foe was to be overcome in a position of his own selection, in an

unexplored country. There was no parade, no "pomp and circumstance of *glorious* war;" there were the well-nerved and effective arm and the trusty weapon; every thing else had been necessarily left behind; and, under such circumstances, the officer *must* advance at the head of his column, and he did advance. The result is shown by the extract from the report. Every officer, with one exception, as well as most of the non-commissioned officers, including the sergeant major and orderly sergeants, were wounded; and in one of the companies but four men were left untouched!

Sir, said Mr. P. the spirit of the Revolution has departed. We do not celebrate gallantry; if we did so, the gallant services of the Sixth regiment of Infantry would be noticed as often as the day of our American independence shall hereafter recur, and the last words of the gallant commander, after he received his mortal wound, be recurred to and repeated to our children's children: "Soldiers! remember that you belong to the Sixth regiment." During the Revolution it would have found a place by the side of the celebrated exclamation, "Die or live, sink or swim," &c. Sir, said Mr. P. there is nothing in the history of warfare which discloses more individual bravery than the Florida campaign. I have omitted many exhibitions of that bravery; some because they are not proper for me to mention.* Young men under the age of twenty-one, who left their homes and families, where they enjoyed the ease, the comforts, and the luxuries of life, against the earnest remonstrances of their friends, have fallen mortally wounded while charging the enemy at the head of their columns, with a gallantry not surpassed even at Thermopylæ; and marched miles, while enduring almost the agonies of death, before medical aid could be obtained. And, sir, men who have been performing such services in a thankless war escape your notice! The dangers of meeting the very climate of Florida have been equal to those of Napoleon's army when led to sunny Italy, or called to endure the freezing blasts of a Russian winter; and our officers were called to endure the climate at the most dangerous season that it was possible to select for a Florida campaign.

Sir, where so many men have fought bravely, and have suffered, it would be invidious to call names; but I have met two of them upon the walks of your Capitol; to one of them I was introduced long ago, in my own State, although he is a Southern man. He was young, hale, healthy, and cheerful; and a man with whom I became almost instantly acquainted, from his frank and generous character. When I met him again, here, I did not know him. Pale, emaciated, and sallow, with his left hand he took my right, and said, "You do not remember me." I recognised him; changed as he was, his right arm broken to pieces with a bullet, his voice and eye were still familiar to me. Sir, said Mr. P. I did not know he had been in Florida; and so modest was he that he was indisposed to narrate the cause of his disability. He was in Taylor's regiment, and led a company in the desperate charge made by that regiment. I will read an extract from the report of the battle of the Withlacoochie, Dec. 31, 1835:

"Capt. —— was fearlessly brave, and although severely wounded, continued to head his company in the most gallant manner, until he received another severe wound, when he was taken from the field."

Mr. P. said he should be glad to see services rendered, and duties performed, like these, by men whom he knew to be competent to almost any station, suitably rewarded, even if it were to give them, in their disabled state, a place in the engineer, or topographical engineer corps, in preference to men who are their inferiors in rank, or who had in the army no rank whatever.

Sir, said Mr. P. that these offices are bestowed in this manner, the Senator from Missouri has admitted; but he has admitted them, at the same time declaring his disapprobation. The pay of the officers of the army had remained, as it now was, from 1791, (when the pay of the army was established lower than the pay of the officers of the Revolution,) to the present time. The pay of the navy has been raised within the last three years, and that branch of the service was now, he believed, liberally paid, and justly rewarded; although, as a member of the other House, he had voted against the increase, and on the same ground that he opposed this bill—because it made distinctions unequal and unjust, placing the staff above those who had fearlessly and gallantly done their duty in the face of the enemy. This bill provides for placing the staff upon a footing with the dragoon service. To this, Mr. P. said he had no objection. It also provides for increasing the pay of the soldiers and non-commissioned officers, and the officers of the army proper. The gallant men who have sacrificed their health in the marshes of Florida, and who, whenever called, have gone cheerfully into the field, are the only persons who have received no increase of pay since the act of 1791!

Mr. PIERCE would inquire of the chairman of the committee, whether the fifth section of the bill was intended to give an intimation to the Executive, that he was to appoint individuals to the topographical engineer corps, who were employed there temporarily under the law of April, 1824, whether they might be resigned lieutenants, or persons who had never been connected with the army? If this was not the intention, he did not understand its import; and if this was the object, he desired to enter his protest *toto cælo*. He believed there were officers in the army, fully qualified, who had done done their duty on the frontier and in Florida, to discharge the duties in any of the staff corps; and he protested against other appointments until those individuals were provided for. If gentlemen desired to enter the army, he wished them to take their noviciate in active service; and if brave and faithful there, he would urge their promotion to the staff with cheerfulness; but he had no expectation that selections would thus be made. There was little doubt, in his mind, that promotions would be made in a manne to verify the oft repeated saying, that one campaign in Washington was worth two in the field, in the face of an enemy.

Mr. BENTON, in reply to the question of the Senator from New Hampshire, [Mr. PIERCE,] said that the bill itself contained the answer. The section in relation to the topographical engineers expressly provided that the officers to be appointed to that corps should be taken from *the army*, and from *such* of the *civil engineers* now employed as it should be deemed *advisable* to retain. The effect of this was to confine the appointments to the army, and to the citizens employed under the act of 1824. It gave the latter no legal right to be retained; but only *such* of them as should be deemed advisable; and of this the Senate would have to judge as well as the President.

PRE-EMPTION TO SETTLERS.

SPEECH OF MR CUSHING,
OF MASSACHUSETTS,

In the House of Representatives, Wednesday, June 13, 1838—On the bill to grant Pre-emption Rights.

MR. CHAIRMAN: I have two or three ideas touching this question.

Early in the debate, it was intimated by the gentleman from New Jersey [Mr. RANDOLPH] that this bill could receive little favor among the members from the North. This may be true. But I have considered the bill; and I am so thoroughly persuaded of its justice and propriety, that, even if alone, of all the members on this side of the mountains, I am prepared to give it my vote and voice.

My colleague [Mr. LINCOLN] seems to think the Legislature of Massachusetts has instructed the delegation of that State to resist the measure. I have no knowledge of any such instructions. I never saw them nor heard of them. I have made inquiry of individuals, and have turned over all the books, without being able to find a single line of instructions applicable to this bill. I am confident that no such instructions exist. Entertaining high respect for my colleague, and differing with him almost never on a question either of opinion or fact, when I do so, I feel bound to revise my own conclusions; and after careful examination, the only vote of the Legislature of Massachusetts, bearing on the subject, which I can discover on the files here, is the following, of April, 1836:

"*Resolved, &c.* That this Legislature approves of the principles of the bill now before Congress, for the distribution of the proceeds of the public lands of the United States among the several States of the Union; and that our Senators in Congress be instructed, and our Representatives requested, *to use their exertions to procure the passage of that bill into a law.*"

These instructions are very precise and specific. They instruct and request the members from Massachusetts to vote for a particular bill, a bill for distributing among the States the proceeds of the public lands. This bill is not that bill. Nor does one govern the other. The Legislature desired to have the *proceeds* of the public lands distributed among the States. It did not instruct us as to the mode of sale, or price, whether by public or private sale, with preference to any class of purchasers or not. This bill secures proceeds. It does no more, indeed, than simply to prescribe a mode of sale, or rather to allow to the actual settler a preference over the speculator, at a fixed price. The proceeds of sale, in this as in every other case, would be susceptible of distribution among the States.

I am confirmed in the opinion that the State of Massachusetts has left its members to pursue their own judgment in this matter, by the course they have actually pursued hitherto. The act of 1830, which has been treated in this debate as the foundation of pre-emption rights, received the vote of the only Senator from Massachusetts present [Mr. Silsbee;] and the votes of seven out of eleven members of the House present from that State, [Messrs. Davis, Dwight, Everett, Gorham, Hodges, Kendall and Richardson.] When the act of 1832 passed, it seems to have been considered so little objectionable, that the ayes and noes were not called upon it, nor even a division had, either in the Senate or in the House. The act of 1834 passed the Senate without opposition, or a recorded division, and received the votes of two out of ten of the members from Massachusetts present in the House, [Messrs. Choate and Everett.] One of the Senators from Massachusetts [Mr. Webster] supported this bill by speech and vote. And I have the proof before me, that the opinions of his upon the general subject which that vote indicates, are not new ones. On Monday, April 21, 1828, the bill to graduate the price of the public lands being under consideration, Mr. Webster proposed the following amendment, viz:

"That at any time, from and after the first day of January, anno Domini one thousand eight hundred and twenty-nine, such portions of the public lands as shall have been offered at public sale, and shall also have been subject to entry at private sale for the term of —— years, and shall still remain unsold, shall, thenceforward, be offered at private sale, in parcels conforming to sectional divisions and subdivisions, at the rate of —— per acre.

"SEC. 2. *And be further enacted*, That it shall and may be lawful for any head of a family, young man over the age of twenty-one years, or widow, not having received a donation of land from the United States, and wishing to become an actual settler on any parcel of public land authorized by the first section of this act to be sold at —— per acre, and not exceeding in quantity the amount of one quarter section, to demand and receive, from the proper register and receiver, a written permission to settle on the same, upon payment, to be made to the proper receiver, of the sum of —— cents per acre; and if such person, so applying for and receiving such permission, shall forthwith settle on the said land, and he or she, or his or her heirs or legal representatives, shall cultivate the same for five successive years, and shall be a citizen or citizens of the United States at the end of that time, then, on proper proof being made, before the register and receiver, of such settlement, cultivation, and citizenship, a patent shall issue for the said land to the person who received such permission, or his or her heirs or legal representatives. And the faith of the United States is hereby pledged to all persons who may settle on the public lands, according to the provisions of this section, that no dispensation shall, at any time, be granted to any individual from complying with the substantial conditions herein prescribed. And if due proof of settlement, cultivation, and citizenship, as herein required, be not made within —— year next after the expiration of said five years, the said land shall again be subject to entry at private sale, as land belonging to the United States."

These references to the records of Congress prove, it seems to me, that the members from Massachusetts are not instructed in this question; and that they may well continue to vote upon it, as they have done, according to their own individual convictions, and with mutual respect and forbearance for each other's freedom of opinion.

Sir, I agree with the gentleman from Virginia, [Mr. ROBERTSON,] that every Representative here owes a paramount, or rather a primary duty to the State which he immediately represents; and if the public policy or the interests of Massachusetts were in my opinion injured by this bill, that fact would materially affect my views of the subject. I think that the bill, in those great ulterior consequences of it which gentlemen have alluded to, is beneficial to my constituents; and if this was the place and the time to go into that question, I would undertake to prove it. And, so far as regards the principles which the bill involves, *they* are directly sanctioned by the municipal law of Massachusetts.

That State has at all times possessed a valuable public domain, not only within its proper limits, but also in what is now the State of Maine; and the relation of Massachusetts to its public lands in Maine is in some respects the same as that of the United States to its public lands in the new States of the West. As in the latter case, so in the former, the public lands of Massachusetts in Maine, though within the jurisdiction of another State, are not subject to be taxed by it, and remain at the primary disposal of Massachusetts.

From the very outset, in the earliest days of that colony, it seems to have been held by its people that its public domain was to be administered, not merely for the benefit of the body politic, but also for that of the individual persons constituting the body politic. Accordingly, in 1629, the very year of the foundation of the colony, they passed the "Act assigning lands in the Colony of Massachusetts Bay to individuals," allotting two hundred acres to every adventurer in the common stock, to the amount of £50; one section of which read as follows:

"For such as, being no adventurers in the common stock, shall transport themselves and their families, it is ordered that fifty acres of land shall be allotted and set out for the master of the family," &c.

Here is a distinct indication of *the policy of providing settlers* for the public lands of the colony. And without minutely tracing the legislation on the subject down to our time, it will be sufficient to pause on the State law of [illegible], already cited by the gentleman from Missouri, [Mr. HARRISON,] and

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* In explanation of the above, we take the liberty to state that Colonel Pierce, of the army, brother to Senator Pierce, was one of the officers who fought with great bravery during the Florida war; and Lieut. McNiel, who fell at the head of his company, was nephew to Senator Pierce.—*Ed. Globe.*

the gentleman from Mississippi, [Mr. PRENTISS.] That law, as its title and its provisions prove, was designed to systematize the survey, settlement, and sale of the lands of Massachusetts in Maine. It contains the following section:

"SEC. 6. In every township to be laid out pursuant to this act, the commissioners shall set apart fifty lots of one hundred acres each, of average quality and value, no two lots of which shall be contiguous to each other, which shall be granted and conveyed to the first fifty settlers in said township, upon the payment of five dollars for each lot: *Provided*, That application be made to said commissioners, and a certificate obtained from them, authorizing the person applying for the same to enter on and improve the lot applied for: *Provided, also*, That every person, at the time of receiving such certificate, shall give bonds to the satisfaction of said commissioners, with condition that such settler, his heirs or assigns, shall, within one year from the date of said bond, build a house and barn upon such lot, and within five years from the date clear up and make fit for the purposes of agriculture at least ten acres of such lot; and upon the faithful performance of such condition, such settler, his heirs or assigns, shall be entitled to and receive a deed of the lot described in his certificate, conveying to him and them all the right and title of the Commonwealth to said lot; and said commissioners shall also set apart one lot of average quality and value, in each township, for the use of the first settled minister, one for the use of the ministry, and one for the use of schools, in said township."

Now, it may be, as my colleague [Mr. LINCOLN] suggested, that the Legislature, in passing this law, did not attain the object it intended; but the *intent* it seems impossible to deny. The provisions of the act are a distinct legislative recognition of the policy of placing settlers on the lands then held by the State. It promises a *donation* of one hundred acres to each of the first fifty settlers in every township. It makes reservations for religious and educational purposes. And the gentleman from Missouri, [Mr. HARRISON,] who has investigated the subject, informs the House that a similar policy has been adopted in most of the several States which possess a public domain of their own.* It is the self-same policy which I advocate in the matter of the public domain of the United States. Doubtless a conflict of interest may grow up on this point, when the domain of a State ceases to be within its own limits, and the population settled upon it is no longer its own. But that does not apply to the public lands of the Federal Government, in its relations, as a great whole, to the several States, all constituting integral parts of the United States.

There is another set of laws in Massachusetts and Maine still more pertinent to the present question. I allude, not to the ordinary case which enters into the municipal law of all the States, of rights in land acquired by length of possession, but to the particular case of *betterment laws*, so called, which I cannot distinguish in principle from pre-emption laws, each description of laws being applicable to persons who settle on wild lands without authority of the proprietor, and each protecting the *betterments* or improvements which those persons make.

It has been said that this law does not affect public lands, but private only; that the tenant who would avail himself of its provisions must proceed under color of title; and that a squatter would not get any right by the law. But such is not the fact. Even if the law applied to private persons only, and not to the Government lands, that would not help the other side of the argument; for if the Government may give title by intrusion, as against individuals, *a fortiori* has it the power and the right to do so as against itself. But the "betterment act" has been expressly adjudged to apply *to the lands of the State, and to squatters;* and instead of requiring the tenant to show color of title, *the law is precisely the reverse;* entry by contract is fatal to his claim, as decided reiteratedly in the courts of Massachusetts, Maine, and the United States. I have the statute before me, and some of the various decisions.

The law of Massachusetts, stat. 1807, ch. 75, extended by stat. 1809, ch. 84, and by stat. 1819, ch. 144, still further extended and made to cover all cases, (1 Greenleaf's Rep. 92,) re-enacted by Maine in 1821, after the separation of that State, and re-enacted by Massachusetts on occasion of the codification of her statute law in 1835, (ch. 101,) provides, that if any action be brought against one holding land *by possession and improvement*, for the space of six years, by himself or others, the jury may be required to assess the value of the improvements, and also the value of the land without the improvements; and if the demandant or proprietor elect to take the land, he must pay the tenant the assessed value of the improvements; or he may abandon the whole land to the tenant for the assessed value of the land in its wild state. Such is the substance of the law.

This law has repeatedly been brought under the eye of the Supreme Court of Massachusetts. In one case, the Court say:

"The intention of the statute manifestly being *to provide for those settlers upon land who had entered against the will or without the knowledge of the proprietor;* and NOT for those who had entered under a lawful contract." (xii Mas. R. 330.)

In another case:

"The object of the Legislature in making the provision was to give relief to those who had entered without a title, perhaps expecting to obtain one; there being many persons in the Commonwealth *who had entered upon wild land*," &c. (xv Mas. R. 294.)

In another case, it is expressly admitted, as being in favor of those (but not those only) "who knowingly and wilfully enter upon lands belonging to others."—(xvii Mas. R. 357.) Indeed, the tenant, who holds under a defective title, which he believed to be good, is entitled to compensation for his improvements, even though in for a less time than six years.—(vi Mas. R. 303, and ii Gallis. 105.)

These and other cases in Massachusetts, reaffirmed in Maine, (1 Greenl. R. 357,) establish my assertion that the *betterment acts* apply to squatters, and secure their improvements to them. And this doctrine has been revised and approved in the Circuit Court of the United States.

The Court say:

"The statute (of 1807, ch. 175) * * makes no discrimination between an innocent possessor or purchaser and a trespasser knowing his own want of title, and acting openly in defiance of the rights of the legal owner. * * There is much apparent ground for arguing that the true reading of the statute is, that the tenant, entitled to the value of his improvements, must be *one who has no title but by a possession and improvement.* The words are, 'that where any action has been, or may hereafter be, commenced against any person for the recovery of any lands and tenements, which such person now holds *by virtue of a possession and improvement*,' &c. Now, the argument is, that a person who holds under a title, cannot be accurately said to be in by virtue of a possession and improvement, whether that title be defective or not. * * My opinion is, that this question was completely decided by the State court (of Massachusetts.) * * Deeming this THE SETTLED LAW OF MASSACHUSETTS, I feel myself entirely bound by it. * * And there is very strong reason to believe that THIS CONSTRUCTION HAS, IN PRACTICE, BEEN FOUND WHOLESOME AND PRODUCTIVE OF PUBLIC GOOD."—(iv Mason's Rep. 174.)

But this law, it is objected, does not touch the domain of the State. Well, I am prepared to clear up that point also. I have a case here from the Maine Reports, part of which I shall ask to have read, not only because it elucidates the betterment law, but because it affirms the moral equity and the justice of the principle common to that law and to the bill now before the House. The marginal note of the case is as follows:

"When one entered upon lands belonging to the Commonwealth of Massachusetts, lying within the State, and continued there for more than six years, erecting a house, planting an orchard, and making other improvements, it was held in an action to recover the possession, brought by the grantees of the Commonwealth *within six years from the time of their purchase*, that the tenant was entitled to the benefit of the provision of stat. of 1821, ch. 47, commonly called the *Betterment Act.*"

The counsel for the demandant argued, as it has been done here, that Massachusetts could not be dissolved; nor could a settler on her lands within that State, by a possession of any length of time, acquire a right to betterments.

The Court overruled this argument, and decided in favor of the squatter. They say:

"The protection of interests of this kind (settlers' improvements) has not, for nearly thirty years in Massachusetts, been regarded as inconsistent with the just rights of the proprietor. A law of that Commonwealth, which passed as early as 1806, lends its aid to vindicate his title and to restore to him his possession, but upon the condition that he pay for the additional value, derived from the labor and expense of those who may have held the land for the period of six years or more. The proprietor may, at his option, claim to receive the full value of the land, if unimproved; or, if he choose to retain it, he is not to enrich himself at the expense of the occupant, but is held to pay for its increased value arising from the improvements. This law, which has been re-enacted here since the separation, has become a rule of distributive justice, which has commended itself to the favor of the public for *the equity of its provisions*, and has received a liberal construction in the highest courts of both States. *It relaxes the rigor of extreme right; and is intended generally to extend some indulgence to those who penetrate the wilderness, subdue the soil, and render it productive, and who usually have families depending upon the fruits of their labor. It has not accorded with the moral sense and enlightened justice of either State, to suffer a proprietor to strip the occupant of these fruits*, so far as they have given additional value to this land, without compensation. This increased value is not considered as of right belonging to him, (that is, the proprietor.) If, therefore, in this suit, we award it to the tenant, as our laws and their laws require in ordinary cases, we do not impair the rights of Massachusetts, either according to our sense of right and justice or their own." (iii Fairfield's Rep. 373.)

And by statute, under the old process by information against persons who unlawfully enter and intrude upon or hold any lands belonging to the State, if the State prevail, the tenant is, in express words, entitled to an allowance for all improvements made on the premises, as in the case of individuals (Mass Rep. Rev. Stat. ch. 108.)

Such, then, is the "betterment act." The courts of justice, which are not slow to vindicate the majesty of the law against wrongdoers, say the act is right in principle. The people of Massachusetts have said so, by extending, enlarging, and re-enacting it, after the experience of successive periods of two, of twelve, and of twenty-nine years. And I recur to the position that there is no difference in principle between betterment laws and pre-emption laws. Each of them relaxes the rigor of extreme right in favor of settlers going on wild lands and making improvements. The betterment act, to be sure, requires six years' cultivation by a settler, or a succession of settlers; but then it is *permanent and prospective* in its provisions, and so, if it be more strict than the present bill in one respect, it is more liberal in another.

Leaving these analogies to the legislation of the States, I come to the bill itself, and its own intrinsic merits.

Sir, in the course of this debate, much has been said of the *rights* of the United States, as against these settlers; and the observations of gentlemen seem to me to betray some confusion of thought as to the nature and limitations of this *right*, of which they speak. If gentlemen contented themselves with discussing the question upon the policy and the law of the country, we should understand each other; but they reach out beyond and over the statute book into the unexplored domain of abstract right, and draw from thence terms of moral obloquy with which to overwhelm the settlers. Sir, it does not become us to employ any very lofty language on this subject. What ABSTRACT *right* has the Government of the United States to these very lands? How came we here? Gentlemen speak scornfully of *squatters*. If the Indians of this country were to speak out—they whom we found here, as Red Jacket said, in possession ages before us, and with title-deeds from heaven—were the Indians to judge the question, should not we, the Government of the United States, be but squatters, save on a grander scale? How came we here, I repeat? By intrusion upon the aborigines, by purchase at nominal prices, by fraudulent bargains, by conquest. We call this right. What right? *The right of our strength.* Any legal right? Yes; the conventional law, adopted by Europeans, and by us under and through them, that, by landing and burying a bottle in the earth, or planting a flag in the cleft of a rock, the nation so doing acquires a title to a thousand miles of the soil of this continent, to the exclusion of its aboriginal inhabitants. That cabalistic operation is the *legal* groundwork of this omnipotent right of yours.

Pushing this argument of the abstract rights of the Government to the extreme which some do, there is another point of regard, in which they are hollow and weak, and crumble away at a touch. Place yourself in the situation of one of these wanderers on the prairies of the far West. Suppose him to have read or heard tell of the theories which the books of philosophy teach us on this subject—the theory which I remember learning in my boyhood from the celebrated John Locke's Treatise of Civil Government.* Nay, he does not need to go to books for the theory; it is twisted into every fibre of the human constitution, and stamped upon the face of universal nature: the theory, that God gave the earth to be tilled by man; that by subduing and cultivating the wilderness he has mixed up with the soil something that was imprescriptibly his, the sweat of his brow, and the work of his hand; and that in so doing he has withdrawn from the common stock, appropriated, and made his own, that little modicum of his native earth which is thus commingled with himself. Independently of conventional law, such is indeed the primitive foundation of the rights of property, namely, the skill and labor of the individual man; as the protection of that skill and labor in what they accumulate is one of the great objects of law itself.

It is impossible not to feel this, in the midst of the vast uninhabited wilds of this country; to feel it as no longer a mere speculative theory of the books, but as a vivid present reality. Standing in the wide expanse of one of our great Western savannahs, solitary in the domain of Nature, will you tell me that I shall not shoot the buffalo or the antelope that crosses my path, or build me a cot by the river side, or plant a hillock of corn in the virgin soil that seems to invite and demand the presence of the cultivator? Will you tell me that the game I have hunted, the hut I have built, the corn I have planted, is not mine? Will you treat me as a criminal for reclaiming the wilderness from a state of nature, and making it habitable by man? Will you set up an abstraction here, one or two thousand miles off, that shall strip me of the fruits of my toil, and send me and mine houseless into the woods? Sir, you will not persuade me that this is justice. It is impossible. You cannot deal thus with the free hearts of the West. Their strong arms and bold spirits will scatter such iniquitous conceptions as these to the winds.

Mr. Chairman, I am ashamed to be arguing such mere abstractions to the House. But gentlemen drive the friends of the bill into this train of thought. They do it by the unreasonable excess of their condemnation of the settlers, and by the untenable grounds of assumed abstract right, which they take for granted, in uttering this condemnation. Away with abstractions, then. Let us come to the law of the land, and to a practical consideration of the facts as they are, the only rational rules to guide us in this matter. It seems to be assumed by the gentleman from Ohio [Mr. MASON] that, upon the law of the land, the Government has all right, the settlers none. I say, *the law of the land*, which the Government makes itself, which it makes for itself, and which it makes as it will; but which law of the land is, after all, the true foundation of the rights and relations of property under every well organized Government. By law the settler has such rights as we the Government have chosen to give him, or such as we may now choose to give him; we having the power to measure his legal rights according to our sense of justice and of public policy. He has been treated in debate here as a mere outlaw. Is it so? The gentleman points me to the law of 1807, for preventing unauthorized settlements on lands of the United States, as the warrant for this idea. Let us look into that law.

It forbids unauthorized settlements on the public lands. That is plain enough. And that is the whole foundation of the language of opprobrium so freely applied to the settlers. But does the law say they have *no rights as settlers?* No; on the contrary, twice it speaks of the *right, title, and claim* of the settler; thus testifying, involuntarily, as it were, to the fundamental truth that skill and labor give rights. It says the settlers shall "forfeit all his or their right, title, or claim, if any he hath or they have;" and that "every right, title, or claim forfeited under this act shall be taken and deemed to be vested in the United States." That which is *forfeited*, that which being forfeited by one *vests* in another—mark the force of these legal phrases—is and must be something which exists. So that the very act which provides a penalty for unauthorized settlements, yet recognises an existing right in the settler: it does by no means consider him as a mere outlaw.

What may have been the origin of this law—whether it was enacted for the limited object specified by the gentleman from Mississippi [Mr. PRENTISS] or not—is immaterial to me. I take it as I find it. And I contend that, although, on the face of the law, the settler offends, yet to enforce it according to the letter would be that *strictum jus* or *summum jus*, which may be truly characterized as *summa injuria;* that, whether enacted *in terrorem* only, or for whatever other cause, it never has been enforced according to the letter; that the Government has

* The present administration of the State of Maine entertains similar views, embodied in a recent law passed on the recommendation of Governor Kent, who, in 1830, in the Legislature of Maine, spoke as follows:

"When, sir, as a legislator of the State of Maine, I cast my eye over these unfelled forests, ready for the axe of the pioneer of civilization, I cannot bring myself to the cool calculation of their market value, and rest contented if they *sell well*. In my opinion, sir, the first great object which we should have in view in all our legislation, is the settlement of those lands. The great point to which all our acts should tend, to present inducements to the hardy yeomanry of our land to migrate to these sections, so that in a few years the desert may become a fruitful field, and where now stands the native unsubdued forest, our eyes may be blessed with the sight of a free, enterprising, industrious, *Yankee* population, with their churches and schoolhouses. I deprecate the policy, sir, which regards these lands as an *appendage to the Treasury Department;* which views them only as a source of revenue; which is willing to sell them in large tracts to individual speculators, if a few dollars can thereby be placed in our coffers, although by these very *sacrifices* (I will not call them sales) the settlement will be retarded for years, and the suffering tenants may mourn in dust and ashes the hard-hearted policy which has placed not merely themselves, but their towns, under the control of an absent landlord."

* "God and his reason commanded him to subdue the earth, that is, improve it for the benefit of life, and therein lay out something upon it that was his own—his labor. He that subdued, tilled, and sowed any part of it, thereby annexed to it something that was his property, which another had no title to, nor could, without injury, take from him." (Locke, on Civil Government, bk. ii, ch. 5.)

"God hath given to the sons of men a twofold right to the earth. There is a natural right and a civil right. The first right was natural, when men held the earth in common, sowing and feeding where they pleased. Then, as men and cattle increased, they appropriated some parcels of ground by enclosing and peculiar manurance, and this in time got them a civil right." (Plantations in New England, Hutch. Sc. Pap. 30.)

a perfect right to remit the forfeiture of the settler's right which the act threatens; that, in fact, as if conscious of the injustice of the letter of the law, or of the impotency of all attempts to enforce it, the Government has perpetually intervened, in one way or another, by a sort of equity power, to remedy the unjust operation of the strict letter of law. They have done this, by pre-emption laws without number, dating far back anterior to the law of 1807, and so on, year after year, down to the present time.

Sir, one gentleman [Mr. RANDOLPH] speaks of the law of 1830 as the beginning of pre-emption rights; and another [Mr. ROBERTSON] says the land system was sound until 1830; as if that law *innovated* upon the preceding course of legislation. Not so. To enforce the strict letter of the act of 1807, after allowing it to slumber for thirty years—to refuse protection to the settlers by rejecting this bill—that would be the innovation. True, the act of 1830 is the first pre-emption law covering the whole public domain. But there is a multitude of old acts for classes or lists of settlers in Ohio, and all the other new States; and there is a long series of acts covering specific States, (or Territories;) as that of 1803 for Mississippi, (including Alabama,) of 1805, 1806, and 1811, for Louisiana, (including the country west of the Mississippi;) of 1808, for Michigan; of 1812, for Missouri; of 1813, for Illinois, (including the Northwest;) and of 1823, for Florida, Alabama, and Mississippi. Beside which, the act of 1816 contemplates the conversion of the whole mass of settlers into *tenants* of the United States. How is it possible to shut our eyes upon the fact that these relaxations of the system are as old as the system itself, that they are the equity running along, side by side, with the law, to remedy its defects and to soften its rigor?

Gentlemen opposed to this bill began the debate by assuming the general excellence of our system for the sale of the public lands, and deprecating pre-emption rights because of their being a departure from the system. But new light broke upon us as the debate proceeded. Instead of its being so excellent, so faultless, I hear member after member, on both sides of the House, declare that the auction sales, which constitute the first element of the system, are *a downright farce*. So says, among others, the gentleman from Kentucky, [Mr. UNDERWOOD.] If the fabric itself be so ridiculous, it would seem to be scarcely worth while to maintain its symmetry at the expense of great injustice and hardship to individuals. But suppose the system itself were intrinsically as perfect as some of the arguments against this bill assume it to be, still *that* constitutes no valid objection to its passage. There is imperfection in every thing human, perfect as it might be in the main. It is the common case. There is one point, in which the system strains. It is unjust and impossible rigorously to carry it into effect, as against the poor and honest actual settler. A pre-emption law in his favor is the equitable modification of the standing law, by which that which is right in the general is saved from working injuriously in this particular application. It is the rectification for the unavoidable derangement of the machinery at this point.

What nation, it is asked, ever exhibited such a spectacle, prohibiting a thing by the general law, and continually sanctioning the violation of the law by special acts? I reply, it may well be that we are alone in this respect, as we are alone in the adoption of a policy which attempts to convert the public domain into a source of revenue. Other nations, situated as we are, have encouraged by all means the colonization and settlement of their lands, looking to the great object of building up industrious and prosperous communities in the wilderness, rather than the small one of extracting revenue from land sales. No other nation, probably, seeks or pretends to do what is impossible, namely, to exclude settlers from its wild lands.

For suppose the bill to be rejected. Suppose we decide that the settlers are entitled to no favor. What will you do? Thousands of settlers have entered on the unsurveyed lands, doing it in the conviction that they wrong nobody, expecting that pre-emption rights will be conceded to them as they have been to others, perceiving that the Government has never enforced the act of 1807, and that pre-emption rights have been recognised by almost every Congress from that time to this; I say they have proceeded, under such circumstances, to make to themselves homes in the West. What will you do? Will you endeavor, at this late day, to reawaken the slumbering vitality of that law? Will you prosecute the settlers under it? Why, every man in his senses must know that it would be impossible to obtain convictions, or rather impossible to obtain a competent jury, any where in the region of these settlements. Will you oust the settlers by force? It would be well to count the cost before undertaking that. Will the President send a marshal to drive these men from their homes? Sir, *that would be civil war*. These men are courageous, daring, accustomed to danger and hardship by their forest life, and not the men to yield passively to what they conceive to be deep injustice. Your Scotts, and Jesups, and Bradys, and Arbuckles, and Dodges, and Atkinsons, would be gloriously employed in leading troops—if they could find any willing to be led in such a cause—against their own peaceful fellow-citizens. Have we not wars and rumors of war enough on hand, without getting up one against our own people? Is the Government prepared for this? I am not, for one. Instead of outraging these men, it is our duty and interest to favor them. They stand on the outposts of the country, upon that Western frontier which may, at any moment, become the theatre of a desperate contest with the savages, in which, if such a contest should unhappily come, we need the services of these very men, the hardy pioneers of the West, for the defence of the border States. It is impossible to enforce the law against them; it would be madness to drive them to extremities by attempting it. I stand upon this physical impossibility. There is no other practical alternative. And it is the part of a wise Government to concede gracefully that which it cannot and ought not to refuse.

The settlers have been denounced as men of lawless habits and character. I do not believe this. Doubtless, they want the polish mannerism of city life. But they are men adapted to the circumstances that surround them, manly and bold, inured to toil, with minds and bodies fitted to grapple with the perils and privations of a pioneer life. They who have bought land of the Government at the Government price, and then settled on it, and they who have first settled, and now stand ready and anxious to pay the Government price, are the same class of persons. Condemning one, you condemn both; that is, the whole of the frontier population; which is unjust to them every way. It is a mistaken idea that such of them as are on the public lands are less regardful of general law than their neighbors. Why, then, do they go upon the public lands? I have a little book here, lately published, a description of Wisconsin, which explains this. It seems that Iowa, the new Territory beyond the Mississippi, has more inhabitants than Wisconsin proper. Why is this? Not because they are speculators, rapaciously seizing upon the best lands, as gentlemen seem to imagine; but the contrary. My little book says:

"We may perhaps safely say that eastern Wisconsin has a population at this time of about 20,000; and Iowa, or the district west of the river (Mississippi) of about 25,000. * * The emigration to the western side of the river was greatly increased in consequence of the spirit of speculation having been so widely and destructively diffused over the eastern part of the Territory. * * The industrious emigrant finds many of the best lands in the hands of the speculator, and he is compelled to move onward to the West, until he can settle on lands *to which he may have his pre-emption right*, or at least be able to purchase at the Government price, without being obliged to purchase at an enchanced price from the capitalist." (Observ. on Wisconsin, p. 111.)

Gentlemen who oppose this bill have a great deal to say about speculators; and in what they do say, they contradict themselves very strangely. At one time they tell us these pre-emptioners are lawless speculators, planting themselves upon the choicest parcels of the public lands. At another time, they are described as poor men, incapable of taking care of a few acres of land, the victims and the prey of speculators. There is, I think, much error and exaggeration in all this. Certainly, the actual settler is more to be favored than the mere speculator. Still, men will speculate in the public lands, as in every thing else which is bought and sold. They may do it lawfully, they may do it honestly. But gentlemen from the West, enemies of this bill as well as its friends, have assured the House that the great field of speculation, and of combinations of speculators, is at *the auction or other sales of the Government*. And as for the settlers, there is no more reason why they should not have the power to sell that part of the fruits of their labor which is invested in improvements, than that part which consists of crop or cattle. It was the gentleman from Kentucky, [Mr. UNDERWOOD] I think, who suggested in argument against the bill, that the settlers were improvident men, who would lose their improvements to shrewder men around them. That is a singular objection. If it proves any thing, it proves that settlers of this class should not be allowed to buy land of the Government at all, or indeed to have property of whatever description. A poor man is not to have property, not even that which he has fairly earned by hard knocks, unless he can first show satisfactorily that he is skilful in keeping, as well as industrious in acquiring, property! What sort of doctrine is this? Not such as I can approve. Ours are institutions of equal laws for all. The same free field of competition is open to the rich and poor alike. If either has more claims on us than the other, it is the poor man, who has less of the advantages of fortune. Him, at any rate, we are not, because of his being disfavored already by fortune, to disfavor further by law; especially if he be the pioneer, who is the first to open the wilderness to cultivation, and the first to be called upon to fight the battles of the country in the hour of danger.

Sir, the House perceive that I disagree altogether with the gentleman from New Jersey, [Mr. RANDOLPH,] and the gentleman from Ohio, [Mr. MASON,] who regard the settlers as men deserving of no favor. I hold the contrary. I honor the enterprising men who carry their stalwart limb and free-spirited hearts into the Western woods and prairies, and subdue the wilderness to the dominion of our civilization and our laws. I deny that this indicates any lawlessness of character. Who are these men? Are they not, many of them, our own friends, neighbors, and people—fellow-citizens of ours from the Atlantic States, who remove to the West, not to live a life of idleness, but to carve out for themselves a competency by laborious industry, in that noble field of enterprise and of toil? They are the instruments and the evidence of the expansive energies of our country and our institutions. If among them be some of less orderly tempers, the better for us who remain behind. Western emigration is the safety-valve of the Union. It serves to relieve the more crowded population of the old States; to relieve them of those evils of a condensed society, with crime and extreme poverty in its train, which are the curse of many parts of Europe; to relieve us of all the uneasy and exuberant spirit which is compressed and fretted in populous communities, but which finds ample scope for the beneficial expansion of its energies in the wide West.*

* "There is, probably, no people on earth with whom business constitutes pleasure, and industry amusement, in an equal degree with the inhabitants of the United States of America. * *

"Labor is as essential to their well-being as food and raiment to a European. This national characteristic of Americans, together with their love of independence, is a complete commentary on the history of all their settlements, and the progress of manufactures and commerce. Thousands of persons who, as servants, or in other inferior walks of life, might be able to provide for themselves in the large cities, emigrate to the western woods, to procure for themselves a larger field of enterprise and useful occupation. There is no hardship or privation incident to the lives of new settlers, which their robust and athletic constitutions would not willingly suffer, to gratify their insatiable desire after active and independent labor: there is no pleasure within the range of all a city can afford equal to the proud satisfaction of beholding the daily results of their indefatigable exertions. These phenomena it would be in vain to explain by the mere spirit of adventure. There are no gold mines in the Western States; no active commerce equal to that from which they emigrate; no accumulated wealth to allure their covetousness. The riches of the soil can only be explored by active labor and a series of harassing details, connected with the sacrifice of every convenience of life: the commerce of the explored region is to be created by new roads and lines of communication, which call for new and increased exertion on the part of the settlers, and it is only after a period of many years their sturdy industry can hope for an adequate reward of ease and prosperity. Such prospects are not apt to allure the weak, either in body or mind, and require a determination and steadiness of purpose totally incompatible with the vague and loose spirit of adventure. Neither is there any thing in the character of the Western people which could give the least foundation to such a suspicion. They are a hardy, persevering race, inured to every toil to which human nature can be subjected, and always ready to encounter danger and hardships with a degree of cheerfulness which it is easily perceived is the effect of moral courage and consciousness of power. * * *

"It appears, then, that the universal disposition of Americans to emigrate to the Western wilderness, in order to enlarge their dominion over inanimate nature, is the actual result of an expansive power which is inherent in them, and which, by continually agitating all classes of society, is constantly throwing a large portion of the whole population on the extreme confines of the State, in order to gain space for its development. Hardly is a new State or Territory formed before the same principle manifests itself again, and gives rise to a further emigration; and so is it destined to go on, until a physical barrier must finally obstruct its progress." (Grund's Americans.)

The Confederacy does not want wild lands to be hoarded for the uncertain hope of revenue. If it did, this bill would not materially interfere; since it requires the settlers to pay the Government price of $1 25; and the average sales since 1823 have only yielded $1 27.920 But what we as a Government want is men, tax-paying men, free nations to pay, and to fight if need be. Or, as Sir William Jones well said, it is not lands, nor battlemented walls, that constitute a State, but "men, high-minded men." I rejoice, therefore, in the growth and prosperity of the rural population of the country. I am for protecting and encouraging all, the commercial, the manufacturing, and the agricultural; but it is the latter, the producing class, they who raise the very necessaries of subsistence, which is of primary necessity to a nation; and which is at the same time among the freest and the hardiest by habit of life; and are they to be the objects of obloquy and reproach? These are the men, reared in Nature's lap, the fearless cultivators of the virgin soil of America, commemorated by the great poet:

> The freeborn forest found and kept them free,
> And fresh as is the torrent or the tree.

Their leading characteristic traits, devotion to liberty, enterprise, perseverance, courage, love of labor and activity, are the very elements of our country's greatness. I do not relish the language of censure applied here to such men. They deserve all reasonable protection at the hands of this Government; and so far as I can contribute to give it to them, they shall continue to have it.

Mr. Chairman, I shall not enter at present into the great question of the future disposition of the public domain of the United States. I have said, and I repeat, that I do not think it for the good of the country, or its inhabitants, that the public lands should be hoarded as a source of revenue. Very soon we shall have to take up the general question in earnest. As at present administered, the fund derived from the land sales is the chief cause of the irregularities in the fiscal action of this Government. The lands themselves are the object of perpetual sectional jealousies, and the means of infinite political corruption. They make this Government the greatest landlord in the country, and thus give to it overwhelming patronage and power in the new States. He who shall come forward to put an end to this state of things, who has courage to run the hazards as well as to deserve the honors of attempting to carry through a plan for adjusting the relations of the States individually and of the United States to the public domain—though, like Tiberius and Caius Gracchus in reviving the Licinian law of the Roman Republic, he should fall a victim to the attempt—will deserve well of his country. Meantime, I shall vote for this bill, as a measure beneficial to the actual settlers, the men who encounter all the hardships of converting the wilderness into cultivated fields, and of preparing it to be the seat of civilization and of freedom, and of new communities, the future members of our Confederacy.

PRE-EMPTION TO SETTLERS.

SPEECH OF MR. ROBERTSON,
OF VIRGINIA,

In the House of Representatives, June 13, 1838—On the bill granting Pre-emption Rights.

MR. CHAIRMAN: The disposition of the public lands becomes every day more and more a subject of profound and exciting interest. The claims of the pre-emptioners, now so strenuously pressed upon us, certainly merit our candid consideration; but they are of trivial moment, compared with those of another description, which have been passed by almost unnoticed by those who have taken part in the present debate. I allude to the deep stake held by the original States, and, above all, to the peculiarly imposing claim of that State which you,* sir, as well as myself, represent. It is time that these great interests should attract the attention of Congress, and some final measure be devised for placing them on a just and satisfactory basis.

Whatever may be our opinion of the pretensions set up by the pre-emptioners, we should adopt no partial legislation on their behalf, while higher and better claims are left unadjusted. The Treasury cannot much longer require the resources arising from the sales of the public lands. Let us then, sir, understand what ultimate destination it is proposed to give them. Shall the old States be allowed any share of what they generously yielded for the common benefit? Shall the proceeds of sales, when no longer required for revenue, or the lands themselves, be distributed among all the States in just proportions? Or shall the whole be surrendered, with or without equivalent, to the States in which they lie? These, sir, are momentous questions in all their bearings. The geographical divisions to which they inevitably tend are far more dangerous than those of a political or party character merely. But, sir, they must be met. Unless the interests to which I have adverted are to be forever abandoned, delay will but aggravate the evil! The time, too, is as favorable as perhaps will ever again occur, to adjust them on fair and satisfactory principles; and, by so doing, we shall, in my estimation, deserve more of the country than by creating a Sub-Treasury or a National Bank, or adopting any scheme, however perfect, for regulating the currency. Perhaps, if we narrowly examine our own hearts, we may find ourselves in this, as on other occasions, too much swayed by selfish considerations. Let us endeavor to discard all such, and confer together in a spirit of conciliation. Quiet, if you will, the pre-emptioners in their unauthorized possessions; satisfy, if you can, the insatiable cupidity of speculators; comply with the wishes of the Western people, by graduating and reducing the price of the public lands, if such measures be within the limits of your authority and consistent with good faith. Sir, I should dishonor the State we represent, by asking, on her behalf, what she is not entitled to demand; justice, bare justice, is all she ever sought; and I should dishonor my-

* Mr. CRAIG of Virginia was in the chair.

self, if, viewing the signs of the times, I could stand by and see her just claims overlooked, her rights wrested from her, without an effort to maintain them. If I know myself, sir, I have no other feeling towards any portion of our wide-spread Union than that of warm attachment; but I must frankly say that I love, above all, the State which gave me birth. Nor will Western gentlemen, who now, and on all occasions, so zealously defend the interests of their own constituents, condemn me for vindicating those of mine. I go further, sir. They boast, and justly, perhaps, of the growing importance and power of the new States; but when they find an Eastern or Southern man seeking by undue concessions to conciliate their favor, I warn them not to trust him. If treacherous enough to sacrifice the rights and interests of his own constituents, with a view to selfish ends, they may rest assured he will never prove true to others when the same motive shall prompt him to betray them.

The subject of the public domain, Mr. Chairman, has been discussed as if the United States possessed an unlimited right to dispose of it at their will and pleasure. Such, sir, is not the fact. They hold a large part of it—all that ceded by the States—under solemn stipulations, which they cannot violate. They are mere trustees; and the terms, being in themselves essentially just, apply with equal moral force to the lands since acquired by purchase. These propositions would seem too clear for argument. I will not enter at large into their examination, nor cite the many great names by which they have been demonstrated. It will be all-sufficient to refer to the opinions of one whose authority this committee will not question. General Jackson, in his Message of 5th December, 1833, putting his veto on the land bill, takes a full view of the rights of the States, and asserts the obligation of this Government to maintain them. It will be gratifying to his friends, no doubt, to refresh their recollection by citing the doctrines of this learned jurist. I do not know—I must say, in answer to a gentleman near me—whether it was this veto Message which raised him to the rank of doctor of laws, or whether the degree was conferred for the learning displayed in the proclamation or protest. Be this as it may, the argument alluded to, so far as respects the present question, was never refuted, and I believe it to be irrefutable. Permit me, sir, to cite a few passages.

After giving a history of the waste land held by the original States, he speaks of the motives which induced them to surrender it. He quotes the terms of the cession made by Virginia, (1st March, 1784,†) and the clause in the Constitution giving power to Congress to dispose of the territory of the United States ‡. He then says:

"The Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the Confederation."

And adds:

"By the facts here collected from the early history of our Republic, it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a 'perpetual union.' The States claiming those lands acceded to those views, and transferred their claims to the United States, upon certain specific conditions, and on those conditions the grants were accepted. The solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them, by ties as strong as can be invented to secure the faith of nations."

This, sir, is strong language.

Adverting to the ordinance of 1787, which he tells us was made to secure to the Government of the United States, forever, the power to execute these compacts in good faith, he quotes the article which declares that the new States shall never interfere with the primary disposition of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers.

From all this he deduces several distinct propositions, affirming, in substance, the obligation of the Government to dispose of the waste lands, for the *common benefit* of the States, *according to the proportions stipulated* in the deeds of cession. The pledge of those lands for the payment of the public debt he considers as practically conforming to this obligation. But that debt, he says, may be considered as paid, and the lands consequently released from the lien.

Now mark the grounds, sir, upon which he rejected the land bill. I will refer to the first two objections only. In a spirit of concession, perhaps too liberal, the bill proposed to give to the new States 12½ per cent. out of the proceeds, and then to divide the residue ratably among all. Referring to this proposal, he says:

"The bill begins with *an entire subversion of every one of the compacts* by which the United States became possessed of the western domain, and treats the subject as if they never had existence, and as if the United States were the original and unconditional owners of all the public lands."

Again:

"This twelve and a half per cent. is to be taken out of the nett proceeds of the land sales, *before any apportionment* is made; and the same seven States which are first to receive this proportion are also to receive their due proportion of the residue, according to the ratio of general distribution.

"Now, waving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character, than that *it is in direct and undisguised violation of the pledge given by Congress to the States*, before a single cession was made; that *it abrogates the condition upon which some of the States came into the Union;* and that *it sets at nought the terms of cession spread upon the face of every grant, under which the title to that portion of the public land is held by the Federal Government?*"

His second objection is founded upon the same principle:

"In the apportionment (he observes) of the remaining seven-eighths of the proceeds, this bill, in a manner equally undisguised, *violates the conditions upon which the United States acquired title* to the ceded lands. Abandoning altogether the ratio of distribution, according to the general charge and expenditure, provided by the compacts, it adopts that of the Federal representative population. Virginia and other States which ceded their lands upon the *express condition* that they should receive a benefit from their sales *in proportion to their part of the general charge*, are, by the bill, allowed *only a portion* of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their Federal representative population."

Having thus warmly reprobated the injustice of depriving the old States of any portion of their just share in the public domain, he proceeds to observe:

"The Constitution of the United States *did not delegate* to Congress *the power to abrogate these compacts*. On the contrary, by declaring that nothing in it 'shall be so construed as to prejudice any claims of the United States, or of any particular State,' it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all 'needful rules and regulations for carrying them into effect.' All beyond this would seem to be an assumption of undelegated power."

Such, sir, was the respect manifested, some few years past, by the Chief Magistrate of this Union—himself a Western man—for the obligation of this Government to redeem its pledge and execute its contracts in good faith—these invaluable monuments, as he termed them, of an age of virtue, patriotism, and disinterestedness. But a new light has dawned upon us, and doubts begin to be suggested as to the true meaning or obligatory force of explicit engagements, *the most solemn that could be devised to secure the faith of nations*. This Government, it is more than insinuated, may sell the lands for a nominal price, or surrender them unconditionally to the States in which they lie; and these ideas, strange to say, are thought to be shadowed forth in the official communications of the same Chief Magistrate, who so triumphantly asserts the rights of all the States to an equitable participation. It must be acknowledged, sir, that there is some ground for this charge of inconsistency, gross as it is. In his message of December, 1832, General Jackson says: "It seems to me to be our *true policy* that the public lands should *cease* as soon as practicable *to be a source of revenue*, and that they be sold to settlers in limited parcels, at a price *barely sufficient to reimburse* the United States *the expense* of the present system, and the cost arising under our Indian compacts." And adds: "It is desirable that, in convenient time, *this machinery* be withdrawn from the States, and *the right of soil* and *the future disposition* of it be *surrendered to the States, respectively, in which they lie.*"

He repeats these suggestions in the very message from which I have just quoted an argument demonstrating that such surrender would be a palpable violation of our plighted faith.

The present incumbent, following in his footsteps, insinuates the same policy, and almost in the same words. He tells us in his last annual message, that "the time will come when it will be the *true policy* of the General Government, as to some of the States, to *transfer* to them, for a reasonable equivalent, all the refuse and unsold lands, and to *withdraw* the machinery of the Federal land offices altogether." Both the present and last Administrations, it would appear, then, concur in recommending a surrender of the lands. But, more just or more wary than his predecessor, Mr. Van Buren does not propose to yield them up without an equivalent. Nor, indeed, can it be believed that Gen. Jackson, although he does not in terms propose an equivalent, could have intended so gross an outrage upon rights he had himself so ably vindicated. It is strange enough that he who considered the division among the States, in the ratio of their representation, as the most safe, just, and federal disposition which could be made of a surplus of *general* revenue, should find an insurmountable difficulty in dividing among them the proceeds of the public *lands*, which this Government is expressly bound to dispose of for their common benefit. But it is inconceivable that he who pronounced the division of those proceeds, as proposed by the land bill, an undisguised violation of the pledge given by Congress, because it gave an advantage to the new States of 12½ per cent. only beyond their due proportion, could have contemplated a gratuitous surrender of the whole. I cannot ascribe to him an intention indicating so unaccountable a perversion of intellect, or so monstrous an obliquity of the moral sense. The very grounds on which he rejected the land bill, I repeat, present an unanswerable argument against the pretension. I could hope to add nothing to the force of that argument, were I to attempt it. I am willing to leave it where he has placed it; and will now turn to the question more immediately involved by the bill on your table.

When we compare the operation of our land system, as it was admirably organized previous to the fatal act of 1830, we cannot fail, sir, to be struck with the contrast. In place of order and fair dealing in the conduct of public sales, and perfect security of title, we have introduced confusion, fraud, and insecurity. The reasons assigned in favor of this and the subsequent pre-emption laws have not satisfied my mind of their policy or justice. Gentlemen differ among themselves as to the true grounds on which they should be defended. Some regard the privileges they confer as a favor bestowed on the poor; others as a just right, founded on merit at least, if not on law. The gentleman from Mississippi who has just taken his seat, [Mr. PRENTISS] takes the bold ground that the act of 1807, prohibiting settlements upon the public lands until authorized by law, is to be regarded as repealed or obsolete; that the conduct of the Government has been such as to invite settlers to take possession, and that it is its interest as well as its duty to protect them. There is much plausibility, sir, as well as boldness, in these propositions; but they will not stand the test of examination.

It is true that pre-emption laws have been granted, from time to time, from an early period; but they were partial and local in their operation. It was not the practice of those who at that time administered our Government to invite aggressions upon the public property, nor, unless for peculiar considerations, to sanction them after they were committed. It seems, sir, that they were but in the horn-book of politics—not half a century, but a century and a half, at least—behind the enlightened statesmen of the Jackson era. THEY were simple enough to imagine that some respect ought to be paid to the laws of the land. One of their earliest measures, founded upon that antiquated notion, was to prohibit unlawful entries on the public domain. They actually treated it as an offence; and, as far back as 1785, required a proclamation to be issued, warning all persons against committing it. Those who followed them continued to blunder on in the same way for a succession of years. In 1807 they went much further. They not only authorized the removal of all intruders by the marshal, and, if need be, by military force, but subjected them to a criminal prosecution—to fine and imprisonment.

Nor can it be said that this law has ever been repealed or has become obsolete. Had the gentleman from Mississippi more closely examined the past history of our legislation, he would have found that Congress not only refused, even upon the application of the Legislature of his own State, to relieve against the law of 1807, but that they repeatedly reasserted the policy that law was designed to enforce. I will not fatigue the committee, sir, by a special reference to the earlier recognitions of that policy, nor comment upon them. I will refer those who doubt to the more recent reports only, (in 1824, '25, and '26) from the Committee on the Public Lands of this House, composed, I doubt not, then, as now, for the most part, of Western men. No general law was ever passed confirming illegal settlements, until that of May, 1830; nor did that law, nor either of those since passed in 1832 and 1834, repeal the act of 1807; they quieted the settlers in possession, but did not legalize such entries in future.

The gentleman from Mississippi contends that the act of 1807 is to be regarded as abrogated, because it has not been enforced. He asks, why has the Government neglected to enforce it? Sir, I echo the question, and should be glad to hear a satisfactory answer. How, sir, has it happened that the last incumbent of the Presidential office, above all, has permitted these settlements to go on unchecked, until the intruders are numerous enough to defy the power of the Government? Had he been as vigilant to prevent violations of law in the West as in the South, this state of things could never have arisen. There has been a shameful dereliction of duty on the part of the Government; and the consequence is, a ruinous sacrifice of public interests and depravation of public morals. In 1830 the Executive was informed of fraudulent combinations, between the settlers and speculators, to keep down the price of the public land, and share the spoils among themselves. The information was communicated in obedience to the call of this House, on the 25th day of May, and then only in a dry, naked transmission, by the Secretary of the Treasury, of the letters he had received, without stating that any measures had been taken to suppress or defeat such vile attempts. This communication was immediately followed up by the act of the 29th of the same month, rewarding all intruders, up to that time, by giving them a right of pre-emption; not merely to a sufficiency for their support, but to a full quarter section of one hundred and sixty acres; and when the same quarter section has been settled by two, allowing to each what is called a float—that is, the privilege of entering eighty acres apiece, in addition. What, sir, have been the fruits of the new system? Shall I refer you to representations of Gwin, one of the registers of the land office, giving an account of fraudulent combinations between the settlers and speculators, and expressing the opinion that the sales in his district in 1833 were void, and the purchasers liable to prosecution? His statement has been already commented on by gentlemen on both sides, and the House will take it for what it is worth. I pass on to the account given us by one acquainted with the land system for many years. I allude to Gideon Fitz, the late register at Mount Salus. In a letter addressed to the Commissioner of the Land Office, he expresses his regret at the feverish anxiety manifested by members of Congress to make alterations in the land laws, and pronounces the pre-emption act of the 29th of May, 1830, the most unguarded, and, in all respects, the worst, land law ever passed in the United States.

[Mr. PRENTISS inquired what was the date of the letter.]

Mr. ROBERTSON. The 16th January, 1831.

[Mr. PRENTISS. That was too soon after its passage to judge of its operation.]

Mr. ROBERTSON. True, sir, it was but the beginning; we had but tasted of the bitter fruits it has since so abundantly yielded.

In a subsequent letter (20th of March, 1831,) he says, "it is not to be expected that the settlers will pay up in one year," the period limited by law; "nor the land freed from intruders." You observe, sir, he calls a spade a spade. "In general they will do no such thing, and at the end of the year a large additional number will be settled, claiming equal privileges with their neighbors, and uniting to elect members of Congress who will promise to continue the pre-emption privilege, from year to year, forever." He then alludes to the injuries likely to result to fair purchasers as well as to the public. "Cultivation in 1829, and possession on 29th May, 1830, is all that is required to give the pre-emption privilege. If a child, a slave, or hired person, without regard to age, sex, or color, should have cultivated a hill of corn, potatoes, or ground peas, on the land, in 1829, the father of such child, the owner of such slave, or employer of such hired person, and the person and child themselves, living on public land, may claim the right of pre-emption long after the tract may have been purchased by an innocent and honest purchaser, and houses, gins, and fields, made thereon, worth thousands of dollars." He then goes on to describe the improvements made by the pre-emption claimant.

"They may be so obscure," he says, "as not to be observed by a purchaser, even if he had examined the land for that purpose, or such improvement may never have existed: if it be proved in the land office, it will be sufficient to get the title." Again: "If a person had cultivated a hundred tracts, more or less, scattered all over the district, by himself, negroes, hirelings, or children, each having a hill of corn, potatoes, goober peas, or one turnip, he could keep all those tracts out of market one year; for he may select which he pleases just before the close of the term, or may not purchase any." He tells us that many innocent and honest purchasers will probably be stripped of their labor and improvements, and that the mischief to them is likely to be ten times greater than the injury would have been to lawless settlers.

The gentleman from Mississippi asks, would I give the benefit of the settler's labor to speculators? He would have but little right to complain of such a measure, if it were adopted. If a hardship, it would be one brought upon himself by a voluntary breach of a public law; and one to which every man sub-

† "That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a *common fund, for the use and benefit* of such of the United States as have become, or shall become, members of the Confederation, or Federal alliance of the said States, *Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and* bona fide *disposed of* for that purpose, and for no other use or purpose whatsoever."

‡ "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be construed to *prejudice any claims* of the United States, or of any particular State."

jects himself who takes possession of land belonging to others. But, for myself, I would not give the benefit of his labor to the speculator; and I would equally disdain to transfer it to the public coffers. Nor is there any danger he will be subjected to so rigorous a measure. Mr. Fitz informs us that settlers generally have but small improvements, and for these it is common among purchasers to pay them a generous price, both at public and private sale. There have been, he says, very few complaints of hardship of that nature in this district. But no man, sir, should be rewarded for setting the laws at defiance. It is going quite far enough to let him keep the land, not at the minimum price, but on condition of paying its full value, deducting his improvements from the estimate, or allow him their value when the land is sold to others. When the settlers really are objects of charity, it would be far better policy, Mr. Fitz suggests, to make them donations at once, upon proof of their inability to purchase, confining them to the lands subject to entry. When we reflect, sir, that there are upwards of eighty-eight millions of acres of land open to entry, at one dollar and a quarter per acre, it would not seem there was much occasion to make further provision for the most indigent. But when we recollect that, under the pre-emption laws, they pay the same price for lands on which they have unlawfully settled as for those which they may lawfully enter at private sale, the pretext is seen to be wholly unfounded. Were it otherwise, the poor are not confined to the West. There are sufferers also from poverty in the old States, and probably in greater numbers. If you may lawfully give away the public lands to the poor of one section of the Union, so may you to those of every other. If you can bestow the public lands in gratuities, so may you the public money. Draw funds, then, sir, from the Treasury, and distribute them with even-handed justice among all who need them.

But there is no pretext for giving to the poor this unjust privilege; nor do they, in truth, derive the principal advantage from it; that is reaped by the very speculator of whom it is the custom to profess so strong an abhorrence, and whom it was the avowed object of the pre-emption laws to defeat. We have the express testimony of Mr. Fitz to prove this. The rich, he says, are the persons benefitted in the end, because the poor cannot pay for the land. It would seem, as he says, that pre-emption rights were but of very little use to those who are not able to pay for them. Sir, the fact speaks for itself. By a document printed during the present session, it is shown that 2,371,363 acres of land have been paid for under those laws since May, 1830. The payments, at the minimum price, amounted to nearly $3,000,000, an enormous sum to be paid by the poor, and which would have sufficed to furnish 20,000, had there been so many, with eighty acre tracts, to be selected out of nearly 90,000,000 acres open to entry; that is, to give them permanent settlements without violating the laws. Those who can pay for lands they are forbidden to enter, can surely pay the same price for those they are authorized to purchase. But, it may be said, they sold a part of their pre-emption right, to enable them to secure their settlements. No doubt, sir, this was often the fact; and it follows that the privilege, to a great extent, has enured to the benefit of the speculator. The floating privilege almost invariably, I presume, fell into his hands; and this, it is admitted, was the chief source of profit.

But sir, the gentleman from Mississippi, aware of this, disdains to rest the claims of the settler on the plea of poverty. He takes higher and more independent grounds. Exclusive of the right founded on the culpable neglect of the Government to execute the law of 1807, and the occasional relief extended to those who had violated it, he represents the system as conducive to the public interest. I will not deny that the settlement of the country enhances the value of the public lands; but I insist there are inducements enough to settle them, without giving to the lawless intruder or the keen speculator an advantage over the fair purchaser. Town sites, mill sites, lands on rivers and elsewhere, worth, on an average, from five to twenty dollars per acre, are greedily seized upon by these Government favorites, at the same price paid for the poorest pine barrens. The rest of the community have no chance to purchase but at second hand and at a high price. This is the statement of the register at Mount Salus. Nor does he stand alone in reprobating this new system. Mr. Ethan Allen Brown, the Commissioner of the Land Office, after full time had elapsed to see its operation, speaks in terms equally strong of the frauds and mischiefs to which it has given rise. In a letter to the Secretary of the Treasury, dated the 28th of January, 1836, he gives it as his confident opinion that the privileges conferred by it, covering at least four millions of acres, joined with outrageous combinations to intimidate purchasers, have *diminished the receipts* from public lands in a single year, (the year 1835,) *full three millions of dollars*; at a moderate estimate, below what they would have brought in fair competition. He tells us, even were no frauds practised, still the selections of the most valuable lands and the most desirable situations, at the minimum price, would produce an effect upon the revenue too considerable to be overlooked by the financier.

[Mr. PRENTISS here asked leave to enter into an explanation. He said he did not believe in the correctness of Mr. Brown's statement. If the result was as Mr. B. supposed, still the loss did not arise altogether from the pre-emption system; that system had authorized floats, and those entitled to them had a right to fix them on the best lands; on a paradise, if they could find one. He did not admit that the system was impolitic. Though it might benefit speculators, it did not injure the Government. The Government would have got no more at public auction. The price at public auction, on an average, had exceeded that obtained under the pre-emption laws but a few cents per acre. It was the auction system that produced the greatest mischiefs. If any part of the system was rotten, the whole was rotten.]

Mr. ROBERTSON. It was sound enough till 1830. The first speck was then discovered, and was occasioned by the pre-emption act of that year. It has become, I doubt not, thoroughly rotten since. But, sir, the gentleman must excuse me for saying that I rely more upon the official statements of such men as Fitz and Brown than upon any conjectural estimates or paper calculations founded on the comparison of prices obtained under the pre-emption laws and at public auction. The frauds and combinations which are known to be practised, the very operation of the pre-emption system itself, must have kept down the price at the public sales. When millions of acres of the very best lands have been taken possession of at the price of the most indifferent, it will not do to say that the Government would have got no more. These lands were worth, as we are told by those who know the fact, from five to twenty dollars, and must have commanded, if openly and fairly sold, a price more nearly approaching their value than one dollar and a quarter per acre. The price paid by the speculator for pre-emption rights justifies the estimate made by Brown. Those rights cost him, as I am informed by an intelligent member of this House, on an average, about six dollars per acre for the whole quarter section, (160 acres.) Now, sir, upwards of sixteen hundred thousand acres were paid for under the act of 1831 alone. Allowing them to be worth on an average ten dollars per acre, they would have brought more than sixteen millions of dollars. The Government received about two. If these views be correct, the Government lost the whole difference. But if it lost the half, or the fourth, Brown's estimate is still greatly below the mark. Gentlemen deny this: they say the Government would have received no more than it did, had the lands been sold at public auction; and that, therefore, it is better to give the advantage to the settler than the speculator. Sir, the speculator gets the better part as it is. If the Government cannot command the fair value of their land, in consequence of fraudulent practices, it is our duty to unite in endeavoring to suppress them. No system can be devised, perhaps, that will altogether prevent them; but that is no excuse for submitting to notorious frauds, and incurring the enormous sacrifices we are now sanctioning by law. It is not the auction system, it would seem to me, but the pre-emption system, that give rise to the fraudulent and lawless combinations so much complained of by our land agents. Nor are they wholly to be ascribed to the privilege of floats, which all concur now in denouncing. Neither the Commissioner nor the registers of the land office confine their objections to them. They tell us that the settlers and the speculators made common cause in swindling the Government: and reprobate the whole pre-emption scheme, as tending to produce fraud and confusion. The settler is not always content with having the pre-emption privilege once. When the tract on which he has settled is worn out, Fitz tells us, he will move to another, and be ready to sell another float. The land, gentlemen tell us, is open; and he has a natural right, it seems, to take possession wherever he will. Yes, sir, the world is all before him, and—I had nearly said—Providence his guide; but no, sir; Providence directs no man to seize upon what does not belong to him. "He" (the settler) "says he would be a great fool to buy land, because those who have *purchased* land and reside on it *have no such privileges.*" Well, sir, the gentleman from Mississippi thinks this is all as it should be. The settler, he says, cannot know the precise line which bounds the public lands; that there are no lawyers there to tell him what constitutes a trespass. Sir, this plea of ignorance will not do. The settler, probably, may be unable to find the lines; he may not know whose land it is; but he cannot be so ignorant as not to know it is not his. It requires no counsel learned in the laws to tell him that. He need only consult the monitor that ought to be in the breast of all—the most ignorant as well as the wisest. The gentleman from Mississippi would scarcely permit the land to be wrested from him on so flimsy a pretext.

Nor can this intrusion be compared with the trespass committed in hunting a hare, or cutting down a bee-tree; these acts imply no claim of title.

[Mr. PRENTISS said: Neither did the settler, in his State at least, set up title in opposition to the Government.]

Mr. ROBERTSON. I am glad to hear it. But if this be so in Mississippi, I apprehend it is not so elsewhere. The gentleman from Michigan, if I did not misunderstand him, in vindicating the pre-emption laws, alluded to the danger encountered by those who, at the public sales, should purchase lands held by unauthorized settlers. He expressed a hope that our legislation would be such as to do away the necessity of attending those sales armed with pistols, dirks, and Bowie knives. We are to legislate, then, it seems, with threats that the laws now existing cannot be enforced. I have a newspaper, sir, giving an account of what is called a settlers' meeting. It took place last winter, at a place called Upper Des Plaines, which I believe is in Illinois. I will produce the paper if any gentleman desires it. At this meeting numerous resolutions were adopted, for defining the bounds and quantity of land held by the settlers in the unsurveyed territory of the United States, and for *preventing* the holding of claims solely for speculation. Commissioners were appointed, and regulations prescribed for the settlement of disputes relating to boundaries, titles, &c. and all who refused obedience to the orders of these commissioners were to be considered *inimical to justice and good order*, and *treated accordingly*. What kind of treatment they were to receive may be readily understood from the allusions made by gentlemen on this floor, and the accounts given by your registers and receivers. This looks, sir, pretty much like a claim not to title merely, but of jurisdiction; like a determination to supersede all law, and, after making settlements upon the public lands without authority, to maintain them by force.

Nor is this all, sir; not satisfied with picking and culling the best lands for cultivation, they are now apparently preparing to claim similar privileges in respect to the mineral and other lands heretofore *expressly reserved from sale or entry*. The fact appears from a communication in a newspaper, handed me yesterday by a member of this House. But, strange to say, the complaint seems to be not that these valuable lands should be claimed under the pre-emption laws, but that the speculator should get the profit instead of the settler. The writer considers all the lands in the mineral districts, except certain school lands and canal lands, as now liable to sale under the act of 26th of June, 1834, in like manner as other lands. He affirms that many tracts of land claimed by the actual settler, to which the right of pre-emption was refused, on the plea of its being mineral land, and which was not offered for sale at public auction, but excluded from sale by order of the President, had since the day of sale been entered at private entry. This is regarded as great injustice to the miners, who have better claims, no doubt on account of having been the first to seize upon it.

[Mr. GARLAND of Louisiana said they were not trespassers, but employed to dig the mines by the Government.]

Mr. ROBERTSON. They were authorized to dig for minerals, and paid for their labor. But that certainly gave them no title to the land.

[Mr. GARLAND rejoined that he had not so asserted.]

Mr. ROBERTSON. This, sir, is the effect of your pre-emption system. The question is not how the Government is to be protected from fraud and loss, but who shall enjoy the privilege of plundering it. In this contest, sir, I shall take no part. If the Government is to be defrauded, it is indifferent to me whether it be by the speculator or the settler.

The gentleman from Mississippi avows that he will, to all future time, claim the benefit of the pre-emption laws in favor of all settlers. I admit the frankness of the avowal. He is dissatisfied with the President's last message, because it recommends, after the present session, an abandonment of the system. He says it is too milk and water. Why, sir, what else did he expect? The President is of an accommodating and conciliatory disposition. He naturally desires, as politicians always do, to satisfy all. He says something in favor of the law, and something in favor of those who violate it; something for the West, and something for the East, and the North, and the South. But, sir, I agree with the President that the law ought to be repealed or enforced. It will not do in this hall to say it cannot be executed. Why, sir, if the western States themselves were to sustain the settlers in their open defiance of law, I should expect their representatives on this floor—all, at least, of the Democratic Republican party—to raise the cry of nullification, and to recommend an immediate recourse to the proclamation and force bill. Surely those who threatened with military execution the rebels of the South, for refusing obedience to an unconstitutional measure designed to oppress them, and who spoke of chastising a sovereign State of this Confederacy, will not suffer the laws to be trampled upon elsewhere with impunity, or tell this House they dare not disperse a band of unlawful intruders upon the public property.

Mr. Chairman, the culpable neglect of the Government, though it is no justification, affords some excuse, perhaps, for the settlers; nor, sir, should I be willing to see measures of undue severity adopted towards them. But it is easy to prevent the recurrence of similar intrusions for the future. If our condition, however, be such that the Executive cannot or will not enforce the law, then, sir, I repeat, we should repeal it. The present state of things should not be permitted to continue. The United States, as our land agent tells us, are now in fact *"hiring intruders* to go on the public lands, and *bribing them not to buy."* Did France, or England, or Spain, or the private land companies, which gentlemen have commended for pursuing a course so much more liberal than ours, ever adopt a policy like this? Pay a man to transgress the regulations made for the security of their own possessions? No, sir, it was reserved for the enlightened statesmen of the Jackson era to adopt so incongruous and anomalous a policy—to denounce an act as criminal, and at the same time hold out encouragements and rewards for committing it—to refuse to the honest and conscientious the privileges conferred on the lawless and unprincipled. Sir, we have not only changed our code of laws, but I fear have adopted a new code of morals. It is the custom now to speak of those who trample the laws under foot as a *meritorious* class. The time was when the term was applied to those who respected the institutions of their country, and were prepared at all hazards to defend them. It is a merit now to despise them. For the soul of me, sir, I cannot comprehend the merit of the act so much commended, even if it were strictly lawful. There is no more merit in a man's seizing on a fine tract of land for a fourth or a tenth of its value, than for helping himself to the best slice of a fat turkey when he is hungry. Sir, a change has come over us. While we are zealously pressing forward the claims of the meritorious settler who seeks to benefit himself at public expense, and make them the special order of the day, the services of the Revolutionary soldier remain in many cases still uncompensated; we refuse to devote an hour to consider them, and lavishly bestow the very land acquired and defended by his toil and blood among those who seize upon it without law and against law.

The pecuniary losses, Mr. Chairman, sustained by the public are by no means the worst consequences resulting from the present system. It is regarded by men on the spot, and who have every opportunity of forming a correct opinion, as demoralizing in its tendencies—productive of infinite confusion, fraud, and perjury. I beg the committee to examine the facts and observations contained in the document printed by the order of this House in April, 1836, (Doc. No. 211,) and especially those contained in the letters of the register at Mount Salus.

[Mr. GARLAND inquired if the gentleman from Virginia would endorse the statements.]

Mr. ROBERTSON. Certainly not, sir. I endorse the statements of no man with whom I am not personally acquainted. But the gentleman from Louisiana will not, I presume, impeach the veracity of Gideon Fitz.

[Mr. GARLAND said he made no such charge. Fitz himself, however, had speculated in public lands.]

Mr. ROBERTSON. Does the gentleman mean to say that he engaged in fraudulent speculations?

[Mr. GARLAND. I do not say that.]

Mr. ROBERTSON. Then, sir, he was an honest speculator. His conduct proves that he was a vigilant and faithful officer—yes, sir, and a bold one, too—who durst to utter the truth, where it must have been considered little short of treason. Sir, Fitz speaks of the whole system as impracticable; as calculated to bring into fierce action two of among the worst passions of the human heart—avarice and revenge; and to occasion the most extensive schemes of speculation. "The idea," he says, "has become widespread among old and young, that there is no harm in defrauding the public; that is fair game." "I am persuaded that when persons, of tender age at least, learn to get valuable property by hard swearing, they will in the next generation transfer their plans from the Government, to operate on individuals." He goes on to describe the confusion in the register's office. "Hundreds of questions," he says, "are put, to know the meaning of a law no more ever understood." No, sir, I verily believe, not even those who passed it. How should they? It was taken up some three or four days only before the close of the session, amidst a mass of unfinished business, and, with the help of the gag, carried the next day through all the forms of law. It was approved the same day it was passed, or rather approved in advance; and now, sir, the whole country is astonished at the results of such hasty and crude legislation, radically changing a system framed with great care and deliberation.

"The books, papers, and maps are whirled through a house from place to place, and a dozen persons claiming to first in to prove. Then twenty more wish at once to know what they have to prove. The *great difficulty is general over when it is known* WHAT *is to prove.*"

[Mr. JOHNSON of Louisiana, inquired whose letter the gentleman from Virginia was reading.]

Mr. ROBERTSON. It is a letter from Gideon Fitz, register Mount Salus.

[Mr. JOHNSON. Is the gentleman of Virginia acquainted with him?]

Mr. ROBERTSON. No, sir, but I refer the gentleman to

Louisiana to his colleague, who sits near me, [Mr. GARLAND.] I understand from him that Mr. Fitz has been long in the public service, and bears a high character for integrity.

[Mr. GARLAND rose and said that Mr. Fitz had been sent, at an early period, (1806,) to Louisiana, by Mr. Jefferson, and had, since that time, continued in the land business, in the employment of the Government. He had never heard any imputation on his character.]

Mr. ROBERTSON. It is scarcely credible that any man of bad character would have been appointed by Mr. Jefferson, and continued in such an office under every succeeding administration for thirty years. Would to God there were many such officers in the public service as Gideon Fitz. Sir, it is because his letters give evidence of integrity and ability that I have brought them so fully to the attention of this House. They are the official statements of a man thoroughly acquainted with the subject, and of unquestionable veracity; and they are of a character to compel me to oppose the renewal of that system whose operation he has shown to be every way pernicious. He tells us its demoralizing effects have disgusted the community; and I concur with him in the hope he expresses that it will never be renewed.

Gentlemen complain of the want of liberality on the part of this Government, and of the original States, towards the West. These complaints, sir, have no just foundation.

[Mr. PRENTISS disclaimed having made the charge.]

Mr. ROBERTSON. I did not allude to the gentleman from Mississippi; but more particularly to the remarks of the gentleman from Missouri, [Mr. HARRISON,] who gave us a long list of grievances. He spoke of large sums expended for the benefit of the Atlantic States, on the Army, the Navy, fortifications, &c. Sir, it is not my intention to state an account current; but let him who will engage in that task, and I am much deceived if he does not find any thing but an ungenerous policy pursued in reference to the new States. Have gentlemen forgotten that this Government has paid out of the common Treasury for Louisiana and Florida, principal and interest, nearly thirty millions of dollars? That, in the last ten years alone, the amount expended in extinguishing Indian titles, and for defending the frontier settlements, and other matters connected with the Indian department, is estimated by the chairman of Ways and Means at about 46 millions of dollars? Do they forget the appropriation for the Cumberland road, exceeding seven millions of dollars, and almost exclusively a Western improvement? The grants for seats of Government, schools and colleges, roads and canals? Yes, sir, for these objects, to say nothing of large sums in money, this Government has bestowed upon the new States between 14 and 15 millions of acres of land: a quantity exceeding that which has been acquired by purchase in Indiana or Illinois, and nearly equal to that sold in Ohio, and now sustaining upwards of a million of inhabitants; while that State which, on the express condition of enjoying a proportionate benefit, made a voluntary donation of the domain now constituting those large States, the State of Michigan, and the Territory of Wisconsin, has received an amount in money too paltry to be mentioned, and not an acre of the immense region which was once all her own. Sir, the old States too have rivers and roads to improve, and sons and daughters to educate. It ill becomes the West to complain of their injustice or illiberality, and its present condition alone furnishes conclusive proof to repel the charge.

We are told of the great amount paid by the Western people into the Treasury, for the public lands; and this is spoken of as a drain of money from them. Sir, those who paid for these lands received more than a full equivalent, and far more than a just proportion has found its way back to them. But in truth the drain was from the old States; it is *their* population and their wealth which has been drained, and which has made the West what it is. We, sir, cannot but know that it is owing to this cause, in part, that comparatively our commerce languishes and our fields are deserted. Our brothers and our sons have been tempted to emigrate in search of fresher and richer lands. But however, sir, this may affect our prosperity, we can never cease to rejoice in theirs; we can never forget that we are connected with them, not by ties of political association merely, but of blood; nor harbor towards them an unjust or unfriendly sentiment.

Mr. Chairman, it is the common interest of all that the public domain should not be wantonly sacrificed nor unjustly apportioned. In seeking to prevent this, we manifest no hostility to any section of our country. It may suit the purposes of politicians to keep these questions open; it may enable them, as has been said, to buy up votes. But it concerns every friend of that peace and harmony which should prevail among us, to bring about a speedy and satisfactory adjustment. All that is wanting to effect this is a mutual disposition to assert no claim which honor and conscience do not approve; let no State urge unfounded pretensions to superior merit or exclusive title. It does not become the descendants of those who fought side by side in the noblest of all causes—the cause of liberty—to engage in a contest for petty pecuniary advantages. The original adjustment of this vexed question by them, under circumstances of much greater difficulty than those now presented, affords us an example well worthy to be followed. They indulged the hope, no doubt, that they had laid the foundation of a lasting friendship. I fear, sir, that hope is not to be realized; that their arrangements, on the contrary, just and liberal as they were, are to prove the source of enduring enmity. The seed of discord has been sown among us, and the tree is already springing, destined unless we now cut it up by the roots, to spread its branches far and wide, and darken the face of our Union.

Let the Representatives of the new States themselves come forward with their propositions; divide the lands themselves, or the proceeds beyond the wants of the Government, according to the terms of their original compacts; or distribute them among the People, on the principle of the Georgia lottery law; or dispose of them on any principles they may deem more fair and equal. They will not, I am confident, propose a surrender to one or more States, exclusively, of what belongs equally to all. The States in which the lands lie have no better right than others; nor would the new States themselves consent to such a proposition, should it ever be seriously made. In some of them nearly the whole of the public domain has been disposed of, and the money paid into the Treasury. The effect of the scheme alluded to, therefore, would be to divide the five or six millions of acres remaining in Ohio among upwards of a million of inhabitants. In Illinois and Indiana half that number of inhabitants would receive probably four times the quantity of lands. In Michigan, some eighty or one hundred thousand persons would divide among them twenty or thirty millions of acres; and the citizens of Wisconsin, when admitted, would probably share in a still greater disproportion. This inequality would never be tolerated among the new States themselves, leaving the claims of the original States wholly out of view. But these claims cannot be willingly abandoned. Let the same benefits be extended to all. I speak not, sir, of a division scrupulously exact, as to dollars and cents, or acres, or thousands of acres. Those States which have already made generous sacrifices for the public good will be ready again to concur in a liberal policy. I can answer for one, sir, which, neglected, oppressed as she has been by this Government, has never besieged it with eleemosynary petitions for any peculiar privilege or unjust advantages. But, sir, no communities can long subsist together which do not mutually observe justice towards each other. It is not in the nature of man to submit to glaring injustice or wanton injury. Give us, then, some measure that savors of equality; and let us settle, at once and for ever, this disturbing question.

SPEECH OF MR. JENIFER,
OF MARYLAND.

In the House of Representatives, Friday, July 6, 1838—

On the bill to prohibit the reissue of the notes of the Bank of the United States.

Mr. SPEAKER: When I came into the House, an hour since, I was surprised to hear my friend from Virginia, [Mr. WISE,] discussing the merits of the bill now on your table, or rather I was at a loss to know how that bill came there at the present time, knowing that various others had precedence on the calendar. But upon learning the manner in which it was brought about, and knowing in whose charge the bill had been placed when it came from the Senate, I ceased to be at all astonished. I was aware that a political measure could set aside parliamentary rule in this House whenever it might subserve the views of the party. This bill, when it came from the Senate, was referred to the Committee on the Judiciary, reported on by that committee, and referred to the Committee of the Whole on the state of the Union. From that moment, the Judiciary Committee ceased to have any rightful control over it; and before the bill could be brought into the House, out of its order, it required two-thirds to suspend the rule for that purpose. This, it is well known, could not have been obtained; and some indirect means must be resorted to, to do that which could not be directly got at. Whenever the presiding officer of the House is disposed to connive at irregular proceedings, it is always easy to find the means of accomplishing them, and some individual to propose them.

The chairman of the Judiciary Committee, my colleague, [Mr. THOMAS,] understands well parliamentary manœuvring, as also party discipline. He therefore, by a preconcerted plan, as it appears, moves "to discharge the Committee of the Whole from the further consideration of the bill, that it might be brought into the House and acted on." And, notwithstanding the Committee of the Whole on the state of the Union had not had the bill under consideration one moment, they are discharged from its further consideration, the bill is brought into the House, and the previous question demanded; so that a bill, which the Senate deemed of so much importance as to consume days in the consideration and discussion of, was to have been forced upon its passage here without a moment's warning. Does any member doubt that all these arrangements were made before my colleague moved to discharge the Committee of the Whole from the further consideration of the bill? The plan being arranged, the Speaker entertains the motion, the committee are discharged, and the bill would now be bepound the control of this House, but for the premature demand for the "*previous question*" by the member from Maine. Such was the anxiety of the member to perform his part in this achievement, that this motion was made before the question pending was stated or put by the Chair. To this premature movement are my friends from Mississippi and Virginia, [Messrs PRENTISS and WISE,] as well as myself, indebted for this opportunity of exposing the artifices which are resorted to, to effect the measures of "the party."

Mr. Speaker, I will ask, what gave rise to this bill? Who was the originator of it? And for what purpose is it to be pressed in this House, at this late day of the session, to the exclusion of so many important bills, both public and private, which might otherwise yet be acted on before the close of the session? Three Sub-Treasury bills of the same tenor have been sent to this House by the Senate, all of which have been rejected by the immediate representatives of the people. A fourth came from the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] of similar import; that met the same fate. Not content with having kept the country in an agitated, dissatisfied position for the last twelve months—having her currency deranged, her commerce at a stand, a prostration of many important interests—another effort is to be made still further to affect her currency. But this is not all: the effect and operation of the bill on your table admits of great doubt whether the penalties which are intended to be inflicted on the old Bank of the United States may not reach the innocent, unsuspecting holders of its notes. This impression has already taken possession of some of those who have those notes on hand; if such be the construction of the provisions of the bill, it renders still more obnoxious the unprecedented irregularity and haste which have characterized the whole proceedings.

Mr. Speaker, have not your repeatedly rejected Sub-Treasury experiments, and your abortive efforts to affect the character and standing of the Bank of the United States, convinced you of your impotency to do that institution further harm? You profess that all those measures are intended for the benefit of the people, and that you are only carrying out their wishes; that a war has been waged by the banks against the Government, and that the banks are responsible for the derangement of the currency. Were a demagogue upon the stump to hold such language as this, the intelligence of the people would laugh him to scorn; yet this, and much more, equally ridiculous, has been frequently repeated upon this floor. Sir, there has been no war waged by the banks against the Government: on the contrary, the banks have been too willing to bow to the Executive will; and had it not been that the requirements of the Government were too exorbitant for even their political morality, the banks might yet have been at the command of the Executive, and expanding and contracting as orders might come from the Secretary of the Treasury. For not acquiescing in these demands they are denounced by the very Executive who endeavored to make them subservient to his views, and charged with having caused the derangement of the currency, which it was their interest as well as policy to preserve sound and uniform. No, sir, the war which has been waged, and is still raging, is of a much more dangerous character; one which, if not checked in time, will number the days of this Republic. *It is a war of the Government against the well-known wishes of the people!* It is a determination on the part of the Government to disregard their interests, and to adopt their own measures, contrary to the consent of the people. It is the use of means to induce a violation of representative duty, immoral in practice, and, in the language of President Jackson, unless arrested by the people, "will lead to corruption and bribery." I am sure, Mr. Speaker, I am not misunderstood; recent events fully justify the language I have used. That Executive influence has been brought to bear upon the deliberations of both branches of Congress will not be denied. How far it has been successful, a few facts will enable you to determine. After all other schemes and experiments to coerce this House to yield its assent to the various Sub-Treasury plans recommended by the Executive, registered by the Senate, and supported by the faithful here, this bill is sent to us from the same body, the ordinary course of proceedings departed from, and by a trick in legislation is to be passed into a law, that the Executive vengeance may still pursue the Bank of the United States. This is but small game, indeed, for a Government. This bill originated with, and was, whilst in the Senate, under the especial charge of a gentleman, (now no longer a member of that body, and, therefore, it is not unparliamentary to speak of him,) an active co-operator and steadfast adherent to Executive plans, wilfully and knowingly misrepresenting his constituents; and now, at the close of the session, as his term of service expires, receives his reward from the President by being appointed *Attorney General of the United States*.

This gentleman [Mr. GRUNDY] has been an advocate for the establishment of a branch of the Bank of the United States at Nashville, Tennessee, his place of residence; and now proposes, by this bill, heavy penalties upon that Bank for issuing its own notes. This is the dying agony of Executive vengeance against that institution. After having deprived the country for so long a period of all other sound circulating medium, the expiring effort is made to drive out of circulation that which is admitted to be the best; that which the people have the most confidence in, and which even you, Mr. Speaker, prefer to any other: I mean the notes of the Bank of the United States. They form now, as they always have done, the best means of exchange throughout the whole country.

The time has gone by when the people will longer be deceived in relation to this matter. But a few years since, when all the power of President Jackson's Administration was brought to bear on the credit of the Bank of the United States; when it would have cost any man his office to have been known to take the notes of that bank in preference to those of the pet banks; when the then Secretary of the Treasury, by a labored argument, endeavored to prove that, as its charter approximated to its end, its paper would be below par, and cease to be a circulating medium; at that very moment and up to the present, the office-holders and politicians who were foremost in denouncing that institution and its paper received their notes in preference to any other, and hoarded them up as gold and silver. But President Jackson said that the Bank was insolvent; and all his sycophants said it was so. Yet none believed it. The pet banks grasped the notes of the Bank of the United States, and would not pay them out, except as a matter of favor, keeping them in their vaults in preference to gold or silver. These facts, in more than one instance, I myself know. I will here, Mr. Speaker, take occasion to mention a case which occurred during the "*panic*" of 1834. A gentleman of high respectability and integrity of purpose, a warm, devoted friend of General Jackson, residing in the country, having a considerable amount of various bank notes in his possession, alarmed at the various rumors he had heard, went to Baltimore to convert them into *specie*. Amongst other notes, he held some of the Bank of the United States. Upon consulting with his Jackson friends there, he concluded to get rid of the United States Bank notes, and take in their stead those of pet banks only. He came to Washington with his pet bank money, and, after taking advice from his friends here, although one of those banks at that time was in fact the Treasury, and the principal part of his notes were of that bank, he converted them all into specie. Finding, however, the inconvenience of so much dead weight, before he returned home he resorted to the Bank of the United States, deposited his specie, and *took its notes* into the country with him. Upon being asked if he distrusted the pet banks, he declared that he did not, that he believed them to be perfectly safe and sound. Why, then, do you prefer the Bank of the United States? I do not; but those who know more of the banks than I do advised me to do so. This gentleman is still a warm friend of General Jackson, though I believe he has but little confidence in his financial skill. Sir, this is not an isolated case; this is not the only instance where politicians have held opinions and used language, official and unofficial—to Gen. Jackson they denounced the Bank; to the people they denounced its paper as not safe. But when self-interest was at stake, their steps were directed to the place of *safe* deposite. They knew *more* than my friend knew. (for so he is personally, though a political opponent) and they have availed themselves of their knowledge.

Another case, and I will detain the House no longer upon this point. Two years since, while travelling upon the Ohio and Mississippi rivers, when the notes of the Bank of the United States were the only paper current every where, a gentleman (for such he seemed to be) came on board, and, meeting a plain countryman, who had travelled but little, seeing in his possession several large notes of the Bank of the United States, (which he apparently took no notice of,) became exceedingly friendly to him, and, upon an opportunity occuring, offered him the most disinterested advice. He told him that within the last three days he had met with a confidential friend of General Jackson, who had assured him that the bank could hold out no longer; that the Government had determined to put it down; that it was ascertained that there were now more notes issued than could be redeemed, and that the notes were then considerably below par. The honest, deluded countryman informed him that he had none other than United States Bank notes, which were the savings of several years' hard labor; that they constituted his whole fortune; that he had sold out his stock in trade at New Orleans, and was now returning to the West, for the purpose of investing its proceeds in land, for the benefit of his family. His new friend advised him to say nothing of what he had communicated; that a knowledge of the fact would still further depress the value of the notes; and that he would try and do something for him when he reached New Madrid, Missouri, where he had a friend, a little way above. In a few hours the boat stopped at New Madrid, the newly cemented

friends stepped on shore, whilst passengers were coming on and going off. In a few moments the steam was up, and the boat under way. The countryman jumped on board just in time; his friend was bound for St. Louis, Missouri, where he no doubt found an apt tutor in political knavery. A few hours after, a rumor was afloat that the United States Bank had failed. The countryman congratulated himself upon meeting with so kind and disinterested a friend, and communicated the result. He had received for his United States Bank notes those of the pet bank of Mobile, and some from Louisiana and Ohio, to the amount of upwards of three hundred dollars, as a particular favor, he being, like his friend, warmly devoted to General Jackson's administration. You may readily imagine his confusion and astonishment when he found how shamefully he had been cheated. He paid for his United States Bank notes, in New Orleans, four and a half per cent. and had exchanged them for paper more than five per cent. below par. This is the manner in which many honest, confiding countrymen have been tricked by political knaves. Are there none here who feel as if similar treachery has not been practised by themselves towards the country? Are there none here who, for the last six or eight years, have been unceasing in their efforts to cry down the Bank of the United States, to gratify the malice of General Jackson; to render its notes uncurrent, to induce the people to believe it would be unsafe to hold them, when they themselves have, even during the present session demanded of the Sergeant-at-arms notes of the old Bank of the United States, in preference to Treasury notes or specie? If there are any such holding seats upon this floor, they are traitors to the people whom they were sent here to represent.

Since this Administration came into power, the people have been at its mercy for their currency; they have had none, properly so called. That privilege has been extended by the Government to members of Congress and office holders alone. They are tendered gold and silver, whilst the last remnant of sound currency remaining is to be driven out of circulation, and the people left entirely destitute of any. Treasury notes are to be forced into circulation at the option of the Executive; transferred from one quarter of the Union to another, as may best answer political purposes. This is the metallic circulation promised by General Jackson, and which, in the language of his subservient demagogue, "was to flow up the Mississippi."

How long will gentlemen act counter to the known will of their constituents? How long will they persevere in supporting Executive measures, when the people have so signally rejected them? Have they not, in every instance where their voice could be heard, where their votes have been counted, emphatically expressed their dissent from those miserable experiments?

President Van Buren commenced his Administration with a majority in Congress, and amongst the people in his favor, when elected, it was confidently believed that he would cut loose from those miserable sycophants who had spell-bound General Jackson, by administering to his vanity and imposing upon his credulity; that the Treasury circular, which had been adopted contrary to the expressed opinion of his friends in both Houses of Congress, would be rescinded; in fine that he would look to the interests of the country, to the sufferings of the people, however brought on them, and, in the true spirit of Democracy, lean towards their wishes. How he has fulfilled their expectations is too well and dearly known to the country. In September last, only six months after his inauguration, looking to the deranged state of the currency, apparently sympathizing with the people in their then distress, the President convoked Congress three months earlier than its accustomed period. He proposed what he deemed a remedy. He asked for ten millions of Treasury notes; they were granted. He offered his Sub-Treasury scheme; it was, after due deliberation, rejected by the House of Representatives. Congress was immediately virtually prorogued until its constitutional period. It met again in December, the Representatives having had an opportunity of consulting with and ascertaining the will of their constituents upon this all-absorbing measure. The President, at the opening of Congress, recommended the rejected experiment. The Senate, having a majority, not by the will of their constituents, subservient to Executive purposes, adopt again his plan. It is again, and again, and again rejected by the immediate Representatives of the people; and now we have the consolation of being told, upon this floor, by the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] who reported the last bill, that, whether we pass it or not, the Sub-Treasury is, and will be for three years to come, the law of the land, and in full operation! It was a mere mockery to propose it to Congress. Thus we are triumphantly told, by the organ of the Executive in this House, that, in despite of the Representatives or the people, his experiment shall endure as long as his presidential term shall continue. Sir, we should be thankful to the organ and the President for their mercy as well as modesty, in not claiming *seven* years, instead of only three; we should be thankful that the days of this dynasty are admitted to be numbered. But is this the language of a Democratic Republican President, or is it the Loco Foco doctrine which characterizes "the party" in New York? Are the people aliens to the Government? and is the President's will the law of the land? The chairman of the Ways and Means says it is so; and it is for the country to register the edict.

In Great Britain, when the King's ministry asks of the House of Commons supplies, or other measures deemed important to the Government, if rejected, the ministers throw up their seals of office. And why? Because it is considered that their measures are not approved by the People; and even in that monarchical Government a respect is paid to their will. How is it in this Democratic Republic here? The Senators of the United States are elected for six years, and at this moment near one-third hold their seats acting against the known will of their constituents. The President of the United States is elected for four years: he appoints his ministers for the same term at his will. How many of their measures have been rejected by the popular branch of the Legislature, or disapproved by the People, your proceedings here and throughout the country exhibit the evidence of. What has been the situation of your Post Office Department; of your Navy Department; of your Treasury Department; of your express mail? and what the effect of the refusal of the Postmaster General to obey the laws of Congress, thereby setting at defiance its enactments? Look at your exploring expedition, which, of itself, has brought your Navy into disrepute both at home and abroad; at your Treasury circulars and other financial projects, which have bankrupted your Treasury, and compelled you to issue scrip for the payment of your debts. What minister in Great Britain could have retained his office after such splendid failures as these? Even Pitt himself, with all the power he wielded in 1783-84, with the King at his back, would not have dared to persevere in measures so repugnant to the popular branch of the Legislature and the People, or have attempted to hold office contrary to their will. But in Great Britain there is republicanism under the name of monarchy; whilst in these United States there is despotism under the name of democracy. Having shown in what the democracy of the Executive and of some of the Senators consists—a total disregard of the People's will—I will call the attention of gentlemen to the composition of this House at this time, and to their votes upon those measures of the Executive to which I have adverted. Which of the States is in favor of the Sub-Treasury experiment? Is New York? Or are the constituents of many of her Representatives on this floor in favor of those who voted for that bill? The chairman of the Committee of Ways and Means will not venture so rash an assertion. How stands Connecticut? She has spoken, but has not been regarded by her Representatives either in this House or the other. A small voice has been heard from New Hampshire, but unheeded here. I ask, where has an election been held since President Van Buren developed his ruinous measures in September last, where the Administration has not lost ground—where the Whigs, who oppose their measures, have not, in almost every instance, been triumphant? Look to Maine, where all means were resorted to, however disreputable, and countenanced here, to operate upon her elections—in two instances of vacancies on this floor, where both were friends of the Administration, the one a Whig, the other by a greatly diminished Administration vote, is returned here. Look at Maryland; notwithstanding all the imposition which could be brought to bear by foreign influence, from the city of Baltimore, that stronghold of Jacksonism, a Whig is returned by near one thousand majority. From Virginia, the Representative comes here by, I believe, some fifteen or twenty votes; clearly indicating in all those States a want of confidence in either the men or the measures. Last, though not least, comes *Mississippi*. To refer to her election, Mr. Speaker, I know must be mortifying to the Executive, to the party in this House, to yourself. When Congress convened here in December last, and the Sub-Treasury project was again recommended by the Executive, it excited some surprise amongst its opponents, and we could not imagine upon what expectations the Executive rested his hopes of carrying a measure which had been in October so promptly rejected by the same House of Representatives. It was soon perceived, however, that upon South Carolina it was believed his prospects depended; if not upon her vote alone, her *influence* was calculated on to carry others. It was at this time believed that the New York Conservatives were not made of such malleable materials as to be *Conservatives* at home and *Loco Focos* in Washington. A short period was only required, with the requisite appliances, to induce some of them to unveil themselves; and those who were at the extra session foremost and most uncompromising in defeating the Executive will, by electing a Conservative printer to the House of Representatives, in opposition to the Globe, could no longer resist; and, like most young proselytes, took the lead in the most detestable measures of the Administration—the disfranchisement of the State of Mississippi, and the Sub-Treasury projects. That State was deprived of her representation upon this floor, assisted by the active agency of two distinguished Conservatives from New York, [Messrs. BRONSON and FOSTER,] who occupied six days in delivering their arguments against her right to be represented—by the overpowering influence of the Executive, applied personally to Representatives on this floor, and the casting vote of the Speaker. Sir, the two gentlemen who were denied seats in this House, after being elected by an unprecedented majority of the voters of Mississippi in July last, [Messrs. PRENTISS and WORD,] have been again returned by the people of that State, and sit here now to rebuke the President, the party, and the Speaker, for the flagrant outrage done to them and their constituents.

It may be asked why I include the President as a "*particeps criminis*" in this transaction. It is because the facts have justified it. Regardless of other great and important interests of the country, looking ultimately to the accomplishment of the great object of his solicitude, his rejected Sub-Treasury experiment, he overlooks all others to effect this.

It will be recollected that, eighteen months since, a convention of tobacco planters convened in this city from various States in the Union, and memorialized Congress upon the subject of the high duties and restrictions imposed in foreign countries upon that article of export. A select committee, consisting of nine members, of which I was chairman, was appointed. Upon an examination of the subject, it was evident that the tobacco planters of the United States had much to complain of. It was seen that, whilst very many articles of foreign product and manufacture were admitted into the United States with only a nominal, and others entirely free of duty, American tobacco, both raw and manufactured, was in some of those countries either taxed so high, or restrictions so rigidly imposed, as to amount to almost a prohibition of its import into those countries.

The committee, after mature investigation, made a report, urging the Executive to an attentive consideration of the subject, and unanimously reported a resolution requesting the President of the United States to instruct our ministers and agents abroad upon this subject, and to appoint special agents to negotiate with those Governments where no accredited representatives of the United States were already appointed. The report and resolution were adopted by the House of Representatives, and, to enable the President to carry those views into effect, outfits and salaries were appropriated to defray the expenses of a minister to Austria and to Prussia, to neither of which countries had the United States before appointed a minister. As a still further evidence of the desire of both Houses of Congress to place the tobacco interest upon a proper basis, and to show the interest it had elicited, after the appropriation bill had gone to the Senate, without a specific appropriation for defraying the expenses of agents to be appointed by the President to negotiate for a modification of the duties and restrictions upon our tobacco abroad, the Senate increased the contingent fund, at the suggestion of the distinguished Senator from Massachusetts, [Mr. WEBSTER,] $12,000, for that specific purpose; and the House of Representatives agreed to the amendment, although it was warmly urged by a member on this floor that the contingent fund was amply sufficient for this purpose. Notwithstanding these repeated indications by Congress in favor of the interests of the tobacco planters, and when it was all-important that promptness of action on the part of the Executive should follow and carry out these designs, the President delays for more than twelve months to appoint a minister to Austria, having the commission and fund at his disposal; nor have we yet learned that *but two* special agents have been appointed under the resolution. Thus far there appears to have been a marked apathy in relation to the tobacco interests. It is true that instructions have been given, as appears by a communication of the Secretary of State in reply to a resolution moved by me in October last, calling for information upon this subject, to our ministers and agents then abroad. But why have the appointments of minister to Austria and other special agents been so long delayed? It was from the efforts of those agents, to be sent specially for this particular purpose, that we anticipated most benefit. It was to satisfy those Governments with whom we are carrying on commercial intercourse that we feel the injustice of their impositions upon this staple; that the inequality of burdens imposed by those Governments upon this American staple bears no proportion to the duties demanded here upon their products; and that, however patiently we had heretofore acquiesced in this inequality, we now have a right to demand reciprocal modifications. And in the language of our minister in Prussia, communicated to the Secretary of State, "*we had, therefore, certainly reason to complain of the duty imposed on our tobacco in Germany,*" and the same remark may equally apply to England and France, and other countries in which those heavy duties or restrictions are imposed upon American tobacco, whilst their exports are admitted into the United States either free or at a nominal duty.

The Executive have generally evinced a thirst for appointment and patronage, and have never heretofore permitted an opportunity to pass without exercising this privilege to the extent of their power. It must, therefore, be borne in mind that other and more important concerns, to them at least, were at stake, than a moment's attention to the interests of the tobacco planters. Political arrangements were to be consulted, and the tobacco interests must yield until they are accomplished. This delay on the part of the Executive to further the views of the tobacco planters and the expressed will of Congress, excited some interest, in Maryland at least, and during the last summer an anxiety was felt; a deputation was sent to Washington from Prince George's county, (the most extensive tobacco-growing county in the State,) who waited on the President of the United States, and urged the speedy appointment of a minister and agents from the *tobacco-growing States*. This deputation, a majority of whom were political friends of Mr. Van Buren, returned from their visit, under the assurance that the tobacco interest would be a special object of attention by the President. What must be their astonishment, as well as that of the select committee of this House, to find that up to this time—eighteen months since the power and money were placed at the disposal of the President—but two special agents have been appointed to look after this interest; and one of the two ministers but scarcely departed, and *not one of either from a tobacco-growing State*, but all from manufacturing, non-slaveholding States? It will be recollected that Mr. Maxcy, charge at Brussels, is not recognised by the Executive as one of the special agents. It is not my desire to attempt to create any geographical distinctions in appointments, either at home or abroad; such attempts I have always deprecated, come from what quarter they may. But, I would ask, what would the manufacturers say to have a planter to represent their interests, or the cotton planters to have a manufacturer to take care of theirs? To Mr. Wheaton and Mr. Dodge I have no objection; on the contrary, from their experience, I approve their appointments. At one of those appointments of ministers, however, I am sure the planters, this House, and the country, have been more than astonished; and, when all the facts in relation to that appointment shall have been developed, the members of the select committee upon the tobacco interest, with every member of this House who united with them to carry into effect the objects of the report and resolution in relation to the same, will feel indignant at the circumstances which attended that appointment. I mean the appointment of Mr. Muhlenberg, of Pennsylvania, as minister to Austria, to represent the tobacco interest of the United States. Is there a member here present who does not view it as a misrepresentation of that interest which Congress intended, by making the appropriation, should be represented? Is it not insulting to the planting States, that none could be found amongst them competent to protect their interests; and that an individual from the interior of Pennsylvania, who never saw a tobacco plant grow, or has had any concern whatever in commercial matters, should be selected as first minister to Austria, to obtain a reduction of, and restriction from, duties exacted on American tobacco? I have inquired of some of the friends of the new minister what are the qualities he possessed to justify the appointment; and I have been answered, more than once, that he spoke *Dutch*.

Mr. Speaker, it is very true that, in many cases, "where ignorance is bliss, 'tis folly to be wise;" and I have no desire to dissipate the delusion; and if this proficient in Pennsylvania Dutch can prevail on the accomplished and talented minister, Prince Metternich, to admit our tobacco into the ports of Austria, untrammelled by the present duties and prohibition, the tobacco planters will not complain of his language. But I apprehend it will require an interpreter from the kitchen cabinet of Prince Metternich, before he can understand one word of this Pennsylvania high Dutch; and, at the splendid court of Vienna, this language will be found to be more an exotic than at the palace in Washington. It is not, however, to the man alone we have a right to object; the planters should protest against the appointment on all accounts; the country, from the manner in which it has been made, and the inducements which led to the appointment. Mr. Muhlenberg had been for several years, as he was at the time of his appointment, a member of the House of Representatives from Pennsylvania, and had been a warm supporter of Gen. Jackson's administration. During the called session of Congress, and subsequently, he had, as was understood, evinced symptoms of dissatisfaction at Mr. Van Buren's course, and at the commencement of the present session was believed to stand, to say the least, in a doubtful attitude towards the Administration.

The internal feuds had not been entirely settled in Pennsylvania between the Wolfs and the Muhlenbergs. The leader of the former, from being Governor of that proud State, had descended to accept a Comptroller's appointment at Washington. This, it was supposed, would have quieted the dissension. It was soon found that it produced a different result: the other, the Capulet, felt as if a preference had been given to his rival. A restlessness began to show itself, and was about to break out into open rebellion, when the mission to Austria quieted all ap-

prehension from that quarter. The intelligence of the nomination of Mr. Muhlenberg as Minister to Austria was received with the utmost astonishment by all sides of this House, and by none with more than the chairmen of the Committee of Ways and Means and of Foreign Affairs. I would ask either of the gentlemen if he dreamed of such an appointment when the appropriation was made; or the members of the select committee, when they, at the last session, looked with so much anxiety to the benefits which were anticipated from a cordial co-operation, on the part of the Executive, with Congress, in relation to the tobacco trade, if they could have been content with such an appointment? And what is there now to reconcile them to it? Is it that it insured the disfranchisement of the State of Mississippi? That, it is believed, it did accomplish; for the day after the vote was taken in the House of Representatives, which, by the casting vote of the Speaker, sent Messrs. Prentiss and Word back, to be returned here again, the President of the United States nominated Henry A. Muhlenberg as Minister to Austria, he having voted to vacate their seats.

If there were no conditions attached to that appointment, express or implied, if there were not some object to be effected by delaying the appointment, why not have made it twelve or eighteen months ago, when the minister to Prussia, whose outfit and salary were embraced in the same law, was appointed? Why not have made it at the commencement of the present session? The same reason applies as does in the case of another member on this floor, [Mr. BRONSON of New York,] whose judgeship is held back until he does the work of his masters here. And, further, several gentlemen were tantalized by the delay, and the expectation of this mission. It was also all-important that the schisms in the Keystone State should be healed. Mr. Muhlenberg held too securely the balance of power in Pennsylvania to be permitted to return home to his constituents dissatisfied. His former competitor for the high honors of that State (Governor Wolf) had been provided for, and reposed quietly under Executive patronage here. Many other former members of Congress, notwithstanding General Jackson's denunciation of the practice, had been taken from Pennsylvania and placed in high and lucrative offices by the Executive. No wonder that Mr. Muhlenburg felt that injustice had been done to his claims. He became restive, the collar was about to be loosened, his thraldom too heavy to be longer borne, when the Court of Vienna, with the outfit and salary attached, presented a fit opportunity of reconciling all. But, I ask again, why was not his appointment made at the commencement of the session? Another object was to be accomplished; and, as I have before remarked, the disfranchisement of the State of Mississippi was a primary one with the Administration. The securing of Mr. Muhlenberg's vote upon that question could not be dispensed with, as the result proved. These are some of the speculations which this appointment has given rise to; and, if injustice has been done to the Executive or the minister, they have the means of disabusing themselves. But as the case now stands, with the facts before them, no honest jury in the country would hesitate a moment to bring in a verdict (under the report of the committee of the Senate of 1826, of which Mr. Benton was chairman) of guilty of the charge made in said report: that *"the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for."* The fact is, the verdict has already been pronounced by jurors who sat in anticipation of the case, and whose high stations in the country forbid the idea that they were packed for the purpose. The four most prominent of the committee of 1826, who passed sentence in that report upon a President who should appoint to, or a member of Congress who should accept, office, were Mr. Benton, (chairman,) Mr. Van Buren, Mr. Richard M. Johnson, and Mr. Dickerson. Will you believe it possible that these are the gentlemen who now so openly advocate this bargain and corruption? One now your President of the United States, another your Vice President, another your Secretary of the Navy, and another the leader of the Loco Foco demagogues throughout the country.

I am asked by a friend why I single out this particular case, when there are so many others equally flagrant. It is because, in the appointment referred to, I view the Executive as having disregarded the expressed will of Congress, the wishes and interests of the tobacco planters of the country generally, and of my immediate constituents in particular. Sir, an intense anxiety has been, and still is, felt upon this subject. The tobacco planters have borne with patience the neglect of the Government in protecting them from imposition and unprecedented exaction in foreign countries; they have murmured least in regard to what they felt most—the duties upon foreign importations; they have yielded to the impression that the Government of the United States was formed for the benefit of the whole; and they have quietly acquiesced in the duties imposed, both at home and abroad, upon their interests, whilst all others have been protected and guarded, however insignificant in their product. With an export of $10,000,000 annually; denied admission into some, and received, where received at all, into other ports with heavy imposition, from whence are imported into the United States articles, amounting to millions, free of duty—still they have ceased to complain. Sir, from no other class of our citizens would these burdens, these grievances, have been so patiently, so quietly, submitted to. It is their love of peace, their confidence in the justness of their Government, and an indissoluble attachment to the Union, which has prevented their speaking a louder, a more impressive language. Had other interests been thus neglected, similar applications thus treated, your desks would have groaned under innumerable memorials for redress, convention after convention would have denounced your neglect, deputations would have thronged your city, and perhaps nullification threatened.

After the prompt action on the part of Congress, in approving the report and resolution of the select committee on the subject of tobacco, we had a right to expect a prompt and cordial co-operation on the part of the Executive. Appropriations for two ministers being made—one to Prussia, the other to Austria, (Courts where the United States had not been represented before by so high a grade,) and agents authorized to be appointed, in addition, to take active steps for the prosecution of those interests, we looked to the Executive for a faithful execution of the powers thus given him. We did not anticipate that the President would avail himself of those appropriations, made for a specific object, to consummate his political arrangements in Pennsylvania, or to gain an ascendancy over this House. That his friends miscalculated in sending back to Mississippi my friend Prentiss, who sits by me, and his colleague, is evinced by the fact of their being now here. How far the Keystone State will be operated upon by the distinguished honors and profits bestowed upon her is yet to be tested. That the United States Treasury has been lavished upon her since the last and present Administrations came into power, to an extraordinary degree, the number of benefits that State has received will sufficiently show.

Of the ministers to Russia, the last three have been from Pennsylvania, to wit: Mr Buchanan, Mr. Wilkins, and Mr. Dallas, now there; and now Mr. Muhlenberg to Austria; Mr. Rush, Agent to London; not to name various other less important appointments abroad, such as consuls, &c. At home, Governor Wolf, Comptroller; but, since Mr. Muhlenberg was made minister, he in his turn kicked, and was about to be off for Pennsylvania, to derange the party there, when it was found expedient to add a little more to his salary, and he is now custom-house officer at Philadelphia, (*vice* Mr. Barker, taken in his place here in Washington,) preferring the profits to the honors of office; Mr. Gilpin, Solicitor of the Treasury; Mr. Miller, late member of Congress, Auditor, in the place of the venerable Richard Harrison, who was the First Auditor of the Treasury, appointed by President Washington, and continued since the formation of the Government in the faithful discharge of his duty until put aside for the present incumbent. This venerable old man, who had served his country either at home or abroad from the year 1783, now in the 87th year of his age, with his faculties unimpaired, with three female relatives dependent on him, is displaced from the office to make room for a member of Congress from Pennsylvania. If, sir, I were at liberty to disclose the means which were resorted to to have him peaceably ousted, a development of them would make the friends of the old Hero blush for the act; for it was President Jackson who removed him, and not Mr. Van Buren. If I were not afraid of jeoparding his just and meritorious claim, now lingering in the Senate, for money spent in behalf of his Government, and to keep up its credit abroad during the trying period from 1783 to 1785, I would state some of the ungenerous means, to say nothing more, practised to induce the old gentleman to withdraw from his office, to save President Jackson the odium of directly turning him out. But, sir, this might, and I have no doubt would, defeat his honest, his long-delayed claim upon the Government; and, therefore, I forbear. Mr. Harrison's, I believe, was the last of the appointments at the seat of Government of General Washington; and it seems that General Jackson could not quit the Presidency with a vestige remaining of President Washington's acts. The 8th of January has superseded the 4th of July; Sunday has become the working day of Congress; and the name of Jackson has obliterated that of Washington.

"Sic transit gloria mundi."

But, Mr. Speaker, to return to the question immediately before the House. What good will result from driving out of circulation the notes of the Bank of the United States? You say they are spurious, illegal, worthless. If so, the community will soon find it out, and take them no longer. If they are not preferred to your Treasury notes, they cannot interfere with them. The notes of the Bank of the United States are a benefit to the people as a currency; the Treasury notes exclusively for the Government. You therefore have *your* currency; and, if a separation of interest is to take place, all we ask is, to permit the people to have such a currency as they approve. Let the true reason be assigned. As long as the notes of the Bank of the United States are in circulation, *they will be preferred to your Treasury notes.* Both are paper. Twenty years' experience has given confidence to the notes of *the* Bank; they can and will be converted into specie at all times; your Treasury notes at the option of the Government; and the last nine years' administration of it has not added to its confidence. It is therefore important to *the party* that these notes should be taken out of circulation, else your Treasury notes, over and above what are required by the debtors of the Government, will be a dead capital in the hands of their holders. You have, in part, succeeded in depreciating the notes of the State banks, and, with the aid of the illegal *Sub-Treasury*, (which the chairman of the Ways and Means [Mr. CAMBRELENG] assures us *"must continue, as it is now, the law of the land, and will continue through* 1838, '39, '40, *and* '41, *in spite of all the lamentations here or elsewhere,"*) you may compel the people to recognise your currency; but it will only be because you have deprived them of a better.

PRE-EMPTION TO SETTLERS.

SPEECH OF MR. LOOMIS,
OF NEW YORK,

In the House of Representatives, Thursday, June 7, 1838—On the bill to grant Pre-emption Rights.

Mr. LOOMIS of New York said that he was in favor of the bill under consideration, not because he did not think it defective, but because, as it stands, it is worth something; it is better than nothing; and he was not without hopes that it might be so modified and amended as to make it still better. I am, said he, for adopting a permanent system of pre-emption in favor of actual settlers, prospective as well as past in its objects.

The bill before us does not go far enough in this respect; and I think it might also be improved by additional guards and restrictions against frauds. I am unable to see the propriety of limiting its beneficial operation to those who were in possession on the first day of December last. I can see no good reason which renders the bill expedient and proper in favor of those, that does not apply with equal force to those who have located their homes on the unsold lands since that time. I would prefer bringing it up to the present time, or, to name a day, say the first day of June, 1838; and I hope that the committee or the chairman will move to amend it in that respect. I think it will not command one the less vote in this House. I believe nearly or quite all the gentlemen from the new States, all persons living in the immediate vicinity of the public lands, are in favor of pre-emption rights to actual settlers, and they seem to anticipate that the citizens of the older States are hostile to it. So far as my observation has enabled me to judge, I think them mistaken in this opinion. I believe, sir, that a very large proportion of the citizens of the older States are entirely favorable to the principle of pre emption in favor of actual bona fide settlers, and that this is the prevailing sentiment at the North and East.

These lands are, it is well said, the property of all the people of the United States. Their best use is to furnish farms for those who are destitute; and really there seems no good reason why those in this situation, who go on and take possession, and make improvements, should not be preferred at the same price. I believe a large share of the sales have heretofore been to non-residents, speculators, those who desire to make investments, and let the land lie for the rise. I speak not disparagingly of this class of persons. Such investments are not only lawful, but obviously encouraged by the Government; and surely those who avail themselves of the opportunity are by no means censurable. Still, I doubt the wisdom of this policy by the Government. I can see no good reason, I confess, why sales should not be limited to actual settlers, by which those who cause the rise in the value of the land by their labor would have the exclusive benefit of it; that is, assuming that Government kept a fixed minimum price for all lands alike. The present bill is, however, not calculated for such a state of things, but its provisions are favorable to the actual settlers, to the pioneers of our settlements; and I assure the Western gentlemen that a strong feeling exists in the older States to favor actual settlers.

The class of emigrants who, or whose friends, have observed the policy of the Government in granting pre emption laws at intervals, covering all time past up to a certain date, who ascertain that all who have preceded them and gone upon the unsold public lands, have been uniformly confirmed in their possessions by pre-emption laws, giving to them the right to purchase the lands they have improved in preference to strangers: this class, I say, sir, have gone boldly on and taken possession, relying on the past policy of the Government as affording evidence of its future practice. And I ask the question, had they not good grounds for their opinions, how would they anticipate the future action except by the past? They may well consider the policy of granting a preference to actual settlers a well settled policy of the Government in the sale of its lands. Mr. Chairman, we must keep faith with settlers; and why should we not? Why not grant them a preference? The rise of the value of lands in a neighborhood is caused by the improvements made by the hard labor of the actual settlers; and why should not these improvements and that labor go to enhance the value of the lands of their fellow-laborers, rather than those of non residents? Who should have the benefits of the rise of these lands? who but those who earn it; who, by their labor produce it; who add all the increased value, all that exists, or can exist, above the mere Government price? The gentleman from Massachusetts [Mr. LINCOLN] stated, and truly, that the minimum price of public lands, fixed by law, is $1 25 cents per acre, and that this minimum price is all the lands will fetch at any rate, as the accounts of sales show; and he urges that giving pre-emption rights will not increase the value to the Government of the surrounding lands, however it may do to individual owners. This I do not deny. I claim nothing on that score. I only ask a preference to be given to actual occupants at the same price. The same gentleman says that these occupants having gone on against law, maintain their possessions against law, and that no *bona fide* purchaser *dare* locate his purchase on a lot so occupied. And he urges that it is inexpedient and unjust to legislate in favor of sustaining and encouraging these lawless individuals in their practices and their trespasses. The fact in this respect have been stated by the gentleman from Arkansas [Mr. YELL] and others, and stand undenied to be, that after the public sales are over, and the lands subject to private entry, no such practice exists as preventing a purchaser from locating any lands that are not already purchased; but that the settlers do combine to protect their possessions until they have the opportunity of entering them themselves; that when a tract is first opened for sale, it is done by public auction, before which no private entry is received; and that these squatters, as they are termed, will not permit any one to purchase their possessions at those public sales; but that, if the possessor fails to avail himself of the first opportunity to complete his own purchase, by entering and paying for his possession at the public sale, he is no longer protected by his fellows; the squatter's law is then at an end; but, should any speculator, at those sales, attempt to avail himself of the improvements made by a settler, and thus to speculate out of the hard earnings of those pioneers in the forest, he does so, as the gentleman from Massachusetts [Mr. LINCOLN] justly says, at the peril of his head; the settlers will not permit it. Sir, this may be against the letter of the law, but it is not against justice. It is but common right, common honesty; it originates in a principle which is above law itself, and which always should be followed by laws—common right, the title which every man has to what he earns by the sweat of his brow. Before the occupancy, the lands belonged as much to one citizen as to another; all had a common interest in them. If one has added to their value by his labor, cleared the fields, erected his dwelling, made roads, is it right, is it honest, that the other may enter into equal competition with him to secure to himself all the fruits of this labor of his brother, without first giving that brother the right of securing them himself, by the opportunity of purchasing first, and at the same price? This, sir, is all that this bill seeks to do. Shall we complain of men for protecting their rights, so manifest as these? Are they to be deemed lawless and unworthy of protection for sustaining the highest, first, best moral principles? I think this far from being a good reason why pre-emption rights should not be sanctioned by law. It is, in my judgment, a manifestation of moral right and justice in advance of the law. It shows what the law ought to be.

Mr. Chairman, many of these settlers upon the public lands are of the very class alluded to by the gentleman from Massachusetts; those who leave our older States, with money in their pockets to enable them to become freeholders, and who go on, for the first time, with large families and small means; whom he would protect by rejecting this bill, and whose interests I would advance by passing it, and by making it prospective also. I would have it so that those of our citizens who go to the west to improve the Government lands, and enlarge the boundaries of our settled country, should feel free to locate themselves on any of their and our common property, knowing, from the statute book, that the fruits of their labor would be protected to them on complying with the law before them. There can be no doubt but the sales of lands to non-residents is against the interests of those living near them. It retards their settlement, keeps prices of land high, and sends the new-comers further on, where they can get choice lands without having to look up a non-resident owner, or pay a profit of one hundred per cent. It makes the settlements sparse, and leaves large tracts of uncultivated, though good lands lying waste for years, when the tide of emigration is rolling on past them.

Nor is it, in my opinion, desirable for the old States to have their capital drawn away as it accumulates, and, instead of being invested in productive business at home, paid into the

National Treasury to exchange for wild lands far away, and which generally lie many years before a return of profit is yielded. In my opinion, sir, it would be much better that our men of wealth should employ their capital in business, and that Government should keep its lands until wanted for actual use, and then sell them to the settler, and let him take the rise on them. Sir, I should be glad to see our whole policy in this respect changed. We have too much land thrown into general market at once; it is the inevitable result of our present system; if sales were limited to actual settlers, it would not be so. But, sir, I do not even hope to change the system at present; time will do it.

I have, Mr. Chairman, before me, a letter written by a gentleman who has resided for several years in the northern part of Illinois, which describes the actual state of things as I believe them to be, so well, and which is so full of good sense and sound views that, with the leave of the committee, I will read a part of it.

Mr. LOOMIS here read the following extracts from a letter:

JULIET, (Illinois,) January 26, 1838.

MY DEAR SIR; Having noticed a bill to grant pre-emptions to settlers on public lands, I take occasion to do what I hold it to be the unbounden duty of every man in the West, who has an acquaintance at Washington, either in Congress or out, viz: to urge upon you what kind of a pre-emption justice, *strict justice*, demands.

It is impossible for an Eastern man to understand our exact situation without visiting us, but you may have some faint idea when I inform you that more than one-half of the emigrants to this country, from New York and New England, come here for the first time, with their families and their all, in the fall and winter, under the full expectation of purchasing Government lands at $1 25 per acre. The idea of seizing upon public lands, and appropriating without compensation, is as abhorrent here as it is absurd. But the emigrant arrives, stops at a convenient resting place for his family, and reconnoitres the country for his desired future residence. Judge of his surprise when he learns that there is no land in market on which he could subsist without a fortune to commence with; that all the lands in market have long ago been entered by greedy speculators, except the extensive prairies too far from timber to allow of settlements. This is the case as regards Illinois, Wisconsin, and a great part of Missouri, and probably of the whole public domain.

What, then, *can* the emigrant do? He has sold his home at the East, (perhaps the sheriff sold it for him,) and by self-denial and sacrifices has saved money enough to purchase 80, 160, or 240 acres, at Government price. He cannot return; if he does, he has no home. Speculators hold their lands altogether beyond his means. They are non-residents, too, and unknown, and there is no other resource than to do as others have done—as Government has permitted, and, by repeated pre-emptions for ten years past, tacitly invited them to do, to wit, to go on to Government lands not yet in market, in many instances not yet surveyed. These are the facts, not sufficiently understood abroad. The President himself has not seemed to understand them, but his results are the same; give us his recommendation, and we are satisfied. After selecting a location, then, I say, from necessity, on Government lands, the emigrant commences substantial improvements, and moves on as soon as his family can be made comfortable. He has come a thousand miles to *purchase* a *home*—he is ready to purchase, and anxiously waiting Government to give him an opportunity.

"There are in this village fifteen families, the heads of whom are on what is here called their 'claims' on Government land, where they are preparing log cabins, rails, &c. where they intend to move to, so soon as they can be made comfortable. Others have just moved on, and the number that daily settle are altogether beyond the belief of any man who has not been here.

"Now, what does your law propose? Why, to revive the old pre-emption law, and cut off from its benefit all who were not here in 1837, or, in other words, all who did not cultivate in 1837. To those who come after, it is well enough that they come, but they are not fit subjects for Government protection. This looks to me too absurd; it reminds me of the proposition once made in New York, to tax all lands within ten miles of the Erie canal to pay for the same, when those eleven miles off were just as much benefited as those within the ten miles. Strict justice imperatively demands that if you will not make your pre-emption law prospective, upon a residence and certain amount of cultivation, you should extend the pre-emption to all who have the necessary improvements at the passage of the act. Any thing less must be arbitrarily exclusive. I will say nothing of the amount of land, leaving that to the liberality of Congress. It is, however, worthy of observation, that a majority of the settlers occupy 160 acres prairie, and from 40 to 80 of timber adjoining, or as near to it as possible; 200 to 240 acres is almost indispensable, and limited to 160 prairie, with 40 to 80 timber, to include only such land as was previously in possession of the settler.

"The misrepresentation constantly made of settlers in Congress, and the preposterous claims of some of them to more land than is reasonable, I greatly fear will work injustice to the mass of them; but there never was a subject of internal legislation where justice more earnestly demanded that all the circumstances should be understood, than in the case of pre-emptions.

"I have taken this liberty with you, from our former acquaintance, and I have no doubt you will pardon any thing erroneous. If any facts or views here stated can be of the least advantage to the pre-emption law, I shall be satisfied. I have no claims for pre-emption, I know of no benefit I shall derive from such a law; but there are others, many of them your former constituents, who, if the law be limited to the 1st January, will be no better off than they now are, and yet who are bona fide settlers, some with their families on the lands, and others stopping in the neighborhood, while the men are preparing their houses, &c."

I said I should go for this bill. I hope the chairman of the committee who reported the bill will move to amend it, bringing its provisions up to this time, or to the 1st of June.

Mr. Chairman, I have prepared some further provisions which are probably imperfect and defective in detail, but which propose to legalize in advance pre-emption settlers, to obviate the objection against them as violators of the law, by giving to those who shall hereafter go and settle upon the public lands, not merely an equitable right to secure their settlements, their homes, and the earnings of their labor, but a statute right, definite, and plain to be understood. I hardly anticipate that they will be adopted, for the reason that they are unprecedented here, so far as I know, and embrace an important principle which ought to come in the more imposing and deliberate form of a bill from a committee; still I believe them just, and I can at least place them on the record. It appears to me that they embrace a principle, that of a pre-emption law for the future, requiring an occupation for a given time, which should, and at some time will, be adopted.

SPEECH OF MR. RANDOLPH,
OF NEW JERSEY,

In the House of Representatives, Tuesday, June 12, 1838—
On the bill granting Pre-emption Rights.

MR. CHAIRMAN: When I moved that the committee rise, a few evenings since, it was not for the purpose of discussing the measure now under consideration, but merely to have the amendments printed, so that they, together with the bill itself, might be the more deliberately examined. Having, however, been urged to vote for this bill, I will embrace the present opportunity to offer some reasons why I cannot support the measure.

Notwithstanding the pleasant altercation between the honorable chairman of the Committee on Public Lands [Mr. BOON] and the honorable member from Illinois, [Mr. MAY,] I do not myself consider the present a political question. It is one of those matters, sir, in which the whole country is interested, and which, in the bosom of every statesman, should be paramount to mere party considerations. The controversy, Mr. Chairman, as I understand it, is rather between the old and the new States, though in fact it should be between all the States, and the land speculators and those who are disposed to acquire the public lands in some illegal manner; for I will attempt to show, sir, that the new as well as the old States are interested to defeat the pre-emption laws. I confess, Mr. Chairman, after the apology of the honorable chairman for the President—that, when Senator from New York, he opposed the pre-emption laws because such were the wishes and interest of his constituents—that I was not a little surprised at the remarks of the honorable member from New York, [Mr. LOOMIS,] coming as he does from one of the "old thirteen." He told us, sir, that the North is in favor of the actual settler. What, sir, the North in favor of those who, in violation of law, have taken possession of the public domain! This, sir, is both new and strange; and if it be so, I am at a loss to conjecture by what alchemy so strange a transmutation of public opinion has been effected. But not only is the North in favor of these people, but the honorable gentleman says they dare not insult the *right* of the possessor. The right of the possessor, sir! Dare not! Why, what right has the possessor, so called, more than any other trespasser? Is it intended to be intimated that these possessors, having placed themselves beyond the law, and banded together, have become so strong that even the Government *dare not* interfere with them? Sir, whenever a pact or combination of our citizens becomes stronger than the law, and may violate its precepts with impunity, our Government and free institutions will become of little value.

Mr. Chairman, in examining the subject of the public lands I find that prior to the act of the 24th of April, 1820, they were sold upon a credit of two, three, and four years, at the minimum price of two dollars. The credit system, however, was found to operate injuriously, so that, on the 30th of June, 1820, when it ceased, there was due the Government, for lands sold, the sum of $21,500,000. The present system went into operation on the 1st of July, 1820; it reduced the minimum price of land to one dollar and a quarter cash, required all the land to be first offered at auction in half-quarter sections, or eighty-acre lots, and then any part remaining unsold was subject to private entry in sections, halves, quarters, and half-quarters. The first *general* pre-emption law was the act of May 29, 1830, though, to secure the French and Spanish settlements, and some few other private locations in the Mississippi valley, various pre-emption laws of partial operation had before that period been enacted. This general pre-emption act, which the present bill seeks to revive, gives to the first settler or occupant of any of the public lands who had cultivated the same in 1829, the right of pre-emption for one year to the quarter section of land which he had settled and cultivated; that is, the settler had for one year the right to purchase the one hundred and sixty acres of land at a dollar and a quarter per acre, to the exclusion of all other persons, whatever they might be willing to pay for the same. It also provided that where two persons had settled on the same quarter section, it should be divided equally between them, and each individual to have a *floating* pre-emption to eighty acres more, at the minimum price. The act prohibits the assignment or transfer of pre-emption rights. The act of April 5, 1832, was passed to enable poor men to purchase at private sale a quarter of a quarter section, or forty-acre lots, and by some strange kind of legislation there is appended, by way of proviso, not a matter which the act itself covers or effects, but a totally different subject, a right of pre-emption for six months to all actual settlers being house-keepers on the public lands—the act of 1830 having expired. How this proviso became thus strangely incorporated in the act, I have been unable to learn either from any member of this House, or the proceedings of the day. The statutes of July 14, 1832, and of March 2, 1833, were passed to enable persons having pre-emption rights under the former acts, but who, for certain specified reasons, were unable to enter their claims within the times limited, to put their claims on record and perfect the title, the same as if the acts had not expired. The act of June 19, 1834, revives the pre-emption act of 1830 for two years, with some few additional provisions; this act expired in 1836, and the last Congress did not revive it, or pass any other pre-emption law. This, then, Mr. Chairman, is the system of pre-emption laws which is sought to be revived and extended by the present bill, and which the honorable gentleman from Illinois (Mr. MAY) says it is the interest of all to encourage; whether he be correct or not, let us examine.

In the first place, Mr. Chairman, this system lessens the average amount of the sales of the public lands; as a matter of course, the settler locates himself on the most valuable tracts, the richest soil, the best wooded or watered, or possessing some other peculiar benefit. This tract he gets, without competition, for a dollar and a quarter per acre, the minimum price of land sales; and when the land in the vicinity comes to be surveyed, and offered at public sale, the best tracts being already sold under the pre-emption law at the minimum price, it is not to be expected that the poorer tracts will bring more than the richer; accordingly, all that is sold is disposed of for about a dollar and a quarter per acre by the Government, although the settler sells his choice tracts for four or five, and sometimes twenty or thirty, dollars per acre, and is then ready to locate another pre-emption right. If, on the contrary, the pre-emption claims were disallowed, and the land surveyed and brought fairly into market, and exposed to public sale, Government would get the four and five dollars per acre for the choice lands, which now the pre-emptioner gets, and of course the average price of public lands accruing to the Government would be much increased; and yet the permanent settler would in fact pay no more than he does now. Prior to the passage of the pre emption law of 1830, the average sales of public land amounted to from a dollar and thirty-five cents to a dollar and fifty cents per acre; whereas, since the passage of that law, it has never exceeded a dollar and thirty-one cents per acre. In 1827, the average was a dollar and forty-two cents per acre; the next year a new order of things commenced, settlers began to locate the public lands, in anticipation of the passage of a pre-emption law, and for that and the two succeeding years the average was only one dollar and twenty-six cents per acre. From 1829 to 1828, being the time between the commencement of the present system of cash sales and the anticipation of a general pre-emption law, the land sales averaged one dollar and thirty-five cents per acre; but from 1828 to 1836, being the pre-emption period, the sales only averaged one dollar and twenty-seven cents per acre, being a difference of eight cents per acre, or a loss of about four millions and a half of dollars on the aggregate sales during that period. But when it is considered how much the desire of acquiring the public domain has increased since 1828, and how many more competitors there have been since that period, and that the pre-emption laws have almost destroyed competition at the public sales, it must be obvious to every one that the mere comparison of the average price of land sold prior and subsequent to 1828 affords but a very faint idea of the actual amount of loss to the Government, arising from the pre-emption laws. In 1836 the House of Representatives published a document (No. 211) on this subject, from the General Land Office. In a letter, dated January 28, 1836, Mr. Ethan A. Brown, the Commissioner of the Land Office, says, pages 6 and 7:

"The pre-emption laws originated and bestowed rights, but recognised none in the settlers as previously existing. I conceive they have no other rights, in this respect, than what the law confers; and that the pre-emption privilege may be considered little else than a mere benevolence, enabling the adventurer to appropriate to himself the choicest lands, most valuable mill-seats, and localities for towns, at a vast cost to the public; or, in other words, preventing the receipts of vast sums into the Treasury. It is confidently believed that these privileges, covering at least four millions of acres of land, joined with outrageous combinations to intimidate purchasers, and other unjustifiable confederacies, have *diminished the receipt for public lands, in the year of* 1835, *full three millions of dollars*, at a moderate estimate, below what they would have brought in fair competition. If frauds in pre-emptions were unknown, if no one obtained a pre-emption but upon a faithful compliance with the conditions prescribed, still the selections of the most valuable lands, and most desirable situations, at the minimum price, would produce an effect upon the revenue too considerable to be overlooked by the financier."

And in a letter of April 11, 1836, the same officer remarks:

"The estimate of three millions of dollars, which I had the honor to submit to you on the 28th of January last, appears to me now to *underrate*, much rather than to magnify, the difference between the receipts for pre-emption concessions and the sum the same lands would have brought into the Treasury, had no impediment laid in the way of full and free competition for the purchase."

But, Mr. Chairman, this system not only lessens the price of the public land, but it leads to endless frauds and perjuries, and, in proof of this, I will again refer to the document No. 211.* The commissioner says, (p. 7.)

"It seems to me *a hopeless task to project any modification of existing enactments that shall silence perjury*, and defeat the devices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of immense gain attending their success."

Again (p. 3.) "The public sales are attended by combinations of two kinds interested in keeping bids down to the minimum; the one composed of those who have, and those who pretend to a right of preference, *and to resort to intimidation, by threats and actual violence, as exemplified most particularly at the public sales at Chicago in June*, 1835; when and where the controlling party is represented to have effectually prevented those from bidding who were not acceptable to themselves."

At page 5, the Commissioner, under date of January 28, 1836, says:

"It is said, on credible authority, that preparations appear to be making, in hopes of a pre-emption act at this session of Congress, to acquire, at a minimum cost, a great part of the precious lands on Red river."

Page 8. "The interest of the Treasury seems to demand a guard against force as well as fraud. I allude to that system of terror which threatens the competitor for the purchase of public lands with the vengeance of the settler with whose usurpation he may interfere." Page 10. "It is not believed there are thirty honest pre-emption floats in the whole Western District of Louisiana." Page 20. "A formidable company was formed on the second or third day of the sale (at Choechuma, in 1833,) that silenced all opposition, and the lands went off generally at Government price."

Other instances might be given of fraud and corruption, as well from this same document as from other sources; but I trust, Mr. Chairman, that enough has been shown to satisfy any reasonable mind of the impropriety of the present measure. It is no answer to the objection arising from these frauds to say that they arise from the public sales, or from companies of speculators; these, no doubt, contribute greatly to the evil; but, after all, the pre-emption system is the basis of all the iniquity. It is this that withdraws the choice lands from fair competition in open market; it is this that engenders perjury and fraud, and combinations of settlers to preserve and protect what they assert to be their rights; it is this system that begets combinations of purchasers and speculators, either to encounter and overcome the combinations of settlers, or, by collusion

* It is but just to note, that the truth of the statements contained in this document has been questioned by the letters of Mr. Garesche, in document No. — of the present session; but whether these letters do in fact impair confidence in the statements in the document quoted is submitted to the candor of those who may investigate.

with them, or luring scores of them to locate valuable tracts, to commit the grossest frauds against the pre-emption laws and their country. And this, sir, is the system so highly eulogized by the honorable member from Illinois, and for the extension of which the present bill is intended. Sir, as wise legislators, when about to pass an important statute, we should look back to the old law, and ascertain the evils arising from, and, if possible, endeavor to provide a remedy against their future recurrence; but this bill, sir, instead of looking to a remedy, greatly extends the evil. Without intending any imputation against the honorable Senator, whoever he be, that drew the bill, I do conceive, Mr. Chairman, that, had his object been to cover up, conceal, greatly extend and perpetuate all the speculations, frauds, and perjuries of the past system, he could not more effectually have done it than by the present bill. The ostensible object of former pre-emption laws was to protect the poor settlers in the little homes they had hewed for themselves in the forest; and so far as that object alone was honestly pursued, I am not disposed to quarrel with the system; but the present bill throws off the mask, and its object would seem to be less to protect the *bona fide* settler than the speculator or fraudulent pre-emptioner. Former laws, sir, required not only settlement, but actual cultivation; though, under the construction of the Commissioner, the most trifling effort to cultivate, even the sowing of a few turnip seed, was held sufficient; but the present bill, so far from correcting that fraudulent construction and practice under it, and requiring a real cultivation in good faith, has stricken out the requirement altogether, and made mere settlement alone sufficient.

Again, sir, no length of settlement in connection with cultivation is required. An individual may on the night of the 30th of November have erected a booth or cabin on the most valuable tract of land in the West, and on his waking the next morning this bill would vest in him the fee simple of the land on paying the minimum price. By the construction of the Commissioner, an individual under the former laws, who selected a water-power and settled on the adjacent land and erected a mill, still had no pre-emption right without the actual cultivation of the land; but under this bill neither the erection of a mill, nor the cultivation of the land, nor any thing else but a few hours' settlement and the erection of a shantee, is necessary to confer title to the most valuable mill seat on the Western waters. This bill does not, unless it be by implication, prevent the assignment and transfer of pre-emption rights, nor that species of fraud upon the system by which a speculator may have, as I understand to be the fact at this time, in many cases, fifty or a hundred individuals in his pay, settled on valuable tracts of land, for the purpose of taking advantage of this bill the moment it becomes a law, and thus create a splendid fortune at the expense of the Government. This bill extends to all lands to which the Indian title is extinguished, and of course to lands which will not be surveyed for years by Government; it authorizes the pre-emptioner to go in advance of the public surveyor, and enables him to select the choice lands, valuable mill seats, and sites for towns, years and years before the laws of your country will permit an honest purchaser to acquire a foot of the land. And this not only destroys all competition for these lands when they are put in market, and thus reduces the very best to the minimum price, but it has another and most injurious effect—it leads to continual encroachments upon the Indian lands and collision with their rights, to endless strifes and quarrels, to tampering, and to all the little arts that can debase the Indian character, and eventually, by fraudulent treaty, to extinguish his title to the land of his fathers; and this in order to enable speculators, who sit like cormorants, hovering around the wasting tribe, fixing their eagle eyes upon the bright sunny places which cheer the Indian's home, and watching, day after day, his degradation, in order to pounce upon those beautiful places. I have been told, Mr. Chairman, on good authority, that, long before the Sioux and Fox tribes of Indians, who were here last fall, and disposed of part of their land by treaty, reached their homes, the choice places were all located; yes, sir, the moment the title was extinguished, the settler or pre-emptioner planted his foot upon the Indian's home, and there he stands yet, waiting the passage of this bill, to give him a good and valid title, though the land will not probably be surveyed or put in market for five years to come. Sir, I am told an individual claims title to the immense water-power at the falls of St. Anthony, valued at $100,000, which, by this bill, he will get for a few dollars. I recollect, Mr. Chairman, of seeing in the public papers, some year or two ago, though I have been unable to find it at the present time, what appeared to be a regular organization and constitution of the settlers living on the unsurveyed land in that part of Wisconsin now called Iowa. I mention this, sir, to show the extent to which the pre-emptioners have gone. They have stretched beyond the protection of the law, settled on the public lands in violation of the statute, and erected a kind of *imperium in imperio*.

I am opposed, Mr. Chairman, to the whole pre-emption system. I believe its operation to be unjust and deleterious. It gives a most unjust advantage to the few reckless over the many honestly disposed, by enabling the former to obtain the choice lands at the lowest price. It enables the wealthy speculator, by employing scores of pre-emptioners, to amass a fortune, at the expense of the Government and the poor honest settlers. It lures men beyond the protection and influence of society, education, and religion, to become the lonely settlers in the dense forest; and by teaching them that the laws for the protection of the public domain may be violated with impunity, it has a most demoralizing effect upon the state of society. This system, Mr. Chairman, is based upon false principles; it enables men to take advantage of their own wrong, and compels Government to yield to the force or the fraud of the few on the many, singly or combined. It says to the honest law-loving and law abiding citizen, you may acquire a right and an advantage over your neighbor, by violating the laws of your country. The principles of the pre-emption system, if carried out, would destroy all government, and dissolve the very elements of the social compact.

Again: Mr. Chairman, I do conceive, though I say it with all deference for the better judgment and the more enlarged intelligence of honorable gentlemen from the West, that this system is unjust and injurious to the new States themselves. The primary interests, sir, of those States are to increase and condense population within their own borders, whilst the effect of this system, sir, is to scatter population, and drain those States of their inhabitants, by emigration into the wilderness for the benefit of pre-emption. Sir, it is not the citizens of the old, but of the new, the border States, who go in advance of the land sales, and of the public surveyor, to settle on the rich soil, or by the flowing stream of the forest. I recollect, sir, some years since, being in the State of Kentucky, and noticing that the spirit of emigration was much more rife there than in my own State. The traveller, sir, was constantly met by families and caravans of emigrants, leaving the rich lands of that noble State, and seeking a home in the far West; and never, sir, was I so forcibly reminded as on that occasion of the truth, as well as poetry, of the oft-repeated line from Berkeley:

"Westward the star of empire takes its way."

Sir, this system not only deprives the new States of their inhabitants, but it reduces the value of their lands; for by reducing the best Government land to a dollar and a quarter, the best *settled* land must be reduced in the same ratio, and these settlers on the public land get a long credit, and prevent their being purchased at Government sales, and are for years exempt from paying taxes to the State.

I am, Mr. Chairman, opposed to this whole system, because it is peculiarly unjust to the old States. I cannot, sir, but view it as one of those measures calculated, if not intended, to deprive the old States of all interest in the public lands. By enabling the settler to select the best lands, and thus leaving the poorer unsold for years, it co-operates with, and provides for, than plan of graduation so long talked of, and now before the House for final action, and thus the annual proceeds and the aggregate value of the land will be reduced to a mere cipher. These lands, sir, even what was formerly designated the Crown lands, wrested from the British nation by the blood and treasure of the "old thirteen" States, and after some controversy, were eventually ceded by the States within whose limits they were, to the nation, to be used as a common fund to pay off the debt of the several States and the nation, and for the "only use and benefit of such of the *States* as have or shall come into the Union." That debt, the cost of the Revolution, sir, which has been stated by the Treasury Department at $135,193,703, has been paid off by the sales of the public lands; for the amount paid by purchasers is stated at $106,245,656 88; and if to this be added the value of twenty-eight and a half millions of acres granted in bounties and to States and colleges, the aggregate, I apprehend, will more than discharge the Revolutionary debt and that incurred by the purchase of Louisiana and Florida; at all events, the Revolutionary debt has been paid off, and the States have a right to a distribution of the future proceeds according to the terms of the compacts of cession. The present estimate of the quantity of the public lands is 292,000,000 acres within the States and Territories, and 750,000,000 beyond them; and the amount of land sold since 1820 is rising 61,000,000 acres, being about 3,500,000, acres annually, the nett proceeds of which is something over one dollar per acres; and if the annual nett proceeds were distributed among the States, the proportion coming to New Jersey annually would be over $70,000—a sum sufficient to pay all her State and county taxes, or to educate all the poor children in the State. And this amount would be not for one or two years, but it would require more than eighty years to dispose of those lands lying within the States and Territories, and centuries for the disposition of the millions that lie beyond.

In prospect, sir, of this immense resource for the replenishment of the empty State treasuries, New Jersey was one of the last States to join the Confederacy without a guaranty that the Crown lands, which should be obtained by the joint effort of all, should be a common fund for all the States; but she did come in without such guaranty, eloquently appealing to her sister States for the justice of her claim, and that appeal, sir, was magnanimously responded to by New York, Virginia, and the other States whose limits embraced the public lands. New Jersey, sir, at that trying time was peculiarly situated. She extended about as far from the coast as the rays of civilization had then penetrated, whilst all beyond was shrouded in one vast wilderness, in which she had no part or lot; other States had more or less wild land to pledge for the redemption of their heavy debts, or to stimulate, in bounties, their quota of troops. New Jersey, sir, had none, and yet she never was behind in her supplies, either of money or soldiers; nor did her brave and hardy sons who composed the Jersey brigade ever shrink from duty, although their native State could point them to no bounty land whither they might repair when victory was achieved, or which might be a home for their widows or orphans; and yet, sir, they won by their valor the high eulogium from the commander-in-chief, that in the hour of danger the Jersey brigade might always be relied on. Sir, the brave spirits that composed that brigade have crumbled to dust, but their sons and descendants still live, and they now ask, through their Representatives on this floor, to participate in the rich inheritance obtained by the blood and the bravery of their fathers.

PRE-EMPTION TO SETTLERS.

REMARKS OF MR. YELL,

OF ARKANSAS,

In the House of Representatives, June 14, 1838—On the bill granting Pre-emption Rights.

Mr. SPEAKER: I would not now trespass on the already nearly exhausted patience of the House, were I not disposed to place myself in a correct attitude before the people of my State. Sir, I represent a people who are tenacious of their rights; who at all times hold their representatives responsible for their acts; and as I am ever ready to acknowledge myself bound to obey their wishes, whilst I consult the good of my country, I should be guilty of gross injustice to myself, and of neglect towards them, if I should see this bill pass, and not, on my part, make a solitary effort to inform them how I stand in relation to it.

The importance of this measure is not fully understood by gentlemen from the old States, or by those sections of the Union where the vexed question of the rightful mode of the disposition of the public domain has been but little agitated. Whilst I do not intend to cast any censure on gentlemen coming from the sections of the Union to which I have made reference, and whilst it is far from my design to accuse them of supineness or neglect of duty, I must be permitted to say that, if they had studied the subject, fully and elaborately, or visited the West, they would not now be found arraying themselves against a proposition that is founded in right, and must ever be attained by the immutable principles of justice.

In making these remarks, I shall be justified in exempting from their application the example set by one of the most distinguished sons of New England. The gentleman to whom I refer is, as his political life will show, a friend to the settler and the West. Sir, that statesman, some ten or twelve months since, for the purpose of making himself familiar with the wants of the West, her resources, her lawful desires and legitimate rights, visited that region of the country, and from his own personal observation obtained that information which taught him the correctness of the doctrine of pre-emptions, and strengthened him in advocating the rights of that class of Western Americans who have been, and now are, reproachfully denominated *squatters*.

Mr. Speaker, you did me the honor, at the commencement of this session of Congress, to place me on the Committee of Public Lands; and, in the hands of that body, this bill, with all its defects, (if any it have,) received its sanction. I voted for it in committee, and I am ready to sustain it in its pilgrimage through this House. If I had kept my seat, and suffered the bill to march its "lonely way" in silence, I might be accused, and probably with some propriety, with being indifferent about its passage. To escape the possibility of such an accusation, I take my stand in favor of the bill; and, whilst I shall occupy the floor for a brief period only, I shall respectfully ask your attention and indulgence.

Mr. Speaker, it has pleased an honorable gentleman from Massachusetts, [Mr. LINCOLN,] a gentleman who, notwithstanding his ardent opposition to all my political predilections, I esteem for the soundness of his head and nobleness of his heart, to introduce an amendment to the bill, which, in my opinion, is decidedly and directly destructive of all the objects and designs of the advocates of pre-emption rights.

Sir, I am not at all disposed to say aught that can justly be ascribed to an offensive and querulous disposition towards the gentleman from Massachusetts, and I trust that he will exercise that liberality of sentiment which should characterize us all in our conduct in life.

And what is the amendment that the gentleman from Massachusetts proposes? Here it is:

"Insert in the 26th line, after the words 'United States,' and upon the third proviso, in said bill, the following words:

"Nor shall the benefit of this act extend to any person who has before availed himself of a pre-emptive right to the entry of any of the public lands, and acquired a title thereto by reason of such entry."

As I am not disposed to do the gentleman from Massachusetts an act of injustice, I must, in the exercise of that charity which I hope I shall always practise, maintain the opinion that that gentleman, at the time he conceived his amendment, was not fully aware of the baleful operation it would have on the bill, and on the people of the West, if, by any untoward providence, it were adopted. The gentleman cannot and has not advanced a solitary plausible reason to support the hypothesis he has assigned.

The amendment of the honorable gentleman from Massachusetts proposes to exclude from all participation in the benefits of this bill all who have heretofore received the benefits of the pre-emption laws which have existed and expired. Sir, this proposition is an attempt to restrict the liberal and legitimate provisions of this bill; and if it should be sustained, it would operate with great hardship and severity, not to say oppression and injustice, on my constituents—on the whole united West.

A simple statement of the facts connected with this bill, and with the objects it contemplates, will, I hope, satisfy this House of the injustice of the gentleman's amendment, and prevent its adoption.

Previous to the year 1830, the year of the pas-

sage of the first general pre-emption law, Arkansas was but sparsely settled; and what settlements she could boast of were confined principally to a comparatively few counties. In the years 1831 and 1832, and since those periods, the tide of emigration has been rapidly setting to the West; carrying with it a body of emigrants, men of nerve, of correct and industrious habits, who are now, and ever will be, ready to fight your battles and defend your rights. Some of them, probably thousands, have received the benefits arising out of the act of 1830. Some of them obtained their pre-emptive rights whilst they were residents of Alabama, Mississippi, Illinois, and Missouri. The country in which they were originally located, and whilst residents of which they obtained pre-emptive rights, was found uncongenial with their habits, their wishes, their wants, or was not calculated to realize their hopes and anticipations. They had prejudices to gratify, they had families which looked up to them for support, and the realization of better days; they resolved that they would emigrate to the new wilds of the still further West, and there, amid luxuriant regions, abounding with fertile plains and prairies, and pellucid lakes, and those other allurements which have lived in the fancy of the poet, or been blazoned on the speaking canvass of the painter, if they have been traversed by the enterprising trader, to establish their homes, rear their offspring, and transfer the forest into cultivated fields. Their examples are entitled to all commendation. But because they happened to have received, through the indulgence and wisdom of the pre-emptive laws, a little bounty, a miserable stipend, under the act of 1830, and the acts subsequent to it, and made use of it, in carrying civilization, and human enterprise, and justice, and law, still further West, would you issue the law of proscription against them, and cut them off from all participation of the act now before us, which is, in fact, and will be found in its operation, not a bill to encourage the gambling speculator, but an act for the benefit of the Western emigrant—for him who toils, and who is yet destined to toil, for the promotion of the wealth of the nation!

Sir, I am not prepared to believe, even for a moment, that this House can be capable of adopting the amendment proposed by the honorable gentleman from Massachusetts. He professes, sir, the kindest feelings for the West, I honor him for it; and let me say that, by withdrawing his amendment, and giving to this bill his cordial support, he will give indisputable evidence of the sincerity of his professions to, and friendship for, the West. I regret his hostility to this bill, because of his high standing in this House and the country.

Mr. Speaker, whilst I am making my acknowledgments to my esteemed friend from Massachusetts, [Mr. LINCOLN,] suffer me to tender to the able and distinguised gentleman from Kentucky, [Mr. POPE,] in behalf of my constituents, their and my hearty thanks for the able and impartial cooperation he has lent all the friends of this measure, and for the repeated manifestations he has made of his devotion to his former friends and neighbors in Arkansas. The people of my State know him well: for a number of years he was their chief Executive; and, whilst with them, he not only contributed much to their happiness, but, by a course of unceasing kindness and manliness, softened many of the asperities which at one time existed among them, and, by the display of that wisdom and sound judgment which were always predominating qualities of his heart, led them on to a just appreciation of that form of civil Government which now distinguishes this from all other people. The people of Arkansas will long acknowledge their indebtedness to the gentleman from Kentucky; and, in justice to that gentleman, I could not say less than I have already uttered. His knowledge of my people, of their industry and devotion to the best interests of the country, has won for them an able advocate on this floor; one who has been of infinite service to them, by placing properly before this House their claims to the benefits of the bill now under consideration. And, sir, I feel assured that if my friend from Massachusetts had seen the condition of the settlers of the West, as well as my friend from Kentucky, he would have been equally just and liberal.

Mr. Speaker, as a member of the committee by which this bill was reported, I feel called upon to answer some of the reasons assigned by the gentleman from Louisiana, [Mr. RICE GARLAND,] why he prefers his amendment to the bill. Sir, those objections are founded in a misapprehension of the ground assumed by the friends and defenders of the bill. The gentleman says that he prefers his amendment, because he has more effectually provided against those frauds which are practised on the country by those who make settlements by PROXY; that his amendment declares all such settlements fraudulent, and all transfers or conveyances previous to the issuing of the patent *null and void*. That protection which he desires to afford, by his amendment, I conceive is amply provided for in the bill now under consideration. It revives the act of 1830, which expressly declares all transfers, sales, or conveyances, previous to the issuing of the patent, to be *null and void*.

[Here Mr. GARLAND said the Commissioner of the General Land Office had given a different construction, as he understood it, founded on the opinion of the Attorney General, to which he referred. That opinion was, that the act of 1834 revived the act of 1830; and, as the act of 1832 was a supplement to the act of 1830, it also revived that act, leaving them all in force at the same time; and by the revival of the act of 1832, its provisions repealed, expressly, the prohibitory clause in the act of 1830, and authorizes the transfer of certificates, and even the issue of patents, to the assignee.]

Mr. YELL resumed the floor. Sir, I admit every word of the gentleman's explanation, and stand ready to still further admit that the facts he states are true; but I doubt the application of them to the present bill. The fact, sir, of the revival of the bill of 1830 does not, therefore, necessarily revive the subsequent acts; and if it does not revive the act of 1832, which contains the repealing clause of the act of 1830, then the act of 1830 is left in full force, with this prohibitory clause, which will prevent all frauds which may be attempted to be perpetrated. In this opinion, however, I may be mistaken, as the authority upon which the gentleman from Louisiana relies is entitled to great weight and respectful consideration. If correct, it still can be provided for by an amendment to this bill. The balance of the amendment of the gentleman from Louisiana [Mr. GARLAND] is substantially the same as the bill, with one or two exceptions, which, in my view, are not as liberal as the bill. One objection to the amendment I have is to be found in the prohibiting any one receiving the benefit of this act who has one hundred and sixty acres of land in the same land district, and who has abandoned it and has settled upon public land; and that objection, it appears to me, is neither founded in reason or public policy, and therefore I object to it.

Again: By the provisions of the gentleman's amendment, this act will not apply to public lands which have been offered for sale. The bill is more liberal, and extends to ALL PUBLIC LANDS. I therefore greatly prefer the bill to the amendment. The bill is sufficiently guarded; its provisions are well understood by the department and the country; and every man in the new States will be able to understand what is necessary for him to do to bring himself within the provisions of the act. Having attempted to remove some of the objections to the bill, I will add but a word upon its general principles—a topic that has been ably discussed, on all sides, with singular ability and address.

I should be guilty of an act of injustice to my colleague of the Committee on Public Lands, (Mr. CASEY, of Illinois,) if I were to neglect to bear witness to the zeal and fidelity and intelligence that have, at all times, been displayed by him, in connection with the subject of the public lands, and particularly in relation to this bill, during its progress in committee and since its introduction before the House. His aid is felt and acknowledged here by all, and will be appreciated by his constituents and the people of the West.

Mr. Speaker, I will trouble the House but a short time upon the merits of the bill. It is not denied by me, although others may differ, that the public domain of the United States belongs to the whole People. It became common property at the close of the Revolution, and was then set apart to aid in defraying the expenses of the war. That object has been accomplished, it having yielded the sum of $106,000,000, leaving upwards of 240,000,000 acres still to be disposed of, as will be seen by reference to public document No 80, page 8, to which I respectfully refer the attention of the gentlemen who take an interest in this subject.

Exhibit of the estimated quantity of public land in each State and Territory; the quantity surveyed; the quantity offered at public sale; with the quantity sold, and the amount received therefor, from the earliest period of the sales to the 30th September, 1837.

STATE OR TERRITORY.	Estimated quantity of public land in each State and Territory to which the Indian title has been extinguished.	Quantity of public land surveyed.	Quantity of public land offered at public sale.	Quantity of public land sold.	Amount paid by purchasers.
	Acres.	*Acres.*	*Acres.*	*Acres.*	
Ohio	16,536,962.17	16,555,962.17	16,512,110.65	12,373,247.58	$21,777,692.95
Indiana	20,457,303.67	20,155,697.67	18,464,679.82	13,754,470.12	17,569,450.39
Illinois	31,933,736.31	24,976,656.31	23,981,748.89	11,610,024.72	14,466,849.08
Missouri	40,241,436.58	21,440,796.58	21,004,365.47	7,435,881.96	12,538,606.13
Alabama (a)	31,699,470.19	20,791,836.32	20,172,482.34	9,273,256.99	16,466,849.08
Mississippi (a)	20,437,559.43	10,530,339.43	6,543,393.39	2,010,436.45	2,714,805.78
Louisiana	31,118,392.50	13,532,192.50	12,731,833.08	8,894,224.68	11,186,537.41
Michigan	31,468,911.31	13,913,431.31	12,662,900.83	2,127,695.53	2,696,775.86
Arkansas	49,254,297.73	9,254,297.73	6,218,573.25	683,304.39	895,236.36
Florida (b)	18,512,437.39	8,679,605.39	4,807,307.20	1,051,921.94	1,363,796.24
Wisconsin					
Total	$313,600,373.60	199,698,063.60	c172,374,470.91	74,025,055.50	$106,245,656.88

(a) The lands ceded by the Chickasaws are not taken into the account in any of these amounts; also, the lands in Ohio, to be sold for the benefit of the Indians, have been excluded. (b) Estimated on Searcy's map. In calculating the unsurveyed lands, one-third was deducted for water and swamps. (c) Six townships of land, offered for sale in October, 1837, are included in this quantity.

Whilst I am on this branch of the subject-matter now under discussion, I may as well reply statistically to those gentlemen who oppose this bill on the ground that if no other evil would result from it, it would lessen the amount of money received from sales of public lands, which is now so much needed. In assuming that position, gentlemen err, and err grossly, as will be seen by an examination of the following tables. I will take the two years of the existence of the acts granting pre-emptions, that of the 9th of June, 1834, and compare it with the years 1833 and 1837, when there was no pre-emption in force.

YEARS.	Quantity of public land offered for sale.	Amount paid by purchasers.	Average price per acre sold in each year.
	Acres.	*Dolls. cts.*	
1833	6,614,596.93	4,972,284 84	$1 29
Three quarters 1837	-	6,127,418 39	1 28
Total	6,614,596.93	11,099,703 23	1 28½
1834	13,056,865.37	6,099,981 04	1 31
1835	13,767,268.05	15,999,804 11	1 27
1836	509,034.50	25,167,833 06	1 25
Total	27,333,167.92	47,267,618 21	1 27

Mr. Speaker, as one of the material objects had in view, by those who conceived the scheme which was not long since adopted for the regulation and management of our public land system, has been attained, it is now our duty to adopt a policy that will mete common justice to every portion of the Union, and produce the greatest good to the greatest number; and if that be attempted, benefits may result from our legislation, and, in the end, we may be enabled to see that he who contends that the public domain is the common property of the whole people effects the mode best calculated to promote the best interests of the country.

And, besides all this sir, who that contemplates the subject, who that has contemplated it, can doubt the correctness of the position, so often defended when defence was not necessary, and so often neglected when defence was needed, that it is the duty of statesmen to legislate in that way which shall effect the greatest good for the greatest number? Sir, for one, I cannot, although I am not disposed to deny that the minority has rights that should not be disregarded, or the soundness of the views which have elicited these incidental observations.

The public domain is on of the principal sources of the wealth of a nation. As such, it is regarded on all sides, and the man is yet to be found who is so unsound in mind, and impolitic in action, as to dream of placing it, either in mass or in parcel, in the hands of speculators, or at the disposal of monopolizing corporations, at the same rates of price which are received at the hands of the hardy yeomanry. If this proposition be admitted, (and it is not doubted,) there can be no better mode adopted or conceived for the disposition of the public lands than that which is embraced in the bill now before the House; nor, sir, do I presume that the policy of the bill, as is contended by some, will be to throw the whole public domain at once into the market: a result that would, and should, be deprecated at once by every practical statesman, as it would be attended by two evils, at least: first, your land would be immediately monopolized beyond a doubt, and the injurious consequences of such an issue must be obvious to all; and the fact is so palpable, that it cannot be necessary to spend a word in discussing the proposition; secondly, it would create a redundancy in your public coffers, which would end in a scramble and quarrel for its distribution. Again: the spirit of the times does not require, nor would it sanction, so large a surplus, and the rejection of the proposition would be sustained by the most able and unanswerable arguments. The interests of the country generally, but more particularly the manufacturing community, would not desire to see this branch of the revenue supply the whole demand for the support of the Government. Sir, I need not say to this House that the tariff would be seriously affected by such a policy; yes, sir, it might be destroyed: the consequences I will neither anticipate nor mention.

Then, sir, upon the principles on which I conceive this Government should legislate, we should endeavor to regulate our tariff in such a way as would impose impost duties, in addition to the receipts for the sale of the public lands, precisely to an amount that might be demanded by the actual wants of the Government. We should have a tariff based on just and equitable principles, equal to the administration of the Government, without giving to it the least aspect of protection for one branch of national industry, to the neglect and exclusion of the other, and yet so modeling it as to do no justice to that valuable class of our citizens who are now engaged in manufacturing pursuits. It would be as unjust to the new States to bring into market an over portion of the public lands as it would be to the manufacturers to repeal the whole system of duties on imports at the instant, without advisal, and without affording timely notice of the impending act. Upon every principle of justice, the branches of national wealth should receive equally and alike a kind and generous support. It has *now* become not only a matter of policy, but of duty, not to disappoint the expectations of the people when they have been raised by the active and evident determination to gratify their hopes.

It will be seen, by the table, that we have already have a large portion of the public domain which has been in the market for twenty years, and which is so unproductive as not to induce the speculator to enter it at the Government price. If this policy, therefore, should be found not to produce a revenue from the public lands, you would be compelled to bring into market the new land, which is considered more valuable for all the purposes of cultivation. The only prudent and judicious course to pursue in relation to these poor lands would be, to reduce the price of them, and to secure to those who have settled them the preference over all others; and as much as this they are entitled to, from every consideration of justice and sound policy.

STATEMENT.

Districts and States.	Lands offered for sale, and unsold, for 20 years and upwards.	Lands that have been offered for 15 years and upwards, and under 10 years, unsold.	Lands that have been offered for 10 years and upwards, and under 15 years, unsold.	Lands that have been offered for 5 years and upwards, and under 10 years, unsold.	Quantities that were offered at public sale prior to the 1st of January, 1833.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio	876,258.87	905,833.09	2,764.76	139.08	1,786 038.80
Indiana	2,716,893.78	638,465.76	496,544.45	576,164.57	4,416,085.53
Illinois	4,793,619.71	-	-	1,977,247.05	12,714,963.95
Missouri	-	4,720,885.02	1,223,212.17	3,467,775.46	14,523,399.73
Alabama	1,666,940.13	6,513,931.72	2,914,629.42	1,357,365.25	6,841,553.61
Mississippi	4,932,443.66	81,251.89	1,120,492.31	3,062,842.29	5,018,292.35
Louisiana	-	1,605,153.75	410,296.31	1,507,342.56	2,217,187.45
Michigan	-	336,981.23	373,771.64	-	-
Arkansas.					
Batesville	-	-	-	571,208.19	2,326,869.80
Little Rock	-	971,004.80	784,656.81	317,594.28	1,846,388.29
Helena	-	445,386.53	1,083,957.48	260,522.47	393,633.30
Washington	-	39,043.16	85,038.67	-	1,376,755.40
Fayetteville	-	947,130.41	1,032,635.49	357,433.93	357,433.93
Total in Arkansas	-	2,402,564.90	2,986,288.45	1,516,778.87	6,304,612.22
Total	14,375,156.15	21,929,436.88	16,230,673.49	18,517,802.41	71,001,065.93

Mr. Speaker, the two hundred and forty millions of acres of public lands now under the control of the Government belong to the whole people; they are as much mine and my constituents as they are yours. They have been taken possession of, a small portion of them, for they belonged to us all, as tenants in common; and, by thus entering on them, your constituents and mine did but exercise a common, if not a legal right, which came into existence with your pre-emptive system of the years 1807, 1814, 1824, and 1830. In the last named year a general bill was passed, giving to actual settlers on all the public lands the privilege of entering one hundred and sixty acres at the Government price, which is within a fraction as much as your speculators give. For further information on this subject I beg leave to refer the House to document No. 80, page 3.

Exhibit of the quantity of public land offered for sale in each year; the quantity of public land sold, and the amount paid by purchasers therefor, in each year; with the average price per acre of the lands sold, and the average quantity offered for sale in each year, from the commencement of the cash system (1st July, 1820) to the 30th September, 1837.

Year.	Quantity of public land offered for sale.	Quantity of public land sold.	Amount paid by purchasers.	Av. price per acre of land sold in each y'r.
	Acres.	*Acres.*		
1820	8,338,675.94	303,404.09	$424,962 26	$1 40
1821	10,919,480.42	781,213.32	1,169,224 98	1 50
1822	9,602,931.37	801,226.18	1,023,267 83	1 28
1823	11,414,598.70	653,319.52	850,136 26	1 30
1824	7,294,185.48	749,323.04	953,799 03	1 27
1825	3,419,604.55	893,461.69	1,205,068 37	1 35
1826	2,880,703.56	848,082.26	1,128,617 27	1 33
1827	3,314,816.71	926,727.76	1,318,105 36	1 42
1828	3,268,493.96	965,609 36	1,221,357 99	1 26
1829	6,148,962.26	1,244,860.01	1,572,863 51	1 26
1830	6,750,798.77	1 929,733.79	2,433,432 94	1 26
1831	11,005,561.42	2.777,856.88	3,557,013 76	1 28
1832	4,205,805.26	2,462,342.16	3 115,376 09	1 27
1833	6,614,596 93	3,856,227.56	4,972,284 84	1 29
1834	13,055,865.37	4,658,218.71	6,099,981 01	1 31
1835	13,767,268.05	12 564,478.85	15,999,804 11	1 27
1836	509,034 50	20,074,870.92	25,167,833 06	1 25
Sep. 30 1837	-	4,805,462.97	6,127,418 39	1 28
	122 512,384.25	61,296,410.07	78,340,557 12	1 27.4-5

Average quantity offered for sale per annum since the commencement of the cash system, 6,806,243 acres.

That amount may be properly considered a protection as far as it goes, and no more. I now call on our Eastern friends to say whether they will be satisfied with that protection for their manufactures; and, if not, (and I am sure that they will not) I shall ask them if they are prepared to do unto others as they would have others to do unto them? Are you not willing to give the pioneer, who has buffeted the storm, struggled arm to arm, and breast to breast, in bloody conflict with the savage foe; who has opened your roads, and improved your whole domain, a preference over the grasping speculator, who has rendered no service to your country? Are you prepared to say by your legislation that the poor settler, who has made his little improvement, erected his log cabin, amid all the hardships and dangers incident to the settlement of a new country, shall be at the mercy of the moneyed power? that such a man shall not have one farthing for his labor? Can you, will you, throw his improvement into the market, to be purchased by some remorseless speculator, at one dollar and twenty-five cents the acre?

Sir, this House is not prepared for any such act of cruelty and injustice. It is not ripe enough in perfidy to aid in a scheme calculated to rob the pioneers of the West of their legitimate rights. As well, sir, might the Government, or the purchaser of the settlement of the pioneer, divest him of his horse, his sheep, and his cattle, and sell them, and put the avails of them in the coffers of the Government, or the pockets of the speculator, as to take away the property he had acquired by his industry. Sir, I am sure that my Government is not prepared for the commission of any such acts of outrage; nor will I believe it capable of any such baseness and madness till I am compelled to acknowledge the mortifying fact by those evidences which can only be believed when they fall within the range of our personal observation.

I have already trespassed too long upon the kind indulgence of the House, and will close with begging the friends of this bill to reject all amendments that may finally endanger its passage. It is not the best we could desire, but it will afford relief to thousands, and make glad the hearts of many of your most worthy and industrious citizens, who feel that their little all depends upon the liberality of this House, to save them from the iron grasp of the merciless speculator. I am now done; after returning my acknowledgments to the House for their patience and attention.

INDEPENDENT TREASURY.

SPEECH OF MR. RHETT,

OF SOUTH CAROLINA,

In the House of Representatives, June 25, 1838—On the Independent Treasury bill.

Mr. CHAIRMAN: The gentleman from Mississippi, [Mr. PRENTISS,] in the exordium of his speech, delivered a few days since, thought proper freely to descanted on the course and position of that portion of the State Rights party, to which I profess to belong. He taunted us with our "new allies," associated on the great measure before the committee, with a corrupt Administration," to which we had been most bitterly opposed. The gentleman from New York [Mr. HOFFMAN] has given an individual direction to these charges, by speaking of my "new zeal" as a convert—"the joys of the honey-moon"—and many of those interesting flights of fancy in oratory, on which his reputation for statesmanship so justly and entirely depends. In simple language, the charge is—a change in our political associations and conduct, without sufficient reasons to justify it; and the charge will be just or groundless, according to the strength of the reasons. They have been repeatedly assigned before; but error can sometimes only be refuted by continual refutation.

Now, sir, so far as I am personally concerned I might deny any change in my political associations or conduct, and leave all accusers to make out, if they can, the truth of their charges. I came here allied to no party—knowing nothing of the course the new Administration was about to pursue—deeply distrustful of its policy, but prepared to support it in every measure it should propose to the country consistent with those great political and constitutional principles which I have ever maintained. In this spirit of distrust, I voted for the honorable gentleman from Tennessee [Mr.

BELL] as Speaker of this House—a vote which I have never regretted, and under similar circumstances, would with cheerfulness give it again; not doubting that he would preside over our deliberations with dignity and impartiality to this body, and honor to himself. The President's message came, and I saw in its general principles my own principles reflected; and in the financial policy it recommended, the very measure my own judgment, after mature deliberation at home, had approved. I hesitated not a moment. My course was open before me. But I am aware, sir, that it would be egregious self-exaggeration to suppose that these charges of political tergiversation are designed for me alone. They were begun in the other wing of the Capitol; and are carried on here to affect others far more worthy of public consideration than I can presume to be; and to break down that moral influence which a faithful adherence to principles must ever command. I propose very briefly to show that the measure before you, separating the Government from all connection with the banks or the capital of the country, is a State Rights measure; and that the State Rights party, unless they were prepared to abandon their principles, could not have acted otherwise than they have done—support it.

At the commencement of this Government, two great parties rose, as to the policy of its administration—the Federal and Republican parties. The one, fearing that it was too *weak*—the other, that it was too *strong*. The one, striving by construction, to add to its powers—the other, insisting that it should be kept within the powers plainly granted by the Constitution. The one, endeavoring to build up and strengthen the Federal head—the other, leaning to the support of the reserved rights of the States. The one, claiming jurisdiction over sectional interests—the other, limiting its legislation to those interests common and general to the whole confederacy. Now, sir, if the measure before you, is not a Republican State Rights measure, according to these great principles, I am prepared to abandon it.

In the first place, is the bill on your table, proposing to collect eventually the revenues of this Government in the constitutional currency, by its own agents, plainly constitutional, without the aid of construction to support it? This is admitted by all. It is opposed only on grounds of expediency. But how is it with the alternative to this bill—a United States Bank? Is that measure plainly constitutional, without the aid of construction to support it? Why, it lives by construction alone; formerly, from the revenue power; and latterly, from the commercial power. When first proposed by Alexander Hamilton, in 1792, it was opposed by Mr. Jefferson, and the whole Republican party of that day, expressly on the ground of its unconstitutionality. In fact, it was the first great measure on which the Federal and Republican parties divided. It has been vetoed by two Presidents on constitutional grounds; and, although sanctioned by Mr. Madison and the Republican party in 1816, it was not a Republican, but a Federal measure, supported solely on the ground of necessity, from the peculiar situation of the country, deranged, embarrassed, and exhausted by the late war. In the second place, will the bill tend to strengthen this Government, the Federal head? I shall not attempt to refute what is of course irrefutable, the wild declamation on this subject, against the increased power, it is affirmed, the bill will give to the Executive authority. This bill proposes but nine additional officers; and unless gentlemen can show that hundreds have the political weight of millions, and that individuals are as powerful as banks, it is useless to declaim upon the subject. It is the result of an ignorance of official details, to suppose that the control of the President over the money in the Treasury will be greater when the money is kept by officers of the Treasury, than when it is deposited with banks. In either case, the money can only be drawn by a warrant of the Comptroller, countersigned by the Secretary of the Treasury, on which the check of the Treasurer issues, and which could as easily be obtained, if these officers are corrupt, when the money is deposited with banks, as in the hands of officers. The depository, in either case, will only look to the authenticity of the draft, and will know nothing and care nothing of the application of the funds. But compare the bill in this respect, with its alternative—a United States Bank, of fifty millions of dollars, stationed at the centre place of commerce, with branches in every State of the Union. Who shall measure the political power of such an institution, associated with the Executive of this Government? When the late President of the United States Bank was asked by the committee of this House, whether, by the power of that institution, he could crush any of the State banks in the Union, he answered in the affirmative. And what better proof do we need of the truth of this opinion than the power that bank has displayed in its late contest with this Government, which no influence could have resisted, but that of the late President of the United States, with a popularity unsurpassed in the history of this Government, and an energy of will but rarely equalled in the history of men? The fate of that bank will be a lesson to any future institution you may establish, which will not be in vain. Banks and capital are the natural allies of Government. Hereafter, they will move on harmoniously together under this Government; the one strengthening the other, in all their projects of aggrandizement; and if the liberties of the country shall susvive their coalition a few years, it will not be because they cannot be annihilated. In the last place, what is the sectional operation of this bill? It proposes, by collecting the revenues of the Government in the constitutional currency, to leave all the sections of the Union to the full enjoyment of their natural advantages, under the operation of the general laws of commerce. Will this be so, under the operation of a United States Bank? Such a bank will be able to control the exchanges all over the Union; and by appreciating or depreciating them, force the tide of commerce into those channels it shall desire to favor. Wherever it is located will be the centre place of credit; and by the superior means of commercial accommodation it will afford, from its own great resources, and the credit of the Government, it will tend to centralize the whole commerce of the Union, and destroy that of the weaker sections. Thus, sir, if I am correct in my views of the political and commercial tendency of this bill, it is strictly a State Rights measure. It is clearly constitutional, without the aid of construction to support it. It does not tend to strengthen the Federal Government at the expense of the States. It does not operate partially on the different sections of the Union.

But there is another reason, Mr. Chairman, why the State Rights party should support this bill, which, to every candid mind, ought to shield them from the least imputation of change in purposes, or abandonment of principles. It is emphatically their measure. When, in 1836, the employment of the State banks to carry on the fiscal operations of the Government, was proposed as a substitute for the United States Bank, the State Rights party, brought forward as their msasure, Mr. Gordon's bill, which provided for a separation of the Government from the banks, and the collection of its revenues in the constitutional currency. The Administration party was then opposed to the measure—they now support it. Can gentlemen suppose us so lost to all sense of duty and propriety, as to act upon the mere principle of stupid party hatred, and oppose our own measures and principles, because others agree with them? I put it to every honorable man who hears me, how could we have done otherwise than support this bill? Suppose that it did throw us, as the gentleman from Mississippi says, in alliance with a "corrupt Administration,"—what then? Do our principles depend on the corruption of others? Have he and his associates ever esteemed us so low, as to suppose that we would oppose any Administration of this Government, whether its measures were good or bad, without any regard to the welfare of the people or the principles of the Constitution? And what does he mean by a "corrupt Administration?" Does he mean the useless and extravagant sectional appropriations made on this floor? Why, his Northern allies are always the chief instruments in all such legislation. Does he mean any thing more than a party distribution of the offices of the Government—the spoils? And is it for so poor and contemptible a purpose, to divert the spoils into another (if you please, a better) channel, or to enjoy them, that any man worthy of the confidence of the people, would be justified, in the peculiar position in which the South is placed, in paltering with his principles, or in abandoning hers? Since the gentleman rebukes us for our "allies," he will surely pardon the inquiry, who are his? A State Rights Southern man himself, he co-operates with those who are mortally opposed to every political or constitutional principle which the South deems necessary to her interests and safety. There stand by his side all the consolidationists and Federalists from the whole Union—the Bank, the Tariff, Internal Improvement, high taxes, profuse expenditure, surplus revenue, advocates; and close to his shoulder, the Spartan phalanx of the Whigs—the fraternal South loving *sixty-four*, who maintain the new doctrine of the right of petition, by which jurisdiction over our domestic institutions is attempted to be usurped; and the still more affectionate *thirty-six*, who but day before yesterday voted that the SPEAKER had no right to call the gentleman from Massachusetts [Mr. ADAMS] to order, for maintaining and arguing on this floor, that Congress had a right to receive and act upon petitions from our own slaves against their masters. Sir, if I was to choose my allies, without any regard to political principles, I tell the gentleman from Mississippi I should be sorry to find myself in his position. I know that he is no Abolitionist; and that a large portion of the Whig party are no Abolitionists. To make such a charge against them, would be a great wrong to them, and a still greater to myself: but the Abolitionists are unquestionably his allies,* as is shown not only by the votes on your journals to which I have adverted, but by the late legislative proceedings of Massachusetts, New York, Pennsylvania, and Connecticut, in relation to slavery. The Whigs voted *en masse* for the resolutions passed on that subject, by the Legislatures of these States, and the supporters of the Administration, to a man, I understand, voted against them. It may be that but little is to be obtained for the South from this Administration, as the gentleman from Mississippi strongly prophesies; but what can the South *possibly* gain from the gentleman's allies? And when he shall have succeeded in bringing them into power, with all their principles and policy, by which the jurisdiction and powers of this Government shall be enlarged, and all those barriers of the Constitution, upon which the South relies for protection, short of revolution, shall be thrown down—on him, and the other Southern gentlemen who shall aid in the achievement, will rest the responsibility of evil to the South. I prefer, sir, my position—co-operating on the great measure before you with those who uphold the Administration, amongst whom alone I find any congeniality with my political principles. The gentleman from Massachusetts [Mr. ADAMS] perceives this; and therefore a few days since denounced the President of the United States as a *Northern man* with *Southern principles*.† For this reason he opposes—he detests the Administration. Is it for the same reason that Southern gentlemen co-operate with him for its overthrow? The gentleman from Massachusetts surely thinks so, and hence his endless invectives every morning against Texas and slavery, for the special gratification and encouragement of his Southern associates. Sir, I prefer my position—identified with neither the Whig nor the Administration party, but prepared to act zealously with either, whenever they support those measures and principles upon which I believe

*See the address of the Republican party in Congress, lately put forth by the members of Congress.

†The following are Mr. ADAMS's words as contained in his speech published in the Intelligencer, speaking of the admission of Texas into the Union: "Now that this is a question between the free and the slave States, I believe no one can have any doubt at all. That it is a question peculiarly interesting to the present Administration, which is understood avowedly, boastingly, and openly, to be the Administration of a Northern man with Southern principles, there can be no doubt. This is the combination of the committee, a sectional combination of interests of the slaveholding against the free States, and an Administration combination of a Northern Administration with Southern principles."

the prosperity of the South and the peace of the Union depends.

Mr. Chairman, the gentleman from Mississippi commenced his argument on the bill, by defining what was money. He maintains that bank notes are as much money, according to the Constitution, as gold and silver coin; that the Constitution did not determine what *was money*, but only designed to fix a *standard* of money, like the yard stick or pound weight, in weights and measures; and that bank notes being equal to the *standard*, were *money*. His deduction that, therefore, the Government had no right to refuse to receive bank notes in payment of its dues, is certainly good, if his premises are correct. Has the Constitution failed to provide what should alone be money? In the 8th section it says: "Congress shall have power to *coin money*, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures?" Now, if a standard of money was all that was designed by this clause, why was not the coinage power put in the same category with "the standard of weights and measures?" Why does the clause not stop at the power to "regulate the value thereof," but superadds the power "to coin money?" What is it "to coin money?" It is, "to stamp metal and convert it into money." Before gold or silver is stamped by Government authority, it is bullion or plate; when stamped, it is money. But the 10th section of the Constitution is the best commentary on this clause, and leaves no room for argument: "No State shall coin money, emit bills of credit, or make any thing but gold and silver coin a tender in payment of debts." To make money or a paper substitute, is thus entirely taken from the States. Now, is it reasonable to suppose that the Constitution intended to take away from the States the power of making money, or any legal substitute, and yet to recognise as money the paper of private banking corporations established by the States. Can that be money which no authority in this country, neither the States nor the General Government, can make a tender in payment of debts to a single man within the jurisdiction of either? What is a bank note? It does not on its face pretend to be *money*, but is a mere promise to *pay* money. It differs in no respect from the promissory note of an individual; excepting that it is in general a better, although it is sometimes a worse, security for money. But admit the position of the gentleman, that coin is only the *standard* of money: are bank notes as infallibly equal to coin, their standard, as the yard stick or the pound weight to theirs? If they are, whether the Constitution has made them money or not, is but of little consequence, and I may admit that they ought to be received in payment of the public dues. But what bank in this country or in any other is able always infallibly to redeem its notes with specie, dollar for dollar? By their charters, they are generally authorized to issue notes to three times the amount of their capital; and even the Bank of England, the soundest bank in the world, supposes its duty to the public performed by retaining in its vaults specie or bullion to the amount of one-third of its issues. The truth is, no bank notes in this country represent specie. They are issued upon the faith of the paper of individuals, which the banks receive for their notes; and if this paper was all to fail, every bank in the country would immediately be ruined. Bank notes, then, do not represent specie, and are not equal to the standard of specie. They represent credit, and constitute a part of the currency, but are not the money, of the country.

Having shown, at least to his own satisfaction, that bank notes are money, the next step, in the course of the gentleman's argument, was to identify the interests of the people with them. The banks, he maintains, are the people, and the Government being opposed to a connection with the banks, therefore separates itself from the people, and, in fact, is waging hostilities against them. It is thus that a false issue is attempted to be made, which places the Government against the people, instead of stating the matter as, I trust, I shall show it really is—a contest between the banks and the Government, between the capitalists and the people; in which the banks and the capitalists are the aggressors. The whole strength of the cause the gentleman and his associates advocate, however disguised by sophistries and clouded by declamation, rests on the false issue they have thus artfully made and imposed upon the people. Let the true nature of the controversy be once understood, and their spell of power will be gone. Are the banks the people?

The banks are not the people, on account of the capital invested in them. The banking capital of the United States, authorized by law, exclusive of deposites, I find stated at two hundred and fifty-one millions of dollars. The whole of this capital is not in active operation. In Mississippi I understand that the bank capital is from forty to fifty millions; but not more than fifteen or twenty millions are paid in. In South Carolina, out of about twenty-four millions authorized by law, fourteen have not been subscribed for. But, admitting that the whole bank capital in the United States, authorized by law, is in active operation, what proportion does it bear to the whole capital of the United States? The difference can hardly be compared. Billions, not millions, must enter into the calculation.

Are the banks the people, on account of the number of individual proprietors of their stock? Take the banking capital already stated; put the shares at one hundred dollars each, and five shares to each stockholder, and we have about half a million individuals stockholders in these institutions. I am satisfied that this is far beyond the truth; for, of the twenty-two millions of stock said to be owned by Europeans in the Pennsylvania Bank of the United States, there are not probably more than one hundred individuals to whom it belongs. Supposing, however, that a half million of individuals are immediately interested as stockholders in the banks, and that all of them are citizens of the United States, they will constitute about one-thirtieth part of the population of the United States.

[Mr. PRENTISS rose and said, that when he maintained that the banks were the people, he did not mean that they were so on account of the number immediately interested in them as stockholders, or the amount of capital invested in their stock; but because their currency was in the hands of the people, and thus their interests became the interests of the people.]

I am going on, Mr. Chairman, with my analysis, and will, in due time, come to the gentleman's main reason for his position. I wish to remove every stone out of our way as we advance. If the banks had continued to fulfil their engagements to the country, no one would have been found so hardy as to set up in their behalf this more than monarchical pretension of being the people. Although endowed with many powerful privileges by the people, they would hardly have thought it expedient or politic to claim, on account of them, a mastery of the Government, and an equality and identity with the people themselves. But the failure of the banks to redeem their promises, has given them a power that their honest fulfilment of them could never have bestowed. When they failed, there were two classes of individuals connected with them—their creditors and debtors; those to whom they owed, and those who owed them. The latter class were comparatively few; generally capitalists, who borrowed of them, under the expectation of an easy indulgence; but compelled, by their inordinate expansion of paper, suddenly to contract their issues and call in their debts, the banks crippled or crushed their debtors, by their unexpected and ruinous demands for payment. This operation, I presume, will not go far in establishing their title of being the people. The former class, however—those to whom they owed—the people who had received their notes on the faith of their convertibility into money, constituted by far the most numerous in interest. By issuing their notes they had either driven from the country, or retained in their vaults, all the coin which would have been in circulation; and their debts, substituted for it, became the currency of the country. Hence every body became their debtors, and interested in their solvency. They failed; and then their wrong became their prerogative and right. From being moneyed corporations to advance the gain of individuals, they rose up to be the people. Their indebtedness gave them power, and their capacity to injure the country produced this most arrogant pretension. In ancient times, the debtor was made the slave of his creditor; but here, the matter is reversed, and the creditor is to be made the slave of the debtor. Because the banks owe the people, they are the people. This is the plain affirmation and argument. It is upon such grounds as these that we are called on to lay the Government and the people beneath the feet of the banks and capitalists.

Mr. Chairman, in seeking the co-operation and control of the Government, the banks but follow the uniform law of all capital. Gain is their principle. It was this, not any design to injure others or defraud or oppress the country, which occasioned them to issue paper which they were unable to redeem, and afterwards to refuse to pay. Acting on this principle, each pursuing its own profit, ignorant of the expansions of the other banks, and incapable of controlling if it knew them, they bloated the circulation with their notes beyond the wants of commerce, or their ability to redeem them in specie. Even in England, where the Government has borrowed the whole capital of bank, and therefore supports it by all its credit, it is conceded by all the directors and bankers examined before the Committee of Parliament in 1833, that the Bank of England cannot restrain the issues of the country banks; and that there is no principle in the present system of banking, by which convulsions and explosions in the currency can be prevented. The banks failed from following out too eagerly their great principle—gain, and the inherent weakness of the whole banking system of the country; and when they failed, the same principle which occasioned the disaster, induced them to rush into the arms of that party, which claimed for them the support of Government as their right, and magnified them into the people. To strengthen this Government by associating with it the money power of the country, and establishing their own party ascendancy, is the object of the one—their safety and emolument is the object of the other. But they are not the people.

There is another ground, Mr. Chairman, of far deeper and more delicate consideration, on which the gentleman from Mississippi has contended that the banks are the people. He affirms, as it has also been maintained with great ability in the other wing of this building—that labor is capital, and capital labor; and that the interests of all capital, therefore, whether in banks or in any other form of investment, are the interests of labor and the people. If these positions be true, then, sir, the policy contended for, of associating the Government with the banks and capital of the country, may be proper and necessary. Indeed, all capital, in every department of industry or speculation, should then be taken into the arms of Government. This has not been hitherto the received theory, at least of our free institutions. With us, that the least government is the best, I had supposed had become a maxim, whose truth, philosophy, and experience had alike united to establish. And why should this be so? Because, sir, there are different and opposing interests in society, and especially between those two great elements of industry—capital and labor—which the interference of Government invariably injuries by partiality. Hence non-interference—to leave capital free and labor free, without partial legislation or connection with Government, has been the policy of our free institutions. Whether the interests of labor and capital conflict, or are always identical in interest, is a question, then, lying deep at the very foundation of all Government; and is especially important under our free systems, established confessedly for the benefit of the many.

I agree with the gentleman from Mississippi, in his general views on this great subject. In the first stages of society, labor and capital may move on harmoniously together. Capital is indeed the production of labor; and is generally increased by employing labor; but it does not follow, that on this account, no collision of interest can occur. So long as the means of subsistence are abundant, labor may make terms with capital. If wages are not as high as the profits of capital render fair,

labor can leave the employment of capital in that particular pursuit, and turn for subsistence to some other occupation. But there is a great principle in continual operation in society, to which the gentleman from Mississippi has not adverted, which sooner or later takes away all option from labor. It is a proposition, which the whole history of our race demonstrates to be true—*that population increases faster than production.* The one gains continually upon the other, until at length, not accumulation, but bread, is the sole object of labor. Hence, as population increases wages invariable decline, until the minimum which can support life, is attained. At this stage, and long before this stage, a contest of interest arises between capital and labor. The question, how much of any production shall go to wages, and how much to capital, arises necessarily from their cooperation; and in determining the share to be received by each, capital has the advantage. Suppose one hundred dollars produced by the joint operation of capital and labor—who is to determine the just proportion to which the capitalist and laborer is entitled? Why, generally speaking, the capitalist, who sells the commodity and receives the profits. He is far more intelligent and independent than the laborer, and has the option to employ the laborer or not. If he ceases to employ labor, capital may lose its profits, but if labor is not employed, the laborer may starve. There can be no equality in competition under such circumstances, and with such motives in operation. The love of life is stronger than the love of gain. In power, in intelligence, in the necessities of each, the capitalist clearly has the advantage of the laborer; and when population becomes dense, and the means of subsistence scarce, the wages of labor will then be determined by competition with itself, and not according to the profits of capital. Hence capital and pauperism may go on increasing rapidly together. Where there is the most capital there may be the most want, as the situation of the most civilized nations in the world proclaims. When a man has to work, as in England, eighteen hours a day for bread, and is worn out in eight years, and it is forbidden by statute, that children shall be worked beyond ten hours a day, it is vain to talk of labor competing with capital. Capital is its master; and the profits of capital will be no criterion of wages. The laborer will obtain only the average price of wages, without regard to the profits of capital.

The great principle relied on by political economists, to place labor on an equality of competition with capital, is the one to which I have already alluded—the competition of capital with capital. But, if population increases faster than capital, it is clear that the competition of labor with labor must be more intense than that of capital with capital. But there are other circumstances which tend to lessen the competition of capital, which do not exist in favor of labor, always unceasing in its pressure. The profits of capital are generally concealed, until glaring prosperity points to their source. It is some time, also, before capital vested in other pursuits can be changed into a more lucrative employment. Hence fortunes are always made, before competition from capital can lessen profits in any new pursuit of gain; and labor, during these intervals of exemption from competition by capital, will be employed only at the average price of labor in other occupations. Combinations of capitalists to keep down wages, are also more easy than those of labor to advance them; and, in all such efforts, the laborer must fail, because he must live. Capital cannot starve. Nor can the statute of distribution, on which the gentleman from Mississippi has so much relied for equalizing the competition of labor and capital, at all effect such a result. Suppose capital vested in any particular pursuit—in manufactures, for instance—and it is necessary to distribute it amongst heirs, how will this be done? The factory will be sold, and another proprietor will own it. Capital will only change positions. It will probably be transferred from stocks or merchandise to an investment in the factory; and from the factory to stocks. The factory will still go on as before, and the capital it employs bear the same relation to labor. And what effect can the statute have, when operating immediately on the laborer? Where there is property, the statute can divide it; but of what avail is it to him who works for bread, and not for accumulation, and who can give nothing to his children but life? The statute of distribution cannot touch the question. If there is any relief to labor, from its unequal competition with capital, and its fearful competition with itself, it must be found elsewhere. Is there any relief? Excepting that mightiest and most constant alleviative of suffering and competition in labor—death—I know but two remedies, by which labor can escape from the inevitable effect of population overtaking the means of subsistence; and those are the moral restraint and emigration. The former influence has unfortunately been but feeble hitherto in its effects. Instead of men abstaining from marriage, until means are accumulated which will enable them to support and raise families, deliberate licentiousness has been resorted to to prevent population. This is the experience in European factories; and it is only what might have been anticipated from the course of things. To practice such restraints, requires the higher virtues to be possessed in no ordinary degree. But how can these be expected, when the immediate wants of nature leave no time for mental or moral cultivation? What can the poor child, who works from ten to twelve hours a day, learn of duty or religion? His heart is too much filled with the fear of want, to admit even the fear of God. He works and sleeps; he lives and dies. Want will not allow him to think of duties. He has no time to learn any thing, excepting the art of supplying the first great necessity of nature, to live. To talk to such an one of liberty, is bitter and insulting mockery. He is the born slave of that most relentless of all masters, *necessity*, which regards neither childhood nor age, sickness nor strength, in its merciless exactions. Hence the laborer growing up to manhood, possessed of neither moral nor intellectual discipline, turns to the only means of gratification in his power,—that which the senses afford; and soon runs round the brief but fatal circle of misery and guilt to an early grave.

The other method of relief from the effects of a superabundant population—emigration, has been far more successful. It is this, labor flying from its own competition, which crowds our shores with paupers and emigrants from the old world. It is this which has populated the West from the Atlantic States, especially those of New England. Whenever labor has found itself straitened by population exceeding the ready means of subsistence, it has found a safe and abundant refuge in the mighty wilds of the West. So long as this resource exists, the free systems of Government in the Northern States may endure. It is the accident of our situation alone, having a continent to people, which has enabled us so long to maintain them. But the time will come,—is rapidly approaching, when the way to the West will be blocked up. Population will increase there too, and diminish the price of labor; and the intermediate States, becoming more crowded, will be more difficult to penetrate. The laborer will be degraded as want presses; until, at length, he will neither have the means nor the enterprise to go away. He will stay and propagate. What, then, will become of the Republican forms of Government in the Northern States, with the privilege of universal suffrage in the hands of the laborer? Will he submit to the fate of the European laborer, and exhaust life in a few years, or starve, when abundance and wealth are all around him, and the power of reaching them, by the Government, is within his grasp? It is clear, that no people on earth, where competition in labor is great, can now sustain our systems of Government. Can they be sustained at all under such circumstances?

There is but one state of society in the world, where labor and capital are identical in interest; and that is where domestic slavery exists; and under this form of society alone, have Republics hitherto ever been maintained. Labor, there, is capital, and capital is labor; because capital is invested in labor. The great principle of capital—gain, will there compel it not to destroy, but to regard, protect, and preserve labor. Unless capital forgets its instinct, overworking, starvation, and cold, and worse than all these, the heart-sickening fears of their horrors, which often make life one long agony, cannot be the fate of the laborer. An enlightened self-interest will even dictate, that all the virtues which lead to happiness and contentment, should be cultivated. In such a form of society, there is no collision between capital and labor, and a free Government may exist so long as the intelligence and virtue of the most enlightened and cultivated portion of the population will permit.

I trust now, Mr. Chairman, that I have shown to this committee, that capital and labor are not always identical in interests; but, on the contrary, in all the advanced stages of society, where domestic slavery does not exist, that there is a continual contest between them. Amongst the various means resorted to by capital, to increase its profits without regard to the interests of labor, Government has been the most common and effectual. In every country in the world, capital has seized on the legislation of the country, and perverted it to its aggrandizement. Look to the statute books of all civilized nations, and mark the monopolies and privileges, under the pretext of the general good, conferred on its employment, in almost every department of production. Instead of labor and capital being left free to compete with each other, (a competition unequal under any circumstances,) and to seek those occupations which are most lucrative in the situation in which they are placed by nature, legislation has been used to force capital into unnatural channels, and thus deprive labor of its natural and more profitable employment. What are all the laws for "protecting" industry, as they are called, but schemes for oppressing it, by which the profits of capital in certain departments of production, are increased at the expense of the many? The importance of capital as an ally in Government, was early perceived by those who have ever been in favor of a strong consolidated Government in the United States. Hence in the commencement of this Government, the funding system and the old Bank, and latterly the tariff policy. These were all efforts on the part of capital, aided by those who desire its support for political purposes, to use the Government for its emolument. And so, sir, now, with the bank rage in the country. What is it but a struggle on the part of capital, in association with their old allies, to appropriate the Government, and use it for its benefit? The capitalists require that this Government shall be connected with them, either through the State banks, or by the establishment of a United States Bank; and although the immediate interests of the capital which may be invested in these two projects, may be opposed to each other, they join together in establishing their supremacy over the Constitution and Government of the country.

Of all the devices invented for giving capital the ascendancy over labor, the banking system, as generally existing, is the most subtle and complete. The interests of labor require a certain, steady, and limited currency. Fluctuations in the currency, by which the rewards of labor become gambling and speculative, are ruinous to sober industry. Let the proportion of means to their ends be certain, and labor then adapts its efforts and expenditures to its object, and honest industry is certain of its reward. The currency, to effect this end, should be limited—rather below than above the wants of the community. It is a common delusion to suppose that the wealth of a country is increased by enlarging its currency. Suppose a thousand dollars, used to interchange the productive labor of a community, and suddenly, without any increase in the production, a thousand dollars more, in the shape of bank notes, is added to the circulation: what will be the effect? Why, in the first place, the issuer of the bank notes will certainly have it in his power to appropriate to himself a large portion of the productions of the community; but not a dollar will be added to its wealth. Every thing will be immediately doubled in price, and two dollars will be used where one was used before, to interchange the same productions of labor. Nomi

nally, every one will be richer, because every thing will be doubled in price; but, in reality, the relative price of things will be exactly the same to each other, and the wealth of the community the same, excepting, indeed, that portion of it abstracted by the note issuer to himself, for which the community have his printed paper. Labor clearly gains nothing by such an enlargement of the circulation. On the contrary, independently of the injury it will sustain in other respects, its direct loss will be immense, if its industry is to compete with the industry of other communities at home and abroad. By the inflation of the currency, all the productions of industry will be run up to a high price; and, of course, to be reimbursed, the producer must sell at a high price. The effect is inevitable in competing with the foreign producer, whose currency abroad is not so inflated—the home producer must be undersold at home and abroad, and be ruined. Tariff laws for protection may thus be rendered vain through the mere operation of the currency, and the legislation of the country be defeated by the banks. In this view not only labor, but capital in all other pursuits, is sacrificed to that vested in banks. Fortunately for us, free of debt and at peace with the whole world, the United States have the ability which few nations possess of reducing their currency to a safe and limited standard. England, our great rival, dare not do it. From the late contractions in the currency by the Bank of England, the revenue of the Government has fallen off upwards of two millions of pounds. Increased taxation is, therefore, the necessary result of any permanent contraction in her currency, which her over-burdened people cannot bear. Not only the interests of labor, but of capital also, require in the United States a limited and stable currency.

The gentleman from Mississippi, in the course of his argument on this point, observed that labor could not point to the Constitution, and charge it with partiality or hostility to its interests. I agree with the gentleman in this opinion; but it is because I can see in its provisions no authority for the policy he proposes. There is not a word in that instrument which justifies the connection of the Government with the capital of the country. When the preposition was made in the convention which framed the Constitution to give to this Government the power of chartering corporations, it was denied. And why? Because by corporations peculiar privileges are conferred on capital, and it was not designed to connect the Government with the capital of the country, but to leave labor and capital without any partial aid from the action of this Government, free to compete with each other, under the supervision of the States. But if the plain history and language of the Constitution is to be perverted by construction, and this Government is to be connected with the capital of the country, and its legislation used to increase its profits or enhance its power in the shape of needless debt—tariffs for protection and banks—the impartiality of the Constitution is gone. Labor can point to the Constitution and denounce it for its hostility and injustice. The contest between labor and capital is already sufficiently unequal, without the aid of Government, designed for the common benefit of all, being used to increase it. Labor cannot be interested in building up here a despotism, which this unholy alliance will tend to produce. Labor cannot be interested in bank expansions and contractions, by which the relation between creditor and debtor is continually changed, and property is unsettled. Labor cannot be benefitted by an inflated currency, by which its productions are rendered too dear for competition with the labor of foreign nations. By keeping clear of any connection with the banks, these evils, through the operation of this Government, will at least not be aggravated, whilst they may be greatly lessened. Above all, it is the interest of the people, that this Government should be independent in discharging its function. And how can it be indedendent, so long as its revenues are controlled by the banks and capitalists of the country? How can it be independent at all, if connected with the banking system at all, as it now exists in the world? The banking system of America has no power within itself, whilst it is liable to be controlled by the banks of foreign nations. By the mighty element of steam, New York is now about to be brought as near London, as Charleston used to be to New York; and every movement in the banking system of England will immediately act on this country. We are the weaker party, and therefore most easily affected. A few gentlemen sitting in the parlor of the Bank of England, can, at any moment, send a panic throughout the commercial world, and prostrate the banks of America. If the Government is connected with the banks, such an operation may be a part of the operations of war, in case of collision between the two countries, by which the Government may be deprived of its resources. But without any design, the same results may be produced, from the inherent weakness of the whole banking system. Fluctuations in the currency—contractions and expansions, entirely beyond the power of the Bank of England to control, it is admitted, is its fate. Sir, in my opinion, duty and patriotism, the interests of the Government and the interests of the people, all require that this Government should be separated from the capital and banking institutions of the country.

Mr. Chairman, the effect of this bill on the commerce of the Union has been elaborately considered during the debate. My colleague [Mr. PICKENS] has argued, as I understood him, rather from the disabilities the bill will remove, than from any positive benefit it will confer; that it would be beneficial to the independence of Southern commerce from Northern control. For uttering this opinion, the gentleman from Mississippi has taken him to task. He says, that the tendency of the bill, in consequence of this effect, is to dissolve the Union; although he labored hard to prove that no such benefit to the South would be its result. If his argument is good, why declaim about the Union? The argument against my colleague is, that if the South conducts her own commerce, her dependency and intercourse will not be as great with the Northern States as when the North controls and directs it for her; and therefore, any effort to weaken this dependency or interrupt the intercourse, is a plot against the Union. Sir, if any Representative from the Northern States had made such an objection to the bill, I should have deemed it illiberal, although it would not have surprised me. But that a Southern man, in the peculiar situation in which the South is placed, should rise in his seat, and upon such reasons, denounce the independence of Southern commerce, and those who advocate it, is to me matter of most profound amazement. Why, is it come to this, that we dare not maintain that it is expedient that we should use those natural advantages which Providence has given us; that we should export our own productions, and import our own consumption, but we are to be told that we are seeking a dissolution of the Union? What is this but declaring that the legitimate object and effect of the Union is to render the South dependent on the North, and, to advocate her independence, is to advocate disunion? What is this but boldly saying that we are properly colonies under the legislation of this Government, and that dependency is our natural situation? The North carries on her own commerce, exports her own productions, and imports all her consumption; there is no disunion in that. The thunders of eloquence sleep under an enormity so atrocious. But if the South presumes to do the same thing, it is a plot against the Union. Sir, let me tell the gentleman from Mississippi, that if he desires to bring the Union into discredit and contempt amongst the proud freemen of the South, with whom the lofty characteristic of independence is more prevalent than among any people upon earth, let him carry to them such denunciations loud and deep. Let them understand from his lips that dependency and vassalage is their proper situation in this Confederacy, and if they dare struggle to carry on their own commerce they counteract the spirit and design of the Union. Sir, I am as willing as the gentleman from Mississippi can be, that the North should keep and enjoy all the advantages the Constitution and the Union bestow, for conducting the commerce of the South. They are immense under the most impartial administration of this Government. Let her have them. I want no tariff, no impediments in trade to bar out their enterprise in reaching the commerce of the South. The laws of capital and trade, with the free intercourse between the sections guarantied by the Constitution, is their best security for managing and engrossing the commerce of the Union. Let them have it, and keep it, if they can, by these laws, in their free, untrammelled operation. But I will not consent that this Government shall be used, by its fiscal operations or by its connection with the banks, or by the fraudulent machinery of a United States Bank, to give to one section of the Confederacy commercial advantages over the rest of the Union. All we expect this bill to accomplish is to leave each section free to its natural advantages, and free to the competition of the capital and enterprise all over the Union. We want no favors from this Government. We require only that it shall not be used against us; and, if left to our own resources, we are not without hope that we may be able to retain some portion of our own commerce. And is there any thing unreasonable or extravagant in such expectations? Yes, says the gentleman from Mississippi. To keep any of your commerce is most unreasonable. A direct trade between Europe and the South is most unnatural. All direct trade is unnatural. Natural trade is always circuitous. Look to Holland, England, &c. conducting the commerce of the whole world. Sir, when the gentleman argues from the past state of commerce to its nature, he commits the old error of looking to facts without regard to principles. The fact is undoubtedly as he states, that the commerce of the world has generally been circuitous; but is that the result of the nature of things, or the artificial effect of Government intervention in the affairs of commerce? Where is commerce free in the world, that it might flow, like the beneficent rains of heaven, in its natural channels? Is it here, where freedom in all its attribute is our proud, but empty, boast? Why, by the mere trick of paper money and the fiscal operations of this Government, in four years after the Union was formed, the foreign commerce of Virginia (exceeding, before the Revolution, that of New York and the whole of New England together) was taken from her and transferred to these more favored regions. Look at your enormous tonnage duties, your tariff, your whole banking system, by which every spring of commerce can be controlled and perverted from its natural operation. What is the whole history of commerce but a history of restraints, and burdens, and follies, by which trade has been forced into circuitous and more expensive channels? Yet the gentleman, looking to these effects, and not to their causes, maintains that it is natural for commerce to be circuitous, and unnatural for it to be direct. By the same process of reasoning, from abuses, he may argue liberty itself out of the world. Tyranny and oppression has been, and is now, the usual order of things. Freedom is the exception, and ought, therefore, to be unnatural, and be denounced by all good patriots. I go, sir, for freedom in commerce, as in Government.

My colleague, alluding to the struggle now going on between the banks and the Government, ventured to use some expressions of warning; they might be crushed in the contest, if they should fail in subduing the Government. Immediately the gentleman from Mississippi construes it into a threat from another source of danger and alarm to the South; and the old note is again sounded. It "is almost treason on this floor!" He "sees ill-omened birds upon the wind, and they croak disunion!" Sir, why is it that the gentleman, on this great subject of agitation, turns his face to the South? Are his constituents, or mine, the agressors, and seeking to dissolve the Union? Let the insults that he and I daily receive upon this floor answer. Why does he not turn his face to the North, from whence the aggression comes, and mark upon the horizon the black cloud of harpies, who are winging hither their heavy flight, and whetting their beaks for their feast of blood? Some have already entered your doors and defiled your table, and polluted the seats on which they sit. Are they the gentleman's allies, that he can see no deformity in

their hideous lineaments? Do they not "croak disunion?"

[Mr. PRENTISS said that he intended his observations for all who in any way jeopardized the Union; and that he would be as staunch as any one in resisting the designs of the Abolitionists.]

Sir, I doubt not the gentleman's professions; but why talk about disunion at all to the South, standing entirely on the defensive, requiring only to be let alone? Upon whom does she aggress? What interests, or what section, has she assailed, through the instrumentality of this Government, from the first dawn of the Confederacy to the present hour? Is *he* prepared to submit for ever to the degrading position we occupy in this hall? And when we shall resist, will it be from the lips of southern men that we are to hear the imputation of faithlessness to the Union? Yes, sir, from southern men, now as heretofore, on this subject, as on all others, the frenzy of party will pour forth its loudest denunciations. Do we resist the tariff system, by which the South is made tributary to the industry of other sections of the Union, the wrong is not in the aggressor, but in those who resist aggression. They are the disunionists. Do we object to an alliance between the Government and the capital of the country, by which the Government is to be fearfully strengthened, and the whole commerce of the country can be controlled—*we* are the disunionists. Do we say that we cannot, that we dare not, submit to the hostile aggressions daily practised here, and systematically carried on all over the Union, against our domestic institutions—still *we* are the "disunionists," and it "is almost treason on this floor." For myself, I will tell the gentleman that hard names have but few terrors for me. My hair will not stand on end at the appellation of 'disunionist" or "traitor." I was born, sir, of disunionists and traitors. The gentleman from New York [Mr. HOFFMAN] represented me as referring, on a former occasion, to *my* ancestors. Not so, Mr. Chairman. I shall never call up the virtues of the dead, to shroud my weaknesses. I spoke of *our* ancestors: the ancestors of the American people, who achieved the Revolution of '76; an ancestry more glorious than the longest line of titled fools or crowned oppressors can ever give. It reminds us of all those noble virtues and principles which dignify and adorn our nature, and bid us emulate and practise them; courage and constancy and truth, struggling in that conflict, which must be eternal, for liberty and justice against tyranny and wrong. But, sir, if I had referred to *my* ancestors, as inferior as they may have been to those of the gentleman from New York in their public services, they have left me nothing for which I need be ashamed or dread a sneer. Through three revolutions they have dared to be "rebels" and "traitors" in defence of the rights of the people against armed oppression. They were in that struggle which ended in bringing the first Charles to the block. They were foremost in the revolution of 1720, by which the province of Carolina was rescued from the capricious and petit tyrannies of the Lords Proprietors; and in the revolution of '76, they were again true to their lineage, and to those great principles of liberty for which they have ever braved all the terrors of the gibbet and the sword. Why, sir, every vein in my body swells with the proud blood of denounced and persecuted "rebels" and "traitors." But, thank God! they have ever been so, in the maintenance of the undying and holy cause of truth and justice and liberty? Will the gentleman now expect me to tremble at his epithets? Let him carry them to the ears of crouching subjects and slaves. They will hardly frighten freemen.

The gentleman from Maryland, [Mr. KENNEDY,] taking up the same strain about disunion, proclaims, with becoming pathos, that that man will be the most miserable on earth, who shall rise of a morning and find himself a citizen of the Republic of South Carolina!! Really, sir, I am afraid that I have not been as melancholy as I ought to be, under this terrible enunciation of sublimated Federalism. I hardly think that the gentleman himself has realized, in all its horrors, his own situation under its formidable truth. I fear that he is very like that man who had been talking prose all his life without knowing it. Mayland might be a Republic; and, if so, then the gentleman's tragedy of wo has begun, and we may look out for a denouement worthy of such a catastrophe. The gentleman, I understand, has served his native State in several official stations; and, turning to the constitution of Maryland, I find that he must repeatedly have taken the following oath. "I, A B, do swear, that I do not hold myself bound in allegiance to the King of Great Britain, and that I will be faithful, and bear true allegiance to the State of Maryland." Now, sir, here is a declaration of allegiance to this State; and we all know that allegiance is the duty of a citizen or subject to a sovereign. If this State is his sovereign, she must be, according to the old division, I suppose, a monarchy, an aristocracy, or a republic. I have heard of no King reigning there, and if the gentleman has not been a citizen of a Republic all his life without knowing it, then Maryland is an aristocracy; and as he is one of the exalted ones, and manifests such a decided horror of a Republic, I suppose he must be an aristocrat of the first diamond water. For my part, sir, although at first somewhat stunned by the miserable consequence of my situation, which the gentleman has foretold, I have gathered up courage enough to face my fate, and must stand confessed a humble, although, I trust, a devoted citizen of the Republic of South Carolina. Thus it is, sir, that the doctrines of consolidation sweep on. Men now begin to speak out in plain language what their doctrines long since declared—that the States, bearing the same relation to the Federal head which districts or counties do to the States, have ceased to exist as independent, sovereign, political bodies. They are no longer Republics—no longer States—but mere corporations, belonging to one great consolidated despotism.

Anticipating, with certainty, the triumph of the Whig party to which he belongs, the gentleman from Mississippi announces, as their first great measure of policy, when mounted to power, that the supplies to the Government will be stopped. The committee will recollect, that when the Treasury note bill was under consideration, intimations of the same course were thrown out in debate. I then ventured to warn gentlemen of the consequences of such a measure; and, sir, in spite of denunciations or aspersions here or elsewhere, I will again repeat the warning. I tell gentlemen, that such a course will inevitably lead to revolution, with all its lawlessness and dangers. In England, if the supplies are stopped, the crown can change the ministry, and the Government again moves on. But who is to expel the President of the United States and his cabinet out of their offices? And in what way can stopping the supplies effect this end? The only effect of stopping the supplies, will be, that your army and navy, your civil, diplomatic, and military officers will be unpaid, and, therefore, must cease their services; and thus the whole machinery of this Government will be suspended, and anarchy and revolution will have begun. We are thus fairly notified that the first step by which the ascendancy of the great Whig or Federal party is to be signalized, will be to begin a revolution. Where it is to end, or what will be our situation during its continuance, the gentleman has not ventured to prophesy; for even his adventurous spirit cannot penetrate its thick gloom. Impassioned lovers of the laws, they will uphold their supremacy by placing them aside. Sole supporters and admirers of the Union, they will perpetuate it forever, by dissolving it. Devout haters of popular violence and anarchy, they will suppress them entirely, by the wholesome process of revolution:—and because I dared arraign a policy so desperate and dangerous, and warn gentlemen of the consequences which may ensue, not only to the country generally, but to the banks and capitalists who are hastening on their hostility to the Government of the country, to such fearful extremities—I was charged, with all due solemnity charged, with producing the very result I deprecated, and inciting the people to lawlessness and outrage. The gentleman from New York, whom I do not see in his place, [Mr. HOFFMAN,] even seemed to intimate that such was my design; but he has personally disclaimed to me intending any such imputation: and if there be another gentleman on this floor, who, in spite of my disclaimers at the time, and of my course in advocating the supplies on that occasion, has thought proper to make any such imputations on my motives—all I will say, sir, is, that I cannot follow his example. It requires neither genius, nor patriotism, nor honor, to make such imputations, and I cannot imitate him. There is not an oyster-cellar or pot-house in the blind alleys of our cities, but can afford the gentleman examples fully worthy of his elevated course. It requires only a very little respect for others, and still less for ourslves, to go down in aspersions—"*facilis descensus averni*," just as low as our tastes permit. Forget that we are men, and although erring often, still possessed of a noble nature, which it should be our pride, as it is our duty to maintain, in its most elevated state. Forget, that as we would regard our own honor, we should be tender with the sensibilities of others; and that when we deal in imputations on the motives of our associates, we lay bare our own to doubt and suspicion. Forget, that we represent fifty thousand, and stand in the gaze of fifteen millions of freemen; and are bound, in the transaction of their business, to observe all those rules of forbearance and charity, which are so essential to the peace, happiness, and liberty of a christian and enlightened people. Sir, we may forget all these things; but what, then, will become of the dignity of this House, and the reputation of its members? We cannot act here, even towards each other, for ourselves alone. Standing on the elevated stage we occupy, every example, for good or for evil, passes down throughout all the avenues of society, and affects, with a fearful responsibility, the public morals and public liberty. Gentlemen, in such a situation, may deal, if they please, in needless imputations, and fierce aspersions on the motives of others, and gather all the dazzling honors they are so well calculated to confer; but my sense of duty forbids me to touch or approach them.

Overlooking the revolutionary tendency of the measures they threaten, and arguing from the supposed insurrectionary tendency of my remonstrances against them, gentlemen have passed over me to the State I represent, and have descanted freely on the *lawlessness* of South Carolina, in defying all law, and jeopardizing the Union itself. I suppose, Mr. Chairman, that gentlemen allude to the late contest of that State with the General Government, with respect to the tariff laws. Sir, that struggle has gone down to history; and we are content to leave it there, satisfied that gentlemen will in vain endeavor to affix their running commentaries to its impartial record. We seek not to bring up past subjects of discord; but when our native State is needlessly assailed, and charged with lawlessness, and the glove, in discussing her conduct and character, is cast down on this floor, in her name we will take it up. In what respect was South Carolina, on that occasion, lawless in her course?

Were your tariff laws, for the encouragement of domestic manufactures, constitutional or not? The whole question of lawlessness hangs upon that issue. If these laws were unconstitutional, they were no laws at all. They were mere arbitrary enactments, carrying no obligation to obey them, and, of course, there could be no lawlessness in resisting them. The lawlessness would rather be in those who attempted to enforce, not in those who resisted, such illegal enactments. Now, whether we were right or wrong in our opinion of the unconstitutionality of your tariff enactments, we certainly had very high authority in our support, being no less than that of our opponents themselves. It was from the people of Massachusetts—from Mr. Webster, the sense and conscience-keeper of this disinterested and affectionate people—that we were taught, from the cradle of liberty itself, that your tariff laws for the encouragement of domestic manufactures were unconstitutional. Mr. Web-

ster, as the chairman of the committee, reported, in Faneuil Hall, the resolutions in which this proposition was first announced; and they were adopted by the people of Boston. Yet, sir, but a few years afterwards, when we ventured to believe and practice their teachings, these men—these statesmen, whose enlarged patriotism regards only the good of all, these brethren, whose sympathies enclose the whole Union in their fraternal embraces, were prepared to dip their hands in our blood—if possible, to strangle truth by guilt. We were told to go for relief to the courts of the United States to test the constitutionality of these laws; but with the meanness of conscious oppressors, a falsehood was retained on the face of the bill, by which we were excluded from them. The bill purported to be passed for revenue; and when Colonel Drayton, a Representative from South Carolina, moved that its true title should be given to it, in order that its constitutionality should be tried, you refused to do it. Nevertheless, to exhaust the remedy you proposed to us, we did go to the courts of the United States, and knocked at its doors for admittance to try our rights; but they were shut in our faces by the fraud of your legislation. We determined to resist your *lawlessness*—your unconstitutional oppsession—not for any local, selfish interest, but for a cause as broad as the Union itself; not in a time of war and trouble—for then, as heretofore, our State motto would have blazoned on the shield of the Union, "*animis opibus que parati;*" not in a time of debt and pecuniary embarrassment—for your national debt was nearly paid, and your Treasury was overflowing; not in an era of Executive imbecility—but when the Executive authority threatened to absorb all others, and the most popular man and efficient soldier, since the days of Washington, held the baton of Executive command. The State interposed for the protection of her citizens, against the *lawless* aggressions of this Government; in that form, and by that authority, which had been practised before, and maintained to be constitutional, from the commencement of the Union. Was South Carolina "lawless" in her resistance? If she was, I tell gentlemen, it is just such "lawlessness" as they may expect to encounter, so long as this Government presides over the destinies of a free and enlightened people. Oppression submitted to, soon becomes habit; and the spirt of liberty expires beneath its influence. According to our conscientious convictions, justice and honor, the cause of the Constitution and of the Union itself, required us to resist. Shallow bigotry may rail and denounce, but it will neither convince nor intimidate. You gave way. You proposed a compromise, far more advantageous than that proposed for your acceptance in the Senate, by a Carolina Senator,* but two years before. And why, sir, did you yield? Was it because the resistance of the State was so very contemptible as to be likened to a company of boys with cornstalks, marching against fifty thousand grenadiers six feet high? If the resistance of the State was so very insignificant, it is impossible to account for the compromise bill of 1833, upon any principles worthy gentlemen and statesmen. Causeless cowardice, or a deliberate betrayal of the tariff interests by its friends, must have produced it. It is only upon the supposition, that the resistance of the State was formidable; that the peace of the country, the existence of the Union, and the tariff policy itself was endangered, that we can find any of those elevated motives, which, I doubt not, actuated those who originated and passed this bill. Sir, the "lawlessness" of South Carolina will not have been in vain, if it has brought to light that great truth, which lies at the foundation of our Union—that this is a Government of opinion, and not of force, and ought therefore to be so administered, as to conciliate the affections of all, by superintending the general interests of all, without infringing upon the sectional interests of any portion of the confederacy. By such a course alone, can the Union be preserved, or be worth preserving.

*General Hayne proposed that the tariff bill should be reduced in ten years to twenty-five per cent. The compromise bill reduces it to twenty per cent. in

SPEECH OF MR. WHITE,
OF TENNESSEE.

In Senate of the United States, March 24, 1838—Upon the bill reported from the Committee on Finance, commonly called the Sub-Treasury bill:

The motion of Mr. CUTHBERT, to strike out the 23d section, being under consideration,—

Mr. WHITE rose and addressed the Senate as follows:

Mr. PRESIDENT: I address you under circumstances of peculiar disadvantage. The subject is one of the greatest importance. It has been long discussed, ably discussed, by those of most distinguished talents. Their highest efforts have been made on both sides to present its advantages and disadvantages in every view the human mind can take of it.

The crowded audience has become wearied, and even many Senators themselves can hardly give respectful attention to our most interesting debates.

Up to the termination of the last address of the distinguished Senator from Massachusetts who sits nearest to me, (Mr. WEBSTER,) I was not satisfied whether it would be my duty to do more than listen respectfully to others, and then say yea or nay to the different questions presented to the Senate.

At the close of his animated, able, and interesting speech, he recurred to a *scrap* of the history of my *own* State, fifty years ago. Instantly my mind settled down in the conviction that my constituents had a right to expect more of a son of one of the actors in that scene than a bare vote.

I premise those who may favor me with their attention, that if what I say should not be interesting, it shall not be tedious.

The advocates of this bill expect to accomplish two objects by its passage:

1st. To designate the only species of funds which shall be received in payment of any dues to the Government.

2d. To designate the persons by whom, and the places where, those moneys shall be kept, between the time of their collection and disbursement.

The provisions, as to the first, are, that after the lapse of six years nothing shall be received but gold and silver, and such *paper* as shall be issued by or under the authority of the Federal Government; and, in the mean time, that certain proportions may be received in the notes of specie-paying banks.

1st. My first objection to this plan is, that it sets out with a distinction in favor of those who are in the employment of the Federal Government, or have any money to receive from it, and those who are in the employ of the State Governments, as well as the mass of the people. The distinction is odious, and ought not to be sanctioned.

Senators who support this bill say these are mere catchwords, (one kind of money for the Government and another for the People,) of which all here have become ashamed, and that latterly they have been driven out of the Senate.

To this I reply, the gentlemen are mistaken; this distinction is made on the very face of the bill, in terms too plain to be misunderstood.

If all the money mentioned is of equal value, why mention gold and silver, Treasury notes, notes of specie-paying banks, &c.? The whole argument in favor of the bill rests on the supposition that gold and silver are the best, and *that*, as far as it goes, is to be used for Federal officers and those who have Federal contracts, leaving to others to get what they can, and how they can.

2d. The bill itself contemplates a paper medium, emanating from the Federal Government. To this I object: Because we have no power to issue it. As a currency, they are bills of credit, unconstitutional; more clearly so than to incorporate a bank. Because, if we can issue such a medium, we ought never to do it. It will lead to the most wasteful and extravagant expenditures. It will be used moderately at first, until the people become reconciled to it, and then gradually extended in place of borrowing money, so as to meet all the calls of an extravagant Administration, and must end in a large national debt, or depreciate like your continental money.

Many, with great reason, have believed that no Government can long be economical upon even a system of indirect taxation; that under such a system the people generally are not conscious of the burdens they bear. They pay their taxes when they buy their clothes, or other articles, on which duties are imposed, without reflecting that any part of the money they thus expend comes into the Treasury; they therefore cease to be watchful over the manner in which the public moneys are expended; and, whenever they cease to keep strict watch, their agents commence useless and wasteful expenditures. But when the taxes are direct, every man knows how much he pays and when he pays, and will carefully watch how the moneys are expended; and if the expenditures are wasteful or extravagant, a suitable corrective will be immediately applied. Our whole system of Federal taxation is in the general indirect; and if we once commence a system of supplying *deficiencies* in the Treasury by an issue of paper to be used as *currency*, the country may be ruined.

At the special session we were obliged to add ten millions of dollars to our means. This we did not do by a direct *loan*, which every man could understand, but by authorizing an *issue of Treasury notes*. When that bill was before the Senate, the Senator from Missouri, and, if I mistake not, the Senator from Pennsylvania, both friends of the Administration, placed these notes on the ground of making a loan; that they, as they were to bear an interest, not exceeding five per cent., would be disposed of for money, and with the money thus procured our our creditors could be paid; and in this view I voted for the bill. In the House the amount of the notes was reduced one-half, and I soon perceived that the Administration intended to use them *not* to procure a *loan*, but as a currency; and when the bill was returned to us, I took the earliest opportunity to record my vote against it. The notes issued under that bill have in fact been *used as a currency*, and at various rates of interest, some as low as one mill per year.

This year our revenue is again to be deficient. We will need, in addition to our means in the Treasury, ten, fifteen, or twenty millions of dollars; and this addition will be made by new issues. This paper currency seems to *cost nothing*; and, as our wants *increase*, the *issues* will be *increased* until the paper *depreciates*; and then, for the first time, the people will seriously look into the manner in which not only their *money*, but their *credit*, has been squandered.

The provisions of this bill for Treasury notes, bills, or other *securities, issued by the Federal Government*, or under its authority, if sanctioned by Congress, will settle a principle which, if carried into practice, must seal the fate of this nation. Office-holders and office-hunters can all be accommodated by the Executive at the public expense, and the people will not be aware of it until too late. In short, it will take off almost the *only restraint which yet remains* to our extravagant expenditures

This view of the subject has alarmed me. Do we not all see and know that those in office are pressing to have *their salaries* increased? That those who are not, desire the number of offices increased that they may get in? We are teazed to increase the number of land districts; and if we do, offices are multiplied. When all offices among the whites are filled, then we have among our red brethren, exploring parties, visiting parties, commissioners and agents, by construction, at Executive discretion, and compensated as he pleases.

With the facilities of paper money, *to be created for the trouble of making*, importunities for *offices, jobs, contracts*, and *increase of salary*, will be multiplied, and the President will not have the heart to resist them when artfully pressed by noisy and worthless partisans. I have been forcibly struck with some of the remarks made upon the subject of this Government paper currency. The honorable Senator from South Carolina, (Mr. Calhoun,) thinks it will not depreciate, and if it does, it will not make any difference, as the Government must always receive it at par, and therefore sustain the whole loss.

Mr. President, if the honorable Senator will take a moment to think upon this subject, I am convinced he will perceive the error. No paper currency, *not convertible into specie at the will of the holder*, ever did or ever will long retain its nominal value.

If a man has a note of any kind, and has confidence that he can get the amount of it in specie at any time he pleases, most generally he would rather have the note than specie, because more convenient; but the moment he doubts, then he wants the specie presently. In the issue of Treasury notes, that moment the amount issued much exceeds the revenue to be paid into the Treasury, and the purchase of public lands, they must and will depreciate, unless provision is made that they shall be paid when presented at the Treasury. When they do depreciate, the whole loss will not fall on the Treasury, but will fall likewise on those through whose hands they have passed. The very case put by the Senator proves it. A Treasury note issues for fifteen dollars. It depreciates until it can be purchased in market for ten. Some person who owes the Treasury fifteen dollars goes and purchases it at ten, and pays his debt of fifteen dollars. Now does not every one perceive that the profit of five dollars, made by the man who paid the note into the Treasury, must have been a loss of the same amount to the man from whom he purchased, or to some other person, through whose hands it has passed? In all such cases, profit and loss are correlative terms, and that which is one man's gain must have been a loss to some other.

As you increase expenditures you increase Executive power, already too great. The President, or those acting under his orders, must necessarily *select* the *recipients*, who, it will always be understood, can only be *those* who conform to his wishes in elections. These objections are independent of the consideration whether this bill will establish a bank or not. It will certainly sanction the issuing a paper medium of circulation. Those who advocate this provision think as I do, that the country must and always will have bank credits, or paper of some kind, to use as a substitute for the precious metals. The business of the country can never be done without it. A support of the State banks is the only shield which can be presented against Federal bills of credit, and a *Federal incorporated bank*.

I hold both these last unconstitutional, and the first of them infinitely the most dangerous to the liberties of the people. In 1834, I heard of this plan of separating Government from all *banks as depositories*, and thought well of it. Indeed, I would then have gone for it, if political friends had agreed upon it. Then there was no idea of issuing *paper money* by Government. Then *State banks were paying specie*, and their notes would have continued a circulating medium. Then I had confidence in the Administration, and believed that none would ever dare to interfere with the elective franchise, or to refuse to have the Executive patronage limited and curtailed by law. Now all these things are changed. The Administration want paper money, issued by Government, substituted for loans. The State banks are not paying specie, and this bill forbids the receipt of their notes.

The Executive is disposed to hunt down any and every man who wishes to limit his power. He openly interferes in elections, both State and Federal, and uses all his powers to have them carried according to his will! Under these circumstances, in my judgment, I would be a traitor to civil liberty, were I to sanction the idea that we will make Federal paper the circulating medium.

What has become of our bills, five or six in number, to limit Executive patronage, reported in the days of the younger Adams? They sleep the sleep of death. The honorable chairman of the committee who originally reported them, felt it his duty to endeavor to revive them under the Administration of the late President, and received so little countenance from *old friends* that he ceased his struggle with them.

The honorable Senator from South Carolina, who never thinks any load too heavy, took up one of them, and made one of his powerful efforts, and it passed this body. But how many old friends voted with it? Sir, all had been whistled or ordered off, except the Senator from Missouri and one or two others.

I have been honored with a seat here for the thirteen or fourteen last sessions, and believe I have never once recurred to the journals to see how any gentleman had voted; but there are some things I find it impossible to forget.

When that bill was before the Senate, believing that I could give the Senator from South Carolina something more than my vote, I made a speech in its favor; and that speech *sealed my fate* with the great *Democratic party*. I respectfully ask the Senator from Missouri, whether any of the *former* friends of that measure, the *Jackson democrats*, voted for it, except he and myself?

It went to the other House, and as they were more fresh from the people than we, better understood what is meant by *modern* democracy, they put this aristocratic banking to sleep; and we have never heard a cry or even a whimper from it since. Since then, executive power and patronage have put forth their branches in every direction, and no man dare raise his voice against them on pain of political *death*.

Shall we then put this rich bed of manure to the root of this

dangerous power, that the crops of executive influence may be increased in our elections? Nay; God forbid!

I have been zealous for pulling down the Bank of the United States, and for maintaining a sound metallic currency, and, to do this, believe we ought to sustain, as far as we could, State banks; prevailing on them, by all incidental means in our power, to cease the use of small notes, and had hoped we could have succeeded: but specie payments have been suspended, and the advocates of this bill say we must try some other experiment.

Divorce, divorce *a vinculo matrimonii*, is the watchword wherever you find a modern democrat.

That there is a divorce, a *mensa et thoro*, existing, I admit, but am of opinion it has been produced by *violent temper* and want of *due care* on the part of the *Federal head*, and too yielding and complying a disposition on the part of the banks, and that the whole might yet be reconciled, at all events to the advantage of the family.

I have heard of cases where a dashing libertine had married a wife, attached to, and every way worthy of him; that he, upon looking farther into the world, concluded if he were freed from his first love, he could be better suited upon a second experiment; and, with a view to obtain a divorce, threw temptations in his wife's way, which she had not stern virtue enough to resist; she sinned, and then he applied for a divorce. And what have courts of conscience said in such cases? Depart hence! you contributed to your wife's transgression, and shall not profit by your own iniquity.

Apply these principles to this case. When the Executive wooed and won the State banks, they were pure and unsullied. Their utmost exertions were necessary to aid in prostrating the Bank of the United States; they were coaxed, almost commanded, to extend their loans. They did so, to imprudent lengths. The Executive saw and knew this. Were they admonished to diminish their discounts? Never! So far as I know, on the contrary, they were eulogized up to July, 1836; then came the Executive denunciations, and they have never since ceased.

The Executive is to blame, so are the banks; but, on account of their quarrel, the great American family ought not to be sacrificed.

If none were to be injured but themselves, I certainly should feel no inclination to interfere; but I do think it nothing but just that both parties should bear their due proportion of blame, and that a separation ought not to be permitted, under circumstances by which *an unoffending community* must be the sufferers.

But again: I think if it is ever proper to establish this system, and to have this divorce, now is not the proper time.

The banks are State institutions; society have a deep interest in their maintaining a sound currency; this can only be done by resuming specie payments; this they never can do until their credit is re-established; while the whole weight of a popular Administration is against them, they can never resume with a hope of continuing specie payments. You separate now, and why? Because, say the whole Administration and its friends, and if we pass this bill we join in the cry, they are unworthy of credit! Every man who believes this statement, and has a claim against them, would apply for his money, and they would be compelled immediately to stop again.

Take the weight of the Federal Government off them, it is now pressing them into the dust, and while it is upon them, you might as well order a man whose legs had been cut off, to jump to his feet and walk, as to require them to resume, with a hope that they can do so. Let their credit be again restored, and if we must seperate, they could better then, than now, sustain the shock.

The Federal Government obtained the use of them when their credit was good; it should be restored, and then, if ever, they ought to be returned, in equally good credit, to the exclusive use of the States.

Suppose we pass this bill, and then the banks resume, five-sixths of the revenue must be taken in their notes; in a very short time, enough would be received to enable your depositaries to withdraw so much of their specie as to compel them to suspend. And if they do not resume, their paper depreciates, and specie becomes an article of merchandise, and thus the Federal servant will receive better money than the State officers, or the masters of both—the mass of the people.

The State banks never can resume with a hope of doing a profitable business.

Suppose the system in complete operation. Then all the revenue is received in specie; your average surplus in the Treasury will be at least seven or eight millions of dollars. This, if left in the banks, would furnish a specie basis upon which safely to issue three for one. Hence, by this process, you abstract and lock up twenty or twenty-five millions of dollars of the circulating medium, which is of no more use to the Government or individuals than if sunk in the ocean.

Banks go to excess occasionally, and there is temporary suffering; so of every thing else—we have nothing good but what produces evil when carried to excess. Banks issue too much paper, but that is no reason they should all be destroyed. Over-issues produce individual suffering, but even this is productive of some benefits. It makes roads and canals, and improves plantations. Although all these change owners when a curtailment takes place, yet the improvements remain for the benefit of the people at large.

What do gentlemen mean? Do they mean to put us back to the year eleven hundred, when they say banks commenced? Are we to quit our ordinary business, and commence wading branches in search of golden pebbles, to add to the stock of precious metals? Are we to give up the earnings of our families, our porringers, and our spoons, to this Aaron of democracy, that he may melt them, and, with his graving tools, make us our own metallic god to worship? The more free a country is, the more prone are its people to run into *excess*, and none so much as our own. What was Great Britain before the establishment of her bank? Like other nations who are destitute of every thing but a specie circulation, poor, unthrifty, anti-commercial. And what is she now?

We need a larger circulation than any country upon the earth of the same population, because we are freer than any other. The circulation ought always to bear a due proportion to all saleable or exchangeable commodities. In some of the States every thing is of that description. Entails are destroyed; all property, real and personal, is unfettered and for sale whenever a man thinks he can better himself by selling in an old and purchasing in a new State. In many States so much is land unfettered that it can be sold in fee simple upon a writ of *fieri facias*.

In our country, a man's capital, in many instances, is his character for integrity, his capacity for business, and his business habits. These give him credit with banks. With the aid of bank accommodations, in many instances, he makes himself wealthy in a few years, and every man who adds to his own stock of wealth enriches the country.

Give me *wealthy* people and a *poor Treasury*, and then the country is rich, and its liberty safe.

Destroy banks, and you throw every man again into the hands of capitalists, Jews, money-lenders, where few can borrow who cannot mortgage land to secure payment. Whereas banks always feel it a favor conferred on them when they can get a good customer.

Although I speak thus freely of the utility of banks, they never have been favorites of mine; but we must have them. The country cannot and will not do without them.

We must have a *Treasury bank, a bank incorporated by Congress*, or *State banks*. And I prefer the last. They are the least dangerous, and the States have clearly the power to incorporate them. The States, in granting charters, can, if they choose, guard generally against excesses. If they were to direct all profits over six or eight per cent. per annum to go into the Treasury, as a school-fund, the temptation to shave and to make excessive loans would be taken away. And if they would prohibit standing accommodations, few bad debts would be contracted.

2d. The other object of the bill is to compel our collectors and receivers to cease depositing money in banks, and to compel them to deposite all moneys in the hands of officers *appointed by the President*, and *removable* at his *pleasure*, there to be kept till needed for disbursement. I think this arrangement much worse than to deposite in the banks:

1st. Because the directors and officers of the banks will be more likely to be faithful than officers appointed by us. The stockholders will always intend to select those who will be most likely not to waste their moneys. Our officers for some time have been, and I consider the system is to be continued, selected more with a view to influence in elections than to any qualifications for the particular offices they are to fill. Let me not be misunderstood. I do not mean to say that every officeholder is a mere party tool. I think there are many who are not. But I do mean to state it as my opinion, that now and for some time past, the principal qualification looked for is *political influence*; and such men, appointed from such motives, I think will generally be unsafe depositaries. Supposing these officers equally faithful, they will not generally have places *as safe* as those provided by banks.

Again: This plan will occasion a great increase of expense; new officers, clerks, visiters, houses, safes, vaults, &c. There will be no effectual check either upon those officers or upon disbursing officers. It is said there have been, in modern times, but few losses by defalcations of disbursing officers.

One principal if not the sole reason of this is the check upon them, by ordering them, whenever their position will enable them to do so, to keep their moneys in banks, and every week or month an account is furnished the Secretary of the Treasury, by the deposite bank, showing the sums deposited and by whom. This furnishes strong reasons against using or loaning money; immediate detection would be the consequence.

Under the proposed system this check is entirely removed, and the public money will, in many cases, be misused.

I now have in my drawer a document showing what has been done in one case by an officer in whose integrity I once had unlimited confidence. He collected a large claim from one debtor to the Government, and immediately loaned the amount received to some *political friends*, not only without authority, but contrary to his instructions, and, at this moment, two suits are pending against these *new debtors*, who have refused to pay their notes as they fell due. If I mistake not, one of the parties to this very transaction has been appointed to, and now holds an office which will make him a sub-Treasurer if this bill should pass.

A bank in my own State has been alluded to in a letter read by the Senator from Missouri, which he has received from the late Chief Magistrate.

A brief review of the history of that bank, and matters connected with it, may be of use to us on the subject under consideration.

The act establishing that bank was passed at a called session, in the year 1820. The charter of the United States Bank was passed in 1816, and the bank went into actual operation the 1st of January, 1817.

It was an Administration measure; and when the bill was before Congress, the Representative from my district sent me a copy of it, with a request that I would give him my opinion of its provisions, which I did, in a pretty lengthy letter. That opinion was very decidedly against the bill, and the opinion I then formed and expressed I have ever since entertained, and still entertain. He, alone, from Tennessee, as I believe, voted against the bill. For this vote he was attacked at home, and I felt in duty bound to maintain him as well as I could. This brought me in direct conflict with the friends of the United States Bank as early as 1816.

Soon after the bank went into operation, it established branches in Kentucky, and, before the fall of 1817, many of the loans first made had fallen due, and payment was exacted. To this the people had not been accustomed; and, as is always the case, although the bank had been popular when *making loans*, it soon became very unpopular when trying to *collect its debts*.

Stories of the ruinous operations of the bank in Kentucky soon reached us in Tennessee, and, in the autumn of 1817, with a view to save Tennessee from the like oppression, her Legislature passed an act, as I believe, unanimously, imposing a very heavy tax, say sixty thousand dollars, upon any persons attempting to bank in Tennessee without authority from the State.

A few years since, while the controversy was going on with the Bank of the United States, the Senate created a committee, of which Mr. Tyler, of Virginia, was a member, to examine into its proceedings, and when they made their report, for the first time, I found a letter dated in 1818, now bound up in our documents, soliciting the President of the bank to establish a branch in Nashville, notwithstanding the act of Assembly, informing him that the act was passed by contracted, illiberal men, and, after furnishing a list of names for directors, assuring him that if a branch was established, and directors appointed from the list, he would see that a good account should be given of those who would attempt to enforce the State law.

Mr. Jones, the then president, answered this letter, and, very properly, refused to send a branch into the State, contrary to the expressed will of the Legislature.

Thus the matter rested until 1820, when this same gentleman was a leading member of the Tennessee Legislature; and, not having been able to get a Branch Bank of the United States, he and others determined they would have a *paper bank*, founded on State funds and *the faith of the State*. They passed an act creating a bank. There was then in the State a bank in which the State had twenty thousand dollars of the stock. It was called the Bank of the State of Tennessee, and had been so conducted as to give society confidence in it; and, in baptizing this new bank, its authors gave it exactly the same name, and thus we had, at the same time, two banks having the same name, in the same State. The friends of the old would not have hesitated in charging the leaders who established the new with pilfering their name, that they might derive benefit from their credit, had they been other than members of the Assembly.

The plan of this new bank was not to pay specie, and to please the people; it was said it was a bank to relieve the people from pecuniary distress.

At the same session, and to force into circulation paper money not redeemable in specie, laws were passed to prevent levies of execution, unless plaintiffs would agree to receive irredeemable bank paper.

These proceedings met with very decided opposition from the supporters of a sound currency.

They denounced a depreciated paper currency as a curse to the country, and the old State bank would not touch the paper of the new; and, after a long controversy between the directors, under the administration of an enlightened and worthy directory of the new State bank, it was so conducted as to be converted into a specie-paying bank, and I believe it has faithfully redeemed whatever notes it put in circulation.

But, then, what became of the capital and profits? Much of them were wasted. There was a branch or agency in each county. The cashier of the principal bank, a highly worthy, intelligent, and generous man, could not resist the temptation; he permitted importunate and needy friends to draw checks, which he paid when they had no funds in bank. This practice was detected and exposed, and he ruined.

Some of the agents, men of as much integrity as those to be found now, either used, or permitted others to use, the moneys intrusted to their care. Those moneys were in some instances lost, the agents ruined, and the State has been for several years endeavoring to save something from the wreck.

With these examples before me, I cannot, I will not, I dare not, give my sanction to a scheme so demeralizing, and fraught with so many mischiefs.

But, sir, our history stops not here. I think, about the year 1826, a Nashville bank failed, and occasioned much excitement. The Legislature, then in session, repealed our act of 1817, imposing the tax of which I have spoken; a branch of the United States Bank was applied for, and established. It went down with the principal and the other branches, and from that time, until July, 1836, we were State bank men, generally; these banks having a *safe specie* basis, and always *paying specie*. During the whole of these arduous conflicts, others have had an advantage over me.

They first wanted a United States Bank, that we might have good currency *every where*. Next they wanted paper money, and creditors forced to receive it, or to get nothing; then United States Bank notes again; and now, when the monster is slain, and we can all venture to measure the length and breadth of its supposed deformities, nothing will do them but the pure, unadulterated *hard money*.

Mr. President, these politicians ever have the advantage of me. I never can give up an old opinion, until I am sure I have found better reasons for a new one. They have the full benefit of what is called *the march of mind*. They march and countermarch so that I cannot keep pace with them. I turn slowly, awkwardly, and these politicians give me the dodge, and are sometimes out of sight before I know they intend to change. But this is of no consequence to me. Such wills-with-the-wisp or jacks-with-the lantern I would not follow, if I could see them. They would only pilot me into some quagmire or swamp, and then leave me, although their dexterity could easily extricate themselves.

For myself, I now am, and ever have been, a hard money man, to every reasonable and constitutional extent. Nothing is, with me, money, within the meaning of the constitution, but the *precious metals*, and they either coined, and their value fixed by acts of Congress, or foreign coin, whose value is declared in the same way. No Government, either State or Federal, can make any thing else a tender in payment of debts. This kind of money, and this only, is the end of the law, where pecuniary compensation is to be made. It is not only the standard by which the value of other property is to be fixed, but it is itself *property*, which can be applied to other useful purposes. The Federal Government has no power to incorporate individuals, and bestow upon them banking powers and privileges, to be exercised within the States.

The Federal Government cannot issue, or authorize to be issued, paper to be used as a currency.

The Constitution takes from the States the power to issue bills of credit.

It does not confer upon Congress any such power, and it can exercise no power except that which is expressly given, or is necessary and proper to give effect to some power expressly granted. The framers of the Constitution having taken from the States the power to issue bills of credit, and having refused or omitted to confer such a power on Congress, believed they had secured the country against the *issue* of a paper currency, by *either* Government, which individuals could have no means by suit to compel the payment of, and which, if tolerated, would be sure to depreciate.

Before the Constitution of the United States was framed, the States had the power to incorporate individuals, and give them banking powers and privileges; this power was never taken from them, and, therefore, they still possess it.

I have believed, and now do, that in a country so extensive as ours, so highly commercial, and so free, our business cannot be transacted without paper of some kind, which is *not money*, but *credit*, the representative of money. These credits will be highly injurious, unless regulated by law. I therefore have maintained State banks, at the same time wishing to put down, by all means in our power, small notes; to have none less than five, ten, twenty, and even higher than that, if a majority wished, so as to furnish a broad specie basis, the better to maintain and support the organized credits, evidenced by *bank notes or checks*.

It is all idle to tell me that the only mode to have hard money is to put down State banks. Put them down to-morrow, and

then we will find it indispensable to have a United States Bank owned by individuals, or a Treasury bank owned by the United States, and governed at *the will of the Executive.*

Being opposed to both these, and thinking the country must have credits in some shape, I support State banks as the *only* means of preventing the establishment of some one of the others. I think them both unconstitutional, and the Treasury bank infinitely the most dangerous.

We might as well at once put the whole moneys of the Government at the disposition of the Executive as to pass this bill; because, although some of the officers who are to have charge of it must have the sanction of the Senate in their appointment, yet the President can remove, or have removed at his pleasure, every man of them.

This bill, in truth and in fact, *creates a bank* with *vast powers* and extensive *capacity.*

Suppose Congress to incorporate a number of individuals, and confer upon them powers to do exactly the same things which the officers named in this bill are empowered and required to do, what would gentlemen call their institution? It must and would be a bank; they would have all the usual powers of a bank, except to loan money by discounting notes.

The only use of an act of incorporation is to empower a number of individuals, or some one man, to transact certain business under particular restrictions. Now, if we give to our own officers exactly the same powers which, if given to one or more individuals would denominate the establishment a bank, it is equally so in both cases.

This bill provides places where our whole treasure, hard money, notes of specie-paying banks, Treasury notes, or other paper issued under the authority of the Government, are to be kept.

It authorizes the transfers and retransfers of those moneys from point to point, at the discretion of the Secretary. There is now a bill before the other House authorizing an issue of ten millions of Treasury notes; it will certainly pass for that or a larger sum.

Now, let us consider how these powers may be made to operate.

1st. The capital is the whole treasure of the nation, say any sum we please, not less than twenty-five, nor more than fifty millions of dollars.

This sum can be concentrated at one place, or dispersed to different places, as the Secretary chooses. A merchant of New York owes fifty thousand dollars for duties, and this sum he is to pay to the collector there, who is to deposite it in his vault. He borrows the amount from a specie-paying bank in the notes of the State bank, and pays the debt. Instantly the collector goes to the bank, draws the specie, and returns their notes, and locks the specie up in the vault, where he is to keep it till needed for disbursement; and by pursuing this plan, the whole specie may be withdrawn from the banks, or so much of it as to compel the banks to wind up.

Again: a merchant in Nashville owes fifty thousand dollars for goods purchased in New York; he gets that amount in notes of the Nashville banks, by borrowing or otherwise, but they will not answer to pay his debt in New York; he therefore goes to the sub-Treasurer, who has his proportion of these Treasury notes, and gives him his fifty thousand dollars, and receives a Treasury note, or notes, and perhaps allows one or two per cent. as the difference of exchange, and the sub-Treasurer immediately goes to the State bank, returns its notes, takes the specie, and locks it up in the vaults. When a creditor of the Government applies for payment of his salary, or other dues, he may be paid in Treasury notes, and thus we find this a bank of *issues.*

It is useless to pursue this subject farther. Every practical man must see this is in substance a Treasury bank, with immense funds as a capital, with unlimited power to draw and redraw, and that it is a bank to *issue*, not *hard money alone*, but *paper money issued by or under the authority of the United States.* That it confers powers and capacities which will enable it to *prostrate the State banks, any and every where, at its pleasure.*

It will not only *control* the State banks, and make them *subservient to its will*, but will also *influence all men engaged in commerce, which requires the use of funds at distant places.*

Pass this bill, and we put it in the *power of the President, through his Secretary of the Treasury, to control* the whole *pecuniary, active capital* of the country. We are to add this tremendous power to a patronage already dangerous in the extreme, and this at a time when we have a Chief Magistrate who is not only *unwilling* to have his *power* and *patronage curtailed* and limited, but is desirous to add to them, even to the extent of encouraging armed voluntary associations to stand ready to carry out his views by force of arms.

In the early and pure days of the Republic, in 1789, the republican doctrine was, that no President would ever dare to remove an officer who held at the will of the President, simply on account of his politics; and, if he did, *Mr. Madison* said it would be a crime for which he should be impeached.

Mr. Jefferson, upon assuming the reins of Government, prohibited all inferior officers from interfering in elections, further than to vote, on pain of dismissal.

In the canvass which brought the late President into office, we all thought the same way, and that this was the sound democratic or republican doctrine.

Do we not all remember the out-cry against Mr. Adams, because we thought, through a Mr. Slade, a clerk in some of the departments, he had signified to the Vermont Legislature that he preferred the old Senator, Mr. Seymour, to Mr. Van Ness? The newspapers rung with this charge, and if Mr. Adams or his cabinet had avowed that they had a right to endeavor to influence people in elections, it is doubtful how he would have got through even the four years to which he had been elected.

Now the whole course of thinking and acting is changed. During the last Administration it was not only maintained that the President and all under him had a right to interfere, but, for the sake of securing a democratic Administration, it was a duty to aid in electing his successor, members to both Houses of Congress, Governors of States, &c.

The present incumbent improves upon this, and countenances what may be called legions of honor, to maintain him by force in carrying out modern democracy.

I have been surprised that in none of our discussions has any gentleman alluded to a correspondence between an association in Philadelphia and the Chief Magistrate during the past year.

They informed him that they had voluntarily associated together, had armed and equipped themselves, and made a tender of their services to carry out the laws.

In a country as free as ours, where the laws themselves are nothing but the will of a majority of the People, constitutionally expressed, every thing which tends to weaken or diminish our respect for the laws is highly reprehensible. Now what would we reasonably expect as an answer from our Chief Magistrate to such a tender of services?

I looked for grateful acknowledgments for their good feelings towards him, and a request that, as they regarded him and his fame, they would immediately lay aside their warlike implements, and dissolve the association; because, if the country was to remain free, such voluntary associations could never be necessary. Public opinion, and forces, when indispensable, called out under the *authority of law*, would always be sufficient in the hands of the Executive to give effect to the will of the people, expressed through their acts of Congress.

But I was sorry to find no such sentiments; on the contrary, sincere thanks, and a manifest willingness to countenance the use of such forces if emergency should require their services.

The good sense of society must check this course of thinking, or there is reason to fear that, at no distant day, we may have, through the agency of such means, *anarchy first*, and then *despotism.*

The Senator from Massachusetts, (Mr. WEBSTER,) at the close of his reply to the Senator from South Carolina, "for his special benefit," in very good temper, and in a most happy manner, referred to the early history of that portion of my State, now called East Tennessee, once known as the *State of Franklin.* He read us a part of one of her acts of Assembly, which fixed the salaries of some of her officers, and directed the *species of currency* in which they were to be paid.

I always feel gratified when I know, or hear, that my State has done any thing which benefits any portion of my fellow-men.

"Blessed are the peace-makers," is the language of Holy Writ. On this occasion the two honorable and distinguished Senators had assumed an attitude so belligerant that I really feared it might end in something worse than words. But no sooner were the labors of my State fifty years ago brought to the notice of this grave body, than we all forgot that any of us had ever been out of temper, and so soon as we could recover composure enough to adjourn, we separated like a band of brothers—no two leaving the chamber in better temper with each other than the two honorable Senators.

But, sir, the Senator knew nothing of the practice under the State law, therefore we have not the full benefit which we ought to derive from his reminiscence. He could have related the whole incidents so much better than I can, that I regret he did not mention this subject to me before he addressed the Senate: if he had, I would have given him the additional facts, that the whole might have been detailed to the Senate in his good tempered and felicitous manner.

It will be remembered that the Governor, Chief Justice, and some other officers were to be paid in deer skins. Other inferior officers were to be paid in rackoon skins. Now, at that day, we were all goods Whigs, although we had some of the notions of the Democrats of the present day.

We thought these taxes might safely remain in the hands of the collectors as sub-treasuries until wanted for disbursement. The taxes were, therefore, fairly collected in the skins and peltry pointed out in the law. But the collectors, as report says, knew that although rackoon skins were plenty, opossum skins were more so, and that they could be procured for little or nothing. They, therefore, procured the requisite numbers of opossum skins, cut the tails off the reckoon skins, sewed them to the opossum skins, paid them into the general or *principal* treasury, and sold the rackoon skins to the hatters.

The treasurer had been an unlucky appointment, although a worthy man; he was a foreigner, knew nothing of skins or peltry, and was, therefore, easily deceived by his sub-treasurers. Whenever this imposition was discovered, the whole system went down, and we never have had a great fancy for leaving the taxes in the hands of the sub-treasurers or collectors from that day to this.

But, sir, these old proceedings more clearly developed the true character of my State than almost any thing of the present day.

The territory or tract of country called Franklin was composed of four counties of North Carolina, and separated from the body of the State by the great ledge of mountains, called at different places by different names, and from what is now West Tennessee, by the Cumberland Mountains, and a wilderness of two hundred miles.

The revolutionary war had terminated with Great Britain in 1783, but it continued with the powerful tribes of Indians who had been in alliance with her. The depredations of these Indians were so serious that aid to arrest their ravages was desired from North Carolina; that State was not in a situation to furnish protection, and instead thereof, from good motives, no doubt, but without due consideration, passed an act ceding us to the United States. Whenever the news was received, the leading men, who were *King's Mountain men*—Sevier, the companion of the gallant Campbell and Shelby, at their head, took fire; the discontent ended in a declaration of independence, and the formation of the State called, to perpetuate our whig principles, "*Franklin.*"

North Carolina discovered her error, and, before Congress could act on the subject, repealed her act of cession. But it was *too late.* We had been disposed of without our consent. Though but a handfull, with a powerful savage enemy infesting our whole frontier, and without a dollar to begin with, we set up for ourselves. We would not brook the indignity, we had begun the fight for liberty, and liberty or death we would have. We continued the controversy till 1789, when an accommodation with our parent State took place; and with our own consent, and upon terms thought just, we, with other portions of territory, were ceded, in 1789, to the United States.

In 1796, we became the State of Tennessee, and how we have since conducted, I willingly leave to the judgment of our sister States.

I confess, instead of feeling humbled by, I am proud of, this ancient reminiscence. I feel proud that my ancestor was one of that unyielding band; that I now find myself associated here with a Sevier and a Tipton; and although I sometimes think two generations back those of their name would have not worked so tamely in party gear, yet every once in a while the *blood shows itself*, and you can see, that if their home concerns are not attended to here, according to what is just, they *break party bandages*, and walk abroad in that freedom for which their fathers perilled every thing.

It is true we were not either Whigs, Tories, or Democrats by inheritance, but there is much in blood, much in education. Early lessons from mothers are apt to have an influence upon us through life. What the father says when he first sends his boy to school is hardly ever forgotten.

When that law was passed, and for years afterward, the first morning the son was to start for school, he was sure to receive the father's advice, in emphatic terms, calculated to make a lasting impression, in language like the following: My son, you are now going to school, you must render a willing obedience to your master; he is in my place, obey him if you love me. Be kind to all your schoolfellows, do nothing offensive or unjust to them. Be careful in all you say and do not to give any of them cause of offence, and, if they will quarrel with and abuse you, take care you never come home *whipped* by any one, if you have the power to prevent it.

Children were taught from infancy the doctrine of equality, that no distinction ought to exist, except that which was produced by vice or virtue.

And as to a circulating medium, this old act contains a volume of instruction for me. At that day, the medium of our exchanges was skins and peltry, or furs. They were the currency in which the people were obliged to transact their business, and my father, when voting for that law, thought it just that our officers, from the Governor to the constable, should be paid in the same kind of currency which the people were compelled to use in their dealings with each other, and so think I now as to our Federal officers. Such, I think, have been the opinions of the majority of my constituents from my youth to this day.

My wish is to carry into effect their *will.* If I had fortitude enough to venture into an unknown world, I would rather do so *now*, and upon this *spot*, than knowingly to give a vote upon a subject so important, which would disappoint the wishes of the companions of my youth, the associates of my maturer years, and those who have ever *sustained* me against all attacks, at every stage of life.

What I believe to be their will corresponds with my own judgment on this subject; and however much I may and do regret a difference of opinion with enlightened men from other States, yet I acknowledge no responsibility to any human power except to the citizens of my own State, who have so long honored me with their confidence.

TERRITORY OF IOWA.

REMARKS OF MR. C. SHEPARD,
OF NORTH CAROLINA,

In the House of Representatives, Tuesday June 5, 1838.—On the bill to erect the new Territory of Iowa, by dividing Wisconsin.

Mr. SHEPARD said that, if the public interest required the passage of this bill, or the real happiness of the people would be promoted by it, no member could be more unwilling than himself to throw any obstacle in its way. The committee from whom it came had not made a report, and the gentlemen who preceded him in the debate had not stated a single grievance to be removed from our constituents, or a single benefit to be conferred. It may be that a fresh and rich field might be opened to those who speculate in the public lands, and a batch of new offices created for such as seek Executive favor; but not perceiving that any sound maxim of national policy was to be followed and enforced, he felt constrained to give the bill his zealous opposition.

It is said that the Territory of Wisconsin is too large; that the people who inhabit the right bank of the Mississippi have no sympathy of interest or feeling with those who cultivate the shores of Lake Michigan; and that the settlements are so distant from each other that judges and other public officers cannot attend to their respective duties. Gentlemen forget that not many months have elapsed since Michigan formed a part of this Northwestern Territory; at that time no complaint of this kind was made, and yet now, when nearly half of the country has become a State and entered the Confederacy, the remainder is too large to be included under one Government, and petitions Congress for a division! If the present judges and marshals find it impossible to perform their duties, let the number of officers be increased, so that every portion of the people may enjoy the protection of the law; thus the evil may be removed by a slight change, without incurring the expense of an additional Government, and all the paraphernalia incidental to a council or Legislature. This Territory, vast as it may seem, is not as large as the State of Virginia; and its interests must be very weighty and conflicting, if the same Governor and the same deliberative Assembly cannot superintend the whole.

But who are these that are dissatisfied with our legislation, and pray for the establishment of a new Territory? Individuals who have left their own homes, and seized on the public land. As soon as Black Hawk and his warriors were driven from their hunting grounds, before the country was surveyed or a land office opened, these men pounced on the choicest spots, cut down the timber, built houses, and cultivated the soil as if it was their own property. An honorable gentleman from Kentucky [Mr. POPE] has pronounced a high eulogy on the honesty and patriotism of these people: I am not disposed to question its justice, or to use the epithets applied to them by others, but is certain that, without the authority of law, and in defiance of the Government, they have taken possession of what belongs to the whole nation, and appropriated to a private use that which was intended for the public welfare. These are they who require a governor and council, judges, and marshals, when every act of their lives is contrary to justice, and every petition which they make is an evidence of their guilt and violence. We, who are insulted, whose authority is trampled under foot, are asked for new favors and privileges; the makers and guardians of the law are approached by its open contemners, and begged to erect these modest gentlemen into a dignified Government. The gravity and insolence of this application would excite laughter, if the last ten years had no presented too many instances of a like spirit and character; individuals and masses of people in every part of this favored country begin to look beyond the law, to despise the constituted authorities, to consider their own feelings and passions as the standard of public duty, and too often men in high places have connived at their proceedings. The manner in which new sovereignties are fabricated is amusing and characteristic. These poachers

take the public land, and humbly pray for the right of pre-emption; this yielded, they call the Government a step-mother, and demand various grants and immunities; then they force themselves into the Union, without complying with the act of Congress, and, reaching the climax of impudence, they boldly threaten to deprive the old States of all share in the national domain. But we are asked, what must be done? Twenty thousand people are living on the west side of the Mississippi, and the whole army of the United States could not drive them from their settlements. Is it come to this? A private citizen can enforce his rights, by appealing to the courts of justice, and yet the Government which rules and protects all, cannot keep intruders from the public land, and is not able to save the property of the people! If this be so, our fathers labored in vain; if the moral and physical power of our institutions be so weak, they are not worthy of preservation. Mr. S. had not yet lost faith in the virtue and intelligence of the country; the fault was not with the people, but the politicians, who are continually struggling to advance themselves by pandering to every prejudice, and using all means to acquire popularity. The citizen is willing to support his rulers in the maintenance of the law, but he who seeks for place will sacrifice the interests of the nation, and sink the dignity of the Government, to obtain a little favor in the new States.

These outrages are still more inexcusable when it is remembered that there are eighty millions of acres, of every variety of soil and climate, now open to entry, and the plea of necessity will not avail these adventurers. I (said Mr. S.) cannot sanction their conduct; if they would not move peaceably, they should go at the point of the bayonet; if they forget what is due to their country and their distant fellow-citizens, they ought to be punished. The majesty of the laws should be vindicated. But, sir, questions of still graver import are involved in this subject—questions which affect the destiny of this great people, though the din of political warfare and the exciting struggles of personal rivalry may cause other topics for a time to engross public attention. When Virginia ceded the Northwest Territory to the United States, it was agreed that not less than three States should be formed out of it, and that they should be admitted into the Union when their population amounted to sixty thousand souls. This compact has been faithfully observed and nearly fulfilled. The policy of the General Government has been of the mildest and most paternal character. The building up of new empires in the shortest time seemed to have been its object. The richest and most beautiful lands were sold for a trifle; tribe after tribe of natives disappeared, and the white man was on their heels; bounties of immense value were given for schools and internal improvement. Scarcely any request of the settlers was denied, so anxious was the Government to encourage emigration, and to people these vast regions. The effect of this legislation was magical; thousands and tens of thousands left their homes in the East for the fertile valleys of the West. This was not the surplus population, not the overflowings of a redundant community, but the bone and sinew of the land, and in many cases its wealth and intelligence. Thus have arisen those thriving and powerful States, which have already outstripped most of their elder sisters. The same policy has been pursued towards the new States of the Southwest. By the treaty with France we stipulated to extend to the people of the Louisiana Territory all the rights of citizenship. This has been done. Louisiana, Missouri and Arkansas have been successively admitted into the Union, and they have become great and flourishing communities.

The Federal Government having thus complied with all its engagements, the number of States composing the Union having been doubled in fifty years, and our empire being already larger than most of the nations of the earth, shall we continue this policy? shall we go on to extinguish Indian titles? shall we give away the rich inheritance we possess with the same rapidity? If the Territory of Iowa be now established, it will soon become a State; if we now cross the Mississippi, under the bountiful patronage of this Government, the cupidity and enterprise of our people will carry the system still further, and ere long the Rocky Mountains will be scaled, and the valley of the Columbia be embraced in our dominion. This, then, is the time to pause, to gather the results of previous experience, and to consider the influence of this legislation on the character of the people and the durability of our institutions.

The strength of a nation does not consist in the extent of its territory. Population diffused over a great surface is neither as rich nor as powerful as when condensed in narrower limits, and engaged in the various employments of human industry. Cities filled with artisans, and the soil worked by numerous agriculturists, cause the production of more wealth than if the same people were scattered over a wider region. The minds of men, when constantly brought into collision and struggling for pre-eminence, are more active, more fruitful of expedients, and more apt to make those great inventions which increase the comforts of life and exalt the character of a people. If all the land of a country be occupied, new modes of agriculture will be discovered to increase the productive energies of the soil; or those whose labor is not needed in the field will go to the ocean or the workshop, and this natural division of industry will make each class more skilful and richer than if all were confined to the original employment over a larger space.

The resources of a dense population are more available and more easily brought into the service of the Government than those of a scattered people. If taxes be imposed, they are levied with quickness and facility; if physical strength be required, it is concentrated with despatch, and made to operate with vigor; if intellectual qualities be desired, they are quickly found, and directed to the public welfare. To prove the truth of this theory, let England and Russia be compared; one is a mere speck in the ocean, but crowded with thriving and industrious people; the other occupies a portion of two continents, with a population of fifty millions spread over its immense territory. The power of the former is felt in the remotest corners of the earth; the latter is feared by the savage hordes within its own limits, and hangs like a dark cloud over its weaker neighbors. England commands the treasury of the commercial world; Russia, with its rich soil and hidden wealth, is poor, and dependent on the smiles of foreign bankers and capitalists. In an instant the former can buckle on her armor, and strike an enemy before he thinks of preparation; she can fly from point to point with the speed and fury of lightning; the latter is slow in motion, deficient in activity, and, possessing great strength like the elephant, it also partakes of the sluggish qualities of that huge animal.

A country may be too populous; in the progress of time, the means of livelihood become less than the demand for necessary subsistence. The starving operatives, whose haggard faces and decrepit limbs are seen in the manufacturing towns of Europe, and the squalid beings who haunt the crowded marts of commerce, attest the misery of a redundant and confined population. It would be sin and folly to bring into existence such a state of society; no political expediency, no prospect of national grandeur, could justify the sacrifice of individual welfare, and the duty of Government is to provide for the comfort of all the people, and to make them satisfied with their condition by ministering to the wants and necessities of their nature. But we are still very far from the point of pauperism; every where in this favored land industry meets with its due reward, and competency is in the reach of all, except the vicious and unfortunate. If the old world be a criterion on this subject, the twenty-six States of the Union can support a population more than four times as great as that which they now contain; and the true question is, whether the future increase of the people should be kept within our present limits, or stimulated to wander over the vast regions of the West.

If happiness depended entirely on the number of hogs raised, or the quantity of corn gathered, then the citizens should be dispersed, so as to occupy the most fertile spots in our whole territory; but, regarding only physical comfort, we shall find that the luxuries of life are not always at the command of those who have many a broad acre in possession. The productions of foreign climates have become almost indispensable necessaries. The offsprings of the ocean constitute a great source of sensual enjoyment, and articles of manufacture unknown to our fathers are now familiar in household economy—all these are not easily obtained by the emigrant; and though he has ample granaries, yet the sum of comfort is less than if he had remained in his old habitation. To take a higher view of the subject, the social advantages of a compact population preponderate greatly over the coarser benefits of sprinkled settlements. The development of the human mind, which contributes in so extraordinary a degree to the happiness of our race, occurs only in dense communities; the great inventions in the arts have been made when there was a superabundance of labor, and the wonderful discoveries of science, which have displayed the laws of the material world to human vision, have been caused by the necessity of men's turning their attention to other pursuits than those of mere physical exertion. Need I dwell on the humanizing influence of literature, and the graceful refinements of art? These are not confined to the rich and the great, but are felt in the humble dwellings of the poor; they soften the manners, widen the circle of innocent enjoyments, and elevate and strengthen the character. If man be more than an animal, if the qualities of the intellect were bestowed on him for cultivation, it is proper that they should not be choked by the rough tares of mere sensual pleasure.

The people of the old world look on a few acres of inheritance with pious regard. The owner is warmed at the same hearth which gave comfort to his ancestors, and he enjoys the shade of the old trees planted by their care; every thing around connects him with the past, keeps fresh in memory the deeds and virtues of departed generations, and cherishes the most hallowed feelings of the heart. The same dwelling is to be the abode of his own children, and another tie thus links him to the spot; thinking of the past, and looking to the future, feeling that the spirits of the dead are watching over their earthly home, and that the hopes of the living are dependent on his conduct, he is ashamed to disgrace his fathers and to blast the character of his posterity; and thus has a double incentive to honest and generous actions. How different are the circumstances of our own country! The policy of the Government, in constantly exposing to sale new tracts of land, has lessened the value of our soil, and destroyed those sacred ties which should bind us to our early homes. If a man could make fifty dollars by the contract, he would sell his paternal acres with the bones of his ancestors; one place is as dear to him as another, and he feels but little regret in leaving forever the scenes of his childhood, and banishing from the mind their sweet associations. The moral character of our people is also affected. The facility with which persons can emigrate removes from society a check on vice and crime; the fraudulent debtor, the house breaker, and the assassin, not only escape the consequences of guilt, but, with a little impudence and energy, they acquire from the Government valuable possessions. It may be asked, should men be forced to cultivate a poor soil, when the rich valleys of the West can be reached? We must not forget that the lands of the old States were once fertile, in their virgin condition they produced most bountifully, and with proper care would, to this day, have sustained in comfort a numerous population. But where land is given away by the Government, the agriculturist is cruel and mercenary; he taxes its powers to the utmost extent without reparation; and, having drunk its life-blood, he removes to more inviting spots, to practise the same unprofitable husbandry. The Arab of the desert pitches his tent where he finds green herbage and a spring, and, having exhausted these blessings, he flies in search of others; so our citizens seem to have no home, no local attachments, but go where they can get the most for the present time. The consequence is, we have a miserable system of agriculture, and the most profuse habits of any people on the globe. It is almost useless to improve the land, or to ornament it with elegant and substantial buildings, so probable it is that the next generation will leave it to decay. The soil which is now considered the best, will in its turn be worn out, and the tide of emigration will flow to newer regions. Where, then, is the wisdom of a policy which impoverishes one section of the country, and keeps our people in constant motion? I have endeavored to show that it promotes neither the strength of the nation nor the happiness of individuals; that it retards intellectual advancement, and banishes some of the finer feelings of the heart; and if mere temporary convenience be overlooked, and the permanent welfare of the country alone be considered, more evil than good will be found attendant on the present system. The public lands should have been brought into market gradually, and according to the wants of an increasing population. Had this been done, the old States would now have been in the highest condition; the wealth and improvement diffused over a large surface would have been concentrated, and magnificent results would have followed. The people in this extensive country would have been made homogeneous; the surplus of Northern enterprise and industry would have flowed to the South; our institutions would have been strengthened, and more correct principles and feelings would have existed.

But whatever may be the effect of this land policy on the general welfare, it has been deeply injurious to the Southern portion of the Confederacy. An early traveller into North Carolina speaks with wonder of its fertility, and the various fruits which are spontaneously yielded by the earth. Now the soil is worn out, the people are gone, and this young and lovely land is almost in a state of desolation. The same remark is applicable to the whole South; the commerce and manufactures of the Northern States, and accessions to their population from Europe, have saved them from this exhausting process. If all the people born in North Carolina had remained in its limits, our swamps and low grounds would have rivalled the valley of the Nile in production, and our pine barrens would have been flourishing with the vine, the olive, and the mulberry. We have, therefore, reason to complain of the policy of this Government. Let not gentlemen speak of the nation: Those who are continually prating about the good of the whole, and pretend to know no difference between Massachusetts and Virginia, always manage to consider their own interests the general welfare. I, sir, was not sent here to legislate for all mankind; those whom I represent are nearest to my heart, and that land, which gave me birth, and has early honored me, is the first in my consideration. Others may act as it pleases them, but I will never sustain a policy so detrimental to the people with whom I am connected.

If these remarks be unavailing, the patriot should fear for the permanence of the Republic, when he thinks of the enormous extent of its territory. Already have the jarring interests of the different parts created violent contests on this floor, and disseminated through the country the seeds of ill feeling and of future strife. New England contends for the protection of its industry, and the South demands free trade on the ground of policy and justice. The West talks of seizing the public domain, and the East denounces the act as plunder and villany. The representatives of the nation assemble here to provide for the general welfare; but no measure is brought forward, no question is discussed, no law is passed, which affects all portions equally, and which is not supported and opposed according to its bearing on sectional interests. Do gentlemen wish to increase these difficulties? Let us not deceive ourselves with the notion that the charm of our Revolutionary struggles will last forever; the glories of Bunker's Hill, of Yorktown, and of King's Mountain, are the property of the nation, and will be dear to the latest prosterity; but these alone cannot keep us together; they may satisfy enthusiasm, but will not actuate statesmen. We must have the same feelings and the same interests; above all, this Government should abstain from interfering with local affairs, either for good or evil.

The great object of a American patriot should be to strengthen our institutions. Premature growth in the human body, though it excites the wonder of all beholders, is too often the cause of early dissolution; the stature and the limbs exceed the strength, and the bright promise of youth is blasted, while those who gradually ascend from the weakness of childhood will surely attain a sound and healthful maturity. This political fabric reared by our fathers is fair to the sight, and we indulge the hope that it will bear the storms of time, and give protection to future generations; but there is reason to fear that these constant additions will injure the whole structure, and this glorious work of the Revolution tumble into ruins, from inability to sustain its own weight.

A few days ago, when the bill for the removal of the Cherokees was under discussion, we heard the most pathetic lamentations over the condition of the poor Indian. The hoarse croakings of fanaticism, and the dove-like accents of philanthropy, were joined in the solemn chorus, and one would have thought that these gentlemen were anxious to surrender the possessions acquired by the cunning of their pious ancestors. Sir, I voted for that bill, and I felt indignant at the attempt to set aside a treaty sanctioned by all the authorities of this Government; but now I will join these benevolent gentlemen—I will co-operate with the in doing justice to the savage, and in healing the wounds inflicted by our fathers. I understand that all these Indian treaties are tainted with fraud, or the poor natives are forced into compliance with the wishes of our people; let us, therefore, strike at the root of the evil; let us, henceforth, abstain from the purchase of Indian territory; let us keep our citizens from encroaching on their possessions, and we shall have no more wars, no more "expenditure of blood and treasure" on the frontier. What says the gentleman from Vermont, [Mr. EVERETT,] who has signalized himself in behalf of the Cherokees? Will he accede to this proposition? Is he willing to let the Indians retain the remnant of their property, and to confine the white men in his present borders? Sir, those who groan most piteously over Ross and his associates are eager enough to drive or cajole the savags of the Northwest, and the gentleman himself [Mr. EVERETT] has offered an amendment to this bill, appropriating ten thousand dollars to the laudable purpose of making treaties with the Indians, that is, of cheating them out of their lands. I fear that this modern philanthropy, like the fluid of the thermometer, rises as it approaches the South. The new code of morals recognises a difference between Northern and Southern Indians, and some gentleman may think it politic and sagacious to lay the corner-stone of a friendly nation in the heart of the Southern country. We shall remember their kindness.

It becomes a great people to be just and generous. Our fathers found this continent in the possession of a noble race of freemen and warriors; by a policy, which I need not designate, the natives have melted away from the face of the earth, and to the white man belong the seats of their council-fires, and the graves of their ancestors. Without any sacrifice but that of avarice and ambition, we might now repair the wrongs which two centuries have been accumulating, by collecting the remnants of this ill-fated people, and guarantying to them the country not yet admitted into the Union; by sincerely offering the hand of friendship, and making them acquainted with the blessings of Christian civilization, we might bring into existence a great empire to check the insolence of too much prosperity, and we should certainly shed on our country immortal honor by this act of national justice.

The honorable gentleman from South Carolina [Mr. THOMPSON] opposes the bill, because its tendency is to increase the strength of the non-slaveholding States, which are already preponderant in the Confederacy. I regret the introduction of this topic, not that I differ from my honorable friend, for his sentiments bore the impress of truth, but the objections to the measure are so many and powerful, that it is needless to resort to one of an irritating nature. If we oppose the bill on sectional grounds, our enemies will support it for the same reason, and its passage will be quick and certain, as we are already in a minority. I have, therefore, confined myself to general considerations. I have endeavored to discuss the subject in relation to its bearings on the whole country, and I hope that those who have to decide the question will view it in the same spirit of enlarged patriotism.

REMARKS OF MR. RANDOLPH, OF NEW JERSEY.

In the House of Representatives, May 15, 1838—The House being in Committee of the Whole on the state of the Union, on the "bill to carry into effect an act approved on the 12th day of October, 1837, to authorize the issuing of Treasury notes"—

Mr. RANDOLPH of New Jersey, rose and said: Mr. CHAIRMAN, being opposed to the present bill, and having voted against the similar one which passed at the special session, I feel it a duty which I owe as well to myself as to those I have the honor of representing, to embrace the present opportunity, the first which severe indisposition and other uncontrollable causes have afforded me, to state my objections as well to the bill now before the committee as to the whole system of which this is a material part. The bill now under consideration purports, by its title, to be intended simply "*to carry into effect*" the Treasury note law passed in October. That law authorized the issue of ten millions of Treasury notes; and the principal reason urged for the passage of this bill is, that the whole amount has been issued, and, of course, the whole law carried into effect. Why, then, this deceptive title? Is it intended to deceive the people as to the real state of things? Is the Government affraid that the people should know that, having exhausted one loan of ten millions, (for the issue of Treasury notes is but a loan in disguise,) they now ask another ten millions? This measure is pressed upon the House with great zeal, and extraordinary efforts are made to procure its immediate passage. We are now legislating under a mandate from the Executive; a message not simply giving us the information of the bankrupt condition of the Treasury, and asking the Legislature to provide for the exigency, but requiring of us to pass this bill with all expedition, and urging the tyrant's plea of necessity, to preclude deliberation and debate. Sir, when we have sunk so low as to be the mere registers of Executive rescripts, we shall be worthy imitators of a corrupt and degraded Senate of Rome, and no longer be the Representative of a free people. We are urged to the immediate passage of this bill because the Treasury is bankrupt. Sir, are there no other means to raise the nation from disgrace and ruin? May not a loan in name, as well as in fact, be effected, the premium on which would counterbalance the interest? May not the bonds due from the United States Bank be sold; nay, sir, is it not a fact, known to the Executive, that that institution is ready and willing to pay off those bonds, though not due for months to come? Have not the opponents of the Administration, and of this bill in particular, on two several occasions since the commencement of the present discussion, proposed without debate or objection, to authorize a loan or the issuing of a sufficient amount of Treasury notes to meet the present exigency of the Treasury? Why, then, is the condition of the Treasury urged as a reason for immediate action? Is not this used as a mere pretext, a cloak, for other purposes? *The Treasury bankrupt!* What has reduced it to that condition? But a few months since the people of this great Republic were prosperous and happy, and the national exchequer full to overflowing; now our currency and exchanges are deranged, commerce and manufactures almost annihilated, and thousands reduced from competency to poverty and ruin; and, as a necessary consequence, the Treasury bankrupt, and the "powers that be" compelled to beg a pittance to keep the wheels of Government in motion! Why is this?

I confess, Mr. Chairman, for one, I would most cheerfully waive all discussion of the cause of our embarrassments, and look alone to the remedy proposed; but the glove has been thrown down by our opponents; and on our arrival here in September, fresh from a much injured people, we were met by that cold, calculating message, which evinced no sympathy for their distress, but kindly informed us that the people were their own destroyers, in spite of the paternal care of the Administration. I thought then, and still think, that this was something like adding insult to injury; and that the Representative would be recreant to duty who would not defend his constituents from so foul a charge. At one time we are told, sir, that the cause of our present embarrassment is a mere ordinary *revulsion* of trade, brought on by our merchants, and extending alike to this country and to Europe; and the mercantile community have come in for a large share of censure; they have been designated on this floor "the most mercenary, if not the most patriotic," and no effort spared to make them the scapegoats of the many sins of the Administration. But I had thought that, from the time John Hancock and the merchants of Philadelphia contributed their millions to the cause of American liberty unto the present hour, they had been the most patriotic and enterprising of our citizens. Who have done more than they to extend the commerce, the wealth, the honor, and the glory of the nation? Whose sails have whitened every sea, whose vessels displayed our country's flag in every port? The same class who, without causing the embarrassment, are its first and most unfortunate victims. Nor is it correct that this revulsion extends to England and other nations of Europe, and arises there, as here, from excessive bank issues. The assertion has often been made, but the proof never adduced, because it was not to be found. Partial embarrassment, doubtless, did exist there; yet even this arose from the American trade, and extended only to the American houses and those connected with them. All our accounts from England and the continent confirm this; and, if further proof were needed, I might refer to the able pamphlet of Mr. Horsley Palmer, lately published in London. Nor is it true, sir, that the embarrassments in Europe arise from an overissue of bank paper. That banking capital, as well as trade in general, has been increasing in England for the last ten years, is not to be denied; but in the year immediately preceding the embarrassments there and here, there was a decrease of bank circulation. According to the statement rendered January 26, 1837, by Count d'Argout, governor of the Bank of France, the circulation of that institution varied, in 1835, from two hundred and seven to two hundred and forty-one millions of francs; whilst in the year 1836, it was from one hundred and ninety-two to two hundred and thirty-one millions of francs; there being an average decrease in the circulation of twelve millions and a half of francs. And in June, 1836, the aggregate amount of the circulation of the Bank of England and the several private and joint stock banks was thirty million one hundred and one thousand pounds; whilst in June, 1837, their circulation amounted to twenty-nine million and seventy-four thousand pounds; showing a decrease of one million and twenty-seven thousand pounds sterling.

At other times it is alleged that our present situation arises from *over-banking, speculation, and over-trading.* Grant, sir, that these may have been the immediate causes, yet the inquiry still arises, from whence originated thes causes, and how have they operated? I apprehend, sir, that the seeds of our disease are discoverable at a much more remote period than is generally imagined; they were sown before and during the whole of the late Administration, and we are now reaping the abundant harvest. Sir, to promote the election of the late Chief Magistrate, hundreds and thousands were allured by flattering promises of promotion to forsake their honest avocations and turn politicians; and when the old chief was conducted in triumph to the Capitol, this army of mercenaries flocked around him, demanding support. Then, sir, for the first time, it was openly proclaimed, from this Capitol and through the nation, that all offices and honors were the legitimate "spoils of victory," which belonged to the victors; then, too, was forgotten the maxim of the old Democracy: "Is he honest, is he capable, is he faithful to the Constitution?" and, in its place, devotion to the President and *all* his measures was made the *shibboleth* to office. The President, according to the theory of the British Constitution, could do no wrong, and he became the fountain of honor and the dispenser of patronage and power, and the aspirant was taught to look to him and not to the People for promotion; to obey him and disregard the People. And, sir, with the aid and advice of the *clique* that surrounded him, no man ever flattered or fed his followers better than he; their passions, their prejudices, their interests, their credulity, were all laid in requisition. To them he appealed on every occasion, from the decision of this House, of the Senate, of the Judiciary. He took the *responsibility;* and his followers, "treading in his footsteps," plead his illustrious example in extenuation of every excess. Sir, the usual current of society was broken up, and men, bankrupt in estate and in reputation, were seen ascending the ladder of fame and fortune. The forms of law and constitution were too slow in their operation, and mob-law and massacre became the order of the day. Men forgot their old modes of living, and a kind of frenzy, the most unnatural and fatal, seemed to have seized the community; and although the wheel of pretended reform, the great Juggernaut of the party, was kept in constant motion, crushing the vanquished by thousands, and providing for the faithful, and other thousands took the law in their own hands, and quartered themselves upon the public domain, yet still other thousands, like swarms of locusts, poured in from the battle field, and demanded, in threatening shouts, their share of the "spoils." They had been taught to live without means; and now they came seeking at the footstool of power for means to live. In this way the public mind became excited with false hopes, and prepared for over-action, or to embark in any extravagance, whenever the means should be presented; and these, sir, were soon provided.

It was hardly to be expected, sir, that an Administration that had sought power in every possible form, descending to offices the most trifling and insignificant, would not aspire to control the vast money power of the country. Accordingly, it soon projected a grand exploring expedition, ostensibly in search of "the better currency," but really to discover and obtain the philosopher's stone, that should transmute to them the golden power of our whole monetary system. In pursuance of this design, the President began his attack on the United States Bank and the currency it furnished. It had long stood the balance-wheel of our monetary system, the regulator of exchanges, the check to excessive banking, over-trading, and speculation; but these its virtues were evils in the eyes of those who sought its overthrow. Attack succeeded attack, until at length "the monster" tottered and fell. One of the means used for its destruction was the removal of the deposites, in violation of law and in disregard of the National Legislature; and these, as part of the "spoils," were distributed amongst some ninety banks, which were urged by the Secretary, and by the President himself, to increase their discounts and circulation on the faith of the public deposites, and thus prevent any difficulties that might arise from the necessary contraction of the United States Bank. And it is alleged, on the authority of Mr. Gallatin, that when the New York deposite banks deemed it prudent to stop further issues, they were directed by the Secretary to continue their expansion, or yield up the deposites to more obedient institutions. Thus, sir, commenced the business of *over-banking*, one of the alleged causes of our present condition. But not only were the deposite banks required to extend their circulation, but the States were incited to erect institutions that should take the place of the National Bank. Whoever will take the trouble to examine the columns of the Globe, and other leading journals of that period, will find that the different State Legislatures, a majority of whose members, in nearly every State in the Union, were of the party, were constantly and earnestly urged, and almost commanded, to attend to what the Globe called "*the business* of creating State banks." From January, 1830, to December, 1836, the number of banks was increased from 330, with a capital of $145,192,268, to 677, with 146 branches, and a capital of $376,421,168. During the same period the Administration Legislature of New Jersey chartered some fifteen or sixteen banks, increasing the banking capital of the State from a little over two to near eleven millions. Several of these banks were created by party votes for party purposes; but candor requires me to add, that in this State, as doubtless was the case in others, some of the opponents of the Administration too willingly followed the recommendation of the Globe, and joined in aiding the great increase of bank paper, and in the delusive schemes of speculation which this expansion engendered; they doubtless contributed to the evil, though they had not the power, as had their adversaries, to prevent it.

Thus, sir, the measures of the Administration first prepare the men and the public mind in general for over-action and speculation, and the means by which they may be conducted; the means and the end stimulate each other, speculation increases, and this increases the demand for bank facilities, and this demand is further satisfied by the passage of the gold bill, and the large importations of specie. The former, by depreciating our coin, and thus rendering the comparative value of gold about two and a half per cent. more in this country than in Europe, caused a large amount of the precious metal to be imported; and to this amount the hard-money mania of the Administration added, to the injury of the claimants, the French and Neapolitan indemnities. So that in the years 1834, '5, and '6, the importations of specie amounted to $43,209,451—more than double the usual amount; then was first erected that golden idol, which is now mingled in our cup of affliction, of which the people are drinking the very dregs. All would certainly desire to see an increase of specie upon proper principles; but even gold may be bought too dear, and is so bought when its influx disarranges trade and unsettles a quiet state of affairs. But a small amount of this large specie importation was seen "flowing up the Mississippi," or "glittering through the interstices of the long silken purses," as had been promised. Being too valuable for circulation, it was conveyed as merchandise to the vaults of the banks, there to become the basis of from three to ten times its amount in paper money. Thus speculation was excited to the highest possible pitch; towns and cities were laid out, which will not be built up in a thousand years; millions of acres of the public domain were bought and sold, which will not be peopled for ages; all dabbled in the bright schemes of the day, from the highest Government officers down to the humblest individuals. City vied with city, town with town, and man with man, in the extent of their delusive daring; splendid fortunes were made in a day, and, as it had long before been predicted, an unnatural state of society and the extreme of extravagance succeeded, which was fed by immense importations—the *over-trading* complained of as the *cause* of the present evil. The country, to a casual observer, appeared to be enjoying unexampled prosperity; and the people were taught so to believe, and to ascribe unmeasured glory to the Administration.

Having shown, Mr. Chairman, what were and what were not the causes of our embarrassment, let us next inquir into the operation and effect of those causes. Overtrading created a heavy debt in Europe, which was increased by the importation of specie and the operation of the gold bill, in depreciating the coin; and in changing our standard from silver to gold, the same as that of England. The specie imported from England alone during the years 1834, '5, and '6, amounted to $8,954,131—more than four times as much as had been imported in the preceding twelve years; and from March to November, 1836, the bullion of the Bank of England was reduced three million eighty-one thousand pounds sterling, nearly one-half its whole amount, and leaving much less in its vaults than had been there in many years. England and the bank became alarmed, panic-struck, and the American merchants there were refused the usual accommodations, required to pay up former advances; they were consequently compelled to suspend business, and press their debtors in this country for immediate payment. In this critical state of things, I cannot forbear noticing, Mr. Chairman, the insidious efforts made in England, and by American citizens, too, (we are told, in imitation of the Administration press here and its leading supporters,) to impair the credit of our merchants and institutions there, and thus to increase the panic and distress; nor will I forbear, sir, adding my humble commendation of the noble effort made in London to disabuse the public mind, by a gallant officer of the navy, a citizen and resident of the State I have the honor in part to represent. This state of things in England materially lessened the demand for American produce, and of course its price, except as to such articles as, owing to a failure of crops, we were unsupplied with. Cotton alone, ordinarily amounting to one-half of our exports, depreciated in price more than fifty per cent.; making a loss on that single article of from twenty to thirty millions of dollars. Another result was the rise of foreign exchange, and consequently the price, and exportation of specie to pay off our foreign debt. Domestic exchange of course soon became deranged, and this derangement was increased by the unskilful mode of distributing the surplus amongst the States, and the incapacity of the deposite banks to regulate exchanges. The foreign demand for exchange and specie became excessive; exchange on London rose to twenty-two per cent. and specie to twelve per cent. premium; and this demand was met by the operation of the specie-circular, issued and still continued in disregard of Congress and the people, and of every sound principle, which carried coin westward, when the course of trade called for it eastward. Thus was created a double run for specie on the Atlantic banks, which, in order to save themselves and the country, were compelled to suspend specie payments. And thus, sir, the bubble burst, and spread bankruptcy and ruin throughout the country; and the golden dreams of the Administration and its deluded victims vanished, like some beautiful mirage, leaving only the arid plains or turbid waves behind.

The suspension and non-resumption of specie payments by the banks have drawn upon them much odium and censure, and some effort has been made to excite popular indignation against them, although the suspension is now acknowledged by all intelligent and candid men to have been a prudent and necessary measure. Sir, I have not now, and never have had, the smallest interest in any bank whatever; I never asked of them a favor or owed them a dollar or a sympathy, beyond what justice and the best interest of my country required. Yet, sir, I will not stand by and see them assailed for political effect, without attempting to do them justice. Sir, the war upon the currency, and the proceedings which flowed out of it, compelled the banks either to suspend, or curtail all accommodations, and require immediate payment, in specie, of all dues. The golden rule only required of them to pay the same kind of currency that they received or demanded, and it is like manner required the people to pay the same kind which they demanded. The Secretary of the Treasury, in his report, makes the loans, circulation, and deposites of the several banks in the United States, prior and subsequent to the suspension, as follows, viz.

1837.	Loans.	Circulation.	Circulation and deposite.
January 1,	$522,891,461	$151,308,120	$380,971,216
July 1,	502,557,093	117,764,759	211,521,236
Decrease,	$20,334,368	$33,543,361	$69,449,980

This statement shows that, since the suspension, the banks have paid off about one-fourth of their debts, consisting of circulation and deposites, whilst the people have only paid to the banks about one-eleventh of their debts; since the 1st of July there has been a considerable decrease on both sides. A shallow effort has been made to show that, whilst those to whom the banks are indebted are the people, those who owe the banks are not the people. The fact is, the large dealer who owes a bank has the amount due him from smaller dealers, and they expect to receive their amounts in the small sums due them from all classes of the community. The banks, since the suspension, have been prudent, and contracted their circulation; whereas, during the suspension of 1816, the circulation was greatly expanded, and of course became depreciated. The statement also evinces that the banks are perfectly sound, and that it would be to their interest to resume at the earliest possible period that it could be safely and permanently done. They have no motive to favor a National Bank, which it is said might crush any of them; but their interests are adverse, and arise principally from the extent of their circulation. It is not to be presumed

that they are entirely guiltless of the over-banking; having no check, and being unduly stimulated, then too blindly followed the *ignis fatuus* of the Administration, and have become the victims of their credulity. If, instead of suspending specie payments, the banks had attempted to sustain themselves by curtailing their discounts, and calling in their debts in specie, how much greater would have been the distress throughout the community; and yet their efforts must have eventuated in a suspension.

Why do they not resume, then? Because the Government, so far from aiding them, impairs public confidence in them. Whether they resume or not, Government will not take their paper; the people would rationally conclude that, if Government refuse their paper, there must be something wrong about them, and they, too, would refuse to take, or at least to retain, their paper; and a resumption, under this state of feeling, would be followed by constant demands for specie, until their last dollar was gone, or they be compelled again to suspend. In 1816, the Secretary of the Treasury issued a general circular, proposing to receive in payment of public dues the notes of such banks as should resume by a stated period; and although the banks were then in a much worse condition than now, by this open confidence of the Government they were enabled to resume; and had the Secretary pursued a similar course in the present exigency, the suspension might long since have terminated. The Secretary understands this perfectly well; and in his private letters, to influence the New York bank convention, acted upon the principle for which I contend. If his private letters would, in his opinion, induce the New York banks to resume, what would not, according to the same opinion, a public circular have effected? Why, then, this private tender of confidence to a few, instead of an open, manly course to all? If, instead of passing the Treasury note bill, in October, a loan had been effected, and a general circular similar to that of 1816 issued, the former would have reduced the foreign exchanges and specie to par, the latter restored confidence, and the banks might very probably have resumed before Christmas. Have we not then, sir, a right to conclude that the Government, to forward some sinister design, perhaps the establishment of a Treasury bank, are opposed in fact to a resumption? Sir, in your search for a better currency, you have rooted out the old principles of Government, doubled our expenses, deranged our currency, overthrown our trade, broken up the exchanges, and upturned the very condition of society; and when the people complain, they are treated with scorn; and, when they answer at the ballot-box, are taunted with bank influence; from that cordon of banks, too, whose potency contributed not a little to the elevation of him who taunts. Sir, it was ungrateful thus

"——to turn his back upon them,
Scorning the base degrees by which he did ascend."

Sir, the measures of the Administration having brought us to what we are, we have pressed upon us an untried experiment, of which the bill before us is a material part. A divorce is demanded from all banks. Sir, you wooed them and won them; and, before you ask a divorce, restore them to their purity, and the country to what you found it.

The remedy proposed is a hard money system, aided by Treasury notes, the revenue to be receivable in these only, and kept by the officers of Government, instead of being deposited. I am opposed, sir, to the system, and to every part of it, and to this bill in particular, without which, in my humble judgment, it cannot be sustained. I will vote for any loans or supplies that may be necessary, and I do not desire to embarrass the Government; but the sooner it is brought upon a level with the people, and compelled to take the same kind of money they take, the sooner will it aid the people and the banks in resuming confidence and specie payments; and so long as the Government can obtain Treasury notes it will continue its plan, hostile to the banking and credit system of the country. We had an instance of this, sir, in the call for the special session; the people represented their grievances, and petitioned in vain for such call; but when the Government became reduced to the same condition as the people, the President issued his proclamation. A loan could only be obtained in the currency of the country; and if compelled to resort to this, instead of Treasury notes, the Government would of necessity add their influence and energy to the efforts of the banks and the people to cause a general resumption of specie payments, and a restoration of the community to their former vigor and prosperity. Sir, the Government and the people are one, subject to the same destiny, and must have the same currency: two can no more exist at the same time, than opposite streams or currents of air in the same space. The Government must come down to the system of credit and confidence of the people, or the people must be laced up to the scanty hard money system of the Government. The controversy is between the Government and its system, and the people and their system. Sir, we neither have nor can retain in the country a sufficient amount of specie to carry out the Government plan. The report of the Secretary shows about thirty-five millions in bank; and, as there is but little in circulation, there is probably not over fifty or sixty millions now in the country, instead of seventy or eighty millions, as has been represented. Forty millions has heretofore been the usual amount estimated to be in the country. Suppose, however, we can in future average fifty millions; the Government, its agents, add brokers, will require at least twenty; as much more will be necessary for change and circulation, and you leave only about ten millions as the basis for all bank issues; consequently, you contract our whole circulation to some fifty or sixty millions—about a third or a fourth of its usual and necessary amount; and if you take, as a part of this scheme, the proposition to prohibit the issue of bank bills under the denomination of twenty dollars, you contract the circulation still more.

Gentlemen surely cannot see the evil that would arise from such a measure; they are led away with the minimum five pound and hundred franc notes of the Banks of England and France. Such a measure, if generally adopted, would compel every country bank in the nation to wind up its business; for it is a fact well known, that, whilst the profits of the city banks arise, in a great degree, from their deposites, the country banks look for that object to the extent of their circulation; and if they are not permitted to issue bills of less denomination than twenty dollars, their bills, instead of entering into the general circulation of the community, will go at once into the hands of the large dealers, from them to the city banks, and from them back to the issuers, so that they will be unable to retain a circulation of sufficient amount to be profitable. The people of this country, their habits, and circumstances, are very different from those of England and France, and require a much larger proportion of small money or change; here all have money constantly on hand, to a large or small amount; there millions are always penniless. Besides, England and France are old and rich, possessing an immense amount of solid capital; the wealth of the Indies and the world has been for centuries pouring into their bosom; whilst ours is but a new country, whose capital is her credit, whose wealth the enterprise and intelligence of her sons. Nor is it correct, sir, as has been argued, that the amount of specie as a currency may be increased by our increasing want of the article. Specie is either used as a currency or as an article of merchandise. Its quantum as a currency depends on the laws of trade and commerce, as merchandise on the principle of demand and supply. Increase your demand, that is, pay more for it than it is worth for circulation, and you increase the article as merchandise, but, at the same time, you decrease even the present supply as a currency. You may dam the Mississippi, and thus increase the quantity of water above, but, in so doing, you obstruct the current, and render comparatively useless that increased quantity; and this has been the great and fatal error of the late Administration, in forcing specie into this country to a greater amount than by the laws of trade we are entitled to or could retain. Sir, I desire to see our specie basis enlarged, but upon proper principles, or it becomes as useless as the gold of Midas.

One important effect of the scheme of the Government would be to weaken and eventually to destroy our credit and banking system. By collecting the dues of the Government in specie and Treasury notes only, they become more valuable than paper; and the fact of the Government refusing to take bank notes creates a distrust of their soundness in the public mind; and the people, as far as practicable, will pursue the course of the Government, and refuse them also; or, if they are received, they are paid away as soon as possible, whilst specie is hoarded. Thus the operation of the scheme will be to lessen the issue of bank notes, to return them in bank the sooner, to withdraw from the banks and circulation large amounts of specie, and thus greatly reduce the total amount of currency, and of course materially impair, if not entirely destroy, our whole credit and banking system. Sir, this system is of old standing, and associated with the dearest interests of our country. When the pilgrim fathers sought a refuge here, they brought with them but little gold and silver, and they needed but little; their own right arms supplied their wants; but these wants increased much faster than their means of supplying them, until at length they were compelled to resort to the credit, and eventually to the banking system. And this system, sir, has made us what we are. It sustained our fathers through their colonial dependence and the trying scenes of the Revolution; it raised the Government from bankruptcy and distress to wealth and happiness, cemented the Union, projected and completed our great works of internal improvement, and erected our seminaries of learning and science; and this, sir, is the system which is to be crushed by the proposed experiment. Sir, our whole system, social and political, is one of mutual confidence and credit; and I would warn gentlemen to beware, lest when they wrest from its base a main pillar of that fair fabric, they do not commence an operation that will crumble the whole edifice to ruins, and reduce a free people to a state of barbarism; when all confidence in wealth, or virtue, or human right, will rest in bolts and bars, and all law and order be superseded by the unbridled sway of the sword. Look at the effect of this scheme, sir, upon property; reduce the currency to a third or a fourth, and property and labor are reduced in the same proportion; he who is now in debt but for a third or fourth of his farm will be a bankrupt; and the poor man who now earns a competence, must labor for a shilling; and whilst you thus decrease the value of property and labor, you add three or four fold to the means of the broker, the note shaver, and the man of ready money, and enable them, through forced sales, to become the great landholders of the country—not the powerless rag barons, but the potent hard money barons of the day. You thus make the rich richer and the poor poorer, cramp our currency, paralise our enterprise, impede the march of mind and wither the prosperity of the country; you place the people, as it were, under an exhausted receiver, and then bid them live and flourish. The inconsistent projects of the Government, in first causing an excessive expansion of the currency, and then a contraction to almost nothing, remind one of those theologians who believe that the pains of futurity will consist in being compelled to inhabit some comet, where at one moment the sufferer will be burnt to a cinder in the sun, and at the next frozen to an icicle in the rayless regions of space.

I believe, Mr. Chairman, that, with some improvements as to the specie basis, and to prevent the frauds of directors, our credit and banking system is the best that has yet been devised for a free and enterprising people. It is better than the plan of Amsterdam, which has all the evils of a paper money, without any of its benefits; better than the Scotch land-security system, which affords only an irredeemable paper currency. It is no monopoly, for all may become stockholders. Nor do the banks, in fact, trade on the Government money, as has been alleged; it is but a mere exchange of credit and confidence—the banks taking the credits which the Government has, and giving their own credit in place of them; and whether the Government credits consist of paper or specie, it makes but little difference; for, after all, it must rest upon mere confidence somewhere. You cannot individualize the Government, and suppose it to hold its revenue in its right hand; it must place it in bank, or individual deposite, and receive in lieu of it only the credit or confidence in him who takes the deposite. And the objection of an excess of paper money comes with ill grace from those who now propose, by this bill, to add to that excess ten millions of Government paper. Nor does the constitutional objection to the creation or receiving a national currency come with better grace from the friends of this bill. If the Government has the constitutional power to authorize A B (its Treasurer) to issue paper money, it has also the power to authorize A. B and Co. to do the same thing; for if the Constitution gives a power, the mode of its execution is a mere question of expediency. Having, however, no doubts in my own mind on this subject, I leave the parallel cases to those

——"who can a hair divide,
Between its north and northwest side."

It is not to be denied, sir, that Government has the abstract right or power to collect its revenue in specie. It may be "well to have a giant's strength, but tyrannous to use it like a giant." I deny the moral right of the Government to abstract from circulation so much specie as will derange the currency. There is a general and a special property in specie, as in the air we breathe, or the stream that irrigates our meadows, or turns our machinery; and the Government, like its citizens, is morally bound by that principle which requires us so to use our own rights as not to impair the rights of others. Unquestionable as the abstract right of the Government is to select its kind of currency, and the mode of its custody, it is not more so than the rights of States, corporations, and individuals, over the same subject: and suppose they, too, were to adopt the Government plan, and receive nothing but specie or their own notes; establish their own independent treasuries, with their vaults, and safes, and iron chests; what a beautiful system of things we should soon have! Every department of society bound up and paralyzed by our own folly, and the whole political and social machine entirely stopped by the forcing of an absurd and antagonistic principle into its every wheel and motion! Why, the mere private deposites alone, according to the late report of the Secretary, amount to $127,397,185; about double our whole amount of specie; and if the depositors were to adopt the Government scheme, and attempt to withdraw this sum from the banks, and place it in their own iron chests, their own independent treasuries, what would become of the golden currency and golden dreams of the Government? And in comparison with the thousands of millions required for the business of the People, what is the twenty or thirty millions of Government revenue, that the former should be deranged to give a security to the latter? A security! No, sir; the most unsafe system for the public revenue ever devised; a system exposed to loss from defaulters, from accident, from robbery, elopement, and from every possible source; and the President but mocks the People with his taunts about the comparative safety of the public vaults, and the security arising from the fact of the whole revenue amounting to only thirty thousand dollars to each receiver and collector; as if the safety of the revenue consisted in the bars and bolts that confined it, and not in the confidence in those who possessed the means to unlock and dissipate the unsunned treasure; or as if a mere arithmetical division, without one in fact, of the public money, would add to its security in New York and other places, where it is amassed in millions!

One objection more, Mr. Chairman, and I have done. The proposed scheme will add immensely to the expense and power of the Federal Government. What may be the object of the Administration is not for me to say; it may be pure and patriotic; but, if so, why keep aloof from the banks and business of the people? Why not lend them your countenance in an open and manly form? Why not repeal the Specie Circular? Why not adopt, at once, the resolutions which have been offered in this House and in the Senate for these objects? Why vote them down by party votes? If the object of the original hostility against the banks and currency was to obtain power, may we not conclude that that is still the object? and that, by lying like an incubus upon the business of the country, and discrediting bank paper, you may crush the State banks, and substitute a grand Treasury bank? And thus, by acquiring the expanding, and contracting, and controlling power of the currency, you have in your hands the entire money power, with all its evils. The bill of October authorized the issue of Treasury notes; this, in effect, authorizes the reissue; but one step more, and you have a regular Treasury bank of issue; and another small supplement, to carry these acts "*into effect*," and you have the whole—a bank of discount and deposite. Sir, it is idle to tell us that the banking power must be subject to the Government, to prevent the Government being subject to it; such an absurdity was never heard of until the late strife between the Government and the banks. No, sir, let there be a divorce—a divorce of the Government and the money power. So fearful were the statesmen who formed the Constitution on this point, that they prohibited the Senate from originating a money bill, because it exercised a part of the Executive power; but so much have we degenerated, that we now willingly place the whole money power, not with the Senate, but with the President alone; in the hands of one man, whose subaltern officer, daring to be honest, may, according to the doctrine of the day, be stricken down at the moment, and superseded by one who

"Will crook the pliant hinges of the knee,
Where thrift will follow fawning."

Sir, the Democracy in which I was nurtured taught me to guard against the consolidation of power in the Federal Government; but the late and present Administrations have, by the spoils of office, the public patronage, the purse and the press, by the prostration of the Senate, the Judiciary, and the people, done more to overthrow the rights of the States, and consolidate all power in the hands of one man, than all other Administrations combined; and yet they claim to be the exclusive Democracy! Sir, our political institutions, I fear, are verging to a fatal crisis; the premonitory symptoms of disease have long been upon us; the collapsed state is fast approaching; the life blood of the Republic is concentrating here, whilst the extremities are languishing, dying. The wheels of Government may still continue in motion, the different departments may seem to perform their proper functions, and we sit here and legislate under the cold forms of the Constitution, and beneath the ample folds of that broad banner which is now floating above us; but virtually the spirit of the Constitution will have departed, the broad stripes and bright stars be blotted out, and but a single gem, the fit emblem of a consolidated Government, emit its dazzling ray to a deluded and degraded people.

REMARKS OF MR. SHIELDS,
OF TENNESSEE,

In the House of Representatives, Wednesday, June 6, 1838—On the bill from the Senate to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa.

Mr. SHIELDS said that it had formed no part of his expectation whatever to address the House on the subject of this bill, nor did he then intend to attempt any thing like a speech; but being incidentally entitled to the floor,* he would take the occasion to express briefly a few of the reasons that would induse him to vote for the bill on its passage.

This bill, Mr. Speaker, said Mr. S. provides for the division of Wisconsin Territory, and for the establishment of a separate Territorial Government in Iowa. The object of the bill, he said, was in strict accordance with "safe precedents," and necessary to the welfare of the people in that portion of Wisconsin which lies west of the Mississippi river; and he did not consider the question as to the annexation of Texas, that had been

* Having moved the adjournment the evening previous.

raised on yesterday by the gentleman from South Carolina, [Mr. THOMPSON] at all involved in the success or defeat of this measure, or in any of its provisions. He found, on examination, that as early as the year 1800 the Northwestern Territory (which then comprised all that section of country northwest of the river Ohio, east of the Mississippi, and west of the States of Pennsylvania and New York, to our northern boundary) was divided into two separate Territories. The newly constituted Territory carved out of the then Northwestern Territory was, as is well known, called the Territory of Indiana. (Land Laws, p. 451, sec. 1.) This Territorial Government of Indiana was to go into operation, says the act constituting that Territory, so soon as "satisfactory evidence should be given to the Governor thereof that such was the wish of a majority of the freeholders, notwithstanding there might not be therein five thousand free male inhabitants of the age of twenty-one years and upwards." Here were two Territorial Governments existing at the same time in the same district of country, divided only by an imaginary line, one of them having a population of less than five thousand free males of and above the age of twenty-one years. The Northwestern Territory still continued under a Territorial Government until it was erected into a State in 1803, three years after the division had taken place. (Land Laws, p. 474.) The Indiana Territory was divided, and the Territory of Michigan formed therefrom in 1805. And in 1809 Indiana was again divided, and the separate Territory of Illinois constituted, while Indiana herself was not admitted into the Union on an equal footing with the other States until December, 1816; there being thus *two* Territorial Governments contiguous to each other for four years, and three of those Governments, under the guardianship of the General Government, in the same relation to each other for the term of seven years. (Land Laws, pp. 514 and 718.) Mr. S. also said it was well known that Wisconsin enjoyed the benefit of a separate Territorial Government for some time before the State of Michigan was admitted into the Union; and the delegate from Wisconsin had his seat here while Michigan was still a Territory. This much he had thought proper to observe in reply to the allegation so frequently made yesterday, that it had not been usual to constitute separate Territorial Governments contiguous to each other in the same section of country; and that few instances had occurred, it had been said, of dividing a Territory, except for the purpose of forming and admitting a State into the Union. The reverse he found to be true. As far as the authority of precedents could go to establish the propriety of the course sought to be pursued by the Government in the proposed measure, he thought it sufficiently ample. The action of the General Government in like cases had been uniform. Whenever it had appeared to be necessary for the happiness, welfare, and convenience of any portion of our citizens residing in distant parts of our Territories, it has been the benign policy of the Federal Government to extend to them the benefits, blessings, and protection of civil government. Indeed, it was necessary for the safety and protection of our right to and possession of the soil itself.

Surely, said Mr. S. a good case had been made out in the present instance. The Territory of Wisconsin embraced one of the most extensive, rich, and fertile sections of country within the limits of the United States, with a population of more than fifty thousand souls. It was something like a thousand miles in length from east to west, and eight hundred in width, comprehending an area equal in extent to that of some three or four of the largest States in the Union. Two-thirds of its inhabitants and the greater portion of its territory lay west of the Mississippi, which was to be the boundary when the proposed division should take place between the new Territory of Iowa and Wisconsin. This river, and the great distance to be travelled over in traversing this country, formed a very considerable barrier to the intercourse of the citizens, and particularly to their association together under one local Government. Much greater were these embarrassments to the citizens of Wisconsin than those of a similar kind which had been encountered in any of the instances he had cited. And the population which was embraced in the proposed Territory was more than triple in numbers to that required in the formation of other Territorial Governments. For his part he did not see how the protection asked for could be withheld without doing manifest injustice to a very considerable and meritorious portion of our fellow-citizens. The chief boast of our Government was, he said, that it meted out even-handed justice to all. As to the objection that it would lead to the more speedy erection of a new State, he did not consider that now properly open to discussion, at least if it be applied to the formation of a State east of the Mississippi. This bill, however, did not propose to change the government in any part of the Wisconsin Territory, or to provide any form for its future government after it shall cease to be under a Territorial Government; it merely gave additional facilities and conveniences to her citizens under the form of Government that now exists there. Every question which is now open will still be open, notwithstanding this bill shall become a law. He conceived the question as to the erection of a State east of the Mississippi out of that part of this Territory which was once included in the Northwestern Territory, as settled, and, indeed, not open for controversy. By the cession act of Virginia, it was conditioned expressly, that the territory so ceded, of which this is a part, should be laid out and formed into States containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit; and that the States so formed should be distinct Republican States, &c. (Land Laws, p. 98.) On the 30th December, 1788, the Legislature of Virginia, on the recommendation of Congress, revised their act of cession so far as to empower Congress to make such a division of the said Territory into distinct and Republican States, not more than five nor less than three in number, as the situation of the country and future circumstances might require, and, at the same time, recognising and confirming, as far as their act could do so, the ordinance of Congress of the 13th July, 1787, for the government of the Territory northwest of the river Ohio. (Land Laws, p. 101.) It was also stipulated in the ordinance of Congress, and the act of Virginia above cited, that whenever any of the States (to be formed out of the Northwestern Territory) should have sixty thousand free inhabitants therein, such State should be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever, and should be at liberty to form a permanent constitution and State Government. (Land Laws p. 101.)

These stipulated regulations, he believed, had so far been adhered to. Four States had already been formed out of that Territory, and there was yet remaining a quantity of territory sufficient for another State. It would be time enough to consider the obligations that Congress may be under to admit a new State in that quarter into the Union, when its inhabitants shall present a republican form of government, and show that they have the requisite number of inhabitants. Some of the institutions in the States heretofore formed out of the territory of which he had been speaking, differed very materially from institutions in the South, to which he was more particularly attached. But that question was not involved in the passage of this bill. He considered the people west and east of the Mississippi river, in the Territory of Wisconsin, as standing on a very different footing with regard to this question, which was an argument in favor of the division. So far as the great rights of the people of the different sections of this Union were concerned, he would adhere to the solemn compacts which had been entered into, and plant himself for the defence of those rights on *constitutional* guaranties. When the people west of the Mississippi shall ask to be admitted into the Union, and a State is to be erected, then the question mooted by the gentleman from South Carolina [Mr. THOMPSON] on yesterday would be proper and open fairly for discussion. Until then, the people of the Territory enjoyed the same rights properly, that we of the South do on that subject. He thought it would be a subject of choice with those interested in the two Governments at the time the State shall seek to be admitted into the Union. He should so regard it. The other question also mooted by the gentleman from South Carolina [Mr. T.] did not come properly within the scope of this discussion. He meant the question of the annexation of Texas to the Federal Union. He allowed no man to surpass him in zeal, in advocating the propriety of the annexation of that Republic to the United States. He thought we were morally, socially and politically bound to extend the benefits and blessings of our form of government to that gallant people. And the time, he said, was not distant when the refusal to admit that State into the Union would be regarded by all parties, throughout this wide-spread Confederacy, as THE GREAT ERROR of the American people. He would not, however, include this subject into the discussion, but satisfy himself by saying, he was the advocate of the proposed annexation on all suitable occasions.

It seemed to him the provisions of the bill presented strong claims to our favorable consideration, in what point of view soever it might be examined: the vast extent of territory embraced—capable of being framed into several States—exceedingly fertile, with a rapidly increasing population; its population suffering by an almost total destitution of law and order, without which civil society could not safely or long exist. As far as the force of precedent can be recognised in any case, the authority was ample and abundant in the case before us. We were bound by such authority, unless some valid exception were shown to intervene; and as to the other questions to which allusions had been made, they were *reserved* questions, subject to be decided whenever the question for the admission of any new State into the Union, west of the Mississippi, shall come up for the decision of this House. The act which we were then called on to perform would not alter existing relations, except as to the convenience, safety, and accommodation of a greater number of the people.

INCREASE OF THE ARMY.

REMARKS OF MR. WILLIAMS,
OF NORTH CAROLINA,

In the House of Representatives, Thursday, June 28, 1838—
On the bill to increase the Army.

I am not, said Mr. WILLIAMS, disposed to vote for the bill sent to us by the Senate, proposing to increase the army; nor shall I vote, according to present impressions, for that reported by the committee of the House, unless it is amended in some of its essential features.

In support of this scheme for an augmentation of the army, we have heard doctrines advanced and principles avowed, which, in my judgment, are utterly repugnant to the very nature of our political system. The gentleman from New York, [Mr. BRONSON,] in his remarks on yesterday, entirely discredited the services of the militia in war as well as in peace. He stated that the militia could not be relied on at any time; that experience had proved them to be totally useless; and, therefore, it was necessary to supersede the service of the militia by an increase of the regular army.

From these doctrines in regard to the militia, said Mr. W. I beg leave to dissent radically and thoroughly. I deny that the militia are liable to the objections which have been urged; and, in the next place, if the objections are well-founded, it is not the proper way to remove them by an increase of the regular army.

[Here Mr. BRONSON explained, and said "he had not stated any thing to discredit the militia, or to supersede their service by the employment of regular troops," &c.]

Mr. W. said he was sorry to have misunderstood the gentleman from New York; but he still believed that the inference he had drawn was justified by the remarks of the gentleman. That gentleman had said that the militia of New York on the Canada frontier had become infected with the spirit prevalent in that region, and could not be relied on for the enforcement of our neutral duties, and the consequent preservation of peace between the United States and the Government of Great Britain. If the militia are not to be called upon to perform this duty, it was difficult, said Mr. W. to perceive what kind of service they ever could perform. They must be superseded, they must be entirely dispensed with in all future operations of the country, if deemed inadequate to engage in that particular kind of service to which the gentleman has referred, and for which he has said regular troops are especially needed at the present moment. While, therefore, the gentleman from New York has disavowed any intention of discrediting the militia, or superseding them by the employment of regular troops, yet, said Mr. W. the doctrines maintained by the gentleman necessarily lead to such a result; for, if not to be engaged in the service designated by him, they could not possibly be employed in any service whatever.

Now, sir, were these the doctrines and opinions avowed by the founders of the Republican creed in former periods of our history? Most assuredly not. On the contrary, the opinions and precepts of that political school, to which some gentlemen now profess especially to belong, are directly the reverse of what we have heard on the present occasion. Let me read to the committee [said Mr. W.] the sentiments of Mr. Jefferson on this subject; they ought to be commended particularly to the attention of gentlemen who now claim to be his exclusive disciples.

In the inaugural address delivered by Mr. Jefferson on the 4th of March, 1801, he called the attention of the American people to certain *leading objects* to which the policy of his Administration would be directed. Among these, he stated that

"A well disciplined militia was our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority," &c.

On the 8th of December following, in the first annual message to Congress, he says:

"A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighboring citizens, as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely, not only to meet the first attack, but, if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them."

Such, Mr. Chairman, were the sentiments entertained by that body of men known formerly as the Republican party. To the especial attention, therefore, of the gentleman from New York, and those associated with him, I would commend these doctrines of Mr. Jefferson, as being eminently useful at this time; for they will indicate, as I think, most clearly the course which ought to be pursued by the House in regard to the proposition now before us. If we yield, as we should do, to the influence of the principles which formerly governed the country, we must vote against all projects for increasing the regular army, unless it is absolutely and indispensably necessary to do so.

Now, what, let me ask, said Mr. WILLIAMS, is the necessity for this increase of the army? Are we not in profound peace with all the world, or, at least, with all the civilized world? Nothing appears to the contrary. We are not advised by the Executive that any danger exists of a collision with the Government of Great Britain, on the Canada frontier, or the frontier of the State of Maine. All points respecting the boundary question are to be the subjects of future and further negotiation between the two Governments. A disposition is thus manifested, by both parties, to treat peaceably for the settlement of these matters rather than go to war.

On the Canada frontier there is no more danger of collision than there is on the Northeastern border. There may occasionally be some unlawful and violent movements of individuals in that quarter, but none to involve the two Governments. Indeed, said Mr. W. it may be stated as an incontrovertible truth, that no two nations ever went to war for the licentious and unlawful conduct of their citizens or subjects towards each other, unless the nations were predisposed to engage in hostilities. Whenever the two Governments had exerted themselves to preserve peace, they had been successful; they had always been able to prevent war, and maintain between them the most amicable relations. He took it for granted that the United States had no disposition to go to war with England; on the other hand, England has no disposition to go to war with the United States. Her commercial interest is greatly promoted by trading with this country, and that alone would check any inclination to go to war. But if this consideration should fail, there were other motives which would restrain her. She ought to know, and she will have sagacity enough to perceive, that the first cannon fired in a national war between the two countries will effectually seal the independence of all her Provinces on this continent. The troubles already existing in Canada are sufficiently vexatious and embarrassing to her, without adding to them the weight and the consequence of a war with the United States. In the absence, then, of all other motives, this, of itself, would induce Great Britain to maintain peace with the United States, and not unnecessarily to provoke war, by commencing hostilities on account of the unauthorized and licentious acts of our citizens. These acts will be promptly disavowed by our Government, and the aggressors signally punished, according to the provisions of the law which has lately been passed for enforcing the observance of our neutral duties. Let the courts of justice, the marshals, let all the peace officers, from the President down to the lowest functionary, do their duty, and, my word for it, there will not be the least necessity for a military force of any kind.

But the gentleman from New York has told us that the people of the United States on the borders of Canada are disaffected, and will not yield submission to the laws of their own country; that they were irresistibly inclined to engage in the insurrectionary contest now going on in the neighboring territory, and therefore we must have a military force to restrain our own citizens.

It was difficult for him to believe, said Mr. W. that such evils existed to the extent stated by the gentleman from New York. He could not believe that our citizens were thus disloyal and disaffected towards their own country. Exceptions, no doubt, were to be found of evil-disposed persons who would violate the laws regulating our neutral conduct, in the same manner as they would violate any other law. But these, he must think, were exceptions to the general rule; and while they were to be found, there was, nevertheless, a large majority of the people who were well disposed and peaceable, and who would be determined, at all hazards, to support the laws of their country. Let the offenders, therefore, be arrested, and brought before the courts; let them be tried and punished as the law directs.

I protest, said Mr. W. against this plan of executing the laws at the point of the bayonet. Sir, the laws prescribing and defining our neutral duties have all been passed by the civil authority of the Government, and of course must be executed by the same authority. The military power must never be permitted to interpose for the execution of our laws in the first instance. If the military power should be called upon to execute the laws regulating our neutral duties on the Canada frontier, it may, with the same propriety, be required to execute any other law. If all our laws are to be executed by the military power, then the whole country will be converted into one camp, and martial law will prevail universally throughout the land. Are

Gentlemen prepared for this? Are they willing to thus supersede the civil authority altogether, and to introduce in its stead the military power? I hope not. But yet the doctrines relied upon for the support of this bill go to that length. Mr. Jefferson, in his inaugural address from which I have read, lays it down as a fundamental maxim of his political creed, as a tenet of the Republicanism of that day, that "the supremacy of the civil over the military power" was always to be maintained. In the case before us, however, the civil is to be always subordinate to the military power. Not only so, but it is to be entirely superseded by it, and the citizens of the country are to be made the subjects of a military police, which is to act upon and control them in all their operations. No, sir, said Mr. W. I will never assent to these doctrines, nor will my vote ever be given to establish them in practice.

Admitting, for the sake of argument, that some military force is necessary to be employed on the Canada border, the question then arises, what kind of force ought it to be? I answer that it should be the militia, and not the regular army. For this service the militia is the description of force peculiarly fitted and pointed out by the Constitution, by the nature of our Government, and the habits of our people.

The gentleman from New York says the militia on the Canada frontier partake of the spirit which is to be suppressed, and cannot be relied on. But can you not order out the militia from the adjoining States, or from remote parts of the same State? What did General Washington do when it was necessary to put down the whiskey insurrection in Pennsylvania, and the neighboring militia of that State were so disaffected that they could not be relied on? Did he call on Congress for an increase of the regular army, as a substitute for the militia force which could not, or would not, be employed? No, sir. He called out the militia of Virginia and Maryland, and they answered every purpose. Why cannot the same be done now? If the militia of New York cannot be trusted to perform this duty, make a call for the militia of the adjoining States—of New Jersey and Pennsylvania, or of the Eastern States. They, no doubt, will be prompt to obey any call and to execute any duty which may be required of them for preserving the peace of the country. So that, in this aspect of the case, the proposed increase of the army is not necessary. If a military force is to be employed at all, it should be a militia force, and not of regular troops.

We thus see that on the Northern border it is not necessary to employ regular troops. Neither is it necessary on the North-eastern frontier. All the points in controversy respecting the true boundary line of the State of Maine, we are informed, will be the subject of further negotiation between the Governments of the United States and Great Britain. If further negotiation is to be relied on for the settlement of this boundary question, and the removal of all the difficulties growing out of it, every body must admit that it would not only be unnecessary, but impolitic, to station additional troops on the frontier at this time. The proposed increase of the army cannot, therefore, be required on account of the points in controversy respecting the boundary of the State of Maine. Nor is the increase required by any exigencies of the public service on the seaboard. The gentleman from Massachusetts [Mr. REED] told us yesterday, with his characteristic candor and truth, that his part of the seaboard did not want such military defence as is proposed in this bill; that only a few men were required to preserve the forts from decay, and the guns from rusting; and that if, at any time, a greater force was needed for this purpose than regularly stationed there, a few additional laborers might be temporarily engaged, &c. In this way the constant employment of a greater force than was needed might be avoided, and every interest of the public service duly promoted. Now, we all know this view of the subject to be correct, and I thank the gentleman from Massachusetts for having submitted it, because he must be regarded by the House as being better able to give evidence on this precise point than any other member. What is true in relation to that part of the seacoast of Massachusetts, is equally true in relation to all other points of our maritime frontier.

The conclusion, then, to which I come, is this: that a large military force is no where wanted to defend and protect our borders, except in Arkansas and Missouri; and, perhaps, in Iowa Territory. There, I admit, from present appearances, it would be prudent to station some regular troops. The Florida war is at an end, or nearly so, and no additional force will be wanted in that Territory. The greater part of the army can be withdrawn from other quarters, and placed in the West, Southwest, and Northwest, to be ready, if occasion should require, to defend Missouri, Arkansas, and Iowa Territory. For this purpose, the gentleman from Arkansas [Mr. YELL] has estimated that five thousand troops will be required. The army at present is about eight thousand strong; and on the supposition that the estimate of the gentleman from Arkansas is correct, there will still remain three thousand to be disposed of as the exigencies of the service may demand. From these views, it is evident that our army, at this time, is adequate to all the purposes for which an army, in time of peace, can be wanted; that there is not the least necessity for the increase contemplated by the bill before the House.

But the gentleman from New York [Mr. BRONSON] has said that militia are more expensive than regular troops; and therefore, on the score of economy, if nothing else, we should depend upon the latter, and dispense with the services of the former. To this reasoning Mr. W. said he was by no means prepared to subscribe. In the first place, if we are to abolish the militia service because it costs more than the service of regular troops, we should not stop there, but go much deeper into our political system, and object altogether to free Government, because it is more expensive than monarchy. No doubt, Mr. Chairman, you could engage a man to rule over this country, as *a monarch* of absolute and uncontrolled power, for an expense infinitely less than is required to support our Republican institutions, with all their checks and balances, ordained for the purpose of preserving and perpetuating the liberties of the people. A monarchy or despotism is a very simple kind of Government, and, in this view of the case, very cheap in its Administration. For one or two hundred thousand dollars, or for a much less sum, we might stipulate with many men to govern us absolutely, and thus avoid all expense of supporting a Congress, an Executive Department, with its various branches, and a Judiciary, which every year cost us so many thousands or perhaps millions of money. In this condition, too, we should be freed from all the cares and troubles, and sometimes vexations, which attend us when exercising the rights of self-government. But should we, on this account, abolish our present matchless system of free Government, and substitute a monarchy, because it is not so expensive and is less complicated? I hope not. I do not believe the gentleman from New York intended this; but still his reasoning goes to that extent. The framers of our Constitution doubtless knew what they were doing. They foresaw that the Government which they were constructing would be expensive in its administration; but, notwithstanding this, they were determined to establish it, because in no other way could the liberties of a free people be preserved.

Now, I would no more dispense with the militia because they are expensive, than I would change the Government because it is more expensive than a monarchy. The reason in one case, it seems to me, is just as good as it is in the other. The Constitution itself has given to the militia a certain rank in the Government; it has pointed out certain duties for them to perform; it has declared that these duties belong appropriately to the militia; that it is more safe for a free people to rely upon them than to trust to regular troops, &c. Under these circumstances, it does not become us at the present day to pretend that we have more wisdom than our ancestors, and to declare that all their fears of the danger of standing armies were unfounded and imaginary.

If it should be proved beyond all doubt that the militia were more expensive than regular troops, (Mr. W. said,) he would not be willing to dispense with them, and rely solely on the latter. He would still adhere to the maxims of wisdom promulgated by our ancestors, and maintain that standing armies in time of peace were dangerous to the liberties of a free people, and ought not to be allowed; on the contrary, he should maintain that the militia at all times were the great bulwark and the best defence of any people disposed to preserve and perpetuate their liberties.

But (said Mr. W.) I am unwilling to admit the fact, as stated by the gentleman from New York, to wit: that regular troops are cheaper than the militia. Their services may cost less for the time they are employed, but that is not a correct view of the case; for the regulars, whether employed in active service or not, whether engaged in actual campaigns against an enemy or lying at their ease in garrisons, cost the Government about the same amount of money; whereas the militia, when not in actual service, are discharged, and cost nothing for the time they are at home. Take, for example, a period of five years, during one half or two-thirds of which it is necessary to employ either the militia or regular troops. If you rely upon the latter, you are obliged to engage them for the whole period of five years; but if you rely upon the militia, you may employ them only when their services are wanted, and be relieved from the expense of supporting them at any other time. In this view of the case, it must be evident (said Mr. W.) that the militia are less expensive than the regular army, and therefore the Government ought to depend on the former, and reject the latter, in every series of legislative acts.

The gentleman from New York [Mr. BRONSON] had introduced to the notice of the House yesterday an account rendered against the Government by some of the militia lately engaged in the service in the State of Alabama. Mr. W. said he could not tell why this account was exhibited to the view of the House, if it was not for the purpose of discrediting the militia, of throwing upon them some odium, and fortifying the idea that it was cheaper to engage regular troops for our defence and protection. But this account, it appeared, was only a solitary instance, and should not be taken as reflecting any discredit on the general character of the militia. The great question in regard to it which ought to be asked by the House is, "*whether the account was paid by the officers at the Treasury, &c.* If it was paid, the balance attaches chiefly to the accounting officers of the Treasury Department, who had power to arrest it, and by that means to stop the abuse. If the account was rejected at the Treasury, then no harm was done to the public, except as to the example of rendering an *improper account* against the Government. The officers who rendered or made out the account against the United States might have thought themselves perfectly right and justifiable in doing so; with them it might have been merely an error of judgment, for which they are no more censurable than any other persons who thought they had a claim to payment which they could not legally receive.

But if errors of this kind, whether accidental or designed, are to operate to the prejudice of the militia, the regular army would not be exempt from the same prejudice. With accounts made out against the Government by officers of the regular army, [Mr. W. said,] he had been once very familiar; and, if not more mistaken than he ever was, accounts equally objectionable had been exhibited by those officers against the Government repeatedly. Yet no objection was derived from that fact against the army in general. In the estimation of the friends of the military establishment, such instances were excused, were looked upon as errors of the head, as exceptions to the general rule, and not to be taken as furnishing the basis of a valid objection to the whole army. Mr. W. said he was certain, if the militia are to be condemned in consequence of the exhibition of such accounts, the regular army would be equally condemned, if the accounts they exhibit from time to time could be rigidly scrutinized.

Mr. W. said he had not intended to engage in the discussion of this bill, nor would he have departed from that intention if the gentleman from New York had not avowed doctrines and opinions in support of the measure which he thought required some reply. He had been as brief as he could in stating his reasons for dissenting from the arguments of the gentleman from New York, and he hoped he had not trespassed upon the time or attention of the House. He would conclude by expressing the wish that the bill might be rejected, unless it should be so amended as to remove most, if not all, the well-founded objections to it.

REMARKS OF MR. ROBERTSON, OF VIRGINIA,

In the House of Representatives, Thursday, June 28, 1838—On the bill to Increase the Army.

Mr. ROBERTSON said he would detain the committee but a few moments. He was opposed to the contemplated increase of the army, and still more to the principles upon which that increase was openly advocated. He saw no necessity, indeed, for any augmentation whatever at this time. The Florida war, as it was called, might be considered as at an end. Our relations with Great Britain were essentially pacific. It is true, we had an unsettled question in relation to the Maine boundary; but negotiations were pending, and no one had ventured to place the necessity of augmenting our military force on the ground of an apprehended rupture with Great Britain. Such a ground would not be likely to have the best effect in bringing our negotiations to an amicable close. We are, in truth, sir, (said Mr. R) at peace with the world; and a proposition is now suddenly made to double our military establishment. So far as any addition may be shown to be necessary to protect the Indian frontier, none would hesitate to grant it; but our present establishment, if completed, would comprise probably between seven and eight thousand men, and there is no employment for them any where except on the Indian frontier. Ordinary laborers, or, at most, a few soldiers, are quite sufficient to keep the forts in a state of preservation. Let the whole force, then, except what may be required for that purpose, be withdrawn for the defence of the frontier settlements, so long as there may be indications of hostility in that quarter. This force would be more than sufficient to awe or repel the Indians. The gentleman from Arkansas himself, [Mr. YELL,] does not, if I correctly understood him, ask for more than five thousand troops.

But, sir, we are told of disturbances on the Canada borders, also; and that is the true secret, or rather the avowed ground, on which the increase of the army is urged. The gentleman from New York [Mr. BRONSON] gives us to understand that we are in need of *a military police*. Yes, sir, we want an army, not to contend with foreign enemies, but to quell the rebellious spirit of our own citizens on the borders of Canada. The gentleman from Maine [Mr. EVANS] tells us the civil authority cannot or will not restrain the lawless individuals who seem disposed to take part in the Canadian revolt. The civil officers will not arrest, courts and juries will not convict and punish. We must have a standing army, then, in a state of peace, to enforce the execution of our laws against our own citizens. Sir, I look upon this as a dangerous and alarming doctrine, which should be met at the threshold. It seems as if we have forgotten the very elementary principles of free government, and are resolved to break down every barrier erected by our ancestors against despotism. I do not mean to say that the liberty of the country is seriously endangered by the addition now proposed to be made to our military establishment. The danger is in the *principle* on which that increase is demanded: the *precedent* of raising and keeping up a standing army in time of peace to enforce the civil authority. Establish this precedent, and you will find yourselves, at no distant day, and before perhaps you suspect your danger, under the dominion of a military despot. The principle itself is the principle of military despotism. In the earlier periods of our history, the States were jealous of standing armies; now, sir, they are petitioners, it seems, for the boon.

The State of New York, with between two and three millions of inhabitants, cannot, it seems, execute the laws without the aid of a military force furnished by the Federal Government. And what, sir, is your army to do? Make war upon those whom, we are told, the courts and juries refuse to punish? No one will go the length of suggesting so monstrous a proposition. Gentlemen say it is wanted for the purpose of arresting those who would violate our neutrality. What, sir, if they fly or resist? Shoot them down; there is no other alternative but to do that, or suffer them to escape. But say they yield, or are captured. What then? Are they to be dragged for trial before a military court? No; they are to be turned over, we are told, to the civil authority. Why, sir, the very pretext for calling in the military is the alleged refusal of the civil authority to act against the offenders. Of what avail is it to bring to trial before a civil tribunal those whom it will instantly discharge? Or will you surround your halls of justice with Prætorian bands, and compel your juries and judges to condemn at the point of the bayonet? Sir, I am unwilling to believe that the great State of New York is unable, by constitutional means, to prevent her citizens from violating the neutrality it becomes us to observe. If, however, she should fail, I admit it is the duty of this Government to interpose. But how, sir? Not by a standing army. The framers of the Constitution contemplated no such recourse. They expressly gave to Congress the power of providing for calling out the militia for the purpose of executing the laws of the Union; and desperate must be the condition of the country when no dependance can be placed either upon the civil authority or the great body of the militia. But the militia now, sir, is the theme of derision, as, indeed, is the Constitution itself. Standing armies only, it seems, can be relied on; and, upon the same principle that they are now required on the borders of Canada, we shall have them, no doubt, in case any discontent shall be manifested at the proceedings of this Government, stationed hereafter upon the borders, or in the interior of the States, to awe them into submission. Sir, disguise it as you will, this attempt to enforce obedience to the civil authority, in time of peace, by means of a standing army; this scheme of what the gentleman from New York, [Mr. BRONSON,] in soft phrase, terms a *military police*, is a dangerous innovation—a striking and most alarming proof of the rapid decline of Republican principles.

One other question, sir, and I am done. The proposed augmentation of the regular force has been estimated by a gentleman who preceded me (Mr. Bell) as likely to cost three millions of dollars per annum. Is this a time to add this heavy amount to the enormous and extravagant expenditures already authorized, and which greatly, it is thought, exceed our revenue for the current year? Leave out of view the odious purpose which, in part, is avowed as the object of the measure, and the force, I repeat, already authorized under existing laws, is fully adequate to protect the Indian frontier. Sir, if a humane policy be adopted towards the Indians, there will be no occasion for making war them. If they meditate an attack upon our settlements, they are driven on by the irresistible impulse of hunger. We have diminished their hunting grounds, and deprived them, in a measure, of the means of subsistence. The period has arrived, or is at hand, when they can no longer draw the temporary supplies furnished by the Government of the United States. I am authorized, upon high authority to say, that the condition of many of the tribes is such that they must probably perish unless further relief be extended to them. The Governor of Arkansas, from whom I derive my information, is now probably within this Hall; and I feel justified in saying that it is his opinion this relief should be afforded. It is the want of food which makes them restless. It is not in human nature, or at least in that of the untutored savage, to submit patiently to starvation. We have been, perhaps, mainly the cause of their suffering; and I submit it to the consideration of the committee, whether, instead of voting three millions to cut their throats, it it would not be more economical, more just, and more humane, to expend a sixth of the amount in giving them bread. Let us adopt this policy, and then our existing military establishment will be amply sufficient. These are my reasons, sir, for op-

posing at this time the great and unnecessary augmentation now proposed. So far as respects any anticipated attack by the Indians, or foreign aggressions from any quarter, I believe it to be wholly uncalled for; and I will never consent to raise a single man for the purpose, suggested by the gentleman from New York, of creating what is called a military police, or, more properly speaking, of laying the foundation of a military despotism.

REMARKS OF MR. MARVIN,
OF NEW YORK,

In the House of Representatives, Thursday, July 5, 1838—

On the bill making appropriations for new harbors, and for other purposes.

Mr. MARVIN said he had made several efforts to obtain the floor for the purpose of submitting to the committee some remarks upon the subject now under consideration. I am aware, (said he,) Mr. Chairman, that there is now little time left for debate. Our existence here as a legislative body is drawing rapidly to a close, and we have many important measures yet to act upon. I should not feel myself justifiable now in occupying the time of the committee, were it not for the violent and persevering opposition which has been manifested towards this bill and the bill which passed in this body yesterday, making appropriations for the continuance of the public works on those harbors, &c. already begun. I now promise the committee that I will be brief, while I feel that I have a right to ask their attention to the *facts* which it is my purpose to adduce. During the debate of yesterday and this evening, almost all the speaking has been in opposition to the bills, and a torrent of eloquence has been expended against the system of harbor and river improvements; and gentlemen have indulged in fancy sketches of the prodigal and wasteful expenditure of the public money in removing obstructions from the mouths of all the little creeks which empty into the lakes. It has been stated here, in debate, that large sums have been expended to remove obstructions from creeks which might be crossed at one step; and I have noticed, during the debate, that the remarks of gentlemen have been mainly directed to the harbors on the lakes; and any one who should listen to the remarks made here would naturally suppose, if he had no previous knowledge on the subject, that untold millions had been expended on these lakes, and that a harbor was in the process of construction at the mouth of every river, creek, streamlet, and inlet which discharges into the lakes, and that these improvements are made, not so much for the benefit, security, and protection of commerce, as for the benefit of speculators. I represent a district, sir, which borders upon the lakes—a constituency deeply interested in the commerce of the upper lakes; and I should be faithless to the trust they have reposed in me, and faithless to my own feelings, were I to remain longer silent, when so great injustice, as I believe, is done to that system, which aims to render safe the navigation of these great inland seas. No gentleman, in these debates upon the bills denominated the "harbor bills," has given the committee an account or statement of the amount of business doing on the lakes; all the remarks which have been made in favor of the bills have been of a general character. And gentlemen may not be aware of the true state of the case, and of the great importance to the country at large of having safe and commodious harbors upon these waters. As to the propriety of the appropriations for the rivers, harbors, and breakwaters along the seacoast and at the South, I profess to have little knowledge. I confine my remarks to the public works on the lakes.

And now, Mr. Chairman, after all you have heard, how many harbors do you suppose there are upon which the United States have expended money, beginning with Lake Champlain, and ending with Lake Michigan, a coast of nearly or quite twenty-five hundred miles? Why, sir, the bill which passed this House yesterday shows the whole number to be twenty-five. It must be borned in mind that there are but very few natural harbors on any of these lakes. Does this look, sir, like building a harbor at the mouth of every little creek? Here is a coast of twenty-five hundred miles in extent, and upon all these lakes a commerce already large and rapidly increasing, and which, but for these artificial harbors, could not be carried on. But, sir, we have heard much of the enormous expense of these harbors. Do gentlemen know that the expense has been? how much the Government has ever expended upon these important national works? Why, sir, we talk here in round numbers, and it seems to be much easier to pronounce millions than thousands; perhaps this is owing to the fact that most of our appropriations are counted in millions instead of thousands, and especially appropriations for the suppression of Indian hostilities, for the ratification of Indian treaties, the support of the army and navy, &c. But to return to my question, how much has the Government ever expended on the harbors of the lakes? I like to be a little particular when there is so much violent opposition to the "harbor bill," to the system of internal improvement, as many gentlemen choose to call it. The gentleman from Vermont, [Mr. HALL,] who has just taken his seat, has made up his mind to vote against this bill, and he has read to us a statement of the sums expended, within a few years past, on works denominated internal improvements, in which these harbors are included; and, if I understood him correctly, it was over ten millions; but he does not tell us what portion of this amount has been used in the construction of harbors on the Northern and Northwestern lakes. It has occurred to me that these bills have an improper title, or rather an unfortunate title for the poor lake harbors—"an act to provide for certain harbors," &c. Thus the harbors are placed in the fore ground; they are the van guard; and whatever other appropriations the bill may contain, the harbors receive the whole fire of the enemy, and stand the shock of battle, which is waged with so much skill and spirit by our Southern friends, whose mode of warfare, if victory were to perch upon their banner, would forever deprive the noble steamer, the bold ship, schooner, and brig, of a harbor of safety, and leave them and their rich freight, with the thousands of American citizens who have trusted themselves and their fortunes on board, to the mercy of the waves and the winds of a fickle and unsteady climate. They leave no constitutional ground for the harbors to rest upon. All these appropriations, in their estimation, are unconstitutional. I shall not now stop to debate the constitutionality of these appropriations. I have remarked that it is unfortunate for the harbors that the bills containing appropriations for them should be called "the harbor bills," for these bills frequently appropriate large sums for other purposes. And we hear gentlemen continually referring to the "harbor bill" as containing an appropriation of a million and a half; and when these bills are under discussion, our ears are continually dinned with harbor! harbor! harbor! on the little fresh water ponds of the North and Northwest! And all the peals and changes are rung upon the word of which it is susceptible. Under these circumstances, I am unwilling that the impression should go abroad that large sums have been improperly expended in constructing harbors on the lakes. And if I can help it, they shall not bear all the odium which some gentlemen attach to all the appropriations contained in what is called the "harbor bill."

I have taken the trouble, sir, to ascertain from an official source the exact amount which has ever been expended in the construction of harbors upon all the Northern and Northwestern lakes, and the whole amount is only a fraction over one million six hundred thousand dollars. Sir, I will not institute a comparison between the sums expended on this extensive Northern and Northwestern frontier and other sections of the Union. The commercial power of this country is under the control of this Government. One of the most important duties imposed upon the Government of the United States is the regulation of commerce with foreign nations and among the several States; and this power to regulate commerce is coextensive with the jurisdiction of the entire Union, and I maintain that the obligation on the part of the United States to protect the commerce of Ohio, of Michigan, or Illinois, is as strong as it is to protect the commerce of any of the Atlantic States. By undertaking to institute a comparison of expenditures, for the purpose of ascertaining in what section of the country, or in what State, the largest appropriations have been made, without regarding the wants of commerce, you descend from that elevated position which a statesman and a patriot should ever occupy, who looks upon the whole country as one and united for the purposes of war and defence, and for the purposes of commerce. But, sir, I will ask the question, when and where has there ever been the sum of $1,600,000 expended by this Government which has produced a greater amount of good, which has yielded a richer harvest, than the sixteen hundred thousand dollars which have been appropriated and expended in the construction of these harbors? I have not examined particularly, and therefore cannot state the amount which has been expended on a single work, the Delaware breakwater; but, I believe, I should not greatly err by presuming that as much has been expended on that work alone as all that has been expended for all the harbors on the lakes. I trust, sir, that we shall hear no more of the enormous sums of public money which have been squandered on the harbors. Even the bill which passed the House yesterday, and was sent to the Senate, and which was called so emphatically the "harbor bill," and which contained appropriations, as has been proclaimed on this floor a score of times, of a million and a half of dollars, contained only between five and six hundred thousand dollars for all the harbors on the lakes; and I believe that this is much the largest appropriation which has ever been made for them in any one year.

Mr. Chairman, these lakes constitute the boundary between this country and the country of a foreign Government; they are upon our border; they extend into the interior of the continent to within a hundred or a hundred and fifty miles of the Upper Mississippi, and their waves wash the shores of seven States of this Union, and a Territory which will soon be knocking at your doors for admission. The commerce of a wide-spread, rich, and fertile country is carried on by means of the vessels which navigate the inland seas. Are gentlemen aware of the amount of commerce on the upper lakes? Have they considered the amount of business annually transacted on Lake Erie? Have they watched the enlargement of this commerce from year to year? I apprehend not. The increase of business on the upper lakes has, indeed, astonished those who are and have been many years engaged in it.

Major Brown, an able and efficient officer belonging to the Civil Engineer Corps, and who has the general superintendence of the construction of several harbors on Lake Erie, stated in his report made last fall to the Engineer Department, and which may be found in the Executive documents communicated to Congress, that there were fifty steamboats on Lake Erie alone, and that there were eleven then building on the stocks, which would be launched and ready for business this season. He states that there are about two hundred and fifty other craft, consisting of brigs, ships, and schooners, and that the whole tonnage of the steamboats and vessels exceeds 32,000 tons.

To give some idea of the amount of business, he calculates that the steamboats make a voyage, on an average, once a week, and the other vessels average a voyage in two weeks. Allowing six months for the season of navigation, and from these data, I have calculated the amount of the tonnage for the season at over 400,000 tons. Now, sir, this commerce could not be conducted without harbors. The dangers and risks of navigation would be so great as almost entirely to prohibit the use of the lake for commercial purposes. With an ironbound shore along its southern border, extending in a northeasterly and southwesterly direction, it receives the full force of the winds and waves, which generally come from the west or the northwest. These storms are often sudden and violent, and it would be impossible for a vessel to avoid going ashore if there were no havens of safety to which they might flee. It is a singular fact that there are no natural harbors on the southern shore of the lake, unless Sandusky be an exception. All the rivers where valuable harbors have been made, had, in their natural state, obstructions at their mouths, sandbars which required to be removed. It was necessary to cut across the sandbar, and to confine the discharge of the water between piers or jetties extended into the lake to a sufficient depth of water. The river being thus confined and conducted between the piers into the lake, keeps the channel open; and thus, at a trifling expense compared with their importance, safe and convenient harbors are formed.

The gentleman from Pennsylvania, [Mr. PETRIKIN,] in his animadversions upon the system of constructing harbors, mentioned Cleveland among other cases where harbors had been constructed at the mouths of small streams, or creeks, as he called them. Why, sir, has the gentleman ever been at Cleveland? Previous to the removal of the bar at the mouth of the Cuyahoga, and the erection of piers, no vessel suitable for the lake commerce could enter the river, and there was no more safety for a vessel there than at any other point. Let the gentleman now go to Cleveland, and I will venture to predict that, at the moment I am now speaking, the river for half a mile is filled with vessels and steamboats of various sizes, discharging and receiving freights; passengers are leaving the proud steamer that has just arrived, whilst others are stepping aboard, some bound to Chicago, and thence to St. Louis, or the Rocky Mountains, others for Buffalo, on their way to the Atlantic cities, where it is not unconstitutional to protect commerce. He will see travellers from all parts of the world. He will be welcomed to one of the most beautiful and flourishing *cities* on the West. He will find her citizens as intelligent, as enterprising, and as hospitable, as can be found any where. He will find them all busy, all employed, and he may then witness something of the commercial resources of a State which scarce twenty years ago was only sufficiently populous to be entitled to an admission into the Union, now with a population of one million six hundred thousand, with cities and villages and towns rivalling those in many of the older States of the Union. Why, sir, is it not as much the duty of this Government to construct harbors for the safety and convenience of the commerce of such a people, situated in the interior far from the seaboard, as it is for the commerce upon the "high seas?" But, sir, I remarked that there were no natural harbors upon the southern shore of the lake; that they all require to be improved before they can be used. And is it not important for national defence, is it not absolutely necessary, that there be safe harbors constructed for the protection of our people and their property in time of war? There was a time when the fate of the whole Western country might have depended upon the existence of one good harbor upon the southern shore of Lake Erie. Are you aware, sir, that there was a time when the whole enterprise of Perry might have been defeated by a single gunboat of the enemy? His fleet was built with wonderful despatch at Presque Isle, or what is now called Erie harbor, a splendid bay formed by a point of land projecting into the lake, and then running for a mile or more nearly parallel to the shore.

The entrance into this beautiful bay was obstructed by a sand bar, over which the ships could not be floated after receiving their guns and equipments. It was, therefore, necessary, as I have been informed, to float them out over the bar into the lake, when they received their guns and equipments from scow boats. Had the enemy approached the fleet at this time with a single armed vessel, we should never have heard of Perry's victory, and one of the most signal and glorious achievements of the last war would not have been recorded upon the pages of American history. This bay is now made accessible for steamers and ships of the largest class which float upon the lakes, simply by the erection of piers or breakwaters across the mouth of the bay, leaving a channel sufficiently wide for the purposes of navigation. And any fleet which it may be hereafter necessary to keep upon the lake for the protection of our commerce and our country may enter this bay, and there ride at anchor with perfect security. Notwithstanding all the benefits which have already resulted to the country from this system of harbor improvements, and the small sums which have been expended, the cry is continually raised against it, and these appropriations are represented as enormous, as a prodigal and wasteful expenditure of the public money. Why, sir, there has been more *property* lost within three years past upon Lake Michigan for the want of harbors of refuge, to which vessels might flee from the storms, than would suffice to construct all the harbors upon that lake provided for in this bill. There is not now a single port into which vessels can enter in a storm from Green Bay to Chicago, a distance of some two hundred miles. Many vessels have been driven ashore and made perfect wrecks, while others have gone to the bottom with all on board. The whole country is rapidly filling up with a hardy, intelligent, and industrious population, the sons and brothers of our constituents; and do you think that they will remain satisfied that their commerce, their property, and their lives, shall remain subject to such perils? Will they submit to the enormous insurance which they are now obliged to pay upon all the goods which they necessarily import from the East?

But many gentlemen seem to have no adequate conception of the amount and importance of the business on the upper lakes. I wish they would accompany me to Buffalo, one of the finest cities in the United States, where the Erie canal communicates with the lake. The harbor of Buffalo is formed of one of those creeks so often alluded to in this debate. Go there, sir, and you will find this creek for nearly a mile covered with steamers, ships, schooners, and brigs, sending up a forest of masts; some are receiving freight for places in Kentucky, and for other places at the distance of more than a thousand miles. Buffalo is the head or centre of the principal part of the commerce on the upper lakes, and this immense business could not be done at all, were it not for the construction of the harbor. Why, sir, this harbor is itself worth more to the United States than the whole sum which has been expended upon all the harbors on the Northern and Northwestern lakes. Without it, a great portion of the business would never have existed, and should it be destroyed, business would in a great measure be suspended.

Mr. Chairman, comparisons have been instituted to show in what sections of the Union the largest amount of money has been appropriated; and New York, with her forty members, is often alluded to, as though it were an important part of our business here to procure for the State we represent large appropriations out of the public Treasury. Sir, I shall not stop to institute any such comparison or inquiry. But how is the State of New York situated? What is her relative position in the United States? She is situated upon the frontier; her territory extends from the Atlantic to the lakes, and all the expenditures which the General Government has ever made within her limits have been as well for the interests of other States as her own. Have not Ohio, Michigan, Indiana, &c. &c. as deep an interest in having a safe and convenient harbor at Buffalo as any part of the State of New York? Sir, New York does not ask of the General Government to aid her in the construction of her canals, her railroads, her splendid works of internal improvement. All that this Government has ever expended there has been upon the harbors and the light houses along her border and in the Hudson river. And, sir, what are the facts in relation to the Hudson? It is a river of tide water. All the expenditures of the General Government have been made where the tide ebbs and flows. It is a river or an arm of the sea, over which your own Supreme Court have decided that the United States, under the power to regulate commerce, have exclusive jurisdiction. It is a river on which more or less of the commerce of half the States in this Union is conducted; And now, sir, how much do you suppose the United States have ever appropriated for the improvement of the navigation of this valuable and important river? Gentlemen from the South complain that this system of internal improvement is very unequal, and that the South does not receive her just proportion of the public appropriations.

The gentleman from Alabama, [Mr. MARTIN,] in his remarks yesterday upon the bill making appropriations for the continuance of the public works, informed us that six hundred thousand dollars had been appropriated and expended to remove the obstructions at the Muscle shoals, in Tennessee river, in the State of Alabama, and the gentleman made a strong and able effort in support of his amendment to the bill to procure a large additional appropriation. I inquired at the time of one of my colleagues near me, who represents a district upon the Hudson, the amount that had ever been appropriated for the removal of obstructions in that river, and he informed me that the whole amount was two hundred and seventy thousand dollars. I have nothing, sir, to say against the expenditure of six hundred thousand dollars at the Muscle shoals; nor have I any thing to say of the large sums which have been annually expended for the purpose of improving the navigation of the Mississippi, the Ohio, Red river, Arkansas, and other rivers which discharge their waters South, except that I believe these expenditures have been generally judicious, and have been productive of great good to the country as a whole. The improvements in these rivers have been of a national character—such as to affect beneficially the interests of States; and, as an American citizen, as a New Yorker, if you please, I rejoice in the prosperity of the whole country, which has been so largely benefitted by these river improvements. But when the finger is pointed invidiously at New York as participating too largely in the appropriations of public money, I will defend her. I will show you, sir, that she comes not here a beggar. She has expended some fifteen or sixteen millions upon her canals, and she is not yet wearied or exhausted in the great work of internal improvement. She is now prosecuting with vigor two new canals—one of them over a hundred miles in extent, connecting her Erie canal with the Alleghany river, which discharges its waters through the Mississippi into the Mexican Gulf. She has decreed that her Erie canal, which connects the tide waters of the Atlantic with the upper lakes, shall be greatly enlarged, and at an expense of twelve or fifteen millions of dollars; and, during the recent session of her Legislature, four millions have been appropriated for the present year for that purpose. And for whose benefit is this enlargement? Is it not for the accommodation of our sister States west of us—for that whole country lying upon the upper lakes? Surely it is, that they may have an easy access to the best markets upon the Atlantic, and exchange the productions of their industry for the productions of other States and other climes—for the cotton of the South, manufactured in the workshops of the Eastern States. The States of the Union are so situated that they are mutually dependent upon each other; and whatever is done to facilitate and render safe and easy commercial intercourse between them, serves to enhance the comforts, conveniences, and luxuries of life, and ameliorates the condition of the great body of the people.

Sir, I trust that the motion to strike out the enacting clause of this bill will not prevail, and that the amendment offered by the chairman of the Committee on Roads and Canals, providing, among other things, for the improvement of the navigation of the Alleghany river between Pittsburg and Olean, will be adopted, and that the bill, when so amended, will receive the sanction of the committee.

REMARKS OF MR. DAVIS,
OF MASSACHUSETTS.

In Senate, March 8, 1838—Upon Mr. PRESTON'S amendment proposing to receive the bills of non-specie-paying banks.

Mr. RIVES's amendment to the Sub-Treasury bill being under consideration, Mr. PRESTON proposed several distinct amendments, and among them one to receive the bills of non-specie-paying banks for a limited time; upon which

Mr. DAVIS remarked that the Senator (Mr. PRESTON) had proposed several amendments to the bill, and a discussion had arisen upon one which was not under consideration. He would, he said, follow the example of others, and throw out suggestions, though not strictly in order, upon that amendment. The proposition was to take the bills of non-specie-paying banks for a limited time in payment of the revenues. Mr. D. said he could not see his way clear to sustain this measure. The reasoning in favor of it was plausible, and forced itself upon the mind with considerable energy in the present state of things. It would, doubtless, aid the banks in resuming their duties; but, said he, I cannot feel at liberty to yield to that argument, for there is involved in the matter a very important principle; it legalizes irredeemable paper.

Let us look at the facts as they are. The resolution of 1816, authorizing the reception of the notes of specie-paying banks, is now in force; and there is another law requiring the Treasury to pay to public creditors specie. It is, I know, perfectly competent for Congress to alter or repeal these laws.

Now, sir, what has been the practice under these laws? To enforce the first, and disregard the last. To compel us to pay taxes in specie, while creditors have mostly been paid in paper of non-specie-paying banks, and, in some instances, in worthless paper of that kind. There can be no mistake about this matter. Even the postage on all letters is exacted in hard money, while the rights of creditors have been very much disregarded. The Secretary of the Treasury concedes that such has been the practice, and how many can now testify that they hold the paper of the broken Commonwealth Bank because all other money was refused to them?

Sir, I have before me evidence both from the Secretary and other sources, which I am not at liberty to doubt, which shows what the practice has been.

The Secretary estimated that $220,000 would be necessary to pay off debenture certificates, pensioners, and bounties to fishermen, at Boston, for the last quarter. On looking over the account he gives us of this matter, we might conclude that he had made provision for the payment mostly in specie, but a more careful analysis will bring us to quite different results. The provision actually made by remittances to the Commonwealth Bank was about $160,000 in Treasury notes; a draft on a deposite bank (doubtless the Commonwealth Bank) for about $42,000, and the sum of $16,000 in specie, which was transferred from New York, and that is the whole amount of specie provided. Whether any at all was paid out is uncertain, for I have heard of none.

How far payments were made in Treasury notes does not appear, but I have information which declares that the individuals applying for bounties and pensions could obtain nothing but bills at the Commonwealth Bank.

Sir, I have letters before me which assert that the bounties to fishermen in Marblehead, for the year past, amounted to about $20,000; that the fishermen had usually received their demands in checks from the collector of Boston, and many of these checks had been received as cash at the Marblehead Bank, and passed to the credit of the fishermen; that the president of that bank, a little antecedent to the payment of those bounties, called at the custom-house and inquired what would be paid to satisfy those bounties; and was answered, bills, and bills only, at the Commonwealth Bank; and that he immediately gave notice that he should not receive the checks on deposite at the Marblehead Bank, for they were unwilling to receive such paper as would be paid at the Commonwealth Bank. The fishermen were therefore obliged to present their checks at Boston, and what kind of money many of them got the Senate has already been informed.

Sir, what do these and other facts, against which we cannot shut our eyes, prove? That the Government itself, like the banks, has ceased to redeem its promises, and to obey the law which requires it to pay specie. It is worse than the banks, for it exacts specie and pays out paper. The apology for paying out paper is, that men voluntarily take it. Do they? It is in vain to tell me, when men, pressed for the want of money, demanding both specie and Treasury notes in preference to bank paper, take it because they can get nothing else, that they receive it voluntarily. They are compelled to take it because their necessities will not permit of delay, and it is scoffing at them to say it is done voluntarily. The Senator on my left [Mr. BUCHANAN] says there is a wide difference between Treasury notes and the common paper currency; but what is the real difference? One is payable on time, the other on demand. This is all. The Government issues notes on time because it cannot redeem them on demand; the banks, for some time past, have issued notes in form, payable on demand, but every one who receives them knows that, at present, they are not to be paid in specie on demand, but doubtless will be soon. In each case the holder has a promise to pay—a bond, if you choose so to call it—which is esteemed good, but neither the Government nor the banks are good for the specie at present, because neither can pay it. All we have in either case is a satisfactory security, and I cannot perceive that the time named for payment changes its essential character. The Government does as much send out inconvertible paper as the banks—it is designed as a currency. It is issued on time, because it cannot be paid on demand, for the plainest of all reasons—the Government has not the funds to do it. The case of the banks is no stronger. I can see no important difference between the condition of the banks and the Government; and the censure heaped so lavishly upon the one falls necessarily with equal force on the other.

But all this is not much to the point, for we are aiming to make the currency better. The Senator from Carolina wishes to encourage this by receiving for a time the notes of non-specie paying banks. This, I am aware, would make the banks and the Executive more equal. But although we authorize the circulation of inconvertible Government paper, and although the Executive does pay out to creditors the bills of non-specie paying banks contrary to law, yet I would reluctantly sanction it as currency by legalizing it. It would be a dangerous precedent, which I should greatly fear might be abused in future legislation. In pressing emergencies the mind is extremely prone to yield itself to the guidance of even pernicious precedents; at present the public feeling is extremely sensitive on the subject of irredeemable paper, and I am anxious to keep that just feeling alive. It is the greatest safe guard against indiscreet legislation which can exist; and will, if it is not undermined, be at all times a specific against a spurious currency.

The policy of such a measure cannot be otherwise than doubtful. But let us look at it practically. What is the foundation of the credit of a bank? It rests on the fact that it redeems its paper at sight. This raises such a presumption in its favor, that its paper is ordinarily in good credit. On the other hand, if it fails to redeem its paper, the presumption is exactly the other way, and no one will receive its paper without evidence of its ability to pay, and some explanatory reason for its failure to fulfil its promises. Nothing, therefore, can be more obvious than that the great element of credit is a prompt fulfilment of the promise to redeem.

If we agree to receive the notes of non-specie paying banks for revenue, how is it possible we can ascertain the condition of the eight hundred banks, so as to be satisfied of safety in receiving their bills? What kind of investigation can we institute? What means or power have we to reach any thing like a prudent or satisfactory result? I confess I see no way. If they pay specie, then the presumption is in their favor; if not, it is against them. Suppose, then, we receive all paper which circulates for a time; it is plain that weak banks will throw out all they can, and make their circulation large. Such paper is always abundant, and is just that which business men never like to keep on hand, but crowd it off as fast as possible. This is the very money which would find its way into the Treasury in payment of revenue, for the collectors would have no discretion to refuse it. I fear, sir, we should not only set a bad example by sustaining unsound banks, but should greatly suffer by it.

The only recommendation of the measure is, that it will aid the banks to resume specie payments. I cannot deny that it would have that tendency, but that would ill requite us for the evils it would bring with it.

Two things are necessary to a resumption of specie payments. First, public confidence, which gives the banks credit—that much abused thing, credit, which alone can give currency to paper. It is utterly vain for the banks to attempt to do business, if they must keep an amount of specie in their vaults, dollar for dollar, equal to the amount of paper issued. They cannot, under such circumstances, do business without loss. Without public confidence to such an extent as to keep their paper in circulation, they cannot go on at all, nor can they resume and do business till it is restored.

Secondly. Since the Bank of the United States ceased to issue paper, we have had no currency of uniform value in all parts of the country, and with which balances between places in trade could be paid, except specie. The drawing of specie from the banks in one part of the country, and transferring it to another, has just the effect upon the public that a run of banks upon one another has. It deranges business, cripples the banks, destroys their usefulness, and has, with the help of other causes, brought us where we are, and tends strongly to keep us there; because the want of uniformity in currency will always disturb public confidence. The future condition of things will depend on this. If the banks can be left to pursue their way, they will maintain their credit; but if they resume now, and the specie in their vaults some months hence should be required to pay debts in Europe, they would, in self defence, be obliged again to suspend. You may talk as much as you please of the state of exchange with foreign countries. Even if it be below par, it is so because you have no business, and this only proves that one obstacle, the necessity for the transportation of specie in that direction, is for the present removed. If there be no business, there can be no occasion for specie or exchange abroad. But something more is necessary—confidence at home, and a currency in which debts can be paid here in all parts of the country. If we can find nothing but specie which will answer, that, of course, must be kept in motion, and we can have no regular business, no settled state of things; for transferring it from place to place disturbs both the banks and business. We need a paper that has general credit, here and abroad; a paper in which balances between places, remote as well as near to each other, may be paid off without disturbing the specie. Such a paper was afforded by the Bank of the United States, either in notes or bills of exchange, and we see what a state of things the absence of it produces.

But as we have not, and cannot at present have, the benefit of such a circulation, we ought to resort to the next best measures.

If the Government would cease its hostility to the banks, and would receive and treat as circulation the bills of sound specie paying banks; in a word, if it would, in good faith, give the banks its confidence and countenance, it is my sincere conviction that they would at once find themselves able to resume; but they cannot resist the adverse power of the Government. Sir, I cannot doubt that, if the Government would give its support to the proposal of Mr. RIVES, the banks would at once resume, and business would be revived.

But how long things would thus continue, would depend on events which cannot be foreseen. I much fear another suspension, whenever a monetary pressure shall come, or we shall run largely into debt abroad. Any thing that shall set specie in motion, by raising its value above paper, will prove a very disturbing cause. Our present purpose is, however, to get back to specie payments; and believing, as I do, that the Senator's plan will as readily bring that event about as to legalize the reception of irredeemable paper, I much prefer it.

The disturbing cause of which I speak must necessarily recur so often as the course of trade shall create heavy drafts on the banks for specie. This will derange both the currency and business. We need, and have always used, a much greater capital in business than the specie in the country. Of late, the loans of banks alone have amounted to about five hundred millions, while the specie has not probably (with extraordinary efforts to import and retain it) ever exceeded about eighty millions.

Our business, therefore, demands paper, both for its aliment and to preserve it from those disastrous fluctuations arising from the motion of specie. Little occasion would be found for the transportation of specie, if we had some institution, issuing paper in the form of bills of exchange, or any form convenient for commerce, that should have a firm, undoubted credit at home and in foreign countries. While we are without this, we must have periods of a disturbed currency, of great depression in business. We must be visted by severe calamities, in the struggle to pay off balances between commercial places. We have seen recently exchange between New York and Boston and New York and Philadelphia at from two to three per cent. advance. This, doubtless, was because these cities were indebted to New York, and there was no medium of like value in them all. Mr. President, for these reasons, while I am most anxious for the resumption of specie payments, I cannot vote for this measure.

[Mr. NILES argued with much earnestness against the reception of the irredeemable paper of the banks by the Government. He insisted that the state of things was now as formerly, the Government having proceeded in a direct and consistent manner. He expressed his surprise at the sentiments expressed by Mr. DAVIS, coming as they did from a gentleman of so much sense and experience. He insisted that produce was the only proper and sufficient medium of exchange with foreign countries; there could be no need of bills or specie for that purpose.]

Mr. DAVIS said he knew very well that he and the Senator from Connecticut differed in many matters, but he was somewhat surprised that the Senator's zeal should so much outtravel his judgment as to lead him to a contest with those who proposed to vote with him.

Mr. D. said he was astonished that the Senator should charge him with inaccuracy, and, to prove it, allege that things had undergone no change, but remained as they had been before the Administration came into power. Could the Senator be serious in saying the Treasury order did not interfere with the currency? He would refute the declarations of the Administration again and again made, that it had had great influence, and produced great effects. If he will look at it, he will see on the very face of it that it was issued to suppress bank credits and bank issues. It was designed to discourage trade, and both Presidents boasted officially that it had accomplished its purposes. It required the revenue from lands to be collected in specie, while that from customs was left to be collected in bills. What assurance had we that imports would not be included in a like order? The Administration claimed that they had interfered with the currency, and the business of the country. It contended, and, I suppose, now contends, that the panacea for all political evils was, and now is, an exclusive metallic currency. Now, when the Administration adopts a measure designed to work a change in the currency, and claims that it has done it, will the Senator declare here that there has been no interference? Will he say there has been no change? No distress? Sir, if what the Senator sees and hears will not convince him that there has been change and interference, and that there is distress, no argument addressed by me to him will work conviction. Sir, the Senator has spoken hastily, and is mistaken.

Mr D. said that the Senator had contended we needed no currency to pay off balances in the course of trade, for they were paid in produce. What is this but contending that there are no balances? If produce pays all, then there are no balances to be adjusted; for by balances we mean precisely what is left unpaid by the interchange of trade in products.

The Senator's argument proves too much; for if all debts can be paid with produce, then we have no occasion for money; we neither want nor need it. I am sure he is a little too well versed in business to seriously attempt to maintain this ground. We all feel too often the want of money to contend that we have any produce to supply its place.

SPEECH OF MR. UNDERWOOD,
OF KENTUCKY,

In the House of Representatives, Wednesday, April 18, 1838.

The House having under consideration the proposition of Mr. UNDERWOOD, to recommit the bill making appropriations for the continuation of the Cumberland road, with instructions to report a bill in lieu thereof, ceding the same to the States through which it passes.

Mr. UNDERWOOD said that, in submitting the proposition before the House, he had not been influenced by the belief that Congress had no constitutional power to make roads through the States. He entertained no such opinion. On the contrary, he thought it demonstrable that Congress might *constitutionally* construct roads, with or without the consent of the States, through their territories, for national purposes. He had been, and yet was, in favor of appropriations by Congress for the improvement of the country, provided a system can be adopted which shall do justice to every section, and allow every State to participate in proportion to its federal numbers. There may be objects of such transcendent importance as to claim appropriations for their accomplishment, and which would justify Congress in making them; although the States might not participate in the benefit according to the rule prescribed. Such objects constitute exceptions to the general rule, and may be placed above other works, on account of their great advantages to the nation at large; although some States would derive greater benefits than others from their construction. Such, for example, is the contemplated ship canal around the falls of Niagara, and the extension of the Chesapeake and Ohio canal to Pittsburg. While, therefore, (said Mr. U.) I reserve the right to make exceptions, I am ready now to declare ceaseless hostility to all further appropriations for works which, being destitute of great national importance, are chiefly beneficial to the States in which they are located. Yes, sir, I will make war upon such appropriations until favoritism and partiality receive their death blow, or justice is compelled to retreat before political intrigues, to give up the unavailing contest, and to seek a melancholy safety in obscurity and retirement.

The extension of the Cumberland road through the States of Ohio, Indiana, and Illinois, presents, to my mind, no objects of transcendent importance which should give it the preference over all other roads in the country, and make it a national bantling to be taken to our bosoms, and nourished from the general Treasury, while we treat with cold indifference and neglect the roads of Tennessee, Kentucky, and other States. As a military road, it will never be extensively used. Troops and munitions of war will find a more rapid and much cheaper conveyance to points on the frontiers where needed, by steamboats upon the Ohio, the Mississippi, and their tributary streams, and upon the lakes of the North. When transportation by water necessarily ceases from ice, the severity of the weather will likewise suspend military operations. As a commercial road, it is even less important. Look at the map of the United States. You may trace at a glance the great natural avenues of commerce in our rivers and lakes. So far as we are dependent upon art for facilities in aid of trade, the canals constructed and constructing are by far the most important auxiliaries. Land carriage cannot compete with that by water. Besides, the Cumberland road, in its contemplated extension through Ohio, Indiana, and Illinois, runs nearly east and west, though an agricultural country, producing the same marketable commodities. The similarity of climate and soil throughout the country bordering on the road must always prevent uniformity in the character of the produce raised by the people for market. Their productions will generally find the best market in the South. Water carriage alone will enable the farmer and mechanic to carry heavy, inanimate articles to a distant market. For getting live stock to market, one or more roads through Kentucky and Tennessee would be vastly more serviceable to the people of Ohio, Indiana, and Illinois, than the extension of the Cumberland road. To and from the points where this road intersects the canals which connect the Ohio river with the lakes, and where it crosses navigable streams, there may, and probably will be much carrying of produce and merchandise in wagons. To this extent the road will aid commercial operations; but such aid will be very inconsiderable when compared with the immense amount of business and property passing on the canals and rivers from north to south, and from south to north. The road, in a national point of view, will be valuable mostly on account of its facilitating and cheapening the transportation of the mails. But in that respect there are hundreds of other roads in the United States, having at least equal claims to the attention of Congress. In what ever aspect I have looked at it, whether military, commercial, or as aiding the transportation of the mails, I do not perceive any good reason for expending million after million in the construction of this road, while no aid is afforded in making other roads of equal, if not greater importance. The contemplated railroads from Boston to the Hudson, from New York city to Lake Erie, from Baltimore to the Ohio, from Charleston to Cincinnati, from New Orleans to Nashville, do, in my opinion, far transcend in importance the extension of the Cumberland road; and yet we hear not a whisper in behalf of appropriations to these, while, year after year, a deafening clamor is raised of, Give, give, give, to the latter! Sir, I would not fear to institute a comparison between the Maysville road and its extension through Kentucky to Nashville, Tennessee, and the Cumberland road and its extension to the Mississippi river at Alton or St. Louis. Indeed, Congress, at one time, thought so highly of the Maysville road as to make an appropriation to aid its construction. At that time it was hoped and believed, by the friends of internal improvement, that Congress designed the execution of a general system, and that in due time every part of the country would receive its share of the refreshing influences of opening the National Treasury to aid in making roads and canals. But there came a blight upon the hopes of patriots and statesmen. A chilling *veto* arrested the Maysville road appropriation, and struck down all hope of executing any general system; and, from that time to this, immense sums have been appropriated for internal improvements, not with the view to execute any general plan, but under a partial, contracted, unintelligible system, the creature of Executive dictation and misrule, by which thousands upon thousands have been lavished upon rivers and roads in some parts of the country, and not a dollar allowed to other rivers and roads equally deserving in every respect.

A late memorable debate in the Senate has recalled public attention to the leading men and measures of Government in regard to internal improvements shortly after the end of the last war with Great Britain. Mr. Calhoun then presented to the nation a magnificent scheme, broad enough to comprehend all the States. He, moreover, proposed to provide and set apart a fund for internal improvements. Congress, at the instance of Mr. Pickering, of Massachusetts, decided in favor of expending the fund in the several States in proportion to their federal numbers. In these proceedings the nation saw a spirit of liberal justice. The people of every State had a right to expect aid from the General Government in the construction of those works most deeply interesting to them. But, sir, the arm of the late President was put forth, and the system upon which the people had placed their hearts, and their fondly cherished expectations, were prostrated by his power. Instead of indignant resistance to his mandates, the interests of party and the selfishness of politicians brought about a tame submission to his will; and men might be pointed at who *glorified* General Jackson for the appropriation to the Maysville road, before the *veto;* and who, as soon as the *veto* was promulgated, faced to the right about, and *glorified* louder and longer than ever! The general system by these means was destroyed. It is now defunct. In its place we have a partial and unintelligible system, if system it can be called, dependant upon the existence or nonexistence of ports of entry, and other considerations equally *learned* and *wise;* executed greatly to the benefit of the people and politicians of some sections, while those of other quarters are left to comfort themselves by reflecting how much Nature has blessed them, as the best set-off to the stepdame policy of the Government. Kentucky has felt all this deeply.

I am in favor of abandoning this partial system altogether. I saw the general system overturned with regret; but it has been done. I have no hope that it can be resuscitated. There are powerful reasons why it cannot be; and there are not a few why it ought not to be. I will give you some of them. The States, many of them at least, perceiving, after the elevation of General Jackson to the Presidency, and his veto of the Maysville road appropriation, that the execution of a general system of internal improvement by this Government could not be expected as soon as desired, if ever, adopted systems for themselves, and commenced their execution with such means as they could command. The plans of the States now occupy the grounds which the General Government might and ought to have occupied, before the States were forced to take up the business, by your neglect. After permitting this, if you now adopt a general system, and commence its execution independent of the States, you will interfere with and mar their plans. Under this condition of things, the only sensible course, it seems to me, which we ought now to take is, to aid the States in the completion of their plans and works. If a State has already made a road which you should have made, it would be extremely ridiculous for you now to make a parallel national road a few yards only from the State road; or to undertake, by putting a fresh layer of stone on the State road, to convert it into a national road. Such interference, at this time, might produce dangerous collisions between National and State authority. The feelings of the people could not fail to become greatly excited; and consequences fatal to our peace, if not to our Governments, might result. It is the first duty of every statesman, having the superintendence of any part of our complex political system, to be extremely careful in preserving and maintaining the harmonious action of the whole. It is better to abstain from doing that which you may rightfully do, and which, when done, would be productive of good, than to force your measures upon an unwilling, dissatisfied people. For one, I cannot consent, strongly attached as I have been to a general system of internal improvement, and its execution by the nation, to commence operations at this late period, which shall, in the least, interfere with those of the States.

Again: the States (I believe generally, it is certainly true in regard to Kentucky) have wisely united their means with those of individuals in making roads. An act of incorporation prescribes the terms of union. By this course the State secures, in the management of her part of the fund, the energy and economy which invariably spring from the self-interest of the citizen. My experience and observation of human character and conduct have long since convinced me that there are very few, if any, public officers, with fixed salaries, who attend to the business of the community with that care and diligence which they observe in the management of their own private affairs. Tell a public collector, at sunset, that a debtor of the Government is about to abscond, and there is danger of losing the debt; will he lose any sleep in consequence of the information? No, sir. He will creep to bed, and lie as quietly and as snug till morning, as if he had not heard a whisper. Make the same statement to a man in relation to his debtor, and at once he is roused into action; he travels all night; he hunts constables, sheriffs, magistrates, and, as the day breaks, levies his attachment upon the goods and chattels of his absconding debtor. It is legislative wisdom to blend public and private interests together, and to bring in aid of the public, the strong motives generated by individual interests. My State has done this, by uniting with her citizens in making roads, while she has reserved to herself, exclusively, the more important work of improving her rivers. The Executive policy of the General Government is to divorce public and private interests. And we have the natural fruits of such a policy in the vast expenditure, the waste of money upon the Cumberland road. I have taken some pains to look into this matter. I find that Captain Ogden, the superintendent, reported to the last Congress, that $570,363 61 had been expended on one hundred and forty-eight miles of the road in Indiana, and that it would require $1 779,266 55 to complete these one hundred and forty-eight miles It thus appears that each mile will cost a fraction more than $15,875. The same officer reports upon ninety miles of the road in Illinois, showing that $277,591 83 had been expended, and that $939,407 30 would be required to finish, so that these ninety miles will cost upwards of $13 300 per mile. I have not put myself to the trouble of searching documents to prove the cost, per mile, of that part of the road which passes through the mountains. But, judging from the expenditure in Indiana and Illinois, where the labor in grading is inconsiderable, the expense per mile, across the mountains, exceeds $20,000. Does any member believe that the road would have cost as much if individual interests had been combined with those of the Government?

The foregoing considerations have great weight in constraining me to surrender to the States, in future, the business of road-making. There are other important reasons. I cannot omit to mention one of them. Upon the accession of General Jackson to the Presidency, those who attentively considered the political evolutions of his camp could not fail to perceive that while the troops were ordered to mark time in harmony with the notes sounded by the drum and fife of retrenchment, reform, and Democracy, every movement tended to extravagance, destruction, and despotism. The great lever by which he uprooted the foundations of the settled institutions of the country, wisely and beneficently conducted by his predecessors consisted of the increase and unscrupulous exercise of the patronage which appertained to his station. To accomplish his purpose, and to bend every thing to his will, he did not hesitate to make vacancies by his power of removal from office, and then to fill them by those who made his dictation, instead of the laws of the land, their rule of action. Alarmed at these high handed proceedings, the Whig flag of the Revolution was raised, and the friends of liberty invited to rally around it. I obeyed the summons. From the hour I volunteered, to this moment, I have, on all suitable occasions, pointed to the enormous powers and patronage of the Executive as the fortification of an enemy, which must be levelled. It is the despot's strong hold, the world over.

Now, sir, with these opinions firmly fixed, I surrender, without regret, the general system of internal improvement, because it takes from the National Executive one of his sources of patronage. We shall have fewer Government agents controlling and spending their hundreds of thousands, fewer jobs to let, and less ability to reward partisans with political "spoils." If I have not been misinformed, your Government agents and contractors on the Cumberland road have attempted, and succeeded in exercising, a political influence over the laborers in their employment. It has been an object as dear to their hearts to carry an election, as to construct the road; and they have so managed it as to connect the road with politics, and politics with filling their pockets, in a manner equally degrading and corrupt

It will not follow as a consequence that we shall have no good roads, if we now abandon the scheme of having them made by the General Government. Far otherwise. The resources of the States have vastly increased since a system of general internal improvement, to be carried on by the nation, was first conceived. The States are now able to make roads and canals for themselves. Some of them have already completed splendid works. All are busily engaged upon improvements suited to their respective situations and conditions; and, under the change of circumstances, the General Government will promote the interests of the people in a more eminent degree by increasing the power and means of the States, than can be done by leaving the States unaided, and going on, as heretofore, with a partial and contracted system of its own. We can increase the ability, and stimulate the energy of the States, in a manner worthy of statesmen. We ought to do it, be dividing among them annually the nett proceeds of the sales of the public lands, and assigning to each a share in proportion to its federal population. That, sir, is my plan, and which I hope to see substituted in the place of all farther attempts to construct roads by direct appropriations. Do that, and you will find that the States will expend the money more economically and advantageously than you can. You will perceive, likewise, that, if it is done, the people will require their representatives to take care of and to guard the public domain, as a great national fund, instead of squandering it for the corrupt purpose of purchasing the support of voters, in behalf of aspiring politicians, who seek offices, from the highest to the lowest, by flattering and promoting selfish and sectional interests, instead of manifesting those high moral and intellectual qualities which alone can dignify and adorn official station, and make men capable of conducting public affairs with utility and success. Let us divide the money arising from the sales of the public lands among the States, assigning to each a just portion; and then support the General Government by a discriminating tariff, having in view the raising of no more revenue than is necessary to sustain the Government, economically administered, and, at the same time, the protection of those branches of domestic manufacture essential to our independence.

I will now proceed to notice the arguments advanced in the course of the debate in opposition to my proposition. The gentleman from Virginia, chairman of the Committee on Roads and Canals, [Mr. MERCER,] gave us a brief outline of the system, by which he was, and the House ought to be, governed in making appropriations for internal improvements. By his system, three things are required: first, a survey by a competent engineer; second, an estimate of the cost of the proposed work, and a report; and, lastly, the action of Congress upon the information thus acquired through the appropriate committees. Now, sir, this is all very well; but the gentleman was himself constrained to acknowledge that Congress would not observe the rules of his system upon all occasions. Sometimes appropriations were made without any previous survey and estimate; and all of us remember, who were here two years ago, when we had many surplus millions in the Treasury, the wild schemes for fortifications, railroads, and lighthouses, which were proposed in one or the other House of Congress, without any previous survey, estimate, or report. Congress, during the overflowing of the Treasury, did not restrict its action to a discussion merely of the wild schemes proposed, but it actually made appropriations in violation of the gentleman's *system*—appropriations proving, beyond all doubt, the want of rule, the want of system, and the existence of partiality in the action of Congress. To give an instance: During the 24th Congress, $35,000 were appropriated to improve certain rivers and harbors in North Carolina; among them was New river, a little stream, scarcely visible upon the map, from its source to its mouth not more than thirty or forty miles in length; and yet there was no survey, estimate, or report, that I ever heard of; nor was there any port of entry to bring the case within the then President's *profound* constitutional distinctions. I objected to the appropriation for New river at the time, but without effect. I asked an appropriation to Green river, in my State. My application was scarcely treated with respect. I was then a new member, and was told that I ought not to expect an appropriation for Green river by moving an amendment to any bill; but that I ought to refer the subject to the appropriate committee, to inquire into its propriety. Well, sir, early in this session, I referred the subject by resolution to the Committee on Roads and Canals, and, as yet, there is not even a response of any kind to my resolution. In the case of Green river, your own Topographical Engineers have so far complied with my friend's system [Mr. MERCER] as to make a survey and report; and, notwithstanding this, I cannot perceive that I am any nigher my object now than I was two years ago. You give thousands to remove "oyster shoals" in New river—a spring branch compared with Green river—and will not appropriate a cent to render the latter navigable for hundreds of miles into the heart of a rich country, when the estimates prove than you can accomplish for the benefit of the people as much, if not more, for less money,

than upon any other stream in the United States. Sir, my friend from Virginia talks of a system, but in reality we have none; and, what is worse, it seems to me we never shall have. We cannot get any thing like promptitude of action on the part of Congress, which is essential to the successful operation of any system. Members prefer to sit at their desks, and write letters, and read newspapers, to a patient and industrious investigation of the wants of the various sections of our vast empire, in reference to the public works which should be constructed. What do the members of Maine or Georgia care for the rocks and shoals which obstruct the navigation of Green river? They have certainly a national interest, and no doubt feel it, in the prosperity of every part of the Republic; but, sir, heretofore, that sentiment has been too weak to produce energetic and just action upon the subject of internal improvement. Look at the application which my colleague from the Louisville district [Mr. GRAVES] has, time after time, made to free the commerce of the Western States of a tax amounting, in the last year, to $145,224, and as yet he has not been able to get you to hear him on the subject of making the canal at Louisville the property of the nation and toll-free. Your inertness and your miscalled system allow one portion of the country to be heavily taxed in its commerce, for the use of improvements which you should have made, but did not; while, in other portions of the country, you are making free roads, not capable, when made, of benefiting the country a tenth part as much as those works which you have entirely neglected. Away with such injustice!

I have been asked by a colleague who sits behind me, [Mr. MENEFEE,] why I solicit for Green river that which I refuse to the Cumberland road? It would seem that this question has originated in a supposed inconsistency on my part, in asking for benefits which I was unwilling to confer upon others. I acknowledge the obligation of the divine injunction, "Do unto others as you would they should do unto you;" and I should regret very much that my course upon the present occasion should be attributed to no higher motive than that of disappointed, mortified selfishness. Another colleague, [Mr. SOUTHGATE,] after informing us that "it was but yesterday when Kentucky was a unit in opinion in relation to the question involved in this bill," stated, in substance, that I now proposed to abandon this road, "not because we have not the money and cannot get it; not because we are released from the moral and legal obligation to extend this road to the Mississippi; not because the advantages of this road to the commerce and social intercourse of the East and West are not apparent; not because we have not the constitutional power, not because the road is not national; but, strange to tell, because *Green river* and *Big Barren river* are not embraced, and have not received the kind and fostering care of the General Government." He then proceeded to say that *he* would not withhold from other parts of our own West that which, in justice and right, belongs to them, because Kentucky had not got her share. My colleague [Mr. SOUTHGATE] is not less ignorant of the true motives by which I am actuated, than he seems to be of the facts and laws which govern the subject under discussion. Two years ago "Kentucky was a unit in relation to the question involved in this bill." If my colleague will look into the journal of the 1st session of the 24th Congress, page 1143, he will there find that eleven of the twelve members of the Kentucky delegation who voted, opposed the appropriation for the Cumberland road. The Treasury was then overflowing, it is now empty. I should consider it unkind in those then here to impeach my motives for a persevering, consistent course. Those who have subsequently become members may find it more convenient to impute an unworthy motive than to answer my arguments.

I will proceed to satisfy my constituents and the whole country, I trust, of the propriety of calling the attention of this House to "Green and Big Barren rivers." My first object was to contrast these rivers with New river, the spring branch of North Carolina, and thus to show the striking inequality and injustice of your pretended system of internal improvement. My second object was to contrast the same rivers with the Cumberland road, for the same purpose. I selected Green and Barren rivers to make the contrast, because I was best acquainted with them. Any river would have done as well, although situated in a State other than Kentucky, provided it possessed magnitude and importance. James river, below Richmond, would have answered my purpose. Why not remove the shoals and bars, and make a ship channel to Richmond? Has it not the same claim which the overslaugh in the Hudson has? Does it not rise infinitely above the "oyster shoals" in New river? Ay, but Virginia is opposed, on constitutional grounds, to this Government making improvements within her territory. Is that a reason sufficient to deprive her of all aid? Will she rise in rebellion if you commence the improvement of her rivers? The peculiar views of Virginia's representatives, taking them as a mass, should no more prevent us from extending the system to aid her, than the opposition of the representatives of a single county in a State should prevent opening a State road through their county. The construction which Virginia places on the Constitution is to deprive her of a just portion of paternal aid, and Kentucky, without any such constitutional scruples, is to be treated as much like a step-child as Virginia! And these inequalities in the distribution of advantages is yet called a system of justice and liberality! Sir, it is a taunting mockery.

But there are yet other reasons why I might properly press the consideration of Green and Barren rivers upon Congress, and still be opposed to the appropriation for the Cumberland road.

There is a distinction between watercourses navigable by Nature, although not permanently so, and works entirely artificial, which might justify placing rivers upon different principles from those which authorize this Government to construct roads. The General Government has taken jurisdiction over harbors on tide water since its foundation, and it has improved the navigation of tide-water rivers and harbors, by maintaining, repairing, and constructing light-houses, beacons, buoys, and public piers, from the passage of the act of the 7th August, 1789, (less than six months after the Government went into operation under the present Constitution,) down to the present day. The same principle which allows you to benefit navigation by erecting a beacon, a buoy, or light-house, on the seashore or upon tide-water rivers, will equally justify you in making the channel deeper. In looking into the Constitution, I see no power granted over salt or tide-water which is prohibited when you come to legislate in relation to the rivers in the interior of the Continent, and not influenced by the ebbing and flowing of the tide. To whichsoever of the enumerated powers you trace jurisdiction over tide-water, you will find it equally applicable to rivers, no matter where situated, within our territory. As, then, the improvement of navigation began with the first Congress that ever sat under the Constitution, and without objection, so far as my knowledge extends, it may be that Congress will continue to improve rivers for the benefit of navigation, when no new work exclusively artificial will ever be commenced. Now, sir, I am one of those who think we have the same right to make a road that we have to improve a river, whether salt or fresh. But to those who think differently, and who intend to persevere in improving rivers, and to abandon roads, I deem it a duty to keep the rivers in which the people of my district are chiefly interested, before their eyes. If they look, perhaps they will find Green and Barren rivers as worthy of improvement as New river, the ever-to-be-remembered North Carolina spring branch!

Sir, if Congress had a large charity fund to dispense for purposes of education, would my colleagues think they had discharged their duty, to sit by and see the whole of it applied to educating the children of other States, without proclaiming that there were children in Kentucky who ought to come in for a share? No, sir; no. They would be unworthy the State which has honored us, if they did not indignantly resent every attempt to exclude the children of their constituents from a participation in the common fund. I have done nothing more than that. I only ask a just participation in the common fund. My constituents would not tolerate me in asking more than my share, and they would dismiss me with scorn and contempt if I did not demand my rights—no, not my rights—but their rights. 'Tis for them I speak.

But again, sir. It is a well settled principle of international law, that the oceans of the earth are the common property of all nations; and that even rivers which pass through or touch the territories of independent nations are, for all the purposes of navigation to those nations, common property. Under this principle we claimed the right to navigate the Mississippi to the Gulf before the purchase of Louisiana. Under the same principle, we claim the right to navigate the St. Lawrence to the Atlantic. As these principles prevail among independent nations, much more strongly do they apply to the States of this Union, bound together by a common Constitution, with the significant motto, "E pluribus unum," stamped upon its coin and emblazoned on its flag. Consider, sir, that express power has been delegated to Congress to regulate commerce, not only with foreign nations, but with the several States, and that Congress from the beginning, without objection, has assumed jurisdiction over all the interests and natural channels of navigation—an ingredient of commerce, according to the opinion of the Supreme Court; and then ask the question, can any one State legitimately appropriate to itself to the exclusion of other States or their citizens, any navigable river, upon the ground that the river lies entirely within its own territories? Sir, it has been judicially and correctly decided by the Supreme Court, in the case of Gibbon vs. Ogden, that it cannot be done. New York was not permitted to grant the exclusive navigation of the Hudson, by steamboats, to Fulton. If a State cannot make a navigable river exclusively for its own purpose, much less can it be done for all purposes. It becomes, therefore, a question of vast magnitude to the people of my State, how far its Legislature can go in destroying entirely the natural navigation of large rivers, and substituting in lieu thereof a better artificial navigation by dams and locks, and subjecting the commerce of all the States to taxation in the form of tolls. Let me bring this matter home to the mind of every one by giving a few illustrations. Suppose the Legislature of Louisiana should undertake to open a ship canal from the Mississippi to Lake Pontchartrain, and to tax all vessels passing through it, would she have the right to do so? Undoubtedly, because it would be a work entirely artificial, constructed by her means, and for the use of which she might rightfully charge. But suppose she were to go a step further, and undertake to block up the natural channels at the mouths of the Mississippi, with a view to compel all vessels to use her artificial canal, and thus to tax them, could she do it without the consent of Congress?

Suppose Indiana constructs a canal around the falls of the Ohio on her side, can she and Kentucky then combine to obstruct the natural channel, and thus compel all boats at every stage of water to pass through one of the canals and pay tolls? Can Kentucky construct a dam and lock upon the Cumberland or Tennessee river, upon pretence of furnishing an artificial navigation superior to that which nature has given, and thus levy contributions upon the commerce and citizens of the States of Tennessee, Alabama, and Mississippi, or deprive them of the use of these rivers? Sir, in all the cases imagined, I do not hesitate to say that the States could not obstruct the natural navigation, with a view to substitute an artificial navigation, without the assent of Congress. Wherein do these cases differ from those of the Green, Kentucky, and Licking rivers, in which the natural navigation is to be destroyed, and a better artificial navigation substituted by the legislative action of a State, without even consulting her sister States in Congress? It differs in nothing except that two of the rivers which my State has undertaken to improve do not touch the territory of any other State, if that fact is sufficient to change or render inapplicable the principles to which I have referred, so be it. To say the least, I think it a matter of doubt enough to justify me in desiring an appropriation from Congress to aid the State with its improvements on Green river, even if it did not exceed the amount of ten dollars. A portion of the waters of Green river comes from Tennessee. I desire to obtain an appropriation to show the assent of Congress to the State improvements now in progress, if nothing more; and to do away all pretext for the interference of this Government in future times with those improvements. Without such assent, I do not know but the time may come when it will be said that our dams and locks are unauthorised national nuisances, and that this Government is bound to abate them.

I trust that my inquisitive colleagues will now perceive that my motives and my survey of the entire subject are not confined to the suggestions of a narrow selfishness. Selfishness, indeed! Why, sir, from the tenor of remarks which have surprised me in the progress of this debate, it would seem that if you were a partner with certain gentlemen in any mercantile concern, or trade, or corporation, and they were taking to themselves all the profits and dividends, and you should happen to remonstrate against the iniquity, all the satisfaction that you are likely to get would be an impudent look, and the sacrilegious exclamation "Good Lord, how selfish the man is!" What would you think of travellers in a desert, who, in violation of every principle agreed on at the commencement of the journey, should combine to place part of the caravan upon half allowance, while the other feasted sumptuously every day; and who, when complaints were made by the sufferers, should return no other reply than "We regard you very unreasonable and selfish to ask an equal share in the bread and water?"

These, sir, in my estimation, are fit parallels to exhibit the conduct of Congress in relation to internal improvements, as conducted during the last nine years.

My colleague [Mr. POPE] seems to be as much surprised at my course as my colleague, [Mr. SOUTHGATE.] Neither of those gentlemen was here during the last Congress, and neither could have examined the journal to ascertain how I then voted. Had that been done, they would at least have found me consistent with myself. My colleague [Mr. POPE] adverts to the appropriations to send out an Exploring Expedition to the South seas, and the $100,000 voted to the heirs of Fulton, as if they afforded countenance to the grant of $359,000 to the Cumberland road in the present exhausted condition of the Treasury. These precedents have not been set by my consent. I oppose both. In setting on foot the Exploring Expedition, the conduct of Congress resembled that of a young spendthrift, who wastes his estate, rambling abroad in pursuit of pleasures and fancied good, to the neglect of his more important and more profitable business at home; and as to the Fulton appropriation, it was in my judgment a donation, which Congress refused to call by its proper name, and passed it through under the delusive idea of settling a debt.

There is yet, Mr. Speaker, an important argument against my proposition to be considered. It has been gravely urged here that Congress was bound by compact to finish the Cumberland road to the Mississippi river; that the faith of the nation was pledged to do it. Gentlemen have asserted this with as much seriousness as if it was founded in truth; and were it not that the gravity of their countenances rather forbids it, one might be disposed to smile at their errors and credulity on this point. Let us examine it. If my proposition violates any compact or pledged faith, as soon as I am convinced I will instantly withdraw it. The act of 30th April, 1802, tendering terms to the people of Ohio for their assent previous to their entering the Union, and to which they did assent, offers them one-twentieth part, or five per cent. on the nett proceeds of the sales of public lands lying in their State, to be expended under the authority of Congress in "laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same."

The act of 19th April, 1816, tendering terms to the people of Indiana, offers them five per cent. on the nett proceeds of sales of land lying in their State, for the purpose of making roads and canals, three fifths to be applied by their own Legislature, and "two-fifths to the making of a road or roads leading to the said State, under the direction of Congress."

The act of 18th April, 1818, tendering terms to the people of Illinois, offers them five per cent. on the nett proceeds of the sales of land lying in their State, "two-fifths to be disbursed under the direction of Congress, in making roads leading to the State." The other three-fifths were given to the State for purposes of education.

The foregoing acts of Congress constitute the basis upon which the *obligation* of continuing the Cumberland road to the Mississippi must rest, if there be any; and I invite the special attention of my colleague [Mr. SOUTHGATE] to their provisions. I also beg him to notice other acts to which I shall refer, and then ask himself whether "the moral and legal obligation to extend this road to the Mississippi" is any thing more than a created phantom of his own vivid imagination?

It is perfectly clear, from the foregoing acts, that there was not the shadow of an obligation imposed upon Congress to make a road *in* either of the three States. I admit, however, there was an obligation imposed to make a road, or roads, *leading to* each of said States, so far as the two per cent. fund would accomplish it. In the case of Ohio, the stipulation is to connect the Atlantic and Western waters; but no such provision is made in relation to Indiana and Illinois. It would be a compliance with the contract to construct roads *leading to* their borders from Michigan and Missouri, or any other quarter. Congress has, however, undertaken to fulfil its obligation by making the Cumberland road, and thus not only to fulfil it to the letter, by making roads *leading to* these States, but to give each a greater advantage by likewise making the road *in* their respective territories. Of this I will not complain, although three per cent. has been allowed two of these States to make roads within their limits whenever they pleased. On the 29th of March, 1806, Congress passed an act for laying out and making the road from Cumberland, upon the Potomac, to the Ohio river. This was the commencement of satisfying the obligation to Ohio, and, in this act of 1806, the sum of thirty thousand dollars was appropriated. But in order to show that it was not bound to expend in making the road more than the two per cent. which had been set apart for the object, Congress carefully inserted in the act of 1806 a provision, making the sum appropriated "chargeable upon, and reimbursable at, the Treasury, by said fund of two per cent. as the same shall accrue." On the 15th of May, 1820, Congress commenced the discharge of its obligations to Indiana and Illinois, by passing an act providing for laying out and continuing the Cumberland road from Wheeling to the Mississippi river. But, as if endowed with the spirit of prophecy, and foreseeing the unfounded pretensions that might be set up, of a "moral and legal obligation" to complete the road after having laid it out and begun it, and intending beforehand to denounce any such claim upon the Government, the Congress of 1820 inserted in the second section of their act the following proviso: "Provided always, and it is hereby enacted and declared, that nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation, on the part of the United States to make, or to defray the expense of making, the road hereby authorized to be laid out, or of any part thereof."

The road having been laid out under the act of 1820, on the 3d of March, 1825, Congress passed an act providing for the appointment of a superintendent, prescribed his duties, and appropriated one hundred and fifty thousand dollars to begin the work. But the act expressly declares that the money shall be "replaced out of the fund reserved for laying out and making roads under the direction of Congress, by the several acts

* This act was subsequently modified by an act of 3d of March, 1803, so as to require the payment of three-fifths of the five per cent. to the State of Ohio, to be applied to making roads in that State, leaving only two-fifths to be applied by the General Government in making roads to the State.

passed for the admission of the States of Ohio, Indiana, Illinois and Missouri, into the Union, on an equal footing with the original States." The act of March, 1825, authorized the survey and laying out the road to the permanent seat of Government of the State of Missouri.

It is impossible for the unbiassed mind to read the foregoing acts of Congress without clearly perceiving that the extent of obligation imposed by them requires the faithful appropriation and expenditure of the two per cent. fund in making roads *leading to* the States mentioned, and nothing more. Now, if it can be shown that we have done that, the obligation is discharged. If we have expended more, the excess is a gratuity.

The gentleman from Virginia [Mr. DROMGOOLE] has caused a thorough examination of all acts heretofore passed, appropriating money to make the road. The result is, that $6,365,083 46 have already expended; of that sum $2,843,942 20 have been expended between Cumberland and the Ohio river, and $3,521,141 26 have been expended between the Ohio and Mississippi rivers. How much does the two per cent. fund amount to, and which Congress was under obligation to appropriate in road making for the benefit of these States? I called for information during the last Congress, to ascertain the amounts actually paid to these States—to wit: the three per cent. of the five per cent. fund. By the report of the Register of the Treasury, dated the 29th day of December, 1836, it appears the State of

Ohio	was entitled to, and had received,			$464,366 51
Indiana	do	do	do	388,102 61
Illinois	do	do	do	260,328 96
Missouri	do	do	do	146,929 20
Constituting an aggregate of				$1,259,727 28

The two per cent. retained by Government is just two-thirds of this aggregate, or $839,818 18, which, being deducted from $6,365,083 46, shows that we have, as a gratuity, expended $5,525,265 28 more than we were bound to do. To all this should be added the three per cent. on the sales of public lands, paid to the above four States, which, prior to the 29th day of December, 1836, amounted, as above shown, to $1,259,727 28, and the millions of acres given them for education and other purposes, if we would bring together in a single view the many favors which a bountiful Government has showered upon them. I do not repine at the munificence of the General Government to the new States. I do not envy their prosperity. I rejoice at it. Their citizens are my countrymen, and they give a kind welcome to such as leave the old States in pursuit of better fortues in newer homes. Sir, I have many relations, connections, and friends in the States most benefited by the extension of the Cumberland road. But I am not so blind as not to perceive that Government has more than discharged all its obligations to them and their States; and that, if you could double the quantity of lands yet to be sold in their boundaries, and treble the price, two per cent. on the money arising would never reimburse us the half of the expenditure already made, over and above what any compact required us to expend. Under these circumstances, the people of those States have no just claim to ask from an empty Treasury the additional sum of $359,000, to go on with the work. My motion to recommit, with instructions, is made in order that the road shall be surrendered to them; and, if hereafter the two per cent. fund should ever augment so as to overpay us, which is scarcely a possible event, no one will more cheerfully surrender the surplus than I. Indeed, sir, it may now be provided for, if my motion prevails. In giving up the road so far as it may have been finished, the States should come under the same terms and stipulations in regard to the passage of the mail, troops, munitions of war, &c. as have been heretofore made in relation to that part of the road already finished and ceded to the States. In regard to the parts of the road partially done, I am willing to ask no equivalent in return.

I have shown, sir, that we violate no compact in refusing to make the appropriation now asked. I have shown it by the record; and when the record (your statutes) is examined, it will be seen that this Cumberland road and its extension never constituted a part of any general plan or system of internal improvement; but that it had its origin in compacts with the States to and through which it goes, and the enhancement of the value of the public domain. So far as it depends upon these peculiar grounds, the argument in support of it does not in the least maintain the power of this Government to adopt and execute a general system of internal improvement. On the contrary, by placing this road for support upon the compacts and the proprietary interest of the Government, the argument in favor of a general system is thereby weakened. It is as much as to say, but for these peculiar considerations the road could not have been constitutionally made by us.

One of the gentlemen from Indiana [Mr. EWING] gives me a caution upon the subject of breaking down "obligations entered into by solemn compacts," while I "still hold the new States bound by their stipulations in relation to the sovereignty of the soil." The gentleman is wholly mistaken if he supposes I wish to avoid any *obligation* which the Government has incurred. I am for fulfilling all obligations, not only literally, but liberally; and in this instance we have done it, by giving heaping measure. I can only understand the gentleman's remark in relation to "the sovereignty of the soil" as a threat that if Congress refuse to spend millions more to complete the road, if Congress evince a determination *now* to stop, the "*new States*" might justifiably seize upon the public domain within their borders, and appropriate it exclusively to their own use. In a private or public capacity, I trust I shall never fail to perform my duty in consequence of threats of any kind. I will not be alarmed on the present occasion. I will only retort upon my venerable friend from Indiana, (for such I esteem him,) by using his own language, and tell him, "that he greatly overrates his sagacity and intellectual strength, if he thinks he can break down the obligations entered into, and acted upon for thirty years," and excite *rebellion* in the State which has honored him, even if my motion should prevail. I must tell my friend another thing: I am, in principle, opposed to paying people for keeping quiet. I will give Indiana no bribe to keep her hands off the public lands. I know individuals sometimes make exactions, and the timid sometimes yield in the hope of keeping upon good terms; but I have never known an unjust person to commence this game, who did not increase his exactions until they became intolerable; and, at last, the party imposed on would be driven to resistance. Sir, the manly and best policy always is, to attack imposition at the threshold. Friendships which can be purchased and paid for by gold are not worth having. That ligament binds robbers together. The friendship which is worthy of elevated individuals, worthy of great communities, is based upon sympathy, benevolence, and the principles of eternal justice. It prompts the parties to entertain mutual respect, to give each his share of any common blessing, to rejoice in their mutual prosperity, and to aid each other in every good work. It is this generous and noble friendship which I desire to see Kentucky cherish for and towards all her sister States. On their part I wish to see it reciprocated. I wish to put down, to exterminate every sordid, sectional, partial, and unjust feeling and motive of action. To do this, so far as it is to be effected by a system of internal improvement, you must make it general, or you must give it up entirely. The peace and harmony of families are destroyed, if the father lavishes all his bounty on a favorite son, and suffers the rest to go neglected in ignorance and rags. So with these States; unless justice and equality, according to the rule of taxation, or the rule of federal numbers, are observed, a burning indignation takes possession of the breasts of the neglected, and when the Government tumbles to pieces from its own rottenness they will clap their hands for joy.

Mr. Speaker, several of my Whig friends who differ with me on the present occasion, have ventured, in the course of their remarks, to express their regret that the proposition I have submitted should come from a Whig. What, sir, regret that a Whig should propose to stay the hand of extravagance; to stop expenditures partial and unjust; to claim common funds as common property; and to insist that they shall be used for the benefit of all, and not for a few! Sir, I ought to have received the thanks of every true-hearted Whig, rather than the cold expressions which have been bestowed. There is something *wonderful* in the amalgamating influences of this Cumberland road. It operates like magic. The Whigs of Ohio, Indiana, and Illinois walk as lovingly with their political adversaries on this particular question as if they had always, on all questions, been perfectly agreed! How happens it that even where this road touches the territory of the Old Dominion, it makes the representative a good internal improvement man, and seems to silence all constitutional scruples in voting money for that purpose? I dare not say, when our constituents are getting money, and we, in consequence, are getting their votes, that all so situated have irresistible motives to support appropriations to continue this road. But I will say, there is a wonderful unanimity of sentiment on this particular matter among the representatives of the States through which the road is to be carried northwest of the Ohio river! Sir, I will take leave of my Whig friends in these States, and of the subject, by saying to them, go home, tell your constituents that they have had millions more than they were entitled to under any compact; that Congress has given them the road as it is, and asked nothing in return where it is not already finished, and that they, like a favored son of a kind father, who finds it necessary and just to withhold further donations, ought to return blessings for past favors, instead of curses for the change in the father's conduct. You may tell them all this with truth, if my motion prevails, and they will approve what Congress has done, for you represent a sensible, reflecting, and honest people.

THE NORTHEASTERN BOUNDARY.

SPEECH OF MR. EVANS,

OF MAINE,

In the House of Representatives, May 29, 1838—The House having proceeded to the Orders of the Day, and taken up the message received from the President a few days ago, on the subject of the Northeastern Boundary of the United States—

Mr. EVANS said: The topics involved in the message respecting the Northeastern Boundary of the United States were of too great and pressing importance, as well to the State he represented, as to the peaceful relations of the country, to be passed over without some observations. He wished he could impress upon the House, and upon Congress, and, if his voice could reach beyond these walls, upon the other Department of the Government also, the necessity, absolute necessity, of prompt, efficient movement, on its part, for the adjustment, on just, safe, and honorable principles, of this protracted controversy. Farther delay could only result in deeper embarrassment. The legislation of the State whose rights and interests were more directly at stake had precluded much longer delay. The evidence of this is now before us. By a resolution, adopted with entire unanimity at the late session of its Legislature, which I shall presently have occasion to read, (said Mr. E.) it is made the duty of the Governor of Maine, in certain contingencies, to cause the line of boundary on the Northeastern frontier to be surveyed and established, agreeably to the treaty of 1783. Those contingencies are, that the bill introduced by myself some months ago, and since reported by the Committee on Foreign Affairs, shall not become a law, or that the Government of the United States, either by itself, or in conjunction with Great Britain, or with Maine, shall not appoint a commission to do the same thing; and the period assigned by the resolve for the performance of this duty by the Governor, should the United States fail to undertake it in one of these modes, is the first day of September next. That period is approaching, and the duty devolved upon the Governor will unquestionably be discharged. Let this not be doubted. It will be done. That it will be attended with hazard to the pacific relations between us and Great Britain, there is too much reason to fear. These considerations, I trust, will secure to this subject the earnest attention of both branches of Congress; and in the course of the remarks I am about to submit, I will endeavor to point out the mode in which justice may be done to the State, and, at the same time, the peace of the nation preserved.

The message, which is now the matter for consideration, embraces two objects, the first of which is of comparatively little importance. It relates merely to certain claims of the State of Maine for reimbursement for expenditures incurred in affording protection to citizens of the United States, who had been harassed, arrested, and imprisoned by the Government of New Brunswick, under its pretended claim of jurisdiction and authority over what they denominate the disputed territory. The amount is not large, but is justly due to the State, and the hope was indulged that the President would himself have ordered its payment, without recourse to Congress. Doubting his authority, however, to do so, he has transmitted it here; notwithstanding on a former occasion, in 1828, the then Secretary of State (Mr. Clay) caused expenses of precisely a similar character to be reimbursed, at the request of the Governor of the State, without submitting it to Congress at all. This precedent, however, does not seem to meet with favor at this time, and the subject is presented to us. I shall move, sir, to refer this part part of the message to the Committee on Foreign Affairs. If they see fit to report favorably upon the claim, it will be no more than justice; otherwise, if the injustice will be so light and insignificant, in comparison with the greater injustice we have suffered, that, for myself, I shall hardly bestow a thought upon it. With these remarks, which are all I shall offer upon that part of the message, I submit it to the will and pleasure of the committee solely.

The remainder of the message, and the documents which accompany it, are of much more grave and serious import. It invites no action on the part of Congress. It contains nothing upon which either House can act. It is not necessary, therefore, that it should undergo the examination of any committee. It is communicated only "to shew the actual state of the negotiations with Great Britain on the general question." However unusual it may be for the President to communicate to Congress, and especially to this House, the state or the circumstances of a pending negotiation, I rejoice that he has done so in this instance. But I do not rejoice in the information we have received of the character and purposes of the proposed renewed negotiations. I fear, indeed, it may have a disastrous effect upon the measure we are pressing by all means in our power for running the line agreeably to the bill I have referred to.

"The actual state of the negotiations on the general question," we learn from the documents submitted with the message, to be, that, on the 27th of April last, Mr. Forsyth, the Secretary of State, apprized Mr. Fox, the British Minister, that he was directed by the President to announce to him

"The willingness of this Government to enter into an arrangement with Great Britain for the establishment of a joint commission of survey and exploration, upon the basis of the original American proposition, and the modifications offered by her Majesty's Government."

The Secretary of State invites the Minister to a conference, with a view "to conclude a convention embracing that object."

It will be seen that very little information is to be gathered from this letter alone of the character of the proposed negotiation. What the "original American proposition" was, and what were the "modifications offered by her Majesty's Government," are not stated, and perhaps need not have been. The reply of the British Minister of the 1st of May says that he is "not at present provided with full powers for negotiating the proposed convention," but will transmit the proposal to her Majesty's Government, and must wait for fresh instructions. The "modifications" he speaks of as contained in his note of the 10th of January last. From this we learn that a proposition formerly made by the American to the British Government, and subsequently modified by the latter, has again been renewed, and that a convention between the two Governments may reasonably be anticipated upon the basis of that proposition, and the modifications of it. In a letter from Mr. Forsyth to the Governor of Maine, dated May 8, he informs the latter that this has been done "in accordance with the expressed wishes of the Legislature" of that State; as he had previously informed Mr. Fox, on the 7th of February last, that it would *not* be invited "unless the authorities of the State of Maine" "should deem it more likely to lead to a final adjustment of the question of boundary than the General Government deems it to be." It seems, therefore, that the Secretary of State, by direction of the President, has proffered this negotiation upon the ground that it is in conformity with "*the expressed wishes*" of the Legislature of Maine, who deem it likely to lead to a final adjustment of the question. Now, sir, if this be so, certainly neither the State itself, nor its representatives here, can have any just ground of objection to the proceedings about to be instituted. But I take occasion here to say, what I will more fully show before I sit down, that upon this matter the Secretary labors under some extraordinary mistake. The Legislature of the State have never *expressed any wishes*, or consent, to *such* a negotiation as is proposed; nor have any of the constituted authorities of the State; nor have they done or said any thing which can be so construed. But of this more hereafter.

My purpose now is to deal with this "original American proposition," which has been thus renewed, and to show that it was, at the time, in connection with certain concessions and principles coupled with it, and made part of it, and to be observed in the execution of it, highly objectionable and dangerous; and that the British modifications render it still more so; and, if carried out fully, in the sense intended by Great Britain, it will be a surrender of the whole question at issue. What, then, was "the original American proposition?" It was first suggested, but not distinctly offered, by Mr. Livingston, in his letter to the British Minister of the 30th of April, 1833, in these words:

"All the disadvantages of these modes of settlement, heretofore adopted, might, as it appears to the American Government, be avoided by appointing a new commission, consisting of an equal number of commissioners, with an umpire selected by some friendly sovereign from among the most skilful men in Europe, to decide on all points in which they disagree; or, by a commission entirely composed of such men, so selected, to be attended, in the survey and view of the country, by agents appointed by the parties."

This was a mere suggestion, not much pressed, for the appointment, in one or the other modes indicated, of a commission, with an umpire, who should have power "*to decide* on all points" of disagreement. If this had been all, probably it would not have been very objectionable; although even in its best aspect, it might not have been entirely satisfactory to Maine. But it was not all. The Secretary proceeded to offer, as an inducement to the British Government to adopt the suggestion, a proposition for the employment of a "*new principle in surveying*," which was subsequently pressed with much earnestness for several years; and that was, a departure from the true north course from the monument called for by the treaty, and a deviation *westward*, in search of highlands, provided none satisfactory could be found in the first-named meridian. In the same letter, Mr. Livingston, after explaining his meaning, says:

"As this principle does not seem, hitherto, to have been adopted, it appears to the Government of the United States to offer to the commissioners who may be appointed the means of an amicable adjustment."

It is thus plain that, in the very inception of the proposition, it was carried out upon this new principle, and that "the commissioners who may be appointed" were to avail themselves of this mode of "an amicable adjustment."

The proposition, even thus explained, did not meet with a favorable reception from the British Minister.

It was further explained, and strenuously urged by Mr. Livingston, as a means of finally settling the question in a manner that would be binding on both parties. On the 28th May, 1833, he writes to Mr Vaughan that the failure hitherto to ascertain "the true boundary" ought not

"To be attributed to any insuperable difficulty, but rather to the inefficiency of the means heretofore resorted to in order to secure such a decision as should be binding on both parties, and to the want of attention, by the commissioners and arbiter severally employed for that purpose, to an established rule in the settlement of boundaries."

The avowal is here distinct and explicit, that the adoption of his *new* principle of surveying, which he here calls "an established rule," would settle "*the true boundaries*," in a manner to be binding on both parties, although it should diverge far to the westward of the "*due north line*" which the treaty calls for. In other words, *whatever* line should be run from the source of the St. Croix, upon the proposed principle of survey, would be the line of the treaty, the true line, and binding on all.

The British Minister so regarded it, and he repeats, May 31, to Mr. Livingston, that he understands him to say—

"That the only deviation, therefore, which can be admitted in tracing the boundary, from the strict terms of the treaty, is an abandonment of the direct due north line from the St. Croix, which has been hitherto followed in search of the highlands of the treaty; and a permission to be given to a joint commission to be sent expressly to examine the country, to follow an oblique line to the westward of the direct north line, until they shall meet with highlands answering the description given of them in the treaty, as dividing rivers falling into the Atlantic from those which fall into the St. Lawrence. A line drawn to them, wherever they may be found, from the monument at the source of the St. Croix, would be such a compliance, with the description of the boundary laid down in the treaty, as to remove all constitutional difficulties in the way of the Government of the United States, and enable it to fix that line as the line of boundary."

The joint commission, suggested as I have already stated, was thus to be at liberty to make "*a deviation*" "from the strict terms of the treaty"—an abandonment of one of its plainest features; and a line found by such *deviation* and such abandonment was, by the concession of our Government, to be *the* line described in the treaty, and to be obligatory upon us.

The subject underwent a good deal of discussion, and continued for some years, almost down to the present time, when it is again renewed. The proposition was distinctly restated by Mr. McLane, March 11, 1834, in these words:

"Now, the proposition of the President is, to find the highlands answering the description of those called for by the treaty of 1783, and to them from the monument to run a direct line; and the President does not doubt that, with the aid of more accurate surveys by skiful persons, on the ground, and freed from the restraint hitherto imposed by a due north line, such highlands may be found; and which either the commissioners or the arbiter might have found had they adopted the rule now proposed."

Here is the most distinct admission that the "restraint hitherto imposed by a due north line" had prevented the umpire and the commissioners from finding the highlands of the treaty; and the "rule now proposed," if adopted, would enable the new commission to find such highlands, and "*to run a direct line from the monument*" to them.

The British Minister comprehended the proposition perfectly well, as will be seen by an extract from his reply, dated March 16, although he did not even then accede to it. He says:

"The answer of Mr. McLane upon that point is confined to stating that, should a new commission of survey, freed from the restriction of following the due north line of the treaty, find, any where westward of that line, highlands separating rivers, according to the treaty of 1783, a line drawn to them from the monument at the source of the St. Croix river will be such a fulfilment of the terms of that treaty as the President can agree to make it the boundary, without reference to the State of Maine."

I will make but another single citation, though many are at hand, to show that the "original American proposition" was the establishment of a new commission, to ascertain, by surveys, by explorations, not "the northwest angle of Nova Scotia," the starting point of the treaty, but to ascertain "the highlands answering the description of the treaty," that is, highlands which divided the rivers flowing into the St. Lawrence from those which fall into the Atlantic ocean; and, *in whatever westward course* they might be found, to run a straight line from the monument to them; and this should be the line of the treaty.

Mr. Livingston, as early as May 28, 1833, in the second letter he wrote, explaining and urging the proposition, said:

"The President is willing, in order to simplify the operation, that the commission should be restricted to the simple question of determining the point designated by the treaty as the highlands which divide the waters, to which point a straight line shall be drawn from the monument, and this line shall, as far as it extends, form part of the boundary in question; that they shall then designate the course of the line along the highlands, and fix on the point designated as the northwesternmost head of the Connecticut river."

Now, I should like very well to understand what is meant by the phrase "the *point* designated by the treaty as the highlands which divide the waters." A *point*, in geometry, we all know, has no magnitude. How a range of highlands, some three hundred miles or more in length, dividing rivers, a dozen or more on each side of it, can be called a *point*, I am at some loss to comprehend. Well, to this *point*, (what part of it, I pray?) a straight line from the monument is to be drawn, and then to be continued along this "point." My objection to this, in particular, is, that it concedes more than Great Britain ever required of us. She was always willing we should run due north as far as Mar's Hill, some forty or fifty miles from the source of the St. Croix; and would be entirely willing *now* that a straight line should be run from Mar's Hill to such highlands as should be discovered conforming to the treaty. If these highlands should be found any where westward of the treaty meridian, a line from the monument would necessarily cut us off from the whole triangle, whose base line should be the space from the monument to Mar's Hill, and which Great Britain has always been ready to concede to us. It would also cut us off from the sources of our rivers, and probably also surrender the military post at Houlton, to which no claim has yet been set up by Great Britain. How soon it may be, under such concessions, is yet to be seen. The idea of a *straight line* from the monument to the highlands, which may be found conformable to the treaty, goes upon the ground that the point thus reached would be the northwest angle of Nova Scotia; it can rest upon nothing else. And yet Great Britain does not claim it as such. She knows too well where the northwest angle of Nova Scotia is to set up such a pretension. The ground now taken by her is, that the line of the treaty is impracticable; cannot be run; is void for uncertainty; and that there is no northwest angle of Nova Scotia. If so, why need we concede her more than she asks? Why agree to search for highlands *westward* of the meridian fixed in the treaty, upon the professed acknowledgment that upon *such* highlands the northwest angle of Nova Scotia may be found.

But, sir, notwithstanding the earnest solicitation of our Government, and the repeated assurances which were given that the mode proposed would lead to results satisfactory to both nations, Great Britain declined to accede to it, unless upon conditions, or *modifications*, rather, which were at once rejected. They required that the search for the highlands should be limited to the south of the St. John's; that it should be agreed that the St. John's was not a river falling into the Atlantic Ocean; that the bays of Fundy and of Chaleurs were not embraced within the term "Atlantic Ocean;" and they required, also, as a preliminary, an acquiescence in certain opinions or arguments expressed by the King of Holland, in his pretended award, which led him to the conclusion that the line of the treaty could not now be ascertained. I forbear, at this time, an examination of these opinions and arguments, although it would be an easy and an inviting task to show their utter fallacy. Our Government very wisely and very promptly refused to admit these modifications; and, after several years' effort, the proposition for a new commission of exploration and survey fell through. It is now renewed, and it is proper, therefore, to state the objections which originally existed to it, and which have lost none of their force.

In the first place, it presents but a part of the subject in controversy, or, rather, it proposes to adjust the controversy upon *partial* examination and evidence. The whole case is not presented. It seeks only to find highlands which divide the waters, as the only desideratum. It leaves out of view the great and only matter really worth inquiry, viz: "Where is the northwest angle of Nova Scotia?" It does not offer to find it, nor make any reference to it. And yet, this is the very thing, and, indeed, the only thing necessary to be found, to settle at once the whole question. Establish this, and all the rest follows of course. The northwest angle of Nova Scotia is the starting point of the treaty, and agreed upon as a point readily discoverable, and well understood at the time, to prevent future disputes. Let me refer to it a moment. The first article of the treaty is, "His Britannic Majesty acknowledges the said United States, to wit: New Hampshire, *Massachusetts*, &c. to be free and independent States." If nothing farther had been said in regard to boundaries, there could have been no serious question as to the extent of the limits of the new nation. Massachusetts and the other colonies had plain and definite boundaries, by their respective charters, and all that would have been necessary to fix our line on the northeast would be to find the bounds of Massachusetts Bay, as defined in her charter. But the treaty did not stop here. It proceeds, "and *that all disputes* which might arise hereafter on the subject of the said boundaries of the United States *may be prevented*, it is hereby agreed and declared that the following are and shall be their boundaries, to wit: *From the northwest angle of Nova Scotia.*" The object of a more particular description of boundary is declared to be to *prevent disputes in future*. How was this to be done? Undoubtedly by the use of a plain and well-understood definition—one about which no doubt could fairly arise. The starting point is named, "the northwest angle of Nova Scotia." It was taken as a point *perfectly* well known; and it is remarkable that, upon this identical point, then so clear, then beyond the power of future dispute, the chief controversy now actually exists. The whole question turns upon it. But the treaty is more precise still. It would not leave in uncertainty what was intended by the term, "northwest angle of Nova Scotia;" it defined it, viz: "that angle which is formed by a *line drawn due north* from the source of the St. Croix river to the highlands." This furnishes the northwest angle of Nova Scotia. This is the starting point. This is the point first to be sought for and settled. And yet the proposition for a new survey and exploration by commissioners keeps it wholly out of view. It is not once alluded to as among the purposes to be accomplished.

I said, several weeks ago, when I spoke upon this subject, that the northwest angle of Nova Scotia was a point easily ascertainable. There is no possible difficulty in finding it. How is it formed? By the intersection of the northern line and the western line of the boundary of the Province. The original grant of the Province of Nova Scotia was made in 1621 to Sir William Alexander. The western boundary was therein declared to be from the source of the St. Croix, "an imaginary direct line, to be drawn or run through the country or over the land *to the north*, to the first bay, river, or spring emptying itself into the great river of Canada, and from thence running to the east along the shores of said river of Canada," &c. The western line, therefore, of the Province of Nova Scotia, originally, and in the outset, was a *north line* from the St. Croix to the St. Lawrence, crossing rivers and highlands, and whatever intervened, and stopping nowhere short of the shores of the river St. Lawrence. The *northern* boundary, at that time, was the river itself. In like manner, the Province of Massachusetts Bay, established in 1691, composed of several prior colonies, extended below Kennebec, or Sagadahock, to the St. Lawrence. That was the northern boundary of the several Provinces on this side of it. The western boundary of Nova Scotia has never been changed. In every public document of the British Government, and they are numerous, the western boundary is always and invariably a line *due north*, or *directly north*, from the source of the St. Croix. The northern boundary has been changed. After the cession by France to Great Britain of the Provinces of Canada and of Nova Scotia, by treaty of Paris in 1763, the northern boundary of Massachusetts Bay, as well as of Nova Scotia, was removed from the shore of the St. Lawrence southerly, to the highlands dividing the waters which fell into that river from those which fell into the sea or the Atlantic. This was first done by the proclamation of the King in 1763, and subsequently by an act of Parliament of 1774, from the last of which I will read so much as defines the *southern* boundary of the Province of Quebec:

"Bounded on the south by a line from the bay of Chaleurs, along the highlands which divide the rivers which empty themselves into the river St. Lawrence from those which fall into the sea," &c. to Connecticut river.

Let any one look at the map of the country. The bay of Chaleurs lies far to the north and east. Draw a line from thence westwardly to Connecticut river, so as to divide the sources of the rivers flowing on either side of it. There is no difficulty in it at all. There is but one way to do it. Men cannot differ about it. That line gives you the southern boundary of Lower Canada, or the Province of Quebec, as it was called in the proclamation and act of Parliament already referred to, and, of course, it was the *northern* boundary of Nova Scotia, now New Brunswick, and also of Massachusetts Bay, now Maine. This *new* boundary of Nova Scotia was expressly recognised in 1767 and in 1771 in commissions granted to the Governors of Nova Scotia, then appointed. The language in both is—

"Bounded on the westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the river St. Croix, by the said river to its source, and *by a line drawn due north from thence* TO THE SOUTHERN BOUNDARY OF OUR PROVINCE OF QUEBEC."

We know where the southern boundary of Quebec is. That is beyond dispute. A *due north line*, therefore, from the St. Croix to that southern boundary, gives the northwest angle of Nova Scotia, and it can be nowhere else.

Now, the American proposition abandons this altogether, and abandons all the evidence upon which it rests; and by consenting, *in any event*, to deviate from a due north line, it admits what Great Britain so audaciously asserts, that there is really no northwest angle of Nova Scotia; that the point which the treaty of 1783 assumed to be so well known as forever to *prevent dispute*, is, in truth, nowhere to be found. The proposition is, that commissioners shall go upon the ground, and, by observation, by the eye, by exploration, determine where highlands are, from which the waters flow either way, and to such highlands draw a straight line from the monument. This, I say, surrenders the starting point of the treaty, and submits the question upon *partial* evidence. Our claim and our title stand upon charters, upon royal proclamations, acts of Parliament, commissions to Governors, upon maps, upon history; all speaking one language, confirming each other. Mitchell's map was published in 1755; it is now upon our tables. Let gentlemen look to it. They will see Nova Scotia and Massachusetts Bay both bounded on the north by the St. Lawrence, and the dividing line between them to be a *due north line* from the source of the St. Croix. This map was before the commissioners when the treaty of peace was negotiated, and upon it the new northern boundary of these Provinces, agreeably to the proclamation of 1763 and the act of 1774, was drawn in pencil, and the northwest angle of Nova Scotia was in fact thus exhibited. Several other maps, published about the same period, and many since that time—maps of British origin—represented it in the same way. Now, if a new commission is to be instituted, it should be clothed with power to examine the *whole* case, upon *all the evidence*, and not confined to the mere circumstance of finding highlands in any direction, *except an easterly one*, which turned the waters one way and the other; and to find them only by observation and examination. Why should not all this mass of documentary evidence be laid before it, to enable it to determine, not the question of highlands merely, but to settle the only really important question—the northwest angle of Nova Scotia? No mere survey can find that; no personal examination of the topography of the country. It does not stand up upon the face of the earth, staring you in the face. It is to be found by a careful study of the evidence, the documents, the charts, which define it, and by running upon the earth agreeably to the directions which these contain. No duties of this sort, that I can discover, are proposed to be devolved upon the new commission. I freely admit, however, that it may not be proper to hold the Government to a very rigid accountability at present, inasmuch as the proposal is yet very vague and indefinite. Possibly all these points may be well guarded and limited in a convention, should one be entered into. My object has been, chiefly, if my voice can reach the ears of the Executive, and, if not from me directly, I hope it may be conveyed by others, to point out the dangerous and the exceptionable features of the original proposition, in order that they may be guarded against hereafter. If this proposed convention is to be entered into, let it be done with a full and distinct knowledge of all the circumstances which attend the case with our eyes open. I speak more for the sake of giving warning in advance, if any thing from me will be received as warning, of the dangers into which we may be precipitated unawares. I say, then, that no commission ought to be agreed upon, with authority to depart, in any event, from the due north line of the treaty. Any other line, however obtained, would not be the line of the treaty. No commission ought to be permitted to determine the case, or any part of the case, but upon all the evidence. No commission ought to be allowed to proceed upon the principle that the northwest angle of Nova Scotia is to be abandoned or surrendered as an impracticable point. No commission ought to be agreed upon, to determine, *simply* and *alone*, where the highlands are which divide the waters, and from highlands thus found to run a straight line to the monument, because such authority *merely* would be a departure from the plain language of the treaty, and from the well-known starting point, which it requires to be first fixed and ascertained. These are, briefly and imperfectly, some of the objections to the "original American proposition." Then, what are "the modifications offered by her Majesty's Government," which we are given to understand are to enter into the basis of the negotiation? Is it to be conceded that the St. John's is not a river falling into the Atlantic ocean? Is the definition of the word "highlands" to be previously settled? Are we to acquiesce in any of the opinions or arguments of the umpire, which led him to the conclusion that the treaty line could not at this time be run? These were modifications proposed in 1833 and 1834, and at that time promptly rejected. I trust they are not to be renewed on the one side, nor for a moment tolerated on the other. Mr. Fox speaks of the "modifications" as contained in his letter of January 10th; very little information, however, is gained by reference to that letter. The mode of constituting the commission I pass over, as not being one of the "modifications" suggested. There would be little, if any, difficulty on that score. The power and authority and duty of the commissioners, the object to be accomplished, are the material points.

The Minister states these to be "to explore the disputed territory, in order to find *within* its limits" ("within its limits". Why not *without* its limits, also?) dividing highlands, which may answer the description of the treaty; the search being first

to be made in the due north line from the monument at the head of the St. Croix; and if no such highlands should be found in that meridian, the search to be then continued to the *westward* thereof. Indeed! why not also to the *eastward* thereof? But farther: as a matter of opinion,

"In order to avoid all fruitless disputes as to the character of such highlands, the commissioners should be instructed to look for highlands *which both parties might acknowledge* as fulfilling the conditions of the treaty."

Is *this* one of the "modifications" forming a part of the basis? If so, and if the commission is to be constituted accordingly, surrender the subject—abandon the whole question at once—give up—the territory *will be theirs*, "In order to avoid all fruitless disputes." We once agreed to the northwest angle of Nova Scotia, in order to avoid disputes; but, "in order to avoid all fruitless disputes as to the character of such highlands, the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty." This is one of "the modifications of her Majesty's Government." What is the consequence of it? Let us reduce it to practice. The commissioners will commence operations, for example, let us suppose, at the head of Connecticut river. They run along very quietly and amicably, eastwardly, on highlands which both parties acknowledge, a considerable distance, till they arrive somewhere in the longitude of Quebec, westward of the sources of the St. John's; and the British commissioners say, "so far we have gone upon dividing highlands." "Certainly," is the reply; "*here* we agree the treaty highlands exist." "We do." "Very well, these highlands continue no farther; the other rivers flowing southward are not Atlantic rivers. We can agree no farther, and now we must run a straight line to the monument." If we are coming into any such league as this, I say again, abandon the territory at once, openly and boldly. Why seek for any covert means of surrendering it?

But, sir, I need not spend time in showing the utter uselessness of the proposed commission, subject to the "*modifications* of her Majesty's Government." The Secretary of State has very fully and very clearly performed that labor already. In his reply, dated February 7th, to the letter of January 10th of the British Minister, he speaks of

"The distinctive difference between the American proposal for the appointment of such a commission, and the same proposition when modified to meet the wishes of her Majesty's Government."

And farther:

"The American proposition is *intended*—and, if agreed to, would doubtless be *successful*—to *decide* the question of boundary definitively, by the adoption of the highlands reported by the commissioners of survey, and would thus secure the *treaty line*. The British modification looks to no such object. It merely contemplates a commission of boundary analogous to that appointed under the fifth article of the treaty of Ghent, and would, in all probability, prove equally unsatisfactory in practice."

Again:

"The modification of the American proposition was, as understood by the undersigned, so *fundamentally* important that it *entirely changed its nature*."

And in conclusion remarked:

"The undersigned, in conclusion, is instructed to inform Mr. Fox that, if a negotiation be entertained at all upon the inconclusive and unsatisfactory basis afforded by the British counter proposition or substitute, which possesses hardly a feature in common with the American proposition, the President will not venture to invite it, unless the authorities of the State of Maine, to whom, as before stated, it will be forthwith submitted, shall think it more likely to lead to a final adjustment of the question of boundary, than the General Government deems it to be, though predisposed to see it in the most favorable light."

Such is the original American proposition, with "the modifications offered by her Majesty's Government." "Inconclusive and unsatisfactory"—entirely changing the nature of the proposition—a substitute for it—"looking to no such object" as an ultimate decision of the treaty line, but a mere commission of exploration and observation and acquisition of topographical knowledge. Such purposes, and such a commission, on the 7th of February last, this Government expressly repudiated. It is now voluntarily proffered and invited. Why the change? What has induced it? The Secretary says it is "in accordance with the expressed wishes of the Legislature of Maine."

Where is the evidence of this? On the first of March last, Mr. Forsyth, in a letter to Governor Kent, communicated very fully, and candidly, and satisfactorily, the history of the negotiation upon the subject of the boundary, together with a lucid statement of the present condition of the subject, with a view of drawing the attention of the State to the emergency in which we are now placed, and inviting its advice and acquiescence in regard to measures contemplated by the Executive of the United States. The Governor, in a very clear, distinct, and comprehensive message, transmitted the whole matter to the Legislature, which finally adopted several resolutions, founded upon the letter of the Secretary and the message of the Governor, the third of which is in these words:

"*Resolved*, That our Senators and Representatives in Congress be requested to urge the passage of the bill for the survey of the Northeastern boundary of the United States, &c. now pending in Congress; and that, if said bill shall not become a law during the present session of Congress, and if the Government of the United States, either alone or in conjunction with Great Britain or the State of Maine, shall not, on or before the first day of September next, establish and appoint a commission for a survey of said boundary line, it shall then be the imperative duty of the Governor, without further delay, to appoint forthwith suitable commissioners and surveyors for ascertaining, running, and locating the Northeastern boundary line of this State, and to cause the same to be carried into operation."

It is here, if any where, that Mr. Forsyth finds the authority for saying that the proposed negotiation is undertaken in accordance with the expressed wishes of the Legislature. It says, "if the Government of the United States shall not establish and appoint a commission for the survey of said boundary line." Does that authorize a commission for an exploration and survey of the disputed territory, upon the basis of "the original American proposition," with the *modifications* of the British Government? The meaning is obvious. If the Government of the United States does not run, mark, define, the line of the treaty, Maine will do so on its own responsibility. The "survey of the line" does not mean an *exploration*, which can lead to no conclusion, to no definite results. Such a survey was contemplated as should *terminate in something*; not an examination and report "*unsatisfactory, inconclusive, looking to no results*." The plain meaning of the Legislature was, if such a survey of the line as contemplated in the bill now pending in Congress should not be undertaken, then the Governor was to proceed to perform the duty devolved upon him by the resolution. Such was undoubtedly the construction of the Governor upon the resolution referred to. In his letter to Mr. Forsyth of 20th April, he says:

"I have no doubt (but upon this point I speak according to my individual belief) that the mode proposed by Great Britain, of establishing the treaty line upon the face of the earth, by a commission composed of impartial and scientific men, to be selected by a friendly power, would be satisfactory, and acquiesced in by this State; but that we should neither ask nor agree that any preliminary points should be yielded by either party."

He is cautious not to commit the State, but to express only his *individual* opinion; which is, that *such* a commission as is proposed to Great Britain would be satisfactory, "but that we should neither ask nor agree that any preliminary points should be yielded by either parly;" in other words, that no "modifications" should be admitted. Maine will agree, he thinks, to establish a commission to settle the question, according to the treaty, upon the whole case, and upon all the evidence, unrestricted by concessions, untrammelled by modifications, unembarrassed by new principles of surveying. Certainly, sir, this is going far enough; and probably the Governor is right in the belief that Maine, in the present exigency, would be willing to agree to this. But, I assure you, she would agree to nothing further. She puts enough at hazard, in this view; but she is reasonable, and knows that, in all controverted questions, whatever mode of determining them is adopted, something is necessarily put at hazard. This sentiment of the Governor by no means authorizes the idea that Maine consents to the proposed arrangement, inconclusive and unsatisfactory as it has been pronounced to be; much less does it justify the assertion that "it is in accordance with the expressed wishes of her Legislature." As further proof, I will cite the report of the joint committee of that Legislature, to which the letter of Mr. Forsyth and the message of the Governor were referred, upon this very subject. It says, "to such a conventional line, or to such a commission of survey, we believe the people of this State are not prepared to assent." Certainly, sir, the Legislature did not intend thereey to give its assent to such a commission of survey—the very commission now proposed! I venture the prediction that, ere long, the Secretary will receive from the constituted authorities of the State more decisive evidence than I can give that the State does not assent to the proposition which has been made.

I hope, therefore, if the Secretary has ventured upon the assumption that Maine has expressed its wishes in favor of such a negotiation, he will lose no time in retracting the proffered invitation. He has proceeded upon a false basis. Maine does not desire it; nor does she agree to it. She has not looked to have a commission established which shall have no conclusive powers; which cannot determine the question; which can result only in what Great Britain seems so much to desire—delay, procrastination, putting off the final adjustment of the boundary. It has been already delayed too long. One expedient and another, on the part of Great Britain, has been successfully resorted to, to *delay—postpone*—evade the issue. We are wearied of delays. We agree to no proposition which looks merely to delay. *Now* is the time; *now* let the question be settled. We think we are not unreasonable. We have waited a half century. We have been laboring more than twenty years, since the treaty of Ghent, to procure a settlement of this, to us, interesting and important question. We are as far from it, says the President, as we were at the formation of the treaty of 1783. When shall we be any nearer?

I said, sir, in the commencement of these remarks, that I would endeavor to point out a mode in which this vexed question could be amicably settled. It is by the passage of the bill which, some time ago, I introduced, and which has since received the sanction of the Committee on Foreign Affairs. Let the Government of the United States move in earnest, and no collision, no difficulty, in my judgment need be apprehended. If Maine is left to stand alone, she will be exposed to meet with opposition and embarrassment, and it may be with force. But she will meet it as becomes her to meet it. If the United States will but unfurl its broad banner there, that flag of protection and security, it will be respected. The purposes of the bill I have named may be executed amicably, if you will but do it. I do not say that that will settle the question of boundary conclusively; I know it may be still disputed It will go far, however, toward such a result. I therefore entreat gentlemen to permit us, the Representatives of Maine, at an early day to call their attention to this bill. I implore them to give it their countenance and support. I demand it as an act of right and justice. The proposed negotiation takes away none of the necessity for its adoption. I have endeavored, sir, to avoid any repetition up on the general subject of what I said some time ago. Much I could say, and much I desire to say, were it a proper occasion, upon the merits of the whole controversy. I speak now, however, only in the language of caution and of admonition, that the rights of the State, committed in part to my charge, may not be rashly and prematurely put at hazard, for the want of some voice to give notice of the danger. If it be heard, I shall rejoice; if it be not heard, I have nevertheless discharged my duty.

CUMBERLAND ROAD.

SPEECH OF MR. CUSHING,

OF MASSACHUSETTS,

In the House of Representatives, Thursday, April 19, 1838—On the proposition of MR. UNDERWOOD to recommit the bill making appropriations for the continuation of the Cumberland road, with instructions to report a bill in lieu thereof, ceding the same to the States through which it passes; and MR. UNDERWOOD having concluded his remarks—

MR. CUSHING followed, and said:

MR. SPEAKER: The gentleman from Kentucky, who has just taken his place, appeals to the Representatives from Massachusetts, and inquires emphatically on what grounds they support this bill. I cannot answer for my colleagues; but, being thus called upon, I desire to speak for myself, and to explain the inducements which govern my own vote.

It is not, as the gentleman seems to hint, because of the fact that Massachusetts is a frontier and a maritime State, and thus becomes the seat of public works, commercial and military, constructed by the Federal Government, that I favor this bill; but for very different and much higher considerations.

Indeed, I profess myself wholly unable to appreciate the force of the argument on which that gentleman and his colleague [MR. GRAVES] rely so much, of the alleged inequality in the distribution of public expenditures, assumed by them to be implied in this bill. To suppose that each and every branch of the public expenditure is to be apportioned among the several States in arithmetical shares, is an idea that is utterly unsound and impracticable.

But I will not anticipate what I have to say on this point at the proper time. Let us take things in order.

Reviewing the debate on the bill yesterday and to-day, it seems to me that the course of argument in opposition to it has been too broad, and at the same time not broad enough; too broad, since it has been extended, on the one hand, so as to embrace many questions immaterial to its merits; and, on the other hand, not broad enough, since it has avoided the real merits of the measure.

First, the gentleman from Georgia, [MR. HAYNES,] what are his objections? He appeals to the economical propensities of the House, or rather to the slumbering sentiment of economy which he endeavors to awaken. He would have the friends of retrenchment show their faith by their works. But this argument proves too much to prove any thing. It may be applied to any and every bill, by those who dislike the particular measure. Its pliability and its indefiniteness evince its fallacy. I scorn the idea that the Federal Government is to be considered in a state of bankruptcy; and that every appropriation, however just and proper in itself, is to be cut off by reason of the temporary straits of the Treasury. Is the country wasted or depopulated? Have we not the same inexhaustible resources now as heretofore, in the fertility of our soil, in our widespread territory, in our rich mines, and in the industry, intelligence, and spirit of our people? I exhort gentlemen to cease declaiming on the emptiness of the Treasury, and use their influence for the restoration of the commercial prosperity of the country, by which the Treasury will be speedily replenished, as the natural and necessary consequence. Let the Administration abandon its empiricism on the currency question, scatter its chimerical schemes to the wind, sustain the banks in their laudable efforts to resume cash-payments, give back confidence to the business classes, and provide a suitable medium of domestic exchange, and there will no longer be room or occasion to deplore deficiencies in the Treasury. For myself, I mean to vote on this, as on all other appropriations, according to the intrinsic merits of each, and as I may think them to be required or not by the public service and the honor of the country.

Another thing The gentleman from Georgia conceives there is, in some way, a connection between this measure and imposts for the protection of manufactures. On this question, as on so many others, we have the tariff set before us, a sort of stalking horse of all work, a bugbear perpetually held up to the eyes of the House. I deny that protective duties produced the surplus treasure of the last few years. Indeed, that surplus did not arise from the tariff at all. For twenty years past, the aggregate product of duties on imports, though sometimes more and sometimes less, had been at the average, year by year, of about twenty millions. The increase of revenue, which led to the accumulation of surplus treasure, consisted, it is notorious, in the increased sales of public lands: independent of which, I aver that it was not the protective features of the tariff which contributed to the redundancy of the revenue, but the reverse; the encouragement which the provisions of the tariff gave to excessive importations of foreign merchandise, especially dry goods; as injurious directly to the manufactures of the country, as indirectly to all its other great interests, and one of the prominent causes of its existing embarrassments. But all these considerations of the tariff are wide of the merits of the bill, and ought not to prejudice it in the estimation of the House.

Other gentlemen dwell on the objection, that the passage of this bill places additional patronage in the hands of the Executive. So do all appropriations. And for this cause, must we, who are opposed to the present Administration, vote against them? Surely not, if the appropriations are just and proper in themselves. That consequence, the patronage they give to the Administration, is incidental to the Constitution; it appertains to the frame of the Government; and it does not become us to resist ordinary and reasonable appropriations, because of any vague or theoretic jealousy of the Executive.

The two gentlemen from Kentucky treat this measure as an element of the system of internal improvements, so called, and proceed upon such premises to discuss its expediency and constitutionality. I deny the premises. Touching the great question of the expediency and constitutionality of that system, I have no renunciations to make, nor any professions. I stand uncommitted; and I regard this bill as appertaining, not to that great question, but, as I shall presently show, to one greater still, and more vital to the welfare of the Union.

Denying the premises, of course I deny the consequences, of alleged inequality, and of questionable constitutionality, deduced from those premises.

The gentleman from Kentucky [MR. UNDERWOOD] suggests that Massachusetts has no share in this appropriation any more than Kentucky, and in that respect it is unequal towards each. Be it so. I do not contend for appropriations by apportionment.

But then he proceeds to suggest further, that Massachusetts, though she receive no appropriations from the Federal Government for roads, is compensated by her fortifications, naval works, and light-houses, in which, he seems to say, Kentucky has no benefit. Can the gentleman be serious in this? Does the interior of the country derive no advantage from the military defences on its frontier? Is not the country ONE? Yes, he admits at once, that we are one people, having a common welfare and a common destiny. And any advantages which the maritime frontier may derive from the military expenditures upon it, are more than counterbalanced by the consideration, that, in time of war, the frontier is the scene of danger and of terror. The same fortifications, which in protecting the frontier protect the whole country, have the effect, also, of *telling* the enemy to that particular part of country in which they are situated, and thus fixing upon that, and that alone, all the devastation and horrors of foreign assault. Would the gentlemen prefer to have foreign wars fought on the soil of Kentucky? Of course not; and to prevent this, to guard the whole country alike, is the obvious use of military defences in the frontier States.

In the course of his remarks on the alleged inequality of such measures, one gentleman [Mr. GRAVES] refers incidentally to the light-houses on the seacoast constructed by the United States. I beg the House to indulge me for a moment, while I clear up this point. I deny the supposed inequality of such works. At any rate, it is demonstrable that they are not for the special and exclusive benefit of the seacoast population. Take, in the first place, the case of a farmer in the very interior of the country, say in the heart of one of the Western States. He produces flour, worth on the spot only five dollars the barrel. If the same farmer lived in the interior of the State of New York, with a ready avenue to the sea by her canals, it would be worth nine dollars. The difference is chiefly the difference in the cost of transportation from the two places of production to a great wholesale market. In the city of New York it might be worth ten. If, by any magic art or miraculous power, you could make Indianopolis and Rochester each equally near to New York, you would equalize the value of flour in each. And you approximate to this object, in proportion as, by canals, railroads, or the navigation of rivers, you increase the facilities and the cheapness of transportation; the cost of which, be it more or less, is, in general, so much lost to the producer. Change, now, the supposition, and take the case of a ship-owner on the seacoast, whose capital is employed in the transportation of merchandise. In order to be able to pursue the business, he must derive a profit from it. There can be no profit, unless the freight-money be enough to cover the interest of the capital embarked, and all the current expenses of the business. As maritime undertakings are now pursued, the *premium of insurance* is a regular and invariable expenditure and charge, just as much so as the wages and provisions of seamen; and the amount of this premium depends on *the risk of the voyage*. In proportion as you diminish this risk, by the erection of light-houses and other similar aids of navigation, you diminish the premium of insurance, and the cost of transportation; that is, *you augment the profits of the producer*. The voyage will be made, and the business done, whatever may be the hazards of the navigation. That is not a thing for the hardy mariners of our seacoast to shrink from. Not a man less would seek employment on the ocean, if not a light-house had been constructed from Maine to Louisiana. But the difference would be felt in longer voyages, the more numerous shipwrecks, the augmented premium of insurance, and the greater cost of transportation; that is to say, in the diminished profits of the States which produce the great natural staples of the country, its cotton, rice, tobacco, corn, pork, beef, lead, and coal. Is not this the simple common sense of the light house question? Is there any defect in the proof? Instead of being an example of inequality, does it not show, in a clear point of view, the correspondence and real harmony of interests, which connect togeiher the remotest parts of the United States?

But enough of this. Let us come to the merits of the bill. I have said that I do not regard it as a question appertaining to the general question of internal improvements. To what class, then, does it belong?

On the face of things, it is a part of the *land system* of the United States; of the policy of the Government in the management of its public domain. There, in that class of questions, the particular measure had its birth; there is its history to be found; there the evidence of its expediency and constitutionality.

Ohio is the oldest of the States constituted out of the public domain. The act of April 30th, 1802, which provides for the formation of that State and its admission into the Union, concludes as follows:

"Sec. 7. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the convention of the eastern State of the said Territory, when formed, for their free acceptance or rejection; which, if accepted by the convention, shall be obligatory upon the United States:

"*First*. That the section number sixteen, in every township, and, where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

"*Second*. That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the military tract, with the sections of land which include the same, shall be granted to the said State, for the use of the people thereof, the same to be used under such terms, and conditions, and regulations, as the Legislature of the State shall direct: *Provided*, The said Legislature shall never sell nor lease the same for a longer period than ten years.

"*Third*. That one-twentieth part of the nett proceeds of the lands lying within the said State, sold by Congress, from and after the thirteenth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, LEADING FROM THE NAVIGABLE WATERS EMPTYING INTO THE ATLANTIC, TO THE OHIO, TO THE SAID STATE, AND THROUGH THE SAME; such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass: *Provided always*, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by Congress, from and after the thirteenth day of June next, shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years, from and after the day of sale."

It was afterwards arranged (act of March 3d, 1803) that three-fifths of the reservation for roads should be committed to the custody of the State Government, to be disbursed within the State.

The State of Indiana followed, under the act of April 19, 1816, which contains the following clause:

"*Third*. That five per cent. of the nett proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two fifths to the making of a road or roads LEADING TO THE SAID STATE, under the direction of Congress."

Under the act of April 18, 1818, Illinois, as follows:

"*Third*. That five per cent. of the nett proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed, under the direction of Congress, in making roads leading TO THE STATE; the residue to be appropriated, by the Legislature of the State, for the encouragement of learning."

Finally, under the act of March 6, 1820, Missouri, as follows:

"*Third*. That five per cent. of the nett proceeds of the sale of lands lying within the said Territory or State, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading TO THE SAID STATE."

Here, then, upon these successive acts, from 1802 to 1820, is the engagement of the Federal Government for a public road: 1. to and through Ohio; 2. to Indiana; 3. to Illinois; and 4. to the river Mississippi. It is an *engagement* of the United States. It is an engagement for a *valuable consideration*, namely, among other things, the exemption of lands sold by the United States from taxation, for five years, imposed upon each of those new States in the several acts for their admission into the Union.

In pursuance of this engagement, we have, in 1806, the act for the commencement of the Cumberland road, which expressly refers to the act for constituting the State of Ohio; as do later appropriations, for instance, those of 1825, 1826, and 1827, to the several acts of Indiana, Illinois, and Missouri; thus recognising the engagement for this road *to and through* the States of Ohio, Indiana, and Illinois. It is a compact, possessing all the parts and conditions of a contract, binding in strict law as between private individuals, and binding in honor and good faith between political communities.

The gentleman from Kentucky [Mr. UNDERWOOD] speaks of it as an "exploded compact." This expression, I confess, struck me with surprise. How "exploded?" Is it not a good and valid bargain for ample consideration on both sides?

[Mr. UNDERWOOD explained, that he did not mean to deny the existence of the compact, but that the conditions of it were exhausted; that it had been fulfilled on the part of the United States.]

Well, then, it is a compact; and, it must be admitted also, a compact onerous to the State immediately concerned; but fulfilled and exhausted so far as regards the United States. How so? Because the two per centum on the sales of the public lands within those States, conditioned to be reserved to the United States for this object, both present and prospective, has been already expended. Let us examine this point.

In the first place, the three per centum assigned to the States themselves, has that been used by them in good faith according to the compact? We have no official returns, it is true, to prove this, (Exec. Doc. 24th Congress, 2d sess. No. 61.) but I have been assured, by Representatives from those States, that the money has been invested in a proper manner, and, indeed, much more money for the same objects. And, moreover, that the public roads in those States have been constructed in reference to, and upon the basis of, this great avenue from the Atlantic to the Mississippi.

Secondly, as to the two per centum. This, we are told, has been expended, and therefore the work is to stop. But is not this a very narrow construction of the compact? A construction according to the letter which killeth, not according to the spirit which maketh whole? A construction, fit rather for a usurer's bond, than for a stipulation of mutual honor between great communities? And if we come down to close and literal readings of the compact, is it the true construction? The United States explicitly agreed to reserve two per centum of its receipts from the sales of public lands in Ohio, Indiana, Illinois, and Missouri, for the construction of a national road leading from the waters of the Atlantic *to and through* the States of Ohio, Indiana, and Illinois; the construction of the road is impliedly, if not explicitly, a part of the contract; it has been so understood by the other parties to the compact; and if the per centage, expressly reserved for the object, be not enough, good faith, it seems to me, requires that the means shall be provided otherwise.

If this were doubtful in the words of the compact, it would seem to be rendered certain by other considerations. I have argued hitherto, as if the four States referred to were the only parties to the compact. By name, they are. But, meanwhile, what is the practical fact? The Federal Government is the greatest landholder in the United States. It has a vast public domain for sale and settlement. It has held out inducements to settlers to buy its lands; among which inducements has been the understanding, founded on thirty years of legislation, that the road is to be completed; and more than a million, yes, than two millions, of souls, have planted themselves in the West, opening the forest, building up towns, constructing avenues of interior communication, upon the faith and trust that the Federal Government will comply with its engagements in this matter, according to their spirit and beneficial intent, and with a liberality becoming the national character.

Are gentlemen satisfied with this view of the subject? If not, then there is another view of it, broader, truer, which I desire to present to the House. Hitherto, I have argued it as a question of dollars and cents, upon the land system of the United States; but that, as before intimated, I consider a very superficial way of treating it; and I wish to go beyond and below this, into what is the root of the matter, namely, the policy of the Federal Government, that is to say, of the Atlantic States, towards the younger States growing up in the valley of the Mississippi.

Throughout the proceedings on this bill, I have been struck by the spectacle of so many votes and so many arguments, and those urged with so much zeal and ability, arrayed against the measure from two of the States on the Mississippi; and still more in reflecting that the greater part of these arguments are considerations of local interest. Kentucky and Tennessee exhibiting to the Atlantic States the weak points in the parental policy hitherto pursued by the Federal Government towards the valley of the Mississippi! Treating this question as a question of *interest*, which the two gentlemen from Kentucky have done, is not this a most suicidal course of argument? Is not the river Ohio the common patrimony of the States of Ohio and Kentucky alike? Giving prosperity to the valley of the Ohio, do you not give prosperity to the State of Kentucky? And though a particular appropriation be more directly for the benefit of Ohio or Indiana than of Kentucky, yet can it be good policy for Kentucky, in the consideration of general profit and loss, to exert herself to thrust away the parental hand of the Federal Government, once and forever, from the entire valley of the Ohio and Mississippi? It is not the first time I have observed the same error. I can point to important works, of undoubted constitutionality, needful to be adopted for the general well-being of all the Mississippi States, which have been lost, year after year, not by opposing votes of the Atlantic States, but by short-sighted dissensions among the Mississippi States themselves as to the proper locality of those works. And I recall to mind that, in the last Congress, a most honorable and estimable gentleman from Kentucky, not now a member of the House, [Mr. C. ALLAN,] applied to the school-fund of the Western States the same course of objection which is now urged against the Cumberland road. Indeed, the school reservations and the road reservations are parts of the same system of policy. And the *local* objections to such reservations, on the part of Kentucky and Tennessee, spring out of the fact, as it occurs to me, that Kentucky and Tennessee, though Mississippi States, yet were not constituted out of the public domain of the Federal Government. At any rate, this is the origin, and the only cause, that I know, of the inequality, as respects those States, of the appropriations made by Congress. It is not inequality, as between the entire East and the entire West, but inequality, as between the States of Kentucky and Tennessee and the other States of the Mississippi.

In order to explain distinctly the ideas I entertain on this point, I must ask the House to go with me into some few historical details.

On the 1st of March, 1784, Congress accepted the deed of cession by the State of Virginia of all the right of that State to the territory northwestward of the river Ohio, by which, in connection with the deeds of cession of Massachusetts, Connecticut, and New York, and in virtue, further, of the treaty of peace, that territory became the domain of the Confederacy.

Immediately after this, Mr. Jefferson of Virginia, Mr. Samuel Chase of Maryland, and Mr. Howell of Rhode Island, were appointed a committee to report a plan for the temporary government of the Western Territory, as it was then called. On the 23d of April, 1784, their report, after amendment, was adopted, in the form of a resolution, which provided for the future division of the Territory into States; that it should ever remain a part of the United States; that the inhabitants of it should never interefere with the primary disposal of the soil by Congress, nor tax the lands of the United States; and that the States, to be formed in it, should have Republican forms of Government. As originally reported, the resolution also contained a prohibition of slavery, which was struck out; and the resolution was then passed, by the vote of all the States present, except South Carolina.

On the 20th of May, 1785, Congress adopted an ordinance for ascertaining the mode of disposing of the lands in the Western Territory; which ordinance, in addition to the fact that it systematized the surveys and sales, by parcelling out the land into townships each of six miles square, divided into thirty-six sections of 640 acres each, on meridian lines, and thus gave perfect certainty to land grants within the Territory, also provided that there should be reserved the lot No. 16 in every township for the maintenance of public schools within the same.*

Next followed the celebrated and memorable ordinance of the 13th of July, 1787, reported by Messrs. Carrington Dane, R. H. Lee, Kean, and Smith, which developed and perfected the ideas of Congress, for the permanent regulation of the territory of the United States northwestward of the river Ohio. This ordinance, it will be remembered, provides for the descent of lands in the territory; it establishes a territorial administration; it secures to the inhabitants freedom of religion, trial by jury, the inviolability of contracts, religious, moral, and intellectual instruction, and the absence of involuntary servitude; and it marks out the future relations of the territory and its inhabitants to the United States. As a part of the United States, and inseparable therefrom, it was made subject to be divided into not less than three nor more than five Republican States; its navigable rivers being made free, forever, to the whole country; and its inhabitants being forbidden to tax the domain of the United States, or to interfere with the primary disposal of the same by Congress.

This ordinance, adopted by the unanimous vote of the States represented in Congress, and with but a single dissenting voice from any State, is the basis of the institutions of the States of Ohio, Indiana, Illinois, and Michigan, and of the Territory of Wisconsin. In fulfilment of its provisions, and of those of the two previous ordinances on the same general subject, were framed the acts for the admission of Ohio, Indiana, and Illinois into the Union, containing, among other things, the reciprocal stipulations for public schools and roads on the one side, and the immunity of the public domain from taxation on the other side. And the acts of the 15th and 23d of June, 1836, for the admission of the State of Michigan into the Union, recognise the same principles.

Nor is this all. The United States, by acquisition from the Indians, cession from Georgia, and otherwise, having become proprietor of the territory now occupied by the States of Mississippi and Alabama, did, by the acts of the 7th of April, 1798, the 3d of March, 1803, and the 20th of April, 1818, apply to that tract of country the principles of the ordinances of 1785 and of 1787, except in the particular of slavery; in conformity with which, the act of the 1st of March, 1817, for the admission of Mississippi into the Union, and that of the 2d of March, 1818, for the admission of Alabama, contain stipulations correspondent, in their general tenor, to the compact in the acts for the admission of Ohio and the other Northwestern States.

* As reported by the committee, this ordinance contained the following clause, inserted, it is believed, at the instance of Mr. Rufus King, of Massachusetts, who was a member of the committee, viz: "There shall be reserved the central section of every township, for the maintenance of public schools; and the section immediately adjoining the same to the northward, for the support of religion. The profits arising therefrom, in both instances, to be applied forever according to the will of the majority of male residents of full age within the same."

This clause, after various proceedings in relation thereto, was amended, and, on the final vote adopting the ordinance, 20th May, 1785, stood as follows: "There shall be reserved the lot No. 16 of every township for the maintenance of public schools within the said township."

Furthermore. When the United States had acquired Louisiana from France, and Florida from Spain, we pursued, in substance, the same line of policy, so far as it was capable of adaptation to the particular circumstances. Especially the reservation for schools and roads, and the exemption of the public domain from taxation, in what now constitutes the States of Louisana, Missouri, and Arkansas, and the contemplated Territory of Iowa, are all recognised in the acts of the 15th and 20th of February, 1811, the 4th of June, 1812, the 6th of March, 1820, and the 15th and 23d of June, 1836; and in the act of the 3d of March, 1823, so far as regards the Territory of Florida.

Now, through the whole mass of this long course of legislation, beginning at the very close of the Revolutionary war, and coming down to this time, there runs one pervading idea. It is a beautiful, a noble one. It is not a bare contract of reciprocal advantages, though a contract it is; but it is not a *bare* contract, to be construed, or construed away, by the nicety of technical arguteness. It is the noble and beautiful idea of providing wise institutions for the unborn millions of the West; of anticipating together the social and the territorial development of the people, by incorporating its principles with the land titles derived from the public domain; and, as it were, kneading them into the very soil washed by the great Father of Waters. Such, I repeat, has been the elevated policy of the Federal Government from the beginning; the school reservations and the road reservations are essential parts of this policy; and, if there was nothing else to bind me, if there was no technical contract in the case, I would still maintain that policy unchanged, as the best in honor, and the truest in wisdom which America can pursue.

This idea, the dedication of the soil of the West to liberty and improvement, has been claimed for Thomas Jefferson, as the author of the resolution of 1784, and to Nathan Dane, as the author of the ordinance of 1787. It is a generous competition. Virginia, indeed, manifested the same patriotic spirit in relation to the public lands, as she did in the other great measures of that epoch. But the honor of this conception does not belong either to Jefferson or Dane, or to any other individual, but is the property of the country. They did but seize, and embody in the legislation of their time, the opinions which surrounded them. And, in illustration of this point, as well as to give a personal reason for my support of measures of this description, I refer not without a feeling of just pride, to the legislative history of the Colony and State of Massachusetts.

In Massachusetts, as elsewhere in the United States, all the land titles are referable back to the *Government*. England had certain rights of discovery on this continent, under which she claimed the soil, subject to the occupancy, not the fee, of the Indians; and from the Crown, through the colonial corporations and the proprietary or colonial authorities, the soil passed into the hands of individual settlers. The Colony of Massachusetts Bay divided its land into townships, which townships were granted to companies of settlers as they came from England; who took, therefore, subject to the eminent domain of the colony as to roads, taxes for education and civil administration, and the exigencies of war.

The Puritans of New England, like the Quakers, the Huguenots, and the Catholics of other parts of the United States, came hither, not in pursuit of wealth or power, as was the case with the Spanish conquerors of America, but under the domination of an idea. Their object was a moral or intellectual one; a sentiment, a principle: *independence*, in person and in conscience. To cultivate liberty, civil and religious; to establish Republican institutions; and to instruct, raise, and improve society, by moral and religious means suited to promote those ends—such was the sublime enterprise which they undertook in these wilds of the New World.

In furtherance of this object, the colony adopted the practice of incorporating public improvement into the land titles. For instance, when she assigned a township to a company of settlers, she made a reservation of one lot for schools and another for parochial uses; which practice was pursued by that State, not only in the original grants of her own immediate soil, but also in the disposal of her public lands in the now State of Maine. And in these primitive usages of the Colony of Massachusetts, I think I see the germe of the great principle, which, as I have endeavored to show, characterized the policy of the Federal Government towards the population settled on the domain of the United States.

Now, it was the fortune or misfortune of the States of Kentucky and Tennessee not to have been constituted out of the domain of the United States. It is true, the Government owns land in Tennessee, but it has not been administered according to the ordinances of 1785 and 1787, nor has it been a source of revenue to this Government. Hence, therefore, all the apparent inequality of the policy of Congress in regard to these two States, as distinguished from others around them. Congress may have the power, as proprietor of the domain out of which the other Western States have been formed, and may be under express obligation to do acts for their benefit, which it cannot or ought not to do in or for those two States. Nor is there any thing unjust in this. Kentucky and Tennessee are, in reference to this class of questions, to be viewed as old States, all of which have, or have had, a public domain of their own. Massachusetts, New York, Pennsylvania, Maryland, Virginia, succeeded, at the Revolution, to the confiscated estates of Lords Proprietary, or to the original rights of the Crown. They, like the State of Kentucky, have managed their public domain as they saw fit, selling it, giving it away, or making reservations, as they deemed to be for their own interest. If they did not choose to make school reservations, or road reservations, they have enjoyed the equivalent in some other way; and it is no concern of ours. But Ohio, Indiana, and the other States which have grown up on the national domain, have not and never had a domain of their own, to be disposed of in their discretion; nay, they are precluded from taxing the lands of the United States at all, or lands sold by the United States for five years; and therefore it was just and proper that the Federal Government should, in the disposal of its lands, have some consideration for the wants of States thus peculiarly situated.

Is Kentucky alone in receiving nothing from the United States for schools and roads? What has New York received? What Pennsylvania? What Massachusetts? Not a dollar. They have established schools, dug canals, and constructed railroads, works of stupendous magnitude, and truly national in their scope and use, out of their own resources, unaided by the Federal Government.

I do not make these suggestions in any spirit of unfriendliness towards the State of Kentucky. God forbid. On the contrary the suggestions are extorted from me by so many complaints of the imputed inequality and injustice of the legislation of Congress. It is natural enough, I am aware, that, pioneers of the West in common with the people of Ohio as they have been, with gallantry and courage tried in a hardy frontier life even more than the people of the States around them, the people of Kentucky should feel the difference between the relations of themselves and of other Western States to the Federal Government. But, in respect of the trials of a frontier life, and of struggles with savage foes, I may be permitted to observe that the position of Kentucky *appears* to be peculiar, only because of her trials having been posterior in point of time to the perils and sufferings of the same sort undergone by the old States on the Atlantic.

Without entering very deeply into the question of the difference between the opening of artificial avenues and the improvement of natural ones, discussed by the gentleman from Kentucky, [Mr. UNDERWOOD,] I think I can perceive the origin of the unsatisfactory and unphilosophical notions of the late President on the subject of river appropriations. It seems to have been assumed—whether rightfully or not I leave out of the question—that the commerce-power is to be applied only to *navigation*. Hence the suggestion of tide-waters, and of ports of entry, as means of discrimination between river improvements that are local in their nature, and river improvements that are national. Whoever could have imparted such means of measuring the commerce-power of Congress, they are the ideas, not of a statesman, reasoning upon philosophical views of the subject, but of a mere lawyer, his mind filled with words and analogies derived from the laws of England. Our language is English; our laws also are English, much more than they ought to be. England is an island, an island of narrow geographical dimensions, as compared with the United States. Its river navigation is of short *tide-water* rivers, many of them simple estuaries of the sea. Thus comes the definition of the common law, making *tide-water* the test of whether a river be navigable or not—a definition which, however appropriate in England, is a mere absurdity, and the source of innumerable contradictions and anomalies, when applied to the rivers of the United States. It is a bad rule in the Atlantic States even, which, straitened as their territory is between the Alleghanies and the ocean, yet have rivers compared with which those of England sink into insignificance. Indeed, it is inapplicable to the tide-water rivers of the seacoast themselves. Thus, in Massachusetts, I am acquainted with streams which I can step across, and which are scarcely navigable in a birch canoe, and which, nevertheless, the law treats as navigable rivers, because in them the tide of the sea ebbs and flows. But if we proceed to the interior of the continent, and inspect that vast valley which expands from the Alleghanies to the Rocky mountains, containing magnificent fresh water rivers, thousands of miles in length, into which all the waters of England might be poured without raising their level a single foot, how preposterous it is to apply to them the test of tide-water or of ports of sea, in deciding the great question of the commerce-power under the Constitution of the United States.

Mr. Speaker, I have thus gone over the facts and arguments which induce me to support this bill. It only remains that I revert, a moment, to the consideration of the constitutional right of Congress to pass it. We have contracted to make the road: have we the power? I reply, in the first place, that it is in substance a contract anterior to the Constitution; that it is an old engagement of parental superintendence over the interests of the settlers on the public domain, which the Constitution expressly reserves intact. I reply, in the second place, that it is a contract which the United States has made, in the course of, and as adminicular to, the sale of its lands; and that it has the same power to make, or to engage to make roads, for the improvement of its domain, and the opening of it to a market, and the attraction of settlers to it, as it has to order surveys, or to construct a land office, in the furtherance of the same objects. I am utterly at a loss to conceive how the constitutional power can, in this relation, be denied. The objections to it are so minute that I cannot fasten them between my fingers for examination. As a great landholder, the United States, it seems to me, have the same power which any private landholder has, to make school reservations and road reservations, and to contribute to local improvements, thus augmenting the value of the land, and promoting its sale and settlement.

Sir, it may be, it must, that the relative political *consequence* of the Atlantic States will be diminished by the prosperity of the West. Be it so. It is the natural result of the development of the resources of the country—foreseen by our fathers, and admitted by them, as it should be by us—to raise up rich and populous States beyond the mountains, dividing with us the national power. But I cannot suffer myself to regard this question in the limited view of mere sectional interests. It involves the greater good of the whole nation, the good of the human race. The surplus population of the Atlantic States will continue, as it has done, to sow itself broadcast over the valley of the Mississippi. Are they not still our own posterity, our brethren, our blood, and Americans like ourselves? I rejoice in the spectacle of the Anglo-American stock extending itself into the heart of the continent, taking the place of the wild beasts and roaming savages of the far West, advancing with, as it were, a preordination of inevitable progress, like the sun moving westerly in the heavens, or the ascending tide on the sea shore, or, in the striking language of a foreign traveller, as a deluge of civilized men rising unabatedly, and driven onwards by the hand of God. I rejoice to see growing up in the West a prosperous and cultivated community, daughter of the East; nor shall I rejoice the less, though she rival the parent in splendor—*Matre pulchra filia pulchrior*. If, as may well happen, the expanding States of the West be fated to reach the remote shores of the Pacific itself, I desire to see them carry along with them the laws, education, and social improvements, which belong to the older States, so as to combine distant peoples, by the ties of mutual good-will, and beneficial intercourse, as well as of blood, thus overcoming the obstacles of time and space, and worthily fulfilling the great destiny reserved for this exemplar American Republic.

REMARKS OF MR. CAMPBELL, OF SOUTH CAROLINA.

In the House of Representatives, April 11, 1838.—The motion of Mr. UNDERWOOD to recommit the "bill making appropriations for continuing the Cumberland road in the States of Ohio, Indiana, and Illinois, and for other purposes," to the Committee of Ways and Means, with instructions to report a bill ceding the road to the States through which it passes, being under consideration, and Mr. UNDERWOOD having addressed the House in support of it—

Mr. CAMPBELL, of South Carolina, remarked that, with the opinions he entertained, he would be wanting in his duty if he did not raise his voice in opposition to the bill now under consideration, and in support of the motion just made by the honorable gentleman from Kentucky [Mr. UNDERWOOD.] He congratulated the House and the country upon the motion, coming from the quarter it did, as indicative of a better feeling upon the subject of public expenditure, and hoped, if successful, that an eternal separation would take place between the Government and this favorite object of internal improvement.

He would ask gentlemen whether the Cumberland road is more immediately connected with the military defence or foreign commerce of the country than a thousand others that intersect it in every direction, or whether the appropriations contained in the bill under consideration are not liable to the general objections applicable to appropriations for other objects of internal improvement?

He knew that this road had a sort of prescriptive right to the patronage of the General Government: that as far back as 1806, an appropriation was made for its construction out of the two per cent. fund, received from the sale of public lands, for laying out and making roads to the State of Ohio, under the "Act of 1802, authorizing the people in the eastern division of the territory on the northwest of the Ohio river, to form a Constitution and State Government." Whether it was then supposed that this road would become, what it has long since been, a charge upon the public Treasury, it is not material to inquire. We know that appropriations for its construction commenced in 1806, under the administration of Mr. Jefferson, and have continued to the present time.

If this was a Government when constitutional powers were settled by precedents, the frequent appropriations for this road, extending through a period of more than thirty years, would be sufficient to establish the constitutionality of this bill. While, however, he protested against such a construction, he would waive its discussion, and base its opposition upon grounds of expediency.

He did not intend to condemn the policy under which this road was commenced. Arguments at that time applicable, have, from the altered condition of the country, now lost their force. In illustration of this, he would state, that the report of the committee of the Senate in 1805, recommending an appropriation to form a communication between the Ohio river and the Atlantic States, concludes with the following argument: "Politicians have generally agreed that rivers unite the interest and promote the friendship of those who inhabit their banks, while mountains, on the contrary, tend to the estrangement of those who are separated by their intervention. In the present case, to make the crooked ways straight and the rough ways smooth, will, in effect, remove the intervening mountains, and, by facilitating the intercourse of our Western brethren with those on the Atlantic, substantially unite them in interest, which the committee believe to be the only effectual cement of union applicable to the human race."

Sir, [said Mr. C.] these objects have been accomplished. The crooked ways have been made straight, the rough ways smooth, the intervening mountains have been scaled—not by this road only, but by the numerous communications that owe their existence, not to Governmental patronage, but to individual enterprise; to enterprise prompted by enlightened views of commercial advantage, and the strong stimulant arising from the hope of individual wealth.

Other arguments, *applicable in* 1805, have now lost their force. Formidable tribes of savages at that time hung upon the skirts of our infant settlements on the western side of the Alleghany Mountains, for whose defence it may have been proper to form a communication by this road with the Atlantic border. How changed is the prospect! The magician has waved his wand, and the transitions have been as rapid as the shifting scenes of a moving panorama! Those infant settlements have sprung up into flourishing communities; the extended force that then reposed in the deep solitude of primeval silence is now a cultivated country, whose fields teem with fertility, whose towns and vilages and cities resound with the hum of busy multitudes. Over a country, at that time untrodden save by the foot of the untutored Indian or solitary trapper, independent States now hold sway over a population, numerous, intelligent, patriotic, brave; a population that, except on the extreme frontier, is so far from requiring defence from others, we must look to with pride and pleasure as being not only able but willing to afford effectual assissance to their Atlantic brethren should they ever be invaded by a foreign foe.

The Cumberland road is completed continuously for some distance beyond the Ohio river, and has been worked upon in different places as far west as Vandalia, in Illinois within less than 100 miles of St. Louis, and more than 400 on the line of the road beyond the Ohio river. Mr. C. acknowledged the force of the argument that might be used in favor of appropriations to connect the different parts of the road, and thus to render what has already been expended available. But look, sir, said he, to the condition of the Treasury. The report made a few days since by the Committee of Ways and Means shows that on the first of January last, *there was less than five hundred thousand dollars* in the Treasury of the United States applicable to public expenditures. In the same report the estimated resources of the present year, including $7,000,000 of Treasury notes, are placed at $31,000,000. Of which $13,000,000 are estimated as the receipts from customs, and $3,000,000 from public lands; both of which resources are admitted, in the present condition of the country, to be uncertain.

Mr. C. had not, nor did he suppose that any gentleman, either in the House or out of it, possessed the data that would enable him to form a satisfactory opinion of the amount of duties that would probably be paid into the Treasury on the importation of foreign commodities; for the experience of former years will afford no criterion by which to judge of the present. It must, however, be obvious to all, that the fever of land speculation, which, under the influence of credits easily obtained, had been stimulated almost to delirium, is rapidly subsiding, and that the purchases of the public land will for the present year be limited almost exclusively to the demand for settlements. This last demand will be diminished at the public sales, from the strong and pernicious tendency of your pre-emption laws to induce emigrants to seize upon the *best portions* of the public domain not yet brought into market. He observed some of the representatives from the new States smile incredulously at this assertion. But with the most respectful deference to those who advocated this system, he could not but think that it held out an inducement to avarice that

operated unfavorably upon the morals of our pioneer population. Mr. C. wished not to be misunderstood; he made no charge against that population, whose hardy enterprise had conquered the wilderness. Among them you will not find the rude unfeeling boor, that "against the houseless stranger shuts his door," but a population as much distinguished by generous hospitality as by a love of liberty and hardy enterprise—a population which, although perhaps destitute of some of those minor advantages that a higher degree of improvement will introduce, are clearing the way for towns and villages, and cultivated fields—a population whose energies have surmounted difficulties and dangers from which almost any other people would have shrunk in despair, that have conquered and are going on to conquer, that have laid and are now laying the foundation for future empires.

Mr. C. would now return to the subject from which, he said, he had somewhat digressed, and admit that the estimated receipts from the customs and the public lands were not exaggerated, and that the available means of 1838 would amount to $31,000,000. Deduct upwards of $16,000,000 not drawn from the Treasury on the first of January, of previous appropriations, and upwards of $2,000,000 of appropriations under permanent laws, and there remains less than 13,000,000 applicable to the appropriations of the present year. Deduct from this amount upwards of $5,000,000 for Indian hostilities, and upwards of $600,000 for the Canadian frontier, and there remains *less than seven millions of dollars* for the expenditure of the Government, including the civil and diplomatic list, the army, navy, fortifications, armories, the survey of the coast and harbors, the erection of light-houses, and all other expenses. It is true that the report of the committee estimates that there will be $11,000,000 of unexpended appropriations on the 1st of January, 1839, but Mr. C. contended that this did not weaken the force of the argument; for appropriations unexpended this year will remain as a tax upon the next, and the $10,000,000 Treasury notes that must be redeemed either towards the conclusion of the present, or early after the commencement of the next year, is more than equal to any temporary convenience that may be supposed to arise from the estimated unexpended balance of appropriations on the 1st of January, 1839.

We are as careless, sir, as if we were sailing under a clear sky, with propitious breezes, over a summer sea. But do you see no speck on the political horizon? It is no longer a speck; a cloud has arisen, whose dark shadow is thrown upon the prospect before us. Where is the faithful pilot? Why does he not warn us of the breakers on which, with every sail spread out to the deceitful breeze, we are madly driving? Where is the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] or the chairman of the Committee of Claims, [Mr. WHITTLESEY,] those faithful guardians of the public treasure? Why do they not warn us of a national debt, as the inevitable consequence of unnecessary and extravagant appropriations?

Mr. C. warned gentlemen of the consequences of a national debt. If we contract a national debt, the "compromise act of 1832," which brought peace to a distracted country, will prove but a rope of sand to an increase of duties. Yea, more, the very next revolution of the political wheel may bring those into power who will not hesitate to direct the duties upon importations, constitutionally imposed only as a means of raising revenue to pay the legitimate expenditures of the Government, to objects of protection.

Scenes would then return, upon which he could not look back without feelings of unutterable disgust. Protection and anti-protection would again become the watchwords of parties divided by geographical lines. Local prejudices and individual avarice would again usurp in the halls of legislation places that should be consecrated to patriotism and virtue. The clamorous importunities of partial interests would again intrude upon our deliberations, and the American Congress be again converted into an arena for the most bitter contests.

If we would avoid this, we must, if possible, avoid contracting a national debt. A debt to some extent, from the present prospects, cannot be avoided. But it is our duty to refuse all appropriations, *whether constitutional or otherwise*, that are not absolutely necessary to defray the expenses of the Government. No gentleman can doubt that a large national debt will inevitably lead either to an increase of the tariff, or to recalling the instalments from the States. To say nothing of the consequences (of which we have recently had bitter experience) of suddenly diverting, by an act of legislation, a large amount of money from the channels in which it was employed, he doubted whether there would ever be found sufficient firmness in Congress to adopt the latter alternative. Even if the instalments should be recalled from the States, he doubted whether it would not prove to be calling "spirits from the vasty deep." You may, perhaps, recall them, "but will they come at your bidding?" Mr. C. intended to make no insinuation against the honor of the States; but, from the debates at the extra session upon the proposition to withhold the fourth instalment, he thought it probable that many of the States looked upon the deposites that have been made with them as legitimately their own property, and, under this impression, they will not willingly tax the industry of their citizens to comply with what they may believe to be an arbitrary and unauthorized demand.

Within the last two hours we have passed a bill containing appropriations for an exploring expedition, for the employment of naturalists, geologists, botanists, to examine the animals, soils, and plants of distant lands, subjects with which this Government has as much to do as with the "vespertilio homo, or man-bat of the moon." In such appropriations do we give evidence of our sympathies for the condition of our constituents, or afford a *revelation of the calamities that await them from our legislation?* Do gentlemen not see that, by unnecessary appropriations, they are sowing the seeds of bitterness between the different sections of this Union? That they are digging a mine which, when it is filled, as it will be, with the elements of wrath, a protective tariff, and fired by the collision of separate interests, will produce an explosion that may shake our political fabric? If public opinion does not rise against unnecessary appropriations, and the voice of economy be heard in this Hall, he would not say that the ruin of the country, but he would say that the oppression of the people, so far as an increase of taxes is oppression, will be the inevitable consequence.

The present is an auspicious time to commence a reduction in that system of extravagant appropriations, which certainly received a great accession during the time of a large surplus revenue, and there is no subject upon which we can with more propriety commence than the Cumberland road. It has long been a favorite object of Government appropriations, and, if we recommit the bill, with the instructions proposed, the people will at once be convinced of our sincerity, and that they must rely, at least while the Treasury is in an embarrassed condition, upon their own energies, with the assistance of the States, to effect such objects as an enlightened view of their interests may induce them to undertake. Individual and State enterprise are, indeed, the only legitimate, safe, and economical agents that can be employed in the construction of internal improvements not immediately connected with the foreign commerce or military defence of the country.

He appealed particularly to the public spirit of those gentlemen whose constituents were more immediately interested in the passage of the bill under consideration. No distinction, no honor arising from place or power, can afford to the patriot the consolation that flows from the conscientious discharge of his duty to his country; and no gentleman can discharge his duty who, in the present condition of our finances, will vote for unnecessary appropriations. No one need implicate himself upon the constitutional question of appropriations by the General Government for objects of internal improvement, by voting for the motion to recommit the bill, with the proposed instructions. The condition of the Treasury is surely more than a sufficient excuse.

In 1830, when General Jackson placed his veto on the Maysville Road bill, it was said in this Hall that he had raised to his memory a more imperishable monument than when he won the glorious victory that preserved the queen of our Southern cities from the pollution of a conquering foe, and, with her safety, the honor of the country. And yet, if he was not mistaken, he heard an honorable gentleman from Virginia [Mr. MERCER] congratulate the House a few days since that more extensive appropriations by the Government for objects of internal improvement had been made since that time than during any other equal period in our history! Let gentlemen look to this.

As he had before remarked, Mr. C. did not intend to discuss the constitutional power of Congress to make appropriations for the objects of internal improvement, further than to say that the great variety of opinion that existed in relation to it should, if there were no other objection, make gentlemen hesitate to pass this bill. Leaving, however, the subject of constitutionality out of the question, it must be admitted that appropriations by the General Government for objects of internal improvement are partial in their operation, tending to the benefit of particular sections at the expense of the whole, and therefore inconsistent with that equality upon which our institutions are founded. To remove this objection, to make appropriations sufficiently extensive to embrace every section of the country having, or claiming to have, objects worthy of Governmental patronage, would create a vortex of expenditure that would ingulf the diamonds of Golconda and the gold of Mexico—would require a revenue, the collection of which would produce a wide-spread ruin, and, after exhausting the resources of the country, would be insufficient to accomplish the object.

To advocate appropriations for the Cumberland road upon the ground that it will enhance the value of the public lands in those States through which it passes, is almost equally inadmissible: for the same argument will apply in favor of the construction of roads into every wilderness where the Government owns land. Who can suppose that the opening of roads by the Government is necessary to attract the farmer to the virgin soil of the West? Who has not observed the tide of emigration, sweeping in its progress the population of the old States to this land of promise? The temptations are already strong enough to induce thousands to break through those local attachments, originating in childhood, increased by the associations of maturer years, "growing with our growth, and strengthening with our strength," until at last they entwine themselves around the affections with a power that nothing but that love of wealth that springs eternal in the human bosom could sever. A human tide has for years been pouring into the new States and Territories with a rapidity unequalled in the annals of the world, since, perhaps, those immense migrations recorded in history, when whole tribes of barbarians poured in upon and settled the territories of their less warlike neighbors, sometimes bringing with them their own institutions, sometimes adopting those of the conquered race. Whole districts of country in the old States have declined in population, attracted from a soil that in any other country would be considered as yielding a bountiful reward to the cultivator, to encounter the hardships and privations preparatory to converting the wilderness into the garden. Can any one, with these facts before us, contend that additional inducements to emigration are even desirable?

Our Western brethren labored under no peculiar disadvantages in relation to the means of intercommunication. They hold constant intercourse with the rest of the world, not by those majestic rivers only which, uniting their waters with the Mississippi, together pay tribute to the Gulf of Mexico, but by numerous other channels of communication which owe their existence to individual and State enterprise.

He hoped the motion to recommit would succeed: now was the time by its adoption to relieve ourselves of a work whose constitutionality is doubtful, whose benefit is partial, and appropriations for continuing which, in the present condition of the Treasury, must bring on us the reproach of reckless extravagance. Let us surrender it to the States through which it passes; if worthy of patronage, it will be continued under their auspices, sanctioned by the enlightened liberality of their citizens, and paid for by those who enjoy the advantage.

If an additional argument was necessary to show that the General Government should abandon not only this, but all other objects of internal improvement *not immediately connected* with the foreign commerce or military defences of the country, that argument could be found in the large surplus recently deposited with or *paid* to the States.

REMARKS OF MR. EWING, OF INDIANA,

ON THE SAME SUBJECT.

Mr. EWING said: I am not much surprised at the tenor of the remarks made by the gentleman from South Carolina, [Mr. CAMPBELL,] who has just taken his seat. But it was certainly little to be expected that such a proposition as that now before the House would have been made by the gentleman from Kentucky [Mr. UNDERWOOD.] It indicates a new state of feeling when this gentleman can be found, upon the subject of internal improvement, acting at this time of day in harmony with the doctrine of South Carolina. True, the reasons which influence the minds of the two gentlemen appear very different, and the sun and the weather might be as well introduced into this debate as some of the topics which seem to have weight with both the gentlemen. Upon the one side discord seems to have arisen on account of the Louisville canal; and the evident desire to withhold this appropriation on account of prospective tariff views has been distinctly announced upon the other.

Now, to the gentleman from Kentucky it may be a pleasant exercise to talk—good for the body and the soul. But it becomes me plainly to tell that gentleman, on this occasion, that the Louisville canal is a State work, not constructed under a compact with the United States; and, further, to tell him that he greatly overrates his sagacity and intellectual strength if he thinks he can break down the obligations entered into by solemn contracts, and acted upon for thirty years, yet still hold the new States bound by their stipulations in relation to the sovereignty of the soil. It also becomes me, on this occasion, to tell the gentleman from South Carolina, with equal plainness, that the liberality and enlightened spirit which once characterized many of the statesmen of the South must have departed, if he thinks the people of the West will allow imposition to prevail forever, and a national treasury replenished, not by a protective tariff, but by sales of the public lands, five years exempt from taxation, to be wasted in schemes of useless fortifications and injurious breakwaters. I had believed that even South Carolina was now entering as a competitor for the Western trade, by encouraging a system of internal improvement; and I had hoped that the policy of her worthy delegation would have expanded with her local interests at home. That gentleman may be assured, if even high protective duties be necessarily resorted to by this Government, it will be because Southern sectional views overlook the wise policy of the ordinance of 1787, and the opinion of the best patriots and statesmen of by-gone days. The gentleman may rely upon it that a disregard of public faith involved in compacts with the new States formed out of the territory northwest of the Ohio, by which the public lands are secured, and the revenues annually coming into the public Treasury immense, will rather counteract than promote his much dreaded protective system.

But the gentleman from Kentucky, without entertaining any of the fears of a protective tariff, which seem to operate upon the mind of the gentleman from South Carolina, denies the validity of the compacts, and would also set them at naught; and, I must say, he thinks he has more wisdom than I believe him to possess, when he thus overlooks the matured action of those who framed the compacts and their binding validity. The gentleman from Kentucky calls the appropriation partial, estimates the amount already expended upon the road over and above the two per cent. fund, and says appropriations for internal improvement should now be abandoned. The gentleman talks of economy and an exhausted Treasury, and appeals to his political friends to arrest all such expenditures. The gentleman says nothing of the equal rights and sovereignty of the States under the Constitution, of the amount of taxation relinquished by the new States, of the fact that the United States, although allowed to extinguish Indian titles, are prohibited from an ownership in property, except for forts, arsenals, &c. to be allowed by the several States wherein they are located, unless by compact. He omits to tell us what, if any thing, Virginia, Maryland, and Pennsylvania, though which this road passes, have paid towards its completion, and forgets that this economy would be wild extravagance, if the road west of Ohio were now permitted to go to decay for want of means. His ideas of partial appropriations are most novel. The new States, under existing circumstances, pay a thousand dollars where they receive one, and this road, passing through seven States, cannot interfere with the progress of his Louisville canal, and has nothing local or sectional in it. If the gentleman would apply his arguments to fortifications, which really tend, in many instances, only to exhaust our Treasury, as well as to encourage a standing army, which may endanger our liberties, the Whig party, with an eye single to the good of their country, might then hearken to his admonitions. But this road, as I have already intimated, is not of a sectional or party character, and can in no way minister to party rancor or personal ambition. Earnest as I am to advance the interests of my constituents, and deeply as they feel upon this subject, I should feel myself degraded, as their Representative, by bowing and *congeeing* to partisans feeling or partisan views, and thus overlooking the great and important question involved.

And here, Mr. Speaker, allow me to remark, in relation to fortifying the seaboard, steam batteries alone can afford security to our coast, and should, in addition to our Navy, receive the aid intended for the defence of the Atlantic States. It may be different for the Western and Southwestern frontier. The Indian neighborhood may require a line of fortifications in that quarter. As to the abandonment of internal improvement appropriations, the gentleman from Kentucky is certainly at liberty to pursue which course he pleases. But the gentleman, I am sure, was of a different opinion when the Maysville road was vetoed, and, therefore, I am at liberty to infer that his present opposition to it arises from the fact, in part at least, that it does not pass through Kentucky.

I hope it is with the gentleman's Louisville canal as it once was with my toothache. I was told not to have the tooth extracted; it was a very important tooth, and a dangerous operation. Somewhat alarmed, I had it extracted notwithstanding, and immediate relief, without inconvenience, followed; and may it not be that the consequences of completing the Cumberland road will equally disappoint his fears, and tend not only to leave all the business necessary to sustain that small excavation, but also to employ the work of much greater dimensions, and much less expense, now about to be constructed on the Jeffersonville side, where a canal should have first been constructed? But let that pass.

But I trust he cannot take the consistent action and good faith of this Government along with him. Nor can he, although the gentleman from South Carolina is willing to repeal Congressional contracts, carry with him the constitutional, obligatory contracts under which this road is to be constructed. He can in no way blend it with appropriations made to effect objects not contracted for. It stands, as I have endeavored to show, upon distinct and different grounds, and no condition of the Treasury, no change of policy on the part of the gentleman, can exonerate this Government from acknowledging its obligations.

If the gentleman from Kentucky, in proclaiming the amount already expended upon the road, had also told us the amount already paid into the Treasury by the States west of the Ohio river, from the sales of public lands, with the cause thereof, through which the road passes; and if the gentleman from South Carolina, in making his appeal to the party with whom he now acts, had told them to cease all unnecessary appropriations, and to redeem their plighted faith, without these annual contests in

relation to a matter involving the public faith, and the public good; if they had done this, the views of the one, and the State Rights doctrine of the other, would appear in a better aspect.

As to the policy of my friend from Kentucky in proposing the recommitment of the bill, with the instructions he offers, I can tell this House and this country, that when this road shall be arbitrarily relinquished, or ceded to the States through which it runs, without first being completed, or certain provisions made for its completion, and for bridging the streams over which it may pass, it will be found that the public domain itself will be relinquished and ceded by the same arbitrary act. Then, indeed, the new States, after much trouble, and many partial exactions, will stand upon the equal footing which the Constitution of the United States contemplated, and their State rights will then be defended.

The public domain within these States has been improved by the men who aided you in your Revolutionary struggles; who enabled you to secure the possession of lands without otherwise having paid for them, and who went elsewhere to improve and protect a new country, and paid for the soil; the proceeds of which has enabled you to pay your Revolutionary debt. They fought for your homes before they travelled West, and in the new States they relinquished their sovereignty and ownership over the soil, to enable you to redeem the obligations thereby incurred. Yet, the gentleman from South Carolina has brought the pre-emption bill into this discussion, as though it was an extravagant appropriation, made only for the benefit of the West. This public land topic, involving as it does, the harmony, union and equality of the States, is of too much importance to be discussed upon the present occasion. If the wise system, matured by the pre-eminent statesman of Kentucky, in the other end of this building, and adopted by Congress, had not been vetoed by a President who urged upon Congress to dispense altogether with the public lands as an object of revenue, then the truckling system of his successor, walking in his footsteps, whose financial views the gentleman from South Carolina now in part supports, would never have engendered heart-burnings and dissensions, with speculations and peculations and party subserviency; nor would the laboring settler of the West, seeking a home for himself and his offspring, after improving the soil, and securing, by his industry, the means of future competency, have to come here under the auspices of a specie-paying circular, asking of the Government the first right to buy the land which he himself had given value to by his own improvements. That gentleman may take my word for it, if speculations can follow a pre-emption law in Indiana, the speculators will come from other quarters of the country; the South and the East will furnish them. And, speaking of Southern settlers, although we have a few such visiters to our fertile region, I only lament their numbers have not been more rapidly increased.

It seems to be denied, Mr. Speaker, by both the gentlemen, that the completion of this road is an object of great national importance at this time. For military purposes, one of the first reasons urged for its construction, it is now said to be of no avail. The Ohio river, obstructed by ice for some months each year, the gentlemen think is now sufficient for the transportation of munitions of war. The reminiscences of the last war should better instruct them. But do we want no mail facilities? no facilities for commerce? none for social intercourse? Is every other interest to yield to military considerations? Sir, the paths of military conquest and glory lead but to the grave of our prosperity. Sir, the whole country, in all her relations, moral, social, political, agricultural, commercial, and mechanical, cries aloud for this appropriation, and will no longer be swayed by considerations of vainglory; nor can any considerations of this character be allowed to overlook this call, or trample upon and cast aside the public faith and public welfare upon which it is founded.

Sir, I have no desire, called upon thus unexpectedly by the course of the gentleman from Kentucky, to notice all the oft-repeated and oft-refuted objections urged against appropriations for this road; nor shall I speak upon an implied supposition that this House is unacquainted with the compacts existing, and legislation heretofore had, upon this subject. But there is a report of the Secretary of War upon our table, in compliance with a resolution of the other branch of the Legislature, showing what reductions might be made without doing injury to such parts of the road as have already been commenced, "without violating existing contracts." By which it appears that a bill had been reported in that body appropriating more than double the amount embraced in this bill; and with a view to effect the object which led to the call, a much larger sum is absolutely required than is embraced by the provisions of the bill before the House. The reduced estimates in the report adverted to is, for Indiana alone, $266,000, and this sum should now be allowed.

But at this time I will not trespass upon the urbanity and good feeling of the gentleman who argue against the smaller sum in the bill before us; our after action can remedy this defect.

I could now almost appeal to the gentleman from Kentucky in the language of Colonel Ethan Allen, at Ticonderoga, during the Revolutionary war, "In the name of the Great Jehovah and the Continental Congress," to withdraw his motion to recommit this bill. If he should not, however, its defeat, I think, is certain. I will point the gentleman and the House, by an amendment which I send to the Chair, to the only equitable and legal mode of transfer which this House can adopt: by moving a proviso to his instructions to the committee, (if the bill be recommitted,) that the surrender of the road to the States through which it passes, shall be accompanied by an appropriation of an equal average amount of money to each mile of said road, west of that portion thereof already ceded to the States in which it lies, to that expended upon each mile relinquished, to be paid in three annual instalments, one of which shall be due upon the passage of the law.

Mr. Speaker, I will now take my seat, appealing to the intelligence and patriotism of this House to reject the proposition to recommit this bill. I am known to be the uniform friend of economy and reform; but I cannot believe in the rescinding of contracts by legislation, nor that the few hundred thousand dollars for a great national object, located in a section of country which enriches your Treasury and pays more than half of your income, would be either economical, just, or politic. Indeed, if there exists any proper rule of action, or principle of constitutional law, or policy becoming this House under existing circumstances, which could impel or justify a cession of this unfinished road, as contemplated by the gentleman from Kentucky, I have nowhere discovered it. The amendment to his instructions, which has been read, I shall insist upon hereafter, unless his motion be, as I hope it will be, in the mean time withdrawn.

REMARKS OF MR. GRAVES, OF KY.

ON THE SAME SUBJECT.

In the House of Representatives, April 13, 1838.—Mr. SOUTHGATE having spoken—

Mr. GRAVES, of Kentucky, next rose, and said: Mr. Speaker, I had not intended to participate in this discussion, and should not have risen now, had not the remarks of my friend and colleague, who has just taken his seat, rendered it necessary for me, in justification of my own course on this subject, to correct some of his misapprehensions.

He told us that this system of internal improvement in bygone days was a favorite with Kentucky. That, until now, her representatives here had presented an unbroken front in its support. From these remarks, it would seem that I, and such of my colleagues as oppose this bill, are acting inconsistently with our former votes. My colleague being a new member, and not having looked into the journals, has, unintentionally, fallen into an egregious error on this subject. It was my impression, and, on examining the journal, I find I was not mistaken, that none of the members from Kentucky in this House, with a single exception, have ever voted, since I have been in Congress, for appropriations for the continuation of this road. And, though I have not looked further back into the subject, I apprehend the same state of things existed for some years previously.

[Here Mr. SOUTHGATE rose, and said he was not informed, and did not undertake to speak of the course which Kentucky had taken upon the subject for the last few years, but of her course some years since.]

Mr. GRAVES rejoined. Yes, Mr. Speaker, it is true, that, previously to the commencement of the last Administration, when it was proposed to conduct internal improvements as a system, before that system had received its death blow, and before the apprehensions of the nation were aroused upon the subject of Executive power and patronage, Kentucky did favor the system, and no one of her citizens more warmly than I. But, sir, my support to the cause was predicated upon supposing it was to be prosecuted as a system; a system founded upon justice and equality; by which the different States should derive advantages bearing some proportion to the amount which they had to contribute to the general fund out of which it was to be prosecuted. But the splendid system, which was originally contemplated, was defeated; and whatever has since been done by Congress upon the subject, has been partial, and without regard to the mutual advantages of the different sections of the Union.

The leading and most important objection that the original opponents of the system urged against it, was the great increase which it would add to Executive power and patronage. This objection was thought, at the time, to be trivial and invalid, owing to the fact that, up to that time, the Executive power had moved quietly in its own sphere, and had not used the patronage placed in its hands solely for the good of the people, corruptly to buy up power and influence. But, sir, I confess that the history of the last nine years has satisfied me that every thing that adds to the patronage and power of the Federal Executive should be scrutinized most closely; and never, without some very potent and overruling necessity, sanctioned by the representatives of the people. The appropriation and disbursement, annually, of twenty-five or thirty millions of dollars, by the Federal Government, towards works of internal improvement, would swell and increase the already giant power of the Executive in a degree to which I could not consent. The legitimate powers of the Executive, and those that have been assumed, have been growing so rapidly for the last few years, that it has very nearly swallowed up every other power known to the Constitution. Instead of adding to the already overgrown power of the Federal Executive, I feel anxious to see placed elsewhere a counteracting power; and, for myself, I prefer to see whatever accidental surplus there may remain in the Treasury after a cheap and economical Administration, divided among the States, to be appropriated to such objects as they may designate. As far as I can learn, there remains a very small remnant of the old advocates of internal improvements, who desire to see the system revived by the Federal Government. Such works as are about of equal importance to several States, and could not be appropriately accomplished by any one of them—such, for instance, as the improvement of the principal rivers of the country, the navigation of which is equally important to several States; the erection of fortifications, light-houses, and harbors; the building and maintaining a navy to protect the common commerce of the country—must be accomplished, of necessity, out of the common funds of the nation.

The result of the most deliberate consideration which I have been able to give this subject is, that the roads in the different States, and the improvement of the navigation of the rivers, in the commerce of which the States through which they pass are alone or mainly interested, had better be made by authority, and out of the means of the different States. For many of the States, under the impression that the system of internal improvement by the Federal Government had been abandoned, have proceeded to borrow money on their own account, to make their own roads, and some of them also to improve the navigation of their own rivers.

Kentucky, in common with other States, has contracted a heavy debt to improve her roads and rivers, and she feels that she has already greatly increased the resources of her people, and the value of their property. It would be unjust and unequal for similar works to be accomplished out of the Federal Treasury for the benefit of the people of other States.

But is is contended that the Cumberland road has been in progress for a great number of years; that it is a great and a magnificent work; one which has been thus far accomplished by the munificence of the whole nation; an object of which we should all be proud, and therefore we should carry it to the far West. The premises are true, but the conclusion is a *non sequitur*. The question is not whether this road should be finished to the Mississippi; but it is, should it be accomplished by the Federal or State Governments? That this road will be accomplished is as certain as that the three great States of Ohio, Indiana, and Illinois, shall march on to the great and glorious destiny that awaits them. That the road, when accomplished, will greatly enhance the landed property in those States, to an extent almost, if not quite, as great as the cost of constructing it, is abundantly apparent from the experience of older States, which have finished their roads. It is not right that the money of other members of the Union should be taken to make improvements for the almost exclusive benefit and convenience of these States, without any prospect of having similar favors reciprocated.

Kentucky has been a member of this Union for forty years, constituting about one-eighteenth part of the entire nation, and contributing to the National Treasury about in that proportion; still, for the great national objects of internal improvements, light-houses, fortifications, &c. to which so many millions have been elsewhere appropriated, not one cent has been appropriated within her limits. This, together with the additional fact that Kentucky is the only State in the Union thus situated, appears from a report of the Secretary of the Treasury made in 1835, in obedience to a call from Congress for information upon the subject of the amount of expenditures in the different States from the foundation of the Government.

Still my colleague says that the system of internal improvement is founded in justice, that it is a unit, and that he will support appropriations for it whenever and wherever proposed, though his own State should never get a cent from the Federal Treasury for similar purposes. In this I differ from him. I can never consent to go for a measure because of its bearing a particular name. It is the merits of a measure that commend it to my support, and no misnomer can divert my attention from them.

I have heard the imputation of selfishness, of narrow, penurious and unstatesmanlike views too often attributed to the representatives of Kentucky on this floor, to suffer the charge to go unnoticed. Sir, it is unjust; and gentlemen take a superficial view of the considerations which govern their course upon this and other extravagant appropriations. Am I to be told by statesmen here, that it is selfish and unstatesmanlike in the representatives of Kentucky to oppose liberal appropriations for the improvement and advancement of other sections of the Union, because their State does not come in for a share? Gentlemen surely pay a very poor compliment to the understanding or patriotism of the representatives of Kentucky if they suppose they can be made to abandon the interest of their constituents, and the principles of immutable justice, by such declamation.

The basis upon which is founded our blessed Union is, that its burdens and benefits shall be as equal as in the nature of things they can be rendered. Once establish the principle, that the assessment of taxes, to bring money into the Treasury, is to be equal and uniform upon every portion of the Union, and that all your disbursements are to be made, without regard to equality, for the benefit of particular sections, and you will find the people of the other sections will not submit to it.

Government is formed for selfish and interested motives, but not in the odious sense of these terms. Governments are composed of individuals, who agree to bear the burdens and contribute to the maintenance of Government, for the interested and selfish purposes of making a good bargain; by which they receive in exchange what is of greater value than that with which they part; by which they the better secure to themselves the more important rights of life, liberty, and property, in exchange for the less important natural rights, with which every one emerging from a state of nature into a government of laws must of necessity part.

I greatly misunderstand the people of Kentucky if, from a fear of being considered selfish, they quietly and willingly submit to bear her proportion of the burdens of an extravagant and prodigal Administration, without demanding some participation in the heavy disbursements of the Government. Can it be expected that the State of Kentucky will quietly submit to the state of things that we have witnessed for the last few years? The last Congress appropriated upwards of seventy millions of dollars; about four millions of that sum was contributed by Kentucky. And to what extent has she shared in the disbursements? Very little more than if she had been a foreign Government, except in the general interest which she incidentally receives from appropriations made to objects alike interesting to other States. It is true she has a great interest in the improvement of the Ohio, Cumberland, and Mississippi rivers, in common with the other twelve States that navigate the waters of those rivers. In the appropriations made to those objects she has, I admit, this common interest. It must be recollected the sum appropriated to this object, when the amount of interests involved is considered, was very inconsiderable.

There is a subject, however, in which Kentucky has for some years past felt a deep interest, at least such portions of Kentucky as have given their particular attention to the subject. I allude to the proposition for the Federal Government to purchase up and make free the navigation of the Louisville and Portland canal, which has been for more than four years depending before Congress, but upon which Congress has failed and refused even to act. [Here Mr. MERCER rose, and said that the gentleman from Kentucky had fallen into an error, for, during the time of his predecessor, he recollected the subject was taken up and debated somewhat at length.] Mr. GRAVES said it was true this House, through courtesy to his very worthy predecessor, [Mr. POPE,] had consented to take up the subject, to allow him to address the House, and that the subject was then discussed for a part of one day, but that no vote of this House was ever taken upon it. Although this subject is equally interesting to some of the other twelve States that navigate the Ohio river, the importance of it is very little understood by those who are at a distance, and have not looked into it. In 1831, the first year that the navigation of that canal was opened, it collected tolls amounting to but between twelve and thirteen thousand dollars; but so rapid has been the increase of the commerce of that river, that the tolls of the canal, in 1837, amounted to upwards of $145,000, which enabled the stockholders to declare a dividend of 13 per cent, and I apprehend the tolls collected by the canal during the present year will enable the stockholders to run their dividend up to 18 per cent. the maximum amount which the company can divide under their charter. But this might be borne if it were the highest amount to which the burdens upon the commerce of that river were subject to be carried. Widely different, however, is the case. For a company of enterprising individuals, seeing that the commerce of that river was increasing so rapidly that in a few years it would be sufficient not only to enable the stockholders in the present canal to declare their maximum dividends, but also to supply business enough for another canal to enable its stockholders to declare an equally large dividend on the amount necessary to construct one on the Indiana side of the Ohio, have proceeded to procure a charter from the State of Indiana to construct another canal, and are

now proceeding with steps preliminary to the commencement of the new work; and unless Congress shall do something on the subject this session, indicating an intention to make the navigation of the present canal free, they will doubtless proceed with their work, which I have no doubt will cost $2,000,000. Eighteen per cent. upon this sum, and upon the cost of the present canal, will amount to about $540,000, which, together with the sum necessary to keep in repair and pay for superintending both canals, will amount to but little if any less than $600,000 per year. This vast sum will eventually be collected, should Congress persist in refusing to free the present canal, as a perpetual annual tax upon the commerce of that river. The Government, in the last three years, has appropriated $270,000 to deepen the overslaugh on the Hudson river, without ever conceiving the idea of imposing tolls upon its navigation, whilst it is drawing 13 per cent. off the stock it took in the Louisville and Portland canal, which was made to obviate a similar but a much more formidable obstacle in the navigation of the Ohio river. With all these facts before us, can it be just to impeach the Representatives from Kentucky with selfishness, in the odious sense of the term, for resisting extravagant appropriations, whether to the Cumberland road or other objects?

If any other appropriations are to be made to the Cumberland road, it would seem to me to be much more reasonable that it should be extended from some suitable part of it, to which it is already finished, to a point in Ohio, opposite to Maysville, Ky. where it would connect with the Maysville and Lexington turnpike, and the other turnpikes which Kentucky is now constructing to the Tennessee line, and, by means of roads which that State proposes to construct, connect with the States of Alabama and Mississippi, and in this way furnish a land communication, when the Ohio river is closed, between the States of Mississippi, Alabama, Tennessee, Kentucky, and the Eastern States. For as things now are, all who travel from the South and Southwest eastwardly, in the winter, when the Ohio is closed, encounter more difficulty and greater expense in getting from Maysville, Ky. to the most eligible point on the National road, than is incurred in other seasons of the year in travelling from Louisville to Philadelphia. And although the States of Missouri, Illinois, and Indiana, by means of the roads which the last two States propose making, could connect with the Kentucky roads at Louisville, and thus get on by this track from Maysville to the present National road, I doubt not I should at once be reproached with selfishness, were I to propose it.

Whenever the Representatives from the West and Southwest commence complaining about the great inequality in the disbursements of this Government, we have a learned and able lecture delivered to us to convince us that we are interested to an extent equal to any quarter of the country in the formation of harbors and light-houses in the Atlantic States, because they render the navigation safer, and consequently cheaper. We are told that we who have produce to send East are the very persons most interested in those seacoast works. No man here is so transcendently ignorant on this subject as not to know that every portion of the people of this Union have some interest, to a greater or less degree, in these works, and indeed in the improvement of every river, and in the construction of every road and canal in any of the States, upon the principle that whatsoever cheapens and renders more safe and commodious travel and commerce between the different quarters of our country, is calculated to benefit each and every portion of it. But an Atlantic gentleman might also be told that he should consent to improve, out of the common funds of the nation, by locks and dams, if you please, all of our little Western rivers, because it renders safer and cheaper the navigation of those rivers, and enables the producer of flour, pork, &c. to bring those articles to them cheaper. Each proposition is equally true. But, sir, enough of this; it is understood by all of us. It is known that whilst every portion of the country has a general interest in improvements at distant points, we all feel we have a more particular and special interest in improvements at home.

But to return more immediately to the subject. The advocates of this bill say, are not good roads a great convenience to the people? is it not right and proper that roads should exist? can they be made without money? They answer these questions in the affirmative, and conclude *quod erat demonstrandum; ergo*, this appropriation should be made. If, from such premises, such conclusions may be drawn, then indeed the other argument, which has been urged, that this appropriation should be made because others have been made to the same object, may also be sound. But for myself, I must be allowed to withhold my vote from giving the money of my constituents to a cause depending for its support upon such grounds. A cause that can only be sustained by such arguments, does surely not commend itself very strongly to the favor of this House. But how, it may be asked, have appropriations to this object been carried year after year since the overthrow of the system of internal improvements? In the first place, there is, and ever has been, a certain very small interest in both Houses of Congress who still entertain a hope and belief that this system will be revived upon a broad and magnificent scale, penetrating every quarter of the Union. There are others who are partial to this particular work from early recollections, and entertain for it a kind of paternal regard. There is, then, another interest, consisting of eight Senators and thirty one members, coming from the four Northwestern States most directly and deeply interested in this work. And then there is another, and much the largest interest, consisting of the representation of the seaboard States, whose policy is to run the appropriations up from the old cheap standard of twelve or thirteen millions to thirty or forty millions annually; for the very obvious reason that the great bulk of the appropriations is in their States. Take from this last and largest interest the thirty-one votes in this House and the eight votes in the Senate before mentioned, and they could not have run the appropriations of last Congress up to exceeding seventy millions of dollars. It is a combination of interests, constituting a majority of Congress, that produces both the enormous amount and great inequality of appropriations.

Already have seven millions been appropriated towards this road, and if it is to be continued, as some propose, through Missouri, Arkansas, and Louisiana, it must cost perhaps three or four times as much more. If it be not extended so far as this, however, I would inquire where is the point at which we can more properly stop than that to which the road is now extended? We have greatly more than exhausted the two per cent. fund, and I think are under no obligation of implied faith to prosecute this work more than any other great and important road. I cannot, therefore, give my support to this bill proposing to appropriate $450,000 towards the continuation of this road.

CUMBERLAND ROAD.

SPEECH OF MR. POPE,

OF KENTUCKY,

In the House of Representatives, Thursday, April 12, 1838—On the proposition of MR. UNDERWOOD to recommit the bill making appropriations for the continuation of the Cumberland road, with instructions to report a bill in lieu thereof, ceding the same to the States through which it passes.

MR. POPE addressed the Chair as follows:

MR. SPEAKER: The assault made on this bill by my colleague [MR. UNDERWOOD] was indeed unexpected, and especially at this stage of the proceeding. I was the more surprised that the opposition should come from one of those who had so long rallied under the banner of the great champion of the American System, to whom a monument has been erected on this great National road. Sir, before I accepted a seat in the Committee of Ways and Means, I consulted most of my colleagues with whom I was desirous to act in harmony about the propriety and policy of participating in the labors of that committee. I acquiesced in the nomination to fill the vacancy with the approbation of my Kentucky friends.

Permit me here to mention that I never was, since I fully explored the subject, in favor of a general diffusive system of internal improvements, such as the States were fully competent to make without the aid or agency of the National Government. Improvements of local character should be left to the local Governments; and those only of a decided national character, as declared by President Jackson, are within the legitimate action of this Government. Neither time nor circumstance have changed my views on this and other subjects of primary importance. I believed, twenty seven years ago, after full and impartial consideration, that a National Bank was a useful and necessary fiscal agent, and the best regulator of our paper currency; and that opinion I have maintained, under all circumstances, through good and evil report. This Cumberland road was commenced near the Potomac river nearly thirty years ago, when I was a member of the other House. I was for that road then, as necessary and proper, and a work of great national utility in a political, commercial, and social view. When I first crossed, in the fall of 1807, the immense body of mountains between the Potomac and the Ohio, and cast my eyes from their lofty summits to the extensive region of the West, and turned them to the States bordering on the Atlantic, I was deeply impressed with the thought that this mountain barrier had been placed there for the mutual defence and security of independent nations; and that, to bind together the people of the East and West, by whose joint counsels and arms liberty and independence had been achieved, it was necessary to cut down this great wall of separation. I could not believe that the old devious and miserable road made by Braddock and Washington, about the middle of the last century, was to remain the only medium of intercourse between the Eastern and Western waters. Pennsylvania had no interest then, nor has she now any special interest in this road. Her local views and policy led her to improvements in a different direction. The plan of making this great road from the Potomac to the Ohio had its origin with the first statesmen of Virginia; and the foundation was laid under the administration of Mr. Jefferson. At the threshold, Mr. Speaker, permit me to say that this road does not rest on the general power or policy of making internal improvements, but is based on solemn compacts with Ohio, Indiana, Illinois, and Missouri, and the strongest implied pledges of this Government to those States to make this great National road to the Mississippi river, for which this bill now under consideration makes an appropriation.

The superintendents or engineers employed on this road, through the States of Ohio, Indiana, and Illinois, made an estimate of more than one million of dollars for the present year; but the committee, considering the present condition of the Treasury, concurred with the Secretary of War in believing this sum ought to be reduced to $450,000, which he thought sufficient to keep the work in progress during the present year, and prevent the loss of materials which had been collected and prepared for bridges, and injury to those parts of the road which had been graded in the three States. To me, sir, was assigned the duty of reporting this bill, and to attend to its progress in the House. It was referred to a Committee of the Whole, where it was expected to be assailed if opposition was to be encountered. It passed through the Committee of the Whole, and was reported to the House with little or no opposition, and, when the question was about to be put on its engrossment, an unexpected assault was made on it by one of my colleagues, [MR. UNDERWOOD,] from whom I least expected such a course. I certainly expected the cordial co-operation of the representative from Kentucky. He opposes it because no general system of internal improvement has been, or is likely to be, established by Congress. Of this objection I can only say that I cannot anticipate what Congress will do, but must be regulated in my support of this bill by the past action of the Government. I certainly did not, Mr. Speaker, expect to be called on to explore this whole subject for the last thirty or forty years, during which this Government has been making appropriations almost every year for this great national work. My colleague lays much stress on the amount this road has cost. I have not made an estimate of the amount, but presume it is large. It is proper to observe, however, that a large portion of the sum has been expended between the Potomac and Ohio rivers, before you enter the territory of any of the States mentioned in the bill, and we should bear in mind that this road was commenced before road-making was well understood, and that the first experiment of paving the road between this and Wheeling in a great measure failed, and a large amount was expended in repairing it and re-making it on the Macadamized plan. On this branch of the subject I do not intend to dwell. It is urged, also, that the condition of our Territory forbids this appropriation. To this I might answer that it has not prevented other appropriations. We granted $100,000 to the heirs of Robert Fulton, about $75,000 more than was ever claimed before either by Mr. Fulton or his representatives. We have appropriated probably a million of dollars or more to send out an exploring expedition to distant seas, which had been authorized by Congress two years ago. Why did not the poverty of our Treasury arrest these appropriations? It was thought that our character as a nation would suffer in the eyes of the world if we abandoned this expedition after having undertaken it; that we, the second commercial nation in the world, and aspiring to become a great naval power, ought to contribute something to make discoveries in other parts of the globe, for the benefit of our enterprising citizens, to expand the theatre of commerce and navigation. It is very true that the condition of the Treasury ought to admonish us to suspend appropriations for new works not commenced, and to reduce them for works now in progress as much as practicable, so as to prevent loss or very material injury.

I was deeply impressed with these considerations in making the appropriation less than half the amount desired by the representatives from the States more directly interested. Sir, we know that if this road is abandoned, it will never be finished by the States. Their local interests will prompt them to expend their funds for very different improvements. They consider it a national work, and, although undoubtedly advantageous to them, less so than other roads and canals in which they are made deedly concerned. It is well known that many have purchased and settled at higher prices on the route designated for this road than they would have done but for the expectation authorized by the uniform and long-continued policy of Congress; and it would seem to me that nothing tends more to lessen the confidence in and respect for the Government than an unstable, whimsical, and fickle course. Another objection is made by my colleague that we ought to refuse this appropriation because Kentucky has not received that justice to which she is entitled. I cannot think this a fair or statesmanlike ground of opposition to this bill. Shall we, because we have not obtained what we desired, violate the solemn compacts and implied pledges of our Government, to the injury of our neighbors and the whole West? Certainly not. I cannot, I confess, perceive the force of this objection. Will it be seriously contended that we ought to wrong our friends and neighbors, and the whole West, because this Government has done us wrong? We are connected with the Western States bordering on the Ohio by the strongest ties, political, commercial, and social; and it is our duty and interest to treat them with justice, liberality, and kindness. After the year 1840 they will be able, by their increased strength and influence, to afford us much aid in obtaining all that justice from the National Government to which Kentucky may have a fair claim. Kentucky is identified, in interest and policy, with the whole West. If making this road directly benefits our neighbors, it must indirectly benefit Kentucky. If it will tend to enrich and populate the Western country, no Western man, it would seem to me, ought to oppose its progress. I am not for expending more money this year on this road than what is necessary to keep the work in motion, and prevent loss and injury. This Government has, in numerous instances, expended money in making roads through her Western lands to promote their sale and settlement, to which no Western statesman has heretofore objected; and of her power to do so no person, the most strict constructionist, has ever doubted. Mr. Speaker, (said Mr. P.) I have said that this Government ought to prosecute this work, in compliance with her solemn compact and implied faith; and I hope to make this apparent by a retrospect of the several continued acts of this Government for nearly thirty-five years.

By an act passed on the 30th April, 1802, Congress authorized the people of Ohio to form a Constitution, and come into the Union, upon certain terms and conditions therein prescribed, the most material of which were, in substance, that Congress would grant to the State of Ohio the sixteenth section in every township, for the use of schools, and that one-twentieth part of the nett proceeds of the sales of public lands lying within the limits of said State, sold by Congress after the 30th day of June, 1802, should be applied to laying out and making public roads from the navigable waters of the Atlantic to the Ohio, to the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the States through which they should pass: provided, always, that the propositions aforesaid were offered to the State of Ohio on the express conditions that the convention of said State should provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the 30th day of June, 1802, should be and remain exempt from any tax laid by or under the authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale. A modification of the terms was afterwards agreed on, by which three per cent. of the land fund reserved was to be applied to internal improvements within the State, under the direction of the said State. Independent of high political considerations, of which I shall speak hereafter, the leading inducement with Congress to grant lands for schools and roads, and to exempt their lands sold from taxation for five years, was to promote and facilitate the settlement and sale of their extensive domain in the northwest.

When Ohio was admitted into the Union, her population was small, the personal property of her citizens inconsiderable, and land had to bear the chief burden of taxation for the support of the new Government, and the effect of the exemption of the lands of new settlers for five years, and to exact the whole revenue from those who resided there before June, 1802, was unequal, unjust, and severe in the extreme; but Ohio acceded to the terms offered, in consideration of the grant of school lands, and the advantages of a good road to be made to and through the State by Congress, to which her funds were inadequate. It was understood, on both sides, that the road would be made, and certainly Ohio considered it an assurance on the part of this Government that the work would be accomplished out of the proceeds of the public lands. The fund was fixed on by Congress according to their estimate of the probable cost of the road; and if Congress was mistaken, and the road is not made, the leading consideration for the concessions on the part of Ohio has failed. An error in the estimate of this Government ought not to work an injury to Ohio, and defeat one of the main objects of the compact.

In 1816 Indiana was admitted into the Union, and with her the United States made, in substance, the same compact, except that the fund reserved out of the proceeds of the public lands was to be applied to a road or roads leading to that State, and not through it, as in the case of Ohio.

In the year 1818 Illinois was admitted into the Union, with a like compact, the land fund to be applied, as in the case of Indiana, to a road or roads to that State, and not through the State.

In the year 1820, March 6th, Congress passed a law authorizing the admission of Missouri into the Union, with a like provision for roads or a road leading to that State, and not through it. Before this period a large amount of this fund had been expended in making the road from the Potomac to the Ohio river, and into the State of Ohio. After provision had thus made for a road through Ohio to Indiana, to Illinois, and to the State of Missouri, which is divided from Illinois by the Missis-

sippi river, Congress, according to their construction of the acts passed, considering that the whole fund arising from the proceeds of public lands in those States were applicable to the construction of a road from Wheeling to the Mississippi river, on the 15th day of May, 1820, passed a law authorizing the President to have a road laid out from Wheeling to a point on the Mississippi river between St. Louis and the mouth of the Illinois river. In the preamble of this last act it is expressly declared that the continuation of the Cumberland road through the States of Ohio, Indiana, and Illinois will make the lands of the United States more valuable.

On the second day of March, 1820, Congress passed two acts for the continuation of the Cumberland road westwardly of Zanesville, in the State of Ohio, and appropriated $100,000 for Ohio, and $50,000 for the road in Indiana, according to the location which had been made, out of any money in the Treasury not otherwise appropriated, which sums these acts provided are to be replaced out of the funds reserved for roads by the several acts before referred to passed for the admission of Ohio, Indiana, Illinois, and Missouri into the Union. A similar appropriation was afterwards made for continuing the road in the State of Illinois, and numerous appropriations have been made from time to time for more than thirty years for this road, without regard to the amount received out of the proceeds of public lands sold in the four States of Ohio, Indiana, Illinois, and Missouri. Congress has justly deemed the fund reserved in the compact with each State an entire thing, and applicable to the construction of the road from Wheeling to the Mississippi river, and have acted in accordance with that view. This Government, to hasten the sale and add to the value of their public lands, have, by their action, assured the people of the United States that they have not only provided a fund for schools, but a good road for their use, and to enable them to revisit their friends and relations from whom they may have separated by removal to the Western States. New settlers were assured that a stipulation had been exacted from the new States that new purchasers and settlers should be free for five years from the common burden of taxation, and that this road would be made without waiting for the receipt of the fund reserved. The new States, confiding in the implied assurances of the Government, have made their local improvements to a great extent in reference to and in accordance with this great national work. In addition to all this, Congress, by an act approved on the 21 of March, 1831, agreed to surrender to the State of Ohio all jurisdiction and superintendance over this road within her limits, upon the terms and conditions specified in an act passed by that State on the 4th day of February, in the same year, by which act the State of Ohio agreed to take under her care so much of the road as was finished, and such other sections or parts thereof as might thereafter be progressively completed within her limits, and to erect toll-gates on it, not to exceed one on any space or distance of twenty miles, to charge such moderate tolls mentioned in the act, to be applied exclusively, after paying expenses, to the preservation, repair, and improvement of the road. All carts and wagons with broad wheels, exceeding six inches in breadth, to pass the gates free of toll. No toll to be collected from any person passing to or from public worship or musters, or to or from his common business on his farm or wood land, or to or from a funeral or mill, or to or from his common place of trading or marketing within his county, including his wagons, carriages, and horses, or oxen drawing the same. No toll to be collected for the passage of any stage or coach conveying the United States mail, or horses bearing the same, or any wagon or carriage laden with the property of the United States, or any cavalry or other troops, arms, or military stores belonging to the same, or to any of the States comprising this Union, or any person or persons on duty in the military service of the United States, or of the militia of any of the States.

The State of Ohio, in this act, has fixed the tolls far below the tolls on other roads belonging to private companies or States, and for all neighborhood purposes it is a free road as well as for the mails and military purposes of the United States and States. The intent, substance, and object of this act, on the part of Ohio, was to take care of this road, preserve and repair it, free from any charge to this Government after it shall be completed. She agrees to charge no tolls more than necessary to pay expenses and keep it in repair, and to save to the National Government a large expenditure for mails and military purposes, all predicated on the compacts and assurances I have adverted to, and the well founded and authorized expectation that this Government would complete the road. After this law is passed by Ohio, Congress take it into consideration, and give a solemn assent to it. Now, [said Mr. POPE,] I appeal to every candid man to answer whether, according to the true intent and spirit of this arrangement between Ohio and this Government, it does not clearly appear that the United States are to complete the road, and Ohio to preserve and keep it in repair on the terms specified in her law; and would it comport with the honor, justice, or character of this high and magnanimous nation to retreat from her engagement, on the ground that she has not literally covenanted to complete the road? It was never expected, nor was it in the contemplation of the parties, that the States were to make the road, but both parties clearly understood that the road was to be made by the United States. The States have faithfully fulfilled the terms of their contracts; they have paid, and are paying, five years' tax on the lands sold by this Government, which would otherwise have gone into the State Treasuries. All the public lands belonged to the nation; and if they have not reserved enough to make the road, it was a mistake of Congress, and not of the new States, and can furnish no legitimate ground for defeating the object and essence of the compact. We should bear in mind, [said Mr. POPE,] that, independent of the benefits derived by this Government from the speedy sale of their lands at an enhanced price, they will receive, after the road shall be finished, a perpetual annuity of from 50,000 to 100,000 dollars a year in the exemption of their mails and military action, from tolls or hindrance, to which the national purse would have been subjected if this road had been made by the new States or private companies. Arrangements have been made by this Government with Maryland, Pennsylvania, and Virginia, for keeping this road in repair between the Potomac and the Ohio, similar to that made with Ohio; and there is an appropriation of nine thousand dollars in this bill for completing the road in Pennsylvania, pursuant to the terms agreed on. There is now paid by the United States for carrying the mails on artificial roads, to companies and States, probably several millions of dollars; for, although first paid by contractors, it is indirectly drawn from the pockets of the people.

I have understood (said Mr. POPE) that the mail contractors on the road from Maysville to Lexington, Kentucky, (sixty-five miles,) pay from five to eight thousand dollars a year. If a daily mail should be run from Louisville to Springfield, in Kentucky, a distance of forty-six miles, the road tolls would amount to near three thousand dollars a year. I have no data (said Mr. POPE) to enable me to make a precise estimate of the cost of carrying the mails from this to St. Louis, a distance of from eight hundred to one thousand miles. The rapid increase of letters and packages to be transmitted by mail, with the amount necessary to be deposited on the road for distribution towards the Ohio river and to the lakes from this Cumberland road, will probably soon require several coaches; and, if run daily from this city to St. Louis, would cost this nation, if not run free, according to the compact with Ohio, from fifty to one hundred thousand dollars a year, exclusive of the expense of the military action of this Government, and this expense would be a perpetual annual tax on the nation. We certainly ought to have some good national roads from the seat of Government to our Western and other borders of our territories, passable at all seasons of the year. Our Western and Southwestern rivers are often obstructed by ice, and occasionally too low to be ascended to Wheeling or Pittsburgh, when, by a circuitous route, the people west of the mountains may reach here by this road. If we have not been able to obtain a good road to Kentucky and the Southwest, let us not, on that account, arrest this work, which will be, in some degree, advantageous to the whole West. This road completed, its benefits will be so obvious that Congress may be induced to make others more convenient to us and other portions of the Union, whenever the condition of our finances will authorize such expenditures. We ought, without engaging in an extensive system of internal improvements, to have several roads of like national character from this place to the extremes of the Union.

Mr. Speaker, (said Mr. POPE,) it may not be amiss to retrospect the period and then state of public opinion when this work was commenced. In 1802 the first compact was made with Ohio about this road, but nothing was done until 1806, when Congress appropriated $30,000 to lay out and make this road from the Potomac to the Ohio river; and, in 1810, $60,000 was appropriated to commence the work, out of any money in the Treasury, but chargeable on the two per cent. fund, and to be reimbursed when received from that fund. Nothing had been done from 1802 to 1806, and the two per cent. fund then received was very inadequate to this great work, and the Administration, with Mr. Jefferson at its head, were prompted by high political considerations to begin the road, and to complete it, without regard to the amount received or the amount which might be received. The price of public land was then two dollars per acre, and the estimated expense of the road was far below the actual cost. The Administration determined to anticipate the fund which they thus supposed would, in time, reimburse the expenditure. It is worthy of remark, that this fund has been since reduced more than one-third by reducing the price of public land to one dollar and twenty-five cents per acre, without the consent of the States interested, of which certainly I do not complain. It is, however, fair to urge that, if Congress has lessened the fund reserved for the road, this Government is bound, in justice and good faith, to supply the deficiency.

About that period, or shortly before, we had made a large addition to the United States by the purchase of Louisiana, which was opposed on constitutional ground, and because it would destroy the relative influence of other sections of the Union in the Confederation, and because it would, from its great extent, endanger the permanency of the Union. Mr. Jefferson had constitutional objections, but believed that the purchase of this great outlet of the West to the ocean was necessary to the preservation of the Union. He believed also, as did most of the enlightened statesmen of Virginia at that period, that it was all-important to cut down the mountains, and open an easy and convenient intercourse with the Western country, as indispensable to our lasting union. They were also desirous, by a generous and magnanimous policy, to bind the Western States more closely to the Old Dominion. I must be permitted here to remark, Mr. Speaker, that however we may have been amazed by the technical metaphysical doctrines of Virginia about the constitutional powers of this Government, her leading statesmen were never at a loss for authority to do what was necessary to accomplish any great object. About the same period, that profound statesman, De Witt Clinton, conceived the gigantic scheme of uniting the waters of the Atlantic with Lake Erie, and thereby connecting the Northwestern States bordering on the lakes with New York, by commercial, social, and political ties. The rival views of the great statesmen of New York and Virginia in all probability hastened the commencement and stimulated the prosecution of the Cumberland road. It was commenced under the Administration of Mr. Jefferson, and carried on through those of Mr. Madison and Mr. Monroe, without any regard to the amount received of the fund reserved. And here I must observe that I have never been able to discover that this Government had any more power to make a road from Cumberland to Wheeling than to make a national road in any other direction. A road through the public lands may be maintained on a different ground. I wish, indeed, that the Virginia statesmen could have found power to make a great national road to the Southwest, by Christiansburg, Wythe Court-house, Abingdon, and Bean's Station, thence to the south part of Kentucky, Nashville, Memphis, and Little Rock, and from Bean's Station to Knoxville, Alabama, Mississippi, and Louisiana. Another by Richmond, Raleigh, in North Carolina, the seats of Government in South Carolina and Georgia, to the seat of Government in Florida. The condition of the Treasury, besides other considerations, renders it inappropriate to dwell on this subject now; but I think I could suggest a plan for making such roads, which would be free from any constitutional objection, even in the mind of my friend from Virginia, of the Richmond district, (Mr. ROBERTSON.) We now pay annually a large amount for carrying the mail on artificial roads; and if it is constitutional to pay annually, can it be unconstitutional to pay a sum in gross for the privilege of the mail, and for military purposes in perpetuity? Could we not say to Virginia, and the States south of her, that, if they will make a road suited to national purposes, preserve and keep it in repair, and make it free forever to the mail and military purposes of the Union, this Government will pay so much a mile for making the road, would there be any thing unconstitutional in such an arrangement? I should think there could be none with the most strict constructionist. I have crossed the Alleghany mountains in several places, and it has ever appeared to me that much the best route is from here through Montgomery and Wythe counties to Abingdon and Bean's Station, near the foot of Clinch mountain; there it should branch, one passing by Knoxville to Alabama and Mississippi; the other to Kentucky, Nashville, Memphis, and Little Rock. There ought to be mail and military roads in that direction. The States in that quarter have no direct or practicable route to this place in a bad season of the year, and especially when the rivers are very low or frozen. Some suppose there ought to be a national road from this place, through Maryland and Pennsylvania, to the lakes, to which I see no strong objection. This Government ought to have the means of conveying intelligence to all parts of the Union at all seasons of the year.

Mr. Speaker, [said Mr. POPE,] steamboats and railroads answer very well for many purposes; and railroads are useful for short distances, and between cities not very distant from each other, where there is great and constant commercial intercourse; but they are not suited to the agricultural people of the interior as well as Macadamized roads, on which every person can travel on foot, on his pony, in cart, wagon, dearborn or carriage, as fast or as slow as suits his inclination or convenience. I like a road on which every one can carry his own productions to market. I take little pleasure in being whizzed through the country with the speed of a humming bird without time even to get a drink of water on the way. Indeed, I think our public men would do better and learn more of the good sense and public opinion of the people, if they would travel a little more through the interior in less haste, and hold converse with the plain, industrious, and farming classes of the nation, who are at last the salt of the earth and the substratum of our Republican system. If I understand the motion of my colleague, [Mr. UNDERWOOD,] it is to recommit the bill, and cede the road to the States of Ohio, Indiana, and Illinois. These States would not thank us for the cession: Indiana and Illinois certainly would not, as there is little, if any, part of the done in either of those States; Ohio might be willing to accept a cession, provided we would repeal the act of 1831, by which she agreed to make the tolls low and the road free to the United States. If that law is repealed, and the cession made unconditionally, Ohio might consent, because she could then impose a high toll on the United States mail and every citizen of the United States, and derive a considerable revenue from the tolls on the road finished in that State. It would seem to be more open and fair for my colleague to withdraw his motion, and meet the question directly by voting against the bill. Thirty thousand dollars was, I repeat, appropriated in 1805, and $60,000 in 1810, for this road, to be reimbursed out of the 2 per cent. fund reserved and the work has been progressing ever since under the authority of this Government. The people have been led to believe, from the repeated and long continued action of this Government, that the road would be completed; but, if it is not to be done I hope the question will be openly and fairly met. Let us go on with the road or abandon it.

Some allusion, Mr. Speaker, has been made, by the gentleman from South Carolina [Mr. CAMPBELL] to the squatters, or settlers claiming pre-emption rights on the Western lands—certainly out of place here. When the proper occasion occurs, I will endeavor to vindicate that class of settlers on the public domain from injustice, and to place their claims to the liberality of Congress fairly before the House. I have been acquainted with that class of men from my earliest youth, and feel a strong sympathy for them. I cannot, continued Mr. POPE, admit the propriety of introducing the tariff into this debate by the same gentleman from South Carolina. That subject has been solemnly settled by the compromise act until the year 1842, and I feel no inclination to disturb it. I will give no pledge here what I will do then, if honored with a seat in this House, except that I will support no system of policy to aggrandize one portion of the community at the expense of the vital interests of others. It seems to be premature to anticipate what will or ought to be done after the expiration of the compromise act. Mr. POPE said he did not know that South Carolina was more interested in the tariff question than many other States. He believed that Kentucky, Tennessee, and other Western States consumed as much, if not more foreign articles subject to duty than South Carolina.

In conclusion, Mr. POPE beseeched gentlemen not to recommit the bill, but to meet the questions on the engrossment and passage of the bill by an open and direct vote.

CUMBERLAND ROAD.

REMARKS OF MR. CLOWNEY, OF SOUTH CAROLINA,

In the House of Representatives, Friday, April 20, 1838.—The House having again resumed the consideration of the "bill making appropriations for the continuation of the Cumberland road through Ohio, Indiana, and Illinois;" the question pending being the motion of Mr. UNDERWOOD, of Kentucky, to recommit the bill to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill to provide for the surrender of said road to the States through which it passes—

Mr. CLOWNEY, who was entitled to the floor, from having moved the adjournment the evening before, arose, and addressed the House as follows:

The anxiety to dispose of the bill upon your table, as manifested by the vote just given in favor of a suspension of the rules, would be sufficient to command my silence, were it not for the importance of the principle I conceive to be involved in the question now before the House. When I reflect upon the indirect interest of a considerable portion of the people of Kentucky in the Cumberland road, and the sympathy which the Representatives from that State must naturally feel for such of their Western brethren as are immediately and directly interested, I am induced to admire the independence and patriotism of the honorable mover of the resolution now under consideration, and of those of his colleagues who have sustained him; while, at the same time, I am encouraged to hope that the day has dawned, if not fully arrived, when the system of internal improvements by this Government is doomed to undergo a radical change for the better, or be entirely abandoned. I fully agree with the honorable gentleman from Kentucky, [Mr. UNDERWOOD,] that the present system of internal improvements, if it can be properly called a system, is unequal and unjust in the distribution of its benefits, extravagant in its appropriations, wasteful in its expenditures, corrupting in its influence, and tending to a dangerous increase of Executive patronage. And, in addition to this, I believe it to be unauthorized by the federal compact. I must, therefore, frankly confess that I am in favor

of the entire abandonment, not only of the present system, but of the very policy itself, from an honest conviction that neither the present system can be modified, nor any new one devised, that will remedy the evils of which we complain, and be, at the same time, consistent with the Constitution. It is, however, not my design, at this time, to pursue this inquiry further, as it is not immediately connected with the subject under discussion. The question now before the House is, simply, whether we shall continue to uphold the present system, with all its acknowledged evils, by appropriating moneys, as usual for the last thirty-two years, to this Cumberland road, or commence the great work of reform, by ceding this road to the States through which it passes, and to which it rightfully belongs. Such, then, being the nature of the question, all the sincere friends of justice, economy, retrenchment of expenditure, and reform, as well as every honest advocate of the Republican doctrines of strict construction, so essential to the rights of the States, have now one of the best opportunities that can be afforded, and are called upon by the most powerful appeals of an exhausted Treasury, to prove, by their votes, to this nation, and to the world, the sincerity of their professions.

The resolution of the gentleman from Kentucky has been warmly opposed by one of his colleagues, [Mr. POPE,] and also by the gentleman from Indiana, [Mr EWING,] in the commencement of this debate, upon the ground that this Government is bound to make the appropriations asked for in the bill, by virtue of a solemn compact with the Western States, entered into as one of the conditions of their admission into the Union. Other gentlemen, who believe this Government has already fulfilled its engagements with the States of the West, particularly Ohio, Indiana, and Illinois, according to the strict terms of the compact, nevertheless contend for the continuance of appropriations for the extension of this road through other of the Western States, and for its repairs through all time to come, upon the ground of the implied faith of the Government to the purchasers of the public lands. Besides these two, there is still another class of gentlemen, who, unwilling to rest their claims to the appropriations in this bill upon the plighted faith of the Government, either express or implied, advocate them upon the much broader ground of *expediency*—such as the wise policy of this Government, as lord of the public domain, to enhance the value of its lands by works of improvement, and the still higher and more noble consideration of uniting the Western and Atlantic States into one great family of interest and feeling, by levelling the mountain barriers that divide them. Such, sir, has been the character of the arguments of all those who have opposed the resolution of the member from Kentucky, with the exception of one or two gentlemen that have addressed the House, and who seem disposed to vote for this bill, without the least regard to principle or the condition of the Treasury, but merely because such has been the usage of the Government.

I will not undertake to reply to all the various arguments which have been urged in favor of this bill, lest in the attempt I should injure the side of the question I have espoused, by repeating, in a manner less clear and forcible, much that has already been said by those who have preceded me. I shall, therefore, content myself with directing the attention of the House with more particularity to what has scarcely yet been noticed, to wit: the agreement between this Government and the Western States, upon which the gentleman from Indiana [Mr. EWING] relies with so much confidence, and which may be justly regarded as the source of all the schemes of internal improvement by this Government. But before we proceed to notice the terms of this agreement, it will be proper, in the first place, to briefly examine the authority under which we, the Representatives of the people, act, and the extent of our powers.

It will, I presume, be readily admitted that we are here in the character of servants, and acting under the authority of a written compact concluded between the States, as separate, independent sovereignties, and which we, as the servants of those sovereigns, dare not transcend. The object of the people of the States, our respective masters, in forming this alliance or compact, is expressly declared to be for their common defence and general welfare. To effect this object, each State conceded certain powers which were deemed necessary to constitute a General Goverament, which powers are few and well defined in the compact, reserving to themselves, at the same time, all other powers, to be freely exercised by each in the sole management of its own peculiar local interests. Hence each of the State Governments, and the Federal Government, may be justly regarded, as Jefferson happily expresses it, "the coordinate departments of one simple integral whole; the one the domestic, the other the foreign, branch of the same Government." In the operation of this complex system, I hold the States can do all things which they have not by their joint consent parted with the right to do, while the Government of the States united can do nothing which it is not expressly authorized by the bond of union between the States to do. It is by these principles of constitutional law I propose to test the stipulations of the compact with the Western States.

We will now proceed to notice the provisions of that compact. By an act of Congress in 1802, authorizing Ohio to form a State Constitution, and enter the Union on an equal footing with the original States, the following propositions were submitted to the people of Ohio for their acceptance or rejection; which, if accepted, were to be obligatory upon the United States: 1st. To grant to the inhabitants of each township, for the use of schools, every 16th section of each township; the section containing 640 acres of land, and being the one-thirty-sixth part of all public lands within the limits of the State, including the reservations by Virginia and the United States for military bounties, and also the "Connecticut reserve," as well as the lands belonging to the Indians, whenever their title to the same should be extinguished by the purchase of the Government. 2d. To grant to the State, for the use of the people thereof, all the salt springs within the State, together with a section of land including the same; the springs to be subject to the control of the Legislature of the State, with a prohibition to sell or lease the same for a longer period than ten years. 3d. To reserve and apply five per cent. (which is equal to one-twentieth part) of the nett proceeds of the public lands lying within the State, and sold by Congress, to the laying out and making public roads leading from the navigable waters of the Atlantic to the State of Ohio; such roads to be laid out under the authority of Congress, with the consent of the several States through which the roads shall pass. This last proposition was subsequently modified, and rendered more beneficial to Ohio, by an act of Congress, in 1803, directing the Secretary of the Treasury to pay over to the State three per cent. of the five per cent. fund, to be expended under the authority of the State in making roads in the State, Congress still reserving two per cent. of that fund, to be applied, under its authority, it laying out and making roads leading to the State. Such were the propositions submitted by Congress to the people of Ohio for their acceptance, and since then to all the other States of the West that have been admitted into the Union; which propositions have been accepted by the people of those States on the conditions proposed; by virtue of which it is now contended that Congress is still bound to make appropriations for the Cumberland road.

It is manifest that these stipulations, on the part of Congress, operate exclusively for the benefit of the new States of the West, unless the States enjoying these advantages have, in lieu thereof, rendered to this Government some equivalent in which all the other States have participated. I contend that, without an equivalent, the value of these benefits, besides other large donations of lands, amounting in all to millions of dollars to each of the new States, may be properly regarded the very same as so much money drawn directly from the Treasury of the United States, and bestowed as a mere gratuity upon a few favored States. The public lands and the money in the Treasury raised by taxation, are alike the funds of the Government, in which all the States are equally interested, and are subject to the same constitutional restrictions in disbursements. This is apparent from the very nature of the transaction, with regard to all the lands belonging to the United States that have been acquired by purchase, and paid for out of the common fund of the States. And it is also no less apparent, from the language employed in the several deeds of transfers, with regard to all the lands that have been acquired by cession from the original States. In the one or the other of these two ways, the United States have acquired all the right they possess to the public domain. As a proof of the fact that the lands acquired by cession were conveyed in trust for the common benefit and support of all the States of the Union, and so received by the express stipulations of Congress, we need only refer to the deeds themselves. In the deed of cession from Virginia of all the lands within her chartered limits lying northwest of the river Ohio, and now embraced in the States of Ohio, Indiana, Illinois, and Michigan, the following strong and unequivocal language is used, declarative of her intentions:

"That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before mentioned purposes, (reservation of bounty lands, etc.) shall be considered as a *common fund* for the *use* and *benefit* of *such* of the UNITED STATES as have become, or shall become, members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge of expenditure, and shall be *faithfully* and *bona fide* disposed of for that *purpose*, and for *no other use* or *purpose* whatsoever."

It is true this deed was executed in the year 1784, and has reference in its provisions to the then state of things, when Congress, under the old articles of confederation, not possessing the power to raise revenue by taxation, each State had to contribute its quota to defray the expenses of the Confederation. But notwithstanding this Government has since then undergone, in many respects, a material change, yet the claims of the States, by virtue of the deed of cession, upon these lands as a common fund, and the obligation of Congress faithfully to execute its trust, remain the same, if they are not considerably strengthened by a fresh recognition of their existence and validity in our present Constitution. The only mention made of the public lands in the Constitution, whence we derive our present powers, is to be found in the 3d section of the 4th article, which provides in these words:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the UNITED STATES, or of any particular State."

That the rights of the States and the power of Congress, with regard to the public lands acquired by cession, are the same now as under the old articles of confederation, may be further illustrated by the conditions of the agreement between the United States and the State of Georgia, by which the United States acquired their qualified right to the lands now included in the States of Alabama and Mississippi. In this agreement, bearing date in the year 1802, and ratified by an act of Congress, under the present Constitution, Georgia expressly declares, "that all the lands ceded by this agreement to the United States, Georgia included, shall be considered as a *common fund*, for the *use* and *benefit* of the United States, and shall be faithfully disposed of for *that purpose*, and for *no other use* or *purpose* whatever." Such is the tenure by which this Government holds all that portion of the public domain which has been acquired by separate deeds of cession from the several States of Virginia, Georgia, South Carolina, North Carolina, New York, Massachusetts, and Connecticut.

With these facts, as solemn matters of record, staring us in the face, can it be contended that the compact of this Government with the individual States of the West is not in direct violation of the plighted faith of the Government to the original States of the Union? Can that fund, with any degree of propriety, be any longer called *common*, which, either by the legislation or contract of this Government, has been rendered, in the strictest sense of the word, *special*? It can be shown that the single State of Ohio has already received from this Government, in addition to the one-thirty-sixth part of all the public lands lying within her chartered limits, and the one-twentieth of the nett proceeds of such lands as have been sold, donations from time to time of these very lands designated in the deed of cession from Virginia as a *common fund*; amounting in number to 1,511,555 acres, besides millions of money by way of direct appropriations from the Treasury; and all for the avowed local purposes of her schools and internal improvements. Will any one pretend to call this a faithful application of the "common fund," for the use and benefit of the United States; especially when it can be also shown that some of these United States, of which South Carolina is one, have never yet received from this fund, for these or any other purposes of a local character, the value of one cent, either in land or money? What is true with regard to Ohio is true with regard to Indiana and Illinois, and, to some extent, all the States of the West except Tennessee and Kentucky. Under this state of facts, surely no one will presume to contend that the United States have shared alike of this common fund, unless some one is prepared to demonstrate to the House the absurd proposition that a part is equal to the whole. From these considerations, I am forced to conclude that the course of policy pursued by this Government, with regard to the public lands, has been illiberal and unjust to the parent States; extravagant to the new States, their offspring; and not warranted either by the compact between the States, of which this Government is but the creature and agent, or by the several compacts between this Government and the original States, by virtue of which the public lands have been acquired:

I am aware that each of the Western States, in its engagements with this Government, has provided by an ordinance, irrevocable without the consent of the United States, "that each and every tract of land sold by Congress shall be and remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale." It is contended that this restriction upon the power of the States to raise revenue by taxing the lands, until the lapse of five years after their sale, operates to the injury of the new States, and to the benefit of the United States; which benefit is fully equal to all the advantages they derive from the compact.

I can conceive of no object which the United States could have had in requiring this supulation on behalf of the new States, unless to induce emigration, and thereby effect a more speedy sale of the public lands. Whatever may have been the object, that such has been, to a certain extent, the immediate consequence of this policy, none can doubt. Now, let us inquire which have been most benefitted by this restriction, the new States or the United States.

It may be considered an axiom in political economy, that the power and wealth of any organized community mainly consist in the strength of its population and the aggregate wealth of its citizens. The more dense the population, when labor and capital can be profitably employed in all the diversified pursuits of civilized life, the more formidable is that nation in its military power, and the more abundant are its resources, from the increased productiveness of the industry of its people. These are but the results of the maxim, which the experience of even the rudest savage of the wilds has long since established, that "union is force;" an adage universally true with regard to every effort of man, whether physical, moral or intellectual. Hence the corollary, that whatever encourages the progress of population in a nation encourages that of real wealth and greatness.

According to these views it is manifest that the United States, as one nation, as well as each individual State, are all alike most deeply interested in whatever policy tends to the increase of their population. In this the Western States have been highly favored by the action of Congress, in holding out to mankind the strongest inducements to emigrate; which have been afforded in the mere nominal price of the most fertile lands, the rights of pre-emption, and the immense donations of lands and extravagant appropriations from the Treasury for their schools and internal improvements; to which may be added this very stipulation of these States, in their several compacts with this Government. Hence the rapid growth and prosperity of the infant States of the West, to which no parallel can be found in the whole history of colonization.

Let us now, for a moment, glance at the effects of this policy, so beneficial to the West, upon the United States, considered as one great nation; and particularly upon that portion of the Union whence the tide of emigration has flowed. In this view of the subject, it can be easily demonstrated that the United States have sustained an injury much greater than the benefits derived from the sales of the public lands, whilst the immediate consequences to the old Atlantic States have been most disastrous.

First, as to the United States, I contend there has been little or no addition to their population, as one great nation, by emigration from abroad; while the most important change has been produced in the condition and relative power of the individual States, merely by the removal of the people from one State to another. The superior advantages offered in the West, by the partial legislation of Congress, have forced the stream of emigration to flow thither, from the original States bordering on the Atlantic. Thus, both the strength and resources of the General Government have been greatly impaired in that very portion of our common country where the dangers from foreign aggressions are the most threatening, and where the resources of the Government are most needed, not only in the time of war, to repel invasion; but also in the time of peace, to aid in that commerce with the world from which the chief support of Government is at all times derived, and in which all the States of the Union are vitally interested.

Nor is this all. The strength and resources of the United States have not only been impaired in the Atlantic States, by a mere removal of their people to the West, but also by their dispersion over an almost boundless extent of territory; and the withdrawal of a vast amount of capital from the active business of life, peculiar to a dense population, and the investment of that capital in the purchase of lands, merely with a view to future speculation, which, for the want of means to cultivate, must remain for ages unimproved and unproductive to the country.

While the general interest of the United States has been thus injured, the evil effects upon some of the parent States of the Union have been almost incalculable. This has been the necessary consequence of that rule of loss and gain by which this Government, as the joint agent of a concern in which all the States, as parties, are alike interested, has decreed that one set of the copartners shall enjoy all the profits, while another set, equally if not more meritorious and deserving, are doomed to sustain the entire loss. For a proof of this fact, look at South Carolina thirty-eight years ago, while most of the vast regions of the West, now thriving States, were unmarked by the footsteps of civilized man; and compare her condition then with her condition in 1830, when her last census was taken. You will find, from this comparison, that, during the whole period of thirty years, there has been but a small increase of her population, while the exports of her productive industry in 1830 were less than they were in 1801 by eight millions of dollars. Look at her now, with her houses deserted and falling to decay; her once fruitful fields worn out and abandoned for the want of timely improvement or skilful cultivation; and her thousands of acres of unexhausted lands, still promising a bountiful harvest to the industrious husbandman, lying idle and neglected. Sir, in the interior of the State where I was born, and where I now live, although a country possessing all the advantages of soil, climate, and health, and abounding in arable lands unreclaimed from the first rude state of nature, there can now be found many neighborhoods where the population is too sparse to support a common elementary school for children. Such is the present deplorable condition of one of the oldest members of this Union, that dates back its first set-

tlement as a colony more than a century and a half ago; while other States, only born as it were but yesterday, already surpass what South Carolina was, or ever has been, in the happiest and proudest days of her prosperity. To what cause can these astonishing results be attributed, other than to the unjust and unwise legislation of Congress, by which the sectional interest of one portion of our common country has been fostered at the expense of another? I consider the privilege enjoyed by the purchasers of the public lands, in being exempted from a land tax for five years after the purchase, to be one of these causes. To this may be added the liberal stipulations, on the part of Congress, in its agreement with the new States, on their admission into the Union, besides many acts of partial legislation not embraced in that agreement; such as a reduction in the minimum price of the public lands, and the large donations of lands and appropriations of money, from time to time, for their seminaries of learning and objects of internal improvements. It is evidently to such causes, operating as the most powerful inducements to emigration from the old States to the new, that the rapid decline of the one, and the unrivalled prosperity of the other, are wholly to be ascribed.

If I am correct in the views I have taken of this subject, the conclusion follows irresistibly that this Government has not only exceeded its powers, in its bargain with the several States of the West, but that the effect of its general policy, with regard to the public lands, has proved in the highest degree prejudicial to the common welfare of the United States, and also to the special interest of the old States; and, from considerations of expediency, if from no other, ought to be immediately changed, so as to be more in accordance with the sound principles of common honesty and equal justice.

But admitting the fact, that this Government had the power to make the bargain it did with the Western States, and that each of the parties was solemnly bound to fulfil its engagements, whatever might be the consequences; still I contend that no further appropriations for the Cumberland road can be demanded upon the faith of that compact. The only ground upon which this demand could be predicated is the stipulation of Congress to apply the two per cent. fund named in the compact to the purposes of laying out and making roads leading to the Western States. This is the full extent of the undertaking on the part of Congress with regard to roads, the obligations to perform which have long since been discharged, and again and again re-discharged, especially so far as Ohio, Indiana, and Illinois, are concerned.

We have been told by the gentleman from Kentucky, [Mr. UNDERWOOD,] who has taken the pains to make the calculation, that the Cumberland road has already cost the Government over $7,000,000. The first one hundred and thirty-two miles of this road, before its cession to the States through which it passes, had cost the Government, according to a statement of the present civil engineer, $2,803,034, which is more than $21,000 per mile. I am not informed of the aggregate nett amount arising from the sales of the public lands lying in the three States named in the bill; but in the Congressional Debates of the 23d Congress, under the head of Cumberland Road, I find it stated by a gentleman from Alabama, (Mr. McKinley,) then a member of the House, what to this day stands uncontradicted, that the whole amount of the two per cent. fund arising from lands sold within the limits of Ohio was only $371,251. If this be true with regard to Ohio, it is reasonable to conclude that the whole amount of the two per cent. fund in the States of Ohio, Indiana, and Illinois, can never exceed $2,000,000; yet this is the only fund to which the Government can look for a reimbursement of the $450,000 now asked for in the bill, as well as the $7,000,000 already expended.

Mr. Speaker, I feel too much exhausted, owing to the feeble state of my health, to say what I had intended, and must, therefore, draw my argument to a close.

I am free to confess that I cherish a particular hostility to the Cumberland road. I look upon it as the illegitimate offspring of a Republican Administration, whose conception is to be traced to the illicit connection of this Government with the young and beauiful State of Ohio on the 30th day of April, 1802, when she was received into the UNION; while its birth is to be found recorded in the fourth book of the Laws, on the 29th March, 1806, when the first act of Congress was passed, appropriating $30,000 "to the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio." Although this road, for many years after its commencement, was the only important work of improvement undertaken by this Government, and all the appropriations for it were made out of the two per cent. fund named in the agreement with Ohio, yet, in the process of time, it generated a spirit for other improvements, which eventually became too strong to be confined within the narrow limits of a compact.

In 1820 this spirit received a fresh and powerful impulse from the idea, then agitated, of a protective tariff. The advocates of high duties, with the view to foster the manufacturing interest at the North, well knew that the success and duration of their policy mainly depended upon the expenditures of the Government being increased, equal, at least, to the increase of the revenue. Although the public debt might answer as a sufficient pretext for the commencement of the scheme of exorbitant and oppressive taxation, yet they felt well assured that, under its operation, the public debt would soon be extinguished, and their policy necessarily fail, unless some new drain, other than the ordinary expenses of the Government, could be opened from the Treasury, and conducted into channels that would feed and sustain that particular interest. This very spirit for internal improvements, which had long since been engendered and fostered in the West by the Cumberland road, soon relieved the friends of a protective tariff from all fearful apprehensions of an overflowing Treasury, by the important discovery, in the Constitution, of an ample outlet for all the funds of the Government, in the unrestrained exercise of its power over the subject of local improvements in the States. The Republicans of that day, who expected to profit by the scheme of high taxes and heavy expenditures, could easily and clearly discover in the special grants of power in the Constitution, "to declare war, to establish post offices and post roads, and to regulate commerce," the *incidental* powers to do every thing that a State could do in the line of internal improvements, such as making roads, railways, and canals, and improving the navigation of creeks and rivers. Nor did these new-light Republicans stand alone. They were instantly hailed as brothers by the old Federalists of '98, who were ready to co-operate with them in their new scheme of policy, on the higher and broader ground of an *express* grant of power "to provide for the common defence and general welfare." Thus was a powerful party formed, based upon the principles of plunder and a division of the spoils. This unholy alliance of sectional interests was soon organized into a system, and called by the imposing name of "AMERICAN." One of the important features of this system was an act of Congress, passed in 1824, authorizing the President to appoint a corps of civil engineers, to be exclusively employed in making surveys, plans, and estimates, of the routes of such roads and canals as may be deemed of national importance, in a commercial and military point of view, or necessary for the transportation of the mail, and report the same to Congress. To give stability to this system, this corps of civil engineers was incorporated by the act of its creation into the very frame of our Government, by its attachment to the War Department, with an appropriation of $30,000 to defray its expenses.

How this system worked, and to what extent it was carried during the four years of Mr. Adams's administration, is too recent and well known to be forgotten. With an increase of the tariff, there was a corresponding increase of expenditures upon works of internal improvements, until, in 1828, they both reached a point of extravagance and oppression that could no longer be endured by that portion of the country that paid an equal share of the taxes, and received nothing in return, either in the shape of a bounty or by the way of disbursements.

To reform these crying abuses, and bring back the Government to the only safe and good old Republican standard of strict construction and economy, General Jackson was elected to the Presidency. At the time of his election, the rage for internal improvements had run so high, under the auspices of the civil engineer corps and the general welfare doctrine of Mr. Adams, that there were then bills reported by the Committees on Internal Improvements, in both Houses of Congress, containing appropriations, exclusive of what related to the Cumberland road, harbors, and light-houses, to the enormous amount of $106,000,000. Independent of this, there were other objects of improvements still under the consideration of the committees, and in petitions and memorials that had not been referred, to have completed which would have cost the Government, at the lowest calculation, another $100,000,000. To these two sums are, at the same time, to be added the estimated expenses of such improvements as had already been surveyed by the corps of civil engineers, and reported to Congress, amounting to $49,000,000. [Here Mr. C. was interrupted by the gentleman from Virginia, (Mr. MERCER,) who said he felt himself bound to correct an error into which the gentleman from South Carolina had fallen, and which he had heard before repeated. As chairman of the Committee on Internal Improvements, he would undertake to say that at no time have bills for internal improvements been reported containing appropriations any thing like the amount as stated.]

Mr. C. remarked, I do not vouch for the truth of the statement I have just made upon the high authority of President Jackson, in some of his official communications to Congress. That I have seen such a statement in some one of his annual or veto Messages, I cannot doubt, from the circumstance of my having made a memorandum of it at the time, which I still have in my possession. But whether the statement be strictly correct or not, it is no more than what might have been reasonably expected from the prevailing doctrines of that day, when the idea of any constitutional restraint upon the power of Congress to raise and appropriate money was utterly repudiated, while he who dared to deny or even question the right of a majority to do whatever might be deemed for the common defence and general welfare, was esteemed and pronounced "*ineffably stupid.*" We may safely venture to assert, without the fear of contradiction, that, under an Administration acting upon these principles, as much was done in the way of internal improvements and exorbitant taxation as the condition of the country and the state of the finances would allow.

Although I cannot congratulate the country upon the work of retrenchment and reform under the late Administration, yet I am disposed to conclude that some good has been effected by the late Executive, through the exercise of his veto power, in checking the wild spirit for internal improvements that had characterized the former Administration. It is, however, to be regretted that, in his veto Messages on the Maysville road bill and Wabash bill, he has so qualified his constitutional objections as greatly to impair what I regard the true Republican principle. Instead of condemning as unconstitutional all roads and canals, and the improvement of the navigation of all creeks and rivers running through the interior of a State, and adapted only to domestic commerce, he discriminates between what is local and general, State and National, and limits the improvements of navigation to a port of entry. Owing to such distinctions, unknown to the Constitution, and dependent entirely upon Executive discretion, the unjust, corrupting system of internal improvements has still continued to exist; but to how much greater extent it would have been carried, without these restrictions, no one can imagine. One thing is, however, certain; there is yet ample room for retrenchment and reform, and I hope the work will now commence in this House, where most of the evils of misrule have originated, by withholding from the Cumberland road any further appropriations.

CUMBERLAND ROAD.

REMARKS OF MR. PICKENS,
OF SOUTH CAROLINA,

In the House of Representatives, Friday, April 20, 1838—The House having again resumed the consideration of the "bill making appropriations for the continuation of the Cumberland road through Ohio, Indiana, and Illinois;" the question pending being the motion of Mr. UNDERWOOD, of Kentucky, to recommit the bill to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill to provide for the surrender of said road to the States through which it passes—

Mr. PICKENS said he did not rise to make what might be called a speech, but merely to present some practical considerations to the House connected with the finances and the present condition of the Treasury, to show that, as prudent men, we ought, at least, to suspend this appropriation for one year. But before he entered upon that topic, he desired to pay his passing respects to what fell from the gentleman from Kentucky, [Mr. CALHOON.] He would call him his friend, for there was no gentleman in the House towards whom he would sooner use that word. But he must be permitted to say that the gentleman had certainly delivered a very extraordinary speech. He commenced by saying that his colleague [Mr. UNDERWOOD] and himself differed widely on many questions. That on this subject his colleague was for some general and equal system, while he was utterly opposed to any general system as unjust, unequal, and corrupting, but very much in favor of this *particular system:* and he went so far as to say he would be in favor of another which might be proposed to connect the Southern seaports with the interior West. Now, Mr. P. said, he would prefer the vote of his colleague [Mr. UNDERWOOD] to his speech. The one is with us in theory, but against us in practice; while the other gives us the reverse. The one gives us a theory which reverses the old doctrine of the general welfare, and goes in part for the *particular* welfare, thus turning the Constitution upside down. If his practice were as good as his sentiments, he would have nothing to complain of. The gentleman [Mr. CALHOON] has also very prudently thought proper to declare his sentiments on the tariff—he is utterly opposed to any protective tariff, upon principle, as unjust to others and injurious to Kentucky; and that this is the sentiment of his State. Mr. P. returned the gentleman his thanks for these manly sentiments, and hoped that he should not hereafter find him applying the same theory to that subject that he had done to internal improvements; that he would not be found against all general tariffs, but for any particular one that might be proposed; he hoped he would not retain his theory and then go for any judicious tariff. The gentleman had also alluded to another delicate subject, on which he uttered some high sentiments in relation to Kentucky being a border State, and that she might again be re-christened the dark and bloody land. He defined his position nobly upon this point; but Mr. P. was at a loss to understand the whole meaning when he went on to speak of the people on both sides of the Ohio being bound together in one destiny, which no circumstances could alter or separate; that upon the delicate domestic question to which he alluded, the States north of that river had done all that could be desired, and would always do so. He would leave it to the gentleman to explain how he could reconcile this with his allusion to Kentucky becoming "a border and frontier State," which he called upon the South to rally and defend.

But the gentleman (Mr. P. continued) had given a reason for supporting this bill, which was astonishing: he said that, true, no part of the road would run through Kentucky; yet it ran along, not far from her border, through three States; and it was well known that retail stores would have to be erected to supply the workmen and contractors, and that these would be supplied in part from Kentucky; and thus she would receive the drippings. Now, Mr. P. said he had heard, under the old Constitution, in North Carolina, when her negroes were allowed to vote, that they could be bought with drams; but this was the first time that he had ever heard of a whole State, and such a State, too, with as brave and heroic a people as ever went to battle and to victory in any age or in any country, being dragged up before the shambles of grog shops, and her gallant sons upon this floor acting as auctioneers, where whole States and sections were to be bought and sold. This was doing injustice to his State.

[Here Mr. CALHOON explained, and said he had denied that this motive was to influence Kentucky in her vote, but he had merely introduced this view to show that she was actually interested in the appropriation, as supplies would have to be furnished from Louisville and other towns, &c.

Mr. PICKENS continued and said, perhaps he had used stronger language than the gentleman had used, but that he had expressed his idea. Now upon this point he [Mr. P.] was glad to hear the excellent speech of the Representative from Louisville, [Mr. GRAVES,] who certainly ought to know the interests of his constituents. He returned his thanks to Mr. G. for his well-expressed sentiments, and also for his vote upon this bill. He hoped it indicated a new state of things. But the gentleman [Mr. CALHOON] had voted, and was against the appropriation for this road last year, and now gives as his reason for that opposition, amongst other reasons, that there was then a majority of some thirty votes in this House for Mr. Van Buren, and he then feared that the money would be corruptly spent to purchase favor and support through doubtful States.

Now was the gentleman [continued Mr. P.] aware that by this reason he furnished the most powerful argument that could be adduced against the whole system—that the money might be squandered in a profligate manner for political purposes? Is he aware that, by this reason, he now shadows forth, in no doubtful manner, the views which may now influence too many in their votes upon this bill at this moment? He was against the appropriation last year, and for a certain reason; and now, forsooth, new visions appear; he is against his colleague's Green river appropriation—this runs through no doubtful country—all one side; [but Mr. P said he knew this was no motive with the gentleman himself;] he is against all general systems of internal improvements by this Government; but the Cumberland road runs through three doubtful States! he is for that particular road, but no other appropriation on a general system. Mr. P. then said, gentlemen might be mistaken; they might vote millions in that section, and nevertheless they would have a close struggle with the hunting-shirt men, (he meant it in no disrespect, but as a name derived from the revolutionary followers of General Morgan,) who were the followers of that hero, who had defended their country, and led them to victory in the last war. Judging from appearances, he would suppose appropriations could not control or buy their votes. Mr. P. said he must confess that the gentleman's [Mr. CALHOON'S] speech placed him in rather an awkward situation, straddling as he did the Ohio, with one foot on each bank. It was unnatural to him, and contrary to the general frankness and open integrity of his character. He had not policy enough to be politic, and had not hypocrisy enough to conceal, with even a thin veil, his objects, when he spoke of political influences. The whole speech was a compliment to the artlessness of his heart. But, Mr. P. said, his principal object in rising was to call the attention of the House to the present state of the Treasury, and the embarrassed state of things in many parts of the country. In relation to this point, the gentleman from Massachusetts [Mr. CUSHING] had laid down the doctrine that it was of no consequence whether the Treasury was full or empty; it was not worth consideration in the prosecution of a liberal and enlarged policy; the state of the finances was a matter of perfect indifference, etc. Now, Mr. P. thought this was strange doctrine. He said, apply it to private affairs, and no man could act on it without running to profligacy and bankruptcy. He said, let the gentleman have an estate, from which he derived $2,000 income; if he wanted a road for improvement or convenience, which would cost $3,000, would he not consider long before he would execute it, and

bring himself in debt $1,000? Certainly. But suppose a gentleman holding another estate, that yields $3,000, and another with an estate yielding $5,000, should be united with the first, and that the whole three should enter into a general compact that the whole should be managed by them jointly for the mutual benefit of each, and that the second, who held the estate yielding $3,000, should likewise desire a canal or drain, that would cost $4,000, which would be $1,000 more than his income. To obviate this difficulty, the first would say to the second, let us come to an agreement that my road shall be opened and your canal shall be dug, although both shall cost $7,000, which will be $2,000 more than our income. We can do this by taking it from the third estate, which has an income of $5,000; and thus, by this operation, the two who have a joint income of $5,000, would get $7,000 in the appropriation.; and the one who had the income of $5,000, would lose $2,000 in the division of the joint income. And this (Mr. P. said) would be nothing more nor less than swindling and plunder, under cover of a joint contract, made at first with the real intention of mutual benefit for all. Yet in the system of collection and disbursements, under this Government, this had been precisely the operation upon this Confederacy. Well may the gentleman from Massachusetts (Mr. CUSHING) go for an enlarged and liberal policy, without reference to the state of the Treasury. He said, what may be very enlarged and liberal to him, might be the reverse to others, who had to make the payments. He begged to be excused from this kind of liberality.

Mr. P. continued. The gentleman [Mr. CUSHING] had just called upon his colleague [Mr. CLOWNEY] to remember that the able report from the Secretary of War [Mr. CALHOUN] originally was the great foundation of this system of internal improvements. But let it be remembered that that report was made under a special resolution of the House of Representatives, directing the Secre ary to make a report upon some general system. He acted under orders from this House, and reserved the constitutional question as to the power of this Government over the matter. He acted as he was bound to do in his official capacity. But, Mr. P. said, it was immaterial to him who proposed the system; it was a matter of perfect indifference to him; he had seen and experienced its operation; and no authority could induce him to adopt it, or sanction it by his vote. Mr. P. said it was not his purpose to enter into a discussion of its origin, or the powers of this Government on the subject. It was too late in the day to raise up the Constitution from the tomb, and invoke its spirit against the lawless disbursements of this Government. They had progressed too far, and enlisted too great a combination, to be checked by appeals of that kind. He said you might as well attempt to bind down a strong man with cobwebs, as to arrest the course of events on these appropriations. But there was a measure with which he was somewhat identified, which ought to have some influence upon gentlemen in the course they were to pursue. He alluded to the suspension of the fourth instalment under the late deposite law, which would become due on the first of January, 1839. He brought this to view upon the same principle that the hunters on the Western prairies arrest the progress of fire, by firing against it. It would be remembered that the fourth instalment amounted to $9,300,000, and would be deposited with the States for their use under the late law, on the 1st of January, 1839. He contended that it was the interest of most members to husband the resources of the Government, so as to meet this instalment. Here was a bill now proposing to distribute $459 000, in equal proportions, to Ohio, Indiana, and Illinois. They might go for it. But where was the interest of Pennsylvania, New York, Massachusetts, Virginia, and North Carolina? If they would unite in suspending those appropriations that would bear suspension for a year, they could get their proportion of this $9,300,000. And if they did not unite, they would lose all. He contended that this road might be suspended for a year without any material injury, except perhaps to a few individuals. And so might the Harbor bill, the Fortification bill, and other bills; and, he said, considering the state of the Treasury, and the embarrassed condition of things in many sections, they ought to be suspended for the present; and even gentlemen who supported them might, with great propriety, vote for such a course under present circumstances. He warned gentlemen who were identified with the fortunes of the present Administration to beware how they voted large appropriations. Their opponents would, in many instances, eagerly go for heavy appropriations, even if it left the Treasury perfectly destitute; and then they would denounce you for your imbecility, and treat you with contempt for the very embarrassments they had aided to bring upon you. Mr. P. said the true strength of the Administration, at present, was in *real reform* and retrenchment, and their weakness was in heavy disbursements, and an embarrassed Treasury. Those who looked for success with the Administration ought to withhold appropriations this year, at least, except on those measures absolutely necessary. Let them make no calls for new Treasury notes—bring the expenditures within the income. Upon this point Mr P. said he was glad to hear the chairman of the Committee of Ways and Means explain that he did not intend to ask for any more Treasury notes than were authorized by the law of October last; that he only desired to reissue those which had been received into the Treasury. For instance, $4,000,000 had been received. He desired to give authority to reissue those, if necessary; and, in the contingency that the other $6,000,000 should be received in the year, to reissue them, if there were no other funds in the Treasury.

Mr. P. did not exactly understand the second bill on that subject, but he declared he would not vote for any other Treasury note bill; it was not needed, if this House would only suspend some of the unnecessary appropriations. He said he had not voted for the Treasury note bill passed last session, and did not like ever to vote for any of them. He had no particular objection to carry out the intention of Congress in the act passed at the extra session, and to allow the reissuing of what had been received, so as, in part, to allow the Treasury to anticipate its revenues for the year 1838 to the amount of $10,000,000, but no more. He was induced to allow this, because Congress had extended indulgence on the custom-house bonds, and the revenue from that quarter would not fully begin to come in until the two last quarters of the present year; it was nothing but right that we should provide other means for the present; he somewhat preferred an old-fashioned loan, but it was a matter of no great consequence. He would tell gentlemen there was nothing more unpopular in the South than too many Treasury note bills. If the appropriations went much over $23,000,000 in reality for this year, including the $6,000,000 for the Florida war, there would be confusion, and embarrassment, and weakness. He called upon gentlemen whose hearts were devoted to the support of this Administration to pause in this matter, and unite in withholding expenditures at least for a year, if they wished to sustain themselves. Before he took his seat, Mr. P. said, he would make a motion to lay the bill on the table, with a view to postpone it until next session. He thought some might vote for this course with that view, who might sustain the appropriation, if the finances were in such a state as to authorize it at present. But, taking every thing into consideration, this was one of those works which might bear a suspension for one year. He then made the motion, but said, as he had extended his remarks much further than he had any idea of doing when he rose, he would withdraw his motion, if any gentleman would request it who desired to reply to him, provided he would renew the motion.

REMARKS OF MR. CORWIN, OF OHIO,

ON THE SAME SUBJECT

Mr. CORWIN addressed the House as follows—

Mr. SPEAKER: I perceive the House is unusually impatient of this debate. I am very reluctant, at any time, to lift up my voice in this Babel of confused voices, but especially so now; nor would I delay the final vote for a moment, did I not remember that this bill has been already once rejected, but a day or two since; and from the tone of discussion this morning, I have too much reason to fear it will meet a similar fate by the vote now about to be taken. I may add, also, that I feel unwilling to permit the remarks of the two gentlemen from South Carolina [Mr. CLOWNEY and Mr. PICKENS] to pass to the press, and from thence into the public mind, without an attempt, at least, to correct the erroneous impressions in which, according to my views, they abound.

The bill now under discussion, for the continuation of the Cumberland road, is nothing more nor less than the continuance of a system of regular annual expenditure, begun in 1806, and continued, with the exception of the short period of the war with Great Britain, every year up to the present time. The estimates for this appropriation are as regularly and habitually sent in by the Treasury Department, as are those for the salary of the President and other public servants, or those for the support of the army. If a continued perseverance in the prosecution of any public measure for thirty years cannot be looked to as settling the public utility of such measure, or the fixed policy and duty of this Government, beyond the reach of cavil or objection, then indeed may it be truly said that we are a people without common forethought, a Government without any established policy, a Confederacy without any common end or aim whatever.

The construction of the road provided for in this bill, from the waters of the Atlantic to the Mississippi river, was originated during the Administration of Mr. Jefferson. It has received the countenance of every shade and complexion of political party in Congress, at various periods since, and has been sanctioned by the approval of every Executive from that time to the present. It has thus become incorporated with your policy. It makes a part of the creed of all parties, and, as it advances in its progress, is woven into the texture of those systems of internal improvement going forward in each of the six States through which it passes. A measure thus perseveringly continued so long, sustaining itself, through perpetual conflicts, and every vicissitude of our history for the last thirty years, comes recommended at once to the mind as something necessary: something which has been found indispensable, and not merely convenient. It stands in your policy like one of those truths in philosophy which is not questioned, because it has received the general assent of all reasonable men. Speaking of such a measure, this morning, the gentleman from South Carolina (Mr. PICKENS, richly imbued as his mind is with philological learning,) could find no terms whereby to characterize this bill less odious than *swindling* and *plunder*. Then, by a dexterous evasion of the substance, and a strict observance of the letter of the rules of courtesy in debate, the gentleman has been able, by fair inference, to denounce the supporters of the bill as the prompters of "swindling," the aiders and abettors of "plunder." [Here Mr. PICKENS rose and observed that he had not applied the terms stated by Mr. C. to the bill, or those who supported it. He had stated, in argument, the case of a general system of taxation, and an appropriation to partial and local purposes, and denominated *that* as swindling and plunder.] Mr. C. proceeded. I understand the gentleman as he explains himself. He has made a speech against this bill. He has endeavored to illustrate, in various ways, its inequity and impolicy. He denounces this road as local in its character, and not of general utility. He shows that the money appropriated is a part of the common revenue raised from the whole Union. He then speaks of general taxation, and local appropriations, and calls this last a system of swindling and plunder. It is but the difference between a positive assertion and a conclusion from premises stated. Sir, I desire, when thus arraigned, to submit my defence. If I am not mistaken, the gentleman will find this *system*, and this *road*, have been cherished, and heartily supported, by men, living and dead, to whom even he would be willing to defer in such matters; and with whose memories and character he would not associate the folly and criminality which, in his over-wrought zeal, he fancies he has discovered in this bill.

Mr. Speaker, I do not intend to elaborate an essay upon this road, but I must be permitted to notice for a few moments the very summary method by which gentlemen with great apparent ease acquit their consciences of all censure for voting down now and for ever all further appropriations of the kind. Yesterday the gentleman from South Carolina [Mr. RHETT] spoke of the supposed importance of the road west of Wheeling for military purposes, as an idea too ridiculous to merit a moment's serious thought. It seemed to him perfectly idle to imagine that ordnance or military stores would ever be transported by land westward while the Ohio river remained; and so, with undoubting confidence and the utmost self-complacency, he assures us that a "fool's cap and bells" should be bestowed upon any one who entertains a contrary opinion. Sir, I hope I may be allowed, with great humility, not indeed to deny to the conclusions of the gentleman the greatest certainty possible in matters of this kind, but merely to suggest a fact or two which it may be well to consider a moment before we swear to the infallibility of his judgment on this military question. In the first place, the road and river, though both running from east to west, from Wheeling to the Mississippi, are distant from each other, from north to south, from 90 to 150 miles at various points. I think it possible in the chances of war that it might become necessary to march a military force directly from Wheeling to Columbus, in Ohio, or to the capitals of Indiana or Illinois, and to take along with such force a train of artillery. Would the Ohio river, think you, be so obliging as to leave its ancient bed, and bear your cannon on its waves across the country from Wheeling to Columbus, in Ohio, and from thence by Indianapolis to Springfield, in Illinois? If we could suspend the laws of the physical world, or if a miracle could be wrought at our command, then the confident opinion of the gentleman, that this road is, in no sense, of military importance, would, in my poor judgment, appear somewhat plausible. But the gentleman seems also to forget that the waters of the Ohio, in spite of our wishes to the contrary, will freeze into hard ice. For three months in the winter it is not at all times navigable. On account of shoals, it is not navigable at a time of low water in the summer. And hence it would follow, that your military movements in that quarter, if ever necessary, would have to wait for the floods of summer and the thaws of winter. But I will not venture to oppose any speculative notions of mine to an opinion so confidently entertained by several gentlemen from the South who have spoken in this debate. I will fortify myself by an authority which I am sure will command, as I know it should, infinitely more regard than any opinion or argument of mine.

It will be remembered, Mr. Speaker, that this Government, soon after the late war with Great Britain, admonished by the experience of that war, determined on prosecuting a general system of military defence. To this end, General Bernard was brought from France, and placed at the head of the Engineer corps. In the year 1824, it became the duty of this officer, under the direction of Mr. John C. Calhoun, then Secretary of War, to survey and report to Congress such rivers to be improved, and canals and roads to be constructed all over our territory, as were conceived to be of *national importance* for commercial or military purposes. On the 3d of December, 1824, Mr. Calhoun submitted to the President, and through him to Congress, the result of the labors of this corps, accompanied with his own reflections and recommendations. It will be found, on examining that document, that this very Cumberland road is classed with other great works of internal improvement, which, in the opinion of Mr. Calhoun, were necessary to the defence of the country in war, and that the road now under the consideration of the House is there pronounced to be of "national importance." This was the opinion of Mr. Calhoun in 1824. The construction of the Cumberland road, as a work of commercial importance, as well as a sure means of binding in union the Eastern and Western portions of our country, had been urged upon Congress by Mr. Gallatin, as Secretary of the Treasury, as early as 1803, and by Mr. Giles and Mr. John Randolph, of Virginia, in reports which they respectively submitted to Congress about the same time. Before the navigation of the rivers of the West by steam, no one could cast his eye upon the map of the Western States, and not perceive at once the incalculable value of this road to the commerce of both East and West. If the application of steam to navigation has diminished the importance of the road, this was known and considered by Mr. Calhoun, when he made the report to which I have referred. In 1824, the steamboats were flying on their wings of fire from Pittsburg to New Orleans, as they are now; yet Mr. Calhoun pronounced the Cumberland road *then* a work of "national importance." I beg the gentleman from South Carolina who spoke this morning [Mr. PICKENS] to peruse that report of his friend, Mr. Calhoun. I beg him to ponder well the magnificent and expensive works of internal improvement there commended to the favorable regard of this Government. The waters of the Chesapeake and Ohio were to flow together. From the Ohio the chain was to be stretched across that State to the Northern lakes, and thus the North and South are to be bound up together, one in their internal interests, as they are one and identical in their national and extra territorial relations. But I need not particularize; what I have specified comprehends not the twentieth part of those works in magnitude and expense then recommended by Mr. Calhoun as proper to be constructed by the Federal Government, at the expense of the common Treasury of the nation.

The Cumberland road, as I have said, is one amongst the rest there recommended as of "national importance." Mr. Speaker, I must beg the indulgence of the House to read a single paragraph from the document referred to. After speaking of the great advantages to the whole Union of one of the great Western works to which I have already adverted, the Secretary proceeds:

"The advantages, in fact, from the completion of this single work, as proposed, would be so extended and ramified throughout these great divisions of our country, already containing so large a portion of our population, and destined in a few generations to outnumber the most populous States of Europe, as to leave in that quarter no other work for the execution of the General Government, *excepting only the extension of the Cumberland road from Wheeling to St. Louis, which is also conceived to be of national importance.*

Now, Mr. Speaker, if in the bill under discussion there be any feature akin to "swindling and plunder," I ask the gentlemen from the South to return to that gigantic project of kindred works projected by their own justly favorite son, and tell me in what vocabulary amongst the "tongues of men" they can find epithets odious enough to shadow forth the diabolical tendencies of *his* plan. Sir, if this bill be swindling, his scheme is robbery. If this bill be petty plunder, his plan was wholesale desolation. But, good or bad, whichever it be, we have his authority for it. Well do I remember, sir, in what high esteem the Secretary of War [Mr. Calhoun] was held throughout the the West in the year 1824. The sober affections of the aged, and the ardent hearts of the young, all, all were attracted to him. His altars blazed every where throughout the broad valleys of the West. Right loyally and prodigally did we pour out our incense upon his shrine; and lo! what now do we see? Whilst the smoke of our sacrifice yet ascends in gathering clouds; whilst the distended nostrils of our deity inhale its grateful odors almost to suffocation; he in whom our affections were all enshrined; he the author of this our faith; he the chosen object, it may be, of our very profane and heathenish, but still sincere idolatry; he, with the selected high-priests of his faith, suddenly rush upon us from the South, overturn their own altars, and scourge us, their misguided, but still honest devotees, from the temple themselves had erected. Not content with this, but determined, it seems, to consign both the authors and the followers of the creed to hopeless infamy, they have compared their own system of policy to a system of plunder, and themselves and us to a combination of swindlers.

Let not the gentlemen from the South suppose that I quote the authority of Giles, and Randolph, and Gallatin, in 1802 and 1803, and Mr. Calhoun as late as 1824, to fix upon Southern

gentlemen the sin of inconsistency, or sinister motives, for change of principle. No, this is not my motive. I wish to convince, and not to taunt, the gentlemen. I wish them to pause upon their own present opinions, and to compare them with the views of those, living and dead, to whom I have referred, in the hope that the light of those great minds—that light that has been to them "a pillar of fire by night," in all their political wanderings heretofore—might, haply, now serve to keep them in the right way. I beg the gentleman from South Carolina [Mr RHETT] who so readily voted "cap and bells" to the heads of such as entertained particular notions, which he condemned, of the utility of this road, to take back his gifts a moment, and see whether he may not possibly be found unawares placing these badges of imbecility and folly on the graves of Randolph and Giles; and whether, if he is to be impartial and just in the distribution of such honors, he may not be compelled to pass over into the chamber of the Senate, and bestow one set of them upon the illustrious Senator from his own State. Mr. Speaker, I venture to suggest to the gentleman from South Carolina, [Mr. RHETT,] in a spirit of sincere respect, that there is a posterity for him as well as those great and good men whose opinions he sets at naught. I hope I may, without offence, suppose it possible that in some distant day, when this very road, paved from the Atlantic to the Mississippi, shall be crowded with commerce, and groan beneath its load of travel; when, by the speed with which your armies can pass over it, from the centre to the remote border of your country, some fearful rebellion is happily quelled, or, for the same reasons, some insolent foreign foe is speedily repulsed, the age that then is may possibly remove the "cap and bells" from the last resting place of Giles and Randolph, where he has hung them, and look for the tomb of another, as better deserving the honor of these significant emblems. Sir, when I glance at the history of this road; when I remember that it was begun in the Administration of Jefferson, and approved by him; when I group together the other illustrious names who have for thirty years also given it their sanction, I am prone to believe, my own judgment concurring, that I am right in carrying on what has been thus begun. I cannot reverse the settled and long unquestioned decisions of the fathers and founders of the Republic, upon the faith of the last night's dream. I cannot so readily believe that the sages of past times violated the Constitution to make a road. I cannot see why, if that were so, it has not been discovered in the [illegible] of thirty years. Sir, I know much is said, and truly, at this [illegible] advance of the human mind. I know, sir, it was written [illegible] ago, "*Men shall go to and fro, and knowledge shall increase.*" All this I know, and yet I cannot quite believe that us young gentlemen here, in this year of grace, 1838, have now, this morning, descended to the bottom of the well where truth lies, as is said, and for the first time brought up and exposed her precious secrets to the long anxious eyes of the inquiring world. Just as slow am I, Mr. Speaker, to believe that the great men, who gave us a country forty years ago, did not understand what its true interests were. They who projected this great work were not men to rush into hasty and ill-considered measures. They had been accustomed to settle the foundations of society, and they did their work, in all things, under the habitual reflection and responsibility which their immortal labors inspired. Sir, let us beware, in the midst of our party conflicts, how we hastily question their calm resolves. Let us take care, in this day's work, with the hoarse clamor of party resounding ever in our ears, that we are not deaf to the voice of wisdom, which calls out to us from the past.

Mr. Speaker, I have thus far considered the bill upon your table as providing for one work, itself a part of a system of "internal improvement;" I have referred so far to the opinions of men whom we are accustomed to regard as good authority, to shew that the road in question has been regarded as one of national importance, and, as such, is within the acknowledged powers of Congress. But, sir, this bill rests its claims to our support upon a basis far less liable to those assaults which consider it only in the isolated view of expediency. It is, in truth, a bill for the fulfilment of a contract. It proposes to carry into effect a compact, to the performance of which the faith of this Government is pledged to three sovercign States of this Union. I know, sir, that many gentlemen here are familiar with this view of the subject, but I feel equally certain that there are others who are not.

The gentleman from Kentucky [Mr. POPE] the other day discussed this branch of the subject with great ability, but I am impressed with the necessity of presenting it more at length, even at the risk of being tedious. I shall endeavor, by a reference to acts of Congress and public documents, to show that we are bound to construct this road as far as the Mississippi river; that we have contracted to do so; that we have received the cosideration for this contract from the States of Ohio, Indiana, and Illinois. If I can establish these as facts, it will follow that to stop the road short of the Mississippi would be a gross neglect of duty, and a flagrant breach of national faith.

In the year 1787, "the territory northwest of the Ohio" comprehended what are now the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin Territory. The celebrated ordinance of 1787, amongst other things, provided that there should be three States at least out of this territory, which should be bounded by the Ohio river on the south, the Mississippi on the west, and a specified line on the north. This last line, many gentlemen here will recollect, was finally established as the northern boundary of Ohio, Indina, and Illinois, very lately, on the admission of Michigan into the Union.

Early in the year 1802, the eastern division of this territory petitioned Congress to provide for its admission into the Union under the ordinance of 1787, which provided that certain portions of the territory, having 60,000 inhabitants, should be entitled to come into the Union as sovercign States. This application, with a census shewing the number of inhabitants then within what are the present limits of Ohio, was referred to a committee in the House of Representatives, of which William B. Giles, of Virginia, was the chairman.

On the 4th of March, 1802, Mr. Giles made a favorable report on this petition, and, amongst other things, referring to certain matters of compact in the ordinance of 1787, the report concludes in these words:

"The committee, taking into consideration these stipulations; viewing the lands of the United States within the said territory as an important source of revenue; deeming it also of the highest importance to the stability and permanence of the union of the Eastern and Western parts of the United States, that the intercourse should, as far as possible, be facilitated, and their interests be liberally and mutually consulted and promoted—are of opinion that the provisions of the aforesaid articles may be varied for the reciprocal advantage of the United States and the State of ——, when formed, and the people thereof; they have therefore deemed it proper, in lieu of said provisions, to offer the following propositions to the convention of the Eastern State of said Territory, when formed, for their free acceptance or rejection, without any condition or restraint whatever, *which, if accepted by the convention, shall be obligatory on the United States.*"

The report then sets forth three propositions to be submitted to the Ohio Convention; the third proposition, being the one applicable to this subject, is in these words:

"That one tenth part of the nett proceeds of the lands lying in the said States, hereafter sold by Congress, after deducting all expenses incident to the same, shall be applied to the laying out and making turnpike or other roads leading from the navigable waters emptying into the Atlantic to the Ohio, *and continued afterwards through the State of* ——, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass, *provided that the convention of said State shall on its part assent that every and each tract of land sold by Congress shall be and remain exempt from any tax laid by order or under authority of the States, whether for State, county, or township, or any other purpose whatever, for the term of ten years from and after the completion of the payment of the purchase money on such tract to the United States.*"

Attached to this report is an official letter addressed by Mr. Gallatin, then Secretary of the Treasury, to Mr Giles, dated Washington, 13th February, 1802. Mr. Gallatin, deeply impressed with the advantage to the Government of this contract with the new State, urges it upon Congress as a mean of increasing the value of the public lands owned by the Government, and then pledged for the payment of the national debt. After stating a variety of arguments to that effect, he says:

"It follows that, if it be in a high degree, as I believe it is, *the interest of the United States* to obtain some further security against an injurious sale, under the Territorial or State laws, of lands sold by them to individuals, *justice*, not less than policy, requires that it should be obtained by common consent: and it is not to be expected that the new State Legislatures should assent to any alterations in their system of taxation which may affect the revenues of the State, unless an equivalent is offered.

He then goes on to insist that

"*Such conditions, instead of diminishing, would greatly increase the value of the lands, and, therefore*, of the pledge *to the public creditors.*"

The last paragraph in this document urges another argument in favor of this road, which I hope will not be overlooked by gentlemen who consider it a boon merely to the young States of the West. Mr. Gallatin thought this road would be highly advantageous to the old States, and he addresses their cupidity accordingly, in these words:

"The roads will be as beneficial to the parts of the Atlantic States through which they are to pass, *and nearly as much so to a considerable portion of the Union*, as to the Northwestern Territory itself."

On the 30th of April, 1802, an act was passed authorizing the people of the eastern division of the Northwestern Territory to form a Constitution and State Government. In that law the proposition, somewhat modified, is inserted, and by Congress proposed to the Convention which was to assemble the next summer. In the act just quoted, *five* per cent. of the proceeds of the lands within the State are proposed as a fund to make a road "from the Atlantic waters *to and through the State*, and the condition of the grant is, that the State shall abstain from taxing the lands sold by the United States for *five* years from and after the day of their sale."

In the month of November, 1802, the Convention of Ohio assented to the proposition contained in the act of April, 1802, with this modification: that three-fifths of the five per cent. fund should be appropriated to laying out and making roads within the State, and under its direction and authority, leaving two per cent. on all the sales of lands within the State to be appropriated to a road leading from the Atlantic waters *to and through the State* of Ohio. To this Congress expressly assented at its next session, upon the recommendation of a committee, of which John Randolph of Virginia was the chairman, and thus the compact was closed. Here let it be observed that compacts of the same kind, and in the same words, have been concluded between the States of Indiana and Illinois and this Government, at the times when these States were respectively admitted into the Union. In this way, following up the project began in 1802, of constructing a road "from the Atlantic waters to the Mississippi river," passing from the Ohio the whole distance to the Mississippi, through your own public lands, it was carried out by compact with each State, as soon as it became capable of entering into such engagements, by assuming the powers and dignity of a sovereign State of the Union.

I have said, Mr. Speaker, that you had contracted to construct a road from the Atlantic waters, through the new States of the West, to the Mississippi river. I have shown, by reference to public documents, that the motives to this contract were, first, to increase the value of the public domain, *to and through* which this road was to pass, and thus put money into the national purse to pay the national debt; secondly, to bind together in union of interest the East and West, by creating a quick and constant intercourse between the western and Atlantic divisions of your common country. Now the first and main object, the increase in value of the public lands, never could be effected, unless you carried the road, not merely "*to and through*" Ohio, where, in 1802, your public lands for sale chiefly lay, but would only be fairly realized by carrying the road "*to and through*" each of the other western States, as your lands, by the extinguishment of the Indian title in these States, should come into market. These were the views upon which you set out, in your propositions of compact at first. These were your "*inducements*" held out to Ohio, and repeated in each of your engagements to make the Cumberland road with Indiana and Illinois. With these determinations, asserted through your public and authorized agents, you ask of the western States, in consideration of *inducements* thus held out, to do what? To grant you a trifling sum of money to aid you in your effort to improve the value of your own lands? No. To allow you to pass through their territory in such way as you choose? No. No such inconsiderable demands as these were on your lips. You demanded of them to surrender up for your benefit the tax on nearly all the property in these States for five years. In other words, you asked, and you received too, into the public Treasury of the Union, a direct tax for five years on all, or nearly all, the lands in three large and populous States. You said to the purchaser of your lands, buy of us, and your property thus acquired shall be free from taxation for five years; and thus you got an increase of price paid to you, what otherwise would have gone, in the shape of taxes, into the coffers of the States. This is true in regard to almost all the lands in the three States of Ohio, Indiana, and Illinois. Each of these States was admitted into the Union with barely sixty thousand inhabitants. The quantity of lands then sold was so inconsiderable as to make no sort of change in the estimated value of the right we surrendered. Take Ohio, for example: She gave up to you her right to tax all lands then unsold for five years after they should be sold. She had then sixty thousand inhabitants, she has now probably one million and a half of population, and there are yet public lands unsold in that State. Thus, you can see that we have released to you our right to tax lands in the hands of nine-twentieths of our people for five successive years. This, too, was done at a time when there was scarcely any other subject of taxation but lands, and when, in the infancy of our several State Governments, the first movements of political and social machinery require heavy expense from those least able to bear it. Let us see what it was in money that we gave. It will be found, on examination, that the three States interested cover an area, according to the best authorities, of something over one hundred and twenty millions of acres of land. Deducting something for reservations made before the compact, we may safely estimate the lands then to be sold in the three Western States at one hundred and twenty millions of acres. We gave up the right to tax these for five years from the day of sale. What has been the usual rate of taxation upon lands in these States? I think I may fairly affirm that the rate of taxation on lands in the three States interested has been one dollar on every hundred acres. This, levied on one hundred and twenty millions of acres, would give one million two hundred thousand dollars per annum, which, in five years, the time for which the tax was surrendered by the States, would give the sum of SIX MILLIONS OF DOLLARS. This sum have we paid into your Treasury for your promise to complete the road in question. In addition to this, we surrendered our sovereign right of taxation within our own limits—a right itself so dear to States that, as matter of pride, just pride, its surrender could only have been extorted by the strongest hope of advantage—the hope of some great and striking improvement in our whole country, such as this great work will be when you complete it, as you have promised.

Mr. Speaker, I have shown that the three Western States have given into the National Treasury, in effect, *six millions of dollars*, for the promise to construct this road. Let us now advert for a moment to the cost of the work as estimated at the time of the contract, and we shall find that the Government then understood that this sum would construct the road from the Atlantic waters to the Mississippi; nay, that, in all probability, there would be a surplus remaining in the Treasury after the road was finished. The kind of road, its location, and the time of its completion, were all left with this Government to be adjusted, under a fair interpretation of the compact. After proper examination, it was determined to commence at Cumberland, and strike the Ohio line at Wheeling, in virginia.

On the 3d of March, 1808, Mr. Gallatin, then Secretary of the Treasury, reports to Congress that the road had been located from Cumberland towards Wheeling, a distance of seventy miles, and adds, the expense of completing that part of the road is estimated at $400,000. This estimate shows that the average estimated cost of the road, over by far the most expensive part of it, was a trifle less than six thousand dollars per mile. The whole length of the road, from Cumberland to the Mississippi, as surveyed, is 650 miles; it may be a mile or two, more or less. Now, take the estimated cost per mile, as reported by Mr. Gallatin, which was for the mountain region entirely, and remember that one half less, it was supposed, would suffice to make the road across the level plains of the West, and we shall see at once how reasonable it is that the Congress of that day, after receiving what was equivalent to six millions of dollars, should make an unconditional promise to construct the road to the Mississippi river.

The contract, as then understood from the estimate, was simply as follows:

Value of the tax released in favor of the Federal Government by the three Western States	$6,000,000
Cost of the road, 650 miles, at $6,000 per mile, according to Mr. Gallatin's estimate for the first 70 miles	3,900,000
	$2,100,000

Leaving two millions in the Treasury, after making the road as then estimated. Upon this view, founded on facts and representations of public men, contemporaneous with this compact, it is clearly shown that the States paid the Federal Government what the parties then believed a full consideration for completing the road the entire distance proposed. From this, what follows? Why, surely, that the Government promised to do what in conscience it ought, that is, to do the act which they were paid for doing—to make the road complete according to the contract.

But here, Mr. Speaker, I am told that whatever may have been the reasonable expectations of the parties, as to the completion of this work, when the contract was made, the Government only bound itself to appropriate *two per cent.* of the nett proceeds of the public lands, and that this has been done, and no moneys remain of this fund applicable to the purposes of the contract. To this I reply, that such is not the contract, and I think I have shown this from the proofs already adduced. I grant you that two per cent. of the nett proceeds of the public lands are pledged for the performance of your promise to make the road; but this pledge does in no sense limit the contract for which it is only a mere security. Let it be remembered that, when this contract was made, the public lands were pledged for the payment of a large national debt. To increase the value of these lands was one motive to make the road, and the States aided you in this, paid you for it, by relinquishing the taxes on them for five years after sale; it was, therefore, only fair, as the Government was deeply in debt, that the States should have some security for the performance of your contract. This security was given by pledging the two per cent. named in the contract. But it was not the contract, it was only a security given to the States for its faithful performance. This interpretation is fortified by other stipulations in the contract. The time, manner, and location of the road are all left to the General Government. Why was this? Because you had bound yourselves, in general terms, to make a road. And it was, therefore, only reasonable that you should have control over a work which you bound yourselves to finish. Had you bound yourselves only to pay, for the purposes of the work, a speci-

fied sum, such as the two per cent. mentioned, is it possible to suppose the States would have left you to appropriate *their* money, for which they paid you, in *your own* way, and according to *your* own discretion? Such a contract, on the part of the States, would have been absolute insanity. It involves an absurdity too gross for serious consideration. This itself shows that the two per cent. fund was only a *pledge*, a *security*, and not, as some have supposed, the contract itself. Thus you have always construed the contract. According to your own admission, you have gone on to make the road without regard to the two per cent. fund. You say vastly more than this has been expended. Why did you do this, if only two per cent. on the sales of lands were to be given to the road? No rational answer can be given to this question but one. The two per cent. did not limit the contract, it only *secured* its performance; and this has been *your own* uniform construction of it, as evinced by all your conduct up to this day, throughout a lapse of more than thirty years.

Let me suppose, Mr. Speaker, that the two per cent. fund was all you promised, which, however, I by no means admit. You say it was to be expended by you; you are the trustee of the fund, and the agent for its appropriation. Be it so, then, for the sake of the argument. What was this fund committed to your charge? Two per cent. upon the sales of one hundred and twenty millions of acres of land. This you was bound to sell for $2 per acre, for this was the price fixed by law at the time of the contract. This would produce $240,000,000. Two per cent. upon this would be $4,800,000. You had estimated the road to cost $3,300,000. Thus you see that, by every calculation based upon the state of things as existing at the date of the contract, the States and yourselves had a right to suppose that happen what might, if you acted up to your engagements, the road would be made. But $2 per acre was then the minimum price of the land, and we, being interested in the fund, had, and now have, a right to demand of you that you, as trustee, shall get as much more as possible, by selling all the land at auction in the way fixed by law as it then stood. Now let us see how you have complied with the law and reason of this contract in the management of this fund given in trust for its execution. In the first place you sunk the value of the fund nearly one-half by reducing the price of the land from $2 to $1 25 per acre. In the second place, you have given away immense amounts of this fund in bounty lands to soldiers, which you never can sell, and for which you can render no account. Thirdly, you have given to individuals, for purposes unconnected with this contract, a very large amount which never has or can be accounted for upon the principles of your solemn engagements with us. Fourthly, you have given very large amounts to the States to make canals, exacting from them as an equivalent the right to carry your mails, arms, armies, and munitions of war on them free of tolls forever. Fifthly, you have given away many millions of acres in pre-emption claims, at the minimum price, without any attempt to sell, and account (as you were bound to do) for the proceeds. Thus you, our agent to manage a fund destined to make *our* road, have so wasted it, and used it for your own purposes, that you never can tell whether it would have produced the expected amount or not. What is the consequence in law, in reason, in justice? What follows? Why, sir, any justice of the peace can tell you. You, the agent, must answer for this by replacing, out of your own funds, what you have wrongfully taken from us. But as you have so disposed of the trust fund that you never can tell what, if sold at auction, it would have produced, and so cannot, by any certain rule, therefore, ascertain the amount you have taken wrongfully from us, you must suffer the inconvenience; you must take from your own funds, and do what, when you contracted with us, you affirmed this wasted fund would do, that is, complete the road in question from Cumberland to the banks of the Mississippi river.

Is not this equitable, fair, honorable just? Why then stick in the bark? as the lawyers say. Why these pettifogging quibbles, these dilatory pleas? Does such conduct become a great nation? Sir, it has been said that honor is the vital principle of monarchy. You say you represent sovereigns—the sovereign People. Act then as becomes the dignity of your royal constituents. Leave no room to doubt your probity. Observe fully and entirely the faith of your promise whenever made. No such thing, says the gentleman from South Carolina, [Mr. CLOWNEY,] this morning. If you have made a contract, no matter, you had no constitutional power to do so, therefore cease your efforts to fulfil your engagements. And there the gentleman would stop; he goes no further. What a beautiful example of political morality would you then exhibit! Some years ago you entered into a contract, a treaty, with three sovereign States. You have received from them all they agreed to give you. You have *their* money in *your* pockets. Now you turn to these States, with all seeming honesty, and say, true I *promised*, but I had no right to *promise*, my conscience is affected. I have sinned, I repent, I will do so no more, but I will keep your money. I cannot violate my conscience by doing as I agreed. Oh, no, that is too wicked; I pray you do not ask it; but still I shall keep the money you paid me. Yesterday my friend from Kentucky, [Mr. CALHOON,] with a power of argument and generosity of sentiment equally honorable to his head and heart, spoke in favor of this bill; he adverted to certain objections made by his colleagues [Messrs. GRAVES and UNDERWOOD] They had opposed the bill as partial in its operation, as giving to the three States through which the road passes a disbursement of money which Kentucky was not permitted to enjoy. He said the disbursements in Indiana would flow into Louisville, in Kentucky, where goods and even liquors would be bought, with which the labor on the road would be paid. Upon this another gentleman from South Carolina [Mr. PICKENS] takes fire. "This (said he) shows the demoralizing tendency of the system! This is the motive to vote appropriations, that money be raised to buy whiskey for the poor laborer to drink!" Sir, I have no objection to the gentleman's moral lectures, but I do not see the necessity of throwing his moral sensibilities into convulsions at the sight of a glass of punch, while he can look with a sanctimonious composure at broken promises and violated national faith.

Mr. Speaker, I have one word to say, before I sit down, to the gentleman from Kentucky, [Mr. UNDERWOOD] He spoke the other day in opposition to this bill. He did not deny that the Cumberland road might be useful; but, as he could obtain no money here to enable his people to build dams and make slack-water navigation on Green river, he would not help us to make a road on the northern side of the Ohio. And then the gentleman proceeded in a grave disquisition upon our constitutional powers to make roads and improve rivers. What says the Constitution? "Congress shall have power to regulate commerce with foreign nations, *among the several States*, and with the Indian tribes." What is the gentleman's commentary? You have, says he, a clear and undoubted right to improve rivers, but not so of roads. And why, Mr. Speaker, why? Do you, sir, remember the reason for this distinction? It was this: "Providence (says the gentleman) has marked out rivers as the proper channels and avenues of commerce." What a beautiful and exalted piety is here shedding its clear light upon the dark mysteries of constitutional law! And then how logical the conclusion! Thus runs the argument: Since it is not the will of God that commerce should be carried on on dry land, but only on the water, the powers over commerce, given in the Constitution by our pious ancestors, must be understood as limited by the Divine commands; and therefore, says he, you have power to remove sand-bars and islands, and blow up rocks out of rivers and creeks, to make a channel which Providence has begun and left unfinished; but beware, he would say, "how you cut down a tree, or remove a rock, on the dry land, to complete what Providence has begun there. You have no power by law to do this last; besides, it is impious, it is not the will of God."

Mr. Speaker, I know of no parallel to this charming philosophy, unless it is to be found in the sayings of Manse Hedrigg, an elderly Scottish lady, who figures in one of Sir Walter Scott's novels. In one of her evangelical moods, she rebuked her son Cuddie for using a fan, or any work of art, to clean his barley. She said it was an awsome denial o' Providence not to wait his own time, when he would surely send wind to winnow the chaff out of the grain. In the same spirit of enlightened philosophy does the gentleman exhort us in Ohio, Indiana, and Illinois, to cease our impious road-making, and wait the good time of Providence, who will, as he seems to think, surely send a river to run from Cumberland over the Alleghanies, across the Ohio, and so on, in its heaven-directed course, to St. Louis. Mr. Speaker, the gentleman from Kentucky is not the author of this theory. Our Atlantic brethren, especially of the South, have long held the same doctrine. They have long since discovered that our glorious Constitution was nothing more at last than a fish! made for the water, and which can only live in the water. According to their views, he is a goodly fish, of marvellous proper uses and functions while you keep him in the water; but the moment he touches dry land, lo! he suffocates and dies. The only difference between this school of constitutional lawyers and the gentleman from Kentucky is this: he believes your Constitution is a fish that thrives in *all waters*, and especially in Green river slack-water; whereas, his brethren of the South insist that he can only live in *salt* water. With them the doctrine is, wherever the tide ceases to flow, he dies. He can live and thrive in a little tide creek, which a thirsty musquito would drink dry in a hot day; but place him on or under the majestic wave of the Mississippi, and in an instant he expires. Mr. Speaker, who can limit the range of science! What hand can stay the march of mind! Heretofore we have studied the science of law to help us in our understanding of the Constitution. Some have brought metaphysical learning to this aid. But now, in the middle of the nineteenth century, these labors are all ended. Ichthyology, sir, is the key to open all the doors that have hitherto barred our approaches to truth. According to this new school of philosophy, if you just teach coming generations the "nature of fish," those great problems in constitutional law that vexed and worried the giant intellects of Hamilton, Madison, and Marshall, are at once revealed and made plain to the dullest peasant in the land. Sir, if I appear to trifle with this grave subject, the fault is not mine; it arises from the singular nature and contrarient character of those arguments which I am most unwillingly compelled to combat.

The gentleman from Kentucky [Mr. UNDERWOOD] has inquired, with a very significant look, what has become of the three per cent. fund, given to the States, for improvements within their respective limits. He says he has inquired of the Secretary of the Treasury, and he can give him no account of the disposition the Western States may have made of this fund, and hence the gentleman seemed to infer that no one could tell him any thing satisfactory on the subject. Sir, if your Secretary of the Treasury is the only source of information, then are the fountains of knowledge scanty indeed, and nearly dried up with us. If every thing is *unknown* which he does not *know;* if we can see nothing which has not been revealed to him, why, then, the Lord help us; the lights of the age burn dimly enough, and must be well-nigh extinct. Sir, if the gentleman, instead of consulting the "Penny Magazine" of the Treasury, had gone to the libraries of this city, and looked into the statistics of these States, he would have found that this fund had been faithfully, to the last dollar, expended in making roads "to and through" the public lands in the States; thus increasing the value and hastening the sale of your national property. The gentleman reproaches the three States on the right bank of the Ohio for having obtained from the national domain large grants for making roads and canals. Does not the gentleman know that in every instance you have received an equivalent for these lands, by obtaining from the States or companies the right to carry your mails, arms, troops, and munitions of war, over such roads or canals, at all times free of charge? If you gave the alternate sections of land for a road or canal, you held up the remaining section at double your minimum price, and have always realized it, and thus made money for yourselves out of the capital and labor of the States, whilst you boast the transaction as a benevolence to others.

But, sir, Kentucky should be the last State in the Union to raise an argument of this kind against her sisters of the West. How came she by the whole of that very Green river country which now comprises one-fourth part of that State? Virginia had reserved that territory to satisfy her Revolutionary debt to her troops. When she ceded the northwestern territory to the United States, she reserved the land between the Little Miami and Scioto rivers (now in Ohio) as a residuary fund for the satisfaction of her Revolutionary land warrants; if the lands reserved for that purpose in Kentucky should prove insufficient. Well, sir, what happened? Soon after this, Kentucky seized upon the whole Green river country, and refused to the war-worn veteran of the Revolution the right to locate his warrants there. The consequence was, the whole country reserved in Ohio was exhausted, and the Virginia claims, to the amount of many millions, have been lately paid out of the Treasury of the Union in the shape of land scrip. Sir, I have said this domain, thus seized by Kentucky, was equal to one-fourth part of the State. Now, suppose you had given to Ohio, Indiana, and Illinois, what Kentucky received—one-fourth part of all the lands within their respective limits—sir, it would have constructed this road through their territories ten times over. And yet, with these facts all before him, the gentleman sits weeping over the dams and slack-water of Green river, like a froward child, spoiled by too much indulgence, complaining of its mother's partiality, to the really much less favored members of our common family. Sir, this is unlike Kentucky; it is unlike the uniform justice and generosity of both the gentlemen, [Messrs. GRAVES and UNDERWOOD,] who have so vehemently opposed this bill. I beseech them to desist. Cease to drive this Jew's bargain with your sister States. Relax the miser's gripe you have laid upon your neighbors' rights. Throw away the knife of Shylock, clothe yourselves in the robes of justice and generosity. Stand out in your true characters, and in the proper costume of your noble State. Look upon this bill with the eye of the American statesman. The interests of the whole valley we inhabit in common are the same. You cannot separate them by lines or rivers. Sir, the same cloud that dispenses its fertilizing showers upon Kentucky, drops fatness upon the States of Ohio, Indiana, and Illinois. The same sun that warms vegetation into early and vigorous life, on the rich plantations of Kentucky, also mellows the fruit and ripens the harvest that cover the vast plains outstretched upon the right bank of the Ohio. The God of Nature has decreed us a common lot, and it is vain and impious to interpose our feeble opposition to his will.

Mr. Speaker, some gentlemen have complained that one section of land out of every thirty-six has been given to the Western States for the use of common schools. Do gentlemen recollect to whom this benefit results? Who are they that inhabit the great valleys of the West? Emigrants surely from the old States of the South and East. The children to be educated there are your children. Sir we heard (some at least) an English gentleman [Mr. Buckingham] in one of his interesting lectures lately delivered in this city, say, when speaking of British emigration to America, that he was sorry they had not sent to this country better specimens of their population. Sir, I can say to my friends on this side of the mountains, with equal sincerity, as to some of those you sent out, "I am sorry you did not send us better specimens." But the truth is, we get in the West the very best and the very worst of your population. The poor come there for bread, and the enterprising and industrious come to find a field which gives ample scope to their energies, and rewards to their labor. This fund, then, is for the education of the poor, and the rich, too, if any such there be, which you send in masses every year to the West. And I can assure gentlemen it has been faithfully applied in Ohio. It has been added to by heavy taxation upon our people. Some gentlemen (I speak it in no spirit of pride or vain boasting,) some gentlemen from the old States might learn something new to them in the history of civilization, would they but visit that Western world, of which they often seem to me to know very little. They might see there, in the very spot where but yesterday the wild beasts of the wilderness seized their prey by night, and made their covert lair by day, on that same spot to-day stands the common school-house, filled alike with the children of the rich and the poor—those children who are to be the future voters, officers, and statesmen of the Republic. Over that vast region, so lately red with the blood of savage war, the seed-fields of knowledge are planted, and a smiling harvest of civilization springs up. And there, too, may be seen what a Christian statesman might well admire. The schoolmaster is not alone. That holy religion, which is at last the only sure basis of permanent social or political improvement, has there its voices crying in the wilderness. Upon the almost burning embers of the war-fire, round which some barbarous chief but yesterday recounted to his listening tribe, with horrid exultation, his deeds of savage heroism, to-day is built a temple dedicated to that religion which announces "peace on earth, and good-will towards men." Yes, sir, all over that land, side by side with the humble school-house, stand those

"steeple-towers
"And spires whose silent finger points to Heaven."

Is it, sir, can it be in the heart of an American statesman, to check in its progress, or crush in its infancy, a social and political system, which has tendencies and fruits like this? But, sir, I find myself tempted, by themes so full of hope, to wander, as some may think, into subjects having a bearing upon the immediate question, too remote to justify their discussion here. I beg to remind this House that the bill now before it is a part, small, indeed, but still a part of a system of policy which long ago you established for the Western country, which hitherto you have cherished, and which, aided by the patient, perseverina labor of your people there, has produced the happy results which I have so hastily and imperfectly laid before you. I feel an assured confidence that I do not plead in vain to an American Congress in such a cause. Still should I unhappily be mistaken in this, conscious of the rectitude of my own motives, I shall cheerfully submit to whatever decision it shall please the House to make.

CONTINUATION OF THE CUMBERLAND ROAD.

REMARKS OF MR. WILLIAMS,
OF TENNESSEE,

In the House of Representatives, Friday, April 18, 1838—

The House having again resumed the consideration of the "bill making appropriations for the continuation of the Cumberland road through Ohio, Indiana, and Illinois;" the question pending being the motion of Mr. UNDERWOOD, of Kentucky, to recommit the bill to the Committee of Ways and Means, with instructions to report, in lieu thereof, a bill to provide for the surrender of said road to the States through which it passes—

Mr. WILLIAMS of Tennessee addressed the House as follows:

Mr. SPEAKER: I desire to make a few remarks upon the subject now under consideration. In fact, sir, it was my wish to have done so this morning, before the previous question put a stop to the debate. I am aware that I rise to address the House under very unfavorable circumstances; still I cannot permit the occasion to pass without expressing to the honorable gentleman from Kentucky [Mr. UNDERWOOD] my sincere thanks for the motion he has made to recommit this bill to the Committee of Ways and Means, with instructions to report a bill surrendering to the States through which it passes the Cumberland road. Should the motion prevail, or should the appropriation be refused by this House, I shall hail it as the harbinger of better and purer days—I shall view it as a new era in the history of our national affairs, and shall proudly, and gladly, proclaim to my constituents that the long agony is over; that the corrupt

and corrupting influence of a wide-spread system of internal improvements by the General Government has received its quietus. When my friend from Kentucky made his motion, I immediately seized upon the fond idea that the representatives from the gallant State of Kentucky were determined to bow to the circumstances with which their country was surrounded, and surrender a system that I know they have cherished with delight, to the necessity of the times. The pleasure that was imparted to me from that view of the subject was of short duration. The vote of to-day, which exhibits a division in her ranks, coupled with the able and ingenious speech made a few days ago by a distinguished member of that State, [GOV. POPE,] proves most conclusively that I was too eager in arriving at that conclusion. The honorable gentleman to whom I have just alluded, not only instructed, but amused this House; and from the rough draught of the splendid system of internal improvement that he presented to this House, and declared himself ready and willing to adopt and support, he must certainly think that day has dawned never to close. Far otherwise is the case. For, in my humble opinion, if ever there was a time in the history of any nation on God's earth when the word of command should be given to halt, and form, in relation to their moneyed concerns, we stand pre-eminently qualified and ready to receive and obey. In the language of the distinguished gentleman from Pennsylvania, [Mr. SERGEANT,] we are dead aground, and will have to be floated off by shin-plasters. It is not my purpose, Mr. Speaker, to give to my remarks a partisan cast; nor do I hold the past or present Administration accountable as the sole authors and supporters of the extravagant mode of appropriation that has become the order of the day during the last six or seven years. My own observation, and the journals of your House—nay, sir, the vote of this day, will prove that both parties are blameable. True, sir, I hold the past Administration accountable for a string of bold, high-handed, and unnecessary measures, that gave the first impulse to a state of things that surrounded us with a fictitious and unhealthy prosperity, which caused your Treasury to overflow; but candor compels me to admit that Administration and anti-Administration men enough to constitute a majority in this House, not only nibbled at the bait, but they seized hook, sinker, and all, and twisted it under their tongues as a sweet morsel. Nor am I surprised at this; for plenty, both in our private and public relations of life, begets extravagance, with almost the same unerring certainty that water will run down hill. I hold the present Administration accountable for not having attempted to arrest this state of things, when plenty has vanished, and bankruptcy has ensued. Perhaps they are both to be pitied and, to some extent, pardoned; for I know it is extremely hard for a spendthrift, after he has wasted his fortune, to lower his expenses, and bring them within his means; and this reforming and economical Administration would be much and deeply mortified to acknowledge to the American people that they had been humbugging them in relation to the expenses of the Government. Though I have promised not to give to my remarks a partisan cast, and, in order to keep from violating my promise, I must pass to another view of the subject. I am not, Mr. Speaker, opposed to the system of internal improvements on the grounds of its unconstitutionality, for I most heartily with the able chairman of the Committee on Roads and Canals, [Mr. MERCER,] that Congress has the power to appropriate money for precisely such purposes as that which is embraced in the bill now under consideration; but even if I had my doubts upon the subject, I would feel ashamed (being a mere mushroom, that has sprung into political existence from the growth of a night, and will, perhaps, wither in another,) to get up here and gravely attempt to prove the unconstitutionality of a measure that has received the sanction of this Government almost every session of Congress since the commencement of the Government. Having on all proper occasions declared this opinion to my constituents, it is due to myself to avow them here, and declare that my opposition springs from the unjust workings of the system. Allow me to say to the honorable gentleman from Virginia, [Mr. ROBERTSON,] that his age and talents entitle his opinions to the highest deference and respect. Hence, sir, his calling into question the constitutionality of this doctrine sits well upon him, while it would be presumption in me. I feel no disposition on the present occasion to detain this House with any expose I might be able to make of the unjust and unequal operation of the system of internal improvements. The only object I had in view in addressing the House, was to appeal to the members to stay all appropriations of this kind, if not forever, at least for a time. That it is an important matter to curtail the current expenses of the General Government all parties and all sides agree. It is an acknowledged fact that the expenses of the Government are annually increasing, and its annual income gradually decreasing; and in 1842, if the compromise tariff is not disturbed, the duty on foreign importation will be collected according to value. It is the received and universal opinion, I believe, that when that period arrives, the revenue to the Government through that channel will be greatly diminished. Then, sir, is there not great danger that the favorite doctrine of not collecting more money than is indispensably necessary for the support of the Government will be rushed to the contrary extreme, and, in the place of an overflowing Treasury, we will be compelled to create a national debt?

Sir, I have anxiously looked for a move from some quarter of this House to lessen the expenses of the Government. True, sir, my colleague and friend [Mr. CARTER] has introduced some general resolutions of inquiry upon the subject of retrenchment, but they are permitted to sleep the sleep of death upon your table. I want not an injudicious movement upon this subject; no, on the contrary, I would be pleased, indeed, to see the leading and experienced members of this House, on both sides, (forgetting for a time, if they could not forever, their party associations,) make a united and vigorous effort to consummate the object contemplated by the compromise tariff. There is patriotism and intelligence enough in this House to bring about that result. It must be, sir, it cannot be otherwise, that much useless and unnecessary expense can, by a proper course of conduct, be lopped off. I do not want to see a curtailing that would prove detrimental to the public good; on the contrary, I want to see the move made by the practised arm of an enlightened and an experienced statesman, free as possible from the partizan politics of the day. For, sir, it is my opinion that in that way only can this country be saved from a national debt that is now hovering over us; and unless an effort is made to check the present tendency of things, by 1842, instead of the income and expenses of the General Government meeting upon a level as was fondly believed, the debit side will lap over considerably. That there is a probability that such will be the case no gentleman will deny. Then I ask this House if they are willing, under all the circumstances that surround this question, to vote $459,000 for the continuation of the Cumberland road, when there is no pressing necessity for its completion? It is the duty of the Government, as well as individuals, to look at their means before they engage in expense either for ornament or profit. Then, sir, let us look for a few moments at the condition of your Treasury. This report which I hold in my hand exhibits the probable income and expenses of the Government for the present year—the income is estimated at $31,800,000, the expense of the year is estimated at $32,230,000, which shows a deficit of near a million of dollars; it will also be recollected that seven millions of Treasury notes, authorized to be issued by the act of October last, is estimated among the resources of the Government. The chairman of the Committee of Ways and Means had as good a right to estimate the ten millions of Treasury notes now proposed to be issued by the bill upon your table as the seven millions. If you will deduct the seven millions, this report exhibits a deficit in the resources of the Government, for the present year, of near ten millions of dollars. Let me ask this House, when will a change take place for the better? Never, I fear, unless you reduce your expenses as well as your income. Here let me say to my political friends that the chairman of the Committee of Ways and Means, the acknowledged leader of the Administration party in this House, insists in his report that the estimate of the expenses for the year can be lessened two or three millions of dollars. Are they willing that the organ of this extravagant Administration shall exhibit to the country greater evidence on the score of economy than they? If so, those who refuse to join in the reduction should stop their denunciation upon the subject of extravagance. I also wish this House to recollect that we are now in the midst of an experiment—not the exploded one, sir—I mean the compromise tariff. Two favorite objects it was thought would be effected by this compromise. First, it was thought to be an important matter to lessen the resources of the Government, and thereby put a stop to the scramble that was here waged for the surplus revenue. Nobody seemed to doubt that such a state of things would beget corruption. Another great object was to allay the excitement that had been produced by the adoption of the protective policy. This compromise act is not yet matured; and while the friends of the manufacturing interest, so far as I know or believe, are confident that they have sufficient age to live under the operation of the compromise, would it not be strange, passing strange, that a reforming Administration would have to revive this exciting question in order to act out its economical wants? I hope the cup will be permitted to pass, for, sir, the peace, prosperity, and permanency of the Union are involved to a considerable extent in that question. When 1842 arrives, if your Government is in debt, and an increase tax has to be resorted to, my life on the issue that the protective policy will be revived, not for the purpose of protecting your manufactories, but for the purpose of covering your profligacy. What a strange spectacle this would present to the American people. While the party in power are studiously endeavoring to make the people believe that, if they are turned out of power, the friends of the manufacturing interest would come in and revive the odious tariff, they, themselves, are galloping down the hill of insolvency, which will ten times more assuredly revive the tariff. For myself, sir, knowing that it is the anxious wish of my country that the expenses of the Government should be brought down, I will vote against all appropriations that can possibly be dispensed with, regardless of when or on whom the honor may attach, should any follow from a return to the days of economy; for although I feel an anxious solicitude for the success of my political friends, yet I trust I feel a greater solicitude for the peace and prosperity of my country. I have said as much or more than I designed to say when I arose to address the House; I will, therefore conclude by expressing my earnest hope that the appropriation will be refused, and that the bill will be recommitted to the Committee of Ways and Means with the proposed instructions.

REMARKS OF MR. SOUTHGATE OF KY.

ON THE SAME SUBJECT.

Mr. SOUTHGATE rose, and said:

Mr. SPEAKER: It was no: my purpose to have spoken for the first time on this question; nor do I now intend to elaborate an argument in support of the bill. But, sir, the extraordinary proposition of my colleague, [Mr. UNDERWOOD,] and his yet more extraordinary argument, compel me to come to the rescue of my own principles, and to sustain, in opposition to his acknowledged power in debate, feebly, but firmly, on my part, those primary principles which Kentucky, so far as I am advised, never has, and never intends to surrender. We may be compelled for a time to abondon them; but, sir, Kentucky never will despair in her efforts to restore to our once prosperous but now afflicted country those great questions of power and of policy which have fallen in the din of party strife, and now lie in ruins before us, a melancholy spectacle of the folly of the times.

It was but yesterday, sir, when Kentucky was a unit in opinion, in relation to the great question involved in this bill. To-day I find myself in a minority.

[Here one of the Kentucky delegation remarked, you are mistaken, a majority of us have voted for the bill.]

I rejoice that it is so. I feel a proud satisfaction that Kentucky has not yet cowered under the influences that we know are exerting here to defeat this bill. The principle, yes, sir, the vital principle is indivisible, and hence I regard the proposition and argument of my colleague as founded in a selfishness of purpose not characteristic of himself, or of the State from which he comes. He proposes to abandon this road, and surrender the jurisdiction to the States, in its present unfinished condition, and upon what principle? Not because we have not the money and cannot get it; not because we are released from the moral and legal obligation to extend this road to the Mississippi: not because the advantages of this road to the commerce and social intercourse of the East and West are not apparent; not because we have not the constitutional power; not because the road is not national; but, sir, strange to tell, because *Green river and Big Barren river are not* embraced and have not received the kind and fostering care of the General Government, presented and pressed as they have been in past times to the favorable consideration of Congress, with all his zeal and energy! Sir, I will not stop to inquire whether Kentucky has had her full share of the public money. I know she has not; but is that an argument why we shall withhold from other parts of *our own West* that which in justice and right belongs to them. The people of the West have paid into the public Treasury, since the year 1816, upwards of eighty millions of dollars for public lands, besides their full share in the consumption of those articles of foreign production upon which the tariff operated. They have submitted to the erection of cordons of forts, light-houses, beacons, and other Northern and Eastern improvements on the seacoast and elsewhere, for the protection of the people and the security of commerce. Yielding to the force of circumstances they could not control, they have been truly the "hewers of wood and drawers of water" for other more favored parts of the country; and now, sir, when they demand for you, not a favor, but the fulfilment and execution of your own contract, the performance of that for which you have long since received a valuable consideration, they are told, not by the man of the North, but by one of her own sons, "I am determined to abandon you, because Green river and Big Barren river have not long since received their share of the public money." And, sir, the South is invoked to aid Kentucky in her zeal to end a system founded in *csmpact*, and carried out thus far in good faith; and they come with congratulations that this abominable symtem is about to be surrendered and sacrificed on the altar of public opinion: but they come not with an argument against the policy; not with reasoning and deduction drawn from the Constitution, that commerce means a traffic, confined to the sea and not to the land; not that this road is sectional, and that only some six or more States are interested and to be benefited by its construction; not that the Government itself might not in winter or autumn use this road for the purpose of transmitting supplies and munitions of war for the protection of our frontier, when our rivers were closed with ice, or the supply of water insufficient; not protesting that the South itself had not always opposed this road upon high constitutional ground, and resisted it because it was partial, sectional, and selfish: no, sir, with no such arguments as these, but with threats that we are "*digging mines which will produce an explosion that may shake our political fabric!*" And are these the *arguments* we are called upon to answer? Are we to be threatened and forced to abandon this road, surrender our long-cherished opinions and our policy, and, above all, our plighted faith, because, by possibility, the tariff may hereafter be increased, and, as a consequence, the fear of a *Southern earthquake?*

The gentleman from Georgia [Mr. HOLSEY] gravely reminded us the other day that if we persisted in this measure he would not be answerable for consequences; that something serious might follow; dissolution seemed to be squinted at. Well, sir, I confess that I am tired of these continued sectional denunciations, thrown out *in terrorem* to act upon us in the discharge of our high and responsible trust. I can tell the gentleman from Georgia he mistakes the character of the people of the West, if he supposes they are to be driven from their purpose by threats as to consequences. No, sir. Give us an argument; we will listen to you. If we have wronged you, tell us how, when, of what you complain; give us the "story of your misfortunes," and, if we have done you injustice, most cheerfully will we retrace our steps; but do not, I beseech you, do not threaten us with your *volcanoes*. We can be persuaded, but not driven or frightened. We compromised the tariff with you because you said you were injured; and now you say that you forced us, you compelled us, to yield; and, emboldened by that experiment, you are making another. I regret that I am compelled thus to notice the argument, if argument it can be called.

But we are told that this appropriation ought not to be made because the Treasury is empty; that is no fault of mine, nor has Kentucky had any agency in producing it; nor is it necessary I should stop to inquire who has. The people are now busily engaged on this question themselves; they are determined to know where the money is, and why and wherefore this state of things exists. One thing we do know, and that is, that some few of the defaulting receivers of public moneys, not *now in office*, have more than doubled the amount proposed to be appropriated by this bill in their hands. Yes, sir, upwards of one million of dollars. Whether we shall ever get this money or any part of it, I know not; it would seem to be doubtful, from the fact that in one or more instances the defaulter owes upwards of one hundred and fifty thousand dollars, and the Government has security for twenty thousand only! How much more of the public money is in the hands of the two thousand and upwards of defaulting postmasters and receivers of the customs, not now in office, I will upon some more fit occasion endeavor to show. And, sir, when the veil shall be removed from the new swarm who are *now in office*, and the amount reported for which they are liable and unable to pay, the people will be able to see where a few more millions of their money have gone. But this is not the question before the House. If we have not got the money, then the appropriation, if made, cannot be applied; but it is our duty to provide the means, because we solemnly agreed to make the road, have performed part of the contract, and yet we are told we ought not to fulfil it, for fear the tariff may be increased, and for fear also a great political Southern tornado may sweep over our land.

Mr. Speaker, there is a certain furioso sort of argument resorted to by certain Southern gentlemen that I regret to hear. If we dare name the tariff or internal improvements, they are thrown into ecstacies, and we are warned, nay more threatened; and they tell us of their rights, and, "knowing their rights, dare to maintain them." It has often occurred to me, sir, that some of the political notions of the day are somewhat atmospheric, or tinctured with the pounds, shillings, and pence consideration. I listened the other day to the gentleman from Arkansas, [Mr. YELL,] when he was so earnestly engaged in discoursing about economy, and reform, and retrenchment, and who seemed to have taken upon himself the paternity of that measure. Now, sir, he said nothing about the want of economy, or constitutional power, touching this appropriation; he votes for this bill; in fact, he sees no want of economy or constitutional power to make a road in Arkansas, provided you will call it a military road. You find Ohio, Indiana, Illinois, and Missouri, men of all parties, all voting for this bill; no supposed want of power or notions of economy can induce them to vote against this bill; all conscientious scruples are removed; not even an empty treasury restrains them. But, sir, I have said more already than I intended to have said; and, in conclusion, permit me to remark, that appropriations to this road, under the faith of the compact and agreement made by this Government with the people then inhabiting a wilderness, but now grown full of strength and power, have been made by almost every Congress, and approved by every President from the days of Jefferson to Jackson, and at periods when a large national debt was hanging over us. And now, sir, I demand to know, will you abandon this road? Will you tell that people

who have never forsaken their country in the hour of her peril, that you have now forsaken them? No, sir, you cannot, consistent with the immutable principles of justice, and, for one, as long as I have the honor of a seat here, I will carry out in good faith that which our fathers so wisely commenced, and that which I believe will promote the welfare of our common country.

DEBATE ON THE SEMINOLE WAR,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, *January* 24, 1838.

Mr. CAMBRELENG, on leave, reported a bill making a partial appropriation for the suppression of Indian hostilities for the year 1838.

The bill having been read twice, Mr. C. sent to the Clerk's table, to be read, a letter from the Secretary of War, and another from the Acting Quartermaster General, setting forth the absolute necessity for an immediate appropriation.

The bill having been committed—

Mr. CAMBRELENG moved a suspension of the rules, to enable him to submit a motion that the House go into Committee of the Whole on that, and the bill for the protection of the northern frontier.

Mr. WISE inquired if the motion was a debatcable one.

The CHAIR replied that it was not.

Mr. WISE said if it had, he should have offered some objections to going into committee on this bill, for he saw no reason for taking up a partial bill, when there was a general bill already before the House.

Mr. CAMBRELENG might be permitted, after the remark of the gentleman from Virginia, to repeat what he had before said, that, when the other bill came up, he anticipated a general debate; but the necessity of the present bill was shown from the fact that the War Department had nothing to pay but drafts, and they were returning protested.

Mr. WISE. If the appropriation is now made, there will be nothing to debate about.

Mr. BELL had examined, as well as he could, the grounds upon which this partial appropriation was made; and he believed that there was a necessity for some amount; how much, it would be for the House to ascertain.

Mr. CAMBRELENG's motion was agreed to, and the House accordingly went into Committee of the Whole on the state of the Union, (Mr. CONNOR in the chair,) and proceeded to the consideration of the above bill.

As soon as it had been read by the Clerk,

Mr. WISE rose to address the committee in opposition to the measure in the form in which it was presented. This, said he, is just such a bill as I expected. It is just in this way that all the immense sums of the public money which have already been expended on this war have been extracted, like teeth, from this House. They wait to the last moment, when debt has accumulated till payment cannot any longer be deferred, and then, at the pinch of necessity, we are told we must pay, or the credit of the country will suffer. In this way there have been dragged from us the nine or ten millions of dollars which have already lavished on this disgraceful, wicked, fatal contest. We have just been told here, by the Delegate from Florida, that the regular troops of our Army are without their pay, and that the disbanded militia are in the same situation. Ask how much will ultimately be required for this war when this is the state of matters after all the sums we have appropriated? Will any company, any capitalist, or moneyed combination of men, be willing to take thirty millions, and agree to pay the expenses which have already been incurred? Will any gentleman here undertake to tell us how much this war has cost us already? I here take the responsibility, and I will act it out, to declare in my place that I will not, with my own knowledge, vote one dollar more for it, till we have some details, some intelligible account, as to the expenditure of what has already been given. Has the Committee of Ways and Means informed us how this money has been spent? Will they tell this House how many steamboats are at this moment lying idle in Florida, at an expense for their hire of many thousands of dollars a day? Will they let us know how many harpies are now feasting on the spoils of Government in that Territory? Is there, in fact, a war there at all? I have information from the best sources, sources which are now within reach, gentlemen recently from the spot, and now in this city, and who will come forward and testify, if you will grant the investigation I have demanded—which assure me that there is, at this moment, no war in Florida, but that which is kept up by the Government officers, and by the people who are battening and fattening on the money of the nation voted by this House to prosecute that war. These Cherokee mediators, whom you employed, whom you have withdrawn, and whom you have treated with such base perfidy by seizing and binding the Seminole chiefs whom they had succeeded in bringing in to treat with you, while the white flag of truce was yet flying over their heads. These Cherokees tell you that the Seminoles desire peace. Sir, it is acts like these, acts of base and double perfidy, first to the Cherokee mediators and then to the Seminole chiefs, men who ought to have been taught morality by your examples as civilized men, professing to be christians,—it is these things which keep up that disgraceful war which is wasting and desolating your Southern frontier. Will not this House inquire how the millions we have given have been made away with? For one, I as an American citizen, feel sufficiently disgraced already by this base, dishonest, and disastrous contest, and I will not budge one step farther until matters are explained. Let the troops wait: if all the money is wasted which should have paid them, let them wait. I cannot help it. I will not give another dollar till we have the money accounted for.

Mr. DOWNING, the delegate from Florida, addressed the House in reply. [Owing to his very inconvenient situation, in one corner of the House and on the opposite side of the Speaker's chair, the first part of his remarks was in a great degree lost to the reporter. He subsequently removed his place, and was better heard.] He said he felt himself called upon, by the remarks of the gentleman from Virginia, who had declared that he would vote no further supply till some account was given, to vindicate the course of the Administration in the conduct of this Seminole war. The gentleman had stigmatized the advisers and conductors of it from the beginning, and had characterized the war itself as base and wicked in its origin, disastrous in its progress, and almost ridiculous in its conclusion. Now, as to the commencement of this contest, it had been based upon a treaty made between the United States and the Seminole tribe of Indians; a treaty which had been entered into by their great leading chiefs, which had never been disavowed, and against the fairness of which not a whisper had ever been heard, as having been obtained by fraud, or by the dealing out of whiskey. The treaty had been made by a man whose character in his own country was unimpeached and unimpeachable; to whose escutcheon no stain, no stigma, dare attach; he meant James Gadsden. It was a transaction which could not be said to have been hurried over with a view to deceive; it had been entered into coolly, and with full deliberation. It was therein provided that certain chiefs of the Seminole tribe should go, and with their own eyes view the country to which they were invited to remove, and which they were to receive in exchange for the lands they were to relinquish. The provision was complied with. The delegation did go, and on their return acceded to the treaty, as did afterwards the Seminole nation. Was there any thing like fraud in this? But afterwards, when the land was to be delivered up in exchange for our money and other lands, they acted as Indians are found to act in every case—they failed to comply. They took the money, and after they had wasted it, then they said there was fraud. This was their usual course; they would do so in every case. And now, after these wretches had thus broken the treaty, murdered our citizens, burnt our property, and ravaged and burnt our towns, now gentlemen refused to appropriate any more money to carry on the war. It was very true that the progress of the war had been unfortunate. It had been prolonged beyond the expectations of any human being; but let him say to gentlemen who complained so vehemently of its ill success, that it had been thus prolonged by them.

Mr. D. said that they had prevented the Administration from using effectually the means in their power, from ending the war by brisk and energetic means, in pushing the enemy to extremity, by so acting on public opinion as to create sympathy for the savages, and thus force the Government to listen to long and delusive parleys for peace, and to waste precious time in so doing; and this out of sympathy—sympathy entertained by gentlemen who, living far at the North, know little or nothing of the real state of the matter. He repeated the assertion, that all the procrastination complained of had been justly chargeable on Northern men. From them came the cry to let these poor devils have time; yes, let them have time, do not press them to remove. This sympathetic cry was heard all over the North, from the pulpit and the press. There was no sympathy with the Southern white man, no feeling for those who had suffered, whose estates had been ravaged, and their families butchered in cold blood. Yes, had these Indians been placed, as they ought to have been, under the jurisdiction of the law; had they, when they had perpetrated their savage murders of women and children, been handed over to the civil magistrate, the war might long ago have been ended. But no, the public sentiment at the North called for sympathy—for sympathy with any thing that had color, whether red or black. When the wives and children of white men were butchered mercy and without provocation, were there any overflowings of this tender sympathy for them? Oh! no, it was all for the Indians and negroes; here, above all, it boiled and bubbled over in abundance.

The gentleman from Virginia had said that the people of Florida were battening and growing fat on the spoils of the Government. He wished he could carry that gentleman to the spot, and could show him the desolate fields, the streets crowded with fugitives from the scalping knife of the Indian. Fattening! Where could the people of Florida find the means of making money out of this war? What had they wherewith to supply the Government? with provisions? horses? mules? Their fields were ravaged, their property laid waste, their horses driven off, their country a wilderness. Had the gentleman been able to prove a single item of all the charges made of these people fattening on Government spoils? The House had heard one story of wagons hired at $10 a day that might have been got for $5: and they had heard another about certain frauds in Alabama, where a Government agent made a contract and put a balance in his own pocket. But was it for the people of Florida to be abused and taunted for this? The gentleman, he was very sure, did not know their true situation? When the very means of life were taken from them, were they to be told that they were battening on spoil? On what testimony had the gentleman made such a charge? Whatever it might be, no man who knew the facts could believe the charge for a moment: and he felt assured that the gentleman himself, from his known candor, would, when better informed, retract the charge.

Mr. WISE here interposed to explain. He had not charged the people of Florida, or any body in particular: he declared that there had been a lavish and enormous expenditure of money, and had called the House to inquire. The charge of fattening on the public spoils was pointed more particularly at Government contractors.

Mr. DOWNING resumed. In the whole Territory of Florida there was not a single Government contractor; whether for horses, shot, or provisions The contractors were to be found where the supplies were to be furnished, but there were no supplies to be furnished from the wasted fields of Florida. It was in Kentucky the gentleman must look for the contractors for horses; in New York and Charleston for the contractors for provisions. Where did the public money go to? Not to the poor settlers in Florida. All they got of it was $6 a month as the price of their sweat and their blood, and even that poor pittance the gentleman was for refusing to pay. Was that the justice of this Government? After the people of Florida had undergone the toil and danger of the field, and had been regularly discharged, were they not even to receive this poor $6 a month?

Mr. WISE again interposed. He had not said that. He had said, let the Government pay all necessary CONTRACTS; but, before they appropriated more, even for these poor citizens of Florida, let Congress take some steps to get at an account of the expenditure of its money; and not let the harpies hover over that suffering region, and devour what ought to go to pay these troops.

Mr. DOWNING said let Congress give the money, and the people of Florida would see to that. The difficulty with them had been the impossibility of getting the Government's money out of the hands of the disbursing officers, for want of an acquaintance with all the formalities of office, of which they knew nothing. They had been in this way kept out of their just dues until their very heart was sick.

But what did the gentleman from Virginia propose? Why, after he had got a committee of investigation; after they had called for persons and papers from all parts of the universal world; after he had there discussed this whole mass of evidence; after the committee had made a long report, nay, two reports, why, then, and not till then, the troops in Florida were to receive their money. Now, Mr. D's plan would be, first, let the Government pay a just debt and end the war, and then go on and canvass, and censure, and impeach, whoever deserved punishment. Had he [Mr. D.] the management of matters, he would certainly give the gentleman a committee to his own full satisfaction—a committee of his own choice; and not let the friends of the Administration make the report; because, however true it might be, coming from them it would have little weight with the public. Give the gentleman his own committee, and then, humble as Mr. D. was, he pledged himself to be able to justify this Government against the world in every act it had authorized in this Seminole war. It might have been deceived by agents at a distance, whom it was obliged to trust and to believe. But had not its army been commanded by some of the Generals of highest standing in the service? Was the Quartermaster General a corrupt person? Would any man say it? As to the hire of wagons, &c. was the country to be told that, because nearly a thousand militia officers had been employed, and many of them from necessity made disbursing officers, this was made a reproach upon the Government? Were his constituents to be publicly abused on the floor of Congress for this? These things, if true, do not attach to the skirts of the Government. What unjust and illegal claim had been passed by the Departments? What Quartermaster had been proved guilty of malfeasance? Was the Government to be held answerable for all the acts of these thousand militia officers? Were charges to be publicly made here based on anonymous letters—anonymous, at least, to the House?

[Mr. WISE here said the letters to which he had referred were not anonymous; and he had produced affidavits, with the names of the witnesses signed to them.]

Mr. D. said all that might be so; let the gentleman carry this testimony to the proper public officers, and if the charges were proved fraudulent, he was very sure they would not be passed at the Department. If the real object of the gentleman was to prevent frauds, that was his obvious course. If his papers were not presented at the Department, he ought not to complain if the Government did not notice them. If the gentleman had had no experience in these matters, Mr. D. would willingly lend him his.

[Mr. WISE said he had had experience of his own, which was quite enough to warn him from trusting, at least, one of the Departments.]

Mr. D. resumed, and said he had always believed the gentleman from Virginia to be an upright, worthy man, who aimed at doing justice; he never had entertained any other opinion of him; but it was Mr. D's firm belief that his own knowledge of the Indian character was better by far than that gentleman's. He had lived very near the Indians for ten years; and it was his deliberate conviction that, if the Cherokees had never gone to Florida, this war would have been ended before this time. Those mediators, of whom the gentleman spoke so warmly, had peace on their lips here, and war there. Mr. D. had received letters, which were not anonymous, which stated that Jumper and Alligator, two of the Seminole chiefs, declared that the Cherokees had told them that, if they would only hold on till the spring, Congress would appropriate no more money, and they could hold the country. He had three letters, which confirmed this statement, and similar statements had been published in Florida. Sam Jones, the celebrated chief who now held out, would have come in with the others but for this assurance. And had not these Cherokees proved true prophets? Had not the House refused to appropriate, save in the most pressing emergency? If the chairman of the Committee of Ways and Means had not been fearful of the state of feeling in the House, he would not have been driven to bring in a partial appropriation, like that now asked for.

One gentleman had said, a few days since, that we had 10,000 troops in Florida, and that there were more soldiers there than the entire number of the Seminoles, chiefs, squaws and papooses included. This might be so; Mr. D. was not sure of their numbers. But he had always heard that, in conducting a war, if 10,000 were found insufficient, the proper course was to send 20,000. But gentlemen now said, that if 10,000 were found not to be enough, withdraw all of them but 2,000 or 3,000! Now, whether these Seminoles were in a fair field or foul, in swamps or in hammocks, or wherever they might be, one thing was certain, that they were like the Irishman's flea, when you put your hand upon them they were not there; and therefore the army had to be divided into different portions, and therefore a greater number of troops was necessary. Would the gentleman, to save a few dollars for an Administration which was lately charged with having so much money that it was not safe to trust it in their hands, send but a few troops where many were needed, and thus risk or sacrifice white lives? And all for economy! Why, but yesterday, and it had been said that the war was just; that the barbarities of these Indians were such that they must be put down; but now Mr. D. had learned, for the first time, what the justice of a war was; a war was just up to five millions of dollars; yes, up to that amount the war was just; but if it it went over five millions it was unjust and we must investigate. [A laugh.] The Seminoles were said to be oppressed! This was the first time he had heard the war spoken of in that strain. After suffering all that his constituents had done at the hands of these savages, the poor Indians were to be pitied! and part of the Territory of Florida must be given up rather than carry the war any farther. If it had been proposed to the gentleman from Virginia to give up the Dismal Swamp to Nat. Turner, would the gentleman have consented? Yet they in Florida were to give up their territory to these Indians, and applications were coming in from all parts of the country for Congress to free their slaves. He would tell gentlemen here, once for all, *that whatever might be the legislation of Congress, they should never locate these Indians among them, and they never should free their slaves.*

They had been told, by the speeches in that House at the commencement of this war, that fourteen skeletons of companies might have suppressed the whole Seminole disturbance. Then the tune was changed, and a body of troops was to be forced into that Territory sufficient to carry on a European war. And now they were told that too many troops had been sent. At the time this war broke out, if any one had told the inhabitants of Florida, who lived almost in the midst of these Indians, that their lives and property were in danger, that there was the slightest possible apprehension of Indian hostilities, the man would have been set down as a fool. No man dreamed that the troops in the Territory were not sufficient to put down any thing of the kind. When, afterward, the war broke in like an avalanche upon the astonished people, immediately those

wiseacres had known it all beforehand. Oh, yes; they had foreseen every thing that had happened! Mr. D. insisted that the Government was not at all to blame. General after General had been sent, and troop after troop. And had they ever been defeated in the open field? Never. They had driven the Indians to the wall, once and again; but no sooner were the wretches beaten than they begged for peace, and we had spared them and fed them. It was these Indians, and not the people of Florida, who had fattened on the public spoil. But, after we had spent enough money upon them to have paid the expense of another campaign they had broken through the guards, and were now fighting us again. Inquiry had been made about the conduct of General Hernandez, for imprisoning the chiefs. What would gentlemen have had him do? Would they have had him say to these wretches—Go, take your freedom, return to your people, come back again, armed, and fight it out like men? Was that what they meant to say? If it was, let them speak out. Mr. D. said that it was believed in Florida, by those who had an opportunity of knowing, that Powell had come to the post of Hernandez with the express purpose of seizing him, and holding him as a hostage; and, but for the vigilance of Hernandez and Jesup, that he would have effected his object. And if he had, did any body believe that that House would have heard any thing of a resolution for inquiry in regard to this conduct of Oceola? No. Gentlemen had no sympathy for those who had not color on their skins. White men might be betrayed or murdered, and all was well; all their tender feelings were reserved for Indians and negroes.

Mr. D. said that the character of their country was peculiar, and rendered it difficult to conduct a war; that the militia forces employed had been enlisted for three months only, and of this short period much was consumed in coming and returning; besides, all which, being raw troops, they were wasteful in the field, and consumed as much provision as would subsist nearly double the number of regular soldiers accustomed to service. Then, in addition to all, Florida was sickly in the summer season. During that part of the year, the war must necessarily cease. All the country thus lost had to be regained the next campaign. Provisions had to be recarted to the points where they were required. Vexatious delays were unavoidable; and, in fact, if all the time wasted should be deducted from the campaigns heretofore, it would be found that, since the commencement of the war, our troops had actually had scarce nine months of fighting time.

Mr. WISE rejoined. I said that the Florida war was iniquitous in its inception, disgraceful in its progress, and disastrous in its termination; and if those who hold the power in this House will give me the opportunity of testing the truth of that position, I am ready to meet them on every ground, and to demonstrate such to be the fact. I speak, indeed, nothing on my own knowledge; but I speak from information, part of which is official, and has been submitted to committees of this House. Great as has been the extravagance in the expenses of this war, that forms the least disgraceful feature in it. It was with unfeigned surprise that I heard the delegate from Florida say that not a whisper had been heard against the Seminole treaty. I will now tell that gentleman that, more than twelve months ago, the complaint was made here in this House that the treaty was a fraud. And how was it fraudulent? A proposition was made by the Indian chief, who was their agent in conducting the treaty, to which the nation agreed, that commissioners should be appointed as well on the part of the United States as of the Semi-noles, who should go and visit the land of promise which had been offered them beyond the Mississippi; and that no treaty was to be concluded until these commissioners came back, reported the result of their examinations, and the plan of removal should be approved by the nation. But, instead of complying with these provisions of the treaty, the United States commissioners, when they had once got their Indian colleagues across the river Mississippi, persuaded and bribed them to make a treaty there, which they accordingly did. But the treaty was never confirmed by the Seminole nation. I say, therefore, that the Seminole tribe, with whom you are at war for a breach of treaty, never did make the treaty; they took the initiatory steps towards a treaty, which the United States authorities chose to regard as making the treaty, but no such treaty was ever consummated; and I affirm again that this was iniquitous in its inception, and, if opportunity shall be afforded me, the fact can be as fully demonstrated as that other similar and undeniable fact, that you never made a valid treaty with the Cherokees. I must say that the gentleman betrays a total want of information on the subject. He told this House that, at the time of the breaking out of this war, there was not a man in Florida who believed that any armed force need to be sent there to guard against Indian hostilities, and that the man would have been called a fool, or a coward, who should have suggested such an idea. Does the gentleman know to whom he is applying these epithets? Does he know that the Governor of Florida himself, JOHN H. EATON, did not only suggest such an idea, but embody it in an official letter to the War Department? That in that letter he expressly warned the Government that if it did not take the necessary steps of precaution, hostilities must necessarily ensue? That the course the Government was pursuing was calculated to give countenance to the idea then prevailing among the Indian chiefs, that it was intended to make slaves of their children, and that, if peace was to be preserved, it was indispensable to have such an armed force in Florida as would be sufficient to overawe opposition? Can the gentleman be ignorant of this fact? And yet is it not in perfect contradistinction to the position he has assumed here?

Mr. DOWNING here rose to explain. The gentleman from Virginia could not but know that when men had a favorite measure to carry with the Government, it was a very common expedient to prophesy utter destruction to the Government and the country, unless that particular measure should be adopted. Governor Eaton never did believe that a military force was necessary to overawe the Seminoles. As to what had been said about the treaty, they had a statute in Florida that the word neither of an Indian nor of a negro was to be believed against that of a white man; and, independently of the statute, Mr. D. was not inclined to take either Indian or negro testimony against that of respectable officers of the American Government.

Mr. WISE. I made no request that the gentleman should do so. I am myself a southern man as much as he, and I have much the same feelings toward the black or the red skin, and the testimony of either; but I take the testimony of the Government's own agents. I shall call upon those commissioners themselves to state if that Seminole treaty was not made beyond the Mississippi; and I will produce the testimony of white witnesses on the question, whether it was ever submitted to the Seminoles for ratification. And besides, if this tribe is a people, with whom we are to treat as a nation, as a foreign nation, or a nation *quasi* foreign, then their voice is to be heard. The gentleman may be a lawyer, as I understand he is. I appeal, therefore, to him as such, whether both parties to a treaty are not to be heard? And I now again say, that when the facts shall be exposed, it will be proved that this was a fraudulent treaty, and that the Indian chiefs had good grounds to believe that their children were to be enslaved. This I believe on the credit of Secretary Cass, who furnished me with the letter of Governor Eaton. Yet no armed force was sent into Florida for nearly a year after this warning had been given to the Department, and not till hostilities had actually broken out. The gentleman is very ready to become the champion of the Administration; but he will find it a heavier task than he imagines to relieve the War Department from its responsibility in this matter. The people of Florida themselves ought to know who it is by whose criminal neglect desolation and ruin have been brought upon their homes. I make no attack upon the people of Florida. I will vote not for five millions only, but for fifty millions, if it be necessary for their defence. But as to the appropriation now asked for, I believe that, instead of arresting the hostilities in Florida, its only effect will be to render that unhappy Territory still more desolate.

Again: I have said that this war has been most disgracefully conducted. How many millions has it cost us? Will the chairman of the Committee of Ways and Means tell? Has the War Department communicated the amount to him? I do not ask to wait till a committee of investigation has been appointed to have every possible obstacle and stumbling-block cast in its way by the whole Executive Department, from the President himself down to his lowest agents. I will call upon the Secretary of War to give us a statement of the total amount, and how it has been expended. I will call for his balances, and I will see whether the enormous sums we have appropriated have gone *bona fide* to pay our own troops, or to feed the harpies who are battening on the public purse. I am told that this war is now costing us at the rate of $73,000 a day. We have already appropriated eight or nine millions, and twenty millions will not pay our expenses thus far; and yet how much nearer are we to the end of the war than when the predecessor of that gentleman [Mr. White] made his first pathetic appeal to this House? I heard that appeal, and I made no cavil. I said that the Territory must be defended. I voted the money asked for. I voted more and more year after year. I helped to pour out the public money in floods for the same object, till the reports of the national degradation and disgrace have come up to me with a tongue to which I must listen. I cannot refuse. It is a public duty to inquire. What has been the course of the war? Have not corps after corps been massacred, from Dade's bloody field to the last disastrous battle? You have captured Micanopy and Oceola, and does not Oceola boast in his prison to this day not forty braves have been taken? And this by the utmost force of a nation which, a little while ago, was boarding France, and now talks of calling England to explanation about the capture of the steamboat Caroline. You have been putting out your strength for years, and you have killed about forty braves. Yes, you had Jackson's own troops, the veterans of your standing army, besides all your militia and volunteers, and these heroes of nature have met you with the loss of forty braves. How, I ask, can this have happened? Is nobody informed? Is the Government not at all to blame? Does the whole fault lie in distant contractors? Surely the gentleman himself must find it his duty to join with me in this inquiry, and to hold the head and not merely the members responsible.

I say further, that this war has been conducted in a manner morally wrong. It has been marked on our part by perfidy after perfidy, and treachery upon treachery. Was there no perfidy in the capture of the young chief, Wild Cat, the son of Philip, whom you used as a spy to bring in Micanopy and Oceola under the white flag of truce, and then seized him and carried him a prisoner to St. Augustine? The Cherokees have been here abused and trampled upon for acting as mediators. But was it not your Government itself who sent them? Were they not applied to to become mediators, and officially employed by the Government to tempt the Seminoles to peace? They went to Gen. Jesup. He officially recognised their character, and sent them to the Seminoles as mediators. And were they successful? Yes. They carried in the head chiefs. They were unarmed. There was no ambuscade. Does not this contradict the assertion that the Cherokees acted a double part, and told them to hold on till spring, and Congress would not appropriate. Gen. Hernandez will swear that Jesup gave him orders to capture those chiefs at all hazards; and, if Gen. Jesup should be put on his oath, he will bring the responsibility of that order to another quarter. There is an old chief, well known here, who writes from the wigwam in Tennessee, and who originated those instructions—

Mr. DOWNING here interposed, in explanation, and stated that Alligator and Jumper, instead of having been brought in by the Cherokees, came in after they had left the ground. He did not know what might have been the authority of Gen. Jesup, or what would be the testimony of Hernandez, but this he did know, that although he did not possess the bloodthirstiness of the writers of some of the letters he had received, if he had been Gen. Jesup, the whole of those chiefs, who were all murderers, should have not only been taken prisoners, but left pendent on the crooked limb of a yellow pine.

Mr. WISE resumed. I have no doubt, from the feelings of that gentleman, that he might be led to commit an act which he would afterwards deeply repent. But though the force of feeling might betray him into acts of violence, or even of inhumanity, I never could bring myself to believe that he would be guilty of deliberate treachery. If he had caught these Indians in the act of murder, he might, as he says, hang them on the branch of a yellow pine, but he never could have had recourse to treachery and perfidy to entrap them.

I am now going on, said Mr. W. with the facts of the Cherokee mediation. These mediators made three successive visits among the Seminoles. The first attempt to bring them to a conference was unsuccessful. The second so far succeeded as that they brought in the chiefs, all of them that would come, under their flag of truce. The gentleman asks why Sam Jones was left behind when the others came in? I will tell him why, and the reason exhibits but one specimen of the conduct of Jesup towards these people. Gen. Jesup had threatened, for certain reasons, that if Sam Jones was ever caught, he would put petticoats on him—a species of treatment of which the Indian warriors stand in the utmost dread and horror—and therefore he told the Cherokees he never would surrender himself. The chiefs were brought to the camp; they came under a flag of truce, in reliance on our good faith, and they were immediately bound and carried to prison. A runner who had accompanied them, and who stood waiting to watch the result of the interview, no sooner witnessed this act of American perfidy, than he instantly turned about and carried the intelligence back to Jones, who renewed the war. Again the Cherokee mediators were employed to make a third effort. They went, and at the risk of their own lives, penetrated within the lines of the Seminole force. They were met and told that they must not approach; that if they attempted it they would be in danger of being scalped by Jones. They then returned to Gen. Jesup, from whom they obtained letters expressive of his entire satisfaction with the manner in which they had discharged their mission, and his confidence in their integrity and good faith.

Mr. EVERETT, of Vermont, here asked that the letters of Gen. Jesup might be read, and they were read at the Clerk's table accordingly, viz: one to the Secretary of War, and the other to the delegation of Cherokees, both dated the 15th of December, 1837.

Mr. WISE now requested that the delegate from Florida would read the letters on which he founded the assertion that the Cherokee mediators had played a double part.

Mr. DOWNING thereupon read, in his place, portions of two letters addressed to him, dated December 29 and December 31. He then stated that, at the time Gen. Jesup's letters, just read, were written, he was unacquainted with the fact of the dissimulation of the Cherokees. But Mr. D. was informed that the General had now become of the same opinion with himself.

Mr. WISE proceeded. Now the gentleman from Florida has done just as I did. He has made a statement on the authority of letters, parts of which letters he has read, without reading the names of the writers. So did I, and my letters were subscribed with as good names as his; nay, I perceive (for the gentleman has had the goodness to hand me the letters) that one of these names is the very same which was subscribed to the letter to me; and whenever that gentleman will get his party in this House to take up the gauntlet which I have cast down to them, I will produce letters here, not anonymous, but from as high and honorable men as are to be found in the United States army. And now I ask all generous and high-minded men whether the character of these Cherokee mediators is to be blasted by rumors like these, and that in the face of the fact that they did go to these Seminoles at the risk of their lives, and did succeed in bringing in their war-chiefs, and when it is owing alone to their mediation that Gen. Jesup now holds those chiefs as his prisoners? And how did he get them? By an act of atrocious double perfidy: first to them and then to the Cherokees who brought them in. Is not this the true cause of the continuance of hostilities? Is it not the obvious and the sufficient cause? The Indians can no longer rely on Gen Jesup's flags of truce. His own conduct has demonstrated to them that if they venture in, for the purpose of negotiating, they will immediately be seized and made prisoners. What more can be wanting to continue the war? And though these people are Indians, and under the ban of this Government, these facts will rest on their own internal evidence. They stand as a dark monument, a lasting opprobrium on our national character; and now, to turn away the public indignation from themselves, they charge treachery on their own pacificators. But I appeal to the generous feelings of the gentleman from Florida himself to cast such suspicions from his mind, and I ask him whether he ought not to be very careful how he ventures to whisper such a charge without the most conclusive proof. I am sure the gentleman himself will say that the whole matter wants investigation.

And now, to show the information which this gentleman had from Florida before this war began, I refer that gentleman and this House to the documents for 1835 and 1836, for the letter of Governor Eaton, to which I before referred. Hostilities broke out in December, and this letter was written in the March previous.

[Here Mr. WISE read the letter of Governor Eaton, commenting upon it as he proceeded.]

Mr. DOWNING here observed that Governor Eaton had afterwards been ashamed of that letter, and retracted the opinions it contained, and that legislative action had subsequently been had with regard to it. He said that he had never known a man from the North to come into Florida that was not an Indian philanthropist, and he had never known any one to leave that Territory who continued to be such. He had himself been once in the same situation, and he would now venture to say that, let him carry the strongest advocate of the Indians in this House into Florida, and make him their neighbor for a little while, and when twenty or thirty of their cattle had been stolen, all their Indian sympathy would vanish in a moment.

Mr. WISE said that he cared not for the sickly sympathies to which the gentleman alluded. He was now speaking, not about men's individual feelings, but on affairs of a public and national character, on the operations of the War Department. I have shown that Governor Eaton argued against the good faith of that treaty, on the policy of its execution, and gave timely warning to the Government that the steps they were taking were wrong. Why should he ever have retracted these opinions, and how did it come to pass? Now, it does so happen that I know all about that retraction, and I know this because all the papers and correspondence in the War Department in relation to this whole subject were confidentially communicated to me by Governor Cass. I introduced into this House a resolution calling for information, which was adopted; and the next day a messenger from the Department came to me to know what papers I wanted. I answered, all; send me all; and I got the whole. I never permitted myself to regard these papers for one moment as confidential. They were the regular files of the Department, officially communicated on a public call, and among them I found a clue to this retraction of Governor Eaton. As to the letter itself, it proved to be prophecy. Had it been given by inspiration, it could not have proved more correct. Every prediction it contained was fulfilled to the letter. Hostilities did break out, as he had predicted they would, and there was no force present in the Territory to overawe the enemy. But, after every line and letter of this communication had thus been sealed by fact, circumstances afterwards arose which rendered it the interest of this same Mr. Eaton to look out for an excuse for having written such a letter. Letters passed between him and Mr. Secretary Cass, in which Mr. Eaton was told that it would never do to have the people of the United States know that such a letter as this had been written, and that yet no steps had been taken by the Secretary, and hence the retraction of which that gentleman speaks. I know of what I speak, and

the files of the War Department, *if they have not been* ROBBED, will prove its truth. [Mr. WISE here proceeded to read various other letters and documents, addressed to the War Department, confirming the opinion expressed by Governor Eaton.]

So the House will see that Gov. Eaton is not alone to be hissed at. There are the orders of the Department; here is the warning. Every body knows the result.

The Seminole treaty was made in 1832. It was not ratified till 1834, and the Seminoles and Mickasukies never did agree to it. Instead of pursuing the advice given in these letters, Wiley Thompson, the Indian agent, laid hands upon Oceola, and bound him fast to a log until he should consent to bring in his Indians to give their assent, and a list of the Mickasukies, containing details of the names of men and women, with their children, were delivered to him for that purpose. Thus coerced, he did bring them in, and obtained a certificate from Thompson that he had fully complied with his engagement. He then returned to his people, and the next day Thompson died with nineteen balls through his body.

Before the late seizure of their chiefs by Hernandez, so pacific were the feelings and intentions of the Indians, that when the United States soldiers were found by them wandering in the woods, having lost their way, the Indians sent them in with guides to their own camp. If it be said that Oceola, in person, slew Thompson, I answer that that chief, since his capture, has said that he defies the proof that he has ever been guilty of massacre or murder. He admits that he killed Thompson, but avers that he did it as an open declaration of war. He declares that he will have nothing to say to General Jesup; all he asks and desires is, that he may be sent to his "Great Father," (to be sure, there is something ludicrous in the application by such a chief of that phrase to our President,) and that he may have an opportunity of telling to the children of his Great Father the grounds and causes of this war. I say bring him here. Let us hear his story. We have heard of his battles, let us now hear from him the history of his wrongs. Indian or white man, I cannot but say that he excites my wonder and admiration. This nation and its army are bound to accord him praise for his great qualities and achievements, and if he is not to be believed because he is an Indian, I can point to white witnesses who will confirm his testimony.

Why, then, should this war be carried on in treachery, and at such a boundless cost? Why shall we hunt down, at the point of the bayonet, a people who have forced us to respect them? a people who declare that they desire peace, but dare not meet your Generals to propose it, for fear of treachery and murder? As to the people of Florida, whenever their delegate shall come here, and ask that they be admitted as a State, I pledge to him that he shall have my aid; but I beseech him not to persist in driving these Indians into the sea. Why may they not be suffered to remain on the soil as their brethren have remained in Virginia! The remnant of the Pamunkies are now in that Commonwealth; and to this day they continue regularly to bring in their pairs of wild ducks as tribute to secure the tenure of their land. Let these Indians alone, and they will gradually melt away and disappear before the white population. But if you insist on driving them away, what is to become of them? The Indian policy of General Jackson is now going into effect. You have carried tribe after tribe over the Mississippi, and concentrated them in vast numbers, with all their feelings and resentments burning in their bosoms, on the frontiers of Arkansas and Missouri. Behind them are the Pawnees and the savage Camanches. All they have to do is to catch wild horses from the vast herds on the prairies, and to make a dash into your settlements without a moment's warning, and, before you can get your troops in motion, to retire beyond your reach; and how can you prevent it? As to provisions, they have the innumerable herds of buffalo; and what, I ask, will be the end of all this? How many thousands of troops must you embody into a standing army to protect you from this tremendous power? Already you hear a voice from the Seminoles. Already you have more than one Oceola beyond the Mississippi; and believe it, the day is coming when you will see the policy of the immortal Tecumseh carried into complete effect, and all these tribes united as one man. Nay, the Government is carrying it out for them. It is forcing them to remain at peace with each other, while, at the same time, it is putting arms into their hands. Be assured that their long debt of vengeance will one day be paid to the full. In the meanwhile, I, for one, will never vote another dollar to carry on this war, unless I have some stronger demonstration of its necessity.

NORTHEASTERN BOUNDARY.

SPEECH OF MR. DAVIS,

OF MASSACHUSETTS.

In Senate, June 18, 1838—The motion of Mr. WILLIAMS of Maine, for leave to bring in "a bill to provide for surveying the Northeastern boundary line of the United States, according to the provisions of the treaty of peace of 1783, being under consideration—

Mr. DAVIS of Massachusetts, addressed the Senate as follows:

Mr. PRESIDENT: The chairman of the Committee on Foreign Relations, who has just resumed his seat, [Mr. BUCHANAN,] has deprecated in earnest terms, a war with Great Britain, and so do I; but neither that, nor any other consideration, shall deter me from meting out to our citizens that measure of justice which is necessary to preserve peace at home. This is a very important question, and one that ought to engage the most serious attention of the Senate; for the tardy progress of events here has nearly exhausted the patience of Maine. I know it is a dry, uninteresting labor to investigate old lines, and to trace through a long period the evidence by which they are sustained. It is the last task that one can covet here, especially after the searching mind of my colleague has exhausted itself upon the subject. But the attention of the country must be aroused to the matter. It cannot and must not sleep in its present posture; and, however painful the effort, I feel bound to employ the time of the Senate while I advert to some proofs and views of the subject which were left unnoticed by my colleague. To apply these proofs, I must necessarily advert to evidence, which he dwelt upon with a force and clearness that I cannot hope to improve. I have bestowed time enough upon this subject to give it a full examination; and I hesitate not to declare that there really is no question in the case, so clear and decisive is the evidence; and it really seems to me that while our commissioners have examined the case with great ability, by far the larger portion of the evidence and the argumente are about any thing and every thing but the direct question raised by the treaty. The language of the treaty is so explicit that nothing is left in doubt to argue about. By introducing collateral matter, and thus making up, as you see, Mr. President, great folio volumes, Great Britain has succeed in compelling us to print books to refute reasoning that has but a remote bearing, if any at all, on the subject. This is the fruit of diplomacy. I shall prove, before I sit down, that this process has worked us into our present condition; for, when we began to negotiate, no doubt darkened the mind of either Government in regard to the questions now agitated. Great Britain reasoned as we reason, and admitted what we now claim.

If the Senate will examine the treaty of 1783, on which rest our rights, they will perceive that his Britanic Majesty, in the first article, "acknowledges the United States, viz: New Hampshire, Massachusetts Bay, [&c. naming them all,] to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the Government, propriety, and *territorial* rights of the same, and *every part thereof.*" This language shows a plain intention of separating for ever from Great Britain the entire territory of each State, without diminution. The treaty, then proceeds:

"And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be, their boundaries, to wit:

"Article 2. *From the* NORTHWEST *angle of Nova Scotia, to wit: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of the Connecticut river,*" &c. round to the Atlantic Ocean.

Then it proceeds:

"EAST *by a line to be drawn along the middle of the river St. Croix, from its mouth into the Bay of Fundy to its source; and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence.*"

Such is the plain, unambiguous reading of the treaty; and yet Great Britain denies that, by this description, we can find the lines described.

The question then is, where is the northwest angle of Nova Scotia? This is the point of departure, and manifestly spoken of as a known, pre-existing place. I shall first consider this question upon the evidence contained in the treaty; and I hold that the proof on the face of this instrument is so plain, so unequivocal, and so decisive, that it is next to impossible that this point should not be ascertained with precision. The northwest angle of Nova Scotia is the angle formed by the north and the west boundary of that province. This north line is continued along the highlands westerly, between the United States and Canada. The intersection of these lines, therefore, constitutes also the northeast angle of the United States. The northwest angle of Nova Scotia is selected as the starting point, doubtless, because the north and the west lines of Nova Scotia were ancient and known lines, and, consequently, the angle an ancient, known angle. If, then, we can by the treaty find the northeast angle of the United States, as it springs from the same point, we shall identify the place in question.

The treaty tells us, in substance, that there is no monument at this place, but points out how the angle is to be found, viz. by drawing a line from the source of the St. Croix river *due north* to the highlands which divide the rivers emptying into the St. Lawrence from those which fall into the Atlantic Ocean. The source of the St. Croix is ascertained by agreement, and a monument has been made. From this monument, if a line be run *due north* till it falls upon the highlands described, then at its terminus is the northwest angle of Nova Scotia. Whoever looks at the map will see that there is an elevation of land which forms the southeastern skirt of the valley of the St. Lawrence, from which waters divide and flow both ways, and that this is the *only highland*, south and east of the St. Lawrence, from which water flows into that river. It is equally obvious that a due north line from the monument will fall upon this highland, and that it can fall upon no other which sends down rivers into the St. Lawrence. We can then at once satisfy the two great and leading requirements of the treaty. We can run a line *due north* from the head of the St Croix, till it reaches the summit of land which sends its waters down into the St. Lawrence. The treaty requires that the northern boundary of the United States shall run along this summit; and at the intersection of these two lines, the one running north and the other westerly, shall be the northwest angle of Nova Scotia, and the northeast angle of the United States. Is there, then, any embarrassment whatever in identifying this point? I think, to an ingenuous mind, there is none.

But Great Britain is not satisfied, because she says the treaty requires highlands from which water flows into the Atlantic Ocean also. Look, then, on the map, and you will see it every where diversified with the sources of streams flowing down the other slope of these highlands into the sea. There are the head-waters of the Ristigouche, the St John's, the Penobscot, &c. Do not these waters flow into the sea? Yes, says Great Britain, but the Ristigouche flows first through the Bay of Chaleur and the Gulf of St. Lawrence, and the St. John's through the Bay of Fundy; therefore these rivers do not fall into the sea, and the treaty description fails in this particular. Is this a just conclusion? Suppose this circumstance created a real doubt whether these rivers do flow into the sea, can that control the other evidence in the treaty, or must that doubt yield to evidence which is clear and decisive? The highlands spoken of must send down their rivers into the St. Lawrence; the line from the St. Croix must be *due north* to such highlands. And shall it be said that we can find neither the one nor the other when we find both, because the waters of the Ristigouche, where this line terminates, flow through the Bay of Chaleur into the sea? Nothing is plainer than that this doubt must yield to evidence that is thus decisive, and the Ristigouche must be taken as a river referred to, whose waters flow into the sea. The map shows us that you cannot run a north line to any other highland which divides the rivers which empty into the St. Lawrence from those which empty into the Atlantic ocean.

But, sir, the Bays of Fundy and Chaleur, and the Gulf of St. Lawrence, are parts of the Atlantic ocean. That ocean embraces all bays and inlets formed by it. These waters are parts of the great whole, and Chaleur and Fundy are places in that ocean as much as the Grand Bank or George's Bank, or the Gulfs of Mexico and St. Lawrence. The names are given as matter of convenience, and we might as well contend that Washington is not in the District of Columbia, because it has a name of its own, as that Fundy is not in the Atlantic, or that the oceans of the earth combined are not the great sea, because each has a separate name.

But this part of the question has been so fully argued that I will not further dwell upon it than to say that the treaty itself, independent of all other considerations, leaves no doubt where the northwest angle of Nova Scotia is.

But there is another view of the question, and I rose chiefly to add something to what my colleague advanced on this head.

1st. I will prove that a line drawn due north from the head of St. Croix river to the highlands was established in 1621, and has ever since been the west boundary of Nova Scotia.

2d. That since 1763 the south line of Canada has been, and now is, a continuous line drawn from Chaleur bay, which separates that province from Nova Scotia, along the highlands southwesterly which divide the rivers which empty themselves into the St. Lawrence from those which fall into the sea, to the waters of Connecticut river.

3d. That the northwest angle of Nova Scotia was, at the making of the treaty of 1783, in this south line of Canada, at the point where the west line of Nova Scotia intersected it.

4th. That it follows, from these facts being established, that the lines described by the treaty coincide with the lines of the two provinces as they had long existed, so far as Massachusetts (now Maine) is bounded on them.

5th. That Great Britain established and maintained these lines as the true boundaries till 1783, when the treaty was made, and afterwards, till she found her interest would be promoted by owning a portion of Maine which lies between Canada and New Brunswick, and would afford a freer and better communication between these provinces.

All this I will prove from the official acts and declarations of the Government of Great Britain.

The great question is, where is the northwest angle of Nova Scotia? for at the same point is the northeast angle of the United States. When the treaty was made, Maine was a part of Massachusetts, New Brunswick a part of Nova Scotia, and Canada was called the Province of Quebec. With this explanation I proceed:

First, as to the west line of Nova Scotia. The Province of Nova Scotia was granted by James the First, in 1621, to Sir William Alexander; and I will ask attention to the west and north boundary, which alone are important in this inquiry. The west line begins at Cape Sable, the southwest point of Nova Scotia; thence across the *entrance* of what is now called the Bay of Fundy, but was then called a great inlet of the sea, to the St. Croix river; thence up that river to its highest spring or head; thence *north* to the waters of the St. Lawrence, or, as it was then called, the Great River of Canada; thence down the bank of that river to the sea, and round to the place of beginning. Mitchell's map of this province, published in 1755, was, as is agreed, used by the negotiators in making the treaty in 1783, and on this map this line appears running *due north* until it reaches the south branch of the St. Lawrence, and then down the bank, making the northwest angle at this point.

In 1763, France ceded Canada, which was bounded on the south bank of the St. Lawrence, which separated it from Maine and Nova Scotia, to Great Britain, who thus became the proprietor of a great portion of North America. In that year, the King issued his proclamation establishing the Province of Quebec. By this proclamation, it appears that he moved the *south line of Canada from the river to the highlands*, so as to embrace within the Province of Quebec the valley of the St. Lawrence. Thus, a large tract of land was taken from Maine and Nova Scotia, and annexed to Quebec. In passing from west to east, this new south line is represented as crossing the St. Lawrence in the 45th deg. of north latitude, and continuing on that parallel across the Lake Champlain to the highlands, then "*along the highlands which divide the rivers which empty themselves into the said St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs,*" to the Gulf of St. Lawrence, &c. Thus, the *northwest angle* of Nova Scotia was moved back with this line, which extended along these highlands from near the head waters of Connecticut river, northeasterly, for three hundred miles, to the head waters of Chaleur bay, which lies between Canada and Nova Scotia. No other change was made in the lines of Nova Scotia or Maine by the proclamation, except thus to place their northern front on these highlands.

In 1774, this south line of Canada was confirmed by an act of Parliament, in which the description is reversed, and runs thus:

"Bounded on the *south* by a line *from the Bay of Chaleur, along the highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the sea*, to a point in forty five degrees of northern latitude, and the eastern bank of Connecticut river," &c.

In 1763, James Murray was made Governor of Quebec, and his south line of the province, as described in this commission, is identical with that in the proclamation and act of Parliament.

In 1767, and in 1774, Guy Carlton was made Governor, and in both of his commissions the line is similarly described.

In 1777, Frederick Holdimond was made Governor, and the renewed description of the line in his commission runs in this language:

"*Bounded on the south by a line from the Bay of Chaleur along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to,*" &c.

I read this description, for this commission bears date only six years before the making of the treaty of 1783, and the line remained unaltered when that treaty was ratified.

I will now bring down the history of the west line of Nova Scotia to the same period.

In 1763, Montague Wilmot was made Governor of this province. His commission says, in allusion to the removal of the north line from the river to the highlands:

"We have thought proper to *restrain* and *comprise* [the province] within the following limits, viz: to *the northward* our said province shall be bounded by the *southern boundary of Quebec*, as far as the western extremity of the Bay of Chaleur," &c.; "*to the westward* it shall be bounded by a line drawn from Cape Sable across the *entrance* of the Bay of Fundy to the mouth of the river St. Croix, by the said river to its source, and by a line drawn *due north* from thence to the *southern boundary* of Quebec."

The same description is repeated in the commission of Francis Legge, in 1773, and in that of John Parr, in 1782, and the

line continued unaltered till the ratification of the treaty. Here let us stop, and see how the facts are.

The proclamation, the act of Parliament, and the commissions of the several Governors of Canada, all concur in making *the south line of Canada, one and the same continuous line*, from 1763 to 1783, stretching along the highlands that divide the rivers emptying themselves into the St. Lawrence from those which fall into the sea, from Chaleur bay, at the northeast, to the waters of the Connecticut river at the southwest. In running this distance, it passed first between Canada and Nova Scotia, next between Canada and Maine, and, lastly, between Canada and New Hampshire; in all, about 300 miles.

In regard to the west line of Nova Scotia, the patent of Sir William Alexander, in 1621, and the commission of each successive governor, demonstrate clearly that this line run *due north* from the head of the St. Croix, in the first instance, till it came to the *bank of the St. Lawrence*, but, after 1763, only *to the highlands*, where it fell upon the south line of Canada, and there terminated, making, with that south line as it stretched eastward, from this point of intersection, towards Chaleur bay, the northwest angle of Nova Scotia.

Thus were the south line of Canada and the west line of Nova Scotia described, and thus did they intersect each other, forming the northwest angle of Nova Scotia in 1783, when the treaty of peace was negotiated.

Now, sir, I think I have redeemed one part of my pledge, by proving that the northwest angle of Nova Scotia, at this point of time, was at this south line of Canada, which formed one leg of it.

Such were the facts in 1783; and now let us look at the treaty and consider the boundaries assigned to this quarter of the United States. The King of England, in the first article, acknowledges the United States, naming every State, "to be free, sovereign, and independent States. * * * And r linquishes all claims to the government, propriety, and *territorial* rights of the same and *every part thereof*." Thus showing a clear purpose to make every part and portion of the territory of each State free and independent, however the bounds might be. The treaty then proceeds:

"And that *all disputes* which might arise in future on the subject of the boundaries of the said United States may *be prevented*, it is hereby agreed and declared that the following are and shall be their boundaries, viz: *from the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean*, to the northwesternmost head of Connecticut river," &c.

The place of departure is the northwest angle of Nova Scotia, spoken of, evidently, as a pre-existing angle made at the northwest corner of Nova Scotia by the west and north lines of the province, as they were established by royal authority and an act of Parliament. But as no monument had been made at this corner, and the precise point where these lines intersected had not been ascertained, the treaty points out where both the lines had been before established, and where they must intersect and make the angle. Having done this, the negotiators proceed with their description along the north boundary of the United States, &c. till they come to the Atlantic Ocean, and then the treaty runs thus:

"East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of the Fundy to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence."

Thus you see how cautious the makers of the treaty were, for in this short description they have twice carefully delineated both the lines now in question. Allow me to ask, in what does this description of the south boundary of Canada differ from that in the act of Parliament; and in the subsequent commissions of the Governors of the Province? In nothing, except the province line begins at Chaleur Bay, and the treaty line begins at a point in this province line called the northwest angle of Nova Scotia. In describing the province line, also, the rivers are said to fall into the sea; while in the treaty they are said to fall into the Atlantic Ocean. This shows a difference in words, but none in meaning. The language of the act of Parliament bounding Canada is:

"Bounded on the south by a line from the Bay of Chaleur, along the highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the sea."

This language, without any change of sense, is transferred into the treaty, and doubtless designedly, because it had been employed for twenty years to describe the line, and had received a practical exposition by common consent. No reasoning can make the truth, that this old line and the treaty line are identical, more obvious than this plain statement of facts, derived from official British documents.

In what does the east line of the treaty differ from the ancient west line of Nova Scotia? In nothing. Both pass up the St. Croix, and both in a line due north to the highlands. It is true the words south boundary of Canada are used in the commissions instead of highlands, to designate the north terminus; but I need not again show that this line was on the summit of land here meant by highlands. The old west line of Nova Scotia, as described from 1763 to 1783, is identical with the east line of the United States, as set forth in the treaty, and the language formerly employed to describe it was incorporated into the treaty. Now, sir, if it be possible that a lingering doubt can remain in the mind of any one, I entreat him to examine the British description of those lines, since the treaty of peace was made. In 1786, Guy Carlton was made Governor of the Province of Quebec, and the south line is described thus in his commission:

"Bounded on the south by a line from the Bay of Chaleur, along the highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean."

At this time the line run first between Nova Scotia and Canada, and next between Canada and the United States, and yet not a word of the old description is abated or altered, except *sea* is changed into *Atlantic Ocean*, so as to conform to the treaty. Mr. Carlton was also Governor of New Brunswick; and in his commission for that province, of the same date, is a description of the west line of Nova Scotia, which runs thus:

"Bounded *on the westward* by the mouth of St. Croix river, by the said river to its source, and by a line drawn *due north* from thence to *the southern boundary* of our province of Quebec; *to the northward* by the said boundary [of Quebec] as far as the western extremity of the Bay des Chaleurs."

This differs in nothing from the descriptions I have recited, which were made before the treaty, but makes the lines after the making of the treaty coincide with those which existed before, and places the northwest angle of Nova Scotia where it was before and at the time of making the treaty.

This description has been reiterated in the commissions of the following Governors of New Brunswick, viz: Sir James Craige, in 1807; Sir George Provost, in 1811; Sir J. C. Sherbrooke, in 1816; the Duke of Richmond, in 1818; and Earl Dalhousie, in 1819. This is all British authority, British description, and British exposition, defining the lines of jurisdiction of her provinces where they bound on the United States. How do her diplomatists refute it? How do they prove that the northwest angle of Nova Scotia is so vaguely described, and by such ill-chosen terms, that it can never be ascertained? How do they prove that the highlands of the treaty are south of the river St. John's? How do they prove that there are no highlands dividing the waters in the manner mentioned in the treaty? When Great Britain sees the coincidence of the old province lines and the lines of the treaty maintained by the clearest proof, nay, the very description of the old lines carried into the treaty, and when by her own authority she has maintained the jurisdiction of each province to these lines, and no other; how can she set up lines unheard of in the provinces, unknown to the treaty, and unsustained by any of the requirements in it as to the boundaries? lines which, instead of dividing the waters of highlands, run across the rivers, and are one hundred miles from the highlands that turn their streams into the St. Lawrence?

It is to be accounted for in but one way: she desires a portion of our territory for her convenience, and her selfishness blinds her to all other considerations. She perverts, evades, and misconstrues the plainest meaning of language—language invented by herself, and steadily employed through a long series of years to describe the same objects.

She contends that the northwest angle of Nova Scotia cannot be identified, because if it be at the terminus of a line drawn due north from the monument to the highlands, it will strike them where the waters flowing down the southern slope do not fall into the Atlantic ocean, as required by the treaty. But, sir, let us begin at Chaleur Bay, and trace this line westward, or rather southwestward, for that is its more general course. We find it first separating Nova Scotia and Canada. On one side the waters flow into the St. Lawrence; this is as it should be. On the other, they flow into the Ristigouche, and through the Bay of Chaleur into the Gulf of St. Lawrence, and thence into the ocean. They, therefore, fall into the ocean. Passing this part of the line over, we come to the northwest angle of Nova Scotia, at the northeast corner of the United States; and here we find Canada, still stretching along the northern slope, with the waters flowing into St. Lawrence and Maine on the other slope, with waters still flowing towards Chaleur, until we come to the head waters of the St. John's. These run down the south slope till we come near to the head of the Chandiere, a river of Canada, opposite to which we find the head waters of the Penobscot. From Chaleur to this point is estimated to be two hundred and thirty miles; and all the waters flow into the Bay of Chaleur, or the Bay of Fundy, through the Ristigouche and St. John's. Proceeding westward, the line passes out of Maine, and along between Canada and New Hampshire, to the head of Connecticut river. The distance is estimated at ninety miles; and the head waters of the Penobscot, the Kennebec, and the Androscoggin, start along the south slope; while those on the north slope fall into the St. Lawrence. The Penobscot falls into the sea through a bay of the same name. The Kennebec and Androscoggin meet and pass through the Bay of Sagadahoc into the sea. From Chaleur Bay, therefore, along the highlands to Connecticut river, three hundred and twenty miles, all the waters are gathered into these rivers before they fall into the sea, viz: the Ristigouche, the St. John's, the Penobscot, and the Kennebec, and each of them enters the ocean through a bay. If, then, Great Britain is right in her assumption, that a river passing through a bay or gulf does not fall into the ocean, none of the waters of this slope fall into the ocean. Yet, from 1763 to 1783, when the treaty was made, all the waters from Chaleur bay to Connecticut river, running down the south side of the dividing highlands, are represented as falling into the sea. So say the proclamation, the act of Parliament, every commission of the Governors, and the treaty itself only changes the word sea into Atlantic ocean. Is this language, so often reiterated, so carefully transferred into the treaty itself, so plain and explicit, really without meaning? Does it utterly fail to delineate the object intended to be described, so as to become wholly inapplicable to the line? Add to this the fact that every thing besides this answers exactly to the description. The waters flow down the other side of these highlands into the St. Lawrence. And there are no other highlands from which they do so flow, or which, in this particular, can answer to the description. Is all this evidence to be controlled and set aside upon the suggestion that a river flowing through a bay does not fall into the sea? By no means. I cannot persuade myself that the suggestion can raise a reasonable doubt in any ingenuous mind; but if it does, that doubt must yield to the other clear and certain proofs that, by rivers falling into the sea, these identical rivers were meant. If this view needs strengthening, let me add that Mitchell's map, in which these streams and bays are represented, was before the negotiators, and used to settle the topography, and for other purposes, in making the treaty. The matter was doubtless treated by the negotiators as it really is; bays were, as they always had been in defining these lines, esteemed parts of the Atlantic ocean; places in it, having names, like the Grank Bank. It is impossible that those who drew the proclamation, the act of Parliament, the commissions of the Governors, and the treaty, could have entertained any other views, unless they designed to use language without any appropriate meaning; for they cannot be understood otherwise than as meaning, by *rivers falling into the sea*, all those streams which had their sources on the south slope of these highlands. Great Britain herself practically refutes all her reasoning, for she maintains to this day the jurisdiction of Nova Scotia, or rather New Brunswick, to that part of the south line of Canada which separates those provinces. This line is always described as passing from Chaleur bay along highlands which divide the rivers emptying themselves into the St. Lawrence from those falling *into the sea*. But there is not a drop of water flowing from the southern side of this line which does not find its way to the sea through the bay of Chaleur. Yet she understands well how to find this line, by this description, and how to maintain the jurisdiction of New Brunswick to it.

I might call up many other matters to sustain my views, but I forbear, feeling assured that I have redeemed my pledge by proving—

That the south line of Canada, from 1763 to this time, has been a continuous, unbroken, and unaltered line from Chaleur bay to Connecticut river.

That the west line of Nova Scotia has, during that time, undergone no change.

That consequently, the northwest angle of Nova Scotia which is formed by this line, and so much of the south line of Canada as runs between that province and Nova Scotia, existed from 1763 to the making of the treaty, and still remains at the same point.

That the language employed to describe and establish these lines was transferred into the treaty of 1783, without any material alteration, for the purpose of establishing them as boundary lines of the United States.

That consequently these old lines and the treaty lines are coincident and identical; and if the old lines can be discovered, all embarrassment is removed.

If these things are so, (and who can doubt it?) there is not, and cannot be, a question where the lines of the treaty are, nor whether they can be found.

But, obvious as these truths are, clearly as it is proved that the provincial and the treaty lines are coincident, yet I must ask the indulgence of the Senate to listen for a short time to the reasoning of Great Britain herself on this subject, before the rapacious desire of acquiring our territory had bewildered her understanding. In 1794 a commission was appointed to decide which among several streams was the St. Croix of the treaty. The British commissioners claimed that the western branch of the Scoodiac was the point to start the line from, which was to run north to the highlands. The American commissioner proposed the head of the Magaguadavic; but the main branch of the Scoodiac was afterwards agreed on as the river St. Croix named in the treaty. There was, however, much debate on this point; and I propose to read some extracts from the argument of the British commissioner, to prove that he strenuously contended that the province and treaty lines were *identical*, and that the west line of Nova Scotia did *not stop short of the St. John's*, but *crossed it*, and extended to the highlands, where we say the south line of Canada and the treaty line is.

"The *limits* of Nova Scotia, at the time of the treaty of peace, were the *same* that were established when the province was anciently and originally erected and named, [1621,] in every respect, excepting the island of St. Johns, and the *northern boundary line*, which, by the erection of the Province of Quebec, after the peace of 1763, was altered from the *southern bank of the river St. Lawrence to the highlands*, DESCRIBED IN THE TREATY OF PEACE, [1783,] NOW UNDER CONSIDERATION; and, further, that with these exceptions, there *never was* but *one and the same tract of country* and islands that formed the Province of Nova Scotia."

It would be difficult for me to find terms to express a more decided opinion that the provincial lines of Nova Scotia remained unaltered by the treaty, and that the south line of Canada established in 1763 is along the *highlands described in the treaty*, and therefore identical with the treaty line.

He next proceeds to prove by an earnest argument that the west instead of the main branch of the Scoodiac should be assumed as the stream intended by the river St. Croix in the treaty, and holds the following language, which proves clearly that the thought of finding highlands south of the St. Johns, or of that entire river being assigned by the treaty of peace to Great Britain, had not as yet occurred to her agents. He labors by the argument to prove the expediency of leaving the streams rising in each country within that jurisdiction where they rise, as far as possible, and affirms that by starting the west line of Nova Scotia from the west branch of the Scoodiac this might be accomplished as to all the rivers except the St. Johns.

"A line due north from the source of the western or main branch of the Scoodiac or St. Croix will fully secure this effect to the United States in every instance, and also to Great Britain, in all instances except in that of the river St. John's, wherein it becomes *impossible*, by reason that the sources of this river are *to the westward not only of the westward boundary line of Nova Scotia*, but of the sources of the Penobscot and even of the Kennebec, *so that this north line must of necessity cross the St. John's;* but it will cross it in a part of it almost at the foot of the highlands, and where it ceases to be navigable. But if a north line is traced from the source of the Cheputnatecook, it will not only cross the river St. John's, within about fifty miles from Fredericton, the metropolis of New Brunswick, but will cut off the sources of the rivers which fall into the bay of Chaleur."

How distinct and decisive this language is. He affirms that if the Cheputnatecook branch of the St. Croix or Scoodiac is established as the boundary of the treaty, and a due north line is run from its head, *it will cross the sources of the rivers which fall into Chaleur bay before it reaches the highlands.* The monument was placed at the head of this stream, and a due north line, as he declared, does cut off the head waters of the Ristigouche, by extending to what we call the highlands of the treaty, and Great Britain knew this would be the result when she agreed to that river. There was, therefore, no disagreement about the highlands, but Great Britain openly conceded that they were no th of the sources of the St. John's and the Ristigouche. This is all we contend for.

He next proceeds to prove, but I cannot trouble the Senate with the whole argument, that the west and north lines of Nova Scotia, down to the time of making the treaty in 1783, remained unchanged, and continued so after the ratification of the treaty; the west line of Nova Scotia and the south line of Canada being, in fact, the lines adopted in the treaty as the boundaries of the United States. He concludes his remarks thus:

"Can it be believed, or for a moment imagined, that, in the course of human events, so exact a coincidence could have happened between the actual boundaries of the Province of Nova Scotia and the boundaries of it described in this treaty, if the latter had not been dictated and regulated by the former?

"Can any man hesitate to say he is convinced that the commissioners at Paris in 1783, in forming the second article of the treaty of peace, in which they have so exactly described the northwest angle, had reference to, and were governed by, the boundaries of Nova Scotia as described in the grant to Sir William Alexander, and the subsequent alteration of the northern boundary by the erection of the Province of Quebec?"

This argument literally runs on all-fours with us in its leading views upon the questions now at issue. It repudiates the idea that the northwest angle of Nova Scotia cannot be ascertained, as well as the idea that the sources of the St. John's are not designed, by the treaty, to be in the United States. It is equally clear that the highlands of the treaty are north of all

these waters, and, of course, rejected the late notion that the St. John's does not fall into the Atlantic ocean according to the terms of the treaty.

Great Britain, then, stands condemned by her own conduct, and out of the mouths of her authorized agents. She has nothing left to stand upon in support of her claims, but the fact that she succeeded in so puzzling the head of the Dutch King that he could not discover the northwest angle of Nova Scotia. I will not occupy the time of the Senate in attempting to refute such absurd pretensions as that the northwest angle of Nova Scotia is at Mars Hill. If Great Britain cannot be satisfied with the treaty description of the highlands, because the waters descending the south slope fall into bays instead of the sea, while in every other particular the description is full, accurate, and complete, how can she content herself with a line from Chaleur bay to Mars Hill, which, instead of running on highlands, crosses first the streams of that bay, and next the waters and valley of the great St. John's? How, again, can she reconcile it with her objections to the true highlands, to contend for those between the St. John's and the Penobscot, which, in no one particular, correspond to the requirements in the treaty?

This is only proof that selfishness will lead us to extremities; that it is a blind guide, and often conducts those who take counsel of it into the paths of folly and dishonor.

Absurd as these claims are, they have been gravely urged by Great Britain. She seems to me to be anxious to discuss every sort of proof but the simple language of the treaty; to rely on every thing but that which is really too plain to admit of much argument or illustration. I had almost said she resorts to evasions and subterfuges discreditable to her. Is it consistent with the character of elevated, high-minded statesmen to set up such pretensions as I have described, to resort to doubts and quibbles which have nothing to rest on, to see if she cannot worry or intimidate us out of a portion of our territory? This country should never countenance such a course; it should mark with disapprobation all petifogging in diplomacy; all shifts and evasions interposed to delay an adjustment of this controversy; we should stand on the treaty; hold to the evidence there, and prevent its being smothered by the accumulation of other matter. Do this in the spirit of manly firmness, in a tone that will rebuke the folly of quibbles and evasions, and this dispute will soon end. We shall hear no more of highlands from Chaleur Bay to Mars Hill, or from Mars Hill west. We shall hear no more of a northwest angle of Nova Scotia at Mars Hill, or of any difficulty in finding the true northwest angle. Great Britain must not be allowed to trifle with us, or to humbug us. When she understands we are resolved not to cede any of our territory to her while she sets up unfounded claims to it, she will at once abandon that course, and we shall hear of no more theories about the necessity of finding mountains to answer to the description of the treaty, when it exacts nothing but land high enough to divide the waters and turn them down each slope.

I have now gone through with the remarks I intended to submit respecting the proof to sustain the claims of the United States to these lines, and, consequently, to what Great Britain is pleased to call the disputed territory. I am aware that it is next to impossible to make this matter understood without the aid of correct maps to acquaint the hearer with the topography of the country; and after the very able and lucid arguments of my colleague, nothing but a conviction of the duty I owe to Massachusetts, who has given her Senators instructions to press this matter upon Congress, could have induced me to address the Senate.

The Senator from Maine [Mr. WILLIAMS] moves for leave to bring in a bill directing the line to be run and marked according to the treaty of 1783. The details of the bill are not before the Senate, for the leave is not granted. But the chairman of the Committee on Foreign Affairs has addressed us upon the subject; and while he goes firmly and strongly with us on the question of right, he avows in very explicit terms his opposition to such a measure.

I am happy to have his influence with us on the main question; but as his opinions indicate the policy to be pursued by the Administration, I regret to find him arrayed against the measure.

His reasons are two-fold: that such a measure would involve us in a war with Great Britain; and, secondly, suspend a negotiation now proposed to be opened to adjust the controversy.

I should deprecate a war as much as he can; but I have no fears of such a result, for the measure itself can give no just cause of offence, and Great Britain understands her own interests better than to interrupt the peace of the two countries about this boundary.

The controversy relates to the point of intersection of two lines, and this point is to be ascertained by certain natural objects described in the treaty. Now, sir, can this be done without examination? Do you know whether these objects will be found until you examine, and whether it is possible to run the lines? It is plainly the meaning of the treaty, and the intention of the parties to it, that this examination should take place, for in no other way can this part of it be executed. We say the provisions of the treaty are plain, and the lines easily run. Great Britain denies all this, and affirms that the description is so vague and unintelligible, that the northwest angle of Nova Scotia can never be identified. What do we propose by this measure? Nothing more than to search and see if we can find the objects described in the treaty, and run the lines by them. The bill does not propose to assert our jurisdiction, but to ascertain what our rights are. Now, sir, it is absurd to characterize an examination made for this purpose as a hostile or unfriendly act. A controversy about boundary lines at all times involves necessarily the right to examine the lines and the ranks by which they are identified. Who ever heard of this right being denied to an individual? I confess it is new to me that it is questioned any where. Can Great Britain deny that she disputes our claim? Can she deny that the matter is unsettled? She will do neither. On what principle can she maintain that an examination with a view to satisfy ourselves where the treaty line is (for this is all the bill proposes) is an unfriendly act? If I should find Great Britain so unjust as to be alarmed at this kind of inquiry; if I should find her afraid of the investigation, I should think she held back to conceal what ought to be known. I do not desire that this act should be couched in any but the kindest, most respectful, and friendly terms. But if we have not the right to proceed in this way, we have no absolute right to make the examination at all; for no right can be absolute which depends on the will of another. If we have no right to go on without the assent of Great Britain, and she withholds her assent, we are forever barred the right even to look for highlands, or any of the objects specified in the treaty, or of inquiring into our boundaries at all. This is neither the meaning of the treaty, nor the common sense of the thing. Gentlemen may, if they think proper, urge the inexpediency of the measure, but the right is clear, and may be exercised without any cause of offence; and, for one, I am decidedly for going on with it. This region, as the Senate well know, was the theatre of surveys and explorations for many successive years by a joint commission, who agreed ultimately in nothing; but, after all, so far as I know, the line of the treaty has never been marked out according to our views. It is time it was done, and an accurate description of that line reported to this Government. When that is done, it will be time enough to decide upon what future course is expedient.

But the chairman of the committee says this bill will arrest pending negotiation. In what way? It proposes no final adjustment of the controversy; nor does it suggest a resort to forcible measures to maintain our jurisdiction. It proposes nothing incompatible with a friendly adjustment by agreement; for it is merely taking and perpetuating the evidence of our title, which is a matter entirely separate and distinct from an attempt to close the dispute by agreement.

But what are we to negotiate about? We were long since told by Mr. Vaughan it was in vain to negotiate about the line described in the treaty, for negotiation was exhausted—all having been said which could be said, without any favorable result; and he very properly asks, what possible utility can come of beating over the ground again? The invitation of Mr. Livingston was, therefore, steadily declined, although he varied it so as make it substantially a proposition to travel out of the treaty in search of a line. Mr. Vaughan contended that all bases of negotiation were hopeless, except an open one for a conventional line; in other words, that the treaty should first be abandoned, and then the parties should agree, as they were able to, upon some line dividing the territory. The minister of the United States came to the conclusion that this Government had no constitutional power to agree to such a line without the consent of Maine: and here the matter rested until Maine roused up this winter, and insisted on having her right to the territory asserted. Under these circumstances, the British minister comes forward and proposes, as I understand the matter, what Mr. Vaughan refused to accept at the hands of Mr. Livingston—a joint exploration, on condition that the highlands shall not be sought for any where except in the territory which we hold to be ours. This proposition is unfair and unjust in the outset, and less favorable than the joint exploration under the treaty of Ghent, for that was unlimited. At best it is but a repetition of that thing; and Mr. Vaughan has declared it will be as futile, if repeated, as it was then. Twenty-four years have elapsed since that commission was agreed upon, and we are now, obviously, in a worse condition than when we agreed to it; and, having the authority of Mr. Vaughan for saying it will end in nothing, I am constrained to look upon it as a proposition to delay the adjustment which we insist upon. Great Britain has possession of about one-third of Maine, and, while we make no objection, she is satisfied; but her policy, I fear, is to maintain possession by such plausible means as are within her reach. Delay, negotiation, any thing but an investigation and decision of the merits. I go for measures that tend to other results than mere delay. I do not see that any thing else is likely to come of this negotiation. But whether there is or not, this survey of the line need in no shape interfere with it.

The chairman of the committee exhorts Maine to be patient, and to hold out a little longer. And how long is this appeal to be made? It is now fifty-five years since the treaty was made, and we have less prospect of establishing our rights than we had on that day. The citizens of Maine, acting under her own authority, and in execution of her own laws, on what is clearly her territory, as all here admit, have been seized, imprisoned, and found guilty of offences against the laws of New Brunswick, and ignominiously sentenced for that cause. This has been reiterated again and again after long intervals. Thus she is forced from her jurisdiction, deprived of her property, inhibited from extending her settlements and expanding her resources; and, after having waited for twenty years, from the treaty of Ghent, she is told, when she simply asks to have the line surveyed and marked, Be patient; don't be hasty; it is a rash, precipitate act! When, in Heaven's name, is the right time to come? When will the work of patience be perfect? When are indignity, insult, and injury to cease? Has not Maine waited long enough? Where has this pacific proposition, this spirit of friendly adjustment, rested for years and years, since the decision of the Dutch King? I fear it interposes now for no good purpose.

The chairman repudiates the idea that this exploration is to be a conventional line. If this be so, then the joint commission can do but one thing, and that is, to survey a north line from the monument to the highlands; for, if they vary from it, what will they be in search of but some unknown boundary? He treats as unfounded the comments of the Senator from Maine, showing that an agreement to run from the monument to lands which both parties agree are the highlands described in the treaty, is full of danger, and substantially conceding every thing. The only thing that could reconcile me, under any circumstances, to such a proposition, is the declaration of the Secretary of State, that the survey would be experimental, and, therefore, not binding. The British have anxiously endeavored to treat on that basis, because it evidently places the matter at their disposal. Suppose, for example, they refuse, as they do, to agree to the highlands due north from the monument, and you then begin to move along the highlands southwesterly until you arrive at a point west instead of north of the monument, and she says here are highlands described in the treaty. Can we deny it? By no means; for we not only admit, but contend, that the highlands are at this point, and all the way between it and a point due north from the monument. In a word, that they extend all the way from the northwest angle of Nova Scotia to Connecticut river. We cannot deny, therefore, that any point or place in this whole range is not a place in the highlands described in the treaty. If, then, we assent to a proposition that the northwest angle of Nova Scotia shall be where both parties agree there are highlands, Great Britain will place it where she pleases. Maine ought to be alarmed at such a proposition, for it yields all Great Britain asks.

The Senator also contends strongly against passing a law investing the President with a discretionary power to make this survey, as it would be unwise, impolitic and mischievous. Sir, we passed exactly that law last year, for we made an appropriation of $20,000 to survey this line, and authorized the President to do it; but he declined executing it. There was no fear of war then, nor any objections to such a discretion, which every body believed would be exercised by running the line. The question, therefore, is not new.

Mr. President, one thing is plain, and that is, that Great Britain has not a shadow of rightful claim to this territory. Another thing is equally plain, and that is, that a halting, doubting, temporizing policy will never end this dispute. We must act with decision and firmness. There is not the remotest danger of war; for, whatever folly Great Britain may be guilty of in diplomatic chicanery, still she has pride of character and self-respect; and, I believe, too high a sense of what is just and lawful to attempt to enforce such pretensions as are set up in this matter. I will not look upon her as a pirate or a robber, but as a high-minded people, too just to themselves and us to sustain such a claim as this by violence. She will do no such thing. It would be worse than folly, in any point of view. If we mean to preserve peace, we must be just to our own citizens, and require foreign countries to respect our rights. This matter has been too much neglected, and Great Britain has gathered courage and strength from our negligence and disregard of the rights of Maine. I feel assured that if the Senate had bestowed proper attention upon the subject, if they had properly considered the facts, there would be but one voice here as to the policy to be pursued. It would be to go forward firmly, temperately, but with unshaken resolution. When Great Britain sees this spirit animating us, she will cease to delay our rights and vex our citizens.

THE DUEL REPORTS.

REMARKS OF MR. NAYLOR, OF PENNSYLVANIA,

In the House of Representatives, April 28, 1838—On the report of the select committee appointed to investigate the causes which led to the death of the Hon. Jonathan Cilley.

Mr. NAYLOR, of Pennsylvania, succeeded in getting the floor immediately after Mr. STANLEY had concluded, and said that he was opposed to the motion of the committee, and in favor of recommitting the report to them as suggested by the gentleman from Massachusetts [Mr. ADAMS.] I am opposed (said Mr. N.) to the motion of the committee on two grounds: first, I believe the committee has violated (though unintentionally) the Constitution and laws of the land; and, secondly, that they have omitted to do what their duty and the positive rules of this House required them to do.

My first objection involves a wrongful act of *commission* on the part of the committee, and my second, one of *omission* and neglect. I will now endeavor to sustain these two propositions by a few remarks, and show that, whilst the committee has exercised a power not given them, and against the rules of this House, they have at the same time omitted to perform one of their most important duties.

What is the resolution under which the committee was appointed, and how was it adopted? At the time the resolution was introduced and carried, there could be no discussion, debate, or deliberation. You, Mr. Speaker, know the excitement that prevailed in this House upon that occasion. Every one who rose to speak was called to order almost as soon as his lips were opened. You know, sir, with what difficulty you restrained that excitement—an excitement ready to break through and break down all barriers between it and unlimited indulgence. It demanded all your promptness, experience, vigilance and great ability to preserve order. There was a slumbering volcano in the breasts of members, which, if once it had found vent, no human power could have well controlled. Nor was this all. Party spirit was aroused, and the fiend of party had reared his horrid front, and was stalking through this hall, breathing his malignant breath and maddening influence into the hearts and bosoms of members here; trampling alike on the dead and the living, he saw only in the prospect a new subject of excitement, once more to win back the people to the embrace of power.

In this condition of the House there was no proper deliberation. There could be none. Amendments were offered to the resolution. They were rejected. A motion was made to postpone for a few days for the purpose of giving time for the subsidence of the excitement. I voted for that motion because I really thought the House was not in the temper to decide upon the best course to be taken in the matter. The motion to postpone was lost. Next came the previous question—the rule of despotism; and by its tyrannical aid the members of the House were driven, without a proper consideration of the whole subject, to vote upon the resolution. I voted for it. I voted for it because I was for sustaining inviolate the privileges of the House, and for suppressing, as far as we had the power, the barbarous and unchristian practice of duelling. But I did not vote for it to empower a committee to retire to the black holes of the Capitol, and there, in darkness and secrecy, try, condemn, censure, and punish, without the knowledge of Congress and the country, a part of the members of this House.

The resolution passed. Now, sir, what is it? It consists of two branches, and authorizes the committee, *first*, "to investigate the causes which led to the death of the honorable JONATHAN CILLEY, late a member of this House, and the circumstances connected therewith;" and, *secondly*, "to inquire whether, in the case alluded to, there has not been a breach of the privileges of this House."

This is the resolution, and these are the inquiries to which the attention of the committee is directed. Well, sir, is there any member accused in this resolution? Certainly not. Is there any power given here authorizing the committee to try, condemn, censure, and recommend expulsion of members from the House? Certainly not. No one can pretend that there is an express grant of such power; for there is no member named in it; nor did the House put any member on his trial. So that, take the naked resolution by itself, without reference even to any rule positively denying the exercise of such authority, there does not appear to be such a power granted as the committee has assumed. Their duties were not judicial; they were mere inquirers. They were not to try, and to judge, and denounce censures and punishments, nor even to propose them; they were not to hear and determine, but to *"investigate"* the facts and circumstance, and *"inquire"* whether there had not been a breach of the privileges of this House. *Investigate and inquire* is the language of the resolution, not *try, adjudge, condemn*, and propose punishment.

Take, therefore, the resolution by itself, unlimited and uncontrolled by the fundamental rules of this House, and I contend

that even then they had no right to roam at large through the House of Representatives, to select here and there a subject for their condemnation, sit in judgment on the Representatives of the people, and interfere with the rights of the vast constituency of the country; for the privileges of members of this House are the privileges of their constituents.

But, sir, there ought to be no difficulty about this matter. The rules of the House appear to me to be positive, direct, and conclusive upon the subject, that, if I did not see and hear the contrary, I would suppose it impossible that there should be any controversy in the case. Now, what is the rule upon the subject? Here it is. I read what has been frequently read in the course of this debate, from Section 11th of Jefferson's Manual:

"When a committee is charged with an inquiry, if a *member*, prove to be *involved*, they cannot proceed against him, but must make a special report to the House; whereupon, the member is heard in his place, or at the bar, or a *special* authority is given to the committee to inquire concerning him."

Well, sir, I have read both the resolution and the rule. Now, what does the committee do? Recollect that the resolution under which they were appointed neither charged nor named any member of the House; but directed them to "investigate" the facts and circumstances, and "inquire" as to the breach of privilege. Upon the very threshold of this "inquiry" they were met with the fact that "members" were "*involved*." This being the case, what does the rule of the House require of the committee? Why, *not to proceed against them, but make a special report to the House.* And what does the committee do? They violate this rule. They do *not* make a special report. They *do* proceed against a *part* of the members "involved;" yes, sir, without accusing them, or notifying them that they are on their trial, they try them, condemn them, censure them, denounce punishment against them, report resolutions and arguments against them, ask this House to adopt the former, concur with them in the latter, and sanction a violation of one of its most important rules—a rule founded upon an express provision in the Constitution, thus incorporated with it, and becoming, during its operative existence, as obligatory on members as that sacred instrument itself.

Is not this so? Let us see. In the fifth section of the first article of the Constitution of the United States it is provided that "each House may determine the rules of its proceedings." In pursuance of this grant of power, this House, at the last session, determined the fundamental rules of its proceedings, and by the 118th of these rules adopted Jefferson's Manual as a part of their code. Here they all are, the Constitution, the rules, and Jefferson's Manual, printed and published and bound together in one volume, and furnished to every member by express resolution of this House, in order that every one might know what are the laws which govern our proceedings. And here is the rule which the committee has trampled upon, and which we are invited to brush away from our regard as a "mere cobweb of form;" in order that the purposes of a mere majority of the committee may be carried into effect.

But, sir, this is not all. They have not only usurped authority and trampled upon constitutional rules prohibiting their proceeding, but have omitted to do what the rules required of them. They have tried, condemned, censured, and denounced a *part* of those "involved;" at the same time, other members "involved," and one of them, at least, as deeply involved as either of those censured, have not only been left untried and unarraigned, but even unaccused. Whilst they have condemned some, they have shielded others. Such rank, palpable, monstrous injustice, I, for one, never can and never will sanction.

No, sir, I am for having the committee perform its duty and its whole duty. I wish them to take back their report, strike out its resolutions, personal arguments, censures, and denunciations, and submit the facts and circumstances and all the evidence. Then let them report that their inquiry as to the breach of privilege "*involves*" members of this House, and state the names of *all* the members who are involved in the inquiry. When they do this, they will comply both with the resolution and the rule of the House, and equal and even-handed justice will be meted out alike to all.

By the rule before quoted, the committee is required to report not those whom they adjudge guilty or whom they condemn, (for they are prohibited from proceeding against any,) but those who are "*involved;*" not one, nor two, nor three, but *all* who are "*involved*"

Let them make such a report. This will furnish ground of accusation against those "involved." If the House or any member think proper, they can then be accused before the nation, be put upon their trial, be heard in their defence, be judged of by their peers, and be punished or not, accordingly as they are or are not guilty of a breach of privilege, each one according to his deserts, and as it may seem best to the wisdom of the House.

But, as the matter now stands, some are already condemned, and this condemnation, thus made in defiance of law, we are called upon to sanction, whilst we leave others equally guilty to go scot free. I say equally guilty, for I have listened attentively to the reading of the evidence, and I will defy any one to discriminate between the guilt of those visited with the censure of the committee, and some of those who were prominent actors in the sad and melancholy scene, and whom the committee have kept entirely in the back ground.

Thus, sir, it is that I maintain that the committee has been guilty of a twofold wrong. First, in secrecy and silence in the dark cells of the Capitol they have tried and condemned some without authority, and against law; and, secondly, they have shielded others, equally guilty, even from accusation itself, when it was their bounden duty to have "proceeded" against none, but to have reported to the House all who were "involved." I will never confirm such a direct violation of Constitution and law, and such a monstrous and glaring piece of partisan, partial injustice.

Sir, what have the people petitioned for? For gentlemen have all at once grown very tender of the right of petition: When it suits their purposes, they are for stifling the voice of the people; and, without compunction or regard, their petitions are trampled under foot. But now, sir, when the Constitution lies torn and tattered beneath their feet by the action of this committee, they stand unconcernedly amidst the fragments, and mock you with the exclamation that the people have petitioned for it!

What have they petitioned for? Did they ask you for the appointment of a partisan committee to judge and condemn and punish some, whilst they shield from accusation the guilt and impropriety of others? No, sir, they ask for no such thing. They call upon the House to protect its privileges, uphold its dignity and character, inquire into the whole matter, punish all who have been guilty of a breach of the privileges of the House, and, above all, to adopt such measures as will prevent like occurrences in the future. They do not seek vengeance for the past, but security and propriety for all time to come.

This, sir, is what I contend for, what I insist upon. I call upon this House to leap beyond the contemptible trammels of mere party, and, before Heaven and the country, be just.

Now, sir, how has the report of the committee been sustained, and what are the *arguments* opposed to the views that other gentlemen, in common with myself, have taken of this very grave question? One honorable gentleman from New York [Mr. FOSTER] sneers at the rule in Jefferson's Manual, mocks at our Parliamentary code, as shadowy and unsubstantial, and says it is but a mere "cob-web"—a technicality. These are *his arguments!* Another honorable gentleman from the same State, [Mr. PARKER,] says that our rules are but special pleas, special demurrers, technical objections! These are the *arguments* that are made use of in one of the most important constitutional discussions that was ever had within these walls; one, too, involving nothing less than an expulsion of the people's representatives from Congress.

Yes, sir, the pettifogger's vocabulary has been exhausted of all its technicalities and cant terms, to throw them into this debate as arguments and answers to grave and well-sustained views. A cobweb, a technicality, a special plea, a special demurrer!

S r, is this Constitution which I now hold in my hand, the object of so much deep reverence, but a mere cobweb, to be brushed away without consideration, whenever it interposes its wholesome provisions between honorable gentlemen and their purposes? A cobweb! This sacred instrument declares, in the fifth section of the first article, that "each House may determine the rule of its proceedings." Well, what is this? Nothing, says the gentleman from New York, but a "cobweb!"

Sir, our fathers, the sages and heroes of seventy-six, through a struggle of seven years, encountered and endured suffering in every form; fought, and fell, shed oceans of blood, and, finally, conquered; and all for what? For their independence and this holy Constitution. It now turns out, however, as the gentlemen from New York have discovered, that the result of all their wisdom and all their heroism is but a cobweb, a special plea, a special demurrer, a technicality! If these honorable gentlemen be right, then was the struggle of our fathers vain and wicked, and their wisdom nothing but foolishness.

But, sir, I cannot agree with them. I look upon the fruit of their labors and wisdom as a treasure beyond all price. So important did they deem it that each House should have the undisputed power of making its own rules, that they inserted an express provision in the Constitution for that purpose. Sir, it is the root from which all the rules spring. Whilst they are in force, they are as binding on the consciences and conduct o members as the Constitution itself, and a violation of the one is an outrage upon the other. Violate these rules with impunity, and you tear up by the roots the provision of the Constitution which I have just read, and leave the minority in this House and the rights of their constituents dependent alone upon the uncontrolled will of the majority.

Other gentlemen may do as they please; I, for one, at all hazards, will uphold and obey the Constitution and laws of the land, cobwebs though they be, in the estimation of the honorable gentleman from New York.

Another honorable gentleman, from the same State, s fruitful in these extraordinary constitutional *arguments*, [Mr. LOOMIS,] declares that the resolution under which the committee was appointed "over-rides," subdues, and controls the rule in Jefferson's Manual, and, therefore, that rule is to be disregarded. Well, let us look at this. Is there any thing in the resolution conflicting with the rule? Certainly not. Does the resolution suspend the operative effect of the rule, or give the committee power to violate it? Is there the least possible degree of contrariety between the resolution and the rule? Not the least. No man can possibly answer these questions in the affirmative. The *resolution* authorizes the committee to make general inquiries—accuses no member, nor does it mention any member's name. The *rule* says that when a committee charged with an inquiry finds that a member is involved, they are *not* to proceed with the inquiry, but are to report specially to the House that a member is involved, &c. I perhaps may not be as astute at discovering discrepancies as the honorable gentleman, but, for my part, I cannot see how the language of the resolution can even be *tortured* into a conflict with the rule, and made to "over-ride" and suspend its operative effect.

But, suppose they did conflict with each other in terms, which would have to yield? Which is of superior authority, the rule or the resolution? Why, sir, the rule is superior. It constitutes a part of the fundamental law of the House, and stands unimpaired, until it shall be repealed, or suspended, or changed by the House, in the manner and form prescribed for that purpose.

Sir, I ask, what are constitutions worth, what are fundamental rules good for, if every hasty expression breathed out against them operate their repeal, controlling them, "over riding" them, and rendering them of no effect? They are made to bind *all*, the majority as well as the minority; and can be no more violated by the one than by the other. All resolutions contrary to them are void. Constitutions are emphatically made for the minority. Majorities, having the power in their own hands, can take care of themselves. Strength needs no protection: its inherent quality is an ability to protect itself. The great value of a constitution consists in the security it gives to the rights of the minority—a security which no power on earth can destroy.

A citizen of the United States, though standing alone, rests firmly and securely on his constitutional rights. Faction may rage round him, party spirit may breathe out its desolating vengeance, power may threaten, the voice of the Union may be raised against him, but, under the panoply of the Constitution, he stands, like the everlasting rock amid the tempest, secure, unharmed, unmoved.

This, sir, is what a constitution is made for; but for this protective quality of the weak, a Constitutional Government would be worthless!

The rules of this House, springing from and founded upon the Constitution, form the code for the government of the House and all its members. These rules are at all times to be observed. If the House pass a resolution authorizing a committee to do what the rules forbid, the resolution so far is void, unless the rules had been previously suspended, in the mode prescribed for that purpose. To maintain the contrary, is to annihilate all proper notions of a Constitutional Government. It is unmixed, unmitigated, unrelieved despotism.

But, as I have said before, the rules and the resolutions do not conflict with each other. There is not the least possible degree of antipathy between them; and, therefore, whether I am right or not in my notion of the superior influence of the rule, it is of no consequence whatever, so far as this case is concerned.

Mr. Speaker, this positive rule, embodying as it does the very spirit of liberty, and clothed by our immortal Jefferson in language too strong and precise to be misunderstood, is a stumbling block in the way of the purposes of honorable gentlemen on the other side of the question. It must be got rid of if possible. So the same honorable gentleman to whom I last alluded, [Mr. LOOMIS,] has started another very grave objection to it. He insists that even if his other objections have not entirely annihilated it, it deserves to be wholly disregarded by the House, because it is an "English rule." He has found out that it was adopted from the English Parliament. Even the great name of Jefferson himself, whom the gentleman recognises as the father of his democracy, and who introduced the rule into our code, cannot save it from the gentleman's condemnation! He is really horror-struck at it; and says if the House had only taken time to examine into Jefferson's Manual, and had known that it was of "English extraction," they never could have adopted it! These being the honorable gentleman's premises, his conclusion is, that the rules of the House, codified by the great Jefferson himself, are to be trampled upon, and the great principles of liberty embodied in them contemned, because they are of "English extraction."

This may be very good reasoning, although I am too dull to comprehend it. Let me, according to the best lights my poor understanding can furnish, carry it out, and see where it will lead to.

What language, I ask, does the honorable gentleman speak, but the English language? Had he not better, in his horror of the "English," and fully and consistently to carry out his principles, adopt the Latin, or Arabic, or some other language *most unlike* the English? Nay, if his objection be good, and his principle a sound one, (and I have no doubt of his full confidence in it,) ought he not immediately to bring in a bill for the keeping of our records and proceedings in some foreign tongue? And, after that, advancing still further in the work he has so boldly begun, move a resolution to expel every member from this House who is so unfortunate as to bear an "English name?" because, forsooth, he is of English extraction.

Cobwebs and technicalities and special pleas and special demurrers and, to crown the whole, "English extraction!" Yes, sir, English extraction! These are the *arguments*, the *weapons*, which honorable gentlemen bring into this great constitutional conflict; and by which, contrary to Constitution and law, they are to expel members from their seats, and deprive a portion of the people, the constituency of the country, of their representatives.

Oh! but, says another honorable gentleman from New York, [Mr PARKER,] for you perceive that New York has all the honor of bringing in her "cobwebs," and "special pleas," and "English extractions," and such like *arguments*, to the rescue of the committee—oh! says that gentleman, why oppose your technical rules against the wishes of the committee? The parties interested in this House do not object. I answer the honorable gentleman that I object! I object in the name of the Constitution, which has been violated, and which I have sworn to support. I object in the name of the people of the United States, whose representatives, if accused, I am bound to see fairly, fully, and impartially tried, not by a partisan committee in the cells of the Capitol, but here, in this hall, before the country, with their accusers meeting them face to face, and eye to eye, in the broad light of heaven! I object, because the proceedings of the committee have been characterized by a disregard of the rules of the House, and by a palpable partpartiality, in trying and condemning, and stating the case most strongly against some, under an assumed authority, and shielding under the same authority others at least as guilty, from accusation and blame. For all these reasons, I object. I stand upon the very threshold of the Constitution. I will not yield an inch.

But, sir, the same honorable gentlemen tell us that we oppose the printing of this report upon the ground that the people will be deceived by it, and that it ought to be circulated among them. Can any thing be more unfair? Oppose the printing! What a mockery! Do not gentlemen know—do we not all know—that now, whilst I speak, this report is printed, and is circulating among the people from one extremity of the country to the other? Yes, sir, and that, too, before it was known to this House. Yet, with this fact staring us in the face, we are gravely told that we desire to suppress it from the people. I treat such an imputation with contempt. I trample it under my feet. I am as willing to trust the people with the report as I am myself. They are as capable of forming opinions upon it as I am. I have been educated in that political school that trusts and confides in the people. I am willing to give them the report. They shall have it. They have got it.

I do not oppose the printing of this report. In making it, I believe as firmly as I ever believed any thing, that the committee have usurped authority inconsistent with the Constitution of the land, and violatory of the most sacred rights of representatives and their constituents. For this reason I must withhold my approbation from it. I can do nothing that will sanction its principles or approve its partiality. I will vote for sending it back to the committee in order that it may be corrected; and that with it the committee shall submit to the House all the evidence, facts, and circumstances of the case, and the names of *all*, yes *all* those who are "involved" in the inquiry as to the breach of privilege.

SPEECH OF MR. WM. COST JOHNSON,
(OF MARYLAND,)

Delivered in the House of Representatives, February, 1838—On resolutions which he had offered proposing to appropriate public land for educational purposes to all the States and Territories.

Mr. SPEAKER: It will be recollected by the House that, on the 11th of December, an able member from Alabama (Mr. LAWLER) proposed the following resolution:

"*Resolved*, That it is expedient to reduce, according to some equitable scale of graduation, the price of such portions of the public lands as will not sell within a reasonable length of time at one dollar and twenty-five cents per acre; and that the lands which cannot be sold at such reduced prices, after being so offered for the term of — years, should be relinquished to the States, severally, in which they are situated."

On the 22d of December, I submitted the following resolution, to be printed, stating at the time that I should move it either as a substitute or as an amendment to the resolution offered by the gentleman from Alabama, when his resolution should come up for consideration, viz:

"*Resolved*, That a committee of one from each State be appointed by the Chair, to inquire into the propriety of reporting a bill to appropriate, for the purposes of free schools, academies, and the purposes of education, an increased portion of the public lands, for the benefit of all the States and Territories."

On motion of a member from Virginia, (Mr. MERCER,) a few days ago, the resolution of the gentleman from Alabama was referred to the Committee of the Whole on the state of the Union; and the resolution which I have had the honor of offering now takes precedence in the House.

From this circumstance, the whole order of the debate became changed.

I had flattered myself that, before I should trouble the House with any remarks, I would have profited by the arguments of the able member who submitted the first resolution,* and of those members of this House who advocate a reduction of the price of the public lands, and a surrender of them to the States in which they lie; but, instead of coming in at the eleventh hour in support of what I intended to offer as a substitute, I am unexpectedly forced to lead in this discussion.

I shall not make my remarks more fatiguing, by a trespass upon the time of the House, with a long apology for offering them; but, in order to present the proposition which I have made in more definite terms, I must request the Clerk to read the following resolutions, which I beg leave to offer as a modification of the resolution now under consideration:

Resolved, That each of the United States has an equal right to participate in the benefits of the public lands, the common property of the nation.

Resolved, That each of the States in whose favor Congress has not made appropriations of land for the purposes of education is entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of other States.

Resolved, That the Committee of —— report a bill making an increased appropriation of the public lands, the property of the United States, yet unappropriated, to all the States and Territories of the Union, for the purposes of free schools, academies, and the promotion and diffusion of education in every part of the United States.

It is my purpose to be as brief as I may, in the examination of the subjects embraced in the resolutions; and their importance must plead my excuse if I should fatigue the attention of the House. They are of great and important interest; and, in my apprehension, no propositions could be submitted to the consideration of Congress which would have higher claims to urge them upon the earnest attention of every member in this hall. Not only are the general interests of every State deeply concerned, but I maintain that the individual interest of every citizen in the Union is most obviously involved. Then, as a question of either individual concernment or as a subject of national policy, the distribution of the public lands, as proposed by the resolutions, addresses itself to the calm and dispassionate deliberation of all.

Not being allowed the benefit of the oral arguments which may be offered in support of the proposition to reduce the price of the public lands, I have devoted as much time as I could control, in the multifarious labors I have had to perform, in examining the printed reports which have been made at various times by the Committees on the Public Lands. The committee of the present Congress have already made a short report on the subject, which comprises the views of former committees, and, in some respects, the precise phraseology and arguments.

I will first examine the report made on this subject by the committee of the 23d Congress, as it is more comprehensive and elaborate, and was prepared by the chairman, who has since filled the most distinguished places within the gift of his State, (Mr. CLAY, of Alabama.)

The report states:

"That the committee have felt it their duty to look into the origin of the claim of the United States to the public domain, the better to comprehend the motives and inducements to the various cessions which were made by the States having claims to Western lands, and the obligations incurred by the General Government under those compacts. It is from this source that the title of the United States to much the larger portion of the public lands is derived."

The report then alludes to the manner in which the General Government has acquired its claim to the Western domain, and finally comes to the significant conclusion that the Western States would *now*, perhaps, "be reluctant to raise the question" of the Government's right to the Western lands.

I should, I am sure, exhaust the patience of the House, and my own strength, were I to give a particular history of the claims of the United States to the Western lands, and the various antecedent controversies between the colonies and different European nations, relative to territorial jurisdiction and right of soil. In taking a brief notice of the past, my object will be to present some substantial principles upon which this subject rests, and to explain, in some degree, the reasons for the deep interest which Maryland, as well as others of the old States, has always taken in the honorable and fair adjustment of every controversy relating to the Western lands. It is fresh in the recollection of the historical reader, that at one time the entire country north of the Gulf of Mexico, to the present northern boundary of the United States, was called Virginia; and that Queen Elizabeth gave Sir Walter Raleigh a patent, almost without a name or limit.

The patents granted afterwards to the London Company were scarcely more definite. By that granted in 1609, South Virginia comprised all the country, including Pennsylvania, Maryland, North and South Carolina, from the Atlantic ocean to the South sea. Embryo kingdoms were given away in a world unexplored and but little known. The extent of the grants was unknown, for the magnitude of this continent was not comprehended at that time in Europe. At the date of those grants, the South sea was thought to approach near the Atlantic; and no one imagined that, in this latitude, it was some three or four thousand miles distant. Sir Francis Drake had seen the Pacific and Atlantic oceans from the same point on the Isthmus of Darien, and the proximity of the two seas was supposed to be the same along the northern coast. The history of Virginia, by Stith, will show "that, in 1603, a company was organized in England, and built a barge that could be taken to pieces, with which the company were directed, under the command of Captain Newport, to go up the James river, with a view to discover the country of the Monakins; and from thence they were to proceed, *carrying their barge, beyond the falls, to convey them to the South sea.*"

The charter of Virginia was repeatedly forfeited. Maryland was carved out of its limits, as was North Carolina. Indeed, from Maine to Florida, the whole seacoast was (if I may be allowed the figure used by Mr. Clay, before the Virginia Legislature, in speaking of the Kentucky land claims) *shingled over* with charters to various individuals and companies, from different nations of Europe, claiming title to the land, by either the right of discovery, of possession, or of conquest.

Virginia, by the forfeiture of her charter, was made a Royal Government, and, consequently, the waste lands were claimed by the *Crown*.

By the treaty of 1763, between England and France, the Mississippi was established as the boundary between British America and Louisiana. This brought the line of Virginia very much short of the Pacific ocean.

The Western lands were claimed by the British Crown, and *ceded to it by the treaty of Paris*. Virginia now ceased to claim the territory "north of the lakes."

In fine, thirteen colonies had been carved out of Virginia at the period of the revolution, and England had relinquished to France all her claims to the lands west of the Mississippi river. At that period, the waste and unappropriated lands were regarded as Crown lands; and, during the war, the large States, and especially New York and Virginia, claimed nearly all of the Western and unappropriated lands, because they were alleged to be comprised within their original charter limits.

The colonies made common cause in the war of independence, and, from the very commencement of the revolutionary struggle, seeing its necessity as well as policy, were desirous of making a Confederated Government. The anxiety of the large States to have their claims recognised to all of the Western domain, at once awakened the small States to the true state of the question of right and justice in this enlarged pretension. The small States were all willing to make common cause against the common enemy, and regarded it but reasonable and just, and as politic as just, that what was rescued from the common enemy should be the common property of all.

Maryland, ever alive to this subject, took a leading and active interest in it. The experience of the past made her sagacious as to the future. She had found that although her charter had been the most liberal, and her limits better defined than those of the other colonies, still, by the adroit management of William Penn, she had lost much of her northern territory, whilst Virginia was urging claim to a portion of her southern territory, east of the Chesapeake bay, as well as to a large portion of her western and southern territory. This latter boundary is still in dispute, and ought yet to be referred to the Supreme Court of the United States for its final decision.

The large States, and especially Virginia, persisting in their pretensions, induced Maryland to urge the strongest arguments to their justice; nor was she willing to join the Confederacy until those arguments were listened to and their truth admitted.

In 1776, the Convention which framed the Constitution of Maryland expressed its sentiments unequivocally on this subject, in the following resolution:

"*Resolved, unanimously*, That it is the opinion of this Convention that the very extensive claim of the State of Virginia to the back lands hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the small States and the liberties of America may be thereby greatly endangered: this Convention being firmly persuaded that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out, at proper times, into convenient, free, and independent Governments."

As a matter of justice, the ground Maryland took was right, and calculated to promote it; and, as a measure of political wisdom, it was sagacious. She foresaw that to give those large States all they desired would be worse than political folly—it would be political suicide; to confederate with them would be but placing herself between the upper and the nether millstone. At the adoption of the present Constitution she stood equal in political power with New York. Each, under the Constitution, was allowed *six Representatives in Congress*. How have things changed! By the recent apportionment bill, Maryland has *eight and New York forty*; and, at the same ratio, in forty years Maryland will have about four, and New York SIXTY—all consolidated and united. I hope, however, before that period arrives, it will be for the interest of New York, as well as of the other States, that she will divide into two States. Such is the contrast now. How would it have been had not Maryland urged the surrender of the Western lands claimed by New York and Virginia? The small States would long since have been overshadowed in political influence, and their impoverished soil been abandoned.

Although all the States had signed the articles of confederation in 1779, save Maryland, she still persisted in declining, and, in a most masterly and irresistible argument, instructed her delegates in Congress to refuse assent until the States should relinquish their unjust pretensions. In their instructions, the General Assembly of Maryland say to their delegates that—

"Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities, and zeal to promote the general welfare of the United States, and the particular interest of this State, where the latter is not incompatible with the former; but to add greater weight to your proceedings in Congress, and take away all suspicions that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the State you represent, we think it our duty to instruct as follows:eth on the subject of the confederation; a subject in which, unfortunately, a supposed difference of interest has produced an almost equal division of sentiment among the several States comprising the Union. We say a supposed difference of interests; for, if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound,) we flatter ourselves this apparent diversity of interests would soon vanish, and all the States would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance, from the appearance of disunion, and some other peculiar circumstances, may have induced some States to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict that, when those causes cease to operate, the States which have thus acceded to the confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights and securing their independence. Is it possible that those States who are ambitiously grasping at territories to which, in our judgment, they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavors to acquire them? We think not. We are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the States, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress, by open force, their less wealthy and less powerful neighbors, yet depopulation, and, consequently, the impoverishment of those States, will necessarily follow, which, by an unfair construction of the confederation, may be stripped of a common interest and the common benefits desirable from the Western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning.

"Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money; and, in proportion to the sums arising from such sales, would be enabled to lessen her taxes. Lands comparatively cheap, and taxes comparatively low, with the lands and taxes of an adjacent State, would quickly drain the State thus disadvantageously circumstanced of its most useful inhabitants; its wealth and its consequence in the scale of the confederated States would sink, of course. A claim so injurious to more than one-half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right; yet, what evidence of that right has been produced? What arguments alleged in support either of the evidence or the right? None that we have heard of, deserving a serious refutation. We are convinced policy and justice require that a country unsettled at the commencement of this war, *claimed by the British Crown, and ceded to it by the treaty of Paris*, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered *as a common property*, subject to be parcelled out by Congress into free, convenient, and independent Governments, *in such manner*, and at such times, as the wisdom of that assembly shall hereafter direct.

"Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be further explained. We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederacy."

Though Maryland refused to sign the confederacy, she never for a moment abated her zeal and energy in opposing the enemy, and in giving protection and aid to the adjoining States. Indeed, in the darkest hour of the revolution, her zeal and patriotism stood pre-eminent. For, after General Washington had been defeated on Long Island, and compelled to evacuate New York and Philadelphia, and to retreat into New Jersey with the whole amount of his force, consisting of but three thousand men, a majority of that army were Marylanders; and Maryland, as if to give a higher and more indubitable earnest of her fidelity to the cause of independence, and of her confidence in the wisdom and patriotism of the commander-in-chief in this disastrous epoch of the war, elected at that very period, (1776,) for her first Republican Governor, an individual* who was, at the very moment when he received his appointment, in General Washington's camp, at the head of seventeen hundred men whom he had marched from Maryland. And the individual who received this appointment to the chief executive station of Maryland, was the same who had, in the Congress of 1775, nominated General Washington to the command of the continental army.

If in error as to this latter fact, the distinguished member

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* After my speech was delivered, Mr. LAWLER obtained the floor in support of his resolution, and in answer to those offered by myself, and my remarks upon them. He occupied a portion of the morning hour, and the following day moved that the resolutions which I offered should take the same direction which his had; and therefore moved their reference to the Committee of the Whole on the state of the Union, so that both propositions could be discussed fully at the same time, and without such frequent interruptions, when he would complete his remarks; which motion, by general consent, prevailed.

I deem it due, under the circumstances, and to my own feelings, to offer my humble tribute of respect to the memory of one who was intercepted by death in the midst of his public career, and before he had concluded his speech, which promised to endear him to his State. My seat adjoined his, and I knew him well. I esteemed him as pure in public as he was amiable and kind in private life. Intelligent without ostentation; eminently useful without vanity; purely honest for the love of virtue; and feeling no other incentive to ambition but that which characterizes an honest man; devoting his best talents and judgment for the interest of his constituents and his State, and to leave, as he did, an unimpeachable reputation to his family and his country.

* General Thomas Johnson.

from Massachusetts may be able, and, if so, I beg him to correct me. But I do not perceive him in his seat.

I stand not here to eulogize Maryland. The history of the revolution sufficiently tells her praise; the tribute of approbation has been amply accorded to her, by poet, by orator, and by historian, but by none has her conduct been more eloquently spoken of than by the distinguished member from Massachusetts, (Mr. ADAMS,) when, in his splendid eulogy upon the life and character of Lafayette, he thrillingly alluded to the zeal and patriotism of the ladies and merchants of Baltimore, in this the darkest hours of the struggle for independence. What I have said has been merely to show that, whilst the enemy overran and desolated other States, Maryland not only defended her own territory, but liberally gave her treasure and sent her troops to protect the remotest portions of her sister States.

She refused to sign the articles of confederation, unless they should contain some provision for settling the question as to the Western domain. She resisted the claims of *particular* States, as an extravagant *pretence* of right, inconsistent with reason and repugnant to justice; she contended that what was rescued from the common enemy, by the common effort, ought, of right, to be a common property, to enure forever for the common benefit of all the States. The position which Maryland thus took was approved by several of the States, and most of them contended, on similar grounds, for a participation in the public lands.

On the 1st of February, 1779, Delaware signed the articles: but her act of accession was accompanied with the following resolutions:

"*Resolved*, That this State think it necessary, for the peace and safety of the State, to be included in the Union; that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South sea; and that the United States in Congress assembled should and ought to have power of fixing their western limits.

"*Resolved, also*, That this State consider themselves justly entitled to a right, in common with the members of the Union, to that extensive tract of country which lies to the westward of the frontier of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war; that the same hath been or may be gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought, therefore, to be a common estate, to be granted out on terms beneficial to the United States."

New York led the way to effect the compromise. In February, 1780, the Legislature of that State passed an act "to facilitate the completion of the articles of confederation and perpetual union among the United States of America." This act declared that the territory which she ceded "should be and enure for the use and benefit of such of the United States as should become members of the Federal alliance of *the said States, and for no other use or purpose whatsoever*."

Maryland, having succeeded so far as to arouse other States to a sense of the importance of the question in relation to the Western domain, to prevent the injurious impression that irreconcilable dissension existed among the States, signed the articles of confederation on the 1st of March, 1781, protesting, however, at the same time, against any inference being drawn that she had, by so doing, relinquished her claim to a participation in the Western lands; but assigned, as her reasons, that

"Whereas it has been said that the common enemy is encouraged, by this State not acceding to the confederation, to hope that the Union of the sister States may be dissolved, and therefore prosecute the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation; this General Assembly, conscious that this State hath from the commencement of the war strenuously exerted herself in the common cause, and fully satisfied that, if no formal confederation was to take place, it is the fixed determination of this State to continue her exertions to the uttermost agreeably to the faith pledged in the Union; from an earnest desire to conciliate the affection of the sister States, to convince the world of our unalterable resolution to support the independence of the United States, and the alliance with his Most Christian Majesty, and to destroy forever any apprehensions of our friends, or hopes of our enemies, of the State being again joined to Great Britain."

Great Britain, by the treaty of peace in 1783, relinquished "to the UNITED STATES all claim to the Government, property, and *territorial* rights of the same, and every part thereof."

To the relinquishment of what "*property* and *territorial rights*" did this treaty allude, if it was not to the Crown lands (for all the vacant unsold land was claimed as such) that were known to be situated within the limits of the charters of Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina, and Georgia; the charters of all of which extended westwardly to the South sea or Pacific ocean? New York had an indefinite claim to a part of the Northwestern Territory.

Then, under the treaty of peace with Great Britain, which met the entire concurrence of the thirteen States, Virginia included, the United States became entitled to the Western domain.

This right in some degree became qualified by the acquiescence of the General Government in the subsequent acts of cession of those States within whose limits the unappropriated lands were situated.

Georgia, in 1802, relinquished to the United States her Western lands, comprising now the entire States of Mississippi and Alabama, excepting the southern portions of the same, which, with East Florida, were purchased of Spain by the United States in 1819, for five millions of dollars. The articles of agreement and cession between the United States and Georgia explicitly declare "that all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognised by the preceding conditions, be considered as a *common fund* for the *use and benefit of the United States, Georgia included*, and *shall be faithfully disposed of for that purpose, and for no other use or purpose whatever*."

The cession on the part of Virginia, which may be considered as the most important, from the magnitude of the territory comprehended within the grant, after specifying certain conditions, requiring, among other things, the United States to *reimburse the expenses* which Virginia had incurred in defending the territory, explicitly states that the lands ceded "shall be considered as *a common fund*, for the use and benefit of such of the United States as *have become*, or *shall become*, members of the confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions *in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever*."

By the treaty of 1803, France ceded Louisiana to the United States, for which the United States agreed to pay that nation fifteen millions of dollars. Then, viewing the public lands as having been acquired by *conquest*, by *purchase*, or by *cession*, there is no avoiding the conclusion that they are the *common* property of the United States, *in which each State has an interest in proportion to its significance in the Union.*

The clear and specific language of the acts of cession dissipates every vapor and shadow of doubt on the subject, could any have existed, and clearly shows that Congress has no other power, if it is *true to its trust*, as an agent created by the States, with a specified and restricted power, than to dispose of those lands to create "a *common fund*," for the benefit of each of the States of the Union, "according to their usual respective proportions in the *general charge and expenditure*;" and that the public lands can only "be *faithfully and bona fide disposed of* for that purpose, *and for no other use or purpose whatsoever*."

It must be apparent to all, that, as a common property, designed in the articles of cession to be granted for the benefit of *all* of the States, and *not* for the partial benefit of a *part* of the States, any mode of distribution or appropriation which is partial in its tendency operates an injustice to the rest, in direct violation both of the *language* and *intention* of the acts of cession. So far as they have been or may be appropriated for objects of national defence, so far as they have been sold, and the proceeds paid into the Treasury, the Government has acted faithfully; but so far as they have been applied to *State* and not *national* purposes, so far as they have been granted to particular States for specific purposes, when they might have been granted for the like purposes to all the States, the Government has acted in direct violation of the very language and spirit of the compacts.

The Government has acted, in its unmeasured liberality towards the Western States, with great injustice to the old States—an injustice which is doubly severe upon those old States whose limits are comparatively small, and whose means of revenue are not very great, in giving immense bounties of the public domain for specific, and local, and State purposes.

The Government has given to the Western States one thirty-sixth part of the public lands, for the purposes of education in those States and Territories in which the lands are situated. And thus has been carved out of the general property of the whole nation, which Congress solemnly pledged itself to appropriate only for the benefit of *all*, this vast amount for the *local* and exclusive benefit of a *part*. Have not the old States an equal—I might say, truly, a superior—claim to a like proportionate appropriation of the public property for the same purpose? Is not education equally as important in one region of the nation as it is in another? And is it not as expensive in the old as it is in the new States? Can this Government, I will ask, consider itself as acting in honest and just faith as long as it omits to make similar appropriations of the public lands to the old States for purposes of education? The appropriations have been made for State, not national purposes; they were of a character that might have been made to *all* the States. Is it in good faith to restrict them to a part only?

The number of acres which the Government has given to the new States east of the Mississippi amounts to 7,909,903. If the same policy be pursued with the territory west of the Mississippi, (as it ought to be, provided it be extended to the old States also,) the number of acres which will be appropriated in that region will be 6,666,666;* making an aggregate of 14,576,569 acres, which, at two dollars per acre, will make the enormous amount of $29,153,138, given *exclusively* to a particular section of the country, from the common property of the nation.

This calculation is placing the land at the low price of two dollars per acre, (much of it has sold for ten dollars, and, *intrinsically*, on an average, it is worth, I believe, more than five;) and Seybert has shown that, before the reduction of the Government price, it averaged more than two dollars per acre; which will make, when the Western country shall have been settled, land worth, perhaps, seventy or eighty millions of dollars of the general property of the nation, which Congress will have given for local State benefits.

In addition to this vast amount of land which has been given to the Western States for purposes of education, they have received two and a half per cent. on the sales of the public lands, and large grants for purposes of internal improvements. The amount of money which the General Government has expended in the purchase and management of the public lands, including interest thereon, is upwards of $49,000,000. In 1831 it was $48,077,551, including interest. This amount has been chiefly paid by the old States, and much of their wealth has been drawn from them, while the amount of money which had been paid into the Treasury from the sales of the public lands, up to 1831, is but $37,272,713; therefore the National Treasury had not, at that time, been reimbursed, by including interest, by $10,804,838. And yet this Congres is gravely asked—by whom? not the People, but by a few honorable members—to reduce the price of the Western lands!

Nor should Congress refuse to grant to the old States their fair distributive share of the public lands for the purpose of education; and, if they are true to themselves, they will insist upon the grant. Maryland contains 8,960,000 acres; at the ratio of one thirty-sixth part, she would be entitled to 298,665 acres; which, at two dollars per acre, would amount to the sum of $597,330, as a perpetual fund for common schools and academies. United with her present school fund, this amount would enable her to diffuse more generally the benefits of education throughout the entire State. By the adoption of such a policy, the like benefits would result to every State in the Union. Pennsylvania would be entitled to 995,732 acres, and all the rest of the old States to an amount proportionate to their limits. But I shall allude to this subject more particularly in another part of my remarks. In 1821 the Legislature of Maryland passed the following resolutions:

"*Resolved by the General Assembly of Maryland*, That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

"*Resolved*, That the States in whose favor Congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other States."

Another resolution was passed, inviting the attention of the Legislatures of the several States to the subject, and also their Representatives in Congress.

These resolutions were accompanied by a report from Mr. Maxcy to the Senate of Maryland, which, for clear, irresistible reasoning, and enlightened policy, is second to no report that has ever been made on the subject. If the report of Mr. CLAY (I mean the American statesman) on the subject of the Western lands should be decided more able, it would be for the reason that Plato gave why one of Demosthenes's orations was better than the rest, "because it was *the longest*." Most of the States gave favorable responses to the resolutions of Maryland, and the subject was brought before Congress. Congress delayed action, upon the ground that to grant lands to the old States might, for the time, retard the payment of the national debt, and derange, in some degree, the sinking fund system; but I will, before I conclude, allude more particularly to the propositions and reports made in relation to the public lands as a fund for education. That debt has been paid off; the nation is free from debt; so that argument cannot now be used. And Congress should now pay a debt of gratitude—no, sir, not a debt of gratitude, but a debt of justice—to the old States. Justice is all that they ask, and it is what they have a right to require.

I have dwelt much longer upon this branch of the subject than I had intended; and, before I proceed to that part of the report of the committee which relates to the reduction of the price of the public lands, I will make a remark or two upon a portion of the report which alludes to the relative power of the Government and the new States, in the exercise of the right of eminent domain.

The report states "that the committee do not propose a discussion of the question whether, in the language of some of the acts of cession referred to, the new States have been admitted into the Union with the same rights of *sovereignty*, freedom, and independence, as the other States; nor whether there is strict propriety in the declaration, to be found in all the acts and resolutions of Congress for the admission of new States, that they are 'admitted into the Union *on an equal footing with the original States, in all respects whatever*.' It is not now, (the committee state,) and we hope it *never may be, necessary to inquire how far the want of eminent domain, the power to dispose of or tax soil within her limits, is compatible with the 'sovereignty' of a State*; nor to show that the original States, from the time of their independence, and at the date of the several compacts, had that right."

Then, to come back to the immediate consideration of the report: The committee hold that the right of eminent domain, the right to *dispose of and to tax soil*, are essential attributes of *State sovereignty*. These attributes may exist in a sovereign State; but to make these powers attach to, and be possessed by, the new States, presupposes the fact, that, when a State is admitted into the Union, with equal political and municipal powers, it becomes, by that admission, a sovereign State. It might be saying too much, Mr. Speaker, though I think not, to assert that there is not absolute sovereignty in either the General Government or in a State Government.

This feature and argument of the report is peculiar. It half asserts, half yields, the right of a State to tax and dispose of the national property within its limits, and dwells upon the word "*sovereignty*" with much stress. The ground is not boldly taken in the report, that the power of the western States over the unappropriated lands is paramount to the authority of the General Government, but an inference is clear in every mind that an attempt is made to inculcate such a doctrine. I know that the bold position was asserted, a few years ago, by the Chief Magistrate of Illinois, (Governor Edwards.) The same views are also urged in one or two other reports which have been made to this House; and I have before me resolutions and an address from a public meeting held in Indiana, unequivocally asserting it.

Before distinguished members on this floor commit themselves in favor of such doctrines, I would warn them to look at the past. Before they use their powerful names in urging their States to take such rash grounds, I would admonish them to reflect upon the results of all the controversies which have existed between State decisions, both legislative and judicial, and those of the National Legislature and Judiciary; to examine well the Constitution and the powers delegated to Congress and the Supreme Court under that instrument.

The term "*State sovereignty*" is used in almost every document and public address, as if it were conceded on all sides that each of the States of this Union really possessed unqualified, absolute, national authority and privileges. If I were to attempt to explain the *philosophy of the error* (if the terms are admissible) which controls the course of so many gentlemen, in both State and national councils, in their interpretation of the Constitution, the powers of the General Government and the States, I would trace it to their superficial examination of the subject; to their adopting the opinions of prominent men as their guides, without examining the *date* of their opinions, and the *attendant circumstances which may have elicited them*. Such opinions are often found to be contradictory in themselves, yet easily reconcileable with the times and incidents which may have given rise to them. Another cause of error is the omission, on the part of too many public men of the present day, to draw a distinction between the limited powers given to the old Confederacy, and the great mass of powers reserved at that time by the States—the increased powers given by the present Constitution to the General Government, and the more limited powers reserved under that instrument by the States. They too frequently use the arguments of distinguished gentlemen who were opposed to the *adoption* of the Constitution, as the true rule of interpretation *after* its adoption. They use the arguments of those who were in favor of the old Confederacy, as proof that the States should have all the powers possessed under it, and that the General Government should be as impotent as the old Confederacy; not sufficiently reflecting that, though opposed by great names, the Constitution was adopted, and became potential, with all the numerous and very great powers ingrafted upon it, and became supreme within the scope of the powers delegated. Such gentlemen do injustice to themselves, as well as injury to the fame of those great names whom they quote.

I greatly respect the influence of authority, but I venerate in a higher degree the weight of argument and reason. That individual who takes as his political creed the acts, sayings, and

* This is predicated upon the calculation that Louisana contains, according to Mr. Seybert's estimate, 200,000,000 acres; but it contains 750,000,000, by Senator CLAY's estimate, which would more than double the amount.

writings of any one leading politician, from youth to the grave, through every vicissitude of government and modification of policy, may spare himself much reading and reflection; but I much question if he will ever be able to render himself either eminent or useful. Such men are like the mildewed and sickly plants that vegetate beneath the shades of the ample oak, bearing neither character nor name. They may creep around its rough trunk, and crawl to some weak and decayed bough, may be occasionally cheered by some faint sunbeam, but they give no strength, and only obstruct the healthful air from the noble tree.

I like to see every public or private man in this nation standing erect like the native forest tree, and proudly supporting himself. It is such men who are really the pillars of the State.

Mr. Jefferson was opposed to that feature in the Constitution, before its adoption, which rendered the President eligible for re-election; yet, after the instrument was adopted, did Mr. Jefferson refuse to serve a second term in the Presidency. All know that he did not.

In the last powerful speech which Patrick Henry made in the Virginia convention, against the adoption of the Constitution, he said, if the Constitution were adopted, "My head, my hand, and my heart shall be free to *retrieve the loss of liberty*, and remove the defects of that system in a constitutional way. I wish not to go to violence, but will wait with hope that the spirit which predominated in the revolution is not yet gone, nor the cause of those who are attached to the revolution yet lost; I shall, therefore, patiently wait, in expectation of seeing *that Government changed*, so as to be compatible with the safety, liberty, and happiness of the people."

What did Patrick Henry say *after* the Constitution was adopted? When his own beloved Virginia was arraying herself against the laws of Congress, Patrick Henry, at the age of sixty-three, quit his repose and his retirement, to become a candidate for a seat in the State Legislature, in order to oppose the course of his State. In his address to the people he said: "If ever you recur to another change, you may bid adieu forever to representative Government. *You can never exchange the present Government but for a monarchy.*"

Luther Martin made an address to the Legislature of Maryland, stating with unparalled power and ability why he had, in convention, opposed the adoption of the Constitution, which, in my humble judgment, is much the ablest paper ever written against the adoption of the Constitution; but he did not hesitate, as all well know who have read his many masterly arguments, to give all of the provisions in that instrument, after its adoption, a rational and effective construction.

Under the old Confederacy, Congress was not authorized to adopt an efficient system of revenue; it could levy quotas on the States, but could not enforce their observance. It was fettered as to commerce, and, in the language of Chief Justice Jay, "Prior to the date of the Constitution, the people had not any national tribunal to which they could resort for justice, the distribution of justice was then confined to State judicatories, in whose institution and organization the people of the other States had no participation and over whom they had not the least control. There was then no general court of appellate jurisdiction, by which the errors of State courts affecting either the nation at large or the citizens of any other State, could be revised and corrected. Each State was obliged to acquiesce in the measure of justice which another State might yield to her or to her citizens; and that even in cases where State considerations were not always favorable to the most exact measure. There was danger that from this source animosities would in time result; and as the transition from animosities to hostilities was frequent in the history of independent States, a common tribunal for the termination of controversies became desirable, from motives both of justice and of policy.

"Prior also to that period the *United States* had, by taking a place among the nations of the earth, become amenable to the laws of nations; and it was their interest, as well as their duty, to provide that those laws should be respected and obeyed. In their national character and capacity the United States were responsible to foreign nations for the conduct of each State relative to the laws of nations and the performance of treaties; and there the expediency of referring all such questions to State courts, and particularly to the courts of delinquent States, became apparent. While *all* the States were bound to protect *each*, and the citizens of *each*, it was highly proper and reasonable that they should be in a capacity not only to cause justice to be done to each, and the citizens of each, but also to cause justice to be done by each, and the citizens of each; and that not by violence and force, but in a stable, sedate, and regular course of judicial procedure."

In more than one hundred instances have the courts of the Union decided upon the acts and claims of the various States; and of that number fifteen were of Maryland—more than from any other State in the Union; and, of all the old States, Delaware, which was the first to adopt the Constitution, is, I believe, the only exception; and in every case the decision of the national courts has been sustained.

Massachusetts pronounced the embargo unconstitutional; Pennsylvania opposed the excise law; Connecticut denied that her militia should be commanded, in time of war, by officers appointed by the National Executive; Maryland and Ohio sought to tax the branches of the United States Bank; Kentucky set up her land laws; yet each and all were quieted by the decision of the national tribunals. Pennsylvania had her forces in the field, yet the national laws and authorities prevailed. More recently one of the southern States arrayed herself against the laws of Congress. I allude to these historical facts in no spirit of unkindness, but as historical facts that teach a salutary warning. Nor do I wish to range over so expansive a debate as arose on Foot's famous land resolutions in the Senate, where the whole doctrine of State interposition and State sovereignty was discussed for months, with an ability never surpassed by any deliberative assembly. But, as an American, I cannot regret that that discussion was had; I do not regret it, because it elevated the American name without destroying the American Union, and opened a new and brilliant leaf in the volume of American genius.

It was a conflict, in my apprehension, more sublime than the warring of contending elements. It was a conflict of mind, where mind met and subdued mind. The occurrence to which I allude formed a new epoch in the history of this nation, and presented a spectacle of the highest sublimity. I do not use the word "sublimity" in the august sense of bookmen; of old ocean, when the elements fret its vast bosom into fearful terror; of the grand prairie on fire, which forces the heavens to reflect its lurid light, and fills the mind with an idea of immensity of flame; of the pale and blue mountain crag, which lifts its aspiring head to the heavens, as if to defy the terror of the lightning and the thunders; nor of the wide and headlong cataract, which precipitates itself from the fearful height above to the abyss below, dashes its angry waters into foam, and hangs its spray and its rainbow in the heavens as a trophy of its awful power and sublimity. I have seen all this; but there is a sublime spectacle which has struck me with more peculiar force, and one which reminds me more of the influence and power of Daniel Webster's great speech on that memorable occasion. It is the confluence of the Missouri and the Mississippi, or the silent meeting of the Ohio with the Mississippi. There is no awful terror there which astonishes reflection; no dreadful noise that subdues the senses; but you see the meeting of mighty waters; you see a vast river swallowing up, without commotion, vast rivers; you see that great mother of waters flowing on in sullen and silent grandeur, as if it received no aid, as if it were unconscious that there were other streams. You are not amazed at its breadth, nor its depth, but you are awed at its quiet, sublime silence, and power. Your mind is not alarmed or astonished, but forced to reflect. It is thrown into a new and endless world of meditation. You behold a stream which has flown on from the beginning of the world, and will roll on through all time, which defies the control of all human power, and is the same, unchanged and unchangeable. Such was the moral power of the speech to which I allude—its calm and unostentatious power, its moral sublimity, which bore down all resistance, and forced its influence through all the channels of human thought. The doctrine of State supremacy had spread from town to town, from county to county, and from State to State. It rolled on like mighty waters, overleaping their banks, from South to North, as each aspiring wave strove to overreach its predecessor in the anxious progress. It was then that the reproach of being a Northman was thrown upon Daniel Webster; he was accused—no matter how wrongfully, he was still accused—with having been an accessary of the Hartford Convention, which was charged with having had the design of a dissolution of the Union: in the same breath he was called a consolidationist, and a federalist, and an opposer of the war. Under such a cloud of prejudice, he rose in his Senate place, and by a mighty effort of mind, such as history furnishes but one parallel to, in its influence upon a nation, and that the master effort of the great Cicero, he dashed back the angry waters to their fountains, to flow on in future in their usual and well-defined courses. It was a victory more glorious than any won on the battle-field—a victory without carnage. It was the triumph of intellect controlling intellect, and staying physical hostilities by the moral force of reason and the sublime eloquence of wisdom.

The hero chief of the Presidency, who had added lustre to the arms of his country, and covered his brow with perennial laurels amid the savannas and morasses or the South; who had defeated, on the plains of New Orleans, Wellington's gallant soldiers of the Peninsula, iron-willed as he was, was subdued by that speech, and became ultra, as all sudden converts do. He sent, after that speech, his proclamation abroad, more ultra national than Webster's speech, and never thought more of publishing General Hayne's able speech in letters of gold.

In the days of Cicero, there were one hundred and fifty of the speeches of Cato, the censor, extant; and although he flourished less than a century before the former, yet Cicero asks, in his dialogue, "what living or lately deceased orator has read them?" I might ask, though it would not be in place, how many of the orators, who figure in the present age, will find a reader in the next—who will search out, and read, their evanescent productions on constitutional construction and policy of government. By the bill of the eminent statesman of the West, a salutary compromise united the whole South in its support, and quieted, it could be hoped, all collisions between State and national jurisdiction.

Daniel Webster's speech, and Henry Clay's compromise bill, should gain each the gratitude of individuals most immediately interested in that contest, and of the nation. What has been the effect upon individuals, is not my province to inquire. It is true that Rochefoucault has a maxim, that "whenever you do an individual a service beyond his power to repay you, he is sure to become your enemy, in order to cancel the obligation." I will let others judge of its truth, if it is true, and make its application, if it has any. But I fear I have digressed so newhat from the subject, and will return to its examination.

The Federal Government has less power than the Houses of Parliament in England. The latter are governed by no fixed, written Constitution. The common law of usage regulates, in some degree, the sphere of their actions; and the vagueness of their power, undefined and uncontrollable, (for the veto has become obsolete,) is asserted, nor will either House define the limits of its power.

The General Government of the United States, on the other hand, has been shorn of, or rather not allowed, absolute and unlimited power. The Constitution is the rule of action—giving to the General Government strictly defined and limited powers, and general discretionary powers, on specific subjects, to be exercised, or not, in the wisdom of the law-making power. There are, moreover, inhibitory powers mentioned in the Constitution, which the Government may not exercise; yet uncontrolled sovereignty would not be absolute without the power to exercise them. "No bill of attainder or *ex post facto* law shall be passed."—Sec. ix. The General Government has not absolute sovereign power granted it under the Constitution; but that instrument, on the contrary, has circumscribed and limited its power, beyond which it cannot operate. In the language of Chief Justice Marshall, "The General Government, though *limited* as to its objects, is supreme with respect *to those objects.*"

The States have reserved to them, in the Constitution, all the powers which they have not expressly granted and delegated to the General Government; consequently, whenever a law may be enacted by a State Legislature, which is in derogation of the Constitution, or which may conflict with that instrument, the Supreme Court is the arbitrator, and the law is declared void; for the Constitution of the United States is the supreme law of the land.

Chief Justice Marshall has said, in the case of Mr. McCulloch vs. the State of Maryland:

"If the controlling power of the States be established, if their supremacy as to taxation be acknowledged, what is to restrain their exercising this control in any shape they may please to give it? Their sovereignty is not confined to taxation. That is not the only mode in which it might be displayed. The question is, in truth, a question of supremacy; and, if the right of the States to tax the means employed by the General Government be conceded, the declaration that the Constitution and the laws made in pursuance thereof shall be the supreme law of the land is empty and unmeaning declamation."

A sovereign State can have a standing army—may lay imposts, duties, and may levy war against a foreign State or Government; and no State is sovereign that cannot exercise these essential attributes of sovereignty: yet all the States are expressly inhibited from doing so by the Constitution. They have yielded up those powers to the General Government. Then, a State, to be sovereign, must first destroy the Constitution, and rebel successfully against it. The right of revolution is not a constitutional right, but is an instinctive, natural right, overruling all written law. Whilst all admit that doctrine, against intolerable oppression, as a dernier resort, none are willing, because none think it necessary, to resort to it. Instead of the sword to settle domestic differences, the American people appeal to, and use successfully, the moral artillery of reason.

"*Sovereignty*," like the word "*same*," is used in the Virginia and other acts of cession in a *relative, comparative, conventional sense.* With other restricted rights of "sovereignty" of the States is that to "dispose of or tax the soil" of the United States within the limits of the Western States. There are no derelict lands in the Western States. What is not owned by the States, or has not been purchased from the United States by individuals, or given away by the United States for specific purposes, is owned by the United States, for which the General Government has given a valuable consideration. Are the forts in the old States, which are owned by the Government, taxed for State purposes? They are not. Are they more the property of the Government than the lands for which the Government has paid a greater amount of money?

The distinction should be borne in mind, for it is obvious, between the right of *jurisdiction* and the right of *soil.* The municipal influence of a State pervades its entire limits. The right to seize upon, and appropriate, the soil or property of the General Government cannot be exercised by any State in the Union. Then, if the Western States desire the land of the United States within their limits, and are unwilling to effect their wishes by violating the law and the principle of the decalogue, they must possess it by *purchase;* and I will not deny their right to purchase, as individuals do, the public lands, and on the same conditions. That condition of the act of Congress which exempts the land from taxation for five years after it has been sold is looked upon as injurious to the interest of the Western States. That condition was annexed upon the ground that it would benefit the Western States, by holding out inducements for the industrious and enterprising to emigrate and settle the public lands. Nor do I doubt that it has had that effect, in a very great degree. But if any honorable trans-Alleghany member thinks otherwise, and should desire to have that condition removed, as one of the Representatives from an old State, I am free to avow my entire willingness to vote for a bill to effect that object.

The same year that Virginia passed the act of cession, Congress passed a resolution which, among other conditions, after regulating the manner in which the northwestern territories should be admitted into the Union as States, has this condition clearly set forth:

"Provided that both the temporary and permanent Government be established (in the State admitted) on these principles as their basis:

"1. That they shall forever remain a part of this confederacy of the United States.

"2. That they shall be subject to the articles of confederation in all those cases in which the original States shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformably thereto.

"3. That they shall in *no case interfere with the primary disposal of the soil* by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers.

"4. That they shall be subject to pay a part of the Federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

"5. That *no tax* shall be imposed on lands the property of the United States.

"6 That their respective Governments shall be Republican.

"7. That the lands of non-resident proprietors shall in no case be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress."

The necessity for reducing the price of the public lands can only be made manifest by showing that the price, as established at present, is higher than the real value of the lands, and for that reason the sales are comparatively limited, and the settlement of them greatly retarded. Has any such proof been offered? None that I have read or heard. But, on the contrary, the history of the settlement of the Western lands illustrates the unparalleled liberality of the General Government to that region of country; and the rapid advance of the new States to wealth, their rapid increase of population, and unprecedented prosperity, are the proofs unanswerable that the Western States have not the shadow of a cause to reproach the Government for want of liberality.

To the clear understanding of this subject, it is proper to recur to the past, and examine the present prices of the Western lands with the relative effects which those prices have had upon the old and the new States.

At the close of the Revolutionary war, the General Government commenced the present land system, and established two dollars as the price which should be given per acre for all the public land which was not disposed of at public sales, and allowed a liberal time for the purchaser to make payment.

In 1820, the Government thought it advisable to abolish the credit system, and to require that the purchase money should be paid in hand at the time of making the purchase; in consideration of which, the price was reduced to $1 25 per acre, and the sections were divided into smaller allotments; so that, with fifty dollars, a purchaser might be enabled to procure forty acres of good land in perpetuity, with a title never to be questioned.

What, let me ask, has been the operation of this policy? Has it been the aggrandizement of the old States, and the tardy settlement of the new States? No voice will utter such a belief; for the very reverse is the fact.

Has the amount of sales augmented or diminished?

By the report of the Commissioner of the General Land Office, sent to this House by the Secretary of the Treasury, January 30, 1838, tables B and A, give the amount sold each year.

B.

Exhibit of the quantity of public land sold, the amount paid by the purchasers thereof, and the payments made into the Treasury on account of the sales of public lands, from the earliest period of the sales to the 30th September, 1837.

Year.	Quantity of land sold—acres.	Amount paid by purchasers.	Amount paid into the Treasury.
In 1796, 1797	-	-	
1798, 1800	-	-	$100,783 59
1801	-	-	168,125 01
1802	-	-	189,628 02
1803	-	-	165,975 69
1804	-	-	487,526 79
1805	-	-	540,193 80
1806	-	-	765,245 73
1807	-	-	466,163 27
1808	-	-	647,939 06
1809	-	-	442,252 33
1810	-	-	696,548 82
1811	-	-	1,010,237 53
1812	-	-	710,427 78
1813	-	-	835,655 14
1814	-	-	1,135,971 09
1815	-	-	1,287,959 28
1816	-	-	1,717,985 03
1817	-	-	1,991,226 06
1818	-	-	2,606,564 77
1819	-	-	3,274,422 78
To June 30, *1820	13,642,645.43	$27,905,099 76	†1,635,871 61
From July 1, 1820	303,404.09	424,962 26	
1821	781,213.32	1,169,224 98	1,212,966 46
1822	801,226.18	1,023,267 83	1,803,581 54
1823	653,319.52	850,136 26	916,523 10
1824	749,323.04	953,799 03	934,418 15
1825	893,461.69	1,205,068 37	1,216,090 56
1826	848,982.26	1,128,617 27	1,393,785 09
1827	926,727.76	1,318,105 36	1,495,845 26
1828	965,600.36	1,221,357 99	2,018,308 75
1829	1,244,860.01	1,572,863 54	1,517,175 13
1830	1,929,733.79	2,433,432 94	2,329,356 14
1831	2,777,856.88	3,557,023 76	3,210,815 48
1832	2,462,342.16	3,115,376 09	2,623,381 03
1833	3,856,227.56	4,972,284 84	3,967,681 55
1834	4,658,218 71	6,099,981 04	4,857,600 69
1835	12,564,473 85	15,999,804 11	14,757,610 75
1836	20,074,870.92	25,167,833 06	24,641,979 86
To Sept. 30, 1837	4,885.462.97	6,127,418 39	5,644,021 09
	75,025,055.50	106,245,656 88	94,496,543 81
Received by the Treasurer of the United States in 1836 - - - -			235,200 00
Ditto, in 1837 - - - -			6,200 00
Total - - -			94,737,943 81

* End of credit system.—(See table B.)

† This amount is the aggregate of payments into the Treasury for the year 1820, under the cash and credit systems. Such aggregate is also exhibited for the subsequent years.

A.

Exhibit of the quantity of land entered under the credit system prior to the 1st of July, 1820, (which includes the lands subsequently relinquished and reverted to the United States under the various laws passed for the relief of the purchasers of public land,) and the amount contracted to be paid by the purchasers thereof.

Year.	Acres sold.	Amount contracted to paid by purchasers.
1787 -	72,974.00	$117,108 24
1792 -	1,165,440.00	832,519 66
1796 -	43,446.61	100,427 53
1801 -	398,646.45	834,887 11
1802 -	310,009.77	680,019 54
1803 -	181,068.43	398,161 28
1804 -	373,611.54	772,851 35
1805 -	619,266 13	1,235,953 22
1806 -	473,211.63	1,001,358 02
1807 -	359,011.79	738,273 29
1808 -	213,472.12	459,230 34
1809 -	231,044.98	550,655 03
1810 -	235,879.41	502,332 13
1811 -	283,930.31	614,324 58
1812 -	536,537.40	1,149,536 46
1813 -	270,241.43	621,199 44
1814 -	864,536.53	1,784,560 95
1815 -	1,120,233.64	2,340,188 91
1816 -	1,622,830 06	3,567,273 88
1817 -	2,159,372.43	5,022,409 84
1818 -	2,401,844.60	7,209,997 42
1819 -	5,475,648.17	17,681,794 37
30th June, 1820 -	518,500.80	1,465,283 94
	19,965,758.23	49,680,427 13

The above shows the quantity of land entered, and the purchase-money thereof, from the earliest period, annually, to the 30th of June, 1820, without regard to their subsequent *reversion* to the United States, or their subsequent *relinquishment* to the United States under the several *relief laws*. The *net quantity* of land *actually sold* or retained by the purchasers under the credit system is 13,648,645.43 acres; and the net amount paid is $27,905,099 76; which amounts are put down in table A, as the "quantity of land sold," and the "amount paid by purchasers," from the earliest period to the 30th June, 1820.

The lands sold from 1787 to 1796, inclusive, are the lands sold, prior to the opening of the land office, to John Cleves Symmes, the Ohio Company, and to individuals, at public sales held in New York and Pittsburgh.

These facts rebuke into silence every idea that the policy of the Government is illiberal, or that the price of the public land is too high; it cannot be, when the demand for land in the West is so rapidly augmenting.

What are the facts in relation to the settlement of those lands? Forty-seven years ago the entire population west of the Alleghany mountains hardly amounted to 100,000 souls. That region of country is now the home of nearly 4,000,000 people; whilst the old States have increased within that period at a rate of about 15 per cent. every ten years, the new States have augmented in population at the rate of 33 per cent. in the same period. The new States have increased with more than double the rapidity of the old States, and some of them at more than quadruple the rate of many of the old States.

Increase of the population of the United States in ten years.

States.	Per cent.	Square miles	Population in 1830.
Maine - - -	33.9	32,628	399,437
New Hampshire -	10.4	9,491	296,328
Vermont -	19.0	10,212	280,657
Massachusetts -	16.6	7,500	610,408
Rhode Island -	17.0	1,340	97,199
Connecticut -	8.2	4,764	297,675
New York -	39.4	46,085	1,918,608
New Jersey -	15.6	8,320	320,823
Pennsylvania -	28.4	44,000	1,348,233
Delaware -	5.5	2,120	76,748
Maryland - -	9.7	13,950	447,040
Virginia - -	13.7	64,000	1,211,405
North Carolina -	15.6	48,000	737,987
South Carolina -	15.7	28,000	581,185
Georgia - -	51.5	62,000	516,823
Alabama - -	141.6	46,000	309,527
Mississippi -	80 1	45,760	136,621
Louisiana -	40.7	48,220	215,739
Tennessee -	62.7	40,000	681,903
Kentucky -	22.1	42,000	687,917
Ohio - -	61.2	39,158	935,884
Indiana - -	132.1	37,000	343,031
Illinois - -	185.4	52,000	157,445
Missouri - -	110.4	63,000	140,445
Michigan - -	250.1	40,000	31,639
Arkansas - -	113.3	-	30,388
Florida - -	-	45,000	34,730
District of Columbia -	20.1	100	39,834

Has it been the mere result of accident that the old States, with their superior situations for agriculture, commerce, and manufactures, which, more than any thing else, will throw a dense population in the cities contiguous to, or connected with, the ocean, should be so far outstripped in their advance to wealth and population by the new States? Or has it not been an effect growing out of and consequent upon the policy of the Government, in disposing of, at so low a price, the public lands of the United States, and thereby inviting, by the strongest inducements, the population of the old States to emigrate from them and to settle on the cheap and fertile lands in the valley of the Mississippi?

The ravages of the revolutionary struggle impaired the agricultural interest of the old States, and the consequences growing out of it exhausted the fertility of the soil in a very great degree.

To support the armies of the revolution, and to pay the heavy quotas and taxes which were levied upon them, compelled the farmers, those few who were not under arms, to adopt that mode of cultivation which was cheapest and least laborious, but the most ruinous to the soil. They were compelled to pitch crop after crop, in rapid succession, in the same fields, to supply the urgent wants of the army, and to enable them to pay the enormous taxes assessed upon them. The consequence was, that all the fresh lands became impoverished, the virgin soil exhausted, and the land almost worthless for culture.

The farmers had no time to rest their lands from repeated exhaustion, or to supply, by extraneous means of compost and the minerals, the vegetable crops which they annually took from them. Peace, which brought independence to our nation, and repose to our army, brought neither repose nor rest to the fields of the farmer. A national debt of some two hundred millions, and State debts of most onerous amounts, were to be paid, and paid chiefly by the agricultural industry of the country. This compelled the farmers to persist in that ruinous mode of cultivation, which, to supply pressing and urgent demands, was impoverishing the whole face of the country. Then were opened to market, by the General Government, the rich and extensive lands of the Mississippi valley, and at the low price of two dollars per acre. Its consequences were felt by all the old States, and more especially by Maryland and those States whose situations were marked with the like peculiarities. Maryland had furnished her most abundant share in men and money to defend the Western lands, as well as the general liberty of the colonies. The treaty of peace had surrendered those lands to the United States, as a common property; yet Congress accepted the acts of cession of Virginia and Georgia, paid the troops of the former as a condition of cession, and paid the latter several millions of money. Thus have many of the old States first fought for those lands, and then purchased them of the States and of foreign Governments; yet some of the old States have not only to pay all the State debts incurred out of their own State coffers, but to pay the troops that defended these very western lands. Maryland is called on every year to pay revolutionary claims; and all this comes chiefly from the agricultural interest of the State; the consequence of which is, that the lands of that State are taxed most heavily; indeed, the land taxes in Maryland are higher than in any State in the Union. Then, what recompense do those devoted States receive for paying those vast amounts, in having their soil impoverished and their lands highly taxed? Does the Government adopt a policy which will improve the value of lands in the old States, or which will justify the farmer in incurring the onerous expense of enriching his greatly exhausted lands? No, sir; such has not been the policy of the Government. It has been the policy of the General Government to offer inducements to the people of the old States to abandon their farms and let them lie waste; to tell the emigrant that liberty is won by the men and money of the old States, and that he can now reap its benefit, whilst they have paid the cost. It has been to tell the stranger that he will give you benefits which shall not be enjoyed by any patriotic citizen of the old States, unless he leave the home of his childhood and the State of his nativity.

The citizens of the old States have found it to their advantage to dispose of their lands at any price, rather than incur the labor and expense of enriching them, when, with an amount sufficient to enrich ten acres of land long in cultivation, they could purchase perhaps fifty acres of the rich lands in the West, and lands exempt from the burden of taxation for five years. Yes, one increasing tide of emigration is setting to the West, leaving the old States, where taxes are high, and soil less productive and less cheap; going to the West, where land is rich, taxes low, and the munificence of the General Government carrying education to every village and to every cottage. The sagacity of self-interest has induced the rich and the poor, the industrious and enterprising, to migrate to that country, where homes can be procured for a consideration so small that it requires little more than the will to possess them, to be owned and occupied, and but moderate industry to make them yield most abundantly. The reduced price of the fertile lands of the West has had a tendency of reducing the price of landed estates in the old States. Many portions of Virginia and Maryland are not as populous now as they were thirty years ago. Yes, sir, the picture drawn in the late Virginia convention, by a distinguished member of this House, (Mr. MERCER,) was not a mere fancy sketch of the present impoverished and desolated condition of the lower counties of his native State, when compared with their former wealth and population. Those fields, where once waved the golden harvest, are now a barren waste; those mansions, which were once the abode of chivalry, refinement, and generous hospitality, are now "as desolate as the dwelling of Moina;" and the wild beasts have returned from the mountains to find a shelter amid the thickets of their ancient hiding-places. Should any member on this floor doubt these things, one hour's ride from this city, into either Maryland or Virginia, will give him proofs of the melancholy reality. Yes, sir; you may look from the balustrades of this edifice, or ascend its lofty dome, and, ranging your view into the Maryland or Virginia side of the Potomac, see lands thus contiguous to the capital of the nation which can be bought for three or four dollars per acre; some have been sold within the last year for less than three dollars per acre. The sparse inhabitants, though patient and laborious, find that, even with the most rigid economy and frugality, wealth does not augment, and that their most untiring industry must be applied,

"To force a reluctant soil to yield
Them bread."

These lands were originally productive, but have become exhausted, from the causes which I have already assigned. To enrich them would require an expense of fifteen or twenty dollars per acre; an expense which but few will encounter (and but few are able) as long as they can purchase, at the low rate of $1 25 per acre, rich and fresh lands on the navigable rivers of the West, which will yield more abundantly.

I will invite the attention of the committee to a passage of the report, which, I think, and I believe it can be shown, assumes a false position:

"The Government of the United States," says the report, "is probably the only vender, either of land or any other property, that holds *the most inferior* quality of any article *at the same price with the best.* If an individual were to maintain that all domestic animals of a given species were of the same value, how inconsistent would he appear! If a merchant were to refuse to sell kersey at any lower price than he could obtain the *superfine broadcloth*, his conduct would certainly be deemed utterly absurd. Yet there is not greater absurdity in either of these propositions than there is in maintaining that *land of every quality* is worth, or should command, the *same price.*"

"But give me a foothold," said one of old, "and I will move the world." Grant the gentleman's premises, and I will admit that there is some plausibility in his conclusion; but I utterly deny that it is a fact that the "Government holds the most inferior quality of the public lands at the same price with the best."

This leads to a more particular inquiry into the mode adopted by Congress for the sale of the public lands. Prior to 1820, those lands which were not sold at auction at above $2 per acre could be entered by purchasers for that sum, to be paid in four equal annual payments; the first within forty days, and the three other payments within two, three, and four years after date of purchase. No interest was to be charged if punctually paid, and a discount of eight per cent. was made by the Government if the purchaser paid cash; so that, by prompt payment, the price would be reduced to $1 64 per acre, and the purchaser was allowed to purchase any amount above a quarter of a section of one hundred and sixty acres. The present law permits sales of an eighth of a section, and establishes a minimum price of $1 25, which is required to be paid in hand. But before any land is liable to private entry at the price of $1 25 per acre, it must have been first offered at public sale.

The lands are now first offered at public vendue, exposed to fair competition, and not unfrequently, instead of $1 25 per acre, they bring five and ten times that amount. By the recent sales of the lands on Red river, within the last three years, they have sold as high as from twelve to thirteen dollars per acre; and yet we are, with these undeniable facts before us, told that the Government asks as much for her worst lands as she does for her best.

By the report of the Commissioner of the General Land Office, which is appended to the report of the Committee on the Public Lands of the twenty-third Congress, it will appear that, in three years, beginning with 1826, there were sold 413,607 acres of public land in Alabama, for $576,087; making the land sold average $1 39 3 per acre, which is considerably more than the Government rate, as fixed at the minimum price; and yet, with that evidence appended to the report, the committee gravely asserts that the Government holds all of its lands at the same price. The honorable chairman of the committee complains that the price of the public lands is too high; and, as proof, he exhibits the fact that some hundred millions of acres have been

surveyed, and remain unsold. This may be true; but it does not establish a clear inference that the price is too extravagant, because, in the space of some twenty or thirty years, the whole Western forest has not been made to yield to cultivation, and to swarm more redundant with population. If the ratio of the increase of population, as contrasted with the old States, were to be regarded as a criterion of the relative prosperity of the several regions of the Union, I think that I have already shown that the new States have no cause for complaint. Most clearly it would leave an inquisitive reader a better ground to judge of the reasonableness of the committee's complaint of a want of ready sale of the Western lands, if it had favored us with an estimate of the quantity of the public lands which have been annually sold in the West, rather than the aggregate amount of acres which is still in market. And if the committee had shown that the sales were annually diminishing in quantity, then, possibly, some cause of complaint might exist against the policy of the Government. But when the glaring fact is known to all, who are anxious to know it, that the sales are annually increasing beyond the most credulous expectation, I think that those complain without cause or reason who charge the Government with a want of liberality to the new States. The progressive augmentation of the sales of the public lands has been rapid to an extent which awakens surprise in the mind of every reflecting individual. All the public lands sold prior to 1787, were but 72,947 acres. The Government has sold within the last year more than 2,000,000 acres. Then, when it is made manifest that the rapid increase of the sales of the public lands has been beyond all expectation, and only surpassed by the more rapid augmentation of the population in those new States, it must be undeniable that the liberality of the Government has been as munificent to the new States as their complaint of the measures and policy of the Government towards them is ungenerous and unjust.

Still we are told that the price of the public lands is too high. If we were to apply the trite maxim of the factor, that

"The worth of a thing
Is what it will bring,"

(which I will readily grant is a good maxim, when applied to the productions of the workshops, when the supply bears a just proportion to the demand, but which is not so strictly applicable to land, when the supply is more than commensurate with the demand,) its price should be controlled in a great degree by the value of the productions which it may yield.

I have shown that the increase of sales and the increasing demand for lands prove that the land is regarded as fully worth the price which the Government has established. I am fully convinced that the maxims of political economy are less to be consulted in the present investigation, because they are too frequently the mere refinements of theory, which will not always accord with practical results, than the illustrations from actual experience, which easily lead to just and reasonable conclusions.

To investigate the true standard by which the price of lands should be valued would require details of calculation which I have not had time to make, and a familiarity with the practical science of national economy which I do not pretend to thoroughly possess. A few general observations may be indulged.

The *nominal* value of land is controlled by the price which it would bring in market or at sale. This nominal value is controlled, in a great degree, by the *quantity thrown into market*, as well as by the quality of the soil. Were all the soil owned by the United States, from the Alleghany mountains, or from the Mississippi river, to the Pacific ocean, thrown into market within the coming year, I am disposed to believe that they would not bring six cents per acre, because the *supply would be greater than the demand.* The *absence of capital and population* would restrict the demand, whilst the intrinsic value of those lands would be many dollars per acre.

Where is the capital to be found to purchase quickly all the public domain? All the gold and silver coin in this country will amount to some sixty millions. Commerce and the multifarious wants of life will not allow it to be abstracted from those urgent purposes, to be invested in land. Were you to melt up all the gold and silver in the nation, it would not make one hundred millions of dollars. The pockets of the People have not yet been filled with the precious metals, and we are told that they would be ruined by the credit system. The farmers now can hardly pay their debts, and are but poorly able to make extensive purchases of land. The magician's wand has not yet been wielded over their fallow fields, nor touched their stones into gold. And if all the public lands were at once sold to hungry and devouring speculators, where is the labor in this nation to cultivate them? If every merchant and mechanic were to become an agriculturist, three-fourths of the public lands would remain uncultivated for a quarter of a century to come.

The intrinsic value of land is governed by the quantity and value of the commodities which it may yield. If an acre of ground costs one hundred dollars, and money is worth, for the use of it, six per cent. per annum, and the land will yield productions, after defraying all the attendant expenses of improvement and cultivation, that will yield a profit, in value, upon the capital invested, and all the contingent expenses of every kind, of six per cent., no one will deny that the intrinsic value of the land is equal to its original cost. The yield above that amount is clear profit to the cultivator. Or, to illustrate from fact instead of theory, lands now on the Savannah river, the choicest rich rice lands, will command three hundred dollars per acre; and they are really cheaper, in point of productiveness and profit, at that price, than the more sterile lands of South Carolina would be at ten dollars per acre; because on those rich lands, the expense of cultivation is not so great, and they yield more abundantly, in proportion to the capital invested. They will yield from ninety to a hundred bushels of rice per acre, which is worth, in the cane, about one dollar a bushel; and one hand will cultivate about five acres.

Dr. Black has demonstrated in his prize essay, which was published in the American Farmer in 1820, and never read but with approbation, that every acre of arable land in New Jersey, which now sells at from ten to thirty dollars per acre, is intrinsically worth five hundred dollars per acre; and might be placed in such a state of cultivation as to yield, after paying that great amount, and all the numerous expenses of cultivation, from six to ten per cent. upon the capital employed in the purchase and cultivation. The attested history of the present day illustrates the theory of that essay. The experiment has been successfully tried in the State adjoining. I must request the Clerk to read the following article, in the first number of the Delaware Register and Farmers' Magazine, printed in February, 1838. It is headed "*Improvement of the soil—profit of crops—Italian spring wheat.*" The article will be interesting to every farmer, and to all who feel any interest in their posterity:

"In the year 1833, Messrs. Sipple and Pennewell, wishing to secure a landing and ship yard on St. John's creek, in the immediate vicinity of Dover, purchased several acres of very poor land, then offered for sale, at the rate of about thirty dollars an acre. After setting apart a sufficient area for the ship yard and landing, they had remaining about five or six acres of land, which they determined to improve, more by the way of experiment than the hope of much profit. They commenced liming and manuring their new purchase, and at the same time put a part of it in cultivation. It may now be called good land, but by no means as rich as it can be, and soon will be, made, in consequence of the enlightened mode of improvement adopted and continued by those gentlemen.

"From the beginning, they more than realized, from the sale of various crops, all the expense of tilling and manure; but have kept no correct account, except as it regards two acres and one quarter, measured and laid off for the express purpose of testing the capability of the land as a source of profit. From this they have taken, since 1833, a crop of oats, and one of red spring wheat. On the 15th day of March, 1837, they sowed on these two acres and a quarter four bushels and one gallon of Italian spring wheat, which they harvested on the 14th day of July following. They obtained sixty-eight bushels of clean wheat, weighing sixty-one pounds to the bushel, which they immediately sold at three dollars per bushel, for seed, and had left three bushels of inferior quality. From this and the corn crop of 1836, from the same lot, they realized the sum of $344! and they say the fodder and straw fully compensated them for every expense of tilling. Mr. Sipple thinks the wheat was sown too thick, and that one and a half bushel to the acre would have been quite sufficient. The Italian spring wheat has a remarkably bright straw, and is supposed not to be subject to rust.

"They are now receiving from the land, thus improved, an annual clear income equal to the interest of *five hundred dollars an acre!* All the land in the neighborhood of Dover, and most of that of Kent county, is naturally of as good quality as the lot thus improved, and yet we find much of it selling at from *five to ten dollars the acre!* It is what may be called a light loam, in which sand greatly predominates.

"The above statement of facts is wholly derived from this source, and may be relied on, and is well worthy the serious consideration of all such persons as contemplate selling at a low price such lands, in a country remarkable for its health, beauty, advantages of location, and proximity to the best markets in the United States."

It may be asked, why, then, are these lands sold in the old States? I reply, first, because agriculture has not attained that perfection in this country which it has in some parts of Asia and Europe, and especially in China, where each acre of land is made, by prudent cultivation, to support an inhabitant. To enrich lands and to cultivate them well requires a great expenditure of money, and still greater of labor. At least one-fourth of the lands in cultivation in the old States, would be greatly improved by having fifty bushels of lime, or compost, used upon each acre; and at least another fourth would require one hundred bushels, and another fourth one hundred and fifty or two hundred bushels.

It is not unfrequent in Derbyshire, England, to use as much as six hundred bushels, and the average quantity used in England and Scotland is about one hundred and fifty bushels per acre. But take an average of one hundred bushels to the acre, and each bushel to cost ten cents, and estimate the number of acres requiring lime to make them productive and profitable at but six millions, the amount of the capital would be sixty millions of dollars. And to this should be added the expense of the labor to be employed in the process of enriching and cultivating the lands, which would be at least sixty millions more. It would require more than double the amount of gold and silver which is now in this nation. If the amount of capital and labor required was really available, I have no doubt the profit would be abundant in the immense increase of production. But the farmer is told that if he goes into debt, and ventures to use the credit system, he deserves to be a bankrupt, and is forced to gather, as he is wont to do, his scanty crops from his impoverished soil. A few who have the means may highly cultivate a few acres; but the number of those who own large or even moderate farms is small, that can highly enrich their lands. Those who labor on the soil do it as a means of supplying the primary necessaries of life, and for the accumulation of wealth. They apply their capital and labor where it is most productive and profitable. Their own sagacity and experience convince them that they would do well by cultivating the lands less fertile in the old States; but the quickening principle in self-interest teaches them that it is more profitable for them to emigrate from a State where their profits are but ten or five per cent. and go to the new lands, which will yield them from fifteen to one hundred. Thus it is that the price of lands is kept down in the old States, whilst their population crosses the mountains, and the lands in the valley of the Mississippi are made to enhance in value and in productiveness.

The taste of this age in this nation seems to be wild and impetuous speculation; to move forward as with a steam pressure in pursuit of sudden wealth, to rifle our descendants for present lucre, and to gamble away in politics or speculation the whole public domain—to use the present moment, regardless of the wants of the many millions who are quickly to take our places in existence, instead of adopting a policy that would advantage the present generation, without doing injustice to those which are to follow. We boast of our agriculture, and yet have often to import our bread-stuffs; for in a single month, but a year ago, were imported into New York alone 2,000,000 bushels of wheat and rye. We boast of our knowledge, and make no provision, with means abundant, to provide for the education of the hundreds of thousands who annually grow up in ignorance and vice.

We can judge of the resources of this country by viewing the rise and progress of other nations, less advantageously situated for agricultural advancement, and for augmentation of population. I will, therefore, read the following extract from the able pen of Dr. Humphreys, who obtained his information from the reports of parliamentary committees and other authentic documents. He says, (writing at the time from England:)

"It is the opinion of competent judges, that the advances made in the agriculture of Great Britain during the last seventy or eighty years are scarcely exceeded by the improvement and extension of its manufactures within the same period; and that to these advances no other old settled country furnishes any parallel. That they have been very rapid, indeed, the following figures and comparisons abundantly show: In 1760 the total growth of all kinds of grain in England and Wales was about 120,000,000 bushels. To this should be added, perhaps, 30,000,000 for Scotland—making a grand total of 150,000,000. In 1835, the quantity in both kingdoms could not have been less than 340,000,000 bushels. In 1755 the population of the whole island did not much, if any, exceed 7,500,000. In 1831 it had risen to 16,425,180, being an increase of 9,000,000 or 120 per cent.! Now, the improvements in agriculture have more than kept pace with this prodigious increase of demand for its various productions; for it is agreed on all hands that the 16,500,000, or rather the 17,500,000, (for more than a million has been added since 1831,) are much fuller fed, and on provisions of a far better quality, than the 7,500,000 were in 1755. Nor is Great Britain indebted at all, at present, to foreign markets for her supplies. Since 1832 she has imported no grain worth mentioning, and till within the last six months prices have been so exceedingly depressed as to call forth loud complaints from the whole agricultural interest of the country. England is, at this moment, so far from wanting any of our bread-stuffs, if we had them to export, that she has been supplying us all winter liberally from her own granaries; and, according to the latest advices, she has still bread enough and to spare. Again: it is estimated by British writers, of high authority, that the subsistence of 9,000,000 people costs, in raw produce, no less than £72,000,000, or £8 for each individual, per annum. According to this estimate, the annual product of this great branch of national industry is $350,000,000 more at present than it was in 1755; which is more than twice the value of the whole cotton manufacture of the country in 1831. Now, if it costs $250,000,000 to feed the increased population of 9,000,000, then to feed the present population of 17,500,000 must cost near $700,000,000! What an amazing agricultural product for so small a territory! And yet it is the opinion of practical men of the highest respectability in England, that the raw produce of the island might be well nigh doubled, without any greater proportional expense being incurred in its production. That is to say: 35,000,000 people might draw their subsistence from that one little speck in the ocean! Now, *we* have a territory more than fifteen times as large as the island of Great Britain; and what should hinder it, when it comes to be brought under no higher cultivation than some parts of England and Scotland, from sustaining a population of *five or six* hundred millions of people? This would give to Virginia something like *thirty* millions; to Illinois and Missouri about the same number each; to New York near *twenty-five* millions, and so in proportion to the other States. I am quite aware that this estimate will be regarded as extremely visionary and incredible by many of your readers; but not more so than it would have been thought in the middle of the last century, that England, Scotland, and Wales, could ever be made to sustain thirty-five or even thirty millions."*

If the report of the committee had shown that, from the present price of the public lands, it was impossible for a purchaser to realize a profit from their cultivation greater than the interest of the amount of capital invested in the purchase, there would have been some cause, not perhaps for complaint, but for a deliberate investigation of the present policy of the land system, and its relative bearings upon the Western and Eastern land interests of the nation. But when the report does not attempt to urge such an argument, (and it is the only feasible argument, I humbly conceive, that could be urged,) we are left to the irresistible inference that a request has been made of Congress which is supported by neither the powerful auxiliary of reason nor the still more potent influence of justice.

So far is it from the fact, that the investments of money in Western lands do not realize profit, reasonable and abundant, the very reverse is established by the experience of every individual who has tested the experiment. And the truth of the assertion which I now make cannot be denied: that in no part of the United States is wealth so rapidly augmenting, upon the amount of capital invested, as is being realized in the every State in which the honorable chairman of the committee who made this report (Mr. CLAY, of Alabama) resides, and in the adjoining State of Mississippi. Whilst the most laborious and judicious farmers of the Atlantic wheat-growing States realize scarcely, on an average, five per cent. on the amount of capital invested in land and its cultivation, the cotton planters of Alabama† and Mississippi are realizing from fifteen to forty per cent. upon the capital employed. I have in my hand an estimate which, at my particular requst, was given me by a skilful and distinguished planter of one of the Southwestern new States, in which it is shown that, from a capital of $20 000, invested in the purchase of a cotton plantation, and hands and stock, and all the incidental expenses attendant upon a year's cultivation, at a usual average of crop, and a moderate price, the investment would realize fifty per cent., or ten thousand dollars clear profit; and this estimate does not place the price of the land at $1 25, but allows ten dollars per acre. From the best information I can gather, I am led to the conclusion that, upon the capital

*A judicious gentleman (Gen. Dearborn) has also recently well said that—

"With us land is so abundant, in comparison with the population, that we have no just conception of its value, as estimated in those portions of the globe where the inhabitants are so numerous that a few roods are considered an estate so ample that the fortunate proprietor is accounted an independent man.

"But even in the vast extent of the United States, with the millions of acres still in a state of nature, how many thousands are now cultivated which, a few generations since, ay, in our day, were deemed worthless? In England, what extensive morasses have been reclaimed, and added to the domain of agriculture, while the heath-covered mountains of Wales and Scotland are rapidly being planted with magnificent forests, not for embellishment merely, but as inexhaustible sources of wealth. The old Duke of Athol planted on his estates in Perthshire 15,593 acres, which contained 27,431,600 young trees; and his successor set out 6,500 acres of poor mountain ground solely with larches. The land was not then worth over 22 cents rent per acre; and now, with the timber on it, is valued at $32,500,000. The citizens of this country have, here and there, selected the most fertile and eligible locations, and call most of the vast remainder of the land either refuse or worthless. Time, and the increase of population, will show that nearly *the whole will become more valuable than even what is now deemed the most choice.*"

†Alabama, which some years since grew not more than 1,000 bales of cotton per annum, it is estimated will this season produce not less than 170,000 bales. The value of the present crop is computed, by the Mobile Examiner, to be little short of $15000,000.

employed in the cultivation of cotton in Alabama and Mississippi, for the last few years, the profits have been more frequently higher than forty per cent. than lower than twenty. The profits are enormous; and there are no gold mines in the world that are realizing such considerable profits from the capital invested, as is being acquired from the cultivation of cotton on the cotton lands of the Southwestern region of the Union.

Not only has the cultivation of the land proved profitable, but the speculations in land uncultivated have been, in most cases, equally so. I would ask if there are not many who have purchased land of the Government at the trifling price of one dollar and twenty-five cents per acre, who have realized large profits from it? Are there not gentlemen within the sound of my voice who have purchased land of the Government, within the last twelve months, and have realized more than a hundred per cent. upon it? Are there not gentlemen in this Capitol who have purchased land within the last year at $1 25 per acre, who have since sold it, realizing by the sale more than seven hundred per cent.? (A voice on my right says, *yes, more than a thousand per cent.*) I believe it. This I know to be the fact; and yet I do expect that many gentlemen will be found in the negative vote upon these resolutions.

Speculations in land are carried on now to a most unexpected extent at the present prices; reduce the price, and adventurers in that pursuit will increase to an extent which will make land-jobbing, instead of frugal cultivation, the business of many thousands who have capital or credit to use, and throw into the hands of large capitalists a vast amount of land, which will be sold, as is too much the case already, in small parcels, to settlers, at a very advanced price. The present low price of public land has not been calculated to improve the mode of cultivating the soil in the United States, and to reduce the price will induce further neglect. The present operation of the system has been to induce those who purchase to buy large tracts of land, cut down the timber, and, by a rapid succession of crops, to exhaust the soil without replenishing or enriching it; but, as soon as it becomes exhausted, to discard it, leave it an exhausted waste, and then purchase fresh lands for $1 25, renew the same operation upon those, and in turn discard them. This has been the case to a great extent; and even in Tennessee, at this moment, there are vast quantities of lands which have been thus used and abused, and are now called waste or discarded lands. If a still further reduction should take place, you would invite the farmer not to look upon his farm as his home—his abiding place for life—but merely as a resting place for a few years in his migratory excursion from farm to farm, from section to section, carrying destruction with him, and leaving ruin and poverty in his wake like the devastating locust of Egypt or of South America, preying in their progress upon the verdure of the soil, leaving naught but gaunt hunger and desolation to mark their progress; or, like the shepherds of antiquity, whose gregarious herds would destroy the spontaneous yieldings of one plain but to depasture upon another, so that a sparse and itinerant few comprised the entire inhabitants of vast national territories.

I am not one of those economists who think that the prosperity of the agricultural interest depends upon each farmer holding in possession vast tracts of land; and that, by reducing the price of land, you will allow him the means of appropriating to his exclusive use extensive tracts of the public domain. By doing so, you neither promote the agricultural interest of the nation, nor do you, by such a policy, improve the mode of cultivation. The wealth of a nation, like that of a farmer, depends upon the amount of useful and profitable productions which are brought into market. Where farms are small, the cultivation becomes improved, and the yield per acre becomes more abundant and profitable; the land is made more valuable, and the expense of cultivation greatly reduced. Look at those regions of the United States where the land is naturally good, and cultivation has improved its quality! They are distributed in small farms. You will find not only the greatest amount of production and profit, but a population prosperous, numerous, and happy. Phelpstown, in Ontario county, New York, contains perhaps the most dense agricultural population in the United States, and the farms will average not more than from fifty to one hundred and fifty acres. Lancaster county, Pennsylvania, is more densely populated and abundant in wealth, than any county in the State, of its geographical extent. The farms there are very small, yet highly cultivated. In the county of Frederick, in my own State, the farms are generally small—smaller than they are in any other county in the State; yet agriculture has attained a degree of improvement, which characterizes no other county; and that county prospers in wealth and population beyond any in Maryland.

Look at the history of Germany, Belgium, and Poland, where agriculture has attained a high state of improvement. You will find the farms small, the yield great, and the population crowded; and in the latter nation especially, notwithstanding it has been so frequently desolated by wars. For it is true that population will increase in proportion to the facilities of supporting its wants; and hence it is that Russia increases in population more rapidly than any nation of Europe, because its vast extent of territory, much of it very productive, affords all the means of producing all the prime necessaries of life. So in the United States, whose population increases more rapidly than that of any nation on earth, because we have not only a climate of every temperature, and in many respects the most congenial that could be desired, but because we have the means of producing the substantial necessaries of life, with the least expense and labor, in consequence of the cheapness of lands and their immense fertility. When on a tour to the north, a few years since, I saw on the borders of Crooked lake, in New York, land which sold for but ten dollars an acre, and had been clothed with the richest forests of timber, which had been felled, and yielded to the proprietor, for the wood alone, about fifty dollars per acre. The soil unbroken by the plough, was well set in wheat, which had been sown upon the surface of the earth, and mingled with it only by the slight aid of the harrow, and was expected to yield from twenty to thirty busheis to the acre. I have seen the same process of pitching a crop in the western States, that promised a greater production. Then why cannot a purchaser afford to give $5 instead of $1 25 per acre?

When such immense productions and profits result from so small a capital invested, and such moderate labor applied, in a latitude so far north, what must be the profits upon an investment in fresh lands in the southern portions of the Union, where there is a more genial sun, and a soil ready to produce, almost unaided by art, by the mere spontaneity of nature! You can imagine the individual profit to those persons living in such favored regions of the country, when the fact is known, that in the new and fertile State of Mississippi, which contained a population, at the last census, of about eighty thousand white inhabitants, the exports, two or three years ago, amounted to the immense sum of ten millions of dollars.* Range your inquiries over the whole Atlantic tier of States, and where will you find any agricultural population, of equal numbers with that of Mississippi, which produces in value one-half the amount of productions? Where else, on the face of the habitable globe, will you find the same number of people as are comprised within the limits of that State, who realize the like amount of profits from a similar amount of capital and labor? Its parallel is nowhere to be found. All the merchandise and the productions of the forest, soil, mines, and work shops, which passed through all the New York canals during the last current year, amounted in value to $55,809,288, which was the result of the labor of perhaps more than two millions of persons. And the whole amount of our national exports of *domestic articles*, during the same period, was but $95,564,414.

And yet we are gravely called upon to adopt the levelling, the agrarian system, upon the pretext that it will benefit the agricultural interest of the nation; that, by reducing the price of the public lands, by virtually giving up and surrendering to squatters, to idlers, and adventurers, the whole landed property of the nation, we will promote the welfare of the agricultural portions of the country. If, in violation of the law of the compacts, Congress should thus give up and divide in common, to whoever may seize upon it, the public domain, what guaranty will you have that the principle may not be carried one step further? That the next attempt will not be to divide all the property of the nation? Sir, the same reason that will justify the former measure will sustain the latter. I ask, can such a policy, in part or in general adoption, promote the interest of the farmer? Did Lycurgus adopt the agrarian laws for the purpose of promoting the domestic pursuits of agriculture? Or was it to destroy them? His policy was to destroy the attachment which men of industrious habits acquire for the soil which sustains them—*an attachment made doubly strong when the land is acquired by hard industry, and for a valuable consideration.* He was not for encouraging the rural and and domestic arts; he was anxious to rear up a band of soldiers, a mere army of plunderers, too idle to work, and trained only to depredate upon and plunder the hard earnings of his more industrious neighbors. They were taught to despise the tame pursuits of honest industry, and boys were trained, from infancy, first to steal, and afterwards to rob. All Laconia was nothing more than a camp of outlaws and freebooters. Men were made to choose their wives in the dark; and children too puny to make soldiers were drowned, to prevent being a tax upon the State. Justice was outraged, and every moral sense of delicacy offended.

One of the features of the Lycurgus agrarian system, which has been much panegyrized by all historians, has been omitted, perhaps through prudential considerations, in the bill before me, reported from the Committee on Public Lands. Whilst Lycurgus divided the property of the nation, he also abolished the habits of extravagance and luxury, and had all vine trees cut down in his kingdom. Whilst modern politicians and lawmakers will advise the passing of laws to divide the property of the nation, and expect to render themselves popular by such a scheme, you cannot find one who will hazard the consequences of recommending a provision to destroy vineyards or to demolish distilleries. To arrest this tendency to *levelling ism*, Congress should promptly mark it with the frown of its disapprobation; or many ambitious men who, having a small capital of talent to sustain their aspiring views, will resort to the public property, in order to hold out a bribe to the indolent, that, in consideration of their suffrages, they will reward them by giving each voter a farm, to serve only as a pepper corn, to show by what tenure their lands and their votes shall be holden.

Sir, I disclaim any personal allusion to any member on this floor. I have nothing to do with the motives of honorable members, and shall not inflict the cruelty of impugning motives. But in these days of ambition, of levelling talent, and equalizing property, I do most verily believe that there are in the United States some politicians who would pull down any thing short of the pillars of heaven, to aggrandize and elevate themselves.

To induce Congress to reduce the price of the public lands which have been conveyed, an appeal is made to awaken the prejudices of what the honorable author of the report calls the "*poor*," who have been "*driven*"—yes, sir, that is the language of the report, "*driven*"—by the oppressions of the rich "capitalist;" or in the words of the report, "if the bill (to reduce the price of the public lands) were adopted, 'portions' of the lands would be purchased by poor men, who have been driven from the more fertile tracts by men of large capital, and by speculators." How have the poor been driven from the rich lands? If they had seized upon them without purchase, they had seized upon what was not their property; and they were not more entitled to them than an individual who would rescue from you part of your wealth, upon the justification that you had more than you could wisely appropriate or use. If they had purchased the rich lands, the rich capitalists could not deprive them of such lands; for evenhanded justice protects every man in the rightful possession of his property. Then I am at a loss to conceive how it could have entered the contemplation of the author of this report, that the rich could *drive* the poor from rich lands. But does the gentleman design to benefit the poor, by placing them upon poor lands, as is intimated in the report? Induce the poor man to settle on poor lands, and you will compel him to remain poor all his life; he must live poor, and must die poor. One acre of rich land is more valuable to a poor man than fifty acres of poor land; whilst less labor and less expense are incurred in the cultivation of the single acre, the productions may be greater than those arising from the fifty.

It would be perhaps ungenerous to charge the honorable author with introducing this part of the report for *captandum* effect; and I will not do so, though there are those who would beguile the People, outrage the law, and endeavor to delude the poor; and, to win their favor, would inculcate in them the belief that the laws oppressed them; and, for that reason, they should not respect the laws. Politicians who would promote an evil under such a pretext do not merit any feeling higher than the cordial censure which excited indignation may inflict. But, sir, such arguments have been used in all times to effect such ends. Graphic Shakspeare knew well what argument to give his characters, to operate upon the human passions and prejudices, and what to induce a violation of the law—that even poison itself might be administered:

> "Art thou so bare, and full of wretchedness,
> And fear'st to die? Famine is in thy cheeks,
> Need and oppression starveth in thy eyes,
> Upon thy back hangs ragged misery,
> The world is not thy friend, nor the world's law:
> The world affords no law to make thee rich;
> Then be not poor, but break it, and take this."

Human passions are ever operated upon by designing men to effect a favorite scheme, or to promote an intended measure, by like arguments and kindred hopes. Though laws may change with the ever-changing condition of society, yet the laws of human nature are always the same; and now, as in times past, the designing man knows how to wake the prejudices of the People, and to draw ideal lines between the rich and the poor. Poor himself in the rich virtues of the human heart, he urges them first to complain, then to remonstrate, then to spread wide their excitement; whilst he ranks himself by their side, in hope finally to ride on their backs into exalted office.

I am sorry to find in the report a distinction between the People of the United States, and that one portion are called poor, another portion rich. I neither know, nor recognise any such distinction. The only poor, as a class, that we have in this favored nation are the paupers in the various poor-houses throughout the nation. There is no other class that merits the epithet. Is the man in the prime of life, with vigor of body, industriously earning, by labor, enough to support himself with comfort, and to supply himself with all the necessaries of life, to be called poor? Assuredly he cannot be called so, when he can so easily procure all that is essential to his comfort and happiness. Though not a landholder, though not spending his life in luxury and indolence, a man who can live comfortably by his honest industry is rich in all the essentials of happiness. And who that is honest and industrious cannot make a decent livelihood in this nation, where labor is in such great demand, and where wages are higher than in any part of the world? Have any memorials been presented to this House from the poor, calling upon Government to give them lands, or to give them money, to make them a class to be fed from the National Treasury and national bounty? No, sir; the honest man, however indigent, makes no such request; his pride, excited by justice, will not deign to make such a demand. All that he asks of the Government is to protect him in all his civil, political, and religious liberties; to adopt that policy that will allow him ample wages for his industry, and render secure and inviolate his own property. However inconsiderable it may be, to him it is as valuable as the large possessions of the more fortunate. Less should not be required, more cannot be expected, in reason or in justice.

But once adopt the bill under consideration, and what will be the consequences? Such as I have already described. By the reduction of the price of the lands, you induce persons to take possession of them; not for permanent abiding places, but simply to cut down and destroy or sell the timber, exhaust the lands by rapid and repeated culture, then throw them away, discard them as waste lands, and enter fresh lands, in order to abuse them in like manner; which, in the language of the report, "would result in the sale of many thousands, if not millions, of acres which otherwise will not be sold so quickly, but be deprived of timber, exhausted and worn out, by those who have no inducement to preserve the soil longer than for even temporary use; which is not only detrimental to the interest of the United States, but highly injurious to the particular State in which they happen to lie."

This language of the report sustains most forcibly my own positions, and destroys the force of the recommendation of another part of the report.

But it is almost always the case that arguments are contradictory, when they are used to urge a ruinous measure, or to sustain one which is not wise and reasonable.

Such, then, will be the operation of this policy, if adopted, and such will be its inevitable consequences.

I ask honorable gentlemen from the new States, how can they reconcile their support of a measure to reduce the price of the public lands with their duty to those of their constituents who have purchased lands at the present price, under the belief that the policy of the Government was fixed and permanent? Are they willing to sacrifice the value of the property of one portion of the people of the new States to gratify the cupidity and hungry appetites of another? If they are, I am not. I ask, would it be in good faith, on the part of Congress, to sell to one portion, lands at twenty-five cents an acre, when they have exacted of another one dollar and a quarter? Will you thus depreciate the price of the property of the industrious farmers who have bought lands, and tell the eager speculator that he may enter lands adjoining at twenty-five cents, and thereby be enabled to undersell his neighbor?

The report frequently repeats the assertion that the measure proposed will advance the interest and prosperity of the farmer; and quotes a passage from the President's message, which can have but little applicability to the question, and can merit but little favor from the farming interest of the country. The report reads:

"But the amount of money to be realized from the public domain is not the sole nor even the chief consideration which should influence and determine the policy of a wise and patriotic Government. In the language of the President, in his annual message of December, 1832, 'the wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society, and true friends of liberty.' These sentiments, it is hoped, will find a cordial response in every bosom. Their truth and justness are attested by all history. It may be asked, triumphantly, when did the cultivators of the soil willingly abandon the principles, or knowingly become the enemies, of free government? The soundness of the principle laid down is sustained by the most approved doctrines of political economy, and sanctioned by practical experience."

This all reads very well; but are the farming interest to be lulled by a compliment of this kind, or can they regard it as a compliment, in the refinement of this nineteenth century, to be called *honest* and *friends of liberty?* Why the presumption of law, not only now, but in the feudal times, and before, sanctioned the belief that even a thief, arraigned before the bar of justice, was honest and virtuous, however strongly charged, until the proof of guilt was made manifest by a verdict of his peers. Why, then, quote the President as authority to prove what no one has ever for the last thousand years questioned? And why

* *Mississippi.*—The population of this State, by the census of 1830, was 70,443 whites and 65,659 slaves; and by the census taken in pursuance of a late act of the Legislature, it was 144,351 whites and 161,383 slaves—showing an increase in seven years of nearly 74,000 whites and 100,000 slaves. The cotton crop was returned at 317,748 bales, and the acres under cultivation at 1,048,530. There are nearly 36,000,000 acres in the State.

not say that the mechanics are likewise friends of liberty? Or is this design to quiet the suspicions of the farmers, and silence their indignation, by the garnishment of an ill-graced compliment, whilst you sacrifice their property by depreciating its value in order to win favors with the land speculators of the West and their tribe of dependents?

I cannot but esteem the mechanic as patriotic as the farmer, and as truly devoted to liberty. If I felt desirous to follow the illustrious example of the committee, I might say that, although General Jackson complimented the farmer, the like is done once a year by the Emperor of the Celestial Empire. There are equally illustrious examples in favor of mechanical pursuits. Peter the Great, Czar of all the Russias, did not hesitate to work at the ship-yard, in respect for mechanical pursuits, and to stimulate his people to do likewise. Charles V, Emperor of Germany and King of Spain, resigned the sceptre which he had wielded over more than half of Europe, and became a clock maker.

This language of General Jackson's message is quoted in the report made by the Committee on the Public Lands to the twenty-third Congress; it is carefully copied in the report made by the committee to this twenty-fifth Congress. When arguments fail, General Jackson's name and messages are brought in to fill the chasm, in every long or short report.

When Mark Antony desired to deceive the people, that he might himself be elevated to the first honor in the State of Rome, he read to them Cæsar's will, and told them how much Cæsar loved them:

"To every Roman citizen he gives,
To every several man, seventy-five drachmas.
Moreover, *he hath left you all his walks,*
His private arbors, and new planted orchards,
On this side Tiber. He hath left them you,
And to your heirs forever; common pleasures,
To walk abroad and recreate yourselves.
Here was a Cæsar: When comes such another?"

The report which has been laid on our desks this session made by a Committee on the Public Lands, contains several passages from General Jackson's messages, which have been quoted a hundred times:

"A large portion of our citizens have *seated themselves on the public lands without authority*, since the passage of the last pre-emption law, and now ask the enactment *of another*, to enable them to retain the lands occupied, upon payment of the *minimum* Government price. They ask that which has been repeatedly granted before."

What a spectacle of lawless outrage does this present! And yet the only argument urged to countenance it is, that the public property has been seized upon by force, and therefore we should legalize that force and lawless depredation, when the very sentence quoted proves that the countenance given by Government to former *squatters* was hailed as an invitation for every adventurer to seize upon as much of the public domain as his avarice could desire. Yet the argument is used as well as quoted, that the outrage of one measure upon the interest of the nation should be sanctioned and justified by that of a former. If such is the political morality of any public man, I do not wish to be considered a convert to the creed.

The most dangerous doctrine to liberty is the doctrine of precedent, unsanctioned by the voice of reason and justice. Glaring infractions are quickly seen and exposed, and at once awaken the indignation of the public; but slow, gradual, and constant usurpations and abuses awaken but little alarm, and, finally, become sanctioned by time; and even error itself almost becomes consecrated by habit and usage. That distinguished writer who aroused, by the force of his brilliant imagination, his attic wit, his withering sarcasm, and powerful reasoning, the whole British realm to check and awe prerogative, in the dedication of his "Letters of Junius" to the English People, summed up the moral essence of all his writings in a caution against the prescription of abuses:

"Let me exhort and conjure you (he says) never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by without a determined, persevering resistance. *One precedent creates another; they soon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures; and when they do not suit exactly, the defect is supplied by analogy.* Be assured that the laws which protect us in our civil rights grow out of the constitution, and that they must fall or flourish with it."

Abuses as well as errors are to be sustained by usage and habit, and the terror of General Jackson's name is to be held up to awe or to allure all who pause to doubt. Hence its frequent introduction.

"His silver locks
Will purchase us *a good opinion*,
And buy men's voices to commend our deeds."

Can it be urged, in justification of the daily depredations which have been committed on the Government lands, that none are surveyed and ready for entry at the land offices in the various States? That cannot be urged; for the following statement from the Commissioner of the Land Office will show that, at this time, there are 88,339,336.44 acres.

Exhibit of the quantity of public land surveyed, the quantity offered for sale from the earliest period of the sales to the end of the year 1837, *and the quantity unsold and subject to entry on the* 30*th of September*, 1837.

States and Territories.	Quantity of public land surveyed—acres.	Quantity of public land offered for sale—acres.
Ohio	16,555,952.17	16,512,110.65
Indiana	20,155,897.67	18,464,679.82
Illinois	24,975,656.31	23,991,748.89
Missouri	21,440,796.58	21,004,365.47
Alabama	29,856,270.19	29,265,055.93
Mississippi	20,791,826.32	20,172,482.34
Louisiana	10,530,359.43	6,543,393.59
Michigan	13,532,192.50	12,731,853.08
Arkansas	13,913,431.31	12,662,900.88
Florida	9,254,297.73	6,213,573.26
Wisconsin	8,679,605.39	4,897,307.20
	189,686,085.60	172,374,470.91

Quantity of public land offered for sale as above		172,374,470.91
Of which this quantity was offered for sale subsequent to the 30th of September, 1837		138,004.30
		172,236,466.61
Quantity sold, as per table A, herewith	75,025,055.50	
Of the quantity of land represented above to have been offered at public sale, there has been appropriated for *common schools* and other purposes	8,872,074.67	
		83,897,130.17
Leaves the *quantity unsold and subject to entry on the* 30*th of September*, 1837		88,339,336.44

Both reports state:

"That the committee concur in the views of President Jackson, in his annual message to the two Houses of Congress in 1835, in which he says: 'It seems to be the true policy that the public lands shall cease as soon as practicable to be a source of revenue; and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse to the United States the expenses of the present system, and cost arising under our Indian compacts.'"

This proposition, so ruinous to the old States, and I believe to the new, if adopted, was used by the President, when there was an overflowing surplus in the Treasury. This language is now quoted and used, in the report of this session, when the Treasury is bankrupt, and has not one dollar of gold or silver in it but what is purchased, and is driven to the shift of issuing a suspicious kind of paper money. To reduce the price of the Western lands would be to invite all who desire to purchase Government land to delay making purchases until the limitation of the time shall expire, when the lands may be entered at the low price of twenty-five cents per acre, which is proposed; and in the mean time it will force those who have already purchased, for the purpose of reselling, to dispose of their lands at a reduced price. So, whilst it will destroy in a great degree all revenue to the Government by sales, it will have the tendency of ruining many who have purchased of the Government upon its faith to continue the present system and the present price.

How gentlemen can sacrifice the interests of so large a portion of their constituency by sustaining such a proposition, to indulge the avaricious longings of another portion, is not my business to inquire. Or how any member from any of the old States can countenance, with the slightest look of approbation, such a measure, puzzles my judgment. What maxim of political economy will justify it? What principle of reason? What sentiment of justice? I am slow to believe that motives of policy which war upon sound reason and strict justice can induce its support, or that the considerations of interested influences, which have ulterior hopes and sinister objects, will warrant so great a departure from the faith of the compacts, or so unwarrantable a surrender of the interest and property of all the States to the cupidity of a few, so that a portion of the new States shall be aggrandized at the expense and sacrifice of the old. Or are the prophecies of old to be twice fulfilled: that "the one people shall be stronger than the other people; and the *elder shall serve the younger?*"

If there be any member on this floor from an old State who "despises his birthright," I would repudiate the belief that I am that member. I do not belong to that Esau tribe that will dispose of the pledged inheritance of myself, my constituents, and my State, for a present feast of "red pottage."

The behest of a party, if given, could never, I hope, induce me to commit so wanton an injury upon the people of my State and the nation, whilst a Representative on this floor, as to surrender their dear-bought interest in the great public domain. Nor could the command of any individual, however exalted his station, or elevated his hopes, influence my calm judgment on this subject. Political triumphs or defeats should never enter into the consideration of this question. I rejoice not, like the Swiss, at the setting sun; nor, like the Persian, at the rising. I would look more at things than persons, less upon men than their measures, and severely scrutinize both. I cannot adopt the diplomacy of the Scotchman in the Man of the World, who could *never stand straight in the presence of a great man.* I would judge of virtuous men by their acts, and of public men by the wisdom of their measures. He who acts upon measures by principle, and makes the broad and enduring interest of the nation his controlling consideration, cares but little whether he be with the many or the few, so long as he has the approbation of an upright and approving conscience: that affords him abundant consolation, and, if placed in retirement, he can then truly say, with the Grecian, that he never feels less alone than when alone.

On this occasion, I cannot but allude to what I consider a false position which General Jackson is made to take by the report of the Committee on the Public Lands at this session.

General Jackson predicated his reasons in favor of a reduction of the price of the public lands upon the ground that they furnished a surplus revenue, made an overflowing Treasury; and he thought that an evil would result to the nation from an eager avidity on the part of the States to be possessed of the distributable surplus. Others, I know, thought that his reasons were more of a personal character, because some of his distinguished opponents advocated a distribution of the surplus revenue among the various States. I am willing to believe that the former were the reasons which induced the recommendation in his message.

Do not the committee perceive that the reasons urged by the President at that time are inapplicable now? Where is your surplus treasure now? Have you a redundancy of money in the Treasury at this time? Is it overflowing, as it was a few years ago? It cannot have been forgotten that you passed a bill at the extra session to withhold the fourth instalment of the distribution act, upon the ground that the Treasury was bankrupt. It cannot be forgotten that you passed a bill to authorize the Secretary of the Treasury to issue ten millions of Treasury notes. All know that the chairman of the Financial Committee has reported a bill to issue another ten millions. Then, when the Treasury is delinquent some twenty millions, how can the arguments of General Jackson apply, which were predicated upon a surplus of some forty millions? The committee should recollect there was no distinct proposition presented at the time when General Jackson wrote his message, to have the public lands, or a portion of them, distributed among the old States, for the specific purpose of education; the propositions were different and compound. Nor was there a simple and definite proposition of this character when Mr. Van Buren wrote his last message. As limited as my favorable opinion is of both of those distinguished personages, as wise and practical statesmen, I do not believe that either of them could be so unmindful of the public interest, so deaf to the voice of the indigent, so cruel to the offspring of the needy, so indifferent to the interest of all of the States, as not to give a cordial sanction to a measure which would exalt the condition of all, by carrying education to every habitation in the nation. Had the direct proposition been submitted to General Jackson to distribute among the States, upon some equitable basis, the whole proceeds of the public lands, as a permanent fund for educational purposes, I have no doubt in my mind that he would cordially have approved of it. Were it submitted to Mr. Van Buren, I fully believe that he would sanction it. They have both risen from the plain and humble walks of life to the first honors of the nation; and they could not be so unnatural as to arrest the facilities which general education would afford to the humble poor as well as to the more fortunate in life.

The proposition which I have offered is to extend to the old States the like quantity of the public lands which have been given to the new. It goes further: it proposes an appropriation of an additional quantity to all the States and Territories, without specifying the precise amount.

It is the principle and the policy of the measure which I have thought sufficient for the present to discuss, without embarrassing it with details, leaving the latter to be adjusted by the committee which the House may charge with the subject.

I have no hesitancy in stating, however, that I should prefer that the whole proceeds of the sales of the public lands should be set apart for the exclusive support of academies and common schools in all of the States. Such propositions have been made, as I will presently show, at various times.

If the same amount should be distributed to the old which the new States have received, they would receive, as the following table will show, which may not in all respects be accurate, the following amounts:

		Acres.
New Hampshire contains 6,674,240 acres.		
One thirty-sixth part of that extent, being the proportion of the public lands which that State would be entitled to for the support of common schools, is	168,728	
One-fifth of that thirty-sixth for colleges and academies, is	33,745	
		202,473
Vermont contains 6,551,680 acres.		
One thirty-sixth part	181,991	
One-fifth of one thirty-sixth	36,398	
		218,389
Massachusetts, including Maine, contains 28,990,000 acres.		
One thirty-sixth part	805,277	
One-fifth part	161,055	
Total for Massachusetts and Maine		966,282
Rhode Island contains 1,011,200 acres.		
One thirty-sixth part	28,088	
One-fifth part	5,617	
		33,705
Connecticut contains 2,991,360 acres.		
One-thirty-sixth part	83,092	
One-fifth part	16,618	
		99,711
New York contains 28,800,000 acres.		
One thirty-sixth part	800,000	
One fifth part	160,000	
		960,000
New Jersey contains 5,324,800 acres.		
One thirty-sixth part	144,577	
One-fifth part	28,917	
		173,491
Pennsylvania contains 29,872,000 acres.		
One thirty-sixth part	829,777	
One-fifth part	165,955	
		995,732
Delaware contains 1,356,800 acres.		
One thirty-sixth part	37,688	
One-fifth part	7,537	
		45,225
Maryland contains 8,960,000 acres.		
One thirty-sixth part	248,888	
One fifth part	49,777	
		298,665
Virginia contains 44,800,000 acres.		
One thirty-sixth part	1,244,444	
One-fifth part	248,888	
		1,493,332
North Carolina contains 29,720,000 acres.		
One thirty-sixth part	825,555	
One-fifth part	165,111	
		990,666
South Carolina contains 15,411,200 acres.		
One thirty-sixth part	428,086	
One-fifth part	85,617	
		513,703
Georgia contains 39,680,000 acres.		
One thirty-sixth part	1,102,222	
One-fifth part	226,444	
		1,328,666
Kentucky contains 32,000,000 acres.		
One thirty-sixth part	888,888	
One-fifth part	177,777	
		1,066,665
Total amount to the States which have not received lands		9,370,760

This amount of the public domain, sold at $2 an acre, which is about the average price which the public land has sold for, would make an aggregate of $18,741,520. The simplest rule of mathematics will easily inform us how greatly these several amounts would increase, not only for the same beneficent purpose to the old, but to the new States likewise—for all would have a proportional interest, and would receive a similar benefit in the measure—if all of the public domain were set apart for the promotion of education among all of the people of the nation. Nor do I entertain the slightest doubt that every State in the Union would give the measure its cordial and zealous

sanction if the question were brought home to the bosom of every man in the Union. Many propositions of a like and kindred character have been submitted in this House and in the Senate.

On the 12th of February, 1823, Mr. White moved that the House do come to the following resolution, viz:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating and setting apart a moiety or portion of the avails of the annual sales of the public lands, for the purpose of establishing a permanent increasing fund; the interest of which, after it shall have increased to a given sum, shall be distributed for the promotion of education in the several States, according to the principles of equal right and justice."

The following year, (1824,) Mr. Strong submitted the following resolution:

"*Resolved*, That all moneys which shall be received on account of the sales and entries of the public lands, after the 4th day of July, 1825, ought to be appropriated exclusively to the support of common schools, and the construction of roads and canals; and that the said moneys ought to be divided between the several States and Territories, in proportion to the representation of each in the House of Representatives of the United States, and applied by them respectively to the aforesaid purposes, in such manner, and with such limitations and conditions, as the Congress may prescribe."

The next year, (1826,) Mr. Dickerson, of the Senate, made a report upon a similar resolution:

The committee state that they "have come to the conclusion that great advantages would result to the United States from an annual distribution among them, by some equitable ratio, of a portion of our national revenue, for the purposes of education and internal improvement, as the State Governments may respectively deem most to their advantage, &c.

"Money, distributed as proposed, would give new activity to industry and enterprise in all the States, and that equally and simultaneously.

"It would create a vigilance on the part of the State Governments over the expenditures of the General Government, and thereby prevent the waste of money, and the adoption of extravagant measures that might diminish the amount of the annual dividends.

"It would secure impartial justice to all the States in the distribution of the expenditures of our revenue, a failure of which at present is a subject of loud and just complaint.

"It would relieve the General Government of the serious inconvenience of an overflowing Treasury, which, if not provided for in the manner proposed, or by a reduction of our revenue, will impair the most important principles of our Constitution.

"It would relieve the two House of Congress of a large portion of legislation, now devoted to the disposal of our surplus funds—legislation of the worst kind, calculated to produce combinations, sectional feelings, injustice, and waste of the public treasure."

Although there was at that time a large national debt, estimated by the report of the Secretary of the Treasury to be, on the 1st day of January, 1826, $30,965,537 25, yet the Senate's committee reported in favor of the plan of dividing the revenues from the public lands among the States for the purposes of education and internal improvement, and state that—

"Under a plan to distribute among the States a portion of our national revenue, and at the same time to provide for the gradual reduction of the public debt, it is proposed to divide annually, after the year 1827, one-half of the amount appropriated for the sinking fund, to wit, five millions of dollars, among the several States, by some equitable ratio, until the funded debt bearing six per cent. interest shall be extinguished; after that, to divide among the States ten millions of dollars annually, until the funded debt bearing five per cent. interest, and that bearing four and a half per cent. interest, shall be extinguished; and, after that, to divide among the States *fifteen millions of dollars annually*, leaving the residue of the funded debt, bearing three per cent. interest, to be redeemed at some distant period."

Various other propositions have been urged, or rather introduced into each of the two Houses, prior and subsequent to the period I have alluded to. One, which was reported by Mr. CLAY, of Kentucky, and was ably supported, passed both Houses of Congress; but the executive veto of General Jackson prevented its being carried into operation. It was in some degree a modification of the various other propositions which had been introduced: it allowed a bounty of some fifteen per cent. upon the amount of sales of the public lands, in favor of those States within whose limits the lands might be situated. As a measure of final compromise, that measure was approved by both Houses of Congress.

But I never could appreciate the force of the reasoning, upon principle, which would justify such a discrimination. The same reasoning which will allow a bounty to the new States, because the land is generally sold within their limits, and the money paid into the Western land offices, would justify the old and importing States in exacting a similar bounty on the amount of revenue which they have to pay in the form of duties. Why should not Maryland exact fifteen per cent. upon the amount of revenue collected at the port of Baltimore, on the same grounds? That revenue is paid by her citizens. And the mariner who pours the rich freight of his vessel into the lap of that city encounters, in truth, more peril and more hardship, in navigating the ocean, and breasting every danger, from pole to pole, than the Western pioneer does in felling the dark forests of the West.

It was one of the strongest grounds of opposition to the adoption of the Constitution, which Luther Martin took in convention, as well as afterwards, in his speech before the Legislature of Maryland, that, by the operation of the Constitution, if adopted, Maryland would surrender all control over her commerce and its revenue, and it was one of the causes of his withdrawing himself from the convention.

To be just before generous, is a maxim of equity as well as law, derived from the soundest principles of morality.

I have read all the articles of cession, all the compacts, and can nowhere find even an intimation, a sentence of doubt, that will allow one State to have a greater proportion of benefit from the proceeds of the public lands than another. The General Government has been made an agent, a trustee, by the States, for their mutual convenience and benefit, with express injunctions to be impartial in the appropriation and distribution of the common property of all the States of this Union.

On this part of the subject I shall offer one other extract, and that is from the proceedings of the Legislature of Ohio; and I cannot withhold my admiration of the sound and firm grounds which it has taken on this subject. A State, which but forty years ago was a vast wilderness, by the bounty of the General Government and its soil, with an enterprising population, is now the third State in the Union in population and power, and already

——"*leads*
New colonies forth, that towards the Western seas
Spread like rapid flame among the autumnal trees."

The resolutions were passed on the 2d February, 1838, and the part which I shall read is as follows:

"We do, therefore, declare that the public lands of the United States are the property of the whole Union, held in trust for the States; that this trust can only be answered by giving to all the States the proper proceeds of their value; that we protest against any change in the long established system of managing the national estate, as it was devised by the Congress of the revolution, and sustained by every administration of the Government till the present; and we maintain that the lands shall be sold at their proper price, for the benefit of all the people of the States, not squandered and confiscated for the benefit of a few; and we also maintain that the six hundred millions of acres yet unsold are the great inheritance of the future people of these States; and that any faithless consent of this generation to abandon that inheritance to the Federal Government, to be sold piecemeal, and the money used as common revenue, would be to make that Government more powerful, and to foster extravagance in public expenditure, while it would lessen the rights of the States *and deprive them of this unfailing means of advancing the condition of their people for centuries to come.*"

For the reputation of the new States, I could wish that such sentiments were more generally prevalent among them. And I may as well say at this time that my remarks in relation to appropriations of land, made by the General Government to the Western States for the promotion of education, do not apply but in a very limited degree to Kentucky and Tennessee. Kentucky has received a small portion, to aid some of her elemosynary institutions, and Tennessee has received about two hundred thousand acres for academies and colleges.

The views taken by the Legislature of Ohio are worthy of that enterprising and enlightened State, and commend themselves to the emulation of the older, less fortunate, and less prosperous States of the Union; they show practical intelligence and sagacious wisdom; they look beyond the present, and point to the distant future. Instead of treating and using the vast public domain as a fund for political gambling and political bribery, instead of throwing it out as a lure to the ambitious or the avaricious, as is too much the case in the present day, how much better would it be for the present and future generations if it were set apart as a sacred fund, to be used for educational purposes, and no other; not to be touched for any other purpose, in either peace or war. If the whole proceeds were set apart for that exclusive purpose, with the privilege of the States to invest one-half of their distributive shares in works of internal improvement, first guarantying to the Government, as the agent of all, (for I would have the present land system of the General Government continued,) the legal interest of the State on the amount invested in improvements, to be faithfully paid into the school fund of the State, this warfare between the State and General Governments would cease; this conflict between different sections of the Union would end; and a policy as enduring as our institutions would be established; and our institutions would be made enduring by this very policy.

"A despotism," says Montesquieu, "is supported by *fear*, a republic by *virtue*." Our institutions can only be supported by the wide diffusion of *moral education* among all conditions of the people. Those who limit their views to the present, and close their eyes to the future, are unsafe agents of the people. The lifetime of an individual is but a day in the history of a nation.

Congress should legislate as if this nation and its free institutions were to be lasting; it is only by viewing them so that they will be made perpetual; to look not alone at ourselves, selfish as human nature has formed us, but, in the language of Bulwer, to look at the *eternal people*, the teeming millions who are to crowd these States, to draw their support from its soil, and who must sink into ignorance, into anarchy, or into despotism, if they have not the means and facilities of early and progressive education.

The calculation which I have already exhibited shows the probable increase of population. I will offer a few more facts, as they will elicit, in every judicious mind, better arguments than any I could offer.

The number of inhabitants to the square mile in the United States at the last census (1830) averaged 16; in New England 20.9, in the Middle States 26.3 in the Southern States 7, in Massachusetts 81, in New York 41.5, in Pennsylvania 30.6, in Ohio 24, in Illinois 3, in the Western States 11. Now, suppose that each State had, at the present time, a sum set apart to educate all of their children, (which I will presently show is not the case,) how immensely that amount will have to increase to be sufficient to educate all the children of each State, when the population of each State becomes even as numerous as some of the nations of Europe at the present time. The number of inhabitants to a square mile in England is about 230, in France 160, in Germany it varies from 100 to 200. Humboldt has made a calculation, predicated upon the capability of the soil of America to produce the prime necessaries of life, and estimates that it is abundantly capable of supporting a population of 3,600,000,000; a mass of human beings five times as numerous as all who now exist upon the face of the globe. He estimated that the number would be, in 1830, 21,000,000, without including Indians and negroes: in 1930, to be 336,000,000; in 2030, to be 2,380,000,000. The United States is the most productive region of the continent, excepting a portion of Mexico and a few provinces still further south.

I will not fatigue the attention of the House by dwelling much longer upon these general considerations, but will attempt to present the question to the contemplation of the House, in relation to its bearing upon the present age and the rising generation; for it seems to be a controlling principle of our nature to look less at the past, and to be more indifferent of the worldly future, than to seize, with salutary avidity, the present; and it is a trait which all will admit the existence of in the American character, and which controls their pursuits in an eminent degree—the acquisition, by the shortest road, of the prize of affluence and wealth. The slow and gradual pursuit of gain our restive and enterprising minds will neither appreciate nor comprehend. We lie down with dreamy visions of wealth, and awake boldly nerved for its speedy attainment. But we know the value of education, and I am confident in the belief that the Government will adopt commensurate means for its more general diffusion. And, were we to extend our inquiries abroad, in order to ascertain if there is an urgent and pressing necessity to send the "schoolmaster abroad in the land," we would find, to our national reproach and deep and abiding mortification, that every region of the nation calls aloud for his services. There is no civilized and christian nation on earth which boasts of its refinement, its wisdom, and its fame, that so imperatively requires a more liberal system of public schools.

Let us examine, for a moment, the condition of education in the nations which we have too often been in the habit of considering as inferior to our own in the onward march of civilization and instruction. According to Lord Brougham's statement, in 487 parishes in England, there had been educated in 1818, when England adopted a more liberal system of popular education, 50,000 children. What, let me ask, was the effect of that system? In the same parishes, in 1828, there were educated 105,000; so that, in the brief period of ten years, the number of children who had received the benefits of education had more than doubled. What, let me ask, is the extent of the system pursued in other nations, and especially Prussia? We find, from an extract in Cousin, from a report published in the Royal Gazette of Berlin, in 1828, that according to the census made at the end of 1825, the number of inhabitants in the whole of the Prussian monarchy, amounted to 12,256,725; amongst whom were 4,487,421 children under 14 years of age; which gives 366 children for every 1,000 inhabitants, or about eleven-thirtieths of the nation.

Admitting education in the public schools to begin at the age of seven years complete, we may calculate that three-sevenths of the entire population of children are of an age to go to school, and we should have for the entire Prussian monarchy the number of 1,932,200 children capable of receiving the benefits of education. Now, at the end of 1825, there were in the kingdom:

Elementary schools for town and country, ordinarily for both sexes together			20,887
Burgher, or middle classes,	for boys, 458		
	for girls, 278		736
Total			21,623
In which were employed:			
Masters		22,264	
Mistresses		704	
Total		22,968	
To which must be added		2,024	assistants.

These schools extended instruction to

Boys,	Elementary schools	822,077	871,246
	Burgher schools	49,169	
Girls,	Elementary schools	755,922	792,972
	Burgher schools	37,050	
Total number of children			1,664,218

Now, we have reckoned the total population of children from 7 to 14 years of age, in the whole monarchy, at 1,923,200; it follows, then, from the foregoing calculation, that out of every FIFTEEN *children*, THIRTEEN *actually attend public schools*; and as we have to allow for those who go to private schools, or who receive instruction at their fathers' houses, or who have perhaps already entered the lower classes of the gymnasia, the general state of things appears sufficiently gratifying. What a contrast will this exhibit to the condition of education in most of the States in this Union!

In Prussia, Austria, and Germany, scarcely a child grows up uneducated. In most of the States in this nation, thousands and tens of thousands are destitute of education, as will presently be shown. Sweden (says Lord Brougham) is perhaps the best educated country in the world; it is difficult to find there one person in a thousand who cannot read and write.

Even Russia, semi-barbarious as we are prone to regard her, is improving in a liberal way her system of education. The St. Petersburg Journal states that 160,105 children of *soldiers and recruits* were educated *at the expense of the Crown*, in the year 1832. During an interval of eight years, 4,342 such children were brought up as clerks in offices, 2,308 as assistant surgeons, 452 as land surveyors, 586 as ship-wrights, and 120 as musicians. Where is to be found the law in our national statute books which makes provision for the education of children of the soldier and recruit who may be called on to lose his life in defence of his country's interest and honor? The man who is forced in times of necessity to peril his life for his country's welfare may sacrifice it in the cause of liberty, and leave behind him his indigent children unprotected, to become the victims of ignorance and slaves to vice.

If we contrast the condition of education in most of the nations of Europe with the limited systems in this nation, we will be mortified to find how far we are behind the former. It is true that Massachusetts, Connecticut, New York, Ohio, and one or two other States have adopted a liberal and general system of public schools; but even in those States there is much room for improvement; and although in Connecticut one-third of the population of 275,000 attend the free schools, still the foundations of education should be extended deeper and wider. In most of the other States the system of education is most culpably deficient. Although the system of education has been greatly improved since, yet, by a report made seven or eight years ago, it was stated that—

"This country contains more than four millions of children, who ought to be under the influence of common schools. But by a recent estimate it appears that *more than a million of children* are growing up in the United States in ignorance, and *without the means of education*; of these, 250,000 are said to be in Pennsylvania. An estimate made in 1828 showed that, of the children of New Jersey, 11,743 were entirely destitute of instruction, and 15,000 adults unable to read."

Between the statement which I have read, and the following extract from Governor Wolf's message afterwards, there will be discovered a discrepancy; but either statement presents a deplorable state of education at the time. Governor Wolf says that,—

"According to the last census, we have in Pennsylvania 581,180 children under fifteen, and 149,087 between the age of fifteen and twenty, forming an aggregate of 730,267 juvenile persons of both sexes under the age of twenty years, most of them requiring more or less instruction. And yet, with this numerous youthful population growing up around us, who in a few years are to be our rulers and our lawgivers, the defenders of our country and the pillars of the State, and upon whose education will depend, in a great measure, the preservation of our

liberties and the safety of the republic, we have neither schools established for their instruction, nor provision made by law for establishing them, as enjoined by the Constitution. I have no means of ascertaining, but am inclined to the opinion that 80,000 are entirely uninstructed."

Pennsylvania has adopted, within the last three or four years, a more liberal system of public instruction; and, in that brief period, the benefits have been beyond all anticipation. And never was a system more zealously opposed. During the conflict arising out of that measure, it was my fortune to travel through the greater part of that State, and I discovered that those portions of the State most uninformed, and requiring in the greatest degree education, were most zealously hostile to it. They enlarged upon tariffs and taxes, and were vehement in denunciations.

It was then that the truth of the remark of Dr. Chalmers forced conviction upon my mind, "that the inappetence of a people for education is in the exact ratio of its ignorance." What has been the effect of that system? From the report of Mr. Borrows, Superintendent of Education, to the Legislature of Pennsylvania, February 7, 1838, we find "that the whole number of scholars taught during the year, in the districts which reported, was 182,355." "The whole number of young persons, between five and fifteen years of age, in the districts that reported, is supposed to be about 200,000.

"So far as the returns have been received, the whole number taught in schools of all kinds, in the same districts, before the adoption of the system, was 80,000."

Then it appears that, in the short interval from the adoption of the measure to the present time, more than 100,000 children are now receiving the advantages of education, who otherwise would have grown up in degrading ignorance.

The measure of public education, which was at the moment of its adoption so unpopular, is now in those very regions hailed as the greatest public blessing, which proves conclusively another fact, that, whatever may be the prejudices against a liberal system of education, when once adopted, he who would then oppose it would make himself infinitely more unpopular in the most illiterate community than was the original supporter.

As in State Governments, so in the National: prejudices may be created; timid apprehensions may alarm; worse considerations than either may influence individuals in opposing a measure to appropriate the public domain for the diffusion of education among the States; but when such a policy shall, and I believe and hope will, prevail, the individual, if it should be possible that one such could be found in Congress, who would attempt to divert that fund, once set apart, from its munificent purpose, would be regarded as a more barbarous heathen than he who would, in other times, have wildly rushed into the sanctuary of the solemn temples of the gods, and extinguished their vesta! lights.

By the report of the committee appointed by the Legislature of Georgia, "of 83,000 children who ought to be in school, but 25,000 have the advantage of any education whatever."

Thus Georgia, the mother of two powerful and wealthy States, presents the sad picture of allowing 58,000 children to grow up within her limits in the most cruel and profound ignorance; a State which reserved in her articles of cession her just proportion of the public lands. When was the voice of that State heard in this hall in favor of a distributive share of the public lands for education, which she so much requires?

I have seen no report from North Carolina; and I deeply regret that there is not a feeling of reciprocity between the States and the National Government, to furnish each with all their reports and public proceedings; for, alike in State or the National Legislature, its members are embarrassed in their public deliberations, from a want of access to useful reports. But North Carolina must greatly require an improved system of education; for you will find in the Journals of this House, in the evidence in relation to the contested election from North Carolina, in the 1st session of the 22d Congress, that, out of one hundred and eleven voters who gave testimony, twenty eight had to make their marks; in other words, *one third* could not write their names. And her voice has not been heard in this Hall or the other, claiming a portion of the public domain for the education of her ignorant children. A State which is the parent of Tennessee; a State in which Sir Walter Raleigh's emigrants first settled; a State which has the honor of standing proudly the first to declare, by a politicial State act, (to say nothing about her Mecklenburg convention,) her determination to be separated from the mother country; for, on the 12th April, 1776, the Congress of North Carolina "empowered their delegates to declare independence."*

If we were to form a general opinion of the condition of education in other States from like circumstances, we would conclude that Kentucky is but slightly in advance of North Carolina.

You will find recorded, in your journal of proceedings, a case almost as remarkable, in the first session of the succeeding Congress. That, in the evidence given in the contested election of Moore and Letcher, of one hundred and twelve names of witnesses which I counted, sixteen were marksmen, or about one-fifth, who could not write their names.

By the last report of the superintendent of common schools, it appears that in the year 1836, in the districts of New York from which reports had been received, there were 524,188 instructed, and that the number of children residing in those districts, over five years old and under sixteen, was 563,882; so of that number 39,694 did not attend common schools.

I pass over other States, and will say that my own State is far behind the age in mental improvement, from an absence of a more general system of public education. In the congressional district which I represent there is scarcely a single school in which a poor man who has not the means to incur the expense can have his children educated. And what, Mr. Speaker, can be more agonizing to a sensitive mind, when the physical energies are paralyzed by affliction, than the reflection of such a parent, that the children he is to leave behind him are to grow up in ignorance, and to be made the prey of every vice, and to be allured to ruin by every temptation?

* In a work written by J. Seawell Jones, of North Carolina, which entitles him to the admiration of the country, and the lasting gratitude of his State, he has abundantly proven that his native State is entitled to the honor to which I have alluded; and since his excellent work has been published—his "Defence of the Revolutionary History of the State of North Carolina"—the distinction which he has claimed for her is fully corroborated, if additional proof than that which he adduces were necessary, by the researches of Mr M. St. Clair Clarke, at Albany, and at other places, whilst compiling the American State Papers.

How different must be the decline of one, though poor and prostrated, when he can find his pillow softened by the belief that, though disease and poverty may harass him, his mind can still fondly linger on the consoling reflection that his offspring, if left penniless, will still be educated; and how cheering the hope that their fate may be different; and that, when the fond parent is no more, his children, by public instruction, by industry, and the force of genius, in a country where all the avenues of enterprise and promotion are thrown wide open to character and to talents, may be useful to society and adorn his country, and rescue from the grave the name of their father, and extend it with their own through a grateful nation! By the census of 1830, there were in the U. States, between the ages of five and fifteen years, 2,845,037 white children; the number now is more than 3,000,000, all of whom should receive a moral and useful education. Lord Brougham asserts that "it is not enough to say that a child can learn a great deal before the age of six years; the truth is that he can learn, and does learn, a great deal more before that age than all that he learns or can learn in all after life." I do not feel qualified to discuss the truth or error of this proposition; but will assert that, if it is true, every one who values either the institutions of his country or the happiness of the people must feel a strong solicitude in having schools established which will give instruction and proper moral direction to the youthful mind. There is no truth more fully established in morals than that a nation or people are vicious in proportion to their ignorance. In illustration of the position, I will refer to a passage in Lord Brougham's speech on Education, in the House of Lords, some three years ago. He states, that of "70 persons who were put on their trials in the winters of 1830 and 1831, charged with rioting and arson, only 150 could read and write; all the rest were marksmen. Of the number of boys committed to Newgate during three years, two-thirds could neither read nor write.

"At the refuge for the destitute it is still worse; for, from an examination there made, it appears that the number of children received who can read with tolerable facility is in the proportion of only one in every thirty or thirty-five."

But, Mr. Chairman, I feel forced to hurry through this portion of the subject, and the reflections which naturally arise from it. I am quite sure that I have fatigued the House as well as myself.

The effect of education upon a nation is not alone in the mental and moral exaltation of its people, but the consequence is in equal ratio upon its physical energies and the increasing development of its resources. To sustain the latter position I will read an extract from the very able and most valuable work of Mr. E. C. Wines, on the subject of "Popular Education." He says that "the intellect of this people is not cultivated to one-fourth—scarcely, perhaps, to one-eighth—the extent that it would be by the adoption of a wise system of universal education. And who can calculate the results? What imagination can set limits to the pecuniary advantages that would accrue to the country, if useful inventions and discoveries were multiplied fourfold?" That, "In illustration of this point, President Young has made a comparison, founded upon the statistics of Baron Dupin, between the commercial and manufacturing condition of England and France. From this calculation it appears that the *muscular force* employed in commerce and manufactures in these two countries *is about equal*, being in each equivalent, in round numbers, to the power of *six millions of men*. Thus, if the productive enterprise of the two countries depended solely upon the animate power employed, France ought to be as great a commercial and manufacturing country as England. But *the English*, by means of machinery, *have increased their force to a power equal to that of twenty-five millions of men*, while *the French* have only raised theirs to *that of eleven millions*. England, then, owing to her superiority in discovering and inventing, has *more than quadrupled* her *power of men and horses*. *France*, on the other hand, has *not quite doubled hers*. Is it," the learned professor then pertinently inquires, "is it now any wonder that these islanders, with a narrower territory, smaller population, and less genial climate, should immensely outstrip their less intelligent and ingenious neighbors? And can we conceive a stronger proof of the actual pecuniary gain that accrues to a nation from *cultivating the intellect of her sons*, than is furnished from such a fact?" How much does England gain by her superiority over France from this fact? The actual commercial and manufacturing power of the latter country *is only two-fifths* of that of the former. The present annual value of the cotton manufacture of Great Britain, according to the Encyclopædia Britannica, is estimated to be about thirty-five millions of pounds sterling. *Three-fifths* of that sum, or *more than twenty millions of pounds*, is England's clear gain over her less skilful rival; an amount more than three times as great as *the whole present annual revenue of the United States:* and for this vast and ever increasing tide of prosperity England is clearly indebted to *popular education, which is the parent of intelligence*, and the ultimate cause of all those improvements in the cotton manufacture by which these amazing results have been secured.

At one time England imported her cotton fabrics from India. By the invention of machinery she now imports the raw material, sends it back seven thousand miles, manufactured, for sale in a country where the hand-loom is still used. By Middleton's genius, London is saved annually about eight millions of dollars in the facilties of furnishing water for that city. What amount of labor has been saved by Whittemore's card making machine? Whitney's invention of the cotton gin has more than doubled the value of every acre of cotton land in the South. And Fulton created a miracle by his steam invention, which has propelled the present generation more than two centuries ahead of their otherwise destination. It is beyond the estimate of human calculation to compute the resources and power of this nation, if education were universally diffused, so as to bring its influence to bear upon their full development. But the limited statements which I have given show how deplorable is the condition of education in most of the States; how many who cannot even read or write. The Emperor of Austria has issued an edict preventing those from marrying who cannot even read or write. The purpose is good; yet in this country it would be regarded as cruel. By the Constitution of Peru, no one will be allowed the privileges of citizenship after 1840 who cannot read and write. With all our boasted intelligence, such a law would create in this nation a civil revolution.

What lover of his country would not hope that the day was but shortly distant when this nation would present a spectacle worthy of its destination, when every citizen should enjoy the benefit of a generous education? And I would speed, with Wordsworth,

"The coming of that glorious time
When, prizing knowledge as her noblest wealth
And best protection, this imperial realm,
While she exacts allegiance, shall admit
An obligation, on her part, to *teach*
Them who are born to serve her and obey;
Binding herself by statute to secure,
For all the children whom her soil maintains,
The rudiments of letters; and to inform
The mind with moral and religious truth."

Mr. Speaker, I am fully conscious that I have occupied the time of the House to an unusual extent. I am fully convinced that other and distinguished members will exert their powerful talents in support of the measure. I hope that Virginia will lift up its able and strong voice in support of the resolutions which I have had the honor of introducing. I do anxiously hope that that State will never be silent, until the letter and spirit of its articles of cession are complied with; that it will not be contented with its great State University, but will press education in every region of that noble State. State colleges and State academies furnish the best education to their pupils; but it is the affluent alone who can send their children to those institutions. It is there that education, like the Lapland sun, gilds with its rays the edifice on the eminence, but they reach not the cottage beneath the hill.

If virtue and intelligence are the true and lasting foundations of a free Government, how imperative is the duty which rests upon those intrusted with the power of legislation to adopt a general system of public education. Whilst it improves the moral virtues, and exalts the head and the heart, it would do more than the avenues of intercommunication to knit together the Union of these growing and powerful States, and would unite them in amity and good feeling like a garland of flowers.

Opposition to the proposition will be made, but I hope it will not be insurmountable. Every liberal plan of ameliorating the condition of those who most require it will have to encounter prejudices. And on this point I will read, as applicable to my views an extract from James on Education:

"The first opposition will proceed from a spirit which the necessities of the times originally generated, and which, by the outcry of short-sighted men, and the *declamation of interested and ambitious* men, has been carried to a pitiful and lamentable excess. I mean the spirit of petty economies, *or the sacrifice of great and certain advantages to small but immediate savings.*"

In conclusion, I will say, if the members in this House should refuse to support a measure calculated to give their States a distributive proportion of the public lands for the promotion of education, I will renew the proposition, as long as I may be allowed a seat in Congress, in another form. I will insist upon the right of my own State to her just proportion, and will never tire in urging it until its final success. If justice should sometimes be slow, it is generally triumphant in the end.

But I hope that the members from the old States, and the liberal from the new, will take a firm ground, and take it quickly, in favor of this measure; that they will not let another census and a reapportionment of representation be taken until this question shall be carried. They have the power to do their States justice, if they have the will, and it is time for the old and developed States to

"Begin, be bold, and venture to be wise.
Those who defer this work from day to day,
Do on a river's bank expecting stand,
Till the whole stream which pass them shall be dry,
Which runs, and as it runs forever will run on."

THE DUEL REPORTS.

SPEECH OF MR. TILLINGHAST, OF RHODE ISLAND.

In the House of Representatives, April 24, 1838.—The House having still under consideration the motion of MR. TOUCEY, made under the unanimous direction of the committee appointed to investigate the causes which led to the death of the late Mr. CILLEY, to print the report of that committee, and postpone it till next Monday week—

Mr. TILLINGHAST said the motion being to postpone for a fortnight, and to print immediately, he presumed this was susceptible of division, so that a vote might be given upon each of those propositions separately. (To this the CHAIR assented.) Mr. T. then said he was against the postponement. The delay seemed unnecessary. If now postponed for a fortnight, at the end of that time the same question which has been raised in this debate would then still remain to be debated. If, in pursuing this investigation, it should be deemed by the House to be necessary to recommit the report for some purposes, as he believed it would be, if only to relieve the ultimate decision from all complaints or charges of irregularity of proceeding, it was important that it should be done without delay. If the subject was not postponed, the motion which the gentleman from Massachusetts [Mr. ADAMS] had given notice that he should make would be immediately before the House: and, if that prevailed, the facts would probably, at an early day, be presented in a proper manner for consideration and ultimate action.

I shall not be supposed [said Mr. T.] to be inclined to suppress investigation. The gentleman from New York, who just now sat down, [Mr. LOOMIS] said there ought to be no inclination to suppress investigation. I voted for the investigation. I thought it due to the occasion, due to the House, due to the country. I think so still. I thought there should be no postponement or delay of the investigation. I believed it of great importance that the country should at once have full and satisfactory assurance that Congress was disposed, without hesitation or appearance of reluctance, and according to the measure of its constitutional powers, to do all that properly belonged to the occasion; that the people should not be left to an interval of doubt as to the moral dispositions or capacity of their representatives and legislators; that they might repose with confidence in the belief that their representatives were as well disposed and as competent to perform any duty which might grow from this occasion as any other of the high duties with which they are charged. We were called upon to institute an inquiry. It seemed to me that the time of asking it was the time for granting it; and that it was of some consequence that

no countenance should be given, by refusal or delay, to an impression that, in this particular matter, the members of this House would not be as willing, or did not find themselves as competent, as in any other to provide for an inquiry into the circumstances, with a view ultimately to decide what might be due to the moral sense of the nation, as well as to their own dignity and regard for the laws. I am satisfied with the votes I then gave, and should give the same again under the same circumstances. I may, therefore, feel relieved from embarrassment and from liability to misconstruction in taking the only course which, in the present posture of this proceeding, I find myself permitted to take. Feeling that the reasons for this course are imperative and extremely clear, I desire that they should be distinctly and clearly understood by others.

The decision upon the question now raised will form a signal precedent in all future proceedings of a similar character. It is, therefore, important that the precise nature and extent of this question, and of the reasons which constrain the votes of members upon it, should be carefully made known. I trust this will be done.

When the lamented and most melancholy event which has excited so keen an interest shall have been presented to us upon its naked and unqualified facts, (as I believe was the intention of the House,) and presented according to those laws of proceeding in such cases which are as binding upon us as any constitutional principle or law under which we act in any case, we shall be in a situation to do our whole duty to the subject; and I indulge the belief that, whatever that duty may appear to be, we are prepared to do it to the full extent of our obligations. We shall meet the occasion and the call, whatever it may be, with firmness, with dignity, and with a proper regard for those high and paramount principles to which civil society owes its existence and its security. In such cases we are emphatically reminded that the legislator should distinguish between his legislative and his individual capacity. I allow myself to feel persuaded that every member of this House is able and willing so to distinguish; that each will forget himself as a person, and remember himself only as a legislator, charged with the welfare of the whole people, exercising his high impersonal functions under the most solemn and immediate responsibility to the Supreme Fountain of all law, and right, and power, as well as to that community whose present agent he is, and that posterity who will feel and judge his acts. We have been told, more than once, that we may, in our own persons, become the subjects or the victims of the decisions we may make in this case. Sir, this is true, and this is also right. Every legislator is bound to devote, and must, of necessity, devote himself to this hazard. The infirmities of which all and each must be conscious, may, in the unforeseen course of events, bring each, or any one of us as an individual, within the reach and visitation of the laws or determinations of which he is, himself, the mover or supporter here. But he cannot allow that consideration to influence his judgment or to relax his firmness in providing and maintaining, in his action here, such laws and measures as are required for the well-being of the whole community. Even-handed justice may commend the ingredients of our chalice to our own lips. The proper use of this truth is to be careful not to throw any thing that is not pure and safe and wholesome into the fountain of those waters of which all, not excepting ourselves, must drink. I repose with confidence in the belief that we are prepared to pursue this investigation to a result, whatever it may be, that will satisfy the moral feeling of the community and our own positive obligations as legislators; and that, at the same time, we shall not permit it to be the medium of any other feeling than a controlling sense of duty, nor allow ourselves, in its progress, to sacrifice any personal right or constitutional law, rule or form of proceeding.

So much I have deemed it necessary to say in reference to the suggestion that the investigation ought not to be suppressed. I do not perceive what argument upon the present question is contained in that suggestion. I am, as I was from the beginning, in favor of the investigation. To all that is proper to be done for rendering it thorough and complete I am ready to contribute my share. But I am also in favor of the Constitution and the laws. The investigation certainly can be, and certainly should be, conducted according to the laws and rules of proceeding established for cases of investigation; and whatever, in such case, the House refers to a committee, whether resolution or memorial, is referred to be dealt with according to and under those laws and rules.

Sir, I cannot persuade myself that the point now raised for our consideration is light and trivial. It is said that it is a mere question of form. But, when that is said, nothing is said which necessarily determines it to be of little importance. I can see that, so far as it is matter of form, it is of a form that might have been and may be easily complied with. But that is not a reason for overlooking or overleaping it. It certainly struck me, at the commencement, as being a question respecting form. But it must be remembered that, in proceedings of which the result may be penalty, forms are substance; and, the more high and serious the subject matter of the inquiry, the more material and substantial is the form. Every civilized country, in which the principles of civil liberty are regarded, recognises the necessity of forms and fixed rules of proceeding in such cases, which, when established and while in force, shall be inviolable.

For the purpose of meeting the argument, then, upon the ground assumed by it, let this be thought of and reflected upon as a question of form. Justice and propriety require that we should decide it separately and distinctly by itself, without being influenced by any impressions whatever upon the propriety of the investigation, or upon the subject-matter to be investigated. Whatever, if any, opinion I may have on that subject-matter, it is not necessary, nor would it be proper, that I should refer to it, discuss it, or allow my judgment to be in the slightest degree affected by it, in settling *this* question, which involves solely the *method of proceeding in all* such cases, and not the merits or demerits of this particular case.

I do not allow myself to suppose that this House, in deciding upon the existence or applicability of a form or rule of proceeding, will be influenced by opinions upon the merits of the matter involved in the proceeding. Yet the difficulty of avoiding such an influence, is the great danger to which forms and rules, established for the protection of the most important rights, are not unfrequently exposed. In many cases it happens that men know, or believe they know, in anticipation, all the material facts; they have an opinion or a feeling in regard to them which they conscientiously, and, it may be supposed, justly believe to be right; and, thus believing, there is danger that they will look with an unfriendly eye upon what seem, in the particular case, to be merely tedious and fastidious forms, and regard them as obstacles in the way of truth and justice, interposed by captiousness, or tending only to delay. But to dispense with a rule upon such grounds, is to overthrow at once all rules and all the reasons on which they are founded. The rule of one case must be the rule of all cases of the same sort; otherwise, there is, in truth, no rule for any case. Every case would be subject to the arbitrary discretion of the tribunal, which would decide in each whether it was or was not, upon its particular merits, a case for dispensing with the rule. Thus, as the rule could always be dispensed with, each individual case would be subjected to a mode of trial peculiar to itself. It is not sufficient to say that there may be cases in which there may be a captious use, or an abuse of the rule. The power which provides the rule considers, at the proper time, the possibility of abuse as well as the use. It weighs the one against the other. Finding the use, the utility, and necessity to preponderate, probably with immense disproportion, it establishes the rule. When established, it is the law of the land. It must be observed and administered by the tribunal, even where the party is ignorant of its existence, or does not expressly claim it. Generally, (as in forms of proceeding before arraignment,) it is not at his option to waive it. It is not merely the right of the man who is to be tried; it is the right of the community; the right of all men who are not on trial, that the fixed and established rules of proceeding should be observed.

If, before my eyes, one man slays another—I see and know the fact and all its circumstances—can I execute upon him the last sentence of the law? Can I call on twelve by-standers, equally witnesses of the fact, to proceed and try him? Can a court then in session, being witnesses also of the fact committed in their presence, put him at once upon trial before the jury in the box? If he consents to this mode of trial and form of proceeding, can it be done? What prevents? The rules and forms of proceeding established for such cases, and in existence at the time of the offence committed. The laws prescribe the same inflexible forms of proceeding, whether the fact be flagrant or doubtful; they require a form of presentment upon a process, strictly according to form, by a grand jury; and, in constituting that grand jury, as well as in their proceedings, and in all subsequent proceedings, every prescribed form must be complied with, however unimportant it may, at the moment, seem. Even if the lacking half hour of time elapsed at midnight, when he was asleep, and could make no use of it, it may yet avoid the whole proceeding. It is not left to the tribunal to say how much may be dispensed with and how much retained.

In regard to rules regulating proceedings upon inquiries instituted by this House, the right to the rule is not the individual right, or privilege of the member as an individual. It is the right of his constituents. It is the right of the constituents of all the members; of my constituents, sir, and of yours. By the Constitution, the House is to establish rules for its proceedings. When established, and while in force, they are constitutional law.

I can only regret, as unfortunate, that the committee, at their first meeting, did not look into that part of the Manual, and especially into that chapter upon proceedings in committees, which contains the rule now in question, with a view to applying it to the proceedings they were about to commence, and thus recognise and thereupon take the plain course which it seems to me lay before them. They would then, probably, after their first sitting, after the examination of the first witnesses, or at such other time in the session as they deemed expedient, have reported a state of facts embraced in the rule, as ascertained upon sworn evidence, which would have placed the House, for the first time, officially and constitutionally in possession of matter upon which all subsequent proceedings must be founded. The House would then, probably, without delay, either have come to a resolution to proceed here, or else would have given at once to the committee the special authority stated in the rule. Very probably the latter would have been the course, as more convenient to the parties and to the House.

But this has not been done. The rule has been overlooked or disregarded. I think it an omission. In this state of things, the responsibility is urged upon the House to declare that the rule does not exist, or that it is not applicable.

If it exists as a rule of the House, there can be no question that it is applicable. It applies, by its terms, to all cases of inquiries before committees.

It is said that it is to be found only in Jefferson's Manual—not in the numbered rules. This may be the reason that it was overlooked in the committee, but it is no reason that we should disregard it now that it is pressed upon our attention. At the last session, the rules of proceeding, as comprised in Jefferson's Manual, were expressly and constitutionally adopted as rules of this House. It is, therefore, as much a rule of this House as any other, and stands on the same footing and authority as every other. But it is said that it is Mr. Jefferson's "marginal note" of the case in Grey's Debates," which related to the execution of Armstrong, and the motion for his execution made as Attorney General by Sir Robert Sawyer, a member of the House of Commons. But surely the authority of a rule of this House cannot be thus avoided. A marginal note, unadopted by the House, would have no authority as law. The question upon it would be, whether it was a correct statement of that case. But it is not important that a rule, adopted and enacted by the House for its government, should be founded upon, or in conformity with, any pre-existing cases. It is not Grey's Parliamentary Debates that is adopted, but the language of this rule; and, by its own language and terms, according to their obvious and known meaning, it must be interpreted and applied.

It is the power of the House which gives it life and authority, and creates it a rule of the House. Call it a marginal note, or Mr. Jefferson's note, or Mr. Jefferson's invention, or by any other name, the thing is still the same. If its principle had even been incorrectly deduced from cases in which the author of the Manual supposed he found it, still the House has adopted the principle as it finds it expressed in the Manual, believing it wholesome and right in that form. It is wholly immaterial, in this respect, whether its origin was in England or Virginia, in China or Hindostan.

It has been suggested that the rule in the Manual comes in collision with the resolution referring the facts and memorials for investigation, and that these may, therefore, be supposed to overrule and supersede the rule. I cannot so understand the matter. The resolutions are in the ordinary general terms of resolutions for inquiry by committees; and if this doctrine were correct, then every resolution might supersede those existing rules which govern the proceeding directed by the resolution. But the rules cannot be so repealed. I cannot perceive that the rule does, in the slightest degree, come in collision with any resolution passed on this subject. But, if it did, it is the resolution that must yield to the rule, not the rule to the resolution. It is the province of the rules to "govern" the action of the House until, in the proper manner, they are repealed. By 118th rule, adopted at the last session, on great consideration, the rules in the Manual are to govern, unless inconsistent with the *standing* rules of the House and the *joint* rules of the House and Senate. As it has not been read, I will give its words:

"118. The Rules of Parliamentary Practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with *the Standing Rules and Orders* of the House, *and the Joint Rules* of the Senate and House of Representatives."

Now, it is clear that the rule in question is not inconsistant with the *Standing* and *Joint* Rules, or any of them. By its express terms, it is applicable to the proceedings of this committee, because this committee is "charged with an inquiry." Its words are these:

"When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; *whereupon*, the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning *him*."

This *proving to be involved*, it will be seen, takes place *in the committee charged with the inquiry*. They take evidence as to who is involved, and thereupon it proves that a member is involved. When that is established, the rule is imperative upon them as to the form and method of further proceeding. They cannot go on to the end of their commission, omitting entirely the requisition of the rule; but must then make a special report to the House, which will thereupon either give them a special authority to inquire concerning the member thus proved to be involved, or will order the further investigation and hearing to be before itself.

Sir, this view of the dictate of this rule has not been answered. I think it cannot be answered. It is certainly no answer to say that, when the committee was appointed, it was *expected* that members would prove to be involved. When, in the course of regular investigation, that *does* appear, which was expected to appear, then, and not before, the rule attaches. It is said that when the resolutions were passed, most, if not all, of the members of the House believed, nay, knew to a moral certainty, that some of its members would be affected by the investigation. Well, sir, in the instance which I put before, of a man slain openly in a crowd, or in the presence of a court, there is a belief, there is a moral certainty, in the minds of all, as to the nature of the fact, and as to the individual who will be charged and be the subject of the trial. It is *expected* that he will be the individual who will be named in the indictment. Still the laws of proceeding cannot for that cause be dispensed with. Every form and rule of proceeding must be observed, as if there was no such belief or expectation. The rule for one is the rule for all. The words of the rule expressly exclude all idea of an *implied* authority. It must be "*special* authority;" it cannot, therefore be implied from any belief or supposed knowledge on the part of the members of the House. And it may be observed that no such belief or knowledge appears in any record or proceeding of the House, nor could regularly appear, except upon a special report of the committee according to the rule, or upon an investigation conducted in the House.

In regard to this it must be perceived that the course taken by the committee would deprive the House of the option reserved to it by the rule. It is the right of an accused member to be heard upon the charge somewhere. It is at the option of the House, after he is personally charged before them, and as soon as they have official possession of that fact, either to hear him and pursue the whole investigation and trial in the House, or to give to their committee special authority "to inquire concerning him," and report the evidence, in which case he may be present, and heard in the taking of the evidence before the committee. It is also the right of the member that this option should be exercised by the House, and he may give reasons for or against either course. But by the method pursued by the committee, this option would be taken away from the House.

Mr. Speaker, my single object in these remarks has been to explain the reasons of my vote. When that is done, I shall have acquitted myself of all I deemed it necessary or desirable now to say. It is no part of my object to censure or doubt the motives of any one, or in any manner to wander from the question to be now taken. I wish that my own action should stand upon its true ground; and I feel that in this so important, and certainly in this House not familiar question, it is necessary that we should examine carefully the ground on which we are advancing, and see that every part of it on which we are about to plant our feet is solid and firm. The People have a right to demand that their legislators should, in such a proceeding, regard all the established landmarks, and adhere to the fixed laws and rules of proceeding in existence at the time. They have a right to this as a portion of the standing laws of the land. I feel bound, in honor and in conscience, to a strict observance of this rule of the House, by the same obligation and under the same sanction of the oath I have here taken to regard and support the Constitution and all other laws of the land.

Believing, therefore, that a recommitment will be necessary, and that, if so, it should be without delay, I shall vote against the postponement.

REMARKS OF MR. FOSTER, OF NEW YORK,

ON THE SAME SUBJECT.

Mr. FOSTER said:

Mr. SPEAKER: I do not, as did the gentleman from Vermont, [Mr SLADE,] feel constrained to speak on this question "because I am obliged to give a vote, and in order that I may place myself right before my constituents;" for I have no fears that they will misunderstand this question; and it seems to me that the avowals of those who oppose the printing of the reports of the committee presuppose either that their constituents are incapable of understanding this project, if left to themselves, or else that they feel the necessity of rendering an excuse, beforehand, for the course which they pursue. However this may be, I have no doubt we shall learn in the end that our constituents are capable of examining all the questions involved in this case, and of correctly deciding thereon.

There are two or three questions involved in the motion to print the reports of the committee. It is said by those who oppose the printing that the committee have not proceeded according to the rule of the House, adopted from Jefferson's Manual, which directs that

"When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon, the member is heard in his place, or at the bar, *or a special authority is given to the committee to inquire concerning him.*"

The gentleman from Vermont [Mr. SLADE] also objects to the printing *at this time*, because, as he says, the people are now so much excited that they should not be trusted with the proceedings, for fear they will do injustice to those who are implicated; and that our doings should not go abroad to the people until we have finally determined the matter, lest they should, by their intermediate action, improperly influence our decision.

In my judgment, the committee have proceeded regularly, without violating any rule of this House, and their proceedings ought to be printed and examined by us; that the objection raised against it is one of form merely, without any substance; and that the people will, as we should do, look beyond mere forms, and examine into the substance of this question.

Sir, the people are not "fanned into an improper excitement." The public pulse beats now as calmly as does ours; and they are not to be told that they must be kept still while we act! That they ought not *now* to know what evidence has been given and reports made in this case; or that they are now incompetent to appreciate the arguments contained in the reports. They will want to know why it is that we attempt to conceal our course from them? Why we so strenuously oppose the publication of our doings? Why, in this matter, we attempt to cover up our footsteps, while, in regard to other subjects, we permit them to trace our progress step by step? And they will not be satisfied with the answer "that they are too much excited to act justly."

Let us look at the facts. It was known to the members of this House that one of our number had been killed in a duel; that he fell in combat without another member; and that other members were concerned as seconds and friends of the parties; and the resolution authorizing the appointment of the select committee required them to *investigate the causes* which led to the death of the member—the *circumstances* attending it; and to inquire *whether a breach of privilege* had been committed; and *that the committee report thereon to the House.*

It is now objected that, although we have the right to print the *evidence*, which was taken before the committee yet that they had no right to make any *report* upon it; that they should have returned to the evidence of the House, without coming to any conclusion thereon, and without presenting any resolution for the action of the House. Such a course of proceeding on the part of the committee would not be a *report*, as directed by the resolution. It would be *no* report. The report intended by the resolution is just such a one as is made in ordinary cases: a paper, drawn up by the committee, condensing and properly arranging the evidence, so that, as a whole, it shall be easily understood by the House, embodying with it the views and reasons of the committee, and adding thereto the resolution or bill which they think the House ought to adopt. All this is included in a *report* of a committee; and unless all this is done, (except where the order of the House directs a mere report of facts,) the committee fails in its duty to the House. What should we say, in an ordinary case, if a committee, charged to investigate and report, should only return the evidence, in the precise form in which it had taken it, without any arrangement, and without expressing any opinion? Would we not say they had neglected their duty? Would we not require them to present it in form, with their views upon it? And would we not send it back to them and require them to complete their work? Most certainly we would, and very properly, too.

We knew that the committee were inquiring into the conduct of members of this House; and we, as well as the members implicated, (who voluntarily appeared before the committee and examined the witnesses,) acquiesced; and *who*, for the first time, has learned from this report, that the committee were inquiring into the conduct of members? Sir, for two months we have known well how the committee were engaged; and let us not now lose sight of the substance of the business before us, and pursue the shadows of form.

The issue presented by those who are opposed to printing is a false one. The true issue is, not whether the committee have literally followed forms in their investigation. (for that is a subordinate consideration) but whether they have fairly and honestly pursued their inquiries, and whether the parties concerned have had an opportunity to be fully heard before them. If we believe that the committee have proceeded in a way calculated to affect injuriously the rights of the members charged, then we ought not to print their reports or testimony; but if it has been fairly made, the question is not, has there been any mistake in form, but has substantial justice been done to the parties by the committee? and, if so, do not the ends of justice require that their proceedings be printed?

I shall never consent to shield a member of this House by mere technicalities; nor do I believe that any member here will put his defence upon such grounds. I will carefully endeavor to protect them from injustice, but will not interpose in their defence the cobwebs of form; at least, until I ascertain that they wish it; nor *then*, unless that form has substance. I cannot believe that either of the members whose conduct is under examination desires that these objections should be made, or believes that they are calculated to sustain his honor or his rights.

The gentleman from Vermont [Mr. SLADE] admits that when ordinary subjects of legislation are referred to a committee, it is proper for the committee to report their opinions as well as the facts; and yet he contends that, in such a case as this, they had no right to take the evidence, because it affects the rights and privileges of members of this House; and in this he is more consistent than others, who object to the printing; for, if the rule prohibits the *reports*, it also prohibits the *investigation* by the committee; but, in my judgment, both grounds of objection are alike untenable. If, however, the gentleman be right, then we should have a scale by which to graduate our proceedings according to the supposed importance of the subjects before us. If the matter concerned our constituents only, we might refer it to a single member with ample powers to examine and report complete, and thus save ourselves all trouble except to pass upon it *formally*, by a third reading and final vote; and throw off upon the committee all the responsibility of deciding upon the merits. And if the business concerned the nation at large, or the officers of the Government, we might enlarge the numbers, and restrict the powers of our committees, according to the increased importance of the subjects presented for action, until they should affect *ourselves* and *our privileges*; and *then* we could so proceed as to prevent any action by committee at all; and it would not require much ingenuity on our part effectually to frustrate any attempt of the people to call us to an account. Indeed, the gentleman from Vermont has contended that we had no right to raise a committee in such a case, and that all the proceedings should be had at the bar of the House Why did he not go one step further, and insist that our privileges were of such vast importance, and our offices so sacred, that we were beyond the power of the House to punish or expel; and that as against *us* the Constitution has no power; that our right is a divine one; and that our conduct cannot be inquired into? Sir, this assumption might astonish our constituents somewhat, and for a time excite them; but perhaps a speech in favor of it would "set us right with them;" it would, to be sure, make the Constitution a dead letter, but it would guard our privileges! And it would not be more inconsistent than that a committee cannot preliminarily examine our conduct; for the rule from the Manual expressly recognises the right of the House to authorize a committee to inquire into the conduct of members.

Other members, who are opposed to printing even the evidence, say that we have nothing to do with the testimony taken before the committee; that their proceedings are in the nature of an examination before a grand jury in criminal cases, and should form no part of the proceedings on which we are to act. This is a great mistake; there is not a single analogy between the two cases. A grand jury are not a portion of the body before whom the cause is finally to be tried; they sit in secret; they hear evidence only against the accused; he is not suffered to appear before them, either in person or by counsel; nor is he permitted to know that proceedings against him are entertained; nor does even the court ordinarily know into what or whose offence the grand jury are inquiring; they are not appointed or selected by the court; neither has the court the constitutional authority itself to make the preliminary investigations, which belong to the province of the grand jury, and which must always precede the final trial of the accused; and, finally, the law does not permit a grand juror, who has assisted in the finding of the bill of indictment, to act either as a judge or juror on the trial. In every one of these respects, in regard to a committee, the case is different; they belong to our body; are appointed by us to perform a duty which might, if we preferred it, be performed at the bar; their proceedings have been known to us and the accused; the examination has been neither secret nor *ex parte;* and they, with us, are, constitutionally, judges of the guilt or innocence of the accused, and of the measure of punishment which (if guilty) should be meted out. They have been appointed simply because, as a much smaller body than ours, they could more readily take the testimony, and embody it in form, than we could, and for the further reason, that, while *they* were attending to this matter, *we* could be proceeding with the ordinary business of legislation, which must have given way entirely to the examination of this privileged question, in case the committee had not been appointed.

This is a proceeding under the Constitution, which provides that each House may "punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." It depends upon no custom or prescription, as does the right of the British Parliament to punish or expel its members; and there is no limitation in the Constitution or laws of the land of the *manner* in which the power shall be exercised. It may, therefore, be exercised in any way which the House thinks best adapted to secure a full and impartial trial of the accused, and at the same time prevent the inquiry from entirely clogging the wheels of legislation. It is a question of *expediency*, and addresses itself to the discretion of the House. Why, then, should not the power be exercised as in the other proceedings of this body? It differs from them in no other respect than that it affects ourselves instead of the people; and this is the last reason in the world for interposing formal objections in their behalf.

It is our duty to guard our members from injustice; carefully to see that none is done to them; and it is also our duty to see that they are not screened from a just responsibility. And if we attempt to screen them, the people will understand it, and be able to appreciate our motives, notwithstanding *we* may deem them too much "*excited.*"

The committee were not only bound, by the *resolution*, to report to the House, but, after it was referred to them, and while they were engaged thereon, we from day to day received petitions from various parts of the Union, praying for specific action of this House. Some of them prayed us to inquire what members were concerned in the duel, and asked for their expulsion; others requested that individual members (whose names were stated) should be tried and expelled; and others prayed for the passage of laws to prevent duelling. All these petitions were referred to that committee: and, *therefore*, if there had been no previous resolution, the reference of these petitions *required* the committee to investigate the charges contained in them; to examine into the conduct of the members accused, and to report thereon to the House. Did not the reference of these petitions confer *special* authority on the committee? Why, if you did not expect action upon them, did you act the solemn farce of referring them, and thus deceive the people into the belief that you did intend to act for the maintenance of the honor of your body? If the object is not decestive, why is it (and our constituents will ask why it is) that, after referring these petitions to the committee, we refuse to receive their report, and to act thereon? Why did we not frankly tell the petitioners *then* that we did not intend, by the reference, to produce any action upon their memorials? Why not tell them we sent the petitions to that committee for the purpose of putting them to sleep? Sir, we *then* intended to act fully and fearlessly upon this subject; and had the committee merely presented the evidence, they would have deserved the censure of the House, and, I have no doubt, would have received it.

In the case of John Smith, a Senator from Ohio, who was proceeded against by the Senate, upon a charge of being engaged in Burr's conspiracy, the select committee reported to the Senate all the testimony taken before them, with an elaborate report, embracing the reasons or arguments of the committee, citing precedents, and giving the conclusions of the committee, together with a resolution directing that he be expelled from the Senate. The resolution so introduced was the subject of consideration before the Senate down to the time of the final decision of the case; and the testimony, report, and resolution, were printed by order of the Senate.

In that case, Smith was allowed to give additional testimony in his defence at the bar of the Senate, and that body acted upon the testimony so given before the committee and at the bar.

So, in this case, if the parties charged can produce additional evidence in their behalf, I doubt not the House will give them permission to do so, either before the committee or at the bar as they shall desire. The proceedings, thus far, are preliminary to the final trial, and, like any other similar step, do not preclude the House from acting as it shall deem right. If we are satisfied that the committee have not obtained all the facts necessary to a correct decision, we can supply the defect. There is no good reason why the reports in this case should be oppressed; none why they should not be printed, like any other proceeding of a committee which relates solely to the rights of the people. The honor of the House neither demands, nor will it permit, any such distinction at our hands. Our constituents and ourselves should be treated alike by this body, and there is no danger that our fellow-members will suffer injustice from us. The danger is that offending members are more likely to be screened from punishment when deserved, than that they will suffer when innocent. Our social relations with each other; the intimacy and personal friendship existing, among members of the same body; and the fact that our rights, privileges, and duties are identical, will, at all times, prevent injustice being done them. I insist, therefore, that, by the resolution and petitions referred to the committee, they were bound to go as far as they had gone, and we required it at their hands; and I have no doubt they have performed the trust impartially. But whether they have come to a conclusion warranted by the evidence, we can better determine when we have examined the whole case.

Why, I repeat, sir, should we pursue a different course in the case of our members from what we do in that of our constituents? Are we sent here to interpose obstacles for *our* defence, when the people call for an inquiry into our conduct? What reason is there that *we*, the servants of the people, should attempt to shelter each other behind forms, when *they* demand the investigation? We are already enough protected, without seizing upon technicalities to defend ourselves We, unlike other officers of the Government, are held not to be liable to impeachment for our official misconduct; and there is no way of *removing* us from office, however flagrant our offences, except by such a proceeding as this. And what will our constituents think of us, if they find us engaged in hunting up objections to evade this inquiry upon its merits? Sir, let us meet it fairly and fully, and decide it in the face of the country.

The gentleman from Vermont [Mr. SLADE] charges the object of those in favor of printing to be to place the report in the hands of the people, to excite them to demand the expulsion of members, and for the purpose of preventing the re-election of any one who may be expelled In this he mistakes the true point, and, I think, improperly impeaches the motives of those who differ with him. The proposition is to print the *usual* number *for the use of this House*, and without which it will be very difficult, if not impossible, for us properly to examine and decide the case; and *such* is the *object* of printing. I admit, however, that a *consequence* will be that the report and testimony would go before the people; and if it does so, I have no doubt it will make the proper, and no other, impression upon the public mind. I do not believe that it will improperly affect the character and standing of any member of this House.

The people are not likely to do injustice to their public servants; and if perchance, through the influence of a momentary excitement, they imbibe improper prejudices against them, they are sure in the end to see their error, and the sympathy which it creates will lead them to atone for the momentary pain inflicted by doing them even more than justice.

Sir, no one suffers permanent injustice, whether in regard to his motives, or his conduct, from his constituents.

Gentlemen are willing to let the people see the report and testimony *hereafter;* "when they shall have got over their excitement and become calm;" "when we have decided the case." And they ask, why publish the proceedings *now*, inasmuch as the people are not to try the cause, and when perhaps only a part of the evidence has been given? It is true that the people are not to *try* the question, but they have the same right to see and examine our proceedings in regard to this, as on any other subject which comes before us. It will not do to tell them that this question is above their capacity to examine fully; that they will be likely to do injustice to members of this body; nor will they be satisfied with our refusal, because *all* the evidence may not have been given.

I contend, Mr. Speaker, that the rule alluded to from the Manual was not intended to apply to such a case as this. It was intended to prevent a committee, of their own accord, and without the knowledge of the House, from trying a member, without giving him an opportunity to be heard. It was to protect members against secret and *ex parte* investigations of their conduct by committees; but was not designed to shield them from a full and free examination into their conduct whenever the House believes it necessary to entrust a committee with that duty. Now, sir, I ask again, did not the House intend—when it adopted the resolution of inquiry, and when it referred the petitions to the committee—to have an examination into the conduct of the very members who are implicated by the report? And was it not well known, for two months, that the committee was investigating the conduct of those members? And have we not known that those members were daily before the committee, producing testimony, and examining and cross-examining the witnesses? If, after all this, we refuse to receive and print the reports, we shall show that we are more intent on pursuing forms than of administering impartial justice; that we care more for technicalities than for the honor of the House·

Sir, our constituents will understand this case, and it will be in vain for us to attempt to deceive them. They will look us steadily in the face, and will carefully watch our movements in this, one of the most important investigations which can come before us; and if we endeavor to evade their gaze by the gauze veil of subtle refinements, they will look through it or tear it from us, and we shall at last find ourselves exposed to their just indignation.

For one, I desire to see all that the committee have done; to examine it deliberately; and to hear such further evidence as shall be offered, in order that I may come to such conclusion as will protect the privileges of this House and its members, and at the same time do no injustice to individuals.

REMARKS OF MR. MENEFEE, OF KY.

ON THE SAME SUBJECT

Mr. MENEFEE rose, and said that he was certainly, as every member must be, apprized of the general condition of the finances, and of the particular exigencies of the Treasury at this time; but he was not prepared for the announciation just

made by the chairman of the Committee of Ways and Means. He tells us that there is no time for trial; to enter upon which would be wholly incompatible with a proper despatch of the public business. No time for trial! said he. Sir, when did the gentleman make that discovery? Was not the state of the public business and of the Treasury fully known, all along, to the gentlemen who originated this inquiry, and by whom it has been pressed, the chairman himself amongst them? No one will doubt it. All, therefore, who contributed to set this inquiry on foot *intended*, I am justified in pronouncing, that it should thus connect with the discharge by this House of other public duties; for they foresaw—must have foreseen—from the first, the direction which it was eventually to take; which was, formal trials, separately, before the House—with accuser confronting the accused, and witnesses face to face with parties—of each member against whom any accusation should be made or punishment aimed. Indeed, raising a committee, of itself, implied such final action; for the office of a committee is but preliminary, preparatory to the action of the House, and its acts are nugatory except as conducing to such ulterior action. All looked to the committee as the means, the end of which was the action of the House. This course of proceeding, nevertheless, presented, at that time, no obstacle.

Has any thing intervened since this inquiry was thus instituted, disclosing the impracticability of its further prosecution? Are we to understand, from the position which the gentleman holds, that in what he has just uttered are presented the wishes of the Administration and the intention of its friends here, respecting this subject, namely, to urge it to the point of a report, involving, to the deepest degree, the characters of distinguished gentlemen of the Opposition, members of the House, and suspending over them resolutions of censure and expulsion, and then to arrest the proceedings altogether? In other words, to raise a committee, and employ it for two months in preparing *accusations* and elaborating arguments against gentlemen, with a view to promulgation, and now actually promulgated, all over the Republic; and then, by instantly arresting the proceedings, to deprive the accused of the opportunity of vindication in the regular course of investigation and trial!

No time! Sir, they have found time, the amplest time, to accuse, to criminate; have they not time to hear and try? They can, without the slightest prejudice to the public interest, inculpate; have they no time to hear evidence in defence and exculpation? Is there time for calumny; none for truth?

I admit, sir, that a disposition of these proceedings in the only justifiable mode—*after full opportunity of defence*—will conflict with the just demands of the public interest. Their prosecution up to this point has already produced such conflict. But this does not at all prove that they should be arrested now, having already gone so far; but it may prove that they should never have been instituted. As a question of privilege, this excludes the consideration of all other business, no matter how urgent. The Treasury, now scarcely sustaining itself, may soon, for want of supplies, close against the public creditors, to the infinite prejudice of the public credit. Other alarming embarrassments may overtake the Government. Yet, sir, should such results appear, they will be ascribable altogether, in their fullest measure of responsibility, *to the friends of the Administration themselves*, with whom these proceedings originated. I desire to enforce upon the House and the country the truth, which no gentleman here will venture to contradict, that this measure, in its commencement, progress, and consequences, is a measure of the friends of the Administration, designed, at the hazard of great public injury, to attain objects to which I shall hereafter advert.

Why, sir, what is the nature of the proceeding in which the House now finds itself involved? For fifty years the Government has existed under the present Constitution; in the lapse of which, the nation has passed through all the vicissitudes of peace and war, of prosperity and adversity, of tranquillity and excitement, and all else, save civil war, (and that it has scarcely escaped,) to which republics are exposed. Yet our history is without a precedent for this proceeding. It is new, wholly new. It presents an epoch in that history; certainly an epoch in the history of this House? What is it?

On the 26th of February last, sir, the death of the Hon. JONATHAN CILLEY, a member from the State of Maine, was announced to the House by one of his colleagues, [Mr. FAIRFIELD,] and the customary funeral honors awarded. For this there was precedent. Two days afterwards, however, that same colleague introduced resolutions proposing an investigation into the causes which led to the death, and the circumstances attending it. For this there was no precedent. Here, sir, the extraordinary features of the proceeding commenced.

The gentleman from Maine and others now associated with him maintain that the extraordinary nature of the event warranted and demanded such an extraordinary investigation. Sir, extraordinary in what? It involved a duel between members of the House of Representatives. Well, suppose it did How many such duels had previously occurred, publicly and notoriously? Need I, sir, enumerate the instances in which gentlemen, now members of this House, participated? It is in vain to pretend that any solid distinction exists between those instances and the present, that death ensued from the latter. The offence, so far as this House is authorized to recognise it, consists in the challenge, its acceptance, and the combat. The result is wholly immaterial.

But, sir, if the proceeding itself was extraordinary, its form was still more so. It was a *general inquiry*. It pointed to nothing particularly. Its scope was not announced. It was believed by many who supported the resolutions, that they were designed merely to exhibit the lamentable event to which they related in such a light as to insure the enactment by Congress of some law, or the adoption by this House of some rule, calculated *to suppress the practice*, out of which it originated. The gentleman from Massachusetts [Mr. ADAMS] has clearly signified to the House that his main purpose in supporting the inquiry did not extend beyond such measures; and that it could in no other aspect have commanded his support. Other gentlemen have declared the same sentiments. Such, I am warranted in saying, were the sentiments of the House when adopting the resolutions.

It is nevertheless now insisted by the mover of the resolutions [Mr. FAIRFIELD] and others, that such was no part of what was meditated; that they looked to that case only, and not to future cases; that their object was the punishment of offenders; and that they aimed at members of this House. The committee have manifestly proceeded with the same view; and, as appears from the range of their investigation and the report they have offered, having supposed their powers plenary to that end, both as to matters and persons, have acted up to that supposition. The report which presents the results of their operations is now submitted to the House, and the proposition immediately before us is *the printing* of this report, and the postponement of its consideration for two weeks.

This proposition, sir, is resisted. Amongst others, I resist it. I admit, at the same time, that the course proposed is the customary course, not to be deviated from without strong reason. Such reason, however, does, in my opinion, exist. If it cannot be shown to exist, I am quite willing that the customary course shall be adhered to, and the proposition prevail. On what grounds, then, sir, is the proposition resisted?

The gentleman from Virginia [Mr. ROBERTSON] maintains that the action of the committee *is wholly irregular and unauthorized;* that they had no power to extend their investigations as they have done, or to report what they have reported. Such, too, is my opinion. Should this view be just, it is plain that the report should not be printed, or, in any form, receive the sanction or countenance of the House; for if it be printed, it must be for the purpose of ulterior use. If it cannot, from its obvious irregularity and defects, be used in any event, to print it would be nugatory. It would be worse: it would operate as an implied sanction by the House of the irregularity and defects to which I have referred. To prove, therefore, that the whole proceeding of the committee was irregular and destitute of authority from the House, is to prove that the report ought not to be printed. This I propose to prove.

A committee of the House of Representatives *have preferred formal accusations against three members of this House for high delinquencies*, and have accompanied these accusations with elaborate arguments and a display of proofs, closing with resolutions for the expulsion of one and the censure of others. Had the committee the right or power to prefer such accusations, is the true inquiry. It is nakedly a question of power in the committee.

It is no inconsiderable matter, sir, with a citizen, especially one occupying the station of a representative of the people, to have an accusation framed against him, and promulgated amongst his countrymen. By a bare accusation, his reputation, which is a portion, and the best portion, of all that belongs to him, is not only exposed to injury, but oftentimes to absolute destruction. It connects him in the minds of men with an offence. A few may be philosophical or just enough to suspend their judgments, and remain unaffected even in their feelings, until evidence and defence shall have been heard. But, sir, none regard the accused in a more favorable light because accused. Men's minds are so organized that they turn away, not only from what is disagreeable, but from the idea with which it is associated. This, however, is but the private view of the mischiefs of an accusation. I rest it on higher reasons of a public nature.

The accusing power in a State, sir, is a great power. It is liable, by abuse, to administer to the worst tyranny In most free countries, England and the United States especially, the greatest circumspection has, for that reason, been observed in depositing this formidable power. It may be affirmed of both these enlightened nations, that the limitations and restraints which they have imposed on this power in the institution of the grand jury, class justly among the firmest and strongest pillars of civil liberty. I will not trace the history of this institution, nor expose, at length, the deep policy on which, in my opinion, it reposes, nor review the mass of blessing it has conferred, and of misery and oppression it has averted, in its progress. This must be fresh in the memory of all who have studied the rise of modern freedom, and the instruments by which it has advanced and maintained itself.

It is true, sir, that a private individual may impute, charge an offence. Proceedings may be adopted against the supposed offender, in the form of warrant and arrest. But this does not constitute in strictness an accusation, which can be made only through a regular tribunal—the grand jury—the sanction of which is interposed as a condition to the accusation. The protection which is thus afforded to liberty, results necessarily from the composition of that body, without adverting to other causes.

I trust, however, that, in the United States, an argument is not required, at this advanced period of its institutions, to establish the proposition that the accusing power is of vast magnitude, that it should be jealously circumscribed and most vigilantly guarded; that the institution of the grand jury is the only instrument known, which presents adequate guarantees against the abuse of the power to the ends of tyranny and oppression; and that not only that institution itself, where it operates, but all its analogies where it does not operate, should be anxiously cherished as portions of the armor of freedom.

So far, sir, as the House of Representatives of the United States assumes the power of proceeding, criminally, by its separate action, against its own members, it is manifest that it cannot employ a grand jury as the organ of accusation, no matter how faint or deep the delinquency. There is plainly no adaptation. If the accusing power, therefore, is, in such cases, limited at all, it must be by other means. Do such means exist? Is there no safeguard against irresponsible and oppressive accusation, *analogous* to that afforded by the grand jury? Are the representatives of the people exposed, to the extent of the criminal jurisdiction of the House, to all the mischiefs which the Constitutions of the United States and of every State in the Union have sought so sedulously to avert from the private citizen by the employment of the grand jury? I maintain that an analogous safeguard has been provided by the House, which, if fairly exerted, is ample.

It consists, sir, in the law of Parliament and of this House, that no member shall be proceeded against, in such cases, for an alleged offence, without *a direct charge* against him, by name, before the House, in writing, *under the sanction and authority of the House expressly given;* and this, too, usually in a form authorizing the member to be heard in exculpation *in advance* of any action of the House tending to an accusation. This is deducible, clearly, from the established usage of Parliament, fortified by a series of precedents in the House and in the Senate, and from the rules of the House.

The effect of this provision for the protection of members is, by requiring *the imputation* to be directly announced to the House itself, in the first instance, to enable the House to consider the imputation, and determine for itself whether it will authorize *an accusation* to be instituted; in other words, to bring the House to *a preliminary trial*, in which the member is entitled to be heard, not in his defence, for no accusation exists, but to show, if he can, *that he ought not to be accused.*

The point, sir, from which, in the absence of the security which I have stated, pernicious accusations might be most effectively aimed at members, is through committees. Being part of the organization of the House, the subjects embraced by their sphere of duty are co-extensive with the powers of the House, and nearly with the transactions of life. It would be against uniform experience that committees, if armed with an accusing power, should not, in so wide a range, seize some occasion to connect the names of members become offensive by their opposition, or formidable by their talents, with some delinquency, or abuse, or crime, and present them to their countrymen in the light of *accused culprits*, with a view to the destruction of their influence. Such is the tendency of party every where. The principles on which committees of this House are composed are notorious; they relate, sir, as you know, chiefly, if not altogether, to the distribution of party honors, or the advancement of party ends. As, therefore, the greatest danger was to be apprehended from committees, so against them protection has been most cautiously extended by the laws of the House.

Accordingly, sir, it is expressly provided in Jefferson's compilation of Parliamentary law, (adopted by our rules as the law of the House) that

"When a committee is charged with an inquiry, if *a member* prove to be involved, they *cannot proceed against him*, but must make *a special report* to the House; whereupon, the member *is heard* in his place, or at the bar, or *a special authority* is given to the committee to inquire concerning him."

Sir, can any thing be more explicit, directly applicable, or decisive than this? Here the committee was "charged with an inquiry," and "a member proved to be involved." This no one contests. What then was the duty, the simple duty, of the committee in that contingency? To "make a special report," unquestionably. But they did *not* make such a report. "They cannot proceed against" a member. Did they pause, much less stop short? No, sir; but *did* proceed against him to the extreme point of resolutions of expulsion! The member was entitled to be "heard in his place at the bar." He was *not* heard. "A special authority" was to have been given to the committee to inquire concerning him." Yet it was *not* given; never applied for! Is this, sir, in conformity to the law stated? No man of understanding, I think, can suppose so. It is the exact opposite of the law in every essential particular; and that, I had imagined until now, involved a violation of law.

Sir, this law has not been answered; and it cannot be answered.

I shall not undertake to account for this extraordinary deportment of the committee. That they have transcended their powers, in a form disreputable to the House, and flagrantly injurious and unjust to individuals, is plain. The explanation most compatible with their honor, in my opinion, is ignorance of the extent of their powers and duties, and of the rights of the House and its members. To suppose them advised of the foregoing law limiting those powers and duties, and defining those rights, is to pronounce that they have wilfully trampled it under foot, for purposes which neither the House nor the public will be at a loss to discover. Inadvertence on the one hand, and deliberate outrage on the other, lie before them. I leave them to their choice.

It is apparent, however, I think, sir, that no matter by what influences, sinister or upright, the committee were impelled, they had no knowledge of the law which has been referred to. Indeed, one of the committee, the gentleman from Georgia, [Mr. GRANTLAND,] has admitted, very cordially, that he was not informed of the existence of such a law; that he had no suspicion that the circumstance of a member being involved could operate an abridgement of the powers of the committee; that they proceeded, from the beginning, on the supposition that those powers were plenary; and complains that those who now urge this law did not state it before the committee proceeded to act. What that gentleman thus admits, with respect to himself, was doubtless true of his associates of the majority who I regret, have not displayed equal candor; it might have spared the House much debate. That the law in question was not pressed at the time, is readily explained by reflecting that no one had a right to assume, in advance, that the committee would violate it

The committee, notwithstanding, still persist in urging their report upon the House, by laboring *to reconcile* their action with the law now that it is known; not that they acted in reference to the law, but conformed to it by accidental coincidence! By what arguments, sir, is this newly conceived pretence sought to be maintained?

It is contended that the committee were "*specially authorized*" by the House to proceed against the members whom they have accused, *by the resolutions of 28th of February*, by which the committee were raised. Look, sir, at these resolutions. What are they?

Resolved, That a committee, consisting of seven members, be appointed to investigate the causes which lead to the death of the honorable Jonathan Cilley, late a member of this House, and the circumstances connected therewith; and, further, to inquire whether there has been, in the case alluded to, a breach of the privileges of this House.

Resolved, That the said committee be instructed to inquire into the means more effectually to suppress the practice of duelling, and report a bill for that purpose at as early a period as may practicable.

Where, sir, in these resolutions, is found a *special authority* to proceed *against members*, or a *special* authority of any kind? They warrant, I admit, an inquiry into a supposed *breach of the privileges of the House;* but, in a form no more *special* than in cases of inquiry into any other subject. In all, *the subject* of inquiry is stated, as in this; but stated *generally*, as in this. Here, no individual is named, no offence charged, either in respect to members or others. Members may have been involved; they may not. This, like any other subject of investigation, may have embraced the transactions of members; it may not. Either supposition is perfectly consistent with the terms of the resolutions. Had the inquiry been into supposed abuses in the Indian affairs or the public lands, instead of breach of privilege, the authority to the committee would have been precisely the same. The *subject* of investigation would have been specific; all else general. Yet, who would risk his character for intelligence, by maintaining in his place that, under a general inquiry of the kind, the delinquencies, real or fabricated, of members of this House, could, without further authority, be investigated, and those members proceeded against, accused, and presented to the nation, by the report of a committee, as culprits unworthy of honorable association, and meriting instant expulsion from their seats? In such a case it is manifest that the House must be immediately *notified* of the implication of members, by a *special report*, that the House itself might take action, either in arresting the investigation, or

specially authorizing the committee to proceed. Well, sir, what distinguishes such an inquiry from the present? In both, the subject of inquiry is stated—abuses in the one, breach of privilege in the other; but nothing special in either. Neither supposes the implication of members. Both are essentially general.

It is gravely argued, however, by gentlemen, that no matter what the resolutions *may express*, the House *well knew* the facts of the transaction to which the inquiry related, and, of course, that members were involved; that they were notorious! If such an argument merited a serious refutation, it would, I think, be sufficient to ask why, if all was known and notorious, institute an inquiry at all? Why not proceed at once upon this knowledge? If the House be justified in assuming the facts for one purpose, it certainly may be for all. Why not instantly expel?

I concede, sir, that the public rumor and notoriety of facts are quite sufficient for many purposes. In the language of the parliamentary law, "*common fame* is a good ground for *the House* to proceed by inquiry, and even to accusation." The House, acting on the *common fame* of the event, *might*, undoubtedly, have directly instituted proceedings against such members as that common fame may have indicated as criminally connected with it. The mover of these resolutions, acting upon the same authority, would as clearly have been warranted in exhibiting appropriate charges against the members by name, and demanding a committee, with *special authority*, to proceed against them. But, sir, the question is, not what the House upon such authority *might have done*, but what it in point of fact *has done*. It can, with no reason, be pretended that the resolutions as they stand on the journal admit of the slightest abridgment or enlargement by reference to fame, rumor, or any thing else extraneous. I repeat, sir, the House is now required to ascertain, not what its powers in given cases would be, but what its action in this case has been. Our successors, in reviewing this proceeding, will do so through *the records* of the House. They will look to nothing else. Fame, rumor, common understanding are fugitive, perishable; the resolutions, the records are permanent and perpetual, and, like other records, impart absolute verity. They only will speak; and they must speak for themselves.

Driven, sir, as I think all candid men must acknowledge, from the positions that accusatory power was specially conferred on the committee by the language of the resolutions, and that the effect of the resolutions admitted of extension by reference to matter not contained in them, the committee now seek to derive the power from a different source altogether *The reference of certain petitions and memorials* is relied on as operating an enlargement of their original powers under the resolutions. That no such effect was produced or intended by such reference, I leave the House to the very able and extended arguments of others, especially of those by whom most of the petitions were presented. If any thing, however, were wanting to prove that the committee acted independently of the petitions, and without the smallest reference to them, so far as their powers are concerned, it will be found, in the most convincing form, in their own journal; from which it appears that the mass of the evidence, indeed all that is essential to their accusation, was taken, and the whole course of the committee distinctly indicated, before the first petition was referred. They had sat more than two weeks before any reference of the kind was made; and then it produced no deviation from the direction which was given to the inquiry in the first instance.

But, sir, frustrated in their efforts to deduce the power of the committee from any positive delegation by the House, it is claimed as derived by *surrender* of the parties accused, who it is insisted, voluntarily appeared before the committee and offered testimony in defence, and thereby *waived* rights which they might otherwise possess. The answer to this pretension is, that it does not appear by the journal or otherwise that the members involved received, at any time, the slightest intimation that an accusation against them was meditated by the committee. But if they had been notified of the fact in the most formal manner, and had, in a manner equally formal, signified their consent to the assumption by the committee of the power to accuse by a distinct waiver of their privileges, whatever they might be, still the question of power on the part of the committee would remain unaffected; for by the law of the House "the privilege of a member is *the privilege of the House*. If the member waive it without leave, it is a ground for punishing him, but *cannot, in effect, waive the privilege of the House*." This law, sir, requires neither enforcement nor comment.

The last resort, sir, is, that no matter how irregular or unjustifiable the proceedings of the committee may be, *the public voice* demands their ratification by the House. That voice I trust always most profoundly to respect. I acknowledge, sir, that a deep sensation amongst the people of the United States has been produced by the transaction to which these proceedings relate. So far from deploring, I take the highest satisfaction in beholding it. It is the spontaneous tribute of the nation to the cause of law, morality, and religion. It affords occasion for patriotic exultation. I do exult. But, sir, the feeling of which I speak is not what some gentlemen suppose it to be. It is no partial or party feeling. It looks not to this particular case, or to particular persons. It looks to the practice, to the future, to the enactment of laws, and the correction of public sentiment. It rests its condemnation, so far as condemnation is passed, alike upon the survivor and the deceased. It regards the wrong, or misfortune, or crime, or whatsoever you denominate it, as one of *mutual agreement*, to settle by violence and blood a private misunderstanding. One fell; it was no fault or merit of his that the survivor did not. Whose delinquency was greatest? The fatal resort was the fruit, certainly, of the coercion of a vitiated public opinion; and individual guilt depends upon the intensity of the coercion. Which party could most easily have resisted that coercion? Amongst whose constituents did public opinion *demand* such a resort. Amongst whose did it *forbid*? Who most defied the laws, the religion, the ancient and established usages, and opinions, and prejudices of those who surrounded him, and to whom he was responsible? The survivor or the fallen? Sir, these considerations enter, unless I greatly misconceive, into that public feeling of which the House has heard so much in this debate. Whilst you sit in judgment upon the living, and condemn him, that same public opinion will visit a like measure of condemnation on the memory of the dead.

Yet, sir, this deep, this just feeling of the people has, in my opinion, been disappointed, bitterly, by the action of this committee. Weeping over an event which could not be recalled, the nation hoped, as it had a right to hope, that the committee would act in a spirit and adopt measures calculated, by rectifying public opinion, to bless the country in the suppression of a practice replete with wo. But the painful spectacle has been exhibited of a transformation of a committee occupying the position of ministers of peace, into a lawless gang, trampling down, in the furious pursuit of a victim, all the restraints and forms that opposed their career of ferocity! Forgetting almost, in their eagerness, even to allude to *the practice*, and in their report doing nothing, recommending nothing for its suppression!

It is equally an error, sir, in my opinion, to imagine that men of intelligence in the United States regard this transaction as involving, on either side, the guilt of deliberate crime. In the eye of law, and perhaps of reason, it may involve all the practical mischiefs of crime. But, in general, such events proceed from no felon source, but from a deep-seated vice of society and manners, if not from an infirmity of nature itself. I but speak the voice of history and experience when I insist that any other judgment respecting the practice of duelling is superficial and little to be trusted. It cannot be forgotten that it has been, to a degree almost peculiar, the fate of the great and virtuous of mankind to bow to the demands of this practice. Lafayette, Pitt, Fox, Castlereagh, and multitudes like them, rank as illustrious but deplorable examples, not, sir, of the *wickedness*, but of the *infirmity* in which this pernicious practice is rooted. In our own country, too, and in our own times, the same tribute has been paid to the same infirmity by names not illustrious enough, I grant, to transform a vice into virtue, but certainly to dignify it above crime in its common acceptation.

Besides, sir, when a community of freemen like that of the United States demand of this House, by petition or otherwise, the punishment of delinquency, real or supposed, they intend and expect it to be administered *under the forms of law*. They cannot be supposed to desire the law and all the analogies of the Constitution to be violated, in order to reach an alleged violation of law. To torture their petitions, or expressions of opinion in other forms, into a demand for the ratification of proceedings admitted to be irregular and unauthorized, is, therefore, both to mistake and insult them.

From the *public voice*, then, sir, no aid can be derived.

Mr. Speaker, all the difficulties with which the House now finds itself surrounded plainly proceed from an effort to impart a *special* character to a proceeding essentially *general*. If these resolutions were meant for a special effect, why were they not expressed in special terms? The gentleman from Maine, [Mr. FAIRFIELD] who introduced them, could have prevented all difficulty by proceeding directly, by name, against the members supposed to be implicated. Why did he not thus proceed? Such had been the unbroken practice in such cases from the first exercise of such a power by the House. Why, I demand of that gentleman to know, was it departed from in this instance? His colleague had fallen, within his knowledge, under circumstances involving, as the gentleman then believed and now contends, a violation, by members of the House, of its highest privileges, so flagrant as to merit expulsion, and to demand of him to adopt measures to that end. All this he claims to have known. Now, sir, why did not the gentleman specify the offence? the perpetrators? the intended punishment? Was he restrained by his modesty? his delicacy towards the delinquents? or an infirmity of nerve? The country demands an answer.

No, sir; if reasons are to be sought to explain the extraordinary form of these resolutions, they are to be found in the extraordinary attitude of the party to which the gentleman belongs, with respect to this subject. That party has long since, in the most solemn manner, *denied the power of the House of Representatives to punish, by its separate action, as a breach of privilege, any offence not committed in the immediate view of the House, or involving a direct disturbance or obstructions of its proceedings.*

I proceed, sir, to bring the attention of the House and of the nation to the two most recent expositions of the principles of that party in respect to this power of the House. They are to be found in the celebrated proceedings of the House of Representatives against Samuel Houston, now President of the Republic of Texas; and in those disposing of the application of the Hon. E. Cooke, a Representative from the State of Ohio, demanding the exertion of the same power. These expositions are peculiarly authoritative, or ought to be, with the party. They are displays of its principles when in their extreme proportion. They are productions of 1832, when the elements were boiling and bubbling in a caldron more terrific than that of Macbeth's witches, combining and condensing the dreadful mischiefs which have recently overwhelmed the country. They occurred before the first inroad was made on its ascendancy. It was the rank growth, then green and waving; now become the stubble through which the devouring flames of popular condemnation have of late, like horizontal lightning, so fiercely swept. They are precedents, sir, perfect in their kind.

On the 14th of April, 1832, the SPEAKER laid before the House of Representatives the following communication;

"To the Hon. ANDREW STEVENSON,

"Speaker of the House of Representatives.

"SIR: I was waylaid in the street, near my boarding house, last night, about eight o'clock, and attacked, knocked down by a bludgeon, and severely bruised and wounded, by Samuel Houston, late of Tennessee, *for words spoken in my place* in the House of Representatives; by reason of which I am confined to my bed, and unable to discharge my duties in the House, and attend to the interests of my constituents. I communicate this information to you, and request that you will lay it before the House.

Very respectfully, yours,

"WILLIAM STANBERY,

"Member of the House of Reps. from Ohio.

"April 14, 1832."

A resolution was thereupon offered by Mr. Vance, of Ohio, the colleague of the gentleman, proposing that the House should proceed against Houston for this supposed breach of privilege.

On the 14th of May, sir, of the same year, the Hon. E. Cooke, of Ohio, rose in his place, and said "that he held in his hand a letter from a Dr. Davis, of South Carolina, one of the witnesses who had testified in the late trial of Samuel Houston, which had been presented to him by a person stating his name to be Alexander Dimitry, of Louisiana, as the friend of said Davis, which, together with the statement of the facts connected with it, he asked leave to send to the Chair, that it might be read for the information of the House. In submitting this request, Mr. Cooke said he wished it to be distinctly understood that, without in the least waiving his personal rights as a member, or intending, in any manner, to compromit either the rights or constitutional powers of the House, it was, nevertheless, not his purpose, individually, to claim the institution of any proceeding whatever on his own account upon the subject-matter of that communication. Such had not been his motives in presenting the letter; his personal rights formed no part of the object by which he was governed. Other and higher motives prompted him to this step—motives, which, overlooking every consideration of personal feeling and personal security, regard *the very existence of this House, the inviolable rights of the people of this country, and the dignity and honor of this nation.*" The letter was as follows:

"BROWN'S HOTEL, May 12, 1832.

"SIR: During my examination before the House of Representatives, in the case of General Houston, you *very impertinently* asked, among other questions, my business in this city. Whilst the trial of General Houston was pending, I deferred calling on you for *the explanation* which I *now demand*, through my friend, General Dimitry.

"I am, very respectfully, your most obedient,

"E. S. DAVIS.

"Hon. E. COOKE."

Accompanying the foregoing letter, Mr. Cooke submitted the following statement:

"On the trial of Samuel Houston for an assault on a member of this House, which has just terminated, a person by the name of E. S. Davis was examined as a witness on behalf of the accused, and, on his cross-examination, I propounded to him several interrogatories. After he had left the stand, and while on the floor of the House, he said, apparently referring to myself, and in a tone of menace, that 'there will be another hauled up here' soon.

"On Saturday last the accompanying note was handed me by a person calling himself Alexander Dimitry. To the persons, character, and calling of these individuals, I am an utter stranger.

"Had I considered this a mere personal matter, I should have passed it by without this notice; but all the circumstances of the case do, in my opinion, preclude the idea that it is so. And connected, as this is, with other instances of attempts, by menace and violence, to overawe the members of this body, and curb the freedom of debate, I have thought it my duty, in behalf of the American people, and especially that portion of them whom I represent, to present this matter to the House.

"E. COOKE, Rep. from Ohio.

"MAY 14, 1832."

This communication, sir, was followed, as in the case of Houston, by resolutions offered by Mr. Crane, of Ohio, a colleague of Mr. Cooke, proposing to proceed as for a breach of privilege.

It cannot be necessary, I think, to enforce the strict analogy, in principle, between those cases and the present; it must be manifest. That of Cooke is not only analogous in principle, but nearly identical in circumstances. It is, indeed, a stronger case than this; for the letter of Davis was a *simple and direct challenge*, borne by his second, given, avowedly, for matter transpiring in the House.

No just distinction, sir, can be established between the proceedings referred to and the present, because in them the House contemplated action against private citizens, *not members;* for, in all, the contested principle was the right and power of the House to punish, as a breach of its privileges, an offence not committed in its presence. It was accordingly argued throughout as a question of *power* on the part of the House, without regard to *the objects* on which it was to be exercised. To show that the committee in the present case repudiate such a distinction, it is but necessary to refer to their report, which expressly holds *private citizens* connected with the transaction amenable to this power of the House, but not meriting, for peculiar reasons, an exercise of it.

Well, sir, how did the House dispose of the two cases to which I have referred? Without fatiguing the House with a review of all that was said and acted in the progress of these memorable proceedings, I shall content myself with referring you to the speeches and conduct of a distinguished gentleman, then and yet belonging to the party, and now, as then, a member of the House; who is, at this moment, in the fruition of the highest honors that the House can confer, either as a tribute to talents and virtue, or as a compensation for unscrupulous partisan devotion; a gentleman, sir, who, whatever may be the feebleness of his abilities, or the insignificance of his authority in the estimation of others, with you, I know, possesses commanding influence. That gentleman was the champion selected by the party to announce to the nation its principles with respect to this power of the House. He uttered, moreover, by his own declaration, the opinion of the head of the party himself, the then President of the United States. What were those principles? I answer, sir, in the exact language of the distinguished gentleman himself:

"Every gentleman," said he, "must be aware that a great difference of opinion always had existed as to *the power of that House to punish as a contempt any act which did not interrupt or impede the business of the House.* * * * He did not admit that *the House possessed any such power;* and he believed that *a great majority* of that House, upon a deliberate and full examination of the question, would hold the same sentiments with himself. * * * * *

"He would ask whether it was not equally a contempt of the House for a citizen to challenge one of its members to mortal combat? Was that not as much a breach of its privilege as the present case? Should a member of a co-ordinate branch call a member of that House into the field to mortal combat, would not that be as much a contempt also as this? And has not that been done and passed by without notice? Or, if the Head of an Executive Department should do the same thing, would not the breach of privilege be as great? And was not that done a few years ago? Where was the limit to such a power, if you take cognizance of such cases as this? How was it to be defined or restrained? He could not perceive; and he therefore considered it *as totally inconsistent with the spirit of our institutions.* * * * When this case was first brought to our notice, etc. I expressed to the House the opinion hastily formed, which I at that time entertained, in regard to its powers to try and punish for this offence. *Upon full examination of the question,* I am confirmed in the opinion *that this House is invested with no authority under the Constitution or laws of the land to punish as for a contempt, or violation of its privileges, any offence committed not in the presence of the House during its session, or in such manner as to disturb its proceedings.* * * * Let us first examine the arguments of that class of gentlemen who maintain that the

power may be found in the Constitution. It is said that by the sixth section of the first article, 'Senators and Representatives shall be privileged from arrest,' etc; 'and for any speech or debate in either House, they shall not be questioned in any other place.' * * * The latter clause of the sentence is equally clear. It intended to provide, *simply*, that for 'any speech or debate in either House,' the member shall not be held to answer in *any other place*. That he shall not, for example, be subject to be *prosecuted in the courts for libellous words* spoken in debate, or be held *to answer in an action of slander*. Do these exemptions to members of Congress, confer *the power on either House to punish?*" etc. * * * "What are your privileges? The Constitution is silent in regard to them You have passed no law declaring them. They are unknown and undefined. If they exist, no citizen can know what they are, nor the sanction which attaches to a violation of them. Both their nature and the punishment which you may inflict rest in the *sovereign, arbitrary, and despotic discretion* of this House. * * * It is unquestionably true that, for words spoken in debate, the member of Congress can at no future period, however remote, be prosecuted for a libel, or sued for slander. And should it be attempted, he may plead his constitutional exemption in bar. But, because this is the case, it cannot, surely be contended that he is protected, more than any other citizens, from personal violence. * * * If the doctrine of privilege in England is the law here, I demand of them to show me how it has become the law binding upon Congress. Has it been adopted, in part or in whole, by the Constitution or laws? That is not pretended. The truth is, they cannot be of any sort of authority in either branch of Congress, either as law, or guides for our proceeding. They have not, and in the nature of things they cannot have, any application in our Congress, *and must be wholly rejected.*" * * *

"The question submitted to the decision of the constituents of every gentleman here is, whether, under a Government where there are no separate orders, *the public functionaries are to be elevated above the Constitution and laws*, and take into their own hands *the despotic and odious power* of avenging their own violated dignity, whenever they may, in their unbounded discretion, choose to consider that it has been infringed." * * * * * *

"I undertake to show, sir, that the power which this House now assumes to exercise without law is the identical power which Congress attempted to assume in the enactment of the 'alien and sedition laws;' and that the arguments adduced to sustain it are the same arguments adduced in 1798 to sustain the constitutionality of the 'alien law' and the 'sedition law.'"

"The power *is despotic*, depending upon your whim, caprice, or arbitrary will, and is, therefore, if possible, *a greater invasion of the rights of the citizen, and more despotic and arbitrary than even these obnoxious laws.*" * * *

"But if it be conceded that, *in high party times*, in periods of high political excitement, or in cases where the jurisdiction and power of the House were not drawn in question, the House may have exercised the power, the answer to any argument drawn from such premises is an easy one. It is, *that one usurpation can never either justify or sanctify another.*" * *

"To show the absurdity of the exercise of such a power by this House, if it possessed it, without law, I ask the House *what punishment* it will inflict if the accused be found guilty of a contempt or violation of privilege in this case? * * You have the same power to impose one as another. You have the same power to punish *with death or the amputation of a limb*, that you have to inflict any other." * * *

"The evidence before us shows that when the member from Ohio first thought himself in danger of an attack from the accused, *he did not then bring his complaint to this House*, but prepared himself *with deadly weapons for mortal combat*, and put himself on his personal defence. By so doing, *he waived the privilege*, if he had any, which it is now insisted has been violated. He was, in fact, *armed at the meeting*, and his adversary was unarmed. *He happened to get the worst of the rencontre*, and then the complaint is made to this House, and we are called on to *avenge the wrongs* which he has suffered. If the member from Ohio had been the *victor* in the combat; if his pistol had not missed fire; and had he *disabled* or *slain* the accused, this House would never have been troubled with the case. But as he happened to be *unfortunate* in the fight, we are told that our dignity has been insulted, and our high privileges invaded." * * *

"Sir, I know that it is, at all times, an *ungracious argument* to address to any body of men like this, when you tell them that they possess no power to do that which they are strongly desirous of doing. All history instructs us that whenever the rulers of other countries have strongly desired to possess and exercise a power of any kind, they have never failed *to look out for specious pretexts to do so.*" * * *

"I am sure I shall be borne out by gentlemen on all sides of the House, when I say further that the whole proceeding in this case shows us to be the most unfit triers; and that, in periods of high party excitement, this enormous power may be used, and probably will be, to the great oppression of the citizen. What excitement and warmth of feeling have we witnessed on this trial! How unlike grave judges have we occasionally appeared! * * Here we have been, *at the most important period of the session*, engaged *near a month in trying it*. I take upon myself *no part of the responsibility of this useless consumption of the time of the House*. I voted against the arrest, and have, from the commencement of the trial, viewed the whole proceeding *as a usurpation of power*," * * *

Who, sir, was this "most righteous judge," this "second Daniel," this Aaron, this 'spokesman of his party," to them "instead of a mouth," in this exposition of the powers of the House and the principles of the Constitution?

[The SPEAKER here interruppted him, as he had repeatedly done before whilst on this branch of the subject.]

In this oracle, sir, you make, I know, a kindred recognition. Yes, sir, in him you but behold yourself! Your own consciousness whispers, what the public voice will thunder, in your ear, "thou art the man!" The review may be painful. Like him who had "done the dead," you may exclaim—

"I'll go no more:
I am afraid to think what I have done;
Look on't again, I dare not."

Still, the deed is done. There stands the record.

Who could have supposed, sir, that, after all this, these principles would, within so short a period, have been abandoned, and those who maintained them be found, as they now are, ostensibly urging the exercise of a power then denounced as *illegal, unconstitutional, usurped, despotic, odious!* Can it be possible—can such shameless repudiation of opinions and principles be credited as that the exercise of that same power by that same party is really meditated in this case? I do not believe, sir, that it is meditated, or at any time has been. I am, on the contrary, fully justified, by the facts which I have just stated as connected with the recent history of that party, in maintaining that the Administration party in this House have been perfectly sensible, from the commencement of this investigation, that, no matter how deep the criminality of those implicated, they, *as a party*, would be forced *to deny to the House any right or power whatever to punish it.* To take any other ground would, in them, be so flagrantly and scandalously repugnant to their former doctrines and action, as to expose them to imputations which the most abandoned prostitution might desire to avoid. I repeat, therefore, that *the direct assertion or exercise of such a power, by that party, was at no time intended.*

This view, sir, of the position of that party, in regard to the power in question, will at once explain the otherwise incomprehensible form of these resolutions; *why* they are indefinite and general, and, in that respect, contrary to the established usage and express law of the House. For, sir, if they had been direct and specific, meditating, in terms, an exercise of the power which I have stated, *they must have been instantly rejected by the House;* certainly rejected, if the sentiments of that party could have prevailed. Many of the party whose names are recorded in support of the doctrines which I have imputed to them, are now members of the House—gentlemen high in station and influence, all favoring these proceedings! This general and *indirect* form of proceeding was accordingly adopted *to escape an assertion of the power;* for to have instituted proceedings expressly aiming at punishment would necessarily have presupposed the right and power to inflict it. And all this for what?

With the intention, sir, of seizing the occasion which it was supposed the death of one gentleman in a duel with another who happened to be a political opponent afforded, of diverting public attention for a season from the wretched condition of public affairs, and of effecting this under color of devotion to religion and law! To lend themselves to a proceeding to which they sought, by its generality, to give the *appearance* of a criminal procedure, without daring, in terms, to give it that shape! With a view to investigations, reports, and *accusations*, against distinguished members of the Opposition, with a perfect knowledge all along that the proceedings *would be arrested*, and arrested by that party, the moment the work of *accusation* was done! To the extent of accusation they could readily go, to attain a party end; to hear, to try, was no part of their *purpose;* to *punish*, under their interpretation, was no part of their *power.*

How far the country will be disposed to countenance this deliberate prostitution of the action and time of the House, for such purposes cannot, I think, be difficult to anticipate.

Any opinion, sir, which I may entertain with respect to the extent of the privileges of the House, or its power to punish violations of them, need not be now expressed, as it is not demanded by the immediate question. That those in opposition should hold, as a party, that *the power* of the House was fully adequate to any measure of punishment demanded by the even in which these proceedings originated, would be altogether natural and consistent. They had so held on former occasions when political *adversaries* were implicated; their opinion is unaltered, their conduct is unaltered, though political *friends* may be implicated. I honor a constancy which contrasts so strikingly.

If any doubts, sir, could have remained respecting the irregularity of this report, and the necessity of its recommitment, they must have been wholly removed by the extraordinary disclosure made, after a week's discussion, by the chairman of the committee. In answer to a question propounded by a gentleman from Virginia, [Mr. WISE,] the chairman confessed, to the amazement, doubtless, of all who heard him, that *the report had undergone alterations* after it had been last seen by those whose act it purports to be! He states, however, that the alterations, he thought, did not *materially vary* the sense; that they were, for the most part, but *critical* alterations!

Sir, with respect to that report, "*honor* was the subject of its story." It impugns, deeply, the honor of gentlemen; an honor before spotless. Its texture is too delicate for such a touch from even the chairman of this committee. The utter impropriety of altering a report, to any extent or for any purpose, in such a case as this, must be manifest to all who duly estimate the value of honor or the delicacy of sitting, as this committee have assumed to do, in judgment upon its laws. This the chairman should have known.

"Who governs freemen should himself be free."

The principle applies with even more truth to him who would pass judgment on honorable men.

It is suggested, sir, that the report *was softened* by the alterations. That does not at all palliate the outrage. If the merits of this report shall ever become (which they will not) the subject of review here, it will be demonstrable that an alteration by which its violence was mitigated is more prejudicial to the accused than one aggravating it. From audacious, monstrous injustice, innocence has nothing to fear; it defeats, by its enormity, its own purpose. It is dangerous only when it becomes plausible, when, though not the truth, it is made to resemble it. So with this report.

But, sir, if the House were amazed by the annunciation that an alteration of the report had been perpetrated, it must have been astounded by the declaration which accompanied it. The chairman proceeded, on the occasion referred to, with the utmost complacency, to disclose that the report *had not been agreed to* or even *seen* by a majority in actual committee, but had been privately exhibited, and *privately* acquiesced in! Upon this I pass no judgment of my own; I deliver it over to the rebuke and condemnation of a law of this House, too solemn to require enforcement, and too explicit for comment.

"A committee meet when and where they please, if the House has not ordered time and place for them. *But they can only act when together*, and not by separate consultation and consent, nothing being the report of the committee but what has been agreed to in committee actually assembled."

You, sir, might have protected the House against an irregularity like this, by announcing, on the instant that the fact was stated by the chairman, as your duty clearly was, that the paper thus presented as a report was, in point of Parliamentary law, no report; that it was an unauthorized private writing, thrust, irresponsibly, upon the House; and that the only regular course was, as a matter of order, at once to reject it. Why was this not done?

Will the *applicability* of this law, too, be controverted? Or will an exposition of the principles on which it rests be required? Sir, it seems as if law, standing by itself, and upon its own authority, is of no consideration, *merely as law*, with certain philosophic jurists of this House. The principles, however, of the law in question are neither obscure nor difficult of exposition. The rule results necessarily from the nature of legislative committees, which are *organized official bodies*, with their peculiar privileges, powers, and duties, as such. To the extent of their functions they are as essentially organized and official as the House of Representatives itself. In every parliamentary view it would be as indispensable to obtain the consent of members of this House, separately and privately, without entering this Hall, to the highest and most responsible acts of legislation, and ascribe to them the validity and effect of *acts of the House*, as to obtain the consent of a member of a committee, in the private and irresponsible manner stated by the chairman, and insist on it as *the act of the committee*. The amplest illustrations might be readily drawn from the judicial and other tribunals; but I will not suppose them to be required in a matter so palpable.

Yet, sir, this interposition of the laws of the House between the committee and their purpose is sagely pronounced *exception to form, technical, evasive* of substantial justice! Sir, when you hear those whose province it is to ascertain and administer *the law as it is*, pronounce its provisions to be formal, or technical, or evasive, and on that account to be disregarded, especially in a criminal procedure, you have the authority of history for pronouncing them either unlearned in the doctrines or faithless to the principles of freedom. This expression, I admit, is strong; but, sir, it is just.

What is a free Constitution, what are laws, but the *forms*, the *technicality*, the *evasion*, interposed between the weak and the powerful, between the tyrant and his purpose? Sir, in the vocabulary of freedom, there is no justice, no right, no wrong, *except as known to the Constitution and laws, just as they are.* God forbid that there should be! The American Representative who, for the miserable party ends at which these proceedings aim, is unfortunate enough to entertain, much less publicly to utter, sentiments which this debate has elicited, is an object of real pity; he has mine. These sentiments originate in a region far, far below a just conception of the dignity of constitutional liberty; and there only, if any where, they are doomed to flourish; they perish by elevation.

These proceedings, sir, are intrinsically important; they are infinitely more important as a precedent. The attempt to *signalize* this case will, from that cause alone, attract the observation and the keenest scrutiny of our successors here and of posterity into the present action of the House. For one, I prepare to encounter that scrutiny, and to defy it; by firmly maintaining the just privileges and powers of the House, on the one hand, and maintaining with like firmness the laws of the House and of the land, and the principles and analogies of the Constitution, on the other; by recognising the sentiment, that every public functionary and tribunal—the House of Representatives pre-eminently—should, by their example, inculcate a spirit of respect for the laws—*in substance, and form, and throughout*—as the only means, in a free country, of averting its precipitation into faction, violence, and disorganization.

The question, sir, is no longer, "What the law is;" for that is manifest. The question now is, "*Shall it be respected?*" Sir, decide.

ANNEXATION OF TEXAS.

SPEECH OF MR. PRESTON,

OF SOUTH CAROLINA,

In Senate, April 24, 1838—On the resolution for the annexation of Texas.

The following resolution, offered by Mr. PRESTON, being the order of the day:

Whereas, the just and true boundary of the United States, under the treaty of Louisiana, extended on the southwest to the Rio Grande del Norte, which river continued to be the true boundary line until the territory west of the Sabine was surrendered to Spain by the treaty of 1819: And whereas, such surrender of a portion of the territory of the United States is of evil precedent, and questionable constitutionality: And whereas, many weighty considerations of policy make it expedient to re-establish the said true boundary, and to annex to the United States the territory occupied by the State of Texas, with the consent of the said State:

Be it therefore resolved, That, with the consent of the said State previously had, and whenever it can be effected consistently with the public faith and treaty stipulations of the United States, it is desirable and expedient to reannex the said territory to the United States.

Mr. PRESTON rose and said: It is now just two years since the memorable battle of San Jacinto established the independence of Texas. Some time previous to that glorious consummation, the Republic had announced to the world its declaration of independence, and had fully organized a Government of its own. The struggle with the parent country was brief, but decisive: and, since the 21st of April, 1836, no hostile flag has for one moment been unfurled in Texas. Profound peace has brooded over her fertile lands, making them pregnant; while all the benign influences of order and enlightened liberty have been experienced as intensely as in our own country, or in any other on the face of the earth. Internal tranquility, supremacy of the law, regularity and efficiency of action in all the functions of Government, have realized whatever was predicted, or hoped, or wished, when we hailed the birth of this young Republic, and urged her prompt recognition as a member of the family of nations. While it unfortunately happens that Mexico continues to be agitated by intestine commotions, and embarrassed by the most pressing difficulties in her foreign relations, her late dependency, the valor and wisdom of whose citizens have made *independent*, has exhibited a most striking contrast. On one side, bloodshed and revolution, a wild and fluctuating state of politics, an ever charging Government, and a continual succession of conflicting purposes, show the presence of a disorganizing spirit; while, on the other, a growing commerce and an extended agriculture bespeak the settled state of the public mind, reposing under the action of a fully organized and established Government, every department of which is working with gravity and steadiness. Canvassing and elec-

tions go on with warmth, and without violence. The President is inaugurated, and Congress assembles, with as little commotion as we have within these walls. Administration and Opposition parties differ, debate, and denounce, with as much zeal and as little danger as here; while the judge as peacefully rides his circuit, and the sheriff as promptly executes his judgments; and the constable's staff is as omnipotent as in any other land which reposes under, and is blessed by, the common law. Such is the spectacle which this young State presents to the view of gratified philanthropy. Thus has she fulfilled the predictions which attended her birth.

The proposition which I now submit in regard to this prosperous and self-dependent State would be indecorous and presumptuous, had not the lead been given by Texas herself. It appears by the correspondence of the Envoy Extraordinary of that Republic with our own Government, that the question of annexation on certain terms and conditions has been submitted to the people of the Republic, and decided in the affirmative by a very large majority; whereupon, and in pursuance of instructions from his Government, he proposes to open a negotiation for the accomplishment of that object. The correspondence has been communicated upon a call from the House of Representatives, and thus the proposition becomes a fit subject for the deliberation of Congress.

Nor is it proposed by my resolution, Mr. President, to do any thing which could be justly construed into cause of offence by Mexico. The terms of the resolution guard our relations with that Republic; and the spirit in which it is conceived is entirely averse to any compromise of our national faith and honor, for any object, of whatever magnitude. More especially would I have our intercourse with Mexico characterized by fair dealing and moderation, on account of her unfortunate condition, resulting from a long-continued series of intestine dissensions, which all who have not been born to liberty must inevitably encounter in seeking for it. As long, therefore, as the pretensions of Mexico are attempted to be asserted by actual force, or as long as there is any reasonable prospect that she has the power and the will to resubjugate Texas, I do not propose to interfere. My own deliberate conviction, to be sure, is, that that period has already passed; and I beg leave to say that, in my judgment, there is more danger of an invasion and conquest of Mexico by Texas, than that this last will ever be reannexed to Mexico. The entertaining of this opinion, perhaps, constitutes the only difference between mine and the views of the Executive, as declared in the correspondence with the Texan Minister, Gen. Hunt. The negotiation is declined by the Secretary of State, because it would involve our relations with Mexico. Now, sir, I do not conceive that Mexico, in the obvious hopelessness of operations against Texas, should so consider it. I admit, however, that the Executive has the most legitimate jurisdiction of this question, and is doubtless in possession of more extensive and exact information upon it than we can have. It is, therefore, avoided in the resolutions, which import a declaration of opinion in favor of the annexation of Texas, only when it can be effected without a disturbance of our relations with Mexico. I do not understand—I should be very unwilling to believe—that the Administration has taken decisive grounds against my proposition, in every contingency. Indeed, I believe I can show that I am warranted in entertaining the opinion that the opposite is most probably the truth. It was obviously proper for the Secretary of State to avoid, in his correspondence with a foreign minister, any indication of the policy of the Government in the contingency contemplated by my resolution; but what that opinion would be, if it were proper to avow it, may be inferred from the fact that the President himself has heretofore, as Secretary of State, while carrying into effect the policy of his predecessor, to whose great measures he is devoted and pledged, exerted all his ability to accomplish this object; that Mr. Poinsett, the Secretary of War, has been sedulously engaged in the same enterprise, under the auspices of two Administrations; and, that Mr. Forsyth, the Secretary of State, is a Georgian by birth and allegiance, and will not, therefore, be suspected of entertaining different opinions. It is not to be supposed that the remainder of the cabinet could exert sufficient influence to overcome the sentiments of these three gentlemen, or would, for a moment, entertain a purpose of reversing the favorite policy of General Jackson.

I disavow, Mr. President, all hostile purposes, or even ill temper, towards Mexico; and I trust that I impugn neither the policy nor principles of the Administration. I therefore feel myself at liberty to proceed to the discussion of the points made in the resolution, entirely disembarrassed of any preliminary obstacle, unless, indeed, the mode by which so important an act is to be effected may be considered as interposing a difficulty If the object itself be within the competency of this Government, as I shall hereafter endeavor to show, and both parties consent, every means mutually agreed upon would establish a joint obligation. The acquisition of new territory has heretofore been effected by treaty, and this mode of proceeding in regard to Texas has been proposed by her Minister; but I believe it would comport more with the importance of the measure, that both branches of the Government should concur, the Legislature expressing a previous opinion; and, this being done, all difficulties, of all kinds whatsoever, real or imaginary, might be avoided by a treaty tripartite between Mexico, Texas, and the United States, in which the assent and confirmation of Mexico (for a pecuniary consideration if you choose) might be had, without infringing the acknowledged independence and free agency of Texas.

I will now proceed to show that the territory actually occupied by the Republic of Texas was at one time a part of the United States.

In 1762, France ceded Louisiana to Spain. In 1800, by the treaty of Ildefonso, Spain re-ceded it to France.—(See the words of the treaty.)

In 1804, France, by the treaty of Louisiana, ceded it to the United States. The United States thus obtained title to whatever was conveyed to Spain by the treaty of 1762, the effect of the intermediate conveyance being precisely the same as if the conveyance by the treaty of 1762 had been made directly to us instead of to Spain. The extent of the French claim, therefore, determines ours. The title of France to the Mississippi, and to the territory drained by its western tributaries, has never been disputed. It rested upon the discovery made by La Salle in 1683, who penetrated from Canada by land, descended the Mississippi, and established a few posts on its banks. A short time afterwards, La Salle, endeavoring to enter the mouth of the Mississippi from the Gulf, passed it unperceived, and, sailing westward, discovered the bay of St. Bernard, now called Matagorda, where, penetrating a short distance into the interior, he established a military post on the bank of the Guadaloupe, (whose ruins exist to this day,) and took possession of the country in the name of his sovereign. The discovery and the possession were precisely such as gave title to the Mississippi, made by the same enterprising individual, about the same time; and the occupation for France was attended by all the circumstances and incidents which characterized that of St. Louis or the Island of Orleans. It was this perfect similarity of the muniments of title which authorized Mr. Monroe and Mr. Pinckney, in 1805, to hold this emphatic language to the Spanish Commissioner: "The facts and principles which justify this conclusion are so satisfactory to their Government as to convince it that the United States have not a better right to the Island of New Orleans, under the cession referred to, than they have to the whole district of territory west to the Rio del Norte."

The extent of territory which should enure to the French Crown, by virtue of this discovery and occupation, was determined on the east by the discoveries of La Salle on the Mississippi, with which those on the St. Bernard's were of course connected. On the west the extent was determined by the application of a principle recognised by the European Powers making settlements in America, viz: that the dividing line should be established at a medium distance between their various settlements. At the period of La Salle's settlement, the nearest Spanish possession was a small post called Panuco, at the point where a river of that name falls into the bay of Tampico. The medium line between Panuco and the Guadaloupe, on which was La Salle's fort, was the Rio Grande del Norte, which river was, therefore, assumed as the true boundary between France and Spain. France never failed to assert her claim to that boundary from 1685, the period of La Salle's discovery, up to 1762, when, by the cession of Louisiana to Spain, the countries were united and the boundaries obliterated.

It is thus that Mr. Adams, in his conclusive letter to Don Onis, of March, 1818, recapitulates the testimony in favor of the French title.

On the part of the United States:

1. The discovery of Mississippi, from near its source to the ocean, by the French from Canada, in 1683.

2. The possession taken, and establishment made, by La Salle, at the bay of St. Bernard, west of the rivers Trinity and Colorado, by authority from Louis XIV, in 1685.

3. The charter of Louis XIV to Crozat, in 1712.

4. The historical authority of Du Pratz and Champigny and of the Count de Vergennes.

5. The geographical authority of De Lisle's map, and especially that of the map of Don Thomas Lopez, geographer to the King of Spain, published in 1762. These documents were all referred to in the letter from Messrs. Pinckney and Monroe to Mr. Cevallos, of 20th April, 1805. Since which time, and in further confirmation of the same claims, the Government of the United States are enabled to refer you to the following:

6. A map published by Homann, at Nuremberg, in 1712.

7. A geographical work published in 1717, at London, entitled "Atlas Geographicus, or a Complete System of Geography, Ancient and Modern;" in which the map of Louisiana marks its extent from the Rio Bravo to the Perdido. In both these maps the fort built by La Salle is laid down on the spot now called Matagorda.

8. An official British map, published in 1755, by Bowen, intended to point out the boundaries of the British, Spanish, and French colonies in North America.

9. The narratives published at Paris, of Hennepin, in 1683; of Tonti, in 1697; and of Joutel, in 1713.

10. A letter from Colonel La Harpe to Don Martin d'Alarconne, of 8th July, 1719. (A, Nos. 1 and 2.)

11. The order of the French Governor of Louisiana, Bienville, to La Harpe, of August 10, 1721. (C, No. 3.)

12. The geographical work of Don Antonio de Alcedo, a Spanish geographer of the highest eminence. This work and the map of Lopez having been published after the cession of Louisiana to Spain, in 1762, afford decisive evidence of what Spain herself considered as the western boundary of Louisiana, when she had no interest in contesting it against another State. (D No. 4.)

Mr. Adams was not content to rest our title upon this imposing array of positive testimony, but examined and dissipated all the objections to it taken by the Spanish minister, and, by a masterly refutation of the Spanish pretensions, satisfied (as it has been since understood) the Spanish negotiator himself so thoroughly that he would have been willing to have characterized the result of the negotiation as a "treaty for the exchange of territories," &c. between Spain and America.

This Senate, Mr. President, is not a fit place for a minute examination of all the particulars, or the weighing of all the opposing arguments in the progress of this controversy. But I may be permitted to add, to what I have indicated as to the grounds of our claim, the fact that all our statesmen whose attention has been turned to the investigation have, with one consent, expressed the clearest and most unhesitating conviction of the validity of our title, from the first moment at which it was agitated, down to the unfortunate treaty of 1819. Mr. Jefferson, whose turn of mind led him to such investigations, and whose thoughts, as every one knows, were long and deeply engaged upon all matters connected with Louisiana, expressed himself in the most positive manner. Messrs. Monroe and Pinckney, in 1805, used the language I have before quoted, in obedience to instructions from Mr. Madison, at that time Secretary of State. Mr. Monroe, when President, held an equally strong language, through Mr. Adams, his Secretary of State. Thus, sir, we have the authority of Jefferson, Madison, Monroe, and Adams, officially and emphatically announced to us. General Jackson is known to have entertained the same opinion. And to these let me add the very high authority of another distinguished name—that of the honorable Senator from Kentucky near me. When the treaty with Spain, in 1819, was concluded, it is well known that some delay occurred on account of the internal dissensions of Spain, in the ratification of it. While it was thus suspended, the Senator from Kentucky, then a member of the other House, taking the view of the treaty which I am now urging—that it was a cession of a portion of the territory of the United States which was incompetent to the treaty-making power—offered the following resolutions:

"1. *Resolved*, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them; and that no treaty purporting to alienate any portion thereof is valid, without the concurrence of Congress.

"2. *Resolved*, That the equivalent proposed to be given by Spain to the United States, for that part of Louisiana lying west of the Sabine, was inadequate, and that it would be inexpedient to make a transfer thereof to any foreign power."

I shall have occasion, by and by, to advert to the assumption for Congress of power to alienate the territory of the United States. My present purpose in quoting these resolutions, is to show that, while the treaty with Spain was yet pending, it was considered as a cession of our territory. The resolutions presuppose the fact, and take it for granted. They proceed upon the ground that a part of Louisiana was ceded; and in advocating these resolutions, their distinguished author holds this emphatic language:

"He presumed the spectacle would not be presented of questioning, in this branch of the Government, our title to Texas, which had been constantly maintained by the Executive for more than fifteen years past, under three successive administrations."

He also said:

"In the Florida treaty, it was not pretended that the object was simply a declaration of where the western limit of Louisiana was; it was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana was, as where it should be. Hence we find various limits proposed and discussed. * * * Finally, the Sabine is fixed, which neither of the parties ever contended was the ancient limit of Louisiana. * * * And the treaty itself proclaims its purpose to be a cession of the United States to Spain."

Such were the opinions and statements of the Senator in 1820, of which I gladly avail himself. It is unfortunate for the country, for the whole country, that Congress did not concur with him in the declaration that it would be inexpedient to make a transfer thereof to any foreign power; and I cannot but trust that the wisdom and patriotism which warred against that rash treaty of 1819, will now be exerted to remedy its great and growing evils, on the earliest opportunity, and by the only means left, viz: the reannexation of Texas, whose transfer the honorable genleman eloquently denounced as inexpedient and unconstitutional.

But, Mr. President, I take a higher ground than Mr. CLAY on the occasion alluded to. He rested the constitutional objection upon the incompetency of the treaty-making power to alienate the territory of the United States. I take the ground that it is incompetent to the whole Government; that it does not belong to its granted powers; that its assumption is of the most alarming consequences. The Constitution vests in Congress the power to "dispose of the territory or other property of the United States." The true exposition of this clause is found in the vast and wise land system adopted in pursuance of it at the very institution of the Government. Large cessions of territory had been made by several States to this Government, as property, for certain general purposes; and this clause of the Constitution was inserted to give the necessary power to effect the objects of these grants. The clause has this extent, no more: the power is exhausted when these purposes are accomplished. It was never dreamt that Congress could dispose of the sovereignty of any portion of the territory of the United States; and we may well imagine with what feelings Virginia would have contemplated the proposition to endow this Government with a power to transfer the Northwest Territory to Great Britain or Russia. The clause does not discriminate between the power of this Government to dispose of territory within and without the limits of the States. It is general, and applies to all territory belonging to the United States, wherever it is found—whether it be Point Comfort, in Virginia, or the vacant lands in Arkansas, or those within the Territory of Florida. The power granted within the States and within the Territories is identical: and if one can be transferred to a foreign power, both can. But the protection of the Territories against this wild power of alienation is enforced in every instance by the high guaranties of solemn compacts. Wisconsin is protected by the terms of cession from Virginia; Florida is protected by the terms of session from Spain; and Louisiana was protected by the terms of cession from France. They were all on the same footing, under the guaranty of the same faith—and Wisconsin or Florida may be alienated under the same right.

Will any one at this time of day claim for Congress the power to dispose of either of these Territories to a foreign power? If it be said that, having purchased them, we may sell them, the proposition is equally true of the *States* of Louisiana, Arkansas, and Missouri. Can we sell them, or exchange them for Canada? If such a doctrine were countenanced for a moment, would any man south of the Potomac feel himself safe from sale or exchange, while the wild fanaticism of the Abolitionists is hurrying so large a portion of our fellow-citizens upon measures no less extravagant, and infinitely more fraught with all those disasters that make humanity shudder? Will that spirit which demands the exercise of political power for the confiscation of property, and sports itself upon the very brink of servile war—will that spirit pause in its reckless career, at so obvious a measure as the retrocession of southern territory? The treaty, Mr. President, of 1819, was a great oversight on the part of the southern States. We went into it blindly, I must say. The great importance of Florida, to which the public mind was strongly awakened at that time by peculiar circumstances, led us precipitately into a measure by which we threw a gem away that would have bought ten Floridas. Under any circumstances, Florida would have been ours in a short time; but our impatience induced us to purchase it by a territory ten times as large, a hundred times as fertile, and to give five millions of dollars into the bargain. Sir, I resign myself to what is done; I acquiesce in the inexorable past; I propose no wild and chimerical revolution in the established order of things, for the purpose of remedying what I conceive to have been wrong originally. But this I do propose: that we should seize the fair and just occasion now presented to remedy the mistake which was made in 1819; that we should repair as far as we can the evil effect of a breach of the Constitution; that we should re-establish the integrity of our dismembered territory, and get back into our Union, by the just and honorable means providentially offered to us, that fair and fertile province which, in an evil hour, we severed from the Confederacy.

It might be supposed, Mr. President, from the manner in which the public mind has been inflamed against my proposition, that it had not heretofore been heard of; and that I was startling the community with a novel policy. Not so, sir. The farthest in the world from it. For the first time, to be sure, there is a loud and wide-spread clamor against the annexation of Texas; but the project of effecting it has notoriously been

entertained and urged by the two last Administrations; and, although not adopted by the present, as an Administration measure, is known to have been favorably entertained by the President, and at least one distinguished member of the Cabinet. It is strange that a measure which has been urged for twelve years past should now, for the first time, be met by a tempest of opposition; and it is *very* strange that *he* should be found riding upon and directing the storm, who was the very first man to propose the annexation of Texas, as one of the very earliest measures of his Administration, after he was made President. Yes, Mr. President, Mr. John Quincy Adams had hardly ascended the Presidential chair before he assiduously addressed himself to the task of repairing the injury inflicted upon the country by the treaty of 1819, in the making of which it has been since understood he was the *reluctant* agent. As Secretary of State, in 1819, he negotiated the treaty of transfer; as President of the United States, in 1824, he instituted a negotiation for the reannexation. Through his Secretary of State, Mr. Clay, (whose name heretofore has been always connected with opposition to the cession, and with advocacy of reannexation of Texas, and whom I should be glad to find standing on the same ground now that he occupied from 1819 to 1829,) the President instructed Mr. Poinsett, then minister to Mexico, to open at once and vigorously urge a negotiation for the reacquisition of Texas, and the re-establishment of the southwest line of the United States at the Rio Grande del Norte. The Secretary urged it upon the envoy, as a matter of the deepest interest to the country, and the highest policy of the Government. The advantages are elaborately and zealously set forth; and although the country at that time labored under a large debt, the envoy was authorized to offer five millions for the acquisition. It is greatly to be lamented that the joint efforts of Mr. Adams, Mr. Clay, and Mr. Poinsett, failed upon this occasion, as the joint efforts of General Jackson, Mr. Van Buren, and Mr. Poinsett, did upon a subsequent occasion, when the proposition was renewed, or rather continued, under a new Administration. From the beginning to the end of his Administration, Mr. Adams kept steadily in view this important measure; and when his successor came in, as it was supposed, with opinions differing on all points, and with promises and pledges of all sorts of changes, amidst the general *bouleversement* of all that had been done or attempted, this measure alone was held sacred; it was adopted as it stood upon the record, and urged with the characteristic energy of the man who felt, and truly felt, that he was not so much the functionary of a Constitutional Government, as the representative of the Democracy of this country, as Napoleon had been of that of France. Jackson, Van Buren, and Poinsett, took the place of Adams, Clay, and Poinsett, but pushed on the negotiation. How or why it failed, it were useless now to inquire. Whether it was lost sight of amongst the vulgar and paltry controversies of Scotinos and Yorkinos, or postponed by the massacres and plundering of the succado, or suspended by the ceaseless revolutions of that fated country, is now of no consequence. This is certain, that President Jackson never lost sight of it, and that he continued to look to its accomplishment as one of the greatest events of his Administration, to the moment when the title of Mexico was extinguished forever by the battle of San Jacinto.

And the object, sir, was well worthy of the solicitude of a patriot statesman, for the country lost to us by the fatal treaty of 1819 is one of the finest upon the whole earth. Its beautiful prairies expand beneath as genial a climate as ever blessed the milder latitudes of the temperate zone; and, rising with a gentle slope from the Gulf towards the north, present the appearance of a vast lawn, interspersed with streams and woodland. No heavy forests encumber its surface, and present obstacles to its settlement; no barren wastes of sand disfigure it; no marshy swamps mar its atmosphere with unhealthy exhalations. Under a sun which ripens the sugar cane and coffee, the surface is as green as New England; and it is as exempt from disease as any portion of the valley of the Mississippi. It is intersected at short distances by large rivers, which form bays and estuaries along the Gulf coast, eminently fitted for commerce. Under the quickening influences of our policy and our people, this fine tract of country, doomed to be an eternal waste if possessed by the Mexicans or Camanches, will spring into a glorious and vigorous existence. Its fields will teem with the richest productions of the earth; its rivers will bear down to what should always be considered in the policy of this Government as *our sea* (mare nostrum) an unbounded produce, to enhance the navigation of the Northern States, while an increasing population augments the demand for their manufactures.

But the boundary line established by the treaty of 1819 not only deprives us of this extensive and fertile territory, but winds with "a deep indent" upon the valley of the Mississippi itself, running upon the Red river and the Arkansas. It places a foreign nation in the rear of our Mississippi settlements, and brings it within a stone's throw of that great outlet which discharges the commerce of half the Union. The mouth of the Sabine and the mouth of the Mississippi are of a dangerous vicinity. The great object of the purchase of Louisiana was to remove all possible interference of foreign States in the vast commerce of the outlet of so many States. By the cession of Texas, this policy was, to a certain extent, compromised.

On this subject, Mr. Van Buren, in his instructions to Mr. Poinsett, holds the following language:

"The line proposed as the one most desirable to us would constitute a most natural separation of the resources of the two nations. It is the centre of a country uninhabitable on the Gulf; and on the mountains, so difficult of access, and so poor, as to furnish no inducements for a land intercourse; and, of course, no theatre for those differences that are almost inseparable from a neighborhood of commercial interests. It corresponds with the habitual feelings of the people of Mexico, and with the avowed policy of the Mexican Government, by causing a wide separation and difficulties of intercourse between the inhabitants of the two countries, by preventing those excitements and bickerings invariably produced by the contiguous operation of conflicting laws, habits, and interests. The commercial establishment which would be forthwith made at the Neuces, and in its vicinity, would enable us to preserve, in a great degree, the morals of the inhabitants of both sides, by the prevention of smuggling; and the Mexican Government, by thus respecting the real interests of the United States, without actual prejudice to its own, would afford the strongest evidence of that spirit of friendship by which the United States have always been influenced towards it, and which should ever characterize the conduct of neighboring Republics."

I have thus, Mr. President, shown that the territory of Texas was ours; that the constitutionality of its alienation is at least doubtful, and that its re-annexation is desirable. I have now to advert to the objections raised against it; and fortunately, these are presented in a distinct and imposing form, in the report of a committee of the House of Representatives of Massachusetts, now in session. I approach with due deference, sir, whatever comes from the functionaries of that great Commonwealth; (for, although I think her opinions and policy have not been exempt from serious mistakes and errors, still, from the time of her Hancocks and Adamses, she has prosecuted her purposes with a firmness and intelligence certainly not surpassed by any State in the Union.) She has at all times been fertile in great men. She has always had the consideration abroad, and that self-confidence, (a main source of strength,) that result from a glorious past; and these advantages, combined with her superior magnitude and wealth, have constituted her the head and leader of New England. What she says and does is therefore entitled to the greatest consideration, and this is the more especially demanded at my hands by the temperate and courteous manner in which the committee has done me the honor to treat me and the resolution which is now the subject of our deliberations.

The report says:

"The committee do not believe that any power exists in any branch of this Government, or in all of them united, to consent to such a union, (viz. with the *sovereign* state of Texas,) nor, indeed, does such authority pertain, as an incident of sovereignty, or otherwise, to the Government, however absolute, of any nation."

Both these propositions I controvert; and, first, as to the powers of this Government.

The committee, it appears to me, has been led to erroneous conclusions on this subject by a fundamental mistake as to the nature and character of our Government: a mistake which has pervaded and perverted all its reasoning, and has for a long time been the abundant source of much practical mischief in the action of this Government, and of very dangerous speculation. The mistake lies in considering this, as to its nature and powers, a consolidated Government of one people, instead of a confederated Government of many States. There is no one single act performed by the people of the United States, under the Constitution, *as one people*. Even in the popular branch of Congress this distinction is maintained. A certain number of delegates is assigned to each State, and the people of each State elect for their own State. When the functionaries of the Government assemble here, they have no source of power but the Constitution, which prescribes, defines, and limits their action, and constitutes them, in their aggregate capacity, a trust or agency, for the performance of certain duties confided to them by various States or communities. This Government is, therefore, a confederacy of sovereign States, associating themselves together for mutual advantages. They originally came together as sovereign States, having no authority and pretending to no power of reciprocal control. North Carolina and Rhode Island stood off for a time, refusing to join the Confederacy, and at length came into it by the exercise of a sovereign discretion. So too of Missouri, who was a State fully organized and perfect, and self-governed, before she was a State of this Union; and, in the very nature of things, this has been the case with all the States heretofore admitted, and must always continue to be so. Where, then, is the difficulty of admitting another State into this Confederacy? The power to admit new States is expressly given. "New States may be admitted by the Congress into this Union." By the very terms of the grant, they must be *States* before they are admitted; when admitted, they become States *of the Union*. The terms, restrictions, and principles upon which new States are to be received, are matters to be regulated by Congress, under the Constitution.

The power conferred by the Constitution upon Congress is not to *create*, but to *admit*, new States. The States create themselves; Missouri and Michigan did so, and exercised all the functions of self-government, while Congress deliberated whether they should be admitted. In the mean time, the territorial organization was abrogated, and the laws of Congress superseded; and if Congress declined to admit them, they, of necessity, remained foreign and independent States.

Heretofore, in the acquisition of Louisiana and Florida, France and Spain both stipulated that the inhabitants of the ceded Territories should be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to all the privileges, rights, and immunities of the citizens of the United States. In compliance with this stipulation, Louisiana, Arkansas, and Missouri have been admitted into the Union, and at no distant day Florida will be. Now if we contract with France and Spain for the admission of States, why shall we not with Texas? If France can sell to us her subjects and her territory, why cannot the People of Texas give themselves and their territory to us? Is it more consistent with our republican notions that men and territory can be transferred by the arbitrary will of a monarch, for a price, than that a free people may be associated with us by mutual consent? Can we buy, or, according to the report of the Massachusetts committee, conquer, and yet not enter into an amicable agreement to effect the same object, in pursuance of the ascertained will of all parties concerned? There is some display of learning, in the report, to show that conquest can effect what consent cannot. Not so. War itself is but a mode of argument—ultima ratio; conquest is an enforced consent. It does not terminate in actual physical restraint, permanently applied, but in the assent of the conquered party that submission is preferable to further resistance. A State or a people incorporated with another by such means has come to the conclusion that union is better than the calamities of war. Why cannot the same State come to the conclusion that union is better than other calamities to which it is exposed, or of itself promises benefits greater than those resulting from a separate existence?

It is supposed that there is a sort of political impossibility, resulting from the nature of things, to effect the proposed union? The committee says that "the measure is in fact the union of *two* independent Governments." Certainly the *union* of twenty-seven "independent Governments;" but the committee adds, that it should rather be termed the dissolution of both, and the formation of a new one, which, whether founded on the same or another written Constitution, is, as to its identity, different from either. This can only be effected by the summum jus, &c.

A full answer to this objection, even if many others were not at hand, as far as Texas is concerned, is contained in the fact that the summum jus has been exercised.

Her citizens, by a unanimous vote, have decided in favor of annexation; and, according to the admission of the committee, this is sufficiently potent to dissolve their Government, and to surrender themselves to be absorbed by ours. To receive this augmentation of our territory and population, manifestly does not dissolve this Government, or even remodel it. Its identity is not disturbed. There is no appeal necessary to the *summum jus populi* for such a political arrangement on our part, even if the summum jus populi could be predicated of this Government, which it cannot. Now, it is very obvious that two free States may associate for common purposes, and that these common purposes may be multiplied in number or increased in importance at the discretion of the parties. They may establish a common agency for the transaction of their business; and this may include a portion or all of their political functions. The new creation may be an agency if created by States, or a Government if created by the people: for the people have a right to abolish and create Governments. Does any one doubt whether Texas could rejoin the Republic of Mexico? Why not, then, *rejoin* this Republic?

No one doubts that the States now composing this Union might have joined Great Britain after the declaration of independence. The learned committee would not contend that there was a political impossibility in the Union of Scotland and England, or of Ireland and Britain; or that, in the nature of things, it would be impossible for Louisiana, if she were a sovereign State out of this Union, to join with the sovereign State of Texas in forming a new Government.

There is no point of view in which the proposition for annexation can be considered, that any serious obstacle in point of form presents itself. If this Government be a confederation of States, then it is proposed to add another State to the Confederacy. If this Government be a consolidation, then it is proposed to add to it additional territory and population. That we can annex, and afterwards admit, the cases of Florida and Louisiana prove. We can, therefore, deal with the people of Texas for the Territory of Texas, and the people can be secured in the rights and privileges of the Constitution, as were the subjects of Spain and France.

So much for the formal difficulties. I now approach those which have exercised a more decisive influence over that portion of the Union which is offering a determined opposition to this measure.

The Massachusetts committee experience much difficulty in ascertaining the mode of action by which the proposed annexation can be effected, and demand "in what form would be the practical exercise of the supposed power? In what department does it lie?" The progress of events already, in a great measure, answers this objection. Texas has taken the initiative. Her minister has introduced the subject to that Department which is alone capable of receiving communications from foreign Governments, and the Executive has submitted the correspondence to Congress. The resolutions before you propose an expression of opinion by Congress, which, if made, the Executive will doubtless address itself earnestly, in conjunction with the authorities of Texas, to the consummation of the joint wishes of the parties, which can be accomplished by treaty, emanating from one department of this Government, to be carried into effect by the passage of all needful laws by the legislative department, and by the exercise of the express power of Congress to admit new States.

I am aware, Mr. President, of the full extent and of the decided character of the opposition which this measure encounters in a large section of the Union. A vast number of remonstrances, memorials, and petitions, with countless signatures, have been presented, characterized in almost every instance by a very excited temper. Several of the most respectable States, too have solemnly adjured Congress to decline my proposed measure. Vermont led the way, in a violent and denunciatory paper. The populous State of Ohio followed in such determined hostility that her Legislature has volunteered a denial of the constitutionality of that acquisition which affords the outlet to her commerce. The gravity and dignity of Massachusetts have been enlisted to the same end; and, in short, all the Northern and Middle States, in one form or other, have urged objections upon us. If the views of so large and respectable a portion of the country be determined by broad reasons of general policy, conceived in a spirit of patriotism, and embracing the various interests of the whole Union in a just and equal consideration, they would come recommended to us by a very weighty authority; but, on the other hand, if this joint movement be a combination, conceived in a spirit of hostility towards one section, and for the purpose of aggrandizing the political power of another, then both the purpose and temper in which it is conceived constitute an irresistible reason, on the part of all who value this Union, for urging and consummating this measure.

Stripped of all circumlocution, the proposition is this. We are hostile to the institutions of the South, and propose their destruction; we have a predominating power, daily increasing, over that section; and we do not intend that it shall put itself in a condition to resist our power, when we may choose to exercise it. I put it to every candid man, whether this is not the just interpretation, the sum and substance, of the proceedings in Massachusetts and Ohio, and of all those numerous petitions which have been presented from the non-slaveholding States. I do not now speak of that wild and blind fanaticism, or still blinder cant, which infects the public mind on this subject; and which even in this country has (I say it with shame and sorrow) received an impulse from that impersonation of the blackguardism of Europe, Mr. O'Connell; but I speak of the grave language of distinguished men, and the dignified proceedings of legislative bodies; and when the South finds in these a question of political power raised against her, coupled with, or rather founded upon, an objection to her social institutions, she ought, she must, make up her mind to give up those institutions, or to demand a guaranty for them. The question of her existence is forced upon her, and if you will not consent to adopt some measure to protect her, (and I confess that I see nothing but what I now propose,) it will be her duty by her own action to provide for her own safety.

It cannot fail to make a deep and mournful impression upon the South, that the opposition to the proposed measure is contemporaneous with the recent excitement on the subject of abolition. All men, of all parties, from all sections, in and out of office, Mr. Adams most conspicuous amongst them, desired the acquisition of Texas until the clamorous interference in the affairs of the South was caught up in New England, from Old England. Then for the first time objections are made to this measure; then those very statesmen who were anxious to make the acquisition of Texas their glory, found out that it would subvert the Constitution and ruin the country. We of the South, Mr. President, bear with such composure as we may the pious horror and self-righteous indignation with which

many of our brethren speculate upon us; but it is a different affair, when ignorant and impertinent denunciators rise up and demand the control of the policy of this Government. You are called upon to declare that the Southern portion of your Confederacy, by reason of certain domestic institutions, in the judgment of your petitioners wicked and detestable, is to be excluded from some part of the political benefits of this Government. The assumption is equally insulting to the feelings and derogatory to the constitutional rights of the South. It is an arrogant pretension to superiority on one side, and denunciation of inferiority on the other; which, if sanctioned by Congress, either by assuming it as the reason of legislating, or of refusing to legislate, makes us at once two people, two races, a superior and an inferior. We neither can nor ought—I say it, Mr. President, in no light mood or wrong temper—we neither can nor ought to continue in political union on such terms.

But, Mr. President, wrong, and dangerous, and subversive of our institutions as these positions are, they have their origin rather in the apprehensions of those who urge them than in actually existing facts. The Massachusetts report asserts that, at the institution of this Government, the predominance of political power was in the non-slaveholding States, and that the representation of the three-fifths was allowed in a spirit of compromise, to make an approximation towards equality. I believe, sir, that the committee is mistaken in its view of the facts. Of those who made the Constitution, and of those who sat in the first Congress, two-thirds were slaveholders. Excluding Pennsylvania, where slavery never existed, and the New England States, in some of which slavery existed to a small extent at the time of the adoption of the Constitution, the slaveholding States represented in the first Congress, according to provisions of the Constitution, were—

New York	6	New Hampshire	3
New Jersey	4	Massachusetts	8
Delaware	1	Rhode Island	1
Maryland	6	Connecticut	5
Virginia	10	Pennsylvania	8
North Carolina	5	Vermont	2
South Carolina	5		—
Georgia	3	Non-slaveholding	27
Kentucky	2		
	—		
Slaveholding	42		

There being nine slaveholding and six non-slaveholding States, the Senate stood 18 to 12.

By the apportionment under the first census, the representatives stood thus:

New York	10	New Hampshire	4
New Jersey	5	Massachusetts	14
Delaware	1	Rhode Island	2
Maryland	8	Connecticut	7
Virginia	19	Pennsylvania	13
North Carolina	10	Vermont	2
South Carolina	6		—
Georgia	2		42
Kentucky	2		
Tennessee	1		
	—		
	64		

and the Senators 20 to 12.

Thus, it appears that, at the adoption of the Constitution, the slaveholding interest predominated; and that, therefore, the idea of the committee, that the growth of the South should be prevented for the purpose of preserving the original balance of the Constitution, is wholly erroneous.

And now, Mr. President, turn your attention for a moment to the present relative condition of the sections.

New York, New Jersey, and Delaware now belong to the non-slaveholding section. From the bounty of Virginia, Ohio, Indiana, Illinois, and Michigan, have been added to that interest; and Wisconsin is making up with rapid steps to take her station abreast of the States. At this moment the non-slaveholding States have in the House of Representatives 143 members out of 240, a majority of one-sixth; and a majority of 4 Senators in this body: and then, Mr. President, when we look forward to the next census, New York, with her two and a half millions; Ohio, with her two millions; Indiana, with her seven hundred thousand; Illinois, Michigan, and the rest; where, sir, will be the South then? Where the balance of the Constitution?

Virginia gave to the non-slaveholding States the populous Northwest, for their growth and expansion. They have by law and treaty secured to themselves, and denied to us, all above the parallel of 36 deg. 30 min. from the Mississippi to the Pacific, a vast and fertile region, larger than revolutionary America; destined to receive the emigration from the teeming bosom of the North, swollen by the annual importation of nearly one hundred thousand foreigners. While, by treaty, we were deprived of all west of the Sabine, and by law of north of 36 deg. 30 min. they have kept open for themselves all the interior world of the Upper Missouri and Mississippi, all the prairies and mountains of the central West, all the valley of the Columbia, and coast of the Pacific; and with this rich and boundless inheritance, with their own noble country, and with what the reckless munificence of Virginia endowed them, is it according to the spirit in which the Constitution was conceived, is it in a spirit of kindness, is it just, is it not an outrage, that the question of political power is raised against us?

No one will venture to say that, if the South extends herself to the Rio Grande, she can, under any circumstances, contain a population equal to that of the non-slaveholding States. In the other branch of Congress we can never expect an approach to equality. The sceptre has passed from us, and forever. Whether it has been rightly wielded, let the growth and power of this country answer. All that is now left us is to protect ourselves. All that we want is some reasonable check upon an acknowledged power; some approach to equipoise in this chamber. It results from the nature of things; and all our history shows that both the interest and inclination of the South is to restrain as far as possible the action of this Government. We never require any thing from it. Ours is the let us-alone policy. All we wish is not to suffer aggression. All the power we covet is the power to resist incursions. And this much, sir, you must allow to us. The ground upon which non-slaveholding States and communities put their claim to political supremacy is an insult to us. The claim itself is an aggression, and the avowed purposes for which it is to be used are hostile and destructive.

And, Mr. President, but for the great respect which I have for the States which have taken ground on this subject, I should be disposed to suspect that the idea of checking the extension of domestic slavery was but a hollow and hypocritical pretext, to cover political designs. The slaveholding population and the slaveholding political communities may be multiplied by the proposed acquisition of territory; but I do not see that slavery or the number of slaves can be increased by it. Under the mild condition of Southern slavery, the negro population increases at a greater ratio than that of the whites throughout the Union, augmented as the latter is by the accession of foreigners. To this natural increase, your laws, making the introduction of slaves a felony, forbid any addition. Extend the territory as you may, you can only have those you now have, and their natural increase. They may be diffused over a wider surface, intermingled with a larger free population, but not one additional slave can be made. Nay, Mr. President, this annexation will produce the precise opposite result. It will prevent the increase of slaves.

It is well known that it has tasked the vigilance and power of this Government to enforce the laws to which I have just alluded, against the temptation of the vast profit which would reward the introduction of slaves; and it is also known that the combined energies of the civilized Powers of the world have not yet succeeded in putting an end to the slave trade which continues to supply the West Indies with African slaves. Our laws, sustained by our public opinion and enforced by our power, would no doubt prevent the possibility of the further introduction of negroes. But none of these checks will operate with the same force upon Texas, her extended coast, watched by a small navy; her uninhabited territory, subject to a necessarily inefficient police, afford facilities for the introduction of negroes, while, on the other hand, the temptation to introduce them will be greater than any other portion of this continent has ever been exposed to; nor, sir, will the proposed annexation deteriorate the condition of the slaves now held in bondage. Such as would be transferred to Texas would be placed in a more healthy climate, a more fertile soil; they would be less crowded together in large masses, and from the enhanced value of their labor, enlist a more intense interest on the part of their owners to attend to their wants and necessities. These remarks, I make Mr. President, to show how blind and mistaken is that humanity which has permitted itself to be enlisted against this measure. How narrow it also is, let me briefly illustrate. It is obvious that, if our laws, institutions, spirit of enterprise, and habits of order, were extended over that region, and sustained by the vigor of our Government, it would rapidly become the seat of civilization and religion. The waste of useless fertility would be subjected to a vigorous culture, towns would spring up, churches be built, and, in the place of the wild Caddoes and Camanches, would appear a race of men rapidly fulfilling the high destiny of civilized man.

It is against that spirit of aggrandizement and recklessness which is, in the prosecution of its mad career, blind to such obvious considerations as these. It is against that self-righteous arrogance which scorns and would chastise in others every thing different from itself. It is against that prurient and drunken philanthropy, more to be dreaded as a madness than to be pitied as a disease, which menaces the destruction of the Union, and a portion of it with massacre and burning, and all the nameless horrors of a servile war. It is against the perpetual and irritating agitation of bitter and unprofitable topics, which cannot come to good, that this measure is intended to provide. I wish no power for the South but enough to protect herself; no boon but to be let alone; no influence here but enough to check in this body the mad caprices of unbridled power. I expect a majority in neither branch of the Government. In the popular branch we are destined to a hopeless minority. Here we must be strong enough to be heard, to be felt, to be able to check, to be able to insist upon deliberation.

We stand entirely on the defensive; we desire *safety*, not power, and we must have it. I know of no mode so easy, so direct, and so efficacious, as this which I propose. Give us safety and repose, by doing now what all your most trusted and distinguished statesmen have been so long anxious to do. Give them to us, by restoring what you wantonly and unconstitutionally deprived us of. Grant us this just and humble boon, by repairing the violated integrity of your territory, by augmenting your wealth and power, by extending the empire of law, liberty, and christianity. Give it to us, and you will accomplish that "which is the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety—perhaps our national existence." Mr. President, with these words of Washington I conclude.

SPEECH OF MR. BELL,
OF TENNESSEE,

In the House of Representatives, Thursday, May 31, 1838.—When Mr. TURNEY had concluded his speech upon the bill making appropriations for the suppression and prevention of Indian hostilities—

Mr. BELL instantly rose, and spoke as follows:

Mr. Chairman: I hope the committee will indulge me in replying to the wanton and unprovoked attack of my colleague. I am astonished at the course of my colleague. His whole speech has been a studied personal attack upon me. He has, without the slightest provocation on my part, made an an assault, dictated throughout by cold and deliberate malice and vindictiveness.

My colleague commenced his remarks by informing the committee that he was the only member of the Tennessee delegation, of his side in politics, who was in the habit of public speaking; and that it therefore became his duty to reply to the speech I had made on the subject under debate. I take leave to inform my colleague that he is mistaken. He is not the only speaking member of those whose deputy-orator he has consented to become. There is another member of the Tennessee delegation, of the same politics with himself, who is far more distinguished, and at least as able as himself—a member who is in the habit of personal speaking, and who is entitled to the same privilege of debate upon this floor, and at this time, that any other member enjoys.

My colleague prefaced his personal attack upon me with another remarkable statement. He said that for me, personally, he had no other than kind feelings. This was altogether a gratuitous declaration on his part. I have neither courted his friendship nor his kind feelings. But I may say that, so far as personal courtesy and civility may go, I have deserved his kind feelings. My colleague's residence and my own, in Tennessee, are separated by a considerable distance. I have never been associated with him in any public body before we met upon this floor; nor have I either seen or known much of him in private life. What I at any time have heard others say of him, did not seem to preclude those civilities which it is convenient to extend to a colleague, and which are ordinarily due to a gentleman on this floor: I have, therefore, been uniformly courteous to him. But my colleague had no sooner made this profession of kind feeling, than he entered upon an arranged and premeditated personal attack upon my whole course. It must have been evident to all who heard him, from the materials he had at command, and the manner in which they were set forth, that he enjoyed the benefit of the counsel and experience of others better versed in the history and politics of the times; and that those parts of his speech which did not arise naturally out of the preceding discussion, had been carefully concocted and laid up for some suitable occasion for bringing them forth. But I will do my colleague the credit to say, that it is not his own gall which he has vented against me upon this occasion. He cannot have any malignant feeling to gratify against me; nor, on the other hand, can I entertain any feeling of resentment against him, though I cannot have any respect for him. He has become a voluntary scavenger for other men's uses. He has shown himself the fit and apt conduit for the discharge, upon this floor, of the hoarded and accumulated malice and vindictiveness of others. I know the source of this attack, and the men by whose prompting my colleague speaks. I refer to two other colleagues of mine, one in another body, in the other end of the Capitol, and the other a member of this House. They are both the intimate associates of my colleague before me. I have known them both long and well, both in public and in private life, and I have ever found them alike destitute of private honor and public principle. Their hypocrisy, their malignity, and their treachery towards me, are well understood. They have long sought to traduce my character through other channels; but they have never dared to meet me to my face, here or elsewhere, with their charges. What I have here said of them I have often said before. I have denounced their conduct towards me, heretofore, upon this floor. I have repeatedly denounced them at home, in public assemblies of the people, among their own neighbors, in their own vicinity, and where they had repeated opportunities to make their charges openly, and when I could reply to them, but they never had the courage to do so. They never dared to meet me. These are the authors of the present attack upon me. But I repeat that I can entertain no feelings of resentment or revenge against my colleague before me. In the part he has acted here, I regard him as the mere instrument of other men's malice—a *tool* of *tools*.

[Mr. TURNEY, who occupied a seat immediately in front of Mr. BELL, rose from his seat, and turning round to him, said: "it is false, the statement is false, and my colleague knows it to be so." Mr. BELL instantly struck him with his hand, and some disorder ensuing, the SPEAKER took the chair. After order was restored, and several ineffectual motions having been made to adjourn, or to have the quarrel adjusted, a resolution was moved that the parties should apologize to the House; and, before it was decided, Mr. BELL, and then Mr. TURNEY, voluntarily made an apology. The House again resolved itself into Committee of the Whole on the state of the Union, and Mr. BELL resumed his speech, as follows.]

Mr. Chairman: After the time which has already been occupied in discussing the measure under consideration, when so much anxiety prevails to bring it to a close, and particularly after that anxiety has been so earnestly expressed by some of my own political friends, I would not think of trespassing further upon the indulgence of the committee, did I not feel that it was due to the friends with whom I have so long acted, here and elsewhere; that it is due to the principles which I profess, and which I have uniformly supported on this floor; and, above all, that it is due to my own feelings and to my own honor, that I should answer the various charges which my colleague has thonght preper to urge against me as an individual. This I propose to do in a manner perfectly in order, perfectly respectful to the committee, and becoming to myself. I also propose to take notice of all the material points and allegations of my colleague, in the order in which he made them.

The first of these which I deem material, is that for the appointment of the numerous officers and agents employed in the emigration of the Indian tribes and in the execution of the various Indian treaties, without authority of law, which I had charged against the late and present Administrations, I am the responsible person; that it was the duty of Congress to have corrected the evil; and that, as I was the head of the Indian committee, I am chiefly answerable for the neglect of this duty; I am, at last, the individual who is guilty of the offences which I had attempted to fasten upon the party in power. The same charge was made, in substance, against me by the gentleman from Michigan, who now stands over the way, [Mr. CRARY,] with this addition: that, for *all* the abuses which exist in the Indian Department, if any, I am more responsible than any other person. That gentleman called for the reports upon abuses which I have made as chairman of the Committee on Indian Affairs—for the bills, or measures, which I had brought forward to correct them. He was, also, pleased to say that I had great influence upon these subjects, and, by giving proper attention, could have carried any measures which were proper to be adopted in order to correct abuses. In this I beg to say that the gentleman was quite too *kind* to me. But, without going into the question of what I ought to have done, I should like to be informed by the honorable gentleman how I, or Congress either, could have put an end to the abuses of which I have complained. I have not complained of defects in the laws or in the Constitution. Some great and wise man (I now forget who) has said that, after all the controversy which has existed, after all the risings, rebellions, and revolutions which have filled the world, and after all the blood that has been shed in establishing and defending particular forms of government, at last "*that government is best which is best administered;*" and in one sense, and that a most important one, the saying is true. Many of the ablest writers in favor of republican forms of government admit that a monarchy with a prince at its head, intelligent, virtuous and able, would combine greater advantages in promoting the peace, happiness and prosperity of the people, than any other form of government. Such a prince would preserve peace, do justice, and protect the rights and interests of his people, in despite of bad laws; while no form of government can secure the same great interests of a people, with the aid of the most perfect code of laws that ever was formed, if the chief magistrate—the chief administrator of such a government—is incompetent, negligent, or unfaithful to his trust. The great and decisive objection to a monarchy is, that however the people may be blessed in one

generation, or for a short time, with a just, wise, and patriotic prince, they have no security that his successor may not prove a fool or a tyrant. Our form of government proposes to correct this evil, to secure a perpetual succession of wise and virtuous rulers, through frequent elections by the people. But still I say, as I have often heretofore maintained on this floor, that all the evils of the worst form of government that now exists among civilized nations may be visited on this people, when we choose to elevate to the highest executive trusts men who are destitute either of the proper skill and talents, or, what is still more important than talents, of patriotic purposes and principles. In this country, and under our form of government, the abuse of the *appointing power* alone is sufficient to render the best laws abortive, and to destroy the efficiency of any branch of the public service.

What signifies it what laws we have, or what we might have passed, to provide for the proper execution of the various duties assigned to subordinate officers connected with the Indian service, if, after all, the President will fill the offices with worthless and incompetent partisans? with men who take office, and are appointed to office, rather that they may profit by their offices, than that the country may profit by their services. Depend upon it, sir, if the head is wrong, the whole system will go wrong, and fall into disorder. Let me illustrate this position by referring to the judicial tribunals of the country. Of what avail are good laws when the judge who administers them is either corrupt or incompetent? Another illustration was whispered to me by a friend sitting near me, when this strange argument was urged by the gentleman from Michigan. If your laws be ever so strict and guarded for the security of orphans' estates, yet, if the judge who appoints the guardian is unfaithful, and will appoint a dishonest knave and take insufficient sureties, what will prevent the estate from being squandered, and the orphans from beggary?

But to test the argument of my colleague, and especially that of the gentleman from Michigan, further on this point, I will put the case of the Florida war, in the conduct of which I have complained there have been the greatest abuses and the most unparalleled waste of the public treasure. Does the gentleman from Michigan mean to say—but I know he has too much good sense to entertain the idea—that, by proper attention to our duties in Congress, we could by law have prevented these abuses, this extravagance? Does the gentleman mean that Congress could have passed a law forbidding the Executive to call more volunteers or other troops into the field than two to every one of the enemy, or four to one, or six to one? And, I believe, in the last campaign we had in the field eight or ten soldiers for every Indian warrior of the hostile party. Is this the nature of the legislation which the gentleman from Michigan or my colleague thinks might have been effected, if I had done my duty? And if this is not the sort of abuse which might have been corrected, I would like to know what abuses he alludes to. For my part, sir, I have not found fault with the laws. The laws, in the main, relating to this service are well enough. As to the appointment of numerous public officers, and prescribing annual salaries without authority of law, that is an abuse which has only become striking and enormous within the last few years, and during a period when it is notorious I had no power in this House to correct any abuse which tended to curb Executive influence. If Congress had even passed laws to prohibit such a practice, the new doctrine as to the extent of Executive power and discretion under the Constitution, in the construction and execution of the laws, would probably have made them unavailing.

The next ground of attack assumed by my colleague relates to the effort which was made, near the close of the session of 1836, to have a committee appointed to examine into the frauds alleged to exist in the execution of the Creek treaty, with power to sit during the recess; and to proceed to the scene of the alleged frauds, and there take the proofs. In my first address to the committee, I alluded to, and relied upon the failure of that attempt, as evidence that Congress itself, or a majority of the House of Representatives, refused to take adequate steps to redress the complaints of the Creek Indians. I had also contended that the expensive war in the Creek country, and all the other mischiefs which ensued, had been the result of Executive mismanagement or abuse. I showed, also, that by the casting vote of the Speaker of this House, the motion for a committee to go and examine into the alleged frauds and abuses had been defeated, and that, instead of a committee appointed by the House, the duty of appointing commissioners to examine into them, as well as into the causes generally of the war, had, by the act of the House, been assigned to the President! Thus the appropriate business of the House—inquiry into Executive abuses—was transferred to the Executive himself, and he was empowered to appoint a commissioner to examine into and report upon his own alleged delinquency; for such, in substance, was the nature of that proceeding.

My colleague justifies the conduct of the House in refusing to authorize the Indian Committee to sit in the vacation, by alleging that the committee would have been engaged in electioneering—going up and down the country for the purpose of producing effect upon the Presidential election. My colleague read from the speeches delivered upon the occasion, to show that such was the ground taken by those gentlemen who opposed the motion. I well remember the arguments used in defeating that proposition, and I remember that the expense growing out of the practice of appointing these travelling committees was also relied upon, to show the impropriety of adopting the course proposed. In answer to the allegation that the committee, if appointed, would have been merely an electioneering one, I will only say, that the commissioners appointed by the President to examine into the frauds, as they were his warm partisans, might, with far more justice and propriety, have been suspected of devoting themselves to the business of the pending Presidential election, than the Committee on Indian Affairs. Sir, it is well known that the President himself was industriously employed during that summer in the same vocation. As to the expense incident to granting the committee power to proceed with their inquiry in the recess, it is a sufficient answer to say, that the commissioners appointed by the Executive have been sitting two years, and receiving the pay of members of Congress all the while, mileage included, and they have not yet all made their final report. But my colleague has examined the journal, and found that, as early as the 9th of January, 1836, the Committee on Indian Affairs had the power, under the order of the House, to examine into the frauds and abuses of the Indian Department, and he charges that we did not take the first step towards the investigation of the Creek frauds during the remainder of the session. Hence, concludes that my professions are hollow; that my complaints against the House for failing to give power to examine are unfounded; and that I have raised a clamor about abuses that never existed, or, if they did, that I had failed to examine into them, when I had full power to do so: that, in short, I was the responsible and guilty person in this, as in other like cases. Such is the substance of my colleague's allegations on this point. (1)

Now, sir, I beg leave to state that my colleague is wholly mistaken in his statements upon this subject. It is true, that the Committee on Indian Affairs had power to examine into all abuses in that branch of the service as early as January, in 1836; but it is also equally true that the committee, from that time, until they applied for power to sit in the recess, were most industriously and laboriously employed in the business assigned to them. If this statement be not satisfactory, I call upon the members of that committee, who may be present, to corroborate, as I know they will, what I say. Sir, I repeat that the committee proceeded, with all diligence and solicitude, to discharge their duties, as the records of their proceedings will show. The committee, then, had the whole range of abuses in every quarter of the country to inquire into. The Creek frauds were least accessible to them, but they proceeded, as far as they had the means and the time, to inquire into them. I refer those who may be disposed to receive the statement of my colleage as true, to the files of papers in your clerk's office, to refute it. The Committee on Indian Affairs, it is true, did not devote their whole time to this business during that session. It will be remembered that various questions of great public interest and importance were pending before Congress during that session. The members of the committee did not think proper to neglect those questions, and therefore they devoted such portions of their time only as *they could*, when the House was not in session, to the prosecution of the business before the committee. I trust that I have answered this part of my colleague's attack fully and satisfactorily.

My colleague next proceeded to notice what had been said by me about the political *engineering* of the late Administration, at a time when their attention should have been fixed on the war then brewing in the Creek country, and the one which was raging in Florida. I stated that those wars grew out of the neglect and bad management of the Executive chiefs; that when our Indian relations demanded their serious and unremitted attention, the far greater portion of the care and solicitude of the President was devoted to the bringing in of a successor, and so of most of his lieutenants. My colleague undertook to show that my statement upon this subject was without foundation, and that I had done great injustice to the late President. My colleague went so far as to say that he knew of no other interference of the late President with the late election than the famous Gwin letter. My colleague must know very little of the course of the late President in relation to that election, if he supposes that this is the only evidence that exists of his interference. (2)

My colleague cannot have forgotten that the late President paid a visit to his State in the summer of 1836. My colleague, who sits on my left, [Mr. CARTER,] has a lively impression of that visit; for the President threaded his district, and caused him no little trouble and annoyance thereby. But, sir, the President did not seek to disguise the object of his visit, so far, at least, as a free expression of his views and opinions of the parties to the then existing contest was calculated to disclose his intentions. He not only expressed his views verbally upon the subject of the election, but he did not hesitate to put them down upon paper, so that there can be no denial or cavil on the subject. To a committee, appointed by a public meeting to invite him to partake of the hospitality of the citizens of Shelbyville and Bedford county, he denounced those who supported the election of Judge White for seeking to undermine our free institutions, and declared that their object was to deliver the State into the arms of the Federalists, Nullifiers, and new-born Whigs. To this statement he subscribed his name, and it was soon afterwards published to the world in all the newspapers in that interest in the State. I quote from memory, but I am certain that I am not mistaken in the substance of the charge. Many other declarations, of the same nature and equally unequivocal, might be referred to. But it was not in 1836 only that the late President employed himself in advancing the cause of the present incumbent of the Executive chair. He was devotedly and industriously occupied in the same manner in 1835. I hold in my hand a specimen of one mode of electioneering in 1835, which is singular enough to deserve the attention of the committee. It is a copy of a letter written to the late William Blount, ex-Governor of Tennessee, and a man of great respectability and influence in that State.

Extract from General JACKSON'S *letter to Gov.* BLOUNT, *of Tennessee, dated May* 10, 1835.

"I would to God that our old friend Judge White would soon disentangle himself from the false position that he has been placed in by Bell, Crockett, and Co. If he does not, he will be politically lost, since John Bell has turned a good Whig, and put him up as the candidate of the Opposition. I wish he had said to the Opposition, when they proposed to make him their candidate, what the old Trojan said to the Greeks when they offered him the present of the wooden horse—I know the Greeks, and despise their gifts; then the Baltimore Convention would consider his claims.

"The Baltimore Convention will be the largest and most respectable deliberative assembly convened in America for a great while. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, Alabama, Mississippi, Louisiana, Ohio, Indiana, Illinois, Missouri, and Kentucky, will send delegates.

"What a spectacle will Tennessee cut—old Republican Tennessee alone with the Nullifiers of South Carolina! How I am humbled at the thought; and, if I know the Tennesseeans, so soon as they recover from their delusion, they will hurl all from them that have had any agency in bringing them into this situation."

The original of this letter was put into the hands of a late member of this House, [Cave Johnson,] and he did not scruple to read it frequently to large assemblies of the people, while canvassing for a seat in this House, as an evidence of the wishes of the President in relation to the pending Presidential election, and of his own orthodox principles. (3) But, besides writing numerous letters of this description, of which I had a knowledge, the late President must have consumed a considerable portion of the time which would have been more constitutionally employed in guarding the public interests in Florida and the Creek nation, in distributing newspapers and speeches under his frank. Of this fact I have a personal knowledge. All the vile calumnies which appeared during that year in the columns of a certain prostituted press, in relation to the origin, motives, and intention of the movement in favor of Judge White, and more especially in relation to my own course, and which, until now, have been confined to the columns of kindred papers, were distributed and propagated under the frank of a President of the United States! There can be no mistake upon this subject. His own sign manual appeared upon the envelope of a great number of such enclosures, forwarded to me from various quarters of the State. Of the nature of these calumnies, I forbear to speak. It will be sufficient to say, that human malignity could scarce do more in the work of detraction and slander. (4) Yet, with such vile and pestilent matter was not only my district, but the whole State of Tennessee, flooded, under the sanction of the President's name. Not only in my own district, but in every part of the State with which I communicated, every man of supposed influence and intelligence appeared to have been supplied with newspapers containing these slanders.

Such were the means, such was a part of the machinery, employed to blight the prospects of Judge White and his supporters every where, and to elevate the present tenant of the Executive mansion; such was the nature of the plan adopted by unprincipled party adherents, to fulfil the prophecy which foretold that General Jackson would be able to crush me and the other leaders of the rising opposition to Mr. Van Buren, in Tennessee, as with the foot of an elephant; such was one of the devices by which my opponents sought to blast my character, and with which I was distinctly menaced before I took my position in opposition to the favorite candidate of the Executive. I thank God that those efforts to deprive me of the confidence of my fellow citizens signally failed in my own district, and in the State generally. But still, with such industry had these calumnies been circulated, (having been sent, by one hand or another, to every sequestered spot, as well as to every village and cross-road,) that they had, in some small districts, so complete a possession of the public mind, that, happening to pass through some of them, it has been my lot to find myself reputed, by many, as a profligate and abandoned wretch, equally undeserving of private and public confidence. But it was not in Tennessee alone that the effects of this system of calumny and detraction have been felt. In sections of the country, where no refutation of mine could ever penetrate, my humble name has been traduced and calumniated by a great central organ established in this place, under Executive direction and control, and always at the service of my most malignant personal as well as political enemies. Whatever their malice suggests there finds a safe and ready admittance. It has frequently been my lot to sit in this House, morning after morning, and see members, in adjoining seats, carefully fold up, and send abroad, under the sanction of their franks, a newspaper, (the Globe,) containing the most scurrilous and unprincipled imputations upon my motives and conduct—often grossly misrepresenting and perverting my course in the House. What may have been, or what may be, the effect of a great central organ in this city, acting under the direction and control of the Executive, patronized by a great party, and often directed by personal malignity, and what may have been my feelings under the circumstances I have described, every man of natural sensibilities may infer. Yet, sir, I did not treasure up any bad feelings against those who thus, in my presence, have contributed to defame me; nor have I indulged the slightest feelings of resentment against the thousand instruments of personal hatred or party opposition which have been employed in assailing me out of this House. There are, I can say with truth, scarcely half a dozen men in existence towards whom I am constrained, by a sense of personal injury, to indulge in feelings of personal resentment. There are but few persons, in my case as in all others of a like kind, who are or ought to be accounted responsible. If of them I have, upon some occasions, spoken with acrimony in this House, I trust the impartial and considerate will duly appreciate the circumstances under which I have done so. If, in speaking of the late and present Administrations, (and they are one in many respects,) I have manifested a deeper feeling of opposition, and have expessed myself in stronger terms than is agreeable to the taste of moderate gentlemen of either side, I trust these gentlemen will be disposed to concede something to the sense of personal wrong and injury which must, sometimes, operate upon my temper, and give a coloring to my expressions—something to injured feelings. I have never troubled this House with details of my private griefs; and I beg pardon for having done so now. And the generous and liberal, whether they belong to one side or the other in politics, will, I trust, see some ground of indulgence for the allusions I have just made. I feel a consoling consciousness that no gentleman will think that I have trespassed, who bears in his own bosom the sensibilities that belong to an honest man. I feel a happy assurance that the peculiar circumstances of the occasion will, with every liberal mind, be an ample apology for saying all that I have said on so poor a topic as myself.

The next subject which my colleague referred to in the course of his remarks, was one of a very delicate and important nature, and one about which we are seldom permitted to say a word in this House. I mean the subject of Abolition.

[The CHAIRMAN here interrupted Mr. BELL, and said that he had declared that it was not in order to debate that question, when his colleague alluded to it.]

(1) My colleague discreetly omits, in his printed speech, the charge distinctly made in the House, that the Committee on Indian Affairs, although they had power to examine into the imputed frauds as early as January, 1836, failed to take the first step in the examination until the close of the session.

(2) My colleague has thought proper to suppress, in his printed speech, his denial in the House that General Jackson had electioneered, or otherwise interfered in the late election. I suppose he means to include this ground of objection, often urged by me against the late President, under the head of "foul charges," which, in his printed speech, he alleges I made against him.

(3) The above may not be entirely accurate in the language and arrangement, as the copy I used was taken down by a gentleman who heard it read frequently by Mr. Johnson. A copy was refused, though repeatedly requested from Mr. Johnson, as I am informed.

(4) A particular notice and refutation of these calumnies are already before the public.

Mr. BELL resumed, and said, that is true, sir; but it is also true that my colleague was permitted to go on with his remarks, until he said all he desired to say upon that subject. I do not intend to discuss the merits of this subject. I have no desire to do so now, nor is it important to my purpose. I only desire to expose the attempt which has been, and will continue to be, made to identify me with the designs of the Abolitionists. My colleague says that it is not the fanatics of the North alone who are to be feared! Who else; or what else, does my colleague mean to say is to be feared? There are, he says, certain other interests and feelings connected and allied with this incendiary feeling at the North, which are as much, or more, to be dreaded than the machinations of the Abolitionists. This is what my colleague means to affirm. Well, what are these other interests? My colleague means to assert that there are persons in the Southwest, in the South, in the State of Tennessee, for that is the point aimed at, who, in order to promote their own political interests and designs, co-operate with, and are become, the allies of the fanatics of the North. Yes, sir, this is what my colleague is striking at; and he, and those with whom he acts, mean, at a proper time and place, to include me in this denunciation. The ground upon which he proposes to make out this charge against me is, that I did not vote for or approve the resolution of Mr. Patton. I did not vote against that resolution, because it appeared to have the concurrence of most of my colleagues and friends, and my vote could not change the result. My mind, enlightened by the experience of two years upon that point, led me to the conclusion that it was only strengthening the cause of Abolition to the North, to furnish them with the popular and plausible ground of complaint against Congress, that, in refusing to consider their memorials, they violated the right of petition. I believed that their cause would be strengthened by making this false issue with them. I therefore did not concur in the wisdom of that resolution. Some of my colleagues differed with me upon this question; yet, it being an honest difference of opinion, as I knew, so far as my friends were concerned, I neither found fault with, nor complained of, their course. Yet I was denounced in letters written from this place, and every newspaper in the interests of the Administration in Tennessee, for having united with the fanatics of the North; or, in other words, I was denounced as an abolitionist.

The vote upon Mr. Patton's resolution was insisted upon as a test vote by those whose purposes were answered by such a course. But see the absurdity and insincerity of those who find fault with me. The resolution of Mr. Patton was adopted to put down the discussion and agitation in Congress of a question so inflammatory in its nature and tendency; but no sooner was what was called a test vote procured in the House, and all discussion stopped here, than it became perfectly safe and allowable, in the opinions of the same persons, that as much discussion should take place in the Senate as any member of that body desired. If it was not proper to discuss that subject in this Hall of the Representatives of the people, surely it was quite as improper to discuss it in the Senate. But, sir, to put down the discussion of abolition in this House was not so much the object of the prime movers and managers in getting a vote upon that resolution as to procure the materials of political agitation in the slaveholding States. It was known how the vote would be upon such a resolution. It was no doubt well understood that the supporters of the Administration to the North, generally, would vote for the resolution, and it was supposed their opponents would not. My colleague said, and he repeated the statement, that every member of what he calls the Whig party in this House voted against that resolution. That may be, and probably is, true. But my colleague means to infer that, therefore, the Whigs of the North are all imbued with the spirit of the fanatics of the North, or, in other words, that they favor the cause of abolition. I am well aware that my colleague means also to use the argument, that all those of the South and Southwest who act in this House with the Whig members of the North must also have like feelings and objects with them, and that, in fact, to gratify their political ambition, they are ready to sacrifice not only the general interests of the South and Southwest, but likewise their own property, and that of all their dearest friends. Could a more unreasonable or absurd supposition enter the head of man? Yet, I have been held up, on no other ground, in my own State, as an abolitionist. Could a more striking evidence be offered of the gross injustice attending the adoption of Mr. Patton's resolution than is presented in my own case? That resolution was adopted under the gag of the previous question. Those who voted against it had no power to assign a reason for their course; their lips were sealed; but the moment their vote was recorded, they were denounced as abolitionists, together with all those who act with them politically in this House.

With the Whigs of this House it is my pleasure and my pride to act, especially in the great design of overthrowing, by all honorable and constitutional means, the present most unprincipled and mischievous Administration. In this greatest measure of reform I heartily concur with them, though upon some other questions I differ from them. But, sir, I have not the slightest reason to believe that I am acting with fanatics or Abolitionists. Some there may be of that description; but the great body of the Whig party in this House, I am well satisfied, do not favor or concur in the designs of the Abolitionists, whatever they may think of the institution of slavery as an abstract question. Instead of looking to the vote on Mr. Patton's resolution as a test of the sentiments of members of this House upon that question, and as furnishing any ground of belief that the Whigs of the North are advocates of Abolition, I see in their votes upon that question the evidence only of their greater good sense and wisdom. I see even greater wisdom in their course than the gentlemen of the South have manifested upon the same question. As for the votes given in favor of the resolution by the supporters of the Administration to the North, I regard it as a mere device to persuade the South that they are their best friends. I regard such a testimony of the sentiment of a portion of the North as of no value to the South whatever. The moment it shall appear to be the interest of that party to change their position upon this question, they will have no scruple in doing so. They will change in a single day. I have, upon another occasion, adverted to the attempt which was made by the same party a few years ago to convince Southern members that they were opposed to a system of internal improvements by the Federal Government. I will not now enter into the details of that movement. It will be sufficient to remind gentlemen that it was entirely delusive; that the *test* furnished upon that occasion was *withdrawn* the moment it was ascertained that those who had voted against the policy of internal improvements would endanger their party ascendancy at home. My colleague has read an extract from a speech made by me in the spring of 1835, at Nashville, to show that, according to my own mode of reasoning upon the subject, the Whigs of the North and their allies in the South are Abolitionists. I will read it again:

"A proscribed and disregarded minority, respectable for its numbers, its talents, and even for the virtues of many of its members—for virtue is never the exclusive attribute of any one party—such a minority is always tempted, in resentment of its real or imaginary wrongs, in redress of its violated privileges as American citizens, in being deprived of all actual participation in the Government of the country—compelled to obey laws and to be the subjects of a policy prescribed and directed exclusively by their opponents. Such a minority, I repeat, is constantly tempted to seize upon every vexed and irritating question, to make common cause with the spirit of fanaticism itself, in an effort to right, or, at all events, to avenge, their injuries. This is the danger of our system. It is still party."

The view presented in this passage, of the evil consequences of the proscriptive and intolerant policy pursued by the party in power, and the general bad tendency of such a course, in fomenting bad passions, and a desperate policy on the part of a denounced and proscribed and oppressed minority, express my opinions still. There is nothing in it which I wish to explain or retract. But does not *my* colleague see that I might wish to add something to the views then presented? The opposition to the Administration is no longer a *minority* among the people, as in 1835, though they may be in a minority in both Houses of Congress; though they may be excluded from public office, and denied virtually any participation in the Government of the country of which they are citizens. The aspect of things is greatly changed within a few years. The Opposition are no longer tempted, no matter how grievous their wrongs, to avail themselves of forbidden and dangerous expedients to right them, or to be restored to an equal participation in the Government. They are sweeping onward to all that a virtuous ambition can desire. But how stands the case with the party in power? They have complete and entire possession of power; they fill all the high offices; they have all the gratification of present and absolute control, it is true, but they are conscious that they are now in a decided *minority* among the people; they see a furious tide setting in against them, which must, if not checked, soon overtake and overwhelm them; they are just in a position which engenders recklessness, and prompts a ready resort to any desperate chance of escape which presents itself. The temptation to seize upon and make a profit out of this spirit of fanaticism which prevails to the North, now lies in their path, and it is no matter of surprise to me that some of them are eager to avail themselves of it. It is the last desperate effort of a sinking party in the South and the Southwest, to excite the people of those sections against the whole North, but especially against the Whigs of the North, as *all, all,* champions of abolition! But they do not stop there. In their despair, they seek to connect and identify all the public men of the South and Southwest who act with the Whigs in Congress in opposition to the Administration, as infected with the spirit of abolition—its friends and patrons. Can a course be conceived more unwise and impolitic than such a denunciation of Southern men? If the danger be real—if the alarm is unaffected, which is professed in the South and Southwest, upon this subject—if the motives of those who are engaged in getting up this excitement are patriotic, what can be more inconsistent, absurd, and mischievous than to attempt to create divisions in the slave States themselves; and to proclaim to the abolitionists of the North that they have advocates and allies of great respectability and influence in the bosom of the South, who are ready and willing to co-operate with them? I leave it to the good sense of every real friend of Southern interests if this is not holding out encouragement to the spirit of infatuation which pervades the North upon this subject; whether the abolitionists could desire any surer guaranty of their ultimate success, than to be persuaded that what the partisans of the Administration in the South and Southwest say upon this subject is true? I have said thus much upon this subject, Mr. Chairman, in vindication of my own course in relation to it, against the numerous misrepresentations which have been industriously propagated respecting it; and I am rather pleased than offended that my colleague introduced this topic into the debate.

My colleague next proceeded to review and criticise various passages of a speech which he alleges I made at Hartford last fall. The first passage which he takes exception to is that in which I am made to say of the Florida war, that it is "*an inglorious war;*" and he seems to think that I would not venture to utter such a sentiment here or in Tennessee. My colleague mistakes me altogether. I have no fears which would restrain me from uttering any sentiment on this floor or before the people of Tennessee, which I think true, and proper to be spoken here. Of the Florida war I have often spoken on this floor, and, although I have always given due credit to the personal gallantry of our officers and soldiers, both regular and volunteer, yet I have ever considered the war an "inglorious" one. What have our arms achieved in that ill-fated war that can be denominated *glorious?* What have they done, more than to save their honor? We have had, at different periods of the war, as many as three Major Generals upon the field of operations; and of each of them may it not with some truth be said that, like a distinguished hero of the Revolution, under circumstances not quite similar, "he has exchanged his Northern laurels for Southern willows?" I know how delicate and sensitive a thing a soldier's honor is, therefore I will not say that our generals have not accomplished all that could be accomplished, under the circumstances. I know that as gallant a band of men as ever met in martial array submitted to all the sacrifices, privations and perils, not only of savage war, but of a country and climate more deadly than the enemy himself, from my native State; and I would not undervalue their services, nor those of any other section or State. But, after all, I put it to the candor of every gentleman present to say, whether a war which has already cost so much precious blood and fifteen millions of treasure—a war waged through three campaigns against some twelve or fifteen hundred half-starved Indians and negroes, at the most, by well-supplied armies, from two to more than eight times their number—a war so uncqual in numbers, yet successful only, if successful at all, rather by cutting off the supplies of the enemy than by conquest in battle, can be called glorious in any sense which can cause an American heart to dilate, or feel proud that he is an American? I repeat here, in my place, and upon this floor, that the Florida war is an inglorious one; and made so chiefly by the neglect and mismanagement of the Executive heads of the Government, not from any deficiency of courage and enterprise in our regular or citizen soldiers.

My colleague next quotes a passage from the same speech, in which I am represented as having spoken of the majority in this House as a "*passive, timid, and time-serving majority.*" My colleague can have had no other object in bringing this statement to the notice of the committee but the benevolent one of bringing me into personal collision with the gentlemen who compose the majority of this body. He, no doubt, supposes that I will be embarrassed and confounded by having this part of my speech thus brought to the notice of the gentlemen who were the subjects of the remark. My colleague, I trust, will find that he misapprehends me. Such a sentiment I would not utter; such a character of the members of this House I certainly would not attempt to draw, when speaking in the House, because it would not be admissible or quite parliamentary to do so. Of the influence of the Executive, and of the power of party discipline in this House, I have often spoken in the most decided language on this floor. So far I might properly go here. As to whether I uttered the sentiment in the precise terms imputed to me in the passage quoted by my colleague from the Hartford speech, I can neither admit nor deny. The printed speech from which my colleague quotes, I never saw or read, except such extracts from it as filled the columns of the Administration press in Tennessee during the winter. I never saw the manuscript from which it was printed, nor did I know that it would be published. It must have been published by some person who took notes of it in the usual way, when it was delivered; but, in justice to the reporter, whoever he was, I must say that I found all the extracts alluded to, although selected, no doubt, on the ground that they were the most objectionable parts of the speech, substantially correct, and I wondered how so much general accuracy could have been attained, under the circumstances. I may, in the excitement of the moment, have used the precise form of expression in speaking of the majority in Congress imputed to me; but I beg leave to say that the terms there used would not express my deliberate sentiments in relation to the majority of this House. I have too much respect for a large portion of the gentlemen of this House, composing the majority, to use that language as descriptive of them. The terms employed are liable to two exceptions. They are too harsh, and imply more censure than I would deliberately bestow in speaking of a large number of the members in the majority; but, on the other hand, they fall far short of the severity with which I would be compelled to speak, if it should be made my duty to express my opinion of another and smaller portion of them.

The next ground of charge alleged against me by my colleague is another passage of the speech at Hartford, in which he says I charged the late President of the United States with having violated and trampled upon the Constitution. My colleague wishes to know, if I really entertained such opinions of the conduct of the late President, why I did not move an impeachment against him in this House. As I did not do so, my colleague infers that I am in the habit of making unfounded charges against the late President and his administration.(5) I can inform my colleague that I made no charge in my speech at Hartford which I have not often made upon this floor, and during the most palmy days of the power and popularity of the late Executive Chief. It has been my opinion, and I have not yet parted from it, that the late President did trample upon some of the most important and vital principles of the Constitution. That no impeachment was actually moved against him, was not because there was any doubt that the Constitution was invaded and trampled upon, nor because the subject escaped attention at the time; for, sir, I, for one, did call the attention of this House to the subject, and declared my solemn conviction to be, that until a great example should be exhibited of the power and justice of this House by impeachment, the evils of which we most complained would be progressive. And I questioned whether any other adequate remedy could be applied under the Constitution. But, sir, I did not think of moving an impeachment against the late President, because, considering his great popularity and influence with the people—that, during the last years of his administration, and which were clearly the worst, he was sustained in all his conduct by a great majority in this House and in the Senate—I held that to provoke, without the power to restrain, would only aggravate the evils of the times, and bring additional injury upon the country and its institutions. An impeachment under such circumstances was not to be thought of by a prudent statesman. But, it is not the late President only that I am of the opinion has transgressed and trampled upon the Constitution. The present Executive Chief holds principles of administration, nay, more, he openly sanctions them in his practice, which, in my opinion, are clearly subversive of the very foundation on which the Constitution reposes; and it is further my opinion that the President himself, together with several of the Chiefs of Departments, has been guilty of such high misdemeanors—of such acts, both of omission and commission, in the conduct and management of various branches of the public service—such abuses of power and violations of duty—as make them justly liable to impeachment. And that my colleague, who has introduced this subject, may see how gravely I have viewed it, and how much attention I have bestowed upon it, I will inform him that I now hold in my hand eleven articles of charge against them, upon every one of which it is my deliberate and solemn conviction they could be properly impeached and convicted, according to the soundest principles applicable to such a proceeding and such a responsibility. These charges I have, months ago, well considered, thrown into form, and laid by for use at the proper time. That time is not now. Whether the time will come at all, when it will be proper to move a question upon them in this House, may be regarded as uncertain; for it is not public sentiment alone that I would consider in such a case—it is not a change of majority that ought to weigh in coming to the conclusion that such a movement would be proper; all the circumstances of the times must be weighed; but, above all, when every other circumstance is favorable, it will remain to be considered what the effect of such a proceeding, supposing it to be prosecuted successfully, would have upon the future action of our political system. Still I incline to the opinion that this great constitutional remedy will have to be exercised against some one or more of the great functionaries of the Government, before we can ever effect a radical cure of some of the most dangerous and growing vices of administration. The remedy by the ballot-box has heretofore failed to produce any effect upon what I consider far the worst and most threatening feature developed in the progress of the great expe-

(5) I believe the remarks made in the House by my colleague, upon the duty of moving an impeachment, are omitted in his *printed* speech.

riment we are making in government. Violations of the principles and maxims which, I maintain, are entitled to be held in the first rank of importance in a Republican Government, are becoming so common as no longer to excite public attention.

But, sir, if our institutions stand, the attention of the people must be roused to the point of resentment and correction. One of the abuses, and the greatest of all, in my opinion, that prevails in the practice of the Government, though I know it does not so strike many of those whom I now address, is the assumption on the part of the Executive of the right to convert all the public offices and employments under the Constitution and laws into the wages of partisan servive. The practice of putting men into places of high and important trusts, rather that the offices may afford them the means of making their fortunes, than with any view to the public interest; the practice of removing or dispensing with faithful public officers merely because they will not consent to sacrifice their political integrity and independence of character—this I consider the foundation of all the abuses that have of late prevailed in the various branches of the public service. It was the principle that lay at the bottom of this practice—I mean the principle of converting every thing that partakes of the character of Executive patronage into productive political capital—that was the prime cause of the derangement of the currency, and all the accumulated evils which flowed from that source. Sir, all the world, I mean this little world of ours, the people of the United States, appear now to be exclusively absorbed and occupied with this question of the currency. The great, and, it is said, only issue which is now pending between the two great political parties in the country is a bank, or the Sub-Treasury, or No Bank. However important that issue may be, Mr. Chairman, I beg leave to express the opinion that it is still a subordinate issue. It possesses only a fleeting and temporary importance when contrasted with the real issue formed between the party in power and the Opposition. Sir, there is a prior issue, and one of far greater importance. Whatever may be the decision at this time upon the question of a Bank, or of the Sub-Treasury; whatever may be the character of the plan for the future management of the finances of the country, or for the regulation of the currency, which may be adopted by this Congress or the next, the whole subject is connected with interests so active and powerful, so vital to the pursuits of trade and accumulation, that nothing we may do will stand longer than a few years, if it shall not be found expedient and advantageous to those interests, unless, indeed, the adoption of the Sub-Treasury shall so increase the already swollen tide of Executive influence and power as to bear down and quite overwhelm all obstructions. Sir, I repeat, that the true issue is, whether all political power and control in this country are to be concentered in but one department of the Government. And I cannot cease to remember, and to urge upon the attention of the people, that the man who now enjoys the highest honor, and fills the highest station under the Constitution and laws, was the first, of any high pretensions to character and influence, who openly avowed and inculcated the fatal doctrine that public offices and employments are the proper objects of political strife, and the just rewards of party service. His correspondence with President Monroe, in 1823, upon the subject of the appointment of a postmaster at Albany will confirm all I say upon this subject. There, too, it will be found that he was the first to desire to taint the Post Office Department with this foul blot, and to insist that the power of appointment in that, as in all the other branches of the public service, should be exercised with a view to political and party results.

My colleague has quoted another part of the speech at Hartford, in which I am represented as having stated that I *knew* members of Congress who had sat in this House and voted for the Administration under a promise of office, and as a reward therefor. And my colleague thought proper to state that he could see no difference between a member who would sit by, having such a knowledge, and not disclose it, and a member who would thus sell himself to the party in power. Sir, I am sure that I could not have used the language imputed to me in this instance. I would not have used such language without a personal knowledge of the fact stated, and that is one which rarely or scarcely ever admits of such knowledge.

[Mr. TURNEY here said that the statement was, "that members were known" to have so acted.]

That would still be too strong a mode of expression to convey my meaning. I must have intended to say that members of this House were understood or believed to have voted for the Administration, from day to day, and month to month, under a promise of office; that their objects were so apparent as to cause them to be pointed at, and that they actually received office afterwards. Such must have been the substance of what I stated in the speech referred to; and I could appeal to many gentlemen upon this floor for the truth of the charge. I did not refer to members of the present Congress, for there had been no such test furnished of their motives or objects. But during the late Congress, especially, and the preceding one, I now reaffirm that there were several striking instances of the kind—instances in which the course of certain members was marked, and remarked upon—instances in which it was said among many of the more observant members of the Opposition, when speaking of some particular member, "there is a man who has got his assurances," and in due time will be translated from this House; and in every instance of this kind, which fell under my notice, except one, these suspicions were duly confirmed, and the honorable member placed in a haven of rest, secure from the storms and strife of Congressional service. I can state, for the information of my colleague, a still stronger case of the wonderful fulfilment of a prophecy in our day. In making certain party arrangements, the conduct of one gentleman was so remarkable, that another predicted, at the time, that he had made his bargain; that in due time he would expect to be placed in one of the highest stations under the Government, and the station was named. Those to whom the remark was made were incredulous to the existence of such profligacy; but, behold, after the lapse of a decent interval of time, the prophecy was miraculously fulfilled to the letter? But my colleague thinks that, in such a case, I ought to have given information to the House, or to the late committee of investigation, and to have named the individuals. This would not only be a very invidious task, but it might also be productive of great injustice to the individuals suspected. The circumstances upon which conclusions are drawn against the motives of members in this respect, are often of such a nature as to make but little impression upon the careless observer, and prove sometimes deceptive to the most watchful. In scarcely any case of the kind could positive evidence be adduced. It is, generally, only after the consummation of the arrangement, by the acceptance of office, that suspicion becomes stubborn fact; and then there is seldom any adequate inducement to prosecute an inquiry in this House. That the frequent appointment of members of Congress is a great abuse, and to show the true nature and consequences of such a practice, I will read, for the edification of my colleague, an authority which I know he will respect. I allude to the celebrated letter of the late President to the Tennessee Legislature, in which, after strongly recommending an amendment of the Constitution prohibiting the appointment of members of Congress to office, he draws the following picture of the consequences of a continuance of so dangerous a practice:

"But if this change in the Constitution should not be obtained, and important appointments continue to devolve on the representatives in Congress, it requires no depth of thought to be convinced that corruption will be the order of the day; and that, under the garb of conscientious sacrifice, to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the Republic may arise. It is through this channel that the people may expect to be attacked in their constitutional sovereignty, and where tyranny may be well apprehended to spring up in some favorable emergency."

Yet, in the face of this solemn denunciation of the corrupt and fatal consequences of appointing members of Congress to office, General Jackson appointed between forty and fifty members of Congress to office during his single Administration!!! A greater number, I believe, than was appointed by all preceding administrations! If I am not mistaken, there have been nearly, if not quite, sixty appointments of members of Congress to office since the dominant party came into power; for, sir, this practice has not ceased since the present incumbent of the white house assumed the control of public affairs. Have we not lately seen one of the members of this House suddenly taken from among us and transferred to a distinguished station, under circumstances, when considered in connection with certain official changes and arrangements which grew out of it, which stamp it one of the grossest and most scandalous transactions of the kind ever perpetrated in the face of any public? I regarded these official arrangements at the time as an offence against public decency; and if they can be renewed at pleasure, without exciting the indignation of the country, I shall consider that there is no hope remaining for the preservation of this Government in any tolerable purity. So open, so shameless a defiance of all sense of shame and decency was never attempted, even in the days of Walpole, palpable and monstrous as were the corruptions of his administration. Yet, sir, I would not be thought illiberal upon this subject. I know the apology that is made for Gen. Jackson's violation of his own avowed principles upon this subject; and I think that, since there was no amendment of the Constitution, he might be excused for appointing a few members of Congress to office. It often happens that the ablest men, and those best qualified to promote the public service in particular branches of it, are members of Congress. But, sir, this can be no justification of the abuse of this privilege which has been practised of late. Nor, when I speak of the acceptance of office by members, after a term of unscrupulous party service here, do I mean to say that all who accept office are of this class. I have too high a respect for the general character of the House, I have too high an estimate of human nature, to make such a charge. On the contrary, members of both Houses of Congress, without doubt, are sometimes brought to accept particular employments, or to take charge of particular departments of the public service, contrary to their own wishes, or because they believe they can thereby render important service to their country or their party. To maintain the character of this House especially, and to preserve the confidence of the people in its general integrity and respectability, I regard as one of the first duties of a patriot and statesman in this country. If any thing I have said here or elsewhere may be thought to have a contrary bearing—if at any time I am supposed to have spoken in disparagement of it, let it be borne in mind that, to insure the public respect, it is necessary to point out and, if possible, to remedy imperfections which would soon destroy its authority and respectability. And I also ask gentlemen to remember who commenced this war upon the character of this House and of the representatives of the people. Who are they who for years, in the official organ of the Administration, in the public journals, generally, in its interest, and sometimes in this House, have held them up as unfaithful and unworthy of any great public trust? that they were Bank-bought, and that the Executive alone could be relied upon to maintain the rights and interests of the people? Sir, in the whole history of party warfare, there is not, in my opinion, a parallel to be found for the system of unqualified abuse and detraction which was for years pursued by the press in the service of the Administration, against the character, motives, and conduct of the representatives of the people in this House. But, sir, the moment a majority was secured in both Houses, who favored the views of the Executive, the tone of the partisans of power is suddenly changed; the Senate and House are filled with true patriots, worthy of the high trust with which the people have clothed them! And it is now only members of the minority who are faithless. It is now a high offence to impugn the motives and conduct of the Senate or House of Representatives—the constitutional guardians of the interests and liberties of the country!

But my colleague says that if I had any knowledge of such improper and corrupt conduct on the part of members of Congress as I alleged in my speech at Hartford, I was bound to have disclosed it to the committee of investigation, when called as a witness before it. My colleague, in another part of his remarks, took the same ground in relation to the frauds alleged to exist in the execution of the Creek treaty of 1832; and he in both cases strongly insinuated that, either way, I had been guilty of a gross dereliction of duty. His argument was, in substance, that if I had no knowledge of a corrupt motive in the appointment of members of Congress, or of actual frauds in the execution of the Creek treaty, I had made unfounded charges; or, if I had such knowledge, I ought to have made the disclosure before the committee of investigation, when I was sworn to tell the whole truth, in relation to any abuses or corruption of the Administration, within my knowledge. (6.)

My colleague, in connection with this part of the subject stated that I had not, after all, pointed out the existence of any fraud in the execution of the Creek treaty committed by the Government agents. My charge was, that the frauds commited on the Creek nation were the result either of the incompetency or bad faith of the agents of the Government, and that the Executive was responsible for having committed such important duties to such improper hands; and as to the question whether any frauds had been actually committed, I read from the communication of one of the agents concerned in the execution of the treaty to the Secretary of War, stating that he had good reason to believe that nineteen out of twenty of all the contracts certified by himself for the sale and transfer of Indian titles were fraudulent! Stronger proof of the truth of a charge I do not think can be adduced. If the agent had been both competent and faithful, frauds to such an extent would certainly never have been perpetrated, especially when we remember that it was the express duty of the agent to see that the Indians were not cheated.

Now, sir, I will answer the charge of dereliction of duty before the committee of investigation. It is true that I was summoned before that committee—a committee packed, and composed of a majority of thorough-paced partisans of power—to make good all the charges of abuse and corruption which I had ever in debate in this House alleged to exist in the administration of the Government. And I was summoned to do this by the committee at the express suggestion, or, rather, dictation of the President of the United States. Yes, sir, the President of the United States, in effect, ordered me to be summoned to give the sanction of my oath to all the charges I had ever made against his Administration on this floor, under penalty, upon failure thereof, to stand before the American people "a convicted calumniator." A grosser violation of the essential and fundamental privileges of this House never was perpetrated; and yet the House stood by a passive observer, and took no order upon the subject. If the true spirit of constitutional liberty had pervaded this House at that time; if that watchful jealousy of every approach of arbitrary power, so necessary to guard the public liberty, had then any abiding place here, such a proceeding would never have transpired in this Capitol.

Sir, the majority, the supporters of the party in power, slept over their own violated rights, and the rights of all the people of this country, when they permitted a member of this House, for words spoken in debate, to be subjected to such an inquisition by order of the President. Why I waived my privilege upon that occasion, how far I did so, for what reasons I thought proper to answer upon oath before that committee, the manner in which I was interrogated, the protest which I submitted, will show more fully and satisfactorily than any thing further I can say now, and I beg here indulgence of the committee to have it read.

[The CLERK of the House read the protest filed with the evidence given by Mr. BELL on oath before the committee of investigation in 1837.]

Mr. BELL resumed and said: To show my colleague that the Creek frauds did not escape my notice in the evidence I gave before the committee, I beg leave to read that part of it which relates to this subject, and I think my colleague will find that he has fallen into an error in supposing that I had failed to disclose what I knew of that branch of the abuses of the Government.

[Here Mr. BELL read that part of the testimony given before the committee of investigation which relates to frauds in the Creek nation.]

Mr. BELL resumed and said: I trust my colleague is now fully satisfied upon this point.

My colleague next read another passage from the speech delivered before a portion of my constituents, at Nashville, in 1835, in which I stated that I had never failed in showing a proper respect for General Jackson, and that I had faithfully supported his Administration, "and in every instance with that degree of zeal which could consistently and reasonably be expected."

My colleague refers to this declaration of mine, in 1835, as a proof of insincerity on my part, and to show that my conduct since that time has been at variance with my professions. My colleague also has asserted that I have changed my principles—asks what new lights have flashed upon me—complains, not that I have changed, but that I should abuse my old political associates, whose principles I have deserted, and he could assign no other than a corrupt motive for the change of my politics. It may surprise other gentlemen as well as my colleague to hear that, up to this day, I have never failed in personal respect to Gen. Jackson. There are some members of this House who can never discriminate between personal abuse or invective and the fair and proper use of that essential privilege in a free country—the privilege of indulging in free and open discussion, and in severe and pointed denunciation of public character and conduct. While I have often spoken of General Jackson's public conduct in such terms as I thought they merited, I repeat that I have never said a word which was intended to be, or can be properly considered, personally offensive to him. In speaking of his public life and conduct, I have forborne many expressions which a parliamentary license might justify. For example, I have never said that General Jackson was a usurper, a tyrant, a despot, or a dictator, though I believe he has assumed powers not vested in him by the Constitution and laws, and that he has, in many instances, acted in a manner arbitrary, despotic, and

(6) My colleague, in his *printed* speech, has enlarged upon his remarks in the House upon this topic. What he then only insinuated, and urged by way of argument and inference in the House, he now charges directly, and is, besides, more specific. Near the conclusion of his printed speech will be found the following statement: "I would next use his [my] evidence, given on oath before a celebrated select committee of the House, when and where he was, after being first sworn to tell the whole truth, *minutely* interrogated as to his knowledge of Executive *frauds*, *corruptions*, or *usurpations*, and, in answer thereto, *fully acquitted*, not only the Executive himself, but all the heads of Departments, of any *charge* or *imputation*."

If any one shall feel either interest or curiosity enough to form a correct estimate of the character of the assailants habitually employed against me, and also to form some idea of the atrocious calumnies which find countenance among the leaders of the party in power, he need trouble himself no further than to consider well the import of the statement above quoted from the printed speech of my colleague, and then to turn to the extracts from my protest and the evidence given by me before the select committee. It will be seen that, in the single short sentence quoted, there are at least *four* distinct and palpable misrepresentations of grave matters of fact, all of which are of record, and these misrepresentations, therefore, admit no defensive cavil or palliation. 1. A single question was propounded to me in committee, and no more, which I submitted to answer only in a qualified manner. 2. That question was limited to *any act* within my knowledge of either of the heads of Departments which was either *corrupt*, or a *violation* of *official duty*. 3. I did not, in my answer, *acquit* any of the Executive chiefs of *any charge*. 4. Nor did I *acquit* them of any *imputation*.

dictatorial; nor have I ever attributed to him private motives or interests as the reasons for his public conduct; and I appeal to all those with whom I am in habits of intimate friendship to say whether I am in the habit of indulging, even in private conversation, in personal invective against him.

Now, sir, as to the charge that I have changed my principles. This has been the standing theme of my opponents ever since I declared against the candidate of the Baltimore Convention; but I defy my colleague, or any other member of this House, or any man in the whole country, to point to any act, or vote, or speech of mine, in the course of ten years' service in this House, in which I have manifested a change of principle. Sir, this declaration does not depend on my personal asseveration. The journals of this House contain the record of my votes, and numerous printed speeches may be referred to to contradict or confirm what I assert. I can confidently point to the record, and defy the severest scrutiny of my enemies to produce the evidence of any change of those political principles which I avowed and acted upon from the first moment I had the honor of a seat in this House to this good day. The subject we are now discussing is directly connected with one of the most exciting, and, in a political point of view, most perilous measures of policy adopted in the early part of General Jackson's administration: I mean the policy of Indian removal. I gave my zealous and hearty support to it in its origin, and at a time when there was a bare majority in this House in its favor. When have I, in any instance, failed still to give it my zealous and faithful support in the seven or eight years of its operation? I am at this moment giving it my support as zealously as in 1830.

The next great question which arose under General Jackson's administration, was presented distinctly by the celebrated veto of the Maysville road bill. The expediency and policy of adopting a system of internal improvements by the Federal Government was then one of the most prominent and important questions of the day. I had made up my mind upon that question before General Jackson came into power. I opposed the system with zeal and industry, and I have continued to oppose it up to this time. I have even gone beyond General Jackson in my opposition to this system; I have kept the faith upon this point of his early creed even better than himself and most of his followers. The journals of this House shall be my witness.

The next great question which arose in the early part of Gen. Jackson's administration, was the tariff. Here again I concurred with the Administration in its views and measures in relation to that subject. With General Jackson, I was opposed to excessive or prohibitory duties for any purpose, while I neither denied the power nor the expediency of affording incidental protection to domestic manufactures; and wherein have I departed from my principles in relation to this great question of national policy? I deny that I have given the slightest evidence of such change. With the late Administration, I was opposed to nullification. I am still opposed to nullification. The only remaining subject of great interest and importance, which agitated and divided the country during Gen. Jackson's administration, and which was held up as a test of political principle, was the bank question. My course in relation to this subject, it has suited the purposes of my enemies to pervert and misrepresent in every form, and by the propagation of the most infamous calumnies. This question was not even thought of, or, if thought of, was never mentioned, or heeded, before General Jackson was actually installed in power; at all events, it was not agitated in Tennessee before that time; and, in the spring of 1832, a short time before the question of the recharter of the late United States Bank was decided in this House, the principal citizens of Nashville, the merchants and other business-men, who were the intimate associates and neighbors of Gen. Jackson, did not know his opinions upon this subject. A few months before that time, in the fall of 1831, at a public meeting called to express the sentiments of the inhabitants of Nashville upon the subject of the recharter of that institution, one of the present Senators from Tennessee [Mr. GRUNDY] actually attended the meeting, and by his address defeated the expression of the sentiment of the meeting, by alleging that it might embarrass General Jackson's administration, or do an injury to the objects they had in view, by expressing their opinions, inasmuch as it would be presumed every where that their opinion would reflect the opinion of General Jackson himself. I refer to this anecdote to show how carefully General Jackson disguised his own opinions upon this question. All that was said in his early message continued to be regarded as equivocal, and by no means decisive of his course. When the question was presented in this House in 1832, I expressed my opinion upon the subject in debate upon this floor, and I then only expressed the opinion which I had entertained before; and I take this occasion, in this place, and in the most solemn manner, to declare that the man does not live who can truly say that I have changed any opinion or mine connected with this whole subject, from the time I took my seat in this House, now more than ten years ago. I defy the utmost malice of my enemies to point to the slightest evidence of a change of sentiment upon this subject, either in the journals of this House, or in any speech of mine either written or unwritten. I have, ever since I came into Congress, admitted admitted the expediency of a National Bank, and at the same time held that the question of constitutional power must be regarded as settled by the long practice and acquiescence of the country; (7) but still, sir, when, by means of the power and popularity of General Jackson, concurring with the interests of party, both the late Bank and the idea of any Bank of the United States had been successfully assailed and brought into great odium with the people, I took the ground that I would not be instrumental in chartering any Bank of the United States until the people were convinced of their error, and were ready to acquiesce in the necessity of such an institution. So strong and lively has been my sense of the mischiefs to the country which have, and must ever, spring from the connection of such a subject with the conflicts of party, that I have long since made up my mind never to agree to a measure of the kind in opposition to a powerful minority. However strange it may appear to some gentlemen, I will state this further fact, that even during the canvass of last summer, and after the sentiment had become almost universal in a large portion of my district, that nothing but a Bank of the United States could remedy the disorders of the currency and exchanges, and restore the prosperity of the country, I repeatedly and openly declared to my constituents that I would not, during the present Congress, or at any future time, give my vote in favor of a Bank of the United States as long as a charter could only be carried by a mere majority in Congress, unless I should be imperatively instructed by them; and when I declared the certain evils of such a course, and pointed out the fatal consequences of the protracted party warfare which might be expected to grow out of it, and the uncertain issue of it, they had confidence enough in my judgment, and in the honesty of my intentions, to acquiesce in my course.

I have now enumerated all the great and leading questions which marked the early part of General Jackson's administration. In which of them have I faltered? Where is the evidence of the change of which my colleague speaks? But my colleague is not the only organ of this charge against me. I observe that in a late biographical sketch of a distinguished individual, [Mr. POLK,] published in one of the periodicals of the day, which aspires to respectability, (the Democratic Review,) the same base calumny is propagated in the most offensive connection.(8)

But my colleague inquires how it happened that I continued to give my support to General Jackson's administration during so many years, when the same abuses existed of which I now complain; the same violations of the Constitution; the same extravagance in the national expenditures. My colleague spoke particularly of the increase in the expenditures, and affirmed that I was a party to it, and responsible for it, by my votes. I can inform my colleague that he does me gross injustice in this statement, and that he will find, by referring to the journals of this House, that I voted against a large portion of the expenditures of each year of General Jackson's administration, which, in my opinion, were not sanctioned by any sound policy or principle. I therefore deny the responsibility attempted to be thrown upon me. But upon this question of expenditure, as well as in regard to various other abuses of power during the late Administration, I will inform my colleague it was within the last three years only that they were alarmingly developed. The annual expenditures in 1829, exclusive of the public debt, were $12,659,490; in 1830, $13,229,533; in 1831, $13,864,067; in 1832, $16,516,388. By the pension act of 1832, and some other extraordinary demands upon the Treasury, the expenditures of 1833 rose to the sum of $22,713,755, exclusive of the public debt; but in 1834, they were reduced to $18,495,417, and in 1835 to $17,573,141. There is, as my colleague will see, a vast disproportion between these sums and the $30,000,000 and upwards to which the annual expenditures of the Government have lately risen, and which, I fear, we are never to see reduced. The annual expenditures prior to 1836 do not much exceed an average increase over the expenditures of the former administration, of which I would complain. They come within the limit which I have often said in this House I regarded as not going beyond a just proportion to the increased population, resources, and necessary public establishments of the country. As to the other abuses of which I complain, it is true that some of them existed in every period of General Jackson's administration; but I deny that they ever had my sanction for one moment. Besides the great and leading questions which arose in the early part of General Jackson's administration, of which I have already spoken, there were certain other important principles and measures of Government which he came into power pledged to carry out; and before he actually assumed the Government, they were regarded as the peculiar and distinguishing principles of his party. Among these may be enumerated the limitation of Executive patronage, and a thorough reform of all the abuses which had brought the patronage of the Government into conflict with the freedom of elections. Under this head, all interference of public officers in elections, and all removals from office for opinion's sake, were denounced as corrupting in their tendency, and dangerous, to the last degree, to the purity and stability of our free institutions. Sir, these important principles were disregarded in the early part of the late Administration, and before the close of it they were openly violated, and in practice utterly repudiated. But, sir, I then opposed and protested against these abuses, and I defy mortal man to show any case in which they had my approval. Upon all these questions, and many more, it will be found, upon a proper scrutiny, that General Jackson never did have my support. Yet, sir, I am denounced and calumniated for having changed my principles, when I have stood fast by them during my whole public life, by the very men and their instruments who have themselves violated and treated with indifference or contempt nearly every principle to which they stood pledged when they first came into power.

My colleague suppose that he finds in another passage of my speech at Nashville, in the spring of 1835, conclusive evidence of the inconsistency and insincerity of my public course and professions. In that speech I referred to the efforts which the enemies of Judge White were making to seduce the people into the belief that he and his friends in Tennessee were the opponents of General Jackson and his administration; and I expressed the opinion that the friends of Judge White would "adhere to the administration of General Jackson, from consistency and respect for their own character, and because they would be supporting their own principles." Well, sir, such were the views and intentions of the leading friends of Judge White in Tennessee at the period of the speech quoted by my colleague. They had supported certain leading principles of General Jackson's administration up to that time, in which they had differed from the Opposition, as well as from a considerable portion of the supporters of the same Administration. They did not intend to desert their principles by supporting Judge White. They neither intended to desert nor defeat their party, but to regenerate it: to rescue it, if possible, from the guidance of bad men, and to restore it to its original principles. They could not foresee that, by uniting with the Opposition, they could effect any great or patriotic purpose; while, on the other hand, it was held to be their true policy, and it was clearly their wisest course, to preserve their former relations with General Jackson, and to preserve the confidence and respect of the mass of the people, his ardent supporters. General Jackson's popularity and influence were then in their meridian height; his name alone was a tower of strength; he was in his last term. He could not be removed from power; and two years would close his political career. It was regarded as worse than idle to attempt to overthrow his power in the short term that remained of his administration. How well the friends of Judge White understood the power of General Jackson's name and influence was soon fully and fatally demonstrated. When the name of Judge White was first presented as a candidate, nearly the whole Southwest hailed the announciation with joy and satisfaction; but I wish, for the sake of our free institutions, that the sequel had never been revealed to the world. The moment General Jackson was understand to disapprove, hundreds, nay, sir, thousands, instantly turned about and condemned and opposed the movement in favor of Judge White with the same zeal with which they had so recently applauded and supported it.

But my colleague again asks if the same abuses, which I have denounced in such strong terms, did not exist at that time; and why I did not then proclaim them to the country; and how I could continue the support of an Administration which practised them.

It is true, sir, as I have already stated, that many of these abuses did exist—they were known to exist, as well as to many others, leading friends of Judge White. I allude particularly to the great abuse of the appointing power—proscription for opinion's sake—the irregularities and abuses which were suffered in some branches of the public service. In the Land Office, in the Post Office Department, in the Indian service, these were known to exist—they were protested against—and all the influences we could bring to bear were employed through every channel which was believed to hold out any hope of success, in order to correct them.(9) These things the friends of Judge White, in Tennessee, saw and deplored. But still, all the while, there were other questions which were continually agitating and absorbing public attention; and upon these other questions the friends of Judge White generally acted with the Administration. What were they to do under such circumstances? The course which wisdom and patriotism and sound principle, in their opinion, dictated, they endeavored to pursue. To make ineffectual war upon General Jackson's administration, to denounce it for errors and abuses, while it had the support of the people upon other great and absorbing questions of the day, would not only have been inconsistent with their own course, so far as those questions were concerned, but every prospect of future relief and reform would have been blasted. The friends of Judge White saw the full extent of the evils of the Administration; they saw that many of the cardinal principles upon which the late Administration came into power were trampled upon. They saw and knew the interests and passions that were at work to uphold all the abuses and irregularities which were known to exist. They knew the guiding spirits of late, and who were sure to control the ensuing Administration if their plans should succeed. They knew that a successor had already been agreed upon by those who had exercised a fatal influence upon General Jackson's administration from the commencement. And they resolved, in the only way which was open to them, by every constitutional and honorable means, to oppose and, if possible, to break down a system and order of things which they believed, ere long, would afflict the country with the greatest calamities. But, sir, the adherents of power, and the supporters of the candidate of the party, as he was called, were not content with the course which Judge White and his friends were disposed to pursue. They calculated well the influence of General Jackson's popularity. They provoked, denounced, and insulted the friends of Judge White in every form and manner known in the practice of the worst faction that ever afflicted a free country, with a determination to drive them into opposition to General Jackson's Administration. General Jackson himself finally denounced them as *his* enemies, as deserters from their principles, and as foes to Republican institutions; and thus most of the leading friends of Judge White, while they continued faithfully to support all the measures of the late Administration, which they had ever approved, and to sustain the great and leading principles upon which they had originally given him their support, were driven, by the violence and intolerance of their opponents, to resort to the natural and just law of retaliation for their own protection. They found, in the sequel, that they had no choice between absolute submission, not only to the undisturbed rule of General Jackson while he continued President, which they were well disposed to do, but also to his attempts to dictate a successor, on the one hand, and a bold and determined opposition, on the other.

My colleague next recurred, for a few moments, to the subject under debate. He noticed what I had previously said of the disposition of the people of Tennessee to acquiesce in the permanent residence of the Cherokees in that portion of their ancient possessions which lies within the limits of that State. My colleague thinks I am mistaken, and that the State would not submit to any course of policy which would allow them to remain where they are. When I spoke of the just and benevolent sentiments which actuated the people of Tennessee upon this subject, I expressly referred to a period antecedent to the late treaty stipulations, and to the Georgia movement against the policy pursued by the Federal Government; a period antecedent to the efforts made by Ross and the other principal chiefs of the Cherokees to establish an Indian State upon such a basis as would, in my opinion, have been utterly inconsistent with the rights, interests, and sovereignty of several of the States of this Union. But for these high pretensions, set up by the Indians themselves, and the opposition of Georgia, I shall believe and reaffirm that the citizens of Tennessee never would have sought to possess their lands, or to trench upon any of their ancient privileges.

My colleague also claims to be the advocate of the rights and interests of the poor. He, for one, would not be willing to tax the poor man in order to conciliate "lazy and thieving Indians," or to buy their friendship; and he is, therefore, opposed to the amendment offered by me to the bill under discussion. Now, sir, I beg leave to say that I am as much in favor of protecting

(7) I voted against the bill to recharter the United States Bank in 1832, for the reasons stated in the speech I made upon it at the time, and which did not deny either the expediency or constitutionality of a bank. It is proper, also, to add, that I protested against the removal of the deposites; but when they were removed, although I did not defend that measure, I refused, under the circumstances, to vote for their restoration.

(8) It can scarcely have happened that the distinguished subject of the memoir, alluded to in my speech, did not give his deliberate sanction to all the material statements in it; and I therefore hazard nothing in regarding him as the responsible author.

(9) In confirmation of this statement, I could refer to several gentlemen who yet adhere to the party in power, but who concurred fully with me, as often as I conferred with them in the opinions expressed as to the existence of abuses in the late Administration; and some of whom united with me in several efforts to remedy them. The time may come when these gentlemen may be at liberty to speak upon this subject. I flattered myself that some of them were prepared to brave with me the storm which was inevitable in pursuing the only course which remained to effect the desired reform; but they consulted, perhaps, a sounder discretion.

the rights of the industrious and poor as my colleague can be, or any one else. I would be as much opposed to taking the bread from the mouth of labor as any member of this House; and it is precisely upon this ground that I moved the proposition to apply two millions of the money which it may be necessary to expend in driving the Indians beyond the Mississippi, at the point of the bayonet, to the purpose of conciliation, and to induce them to remove voluntarily. But it is not the expense of a forcible removal by the military that I propose to avoid by the policy I recommend. Though the Indians may remove without raising a tomahawk, or levelling a rifle, at a white man, when he sees assembled around him an array of five thousand men, yet he goes with revenge in his heart, and a concealed resolution to seize the first opportunity to wreak it upon the frontier settlements. And it is the tens of millions of dollars which will probably have to be annually drawn from the industry of the poor, as well as from the pockets of the rich, in supporting a large standing army, for the protection of the frontier, that I propose to save by the amendment I have offered. It is offered upon a principle of economy, as well as humanity.

Before he concluded his remarks, my colleague spoke of the "eulogies and encomiums" I was once in the habit of pronouncing on Gen. Jackson. He said, if he had time, he could read other extracts from my Nashville speech, to show how I then eulogized his conduct and character. My colleague alluded to my former course in this respect to demonstrate how strangely it contrasts with my present mode of speaking of that distinguished individual. Now, sir, I deny that my colleague can read any such extracts as he describes from my Nashville speech, or from any other speech I ever made, in this House or out of it. I defy him, or any other member, to show that it has ever been my habit in my speeches, whether printed or existing only in memory, to speak of Gen. Jackson in the fulsome strain of adulation and eulogy which is so common with those who have no other merit to recommend them to public favor. I never was a dependant or *hanger-on* of that distinguished man, though for years I supported the leading measures of his Administration faithfully, and even zealously. I have always spoken of Gen Jackson and his services as I thought they deserved. I have always conceded to him the due meed of applause and gratitute for his military services; and when he first came into power as the political chief of the country, I was prepared to hail him first in civil renown in our day, had he carried out all the principles he avowed before his elevation; but, sir, a blight soon came over that dream; and it is some consolation to me now that I never, even when I had high expectations of the success of Gen. Jackson's administration, descended to court either his favor or the public applause, by pronouncing unmerited eulogies upon his character and services.

I have now answered all the material points of the speech of my colleague, I hope, in a manner satisfactory to all who have heard me; and I will, therefore, trespass no longer upon the attention of the committee.

SPEECH OF MR. CLAY,
OF KENTUCKY,

In Senate, April 11, 1838—On the bill to reduce the price of certain of the public lands.

Mr. CLAY, of Kentucky, rose and addressed the Senate as follows:

I have so often, Mr. President, presented my views to the Senate on the subject of the public domain, that I would willingly avoid troubling it on this occasion. But so many changes have taken place in this body since I last addressed it, and I consider this bill of such vast importance, that I cannot reconcile it to a sense of duty to remain silent. The proper administration of our immense public domain forms one of the highest duties of Congress. It is a sacred trust, from the faithful discharge of which no partial, party, or temporary considerations should induce Congress to swerve. A character of stability ought to be impressed on whatever system may be adopted. Fluctuations in the policy of the Government are not only injurious to the subject of the trust itself, but exercise a pernicious influence upon real estate throughout the United States.

Before I proceed to a more particular examination of the bill, I will endeavor to describe its true nature and purport It proposes—

1st. That, after the end of the present year, all the public lands of the United States, which had remained unsold for a term of five years, shall be reduced from $1 25 per acre to $1 per acre.

2d. That all lands which had remained unsold for a term of ten years shall be reduced to $1 per acre during the next year, and after that time to 75 cents per acre.

And, 3d. That all lands which had remained unsold for fifteen years shall be reduced, during the next year, to 75 cents per acre, and after that time to 50 cents per acre.

Thus it is seen that the project is not to graduate the public lands, and to affix a price upon them according to their respective values, but it is to reduce the price of the whole of the public lands which have been in the market during the periods specified in the bill. A plan of graduation, according to value, would have a good deal to recommend it, if it were not so difficult, not to say impracticable, in its execution. The principle of such a plan would require that the value should govern in affixing the price, whether it was above or below the minimum of $1 25 per acre, now established by law. But to graduate according to value would require a multitude of prices, since no two tracts of land are exactly alike, and possess precisely the same value. To avoid such various prices, in devising the present land system of the United States, its founders thought it best to direct the public lands, when first brought into market, to be exposed by auction, at public sale, to the highest bidder; and, after the termination of the public sales, to allow the lands to be purchased, by private entry, at a fixed rate. That rate is now $1 25 per acre—so low, so moderate, often so far below the actual value of the land, that every industrious man, however poor, may acquire a permanent home, and thousands are enriching themselves by purchasing from the public, and subsequently selling to individuals. This bill is not framed in conformity to the opinion of the President, in his message at the opening of this session. After bestowing merited commendation upon the salutary operation of the existing land system, he recommends a graduation, founded upon a previous valuation. He supposes that it is wisest to know what the subject is actually worth, and, after having ascertained that, to affix the price or prices accordingly. But this bill, without the advantage of that information, proceeds at once arbitrarily to reduce the price of the public lands, and, for that purpose, to throw them into three classes, not upon the basis of value, but upon that of time.

The bill will operate immediately upon 71,000,000 acres of public lands. The amount in value, which the bill will reduce on that quantity of the public domain, is $88,988,090. It is equivalent to a grant of that sum, belonging to the people of the United States. If the principle of reduction contained in the bill be adopted, it will be practically carried out, no doubt, hereafter; and consequently, as each class of land, by the lapse of time, falls into the other, it must become subject to the price of the class in which it is merged. In the space, therefore, of ten years, this whole quantity of 71,000,000 acres must be reduced to the low price of 50 cents per acre. The total amount, therefore, of the loss, which the people of the United States must bear by the adoption of this measure, in its direct application to the land on which it immediately operates, will be $53,243,051, subject, however, to a deduction for intermediate sales. These, for a few years to come, are not likely to be very large, owing to the great quantity of public land which has been sold during the last two or three years.

But this is a very limited view of the extent of the whole loss which the people of the United States will be subject to, by the adoption of this measure of reduction. If it is now sanctioned, it will become the settled policy of the country, and must be applied to all the countless millions of waste land as they are hereafter surveyed and successively brought into market. There are in the States and Territories of the United States about 240,000,000 acres of public land yet to be brought into market. These will all become subject to the principle of reduction. Estimating at $1 25 per acre, which I have no doubt, under a fair administration of the land system, they would ultimately produce, the total amount they would yield would be $300,000,000. If reduced to 50 cents per acre, the price which, according to the policy of this bill, they must finally reach, the loss would be $180 000,000, subject to a deduction of the amount which might be sold before they arrived at that low rate. But this is not the whole extent of the influence of the policy now attempted to be introduced of reducing the price of the public lands, after they have been exhibited for short periods of time in the market. The quantity of the public domain, exterior to the limits of the present States and Territories of the United States, has been estimated at 750,000,000 acres, all of which would fall, beyond all doubt, within the scope of that policy. The loss which the people of the United States would sustain by reducing the price of that whole quantity of land from $1 25 to 50 cents per acre may be easily calculated.

But the injurious effect of the measure under consideration is not yet all told. To bring into market, at a reduced rate, 71,000,000 acres of land—a quantity equal to the formation of two large States—would necessarily affect the value of real estate throughout the whole Union. We might not be able to distinctly trace the operation of such a measure, but no considerate man can hesitate to believe that it would exercise an influence upon real property every where in the United States. If there were no public lands for sale, land would rise in value, because, whilst the quantity remains stationary, there would be a constantly increasing demand for it, arising out of the continual growth of population. The law which regulates prices according to supply and demand, governs real estate as well as it does commercial commodities; and if the supply exceed the demand, the price must necessarily fall. It cannot, therefore, be doubted that if the United States, the greatest landholder in the country, throw into the market 71,000,000 acres, at a greatly reduced rate, the effect must reach every landholder in the United States, affecting most sensibly lands in States contiguous to those which include the public lands.

This, Mr. President, is a fair description of the nature and consequences of the proposed measure. Why are we called upon at this moment to adopt it? The currency is disordered, the people are in debt; and yet, at such a period as this, we are asked to sanction a bill, which shall throw into the market an immense quantity of the common property of the people of the United States, and which must inevitably cripple their means, to disembarrass themselves from existing difficulties.

The bill proceeds upon the erroneous assumption that the lands in market have not been sold, because they were not worth the price demanded by Government. That conclusion might not be altogether unreasonable, if the supply had been exactly proportioned to the annual demand. But let us see how the fact is. Taking a period of nearly eighteen years, beginning with the year 1820, and ending the 30th of September, 1837, there has been a quantity of land brought into market of 122,512,384 acres. This was what had been, prior to the year 1820, brought into the market, and remained unsold. During the first nine years of that term, there was not on an average a million of acres *per annum* sold, whilst there were nearly 60,000,000 brought into market. In the year 1820 there were 8,388,675 acres brought into the market, and only 303,404 acres sold. During the year 1821 there were 10,919 480 acres exhibited to sale, and but 751,215 acres sold. During the whole term of eighteen years, there were less than three and a half millions *per annum*, on an average, sold, whilst there was double that quantity thrown into the market. Deducting the quantity of upwards of 32,000,000 acres, which were sold during the extraordinary years of 1835 and 1836, the average quantity sold each year of the term would fall below 2,000,000 acres. This view, of the subject, derived from official documents now before us demonstrates that the cause of so much land remaining on hand unsold has been, not that it is not worth the small minimum price demanded by Government, but that a supply has been thrown into the market far exceeding the necessary wants of our growing population. This inordinate supply has proceeded from the urgent demands upon the General Government, made by the new States, to bring more and more fresh lands into the market. The power of absorption has been wholly inadequate to take up the immense quantity of the public domain which has been exhibited to sale. If the Federal Government had gradually fed the public demand, proportioning the supply to the annual wants of the community, we should not have seen such a quantity remaining unsold. The new States are not justly liable to reproach for having forced the General Government to bring so much land into market: but if, after having yielded to their wishes, that Government should now be urged to sacrifice the surplus which remains undisposed of, there would be just cause of complaint on the part of the people of the United States.

It is not true that the 71,000,000 acres, on which this bill would operate, have not been sold, because they are not worth the minimum price of Government. Time is wanted to effect the sale. Time is wanted to enable the demand, by the progress of population, and the course of emigration, to come up to the superabundant supply which has been put in the market, in conformity with the urgent entreaties of the new States. We must exercise patience, and we are urged by the highest and most patriotic considerations to practise that admirable virtue in relation to the public domain. Next to our invaluable free institutions, no single circumstance illustrates the happy condition of the people of the United States more strikingly than the possession of that public domain. Prudently and properly administered, it is destined to enrich the present generation, and posterity for countless ages to come. And it is a sure resource against all the evils of pauperism, so afflicting to many of the nations of the Old World. The example of Ohio affords the most encouraging evidence of the value of that virtue to which I have adverted. There was in that State upwards of sixteen and a half millions of acres of public land. It has been all disposed of except a quantity not exceeding 2,000,000. And notwithstanding the reduced quantity, sales have been more active in Ohio, within a few years past, than in most of the new States. In the State of Indiana, where the Government owned about twenty and a half millions of acres, all has been disposed of but a quantity less than four and a half millions. And I have no doubt that if we will only wait patiently for the operation of natural causes, most of the public lands in the States northwest of the Ohio river will produce to Government the very moderate price of $1 25 per acre, which is now demanded. In the State of Illinois, I am assured, from information derived from the most credible and satisfactory sources, that there is scarcely one acre in fifty that is not good arable, farming land. And a vast proportion of all the lands in the Northwestern States are among the finest and fattest soils in the world.

It has been contended that, in the Southwestern States, there are vast quantities of pine lands barren and unproductive, and not worth even the 50 cents per acre. It has been, indeed, asserted that large portions of them are absolutely worthless. If this representation of them be true, they will not sell under the operation of this bill. Why, then, make a reduction in the price of these lands, when a sale of them cannot be forced, even at the reduced rate? Why reduce the price of all the lands in the United States, good and bad, to bring it to a standard which will not adapt it to the condition of the very lands which form the pretext for reduction? The effect of such a reduction will be to bring down the good lands worth now the minimum price of $1 25 per acre, whilst it will have no influence upon those which, it is asserted, are not worth even 50 cents per acre. Had we not better leave the system in undisturbed operation, until a sale shall be effected of that part of the public domain which is really worth the Government price? Is it not best to profit by the experience which we have derived from the examples of Ohio and Indiana, which assure us that, with reasonable patience, we shall in time be able to sell all the lands in the Northwestern region? If these poor pine barren lands be really as worthless as they are represented to be, no one is injured by their remaining where they are, undisposed of. The Government would, indeed, do an injury, if it were to tempt any poor man to purchase and settle himself upon these unproductive lands by reducing their price to the low rate which is proposed. Such a man had better give $1 25 or even $10 per acre for really fertile land, than settle himself and his family upon barren and unproductive lands, if they were given to him.

We are bound, Mr. President, by the nature of the trust confided to our care, to administer this public property as we would similar property if it belonged to us individually. If any private man owned a large body of land, the greater portion of which was worth $1 25 per acre, and the residue worth not more than fifty cents per acre, would he commit the folly of reducing the price to the lowest standard? Would he sacrifice the good land in order to make the impracticable attempt of selling the bad? Would he not first sell the good, and reserve the bad to be disposed of in future, according to circumstances? And do not gentlemen perceive that the effect of this bill will be to stimulate again that spirit of speculation which has recently been so powerfully active, and which has led to such disastrous consequences? If you throw into the market 71,000,000 acres of the public land, at the reduced rates provided for in this bill, will not speculators engross all the good portions of them, and subsequently sell them at increased prices? At the present rate at which the public lands are sold, vast numbers of individuals are amassing large fortunes by purchasing from the Government, and subsequently selling at advanced prices. I have heard of many instances of such purchases at $1 25 per acre, and of the same land being sold, in the short circle of a year, at five, ten, fifteen, and twenty dollars per acre. If we are admonished by the state of the times to avoid throwing out any new incentives to speculation, we are equally dissuaded, by the disordered state of the currency, from touching the price of the public lands until that shall again become sound.

Nor can we find, in the progress of the population of the new States, any motive for quickening it by reducing the price of the public lands. If the new States were settling slowly, if emigration to them were tardy and reluctant, it might be necessary to throw out fresh stimulants and new incentives, by reducing the price of the public lands. The very reverse, however, of all this is the fact. The new States are increasing with unexampled rapidity. This is demonstrated by the results of the last census, and is substantiated by indisputable information since received. But if there were any doubt upon this subject, as we are now within two years of the time when we shall have to make a periodical enumeration of the people of the United States, we ought to wait until that operation is accomplished. Whevever it is, extraordinary as the growth of many of the new States had been prior to the year 1830, it will, I think, be discovered that Mississippi, Michigan, and Wisconsin, have outstripped them all in rapid growth. Without, however, waiting for the returns of the next census, let us revert to those of that of 1830, to see if they are such as to require of us to stimulate the growth of the new States.

It may be recollected by some of the members of the Senate that this interesting subject of the public lands was thrown upon the Committee on Manufactures, some years ago, for motives not of the most friendly nature, as I had reason to suppose, towards me personally. On that occasion I presented to the Senate a report, accompanied by a table, exhibiting various comparative views of the progress of population in the United States, derived from the census of 1820 and that of 1830. At the time of making that report, the Union was composed of twenty-four States, seventeen old ones and seven new ones, Arkansas and Michigan being since admitted. The increase of the population of the whole twenty-four States, during the period of ten years, from 1820 to 1830, was 32.74, or a little less than 33 per cent. The increase of the seven new States, during the same

term, was 85.43 per cent. The increase of the seventeen old States, during the same term, was 25.14. Thirteen of the seventeen States increased in that term only 17.28. The annual average increase of the seven new States was 5¾ per cent. The annual average increase of the seventeen old States, during the term, was a little more than 2½ per cent. The increase of Illinois, the most rapidly growing State during that term, averaged annually 13½ per cent.; thus duplicating its numbers in a little more than the short term of five years. From that table, which presents various other interesting views with which I will not now trouble the Senate, it results, first: That the increase of population in the seven new States, during the term referred to, averaged nearly four times the increase in the population of the seven old States during the same term. Secondly: That it was nearly five times as great as that of thirteen of seventeen of the old States. Thirdly: That the population of Illinois increased upwards of ten times as fast, on the average, during the same term. Such, Mr. President, are the astonishing results in the progress of population in the seven new States, during the ten years which elapsed from 1820 to 1830. And I venture the confident prediction that those which will be disclosed by the census of 1840, will be found to be not less surprising.

In view of such results, can any one, the most ardent friend of the new States, (and I yield to none in fervent wishes for their prosperity) impartially believe or justly contend that fresh stimulus is wanted to emigration? No one derives more pleasure than I do in witnessing the rapid growth and unexampled prosperity of the new States. They are gratifying triumphs of our system, and attest the wisdom of that plan for the administration of the public lands, under the operation of which they have been achieved, and which is now sought to be essentially disturbed. The principal accession of population in the new States is derived from the old States. Their gain is our loss. Among the old States which contribute mostly by emigration to the growth of the new States, Ohio, Kentucky, and Tennessee may be placed at the head. They have no just cause to complain, and do not complain, at the loss of population which they sustain. But if undue stimulus and inordinate encouragement were given to emigration by sacrificing or unnecessarily reducing the price of the public lands, the old States would have just cause to complain. Such an unnecessary reduction would be attended with a triple injury to them of reducing the value of lands within their respective limits; of diminishing their interest in the public domain, the common property of the people of the United States; and of offering a bounty to their citizens to remove from their limits, and to settle themselves in the new States. Is this right or reasonable? If it were necessary to the well-being of the new States, the sacrifice would be cheerfully borne by the old. But it has been seen that their growth is quite fast enough for their welfare and happiness. The new States are supplied with population from all the States, bringing together their customs, laws, prejudices, and habits. Time is necessary to harmonise these various elements, and to amalgamate and consolidate them. If they were to populate faster than they now do, the elements of discord would be disseminated, and the period of their becoming homogeneous would be postponed.

We have heard, upon this and upon other occasions, our system of distributing the public lands reproached for illiberality, and as deviating from the practice of other nations. But is there any justice in this reproach? Our system proceeds upon the principle that the public lands are the properiy of the whole people of the United States, to be disposed of for the common benefit, and not to be wasted on favorites and parasites. The most liberal grants have been, and continue to be, made to the new States for purposes of education and improvement. The Government price is fixed at so low a rate that every poor man, with moderate industry, may readily acquire a home. And what are the systems of other countries which are held up to admiration, and which we are called upon to imitate? Provinces and principalities are granted by them to court favorites, and to speculating adventurers. Look at the practice of Spain. Louisiana and Arkansas are now suffering from the enormous grants lavished on two noblemen, the Marquis de Maison Rouge and the Baron Bastrop. And Florida was, at one time, covered with similar grants made to favorites about the Court of Madrid. Under the British colonial system, vast grants of land were often made to favored companies, courtiers, and favorite individuals, retarding settlement, and to the prejudice of the nation. The superiority of our own system is illustrated by the fruits it has produced, and gentlemen would have as much cause to reproach us for the existence of our free institutions, (quite as peculiar as our land system,) and to call upon us to adopt the monarchical forms of other countries, as to arraign the policy by which the Government has been hitherto guided in the disposal of the public lands. Ours is the Government of the States and the people. The public domain is the property of the States and the people. The proper administration of it (it cannot be too often repeated) is a sacred trust, which imposes on the trustee the obligation of advancing the common interest of all the States, and all the people; and there is no one quality more desirable to be infused into the administration of that trust than that of stability. Whatever concerns the whole real estate of the country should be guardedly and cautiously touched, and yet we are perpetually called upon to alter and vary the existing system of distributing the public lands. Are the sales rapid, fearfully rapid? Gentlemen call out for a reduction of the price. Are they slow? Gentlemen still call out for reduction of the price. Is speculation wild and reckless and romantic? Reduction of price is the remedy of our doctors. Is it quiet? Reduction is still their nostrum. Reduction, reduction, reduction, is the theme upon which they eternally dwell. And that very subject, which above all others should be fixed and permanent and stable, is most of all others exposed to perpetual change and fluctuation. I had hoped, during the reading of the President's message at the opening of the session, that our new Chief Magistrate justly appreciated the value of our land system, and that he meant to stand fast and firm by it. He does pronounce a merited eulogium upon its successful and salutary operation; but I regretted to perceive that he, too, had become infected with the spirit of innovation, and joined in the cry for reduction and graduation. But there is some plausibility, if not much practicability, in the plan which he suggests. He proposes a previous valuation; in other words, that we should ascertain what the thing is worth before we fix a price upon it. But this bill, discarding all such idle and unnecessary knowledge, proposes arbitrarily and blindly to reduce prices without any sort of reference to values.

We glut the market by throwing into it vast quantities of fresh land of unsurpassed fertility. The powers of population and gemigration, great and surprising as they are, we find incompetent to absorb the superabundant quantity. We violate or disregard all the laws of supply and demand; and, without waiting for the operation of natural causes; without stopping until the demands of our growing population shall ease the burdened market, we are called upon to reduce the price of what it was impossible to have sold, on the mere presumption, contrary to known facts, that it is not worth the extremely moderate price which the Governments demands. And, if we enter on this career of reduction, on the false premises assumed, when and where are we to pause? I have shown you that you cannot stop with the 71 millions of acres on which the bill will quickly operate; that you must advance to the 240 millions, not yet prepared for the market, situated within the existing States and Territories; that you must finally apply the principle of reduction to the 750 millions of acres which lie outside of their limits; and that ultimately all this immense public domain must be brought down to the low rate of fifty cents per acre, proposed in the bill. But this is not yet all. Once establish this principle of reduction, and who is to prescribe, or to see, the limits of its operation? Further and further, and lower and lower, reductions will be proposed. Politics—party politics—will mix themselves up in the question. In some of the new States, candidates for public office will present themselves upon the ground of securing other reductions in the price of the public lands, and will appeal to the popular suffrage. Other candidates will come out espousing still lower rates. It will become the leading and controlling object, until, in the end, the very purpose which, in the early stage of our progress, some gentlemen are bold enough now to avow is accomplished; that is, that the common prosperity of all the States and the whole People shall be sacrificed at nominal prices, or be appropriated to a few, or be engrossed by speculators. Mr. President, is there sufficient respect paid to this public property? Is there not a loose morality too prevalent in regard to it? Is there not a spirit abroad which prompts and justifies individual seizure, no matter how, or under what circumstances, of a common inheritance which all ought to unite in protecting and defending? I think it safest to stand by and uphold that land system which has produced such auspicious results. And, for one, I shall place myself, and oppose all experiments upon it, with the same determined resolution which has impelled me to resist those, not mere disastrous, which have been made upon the currency, commerce, and business of the country.

SPEECH OF MR. LEGARE,
OF SOUTH CAROLINA,

In the House of Representatives, Monday, June 4, 1838—On the bill making appropriations for preventing and suppressing Indian hostilities.

Mr. LEGARE rose to say a few words in reply to the gentleman from Pennsylvania, [Mr. BIDDLE.] He regretted that he should be compelled to do so under all the disadvantages of a *surprise*, for, at that advanced stage of a very protracted discussion, he did not expect to see it take, for the first time, the turn which that gentleman had given to it. The House must perceive, from the nature of the objections made to the policy of the Administration in the conduct of the Florida war, that no answer to them could be completely satisfactory, which did not go very considerably into detail. The gentleman had presented an ingenious and elaborate view of some rather minute circumstances attending that war. The issues he had made up involved a critical examination of the history of the late campaign, as well as of the topographical features of the seat of hostilities. He, for instance, who puts you upon your trial for the upsetting of a piece of field-ordnance, as the gentleman had done, supposes you to know precisely the nature of the ground over which it was attempted to be drawn. It was so with regard to all the other objections that had been made. Mr. L. had no pretensions whatever to play the "military critic," and was, he confessed, very inadequately prepared, by any special inquiry into the facts, to explain whatever difficulties might present themselves on a superficial glance at them. But he felt no doubt at all that, if called upon to do so, the Secretary of War would be able to account satisfactorily for whatever had been thought objectionable in his plans or his conduct. He had the utmost confidence in the character and abilities of that gentleman. He did not allude to those high social qualities which made him, by the confession of all men, one of the most accomplished gentlemen of whom the country had to boast; he meant precisely those characteristics which the gentleman from Pennsylvania had denied him. Mr. L. spoke, he was persuaded, the opinions of all who knew Mr. Poinsett intimately, when he declared that he thought him pre-eminently distinguished for all those attributes which enabled persons in authority to command and control mankind. They had seen him tried by peril and difficulty, and had seen him every where display great fertility of resources, the most elevated spirit, a sagacity seldom at fault, above all, a firmness and courage which nothing could shake. He had exhibited those qualities at home and abroad; they had acquired for him, under very painful circumstances, to which Mr. L. would not allude but *to do justice*, the confidence of a great party in South Carolina, and it was because he partook of that confidence, confirmed as it had been by what he had seen and knew of the conduct of the Secretary of War in his present station, that he made bold to affirm that if there existed in any branch of the service a tendency to insubordination and abuse, which he (Mr. P.) did not detect or could not control, there were but small hopes of amendment from any change of *men*. The disease lay deeper in the body politic.

But this confidence, Mr. L. said, was confirmed by what had fallen from the gentleman from Florida, [Mr. DOWNING.] That gentleman, who spoke of the facts from his own personal knowledge of them, and with great accuracy, and who, besides, was, he believed, rather an unwilling witness, (for Mr. L. did not understand him to be a friend of the Administration) had told the Committee of the Whole, on that very subject, that, whatever exceptions he might take to the policy of the Department in relation to the proposition then before the House, he highly approved the course which it had hitherto pursued in the conduct of the war. That was high authority for him, [Mr. L.] as one of the uninitiated in such matters. But there was still another presumption in favor of the Secretary. It arose out of the nature of the objections themselves of the gentleman from Pennsylvania. That gentleman had looked into the whole case with his characteristic sharp-sightedness, and certainly without any disinclination to find a flaw; and yet, what had he made of it? Mr. L. appealed with confidence to the House, whether the topics by which he had supported the charge of imbecility and mismanagement were such as ought to be made the ground of so grave a censure. What did they amount to? Some grumblings of General Jesup, eked out by the gentleman with most latitudinarian inuendoes; some Indian poneys offered as rewards to stimulate the enterprise of the bold and adventurous; a difference of opinion as to a plan of operations in a country covered with swamp and forest, of which no survey had ever been made, &c. These, and a very few other trifling objections, were made the foundation of an inference that the Secretary of War was destitute of all administrative talent, and that the whole affairs of his Department were in a state of utter insubordination, imbecility, and disorder.

As to the *argumentum ad hominem* in reference to the Indian poneys, addressed to those who were supposed to be for stinting every branch of the public service, on narrow and sordid ideas of retrenchment, Mr. L. did not acknowledge it as applying to himself. He had never confounded parsimony with economy. He was not for hoarding cheese-parings and candle-ends. True economy consists *in laying out* money to the greatest advantage; and he was ready to furnish, nay, to lavish it, if need were, for any really important public service—but, most of all, for the defence of the country in war.

With regard to General Jesup's language, which had been treated as almost mutinous, Mr. L. said that, for any thing he knew of the articles of war, it might be so; it might be a violation of that severe discipline, even in a country where scarcely any other is observed; it might be that, in becoming a soldier, that officer had ceased to be a citizen. This might all be so; though he must say it struck him as a little singular, amidst the wild licentiousness of speech to which this House, in spite of all its boasted privileges, had been compelled quietly to accommodate itself. He was not the champion of General Jesup; he wished not to be considered as defending the conduct of that gentleman, in or out of Florida, further than might be necessary for doing him the justice to which every officer of the Government is entitled at the hands of the representatives of the people. But *that* justice did require him to declare that, in saying, as he had said, that Congress was responsible for the disasters of the Florida war, he had told the truth.

[Mr. WISE. How can that be?]

Sir, (said Mr. LEGARE,) I repeat it. I solemnly declare, in the face of the country, that upon the heads of this Congress, of this House, rests the heavy responsibility of having exposed the nation to the wasteful expenditure of its treasures, to the loss of life, the destruction of property, and the desolation of the country in Florida, by its absurd reduction of the army in 1821—a reduction not only far below what would be requisite to meet any extraordinary emergencies, not only below the exigencies of a state of war, but far below what was indispensable in such a country for an adequate peace establishment. The disasters they were now deploring were only a fulfilment of the predictions of one of the most distinguished of his predecessors,* who was here for the first time in 1821, in the ardor of youth, and who opposed that measure with all the vigor and the eloquence which have since rendered him so conspicuous in the country. But the army was sacrificed to what was called economy, and we have already paid upwards of eleven millions in a contest which the early presence of an adequate regular force would have effectually prevented, or instantly suppressed.

But, [said Mr. LEGARE,] the brave men engaged in that war seem to me to have been most hardly dealt with in this House. We heard the other day of "Northern laurels" turned into "Southern willows",—[Mr. BELL]—and the gentleman from Pennsylvania has just told you that we have taught the Indians that the white man is "formidable only by his treachery." Now, sir, I put it to the candor of the gentleman, is this language warranted by facts? Is the bare fact that the Indians have not not been subdued in forests where it is so difficult to find out their hiding places enough to justify it? Is it a new thing under the sun that a handful of barbarians, in fastnesses which Nature seems to have every where provided for the preservation of her ancient races, should hold at bay the forces of the most powerful and civilized nations? Why, Mr. Speaker, it has occurred over and over again in the history of the past. You have only to cast your eyes over the map of the Roman empire to see it every where dotted with spots, which the foot of conquest, during the whole course of five hundred years, could never invade—the Grampian Hills, Wales, Brittany, the Basque country, &c. Even while I am speaking, the very same scene is acting in the Eastern hemisphere. The barbarians of Caucasus have, for years, defended, are now defending, and are likely still to defend with success, the passes of those mountains—the Thermopylæ of Asia, and perhaps, by no remote consequence, of Europe—against all the resources of the Russian empire. The attention of the Western Powers of that continent has been awakened to the great importance of the events which are passing in Circassia; the exploits of that remarkable people have been spoken of with the admiration they deserve; but no one, so far as I have heard, regards this failure to subdue them as a stain upon the Russian arms. And why should the courage or conduct of our gallant little army be sneered at because they have not, in three campaigns, found their way through the almost impenetrable fastnesses of the Seminole? Sir, from the bottom of my heart I disavow these unjust and inconsiderate censures. In my opinion, these brave men have behaved nobly, and deserve the thanks of their country. Sent upon an ungrateful and inglorious service, in an obscure corner of the country, to execute a stern law, with no motive but a sense of duty to reconcile them to the hardships of their situation in a savage wilderness, and a sickly climate, they have done all that men could do to overcome the difficulties of all sorts with which they have been surrounded.

And this brought him, he said, to the consideration of the question, what was that law? He said he had not listened unmoved to that debate. He was sure he might claim to have as much sensibility upon the subject before the House as those who affected most. He regarded the condition of these people with the deepest commiseration, and felt how easy it was to excite sympathies of mankind by an appeal to the topics that had been dwelt upon by gentlemen. Certainly, the history of our Indian relations, from the first settlement of the colonies, is not the brightest page in our annals; but, after all, no one could seriously argue that this magnificent continent, with all its boundless capacities of improvement, was to be left a waste to furnish hunting-grounds for a few savage tribes. This, however, was not the question before the House. The present generation found the law ascertained and established by their predecessors. Georgia held her rights by virtue of maxims and principles uni-

* Mr. McDuffie.

versally recognised by civilized nations, at the time her charter was granted to her, a hundred years ago, and for two centuries before. They were just as sacred (these rights) as any title to land in the country. It might as well be objected to an estate which had been three hundred years in a family, that it was originally acquired by fraud or violence. It is quite too late now to look into the abstract equity of those principles; they were settled beyond controversy; they were among the "canon laws of our foundation;" they imposed upon the statesmen of this country, at least, an overruling moral necessity. They would be found, not in "musty tomes," as the gentleman from Pennsylvania, now near him, [Mr. NAYLOR,] had contemptuously expressed it, but in all the monuments of our jurisprudence, old and new. They had been, not many years ago, expounded by Chief Justice Marshall, in the case of Johnson and McIntosh, in an opinion which reviewed the whole subject, and which he recommended to the special attention of that gentleman before he ventured to repeat such language. Mr. L. could add nothing to the force and fulness of that luminous disquisition, as far as it went, if he spoke forever. But there was still one point which it left in what seemed to him to be a state of most distressing uncertainty, and that was, what was the present state of the Indian title? Mr. L. remembered that, when he was more in the habit of looking into such things than he had been for several years past, that appeared to him to be one of the most puzzling problems of the law. It was easy to say what it was *not*. It was not territorial jurisdiction that was in the State, and there could not be two jurisdictions of that kind within the same limits. It was not fee-simple: the fee-simple, too, as had been decided by the Supreme Court, resided in the State, and might be conveyed, notwithstanding this occupancy of the aborigines. What then, he asked again, did that occupancy amount to? It appeared to him to be a thing *sui generis*. He could not agree with his friends from Georgia, that these tribes were mere tenants at will of the States in which they resided. Whatever, in strict theory, might be the correctness of that position, the uniform, universal practice of the Government, acquiesced in by the whole country, including the State of Georgia, had been different. The common sense and common feeling of the American people had been to them as a law upon that subject. These *tribes*, as *tribes*, had been considered as standing towards the Federal Government in a sort of undefined *personal* relation, independent of the States in whose territory they resided. They have always been treated with as having a right to reside upon the soil which they occupied, until their consent to abandon it could be obtained; and the obtaining of this consent had, by the common voice of the country, been devolved upon the Federal Government. It was quite natural it should be so. They were the common enemy, tribes of warriors ever ready to take up arms to resist the progress of the white settlements, or to destroy those already made; many of them formidable enough to inspire Congress, no longer ago than the last generation, with anxiety and alarm.

This Government, therefore, entrusted with the common defence, and the power of making war and peace, was of course charged with the duty of removing these tribes as the white population approached them. This it had uniformly endeavored to effect, agreeably to the common feelings of the people, peacefully, and in the most merciful and indulgent manner. It had regarded them as under its protection—in wardship. It had certainly been in the habit, from the necessity of the case, of restraining the territorial jurisdiction of the States, with their implicit acquiescence. But, beyond all doubt, this Indian occupancy was understood not to be perpetual. The idea, indeed, involved a contradiction. The *tribes*, as *tribes*, composing a sort of body politic, and treated with as such, could not exist forever upon a soil within the jurisdiction of a State. This *imperium in imperio* could not be tolerated by any statesman. No difficulty had ever occurred in consequence of this uncertainty of their tenure in former times. Tribe after tribe had emigrated to the wilderness, or disappeared from the face of the earth, without exciting any sensibility, or even attention. So long as the Indian was a mere savage, a *dumb* creature, whose despair or whose revenge could be expressed only by sallies of irregular hostility, it was all very well. We went on enforcing *our* law of nature and nations, without the least remorse or hesitation. But times are now changed; the day is come when those poor people, under our guardian care and the influences that surround them, are become civilized and christianized. They have learned the use of letters; nay, the wonders of antiquity—that which made Cadmus a god, the invention of an alphabet—have been renewed in our own times by some self-taught genius whose name is hardly known among us. They belong to the same religious communion, they refer to the same standards of morality; and, appealing to the principles of eternal justice, they demand of you, in the presence of the world, by what right you imposed it on them as law, that the lands of their inheritance, the hunting grounds of their fathers, whose bones lie buried in them, belong to you? Sir, said Mr. LEGARE, I perfectly appreciate the feelings of these poor people. They are the instincts of insulted nature, in every part of the world. I understand how they should madden a brave warrior, brooding over what *he must* think the wrongs of his race; and how, in wild defiance of the authority you affect to exercise over him, and have from the first exercised over him without his consent, he should, to use the language of another, "throw down his tomahawk upon the ground, and raise the war-whoop of his nation." But yet, what are we to do? I mean, sir, *here*, in this legislative hall, as statesmen, bound by the fundamental laws and the settled policy of a nation—not a school of theorists, dreaming of perfect commonwealths—not irresponsible makers of sentimental books to draw tears from the eyes of young ladies, or even to awaken the generous sensibilities of men. That, and that alone, is the question which I consider myself called upon to decide; and whatever my private feelings or opinions may be, the laws of our ancestors bind me absolutely; I *must* enforce them, but I will do so in mercy. I will do whatever I can consistionally do to reconcile these people to their fate, and to justify our policy to the civilized world.

Mr. L. then went on to say that whatever differences of opinion had been expressed as to the rights of the Indians and the conduct of the Government, it seemed agreed on all hands that the *treaty* must be executed. The unanimous sentence had gone forth, *delenda est*. The gentleman from Virginia, for instance, who sat before him, [Mr. WISE,] had displayed his usual zeal in favor of these people, and inveighed with eloquent earnestness against what he considered as the "oppressor's wrong" in regard to them; he had denounced the treaty as "conceived in fraud, carried on in fraud, consummated in fraud;" yea, sir, *ratified* and in fraud, without any imputation upon the integrity of the Senate, be it said; and yet, when the gentleman came to the practical question, what was to be done? His sensibilities had shown themselves as illogical as passion usually is. Mr. L. understood both the gentleman from Virginia, and the gentleman from Pennsylvania, [Mr. NAYLOR,] to agree that the treaty must, at all events, be executed.

[Here Mr. WISE explained. He meant that he saw it would be unavailing to contend that the treaty ought not to be executed, a decided majority having declared itself unalterably bent on doing so. But for his single *self*, he thought it ought not to be enforced, and was ready so to vote.]

Mr. L. admitted that he might have misunderstood the gentleman, and done injustice to his logic. But at any rate the gentleman from Tennessee, whom he did not then see in his place, [Mr. BELL,] and who had delivered in the Committee of the Whole a very able and statesmanlike speech upon the subject, had expressly avowed the necessity of effecting the removal, and pointed out the terms on which it should be done. And, sir, said Mr. L. policy, justice, yea, and *mercy*, require that this measure should be accomplished. I say mercy, in the only acceptation of the term which makes it a virtue; that which has been well described by a great man as "a long-sighted and strong nerved humanity," which looks beyond the present moment with all that is distressing in its circumstances—for if you dwell too much on such things, when there is no remedy for them, they will drive you "mad," as the gentleman from Pennsylvania [Mr. NAYLOR] had confessed in regard to himself—to the prospects of the future which your policy opens upon this noble tribe. Sir, it is kindness to *them* to remove them. They cannot exist in the midst of the white race. Our experience is uniform and conclusive upon the subject." You may depend upon it that, what with war, disease, and vice, extermination will be their fate where they are. It is inevitable, and if Ross deserves a tithe of what has been said of his ability, he will perceive it, and set himself zealously about the great work of establishing and civilizing his tribe in the pleasant land which has been assigned them, aloof from those contaminating and destructive influences with which they will soon be environed here.

He would then proceed to inquire how far it was competent for the House to interfere with what had been done by the treaty-making power. He could not agree to the rigid proposition that it was absolutely bound, neither did he concur with those who thought it in no degree bound, by a treaty. During the discussion in the French Chamber of Deputies, on the subject of the late treaty with the United States, a discussion in which he had naturally felt a very deep interest, it had, indeed, been assumed in that assembly, and he must confess that it appeared to be conceded on all hands, that whenever an appropriation of money, or any other act of legislation, was required to fulfil the condition of a treaty, the Chamber of Deputies was as free to refuse its concurrence in it as to any bill in the ordinary course of legislation. Mr. LEGARE said he did by no means assent to that doctrine; it was a licentious one; the distinction appeared to him to be a very simple one. Undoubtedly that House might at any time take the responsibility of setting aside a treaty, just as it might do any thing else that amounted to declaring war. It had the strict *legal* competence to do so; but he denied its *moral* competence to interfere with a treaty, unless it could clearly show fraud, mistake, or some other defect which vitiated it as a contract. It was not enough to say, we do not see *why* this treaty was made; convince us that it is as it ought to be, or we vote against it. This would be to render every negotiation that had not been ratified by the House merely nugatory, and to require a renewal of it there, contrary to the express words of the Constitution. The *onus probandi* was clearly upon the House. Before it assumed the responsibility of refusing its acquiescence in what bound the courts of the country, it must be able to point out, with precision, some radical moral defect, or some irresistible State necessity. Now, he must say, that although he was free to own the gentleman from Virginia, [Mr. WISE,] in the course of this debate, had thrown grave doubt upon the regularity of the negotiation carried on with those people, he did not see his way clearly enough in the business to pronounce the solemn act of the President and Senate a mere nullity. But he readily admitted that those doubts disposed him the more to adopt the amendment reported by the Committee on Indian Affairs. For this reason he could not agree with his friends from Georgia, who seemed to disapprove what the Secretary had done. He confessed, for his own part, that he had heard the message of the President on the subject with the liveliest satisfaction, he might almost say with rapture. He rejoiced that an act of signal liberality, intended to obviate every plausible reproach, or even suspicion of injustice or oppression upon the weak and the ignorant, had come to the House with the sanction of that department of the Government. He, for one, had not been patient under those imputations, and he felt relieved at the idea that there was now a reasonable hope of reconciling those people to their inevitable destiny. He would not only vote for the appropriation called for by the Executive; he would, if it were necessary, go beyond it; but he could not consent to do so on the terms of the gentleman from Tennessee [Mr. BELL.] He would not interfere with the service. We must not disarm. We must be ready to take the field at any moment. We must extend every possible indulgence to the Cherokees, but we must speak the language of a grave and stern authority, determined in all events to execute the law laid down by the European race.

As to the objections made to the policy of the Secretary of War, in the step which he had taken in that matter, Mr. L. confessed that he did not feel the force of them. That minister had not agreed with Ross to allow them to protract their residence for two years more; not at all. All that he had done was to undertake to use his good offices with the proper authorities of the States concerned, to suffer the removal to be made in such a manner as might be as little vexatious as possible to these poor people. And was it too much to expect that our fellow-citizens of those States would, as far as they might feel themselves free to do so, most cheerfully acquiesce in a slight extension of the time allowed for the emigration; nay, as he had said before, not even an absolute extension of it? Gentlemen had assumed that the Cherokees were to be allowed, at all events, to reside two years longer in Georgia, etc.; but it was by no means so. The Secretary meant that the removal was to begin immediately, and be completed in two years. Now, can any one doubt that, if serious opposition were made by these people, it would require much time to overcome it? He did not speak of war; it was obvious enough that so strong a tribe, defending itself with the resolution of despair, in the fastnesses of a mountainous region, might cost us infinite trouble. It would require scarcely less time to take them up *bodily* and remove them, though unresisting, as he had heard it intimated we should be constrained to do. But laying such considerations out of the question, he could not persuade himself that the people of Georgia would not do all they could to soften the severity of the law which had been imposed upon this tribe, in common with the rest of the aborigines. He would not believe that they thought and felt differently from the rest of the country upon this subject, or that they were under the influence of motives which could lead them to disregard or violate the rights of humanity, further than an inevitable necessity, legal or political, might compel them to do so. From what he had understood, he had been led to hope some amicable arrangement might be effected.

Then, as to the amount of compensation, it seems to be admitted, on all hands, that, had the other conditions he proposed been complied with, Ross would have accepted the $5,000,000 as a full price for the lands.

[Here Mr. WISE rose, and denied this. Ross, he said, had begun by demanding $20,000,000, &c.]

Mr. LEGARE. Yes; but that was not his *ultimatum*. The proposal was manifestly extravagant, and he abandoned it. Mr. L. said he had been assured by Senators, free from all party, or, indeed, any other bias, men of the highest honor, and the most liberal feelings, that the Senate had acted with the single view of making the largest compensation that could be demanded by a reasonable man. They did not, in the least, higgle about the matter. With a most liberal allowance of money, they had given to this tribe a fertile and healthy country; and he was sure that an equal number of our own fellow-citizens, in any State in the Union, such were their migratory habits, would have abandoned homes more comfortable and fields better cultivated on a far less tempting offer. As to the additional appropriation called for by the Secretary of War, he thought the gentleman from Vermont, over the way, [Mr. EVERETT,] who had manifested such a benevolent solicitude about the fate of the Cherokees, had made out a very strong case in favor of his idea that the $5,000,000 was not, according to a fair interpretation of Ross's proposals, meant to include the objects of expenditure for which the additional appropriation was now asked by the Executive. That gentleman seemed to lay great stress on having this considered as matter of contract, and not of beneficence. To him (Mr. L.) it was immaterial whether it were bounty or obligation: he was, he repeated, ready to vote for it in either case, for reasons he had fully explained.

Another change which the Secretary had agreed to also met his fullest approbation. It related to the provision of the treaty which seemed to have given particular offence to the leading men of the Cherokee tribe; he meant the payment of the money, not to those entitled to receive it, under what might be called the Constitution of this quasi nation, but to the individuals that composed it. What justice had actuated the last Administration in adopting, for the first time, in the case before it, that peculiar policy, he had not the honor to know, and would not undertake to divine. But he thought the present Administration perfectly right in abandoning it to effect so desirable an object as the pacifying the great majority of the tribe. He could readily conceive that this money, if paid to individuals, might be unprofitably thrown away, or render them a prey to the frauds of unprincipled men. He trusted they would be pacified—that they would go in peace to the land which had been provided for their future residence, and in which, if they have the capacities of improvement ascribed to them by their patrons here, they may be developed under the most favorable circumstances. Resistance was vain; he did not mean that a battle might not be lost, or a campaign frustrated. He spoke of the inevitable result, in the long run, of a contest between this tribe and the Anglo-American race. A morass might be impracticable, a forest might cover the retreat of a frightened foe. The savage warrior might fancy himself a hero, because he avoided defeat by avoiding a combat in the open battle field. But the day would come when the most formidable of all races, in its career of irresistible aggrandizement, would sweep away every remnant of the aborigines which affected to withstand its progress within its own borders. Let them go not only in peace, but in amity, assured that many and many of those who felt themselves constrained, by a stern law, to impose upon them what appeared to be a hard condition, felt the deepest sympathy with them, and cherished the warmest good wishes for their future happiness and improvement.

*See a little tract from the venerable James Wadsworth of Genesee, New York—"a letter to the Hon. D. Webster.

THE OREGON TERRITORY.

SPEECH OF MR. CUSHING,
OF MASSACHUSETTS,

In the House of Representatives, May 17 and 22, 1838.—The President of the United States having communicated to the House, on the 3d of May, 1838, a message on the subject of the territory of the United States beyond the Rocky mountains,

Mr. CUSHING moved that said message, and the report of the Secretary of State accompanying the same, be referred to the Committee on Foreign Affairs, with instructions to inquire into the expediency of establishing a post on the river Columbia, for the defence and occupation of the territory of the United States, watered by said river, and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign powers with the Indians of the United States. Which motion coming up for consideration on the 17th of May, 1838,

Mr. CUSHING spoke in support of the same, as follows:

MR. SPEAKER: I rise to call the attention of the House to a subject very different from what has for some time past occupied its time; neither a party nor a personal question, but one greatly concerning the national honor and the rights and peace of the country; a question of deep interest between the United States and a foreign power. In discussing it, I shall have to go over many dry details of treaties and facts, to the consideration of which it may be difficult to gain the ear of the House. But impressed as I am with the importance of the question to the whole nation, I shall proceed to speak, addressing myself to the country as much as to the House. The great sea of public opinion—that public opinion which, in all civilized communities of our day, and more especially among us, governs the Government—is composed of drops, and every particle infused

into the general mass modifies the composition. I may, therefore, without presumption, hope to be of some service in reviving, at least, an important question which has already slumbered too long, and the continued neglect of which would be most prejudicial to the interests of the United States.

My proposition has, for its main object, to assert the rights of the United States to the country watered by the river Columbia, which will require of me to speak with freedom and plainness of the conduct of Great Britain, who alone disputes the title of the United States. I shall do this in no unfriendly feeling towards Great Britain, but, on the contrary, with entire respect for her, and in the conviction that now is the time, of all others, when the conflicting rights of the two countries may be debated without the least hazard of disturbing their amicable relations. If any such hazard existed, it would become us to encounter it manfully, rather than to abandon the rights and sacrifice the honor of the country; but no such hazard does in fact exist, nor any cause whatever to deter the House from probing the matter to the very bottom. Great Britain is at this moment under large obligations to the United States for the forbearance manifested by our Government during the late troubles in her American colonies. She knows, and feels, and avows it. And, having approved ourselves just, nay, generous, towards her in the hour of her need, we may well demand of her to be just towards us, and to abstain from those persevering encroachments on our rights by land and sea, which have in all past times characterized her foreign policy. Now is the accepted time to adjust especially our respective territorial pretensions upon this continent.

In the first place, I shall endeavor to exhibit a summary view of the title of the United States to the Oregon Territory; after which, I shall state the considerations which, in my judgment, render it an imperative duty to take immediate measures for the occupation of that Territory.

It is a principle, adopted by European nations in their settlements on this continent, that priority of discovery, followed in a reasonable time by actual occupation, confers exclusive territorial jurisdiction and sovereignty. It is also held that an establishment, once made, extends by contiguity into the neighboring regions. If the discovery be of an island, it has, in most cases, been regarded as giving a title to the whole island; if on the coast of the continent, then as reaching indefinitely along the coast and into the interior, with limits to be decided by actual occupation, by compact between conflicting claimants, or by force. Whether this be just or not, as regards the Indians inhabiting America, is another question. I speak of it only as the conventional rule, recognised in the negotiations, and practised upon in the colonial enterprises, of the chief nations of Europe; and thus constituting a part of that somewhat uncertain mixture of conventions and of national equity, which is called the Law of Nations.

This general principle, which enters into the present question in all its parts, includes a particular principle, which is still more specifically applicable to it. The discovery of the mouth of a great river, or the exploration of it, followed in a reasonable time by the actual assertion of territorial sovereignty, gives an exclusive right to all the country watered by that river. Without referring to various foreign cases of the application of this doctrine, it will be sufficient for the satisfaction of the House, to show how it has been treated by the United States.

In the letter of Messrs. Monroe and Pinckney to Don Pedro Cevallos, April 21, 1805, it is said.

"When any European nation takes possession of any extent of seacoast, that possession is understood as extending into the interior country to the sources of the rivers emptying within that coast, to all their branches, and the country they cover, and to give it a right, in exclusion of all other nations, to the same."

This position is adopted by Mr. Adams in his letter to Don Luis de Onis, March 12, 1818, and by Mr. Gallatin, in his discussion of the present question. (Executive Docs. 20th Con. 1st Ses. No. 199, p. 61.)

Now, whatever rights, more or less, are derivable from *discovery*, belong to the United States alone.

The river Columbia was first discovered in 1792, (excepting whether it may have been previously discovered by the old Spanish navigators,) by Captain Robert Gray, of the American ship Columbia, fitted out in Boston, and received from him the name of the ship he commanded. In the same year, but confessedly subsequent to this, and upon information derived from Captain Gray, it was visited by Vancouver, in behalf of Great Britain. Priority of discovery, therefore, is clearly with the United States, as against Great Britain. Indeed, Gray had previously, in 1788, explored the strait of Juan de Fuca, north of the Columbia. So that, leaving out of view the rights of Spain by discovery, and of Spain and France by contiguity and extension, the United States claim the Oregon Territory by right of discovery.

By cession from France, in 1803, the United States acquired Louisiana, and all the rights of France in that direction. What are the northwestern limits of Louisiana? Extension by contiguity would carry the pretensions of France to the Pacific. By Great Britain herself, the possession of the body of the continent was always treated as stretching across the entire breadth of the continent. Her grants to Massachusetts and to other colonies reach to the Pacific. Conflicts of pretension thus grew up between France and Great Britain, which were adjusted, in 1763, by the treaty of Versailles, by which Great Britain ceded to France all claims to land west of the Mississippi. Prior to which, by the treaty of Utrecht, concluded in 1713, France and Great Britain agreed to appoint commissioners to describe and settle the boundaries between the French and English colonies in North America; which resulted in the establishment of the parallel of 49 degrees north as the northern limit of Louisiana. As between Great Britain and France, then, Louisiana was bounded east by the Mississippi, north by latitude 49 deg. N. and westward by the Pacific; and by the Louisiana treaty, the United States added to her own rights of discovery the pre-existing rights of France.

In this state of the case, Mr. Jefferson devised and authorized, in 1805, the celebrated expedition of Lewis and Clark, who ascended the Missouri, crossed the Rocky mountains, reached the head-waters of the Columbia, descended the river, erected the works called Fort Clatsop, and in the most formal and authentic manner asserted the rights of the United States in and to the whole country. No establishment of any other power existed at that time on the waters of the Columbia.

But the enterprise of colonizing that country was undertaken in 1811 by John Jacob Astor, of New York; one of those truly noble merchants "who, by their great commercial enterprise, have enriched nations, peopled wildernesses, and extended the bounds of empire;" a man of far-seeing mind, with plans covering the globe, and with results as grand as the plans; a merchant, in wealth and greatness of design equalling the Medici of Florence, the Dorias of Genoa, and the Foscari of Venice, without the political ambition which rendered their wealth a curse to their country. The narrative, by Washington Irving, of that magnificent undertaking, belongs to the classic literature of the world, combining the truth of history with the stirring interest of romance. Mr. Astor's establishment at Astoria, having for its immediate object the prosecution of the fur-trade, was anterior to any establishment on the Columbia by any power other than the United States. It was broken up by the war of 1812, and taken possession of by Great Britain in the course of her belligerent operations; but again formally surrendered to us in 1818, in express obedience to the treaty of Ghent.—(Doc. 17th Con. 1st Ses. Exec. No. 328.) What was the character of this transaction clearly appears from the explanations on the subject exchanged by Mr. Rush and Lord Castlereagh. Mr. Rush says:

"I told him, &c. * * Granting that she (England) had a claim, was the lawfulness of the step taken by the United States (that is, resuming the possession of Astoria) to be questioned? That the post was in their possession before the war of 1812, was admitted; and, also, that it had fallen, by capture, into the hands of Britain during the war. How, then, under a treaty of peace, the first article of which stipulated the mutual restitution of all places reduced by the arms of either party, was our right to restitution to be impeached? * * *His lordship admitted our right to restitution, and our claim to be in possession, when negotiations for the title were going on.*"—(Rush's London, p. 74.)

Or, as stated in Mr. Rush's official despatch:

"Lord Castlereigh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title."—Letter Feb. 1818.)

Here, then, we have the original title of the United States by discovery, fortified by the rights of France, continued by the exploration of Lewis and Clark, by the formal taking of possession, and by regular occupation, and completed by the recognition of Great Britain.

Nor is this the whole strength of our case. By the Florida treaty, concluded in 1819, Spain ceded to the United States all her claims on this continent north of latitude 42 degrees north. And this was a most important cession. Indeed that treaty was rather a convention of mutual cessions than of pecuniary indemnities merely. Mr. Adams, who, in all cases where in the course of a long life of public service he has been called to maintain the rights of his country, has done it ably and thoroughly, and who negotiated that treaty, deserves universal credit for its favorable conditions in this respect. In consideration of the cession to Spain, made under the positive instructions of President Monroe, of our claims to the Rio del Norte, which claims Mr. Adams defended strenuously to the last, the United States obtained, in addition to East and West Florida, a cession of all the rights of Spain in the valley and coast of the Oregon; rights which alone could seriously conflict with our own pretensions on the Pacific.

Spain, prior to 1819, claimed that whole country to Prince William's sound, in the 60th parallel of latitude. She did this, in right of the extension of her Mexican possessions by contiguity, and in right of early discovery and repeated explorations and acts of occupation. Hernan Cortes, the great conqueror himself, in the prosecution of his own splendid designs, explored, in 1526, the northwestern coast of America to the northern limits of Caliafornia. The Spaniards, also, point to various other expeditions fitted out from Acapulco or San Blas in the sixteenth and seventeenth centuries; as that of Gali in 1582 to latitude 57 degrees north; Juan de Fuca in 1592, who is said to have discovered, and certainly gave his name to, the bay and strait still bearing it, and the account of whose voyage in the trust-worthy Purchas, though formerly disputed, seems now to be admitted, (Murray's N. Am. Dis. vol. 2, p. 80;) Vizcaino, in 1602, who is believed by some of the Spanish writers o have discovered the Oregon;* De Fonte, who is said to have reached the latitude 54 degrees in 1640. Why these accounts, or any of them, should be disputed, I know not. Some of them, it is perfectly certain, rest upon the most ample evidence Instead of being intrinsically improbable, it would, on the contrary, have been strange indeed if Spain, being in tranquil possession of New California, had never extended her voyages a few degrees to the north of that province along the same coast.

However this may be, no English navigator, prior to Cook, has any pretension to *antiquity* of discovery in that quarter, except Sir Francis Drake. He was a pirate, cruising along the coast and in the seas of Spanish America as a bucaneer and a plunderer, making private war, and capturing prizes on his own responsibility, landing to ravage and burn the towns, and hold the peaceful people to ransom; a gallant pirate, to be sure, brave and enterprising; but still a pirate, and knighted as such for the mischief he had thus done to Spain. Whether the cruises of a bucaneer can confer any title of discovery I will not stop to inquire; it is unnecessary; for no creditable account of his voyage carries it beyond latitude 42 or 43; and the landing that he made in order to claim title was in latitude 38 degrees 30 minutes—within the acknowledged limits of the Spanish province of Caliafornia.

And without dwelling upon these old voyages in the sixteenth and seventeenth centuries, we have that of Perez in 1774 to latitude 54 degrees, and of Quadra in 1775 to latitude 57 degrees—both anterior to that of Cook; followed by Arteaga in 1779, Martinez in 1788, Elisa in 1790, and Malaspina in 1791, carrying up the Spanish discoveries to the strait of Juan de Fuca, and even to Prince William's Sound, all of them preceding Vancouver. All the title of Spain, acquired in the various modes usual in such cases, is now vested in the United States by the Florida treaty; and, united with the other sources of titles possessed by us, constitutes a right of dominion not to be shaken by any European Power.

*Torquemada, in the authentic account of Vizcaino's expedition, given by him in the Monarquia Indiana, says that Martin de Aguila, who commanded one of the vessels of the fleet, *having passed northward of Cape Blanco*, se hallo un rio muy caudaloso y hondable * * * Queriendo entrar por el, hos corrientes no dio lugar a ello.—(Lib. v. c. 55.) Humboldt, however, does not consider this to have been the Columbia; but thinks the Columbia was first visited by the Spaniards in 1775, its bay having been entered by the expedition of Heceta and Quadra, and called by them Entrada de Heceta.—(Humboldt's New Spain, v. iii, c. 8, s. 15.)

In addition to, and independent of all which, the natural progress of population westward by extension, on the ground of contiguity, would give us a claim of title superior to that of any other nation, we occupying and settling indisputably to the very heart of the continent.

In fact, our title south of latitude 54 degrees is practically admitted by all the rest of the world, except Great Britain. An old agreement existed between Russia and Spain, by which the former was left undisturbed in the extreme northern latitudes of Alaska. [N. Amer. Review, No. 61, p. 506.] After the conclusion of the Florida treaty, a convention was entered into between the United States and Russia, whose deportment towards this country has always been distinguished by dignity and liberality—the convention of the 17th April, 1824, which closed the door against any difference between us in that quarter, by an agreement that Russia would make no settlement on the northwest coast of America south of latitude 54 degrees, and the United States none to the north of it; thus fixing that parallel as the line betwixt our respective pretensions. But the conduct of Great Britain has, I am compelled to say, been marked by rapacity, illiberality, and gross disregard of our just rights, strikingly contrasted with the honorable procedure of Russia.

Desirous of settling this matter fairly and liberally with Great Britain, the United States, in 1823, under the authority of President Monroe, and in 1826, under that of President Adams, while justly entitled to claim, by virtue of its own title, and that of Spain and France, to latitude 54 degrees, offered to Great Britain to compromise the question by extending the northern line of Louisiana—that is to say, the parallel of 49 degrees—to the Pacific, thus conceding to great Britain five degrees of latitude on the Pacific, and enabling her to accomplish her desire to extend her possessions across the continent from sea to sea. In so doing, we should, in fact, cede a portion of our just rights, which cover the whole of the valley of the Columbia; but the love of peace, and the consideration that Louisiana was bounded by latitude 49 degrees, would have justified such an arrangement. To this Great Britain obstinately refused to accede. And I must now ask the attention of the House to the nature and extent of her pretensions.

I assume, as the result of the arguments which I have thus cursorily presented to the House, that the United States have a clear title to the Oregon Territory, as against any and every European Power, extending from latitude 42 degrees, the line of the Mexican Republic, to latitude 54 degrees, the line adjusted with Russia. I admit, in pursuance of the negotiations of 1823 and 1826, that it may be wise to settle the matter, as between us and Great Britain, at latitude 49 degrees, striking the Pacific in the strait of Juan de Fuca. And I hold that the United States cannot, in safety or in honor, concede any thing more than this.

Between these limits Great Britain is unable to claim any territory, by merely sailing along the coast and touching here and there, because preceded in that by navigators in the service of Spain; all whose right is vested in the United States by the Florida treaty.

Great Britain cannot claim it as a dependency of the river Columbia, because anticipated in the navigation of that river by Gray; in the exploration of it by Lewis and Clark; in the occupation of it by Lewis and Clark and by Mr. Astor.

Great Britain is precluded from claiming it as residuary territory of hers, under the title by which she formerly held this country, because prevented by the treaty of 1763 between her and France, in which she disclaims irrevocably beyond the Mississippi; the seventh article being in these words:

"The confines between the British and French possessions in North America shall be fixed irrevocably by a line drawn along the middle of the Mississippi from its source to the river Iberville, and from thence, by the middle of the river Iberville and the lakes Maurepas and Pontchartrain, to the sea."—(Chalmer's Tr. vol. 1, 473.)

Great Britain is forbidden to claim it as parcel of the old North American possessions still retained by her in virtue of the treaty of Paris, because the decision of the commissioners under the treaty of Utrecht establishes the line of 49 degrees westward of the Lake of the Woods. The rule of extension by contiguity would, to be sure, if no other considerations intervened, carry her possessions to the Pacific; but it would be along the parallel of 49 degrees, because the same rule of extension would carry us to the Pacific.

That is to say, Great Britain is, upon all principles of international law, and by her own solemn contracts, debarred and estopped from any and every species of exclusive right or claim whatsoever, south of latitude 49 degrees, and west of the Lake of the Woods, to the Pacific.

Accordingly, conscious of the utter futility of any such claim, Great Britain makes no claim to sovereignty over any part of the territory in question. Her pretension extend to the whole of the territory, but is preferred by her in the shape of a pretended right of joint occupancy of every part of it in common with other powers, leaving suspended in abeyance the right of exclusive dominion as to any part of it.

This extraordinary pretension of hers is grounded on the Nootka Convention as it is commonly called—a treaty extorted by her from Spain in 1790, under circumstances of passionate injustice, which, even at that stormy period, when the Powers of Europe were accustomed to fly to violence upon the smallest real or imaginary injury, was barely tolerated by the world, and which, in the present more enlightened times of general aversion to war, could not escape the severest reprobation. This convention confers a claim as against Spain only, and so much of our right as we derive from Spain. The substance of it is, that subjects of either of the two parties, Great Britain and Spain, are not to be disturbed by the other, whether in navigating or fishing in the Pacific ocean, or in landing on the coast, in places not already occupied, for the purpose of carrying on commerce with the natives, or of making settlements there. I shall not trouble the House with the multiplied details of this question, as between Great Britain and Spain. Independently of the force and effect of it in that relation, there are several answers to it on the part of the United States. It settles no definite limits of territorial jurisdiction. It leaves the question of sovereignty upon the titles of Spain or France. Being a convention of usufruct only, and not of territorial jurisdiction or of sovereignty, it might be obligatory on Spain so long as she retained the jurisdiction, but not upon her successor in sovereignty. Beyond which the United States hold under France as well as Spain; and still more by discoveries of their own, followed by actual occupation, that occupation having been recognised by the authorities of Great Britain.

It only remains, for the disposal of this part of the diplomatic

question, that I should state the actual position of it upon the treaties between the United States and Great Britain.

By the treaty of Paris, September 3, 1783, our boundary is, beginning at the Lake of the Woods; "thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence, by a' line to be drawn along the middle of the said river Mississippi," in conformity with the provisions of the treaty of Versailles before cited, and so proceeding down the river to the bounds of Louisiana and Florida in that direction.

The annexation of Louisiana to the United States changed, of course, our northwestern frontier. But no new convention was immediately concluded, defining this on the side of Great Britain. The treaty of Ghent, December 24, 1814, proceeds on the assumption of limits according to the *status ante bellum*. It provides for ascertaining the northwestern point of the Lake of the Woods; but it goes no farther westward. In that direction the line is continued by the convention of October 20, 1818, "from the Lake of the Woods to the Stony Mountains, along the parallel of 49 degrees, in just application of the treaty of Utrecht. By the same convention, it is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years, to the vessels, citizens, and subjects of the two powers; this agreement not to be construed to the prejudice of any claim which either of the parties may have to any part of the said country. Which agreement, by the convention of August 6, 1837, was continued indefinitely, subject to be terminated by either party on twelve months' notice.

I desire to see this agreement terminated as soon as possible. It gives nothing to the United States; for we have no occasion to ask the consent of Great Britain to use the harbors, bays, creeks, and rivers of our own territory. It gives every thing to Great Britain; because without it her vessels and subjects would be mere intruders and interlopers in a country which belongs to us. I desire to see the treaty notice given by the United States, and provision made by law for the occupation of the country by its rightful sovereign. The notice, we may rest assured, will never be given by Great Britain. Her policy is procrastination, in this case, as in that of our northeastern frontier; and for precisely the same reason. In both cases she has, under guise of temporary agreements, availed herself of our neglect, or at least of our unsuspecting good faith, to insinuate herself into actual possession of the territory in dispute. To settle the question, is to oust the intruder. To be sure, there is a stipulation that the agreement shall not prejudice the rights of either party; but it does prejudice *our* rights, deeply, fatally, as I will prove to this House by the most authentic facts.

Before I enter upon this, the more important and interesting part of this subject, I have a concluding suggestion to make on the question of title. I derive my knowledge of this from books; especially the negotiations of 1823 and 1826, (Doc. 19th Congress, 1st session, Exec. No. 65; and Doc. 20th Cong. 1st sess. Exec. No. 199,) and the reports of Mr. Baylies, of Mass. who, with Mr. Floyd, of Va. was instrumental in bringing this topic before a former Congress (Rep. 19th Cong. 1st ses. Nos. 35 and 213.) But there is an individual present [Mr. ADAMS] who is a living record of the diplomatic history of the country, and who was personally conversant with some of the most material of these negotiations. With permission of the House, I would respectfully appeal to my colleague to state whether I have properly represented the facts and treaties bearing upon our rights in this matter; since, if I have erred in any essential point, I wish to be corrected on the spot, by one to whose ampler knowledge of the subject I shall cheerfully defer.

After Mr. ADAMS's remarks, Mr. CUSHING resumed and continued his speech as follows:

Mr. Speaker: I feel under great obligations to my colleague [Mr. ADAMS] for his prompt compliance with my request, and for the information he has communicated to the House. His opinion of the validity of our title to the country beyond the Rocky Mountains will deservedly have great weight in the public estimation. And I do not perceive that he and I differ materially in regard to the sources of that title: for, if he understood me as maintaining the abstract justice of the right of discovery, assumed by European powers to justify their conquests and acquisitions in the New World as against the aboriginal inhabitants, it must have been because I did not express myself with sufficient fullness on that head. What I meant and mean to advance in this respect is, only, that as a conventional rule, by which to adjust claims of territory on this continent among themselves, the right of discovery, when followed up in a reasonable time by actual occupation, is generally received and admitted, with more or less flexibility of application to given cases, by the civilized nations of Europe.

And considering, therefore, that on this, and the various other grounds adduced, our title to the Oregon Territory is a good one, sufficiently so, as my colleague [Mr. ADAMS] observes, to be justly maintained, if necessary, by force, I proceed to state the facts and considerations which seem to me to demand that the present ambiguous condition of things in relation to the Territory should be ended, and our sovereignty therein reaffirmed and established. Having done which, I shall confidently hope for the aid and support of my colleague in the defence of the rights and interest of the United States.

Throughout the vast interior regions of North America, to the West and Northwest, with its noble rivers, continuous lakes, extensive prairies, and lofty mountain ranges, the chief object of commercial pursuit, it is familiarly known to us all, is the fur of the wild animals with which the country abounds; constituting almost the sole marketable wealth of the numerous tribes of Indians scattered over those parts of the continent. While the French held Canada, down to 1763, the trade with the Indians, and the collection of peltries, in the immense countries beyond the great lakes, was carried on partly by the French Canadians themselves, and partly by their northern neighbors, the English Hudson's Bay Company; all which invaluable trade, on the acquisition of Canada, fell into the hands of Great Britain. The Hudson's Bay Company was not long without a competitor in the Northwest Company of Montreal, formed in 1787. Their competition of trade induced deadly feuds, fatal to their own peace and prosperity, while they distracted and corrupted the Indians. A new turn was given to the course of events by the travels of Sir Alexander Mackenzie, and the effects of his counsels after his return to England. A brief extract from his book, published in 1801, will explain this:

"Experience has proved that this trade, from its very nature, cannot be carried on by individuals. A very large capital, or credit, or indeed both, is necessary; and, consequently, an association of men of wealth to direct, with men of enterprise to act, in one common interest, must be formed on such principles as that, in due time, the latter may succeed the former, in continual and progressive succession. The junction of such a commercial association with the Hudson's Bay Company is the important measure which I would propose; and the trade might be carried on with a very superior degree of advantage, both public and private, under the privilege of their charter. By enjoying the privilege of the company's charter, though but for a limited period, there are adventurers who would be willing, as they are able, to engage in and carry on the proposed commercial undertaking, as well as to give the most complete and satisfactory security to Government for the fulfilment of its contract with the company. It would, at the same time, be equally necessary to add a similar privilege of trade on the Columbia river, and its tributary waters."

"By the waters that discharge themselves into Hudson's Bay, at Fort Nelson, it is proposed to carry on the trade to their source at the head of the Saskatchewine river, which rises in the Rocky Mountains, not eight degrees of lounitude from the Pacific ocean. The Columbia flows also from the same mountains, and discharges itself in the Pacific, in latitude 46 degrees 20 min. Both of them are capable of receiving ships at their mouths, and are navigable throughout for boats."

"But, whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific ocean pointed out by nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of that coast. Its banks, also, form the first level country in all the southern extent of continental coast from Cook's entry, and, consequently, the most northern situation fit for colonization, and suitable for the residence of a civilized people. By opening this intercourse between the Atlantic and Pacific oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur trade of North America might be obtained from latitude 48 deg. north, to the pole, except that portion of it which the Russians have in the Pacific. To this may be added the fishery in both seas, and the markets of the four quarters of the globe. Such would be the field for commercial enterprise: and incalculable would be the produce of it, when supported by the operations of that credit and capital which Great Britain so pre-eminently possesses. Then would this country begin to be remunerated for the expenses it has sustained in discovering and surveying the coast of the Pacific ocean, which is at present left to American adventurers, who, without regularity or capital, or the desire of conciliating future confidence, look altogether to the interest of the moment. Such adventurers—and many of them, as I have been informed, have been very successful—would instanly disappear before a well-regulated trade."

"Many political reasons, which it is not necessary to enumerate here, must present themselves to the mind of every man acquainted with the enlarged system and capacities of British commerce, in support of the measure which I have very briefly suggested, as promising the most important advantages to the trade of the United Kingdoms."—(*Mackenzie's Trav. vol. 2, pages 388–92.*)

Meanwhile the United States acquired the country beyond the Rocky Mountains, by discovery, purchase, exploration, and the formalities of occupation. Mr. Astor, himself extensively engaged in the fur trade south and west of the lakes, became fully aware of the great value of the Oregon country, and the importance of a line of trade to be carried across the continent, by ascending the river Missouri, and descending the Columbia to the Pacific, and thence communicating directly with China; and, in the promotion at the same time of his own interests and those of the United States, organized the establishment of Astoria. The Northwest Company took the alarm. They foresaw what would be the effect of this enterprise, if successfully prosecuted. They despatched emissaries of theirs to the Columbia, who, availing themselves of the war between Great Britain and the United States, which followed in the year after the foundation of Astoria, induced McDougall, one of the agents of Mr. Astor, to make a fraudulent sale of his factory, furs, and other property, to the Northwest Company; and the sloop of war Racoon came and took formal possession of Astoria in the name of Great Britain, and changed the name of the post to St. George. This formal possession, however, was an act of war, and was annulled, as I have before stated, by the restoration of the post to Mr. Prevost and to Commodore Biddle, in the Ontario, after the conclusion of peace. But still the Northwest Company retained the actual possession of the country, under the purchase from McDougall; and in 1821, the Northwest Company and the Hudson's Bay Company, having compromised their differences, were united, the operations of the new association being continued down to this time under the charter of the Hudson's Bay Company.

This purchase from McDougall, and the possession under it, could, it is evident, confer no sovereignty on Great Britain as against the United States. But the continued tolerance of the presence of the Northwest Company there, after the conclusion of the war, was a capital error, imputable to the supineness and culpable neglect of our Government. Mr. Astor offered to renew his enterprises on the Columbia, provided the Government would establish a military post there, with the most trifling force, even a lieutenant's command; needing only the countenance and the flag of the United States. If his advice had been adopted, the question would have been settled then, before the Hudson's Bay Company had struck root in the Territory. What the actual result has been, I will state in the words of Major Pilcher, (Sen. Doc 1830, '1, No. 39.] It has been to realize, in all respects, the plan marked out by Sir Alexander Mackenzie in 1801, for undermining our influence and our trade in and beyond the Rocky Mountains.

"1. The Hudson's Bay and Northwest Companies have been united, and are now trading under the name and charter of the former. 2. The trade has been extended to the Columbia river. 3. A colony of civilized people is forming on that river. 4. A line of forts and posts is established across the continent. 5. The mouth of the Columbia is occupied, ships enter it, boats ascend it, the mountains are crossed, and the communication is regular, from the Pacific to the Atlantic. 6. American adventurers have almost disappeared, and the British have the command of the fur trade north of 49 degrees, and the chief enjoyment of it for some degrees south.

"The political advantages of all these events are considerable (to Great Britain) in time of peace, and must become infinitely more so in time of war, *when the command of all the Northern Indians may harrass the settlements on the Upper Mississippi; and the possession of a naval and military station and a colony on the estuary of the Columbia river may lead to the annihilation of our ships and commerce on the Pacific ocean.*"

The Hudson's Bay Company, as now organized, I present to the notice of the people of the United States, as being in itself a great foreign power, most injurious and hostile to their rights and interests. It is to America what the East India Company is to Asia. Dean Tucker describes it as one of the corrupt monopolies of the reign of Charles II. (Tucker on Trade, p. 68.) And it is natural enough that a corporation, born of corruption, should subsist by usurpation. Though chartered for a limited time, which has long since expired, and though never confirmed by Parliament, (Chitty on Com. vol. 1, p. 679,) and so existing only as a corporation, by sufferance, it claims a more than imperial sway as appurtenant to the grant of the trade of Hudson's bay, commencing midway in the Northeastern coast of the continent, reaching from Labrador down to near the shores of Lake Superior, thence along the highlands which divide the waters of the Mississippi and Missouri from those of Lake Winnipeg, and so sweeping around by the easterly side of the Rocky mountains to the Slave Lake, and back to the shores of the Atlantic—(Bouchette's Brit. Dom. vol. 1, p. 32, *et seq.*) This enormous territory, indeed, encroaches directly on the United States, for the company undertook to sell to the Earl of Selkirk a large tract of more than one hundred thousand square miles, the country of the Red river of Lake Winnipeg, which is found to be cut off by our boundary. Not content with which, the company has even seated itself down as the mistress of the great valley of the Columbia. Yet its rights are limited to the power which its establishments give it, and the monopoly which it usurps of the trade of the interior, overbearing the competition of private enterprise.

I have English authority to attest the general character of the dominion exercised by these mercantile sovereigns, the Hudson's Bay and Northwest Companies. There is a work published by a servant of the Hudson's Bay Company, in 1770, who styles it "a baneful monopoly," who details what he plainly calls its tyranny and its frauds, and who says the associates "have undoubtedly forfeited every just pretension" to continue a corporation, "by the ill use they have made of this royal favor."—(Umfreville's Hud. B. Com. p. 98.) And what the Northwest Company has been, we learn from the friends of the Hudson's Bay Company; for (the late) Lord Selkirk says that, in the wide range of country occupied by their forts and trading posts, they "established a mere despotic rule than could be found to exist even in any Asiatic Government," (Claims of the Hud. Bay Com. p. 32;) and we are further advised that "the intercourse of the Northwest Company with the Indians, * * under the semblance and disguise of commerce, is an organized system of rapine." And these are the companies we suffer to remain in the intrusive occupation of the Oregon, most injuriously to us!

For I have abundant proofs of the incompatibility of their conduct with the rights and peace of the United States.

In the Executive Message of the 23d December it is told us, in addition to some other facts:

"The Hudson's Bay Company have also several depots, situated on watercourses, in the interior of the country; the principal one is at Fort Vancouver, on the northern bank of the Columbia river, about eighty or one hundred miles from its mouth. It is known, by information recently obtained, that the English company have a steamboat on this river, and that they have a saw-mill, and are cutting timber on the territory claimed by the United States, and are shipping it in considerable quantities to the Sandwich Islands."

The President did not see fit to communicate the particulars of the "information recently obtained;" but we reach these by the memorial from Mr. William A. Slacum, the agent employed by the Government to obtain information concerning the settlements in the Oregon, which memorial was presented to the Senate on the 18th December, 1837, in aid of a claim preferred by Mr. Slacum. This document exhibits in detail the facts that the Hudson's Bay Company have a military post on the Columbia; that they supply munitions of war to the Indians; that they seek to alienate the Indians from us; and that they occupy the country as if it were theirs: illustrating, also, the great value and importance of that country, as well for itself, as for its uses in the trade of the Pacific seas. It exhibits a fact, also, which I commend to the notice of Mr. O'Connell, who heaps such unmeasured invective on the people of this country because of the existence of slavery in a portion of the United States; namely, that, while Great Britain is applauding herself on the emuncipation of the African race in her West India Colonies, the Hudson's Bay Company is introducing a new form of slavery in the Northwest, by applying it extensively to the American Indians. That this abuse is practised by the Hudson's Bay Company cannot excuse the British Government, any more than the perpetration of similar and worse abuses in Asia by the East India Company.

There is, in the document before me, (Sen. Doc. 1828–'9, No. 67) a great body of evidence similar to that of Major Pilcher, which I have quoted, consisting of letters of Gen. Ashley, W. L. Sublette, Mr. Astor, Gen William Clark, Gen. Cass, &c. showing how fatal the influence of the Hudson's Bay Company is to our own free trade. I will read an extract from one of these letters, (that of Mr. Cambreleng) with his consent. This letter, addressed to Mr. Benton, and dated January 12, 1829, says:

"I have in my possession the actual returns of the furs collected by the Hudson's Bay Company for the year 1828, which, according to a valuation made by one who has a thorough knowledge of the trade, amount to $894,879 85. The shares of that company have increased from £60, or 40 per cent. below par, to £240 sterling, or 140 per cent. above par. The business of the company has continued to increase at the rate of from 60 to $100,000 annually. The prosperous condition of the Hudson's Bay Company may be attributed, in some measure, to the advantages enjoyed by the British traders, who procure their manufactures without duty, while the American traders pay 40 per cent. and upwards; and who can send their furs to the American market, while our traders pay a duty in the British market. But the most important advantage enjoyed by the Hudson's Bay Company is the admirable harbor at the mouth of the Columbia, which we virtually and unfortunately granted them by our treaty of 1818. That settlement at the mouth of the Columbia river is now the centre of an immense trade in furs; and, unless we take some step to place our traders on an equal footing with the British, and secure to the former the privilege of trading in safety within our own dominions at least, our Indian trade must decline, and we must make up our minds to surrender the whole Indian country to Great Britain."

This grievance, the injurious influence of the Hudson's Bay

Company upon our fur trade in and about the Rocky mountains, on both sides of them, has been earnestly represented to Congress by the Legislature of Missouri, as well as in the communications of the individuals above mentioned. It is fully presented, also, in Washington Irving's Astoria. He says, with particular reference to the Oregon Territory:

"In our hands, beside the roving bands of trappers and traders, the country would have been explored and settled by industrious husbandmen; and the fertile valleys bordering its rivers, and shut up among its mountains, would have been made to pour forth their agricultural treasures to contribute to the general wealth.

"In respect to commerce, we should have had a line of trading posts from the Mississippi and the Missouri across the Rocky mountains, forming a high road from the great regions of the West to the shore of the Pacific. We should have had a fortified post and port at the mouth of the Columbia, commanding the trade of that river and its tributaries, and of a wide extent of country and seacoast, carrying on an active and profitable commerce with the Sandwich Islands, and a direct and frequent communication with China."—*Astoria, vol.* 2.

Mr. Irving also justly condemns the conduct of our Government in leaving this matter so long unsettled, and says:

"Every year this litigated claim is growing into importance. There is no pride so jealous and irritable as the pride of territory. As one wave of emigration after another rolls into the vast region of the West, and our settlements stretch towards the Rocky mountains, the eager eyes of our pioneers will pry beyond, and they will become impatient of any barrier or impediment in the way of what they consider a grand outlet of our empire. Should any circumstance, therefore, unfortunately occur to disturb the present harmony of the two nations, this ill adjusted question, which now lies dormant, may suddenly start up into one of billigerant import, and Florida become the watchword in a contest for dominion on the shores of the Pacific."—*Astoria, vol,* 2.

Mr. Irving recurs to the subject in a later work of his, (the narrative of Captain Bonneville's Expedition,) in which he exhibits the value of the fur trade and fisheries, and the agricultural capabilities of the Oregon Territory; and upon the political question says:

"Though the [Hudson's Bay] Company, by treaty, have a right to a participation only in the trade of these regions, [beyond the Rocky mountains,] and are, in fact, but tenants in sufferance; yet have they quietly availed themselves of the original oversight, and subsequent supineness of the American Government to establish a monopoly of the trade of the river [Columbia] and its dependencies; and are adroitly proceeding to fortify themselves in their usurpation, by securing all the strong points of the country.

"Nor is it likely the latter [the American traders] will ever be able to maintain any footing in the land, until the question of territorial right is adjusted between the two countries. The sooner that takes place the better. It is a question too serious to national pride, if not to national interest, to be slurred over; and every year is adding to the difficulties which environ it.

"The resources of the country * * in the hands of America, enjoying a direct trade with the East Indies, would be brought into quickening activity, and might soon realize the dream of Mr. Astor, in giving rise to a flourishing commercial empire."—*Rocky Mountains, vol.* 2.

The Convention of 1818 is any thing but reciprocal in its actual operations. Not only did it give the use of the river Columbia to Great Britain, we getting nothing in return; not only did it enable the British traders to introduce goods into the interior of the continent free of duty, those of our traders having paid duty, and so to undersell us in all trade with the Indians, but, in addition to all this, under cover of the Convention, the British flag deminates over the whole country; and at Fort Vancouver, about one hundred miles up the river, is a regular military post, a fixed establishment of 750 to 800 persons. Can the United States send and establish a military post on the Columbia, without giving notice of the termination of the Convention? I suppose there may be gentlemen who will say we cannot. And yet Great Britain has done this, without giving notice to us. Am I to be told that the Hudson's Bay Company has done this, and not the Government? I reply, that the British Government cannot and shall not separate itself from the acts of this Company. That game England played long ago in the East Indies, conquering millions after millions there, and throwing all the blame of the fraud and violence by which the conquests were gained upon the servants of the East India Company, and even impeaching them for the plunder of empires, while she condescended to retain the empires they had plundered. It is a stale device. It will no longer pass current. Whatever these great empire-seeking corporations do, they do, or profess to do, under their charters; that is, by the special authorization of the Government of which they are the creatures. The Hudson's Bay Company is rich, strong and rapacious, with immense territories, and numerous tribes of Indians subject to its power; being analogous in all these respects to the East India Company, and second only to that in power; and, like that, it must, for all political purposes, be considered as Great Britain.

If the United States would retain the independence they have achieved, they must look well to the commercial enterprises of Great Britain. Other nations have pursued a career of conquest in the undisguised aim of military ambition: with her, it is commercial ambition supported by associated arts and arms. This very question illustrates the necessity of watchfulness on our part. The British Isles may be assimilated to great citadels and workshops on the coast of Europe. The ships of her navy are floating fortresses, with military stations dotting all over the globe in every sea. She has Gibraltar, Malta, and the Ionian Islands for the Mediterranean; Sierra Leone, St. Helena, and the Cape, for Africa. With Nova Scotia, New Brunswick, and Bermuda, she menaces the Atlantic coast of the United States; with Jamaica, she flanks the Gulf of Mexico; and by the St. Lawrence and the lakes, she penetrates into the innermost recesses of North America. Hindostan and Ceylon give to her the control of southern and central Asia. She possesses the antarctic world of Australia. At Singapore, she overlooks the Indo-Chinese waters. Lately, she has leaped across to the Benin Islands, west of Japan. She seeks the dominion of the Sandwich Islands, as exemplified in the doings of Lord Byron in the Blonde, and the more recent visit of Lord Edward Russell. If rumor do not err, she entertains the thought, at least, of obtaining, through the shareholders of Mexican stock, the Bay of San Francisco, the noblest bay and harbor on the Pacific coast of America; near at hand to the region, where, in defiance of our rights, she has already planted herself on the waters of the Oregon. What effect is all this to have on our all-important whale fisheries and other commerce in the Pacific? What effect on the business and the tranquillity of our settlements on the Missouri and the Arkansas? Does not our indifference stimulate her cupidity? Our neglect enable her to magnify claims into rights, and to convert intrusion into title?

Sir, I honor the Anglo-Norman race; its energy, perseverance, love of liberty, courage, and civilization; its vigor and steadiness of mind, its masculineness of moral and physical organization. We are of the same stock. Its eminent traits are developed in our own growth and prosperity as colonies and as independent States. Let England carry her commerce into every sea, and push forward her power, if she will, in "the gorgeous Orient." Civilization accompanies her progress from conquest to conquest; and her triumphs are the triumphs of our father land and our kindred. But on us *she must not encroach.* Whilst our territorial expansion is restricted to this continent, hers must be excluded from it. There can be no other conditions of harmony between her and us. We are not suns that may culminate together in the same sky.

Mr. Speaker, thus far I have discussed this as a question of commerce, and a question of territorial rights. But it has other relations not less, perhaps more, important. The operations of the Hudson's Bay Company are not confined within the Oregon Territory. Extending their trapping and trading expeditions as they do, far eastward, into, if not across, the mountain, they may continue, as they have done, to furnish arms and hostile passions to the Indians of the far West Remember, that when the emigrated Indians shall be added to the Pawnees, and other wild tribes of that region, there will be 60,000 fighting men accumulated together on the frontiers of Arkansas and Missouri; too many of them with no friendly feelings for the Government of the United States. *Will it be useful and convenient to us to have them backed by the power and influence of Great Britain?* To answer this question, I must entreat the House to consider how that power and that influence affect, and have affected, our Indian relations, as proved by the records of the country.

From the last message of the President relative to the Oregon Territory, (that which is now before us,) we learn that "no recent communication on this subject has passed between this Government and any foreign Power;" that is to say, none since 1827. For more than ten years the question has been allowed to slumber. I shall not indulge in any *party* reflections on this. I wish to discuss the subject as between Great Britain and the United States; not as a topic for censure of the Administration, unless provoked to do it. But if any reasons, and whatever reasons, have seemed to the Administration to justify this long silence in the matter, the crisis to which our Indian policy has now arrived would, if nothing else, *demand* of the United States instantly to resume the negotiations, and bring them to a just conclusion.

Sir, the facts to which I am about to allude are discreditable to Great Britain. If my public duty did not require me to bring them before the House—if the great interests of the country did not require them to be recalled to memory now—I would willingly pass them by untouched. But the use of the past is to guide the present and warn the future. "History," it has been justly said, in reference to this subject, "history, and even modern history, is already sufficiently fabulous, without a *suppressio veri*, which will leave to posterity little more than a knowledge that battles were fought, and kingdoms won." It would be absurd to shut our eyes upon things affecting so closely our future peace. And a time of profound peace, of all others, is the true one to discuss the sore points in the foreign relations of the country.

In the wars of this continent, anterior to the Revolution, the Indians were freely employed as auxiliaries by Great Britain and by France. When the colonies revolted, our fathers were anxious to have the Indians continue neutral; but Great Britain willed otherwise, though the walls of St. Stephens rang with the eloquent denunciations of Lord Chatham, appealing to the laws of morality and humanity in reprobation of the policy of his Government. Still, those were belligerant acts; and let them pass for such. But how was it after the solemn conclusion of the treaty of peace? Did Great Britain adopt a policy of peace? It is written in letters of blood and fire upon every page of the annals of the country, that Great Britain did not cease to nurture and keep alive the hostile spirit of the Indians towards us. She continued, in violation of the treaty, to hold the military posts along the northern line of the United States, from Lake Champlain to Lake Michigan, for years. The most important, those of Oswego, Niagara, Detroit, Michilimackinac, and Fort Miami, were not delivered until 1796, thirteen years after the treaty of peace; and this only by virtue of an express article of the new treaty of 19th November, 1794. (Jay's.) Doubtless, England looked still to the recovery of the Colonies, or a part of them, anticipating, perhaps, civil war among ourselves, or some other contingency favorable to her views. In pursuance of which, availing herself of her posts in the Indian country, and through the instrumentality of traders and others, she instigated the Indians of the Northwest to make war against us, and to demand the river Ohio as a perpetual boundary to divide the United States from the Northwestern Indians. Hence, from the close of the Revolutionary war to the signal defeat of the Indians by Gen. Wayne, there was perpetual hostility between them and the United States, checkered by all the usual incidents of savage warfare, as the burning of houses, and the massacre of women and children, not forgetting the defeat of Harmar and of St. Clair. The state of things is described in a work of authority before me:

"From 1783 to 1790, not less than three thousand persons were murdered or dragged into captivity from the frontiers of Pennsylvania, Virginia, and Kentucky. The scalps and the prisoners travelled the old war-paths. The British Indian Department was numerous and active. A personal inspection was made by Lieutenant Governor Hunter, and a fort was commenced on the Miami. The hopes of the Indians were elated by the celebrated war-talk of Lord Dorchester. Profuse issues of clothing, provisions, and ammunition were made to them. Several intercepted letters of British officers were published, which leave no doubt of the influence exerted upon the Indians. Gen. Wayne, in his official report, states that 'he had obtained a victory over the combined force of the hostile Indians and a considerable number of volunteers and militia of Detroit,' (then occupied and held by Canadians.) And this, too, in a time of profound peace between the American and British Governments."—*N. A. Rev. vol.* 24, *p.* 380.

Nay, so flagrant was the conduct of Great Britain, that Wayne's victory, and nothing else, it would seem, preserved us from war with her; for immediately upon the news of that victory reaching London, and not before, was Jay's treaty signed.

Eighteen years of *nominal peace* followed; during which time Great Britain continued to keep the Indians of the Northwest under war-pay. The fact is referred to by Mackenzie, in 1801, as if it were in the ordinary course of things. Speaking of the British post on the island of St. Joseph, he says:

"It is a place of no trade, and the greater part, if not the whole, of the Indians, come here *for no other purpose but to receive the presents which our* [the British] *Government allows them.* They are from the American territory," &c.—*His. Fur Trade,* p. 45.

Complaints, however, of the interference of England continually occurred in the United States, particularly in 1804 and 1807; occasioned by the conduct of British traders and emissaries on the Lakes, the Miami, the Illinois, the Wisconsin, and the Upper Mississippi. This conduct had reference partly to trade, and partly to war. To secure a monopoly of the Indian trade, the British traders spared no pains to embitter the minds of the Indians against the United States. And in long anticipation of hostilities, the Indians were bribed with presents, and supplied with arms and munitions of war, to have them in readiness to strike our frontier settlements at a moment's warning. Hence the Tecumseh war of 1811, instigated by Great Britain, in which the gallant Gen. Harrison, in command of the militia and other forces of the United States, and Col. Johnson, with the mounted troops of Kentucky, gained their laurels. All the histories of that period, McAffee, Dawson, and the rest, are full of the subject. And, in the years that followed, the barbarities perpetrated in the Northwest by the Indian allies of Great Britain, under the immediate eye of her officers, will tarnish the honor of the British name indelibly and for ever.

When the commissioners of Great Britain and the United States assembled at Ghent to negotiate a treaty of peace, at the very first interview, the British commissioner brought forward as a *sine qua non*, that the Indian allies of Great Britain, who had deserved so well of her, should be included in the pacification, and *that a boundary be settled between the territory occupied by the Indians and the United States.* Who were these Indian allies of Great Britain? They were tribes within the limits of the United States, as defined by the treaty of Paris. What would have been the effect of a boundary for them, stipulated in the proposed treaty of peace? To place, within the limits of the United States, a body of Indians, having determinate possessions, open to Great Britain, and held under her guarantee and protection; that is, to cede, for all practical purposes, to Great Britain, *the whole of the United States north and west of the Ohio and Missouri.* That such was the object of Great Britain at that time, though not openly professed by the commissioners, is proved by Mr. Atcheson's Compressed View of the Points to be discussed in treating with the United States; suggestions derived from which work came up constantly in various branches of the negotiation of Ghent.

"The next important point to be attended to in a treaty of peace with the United States is a new boundary for the Indians.

"The boundary line which appears best for the protection of Indian rights, and which would add to the security of Canada, would be to run a line from Sandusky, on Lake Erie, to the nearest waters falling into the Ohio; then down that river, and up the Mississippi, to the mouth of the Missouri; thence up the Missouri to its principal source, confining the United States to the Rocky Mountains, as their western boundary, and excluding them from all the country to the northward and westward of the lines here designated, which, from those lines to that which should be agreed on as the British boundary of Canada, should remain wholly for the Indians as their hunting grounds. The boundary between the United States and the Indians, as fixed by the treaty of Greenville, before alluded to, would perhaps answer as the new boundary line for the protection of the Indians, if extended so as to run up the Missouri and to the Rocky Mountains, provided that *all the reservations and conditions in that treaty* relative to the various tracts of ground within that line, for the advantage of the United States, and all the other conditions attached to them by it, *be wholly done away*, and the American Government (and probably also reciprocally the British) excluded from having any forts, military posts, territorial jurisdiction, or public property of any kind, within the Indian line; but the *bona fide* property of white people, in lands within that boundary, where the Indian titles shall have been fairly extinguished previous to a new treaty with America, might perhaps be safely allowed under the territorial juisdiction of Great Britain.

"This would of course obviate the necessity of any reservation as to the right of the British to carry on trade with the Indians, whose independence being thus established, they would have the right to admit or interdict whom they please; and we well know to whom they would, both from inclination and interest, give the preference. This is the more desirable, as the intercourse with the Indians of that quarter by the British, being carried on by permission, as it were, of a jealous and hostile nation, has been the fruitful source of innumerable exactions, continued disputes, and incessant broils.

"For men whose friendship has been recently shown to be of such great importance to us, we cannot do too much. We should see all their wrongs redressed, their territory restored to them, and themselves rendered forever secure from American encroachment. But the independence of the Indians cannot be effectually preserved by the articles of any treaty which shall provide security for Indian territory or Indian rights, unless, what is indispensable for their due execution, *Great Britain become the avowed guarantee and protector of those rights and that territory*, so as to have both the right and the power of instant interference, in case of any encroachment or violation, and not, as hitherto, be a silent spectator of wrongs and injustice, more immediately injurious to the aborigines, but eventually as ruinous to the security of the Canadas."

Such was the plan, in execution of which the British commissioners proposed to give a fixed boundary to the Indians, with a guaranty in effect of their independence of the United States, and even a stipulation forbidding us to treat for their lands; a plan, as developed by Mr. Atcheson, covering a large part of Ohio and Missouri, and the whole of Indiana, Illinois, Michigan, Wisconsin, and Iowa, as well as Oregon.

These propositions of the British commissioners were steadily and unanimously resisted by the American commissioners, from whose communications I transcribe the following passages, for consideration hereafter:

"No maxim of public law has hitherto been more universally established among the powers of Europe possessing territories in America, and there is none to which Great Britain has more

uniformly and inflexibly adhered, than that of suffering no interposition of a foreign power in the relations between the acknowledged sovereign of the territory and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions in America of civilized nations, possessing territories inhabited by Indian tribes."

* * "The Indians residing within the limits of the United States * * are so far dependent, as not to have the right to dispose of their lands to any private persons, nor to any power other than the United States, and to be under their protection alone, and not under that of any other power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. * * These principles have been uniformly recognised by the Indians themselves * * in all the * * treaties between them and the United States.

"The United States cannot consent that Indians residing within their boundaries as acknowledged by Great Britain shall be included in the treaty of peace in any manner which will recognise them as independent nations, whom Great Britain, having obtained this recognition, would hereafter have the right to consider, in every respect, as such. Thus to recognise those Indians as independent and sovereign nations, would take from the United States, and transfer to those Indians, all the rights of soil and sovereignty over the territory which they inhabit; and this, being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States.

"The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons embraced within the boundaries of their dominions. Great Britain has no right to take cognizance of the relation subsisting between the several communities or persons living therein; they form, as to her, only parts of the dominion of the United States; and it is altogether immaterial whether, or how far, under their political institutions or policy, these communities or persons are independent States, allies, or subjects. With respect to her, and all other foreign nations, they are parts of a whole, of which the United States are sole and absolute sovereigns."

Such arguments were unanswered and unanswerable. The British commissioners were obliged to give up their *sine qua non*, and content themselves with a stipulation that each party would restore peace among the Indians within its jurisdiction. This, of course, was an agreement which the United States willingly entered into. In addition to which, our commissioners proposed the following article:

"His Britannic Majesty and the United States shall, by all the means in their power, restrain the Indians living within their respective dominions from committing hostilities against the territory, citizens, or subjects of the other party; and both powers also agree, and mutually pledge themselves, if at any time war should unhappily break out between them, not to employ any Indians, nor to admit of their aid and co-operation, in the prosecution of the war against the other party."

Noble, admirable proposition! Which the British commissioners, without venturing to discuss it, rejected by writing against the article in the projet of treaty presented by our commissioners the word "inadmissible." We must in charity suppose that hostility to the United States has blinded the eyes of Great Britain, from that time to this, to the gross inconsistency of her conduct in this matter. She has gained just applause in Europe by her exertions to suppress the slave trade, through her own laws and through negotiations with foreign powers. Did not the same principles of humanity require of her to relinquish the right, if right it can be, to hound on the savages of America against its Christian and civilized inhabitants? It is imputed to the Government of the United States as a breach of neutrality, if we do not, of our own motion, by voluntary law, and without any express treaty stipulation requiring it of us, restrain our people from crossing the frontier, and bearing arms into Canada. And yet Great Britain refused, in treating, to promise, and, by implication, may, if she please, decline to restrain the Indians living within her dominions from invading, tomahawk in hand, the territory or citizens of the United States!

Why did Great Britain repudiate an agreement so equitable as between the two nations, so philanthropic in principle, so truly benevolent towards the Indians themselves? The history of her conduct towards us during and after the close of the war of 1776, and from that time down to the end of the war of 1812, furnishes the answer. And what has transpired since the peace of 1814, corresponds to what happened after the peace of 1783. To refuse expressly, as Great Britain did at Ghent, to agree mutually to restrain the Indians, was, in spirit, a thing essentially unfriendly to us. And though she did not succeed in expressly withdrawing from our sovereignty the Indians of the United States, and placing them under the guaranty and protection of herself, yet she has in part attained the same object, by indirect means, through the negligence of the United States.

During the several years immediately consequent on the war, we trace the hand of British traders and agents on various occasions among the Indians of the South. The Creeks made a formal claim of her protection. She had easy access to the Southern tribes through Florida. (Am. St. Pap. For. Rel. vol. 4 p. 552; Ind. Aff. vol. 2, p. 156.) In explaining to Lord Castlereagh the execution of Arbuthnot and Ambrister, Mr. Rush said, with unanswerable truth:

"My Government, resting upon sufficient proofs, was satisfied that our Indian wars generally, with the massacres on the frontier, always their preludes, had originated in one and the same cause. *That they had been produced by British traders intruding themselves, with evil intentions, among the Indians.*"—*Rush's London, p.* 104.

Happily the acquisition of Florida by the United States shut out the influence of Great Britain as well as Spain from those Indians. Suppose it had been otherwise; suppose the English trader to have had free access to the Southern Indians during the last ten or fifteen years; suppose her to have held possession of Florida, so as to be at the very back of the Indians, supplying them with arms and ammunition, and with incentives of ill will towards us, would not the presence and intrigues of her traders there have been fatally injurious to the peace and welfare of the United States on that side?

Well, the same influences which we have rid ourselves of in that quarter by the acquisition of Florida, and the sealing up of the Indian country of the South hermetically against foreign powers, those very same prejudicial influences are to this day exerted against us in the Northwest.

To prove this, I have a great mass of evidence, from which I select, in the first place, a joint letter of General William Clark and General Cass, who, after describing the untiring efforts of British traders near to and even within our limits, to maintain and acquire influence over the Indians of the United States, proceed thus:

"It is certainly not uncharitable to suppose that the preservation of this influence is important to the British Canadian authorities. No other motive can be rationally assigned for the large distribution of goods which is annually made at Amherstburgh and Drummond's Island to the Indians living within our jurisdiction. We have not the means of ascertaining the number of Indians who visit these places, nor the value of the goods which are given to them; but we believe that a large proportion of the Indians east of the Mississippi annually resort there for presents; and about sixteen months since, one of us actually saw 160 canoes at one time crossing the western extremity of Lake Huron to Drummond's Island. Each man receives a blanket, shirt, leggins, and breech-cloth, and each woman a blanket, stroud, and leggins. To the children similar articles are given; and *ammunition, guns*, and kettles, and other things, are freely distributed. The tribes who principally make this annual pilgrimage are the Ottawas, Pottawatamies, Chippewas, Wyandots, Shawnees, Miamies, Menominies, Winnebagoes, Sacs and Foxes. Of these the four last tribes reside west of Lake Michigan, and extend to the Mississippi and beyond it.

* * It is no part of our duty to investigate the right which a foreign power has of thus subsidizing, in effect, a body of men living within our territories, but we have no hesitation in saying that its practical operation is seriously injurious. * * The Indians are kept in a state of excitement; they are taught to look to a foreign Government for advice and protection; and, above all, they believe that present benefits on the one side must be repaid by future services on the other." (*Sen. Doc.* 1828-9, *No.* 67.)

These views are confirmed by the memorial of the Legislature of Missouri, in 1829, (Senate Doc. 1828-9, No. 52;) by a report on it, made in the Senate the same year, (ibid. No 67,) and by a variety of specific facts which appear in the documents appended thereto. Among these, are the supply of arms and ammunition, by the Hudson's Bay Company, to the Blackfoot and other predatory tribes; and the attack on the Santa Fe caravan by Indians armed from the same source; it being stated, also, in the report, that "the loss of lives by Indian hostility, believed to be instigated by British traders, is computed at five hundred men, for the last twenty years, on the upper waters of the Missouri, and in or beyond the Rocky mountains." And the report indicates, as the primary remedy for these evils, "the exclusion of all British from our [Indian] territories;" and "that the project of a joint occupancy by the British and Americans, of the country west of the Rocky mountains, ought to be abandoned, and a line of demarcation amicably established, with as little delay as possible;" which is the very point to which I arrive.

And these evils are not confined to the western frontier of Arkansas and Missouri, though rendered particularly serious in that quarter at present, by the location of the emigrated Indians there. The injurious influence of the Hudson's Bay Company pervades the entire Northwest. In a letter of Mr. Schoolcraft to the Indian Department, of 13th February, 1832, written from the Upper Mississippi, I find it stated that the control of the company over the Indians is "irrespective of an imaginary territorial line." And so it has continued down to the present time. I had occasion to cite the proofs of this, in remarks, made some time since in this House, on another question; and that the view of the subject which I now present may be complete in itself, I must repeat the citations I then made from the public documents. (Exec. Doc. 1837-8, No. 2.)

Mr. Schoolcraft, superintendent of the Indians of Michigan, reports:

"10. *Visits of the lake tribes to the Canadas.*—In closing this report, I take the liberty of calling the attention of the department to this subject. Not only are time and health wasted by numbers of the tribes, in performing these annual visits to the principal summer stations of the Indian Department of a foreign Government, but the visits and circumstances attending them are calculated to foster sentiments of hostility to the United States in the Indian mind. The generation is yet living who opposed our arms, as allies of the Canadian forces during the late war; and the very reason for assembling them, and issuing presents as an annual stipend, is based on a remuneration for service and losses incurred by them during the war. But is such a course compatible with the principles of amity existing between the two Governments?"

Mr. Fulkerson, sub-agent of the Upper Missouri, says:

"The Assinaboines, Crees, and the Gros Ventres of the Prairie, roam in pursuit of game over the vast plains extending from the mouth of the Yellowstone to Lake Winnipeg, and the sources of the Mississippi. A portion of their trade is carried on with the traders at Fort Union, at the mouth of the Yellowstone; but much the greater part of their trade is done with the British traders on north Red river, which empties into Lake Winnipeg. Many presents are given them by the British traders and Government, and much pains taken to conciliate their friendship, and to secure a monopoly of their trade. The consequence is, that they consider themselves much more closely allied to the British traders and Government than to the American. This operates powerfully to the disadvantage of the American traders at the present time, whom it ought to be the policy of Government to foster and protect, and may, in some future wars, be attended with the most fatal and disastrous consequences."

Lord Glenelg, in a despatch addressed to the Earl of Gosford and Sir F. Head, of 14th January, 1836, says:

"The annual expenditure incurred by this country [Great Britain] on account of Indians in Upper and Lower Canada has been limited since the year 1830, to £20,000; of this sum, £15,870 has been considered applicable to the purchase of presents, and £4,150 to the pay and pensions of the Indian Department.

"Deferring, for the present, any observation on this latter branch of expenditure, I feel bound, after much consideration, to express my opinion, that the time has not yet arrived, at which it would be possible, consistently with good faith, altogether to discontinue the annual presents to the Indians. It appears that, although no formal obligations can be cited for such issues, there is yet ample evidence that *on every occasion when this country has been engaged in war on the North American continent, the co operation of the Indian tribes has been anxiously sought, and has been obtained. This was particularly the case in the years 1777 and 1812; and I am inclined to believe that it is from these periods respectively that the present annual supplies date their commencement.* * * *

"Of the sum expended in presents there is, however, a portion which would appear to be placed under peculiar circumstances. It has often been represented, and lately on official authority, that, *of the Indians who receive presents from the British Government, a considerable number reside within the United States*, and only resort to Canada at the periods of issue."—(*Parliamentary Accounts and Papers*, 1836, vol. 14, No. 212, Colonies.)

For so much of this distribution of annuities or presents, as takes place under the authority of the British Government, and by treaty with the Indians, it is a manifest and palpable violation of the sovereignty of the United States, and of our neutral rights, according to the principles laid down and successfully maintained by our commissioners at Ghent. To have two opinions on this point is impossible. It is a question with but one side. And for so much of the disribution of presents, as goes on by enticing our Indians within the British lines for that purpose, as also the other doings of the Hudson's Bay Company exposed by me, they are a violation of the spirit, if not the letter of our treaties, just rights, and laws, regarding the Indians. Jay's treaty contained the following article:

"Art. 3. It shall at all times be free to subjects of Great Britain, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the two parties on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other."

This was a most unequal and inconvenient provision. It is unequal in regard to space, because it excepted the extensive country within the limits of the Hudson's Bay Company. It was still further unequal by reason of the duties paid by our traders on the importation of their goods. But the main objection to it was the facilities it afforded to British officers and traders for tampering with the allegiance of the Indians subject to the United States. The traders have paramount influence over the Indians; and it was unsparingly used by the British agents against us. In consequence of the prosperity of the Northwest Company, there grew up another on the same plan, called the Mackinaw Company, which established its head-quarters at Michilimackinac, and trapped and traded in the great region west and southwest of that point, in Michigan, Wisconsin, Illinois, and on the waters of the Mississippi, Missouri, and Arkansas, all within the acknowledged limits of the United States. (Irving's Astoria, vol. 1, p. 26, 136.) Prior to Jay's treaty the laws of Indian intercourse do not appear to have had much, if any, political bearing; but, after the conclusion of that treaty, there is a visible change in the policy of our Indian intercourse. The early acts, as that of 22d July, 1790, seem not to have looked beyond the questions of trade and police. But, on comparing the acts of 18th April, and 19th May, 1796, we shall discern political objects in their provisions, and especially the strong desire to counteract the influence of British traders in the Indian country by establishing posts of our own there, and promoting the trade of Americans. Actuated by these inducements, our Government encouraged Mr. Astor in the prosecution of the fur-trade by him along the lakes and the Mississippi, because it tended to the substitution of an American influence among the Indians in place of a British.

The war of 1812 changed materially the relations of the parties. By the annexation of Louisiana to the United States the English line was removed from the Mississippi. The United States was relieved from the troublesome clauses of Jay's treaty. In the negotiations for the commercial intercourse between the two countries, which produced the successive conventions of 1815, 1818, and 1827, the United States refused to renew the stipulations of the third article of Jay's treaty. Since the war, therefore, Great Britain has enjoyed no peculiar treaty privilege, or intercourse with the Indians of the United States, as she did before; and it is left to stand upon general principles. We had purchased wisdom by dear experience. Hence the act of 27th April, 1816, based upon the principles assumed at Ghent, by which foreigners were prohibited from trading with our Indians, their goods being subjected to forfeiture, and their persons (unless fortified with a passport) to a fine and imprisonment; and the President being authorized to employ the military force to carry the law into effect.

These provisions, needful as they are to the peace of the United States, are evaded, by the Indians being inveigled into Canada to receive stipulated war subsidies or annual presents, as proved by the evidence of Mackenzie, of Generals Clark and Cass, of Mr. Schoolcraft, of Mr. Fulkerson, and the avowal of Lord Glenelg; they are evaded by the disregard of the boundary, so easy in those vast regions, extending from the Lakes to the Rocky mountains, where the line, though designated by treaty, has not been run or marked; and they are nullified, and utterly set at naught, by the intrusions of the Hudson's Bay Company into the country of the Columbia river, debauching, corrupting and arming against us, the numerous tribes inhabiting the immense country between the Mississippi and the Pacific ocean. It is impossible to reconcile these things with the neutral obligations of Great Britain. Her practices with our Indians are a greater breach of neutrality than any thing which our citizens have done on the Canada frontier; the latter being a transient popular outbreak, the former an organized system; our Government having withstood and suppressed this, while the British Government officially and publicly participates in that. Whatever we, the Congress of the United States, can do, by authorizing the establishment of a post on the Columbia, or otherwise, to put a stop to these abuses, should be done, while the Executive should be invoked to exert to the same end the peculiar powers conferred on him by the Constitution.

Mr. Speaker, I hasten to bring these protracted remarks to a conclusion. I feel sensible of the difficulties I am liable to meet in bringing before the House a subject which, though much and ably discussed in former Congresses, has been thrust aside by more engrossing domestic questions, until it is, to many intents, and especially in its present relations, a new one. I have now done my duty. I have exposed facts which seem to me important to be understood; and to give due effect to which, I have deemed it necessary they should go forth to the country from the Halls of the Capitol. The whole of our fur trade; our whole fisheries; our intercourse with Asia, giving profitable employment to so many millions of our capital, and to the population of

all parts of the country, are at stake in this question. Our Indian relations are involved in it. Upon its issue depends the fate of a noble domain, the seat, in no distant time, of prosperity and of power. It is important in all points of view. That wide region, the interior plateau of the continent, with its wild mountains and its romantic scenes of chase and war; that ocean of the prairies, with its peril, its adventure, its hardihood of life, so analogous to the sublimity of spectacle, and the stirring vicissitudes of the sea itself; those rich valleys of the Oregon, through which the same bright banner which sparkles on the Atlantic may carry the stars of our civilization westward to the Pacific—all this will be possessed or peopled ere long, either by England or by us. Which shall it be? Can the sense of our true interest, can the honor and pride of the nation hesitate? It is a country ours by right; ours by the necessities of geographical position; ours by every consideration of national safety; and ours it will be it tranquil possession, if we temperately but firmly assert our rights. The world is wide enough for England and for us. We have much to gain by a cordial intercourse, conducted as becomes nations of the same blood, and the same tongue, each at the head of civilization in its proper hemisphere; much to hazard, by either practising or suffering encroachments on either side. Off-shoots of that dominant race, which, starting from the mountains of Caucasus, has proceeded in opposite directions, east and west, encircling the globe, if we are to confront each other on the shores of Asia and of America, there let us meet in confident good will, imbued with that just consciousness of each other's power, and that mutual respect for each other's rights, which are the only sure foundation of stable peace.

Mr. HOWARD (chairman of the Committee on Foreign Affairs) asked that the proposed instructions might be read; they were accordingly read, as follows:

"To inquire into the expediency of establishing a post on the river Columbia for the defence and occupation of the Territory of the United States watered by said river, and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign Powers with the Indians of the United States."

Mr. HOWARD said that he did not rise for the purpose of opposing the passage of the proposed instructions, as they only directed the committee to inquire into the expediency of adopting the measure which the gentleman from Massachusetts [Mr. CUSHING] had so elaborately argued before the House. Indeed, he was not aware that any person intended to object to the adoption of the instructions. If the gentleman who proposed them had thought proper to have ascertained this point, he might have saved himself much labor and the House much time by permitting them to pass *sub silentio*. As they were to go to a committee of which both the gentleman from Massachusetts and himself were members, and the rest of the committee had not probably listened to the speech of that gentleman with the same attention which he [Mr. H.] had bestowed upon it, it might become necessary for that gentleman to recapitulate in committee the substance of what he had said in the House, when the subject should be taken up, and thus the gentleman from Massachusetts would have to perform a double labor. It was often necessary for a member of the House, when sending a subject to the consideration of a committee, to explain the views by which he was actuated, if it should so happen that he was not a member of that committee; and he should have deemed the speech of the gentleman from Massachusetts in this case entirely unnecessary, if it were not for one consideration suggested by that gentleman, in the correctness of which he [Mr. H.] entirely concurred. It was, that the debates which took place in this House were of themselves important, whether any legislative result followed or not. This was true. Second only to what was *done* was what was *said* in the House. Sometimes debates there produced consequences of great magnitude. They affected both the foreign and domestic policy of the Government; and it was always a matter of great consequence that the public mind should be furnished with the materials proper for the formation of a correct judgment upon every topic of deep interest. With the view of stating to the House some few suggestions which had occurred to his mind upon the very important subject brought before the House and the nation by the gentleman from Massachusetts, he had risen to throw them out for consideration; and he felt the more inclined to do this, because he feared that, when the subject came to be calmly weighed, some difficulties would be found to exist in the prosecution of the proposed measure, to which the gentleman from Massachusetts had not adverted in his speech. The committee were to be instructed to inquire into the expediency of doing two things, entirely distinct in their character, viz: of establishing a military post on the Columbia river, and of regulating, by law, the commercial intercourse with the Indians beyond the Rocky mountains. He doubted whether we were at liberty, under existing treaties with Great Britain, to pass a law for the attainment of either of these two objects.

The third article of the convention concluded with the British Government by Messrs. Gallatin and Rush, on the 20th Oct. 1818, was as follows:

"It is agreed that any country that may be claimed by either party on the Northwest coast of America, westward of the Stoney Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers with the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens and subjects of the two powers, it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

On the 6th of August, 1827, another convention was made with the British Government, by Mr. Gallatin, at London, the 1st and 2d articles of which are as follows:

"Article 1st. All the provisions of the third article of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force in the same manner as if all the provisions of the said article were herein specifically recited.

"Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice."

As no notice has been given by either party, under this last clause, the obligation of the convention of 1818 remains, of course, in full force at this day. Of the wisdom or policy of these two conventions, Mr. H. said he did not mean to speak. He did not understand the gentleman from Massachusetts (Mr. CUSHING) as calling either in question, and the point was not before the House. The entire country to the west of the Rocky Mountains was agreed to be left "free and open to the citizens and subjects of the two powers." Now, it seemed to him [Mr. H.] that the establishment of a military post there, which would be garrisoned by a part of the army of the United States, and held, necessarily, under the exclusive jurisdiction of our Government, would be an infringement of the treaty into which we had entered; and the passage of a law to regulate intercourse with the Indians in that quarter would be still more so, because the operation of such a law would not only be an exercise of exclusive jurisdiction, but must spread over a large extent of territory. How could it be said that the country was "free and open" to the subjects of Great Britain, after we had erected a fort in a part of it, with sentinels at its gates, into which those subjects were forbidden to enter, and after we had undertaken to restrain their intercourse with the native tribes for hundreds of miles in every direction? It seemed to him that the two things were irreconcilable.

Nor could we justify such a proceeding upon the ground that the British traders were occupying the country. It was, unfortunately, true that the Hudson's Bay Company, with its gigantic establishment, had spread itself over the whole of the northern part of the continent. Their trading houses reached from York House, on Hudson's Bay, to the mouth of Columbia river, and along the shore of the ocean, both in a north and south direction from that point. The commerce in furs was almost engrossed by this vast corporation, and it was true that the people of the United States were often supplied from England with the very furs which had been carried from their own continent to England, and were thence brought back to be consumed in this country. This was a circuitous, expensive, and unnatural channel of trade; and he was very strongly inclined to concur with the gentleman from Massachusetts in adopting such steps as we could take with propriety to put an end to it, and restore to our own people the advantages of their natural position. But, still, in prosecuting their industry, the Hudson's Bay Company had done nothing more than to avail themselves of the right which we had yielded up to all British subjects in the treaty of 1818. The British Government had not interfered in any way. The trading houses and vessels employed in this vast commerce were owned by this company, and all the persons engaged in it were directly under their control and in their pay. Even Fort Vancouver belonged to them, and was held by no other right than that of mere occupancy, the same right which would entitle any one of our traders to a hut which he might choose to erect for his temporary accommodation. If the British Government owned any property, or exercised any jurisdiction in any portion of the country on the other side of the Rocky Mountains, it had escaped his notice, and he did not believe that such a fact existed. The operation of the treaty was undisturbed on their part, and we could find in their conduct no reason, on our side, for departing from its stipulations. If the Hudson's Bay Company, from its antiquity, its capital, and its acquired influence with the Indians, possessed superior advantages to our traders, it was owing to the existence of the treaty, and not to its violation.

That there existed sufficient enterprise and skill amongst our hardy sons of the West to contend against these advantages, he did not doubt; but instead of being assisted, they had hitherto been retarded by our own Government. The goods with which the Indians are supplied in exchange for their furs are, in a great measure, manufactured in England; and amongst these items the article of coarse blankets is one of the greatest importance, being demanded by the rigor of their northern winters. How are the traders from the United States to supply the Indians with this indispensable article of traffic? They have no other mode than to import it from England. When introduced into our ports, a heavy duty is laid upon it, and Congress has been from time to time invoked in vain to return the duty by way of drawback, when these goods are carried across the frontiers into the Indian country. The gentleman from Massachusetts may perhaps remember by whom this proposition has been repeatedly made, and by whom refused. The policy of such a measure, as far as it affects our commerce with the Indians of the Northwest, is clear and almost indisputable. Vessels go from England to Canada, or to Columbia river, laden with articles from her workshops, which pay no duty in the latter place, and next to nothing in the former, and are thence transported directly and cheaply to the trading houses, where the Indians meet them. And yet we burden our traders with a duty of fifty per cent. and then complain that the British company has the advantage. How was it possible, Mr. H. asked, to reconcile such a course of policy with a desire to extend our Indian commerce?

The convention of 1828 pointed out a mode of terminating the treaty, and the House might, if it thought proper, express an opinion that the President ought to give the requisite notice for its termination. Mr. H. did not think this the proper occasion to say whether, in his judgment, the President ought or ought not to give this notice; the point had not been brought into discussion, and it might be very properly considered by the committee under the proposed instructions. But there was another point which could not escape the observation of the committee in their examination of the subject. It was this: How far the House of Representatives, to whom the Constitution had confided no share of the treaty-making power, could feel itself justified in advising the President to terminate a treaty, or in expressing an opinion that he ought to do so, would be a matter of some delicacy to determine. As the House had no participation in forming a treaty, it ought to be very cautious in assuming the responsibility of declaring that one which was already formed should be destroyed.

There was still another view of this subject, [Mr. H. said,] which he was desirous to glance at in the cursory remarks which he was now making. If it was the intention of the House that a military post should be established on the Columbia river, either now or at some future and not far distant period, it would furnish another incentive to the passage of a bill now upon our tables for the increase of the army. To think of detaching any portion of that army from its duty nearer home, when it was already too small to garrison our fortresses and protect the South and Southwest from the dangers of Indian hostilities, would be almost preposterous. That bill ought to be passed during this session, at all events; and he would be willing to remain here during the whole summer, if it should be necessary, to pass it. No one could view the situation of our country, and consider the probable demands which might be made upon the services of the army, without perceiving the propriety of increasing its force. It was needless, if not improper, now to look at the various subjects to which the attention of the army might be called. The condition of the Indians on the other side of the Mississippi was, of itself, a fruitful source of anxiety; and he felt convinced that, instead of sparing any portion of our small but gallant army for the distant duty of the Columbia river, it was highly expedient to augment it, even for other purposes.

Mr. H. said he had risen only for the purpose of bringing these few points before the notice of the House, and not to discuss any of them. The instructions looked only to an inquiry, which would be more properly made by the committee. If, when the subject should be referred to them, they should deem it expedient, an opportunity would be afforded both to the gentleman from Massachusetts and himself, as well as to the other members of the committee, to give it a fuller consideration.

After Mr. HOWARD had concluded,

Mr. ELMORE, of South Carolina, expressing a wish to extend the scope of Mr. CUSHING's resolution, moved as a substitute the following:

"*Resolved*, That the Committee on Foreign Affairs be instructed to inquire into the extent of the country claimed by the United States west of the Rocky Mountains, on the northwest coast of the Pacific Ocean; the title under which it is claimed, and the evidence of the correctness of the title; the extent of sea coast, and the number and description of its harbors; the nature of the climate, soil, productions, and trade; and, also, whether it is expedient to establish a Territorial Government, or one or more military posts, as possession for the same or any part thereof; and what will be the expense necessary to establish the same, and the annual expenses for its support; what fortifications and ships will be required for said Territory, and what number of soldiers and sailors will be necessary for its protection, both in time of peace and in case of a war with any foreign power; and that the committee report thereon to this House."

Mr. CUSHING objected to Mr. ELMORE's proposition as a substitute for his own, because it omitted any reference to the Indian relations of the subject; but expressed his willingness to see it adopted in amendment of, and as an addition to, the original instructions; and in that form it was adopted by the House.

Mr. ELMORE then signified his desire to speak on the general subject; and, at his motion, the House adjourned. But the next day he waived his right to the floor, and the resolution of instructions, as amended, was adopted by the House without a division.

SPEECH OF MR. GARLAND,
OF VIRGINIA,

In the House of Representatives, April 20, 1838—On Mr. HOPKINS's resolution to divorce the Government from the press.

Mr. GARLAND of Virginia rose and said:

Mr. SPEAKER: I did not intend to have participated in the debate upon the resolution offered by my colleague, [Mr. HOPKINS.] My design was simply to have given a silent vote for the adoption of that resolution, and await the report of the committee to determine my final action. The amendment proposed by my honorable colleague, [Mr. DROMGOOLE,] containing, as it does, although not so designed, a direct reflection upon the committees referred to, and having been a member and chairman of one of those committees, a sense of duty to that committee, and to myself, demands that I should obtrude upon the time and patience of the House so far as to offer a few defensive remarks, which I can assure the House shall be very brief.

Before entering into the merits of the proposed amendment, I will remark that I think my colleague must have mistaken the character and import of the original resolution offered by my colleague, [Mr. HOPKINS.] That resolution proposes an entire separation of the public printing from all political journals, and the supervisorship of the Clerk is confined entirely to the execution of the printing ordered by the House. Surely my colleague cannot suppose that, in any sense of the term, this would be a censorship of the press.

Mr. DROMGOOLE said: Does my colleague mean to assert that I charged the resolution of my colleague [Mr. HOPKINS] as a censorship of the press?

I so inferred from a very hasty perusal of the remarks of my colleague, published in last evening's Globe.

Mr. DROMGOOLE. My remarks upon that subject referred entirely to the resolution of the Library Committee, reported by my colleague, [Mr. PATTON,] to subscribe for Niles's Register.

I take pleasure in standing corrected.

The amendment of my honorable colleague [Mr. DROMGOOLE] proposes, among other things, to inquire into the expenditures incurred by three investigating committees of the last session of the last Congress. The first was a select committee of which I had the honor to be chairman; the second was a select committee of which my colleague [Mr. WISE] was chairman; and the third was a standing committee who were charged with an inquiry into charges preferred by several citizens of this District against one of its judges. What relation an inquiry into the expenditures of these committees in discharging the duties confided to them by the House can have to the inquiry proposed by my honorable colleague, [Mr. HOPKINS,] I cannot divine; it can neither give promptitude, facility, nor effect to that inquiry, but, on the contrary, is well calculated to delay, hinder, and embarrass it. If my colleague had no other object in view than merely to ascertain the expenses of these committees, he might have done so without the necessity of incurring the expense of an investigating committee to do so; he had only to turn to the reports of the Committee of Accounts, and he would have found every item, without incurring the expense of a committee. A standing committee having already reported these expenditures, there can be no earthly necessity of embarrassing a committee raised for another and distinct purpose, with doing that which has already been done. But to relieve all difficulty upon this subject, and to disabuse the public mind, as to the cost of the committee of which I was chairman, I have obtained a statement of the expenses incurred by that committee. And what, Mr. Speaker, do you suppose the amount is? Not $50,000, as prophesied by some—not $20,000, as predicted by others—but $3,903 92, as follows:

For summoning witnesses by Sergeant-at arms	-	$1,756 40
Pay of witnesses in Washington	- -	740 60
Clerk to the committee - - -	-	280 00
Commissioners at Philadelphia -	-	384 00
Do New York - - -	-	305 70
Do Baltimore - - -	-	200 00
Do Cincinnati - - -	-	151 00
Do Indianapolis - -	-	85 12
		$3,903 02

This is independent of the cost of printing; that was an act of the House. Such was the interest felt by the House and the whole community in the result of the investigation, affecting, as it did, a most important branch of the Executive department of the Government, and the management of the finances of the nation, that the House, by unanimous vote, adopted a resolution to print 5,000 extra copies of both the majority and minority report, so that the whole case might be fairly placed in possession of the American people. But, to prevent all cavil, I here present a statement of the expenses of printing the reports. They are as follows:

Usual number - - - - -		$1,852 60
5,000 extra - - - - -		4,666 40
		$6,519 00
Which, added to the other expenses, makes in the whole - - - - - -		$10,442 02

But suppose, Mr. Speaker, the expenses of this investigating committee had been five, ten, or even twenty times the actual amount, what of that? Would you judge the necessity or propriety of investigating into any alleged fraud or corruption in any department of the Government by the dollars and cents which it would cost? Surely, surely not. I am confident my colleague would repudiate with scorn and indignation such an idea. Yet such would be the effect of his amendment.

Mr. Speaker, I did not originate the investigation charged upon that committee. At the preceding session, my honorable colleague [Mr. WISE] had thrice offered a resolution proposing this investigation. When I offered the resolution which was adopted, it was forced upon me by circumstances. I had offered a resolution calling upon the Treasury Department for information upon a subject of a totally different character; pending that resolution, a gentleman from Kentucky [Mr. HARLAN] offered an amendment, calling upon the Department for information upon the identical subject referred to the committee. Failing to disembarrass my resolution from this amendment, and feeling well satisfied that any answer from the Department, however correct, would not be satisfactory, the Department being itself implicated, I determined to propose an inquiry in a form which would be at once effective and satisfactory; and with that view I proposed to Mr. HARLAN to withdraw his amendment, which he did, and offered the resolution organizing the committee, which was unanimously adopted. For this act, forced upon me as it was by circumstances, and for the course which I felt it my duty to pursue upon that committee, I am informed by a letter now in my possession, from a highly creditable source, that a newspaper correspondent was called upon and earnestly urged to denounce me through the columns of the "*Albany Argus.*" Notwithstanding the resolution was *unanimously adopted*, and that the resolution which organized the committee of which my colleague [Mr. WISE] was chairman, embracing a much more general and extended scope of inquiry, was offered, and its adoption earnestly pressed, by Mr. Vanderpoel, a decided friend of the Administration, and adopted with but seventeen dissentients, it seems I was the only victim—I was to be destroyed.

Mr. Speaker, I never discharged any duty, either public or private, committed to my charge, more faithfully, more honestly, or more conscientiously, in my life, than I did upon that occasion. When resolutions of the same character were previously offered by my colleague, [Mr. WISE,] I uniformly voted for their adoption, because I thought if the charges which had been made, and that too from such high and respectable sources, were true, it was due to the nation that they should be detected and exposed; if not, that it was due to the Administration and the head of the Treasury Department, that the false impressions which existed should be removed, and entire confidence restored. When I offered the resolution which was adopted, I stated most distinctly and unequivocally, that I did not think the charges were true, but, if they were, that every friend of the Administration, and of the purity of our Government, should desire to know it, if not, that then the responsibility would fall on those who had made the accusation.

Highly distinguished representatives of the people upon this floor, men in whose honor and sincerity I had entire confidence, asserted upon the authority of information which they had received, their belief in the existence of the illicit connection which was charged to exist between an individual and the Treasury Department. This I thought sufficient, not only to justify, but imperiously to require the investigation. In the progress of the investigation I was delicately situated; I was a friend of the Administration; I was the mover of the resolution organizing the committee; I was its chairman, and, if I had been controlled by policy alone, it would have been suicidal in me to have opposed the most latitudinous inquiry of which the subject was susceptible; but I was not controlled by policy; I was controlled by a sense of duty to the country, as well as to the parties implicated, and by this rule shaped my course. The differences of opinion which arose as to the admissibility of testimony were natural and to be expected. Mr. Speaker, I will state to the House that General Jackson himself desired these investigations; and, although I did not know it until after I had taken my course, yet I am informed, on indubitable authority, that he had prepared a paragraph in his annual Message, inviting Congress to institute investigation into these very subjects; but, upon reflection, determined to express his confidence in the ability and integrity with which the Executive Departments had been administered, and leave Congress to adopt that course which it might deem most expedient.

Mr. Speaker, the report of that committee, and the result of its investigation, are before the country for its unbiassed and impartial judgment. I will express no opinion concerning it; only that its labors were arduous and incessant, not surpassed by those of any committee which was ever organized by this House; and that the information which the report imparts to the country, whether as affecting the management of the Treasury Department, or the operations of the State bank deposite system, is worth infinitely beyond the paltry sum which it cost the nation.

Mr. WISE. I call upon my colleague, in sincerity and candor, to say whether the production of the "*wool clip*" letter is not of itself worth the whole cost.

I do not now recollect with sufficient accuracy the contents of the "*wool clip*" letter, to answer my colleague satisfactorily. I recollect that that letter made a very strong impression upon my mind.

I have no inclination, Mr. Speaker, to assume responsibility that does not belong to me. I certainly am not entitled to the *credit* of originating that investigation; but, if it suits the views of any to place the responsibility of either the paternity or the expense of that committee on my shoulders, for good or for evil, for weal or for wo, I am willing to take it to the utmost extent, and when called to account, will discharge that responsibility most amply, by pointing to the contents of the report itself. I will only say, that that document will disclose the fact, that the Secretary of the Treasury was giving that identical organization to the State Bank Deposite system, which now, when offered by another, is called a *league of banks*, dangerous to the liberties of the country.

The SPEAKER here interposed, and said Mr. G. was out of order, and he desisted.

My honorable colleague, [Mr. DROMGOOLE,] in the remarks which he submitted to the House in favor of his amendment, on yesterday, stated that, in submitting that amendment, he had other and more important objects in view than to ascertain the mere expenses of these committees. He contended that these committees, under the authority to send for persons and papers, had exercised powers in issuing subpœnas for witnesses which did not necessarily or properly grow out of that authority, and that his amendment would bring that subject to the view of the House. How, under the authority to ascertain the expenses of these investigating committees, the committee proposed to be charged with the inquiry can enter into the investigation of the powers of this House, or of investigating committees to issue subpœnas and summon witnesses, I cannot, for the life of me, perceive; the one has reference merely to the addition of dollars and cents; the other to most important powers necessary to the effective exercise of the right of investigation. I differ with my honorable colleague totally and essentially upon this question of power. I regard the power of this House, either by itself or through its committees, to investigate corruption and abuses in its own members, or in the executive and judicial branches of the Government, as absolutely and essentially necessary to the preservation of the purity of the Government and the stability of our institutions—strike it down or render it ineffective, and corruption, brazen faced, unchecked and uncontrolled, will stalk through the land in the face of day. The Constitution has wisely armed the representatives of the people with this power, to check and control those who are more distantly removed from responsibility to them. I would ask my honorable colleague how this power could be exercised with any effect unless this House had the power to bring before them and compel to testify the individuals who had knowledge of the facts or documents which would prove the corruption or abuse, or vindicate the innocence of the accused; it would be a power without the means of execution, which, like a body without a soul, would be inanimate and useless. The very object of instituting such inquiries and making such investigations is to ascertain facts; and there are no means by which to ascertain facts unless the production of documents or the testification of witnesses can be enforced. The power of Congress to investigate is commensurate with the jurisdiction of the Government, and necessarily carries with it the power to give effect to it, by sending for persons and papers. The truth of this position is daily illustrated by the jurisdiction and constant practice of the courts who have the power upon all questions of litigation before them to send for persons and papers. If Congress has the power to send for persons and papers, does it not necessarily follow that it has the power to compel the attendance of the one and enforce the production of the other? It certainly does; for I know of no other means by which the attendance of witnesses or the production of papers can be enforced, except by subpœna. This is the instrumentality through which the courts work, and is the only effective means by which Congress can work, unless Congress or its committee goes to the witnesses in succession, and to the holders of material papers, which none would dream of. We see that the courts have the power to punish by fine and imprisonment, all who refuse obedience to their process: yet, in the more important matters of State concern, the power is denied to this House. If this House has not the power to issue subpœnas, of course it cannot confer it upon a committee. My honorable colleague contends that subpœnas could only be issued by the House on ascertaining the names of the witnesses, which might be furnished by the committees, and cites as authority the practice of the British Parliament. I do not know what rule the British Parliament has prescribed to itself in conducting these investigations, but that would be no precedent for our guide. This House can investigate for itself, without the agency of a committee; committees are only the instruments of its rules, and may be created or dispensed with at pleasure.

If, then, the House, in conducting an investigation before itself, could not issue a subpœna without the naming of a witness by a committee, then this House would have a power without the means of carrying it into effect; one totally inoperative. If it has the power, it may confer it upon its committee, always subject, of course, to its own supervision and control, and I believe such has been the constant and uniform practice. I think every one must be satisfied that this power is absolutely necessary, and does exist. The power is one thing, the abuse of it another; and if my colleague will specify any abuse of the power, the committee will stand responsible to the House and to the nation.

Mr. Speaker, the amendment of my honorable colleague, although I am entirely confident he does not design it, is calculated to lay the foundation of a system of things which will not only render ineffectual this great corrective and purifying power of this House, but bring it into utter contempt and disgrace. Sir, without specifying the slightest imputation upon the committee as a body, or either of its members, acknowledging in his remarks that the powers exercised by the committee were warranted by the judgment of the House, he proposes to arm a committee with the power to investigate and report upon the expenses and course of other committees. What is to be the consequence? Why, when this new committee has reported, another may be raised to investigate its conduct and expenses, and thus the House may go on piling committee upon committee, and report upon report, to infinity. I entreat my colleague to pause and reflect a little. I beseech him too look at the ground upon which he stands. I implore him to reflect upon the consequences which are to grow out of this movement. Sir, if my colleague is desirous to settle and define the powers of this House, and those which it may confer upon its committees, let him offer a separate and distinct resolution, embracing this identical inquiry. It is the most direct and parliamentary course, and will be the most satisfactory.

My honorable colleague seems to complain of the power which these committees exercised in summoning witnesses from any place they pleased, without regard to distance, as well as their having issued commissions to take the testimony of witnesses whose attendance could not be procured. As to the first, so far as regards the committee over which I preside, I can only say that their discretion was not limited to this District, nor by specified distances. Whenever it had reason to believe there was a witness who had knowledge of any fact which would have a material bearing upon the subject under investigation, he was either ordered to be summoned, or authority given to take his testimony. The committee did not perceive that, if they had power to summon at all, the authority was limited by any other boundary than that of the United States itself. If there was any other limitation or restriction, they were not aware of it. They regarded it their right, as well as their duty, when they ascertained that any individual would disclose important facts, whether he resided in Boston, New York, New Orleans, or Charleston, to summon him. I should be under obligations to my colleague if he would point out the restriction as to distance, if the power exists at all. To have harassed our citizens thus, was an extremely unpleasant duty; yet it was necessary. These are duties which our citizens owe one to another, and which all owe to the Government; and which, however unpleasant and harassing, must be performed, or the very existence of society itself jeoparded. As to the second complaint, I have only to say that, if I do not misrecollect, this power is conferred by act of Congress; but whether it be or not, the exercise of this power is sustained by the repeated practices of the Government, and I shall not detain the House by discussing it. The exercise of the summoning discretion was uniformly exercised upon the statement of some member of the committee, that he believed the testimony of the witness proposed to be examined was material or necessary. It was not usual, nor was it proper, to require members of the committee to be sworn as to the materiality of witnesses they desired to be examined. They had no personal interest in the result of the investigation; they were members of the investigating body, acting upon their obligations of duty, and their responsibility to the House and to the country, and could not, with any decent propriety, have been required to be sworn. I do not remember a solitary example of the kind, in any investigation which has ever taken place.

The resolution of my honorable colleague [Mr. HOPKINS] proposed an inquiry into a subject of grave and serious import. It proposes to inquire into the propriety of so disconnecting the public printing of all the branches of this Government from the political press of the country, as to prevent the effect of that deleterious influence which the dispensation of such an immense mass of patronage to the political press is calculated to produce. It cannot be doubted that the principle asserted by this resolution is sound and salutary, and the object proposed to be attained valuable. Yet I confess I have some doubts whether, in the present state of the press, and the long and intimate connection which has existed, and from the failure of every attempt heretofore, such an attainment is practicable. Entertaining these doubts, I shall come to no conclusion as to what will be my final vote, until I can see the plan by which it is proposed to effect this object, that I may be the better enabled to judge of its practicability.

Mr. Speaker, a *pure* press, and a *free* press, is one of the greatest blessings which we can enjoy; it is a tower of strength to the people against the usurpations and corruptions of Government, and the palladium of their liberty. With a free press, and a pure press, virtue and morality will be preserved, and general intelligence so diffused, as to bid defiance to all the assaults, however potent, of tyranny and despotism upon the rights of the people; and, notwithstanding that much of licentiousness has crept into the press of the present day, I am, even for this, not prepared to do any single act which would tend to shackle its perfect freedom; when I do that, I should blow out the light which exhibits virtue and morality in their most endearing and beautiful forms, and directs the wandering footsteps of the pilgrim of liberty to the temple in which it is enshrined. I should break down the strongest barrier between liberty and slavery—between free and despotic Governments. It cannot, I think, be doubted, that the purity of the press can be best preserved, and its licentiousness most effectually restrained, by placing it as far as practicable upon its responsibility to an enlightened and virtuous public opinion. If it can alone look to that for countenance and support, it will feel its responsibility, conform its matter to that standard of morality, virtue, and decency, which prevail within the boundary of its circulation, and, according as that is elevated, will be the restraint upon licentiousness. A sound and healthy state of public opinion is the greatest security which we have for the decency and purity of the press, and the only restraint upon its licentiousness which can be successfully interposed. The influence of the press upon public opinion has been so completely tested by experience, that it would be but an idle expenditure of words and useless waste of time to attempt to prove it. We see it every where, we feel it in every situation; but it is only by an abuse of that influence, that morality, virtue and liberty can be impaired or hazarded; it is only when the press descends from its truly political into a purely partisan engine, that public opinion becomes vicious and depraved; it is only when it is wielded by factionists and aspirants for power that, from a shield of liberty, it becomes the sword of despotism. Not to travel beyond the boundary of our own country, the freest and most prosperous on earth, what do we see in the present day? The great mass of the press on one side offering unqualified and undeviating opposition, and that on the other affording unqualified and undeviating support to all the measures of the men in power. That such a state of things, if not checked, will ultimately degenerate into faction, and produce results too appalling even to contemplate, all must acknowledge. It is time, then, that some check should be prepared, some remedy applied, to heal this distempered condition of the press, and restore it to soundness.

The resolution of my honorable colleague [Mr. HOPKINS] proposes to withdraw from the hands of the Government one of its means of corrupting the public press, by securing it against the use of this source of patronage. We all know the selfishness of human nature, and the predominance of interest in the passions of the heart. It is reasonable to suppose that men will feel strong sympathies for those who minister to their wants or supply their necessities, and that a press deriving its material support from the hands of the Government will be very apt to enlist under its banner, and give to its measures an

unqualified and undeviating support, without due regard to their principles or expediency. This arises from the imperfections of nature, and the predominance of selfishness. That these influences have existed, do now exist, and will always exist, none acquainted with the human character, or who has read with profit the history of man, none will be disposed to deny. If this source of patronage can be cut off, and the public press disentangled from any Government alliance, controlling its freedom, or poisoning its purity, a great achievement for virtue, morality, liberty, and free institutions, will have been accomplished. It is an experiment well worth making, and to the accomplishment of which I will readily aid.

My honorable colleague says that he will not, unless for very strong and urgent reasons, proscribe any class of our citizens. This is right, Mr. Speaker; I am pleased to hear it avowed by my colleague. I hope that it will not only be avowed, but that all will practice it; that to example will be added precept, and that my colleague, extending the principle to all its legitimate lengths, will rebuke, not only the press, but all who undertake to proscribe *individuals* for their opinions. If this precept had been followed by example, I, humble I, would have escaped some severe blows—some hard rubs for my obstinacy in acting and speaking according to the honest dictates of my conscience. My colleague says, if it be right to make the separation, let it be done by the votes of the House. I cannot, Mr. Speaker, see the propriety of the distinction which my colleague takes. If the principle be sound, I cannot perceive the difference in asserting by law or by vote; in either case the effect will be precisely the same. But I am far from acknowledging that the resolution, if carried out, will have this effect. It proscribes none; it leaves the editors of political journals to pursue their labors in their own way; it proscribes no printer or no press; it only seeks to prevent an alliance of a corrupting and dangerous character—an alliance between the Government and political journals, which would be dangerous to both.

My honorable colleague, in the course of his remarks, referred to the report of the Committee on the Library, reported by my late colleague, [Mr. PATTON,] its chairman, proposing to subscribe for ten copies of Niles's National Register during each session of Congress, for the use of the members of this House, in a way which was well calculated, although I am sure not designed, to do injustice to that gentlemen. I voted against laying that resolution on the table, and should have voted for its adoption. The editor of that work had agreed, if the resolution was adopted, to publish all the laws passed at each session of Congress, a complete journal of its proceedings, all the public documents of general utility, and the ayes and noes on every question on which they were taken. These numbers were designed to be placed in the hands of the members, to be deposited at some convenient points in each county of their districts, for the inspection and use of the people. Sir, I shall vote for any proposition which will carry the members of this body home to the people, naked and unmasked, and present in full and complete view all their actions, in order that they may be held to a strict accountability. The people ought to have, and their money cannot be more profitably expended than in transmitting to them, constant and accurate information of the course and proceedings of their representatives. The character of "Niles's Register," which is more a historical register than a political journal, its extensive circulation, and the great mass of public documents which it embodies, render it very valuable for such a purpose. My colleague urges two objections to this proposition: 1st. Its political character; 2d. Its cost. That to some extent it is a political journal, I do not deny; but whether it is a *partisan* journal, I will not undertake to decide; but I will test it by proof which my colleague himself will be disposed to respect. And, first, I quote the Richmond Enquirer. It says:

"*Niles's Register.*—We perceive from the last number of 'Niles's Weekly Register,' that this celebrated periodical is about to be transferred from Baltimore to Washington. After the first of September, it will be published in that city. The Register is now conducted by William Ogden Niles, and has been enlarged under his auspices. It is the best general collection of historical facts and references that is published in the United States with a table of contents."

2d. I quote from the New Hampshire Patriot, a journal, the orthodoxy of which I do not doubt my honorable friend over the way [Mr. CUSHMAN] will vouch. It says:

"*Niles's Register.*—It appears from an article in the last number, that this paper is to be removed to Washington city, as affording better facilities for facts and public documents, than its present location. As a record of facts, notwithstanding a slight tinge of Whig coloring is generally apparent, the Register stands among the first publications in the country."

This journal says it is a *little Whigism*—"a *little tinge of Whig color*"—that's all.

The Baltimore Republican. It says:

"*Niles's Register.*—From a notice which will be found in another column of our paper, it will be seen that the proprietor of Niles's Register is about removing to Washington city, where his well known and valuable journal will hereafter be published. The seat of the General Government, it is supposed, will afford greater facilites for obtaining documents and the kind of information which it supplies than any other place. We have no doubt that the change of location will be productive of the beneficial consequences which are anticipated, and we hope it may."

The New York Evening Post. It says:

"*Niles's Register.*—The publication of this paper will be transferred from Baltimore to Washington, on the first of September next. In his notice of the change, the editor, Mr. Niles, states that there will be no alteration in the principles of the paper, but that it will pursue the course hitherto laid down by him in its columns. As a record of facts and documents, and of the news of the day, this journal stands among the foremost, and some improvements in contemplation will still further enhance its value to its subscribers."

And the Charleston (S. C.) Mercury. It says:

"*Niles's Register.*—This valuable publication is to be transferred from Baltimore to Washington on the 1st of September next.

"We take this opportunity of saying something of the character of this publication, and its claims to the patronage of the community. As a political journal, the Register stands quite alone; it has no partisan character; its object is not to propagate the opinions of one man, or advocate the advancement of any one party, but to present, from week to week, a judicious collection of facts and documents connected with, and tending to elucidate the political history and condition of the country. Too much praise cannot be given to the uniform judgment and good sense which have governed the conduct of the Register in the selection of its articles. The citizen will find in it every thing necessary to give him a complete acquaintance with the spirit of the political world, and to the future historian, the Register will be an inestimable treasury of the most authentic and ample materials for the history of this country. The great popularity, and, indeed, authority which it has attained, both in this country and in Europe, attest that this is no exaggerated praise, and the unobtrusive character of its conductor is another proof, if any other were needed, that its reputation depends exclusively upon its merits. We sincerely wish it, both for the benefit of the editor and the community, a universal circulation."

With the evidence of these presses, exclusive of many others of a different political complexion, I think that all party objections, at least, will be removed, and that no such considerations could have prevailed with the committee. My friend from New York, [Mr. PARKER,] in his remarks upon this resolution, said that he was opposed to the principle of the resolution entirely; but if he were to vote for it, he would move to amend by striking out "Niles's National Register," and inserting "The Democratic Review." I suppose this preference would have been given by the gentleman because the "Review" was *a little tinged with Democratic color.* Well, sir, I should not have quarrelled with him about that: I wanted the thing, not because of the channel through which it was to be conveyed, but for its own sake. But, sir, my honorable colleague has fallen into an error in relation to the cost of the proposed work. He estimates it at least $12,000, when the proprietor himself proposed to furnish it at $4,900, which would have been greatly less than our subscriptions to political newspapers, which might well be dispensed with for such an object. And now, sir, I leave my colleague and the people to determine whether the immense mass of information which would in this work have been diffused through the nation, would not be of infinitely more value than the little sum of $4,900. Sir, we should, through this medium, save, in extra printing, with which we could dispense, three times this amount of the proposed subscription. The supervision over the publication by the Clerk of the House, proposed in the resolution, my honorable colleague seems to think squints at a censorship of the press. Not so, sir: the only supervision which the Clerk is required to exercise, is as to the mere accuracy of the publication of the journal, the laws, and the official documents. It confers on him no power over the press whatever; he has only to do what he now does—see that these things are accurately done. I don't think, Mr. Speaker, that this *squinting* can be seen with the naked eye.

In addition to the inquiries to which I have adverted, my honorable colleague [Mr. DROMGOOLE] proposes, in his amendment, to inquire whether the present printer to the House executes the public printing under his own supervision, by his own hands, in his own office, and with his own type, or whether it is done in the office under the supervision and management of the editors of another political journal. My honorable colleague, in commenting upon this branch of his amendment, intimated that probably my colleague [Mr. HOPKINS] was induced to offer his resolutions on account of what transpired previous to, or pending the election of public printer at the extra session, and referred to various rumors which he had heard, of a coalition between Thomas Allen and Gales and Seaton, and a publication in the Intelligencer that the printing was to be done in that office. From the part which I acted upon that occasion, and the degree of responsibility which I feel, it is incumbent on me to advert briefly to that subject. When I first cast my vote for Thomas Allen, I had never seen him to know him. I acted upon the high character which was given him by those who knew him. If he had entered into any arrangement, bargain or contract with Gales and Seaton, or others had done it for him, I knew nothing of it, nor had I heard of it. I entered into no arrangements, was privy to none, or knew of none. My vote against the late incumbents was determined before I knew or heard any thing about the Madisonian. An article which appeared in the Globe on the 21st of July last, which, while I had no idea was aimed at me personally, but which was the most effective blow which could have been struck at me, determined my course. This determination I communicated to my friend from North Carolina, [Mr McKAY,] who sits near me, on my way here at the extra session. I did not, and could not, blame the editors of the Globe for the expression of their own opinions. Yet the expression and the mode were calculated seriously to affect me, and demanded of me, from considerations of self-defence, to take the course I did. In doing so, I acted upon the same principles that my colleague did in casting his vote, and cannot be rebuked by him. But suppose, Mr. Speaker, that it turns out to be true, as I do not doubt it is, that the most material part of the printing is done at the office, by the hands, and with the type, of Gales and Seaton. Is that any breach of duty, or of the conditions of his obligation? Will my colleague refer to Mr. Allen's official bond, and point out any part of its condition which requires him to have the work executed in his *own office*, with his *own types*, and with his *own hands?* I think it will puzzle him to find it. The only condition is, that the printing shall be executed with fidelity, neatness and despatch, and all this has been done. The appointment is given to the man, not to the office, to the types, or to the hands. It is Mr. Allen's duty to comply with the conditions of his official bond. For that he has given the most ample and satisfactory security from among those who know him well; the conditions of the bond must be complied with, or he is responsible: so long as they are complied with, it is not material in what house, with what type, or with what hands, it is done.

But, Mr. Speaker, if my honorable colleague thinks these rumors are sufficiently authentic, and the facts which they charge sufficiently criminal to institute an inquiry on the part of this House, I would call his attention to rumors of an arrangement to assign over a part of the Executive printing to some other editors in anticipation of the printing of the House. I never thought it either criminal or worth an inquiry myself, nor shall I propose it. But, sir, I shall, from my peculiar position in reference to this vote for the inquiry. If Allen has entered into any arrangement, bargain, or contract of an immoral or corrupt character, let it be ascertained, and let him be exposed. Let it be rung upon the house-tops, and from one extremity of the nation to the other: I will not try to shield him. I do not believe that from his hitherto high character, he has done any thing which could dishonor him or make his friends blush, but I will throw no obstacle in the way of a free and full inquiry. Let us have the truth, and the whole truth. I here take occasion, Mr. Speaker, with the indulgence of the House, to correct a misstatement in relation to my course upon this subject. It was in a letter written from this place to the Mississippi "Columbus Democrat," among a great many other things of somewhat a humorous character, that I came here in July last to try and get some of my *poor kin* quartered upon the Government, but failing, I became dissatisfied, met with Thomas Allen, who was on a like errand, and had met with a like disappointment, and entered into an arrangement with him to set up the Madisonian in opposition to the Administration. Now, Mr. Speaker, this is literally untrue. I was not here in July, or at any time between the 4th of March and the opening of the extra session. I made no such application, and had about as much to do with the establishment of the "Madisonian" as you had. I should not have noticed this part of that letter had I not understood from a friend that this statement had been credited, and did me injury.

My honorable colleague has referred to the opinions of Virginia. He says, and, to prevent mistake, I will give the remark in the words as published in the Globe: "*He* believed it to be according to the settled purpose and design of the institutions of Virginia that the business and operations of each Government, State and Federal, should be kept separate and distinct, and that that great State rights principle was violated by their connection." Now, Mr. Speaker, I cannot accord with my honorable colleague in the extent of the principle which he here asserts. It would place this Government beyond all responsibility, and separate it from the interests of the States and the people. Sir, our Federal and State Governments are the Governments of the same people. The State Governments and the people are represented in the legislative body. The electoral college for President and Vice President votes by States, in all this there is identity and connection of interest. But, sir, how the business and operations of this Government can be separate and distinct from those of the States I am at a loss to perceive, when both operate upon and affect the same people. It cannot be, for it would be utterly destructive of every principle upon which our system is founded, and would destroy that harmony and co-operation in the conduct of both so necessary to the success of both. This Government, in the exercise of any of its powers, cannot be obstructed by the States, yet all its acts are upon its responsibility to the States and the people, and affect their business and interest. The States, in the exercise of their reserved rights, are independent of and beyond the control of this Government, and owe it no responsibility; but this Government, constructed by the States, holding its very existence at their will, cannot be separate and distinct from them in its operations or business. I cannot yield assent to any doctrine which shall make this Government so independent of the States or the people as to be beyond the reach of that sure and decided responsibility which is so necessary to check its abuses and resist usurpations. Such, I think, is the tendency of the principle asserted by my colleague in the form of expression which he has used.

My honorable colleague, in replying to a remark of another colleague, [Mr. WISE,] took occasion to say that he was one of what was called the Divorce party, that is, that he was friendly to the "*Independent Treasury bill,*" that he should take occasion to present his reasons for that opinion when the question came up, and that he did not doubt he should be able to satisfy his constituents. I differ radically and essentially with my colleague upon that question, and, like him, I shall take occasion, when it comes up for consideration, to express my views; in doing so, I will say to many of my friends, in perfect good humor, and with feelings of entire kindness, that I shall present them a mirror, in which they may see the reflection of themselves as they *were;* and, if they will look at themselves *as* they *were*, they will find that, *as* they *were* in every doctrine and sentiment which I have uttered upon this question, they *were* like what I am *now.* I do not doubt that I shall satisfy my constituents that in defending the position in which General Jackson's administration placed me, a position from which I shall not retreat, I am defending truth and the best interests of the people.

The SPEAKER interposed, and said it was not in order, on this amendment, to discuss the divorce question.

I am only replying to remarks made by my colleague, without the interposition of the Chair.

The SPEAKER said it was difficult to arrest such remarks, as the Chair could not well perceive the connection in which they might be placed.

I desist, sir, and conclude by saying that I shall vote for the amendment of my colleague, not because it is properly connected with the original resolution, or the necessity of much of it, but because the inquiry involves matters which may bear upon me personally, and I am willing all should be known.

SPEECH OF MR. WEBSTER,
OF MASSACHUSETTS,

In Senate, Tuesday, May 29, 1838.—The resolution respecting the collection of the revenue was read a third time. It was in the following words:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall not be lawful for the Secretary of the Treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues accruing to the United States, may be paid."

And the question being on its passage—

Mr. WEBSTER rose and said: Mr. President, it has been my earnest desire to propose some measure of a useful character, in which it was probable both Houses of Congress might concur. With this view, I moved the amendment to the Sub Treasury bill, when that bill was before us some weeks ago; and it is with the same object that I have now brought forward precisely the same proposition. I have looked to see what could be accomplished, as well as what would be beneficial; I have considered what was practicable, as well as what was proper; and I have believed, and now believe, that the measure, in its present form, will meet the prompt and decided approbation of both branches of the Legislature. The majority which here showed itself in favor of the resolution yesterday, on the question of engrossment, as well as the decisive vote of the Senate upon the same proposition, when submitted by me as an amendment to the Sub Treasury bill, leaves no doubt of the opinion of the Senate, and I believe the sentiment of the other House will be found not less decisive.

On the present occasion, sir, I do not intend to detain you by protracted discussion, as the success of the measure in this body cannot now be doubtful; but I wish, nevertheless, to say a few words.

The measure, as I propose it, interferes with no existing act of Congress. It leaves all statute laws as it finds them, and acts only, and acts directly, on the Treasury circular of July, 1836, and on the power of the Secretary of the Treasury to issue any such orders in future. This is its single object. When it shall have passed, distinctions and discriminations between different branches of the revenue will be abolished. If nothing but specie will pass at the land offices, then nothing but specie will pass at the custom-houses. There will no longer be one law for a merchant in New York, and another law for a settler in the West. The rights of all will be equal; and equality, in this respect, is justice.

Sir, I doubt not the measure will effectually answer the end designed by it. It has been suggested that possibly the Secretary of the Treasury might fulfil the injunctions of this resolution, and abolish all distinctions, by requiring specie at the custom-house, and continuing to require it at the land offices. There is no danger, sir, of that. In the known state of opinion, in Congress, and the country, no Secretary can be supposed capable of pursuing such a course. No, sir; when this resolution is passed, the Treasury order soon breathes its last breath. It will not live a day; and no Administration will hereafter venture on another like it. Such unjust, invidious, and injurious distinctions in the collection of the revenue will not be heard of again, in our day and generation. They will be suppressed, indeed, by the force of positive law.

Mr. President, I do not mean to discuss the character or operation of this celebrated Treasury order at any length. I must say, however, that, for one, I never regarded it as defensible in principle, even if the Secretary could lawfully have issued it; because it was unequal and unjust. It created distinctions and gave preferences which no man can justify. It was unjust to the whole West. It was unjust to every man who wished to buy an acre of the public land; because it withheld from him facilities in making payment to Government, which other persons, having payments to make at the same time, were allowed to enjoy. And if the order could have been defended, in principle, I still never doubted its injurious effects on the currency and business of the whole country. It was a disturbing cause of great power. It deranged and embarrassed commerce, exchanges, and intercourse. It drew away silver and gold to unnecessary uses, and seriously affected confidence and credit, by its apparent hostility to the banking institutions. It wore a warlike aspect, and its whole operation was unfriendly and annoying.

Its abrogation will produce good in various ways. In the first place, it will do justice, by restoring equality. This of itself is a good. In the second place, it will be of much importance in aiding the resumption of specie payments. The abrogation in this respect will be felt every where. It will benefit the East as well as the West. It will quiet fears, inspire confidence, encourage the banks on both sides of the mountains in the efforts to resume. They will look on Government with less of apprehension and fear. They will regard this measure as a proclamation of peace, and will trust that they are no longer to be pursued with hostile intentions and hostile acts. And, lastly, sir, the passage of this resolution will make a favorable change in the state of trade and business all over the country; and it will particularly relieve the West. Notwithstanding what has been said to the contrary, I am confident the whole West will hail it with gladness of heart. The people of the West will regard the repeal of the specie order not only as a proof of the justice of Congress, but also as a welcome harbinger of better times. They will view it as the first step in the return of former prosperity.

There are other things, sir, which ought to be done, doubtless, and which might be done, by way of following up this measure. To these, or some of them, I intend to call the attention of the Senate in a few days. In the mean time, I hope to see this resolution become a law, without delay.

Mr. President, if this measure shall succeed, we shall be brought back upon the resolution of 1816, with the modification which this will produce.

Now, sir, there has been so much misconception in regard to the object, character and history of the resolution of 1816, that I must ask the indulgence of the Senate while I make some observations on those points.

Sir, there would seem no necessity for mistake in these particulars. The state of things which led to the adoption of that resolution must be well remembered by all, and here are six or seven of us, I think, now in the Senate, who were members of Congress at the time when that resolution was adopted, and bore a part in the transaction. Its history is this:

When Congress assembled in December, 1815, the President, Mr. Madison, drew our attention to the state of the currency by those passages of his message which I have so often quoted and referred to, during the last session and the present, as well as on many previous occasions. Following the President's recommendation, Congress set itself vigorously at work for the reformation of the currency, then in a most deplorable state. But before describing the state of the currency, as it then existed, allow me, Mr. President, to go back still a little farther, and trace the previous history of this branch of our public affairs. That history requires, and will well repay, attention.

The present Government, sir, went into operation in 1789, and the first act regulating the collection of duties was passed on the 31st day of July, in that year. That act declared that the duties and fees to be collected by virtue of its provisions should be paid *in gold and silver coin only;* and fixed the rates at which the respective foreign coins should be received. Here was a direct requisition for *gold and silver exclusively.* Well now, sir, how was this understood by the Government and the country? There were then a few State banks in existence, issuing bills, and redeeming them on demand in specie; and it is beyond all doubt that, in the neighborhood where these banks existed, or where their bills circulated, those bills, being thus bills of specie paying banks, were received for duties as fulfilling the demands of the statute. The number of banks soon increased, and went on increasing, and the bills of all were received if they were in good credit, and paid specie for their paper on sight. All this, sir, was done with the full knowledge and approbation of the Government; and it was done on the plain and simple ground, and could be authorized or justified on no other, that bank notes, for which specie could be had on demand, are the representatives of specie, and are its equivalents; that they are, indeed, but so many orders to go and take the specie when you wish it; that they are the instruments with which you take hold of it when you need it. And as Government must keep its money somewhere, and naturally would use safe banks for the purpose of keeping it, whenever such banks could be found, it seemed absurd and ridiculous to compel the merchant to bring his hard dollars from the bank to the custom-house to pay his bond, for no purpose but that they might be sent back again from the custom-house to the bank. Whatever the collector received, he credited to the Government as cash. It might be gold and silver, it might be a merchant's check on a bank, it might be bank bills—all went into one and the same account as cash

In 1791 the first bank was established, and its bills were made receivable, in payments to Government, by a positive provision in its charter. But even this, so far as I know, did not prevent the receipt of the bills of other specie-paying banks in places where such institutions existed. Thus things went on during the continuance of the charter of the first bank. That charter expired in 1811, and from that time, therefore, there was no paper in circulation but that of State banks; and this paper was every where received, if the bank was in credit, and paid specie; and allow me to repeat, sir, that it was received, as being a substantial compliance with the act of the 31st of July, 1789. It was received as cash, and credited as cash. This state of affairs continued until after the declaration of war against England, in 1812. So that you perceive, sir, that for five and twenty years the officers of Government every where received, when offered, the notes of specie-paying banks as specie, and that this was done without complaint by any body.

But now, Mr. President, a great and important change took place. Within a year or two after the commencement of the war, all the banks south of New England suspended specie payments. Their bills and notes were therefore no longer equivalent to gold and silver, and a general crush of the currency ensued. Bank paper immediately became depreciated, and this depreciation increased more and more as we went from North to South. The exchange between Washington and Boston was, at one period, as high as twenty or twenty-five per cent. Nevertheless, sir, even in this lamentable state of things, the Government continued to receive bank notes, depreciated as they were, for duties and taxes. It also contracted heavy loans, and in many instances received the proceeds of its sales of the stock of such loans in this same bank paper *at par.* All this was justified on the ground of the absolute necessity of the case. War, pressing on the country with all its demands and all its evils, created an exigency, in which there seemed no option, since there was no national institution, but to receive the paper of State banks, although those banks had ceased to redeem their bills by the payment of gold and silver, and their paper, therefore, was enormously depreciated.

Well, sir, peace came in the early part of 1815; but still the banks did not resume. When Congress assembled, in the fall of 1815, the suspension still continued, the depreciation was not remedied, and the Treasury was still receiving the degraded paper of State banks. Now, sir, as the war had ceased, it was obvious that this mode of collecting revenue ought to be no longer tolerated. Several enormous evils flowed from it. The first was, that Government was not sure, and could not be sure, of any fixed revenue or income. It laid taxes and duties; but what then? For those taxes and duties it got nothing but irredeemable and debased paper money; and the fate of the old Government under the Confederation, in continental paper money times, was already staring Congress full in the face. So much for the distress caused to Government.

The other intolerable evil was the inequality which was produced between citizens in different places. At Baltimore duties on goods imported were received in notes of the Baltimore banks, although those notes were ten or fifteen per cent. below the value of gold and silver, while at Boston, at the same time, nothing but gold and silver, or their equivalent, specie bills, would be taken at all. In the mean time, the general mischief, the great and overwhelming evil of a depreciated and discredited currency, was afflicting the whole country. Every interest felt its baneful effects. Commerce stagnated, manufactures could not revive, and business of all kinds was embarrassed and distressed.

This, sir, was that deplorable state of the currency which I have already said existed at the close of 1815—a state of the currency which had called forth so earnest a recommendation to Congress from the President, and which Congress set itself at work, with so much zeal and resolution, to reform.

As I have observed on former occasions, sir, Mr. Madison's message, so far as it related to the subject of the currency, was referred to a select committee in the House of Representatives, and the honorable member from South Carolina [Mr. CALHOUN] was made chairman of that committee. His first measure was to establish a bank; and in that measure he succeeded. The law creating the late Bank of the United States was approved and signed by the President on the 10th of April, 1816.

But the establishment of a bank was not supposed to be all that the condition of the country required. Something further, it was thought, was indispensable to the restoration of the currency. Accordingly, the honorable gentleman brought forward a bill "for the more effectual collection of the public revenue in the lawful money of the United States." To some of the provisions of this bill I alluded on a recent occasion. The bill was much discussed, and much opposed. Various amendments were made to it, and others proposed, in the course of its progress. In the shape which it finally assumed, I supported it, cheerfully, because I thought it would answer the substantial purpose designed by it, that of aiding essentially in the restoration of the currency. It passed to be engrossed on a very close vote, but the next day it was rejected, on the third reading, by a majority of one. This, sir, took place on the 25th of April, and Congress had already agreed to adjourn on the 30th of the same month. Here we were, then, within five days of the end of the session, and we had done nothing at all to correct the enormous evils of a paper money currency, except to charter a bank. It was quite uncertain when this new bank would go into operation, and still more uncertain whether its influences, unaided by any other measure, would be able to compel the State banks to resume specie payments, and so make a reform in the currency. It appeared to me that we were about to break up, leaving one most important object unattained. I felt that a crisis of a very delicate character existed. In this state of things, divided as opinions were, and embarrassed as the country was in all its interests and pursuits, I felt it to be my duty to attempt something, which might probably be carried, and which, if it prevailed, should rescue the country from the evils which oppressed it; and I lost no time in making the effort. The day following that on which the bill which I have mentioned was lost on its third reading, that is to say, on Friday, the 26th of April, I introduced my RESOLUTIONS, for there were originally three of them, the first two, however, being merely declaratory, and in the nature of a preamble. These two I withdrew, and the third and main resolution received its three readings *in one day,* passed, and was sent to the Senate. The Senate acted upon it on Monday, the 29th, amended it, and returned it to the House. On Tuesday, the 30th, the House concurred in the Senate's amendment, on the same day the President approved the resolution, and on the same day, also, Congress adjourned.

But now, sir, let me be a little more particular. The resolution, as I introduced it, made no provision for the receipt of any bank bills whatever. It said nothing of the notes of specie paying banks. I did not suppose that any provision was necessary on that subject, as such bills had always been received under the existing law. Nobody had objected to receiving them, and I took it for granted that the collectors would continue to go on as they had gone on; that they would receive, as matter of course, the bills of specie-paying banks, as being equivalent to specie itself, and credit their amount to Government as cash. The honorable member from South Carolina, however, or rather some friends of his, suggested that there might be doubts about this; and that, unless the reception of the bills of specie-paying banks should be provided for, the collectors might perhaps feel themselves bound to reject such bills. I stated my opinion, that no such thing was likely to happen, and that the amendment, therefore, was not necessary. The honorable member said his own opinion rather was, that the amendment was not strictly necessary; that he had moved it in order to satisfy the doubts of friends, and, as others seemed not to think it necessary, he would withdraw it; and he did withdraw it. The resolution passed the House, therefore, with no provision whatever respecting the receipt of bills of specie-paying banks.

When the resolution was taken up in the Senate, the same doubt was suggested which had been stated by the gentleman in the House; and one of the members from Tennessee [Mr. CAMPBELL,] moved an amendment similar to that which had been moved in the House by the honorable member from South Carolina; that is to say, he moved to insert the notes and bills of specie-paying banks among the things which might be received in payment of debts and dues to Government. The Senate adopted this amendment, sent the resolution, thus amended, back to the House, and the House concurred.

This, Mr. President, is, I believe, a true and exact history of the resolution of the 30th of April, 1816. And, sir, the great and main object of the resolution cannot be doubted. It must be obvious to every body, that its chief purpose was to put an end to the reception of paper money in payment of debts to Government. It meant to reject all bank notes which were not payable and paid in specie on demand. The reception of such notes, and the fact that they constituted the currency of the country, were the great evils then existing; and the correction of these evils was the distinct and paramount object of the resolution. The consequence of such rejection, it was expected, would be, that the banks would make a strenuous effort to resume payment by the 20th of February then next, that being the day after which no bills of non-specie-paying banks were to be received. For the accomplishment of this great object, much was hoped for certainly from the bank, then recently established; but, as I have already said, it was impossible, at the time, to foresee how far any efforts of the Bank might prove effectual. Sir, we were not disappointed. The resolution did its work. Under a wise and prudent administration of the Treasury Department, the great end of resumption was accomplished, the currency of the country was restored to a sound state, and it continued in that state, and no man found just reason to complain of it, on the whole and as a general system, until the removal of the deposites in 1833.

Mr. President, this recital of unquestionable fact shows that public officers, with the approbation of the Government, have received the notes of specie-paying banks as money; that they did this, habitually, as well before the passage of the resolution of 1816 as afterwards; in short, that debtors to Government paid their debts as individual debtors paid their debts to other individuals, that is to say, by specie, by checks, or drafts on banks, such as are used by merchants, or by the notes and bills of sound specie paying banks, at the pleasure of the payer. Nor do I remember, sir, that, until the late general suspension, any loss has occurred to Government from the receipt of such bills. If any instances of loss have happened, they are not within my recollection.

Mr. President, on this, as on former occasions, gentlemen have referred to remarks of mine, made in the House of Representatives, on the passage of my resolution. They say those remarks prove me to have been a staunch friend to a sound currency, a hard-money man an inflexible and uncompromising enemy to paper money. I hope, sir, that all this is true. Indeed, I know all this to be true. It is the character which I desire to sustain, and have always labored to sustain. I maintain it still, and shall never surrender it while I retain my understanding. But, though a friend to sound currency, though a hard-money man, though an implacable enemy of paper money, I did not, either at that time, or ever, feel bound to reject all use of bank circulation. I supposed, of course, that the bills of specie paying banks were still to be regarded as the representatives of hard money, more convenient for general use than the thing itself, and that, in this respect, there was to be no departure from our established practice. In all this, I thought and spoke then just as I think and speak now. The sternest hard-money man in Congress, if there was one sterner than myself, which I do not believe, did not propose the entire disuse of bank circulation. Nobody thought of such a thing. Sir, the paper money which I so much reprobated was irredeemable paper, paper not payable in specie on demand; whether it were Government paper, or the bills of banks which did not pay specie, or whatever else it were, I held it then, and hold it now, to be mere, sheer paper money, dangerous, worthless, and abominable, both as a medium of payment to Government and as a currency. As I though in 1816, so I think now. The most rigid opinions which I then advanced, I still adhere to. I am against paper money in all forms, and I am in favor of nothing but gold and silver, and such bank bills as may be converted into gold and silver at the will of the holder. When we speak of the legal currency of the country, we mean gold and silver, because gold and silver constitute the only legal tender, and are the only lawful standard of value. But when we speak of money, in the general sense, we mean gold and silver, or that which represents them, and is equivalent to them. Bank notes are regarded as money, not only in the general understanding of the community, but in many instances also by the law. In cases of bankruptcy, in cases of legacies, and in many other cases, the judicial tribunals hold such bills to be comprehended in the general denomination of money. What foundation is there, therefore, for denouncing any one as an

enemy to a sound currency, who thinks it proper and convenient for Government, as well as individuals, to make the ordinary use of bank circulation? With how much truth can it be said that he is a paper money man, who only wishes that a practice should be continued which began at the beginning, and has lasted through our whole history—a practice from which the people have derived much benefit and advantage, and in consequence of which, so far as I know, Government has sustained no loss nor injury, except what has arisen from the events of last year?

The true legal construction of the resolution of 1816 is a question which I shall not now discuss at any length. My opinion on that point differs from that entertained by the Senate. As the bills of specie-paying banks stand in the resolution with the legal currency of the country, Treasury notes, and bills of the Bank of the United States, and as all are under the influence of the very same words, I cannot but think that it is the duty of collectors to receive either, when offered. It is said, however, that the resolution only *permits* the receipt of these bills, and that public officers may still refuse them, if they see fit. But it is to be remembered that the receipt of these bills is *authorized* by the very same words which *reject* the receipt of the bills of non-specie-paying banks. How, then, is the injunction to be regarded as imperative for one purpose, and permissive only as to the other?

No doubt, sir, there are certain limitations and qualifications imposed by the very nature of the case, and which must be respected. The bills, to be receivable, must be bills of *specie-paying* banks, and the collector must of course know them to be such. He must be acquainted with the general character of the institution from which the bills issue; and, perhaps, it would not be reasonable to expect him to possess this knowledge in relation to any other banks than such as were in his immediate neighborhood, with whose character and daily operations he was conversant. Certainly he would not be bound to act upon vague and general information respecting distant institutions which were unknown to him. With these necessary limitations, I cannot but think the resolution imperative. The decision, however, has been the other way, and I acquiesce in it. Both houses of Congress have acted upon the supposition that there still exists a discretion in the Secretary of the Treasury. My present purpose is, therefore, to restrain and control that discretion, and to put an end to it in one important particular.

The constitutionality of the resolution of 1816 has been denied; but I cannot doubt that Congress may authorize the reception of bank bills, if it chooses. To be sure, all taxes and duties must be uniform, and therefore must every where be paid in a currency of uniform value. But the value of *convertible* bank notes is just as uniform as the value of specie itself. It appears to me, sir, that on these subjects we surround ourselves with ideal difficulties, and embarrass ourselves by reasoning upon facts which, practically, have seldom any existence. A better knowledge of actual transactions, and of the usual modes of business, would often very much improve our judgments.

On all these subjects, we are to remember that, ordinarily, the Government has in its own hands neither specie nor bills; that its funds are in the keeping of somebody; that, after all, they are but credits in account; that they exist, not in specific masses of gold and silver, nor in specific parcels of bank bills, but in balances due from collectors and receivers; that successive collections are carried as new credits to these accounts; that, as drafts are received, they are paid in any manner that suits the holder, and charged in the account. All persons acquainted with such affairs know that, of the whole amount received at the custom-house, very little is paid otherwise than by merchants' checks, by means of which the proper amount is transferred from the account of the person paying to that of the collector, either in the same bank or some other. Ordinarily there arise but three occasions for the direct use of specie in large amounts: one is, to adjust balances between different cities; another occurs when the state of foreign trade requires an exportation of specie to adjust national balances; and the third is, a demand for gold and silver for carrying on some particular branches of commerce, such as the China trade formerly was. These uses of specie do not, of course, include that portion of gold and silver which is intended to pass from hand to hand, and to form part of the general circulation. I speak only of the occasions in which specie may be called for in masses, for the purpose of showing that occasions for such calls are not frequent. Thus we have seen that, in the four or five months that we have been debating here, upon theories and abstractions, upon schemes and projects, several of the States have negotiated large loans, realized the proceeds in specie or its equivalent, conducting all their operations successfully through the agency of skilful men, and making no commotion by violent movings of the precious metals. I really wish, sir, that we had a little more of this quiet and practical wisdom. We might well exchange for it some part of our elaborate and long continued theoretic reasoning on general principles.

Mr. President, it is the fashion now-a-days to denounce all banking institutions, to call them little aristocracies and odious monopolies, and to find in them causes sufficient for the overthrow of the Government, and the destruction of popular liberty. It is the temper of the times to indulge in the ebullition of this spirit. Banks are separated from the people; they are supposed to have been created for their own benefit only; to have been, from the first, enemies of the public good, and to be nuisances which the people should get rid of as soon as possible. Now, sir, all this is very unlike the feeling which prevailed in 1816. At that time banks were regarded as institutions which the people of the States had established for their own convenience. We intended, indeed, that they should perform their duty, but we meant, at the same time, to aid them in the performance of it, as far as was in our power. The whole temper and tone of Government towards the banks were then wholly unlike what now prevail. Look to the history of the administration of the Treasury Department, recur to Mr. Crawford's correspondence, you will see a disposition every where to encourage the State banks, to give them assistance, and to inspire the community with confidence in them. There was, indeed, sir, one proposition made to Congress at that period, which contrasts strikingly with opinions and sentiments now ardently supported. The honorable gentleman from South Carolina himself brought forward a measure for an issue of Treasury notes to the amount of fifteen millions of dollars, to be loaned to the banks, on such security as the Secretary of the Treasury might approve, reimbursable in annual instalments. This was done on the avowed principle of lending to these institutions the support and credit of Government, in order to enable them to resume payments and restore the currency. The proposition did not succeed, but it met with considerable favor. It was supported on the ground that the banks were but institutions created for the benefit of the people, and that, in the existing state of things, the community would be benefited by whatever should enable them to redeem their depreciated paper, and thus restore the currency of the country. How different, sir, how widely different, is all this from those loud and vehement tones of rebuke, reproach, and denunciation which have filled, and almost shaken, the walls of these chambers for months past!

I conclude, Mr. President, by repeating the expression of my perfect conviction that the passage of this resolution will be productive of much good; that it will act powerfully on the great object of resumption; and that we shall see its effects immediately. So soon, sir, as it shall have passed, I shall invite the attention of the Senate to other measures which will be necessary, as I think, in order to give it full effect.

SPEECH OF MR. CUSHING,
OF MASSACHUSETTS,

In the House of Representatives, December 19, 1837—The House being in committee of the Whole on the President's Message, [Mr. ADAMS in the Chair,] and the question being upon the motion of Mr. HAYNES to refer so much of the message as relates to the finances and every thing connected therewith, and to the safe-keeping of the public money and every thing connected therewith, to the Committee of Ways and Means—

Mr. CUSHING spoke as follows: Mr. Chairman: I felt it to be my duty; at the late extraordinary session of Congress, and under the peculiar circumstances in which the country was then placed, to mingle in the discussion of questions of party politics more than had previously been my wont, and more than I intend or desire to do hereafter. The aspect of public affairs has undergone a material change since that time.

The twenty-fifth Congress has reassembled, and is engaged in the consideration of another Message of the President of the United States; but under auspices how different from those which attended the opening and the progress of the extraordinary session!

When, at that session, the President, aided by his supporters in Congress, was urging forward the new scheme of power, to place the pecuniary interests of the whole at the mercy of the Federal Executive, I myself, in common with others entertaining the same political opinions, declared to the House, that, "If the assembled representatives of the nation did nothing else for the public good in that emergency; if all the power and influence of the Executive were to be exerted as a drag on the wheels of legislation, to preclude the adoption of measures of general relief—this at least they might and would do—they might and would enter up an APPEAL to the people against the conduct and the purposes of the Administration."

From the odious rescript of the Chief Magistrate; from the assentation of a supple Senate, prompt to register his will; it was the custom of the representatives of the people of Rome to appeal to the people of Rome. *We* imitated their illustrious example. And generously, nobly, gloriously have the people judged the appeal of their representatives. They have pronounced, at the polls, sentence of condemnation on the mad projects of the Administration. They have condemned it in their primary assemblies; they have condemned it by their votes; they have condemned it in the triumphant rejoicings over success, which re-echo from the east to west, through the wide expanse of the Union.

And how does the President receive the declared will of the people? What says he, the chief, the elect, the one representative of those claiming to be the exclusive Democracy of the Union? Does he bow in ready, in respectful, in humble submission to the decision of the supreme power of the Republic, the people, pronouncing judgment in the majesty of their sovereignty, against the favorite measure of the Administration? No: but he descends from his high estate to look into the elections in the several States, and to criticise and impugn the decision of the people, which it was his duty, without cavil, to obey. He adheres to his own particular plan of adjusting the financial question of the day, rejected and condemned as that plan is by the decree of the sovereign people!

This new and remarkable contingency of public affairs calls on us, the people's representatives, to see to their welfare; to take care that the Republic receive no detriment. It points to the weak side in our Constitution, and the danger which threatens it at the present crisis. And on this topic I propose to address the committee.

Mr. Chairman, I wish to wake up the slumbering spirit of the Constitution. The questions I mean to discuss are dry, rigid principles of constitutional right. They do not well admit, nor shall I attempt to give to them, any rhetorical embellishment. It may be unwelcome to the members of the House—I fear the Constitution, in its text and its letter, is not the chosen study of all of us—that we do not, as we should, according to the classic injunction, turn over its leaves with nightly and daily handling—that we do not sufficiently cherish, in our every thought, this New Testament of our political faith; and it is under the impulse of strong conviction of solemn, but not grateful, public duty, that I proceed to press the subject upon the attention of the House.

Some preliminary explanations are needful to the right understanding of my views.

In the first place, I desire to banish from my mind all feelings of mere party prejudice, which is too prone to color the judgment, even as to constitutional points arising in the discussion of great measures of public policy. I disclaim, therefore, in the remarks I shall make, all imputation upon the motives of men. I perceive gentlemen all around me, whom, in the relations of ordinary life, I know to be honorable and just; and I do not, I will not, I cannot deny to them, that, widely as we differ in opinion on the important questions which surround us, they act from sincere belief in the wisdom and honesty of the public measures they defend. And in return I claim at their hands the same candid construction of my own opinions.

In the second place, I admit, and emphatically maintain, the excellence of our peculiar institutions of Government—their superiority, theoretically and practically, to those of any other country on earth, be that other which it may. I devoutly believe this. I inculcate this, at all times and places. I denounce and repudiate, here and every where, that extravagance of opposition to the particular administration of the Federal Government, which degenerates occasionally into weak doubt, or stupid unconsciousness, of the admirable and excellent qualities of the Federal Government itself.

There is not, in my opinion, a single one of the principal Governments of Europe, so stable in itself, or so fruitful of peace and prosperity to the subjects of it, as that of the United States. There is not one which, in the last fifty years, has undergone so little change of organization as that of the United States. There is not one which has experienced less of civil commotion or of national war. During the fifty years that this Government has subsisted under the Federal constitution, what agitation, what disasters, what sanguinary wars, domestic and foreign, have not the great powers of Europe gone through! I will not dwell on cases like that of France, where, during that period, one constitution of Government has chased after another, shifting, in troubled succession, like the images of a phantasmagoria; nor of Spain, at this moment ravaged, torn asunder, by a deadly civil war, in which, it is said, some hundred thousand souls have been cut off in the brief space of three or four years; nor of the continent of Europe generally, overrun, once and again, by foreign armies, and the theatre of almost perpetual revolution. Take, instead, the case of our father-land—of Great Britain—the freest and at the same time the peacefullest (internally) of the Powers of Europe—that which, in the nature of its institutions, is the nearest analogy to ourselves; and I say of Great Britain, that the single measure of the Reform Bill is a greater change in its constitution, and the discussions and plans connected with and consequent upon that measure, indicate greater *instability* in the institutions of that country, than any thing whatever which has, in the same period, transpired in the United States. I believe this. I know it. And I maintain that it is the mere exaggeration of morbid discontent to compare any of the evils—trivial in themselves, but serious in relation to our keen sense of maladministration arising from the superlative goodness of our institutions—it is mere extravagance to compare any of these evils to these which befall others of the chief States of Christendom.

At the same time, defects, abuses, errors of administration, corruptions, are incident to our Government, or to every thing human; and it is our duty to investigate these, to endeavor to remove and guard against them, and, by continual vigilance, to maintain the purity and integrity of the Constitution. Actuated by these sentiments in the remarks I am about to make, I affirm I concede nothing to the discredit of the Federal Government, as a Government.

These things being premised, I proceed to the main subject which I have to submit to the consideration of the House.

To begin, let me recur to the fundamental principles of the Government. It is a Government of *consent*—of consent of the whole constituent People—and a Government framed in the aim to secure to all the component parts a perfect equality of rights and privileges. It was constituted to *secure* and guard the rights of the members of it, not to create or confer those rights, which rights are altogether antecedent in point of existence, and superior in point of sanctity, to the Constitution, which is but the social compact of the sovereign constituent People, and subject to be modified or annulled by them as such. They, the constituent People, are the sovereigns, not in name or the letter of the text only, but in practical fact. The individuals actually engaged in the administration, and to the eye constituting the Government, are but the temporary elected agents of the People, exercising specific functions, lawfully conferred on them by the People, and responsible to the People for the faithful discharge of a solemn trust confided to them for the general good. In short, the Government is a representative Democracy—Democratic in its basis, representative in its forms of action.

These general principles are manifestly the very elements of the Constitution, the opening sentence of which sets forth the right upon which it stands: "*We, the People of the United States*, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, *do ordain and establish this Constitution of the United States* of America." Words, full of that pure and simple dignity which characterizes the whole instrument! And although in the original Constitution of the United States itself, there is no specification of the abstract principles on which it is founded—the absence of which was one of the objections urged at the time against it, and which were in part supplied in the amendments thereof subsequently adopted—yet those principles were not the less distinctly recognised and established by the Constitution, inasmuch as the constituent People, who framed and sanctioned it, were already associated in political communities, as citizens of the several States composing the Union, and associated by forms of government, which, either expressly or by necessary implication, admitted and asserted the rights of self-government, and of revolution as the means of obtaining or exercising self-government, solemnly claimed by the thirteen Colonies in the Declaration of Independence.

These being the views which I entertain of the nature of the Government of the United States, I concur with the gentleman from Ohio [Mr. DUNCAN] in reprobating, as he has this morning done, the opinions put forth in some quarters, in reference to the revolutionary movements which are agitating at this time the remaining British Colonies in North America. I hold that the people of Canada have a right to be free and independent of Great Britain, *if they choose it;* and this not merely because Canada is a conquered country, acquired and held by force, but, in addition thereto, because of that identical right of self-government, in virtue of which the old thirteen Colonies challenged and secured their separation from the mother country. I hold that you cannot discriminate between the two cases by any distinction of *principle* whatever. And I have been vexed, shocked, alarmed, to perceive that some few accredited and respectable presses in certain parts of the United States, not content with having the Federal Government abstain as a Government from any breach of its neutrality on this occasion, and the citizens individually from any violation of the laws enforcing that neutrality, have endeavored to discourage and repress the spontaneous, just, lawful, and honorable sympathies of this nation in behalf of men emulating the illustrious example of our own forefathers, by the promulgation of sentiments which impliedly deny and repudiate the very elemental doctrines of the Constitution of the United States, and of every one of the individual States.

As a man, I feel such sentiments to be *wrong*, subversive of the dearest human rights, and prejudicial to the cause of truth and civilization.

As an American, I know them to be in diminution of the text and the spirit of our laws, both fundamental and municipal, and counter to the established theory of the American Republic.

As a Whig, I believe that it is precisely such sentiments—a

tendency in some quarters to distrust Republican institutions—to uphold the anti-reform party of other nations—to assume anti-democratic ground upon questions of foreign politics—to be drawn too much, in practical questions of domestic politics, into an obscure under-current of unrepublican opinions and feelings—that this it is, beyond and above all other things, which has given to the Administration whatever hold it has on the attachment of the popular masses, and to the same degree constitutes the weakness of the Opposition.

Our Government is fundamentally Democratic; I use the word in its philosophic, not in its party meaning, resting upon the sovereignty of the people. We cannot change this. If we could, we ought not. It is right. And, right or wrong, it is the existing fact to which Government must conform itself just as inevitably as agriculture to the natural qualities of soil and climate. You may modify, you may correct evil tendencies, you may improve good ones, but the basis remains unchangeably the same; and there is no sense in reasoning, nor use in acting, against irreversible facts in the very constitution of things. We lay lose the confidence of the people by thinking or speaking distrustfully of them; but, in proceeding thus, we establish no truth, we promote no good end; we simply throw away our means of usefulness, and we do not deserve to possess the confidence of the people, unless we legally entertain, and cordially act upon, the popular principles which are the very life-blood and spiritual essence of the Constitution.

Whether this be Federalism or Democracy is immaterial to me; it is my political creed, by whatever name of party it be called. Like the gentleman from Tennessee, [Mr. C. H. WILLIAMS] I desire to be guided by principles, not by names.

We may discern, I think, among the opinions current in the United States, two extremes of conclusion, each of them alike exceptionable and dangerous to the liberties of the people. One is the disposition indicated by some persons to draw back, to shrink from trusting themselves frankly to the Democratic spirit of our institutions, to maintain a sort of ultra conservatism, which is a policy unphilosophical, because impracticable, and injurious, because adverse to the organic structure of the Federal Government. The other is the extreme of ultra-radicalism, which, in its eagerness to maintain the rights of the many, disregards those of the few; and which, as it can act only by delegated power, seeks to concentrate its force in the person of a popular chief, the hand to wield the despotic will of the mass, as in the dictatorship of the Roman Republic.

Supposing these opposite tendencies to exist in the community, what has been their influence upon the action of the Federal Government? Practically, how has the Constitution worked? Have abuses crept into the administration of the Government? And, if so, what, and how?

In the first place, as to the *sources* of abuse, it is evident these are various, according to the various elements or parts of the Government.

The whole Federal Government might (theoretically speaking,) conspire to injure a State, or the people of a State, or some of them, by the exercise of some power not granted by the Constitution; as, if Congress should pass, the Judiciary sustain, and the Executive, through the public functionaries subordinate to him, undertake to carry into effect a law to abolish personal servitude in Virginia or South Carolina.

The President: as if he should, of his mere motion, without the authority of an act of Congress, proclaim war against a foreign power, and, being in command of the military forces of the nation, proceed to make war.

Congress, that is, the Senate and House: as if they claim to enact a law, the veto to the contrary notwithstanding, and without a vote of two-thirds thereupon.

The Senate: as if it originate revenue bills, or appoint ambassadors without nomination from the Executive.

The House: as if it assume to exercise a concurrent voice in the confirmation of appointments made by the President.

The judiciary: as if it should take upon itself any of the executive functions of the Government.

Officers, civil or military, either in the familiar forms of malversation in office, or as the instruments of the Executive, in particular acts, or in a system of usurpation.

In the second place, as to the modes of corruption, these also may be various, according to the objects. Either *directly* in the people, that is, the person of the citizen, as if this House should refuse to receive petitions setting forth grievances of which they complain, or if the President should undertake to impress men for the naval service, as practised in England; or, indirectly, by one branch or department of the Government drawing to itself the exercise of powers belonging to another, and thus violating the order prescribed by the people in their Constitution.

Upon the Constitution of the United States, then, in which of these various quarters, and in what form of action, lies the danger? From which department of the Federal Government is corruption, encroachment, or usurpation to be most apprehended.

Usurpation by the whole Federal Government, in all its branches, combined to that end, is a question between the United States and individual States, or the people, or a portion of them. That I do not now discuss. But, as between different departments of the Federal Government, I repeat the question, which is the most dangerous to the integrity of the Constitution.

We may dismiss all serious fear from public functionaries in the civil service of the country, as Judges, Secretaries of State, and the like, because of the nature of their functions, their want of pecuniary resources and physical power, their amenability to the law, and (in regard to all but judges) their dependence on the Executive.

So, also, as the men holding command in the naval or military service of the country; in addition to which, if usurpation comes from that quarter, we may rest assured it will clothe itself in the forms of legality. For example, the Roman Cesars, who overthrow the liberties of the Republic in the forms of law, by causing themselves to be continuously invested with legal functions, and thus rendering themselves practically and exclusively supreme, whilst all institutions of the Republic remained seemingly in full vigor: the word emperor, it is notorious signifying originally nothing but Commander-in-Chief. Another example, the dukes and counts of modern Europe; men, who, in name, as in fact, originally were the holders of a legal function merely, which, by usurpation, they transformed into a personal right or fixed rank in the State. And, intensely devoted, as the people of the United States are, to Republican institutions, it is by misuse, probably, of the form of the Constitution, if ever at all, that usurpation or corruption will find its way into the Federal Government.

We may, I think, narrow down the consideration, for present practical purposes, to the two prominent departments of the Government, the Legislative and the Executive, the relative capacity of which to encroach on the rights of the other, or of the people, can be appreciated only by means of a proper analysis of the Constitution.

In the description of the powers of the Federal Government, and the definition of the powers of the several component parts of it, which the Constitution gives, the Congress stands forth eminently from the face of the instrument. It occupies *the first place* in the Constitution.

And the enumeration of powers granted to Congress, covers, in part or in whole, the grants of power parted with by the respective States to the Federal Government in the aggregate.

These powers are specific, and therefore, in themselves, less liable to abuse by implication; that is, when "legislative powers" are spoken of in the Constitution, they are expressly declared to be those "herein granted," (Art. I, sec. 1,) referring, of course, to the subsequent enumeration of powers.

And the powers of Congress are *legislative* powers; that is, powers in which, for their effectual exercise, the three subdivisions of the Legislature; that is, the President, as well as the Senate and House of Representatives, concur.

The House of Representatives possesses no *particular* powers, except such as relate, 1st, to its organization and rules of proceeding; 2d, the origination of money bills; and, 3d, of impeachments; and of these, the first, a power comparatively unharmful, is the only power which is complete as well as particular.

The Senate possesses no *particular* powers, except such as relate to, 1st, its own organization; 2d, the trial of impeachments; 3d, the advisement of the Executive in foreign negotiations; and 4th, the rejection of nominations; and, of these, the first only is complete.

Of checks to usurpation, on the part of the Senate and House, either conjointly or separately, as against the Executive, there are many. Look at the House, for example: its proceedings are public, by debate, in this hall, before the presence of the whole community—in the face of the world—seen, understood, scrutinized, at every stage, by an ever-vigilant people; while the deliberations of the Executive are confined to his own breast, or to the privacy of Cabinet councils. The responsibility of this House is more direct and tangible, being distributed into separate constituencies of States and of parts of States, before which individual members are subject to be held to account, personally, for the discharge of their trust; while the President is withdrawn from contact with the different parts of the country, and placed in the remote dignity of the White House. We possess no patronage of any consequence; while that of the President pervades the Union. We have no public money in our custody, no munitions of war, no fleets, no forts or arsenals, no physical force by land or sea, neither the sinews nor other instruments of corruption or usurpation, all which are in the hands of the Executive. Our councils are interrupted by adjournment, while those of the Executive have unbroken continuousness of purpose and perpetuity of execution; ours are disturbed by numerousness of persons, his have the decision and concentration of individual intellect. The members of the Senate and House are not elected for identical periods; and this House for half the term of the President. Finally, the action of Congress, in all things, except its own organization and the preferment or trial of impeachments, is subject either to the previous action of the President, or to his veto, conferred upon him as well to guard his own independence as to maintain the integrity of the Constitution.

From this inspection of the Constitution, I infer that the powers of the two Houses are not of themselves particularly capable of abuse. I am not aware that any facts exist in the history of Congress contradictory to the inferences deduced by me from the text of the Constitution. And I proceed next to consider how it is, in this respect, with the powers conferred on the Executive.

Foremost among them is the provision (Art. 1. sec. 7) which makes his approbation—except as against a subsequent vote of two-thirds of each House—essential to the enactment of a law. Couple this with a power given to him in another place, (Art. II. sec. 3,) to recommend measures to Congress, and you see that he is a component branch of the Legislature of the country, originating and rejecting measures equally with either House. Is not this—I speak now of the veto—a great power to be placed in the hands of one man? and a power subject to abuse?

It is the notorious fact that, in the course of the late Administration, the veto was exercised more times than in the whole previous history of the Government. Exercised not only in the direct mode of an express refusal to approve, leaving to Congress the option to insist or not by a vote of two-thirds, but in the more objectionable mode of *the suppression of bills*. Grant this, in the cases referred to, to have been a constitutional power constitutionally exerted, still the fact itself, the frequent repetition of the veto in the last few years, is indicative at least of a great advance in *the practical power and in the influence* of the Executive.

But this is one of *the concurrent powers* of the Executive, a function in the discharge of which the President acts in association with Congress. Let us look farther into the Constitution.

When that instrument comes to speak of the President particularly, it says: "The Executive power shall be vested in a President of the United States."—(Art. II. sec. 1.) What is meant by this? Does the word "Executive," in this phrase, confer any substantive powers on the President?

I hold that when it said, "The Executive power is vested in a President," the expression is intended only as a description of the person who is to exercise the Executive functions, otherwise described in the Constitution, or to be reposed in the President for the execution of acts of Congress. And I adopt, in this connection, the construction suggested at the last session by the gentleman from Virginia [Mr WISE] In the President are vested the "Executive" powers. True; but what are these powers? Part of them are afterwards expressly enumerated; and the rest are such as Congress may see fit to entrust to the President, either under the several specific powers granted to Congress, or under the general power, which closes the enumeration, and is suppletory of all the rest—"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, *and all other powers vested by this Constitution in the Government of the United States, or any Department or officer thereof.*"—(Art. I, sec. 8.) Here is the life giving clause, the grant to Congress of the power to infuse vitality into *the undefined powers* of the Executive; which idea is confirmed by the fact that, when this word is used by the Constitution in another place, it is in association with the word *Department*; "Executive Departments" is the expression, (Art. II, sec. 2.) And these Executive Departments, we all know, were among the earliest things to be constituted, defined, and limited, by acts of the first Congress which assembled under the Constitution. And this *in point of fact it is*—I mean *by acts of Congress*, that the President has charge of the Post Office, the Treasury Department, and the Land Office.

And yet, for the defence of doubtful acts of authority, the late administration had recourse to the old prerogative doctrine of "an original Executive power," said to be "LEFT" in the hands of the President, "unchecked by the Constitution."

If the word "Executive" confers substantive powers on the President—powers deducible from the intrinsic meaning of the word—how is that meaning to be measured? How defined and limited? Is it a British Executive, or a French Executive, or a Russian Executive; or, peradventure, a Turkish Executive?

If the President possesses any substantive powers in virtue of this word, it is a power vast, immense, incalculable, immeasurable. There will be no limitation to the acts of authority which may shelter themselves under its ample folds. But I utterly deny this monstrous doctrine; and I mark it, and the act performed under it, as innovations in favor of the Executive and encroachments, deep and dangerous, on the powers of Congress.

For, while the Administration was profuse in the profession of a desire to confine the Federal Government within its appropriate functions, it is to be remarked that, in the actual practice of that Administration, new limitations were applied only to those of the powers of the Government in which Congress must participate; that is to say, *the enactment of laws;* the scope of things to be done by the *Houses of Congress* was *lessened*, while that of things to be done by the *Executive*, independently of Congress, was *extended*.

But to proceed. We come now to the Executive powers *expressly granted* to the Executive in and by the Constitution; and of these I mean to select the more important only, in illustration of the views I entertain.

"The President shall be Commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States."—(Art. II, sec. 2.) A power how vast! Conferring immense patronage, and controlling the entire physical force of the country! A power, this alone, greater, in its practical exercise and immediate effects, than all the powers whatsoever, which are conferred on Congress. Giving to the President himself, nay, to a single officer of the army or navy acting on a hint from him, the discretion of peace or war in a thousand critical contingencies. For example, it has repeatedly, three signal times at least, in the history of the Federal Government, happened, that the Executive, or an officer under him, has *invaded* the territory of a friendly power in time of peace. Is not this a power somewhat capable of abuse?

"He may require the opinion, in writing, of the principal officer in each of the Executive Departments."—(Art. II, sec. 2.) It does not say *control the action* of those principal officers, but *require their opinion;* which supposes, of necessity, *that they have opinions of their own.* Moreover, if the President may absolutely prescribe the conduct of these officers, if there is any thing in the Constitution which confers on him such power, why be at the pains of giving to him *the much less power*, to require their opinions? The *infinite* greater power would of course comprehend the *finite* less one. Couple this clause of "Executive Departments" with that of "Executive power," and apply to both the clause that Congress may make laws for carrying into *execution* ALL powers vested in *any department or officer* of the Federal Government, and the conclusion is manifest, as I have stated before, that the *vitality* of the functions of the Executive is, under the Constitution, to be infused into them by the legislation of Congress.

Yet, we have, in late times, seen "the principal officers of the Executive Departments" treated as the mere servants of the President, the humble instruments of his supreme will, instead of, what the Constitution supposes, *the agents of the law of the land*, and the instruments of Congress as well as of the President, which I mark as another dangerous innovation.

"He shall have power to make treaties." Here is an immense power, a power of peace or war, a power larger than any which is exercised by law; for though it be provided that the treaty shall be made "by and with the consent of the Senate," yet, according to the established construction of the Constitution, the *negotiations* are actually conducted throughout by the President.

Look at the compass of this treaty power. For example, the President may, of his own simple discretion, unsubjected to the control or advice of any other department of the Government, so word a despatch, or other public document, as of necessity in time of war to effect peace, or in time of peace to produce war; frequent cases of which could be given from the history of our relations with Great Britain and with France.

For another example, the President may, of his own mere motion, double the territory of the United States by a treaty of acquisition; and though the treaty must of course be submitted to one, or it may be both, of the Houses of Congress, yet the question will then be, not whether Congress will make the acquisition of a territory, but whether it will reject a territory already acquired. This was the case of Louisiana.

It may be—I do not know but that, in the predestined march of empire, the United States will cover this continent. But if it is to be so, it will hapen, I do believe, not from any previous resolution of the people of the United States, or of Congress, to enter upon a grand career of conquest or aggrandizement, but rather in future times as in past, through the exercise, on the part of the President of the practical discretion over the question of war and of territorial acquisition, which the treaty-power confers on the Executive.

"He shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other ministers and consuls, judges of the Supreme Court, and all other officers of the United States," &c. Here is the patronage-power of the Executive—a power, which, even though regularly exercised, and *without* removals for opinion, is yet a tremendous engine of influence.

Here is the patronage-power of the Executive—a power, which, even though regularly exercised, and *without* removals for opinion, is yet a tremendous engine of influence and authority, because it renders the President the great fountain of honor and profit.

In reference to this power, as exercised under the late Administration, I make no question of constitutional right. I concede, in deference to the Constitution, long settled, and perhaps the true one, that the power of removal is correlative to the power of nomination, and vested in the President alone. Be it so. It is, under any view of that question, a most enormous power; and under the latter construction, and as practically used by the late Administration, it is a power utterly subversive in its tendencies of the constitutional rights of Congress.

This topic is a trite one. It is the ordinary theme of declamation, in the mouth of men opposed to the Administration. But I am not declaiming. On the contrary, like the adventurer in the Arabian tales, transported by genii into the crystal caverns of the interior earth in quest of Nature's inexhaustible store-house of the diamond and the emerald, I am calmly seeking, guided only by the spirit of liberty, to explore the foundations of eternal truth. And I do solemnly believe, that the patronage of the Executive, as it has been and is exercised, by men who claim that the official functions of the Government are spoils due to the party-victor—patronage applied directly to the interest of individuals possessing or seeking office, and indirectly through them in all the ramifications of social relationship—patronage applied to the great fountain of popular opinions, the Press—patronage applied to members of Congress and other elective agents of the People, that the appointing power, so exercised and applied, is one of the weak points of the Constitution.

Nor am I singular in coming to this conclusion as the result of the experimental working of the Federal Government. You, Mr. Chairman, can bear witness to the opinions expressed by Mr. Benton, in his report on Executive patronage, (United States Senate, May 4, 1826.) I adopt his position that the exercise of this power has "a constant tendency to sully the purity of our institutions, and to endanger the liberties of the country;" that, to prevent abuses in this direction, "much remains for us to do, and much will still remain for posterity to do—for unborn generations, on whom will devolve the sacred task of guarding the temple of the Constitution, and of keeping alive the vestal flame of liberty;" and that in "the theatre of real life" around us, "we behold the working of patronage, and discover the reason why so many stand ready, in any country, and in all ages, to flock to the standard of power, wheresoever and by whomsoever it may be raised." To all this I say *ditto*. And I add further, that, true as it was then, it is a hundred fold true since the recourse had by the late Administration to the unsparing use of what Mr. Benton, in the same State paper, justly called "the kingly prerogative of dismissing officers without the formality of trial," and handing over their places to new aspirants as the reward of more zealous partizanship. To confirm which, I cite the comparatively recent report on the same subject, made by that statesman, who, if I "know" his "position," stands now in the attitude of the very pillar of the present Administration in the South, I mean Mr. Calhoun, (United States Senate, February 9, 1835;) and I adopt, also, his language, that the patronage of the Executive is becoming a danger most "formidable, which threatens, if not arrested, to subvert the Constitution;" that "the disease is daily becoming more aggravated and dangerous; and, if it be permitted to progress for a few years longer, with the rapidity with which it has of late advanced, it will soon pass beyond the reach of remedy;" that it is no party question; and that "every lover of his country and of its institutions, be his party what it may, must see and deplore the rapid growth of patronage, with all its attending evils, and the certain catastrophe which awaits its further progress, if not timely arrested." And I appeal to every man who hears me, I demand of this House, whether there be one member, who can stand up here, and, in his conscience and upon honor, deny the progressive increase, the alarming increase, of the influence of the Executive, through the exercise of this mighty power?

"He shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." (Art. II, sec. 3.) This power is a very general, and seemingly a vague one; but, on examination, it will be found a most important one, and very capable of abuse.

What is the true meaning of this clause? May the President *dictate* measures to Congress? No; this, it will be admitted on all hands, cannot be the true import of the Constitution. It was the intention of the framers of the Constitution, undoubtedly, to give to each of the great departments of the Government a *theoretical independence* of the others. This *independence* is very emphatically asserted in the Constitution of some of the States. That it is *implied* in the Constitution of the United States is fully argued and established in the numbers of the Federalist. The doctrine, as understood and asserted in England of the Constitution (so called) of that country, is stated in the nervous language of Lord Bolingbroke, thus:

"The constitutional independency of each part of the Legislature (the King included) arises from hence; that distinct rights, powers, and privileges, are assigned to it by the Constitution. * * It consists properly and truly in the free, unbiassed, uninfluenced, and independent exercise of these rights, powers, and privileges, by each part, in as ample an extent as the Constitution allows; or, in other words, as far as that point, where the Constitution stops this free exercise, and submits the proceedings of one part, not to the private influence, but to the public control, of the other parts. Before this point, the independency of each part is meant by the Constitution to be absolute; from this point, the constitutional dependency of each part on the others commences."

And to the same effect is the language of Mr. Benton, who, in another report of the same period with that which I have cited already, lays it down as "the ruling principle in the organization of the Federal Government," that the three great branches of it, "the Executive, Legislative, and Judiciary, should be separate and distinct from each other, not only in contemplation of law, but in point of fact; and for this end, that each should not only have its independent organization, but that the individuals administering each should be wholly free from the control and influence of the individuals who administer the others." In accordance with which, as I understand the Constitution, though the President may recommend measures, yet Congress is to exercise an unbiassed and independent judgment upon the question of adopting or rejecting such recommendation. It is a *recommendation* simply.

But again. Assuming these premises to be sound, what is the exact force of the expression "recommmend *measures*," according to the true spirit of the Constitution? The gentleman from Georgia [Mr. HOLSEY,] in his remarks this morning, by way of reply to my colleague [Mr. Reed,] who objected to a usage, said to exist in the practice of the Committee of Ways and Means of this House, to receive bills ready drawn from the Executive Departments—defends the practice under this clause of the Constitution; and he distinctly speaks of it as a power "to propose laws to Congress;" and he contrasts our institutions in this particular with those of England, in which, he says, "the *proposing power* is denied to the King, whilst in ours it is vested in the President."

Can this be? Does the President of the United States possess the *iniative* in legislation, as well as the *veto*? It may be so; but I do not remember to have remarked this heretofore, in any of the discussions touching the Constitution. I cannot assent to it. If it be so, it is the exact case of the French charter.

And, in regard to the case of England, the intelligent gentleman from Georgia knows full well, that the King of Great Britain possesses, practically, the power of initiating laws, by reason of the fact that among the Secretaries of State there are always members of the House of Lords, and that commoners, holding office under the Crown, are eligible to the House of Commons, and are in truth the leaders in that body, and the proposers of all important measures. Conformable to which is the fact that, in France, the King's Ministers have the right to sit and debate in either Chamber. The framers of the Constitution of the United States indicated their sense of this, by expressly excluding from Congress all persons holding offices under the Federal Government. (Art. 1, sec. 6.) Whether this exclusion has, indeed, operated to the advantage of the public liberties, may be doubted. Certain it is that if the principal officers of the Departments were by their duty required to attend and debate in this House or in the Senate, the measures they recommend, and the views they entertain or express, could be subjected to a severity and strictness of scrutiny, which is quite unattainable as the Constitution stands.

But, continues the gentleman from Georgia: "The power to recommend is general. It includes all the particulars." And by inference, "*draughts of bills.*" If such be the force of the Constitution, then I say that bills, like other communications from the Executive, ought to come to the House directly, and in a public form. If there be any usage to the contrary of this, I contend that it is *a bad one—a departure* from the spirit of the Constitution. Such a usage would open the door to clandestine arrangements between the Executive and the Committees of Congress.

Mr. JONES, of Virginia, here rose and said: Does the gentleman from Massachusetts mean to insinuate that there had been any clandestine arrangement between the late Committee of Ways and Means, of which I was a member, and the Executive or the heads of any of the Departments?

Mr. CUSHING. I will answer the gentleman's question by restating my proposition: that if bills may come here, not in the shape of a public communication from the President, or Secretary of the Treasury, or any other Department—but, instead of that, through a committee only, or the chairman of a committee, then I say that, if such be the reading of this clause of the Constitution, it involves in itself a *tendency* to clandestine arrangement between the Executive and the committees of this House.

Mr. JONES. The gentleman has not answered my question. Does the gentleman from Massachusetts mean to insinuate that there was any such clandestine arrangement between the Committee of Ways and Means of the last session and the head of either of the Departments?

Mr. CUSHING. Well, then, I can only repeat what I have before said. I insist that recommendations from the Executive to this House, which come not in the shape of direct and public communications, involve an unavoidable *tendency* to clandestine arrangements. Whether, in the particular case referred to, there was or was not any such arrangement, is a fact as to which I have no knowledge, and make no charge.

Mr. WISE rose and said, he was prepared to assert that, in relation to the fortification bill, on the last night of the second session of the Twenty-third Congress, there was a clandestine arrangement between the Executive and a member of a committee of this House.

Mr. JONES. Of that I know nothing. Has my colleague any charge to make against the committee of which I was a member? If so, I desire to hear it.

Mr. WISE. As to the committee of which my colleague was a member, that is a matter concerning which, having no personal knowledge, I make no assertion. I repeat that there was a clandestine arrangement in the transaction to which I allude.

Mr. CAMBRELENG. I can only say that I deny it flatly.

Mr. CUSHING. Well, if the gentleman from New York [Mr. CAMBRELENG] wishes for a renewal of the debate of the last Congress on this vexed subject, I have no doubt the gentleman from Virginia [Mr. WISE] will be ready at all times to meet him upon it. I am arguing a constitutional point, the consideration of which I will not mix up with any controverted questions of fact.

He shall take care that the laws be faithfully executed. A power, this also, broad, comprehensive, implying a general supervision of the affairs of the United States, and of inestimable capacity for good or evil.

Is it not so? Look at it, in purely domestic questions, as in the case of a controversy between the Federal Government and one of the States, of which the proclamation of the late President of the United States on the Nullification Question is a cogent example.

Another example of still wider efficiency, Washington's celebrated proclamation of neutrality. Whether this measure was a judicious one or not, whether constitutional or not, are questions much debated at the time, but not necessary to be discussed in this connection. I concede the lawfulness of the act; that is, considering it, what it really purports to be, simply as a State paper, declaratory of the fact that the United States was at peace with all the belligerant powers, and enjoining upon the citizens of the United States to abstain from the performance of any acts inconsistent with peace. I concede this, and I refer to it only to illustrate the consequential greatness of the power Reflect on the situation of the United States at that time. Bound to France by the treaties of amity and of commerce of 1778, which, on our part, guarantied the integrity of the French possessions in America, and gave to her the most important belligereant rights with regard to commerce, and also in the ports and seas of the United States. Called upon, nevertheless, by considerations of good faith towards other nations, and the duty of maintaining the peace of the country, to abstain from all acts inconsistent with strict neutrality. And yet this momentous question—one side of which might perhaps, if taken, be deemed by France an abrogation of our treaties with her, and the other side, if taken, be deemed by England adequate cause of war, with a long train of consequences on either side—was decided by the separate and independent will of the Executive.

Each of these distinct heads of the power of the Executive, as expressly defined in the Constitution, is, it seems to me, greatly susceptible of abuse. These powers are distinguished, as already intimated, by the generality, the comprehensiveness of the terms of grant. They are, for the most part, independent and complete in themselves, in so many words; and where they are not expressly so, they are practically so. Thus the rejection of nominations is, in comparison with the whole number of appointments, a rare thing; and so is the refusal to ratify treaties. They are continuous powers, powers characterized by perpetuity (for a given time) of actual exercise. Secrecy, individuality of conception, oneness of counsel, belongs to them, as it does to the functions of royalty. In all these, and many other particulars of the same nature, the Executive evidently possesses great facilities for the abuse of power.

But I may be reminded of that which constitutes, in theory, the guaranty and safeguard of Congress, namely, the right of the two Houses, or either of them, to refuse supplies to the Executive, and so to encroach on his functions; and it is proper I should anticipate this consideration.

The Houses may withhold supplies from the President. Granted; and so may he, by the exercise of the veto, withhold supplies from the two Houses.

But the Houses may, by a concurrent vote of two-thirds on the back of a veto, obtain supplies in spite of the President. Granted; that is a possible contingency in some future competition of power between the Executive and legislative departments of the Federal Government. It is *the* ONE *disadvantage* to which the Executive is subject; and let us look at *the many advantages* wherewithal he may balance this one disadvantage.

To begin, he is the single Executive chief of the nation; and while, as a general truth, in a monarchy or an aristocracy, the danger of innovation is from the popular assemblies, if there be any in a democracy, the danger is from the popular chieftain, for the time being, into whose hands all the power of State tends to concentrate itself, as the ready means of giving despotic efficiency to the supreme will of the Democracy. Thus, in Rome monarchical, the popular assemblies innovated, until they had obtained a due share of liberty; in Rome republican, the chiefs innovated, until that liberty was all gone. Thus, again, in modern Europe, after the establishment of the various feudal monarchies, we have seen the popular assemblies encroach to obtain or recover liberty, and that liberty, when obtained, fell into the clutches of civil or military dictators. In a Republic, watch well the popular Chief Magistrate.

But again, supposing a career of usurpation is to be undertaken, let us look at the relative *advantages* of the President and of Congress, as deducible from the structure of the Constitution.

The President, we have seen, has a voice in *all acts of Congress*, except impeachments, either originally, as in the recommendation of measures, the nomination to Executive offices, the proposition of treaties, or, finally, by the *veto*. The Senate checks the Executive directly, only by its rejection of treaties and nominations; and indirectly, in common with the House, by the vote of either upon money bills.

Congress can influence the President only by debate, opinions, or by refusing supplies; but the President has the same extent of power in each of these respects, and, in addition thereto, the vast patronage of the Government.

Congress influences the people, only by acting upon opinion. The President has the same means of influence; and the frequent exercise of it by the late Administration, in the unexampled number of *Conciones ad Populum* which it sent forth in various forms, indicates how efficiently it may be used. Add to which, he may act on the people by the power of appointment, by the activity of public officers in elections, by the instrumentality of the press, and, if need be, by the physical force of the Government, which he wields.

Congress has no direct control over the President, except by impeachment; a remedy which, whatever force it might once have been supposed to have, is now pretty generally admitted to be nugatory, because it is most powerless just precisely where it is most needed, that of a President, who, besides the enormous patronage attached to the office, and the physical power legally at his command, is fenced around with the immunities and the means of indirect action, which, in every Republic, belong to *a chief of party*.

Nor is this all. The House may think I have gone through the Constitution very imperfectly, and slurred over many of the functions of the Executive, or at least of which the Executive is in the habitual exercise. What has become of the money power of the Executive? What of the Land Office? What of the Post Office? What of the Indian Department? Are these not somewhat extensive fields of influence, of power, and of usurpation?

To begin with the Indians. For two years past nearly the whole army of the United States, and large bodies of militia and volunteers, and vast amounts of treasure, have been employed in a war with the Seminoles. Did Congress declare it? Chiefs of the remote tribes of the West are seen collected in the Federal City, summoned hither by the President, to submit themselves to his mediation in their quarrels, and to cede their lands to the United States. Does the Constitution give him this power? He is the great father of the aboriginal inhabitants of North America. Who made him to be all this? What provision of the Constitution makes him the head and ruler of all their tribes and nations? I would like to have the advocates of a strict construction of the Constitution look a little into this matter.

The Constitution authorizes Congress to regulate commerce "with the Indian tribes;" but I do not remember that it gives to the President any jurisdiction over them. Practically, by a striking fiction of law, but which is not all a fiction, the affairs of the Indians are conducted in the *War* Department, as if there was perpetual war betwixt them and us. Doubtless many of the acts performed by the Executive in relation to the Indians are to be classed under his constitutional power to make treaties. But not all, nor the half. Can a treaty, of itself, authorize the President to be the great father of the Indians? Or can their assent? No more than a treaty can make him to be, at the same time, President of the United States and King of Great Britain. No; the jurisdiction which the President exercises over the Indians, except in so far as it may be justified by the treaty-making power, can stand only upon *acts of Congress*; and where it is not so derived, *it is usurpation*.

And see how it works. What great power it confers on the

President—as patronage, acquisition of territory, peace and war, more largely even than in the case of our relations with independent foreign powers; because the dependent relation of the Indians, as regards the United States, makes him, in effect, *their master*. Reflect on the great masses of territory acquired by, or opened to, the people of the United States, by treaties with the Indians, as in the case of the Choctaws, the Chickasaws, the Creeks, and the Cherokees.

And see how it works with reference to the Indians themselves. Take the case of the Cherokee treaty of New Echota. Some hundred persons, out of a tribe of near twenty thousand, make a treaty in behalf of the tribe, who, by their written remonstrance, protest against and deny the validity of the transaction. Still the Executive brings it here as a treaty; it is confirmed as such by the Senate, and this House appropriates six or seven millions to carry it into effect, and does it almost without debate; no, not without debate, for I recall to mind the zeal with which you, Mr. Chairman, and the gentleman from Virginia before me [Mr. WISE] plead for the rights of the Cherokees.

In proportion as the pacific relations of the United States with the Indians have extended themselves, and especially under the system of removing them to the west of the Mississippi, adopted by the last Administration, in the same proportion has the power of the Executive, under this head, continued to increase.

The Post Office Department, with its ten or twelve thousand subordinate officers; its host of clerks, deputies, and contractors; its millions of annual receipts and expenditure; with its hands every day reaching wider and deeper into every part of the country, and acting upon manuscript correspondence and the communication of ideas all over the nation; is not that a visible monument of the increasing authority and influence of the Executive? The Constitution seems hardly to have conceived of the magnitude of the power which was destined to grow up in this unconsidered quarter.

But it is when we come to inspect the relations of the Executive to the *property* of the United States, the national treasure, the public lands, the edifices and other public works of commerce and internal communication, that we enter a field of usurpation, by construction, of incalculable dimensions and capacity.

The abuses of which this, the money power of the Executive, is susceptible, are fearfully shown by that long series of agitation, which commenced with the Bank question, and has brought us to the present deplorable state of public affairs. It is a topic too extensive to be fully discussed by me on this occasion. I shall only touch on some of the leading points of it.

It embraces the collection of the customs, and all the train of public officers connected therewith; the custody of the public treasure, and the question of the relation of the Government to banks; the disbursement of the public treasure, and the abuses admissible therein; the public lands, and the influence of the Government in the receipt and disbursement of the money they yield, and as the greatest landed proprietor, as well as the greatest moneyed capitalist in the country; the patronage and incidental power of the Government in the construction and management of light houses, harbor improvements, roads, custom-houses, mints, arsenals, and numerous other public works; all which things must be considered, if we desire to comprehend the full extent of the power of the Executive, as connected with the moveable and fixed property of the Federal Government.

If there were no question as to the mode in which the late Administration has wielded this tremendous engine of power, the mere fact of the augmentation of the amount of public property would clearly exhibit the dangerous increase of Executive influence within a few years. When Mr. Benton presented so strongly the perils which threaten us from this quarter, the whole amount of public expenditures, except for the national debt, which involved but little patronage, was about twelve millions annually. That, Mr. Chairman, was when you administered the affairs of the United States; and when the patronage of twelve million dollars was so dangerous that the House of Representatives ordered an elaborate investigation of all the departments to be made, in order to RETRENCH the unbearable extravagance of your administration. Extravagance, indeed! When the expenditures of the Government have gone on increasing ever since, until they have become double, ay, treble, what they were then; and when, I doubt not, if my friend from Virginia [Mr. WISE,] could have had the same free scope that Mr Hamilton had, abuses would be seen to have increased in a far greater ratio.

Mr. WISE here rose, and said, that he had compared his report with that of the former member from South Carolina, [Mr. HAMILTON,] and had found that where Mr. Hamilton had exposed one abuse in Mr Adam's administration, he [Mr. WISE] had exposed five in General Jackson's.

Mr. CUSHING resumed: The abuses of this power have been more signal in the *mode* of its exercise of late years, than in the amount of objects which it covers. Consider the war, in all its parts and incidents, of the late and of the present administration against the United States Bank; the onsets of the Federal Government upon bank paper and banks generally; all the strange details of the removal of the public deposites from the Bank of the United States; the organization of a great system of State banks, to be the political handmaidens of the Executive; and the newest new expedient of Executive Sub-Treasuries; and the all penetrating operation of this pertinacious schemefulness of the Executive upon the currency and the business interes s of the entire people of the United States. Bear in mind that this turbid torrent of baneful experiments and expedients has been poured in upon the country out of the single great fountain head of *the will of the Executive;* that *Congress*, the law-making department of the Government, has originated none of these things; nay, it has held back, refused, rejected, assented reluctantly where it has assented at all, and is yet struggling as it may to withstand the approaches, half seduction and half force, of the stubborn unappativeness of the Administration. Consider, I say, all this, and then tell me, if you can, by what clause of the Constitution it is that the President of the United States wields this stupendous power over the public property of the Government, and through that, over the private property of all the people of all the United States.

Strict constructionists, I beseech you to open this Constitution and point me to *the words of grant*, which place at *the discretion of the Executive* the collection of customs—the management of the public domain—the receipts therefrom—the conduct of the mails—the disbursements in every branch of the public service—association with, control over, or denomination of, banks—custody of the edifices and other fixed property of the nation, and of its moveable treasure. If it be not expressly given, is it a resulting power? If so, from which of the powers expressly given does it result?

Lax constructionists, do you undertake to raise this power by implication? To imply a power far greater than most of the expressed ones, and quite equal to any of them? Will you build up this lofty superstructure of power upon the *word* "Executive" in the Constitution? It cannot be. You might as well think to reverse the position of the pyramids, and plant them on the apex instead of the base. Grant that the "Executive power" is vested in the President; grant that he is to nominate and commission, and may remove public officers; still, the *details* of that Executive power; the acts to be performed in virtue of it; the officers by and through whom the power is to be executed, and the distribution and limitation of the functions among them respectively, are to be prescribed by *act of the Congress, in the forms of law;* otherwise the President of the United States is but another name for a despot, an autocrat, acting by some limitless *motu proprio*, and able, when he will, to absorb into his own person all the effective powers of the Federal Government.

I denounce these acts of the Administration, and the pretences of power by which they are sought to be defended, as the crowning evidence of the means of corruption, and the scope for usurpation which the functions of the Executive afford. This, the relation of the Executive to the public property and the private property of the nation, is the great question of the day. And it brings me to the general conclusions which I deduce from all I have said, and the practical result which I desire to reach.

First, I conclude, as the general inference, that the powers of the Executive are, as compared with those of Congress, or any other department of the Government, particularly susceptible of abuse; that they have been abused, and that they have a persevering tendency continuously to increase.

This, I am well aware, was not the opinion of the Federalist, at a time when the practical working of the Constitution was a matter of speculation merely; nor was it, I may add, of the *Federalists*, or, at any rate, the *ultra Federalists*, if we take Alexander Hamilton, one of the greatest men of his time, as the exponent of their opinions. He, we all know, proposed, in the convention which framed the Constitution, to confer on the Executive powers much greater than the convention was willing to sanction. But the conclusions to which, by careful analysis of the Constitution, and study of its actual working, I have arrived—and I put this to the consideration of those gentlemen who claim to be the *Democracy* of the country—was the sentiment, also, of the original Democracy of the early years of the Constitution.

In the second place, I conclude, as the other general inference, that the remedy for the abuses to which I have referred, is to diminish the power and influence of the Executive. The salvation of the Government depends upon it. There is over-action in the *head*. If we do not speedily restore the equilibrium of the system, the body politic will, sooner or later, be prostrated by a fatal apoplexy. With might and main we must strive to bring back the administration of the Government to the standard, original, unadulterated, unsophisticated purity of the Constitution.

We have, in my judgment, erred on all sides. The interests of *money* are too much thought of. I scorn to stand upon any such narrow question as banks, currency, trade. These are important objects in their place; but *freedom* is dearer than all considerations of advancement in wealth or temporal prosperity. Worthily to discharge our duties to the Constitution and the country, it becomes us to consider the temporary and evanescent business-relation of the present subject, as secondary only to the great and eternal interests of the constitutional liberties of the land. It is a question of Democratic right—the maintenance of the franchises of the people. It is a question of constitutional power—one department of the Government invading, by gradual and insidious progress, the other, and through that undermining the Democratic guaranties of the Constitution. One of the old writers relates of the Capadocians, I think, *Libertatem repudiaverunt, ut quam sibi dicerent intolerabilem*—they repudiated liberty as a thing which they said was intolerable to them. I do not fear this of my countrymen. A wise and brave people, it has been well said, will neither be cheated nor bullied out of liberty. But such a people may cease to be vigilantly wise, to be unshakenly brave, by resigning themselves to the treacherous and corrupt influences of power. Would to God that some divine *afflatus* might descend upon the Constitution, to resuscitate and reanimate its enfeebled energies; that the voice of the Almighty, from the empyreal height where He sits enthroned, penetrating the clouds which surround us, would say even to those dry bones of the Constitution, "Live! Be thou once more a creature of strength and of health, to go forth in the majesty of thy beauty, a ministering angel, on a mission of blessings to the world!"

Mr. CUSHING then submitted the following resolution, as an amendment of that of Mr. HAYNES:

Whereas the influence of the Executive Department of the Federal Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished—

Resolved, therefore, That, in order to correct the said abuse, so much of the President's Message as relates to the collection, safe-keeping, and transfer of the public money, be referred to with instructions to report—

First, such method of keeping the public treasure, effects, and other property, as in the judgment of said committee shall most conduce to promote the welfare and to secure the liberties of the people; and,

Secondly, such other reforms in the practices of the Government as in their opinion shall tend to bring back the administration thereof to the standard of the original purity of the Constitution.

SPEECH OF MR THOMPSON,

OF SOUTH CAROLINA,

n the House of Representatives, Friday, May 11, 1838—

On the Treasury Note Bill.

MR. THOMPSON, of South Carolina, addressed the House as follows:

Mr. CHAIRMAN: Although, sir, I regard the present as an occasion when, if ever in the history of this country, it would be justifiable to resort to the great conservative principle of English liberty, to withhold supplies until there was a change of measures and a redress of grievances, I am, nevertheless, willing to vote the necessary supplies to the Government. I must, however, be allowed to choose the mode of raising the funds. I cannot vote for a measure like that proposed, which is, in my deliberate judgment, a violation of the Constitution, and of evil and dangerous tendency. Howsoever and by whomsoever administered, I cannot forget that it is still the Government of my country, and entitled to all just aids from me of money, and of every thing else. But I will not allow any exigency, however great, any pressure, however severe, to induce me, in the slightest particular, to violate the Constitution. The section from which I come is the weaker interest in the Confederacy; the Constitution is therefore to us literally the "ark of our covenant," and should be as sacredly kept. Every consideration of interest is superadded to the highest sanctions under which men can act, so to watch over and protect it. As a matter of conscience, and of sworn duty, I cannot; as one of prudence and of policy, I would not, if I could, in the slightest particular, violate that sacred instrument.

He looks but narrowly at this measure who regards it simply as a question of raising money for a present emergency. No, sir, it is a part, a most important part—the very foundation—of a new fiscal, financial, and commercial system, which it is intended to erect upon the ruins of all the salutary usages to which we have been accustomed, of the Constitution itself, and of the property, prosperity and happiness of the people; a purpose, now no longer doubtful, to suppress bank notes as a currency, and to substitute in their place this Government currency. We have been told from a high quarter, one entitled to all consideration, that "a mortal conflict was now waging between bank paper and metallic currency, and that one or the other must perish;" that the business of discount and issuing currency are incompatible, and explicitly that banks ought not to issue their paper as currency. These annunciations are distinct enough; and I trust that it will not again be denied that the purpose (no doubt most honestly and patriotically entertained) is gradually to suppress bank notes as a currency; yet we are told at the same time that it is not contemplated to bring the country to a currency exclusively metallic. The currency, then, is to be in no part bank paper, and not entirely metallic. What then? Nothing has been proposed but this Government currency. I am no indiscriminate advocate of the banking system: I know the faults and vices of that system, and would rejoice to see them reformed; yet I prefer it with all these faults to the terrible agony and suffering of passing through the transition from that system to a metallic currency. I also prefer bank currency to this Goverement currency which you now propose to issue;

1. Because I think the issue of such a paper clearly unconstitutional.
2. It is not so good a currency as convertible bank paper.
3. Its tendency to excess (the great fault of the banking system) is greater.
4. It is more expensive.
5. Its political tendencies are more dangerous.
6. Its effects will be unequal and sectional, and specially injurious to the section from which I come.

I submit, sir, that these Treasury notes are bills of credit, and that this Government has no right to issue bills of credit. What is a bill of credit? In its largest sense it means almost any evidence of debt. But, in the sense in which it is used in the Constitution, it means such issues of paper, upon the credit of the public faith, as were then in existence, and by which the country had been so severely scourged, now generally denominated continental money. That, and nothing else, was intended by the general designation, bills of credit. We find the term frequently used at that period in acts of ordinary legislation; and why should we attach a different meaning to it when found in the Constitution? One act directs that "bills of credit" be received for postage; other acts forbid the receiving of "bills of credit" for public dues. What bills of credit? The only bills of credit then in existence in the country were those paper issues of the Federal and State Governments. That was what was meant by bills of credit, and nothing else. The Constitution was framed about the same time as these acts of ordinary legislation, and by the same men: and there can be no pretence for saying that one thing was meant in these acts of Congress by the term bills of credit, and another and a different thing by the same words when used in the Constitution. It was such a currency that had caused so much ruin in the country, and such a currency which it was intended to prohibit.

Is, then, the paper now proposed to be issued the same as the continental money? I answer, yes, in every particular, important and unimportant. It is a paper issued on the public credit, and intended to circulate as money. I can see no single point of difference, but in the paper on which the two are printed. The frugal habits of our fathers made them use ordinary paper; we use silk paper. It is said that these bills drew interest, and that the continental money did not. This, as is usual with these ardent theorists, is a mistake in point of fact. Much of the currency issued by the States, and denominated "bills of credit," did bear interest—that of New York, for example. But suppose it had not, are gentlemen, who profess themselves on all occasions the exclusive friends of a strict construction, prepared to palter with their consciences, to evade, to cheat, the Constitution, by such a contemptible fraud as making these notes draw one mill interest on a hundred dollars? The enlightened framers of the Constitution, say they, foresaw the evils of a Government paper, and forbade us to issue such, and made us swear that we would not do that or any other act in violation of the Constitution; but, by this paltry trick, we will evade it, and thus, in effect, do the very thing which we were sworn not to do. Shame! shame!

It has been suggested that such a paper may be issued in another form, so as to avoid the constitutional difficulty; certificates receivable in payment of public dues, and not promises to pay. This, like the other, is an unworthy evasion of the highest obligations which can be imposed upon men, and equally baseless. A large portion of the bills of credit of the Revolution were these receivable certificates. But in a case, long since the Revolution, the case of *Craig vs.* Missouri, it has been decided, and the decision sustained by unanswerable argument, that such certificates, receivable for public dues, are bills of credit, and therefore unconstitutional.

The State of Missouri had issued certificates receivable in payment of public dues, and without any promise whatever to pay. They were decided to be bills of credit, and unconstitutional. Chief Justice Marshall defines a bill of credit to be "a paper issued by the sovereign authority, and intended to circulate as money." Can any objection be made to the definition, or any other be given? Are these not issued by the sovereign authority, and are they not intended to circulate as money?

Let any man answer the question, and put his vote upon the answer. Judge Thompson says, there being no means of enforcing payment, their credit depends solely upon the faith and voluntary will of the State, and are therefore bills of credit. Is there any means of enforcing payment of Treasury notes? or have they any basis of credit but the public faith? Judge Marshall says, that the great question is, are they intended to circulate as money? and that this is to be ascertained by the face of the act and the face of the paper. Are these notes intended to circulate as money? Who will have the hardihood to deny it? They are intended to circulate as money, an issue of Government paper intended as money, and actually used as money, and in no other way. One of my colleagues tells us that this a loan, and is constitutional under the power to borrow money. Is it, sir, really and *bona fide* a loan—a loan at one mill per cent. per annum? Is it by such tricks on the Constitution that he and I have been accustomed to construe it? We, sir, who have, in time past, staked our all of life, honor, and character, in resisting a similar and less flagrant violation of the Constitution—"*a violation by perversion,*" which we were taught and believed was the most dangerous of all violations. No one denied the power to lay duties on imports; but we did deny the right to pervert a power intended only to raise revenue, to a power to protect manufactures. Which perversion is the grossest, that, or the perversion of the power to borrow money into one to issue a currency? If this is honestly intended as a loan, and not as an issue of currency, why are not the certificates of stock made transferrable at the Treasury, as heretofore, before the commissioner of loans, and not, as is now proposed, by the simple act of delivery?

Is it, in the common transactions of life, regarded as a loan when one man gives to another his note in payment of an account? Is the act of making money borrowing it? The Government has a right to borrow, but that right is restricted by the condition that it shall not borrow by issuing bills of credit—bills intended to circulate as money.

Could a State, without a violation of the Constitution, issue such a paper? No one will say so who admits the correctness of the decision in the case referred to. If not, why not? No answer can be given, but because they are bills of credit; for, if they are not, the States may issue them. If these notes are not bills of credit, I demand to know what are. Give me a definition which will not include these. Draw a form of a bill of credit which the States may not issue. That clause of the Constitution must have meant something. What manner of thing was meant by bills of credit, if these are not bills of credit? I do not think that the argument can be answered. If, then, they are bills of credit, has Congress power to issue them? It is enough for me and the school of politicians to which I belong, that the power is not to be found in the Constitution. I am accustomed to look there for the grant, not for the prohibition of powers. But this case is infinitely stronger. The power was inserted in the Constitution, and was stricken out by the Convention, and under circumstances expressly refusing the specific power itself. On the 5th of August, the committee which had been charged with the duty of preparing a constitution submitted their draught to the Convention. In that draught was the following clause, taken verbatim from a like clause in the articles of confederation: "Congress shall have power to borrow money *and emit bills* on the credit of the United States." On the 16th of August, a motion is made to strike out the words "and emit bills of credit," and carried, nine States to two. I repeat that it is enough for me that the power is not enumerated in the Constitution, nor necessary (not convenient) to any power that is granted.

But how infinitely is this ground strengthened when the power is not only not found in the Constitution as adopted, but was actually proposed and inserted, and afterwards stricken out on motion and debate. By an opposite rule of construction, I demand to know what power it is, that is not expressly prohibited, that may not be arrogated? The constitutionality of a Bank has been well questioned on grounds infinitely less strong, as I will proceed to show. A proposition to give Congress power to grant charters of incorporation generally, was referred to a committee, and never afterwards acted on. The power to grant a charter of a bank was never proposed.

Now it may with much plausibility be said that the Convention refused to give the general and dangerous power to grant charters as an independent power, at the same time believing that they had given the power to charter a Bank as an implied power, and as an auxiliary to granted powers. But in the case of bills of credit the very power is specially proposed and rejected. The power to grant charters of incorporation was not acted on by the Convention, and the power is now denied with great reason from the non-action of the Convention. But in the case of bills of credit the question was distinctly acted on, the power was inserted, and was stricken out on motion. How infinitely stronger is the one case than the other. Why was the power in either case refused? There is no evidence in the case of a Bank, that it was refused with an intent to deny the power. But in the case of Treasury notes there is. Luther Martin, a distinguished member of the Convention, immediately after its adjournment, when all the facts were fresh in his memory, tells the Legislature of Maryland that the words emit bills of credit were stricken out with the view of denying the power, and not because it was given, if it became necessary as an auxiliary power. He says in his letter to the Legislature of Maryland: "By our original articles of confederation, the Congress have power to borrow money and emit bills on the credit of the United States; agreeably to which was the report on this system as made by the committee of detail. When we came to this part of the report, a motion was made to strike out the words '*to emit bills of credit*;' against the motion we urged that it would be improper to deprive Congress of that power; that it would be a novelty unprecedented to establish a Government which should not have such authority. That it was impossible to look forward into futurity, so far as to decide that events might not happen that should render the exercise of such a power absolutely necessary, and that we doubted whether, if a war should take place, it would be possible for this country to defend itself without having recourse to paper credit, in which case there would be a necessity of becoming a prey to our enemies, or violating the Constitution of our Government; and that, considering the administration of the Government would be principally in the hands of the wealthy, there could be little reason to fear an abuse of the power by an unnecessary or injurious exercise of it. But, sir, a majority of the Convention, being wise beyond every event, and being willing to risk any political evil rather than admit the idea of a paper emission, in any possible case, refused to trust this authority to a Government to which they were lavishing the most unlimited powers of taxation, and to the mercy of which they were willing blindly to trust the liberty and property of the citizens of every State in the Union, and they erased that clause from the system."

Now, sir, here is the contemporaneous testimony of an illustrious member of the convention, that it was intended in "no possible emergency" that the Government should have power to make a paper emission. This statement was uncontradicted at the time, and is as authoritative as if the debates in full were published, and it should be found that it was put by all the speakers on the subject on the ground that it would be dangerous to grant such a power, and by no single one on the ground that the power might be exerted as an implied power. If such rules of construction are adopted, to what point will it not carry us? The sum of the argument is—a power not granted, but specifically proposed and rejected, is to be assumed, although demonstrably not necessary; and I would here remark, that the only instance in which it has heretofore been exercised was in a period of war, when money could not be borrowed, and when it was the only resources left; not only then convenient, but absolutely necessary to the very existence of the Government.

I trust that it will not be contended, at least that it will not by any State rights man, that the power is prohibited to the States, but not to this Government, and that therefore it may be exerted; that the dangerous doctrine will not be avowed, that this Government may do whatever is not prohibited. By such construction, what may it not do? Is a bank prohibited? Is internal improvement, or a protective tariff? None of them. How few powers are prohibited? Not a dozen. It was necessary to prohibit this power to the States, because without such prohibition they possessed it. It was not necessary expressly to prohibit it to the General Government, because they could not exercise it unless granted by the Constitution.

2d. It is not so good a currency as bank paper. It is the currency of revolutionary Governments, and never has maintained a par value, and never will, except in periods of great pressure, and in small amounts. It is even now below par, when every circumstance of the condition of the country is most auspicious to it; and when, added to its quality of currency, it has that of stock bearing interest. But it is said that if it does depreciate, the loss falls on the Government, not on the people. Mr. Chairman, where are we, and on what times have we fallen? Is it in this Republican land, where the Government is the mere trust, the mere agency of the people, that we are told that the loss of the Government is not the loss of the people? Suppose one hundred millions in your Treasury, and uses and demands for it, and it is consumed by fire. This, too, I suppose, would be the loss of Government, not of the people; no concern whatever of theirs.

3d. That its tendency to excess will be greater than bank currency, I do not doubt; and that is the great vice of the banking system. Can there be a more striking proof of this than the present state of things? With an exhausted Treasury, an emaciated and suffering people, the Government alone is unaffected by the universal pressure, and is seen careering along in a course of unexampled extravagance. Yes, sir, an Administration which came into power with the watchwords retrenchment and economy eternally on their lips, proposing to expend in the present year more than forty millions; thirteen millions being the highest amount expended under the Administration which they denounced as ruining the country by its extravagance. How, and why, is all this? Why, sir, for the simple reason that the more money that is appropriated, the more Treasury notes will be issued, and the greater the present relief to the country. No such currency ever has been resorted to, which has not run into wild excess.

4th. It is more expensive. Bank currency costs the country nothing; nothing at all, sir; and, until recently, no such idea has ever been advanced. This Government currency costs directly six per cent. upon the whole amount in circulation.

5th. As to its political tendencies. I, sir, am a Republican of the State Rights school; not of some ten or twelve years' standing: I have always been so: I was born one: I was born in the midst of the black-cockade contest, and have no drop of blood that flows from any one who ever wore one; and I confess that I am amazed, I am almost disposed to doubt my own identity, when I hear gentlemen of the strictest sect declaring that this power of making currency is too important a power to trust to poor, miserable, cowardly corporations, (as they have shown themselves to be,) corporations which are State institutions, drawing the breath of their nostrils from the States, receiving from and giving strength to the States, indissolubly united in their destinies with the States, and having no other powers but this. But that it is perfectly safe to add this power, great as it confessedly is, to the vast mass of power already possessed by this Government—this raw-head-and-bloody-bones accumulation of power in the Federal Government, which we have been denouncing and warring against—because it is said the power must abide somewhere, and it is too dangerous a power to trust to State corporations, which have neither motive, courage, nor ability, to abuse it. And, sir, has it come to this? Is this the boasted separation of the Government from the money power? A most notable separation! A separation by a direct and entire union! A separation by granting the unlimited power to make and issue money; a power too dangerous to give to State corporations, lest, peradventure, they may combine with the Government; but perfectly safe to grant the whole power, without restriction, to this Government. And this is State rights!

6th. It will operate unequally. These notes, by laws of trade and commerce, invariable and unchangeable, will accumulate in large cities where they are needed, under the universal law of demand and supply, and will afford no relief to the interior, to the farmers and the country merchants. Such was the experience of Mr. Dallas in 1816. He says, "that the Treasury notes afforded no general relief; that they had accumulated, and would continue to accumulate, in the large commercial cities where they were needed, and rarely found their way into the interior; and that the currency of the local banks was all that the farmer could obtain." Mr. Crawford says the same thing, and adds, "they gave relief only to the section east of this city, where Government disbursements were chiefly made." Where is now the largest amount of these notes? Where it always will be—in New York—where they are most wanted. Below par in New York; five per cent. above par in Charleston; and yet I am asked to believe that to have a peculiar currency for the Government, when that currency accumulates in such abundance in New York as to be below par, and is so scarce in Charleston as to command five per cent. premium, is to facilitate the payment of duties in Charleston. Am I forever to be asked to assent to these novelties, unsupported by argument, and opposed by all experience and facts? It is said the importations of Charleston have increased of late, and hence this policy is favorable to the South. So, in a much greater degree, have those of Philadelphia. Is Philadelphia a Southern city? Why have they increased? For the simple reason, that in the present derangement of the currency funds cannot be placed in New York; and from the greater suffering of New York than any other point by the late universal crash—one of those tornadoes in which the tallest trees are the first to fall, when time must be allowed for those to straighten which have been bent, and for a new growth.

The chairman of the Committee of Ways and Means tells us that it was not anticipated that these notes would have so soon returned to the Treasury. I suppose it was not. But it might have been foreseen, and would have been, by a financier of ordinary sagacity, or even by the present Secretary, if he had consulted the history of former issues of the same kind of paper. The report of Mr. Dallas would have informed him that, when tried in 1816, "the revenues had been collected almost exclusively in Treasury notes, and would continue to be so collected, as long as they are issued by the Government." Mr. Crawford says the same thing, and in the opinions of those able men, such must always be the case. That, if any revenue was collected, it must be in these notes, and that, of consequence, they would return to the Treasury in the payment of public dues as rapidly as they were paid out to the public creditors, like Penelope's web, undoing in the night the work of the day. But I suppose that the brilliant genius of Mr. Woodbury scorns all aid from the lights of experience, or the suggestions of such plodding fellows as Dallas, Crawford, and Gallatin; and that, if he looks at all into the history of these times, it is as he would into the history of the Persian monarchy, as a matter of curious reading, not for information and practical instruction. But, sir, is it really necessary that the Government should resort to this dangerous power? It is not. There are other and in every way better modes of raising money, by which the necessary supplies may be raised, and most beneficent effects produced upon the prostrate energies and interests of the country. Make a loan in the regular and proper form of a loan, receive it in specie, or the bills of specie-paying banks, and in sixty days you will see the prosperity of the country revive; its powerful energies, now paralyzed by unwise legislation, will raise it up again like a giant aroused from his slumbers. You can sell your stock thus raised at a premium, whilst you must dispose of the Treasury notes at a discount. Both plans create a debt: neither creates a permanent and funded debt; for whenever you are in funds, you can redeem such stock. You will save at least half a million, and, what is of infinitely greater consequence, you will save the Constitution. It need not be said that the stock thus created will not be more valuable than Treasury notes. Mr. Crawford tells us that exactly such a stock, bearing six per cent. interest, and redeemable at the will of the Government, sold in 1822, 1823, and 1824, at a premium of two per cent. Why it is so, I shall not stop to show. So it always has been, and so, I am informed, on the highest authority, it will be now. I will not propose such a loan, because I will not relieve the Government from the just odium of bringing the country into such a condition. Let the Administration openly and aboveboard go to the people, tell them there is no money in the Treasury, that they are forced to borrow, my life upon it, that, if it is no fault of theirs, they will not be held answerable; if it is their fault, they ought not to be allowed to escape the responsibility. Ask for a loan, I say, openly, and do not wrap it up in the delusive pretext of issuing Treasury notes. What individual, if he wished to borrow ten millions, and by issuing his notes in large sums to a few individuals, could raise upon them two hundred thousand dollars more than their face, would choose to issue them in small sums, easily negotiable, to a multitude of creditors, and at a loss of three hundred thousand dollars; in all, half a million? That precisely is the difference between the two plans, and we are about to do for the country what no sane man would do for himself.

I would receive payment for the stock in the bills of specie-paying banks, or in specie. Let a portion of the stock be sold in Europe, and serve as a conduit to bring into this country (not by a forcing and artificial process) a portion of that specie which the natural condition of our country and of Europe, and the wise policy of that enlightened nation upon whose commerce we have been waging a barbaric war, is disposed to send here.

These Treasury notes give no permanent relief unless reissuable.

They are paid in as fast as they are paid out; and if reissuable, you convert your Treasury Department into a Government bank of issue and deposite, and, in the transfer of its funds, necessarily of discount to.

These advantages, great as I regard them, sink in comparison with the benign and and all-blessing influence of an announciation by the Government, in a manner formal and authoritative, that the bills of specie-paying banks will be received by it. The disease has always been more one of credit than of currency. The banks never have been in as sound a condition as at present; never have they had so large a basis of specie as now. Confidence, and confidence alone, is wanting to give us a sound bank currency, and to carry once more prosperity and happiness in broad streams through the land. Without it the banks never can permanently resume. Confidence is their vital air; without it they can no more live, than can a fly in an exhausted receiver. It may be easily demonstrated that, in a period of doubt and distrust, a bank with a million of specie, and never more than fifty thousand dollars of notes in circulation, may be forced to suspend.

There can be no more striking illustration of this than the suspension in 1797 by the Bank of England. It had, at the period of its suspension, only ten millions of notes in circulation, and thirty millions of specie. But the directors distinctly foresaw that, with the demands occasioned by foreign wars and subsidies, the large importation of foreign corn, and the panic and apprehension of an invasion from France, their specie would be exhausted, and they determined to suspend; and by doing so, sustained the industry and business of the country, and carried England triumphantly through a long and perilous conflict, in a manner that is absolutely a miracle, and under trials and difficulties which I hesitate not to say no nation ever could have borne, if unsustained by this much-abused banking system. Bonaparte, the wisest man of his time, knew that the great basis of the banking system was confidence; and when he was about organizing the Bank of France, and selecting its president, he said, I have no confidence in Portalis, but France has; therefore let Portalis be president. I am well satisfied that the true and only

issue before the country is between the State banks and a National Bank. No people, not held down by an iron despotism, will submit to the terrible agony and bloody sweat of coming to a metallic currency. Nor will one so intelligent as ours adopt the dangerous expedient of a Government paper; and my life on the issue, if the State banks fail, the result will be a Government bank, or a United States Bank. It is because I think so, that I am disposed to take from the State banks all improper weights and hindrances to aid them by all proper means in resuming specie payments; without doing which, they cannot, and ought not, to be tolerated.

Such, sir, was the course of the able and patriotic men who presided over the Treasury at the close of the war. They addressed all their efforts and powers to aiding the banks to resume and furnish a sound currency. Mr. Dallas even took the responsibility of receiving the bills of non-specie paying banks, without the authority of law, and he was sustained in it by the whole country. He says in his report to Congress in 1816:

"The consequence of rejecting bank notes which were not paid on demand in coin, must have been to put to hazard the collection of the revenue in point of time and in point of product, to deteriorate (if not to destroy the only adequate medium of exchange adopted by the common consent of the nation) in a case of extreme necessity, and to shake the foundations of private property.

"The restoration must be the work of the State institutions. But the interposition of Government will still be required to secure a successful result.

"To appeal to their fears by refusing to take their bills in payments to the Government, would be to visit the sins of the banks upon the great mass of unoffending citizens, unless the Government was prepared to furnish a sufficient legal currency to meet the demands of the community."

Mr. Crawford, in 1817, refused to deposite the public funds in the United States Bank, where it was provided by law that they should be kept, and deposited them in State institutions, expressly and avowedly for the purpose of aiding the banks to resume; not only not taking it from them in their moment of severest trial, but actually giving it to them; taking, in some instances, with a care, wise, practical, and paternal, from the strong banks, and giving it to the feeble and tottering, to enable all to stand; and he succeeded, and in this rendered the most important of all his services to his country in a long life of distinguished public usefulness. Hear what he says upon the subject, and in circumstances identical with the present:

"In order to induce the banks in the District to resume specie payments simultaneously with the banks already enumerated, it became necessary for the Treasury Department to give them assurances of support during the first months succeeding such resumption. In consequence of this assurance, a considerable portion of the deposites in the banks of Washington and Georgetown was permitted to remain until the 1st of July."

It is cheering, it is delightful, to turn from the uncertain and dangerous theories of the present day, from the eternal experiments that are made upon the happiness, the very means of subsistence of the people, as a philosopher would test the power of prussic acid on a mouse, to the practical suggestions of these calm, quiet, and able minds My business is with the things of this world as I find them, not as I would have them. I leave the higher walks of divine philosophy to others. I have only the very poor ambition of being a practical man: and I prefer to follow the steady light of experience, taper thought it be, to the dazzling, but too often dangerous and delusive, light of *a priori* theory, whether it be the ever-blazing torch of a brilliant genius, or the farthing candles which are lighted at it. In my judgment, the greatest good now to be attained is a resumption of specie payments; and to that end, I would have the Government not only not obstruct it, by throwing its powerful influence over public opinion against the banks, but aid them by all proper means. This Government, and this Government alone, has prostrated the banks, and with them the whole industry of the country, with muscles yet quivering from the blow; but, with powerful energies, they are struggling to rise again. Is it wise or just still to keep your paralyzing hand upon them?

But it is said you will do this to enable the banks to pay their debts. It would be a much more true statement of the case to say that it is to be done to enable the people to pay their debts to the banks. Gentlemen, who talk thus, must surely forget that the banks maintain to the people the double relation of debtor and of creditor, and that the creditor relation is the largest. The banks owe the people about two hundred millions; the people owe them five hundred millions. Now, sir, this game of demanding specie is one at which both the people and the banks can play, and the banks, if forced to pay all their debts, notes, and deposites in specie, cannot choose; they have no alternative; they must collect their debts in specie. What, then, must be the result? The banks have thirty-five millions of specie; the people have the same amount. Force the banks into a position where they must collect, as far as their two hundred millions of debts go, they can be paid in their own debts; after that is all called in, there are three hundred millions of debt due to the banks, and thirty-five millions of currency to pay it with. Let the banks collect that in payment, and what then is the condition of the country? More than two hundred and fifty millions due to the banks, and no currency at all to pay it with. For although, in the ordinary transactions of commerce, one dollar will pay one hundred, not so in this case. Every consideration of interest and self-preservation will concur to make the banks keep every dollar they receive, and the gates of death will be shut upon it. Will not this state of things place the whole property of bank debtors at the mercy of the banks? and, by being in possession of all the currency, all the saleable property of the country also? That such a state of things is likely to occur, I do not believe; it would be arrested, if in no other way, by popular commotion, or by the substitution of some other currency.

Would you do this to enable the banks to pay their debts? I answer yes, I would. The bank capital of the country is a portion, a large portion, of its wealth and power, and I would do all that I rightfully can to save it from ruin, if nothing else were involved. I would not lightly strike down four hundred millions of the capital of the country, a larger portion of which, than of any other equal amount, is owned by widows and orphans, and which, when it does topple in ruins, will crush the hopes and the hapiness of thousands. Especially do I feel bound to do it when their present condition has been brought about by no act of theirs, of omission or commission, but solely and exclusively by the action of this Government. No man of any party has attributed it to any cause which is not the result of the action of the Government.

To what causes is the present state of things attributed? Variously, and with much truth, to the following: 1st. To a large accumulation of public funds. That is not the work of the banks, nor could they have prevented it. 2d. To overtrading from excessive bank discounts. This they were expressly ordered to do, for General Jackson's requests were orders. 3d. To the distribution act, and the pitiable folly and stupidity with which it was executed. In transferring, in the first six months, funds to places where they were not needed for distribution in eighteen months; thus making that sudden and harsh which was intended to be easy and gradual. And 4th. To the specie circular. I do not doubt that all these causes, jointly and separately, produced the present calamitous condition of the country. Is any one of them the act of the banks, or could they have controlled them? Have I not shown that the suspension was unavoidable, and that it was more a measure of mercy to the country than of interest to the banks? Since the suspension, what fault have they committed? We were told, at the extra session, that they must curtail their issues. This could only be done by calling in their debts. I said then that it would not alleviate, but increase, the disease. I knew the ground I stood on in saying so, and that such was the uninterrupted current of English authorities. I am not now wholly unsupported in this opinion. Is it not the interest of the banks, specially and obviously their interest, to resume? No one will deny that it is. Here, then, stands the case. You found these corporations created by law in a state of sound credit and profitable business; you have destroyed both: and we are to be told you must not adopt measures of the most salutary and beneficial character, because an incidental effect will be to reinstate the banks in the condition in which you found them. Sir, such a course would be insufficiently illustrated by the conduct of the captain and crew of a vessel who, in defiance of the warnings and entreaties of their passengers, should run upon shoals and quicksands, and, in the moment of peril, should take to their longboat, disregarding the despairing shrieks of the passengers, when there was room enough in the boat for all.

It is said that to refuse to receive the bills of banks is the best means of preventing excessive issues. I believe exactly the reverse; that you cannot hold out to them so powerful an inducement to prudence and to caution as to say to them, so long as you continue to pay specie the powerful aid of the countenance of the Government shall be extended to you. We will give you the authority and influence of our opinion of your solvency by receiving your bills; but the moment you refuse to pay, we will withdraw that confidence, and dishonor you by a refusal to receive your paper, and shake your credit to its deepest foundations. It is literally putting them upon their good behavior, by addressing their interest.

It is also urged that to receive their bills is to place the Government in the power of the banks: to have them in our debt, and dependent upon our confidence, is to place us in their power. The old idea was, that the debtor was slave to the creditor; but now it is that the creditor is slave of the debtor. Verily this is an era of new lights. What are the great objects of this great change which we are asked to venture on? 1st. To pay the Government officers and employees in gold and silver; and, 2d, By creating a constant demand upon the banks for specie, to prevent excessive issues. To the first, I reply that there is no officer in the public service who expected, at the time he entered into office, to receive any thing else than convertible bank notes, and that he has no right, nor do I believe that any of them have the disposition, to ask any thing else. If bank paper, convertible at will into specie, is to be the currency of the people and of the States, I can see no reason for giving to Federal officers any thing better. Their salaries are already large enough to seduce from their allegiance to the States all with whom a love of money is stronger than the love of country. I can see no reason for paying your clerks in the Departments two thousand dollars in gold and silver when the Governors, or supreme judges, in but few States in the Union, receive that amount in bank notes. Now, sir, if this is the true policy—if it is wrong to pay Federal officers in bank notes, it is equally so to pay our State officers in them. If the demand of Federal dues will create a demand for specie that will be salutary, so will the same demand be created by collecting State dues in specie. Why has no gentleman yet proposed to collect State taxes in gold and silver? Why is it that, whilst they object to receiving Federal dues in the bills of specie-paying banks, they are in favor of receiving State dues in the bills of banks that do not pay specie? I will tell you, sir; it is because, in the one case, the tax is collected under the tariff secretly. The people pay it in the increased price of the articles they buy, without knowing it. In the other, the tax is collected directly and openly. The boldest of the advocates of this hard money policy will not do this. If they will, sir, go directly to the people and demand specie for taxes, and refuse bank notes, if I am not mistaken, they will pull down a house about their ears, and we shall hear no more for a century, at least, of collecting taxes in specie; and why not do it? If it is right, the people will sustain you. Make the issue, if you dare, and show at once the confidence you profess in your theories, and in the judgment and patriotism of the people—that people whom you are eternally slavering with your praises, "as a man pats a wild horse that he may ride him." Bank rags, irredeemable bank rags, for the people, and for State officers. Nothing but gold and silver for Federal officers; and this is State rights.

But you are to control the banks, and prevent excessive issues by refusing their bills. Has this Government any legitimate power to control or to check those corporations? Gentlemen flout, with scorn, the idea of a bankrupt law. The States say they have the power to create these corporations. The General Government has no power to destroy them. They mean no direct, no honest, no fair power. But if it can get the power by cheating the Constitution, it is perfectly fair to do so. If they can pervert a power given for another purpose, it is right, fair, and perfectly constitutional to do so. Even in this fraudulent and stealthy way, can you do it? I do not believe that it is possible so to frame your laws as to secure the collection of Government dues in specie. They will be collected, as I am informed they now are in a certain importing city in the *South*, in bank notes, under an understanding that if specie is called for, (as it never is called for,) the banks will pay it. Such was the universal practice of evasion in the land offices under the operation of the Treasury circular. But suppose the revenue collected in specie, what will be the effect? Gentlemen say, to restrain bank issues. To what extent? Three for one, two for one, or one for one, as never did the Bank of Amsterdam. The measure will either do no such thing, or it will do too much. The whole amount of the receipts of the Government, on any just and economical principles, will be twenty-five millions. The daily payments in the city of New York alone are estimated at eight millions, or twenty-eight hundred millions in the year. The whole transactions of the United States may be assumed, at least, at ten thousand millions: as twenty-five is to ten thousand, is your power by this measure of reforming the currency. No, sir, *suo proprio vigore*, the measure of a demand of specie is powerless, and it can only be by its influence on the public mind, by a moral, not pecuniary power, that any such effect can be produced. And are gentlemen prepared to venture on the use of so tremendous an engine as an excited popular opinion against banks? Can they control it when once put in motion? Can they say, we will use this tremendous power to restrict the banks to three for one, two for one, or one for one, and at that point stop it? It would be enacting over again the impotent attempt of saying to the swelling and advancing tide, "thus far shalt thou go, and no farther." You might as well say that you would take off the wing of a fly with a steam engine, and not otherwise injure it. No mortal has a right to resort to the use of an instrument which he cannot control when once put in motion. Nothing is easier than to destroy bank credit. It is as frail and delicate as female reputation, which never entirely recovers, even from groundless imputation.

Can you restrict banks to the issue of dollar for dollar; or is it desirable to do so? Those who think that the Bank of Amsterdam, for any time worth regarding, had dollar for dollar of its issues, have paid as little attention to the history of that bank, in this particular, as in that of the date of its institution. It is spoken of as the beginning of the banking system. I suppose the first bank is meant. Now it is much nearer the last bank than the first. It is 230 years since the establishment of this Bank of Amsterdam, and it was just 450 years after the Bank of Venice, and 200 years after the Bank of Genoa. Every body knows, who knows any thing about it, that very shortly after its institution the directors found that the certificates of deposite were not called for in coin, and that the issues of such certificates were infinitely multiplied. Such will ever be the case. It is no more practicable to restrain excessive issues of certificates of deposite than of promises to pay specie. Suppose you could. Is it not in effect bringing the country to a metallic currency? Of what importance is it whether the coin itself circulates, or a paper certificate of a deposite of that coin? Suppose 70 millions of coin in the country. What is the difference between that coin being the sole currency, and that very coin being deposited in banks, and an equal quantity, dollar for dollar, of paper certificates issued? Is it not still the 70 millions, neither more nor less, of currency; and is not he a ruined man who contracted debts, when there was three times that amount of currency in the country? What I am afraid of in this thing is, the great political and moral influence of the action of the Government upon this most delicate of all questions. Is there a county in the United States where any large merchant might not affect the credit of bank paper by refusing to receive it? Would not all the farmers do the same? Would any such merchant be tolerated in demanding his debts in gold and silver? Shall we, sir, be asked to do that which no private individual dare do, and no honorable man would do?

But it is argued that we have no constitutional right to receive any thing but gold and silver. Why not? Because no such power is given. Is any power given to issue Treasury notes? But this power is given, expressly given, in the power to collect taxes; and never has been doubted for the half century that the Government has existed. As a question of authority, I think that of Washington, one of the wisest men, and of the most unbending integrity that ever lived, and the President of the convention that formed the Constitution, of Madison, and of every statesman from that day to this, is strong enough. In 1791, a few years after the adoption of the Constitution, such currency was not only received, but a bank charter granted, mainly for the reason that such a currency might be created for the use of the Government. But where is the prohibition to receive taxes in any thing? In kind, if necessary? Suppose in a state of war, and the Government wanting gunpowder, why may it not receive the duty in kind? Does any one deny the right to give credit for duties on imports? Suppose Mr. Biddle chooses to import goods for his corporation, will not the bond of that corporation be taken for the duties? If his bond, why not its notes? Is it not the daily habit to substitute new bonds with other securities for old ones? A merchant may then substitute one bond for another—may he not substitute a bond of a corporation? Would the bond of a merchant be rejected if he offered as security the Bank of the United States? If its bond may be taken, why may not its notes? Does the seal make it constitutional, and why?

If this great change is to be brought about, leave it to individual sagacity, interest, and capital. Let it be the work of time, gradual, silent, and salutary—like the changes in our language, not seen at the time it is going on, but only after the lapse of years, when it is accomplished. We have no right to force it by legislation. I have shown how small is the amount of our money transactions to those of the whole country: not less striking is the aggregate intelligence of the country compared to ours: and of all bodies of the same number, we are the least qualified to judge rightly upon it. I feel myself that I am not free from political bias, nor do I believe others are. I will only add, in conclusion, that I am thoroughly satisfied that although the Government may, at the cost of infinite suffering to the people, collect and keep its revenue in gold and silver, it is absolutely impossible to transfer and disburse it without the agency of banks, and that the inevitable effect of such a system will be to make every disbursing officer a dealer in exchange on the Government funds, and at the risk of the Government, but for his own profit. Take a single case for illustration. Fifty thousand dollars are required to pay troops in Arkansas, or in Maine. How is the money to be transferred there? By a draft, most probably, on New York, where the public funds most accumulate. The draft will be at a premium. The paymaster sells it, say at ten per cent. Who has the benefit of this premium? The officer is protected by his receipts from the soldiers for the $50,000; and has pocketed $5,000, as it is said has actually been done. If you exact of him the premium, he may charge himself with a less amount; and detection is impossible. Such temptations ought not to be offered, for they will not, they cannot, be resisted. In other cases the only modes of transfer must be bills of exchange. Your officers must buy them from merchants or banks at a premium or discount, as the case may be. Suppose the drawer and drawee fail, who bears the loss? If due care has been exercised, the Government ought; and whether there has or not, the Government will bear it, as the celebrated Parvin claim proves.

I am satisfied, thoroughly satisfied, that the public funds can-

not be transferred and disbursed without the agency of banks; and when another measure comes up, I will propose, if no one else does, a plan of special deposites, which will place the money in the custody of the banks, but without their having the power to use one dollar of it. I am, and always have been, opposed to the pet bank system, as dangerous and corrupting; and I am prepared to show that the plan of special deposites diminishes patronage to absolutely nothing, and has advantage over any other proposed, in every point of view; and that it would be adopted, I do not doubt, if it were not for the extreme zeal of ultras on both sides—on the side of a United States Bank, and of the Sub-Treasury; for neither of which will I vote.

There is another branch of this subject, and to me by far the most important, which I now approach. It is said that this hard money policy will benefit the South, and relieve it from its commercial thraldom to the North. This is said on high authority, and is vouched by names in which the South reposes a well-earned confidence. I do not doubt their sincerity; I just as little doubt the error of these opinions; I have heard no argument, from any quarter, in support of them. When I ask for argument, I am answered by declamation, or some of those broad and general abstractions which, in politics, I have generally found to be either truisms, or things that are not true. My own settled conviction, candidly, not hastily, arrived at, and cautiously and deliberately re-examined, with an ardent desire to arrive at the truth, is, that whilst this policy will be injurious to all sections of the country, it will be ruinous, fatally injurious to the South. It is due to those who sent me here, it is due to myself, to give the reasons that have forced these conclusions upon me. After what has passed in my very humble public life, I had supposed that it was not necessary for me to declare my devotion to the South. But even I, sir, all of whose interests and affections are indissoluably connected with, and who have perilled all that man values in defence of the South and its interests, even I am suspected. It is my duty to defend myself, by giving the reasons for my opinions.

Although this selfish and sectional policy has not marked the ancient character of South Carolina; although it has been from a high, generous, and patriotic disregard of her peculiar interests, and the readiness with which she has, on all proper occasions, sacrificed them to the honor of the country, that she is mainly indebted for her high character, and the moral power which she has exerted in the Confederacy, I am forced to say that, in the present condition of the politics of the country, I regard it to be my imperious duty to look first, if not mainly, to the interests of my own peculiar section. Satisfy me, sir, that any policy will advance the interests of the South and of Charleston, and I shall not hesitate to do all that I may honorably do to that end; all that I can do consistently with the obligations of duty and of honor to the other members of the Confederacy. More than that I trust I would not do to advance any interest, sectional or selfish. Further than this I do not think it either right or prudent to go. We, sir, are, and are destined to be, the weaker interest; and to say nothing of the obligations of an honorable patriotism, it is not the most wise in us to avow a policy selfish and sectional. If we do, it will be with an ill grace that we shall complain of it in others who wield the power of a majority. Will this policy benefit the South? I would not vote for an expunging resolution because I should be told it would benefit the South, and I might be told so with as much truth as that this gold and silver policy will; nay, sir, with more truth; for that would be harmless, and this would be injurious. Amongst the aphorisms on this subject, (and no one has descended lower than an aphorism) is, that the banking system has given the North its commercial ascendancy over the South. If any thing is meant by the North, it must be New York; for it is New York that imports exclusively for the South all that is not imported in Southern cities. With just as much truth may a fly on a coachwheel be held responsible for the dust that is made; the fly is on the wheel, and the dust is made, but the poor fly has very little hand in it. The banking system is in existence, and New York has this ascendancy; but it is no more attributable to the banking system than is the dust to the fly. This I will show. And I do not vaunt when I say that I will put it beyond the reach of refutation or argument. One, hearing a proposition of this sort stated, would naturally suppose that the banking capital of New York was much greater in proportion than that of Charleston, or other Southern cities. But what will gentlemen say when they are told that it does not amount to one-tenth, I might say one-twentieth, of that of any one of the cities of the South? I suppose they will say, as did the ardent Frenchman, when he was told that the facts did not support his theory: so much the worse, said he, for the facts—*tant pis pour les faits*; the facts may or may not be true, the theory must be.

The following is the statement of the Secretary of the Treasury of the amount of bank capital and circulation on the 1st January, 1837, in round numbers:

	Capital.	Circulation.
State of New York	$37,000,000	$24,000,000
City of New York	20,000,000	9,500,000
South Carolina	9,500,000	7,000,000
Charleston	8,000,000	6,000,000
Pennsylvania	58,000,000	25,000,000
Philadelphia	45,800,000	20,000,000
Georgia	11,500,000	5,000,000
Alabama	10,000,000	7,500,000
Louisiana	37,000,000	8,000,000
Mississippi	13,000,000	5,000,000
Massachusetts	38,000,000	10,000,000

These facts and figures speak for themselves. It will not be pretended that a small city or State, with little commerce, requires as much currency as those which are larger and have greater commerce. Upon what ratio will you regulate it? That of population, or commerce, or, what is the nearest approximation to a just ratio, a combined one of population and commerce. New York has ten times the population of Charleston, and is entitled on that principle to eighty millions. It has twenty. It has forty times the commerce, and, on that ratio, to three hundred and twenty millions: on a compound ratio of numbers and of commerce, to twenty-five times as much, which is two hundred millions. It has twenty. And so of all the Southern cities. New Orleans, with one-tenth of the trade, and one-sixth of the population of New York, has one-third more of banking capital. It is still more strikingly shown in the cases of Philadelphia, which, with one-third of the population, and less than a fifth of the commerce of New York, has three times the bank capital. Not less striking is the case of Boston. Why has New York so far outstripped them both? Will any one, in the face of these facts, hold up his head, and attribute the power and prosperity of New York to the banking system? But it is to the deposite of public funds that the great prosperity of New York is owing. How much has been, on an average, deposited there at any one time? Not more than three or four millions. Add that to the capital and currency of that city, and how strikingly unequal, still, is the statement.

I do not suppose that it will be pretended that public money has any peculiarly refreshing and invigorating quality, any more than so much private capital. This whole notion about deposites is a sheer and downright fallacy. The money is not deposited in New York, unless collected there. No bank issues to the whole amount of its deposites; a portion of it, generally half, remains locked up, and is, to that extent, a diminution of currency, and therefore an embarrassment instead of an aid to commerce. Of all the extravagancies that ever have been broached by intelligent men, this is the greatest—to attribute the commercial power of New York to causes so obviously insufficient. What made Amsterdam so long the commercial metropolis of the continent; London of all Europe; Glasgow of Scotland? Who can tell, or what sane man would have attributed either to any one cause? The advantages of New York are vast and innumerable. The most perfect local position, enormous accumulation of capital, regular packets, and ships without number, and, more than all, facilities of inland transportation, unequalled and perfect, by which goods imported there are distributed all over the United States. If New York had not a single bank, the currency of other States would accumulate there more than at any other point. I met in New York, a few days since, a friend who had gone to obtain funds to set on foot a bank in Arkansas. I asked him if he wished gold and silver. He said no; that for the greater part he preferred exchange on New York. He was right, sir; and the fact is the most conclusive refutation of all these fallacies These are means by which the trade of the South, and of much of the West, may be brought back to our own city of Charleston. But it never will be done if reliance is placed upon every new theory, more political than commercial, that is started. One, and the chief of these means is our great enterprise of communicating with the West; by that, and similar works, this, to the South, great end may be attained, and I hope and believe it will be. I hope so, sir, from every consideration of interest as well as every feeling of affection. I should love that venerable old city, if for no thing else but that it held the bones of the Rutledges, the Laurenses and the Pinckneys; and now, in her day of calamity and suffering, that feeling is almost one of devotion. But I will not support every wild and impracticable theory because I am told, on any authority, that it will benefit Charleston, when I have no shadow of doubt that the effects will be the very reverse. I called, some time since, for a report showing the receipts and expenditures in each of the States. The Secretary has not responded to the call, and I must, therefore, take the report of 1834, the last that has been made. In that the amounts received and expended, in the several States, were as follows, in round numbers:

	Collected.	Expended.
Vermont	$179,000	$2?2,000
New Hampshire	16.000	418,000
Rhode Island	119,000	381.000
Connecticut	47,000	305,000
	$361,000	$1,336,000
	Collected.	Expended.
Louisiana	1,000,000	346,000
Mississippi	1,000,000	316,000
Alabama	721,000	374,000
	$2,721,000	$1,036,000

The four New England States receive more than a million more than is collected. The three Southern States collect one million seven hundred thousand more than is re-expended. The three middle States collect two millions, and receive three. Now, sir, that the fiscal operations of the Government operate injuriously to us, I do not doubt, and have often asserted here. But, in a demand of specie for Government dues, I see only an aggravation of the evil. Whilst bank paper is the currency, and the banks pay specie, the pressure of these unequal disbursements is less severely felt. It is arranged and alleviated by the silent operations of trade and commerce. But adopt the specie system, and the specie must be transported, or kept where it is collected at an equal cost, and it cannot be evaded. Suppose there was now in Mobile a million in specie belonging to the Government, how would you use it? I have been answered in conversation, by prominent advocates of this policy, by transporting the specie. That is my opinion. If the Government does not do it, the officer or employee to whom a draft is given, or the merchant or bank into whose hands it falls will; or he will only allow the specie to remain by being paid for it. In the last five years two millions and a half have been collected in Charleston—certainly less than a million and a half paid out in the State. Suppose that amount collected in specie, and transferred, does it not unavoidably diminish our currency, not one million only, but three? For one million of specie is a safe basis for three of currency. Does it not add just that much to the currency of the place to which it is transferred? Mr. Crawford, in 1817, saw this, and saw, also, that any peculiar currency, being adopted by the Government, would tend to the advantage of that section east of this city, where Government disbursements were chiefly made; and this effect is infinitely increased when that currency is gold and silver, which is the basis of a three-fold paper currency.

Again, in New York, the money paid into the Treasury is almost immediately paid out again, and is available to pay duties twenty times in a week. Not so in Charleston; it is locked up, and only unlocked to be transferred. New York not only retains what is paid there, but much that is paid elsewhere flows into New York. Take the case, stated before, of the paymaster in Arkansas, who sells the Government draft on New York. It gets into the hands of merchants—what for? To draw the specie? No; but to pay to the importing merchant in the city. It moves there in a continual circle, and circulates like the blood, one moment in the head, the next in the feet. But as to the cities of the South, it is blood taken from the arm; and, under such a system, it is demonstrably true, that the more goods we import at the South, the worse for us—the more duties we should pay, and the more specie with drawn from us. I need not be told that such is, and always has been, the case. To a certain, but an infinitely less extent, it has. Under the system of receiving convertible bank paper, the *vis medicatrix* of commerce and trade has greatly diminished the injurious effects.

It has been said that the South is to be benefited by the exchange on the North being against us. How benefited? By forcing a direct trade to our own ports. This looks mightily like the tariff policy. It is certainly true, that if there was a total non-intercourse with Northern cities, the people of the South would be forced to trade at Southern seaports, and that, in proportion as impediments are thrown in the way of such intercourse, will this effect be produced. But at whose cost? At the cost of the consumer, if there is any thing true in the anti-tariff argument, that the effect of cutting off competition is to increase prices. Ask the farmer to which market he prefers that his merchant should go, to Charleston or New York? His reply will be, to that where he can lay in his goods cheapest. For he knows that the cheaper he buys, the cheaper he can sell. If he can buy as cheap in Charleston, there is no need of artificial checks to competition; if he has to pay higher prices, the consumer ultimately pays the difference. Now, sir, if any State in the South wishes to force the increase of importation in their own cities, nothing is easier. Let the Legislature provide by law to pay one-half the duties on all goods imported; my life on it, the importations there will be enormously increased, and, if I am not mistaken, at some risk of dissatisfaction when the people come to be taxed to pay the money.

The South, it is said, raises the staples which are needed in foreign markets, and has, therefore, the command of foreign specie. A greater fallacy never was uttered. We raise these staples, it is true, but they are marketable commodities, and are any body's who can pay for them. How but in cotton do we pay? How can we pay for the immense amounts which we annually purchase of Northern commodities; such articles as we are obliged to have, and which the Northern people can furnish us on better terms than any one else—negro cloth, shoes, hats, carriages, furniture; all articles of wood, leather, furs; in short, all articles of which the raw material constitutes the chief element of value? Then they have cotton as well as we have, and the same command of foreign specie as we have. Let us state a case.

A new bank is about to be established, and every body wants specie from Europe to take stock. An enterprising yankee comes to the South with a cargo of the articles I have enumerated. Has he any difficulty in obtaining our cotton? But a New York merchant wants a hundred thousand dollars in specie from England; so does a merchant of Augusta. They both have the money in bank notes of their respective cities. The New Yorker deposites his money in the Manhattan bank, goes to Augusta and sells bills at ten per cent. premium. He has then $110,000, whilst the Augusta merchant has $100,000; so that he can ship his cotton to Liverpool, and bring back his specie with the same amount with which the Augusta merchant has his cotton in the warehouse in Augusta. And this is the command of foreign specie which our staples and an adverse exchange give us—another case, I suppose, where the facts and the ory do not agree. So much the worse for the facts But, sir, I go further and do not hesitate to say that, if specie in large amounts is brought into the country, it is done exclusively at the cost of those who furnish the staples of foreign commerce. Such always has been the case, and always will be. Specie never is imported without a depression at the same time in the price of cotton. It is a melancholy instance of party infatuation to see Southern men chuckling at the importation of specie, attended, as it ever has been, by the fall of cotton. Suppose we determine on a metallic currency, or, what is equivalent, bank paper representing specie, dollar for dollar. No one will say that we have too much currency now. I think it demonstrable that we have never had enough. France, with double our population and less commerce, has eight hundred millions of dollars; and prices are not swollen in France. It is one of the cheapest countries in Europe. We, then, are entitled to four hundred millions, whilst we never have had the half of it. But, even take it at what it now is, whence is the hundred millions to come? It must come chiefly from England, our great customer. It is too manifest to need argument, that whilst the whole country receives the benefit, we pay the expense in the diminished price of our staples. England has about thirty-five millions sterling. Suppose half of that is withdrawn, will not prices fall? Cotton, with every thing else. Will not the manufacturers dismiss their workmen? cotton accumulate and demand diminish? Is not a fall in price the inevitable effect? I have no earthly doubt that it is the interest of the cotton planter that specie should be sent from this country to England, and not that it should be brought from England to this country. That we are more interested in the currency of England being abundant, than that it should be so here, for the obvious reason that the more abundant money is, the higher will prices be, and the more animated all commercial and manufacturing interests; and it is the price in England which fixes the price of cotton in this country. The fable, sir, of the boy and his goose does not represent greater folly than for a cotton planter to desire an increase of our own currency at the expense of diminishing that of England. Again, if convertible bank notes are as good as specie, there can be no reason for a discrimination. If they are not, and duties are paid in specie, and the goods sold for bank paper, the price is enhanced to the consumer to that extent. This is too obvious to need argument. Is it forgotten how fiercely, and to the last, we resisted the demand for cash duties? How near the compromise of 1832 was being defeated by the tenacity of Southern men on that ground? What was the difference between cash and credit, compared with the difference between specie and bank paper? Specie is to be imported, and can only be paid for in our own staples. It will not be pretended that the same cotton will procure both specie and merchandise. If specie come, merchandise cannot; and we are forced to buy articles of American manufacture at an enhanced price, at the same time that there is a deficiency of revenue from a diminished importation.

But, sir, this idea of receiving payment for our staples in gold and silver is not a new one. It has been advanced before, and scouted by Southern statesmen as an impracticable absurdity; literally trampled into the earth. Strange that Southern men should be the first to take it up out of the dust. If, sir, I have not been in error as to all the principles of trade and political economy, it is of infinitely more importance to the Southern planter that there should be large importations, than it is at what particular point those importations shall be made. I have always believed, and now do, that a nation cannot, for any length of time, import more than it exports, nor export more than it imports; that all commerce is an exchange of equivalents; that the larger the amount imported, the greater the necessity of equivalent exports; and, of consequence, the higher the prices of the articles exported, and the greater demand for them in foreign countries, from an increased ability to pay for

them; and that, of necessary consequence, all impediments on foreign commerce are at the expense of those who furnish the articles for that commerce.

Believing all this, sir, I look with anxiety and alarm to the consequences. The countries of Europe are obliged to have cotton, it is true, but they are not obliged to have ours. It becomes us to look well to the consequences before we make it necessary for our customers to look elsewhere, by putting it beyond their power to buy of us. In the now trembling balance of demand and supply of that great staple, we should be cautious how we throw the weight of a feather in the adverse scale. No commercial event in the history of the world has produced such consequences as would the destruction of the value, or that great reduction in the price of cotton which a large surplus would cause.

In conclusion, sir, allow me to say, that, in all respect for distinguished men who differ with me, I cannot look at the great changes in our fiscal, monetary, and commercial systems, of which I regard the present measure as an important part, in any other light than as injurious to the whole country, and especially to the South; and that, if adopted, when it is too late, that section in particular will repent the infatuation, and, with emaciated frame and limbs stiffened by the long paralysis, will awaken to curse the illusion.

I take this occasion to say, that, in the course which I have felt it my duty to take upon this subject, I have been influenced by no vain-glorious confidence in my own judgment, still less by an ostentation of firmness in opposing what is supposed to be the opinion of the State. No, sir, no. I value my seat on this floor very little, indeed; but I do value, above all earthly honors, the confidence and approbation of those who sent me here; and I declare, in all truth and sincerity, that the loss of these would not be compensated by the approval of the world besides. My relation to my constituents is not the ordinary one of constituent and representative. But, sir, I should be unworthy to represent them, if I could hesitate one moment in choosing whether I should sacrifice their interest, and my own firm and clear conviction of duty, or their approbation and confidence, highly as I value them. Constrained to take the course which I have, it was due to my constituents that I should present fully the reasons that have influenced me. I sincerely thank the committee for the opportunity it has given me of doing so.

REMARKS OF MR. JOHNSON, OF MARYLAND.

In the House of Representatives, May 12, 1838—On the Treasury Note Bill.

Mr. ROBERTSON having moved an amendment to the Treasury note bill, proposing to substitute a provision authorizing a loan for the provision authorizing the issue of Treasury notes—the hour being late, and the Committee of the Whole refusing motions to rise—

Mr. W. COST JOHNSON said that he did not rise for the purpose of entering upon the general discussion of the bill under consideration, and the various amendments which have been offered. He would not think of doing so at that late hour of the night. Nor would he feel authorized in doing so at any subsequent stage of this discussion, until those members who had not spoken during the extra session, or this, upon the various financial schemes, had an opportunity of giving their views, as he knew that there were many who were anxious to discuss the subject. His purpose was to urge upon the majority, who had so often voted down motions for the committee to rise, with leave to sit again, the propriety of an adjournment. He had heard no argument urged sufficiently strong to convince him that this House should spend but a day and a half in examining a bill which authorized the Secretary of the Treasury to issue another ten millions of Government paper—irredeemable post notes. It was a grave subject, involving the whole financial policy of the nation, and operated immediately or remotely upon not only the interest of every State, but upon the welfare of almost every individual in the nation. It should be cautiously and wisely examined. Amid all the confusion and excitement of this late night session, it was impossible to carefully and cautiously examine the bill and the amendments offered.

But we are told [said Mr. J.] that the bill must be passed to-night, for the Treasury is empty, and the public creditors, yes, the officers of Government, are striking loudly at the Treasury door, and the sound will reverberate in this Hall. He would say, let them strike. The people require relief, and they were first in his contemplation. Pass "my bill" for eight hundred thousand pounds "to-morrow," said Henry the Eighth to Edward Montague, of the House of Commons, "or else to-morrow this head of yours will be off." The day for such logic has passed. The people have made this House not to be the quiet recording office of Executive edicts, but the purse holding as well as the purse creating power of Government, in which all money-measures shall originate. And it was their design that they should be fully and fearlessly discussed. Obey the Constitution and ask for a loan, and all sides of this House will respond favorably to it, though they may grieve at the prodigality or bad management which has brought us to such a crisis.

Where was the plan of relief *for the people?* When it was for the country *he would rejoice in supporting it.* These Treasury notes had not yet reached the pockets of his constituents, although ten millions had been issued. If any had been in his district, they had found no abiding place there; they had only passed through it in the pockets of a few travellers, or *in transitu* with members of Congress. He would never vote for any means of revenue or currency that would not enter into the circulation of the interior of the country, into the business transactions of the *farmers*, the *mechanics*, and the *retail merchants*. His district was agricultural, and to that interest he turned his thoughts most anxiously, and responded to the sentiments of the gentleman from Virginia, [Mr. MASON] He looked to it, and not at the officers of Government, whether high or low. They had a happy facility of getting along very profitably with slight aid from Congress, at least a certain class of them, who were skilled in reading in the distance the signs in the horizon. He meant no reflections upon the upright and faithful, those who regarded themselves as stewards of the general weal.

Members who doubt the wisdom of these new-invented experiments are denounced as bank agents. He was for a National Bank, most true, chartered upon safe and salutary principles; and it was a severe reflection on Congress, if it had not wisdom enough to frame a charter that would prevent a Bank from being an instrument of evil; and the sagacity of Congress was limited, indeed, if it could not frame one to be an institution for salutary and beneficial purposes. It was narrow reasoning to argue against any institution that in possibility it might do evil. The same reasoning might be urged to abolish Congress; for Congress may do evil. It may levy onerous taxes; yet would you, for that reason, take from it the power to levy taxes? A degree of confidence, as well as a degree of discretion, must be tolerated, or all human institutions must be abolished. Bad as human nature is, he believed that its good traits preponderated over its evil propensities.

He would not discuss the subject of a fixed policy of finance at this time.

There was but one bank in his district; its capital did not, he believed, exceed one hundred thousand dollars. It was well conducted, and he never heard any individual complain of either its officers or its mode of doing business. He thought banks necessary, and would be the last to wage a general and indiscriminate war against them. He would perhaps take some more suitable occasion, at least one more congenial with his feelings, to trespass upon the time of the House. His object was to urge an adjournment.

The committee must well remember the expectation awakened by the chairman of the financial committee, when he moved, upon one occasion, to lay aside the duelling report in order to take up this Treasury note bill; that he stated that there would be a full discussion upon it. Can it have been forgotten that, in making his long and elaborate opening speech, but yesterday, he boldly threw the gauntlet of defiance, and fully challenged debate upon the financial schemes of the Executive, in which he has so largely participated? After all this gallant display, will you shrink from scrutiny?

The honorable chairman has been adroit and skilful. An appropriation bill was hurried through, but a short time ago, upon the ground that the public exigencies required its immediate passage. It slumbered long in the Senate; and why? Because, as was admitted, there was no money in the Treasury. Now, this bill, which should have preceded that, was kept in its rear, because, forsooth, you must now carry this through by storm to give the other effect. And thus bills which lavish or create millions are to be smuggled through both Houses, and both Houses are to be muzzled; and if a member has the audacity to question their wisdom, he is to be denounced. If such things are tolerated, the days of dictatorship and passive obedience are truly at hand.

You mistake the people, if you suppose that they will censure those who ask and demand a full investigation of the financial policy of the Government. They will censure and distrust those who shrink from it. There is no law of human nature more certain. These financial schemes reach, in their operation, the most remote and hidden fibres of society; and every man in the nation has felt the pressure, and looks to Congress for some mode of amelioration—some general system of redress. They do not want to see a Treasury bank, to coin large notes which they never see, much less possess; nor Sub-Treasuries, with their swarms of receivers general, and such dignitaries, who are to fatten on the hard earnings of the plain, unpretending, and industrious.

They do not desire to see the Government separated from the people, and the public servants made proudly superior to their masters. He knows but little of the human heart who believes the people will tolerate it with complacency. He has wrongly studied the American character if he believes that the people of this nation will endure it.

Mr. J. was anxious to see the committee rise, and report progress, and have the amendments pending printed. He was desirous to see a vote taken upon each amendment proposed. But he felt fully assured in saying that if the committee reported the bill to the House that night, without having leave to sit again, no vote would be taken on the amendments; the same vote that would refuse an adjournment would sustain the previous question. It was, he expected, in the recollection of many members of the committee, that, during the extra session, he had moved an amendment to the Treasury note bill late one night, about 12 o'clock, to limit the time of issuing Treasury notes; he supported it, with his reasons for offering it. Upon the vote on his amendment, it was lost in the committee by six votes, upon a division. The next day a gentleman from New York, now in his eye, [Mr. BRONSON,] picked up his amendment in the House, and offered it, and it passed almost unanimously. Then one night's meditation, or sleep, effected a wonderful change. [Mr. BRONSON said it was true he had offered the amendment of the gentleman from Maryland, but he had given notice, in Committee of the Whole, that he should do so.]

Mr. JOHNSON said that he did not allude to it in unkindness, and was not annoyed in the least that his name did not appear on the journal. It was for a different purpose that he alluded to it. He would say, however, that he had also given notice that he would renew his motion: he had been urged by the very gentleman to do so, which that gentleman must recollect, unless he has a lapse of memory. He had in the House repeatedly tried to gain the floor for that purpose; but the Speaker's eyes but seldom cheered the dark side of the House where his seat was.

The gentleman from New York no doubt thought, with many of his friends, that all that they had promised would be realized. That the issue of the ten millions, authorized by the extra session, would relieve the Treasury and the people, and that there would be no repetition of the request for another issue of ten millions; that that issue would be the first and the last. In this expectation he thought, at the time, the honorable member would be disappointed. He had no doubt at that time that the gentleman from New York would be found, like Shakspeare's woodcock, "caught in his own spring:" that he would be forced to vote against the amendment of which he made himself the putative author.

Mr. J's purpose was widely different in moving that amendment in the committee. He saw, or thought he saw, a power behind the throne, half veiled, half disclosed, that looked with anxious eye and open hand at the trembling sceptre, and anxious to seize it; and, to achieve such a purpose, was desirous to build up a vast Executive paper bank on the ruins of the late monster bank; to build up a vast political machine, bottomed on a consolidated Executive issue; yes, sir, a monster more hideous than any to be read of in prophets' vision.

What he had heard in the other end of the Capitol, after what he read in the report of the Secretary of the Treasury at the commencement of this session, he was convinced that his early impressions were correct. The Secretary asks, upon *contingencies* and *emergencies*, to be allowed to extend the issues Such is the cautious language: he to be the sole judge. The plain English of all is, to give him the power to judge of the amount, time, and circumstances, to gradually and progressively establish an Executive bank to issue a new sort of continental paper money.

It was to avoid such a national calamity that he was induced to urge the amendment he did.

In further proof, it was not until yesterday that the chairman moved an amendment, limiting the time for the proposed issue. It was not until he discovered that, without it, his bill would fail. It was then he adopted Sancho's philosophy, that half a loaf was better than no bread, and concluded to do himself, with good grace, what he would be forced to submit to.

Of all the national calamities he would most deplore, the one which he would most strive against would be to see the whole power over money, exchange, State banks, and commerce, swallowed up and devoured by the monster of an Executive bank. And this vast machine in the hands of the most knowing—Mr. Levi Woodbury.

Why, Mr. Chairman, if you were to give him the power to establish a paper mill and a reservoir of ink by the side of his office, to make paper money at will, he would then have to call on Congress every year to enlarge his discretion and power. Mr. J. had no confidence in his Treasury notes, his Treasury circulars, his specie circulars, nor his Treasury orders; they change as quick as the chameleon, and are as vacillating as the wind. His folly has brought the indigent to ruin, and the wealthy to want; and yet we are called on to trust to this most sapient counsellor.

Here Mr. JOHNSON gave way to Mr. CHAMBERS, who moved that the committee should rise: ayes 89, noes 89.

The CHAIR announced that the majority have it. There was a great noise and confusion. Some voice asked the CHAIR if it had voted? He said no. The CHAIR then voted in the negative.

Mr. J. was about resuming, when Mr. ROBERTSON rose to a point of order. Mr. R. said that after the CHAIR had decided the motion to adjourn, it could not vote. There was too much confusion to hear.

Mr. CURTIS, Mr. DUNCAN, Mr. ADAMS, and Mr. ROBERTSON spoke. There were many cries of question, and the CHAIR was propounding the question, if the committee would rise, when

Mr. JOHNSON again rose and said that he demanded to know if he was not entitled to the floor, as he had only yielded it to a privileged question.

The CHAIR said he had a right to proceed. (Great noise.)

Mr. J. said that he believed that the chairman was a member of the Naval Committee, and would most respectfully ask him if he had ever ascended from the Chesapeake, the Potomac, which, from the Indian, means the river of swans, in one of Fulton's magnificent steamboats. The prospect is beautiful: you see not only one of the most beautiful streams in the world, but the scenery is picturesque and delightful. When on deck, you perceive a most strange optical delusion: a promontory of land projecting far into the river, and reaching almost on the opposite bank to an acute point. You wonder how a steamer can pass it; but, as you near it, you find this seeming acute angle rounding gradually and most gracefully, and really exhibiting *no point at all.* This promontory, like the point started, but not raised, by your decision, is called, by mariners, *Point No Point.* We have, said Mr. J. on the Potomac, as many curious points as those started, and as often strangely decided, in this House. In the language of the river melody, there is

Point Look Out,
Point Look In,
Point No Point,
And Point *Again.*

Then you have decided that we have just had *point no point:* when we shall have *point again*, was not for him to determine. He would say, however, that he had no doubt that the gentleman from Virginia was correct, and the CHAIR was wrong; but he would yield to the decision of the CHAIR, as he had often perceived that there were gentlemen who were under the influence, occasionally, of either optical or mental delusions, and would leave it to others to decide, amid the noise and the glimmering lights of this Hall, which may have influenced the CHAIR or others. But this was not germain to the subject, or to his purpose.

He would ask the committee, in all candor, if it was wise to legislate amid the restive and anxious feeling which has been so often manifested? Was it not due to common courtesy for the majority to yield to the urgent feelings of the minority?—a majority not only strong in number, but powerful in talent—a minority that could suspend all action of the committee by retiring, and destroying thereby a quorum. He would not advise the minority to retire, but he would say that when the hour hand and the minute hand joined at the figure twelve, he would retire to his chamber. He would not join further in the contest, to see if we could wear out the political or the physical constitution the fastest. He would not spend the Sabbath in inquiring if Government paper money was a curse or a national blessing. His reading and reflections of the past had informed him that Government issues of paper had always resulted in injurious consequences. The Royal Bank of France, the Government paper issues of Austria and Russia, all proved it. The history of our own country, the history of bills of credit—and your Treasury notes are nothing more, though technical lawyers may discover a distinction without a difference—from the time they were first issued by Massachusetts, in 1690, by New York, South Carolina, and the other colonies, by the Revolutionary Congress, in the form of redeemable continental paper, to the present time, have always proved ruinous. And yet you will not stop to deliberate, and to pause, and to counsel, on such grave questions, which have such immense consequences in their result. To doubt, is to be accused of suspicion unworthy; to oppose, is to be denounced.

He would ask, in candor, if there was not too much of partisan feeling worked up in these serious national questions. Questions of currency should be divested of all such considerations. For one, he grieved at the strong fanaticism of party which had so long existed in this country. No public man, who was not ultra on the one side or the other, could receive the confidence of any large portion of the people. For himself, he cared not for political results, and would freely avow that he always looked with distrust upon any party in power, in either State or National Government.

The proscriptive feeling of both parties was but a modified form of that crusade which drove half of Europe to lose its best blood on the dry sands of Asia. Under other forms, it exists

in this country. It is that which makes many women in one portion of this Union unsex themselves, to mingle in political questions; which makes both of the two strong parties in this country cordially dislike, and bitterly persecute, every high-minded man who will not be as rancorous as themselves; that makes a gentleman, who boldly throws himself upon his pride of feeling, and stands upon his Americanism, and deigns to think and to act for himself, at once placed between the cross-fire of both parties, and denounced by each. The very man who most deserves the confidence of the people, is the last, too often, to gain it; whilst a time serving politician, who is sometimes on one side, sometimes on the other, the loudest wherever he is to be found, is called a patriot, and the most to be caressed by each, and the first to be honored and promoted.

Let the timid and ambitious adopt their own course; he would commend the sentiment of his friend from South Carolina, [Gen. THOMPSON;] do as one's conscience and judgment approves, and trust to the good sense of an honest and high-minded constituency. For himself, he would not desire a seat in Congress, if he was to be muzzled and handcuffed. He would not submit himself to the debasement for the honor of the place.

But he had already said more than twice as much as he had intended when he rose; and would conclude by saying that the committee might force the question that night, but it would be difficult for it to coerce the people into an acquiescence of either its policy or its justice.

REMARKS OF MR. HARPER, OF OHIO,

ON THE SAME SUBJECT.

Mr. HARPER, of Ohio, next rose and said:

Mr. Chairman. In rising to address you on the subject under consideration, I am not actuated by a desire to embarrass the Administration in obtaining the necessary supplies to enable it to fulfil all its engagements. Heretofore, I have deemed it my duty, and believed it would best subserve the interests of those whom I represent on this floor, to hear, rather than to speak, to listen to the voice of experience and wisdom, and not to delay the action of this branch of the National Legislature, by obtruding upon it any remarks of mine, in disposing of the numerous and important subjects, of both a public and private character, which, in my estimation, demand a prompt decision. It is true, sir, I was well aware it was my privilege; but never, until this moment, did I consider it my duty. Sir, I presume there is no doubt that the public coffers are empty, or nearly so, and, for one, I am willing to aid in replenishing them; but I desire to know why this indecent haste. This bill was taken up for consideration yesterday, for the first time. It provides for issuing ten millions of Treasury notes, at least, and as I shall undertake to show, by and by, for a sum greatly beyond that amount, if, at any time hereafter, the Secretary of the Treasury stands, or thinks he stands, in need of them. Why, sir, one would think the magnitude of the sum demanded, to say nothing of the great principle involved in this measure, would be an admonition to us all to pause and reflect; but not so, the indications are not to be mistaken. Indeed, it is unblushingly avowed that this night, the last of the week, and almost the last hour of the night, this bill must be passed through the Committee of the Whole, and be reported to the House. Mr. Chairman, you must have observed that, in relation to other subjects, from the commencement of the present session until yesterday, whether important or unimportant in principle or amount, (those which were supposed to be connected with the party politics of the day excepted,) they received a calm and patient investigation. All must remember the time occupied on the question whether it was proper to allow interest on certain claims due by the Government for Revolutionary services. But there is a more recent and notable instance. The select committee charged with inquiring and reporting to the House the cause of the death of the Hon. Mr. Cilley had performed that duty; and the chairman had, on behalf of a majority, presented to the House the result of their "labor of love," in the shape of a report, or, as it has been said by some, an argument. Days, nay, weeks, were employed in the discussion of the question of printing that report. The question was admitted by all to be an important one; it was one of privilege, affecting every member on this floor, and more immediately the honorable gentleman from Kentucky, the survivor in that unfortunate affair, and those whom he represented. It is true, some were malicious enough to say that that report was looked to as likely to stay the political tempest which at the time was sweeping over the land. And, sir, you know that, however desirable the supplies of money may be to the Administration, yet it stood in great need of political capital; it wanted men as well as money; and hence the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] although he did, on one or two occasions, observe that he should be compelled to move for a suspension of the rules for the purpose of taking up this bill, yet with what Christian meekness he submitted to his fate when that motion was made and did not succeed! And, sir, had it not been for the amendment proposed by the honorable gentleman from New York, [Mr. SIBLEY,] the object of which was to have the names "of all who were present, aiding or abetting in that unfortunate transaction, presented to this House," the discussion might, for aught I know, be in progress at this hour. The fluttering produced by that motion in a certain quarter was obvious, and resulted in laying the subject on the table. How long it will sleep there, will be for the party to whom the gentleman belongs to determine. Other instances might be cited, in which questions received, as they deserved, the free and dispassionate consideration of the House; yet, important as they were, they were but as dust in the balance, in comparison with the question under consideration.

Yet, sir, this question is to be pressed to a final decision this night, and not a single hour is to be allowed for reflection, notwithstanding the numerous amendments offered by honorable gentlemen, all of them important and well worthy of consideration; the last of which, proposed by the gentleman from Virginia, [Mr STUART,] has not been an hour in the possession of the committee. It has been considered heretofore that the Constitution of the United States, in virtue of the provisions of which we are here assembled, secured to us and conferred upon us all the powers of a deliberative body; and such has been the practice heretofore, until within some years past; but now you are to act, not deliberate. Here is a bill proposing to tax the people ten millions of dollars by the issue of Treasury notes to that amount; a loan on the part of the Government to supply its ordinary expenditures; yes, sir, a loan, disguise it as you may; and we, the representatives of the people, are not to be allowed the poor privilege of comparing this bill with the amendments which have been or may be proposed to it, and deciding which will be the best mode of supplying the wants of the Government, and at the same time the least onerous and burdensome to the people. No; we are told we must pass this bill as it is; we must, as was said on another occasion by the chairman of the Ways and Means, "toe the mark;" "now is the day and now the hour." This bill must pass, at this time, for the precise amount of ten millions of dollars; and those dollars to be in Treasury notes, and nothing else. Yes, sir, the term *"must"* has been employed; this term grated on my ear; it is the language of a superior to an inferior. Here, or elsewhere, I permit no man to assume the superiority over me. I submit to no dictation from any quarter, nor shall the freemen whom I represent be degraded, through me, by an acquiescence on my part in this assumed superiority. To those who are friendly to this measure, deliberation is doubtless unnecessary; they do not act on their own volition; there is a mind and an impulse elsewhere, which directs all their movements. Happy state of apathy and irresponsibility! With me it is otherwise. I cannot consult with those whose interests I am bound to protect. I desire, therefore, a short time for deliberation, that I may examine the various propositions before the committee, that I may give my support to the one which, in my opinion, will most promote the interests of the people.

The pertinacity with which the chairman of the Ways and Means adheres to this particular mode of furnishing supplies for the wants of the Government is to me most extraordinary; it cannot surely be from mere pride of opinion. I know the gentleman from Massachusetts [Mr. CUSHING] thinks it is; and that as Dr. Sangrado wrote a book to prove the great utility of warm water and depletion in the cure of all manner of diseases, so the Administration, having, at the last and present session been in favor of this particular mode of supplying the wants of the Treasury, are determined to adhere to it, regardless of its propriety as a financial measure, or its effects on the great interests of the country. Mr. Chairman, I cannot but think that there are other and more powerful reasons influencing the friends of this measure than pride of opinion. The Administration has been repeatedly charged, and I am not aware that the charge has been denied, with a desire to establish a Treasury bank. Pass this bill, and the first step, which is always the most important, will have been taken. In proof that such is the design, I beg leave to call your attention to the annual message of the late President of the United States to Congress, in December, 1830. In speaking of the propriety of rechartering the Bank of the United States, he says:

"Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehended from that institution as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present Bank, through the agency of a Bank of the United States, so modified as to obviate constitutional and other objections. *It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based upon the public and individual deposites,* without power to make loans or purchase property, which shall remit the funds of the Government; and the expense of which may be paid, if thought advisable, by allowing its officers to *sell bills of exchange to private individuals at a moderate premium.*"

From the period when this message was delivered until the close of the late Administration, whenever allusion was made by the late President of the United States, in his intercourse with Congress, in relation to this subject, the same doctrine was inculcated. Well, sir, the present Executive, prior to his election, declared that, should he be so fortunate as to be elected President, his highest ambition would be to be the honored instrument of carrying out the great principles of his illustrious predecessor, and "walking generally in his footsteps;" and the very first step taken by him was in strict compliance with this promise. When we assembled here at the last or extra session, as it is sometimes called, for the purpose, and no other, as we were told, of providing supplies for the wants of the Government, one of the means recommended by the President in his message, to effect that object, was by the issue of Treasury notes. He says:

"It is not proposed to procure the required amount by loans or increased taxation. There are now in the Treasury nine million three hundred and sixty seven thousand two hundred and fourteen dollars, directed by the act of the 23d June, 1836, to be deposited with the States in October next. This sum, if so deposited, will be subject, under the law, to be recalled, if needed to defray existing appropriations; and as it is now evident that the whole, or the principal part of it, will be wanted for that purpose, it appears most proper that the deposite should be withheld. Until the amount can be collected from the banks, *Treasury notes may be temporarily issued,* to be gradually redeemed as it is received."

It is true, the President is not very specific on this subject; he was too much engrossed in discoursing about banks and bank paper, about the constitutional currency, the transfer and safe-keeping of the public money, and that great and "crowning mercy," the divorce of Bank and State, and the establishment of the Sub-Treasury scheme. But, sir, his Secretary of the Treasury was more communicative in his report accompanying the message of the President. He is quite explicit. Speaking of the means best adapted to supplying the wants of the Treasury, he says:

"One would be, to authorize the issue of Treasury notes, receivable for all public dues, but without interest. These would differ from the drafts or checks now in use, only as the latter are given for immediate payment, and drawn on persons or banks having public money sufficient to meet them, and, consequently, the holders must be exposed to the trouble and expense of presenting them at the places where payable; still they are nearly on a par with specie. In the present deranged state of bank paper and exchange, and in the favorable condition of the General Government, *by its ample resources and exemption from pecuniary liabilities, to impart the greatest confidence in respect to the redemption of such notes,* it is probable that they would readily be taken at par by most of the public creditors. Especially would this be likely to happen provided they were issued in denominations as low as *twenty, fifty, and one hundred dollars.*"

In accordance with the recommendation of the President and the Secretary of the Treasury, Congress passed the act of the 12th of October, 1837, authorizing the emission of ten millions of Treasury notes. The measure was adopted with great reluctance by many, as they asserted at the time, and many were the protestations, publicly and privately, then, and such has been the case at the present session, that never would they again sanction another emission of Treasury notes. The excuse for resorting to this unusual mode of replenishing the Treasury at that time was, that there existed a great pressure in the trade and commerce of the country, produced by what was called revulsion in trade, and the suspension of specie payments by the banks. That this state of things would be of short duration, as the causes were temporary which produced it, so a temporary relief to the Treasury, by authorizing the issuing of ten millions of dollars of Treasury notes, would relieve it of all embarrassment; and thereafter the Government would resort to the usual mode of raising money to supply the wants of the Treasury. But, sir, it seems that this method of raising the supplies is to be the settled policy of the Administration; that a Treasury bank in fact, whatever it may be in name, is to be established. You doubtless remember that the bill, as reported by the Committee of Ways and Means, at the last session of Congress, contained no limitation as to the time in which the notes should be issued, nor did it contain any provision for cancelling them after they should be returned to the Treasury. The proviso to the 12th section, which provides for this object, was adopted by the House, on the motion of the honorable gentleman from Kentucky, [Mr. SOUTHGATE.] But for this proviso, the notes might, and no doubt would, have been reissued; so that, instead of furnishing the Government with supplies to the amount of ten millions, a grant, in effect, would have been made of thirty or forty millions; the amount depending, alone, on the discretion of the Secretary of the Treasury. Had the bill passed without the proviso, does any man believe we should be called on at this time for an additional ten millions? I, for one, do not. The Treasury would, in that event, have been as independent of Congress as it desires to be of the people.

Well, sir, the bill on your table provides for issuing ten millions of Treasury notes, in pursuance of the act of the 12th of October, 1837; but it does not provide that, when received in payment by the Treasury, they shall be cancelled, in pursuance of the provision of that act. On the contrary, it is avowed that it is intended they shall be reissued, if, in the opinion of the Treasury Department, it shall be necessary so to do. Indeed, the President, in his recent message on this subject, says:

"The principal difficulty arises from a prohibition in the present law to reissue such Treasury notes as might be paid in before they fall due, and may be effectually obviated by giving the Treasury during the whole year the benefit of the full amount originally authorized; the remedy would seem to be obvious and easy."

And the Secretary in his communication accompanying that message, reiterates substantially the same thing. Here, then, we have a Treasury bank, established by a bill not containing as many lines as it grants millions of capital.

Mr. Chairman, the people of this country are not yet prepared for this additional experiment. They have not forgotten that in the early history of our country, when we were engaged in the doubtful but glorious struggle for liberty and independence, with a gallant and powerful nation, the Congress of that day was compelled to resort to continental money to supply the wants of an exhausted Treasury. Even then it was done with reluctance. What excuse can now be given to the people for resorting to the same means for the same purpose? I am not to be told that, inasmuch as we are now a more numerous and powerful people, possessed of boundless resources, vigorous and enterprising, at peace with the whole world, and the Government of that period was engaged in war, the people few in number, and their limited resources dried up by the vicissitudes incident to that state of things, it is, therefore, proper now, as it was indispensable then. This answer, sir, will not satisfy the country. The people will see that now, as then, the Government has resorted to a paper currency, founded on no capital other than its credit; and the recent discovery, promulgated for the first time in another part of this Capitol, that a paper currency, founded on the credit and resources of the Government, was superior to that supported by actual capital, and convertible into specie at any time at the pleasure of the holder, has not, so far as I know, met with a favorable response from any quarter. It is a financial heresy, whose author, for the sake of being thought original, has in this respect rendered himself ridiculous. The history of the country furnishes no example of a resort to Treasury notes for the purposes of the Government, except in times of war, and then only when all other means of supplying the Treasury had failed. But now, in a period of profound peace, with all the elements of prosperity scattered around us in rich profusion, this system is attempted to be fastened on the country, not as a temporary measure, but one permanent in its character. For the chairman of the Committee of Ways and Means has informed us that it is not expected that the revenue derived from the usual and ordinary sources will, for the ensuing three or four years, be sufficient to defray the ordinary expenditures of the Government; and thus, with the ten millions granted by the bill on your table, with the liberty to reissue it at pleasure, to say nothing of the calls that may hereafter be made on Congress for a similar purpose, or for laws to enable the Department to carry those already enacted into effect, you have a great Treasury or Government bank; ay, sir, a very monster, under the sole control of the President, to be managed and directed by him alone; a great continental paper factory, in comparison of whose power and influence all the banks in this Union, great and small, and of the dangerous tendencies of which so much has recently been "said or sung," are but molehills to a mountain.

Mr. Chairman, it is admitted on all hands that the act of the 12th of October last, and the bill now under consideration, provide in effect for a loan; that is, they create a national debt to the amount of Treasury notes issued and to be reissued under their provisions. If this be so, and no man can deny it, why not have recourse to a loan at once? Why resort to the pitiful subterfuge of calling this "A bill to carry into effect an act, approved the 12th day of October, 1837," "to authorize the issuing of Treasury notes?" Why not deal fairly with the people, and not have recourse to deception, to indirection, and urge that this bill is necessary to carry into effect the act of the 12th of October last? That law is perfect in all its parts, susceptible of being carried into full and entire effect; indeed, the difficulty appears to be that, under the instructions of the Secretary of the Treasury, its provisions have been carried into effect too soon. Resort, then, sir, to a loan at once; create a national debt directly, and not by this indirection; meet the crisis like men; do not permit a false delicacy to prevent you from presenting to the people a full and fair account of your stewardship. It is due to them, for this Government is theirs; the debt

you are about to incur will be their debt, and they will have it to pay; ay, and what does not always seem present to the minds of gentlemen, we are the people's servants, not their masters. Go, then, to the people, and state to them frankly the wretched and bankrupt condition of the National Treasury; let them see how, in a few short years, the country, from a high and palmy state of prosperity, has been reduced to comparative bankruptcy, the channels of their prosperity dried up, and the bright and joyous expectation of procuring a competency, at least, if not wealth, for themselves and for their children, changed into doubt and uncertainty as to the future, if not into absolute and hopeless despair; present to them your empty coffers, and say to them, we desire to fill them with Treasury notes. Yes, sir, these very coffers, which you were told and taught to believe, for some years past, were to be filled to overflowing with gold and silver, are to be the receptacles of Treasury notes only; or, in other words, continental money—yes, I repeat, continental money, for such it is, in principle, beyond dispute; and the fact that because of the ability of the Government to pay, so that they may not depreciate, as did those issued during the war of Revolution, can make no difference. Say to them, also, that the expenditures of the present year are estimated at not less than thirty-seven millions of dollars, and that the revenue expected to be derived from all the sources heretofore relied on for that purpose will not exceed twelve or fourteen millions; that that sum would have been sufficient to defray all the expenses of the Government ten years ago; that, by some mysterious operation of the promised retrenchment and reform, the promise works practically in an inverse ratio, increasing the expense of the civil list in that short period of time near threefold; and the amount that may be wanted over the amount received is to be supplied by issuing and reissuing Treasury notes. Well, sir, this disclosure, brief and imperfect as it is, may excite some surprise; nevertheless, my life for it, the people will cheerfully grant you any sum that may be necessary to preserve the faith of the Government, and enable it to discharge the just claims of all its creditors; they will not stop to inquire who brought about the present state of things, nor who at present administers the affairs of the nation; they will reflect that it is their country, and, being so, "with all its faults, they will love it still."

But, sir, they will demand, and I, a representative of a portion of the people, here in my place, demand in their behalf, that there shall be presented to us here a clear and explicit statement, not only of the wants of the Government, but particularly of all the means in its power which may be applicable to the supply of those wants. In England, the Chancellor of the Exchequer presents his budget, containing a clear and succinct statement of the amount required for the support of the Government, and likewise all the sources from which he proposes to raise the required sum, "to his Majesty's faithful Commons;" and they are free to choose as to the amount granted, as well as the means of supplying that grant; nor could that minister be sustained an hour who would undertake to invade that right, and dictate to the representatives of the people the manner in which the supplies should be raised. And shall we, representatives of the freest people upon earth, (we are so at least in theory, whatever may be our situation practically,) yield a power conferred on us alone by the Constitution; transfer the purse-strings of the nation, which, by that Constitution, are placed exclusively in our hands, to any other department of the Government? I, for one, will never consent to do so; purpose your loan, sir; the proposition shall have my support, rather than the bill on your table. The creation of a national debt appears to be inevitable; let be done, then, in the way most likely to benefit the country; or, rather, in the way most likely to be the least burdensome to the people; but this direct method meets with no favor from the chairman of the Committee of Ways and Means, and those who act with him here; they say there is nothing in this world "like parmaceti, 'tis the sovereignest thing on earth for an inward bruise;" nothing like Treasury notes, paper money. This is the medicine which is to eradicate all the diseases of the body politic; it will replenish the Treasury; and as for the trade and business of the country, they are to be left to take care of themselves. "The people are in the habit of expecting too much from the Government." Rather than adopt this system as a permanent one, and I have shown that it is the intention of its friends to make it so, you had better have recourse to a direct tax, to meet the present pressing emergency; that plan would be less insidious than the one under consideration; it would have the merit of being, what is exceedingly rare these times, open and undisguised; and it would have this additional claim to consideration: it would fairly test the correctness of a new maxim in political economy; that is, "that it is the producer, and not the consumer, that pays all the taxes in this country." Besides, the committee would doubtless be charmed with the eloquence of the gentleman from South Carolina [Mr. RHETT] on this subject, and the public opinion enlightened and corrected on this very interesting question; moreover, the people would then know the precise amount of taxes paid by them for the support of the Government, and would hold those who administered it to a strict account in their expenditures. But, sir, if it should be thought that the country has been sufficiently afflicted already with experiments, and it would therefore be unwise to try a new one, why not, as I have already said, authorize a loan? It can be obtained on favorable terms, and in "the constitutional currency;" you need not receive it in "bank rags," and thereby subject yourself to the odious appellation of "rag baron," but in gold and silver, the great increase of which, in most of our commercial cities, within a short time, is matter of public notoriety. This mode of raising supplies is not new in the history of the country; it has been adopted by almost every Administration, and always, heretofore, in preference to issuing Treasury notes; and surely the present Chief Magistrate cannot consider it degrading to follow the example of Washington, Jefferson, Madison, and Monroe. By so doing you will increase the circulating medium by the amount borrowed and paid out to the creditors of the Government; it would find its way into all the channels of trade and industry, and exercise an important influence in stimulating the one, and rewarding the other.

But, sir, there is still another mode by which the wants of the Treasury may be supplied, at least for the present; adopt the amendment offered by the honorable gentleman from Virginia, [Mr. STUART;] he proposes to authorize you to issue two millions of Treasury notes, as a present relief; and, if that shall be found insufficient to enable the Government to discharge its responsibilities, to borrow, from time to time, such sums as may be necessary for that purpose. Do this; pass the bill on your table from the Senate, providing for the sale of four millions of the bonds due from the Bank of the United States; by so doing you will effect a two-fold object: you will obtain money, and what, in the estimation of some gentlemen, is of much more importance, you will have so far obtained a divorce between Bank and State. Do more: call upon the numerous defaulters to the Government, as well those who are in, as those who are out of office, and, as I shall show by and by, have in their possession a sum not less than six millions of dollars; from this source you may realize something; it is not probable it will be much; be it more or less, we are entitled to it. The propriety of this course is to my mind obvious; it is what every prudent man would do in his own case; and what is wise in an individual cannot be unwise in the Government; in regard to this question.

Sir, the people whom I represent have a deep interest in this question. Although they reside in the interior, they are nevertheless extensively engaged in trade, manufactures, and the mechanical arts, as well as in agriculture. By their indomitable perseverance, industry, and enterprise, they have hitherto been highly prosperous; but they, in common with the whole country, are experiencing at this time the effects of the series of experiments which have been in progress for some years past, in the disordered state of the currency and exchanges, in the reduced price of their agricultural productions, and the prostration of confidence and credit. Their progress, however, has only been impeded, not stopped; and they look forward with confidence to the period when experiments will cease. Sir, the bill on your table cannot produce any such results, nor is it pretended that it will. Your Treasury notes cannot pass into general circulation. Their circulation will be limited to the narrow circle of the commercial cities. They will travel from the Treasury Department to Baltimore, Philadelphia, New York, and Boston, and back again; they will be received in payment of the customs and public lands; and thus a currency is established for the Government and its creditors alone, and in which the great body of the people can have no participation. It will not stop to inquire into the constitutionality of such a measure; it is sufficient for my purpose that it is partial, and therefore unjust. The people of the West have already suffered greatly by the operation of the Treasury circular, which has been in force something less than two years. They have been compelled to obtain specie to pay for the lands they purchased, at a high premium, when, at the same time, other debtors—those, for instance, who owed the Government for duties—could make payment in the ordinary circulating medium. This distinction is odious enough; but it seems there is to be, in effect, an additional one, by the passage of this bill. Your Treasury notes may be obtained by those who are indebted to your custom-houses, but not by those who want to purchase lands. They will not be found in the West. And I venture the assertion, that not one man in a thousand, in that quarter of the Union, has ever owned one, if, indeed, his eyes have ever been blessed by the sight of one.

Mr. Chairman, the country has for years past been taught to believe, by those who spoke, or professed to speak, for the Administration, that this was a hard money Government; that gold and silver was the only currency recognised by the Constitution, and that the hands of the people ought no longer to be soiled by coming in contact with bank paper. Indeed, the precise period when this golden age would commence, was confidently predicted. You will remember, sir, no doubt, what glittering visions were presented to the imagination of the people. Silken purses, filled with "mint drops" and "yellow boys," it was said, would line the pockets of every man in the community, and our majestic rivers would bear on their broad bosoms cargoes of the same precious materials. Well, sir, the time is passed, and the prediction has not been fulfilled. We have had all the tokens that precede, but not the golden shower; and at this moment the mass of the community are left to struggle on with irredeemable paper as *their* currency, while the party in power is seeking to establish for the Government, and its debtors and creditors, a currency of Treasury notes, and refusing to aid, even indirectly, in relieving the country from its present embarrassments. The chairman of the Committee of Ways and Means appears to be aware that the pretended effort of establishing an entire metallic currency has signally failed; and that delusions, too, must end some time; for we find him suddenly deeply enamoured with the new system of banking recently adopted by the Legislature of the State of New York. This may be owing to the circumstance that the plan is yet to be tested, and is, therefore, an experiment; or it may be accounted for, perhaps, in consequence of the result of the recent elections in that State. Whatever the reason may be, the country will learn with surprise that all the efforts that have been made to decry and put down banks and bank credit are to cease; and that one who led the van in the assault on both, now declares that "among the most encouraging events of the day, is the great reform measure—the free banking law of New York." Well, sir, I sincerely hope all his bright anticipations may be more than realized. He said, also, "that the passage of that act ought to be a subject of general congratulation." Be it so; but, in his felicitations on this subject, I pray him not to forget that there are other banks in New York, considering their parentage, that have some claim to the friendly regards of himself and his friends; and I cannot but think they will receive it, now that the golden bubble has bursted, and banking is again about to meet with favor.

Mr. Chairman, after hearing the speech of the honorable chairman of the Committee of Ways and Means to which I have alluded, and although there was much in it that was calculated to excite surprise and irritation, I was not prepared to hear the sentiments and arguments uttered on this floor, which were avowed and urged by another member of the Committee of Ways and Means, [Mr. RHETT.] It is true, I anticipated all the manifestations of zeal which usually characterize new converts, but I did not expect to hear those with whom he had so recently professed to act, openly denounced, the whole series of measures of the Administration, past and present, approved and eulogized, and a portion of the community threatened to be handed over to the tender mercies of mob law, if we, who are unfriendly to this measure, freemen ourselves, and the representatives of freemen, should dare to hesitate, or throw the slightest obstacle in the way of the passage of the bill. I demand, sir, by what authority such sentiments are promulgated. If it is derived from his new alliance, he will find it questioned. If it is in virtue of his being a representative of what is called, by way of pre-eminence, "*the landed interest of the South.*" let me tell him, there is a landed interest in this country elsewhere; there is a landed interest in the West, "every rood of which can sustain its man," and that man a freeman. He will find that neither he nor those with whom he acts can effect their object by intimidation. I, as one of the representatives of the free men of the West, here in my place, denounce not only the sentiments which he has uttered, but laugh such threats to scorn. The honorable gentleman says that he has never seen any evidence to justify the charge that the Administration has, at any time, manifested a disposition to injure, much less destroy, either the banks or the credit system which has so long existed in the country. Has he forgotten, that, from the period the destructive sentiment was announced, of "perish credit, perish commerce," in this Capitol, down to this hour, the leaders of the party in Congress, and in the country, as well as the public press, official and unofficial, have been incessant in denouncing the whole credit system as anti-republican in its tendencies, "making the rich richer, and the poor poorer," and equally destructive of morals and equal rights? Has he forgotten, sir, that it was announced from a high quarter, "that all who deal on borrowed capital ought to break;" that those interested in banks, and men of property generally, were called "rag barons" and "monopolists;" and that the banks had but recently, from the same high quarter, been charged with unheard of treachery? If the gentleman is ignorant of all this, and much more of the same character that might be adduced to prove that the Government induced the people to believe that it was for their interest to put down bank paper and destroy credit, and I am bound to believe that he is, I cannot consider him good authority in regard to the disposition of the Administration, at this time, in relation to these interests; he is but in his noviciate in the political church to which he has so recently united himself, and has not, as yet, been permitted to know its higher mysteries. He is, as yet, in the chrysalis state, and when he shall have passed from that, and acquired full vigor and proportions, he will be able to take a more lofty flight and extended view; then he will discover that there is some evidence of what has been believed, by a large portion of the people, to have been the intention of the Government, for years past, in relation to the subject to which I have alluded. Before I can be satisfied on this point, sir, I must have assurances "from the fathers of the church, and not from the junior apprentices of the law," as was once said on this floor on another occasion.

Mr. Chairman, the honorable gentleman has been singularly unfortunate in relation to another transaction connected with this subject. He has said that, after the removal of the deposites from the Bank of the United States, the State banks had wooed the Government into an alliance with them; and he calls it a meretricious alliance; and, when they had consummated their purpose, they violated their plighted troth, and played the wanton. Now, sir, the reverse of this is the fact. I supposed it was a matter of public notoriety, known to every one, that, at the period alluded to, an individual, now high in office, and then high in the confidence of the Administration, was commissioned to visit the various banks in certain parts of the Union, and ascertain the terms on which they would receive, disburse, and safely keep the public money that might be deposited with them by the Government. And thus, sir, the alliance, if there was one, was formed at the solicitation of the Government; and the banks were advised, by the then Secretary of the Treasury, to be liberal in their discounts; and his successor, down to a very recent period, has uniformly declared that they had performed their duty to the Government and the country with the utmost fidelity. They may have played the wanton; but, if so, it was by the procurement and with the connivance of the Government. And now, after procuring this meretricious alliance, and having spent the honey moon in sinful dalliance, they have been "cast, like a loathsome weed, away."

Mr. Chairman, the anxiety evinced in a certain quarter for the passage of this bill cannot be misunderstood. It is the avant courier to another measure, which has deeply excited the public mind; and which, if the late indications of public opinion may be relied on, has received the decided reprobation of the people. I allude to what has at one time been called the divorce bill, at another the Sub-Treasury, and again the Independent Treasury bill. But for the honorable gentleman's anxiety on this subject, I am confident that, with his clear perceptions and vigorous mind, he would find nothing in the bill on your table to recommend it to his support. Now, sir, this consideration furnishes, to me, a decided objection against the measure. It is admitted that, without authority of law, (I will not say contrary to law,) this Sub-Treasury scheme has been in force for at least one year; and, to a certain extent, and from necessity, ever since the existence of the Government. It is very true that the collectors of the customs and the receivers of money for the sales of public lands have not been provided, at the public expense, with vaults, safes, or bolts and bars nor with keys, all of which are provided for by the bill which has passed the other House of Congress, commonly called the Sub-Treasury bill. It has been believed, heretofore, that these things would furnish little additional security in preserving the public treasure, and that the only sure reliance for that purpose was the selection of honest and competent men to receive and pay over the public money. Well, sir, to test the security thus afforded, let us look at the reports laid on our tables, from time to time, by the Secretary of the Treasury. I confess my inability fully to comprehend these mystical and mystified documents; but enough can be gleaned from them to show that the less money is intrusted in the keeping of these Sub-Treasurers, the more will be found in the Treasury; and this I will undertake to prove.

The President in his communication of the 10th, says, "that, with over twenty-eight millions in deposite with the States, and over fifteen millions due from individuals and banks, the United States are, from the situation in which these funds are placed, in immediate danger of being unable to discharge with good faith and promptitude the various obligations of the Government." And the Secretary of the Treasury, in his report in December last, says there is due from banks "four million six hundred and nine thousand dollars," and "four millions of merchants' bonds;" call it, in all, nine millions; deduct this sum from "fifteen millions due from banks and individuals," and there is the sum of six millions unaccounted for. This sum must be in the hands of individuals, agents of the Government. If it is unavailable, those who have or had it in their keeping are defaulters, and whether in or out of office cannot be ascertained; for, although this information was required explicitly by the resolution of the honorable gentleman from Virginia, [Mr. GARLAND] it has not been furnished. Nor, sir, is the amount surprising, when it appears, by the report of the Secretary of the Treasury of the 17th of January last, that Littlebury Hawkins, receiver of the public money at Helena, Arkansas, not now in office, as late as the month of November, 1835, was a defaulter to the amount of $115,462 94. One in office as late as the 31st of August, 1837, the receiver of public money

at Columbus, Mississippi, in the sum of $61,549 98. And V. M. Garesche, who made the investigation in this case, under the directions of the Secretary of the Treasury, recommends him to adopt, in relation to it, the doctrine of the fable of the fox and the flies; he says: "You will not therefore be surprised if I recommend his being retained, in preference to another appointment; for he has his hands full now, and will not be disposed to speculate any more." I give you these as examples; they are taken from the reports of the Treasury Department, where many cases of a similar character may be found.

Mr. Chairman, it is not my purpose to institute a comparison between individuals or Sub-Treasurers and banks in regard to the safe-keeping of the public money, nor whether the disasters of the times have been brought about by their misconduct or a series of improvident measures on the part of the Government. This, under present circumstances, would be more curious than wise. I do not stand here the advocate or the apologist of the banks. I have no connection with them; I am neither president, cashier, director, stockholder, nor debtor, of any bank. I view them, however, as State institutions, deriving their charters from the State Legislatures; a large portion of them created by the friends of those in power. As such, I hold they are not accountable to the Government of the United States; and that an attempt to make them so, either directly or indirectly, is an invasion of the rights of the States. They are accountable to the power from whom they derived their authority, and to no other power on earth. This, sir, is not the tribunal to try, condemn, and sentence them, nor the proper forum in which to assail them with coarse and vulgar epithets, selected from the party newspapers of the day. With much more propriety might the honorable gentleman have arraigned the numerous defaulters by whose malfeasance the country has lost, or is about to lose, some millions. This is a subject that might well excite his virtuous indignation; but he has been content to rail at banks, capitalists, and what he is pleased to term monopolists, alone, and promulgate, in relation to them, doctrines destructive of all law and social order, and subversive of the just rights of the States. Coming from any quarter, this would excite surprise; but, coming from whence it does, it may well excite astonishment. But, sir, this may be one mean of effecting the *divorce;* but I would advise gentlemen to turn their attention to another divorce that seems likely to result in an entire separation of the people from the Administration, and which the signs of the times in the East, the North, and the West, appear to indicate will soon be consummated.

Mr. Chairman, I am prepared to furnish the Government with ample means to discharge, with good faith and promptitude, its pecuniary obligations. I would be recreant to the character of the State which I have the honor in part to represent were I to do otherwise. She has a deep stake in the honor and prosperity of the country, and has shown her devotion to both in a more gloomy period of our history than the present. She will do so still. All she asks is to be permitted to decide, on a great question like the present, unawed and uninfluenced by party arrogance or official dictation. This right she has never yielded, and never will, with my consent. And should the period unfortunately arrive when she is prepared to do so, I, for one, will not be found ministering at the altar where the sacrifice is made.

REMARKS OF MR. CRITTENDEN, OF KENTUCKY,

In Senate, May 18, 1838—On the new Treasury Note B

Mr. CRITTENDEN said that the bill under consideration, as understood and explained by its friends, was intended to authorize the Treasury Department to issue ten millions of Treasury notes, to be applied in aid of the current revenue, to discharge the expenses of the Government. After a long course of boundless extravagance, the Administration has reached a point at which the ordinary revenues have proved inadequate to the expenditure of Government, and the Representatives of the people are called upon by the President to furnish extraordinary supplies in the form of Treasury notes.

Mr. C. was not prepared to say, as it had been argued by some, that Congress had not the *power* to authorize the issue of Treasury notes. But it was a power so susceptible of the most dangerous abuse, that it could scarcely be exercised too warily, or watched with too much jealousy.

Our Government is surrounded by motives and temptations to extravagance in the use of the public money. The very habit of voting and expending *necessary millions* begets a disregard of public money, without taking into account the multitude of other causes, honest and dishonest, that lead to prodigality. Against this evil tendency there is no other safe check or security but in the people, whose interest must ever be opposed to it, and in the responsibility of their rulers to them. But, to apply the corrective, it is necessary that the people should *know* and *feel* the existence of that evil; and the more sensibly and immediately they are made to *feel* it, the more certainly will they redress it. If wastefulness on the part of Government could always be accompanied by an immediate increase of the burdens of the people—if extravagance and taxation could go together, hand in hand, prodigal rulers would not be long allowed in this country to abuse their places. But by this mode of issuing the promissory notes of the people—called Treasury notes—the Government moves softly on, and escapes, as it were, from the people, and the public scrutiny. Its extravagance may be increased, and "fed fat" by the facility with which it supplies itself with means. And while the Government is thus corrupted, and the country run in debt, nothing is done to awaken the people to their true situation. No new taxation warns them of the extravagance of their rulers, and all pressure upon them is carefully avoided, while Government is heaping up the materials of a national debt, in the form of Treasury notes. Indeed, the first part of this process towards a national debt is rather of an agreeable and animating character to the community, and puts out of sight all other consequences. These Treasury notes seem to descend upon them as the mere emanations of a beneficent Government—as the unpurchased and fruitful showers of Heaven, that come without money and without price.

But this delusion cannot last always; and after it comes the end—the bitter end, when all disguise must cease; when the people must find themselves saddled with burdens that they hardly knew of, and when the tax-gatherer must go forth to collect from them, in some shape or other, the money that will be necessary to discharge the debt imposed upon them, with all its accumulated interest.

The primary and proper mode of supplying the public Treasury was by taxation; and when that was inadequate to the public necessities, the usual alternative was to borrow money on the credit of the Government. These were the preferable modes, because they were generally the cheapest; because they were open and undisguised, and because they were understood by the people, and would be certain to excite their jealous and vigilant attention. There might be some occasions and peculiar circumstances that would justify, or even require, us to resort to the use of Treasury notes; but, (said Mr. CRITTENDEN,) I am opposed to the general policy of supplying the Treasury by such means, because, in effect, it was the most irresponsible mode, and was calculated insensibly to lead us on, and beguile us into habits of extravagant expenditure. Why, sir, look at it: this course is already in its infancy, and behold the rate at which it is growing! It is less than eight months since the Administration asked us for ten millions of Treasury notes: well, sir, we gave them what they asked, and what is the consequence? In eight months they come back and demand ten millions more. Sir, is not this a rapid growth? We do not now see what this course may lead to; we cannot look to the end of it. *Government credit*, that precious thing so much commended by the gentleman from South Carolina [Mr. CALHOUN] is such a gem that it must not be allowed to lie hidden, but brought out and set on high, where it may daily and hourly emit its radiance to enrich and adorn the body politic. We are to use our credit; and that we may turn it to good account, we are to embody it in the form of notes, and thus supply the people with a currency, a better currency. Sir, we are every day edified here by denunciations against banks, bank directors, and bank paper, and corresponding commendations of Government credit and Treasury notes; and we are, at the same time, told that Government must employ its credit. Sir, the English of all this is, that this Government is to use its credit by furnishing to the people a circulating currency of Treasury notes. And is this the course of policy we have entered upon? The chairman of the Finance Committee confesses, indeed, that this bill is only to meet a temporary emergency; so he told us before; but is it not to be feared that we must eventually fall into this as a permanent policy of the American Government? Thus far we have entered only on the initiatory stage of this process; a mere shadowing out of the system; a pledge and promise of the fullness of that abundant, ever-springing, ever-spreading, which is, by and by, to bless the people. How far shall we keep, sir, in the rear of the old issue of continental money? Are we not making progress, and that pretty fast, in that direction? Where are we to stop? Can we say with certainty that when we shall arrive at a certain point we shall go no further? That we shall stop short of excess; and, when we have extended the plan as far as the public good will be subserved by it, that there we shall stand fast? The tendency of the system, its inevitable tendency, is to abuse and extravagance. I think the habits of this Government are decidedly bad, and I will not lend it my encouragement to put its long hands into the pockets of the people and take out ten millions at a dash, merely because I am vaguely told that the Treasury is in a crisis. Sir, we were told that eight months ago, and it then got the Administration ten millions of Treasury notes; now there is another crisis, and we must grant ten millions more. A few such crises, and we shall get up a respectable national debt.

Is this the result of all the *experiments;* of all the boasted patriotism and wisdom of the last and present Administrations? Is this that blessed era of plain Republicanism and Democratic frugality which they promised? It cannot be forgotten that they denounced the Administration of Mr. Adams as wasteful and extravagant; and that they obtained and came into power and office with the loudest professions of economy. *Reform, retrenchment, economy*, were the catch-words, the *blazonry*, of the party. They were printed at the head of electioneering handbills; were written on banners, and represented in transparencies. To confirm the sincerity of all those professions, they had no sooner possessed themselves of the Government, than they commenced an ambitious research into all the public offices, to distinguish themselves, as much as possible, by the display of their superior honesty in detecting, if they could, faults or peculations in their predecessors in office. And when a defaulter to the amount of one or two thousand dollars was discovered in the person of the unfortunate Watkins, a shout of applause and triumph was raised as if some great victory had been achieved. The unhappy man was pursued and persecuted in a manner that seemed intended to manifest to all the world that scarcely any thing else than a human victim could appease the fierce and offended integrity of that *faithful* and *economical* Administration.

Now, sir, let the injured, disappointed, and deluded people of this country consider, for a moment, the consequences of all this profession and parade of diligence, patriotism, and economy. Since the reformers and economists came into office, they have more than doubled the expenses of the Government. They decried and put down the Administration of Mr. Adams for expending about thirteen millions of dollars annually; and they have since expended more than THIRTY millions yearly. In the last three years they have expended, or rather squandered, more than *one hundred millions of dollars*. Yes, sir, more than *one hundred millions*. Well may such extravagance have produced distress, and excited indignation in the country. But, sir, the end is not yet. They are still in their career of extravagance; and after lavishing millions, the Administration and its supporters here tell us there is an *emergency!* The ordinary revenue of Government will not suffice; they must have an extraordinary supply, and they beg lustily for more money.

It is not at all strange or wonderful, sir, that spendthrifts should become beggars. But, truly, it must be a bitter and humiliating condition for rulers who have been so long sitting amidst heaps of gold, and indulging in all the luxury of power and prodigality.

Habits of extravagance are hard to change. They become inveterate by continuance. They constitute a disease; ay, sir, and a very dangerous one. It came, about eight months ago, to a crisis, and it cost the patient ten millions of Treasury notes to get round the corner; now it is as bad as ever; it has reached another *crisis*, and the doctors ask for ten millions more. Well, sir, I must really be permitted to say, that if to keep this Administration on its feet is to cost ten millions of extraordinary supply every six or eight months, why, Mr. President, the sooner they are recorded in the bills of mortality, the better for those that pay the money. (A laugh.)

Sir, I consider the disease desperate; nothing will cure them but depletion and abstinence. If they get no money, they can not waste it. They tell us their constitution is at a crisis; they must have money or death; but I think we might persuade them to try and live a little longer without so large a dose as these ten millions. They say that if this bill is rejected, the Government must "stop." What must stop? The laws? The judicial tribunals? The legislative bodies? The institutions of the country? No, no, sir; all these will remain and go on. What stops, then? Their own extravagance; that must stop, and "there's the rub."

Sir, it will be hard to persuade the people that the amplest supplies have not been already granted to the Administration, if they had been economically applied to the public service. It may be worth while to state, in general terms, the amount of those supplies. The ordinary permanent revenue amounts to about twenty millions of dollars annually; and, in addition to this, Congress, within the last eight months, has granted to the Administration ten millions of Treasury notes, and the fourth instalment of the moneys that were to have been deposited with the States, being upwards of nine millions more; making together, of extraordinary supplies, a sum exceeding nineteen millions of dollars; subject, however, to a credit or deduction of about seven millions, the amount of Treasury notes redeemed, and of debt from the banks postponed to periods of payment beyond the present year. This deduction made, leaves still a clear balance of twelve millions of extraordinary supply. And besides all this, we have lately passed a bill through the Senate, authorizing the sale of the bonds given to the Government by the Bank of the United States, amounting to about four and a half millions of dollars. Thus, Mr. President, you see that, besides granting all the money we have, and issuing our notes for ten millions more, all our little choses and chattels are to be gathered up and sent to market for sale, to supply this Administration. Yet, with all this, it seems, there is a crisis; the Treasury is in an ague fit; the Government is struck with paralysis; it cannot move a foot unless you put your hands under its arms and help it forward.

But we are told it is the consequence of the compassion of the Administration in helping the poor merchants. You deferred the payment of the duty bonds. Well, sir, you did defer it, but you did not remit it. The bonds are to be paid; and they are coming in from day to day. You have got that money, or are getting it daily. Yet there is a crisis. Where is the evidence? I ask for proof. Supposing it were possible I could be induced to vote for this bill, where is the evidence that such crisis does exist? Why the President has told us that the Treasury is almost exhausted; and the chairman here gravely assures us the Government must stop. Well, sir, it may be so; but it seems to me this is rather indefinite ground on which to vote ten millions of the public funds. For what is this money needed? Are we not to ask? Must we lay our hand upon our mouths and put our mouths in the dust, and vote the money? Is it to be enough for us to hear from the Executive that "the money is wanted!" Should there not have been some estimate submitted to us? Is the amount so trifling that we must vote and ask no questions? Must we give them so vast a sum for an unknown exigency? Is this doing our duty? Why, sir, if we are to vote money on no better grounds than this, we had better, at once, place all our money concerns, by a summary vote, in the hands of the Executive. A voice comes from the Treasury, "we must have ten millions." Why? "There is a crisis." What for? "There is a *crisis*." Well, sir, if this is all the answer, and all the evidence that is required, if they can make up a crisis with such materials, all I have to say is, that the people had better look to their pockets.

Sir, I desire to see this *experimenting* Administration forced to make some experiments in economy. It is almost the only sort of experiment to which they seem to be averse. And, indeed, they can hardly be expected to attempt it without some compulsion, after they have been so long indulging in all the "pride, pomp, and circumstance" of ambition and of power. Economy is generally looked upon as a guest too plain and homely for a palace. It has, I fear, been turned out of the *White House;* and the Administration, with its habits of extravagance and magnificence, cannot, without difficulty, be brought to think of "*reform and retrenchment.*" Their cry is still for *money, money, money.* But for one, I say to them, "Take physic Pomp," [a laugh;] lay aside your extravagance. Too much money has been your bane; and I do not feel myself required by any duty to grant you more at present. If I did, it should not be in the form proposed by this bill.

Concurring with the honorable Senator from South Carolina [Mr. Calhoun] in his "mortal aversion" to a national debt, I am not willing to encourage this Government paper money scheme; because, among other evil consequences, its tendency and leading is to a national debt. These Treasury notes are the seeds of a national debt, to say the least of it. If the Government wants money let it borrow it. If extravagance or necessity shall bring a national debt upon us, let it come openly, and in the most palpable and unquestionable form, and not steal upon us in the disguise of Treasury notes. When it comes upon us in the usual and undisguised mode of borrowing money, the people will at once understand it. They will hold their representatives to a just responsibility, and will apply the proper remedy. The process of forming a national debt may be a little while concealed by the use of Treasury notes; but are they not, in truth, regular evidences of national debt? Do they not constitute a debt, bearing interest? I know that when dressed in the finery of Treasury notes it may be and is called by softer and more fashionable names than that of "*debt.*" "National debt" is too unpopular, too bad a name. It must not be so nominated; oh, no! it is only a use of the "Government credit." It is no debt; it is only the issue of a few Treasury notes, just to meet a momentary crisis; a difficulty that rose in a night, and will vanish in a day. It is not a national debt, certainly not; it is only affording a little facility to the gentleman Secretary, who just now happens to want a little cash. Well, sir, whether it be a national debt, I will not say; this I know—it will be followed, whatever it is, with the serious and substantial consequence that the people of the United States will have to pay it, every cent of it, and *with interest*.

Moreover, Mr. President, pass this bill, and my word for it this will not be the last *crisis* we shall see. We shall have them in succession every little while: they will propagate rapidly. Of this ten millions of Treasury notes issued under the act of the last session, about five millions have been returned in payments to the Government, and the balance remains in circulation; grant the ten millions now asked for, and you will have fifteen; and, if like causes may be expected to produce like effects, there will then be greater need of a new grant than there is now. Set "this ball in motion," and it rolls on of itself, and with growing bulk and accumulated rapidity. Give it as many silken names as you please; when pay-day comes, we shall find I fancy, that it is exceedingly like a national debt. And, sir

what a singular thing it will be, that the glory of the last administration, which set in the splendors of a full discharge of the national debt, should be succeeded, in the very dawn of the Administration following, by another, a new national debt of fifteen millions.

In conclusion, I have to say, once more, that I cannot bring myself to vote a dollar of supply till I get a little more light. Let me know how this money is to be applied; for what it is wanted. Let me at least have something by which I may excuse myself to my constituents; as matters stand, I have nothing to say to them. I never will vote a dollar on the mere cry of "exigency!"—"crisis!" I will be behind no man in meeting the real necessities of my country; but I will not blindly or heedlessly vote away the money of the people, or involve them in debt. I am, of course, in favor of the amendment; but even if it shall be adopted, I cannot vote for the bill without farther and more satisfactory information.

SPEECH OF MR. GOODE, OF OHIO,

In the House of Representatives, May 14, 1838—On the Treasury Note Bill.

The House having again resolved itself into Commite of the Whole on the state of the Union, on the "bill to carry into effect an act approved on the 12th day of October, 1837, to authorize the issuing of Treasury notes," with the amendment offered by Mr. ROBERTSON—

Mr. GOODE addressed the House as follows:

Mr. CHAIRMAN: I must ask the attention of the committee for a very short time. I make the request with reluctance; but a sense of duty compells me to say something on this bill, not merely on account of its intrinsic importance, but also because I have hitherto abstained from presenting my views and sentiments on any of the leading financial measures of this Administration. I have, thus far, been content to give a silent vote, leaving the floor to gentlemen whose long experience and standing in this House gave them justly a prior claim to its attention. And even now my only apology, as a new member, for venturing on what, in the opinion of some, may perhaps be deemed an act of presumption, is the claim of a constituency who expect it at my hands. The respectability of that constituency I will not attempt to heighten by any compliment of mine, but of whom it is truth to say they well understand their own rights and interests, and who will suffer neither to be encroached upon. To men of this character, who have entrusted me with the expression of their feelings and opinions touching great public measures, I shall be recreant, could I consent to sit silently by and tamely suffer measures to be adopted which I know to be adverse to their dearest interests.

I came here expecting that I should be called to consult with my fellow-representatives on measures for the relief of an embarrassed and suffering community. I have waited patiently, and watched closely, to see measures of that character brought forward by those who represent the sentiments and purposes of the Administration in this House. Nor, in this patient and expecting attitude, have I stood alone; the American people have waited with me, and with me have been watching the course of the Administration; their eyes have been fastened, with intense anxiety, upon this Capitol, the honored seat of the National Legislature. But both they and I have hitherto waited in vain. How can I return to my people—how can we all look our constituents in the face, without having devised a single solitary measure for the relief of their sufferings? I know, indeed, that without us, or our action, the country has begun to relieve itself. I know, as well, that it will, eventually, throw off every impending pressure, and cast to the winds every obstacle in its way to prosperity and greatness. Yes, sir, it will do this, not only without, but in despite of the puny efforts of this cringing Congress, and this *footstep-following* Administration. But, will that excuse us? No, sir, we must answer it. I rejoice, I exult, that the people have taken matters into their own hands; and if we will turn an indifferent eye on the spectacle of their distress, they will redress their own grievances, and correct us out of our seats on this floor. They have begun; and the work goes bravely on. I am glad—I am happy, that both Congress and the Executive are held to their just and constitutional responsibility to those who entrusted them with power. The day of reckoning must come, and it cannot come too soon.

But some gentlemen affect to believe that the public evils are all imaginary, a mere fancy picture. Ah, sir, their constituents will read them a different lesson. To what class of the community, to which of all the various branches of the national industry, can we turn our eyes and not behold it? I know, indeed, that at the present moment the severest pressure is more immediately on the commercial portion of our fellow citizens; yet, even now, are they the only sufferers? Does not this pressure rest on the day-laborer, the mechanic, the manufacturer, and the farmer? And where, in the end, must the burden fall? On the agricultural interest; on the labor and consumption of the country. There is much suffering which shuns the light; it is of a private and individual kind; and so widely is it spread, and so severely is it felt, that it has been rendered tolerable at all only by the vast natural resources of this country, and that indomitable spirit of native enterprise which rises the more the more it is pressed down, and which seems, like the fabled giant of antiquity, to renew its strength whenever you bring it to the ground. Before that energy of the national mind all difficulties must give way; and when the nation has thus broken the chains which have been cast around it, rely upon it that nation will call those to a dreaded reckoning who had a hand in binding them on. But let us pass from the private to the public embarrassments of the country. What is the state of the Treasury? Sir, on the first day of January, 1837, it contained a surplus of forty-two millions of dollars; leaving, after the deduction of five millions as a prudential reserve against unforeseen contingencies, thirty-seven millions to be distributed among the States. Where were these thirty-seven millions on the first day of the following September? I know that three out of the four instalments in which the distribution of it was to be made had been paid. But where was the balance? From its exuberant and overflowing abundance the National Treasury had, in little more than eight months, been reduced to a state of bankruptcy. Ay, sir, in less than six months after his inauguration the new President was under the necessity of calling Congress together to prevent the Government from actually stopping payment.

Compare this state of things with that which had preceded it. But six short months before, his venerable and illustrious predecessor, on retiring to the peaceful shades of the Hermitage, addressed to the people of the United States these parting words: "I have the consolation of knowing that at the moment when I surrender my last public trust I leave this great people prosperous and happy; in the full enjoyment of liberty and peace, and honored and respected by every nation in the world." To what are we to impute so great, so unparalleled, so melancholy a change? Is it that the tutelary guardianship of the late occupant of the White House has been withdrawn? It most certainly is not because the present incumbent has not fulfilled his memorable promise "to tread in the footsteps of his illustrious predecessor." That promise has been most faithfully fulfilled. These evils, then, belong to that course of action which was begun under the late Administration, and which is but carried out by that which now is. Yes, sir, these are some of the beauties of "*the experiment*"—the golden experiment. The bubble has burst. It was full blown when the last President retired; it reflected, in full orbed splendor, all the gilded tints of heaven; but it has burst, exploded, gone to atoms, and the country is covered with its ruins. Yes, sir, the whole country, from Maine to Mississippi, from the mountains to the sea, in all its business, its exchanges, its currency, its multitudinous and multiform affairs of every description, presents one spectacle of public embarrassment and private distress, such as no free people will long endure. Slaves may put up with such treatment from masters who sport with their persons and property, and mock at their complaints; but the people of America are of a different kidney; they are no slaves, but freemen, and the endurance of oppression aggravated by taunts and insults from their own servants, the creatures of their pleasure, is among the very last things they will ever think of submitting to.

The experiment has accomplished one object to perfection: it has broken down all CREDIT, national and individual. Mutual faith, that confidence in the honor and integrity of others, has fled away, and has given place to distrust and suspicion. This is the case between individuals; and as to the credit of Government, let its protested drafts and depreciated securities answer. Yet it is a truth, acknowledged from the earliest days of our Government, that "an adequate provision for the support of public credit is a matter of high importance to the honor and prosperity of the United States." The first Secretary of the Treasury, a statesman of the clearest and most comprehensive mind, was deeply impressed with a conviction of this truth. Speaking of the evils which flow from a disregard to the maxims of public credit, he says: "In so strong a light do they appear to the Secretary, that on their due observance, at the present critical juncture, materially depend, in his judgment, the individual and aggregate prosperity of the United States, their relief from the embarrassment they now experience, their character as a people, and the cause of good Government." He further says: "Every breach of the public engagements, whether from choice or necessity, is, in different degrees, hurtful to public credit." And again he adds: "While the observance of that good faith, which is the basis of public credit, is recommended by the strongest inducements of political expediency, it is enforced by considerations of still greater authority: there are arguments for it which rest on the immutable principles of moral obligation." These, sir, are golden principles. An Administration governing itself by these maxims might be worthy of the title of a golden Administration; and when these maxims shall again be tried, you may truly call it a golden experiment. Under the influence of these principles, sir, our nation freed itself from all the difficulties which surrounded its infancy; under a wise regard to principles like these, it has since lived, and grown, and prospered, become the envy of its enemies, and the admiration of the world. And such it continued to be, until the late Administration declared war on public credit, and commenced that course of infatuated measures which has brought us well nigh to ruin. The bitterest reflection which presses itself upon the mind, and heightens all our misery, is the thought that it is all gratuitous; without any necessary or unavoidable cause, but inflicted on us by our own hands. There is nothing to prevent the utmost perfection of individual happiness and public prosperity, but the wilful and perverse course of men whom we have ourselves elevated to power. What is it which the genius, the intelligence, the virtue, skill, and hardy, and adventurous enterprise of the American people cannot accomplish? Only give us "free trade and equal rights," let all the channels of business remain free from governmental obstructions, and the energy of the people will speedily fill them with wealth and abundance. We shall not only have enough for all our own wants; we shall have to spare for the wants of the world. The suffering cause of humanity every where, all that is needed to advance the interests of human civilization, and, by spreading the influence of knowledge, religion, and virtue, to elevate our race to their true dignity—all this shall be supplied from the fulness of American liberality. I rejoice, sir, as an American citizen, that to these worthy and ennobling ends no nation has already contributed more munificently than our own.

Mr. Chairman, I am ready to admit that credit may be abused, and it has been abused. We have all had a melancholy proof of this in the system of the pet banks, and the excesses into which they run, when the abuse was committed by the very men who professed to be the most zealous in decrying and circumscribing credit. For myself, I have never been in favor of a general and indiscriminate increase of banks. I have always considered such a course of legislation as productive of the most alarming evils. Yet this was the natural and necessary consequence of the removal of the deposites, and the consequent resort to the pet bank system. The country swarmed with banks that multiplied and soon overspread the land, and filled it with bank paper of different values, until the currency was deprived of all uniformity and all stability, and the nation was converted into one grand shaving shop, from one extremity to the other. The natural consequence of such a state of things was a train of private bankruptcies, bank suspensions, and at length Government suspensions also.

Contrast with this dreary prospect the spectacle of universal and growing prosperity which our country had prior to this exhibited. Crossed by railroads, traversed by canals, covered with infant villages, flourishing towns, and large and wealthy cities, which always afforded to the farmer a ready market and the best prices in *good* money; her ports crowded with shipping, and echoing to the voice of the mariner; every water-fall seized upon as the site of rising factories; the most distant points brought by the improvements in travel into almost immediate neighboods; the productiveness of industry multiplied a thousand fold by the power of new and ingenious machinery; the smoke of the workshop, the vapor of the steam engine, the roar of the burdened car, the song of the contented laborer, the waving fields of grain, the comfortable mansions of our farmers and mechanics, all, all told of a happy country, exulting in freedom, rolling in abundance, and hourly growing in riches and in strength. Add to all, this the progress of our citizens in the sciences and arts, the increase of learning, and the important improvements in the systems of education, all contributing to give stability to our free institutions, and to spread light and intelligence, the only safeguards of liberty, into every cottage and family of our happy land. All this has been done in the absence of that vaunted currency of solid gold which has figured so largely in the harangues of orators and demagogues, but of which so little has been found in the hand of the laborer, or the long green silk purses of our honest but too credulous farmers and mechanics. "Gold!" "Gold!" that has been the cry! and gold is still the cry, but not with the people. Oh, no, sir; they have something very different; but the Government has been demanding it in all directions. It has been wrung with an iron hand from the grasp of the people, through custom-houses, post offices, and land offices, and by unconstitutional circulars, issued on the mere *ipse dixit* of the Executive; and at the same time paying its creditors—the day-laborer on your public works, the war-worn soldier of the Revolution, the gallant soldier, and the weather-beaten tar—in depreciated bank paper, daily vilified by the Government press as trash and rags. Let these men bring that paper back, and offer it in payment for the postage of a letter, and the Government officer (himself paid in gold and silver) will fling it back to him with scorn

This high-handed mode of proceeding has borne with peculiar hardship on the people of the West. The hardy settler, who wishes to purchase him a little farm, and who, to accomplish the object, has collected all his scanty means, which his brings his money, such as his neighbors are content to receive in their daily business, to the land office, and offers it to the Government for his land, meets a repulse, and is turned over to the land office broker, who obliges him to pay 5, 10, and 20 per cent. for money which this Government of the people will condescend to receive. This intolerable exaction falls chiefly on our poorer citizens: on your fifty dollar, hundred dollar, and two hundred dollar men, who are seeking their forty acres, or eighty acres, or a quarter section, to secure a home for themselves and their children. Your ten thousand, and fifty thousand, and hundred thousand dollar men, who could enter land by the township at a time for speculation, have generally been in circumstances to estape the charitable aid of the *appendant broker*, so conveniently attached to every great land office. Who was benefited by this most arbitrary and unauthorized rescript from the Executive, I do not pretend to know: but this I know; the poor, but honest and industrious farmer was, by its operation, stripped of his little earnings, long and painfully hoarded, till, as he fondly hoped, he had enough laid up to purchase him a home, and in many cases it has plucked him so cruelly as to send him back utterly defeated and disappointed in the attempt to purchase his farm. Such is the practical operation of that far-famed and much lauded measure, the SPECIE CIRCULAR. The grievance lies at the door of the Government. There I leave it. The oppression is great, the people groan under it, and I, as their Representative in this House of the people, demand its redress in their name.

Mr. Chairman, it was under circumstances such as I have been endeavoring to describe that Congress met at the opening of the special session in September. What had the people a right to expect from the President they had so recently elevated to the highest dignity in their gift? They had a right to expect, and the whole country did expect, with one feeling of anxiety and hope, that the President would recommend to Congress prompt, decided, and energetic measures for the relief of the community. The proclamation assembling Congress at so early a day was hailed in all directions, North, South, East and West, as an omen of better times, a pledge and promise of better things to come. It was welcomed as an indication that the new President was about to yield up the high-strung, arbitrary, and oppressive measures which had heretofore marked the administration of this Government, and at length to pay some regard to afford some slight notice of the people and their grievances. But soon, too soon, alas! were they effectually convinced of their mistake. Soon was it discovered that Congress had been called to relieve, not the people, but the Government. Who can ever forget the throb of astonishment and dismay which pervaded a part of this body and the nation on discovering, in the President's opening message, no single measure recommended for the relief of the people, but every proposal directed exclusively to disembarrass the Government alone? The people were left to grapple, unpitied and unaided, with those difficulties which nothing had produced but the acts of the Government: the Government could have relieved them by a touch. It possessed an irresistible majority in both branches of Congress. Had it met the crisis openly, promptly, and with an honest desire first to relieve the people, whose servant it professes to be, and for whose sole benefit and behoof it was brought into being, an almost immediate restoration might have been effected. But the Administration, like the young and headstrong Prince of Israel, rejected the counsel which would have bound the people's hearts to it forever, and pursued the advice of other counsellors, better suited to its ambition and its pride. Like the haughty Pharisees, it bound upon the people grievous burdens, and heavy to be borne, while itself refused to touch them with so much as one of its fingers. The new President came into office under a pledge, previously and publicly given, to "follow in the footsteps of his illustrious predecessor," regardless of what the consequences might be; a pledge which, I will venture to say, has been the most unfortunate event, as well for Mr. Van Buren himself as for these United States, that could possibly have happened to either. The results of this promise were abundantly evident in the tenor of his message at the opening of the special session of Congress. Not only does he abstain from recommending any measures of relief from the embarrassments of the country, but he expressly denies all obligation on the part of the Government to do any thing for the regulation of the exchanges, or for the furnishing of a sound and wholesome currency to the people. What is his language?

"These were formerly regarded as an incidental accommodation, but not one which the Federal Government was bound, or could be called upon to furnish."

He says further:

"This accommodation is now, indeed, after the lapse of not many years, demanded from the Government as among its first duties, and an omission of the duty is treated as a ground of loud and serious complaint."

And has it come to this? Is the Government now all at once to abandon what has been its acknowledged duty ever since it

was a Government, and now, for the first time, to turn round and declare that Government is not bound in any way to concern itself about the currency? That it is not its province to take any measures to regulate and equalize the exchanges? What one interest comes nearer home to the people, to the whole people, to every man in the community, than that of the currency in which we are to pay our debts, to collect our dues, to realize our labor, and, in a word, to conduct our whole business? If the Government has no concern in an interest like this, it has no concern with the prosperity or happiness of the nation.

Such was the message of September; and what is that with which the present session has been opened? Does it sound a different note? Does it recommend a different policy? Does it evince that wisdom which is the fruit of experience; that magnanimity which is prompt to acknowledge a discovered error? No, sir! No, sir! with unyielding, unrelenting, unpitying sternness, it adheres to the course already pursued. To relieve the Government, to sustain the Government, to accommodate the Government, this, and this alone, is its scope and aim. With this sole view, its measures are recommended; to this hour not one solitary measure has been proposed to us by the President for the relief of the country.

I shall here be reminded that the message recommends the Sub-Treasury scheme. That measure has, indeed, for the present, been suffered to slumber; but I apprehend that it is but held in reserve, and that the people are yet to enjoy the fulness of its blessings. And what, sir, is the Sub-Treasury scheme but another experiment? An experiment not merely on the financial policy of the Government, but an experiment on the people; and one more bold and daring than has yet been attempted by any Administration. It is put forward in a bill, just as the physician extends his learned finger, and thus feels the pulse of the patient on whom he is to operate. With sagacious touch, he watches every vibration, that he may judge from this test the state of the system subjected to his skill. Just so is it now attempted to feel the pulse of the American people, and cautiously to try how far they will submit to innovation on their established institutions, and to what extent they will permit encroachment on their rights. Sir, I will venture to say that the indications thus far are not encouraging. This darling measure of the Administration has met from the American nation such a greeting as might have been expected from a free and intelligent people. Sir, the medicine will not be taken. The patient has too much will, he must be further reduced; he must be brought lower and made sicker before he will swallow the dose. Such seems to be the policy resolved upon; but he who expects that it will be submitted to very much mistakes, in my apprehension, the American character. Sir, are there no symptoms of resistance? Has no voice come up from the valley; no sound reverberated from the hill? No entire States gone off in solid column? Sir, the muttering thunder may already be heard; it comes with every breeze; it rolls at once around the entire horizon. It peals in the North, and is answered and re-echoed by yet louder peals from the South and the West. Will gentlemen close their ears? Shall public opinion, expressed with so much clearness and so much unanimity, be disregarded by those who are every day professing that the wishes of the people are their supreme law? Sir, this Sub-Treasury bill has been figuring largely in another part of this building, and its discussion has called forth much splendid talent and many profound and masterly views of national policy. But the little, the very little ceremony with which it has been treated by this House, might, one would think, read a lesson to its friends as to the degree of its estimation in this branch of the Legislature. No sooner did it show its face in this House, than it was promptly laid upon the table; nor was this the first greeting of the kind which that proposition received from the assembled Representatives of the American people. At the special session it received a similar fate, and it was generally hoped that the vote which then placed it on your table had consigned it to the peaceful shades of eternal repose.

But no, sir; the President, or at least his organ here, the chairman of the Committee of Ways and Means, has disturbed its slumbering ashes; the vaults have been thrown open, the bars and the strong boxes have given way, and its ghost stalks through this House a portentous shade, threatening the living with all the horrors of its prison house. I have been at a loss to imagine what can be the motive of the Administration in thus determining to urge the passage of this bill against the known will of the people. They cannot pretend ignorance. If they have any doubts, let them inquire of the Connecticut delegation. No, sir, they have no doubts about the matter. That plea can avail them no longer. Why then insist so desperately on this measure? Is it that they hope to build a fortress where they may set public sentiment at defiance? Do they hope to erect a bulwark which shall separate the Government from the people, and against which the thunders of public indignation may be hurled in vain? Is it to provide themselves with a refuge where they may in safety share the "spoils of victory" wrung from the hands of a vanquished people, vanquished in their own stronghold, this Hall of their chosen representatives? If that is the hope, I trust, sir, it will be effectually blighted.

What is this Sub-Treasury scheme? Let us look at it for a moment. If I comprehend it, the plan proposes to place the entire revenue of this Government for distribution and safe-keeping in the hands of individual receivers holding their appointment from the President's recommendation, and subject to removal at his pleasure. The money is to be put unreservedly in their hands, professedly to be kept, and practically and in fact to be used by them, under no other restraint than the dread of detection and exposure. But, allowing them to be ever so honest; it will, under such a system, be in the power of the Executive to favor or to oppress any portion of the country at his will. He can place the public funds at any point and to any amount that may suit his own purposes. He can thus punish or reward at will. He can drain the West and fill the South or East whenever he will; he can take vengeance on obnoxious States, and can reward obedient States in a manner which cannot be resisted or inquired into. The operation can go on, and the people know nothing about the matter till they learn it through the effects. These offices, while their effects will be so great, will themselves be little other than mere sinecures—Government strawberries—rewards for favorites, a retirement for broken down party hacks, worn out in character and property. Who shall limit their number? Judging from the experience of foreign Governments where the system has been adopted, we may expect them to multiply like the locusts in Egypt, and, like these locusts, they will eat out our substance. In the hands of these men, the entire treasure of the country is to be deposited. Some of them will hold under their lock and key millions of the public money. It will be drawn from the hands of the hard-working man, to be poured, at the President's beck and pleasure, into the pockets of this army of mercenaries, the janizaries of the throne. Sir, we have heard much of the danger of uniting the purse and the sword: let that bill become a law, and the thing is done. The President will have at his disposal not only the military, but the moneyed power of the Republic. And think you a power like this will be suffered to sleep? Will such an instrument rust for want of using? Never, sir, never. In the good old times of genuine Democracy—I mean the days of Thomas Jefferson—had an officer of this General Government attempted, in the slightest degree, to influence the free elections of the people, he would have been instantly dismissed from office. But how is it now? The very reverse is true. That office-holder who refuses to exert his whole industry and influence at the ballot-boxes, may count upon being turned out as soon as the election is over. He is no longer worthy to be trusted. He has betrayed his trust; failed in his first and highest duty. Such is the state of things with such power as the Executive now possesses. Give him this Sub-Treasury bill, and how long will it be till State officers and Congressional representatives will be chosen by a rescript from the throne? Such is the measure proposed by the Executive to meet and to relieve the distresses of a suffering people. This is the Administration's physic for all the ills of the Republic.

But, sir, they prepared for us another dose; and though we would not swallow the first, we were compelled to take the second. This was the bill to postpone the payment of the fourth instalment of the distribution act. By this the people were deprived of nine millions of dollars to which they were entitled, both in law and equity. The money was a surplus, collected from the people, over and above the wants of the Government. Three other instalments had (though with infinite reluctance, and in the worst possible way) been already returned to them; they were equally entitled to the residue; but no, they could not have it, the President had need of it. The Treasury called for it, and we gave it at their earnest entreaty, but not with my vote. Was this all? No, sir; we had heard a great noise about gold; we were told of the vast amount of it which had flowed in under the wise measures of this hard-money Administration; but, when matters came to the point, the gold was not to be found. No, sir, nor the silver either. The Treasury was in a strait; the national money-box was full of emptiness, and these hard-money, gold-boasting, gold-importing, gold-promising rulers came to Congress for the issue of ten millions of Government paper. Ay, sir, ten millions of paper money—Treasury promises. This was the Administration gold that was to shine through the silken purses of our farmers' wives and daughters. Well, sir, we gave them what they asked. They were very humble, very thankful, and made many promises that they would never ask for any more. Six months have elapsed, and here they are, at our door, begging, in humble tone, for just ten millions more!

But let us look at the bill. What is its title? "A bill to carry into effect the act of October, 1837." Now, sir, here is deception on the very face of the bill. The first feature of the measure is falsehood. A bill to carry into effect the act of October! Why, sir, what was the act of October? It was a bill to authorize the issue of ten millions of Treasury notes. Well, sir, were not the notes issued? Yes, sir, every dollar; and was not that law fulfilled? It was complete in itself; it proposed to do a certain thing, which thing it did. And now they put forth to us a bill purporting to carry into effect the law of October!

It is deceptive in another respect. It professes to provide for the issue only of notes to be a medium of paying and receiving the Government dues; whereas its real purpose is to furnish to this nation a paper circulation—a paper currency. Sir, I do not pretend to be much skilled in these matters. I am no financier; I never, in my life, could make something out of nothing; but this hard-money Administration proposes to pay its debts and supply a currency to the people, by engraving promises in blue and red ink. Instead of authorizing a loan of money, and with that money paying its creditors, it proposes to pay them in promises to pay. Why this device? Why not borrow, as has been done before? Can it be that these wise and able financiers are ashamed of the condition into which they have brought us? Do they blush to think that so soon after their own boasting, and the public joy over the payment of the national debt, the people should discover that a new debt has been created? That is the fact. Disguise it as they please, there is a deficit in the Treasury, and a new national debt must be created to meet it. Sir, no portion of this responsibility rests at my door. I have opposed this whole course of measures from their inception. It is true I did not inflict any speeches on this House, because I perceived that the subject was in good hands, and heard it ably and convincingly debated by others more competent to do it justice than I can pretend to be. I contented myself with voting. But I can do so no longer. It has become a duty to myself to place my own position fairly before my constituents and the country.

The act of October has not only been carried into full effect; the grief is that it has been too fully accomplished. The ten millions, which were to be received in payment of the public dues, have come back too soon. The revenue pours in too vast. They cannot keep the notes out. These forces of the Administration, with their red and blue uniforms, will not keep the field. They rush back into winter quarters, and there, alas, they die! Yes, sir; not one of them ever returns to the service. There was in the act of October a most unfortunate clause about cancelling. The blame, no doubt, rests entirely with those who were so much opposed to that act. They wickedly suspected, nay, they dared to put that suspicion into words, on this floor, that those Treasury notes were intended to circulate as money! Yes sir; that the plan was to have a new issue of the old continental. Such a suggestion shocked the feelings of the friends of the Administration; and to put it forever at rest, this cancelling clause was inserted in the bill. It was an ugly clause, a very ungracious clause; and accordingly it has been omitted in the present bill. There is not a word about it; and, though the *issuing* of these notes is to be subject to the provisions of the bill of last year, there is nothing to prevent the reissuing of them as fast as they come in. Sir, here is no camp fever to sweep off the troops as fast as they come in. No, sir; they may "fight their battles o'er again, and thrice may slay the slain."

I object to this new issue of promissory notes. There is no adequate means of payment. We have already ten millions out which must eventually be paid; I am not prepared to send out millions more. It is true, the chairman of the Committee of Ways and Means has shown us a long array of assets which are to be realized; but these exposes of the expected resources of the Government differ so much from each other that my trust is greatly weakened in any of them. Sir, what does the Treasury actually need? Must we grant them the whole of these ten millions to relieve their necessity? If so, let them say so plainly, and I am ready to give it, in any proper mode and form. Let them present us such a bill as I can consistently and conscientiously vote for, and it shall have my prompt support. I will vote it cheerfully—gladly. I have no pleasure in the embarrassments of my Government. Let who will administer it, when it is in need it shall have any and all the help I can consistently render it. Sir, what is the reliance of the honorable chairman, and his friend, the Secretary of the Treasury, for the payment of these Treasury notes? Their trust is on broken pet banks. Their reliance is on the twenty eight millions which have gone back to the people of the States. Ah, sir, if that is their hope, they may look long for its coming. I strongly suspect they will never behold that money coming into the Treasury to pay these Treasury promises. Sir, it is one thing to give a note, and another thing to meet it. They have promised ten millions; they now want to promise ten millions more; and, if they go on much longer increasing the national debt, the day is not far distant when our farmers will have to plough one furrow for themselves, and another for the Government. I am opposed to this indirect course of legislation. Let them honestly tell us how much they are behind-hand, and I am ready to vote them a loan for the amount. But, sir, no more Treasury notes. I never vote for them, unless in an emergency; I never have voted for them. The practice is unwarranted and dangerous. What, sir, resort to Treasury notes in a time of profound peace! It has never been done. I know that, during a war, and immediately after it, in a great national crisis, this measure has been ventured on; but only for the shortest possible term; and when that expired, the notes have been recalled with all speed. But here are two emissions in less than a year. Sir, is it possible the Government is maturing for us a new plan of currency, which is to be carried whether we pass the Sub-Treasury bill or not? Time will show. For myself, I am so utterly opposed to the scheme, that I cannot vote even for the grant of two millions of Treasury notes, and a loan for the balance. I am ready for a loan of the whole ten millions; and I am assured, on good authority, that the money can be obtained with ease, and in time to meet the emergency. I will vote for that. I am ready to relieve the Treasury; that is my desire; that is the desire of the people of my district. When the Government is in serious difficulty, all party distinctions vanish, and the genuine American feeling comes forth with prompt and efficient aid. But they are against this paper money. You said that without interest it would be at par with specie; you have put six per cent. interest upon it, and it is depreciated notwithstanding. It is even below the paper of non specie paying banks. Yes, sir, below that rag money which is here cried down in such terms of vituperation. A recent paper from the great money market of our country has this consoling paragraph:

"There are just now no less than six different kinds of currency used in the city of New York! Treasury notes, which are below par, and are used exclusively to pay custom-house dues; the notes of specie paying banks, received at the post office; specie, to sell at the brokers; safety fund bank notes, for ordinary circulation, but not received at the city banks; and two or three nondescripts."

Yet you are going to throw ten millions more of this sort of money into the market. I object to it. It is not necessary; the Government can obtain a sound currency without it; and why issue a trash which is sure to depreciate, and which cannot depreciate without, in the same degree, sinking the credit of this Government? Pass this bill, and it will flow out in floods. No man can tell what amount of it will be in the market in six months.

I object, further, to the course which has been pursued in the attempt to force this bill upon the House by the force of caucus machinery and a midnight session. Not only are we asked to borrow money, but the precise form and mode is prescribed to us. Here is a bill for you: pass that just as it stands; and pass no other. Sir, is this language proper to be held to the Representatives of a free people? To be held to us by servants? Is the Executive to direct us what course to take? Is he to dictate the laws? I trust it has not yet come to that. It is our duty, I admit, to provide for the public necessities; but are we not to judge of the proper mode in which it shall be done? Must we, willing or unwilling, vote a currency which is to become a drug in the market? which is to sink the credit of our Government? and for which the head of the Treasury must come down into the money market and negotiate for terms? Shall we submit to this needless degradation when we can command the silver, which will benefit the country and the Government, and this because the President or his Secretary, or the Secretary's sub-Secretary in this House tells us we *"must?"* Sir, it is a dictation which I, for one, as a Representative of a portion of the people of Ohio, am not prepared to submit to. The policy is bad. It has been condemned by our greatest and our wisest men. It was most pointedly denounced by the late President of the United States. In his letter to Mr. Blair, in July last, he says:

"I hope no Treasury notes will be issued. The Treasury drafts *on actual deposites are constitutional*, and no *not* partake of paper credits, as Treasury notes, which are subject to depreciation by the merchants, and banks, and shavers, and brokers; and will be, if issued, and the Government cannot avoid it."

The chairman of the Committee of Ways and Means will not deny that this is high authority; a majority of this House dare not deny it; yet he will have us go in the very teeth of the advice of one whose lightest word was once law to him, to them, and to the nation.

Mr. Chairman, taking all these objections together, they present, to my mind, an insurmountable barrier to a vote in favor of this bill. I cannot vote it. I will not. Let us have a sound currency; "a better currency" than these printed promises; a currency that will not depreciate; a currency that will pass as freely in the mountains as in the cities and courts; in the West as in the East; which will have a uniform value, and a free and universal circulation. Such a currency these notes can never supply.

I close, Mr. Chairman, with great reluctance, and chiefly to repel the injurious charge that the opponents of this bill are unwilling to meet the wants of the Government, and look with satisfaction on the difficulties of their country. That charge I cast back with indignation on those who have made it, and challenge them to try us with a fair and honest bill, which owns the exigency of Government, and provides a safe and honorable method of relieving it.

SPEECH OF MR. DUNN,
OF INDIANA.

In the House of Representatives, May 14, 1838—On the Treasury note bill.

The House having again resolved itself into Committee of the Whole on the state of the Union, on the "bill to carry into effect an act approved on the 12th day of October, 1837, to authorize the issuing of Treasury notes," with the amendment offered by Mr. ROBERTSON,

Mr. DUNN rose and said:

Mr. CHAIRMAN: The object of the bill under consideration is, to supply the wants of the Government by an issue of ten millions of Treasury notes. It involves, therefore, an inquiry into the nature and extent of those wants, and the best means of supplying them.

In common with many who have spoken on this and other occasions, I must complain of a want of that information necessary to determine the first question to my own satisfaction. If I look to the various statements furnished this House by those whose official stations make it their duty to afford this information, I find so wide a difference between them that I cannot rely upon the estimates thus furnished with that certainty and satisfaction which a representative ought to feel when voting away the money of his constituents. When I look to the report of the Secretary of the Treasury, submitted at the present session, I find that he makes the whole amount coming into the Treasury the present year $33,015,787. The chairman of the Committee of Ways and Means, the next best authority on all subjects connected with the finances, has recently favored the House with a speech, in which he foots up the receipts at about the same sum. But, in comparing the items which compose these aggregates, I find a most surprising difference in the amount of almost every one of them. The Secretary calculates the amount to be received from customs and sales of land at $18,500,000; the chairman of the committee sets down that item at $15,000,000; a difference of three and a half millions of dollars. This variance is very great; and, however it may meet with some excuse from the fact that the estimate must, from its nature, be conjectural, yet it would have been much more satisfactory to me, and I think to the nation, had some reason or plausible supposition been given for so great a reduction. The next item, however, appears to me still more extraordinary, and is without any such excuse. It is the estimate of the receipts from postponed duty bonds, $4,000,000; the second bond due from the United States Bank of Pennsylvania, $2,293,121; and the balances becoming payable the present year from the deposite banks, with interest, $1,466 666; making, according to the Secretary, $7,759 787. In the speech just alluded to, the chairman of the Committee of Ways and Means has brought up these expectancies to $10,000,000: being two and a quarter millions more than the Secretary made them.

This is a matter, sir, about which there should be no uncertainty. It cannot rest on conjecture. The whole amount of postponed bonds and bank balances falling due within the year is matter of record, and should admit of no mistake. How, then, shall we account for this vast difference?

[Mr. CAMBRELENG here interposed, and said: With the permission of the gentleman from Indiana, he would explain to him and the committee that, on examining this subject, an error had been discovered in the Secretary's estimate. He had not allowed enough for the postponed bonds; and, therefore, in correcting that error, he had set down the sum to be received at ten millions, instead of the sum given by the Secretary.

Mr. CURTIS here desired to inquire of his colleague, the chairman of the Committee of Ways and Means, at what sum he had estimated the postponed duty bonds falling due this year?

Mr. CAMBRELENG answered about six millions.]

Mr. DUNN proceeded. For all the purposes I had in view, Mr. Chairman, the explanation does not help the matter. It was not my intention to go into the inquiry, at this time, who was right or who was wrong, in regard to this estimate, but to show to the committee how little reliance could be placed upon these official reports from the Department, and to remove from myself and others the clamor that is attempted at our expense, that, when we seek to investigate these matters for ourselves, we are consuming time unnecessarily, and endeavoring to bankrupt the Government. Sir, this is the charge put forth against us, although but two days have yet been spent in the consideration of this bill. If I had faith in the accuracy of these official statements, I might take them upon trust. But who can ask that of me, after the explanation just given?

It is admitted that a mistake of two millions of dollars has been made in the Treasury report of last December, and never discovered until now; or, if discovered before, never accounted for to this House or the nation; and which, perhaps, never would have been accounted for, but for what has just taken place.

Sir, it seems to me that when an officer of this Government commits an error of such magnitude in his official correspondence with this body, a due regard for us and for himself would require an ample and immediate official explanation. I will not, however, dwell further upon this topic, but pass to another item.

The next one which I wish to notice is the amount of Treasury notes under the act of October last, remaining to be issued during the fiscal year. This, according to the Treasurer, is $5,700,000; but, according to the chairman of the Committee of Ways and Means, is seven millions, showing a difference of $1,300,000. This also, Mr. Chairman, being a mere matter of figures, should admit of no mistake, and, to say the least of it, shows a great negligence in the making up of these statements.

Again, sir. In the item which follows is a much greater variance. The balance of money which would remain in the Treasury on the 1st of January last, is estimated by the Secretary at $1,083,498, while the chairman of the committee reduces it to $500,000, a difference of more than one-half. How can this be?

[Mr. CAMBRELENG requested to explain, and say, that the estimate of the Secretary was made up a month before the close of the year, and therefore was conjectural. His statement, being made afterwards, gave the true amount.]

Mr. DUNN proceeded. Be it so, sir. I do not expect that the estimate could be precisely correct; but here is a difference of 50 per cent. and more; and that, too, when the Secretary pretends to give us, to a dollar, the exact balance that will remain in the Treasury. It only affords further evidence how dangerous it will be, when legislating on these subjects, to rely upon the skill or accuracy of the Department in question.

Now, sir, take the statements thus furnished by the Secretary and by the gentleman from New York, [Mr. CAMBRELENG] and select the largest items contained in each, and it gives us an income of thirty-six and a half millions. In like manner, take the smallest sums given by each, and it makes the revenue twenty-nine millions—a difference of seven and a half millions, nearly the whole sum asked by this bill. And yet, sir, with all these palpable discrepancies before us, when we hesitate, when we stop to inquire, when we complain of being compelled to vote upon such financiering, haphazard, and in such haste, the gentleman from South Carolina [Mr. RHETT] threatens us with the vengeance of the people; calls it a refusal of supplies for the necessary wants of the Government, and is pleased to compare our conduct with that of a party in Congress which voted against supplies to carry on the late war with Great Britain.

Truly, sir, I am at a loss to know where that gentleman finds facts for either his charge or comparison. There has been no refusal to vote supplies. I have heard no gentleman say that he would not vote for all that was demanded, even by the lame and inaccurate estimates furnished to us. Even that gentleman's colleague, [Mr. THOMPSON,] when he declared that the House would be justifiable in refusing, at the same time stated that he would give what was asked. And has not the Opposition, and more than once, too, offered an immediate issue of more than two millions of Treasury notes for present emergencies, and thus afford time to look into this important measure; and who, sir, has voted that proposition down? Have we not time and again, and months ago, besought the friends of the Administration to furnish the House with a statement of all the demands against the Government, and more especially of the Florida war, accompanied with an offer to supply the whole sum at once? It is true, sir, we gave ample notice that, before we could consent to vote for appropriations for new operations, we should insist upon an investigation into the extravagant and wasteful expenditure of former sums. And how have all these fair and honorable propositions been met by the dominant party here? Why, sir, rejected with disdain. Let it not be said, then, that we are withholding supplies.

And, was it so, largely must the gentleman have drawn upon his imagination, when he likened it to the opposition of the minority in Congress to furnish supplies for the last war. Are the circumstances of the country the same? Are we engaged in a struggle with the most powerful nation on the globe? Do the footsteps of a foreign foe pollute our soil? Are her ships hovering over our coast? No, sir. And if there is no similarity in this respect, can the gentleman find it in the character and ability of the statesmen of that and the present day? Will he compare the gentleman who now fills the Executive chair with that exalted man who, though now gone down to the tomb, can never be forgotten? Will he liken the present head of the Treasury Department to the able financier who then guided its destinies? Will he venture to tell us, after what we have seen and known, that we can as safely place millions of the people's money in the hands of our present rulers, as we could in the hands of those of the period named? Ah, sir, well may we say that then

"This land was famously enriched
With politic grave counsel."

Can we say so now? But, sir, bad as our rulers are, they still belong to my country, and I will not pursue the comparison further.

Taking the sum demanded as the true one, I next desire your attention to the other question which I propose to consider, viz: the best method of raising the amount needed. And here, sir, let me say, that not the least objectionable feature of this transaction, in my estimation, is the attempt to dictate to this House the mode and manner of providing this supply. This power of originating the ways and means, placed so entirely within our control—so jealously guarded by the framers of our Constitution from all interference as to be prohibited to the other branch of Congress—hitherto held so sacred that, on more than one occasion, this House has spurned from it measures emanating from that quarter, merely because, by possibility they might be construed into an encroachment upon this authority—should be kept still more carefully from the pollution of Executive interference. How much better would it have been, more respectful to this House, more creditable to the Administration, to have permitted this matter to remain open to the unbiassed action of the House. But, instead of that, we find a particular course designated for us; and gentlemen of high standing with the Administration tell us, in a tone of authority, that they will have this measure carried, or they will have none. Sir, whenever a bill of this magnitude can be driven through this House by the mere force of Executive recommendation well may we tremble for the safety of the country.

Sir, we have a duty to perform to those who sent us here; and, in reference to the bill before us, that duty is to inquire whether the method proposed by the Administration is the best one for supplying the wants of the Treasury. And, for one, I intend to make that inquiry, and act according as my judgment shall determine it.

We have about ten millions of claims falling due us within the present year. More become due the next year, and some the year following. Why shall not some of these bonds be disposed of? A bill to direct a sale of the bonds of the United States Bank of Pennsylvania is now on the files of the House, having passed the Senate, and, as it appears to meet with no opposition, can, if the Administration side of the House will consent, be taken up and made a law immediately. This will provide six millions, surely enough for all present purposes.

This, I conceive, would be our course in private life. No man, becoming embarrassed, and holding notes and bonds of others in good credit, and which could be cashed, would think of issuing his own paper, and compelling his creditors to take it.

But, sir, if we must have resort to our credit, is there no other way of using it that will be more effectual for the purpose intended, and more satisfactory to the country? If the object is simply to raise money and pay off our debts, what are the interests that should be consulted? Surely the first should be that of our creditors, the poor and honest men we have heard about, to whom, it is said, we owe this money. Which of the two modes, a loan or an issue of notes, will be most satisfactory to them? In the one case they will get paper promises; in the other they will get money, and hard money, too, if they desire it. Sir, we have heard much about the credit of this Government, and how it would degrade itself to pay any thing but gold or silver. Is there any of this squeamishness manifested in the present measure? We are offering the Administration gold and silver; they are insisting upon irredeemable Government paper. Sir, I have an authority at hand quite to the purpose—an authority which will not be disputed in all that relates to hard money. It is the argument of one high in favor with the Administration one who, if report speaks true, has a *pre-emption claim* upon the next vacancy in the White House.

In a recent speech made by that gentleman, [Mr. BENTON,] upon the propriety of receiving specie-paying bank notes by the Government, he employs arguments so apt to my purpose on this occasion, that I could not add to them, if I wished. He says:

"It is the most revolting proposition ever made in this Congress! It is a flagrant violation of the Constitution, by making paper money a tender both to and from the Government. It is fraught with ruin and destruction to the public property, the public Treasury, and the public creditors. The notes of nine hundred banks are to be received into the Treasury, and disbursed from the Treasury. They are to be paid out as well as paid in. *The ridiculous proviso of willingness to receive them on the part of the public creditor is an insult to him; for there is no choice; it is that or nothing.* The disbursing officer does not offer *hard money with one hand and paper with the other*, and tell the creditor to take his choice. No! *he offers paper or nothing!* To talk of willingness when there is no choice, is insult, mockery, and outrage. Great is the loss of popularity which this Administration has sustained from paying out depreciated paper; great the deception which has been practised upon the Government in representing this paper as being willingly received. Necessity, and not good will, ruled the creditor; indignation, resentment, and execrations on the Administration, were the thanks with which he received it. This has disgraced and injured the Administration more than all other causes put together; it has lost it tens of thousands of true friends. It is now getting into a condition to pay hard money; and this resolution comes to prevent such payment, and to continue and perpetuate the ruinous paper money payments. Defeat the resolution, and the Government will quickly pay all demands upon it in gold and silver, and will recover its popularity: pass it, and paper money will continue to be paid out, and the Administration will continue to lose ground."

What could be more apposite to the occasion on hand? However some of us might question the applicability of the argument to bank notes redeemable on demand in specie, yet none can doubt its full force as regards *inconvertible Treasury notes*, always below specie par, and most frequently beyond that of non-specie paying bank notes. Sufficient for me is it, that it completely refutes any supposition that our creditors would *prefer* these notes to money, which the course we propose will give them. Let those gentlemen, then, who profess so much regard for the public creditor, and who contend that to offer him bank notes payable and paid on demand on demand in specie is "*insult, mockery, and outrage*," reconcile this forcing upon him of Treasury paper.

If the course we propose is thus better for the men we owe, let me ask if there is any interest of the country that forbids it. I know, sir, it has been, both at the last and present session, contended that by the issue of Treasury notes no debt was created; it was no loan of money. The President, in his September message, holds this doctrine:

"It is not proposed to procure the required amount by loans or increased taxation." * * "Treasury notes may be temporarily issued, to be gradually redeemed as it (amount due us) is received."

Thus, also, chimes in the Secretary of the Treasury, in his report at the same session:

"It need not be a loan, or an increase of taxes of any kind." * * "One mode would be to authorize an issue of Treasury notes, receivable for all public dues, *but without interest*."

And even very recently, the chairman of the Committee of Ways and Means used the following language:

"We have heard much, sir, here and elsewhere, about a bankrupt Treasury, *loans and a public debt*. Such statements and anticipations are *without foundation*."

"There is nothing, sir, in the past or present condition of the Treasury, nor in the prospect ahead, to warrant this charge of bankruptcy, or to authorize a *public debt*."

Then, sir, the very beauty of the Treasury note scheme was, that it was no loan, created no public debt: a position so plainly untenable, that the good sense of the gentleman from South Carolina [Mr. RHETT] will not permit him to occupy it. He gives it up. And, in doing that, he abandons the whole ground. Ever since the measure has been under consideration, both at the late and the present session, how has the Opposition been stigmatized as the paper party—the party desirous of plunging the country in debt? I rejoice, sir, that the admission has been made; that this charge is removed from our shoulders, and placed where it belongs. But, sir, should we leave the subject without inquiring why it was ever made? Was it, sir, because Gen. Jackson had just boasted of having paid off the national debt? That the sounds of rejoicing on that occasion had not yet died away in the distance, and the party dared not acknowledge that already they were compelled to create a new one? Sir, I congratulate the people that they are to be deceived no longer.

Then, sir, whether we issue ten millions of Treasury notes, or ten millions of stock certificates, they alike create a debt against the Government for the same amount. There can be no difference in that respect.

It would, perhaps, be doing injustice to the gentleman from South Carolina, [Mr. RHETT,] not to say that he did attempt to make a distinction between a temporary and a permanent debt. For all the purposes of my argument it is immaterial whether it be temporary or permanent, which only means that one shall be paid off a little sooner than another. Either is a charge upon the country, and I fancy will be paid as soon as the country is able to do it. But, sir, the gentleman expressed his surprise that the proposition for a loan should come from the South. And he then went over an argument which I have very often heard before, that the South pays much more than her fair proportion of the revenue of this Government, by reason of the operation of your tariff laws; and, therefore, (contended the gentleman,) a permanent debt would be onerous upon the South. I am truly at a loss to know, sir, by what process the South will escape from paying the same proportion of this debt whether it be temporary or permanent. There may be some necromancy about it that I do not understand. It is, however, the other position assumed by the gentleman, and by other gentlemen from the South, upon almost every occasion—the inequality of the tariff laws—that I wish to examine.

It can only be maintained by the assumption that the citizens of that section of the country purchase and use more foreign goods than the same number of citizens in other sections. Such seem to be the settled opinions of Southern gentlemen, and we have an amusing instance of the fact in the argument made the other day by another gentleman from South Carolina, [Mr. PICKENS.] You may recollect, sir, that, in support of the Cum-

berland road bill, the gentleman from Kentucky [Mr. CALHOON] remarked that his State would derive some advantage from the expenditure of public money along that road. That many little stores would spring up as it was improved, and would purchase their supplies at Louisville and other Kentucky towns. Well, sir, in reply to this argument the gentleman from South Carolina turned all those stores into *grog shops*. He did not seem to consider it possible that we could have in that country any other kind of shops. Now, sir, however some of our Western folks may like a little of the *blue ruin* occasionally, I cannot believe that they are any worse than their neighbors in that respect. But certain it is that they are not quite so bad as the gentleman would seem to think, or as the gentleman would seem to think, or as the gentleman would seem to think, or as the man who contended that this article was not only meat, drink, and clothing, but pretty good washing and lodging to boot. Sir, I would have gentlemen to know that our people do purchase and use their full proportion of foreign articles; and pay into the coffers of the Government their full proportion of taxes in that way; and, in addition, that every surplus dollar they can raise is dragged away through the land offices. And yet, sir, you hear none of these complaints of oppression and inequality which are continually arising from other quarters.

The gentleman from South Carolina [Mr. RHETT] told us that the measure proposed by this bill was not making *fictitious capital for circulation*. It was merely borrowing money. Surely ours is much the most *simple* method of borrowing. We propose to ask persons to lend us the money to pay our debts, and to give them our bonds for the amount. The bill proposes to issue our own notes and compel our creditors to take them, for, according to the Senator from Missouri, [Mr. BENTON] it is compulsion. The one is a *voluntary* loan; the other a *forced* one.

But what is meant by this expression, *fictitious capital*? Do Treasury notes any more, or so much, constitute *real* capital as United States stock? Neither of them is money, and the true and only distinction I can perceive is, that certificates of stock carry no *pretence* of being money about them; Treasury notes *do*, and therefore are *fictitious*.

It is the residue of the expression, however, that I wish to examine more particularly. These notes are not to be fictitious capital for *circulation*. I can give no other meaning to this than that they are not to become currency. So also says the chairman of the Committee of Ways and Means. "They should never be issued in small denominations to circulate as money." Here, sir, is another very extraordinary change of opinion. Last fall the measure was supported in opposition to a loan, for the very purpose of supplying a circulation; and no means have been left untried to force the Government issues upon the country as currency.

Mr. Woodbury, in his report at the last session, speaking of these notes supplying a circulation, tells us:

'Especially would this be likely to happen, provided they were issued in denominations as low as 20, 50, and $100."

Again, he says:

"They would combine the most important requisites appertaining to any *paper currency*."

And what did the same gentleman from South Carolina inform us then?

"In issuing these notes, it is not our object *simply to raise money, or to pay debts*, but, in the paralytic state of the country, we want a *medium* in which the revenues of the country can be easily collected; and domestic exchanges be carried on without embarrassment to the banks."

And the more completely to effect the object, that gentleman, and, I believe, the whole party here, were anxious to strike out the clause allowing interest from the bill. And, in support of that view, he told us: "If these notes bear *interest*, their *circulation* will be impeded."

Sir, this measure was, then, considered antagonist to bank circulation, and more especially to the circulation of the United States Bank of Pennsylvania. You will recollect, sir, that so anxious was the gentleman from South Carolina to effect this, that he preferred these notes should have no promise of redemption about them; that they should be bills receivable alone. So far from desiring it to be a *temporary* measure, then, he wanted these notes to become "merely instruments of collection, to be kept out forever, and be expanded or contracted as the wants of the country, for the purpose of exchange and collection, may require." He then further remarked:

"By issuing bills receivable in payment of public dues, I believe a medium will exist which may be made available in the hands of individuals for all the purposes of exchange, and which will entirely supersede the necessity *of a Bank of the United States*."

Sir, this matter was well understood last fall; and notwithstanding every effort to the contrary, this House would not permit that this paper should be used as currency. We gave interest upon it; and did the Administration then submit to the will of the House, and give up their darling intention? No, sir. Every means that ingenuity could devise was resorted to to get around that interest clause. First, we had notes issued bearing a nominal interest of one mill, then bearing two per cent. and lastly five per cent. and, while thus endeavering to put forth their own paper, to make room for it, an outcry was raised against the banks with a view of destroying the local circulation.

Can the public, then, rely on this casual declaration, that it is no longer intended to use this paper as circulation, so contradictory to all the sayings and efforts of the party heretofore; and so contrary, too, to all their conduct now? For, if the absurd project is given up, if now the measure is *simply to borrow money*, why not do it the straight old-fashioned way? Have they given up the Sub-Treasury scheme, of which this Government paper was an important part? No, sir, we have no satisfactory evidence that the party has given up that Treasury bank; that thing so signally disapproved of by Congress when first broached by General Jackson. I know, sir, they will most stoutly deny that they ever had any such intention, even in the face of all the Executive recommendations, from the issue of Government paper to the special bankrupt law closing the State institutions, all tending to that end. Not daring to call this project by its right name, the efforts made to dupe the public in regard to it have been not less bold than some of them have been ridiculous.

Thus, your Secretary of the Treasury, when recommending this very measure of an issue of Government paper, prefaces by telling us that it may be done "without treading on the debatable ground of either the power or policy of chartering a National Bank." Now, sir, what put that in his head, if he did not think that he was at least approaching the questionable limits? Then, after chalking out his plan for an issue of Treasury paper, a well-known banking power, and, taken in connection with other powers desired by the Executive to be conferred upon the Treasury; well calculated to excite suspicion, and completely (if not more) carrying our General Jackson's original plan, he concludes with this solemn assurance: "But no loans of them appear advisable, nor any bank incorparation, band officers, or bank machinery whatever, in connection with the subject;" as if this people could be duped into the belief that there could be no bank without an act of incorporation, and that treasurers, registers, auditors, and clerks could not be as much bank officers as presidents and cashiers.

Truly, sir, this effort of the worthy Secretary puts us in mind of the old story of the artist, who, having painted on the tavern sign what he designed should represent General Washington and his horse, out of abundant caution was induced to write upon it, this is the man, and that is the horse. Our Secretary, however, improves upon the example. The difficulty with the limner was, that, after all his pains, the observer might fail to understand his intention; that with the Secretary was, that his might be too obvious. And, therefore, having first told us what he did *not* intend to make, and having dipped his pencil in colors least likely to disclose his object, he yet finds himself constrained to write upon his picture that it is neither man nor horse.

I think sufficient has been shown to satisfy every one that the measure proposed by the bill was originally maintained as one antagonist to bank circulation, and may be considered so still. It must, therefore, be injurious to the State institutions, and embarrass them in the effort of resumption. It may be injurious in two ways: 1st. It will fill the country with that much more of paper money; and 2d. It is a power which may again be abused as it was before, and with it new experiments tried upon the currency, tending to keep up the present confusion and general stagnation of business. This is the great evil of the times, and, all admit, cannot be removed until a general resumption of specie payments takes place. To effect this as soon, and with as little loss as possible, should be our grand effort; and, if I have failed to satisfy you that a new issue of Government paper will retard this event, it should be a sufficient objection that it will not hasten and insure it so certainly as will the measure proposed by the amendment.

I have heard no friend of the bill contend that it will aid or hasten a resumption, while the beneficial influence of a loan must be very evident, whether it is taken at home or abroad. Forming a valuable remittance, it will be equal to a new creation of value to the amount; equal to just so much cotton, rice, or tobacco, and will thus tend to equalize foreign exchanges, and keep them regular. So also at home such a stock would be exceedingly desirable. Many men have withdrawn their capital from the usual pursuits of trade; nor will they be likely again to jeopard it in such operations until more quiet times. But an investment in stocks so safe as this will be, will be eagerly sought by all these cautious men, and thus money will be drawn out from its hiding places, and put to the purposes of commerce, which might otherwise for a long time remain idle, to the great injury of the country.

Mr. Chairman, in support of this amendment, I rely much on this argument: that while it answers all the purposes of Government in paying its debts, it will aid materially in bringing about the resumption of specie payments by the banks. I am fully sensible, sir, of the danger I incur, as well as all others who act with me, of having our motives misrepresented, when say one word in behalf of these institutions. Already in the course of this debate have we been denounced as representing the interest of capitalists as distinguished from that of the country. But, sir, I complain not of it; it is what public men must expect: our conduct is before the country, and I abide the result. Satisfied I am that the country will see, as we do, that, in some way or other, every man, woman, and child in this broad land is interested in the welfare of these institutions, and that whatever shall bring distress or relief to them will in the act convey benefit or injury throughout all the business relations of life; and, according to my understanding, it is much to the credit of the Opposition that they joined not the outcry against these banks, but, as far as in their power, have sought to allay excitement, restore confidence, and set them again in operation, as being most effectual for the relief of the people. And having fought manfully in this battle, and in some degree protected this great interest from the assaults of those in power, until it could recover from the shock, and the business of the country revive with it, we were not prepared for the remarks lately heard here and elsewhere, that the Administration has never been hostile to the banks, that it has always been their true friend, and we their false one.

A more particular inquiry into this matter I deem neither inapplicable nor unprofitable. It is important as regards our standing with the country, and also as regards the rival measures in hand, in showing which is supported by the true friends of the business and commerce of the nation.

I would first inquire, how it hapens, if the designs of the Administration have always been friendly towards this interest, that so deep and settled a conviction should prevail to the contrary. The gentleman from South Carolina [Mr. RHETT] tells us that the charge has been made and reiterated by the press under bank control, until the country has got to believe it. Sir, the Administration has had a much more efficient press under its control, and quite as active in its cause. How then could this charge have obtained its foothold, unless the conduct of those in power had lent it countenance? No, sir, there is too much truth in it, and this denial is an afterthought. Until very recently it was believed that more favor was to be gained by abusing the banks, than being their friend; and it was not until the people, becoming jealous of the designs of power, and fearing the destruction of State interests, rallied around them, that the alarm was taken, and this denial made.

As it is more than likely that gentlemen and myself may differ as to what *hostility* is, when directed against these institutions, I will, to avoid all misunderstanding, have resort to the same high authority to which I have before referred, [Mr. BENTON.] From that gentleman's late speech I read you so much as will show how such hostilities, as he alleges, were formerly carried on against the same interests by the present Opposition party.

"First, there was a war against the local banks generally, during the whole panic session, in which no term of reproach was too odious to be lavished upon them; and no statements to discredit them, no assertion to destroy confidence in them, no attempt to excite runs upon them, and to blow them up, were too shameless or too unscrupulous to find authors, abettors, and aiders, in the ranks of their present most officious friends."—*Mr. Benton's Speech, 14th March, 1838.*

Whether the Opposition ever were enemies of the State institutions, as thus asserted, I shall leave for the public to determine. Time has shown the truth of the warnings we then gave of what would be the result of the mad attempt of the party in power to break down the National Bank, and to stimulate and excite the State banks to supply its place. The experiment has been tried, and let the people judge of it.

My purpose now is to show that, ever since the catastrophe in May last, the Administration has been hostile to the existing institutions; and, instead of aiding and helping them to resume specie payments, has greatly retarded the operation. And how was this great object to be effected? There was but one thing wanted, and that was a restoration of confidence; and, so far as the action of this Government was concerned, how was that to be done? None can hesitate in the reply. By the Government bestowing its own confidence upon them, and speaking well of them. In the late disturbed state of affairs, it required not only that Government should manifest its own confidence by its assertions, but by its acts. It would be in vain to tell the people to have confidence, and place their property and business again with the banks, while we are refusing them our confidence and our business. It would have been bad enough if the Government, when it refused further to confide in the banks, had let them alone, and not sought to destroy what little of reputation they had left. But such was not its pleasure; and, not only has it ceased all connection with them, but its agents and partizans have assailed the banks from all quarters with untiring abuse.

The elements of hostility against banks, as laid down by Mr. BENTON, are:

1. In the use of terms of reproach, to render them odious.
2. In statements to discredit them.
3. In assertions to destroy confidence in them.
4. In attempts to excite runs upon them, and to blow them up.

And now, sir, in reference to these matters, I will begin with the very head of the party, and refer you to General Jackson's celebrated letter to Messes Dawson. He thus denounces the banks:

"After the *treachery* of the banks to the Government, it will be in vain to suppose that the people can ever be induced to acquiesce in their employment again as public depositories."

This short sentence, in my estimation, covers the whole ground of hostility, as defined by Mr. BENTON. Here is the term of reproach, "*treachery*," calculated to render the banks "*odious*," to "*discredit*" and "*destroy confidence in them*;" and to destroy confidence in them for all time to come. For he says the people can *never* acquiesce in their employment by the nation; and if they are thus unsafe for the nation, must they not be so for the people?

Not satisfied, however, he alludes to this "*treachery*" again and again in that letter; and strives to show that it might be committed in a time of war, and thus bring the country under foreign subjection. Thus directly impeaching the patriotism of those interested in these institutions, and warning the country to trust them no longer.

This charge was afterwards made on this floor by a friend of the Administration—the gentleman from Kentucky, [Mr. MURRAY.] His language was:

"Such depositories will ever have it in their power to thwart the purposes of Government, by withholding her funds, which, in extraordinary circumstances, as in time of war, might enable them to upset the Government."

He also tells us that

"The history of banks will show that gain is the great object of their creation and existence. This they pursue with the avidity of a hungry tiger."

Surely, sir, this is strange language to come from a party friendly to the banks, and desirous of restoring confidence in them. Their patriotism is directly questioned. It is asserted that they are entirely governed by interest; and in another part of the same argument we are told that they are in the hands of brokers and shavers, and would continue so to be. A calculation is then entered into, to show how the people will lose fourteen millions of dollars by the depreciation of ten per cent. on the one hundred and forty millions of bank circulation.

Do we not find here *statements that discredit, and assertions that will destroy confidence* in, banks. Why, sir, a friend, in place of magnifying the losses sustained by the suspension, would have entered upon the much more easy task of showing how destructive to all interests would have been the continuance of specie payments under all the circumstances. He would have noticed the fact the banks, having on hand but one dollar in specie to three or four of their paper out, could not long have sustained the demand, and that suspension could not therefore have been averted at that period of alarm; while the unavailing effort, requiring severe exactions upon their debtors, would have created much greater distress and confusion. And when setting down the discount on paper at ten per cent. while the banks had in their vaults one-quarter to one-third enough specie to redeem their bills, he could scarcely have omitted to inquire what would have been the discount on the 90 or 100 millions that would have remained after all their specie was gone in redemption. In place of being 10 per cent. and a loss of 14 millions, he would perhaps have set it down at 50 per cent. and a loss of 45 or 50 millions at least.

I might, sir, allude to many other speeches delivered in this and the other branch of Congress, by friends of the Administration, tending to *discredit and destroy confidence* in the State banks. It will be found that the very gentleman [Mr. BENTON,] who detailed the manner in which the Opposition had warred against them, has himself, in that same speech, been guilty of the same offence. He states, sir, that many of the banks were "*rotten to the core, and would fall to pieces*" the instant they are put the test. He talks about forcing and driving the banks to resume, by the "*fear of consequences*" but never of aiding or helping them; and, taking his speech altogether, none can mistake that the leading object of forcing a resumption is the hope that most; if not all the banks will be destroyed in the operation.

But, sir, I shall not detain the committee with further reference to speeches on this point, except to call their attention a little more particularly to the remarks of the gentleman from South Carolina [Mr. RHETT.]

At the very time when he claimed to be a friend to the banking interest, he charged that interest with being leagued against the Government. He denounces, in most fervid terms, the capitalists of the country as united in a design to overthrow the Government. He declared that it was better to be conquered by British arms, than to submit to such dictation; and none can have forgot his threat, to leave this Hall and go home, if the course of the Opposition was successful; none, his pregnant warnings (so apt to produce the very results predicted) of popular excitements, prostration of laws, and destruction of all char-

tered interests. Sir, language but little, if any, less violent drove the rioters upon Hart's flour store in New York. No man told them to do the deed. It was just such inflated pictures of imagined wrongs that maddened the multitude; just such solemn warnings of what might happen, that taught them what to do. Sir, I acquit that gentleman of any intention or wish of producing such results by the language he used; but of its tendency none can doubt, and, therefore, much is it to be regretted that it was ever used here. It is sufficient for my purpose that it places the banking interest in an unfavorable light before the country, and is calculated to *discredit and destroy confidence.*

Mr. Chairman, I might detain you here for the balance of the session with proof on this point, extracted from the Government press in every quarter of the country. But it is too well known, that, for the past year, it has been the special duty of every paper in the support of Government, or under its pay, to abuse the banks, and every body connected with them. I shall, therefore, content myself with referring you to an extract, of recent date, from the Government organ published in this city.

In an article headed "The Real Relief," in the Globe of the 23d April last, we have such expressions as follow. Speaking of the banks which had suspended because the New York banks had done so, the editor says:

"A part of these have since closed their *eyes* in eternal sleep; and, so far as they are concerned, the event has proved that it was approaching INSOLVENCY, and not the *example* of New York, which occasioned them to shut up. How many more may be in the like condition, time will soon tell, and especially will it soon tell how stands the account with that living personification of trick and impudence; that Jupiter Tonans of rags and shinplasters; that succedaneum of spavined, foundered, and wind-broken politicians; that huge and helpless carcase across which Mr. Biddle sits, and on which a brood of harpies roost and feed."

Then, sir, follows a great deal about "*her enormous debts*" and "*rotten credits.*" Her "*thirty millions* of immediate liabilities, which four millions of specie" in vain attempt to look in the face. Her debtors and resources are described as "worn out politicians;" "editors of newspapers, depreciated stocks, and loans upon long time at low interest, to cousins, jobbers, parasites, and sycophants."

All this is pressed upon the public, although the editor admits that "doubtless a catastrophe to his [Mr. Biddle's] Bank will carry mischief to a great many families in the United States." But, by way of comfort, he says that,

"The chief loss in the United States may be in the resurrection notes, now under discussion in the Senate. Be the event what it may, the HUNDRED MILLIONS OF GOLD AND SILVER in the country is the sheet-anchor and RELIEF of the people. Let the productive classes begin to look out for a share of that, and they are safe! Many other banks will be involved in any catastrophe that may befall the 'great regulator.'"

May we not here find some symptoms of *hostility* as defined by the Senator from Missouri, [Mr. BENTON?] Such unparalleled and gross abuse of Mr. Biddle's Bank may be considered fair for all who belong to the Administration. Yet it does not appear to me likely to aid in the operations of commerce, or in the restoration of specie payments, to be thus undermining the credit of an institution of such extended business, especially when the editor tells us that "doubtless a catastrophe to his [Mr. Biddle's] Bank will carry mischief to a great many families." And surely it must be very cold comfort to the business community to be assured that the *chief loss* will be in the resurrection notes, which happen to amount to the very respectable sum of about six millions of dollars.

Political partisans may think the "mischief to a great many families," and the loss of six millions of dollars to the community, well repaid by the destruction of this odious monster, the United States Bank. But I fancy, sir, the poor families, the widows and orphans who own the stock, the business men who handle the paper, will derive but little consolation from that result, or find the imagined relief in the hundred millions of gold and silver in the country.

In the assurance that "many other banks will be involved in any catastrophe that may befall the 'great regulator,'" may we not find something very likely to discredit banks, and destroy confidence in them? And does not the recommendation to the productive classes to begin "to look out for a share" of the gold and silver, look very much like an attempt "to excite runs upon" the banks "and blow them up?"

And now, sir, let us dwell but for a moment upon this act of "treachery" for which the banks have been arraigned and persecuted with so much violence. It is the late suspension of specie payments. I understand the friends of the Administration are not willing to go behind that act, and inquire into the causes which led to it; for then it is soon brought home to their own absurd tinkering and experimenting on the currency. It is called treachery to the Government. The banks owed the Government for its deposites, and the people for its paper; they could not pay both in specie, and would not pay one in preference to the other; and thus, because the Government was unwilling to share the same fate with the people, the banks are denounced for it. Time will not permit that I should detail the evils that would have resulted from an opposite course. It is sufficient for me to say, that for this act the banks have been tried and acquitted. They have been tried by the State Legislatures, to whom they were alone amenable, every one of which, I believe, has been in session since this act of treachery took place, and in no instance has it been condemned, but, on the contrary, has been approved of as the only course that could have been taken to save the country from far greater disasters. And, sir, have they not been tried by the people, too? and, in every instance where the issue has been fairly made up, in spite of all the exertions of politicians and the press, the people have sustained them.

We have seen what pains have been taken, both in the Dawson letter and elsewhere, to convey the impression that these institutions are wanting in patriotism, that they should not be trusted, for fear that they would seek to thwart the Government, overthrow it, and bring it into subjection to a foreign yoke. Mr. Chairman, tell me, if you can, of any interest in this country that will suffer so much from foreign conquest as the banking interest will. Does it possess any charm that will protect it from the exactions and plunder consequent on such occasions? Sir, we find the storm of war and invasion always falling most heavy in that direction. And, sir, what proud examples does our history furnish of the most devoted patriotism on the part of these institutions and their owners. When did your country, in her utmost need, call for supplies to fight the common enemy, and not find these institutions ready to aid? Did they then seek for pretences to *thwart* and overthrow the Government? Sir, in one official report, I find it stated that a few banks advanced on loan to the Government, during the last war, over six millions of dollars, nearly one-tenth of your whole war debt; and this does not include occasional sums advanced on Treasury notes and otherwise; for often was it the case that your ships could not sail, or your armies march, until the advances were made. And this was done by banks in their corporate capacity, embarrassed as they then were, and limited in number and capital. Who can estimate the sums thus loaned for the service of the country by stockholders, officers, and persons otherwise connected with banks? When we consider that nearly all men who have spare money are in some way interested in these institutions, and that it is from such men that these supplies mainly come, it may be readily asserted that more than one-half, if not three-fourths of your war debt, came out of the pockets of these bankers.

It has been the policy of the Administration to denounce this interest as *aristocratic.* The party press has been, and is, filled with the outcry against these "*monopolies*"—"*rag barons;*" and the effort seems to be to convey an impression that these institutions are altogether owned by an exclusive class, a privileged few, and the idea of great wealth is attached to them. Sir, I think an investigation will satisfy every one that the business of banking in this country is most generally diffused among all classes of society. I have no general knowledge that will guide me in forming an opinion upon this subject; but, so far as local information goes, it is to the contrary. And it was but the other day that I met accidentally with a statement of the number and the occupation of the stockholders of four banks, I think in New Haven, Connecticut—a State where, if we are to take the latest doctrine of the times, the banking interest has lately defeated the Democracy. As it throws some light on this topic, I will read the statement to the committee. There were 1,170 stockholders, and the description is as follows: Females, 318; minors, 85; executors and administrators, 43; societies, academies, &c. 26; seamen, 18; merchants, 118; mechanics, 51, lawyers, 27; farmers, 168; Revolutionary soldiers, 5; clergymen, 16; physicians, 22; old men retired from business, 82; manufacturers, 46; occupations unknown, 66; and the residue, being 54, were tavern-keepers, clerks, Government officers, brokers, officers of banks, of colleges, &c.

Now, sir, this I call a pretty fair Democratic division of these benefits among all sorts of people. If any interest seems to be peculiarly favored, it is that of the ladies; and, however they might be disposed to bring us under *domestic* subjection, I will not entertain the thought that they would either bow themselves or consent that we should do so to a foreign yoke.

It appears very evident that the great object of government is to reach that power of concentrated action on the part of the people, so efficiently embodied in the form of corporations; and which, from its safety, simplicity, and complete adaptation to all the purposes of business, and its now universal use, forms the great barrier to the establishment of that Government institution which it was intended should grasp and control all the exchanges, currency, and business of the country. It is thus alone we can account for corporations of all kinds being included in these denunciations. All are monopolies, corrupt aristocracies, ulcers on the body politic, exclusive privileges, dangerous to liberty, and, therefore, to be put down, that this Government leviathan may have the whole ground to itself.

Sir, the people should carefully examine what it is in this principle that renders it so offensive to our Government; and reflect how intimately it is connected with our whole social and political system, ere they consent to eradicate it; for it will be readily seen that our whole political fabric, State and National, from foundation corner to topmost stone, is composed of corporations. No assemblage of the people, for political or other purposes, can act or speak efficiently but by assuming many of the features and attributes of a corporation. And, rest assured, the same distorted vision that can perceive danger to the country in the existence of these corporations, established for commercial, manufacturing, and other business purposes, will be far more likely to discover it in the unrestrained right of the people to assemble and concentrate their power for political objects; and the next step may be the dispersion of such factious bodies by reading a riot act, and with military power.

It is alleged that these chartered rights cramp and fetter our energies, and have a tendency to make the rich richer, and the poor poorer. Is this shown in the countless turnpikes, railroads, and canals, intersecting the country in every direction, and cheapening all the necessaries of life? And these odious banks, when rightly conducted, what are they but additional aids of capital to industry and enterprise?

Deprive men of moderate means of this power of association and concentration of their capital, and all this business must fall into the hands of the wealthy. No, sir, this system marks the genius of the age, and can only be destroyed with the spirit of enterprise and freedom which gave it birth. On no page of history do you find corporations arrayed on the side of arbitrary power. They dwell not with despotism, but are ever found the first and last bulwarks behind which are fought the battles of freedom. Where, let me ask you, would have been the liberties of Europe, but for her free incorporated cities? It was those chartered privileges, first bought with a price, or extorted from their haughty lords, around which the hardy burghers rallied, and successfully defended with naked valor, against steel-clad chivalry, and the iron arm of the feudal age. They rose like islands of rocky base, but green and verdant summit, amid that ocean of ignorance, barbarism, and blood, which then overspread the world, breasting its rude surge, and giving limits to its power.

Mr. Chairman, there is one test we can apply to the Administration, which must clearly indicate the sincerity of its intention to aid in the work of resumption. Whether true or false, as stated before, the fact is fully impressed on the public mind that the measures and designs of the Government, the issue of Treasury paper, the Sub-Treasury, the continuance of the Specie Circular, the refusal to receive specie-paying bank notes for revenue, are all hostile to the speedy resumption of a specie business by the banks; and this impression cannot be removed by mere individual declarations, by unauthorized persons, and especially when others, equal in influence and authority, hold the contrary language. Now, sir, if sincere in this matter, is it not the duty of the party to afford to the public some plain, satisfactory, and solemn assurance, that shall remove these impressions from the public mind, and dissipate all doubt and uncertainty? Can this be obtained from them? Have they abandoned the Sub-Treasury bill? No, sir; they are only desirous of power to take it up. They are still pressing the Treasury note bill. Time and again have they rejected propositions for the repeal of the specie circular; and as to the receiving of specie-paying bank paper, it is an utter abomination in their sight. No pledge can be obtained from them. How fared the resolution of one of their friends, [Mr. HAMER,] offered the other day, and having this for its object? A very indefinite resolution it was, so far as it pledged the Administration to any particular act; still it maintained a principle, and specified a duty, and was, therefore, one step gained.

That most extraordinary resolution deserves particular consideration, as it contains the first evidence of a change of opinion in the Administration ranks. It is remarkable both for its admission and its assumptions. As to the first, we there had it distinctly admitted, for the first time, that the "*business, commerce, circulation,* and *exchanges* of the country are in a *deranged and embarrassed* condition." There were no ifs or buts about it. It was not merely the business of the banks or merchants that was deranged, it was the business of the *country.*

Sir, that gentleman held a very different doctrine last fall, when we were trying to show that the country was in difficulty. There was no embarrassment then in his section. The trifling derangement of the paper currency was rather a benefit than a disadvantage, as it enabled merchants to collect their debts, and pay banks what they owed them. He advised all persons out of employment to go to the West, where plenty was to be had at fair prices.

And so, too, the other gentleman from the same State, [Mr. DUNCAN.] According to his story, the happy West had experienced no difficulty—had felt no embarrassment. Her farmers had plenty of cash to jingle in their silk purses, and held in utter contempt all fear of panics and pressures.

Another admission worthy of notice is, that Government has something to do with the "*business, commerce, circulation, and exchanges of the country;*" and also, that Government COULD aid these operations, if it would. Thus rejecting the former doctrines of the party, that Government should take care of itself, and could not and ought not to interfere with these matters.

So, also, it admits that the banks, of some or them, at least, were making *laudable* efforts to resume specie payments. And, more than all, that is the *duty* of the Government to *aid* the banks in this effort to restore the currency.

But, sir, if it made some singular confessions, it contained the quite as extraordinary assumption that it was the *design of the Administration to aid the banks* in their laudable efforts to resume. Why, sir, this was too much of a practical joke for even the gentleman himself to persist in it, and he had to erase it before the resolution itself was disposed of or considered. Thus, sir, the party was unwilling to place it on record here that there was any *design,* any *duty,* any *willingness,* on the part of the Administration, to aid in any way in this important work.

Not the least singular feature in this transaction is the reason given, as I understand, by the gentleman from Ohio, [Mr. HAMER] for not again offering his resolution. It was that the public had been fully apprised of the course which the Government intended to take on the subjects specified, and the whole object of his resolution was therefore accomplished. And the letters of Mr. Woodbury, addressed to Mr. Newbold, were referred to as containing the necessary information. Now, sir, I have examined those letters, and can find no such assurance as appears to me to be satisfactory. There certainly is nothing in them which offers the least prospect of a discontinuance of the unjust and impolitic discrimination in the medium of payment for duties and public lands occasioned by the Specie Circular. And what confidence could be placed in the casual expression, that notes of specie-paying banks would be received for duties, when, at that very time, the official organ of the Government was denouncing every thing of the kind? This was its language:

"It is believed we have near ninety millions (specie) now; there is every prospect of an increase of twelve or fifteen millions this year; so that, by the time Congress meets next December, there will probably be one hundred millions in the country. It is probable that one hundred and fifty millions is as much as the country could employ; and, *unless the paper-money party succeed in their design of compelling the Federal Government to use paper money,* that amount will be attained in a few years."—*Globe, April,* 1838.

Does this look like an intention, on the part of Government, to receive paper money?

I have already read you some extracts from the speech of the Senator from Missouri, [Mr. BENTON] which convey any thing but an intention to collect and pay out bank paper. I will give you a few more, which, to my mind, can hardly be construed into a design to *aid* the banks by the reception of their notes in payment of public dues; and, I think, show very conclusively that no sort of *relief* may be looked for from the Administration. Speaking of the banks, he says they have received *all the aid* which they need. Hear his language:

"They have received the aid which they need in the one hundred millions of gold and silver which now relieves the country, and distresses the politicians who predicted no relief until a National Bank was created. Of the nine hundred banks in the country, there are many which never can resume, and which should not attempt it except to wind up their affairs. Many of these are rotten to the core, and will fall to pieces the instant they are put to the specie test."

And again, speaking of receiving their notes, he says:

It "would fill the Treasury with notes that could never be redeemed, would dispense with the use of gold and silver at home, would occasion the exportation of the one hundred millions which the Jacksonian policy has collected in the country."

That gentleman holds out in prospect a great deal of *force* and *compulsion* in reference to this work of resumption, but nothing of *aid* and assistance. In the same speech he says:

"A moral sense and *fear of consequences* will *compel* them to resume."

Again:

"There is specie enough, then, in the country, to enable every bank to resume; and the moral sense of some, and the *fear of consequences* in others, will induce a resumption by all except the insolvent and the political ones."

And in this he merely reiterates the doctrine of Gen. Jackson, contained in his Dawson letter:

"If the revenue is collected in gold and silver, it will *force* the banks to resume."

So, also, the article read before from the Globe, headed "The Real Relief," must satisfy every one that there is no intention on the part of the Administration to afford that assistance to the banks which it is in its power to do.

Now, sir, this publication in the Globe, this speech in the Se-

nate, are subsequent to the letter of Mr. Woodbury, and are entirely at variance with it. How, then, can the country be quieted without some Congressional action on the subject?

Mr. Chairman, I shall not deny that a change in the opinions of our rulers has taken place, but it by no means follows that there is to be any change in their conduct, and that is the important thing for the public. It becomes very necessary, therefore, that these opinions should be looked into, their nature, and how formed, as it will explain much that has taken place, and is the only way to determine their future action; seeing that they will give us no pledge on the subject.

When the suspension of specie payments took place, the Administration was compelled to act decisively and in great haste upon the subject. It admitted of no delay. There could be no half-way ground. They must either sustain the banks, or they must go against them. This will appear very evident from a slight examination.

Did they take the first course, doubtless the country might be sooner relived. But judging from experience, it would be a work of years, require great contraction of the currency, (always accompanied with distress,) and much greater concert of action among the banks than, from their number and dissimilar interests, could be expected. And with all the Government could give, it might still be impossible to effect the object, (as was found the case before,) without a National Bank; and that the President had unfortunately pledged himself not to grant. Any delay in the resumption was dangerous, nay, fatal, for popular indignation would increase; and as it was well known that the Opposition had warned the country of this event, and had tried to prevent it, it was very certain that the blame of the disaster would fall where it deserved to do, upon the Administration. Its already shattered reputation could not withstand this additional shock. That course was therefore out of the question. Now, on the other side, it was doubtful whether the banks could resume when aided by the Government, it was held most clear that they could not when opposed by it. The banks would necessarily be the first objects of the people's vengeance, and by being the first and loudest in the outcry against them, the Administration stood a fair chance of turning the eyes of the people from its own delinquencies, and placing the whole blame and punishment upon these institutions.

It was seen how easily the public had been duped by the falsehoods propagated against the United States Bank, and by the promises of a better currency. If, by such a course of abuse, overwhelming detraction and gasconading promises, the party had been able to overturn that institution in the day of its prosperity, at the very moment when it was doing the most good, and conferring the most public benefit, what might not be expected by an early, united, and vindictive proscription of the State institutions in their then embarrassed condition? So, also, the opportunity was the best that had yet occurred since General Jackson's first attempt, perhaps was the only one that ever would occur, to force the Treasury bank upon the country. It was foreseen that, in a time of quiet and reflection, it would never be adopted; and it was supposed to be the only remaining measure required to perpetuate the power of the party.

Sir, the fear on the one hand, and the hope on the other, were too great for their virtue. The interests of the country, in an early and efficient restoration of its business, were lost sight of; and from every quarter of the Union, press, pen, and voice were employed to prostrate the State institutions.

But, sir, they were mistaken in more respects than one. The confidence of the people had been too often abused to permit empty declamation and round assertion to be taken as proof. The party watchwords had lost their magic. The people had become jealous of power, and determined to sustain the State banks in their efforts to restore a sound circulation. So, also, some of the banks have already resumed, and, notwithanding the advice of the Globe to "the productive classes," to get a share of their gold and silver as soon as possible, no runs have been made upon them Much greater unanimity and concert of action appears among the banks than was expected. All have acted with great prudence in preparing for the event, and confidence seems to be gradually but firmly gaining ground.

In these things, then, the gullibility of the people, and the ability of the banks to resume, the Administration has been mistaken; and, so far, a change of opinion has taken place, and, should the banks be able to persevere, it is more than likely you will soon see, not merely a straggler here and there declaring himself not opposed to the banks, but the whole party, press, and people, declaring the same thing. And, as they never acknowledge an error, or take any thing back, they will doubtless contend that they have never said a hard word against them.

But the question still remains, will this change of opinion, and situation of things, produce a change in the conduct of the Government towards these leading interests of the country? In my judgment, this depends very much upon another question, and that is, whether the Administration has become satisfied, not only that the banks will resume, but that no action of the Government can cause them to suspend again. For, sir, it must be borne in mind that such an event has been anticipated, and is looked for by the Administration, and until they give up that hope, I greatly fear they will not heartily join in the exertions now making for the benefit of the country.

Sir, we have abundant proofs that both these opinions were entertained, viz: that the banks could not generally resume, and that, if some did, new explosions would take place, in the report made by the chairman of the Committee of Ways and Means on the 5th of March last. I will refer you to a few particulars as to both points. It is there said:

"Some of the banks may resume at an early period; but, while there is evidently so little concert of action or harmony of purpose among them, it would be *unsafe* to invest the public money in the notes of any bank; *and when a general resumption will occur is not now to be anticipated.*"

He also speaks of the revival of trade being "*postponed to an uncertain period.*" So, also,

"The explosion of the State bank deposite system was too recent to warrant the expectation of its renewal at an early period, if at all."

He then thought the proposition to renew the connection between the Government and the banks as "*extraordinary*," and he says: "It would seem to be time enough to discuss its expediency after a general resumption of specie payments." If now adopted, he says, we shall have deposite banks in the East, and an Independent Treasury in the West.

Now, sir, these will show that, so recently as the 5th of March last, the party had no expectation of a *general resumption*. Some banks might resume, but let us see whether the committee thought they could sustain themselves. They remark further:

"We must certainly anticipate embarrassment in some sections, and we should accordingly prepare for it. The banking system of this country must be thoroughly reformed, before confidence in the convertibility of bank notes can be permanently revived. No such reform can, at this time, be anticipated. A few more disastrous *revulsions* may compel us, at some future period, to correct the vices of our system; but, for the present, it is evident that our local currencies are to be still further vitiated by State legislation."

Again: he says that the "system is liable at all times to explosion."

Again

"It is obvious that the power and the mischiefs of our banking system are about to become still more formidable; and there is too much reason to apprehend, in a few years, an explosion more disastrous to all branches of industry than any we have hitherto felt. While the States continue to multiply banks, no effort of the General Government, whether by a National Bank, or an issue of Treasury notes, could prevent a suspension of specie payments." "It would at least seem to be prudent to collect from the banks our six millions of suspended balances, before we inquire into the expediency of again placing the Treasury of the United States in jeopardy."

Again:

"The finances of the latter must become embarrassed at every revulsion, so long as our revenue consists of bank notes or bank deposites. The convertibility of either into specie is wholly illusive, and has been hitherto sustained by confidence alone. That confidence is now destroyed. If a few banks only had suspended specie payments from bad management, confidence might have been continued in others. Or if, as in time of war, Government had deemed it expedient to borrow their credit and sanction its abuses, it might have revived with the return of peace," &c.

It is thus very evident that the Administration has looked to, and calculated upon, other and further explosions. It is here given as a reason why the funds of the Government should not be jeoparded either in the way of "bank notes or bank deposites." It is directly alleged that the convertibility of either is wholly illusive, and can be sustained by confidence alone. That confidence is now destroyed, and Government will not seek to restore it. The mischiefs of the system are to become more formidable, the local currency still further vitiated by State legislation. A few more "disastrous revulsions" are to take place before that "thorough reform" can be applied which is necessary, and until which it will be unsafe for the Government to have any connection with these institutions.

Now, sir, what is that "thorough reform?" We have understood it to be the introduction of the Sub-Treasury plan. Has, then, the Government given it up? Where do we find any evidence of an intention to abandon it? If a few more "disastrous revulsions" are necessary to effect the object, have we not great reason to fear that, so far as it can, without meeting the public eye, Government will promote those revulsions? It may be a part of the plan of operations, and for that reason Government will not identify its business with that of the people, as, in such case, both are to be alike injured, if these institutions are again "*blown up.*" Sir, there is great danger on this head. The banks will have a fiery ordeal to undergo. I could wish they had the countenance of the Government to sustain them; but if that cannot be, let us not place any thing in the power of the Administration that may be perverted to their injury.

I know, Mr. Chairman, that two short months had not elapsed ere the gentleman who made that report of the 5th of March passed his sponge over all the gloomy pictures which it contains. In his opening speech on the present bill, we heard no more of "disastrous revulsions," other explosions, trade postponed, currency to be further vitiated by State legislation. All now is gratulation and great joy. He discourses thus:

"As to the prospect of our future revenue, every thing is encouraging. Confidence and trade are evidently reviving." "Some cities in the Union, where they have attempted to postpone the payment of the debts, may yet suffer, but, in the present prosperous condition of the country, trade must soon revive." "There are other gratifying evidences of a restoration of confidence and a revival of trade. Our Northern banks have resumed specie payments earlier than was anticipated twelve months ago, and much earlier than they would have done had this Administration yielded to the demands of trade."

The study and comparison of this report and this speech would require, and are worthy of, more time than I have now to bestow upon them. Two productions so dissimilar could never have emanated from the same source, under any other Administration than the present. But upon the reasons given for this great change in the prospects of the country, I have something to remark.

A principal cause is, the firmness of the Administration in resisting "*the demands of trade.*" It seems admitted, then, that "*trade*" (by which I suppose is meant the active business men of the country) has made demands upon the Administration, and that they have been rejected. We may all recollect, sir, that "*trade*" foresaw the approach of our present difficulties, and made a solemn demand upon the Executive to call Congress together, and take some measures to avert them. And since then, "*trade*" has been demanding of the Government, instead of abusing and discrediting the institutions of "*trade*" that it should aid and relieve them. "*Trade*" believed that the one course would retard the return of prosperity, and that the other would give immediate life and vigor to all business. The Administration, pretending to know much more about these things than "*trade*" did, has refused all its applications, and, according to the gentleman, that very stubborness has brought about the revival and resumption so much sooner than was expected twelve months ago. But the gentleman forgets; it is only two months ago; and, after ten months of this *firmness* had been manifested, the revival of trade, in his estimation, was yet "*postponed to an indefinite period.*" It can hardly be that the remaining two months of *firmness* could have produced these great results.

But the gentleman gives us some other causes; setting aside a few minor ones, such as the Canada war, &c. we find one which mortal man would scarcely have conceive of as coming from that quarter, and that is that New York has passed *a general banking law.* Yes, sir, the fears that "*our local currencies are to be still further vitiated by State legislation.*" "that the "*power and the mischiefs of our banking system are to become still more formidable,*" are given to the winds, and the prospect that banks are to become as plenty as blackberries has changed the whole aspect of affairs. And now we are told:

"We need no chartered regulator, State or Federal. Our own banking law, the perpetual charter of free trade, is all we require to bid defiance to all hostility, protect ourselves, and regulate exchanges."

Mr. Chairman, I am unable to perceive, in all that has been given to us, any thing that can justify me in the belief that all the difficulties, and embarrassments, and derangements of business, and currency, and exchanges, are at an end. And some reasons may be given why the joy manifested by the gentleman may be found in local and party considerations, in which the great body of the people cannot participate.

If it be true, as has been said, that the original experiment on the currency arose from a desire to change the great money regulator from Chestnut to Wall street; and if it be true, as is alleged by the gentleman from New York, that "we had no banking capital adequate to the pressure" in that city, and he perceives in this new measure *that* increase of capital, and the change of that power of regulation, why, as a citizen of New York, he may have cause to rejoice.

I it be also true, as we have heard it rumored, that there is to be established in that city a real thirty or fifty million *monster* under this new system, to be made the Government depository, and which may be owned and governed by the Treasury, why, as a party man, he may have cause of rejoicing. But, sir, I fail to perceive how the *whole* country, its business and exchanges, are to be benefited by this new arrangement. I cannot conceive that any large bank in New York, or elsewhere, or any number of them, can give to the *whole* country what the Bank of the United States did—a sound currency and cheap exchanges—unless you give it the same powers which that Bank possessed.

We may have a sound currency furnished by well managed and cautious State banks, but the equalization of exchanges can only be effected by some large institution having its branches extended over the whole country, possessing the confidence and business of the Government, and having the power of transferring its capital to those places where most wanted, according to the turns of trade and changes of season. I doubt whether the people of this country would consent that such power should be bestowed on any local institution. If so bestowed, it is questionable whether the power may not be used for local rather than general benefit. Not deriving its authority from Congress, it will feel no responsibility, nor will it submit to investigation. It may be, however, that these very qualities, the absence of control by Congress, and freedom from search, make it the more desirable for a *Sub-Treasury.*

I have thus, sir, gone through with this subject. Desultory I necessarily had to be to meet the positions of those who preceded me. It has been my object to maintain what I firmly believe, the existence of a hostile feeling on the part of the Administration against the local banks, and that there is great reason to fear its further continuance. Whether the motives I have assigned for this hostility are the true ones, is a minor consideration. But believing it to be the desire of the people that all aid and countenance shall be given to our business institutions in the effort now making to resume and continue specie operations, and conceiving that the amendment to the present bill may aid in that effort, while it is less expensive and more effectual to meet the wants of the Treasury, I feel constrained to support it.

I have, also, endeavored to show you, sir, that great confusion exists, and much uncertainty in regard to the finances of the nation; that the information furnished us by those who ought to know all about this intricate matter, is any thing but satisfactory; and that even so late as the commencement of this session, the Treasury Department was unaware of the approach of this ten million deficiency. In the hands of persons who calculate and keep their accounts so badly, I conceive this power of issuing Treasury notes a dangerous one. There is less of publicity and notoriety about the manner of its exercise, than in the open and public negotiation of a loan. And, sir, above all, I fear the confirmation of a precedent which may be dangerous. Already have we found it so. The gentleman from South Carolina, [Mr. RHETT,] at the last session, based much of his argument upon the fact that such things had been done before, under the colonial and continental Governments, and in the last war; and he now brings our own act of the last session in array against us as additional authority. Sir, we have read the history of those early times to little purpose, if the precedent can have any weight with us. Whatever benefits were derived from those issues were so counterbalanced by evils, and this power was considered so liable to abuse, that the wise men who framed our Constitution have prohibited its use by the States of this Confederacy. It was only under the pressure of dire necessity that the statesmen of the last war resorted to it; and they have given us solemn warning not to follow the example. Sir, the very fact that *precedent* is thus relied upon, should convince us how dangerous it will be to continue the practice longer. Let us, therefore, preserve the examples that have been named; not as precedents to be followed, but as beacon lights to the mariner, warning him of dangers not the less alarming because they are concealed beneath the surface of a smooth and smiling sea.

SPEECH OF MR. SOUTHGATE,
OF KENTUCKY,

In the House of Representatives, Saturday, May 12, 1838.—The bill providing for the reissuing of ten millions of Treasury notes being under consideration in Committee of the Whole on the state of the Union, (Mr. INGHAM of Connecticut in the chair)—

Mr. SOUTHGATE rose and addressed the committee as follows:

Mr CHAIRMAN: I expressed a desire to address the committee on the questions involved in this bill, and to that end, at this late period in the evening, made the motion which I did—that the committee rise—not doubting but that the usual courtesies would be extended, at any rate, to one who but once before had trespassed on the indulgence of the House; but, sir, to my utter astonishment, this poor privilege has been denied me, and by a party vote, you have determined that you will not rise. Mr. Chairman, I am not deceived in the purpose you intend to accomplish. You are resolved to pass this bill, if you can, this very night. Yes, sir, *force* it through; *stifle* debate; *drive* us to submission, or *starve* us out by a regular siege. But, sir, so far as I am concerned, you have mistaken your man: I will not *retreat.* I am ready for action; and, for one, I promise you that here, in my place, unawed by your power or threats, unsubdued by hunger or fatigue, will I remain, battling for my constituents and my country, this most dangerous of all former Executive

experiments, until the morning sun of Monday shall find me yet struggling against your trained party phalanx and your ready doers of Executive bidding. Sir, the history of free legislation furnishes no parallel for this indecent haste. But two days since, the President sent us a special message demanding more money; not submitting to us, the immediate representatives of the people, who, under the Constitution, are authorized to raise money for the support of the Government in our own way and manner, but in a special and particular mode, unusual and extraordinary; *the reissuing of ten millions more of Treasury notes.* And, sir, what is done? Forthwith your favorite investigating duelling report is, by the very men who got it up for party purposes, laid on the table; and now you find gentlemen here ready to vote, who have not been seen here for a week. The shibboleth of the party has gone forth. The faithful troops are in the field, and before midnight the battle is to be fought and won. But, sir, before the deed is done, I am resolved that my constituents and this nation shall know something of the actings and doings of the men in power, who are now abusing the confidence reposed in them by a confiding people.

But, before I proceed to the consideration of the merits of this bill, (if any merits it have,) I feel it my duty to pay my respects to the gentleman from South Carolina, [Mr. RHETT,] who has just poured out his whole stock of volcanic lava upon monopolies, aristocrats, banks, Whigs, Federalists, with all the cant of an unfledged and newborn modern Loco Foco Democrat. Mr. Chairman, have you never observed that, as in the Christian so in the political world, it is the latest convert who makes the most noise, and that he is all the while laboring to show by his works that he is entitled to promotion and the confidence of his associates? The gentleman from South Carolina, without any authority other than what he draws from his own imagination, has attempted to prove that we who are opposed to this bill are desirous to embarrass the Government; to withhold the supplies; and impair the public credit and the national honor. And, sir, in the full measure of his denunciation, he boldly charges upon us that, like the Federalists during the late war, we have combined with the banks and the aristocrats to war upon the Executive and his Administration. What act, sir, done or omitted to be done, has authorized the honorable gentleman to attribute to the opposers of this bill any such motive or purpose? Is it because we will not silently submit, with our arms folded, to pass this bill in the form prescribed by the Executive, without stopping to inquire whether for good or for evil, that we are thus unceremoniously denounced by one who has just "entered the service?"

It does seem to me, Mr. Chairman, not a little strange that the honorable gentleman, who, within the recollection of us all, was among the foremost in the front rank, with his unfurled nullifying banner, ready to resist, even at the point of the bayonet, certain supposed encroachments of Federal power, unauthorized, as he believed, under the Constitution, should now indulge in such harsh sentiments with reference to those who are found in their proper places, opposing with all their constitutional and moral power the passage of a law which they believe so full of mischief, and of such doubtful constitutional authority! Yes, sir, the honorable gentleman is not content, in the fulness of his new born zeal, with his thundering philippic against the opposers of this bill, but he threatens the banks with mobs; and we are told by him that the "mighty contest for power and mastery is between the banks and the people;" and that, unless the "banks cease their hostility towards the Government, the people, in the majesty of their power, burning with patriotic indignation, may raze their marble columns to the ground, and scatter the contents to the winds." Sir, has it come to this, that here, in the American Congress, doctrines so revolutionary, so full of mobocracy, so well calculated to encourage lawless rapine and plunder, shall be uttered by a representative in his place, as the only argument why we should at once, and without delay, grant the President more money! I trust in God he speaks his own, and not the sentiments of his new allies. I hope, for the honor of my country, that he stands "solitary and alone" in his glory. But, sir, the honorable gentleman has wholly mistaken the *parties* in this great contest of which he has spoken. It is not a war of the banks against the Government, but a war between the office-holders on the one side, and the people on the other; a struggle on the part of an insulted people against those in power, who have abused the confidence of the people, and who are endeavoring to separate themselves in their monetary concerns from all that belongs to their future prosperity and destiny. Mr. Chairman, these banks are no handlings of mine. I have had no agency in creating them. The people have found out who has. You induced them to aid you in destroying the United States Bank by promising them a better currency. You told them the State banks would furnish it; they listened to your advice, and confided in your opinions and promises. You deceived them, and wide-spread ruin is the consequence. Then, sir, you promised them gold and silver. Where is it? And now, when by your own folly you have ruined the people, and bankrupted your own Government, you are demanding irredeemable Treasury notes, to enable you to live a few short days, before the tornado of public opinion comes to sweep you from your political existence.

Mr. Chairman, I understood the gentleman from South Carolina to say, that if we did not pass this bill forthwith, he would offer a resolution that we adjourn and go home. Come on, sir, with your resolution. I challenge you to offer it; and I promise you that you shall have an amendment, which, in my judgment, will test fully your sincerity; and that is, that each and every one of us resign, go home to our constituents, and submit ourselves to their judgments and opinions. I come, Mr. Chairman, as you all know, from a district as doubtful as any gentleman in this House. I am anxious that something shall be done for the good of the country, and am satisfied that the people have nothing to hope or expect from the majority in this House.

I have great confidence in the honesty of purpose and intelligence of the people whom I have the honor to represent. I am willing again to make the "experiment" before my constituents; and if I am sacrificed, I shall have the consolation to know that I have fallen in the cause of my country. Will you, Mr. Chairman, and you, Mr. Chairman of the Committee of Ways and Means, and *all others of you* who are setting at defiance the known wishes of your constituents, dare accept of the proposition to resign? No, sir; I know you will not, not one of you, as long as there is a dollar left in the Treasury. And, sir, if I might be permitted to indulge in a prediction, for the benefit of the gentleman from South Carolina, if he should be so fortunate as to get back here in December next, that instead of commanding, as he now does, more faithful troops than a Roman centurion, he will be left without a corporal's guard.

But, sir, I have done with the honorable gentleman from South Carolina; after the merited lashing which he has received at the hands of my colleague, [Mr. MENEFEE,] it is cruel to add to the sum of his afflictions. And now, sir, for the honorable gentleman, the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG;] and before I proceed to examine his *budget of blunders*, I beg leave to refer the committee to the message of the President at the opening of this session. The President informed us, in almost the very first sentence of his message, that "*we are blessed with domestic tranquillity, and all the elements of national prosperity;*" and, Mr. Chairman, I am curious to know of what these elements are composed. Do you find "all the elements of national prosperity" in that commerce which but yesterday covered every sea, and wafted the rich productions of our soil to every clime and country? Do you find these "elements" in the now deserted but once prosperous manufacturing establishments of the North and the East and the West? Do you find them, sir, with that meritorious but persecuted class whom you have denominated the "aristocracy of wealth," the merchants? Do you find them, sir, in the depressed value of the products of the South and the West? Or are they found abiding with the industrious mechanic and laboring man, who have intrusted all their political power in your hands, under promises made to his "ear, but broken to his hear;" and who are now burning with indignation, demanding of you, in the name of their suffering wives and children, to cease your experiments and return to the sound principles of our fathers? Sir, your experiments may be sport to you, but they are death to my constituents. The President, who reposes upon his ottoman, or lounges upon his sofa, in the full enjoyment of twenty-five thousand dollars of the people's gold, knows nothing, feels nothing, in common with his suffering constituents. They petition him for relief, and he tells them that "*all communities are apt to look to Government for too much.*" What, sir; insult the people by telling them that they are not to look to their *own* Government—institutions of their *own* creation—to the men who hold office by the tenure of *their* will—that they have nothing to hope from that Government in times of suffering and distress! And above all, sir, not content in adding insult to injury, that he will separate himself and his Government from the people, and take for himself and his faithful office holders all the gold and silver, leaving for the people, his masters, nothing but depreciated rags!

Mr. Chairman, it is no wonder the people are sweeping all before them, withering you like a Syrian sirocco; for cursed, thrice cursed, say I, be that Administration whose policy sends the poor man's wife and children supperless to bed; and, sir, all the people will cry amen!

Now, sir, for the chancellor of the exchequer [Mr. CAMBRELENG.] He sees, or thinks he sees, the evidences of brighter prospects in the distant view before us; he unfolds the mystery; he holds the key to the secret "*elements of our national prosperity;*" he stands forth as a messenger, proclaiming "good news and glad tidings" from high places, to make the hearts of our poor constituents leap with joy. Stand aside and listen to this syren song of better times and better days, for a second Daniel has come to judgment! Yes, sir, we are solemnly informed by the financial organ of this House, that we have passed the Rubicon; that another shower of British gold is coming. Prepare your silken purses, ye credulous people, and let the "interstices" be large, that you may certainly see it. But let us see what are these hitherto unknown "elements." The chairman of the Committee of Ways and Means says they are coming, because the Bank of England has, for the purposes of speculation, sent over a few millions of her gold on loan to our merchants, (which she will recall whenever it is her interest to do so,) and because the little Queen Victoria has established a viceroyalty in Canada, and sent over a few men and some money to subdue and keep in subjection the revolutionary spirit of the people of Canada; and because the States, or some of them, have sent to Europe their bonds, and have got the money; because the Legislature of New York have authorized private free banking; and last, though not least, this Administration has remained firm to its purpose: therefore, all will be well, and the country restored to its former prosperity! These, Mr. Chairman, these, sir, are statesmanlike, elevated, dignified, comprehensive views of prosperity, to come from the financial premier of this Administration. How admirably will the honorable gentleman's speech read in the British Parliament! How will all Europe gaze with wonder and astonishment at the simple means by which a great nation, yesterday in ruins, is to-day restored to solvency and prosperity by the magic powers of her rulers! Does the gentleman hope or expect to deceive the people, or lull them to repose, by any such reasons as these? Sir, if prosperity is coming, and I hope that it is, it will be found to flow from the recuperative power and energy, moral, commercial and political, of our people.

We are told by the chairman of the Committee of Ways and Means that the bill now under consideration is designed for temperary purposes only; he told us the same story at the extra session. He then informed us, and so did the Secretary of the Treasury, that if we would grant the power to issue ten millions of Treasury notes, he would not call upon us again; and, sir, it would give me no surprise if, before the end of this session, we are called upon for ten millions more. The Secretary of the Treasury gave us directly to understand, at the extra session, that the resources and revenues of the Government would be ample to meet all the claims of the public creditors. It turns out not to be so; nor is it the first time that the Secretary has himself been deceived, and deceived us, as I will show you hereafter. And now, sir, what is the fact? The President sends us a special message, states that he must have money forthwith. Some of his faithful office holders are in need, no doubt, and he seems to complain that the "*principal difficulty*" that has brought on this "*serious embarrassment*" "*arises from a prohibition in the present law to reissue such Treasury notes as might be paid in before they fall due.*" Sir, that prohibitory clause I had the honor of introducing; it has produced the very effect that I designed it should produce. I offered it because it was clear, from the report of the Secretary of the Treasury, that he designed to issue Treasury notes, without interest, to make them a currency; and because I then believed, and am now confirmed in opinion, that it was the deliberate intention of this Administration to create a Treasury bank, to be managed and controlled by the President and his friends. The Representatives of the people approved of that prohibitory clause, and neither the President nor his Secretary has any right to complain. But for that provision the people never would have known what was the true condition of the Treasury. These notes could have been issued and reissued, and reissued again and again, indefinitely, at the will and pleasure of the Secretary; and, sir, with a standing capital of ten millions, and ample power to *kite* from one sub-treasurer to another, who could tell when the day of reckoning would come, the extent of the debt created, and the amount of money wasted and expended?

The bill, as reported at the extra session, was designed to be connected with another favorite measure of this Administration, the Sub-Treasury, to be dovetailed upon it, as is evident from the fact that these notes were proposed to be issued by the Secretary without interest, and in sums as small as twenty dollars. The bill, sir, contains no express prohibition against the reissue of these notes; all the power you desire is embodied in this small bill; and if you can hasten it through to-night, and dare vote down all amendments, or gag us with the previous question in the House, (as I have no doubt you will,) or force us to leave this hall by your continuous night session, then, sir, you will have accomplished all you want. But, as I told you before, by the blessing of God, I will watch every footstep, and be with you at the life or death of this measure, come when it may.

The Secretary of the Treasury informed us, in his report of December last,

"That it now appears probable that, during the next year, means will be possessed, without any permanent loans, recall of former deposites, or increase of taxes, sufficient to redeem seasonably the Treasury notes that become payable, as well as to meet all ordinary appropriations."

How admirably has this Secretary predicted! In less than six short months thereafter it not only "*appears probable,*" but is absolutely certain, that this Government, with her ten millions of Treasury notes, is not only out of money, but actually out of notes; and we are informed by the President that some means "*must be selected that can be made efficient in its operations at a very early day, or it will be impracticable to preserve the national faith unbroken.*"

Mr. Chairman, there is a strange discrepancy in the statements of the Secretary of the Treasury and the chairman of the Committee of Ways and Means, that, to my mind, is wholly unintelligible. The chairman of the committee states that the sum expected to be realized from banks, merchants' bonds, and the bonds executed by the Bank of the United States, on account of the Government stock in that institution, falling due in October, is ten millions of dollars. Now, sir, what says the Secretary in his report, made in obedience to the order of this House on the 26th March last? He states the actual amount in the deposite banks to be ($4,609,000) four million six hundred and nine thousand dollars. Here are the names of the banks, and the amount in each; but I will not trouble the committee with reading them off. He states, in his report of December last, that the bond payable by the United States Bank in September, 1838, is ($2,293,121) two million two hundred and ninety-three thousand one hundred and twenty-one dollars, and that the amount of postponed merchants' bonds is four millions of dollars. But, under the provisions of the law of the extra session, only one-third of the amount in the deposite banks can be collected, or is expected to be paid; and that sum will be (1,536,000) one million five hundred and thirty-six thousand dollars. The entire amount, therefore, which the Secretary can expect to command from these sources is ($7,829,121) seven million eight hundred and twenty-nine thousand one hundred and twenty-one dollars; and not ten millions, as the honorable chairman has so boldly stated. Nor is this the only blunder, in the long catalogue, which can be detected in the reports of the Secretary, and the statements of the chairman of the Committee of Ways and Means.

The President, not knowing much about the finances, (for I suppose he has had other things of late to disturb him,) but, relying on the Secretary for correct information, says, in his communication of the 10th instant, that he

"Submits a statement, prepared by the Secretary, by which it appears that the United States, with over twenty-eight millions in deposite with the States, and over fifteen millions due from individuals and banks, are, from the situation in which those funds are placed, in immediate danger of being rendered unable to discharge with good faith and promptitude the various pecuniary obligations of the Government."

Yes, Mr. Chairman, the amount of the "*statement*" prepared by the Secretary is nothing more nor less than a general sweeping "*statement,*" without data for a guide, or fact for its foundation. We are not advised how much of this fifteen millions is in the banks, nor are we informed how much is in the hands of "*individuals,*" and who those individuals are. We know, from the Secretary's former report, that the entire amount in the deposite banks in March was (4,609,000) four million six hundred and nine thousand dollars; and, from his report in December last, that the amount of postponed merchants' bonds was four millions of dollars; making, in the whole, eight million six hundred and nine thousand dollars, (8,609,000.) And yet, sir, with these reports before us, the chairman of the Committee of Ways and Means declares in his place that we had "*six millions due us from merchants,*" and in "*October last eight millions from the deposite banks.*" Who shall we believe, the Secretary or the chairman of the committee? But, Mr. Chairman, if, according to the report of the Secretary, as furnished by the President, we had "*upwards of fifteen millions of dollars in the hands of banks and individuals,*" and there is only shown to be eight million six six hundred and nine thousand dollars in the hands of the merchants and banks, I demand to know where is the remaining six millions and upwards of do lars? Why has not the Secretary fully informed us? Why has he not stated, fairly and honestly, who has this money? Why does he not raise the veil, and let us have a peep behind the curtain? Why not have given us the names of the thousands of little sub-treasurers that hang in clusters around the public crib, feasting and fattening and revelling on the people's money? Did he not fear that the long black list of defaulting leeches might darken for a season the halo of glory that so recently surrounded the "illustrious predecessor," and obscure the yet gloomier paths of the "successor." Or was he fearful that, by telling the whole truth, the people might see how nearly this modern Democracy and public plunder and the "*spoils of victory*" are convertible terms?

Mr. Chairman, I desire distinctly to be understood; and here in my place, before the assembled Representatives of the people, I charge the fact to be, and challenge any gentleman friendly to the Administration to deny, if he dare, (and if he does, I will prove the charge from the record,) that your land office receivers, in and out of office, have in their hands the enormous sum of one million nine hundred and fifty thousand dollars, ($1,950,000;) that your defaulting custom house offi-

cers not now in office, but who have been fully surfeited and given way for a fresh set, have in their hands the round sum of one million four hundred and twenty-seven thousand four hundred and ten dollars, ($1,427,410;) making, in all, three million three hundred and seventy-seven thousand four hundred and ten dollars, ($3,377,410.) Nor, sir, does this sum include the two thousand and more of defaulting postmasters; nor are the custom-house receivers now in office, who are defaulters to the Government, and other receivers and disbursers of the public revenue, embraced in this estimate; because the Secretary of the Treasury, for reasons best known to himself, has declined to give us the information. And, sir, that the committee, and this nation, may fully understand the subterfuges and shuffling evasions of the Secretary of the Treasury, in endeavoring to conceal from us the true condition of those in office, and the amount of their defalcation, I beg to refer the committee to the resolution which passed this House, on the motion of the honorable gentleman from Virginia, [Mr. GARLAND;] and which, together with the novel reasons of the Secretary, I shall read in support of the charge, and for the edification of the committee. Here is the resolution:

"*Resolved*, That the Secretary of the Treasury communicate to this House, as early in the next session as practicable, the names of all receivers, collectors, or depositories of the public money, who are in default to the Government; the amount of such default; the length of time due; the security given, if any; and how much has been, or will likely be, lost; together with a copy of all correspondence upon the subject, from the 1st of January, 1831, to this time."

This resolution was adopted at the extra session; and it not only required the Secretary of the Treasury to send us the names of "*all receivers, collectors, or depositories of the public money, who are in default*," but to send us also all the correspondence in relation to the subject. I repeat, sir, the Secretary was ordered to inform us "*who are in default.*" The resolution was general, full, and comprehensive; requiring the names of all "*who are in default*," those *in office*, as well as those *out of office*. And, sir, instead of complying with the plain and simple meaning of this resolution, apparent upon its face, and which could have been understood by any schoolboy in my district of ten years of age, he has sent us, for our edification, a list of public defaulters, who were not in office on the 12th of October, 1837! Not one word, not one name, or one letter, with reference to those defaulters who are *in office*. And in order the more effectually to divert our attention from the true object of the inquiry, and say something which he supposed would satisfy my honorable friend from Virginia, [Mr. GARLAND,] who was curious to know the true condition of these *biped* subtreasurers, he gives us in his report the following most extraordinary reasons. He says:

"But it will be seen that they do not include any cases connected with the Post Office Department, as its concerns have usually been kept separate, and are supposed not to be embraced in the purview of the resolution. For similar reasons, the cases of disbursing officers, attached to the army and navy, or to other departments, and the cases of individuals, such as merchants and former purchasers of public lands, are not included, though the indebtedness of many of them is very great."

What, Mr. Chairman, does the Secretary mean, when he speaks of the cases of "*individuals*," "*such as merchants*," and "*former purchasers of public lands?*" These are not the "*individuals*" embraced in the resolution. Why, sir, this is a downright insult to the understanding of the House. Does the Secretary suppose we are so stupid as to believe that there are any "merchants" who are defaulters to the Government as "*collectors, receivers, or disbursers of the public revenue?*" No such thing. They owe the Government, it is true, for duties on goods imported; but does it therefore follow that they are defaulters within the spirit or intention of the resolution to which I have referred? The Secretary, moreover, knew that, by a law of the extra session, these merchants were permitted, on certain conditions, to withhold payment for the periods and upon the conditions therein provided. So much for the merchants. And then comes the "*former purchasers of public lands.*" Why, sir, I am astonished. Who is it that owes the Government the first dollar as a "*former purchaser of public lands?*" The Secretary ought to know, as every body knows, that the former purchasers of the public lands, made under the credit system, have long since either relinquished the purchase and obtained scrip therefor, or forfeited the land to the Government. I appeal to every Western man now before me to know whether or not I am right. You know, (pointing to Mr. HAMER, of Ohio,) you know, sir, that your Secretary either knows nothing about this matter, or is wilfully practising a deception upon this House and this nation.

I am sensible, Mr. Chairman, that this may be considered somewhat of a digression from the main question; but I have been forced into this debate, at this late hour, against my will; and if you are rendered the least unhappy, in consequence of some of the exposures which have been made, you must take the "responsibility" on yourselves. I have not yet done either with the Secretary and his defaulters, or with the chairman of the Committee of Ways and Means.

The Secretary gave us, at the extra session, as a reason for withholding from the States the fourth instalment, (which was passed by a party vote,) that the money was "chiefly in the custody of banks not paying specie." Sir, he might with more propriety have said it was "chiefly" in the hands of the office-holders, and not in the banks. And, sir, if these defaulting office-holders had then been compelled to disgorge the millions of the people's money in their hands, the necessity of withholding the fourth instalment would not have existed, and the pressing necessity for more Treasury notes greatly diminished. And, sir, while I am on this subject, I demand to know where these six millions and upwards of the people's money have gone? If the House will take up a resolution, which I submitted long since, calling for information on this subject, I am persuaded we will know all about it. But, sir, where is the money?

At the time the deposite law passed, the fourth instalment was in the Treasury, or reported to be there. It is not in the banks, because I have shown you there are only four millions there; it is not in the Treasury, because the Secretary says he has not got money enough, even in Treasury notes, to last him two days. It is, therefore, clear that the Secretary has taken the funds which by law were ordered to be deposited with the States, and appropriated the same to other purposes; or he knew, or should have known, that a very large amount thereof, and, for aught I know, more, was in the hands of his own defaulting officeholders. And that information, although expressly called for, has been evaded and withheld from the people's representatives. Mr. Chairman, I do not make these charges without having the evidence before me to sustain them. Sir, the correspondence touching the defalcations of land office receivers, has, at last, been laid on our tables. (I wish that every man in this nation had one.) The special agent of the Treasury, Mr. Garesche, appointed to examine into the condition of these offices, reported to the Secretary of the Treasury, on the 14th day of June, that the land office receiver at Columbus, in Mississippi, was a defaulter to the Government in the sum of $55,965 54; and gives as a reason for his defalcation, that he had been "*led away from his duty by the example of his predecessor*," and that "*another receiver would probably follow in the footsteps of the two*;" and thereupon recommends his "*being retained*" in "*preference to another appointment!*" and for aught I know, he was retained.

Do you remember, Mr. Chairman, that when a late administration came into power, in their laudable zeal to ferret out public plunderers, they found *one poor* Auditor who was defaulter for some few hundred dollars; and that forthwith his goods and chattels were seized and sold, and his body imprisoned; hunted down like a felon, with denunctations from high places? "Let him rot in prison, for he has only used the money of my people, but has dared to interfere with the freedom of elections." But now, sir, when a public defaulter is detected for a large amount, he is recommended to the mercy of the Secretary, and the question is not now asked, is he "honest and capable," but is he of our party? Nor, sir, is this all connected with these public defaulters; if you will examine the report to which I have referred, it will be found that, in many of the cases, where the defalcation is very large, the security taken by the Secretary is wholly inadequate. Take, for example, the late receiver at Helena, in Arkansas; there the defalcation is largely upwards of *one hundred dollars*, and the penalty of the bond *only twenty thousand dollars*. The report shows, throughout, a culpable negligence in this particular, on the part of the Secretary; and, sir, the result will turn out to be a loss to this Government of a very large amount. And now, Mr. Chairman, while we have these Sub-Treasurers before us, and have some practical knowledge as to the manner in which they have taken care of our money; and as you propose hereafter to place all of our money into the hands of these same individuals, or a fresh supply of them, in gold and silver, with all your provisions for security—such as strong boxes and bars, and bolts, and keys—I intend to offer an amendment to that bill, (if you should see fit to bring it up,) and I hope you will adopt it; that you have a strong chain provided for each Sub-Treasurer, well secured and fastened to his body and his strong box; who may, like a lion fastened to a pole, move in solemn mockery around the treasure of his master, to prevent him from running away and forgetting to leave his money behind

Mr. Chairman, before I proceed to the discussion of the policy of issuing Treasury notes, as distinguished from an open, acknowledged loan, and the effect of the one or the other of these measures upon the prosperity of the country, I must again refer to the statement submitted by the chairman of the Committee of Ways and Means in his speech on this bill, in order to show that he has not presented the condition of the Treasury in that open and candid manner demanded by every consideration of sound policy, more especially when he knows that, whatever may be its condition, we are bound to furnish the necessary supplies to enable the Government to discharge its obligations. But, sir, instead of a manly exhibition of the resources of the Government, present and to come, both the Chairman and the Secretary act upon the same principle which governs individuals who, conscious of their own bankruptcy, are endeavoring to conceal from their creditors and from the world that most important fact, under the fond hope that something may occur which, in the then unknown future, may save their credit from being impaired, and their honor from blemish. Mr. Chairman, can you hope for any such result? Do you flatter yourself that you can any longer deceive us or the people? The chairman of the Committee of Ways and Means yet stoutly denies that the Treasury is bankrupt, and attributes its present condition "not to any supposed want of resources, but to the manner of executing the Treasury note bill of October last." And pray, sir, who was it that was charged with the execution of that? Your President and Secretary. Who was it that designed to tickle the people with an experiment of Government paper money? Who was it that issued some six or more millions of this same paper, bearing the nominal interest of one mill per cent. per annum? Who was it that, by such an issue, designed to make this paper a currency if they could? And, sir, who could not have told the President and Secretary, whose duty it was to execute this act, that irredeemable paper money, without interest, and payable on time, would either return promptly into the Treasury, or sink far below the value of gold and silver? And, sir, it has returned, and with such wonderful rapidity that it scarcely performed a journey from the political metropolis to the commercial emporium of this nation. That division of this grand experiment, like all others that have preceded it, has wholly failed; and, sir, the residue of these notes have been issued at an interest of five and six per cent. Yes, sir, one creditor gets a note without interest, and another more highly favored one gets a note at five and six per cent. Is this right? is it just? is this your notion, Mr. Chairman, of "equal rights" and "equal privileges," now the cant words of your party? And what do you suppose, sir, will become of these five and six per cent. notes? Will they circulate as a currency, (each man who may be fortunate enough to get one, taking with him a slate and pencil to figure the interest,) or will not the capitalist take possession of them? Will not that odious Nick Biddle look after them to pay off his bonds, due in September?

Mr. Chairman, I fear that I am trespassing on your kindness; this subject involves so much of interest that I fear I shall weary your patience. [Here several members said, go on! go on!] Do not be uneasy. I have not yet done with the chairman of the Committee of Ways and Means; he is a fine subject for dissection. An anecdote occurs to me just now; but I have not time for anecdotes; facts, sir, facts, are better. Now listen to some of the chairman's facts. He says "*that, in January last, we had due us and in the Treasury eighteen millions of dollars;*" and "at this moment, (says he) *if the debts due us from banks and merchants were paid, we should have a balance of fifteen millions* in the Treasury." Ghost of Falstaff! where art thou? Sir, I demand from the chairman of the Committee of Ways and Means to know by what process he figures out any such result? Give us the particulars.

[Here Mr. CAMBRELENG rose, and said there was a small mistake of five millions, because the Treasury notes to be issued were considered as so much money.]

The truth is, Mr. Chairman, there is so much blundering in this business, and the honorable chairman of the Committee of Ways and Means is so full of his financial romances, that I confess I do not understand him. I hope, sir, that I have convinced the honorable chairman by this time that he must figure again; always to be mindful, however, that he cannot figure this nation out of debt.

But, sir, what is the true condition of the Treasury, and its probable resources during the present year, and its expenditures? The Secretary of the Treasury estimates the receipts

from customs at	$13,000,000
From lands	5,000,000
United States Bank bond due in September	2,293 121
One-third of $4,609,000 from deposite banks	1,536.000
	$21,829,121
Merchants' bonds	4,000,000
	$25,829,121

Here, then, sir, you have the maximum of the expected receipts into the Treasury during the year 1838. But I contend that the first item of thirteen million five hundred thousand dollars from customs is greatly overrated. The Secretary himself places very little confidence in this estimate, because he says, in his report of December last, "*that, in the fluctuating condition of our receipts and expenditures, results are likely to happen essentially different from some of these calculations.*" Yes, sir, these results have happened, and we are now acting upon one of them. But will you command from customs any thing like this sum? The importations of foreign merchandise are greatly reduced, and will fall far short of any previous year within the last ten years; and, besides, the *ad valorem* duties are rapidly diminishing. Yes, sir, the day is at hand when, if the extravagance and wanton waste of this Administration are not arrested, or the tariff greatly increased, you must either create another large national debt, or resort to direct taxes; the one or the other must, and will, be the certain and inevitable consequence.

But suppose you realize the full amount of the estimates, which I have shown is not probable, will that meet an expenditure of thirty seven million nine hundred and twenty-six thousand eight hundred and ninety-two dollars, as estimated by your Secretary of the Treasury, besides your millions of Treasury notes now outstanding? Mr. Chairman, your expenditures will greatly exceed the receipts into the Treasury. At the end of the year, according to your own estimates, you will be near twenty millions in debt. How will you pay it? Will you borrow the money at three, or not exceeding four per cent. or will you issue Treasury notes at six per cent.? taxing the people the difference of from two to three per cent. on twenty millions of dollars, in order to keep up appearances of solvency, and prevent the odium of another national debt. Do you really suppose that the people are such stupid fools as not to know, that, when you issue Treasury notes at six per centum to command money, when you could borrow as much as you wanted at from three to four per cent. they (the People) are not the sufferers and the victims of your folly? And, sir, does this Administration place such a low estimate on the intelligence of the People as to believe that they are incapable of understanding that an issue of ten millions of Treasury notes is just as much a national debt as though the identical sum was borrowed by direct and open loan? Sir, I will not detain this committee, attentive as it is, in the discussion of the constitutional power to issue these notes. To say the least of it, the power is constructive, doubtful, and by no means clearly defined. The Constitution gives us *express power* to "*borrow money*," but not to issue bills of credit; and these notes are bills of credit. Those who oppose a National Bank on constitutional principles, and are the advocates of this Treasury note bank, or more properly called old continental currency, had better supply themselves with arguments to prove to the People that they are not more ultra in the exercise of Federal power than the Federalists of '98. They had better renounce the name of "Democrat," and assume that which their policy and their measures indicate them to be. And, sir, to those who profess to "follow in the footsteps of their illustrious predecessor," I hope that I do not intrude, if I commend to their serious judgment the opinions of that "predecessor," as expressed in his letter to the editor of the Globe, and dated at the Hermitage, July, 1837. He said, among other things,

"I hope no Treasury notes will be issued; the Treasury drafts upon actual deposites are constitutional, and do not partake of paper credit as Treasury notes, which are subject to depreciation by the merchants and banks, and shavers and brokers, and will be if issued."

And now, sir, with all your promises to follow in his footsteps, although many of you, from the highest to the lowest, have come into office from the power of his mighty name, when you have returned him to the Hermitage you turn a deaf ear to his counsels, and set at naught his entreaties. But this is no business of mine; you can settle the account with the People, your masters.

The question, Mr. Chairman, therefore, for us to decide is, whether it is best that we should issue Treasury notes to supply the wants of the Government, or borrow the money. It has been shown that, in order to keep these notes from returning rapidly into the Treasury, they have been, and are designed to be, for the future, issued with an interest of six per cent.; and it is admitted that this Government can obtain money, by direct loan, at from three to four per cent. not paper money, irredeemable and payable on time, but gold and silver; and no man in his proper senses will pretend to say that the credit and of the Government would not prefer to receive gold or silver, or its equivalent, to your depreciated modern continental paper.

The bonds of this Government, bearing an interest of three per cent. would readily command specie in Europe, and the importation of the metallic substances would increase the facilities of the banks in resuming specie payments, and add greatly to the circulation of the precious metals, so much desired by the people, and *pretended* to be desired by this Administration. Sir, when my honorable colleague, [Mr. UNDERWOOD,] at the extra session, proposed, as a substitute for your Treasury note bill, to sell the bonds of the Bank of the United States, which had been executed on account of the Government stock formerly held in that Bank, and which then amounted to upwards of seven millions of dollars, you rejected the proposition by an unbroken party vote. Nothing would answer your purposes but your experiment of Treasury notes. That experiment has been made, and, instead of affording relief to the people and

the Treasury, it has but increased your embarrassments. Sir, you pretend now to be the advocates of an exclusive gold and silver circulation; and at the very moment you are making war upon the banks and bank paper, and charging the people with being subject to their influence, and controlling the elective franchise, you are pressing their representatives for more paper money; yes, sir, that same character of paper money which depreciated in the hands of our Revolutionary fathers, who spent their lives and their fortunes in the service of their country, and who have not to this day been remunerated by this Government; and who have gone down into the grave in suffering and sorrow, as departed monuments of the ingratitude of their sons. Sir, I put it to the solemn consideration of the committee, in the name of my whole country; that country which is ours to preserve, and which the Constitution has confided to our guardian care; nay, sir, I demand of you, by the sufferings of our fathers, and the affliction of our common constituents, to pause in your mad career. Throw off your party trammels, assume the character of statesmen, and decide in reference to this question as becomes dignified legislators, deliberating for the present and future weal of our once prosperous but now bleeding country. And, sir, if you will not thus act, then I appeal to that people whom you have wronged, and whose interests you have disregarded, and shall await with confidence their judgment at the people.

SPEECH OF MR. KENNEDY,
OF MARYLAND,

In the House of Representatives, June 22, 1838—On the Sub-Treasury bill.

The House being in Committee of the Whole on the state of the Union, and having under consideration the "bill to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue"—

Mr. KENNEDY of Maryland rose and addressed the Committee as follows:

Mr. CHAIRMAN: I did not believe, until within a few days past, that the gentlemen who have taken charge of this bill would have again pressed its consideration on the House. I thought, sir, that under the admonition of public sentiment, which has recently through so many channels been conveyed to the ear of the Administration, this Sub-Treasury scheme would be regarded as a doomed and foregone expedient, stamped in advance with the reprobation of the country, and no longer to be entertained in discussion here. Never, in the history of this Government, has there been presented a public measure, in reference to which the wishes of the constituent body have been more explicitly communicated to the representative. It has been canvassed by the people with a scrupulous deliberation; it has been investigated by them with all that care which a painful sense of present evil could suggest, and they have expressed their disapprobation of it in every form in which they were able to find a voice. I did not suppose that with the principles by which the friends of the Administration in this body affect to be governed, they could have brought themselves so far to resist that voice as again to propose the bill. I thought indeed, sir, that the late action of Congress, in the almost unanimous and even eager repeal of the Treasury order of July, 1836, would be construed as a decisive sentence against this measure. I cannot understand how that repeal and this bill may consist with each other; and I should be glad to hear some intelligible reconcilement of the two. It is true that the joint resolution to which I refer, does not in express terms repeal the Treasury Circular; but it accomplishes the same end, quite as effectually, by forbidding the Secretary to discriminate in the moneys he receives for public dues; and as he has kindly volunteered to say that he will not refuse good bank paper for the customs, he is no longer at liberty to refuse it for public lands, and so we have in fact repealed that noxious Treasury order which has so long annoyed the country.

That order being out of the way, I would ask to what elements may all this machinery of the Sub-Treasury apply? Is it necessary to build vaults, and construct safes, and create all the agencies designated in this bill to guard a few rolls of bank paper? The apparatus of this scheme essentially belongs to the gold and silver reign, it deals only in coin, and has its existence and daily continuance in the phantasmagoria of the hard-money system. The moment you abandon the absolute coined metal, your Treasury system becomes a system of credit in account, impalpable to the guardianship of stone and iron, unamenable to lock and key; it rests upon the personal fidelity and integrity of your agents. How shall the details of this bill apply to it?

Mr. Chairman, I especially regret that this bill has been brought forward at this time, because I know that a most happy conviction began to gain ground with the public, that it was now the purpose of the Administration to bring itself within the range of the business and wants of the community, to take a position in which it might sympathize with the people, and, if not actually extend its aid, at least abandon its indifference to their distresses; that it meant now to give up its war against the currency; to cast aside its experiments, devices, and jejune expedients, and to address itself honestly, with the lights of past experience, to the actual need of the nation. This hope was vivified by the late repeal of the circular; it had gained gradual strength by the long slumber of this Sub-Treasury bill; it was corroborated by the unwonted tone of toleration in which many of the friends of the Administration, in both Houses of Congress, have lately spoken of the banks, and by the awakening good sense with which they have derided and renounced the singular folly of the hard money imposture. The people had, therefore, begun to turn their faces towards the dawn of happier times, and to promise themselves a speedy restoration of that prosperity which had been denied them only by the unwise action of their own Government. The very agitation of this measure, in the midst of these joyful hopes, has struck despondency deep into the bosom of the trading classes, and the people now watch your proceedings here with renewed alarm and anxious suspense; they daily ask, in a tone of wonder, can it be true that you design to perpetrate the enormity of putting this odious system upon the country?

The zeal with which the bill is urged leaves no room to doubt the sincere desire of its projectors to carry it into effect, and I have heard that its friends entertain hopes of its passage. Such a result may possibly demonstrate the power of a majority on this floor, and show that here, at least, notwithstanding the general revolt of the nation, the banner of the Administration, torn as it has been in recent conflicts, is still upheld by men bold enough to defy the almost universal popular voice. That struggle will yield but a worthless triumph, whose greatest success can have no better end than to continue, for a brief space, the oppressions of a power against which public judgment is accumulating its censure, with fresh and still fresher indignation, and which is surely doomed to be prostrated by those overwhelming bursts of indignation of which the Administration have already had a foretaste.

Mr. Chairman, this bill assumes to be remedial in its character. It arises out of a suggestion of the President, made at a time when he had called Congress together to deliberate upon a great national convulsion which had brought disaster into every class of society. It may be said to have been the only topic of consideration at that moment; it was the only relief proposed. Although the afflictions of that day are passing away, still they are yet severely felt, and this measure is again presented, as at first it was, as a measure of relief. In that view I mean to discuss it, and to test its adequacy to its proposed object, by calling the attention of the committee to the origin and nature of the evils which it is designed to remedy.

Sir, I was somewhat curious to know upon what grounds it would be advocated here as a measure of relief, and I have therefore listened to the debate with eager attention. On one side of the House I found the chairman of the Committee of Ways and Means, the foster parent of the bill, a thorough going State bank advocate, even carrying his predilections for banking to what I should call a point of ultraism. But a few weeks ago, when the Treasury note bill was under discussion, he opened that debate with congratulations upon the returning prosperity of the country, and with the declaration that the great license of free banking which had just been granted by the Legislature of New York, marked an era in the history of our country from which we were to derive a permanent and solid restoration of health and strength. This new free banking, with its expected millions—even fifty or a hundred—was now to be superadded to the present banking system of New York, and the country, in his opinion, was to thrive under that impulse beyond all former example. Such, sir, was the tone of feeling with which the gentleman from the city of New York entered upon the discussion of this Sub-Treasury bill. He is a bank man, sir, an ultra State bank advocate. He is emphatically for the paper system, even greatly enlarged beyond its present amount. He sees in this system the maintenance of the superiority of New York, and the great aid of commerce. Indeed, from his remarks upon this bill, he has persuaded himself, oddly enough, I think, that its tendency and purpose are, in fact, to aid and sustain the banks. He defends and supports it with that view, and as powerfully conducive to advance the interest of his own city.

On the other hand, the gentleman from South Carolina [Mr. PICKENS] is altogether in the opposite key. This gentleman is profoundly indoctrinated with the dogmas of the hard-money school; he is persuaded that all our sufferings and all our weakness have come from the banking system. That system, in his judgment, has not only held this nation in thrall to Great Britain, but it has rendered the Southern States the "colonial vassals" of their Northern brethren. He views the over-towering elevation of New York with an unfriendly eye; sees in it the fruit of systematic oppression, exercised by the General Government, against the South; and his whole desire is to break up that commercial connection which he deems so unnatural and so hurtful; to give to the South a circle of trade circumscribed to its own limits, and thus render it independent of the North. In this bill he persuades himself he finds the means of accomplishing his purpose. It is the only measure which, in his judgment, will break down the banking system, and pluck from New York the fortunate honors of her present ascendency.

Sir, the bill has another class of supporters. They may be said to be represented by the gentleman from Virginia, [Mr. HUNTER.] The tenets of this class may be described, in brief, as professing to inculcate that bank credits have permanently crippled the commerce and industry of this country; that upon the hard-money system—the pure metallic currency—we should have advanced by more rapid strides to wealth and power, and that we should now have exhibited a mercantile community free from all apprehension of those disturbances and dangers to which experience has proved our currency to be subject. In the opinion of the honorable gentleman, the age has at last received the true light, and is now about to discard paper money for ever, as unworthy the improved philosophy of our day; and he is especially anxious that the United States should take time by the forelock, and be the first to step into this glorious reformation. That step, he believes, will be made by passing this bill.

There is yet another class, of whom the gentleman from Virginia, who spoke before his colleague on that side, [Mr. DROMGOOLE,] may be deemed the interpreter. They are the mere naked divorce men. Without professing to see any thing mischievous in banking, or any thing good in it, they stand on the simple ground of the Constitution, and affirm, whether it be expedient or not, that the Government has no power to receive a bank note in payment of any thing; that the whole usage of the people of the United States, from the beginning down to the present day, has been vicious, unconstitutional, and naught. That uniform and unvarying precedent is nothing; that acquiescence for half a century is nothing, that the judgment of courts, the expositions of contemporaries, the enactments of Legislatures, and the opinions of cabinets uncontradicted and unreversed from generation to generation, are nothing; and that whatever of constitutional power was a matter of doubt on the first day of the Government, will, in spite of all decisions and of all conformity, be a matter of doubt and debate a thousand years hence. For these reasons this class also sustains this measure.

In the midst of this contrariety of opinion, I could not but remark how exceedingly difficult it was for one in my situation, being new to this House, and to the respective claims of gentlemen here to be ranked as leaders, to make a sober and just estimate of the grounds upon which the Administration hopes to sustain this bill before the country. Surely one or the other of these motley-opinioned defenders of the scheme can have but little claim to be considered as exponents of the Executive mind! If the bill be what the member from New York represents it, I would advise the gentlemen from the South to pause and look about them, lest they make a fatal mistake in their method of pulling down the city of New York, and building up Charleston. And to say the truth, I think there is reason to fear that the honorable chairman of the Committee of Ways and Means is not altogether wrong in his expectations. With that unscrupulous favoritism by which this and the last Administration have been accustomed to execute the laws, New York, provided she demean herself less contumaciously than she has lately done, may turn her political acquiescence to some account under this proposed system. There is power in it, as I shall hereafter show, for the conferring of any amount of favor. But it is very clear that the gentlemen of the South do not, in any one point, agree in the conclusions, or give credit to the wisdom of the honorable chairman.

If the gentleman from South Carolina [Mr. PICKENS] be right in his estimate of the character and tendency of this bill, then I warn the representatives of the North to look to it. They are not hard money men—they do not wish to strangle the banking system—above all, I presume, they do not wish to check the commerce or restrain the industry of their own region. If they do, let them follow the lead of the member from South Carolina; and when they go home to their constituents, let them say that they have been converted to a conviction of the soundness of his views, and therefore voted for the bill.

Mr. Chaiman, I am not unfriendly to the prosperity of South Carolina. No man on this floor wishes her well more heartily than I do; and look with a profound gratification to that noble and wise spirit of enterprise which has lately prompted her to scale the Alleghany with her great road. God speed her in that glorious rivalry by which she has been endeavored to place herself on a commanding eminence amongst the States! There lies her path to wealth, power and happiness; let her pursue it steadily, and she will reap her reward. None will exult in it more than myself. But when she aims at breaking up the commercial union of the North and South, and especially when she teaches her people that this Government has been unkind to the South, she gives a dangerous direction to their thoughts. A fancy of discontent is quite as stimulating as a real cause, and may teach the weaker-gifted in the gifts of head and heart the mischievous habit of calculating the value of our Union. Whether designed or not, these preachings of discontent tend towards that horrible catastrophe of disunion, with the contemplation of which I would not have our people familiar. It is in the very bounty of the Almighty that our North and South are united in those beautiful bonds of brotherhood which their mutual commerce with each other have created; it will be the regret of this whole continent, when independent circles of trade shall be formed, which shall leave the different geographical sections of the country no longer useful to each other in their dealings. Sir, it will lead irresistibly to separation.

I would hope, sir, that these thoughts, or any thought kindred to them, never entered the mind of the gentleman from South Carolina in his support of this bill, and that, after all, he has been harmlessly dealing in the dogmas of that new philosophy which has of late become so peculiarly the product of his own State. South Carolina has, for a time, gone in pursuit of strange gods—she has fallen into the spiritual sins of false doctrine, heresy, and schism—she has become mischievously sophisticated—bewildered with political metaphysics—I trust she will soon return to that rectitude of opinion which is more compatible with the moral rectitude and lofty patriotic bearing that distinguish her sons.

I said, sir, that I wished to test this measure as a measure of remedy, and, with that view, would endeavor to trace our present disasters up to their origin. I shall do it as briefly as the nature of the inquiry and my respect for the patience of this committee, already tried to its utmost verge, will permit.

There was an opinion sedulously inculcated during the latter part of the last Administration, that the specie basis of the country was insufficient to sustain the paper circulation, and the people were taught to believe that it would be a wholesome exercise of the power of the Government, and, in fact, was its duty, to take measures for the importation of the precious metals. Every body remembers when this opinion began to predominate. It was about midway in that career of patchwork expedients to give us a "better currency," which constituted first the dream, and finally the monomania, of Jacksonism. Gouge had just published his book of bank horrors, in which, somewhat after the manner of an antimasonic pamphlet, or one of Parson Weems's tracts, "God's Revenge Against Drunkenness," he had arrayed in melancholy juxtaposition all the vices, sins, and misdemeanors which could be traced to his subject, or be brought to its illustration. This book suggested the hard money scheme. It fell in the way of the President just about that time when he was beginning to doubt the efficacy of the great and famous EXPERIMENT. It furnished him a happy thought, when it pointed out to him how he might retreat from the odium of the possible and even then probable failure of that scheme. From that moment he was taken with the hard money madness, and straightway the whole tribe of dependants, following his lead, took the same frenzy, and soon became even more rabid than their chief.

This was not the least mischievous of the errors which characterized that extraordinary era of popular delusion. The notion that the specie basis was inadequate to the currency, and that it was the province of the Government to enlarge it by forced importations, was the principal cause that brought about the catastrophe of the suspension. To those who have not fully studied the subject, it may sound like a paradox, but it is nevertheless true, that the suspension of specie payments was induced by the importation of the precious metals; and the resumption is to be accomplished—in fact has already been prepared, and we may consummated—by the exportation of them.

I shall, before I conclude, have occasion to notice this importation of specie with more particularity; for the present, I design to inquire into the soundness of the position assumed—whether the coin was insufficient to sustain the currency, and whether good was likely to result from the interference of the Government. To the presumptuous, unskilful, and ignorant intermeddling of the Government with this subject, the common opinion has already assigned the common distress. I wish to inquire if there be not cause for this imputation.

The ratio which specie may safely bear to the paper circulation of the banks is altogether incapable of fixed and determinate regulation. It necessarily must change with respect to time, place, and circumstance—defying all attempt at invariable adjustment. It is subject to the ordinary mercantile relations of supply and demand, and will be governed by the principles applicable to those relations. The fundamental law of our country requires that all paper should be convertible into gold and silver; it has not indulged the absurdity of contemplating the possibility that all would be converted. It is the creditor's right to require his debtor to pay in coin. The purport of this provision is to furnish a standard of value; it refers

every object of traffic to the value of the precious metals, but does not require that these metals shall be the actual commutation in every transaction of trade. The convenience of society has uniformly made the equivalent of coin, in the great affairs of trade, more acceptable than the coin itself, and coin now is no longer necessary as a commutation for bank paper, than as its presence is requisite to preserve the standard of value in the paper. What is the ratio of coin necessary for this purpose, is a problem that will ever be varying in its terms. It is very obvious that, if every holder of bank paper insist upon having the coin at any given moment, the richest bank may be compelled to abandon business; if the public be content not to demand it, it is equally clear that a very small portion of coin need be kept on hand. We must not confound ultimate solvency with this question of convertibility. Banks, no more than private individuals, are affected in their actual solvency by not having coin at hand, although the effects of not paying in coin when required are very different in the two cases; the bank would be discredited for want of punctuality; the individual would escape almost without comment. It is, therefore, the peculiar duty of banks to keep a portion of their funds in hard money, sufficient to redeem so much of their circulation as may be demanded. If they kept an amount equal to their circulation, they would lose the legitimate profit of their business; if they kept less than might be demanded of them, they run the risk of losing their credit. They must ascertain the safe medium between these two extremes. What is that medium can never be so accurately determined by any authority as by the banks themselves. It is a question which will depend upon the state of public confidence, and that confidence must, from its nature, be affected by the circumstances or events of the day. No degree of prudence, nor no amount of wealth, would suffice to save a bank from being drained of its coin, if the whole community were determined to set upon it with a demand for coin. Even if the specie in its possession exceed the circulation, the bank may still be exhausted, provided it be determined to continue its business and to maintain that circulation at a fixed amount. A hundred dollar note paid out on discount to-day may be returned with a demand for specie to-morrow; if it be reissued in another discount, in pursuance of the purpose to keep up the circulation, it may again return to draw its amount in specie, and through a continuation of this process the same note may take out of the vault ten times its own amount of coin.

Again, sir, this relation will be affected by the condition of the community in which it exists. An active thriving business, driven in a densely peopled region, promotes rapidity of circulation. The bank note passes from hand to hand with such celerity as to give it renewed confidence in its progress. In such a state of things a given amount of paper performs double, treble, perhaps tenfold work in the way of exchanges; whilst in a sluggish community, of amongst a widely scattered population, the circulation, from the mere slowness of its movement, requires a broader basis of specie.

I refer, Mr. Chairman, very cursorily to these considerations, to show how futile must be the endeavor to regulate the relation of specie to paper by any fixed and unvarying law; how still more absurd it must be to make this a subject of Government action.

I have taken some pains, sir, to ascertain what has, in fact, been this relation in our own country for several years past. That inquiry has afforded me the following results: From the year 1830, the returns to the Government, upon this subject, have been full, and, I believe, accurate. They will show that from that period down to the present year, 1838, the aggregate specie in all the banks has averaged a ratio of between one-third and one-fourth of the circulation; in 1830 the circulation was a fraction less than three of paper to one of specie in the banks; in 1837, less than four to one.

Dividing the States into sections, with reference to the nature of their trade and population, we shall find by the official returns, that on the 1st of January, 1837—a period, let it be remarked, two months anterior to that at which General Jackson boasted of the prosperity and happiness of the country, and of the success of his humble efforts to restore a sound currency—in the six New England States, the circulation was rather above five dollars of paper for one of specie in the banks of that region; that in the five Middle States, including this District of Columbia, the paper was rather less than three to one; that in the four Southern States, including Florida, it was under four to one; and in the six principal Western States, it was but a fraction above two to one. In the State of Massachusetts, a thickly peopled and busy State, the bank circulation from 1830 to 1837 vibrated between five to one and eight to one—never more than a small fraction below five, nor above eight. Connecticut presents about the same relation. New York, in 1834, exhibited about six of paper to one of specie; since that period it has shown about three to one. The general aggregate of the United States, as I before remarked, varies slightly between three and four to one, during the last eight years; the commencement of that period being one in which the currency of this country was confessedly the best in the world; the termination of it certainly presenting the worst of which we have any knowledge in any mercantile nation. And yet, sir, in 1830 we had not, it is supposed, above forty millions of specie in the country, whilst now it is proclaimed, as one of the fruits of our wise statesmanship, that we have accumulated near one hundred millions. The truth is, our currency has been gradually growing worse, notwithstanding all our efforts to increase the specie; it has lost its excellence in proportion as it has become the care of the Government.

Turning to Great Britian we shall find nearly the same results. From the year 1880 down to 1830, a computation of the circulation of the Bank of England will afford an annual average of about four pounds sterling in paper to one of bullion. In August, 1797, a few months after the suspension of specie payments, the circulation of the bank was about eleven millions sterling to four of bullion; in 1798, it was £12,190,610 sterling to £5,546,100 of bullion, less than two to one. In 1799 it was about as 13 to 7; and in 1800 and 1801 nearly the same; showing that, for nearly five years after the suspension, the ratio of specie to circulation was larger than, with some few exceptions, it had ever been before or afterwards. In 1783, more than thirteen years before the suspension, the circulation was six and a third millions to little more than half a million of bullion. In 1825, four years after the resumption, the circulation was £19,398,840 sterling to £3,634,370, somewhat above five to one.

The Bank of France suspended specie payments in 1806, for about four months; yet France has upwards of six hundred millions of dollars in her specie currency. The bank issues no note of less denomination than five hundred francs, equal to one hundred dollars, and has always sustained a very high credit.

I have brought these facts into view, Mr. Chairman, still further to demonstrate the natural, the insuperable difficulty of a fixed ratio, and also to show how little the solvency of a bank depends upon the amount of specie which it may have on hand. It belongs to the credit system, in whatever manner that system may be constructed, to be subject to occasional variations in its relation to the metallic basis of the country; and no care of the Government can possibly remove the causes which may affect that relation. The true principle by which it is controlled is that which is suggested by the demands of trade and the amount of foreign debt—in other words, by the state of foreign exchange. A demand for specie abroad will necessarily influence this relation at home. The precious metals will perform their office in the liquidation of that demand, in spite of all the care of Government; and whilst they are so employed, the only safeguard which the domestic currency can resort to is that prudent economy in the concerns of trade which the private judgment of every man suggests to him in his individual concerns when his affairs have been deranged by a too prodigal expenditure of his means.

Ours, sir, is essentially a credit system, gauged by gold and silver. To whatever disorders it may be incident, it is still that to which we owe our rapid advance to national prosperity, and we will never part with it for any promise of good from the hard money scheme. We have been educated in the perception of its value; it is domesticated in our homes; furnishes our ordinary implements in the thrift of life, and has become constitutionally parcel of ourselves. Whatever may be its defects, we take it with them, in preference to any substitute. If it has its fluctuations, so has the pure metallic currency, not less hurtful than those of paper. The accumulation of a foreign debt would, with that currency, as with any other, carry away the precious metals, and thus raise the value of all that were left behind. If a merchant import gold when the country is in want of hardware or cloth, gold will grow to be redundant and cheap, whilst hardware and cloth will become dear. A failure of a crop may stint the supply of credits abroad; a foreign subsidy may take away a portion of your coin; every cause which operates in this form, will change prices relatively to the precious metals, as they change them in reference to good paper. It is commerce and industry and enterprise that produce these fluctuations; a very small share of the evil is ordinarily to be ascribed to the nature of the currency.

In reference to this question of the ratio, it is proper to inquire a little more into the nature of what is termed the currency. It has been often contended here that the Constitution allows no currency but gold and silver. Sir, the Constitution makes no reference to currency at all. It supplies, as I have said before, the standard for all values, and that is all that it professes to do. It was manifestly so understood by its founders when General Hamilten, in the first year of General Washington's administration, issued his Treasury order to receive bank paper, and when, in one year afterwards, (1791) Congress ratified that order by positive legislation. The currency of the country, in the aspect of it which I propose to present, includes that whole mass of paper credits which are use I in commercial dealings for the discharge or transfer of debt. It embraces promissory notes, bills of exchange, draughts, checks, and other evidences of indebtedness All of these, sir, by the theory of our Constitution, are as much payable in coin as the notes of a bank. They all profess to be convertible or redeemable paper; yet no individual ever thinks it his duty to keep gold or silver at hand to meet such engagements. If coin be demanded, his resource is the bank; so that, through this process, the banks may be said to be under an obligation to provide for the convertibility of all this amount of paper. Compare the specie retained by the banks with the sum of all these engagements, and it will be seen that the ratio is not one-tenth—perhaps not a twentieth—and yet it is amply sufficient. In England, since the passage of the law making the notes of the Bank a legal tender every where but at the Bank itself, the directors have endeavored to establish the rule of keeping one-third of the amount of their circulation and deposites in bullion. They have not been very successful in this endeavor. That Bank now virtually supplies the coin of the three kingdoms, and upon a basis of about ten millions sterling of bullion, sustains a bank circulation, including all the country banks, as well as those of Scotland and Ireland, not much short of sixty millions.

Sir, I would not have troubled the committee with this uninviting detail of money statistics, if I were not aware that upon this subject many errors of opinion have obtained credit with the country during the last eight years—errors which I think may be distinctly traced to the sedulous efforts made by the last Administration to persuade the people than an increased supply of the precious metals was essential to the safety of our currency, and that the Government itself, without respect to the laws of trade—nay, even in direct counteraction of them—might compel their importation from foreign countries. This opinion, enforced with all the official authority of the Executive, has engendered a brood of false doctrines, and the people have consequently turned to counting the coin as the only test of the prosperity of the country.

While such has been the course of the late Administration, it is worthy of remark that the "follower in its footsteps" began his career with the declaration of the constitutional disability of the Government to interfere with this department of our social economy, even so far as to correct the evils which the ill-judged and incessant interference of his predecessor had inflicted upon the country. Holding this doctrine of the present Executive altogether indefensible, either in the reason of the case or in the face of established and invariable precedent, I think the people have a right to demand from the Government that the remedy proposed shall be broad enough to meet the whole extent of the disease.

Mr. Chairman, it is easy to understand how prompt and expansive must have been the effect of this artificial animation of the money action upon the general concerns of trade. It quickened business in every department of life, and greatly increased consumption. The consequence of this was to increase importation—not by overtrading, but by increasing the demand. And then, sir, prices naturally rose. Every thing that was bought was sure to sell at an advance; you might scarcely go wrong in a speculation. Trade traffic, and adventure spurned their old and sober channels. They fell into the hands of new men, and dealt in new commodities. The farmer turned from his plough, and the mechanic from his tools, to become lords of boundless acres, and the founders of towns and cities. People became extravagant in their habits of expense, and rioted in the imagination of riches infinite. France was not more mad in the wild frenzy of Law's great scheme, than were our people in this revel of fancied wealth.

At this epoch another movement was made—the most extraordinary of all the blunders of that eccentric and wrong headed Administration. I scarcely know in what language to characterize the pre-eminent folly of the measure with which Gen. Jackson attempted to check the evil inclinations of this period. I have before said, Mr. Chairman, that, about midway in the career of the experiment, the President fell upon the hard money scheme. Towards the end of the year 1835, there were few men around him who did not perceive that the ultimate failure of the experiment was not altogether so impossible an event as the first boastings of its author might have warranted them in believing. The President himself, it is very clear, began to belive it probable. It was the thought of the moment, the instinct of cunning, which prompted him to take shelter against the disgrace of failure, in that new device of bringing the nation to the constitutional currency, the pure metallic system. We all remember how suddenly this change came over the land; and we can never forget the efforts of General Jackson to discredit the paper system which he had just matured, nor his strenuous exertions to introduce coin into the country. Sir, his success in these endeavors has been the chief topic of his glorification. The frequent plaudits of his flatterers are still ringing in our ears with the boast of the treasures he has amassed; and even now they have not ceased to render tribute to his renown in this achievement. This Sub-Treasury bill itself is but another act of mean homage offered up to him in that same hollow glorification—it is part and parcel of the trickery by which a name has been sought to be canonized, and a party enabled to sustain its dynasty of imposture. I beg, sir, to call the attention of the committee to these measures for increasing the supply of the precious metals, and for retaining them in the country.

I proceed now, Mr. Chairman, to trace out the further action of the Government upon this subject, and, in the course of this inquiry, to show in what measures of the late Administration the mischievous opinions to which I have just referred were embodied as active principles.

From the earliest period of this Government the people have been accustomed to contemplate the banking system as a system, to a certain extent, under Federal control. Their experience of its beneficence, which has not been small, has invariably presented it to them as a system, partly within the management of the States, and partly directed by the power and interests of the Union. Twice only, since the year 1791, has this Federal superintendence been suspended, and at each of these epochs the consequences have been the same—an excessive increase of local banking, a total derangement of the currency, a succession of ruinous bankruptcies, and a suspension of specie payments. Whilst the Federal control existed, these evils were unknown; and, as soon as that control was restored, they rapidly disappeared.

The banking system of every mercantile country, sir, presents, in greater or less development, two conspicuous principles of commanding influence in their respective spheres—the principle of alliance or centralization, and the principle of competition. These are more especially remarkable in the United States, where our political and commercial relations tend to give them great importance. The principle of centralization, notwithstanding the unfriendly comments by which it has been assailed of late, with a view to render it odious, is of singular value to our system. I am convinced that, without it, no system of banking could be devised which would be tolerated by the country; that, with it, our system becomes all that the public convenience or welfare demands.

This country, sir, is divided, in reference to trade, into two great sections: the first, embracing the whole North, may be denominated the commercial section; the second, comprising the South, the producing section. The Middle and West are tributary to both. Nothing can be more happy for our social welfare than this natural division of our interests. In the beneficence of Providence it seems to have been ordered as the great instrument of harmonious union to the millions who now inhabit and who shall hereafter dwell upon this immense extent of territory. The imports of the North are paid for by the purchase of foreign credits from the South. The great crop of the South, which is annually exported to England and France, produces the fund upon which the importer draws for the liquidation of his foreign debt; the manufacturer, too, of the North, purchases his raw material in the South. Thus is created a yearly demand, at an appointed season, for funds in the South. The importations of the North being distributed far and wide over the whole country, in their turn, also, and at an appointed season, create a similar demand for funds at the point of import. The tide flows and ebbs with exact regularity; or, rather, this tendency of money-demand, like the monsoon, steadily drives for six months in one direction, and six months in its opposite, with a precision which enables every one to count upon its motion. At one season, some forty or fifty millions are needed in the South; but a few months roll round, when the same amount is needed in the North. It is impossible to conceive a state of trade to which that feature of the banking system I have characterized as the principle of centralization is more indispensable than this.

A banking system under the control of one mind, diffusing itself to the extremities of the Union by a number of banks all in alliance, subject to the same government, and never acting in conflict with each other, but ever uniting to produce a common result, would seem to be the only machinery by which such a circle of trade could be advantageously sustained. The head of this system holds a position from which he has a view of the whole field of commercial action. He perceives at what point succors may be needed, and where the force is redundant. He has power to subtract from the one for the relief of the other. When funds are necessary in New Orleans, and are no longer required at New York, the transfer is but a simple act of his will. When they have performed their office in the South, it is as easy to retransfer them to their former position. Thus, sir, have the demands of that great internal trade been regulated with a simplicity and an effect wholly without a parrallel in any other country on the globe. The power to accomplish this is the result of the principle of centralization. Without such a principle all would soon degenerate into confusion.

We have, sir, six and twenty independent Governments, sovereign as respects this question of banking, all capable of prescribing laws for its management, with the single restraint that they shall make nothing else than gold and silver a tender for the payment of debt. This restraint, weak as it is, is the only point of common obligation. They have no other compulsion towards concert, nor other perceptible common duty to produce alliance or similarity of structure amongst them. Their policy,

in regard to this subject, is as various as the habits, manners, and modes of thinking of the different States One State, with a small population but great capability, Mississippi for example, authorizes the creation of banking capital to the amount of fifty millions, and applies herself eagerly to the task of giving expansion to her industry in every shape in which she can employ it. Another State, Virginia, with treble the population of the former, and perhaps with resources equally abundant, erects a banking system which scarcely employs seven millions. It may be the wisdom or the caprice, the false reckoning or sober estimate of each of these States which has persuaded them to adopt a policy so widely different from each other. Mississippi may have overshot her mark, or Virginia may have too timidly kept herself below her power; still each has acted upon her own perception of her interest, and, it is obvious, without the slightest reference to the other. And so it is, sir, throughout the Union. A survey of the whole will show you the banking system of the States erected and sustained altogether upon local considerations, presenting every conceivable inequality in its operation. In one portion, distrust, caution, and doubt fettering the industry of the State; in another, emulation, adventure, and hope, tinging its enterprise with sanguine hues, and leading, it may be, sometimes, to extravagant excess. These several jurisdictions are no more capable of producing uniformity in banking, even if they were inclined to do so, than in any other matter of general concern to the Union. As well might you expect the States, sir, by their fortuitous concurrence, to produce a uniform law of naturalization, the uniform organization of the militia, or an equal and properly apportioned representation in this hall, as to expect of them harmony and concert in their regulation of the affairs of trade through the agency of their banks. Let capital abound in one region, and the demand for it be ever so urgent in another, what State bank would be found transferring its funds to meet a temporary emergency growing out of such a cause? The States will necessarily be influenced only by the considerations which arise at home, and have reference to their domestic interests. The want of uniformity might be harmless if there was not also incident to this system, when left to follow its own impulses unchecked, not only a want of co-operation with other States, but often actual interference with them and counter-actions in their several concerns. Instead of moving under the constraints of a general system, their main impulse will be found in the principle of competition.

This competition will be manifest in the legislation of State against State; it will extend itself, and predominate in the contest between city and city, and still more actively on the narrower theatre at home, in the rivalry between bank and bank. The great instinct of this principle of competition is a hurtful one: its tendency is towards excess. Two banks in the same village will run the race against each other. Each will strive to supply the neighborhood with the greater facilities, to lend upon more attainable securities, to embrace a larger class of dealers, to lure adventure, as means abound, by still greater enticements. If a large circulation may be absorbed to-day, a still larger one, in the reckoning of these rivals in the race, may be absorbed to-morrow—the larger the circulation the greater the profit. The feverish cupidity of avarice will perceive in such a course the road to large gains; and, whilst the banks pursue it, the last thought which will occur to the authors of these efforts will be the consequences of this excited action upon the general welfare of the nation. Such, sir, are he tend ncies of the uncontrolled principle of competition in banking.

The action of a central power restrains and corrects these tendencies. A National Bank, under an efficient organization, has, if not an absolute, certainly a most decisive control over the value and amount of the local currencies supplied by the State banks. To say nothing of that most important action of a National Bank upon the exchanges—by far the most useful of its functions—such an institution regulates the local currency through another influence of great value to the stability of the banking system. A bank sustained by the credit of the Government, and strengthened by the deposites of the public moneys, cannot but enjoy the univeral confidence of the nation. Its paper will necessarily be esteemed as of the best, and will be current in every avenue of business. Such a paper, sir, becomes a gauge by which to measure the value of all other paper for which it may be exchanged. In that respect it holds towards other paper somewhat of the relation which the precious metals hold to itself. I know, sir, that it is a received and familiar proposition that a better currency will not circulate in the presence of an inferior one. This is true of coin: it is not true of paper. Coin will not circulate in the presence of a depreciated paper, because it may immediately betake itself to foreign countries, where it will command its value, or it may retire into private hoards, to be kept until a better state of things shall draw it forth into circulation. But when a bank is able to put forth an unquestionable paper, all of inferior value will disappear before it. The public will prefer that paper which enjoys the highest credit, and they will refuse all other whilst that is attainable. It is the interest and business of such a bank to render its paper at all times attainable; its profit consists in supplying the public with a circulation which can neither be hoarded nor sent abroad. This paper, in fact, circulates upon its superior credit, and thus engrosses to itself, as far as its own volume will permit, the business of the community. It is, sir, by the influence of this principle that the paper of a National Bank, fortified by the credit and resources of the Government, becomes a regulator of the value of all of all other currency in the nation; it furnishes the gauge or standard to which all local paper, in its own district or appropriate range, must conform. In this aspect, the central banking power may be said to constitute a great Conservative element in the adjustment and preservation of a sound currency.

It is, Mr. Chairman, in the just balance of these two principles of centralization and competition that the greatest efficiency and safety are given to our system. The central power alone might not be sufficiently observant and regardful of local wants; in the greater profits of the more important operations of exchange, it might lose sight of sectional convenience, and of the wants of the lesser circles of trade. the local banks will ply within these limits, greatly to the advantage of themselves and of the public. On the other hand, the local banks alone, for the reasons I have given, would found utterly incapable of fulfilling the broader functions assigned to the central power.

The necessity for this division results, in part, from the nature of our confederacy. The Federal power is essential to the control of all interests which expand beyond the limits of a single State, whilst the State power is well entrusted with the municipal regulations necessary to its own well-being. The institution of banking, having a great and predominating influence over the currency of the country, rises in consideration far above a mere municipal concern, into one of the broadest national importance, and nothing has been found more authentically established in the experience of this Government, than the absolute necessity of imparting to the management of the banks a certain share of Federal supervision.

Mr. Chairman, I charge it upon the late Administration, as one step taken by them towards the embarrassment of this nation, that they rashly and most unwisely deprived the country of the benefit of this Federal supervision over the currency, by the destruction of the late Bank of the United States. Sir, that Administration did not very maturely reflect upon the consequences of the destruction of the bank They sinned against light, for it is evident that they recognised, to the fullest extent, the value and the indispensable necessity of this principle of centralization upon which I have remarked. Their whole course, in the early stages of that pernicious movement which has brought upon us our present disasters, attests their acknowledgment of the necessity of the Federal control through a central power in banking. When General Jackson first resolved upon the downfall of the Bank, it was not to destroy the machinery of a national institution; it was only to build up another, as he believed, of a more efficient structure. His first messages reiterate, again and again, the necessity, the great utility and importance of a National Bank. The war against the bank was a war of individual hate; its object was individual punishment. The pretext was an objection to the form of organization only—a question of detail to be corrected in a new establishment. The Executive, at that time, so far from repelling the necessity of the principle of this Bank, engaged in the struggle to give that principle more scope and effect. And even afterwards, sir, when this strife between Leviathan and Behemoth ceased to be a contention of argument, and became one of passion, and when the victorious chief had turned all his malice to its direst account, and struck down his adversary, even then, sir, the principle was still avowed and promulgated that, without a central power, the currency could not be sustained. That central power was attempted to be fashioned on a new model, but out of old materials. It was the chief and most conspicuous design, in the celebrated experiment, to manufacture a great central or national control over the currency, out of some thirty or forty State banks, which were to be affiliated by a Government contract, and clothed with all the Federal powers heretofore conferred upon the Bank of the United States. In fact, it was designed by this form of association to erect a Bank of the United States, with all the function of alliance and centralization of which the association was capable. And, sir, it was proclaimed to be capable of this function to as beneficial an extent as the Bank whose term was just drawing to a close. It is not my purpose, Mr. Chairman, to occupy the time of the committee with a discussion of the value of this scheme of General Jackson and his cabinet, but I refer to it to show that, even up to the moment of the failure of the great experiment, embracing much the longer portion of the existence of that Administration, the party in the ascendant were as fully imbued as I am at this moment with the conviction of the importance of this central banking power. which it is now, in certain quarters, the habit of some of the same party and of the same men to portray in so many shapes of abhorrence and disgust.

It was the duty of the President, before he entered upon the rash enterprise of pulling down the Bank of the United States, to be well assured that he could supply other machinery capable of performing the functions and rendering the services which the destruction of that institution might suspend. It was his boast that this new contrivance of the associated State banks would amply fill the space, and even more faithfully discharge the duties of the retiring Bank than that Bank itself had ever done. I need not recall the glowing promises of success which the Administration poured forth with such lavish exultation upon the birth of their experiment; nor, sir, is it necessary to dwell for a moment upon the signal failure of that famous abortion; the first are written in every line of official communication which the self-complacent spirit of the President addressed, in a thousand forms, to the country, upon the auspicious event; the last has been baptized in the tears of the nation. Sir, I have a right, therefore, to charge the last Administration, and its present followers, with all the consequences which have flowed from this misjudged and ill-fated measure.

In following up the train of events that sprang from this movement of the cabinet of General Jackson, the next step was, if possible, even more mischievous than the first. It will be seen, sir, in the course adopted in the employment of the State banks. One would have supposed, Mr. Chairman, that a statesman, entering upon so fearful and momentous an experiment as that of 1833, would proceed at least warily and with some cautious reserve in the untried and perilous career before him; that he would reflect upon the novelty of his position, weigh its dangers, and, in shaping his course, rather incur the risk of being chid for too much discretion than taxed for his boldness. Far other than this was the characteristic of the advance of the late President to the difficulties of the crisis. When the public moneys were removed into the keeping of the chosen banks, instead of admonitions of prudence in the use of the public funds, instead of restriction or constraint, the Administration made haste to order that these treasures should be scattered far and wide with a profuse indulgence. The depositories were enjoined to take care that no facility be denied to commerce, but that the moneys on deposite be distributed as broadly and as liberally as the public convenience, the demands of trade, might require. Instead, sir, of advising the banks that now, the great regulating and controlling power being withdrawn, it became more urgently their duty to guard against that licentious issue which the uncurbed principle of competition must engender, they were exhorted and commanded to let loose the fullest play of that rivalry, and drive their headlong course as swiftly as their appetite for gain might prompt. The President, sir, was not left unadmonished of the inevitable end of this mistaken policy. Here, in this Hall, and in the Senate, he was told to what result this madness must impel the nation. From all quarters the same prophetic warning was poured into his ear; and all thinking men, every where but in the Executive mansion, foresaw the certain disaster that awaited the experiment.

Sir, at this time another element concurred to tender the experiment more mischievous. The President's veto had announced to the nation the entire hopelessness of obtaining a renewal of the charter of the National Bank. Upon that subject he was peremptory and emphatic; and the States, being thus assured that the bank was to expire, were invited to increase their banking capital. At once, as by a common impulse, every State in the Union set about enlarging its means of banking. The pretext was the necessity of supplying the vacuum of capital to be occasioned by the extinction of the National Bank. Under this pretext, nearly four hundred banks and one hundred and ten millions of capital were created between 1834 and 1838, whilst at the same time, that bank whose extinction furnished the plea for this increase was not withdrawn, nor was its activity in business even diminished, but on the contrary, yet lives and thrives in the full possession of its capital, and is likely long to live and thrive The activity imparted by these measures to the banking system of the country soon began to be felt in Western speculations in the public lands, and it became apparent, at an early day, that the public treasure would be greatly augmented through this channel. Sir, in view of such a result, and with a learned forecast of the disturbance the event was likely to produce, the wisest man amongst the counsellors of this nation, the most effective and trusty of her statesmen, brought before Congress that great measure, the bill for regulating the distribution of the public lands. By a fatality which signalized the career of the late Administration, and invariably impelled it—whenever there was a choice between right and wrong—into the wrong path, the President thought proper to put his veto on this measure, and thus convert the whole proceeds of the sale of the public domain, which properly belonged to the capital of the nation, into the ordinary revenues of the Government—eventually producing some forty millions of surplus, which, in its course of production, was fed by, and contributed to feed, the local banks, and to turn all the currents of ordinary commerce awry. Instead of restraining the accumulation of revenue, which prudence would have suggested as essential under the new system of deposite, the President took every step in his power to augment it, and to distribute it in the most unwholsome manner his opportunity allowed: it was accomplishing the worst possible purpose, in the worst possible way, and extracting the greatest amount of mischief out of the most mischievous thing he could devise, I, therefore, again lay it to the account of that Administration, as in part the cause of the present embarrassments, that it built up that disproportioned and ungoverned system of State banking which has been found so injurious, and nurtured that system by the unhealthy and unnatural stimulus of excessive treasure unwisely accumulated in the manner I have described.

First, it was promulgated, after Mr. Gouge, and almost in the terms of his book, that it was essential the specie basis should be widened by excluding from circulation all bank notes under the denomination of one hundred dollars, or at least of fifty. This notion was embodied in the Treasury contracts with the banks, and finally in the currency bill of 1836; it was to be carried out by degrees, beginning with the exclusion of fives, then of tens, and so onward to the ultimate term I will not stop, Mr. Chairman, to inquire into the policy of this measure. It has proved itself to be impracticable, and is therefore merely nugatory; but I may say, in a word, that if the object in view were to render the bank circulation more stable, by fortifying it with a strong deposite of the precious metals, it would seem to be, at least, a very doubtful mode of accomplishing that object, by compelling the community to abstract these metals from the banks as the only medium of payment under the amount to which paper, according to the scheme, was to be confined. My purpose is, with this next, the great feature in this hard money feature.

We were creating debt abroad. The activity of speculation, to which I have already alluded, had enlarged the demand of the country for commodities of foreign production as well as of domestic. Prices were on the increase. Such, in brief, sir, was the state of things at home. A prudent Government would have feared a foreign debt, and taken some cautions against its increase. Not so, Mr. Chairman, with ours. It was proclaimed as the great ambition of the President, his paramount wish, that the precious metals should be made to abound. New mints were provided for. In the language of a conspicuous Senator, famous in the annals of this movement, it was prophesied that "gold was to swim up the Mississippi in a never-failing stream." The agent of the deposite banks, as a certain semi-official functionary [Reuben M. Whitney] was then called, had orders to communicate to the whole circle of depositories within his charge, that it would be agreeable to the President to learn they concurred with him in the propriety and importance of making large importations of specie from abroad. The hint, sir, was not lost. It was not the temper of the deposite banks to frustrate even the whim of the President in those days; and so they all set about the work of importation. In the mean time, the President himself turned importer of specie, and the indemnities were ordered home at great sacrifice, in gold. Individual merchants were prompted, through the same influences, to engage in the same operation. It is a little remarkable, in the change of times, that those who now quarrel with a State bank for purchasing cotton *to pay* a foreign debt, should then have seen no harm in forty banks or more turning merchants, and importing gold and silver *to create* such a debt. The amount brought into the country from Europe, in the year 1835-6, has been estimated above forty millions of dollars—more than thirty of which came from England. How much was imported from South America and other foreign countries we have no means of knowing; undoubtedly the amount was considerable. Sir, with the exception of the indemnities, nearly the whole of this vast amount of coin was brought into this country at the expense of a debt to the same amount to the people from whom it was obtained. It swelled the already accumulating balance against us. It was brought here in forced counteraction of the laws of trade—against the principle which regulates supply and demand—in absolute hostility to the interests of our commerce. At the very time that it came here we should have been retrenching expenditure and lessening the foreign debt, instead of increasing it. Our currency did not require this aid. We had in the country even more specie than, in past times, had been found necessary to the safest condition of our paper issues. As the balance of trade, or the state of foreign indebtedness which would have required remittances to England, was against us, so also, sir, as between the Atlantic States and the West, the balance was, in like manner, against the West, and the course of trade required remittances of specie from the West to the Atlantic. In fact, the whole tendency of exchanges, from the remotest western border, was eastward, even until they crossed the ocean. In this juncture, the President was not only so absurd as to direct the importation I have spoken of, but to go a step further, and, by the only means in his power—means which an accident had put at his disposal, and which in a thousand years he might not have had again—to check and countervail the current of domestic exchange between the West and the East. This he

accomplished by an act similar in character to the importation of coin from abroad—it was done by the instrumentality of the Treasury circular. The rage of speculation in the public lands had already carried Eastern credits to the West, and brought that region largely in debt to the Eastward; and at the very time when the people of the East were looking anxiously to the settlement, the circular was interposed, professedly with a view to carry specie to the West and keep it there, lest it might obey the laws of trade, and go where it was wanted, and where it could have afforded relief to the unnatural pressure which this most unnatural course of Government interference had produced.

Mr. Chairman, in all these measures the first instincts of the people and of their representatives were true to the suggestions of good sense and the national interest. The prevalence of these instincts was only suppressed by the dictatorial authority and mischievous popularity of the Executive. The Bank was rechartered by Congress—the removal of the deposites was forbidden by Congress—the land bill was passed by Congress, and the Treasury Circular rejected by it. Yet in each of these four cardinal measures—the fountains of all the ills the country has lately suffered—the Executive will has outweighed and despised the legislative judgment; and by that will alone, defying all other authority in this land, have these measures been enforced.

Well, sir, the day of reckoning came. As money poured into this country from abroad, it increased our banking basis, and therefore increased also the paper circulation. The abundance of money raised prices to a corresponding height. Forty millions added to our specie circulation could not do otherwise than augment our prices. If our trade were confined to a domestic circle, if we had no concerns with foreign nations, such an increase of price, being gradual, would cause no very signal distress. But we have a great Southern staple, which seeks its chief market in a nation from which we import large amounts of goods, and which goods, being generally ordered in advance of the export, are designed to be paid for with funds arising from that export. As nearly as it may be counted on, our importation from England is graduated by the expected value of the cotton export. By the operation of our money system, the cotton had risen to its highest price. The factors of the Atlantic had purchased the crop at these high prices before it was gathered; even, in some instances, as I have understood, before it was grown. It was paid for chiefly, I presume, by a small advance in money, and in notes at long dates. The planter had used these funds in purchases of land and negroes, at correspondingly high prices, and had stipulated to pay, as his factor was to pay him, partly in money and partly in notes; and so the series of engagements went onward into other classes of society.

In England, sir, the very reverse operation was now about to take place. That country had become disturbed with our apparent posperity. The fame of rich investments in America and heavy rates of interest, and of the harvest of speculation in our public lands, had lured hither large amounts of British capital, a great deal of which also came in the precious metals. This drain of funds from England began to produce alarm, as soon as it was seen that our Government had interposed itself to prevent the adjustment of the mercantile balance. Apprehensions were even expressed there that the Bank of England might be driven, by these demands upon the national coin, to another suspension of cash payments. It was a measure on the part of that bank and of the English nation, not only of retaliation, but of absolute self-protection, to bring values to the standard of the actual state of her currency, that currency reduced to its proper relation with the precious metals. In other words, whilst prices in the United States were rising to the standard of our large paper issue, they were falling in England to the standard indicated by the state of her diminished coin. To accomplish this reduction in England, the bank raised the rate of discount one per cent. in June and July, 1836, and thus produced that curtailment which immediately brought down the prices to the desired rate. The effect of the operation was to throw a loss upon the shippers of American cotton of some five or, even perhaps, eight cents a pound. The factor in New Orleans was the first to be struck down, and after him, in rapid succession, all his dependencies onward to the planter, the land speculator, and the thousand others standing in this connection, came to the ground with a general crash. The importing merchant was now made aware that where he looked for foreign credits there were none to be had. The cotton crop, instead of producing eighty millions in England, did not produce over fifty, and all who had counted on this source for foreign funds were, of course, disappointed. The embarrassments of the importer turned him back to the country dealer for funds; the rise of exchange compelled him to seek coin for remittance, and, at every step in his search for coin, he was met by the Government, a busy intermeddler, shutting up the avenues of trade and obstructing the only channels of relief.

The Government had for some time been crying out against the banks as the sources of these approaching evils, and the people, especially the more uninformed part of them, looking only at the confusion which they saw in the currency, joined in the cry against the banks, and commenced that run upon them which, in the end, resulted—as every body, except the Executive, had foreseen this whole movement must have resulted—in the suspension of specie payments.

That suspension, I think I have shown, Mr. Chairman, originated in the pernicious measures of the Administration. It was brought about by the unskilful and unwise policy of importing the precious metals at a time when the interests and demands of trade set in an opposite direction. It more immediately came from the extravagant speculations of a class of persons not connected with the regular operations of trade and commerce. In such a convulsion, the prudent and the wise suffer their share of affliction as well as the thriftless and the unwary. Wealth, industry, and circumspection are no safeguards against such a calamity, when the calamity has once found footing in the nation. I do not believe, sir, that, in the ordinary channels of regular commerce, there has been any over-trading or over-banking; I have seen no evidence to induce such a conclusion. On the contrary, our merchants and our mercantile banks have conducted themselves through the difficulties of this alarming crisis with prudence, moderation, and wisdom, worthy of all praise. The attempt of the present Executive to throw the blame of these disasters upon the merchants is an act of such gross injustice and wickedness as to entitle it to the scorn of all honorable men. It is a base effort to screen the authors of our calamities from that indignant censure which their misdeeds have long deserved. The admirable patience, fortitude, and fidelity, with which the merchants of the United States addressed themselves, in these late trials, to the task of sustaining the national credit and good faith, have not only won for them the applause of their countrymen, but have drawn forth the spontaneous and cheerful tribute of panegyric from all nations with whom they hold intercourse. It has been uttered in the British Parliament from the lips of impartial statesmen, in language which has found a response throughout that kingdom; and it will not be forgotten here, sir, as long as America shall take pride in the integrity and honorable bearing of that intelligent and patriotic class of her citizens. The charge was made in a spirit which does no honor to its author, and will be ever regarded as the subterfuge of a baffled politician, seeking to find a scapegoat for his own offences, and selecting that body for his purpose whose numbers may be supposed to render them the least available of all others in the State, in the electioneering contests for power. The truth is, sir, that the late Administration and its successor have waged a war against the banks and the merchants, which has resulted not only in their own overthrow, but in deep and lasting injury to the greatest interests in the nation, without producing a modicum of good, unless it be in the lesson it has taught us to avoid such follies in time to come. It has of late become the fashion to deny these hostile sentiments of the Administration against the banks. I am glad to see it, sir; it is an indication of an approaching change of policy; it is a sign of contrition for past offences. It is nevertheless true that such a war has been waged, and that a bitter hostility has been evinced by the Executive against these institutions, and even now, sir, is secretly felt, although not openly avowed. Gentlemen on this floor have asked for the proof of this hostility. To say nothing of that Trojan war between the Bank and the late Administration, with all its artillery of denunciation, they may find the proofs in the common cant of the day against what is termed monopoly; in the incessant assaults which of late years have been directed against all corporate bodies and chartered rights, and in the debates of every State Legislature where the Administration party have had a voice. They may find the proofs in the daily diatribes of the Globe and of the thousand slave presses whose feculent sheets are employed to scatter far and wide this Globe poison. They may discover evidences of it in the proceedings of the Pennsylvania Convention. Sir, it was predicted, foredoomed and instigated in the famous letters of Dallas and Ingersoll; it was not less conspicuously exhibited in the letter of last July, from the Hermitage, on the occasion of the suspension; we had some inklings of it even in that abortive farce of a revolution attempted in Maryland; and, latest of all, sir, we have seen evidences of it here on this floor, on a very recent occasion, in the almost frenzied gesticulation with which a gentleman conspicuous in the ranks of the Administration [Mr. RHETT] denounced wo to all those who deal in banks or sustain their cause—wo, to come in threatened popular vengeance, even to the downpulling of the public edifices, the overthrow of social order, and the peril of the domestic hearth. These, sir, are some of the proofs of that war of the Administration against the banks; let gentlemen point me to any evidence of hostility from the banks against the Government, of which so much has been said in this debate.

Mr. Chairman, I have presented to the committee what I conceive to be the leading events in that train of Government policy to which the nation is indebted for all it has suffered. I will beg to say a few words upon the nature of the remedy which, in my judgment, this retrospect suggests as the only one appropriate to the case.

In the first place I wish to see a solid and permanent resumption of specie payments as speedily as that can be accomplished; and I am fully convinced that this bill would not only retard the resumption, but render its continuance even a matter of uncertainty.

In the next place, I wish to see the creation of a National Bank—believing that to be the only possible device or instrument by which we may hope to establish and maintain a good currency in the country. Sir, I am persuaded that the greater part of the people of the United States now entertain this conviction, and that, day by day, as we grow older in experience, that conviction will be extended. Nothing can be more artificial than the public sentiment which has been conjured up against such an institution. That sentiment was fabricated here, at Washington, and circulated under the auspices and by the force of party dictation, without even the semblance of consultation with the people. I cannot for a moment doubt that, if the deliberate opinion of the country upon this question were polled, after every man had made himself acquainted with the real nature and value of the proposition, nine-tenths would give their suffrage in favor of a National Bank. I speak not, sir, of the late Bank of the United States—although I know nothing to the disparagement of that institution—but of such a bank as may be matured by the wisdom of Congress, guarded by such provisions as past experience may have demonstrated to be necessary, and clothed with all the powers requisite to the discharge of that great national function which I have attempted in the course of my remarks to explain. Such a bank, sir, I repeat, would meet, if I do not greatly mistake the judgment of our day, the approbation of by far the larger portion of the citizens of the Union. There are many, sir, I know, who entertain constitutional scruples on this question. They belong to a hopeless race of men, who must live out their day, and leave the settlement of their doubts to another generation. I will not argue with them. To the gentlemen from Virginia, especially, I say, that I will not consent to moot constitutional points with them; it is encouraging them in a vicious habit, which has already sufficiently retarded the growth and power of that venerable mother of States. Let Virginia give up her dialectics, renounce her spirit of dissertation and debate, and betake herself to commerce and manufactures; let her do this and thrive; let her still neglect it, and it may be her fate—(here Mr. WISE added, "to die of an abstraction")—I adopt the gentleman's expression, though I hope a better destiny awaits her—"to die of an abstraction."

Sir, the efficacy of a bank in the regulation of the currency has been conceded on all sides. The late Administration, in all its zeal to destroy, was obliged to concede it. The history of the war against that bank is full of acknowledgment of its usefulness to the currency. When General Jackson first assailed it, he endeavored to sustain his opposition to it on the plea that it had failed to perform this function of regulating the currency to the satisfaction of the country. He was signally defeated in this position by his own friends. The charge was referred to the investigation of both Houses of Congress. In both, committees were raised of the ablest men in the nation, strong, devoted friends of the President; their reports are amongst your records; they give the most explicit and unqualified contradiction of the President's allegations against the usefulness of the institution. No one will suspect the late Governor of South Carolina, Mr. McDuffie, nor the present Mayor of Baltimore, General Smith, (the respective chairmen of the committees of the House and of the Senate on this inquiry,) of a disposition, at that time, either carelessly to discredit the President's opinion, or to misrepresent the value of the bank; and yet their reports were full and conclusive on the question. Ever since that time, the ground of attack has been changed; and now, instead of affirming the incompetency of a bank to perform the duties assigned to it with advantage to the nation, the whole stock of party vituperation, and all the oratorical pruriency of party declaimers, are exhausted in painting the danger of such an institution to public liberty, and in fearful summonings of the terrors of the money power.

It is odd enough, Mr. Chairman, to hear these appeals to the frighted imagination of the country against this phantom of the money power, urged, if not by the gentleman himself, at least by the friends and coadjutors of the gentleman from New York, [Mr. CAMBRELENG,] who has lavished such encomiums upon the new free banking of his own State; that system of banking which is not to supersede the old, but which is to reinforce it with additional means—a cumulative, auxiliary system of banking without stint or limit—

"Giving its sum of more
To that which had too much,"

and intended to increase the money power of New York far beyond the utmost limit heretofore assigned to a National Bank.

What is this formidable money power that has so disturbed the fancies of gentlemen here, and the equanimity of the nation? Our laws recognise no distinctions of rank or class amongst our citizens. We have secured the rights of property as cardinal in our social constitution. It is well appointed that labor, diligence, and skill, shall have their reward, and that reward be preserved inviolate from aggression. Under this protection, this whole nation of working people has grown up into a marvellous power of combined wealth, intelligence, and comfort, unexampled. It is of the nature of wealth to attain *social* power and influence; it is a valuable feature in our system that it should do so; but every one must remark how small is its tendency, how inadequate its efforts to obtain *political* power. The jealousy of wealth, the watchfulness of its assumptions, the common suspicions entertained against it, almost amount to a popular proscription of its hopes for political elevation, and even strip it of the influence to which it is justly entitled. "Whoso," says a nervous English writer, "has experience, is sovereign (to the length of sixpence) over the whole world. He commands cooks to feed him, philosophers to teach him, and kings to mount guard over him—to the length of sixpence." This, sir, is an epitome of the money power. It accumulates social comfort and social strength; it makes men and states more happy, prosperous, and invulnerable from without. Would you seek the external manifestation of that power, you shall see it, sir, in the subdued wilderness of our frontier; in our great rivers, cleft by the keels of a thousand steamboats; in our plains and valleys, as they yield their tribute to the labor of husbandry. You shall witness it in the smoking forges of the West, and in the swift shuttles of the East; in the cities, towns, and villages, which adorn and enliven the land; in our churches, hospitals, colleges, and schools. You shall note it in the quiet and substantial homesteads of our people, and in the happy faces that gather around those firesides, such as the like may nowhere else be found. You shall hear it in the carol of the ploughman as he traces his furrow, and in the blithe song of the sailor boy at the mast head, when he plies his voyage to the remote shores of Europe or Asia; in the heavy creaking wagon, the flying steam car, and the rattling stage coach; in short, sir, you may hear and see it in all the avenues where trade and industry ply their profitable thrift. It is the secret, the miracle of the might of this Anglo-American man. What is there to dread in it?

Mr. Chairman, I turn from these considerations to a review of the bill before us. The friends of this measure affect to believe that our long-established system of banking was principally objectionable from the instability of the currency which it created, and from its power of producing panic and pressure upon the country; they declare themselves unwilling to entrust the public treasure to the keeping of any such agency, holding it to be insecure; and they present us this bill as the corrective of each of these defects. They speak, sir, of the patronage and influence of the banking system with disinterested horror, and boast that, by this new contrivance of a Sub-Treasury, they clip the wings of patronage, and reduce it to insignificance. Let us examine this bill, to ascertain how far it realizes these promises.

I think it may be assumed, from the fact of this question being pressed upon the House after the repeal of the Treasury circular, that it is the purpose of the Administration to revive that circular with even a broader scope than it had before. Indeed, sir, this bill itself provides for a gradual substitution of gold and silver for paper in the payment of all public debts, and designs ultimately to reject all paper. I take it for granted, notwithstanding this specie clause was struck out of the Senate bill, it is not to be struck out here, and that we are eventually to have the policy of the specie circular renewed and extended. In that view, I beg leave to invite the attention of the committee to the eventual operation of this measure. Your revenue may be rated at some thirty millions. These are to be paid in gold and silver, and placed in the custody of the receivers or other officers of the Treasury. How are they to be distributed? The Government will have disbursements to make to the full amount, perhaps, of the revenue; but the coin, sir, will be but partially used in these disbursements. The Treasury will draw warrants, drafts, or orders on the fund, which may be put forth to any amount, of any denomination, and in any form, that the Secretary may choose. They will be printed on bank paper, and engraved with all the exterior symbols of a bank note, and may be adapted to circulation, as money, to any extent that the head of the Treasury shall direct. These drafts will constitute a circulating medium, and the Government will so far become a *bank of circulation*. That this paper will be safe, no one will deny; the objection to the system does not lie against the stability of the paper, but it does lie most cogently against the power which this faculty of making paper shall give to the Executive. Such a paper kept in circulation may ultimately represent the whole revenue of the nation, whilst the coin upon which it is issued, or a great part of it, will be locked up in the Government custody. The Government refusing to receive any thing but coin for public dues, will render coin at all times a subject of mercantile demand, and will thus establish a current of business, the effect of which will constantly be to set

upon the banks of the country, and to keep them stinted in their supply of the precious metals, or, at least, ever in apprehension of this drain upon their money resources. The city of New York, sir, collects about ten millions of the revenue. This amount, according to the system, is to be entrusted to the hands of one man. It is not at all impossible to administer this proposed law in such a manner as to collect the whole ten millions in specie, and retain that sum in the city of New York. The amount of gold and silver employed to sustain the bank circulation of that city is usually, I believe, but little above three millions. That coin would be drawn into the hands of the receiver, leaving the banks either under a compulsion to import specie from abroad, or to become supplicants for its restoration by the Government. The eleventh and twelfth sections of the bill give the Secretary power to transfer these funds from any one point to any other, at his own discretion. In the execution of this power he may, in a day, drain the city of New York or Philadelphia, Boston or Baltimore, of the Government deposite of specie, or equally, at his pleasure, accumulate the whole at either of these points, producing scarcity or abundance, exactly as it may gratify his purpose of reward or punishment, his political favoritism or displeasure.

The Government has now, sir, some five millions to pay in Florida. Suppose the same obligation in existence with this bill the law of the land. The five millions would be drawn in warrants payable in New York. These warrants would be sent to the South just as exchange was valuable on the North; and every warrant would be a bill of exchange, saleable at a premium. The Government is thus converted into an exchange merchant, making its profit according to the rates of the day. Even when there is nothing to be paid for public disbursements in the South, still may the Secretary, under this bill, draw his warrants on Northern funds, and throw them into the Southern market, to take advantage of these operations of exchange. Every one must see, Mr. Chairman, that the powers conferred by this bill, and the absolute control of the disposition of the Government revenues, are neither more nor less than the machinery which shall constitute the Executive a great national banking power, with faculty to furnish circulation and deal in exchange, to the full amount of the fund at its disposal. It is an easy step, sir, to get the privilege, on any casual pretext, of issuing, as we have lately done, Treasury notes to some large extent, and you have, in the result, the banking power carried out to its utmost scope.

Is there no field here for party favor? What shall be the rates of exchange? Shall not the Government sell drafts par to one man, at par to another, and above it to a third? Who shall prevent it? We may easily imagine the inducements which might persuade a Government agent to gratify a political friend, or disappoint a political adversary in these dealings. Yes, sir, and we may imagine, too, the motives that may arise to punish a whole city obnoxious to Executive displeasure, by removing the deposites or withholding exchange, and to reward another more complaisant in its feelings and respect for the higher powers. The enginery is here which may serve this turn to any extent. This power of transfer contained in the 11th and 12th sections of the bill, is an admirable machine to produce obedience and submission; and I will undertake to prophesy that if this bill be passed, the Government will have no cause to complain of the refractory demeanor of the fiscal agent at Portsmouth. I am still, sir, so unreformed by modern schooling, as to think that, in the concerns which relate to trade and currency, it is much safer to confide in the integrity, the habits of business, the intelligence and interests of a board of merchant directors, than incur the hazard of the selfish and obsequious spirit, the alien temper and unskilfulness of a mere political functionary.

Mr. Chairman, if the revenue is not to be collected in gold and silver, but, adopting the policy of the new Treasury order, it is to be received in bank paper, the power conferred by this bill is still more mischievous. Suppose, sir, the ten millions of New York to be received in the notes of specie-paying banks, what will be the result? You will have a Government agent in that city continually clothed with the power of visiting the banks, according to the caprice of Government dictation, with the demand for coin; one hundred thousand dollars exacted to-day from one bank, another hundred to-morrow from another; indulgence and forbearance extended to one and denied to another. The price of this favor we may be at no loss to conjecture—obedience, implicit obedience to the pleasure of the Executive. What would be the effect of such demands? Why, sir, immediate action on the whole circle of customers of the bank. A sudden call for a large amount of coin requires curtailment of discount and pressure upon the debtors of the bank. Can you conceive, sir, a more potent engine of panic and commercial distress than this power of demanding coin? And yet, sir, it is not only conferred by this bill, but it is essential to the system that it should be exercised. Nothing can be more absurd than to suppose all this apparatus of the Sub-Treasury erected to preserve bank paper: the very foundation of the system, as I remarked at the outset, is the collection in coin, or the conversion of the deposites into coin.

The power of combining against a bank to draw its specie, even in ordinary circumstances, is one which excites alarm. The difficulty of such combination, as well as the disinclination of the public to abstract the coin, is the great protection of the banks. But here, sir, we have ready made to our hand an agent, with all this power of combination in his single self and in its worst shape; an agent, too, holding no interest in common with the community—unsympathizing, cold blooded, and heartless as regards their wants or wishes—whom it is his prerogative and office to disturb and distress as often as his own or his master's fancy shall impel him. I put no trust in such functionaries. I do not even, sir, like the name which this bill gives them—these receivers general. I remember an anecdote of Voltaire which somewhat prejudices me against the tribe. A circle of the friends of the philosopher were passing a winter evening at Ferney. It was proposed to beguile the time by telling robber-stories. Every body had invented his tale; Rosseau had told one of thrilling horror. When Voltaire was called on, he began as follows: "There was once upon a time a receiver general—my friends, I have forgotten the rest." It was unanimously voted that this was the greatest robber-story of all. I fear, sir, these receivers.

I think, Mr. Chairman, it is very obvious to calm reflection, that this Sub-Treasury scheme will entirely fail in the accomplishment of any promise which its friends hold out; that it will weaken and render more unstable the currency of the banks; that it will rather furnish means and occasion for panic and pressure, than remove them; that its patronage and influence are infinitely more formidable than those of the Bank; and that its pledge of greater security to the public treasure is altogether illusory; that, in short, it proposes a new system for regulating the public moneys, clumsy and awkward in its detail, highly inconvenient to the commerce of the country, dangerous in the powers it confers upon the Executive, and most mischievously hostile to the safety and usefulness of our banking system.

In addition, sir, to these objections, which are suggested by the views the friends of the bill have taken of its character, and upon which I have forborne to dwell with more than a passing notice, I have a still deeper aversion to it, founded on the general principles, in regard to the currency, which it was my principal object to illustrate in this speech. It fails to erect, in any safe or useful form, that central power of federal control which I think essential to a permanent and sound currency; it also furnishes an artificial necessity for occasional Government influence or direction in the importation of the precious metals—an influence altoge her pernicious it its character. For these reasons, sir, I utterly abhor and reject this bill.

SPEECH OF MR. BIDDLE,

OF PENNSYLVANIA,

In the House of Representatives, May 15, 1838—On the Treasury note bill.

The House having again resolved itself into Committee of the Whole on the state of the Union, on the "bill to carry into effect an act approved on the 12th day of October, 1837, to authorize the issuing of Treasury notes"—

Mr. BIDDLE said that, in looking back upon his brief career in public life, he was struck with one salutary change which had been wrought upon the dominant party by the recent indications of the popular will. There was no longer a reckless feeling of security in power and place. We were not now presented, as at the special session, with a bill *from the Senate* for raising money by the issue of Treasury notes. The claims of propriety, if not of strict constitutional right, which demanded that a measure of this character should originate with those directly and promptly responsible to the people, seemed to be treated with, at least, a show of respect.

Mr. B. was opposed to the bill now, as he had been at the special session, and the reasons which influenced him then had only gained strength from subsequent reflection and interchange of sentiment with his constituents. There was no wish to withhold the necessary supplies. The disposition throughout the House was to act with liberality. The question before us was as to a choice between different methods of putting the Administration in funds; and Mr. B. for one, would not be cajoled or driven from a preference for the plain, direct, and open pledge of the public credit in the shape of a loan. No one denied that in this way the most advantageous terms could be procured. No one denied that, while the issue of Treasury notes is most seductive and dangerous as a precedent, it involves great pecuniary loss to the public, as well as gross injustice to its creditors.

His great objection to the bill, Mr. B. said, as urged at the special session, was one that, by repeated handling, had lost all freshness; yet that very handling had established its consistence and solidity. Here was a plan to run the people into debt by stealth, to prevent their realizing the fact that this Administration was raising money by a mortgage of every inch of soil, and of the whole industry of the country. Half a century ago, the first Secretary of the Treasury said:

"The emitting of paper money by the authority of Government is wisely prohibited to the individual States, by the National Constitution, and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantages not applicable, and be free from some disadvantages which are applicable, to the like emissions by the States separately; yet they *are of a nature so liable to abuse*, and, it may even be affirmed, so *certain* of being abused, that the wisdom of Government will be shown in *never* trusting itself with the use of *so seducing and dangerous an expedient*." "The stamping of paper is an operation *so much easier than the laying of taxes*, that a Government in the practice of paper emissions would rarely fail, in any such emergency, to indulge itself too far in the employment of that resource, to avoid as much as possible one *less auspicious to present popularity*."

Here, sir, is the secret of the tenacity with which this scheme is clung to. It is more "auspicious to present popularity" than to exercise the express constitutional power to "borrow money." *That* would be too direct and intelligible. *That* would arouse the people. They would begin to demand retrenchment and economy. They would begin soraly to investigate the causes which have led to the present state of things.

It was not a little curious to note that every important measure of this Administration was brought forward under circumstances of such alleged urgency as to preclude deliberate consideration, and to subject its opponents to the charge of impeding the business of the country. At the special session, a distinguished Senator, [Mr. BENTON,] in full communion with the Executive, explained the manner in which he had been won over to give a reluctant assent to the issue of these notes:

"I distrust, dislike, and would fain eschew this Treasury note resource. I prefer the direct loans of 1820-'21. I could only bring myself to acquiesce in this measure when it was urged that *there was not time to carry a loan through the forms;* nor even *then* could I consent to it, until every feature of a currency operation had been eradicated from the face of the bill."

Such was the pretext eight months ago. It succeeded then, and the experiment will be tried again and again, so long as the members of this House, acting under a high responsibility to the people, are found willing to abandon principle, when urged to precipitate action by the Executive whip and spur.

Sir, another powerful objection to these Treasury notes is, that they swell the mass of irredeemable paper money, and give to executive officers a greater latitude of discrimination in payments to public creditors. It may be remembered that, at the special session, I ventured to call the attention of the House to the letter of the Secretary of the Treasury, proffering to members of Congress *specie* for their mileage and pay. The report of the Secretary, in reply, has never yet been made the subject of animadversion. I attempted at one time to call it up, but the effort was baffled by an assurance that the Committee of Ways and Means had introduced a bill, or made a report, which would render further discussion superfluous. I have never been able to find any such bill or report. I propose now to advert briefly to the Secretary's communication. After stating the reasons which led to this offer to such members as chose to receive specie, he adds:

"*Other* means of payment were at the same time proposed for any who might deem it *proper under the existing circumstances of the case and of the Treasury*, to demand or *accept* gold and silver, either in full or in part."

Mr. Chairman, I would ask, how many members are aware of their having been thus classified by the Secretary? If the paragraph just quoted had formed part of the letter to the clerk containing the offer, would any gentleman have ventured to accept the specie? The Secretary anticipates that a portion of the House will decline to receive it, "under the existing circumstances of the case and of the Treasury." Called together to redress an evil which had fallen upon the whole country, they "might not deem it proper," at the very first step, to exempt themselves from its pressure, and to create, in truth, a pecuniary interest adverse to the rectification of the currency. The terms of Mr. Woodbury's letter imply, at least, a compliment to those who pursued the latter course. The effect, then, of the offer would only be to yield an undue advantage to the unscrupulous. It is far from my purpose to inquire into, or criticise, the course which any gentleman has thought proper to pursue; I desire, merely, to show that the power which this state of things confers is liable to the greatest abuse, and that it has already been the means of placing on record a sort of censure upon such members of the House as closed with the Secretary's own proposition.

The compensation of the judges is a matter around which the Codstitution has thrown a solemn guaranty, with a view to guard their purity and independence. Let us note the contingencies which influence it under the Secretary's power of discrimination:

"Where judges and other officers of courts *resided near land offices*, in which there was an ample supply of coin, or near collectors, and *a request was made* for drafts on them *rather than on banks*, they have *often* been given and paid in specie."

Thus, the salary of a judge was made to vary, to an amount of more than 10 per cent. at that time, by the accident of his "residing near" a land office or collector, and by his urging a *request* upon the Executive to be allowed such a preference over his brethren. Who can conceive of a Chief Justice Marshall waiting in the antechamber of a Secretary until his turn might come to be admitted on such a beggarly errand? What class of judges would be most likely to hunt up information as to the ways of the Treasury, and strive to turn that knowledge to account by negotiation and importunity?

Speaking of those by whom *no* specie had been received, the Secretary says:

"They have, *when inquiring*, been informed that the Department *did not request them to accept* any other medium of payment unless more satisfactory than *to wait* till sufficient specie could be collected or be provided by Congress for *all* public creditors and officers demanding it. They have been *assured*, also, that the Department would spare no proper effort *to have this accomplished at the earliest day practicable*."

What mockery is here! Take the case of the laborers in your service—the men, for example, whom we have seen, day after day, toiling at these grounds to bring them into shape, to prepare a luxurious carpet of verdure for our eyes to repose upon, to spread over our heads the foliage of every climate: what mockery is it to tell them, on Saturday night, that they are not obliged to take the shinplasters tendered to them, but that they have the alternative of starving! Are these the men likely to make their way to the presence of the Secretary in order to inquire why they are thus paid, or to profit by the information that although they and their families may perish for want of food, yet their executors or administrators may, at some future day, obtain good money? No, sir! The claimant who gains in this scramble is the man of personal or political influence, who comes on here and requires from his Senator, or member of the House, an introduction to the Secretary, in order that he may negotiate under imposing circumstances. And where is the fulfilment of Mr. Woodbury's pledge that this injurious inequality should, so far as depended on him, cease at the earliest possible day? Do we find it in this scheme to continue and perpetuate a system which shall multiply the materials for discrimination, and give a wider scope for favoritism of caprice?

It is said, however, by an honorable gentleman from South Carolina [Mr. RHETT] that in abandoning Treasury notes we place the Government at the mercy of the moneyed class. Sir, when we look at the facts—when we look at the causes which have led to the depreciation of Treasury notes, even those bearing an interest of six per cent. it is difficult to conceive a proposition more widly erroneous. Why is it that, whilst others are borrowing at *three* per cent, this Government is burdening the people with the payment of *six*, and even then cannot keep its obligations at par? The chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] at the special session, indulged in this confident language:

"Mr. CAMBRELENG said he did not wish this Government to issue Treasury notes of any description, in any form whatever, *liable to depreciation*. There was already an outcry throughout the country against depreciated paper. We had too much of it now; and the evil would be augmented if the credit of the Government should become depreciated. He was anxious to guard against that event. For this reason, amongst others, he had come to the conclusion that it was better, taking all interests into consideration, to adopt the issue of Treasury notes bearing a moderate rate of interest."

Adverting to the doubt expressed, whether these notes would find their way to a foreign market, Mr. C. exclaims:

"Sir, what we have seen within a few montas past! Have not not seen the twelve months' bonds of the United States Bank remitteed to London and sold there? Nay, have we not even seen the bonds of the Morris Canal Company—an institution, by the way, not of the most unquestionable credit—have we not seen even the bonds of that company remitted and sold abroad? Yet, sir, gentleman tell us that five per cent. Treasury notes, issued by the Government of the United States, cannot be remitted to discharge any portion of our foreign debt."

Now, sir, have his predictions been verified? Can he deny that the result has demonstrated their fallacy? And why is it that the Bank of the United States and other institutions have been able to raise money at a rate so much lower than the Government? Assuredly not on account of their better credit. The credit of this nation is made up of the value of every man's property, the productiveness of every man's industry, and the high moral tone which will always render the whole available to meet, in good faith, the public engagements. Does not every one see, then, that the actual pecuniary loss, as well as the reproach which it seems most unjustly to cast upon our credit

must be attributed to the miserable skulking *manner* in which the pledge of the public faith has been managed? Instead of an open and direct offer to borrow, which shall attract the attention of capitalists, and insure the widest range of competition, these notes are issued in *dribs* to the public creditors, and their price, as they straggle into market, is fixed by the shavers into whose hands they unavoidably fall. They are bought up, less with reference to the interest ultimately payable on them, than on account of their receivability in payments to the public, and with a view to profit by the daily fluctuation of the demand, as a greater or less amount of dues to the Government chance to become payable. And yet, sir, when we seek to rescue the Government as well as its creditors out of the hands of this worst and narrowest class of money-dealers—when we entreat that the credit of this great Republic may be used in a mode which shall not only be most productive, but in some measure comport with the national dignity—a cry is raised that we are all in a plot to bring the Government into disrepute!

Mr. Chairman, there is an argument which, with this Administration at least, ought not to be destitute of weight. In a letter, dated Hermitage, 23d July, 1837, addressed to the editor of the Globe, General Jackson says.

"I hope no Treasury notes will be issued. The Treasury *drafts upon actual deposites* are constitutional, and do *not* partake of paper credits *as Treasury notes*, which are subject to depreciation by the merchants and banks, and shavers and brokers, and will be, if issued, and the Government cannot avoid it."

Sir, who has proved himself the more sagacious and far-sighted of the two, General Jackson or Mr. Cambreleng? I had the curiosity to stop, on my way to the House, to inquire at a broker's office the difference between Treasury notes and specie. The answer was, that the notes bearing six per cent. interest were at a discount of two per cent. and those bearing one mill interest at a discount of three per cent. The difference has been, to my knowledge, much greater, and may be so again, when the demand for their employment in payments to the public shall slacken. And, sir, even when you see them quoted at *par*, it is the broker who profits by this precarious rise, not the individual to whom you gave the note, and who was obliged to pass it off as he best could at the moment.

But we suppose that this fluctuating currency should, at any moment of issue, be above specie, it is plain that the creditor to whom the notes are paid receives, at the public expense, just so much more than he is entitled to. Here would be a new point in the range of discrimination. Why should this premium go to those who may succeed in getting Treasury notes, when they happen to be better than the constitutional currency? Why should not the public be benefited by the state of its own credit? Suppose a six per cent. United States stock, commanding 110 in the market, where would be the wisdom of discharging claims by issuing certificates at par? And what would be thought of a Secretary who boasted that certain creditors designated by himself received ten dollars on every hundred beyond the amount due to them in gold and silver? Take it, then, as you will, we are, by this scheme, at every point of time, cheating either our creditors or ourselves; and are, at the same moment, giving to an executive officer a power over the hopes and fears of every public functionary, as well as of every individual who has pecuniary relations with the Government. What a mark for cupidity these above-specie notes! How irresistible the temptation to fawning and sycophancy on the part, for example, of those United States judges who, as appears by Mr. Woodbury's report, approached him with "requests" to be allowed pecuniary favors in which other members of the court could not participate!

Here, then, is an Administration pledged to "follow in the footsteps" of General Jackson, treating his anxious injunctions with marked contempt, even after experience has fully demonstrated their wisdom. And this is done for the purpose of disguise—as a mask. The people are burdened with the payment of double interest; the public creditors are cheated, in order that we may be led blindfold into debt. Rely upon it, sir, that, in Pennsylvania, this scornful abandonment of General Jackson's "footsteps" will not be atoned for by the accession of those who now act as volunteer guides upon the new path into which you have diverged.

It has been asked by gentlemen on this floor, Does not an individual, when unable to pay his debts, give a due bill, or I O U, as the Government now proposes? Sir, I take up the question, and follow the train of reflection it suggests. Suppose a man of integrity to have so far miscalculated as to find himself unable to discharge the weekly demands that press for satisfaction. Would he not, if his credit were good, render that credit available by going to a bank or other leader, and raising the money? Would he say to those by whose labor he had profited, "I have no money; but here is my due bill, which you can pass off at discount; or, if you choose, you can procure store goods with it at one of my establishments?" What would be thought of a manufacturer who, on pay day, should meet his hands with such a proposition? It is said we have resources in the perspective, and, therefore, need not borrow. Why, sir, this is the case of every man who seeks a loan with any expectation of success. He says: "I have a great deal coming to me; my books show a vast amount due from individuals of undoubted credit; but, meantime, there are calls for cash which I must meet with punctuality and good faith; I ask a discount until those claims come round." Sir, it has probably happened to every one to witness, with indignation and disgust, the devices of plunder by which an unprincipled employer has sought to pinch and screw the laborers in his service. And yet a system which we would brand as infamous in private life is seriously recommended for the adoption of this great people!

Mr. Chairman, if the parallel hold good as to dishonesty, it is not less complete as to improvidence. He who can get rid of present demands by merely signing a due bill, is delighted at this easy mode of putting off the evil day, and runs thoughtlessly on. But a reckoning at last comes, and he finds himself overwhelmed. He is a victim to that facility which the first Secretary of the Treasury describes as so treacherously seductive. Had he been driven to a loan—had his credit been brought to a test—he might have been *forced* to reflect, ere it was too late, upon his folly and extravagance.

Sir, the gentleman from South Carolina, [Mr. RHETT,] whilst contending that opposition to this measure is to place the Government at the mercy of the moneyed power, thought proper to indulge in a strain of invective against banks and capital, and even to threaten our cities with outbreaks of popular violence. I will not repeat the able argument of the gentleman from Virginia [Mr. MASON,] in reply. It was a matter of general merriment in the House to witness how instantly the inflated balloon, at the first touch of his spear—the spear of Truth—collapsed, and shrunk up into nothing. Sir, the absolute absurdity of the charge, in reference to this bill, disarmed the indignation it was calculated to provoke. Yet who could patiently listen to these efforts to get up a spirit of arson and assassination? It is easy to say they mean nothing, except in the way of caution and warning. This is the flimsy veil always thrown over such suggestions. Once establish that they are justifiable, and pretexts spring up, or may be manufactured. Whose judgment is to decide when the fit occasion has arrived? If there be any meaning or relevancy in the gentleman's remarks, the rejection of this bill would be a proper signal for Lynch law. If this House should choose to profit by the lessons of Gen. Jackson, when backed by experience; if it should choose to pay its creditors honestly and equally; if it should refuse to incur extravagant interest, and insist on rescuing the credit of the country from the hands of brokers and shavers; why, *then* these denunciations come into play. The misconduct of this House is to be avenged by pillage, and murder in the streets of Philadelphia! People are impelled to violence by the very thought that they may be deemed tame, and cold, and spiritless, in disappointing the predictions of their special advocates and orators.

Surely, sir, this strain is altogether misplaced in the mouth of a gentleman and a scholar; it belongs to a different, though very numerous, class. Some one says, in Shakspeare, "I'll have a starling that shall be taught to speak *nothing* but Mortimer." There is a race of politicians, all over our country, who seem to have been educated on the same plan as this starling. They have been taught to speak *nothing but* "bank! bank!" and are altogether at fault when required to vary the note. Yet I do injustice. The starling is a gentle and interesting bird. Rather are we reminded of a filthy parrot, hung out in front of a sailor boarding house, taught by its master to utter exclamations at each passer-by, and never joyous or happy unless when engaged in screaming out rogue or strumpet.

Sir, we are led to infer, from the strange inapplicability of the gentleman's remarks, at least to this bill, that they were prepared for a very different occasion. In the confusion he may, by an accident not uncommon, have put his baggage on board the wrong boat. Yet there may be method and calculation in all this. It is perhaps, apprehended that no opportunity will hereafter occur for the delivery of Sub-Treasury speeches. These things often hang by a frail chain of coincidences. Mr. B. remembered to have heard of a lady, very fond of attending auctions, who bought, amongst other things, a second-hand brass knocker, bearing the name of "Henderson." She explained that her husband *might* die; she *might* marry a Henderson, and *then* it would come into play. The story ran that her husband *did* died, and she *did* marry a Henderson. But this was not every body's luck. It was wise, then, for those who had such speeches ready, not to trust to the future. There was, indeed, a peculiar hardship on those gentlemen from South Carolina who had gone over to their bitterest personal and political foes on this scheme, that it seemed to have disappeared—to have been buried by the people at the Cross Roads, with a stake through its middle—before they had enjoyed an occasion to pronounce its eulogy, or even to ask for it the rights of decent sepulture.

One other remark of the gentleman claims a passing notice. He tells us the "money power" has been insubordinate, and forgetful of its appropriate character. Let us see how far the denunciation savors of consistency from that gentleman, or from the distinguished head of the school to which he belongs [Mr. CALHOUN.] It is now agreed that the great danger from a National Bank is, not that it will prove an antagonist of the existing Administration, but that it may become a supple instrument. This is a doctrine pressed at great length by many Senators. They doubtless smile, in secret, at the notion of danger from a contest between the Government and a Bank; although, as the clamor had been got up on that pretext, they feel justified in turning it to account. Subserviency is the matter to be really dreaded. And, undoubtedly, they are right as to the sympathies of money with power. Falstaff describes his soldiers as "a commodity of warm slaves, that had as lief hear the devil as a drum." So it is with money. Its habits are warm; its palm moist and tremulous; there is no rugged vigor about it. It shrinks from contest, and will purchase safety by the most abject submission. And yet, sir, in reference to a signal instance in which all these debasing tendencies were resisted; in which a Bank stood up manfully and braved the frowns and rage of the Executive, rather than compromise its trust; we hear of danger to the country from that very unyielding perseverance in the discharge of a high and solemn duty. The Executive triumphed; the Bank was prostrated. Should a new Bank, at any distance of time, be created, it will go into operation, not only with all the evil tendencies said to be inherent in its nature, but with the memorable lesson constantly in view, that its predecessor fell a victim to stiffness in maintaining an independence of Executive dictation. South Carolina, it seems, now holds that the triumph of the Executive should be complete; that it ought not to be disturbed by even a feeling of sympathy for the victim. How is it, sir, that her proud and chivalrous spirit can thus stoop to pluck the dead lion by the beard?

The gentleman tells us that there has been a systematic warfare of the banks upon the Government, whilst the latter has remained almost passive. Sir, there may be a satisfactory reason why he is not very familiar with the history of that period. Whilst that war was in progress, another of a very different character was going on against himself and his fellow-citizens. At that period, as I remember, it was the fashion to introduce scurrilous paragraphs in the Globe, with "John C. Calhoun, who could never speak the truth when falsehood would answer the purpose," &c. The cry at Washington then was, that John C. Calhoun should be hung up on the first tree; and the gentleman himself was denounced as the worst of traitors. It may well be, then, that his reminiscences of the subordinate contest are somewhat vague and shadowy. Sir, I am not now about to traverse that vast field; but if he will take the trouble to look over the official paper, which is now the organ of *his* party, he will find abundant materials for better understanding the history of the two contests simultaneously carried on. Without going back more than a year, he will find an essay in the Globe, from one who was evidently admitted to the councils of the party, and probably a principal actor. It is a production of great frankness, written at a time when the suspension of specie payments was supposed to have rendered the banks universally and for ever odious. The writer says:

"It was deemed essential to *force her* (the Bank,) *into the field prematurely*, and cripple her in anticipation. This could be done only by a removal of the deposites, early in General Jackson's second term. It was believed that, if she submitted to the measure in peace, she would be quietly stripped of her power, a new system would be in full and successful operation before the expiration of her charter, and she would slide out of existence almost unobserved. If she resisted, it was not doubted that she would be vanquished *by the ever victorious chieftain.*"

And again, as to the employment of the State banks:

"Let those who now inveigh against the employment of the State banks at that time, look back, and ask themselves whether it was *possible* for General Jackson *to accomplish his object* by any other *means*. If he had proposed a separation from all banks, he would have found all the State banks and their friends in full and effective alliance with the Bank of the United States—a league which it was not desirable to encounter. Neither *the public mind, nor the opinions of the members of Congress*, were *then* prepared for a separation of bank and State."

Sir, in these paragraphs you have a compendious view of the warfare upon the Bank of the United States, as well as upon the State institutions. We all know how artfully the latter were played off upon the former. Their cupidity was excited; their pride, local, and personal, inflamed; the influence of the Philadelphia institution represented as an injurious and mortifying ascendency. At length, the whole were thrown together into the cock-pit, with gaffs fixed by a dexterous hand, to tear each other's eyes and pierce each other's hearts!

I turn, sir, to the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] Whilst urging the *immediate* passage of this bill as indispensable to save the national credit from degradation, he has introduced a medley of topics well calculated to provoke the widest discussion. If he deemed it necessary to connect them with this measure, notwithstanding the pressure for time, how has he found it reconcilable with justice or decorum to join in a pertinacious though unsuccessful effort to cut off all opportunity of reply?

We have heard, amongst other things, a eulogy on the general banking law of New York, as having broken the chains by which chartered monopolies had so long fettered the energies of the great Empire State. Of the merits of that scheme I am not about to speak. As the act of a sovereign State, it is entitled, on this floor, to the highest respect; and, as an interesting experiment about to be tried by a leading member of the Confederacy, it claims our heartiest good wishes for its success. The only point of view, however, in which the subject becomes of national interest has escaped the notice of the chairman. At the commencement of the present session of Congress the President adverted to the great revolution in the State of New York, which had given a complete ascendancy to his political opponents. He assured us that this result was brought about by the influence of the banking corporations in that State. Now, sir, do we understand that this charge is persisted in? Are we still urged to believe that a Legislature which has thus disenthralled the people from an odious bank monopoly came into power as the creature and instrument of that bank monopoly? This part of the message has not been disposed of by the House. It has gone forth to the world as a stigma upon free institutions. It has been cited in the English newspapers to show how sordid and venal is the State which borders upon Canada, and how little reason there is to dread collision with a people thus characterized by their own chief magistrate.

It has pleased the chairman of the Committee of Ways and Means to introduce, in the most incidental way, a topic of the deepest interest at the present moment—that of the resumption of specie payments. I am glad he did so. In every part of the country the eyes of the people are turned towards the banks. These institutions have existed for some time at bare sufferance. Popular opinion has thus far restrained the pursuit of the remedies against them which the laws already afford. Ought forbearance to be continued longer? This is a question which has swelled to a magnitude that claims for it the attention of all; and he may be justly deemed a public benefactor who lends his aid to the formation of an enlightened and dispassionate judgment.

Mr. B. had, therefore, hoped to learn from gentlemen on this floor, whose reputation stood high for financial knowledge and experience, *how* they thought this resumption was to be generally and safely effected and *continued*, particularly in the interior, under the system which they had so long struggled to fasten upon us. For his constituents, at least, he could offer a pledge that they would give a fair hearing to argument, and that they would sternly carry out the conclusion at which their judgment arrived. They had no sympathy with these institutions, except as instruments to promote the public benefit. They were no more *wedded* to the banks than they were to the gas-works or the water-works, or any other institution which had demanded a larger investment than suited the means or convenience of individual capitalists. Mr. B. personally, had the same feeling. He owned not a dollar of bank stock, and his own simple habits and pursuits had preserved him from any feeling of gratitude for favors conferred, or of resentment for their refusal.

Sir, said Mr. B. I well know that these institutions never can be what is called "*popular*." The benefits they render are invisible or unheeded, whilst causes of irritation are daily addressed to the eager passions of men. For one who receives aid, how many hundreds are there who encounter denial—who deem themselves injured or insulted—and clamorously denounce what they represent as partiality or caprice? And, if this be the case within the immediate sphere of their accommodations, we know that in the country they have always been viewed with dislike. They are regarded as complex machines, by which money is rapidly made in the towns, through mysterious processes denied to those whose hard earnings are derived from direct toil—from the sweat of the harvest-field. Long before the great contest of recent years, which has drawn so largely on this feeling, who does not recall the numberless instances in which he has seen it successfully invoked by small demagogues to earn a cheap and worthless popularity? It is part, indeed, of that jealousy between town and country which may be so readily worked upon and inflamed. No, sir! The public man who exposes himself to the charge of being an advocate of banks, does so at imminent risk. He must look for support to the consciousness that he is called upon by duty to oppose himself, at all hazards, to the artifices of designing political knaves, and with a full knowledge that he becomes a mark for the grossest misrepresentation.

Yet, sir, I would fain hope that the public mind is now prepared for more just and enlarged views. It seems impossible for any one of us not to see the deep stake which the whole community has in guarding these institutions from wanton assault or premature condemnation. The capital which they hav

drawn to the West from the Atlantic cities and from Europe has passed into every form of prosperous industry. To prostrate them is only to compel its extraction and withdrawal through legal process and by ruinous sacrifices. What class may flatter itself with exemption from the evils of that epoch? Surely not the farmer, when he looks round on a languid and deserted market, once thronged and fervent with the busy and the prosperous.

Mr. Chairman, I must here advert, before proceeding further, to one of the most extraordinary political movements it has ever been my fortune to witness. We have recently heard from a distinguished Senator [Mr. BENTON] a call on the Administration party to take up a new position, under a new banner. The appeal has been eagerly caught at, and the experiment is now urged, in Pennsylvania, at least, with all the energy that belongs to a last desperate rally.

Sir, it is undeniable that the personage to whom I allude wields a greater influence over the party than any other individual. His skill and tact in reaching the popular mind have been greatly underrated. His promises touch the imagination, and take advantage of that love of excitement—that craving after mighty changes in our day, such as shall make a new era in the history of man—in which each successive generation has delighted to indulge, and towards the achievement of which it has stood ready to pour forth its blood. Let us, then, look at the sincerity and consistency of appeals from a quarter so influential.

At the special session, this Senator emphatically declared that public confidence in banks was irretrievably and *forever* gone; that gold might be imported into the country by hundreds of millions, but that an attempt on the part of these institutions to resume specie payments would be but the prelude to a mighty and universal crash. I read, sir, from the speech of 22d September last, which has been more widely circulated through my Congressional district than any other delivered at that great crisis:

"*Another* revulsion *must* come. Thus it was after the last resumption. The banks recommenced payments in 1817; in two years the failures were more disastrous than ever. Thus it was in England after the long suspension. Payments recommenced in 1823; in 1825 the most desolating crash of banks took place which had ever been known in the kingdom, although the Bank of England had imported, in less than four years, twenty millions sterling in gold, about one hundred millions of dollars, to recommence upon. Its effects reached this country, crushed the cotton houses in New Orleans, depressed the money market, and injured all business. Why was this? Why was it that, within two years after the resumption, both in England and our America, these disastrous revulsions ensued? *Loss of confidence* was the cause; and that loss resulting not from the act of the Government, but from the conduct of the banks themselves. The banks *had* failed, and, therefore, they *could* fail. The people had seen them fail, and, therefore, they feared they might do so again. There was no confidence in them; no more than the coachman places in the balking horse, when he comes to the hill. The gentleman from Virginia [Mr. RIVES] wishes the Government to do something to reanimate confidence in these banks. Could a law of Congress inspire confidence into his coachman, and give him faith in the balking horse? No more can it be done in relation to these banks."

I pray you, sir, to pause upon the deliberate convictions of this great Administration leader. The attempt to resume specie payments *must*, according to him, terminate in a speedy convulsion. There *must* be "a desolating crash of banks." The "cotton houses in New Orleans" *must* be "crushed." "The money market" *must* be be "depressed." "All business" must be "injured." Even the most direct and open cooperation of the Government, in sustaining the banks, will be ineffectual to avert or mitigate the catastrophe. No bank that once suspended can ever revive. The public confidence is dead; it cannot be *galvanized* into a show of vitality.

Now, sir, can it be denied that such representations may render inevitable the very mischiefs thus elaborately pictured? They have been anxiously circulated, in every variety of form, to be read, pondered on, laid aside, and recurred to again and again. The party newspapers have dinned them into the ears of the people, without intermission. And what individual, who puts the slightest faith in that speech of 22d September, would consent to keep by him for one moment a five dollar note, if he could, with his utmost speed, contrive to reach the bank before the final "crash?" Sir, many of my unsophisticated constituents have laid all this to heart. They have taken it for gospel. But how must they be startled when the very same voice is now heard proclaiming that the party is about to escape from numberless discomfitures, by rallying its broken forces under a *new* banner? The old catchwords have lost their potency. *Divorce* will not answer. The new cry, it seems, is to be *resumption*. That which, in the Party Almanac of September, was announced as a comet to scatter from its fiery tail dismay and desolation over this fair land, becomes the mild morning star, emblem of hope and faith, before which all true believers are to bend the knee, and put up their orisons. And this resumption is to be instant, sharp, peremptory! No sympathy is to be indulged with weaker brethren; no preparations to break the predicted "crash;" no generous enlarged views, prompted by an enlightened and farseeing self-interest; no thought even of the cherished "cotton houses in New Orleans." The whole assembled party is, at the word of command, to step from the ranks and array itself, as one man, under the new banner sent out from Washington. Oh unutterable faith in the gullibility of the people! Oh matchless confidence in the powers of audacity!

Mr Chairman, I put it to your candor whether the banks may not well pause when they hear this precipitate action invoked from the present quarter. It is clamorously demanded by those who have prophesied utter and wide-spread ruin from resumption, under *any* circumstances. It comes from those whose reputation in matters of finance depends on the fulfilment of those predictions. Can they be sincre in urging that resumption in the face of a Government war upon them? What! they who declared that even the strenuous *support* of the Government could avail nothing? Sir, they well know that if the banks stop payment *again*, after a premature resumption, their fate is sealed. Do they look to this result? Undeniably, it would be the consummation of their prophecies. Would it not be the consummation of their ardent hopes?

It is roundly asserted by the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] that every bank, except those in the Southwest, may safely resume. Now, in the first place, he takes for granted that all the speeches with which the country has been flooded, under the frank of members of Congress, of Executive officers, and of the President himself, contained nothing but arrant falsehoods, and that this was so understood by the people. If there was believed to be one word of truth in them, the banks could *not* resume.

When the chairman makes this assertion, are we to understand him that the banks are prepared to redeem, at any moment, all their liabilities in coin? No. This, he will tell you, is not necessary. It is sufficient, if there be enough to meet the calls of trade and public convenience; the remainder of the notes will be sustained in circulation by a knowledge that the resources of the banks, in claims upon solvent borrowers, are abundantly sufficient to insure the holder against loss. And, sir, doubtless this might, under ordinary circumstances, be safely assumed. But what becomes of it when the avowed policy of the Administration invites and demands a run upon the banks? The very persons who talk of the forbearance which would result from public confidence, are those who now strive to blast that confidence, by preaching up utter, uncompromising distrust. What is the whole theory of the experiment? Is it not that confidence in any bank is misplaced, and full of peril? How is a proselyte to it made but by persuading him that his modicum of interest in the public treasure is insecure so long as paper shall be received? And if you succeed in fixing these apprehensions upon him, can it be supposed that the same individual will leave his private means at the mercy of this imminent peril? You compel him to feel restless and uneasy whilst he has a bank note in his possession. The Government has *crossed* it with the mark of rejection, and proclaims that rejection as part of a political creed. It raises the panic cry of *sauve qui peut*. Who that is obliged to go to the bank to get a note changed, in order to pay specie to the Government, will not, at the same time, think it safe to cash *all* he has in his possession?

Besides, sir, it is a trite and familiar truth, that so long as the Government will receive for its dues only a particular commodity, that commodity must command a premium. It must rise in price above any substitute or representative which will *not*, every where, answer the same end. Holders of notes will eagerly make the exchange, and send the coin where its aptitude for a particular purpose secures to it a profitable market. And such a commodity will, of course, flow to the points where heavy payments are to be made. We witnessed the process, on a small scale, under the Treasury circular, exacting specie for payment of lands. The banks at Pittsburg found their coin disappearing, and travelling westward. Did it produce any salutary effect there? Not at all. So far as the circular was honestly enforced, it only tended to accumulate masses of specie at remote points, to remain inert and useless, until brought back by the sure but tedious operations of commerce. The very term *circulation* suggests that analogy to the human system which inspires the utmost caution and repels all idea of violence. By external force you may extravasate the blood, but you add no vigor to the swollen limb, and the whole system remains sore and languid until the tumor is reduced. The same spectacle will be witnessed when you create an additional current towards the custom houses. You only extend the operation which was going on when the banks stopped. How can specie quietly remain in the interior, as the basis of a safe paper circulation, at points where there are no great land offices or custom-houses, when you create for it this artificial demand elsewhere? You compel a determination towards the extremities; and how is the life-blood to be thrown back upon the heart, to perform its salutary functions through the whole system? Close up your custom-houses and your land offices, and all sound banks might safely resume specie payments to-morrow. It is the vicious action of this Government which, after destroying the best currency in the world, still struggles against the natural tendency of our elastic country to rise above disaster.

The present relation of this Government to the people is that of an Irish absentee landlord, living luxuriously in London, whilst his agent collects the rents in gold. The fraud and oppression to which such a state of things gives rise are in Ireland familiar objects of odium. Look at a sketch by one of her most gifted writers.

"The agent would take nothing but gold. The same guineas were bought and sold several times over, to the great profit of the agent, and loss of the poor tenants; for, as the rents were paid, the guineas were resold to another set."

Sir, this is precisely what took place in the neighborhood of the land offices under the special circular. What a millennium for brokers and shavers! You will see it on a yet larger scale at the seaports, when specie shall accumulate there, like a great sand bar at the mouth of one of your rivers—not to fertilize—no, sir—but to warm into existence myriads of noxious insects to fasten upon the social body.

The real commercial interests of the seaports are identified with the prosperity of the West; cripple or embarrass it, and your canals and railroads may be abandoned. Even with regard to the duties on imports, how trifling a portion is ultimately discharged in the vicinity of the custom-house at which they chance to be paid or secured? They fall most heavily on the purchaser who is furthest removed from the seaboard. The various agents of traffic, intermediate to consumption, take care to remunerate themselves liberally, in the price of the article, for every charge to which it is subjected in its passage through their hands; and the tax which thus grows, at each stage of transit, carries its highest accumulation into the remotest cabin.

Let me say, in conclusion, Mr. Chairman, that I am not one of those who believe in the gloomy predictions which have gone forth from the Senate of the United States, and been so industriously circulated. I do *not* believe that faith in all these institutions is irretrievably gone, I do *not* believe that a general "crash" awaits resumption. No, sir; the blessed rays of credit will again cheer and warm us. The cloud, raised by the breath of party, has *not* quenched the orb of day:

> To morrow he repairs the golden flood,
> And fires the nations with redoubled ray.

But, sir, infinite circumspection and the nicest judgment are required to guard against the dangers, intrinsic and factitious, which attend the process. Above all, this senseless warfare which you have been waging for so many years must cease; and then we may safely confide the rest to the energy and intelligence of the great people we represent.

SPEECH OF MR. MASON,
OF VIRGINIA,

In the House of Representatives, May 12, 1838—On the Treasury Note Bill.

Mr. ROBERTSON having moved an amendment to the Treasury note bill, proposing to substitute a provision authorizing a loan for the provision authorizing the issue of Treasury notes—the hour being late, and the Committee of the Whole refusing motions to rise—

Mr. MASON, of Virginia, rose and addressed the House as follows:

This bill, Mr. Chairman, is intended to furnish to the Treasury the sum of ten millions of dollars, in aid of the current revenue. It is simply a bill for supply, and as such I shall treat it, avoiding all collateral matter, the example of the honorable chairman of Ways and Means, who brought it in, to the contrary notwithstanding.

We are told, and I believe correctly, that the Government wants so much money; as one of the representatives of the people, I am willing to grant it, and thus to me there remains the single inquiry, what is the best means of raising it? This question I shall discuss. I am bound to do so, because it has been the pleasure of the chairman of the Ways and Means, in his reports asking the supply, to avoid such discussion altogether. He has been content with declaring that the deficiency in the revenue "*must* be provided for, either by an authority to reissue the Treasury notes received, or by an issue of others in their place." And this word "*must*," having the same significant use, is found appropriately alike in his reports of the 5th and 23d of March.

Sir, let me say to the honorable chairman, that in a report addressed to the intelligence of the representatives of the people, and least of all when asking a supply, this word "*must*" is not parliamentary English. It is the language of Courts, but has no place in Parliament. I should have thought it his duty, in recommending the supply, to canvass before us the best and most economical means of raising it. The financial condition of the country, as well as of the Treasury, is familiar to his mind; we have a right to expect from him an exposition of the "ways and means" of supply, when, in lieu, we have nothing but an imperative monosyllable.

This, sir, is a departure from usage. Former committees, in laying before the country the necessities of an extraordinary supply, to meet a deficient revenue, have thought it their duty to present fully the several modes of raising it, whether by taxation, loan, or an issue of Treasury notes, and to recommend that which, under the circumstances, to them might seem best.

Our chairman, however, thinking otherwise, it is our right, as it is our duty, to consider this subject fully, and with the best lights we can command, each for himself; and this would seem the more necessary because, notwithstanding the whole inquiry is shaken off by the committee in the use of their confident monosyllable, yet it is remarkable that the recommendation comes from them at last in the most crude and undigested form. They were not themselves satisfied with the results of their own reasoning. Let me trace, for a moment, this vacillation of purpose, not so much, sir, with a view of confuting them, but to show the propriety of full consideration by this House.

We have then, first, the bill of the 23d of March, entitled, "A bill to authorize the issuing of Treasury notes," accompanied by a report at length. This bill provides for an issue of $10,000,000 of Treasury notes, payable one-third in twelve, one-third in eighteen months, and the residue in two years after their date, to bear interest not exceeding six per cent. per annum, and to be redeemable at maturity at the Treasury, for which redemption certain funds are specifically pledged in the bill.

This is a *loan* out and out, to be effected by a sale of Treasury scrip, bearing interest, redeemable at stated periods during which it was to run, and *not in the mean time receivable in payment of public dues.*

In the report accompanying this bill, (our printed document No. 716,) much reasoning is used to show that, by the unfortunate provisions of the act of the special session, for the issue of Treasury notes, it had exercised an impoverishing instead of an invigorating influence upon the Treasury. Under that act, it is said, the issue of $10,000,000 had operated a *reduction*, in lieu of an augmentation of the revenue; and this reduction of the revenue, so brought about, was to be provided for by a new issue under the proposed bill.

One not versed in the mysteries of finance, as the honorable chairman is, would be a little curious to know how an extraordinary supply of $10,000,000 in aid of the current revenue, could reduce instead of increasing it. But, having ascertained the fact, it was his duty to trace out the causes, however perplexed the problem might be; and he has accordingly detected and exposed the offending matter. After capitulating certain extraordinary demands upon the Treasury, arising out of the Indian wars and the troubles on the Canada frontier, he says: "Notwithstanding these additional estimates, the current resources of the year would, with proper economy, be equal to all the demands upon the Treasury, whether for ordinary or extraordinary purposes, but for *two provisions* of the Treasury note act referred to; *the one authorizing their receipt in payment of* public dues, and the other prohibiting the Treasury from reissuing them."

Well, sir, this bill for a loan took the regular course of a first and second reading on the day that it was brought in, and was referred to the Committee of the Whole.

Before any further action was had upon it, there was brought in from the same committee a second, entitled "A bill supplementary to the act entitled an act to authorize the issue of Treasury notes," reported on the 13th April. This was in like manner twice read, and referred with its predecessor.

Things so remained, without action on either, until the 23d of April, only ten days after the last bill was reported, when, at the close of a long day's debate upon a different subject, the honorable chairman of the Committee of Ways and Means, without notice or reason assigned, moved that the Committee of the Whole be discharged from all further consideration of these two bills, and that they be recommitted to the committee that brought them in; which was done accordingly. And thereupon and forthwith thereafter, he reported the third bill, being that now under consideration, and bearing the very equivocal title of "A bill to carry into effect an act approved the 12th of October, 1837, to authorize the issuing of Treasury notes."

Thus we have had, in the short space of one month, running from the 23d day of March to the 23d of April, three several schemes for supply, reported from the Committee of Ways and Means, each variant from the other, and each proposing for itself to raise the supply by its appropriate machinery.

The first was a loan through the medium of Treasury scrip.

The second, an issue of Treasury paper to the amount, and in lieu of such as, under the provisions of the former law, had returned into the Treasury and been cancelled.

And the third, an issue of Treasury paper to the amount of $10,000,000, in lieu of the entire emission authorized by the former law, and, as I understand it, to be reissuable and redeemable at the discretion of the Secretary.

Thus infirm of purpose in their recommendation, we should have expected some lenity and indulgence to those who might evince a disposition to select between the various modes of raising this supply, as they emanated from the committee, whether by loan, as proposed in March; by a partial issue of Treasury paper for immediate use, and a loan for the residue, as proposed on the 13th of April; or by an emission for the whole demand, in lieu of either, as recommended on the 23d.

But no, the honorable chairman can brook no delay. From the tenor of his remarks made yesterday, it would seem that we are expected to carry the *last* project of the committee at once into law, without even looking back, or considering in any form what his own committee recommended so very shortly before.

Of these noxious projets, sir, I prefer that of the 13th of April, providing an issue of Treasury paper to meet immediate want, and a loan for the residue; and I would take it as proposed from the Committee of Ways and Means, with this single difference in the the terms of loan: that, instead of selling Treasury six per cent. scrip at twelve, eighteen and twenty-four months, I would extend the time of payment and reduce the rate of interest.

As the first reason for this preference I have but to quote from the report of the honorable chairman which accompanied the bill—an authority for which I ask his respect. He recommends the loan in preference to notes receivable for public dues, because the latter have been found, under the experience of the late law, to *reduce*, instead of *augmenting* the revenue. Let me be understood, if you please, as adopting the objection, though not as the chairman has conceived it. I am at some loss to know how a credit of $10,000,000, fully realized as so much money, can *reduce* the revenue. But I can well understand, if the time of credit be too short, how a revenue, reduced by other cruses, may be unable to meet current demands, and at the same time to absorb the issue under it. And this is the true pith of the objection to any similar issue, as it is taken in the report of the committee—an objection that was ably taken, and well relied on, however misconceived in its application.

What was the condition of our revenue then? A sudden and violent revulsion had just occurred in every branch of trade and business, putting a complete stoppage upon the whole. There were no customs, because importation had ceased, and of the public lands the sales were at an end. Being cut off from the supplies of trade, our merchants could not pay the revenue bonds given before the catastrophe. And of the public money on deposite all had been used, which, from its locality, could be made available. The banks too had suspended payment throughout the country, and all sources of revenue were cut off alike from the Government and from its debtors.

In this state of things Congress, at the special session, ordered an issue of Treasury notes, redeemable in twelve months, and in the meen time receivable in payment of public dues. I then preferred the bill in that form, and, under the circumstances then existing, should certainly have that preference still.

First, because it was the only means by which the Government could make its credit available. A loan could not have been negotiated on any terms, certainly not at home, for there was no many disposable in market, save the disgraced currency of the banks; nor abroad, because of the prohibitory rate of exchange.

And secondly, because this disgraced currency, not being receivable by Government, it was paralyzed alike in receiving or paying its debts; and Treasury notes receivable furnished a medium for both.

By this receivability Government was obligated to retire these evidences of debt as fast as they were presented before the entire credit expired, and it has resulted in practice that they flowed back upon the Treasury faster than the accruing revenue could absorb them.

Knowing well that the revenue was yet in far too enfeebled a condition to meet the Government expenditure, and provide for this debt as it flowed in, the committee, in their report, have earnestly remonstrated against a like provision in the new issue

That such is, in fact, its condition, I have only to refer to the letter of the Secretary of the Treasury accompanying the President's message to this House on the 10th day of this month, in which he says, that "during the present year the revenue has been paid in Treasury notes to such an extent, that only about *one-fourth of a million* has been received from it in *money*, so as to assist in discharging the current expenditures." "These last, [the expenditures,] on an average, have been over two millions monthly, and in April nearly three millions."

And yet, *mirabile dictu*, notwithstanding this remonstrance, and the satisfactory reasoning on which it rested, the committee, in one short month, dismiss their own objections, repudiate their own arguments, and come back, at one bound, to the very position so recently abandoned. We are now urged by this bill to do the very thing against which the committee that brought it in themselves remonstrated but one short month before.

Sir, the objection then taken holds with equal force now. *The credit is too short.* What argument could make this plainer? By the issue of Treasury paper, as proposed, you impose upon the revenue the duty of redeeming the notes as fast as they come in. The committee complain of this feature in the law of October. The Secretary tells you that, under its operation, while the expenditure is from two to three millions a month, the cash receipt does not exceed one-quarter of a million; and yet, with theory and practice both united against it, we are required now to re-enact the very same law.

But, sir, without the light of such experience, I should be against this mode of raising money, except under circumstances of such imperious necessity as left no other alternative.

I cannot consider this as a party question, although by no means one of those who profess a freedom from all party restraint; yet on occasions where such restraint would overrule my own sense of right, I cannot and will not regard it. I concur fully in the necessity of raising this supply. I am prepared to vote for it cheerfully, and without stint, and without any rebuke upon the Administration; for I do not believe that it is just responsible. I trace its diminished revenue to causes over which it has, and ought to have, no control; to those causes which have operated to impair the revenue of all alike, whose resources are implicated in the trade and business of the country.

Until that trade and business shall revive, and be again in a condition to make its wonted returns to the public coffers, money *must be raised upon the public credit* in some form. To this all are agreed; and our plain path of duty is, to obtain it on the most economical terms within the pale of our authority.

Looking to the former practice of the Government, I am taught to believe that an issue of Treasury notes has been looked upon rather as the alternative of an unembarrassed financier than the choice of undoubted credit.

In the first war loan of 1821, Mr. Gallatin, then at the head of the Treasury, (whose ability and knowledge of this subject none will question,) reported to Congress that, of the eleven millions authorized to be raised by loan, but little more than six millions had been taken, leaving a deficit of nearly five millions of dollars. Speaking of this deficiency, he says:

"It is confidently believed that the amount which remains unsubscribed for will thus be filled as early as the money may be wanted for the public service. *In order, however, to prevent the possibility of disappointment*, and to remove doubts and erroneous expectations, I beg leave to submit the propriety of authorizing the issue of Treasury notes on the following principles, viz:

"1st. Not to exceed in the whole the amount which may ultimately not be subscribed to the loan; that is to say, that the amount received on account of the loan, and that of the Treasury notes, shall not together exceed $11,000,000.

"2d. To bear an interest," &c.—*Gallatin's Report on the Finances, May* 14, 1812.

Here, then, we have proofs that the first issue of Government paper, since the old continental money, (the history of which we all know,) was not recommended or resorted to until a loan had failed; and then only and strictly as *auxiliary* to a loan direct. So far from being treated as an ordinary resource, Mr. Gallatin asked the power, in his own emphatic language, only "to prevent the possibility of disappointment" if the loan should fail. It was considered by him as the very "medicine of state," to be administered only in the last resort, and when otherwise the patient must expire. Under such auspices, we had our first issue of Treasury notes, amidst the embarrassments of a war, and under the pressure of impaired credit. The necessities and difficulties of the times forced this measure into use upon a skilful though reluctant financier. His sagacity doubtless foresaw the consequences, though from them there was no escape. The emission was continued from time to time, at increased interest, until they were depreciated at the doors of the Treasury as low as seventy-five for the hundred.

Mr. Dallas, who came after Mr Gallatin into the Treasury, was opposed to the continuation of this policy. But Mr. Eppes, then chairman of the Ways and Means in this House, espoused the opposite. His purpose was to create and continue a Government paper to supply a *circulating medium* for the country, to take the place of the paper of the State banks, then discredited by the suspension of specie payments.

"The want of some medium," says Mr. Eppes, "which, resting on a firm and solid basis, may unite public confidence, and have a general instead of a local *circulation*, is now universally acknowledged;" and, after recommending a further issue of Treasury notes for this purpose, he continues:

"To receive their circulation, it would be necessary,

"1st. To issue them in small sums.

"2d. *To allow holders to fund them at pleasure in* 8 *per cent. stock.*

"3d. To make them payable to bearer, and pass by delivery.

4th. To make them receivable in all public dues.

"5th. The United States, to prevent redundant circulation, to retain the power of redeeming them at pleasure, *or of funding them.*"—*Report Committee Ways and Means, October* 10, 1814.

Such was Mr. Eppes's idea of the true uses and intent of a Treasury issue. But even he was obliged to rest it for support on the *funding system.* Regarding a permanent debt as the lot of our country, in common with all others, he looked to that as the legitimate and only support of his scheme of Government paper money, *to be funded at the pleasure of the holder, or at the will of Government, in permanent* 8 *per cent. stock.*

Mr. Dallas, however, in a letter to Mr. Eppes, soon after this report appeared, condemned this scheme in the strongest terms. He considered, with Mr. Gallatin, that Treasury paper should be resorted to only under peculiar circumstances, as a means of temporary supply. "Under favorable circumstances," he writes, "and to a limited extent, an emission of Treasury notes would probably afford relief: but Treasury notes are an *expensive* and *precarious* substitute either for coin or for bank notes, charged as they are with a growing interest, productive of no countervailing profit or emolument, and exposed to every breath of popular prejudice and alarm."

Sir, I have cited these authorities to show that an issue of Treasury paper has been looked to by our ablest financiers, only as a temporary expedient of supply, when the price of money was so high, or the credit of Government so low, as to justify its use.

In October last, when the issue of ten millions was authorized, I considered those circumstances as existing, to which Mr. Dallas refers as justifying the occasional use of this "expensive and precarious subsitute." The Treasury was empty, the sources of revenue dried up. The public money on deposite in the South and Southwest was inaccessible, and at the North it had been drained almost to the last dollar. A loan would have produced nothing, there being no money to invest, and a heavy European debt absorbing every dollar that could be disengaged from the ruins of commerce.

There was no alternative, as I conceived, but an issue of Treasury notes to meet the exigency, and to furnish a temporary supply.

Now the condition of affairs is altogether different. The foreign debt has been wiped off; exchange has been turned in favor of this country, and the precious metals are again pouring in. Money is once more abundant, and to be had at the lowest rates.

I ask, then, why is this Treasury issue to be continued, on terms so onerous to the country, when the supply may be had in coin, if required, on far cheaper terms?

Let us estimate the difference in cost. By the late law, twenty thousand dollars was appropriated from the Treasury, to defray the cost of the emission, including the salaries of four extra clerks, at $1200 per annum each, to keep the accounts. These clerks and these salaries at least must be continued so long as the system is kept up.

Then the rate of interest must be at the least 6 per cent.; and when we allow for depreciation, which to my apprehension is inevitable, the loss to the Treasury will fall in proportion.

On what terms, then, could a loan be obtained? I pretend to no certain knowledge on this head; but, from the best sources of information to which I can refer, Government stock having from three to five years to run would bring par in the market, and yield coin, or its equivalent, at an interest of from 4½ to 5 per cent.

But we are told by the honorable chairman that a loan would be "unjustifiable." I quote his own word, because the Government will have the money from its own resources for the year, before the loan could be made available. And for these resources he refers to the instalment from the deposite banks in the South and West, to fall due in July, the merchants' bonds for revenue, on which time has been allowed, and the bonds of the Bank of the United States, all which he estimates at some seven millions of dollars.

Now, sir, in reply to all this, I quote back upon him an authority which he, at least, cannot venture to contradict. I quote his own report upon the state of the finances, made to us on the 5th of March last; when, after a dispassionate and extended view of the whole ground, he says:

"It is obvious that, far from being a surplus, there will be a deficiency, which must be supplied, either by a reissue of the Treasury notes redeemed, or by an authority to issue others. *There is not the least probability that our revenue for two years to come* will be *equal* to the wants of Government; and if for the *next four years* it should be sufficient to meet our expenditures, *and to redeem the Treasury notes which have been or may be hereafter issued*, it will be full as much as can be *reasonably anticipated.*"

And, again, in the same report, speaking of the probable time for redemption of this paper, he says:

"The Treasury notes required for the service of 1838 and 1839 will only be issued to discharge claims as the money may be wanted; and any surplus which may accrue in 1840 and 1841 *will be immediately applied to their redemption.*"

What broad admissions have we here, sustained, too, as they are made, by facts and reasoning in the report, in opposition to confident declarations thrown out in the debate! Let the honorable chairman reconcile them if he can. What, then, are the facts? Why, that for two years, at least, yet to come, were the Treasury free from debt, the revenue would not be "equal to the wants of Government." And with this burden of ten millions of debt in Treasury notes, to be redeemed, it will, under the most favorable circumstances, require four years, at least, to effect it, and meet ordinary demands at the same time. The years 1840 and 1841 are presented as the earliest period at which any surplus can be spared, to begin the final redemption of the Treasury notes.

But, sir, without this authority from the committee, we have enough in the report of the Secretary himself, communicated to this House but two days ago, to satisfy us that the Treasury is in no condition, from resources ordinary or extraordinary, to provide for this debt at any time earlier than that indicated in the report.

He tells us that, on the day his letter is dated, the whole money in the Treasury available for use but little exceeded $300,000, and of the ten millions of paper authorized to be issued in October last, the whole had been used, except about $200,000, making, for available means on hand, not six hundred thousand dollars, with nearly four millions and a half of Treasury paper yet unredeemed.

"That, during the present year, the revenue had been paid in Treasury note to such an extent that only about one-fourth of a million monthly had been received from it in money, so as to assist in discharging the current expenditures," while they (the expenditures) had, on an average, for the current year, been over two millions monthly, and, in April, nearly three millions.

And, looking forward, he further says, "as more than four millions of the Treasury notes are still outstanding, and the banks generally have not yet resumed specie payments, it is probable that a great part of the revenue will, for some time to come, be paid in a similar manner."

What, then, have we before us, in all these facts, to justify the belief that this Treasury issue is only wanted to anticipate, for a few months, the extraordinary resources of the year, to arise from the bank debts and the merchants' bonds?

A rough estimate, based upon these data, will be accurate enough at least to illustrate the view I am now presenting.

First, then,

The expenditures to be provided for to the end of the current year, being seven and a half months, at $2,500,000 per month, about the Secretary's estimate, equal to		$18,750,000
Our resources are—		
Cash revenue, at $250,000 per month, for same time	$1,875,000	
Extraordinary receipts of the year from banks and merchants' bonds	7,000,000	
		8,875,000
		$9,875,000

Leaves a deficit of nearly ten millions of dollars to be filled up by the new Treasury paper. So that, at the end of the year, and under the most favorable circumstances, we shall be just where the report of the committee has placed us, with no surplus on hand, and this Treasury debt unredeemed. And for this prospective view, I have again the full authority of the Secretary himself, for in the same letter of the 10th of May, he says:

"By the seasonable adoption of either of these measures," (authority to reissue the old Treasury notes, or an issue of new ones,) "all anticipated embarrassments *during* 1838 can *probably* be obviated; for, in that event, no provision of additional means to meet the expenditures *of the year* will be necessary hereafter, unless, before the close of the session, it shall appear that new appropriations have been made, or are likely to be made, exceeding the estimates submitted by the Department in December last, by several millions, or that the revenue will be materially less."

Against this reasoning of the committee, then, and these facts of the Secretary, how vain and idle is it for gentlemen to declare roundly in debate that the exigency requiring this Treasury issue will pass off with the year that produced it. If there be any who believe it in truth, I can only say their credulity is far greater than mine. We are told, however, by an honorable

member from South Carolina, [Mr. RHETT,] that it is monstrous to advocate a loan, for that would be the creation of a national debt, a thing in every way to be abhorred. Sir, have I understood that gentleman aright? In his reply to his colleague, [Mr. THOMPSON,] who denounced this Treasury issue as unconstitutional, did I not understand him to vindicate it on the single ground that *it* was but a loan in another form? That the Constitution gave full power to borrow money, and this was one and a legitimate mode of exercising that power?

[Mr. RHETT here interposed, and was understood to say that by a national debt he meant a permanent debt.]

Mr. MASON resumed. A permanent debt, sir! What does the honorable gentleman mean by that distinction? The *debt* itself is, in fact, already created, and its permanency depends altogether upon the time within which you can redeem or pay it off. What is the honorable gentleman's idea of permanency? This debt was authorized under the law of October last. It has been already fully incurred by an issue of the whole ten millions. Nearly one-half of it is yet unpaid, and we are now asked to have the loan renewed by another issue of the same amount. It is in proof, by facts and reasoning from the highest sources, that it cannot be cancelled for four years to come, if, indeed, it require not a longer time. What then are we to do? Why, when we return here in December, continue the loan for half a year more by a new issue of Treasury notes, and so on from time to time, until the revenue is adequate to afford a sufficient surplus beyond expenditure to wipe it off. Are we then to be frightened by shadows; by this spectre of a public debt; when we have it before us already actually incurred, fixed upon the Treasury beyond retrieve? No, sir; I, for one, am for meeting it boldly and aboveboard. The Government owes the money, and must have it. I would have them to go abroad, like men of character and credit in private life, who manage their affairs with economy and thrift, and borrow the money in open market upon the best terms it can be had; and not, like mendicants, borrowing at disadvantage, from day to day, or from half year to half year, in the vain hope of keeping their necessities out of view. This, sir, I regard as the true and honest policy; it is the only end at which I aim in my opposition to this bill. It is due from us to the people we represent, upon whom the burden falls, that we should borrow the money upon best terms to be had, by extending the loan to a period when we expect to pay, and not to increase the cost by a series of short and delusive credits.

For the present exigency, and to meet the immediate demand, I have no objection to a limited extension of this Treasury issue; and for that purpose, when the proper time shall come, I may offer to amend this bill. But, regarding this debt as fixed and inevitable for at least four years to come, I am for meeting it at once by a loan for that period, at the lowest rate of interest, and to have done with this wretched substitute of short credits, at high rates, upon depreciated paper.

A few words more, sir, in reply to what fell from the honorable member from South Carolina, [Mr. RHETT,] and I will pass to another part of this question. In advocating this bill, I understood him to say that it had been the invariable practice of the Government to raise money by an issue of Treasury paper in preference to a loan, whenever the condition of the revenue required an extraordinary supply. Sir, the honorable member is entirely mistaken. The facts are historically against him. I have shown already that it was first introduced by Mr. Gallatin, *in aid* of a loan; that it was not even proposed until the loan had been tried, and had failed; and at last was conceived and recommended exclusively as a *subsidiary*, and in no sense as a *primary* measure of supply; that in 1814, though recommended by Mr. Eppes as a *medium of circulation*, to rest on a *funded debt*, Mr. Dallas denounced it as "an expensive and precarious substitute." And I have now to state, in addition, that Mr. Crawford, then Secretary of the Treasury, in estimating the supplies for 1820, recommended that a deficiency shown to exist should be met by a loan in preference to an issue of Treasury notes, and a loan of two millions, the amount required, was ordered accordingly.*

The facts, then, being against him as to the practice of the Government, I submit to the honorable gentleman on which side is the weight of authority?

But, sir, the same gentleman, in the excess of his zeal in favor of this most expensive use of public credit, talks of a loan as bringing the Government to the feet of the moneyed power in the country.

I would respectfully ask, what is the moneyed power in this country, of which he has so holy a horror? Does he mean by the moneyed power those men, dispersed every where through the country, who, by patient toil and frugal life, have become the artificers of their own fortunes? or those in our commercial cities, who have amassed wealth in the more hazardous but not less laborious pursuits of trade?

Such men as those (and amongst my own constituents we have many of the class first enumerated) are always of the most exemplary life, and will yield to none in every virtue that dignifies the man, or ennobles the patriot. But what is the moneyed power thus stigmatised in this Hall by the honorable member? There is certainly none such known to our laws, our institutions, or our usages. We have no separate classes, created by law, and set apart as the hereditary possessors of wealth, rank, or privileges of any kind. The protection of law is extended to all indifferently alike, whether in the acquisition of property, or its protection afterwards.

I cannot see, therefore, the force of such allusions, unless this chimera of a moneyed power is placed before us in some embodied form, intelligible to reason, at least, if not tangible to the sense.

Again, sir, we have from the honorable member a like wild denunciation of the banking interest, and are told that the true question upon this bill is whether the Government shall be made subordinate to the banks, and compelled to afford them its credit. Is this, then, the moneyed power which is so obnoxious to the fervid declamation of the honorable member?

If it be, let us inquire for a moment what these banks are, thus held up to the execration of the country as usurpers of Federal rule, or traitors to Federal power. Sir, are they not the domestic institutions of our own States, brought into being by their laws, fostered by their policy, and sustained by State authority alone? Are they not the cherished institutions of the gentleman's own State, of mine, and of every delegation upon this floor?

By what authority, then, are they arraigned here? Will the honorable member contend for a supervisory power on this floor over the domestic policy of the States? I should be startled, sir, to hear of such assumption from any quarter, but more especially from that whence that gentleman comes.

Are they denounced under a belief that their existence is inconsistent with a new scheme of control over the whole financial concerns of this immense people, to be exercised by a central authority, through the machinery of a grand Treasury bank? If it be so, sir, for one, I rejoice that they present so formidable an obstacle in the way of Federal usurpation. I rejoice that they are to be found firmly planted on the soil of every State, like bulwarks to protect State rights and State supremacy against the aggressions of Federal power.

But I respectfully tell him, and those who would act with him here in forcing through this great Treasury device, that their hopes have withered in the bud; the measure was too strong for the age. The people, sir, have frowned it down. Their intelligence saw in it the creation of an actual *money power*, backed by the whole revenue and patronage of the Government—a power unknown to the Constitution, and of the most dangerous and corrupting tendencies.

Yes, sir, this whole Treasury scheme is dead. In the other branch of this Legislature it fell to pieces in the hands of its own friends. Here, I humbly predict, come up when it may, it can have no better fate; and in the history of its defeat I am cheered and solaced to trace a signal and glorious triumph of the people, asserting the supremacy of their State authorities.

But, sir, in further disparagement of these State institutions, we are told by the honorable gentleman that the banks sought this alliance with the Federal Government, and now clamor at its continuance.

What authority has he for this? On the contrary, does he not know that the facts are directly against him? Is it not notorious that every connection which has existed between the Government and the banks, whether State or National, has been of *its own seeking*? Whenever it has granted a charter, has not the Government of its own will made itself a stockholder, and retained a large share in the administration of its affairs? But the gentleman's allusion was more immediately to the late connection between the Government and the State banks; and here the contradiction is even more striking and remarkable. These institutions, created by the States for domestic purposes, were moving quietly on in the domestic sphere allotted them, when the Government sought them out and tempted them to this new duty of holding and disbursing the public money. Yes, sir, *sought them out at home*, by a special agent sent from this city to visit them in the States, and negotiate with them to become the public depositories. So far is it from being true that the banks sought the alliance, the fact is, that many declined the proffer when made to them by the Government. I know that one bank, at least, of the few in my own State, did decline it; and I have been told that others did so elsewhere.

[Mr. CAMBRELENG, of New York, here rose and stated that the public deposites were declined by some of the banks in that city, when tendered by the Government.

Mr. RHETT answered that, though refused by some, they were sought by some in the most sycophantic manner.]

Mr. MASON resumed: It is no part of my purpose, sir, to enter upon a vindication of the banks. I seek only to show the very facts of the case, that the public may form an enlightened judgment. I again repeat that this "alliance," as it is termed by the honorable member, was of the Government's own seeking. They devised and planned, and ultimately executed, the measure, the banks assenting only to their overture. Nor is the position at all shaken, although it be shown that, after the connection was thus formed with as many banks as was thought necessary, it was sought by others in an unworthy manner.

Where equally, sir, is the honorable member's proof that a clamor has been raised against the Government by the banks since this connection was discontinued? Those who seek to fasten this sub Treasury (or, as I consider it, this Treasury bank) upon the community have been clamorous enough against the banks, Heaven knows. Even the honorable member himself, while disclaiming all hostility to them in one breath, has spoken of them to another as a set of sharpers, Shylocks, and money-dealers, seeking to usurp the high places of Government. But I am yet to hear the first word of complaint, even, from them against the Government.

We have no petition, no remonstrance, no statement of grievances of any kind from them, or from any in their behalf. They have never come up here in any form, save when they are dragged into the arena for political purposes, as we have this day witnessed, by the honorable member from South Carolina.

No, sir, the banks are silent. They remain where the Government found and left them—at home, in their appropriate duties. Nor is there, I apprehend, a single member in this House, or a single document on its files, from which we could learn whether the banks would or would not reassume their late engagement, if the Government were again to propose it to-morrow.

Leaning, as they do, altogether upon State authority, they are just as independent of us as we are of them.

I have thought it my duty, sir, to say thus much on the subject of the State banks, from no purpose of vindicating them, but to expose, in its true and proper light, the relations lately subsisting between the Government and these institutions; and having so said, I will only add, that, for one, I believe it is not to the interest of either of the parties that the connection should be renewed, on the terms and to the extent of that recently dissolved. Although well satisfied that the agency of these institutions is the best within our reach for the custody and disbursement of the public money, yet that agency ought to be coupled as I believe it well may, with a restricted use by Government of the bank paper, founded on a system of periodical settlement with the banks, and periodical conversion of their paper into coin; and the custody and disbursement of this last may be effectually and simply provided by special deposite in their vaults. When the proper time comes, should none other do so, I may present a bill having these ends in view.

Having thus shown, as I humbly submit has appeared in proof, that this debt already created cannot be paid off from the accruing revenue in a shorter period than four years; that the money can be raised by a loan in open market, on terms far better than by periodical emissions of Treasury paper; and that, however, amid the distresses of war, and struggling under impaired credit, the Government at one period was driven to this resort, the opinion of our best and ablest financiers has condemned the practice, it becomes the more remarkable that this measure, to the exclusion of any other, should now be pressed upon us with the zeal and pertinacity amounting to actual intolerance which has distinguished its advocates.

In this view I cannot but consider that it is treated by them as part and parcel of that great Treasury machinery already adverted to, which has been given to the country at various times under the imposing names of the divorce bill, the reform bill, and, last, the Independent Treasury.

We know that Government paper was looked to as a favorite auxiliary by the original founder and chief propagandist of the new school of finance; and in looking back to the report of the Secretary at the special session, we find that he, in recommending a Treasury issue then, had far other views in its favor than the single and legitimate one of supplying the Treasury with means.

After asking authority to issue Treasury notes, coupled with a power to invest any occasional surpluses in the Treasury in State stocks, and to sell such investments when the Treasury was low, he adds:

"An addition consideration in favor of those measures is, that since the payment of the public debt, which absorbed any occasional surplus of receipts, it is impossible, according to the views expressed in some previous reports from the undersigned, that, with sources of revenue so fluctuating as ours, and so dependant on commercial prosperity, any fiscal operations should be long continued with ease, vigor, and uniformity, without some such REGULATION as a power to issue and redeem Treasury notes, or to invest and sell the investment of surpluses."

Now, sir, the power to deal at the Treasury in the State stocks, to raise or depress them in the market, either as the will of the Secretary or the wants of the Treasury might prompt, is one that few will be found to advocate. It has certainly received but little countenance, so far, from any quarter; and our Committee of Ways and Means has given it but slight encouragement in their report to this session. Failing in this, the alternative "regulation," which the Secretary asks, is a permanent authority at his will to "issue and redeem Treasury notes." Sir, I have a right to call it a permanent authority, because its prescribed function is that of *regulation*. And no power can regulate a thing that is not permanent and abiding.

Now, sir, I ask, where is the constitutional sanction for this *"regulation?"* This permanent authority to "issue and redeem Treasury notes" either in "anticipation of the accruing revenue," or to meet "occasional emergencies," as the Secretary expresses it? The power to levy money is, by the Constitution, given to Congress, and to Congress alone. Its wordsare:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises," &c. and "to borrow money on the credit of the United States."

The power is here given exclusively; none other than Congress itself can borrow money on the credit of the United States. This power is the most important one granted; and it is delegated in the most special and circumscribed manner. A part of the trust is, the *amount* of revenue to be raised, but it is a part only; another and equally important portion is, the *mode* of doing it, whether by taxation or loan. Neither the one portion of this trust more than the other can be delegated by those to whom it is confided. The Secretary recommends that this power be delegated to him, that he be authorized to "borrow on the credit of the United States," by a Treasury issue, whenever *he* may judge it expedient, either in anticipation of taxes levied, or to meet "occasional emergencies."

Our revenue is derived altogether from imports and sales of public land. What these will amount to from year to year, and whether equal to the authorized expenditure, is necessarily conjectural. If they be not, if in any one year the revenue falls short of the estimate, it is the duty of Congress alone to decide whether *it* shall be augmented or the *expenditure* cut down: and if augmented, whether by new taxes or by loan of money, Congress is to decide, when the exigency arises. It is the appropriate duty of the immediate representatives of the people for the time being, and they cannot delegate the whole trust or any part of it.

For my own part, sir, I wish to see our financial affairs conducted as they have always heretofore been, without the aid of any of this new machinery, either of Sub-Treasuries or Treasury "regulators." I wish the revenue to flow into the Treasury from sources open and tangible to popular inquiry; and whenever a deficit occurs, let it be promulgated and its causes traced, that, if necessary, a proper corrective may be applied, and in the mean time the deficiency made good by a special law, to "originate in the House of Representatives," as the Constitution requires. I want no other "regulator" in the Treasury than *an able officer at its head*, one who shall manage its affairs under the existing laws with *intelligence, forecast, and good sense*.

I have thus, sir, attempted to lay before you the reasons which compel me to differ with those who advocate this Treasury issue; they have been given with the freedom and independence due to the occasion, and, I will add, under some provocation from the intolerant spirit evinced by those who have been its champions on this floor.

I shall vote for such amendment as may be offered, limiting the issue to the immediate and pressing demands upon the Treasury; and for a continuance of the debt by open loan, until the revenue is adequate to wipe it off. Should such an amendment, however, not prevail, I must bow to the decision of the House, and take the bill as it is; the alternative being to leave the Government without means.

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*Since the foregoing was delivered, in looking at the report of the Committee of Ways and Means for that year, (1820,) at the head of which was a most distinguished statesman from South Carolina, [Mr. Lowndes,] it is found that he recommended, with Mr. Gallatin, a loan in preference to an issue of Treasury notes. The following is quoted from his report:

"It appearing to your committee inexpedient to resort to Treasury notes, and it being impracticable (if no objections existed against the adoption of such a course,) to carry into effect a system of Internal duties in time to meet the deficit of the present year, your committee had only to choose between a loan of a temporary character and one of longer duration. They have preferred the latter, because it carries the time beyond that in which other debts are payable; and *because it is believed that the loan will thereby be obtained on decidedly better terms than one of shorter duration.*"

SPEECH OF MR. LEGARE,

OF SOUTH CAROLINA,

In the House of Representatives, October 13, 1837—On the Sub-Treasury bill.

The House having again resolved itself into a Committee of the Whole on the bill "imposing additional duties, as depositaries in certain cases, on public officers,"

Mr. LEGARE addressed the committee, in substance, as follows:

Mr. CHAIRMAN: I do not know how I can more appropriately begin the remarks I am about to make than in the very words with which a most able English writer addressed himself to the cause and character of the recent crisis. The events [says Mr. Samuel Jones Lloyd, in a pamphlet published last spring] which have occurred, in connection with the late pressure, upon the moneyed and mercantile interests, are full of instructive illustrations of the effects, both beneficial and otherwise, of our present system, and the evil consequences of this pressure will be as nothing compared with its benefits, if amongst these we shall be enabled to reckon an increased degree of intelligence upon subjects connected with currency, and a nearer approximation to sound principles in the management of our paper issues. The revulsion, it is true, has been far more disastrous on this side of the Atlantic than in England; and yet even at its darkest period—now, as I confidently believe, passed away to give place to returning prosperity—I found consolation in the idea, that dearly as we were buying our experience in this important matter, the price would not be too high for the benefits we should ultimately derive from our reverses. A national visitation ought to be considered as a great providential lesson. It teaches the most momentous truths, and it teaches them in the most impressive manner, and what we have recently seen and felt will dispose us—if any thing can dispose us—to look the difficulties, with which this subject is surrounded, fairly in the face.

Sir, it *is* surrounded with difficulties. Even in England, as you perceive from the citation I have just made, they are felt and acknowledged by the most able men. I have upon my desk many other proofs of the same fact. They abound, for instance, in the minutes of evidence taken before the committee of the House of Commons on the renewal of the charter of the Bank of England, in 1832. You will find there that while high authorities* agree in thinking that there should be but one Bank of issue for the capital, at least, if not for the whole country, the representatives of the great commercial and manufacturing interests, on the contrary, protest against the continuance of a monopoly to which they impute the most sinister influences over their immense business,† and demand a system of joint-stock banks, regulated by principles more agreeable, as they contend, to the course and policy of trade. A third party insists upon the necessity of compelling all banks of issue to give adequate security to the public (in Government stock, &c.) for the redemption of their issues,‡ while every stockholder or partner shall continue to be, as at present, responsible for all the debts of the company to the whole amount of his private fortune. A fourth (and I have just received from London a little volume in which that opinion is most plausibly maintained) urges the most unlimited freedom in banking, and sees no more danger to society from perfect liberty in this than in any other branch of business, the supplying, for example, the market of a great capital with the necessaries of life.§ In this complexity and distraction of English opinion upon this subject, however, all parties agree in one thing, and that is, in adhering to the paper system. Nobody *there* thinks of any thing so extravagant as the overthrow of that system, whatever defects may be seen or supposed to exist in it, or whatever projects may have been imagined to purify, to correct, and to improve it.

But if such is the state of English opinion in regard to this subject, how must it be with us, when to all the intrinsic difficulties of the thing itself we add those arising out of the complicated structure of our political institutions? It would be hard enough to say what ought to be done, in the present emergency, were this a simple consolidated Government; but how much harder is it to advise the administration of a *federal* Government as to the course it ought to pursue, where one happens to doubt its possessing *all* the power necessary to give complete relief, without a co-operation of others. For, sir, at the risk of being set down in that category of "tiny politicians" of whom the gentleman from Maryland, [Mr. WM. COST JOHNSON,] in a very amusing speech, in the course of which, however, he uttered some grave and important truths, spoke last night with such profound contempt, I must confess I agree with the Executive in the general principles of constitutional law involved in the message. In the division of the attributes of sovereignty between this Government and the States, it may and must happen that we should experience sometimes a chasm, and sometimes a conflict of powers. More is taken from the States, perhaps, than has been given to the Confederacy; neither can do enough, while each can do too much, for perfect harmony; defects, discrepancies, and contradictions, exist in the scheme itself, detected only in a long course of practice, and which nothing but practical skill, the wisdom called for and called forth in the management of great affairs, especially political affairs, can reconcile and rectify. Undoubtedly, the task is an immensely difficult one—but it must be undertaken, and it must be *done*. The subject before the committee is an example of the high and difficult duties I refer to, nor can I imagine an occasion better fitted than this to awaken the House to a lively sense of its infinite responsibilities to the country.

Judge then, sir, with what deep disappointment and regret I learned that the bill on the table was to be pressed upon us at this short session. It is quite enough for me that it proposes a great innovation upon the whole course of the Government, from its foundation up to the present moment, and upon all the habits of our people. They who see deeper or clearer into such matters than I do, must pardon me for declaring that I cannot conscientiously vote for the measure in such haste. If I had no *positive* objections to it, it would be quite enough for me that I have not had sufficient time to reflect on it. During this extraordinary session, (for so it has been in every sense of the word,) fatigued, harassed, exhausted, by incessant attendance, by night and by day, in this hall, it has not been in my power to inform myself on any subject as I could have wished to be able to do. I have had absolutely no time for minute research, hardly a few hours for calm reflection. Under such circumstances, I cannot vote for the bill. I must go home to my constituents and talk with them. Many, perhaps most of them, understand these matters better than I do; but when I left them, although this subject had been discussed, and ably discussed, here and there, by an individual or two, public attention had not been awakened to it; and nothing like an opinion, certainly no opinion favorable to the principle of the bill, had been formed in regard to it.

And here, sir, I might take my seat again, if I had risen only to explain my vote, or to influence those of others, on the proposed measure. But the true issue seems to me very far to transcend, in importance, that single measure, important as it unquestionably is. It involves, in my opinion, the whole credit system of the country. I do not say that the bill on your table presents that issue—still less that the Executive message presented it, or propounded any principle or opinion that should lead to it. But no one who has watched the progress of this discussion in this House or in the Senate, in or out of this Capitol, will deny that it must soon come to *that*. Sir, if there is any truth at all in what has been urged with great ability, and all the zeal, I had almost said the fanaticism, of the deepest conviction, by men accustomed to influence, nay, even to control, public opinion in different parts of this country; if they have any idea of rigorously carrying out the principles they profess, to their logical consequences, in practice; if what they say in the highest places, on the most solemn occasions, is not such idle declamation as such men are not to be suspected of, they mean that, and nothing short of that. Doctrines have been uttered with all the authority which can be imparted to paradox from talent ripened by experience, which seem to me inconsistent with the Constitution not only of American, but of all modern society, with its whole spirit and tendency, with all its wants, and all its ways. I have sometimes, in the course of the debates, looked around me to see where I really was; whether the shade of some old lawgiver, some Minos or Lycurgus, had not been evoked, to bring a degenerate age back to the stern principles of Dorian polity, to an Agrarian equality of property, to iron money and black broth; or else, if it were not the spirit of Benedict or Bernard returned to the holy solitudes of Monte Casino, or Cluni, or Citeaux, to preach to a world lost in vanity or pleasure the blessings of poverty and mortifications of the flesh. Now, sir, it may be true that luxury, according to the old saw, is the ruin of States, and that sumptuary and Agrarian laws are necessary to maintain your true Spartan discipline. But I am excessively disinclined to try any such experiment upon my constituents; at least without receiving an express instruction to that effect from them. I am afraid they have no taste for black broth, that Spartan discipline will be irksome, and even revolting to them. In short, sir, I have reason to believe that, without being as deeply imbued, perhaps, as other people are with the spirit of the age, they do still partake too much of it to be willing to forego the many agreeable objects that principally engage and excite it.

Sir, I am far from denying that, in the eyes of a stern reformer, with opinions of a certain complexion, this generation is a perverse and crooked one. We love money, I admit, as much as men ever did—certainly as much as they did in the Augustan age, nearly two thousand years ago. The committee will excuse my quoting a very common piece of Latin to prove it, after the example of other gentlemen in this debate.

> Quærenda pecunia primum est;
> Virtus post nummos—Hæc Janus summus ab imo
> Prodocet.

Make money by all means, and before all things. Washington street certifies it to Wall street, and Wall street declares it to Broadway, and Broadway proclaims it to Chesnut street, and Chesnut street publishes it to the whole country. We have the same strong thirst for gold which has unhappily afflicted mankind in other times, and especially in very civilized ages; and the only difference is, that we have learned how to acquire, by honest means, a thousand times more of it. I will add, however, in justice to the age, that it has made a great discovery in social philosophy. We have found out that what I would call physical civilization—a demand for the conveniences and accommodations of life, and an abundant supply of them—is and must be the basis of all other civilization that is intended to be high, solid, and lasting. Every real improvement in the condition of mankind springs out of, or leads to, the elevating of the *standard of comfort* among a people. Sir, this is the grand work—the mission—of modern commerce, which, in my opinion, is just beginning to develope its mighty resources—to pour out the inexhaustible fulness of its treasures and its blessings. A great revolution is taking place—has taken place in human affairs. War is every day becoming a more and more remote contingency. I do not say an impossibility. I know human nature too well for that. I am fully aware, too, how many disturbing causes, growing out of the history of the past, still exist to prevent the realizing, all at once, of the great end of Christian civilization, the dream of Henry IV, and of Sully—the union of all nations in a state of peace under the protection of law. I know, especially, what is to be dreaded in this respect, from that dark power that hovers over the confines of Europe and Asia, and throws its vast shadow over both. But during my last residence of four years abroad, I saw sufficient grounds of quarrel, to have led, under the old order of things, to twenty wars, as spreading and bloody as the thirty years' war, or the seven years' war; and yet these threatening differences passed harmlessly away, cloud after cloud dissolved as they rose above the horizon, leaving the sky more serene than before. Sir, it is a favorite phrase of those who boast of what is called the "march of intellect," that things are thus changed because the "schoolmaster is abroad." But, I tell you that something far more effective than the schoolmaster, a mightier than Solomon, is abroad. It is the steam-engine, in its twofold capacity of a means of production and a means of transport; the most powerful instrument, by far, of pacification and commerce, and, therefore, of improvement and happiness, that the world has ever seen; which, while it increases capital, and multiplies beyond all imagination the products of industry, brings the most distant people into contact with one another; breaks down the barriers which exclusive legislation would oppose to the freedom of mercantile exchanges; effaces all peculiarities of national character, and promises, at no distant period, to make the whole Christian world, at least, one great family. Sir, the social effects of this great instrument of modern improvement have been singularly promoted by a branch of industry in which the part of the country I have the honor to represent is most deeply interested; and I will avail myself of this occasion to call the attention of the committee to a view of our Southern institutions, that may not have occurred to it before, or made the impression it ought to make upon them. I beg you, sir, to believe that I do not speak in what is called a "sectional" spirit, for I protest before God that nothing can be further from my heart. But let not those whose minds have been recently so much inflamed against what they consider as the abomination of domestic servitude, shut their eyes to the truth. Sir, I allude to the cultivation of cotton, and its effects, through the increase of commerce it fosters, upon the condition of society. Whoever shall write the political history of that invaluable plant will have a more important work to perform than has ever fallen to the lot of a biographer of statesmen or philosophers. I will venture to say, without going more into details, that the single circumstance of bringing the wonderfully cheap fabrics produced by modern machinery, within the reach of even the humblest of the laboring classes, of substituting decent and comfortable raiment for the few scanty and filthy rags—the squalid exterior, which makes poverty not only more painful, but at once more humiliating and degrading to its victim, and more disgustful to others than it ought to be, will signally contribute to elevate the condition of the poor in the social scale; to raise their self esteem, and to increase the sympathy of others for them—in a word, to make them feel themselves men, entitled to a place among men; not pariahs and outcasts, whose contact is contamination. A people well clad and well housed will be sure to provide themselves with all the other comforts of life; and it is the diffusion of these comforts, and the growing taste for them, among all classes of society in Europe; it is the desire of riches, as it is commonly called, that is gradually putting an end to the destructive and bloody game of war, and reserving all the resources hitherto wasted by it for enterprises of industry and commerce, prosecuted with the fiery spirit which once vented itself in scenes of peril and carnage.

But, sir, the result of all this is that very inequality of wealth, that accumulation of vast masses of it in a few hands, against which we have heard so much said lately, as if it were something inconsistent with the liberties, the happiness, and the moral and intellectual improvement of mankind. Gigantic fortunes are acquired by a few years of prosperous commerce; mechanics and manufacturers rival and surpass the princes of the earth in opulence and splendor. The face of Europe is changed by this active industry, working with such mighty instruments, on so great a scale. I have travelled in parts of the continent which the spirit of gain, with its usual concomitants, industry and improvements, has invaded since the peace, at an interval of fifteen years, and been struck with the revolution that is going on. There is a singularly beautiful though rather barren tract of country between Liege and Spa, where, in 1819, my attention had been principally attracted by the striking features of a mountainous region, with here and there a ruin of the feudal past, and here and there a hovel of some poor hind, the very haunt of the "Wild Boar of Ardennes," in the good old times of the House of Burgundy. I returned to it in 1835, and saw it covered with mills and factories, begrimmed with the smoke and soot of steam engines; its romantic beauty deformed, its sylvan solitudes disturbed and desecrated by the sounds of active industry, and the busy hum of men. I asked what had brought about so great a change, and found the author of it—a man, having a more numerous band of retainers and dependants than any baron bold of the 14th century, and in every respect more important than many of the sovereign princes on the other side of the Rhine—was an English manufacturer, who had established himself there some twenty years ago, without much capital, and had effected all this by his industry and enterprise. Such, sir, is the spirit of the age; of course, in this young and wonderfully progressive country, it is more eager and ardent, and therefore occasionally extravagant, than any where else. But it is in vain to resist it; nay, I believe it worse than vain. It is evidently in the order of nature, and we must take it with all its good and all its evils together. The great designs of Providence, in giving to the most active and enterprising of all races a new world to possess, to build up and to adorn, are not to be thwarted by our policy, even if we thought it good policy to thwart them; all the instincts of that race would revolt at a system which would disappoint its high destiny.

Mr. Chairman, I have made these general remarks because as you will have perceived, they have a direct and important bearing upon the collateral issue presented by the advocates of this bill, though not in the bill itself, as something to be accomplished here. In a country so much governed by opinion it is all-important that opinion should be enlightened; and errors uttered by distinguished men in high stations, and surrounded with whatever talent can contribute to render them seductive and imposing, cannot, without public detriment, be suffered to pass unnoticed. On this occasion, as I have already intimated, it is far less the measure proposed, than what I consider as the *quo animo* of its advocates here and elsewhere, that has excited my alarms and my opposition. But I have objections, which I will now proceed to state, to the policy of the bill itself.

There are two very distinct questions presented to the committee. The first is, shall the revenues be collected only in gold and silver? The second, how shall they, when collected, be kept and disbursed; shall *Sub-Treasuries* be established by the Government, or shall banks be employed for that purpose, as heretofore; and, if the latter course be preferred, then shall the banks be allowed the use of the public deposites, or shall special deposites only be made with them? It is very evident that these propositions have no necessary connection with each other, and that either of them may be approved or rejected by those who do not reject or approve the other.

As to the collection of the revenue in specie, my objections are by no means so strong, or, I should say, so vehement now as they were at the opening of the session, when gold and silver were selling at a premium of nine or ten per cent. At that time it appeared to me that such a measure would have been a mere wanton act of oppression upon the people of the States, for no earthly good purpose whatever. It would have been simply authorizing usurers and money brokers to lay upon the importers, and through these upon the consumers of foreign goods; that is to say, upon the public, and especially upon the planters of the South, a tariff of duties in a good degree arbitrary, for their own benefit and that of the functionaries of the Government. Believing as I did and do, that the paper circulation of the country, from the great and sudden contraction in consequence of the panic, was rather too much reduced than redundant, I confess, as I said on a former occasion, I could not see that justice, at least, that equity and good conscience, made it imperative upon us to resort to so stern a measure; especially as the idea of furnishing, by that means, a broader metallic ba-

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* Messrs. Horsely Palmer, Tooke, Rothschild, &c.

† Messrs. Burt, Smith, and Dyer of Manchester. It is worthy to remark, that these remonstrances were admitted to be well founded by the change which, in consequence of them, was made in the law, in reference to *joint stock* banks beyond sixty-five miles from London.

‡ Messrs. Ricardo, McCulloch, Norton, (the last in Minutes, &c. just cited.)

§ Money and its vicissitudes in value, by the author of the Rationale of Political Representation, and Critical Dissertation on Value, &c. (MR. Francis Bailey.)

* See Quentin Durward.

sis for our circulation had proved itself to our very senses to be completely fallacious. We all now see that not a dollar collected by the Government and disbursed by its creditors circulates for one moment as money, but is carefully hoarded and sold as merchandise; and that it will continue to be the case so long as, from any other causes whatever, exchanges shall be unfavorable to the country, is equally evident.

I admit that since the fall of the price of gold and silver to five per cent. this objection loses somewhat of its weight, but it loses none of its truth. The same law of currency now operates, though in a mitigated degree, to make it an objectionable measure to repeal the act of 1816, and so to discredit, *pro tanto*, all bank notes in perpetuity. Yes, sir, to organize panic and perpetuate distrust, so far as your example has any weight. And why do so? What apology have you to make for an act that certainly requires one? What public occasion, what pressing exigency requires it? The Message puts the subject, I admit, in a very specious and captivating form. It supposes the case of a war, and the Government to find its whole treasure suddenly turned into bank credits; and we are asked whether such a thing could be borne. But admit that, in the case of war, the Government would be driven to that and any other measure of equal, or even of greater severity. What then? Does it follow that such a system should be unnecessarily adopted in time of peace? But the truth is that, even in time of war, it would make less difference to the Government than is generally supposed. Certainly some of its operations, distant naval expeditions, and the like, would require gold and silver; and they must be had, at whatever price, from within or from abroad; but, after all, with such credit as that of the United States now is, it is impossible to imagine that the nation should be embarrassed even for a single moment, by the failure of its banks to pay some millions in gold and silver. Look at England in the eventful period between the suspension of payment in '97, and the peace of 1815. It is now universally confessed that that measure, and that measure alone, boldly empirical as it was once thought, enabled her to sustain the burdens of that terrible conflict, and to achieve a triumph worthy of her generous constancy under misfortune. I do not, therefore, see how even the necessities of war would compel Government, abounding in such resources of public credit as no other Government ever enjoyed, to resort to a measure so novel, so harsh, so inconsistent with the established order of things in the country, and with all the habits of the people.

But the great objection with me is that which appears from a passage quoted by the gentleman from Virginia, [Mr. GARLAND,] to have presented itself to Mr. Dallas, in 1815. You will do some harm by refusing bank paper. Considering how little specie there has ever been in this country, you may, by requiring it to be paid to you in a large amount annually, make it always an article of merchandise; you will thus permanently discredit bank notes, and render impossible the restoration of their convertibility. But that is not all: even should this mischief not ensue, you at least, by thus rejecting them to the whole extent of your transactions, abandon the currency to its fate under the administration of the States. You make no efforts, you exert no influence to maintain its purity and uniformity, by distinguishing between corporations which redeem their notes, and those which are notoriously insolvent. You proclaim your distrust of all of them alike—you write it in your statute book. However disastrous the condition of the monetary concerns of the States may be, through want of skill or want of concert, you leave them to themselves, and that when, standing in the most intimate and the most commanding relation towards them all, you might, if you gave yourselves the least trouble about the matter, exercise a most salutary control over them, and remedy these great inconveniences for the benefit of us all. For, sir, it is not enough to say you have no *power*, strictly so called, under the Constitution, to regulate the currency. I admit that you have none. What then? Have you no *influence*—influence of example, influence of precept, influence of authority, influence of patronage, influence of connection and custom in business, in the use of these very deposites? Has not the Constitution provided that all defects in our institutions shall be corrected by amendments regularly recommended and introduced; and is it not one of your duties so to recommend and introduce them?

Why do you not urge upon the States any reform you may judge necessary in the matter? I appeal to every one that hears me, what he should think of an individual, who, possessing immense influence in a community, with an income of many millions a year, should, in a time of trouble, coolly withdraw himself from society, and hoard his money, like an usurer in a commercial panic, waiting until the extreme necessities of his neighbors shall throw them upon his mercy? Is this the morality we are taught in our private relations? Shall nothing be expected from him to whom so much has been given? Shall he hide his light under a bushel? Shall he bury his ten talents in the earth, and escape condemnation as an unprofitable servant? And shall that be right in a Government, which, in a private person, shocks the moral sense of all mankind? In a Government standing towards the people of this country in relations so very peculiar! Sir, what answer would you have to give to the States, if, in a moment of public calamity like that which is just passing away, feeling their distresses aggravated through your harsh exactions of what their people had not to give, appealing in vain to you for succor or for counsel, they were to hold to you the language which indignation and astonishment would naturally inspire, under such extraordinary circumstances? If they were to say to you, "We have done every thing to exalt and to magnify you; we have clothed you with authority and awe; we have armed you with mighty powers, with the axes and fasces of supreme jurisdiction; we have surrounded you with all glorious equipage and pomp of empire, endowed you with a vast treasury, with fleets, armies, senates, judges, that palace, these gorgeous domes, this *capitolium fulgens* —what for? That you should renounce all community of interest, all sympathy with us? That there should be no ties of affection or of duty between us! that you should ostentatiously proclaim yourselves, as your worst enemies have sometimes alleged that you are, a *foreign* Government in the midst of our country, and even will avail yourselves of a moment of cruel revulsion and calamity, to make us feel that you are so in spirit and in truth!" Sir, I do not know, I cannot conceive, how such a course should fail to strike every body as a perversion of all the eternal obligations of morality, which are and ought to be as binding upon communities as upon the individuals that compose them; how gentlemen can, at such a moment as the present, entertain, without emotion, the strange proposition that this Government should bury itself, like Sardanapalus, in a selfish repose, a degenerate and inglorious indifference to all the interests of the country; or, if I can make such a comparison without shocking them too much, that, like Nero, it should fiddle while Rome is burning.

Agreeing, then, sir, with the Executive in the principles laid down in the Message, I differ with it in the practical inference deducted from them. In the division of power between the Government and the States, I think with it, that all that is required to meet this emergency has not been given to the former. But the inadequacy of our powers is no excuse for not exerting them to the uttermost for the public good, especially as there is reason to think that the convention did not foresee the present state of things. We can do much, if we cannot do every thing. The occasion calls only for a good will and a moderate share of practical ability, and I have no hesitation in saying that, among the existing banking institutions of the country, can be found ample means of accomplishing the two great objects of restoring specie payments, and ministering hereafter, in all ordinary times, a convertible currency, which is all that we can expect to do.

Sir, I do not wish to be misunderstood. It is of the utmost importance that the paper of the banks should not only not in fact be depreciated, (as I believe is actually the case,) but should be able to stand the only sure, and, to the public at large, satisfactory test of that fact—I mean convertibility into specie. I am fully aware that the accident of a failure in the means of making their payments in the precious metals is one against which, according to the course of modern commerce, there can be no complete security, and that nothing can be more absurdly exaggerated than the importance attached to that ocurrence, which happens in consequence of an extraordinary drain for specie, or otherwise by persons not familiar with the principles of banking. Nay, more: I admit that the most usual effect of a great revulsion in trade is to throw much paper out of circulation; to contract the currency, and so to bring down exchanges and prices, and raise the value of the money that remains in the hands of the public. But a suspension of specie payments, though it may not be a present evil, is always fraught with danger. It is the indispensable duty of a statesman to put an end to it as soon as possible, either by encouragement or by compulsion. It is for this, among other reasons, that I so cheerfully acquiesced in the issuing of Treasury notes, inasmuch as it relieved us from the necessity either of directly refusing to take the paper of the banks at par, or, by receiving it, as we might otherwise very safely have done, of betraying those companies into an impolitic enlargement of their issues before the balance of payments had been turned in our favor, as I hope it will be by the coming crop. I regarded it as an excellent temporary expedient for avoiding, at present, this choice of evils. So far, I think nothing is more unfounded than the general charge of insolvency against all our banks, which is so inconsiderately uttered by the press, and in debate, as well as the assertion, repeated over and over again on this floor, that the country is laboring under an exclusive and depreciated currency. It is not yet so; but it will, I fear, very soon be so, if the banks do not make an effort to return to specie payments in the course of a few months. Now is the time to do so: now that their issues are contracted; that importations have been checked; that exchanges are becoming more favorable, and that great Southern crops are about to be sent forward to make them still more so. Let every one interested in the fate of these institutions, as well as in the commercial prosperity of the country, exert whatever influence he may possess, to bring about that result, and to deliver the banks from the temptations to dangerous excess to which the return of an active and prosperous business will inevitably expose them, if they do not, once more, lay themselves under the restraint of convertibility.

Sir, should they unhappily take a different course, and should this Government, after using all its influence and authority to establish the currency of the country on a better footing, fail of its success in its most zealous endeavors, I admit that it may be driven to the necessity of taking care of its own business and creditors, by an independent legislation of its own. There is no doubt that a *variously* depreciated currency cannot be tolerated as the *settled system* of the country. The ports of one State cannot be preferred to those of another, in this way, any more than by an express statute to that effect. Nor can the public creditor be justly paid in money *really* depreciated—I mean not in reference merely to gold and silver, which are themselves liable to great fluctuations in value, but to the general mass of commodities that compose the conveniences and necessaries of life. The effects of a redundant currency, once they begin to be distinctly perceived, are counteracted by a general rise of prices. Money is twice as easy to be got, but you have to pay twice as much for every thing which it buys. But there is one class of persons who have no means of indemnifying themselves by raising the nominal value of their property or their claims. It is the class of those who live on fixed incomes—annuitants, fundholders, functionaries of States, pensioners. They are paid a certain *sum*, and with every diminution in the *value* it expresses, they lose just so much of what they are fairly entitled to. In this view of the subject, therefore, it is quite clear that Government is under the highest of all moral obligations to see that their dues be not paid them in what is really worth a great deal less than it purports to be.

What I have hitherto said relates to the first question propounded by the bill on your table—shall gold and silver only be received in payment of Government dues? As to the second inquiry, sir, whether the revenue shall be kept by officers of our own, or by the banks, and, if in the latter, whether in the shape of special or general deposite, so much has been said, and so ably said upon that head, against the system recommended by the Message, that I am very little disposed to trouble the committee with any additional remarks in regard to it. Were I driven to make a choice between the two plans referred to, I should, as at present advised, greatly prefer that of a special deposite, on a small commission, as at once the safest, the cheapest, and most simple—as departing less from our previous customs, and not being so liable to the great practical objection of going permanently to increase the already enormous and disproportionate influence of the Executive power, which, beyond all doubt, far exceeds any thing that was anticipated by the founders of the Government, and seriously threatens to disturb, if not to subvert, the whole balance of the Constitution. I need not say that I have no reference whatever to the present, or any other individual incumbent. I speak of the operations of great general causes, and of a system whose effects are almost entirely independent of the will of man. Another very grave objection to the scheme reported by the committee is, its resemblance, or, at least, its fearful leaning, to that of a great political Bank of the United States, of which a justly celebrated report of one of my predecessors upon this floor* demonstrated, some years ago, the dangers and inconveniences, as I have always supposed, to the universal conviction of the people. But, although I should prefer the special deposite system to that of the Committee of Ways and Means, I am not yet prepared to adopt it. That immense benefits have been conferred upon the country, by adding to its productive capital the large amounts of public money which would otherwise have lain dormant in the Treasury, does not admit of a question. I will venture to say that, in the course of the half century that has elapsed since 1789, countless millions have been the fruit of this truly paternal and beneficent system. Our predecessors, Mr. Dallas among them, seem to have been deeply impressed with this view of the subject. They seem to have felt themselves bound to render our system of taxation, which, even in its mildest form, is, in fact, a *confiscation* of private property for public uses, as little burdensome as possible to the community. Sir, whatever we may think of the policy of pursuing their footsteps any further, no one can deny that they are entitled to the gratitude of the country for the past; and I, for one, am too sensible of the benefit to throw it away without very mature consideration, unless under the pressure of a cogent necessity.

But we have been told, sir, that, far from being an innovation, this mode of collecting the public revenues was universal from the earliest times until the beginning of the last century—that is to say, until an age of philosophic light and diffusive civilization, at which another good old plan, established from time immemorial, the burning of witches and heretics, unhappily ceased too. This coincidence certainly appears to me to be entitled to some consideration; the committee will see that, in the matter of innovation, going back too far is at least as dangerous as going forward too rapidly. But there has been another reference to the examples of the past, which struck me still more forcibly as a most extraordinary perversion of the lessons of experience. Sir, I do confess to you that, before any discussion had taken place in either part of this Capitol on the subject before you—long before I had heard of any allusion to the *Quæstor* referred to the other day by my eloquent friend from New York, [Mr. HOFFMAN,]—at the bare stating of the project in its first conception and most general outlines, certain images presented themselves to my mind, and have ever since haunted it, in spite of all I could do to banish them. They were ideas that, in my simple way of considering such matters shocked and alarmed me; ideas of Roman conquest and Asiatic despotism. I thought of that most fearful of all things, a vast empire with power centralized at its capital, with commerce centralizing by the inevitable course of trade, which always and every where tends to centralization at some great emporium, with its revenues collected only in gold and silver, to be hoarded, as was the way at Rome and Babylon, or Persepolis. I fancied I could see one of the proconsuls or prætors—the bashaws of the Republic, as Montesquieu so justly calls them—Verres, for example—going forth with that same Quæstor, surrounded with an army of publicans, or farmers of the revenue, to gather the dues of Rome in some devoted province—another Sicily—as dues were were wont to be gathered by the Satraps of that military commonwealth; that is to say, wrung with their blood from subjugated nations, whose pleasant places were laid waste without remorse, to glut the rapacity of conquest. Sir, I little imagined that such a system would have been cited, nay, alluded to, in this age, except with a view to inspire the horror and execration it is so well calculated to excite. Roman example! "The Demon City," (as it has been well called by a writer of genius†) whose whole history, from beginning to end, is a tragedy far deeper and more dreadful than the tale of Œpidus or the Atridæ, and leading, too, to a catastrophe of an awful political justice. Why, sir, there is nothing in the annals of Mongolian conquest worse than the ravages perpetrated by her consuls—by Mummius, Paulus Æmilius, Sylla—in some of the fairest and most civilized portions of the earth. There were flourishing countries whose fertility and population were exhausted by a perpetual drain of corn and gladiators, to feed her lazy and licentious populace, and amuse them with the unutterable atrocities of her amphitheatre. And what was the end of all this misrule? Weakness, poverty, desolation, barbarism—the Goth, the Vandal, the Hun. Yet, long before the footstep of a barbarian had been impressed upon the soil of the empire, as Gibbon has well remarked, long before that scourge of God, under whose horses' hoofs the grass was said never to grow again, had been sent to avenge the wrongs of mankind, in the course of half a century after Constantine had founded a new Rome, whole tracts of fertile country had been completely depopulated and abandoned. Even of that paradise of all this earth, on which poetry and panegyric have been exhausted in every age, in all languages, the *Campania felix*, a very considerable portion was become a waste. Nor, sir, was this only owing to the despotism of the Cæsars, as an excellent writer has well observed,‡ in reference to this passage of the "decline and fall," and as this committee will do well to remark. There co-operated with that misgovernment a curse which has been said, and is thus proved, to be worse than "the inclemency of the seasons and the barrenness of the earth§—a *decreasing currency*. The supply of the precious metals had been for upwards of two centuries continually diminishing, while the quantity of them, sent in quest of luxuries to the East, to return no more, had been increasing in the same proportion, and a revenue of 15 or 20,000,000*l.* was constantly levied in gold and siver, to be expended at a distant capital or on the frontiers. This important fact speaks volumes to us on this subject. It is unquestionably true that one of the greatest calamities of the declining empire was a circulation diminishing so frightfully that the pay of a general in the third century was nominally not higher than that of a private had been in the reign of Augustus.‖ So much for the Roman Sub-Treasury system, and the example of the Quæstor.

*Mr. McDuffie. Report of the Committee of Ways and Means, in 1831.

Mr. Gallatin remarks of this system of Sub-Treasuries presented as an alternative to a Bank of the United States, in his celebrated pamphlet on that subject, that "with the exception of the power of receiving private deposites, the object of which provision is not perceived, this is precisely the species of National Bank which has been suggested in the President's last Message, (1830.) The question whether the purchase of drafts would, as we think, be a charge on the Treasury, or prove, as seems to be expected, a source of profit, is one of secondary importance. It is sufficient to observe that the issues of the State banks could not, nor indeed is it expected they could, be checked by this plan."

†Herder. ‡Jacobs. §Ad. Smith. ‖Herder.

leads to *fluctuations* in the currency, and that brings me to consider the general effects of the credit system upon the prosperity of the country.

I begin by admitting that there is something in this objection, but by no means as much as is thought by persons who have not very attentively considered the subject. Undoubtedly, if your revenue, instead of being uniform, or at least varying very little from year to year, be permitted to fluctuate extremely; if a great surplus, like that of which you disposed last year, is to be allowed ever and anon to accumulate, and then to be withdrawn from one depository, and scattered among many others, to be again suddenly withdrawn from them, and ultimately distributed without reference to the wants of commerce and the course of business, but on merely arbitrary principles, among the States; if such financial blunders are to be repeated often in our future policy, we should do well to confine the effects of them within as narrow limits as possible; and even a system of hoarding might, in such a case, perhaps, do less harm than all this vexatious irregularity and uncertainty. But, in the first place, whose fault was that? Whose legislation occasioned that preposterous accumulation? Whose unequal and oppressive tariffs extorted from commerce the vast sums which were afterwards to be lavished upon it with such intoxicating effects? *Yours*, sir, this House, this Congress is responsible for whatever mischiefs grew out of that strange anomaly. Let the blame light upon the heads of the guilty. I trust in God we are not destined soon to see another such surpluses; and, if we should, most certainly I should expect proper precautions to be adopted to prevent its operating again so powerfully to derange the business of the country. But what sort of argument is it against the comparatively moderate depesites made in the ordinary course of things by the Government, to recompense the banks for their services as fiscal agents, and make taxation less oppressive, that an enormous accumulation like that referred to, so capriciously disposed of, so violently transferred from one place of deposite to another, produced much evil? And here, sir, I beg to ask gentlemen whether it has ever occurred to them to imagine what would have been the effect, what would always be the effect, of such an accumulation, if it had been in gold and silver? What if our revenues should ever again amount to what they were in 1815? Will any man undertake to say that the abstraction from the circulation of the commercial world of so large a sum as forty or fifty millions of specie would not at any time occasion a serious derangement of business and fall of prices abroad, attended with all the usual evils of such an event? I shall advert hereafter more particularly to the important subject of the supply of the precious metals for the purpose of commerce, but I here call the attention of the committee to a view of it that is entitled to their profound consideration. If I do not greatly err in all the conclusions to which I have been brought by my researches in this matter, no calculation can be made of the effect which the adoption, I will not say of the "hard money system," but of any system whatever, calling for a much greater demand of the precious metals, might have upon the state of trade.

[Mr. L. here entered into a course of reasoning upon historical facts, to show that the importance of these fluctuations in the paper currency have been very much overrated, &c.; after concluding which, he proceeded as follows:]

Sir, to the general declamation against banking we have to oppose the experience of the most prosperous nations in the world. There is a country, for instance, whose whole currency is of paper, and where one seldom meets with a piece of gold—whose banking companies, whether with or without charter, subjected to no restraints or control but such as spring out of the vigilance of a free and eager competition, have, for upwards of a century together, conducted their affairs with so much skill, integrity, and prudence, as not only never to have occasioned any loss either to the public or the parties interested, but, on the contrary, by the confession of all competent judges, to have conferred the greatest blessings upon both—to have contributed more than any single cause, perhaps than all other causes put together, to bring out, and develop completely, all the resources of the land—to foster industry, to animate enterprise, and, by an abundant supply of the means of exchange, to turn its capital and labor to the greatest possible account—where, in addition to these economical advantages, they have contrived to exercise a high moral control, a sort of censorial.

But, sir, another objection to the present system is, that it authority, over the community, and especially the humbler classes of it, by bestowing rewards in the shape of credit upon industry and economy, and lending upon good personal character as if it were solid capital, and, through a system of cash accounts and interest upon small deposites have given to the deserving laborer the combined advantages of a Savings Bank and a friendly endorser—a country which has made greater progress, within the period mentioned, than any other in Europe, with an agriculture second (if second) only to that of Flanders, with a flourishing commerce, with manufactures of the greatest extent and the most exquisite refinement—whose cities have almost kept pace with ours, whose whole face, in its gladness and beauty, bears testimony to the spirit of improvement that has animated her: what country is that? Scotland, sir. Every body has heard, or ought to have heard, of the Scotch system of banking; and I ask if any thing can be more irreconcilable with the theories so confidently advanced her, than facts connected with its history? I know, sir, what may be said in reply to this otherwise triumphant example. I am aware that the Scotch banks have, in times of pressure, been compelled to lean upon the Bank of England; that objections have been made by high authorities, to the principles on which they have been conducted; and that other persons, admitting their unquestionable usefulness and success, have ascribed it to circumstances which render the system an unfit model for imitation elsewhere. Be it so. But still it is banking—banking on the English plan, with a very inadequate supply, scarcely any supply, of bullion—banking without limitation or control, without any reference or responsibility to Government:—banking, in a word, with all the defects imputed to that system, in their most exaggerated forms.

But if this example be not satisfactory, let us look at the experience of the two other countries in which the system exists, and exists, as we are told, in its most vicious state—England and the United States. Look at the results. I have no faith at all in speculative politics. A theorist in Government is as dangerous as a theorist in medicine, or in agriculture, and for precisely the same reason—the subjects are too complicated and too obscure for simple and decisive experiments. I go for undisputed results in the long run. Now, surely a philosophical inquirer into the history of the commerce and public economy of nations, if he saw a people pre-eminently distinguished in those particulars above all others, would be inclined to ascribe their superiority to what was peculiar in their institutions; at least whatever might be his ideas *a priori* on such subjects, he would be very slow to deny to any remarkable peculiarity in those institutions its full importance as one of the probable causes of the success which he witnessed, unless he could clearly show the contrary. Then, sir, by what example are we to be guided in such matters, if not by that of England—by far the most magnificent manifestation that the world in any age of it has ever beheld, of the might and the grandeur of civilized life? Sir, I have weighed every syllable that I utter; I express a deliberate conviction, founded upon a patient inquiry and a comparison, as complete as my limited knowledge has enabled me to make it, between the past and present condition of mankind, and between the great nation of which I am speaking, and those which surround her. Sir, there is a gulf between them—that narrow channel separate worlds—it is an ocean more than three thousand miles wide. I appeal to any one who has been abroad, whether going from England to any part of continent he not descending immensely in the scale of civilization? I know, sir, that the word is an ambiguous one. I know that in some of the graces of polished society, in some of the arts of an elegant imagination, that in the exact sciences and in mere learning and general intellectual cultivation, some nations have excelled, perhaps, many equalled England. But in that civilization which, as I have said before, it is the great end of modern political economy to promote, and which is immediately connected with the subject before you—which at once springs out of and leads to the accumulation of capital, and the distribution of wealth and comfort through all classes of a community, with an immense aggregate of national power and resources—that civilization which enables man to "wield these elements, and arm him with the force of all their regions," which gives him dominion over all other creatures, and makes him emphatically the Lord of the Universe—that civilization which consists not in music, not in playing on the flute, as the Athenian hero said, but in turning a small city into a great one—in that victorious, triumphant, irresistible civilization, there is nothing recorded in the annals of mankind that does not sink into the shades of the deepest eclipse by the side of England. I say nothing of her recent achievements on the land and the sea—of her fleets, her armies, her subsidized allies. Look at the Thames crowded with shipping—visit her arsenals, her docks, her canals, her railways, her factories, her mines, her warehouses, her roads, and bridges—go through the streets of that wonderful metropolis, the bank, the emporium, and the exchange of the whole world—converse with those merchants who conduct and control, as far as it is possible to control, the commerce of all nations, with those manufacturers who fill every market with their unrivalled products—go into that bank which is the repository of the precious metals for all Europe—consider its notes, as well as the bills of private bankers, at a premium every where, more valuable than specie, symbols not merely of gold, but of what is far more precious than gold, yea, than fine gold, of perfect good faith, of unblemished integrity, of sagacious enterprise, of steadfast, persevering industry, of boundless wealth, of business co-extensive with the earth, and of all these things possessed, exercised, enjoyed, protected under a system of liberty chastened by the law which maintains it, and of law softened and mitigated by the spirit of liberty which it breathes throughout. Sir, I know, as well as any one, what compensations there are for all this opulence and power, for it is the condition of our being that we "buy our blessings at a price." I knew that there are disturbing causes which have hitherto marred, in some degree, the effect of this high and mighty civilization; but the hand of reform has been already applied to them, and every thing promises the most auspicious results. I have it on the most unquestionable authority, because, from an unwilling witness, that within the memory of man, never were the laboring classes of England so universally employed, and so comfortably situated, as at the beginning of the present year.*

But I said that there was another nation that had some experience in banking and its effects. Sir, I dare not trust myself to speak of my country with the rapture which I habitually feel when I contemplate her marvellous history. But this I will say, that on my return to it, after an absence of only four years, I was filled with wonder at all I saw and all I heard. What upon earth is to be compared with it? I found New York grown up to almost double its former size, with the air of a great capital, instead of a mere flourishing commercial town, as I had known it. I listened to accounts of voyages of a thousand miles in magnificent steamboats on the waters of those great lakes which, but the other day, I left sleeping in the primeval silence of Nature, in the recesses of a vast wilderness; and I felt that there is a grandeur and a majesty in this irresistible onward march of a race created, as I believe, and elected to possess and people a continent, which belongs to few other objects, either of the moral or material world. We may become so much accustomed to such things that they shall make as little impression upon our minds as the glories of the heavens above us; but looking on them lately as with the eye of the stranger, I felt what a recent English traveller is said to have remarked, that, far from being without poetry, as some have vainly alleged, our whole country is one great poem. Sir, it is so; and if there be a man that can think of what is doing in all parts of this most blessed of all lands, to embellish and advance it; who can contemplate that living mass of intelligence, activity, and improvement, as it rolls on in its sure and steady progress to the uttermost extremities of the West; who can see scenes of savage desolation transformed, almost with the suddenness of enchantment, into those of fruitfulness and beauty, crowned with flourishing cities, filled with the noblest of all populations; if there be a man, I say, that can witness all this passing under his very eyes, without feeling his heart beat high, and his imagination warmed and transported by it, be sure, sir, that the raptures of song exist not for him; he would listen in vain to Tasso or Camoens, telling a tale of the wars of knights and crusaders, or of the discovevery and conquest of another hemisphere.

Sir, thinking as I do of these things—not doubting, for a moment, the infinite superiority of our race in every thing that relates to a refined and well ordered public economy, and in all the means and instruments of a high social improvement, it strikes me as of all paradoxes the most singular, to hear foreign examples seriously proposed for our imitation in the very matters wherein that superiority has ever appeared to me to be most unquestionable. The reflection has occurred to me a thousand times in travelling over the continent of Europe, as I passed through filthy, ill-paved villages, through towns in which there is no appearance of an improvement having been made since the Reformation, as I have looked at the wretched hovel of the poor peasant or artisan, or seen him at his labors with his clumsy implements and coarse gear—what a change would take place in the whole aspect of the country, if it were to fall into the hands of Americans for a single generation!

But is it paper money and the credit system alone that have achieved all these wonders? I do not say so, sir; but can you say, can any one presume to say, that they have not done much of all this? I know that the cardinal spring and source of our success is freedom—freedom with the peculiar character that belongs to it in our race—freedom of thought, freedom of speech, freedom of action, freedom of commerce, freedom not merely from the oppressions, but from those undue restraints, and that impertinent interference of Government in the interests properly belonging to individuals, which stand in the way of all improvement in the nations of continental Europe. It is this vital principle, the animating element of social equality, tempered and sobered by a profound respect for the authority of laws, and for the rights of others, and acting upon that other prominent characteristic of the Anglo-Norman race, the strong instinct of *property*, with the personal independence and personal *comfort* that belong to it, that explains our unrivalled and astonishing progress. But of this rational, diffusive liberty among a people so intelligent as ours, the credit system is the natural fruit, the inseparable companion, the necessary means and instrument. It is part and parcel of our existence. Who ever heard of CREDIT in a despotism or anarchy? It implies *confidence*—confidence in yourself, confidence in your neighbor, confidence in your Government, confidence in the administration of the laws, confidence in the sagacity, the integrity, the discretion of those with whom you have to deal; confidence, in a word, in your destiny and your fortune, in the destinies and the fortune of the country to which you belong; as, for instance, in the case of a great national debt. It is the fruit, I say, of all that is most precious in civilized life, and to quarrel with it is to be ungrateful to God for some of the greatest blessings he has vouchsafed to man. Compare Asia with Europe; hoarding has been the usage of the former from time immemorial, because it is slavish, oppressed, and barbarous; and it is curious to see the effect of English laws in breaking up (as they are doing) that system in Hindostan. Depend upon it, sir, all such ideas are utterly alien to our way of thinking—to all the habitudes of our people, and all the interests of the country. My friends from beyond the mountains are familiar with the great principle, the magical effect of credit in a young and progressive country. They know what miracles are wrought by a small advance of money to enable enterprise and industry to bring into cultivation a virgin soil. They know how soon the treasures of its unworn fertility enable them to pay off a loan of that sort with usurious interest, and make them proprietors of estates rising in value with the lapse of every moment. Compare the great Western country now with what it was twenty years ago—sell it *sub hasta*—and compute, if the powers of arithmetic will enable you to do so, the augmentation of its riches. Sir, this is one of the phenomena of our situation to which attention has hardly ever been called—the manner in which the mere increase of population acts upon the value of property. To be struck with the prodigious results produced in this simple way, you have only to compare the estimated taxable property in Pennsylvania and New York, when it was returned for direct taxation in 1799, with the returns of the same property for the same purpose in 1813, after an interval of only fourteen years†—you will see how it is that our people have been enriched by debt, and "by owing, owe not"—how, with a balance of payments almost continually against them from the first settlement of the country, they have grown in riches beyond all precedent or parallel. You will appreciate all the blessings of the credit system, and imagine, perhaps, how this wonderful progress could have been impeded and embarrassed by the difficulties of a metallic circulation.†

But the *fluctuations* of the currency—the ruinous irregularities of bank paper! Why, sir, I have already shown they belong to commerce itself; not to the means which it employs, and that there is no remedy for them. But, after all, what is the sum of the evil? Look again at general results. Tell me not that reactions produce fewer disasters, or less extensive derangements of money and circulation, in countries whose business is principally metallic. It may be so; but what does that prove? If you never soar, you will be in no danger of falling, certainly; but then,

Serpit humi tutus nimium timidus que procellæ.

A go-cart may be a very safe contrivance for the tottering footsteps of infancy; but is it thus that manly vigor is to be trained for the dust and heat of the Olympic race? Sir, it is the condition of all that is grand and awakening in nature, to be somewhat wild and irregular. In the moral world, especially, peril and difficulty are the price which Providence exacts of us for all great excellence and all eminent success. It is in struggling with them that the heroic virtues which elevate and purify humanity are called forth and disciplined; and it is precisely because our people have been trained in that stern school that they have effected more, and are now able to effect more, with equal means, than any other in the world. Sir, it is not our currency only that is obnoxious to the imputation of irregularity. What is Democracy; popular government itself? How often has it fallen to my lot to defend it by the very considerations which I now urge on a kindred topic, when foreigners have spoken to me of the disorders that have occasionally checkered our history. When they exaggerated the importance of such events, I have reminded them that all human institutions must have their imperfections; and that it is by their general effects in a long course of experience, not by occasional accidents, however striking and important, that they are to be judged. That the absence of restraint, which leads to occasional licentiousness, fosters that bold, robust, energetic, and adventurous spirit, and that habit of haughty self-reliance, and independent judgment, which are the very soul of Republican government; which have rendered that form of government, wherever it has existed, so illustrious for heroic achievements, and has made every era of liberty in the history of mankind, even in its most imperfect form, an era of flourishing prosperity and progress. Sir, such a people, as has been said of beings of a higher order, "live throughout, vital in every part."

* Westminster Review for January, 1837. Some ascribe the fact to an ample *circulation*.

* Pitkin's Statistics, 1835.

† Mr. Gallatin's pamphlet, p. 68.

All head they live, all heart, all eye, all ear,
All intellect, all sense.

This is the great secret of our superiority, and of that of every free people; not the forms of a constitution, not the outlines of a system, not more organization, but the principle of *life*, the all pervading animation and vitality that informs the whole body politic, and gives it the warmth, and strength, and activity, the winning graces and expressive countenance of a man, instead of the cold and repulsive stillness of a painted corpse. Jury trial is another of these irregularities—liable, undoubtedly, to much criticism in detail, and scarcely susceptible, as a juridical institution, of a strict defence in theory—yet what should we think of a reformer that should propose to us the abolition of a system so full of practical good, because it was unknown until recently anywhere but in England, and often leads, as it certainly has often led, to great abuse and injustice?

But, then, it seems our banking system is an innovation, introduced only a century and a half ago, and deviates from the primitive model of the Bank of Amsterdam—the *honest* system, as it is called—and that, instead of lending money, it lends merely credit.

[Mr. L. here went at some length into an argument to show the futility of the suggestion of the banking system being an innovation; showing that it is one of those *innovations* which had their origin at that great epoch of human improvement, when mankind ceased to cut each other's throats for differences in religion, and began to make war for colonies and commerce, &c.]

With a population, then, increasing at the rate of four to five per cent. a year, and with an accumulation of capital and productive power proportionably greater, I hold it to be utterly absurd to talk of anything like a metallic currency in the United States. There is no possible means of procuring it; and, if by any means it could be procured, I venture to affirm that our people would get rid of it in the course of a few years, though all the penal laws of Spain against the exportation of gold and silver should be re-enacted here—laws which were passed with no other effect, even in that country, but to show the utter futility of such legislation. I say, sir, that, with their present habits of active enterprise and strict economy, the American people would export the precious metals as fast as they were imported, beyond any amount of them which might be absolutely necessary for the domestic exchanges of the country, and they would do so, because gold and silver would be of more use abroad in purchasing commodities, and would be wholly superfluous at home, where paper would do as well. If you put down "the banks," it would have no effect but to set up something worse in their place, in the shape of private paper. There are some things over which the most despotic lawgivers are unable to exercise any control; and one of them, as all experience shows, is this commerce in bullion.

Sir, it has been said that the only advantage of a paper currency consists in its cheapness. I am, by no means, as you may gather from what I have said, ready to admit this; but, supposing it to be true, is that saving really an unimportant matter? Mr. Gallatin, in a pamphlet of singular ability,‡ has, as I conceive, fallen into a grave error on this subject, which it is so much the more important to rectify, as I perceive that he has misled others more disposed than himself to turn a speculative error into a practical mischief. He states the whole benefit derived from the use of paper, instead of the precious metals, in the United States in 1830, including, under the name of circulation, private deposites in the banks, as they ought undoubtedly to be, at about five millions of dollars a year. It is true, that, according to principles admitted by Mr. Gallatin, the progress of the country, both in wealth and population, in the last seven years, would require a very considerable addition to be made to this estimate, in order to a correct application of it to our actual condition. But, sir, it appears to me that the estimate was made on data altogether erroneous. In the first place, the quantity of currency, if it were metallic, necessary to the circulation of this country, was prodigiously underrated. For reasons that need not be stated here, it is found that a given amount of metallic currency does not circulate as rapidly as an equal amount of paper, and, therefore, that more of it is, *ceteris paribus*, required to do the same business. But without going into such minute inquiry here, why should the United States, with sixteen millions of inhabitants, and relatively the most active trade, both foreign and domestic, in the world, and with extraordinary productive power of all sorts, not need at the *very least* half the circulation necessary in France, with only double their population, and not half their industry? The stress that ought to be laid on this latter circumstance may be illustrated by comparing Asia with Europe in this particular: double the population in the former, possessing, according to the most accurate researches, only one fifth the quantity of gold and silver, which, in addition to paper of all sorts, is required in the latter. Now, the circulation of France was, before the first revolution, set down by Neckar at £88,000,000;§ and Thiers, in his history of that event, makes a similar estimate.‖ Its present amount ought, in reference to the increase of her capital and population, to be at least 600,000 000 dollars; and, accordingly, as was observed by one of my colleagues, [Mr. THOMPSON,] it is stated at that, on good authority.¶ Mr. Rothschild, in his examination before the Committee of the House of Commons in 1832, mentions the paper circulation of the Bank of France as amounting to 750,000,000 francs. According to this, then, we should require, on the footing of population alone, at least 300,000,000 dollars. So much for the amount; now for the loss upon it.

Mr. Gallatin considers it only as so much *interest* on dead capital, and even the interest he puts at an exceedingly low rate. But I apprehend the difference to the country between having a vast inert mass of gold and silver as currency, and turning it into *productive capital*, must be determined, not in reference to *interest* merely, but to the *profit* of stock laid out in active industry, which is nowhere in this country less than ten per cent. and in the great majority of cases, the new States and all included, nearer double that amount on an average. You see, then, sir, what an enormous loss a metallic currency would be to the nation, without taking into account its wear and tear. Look back at the half century that has passed away, and say what that loss would have been, on principles of compound interest, from the beginning up to the present day. Why, sir, it exceeds all powers of calculation, nay, of imagination. Do not suppose for a moment, that so important, so palpable a truth, although never stated in abstract terms, or as a general proposition, has not occurred to the people of the United States. They have *felt* it, without *perceiving* it; they have acted on it, without reasoning about it; they have perfectly well comprehended the real uses of money, without studying the principles of currency; and they have preferred paper as a circulating medium, to gold and silver, because it was better for their purposes than gold and silver, on the simplest maxims of prudence and economy. You may depend upon it, this conclusion is as deeply rooted as it is just. You will never be able to shake it. All your policy will be of no avail, as all legislation will be for ever vain which comes into conflict with the genius of a people, especially in matters so deeply and visibly affecting their private interest. The barbarian, who, in his impotent rage, threw fetters into the Hellespont, and scourged its foaming billows, did not wage a more insane war against the nature of things.

But we are told that if it is an *experiment*, that has been proposed to us, we need not be alarmed at it, because we are accustomed to experiments, and successful ones; that our Constitution itself is a mere experiment. Sir, I deny it utterly, and he that says so shows me that he has either not studied at all, or studied to very little purpose, the history and genius of our institutions. The great cause of their prosperous results—a cause which every one of the many attempts since vainly made to imitate them on this continent or in Europe only demonstrates the more clearly—is precisely the contrary. It is because our fathers made no experiments, and had no experiment to make, that their work has stood. They were forced, by a violation of their *historical hereditary* rights *under the old common law of their race*, to dissolve their connection with the mother country. Their external, their *federal* relations were of course changed, and in that respect, and in that respect only, they were compelled to do their best in the novel situation in which they stood. What relates, therefore, merely to the union of the States is all that gives the least countenance to this superficial idea of an "experiment" which has done so much to misguide the speculations of some visionary minds upon these important matters. Even in this respect, however, an attentive study of our history will show that strong federal tendencies existed, and had, frequently, on former occasions, manifested themselves.* But the whole constitution of society in the States, the great body and bulk of their public law, with all its maxims and principles, all that is republican, in short, in our institutions, remained after the Revolution, and remains *now*, with some very subordinate modifications, what it was from the beginning. Our written constitutions do nothing but consecrate and fortify the "plain rules of ancient liberty," handed down with Magna Charta from the earliest history of our race. It is not a piece of paper, sir, it is not a few abstractions engrossed on parchment, that make free Governments. No, sir, the law of liberty must be inscribed on the heart of the citizen; the word, if I may use the expression without irreverence, must become flesh; you must have a whole people trained, disciplined, bred, yea, and born, as our fathers were, to institutions like ours. Before the colonies existed, the petition of right, that Magna Charta of a more enlightened age, had been presented in 1628 by Lord Coke and his immortal compeers. Our founders brought it with them, and we have not gone one step beyond them. They brought these maxims of civil liberty, not in their libraries, but in their souls; not as philosophical prattle—not as barren generalities, but as rules of conduct; as a symbol of public duty and private right, to be adhered to with religious fidelity; and the very first pilgrim that set his foot upon the rock of Plymouth stepped forth a LIVING CONSTITUTION! armed at all points to defend and to perpetuate the liberty to which he had devoted his whole being.

It only remains for me to advert briefly to one or two additional topics, and I have done. It has been argued as if the currency given to bank paper in this country were due almost exclusively to the countenance which Government affords it, by receiving it in payment of public dues. Certainly, sir, the patronage of Government is an important concurring cause of this credit, but it is not true that it is essential to it. What does the house of Rothchild owe to the Governments of Europe—that house to which all the Governments on the continent are obliged to have recourse in their financial exigencies? And here let me call the attention of those who declaim so vehemently against the agency of banking corporations, to the fact, that this mighty house, with its scarcely less than royal influence and splendor, like most of the other establishments of the same kind in Europe, is no corporation at all, but a mere private partnership; and to the additional fact, that this colossal fortune has been amassed in little more than a single generation, by an obscure person, born in a corner of the Judengasse of Frankfort on the Maine, and his four sons. Do you not see, then, sir, that the odious common places about "*the* money power," and "the political powers," either have no meaning, or apply with all their force to every accumulation of capital, and all the great results of modern commerce? The "money power," I presume, signifies "the power of money," which is widely diffused in this country, thanks to the protection of equal laws, and which will exist and continue to have its influence so long as those laws shall protect it from *confiscation*, whether it shall borrow the credit of the Government, or the Government shall borrow its credit. It is scarcely necessary to notice an idea, analogous to the last, which has been very much insisted on, and that is, that the commerce of New York has been built up by Government credits. Why, sir, this does appear to me too extravagant to need exposure. New York has been built up by her unquestionable natural advantages, and there is no measure of this Government—there is only one event that can possibly deprive her of her immense commercial ascendancy—the dissolution of the Union—that, and nothing but that, can do it. Commerce, as I have already remarked, leads every where to centralization: look at Liverpool—look at Havre, the last, in a hard money country. But on this head there is a very important consideration, which has been urged with all his admirable eloquence by one of my colleagues in the Senate, [Mr. PRESTON.] If this concentration of commercial business at that city be injurious to the others now, what will it become if, by collecting the revenue in gold and silver, and thus making gold and silver mere merchandise, you add to the disadvantages of centralization all the difficulties of procuring coin; make New York the great specie market; and render the whole country tributary to the money changers of Wall street?

Sir, a word more to the South, and for the South. When your system of protection was still in all its vigor, we (I mean the people of South Carolina) sent you a protest against its principles and tendency, which contained, among other objections to it, one that deserves to be repeated here. We told you that we depended absolutely upon commerce—commerce on the largest scale—commerce carried on as it has been for the last half century, with an ever-increasing production, provoking and creating an ever-increasing consumption, and permitting us to send a million (now a million and a half) of bales of cotton into the market, without any danger of a *glut*. We told you the staple commodities, especially the principal one which we produced, were among the very few in the production of which slave labor can enter into competition with free. We reminded you that great revulsions in trade sometimes arose from apparently slight causes, and that, however far it might be from your purpose, or even your apprehensions, it was possible that your legislation might occasion us the loss of our foreign market, our only resource; that the result of that loss to us would be poverty and utter desolation; that our people, in despair, would emigrate to more fortunate regions, and the whole frame and constitution of our society would be seriously impaired and endangered, if not dissolved entirely. And we adjured you not to persist in a course of legislation of which the benefits to yourselves, even were they unquestionable, were nothing in comparison of the danger to which they exposed us—a danger which, however contingent or remote, involved our whole existence, and could not be contemplated without well-founded alarm. Sir, I repeat to you now—I repeat to the representatives of the whole South on this floor—the words then addressed to the House on a different subject. Let well alone. Resist this uncalled-for innovation, of which no one can foresee the whole extent nor the ultimate results. Mark what your Secretary of the Treasury has told you in the very paper in which he reveals the project on the table—YOU PRODUCE TOO MUCH COTTON. Go home, gentlemen of the South, and tell your people that their successful industry is a vice; that the fertility of their soil is a curse; that their excessive production occasions disorders in the State; and that the remedy for *our* troubles is, that *they* should live on short commons. Let them co-operate with our political economy, by depriving themselves of the little mercantile capital they have; let them abolish those corporations to which people, who cannot themselves do business with the widow and the orphan, have contributed their means for the accommodation of commerce; let them but do this, and their docility will be admirable, and shall have our approbation.

Sir, before I take my seat, there is one other topic that I feel it my duty to advert to—I mean to the supposed injurious effects of banking institutions upon the laboring classes of society. Although I have no doubt but that there are many defects in the Constitution, as well as the management of those institutions in this country, and should be most willing to co-operate, if occasion served, in reforming them, I have no hesitation in acquitting them at least of this charge. Who that has ever heard of the relation between capital and labor, between wages and profits, but must see at once that it is unfounded; and, accordingly, Hume objects to banks that, by their issues, they raise wages, and so hurt the manufacturing interests of a nation. I have already remarked, that one of the effects of an increasing currency is to make a distribution of the wealth of society more favorable to the industrious classes of it—to confiscate, in a manner, the property of those who live on fixed incomes, for the benefit of those who produce the commodities on which those incomes are laid out. It is for this reason that the radicals of England—Mr. Atwood, for example—are all strenuous advocates of paper money, and even of inconvertible paper. The idea that the poor are to gain by a return to a metallic currency is, so far as I know, confined to their friends in this country, whose zeal is certainly greater than their knowledge.

It is true, sir, that among other disadvantages attending frequent fluctuations in the currency, it is said that wages are the last thing that rises in a case of expansion. And that may be so in countries where the supply of labor is greater than the demand, but the very reverse is most certainly the fact here, where the demand, especially when stimulated by any extraordinary increase, real or fictitious, of capital, is always greater than the supply. All price is a question of *power*, or relative necessity between two parties; and every body knows that, in a period of excitement here, wages rise immediately, and out of all proportion more than any thing else, because the population of the country is entirely inadequate to its wants. During the last year, for instance, the price of labor became so exorbitant, that some of the most fertile land in South Carolina, rice fields, which have been cultivated for a hundred years, were in danger of being abandoned, from the impossibility of paying for it. Sir, as a Southern man, I represent equally rent, capital, and wages, which are all confounded in our estates; and I protest against attempts to array, without cause, without a color of pretext or plausibility, the different classes of society against one another, as if, in such a country as this, there *could* be any natural hostility or any real distinction between them—a country in which all the rich, with hardly an exception, have been poor, and all the poor may one day be rich—a country in which banking institutions have been of immense service, precisely because they have been most needed by a people who all had their fortunes to make by good character and industrious habits. Look at that remarkable picture—remarkable not as the work of art, but as a monument of history—which you see in passing through the rotunda. Two out of five of that immortal committee were *mechanics*, and such men!* In the name of God, sir, why should any one study to pervert the natural good sense and kindly feelings of this moral and noble people—to infuse into their minds a sullen envy towards one another, instead of that generous emulation which every man in their situation is fitted to inspire—to breathe into them the spirit of Cain, muttering deep curses and meditating desperate revenge against his brother, because the smoke of his sacrifice has ascended to Heaven before his own! And do not they who treat our industrious classes as if they were in the same debased and wretched condition as the poor of Europe, insult them by such an odious comparison? Why, sir, you do not know what poverty is. We have no poor in this country, in the sense in which that word is used abroad. Every laborer, even the most humble, in the United States, soon becomes a capitalist, and even, if he choose, a proprietor of land; for the West, with all its boundless fertility, is open to him. How can any one dare to compare the mechanics of this land (whose inferiority in any substantial particular, in intelligence, in virtue, in wealth, to the other classes of our society, I have yet to learn) with that race of outcasts, of which so terrific

‡ Considerations on the Currency and Banking of the United States. Philadelphia, 1831.
§ See an article in Blackwood's Magazine, for last February.
‖ Burke's Letter on the French Revolution.
¶ Thiers's Hist. de la Revolution Francaise, v. 5, p. 24.

* Convention at Albany, &c.

* Franklin and Sherman, signers of the Declaration.

a picture is presented by recent writers—the poor of Europe? a race, among no inconsiderable portion of whom famine and pestilence may be said to dwell continually; many of whom are without morals, without education, without a country, without a God! and may be said to know society only by the terrors of its penal code, and to live in perpetual war with it. Poor bondmen! mocked with the name of liberty, that they may be sometimes tempted to break their chains, in order that, after a few days of starvation in idleness or dissipation, they may be driven back to their prison house to take them up again, heavier and more galling than before; severed, as it has been touchingly expressed, from nature, from the common air, and the light of the sun; knowing only by hearsay that the fields are green, that the birds sing, and that there is a perfume in flowers.†

And is it with a race, whom the perverse institutions of Europe have thus degraded beneath the condition of humanity, that the advocates, the patrons, the protectors of our workingmen, presume to compare them? Sir, it is to treat them with a scorn at which their spirit should revolt, and does revolt. Just before I left Charleston, there was a meeting called for some purpose, which was regarded by the people of that city as unfavorable to public order. There was something, I suppose, in the proceedings which looked to the invidious distinction of which I have been speaking; for it led, as I have heard, to an expression of sentiment from one of our mechanics,‡ which struck me as noble beyond all praise. He said he wondered what could be meant by addressing to the industrious classes, particularly, all inflammatory appeals against the institutions of the country—as if they were not a part of the community as much interested in its order and peace as any other—as if they had no ties of sympathy or connection with their fellow citizens—above all, as if they had not intelligence or knowledge enough to take care of their own interests, but were reduced to a state of perpetual pupilage and infancy, and needed the official protection of self-constituted guardians! Sir, that was a sentiment worthy of a freeman, and which may be recorded, with honor, among the sayings of heroes.

Mr. Chairman, I thank the committee for the attention with which it has honored me. I have detained it long; but I was full of the subject, which appears to me to be one of vast importance, in all its bearings. I have spoken what I felt and thought, without reference to party. But I will say one word to those with whom I have generally acted on this floor. I have hear I that some of them disapprove this measure, but are disposed to vote for it to oblige their friends. Sir, this is a strange and a great mistake. A true friend ought to be a faithful counsellor. Let them remember the deep reproach which the great poet puts in the mouth of one of his heroes:

> Had thou but shook thy head, or made a pause,
> When I spoke darkly what I purposed;
> Or turned an eye of doubt upon my face!

†Michelet. ‡Mr. Harby.

SPEECH OF MR. WEBSTER,
OF MASSACHUSETTS,

In Senate, January 31, 1838—On the Sub-Treasury bill.

"Let the Government attend to its own business, and let the people attend to theirs."

"Let the Government take care that it secures a sound currency for its own use, and let it leave all the rest to the States and to the people."

These ominous sentences, Mr. President, have been ringing in my ears ever since they were uttered yesterday by the member from New York. Let the Government take care of itself, and let the people take care of themselves. This is the whole principle and policy of the Administration at the present most critical moment, and on this great and all-absorbing question of the currency.

Sir, this is an ill-boding announcement. It has nothing of consolation, of solace, or of hope in it.

It will carry through all the classes of commerce and business nothing but more discouragement and deeper fears; and yet it is but repetition. It is only a renewed exhibition of the same spirit which was breathed by the Message and the bill of the last session, of which this bill is also full, and which has pervaded all the recommendations and all the measures of Government since May. Yet I confess that I am not, even yet, so familiar with it, so accustomed to hear such sentiments avowed, as that they cease to astonish me. I am either groping in thick and palpable darkness myself, in regard to the true objects of the Constitution, and the duties of Congress under it, or else these principles of public policy, thus declared, are at war with our most positive and urgent obligations.

The honorable member made other observations indicative of the same general tone of political feeling. Among his chosen topics of commendation of the bill before us, a prominent one was to shelter the Administration from that shower of imputations, as he expressed the idea, which would always beat upon it as it beats now, when disasters should happen to the currency. Indeed! And why should the Administration, now or ever, be sheltered from that shower? Is not currency a subject over which the power and duty of Government extend? Is not Government justly responsible for its condition? Is it not, of necessity, wholly and entirely under the control and regulation of political power? Is it not a matter, in regard to which, the people cannot, by any possibility, protect themselves, any more than they can, by their own individual efforts, supersede the necessity of the exercise by Government of any other political power? What can the people do for themselves, to improve the currency? Sir, the Government is justly answerable for the disasters of the currency, saving always those accidents which cannot at all times be foreseen or provided against. It is at least answerable for its own neglect, if it shall be guilty of it, in not exercising all its constitutional authority for the correction and restoration of the currency. Why does it, how can it, shrink from this responsibility? Why does it seek not the laurels of victory, not the reputation, even of manly contest, but the poor honors of studied and eager escape? Sir, it never can escape. The common sense of all men pronounces that the Government is, and ought to be, and must be, answerable for the regulation of the currency of the country; that it ought to abide, and must abide, the pelings of the storm of imputation, so long as it turns its back upon this momentous question, and seeks to shelter itself in the safes and the vaults, the cells and the caverns, of a Sub-Treasury system.

But of all Governments that ever existed, the present Administration has least excuse for withdrawing its care from the currency, or shrinking from its just responsibility in regard to it.

Its predecessor, in whose footsteps it professes to tread, has interfered, fatally interfered with that subject. That interference was, and has been, the productive cause of our disasters. Did the Administration disclaim power over the currency in 1833, when it removed the deposites? And what meant all its subsequent transactions, all its professions, and all its efforts, for that better currency which it promised if, in truth, it did not hold itself responsible to the people of the United States for a good currency? From the very first year of the late Administration to the last, there was hardly a session, if there was a single session, in which this duty of Government was not acknowledged, promises of high improvement put forth, or loud claims of merit asserted for benefits already conferred. It professed to erect the great temple of its glory on improvements of the currency.

And, sir, the better currency, which has been so long promised, was not a currency for the Government, but a currency for the people. It was not for the use of revenue merely, but for the use of the whole commerce, trade, and business of the nation. And now, when the whole industry, business, and labor of the country is harassed and distressed by the evils brought upon us by its own interference, Government talks with all possible coolness of the great advantage it will be to adopt a system which shall shield itself from a thick falling shower of imputations. It disclaims, it renounces, it abandons it duties, and then seeks an inglorious shelter in its professed want of power to relieve the people.

We demand the better currency; we insist on the fulfilment of the high and flattering promises; and surely there never was a Government on the face of the earth that could, with less propriety, resist the demand; yet we see it seek refuge in a bold, cold, and heartless denial of the competency of its own constitutional powers. It falls back from its own undertakings, and flatly contradicts its own pretensions. In my opinion, it can find no refuge where the public voice will not reach it. There can be no shelter, while these times last, into which Government can retreat; wherein it can hide, and screen itself from the loud voice of the country, calling upon it to come forth to fulfil its promises, or at least, now that these promises are all broken, to perform its duties. The evils of a disordered currency are evils which do not naturally correct or cure themselves. Nor does chance or good luck often relieve that community which is suffering under them. They require political remedy; they require provision to be made by Government; they demand the skilful hand of experienced statesmen. Until some just remedy be applied, they are likely to continue, with more or less of aggravation, and no man can tell when or how they will end. It is vain, therefore, quite vain, for Government to hope that it may retreat from this great duty, shield itself under a system no way agreeing either with its powers or its obligations, and thus escape reproaches, by attempting to escape responsibility.

Mr. President, there is fault and failure somewhere. Either the Constitution has failed, or its administration fails. The great end of a uniform and satisfactory regulation of commerce is not answered, because the national currency, an indispensable instrument of that commerce, is not preserved in a sound and uniform state.

Is the fault in the Constitution itself? Those who affirm that it is, must show how it was, if that be so, that other Administrations, in other times, have been able to give the people abundant satisfaction in relation to the currency. I suppose it will be said, in answer to this, that the Constitution has been violated; that it was originally misconstrued; that those who made it did not understand it; and that the sage and more enlightened politicians of our times see deeper and judge more justly of the Constitution than Washington and Madison. Certain it is, that they have more respect for their own sagacity than for all the wisdom of others, and all the experience of the country; or else they find themselves, by their party politics and party commitments, cut off from all ability of administering the Constitution according to former successful practice.

Mr. President, when I contemplate the condition of the country; when I behold this utter breaking down of the currency, this wide spread evil among all the industrious classes, this acknowledged inability of Government to pay its debts legally, this prostration of commerce and manufactures, this shocking derangement of internal exchange, and the general crash of credit and confidence; and when I see that three hundred representatives of the people are here assembled, to consult on the public exigency; and that, repudiating the wisdom of our predecessors, and rejecting all the lights of our own experience, nothing is proposed, for our adoption, to meet an emergency of this character, but the bill before us, I confess, sir, the whole seems to me some strange illusion. I can hardly persuade myself that we are all in our waking senses. It appears like a dream, like some phantasy of the night, that the opening light of the morning usually dispels.

There is so little of apparent relation of means to ends; the measure before us has so little to promise for the relief of existing evils; it is so alien, so outlandish, so abstracted, so remote from the causes which press down all the great public interests, that I really find it difficult to regard as real what is thus around me.

Sir, some of us are strangely in error. The difference between us is so wide, the views which we take of public affairs so opposite, our opinions, both of the causes of present evils and their appropriate remedies, so totally unlike, that one side or the other must be under some strange delusion. Darkness, thick darkness, hangs either over the supporters of this measure or over its opponents. Time, and the public judgment, I trust, will sooner or later disperse these mists, and men and measures will be seen in their true character. I think, indeed, that I see already some lifting up of the fog.

The honorable member from New York has said that we have now already existing a mode of conducting the fiscal affairs of the country, substantially such as that will be which this bill will establish. We may judge, therefore, he says, of the future by the present. A Sub-Treasury system, in fact, he contends, is now in operation, and he hopes the country sees so much good in it as to be willing to make it permanent and perpetual.

The present system, he insists, must at least be admitted not to have obstructed or impeded the beneficial action of the immense resources of the country. Sir, this seems to me a most extraordinary declaration. The operation and energy of the resources of the country not obstructed? The business of the community not impeded? Why, sir, this can only be true upon the supposition that the present evils are no way attributable to the policy of Government, that they all spring from some extraneous and independent cause. If the honorable member means that the disasters which have fallen upon us arise from causes which Government cannot control, such as overtrading or speculation, and that Government is answerable for nothing, I can understand him, though I do not at all concur with him. But that the resources of the country are not now in a state of great depression and stagnation is what I had supposed none would assert. Sir, what are the resources of the country? The first of all, doubtless, is labor. Does this meet no impediment? Does labor find itself rewarded, as heretofore, by high prices, paid in good money? The whole mass of industry employed in commerce and manufactures, does it meet with no obstruction, or hindrance, or discouragement? And commerce and manufactures, in the aggregate, embracing capital as well as labor, are they too in a high career of success? Is nothing of impediment or obstruction found connected with their present condition?

Again, sir; among our American resources, from the very first origin of this Government, credit and confidence have held a high and foremost rank. We owe more to credit, and to commercial confidence, than any nation which ever existed; and ten times more than any nation, except England. Credit and confidence have been the life of our system, and powerfully productive causes of all our prosperity. They have covered the seas with our commerce, replenished the Treasury, paid off the national debt, excited and stimulated the manufacturing industry, encouraged labor to put forth the whole strength of its sinews, felled the forest, and multiplied our numbers, and augmented the national wealth, so far beyond all example, as to leave us a phenomenon for older nations to look at with wonder. And this credit, and this confidence, are they now no way obstructed or impeded? Are they now acting with their usual efficiency, and their usual success, on the concerns of society?

The honorable member refers to the exchanges. No doubt, sir, the rate of foreign exchange has nothing in it alarming. Nor has it had, if our domestic concerns had been in a proper condition. But that the internal exchanges are in a healthful condition, as the honorable member alleges, is what I can by no means admit. I look upon the derangement of the internal exchanges as the precise form in which existing evils most manifestly exhibit themselves. Why, sir, look at the rates between large cities in the neighborhood of each other. Exchange between Boston and New York, and also between Philadelphia and New York, is 1½ to 2 per cent. This could never happen but from a deranged currency; and can this be called a healthful state of domestic exchange?

I understand that the cotton crop has done much towards equalizing exchange between New Orleans and New York; and yet I have seen, not many days since, that in other places of the South, I believe Mobile, exchange on New York was at a premium of five to ten per cent.

The manufacturers of the North can say how they have found, and how they now find, the facilities of exchange. I do not mean exclusively, or principally, the large manufacturers of cotton and woollen fabrics; but the smaller manufacturers, men who, while they employ many others, still bestow their own labor on their own capital; the shop manufacturers, such manufacturers as abound in New Jersey, Connecticut, and other parts of the North. I would ask the gentlemen from these States how these neighbors of theirs find exchanges, and the means of remittance, between them and their correspondents and purchasers in the South. The carriage makers, the furniture makers, the hatters, the dealers in leather, in all its branches, the dealers in domestic hardware; I should like to hear the results of the experience of all these persons, on the state of the internal exchanges, as well as the general question whether the industry of the country has encountered any obstacle in the present state of the currency.

Mr. President, the honorable member from New York stated correctly that this bill has two leading objects

The first is, a separation of the revenue, and the funds of Government, from all connection with the concerns of individuals, and of corporations; and especially a separation of these funds from all connection with any banks.

The second is, a gradual change, in our system of currency, to be carried on till we can accomplish the object of an exclusive specie or metallic circulation, at least in all payments to Government, and all disbursements by Government.

Now, sir, I am against both these propositions, ends as well as means.

I am against this separation of Government and people, as unnatural, selfish, and an abandonment of the most important political duties.

I am for having but one currency, and that a good one, both for the people and the Government.

I am opposed to the doctrines of the Message of September, and to every thing which grows out of these doctrines. I feel as if I were on some other sphere, as if I were not at home, as if this could not be America, when I see schemes of public policy proposed, having for their object the convenience of Government only, and leaving the people to shift for themselves, in a matter which naturally and necessarily belongs, and in every other country is admitted to belong, to the solemn obligations and the undoubted power of Government. Is it America, where the Government, and men in the Government, are to be better off than the people? Is it America, where Government is to shut its eyes and its ears to public complaint, and to take care only of itself? Is it America, Mr. President, is it your country, and my country, in which, at a time of great public distress, when all eyes are turned to Congress, and when most men feel that substantial and practical relief can come only from Congress, that Congress, nevertheless, has nothing on earth to propose but bolts and bars, safes and vaults, cells and hiding places, for the better security of its own money; and nothing on earth, not a beneficent law, not even a kind word, for the people themselves? Is it our country, in which the interest of Government has reached such an ascendancy over the interest of the people, in the estimate of the representatives of the people? Has this, sir, come to be the state of things in the old thirteen, with the new thirteen added to them? For one, I confess I know not what is American, in policy, in public interest, or in public feeling, if these measures be deemed American.

The first general aspect or feature of the bill, the character written broadly on its front, is this abandonment of all concern for the general currency of the country. This is enough for me. It secures my opposition to the bill in all stages. Sir, this bill ought to have had a preamble. It ought to have been introduced by a recital, setting forth, that whereas the currency of the country has become totally deranged; and whereas, it

has heretofore been thought the bounden duty of this Government to take proper care of that great branch of the national interest; and whereas, that opinion is erroneous, obsolete, and heretical; and whereas, according to the true reading of the Constitution, the great duty of this Government, and its exclusive duty, so far as currency is concerned, is to take care of itself; and whereas, if Government can but secure a sound currency for itself, the people may very well be left to such a currency as the States, or the banks, or their own good fortune, or bad fortune, may give them; therefore, be it enacted, &c.

The very first provision of the bill is in keeping with its general objects and general character. It abandons all the sentiments of civilized mankind on the subject of credit and confidence, and carries us back to the dark ages. The first that we hear is of safes, and vaults, and cells, and cloisters. From an intellectual it goes back to a physical age. From commerce and credit, it returns to hoarding and hiding; from confidence and trust, it retreats to bolts and bars, to locks with double keys, and to pains and penalties for touching hidden treasure. It is a law for the times of the feudal system; or a law for the heads and governors of the piratical States of Barbary. It is a measure fit for times when there is no security in law, no value in commerce, no active industry among mankind. Here, it is altogether out of time and out of place. It has no sympathy with the general sentiments of this age, still less has it any congeniality with our American character, any relish of our hitherto approved and successful policy, or any agreement or conformity with the general feeling of the country.

The gentleman, in stating the provisions of the first section, proceeds to say, that it is strange that none of our laws heretofore has ever attempted to give to the Treasury of the United States a "local habitation." Hence it is the object of this first section of the bill to provide and define such local habitation. A local habitation for the Treasury of a great and growing commercial country, in the nineteenth century! Why, sir, what is the Treasury? The existing laws call it a "Department." They say, there shall be a Department, with various officers, and a proper assignment of their duties and functions; and that this shall be the Department of the Treasury. It is thus an organized part of Government, an important and indispensable branch of the general administration, conducting the fiscal affairs of the country, and controlling subordinate agents.

But this bill does away with all legal and political ideas, and brings this important Department down to a thing of bricks and mortar. It enacts that certain rooms in the new building, with their safes and vaults, shall constitute the Treasury of the United States! And this adoption of new and strange notions, and this abandonment of all old ideas, is all for the purpose of accomplishing the great object of separating the affairs of the Government from the affairs of the country. The nature of the means shows the nature of the object; both are novel, strange, untried, and unheard of. The scheme, sir, finds no precedent, either in our own history, or the history of any other respectable nation. It is admitted to be new, original, experimental; and yet its adoption is urged upon us as confidently as if it had come down from our ancestors, and had been the cherished policy of the country in all past times.

I am against it altogether. I look not to see whether the means be adapted to the end. That end itself is what I oppose, and I oppose all the means leading to it. I oppose all attempts to make a separate currency for the Government, because I insist upon it, and shall insist upon it, until I see and feel the pillars of the Constitution falling around me and upon my head, that it is the duty of this Government to provide a good currency for the country and for the people, as well as for itself.

I put it to gentlemen to say, whether currency be not a part of commerce, or an indispensable agent of commerce; and something, therefore, which this Government is bound to regulate, and to take care of? Gentlemen will not meet the argument. They shun the question. We demand that the just power of the Constitution shall be administered. We assert that Congress has power to regulate commerce, and currency as a part of commerce; we insist that the public exigency, at the present moment, calls loudly for the exercise of this power—and what do they do? They labor to convince us that the Government itself can get on very well without providing a currency for the people, and they betake themselves, therefore, to the Sub-Treasury system, its unassailable walls, its iron chests, and doubly secured doors. And having satisfied themselves that, in this way, Government may be kept going, they are satisfied. A sound currency for Government, a safe currency for revenue; these are the only things promised, the only things proposed. But these are not the old promise. The country, the country itself, and the whole people, were promised a better currency, for their own use; a better general currency; a better currency for all the purposes of trade and business. This was the promise, solemnly given by the Government in 1833, and so often afterwards renewed, through all successive years, down to May last. We heard nothing, all that time, of a separation between Government and people. No, sir, not a word. Both were to have an improved currency. Sir, I did not believe a word of all this; I thought it all mere pretence or empty boasting. I had no faith in these promises, not a particle. But the honorable member from New York was confident; confident, then, as he is now; confident of the success of the first scheme, which was plausible, as he is confident of this, which is strange, alien, and repulsive in its whole aspect. He was then as sure of being able to furnish a currency for the country, as he is now of furnishing a currency for Government. He told us, at that time, that he believed the system, adopted by the late Administration, was fully competetent to its object. He felt no alarm for the result; he believed all the President had done, from the removal of the deposites downwards, was constitutional and legal, and he was determined to place himself by the side of the President, and desired only to stand or fall, in the estimation of his constituents, as they should determine in the result. And that result has now come.

As I have said, sir, I had no faith at all in all the promises of the Administration, made before, and at that time, and constantly repeated. I felt no confidence, whatever, in the whole project; I deemed it rash, headstrong, and presumptuous, to the last degree. And, at the risk of the charge of some offence against good taste, I will read a paragraph from some remarks of mine, in February, 1834, which sufficiently show what my opinion and my apprehensions then were:

"I have already endeavored to warn the country against irredeemable paper; against bank paper, when banks do not pay specie for their own notes; against that miserable, abominable, and fraudulent policy, which attempts to give value to any paper of any bank, one single moment longer than such paper is redeemable on demand in gold and silver. And I wish, most solemnly and earnestly, to repeat that warning. I *see danger of that state of things ahead.* I SEE IMMINENT DANGER THAT MORE OR FEWER OF THE STATE BANKS WILL STOP SPECIE PAYMENTS. The late measure of the Secretary, and the infatuation with which it seems to be supported, tend directly and strongly to that result. Under pretence, then, of a design to return to a currency which shall be all specie, we are likely to have a currency in which there shall be no specie at all. *We are in danger of being overwhelmed with irredeemable paper; mere paper, representing not gold or silver; no, sir, representing nothing but* BROKEN PROMISES, BAD FAITH, BANKRUPT CORPORATIONS, CHEATED CREDITORS, AND A RUINED PEOPLE!"

And now, sir, we see the upshot of the experiment. We see around us bankrupt corporations and broken promises; but we see no promises more really and emphatically broken than all those promises of the Administration which gave us assurance of a better currency. These promises, now broken, notoriously and openly broken, if they cannot be performed, ought, at least, to be acknowledged. The Government ought not, in common fairness and common honesty, to deny its own responsibility, seek to escape from the demands of the people, and to hide itself, out of the way and beyond the reach of the process of public opinion, by retreating into this Sub-Treasury system. Let it, at least, come forth; let it bear a part of honesty and candor; let it confess its promises, if it cannot perform them; and, above all, now, even now, at this late hour, let it renounce schemes and projects, the inventions of presumption, and the resorts of desperation, and let it address itself, in all good faith, to the great work of restoring the currency by approved and constitutional means.

But, sir, so far is any such course from all probability of being adopted, so little ground of hope is there that this Sub-Treasury system will be abandoned, that the honorable member from New York has contended and argued in his place, that the public opinion is more favorable to this measure now proposed than to any other which has been suggested. He claims for it the character of a favorite with the people. He makes out this Sub-Treasury plan to be quite high in popular estimation. Certainly, sir, if the honorable member thinks so, he and I see with different eyes, hear with different ears, or gather the means of opinion from different sources. But what is the gentleman's argument? It is this: The two Houses of Congress, he says, reflect the wishes and opinions of the people; and with the two Houses of Congress this system, he supposes, is more acceptable than any other.

Now, sir, with the utmost respect for the two Houses of Congress, and all their members, I must be permitted to express a doubt, and, indeed, a good deal more than a doubt, whether, on this subject, and at the present moment, the two Houses do exactly reflect the opinions and wishes of the people. I should not have adverted to the state of opinion here, compared with the state of public opinion in the country, if the gentleman had not founded an argument on the supposed disposition of the two Houses, and on the fact that they truly set forth the public opinion. But, since he has brought such an argument, it is proper to examine its foundation.

In a general sense, undoubtedly, sir, the members of the two Houses must be understood to represent the sentiments of their constituents, the people of the United States. Their acts bind them, as their representatives, and they must be considered, in a legal sense, as conforming to the will of their constituents. But, owing to the manner of our organization, and to the periods and times of election, it certainly may happen that, at a particular moment, and on a particular subject, opinion out of doors may be one way, while opinion here is another. And how is it now, if we may judge by the usual indications? Does the gentleman hope for no vote, in this body, for this bill, but such as shall be, in his opinion, in strict accordance with the wishes, as generally understood, and most recently expressed in the State from which that vote shall come?

I shall be exceedingly sorry, sir, for instance, to see a vote from Maine given for this bill. I hope I may not. But if there should be such a vote, can the gentleman say that he believes, in his conscience, it will express the wishes of a majority of the people of that State? And so of New Jersey, and one, if not more States in the West. I am quite sure that gentlemen who may give their votes will discharge their duty according to their own enlightened judgments, and they are in no way accountable to me for the manner in which they discharge it; but when the honorable member from New York contends that this body now accurately represents the public opinion on the Sub-Treasury system, we must look at the facts. And with all possible respect for the honorable member, I must even take leave to ask him, whether, in his judgment, he, himself, is truly reflecting the opinions and wishes of a majority of the people of New York, while he is proposing and supporting this bill? Where does he find evidence of the favor of the people of that State towards this measure? Does he find it in the city? In the country? In the recently elected House of Assembly? In the recently elected members of the Senate? Can he name a place—can he lay a *venue* for the popularity of this measure in the whole State of New York? Between Montauk point and Cattaraugus, and between the mountains of Pennsylvania and the north end of Lake Champlain, can he any where put his finger on the map, and say, here is a spot where the Sub-Treasury is popular? He may find places, no doubt, though they are somewhat scarce, where his friends have been able to maintain their ascendancy, *notwithstanding* the unpopularity of the measure; but can he find one place, one spot, of any extent, in which this measure of relief is the choice, the favorite, of a majority of the people?

Mr. President, the honorable member has long been in public life, and has witnessed often the changes and fluctuations of political parties and political opinions. And I will ask him what he thinks of the hurricane which swept over New York in the first week of last November? Did he ever know the like? Has he before ever been called on to withstand such a whirlwind? or had he previously any suspicion that such an outbreak in the political elements was at hand? I am persuaded, sir, that he feared such a thing much less than I hoped for it; and my own hopes, although I had hopes, and strong hopes, I must confess, fell far short of the actual result. And to me, Mr. President, it seems perfectly plain, that the cause of this astonishing change in public opinion is to be found, mainly, in the message of September, and the Sub-Treasury bill of the last session. The message, with its anti-social, anti-commercial, anti-popular doctrines and dogmas—the message which set at naught all our own manners and usages, rejected all the teachings of experience, threatened the State institutions, and, anxious only to take good care of the Government, abandoned the people to their fate; the message—the message—it was, that did the great work in New York and elsewhere.

The message was that cave of Eolus, out of which the careering winds issued:

"Una Eurusque notusque ruunt creberque procellis
Africus"——

mingling seas and skies, dispersing the most powerful political combinations, and scattering their fragments on the rocks and shores. I might quote the poet further, sir,

"et vastos volvunt ad littora fluctus."

The political deep seemed agitated to the very bottom, and its heaving bosom moved onward and forward the '*vastos fluctus*," in nautical phrase, the big rollers of public opinion.

The honorable member may say, or may think, that all this was but the result of a transient impulse, a feverish ebullition, a sudden surprise, or a change superficial, and apparent only, not deep and real. Sir, I cannot say, but I must confess that if the movement in New York last fall was not real, it looked more like reality than any fanciful exhibition which I ever saw. If the people were not in earnest, they certainly had a very sober and earnest way of being in jest.

And now, sir, can the honorable member, can any man say, that in regard to this measure, even the House of Representatives is certain, at this moment, truly to reflect the public judgment? Though nearer to the people than ourselves, and more frequently chosen, yet it is known that the present members were elected, nearly all of them, before the appearance of the message of September. And will the honorable member allow me to ask, whether, if a new election of members of Congress were to take place in his own State, to-morrow, and the newly elected members should take their seats immediately, he should entertain the slightest expectation of the passage of this bill through the House?

Mr. President, in 1834 the honorable member presented to the Senate resolutions of the Legislature of New York, approving the previous course of the Administration in relation to the currency. He then urged strongly, but none too strongly, the weight due to those resolutions, because, he argued, they expressed the undoubted sense of the people, as well as that of the Legislature. He said there was not, at that time, a single member in the popular branch of the Legislature who was not in favor of those resolutions, either from the cities of Hudson, Albany, Troy, Schenectady, Utica, or an almost endless number of incorporated trading towns and villages, or the great city of New York itself, which he justly calls the commercial emporium of the country; all these cities and villages being surrounded, as he most justly said, by an intelligent population; and cities, villages, and country, altogether, comprising near two millions of souls. All this was very well. It was true. The facts were with the honorable member. And although I most exceedingly regretted and deplored that it was so, I could not deny it. And he was entitled to enjoy, and did enjoy, the whole benefit of this respectable support. But, sir, how stands the matter now? What say these two millions of souls to the Sub-Treasury? In the first place, what says the city of New York, that great commercial emporium, worthy the gentleman's commendation in 1834, and worthy of his commendation, and my commendation, and all commendation, at all times? What sentiments, what opinions, what feelings, are proclaimed by the thousands of her merchants, traders, manufacturers, and laborers? What is the united shout of all the voices of all her classes? What is it but that you will put down this new-fangled Sub-Treasury system, alike alien to their interests and their feelings, at once, and forever? What is it, but that in mercy to the mercantile interest, the trading interest, the shipping interest, the manufacturing interest, the laboring class, and all classes, you will give up useless and pernicious political schemes and projects, and return to the plain, straight course of wise and wholesome legislation? The sentiments of the city cannot be misunderstood. A thousand pens and ten thousand tongues, and a spirited press, make them all known. If we have not already heard enough, we shall hear more. Embarrassed, vexed, pressed and distressed, as are her citizens at this moment, yet their resolution is not shaken, their spirit is not broken; and, depend upon it, they will not see their commerce, their business, their prosperity and their happiness, all sacrificed to preposterous schemes and political empiricism, without another, and a yet more vigorous, struggle. And Hudson, and Albany, and Troy, and Schenectady, and Utica—pray, why may not the citizens of these cities have as much weight with the honorable member now, as they justly had in 1834? And does he; can he, doubt of what they think of his bill? Ay, sir, and Rochester, and Batavia, and Buffalo, and the entire western district of the State, does the honorable member suppose that, in the whole of it, he would be able, by careful search, to do more than to find, now and then, so rare a bird, as a single approver of this system?

Mr. President, if this system must come, let it come. If we must bow to it, why, then, put it upon us. Do it. Do it by the power of Congress, and the President. Congress and the President have the power. But spare us, I beseech you, spare the people from the imputation that it is done under clear proof and evidence of their own approbation. Let it not be said it is their choice. Save them, in all mercy, from that reproach.

Sir, I think there is a revolution in public opinion, now going on, whatever may be the opinion of the member from New York, or others. I think the fall elections prove this, and that other more recent events confirm it. I think it is a revolt against the absolute dictation of party, a revolt against coercion, on the public judgment; and, especially, against the adoption of new mischievous expedients on questions of deep public interest; a revolt against the rash and unbridled spirit of change; a revolution, in short, against further revolution. I hope, most sincerely, that this revolution may go on; not, sir, for the sake of men, but for the sake of measures, and for the sake of the country. I wish it to proceed, till the whole country, with an imperative unity of voice, shall call back Congress to the true policy of the Government.

The honorable member from New York is of opinion, sir, that there are only three courses open to us. We must, he urges, either adopt this measure, or return to a system of deposites with the State banks, or establish a National Bank. Now sir, suppose this to be as the gentleman states, then, I say, that either of the others is better than this. I would prefer doing almost any thing, and I would vastly prefer doing nothing, to taking this bill.

I need not conceal my own opinions. I am in favor of a national institution, with such provisions and securities as Congress may think proper, to guard against danger and against abuse. But the honorable member disposes of this at once, by

the declaration, that he himself can never consent to a bank, being utterly opposed to it, both on constitutional grounds, and grounds of expediency. The gentleman's opinion, always respected, is certainly of great weight and importance, from the public situation he occupies. But although these are his opinions, is it certain that a majority of the people of the country agree with him in this particular? I think not. I verily believe a majority of the people of the United States are now of the opinion that a National Bank, properly constituted, limited, and guarded, is both constitutional and expedient, and ought now to be established. So far as I can learn, three-fourths of the Western people are for it. Their representatives here can form a better judgment; but such is my opinion upon the best information which I can obtain. The South may be more divided, or may be against a national institution; but, looking again to the centre, the North, and the East, and comprehending the whole in one view, I believe the prevalent sentiment is such as I have stated.

At the last session great pains were taken to obtain a vote of this and the other House against a bank, for the obvious purpose of placing such an institution out of the list of remedies, and so reconciling the people to the Sub-Treasury scheme. Well, sir, and did those votes produce any effect? None at all. The people did not, and do not, care a rush for them. I never have seen, or heard, a single man, who paid the slightest respect to those votes of ours. The honorable member, to-day, opposed as he is to a bank, has not even alluded to them. So entirely vain is it, sir, in this country, to attempt to forestall, commit, or coerce the public judgment. All those resolutions fell perfectly dead on the tables of the two Houses. We may resolve what we please, and resolve it when we please; but if the people do not like it, at their own good pleasure they will rescind it; and they are not likely to continue their approbation long, to any system of measures, however plausible, which terminates in deep disappointment of all their hopes, for their own prosperity.

I have said, sir, that in preference to this bill, I would try some modification of the State bank system; and I will cheerfully do so, although every body knows that I always opposed that system. Still, I think it less objectionable than this. Mr. President, in my opinion, the real source of the evil lies in the tone, and spirit, and general feeling, which have pervaded the Administration for some years past. I verily believe the origin is there. That spirit, I fully believe, has been deeply anti-commercial, and of late decidedly unfriendly to the State institutions. Do the leading presses in favor of the Administration speak its own sentiments? If you think they do, then look at the language and spirit of those presses. Do they not manifest an unceasing and bitter hostility to the mercantile classes, and to the institutions of the States? I certainly never supposed the State banks fit agents for furnishing or regulating a national currency; but I have thought them useful in their proper places. At any rate, the States had power to establish them, and have established them, and we have no right to endeavor to destroy them. How is it, then, that, generally, every leading press which supports the Administration joins in the general cry against these institutions of the States? How is it, if it be not that a spirit hostile to these institutions has come to pervade the Administration itself?

In my opinion, the State banks, on every ground demand other treatment; and the interest of the country requires that they should receive other treatment. The Government has used them, and why should it now not only desert, but abuse them? That some of the selected banks have behaved very unworthy, is no doubt true. The best behavior is not always to be expected from pets. But that the banks, generally, deserved this unrestrained warfare upon them, at the hands of Government, I cannot believe. It appears to me to be both ungrateful and unjust.

The banks, sir, are now making an effort, which I hope may be successful, to resume specie payments. The process of resumption works, and must work, with severity upon the country. Yet I most earnestly hope the banks may be able to accomplish the object. But, in all this effort, they get no aid from Government, no succor from Government, not even a kind word from Government. They get nothing but denunciation and abuse. They work alone, and therefore the attainment of the end is the more difficult. They hope to reach that end only, or mainly by reduction and curtailment. If, by these means, payment in specie can be resumed and maintained, the result will prove the existence of great solidity, both of the banks and of the mercantile classes. The Bank of England did not accomplish resumption by curtailment alone. She had the direct aid of Government. And the banks of the United States, in 1816, did not rely on curtailment, alone. They had the aid of the then new created Bank of the United States, and all the countenance, assistance, and friendly support which the Government could give them. Still, I would not discourage the efforts of the banks. I trust they will succeed, and that they will resume specie payments at the earliest practicable moment; but it is, at the same time, my full conviction, that, by another and a better course of public policy, the Government might most materially assist the banks to bring about resumption, and that, by Government aid, it might be brought about with infinitely less of public inconvenience and individual distress.

For an easy resumption of specie payments, there is mainly wanted a revival of trust, the restoration of confidence, and a harmonious action, between the Government and the moneyed institutions of the country. But, instead of efforts to inspire trust and create confidence, we see and hear nothing but denunciation; instead of harmonious action, we find nothing but unrelenting hostility.

Mr. President, you and I were in Congress, in 1816, during the time of the suspension of specie payments by the banks. What was the spirit of the Government at that time, sir? Was it hostile, acrimonious, belligerant towards the State institutions? Did it look on them only to frown? Did it touch them only to distress? Did it put them all under the scourge? You know, sir, it was far otherwise. You know that the Secretary of that day entered into friendly correspondence with them, and assisted them that he would second their efforts for resumption by all the means in his power. You know, sir, that, in fact, he did render most essential aid. And do you see, sir, any similar effort now? Do you behold, in the bill before us, any thing of the spirit or the policy of Mr. Madison, on an occasion very like the present. Mr. Madison was a man of such subdued self-respect, that he was willing to yield to experience and to the opinion of his country; a man, too, of so much wisdom and true patriotism, that nothing was allowed to stand between him, and his clear perception of the public good. Do you see, sir, any thing of this spirit, of the wisdom, of the mild, and healing, and restoring policy of Mr. Madison in this measure? Another illustrious man, now numbered with the dead, was then with us, and was acting an important part in the councils of the country. I mean Mr. Lowndes; a man not deficient in force and genius, but still more distinguished for that large and comprehensive view of things which is more necessary to make great men, and is also much rarer than mere positive talent; and for an impartial, well-balanced judgment, which kept him free from prejudice and error, and which gave great and just influence to all his opinions. Do you see, sir, any thing of the spirit, the temper, the cool judgment, or the long-sighted policy of Mr. Lowndes in all that is now before us? And Mr. Crawford, then at the head of the Treasury, arduously striving to restore the finances, to re-establish both public and private credit, and to place the currency, once more, upon its safe and proper foundation; do you see, sir, the marks of Mr. Crawford's hands in the measure now presented for our approbation?

Mr. President, I have little to say of the subordinate provisions of this bill, of the receivers-general, or of the dangerous power given to the Secretary, of investing the public money in State stocks of his own selection. My opposition to the bill is to the whole of it. It is general, uncompromising, and decided. I oppose all its ends, objects, and purposes; I oppose all its means, its inventions, and its contrivances. I am opposed to the separation of Government and People; I am opposed, now and at all times, to an exclusive metallic currency; I am opposed to the spirit in which the measure originates, and to all and every emanation and ebullition of that spirit. I solemnly declare that, in thus studying our own safety, and renouncing all care over the general currency, we are, in my opinion, abandoning one of the plainest and most important of our constitutional duties. If, sir, we were, at this moment, at war with a powerful enemy, and if his fleets and armies were now ravaging our shores, and it were proposed in Congress to take care of ourselves, to defend the Capitol, and abandon the country to its fate, it would be, certainly, a more striking, a more flagrant and daring, but, in my judgment, not a more clear and manifest dereliction of duty than we commit in this open and professed abandonment of our constitutional power and constitutional duty, over the great interest of the national currency. I mean to maintain that constitutional power, and that constitutional duty, to the last. It shall not be with my consent that our ancient policy shall be overturned. It shall not be with my consent that the country shall be plunged further and further into the unfathomed depths of new expedients.

It shall not be, without a vote of remonstrance from me, that one great and important purpose for which this Government was framed, shall now be surrendered and abandoned forever.

SPEECH OF MR. RIVES,
OF VIRGINIA,

In Senate, February 5 and 6—In opposition to the Sub-Treasury bill, and in support of his substitute.

MR. PRESIDENT: It would have been very gratifying to me if I had found the measure now under consideration such a one as I could conscientiously support. The question is one which every interest of the nation requires should be settled—promptly but wisely settled. It is time that the country were relieved from those anxieties and apprehensions in regard to the future, which, added to the embarrassments of the present, weigh like an incubus upon the national enterprise, and palsy all its faculties. I should have been most happy, therefore, if I could have seen in the measure recommended by the Committee on Finance, any of those healing and salutary tendencies which the circumstances of the times and the situation of the country so imperiously demand. I had hoped, indeed, at one time, that such a measure would have been presented to us. The President, in his Message to Congress at the commencement of the present session, while renewing the expression of his own opinions in favor of the financial project of the late called session, very properly invited the consideration of Congress to the manifestations of public sentiment which had, since then, taken place; and recognising "the national will as the supreme law of the Republic," plainly intimated that a measure which had proved unacceptable to the people, ought not to be again pressed on their adoption. I had hoped that the Committee on Finance, concurring in this Republican sentiment of the Chief Magistrate, and in the presence of the manifestations which the recent elections in the North and the South, the East and the West, had afforded of the national repugnance to the measure of the late session, would, in the resources of their wisdom and acknowledged abilities, have presented us some other, on which we might have rallied with more harmonious opinions. I am sorry to say that, in the examination of the bill on your table, I have found nothing to justify or sustain this hope. It is, in every essential respect, a reproduction of the condemned measure of the late session, with some superadded features, which only seem to aggravate its deformity and increase its dangers. It commits, as that did, the millions of public treasure to the hazardous and demoralizing possession of Executive agents; it levies that treasure from the pockets of the people, after a short period, in gold and silver only; it then disposes those collections in masses at a few important commercial points, to serve as a basis of operations, which must inevitably terminate in a great Government bank; and to take charge of and manage this machinery, it institutes a new corps of Executive officers, whose very name (Receivers General) calls up, by an indissoluble association, the extravagance, the peculation, the clumsy magnificence of that blasted and unwieldly system of French finance, which is the acknowledged prototype of this new scheme.

I propose, Mr. President, in as brief and rapid a manner as possible, to pass in review the principal points of this new financial project. Its fundamental and vital principle is to collect the public revenue in gold and silver only, out of a circulation consisting exclusively now, and mainly at all times, of bank paper for the common uses of the people. Of this invidious discrimination between the money of the Government and the money of the people, and its anti-republican and injurious tendencies, I had an opportunity of stating my views very fully during the late session of Congress. It was the subject of very thorough discussion on both sides, at that time; and for one I am perfectly content to abide the verdict of public opinion on the arguments, on the one side and the other, then presented. It was shown, in my judgment, most conclusively, that the effect of this principle would be permanently to create two currencies in the country—one, and that the "*better*" one, for the Government; another, the inferior, one, for the people—that it would thus separate the interests of the governors from those of the governed, destroying that bond of sympathy and common feeling between them, which is the best, if not the only, security for a sound administration of public affairs—that it would indefinitely protract the present derangement of the currency, and deliver it over finally to a state of hopeless and irremediable disorder—and that its operation upon the institutions of the States would be of the most hostile and destructive character. I should not now recur to those topics, having heretofore discussed them very fully, but that the Senator from New York [Mr. WRIGHT] has thought proper again to argue them, and I must say, with all his ingenuity, has failed. In my estimation, to shake a single position maintained by the opponents of this bill. It has been fashionable to denounce these objections as mere *ad captandum* arguments; but, sir, have they been answered? Can they be answered, otherwise than by returning epithets for arguments?

That the measure would establish a distinction, an odious distinction, between the currency of the Government and the currency of the people, cannot be denied, for such is the positive provision of the bill. It expressly requires, that after a certain time, the Government shall receive, in discharge of the public dues, and to pay its officers and other creditors, nothing but gold and silver, or its own paper, while the common currency in which the people transact their dealings, would still remain bank paper. The *fact*, then, is undeniable. But it is intimated that there is nothing wrong in this; and we who oppose it are asked if we would have the Government, in the present condition of things, for example, to receive its revenue in the various spurious substitutes for money, which now form so large a portion of the actual circulation of the country. The answer, sir, costs me no embarrassment. I say, no; but this is precisely a case in which the *exception proves the rule*. The present is a temporary and accidental state of things; and the refusal of the Government, under existing circumstances, to receive the degraded currency of the times in payment of the public revenue, so far from being founded on any permanent distinction between the currency of the Government and the currency of the people, is intended to do away that distinction, and to provide a sound convertible currency for the common use of both Government and people—for the joint resolution of 1816, which is still the law of the land, expressly declares that when the banks shall resume specie payments, and thus provide the people with a sound convertible currency, that currency shall be equally receivable by the Government in discharge of its dues. But the bill of the honorable Senator contemplates no such thing. It rejects the paper of the banks inexorably, under all circumstances whatever—even though convertible instantly into specie. It will have for the Government nothing but gold and silver, or its own paper. It demands, with Shylock severity, its "*pound of flesh*," and that, too, without the condition of humanity imposed on the Venitian Jew, "not to spill a drop of Christian blood" in the exaction.

The honorable Senator from New York seems, however, to have persuaded himself that the requisition of gold and silver in payment of the public dues would improve the general currency, by bringing into circulation a larger portion of the precious metals. But, sir, how can this be? It was shown, in the discussions of the late session of Congress, that when there are two currencies in a country, one answering all the purposes of the other, and a valuable purpose besides, that which answers the additional purpose would be at a premium, and, being so, would not enter into general circulation, but be bought and sold as an article of merchandise. According to this law of currency, it would follow, under the operation of the proposed system, that gold and silver only being applicable to revenue payments, they would, in general, command a premium, and would, consequently, be withdrawn from general circulation. They would be sold by the broker to the public debtor, who would pay them to the Government; by the Government they would be paid out to the public creditor, and the public creditor would go and sell them again to the broker. This would be the narrow and charmed circle of their movement. They could never enter into the general circulation under such circumstances; nor, indeed, under any circumstances, (as has been amply shown on another occasion,) without a previous suppression of the smaller denominations of bank notes, for which this bill contains no provisions.

The honorable Senator also argues that this policy would tend to secure soundness in the paper portion of the currency, by checking over-issues of the banks. But, instead of contributing to the soundness of the paper currency, it would necessarily increase its insecurity. The great source of insecurity in the banking system at present, as is well known, is the danger of a suspension of specie payments arising from a foreign drain of the precious metals. But this measure would superadd to the foreign and internal drain of specie, to be locked up in the vaults of the Government; and, from the nature of things, this internal and external drain would occur at the same moment, and exert together their destructive influence upon the banks. It would be in years of heavy importations that the balance of trade turning against the country, the foreign drain would be most sensibly felt; and it would be precisely under such circumstances that the demand for specie to pay the duties on these importations being greatly augmented, the internal drain would operate also with most severity. How, then, can the honorable Senator imagine that the security of the paper currency supplied by the banks is to be increased by exposing them to a double pressure, from within and from without, at so critical a moment?

In regard to the hostile operation of this measure on the State currencies and the credit institutions of the States, the honorable Senator has taken up the subject in far too narrow a point of view. He spoke as if the whole matter of complaint, in this respect, consisted in withholding the deposites of the public money from the banks. But, sir, the *gist* of the question does not lie here. This is a matter in which the convenience and the safety of the Government itself are concerned far more than any interest of the banks generally, or of the States by which they are created. The real grievance is in the stern exclusion by law of the sound convertible currencies of the States from all transactions of the Federal Government, (transactions in which they have been heretofore invariably admitted, from the origin of the Government to the present day,) the official discredit and *protest*, in advance, thus stamped upon those currencies by the unfriendly action of this Government, giving the signal for general distrust and want of confidence in regard to them. Sir, it will be no difficult matter to show that, under the blight of this legislative denunciation, and in the progressive working of the system now proposed, the State currencies will be finally broken down, and a National Government paper currency, resting on the same principles of

our old continental money, be made to take their place. But the Senator from New York tells us that the State currencies will enjoy as much favor under the new policy as they did under the regime of the United States Bank; that that institution very rarely received the notes of the State banks in collection of the public revenue, and, when it did so, it promptly returned them for conversion into specie. I certainly had not expected, Mr. President, that the Bank of the United States would be held up, from that quarter, as a model for imitation, in regard to its policy toward the State institutions. But the Senator is mistaken in what he says of the course of that institution, and it will appear that even its policy was one of far more liberality toward the State institutions than that which the honorable Senator himself now proposes. It is officially stated in the triennial report of the president of that institution to the stockholders, in September, 1831, that the Bank of the United States was in the practice of "*receiving freely* the notes of the State banks, within convenient reach of the bank and its branches;" and this free reception of the notes of the State banks, and periodical "*settlement of accounts*" with them, were the boasted means on which that institution relied to regulate and perserve the soundness of the general currency of the country. It is farther shown, by the answer of that officer to certain interrogatories propounded to him by the Committee on Finance of this body, in March, 1830, that though frequent "settlements of accounts" were made by the Bank of the United States with the State banks, they were "rarely forced to pay specie" to any considerable amount for their notes, but payment was taken in their bills of exchange, or balances permitted to lie over, until melted down in the ordinary course of their business and mutual transactions. This statement is sustained, through a series of years, by the annual returns of the bank to Congress, exhibiting generally large balances due to it from the State banks. But, sir, even though the course of the United States Bank had been as unfriendly toward the State institutions as the gentleman from New York supposes, the law of the land, the legislation of Congress, made no attack on them, as is now proposed. On the country, their credit was cherished and sustained by the law; for the joint resolution of 1816 expressly declared that their notes, when convertible on demand into specie, should be receivable, equally with specie, in payment of public dues. This is the important consideration; for, in the law in the policy and language of the Government, abides mainly that principle of confidence on which all paper currency rests, and which is now proposed to be rudely withdrawn from the currencies of the States, however unquestionable their soundness and value.

But, Mr. President, without dwelling farther on these considerations, I beg leave to ask gentlemen who are so zealously patronizing the policy of this measure, if they can adduce to us, from ancient or modern times, from civilized or even barbarous communities, a solitary example of a Government demanding and collecting its revenue in a currency different from the common, actual currency of the country. If there be any such, it has escaped my researches. In countries where the public revenue may have been, or may now be, collected in gold and silver, it will be found that gold and silver constitute the common, actual currency of the people. Even in England and France, where the circulation consists in so large a proportion of the precious metals, the revenue payments are by no means confined to gold and silver; but bank notes are freely received in both, in discharge of the Government dues. It is, indeed, a fundamental maxim of taxation, laid down by all writers on political economy,* and respected in the practice of all Governments, that the mode of payment of the public contributions ought to be that most consistent with the convenience of the payers—the great body of the community. Is it reserved for the Government of the United States, in its theory the most popular on earth, and claiming the merit of the closest sympathy with the wants and interests of the people, to set the first example of a departure from this just and benignant rule of policy? and for what reason—for what purpose? I think I have shown that none of the great interests of the country are to be promoted by it. It may, it is true, be quite agreeable to the office holders, and other recipients of the bounty of the Government, to obtain their emoluments in a "better currency than the common currency of the people; but surely this will be held no legitimate consideration for legislators and statesmen. What end, then, is to be answered? what object to be promoted by the introduction of this anomaly in the history of legislation? Is it to carry out some theoretical dogma—some mere commonplace of party? Is it, in short, to satisfy the notions couched and propagated under the well-sounding phrase, *constitutional currency?*

I ask, then, what is meant by this phrase? Is it meant that no other *currency* is *constitutional* but gold and silver? If so, I deny the proposition. Bank notes, *as currency*, are as constitutional as gold and silver. The Constitution, it is true, declares that "no State shall make any thing but gold and silver coin a *tender* in payment of debts." This was intended to establish an ultimate *standard of value* for the adjustment of contracts, where the parties choose to insist on the strictness of legal rights; but not to prevent the States from authorizing convertible *representatives* of that value to be used as *currency*, or a *common medium of exchange and circulation*, in the ordinary business of life. On the contrary, these representatives, in the shape of bank notes, were known and used as *currency*, at the time of the adoption of the Constitution, and nothing in that instrument prohibits them—the States have, constantly since, been in the habit of creating corporations, authorized to issue and circulate them—the power, thus exercised by the States, has been invariably acquiesced in and recognised by the General Government—and recently it has been determined by the solemn and unanimous judgment of the highest judicial tribunal in the country, (in the case of Briscoe *vs.* the Commonwealth Bank of Kentucky) that the States rightfully and constitutionally possess the power. I say, it was *unanimously* so decided by the Supreme Court, because, although a *minority* of that Court were of opinion that, where the State owned the entire stock of the bank, the exercise of the power would be an infringement of the constitutional prohibition on the States "to emit bills of credit," yet all the judges concurred that the authority of the States was unquestionable where the stock of the banks was owned either by individuals entirely, or by them in common with the State as a partial stockholder. State bank notes, then, being issued in pursuance of an unquestionable *constitutional* authority, are a *constitutional currency*, as well as gold and silver. It is true, a creditor cannot be *compelled* to accept payment of his debt in bank notes, if he object to do so; but this does not affect their character as *currency* as a *common medium of exchange and circulation*, or prevent a payment in bank notes from being a final and complete discharge of the debt, if accepted.

But, perhaps, by this oft repeated phrase, it is meant to be implied that there is some special constitutional obligation on the *Government* to demand its dues in gold and silver. There is as little foundation, however, for this notion as for that which I have just exposed. The Government is like every other creditor. It has the *power*, as every individual creditor has, (if it chooses wantonly to exert it, and to recur to the rigor of strict right,) to insist on the payment of its dues in gold and silver; but, as an individual creditor also, it may waive its strict right, the sternness of the *summum jus*, (which, we are told, is most frequently *summa injuria*,) and receive its dues in the same medium which individuals and the people, by common consent, use for the adjustment of their transactions. This it has done, from the adoption of the Constitution to the present day, and never, heretofore, with any question of the constitutionality of the procedure. It not only has the constitutional power which every other creditor has, to waive the strictness of its right in this respect, but it is especially incumbent on it, as the common agent of the people, guided by that fundamental and benignant maxim of taxation to which I have already adverted, to waive an extreme right which, in its exercise, would so seriously affect the *convenience* of its constituents—the great body of the people.

We must not, then, be led away, under the dominion of well-sounding phrases, of plausible or pompous commonplaces, to disregard the real interests of the country. As legislators and statesmen, we must emancipate our minds from the delusive authority of mere dogmas, and look to the consequences of our actions, the practical effects of our measures. If we trace this requisition of specie for the public dues in its effects on the actual business of society, we shall find that it is calculated to convulse the whole monetary system of the country, and to keep it in a state of ceaseless and distressing commotion. Under the operation of the banking system as it exists in this country, specie is to be regarded not so much a part of the currency as the basis or source of a far larger portion. For every dollar of hard money that is taken from the banks, four or five times its amount is withdrawn in another form from the actual circulation of the country. Bearing this in mind, let us see how the proposed system would work. In years of abundant importation, the circulation of the seaports being insufficient to furnish the requisite sums of specie to pay the duties, large amounts would be drawn from the South and West to meet the demands of the custom-house in the North and the East. The sections, thus stripped of their specie, would be, all at once, subjected to the greatest of all calamities in a pecuniary point of view—that of a deficient circulation, suddenly contracted, not in the ratio, merely, of the specie removed, but of four or five times its amount; for to that extent would the banks be compelled to call in their circulation, in order to meet the drafts upon them for the precious metals. Under this desolating process, the prices of property would be struck down, the relation of debtor and creditor violently disturbed, and every branch of industry paralyzed and withered. On the other hand, when the land sales became active, the current would be reversed, large masses of specie would be drawn from the North and the East to the South and the West, attended with the same distressing effets on the trade and industry of the country, and only shifting the theatre of their disastrous operation. What could result from this perpetual dragging, to and fro, of the specie of the country, contrary to the natural lawe of trade, and in obedience only to arbitrary governmental regulations, but incessant throes and convulsions in the whole system of its business and currency?

It would be some compensation, in a national point of view, if the specie, of which different portions of the country would, in their turn, be stripped, under the operation of this new system, were restored to active and beneficial use in those sections to which it would be transferred. But would this be the case? No, sir. The whole surplus, beyond the current disbursement of the Government, would rest in barren and unproductive idleness, in the "vaults and iron safes" of your Sub-Treasuries. It would be an *annihilation* of so much of the national capital, susceptible of multiplication, through conventional substitutes, to four times its nominal amount, and capable of fructifying and sustaining the national industry to a corresponding extent. I must confess, Mr. President, that this monopoly and *hoarding* of the precious metals by the Government does seem to me unworthy of the age in which we live. We may find examples of it among the nations of antiquity. But their circumstances were very different from ours. They were engaged in frequent wars, and they accumulated their treasure, in advance, as a provision for those national emergencies, always with them more or less near at hand. It may also deserve consideration whether the practice which prevailed among them of hoarding the public treasure was not the cause, fully as much as the effect, of the frequency of their wars; for the relief to industry from unlocking those vast hoards in time of war may well be conceived to have rendered the occurrence of war no unwelcome event to their crowded populations. If we descend to modern times, we find no instance of this national hoarding, but among rude and uncivilized communities—the Barbary Powers or the Tartar tribes, for example. The Dey of Algiers is said to have been the master of a large hoard of accumulated treasure, when he was expelled from his dominions by the French. So, also, was Mazeppa, the celebrated Cossack chieftain, the untutored ally of Charles the Twelfth. But, surely, we are not going to the banks of the Dnieper; or the shores of Africa, for lessons in policy and legislation. We shall not thus, I humbly trust, dishonor the spirit of the age, belie the genius of our free institutions, and mar the destinies of our great and glorious country.

But there are other aspects of this measure even more dangerous and alarming. In the remarks I had the honor to submit to the Senate, at the late session, I said that this scheme had a squinting, 'an awful squinting" towards a Treasury Bank. It now has that character boldly planted on its front. It is, to all intents and purposes, a *great Government Bank;* and of this I persuade myself I shall be able to satisfy every gentleman who will do me the honor to accompany me in the analysis I propose to make of its composition. In the first place, the national revenue, collected in gold and silver, is to be disposed of in masses at certain leading points, designated by their importance in a commercial, financial, or political view. The bill directs that there shall be a great central depot of it in the new Treasury building here, another depot in the mint at Philadelphia, a third in the branch mint at New Orleans, and four other similar depots of the national treasure, in gold and silver, at New York, Boston, Charleston, and St. Louis. Buildings are to be erected (where they do not already exist) for the reception and security of these funds, fitted up with vaults, safes, and all the usual appendages of a banking establishment. The Treasurer and the Secretary of the Treasury are to preside, particularly over the central establishment here—the Treasurer of the mint and branch mint over the establishment in Philadelphia and New Orleans, and four Receivers General, with their clerks and assistants, over those of New York, Boston, Charleston, and St. Louis. Thus you have the funds or *capital* to operate on placed in position at suitable points, and a complete organization of officers to manage and administer these funds. Nothing but the plastic hand of the Secretary of the Treasury will be wanting to mould these materials into a bank, and to give motion and direction to the machine. How will it be done? The *modus operandi* will be perfectly natural and simple.

The Government funds, compared with the disbursements to be made, will be in excess in some places, while they will be deficient in others. They must then be transferred from one place of deposite to another. This will hardly ever, it is to be presumed, be done by an actual transportation of specie. It will, doubtless, be generally done by the ordinary commercial means of drafts and bills of exchange. The bill most sedulously gives to the Secretary of the Treasury an unlimited discretionary authority to make and order these transfers from one place of deposite to another, and from one individual depositary to another. At a place, therefore, where the Government funds are in excess, and he wishes to transfer a portion of them to some other place where they are deficient, he will naturally direct a draft or bill of exchange on the latter place to be bought, paying for it out of the specie accumulated in excess at the place of the negotiation. On the other hand, when he wishes to draw funds from a distant place, where they are in excess, to a place where they are deficient, a bill on the former place will be sold, and the money received for it added to the deficient funds at the place of the negotiation. The officers of the Government thus operating on the public funds under this system, would become habitual dealers in exchange—a regular and acknowledged branch of the business of banking. In the exercise of these functions, the accommodation of individuals would come to be fully as much consulted as the wants of the Government. The Receiver General at St. Louis, for example, having an excess of the public moneys in his hands, and instructed to transfer that excess to the Sub-Treasury at New York, would naturally do so by *buying* drafts of merchants or other individuals on the latter place. But in this application of the public money to the purchase of drafts, what an endless field would there be for undue favors to individuals, as well in discriminating among those who might have drafts to sell, as in adjusting the price and other terms of the purchase. So, likewise, if we suppose the Receiver General at New York authorized to draw a surplus of public moneys from St. Louis, he would do so by *selling* drafts on the Receiver General at St. Louis; and, in this operation of selling, there would be nearly the same danger of abuse, and of the influence of personal consideration, as I have just shown to exist in that of buying exchange.

It is also very easy to perceive that, under the forms of buying selling bills of exchange by Government officers, real loans to individuals may be couched. If I buy, for example, a bill of exchange which has sixty or ninety days to run, and pay for it in *cash*, as I suppose to be done in the case, put above, of a receiver general purchasing bills to transfer an excess of public moneys in his hands, what is this, in fact, but a *loan* of money to be returned at the end of sixty or ninety days, at some other place, where the Government wants it? It is, indeed, except as to *place*, the ordinary form of discounting mercantile paper. In like manner, the sale of a bill of exchange, to be paid for at a future day, is a very convenient medium of a real loan. The purchaser immediately sells the bill he has bought, realizes it in money, the use of which he enjoys for the stipulated period, and then returns it with the rate of profit profit agreed upon in the nominal purchase. The transaction is, to every practical intent, a loan; and professional gentlemen, conversant with the devices practised to evade the statutes against usury, will tell you that nothing is more common than to make a real loan under this very form of selling a bill of exchange. We see, then, that the officers of the Treasury, under the organization provided by this bill, would not only be engaged in buying and selling bills of exchange, but they would have the power of *discounting* mercantile paper and making *real* loans. Thus the bill creates, in effect, a *bank of discount*.

It would, moreover, be a bank of *deposite*, for the 27th section of the bill expressly authorizes individuals to *deposite* money in the "Treasury, or at such other points as the Treasurer may designate," the receipts for which, it is declared, shall be current in the several land offices as cash. This, I am aware, is but a special and limited provision, confined at present to payments in advance for public lands. But the principle, being once introduced, will, from time to time, be extended to other cases. I shall hereafter have occasion to show that President Jackson, when he suggested the idea of a Government bank, of which this bill seems to be the development, expressly recommended that it should be based upon *individual* as well as the public deposites.

The organization instituted by this bill would also be a bank of *circulation*, for the drafts, receipts, and other paper authorized to be issued by the officers of the Treasury, under the provisions of the bill, would form a part of the actual currency and circulation of the country. That it is designed, through the medium of this machinery, to issue permanently a Government paper currency, under some form or other, is sufficiently evinced by the alternative clause of the bill relating to receipts and payments by the Government, which requires that all such receipts and payments, after a certain period, shall be in gold or silver, "or in notes, bills, or paper issued under the authority of the United States." The Senator from South Carolina, [Mr. CALHOUN,] the patron and champion of this bill, and the author of the provision just referred to, is known to advocate a paper currency of that description, issued and resting exclusively on the credit of the Government. The Secretary of the Treasury, too, in his report on the finances, at the commencement of the present session, does not hesitate to ask Congress for the permanent grant of an authority to *issue Treasury notes*, (at his discretion, within a certain limit,) according to the varying wants of the Treasury. But the design of supplying a *paper medium* for general circulation, through the fiscal action of the Government, is more fully developed in the annual report of that officer at the last session, and from that document I beg leave to read to the Senate a few significant extracts:

"Should Congress, says the Secretary, "determine that it is proper to furnish, by its own authority, and for the purposes

* Smith's Wealth of Nations, book v, chap. ii.

before mentioned, some *paper medium of higher character*, and other than what now exists in private bills of exchange, *or notes of State banks*, no doubt exists that any benefits which may occasionally be derived from its employment can be readily secured, without treading on the debateable ground of either the power or the policy of chartering a National Bank. Certificates, not on interest, but payable in specie to bearer or order, as well as being receivable for all public dues, could be authorized to be given in payment to the public creditor, whenever prefered by him, and sufficient specie existed in the Treasury. This *kind of paper* would be very convenient in form, and would differ little from the drafts now in use on banks, except being drawn on a known specie fund, and expressing on its face not only this, but its being receivable, in the first instance, for all public dues. It would possess the highest credit attainable in society." "The common drafts of this Department, in the present convenient form, possess one advantage, which could be imparted to the certificates. When used at places against which the balance of trade exists, but drawn on places in whose favor it is, the former do now, and may hereafter, not only *facilitate essentially the domestic exchanges*, but, at the same time, *supersede numerous bank transfers*, and the more expensive transportation of specie itself."

"The Mint certificates, heretofore given on the deposite of bullion and specie for coinage, *might be easily made running to bearer or order*, and receivable for all public dues; and, in that way, would contribute to the same desirable ends."

"It must be obvious that the paper of any bank would be less safe and useful in being received for public dues, in proportion as it may want such solid securities and foundations as the certificates before described."

My purpose is not now to discuss the supposed advantages of this Government paper currency, so much lauded by the Secretary. The great recommendation of it, in his eyes, is that it would rest upon a specie basis co-extensive with the issues. But as the certificates would be rarely returned for redemption, nothing would be more likely to happen than what occurred in the case of the Bank of Amsterdam: that, in the mean time, large portions of the specie would be withdrawn and diverted to other purposes. But my intention was simply to show that an issue of a Government paper currency, in some form or other, is one of the main objects of this new financial scheme. In looking at the passages above quoted, and others of similar import in the report of the Secretary of the Treasury, it is impossible to wink so hard as not to see that the design is to supply a paper medium, through the fiscal operations of this Government, which, it is hoped, would ultimately supersede the State currencies; and the organization proposed in this bill is the instrument by which that design is to be accomplished. That it would be a bank of circulation is unquestionable; and I have already shown that it would be a bank both of discount and deposite.

The Secretary of the Treasury, however, seems to think there would be no *Bank* in all this, because there would be no *incorporation*. But incorporation is not necessary to constitute a bank, which derives its character wholly from the nature of its business and functions. The Government bank of Russia is not incorporated; neither is the Government bank of Austria. They are both constituted of and managed by officers of the Government, precisely as the machinery created by this bill is proposed to be managed and directed. So in regard to the private and joint stock banks of England. They are not incorporated; but nobody ever supposed them to be the less banks on that account. Some thirteen or fourteen years ago, the celebrated Mr. Ricardo proposed the plan of "a National Bank" in England, which, among other things, was to have the exclusive privilege of issuing the whole paper currency of the kingdom. It was to be a Government institution, consisting of five commissioners, residing in London, to be appointed by the Crown and removable by Parliament, and to be assisted by agents and officers established in the leading country towns. The plan of this bill bears, in some respects, so close a resemblance to that of Mr. Ricardo, that it is difficult to resist the impression that the one must have suggested the other. The organization proposed by Mr. Ricardo consisted, like that of this bill, of public officers, having certain duties and functions assigned to them, connected with the collection and management of the public revenue, as well as with the issue of a paper currency. No act of incorporation was proposed or deemed necessary; but he did not, on that account, the less consider his scheme a "National Bank," under which name it was expressly presented to his countrymen.

But there is another authority on this head still more in point. It remounts to the first suggestion ever made in this country of a Government or Treasury Bank, I allude, of course, to President Jackson, who, in his first annual message to Congress, (1829,) threw out the idea of a Bank, founded on the "credit and resources of the United States." This suggestion became the subject of very able and elaborate examination by the Committees on Finance, in this and the other House, by both of which, though consisting of warm friends of the President, the suggestion was repudiated and exploded. The President, in his Message at the commencement of the following session of Congress, (December, 1830,) thought proper to recur to the subject, and to define more precisely what he meant by a Bank founded on "the credit and resources of the United States." The scheme he then brought forward was identical, in every respect, with that contained in the present bill; and yet, with the soldierly frankness which characterized him, he did not hesitate to call it by its proper name—"a Bank of the United States." Let us see what he said on that occasion:

"In the spirit of compromise and improvement which distinguished our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present Bank, through the agency of a *Bank of the United States*, so modified in its principles and structure as to obviate constitutional and other objections. It is thought practicable to organize *such a Bank*, with the necessary officers, as a branch of the Treasury Department, based on the public and *individual* deposites, (without power to make loans or purchase property,) which *shall remit the funds of the Government*, and the expenses of which may be paid, if thought advisable, by allowing its officers to *sell bills of exchange* to private individuals, at a moderate premium, &c. &c. In times of public emergency, *the capacities of such an institution might be enlarged by legislative provisions*."

The *bank* which General Jackson proposed was to be organized, with the necessary officers, as a *branch of the* Treasury Department, to be *based on the public and individual deposites, to remit the funds of the Government*, and to *deal in bills of exchange*. The organization provided by the bill under consideration, is to possess every one of these attributes, and to perform other banking functions in addition, such as the issue of paper, which was not then contemplated. Yet, while the former plan was boldly *avowed* to be a *bank*, this is *denied* to be one. Gen. Jackson, with all his popularity and energy of purpose, was not able to commend his plan to the favor of the country, and even his *volonte de fer*, (iron will) as it was called by a foreign representative, on a memorable occasion, obeying the great law of Republicanism, bent beneath the force of public opinion, and abandoned the scheme. Yet the same scheme is now re-produced, amid the confusion of the times, in an aggravated form, but without the *name*.

It is a remarkable circumstance, Mr. President, that the most ancient and celebrated banking institutions of Europe have grown up from precisely such beginnings as are contained in this bill. The Bank of Venice, for example, the oldest and most celebrated bank in Europe, commenced as a fiscal institution. The Republic, pressed by its foreign wars, was compelled to resort to a forced loan. In order to secure the payment of the interest on this loan, it set apart certain branches of the public revenue, and instituted a board of commissioners called the Chamber of Loans, who were charged with the collection and management of those branches of the revenue, and the application of their proceeds to the punctual payment of the interest on the loan. In the transaction of the business confided to them, they had occasion sometimes to *buy and sell bills of exchange*, as I have shown the officers of the Treasury, under the organization of this bill, would do. Having frequently surplus funds on hand, they began at length to employ them more extensively in the operation of *buying and selling exchange*, and under this power actually advanced money on mercantile paper, or, in other words, became a *bank* of *discount*. The credit and responsibility of the institution being established, the merchants of Venice began to make use of it for the safe-keeping of their funds, and so it became a bank of *deposite* also. Finally, a credit on the books of the institution for money deposited being equivalent *to cash*, payments in the course of trade came to be made by transfers of these credits from one to another, or by what are now called *checks*, which performed the office, and preceded the introduction of *notes*, and so the Chamber of Loans became also a bank *of circulation*. We see, in this example, by what natural and easy gradations the most celebrated banking institution in Europe, that which has been the model of all the rest, grew out of the simple function of collecting and applying the public revenue, associating to itself a collateral and incidental action in the commerce and currency of the country; all of which functions, I have shown, are to be vested by the new financial scheme in the officers of the Treasury Department.

The same, in every material respect, were the origin and progress of the Bank of Genoa; which, next to that of Venice, was the oldest, and, in its day, the most accredited, banking institution in Europe. In England, too, the mint, at one time, in being made the depository of the funds of individuals, as the Secretary of the Treasury proposes that our mint and its branches should be, became virtually a *bank*—"the great centre of money transactions and remittances for England and foreign nations," till Charles I, in 1640, impelled by his necessities, violated the private funds deposited there, and "happily," as Burke says, put an end to both its credit and use as a banking establishment.

The testimony of history, then, as well as the nature of things, proves that the organization instituted by this bill would work as a great Government bank—*buying and selling exchanges*—under that form, at least, *discounting* mercantile paper, receiving *deposites*, public and private, and *circulating* a paper money of its own. Now, I appeal to every friend of the liberties of his country, and ask him if he would willingly see so formidable a union of the moneyed and political power consummated in the hands of the Government. Will he put so potent an engine, an instrument so efficacious of operating on the hopes and fears of men, of enlisting their interests, of controlling their fortunes, into the hands of a department of the Government, already armed with a patronage and power of fearful extent?

The honorable Senator from New York, [Mr. WRIGHT,] in a portion of his remarks which seemed to be intended especially for the benefit of those of us who are still for employing the State banks as depositories, and whom he describes as a very small fraction, said that the real and only alternative before the country is the Sub-Treasury scheme or a National Bank. Now, sir, unless the observations I have made on the practical operation of the Sub-Treasury of the Sub-Treasury scheme are founded in the grossest delusion, that scheme, instead of being antagonistical to a National Bank, is, in every respect, identical with it. It would be a National Bank under the worst possible form—a National Bank in the hands of the Executive, controlled and managed exclusively by Executive agents. If, then, the honorable Senator will insist upon making up an issue, to which the ghost of that thrice slain monster, the Bank of the United States, must be a party, he must mend his pleadings, according to the real state of the case, and submit to the country this question: Will you have a great Government Bank in the hands and under the control of Executive officers, or will you have an incorporated National Bank, designed to be a business concern, and not a political engine? When this issue shall be presented, if, indeed, it ever shall be, let me tell the honorable Senator that there are those whose opposition to a National Bank is as true as his, or that of any other man, who would pause long before they would permit the terror of any alternative to drive them into the support of a scheme like that of the honorable Senator, which they believe to be fraught with the most serious danger to the liberties, and certain destruction to the best interests of their country. I shall hereafter endeavor to show that the true and only means of averting either an incorporated National Bank or a great Government Bank is to sustain the State institutions, and to employ their agency, with such modifications and securities as experience may have shown to either necessary or desirable.

I wish, however, for the present to pursue the remarks which the honorable Senator, with "so much charity," to use his own expressions, addressed to that small fraction of erring and obstinate brethren, sometimes ycleped *Conservatives*. The name, I believe, sir, has not been of their own choosing; but gentlemen who are well read in the history of parties will not fail to remember that the most odious and reproachful designations applied to them by their adversaries have become endeared by the persecutions of political intolerance, and those who at first felt injured and insulted by the application of a political nickname have at last proudly appropriated it, and come to glory in it as a memorial of their struggles and a symbol of their principles. Now, sir, I do not know that there is any thing in this name of *Conservative*, as applied to American institutions, which an American patriot ought to wish to disown. It implies devotion to the *existing* institutions of his country; a desire to *preserve* and *defend* them; a willingness, and even zeal, to *reform*, as the only effectual means of *preserving;* but an unconquerable resistance to schemes of wild *innovation* and *destruction*. If this is what is meant by a *Conservative*, (and such is the true and proper import of the term,) then, sir, I proudly avow myself a *Conservative*—a *Conservative* of Republican institutions, of Republican principles, of Republican practices, as illustrated and interpreted by the great champions of the Republican faith.

But, sir, to pursue the remarks of the honorable Senator, addressed to this small fraction of his political brethren. He tells them that their plan has very few supporters in either House of Congress; that there are two great parties in *Congress*, one for the Sub-Treasury scheme, and the other for a National Bank; and he sees, therefore, no prospect of success for any middle ground. He then assumes that the state of public sentiment among the people corresponds to this division of opinion in Congress. I must say, with all my respect for the gentleman's knowledge and skill in the statistics of party, that this assumption is not warranted under the circumstances of the case, nor does it seem to me to be sound in principle. It implies that the organization and array of parties here is to give law to public opinion, and that public opinion is not to shape and control the action of parties here. Sir, I go for the voice of the people, and the people have spoken for themselves. They have not left us to infer their sentiments from any accidental or temporary relation of parties here. They have pronounced judgment on the gentleman's scheme; and I should like to know where the honorable gentleman finds, in these expressions of public opinion, any evidence that there is a *great party* in this country in favor of the Sub-Treasury project. Never before has any proposition been so signally rebuked and condemned by the voice of the people. I refer to these things, Mr. President, with no pleasure. I contributed my best exertions to the election of the present Chief Magistrate, honestly anticipating from his prudence, his abilities, and his patriotism, a wise and successful administration of the public affairs. No one has felt a more sincere desire for his success than I have done. The unfavorable manifestations of public sentiment, therefore, upon the first leading measure of his administration, (though I foresaw and foretold them from the first moment that that measure was suggested,) have been to me the source of any thing rather than pleasure. They have now, however, become matters of public history; and as the Senator from New York seems disposed to confine our view here for *second hand* proofs of public opinion on the merits of the different financial measures which have been proposed, I must beg leave to invite his attention to those more majestic displays of public sentiment which have been presented on the great theatre of the nation. Let him look at the elections which have taken place in the several States since this fatal measure was first broached in the official journal, and say how many of them have eventuated in favor of the Administration. With one or two exceptions, they have all terminated against it; and mainly, there is reason to believe, on account of this very measure.

Where, then, does the honorable Senator find the evidence that there is any great body of popular sentiment in this country in favor of his scheme? The evidence is all the other way, and of the most overwhelming force. So as to the other great alternative of which the honorable Senator speaks, (a National Bank,) a large majority of the people have repeatedly declared against it; and without imputing to them a degree of fickleness, of which I, at least, do not suspect them, they must still be opposed to it. What plan, then, will they rally to, as a safe and practical substitute for the Sub-Treasury on the one hand, or a National Bank on the other? It is the employment of the State banks; institutions intimately connected with their domestic interests, responsible to, and supervised by, their domestic authorities, and exempt from all danger of political combination; the employment of these institutions under regulations which shall, at the same time, secure their efficiency and guard against abuse. Such, I am firmly persuaded, would be, at this moment, the unbiassed decision of a large majority of the American people. And even if we appeal to the criterion set up by the honorable Senator from New York—the state of parties in Congress—I think we may deduce from that, conclusions far more favorable to the State bank deposite system than he has drawn. If there be but a small party in Congress, with whom the State bank deposite system is a first choice, he must admit that it is the second choice of a large majority. The Sub-Treasury party would, I presume, prefer it to a National Bank, and the National Bank party would prefer it to the Sub-Treasury. Now, sir, the honorable gentleman will permit me to refresh his early reading, by reminding him of an incident related by Plutarch. After the battle of Salamis, in which the power of the Persian monarch was crushed by the combined Grecian fleet, the different commanders of the squadron repaired to the altar of Neptune, and, according to a custom of the country and the times, each one put on a ticket the names of those who had rendered the most important service in the action. Every officer put upon his ticket his own name first, but all put the name of Themistocles next. This has been held, in all future times, as conclusive proof of the superiority of Themistocles above all his competitors; and the State bank deposite system may adduce the same evidence of its merit in being the second choice of both of the parties which respectively advocate the Sub-Treasury and a National Bank. The *fraction*, therefore, in Congress, who still adhere to that system, however small they may appear in the eyes of the honorable Senator, can see nothing in this state of things which calls upon either their patriotism or their prudence to abandon a policy which they believe to be sanctioned by the sentiments, and demanded by the interests, of the great body of the people.

But, sir, to return from this digression; let us see what additions are made to the official as well as pecuniary patronage of the Executive, by the provisions of this bill. When I had the honor of addressing the Senate, at the last session, I spoke of the bill then under consideration as the "grain of mustard seed," which would grow up into a large tree, and cover the land with its branches. But I was told by the honorable Senator from New York and others, that the bill did not create a *single new officer*, and my friend from Connecticut [Mr. NILES] complimented me, as well as I remember, for my vivid imagination, to the account of which alone he set down the apprehensions I had expressed. But what do we now see? In three short months, the tree, which has already grown up from this grain of mustard seed, has thrown out four large branches, in the

form of Receivers General, each of which will have its dependent ramifications, in the form of cashiers, tellers, clerks, &c. The Treasurer also is to have his "assistants;" and an indefinite brood of clerks is provided for all the officers made depositories of the public moneys under the bill, to assist in the discharge of the new duties devolved on them. Finally, a number of missionaries are to be appointed, from time to time, at the discretion of the Secretary of the Treasury, to visit and inspect the various fiscal agencies created by the bill. Now, here is a *cloud* of new Executive officers at once, which bids defiance to calculation. But if their *present* number could be estimated, (as the Senator from New York has attempted to do,) it would be altogether useless, for they must, from the nature of things, be constantly and rapidly multiplying. Would the honorable Senator attempt to measure the rising cloud, which threatens to overspread and blacken the whole face of the heavens, by the speck, "no bigger than a man's hand," which has just appeared on the edge of the horizon? This is but the *beginning;* and we all know with what vigor and fruitfulness every things grows on American soil. Receivers General are allowed by the bill, at present, only to Massachusetts, New York, South Carolina, and Missouri. But will not Maine, New Hampshire, Connecticut, demand their Receivers General as well as Massachusetts? Virginia, North Carolina, and Georgia, as well as South Carolina? Kentucky, Ohio, and Tennessee, as well as Missouri? And so in regard to all the other States that are now pretermitted in the bill. If we have Receivers General, we must finally have Payers General; for this is an integral part of the system in France, from which we borrow the scheme proposed by the bill. In adopting a system, it is fair to presume we mean to adopt its usual and ordinary concomitants. Indeed, an honorable member of the other House, who is well skilled in questions of finance, expressed the opinion to me, only the other day, that the functions of paying and receiving ought to be separated, so as to form checks on each other; and thus we shall have the French system, in both its branches, at once. On the question of introducing a new system of policy, we ought never to forget the old adage, which we derive from France also—c'est le premier pas qui coute—*It is the first step which is decisive*, and that taken, all the rest follow.

The Senator from New York [Mr. WRIGHT,] has likewise attempted an estimate of the *expense* of this new system. But this, also, in my opinion, is a vain thing. The first modest beginnings of a system furnish no standard by which its ultimate expense can be measured. The Senator's estimate makes the annual expense (exclusive of what may be called the *outfit* in the cost of buildings, &c.) somewhere about $20,000, (twenty thousand dollars.) But this is greatly below the estimate of the Secretary of the Treasury, in his report at the last session; and in recommending a favorite scheme, the author of it is rarely found to over-estimate its expense. That officer set down the annual expense at $60,000, (sixty thousand dollars.) This, in my opinion, is very far below the ultimate permanent expense. An able and experienced gentleman in my own State, practically versed in these questions, and a zealous and decided advocate, withal, of the new system, in setting forth its advantages, and defending it from the objections which had been urged against it, met this very one of *expense*, by giving it as his opinion, formed upon deliberate and careful reflection, that the *annual* expense would not exceed $600,000, (six hundred thousand dollars.) Now, sir, when I arrived here, at the extra session of Congress, and read the estimate of the Secretary of the Treasury, I could not but suppose, at first, that there was an accidental mistake in his figures, by the omission of a cipher, and that he intended to have put down the expense at $600,000 (at six hundred thousand dollars) instead of $60,000, (sixty thousand dollars.)

But, however this may be, nothing can be more certain than that the expense of this system, when fully developed, must, from its complexity, and the number of officers it will call for, be very great. We have a standard to appeal to, on this question, which is worth far more than any *a priori* reasonings. The system has been long established and fully tried in France, and we know its actual results there. On the other hand, in England the agency of banks has been extensively used in the collection and disbursement of the public revenue, instead of the individual agencies which are employed in France, and are contemplated by this bill. It will be a good test, therefore, of this question to look at the relative expenses of the revenue systems of France and England. I will read to the Senate a comparative statement on the subject, which I have taken from the work of a highly respectable American traveller, vouched by original authorities, to which he refers. From this statement it appears that the cost of collecting the revenue in England is, under the respective heads of taxation, as follows: Customs, 7 per cent.; excise, 4 per cent.; recording and stamps, 7 per cent.; post office, 11 per cent.; and direct taxes, 2 per cent.; averaging, upon the whole, 6 1-5 per cent. In France, under the same heads, the cost of collecting the revenue is as follows: Customs, 33 per cent.; excise, 20 per cent.; recording and stamps, 9 per cent.; post office, 45 per cent.; direct taxes, 15 per cent.; averaging, upon the whole, 24 2-5 per cent.! I am well aware that divers circumstances are to be taken into consideration, in explaining this enormous difference of expense between the French and English fiscal systems; but one of the principal causes of that difference (and it is so considered by the writer to whom I have referred) will, at last, be found in the fact of the extensive use of banking agency in the collection of the revenue in England, and the exclusive employment of individual agency for that purpose in France.

But it is not merely by the multiplication of officers and the increase of expenditure that the influence of the Executive branch of the Government is fearfully extended by this bill. That influence is greatly augmented by certain new regulations it introduces in regard to the tenure of office, the compensation of officers, and the forms and usages of fiscal administration. In the first place, the Treasurer, the Receivers General, and all the other officers, from the highest to the lowest, employed in the fiscal service, may be required at any time, at the discretion of the Secretary of the Treasury, to give new official bonds, in increased sums, to be fixed by the Secretary of the Treasury, "any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding;" and in default of giving such new bond, the officer would, of course, be deprived of his office. Now, it is evident that, under such a power possessed by the Secretary of the Treasury, all the officers connected with the operations of the Treasury would be converted into the trembling vassals of the Executive. A direct removal from office is a measure of more than ordinary energy, and involves responsibility. Cases might exist in which the Secretary of the Treasury would be unwilling to take the responsibility of a direct removal from office, and yet would accomplish the same object by a vexatious requisition of a new bond, in so large a sum that the officer could not, or would not, find sureties in the increased amount. Who does not see that, under such a regulation, the officers of the Treasury would lose all sense of independence; and that those who could consent to hold office on such terms must be prepared to become the passive and unresisting tools of power? Heretofore, it has been the wise policy of our legislation to fix by law the sum in which official bonds are to be given, and to leave nothing in that respect, or as little as possible to Executive discretion. Again, it will be seen, from an examination of the bill, that the compensation of several of the officers to be appointed under it, such as visiting agents, clerks, &c. is to be fixed by the Secretary, at his discretion, and not by law. Here is another source of servile dependence on the one hand, and of increased Executive influence on the other, which is not in harmony with the general spirit and maxims of our legislation.

My attention has also been attracted by a provision of the bill which seems to me to introduce a most dangerous innovation in the established forms and usages of the Treasury. It has heretofore been a fixed principle of fiscal responsibility that no money should be drawn from the Treasury but upon a warrant of the Secretary drawn on the Treasurer, countersigned by the Comptroller, and recorded by the Register, and upon that warrant, when it reaches the hands of the Treasurer thus authenticated, the Treasurer draws his draft on the depositary of the public money for payment. These forms have always been held to be very important checks and indispensable preliminaries to any money being drawn out of the Treasury, or, in other words, paid by the depositary of the public moneys. The Secretary draws his warrant upon the Treasurer, subject to the checks before mentioned, and then the Treasurer draws upon the depositary who is to make the payment. But in no instance does the Secretary draw directly upon the depositary, because that would be to lose the security of the intermediate checks of the Comptroller and the Register. By the 10th section of this bill, however, in contravention of these established principles and checks, it is expressly provided, that "for the purpose of payments on the public account, it shall be lawful for the said Secretary to *draw upon any of the said depositaries*, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both." Under this provision the Secretary of the Treasury could draw out all the money in the Treasury, or, which is the same thing in the hands of the depositaries, without any check whatsoever. The effect of it, whether so intended or not, is to place the whole public treasure at his unchecked and absolute disposal.

Now, sir, is not the effect of these various provisions, and of the whole scope and tenor of of this bill, to concentrate, at last, the entire control of the public moneys in the hands of the President: for the Secretary of the Treasury, and all the other fiscal officers are but his agents, appointed by him and removable at his pleasure? But the Senator from New York [Mr. WRIGHT] contends that the President would have no more control over the public moneys under the proposed system than if they were deposited in banks; that the same legal formalities must be gone through to touch the public moneys in the one case as in the other. It may be true that the President has no more *legal* control over the public money in the one case than in the other; but has he not a greater *practical* control? In the one case, the depositaries of the public money would be his agents, subject to his authority, the creatures of his will, dependant upon his pleasure for their continuance in office, and made, by the peculiar provisions of this bill, as I have already shown, especially and habitually sensible of that dependence. In possessing so complete a control over the keepers of the public money, he would possess, virtually, a control over the public money itself. But, in the case of the employment of banks, the depositories of the public money are institutions not created by the President—not dependent on him for their continued existence; on the contrary, they hold their charters, and the advantages they confer, from a distinct authority, to which they are at all times responsible, and are thus guarded against any undue influences from other quarters which might warp them from their integrity and their duties.

In making these remarks, sir, I speak in no spirit of captious jealousy as to the highest Executive trust of the Government, or of its actual incumbent; but I speak in the spirit of the Constitution, which anticipates the danger and supposes the possibility of the abuse of power, and inculcates the necessity of guarding against it. The system organized by this bill is one of the most thorough centralization. It rides over the institutions of the States, prostrates their credit and usefulness, brings patronage and power to the General Government, concentrates them in the hands of the Executive, to whom it gives an unlimited control over the public moneys, and, through the banking operations to be founded on them, an extensive and paramount influence upon the moneyed concerns of the whole country. It is fitting that such a system should be borrowed from France, the country whose institutions exhibit the most unqualified example extant of centralization, under which the capital has swallowed up the provinces, and Paris has become synonymous with France. But it is equally fitting that such a system should be resisted, to the last extremity, in this land of Republican freedom, by all who are attached to the rights of the States, by all who are opposed to the enlargement of Federal and Executive power, and by all who watch with jealousy, and view with alarm, every tendency to consolidation.

I will now, Mr. President, follow the Senator from New York [Mr. WRIGHT] in the remarks he made on the comparative *safety* of the two systems proposed for keeping and disbursing the public moneys. Although experience, the only safe arbiter, has long since settled this question, the honorable Senator argued it as if it were still open to doubt, and made, I am free to admit, an exceedingly ingenious and plausible argument. He instituted a parallel between the two systems in regard to the great leading points on which their safety is supposed to depend, and in each instance brought out a substantial equality. First, as *to officers*, he said it would be fair to presume that the officers of the Government and the officers of the banks would be equally trustworthy. Then, as *to sureties*, he said both the banks and the Government officers are equally required to give sureties, if deemed necessary. So, likewise, as *to vaults*: the Government officers, he said, are to be provided with *vaults* as well as the banks. The only particular then in which the banks, as he alleged, could be supposed to present a better guaranty for the safety of the public funds, is, that their capital stock is pledged for the reimbursement of the public moneys committed to them; but this advantage in favor of the banks he very adroitly balanced by what he represented to be the *risk* of mingling the Government funds with those of trading corporations. Now all this is very fair and plausible on the surface; but what is the *fact*—what is the testimony of *experience?*

While the honorable gentleman was running this parallel in *theory* between the two systems, there was a document lying on the table of the other House which had run the same parallel on the surer foundations of *practice*. I allude to a recent report of the Secretary of the Treasury, in answer to a call of that House, at the extra session, made on the motion of an honorable friend of mine, [Mr. GARLAND of Virginia,] containing a list of all "the receivers, collectors, or depositories of the public money, who are in default to the Government, with the amount of their respective defaults," &c. What, sir, does this document, which I now have before me, show? That the whole amount of balances due from the banks, which are deemed unavailable, is a little more than one million of dollars, (1,046,649;) and these balances go back to a period long past, when the extraordinary embarrassments consequent on the war involved banks and individuals in difficulties beyond any former or subsequent example. In relation to the banks which have been recently employed as depositories, it appears that they have either paid up all they owed the Government, or are in the course of paying it up as called for by the wants of the public service, without any apprehension of default on their part, or availing themselves of the indulgence of the act passed at the late session of Congress, have either secured or are expected to secure satisfactorily the payment of the whole balances due from them, according to the terms of that act. Only eleven of them, it appears, out of near ninety employed as depositories, have even asked indulgence under the act here referred to, and but a single one of them has been ordered to be sued. Now, sir, when we look to the list of individual collectors and receivers, what do we see? An aggregate default of about three millions! And though some of the more recent balances appearing on the list may be reduced by future collections, yet, from the long standing of most of them, there is no reason to believe that the aggregate amount of the entire list will be affected in any sensible degree by these partial recoveries. It is to be remarked too that this list does not include *disbursing officers*, "whose indebtedness," is stated by the Secretary "to be very great," and the actual losses by whom I showed, during the late session of Congress, from a report of Mr. Crawford, to have "greatly exceeded" a million and a half of dollars, from 1789 to 1819, and by this time have grown up, in all probability, to another aggregate sum of three millions! Neither does this list include officers of the Post Office Department, among whom it was shown by official documents, at the last annual session of Congress, that there were as many as eighteen hundred and thirty-two defaulters! It is to be observed also that this list is confined to public agents "who were *out of office* on the twelfth day of October, 1837."

Now, sir, if the honorable Senator from New York had taken the trouble to look at this document, before he made his speech, he might have saved himself the labor of a great deal of superfluous ingenuity. In contrasting the ingenuity of his argument with the blunt contradiction of facts which this document presents, I was strongly reminded of an anecdote I have often heard of the late venerable Bishop Madison, of Virginia. That excellent prelate was also a profound philosopher, and much addicted to philosophizing. On one occasion, he undertook to explain why the shade of a lamp, almost in contact with the flame of the candle beneath, was not, in any degree, heated by it. This he did by a learned dissertation the laws of caloric, and all the other scientific data which could be brought to bear on the subject. Having completely satisfied himself, and the admiring audience which surrounded him, of the truth of his theory, he could not avoid, in the consciousness of his triumph, putting his hand on the lamp shade, which had been the subject of his disquisition, when an exclamation of acute pain disclosed the fact that his hand had been severely burnt in the application. Nature, thus, contradicted the philosopher, and so stubborn facts will sometimes confute the most astute logician. I cannot but think that if the honorable Senator from New York, at the close of his very ingenious argument, had laid his hand upon this document, he must have felt his fingers, at least, a little scorched.

Has the honorable Senator forgotten the emphatic testimony, deduced from a careful collation of facts, borne by the present Secretary of the Treasury, only three years ago, to the superior safety of *banks* as depositories of the public money? Let me, then, refresh his recollection by reading to him and the Senate an extract from the able report of that officer, made to Congress in December, 1834, on the system of keeping and disbursing the public money:

"It is a singular fact," says the Secretary, "in praise of this description of public debtors, the *selected banks*, that there is not now due on deposites, from the whole of them which have now stopped payment, from the establishment of the Constitution to the present moment, *a sum much beyond what is now due to the United States from one mercantile firm that stopped payment in* 1825 *or* 1826, and of whom ample security was required and supposed to be taken under the responsibility of an oath. If we include the whole present dues to the Government from discredited banks, at all times and of all kinds, whether as *depositories or not*, and embrace even counterfeit bills and every other species of unavailable funds in the Treasury, *they will not exceed what is due from two such firms.*"

He then continues—

"If our former *small losses* by them, (the banks,) in keeping and paying over the public revenue, *under circumstances so very adverse*, are compared with our *large losses either in collecting or disbursing that revenue*, their present safety seems to be as great as is consistent with the usual operations of the paper system, or with the credit which must always be entrusted by Government, in some way or other, to agents of some kind in keeping the public money. In considering their safety, it should be constantly recollected that the owners and managers of banks, when properly regulated by legislative provisions in their charters, are, like other individuals, interested to transact business securely; are desirous of making and not losing money; and that these circumstances, with the preference, in case of failure, belonging to depositors and holders of their bills over the stockholders, united with the security, if not priority, given to the Government, render them, in *point of safety*, generally, *much superior to individual agents of the United States.*"

If there be any *fact* incontestably established in our history, and by the experience of all other Governments, it is the superior safety of banks as depositories over any individual cus-

body. The reason of it is obvious. The more complex organization of banks, the number of their officers acting as *mutual* checks on each other, the daily supervision to which they are subjected, their forms of doing business, all furnish securities, which can never be had in case of the isolated possession of money by an individual, whatever responsibilities he may be bound by. And if a loss of the moneys committed to them should occur either by accident, fraud, or violence, the capital of the bank stands pledged for the security of the depositor. This is, after all, the only kind of security that can be relied on with confidence. If any gentleman will take the trouble to read the notes and remarks annexed to the various cases of default, presented in the document from the House of Representatives to which I have referred, he will see how utterly worthless and illusory is the personal security on which we have heretofore relied. The instances in which any thing has been obtained from sureties, to make good the default of their principal, are like angels' visits—"few and far between." The general return is, "the securities insolvent," "conveyed away their property," "not found, "residences not known," or some other equally *unavailable* return.

In England and France, as well as here, this species of security has been found either nominal or mischievous; and in France it has, for many years, been wholly given up. The only kind of security that is recognised there is like that which the banks give in the responsibility of their stock. Every person who receives an appointment, connected with the collection or disbursement of the revenue, is required, before he enters on the duties of his office, to deposite with the Government, as security, an amount of money, proportioned to the probable amount of the public treasure that will pass through his hands. This money is held by the Government as a guaranty for the faithful administration of the trust conferred, and forms, at the same time, a part of its financial resources, on which it pays an interest of 4 per cent. till restored to the officer on his satisfactorily acquitting himself of his responsibilities, or till it be otherwise forfeited by his default. The moneys thus deposited with the Government, by public officers, as guaranties for the faithful performance of their duties, are denominated *Cautionnemens*, and amount to a very large sum. I happen to have in my possession the report made by the French Minister of Finance, Count Chabrol, to the King in March, 1830, from which it appears that the *Cautionnemens*, on the 1st day of January of that year, amounted to the enormous sum of 226,483,973 francs, (two hundred and twenty-six million four hundred and eighty-three thousand nine hundred and seventy-three francs,) at a time when the whole revenue of the kingdom did not exceed 900,000,000 francs, (nine hundred million francs.) Now, sir, if gentlemen mean to introduce here the system of individual depositories of the public moneys, let them be warned by the experience of the country from which they borrow that system, that it can be made *safe* only by the precautionary device of *Cautionnemens*, the effect of which would be to give to the *millionaires* of our cities the monopoly of all fiscal employments.

But, sir, great as is the danger of heavy pecuniary losses to the Government under this system, I regard even that as a trifle compared with the extensive *demoralization* it would produce in the country by the temptation held out to peculation, to private cupidity, to political corruption, in the large sums of money lying idle in the hands of the public officers.

I have now, Mr. President, gone through my objections to this bill on account of what it contains. I object to it also, and not less earnestly, on account of what it does not contain. It contains no provision for the relief of the country. It "takes no thought" for the public. It looks only to the ease and comfort of the Government. The most urgent want of the country, the highest interest of all, is a speedy restoration of specie payments by the banks. Now, too, is the critical and decisive moment. The banks have been, hitherto, diligently and steadily curtailing their discounts and circulation, with a view to that resumption, till they have brought their business with such safe limits that they might now easily resume with a little encouragement. But if they are once again let loose from these salutary bounds; if, despairing of a general resumption, and yielding to the strong temptations of irredeemable issues, they should again expand, all hope will be lost of recalling them to a specie standard, and the disastrous reign of an inconvertible paper currency will be indefinitely prolonged. Now, then, is the moment to join in this great work of effecting a restoration of specie payments. But does this bill do any thing toward its accomplishment? On the contrary, it does every thing it can to retard and obstruct it. In the *run* it would create on the banks for specie, both by the demand it makes for it for the uses of the Government, and by the general discredit which the high example of the Government would stamp on bank paper, it throws new and insurmountable obstacles in the way of resumption.

But the honorable Senator from New York says that the resumption of specie payments by the banks is no concern of this Government—that it is exclusively an affair of the States, and of the banks themselves—and we, who urge the necessity of promoting, by every proper and practicable means, the accomplishment of this great object, are reproached with using an argument, which, he tells us, belongs to the friends of a National Bank. Now, sir, I beg leave to say to the honorable Senator, that both reason and experience prove that the only effectual means of preventing a National Bank is to bring about a resumption of specie payments by the State banks, and that nothing is more directly calculated to lead to the re-establishment of a Bank of the United States than the course of those who would do nothing toward effecting that resumption. Let the honorable Senator look back to that most instructive period, rich in lessons for the present times—the former suspension of specie payments by the banks from 1814 to 1817—and he will see that it was the unwillingness or the inability of the State banks then to resume specie payments which alone led to the establishment of a National Bank. Let him read the official correspondence of Mr. Dallas—the numerous reports and communications of that able and patriotic man, worthy of him and of the country—and he will find, throughout, an explicit recognition of, and unvarying testimony to, this great truth—that if the State banks could have been induced more promptly to resume specie payments at that time, there would have been no occasion for a National Bank, and that that institution would not have existed. The true means of preventing its establishment now is by the instrumentality of the State banks, under the lead and encouragement of the Government, to restore to the country a sound, convertible currency.

This Government can and ought to aid in this great work. Its vast *revenue* power, and its pervading action, co-extensive with the whole Union, give it means and influences which the States do not possess. It holds, indeed, through that power, a lever of the greatest efficacy for controlling the entire currency of the country. Through its collections and disbursements, it can hold out inducements of the most influential character to sway the course of the banks. In the mode of conducting its receipts and payments, it has it in its power to set an *example* of the most persuasive influence toward the restoration of *general confidence*. In a disturbed state of the currency like the present, these are powers to be exercised in a spirit of liberality and benignity—not of menace, denunciation, or vengeance. The occasion demands the language of encouragement and support, not of severity and sternness. Look at the communications of Mr. Dallas and Mr. Crawford with the banks during the former suspension of specie payments, and it will be seen in what spirit the influence of the Government was then exerted, and effectually exerted, in the end, to accomplish a return to specie payments. The banks were not then *outlawed* by the official press—they were not then put under the *ban* of the Government—they were not then pursued as *conspirators*, but were treated as institutions having themselves a stake in the common weal, and with which the common interests of the whole country were identified. It will be edifying, for a moment, to look back to the manner in which the Government then conducted its relations with the banks: and I must say that if the exertions of the banks, generally, since the recent suspension of specie payments, to prepare themselves for a resumption by a steady and persevering curtailment of their business and profits, be compared with the course of the banks on the former occasion, in taking advantage of the suspension to enlarge their issues to a most extravagant extent, and in obstinately refusing to apply the valuable public stocks held by them to acquiring the ability to resume, the banks now are entitled, at least, to as much liberality and favor as were shown to them then.

By the joint resolution of April, 1816, which has been so often referred to, it was made the duty of the Secretary of the Treasury to take such measures as he should deem necessary to effect a collection of the revenue in gold and silver, Treasury notes, or the notes of specie paying banks. In the discharge of this duty, Mr. Dallas very soon opened a correspondence with the State banks, to induce them to return to specie payments. In a circular which he addressed to them on the 22d of July, 1816, he used this language:

"From the State banks, a sincere and effectual exertion, in the common cause of restoring the legal currency, is certainly expected and required; but in return they will merit and *receive the confidence* of the Treasury and of the National Bank; the transfer of the public funds from the State banks to the National Bank and its branches will be *gradual*, and the *notes of the State banks will be freely circulated by the Treasury and the National Bank*."

In a preceding part of the same letter, he says:

"The present opportunity is embraced to repeat the assurances which have been uniformly given and *maintained*, that this Department feels the *fiscal interest of the Government*, and the successful operations of the Bank of the United States, *to be intimately connected with the credit and prosperity of the State Banks*."

Here we see the language of the Government toward the banks was that of encouragement and confidence. They were assured in advance of the friendship, and even of the support of the Government, if they would faithfully co-operate in the common cause of restoring the legal currency.

The communications of Mr. Crawford, the able and distinguished successor of Mr. Dallas, were in the same spirit. You, Mr. President, and those who acted with you in those difficult times, will recollect that, although the joint resolution of April, 1816, indicated the 20th of February following as the day for a general resumption of specie payments, the banks determined, in a convention held by them for the purpose of deliberating on the subject, not to resume till the 1st of July, 1817. In order to induce them to change that determination, Mr Crawford made a formal proposition to them, that if they would resume on the 20th of February, the public money then in their vaults should not be transferred at all to the Bank of the United States, (constituted by its charter the general depository of the national funds,) and that between that day and the 1st of July, no portion of the public money should be drawn from them for any purpose whatever, unless the necessities of the public service imperiously required it. I beg leave to read to the Senate the following extracts from his circular to the banks, of 20th December, 1816, submitting that proposition:

"The means of the Treasury to *aid* the operations of the banks in effecting a revolution in the state of the currency, so imperiously necessary to the public interest, are considered ample, and the *strongest disposition exists to apply them*, so as to produce the most beneficial results."

"In making the above proposition to the State banks, the strongest reliance is placed in their disposition to join in the efforts necessary to relieve the community from the evils to which it has been subjected, by the disordered state of the circulating medium. It is confidently believed that the interests of the banks and of the community are not in opposition to each other, and that any *sacrifice* which the effort may cost them, will be *compensated by the advantages and facilities which it is in the power of the Treasury to afford them*."

"The deep *interest which the Treasury has in the support of bank credit*, and the connection it has with the Bank of the United States, would, independent of the known disposition of that institution to conciliate the State banks, be *sufficient to protect* them against an illiberal policy on its part."

In this communication, it will be perceived that Mr. Crawford felt and avowed that the means of the Treasury to *aid* in the restoration of specie payments, were *ample*. He freely proffered that aid to the State banks. He not only made them the most liberal propositions for their own advantage, but he gave them a specific pledge of protection and support against any illiberal policy on the part of the Bank of the United States. An appeal thus urged to both the interests and patriotism of the State banks, could not fail to be effectual. It accomplished its object. The banks changed their original determination, and did resume specie payments on the 20th of February, 1817.

Now, sir, can any one doubt that if the same spirit had actuated the Treasury Department in its relations with the banks recently—if, especially, when a majority of the banks, represented in the bank convention, assembled in New York, in November last, manifested a strong desire to fix an early day for the resumption of specie payments, and were prevented from doing so only by the influence of a powerful and overshadowing institution—if, I say, sir, the Treasury Department had shown, on that occasion, the same disposition which animated Mr. Crawford in 1816, and had come forward and given assurances of support to that portion of the banks who were anxious to return to specie payments, against the "illiberal policy" of the Bank of the United States, can there be a doubt that, at this moment, we should be in sight of a fixed period for the termination of the present calamitous and disordered state of the currency? But, unfortunately, the policy has been to stand entirely aloof from the banks, after having contributed, it is admitted on all hands, by the measures of the Government, in some one or other of its branches, to the embarrassments by which they were overthrown. No aid, no encouragement has been given; not even a voice of cheering has been uttered amid the general distress. On the contrary, odium and prejudice have been extensively invoked through the press, at least, to render more complete that want of confidence which is the sole obstacle to the re-establishment of both the credit and ability of the banks. And now, in the sequel, comes this fatal Sub-Treasury bill to deal them the last blow in their prostrate condition. The great interests of the country, connected with the restoration of the credit of the banks, and of the currency which they supply, have been overlooked or unappreciated; and the whole object seems to have been to devise some plan by which the Government could, in future, get along in the smoothest way; by which it could be relieved from those responsibilities, and protected from that "*shower of imputations*" in the discharge of its duties, which the honorable Senator from New York [Mr. WRIGHT] so pathetically deprecates.

What, then, I would ask, are Governments instituted for, if it is not to meet difficulties in the public cause; to meet and overcome them; to encounter responsibilities; to endure a *shower of imputations*, yea, "the pelting of the pitiless storm," if duty to the country demand? And an able man and a patriot need not repine at these trials of his virtue and talents. The ultimate gratitude of his country will ever be in proportion to the temporary injustice he may sustain by the bitterness of enemies or the persecutions of faction. How enviable, at this moment, the fame of Mr. Crawford, than whom no man, in his day, encountered more responsibilities by the bold and fearless manner in which he met the duties of his station, or sustained more unfounded imputations. But truth has triumphed over prejudice and error, and he now lives, and will forever live, in the grateful memory of his country. This desire to avoid difficulties and their attendant responsibilities, founded, as I think I have shown it to be, in mistake as to the true interests of public men, is the source of still greater calamities to the country. It is the natural parent, strange as it may seem at first sight, of all schemes of strong Governments, and is not unsuitably avowed by the honorable Senator from New York as a consideration in favor of a measure, the effect of which, in my humble judgment, would be to render this Republican Government of ours one of the strongest on the face of the earth. On this subject, sir, I beg leave to read to the Senate the remarks of the profoundest observer, perhaps, of human affairs that ever lived. They are full of instruction, and cannot be too well weighed by public men. In speaking of the National Assembly of France, Burke makes use of these words:

"Their purpose every where seems to have been to evade and slip aside from difficulty. This it has been the glory of the great masters, in all the arts, to confront and overcome; and, when they had overcome the first difficulty, to turn it into an instrument for new conquests over new difficulties." "This amicable conflict with difficulty obliges us to an intimate acquaintance with our object, and compels us to consider it in all its relations. It will not suffer us to be superficial. It is the want of nerves for such a task; it is the fondness for shortcuts and fallacious facilities that has, in so many parts of the world, created governments with arbitrary powers." "It is this unwillingness to wrestle with difficulty which has schemes of reform with abolition and total destruction."

The disposition to evade difficulty, the policy of short cuts, we are told by this great master of political wisdom, has, in every part of the world, "created Governments with arbitrary powers;" and was what in France led the National Assembly "to commence their schemes of reform with abolition and total destruction." Now, sir, if this had been specially written for our warning, and with express reference to the question before us, it could not have been more apposite or more instructive. Every summary invention, in a free country, suggested by the ease of Government, however intended, will be found, at last, to carry with it the deepest dangers to the liberties and happiness of the people. The honorable Senator from New York, too, should remember that it was to him who should *untie*, and not to him who should cut the Gordian knot, that the ancient oracle promised the glories of empire. The first is the achievement of skill and industry, and its fruits are peace, liberty and happiness. The second is the achievement of power, and its result is the establishment of power. Let the honorable Senator from New York *untie* the knot, by leading the banks to a resumption of specie payments, (as, I am sure, by proper means, he could easily do,) and not cut it by the Sub-Treasury scheme, and I will be among the first to award him the civic wreath. With Mr. Jefferson, in his memorable letter to Mr. Madison, while the Federal Constitution was under consideration, I say, "I am no friend to strong Government. It is always oppressive. *It puts the Governors at their ease, but at the expense of the people.*" Here lies the fatal objection to the Sub-Treasury scheme. It puts the "Governors at their ease," but is dangerous and "oppressive" to the people.

What system of policy, then, it will be asked, would I pursue? The same great authority, whose words I have already quoted, says, "a good patriot and a true politician will always consider how to make the most of the existing materials of his country." This is the foundation principle on which I would build. Experience has shown, in the language used by the present Secretary of the Treasury in 1824, that banks are the most "responsible, safe, convenient, and economical" fiscal agents for the Government. The State banks are institutions now existing. I would "make the most" of them for the public service. There is no national banking institution in existence; and the condition of the country, already surcharged with banks, the state of public opinion, the known sentiments and pledges of those charged with the public Administration, all conspire to render it very unlikely that there will be any such institution at least for years to come. I say further, in my humble opinion, there ought to be no such institution; first, because there is no constitutional authority to create it, and, secondly, because its political dangers, in any form in which it has heretofore existed, have been found to more than counterbalance its supposed advantages, in other respects. Then, as to the Sub-Treasury scheme, it is a novelty utterly unknown to our laws and usages

which could not be brought into existence without violating all the habitudes of our people, deranging the operations of business, and hazarding the most cherished principles of our political institutions. What, then, ought to be done? Recur to the "existing materials of the country," the State banks—"make the most" of them for the conveyance of the Government as well as for the general good—reform their abuses, correct their defects, and adopt every precaution which may be necessary to ensure their fidelity and efficiency.

These institutions, it is true, have recently, in common with every other interest in the country, and with the whole commercial world, been subjected to serious embarrassments. All agree, however, though differing as to the particular causes which produced them, that those embarrassments have been the result of very peculiar and extraordinary circumstances. The banks, too, which were employed as the depositories and fiscal agents of the Government, have, for the most part, amid circumstances of the greatest difficulty, actually discharged all their engagements to the Government, enormously heavy as they were, in consequence of the large surplus revenue; or the few who have not yet done so, have satisfactorily secured the comparatively small balances due from them, to be paid at short periods, according to an indulgence voluntarily granted to them by Congress. The past, therefore, candidly considered, furnishes no ground against the renewed employment of the State banks as fiscal agents of the Government. Experience may have, and doubtless has, disclosed defects and errors in the particular plan upon which they have been heretofore employed. Correct, then, those errors, supply those defects, but do not reject their employment altogether. This, sir, is the general principle on which I have bottomed the proposition I have submitted as a substitute for the bill reported by the honorable Senator from New York; and I will now proceed to explain, in detail, those provisions of the substitute which distinguish it from the State bank deposite system as heretofore organized.

It is now generally acknowledged that one of the principal circumstances which contributed to embarrass the operations of the late deposite system, was the large number of banks employed as depositories, amounting, in the end, I believe, to near ninety. This increase of number, in part, was rendered necessary by that provision in the act of June, 1836, which required that, where the amount of public deposites in any bank exceeds three-fourths of its capital actually paid in, the surplus should be transferred to some other bank. In the execution of the act, however, (from considerations which I am not able to explain,) there was a still farther increase in the number of depositories, not called for by the requirements of this provision. It is obvious how the whole play of the machinery must have been weakened and obstructed by this needless complexity of its parts. I am satisfied that twenty banks, judiciously selected and properly located, would be competent to do the whole business of the Treasury Department, with much less danger of embarrassment to the banks, and a far more easy and effectual supervision on the part of the Secretary. The substitute, therefore, provides that the number of banks to be employed as public depositories shall, in no case, *exceed twenty-five*, to be chosen from among the most solid and respectable banks in the respective States, and their location, as well as number, to be determined solely with reference to the wants and convenience of the Treasury in conducting its fiscal operations.

The substitute also proposes an important change in the mode of selecting the deposite banks. Heretofore they were chosen by the Secretary of the Treasury, at his will and pleasure alone. This sole agency of the Executive will, in designating the depositories of the public money, exposed the late system to a suspicion of favoritism and a want of confidence in general, which greatly impaired its moral force, and admitted a possibility of abuses, which, it is certainly proper, should be guarded against. It was this which caused it to be characterized as the *pet bank system* I propose to divest it of this character, by subjecting the selection of the Secretary of the Treasury, in every case, to the supervision and control of Congress. If the selection be made during the session of Congress, it is to be immediately submitted for the approval of the two Houses; if during the recess, it is to be laid before them at the commencement of the next session, to be in like manner confirmed or annulled by them. The effect of this provision will be to bring *every thing* relating to the public moneys under the direct and efficient control of the representatives of the people and the States, and, in so delicate and important a matter, to leave as little as possible to Executive discretion.

Another leading provision in the substitute is one which requires the deposite banks to have weekly settlements with the banks in their vicinity, with which they have business transactions, and to call for balances in specie, *whenever* and to *whatever extent* it may be necessary to check over-issues and to preserve the soundness of the currency. In the adoption of this practice by the late Bank of the United States consisted its boasted power and influence as a regulator of the currency. There is no reason why the same salutary control should not be exercised by the deposite banks, and with even greater effect, inasmuch as their aggregate capital and presumed amount of transactions with other banks would, no doubt, exceed those of the late National Bank. It will be perceived, from the terms of this provision in the substitute, that it is not contemplated to enjoin on the deposite banks a *fixed* and *inexorable requisition* of balances from the other banks in specie, under all circumstances whatever; for, considering the large balances that would be habitually accumulated by them against the other banks in the process of collecting the public revenue, such a requisition would be destructive in many cases to institutions of unquestionable soundness. It is contemplated, therefore, that this power should be exercised under proper safeguards, and *only to the extent* that may be necessary to restrain imprudences or excesses, endangering the general currency. It was to this extent only, as I have shown in a previous part of these remarks, that the power was exercised by the late Bank of the United States.

The substitute likewise makes it the duty of the Secretary of the Treasury to use his influence to bring about an arrangement (as no doubt is entertained he could do) among the several deposite banks to receive and credit, as cash, the notes of each other in payment of the public revenue, *wherever* so tendered. The effect of this arrangement would be to put the notes of the deposite banks practically on the same footing as the branch notes of the late Bank of the United States—every where receivable in payment of public dues, and enjoying, consequently, a general credit and circulation throughout the Union. It would give to the country, to a great extent, the advantages of a uniform paper currency, as the preceding provision would secure to it a sound one; and the two together, in supplying, practically, the benefits promised by a National Bank, would supersede the strongest arguments now urged in favor of such an institution.

In regard to the kinds of money in which the public revenue is to be collected, the substitute adopts, with slight modifications, the provision of the currency bill of the last session of Congress. It declares that the public dues, of *every description*, for lands as well as customs, shall be received in gold or silver, or Treasury notes, or such notes of specie paying banks (under certain restrictions, intended to promote the suppression of small notes) as the deposite banks, subject to the supervision and control of the Secretary of the Treasury, shall agree to credit to the United States as *cash*. It will be perceived that in the proposition now submitted, I have postponed for one year the exclusion of the notes of banks which issue bills or notes under five dollars. It is known that many of the States authorize notes under that denomination; and some who have heretofore prohibited them will, it is supposed, authorize the issuing of them under existing circumstances and for a limited period. It is evident that the use of this description of notes, in supplying the place of, and consequently limiting the demand for, specie in small dealings, would tend materially to facilitate the resumption of specie payments by the banks. This consideration has induced me, under the peculiar circumstances of the times, to adjourn, for one year, the period of excluding the notes of banks issuing bills or notes under five dollars; and the same consideration has prevailed with me, for the present, to limit the farther exclusion of bank notes to the issues of such banks as shall, after the expiration of two years, continue to issue bills or notes under ten dollars. In doing this, under the exigencies of the times, I wish to be understood as not abandoning my original opinions, which remain unchanged, in favor of extending the prohibition of small notes ultimately to all under the denomination of twenty dollars.

Finally, the substitute, in furtherance of the great policy of fixing a period to the present disastrous reign of irredeemable paper, provides that, after the first day of July next, the notes of no bank which shall not then have bona fide resumed specie payments shall, at any time thereafter, be received in payment of the public dues. This, in connection with the liberal provisions made by the substitute, in other respects, for re-establishing the credit of convertible bank paper, will, I am persuaded, bring about a general resumption of specie payments at the time designated. The mere fixation of a day by Congress will exercise a powerful moral influence; and not the less so, as the day fixed corresponds with that indicated by a majority of the banks in the Bank Convention held in New York in November last.

These, Mr. President, are the leading provisions of the measure I have submitted, which distinguish it from the system heretofore adopted for the employment of State banks as depositories of the public money. In many respects, they make of it a *new system*, obviating some of the strongest objections which have been hitherto urged against it, providing new guards against abuses, and containing new provisions for extending its usefulness and efficiency. Under an able and *not unfriendly* direction, I feel every confidence that it would meet both the wants of the Government and the wishes of the country.

I shall, doubtless, be asked, what arrangement I propose in regard to the banks discounting on the public deposites. There is no *absolute interdiction* of their doing so, in the measure I propose, (for to this, I think, I shall be able to show there are insuperable obstacles,) but it carefully withdraws the *stimulus* to the use of that power which has heretofore been applied, and it moreover furnishes a *positive security*, of an important character, against the excessive use of it. It will be recollected by the Senate that the law of June, 1836, which organized the late deposite system, (besides requiring of the banks very important and onerous services,) required them to pay an interest of two per cent. on all the public deposites in their possession exceeding one-fourth of their capital actually paid in. Now, this not merely authorized, but *compelled* the banks to discount on the public moneys, whether they willed it or not, in order to enable them to pay the interest charged. It was a *stimulus* administered by the Government to the use of the power. This stimulus, this *compulsion* rather, I propose to withdraw, by repealing that clause of the law of 1836 which charged the banks interest on the public moneys; for the important services to be rendered by them as fiscal agents of the Government are the fair and proper equivalent of any *legitimate* advantage to be incidentally derived by them from the custody of the public moneys.

In the limitation of the number of deposite banks to twenty-five, as proposed by the measure I have had the honor to submit, there is an important security against the public deposites being made the basis of bank discounts to any great extent. It must not be forgotten that the charters of all the State banks fix a general limit, beyond which they are not permitted to extend their discounts. That limit is, I believe, ordinarily twice, or twice and a half, the amount of their capitals paid in. As the public deposites, under the measure I propose, would be confined to twenty-five banks, it is evident that they could not be used, to any great extent, (relatively to their amount) by those banks to enlarge their discounts, before they would encounter an impassable barrier in the limit of their charters. This, it is well known, occurred in several cases, (particularly in New York) under the operation of the late system, notwithstanding the greater number of banks then employed as depositories; and, in those cases, authority was given to the banks which had thus exhausted their chartered powers of discounting on the public deposites to turn over the surplus, on which they could no longer discount under the limitations of their charters, to other banks, that they might discount upon them. To any arrangement of this sort for multiplying bank discounts on the public deposites, the measure I have submitted would oppose an insuperable obstacle, as it inflexibly fixes, under all circumstances whatever, the number of banks to be employed as depositories of the public moneys; and, in fixing that number at twenty-five, the salutary charter limitation upon the power of discounting would, as I have just shown, soon be brought into action to prevent excess by them.

I think, therefore, Mr. President, that, under the provisions of the substitute I have proposed for the consideration of the Senate, there would be no danger of any unreasonable extension of discounts on the public deposites. I know, however, there are gentlemen of great intelligence and patriotism who are for an absolute prohibition of the banks discounting, to any extent, however moderate, on the public deposites, and who favor, as the means of carrying out that prohibition, a system of *special* deposites. The high respect I entertain for the opinions of those gentlemen has induced me to consider their suggestion, with more than ordinary anxiety to come to the same conclusions; but, after thorough examination and reflection, according to the best lights of my understanding, I am satisfied that no system of *special* deposites, however specious in theory, could be worked out in practice, without involving consequences which they themselves (or at least a large majority of them) would promptly repudiate. In the first place, it is demonstrable, I humbly conceive, that any system of *special* deposites, to be practical and efficient, must lead to a collection of the revenue, *directly* or *indirectly*, in specie; and this they oppose as earnestly as I do. The Government must always hold itself ready to pay its creditors in the *lawful currency* of the country, *if demanded*. This the banks are bound to do, on behalf of the Government, under the *general* deposite system. But if you adopt the *special* system, and collect the revenue, at the same time, in bank notes, the banks would be bound to pay out to the public creditor only the *identical* notes deposited with them; for this is the fundamental and immutable idea of a special deposite. How, then, would such a system *work*? The public creditor would present his warrant to a *deposite* bank; the bank would offer him, in payment, first this note, and then that, which had been *specially* deposited with it; but none of these notes suiting the convenience of the creditor, and the bank being bound to pay no other, the public claimant would go unpaid, and the engagements of the Government dishonored. To avoid the danger of such a result, the Government, if it adopted a system of *special* deposites, would be driven, of necessity, to a collection of the revenue in gold and silver; or, otherwise receiving the notes of specie paying banks *pro forma*, collect the specie for them from the banks by which they were issued, and place that specie on *special* deposite. But where would be the difference, in the practical effects on the banks and the business and interests of the community connected with them, between collecting the revenue, in the first instance, in gold and silver, and collecting it in the notes of specie paying banks, to be converted into gold and silver by demand upon the banks? The honorable Senator from New York [Mr. WRIGHT] expressed the opinion that the latter mode of operation would be the harshest: and when it is considered that this periodical conversion of bank notes would be in *large masses*, and attended, consequently, with periodical and distressing *contractions of the currency*, I cannot but agree with him. At all events, there are but these two modes of working out a *special* deposite system *in practice*, and neither the one nor the other, it seems to me, can be made acceptable to those who oppose the Sub-Treasury scheme, on account of its tendency to create two currencies in the country—gold and silver for the Government; paper for the people.

There are subsidiary objections to this *special* deposite system, which, although not of so much weight as that which I have just stated, cannot be overlooked in a just and comprehensive estimate of it. If you adopt it, you renounce, at once, all means of engaging the interests and enlisting the co-operation of the banks to carry out any of those reforms in the paper currency which have heretofore been so favorite an object of the policy of the country. You must also pay them, and pay them, too, no inconsiderable sum for their services to the Government, and thus abandon one of the strong grounds (that of *economy*) on which bank agency has heretofore been preferred to individual agency, in conducting the operations of the Treasury.

But, to take up the subject in a more enlarged view, is there any valid reason why banks should not be permitted to discount, to a moderate extent, on average balances of public money in their possession, as well as on individual deposites? Wherever banks exist, to receive deposites, public or private, is a regular branch of their business; and to discount upon the *average balances of those deposites*, which experience shows are not likely to be drawn out by the depositors, is as legitimate and acknowledged an operation of banking as to discount upon their *capitals*. Is it not for the interest of all that this should be done; that no portion of the national capital should be *annihilated* by being locked up from use, but that the whole should be made tributary, in some way or other, to the invigoration and support of the national industry? No just distinction can be shown, in this respect, between public and private deposites. Accordingly, in all countries where banks exist, and where the public moneys are deposited in those institutions, deposites of that kind have been invariably recognised, within proper limits, as a perfectly legitimate source of discounts and accommodation to the community. It is admitted that it has been uniformly the case in this country in regard to the public funds both of the General Government and of the States, from the adoption of the Constitution down to the present day. What new light, then, has broken in upon us, that we are, all at once, grown so much wiser than our fathers? In England, the practice is, and has been invariably the same; and here I take upon me to confront a statement which I have repeatedly seen made to the contrary, to wit, that the balances of the public moneys in the hands of the Bank of England were not discounted upon, but were regularly and habitually applied to the purchase of exchequer bills on behalf of the Government. The fact is otherwise; the Bank of England *has the use* of these balances, for banking purposes; and this use of them is so well understood and avowed, that, in some instances, where the balances have risen to a very great amount, (as, for a series of years after 1806, they did to between £11,000,000 and £12,000,000, equal to near sixty millions of dollars of our money,) the bank has been required to pay a special compensation to the Government for that use. But the ordinary balances of public money in the Bank of England range from 4,000,000 to 5,000,000 pounds sterling—about twenty millions of dollars of our money—the *use* of which is permitted to the bank without any compensation. In like manner, the balances of public money in France, which are occasionally transferred to the Bank of France, are permitted to be used as a source of extended discounts, and, I am informed by an enlightened correspondent in that country, were actually so used, to the great relief of industry and trade, during the late commercial crisis.

Shall a less beneficent use be made of the public moneys not called for by the necessities of the Government, in this Republic of ours, than in the monarchies of Europe? Shall we alone, of all the great family of modern civilized communities, revert to the barbarous practice of *hoarding* (and that, too, in *specie*) the occasional surpluses which, from the nature of our revenue system, can neither be foreseen nor guarded against? A most able and eloquent friend in the other House [Mr. LEGARE] has justly characterized the process of taxation as a species of *confiscation*. It is so, sir. Is it not incumbent upon us, then, when, by so harsh a process, we have undesignedly levied upon the people more than is necessary for the wants of the Government, to mitigate the exaction as much as possible, by restoring the overplus to their use through the channels of business and com-

merce? Why should the Government play the *dog in the manger*, neither using its idle hoards itself, nor permitting any body else to use them? Efforts have been made to render the practice of discounting upon the public deposites odious, be representing it as a thing for the benefit of the banks alone. But is it so? Does not every class of the community experience the benefit, and none more so than the great agricultural class, the price of whose products depends mainly on the facilities of sound credit, and the abundance of active capital diffused among the merchants—the more immediate customers of the banks?

It has been sometimes said, also, that the practice of discounting on the public deposites adds to the fluctuations of the currency. But the reverse is demonstrably true. When a large amount of revenue is collected by the Government, and is neither disbursed in the public service, nor returned to the community through the medium of discounts, a sudden and distressing contraction of the currency necessarily ensues. If, however, that portion of the public money not required for the public service, is permitted to be used in the way of discounts for short periods, by the banks, the circulation, through the double process of Government disbursements and bank issues, is maintained at a uniform level, without sensible contraction or expansion. The banks being enabled to foresee at what periods the funds issued by them will be required for occasions of public expenditure, call them in as they are wanted for disbursement—what is drawn in by the hand of the banks is immediately let out by the hand of the Government—and thus the current of circulation is kept steady and full.

These truths have, until lately, been universally felt and acknowledged; and by none more emphatically, or with greater weight of authority, than the distinguished individual "in whose footsteps" the present Administration was expected to tread. It is, doubtless, recollected by the Senate that, on the occasion of the removal of the deposites from the Bank of the United States, President Jackson, in the able and memorable paper which he presented to his cabinet, stated that the funds thus removed were not to be *"annihilated"*—that they "would be again *issued for the benefit of the trade*" by the institutions to which they were transferred. This was, then, considered a trait of liberal, beneficent, and statesmanlike policy, on which the Chief Magistrate and his act were triumphantly sustained and vindicated by his friends before the people. The same distinguished individual, in his very last Message to Congress, declared "it was contrary to the genius of our free institutions to lock up in *vaults* the treasure of the nation." Now the highest ambition of statesmanship seems to be to contrive these self-same *"vaults,"* in which the funds of the nation are to be sent to their "long repose," as "dead men's bones;" for, once there, all that remain, beyond the wants of the Government, are to be buried, annihilated, destroyed, to every purpose of useful existence. What has produced these sudden and singular revolutions of policy and doctrine? Is it because an extraordinary and accidental state of things, the result of peculiar and anomalous causes, has involved the banks, individuals, and the Government, in temporary embarrassment? Then I say nothing is more unsafe than for statesmen to found general and permanent rules of policy on isolated and exceptional cases. We must look to the habitual and ordinary course of human affairs, collect from them the average results of experience and observation, and guide our action by those results. Because the Commonwealth Bank of Massachusetts has failed, because it suits the purpose even of grave Senators to use it daily as a stalking-horse on this floor, are we to be "frighted from our propriety," and therefore distrust and denounce the whole banking system of the country? Are we to take advantage of temporary and factitious excitements, to get up and foster a popular prejudice against banks as a fund for political speculation, at the expense of all the "sober realities of life," and the practical, pervading, home-bred, interests of the country?

As I said, on a former occasion, Mr. President, I stand here as no advocate of the banks. I have not the slightest interest in, nor connection with them, direct or indirect, present or prospective. I am as sensible as any man of the dangers and abuses to which they are liable; and I will go, hand in hand, with any man in devising securities against the one, and applying correctives to the other. But, as a practical legislator and a patriot, I am bound to look to the actual interests of society; and in that view I cannot fail to see that any violent shock given to the established system of business and credit in the country must produce a wide-spread scene of confusion and distress, involving, in its destructive visitation, every class of the community.

In offering the measure I have submitted to the Senate, I have discharged what I consider to be my duty to the country. That country is now in a state of suffering and distress, aggravated by deep anxieties and apprehensions in regard to the future. The measure I propose would, I firmly believe, give relief for the present and hope for the future. It could not fail to restore confidence; and, in doing that, to revive the languishing energies of trade, to quicken the labors and the hopes of the husbandman, the manufacturer, and the mechanic, to raise enterprise again upon its feet, and, above all, to put an end to that unnatural and suicidal war, which, for the last eighteen months, has grown up between the Government of the country and its business and industry. In presenting such a measure, I cannot but regret that I shall be deprived of the support of many members of this body with whom I have lately stood, side by side, in upholding and defending the principles on which it rests. My consolation, however, is, that *I stand now where I stood then.* On the other hand, the measure they bring forward and patronize is one which, three years ago, we all united in opposing, and which was then denounced, in the name of the Administration and its friends, as a "dangerous enlargement of Executive power, and putting into its hands the means of corruption." This measure cannot have changed its character by mere efflux of time; and, thinking of it now as I thought of it then, *I still oppose it.*

In taking this course, I know full well, Mr. President, I am to incur the anathemas of *party*. But I can never forget that I have a country to serve, as well as a party to obey. "'Tis Rome demands our help;" and for one she shall have mine, according to the humble measure of my abilities and the best lights of my understanding. The zealots of both parties may denounce and condemn me, as they have heretofore denounced and condemned me; but, sustained by the consciousness of upright intentions and a faithful devotion to the interests of my country, I shall hold my course unfaltering; and even with the terror before my eyes of sinking into that *small minority* of which the honorable Senator from New York [Mr. WRIGHT] so *charitably* warned us, I shall yet, animated by a sense of duty, "find in my soul one drop of patience."

SPEECH OF MR. CLAY,
OF KENTUCKY,

In Senate, February 19, 1838—On the Sub-Treasury bill.

Mr. CLAY rose and addressed the Senate as follows:

I have seen some public service, passed through many troubled times, and often addressed public assemblies, in this Capitol and elsewhere; but never before have I risen in a deliberative body, under more oppressed feelings, or with a deeper sense of awful responsibility. Never before have I risen to express my opinions upon any public measure, fraught with such tremendous consequences to the welfare and prosperity of the country, and so perilous to the liberties of the people, as I solemnly believe the bill under consideration will be. If you knew, sir, what sleepless hours reflection upon it has cost me; if you knew with what fervor and sincerity I have implored Divine assistance to strengthen and sustain me in my opposition to it, I should have credit with you, at least, for the sincerity of my convictions, if I shall be so unfortunate as not to have your concurrence as to the dangerous character of the measure. And I have thanked my God that he has prolonged my life until the present time, to enable me to exert myself in the service of my country, against a project far transcending in pernicious tendency any that I have ever had occasion to consider. I thank him for the health I am permitted to enjoy; I thank him for the soft and sweet repose which I experienced last night; I thank him for the bright and glorious sun which shines upon us this day.

It is not my purpose, at this time, Mr. President, to go at large into a consideration of the causes which have led to the present most disastrous state of public affairs. That duty was performed by others, and myself, at the extra session of Congress. It was then clearly shown that it sprung from the ill-advised and unfortunate measures of Executive administration. I now will content myself with saying that, on the 4th day of March, 1829, Andrew Jackson, not by the blessing of God, was made President of these United States; that the country then was eminently prosperous; that its currency was as sound and safe as any that a people were ever blessed with; that, throughout the wide extent of this whole Union, it possessed a uniform value; and that exchanges were conducted with such regularity and perfection, that funds could be transmitted from one extremity of the Union to the other, with the least possible risk or loss. In this encouraging condition of the business of the country it remained for several years, until after the war, wantonly waged against the late Bank of the United States, was completely successful, by the overthrow of that invaluable institution. What our present situation is, it is as needless to describe as it is painful to contemplate. First felt in our great commercial marts, distress and embarrassment have penetrated into the interior, and now pervade almost the entire Union. It has been justly remarked by one of the soundest and most practical writers that I have had occasion to consult, that "all convulsions in the circulation and commerce of every country must originate in the operations of the Government, or in the mistaken views and erroneous measures of those possessing the power of influencing credit and circulation; for they are not otherwise susceptible of convulsion, and, if left to themselves, they will find their own level, and flow nearly in one uniform stream."

Yes, Mr. President, we all have but too melancholy a consciousness of the unhappy condition of our country. We all too well know that our noble and gallant ship lies helpless and immoveable upon breakers, dismasted, the surge beating over her venerable sides, and the crew threatened with instantaneous destruction. How came she there? Who was the pilot at the helm when she was stranded? The party in power! The pilot was aided by all the science and skill, by all the charts and instruments of such distinguished navigators as Washington, the Adamses, Jefferson, Madison, and Monroe; and yet he did not, or could not, save the public vessel. She was placed in her present miserable condition by his bungling navigation, or by his want of skill and judgment. It is impossible for him to escape from one or the other horn of that dilemma. I leave him at liberty to choose between them.

I shall endeavor, Mr. President, in the course of the address I am about making, to establish certain propositions, which I believe to be incontestable; and, for the sake of perspicuity, I will state them severally to the Senate. I shall contend—

1st. That it was the deliberate purpose and fixed design of the late Administration to establish a Government bank—a Treasury bank—to be administered and controlled by the Executive Department.

2d. That, with that view, and to that end, it was its aim and intention to overthrow the whole banking system, as existing in the United States when that Administration came into power, beginning with the Bank of the United States, and ending with the State banks.

3d. That the attack was first confined, from considerations of policy, to the Bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the State banks.

4th. That the present Administration, by its acknowledgments, emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy, of the preceding Administration, and stands solemnly pledged to complete and perfect them.

And 5th. That the bill under consideration is intended to execute the pledge, by establishing, upon the ruins of the late Bank of the United States, and the State banks, a Government bank, to be managed and controlled by the Treasury Department, acting under the commands of the President of the United States.

I believe, solemnly believe, the truth of every one of these five propositions. In the support of them, I shall not rely upon any gratuitous surmises or vague conjectures, but upon proofs, clear, positive, undeniable, and demonstrative. To establish the first four, I shall adduce evidence of the highest possible authenticity, or facts admitted or undeniable, and fair reasoning founded on them. And as to the last, the measure under consideration, I think the testimony, intrinsic and extrinsic, on which I depend, stamps, beyond all doubt, its true character as a Government bank, and ought to carry to the mind of the Senate the conviction which I entertain, and in which I feel perfectly confident the whole country will share.

1. My first proposition is, that it was the deliberate purpose and fixed design of the late Administration to establish a Government bank—a Treasury bank—to be administered and controlled by the Executive Department. To establish its truth, the first proof which I offer is the following extract from President Jackson's Annual Message, of December, 1829.

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy, in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too *soon* present it to the consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are *well questioned by a large portion of our fellow-citizens;* and it must be *admitted by all* that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature, whether a national one, founded upon the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the Government and the country that were expected to result from the present bank."

This was the first open declaration of that implacable war against the late Bank of the United States, which was afterwards waged with so much ferocity. It was the sound of the distant bugle, to collect together the dispersed and scattered forces, and prepare for battle. The country saw with surprise the statement that "the constitutionality and expediency of the law creating this bank are well questioned by a large portion of our fellow citizens," when, in truth and in fact, it was well known that but few then doubted the constitutionality, and none the expediency of it. And the assertion excited much greater surprise, that "it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency." In this message, too, whilst a doubt is intimated as to the utility of such an institution, President Jackson clearly first discloses his object to establish a national one, founded upon the credit of the Government and its revenues. His language is perfectly plain and unequivocal. Such a bank, founded upon the credit of the Government and its revenues, would secure all the advantages to the Government and the country, he tell us, that were expected to result from the present bank.

In his annual message of the ensuing year, the late President says:

"The importance of the principles involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehend from that institution, as at *present organized.* In the spirit of improvement and compromise which distinguishes our country and its institutions, it become us to inquire *whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles* as to obviate constitutional and other objections.

"It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposites, without power to make loans or purchase property, which shall remit the funds of the Government; and the expense of which may be paid, if thought advisable, by allowing its officers *to sell bills of exchange,* to private individuals, at a moderate premium. Not being a corporate body, having no stockholders, debtors, and property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable."

In this message, President Jackson, after again adverting to the imaginary dangers of a Bank of the United States, recurs to his favorite project, and inquires "whether it be not possible to secure the advantages afforded by the present bank, though the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections." And to dispel all doubts of the timid, and to confirm the wavering, he declares that it is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department. As a branch of the Treasury Department! The very scheme now under consideration. And, to defray the expenses of such an anomalous institution, he suggests that the officers of the Treasury Department may turn bankers and brokers, and sell bills of exchange to private individuals at a moderate premium!

In his annual message of the year 1831, upon this subject, he was brief and somewhat covered in his expressions. But the fixed purpose which he entertained is sufficiently disclosed to the attentive reader. He announces that,

"Entertaining the opinions *heretofore* expressed in relation to the Bank of the United States, *as at present organized,* I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered, and finally disposed of, in a manner best calculated to promote the ends of the Constitution, and subserve the public interests."

What were the opinions "heretofore" expressed we have clearly seen. They were adverse to the Bank of the United States, as at present *organized,* that is to say, an organization with any independent corporate Government; and in favor of a National Bank which should be so constituted as to be subject to exclusive Executive control.

At the session of 1831–32, the question of the recharter of the Bank of the United States came up; and although the attention of Congress and the country had been repeatedly and deliberately before invited to the consideration of it by President Jackson himself, the agitation of it was now declared by him and his partisans to be precipitate and premature. Nevertheless, the country and Congress, conscious of the value of a safe and sound uniform currency, conscious that such a currency had been eminently supplied by the Bank of the United States, and unmoved by all the outcry raised against that admirable institution, the recharter commanded large majorities in both Houses of Congress. Fatally for the interests of this country, the stern self-will of General Jackson prompted him to risk every thing upon its overthrow. On the 10th of July, 1832, the bill was returned with his veto; from which the following extract is submitted to the attentive consideration of the Senate:

"A Bank of the United States is, in many respects, convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing Bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty, at an early period of my Administration, to call the attention of Congress to the practicability *of organizing an institu-*

tion, combining all *its advantages*, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country."

"That a Bank of the United States, competent to all the duties which may be required by Government, might be so organized as not to infringe upon our own delegated powers, or the reserved rights of the States, I do not entertain *a doubt*. Had the Executive been called upon to furnish *the project of such an institution, the duty would have been cheerfully performed.* In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with he Constitution and sound policy."

President Jackson admits, in the citation which has just been made, that a Bank of the United States is, in many respects, convenient for the Government, and reminds Congress that he had, at an early period of his administration, called its attention to the practicability of so organizing such an institution as to secure all its advantages, without the defects of the existing Bank. It is perfectly manifest that he alludes to his previous recommendations of a Government—a Treasury bank. In the same Message he tells Congress that if he had been called upon to *furnish the project* of such an institution, the duty would have been cheerfully performed. Thus it appears that he had not only settled in his mind the general principle, but had adjusted the details of a Government bank, to be subjected to Executive control; and Congress is even chided for not calling upon him to present them. The bill now under consideration, beyond all controversy, is the very project which he had in view, and is to consummate the work which he began. I think, Mr. President, that you must now concur with me in considering the first proposition as fully maintained. I pass to the second and third, which, on account of their intimate connection, I will consider together.

2. That, with a view of establishing a Government bank, it was the settled aim and intention of the late administration to overthrow the whole banking system of the United States, as existing in the United States when that administration came into power, beginning with the Bank of the United States, and ending with the State banks.

3. That the attack was first confined, from considerations of policy, to the Bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the State banks.

We are not bound to inquire into the motives of President Jackson for desiring to subvert the established monetary and financial system which he found in operation; and yet some examination into those which probably influenced his mind, is not without utility. These are to be found in his peculiar constitution and character. His egotism and vanity prompted him to subject every thing to his will; to change, to remould, and retouch every thing. Hence the proscription which characterized his administration, the universal expulsion from office, at home and abroad, of all who were not devoted to him, and the attempt to render the Executive Department of Government, to use a favorite expression of his own, a complete "unit." Hence his seizure of the public deposites in the Bank of the United States, and his desire to unite the purse with the sword. Hence his attack upon all the systems of policy which he found in practical operation—on that of internal improvements, and on that of the protection of national industry. He was animated by the same sort of ambition which induced the master mind of the age, Napoleon Bonaparte, to impress his name upon every thing in France. When I was in Paris, the sculptors were busily engaged chiselling out the famous N, so odious to the Bourbon line, which had been conspicuously carved on the palace of the Tuilleries, and on other public edifices and monuments in the proud capital of France. When, Mr. President, shall we see effaced all traces of the ravages committed by the administration of Andrew Jackson? Society has been uprooted, virtue punished, vice rewarded, and talents and intellectual endowments despised; brutality, vulgarism, and loco focoism upheld, cherished, and countenanced. Ages will roll around before the moral and political ravages which have been committed will, I fear, cease to be discernible. General Jackson's ambition was to make his administration an era in the history of the American Government, and he has accomplished that object of his ambition; but I trust that it will be an era to be shunned as sad and lamentable, and not followed and imitated as supplying sound maxims and principles of administration.

I have heard his hostility to banks ascribed to some collision which he had with one of them, during the late war, at the city of New Orleans; and it is possible that may have had some influence upon his mind. The immediate cause, more probably, was the refusal of that perverse and unaccommodating gentleman, Nick Biddle, to turn out of the office of President of the New Hampshire branch of the Bank of the United States, at the instance of his Excellency Isaac Hill, in the summer of 1829, that giant-like person, Jeremiah Mason—giant in body, and giant in mind. War and strife, endless war and strife, personal or national, foreign or domestic, were the aliment of the late President's existence. War against the Bank, war against France, and strife and contention with a countless number of individuals. The wars with Black Hawk and the Seminoles were scarcely a luncheon for his voracious appetite. And he made his exit from public life, denouncing war and vengeance against Mexico and the State banks.

My acquaintance with that extraordinary man commenced in this city, in the fall of 1815 or 1816. It was short, but highly respectful, and mutually cordial. I beheld in him the gallant and successful general, who, by the glorious victory of New Orleans, had honorably closed the second war of our independence, and I paid him the homage due to that eminent service. A few years after, it became my painful duty to animadvert, in the House of Representatives, with the independence which belongs to the representative character, upon some of his proceedings in the conduct of the Seminole war, which I thought illegal and contrary to the Constitution and the law of nations. A non-intercourse between us ensued, which continued until the fall of 1824, when, he being a member of the Senate, an accommodation between us was sought to be brought about by the principal part of the delegation from his own State. For that purpose, we were invited to dine with them at Claxton's boarding-house, on Capitol hill, where my venerable friend from Tennessee, [Mr. WHITE,] and his colleague on the Spanish commission, were both present. I retired early from dinner, and was followed to the door by General Jackson and the present minister of the United States at the Court of Madrid. They pressed me earnestly to take a seat with them in their carriage. My faithful servant and friend, Charles, was standing at the door, waiting for me, with my own. I yielded to their urgent politeness, directed Charles to follow with my carriage, and they sat me down at my own door. We afterwards frequently met, with mutual respect and cordiality; dined several times together, and reciprocated the hospitality of our respective quarters. This friendly intercourse continued until the election, in the House of Representatives, of a President of the United States came on in February, 1825. I gave the vote which, in the contingency that happened, I told my colleague, [Mr. CRITTENDEN,] who sits before me, prior to my departure from Kentucky, in November, 1824, and told others, that I should give. All intercourse ceased between General Jackson and myself. We have never since, except once accidentally, exchanged salutations, nor met, except on occasions when we were performing the last offices towards deceased members of Congress or other officers of Government. Immediately after my vote, a rancorous war was commenced against me, and all the barking dogs let loose upon me. I shall not trace it during its ten years' bitter continuance. But I thank my God that I stand here, firm and erect, unbent, unbroken, unsubdued, unawed, ready to denounce the mischievous measures of his Administration, and ready to denounce this, its legitimate offspring, the most pernicious of them all.

His administration consisted of a succession of astounding measures, which fell on the public ear like repeated bursts of loud and appalling thunder. Before the reverberations of one peal had ceased, another and another came, louder and louder, and more terrifying. Or rather, it was like a volcanic mountain, emiting frightful eruptions of burning lava. Before one was cold and crusted; before the voices of the inhabitants of buried villages and cities were hushed in eternal silence, another, more desolating, was vomited forth, extending wider and wider the circle of death and destruction.

Mr. President, this is no unnecessary digression. The personal character of such a chief as I have been describing, his passions, his propensities, the character of his mind, should be all thoroughly studied, to comprehend clearly his measures and his administration. But I will now proceed to more direct and strict proofs of my second and third propositions. That he was resolved to break down the Bank of the United States, is proven by the same citations from his messages which I have made, to exhibit his purpose to establish a Treasury bank, is proven by his veto message, and by the fact that he did destroy it. The war against all other banks was not originally announced, because he wished the State banks to be auxiliaries in overthrowing the Bank of the United States, and because such an annunciation would have been too rash and shocking upon the people of the United States for even his tremendous influence. It was necessary to proceed in the work with caution, and to begin with that institution against which could be embodied the greatest amount of prejudice. The refusal to recharter the Bank of the United States was followed by a determination to remove from its custody the public money of the United States. That determination was first whispered in this place, denied, again intimated, and finally, in September, 1833, executed. The agitation of the American public which ensued, the warm and animated discussions in the country and in Congress, to which that unconstitutional measure gave rise, are all fresh in our recollection. It was necessary to quiet the public mind, and to reconcile the people to what had been done, before President Jackson seriously entered upon his new career of hostility to the State banks. At the commencement of the session of Congress in 1834, he imagined a sufficient calm had been produced, and, in his annual message of that year, the war upon the State banks was opened. In that message he says:

"It seems due to the safety of the public funds remaining in that bank, and to the honor of the American people, that measures be taken to *separate* the Government entirely from an institution so mischievous to the public prosperity, and so regardless of the Constitution and laws. By transferring the public deposites, by appointing other pension agents, as far as it had the power, by ordering the discontinuance of the receipt of bank checks in payment of the public dues after the first day of January next, the Executive has exerted all its lawful authority *to sever* the connection between the Government and this faithless corporation."

In this quotation it will be seen that the first germ is contained of that separation and divorce of the Government from banks, which has recently made such a conspicuous figure. It relates, it is true, to the late Bank of the United States, and he speaks of separating and severing the connection between the Government and that institution. But the idea, once developed, was easily susceptible of application to all banking institutions. In the message of the succeeding year, his meditated attack upon the State banks is more distinctly disclosed. Speaking of a sound currency, he says:

"In considering the means of obtaining so important an end, [that is, a sound currency,] we must set aside all calculations of *temporary* convenience, and be influenced by those only that are in harmony with the true character and permanent interests of the Republic. We must recur to *first principles*, and see what it is that has prevented the legislation of Congress *and the States* on the subject of currency from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession and generous patriotism which was originally, and must ever continue to be, the vital element of our Union.

"On this subject, I am sure that I cannot be mistaken in ascribing our want of success to the undue countenance which has been afforded to the *spirit of monopoly*. All the serious dangers which our system has yet encountered may be traced to the resort to implied yowers, *and the use of corporations* clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt *but one class* of these dangers, exhibited in the contest waged by the Bank of the United States against the Government for the last four years. Happily, they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprang is an ever-active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the people, or the treachery of their representatives to the subtle progress of its influence."

* * * * "We are now to see whether, in the present favorable condition of the country, we cannot take an *effectual stand against this spirit* of monopoly, and practically prove, in respect to the currency, as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised."

* * * * "It has been seen that without the agency of a great moneyed monopoly the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue *can be made* auxiliary to the reform which the Legislatures of the different States have already commenced in regard to the suppression of small bills; and which has only to be fostered *by proper regulations on the part of Congress*, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium."

As in the instance of the attack upon the Bank of the United States, the approach to the State banks is slow, cautious, and insidious. He reminds Congress and the country that all calculations of temporary convenience must be set aside; that we must recur to first principles; and that we must see what it is that has prevented the legislation of Congress *and the States* on the subject of the currency from satisfying public expectation. He declares his conviction that the want of success has proceeded from the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered may be traced to the resort to implied powers, and *to the use of corporations*. We have felt, he says, but one class of these dangers in the contest with the Bank of the United States, and he clearly intimates that the *other* class is the State banks. We are now to see, he proceeds, whether in the present favorable condition of the country, we cannot take an effectual stand against the spirit of monopoly. Reverting to his favorite scheme of a Government bank, he says it is ascertained that, instead of being made necessary to promote the evils of an unchecked *paper system, the management of the revenue* can be made auxiliary to the reform which he is desirous to introduce. The designs of President Jackson against the State banks are more fully developed and enlarged upon in his annual message of 1836, from which I beg leave to quote the following passages:

"I beg leave to call your attention to another subject intimately associately with the preceding one—*the currency of the country*.

"It is apparent, from the whole context of the Constitution, as well as the history of the times that gave birth to it, that it was the purpose of the convention to establish a currency consisting of *the precious metals*. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency."

"Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so, until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptations of an interest distinct from that of the community in which they are established."

"But although various dangers to our Republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the Constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

"The effects of an extension of *bank credits* and over-issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of public lands were increasing to an unprecedented amount. In effect, however, these receipts amount to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the Western banks, usually called deposites, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely as to alarm considerate men, and render it doubtful whether *these bank credits, if permitted to accumulate, would ultimately be of the least value to the Government*. The spirit of expansion and speculation was not confined to the deposite banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

"The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order, which will be laid before you by the Secretary of the Treasury, requiring payment of the public lands sold to be made in specie, with an exception until the 15th of the present month in favor of actual settlers. This mea

sure has produced many salutary consequences. It checked the career of the Western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the expansion of the credit system, it measurably cut off the means of speculation, and retarded it progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship—one of the greatest obstacles to the advancement of a new country and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at Government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which have ensued, much to commend and nothing to condemn."

It is seen that he again calls the attention of Congress to the currency of the country, alleges that it was apparent from the whole context of the Constitution, as well as the history of the times that gave birth to it, that it was the purpose of the convention to establish a currency consisting of the *precious metals;* imputes variableness and a liability to inordinate contraction and expansion to the existing paper system, and denounces bank issues as being an uncertain standard. He felicitates himself upon the dangers which have been obviated by the overthrow of the Bank of the United States, but declares that little has been yet done, except to produce a salutary change of public opinion towards restoring to the country the sound currency *provided for in the Constitution.* I will here say, in passing, that all this outcry about the precious metals, gold, and the constitutional currency, has been put forth to delude the people, and to use the precious metals as an instrument to break down the banking institutions of the States, and to thus pave the way for the ultimate establishment of a great Government bank. In the present advanced state of civilization, in the present condition of the commerce of the world, and in the actual relations of trade and intercourse between the different nations of the world, it is perfectly chimerical to suppose that the currency of the United States should consist exclusively, or principally, of the precious metals.

In the quotations which I have made from the last annual message of General Jackson, he speaks of the extension of bank credits, and the over-issues of bank paper, in the operations upon the sales of public lands. In his message of only the preceding year, the vast amount of those sales had been dwelt upon with peculiar complaisance, as illustrating the general prosperity of the country, and as proof of the wisdom of his administration. But now that which had been announced as a blessing is deprecated as a calamity. Now, his object being to assail the banking institutions of the States, and to justify that fatal Treasury order, which I shall hereafter have occasion to notice, he expresses his apprehension of the danger to which we are exposed of losing the public domain, and getting nothing for it but bank credits. He describes, minutely, the circular process by which the notes of the banks passed out of those institutions to be employed in the purchase of the public lands, and returned again to them in the form of credits to the Government. He forgets that Mr. Secretary Taney, to reconcile the people of the United States to the dastard measure of removing the public deposites, had stimulated the banks to the exercise of great liberality in the grant of loans. He informs us, in that message, that the safety of the public funds, and the interests of the people generally, required that these copious issues of the banks should be checked, and that the conversion of the public lands into mere bank credits should be arrested. And his measure to accomplish these objects was the famous Treasury order, already adverted to. Let us pause here for a moment, and contemplate the circumstances under which it was issued. The principle of the order had been proposed and discussed in Congress. But one Senator, as far as I know, in this branch of the Legislature, and not a solitary member, within my knowledge, in the House of Representatives, was in favor of it. And yet, in about a week after the adjournment of Congress, the principle, which met with no countenance from the legislative authority, was embodied in the form of a Treasury edict, and promulgated under the Executive authority, to the astonishment of the people of the United States!

If we possessed no other evidence whatever of the hostility of of President Jackson to the State banks of the United States, that order would supply conclusive proof. Bank notes, bank issues, bank credits, were distrusted and denounced by him. It was proclaimed to the people that they were unworthy of confidence. The Government could no longer trust in their security. And at a moment when the banking operations were extended, and stretched to their utmost tension; when they were almost all tottering and ready to fall, for the want of that metallic basis on which they all rested, the Executive announces its distrust, issues the Treasury order, and enters the market for specie, by a demand of an extraordinary amount to supply the means of purchasing the public lands. If the sales had continued in the same ratio they had been made during the previous year, that is, at about the rate of twenty-four millions per annum, this unprecedented demand created by Government for specie must have exhausted the vaults of most of the banks, and produced much sooner the catastrophe which occurred in May last. And, what is more extraordinary, this wanton demand for specie upon all the banks of the commercial capitals, and in the busy and thickly peopled portions of the country, was that it might be transported into the wilderness, and, after having been used in the purchase of public lands, deposited to the credit of the Government in the books of Western banks, in some of which, according to the message, there were already credits to the Government "greatly beyond their immediate means of payment." Government, therefore, did not itself receive, or rather did not retain, the very specie which it professed to demand as the only medium worthy of the public lands. The specie, which was so uselessly exacted, was transferred from one set of banks, to the derangement of the commerce and business of the country, and placed in the vaults of another set of banks in the interior, forming only those bank credits to the Government upon which President Jackson placed so slight a value.

Finally, when General Jackson was about to retire from the cares of Government, he favored his countrymen with a farewell address. The solemnity of the occasion gives to any opinions which he has expressed in that document a claim to peculiar attention. It will be seen on perusing, it, that he denounces, more emphatically than in any of his previous addresses, the bank paper of the country, corporations, and what he chooses to denominate the spirit of monopoly. The Senate will indulge me in calling its attention to certain parts of that address, in the following extracts:

"The Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a National Bank by Congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate cause of legislation in the several States upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place."

"The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control; from the multitude of corporations, with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirt of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations."

"But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and to check the spirits of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope that the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the Government, to restore the constitutional currency of gold and silver; and something, I trust, has been done towards the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied, if you determine upon it."

The mask is now thrown off, and he boldly says that the Constitution of the United States *unquestionably* intended to secure to the people a circulating medium of gold and silver. They have not enjoyed, he says, that benefit, because of the establishment of a National Bank, *and the unfortunate course of legislation in the several States.* He does not limit his condemnation of the past policy of his country to the Federal Government, of which he had just ceased to be the chief, but he extends it to the States also, as if they were incompetent to judge of the interests of their respective citizens. He tells us that the mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, and the multitude of corporations; and he stimulates the people to become more watchful in their several States, to check this spirit of monopoly. To invigorate their fortitude, he tells the people that it will require steady and perseverng exertions on their part, to rid themselves of the *iniquities* and mischiefs of the paper system, and to check the spirit of monopoly. They must not hope that the conflict will be a short one, nor success easy. His humble efforts have not been spared during his administration, to restore the constitutional currency of gold and silver; and although he has been able to do something towards the accomplishment of that object, *enough yet remains* to require all the energy and perseverance of the people.

Such, Mr. President, are the proofs and the argument on which I rely to establish the second and third propositions which I have been considering. Are they not successfully maintained? Is it possible that anything could be more conclusive on such a subject?

I pass to the consideration of the fourth proposition.

4. That the present Administration, by acknowledgements emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy of the preceding Administration, and stands solemnly pledged to complete and perfect them.

The proofs on this subject are brief; but they are clear, direct, and plenary. It is impossible for any unbiassed mind to doubt for a moment about them. You, sir, will be surprised, when I shall array them before you, at their irresistible force. The first that I shall offer is an extract from Mr. Van Buren's letter of acceptance of the nomination of the Baltimore convention, dated May 23d, 1835. In that letter he says:

"I content myself, on this occasion, with saying that I consider myself the honored *instrument,* selected by the friends of the present Administration, *to carry out its principles and policy;* and that as well from inclination as from *duty,* I shall, if honored with the choice of the American people, endeavor generally to follow in the footsteps of President Jackson, happy if I shall be able to *perfect the work* which he has so gloriously *begun.*"

Mr. Van Buren announces that he was the honored instrument selected by the friends of the present Administration, to carry out its principles and policy. The honored instrument! That word, according to the most approved definition, means *tool.* He was, then, the honored tool—to do what? to promote the honor and advance the welfare of the people of the United States, and to add to the glory of his country? No, no; his country was not in his thoughts. Party, party, filled the place in his bosom which country should have occupied. He was the honored tool to carry out the principles and policy of General Jackson's administration; and, if elected, he should, as well from inclination as from *duty,* endeavor, generally, to tread in the footsteps of General Jackson—happy if he should be able to perfect the work which he had so gloriously begun. Duty to whom? to the country, to the whole people of the United States? No such thing; but duty to the friends of the then Administration; and that duty required him to tread in the footsteps of his illustrious predecessor, and to perfect the work which he had begun! Now, the Senate will bear in mind that the most distinguishing features of General Jackson's administration related to the currency; that he had denounced the banking institutions of the country; that he had overthrown the Bank of the United States; that he had declared, when that object was accomplished, only one-half the work was completed; that he then commenced war against the State banks, in order to finish the other half; that he constantly persevered in, and never abandoned, his favorite project of a great Government Treasury bank; and that he retired from the office of Chief Magistrate, pouring out, in his farewell address, anathemas against paper money, corporations, and the spirit of monopoly. When all these things are recollected, it is impossible not to comprehend clearly what Mr. Van Buren means by carrying out the principles and policy of the late Administration. No one can mistake that those principles and that policy require him to break down the local institutions of the States, and to discredit and destroy the paper medium which they issue. No one can be at a loss to understand that, in following in the footsteps of President Jackson, and in perfecting the work which he begun, Mr. Van Buren means to continue attacking, systematically, the banks of the States, and to erect on their ruins that great Government bank begun by his predecessor, and which he is the honored instrument selected to complete.

The next proof which I shall offer is supplied by Mr. Van Buren's inaugural address, from which I request permission of the Senate to read the following extract:

"In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But, *united as I have been in his counsels,* a daily witness of his exclusive and unsurpassed devotion to his country's welfare, *agreeing with him in sentiments* which his countrymen have warmly supported, and permitted to partake *largely* of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path."

Here we find Mr. Van Buren distinctly avowing, what the American people well knew before, that he had been united in the counsels of Gen. Jackson; that he had agreed with him in sentiments, and that he had partaken largely of his confidence. This intimacy and confidential intercourse could not have existed without the concurrence of Mr. Van Buren in all those leading and prominent measures of his friend, which related to the establishment of a Government Bank, the overthrow of the Bank of the United States, the attack upon the State institutions, and the denunciation of the paper currency, the spirit of monopoly, and corporations. Is it credible that General Jackson should have aimed at the accomplishment of all those objects, and entertained all these sentiments, without Mr. Van Buren's participation?

I proceed to another point of powerful evidence, in the conduct of Mr. Van Buren in respect to the famous Treasury order. That order had been promulgated, originally, in defiance of the opinion of Congress, had been continued in operation in defiance of the wishes and will of the people, and had been repealed by a bill passed at the last ordinary session of Congress, by overwhelming majorities. The fate of that bill is well known. Instead of being returned to the House in which it originated, according to the requirement of the Constitution, it was sent to one of the pigeon-holes of the Department of State, to be filed away with an opinion of a convenient Attorney General, always ready to prepare one in support of Executive encroachment. On the 5th of March last, not a doubt was entertained, as far as my knowledge or belief extends, that Mr. Van Buren would rescind the obnoxious order. I appeal to the Senator from Missouri, who sits near me, [Mr. LINN.] to the Senator from Mississippi, who sits farthest from me, [Mr. WALKER,] to the Senator from Alabama, [Mr. KING,] and to the whole of the Administration Senators, if such was not the expectation of all of them. Was there ever an occasion in which a new Administration had so fine an opportunity to signalize its commencement by an act of grace and wisdom, demanded by the best interests and most anxious wishes of the people? But Mr. Van Buren did not think proper to embrace it. He had shared too largely in the confidence of his predecessor, agreed too fully with him in sentiments, had been too much united with him in his counsels, to rescind an order which constituted so essential a part of the system which had been deliberately adopted to overthrow the State banks.

Another course pursued by the administration, after the catastrophe of the suspension of specie payments by the banks, demonstrates the hostile purposes towards them of the present Administration. When a similar event had occurred during the Administration of Mr Madison, did he discredit and discountenance the issues of the banks, by refusing to receive them in payment of the public dues? Did the State Governments, upon the former or the late occasion, refuse to receive them in payment of the dues to them, respectively? And if irredeemable bank notes are good enough for State Governments and the people, are they not good enough for the Federal Government of the same people? By exacting specie, in all payments to the General Government, that Government presented itself in the market as a powerful and formidable competitor with the banks, demanding specie at a moment when the banks were making unexampled struggles to strengthen themselves, and prepare for the resumption of specie payments. The extent of this Government demand for specie does not admit of exact ascertainment; but when we reflect that the annual expenditures of the Government were at the rate, including the Post Office Department, of about thirty-three millions of dollars, and that its income, made up either of taxes or loans, must be an equal sum, making together an aggregate of sixty-six millions, it will be seen that the amount of specie required for the use of Government must be immensely large. It cannot be precisely determined, but would not be less probably than fifteen or twenty millions of dollars per annum. Now, how is it possible for the banks, coming into the specie market in competition with all the vast power and influence of the Government, to provide themselves with specie in a reasonable time to resume specie payments? That competition would have been avoided, if, upon the stoppage of the banks, the notes of those of whose solidity there was no doubt, had been continued to be received in payment of the public dues, as was done in Mr. Madison's administration. And why, Mr. President, should they not have been? Why should not this Government receive the same description of medium which is found to answer all the purposes of the several State Governments? Why should they have resorted to the expedient of issuing an inferior paper medium, in the form of Treasury notes, and refusing to receive the better notes of safe and solid banks? Do not misunderstand me, Mr. President. No man is more averse than I am to a permanent inconvertible paper medium. It would have been as a temporary measure only that I should have thought it expedient to receive the notes of good local banks. If, along with that measure, the Treasury order had been repealed, and other measures adopted to encourage and coerce the resumption of specie payments, we should have been much nigher that desirable event than, I fear, we now are. Indeed, I do not see when it is possible for the banks to resume specie payments, as long as the Government is in the field making war upon them, and in the market demanding specie.

Another conclusive evidence of the hostility to the State banks on the part of Mr. Van Buren, is to be found in that extraordinary recommendation of a bankrupt law, contained in his Message at the extra session. According to all the princi

ples of any bankrupt sytem with which I am acquainted, the banks, by the stoppage of specie payment, had rendered themselves liable to its operation. If the recommended law had been passed, commissions of bankruptcy could have been immediately sued out against all the suspended banks, their assets seized, and the administration of them transferred from the several corporations to which it is now entrusted, to commissioners appointed by the President himself. Thus, by one blow, would the whole of the State banks have been completely prostrated, and the way cleared for the introduction of the favorite Treasury bank; and is it not in the same spirit of unfriendliness to those banks, and with the same view of removing all obstacles to the establishment of a Government bank, that the bill was presented to the Senate a few days ago by the Senator from Tennessee [Mr. GRUNDY] against the circulation of the notes of the old Bank of the United States? At a time when there is too much want of confidence, and when every thing that can be done should be done to revive and strengthen it, we are called upon to pass a law denouncing the heaviest penalty and ignominious punishment against all who shall reissue the notes of the old Bank of the United States, of which we are told that about seven millions of dollars are in circulation, and they constitute the best portion of the paper medium of the country; the only portion of it which has a credit every where, and which serves the purpose of a general circulation; the only portion with which a man can travel from one end of the continent to the other; and I do not doubt that the Senator who has fulminated these severe pains and penalties against that best part of our paper medium, provides himself with a sufficient amount of it, whenever he leaves Nashville, to take him to Washington.

[Here Mr. GRUNDY rose, and remarked, "No, sir; I always travel on specie."]

Ah! (continued Mr. CLAY,) my old friend is always *specieous*. I am quite sure that members from a distance in the interior generally find it indispensable to supply themselves, on commencing their journey, with an adequate amount of these identical notes, to defray its expenses. Why, sir, will any man in his senses deny that these notes are far better than those which have been issued by that Government banker, Mr. Levi Woodbury, aided though he be by the Chancellor of the Exchequer, (I beg his pardon, I mean the ex-Chancellor, the Senator from New York, Mr. WRIGHT?) I am not going to stop here to inquire into the *strict* legality of the reissue of these notes: that question, together with the power of the Government to pass the proposed bill, will be taken up when it is considered. I am looking into the motive of such a measure. Nobody doubts the perfect safety of the notes; no one can believe that they will not be fairly and fully paid. What, then, is the design of the bill? It is to assail the only sure general medium which the people possess. It is because it may come in competition with Treasury notes or other Government paper. Sir, if the bill had not been proposed by my old friend from Tennessee, I would say its author better deserved a penitentiary punishment than those against whom it is directed. I remember to have heard of an illustrious individual, now in retirement, having, on some occasion, burst out into the most patriotic indignation, because of a waggish trick played off upon him, by putting a note of the late Bank of the United States into his silk purse with his gold.

But it is unnecessary to dwell longer on the innumerable proofs of the hostility against the State banks, and the deliberate purpose of those in power to overthrow them. We hear and see daily, throughout the country, among their partisans and presses, denunciations against banks, corporations, rag barons, the spirit of monopoly, &c.; and the howl for gold, hard money, and the constitutional currency; and no one can listen to the speeches of honorable members, friends of the Administration, in this House and the other, without being impressed with a perfect conviction that the destruction of the State banks is meditated.

I have fulfilled my promise, Mr. President, to sustain the first four propositions with which I set out. I now proceed to the fifth proposition:

5. That the bill under consideration is intended to execute Mr. Van Buren's pledge, to complete and perfect the principles, plans and policy of the past Administration, by establishing, upon the ruins of the late Bank of the United States and the State banks, a Government bank, to be managed and controlled by the Treasury Department, acting under the commands of the President of the United States.

The first impression made by the perusal of the bill, is the prodigal and boundless discretion which it grants to the Secretary of the Treasury, irreconcilable with the genius of our free institutions, and contrary to the former cautious practice of the Government. As originally reported, he was authorized by the bill to allow any number of clerks he thought proper to the various receivers general, and to fix their salaries. It will be borne in mind that this is the mere commencement of a system; and it cannot be doubted that, if put into operation, the number of receivers general and other depositaries of the public money would be indefinitely multiplied. He is allowed to appoint as many examiners of the public money, and to fix their salaries, as he pleases; he is allowed to erect at pleasure costly buildings; there is no estimate for any thing, and all who are conversant with the operations of the Executive branch of the Government know the value and importance of previous estimates. There is no other check upon wasteful expenditure but previous estimates; and that was a point always particularly insisted upon by Mr. Jefferson. The Senate will recollect that, a few days ago, when the salary of the receiver general at New York was fixed, the chairman of the Committee on Finance rose in his place and stated that it was *suggested* by the Secretary of the Treasury that it should be placed at $3,000; and the blank was accordingly so filled. There was no statement of the nature or extent of the duties to be performed, of the time that he would be occupied, of the extent of his responsibility, or the expense of living at the several points where they were to be located; nothing but the *suggestion* of the Secretary of the Treasury, and that was deemed all-sufficient by a majority. There is no limit upon the appropriation which is made to carry into effect the bill, contrary to all former usage, which invariably prescribed a sum not to be transcended.

A most remarkable feature in the bill is that to which I have already called the attention of the Senate, and of which no satisfactory explanation has been given. It is that which proceeds upon the idea that the Treasury is a thing distinct from the treasure of the United States, and gives to the Treasury a local habitation and a name, in the new building which is being erected for the Treasury Department in the city of Washington. In the Treasury, so constituted, is to be placed that pittance of the public revenue which is gleaned from the District of Columbia. All else, that is to say, nine hundred and ninety-nine hundredths of the public revenue of the United States, is to be placed in the hands of the receivers general, and the other depositaries beyond the District of Columbia. Now, the Constitution of the United States provides that no money shall be drawn from the public Treasury but in virtue of a previous appropriation by law. That trifling portion of it, therefore, which is within the District of Columbia, will be under the safeguard of the Constitution, and all else will be at the arbitrary disposal of the Secretary of the Treasury.

It was deemed necessary, no doubt, to vest in the Secretary of the Treasury this vast and alarming discretionary power. A new and immense Government bank is about to be erected. How it would work in all its parts could not be anticipated with certainty; and it was thought proper, therefore, to bestow a discretion commensurate with its novelty and complexity, and adapted to any exigencies which might arise. The 10th section of the bill is that in which the power to create a bank is more particularly conferred. It is short, and I will read it to the Senate:

"Sec 10. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of *any* depositary hereby constituted, to the Treasury of the United States; to the Mint at Philadelphia; to the Branch Mint at New Orleans; or to the officers of either of the receivers general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and *also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same*, AT HIS DISCRETION, and as the safety of the public moneys, *and the convenience of the public service*, shall seem to him to require. And for the purpose of payments on the public account, it shall be lawful for the said Secretary *to draw upon any of the said depositaries, as he may think most conducive to the public interests*, or to the convenience of the public creditors, or both."

It will be seen that it grants a power, perfectly undefined, to the Secretary of the Treasury, to shift and transfer the public money, from depositary to depositary, as he pleases. He is expressly authorized to transfer moneys in the hands of any one depositary, constituted by the act, to any other depositary constituted by it, *at his discretion*, and as the safety of the public moneys, *and the convenience of the public service*, shall seem to him to require. There is no specification of any contingency or contingencies on which he is to act. All is left to his discretion. He is to judge when the public service (and more indefinite terms could not have been employed) shall seem to him to require it. It has been said that this is nothing more than the customary power of transfer, exercised by the Treasury Department from the origin of the Government. I deny it, utterly deny it. It is a totally different power from that which was exercised by the cautious Gallatin, and other Secretaries of the Treasury—a power, by-the-by, which on more than one occasion has been controverted, and which is infinitely more questionable than the power to establish a Bank of the United States. The transfer was made by them rarely, in large sums, and were left to the banks to remit. When payments were made, they were effected in the notes of banks with which the public money was deposited, or to which it was transferred. The rates of exchange were regulated by the state of the market, and under the responsibility of the banks. But here is a power given to transfer the public moneys without limit, as to sum, place, or time, leaving every thing to the discretion of the Secretary of the Treasury, the receivers general, and other depositaries. What a scope is allowed in the fixation of the rates of exchange, whether of premium or discount, to regulate the whole domestic exchanges of the country, to exercise favoritism! These former transfers were not made for disbursement, but as preparatory to disbursement: and when disbursed, it was generally in bank notes. The transfers of this bill are immediate payments, and payments made not in bank notes, but specie.

The last paragraph in the section provides that, for the purpose of payments on the public account, it shall be lawful for the Secretary *to draw upon any of the said depositaries, as he may think most conducive to the public interest*, or to the convenience of the public creditors, or both. It will be seen that no limit whatever is imposed upon the amount or form of the draft, or as to the depositary upon which it is drawn. He is made the exclusive judge of what is "most conducive to the public interest." Now, let us pause a moment, and trace the operation of the powers thus vested. The Government has a revenue of from twenty to thirty millions. The Secretary may draw it to any one or more points, as he pleases. More than a moiety of the revenue arising from customs is receivable at the port of New York, to which point the Secretary may draw all portions of it, if he think it conducive to the public interest. A man has to receive, under an appropriation law, $10,000, and applies to Mr. Secretary for payment? Where will you receive it? he is asked. On New York. How? In drafts from $5 to $500. Mr. Secretary will give him these drafts accordingly, upon bank note paper, impressed like and simulating bank notes, having all suitable embla zonry, signed by my friend the Treasurer, (whose excellent practical sense, and solid and sound judgment, if he had been at the head of the Treasury, instead of Mr. Levi Woodbury, when the suspension of specie payments took place, would have relieved and mitigated the pecuniary embarrassments of the Government and the people,) countersigned by the Comptroller, and filled up in the usual way of bank notes. Here is one of them, said Mr. CLAY. [He here held up to the gaze of the Senate a Treasury note, having all the appearance of a bank note, colored, engraved, and executed like any other bank note, for $50.] This, continued Mr. CLAY, is a Government *post* note, put into circulation, paid out as money, and prepared and sent forth, gradually to accustom the people of this country to Government paper.

I have supposed $10,000 to be received in the mode stated by a person entitled to receive it under an appropriation law. Now let us suppose what he will do with it. Any where to the South or West it will command a premium of from two to five per cent. Nowhere in the United States will it be under par. Do you suppose that the holder of these drafts would be fool enough to convert them into specie, to be carried and transported at his risk? Do you think that he would not prefer that this money should be in the responsible custody of the Government, rather than in his own insecure keeping? Do you think he will deny to himself the opportunity of realizing the premium of which he may be perfectly sure? The greatest want of the country is a medium of general circulation, and of uniform value every where. That, especially, is our want in the Western and interior States. Now, here is exactly such a medium; and, supposing the Government bank to be honestly and faithfully administered, it will, during such an administration, be the best convertible paper money in the world, for two reasons: The first is, that every dollar of paper out will be the representative of a dollar of specie in the hands of the receivers general, or other depositaries; and, secondly, if the receivers general should embezzle the public money, the responsibity of the Government to pay the drafts issued upon the basis of that money would remain unimpaired. The paper, therefore, would be as far superior to the paper of any private corporation as the ability and resources of the Government of the United States are superior to those of such corporations.

The banking capacity may be divided into three faculties; deposites, discount of bills of exchange, and promisory notes, or either, and circulation. This Government bank would combine them all, except that it will not discount private notes, nor receive private deposites. In payments for the public lands, indeed, individuals are allowed to make deposites, and to receive certificates of their amount. To guard against their negotiability, a clause has been introduced to render them unassignable. But how will it be possible to maintain such an inconvenient restriction, in a country where every description of paper imposing an obligation to pay money or deliver property is assignable, at law or in equity, from the commercial nature and trading character of our people?

Of all the faculties which I have stated of a bank, that which creates a circulation is the most important to the community at large. It is that in which thousands may be interested, who never obtained a discount, or made a deposite with a bank. Whatever a Government agrees to receive in payment of the public dues is a medium of circulation, is money, current money, no matter what its form may be, Treasury notes, drafts drawn at Washington, by the Treasurer, on the receiver general at New York, or, to use the language employed in various parts of this bill, "such notes, bills, or paper, issued under the authority of the United States." These various provisions were probably inserted not only to cover the case of Treasury notes, but that of these drafts in due season. But if there were no express provision of law, that these drafts should be receivable in payment of public dues, they would, necessarily, be so employed, from their own intrinsic value.

The want of the community of a general circulation of uniform value everywhere in the United States would occasion vast amounts of the species of drafts which I have described to remain in circulation. The appropriations this year will probably fall not much short of thirty millions. Thirty millions of Treasury drafts on receivers general, of every denomination, and to any amount, may be issued by the Secretary of the Treasury. What amount would remain in circulation cannot be determined *a priori*, I suppose not less than ten or fifteen millions; at the end of another year, some ten or fifteen millions more; they would fill all the channels of circulation. The war between the Government and State banks continuing, and this mammoth Government bank being in the market, constantly demanding specie for its varied and ramified opperations, confidence would be lost in the notes of the local banks, their paper would gradually cease to circulate, and the banks themselves would be crippled and broken. The paper of the Government bank would ultimately fill the vacuum, as it would instantly occupy the place of the notes of the late Bank of the United States.

I am aware, Mr. President, that by the 25th section of the bill, in order to disguise the purpose of the vast machinery which we are about constructing, it is provided that it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payments at the place where payable, &c. Now, what a tremendous power is here vested in the Secretary! He is to prescribe rules and regulations to enforce the *speedy* presentation of all Government drafts for payment at the place where payable. The speedy presentation! In the case I have supposed, a man has his $10,000 in *drafts* on the Receiver General at New York. The Secretary is empowered to enact regulations requiring him speedily to present them, and, if he do not, the Secretary may order them to be paid at St. Louis. At New York they may be worth a premium of five per cent.; on St. Louis they may be liable to a discount of five per cent. Now, in a free Government, who would ever think of subjecting the property or money of a citizen to the exercise of such a power by any Secretary of the Treasury? What opportunity does it not afford to reward a partisan, or punish an opponent! It will be impossible to maintain such an odious and useless restriction for any length of time. Why should the debtor (as the Government would be in the case of such drafts as I have supposed) require his creditor (as the holder of the draft would be) to apply within a prescribed time for his payment? No, sir: the system would control you; you could not so control the system. But if such a ridiculous restriction could be so continued, the drafts would, nevertheless, whilst they were out, be the time long or short, perform the office of circulation and money.

Let us trace a little further the operation of this Government Bank, and follow it out to its final explosion. I have supposed the appropriation of some thirty millions of dollars annually by the Government, to be disbursed in the form of drafts, issued at Washington by the Treasury Department, upon the depositaries. Of that amount, some ten or fifteen millions would remain, the first year, in circulation; at the end of another year, a similar amount would continue in circulation; and so on, from year to year, until, at the end of a series of some five or six years, there would be in circulation, to supply the indispensable wants of commerce and of a general medium of uniform value, not less than some sixty or eighty millions of drafts issued by the Government. These drafts would be generally upon the receiver general at New York, because, on that point, they would be preferred over all others, as they would command a premium, or be at par, throughout the whole extent of the United States; and we have seen that the Secretary of the Treasury is invested with ample authority to concentrate at that point the whole revenue of the United States.

All experience has demonstrated that in banking operations a much larger amount of paper can be kept out in circulation than the specie which it is necessary to retain in the vaults to meet it when presented for payment. The proportions which the same experience has ascertained to be entirely safe are one of specie to three of paper. If, therefore, the Executive Government had sixty millions of dollars accumulated at the port of New York, in the hands of the receiver general, represented by sixty millions of Government drafts in circulation, it would be known that twenty of that sixty million would be sufficient to retain to meet any amount of drafts which, in ordinary times,

would be presented for payment. There would then remain forty millions in the vaults, idle and unproductive, and of which no practical use could be made. Well: a great election is at hand in the State of New York, the result of which will seal the fate of an existing administration. If the application of ten millions of that dormant capital could save, at some future day, a corrupt Executive from overthrow, can it be doubted that the ten millions would be applied to preserve it in power? Again: let us suppose some great exigency to arise, a season of war, creating severe financial pressure and embarrassment. Would not an issue of paper, founded upon and exceeding the specie in the vaults, in some such proportions as experience had demonstrated might be safely emitted, be authorized? Finally, the whole amount of specie might be exhausted, and then, as it is easier to engrave and issue bank notes than to perform the unpopular office of imposing taxes and burdens, the discovery would be made that the *credit* of the Government was a sufficient basis whereupon to make emissions of paper money, to be redeemed when peace and prosperity returned. Then we should have the days of continental money, and of assignats, restored! Then we should have that Government paper medium, which the Senator from South Carolina [Mr. CALHOUN] considers the most perfect of all currency!

Meantime, and during the progress of this vast Government machine, the State banks would be all prostrated. Working well, as it may, if honestly administered, in the first period of its existence, it will be utterly impossible for them to maintain the unequal competition. They could not maintain it, even if the Government were actuated by no unfriendly feelings towards them. But when we know the spirit which animates the present Executive towards them, who can doubt that they must fall in the unequal contest? Their issues will be discredited and discountenanced; and that system of bankruptcy which the President would even now put into operation against them, will, in the sequel, be passed and enforced without difficulty.

Assuming the downfall of the local banks, the inevitable consequence of the operations of this great Government bank; assuming, as I have shown would be the case, that the Government would monopolize the paper issues of the country, and obtain the possession of a great portion of the specie of the country, we should then behold a combined and concentrated moneyed power equal to that of all the existing banks of the United States, with that of the late Bank of the United States superadded. This tremendous power would be wielded by the Secretary of the Treasury, acting under the immediate commands of the President of the United States. Here would be a perfect union of the sword and the purse; here would be no imaginary, but an actual, visible, tangible, consolidation of the moneyed power. Who or what could withstand it? The States themselves would become suppliants at the feet of the Executive for a portion of those paper emissions, of the power to issue which they had been stripped, and which he now exclusively possessed.

Mr. President, my observation and experience have satisfied me that the safety of liberty and prosperity consists in the division of power, whether political or pecuniary. In our Federative system, our security is to be found in that happy distribution of power which exists between the Federal Government and the State Governments. In our monetary system, as it lately existed, its excellence resulted from that beautiful arrangement, by which the States had their institutions for local purposes, and the General Government its institution for the more general purposes of the whole Union. There existed the greatest congeniality between all the parts of this admirable system. All was homogeneous. There was no separation of the Federal Government from the States or from the people. There was no attempt to execute practically that absurdity of sustaining, among the same people, two different currencies of unequal value. And how admirably did the whole system, during the forty years of its existence, move and work! And on the two unfortunate occasions of its ceasing to exist, how quickly did the business and transactions of the country run into wild disorder and utter confusion!

Hitherto, I have considered this new project as it is, according to its true nature and character, and what it must inevitably become. I have not examined it as it is not, but as its friends would represent it to be. They hold out the idea that it is a simple contrivance to collect, to keep, and to disburse the public revenue. In that view of it, every consideration of safety and security recommends the agency of responsible corporations, rather than the employment of particular individuals. It has been shown, during the course of this debate, that the amount which has been lost by the defalcation of individuals has exceeded three or four times the amount of all that has been lost by the local banks, although the sums confided to the care of individuals have not been probably one-tenth part of the amount that has been in the custody of the local banks. And we all know that, during the forty years of the existence of the two Banks of the United States, not one cent was lost of the public revenue.

I have been curious, Mr. President, to know whence this idea of receivers generally was derived. It has been supposed to have been borrowed from France. It required all the power of that most extraordinary man that ever lived, Napoleon Bonaparte, when he was in his meridian greatness, to displace the farmers general, and to substitute in their place the receivers general. The new system requires, I think I have heard it stated, something like 100,000 employees to have it executed. And, notwithstanding the modesty of the infant promises of this new project, I have no doubt that ultimately we shall have to employ a number of persons approximating to that which is retained in France. That will undoubtedly be the case whenever we shall revive the system of internal taxation. In France, what reconciled them to the system was, that Napoleon first, and the Burbons afterwards, were pleased with the immense patronage which it gave them. They liked to have 100,000 dependents to add strength to the throne, which have been recently constructed or reascended. I thought, however, that the learned chairman of the Committee on Finance must have had some other besides the French model for his receivers general; and, accordingly, upon looking into Smith's history of his own State, I found that, when it was yet a colony, some century and a half ago, and when its present noble capital still retained the name of New Amsterdam, the historian says: "Among the principal laws enacted at this session, we may mention that for establishing the revenue, which was drawn into precedent. The sums raised by it were made payable into the hands of receivers general, and issued by the Governor's warrant. By this means the Governor became, for a season, independent of the people, and hence we find frequent instances of the Assemblies contending with him for the discharge of debts to private persons, contracted on the faith of the Government" The then Governor of the colony was a man of great violence of temper, and arbitrary in his conduct. How the Sub-Treasury system of that day operated, the same historian informs us in a subsequent part of his work. "The revenue," he says, "established the last year, was at this session continued five years longer than was originally intended. This was rendering the Governor independent of the people. For, at that day, the Assembly had no treasure, but the amount of all taxes went, of course, into the hands of the receiver general, who was appointed by the Crown. Out of this fund, moneys were only issuable by the Governor's warrant, so that every officer in the Government, from Mr. Blaithwait, who drew annually five per cent. out of the revenue, as auditor general, down to the meanest servant of the public, became dependent, solely, of the Governor. And hence we find in the House, at the close of every session, humbly addressing his excellency for the trifling wages of their own clerk." And, Mr. President, if this measure should unhappily pass, the day may come when the Senate of the United States will have humbly to implore some future President of the United States to grant it money to pay the wages of its own sergeant-at arms and doorkeeper.

Who, Mr. President, are the most conspicuous of those who perseveringly pressed this bill upon Congress and the American people? Its drawer is the distinguished gentleman in the white house not far off; its endorser is the distinguished Senator from South Carolina, here present. What the drawer thinks of the endorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness of the endorser has not left us in the same ignorance with respect to his opinion of the drawer. He has often expressed it upon the floor of the Seante. On an occasion not very distant, denying to him any of the nobler qualities of the royal beast of the forest, he attributed to him those which belong to the most crafty, most skulking, and one of the meanest of the quadruped tribe. Mr. President, it is due to myself to say that I do not altogether share with the Senator from South Carolina in this opinion of the President of the United States. I have always found him, in his manners and deportment, civil, courteous, and gentlemanly; and he dispenses, in the noble mansion which he now occupies, one worthy the residence of the Chief Magistrate of a great people, a generous and liberal hospitality. An acquaintance with him of more than twenty years' duration has inspired me with a respect for the man, although, I regret to be compelled to say, I detest the magistrate.

The eloquent Senator from South Carolina has intimated the course of my friends and myself, in opposing this bill, was unpatriotic, and that we ought to have followed in his lead; and, in a late letter of his, he has spoken of his alliance with us, and of his motives for quitting it. I cannot admit the justice of his reproach. We united, if, indeed, there were any alliance in the case, to restrain the enormous expansion of Executive power; to arrest the progress of corruption; to rebuke usurpation; and to drive the Goths and Vandals from the capital; to expel Brennus and his horde from Rome, who, when he threw his sword into the scale, to augment the ransom demanded from the Mistress of the world, showed his prefereuce for gold; that he was a hard-money chieftain. It was by the much more valuable metal of iron that he was driven from her gates. And how often have we witnessed the Senator from South Carolina, with woful countenance, and in doleful strains, pouring forth touching and mournful eloquence on the degeneracy of the times, and the downward tendency of the Republic? Day after day, in the Senate, have we seen the displays of his lofty and impassioned eloquence. Although I shared largely with the Senator in his apprehension for the purity of our institutions, and the permanency of civil liberty, disposed always to look at the brighter side of human affairs, I was sometimes inclined to hope that the vivid imagination of the Senator had depicted the dangers by which we were encompassed in somewhat stronger colors than they jusified. The arduous contest in which we were so long engaged was about to terminate in a glorious victory. The very object for which the alliance was formed was about to be accomplished. At this critical moment the Senator left us; he left us for the very purpose of preventing the success of the common cause. He took up his musket, knapsack, and shot-pouch, and joined the other party. He went, horse, foot, and dragoon, and he himself composed the whole corps. He went, as his present most distinguished ally commenced with his expunging resolution, *solitary and alone.* The earliest instance recorded in history, within my recollection, of an ally drawing off his forces from the combined army, was that of Achilles at the siege of Troy. He withdrew with all his troops, and remained in the neighborhood, in sullen and dignified inactivity. But he did not join the Trojan forces; and when, during the progress of the siege, his faithful friend fell in battle, he raised his avenging arm, drove the Trojans back into the gates of Troy, and satiated his vengeance by slaying Priam's noblest and dearest son, the finest hero in the immortal Iliad. But Achilles had been wronged, or imagined himself wronged, in the person of the fair and beautiful Briseis. We did no wrong to the distinguished Senator from South Carolina. On the contrary, we respected him, confided in his great and acknowledged ability, his uncommon genius, his extensive experience, his supposed patriotism; above all, we confided in his stern and inflexible fidelity. Nevertheless, he left us, and joined our common opponents, distrusting and distrusted. He left us, as he tells us in his Edgefield letter, because the victory which our common arms were about to achieve, was not to enure to him and his party, but exclusively to the benefit of his allies and their cause. I thought that, actuated by patriotism, (that noblest of human virtues,) we had been contending together for our common country, for her violated rights, her threatened liberties, her prostrate Constitution. Never did I suppose that personal or party considerations entered into our views. Whether, if victory shall ever again be about to perch upon the standard of the spoils party, (the denomination which the Senator from South Carolina has so often given to his present allies,) he will not feel himself constrained, by the principles on which he has acted, to leave them, because it may not enure to the benefit of himself and his party, I leave to be adjusted between themselves.

The speech of the Senator from South Carolina was plausible, ingenious, abstract, metaphysical, and generalizing. It did not appear to me to be adapted to the bosoms and business of human life. It was aerial, and not very high up in the air, Mr. President, either; not quite as high as Mr Clayton was in his last ascension in his balloon. The Senator announced that there was a single alternative, and no escape from one or the other branch of it. He stated that we must take the bill under consideration, or the substitute proposed by the Senator from Virginia. I do not concur in that statement of the case. There is another course embraced in neither branch of the Senator's alternative; and that course is to do nothing: always the wisest when you are not certain what you ought to do. Let us suppose that neither branch of the alternative is accepted, and that nothing is done: what, then, would be the consequence? There would be a restoration of the law of 1789, with all its cautious provisions and securities, provided by the wisdom of our ancestors, which has been so trampled upon by the late and present Administrations. By that law, establishing the Treasury Department, the treasure of the United States is to be received, kept, and disbursed by the Treasurer, under a bond with ample security, under a large penalty fixed by law, and not left, as this bill leaves it, to the uncertain discretion of a Secretary of the Treasury. If, therefore, we were to do nothing, that law would be revived; the Treasurer would have the custody, as he ought to have, of the public money, and doubtless he would make special deposites of it in all instances with safe and sound State banks, as in some cases the Secretary of the Treasury is now obliged to do. Thus, we should have in operation that very special deposite system, so much desired by some gentlemen, by which the public money would remain separate and unmixed with the money of banks. There is yet another course, unembraced by either branch of the alternative presented by the Senator from South Carolina; and that is to establish a Bank of the United States, constituted according to the old and approved method of forming such an institution, tested and sanctioned by experience; a Bank of the United States which should blend public and private interests, and be subject to public and private control, united together in such manner as to present safe and salutary checks against all abuses. The Senator mistakes his own abandonment of that institution as ours. I know that the party in power has barricaded itself against the establishment of such a bank. It adopted, at the last extra session, the extraordinary and unprecedented resolution, that the people of the United States should not have such a bank, although it might be manifest that there was a clear majority of them demanding it. But the day may come, and I trust is not distant, when the will of the people must prevail in the councils of their own Government; and when it does arrive, a bank will be established.

The Senator from South Carolina reminds us that we denounced the pet bank system; and so we did, and so we do. But does it therefore follow that, bad as that system was, we must be driven into the acceptance of a system infinitely worse? He tells us that the bill under consideration takes the public funds out of the hands of the Executive, and places them in the hands of the law. It does no such thing. They are now without law, it is true, in the custody of the Executive; and the bill proposes by law to confirm them in that custody, and to convey new and enormous powers of control to the Executive over them. Every custodary of the public funds provided by the bill is a creature of the Executive, dependent upon his breath, and subject to the same breath for removal, whenever the Executive, from caprice, from tyranny, or from party motives, shall choose to order it. What safety is there for the public money, if there were a hundred subordinate executive officers charged with its care, whilst the doctrine of the absolute unity of the whole Executive power, promulgated by the last Administration, and persisted in by this, remains unrevoked and unrebuked?

Whilst the Senator from South Carolina professes to be the friend of State banks, he has attacked the whole banking system of the United States. He is their friend; he only thinks they are all unconstitutional! Why? Because the coining power is possessed by the General Government, and that coining power, he argues, was intended to supply a currency of the precious metals, but the State banks absorb the precious metals, and withdraw them from circulation, and, therefore, are in conflict with the coining power. That power, according to my view of it, is nothing but a naked authority to stamp certain pieces of the precious metals, in fixed proportions of alloy and pure metal, prescribed by law, so that their exact value may be known. When that office is performed, the power is *functus officio;* the money passes out of the Mint, and becomes the lawful property of those who legally acquire it. They may do with it as they please, throw it into the ocean, bury it in the earth, or melt it in a crucible, without violating any law. When it has once left the vaults of the mint, the law-maker has nothing to do with it, but to protect it against those who attempt to debase or counterfeit, and, subsequently, to pass it as lawful money. In the sense in which the Senator supposes banks to conflict with the coining power, foreign commerce, and especially our commerce with China, conflicts with it much more extensively. That is the great absorbent of the precious metals, and is, therefore, much more unconstitutional than the State banks. Foreign commerce sends them out of the country; banks retain them within it. The distinguished Senator is no enemy to the banks; he merely thinks them injurious to the morals and industry of the country. He likes them very well, but he nevertheless believes that they levy a tax of twenty-five millions annually on the industry of the country! Let us examine Mr. President, how this enormous and iniquitous assessment is made, according to the argument of the Senator from South Carolina. He states that there is a mass of debt due from the community to the banks, amounting to $475,000,000, the interest upon which, constituting about that sum of $25,000,000, forms the exceptionable tax. Now, this sum is not paid by the whole community, but only by those individuals who obtain discounts from the banks. They borrow money at six per cent. interest, and invest it in profitable adventures, or otherwise employ it. They would not borrow it if they did not suppose they could make profit by it; and the probability is that they do make profit by it. Instead, therefore, of their being any loss in the operation, there is an actual gain to the community, by the excess of profit made beyond six per cent. interest, which they pay. What are banks? They are mere organized agencies for the loan of money and the transaction of monetary business; regulated agencies acting under the prescriptions of law, and subject to a responsibility, moral and legal, far transcending that under which any private capitalist operates. A number of persons, not choosing to lend out their money privately, associate together, bring their respective capitalist into a common stock, which is controlled and managed by the corporate government of a bank. If no association whatever had been formed, a large portion of this capital, a large portion, therefore, of that very debt of $475,000,000, would still exist, in the shape of private loans. The Senator from South Carolina might as well collect the aggregate amount of all the mortgages, bonds, and notes, which have been executed in the United States for loans, and assert that the interest paid upon the total sum constituted a tax levied upon the community.

In the liquidation of the debt due to the banks from the community, and from the banks to the community, there would not be as much difficulty as the Senator seems to apprehend. From the mass of debts due to the banks are to be deducted, first, the amount of subscriptions which constitute their capitals; secondly, the amount of deposites to the credit of individuals in their custody; and, thirdly, the amount of their notes in circulation. How easily will these mutual debts neutralize each other! The same person, in numberless instances, will combine in himself the relations both of creditor and debtor.

The only general operation of banks beyond their discounts and deposites, which pervades the whole community, is that of furnishing a circulation in redeemable paper, beyond the amount of specie to redeem it in their vaults. And can it be doubted that this additional supply of money furnishes a powerful stimulus to industry and production, fully compensating any casual inconveniences, which sometimes, though rarely, occur? Banks reduce the rate of interest, and repress inordinate usury. The salutary influence of banking operations is demonstrated in countries and sections of country where they prevail, when contrasted with those in which they are not found. In the former, all is bustle, activity, general prosperity. The country is beautified and adorned by the noble works of internal improvement; the cities are filled with splendid edifices, and the wharves covered with the rich productions of our own or of foreign climates. In the latter, all is sluggishness, slothfulness, and inactivity. England, in modern times, illustrates the great advantages of banks, of credit, and of stimulated industry. Contrast her with Spain, destitute of all those advantages. In ancient times, Athens would present an image of full and active employment of all the energies of man, carried to the highest point of civilization, whilst her neighbor, Sparta, with her iron money, affords another of the boasted benefits of metallic circulation.

The Senator from South Carolina would do the banks no harm; but they are deemed by him highly injurious to the planting interest! According to him, they inflate prices, and the poor planter sells his productions for hard money, and has to purchase his supplies at the swoln prices produced by a paper medium. Now, I must dissent altogether from the Senator's statement of the case. England, the principal customer of the planter, is quite as much, if not more, a paper country than ours. And the paper-money prices of the one country are neutralized by the paper-money prices of the other country, if the argument were true, that a paper money country trades disadvantageously with a hard-money country, we ought to continue to employ a paper medium, to counterbalance the paper medium of England. And if we were to banish our paper, and substitute altogether a metallic currency, we should be exposed to the very inequality which has been insisted upon. But there is nothing in that view of the matter which is presented by the Senator from South Carolina. If, as he asserts, prices were always inflated in this country beyond their standard in England, the rate of exchange would be constantly against us. An examination, however, into the actual state of exchange between the two countries, for a long series of years, evinces that it has generally been in our favor. In the direct trade between England and this country, I have no doubt, there is a large annual balance against us; but that balance is adjusted and liquidated by balances in our favor in other branches of our foreign trade, which have finally concentrated in England, as the great centre of the commercial world.

Of all the interests and branches of industry in this country, none has profited more by the use and employment of credit and capital derived from banks and other sources, than the planting interest. It habitually employs credit in all countries where planting agriculture prevails. The States of Alabama, Mississippi, Arkansas, and Louisiana, have almost sprung into existence, as it were, by magic, or, at least, have been vastly improved and extended under the influence of the credit system. Lands, slaves, utensils, beasts of burden, and other supplies, have been constantly bought, and still continue to be purchased, upon credit; and bank agency is all-essential to give the most beneficial operation to these credits. But the argument of the Senator from South Carolina, which I am combating, would not be correct, if it were true that we have inflated prices on this side of the Atlantic, without a corresponding inflation of price on the other side; because the planter generally selling at home, and buying at home, the proceeds of his sale, whatever they may be, constitute the means by which he effects his purchases, and consequently neutralize each other. In what do we of the West receive payment for the immense quantity of live stock and other produce of our industry, which we annually sell to the South and Southwest, but that paper medium now so much decried and denounced? The Senator from South Carolina is very fond of the State banks; but he thinks there is no legitimate currency except that of the Constitution. He contends that the power which the Government possesses to impose taxes restricts it, in their payment, to the receipt of the precious metals. But the Constitution does not say so. The power is given in broad and unrestricted terms; and the Government is left at liberty to collect the taxes in whatever medium or commodity, from the exigencies of the case, it can collect them. It is, doubtless, much the most convenient to collect them in money, because that represents, or can command, every thing, the want of which is implied by the power of taxation. But suppose there was no money in the country, none whatever, to be extorted by the tax-gatherers from an impoverished people: is the power of Government to cease, and the people to be thrown back into a state of nature? The Senator asks if taxes could be levied and collected in tobacco, in cotton, and other commodities? Undoubtedly they could, if the necessity existed for such an inconvenient imposition. Such a case of necessity did exist in the colony of Virginia, and other colonies, prior to the Revolution, and taxes were accordingly levied in tobacco or other commodities, as wolf-scalps, even at this day, compose a part of the revenue of more than one State.

The argument, then, of the Senator against the right of the Government to receive bank notes in payment of public dues, a practice coeval with the existence of the Government, does not seem to me to be sound. It is not accurate, for another reason. Bank notes, when convertible at the will of the holder into specie, are so much counted or told specie, like the specie which is counted and put in marked kegs, denoting the quantity of their contents. The Senator tells us that it has been only within a few days that he has discovered that it is illegal to receive bank notes in payment of public dues. Does he think that the usage of the Government under all its administrations, and with every party in power, which has prevailed for nigh fifty years, ought to be set aside by a novel theory of his, just dreamed into existence, even if it possesses the merit of ingenuity? The bill under consideration, which has been eulogized by the Senator as perfect in its structure and details, contains a provision that bank notes shall be received in diminished proportions, during a term of six years. He himself introduced that identical principle. It is the only part of the bill that is emphatically his. How, then, can he contend that it is unconstitutional to receive bank notes in payment of public dues? I appeal from himself to himself. The Senator further contends, that general deposites cannot be made with banks, and be thus confounded with the general mass of the funds on which they transact business. The argument supposes that the money collected for taxes must be preserved in identity; but that is impossible, often, to do. May not a collector give the small change which he has received from one tax-payer to another tax-payer, to enable him to effect his payment? May he not change gold for silver, or *vice versa*, or both, if he be a distant collector, to obtain an undoubted remittance to the public Treasury? What, Mr. President, is the process of making deposites with banks? The deposite is made, and a credit is entered for its amount to the Government. That credit is supposed to be the exact equivalent of the amount deposited, ready and forthcoming to the Government whenever it is wanted for the purposes of disbursement. It is immaterial to the Government whether it receives back again the identical money put in, or other money of equal value. All that it wants is what it put in the bank, or its equivalent; and that, in ordinary times, with such prudent banks as alone ought to be selected, it is sure of getting. Again: the Treasury has frequently to make remittances to foreign countries, to meet the expenditure necessary there for our naval squadrons, and other purposes. They are made to the bankers, to the Barings or the Rothschilds, in the form of bills of exchange purchased in the market by the agents of the Government here, with money drawn out of the Treasury. Here is one conversion of the money received from the tax gatherer into the Treasury. The bills are transmitted to the bankers, honored, paid, and the amount credited by them to the United States. Are the bankers bound to retain the proceeds of the bills in identity? Are they bound to do more than credit the Government for an equal amount, for which they stand responsible whenever it is wanted? If they should happen to use any portion of those very proceeds of bills remitted to them in their banking operations, would it be drawing money from the Treasury, contrary to the provisions of the Constitution?

The Senator from South Carolina contends that there is no constitutional power to contract with the twenty-five selected banks, as proposed in the substitute; yet the deposite act of 1836, which obtained the hearty approbation of that Senator, contained a similar provision; and the very bill under consideration, so warmly supported by him, provides, under certain contingencies, for contracts to be made with State banks, to receive deposites of the public money upon compensation. He objects to the substitute, that it converts twenty-five State banks into a system of Federal institutions; but the employment of State institutions by the Federal authority no more makes them Federal, than the employment of Federal institutions by the States converts them into State institutions. This mutual aid, and this reciprocal employment of the several institutions of the general and particular Governments, is one of the results and beauties of our admirable though complex system of government. The General Government has the use of the capital, court-houses, prisons and penitentiaries in the several States. Do they, therefore, cease to appertain to the States? It is to be borne in mind that, although the State banks may occasionally be used by the Federal authority, their legal responsibility to the several States remains unimpaired. They continue to be accountable to them, and their existence can only be terminated or prolonged by the State authority. And being governed, as they are, by corporate authority emanating from, and amenable to, State jurisdiction, and not under the control of the Executive of the United States, constitutes at once a greater security for the public money, and more safety to the public liberty. It has been argued that a separation of the Government from the banks will diminish the Executive power. It must be admitted that the custody of the public money in various banks, subject to the control of State authority, furnishes some check upon the possible abuses of the Executive Government. But the argument maintains that the Executive has least power when it has most complete possession of the public Treasury! The Senator from South Carolina contends that the separation in question being once effected, the relation of the Federal Government and the State banks will be antagonistical. I believe so, Mr. President. That is the very thing I wish to prevent. I want them to live in peace, harmony, and friendship. If they are antagonists, how is it possible that the State banks can maintain their existence against the tremendous influence of this Government? Especially, if this Government should be backed by such a vast Treasury bank as I verily believe this bill is intended to create? And what becomes of the argument urged by the Senator from South Carolina, and the abolition resolutions offered by him at an early period of the session, asserting that the General Government is bound to protect the domestic institutions of the several States?

The substitute is not, I think, what the welfare of the country requires. It may serve the purpose of a good half-way house. Its accommodations appear fair, and, with the feelings of a wearied traveller, one may be tempted to stop awhile and refresh himself there. I shall vote for it as an amendment to the bill, because I believe it the least of two evils, if it should, indeed, inflict any evil; or rather, because I feel myself in the position of a patient to whom the physician presents in one hand a cup of arsenic, and in the other a cup of ptisan: I reject the first, because of the instant death with which it is charged; I take the latter, as being, at the most, harmless, and depend upon the *vis medicatrix naturæ*. It would have been a great improvement, in my opinion, if the mode of bringing about the resumption of specie payments, contained in the substitute, were reversed: that is to say, if, instead of fixing on the 1st of July for resumption, it had provided that the notes of a certain number of safe, sound, and unquestionable banks to be selected, should be forthwith received, by the General Government, in payment of all public dues; and that, if the selected banks did not resume, by a future designated day, their notes should cease to be taken. Several immediate effects would follow: 1st. The Government would withdraw from the market as a competitor with the banks for specie, and they would be left undisturbed to strengthen themselves. And, 2dly, confidence would be restored by taking off the discredit and discountenance thrown upon all banks by the Government. And why should these notes not be so received? They are as good as Treasury notes, if not better. They answer all the purposes of the State Governments and the people. They now would buy as much as specie could have commanded at the period of suspension. They could be disbursed by the Government. And, finally, the measure would be temporary.

But the true and only efficacious and permanent remedy, I solemnly believe, is to be found in a Bank of the United States, properly organized and constituted. We are told that such a bank is fraught with indescribable danger; and that the Government must, in the sequel, get possession of the Bank, or the bank of the Government. I oppose to these imaginary terrors the practical experience of forty years. I oppose to them the issue of the memorable contest, commenced by the late President of the United States, against the late Bank of the United States. The administration of that Bank had been without serious fault. It had given no just offence to the Government, towards which it had faithfully performed every financial duty. Under its able and enlightened president, it had fulfilled every anticipation which had been formed by those who created it; President Jackson pronounced the edict that it must fall, and it did fall, against the wishes of an immense majority of the people of the United States; against the convictions of its utility entertained by a large majority of the States; and to the prejudice of the best interests of the whole country. If an innocent, unoffending, and highly beneficial institution could be thus easily destroyed by the power of one man, where would be the difficulty of crushing it, if it had given any real cause for just animadversion? Finally, I oppose to these imaginary terrors the example deducible from English history. There a bank has existed since the year 1694, and neither has the bank got possession of the Government, nor the Government of the bank. They have existed in harmony together, both conducing to the prosperity of that great country; and they have so existed, and so contributed, because each has avoided cherishing towards the other that wanton and unnecessary spirit of hostility which was unfortunately engendered in the bosom of the late President of the United States.

I am admonished, sir, by my exhausted strength, and by, I fear, your more exhausted patience, to hasten to a close. Mr. President, a great, novel, and untried measure is perseveringly urged upon the acceptance of Congress. That it is pregnant with tremendous consequences, for good or evil, is undeniable, and admitted by all. We firmly believe that it will be fatal to the best interests of this country, and ultimately subversive of its liberties. You, who have been greatly disappointed in other measures of equal promise, can only hope, in the doubtful and uncertain future, that its operation may prove salutary. Since it was first proposed at the extra session, the whole people have not had an opportunity of passing in judgment upon it at their elections. As far as they have, they have expressed their unqualified disapprobation. From Maine to the State of Mississippi, its condemnation has been loudly thundered forth. In every intervening election, the Administration has been defeated, or its former majorities neutralized. Maine has spoken; New York, Pennsylvania, Maryland, Ohio, Rhode Island, Mississippi, and Michigan, all these States, in tones and terms not to be misunderstood, have denounced the measure. The Keystone State (God bless her) has twice proclaimed her rejection of it; once at the polls, and once through her Legislature. Friends and foes of the Administration have united in condemning it. And, at the very moment when I am addressing you, a large meeting of the late supporters of the Administration, headed by the distinguished gentleman who presided in the electoral college which gave the vote of that patriotic State to President Van Buren, are assembling in Philadelphia, to protest solemnly against the passage of this bill. Is it right that, under such circumstances, it should be forced upon a reluctant, but free and intelligent People? Is it right that this Senate, constituted as it now is, should give its sanction to the measure? I say it in no disrespectful or taunting sense, but we are entitled, according to the latest expressions of the popular will, and in virtue of manifestations of opinion deliberately expressed by State Legislatures, to a vote of thirty-five against the bill; and I am ready to enter, with any Senator friendly to the Administration, into details to prove the assertion. Will the Senate, then, bring upon itself the odium of passing this bill? I implore it to forbear, forbear, forbear! I appeal to the instructed Senators. Is this Government made for us, or for the people and the States whose agents we are? Are we not bound so to administer it as to advance their welfare, promote their prosperity, and give general satisfaction? Will that sacred trust be fulfilled, if the known sentiments of large and respectable communities are despised and contemned by those whom they have sent here? I call upon the honorable Senator from Alabama, [Mr. KING,] with whom I have so long stood in the public councils, shoulder to shoulder, bearing up the honor and the glory of this great people, to come now to their rescue. I call upon all the Senators; let us bury, deep and forever, the character of the partisan, rise up patriots and statesmen, break the vile chains of party, throw the fragments to the winds, and feel the proud satisfaction that we have made but a small sacrifice to the paramount obligations which we owe our common country.

SPEECH OF MR. TALLMADGE, OF NEW YORK,

In Senate, February 8, 1838—The Senate having resumed the consideration of the bill (the question being on Mr. RIVES's substitute) imposing additional duties, as depositaries in certain cases, on public officers, &c.

Mr. TALLMADGE addressed the Senate as follows:

Mr. PRESIDENT: The Senator from New Hampshire, [Mr. HUBBARD,] who has just taken his seat, introduced in the course of his remarks the subject of the late elections. He read, with approbation, that portion of the President's Message which charged the result of those elections to the interference or the influence of the banks; and he undertook, by this means, to explain the result in New York. Sir, I am not in the habit of interfering with the concerns of other States, or of attempting to explain the causes of political movements in them. But, when I find one "poaching upon my manor," and endeavoring to account for matters which he can but ill comprehend, I feel it my duty to interfere.

I rise, therefore, not to enter upon the immediate merits of this Sub-Treasury scheme, but for the sole purpose of setting the gentleman and the country right, upon this allegation of bank interference or bank influence in the recent election of the State of New York.

Sir, I saw with pain this charge in the President's Message. I felt humiliated that it should emanate from him. I felt that the honor of my native State was wounded, and that the

wound was inflicted by one of her own sons. Had any other man occupied the Executive chair, I would have lost no time, after the delivery of the Message containing that unwelcome and unmerited aspersion, in repelling it in a manner and with a spirit becoming the occasion. But, sir, the relations which have always existed between the President and myself rendered the task one of reluctance and of delicacy; and but for the introduction of it into this debate, by the Senator from New Hampshire, I might have submitted to the mortification of the charge, from my unwillingness to encounter it from such a source. As it has been thus introduced, I will endeavor to show that it has been made without the slightest possible foundation, and wholly unjustifiable, let it come from what quarter it may, or let its endorsers be whom they may. In saying this, I speak from my own personal knowledge and observation to a great extent, and from an intimate acquaintance with the concerns of the State, and the causes which influence the minds of her citizens in political matters. Previous to the extra session of Congress, when the Globe, the reputed organ of the Administration, put forth Gouge's Sub-Treasury scheme, with his money drawers and hydrostatic balance, and all the other paraphernalia which accompanied it, and seriously recommended it to the public consideration, it was received and treated as a mere matter of burlesque—as the dream of a visionary. No one, for a single moment, supposed that it would ever be brought forward by the President for the consideration of Congress. The whole country was astounded, when the Executive, at the extra session, did recommend it. The people then perceived that the "untried expedient" from the banks of the St. Lawrence had been put forth in the official organ as a mere feeler. And with the characteristic boldness of all experimenters, it was determined that if it did not conform to the public pulse, the public pulse should be made to conform to it. To accomplish this, there must be no apparent force nor unnecessary rashness. Hence, the Executive, with great meekness and humility, expressed his entire willingness to co-operate in any other measure, if this should not meet the approbation of Congress. This declaration was received with great satisfaction by those who foresaw, from their knowledge of the business wants of the country, that such a measure would be destructive of its best interests.

They hoped to be able to demonstrate its utter impracticability and inapplicability to the state of the times, and that the President would cheerfully unite with them in some plan which would afford relief to a suffering and almost desperate community. It was however, soon perceived, from the pertinacity with which this unexpected measure was urged forward by its advocates that the whole power of the Executive influence was brought into requisition in order to force it through in the shortest possible period, and before the People had time to deliberate upon it, or to send their remonstrances against a project so fatal to their interests and so destructive to their hopes. I will not detain the Senate with a history of its progress. It is familiar to us all. Suffice it to say, that the bill passed the Senate, and was laid on the table in the other House by a decisive vote. This was deemed equivolent to a rejection of the bill. It could not have been called up again at this session if it had been desired. Many votes against the State bank deposite system, which was offered as an amendment, for the express purpose of killing the bill in its original shape. After all this, the President, in his next Message, seems to think that Congress, in its extra session, made an expression against a national bank; against the State banks; but not against the Sub-Treasury project! And as the late elections were carried by bank influence, he deems those overwhelming expressions of the popular will as no evidence that the People are against this wild and visionary scheme! He considers his election as evidence that a majority of the People of the United States are against a national bank, because he had expressed himself decidedly hostile to such an institution. I am free to admit that his inference is a fair as can be drawn from a popular election where a thousand other considerations enter into the canvass. But it cannot be disguised that many electors, who were in favor of a national bank, always voted for General Jackson, notwithstanding his avowed hostility to it. He had a personal popularity which scarcely any man before him possessed, and which I hope to see no man hereafter enjoy. Often have I heard it said by many, that although they disapproved of his measures, they would support him, because they believed him honest, and would not suffer him to be abused for the honest exercise of his opinions, though they led to the adoption of bad measures. Sir, this feeling was extended to the present Executive in his election. He was known to be the favorite candidate of the late President, and many electors supported him on account of their ancient prepossessions in favor of General Jackson. I say, then, that the success of a candidate for office, who is for or against a particular measure, is not conclusive evidence that the People accord with his views on that measure.

The State elections, in my judgment, were more conclusive against the Sub-Treasury than the President's election was against a national bank. There were, undoubtedly, other causes which mingled in the contest. But still, the expression of the popular will, in every State where an election was held after this project was first recommended by the Executive, was such as ought to have commanded his respect, and prevented him from again urging a measure so odious to the People, and if carried out, so fatal to their prosperity.

But, Mr. President, this *hard money* policy must be persisted in. The Executive had embarked in it, and he seemed determined that no obstacles should impede his progress. He, therefore, charged all this outbreaking of the people to the influence of the banks, and considered it as no evidence of an honest opinion against this ill-fated measure. Notwithstanding the decisive vote against it in the House of Representatives; notwithstanding his declared willingness to adopt any substitute for it, it is again brought forward with the same expressed deference to public opinion, and again urged with the same open contempt of it.

Sir, this charge, though general in its terms, seems peculiarly intended for the State of New York. As a representative of the people of that State, I repel it as unworthy of the Chief Magistrate, as it is undeserved by them. In the lawful exercise of the elective franchise, they have seen fit to rebuke the Administration for its destructive policy, and their action is attributed to the influence of the banks! They saw industry paralyzed, the energies of a whole population frozen up, business of all kinds at a stand, the wives and children of a portion of them famishing for want of bread, and suffering for want of clothes to cover them, and they resorted to the ballot box as the only means in their power to express their disapprobation, and that expression, thus made, is charged to the influence of the banks! Sir, the President has forgotten the character of the people of his own State. He treats them as mere slaves—as men born to obey the Executive mandate, and not to think or act for themselves. Sir, let me tell you that the people of New York "know their rights, and, knowing, dare maintain them;" and, as long as I remain here, they shall not want a representative to assert them on this floor. No man, be he high or low, shall go behind the ballot box to canvass the motives of my constituents, without being rebuked for his presumption. I care not what the result of an election may have been; when the people have spoken, their voice is to be respected and obeyed, and they shall not be called to an account, with my consent, by an officer of the General Government for their conduct in their local elections. No matter what party succeeds, such a charge is an indignity to the whole people. I am utterly astonished to hear it from such a quarter. I knew that the official organ here, and other Locofoco prints, had, in this way, attempted to account for this overwhelming result in New York, but I also knew that this charge, from such sources, ha een indignantly repelled by the Democratic press of the State; and notwithstanding all this, the President, as in the case of the Sub-Treasury, adopts the repudiated explanation of the Globe, and ushers it forth to the world.

Sir, I have said that there was no pretence of foundation for this charge. I will demonstrate by statistics and by figures, as clear as any proposition in Euclid, the truth of my assertion. New York has 56 counties—all, except 13, have one or more banks; of those thirteen, five are Opposition, and eight are Administration counties. These eight counties gave the Administration a majority at the Presidential election in 1836 of 6,781; in 1837, they gave 2,617; making an Opposition gain of 4,164 in a nett vote of less than 18,000. These are counties where there are no banks. It is another remarkable fact that the Opposition gain in these eight counties is nearly double what the other counties in the State averaged in their gains. Now, sir, if the banks influenced the results of the election, why do we find the Administration losing more, in proportion, in counties where there are no banks, than in those where there are banks? The truth is, the influence of the banks, as such, was exerted on neither side; but, so far as there was an influence exerted by their officers of those connected with them, it was greater on the part of the Administration than the other. There never was a charge made which is so entirely destitute of any one circumstance to justify it, and which so entirely fails. Coming from such a source, it is an assault upon our free institutions. It is impeaching the principle of self-government. What becomes of our boasted liberty, if the petty incorporations of the States can so far influence the exercise of the elective franchise, that the expression of the ballot-box is not to be taken for what it is intended to represent? What will be our character abroad? The eyes of all Europe are turned to our experiment of self-government, and are confidently expecting a failure of the system which we have predicted would regenerate the civilized world. What will they now think, when they have the authority of the Chief Magistrate of the nation, that in the great State of New York, the "Empire State," the influence of her local banks has controlled her elections, so that their results cannot be relied on as any evidence of the popular will? Sir, under such an imputation as this, a citizen of the United States in a foreign land would blush for his country. And should he repel it, he would be confronted with the President's message, as conclusive evidence in support of the charge. As to my own State, so far as my action will go, I will endeavor to wipe out the blot from the fair escutcheon of her fame.

Mr. President, having shown that the election in New York was in no way controlled by the interference or influence of the banks, it may not be amiss to inquire what causes produced those results which were so astounding to the whole Union. Sir, it was the principles understood to be entertained by the Administration and its prominent friends, and the measures which they were pursuing to carry out those principles. What were they? They are to be found in the creed of a faction, which had its origin in the city of New York in 1829. I do not say they embraced the whole creed, but I do say they were a part of it. And if any man, at that day, had predicted that a Democratic Republican Administration would have countenanced any portion of the principles of this faction, he would have gained no more credence, nor as much, as he now would, if he predicted that, in an equal period, the Administration would adopt the other part of the same creed.

Sir, it will hardly be believed by the people of other States that any portion of those doctrines has been adopted by the Administration and its prominent friends. I do not say that they have been, but I say their course of measures has been such as to impress upon the people the belief of their adoption. I will not undertake to go into the documentary evidence at this time, as the ground of that belief, although I may deem it not inappropriate on some other occasion. This faction was the origin of that party which is now termed *Loco Foco*, and which, in the pure days of the Democratic Republican party, was turned out of Tammany Hall, and held their meetings in the open air, whenever it was necessary to take measures to *reduce the price of flour*, or carry out any other great principle in political economy! After their principles received the countenance of the Administration, they again returned to the old *wigwam*, displaced the ancient sachems, and there they now illustrate their ideas of freedom of speech and free discussion, by violent inroads and forcible interruption of the assemblages of quiet and orderly citizens who happen to entertain opinions on matters of public policy contrary to their own. They are now the leaders of *the party*, and are the prominent candidates for Executive favor.

The leading feature of their creed was THE DESTRUCTION OF THE WHOLE BANKING SYSTEM OF THE COUNTRY, THE REPEAL OF CHARTERS, AND THE ABROGATION OF VESTED RIGHTS. This was a part of *their* doctrines, and was understood by the people to be the *policy* of the Administration.

Why was it so understood? I will endeavor to answer the question.

After the war on the Bank of the United States had ceased, a more ruthless and unrelenting warfare was commenced and carried on against the State banks. The success which had attended the former emboldened the assailants, and they supposed they could make an easy conquest of the latter. It never occurred to them that they might not be able to bring the same force into the field in the one case as in the other. They never stopped to inquire whether the people entertained any different views in regard to the State institutions and a National Bank. They seemed to have forgotten that, during the progress of the first war, they had persuaded the people that there were monstrous evils connected with the one, and equal benefits to be enjoyed with the others. They left out of view all their promises of a sound currency, and an equalization of the domestic exchanges of the country by means of the State banks. They forgot the oft-repeated pledges and assurances that the State institutions could perform equally well all the duties which the Bank of the United States had performed for the Government. In short, they had no recollection that those institutions were to give even a "better currency" than we had enjoyed under a National Bank.

But, sir, although they had overlooked all these things, the people had not forgotten them. Those who opposed the recharter of the Bank of the United States were honest in their opposition. The present generation has principally grown up and come on to the political stage since the incorporation of the Bank of the United States in 1816. They have enjoyed its benefits; and that it possessed great benefits no rational man has ever denied; but they were not able fully to appreciate them, whilst in the full fruition of them. They could see what seemed to them to be its dangerous powers; and with the assurance that the State banks could perform all its duties to the Government, and confer all its benefits on the people, without possessing those powers, they were content that it should go down, and that the State banks should be substituted in its place. Another consideration which influenced their action was the popularity of Gen. Jackson, who led the forces in this contest. Many believed in his sagacity in this matter, and pinned their faith upon him; and others, although they doubted the policy of the measure, still believed in his honesty of purpose, and therefore went with him, "*right or wrong*." But they had no idea of breaking down the State institutions, so intimately connected, as they believed them to be, with the business wants of the whole country; and when these attacks were made on those institutions, the people began to suspect that they had been used as the instruments in assailing the National Bank, with a view of destroying the others in their turn: such they thought they discovered to be the policy of the Administration.

How did they discover it? By the principles which seemed to be maintained by the Administration and its leading friends; by the manner in which they repudiated the State bank deposite system after they had suspended specie payments—a suspension brought about by causes beyond their control, and which certain measures of the Executive had essentially contributed to produce—and the subsequent introduction of an "untried expedient," in the shape of the Sub-Treasury scheme—a scheme fraught with more mischief to the community, with more hazard to the public funds, with a more dangerous augmentation and concentration of Executive power, than has ever been suggested in the history of this or any other Government. And here, sir, permit me to say, that when the friends of this abominable measure, for I can characterize it by no milder term, present the alternative of it or a National Bank, rest assured that there are thousands and thousands who have been opposed to such an institution, who will, without hesitation, give it their preference. But, sir, that alternative is not yet presented. Gentlemen are attempting to make up a false issue. They vainly imagine that they can conjure up the ghost of the old Bank of the United States to frighten men, as they would frighten children. Sir, that day has gone by. The people are looking for relief amidst the disasters which surround them. They see in the Sub-Treasury scheme nought but ruin; they look with horror upon its adoption as a consummation of ruin; they look to the State bank deposite system as the means of present, and, if the anticipations of its friends be realized, of permanent relief. Some of the friends of a National Bank have proposed plans for State institutions, which they think will supersede the necessity of a Bank of the United States. At all events, those who are in favor of a National Bank know that it cannot be had, if it be had at all, for some time to come; and they know that something must be done for the relief of the country. There is no other plan which can be adopted but the one proposed by the Senator from Virginia. If it answers his expectations, it may satisfy the country; if it does not, the public mind will then be settled down as to what the remedy should be. As to the Sub-Treasury, I say with the Senator from Massachusetts, give me any thing, or give me nothing, in preference to it.

What further evidence had the people that the destruction of the State banks was a part of the policy of the Administration? Meetings were held by the *Loco Focos*, at New York, Philadelphia, Cincinnati, and other places, where resolutions were adopted against the whole banking system, and in favor of an exclusive metallic currency. These proceeding were responded to by men in high official stations, and their responses were perfectly satisfactory. Being thus sanctioned by men in authority, these wild and visionary doctrines began to spread. Many who had viewed them as destructive of the best interests of society, began to renounce former opinions, and adopt this radical creed, because they believed it met the approbation of those who held the reins of party discipline, and who had the power of party dispensation.

The next evidence of the prevalence of this radical spirit was the manner in which the subject of the suspension of specie payments was treated. By the law of New York, when a bank neglects or refuses to redeem its notes in specie for ten days, the Chancellor is directed to issue his injunction, close its doors, appoint a receiver, to take charge of its concerns, whose duty it is to proceed to collect the amount due to the bank, to pay the amount owing by it, and, finally, under the direction of the Chancellor, to distribute to the stockholders the residue of its effects, according to their respective interest. There was due to the banks, at this time, by the people of the State, about SEVENTY MILLIONS OF DOLLARS. A forced collection of this amount, by receivers, would have spread ruin and desolation throughout the whole State. The most valuable estates would have been sold to satisfy these demands. There would have been no competition at the sales—for very few indeed could have commanded the means to become the purchasers. The result would have been, that the most desirable property must have been sacrificed, and bought in by some miserly *hard money* man, who had hoarded his vile trash for the purpose of preying upon the misfortunes of his fellow citizens, or by the receivers for the benefit of the stockholders. In either event, the community would have been the sufferers, and the hope of present business or of future prosperity would have been utterly blighted. Every rational man foresaw this result. The Legislature was then in session, and a law was forthwith passed, by an almost unanimous vote, to suspend the forfeiture of the charters of the banks for one year. This act of the Legislature was openly denounced by public meetings in the city of New York, composed of those claiming to be the exclusive friends of the Administration. And this denunciation was re-

iterated by the official organ of the Government here, claiming to speak the sentiments of the Administration on all important public matters. Why was this act thus denounced? Because, if there had been no such interference, the banks would have all been prostrated, as I have already shown, and we should at once have been brought to the "*golden age*" which has been so long desired. It is true, the great interests of the community would have been sacrificed. But, what of that? We should have had the "constitutional currency"—"a hard money Government"—"a successful experiment"—and, let me add, a prostrate country and a ruined people! Sir, the people were saved from this awful calamity, by the patriotism of the Legislature. The suspension act was not a boon to the banks; it was a favor to the people. Whilst it saved the bank charters from forfeiture, it saved the people from destruction. Other States passed similar laws, and thus were frustrated the designs of those who deemed the suspension of specie payments the proper occasion to carry out their favorite plan of breaking down the whole banking system of the States. I will not say that the President entertained this design. But the people judged him by the effect of his measures. On his call, Congress assembled at the extra session to take into consideration the "great and weighty matters" which he was to submit to them. The Message was delivered, and the people no longer doubted that the President and the Administration intended to destroy the banks. At all events, they could not doubt that such would be the effect of the measures recommended by him. They could only infer the intent from the result which must inevitably follow.

By the Constitution, it is made the duty of the President, from time to time, to give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge *necessary and expedient*. He can recommend no others; and, if he deems such as he does recommend both *necessary and expedient*, he, of course, desires that Congress shall adopt them, and that they shall be carried into full execution. He had already seen that, by the intervention of the State Legislatures, the bank charters of the different States had been saved from forfeiture, and that the designs of those who wished to destroy them had been frustrated by these acts. Well now, sir, what were his recommendations, and what their inevitable results? He recommended a "*uniform law concerning bankruptcies of corporations, and other bankers*," as a measure "*fully authorized by the Constitution.*" Such a law, under his oath of office, he must have deemed "*necessary and expedient.*" And he must, too, have desired its enactment by Congress, otherwise he would not have recommended it. What would have been its effect, its practical operation, if Congress had concurred in the views of the President, and passed a bankrupt law as recommended by him? Why, sir, every bank in the Union would have been forthwith handed over to commissioners to be appointed by the Executive, under such a law, and their concerns closed up—for they had all suspended specie payments, and of course would have come within its provisions. This would have accomplished what was prevented by the action of the Legislatures: namely, a forfeiture of their charters, and a consequent destruction of the banks themselves. Sir, I do not state this case too strongly—such would have been the inevitable result throughout the Union—there is no escape from it. The President could not but have foreseen it. It was the unavoidable consequence of his recommendation. He must have made it with his eyes open, and seen its effects, unless he was blinded and bewildered by this *ignis fatuus* of Loco Focoism. What would have been the effects upon the business and credit of the country? Utter ruin and destruction from one extremity of the Union to the other. Sir, "war, pestilence and famine" could not more effectually have done their dreadful work.

Fortunately for the country, Congress did not adopt the recommendation of the President, although it was urged with great power by one of the most prominent friends of the Administration, [Mr. BENTON.]

Sir, there is another feature of this measure which deserves consideration. This subject was not new to the President. It had received his careful examination and full deliberation on a former occasion. In 1826, when he stood upon this floor as a Senator from the State of New York, he maintained on this subject the same principles which I am now endeavoring to maintain. He then represented all the great interests of the State, as I am now attempting to represent them. The banking interest was one of the most important, because it gave life to commerce, stimulated agriculture, aided the mechanic and manufacturing industry of the country, and produced a healthy action in the whole body politic. This was at a period anterior to the origin of the faction in New York, whose doctrines have since been adopted. Mr. Van Buren, on the discussion of the BANKRUPT BILL, at that time before the Senate, opposed its application to banking incorporations "*as an odious exercise of power not granted by the Constitution.*" In 1826, Senator Van Buren opposes a bankrupt law in reference to our banking institutions, "*as an odious exercise of power not granted by the Constitution*," and, in 1837, President Van Buren proposes "*a uniform law concerning bankruptcies of corporations, and other bankers*," as a measure "*fully authorized by the Constitution.*" Now, sir, permit me to ask, if such a measure was unconstitutional in 1826, can the recommendation of the President make it constitutional in 1837? I think not, unless the Constitution changes as the party changes! But, whether it does or not, is immaterial to the present question. The President recommended a bankrupt law in reference to banking incorporations. He must have reviewed his former opinions on that subject. He must have deemed the crisis so important as to overcome his old constitutional scruples, and that it was *now* "necessary and expedient" that such a law should pass, and thereby rid the country of the curse of paper money, and thus restore the "constitutional currency" of gold and silver.

Mr. President, I have said that the people believed the design of the Administration and its prominent friends was to destroy the banking institutions of the States. They foresaw what would have been the effect of the adoption of the bankrupt law. They also saw, and still see, the effect of the Sub-Treasury scheme. They know that both are equally fatal. They saw the manner in which the Sub-Treasury was urged at the extra session. They saw by the official organ that, after it was defeated in the House, it was again to be forced upon Congress at the present session, and they see clearly now that its adoption at this time will be as fatal to the banks as a bankrupt law would have been before. Its adoption would prevent the resumption of specie payments. Or, if the banks should resume, it would compel them to stop again. Or, if they continued to pay specie, it would be merely a nominal thing, and they could do no business. If this were the proper occasion, I would undertake to demonstrate these propositions to the satisfaction of every rational man. But I did not rise for that purpose. Suffice it to say, that if a deliberate plan had been formed for the total destruction of the banking system of the whole country, it could not have been more skilfully devised. What was the process by which it was to be accomplished?

1st. By inducing the Legislature not to interfere.

2d. By a bankrupt law.

3d. By the Sub-Treasury scheme, which is the only proposition now under consideration. Under it, the banks cannot resume; and if the Legislature grants no farther indulgence, their concerns must be closed up. If they do resume, they will be compelled to stop again, and they will be in the same situation as if they had not attempted it. If they do not stop, it will be because their circulation is all called in, and they continue because they do no business. In this event the stockholders will wind them up, for the reason that they cannot afford to have an investment which produces no income. In either case the result is the same—the destruction of the banks. I have already shown the disastrous consequences to the whole community from such a state of things; and I will add, in the same language which I employed at the last session, "that it would even be better for the country that a tornado or an earthquake should spread its desolation around, than that we should have this scheme inflicted upon us."

Mr. President, these were some of the causes which produced the results of the late elections in New York. There was another. The people saw the treatment which those received who opposed these measures. They saw some of their representatives here pursuing the straight-forward track of principle, and maintaining the ancient and honored creed of the party; they saw them turning neither to the right nor to the left to gratify the ambition of any man, or to court the favor of any faction; they saw them maintaining the same principles which the whole party maintained but a short period before, and refusing to turn about at the word of command; they saw them opposing a measure which the whole party, with General Jackson at their head, opposed in 1834, and which the official organ of the Administration then pronounced "*disorganizing and revolutionary*," and manfully resisting the Executive mandate to swallow the Sub Treasury scheme now, which they all repudiated then; they saw them standing in their places, and, with that moral courage and undaunted firmness which should ever characterize the representatives of a free people, resisting the encroachments of Executive power; they saw them, with an independence worthy of the better days of the Republic, combatting the heresies and interpolations which were attempted to be introduced amongst the ancient canons of their political faith; they saw them endeavoring to revive the drooping energies of the country, to resuscitate its trade and commerce, to stimulate its industry, to invigorate its enterprise, to give hope and animation and life to its benumbed and palsied faculties, and to pour consolation into the wounded and broken spirits of the mercantile community. They saw all this; and they also saw, that *for* all this their representatives were DENOUNCED AND PROSCRIBED by the official organ of the Administration! They saw the despotism which had been introduced by the discipline of party. They saw that neither party men nor the party press dare speak their sentiments on any political subject, until they knew the Executive will. They saw the manner in which the machinery of party was brought into requisition to *manufacture* public opinion, to sustain that will when it was once made known. They saw that there was no independence of thought or of action within the sphere of Executive influence. They saw, in short, established at the seat of Government the most perfect despotism on earth, THE DESPOTISM OF OPINION!

Sir, this system of dictation, of proscription, and denunciation commenced during the second term of General Jackson's administration. He would not tolerate a difference of opinion on any subject in which his feelings were enlisted. I hope it was the infirmity of age. I might instance the distribution bill, the Specie Circular, and the currency bill. In all these measures the great body of his friends in both Houses were opposed to him. Still the official organ did not hesitate to maintain the Executive will, and to denounce the actions and opinions of those who constituted the legislative branch of the Government.

The present Executive, on entering upon the duties of his high station, promised to "follow in the footsteps of his illustrious predecessor." This Sub-Treasury scheme is the darling project of the late President; and, I presume, in pursuance of the above pledge, it has been brought forward for our consideration. To my mind this is its only merit; and no one would be more desirous than myself of gratifying the feelings of that illustrious man, and of smoothing the path of his declining years, by the adoption of his favorite measure, if my judgment did not tell me it would be at the expense of the great and paramount interests of the country. If he himself were here, in the zenith of his power, he perhaps might see his way more clearly. But when his successor attempts to imitate his great strides, he will follow him as Iulus followed Æneas from the flames of Troy, *haud passibus equis*.

Sir, my colleague [Mr. WRIGHT] has spoken of that portion of the friends of the Administration who oppose the Sub-Treasury scheme as a small party, and, with seeming reproach, has kindly extended to them his charity, and more than intimates that they ought to give up their opinions to the majority of their friends. Sir, that small party are maintaining the same principles which the whole party maintained but a short time since; and the difference between them being a matter of principle, cannot be compromised. It is, indeed, a small party, and should on that account have been protected from the apparent sneer of the Senator from New Hampshire, when he said they had assumed the name of "*Conservatives.*" Whether that name has been assumed by them, or has been given to them, I will not stop to inquire. This much, however, I will venture to affirm, that we shall be as well satisfied with that appellation as the gentleman and his friends will be with the name of "*Subservatives*," with which they have been honored, and with how much justice I leave to themselves to determine. Sir, this small party has been, not inappropriately, called "A SPARTAN BAND;" and let me tell those gentlemen who have reproached them with the peculiarity of their position, and the paucity of their numbers, that when they are asked to lay down their arms, they will give the Spartan answer, "Come and take them." Sir, my colleague, from the peculiarity of his own position, should have seen the indelicacy of commenting upon ours. The time has been when he has been left in a smaller minority of political friends than we are now; but I will do him the justice to say that his opinions, on all matters in difference, have always coincided with the Executive; and had the Executive seen fit to recommend the resuscitation of the State bank deposite system, instead of the Sub-Treasury, we should have seen my colleague, with my friend from Virginia and myself by his side, leading on his faithful troops, and instead of the *golden* banner under which he is now fighting against the institutions of the States, he would have raised aloft the stars and stripes of his country, the emblem of those rights, and under that sign he would have conquered; and the man who should have had the rashness to introduce the Sub-Treasury scheme, in opposition to the Executive recommendation, would have found himself with not even a corporal's guard.

Mr. President, the Constitution guaranties the liberty of speech and of the press; but, under the present system of party discipline and Executive intimidation, there is virtually an abrogation of both. The Executive department has become too powerful for the Legislative branch of the Government. The great apprehensions of the framers of the Constitution were from the Legislative power. They little dreamed that in the short space of half a century, short in the lifetime of a nation, the Executive department would become so formidable as to overawe the Legislative branch, and dictate to them the measures which he himself was to execute. Sir, the very theory of the Constitution has been reversed. The Legislature has become the weaker power, and the Executive arm is already strengthened beyond what the fathers of the Constitution deemed consistent with the safety and freedom of the Government. Add to that strength the powers of a Treasury bank, which are contained in this bill, and you have given all that can define a despot.

Mr. President, I have spoken with some feeling on this subject. I have reason so to speak. I have seen the distresses of the country. I have seen the embarrassments of my fellow-citizens. I have seen them imploring this Government to afford that relief which they are entitled to ask, and which they are bound to give. I have seen the Government impairing public confidence in the institutions of the States, withdrawing itself upon its own resources, and leaving the people, unaided and alone, to buffet the storms of adversity which it has aided to bring upon them. I have seen the Executive enter upon a system of experiments, destructive of our dearest interests, and subversive of our brightest hopes. I have seen him persist in those experiments after a decisive negative by the Legislative branch of the Government, and after his wild and visionary schemes have been most signally rebuked through the ballot box. I have seen him turn a deaf ear to all the remonstrances which have been made in every part of the country, and, with a cold and dogged indifference, set at nought all those demonstrations of the popular will. Sir, I aver, in the face of the American people, that there is no cause for the continuance of the distress under which the country now labors. It is in the power of the Administration to remove it by its simple fiat. This war upon the banks has dried up the sources of sustenance to the people, as well as of revenue to the Government. Let the Executive abandon this Sub-Treasury scheme—a scheme unworthy of the age in which we live—let him, in good faith, resolve to revive the State bank system, and forthwith, as fast as the joyous news could travel, hope, and life, and activity, and confidence, would spring up on every side to gladden it on its way. I would say, then, to the people of this country, if I could flatter myself that my voice would reach them, rouse from your lethargy; burst the Lilliputian ties that bind you; walk forth in the dignity of freemen; and teach your public servants that you will not silently submit to have your credit destroyed, your prosperity sacrificed, and your wives and children deprived of their bread, to minister to the partisan ambition or unholy caprice of any man or set of men, whom your misplaced confidence may have elevated to stations beyond their deserts. And let me tell you, sir, if the voice which New York has already uttered be disregarded, and these destructive measures be persisted in, I warn you to beware of the IDES OF NOVEMBER; for her voice will then be heard from the Atlantic to the Lakes, louder than the mighty cataract which thunders on her Western border.

SPEECH OF MR. ROBBINS,
OF RHODE ISLAND,

In Senate, March 14, 1838—On the Sub-Treasury bill.

The Senate having resumed the consideration of the bill, (the question being on Mr. RIVES's substitute)—

Mr. ROBBINS addressed the Senate as follows:

In the fall of the Roman empire—in the most corrupt age of that fall—a subtle and fatal poison was devised and compounded, that, without destroying life, destroyed the constitution, wasted by slow degrees all the sources of health, of vigor, of animation, in the victim; reduced his manly form to a mere skeleton of skin and bones, and made the yet living man to resemble the spectre of the dead. Just such a poison to this country, as it appears to me, has been devised and compounded in this Sub-Treasury bill; and that, if forced down, and kept down, it will work a change no less frightful and hideous in her condition and aspect. For I think it must destroy a very great proportion of all the regular business of this country, such as it has hitherto, till of late, existed; as much, I think, as nine parts in ten of that business. That it will involve millions and millions of your fellow-citizens in all the calamities of that destruction; that it will fill your country, from one end of it to the other, with the mouldering monuments of that extensive ruin—monuments of our once great, but then departed prosperity. That it will disable the country entirely, and for ever, from developing her physical resources; will lock up that great storehouse of the elements of national wealth and power—elements bestowed upon us by a kind Providence, and bestowed in a bounty, and with a profusion, without a parallel in any other country, hardly in all other countries put together; resources which, if fully developed, would sustain in happiness and splendor a population of two hundred millions. But a still more calamitous effect of this deleterious policy, I fear, would be, that with the means it would destroy the mind of the country, would make this great people spiritless, helpless, hopeless. Talk of the calamities of foreign war in the comparison! Why, this, to me, is to belittle the subject; it is to compare the greater evil to the less, to the much less. For, though war has its calamities, it has its compensations too; it imparts to a country its own vigor; and that vigor never fails, on the return of peace, soon to obliterate every trace of those calamities. But what hope is left to a country when the mind is gone? It is then prepared for, and exposed to, every other calamity, and especially to that greatest of all

calamities—to foreign domination, or to domestic usurpation. What availed it to Rome—her vast extent of empire—an empire that covered the whole of the then civilized world, and much of the barbarian—when once the *Roman mind* was gone? With what facility *then* the rude barbarian of the north trampled that empire in the dust! At the flash of his sword, her countless millions cowered, and sunk in trembling submission beneath his sway.

Will it be said that all this is but declamatory rant and wild speculation; that, if this policy be a poison, the proof must come from the trial; that beforehand we can have nothing to oppose to it but conjecture and imagination; and that a sufficient offset to this is conjecture and imagination per contra? Is it indeed so? Have we no proof? Recollect a portion of this same poison we have taken, and have been forced to take, and the effects of that leave no room to doubt what will be the effects of the whole compound and prescription. I mean that portion of the bill which consists in the exaction of the public dues in specie. We are now undergoing that experiment, and have been since May last—the *experimentum crucis*. Attend now only to one result of that experiment, and to its necessary consequences, which I will endeavor to lay before you, and then doubt if you can whether this policy will be a poison to this country—a most deadly poison.

Why is specie now an article of merchandise, and banished from circulation as a currency? as you all know it is, and has been since May last. It is because Government has exacted its dues in specie, and thereby has kept specie at a premium in the market. What other cause can there be? Specie is not now wanted for exportation, for foreign exchange is below par. Instead of exporting, we now import specie. It is not wanted for internal exchanges; for none of these exchanges are effected in specie. There is no such thing as a draft from one part of the country upon another part of the country, payable in specie. Nor could such a draft be obtained at any known rate of exchange. Every draft or inland bill of exchange is purchased with paper and paid in paper, and in nothing else. It is not because the banks have suspended specie payments; for, notwithstanding that, their credit has remained good, and their paper constitutes the currency of the country, the sole currency. What cause, then, other than this exaction of the public dues in specie can be assigned for this extraordinary fact, that specie has become an article of merchandise, and has ceased to be a currency? I know of none.

When Government, to relieve this demand for specie, thus created by itself, authorized the issue of ten millions of Treasury notes, made receivable in the payment of the public dues, and, besides, had given further time for the payment for so large an amount of those dues, the premium on specie immediately fell in the market, in proportion as the demand had thus been relieved. If that leaves any, doubt as to the cause of the premium on specie, suppose this case: suppose the Government now, to-day, were to say to all their debtors, "we will henceforth receive our dues, as the private citizen receives his dues, and is content to receive them, namely, in the paper of solvent banks," would specie remain at a premium another day? Why should it? How could it? There would be no longer any special demand for specie; and without a special demand specie could not be at a premium in the market.

This exaction of public dues in specie, if this bill is adopted is to be the standing policy of the Government for all future time; and its steady and continued effect must be, as it has been, to keep specie at a premium in the market, and thereby to banish it from circulation as a currency; that is, so long as paper is in circulation as a currency. This must be so in the nature of things. There cannot be, at the same time, in the same place, two currencies of different values. For the more valuable will cease to be a currency, and become an article of merchandise; and the less valuable will become the exclusive currency. The demonstration is before us presented in our daily experience. I say so long as paper is in circulation as a currency.

But this policy, by producing this effect, will produce another effect as its necessary consequence, which must, in the end, destroy that paper currency, make a final end of it, drive every dollar of it out of circulation, and out of existence. When this work is accomplished, then, to be sure, specie will cease to be at a premium in the market, will then return to circulation as a currency, and will be the only currency. Then will come the times so devoutly prayed for by the hard money party—the reign of their constitutional currency. But here let me advise that party to indulge all their transports now, and in anticipation of that happy reign, lest, when those times *do* come, they should witness scenes very little calculated to enkindle those transports. I feel myself the better authorized to give this caution, as I am old enough to have witnessed such times. Of such times I will only say, at present, that I have no desire to see them renewed. And I beg to assure those hard money gentry, that those times are very far from inspiring transports into any who did witness them; but, on the contrary, that the sufferings of the country were then such as to bring some degree of discredit upon the Revolution itself; and that such then was the general distress, that freedom itself began to lose its value. It was not an unusual quere then with the People, whether the Revolution had, on the whole, proved a blessing to the country.

How will this policy, by keeping specie at a premium in the market, as it must, destroy the paper currency? Why, by making it impossible for the banks to resume and to continue specie payments, and to continue to do further business as banks of discount. Yes, impossible. I know the banks are anxious to resume—think they can resume, and can maintain themselves in the teeth of this policy. But they are mistaken, the thing is impossible. For I ask whether any bank can get on as a bank who cannot keep their bills in circulation for a day? And I ask who would keep their bills on hand for a day, when he could return them to the bank, take the specie, go into the market with that, and make a profit to himself? If a bank cannot keep its bills in circulation for a day, can that bank do any further business as a bank of discount? Why every further discount would, in effect, be a loan in specie. In that situation no bank can make a discount. What then is the condition of all the banks in the country, and in what dilemma do they stand? If they resume specie payments, they have to meet all their bills at once; to go on redeeming so long as they have specie to redeem with; and to suspend all further discounts. And this would make an end of them. On the other hand, if they do not resume specie payments, they forfeit their charters; and this forfeiture must, in the end, be enforced against them. For no State would tolerate, as a settled thing, a bank to issue irredeemable paper, or redeemable only at the will of the bank. And this would make an end of them. This policy, then, if adopted and fastened upon the country, will be a death warrant to all the banks in the country. When all the banks of the country are thus destroyed, of course there will no longer be any paper currency. Then will be accomplished the end intended by this policy—the end not avowed indeed, but hardly disguised; but whether intended or not, that end will be accomplished: namely, the destruction of all the paper currency of the country. How will this affect the business of the country? Why, all that portion of the business which has been created and sustained by the banking system will fall with the system; as all that portion of the medium of exchange, created by that system, will then be abstracted from the business of the country and gone. For the business of every country will adjust itself, and proportion itself, to the medium of exchange, of the standard commercial value, which it possesses, and may command in business. It is so in theory, it is found to be so in fact. Go to what country you will, and you find its business corresponding in amount to its amount of such a medium.

Now, what proportion of the business of the country has been created and sustained by the banking system? I have stated, and I think not less than nine parts in ten.

In order to throw a discredit upon the banking system, the honorable gentleman from South Carolina, [Mr. CALHOUN,] and the honorable gentleman from Connecticut, near me, [Mr. NILES,] have both told us of the enormous disproportion between the circulating credits of the banks, and the specie in their vaults; the one a little less than five hundred millions; and the specie not one-tenth of that amount. In this view of the subject, and with their view, the honorable gentlemen have not done justice to their own argument. For they might have added the immense amount of bank credits which never appear in circulation, which appear only on the books of the bank; but which make a part of bank credits, and as much so as their bills in circulation. I mean the transfer of credits on the books of the bank, founded on deposites, and these made up of discounts. In all our great commercial cities these transfers probably exceed in amount the amount of bills in circulation there. While arraying before us, and arraigning the sins of the banking system, (which seems to consist in extending the business of the country,) these honorable gentlemen might have put another criminal charge into their bill of indictment. It is this: That part of the business of the country which is to be placed to the credit of the specie portion of the currency is more than doubled by means of the banks. For, without banks, a great part of the specie of the country would be dead stock lying idle in private coffers; and that portion of it in the hands of business men would be idle much of the time; for it must be accumulated beforehand, and kept on hand to meet engagements. But with banks all the specie of the country is kept in activity, constant activity. When these honorable gentlemen revise and republish their criminal calendar against the banks, I hope they will not omit then to place these two offences in the criminal list. Let them put all the bank crimes together—their bills in circulation beyond their specie—their transfer credits which are not in circulation—the augmented activity and operation given by them to specie, and I have no doubt they will prove banks guilty of having created and sustained at least nine parts in ten of the whole business of the country. Their task, I admit, would have been still easier to make manifest this enormous guilt of the banking system, if we still had a National Bank existing. For then they might add to the criminal account all that business which had been destroyed by destroying that bank. Be it remembered, that bank had been a great offender in this same criminal business of extending the business of the country; much greater than the local banks were or could be. For that bank had not only given to the country a national currency everywhere of the same uniform value and that value of the specie standard, but had thereby created a collateral currency of ten times the amount of its bills. For it had converted every inland bill of exchange into currency, as much so as their bank bills; and this collateral currency had grown up to the enormous amount of six hundred millions annually. But by destroying that bank you, at one stroke, destroyed the whole system of inland exchanges.

This I look upon as the primary and great cause of all our commercial difficulties and embarrassments. I know that there were other causes in other acts of the Government; but these were but subordinate causes, such as the removal of the deposites, the instructions given to the deposite banks as to the deposites, the specie circular, and the indiscreet mode of transferring the surplus to the States; but the great mother cause was the entire destruction of the whole system of inland exchanges.

I shall not now dwell further upon the idea of the expansion of currency by means of inland bills of exchange, as suggested, as I have been anticipated in this idea by the honorable gentleman from Massachusetts, [Mr. WEBSTER,] in his splendid effort on yesterday; and knowing as I do that all I could say on that topic would but weaken the effect of what has been better said by him.

To return, then, to the point I was upon: will it be said that where nine parts in ten of the circulating medium is abstracted from the business of the country, specie will flow in to fill up that mighty void, and to sustain that business? Alas! the specie of the country, instead of being augmented by that event, will be diminished by it greatly diminished; for doubtless we owe much of the specie now in the country to that very business which has been created and sustained by the banks. Though specie is said to be a fluid that will keep its level in the commercial world, (by which is meant its relative commercial value,) yet, though in this sense it is every where at the same level, it is not every where at the same depth. That depth depends upon and is measured by the amount of business of any given country. That amount is the true gauge of that depth. Why is the specie of England so great in comparison with the specie of other commercial countries? Only because her business is great in comparison with theirs in the same proportion.

The country, then, is to be deprived of nine parts in ten of her circulating medium. She is to content herself as she may with the remaining tenth part; that part is to diminish, we know not how much, but greatly to diminish; and our business is to fall off in the same proportion, and to dwarf itself down to that diminutive scale.

If there be a man who could contemplate the consequences of such a tremendous crash in the business of the country, and feel no remorse at being the author of them, or in any degree the author, I will only say that should another Shakspeare arise, he would have no occasion to go to Italy for another Shylock, nor for a thousand Shylocks concentrated in one. For what would he see? He would see his country reduced, and by his means, to one wide waste of ruin, one universal scene of desolation; and the more shocking to every other eye, as it would be filled, as I have said, from one end of it to the other, with the mouldering monuments of her once great but then departed prosperity. In all our great commercial cities, a death-like silence reigning in all their streets, unthronged, untrodden even, except by the casual and solitary passenger; their houses untenanted, unrepaired, and crumbling to decay; all our manufacturing villages unpeopled, unvoiced—heaps of ruin, and scenes of desolation; our agriculture without a market, her crops a drug, and perishing on hand; our commercial marine, instead of spreading the sail in every sea, rotting at our wharves; all our works of internal improvement, begun but not finished, abandoned to decay; and all our finished works unoccupied, unprofitable, and a dead stock to the proprietors. What shall I say of the poor, the laboring classes, making in the aggregate, with their families, so many millions of our fifteen, unhoused, unfed, unclad, exposed to bide the pelings of this pitiless storm, sent upon them by their own Government! And here let me add that the Government itself will not be exempt from the consequences of the calamities of which it will have been the author; the Government will be without money and without credit. Then that Eagle, once fabled to have borne in his talons the thunderbolts of Jove, but certainly born with a wing to rise from the earth, and soar to the Heavens, and to survey the world beneath his noble flight, will no longer be the proud but just emblem of our country; no longer, then, poised on his outstretched wings, should he be seen above the stars in the flag of the Union; no; let him then be expunged (we shall have learned the process) from the star-spangled banner; and let the meanest in the troop of the barn-door fowl, or the lowest of creeping things, occupy his place, as the fittest emblem to represent the humility of our condition, and to tell the world of our fallen pride and abdicated pretensions.

But, if these things must be so, if you will have them to be so, why, let them be so. But I pray you to consider how, in the mean while, you are fulfilling the high behest of the Constitution—which is to promote the general welfare of the country by the enlightened exercise of your delegated powers; and to look, for a moment, at the wide waste of the future, as well as present happiness of the country, you are committing by this suicidal policy.

I have said that this policy would disable the country, entirely and forever, from developing her physical resources. No proof of this now is necessary; all must see that the state of things described, and which must exist under this policy, would make the thing impossible—would make the attempt even impossible. Taking this to be so, let us look for a moment at the magnitude of the object thus to be attained. It is difficult to give any just idea of this magnitude; because some, perhaps many, of their resources are yet to be discovered as well as developed; but especially because of the boundless extent in which they severally exist.

Consider the immensity of the resource existing in the manual labor of this great people, if that resource was fully called forth, as it might be, by a proper policy. A people multiplying with such rapidity; doubling in twenty-five years; increasing in geometrical ratio; with room and means for that rapidity of increase for ages and ages to come. A people, too, distinguished, above all others, for inventive ingenuity; for hardy adventure; and for indomitable perseverance. A people, before whom all difficulties vanish—because, to them, they do not seem to be difficulties—such is their boundless confidence in their own powers of achievement. But this active and enterprising people, whose spirit alone, if properly fostered, would make the fortune of any country, is to be forced down, and kept down, to a state of inaction by their own Government; and to have all their faculties benumbed, to fit them for this torpid state, by its stupid and stupifying policy.

Again, consider the immensity of our resource in agriculture, if that resource was to be fully developed. Why, the imagination sinks under every effort to conceive its magnitude, or to make any approach to its comprehension. Now, this resource can never be fully developed, but by adequate markets; and these to be created by ourselves; which this policy will forever render impossible.

Of our mineral riches, below the surface and buried in the earth, we know, as yet, comparatively but little; but we know enough, to know that this, like all our other resources, will be found to exist in measureless extent. One character of infinitude belongs to them all.

The resource, too, in mechanical power in our streams and in our coal regions, who would undertake to calculate and define its extent? The power of numbers would fail him; and all other powers; some new calculus must be invented and applied to solve the problem.

But, above all, and to crown all these, is our resource in works of internal improvement, which are to give value to all our resources; indeed, without them, the comparative value of all our other resources would be as nothing contrasted to the value which this would give them. These improvements are to give concentration to all these resources, and to bring them all to bear, with all their united influence, upon the growth of every part of the country.

This sketch, imperfect as it is, will give us some idea of the magnitude, or rather of the infinitude, of our physical resources, the development of which is to be forever abandoned under this policy. Look at England, and see what she has done for herself, simply by developing her physical resources. What one of these resources has she left undeveloped to the utmost? What in the industry and ingenuity of her people? What in her agriculture? What in her mineral riches? What in her means of mechanical power? And, above all, what in her internal improvements? Not one. And what thereby has she done for herself, I ask again?

She has thereby placed herself in the front rank of nations for wealth and power, and made herself the first in that rank. She has thereby accumulated a capital that is a prodigy upon the earth, a capital that not only fills up every channel in every department of her own industry, but which overflows and spreads itself to the extreme verge of the habitable globe. There is not a civilized country on the earth whose industry and enterprise are not invigorated more or less by that capital. And what are the physical resources of England compared to ours? Why, not a tithe, I might say not one per cent.

Oh! the heart sickens when it contemplates and contrasts what this country might be, under the full development of these resources, with what it must be under the total abandonment of that work, to which it is to be compelled by this policy; and it sickens the more, if he reflects that we were, and not long since,

on the high road to that full development—that the pathway to it was then direct before us—that we were making rapid advances in that pathway, and that our final and complete success was certain. The rivers do not find their way with more certainty nor more rapidly to the ocean, than that course of policy was carrying the country on to that final and complete success; and when he reflects, too, that we have only to return to the same course of policy still to reach that glorious destination.

But there is a lion in the path. A phantom is conjured up to fill the people with imaginary terrors, and to frighten them from a return to that path. They are told that the money power wielded by the banks is dangerous to the liberties of the country, as if that money power could have any possible interest in arraying itself against those liberties. Why the prosperity of the country is the very element in which the banks *live and breathe and move and have their being;* of which prosperity they are at once both the effect and the cause. Destroy that prosperity, and you destroy them: They to array themselves against those liberties, when those liberties are intimately blended with that prosperity, and essential to it! Destroy those liberties, and you destroy that prosperity. But if the banks were foolish enough and wicked enough to attempt this now, could they act in combination to this end? Banks have nothing of the *esprit du corps*, nor is it in the nature of things that they should have. They are made up of individuals scattered far and wide, mostly unknown to each other, and who have no meetings together, for the annual meetings for the choice of directors are never attended but by a few. Besides, the members are made up of all parties, and are changing constantly; the members to-day not being the members to-morrow. A bank is a mere money-making concern, and looks only to that business. It is true that when their existence is attacked, they act upon the common principle of human nature, in self-defence, and stand upon their chartered rights In no case (and here I defy contradiction) has any bank corporation in this country ever been known to move with a concerted action to any political object whatever. I speak not of the individual members; I speak of the corporate body moving as a corporate body. The truth is, they have less of the *esprit du corps* than any other corporations whatever. Even religious corporations have far more of that spirit.

The money power wielded by the banks dangerous to the liberties of the country! I marvel that the State Legislatures have never had the sagacity to perceive this danger. They have now been in the practice of creating these corporations, the old States for forty years, and the new States ever since they have been States, and are still in the practice. This proves, as it seems to me, either that the danger is so small as to be invisible to them, or that they are indifferent to those liberties. If the danger is too small to be visible, it seems to me it is too small to be talked about; and if these State Legislatures are really indifferent to those liberties, why, the danger comes from them, and the war should be made against them. Then we should fight the danger at the fountain head, and in its headquarters.

I know that there is a little band of Loco Focos in each of the several States, (who, by-the-by, I would not speak disrespectfully of them now, since the President has seen fit to put himself at their head, and to make himself their chief,) a little band, I say, who are frightened, or affect to be, at this danger; who are raising a terrible outcry against banks on this account; and who are incessantly warning their Legislatures of this danger. But strange to tell, and lamentable as strange, these Legislatures seem to pay as little heed to their warning voices as they would to the barkings of so many; I will not say what. And there is reason to fear that the outcry here about this danger, even in the Senate chamber of the United States, will be as little heeded by them, and that they will still go on creating these corporations. I think I have seen it stated in the papers that Mississippi, this Loco Foco cry of danger to the contrary notwithstanding, is now engaged in the horrid act of creating a bank with a capital of some ten millions.

There is, too, another lion in the path, another phantom. The banks, it is said, are dangerous to the stability of property, by their power at will to elevate or depress its standard of value; to elevate by their expansions, and to depress by their contractions. If they had this power, (for which there is not a shadow of a pretext,) what possible interest can they have in causing these elevations and depressions? They deal only in money; not at all in property. The interest on their discounts is all they can make; that interest is fixed by law; that interest they cannot enlarge without forfeiting their charters. So, if they had this power, they could gain nothing by its exercise.

Besides, these expansions depend not upon the will of the bank, but upon the community where they exist. They can make no discounts, if no discounts are demanded, nor beyond the demand; and that demand will be governed by the exigencies of business at the time. As for contractions, they have this power, and they must have it for their own safety. No bank would be safe for a day without this power. But there is no danger of the abuse of that power; for every contraction is so far a direct loss to the bank itself.

Besides, farther, this imaginary power supposes a condition which it is impossible should ever exist. It supposes that the eight hundred banks of the country (if there be so many) will all by concert expand on the same day, and all by concert contract on the same day: and further, as to expansions, that all the business men of the country, in concert with the banks, will simultaneously make a demand for discounts on that day. Of all the preposterous ideas that ever entered into the head of a man, the idea of such a concert and combination appears to me the most preposterous.

As to the idea that a National Bank would be still more dangerous in both these respects, that is, if possible, a still more preposterous idea; for it supposes that a bank which we have under our absolute control, and our constant inspection, would be more dangerous than the eight hundred banks of the States, with ten times the capital, over which we have no control, into whose affairs we have no right of inspection.

As to expansions and contractions with regard to every bank, these do and must take place. They are the necessary consequence of their connection with the business of the country, and the ebbs and flows in that business; but these are compensated, and a thousand times compensated, by the benefits of that business to the country.

These two phantoms, namely, the danger of banks to the liberties of the country, and the danger of banks to the stability of property, I hope have had their day, and will soon vanish. The dawn seems to be breaking upon the country, when these phantoms, like all unreal beings, who mock the benighted vision of men, will disappear. For in every quarter we hear an outcry against this barbarous and chimerical attempt to carry the country back to a metallic currency, as the only medium of exchange. Every where we see the people taking their stand on the side of that capital which the banks with their credits alone can give to the business of the country. Every where their complaints are reproaching the Government for the want of that national currency, by which alone the exchanges on which the whole business of the country depends, can be put on a convenient and prosperous footing.

These are the harbingers of that dawn to which I have alluded. But though we have the dawn, we have yet to wait for the day; that is, we have yet to wait the time when the people can interpose and act for their own relief. Yes, the people are yet to suffer; and to suffer yet more severely. That great pause in the whole business of the country, which has now endured so many months, is yet to endure for months to come; and that general distress, which is the consequence of that pause, and which has deepened from month to month, is yet to deepen and to deepen still further upon the people. For I take it be a settled thing that this Administration is not to concede to the people any of those measures, which they consider and demand as measures of relief; and that the hand which has afflicted is not to be the hand which is to relieve the country.

SPEECH OF MR. BAYARD,
OF DELAWARE.

In Senate, March 9 and 10, 1838.—On the Sub-Treasury Bill.

The Senate having resumed the consideration of the bill (the question being on Mr. RIVES's substitute,)—

Mr. BAYARD addressed the Senate as follows:

MR PRESIDENT: I have listened attentively to the debate on this subject, in its different stages, from the grave and elaborate opening of the Senator from New York, [Mr. WRIGHT,] to the florid harangue of the Senator from Ohio, [MR. ALLEN,] and again to the ornate speech of my classical friend from North Carolina, [Mr. STRANGE,] and I have felt the truth of the saying of the great dramatist—

"There is no vice so simple but assumes
Some mark of virtue on its outward parts."

We have been appealed to in the most spirit-stirring strains to rescue the Government from its helpless dependence on the banking system of the country; and have been told that the measure is intended merely to provide for its proper independence, by enabling it to keep and disburse its own revenues. That is all! says the Senator from New York, [Mr. WRIGHT.] That is all! echoes the Senator from Connecticut, [Mr. NILES.] And we have had it repeated, with every variety of inflection, in every note of the gamut. But, sir, I beg leave to say that is not all! No act of legislation can be an insulated measure; it has its antecedents and its consequents: it cannot, like the fabled coffin of Mahomet, be suspended between earth and heaven, having no connection with either; it forms part of the web of human events and actions, and must have its influence upon them.

The present measure is objectionable, both for its acts and omissions. The Senator from New York [Mr. WRIGHT] says it is very simple! No, doubt, sir, considered with reference to itself alone; but time, place, and circumstance, enter into the propriety of human action and the fitness of things. That the Government should possess the means of keeping safely its revenues, and should enjoy every facility for their transfer and disbursement, is a proposition which, as a mere abstraction, no one will deny. But the wisdom and propriety of the measure which professes to accomplish those objects must depend on its nature and the circumstances of the times. What, then, sir, are the circumstances which must be regarded in judging of the fitness of this? They are, the condition of society and the constitutional duty of the Government. The practical statesman looks always to the actual condition of society, and is bound to use the delegated powers, whatever they may be, whether few or many, to promote the welfare and happiness of the whole community. What, then, is the condition of society? Commercial confidence impaired, industry paralyzed, the domestic exchanges burdensome from their inequality, and the currency of the country an inconvertible paper! The Government, in common with the rest of the community, feels the inconvenience of this state of things, and seeks to escape from it, to relieve itself, while it leaves society, that is, the people of the country, to suffer all its evils with the most selfish and heartless indifference.

It may be, Mr. President, that this Sub-Treasury is only a Government Bank in disguise; an artful method of uniting the money power with the sword, of swelling inordinately the Executive power and influence; but I am willing to consider it, as it is presented, as a measure of divorce between the Government and the banks, and as if intended merely to enable the former to keep and disburse its revenues by its own immediate officers. But, sir, does the Government owe no duty to the nation, connected with this matter? Was it created merely that it might exist, or are its powers trusts which were confided that they might be employed to promote the general welfare? I hold it to be a fundamental principle that its delegated powers, such as they are, should be used so as to promote to the utmost the happiness and prosperity of the whole community. If one mode of collecting, keeping, and disbursing the revenues of the Government is more conducive to that general prosperity than another, that mode should be adopted. Thus, in exercising the taxing power, which covers every mode of taxation, direct and indirect, the selection of one mode of taxation rather than another, of imposts rather than excises, or of imposts rather than a direct tax on persons or property, must be made in reference to the convenience and welfare of the entire community. So in the mode of keeping and disbursing the revenues of the country. If it can be shown that the general prosperity is better promoted by using the banks as fiscal agents than any other, or than the mode proposed, the Government is bound, notwithstanding there may be temporary and occasional inconvenience in so doing, to adopt that which, in the most comprehensive view, accomplishes the great purpose of its creation—the national welfare. But, sir, independently of this general duty, it owes to the country the specific, constitutional one of establishing a uniform national currency; and, as a branch of that duty, it is bound to supply a sufficient quantity of gold and silver coin for the use of society.

The Senator from New York, [Mr. WRIGHT,] sensible that if this proposition is *sound*, his bill is not only an abandonment of that duty, but hostile to it, took care in the outset, as the President did in his September Message, to deny its truth; and we are called upon to show that clause of the Constitution which gives the power and imposes the duty. It must be recollected that the Constitution is a collection of general principles, expressed in general phrases, and that their import is to be gathered from the context and the subject matter in relation to which they are used. Bearing this in mind, there is no difficulty in showing, from the circumstances under which the Constitution was adopted, from the positive provisions which it contains, from the subject matter of those provisions, and from the authority of its commentators, that such power is given and such duty imposed. One of the highest wants of the social state is a common medium of exchange; some species of property which, having universal value, is exchangeable for all other commodities, and the possession of which will enable every individual to command such of the necessaries of life as his condition requires. That species of property is money. In all ages, and in all countries, its regulation has been regarded as one of the highest and most important functions of sovereign power, and for the simple reason that society cannot exist without it. It is the lifeblood of the moral being, which we call the State. This is no idle metaphor. No, sir; it seems to me that no two subjects can bear a more striking analogy to each other than the blood of the natural and the circulating medium of the moral being. You might as well expect the continuance of health and power in man after drawing off the purple current of life, as the preservation of the welfare or existence of civilized society after the loss of its circulating medium. The rude condition of savage life and its bonds of union might be preserved without it, but the slightest advances in civilization and its necessary result, the division of labor, render its presence indispensable. As civilization advances, its utility becomes intense in the compound ratio of the division of labor and the variety of individual consumption. What would become of the hatter or the saddler if they had nothing to offer in exchange for the necessaries of life, for their bread and their beef, but their hats and saddles? And how still more helpless would be the condition of the man whose industry was employed in furnishing only the stirrup, or in plating the stirrup after it had been produced by the labor of another? Without a common circulating medium civilized society would be a curse rather than a blessing. The savage might find in the chase, or in the spontaneous productions of nature, the means of livelihood; but starvation would be the lot of masses of individuals whose support was to be derived only from a particular branch of labor, unless the products of that labor could be exchanged for some common species of property, the possession of which would enable them to command the necessaries of life.

Can it be believed that a matter of such vital importance was overlooked by the convention? or that one which concerns the welfare of the whole community should have been left to accident, or the irregular action of the component parts of this great Confederacy? No, sir; the Constitution, in giving to Congress the power to coin money, and regulate its value, did give, and meant to give, the whole and exclusive control over the general currency, as a matter of the highest national concernment. This might be supposed from the slightest consideration of the circumstances of the times, which were those of the greatest embarrassment in money matters, owing to the existence of an inconvertible paper currency issued by the old Congress and by the several States; and is apparent from the provisions of the Constitution, which, while it gives to Congress the power "to coin money," denies that power to the States, as well as the power "to emit bills of credit;" and yet provides that nothing "but gold and silver coin shall be a tender in payment of debts." It is manifest that the convention had in mind the subject of currency which is one of general interest and of absolute necessity; and if the States could neither supply coin or paper to serve that purpose, without which society could not exist, it is a necessary consequence that, in giving the power to Congress "to coin money," with the other provisions connected with that subject, it was designed to impose upon it the duty of providing a national currency. That such was the object of those provisions, is established by the authority of the illustrious statesman who had the largest share in framing that instrument, as well as in afterwards explaining its meaning, and recommending its adoption to the American people. Mr. Madison, in treating upon that portion of the Constitution, in the 44th number of the Federalist, thus expresses himself:

"The extension of the prohibition to bills of credit must give pleasure to every citizen in proportion to his love of justice, and his knowledge of the true springs of public prosperity. The loss which America has sustained, since the peace, from the *pestilent effects of paper money* on the necessary confidence between man and man; on the necessary confidence in the public councils; on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the States, chargeable with this unadvised measure, which must long remain unsatisfied; or rather *an accumulation of guilt*, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that *the same reasons* which show the necessity of *denying* to the States the power of *regulating the coin*, prove with *equal force* that they ought not to be at liberty to substitute a *paper medium* in the *place of coin*. Had every State a right to regulate the value of its coin, there might be as many *different currencies* as States; and thus the intercourse among them would be impeded; retrospective alterations in its value might be made, and thus the citizens of other States be injured, and animosities kindled among the States themselves. The subjects of foreign powers might suffer from the same cause, and hence the Union be discredited and embroiled by the indiscretion of a single member. No one of these mischiefs is *less incident* to a power in the States to *emit paper money* than to *coin gold or silver*. The power to make any thing but *gold and silver a tender* in payment of debts is withdrawn from the States on the same principle with that of issuing a paper currency."

We have here the contemporary exposition of one of the ablest expounders of the Constitution as to the object of those provisions; and no one who reads the passage can doubt that it was the intention of the framers of that instrument to give to Congress the exclusive power over the general currency of the country.

More than twenty-seven years afterwards, we have the authority of the same statesman, then at the head of the Federal Executive, who, in his annual message in December, 1815, expresses himself to this effect:

"It is true that the improved condition of the public revenue

will not only afford the means of maintaining the faith of the Government with its creditors inviolate, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances that the benefits of *a uniform currency* should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil; but until they can again be rendered the general medium of exchange, it *devolves on the wisdom of Congress to provide a substitute*, which shall equally engage the confidence, *and accommodate the wants of the citizens throughout the Union.*"

I must say, then, Mr. President, that to my mind nothing can be clearer than that the Constitution, in giving the power to Congress "to coin money," with the cognate provisions, designed by that form of expression to confer upon it the absolute control over the monetary system of the country.

I admit, sir, that gold and silver coin is the legal and constitutional currency; or, in other words, was designed by the framers of that instrument to be the standard of value. But it by no means follows that it is absolutely necessary that the entire currency should consist of gold and silver. On the contrary, provided the main object can be obtained of preserving a sufficient supply of coin for the uses of society; if the general prosperity can be best promoted by having an admixture of convertible paper, the Government is bound to use its constitutional power over the subject in such manner as best to promote that prosperity, by suffering the use of paper. The entire currency may be regarded as consisting of two branches: first, the commercial currency, and secondly, the currency of common use. The first would naturally consist of bills of exchange and promissory notes, the latter of coin and bank notes; but they run into each other, and, under our system of banking, the commercial currency is in a great measure supplied by the banks. As to the currency of common use, there can be no doubt that it should consist in great measure of coin, for by that the great mass of the common contracts, consisting of the wages of labor and the purchase of the necessaries of life, is to be discharged.

The question as to the sufficiency of the supply of coin to preserve the currency in a wholesome condition is one of experience. Whether the ratio of the mixture of coin and paper shall be a fourth, a third, or a half, in order to maintain its constitutional character, can be settled only by practical observation; but whatever that ratio may be, inasmuch as the use of coin as currency is a heavy expense to the nation in the loss of interest, it results, as a necessary consequence, from the fiduciary character of the powers of this Government, that Congress is bound to exercise a sound discretion in its action on the monetary system, and is not compelled, because it has the power, to "provide an exclusive metallic currency for the country; or, in other words, sir, the powers of Government are not like mechanical powers which blindly continue to act until arrested, but, on the contrary, suppose intelligence and judgment in their execution, which are to keep constantly in view the great end and purpose for which they are bestowed—the prosperity and welfare of the whole community.

Now, sir, let me ask, what is the present condition of the currency? The Secretary of the Treasury, in his last report on the finances, exhibits, in one of his tabular statements, the amount of bank notes in circulation as being $99,561,000. The currency, then, is composed of these $99,561,000 of inconvertible paper of every denomination, from one dollar to a thousand, with some millions in notes of individuals and corporate bodies for fractional parts of the dollar, and without a dollar or a dime of coin as its component part, whilst coin itself itself is at a premium of from 3 to 5 per cent.

What is the duty of the Government under these circumstances? Why, sir, clearly to restore specie payments by its proper action on the subject, and for the same that it is to coin money; because the Constitution has imposed on Congress the duty of controlling the monetary system, and providing a sufficient supply of coin for the uses of society. Let me, then, ask whether this measure has any the slightest tendency to perform this duty? So far from it, its tendency is to postpone and defeat that measure. The condition of the banks, as appears from the Secretary's report, is this: their immediate liabilities on account of circulation and deposites are $211,521,236, while their immediate means are $32,145,242, little more than one of the latter for seven of the former. How, then, is it possible for these banks to resume and continue specie payments without confidence on the part of the community? While specie is at a premium and confidence impaired, they could not maintain their ground for forty-eight hours. And yet the Government is holding up these institutions in the most odious light to the People, as fraudulent bankrupts, and declares, by this measure, its determination to trust them no further. Is this a wise and judicious exercise of the powers of this Government? Is this seeking, in the administration of its powers, the prosperity and welfare of the community?

But, sir, this Sub-Treasury scheme is not only a dereliction of the duty of the Government in the existing circumstances of the currency, but is in truth an abandonment of its control over the circulating medium altogether. The whole banking system of the country, as at present conducted, is vicious. The banks have usurped that control over the currency which the Constitution designed Congress alone should exercise. They have usurped it, because it is a law of currency that paper expels coin; or, to state the proposition more broadly, that, in every description of currency, the least valuable supplants that which is more so.

The practical effect of this principle upon the currency of our country is seen in the following facts: in his annual report on the finances, made in December, 1836, the Secretary states the whole amount of coin in the country, in the month of October, 1833, to have been about $50,000,000, of which he supposes $26,000,000 were in the vaults of the banks as the bases of their issues, and $4,000,000 in active circulation. At that time, as appears from a document laid on our tables at this session, the Mint had coined in amount, of various denominations, $18,758,560. So that at least $18,000,000 of our own coined money had been not only excluded from circulation, but driven from the country, or, to speak more properly, exported as superfluous, owing to the use of paper money. I am not to be understood as expressing any opinion on this result, but as stating a fact in illustration of a principle which I shall presently have occasion to use in relation to the subject under discussion. In order to comprehend its bearing and force, it is necessary to ascertain, with such precision as the subject is susceptible of, the condition of the currency before the suspension of specie payments. I take the condition of the currency stated by the Secretary to have existed on the first of December, 1836, namely, $120,000,000 of paper and $28,600,000 of coin. This he thinks was redundant in its paper part, which should not have exceeded $80,000,000, making the entire currency $108,000,000, instead of $148,000,000. Upon that point it is not necessary to express any opinion, nor is it material which amount is assumed to be the entire currency. The sufficiency of coin in circulation will depend, first, on the ordinary, and, secondly, on the extraordinary demand for it. It is manifest that while confidence prevails, the sum of $28,000,000 is more than enough to meet the ordinary demand, since that demand was in truth satisfied, and the convertible character of bank notes preserved, in 1833, with one-fourth of that sum; but experience has shown that $28,000,000 are not sufficient to meet the extraordinary demand which may arise out of an unfavorable balance of trade; and that, to place the currency on a sound footing, there must be a larger admixture of coin in the circulating medium. But, sir, how is this to be brought about? Certainly, not by merely demanding the Government dues in coin, since the President expressly tells us that $10,000,000 will be sufficient to keep up the operations of the scheme. And no doubt this is true, as the stream of receipts and payments is never stagnant, but flowing in and out of these reservoirs. It is manifest that this measure of the Government can have no teadency to increase the amount of coin, and better the condition of the currency as it existed prior to the suspension of specie payments, as I have already stated that amount to have been $28,000,000, which is greatly more than sufficient to meet the ordinary demand, which would not in truth require beyond 8 or $10,000,000, leaving the balance of $18,000,000, to answer this demand of the Government. How, then, is the quantity of coin in circulation to be increased? It can only be done by suppressing the small bank notes which expel it. This scheme, then, instead of asserting the constitutional control of Congress over the currency, is in truth an abandonment of the whole subject to the banks, leaving it in their power, by substituting their notes for coin, to expel all but what may be absolutely necessary to carry on the operations of the Government. The result of the measure, then, is, that Congress, at the same time that it is neglecting one of its most important functions, is in effect providing the better currency for the Government, and leaving the worse for the people. If it be the duty of this Government to provide a sound and uniform national circulating medium, which shall consist of coin or its equivalent, then I hold it to be most clear that, in the present action of those who administer the Government, there is a most manifest and palpable abandonment of that duty. There are two modes in which the evil might be cured: the one is, by means of a Bank of the United States; the other, by a resort to the taxing power, that is, by imposing a stamp duty of such amount on small notes as effectually to suppress them. It is not now necessary, for the purpose of my argument, to consider what denomination of notes should be suppressed, in order to secure the requisite supply of coin in circulation; it is sufficient that such supply does not exist, and that it can only be commanded by the suppression of small notes.

The substitute proposed by the Senator from Virginia [Mr. RIVES] is no favorite of mine, for it, also, is open to the objection that it does not exercise that legitimate control over the currency which it belongs to this Government to exercise; nor has it any tendency to correct the radical defect of our monetary system; since it is manifest that twenty-five banks, of small capital, cannot check eight hundred in their issues of small notes. It is better, however, than the Sub-Treasury scheme: first, because it will facilitate the return to specie payments, by creating confidence in the banks; secondly, because it is a mode of keeping the revenue which is most beneficial to the community; and, thirdly, it is safer, as respects the preservation of the funds of the Government, against the malversations and peculations of its officers.

The two first points are too clear to require any thing to be said with regard to them. As to the last, it may be observed that, so far as the security of official bonds is concerned, there can be no comparison between the security resulting from the liability of the whole capital of the bank for the fidelity of its trust, and the fluctuating solvency of private individuals. But there is one important objection on this score, that it places the whole treasure of the nation at once in the hands of the Executive and his agents, in certain contingencies, without the slightest guard or check. The Senator from Kentucky has already asked, what becomes of the custody of the funds upon the death of a receiver general: are they not at the mercy of his widow, his children, his friends, his personal representatives; in fine, of any person who may get possession of his keys, without the slightest security growing out of his official bond? But, I now ask, what security is there against the tortuous act of the Executive when he may please to exercise the power of removal from office? Supposing the sum of ten millions of dollars to be collected in gold and silver coin at any one of these places of deposite, and the President desires to get possession of the fund, he has nothing to do but to remove the receiver from office, and the whole is placed at once at his disposal, without the slightest official responsibility upon the part of the subordinate officer. The result of a removal from office is very different when the funds are deposited in a bank, to the credit of the officer, from whence they cannot be drawn but by that officer, or his lawful successor, whose official responsibility attaches to all his acts. The President is thus in a condition to accomplish his purpose at less cost than the Roman dictator, who could obtain access to the Roman treasury only by threatening its guardian with death.

Much has been said about the liability of the banks to a recurrence of the recent disaster of a suspension of specie payments, and we have been told that the arm of Government was struck down in a single night; while our commiseration has been invoked for its helpless condition, and our indignation roused against its wanton aggressors. In reply to this rhetorical exaggeration, I have only to say, that, notwithstanding the suspension, the Government has found means to meet all its engagements, has been conducting a most expensive war in the extremity of the Union, and that the Secretary of the Southern his last annual report, takes credit for the extent Treasury, in of the operations of his department. It may be and magnitude of the probability of such an occurrence further remarked, that ened by the proper action of this in future may be much less ase of the precious metals in Government in causing an increa sion of small notes; and the circulating medium by the suppres nce or loss sustain that, even if it does occur, the slight inconve of the temporary depreciation of bank notes, in order to meet such claims as require it, is, after all, a charge upon the public Treasury, which is of little moment, in comparison with the public benefits conferred, and the actual saving to the Government in the ordinary and sound condition of the currency, by adhering to the old system, and using them as fiscal agents.

I come now, sir, to the consideration of the constitutional objections which have been urged by the Senator from South Carolina, [Mr. CALHOUN.] The Senator begins by supposing that the connection between the banks and the Government, immediately after its organization, was suffered quietly to take place, which he describes as the seminal principle of all the evils of the banking system, excessive duties, profuse disbursements, and a protective tariff, a perfect Pandora's box, because there was a false conception of the nature of banking.

"So erroneous was it (says the Senator) that a bank note was then identified in the mind of the public with gold and silver, and a deposite in bank was regarded as under the most safe and sacred custody that could be devised."

And he supposes that this impression was derived from the Bank of Amsterdam:

"Where every note or certificate in circulation was honestly represented by an equal and specific quantity of gold and silver in bank."

Now, sir, how stands the fact? The Bank of Amsterdam was established in 1609; the Bank of England in 1694; and the Bank of Scotland in the following year. Adam Smith published his work on the wealth of nations in 1775–6, and it appears that at that time the distinction between banks of deposite and banks of circulation was perfectly understood, and the advantages as well as disadvantages resulting from the latter fully appreciated. But, again, so far from bank notes being identified with gold and silver in the public mind, or any misapprehension existing in relation to the functions of banks, we find that Secretary Hamilton, in his report, in 1790, upon the subject of a Bank of the United States, felt himself called upon to review the popular objections to banks, one of which is expressly stated to be "that they have a tendency to banish gold and silver from the country." The Senator, is, therefore, manifestly wrong in his preliminary observations. But I proceed to the consideration of his objections.

The Senator denies that we have any right to make the proposed arrangement with the banks; and, as the corner stone of his argument, assumes the position that this Government has no implied powers, and that there is no possible ground on which the right can be placed, but that of the broad principle of the general welfare; which he pronounces to be an old and exploded principle. In a subsequent part of his speech this assumption is thus enlarged upon:

"The genius of our Constitution is opposed to the assumption of power. Whatever power it gives, is expressly granted; and if proof were wanted, the numerous grants of power far more obvious, and apparently much more safe to be assumed than the one in question, would afford it. If any powers might be assumed, one would suppose that of adplying money to pay the debts of the Government, and borrowing it to carry on its operations, would be among them; yet both are expressly provided for by the Constitution. Again: to Congress is granted the power to declare war and raise armies and navies; yet the power to grant letters of marque and reprisal, and to make rules for the regulation of the army and navy, are not left to assumption, as obvious as they are, but are given by express grant."

This mode of reasoning, Mr. President, has not even the merit of novelty, but was adopted at the inception of the Government in the discussion on the Bank charter. It is founded in the idea that the Constitution, as a literary composition, is perfect; and that, while on the one hand it is free from pleonasms, it is on the other chargeable with no omissions: the reverse of all this is true. It was the work of men of various degrees of intelligence, of education, and of comprehensiveness of mind, and "the result of a spirit of amity and of mutual deference and concession." But, sir, I do not mean to let this matter stand upon mere assertion, but shall appeal to the authority of one name at least that commands the confidence of the American people, and is free from the suspicion of ever having sought to extend, by unconstitutional assumption, the powers of this Government. As to the literary character of the Constitution, and the force of any argument to be derived from the precision of its general provisions, and its particular forms of expression, Mr. Madison, in his letter of the 18th of September, 1828, to Joseph C. Cabell, esq. thus expresses himself:

"The Constitution vests in Congress, expressly, 'the power to lay and collect taxes, duties, imposts, and excises,' and the power to regulate trade.' That the former power, if not particularly expressed, would have been included in the latter as one of the objects of a general power to regulate trade, is not necessarily impugned by its being so expressed. Examples of this sort cannot sometimes be easily avoided, and are to be seen elsewhere in the Constitution. Thus the power 'to define and punish offences against the law of nations,' includes the power afterwards particularly expressed, 'to make rules concerning captures, &c. from offending neutrals;' so also a power 'to coin money,' would doubtless include that of 'regulating its value,' had not the latter power been expressly inserted. The terms taxes, if standing alone, would certainly have included duties, imposts, and excises. In another clause it is said, 'no tax or duties shall be laid on exports,' &c. Here the two terms are used as synonymous: and in another clause, where it is said, 'no State shall lay any imposts or duties,' &c. the terms imposts and duties are synonymous. Pleonasms, tautologies, and the promiscuous use of terms and phrases, differing in their shades of meaning, (always to be expounded with reference to the context, and under the control of the general character and manifest scope of the instrument in which they are found,) are to be ascribed sometimes to the purpose of greater caution; sometimes to the imperfections of language; and sometimes to the imperfections of man himself. In this view of the subject, it was quite natural, however certainly the general power to regulate trade might include a power to impose duties on it, not to omit it in a clause enumerating the several modes of revenue authorized by the Constitution."

The same train of thought is presented in the second opinion which Edmund Randolph, then Attorney General of the United States, gave to General Washington, in relation to the bank charter in 1791; and who, should be remembered, was acting in concert with Mr. Jefferson in his opposition to the bank charter:

"The enemies of the bill have contended that a rule of construction adverse to the power of incorporation springs out of the Constitution itself; that after the grant of certain powers to Congress, the Constitution, as if cautious against usurpation, specially grants several other powers more akin to those before given than the incorporation of a bank is to any of those from

which it is deduced. This position, they say, has been exemplified in four instances."

After stating them, the Attorney General then proceeds:

"Whosoever will attentively inspect the Constitution will readily perceive the force of what is expressed in the letter of the convention, 'that the Constitution was the result of a spirit of amity and mutual deference and concession.' To argue then from its style or arangement as being logically exact, is perhaps a scheme of reasoning not absolutely precise. But if the Constitution were ever so perfect, considered even as a composition, the difficulties which the above doctrine has stated may be solved by the following remarks: these similar powers on which stress is laid, are either incidental or substantive, that is, independent powers. If they be incidental powers, and the conclusion be, that because some incidental powers are expressed, no others are admissible, it would not only be contrary to the common forms of construction, but would reduce the present Congress to the feebleness of the old one, which could exercise no powers not expressly delegated. So that the advocates for the power of incorporation, on the principle of incidentality to some specified power, would, notwithstanding this supposed rule of interpretation, be as much at liberty to insist on its being an incidental power as ever."

The concluding paragraph of the 8th section of the 1st article of the Constitution, which gives to Congress the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof," is a distinct recognition of the fact that it does not profess distinctly and expressly to set forth all the powers of the Government, but merely the great leading heads or classes of power which were designed to be delegated. That clause adds nothing to the powers of Congress, but was inserted *ex majore cautela*, to prevent cavil upon the part of disaffected individuals as to the essential powers of the Government, when any crisis should arise, inasmuch as their efficacy would depend on the mode in which the incidental power of making proper laws was exercised.

And here, sir, let me invoke once more the authority of that great and good man, whom I have before cited in relation to this point. I read to you, sir, Mr. Madison's commentary upon this very clause, in the 44th number of the Federalist:

"Few parts of the Constitution have been assailed with more intemperance than this; yet on a fair investigation of it, as has been elsewhere shown, no part can appear more completely invulnerable. Without the *substance* of this power the whole Constitution would be a dead letter. Those who object to the article, therefore, as a part of the Constitution, can only mean that the *form* of the provision is improper."

After stating that the convention might have adopted four other methods, namely:

1st. Positively to have prohibited the exercise of any power not expressly delegated;

2d. To have attempted a positive enumeration of all the powers granted;

3d. To have attempted a negative enumeration of those denied; or,

4th. To have been altogether silent on the subject; and showing that the first method would have rendered the Constitution a dead letter, and the second and third been attended with insuperable difficulties—he proceeds thus to notice the last:

"Had the Constitution been silent on this head, there can be no doubt that all the particular powers requisite as means of executing the general powers would have resulted to the Government by *unavoidable implication*. No axiom is more clearly established in law, or in reason, than that *wherever the end is required*, the *means* are *authorized:* wherever a *general power* to do a thing is given, every *particular power* necessary for doing it is included.

"Had this last method, therefore, been pursued by the convention, every object now urged against their plan would remain in all its plausibility; and the real inconveniency would be incurred of not removing a pretext which may be seized on critical occasion for drawing into question the essential powers of the Union."

No, sir! So far is it from being true that this Government has no other powers than those *expressly* given, that I propose from another part of the Constitution to show that the practical enforcement of some of its most important stipulations, and those, too, in which the Southern States are most deeply interested, depend altogether upon an implied power on the part of Congress to carry them into effect. And I will make it appear also that the Senator's [Mr. CALHOUN'S] rule of construction, that the expression of certain powers which might have been implied is a proof that others are excluded, contrary to the well known maxim that "expressio eorum quæ tacite insunt nihil operatum," is wholly without foundation.

The greater part of the powers delegated by the Constitution are enumerated in the 8th section of the 1st article, but not all of them. There are some others, and those very important ones, which are derived from the fourth article. Thus, in the first section of that article it is declared that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State," and Congress is authorized to prescribe by law their effect and the manner in which they shall be proved.

In the next section of the same article are the following provisions:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Here are two provisions of vital consequence to the Union, and there cannot be a doubt that the Constitution never would have been adopted unless the latter provision for the preservation of the property of the South had been inserted. And yet there is no *express* power given to Congress to legislate on the subject. Indeed, the latter, and, to the South, the most important provision is conceived in negative terms, and would seem, at a first and superficial view, to be a mere restraint on the powers of the States. Here is not only no *express* grant of power to Congress to pass any law on the subject, but, according to the Senator's mode of reasoning, that the expression of an incidental power excludes others not expressed, the fact, that in the first section of this article the general provision with regard to records is followed by an express authority to pass general laws on that subject, would effectually exclude any implied power to carry these provisions into execution. And yet, sir, who ever doubted the power of Congress to give efficacy to these provisions by legislative enactment? So far from it, we find that as early as February, 1793, at the second session of the second Congress, when the vigilance of public attention had been drawn to the doctrine of implied powers in the discussion which had previously taken place in relation to the bank charter, an act of Congress was passed to give them effect, and which guarded its execution, in relation to the first, by fine and imprisonment; and, in relation to the second, by a penalty of five hundred dollars, besides preserving the right of action for the injury sustained, against such as interfere with the claimant. A stronger case of implied power could not be put, or one more at war with the Senator's rule of construction, than that of the law in relation to fugitive slaves. Not only is there no express grant of power to Congress, but the terms used are negative, implying inhibition in relation to the States; and in the very same article where a general provision was made in relation to another subject, care was taken expressly to add an authority to Congress to make the proper laws for carrying it into effect. Yet, sir, every one must perceive that these are great national provisions, without which the Union could not have been formed, and without which it could not long be preserved. That construction, then, which would render them a dead letter, must be erroneous, as frustrating the very end and purpose for which they were intended. The power to make the law in question is fairly implied on these grounds: that the provisions in question are of vital importance to the Union; that some legislation is absolutely necessary to settle the details of proof and mode of proceeding, and some penalty necessary to guard the rights which are meant to be enforced; all which can alone be uniformly and certainly provided for by the legislation of Congress; and as they were introduced to insure practical benefits which can only be realized by the action of Congress, it follows, by necessary consequence, it was the design of the Constitution to confer the power to make the laws proper for that purpose. The result of the whole, then, sir, is, both upon reason and authority, that the Senator [Mr. CALHOUN] is wrong in his premises; and that there are implied or incidental powers, without which the Constitution would be a dead letter. I do not wish, however, to be misunderstood on this point, or to have it supposed that I am disposed to extend the powers of the Government one particle beyond what is warranted by a fair and sound construction of the Constitution. The Government is one undoubtedly of limited powers, some of which are express, and others implied. What those implied powers are, will often cause much diversity of opinion, since there is an infinite diversity in the capacity and education of those who may pass upon the question; but there exists at all times a salutary restraint upon the action of Congress, first in the supervision of the Supreme Court when the question presents itself in a judicial form, and, secondly, in the judgment of the people, who will take care to check the usurpation of power, by withdrawing the functions of those who have abused their trust.

Having, sir, now disposed of the question of incidental powers, I come to the more precise one of the right which Congress has to make any disposition, temporary or permanent, of the property and revenues of the country to promote the general welfare; for, upon this right, which the Senator pronounces to be an exploded doctrine, depends that of making the proposed arrangement with the banks. And here, sir, let me remark, that the old dispute between Mr. Jefferson on the one hand, and Mr. Hamilton on the other, was not whether the words "general welfare," used in connection with the power to lay and collect taxes, gave a distinct power *to do any thing* which might promote that welfar —for no one ever contended for that—but simply whether they did not imply the power of *applying the revenues* of the Government to the promotion of the general welfare. The words of the Constitution are, "Congress shall have power to lay and collect taxes, duties, imposts, and excises, *to pay the debts and provide for the common defence and general welfare of the United States.*" Mr. Jefferson, as may be seen in his argument on the Bank charter, did not deny the right to collect taxes in order to provide for the general welfare, but he denied that the money, when collected, could be applied to any and every purpose of general welfare; but insisted that its appropriation must be confined to the execution of the subsequently enumerated powers. Mr. Hamilton, on the other hand, contended that the *jus disponendi*, the right of disposal, was inherent in the right of property; and that if taxes could be collected in order to provide for the general welfare, the money could be disbursed after it came into the Treasury for the same general purpose. This the Senator from South Carolina [Mr. CALHOUN] calls an exploded doctrine. It is true, sir, that on one occasion, in the heat of party strife, and in a political paper which grew out of that strife, the doctrine of Mr. Jefferson was sustained by the pen of Mr. Madison; but, sir, no sooner did the former gentleman come into power, than he himself practically abandoned his own construction; and it has been abandoned and the opposite doctrine asserted, both in word and in deed, by every successive Administration. The construction contended for by Mr. Hamilton is sanctioned by the authority of Mr. Madison and Mr. Monroe, the intimate political friends and auxiliaries of Mr. Jefferson, and who at the moment of party strife to which I have alluded, thought and acted with him, but who, subsequently, changed their opinion upon more mature consideration of the subject.

Mr. Madison, in his veto on the bill setting apart and pledging certain funds for internal improvement in March, 1817, after denying the power of Congress to make those internal improvements by its own authority, which was the ground of his veto, expressly observes: "A restriction of the power 'to provide for the common defence and general welfare' to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of Government; money being the ordinary and necessary means of carrying them into execution."

At a subsequent period Mr. Monroe, in his communication to Congress connected with his veto on the bill for the preservation and repair of the Cumberland road, which proposed to establish toll gates on that road, took occasion to say that, in the early stages of the Government, he had inclined to the construction that it had no right to expend money, but in the performance of acts authorized by the other specified grants of power; but that, on further reflection and observation, his mind had undergone a change, and his opinion then was "that Congress have unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence and of general welfare, of general, not local, national, not State benefit."

General Jackson, in his veto message on the Maysville road bill, as late as May, 1830, in relation to this very doctrine, remarks:

"The symmetry and purity of the Government would, doubtless, have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfil the general objects of its institution: an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent Administration of the Government, embracing a period of thirty out of forty-two years of its existence, has adopted a more enlarged construction of the power."

Mr. Jefferson himself departed from his own construction in two conspicuous acts of his administration, in the instance of the appropriation for the Cumberland road, and in that of the purchase of Louisiana, for which fifteen millions of dollars were paid out of the public Treasury. It is somewhat remarkable that, throughout the whole discussion on the subject of the power of Congress to appropriate money for purposes of general welfare, it was claimed and treated as an incidental power growing out of the right of property; the right of disposal being considered as inherent in the right of property. But, in truth, it is an express power, given in express terms, in the 3d section of the 4th article, as follows: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Nothing could be mo e comprehensive than this grant of power, which respects the territory and *other property* of the United States; embracing its personal or moveable property of every description, arms, ships, revenues, etc. without any qualification or limitation whatever, except that which results from the very nature of the trust, that it shall be used "to provide for the common defence, and promote the general welfare"—a qualification which attaches to the exercise of all and every power that is delegated, as being the end and purpose for which the Constitution was adopted. It may be further observed, that as the power "to lay and collect taxes, etc. to provide for the common defence and general welfare," is expressly given in the 1st article, and the unqualified power "*to dispose of the property of the United States*" is given in the 4th article, upon every fair principle of construction, they must have reference to each other, and the power *to dispose of* cannot be more restricted than the power *to provide* the revenues of the country, that is, for the purposes of general welfare. The practical exercise of this power has been exhibited in every administration of this Government, from its organization to the present moment, beginning with bounties to fishermen, and ending with the purchase of Mr. Madison's manuscripts. It has been exercised in the subscription to roads and canals; in the instances of the Chesapeake and Delaware canal, in that of the Potomac and Ohio canal; and in the instance of the Cumberland road, in relation to which between twenty and thirty laws have been passed, approved by every President of the United States, and appropriating more than two millions of dollars for its construction and support. It was exercised in the purchase of Louisiana, and in the purchase of Florida, in appropriations for testing the strength of steam boilers, in the appropriation for an *exploring expedition*, and in various gratuities, as in the case of the inhabitants of St. Domingo, and the people of Caraccas. And yet, sir, this doctrine the Senator [Mr. CALHOUN] calls the exploded doctrine of the general welfare.

I am now prepared, sir, to answer the Senator's objection, that we have no power to make the proposed arrangement with the banks, by replying to him with perfect confidence, that if the public welfare requires that such an arrangement should be made, which is nothing more than a *temporary disposition* of the funds of the Government, we have not only the power to make it, but we are bound to do so, in fulfilment of the sacred trust for which the power was given. The question between us, Mr. President, is not whether the public welfare will or will not be promoted by the measure, but simply as to the *power or right* to make the arrangement; and I say unhesitatingly, that if the public welfare requires it, we have the undoubted right to make it. I am merely answering the Senator's constitutional objections, not discussing the question of advantage to the community, about which public opinion seems to be pretty well settled.

The Senator's [Mr. CALHOUN'S] next objection to the amendment of the Senator from Virginia is, that, in requiring the selection of the banks made by the Secretary of the Treasury to be confirmed or rejected by a joint resolution of the two Houses of Congress, it proposes a palpable violation of the Constitution, and then causes the Secretary very gravely to read that provision which directs every order, resolution, or vote to which the concurrence of both Houses of Congress may be necessary to be presented to the President for his approval, and argues that the President is deprived of his veto, contrary to that express provision. How deprived of his veto? The amendment of the Senator from Virginia says not one word on the subject; it simply proposes that the selection shall be confirmed or rejected by a joint resolution; but does it follow tha the resolution is not to pass through the constitutional forms? Does the Senator suppose that it ever entered into the head of the mover of the amendment to alter the Constitution by legislative enactment? It was not necessary to state in the bill that the constitutional provisions, which are the supreme law, should be observed in relation to the joint resolution, any more than it is in the passage of any law, to declare that it shall not become such until submitted to the President. In providing that the selection shall be approved or rejected by joint resolution, you do effectually, and of necessity, provide that it shall be submitted to the President, because the constitutional provision then attaches and controls the subject. The object which the mover had in view was not to oust the President of his veto, but to give to Congress the ultimate decision of the matter, instead of leaving it entirely in the breast of the Executive, as would be the case if the Secretary were permitted to exercise his own absolute discretion in making the selection. And this is accomplished by requiring the selection to be submitted to Congress, to be approved or rejected by joint resolution, subject, of course, to the veto of the President, but that veto may in its turn be controlled by the constitutional action of the two Houses, if, in their judgment, it is unwisely or unfairly used. The practical effect of the provision, in fact, is, that the constitutional majority of two-thirds of both Houses is thus enabled at all times

to exercise a final and absolute control over the subject, notwithstanding any improper views or bias of the Executive.

The Senator's [Mr. CALHOUN'S] third objection is, that we have no right to make a general deposite in banks, first, because it is giving the use of the money to them, and, secondly, because it is a violation of that clause of the Constitution which declares that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." He then argues that the banks are, when such deposite is made, the Treasury, and that to suffer them to use it is to draw the money from the Treasury without appropriation by law. Were it not that the argument proceeds from that distinguished Senator, it would scarcely be worth a reply. The answer to the first branch of the objection, that we have no right to give the use of the people's money to the banks, is, that it assumes a fact which is not strictly true. It is not giving the use of the money to the banks alone, but to the people themselves, through the medium of the banks. The object and operation of the general deposite, so far as it augments the banking capital, is to enable the banks to extend further accommodation and facilities to trade, which is, in the end, to promote the general welfare. It is true that the banks may derive some incidental profit, but that profit does not more than compensate them for the risks they encounter and the services they perform in the transfer of the public funds. If, then, the system of general deposites, which may be regarded as one mode of exercising that power of disposition which the Government has over its funds, will more promote the general welfare than any other mode of keeping them, the Government ought to adopt that mode, as being in harmony with the great principle which lies at the foundation of the trust. This is precisely the view which was taken of the subject by the last Administration, when it urged the banks to extend their accommodations to the public, and lauded them for the benefits which they had conferred on trade and the business operations of society, as well as for the magnitude and fidelity of the services rendered, as fiscal agents.

But, sir, I proceed to examine the second branch of his objection, which respects the constitutional provision in relation to drawing money from the Treasury. And here it becomes necessary to settle precisely the meaning of the phrase used in the Constitution. The passage referred to occurs in the 9th section of the 1st article, and is in these words: "No money shall be drawn from the Treasury but in consequence of appropriations made by law." The word Treasury nowhere else occurs in the Constitution, and is found in this 9th section, which is a series of restrictive provisions on the powers of Congress. The general power is given to collect revenue, and to dispose of it, but not a syllable is said about the mode of keeping it during the period of receipt and disbursement. This negative provision is the only one on the subject. It is then true that this negative provision is to be understood in a literal sense, requiring, by implication, some great central place of deposite with its vaults and boxes for the preservation and security of the public Treasury, and which would be necessary to satisfy the literal meaning of the terms "drawn from the Treasury," or it is only a figurative mode of expression by which the idea is meant to be conveyed, that the public money should not be disbursed by any of its officers unless under the authority of law. If the phrase is used literally, and must be understood as implying the existence of some great place of deposite, then this absurdity would follow, that in a country covering more than one million of square miles, the revenue collected at points from fifteen hundred to two thousand miles' distance must be brought to that place of deposite in order to be put in the Treasury, and then drawn out to be carried back to the same points to be disbursed. Why, sir, it is only necessary to state the case to show that such an absurdity never entered into the minds of the framers of the Constitution. None but the smallest States, such whose territory is confined to the limits of a city, or a few square miles about it, could have a local Treasury, or a place of general deposite for *all its revenues*. A great nation might have a place of deposite for its accounts, and for some portion of its property or revenue, as the Temple of Saturn in Rome was called the Roman Treasury, and was the place in which their archives and banners were deposited, and some of the spoils of war brought home by their generals, and such portion of the revenues as were to be disbursed within the city; but not the revenue of the various provinces of the Empire, which were collected, and, for the most part, disbursed on the spot where collected. When Cæsar returned to Rome, and determined to seize the public treasure, all that he found in the Temple of Saturn did not exceed in amount a million and a half of dollars. The idea of a local treasury as a place in which money is hoarded, is contrary to the genius of our Government, and of the age. It belongs only to the age of barbarism. It savors of the policy and government of a despotic monarch, whose accumulated treasures are the fruits of war and of confiscation, and are one of the props or pillars of an authority which rests not on the consent of the people. It is the policy of a Dey of Tripoli, or an Emperor of Morocco. No, sir, so far is it from being true that the framers of the Constitution designed any such absurdity, that we find from the earliest period of the Government, from the moment of its organization, the system of deposites in banks was adopted, and the general rule established, that the Treasurer should be the medium of all receipts and disbursements, which should be sanctioned by warrants drawn in favor of or upon that officer by the Secretary of the Treasury, which respected the formal mode of keeping accounts: but the disbursements, in point of fact, were made either by warrant on the Treasurer, or by drafts of the Treasurer on the collectors or other officers having funds in their hands, or by directions of the Secretary of the Treasury to the collectors or other officers having funds to make provisional advances for certain local expenses, and the two latter modes were afterwards made to assume a formal shape by proper warrants. The system of deposites in banks was universal, and, when placed to the credit of the Treasurer, was esteemed to be in the Treasury. It must be recollected that this system was introduced and established under the administration of Washington, and by the framers of the Constitution, who certainly understood its import in this particular. Besides this, we have the express authority of Mr. Jefferson on this point, who was not prone to a lax construction of the powers of Government, and whose jealous vigilance would never have slept on so important a subject. In his written opinion, addressed to President Washington, on the subject of the bank charter which he is opposing, he expresses himself in February, 1791, less than two years after the organization of the Government, in the following terms:

"The report on the subject states the only general convenience to be, the preventing the transportation and retransportation of money between the States and the Treasury, (for I pass over the increase of circulating medium ascribed to it as a merit, and which, according to my ideas of paper money, is clearly a demerit.) Every State will have to pay a sum of tax money into the Treasury; and the Treasury will have to pay, in every State, a part of the interest on the public debt, and salaries to the officers of Government resident in that State. In most of the States there will be a surplus of tax money to come up to the seat of Government for the officers residing there. *The payment of interest and salary in each State may be made by Treasury orders on the State Collector.* This will take up the greater part of the money he has collected for his State, and consequently *prevent the great mass of it from being drawn out of the State.*"

He subsequently remarks, that "Treasury orders, and bills of exchange may prevent the displacement of the main mass of of the money collected without the aid of any bank." Then follows a passage which is an authority, upon both branches of this objection, of the Senator to general deposites:

"Perhaps, indeed, bank bills may be a more convenient vehicle than Treasury orders; but a little difference in the degree of convenience cannot constitute the necessity which the Constitution makes the ground for assuming any non-enumerated power. *Besides, the existing banks will, without doubt enter into arrangements for lending their agency; and the more favorably, as there will be a competition among them for it.*"

It is clear, therefore, Mr. President, that the phrase referred to in the Constitution, conceived as it is in negative terms, was not meant to imply the existence of a local place of deposite for the funds of the Government, but merely to provide that those funds in the hands of the collecting officers should not be disbursed without authority of law. If the Senator should say that he does not mean to contend that the word Treasury means one grand place of deposite, but implies that there shall be local places of deposite, which, taken together, constitute the Treasury, then, I say, he abandons the literal meaning, and that those places may as well be banks as the strong boxes of particular officers. But, sir, after all, the true answer to the Senator is, assuming with him that the banks are, for the time being, the Treasury, when money is deposited in them, that, by the general deposite, you convert your funds into a *bank credit*, just as you might convert, or might have received them, in bank notes or bills of exchange, all of which rest precisely upon the same foundation; namely, a legal liability for the amount; and therefore the use of the funds by the banks is not drawing money from the the Treasury. The money in the Treasury, in legal contemplation, is the funds in the hands of the Treasurer of the United States, and those funds may consist of gold and silver coin, in bank notes, in bills of exchange, and in bank credits. The bank notes, bills of exchange, and bank credits are as much funds in the Treasury as the coin, and can no more be consumed in the disbursements of the Government than the coin. The bank then, in using the funds deposited and which she has received in exchange for a credit on her books, as she might in exchange for her promissory notes or drafts, is using her own property, and not the property of the United States, which has been converted into a credit on her books, and therefore no money is drawn from the Treasury, and the Constitution is not violated in this particular.

But, sir, the Senator, [Mr. CALHOUN,] rising, as he says, to higher ground, and striking at the root of the evil, denies the right of the Government to treat bank notes as money, or to receive any thing but gold and silver coin in payment of the dues of the Government. The drift of his argument to sustain this position is, that there is no express power given to do so; and that the right to receive any thing else would give the right to regulate whatever was so received. In reply to this argument, I have to observe that there are implied powers, as I have before shown, as well as express ones, and which are as much a part of the Constitution, the one as the other. The Constitution expressly gives the power "to lay and collect taxes, duties,' imposts, and excises," and says not a word about the medium in which they shall be collected. Now, the general power to lay and collect taxes of necessity implies the right and the duty to prescribe the *time of payment, the manner of payment, and the quantity to be paid;* since it is impossible to exercise the power without specifying these three particulars. But the *manner of payment* is precisely the question of what shall be received; and, since it is indispensable that it should be prescribed in order to execute the power, and there is no limitation on the discretion of Congress, it follows as a necessary consequence that it may prescribe what manner of payment it pleases, and therefore receive what it pleases in payment of its dues. The right to prescribe the *manner* of *payment* is necessarily implied in the right to collect taxes. If it be said that taxes are ordinarily collected in money, and the phrase should be understood to imply that, I answer that though, ordinarily, it does not follow that they are always or necessarily so, they may be, and sometimes are, collected in kind, of which many instances are to be found in the early history of some of the States. Besides, it might be very expedient for the Government, in the case of excise duties, as in the instance of an excise duty on whiskey, to receive the duty in that article, of which it is a pretty large consumer in the army and navy, and, in so doing, it might be a mutual convenience both to the payer and to the Government. But, again, if it were admitted that, in the phrase to collect taxes, &c. *money* was implied as the medium in which taxes are ordinarily collected, which is not true, for the reason I have mentioned, still the money of a country is the currency of the country, and that currency may consist of paper and coin, as well as of paper alone, or coin alone; and, in that view of the matter, as there is no limitation on the discretion of Congress, it would have the right to receive paper as well as coin, if it performed the functions of money. But, in truth, the receipt of bank notes which are convertible on demand into coin is equivalent to the receipt of coin. If the Government has the right to deal in foreign and domestic bills of exchange, in order to transfer its funds to foreign countries, or from one part of the country to another, without the risk and expense of transporting coin, then it would have the right equally to receive them in payment of its dues, as to purchase them afterwards; and the receipt of bank notes would be justified on the same principle, since, in effect, they are bills of exchange, drawn upon the party himself, and payable at sight. So far as the question of receiving any thing but coin in payment is concerned, the bill of exchange, draft, check, and promissory note, stand precisely on the same footing, as being the evidence of a legal demand for the amount stated on their face, and, where they are payable and paid on demand in coin, are equivalent to it.

So much of the Senator's objection as assumes that the right to receive any other property than money would necessarily imply the right of regulating and inspecting the thing received, and which is held up to the South as a scarecrow, as importing a right to regulate the entire property, a part of which might thus be received, is entirely fallacious, since the right of inspection and regulation would, so far as it results from this particular power, be confined to such portion of the property as the Government actually received. Thus, in the instances put of cotton and tobacco, the necessity and right of inspection would extend no farther than to the cotton and tobacco received by the Government, and not to the entire crop.

The Senator [Mr. CALHOUN] next tells us that the right to receive bank notes is hostile to the power to coin money, the object of which is to furnish a currency of uniform and steady value, and that as long as the notes of banks are received in the transactions of the Government, as money, it is impossible to give stability to the standard of value, and the coining power is defeated. If the possible conflict between the two powers is relied upon as an argument to prove that one of them does not exist, then I say that it is an argument addressed to discretion in their use, rather than a proof that one of them does not exist. But, sir, it is not true that the uniformity of the currency is impaired by the mixture of paper and coin in the circulation. We had the best currency in the world before the destruction of the Bank of the United States, as I shall presently show, of greater uniformity than could be produced by gold and silver alone. Nor, sir, is it true that paper can depreciate the standard of value. The standard of value throughout the United States is and must be gold and silver coin, since that alone is a tender in payment of debts. It is true, that the inordinate issue of bank notes banishes coin by supplying its use as currency, but not as a standard of value, and, so far as the mere question of standard is concerned, could work no mischief; but it produces mischief, in preventing that proper admixture of coin and paper in the circulation which constitutes a sound state of the currency, having reference to the ordinary and extraordinary demands for coin. It is equally true, that in case of a temporary suspension of specie payments, the paper itself may become depreciated with reference to that standard; but it cannot depreciate the standard; that must ever remain the same. Where the paper, which composes part of the circulation, is payable and paid on demand, in coin, there can be no depreciation of the paper within its natural sphere of circulation, with reference to that standard, for when issued beyond the wants of the community it is immediately returned to the banks. Thus it appears, from the report of the Secretary of the Treasury, made in December, 1836, that the amount of bank notes issued on the first of January, 1836, was $140,000,000, while the actual amount in circulation did not exceed $108,000,000, making a difference of $32,000,000, which was returned upon them as superfluous. The difference of prices in ordinary articles of consumption and trade, which follow the inordinate increase of bank facilities, is not the result of a depreciation of the paper issued by the banks, or of the currency generally, but results from disturbing the ordinary relation between supply and demand, by increasing the number of consumers. But I will not go further into this matter. I have thus gone through the Senator's constitutional difficulties.

Independently of these, it seems, Mr. President, that one of his most powerful objections is, that the Bank of the United States, or Mr. Biddle's Bank, as he is pleased to call it, will place itself at the head of this league of banks which are proposed by the amendment. Why, sir! the objection, and the tone and tenor of the remarks which accompany it, are in the true spirit of Macbeth when he exclaims:

"We have scotched the snake, not killed it;
"She'll close and be herself; whilst our poor malice
"Remains in danger of her former tooth."

And in the same spirit the whole party would exclaim:

"But let
"The frame of things disjoin, both the worlds suffer
"Ere we will eat our meal in fear, and sleep
"In the affliction of these terrible dreams,
"That shake us nightly."

I must say, however, Mr. President, that the danger dreaded from that institution is a mere "coinage of the brain." And here, sir, let me make an observation on the subject of banks generally. If one were to form an idea of a bank from the rhetorical denunciations which are used here and elsewhere, he would be led to suppose that it was some natural monster sent to spread devastation and ruin in a prosperous community, instead of a mere association of individuals, authorized by law to act as an individual in their contracts and in the management of their property. One of the most important benefits conferred on society by them is, that small masses of capital which would otherwise be useless, because unemployed, are thus brought together, and made to subserve the general welfare, by augmenting the commercial capital. They furnish an investment for the funds of widows, orphans, guardians, administrators, and trustees generally, who constitute a large proportion of the stockholders; and give activity and life to the mass of property thus held, which, to a considerable extent, would otherwise be dormant and useless to society. Besides this, they do effectually increase the capital of the country for all practical purposes, by using their own credit, which enables them to extend the sphere of their usefulness. I have, however, already said that there are abuses connected with the banking system which require correction, particularly in the control which they have usurped over the currency of the country, and which this Government has the power and is bound to correct.

I will not longer detain the Senate upon the general subject, although there are many other parts of the Senator's [Mr. CALHOUN'S] speech which I should have liked to notice, and which seems to me to contain doctrines as little tenable as those I have reviewed; but I will proceed to answer the inquiry made by the Senator from Connecticut. He asks with a confident and triumphant tone, how the Administration is made responsible for the deterioration of the banking system and of the currency? I will tell him, sir: By destroying the bank of the United States, and by the subsequent blundering efforts that have been made in a series of experiments to conceal from the country the extent of the wound inflicted on its prosperity, and to occupy and divert public attention from that wanton act of party warfare.

When General Jackson came into power there were but 330 banks, with an estimated capital of $145,192,268. In destroying the Bank of the United States, he at the same time created

a seeming necessity and gave an apology for the chartering of a multitude of others, so that in the end, when his Administration terminated, we had 677 banks, with 146 branches, in all exceeding 300, with an authorized capital of $378,421,168, and these were left without any check or control whatever, to furnish their notes as the currency of the country. Permit me, sir, to advert for a moment to the condition of the currency in 1830, before that fatal measure was adopted—the removal of the deposites—which was the first act of hostility. It is thus described in the report of Mr. McDuffee to the House of Representatives in April, 1830. Speaking of the Bank of the United States, he says:

"It now remains to show its effect in equalizing the currency. In this respect it has been productive of results more salutary than were anticipated by the most sanguine advocates of the policy of establishing the bank. *It has actually furnished a circulating medium more uniform than specie.*"

This he shows to be true by the fact that the merchant who had his specie in New Orleans could not transport it to Philadelphia under one per cent.; but, by means of the Bank and its system of domestic exchanges, he is enabled to do so for one-half of that premium. He then proceeds to say:

"For all the purposes of revenue, it gives to the national currency a perfect uniformity, that ideal perfection to which a currency of gold and silver in so extensive a country could have no pretensions."

After illustrating this point, he adds:

"Upon the whole, then, it may be confidently asserted that no country in the world has a circulating medium of greater uniformity than the United States, and that no country of any thing like the same geographical extent has a currency at all comparable to that of the United States, on the score of uniformity."

To the same effect we have the testimony of General Smith, at that time chairman of the Committee on Finance in this body, and a decided friend and supporter of President Jackson. In his report to the Senate in March, 1830, after stating the fact that the revenues of the Government are collected through the medium of 9000 persons, dispersed throughout the whole Union, he goes on to say:

"From these persons the Government has, for the ten years preceding January 1, 1830, received $230,068,855. This sum has been collected in every section of this widely-extended country. It has been disbursed at other points, many thousand miles distant from the places where it was collected; and yet it has been so collected and distributed without the loss, as far as the committee can learn, of a single dollar, and without the expense of a single dollar to the Government."

After stating various proofs and illustrations of the facts mentioned in the following passage, he proceeds thus:

"This seems to present a state of currency approaching as near to perfection as could be desired; for here is a currency issued at twenty-four different parts of the Union, obtainable by any citizen who has money or credit. When in his possession, it is equivalent to silver in all his dealings with all the 9,000 agents of the Government throughout the Union. In all his dealings with the interior, it is better than silver; in all his dealings with the commercial cities, it is equal to silver; and if, for any purpose, he desires the silver with which he bought it, it is at his disposal, almost universally without any diminution, and never more than a diminution of one quarter per cent. It is not easy to imagine, it is scarcely necessary to desire, any currency better than this."

We next have the testimony of Mr. McLane, then Secretary of the Treasury, as to the *usefulness*, nay, the necessity of such an institution. In his annual report, made on the 7th December, 1831, he thus expresses himself:

"The indispensable necessity of such an institution for the fiscal operations of the Government in all its departments, for the regulation and preservation of a sound currency, for the aid of commercial transactions generally, and even for the safety and utility of the local banks, is not doubted, and, as is believed, has been shown in the past experience of the Government, and in the general accommodation and operations of the present Bank."

And for what purpose was this halcyon state of things disturbed, and why has this blight been brought upon the national prosperity? For the sole and selfish purpose of personal and party aggrandizement. The attempt was made to convert that institution into a political engine of the Government, to use its influence and power to strengthen and secure the control of the dominant party, and, having failed in that attempt, the resolution was formed to destroy it upon the gratuitous assumption that, if it was not for, it must be against the party.

Such, sir, is the testimony of a man who seems to have been more attached to the true glory of President Jackson, than those who were more pliant instruments of his will; a man of republican simplicity of character, of an elevated tone of moral feeling, and of unquestioned loyalty to truth; one who preferred the sacrifice of official honor and emolument to the violation of his duty and of his principles. Such, sir, is the testimony of William J. Duane. The following is an extract from his letter of October, 1833, to a friend in New Orleans:

"It is but too obvious, either that we have misunderstood the qualities of Gen. Jackson's head, or else he has been wonderfully altered; on all the cardinal questions agitated, he has failed to be consistent; he promised purity in selections for office, yet few have been purely made; he professed to be a friend to domestic industry, yet he has done more than any body else to prostrate it; he advocated a national Government bank, and yet affects to dread a moneyed aristocracy; he complained of the corruption of one bank, and yet takes forty or fifty irresponsible paper-circulating banks under the national wing; he has been for and against internal improvement; he denounced nullification, yet has of late been unsaying all that he said in his proclamation. In short, I do not believe he ever had fixed principles, or ever arrived at any result by the exercise of the mind; *impulses and passions have ruled.*"

* * * * * * *

"The state of things at present is this: the good of the country is no more thought of than if every thing ought to be left to chance. The factious schemes and pretensions of individuals seeking office, and of moneyed corporations struggling for the use of the public funds, are alone thought of or talked about; to promote the happiness of the people, or to promote the love of liberty elsewhere, by exhibiting its existence here, is not the object of what we call leading men; their design is to rule, and to gratify avarice and ambition. By such combinations and distribution of duty or agency as effect so great results in manufactures and mechanics, speculation or scheming enters into all things."

In a subsequent letter to the honorable Littleton W. Tazewell, in January, 1834, he expresses himself to this effect:

"The service which I was asked to perform seems not to be distinctly understood. The official reasons for performing what I refused to do, do not embrace an explanation which I consider due to myself, if not to the people or their representatives. The true nature of the service required consisted, not in the mere act of removing the deposites, but in removing them from an unwillingness to await the action of Congress, or to resort to the appropriate agency of the Judiciary, upon questions connected with the Bank of the United States; not in the mere substitution of one fiscal agent for another, but in exercising for penal ends a power given solely for conservative purposes. Hostile as I was to the bank, and willing as I was to investigate the transactions of its officers in the strictest manner, in the legitimate way, I perceived that a co-operation in the scheme proposed would be inconsistent with my duty as a public agent, my principles as a citizen, and my sympathies as a man."

But, sir, it is in his third letter to the people of the United States, in February, 1834, that the veil is withdrawn, and the motives of action brought home to the Administration. He states the fact, that his commission as Secretary of the Treasury bore date May 29, 1833, and that he arrived the following day in Washington. On the 1st of June he took the oath of office, and on the same evening Mr. Whitney called upon him to tell him "what had been done, and what was to be done in relation to the Bank." The following evening, June 2d, Whitney and Kendall came together, and on the next morning, June 3d, he waited upon the President. I now proceed, sir, to read his account of what passed between himself and Gen. Jackson:

"The next morning, June 3, I waited upon the President, and, as I had been apprized by Mr. Whitney would be the case, he soon introduced the subject of the Bank. I stated that Mr. Whitney had made known to me what had been done, and what was intended; and had intimated that his communication was made at the President's desire. The President replied, in a tone of dissatisfaction, that it was true he had conferred with Mr. Whitney, and obtained information from him as to the Bank, but that he was not his confidant, nor had he told him to call on me. I enumerated the representations which Mr. Whitney had made; and their correctness was admitted. I said I feared that I should not be able to see the subject in the light in which the President viewed it; to which he remarked that he liked frankness, that my predecessor and himself had sometimes differed in opinion, but it had made no difference in feeling, and should not in my case: that the matter under consideration was of vast consequence to the country; that unless the Bank was broken down, it would break us down: that if the last Congress had remained a week longer in session, two-thirds would have been secured for the Bank by corrupt means, and that the like result might be apprehended at the next Congress: that such a State bank agency must be put in operation before the meeting of Congress as would show that the United States Bank was not necessary, and thus some members would have no excuse for voting for it."

In the prosecution, sir, of these selfish purposes, your party have undervalued the character and intelligence of the American people. You have addressed yourselves to them as if they were in the same condition, and actuated by the same motives, as the serfs of Russia and the lazzaroni of Naples. You have mistaken their condition, and the interest they have in the preservation of social order. There is no populace here; no inordinate accumulation of property in the hands of a few individuals. The genius of your institutions is against it. You no where find the gorgeous palace by the side of the wretched hut of squalid poverty; property is equally distributed, and every man is interested in the preservation of the peace, the property, and the welfare of society. You have been intoxicated with power, and have praised the gods of gold and of silver, of brass, of iron, of wood, and of stone.

"In the same hour came forth the fingers of a man's hand, and wrote over against the candlestick upon the plaster of the wall of the King's palace, Mene, mene, tekel upharsin."

Look about and around you, Mr. President, and you will see some of the fingers of that hand which has written these words. But your astrologers and wise men cannot interpret their meaning. It is ever so, sir. The web of destiny is woven, and it belongs not to mortal hands to ravel its tissue.

You have passed from one experiment to another; you have convulsed and agitated the country long enough; you have destroyed a most perfect currency, and brought us to one of inconvertible paper; and now, sir, in conclusion, let me beseech that you will pause for a moment; give us a breathing spell—a moment of tranquillity. Let me say to this Administration, Jam satis! Sir, Jam satis!

"Terruit urbem, terruit gentes, grave ne rediret
Seculum Pyrrhæ, nova monstra questæ."

SPEECH OF MR. MRREICK,
OF MARYLAND,

In Senate, March 5, 1838—On the Sub-Treasury bill.

The Senate having resumed the consideration of the bill (the question being on Mr. RIVES's substitute)—

Mr. MERRICK rose and said:

Mr. PRESIDENT: The observations which modesty drew from the Senator from Massachusetts [Mr. DAVIS] the other day, in the commencement of his able and instructive speech upon this question, may be applied with justice to me. I feel, in attempting to discuss before this august assembly a question of such magnitude as the one now pending—one, too, to the proper elucidation of which the brightest intelligences of the country have heretofore tasked themselves on both sides of this Hall, that I may seem to be guilty of a boldness bordering on temerity. Were I, therefore, free to act for myself as an individual, every consideration would prompt me to remain silent; but in times like these, under circumstances such as our country is now placed, when so much of good or of evil depends upon the measures to be adopted by this Government, the people expect, duty requires of every one holding the high trust confided to members of this body, to exert whatever power he may possess towards producing the good or arresting the evil. Every one, the humble as well as the exalted, is bound to contribute his mite, to endeavor to perform his part of the common duty as best he may. The people of Maryland, too, whom I in part represent on this floor, and amongst whom there is some diversity of opinion in relation to the measure now pending before the Senate, expect that I should render a reason for the faith that is in me. Impelled by these reflections, but entertaining no vain hope of being able to do justice to the subject, I proceed, at whatever hazard to myself personally, with the effort to discharge my obligations to my State and country; and to give the reasons for the course I intend to pursue.

Before I attempt to grapple with the merits of the real question, allow me, Mr. President, a word or two upon collateral matters much dwelt upon on the other side, and unwisely in my opinion, if not improperly, mingled with this discussion.

I have heard many observations from gentlemen on the other side, which I regretted to find Senators could indulge in. Much has been said which, it seemed to me, became not the place or the occasion. Some of these I must allude to very briefly. The old, and hackneyed, and worn out party designations of Federalists and Democrats have been freely and frequently used. Black cockades and other insignia of party divisions and party strifes long forgotten have "danced through the mazes" of eloquent speeches, certainly not to the end of assisting the reasoning power in its searches after correct conclusions, and without the effect of enlightening the Senate or the public upon the grave questions of constitutional power and governmental policy now before us. The acts and doings of a certain party during the late war with England, and even prior to that time, have been summoned from the oblivion into which they had sunk, and spread in odious array before the Senate and the nation; the only possible effect of which would be, were any produced by it, to excite feelings and awaken prejudices inimical to the cause of truth and justice. The honorable Senators from North Carolina dwelt with peculiar emphasis on these topics, and said, or seemed to say, that the Whig party of the present day, embracing those who with myself are contending here against the course of measures pursued and recommended by the present Administration, was identical with and responsible for all the sins and misdeeds they lay at the door of the old Federal party during the late war, and other periods of our past history, and claim for their associates, the friends of the Administration here, exemption from all participation in, or responsibility for, those misdeeds.

Now, sir, I, for one, disclaim the responsibility and identity the gentleman would throw upon us. I claim to have been, in the good old times of the reign of Democratic principles and the Democratic party in this Government, a member of that party; and I could not but think, in casting my eyes over the Senate, while the gentlemen were picturing the deformities of old Federalism, how thoughtless they were of the feelings of some of their most distinguished associates. They certainly touched not me by any of their strictures upon those topics; and if they tread not upon the toes of many of their own best friends, they injured not us. Shall I go through a comparison with the gentlemen of the elements, in this regard, of which the two great parties of the country at the present day are made up? Shall I draw the parallel, and show them (as probably I could) if either party is now to be held to answer for all that is attributed, justly or unjustly, to the old Federalists, that the weight of responsibility would not be on the shoulders of the Whigs, but might press heavily upon the supporters of the present Administration, no matter what name they may now be pleased to assume? Who, sir, stood foremost in the councils of the nation to uphold and sustain the Democratic party in the days of its trial and purity? Where is the patriot, distinguished above all others during the most gloomy periods of the late war with England, for untiring devotion to the public service, whose courage and constancy, eloquence and wisdom, turned back the swelling tide of opposition, and contributed more than any other to carry the nation successfully through that struggle? He sits beside me, [Mr. CLAY,] then, as now, the pride and boast of his country. I need not cite another instance. It is vain for gentlemen to invoke against us the ghost of departed party divisions. In calling upon their names, in crying out Democrats and Federalists, the friends of the Administration use words once of magic power, but their charm is now gone. The country is awakened to a sense of its danger, the people are moved by suffering and distress, and demand now at your hands *sense* and *substance*, and can be no longer satisfied or led off by *sounds* and *shadows*. Too dearly have they paid for the delusions hitherto practised upon them: the effort cannot succeed again.

It is agreed upon all sides that the country is plunged in the deepest embarrassment and distress. All classes, all descriptions of people suffer, and all look anxiously to this Government for that relief to which no other power in the country is competent. Petitions have been pouring in upon you, particularly from the laboring part of different communities, praying for relief. They have besought you, in some instances, to give them leave to toil for you, that they might earn a scanty subsistence. How, and by whom, has all this distress been produced? The odious detail has been given by others who preceded me. The rise, progress, and all but consummation, of the deliberate design to destroy the monetary system of the country, have been lucidly expounded, link by link, as they were evolved from the last and present Executives of this Union, by the Senator from Kentucky, [Mr. CLAY.] I shall not attempt to travel again over that ground.

Suffice it for me now to give, in reply to what has fallen on this branch of the subject from the gentleman from North Carolina, [Mr. STRANGE,] a brief view to Asia, and other ports beyond seas, in search of facts to sustain his theory, a few domestic facts, which I prefer on that account, though, perhaps, they may not suit the taste of the Senator any better than domestic manufactures, to which he has declared his unqualified aversion. It is a fact, then, that we have twice had a National Bank: that, during the whole period of the existence of both, the country was prosperous and happy, and had an abundant, sound, safe circulating medium, always convertible at the pleasure of the holder into gold or silver. It is a fact that very soon after the first Bank of the United States was put down, there ensued a great multiplication of local banks, with trifling capitals, their paper depreciated, exchanges between different parts of the country fell into the greatest confusion, sharpers and shavers preyed upon the honest industry of the country, specie payments were suspended, the energies and enterprise of the People were paralyzed, and the whole society seemed involved in inextricable confusion and embarrassment. It is a fact, that recourse was then had to the second Bank of the United States, and very soon confidence was revived, specie payments were resumed, your currency was restored to a sound and healthy condition, domestic exchanges were equalized and regulated, industry met every where, in every department, agricultural, commercial, and manufacturing, a liberal and just

reward; the whole country prospered beyond all parallel. The decree went forth that this Bank must be destroyed; the system of unwise and pernicious *experiments* upon the currency was commenced by the late Administration, and is still obstinately persevered in by our present rulers. What are the consequences? Let the present condition of a suffering People tell; let the prostrate condition of every branch of business, let your miserably depreciated irredeemable paper, let your rag currency tell. Similar benefits were produced by each of these institutions, and disasters have attended the destruction of both; the lessons of experience are dear, but they are valuable and abiding. It is charged that it was not the prostration of the United States Bank, but the putting up of local banks in the States, and consequent excitement of a wild spirit of speculation, which occasioned the present state of things. Suppose this to be so, the inquiry results, what caused the multiplication of State banks? The answer is, the prostration of the National Bank, the currency tinkering of the late Administration. Witness the great increase of the number of banks immediately after the refusal to recharter the first Bank of the United States, and their rapid multiplication as soon as the fate of the second was known. Upon this point I can speak knowingly, and as a witness, so far as the State of Maryland is concerned. I have been for several years a member of the Legislature of that State, and was at the head of the Committee of Ways and Means in that body when all the recent bank charters were granted, and they all passed through that Committee.

That Legislature had refused for years back all applications (and they were repeatedly made) for any increase of the banking capital. This course was steadily persevered in until it became certain that the charter of the United States Bank would not be renewed. Earnest appeals were then again made to the Legislature by our commercial city for an augmentation of banking capital to supply the vacuum about to be created by the withdrawal of the branch of the national institution which had been located there. It was urged upon us that the trade and business of the town required an increase of banking facilities by State authority, at least equal to the amount about to be withdrawn. It was known that other and neighboring States were providing by increasing their banking capital for the anticipated reduction in the amount of the circulating medium, by the winding of the national institution. Our citizens were also known to possess the requisite capital for the establishment of such institutions upon a safe and secure basis. It was foreseen that the demands of trade would seek and obtain a medium of exchange sufficient for its purposes elsewhere, if our own people were denied the privilege of supplying themselves, and our State would thus have been rendered tributary to others to the amount of the interest upon their paper employed in our business transactions, which paper, besides the injustice to our people of paying interest for its use, might not, and would not have been as safe and secure as could be furnished by institutions created by our own authority, and subject to our control.

These considerations were urged successfully upon me and other members of that Legislature, we were convinced by them, and again urged them upon the body with equal success. Hence came the charter of the first of the new banks created in Maryland—which was granted the Legislature in the session of 1834-5; others followed at the succeeding session, called for by the growing wealth and commerce of the State, and created to supply our citizens with the requisite facilities; but they were never in excess, nor did they, nor could they, under their charters, make excessive issues of paper; of this the late and present enviable condition of all the banks of that city is sufficient proof. Similar causes produced similar effects all over the Union. Banks were multiplied every where; yet I do not admit that there was any general excess in their issues of paper. My purpose is to show, and that, I think, is now apparent, at least so far as my State is concerned, that the late and present Administrations cannot escape from their just responsibility to the people for the state of things now existing, by charging it upon the creation of banks by the States, or the excessive issues of those banks; for, if those things did exist, they were the consequence of the previous action of the Executive of this Union. The unwise and improper interfere of the Administration with the monetary affairs of the country, and the destruction of the Bank of the United States, was the *causa causans* of the whole.

It has been said by the Senator from North Carolina, [Mr. STRANGE,] that there was great commercial distress in England and elsewhere, and he asks, with an air of triumph, who produced this? I answer that, to a very great extent, you did. In citing such facts and reasoning from them, in extenuation of the conduct of the late administration, gentlemen are again assigning effects for causes, or rather arguing from effects against causes. You had, by your unwise policy, created an unnatural demand for coin in this country; your pernicious Treasury order was daily carrying off large sums against the course of trade, from points where it was necessary as a basis of circulation, and for the adjustment of foreign balances, to points where it was worse than useless; you had been draining England of her coin while you were largely her debtor; increasing, by importations of coin, instead of reducing by exportations, your debt to her: till, feeling the effects in her own necessary supply, your credit there was checked to produce a return; your unnatural demand here to answer the avowed purposes of the specie circular, as well as that other and probably greater demand, occasioned by it, for poarding in anticipation of coming events, precluded the possibility of that return; your credit, as an inevitable consequence, was destroyed, and all the immense amount of your foreign debt, which might have been kept afloat, and available to the holders of your securities, till your products could have met it, by the timely payment of comparatively a small sum, fell at once a dead weight upon you and your foreign creditors, and through them upon all the ramifications of their business connections, commercial and manufacturing. Not only this, but your foreign trade was thereby totally suspended. Could England fail to be embarrassed to a considerable extent by this sudden failure of her heavy debtor and largest customer? Could the commercial world fail to be affected, directly or indirectly, by the sudden prostration and total derangement of so vast a trade as that carried on by this country?

But I will dwell no longer upon the causes of the present state of things, it is waste of time and words; so much was necessary in reply to the gentleman [Mr. STRANGE] who last preceded me in the debate. The people know who have warred upon their currency, they know who undertook to make it better; and now that it is destroyed, having witnessed the strife, they cannot be deceived as to the parties chargeable with the destruction. And now, after you have produced all the distress and suffering which it is admitted afflict the country, when the eyes of the whole nation are turned to you with intense anxiety you relief, what do you propose to do? Why, you present this bill, this Sub-Treasury scheme! you propose to divorce the Government from the banks, and business, and currency of the country The people have called upon you for relief, and they are repelled, and told they must take care of themselves, and that Government will take care of itself! What, sir, separate yourselves from the people! from your masters! Who and what are you, and by what authority sit you here in high places? I had thought you were here as the agents of the people—that Government was instituted solely for the good of the people—that you held your commissions from them, and were here to promote their happiness and welfare! and yet you disregard their wants and suffering, and talk of your Sub-Treasuries, your vaults, and your caverns, and divorces. You have plunged the country, by your experimenting, into an agony of distress; in many places the industrious and laboring classes are suffering for bread, they call to you for help, they cry thirst, and you give them "gall and vinegar to drink;" you present them this bill to augment their distresses. But you say the people are apt to look to Government for too much, as the Message has it. These are times of great distress and difficulty, dangers and embarrassments thicken on every side, the Government must abandon the country to its fate and take care of itself, the head must be preserved though the body perishes.

The attitude you propose to assume reminds me of the ridiculous habit ascribed by Goldsmith to the ostrich. This bird, the largest of the feathered tribe, appears sometimes to be courageous, but will fly from the near approach of even trifling danger; at first it relies upon its fleetness for escape, but, when closely pursued, even the degree of instinct common to all other animals seems to forsake it, and hiding its head in some small fissure of a rock or hole in the earth, it imagines itself safe because the head is covered, although all other parts of its body remain exposed, and are left to be preyed upon at will by the pursuing enemy. Not very dissimilar, it seems to me, will be the interesting spectacle exhibited by the passage of this bill. Whether the members of the body whose head is buried in the Sub-Treasury vaults will be particularly pleased with their exposed situation, time must show. There can be no doubt, however, but that a smile of no equivocal character will play upon the countenance of every disinterested observer.

To return: we have been earnestly and emphatically told, this is a Government of limited powers, and cannot, constitutionally, do any thing. Yes, sir, the distinguished and highly gifted Senator from South Carolina, [Mr. CALHOUN,] has argued that we cannot even pass the substitute offered by the Senator from Virginia, [Mr. RIVES,] consistently with the Constitution. Let us examine and see if this difficulty really exists; if it does, then has this Government failed of the ends of its institution, and our condition is hapless and hopeless indeed. Before, however, I proceed with the examination of this branch of the subject, I must pause to notice, and put myself right before the country, upon another point alluded to in this connection by the Senator. He says, in maintaining his construction of the Constitution, (after enumerating evils which he thinks would flow from a different construction,) "and thus a door might be opened to an interference with State institutions, of which *we of a certain section* ought at this time to be not a little jealous."

I very much regret this allusion; the section appealed to cannot be mistaken, nor can the disturbing passions thereby likely to be awakened assist in our search for truth. The honorable gentleman tells us his object is truth, and I doubt him not; but why touch a chord that vibrates so strongly? To arrive at truth, reason should be calm, a condition we of a *certain quarter* are not likely to be placed in by such appeals. I, sir, and the people I in part represent here, are of that quarter. We have interests, feelings, habits, susceptibilities, all in common with the whole South; our situation upon a *certain question* is even more critical and dangerous in some respects than theirs, but we dread nothing so much as agitation and excitement upon that subject; all discussions upon it here are fraught with danger to the whole country. We of Maryland have suffered much painful anxiety in relation to it; our feelings have been often harrowed up both by unwise and wicked agitation of this matter; at one time we are taunted and goaded by erring Christians, by fanatics, and friends; and at another our passions are inflamed and feelings played upon by party politicians. No people are more alive upon this question than we are, none perhaps more determined in the course they will pursue in relation to it; but we have been silent, our feelings are wrought to that point where true dignity imposed silence. We believe the great danger is in agitation, we know there are many reckless fanatics in the North, but we also know there is much virtue, patriotish and intelligence there; and in that virtue, patriotism and intelligence we still have an abiding confidence. We rely upon these to hold in check and repress the evil spirits among them. If they do this, we shall love them still, and better than before. We do not believe the dangers predicted in other quarters are so imminent; we trust they will never come upon us; but if, contrary to our just hopes, extremes of evil should come, we cannot but brace ourselves to the storm, and meet it, when it comes, with fearless determination. Should the necessity ever arise, (which may Heaven in its mercy avert!) we shall in sadness take our stand under the Southern banner, but as determined as sad we shall abide there to the death.

Such things have nothing to do with the inquiry as to the true extent of the powers of this Government upon this or any other occasion; the claim of power over this matter admits of no discussion. It cannot be inferred; and, if assumed, must be assumed over the ruins of the whole Constitution. I recognise not, then, the justice of such appeals; nor can I be induced, under the influence of any apprehensions they may excite, to give such a strained construction to the Constitution as will defeat the beneficent ends for which it was framed. The rights and interests of each and every quarter of the Union are amply secured and fully protected by that instrument in its fair and full scope. I wise to see it operate to its legitimate end—the happiness and welfare of all. Extreme wickedness may pervert to the destruction of the country all or any of the vast powers expressly granted; but no one would say, we should therefore argue, from the possible abuse, against the existence of the grant. When such a degree of depravity shall exist in the country, there will be but one remedy. Modes of construction will give no security. We have yet, however, I trust, sufficient virtue and patriotism remaining to construe and administer the Constitution according to its true meaning and spirit, with a single eye to its beneficent designs. Discarding, then, all such disturbing passions and fears, let us inquire into the rationale of the objections to the powers of the Government as urged by the Senator To do this, one or two preliminary points must be established. I set out, then, with asserting this proposition: that this Government, in the exercise of its expressly delegated powers may select the *most convenient and appropriate* means, provided, in that selection, it impinge not upon prohibited ground, The proof: the powers of Government are generally given in classes; such as the power to regulate commerce, the power to coin money, and the like. The classes are specific, but given in concise and general terms, and given that they may be exercised to certain and declared ends, namely, the "promotion of the general welfare," as stated to be the object of the grant, in the preamble to the Constitution. How and by what means to be exercised, the particular grants are silent. The things cannot be done without the use of some means. Where is the specific grant of means? Nowhere. How then do you get the command of them? They are incidental, or granted by the last clause of the article containing these grants, (the 8th,) by which power is given to Congress "to make all laws which shall be *necessary* and *proper* for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof. But this only gives the means *necessary* and *proper;* and I have claimed the right to such as are *most convenient* and *appropriate* within the limits of express prohibition. We must therefore inquire, what is the true meaning of the words *necessary* and *proper* in the connection in which they stand in that clause. The word *necessary* is the stricter term; about the word *proper* there can be no dispute. I will therefore leave this, as equivalent to the term appropriate, and discourse only on the term *necessary*. This word, as it stands in the clause quoted, must have its meaning explained in one or two ways: it either means *indispensably necessary*, that is, something for which no equivalent or substitute can be found, or it means something most convenient or conducive to the main object. That it does not mean *indispensably* necessary, will, I think, be conceded, when it is recollected that in the exercise of several of the powers, and in the performance of several of the duties of the Government, there are many different means, any of which will answer the purpose, with different degrees of convenience; but there being several means, either of which would answer, neither is indispensable. Some one is indispensable, certainly; for, without some means, the power cannot be exercised, nor the duty be performed at all. But neither of several things can be considered indispensable, when either will answer the same end; because, dispensing with either, some other can be resorted to. The *indispensable* necessity goes no farther than the adoption of some one of the many means which may be adequate to the end; but in the selection between the several sorts of means capable of answering the purpose, you can only be governed by considerations of greater convenience and propriety. Give the clause the construction contended for, admit that no particular means can be used unless it be *indispensably* necessary, and you can use none at all in cases where several different means exist; because whichever you select is not indispensably necessary, so long as there are others which could be used when the selected means are dispensed with.

Take, for example, the taxing power. What a variety of means there are of laying and collecting taxes! Neither of these is *indispensably* necessary to the exercise of the power, for either will answer. If, then, you can use only such as is *indispensably* necessary; if you have no discretion, no right to select, you can use neither, and your power cannot be exercised. So of keeping and disbursing the public money, the question now under consideration. This Sub-Treasury bill is proposed as means; it is not indispensable, because there are other means of doing the same thing. The State banks are not indispensable for this purpose, because there are still other means by which it can be effected. Not at liberty to choose, restricted to the use of that mean only which is *indispensable*, there being none such, you can use none, and the public money cannot be kept at all. It must now be apparent that the word *necessary* is not used in the strict and narrow sense contended for; and it follows that the only and most restricted practical construction which can be given to this part of the Constitution is, that Congress has power to adopt necessary and proper means of exercising the powers granted, and of performing the duties imposed upon it, and that, in the adoption of those means, they are to select such as are most convenient and appropriate.

I mean not to contend, nor need I contend, for the broad construction of the terms "general welfare," as used either in the preamble or the first clause of the 8th section of the Constitution, against which the Senator has protested. I admit, nay, I insist, they are limited by the subsequent specifications of powers, and can justly be held to import no more than a declaration of the end and object for which the specific grants of power are to be used; in other words, they are declaratory of the nature of the trust. What I contend for is, that the several specific grants of powers carry along with them the right to use *necessary* and *proper* means for their execution; and that these terms necessary and proper, as used in the Constitution, are not to be, and cannot be, construed in a strict and narrow sense, but are, as there used, within the express restrictions, equivalent to most convenient and appropriate. I shall use, however, these terms general welfare in their declaratory sense, to deduce from them certain obligations of duty on the part of this Government in the selection of the most convenient and appropriate means for exercising its specific powers. Of this hereafter.

Having now established the preliminary points, I recur to the particular objections to the constitutional power to pass the substitute for the bill, as urged in the argument of the Senator from South Carolina, [Mr. CALHOUN.] He asserts, in the first place, that this Government has no right, constitutionally, to make the contract or arrangement with the banks for the safe-keeping of the public money, as proposed by the substitute; and, holding up the Constitution, he demands that the specific grant of power to make this arrangement be shown. Now, in reply, I say it is not claimed as a separate, independent power; it is claimed only as a mean incidental to the collection and disbursement of revenue, and as such does most undoubtedly belong to this Government, and is a more convenient and appropriate mean of doing the same thing, namely, keeping and disbursing the public money, than this Sub-Treasury bill. The inquiry might be retorted, by asking where can be found in the Constitution a specification of the power to establish all the machinery proposed by this bill? Nowhere; there are no such specifications; it can be claimed and exercised only as incidental, as a mean; and the only question is, whether it be a more convenient and

appropriate mean; and that it is not so convenient or appropriate as the arrangement proposed by the substitute will be apparent to any one who takes the trouble to inquire into the inferiority of the security for the public money thereby afforded, and to reflect upon the fatal effects of its adoption upon the "general welfare" of the country. If we have not power to enter into this arrangement with the banks to use them as means of managing our fiscal concerns, unless a specific grant of power to that effect can be shown in the Constitution, whence comes the power to contract for carrying the mail, or to carry the mail at all? The Constitution gives you in terms simply the power "to establish post offices and post roads;" that is all; and yet, under this grant, you make contracts with individuals and corporations for carrying your mail, and have established all the immense machinery of the Post Office Department. Whence your power to make all the other thousand contracts, continually being made for supplies of various sorts, and for the performance of various services for Government? All these, as well as the power to make the proposed arrangement with the banks, result to the Government as incidental to the several classes of powers to which they relate, and which are specifically granted. They are necessary as means of executing those powers—are claimed and exercised on that ground; and if the power to use means not specified and detailed in the Constitution for the administration of the granted powers, and performance of duties enjoined, are now to be denied, all the operations of Government must come to a stand.

The Senator again denies the right to make general deposites of the public revenue in a bank, and quotes in support of this position, the clause next the last in the 9th section, first article of the Constitution, which is in these words: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." How is a general deposite of the public money in a bank an infraction of this clause? When we make a deposite in bank, a general deposite, we are putting money *into* the Treasury, not drawing it out. No expenditure of the money is thereby made or authorized. It is placed there for safe-keeping, is passed to the credit of the Government on the books of the bank, and so remains until it is drawn out or disbursed in consequence of appropriations made by law; or is transferred to some more convenient point for the purpose of being so disposed of. The bank is your agent to keep safely, and return whenever called upon lawfully, the money deposited with it; it is always there and always subject to your order, and therefore always in the Treasury. Being in bank it is not separated from the business and trade of the country, but instead of lying dead and useless to every body until wanted in the course of your expenditures, they so keep it as to make it in the interval useful and conducive to the general good; yet it is not *drawn from* the Treasury or expended. The terms *drawn from the Treasury* as used in the clause quoted, signify plainly to expend, to part with, to appropriate in payment, or otherwise apply on Government account; and the whole clause is intended merely as a restraint upon the *dirbursement* of the public money. And can a sum of money be said to be disbursed which stands to your credit on the books of a solvent bank? Certainly not; it is in the Treasury. All money of the Government, in the hands or custody of any agent who may be appointed to take care of and keep it, is in the Treasury, a term not used to designate a particular place or building, but the treasure actually in the possession of Government and its agents, subject to disbursement. But it is argued the banks discount upon these deposites, and they are therefore drawn from the Treasury. What has the Treasury to do with the discounts made by the banks? They have undertaken to keep your money safely, and on deposite. With them it is always subject to your order. What though in consequence of these deposites they do lend more to their customers than they otherwise would? It is their own affair, and whether they keep the funds intrusted to them in vaults, or in the hands of their customers, it cannot be said to amount to an expenditure of the public money, or any infraction of the clause of the Constitution quoted; they are responsible for the safety of the money, however or wherever they may keep it, and it is still so much to your credit in their hands as your agents, subject to the order of Government for disbursement, and therefore in the Treasury, not drawn from it. I am not now arguing as to the liability of banks to diminish their security or safety as depositories by too great an extension of their discounts; that is another question. What I have said was to show that the discounts or loans made by banks in which public money was deposited do not amount to a drawing of money from the Treasury. If a removal from any particular place, or transfer from hand to hand of the money of the Government, be to draw money from the Treasury, then all your transfers from place to place as convenience may require for future disbursement, are unconstitutional. Then, when money is once collected, it must never be touched or moved on any pretence whatever, either to provide for its greater safety, or for any other purpose, "but in consequence of appropriations made law." Such a construction can never obtain, and, until it does, our right to make general deposites of the public revenue in banks remains unquestionable, as it has been hitherto unquestioned.

It is again argued by the Senator [Mr. CALHOUN] as another constitutional objection to the substitute, that this Government has no right to treat bank notes as money in its fiscal transactions, and impart to them receivability in payment of its dues. It is difficult to meet and combat in argument a proposition so plainly untenable, and so contrary to all our habits of thought, and the accustomed course of things. This position needs but to be stated, it seems to me, to be rejected; yet it has been earnestly and most eloquently asserted and reasoned upon by the Senator. Is it not necessarily incident to the power to lay and collect taxes, that you should prescribe the medium in which payment is to be made? Is that medium any where prescribed in the Constitution? Does the Constitution any where say that you shall receive nothing but silver and gold in the payment of dues to Government? And when you by law require that nothing but silver and gold shall be received in such payment, are you not prescribing a medium of payment, and exercising the very power you would be exercising if you authorized the receipt of bank paper, or any thing else? Does it not strike the mind of every man with irresistible force, that the creditor to whom a debt is payable, be that creditor a natural person, or body corporate or politic, may at pleasure relax the rigor of the obligation upon the debtor, and receive in payment that which it is more convenient for the debtor to pay. I agree that equal justice requires that all contributions made by numbers of persons for a common purpose should be regulated by principles of equality, and should be paid by all in a medium of equal value. It is in conformity to this principle of equal justice that your Constitution requires your taxes to be uniform throughout the United States.

But this does not prove that you cannot receive bank notes in payment of those taxes; it only proves that, if received, you must see that such as you do receive in one place are equally valuable with those received in another; an equality of value which I shall presently attempt to show does not, and will not, exist, even in your gold and silver coin itself, at different points, unless you perform what I consider one of your most important duties, namely, to regulate the currency and exchanges of the country. But the Senator argues that if bank notes are received, the Government might, upon the same principle, select tobacco as a medium of payment to itself, and thence deduce the right to regulate that staple in various ways. They could not, under that pretence, claim the right to regulate the article any further than they imparted receivability to it in payment of their dues, that is, they might prescribe the quality and condition of the article itself, and the weight, size, shape, and material of the hogshead or package which they would receive, but there their power would end; they could not assume any control over, nor regulate, in any way, that which the producers might see fit to dispose of otherwise; and so far from being alarmed at the suggestion that Government might make tobacco the medium for the payment of the public dues, I am disposed to think the planters in Maryland (to whom the payment of taxes in tobacco is not a new idea) would have no sort of objection to such a regulation. As one of them, I say for myself, I should be glad of it, for it would occasion an increased demand for our commodity, and of course render it more profitable to the grower.

The Senator says it is unconstitutional to receive bank notes in payment of public dues. I doubt not such is sincerely his opinion, or he would not have advanced it; and such being his opinion, though I differ with him, I claim on that ground, his vote against this Sub-Treasury bill. He would not, certainly, knowingly vote for an unconstitutional measure; and he conscientiously believes it to be unconstitutional to receive bank notes in payments to the Treasury; he cannot, therefore, vote for any law authorizing their reception, and has urged earnestly, in debate, that objection to the substitute. Now, this very Sub-Treasury bill contains a provision in the 23d section authorizing or permitting the receipt of bank notes in payment of portions of the public dues, for six years to come; he cannot, therefore, consistently with his own position, assumed in this very debate, vote for this bill; and although he may, on that and other grounds, vote against the substitute, he must on that ground, at least, vote with me against the bill. For constitutional principles are stubborn things, and cannot be made to yield to considerations of expediency: when a proposition is once admitted or proved to be unconstitutional, there is, or ought to be, an end of it.

Having now disposed of all the constitutional objections which have been urged, I pass to the affirmative proposition, that it is the imperative duty of this Government to see that the country is provided with a currency, sound, safe, and well regulated. This obligation, or duty, on the part of the Government, is now denied by the dominant party, and though claimed and acted upon by the late Administration, throughout its whole career, it is now proposed to repudiate it by the bill before the Senate; and the people of the country are, we are told, in this respect, to take care of themselves, Government can do nothing. I assert this obligation as resulting from the very nature and object of our Union as well as being indispensable to the performance of several of the duties expressly imposed by the Constitution. By the tenth section of the first article of the Constitution, power over these matters is prohibited to the States. They are forbidden to "coin money; emit bills of credit; make any thing but gold and silver a tender in payment of debts;" and by a previous clause of that instrument (the 5th of the 8th section) power is given to Congress "to coin money, and regulate the value thereof," &c. Thus the whole subject is, by express words, taken from the States and vested in this Government. For what purpose was this done? Plainly and obviously for the sake of uniformity throughout the country, and to avoid the evils and inconveniences to the whole people of currencies local and of unequal values.

By the clause of the Constitution last quoted, you are authorized and required to regulate the value of money. How is this to be done? Can it be possible that any one will contend that this duty is fulfilled by fixing the denominations of your coin, and prescribing the proportions of alloy and pure metal, of which each piece shall consist? These are not the sole tests of its value, they afford proof to every one who receives a piece of your coin of a particular denomination, and stamped in a particular way, of the quantity of constituent materials in that piece; but its value is not thereby regulated; the value may, and does, notwithstanding this, vary with change of circumstances. This is the mere *coinage*, not the regulation of the value of your money. You are required to do both, "to coin money and regulate the value thereof." This last you cannot do without regulating the whole currency, every thing which circulates and is used as money, and bringing the whole to some fixed and uniform standard.

It is the money value of your coin you are required to regulate by the Constitution; the words being "to coin money and regulate the value thereof." The value of bullion you have no authority to regulate, and could not regulate, had you the authority and disposition to make the attempt; that depends upon the markets of the world, and must be left to be regulated by them. But the value of your money, coin and paper, you not only have the authority to regulate, but you are expressly enjoined to regulate it. To this end, ample and various means are at your command, and it is precisely because you do not and will not perform this duty, that your coin does not now circulate as money, and is used simply as an article of merchandise; and this condition of things will continue to exist, and all the attendant evils and inconveniences will progressively increase, until this Government shall abandon its present pernicious policy, and exercise the power with which it was clothed for the beneficial purpose of furnishing to this whole Republic a uniform standard of value. I have already stated that the value of your coin cannot be regulated or rendered uniform for purposes of money or currency unless the paper, or that which circulates along with it, and performs the same functions, be also regulated. It being your duty to regulate the value of money, it follows, even if it is admitted that bank notes are not money, yet being in fact a part of the currency, and performing the functions of money, you must regulate them. You will not accomplish this by efforts to destroy; by favor, by imparting confidence, they could now easily be restored to the condition of convertibility into coin, at the pleasure of the holder, and a near approximation to uniformity soon follows. To complete the work, domestic exchanges must be regulated, and to this the local banks are not and cannot be made fully competent. Again: it has been argued, and especially by the Senator from North Carolina, [Mr. STRANGE,] that taxes are required by the Constitution to be uniform, and hence he draws conclusions in favor of the passage of this bill and a purely metallic currency. It is with this as with several other of the constitutional positions assumed on the other side. Far from furnishing an argument in their favor, it fortifies our views of the question, and illustrates the utter incompatibility with the genius, powers, and duties of this Government, of the measures now proposed, and the results to which they inevitably lead. The bill contemplates the ultimate receipt of nothing but gold and silver coin in payment of public dues, and leaving the paper currency of the country to time, chance, and accident. The paper of the banks, then, may continue to circulate, at variously depreciated rates, in different quarters, as chance or accident may direct; so long as it continues inconvertible, there will be no coin in circulation with it. Coin, used or bought and sold in the market, as bullion, will be, like other mercantile commodities, subject to the usual fluctuations of price, occasioned by the relations existing at the time and place, between demand and supply. There being none in circulation as *money*, the Government debtor will have to go into the market whenever a payment to Government is to be made, to purchase, at whatever price it is to be obtained, (most probably at a price suddenly advanced in consequence, if his payment is large, of the demand created by his own wants,) the amount of dollars he has to pay. And thus it may, and will happen, that on the same day one debtor to Government will be compelled to pay twenty-five per cent. more for a given amount due to Government, in one quarter of the country, than his fellow debtor will have to pay for the same amount in another. This will be an admirable specimen of the uniformity of taxation!

But suppose the other effect is produced by the bill, of which I shall speak presently, namely, the destruction of all banks, and that you have a purely metallic currency only: will your taxes then be collected in a medium of uniform value? Will not that uniformity be destroyed by the unsettled and ever-varying rates of exchange? and the inequality be exactly in proportion as the rate of exchange with other quarters of the country is favorable or otherwise to the place where payment is made? So, in neither event can this requisition of the Constitution be complied with, if the measure proposed is adopted.

Again; it is made by the Constitution the duty of this Government "to regulate commerce with foreign nations, and among the several States." Can this duty be fulfilled without so regulating the actual currency, the great nerve of commerce, as to give to it a fixed, steady, and uniform value throughout the whole country? Can commerce be regulated, can its operations be equal, fair, and just, unless the chief instrument for carrying it on, the medium of exchange and payment, be of uniform value? Why were the States forbidden by the Constitution to pass tender laws, or any laws impairing by the Constitution to pass tender laws, or any laws impairing the obligation of contracts, but that such acts on their part might disturb values and impede the just and fair operations of commerce among the States? And will not local, unregulated, and variously depreciated currencies have the same pernicious effect?

The duty "to regulate commerce among the several States," implies, in my judgment, that you should regulate, control and adjust its operations according to the principles of justice and equity. That you should take care, by this regulation, that the citizens of every State should be enabled to obtain each his fair and just proportion of the benefits and advantages derivable from the sale or exchange of their several productions and commodities to or with the citizens of another State, without unequal burdens or discriminating charges of any kind; that persons carrying on this commerce shall not be deprived or robbed of any portion of the value of their commodities, either by the direct action of the State authority, or by any contrivance of sharpers, shavers, or money dealers, operating with or upon unsound, depreciated currencies, unregulated exchanges, and the like. To the end that this regulation, this equalization of the benefits and advantages of commerce among the several States might be secured to all, the States themselves have consented to be shorn of portions of their sovereign power, have parted with their authority over the subject, and placed it in your hands as the common agent of all, to be exercised for the common object. It may be said that this duty of the Government is fulfilled so long as the States abstain, or are prevented from encumbering this commerce by discriminating taxes or the like; but, I ask what essential difference does it make to the farmer, or other producer of a marketable commodity, whether he pays ten or twenty per cent. by way of tax directly to the State in which he sells, or through which he carries his produce to market, or pays the same amount to sharpers, swindlers, or shavers, under the names of discounts upon the currency or differences of exchange? I should think he would more willingly submit to a discriminating tax imposed by State authority, because that would generally be known, fixed, and certain and therefore be a matter in reference to which he could make his calculations before he left his home; but the charges of shavers and exchange brokers are always uncertain and variable; things about which no calculations can be made beforehand, and liable to be increased in proportion to the necessities of those having to submit to them. To regulate commerce among the several States, then, to perform that duty according to the spirit and object with which it was given you in charge, you must, as means, regulate and give uniformity of value to the actual currency of the country; without this, you cannot "establish justice," and you will stop short of the effectuation of one great good contemplated by the institution of this Government. I think it may now be fairly assumed, from all that has been said, of the duty on the part of this Government "to regulate the value of money," to see that "taxes shall be uniform throughout the United States," and "to regulate commerce among the several States," that it is a duty imposed by each and all of these to regulate the actual currency of the country, and to take care that it is sound, safe, and of uniform value, as a necessary means, without which neither of those express grants of power can be faithfully exercised, to the attainment of the ends designed.

Let us now inquire how it is proposed to fulfil this duty. The bill under discussion, far from attempting to fulfil it, is an express abandonment of it altogether. It (the bill) proposes not only to do nothing for the country and the people, but to do worse than nothing. Its principles and policy, if carried out

must have the effect of greatly augmenting existing difficulties and distress, and of rendering the present confusion in the exchanges and currency of the country more confounded. It will destroy what remains of credit and confidence; it will either remove from circulation entirely all bank paper, and force the country through scenes of ruin and suffering, of which what now exists is but a faint and distant outline, to a purely metallic currency. Or, should the necessities of the people compel a continuance among them of the use of bank paper as a currency, the resumption of specie payments by the banks must be postponed to some period beyond the continuance of such a policy; for it is idle to think of banks resuming specie payments, and continuing to do business in the face of the discredit thus to be thrown upon them by the Government, and the factitious value imparted to coin by its exclusive receivability in payment of public dues. Commerce must languish, droop, and perish, and with commerce will sink also manufactures and agriculture; for commerce circulates the products of both, gives them value, and brings to those employed in these pursuits the fair rewards of their toil and industry. Without her aid what becomes of the surplus productions of the farmer and planter? They perish; they rot upon his hands; they bring no additional comfort or enjoyment to himself or his family. Reaping no reward, how soon will the farmer cease to cultivate more than enough of those things which his farm will produce than are necessary for his own consumption? The same cause will have the same effect upon the exertions of the mechanic and the manufacturer. What a beautiful state of things! How rapidly we shall be approaching the *golden* age, hard money, and barbarism!

Efforts have been made to excite prejudices against merchants and manufacturers; appeal after appeal has been made to the agriculturists, to the cultivators of the soil, in favor of this measure, and they are to be taught to believe that there exists between them and the other classes of society, especially the merchants and manufacturers, hostile or adversary interests. I am an agriculturist; I live and support my family exclusively by cultivating the earth; and no one could have higher motives of interest and duty to guard that interest with scrupulous care than myself; yet, far from saying that commerce and manufactures, or commercial men, are to be viewed as hostile to the farmer's interests, I can view them only as co-laborers with him—as indispensable assistants.

Why was the regulation of commerce so carefully provided for in the Constitution? The framers of that instrument were, for the most part, agriculturalists; the great interest of the country at that day, as at this, was, and is, agricultural; and the regulation of commerce was provided for, because it was essential to that great interest that it should be carried on, and essential to the protection of the farmer that it should be regulated. The policy of this bill abandons that regulation in a most essential particular, and it is by want of the performance of this duty to regulate, that farmers may expect to suffer. Commerce and manufactures are handmaids of agriculture, and among the strangest of the many strange things of the present day, are the unreasonable jealousies and prejudices excited against those who carry them on, and especially against the merchants, a class of men, (and it is as a class only that I speak of them,) who are the agents and servants of the other great classes of society, chiefly of the farmers and cultivators of the soil; men whose best interest it is to serve us faithfully and well, who grow with our growth and strengthen with our strength; who live by ministering to our wants, and who, in this country, have, by their skill, their high honor and great enterprise, been the wonder and amazement of the world.

Manufactures, too, have been denounced. Yes, sir, we were gravely told the other day by the Senator from North Carolina, [Mr. STRANGE,] that the country was not benefitted by manufactures. I did not at first believe my ears, until the Senator repeated his remark with emphasis. What, the country not benefitted by manufactures! Would the Senator have us go back to a state of absolute barbarism? The country not benefitted by manufactures! Not benefitted by the conversion of the crude elements around us into the comforts, conveniences, and enjoyments of life! Would the Senator have us import from abroad our bricks and lime for building? our tar, turpentine, and lumber, of which, where I live, we get a great deal from North Carolina, and we are very glad to get it, too, thinking ourselves benefitted thereby; and I apprehend the people of North Carolina think themselves benefitted by supplying us, or they would not do so? Would he have us go bare-headed and bare-footed, except as we could purchase hats and shoes from foreign countries? Would he have us ride bare-backed, or go bare-backed ourselves, except as we could procure saddles or coats from foreign countries? Would he have the farmer, the cultivators of the earth, depend upon foreign countries for their ploughs, their hoes, and other implements? Were this the case, I fear there would be but little hope of ever creating such a balance of trade in our favor as would bring specie enough into the country to supply the Sub-Treasury vaults. I say nothing about protective tariffs; whether the country is benefitted by high rates of protective duties is one question; whether it is or has been benefitted by manufactures is another and a very different question. Strange as all these things may appear, they are not half so strange or startling as other effects to be produced by this bill. It is by some contended that it is to produce a return to an exclusive metallic currency, and such a return, it is affirmed, will be beneficial to the poor men of the country. There could not be a greater error; in proportion as you reduce the whole amount of circulating medium, you depress the price of labor and all the products of industry; and he benefits by such operations who already has large sums of money hoarded, not he who has it to acquire by labor. The wealthy capitalist will benefit by a destruction of all currency but gold and silver coin, not the small farmer or laboring man. When you shall have banished from circulation three-fourths of the present currency, it will be as difficult to obtain one dollar as it now is, or lately was, to obtain four. The farmer must consequently give four times as much of the products of his industry, the sinews and muscles of the laboring man must be strained four times as hard to earn a dollar as before. And to whose benefit does this additional labor and toil enure? To the benefit of him who has his hoards of gold, the wealthy capitalist and the salaried officer!

The Senator from North Carolina who first addressed the Senate [Mr. BROWN] stated that in resisting this Sub-Treasury bill, we were contending for the interests of the banks, and and against the interests of the people. The reverse is our position. We are struggling to shield and save the people and their interests. It is admitted that the debt due by the people of the country to the banks at this time is about four hundred and seventy-five millions of dollars. Suppose by this bill you drive from circulation all bank paper, the amount of your currency will of course be thereby reduced four-fifths, if not much more, in amount. What effect so great a reduction of the ordinary supply of money, or circulation, is to have upon prices of all kinds, none can tell; but most certainly it will reduce them in a much greater proportion. But grant that they will be reduced only in the same proportion, say three-fourths, then it will require three times as much of the property and labor of the people to pay the debt to the banks, as it now would, or as was contemplated when the debt was contracted; or in other words, the debt to the banks will in effect be reduced fourteen hundred and twenty-five millions; for property now worth that sum will be required to pay the debt it sold at the reduced rates. The banks will have a rich harvest truly, in their collections. They will be amply compensated for being compelled to cease their operations, by being enabled to appropriate to their own use the fruits of the honest industry of the country for years and years back, in the shape of improved farms, comfortable buildings, and other property, sold to satisfy small arrears due by the oppressed and ruined debtors. Who are these debtors? Not the rich and wealthy, they are on the other side of the account. The debtors are the men of limited means; the small farmers, the industrious, the active and enterprising portions of the community; you annihilate the currency, you compel the banks to collect the debts due them in coin, and wide-spread and incalculable ruin must be the consequence. And yet we are told, that we who would arrest all this, who are striving to prevent it, are sustaining the banks against the people.

No, sir, it is not the banks that are to suffer; it is not for them or their interests we are contending. They will profit by being forced to collect their debts under such circumstances. The moneyed capitalists, too, will be the great gainers, of whom many an one now sits watching the progress of this bill, like a vulture upon his perch, ready to pounce upon the covey beneath.

Pass the bill; then will be their time, and the great body of the people must become victims. Deep, indeed, must be the delusion of those who will not believe the yeomanry of this country have intelligence enough to understand, and, understanding, have courage enough indignantly to denounce the whole scheme. But we are told as the bank paper is withdrawn from circulation, specie will flow in to supply its place. Will it; from whence? Will any body give it to you? No; then you must buy it; you must give an equivalent for it. Where are your means to purchase the vast amount required to supply all your circulation and to maintain values, when your bank paper shall have been all destroyed? The supply, if obtained at all, must come from foreign countries. The quantity you will require is not less than three hundred millions of dollars. Let us look at the amount of your exports and imports for a year or two back, and see what surplus you have, or are likely to have, wherewith to purchase, and cause to flow in this immense amount of specie. By the report of the Secretary of the Treasury, it appears that the amount of imports into the country for 1836, was $189,980,035, from which we must deduct the amount of foreign merchandise exported, amounting to $21,746,360, and there remains as the amount of imports from foreign countries, and entering into the consumption of this country, the sum of $168,233,675. The amount of our domestic productions, exported during the same year, by same report, is $106,916,680, so you fell in arrears $61,316,995; and making the most liberal allowances for profits on trade, differences in reduction, etc. you were still in debt for your supplies, and had certainly nothing left to buy specie with that year. In 1837, by same report, your imports from foreign countries amounted to $140,852,980. Deduct as before amount of foreign merchandise exported $21,722,861, and you have $129,130,119 as the amount of foreign importations entering into domestic consumption in this year. Your exports of domestic produce of all sorts amounted to $95,183,199, leaving you in debt for this year also, apparently to the amount of $33,946,920, so that you had not, make every allowance for profits, etc. any thing in the year 1837 either, to purchase specie with. From this it appears that the amount of domestic products must be greatly increased, or the habits of our people so altered as to dispense with the use of a large part of the foreign productions they have been accustomed to use and enjoy, before we can have any surplus to purchase specie to fill up the channels of our circulation. How many years it will take so to increase our domestic productions or alter the habits of our people it is impossible to tell; but if you suppose, and it is an extravagant supposition, rendered doubly so by the severe trial the country will be passing through, that by self-denials and hard work we so manage as to reduce our consumption and increase our surplus production one-half the whole amount of our consumption of foreign imports for 1837, or sixty millions annually, and apply this whole difference to the procurement of specie, it will require five years to obtain the amount necessary; long before the expiration of which time, the collection of debts will have done its work of ruin upon all, however industrious or meritorious, who now owe even small balances. And after the country shall have passed through all this, the suffering and injustice shall all have been endured, and you have your supply of gold and silver, what warrant have you that it will abide with you? None whatever. The first change in the tide of foreign commerce, the first extraordinary demand that future occurrences may occasion for it abroad, will carry it away more rapidly than it came.

It has been said by some Senators, and particularly by the Senator from South Carolina, [Mr. CALHOUN,] that the bill will not destroy the banks or bank notes but will leave them still to circulate as local currency. Upon that I have before commented, and will here only add, that such cannot be the case under the operation of this bill, unless necessity forces them to circulate, as at present, an irredeemable, inconvertible paper money, subject to all the evils of excessive augmentation, various degrees of depreciation, insecurity, and injustice, before pointed out. What then is to be done? Restore the credit system—restore to the country a sound, safe, and regulated paper medium of uniform value, and always convertible into gold or silver, at the pleasure of the holder—restore that which we had, and of which we have been deprived by a long series of unwise and pernicious experiments. Cease the war upon the banking institutions of the country, extend to them the smiles of confidence, let them operate to their legitimate ends, namely, to give to credit, within safe limits, the advantages of capital—to give to intelligence and industry, though coupled with poverty, the means of acquiring independence. We want not an exclusive specie currency, it is unsuited to our condition, unsuited to our wide extended country. Its expensiveness in counting the transmission is too burdensome—its immense cost for interest annually is too heavy a drawback upon our prosperity, when the same functions can be better and more cheaply performed in other respects without it. The saving to the country, in the course of a few years, by the use of a paper medium, is amazing to one who has not thought or taken the trouble to make a calculation upon the subject. I have taken the pains to make some calculations upon this point. I will state them. Assuming three for one to be, under ordinary circumstances, a safe relation between bank issues and the metalic basis upon which they rest, and this appears to be generally admitted to be correct, let us suppose $400,000,000 to be the amount of circulating medium required by the country; then, if you use paper, properly regulated, you will require only $100,000,000 of coin; the other three hundred millions is made up of paper which costs the country nothing.

To the country, then, there is a saving of the interest upon these $300,000,000; calculate this interest at six per cent. per annum, and compound it only once in a year, (a rate much slower than the actual accumulations from capital employed in most of the active pursuits of our country,) and you have, in the course of twenty-five years, the enormous sum of $874,478,055, as the amount saved in interest only, by the use of a mixed currency, though regulated and kept always convertible into coin; a sum which, immense as it is, will cease to astonish when we look around upon the country and behold what have been the practical effects of the system during the last twenty years. The effects of the proposed *wise* policy of employing the dearest of all materials to effect purposes which can be as well or better effected by much cheaper means, of indulging a ridiculous fondness for the glitter and jingle of gold and silver, I will illustrate in another way: suppose two persons, I will say two young farmers, (because I like them, they are of my own kind,) have each five thousand dollars. The one in furnishing his house chooses to lay out his five thousand dollars in gold and silver plate; his tea services and his dinner services, his salvers and his candlesticks, all of precious metal, are rich and beautiful, and valuable certainly, and they are useful, too. The other having no such inordinate desire to have silver and gold always before his eyes, supplies himself for all these purposes with the materials of glass and crockery in common use, and which answer the purpose equally well, and many of them better, and deducting their cost from his five thousand dollars invests the balance in trade, in productive stocks, or another farm; observe the difference in their situations after the expiration of twenty years. The first still has plate, a little worn and somewhat lighter than at first, but he still has it, and if not diminished it is certainly not increased in value, nor has it produced him any thing, though it has served the purposes for which he procured it all the time. The other has the farm he purchased, itself probably more than doubled in value, and an accumulation of annual profits, at least two or three times greater than the worth of the plate. Your gold and silver gentleman will find, in the language of Dr. Franklin, that he has paid pretty "dearly for his whistle;" and so shall we if we are brought to a purely metallic currency.

That a mixed currency can be rendered safe and much more useful and convenient than one purely metallic needs no argument to prove; nor need I reply to the argument that the banks are a heavy tax upon the community. He who borrows money from a bank, and, using their notes, pays an interest for them, pays no more than the lawful equivalent for the benefit or services rendered him. The notes are more convenient to him, answer his purposes as well or better than metal, and the whole country is a great gainer by dispensing with the use of so much coin. A paper medium, to be safe, must be always convertible into coin, at the pleasure of the holder. To preserve this convertibility, the proportion of coin to the amount of issues should never be less than as one to three, to be increased, however, according to the indicia furnished by the rates of foreign exchange; issues, too, can always be guarded with certainty from excess, by reference to demands for coin, and the effects of such issues upon domestic prices, when compared with relative prices in the commercial world; any general tendency to speculative rise in prices indicating a redundant circulation. Such a medium, so guarded and preserved, resting upon sufficient capital, and in sufficient quantity to effect the great exchanges of the country, would relieve from the evils and inconveniences of either paper or coin, used separately, and exclusively, and secure all the advantages of both. It would be an immense saving to the country, in time and in money; it would equalize and give uniformity to values and exchanges, being itself of uniform value, circulating every where, and capable of quick, easy, and safe transmission. To have such a medium, there must be a common regulation, itself well and certainly regulated by laws vigilantly and wisely administered; perhaps one of its safest guards would be a limitation upon its profits, removing temptation to excess. We have been forewarned, however, that there is no hope for such a currency, under the present Administration!! I have to choose now between the substitute offered by the Senator from Virginia, [Mr. RIVES,] and the bill. I shall certainly vote for the substitute. And here let me pause, to pay a just tribute to the honorable mover of that substitute, and its chief advocate, the Senator from New York, [Mr. TALLMADGE.] They are entitled to, and will receive, the thanks of a grateful country, for their independent and patriotic course in presenting and sustaining it. They have stood here during this debate as good and great men, struggling, not with "the storms of fate," but with the storms of party. Their country will remember it.

I shall give my vote in favor of this substitute, because it holds out something of hope and promise to the country. I doubt its sufficiency. I do not think it equal to the exigencies of the times, but it will, at least, do some good; instead of withering powers, it proposes to extend the smiles of confidence to the moneyed institutions of the land; it repudiates the idea of a divorce, of a separation of the Government in its fiscal transactions from the currency and business of the people. It manifests a solicitude for, a sympathy with the people, in the present deranged and embarrassed state of their circulating medium. Possibly, the great resources and energies of our people may enable the business and commerce of the country to revive under it, and specie payments to be partially resumed, but it can never supply the great desideratum—a safe and stable currency of uniform value for the whole country. This it is the duty of Government, by the proper exercise of its powers, to provide, and without the use of which, as a necessary means, they cannot execute their trust according to its nature and spirit. They cannot so exercise their granted powers, as, without transcending prescribed limits, to make the whole tend in the greatest degree to the promotion of the "general welfare."

Mr. President, I have now most imperfectly performed my

duty upon this occasion. I have omitted much that I intended to have said, and much of what I have said has probably been better said by those who have preceded me in the debate; and all, and more than all I have omitted, will be better said by those who are to follow me, than it could have been by myself. I have trespassed much longer upon the Senate than I supposed I should; they will pardon me for that. I have announced my purpose in relation to the questions before us, and I have given my reasons for it in the manner you have heard: this done, I shall now patiently abide the final result. I charge this Administration, however, with an abandonment of its duty to the American people, by the bill upon your table, and the policy which dictates it. And the people, sir, will drive home and rivet that charge.

SPEECH OF MR. TALLMADGE,
OF NEW YORK,

In Senate, Saturday, June 30, 1838—Against the enlargement of Executive patronage.

MR. PRESIDENT: The proposition of my honorable colleague, considering the circumstances under which it is introduced, and the source from which it comes, is the most extraordinary I have ever known submitted to any legislative body; and let me assure the Senator from Kentucky [Mr. CRITTENDEN] that he is mistaken in saying that my colleague is consistent in making this motion, to repeal the twelve first sections of the deposite act, because he voted originally against the bill. It is true, he voted against that bill in 1836. But, why did he vote against it? Not because he was opposed to that portion which he now proposes to repeal, but because he was opposed to what has been termed the *distribution clause;* that part which directed the surplus revenues of the Government to be deposited with the States: this was the ground, and the sole ground, upon which he opposed the bill, and finally voted against it. Had not this *distribution clause* been added, he would have been the foremost to sustain, by all the powers of his mind in argument, as well as by his vote on its final passage, the very portion of the act which he would now repeal. No, sir, his opposition to that bill was to that part of it which, by his present proposition, he consents to leave unrepealed, and still to remain the law of the land.

Mr. President, who ever heard so extraordinary a proposition? What strange infatuation has seized my honorable colleague? What has become of that prudence, and discretion, and sagacity, which usually characterize his legislative action? Where is that far-reaching and cautious foresight by which, in former times, he was enabled to adapt his measures so as to avoid disastrous results? What has become of that nice balancing of political calculation, by which he was so distinguished in the more palmy days of the party? Gone, sir, gone; and gone, I fear, for ever. This is not the act of his deliberate judgment. His feelings, under the excitement of the occasion, may dictate it, but his reason, when left to its own free exercise, can never approve it. I fear he has yielded, too readily, his own better judgment to the hasty and indiscreet suggestions of his friends. He tells us he came here this morning with no intention of offering such a proposition; but that he has been induced to do it by the advice of his friends. Sir, that advice has not been given on due reflection—it is the sudden impulse, not of passion, but of feeling. I fear my honorable colleague and his friendly advisers have taken too much to heart the disasters of the campaign which is just drawing to its close. I fear the death of three successive Sub-Treasury monsters in the other House, and one of their tender offspring here, has affected too sensibly the gentlemen's nerves to allow them to bring their deliberate judgments to the consideration of the monstrous proposition now before us. Sir, I am well assured that, had the gentlemen the benefit of one night's calm and dispassionate reflection, they would never consent to commit themselves in this manner before the country. Because they cannot subject the treasures of the nation to Executive control by law, they are determined to give him that control without law; because they have not been able to impose their "disorganizing and revolutionary" measures upon an unwilling and resisting people, they have determined to place the whole money power of the Government in the hands of the Executive, without even any of those restraints which the Sub Treasury scheme was supposed to throw around it. Sir, it is the desperate act of desperate men. The Executive has led them from the straight-forward path of principle and duty, until they are lost and bewildered in the intricate mazes of his wild and visionary scheming. I cannot but persuade myself that they are convinced of their errors; but that, discarding the ethics of the Christian code, they feel it is too late to repent. They have gone too far to retreat. In the race they are running, it is with them, as in John Gilpin's race, "neck or naught;" and, in regard to this policy, my colleague might say, with Macbeth:

> "I am in *this*
> Stept in so far, that, should I wade no more,
> Returning were as tedious as go o'er."

Such an act of political suicide I have never seen before. Such an act of folly and of madness I hope never to see again.

Mr. President, let us look for one moment at my colleague's peculiar position in reference to the proposition he has submitted. That portion of the deposite act which he proposes to repeal was originally brought forward by himself. It was brought forward in pursuance of the repeated and urgent recommendations of President Jackson, that the custody of the public money should be regulated by law, and no longer left to Executive discretion or Executive agents. It was one of my colleague's own offspring, which he then nursed with all a parent's fondness, and cherished with all a parent's care. It is this darling child, which has already passed the dangerous period of boyhood and is fast approaching man's estate, which his once doting father now discards, and would turn off upon the cold charity of an unfeeling world, or have to perish by the hand of him who gave him life and being.

Sir, my colleague was chairman of a select committee who reported the deposite act of 1836. Two separate bills were originally introduced; one, to regulate by law the custody of the public money, as recommended by President Jackson; the other, to deposite the surplus revenues of the Government with the several States. These two bills were united in one by the select committee of which my colleague was chairman. He was opposed to that union; for, although he, and General Jackson, and the whole party, were formerly in favor of an absolute distribution of the surplus, still he, and General Jackson, and Mr. Van Buren, and others, were now opposed, not only to a distribution of it, but even to a deposite with the States. An unsuccessful effort was made in the Senate to keep these propositions separate and distinct. I was in favor of both of them; but I voted to separate them, in order that my political friends, who did not like the distribution bill, might have the opportunity of voting for the one and against the other. The two propositions, however, were kept together by a majority of the Senate, and the bill passed with only six dissenting votes, my colleague being one, as the Senator from Missouri expressed it, of the "glorious minority of six." He went against his own favorite measure because of its connection with one which he did not approve. Of this I do not complain. But I think the country will have reason to complain of his course now, in attempting to repeal that part whose enactment he deemed so important then, and to leave unrepealed that portion which was so obnoxious to him at that time as to make him vote against the whole bill. He may be able to explain the matter, but it is, I confess, inexplicable to me. If he had made an effort to repeal the *distribution clause*, it would not have surprised me; it would have been consistent with his whole action on that bill. But, that he should attempt to repeal the other portion of it, which was his own darling project, is to me astounding, and is indicative of something "more than meets the eye."

Sir, what was the origin and object of that part of the deposite act which my colleague proposes to repeal? It arose from the necessity which President Jackson supposed to exist, in regard to the custody of the public money. After he removed the deposites from the Bank of the United States, he placed them in the State banks, and continued to employ the State banks for the safe custody as well as the disbursement of the public money. But he saw the strong objection which would present itself to every mind, if these deposites should continue entirely at the mercy and under the control of Executive discretion. He uniformly and invariably recommended that they should be regulated by law. In the celebrated paper of September 18th, 1833, read to his cabinet, he says:

"In ridding the country of an irresponsible power, which has attempted to control the Government, care must be taken not to unite the same power with the Executive branch. To give a President control over the currency and power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and dangerous as to leave it as it is. Neither the one nor the other is necessary, and therefore ought not to be resorted to."

Such was the language employed by General Jackson when he had resolved on removing the public deposites from the Bank of the United States. What was his language after they had been removed? In his message of December, 1834, he thus speaks of dispensing with the agency of that Bank, and the substitution of the State banks in the performance of its duties to the Government:

"Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness. They have maintained themselves, and discharged all these duties, while the Bank of the United States was still powerful, and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist."

But he is not satisfied with this. He urges upon Congress, most earnestly, that the deposites in the State banks be regulated by law. He adds:

"The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the Executive authority in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or Secretary of the Treasury over those institutions, which, being thus freed from Executive influence and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upwards of two years."

By reason of some difference of opinion as to the details of a bill, no law to regulate the deposites with the State banks was passed at that session of Congress. In the mean time the public mind became much excited on this subject, and President Jackson, in his message of December, 1835, found it necessary to repel in the strongest terms all idea of keeping the public money under Executive control, and thereby extending Executive influence. He says:

"Although clothed with the legal authority, and supported by precedent, I was aware that there was, in the act of the removal of the deposites, a liability to excite that sensitiveness to Executive power which it is the characteristic and the duty of freemen to indulge: but I relied on this feeling, also, directed by patriotism and intelligence, to vindicate the conduct which, in the end, would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling, that there may have been a desire, through the instrumentality of that measure, to extend the Executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked. Under the operation of our institutions, the public servant who is called on to take a step of to such apprehensions his highest security. When unfounded, the attention which they arouse and the discussions they excite deprive those who indulge them of the power to do harm: when just, they but hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposites, it was impossible for me to be deterred from the path of duty by a fear that my motives could be misjudged, or that political prejudices could defeat the just consideration of the merits of my conduct. The result has shown how safe is this reliance upon the patriotic temper and enlightened discernment of the people. That measure has now been before them, and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited, were calculated to produce: and it now remains for Congress to consider what legislation has become necessary in consequence.

"I need only add to what I have, on former occasions, said on this subject, generally, that in the regulations which Congress may prescribe respecting the custody of the public moneys it is desirable that as little discretion as may be deemed consistent with their safekeeping should be given to the Executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, Executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money, this doctrine is peculiarly applicable, and is in harmoney, with the great principle which I felt I was sustaining in the controversy with the Bank of the United States; which has resulted in severing, to some extent, a dangerous connection between a moneyed and political power. The duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the Executive to superintend, springs out of a policy analagous to that which enjoins upon all the branches of the Federal Government an abstinence from the exercise of powers not clearly granted. In such a Government, possessing only limited and specific powers, the spirit of its general administration cannot be wiser just when it opposes the reference of all doubtful points to the great source of authority, the States and the people; whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the Executive, with reference to the Legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the Representatives of the people in that body."

In pursuance of these recommendations, my colleague brought forward a proposition for that purpose, which became a law, and which he now proposes to repeal. Do not the same reasons exist now in favor of retaining it that existed when President Jackson first recommended it? Most assuredly they do. Then why repeal it? The Senator from Missouri [Mr. BENTON] says it was first recommended on account of the large surplus then on hand, and having none now, the cause for its adoption has ceased to exist. I say, not so. The Senator is mistaken. There was no more surplus at the time this measure was first recommended than we have reason to anticipate, and ought to have, in ordinary times, to meet the current expenses of the Government. We must not take the present state of the Treasury as the criterion of the future, unless the Executive and his friends have determined, by their experiments, to exhaust the resources and dry up the revenues of the country. There is every reason for the continuance of the law now that existed for its enactment then.

We have seen that, after the removal of the deposites from the Bank of the United States, and before the passage of the deposite act, General Jackson entrusted the custody of the public money to the State banks. He exercised, through the Secretary of the Treasury, his discretion as to the time and manner of its deposite; the banks in which, and the terms upon which, it was deposited; but he felt, from the beginning, the tremendous responsibility he was assuming, and, with all his popularity and his firm hold upon the affections of the people, he foresaw the torrent of popular indignation which would follow the conviction on the public mind that the whole revenues of the country were to be taken out of the custody of the law, and drawn within the absorbing vortex of Executive discretion. He relied upon the prejudices which had been excited against the United States Bank to justify the removal of the deposites; but there was nothing on which he dared rely to shield him from the vengeance of an abused and confiding people, if he should attempt to keep them within the control of Executive discretion, instead of entrusting them to the custody of the law. In his famous manifesto, read to the Cabinet before the removal of the deposites, he carefully guards against any inference of an intention to take them within his own control; and in every message to Congress, from that time down to the passage of the deposite act, he urges most earnestly that the custody of the public money shall be regulated by law. Even *his* popularity could not have withstood the strong current of public feeling, if he had manifested, in the slightest degree, an intention to keep it within his own control. This intention was charged upon him by the opponents of his administration; but it was repelled by his repeated recommendations that it be taken out of his hands and put into the custody of the law. This recommendation was carried into effect by the passage of the deposite act of 1836; and the public voice acquiesced in the honesty of his intentions as to regulating it by law, however much it might have been distracted on the question of the removal of the deposites. But what do we now behold? We now see a proposition brought forward by one who enjoys, in a peculiar sense, the confidence of the Executive, to repeal the very act which General Jackson had so often recommended to be passed, and which was his only shield against popular jealousy and popular clamor. For what purpose is this intended? Is it to put into the hands of the Executive a power which General Jackson said he ought not to possess? Is it necessary to sustain the sceptre in his hands which the old Hero sustained without it? What else can it be? Gentlemen have told us in this debate that they are for an entire separation of Bank and State, and in favor of the receipt and disbursement of the public revenues in gold and silver only; that they will have no connection in any shape whatever with banks, either as to the receipt of their notes, or as to the deposite of the public money with them. If then, my colleague succeeds in repealing that portion of the deposite act which now regulates the custody of the public money; if he succeeds in taking off all those salutary restraints which the wisdom of a former Congress threw around it, it can be for no other purpose than to put it exclusively under the control of Executive discretion, and thereby enable him to use it to promote his own objects in such a manner as an unrestrained exercise of the money power of any Government is so well calculated to do. In what way is he to keep it, except under his own control, through officers appointed by him, and removable at his pleasure? It has been avowed, on this floor, that if this proposition succeeds, it will not be deposited with the banks as Gen. Jackson deposited it. How then is it to be kept? There is no other mode than the one I have mentioned. Can it be possible that we have already come to this, that we are willing to surrender the purse of the nation to the hand that already holds the sword? Have the American people already become so abased that they will tamely submit to such a usurpation? Shall the President dictate his schemes to Congress; and when, after the most violent struggle ever known in the history of this Government between Representative independence and Executive dictation,

those schemes are rejected, shall it be tolerated that he shall extort from you, without restraint and without law, the very treasure of the nation, which you would not entrust to him even with all the guards and restrictions which the suggestions of his ingenuity could throw around it? Is the American Senate to sit here, like the Roman Senate in the days of Tiberius, merely to register imperial edicts? Let me not be accused of attempting to raise unnecessary alarm, or to invoke imaginary fears. It is the false security in which we are reposing that most excites my apprehensions. The first encroachments on the liberty of any country are always by the stealthy, noiseless steps of usurped and unsuspected power. The blind confidence reposed in party leaders, the base submission to party dictation, the tame surrender of the independence of the representative character to the Executive will, all, all combine to raise the most painful forebodings in the mind of every one who loves his country and cherishes her free institutions.

Sir, we have every cause for apprehension and alarm. We have seen the country, in the palmiest days of her prosperity, suddenly plunged into the deepest embarrassment and distress through Executive instrumentality. We have seen our merchants sacrificing their ample means to sustain a sinking credit—sinking by the adverse action of the Government upon the confidence of the people. We have seen their families abandoning their homes and their firesides to pine in penury and want, and suffering for the ordinary comforts and conveniences of life. We have seen the husband and the father, after struggling to sustain his wife and his children against the unfeeling action of his own Government, finally sink to an untimely grave, the victim of oppression and despair. We have seen the sturdy operations of the mechanic industry of the country suspended. We have seen the looms and the spindles of the manufacturer stopped. We have seen the farmer, with his hand to the plough, *look back* to see if he, too, was to be overtaken by the "desolating tornade," which had swept away every other occupation around him. Sir, he is the last to be reached; but his time is yet to come, if the Administration persist in these destructive measures. When the products of his industry shall remain upon his hands—when, by reason of the destruction of other branches of business, it shall not pay the cost of production—when the price of his land shall sink so far as not to meet the incumbrance which may chance to rest upon it, he will then wipe the sweat from his brow, and with his brawny arm hurl from the high seats of power those who have forgotten the great interests of the country in the ignoble pursuits of party. Sir, we have seen the Government itself become bankrupt under the very operations by which it has bankrupted the community. We have seen the Executive asking of Congress the means of keeping its wheels in motion, and at the same time dictating, through his organs, the amount and the manner in which those means should be granted. We have seen the Administration plunging the country into a national debt without the ingenuousness to acknowledge it. We have seen them resorting to every expedient to meet the current expenses of the Government, and, at the same time, by their destructive policy, cutting off the sources of revenue by which alone the means can be supplied; and we shall see a still further application for supplies, rendered necessary by the blindness, the fatuity, the wilfulness, nay, the incompetency, of those who have brought us to this state of bankruptcy, of shame, and of degradation. We have seen thousands and thousands of our fellow-citizens utterly and irretrievably ruined by the hostile attitude of the Government towards the banking institutions and the credit system of the country. Yes, Mr. President, thousands and thousands who, but for this attitude, would have saved from the wreck of their fortunes an ample competency for themselves and their families—thousands and thousands who would have bent beneath the storm of adversity which howled around them, and would have again risen to bask in the sunshine of returning prosperity. But the spirit of *Loco Focoism* was the very fiend which mingled in the tempest; and, although it "put the wild waters in this roar," it would not consent to "allay them." Amidst the desolation and darkness which surrounded the unhappy victims of this policy, their cries and their entreaties were sent up to the Executive ear, but were unanswered and unheeded. Even the few that survived the wreck of their fortunes, and whilst they were yet struggling to keep their heads above water, *rari gantes in gurgite vasto*, received no aid nor even encouragement from Executive clemency. Appeals, which would have melted the heart of an Ocracoke wrecker, found that his was not made of such "penetrable stuff." Wrapped in a mysterious and unapproachable dignity, neither the advice of friends nor the fear of foes could reach him. Shut out from a real knowledge of the extent of the disasters which his own measures had brought upon the country, he neither sympathised with the sufferings of the people nor came to their relief.

Mr. President, we have seen all these, and much more than all these things; and what do we now behold? As if the cup of humiliation and of misery was not yet full; as if our constituents had not already drank it to the very dregs, my colleague now "commends the ingredients of a poisoned chalice to our own lips," not as an act of "even handed justice," but as a draught which we are forced to swallow, by way of showing the complete supremacy of Executive control over both the will of the representative and the wishes of the constituent. Sir, to him and to the Executive, whose opinions he is supposed to represent, this may be a "consummation devoutly to be wished." But to the people, it will be a consummation of that power in the hands of the Executive which converts the Government into an absolute monarchy, no matter by what name your Chief Magistrate may be called, or by what idle forms of an elective franchise he may rule over you. He has, by the Constitution, the command of the army and navy—he has shown you that his will can already *well nigh* control the legislative power—give him the money power also, and you will have given all that the most perfect despot could desire, or that the friends of civil liberty could fear.

Let it not be said that all this is idle declamation. The signs of the times have filled me with the most fearful apprehensions—this is a bold and daring effort, appalling from its very boldness, to clothe the Chief Magistrate with a power which General Jackson himself dared not retain, and which he said should never be entrusted, for one moment, to Executive discretion. The President outstrips his "illustrious predecessor." He is no longer the "Ascanian boy" who followed him with unequal steps. He has in turn become Æneas himself, and "footsteps" it as if he could carry old Anchises on his shoulders.

Sir, what are we to infer from this proposition? Nay, what may we not fear from it? Having thrice failed to force the Sub-Treasury scheme upon Congress; having received the most unequivocal demonstrations of the popular will against it, from the St. Croix to the Sabine; instead of acquescing in that public sentiment which he himself has told us is "the supreme law of the Republic," there is an effort now made to put the whole revenues of the country within the unlimited control of the Executive, and thereby establish a Sub-Treasury system without law, free from all legislative restraints, and more odious, infinitely more odious than that "BILL OF ABOMINATIONS" which has so often been put down, notwithstanding the unparalleled efforts to carry it. Do I mistake the design of this measure? Have I not high authority for what I say? Has it not been stated, at the other end of this Capitol, by one [Mr. CAMBRELENG] holding the same relation to the Executive that my colleague holds to him here, each at the head of the Finance Committees of their respective Houses, that "THE SUB-TREASURY MUST CONTINUE, AS IT IS NOW, THE LAW OF THE LAND, AND WILL CONTINUE THROUGH 1838, '39, 40, and 41, IN SPITE OF ALL THE LAMENTATIONS HERE OR ELSEWHERE." Sir, when I first saw this in the gentleman's printed speech, carefully written out by himself, I confess I was utterly astounded. I could hardly believe him serious. I thought it might be a little hyperbole in introducing, for the third time, the Sub-Treasury in the House. But I find that "coming events cast their shadows before." This declaration was but the precursor of my colleague's proposition, which is to fasten the Sub-Treasury upon us till the year 1841. And how is he to fasten it upon us? Pass this bill, repeal the deposite act, as it proposes, and we at once place ourselves within the VETO power of the President, and without a concurrence of two-thirds in both Houses of Congress, all legislative control over the revenues of the country is gone, and gone, perhaps, forever.

This done, what becomes of those salutary checks and balances of the Constitution? Where is that distribution of the powers of the Government which the fathers of the Republic supposed they had made, and which they believed was a sure guarantee of the stability of our institutions? Broken down, abandoned, usurped. Money is the power which overrides all other powers. It is the key which unlocks every heart. By this bill the Executive has it under his entire control. He appoints all the officers into whose hands he puts it, and removes them at his pleasure. He could,

> "having both the key
> Of officer and office, set all hearts
> To what tune pleased his ear."

And if the time shall ever come when the Chief Magistrate of this nation shall aspire to a title beyond the forms of the Constitution, and subversive of the liberties of the country, this bill will place within his grasp the only remaining power which is necessary for the accomplishment of his object.

Mr. President, the Senator from North Carolina [Mr. STRANGE] has this morning mourned over the humiliated, the fallen, the degraded, the disgraced condition of the Democratic party, as he is pleased to term those who, with him, are attempting to carry out the principles of the ULTRA FEDERALISM of '98. He complains that they have been beaten in their projects, and brought to this horrible predicament, because they have been abandoned by a *fragment* of their friends. Sir, they have abandoned the fragment, and not the fragment them; this fragment, as the Senator is pleased to call it, is where it always has been. It still remains upon the firm base of principle, and there let it remain for ever. It remains where General Jackson, Mr. Van Buren, and all their friends, were but a short time since. It is they that have been thrown from this granite bed, where they have so long reposed. ULTRAISM, like a convulsion in the physical world, has destroyed the "attraction of cohesion," and precipitated them to the dark abyss in which the Senator now finds himself, and from which he will be unable to emerge. They have abandoned the old and beaten track of principle marked out by the footsteps of Jefferson and Madison, and followed the devious and winding ways of new adventurers in the science of political economy and practical finance. They have entered upon a Quixotic expedition to reform the currency of the country, and after all their toil and trouble, like the knight of the Rueful Countenance, they find themselves tilting against windmills! Sir, it is they, and not we, who have abandoned and gone off. Had the President recommended the revival of the State bank deposite system, we should have heard nothing from the Senator from North Carolina, or from my colleague, about this Sub-Treasury scheme. All the friends of the Administration, with perhaps two or three exceptions, would have united most cordially with us to aid the banks in the resumption of specie payments, to revive business, and to restore the prosperity of the country. The magic influence of the Executive recommendation, like the wand of Prospero, would have allayed the tempest that was raised, and all would again have been peace and quiet. I impeach no man's motives for the course he has taken. I know how silently and imperceptibly the mind is drawn into the support of Executive measures, in spite of its own convictions. Executive influence comes o'er it,

"Like the sweet south that breaths upon a bank of violets;"

not "stealing and giving odor," but robbing it of its high sense of moral accountability, and giving a delicious foretaste of that fruition which always attends the successful issue of every "untried expedient." No, sir, I impeach no man's motives. But I must be permitted to express my unqualified belief, that but for the unfortunate recommendation of this measure by the President, we should now be acting in harmonious concert for the common interests of our common country. Instead of this, the Senator from North Carolina is determined to "sink or swim" with the President; and, however deep this Sub-Treasury millstone round his neck may sink him, he seems to say:

> "I'll seek him deeper than e'er plummet sounded,
> And with him there lie mudded."

Mr. President, these experiments and "untried expedients," over whose loss the Senator from North Carolina has wept so bitterly, have well nigh ruined the country. At all events, they have given a shock to its business, and a blow to its prosperity, which it will take a long time to repair. But for the recuperative energies of our people, a half a century would not suffice to restore our credit and our institutions to that proud height from which they have been precipitated by a weak or wicked administration of the Government. And yet we were told the other day, by the Senator from Missouri, that the experimenters had triumphed! They had triumphed, because the banks of New York had resumed specie payments! Sir, those banks resumed in spite of your experiments; and but for the hostile position of the Government, they could have resumed as well in February as in May, when foreign exchange was so reduced as to remove the fear of specie being taken from the country. Your experiments compelled them to curtail their circulation, and reduce their discounts to a ruinous extent, in order to be prepared even for a nominal resumption; and still we hear, with an exulting air, that the experimenters have triumphed! They have triumphed as certain other experiments triumphed over a cat under an exhausted receiver. They pumped out the air till she felt that vitality itself was departing, when, by the very instinct of her nature, she put her paw upon the aperture through which her life was oozing, and philosophy was left to conjecture how much more she could have borne. So with these modern experimenters in currency and finance. The country has borne with their operations till it has become exhausted, and with an instinctive and convulsive throe has loosed itself from their fatal grasp. And yet the experimenters have triumphed! and the Senator from North Carolina mourns over the loss of those *Democratic* measures, whose success would have extinguished the last ray of hope, and driven the mercantile and business community to utter despair. God deliver me from such Democracy. A Democracy which concentrates all power in the hands of one man—a Democracy which subjects the opinions and actions of party followers to his will, and to his will alone—a Democracy which makes the great and paramount interests of the country subservient to the low and grovelling pursuits of party—a Democracy which permits no action on any question, however urgent the necessity may be, without orders from headquarters—a Democracy that appeals to the passions and prejudices of the people, instead of enlightening their judgments and relying upon their reason and their patriotism—a Democracy which attempts to set up one class of the community against the other, as if their interests were not reciprocal and identical—a Democracy which denies to every man the right to think and act for himself on those great questions in which the vital interests of the country are so deeply involved—a Democracy which attempts, by party drill and party discipline, to subvert the very spirit of the Constitution, to substitute Executive for Legislative power, to subject the will of the Representative to the will of the Executive, to compel him to act contrary to his own opinions, against his own judgment, in violation of his own conscience, and in open defiance of the expressed will and wishes of his constituents—a Democracy which extends its influence from the seat of the General Government to the respective States, which swallows up the reserved rights of the States in the consolidation of the central power; a Democracy, in short, which establishes in the heart of the country the most perfect despotism under the delusive forms of free institutions.

Yes, Mr. President, such is the Democracy of this Federal Administration—an Administration that has adopted the ultra Federalism of "the reign of terror," and now charges upon its former friends the sins of its own commission. Sir, the people of the United States cannot be deceived by these vain and hollow pretences. Democracy, like monarchy, will be known by its fruits. The bitter fruits of this Administration have already ripened sufficiently to indicate the tree on which they grew—and the people have long since tasted enough to enable them, like our first parents, to distinguish between good and evil. Sir, the contest which is now waging is to determine the future character of our Government. Upon its result depends the question of the independence of the legislative branch, and also that of the supremacy of the popular over the Executive will. As these shall be determined, so will the character of our Government be. This contest will form a new epoch in our annals, and the future historian, with the "luminous philosophy of Gibbon," will date from this period the RISE OR FALL of our Republican institutions.

SPEECH OF MR. WEBSTER,
OF MASSACHUSETTS,

In Senate, March 12, 1838—On the Sub-Treasury Bill.

Mr. PRESIDENT: Having, at an early stage of the debate, expressed, in a general manner, my opposition to this bill, I must find an apology for again addressing the Senate, in the acknowledged importance of the measure, the novelty of its character, and the division of opinion respecting it which is known to exist in both Houses of Congress.

To be able, in this state of things, to give a preponderance to that side of the question which I embrace, is, perhaps, more than I ought to hope; but I do not feel that I have done all which my duty demands, until I make another effort.

The functions of this Government, which, in time of peace, most materially affect the happiness of the people, are those which respect commerce and revenue. The bill before us touches both these great interests. It proposes to act directly on the revenue and expenditure of Government, and it is expected to act, also, indirectly, on commerce and currency; while its friends and supporters altogether abstain from other measures, deemed by a great portion of Congress and of the country to be indispensably demanded by the present exigency.

We have arrived, Mr. President, towards the close of a half century from the adoption of the Constitution. During the progress of these years, our population has increased from three or four millions to thirteen or fourteen millions; our commerce, from little or nothing, to an export of a hundred and ninety millions, and an import of a hundred and twenty-eight and a half millions, in the year 1836. Our mercantile tonnage approaches near to two millions. We have a revenue and an expenditure of thirty millions a year. The manufactures of the country have attained very great importance, and, up to the commencement of the derangement of the currency, were in a prosperous and growing state. The produce of the fisheries has become vast; and the general production of the labor and capital of the country is increasing far beyond all example in other countries, or other times, and has already reached an amount which, to those who have not investigated the subject, would seem incredible.

The commerce of the United States, sir, is spread over the globe. It pursues its objects in all seas, and finds its way into every port which the laws of trade do not shut against its approach. With all the disadvantages of more costly materials, and of higher wages, and often in despite of unequal and unfavorable commercial regulations of other States, the enterprise, vigor, and economy which distinguish our navigating interest, enable it to show our flag, in competition with the most favored and most skilful, in the various quarters of the world. In the mean time, internal activity does not lag nor loiter. New and useful modes of intercourse and facilities of transportation

are established, or are in progress, everywhere. Public works are projected and pushed forward in a spirit, which grasps at high and vast objects, with a bold defiance of all expense. The aggregate value of the property of the country is augmented daily. A constant demand for new capital exists, although a debt has already been contracted in Europe, for sums advanced to States, corporations, and individuals, for purposes connected with internal improvement; which debt cannot now be less than a hundred millions of dollars. Spreading over a great extent embracing different climates, and with vast variety of products, we find an intensely excited spirit of industry and enterprise to pervade the whole country; while its external commerce, as I have already said, sweeps over all seas. We are connected with all commercial countries, and, most of all, with that which has established and sustained the most stupendous system of commerce and manufactures, and which collects and disburses an incredible amount of annual revenue; and which uses, to this end, and as means of currency and circulation, a mixed money of metal and paper.

Such a mixed system, sir, has also prevailed with us, from the beginning. Gold and silver, and convertible bank paper, have always constituted our actual money. The people are used to this system. It has hitherto commanded their confidence, and fulfilled their expectations. We have had, in succession, two National Banks, each for a period of twenty years. Local or State banks have, at the same time, been in operation; and no man of intelligence or candor can deny that, during these forty years, and with the operation of a national and these State institutions, the currency of the country, upon the whole, has been safe, cheap, convenient, and satisfactory. When the Government was established, it found convertible bank paper, issued by State banks, already in circulation; and with this circulation it did not interfere. The United States, indeed, had themselves established a bank, under the old Confederation, with authority to issue paper. A system of mixed circulation, therefore, was exactly that system which this Constitution, at its adoption, found already in existence. There is not the slightest evidence of any intention, in establishing the Constitution, to overthrew or abolish this system, although it certainly was the object of the Constitution to abolish bills of credit, and all paper intended for circulation, issued upon the faith of the States alone. Inasmuch as whatever then existed, of the nature of money or currency, rested on State legislation; and as it was not possible that uniformity, general credit, and general confidence, could result from local and separate acts of the States, there is evidence—I think abundant evidence—that it was the intention of the framers of the Constitution to give to Congress a controlling power over the whole subject, to the end that there should be, for the whole country, a currency of uniform value. Congress has heretofore exercised this authority, and fulfilled the corresponding duties. It has maintained, for forty years out of forty-nine, a national institution, proceeding from its power, and responsible to the General Government. With intervals of derangement, brought about by war and other occurrences, this whole system, taken altogether, has been greatly successful in its actual operation. We have found occasion to create no difference between Government and people—between money for revenue, and money for the general use of the country. Until the commencement of the last session, Government had manifested no disposition to look out for itself exclusively. What was good enough for the people, was good enough for Government. No condescending and gracious preference had, before that period, ever been tendered to members of Congress over other persons having claims upon the public funds. Such a singular spectacle had never been exhibited, as an amicable, disinterested, and patriotic understanding between those who are to vote taxes on the people for the purpose of replenishing the Treasury, and those who, from the Treasury, dispense the money back again among those who have claims on it. In that respect I think the Secretary stands alone. He is the first, so far as I know, in our long list of able heads of Departments, who has thought it a delicate and skilful touch, in financial administration, to be particularly kind and complaisant to the interest of the law makers—those who hold the tax-laying power; the first whose great deference and cordial regard for members of Congress have led him to provide for them, as the medium of payment and receipt, something more valuable than is provided at the same time for the army, the navy, the judges, the Revolutionary pensioners, and the various classes of laborers in the pay of Government.

Through our whole history, sir, we have found a convertible paper currency, under proper control, highly useful, by its pliability to circumstances, and by its capacity of enlargement, in a reasonable degree, to meet the demands of a new and enterprising community. As I have already said, sir, we owe a permanent debt of a hundred millions abroad; and in the present abundance of money in England, and the present demand here, this amount will probably be increased. But it must be evident to every one, that so long as, by a safe use of paper, we give some reasonable expansion to our own circulation, or at least do not unreasonably contract it, we do, to that extent, create or maintain an ability for loans among ourselves, and so far diminish the amount of annual interest paid abroad.

But let me now, Mr. President, ask the attention of the Senate to another subject, upon which, indeed, much has already been said; I mean that which is usually called the credit system.

Sir, what is that system? Why is *credit* a word of so much solid importance, and of so powerful charm, in the United States? Why is it that a shock has been felt through all classes and all interests, the first moment that this credit has been disturbed? Does its importance belong, equally, to all commercial States? Or are there peculiarities in our condition, our habits, and modes of business, which make credit more indispensable, and mingle it more naturally, more intimately, with the life-blood of our system?

A full and philosophical answer to these inquiries, Mr. President, would demand that I should set forth both the ground work and the structure of our social system. It would show that the wealth and prosperity of the country have as broad a foundation as its popular constitutions. Undoubtedly there are peculiarities in that system, resulting from the nature of our political institutions, from our elementary laws, and from the general character of the people. These peculiarities most unquestionably give to credit, or to those means and those arrangements, by whatever names we call them, which are calculated to keep the whole, or by far the greater part, of the capital of the country in a state of constant activity, a degree of importance far exceeding what is experienced elsewhere.

In the old countries of Europe there is a clear and well defined line, between capital and labor: a line which strikes through society, with a horizontal sweep, leaving on one side wealth, in masses, holden by few hands, and those having little participation in the laborious pursuits of life; on the other, the thronging multitudes of labor, with here and there, only, an instance of such accumulation of earnings as to deserve the name of capital. This distinction, indeed, is not universal and absolute in any of the commercial States of Europe, and it grows less and less definite as commerce advances; the effect of commerce and manufactures, as all history shows, being, every where, to diffuse wealth, and not to aid its accumulation in few hands. But still the line is greatly more broad, marked, and visible to European nations, than in the United States. In those nations, the gains of capital, and wages, or the earnings of labor, are not only distinct in idea, as elements of the science of political economy, but, to a great degree, also, distinct in fact; and their respective claims, and merits, and modes of relative adjustment, become subjects of discussion and of public regulation. Now, sir, every body may see that that is a state of things which does not exist with us. We have no such visible and broad distinction between capital and labor; and much of the general happiness of all classes results from this. With us, labor is every day augmenting its means by its own industry; not in all cases, indeed, but in very many. Its savings of yesterday become its capital, therefore, of to-day. On the other hand, vastly the greater portion of the property of the country exists in such small quantities that its holders cannot dispense altogether with their own personal industry; or if, in some instances, capital be accumulated till it rises to what may be called affluence, it is usually disintegrated and broken into particles again, in one or two generations. The abolition of the rights of primogeniture; the descent of property of every sort of females as well as males; the cheap and easy means by which property is transferred and conveyed; the high price of labor; the low price of land; the genius of our political institutions; in fine, every thing belonging to us, counteracts large accumulation. This is our actual system. Our politics, our Constitutions, our elementary laws, our habits, all centre in this point, or tend to this result. From where I now stand, to the extremity of the northeast, vastly the greatest part of the property of the country is in the hands and ownership of those whose personal industry is employed in some form of productive labor. General competence, general education, enterprise, activity, and industry, such as never before pervaded any society, are the characteristics which distinguish the people who live, and move, and act in this state of things, such as I have described it.

Now, sir, if this view be true, as I think it is, all must perceive that, in the United States, capital cannot say to labor and industry, "Stand ye yonder, while I come up hither;" but labor and industry lay hold on capital, break it into parcels, use it, diffuse it widely, and, instead of leaving it to repose in its own inertness, compel it to act at once as their own stimulus and their own instrument.

But, sir, this is not all. There is another view still more immediately affecting the operation and use of credit. In every wealthy community, however equally property may be divided, there will always be some property-holders who live on its income. If this property be land, they live on rent; if it be money, they live on its interest. The amount of real estate held in this country on lease, is comparatively very small, except in the cities. But there are individuals and families, trustees and guardians, and various literary and charitable institutions, who have occasion to invest funds for the purpose of annual moneyed income. Where do they invest? where can they invest? The answer to these questions shows at once a mighty difference between the state of things here, and that in England. Here, these investments, to produce a moneyed income, are made in banks, insurance companies, canal and railroad corporations, and other similar institutions. Placed thus immediately in active hands, this capital, it is evident, becomes at once the basis of business; it gives occupation, pays labor, excites enterprise, and performs, in short, all the functions of employed money. But, in England, investments for such purposes usually take another direction. There is, in England, a vast amount of public stocks, as eight or nine hundred millions sterling of public debt actually exists, constituting, to the amount of its annual interest, a charge on the active capital and industry of the country. In the hands of individuals, portions of this debt are capital; that is, they produce income to the proprietors, and income without labor; while, in a national point of view, it is mere debt. What was obtained for it, or that on account of which it was contracted, has been spent in the long and arduous wars, which the country has sustained, from the time of King William the Third, to our own days. There are thousands of individuals, therefore, whose fixed income arises, not from the active use of property, either in their own hands, or the hands of others, but from the interest on that part of this national charge to which they are entitled. If, therefore, we use the term *capital*, not in the sense of political economy exactly, but as imply ng whatever returns income to individuals, we find an almost incalculable mass so circumstanced as not to be the basis of active operations.

To illustrate this idea further, sir, let us suppose that, by some occurrence, (such as is certainly never to be expected,) this debt should be paid off; suppose its holders were to receive, to-morrow, their full amounts; what would they do with them? Why, sir, if they were obliged to loan the one quarter part into the hands of the industrious classes, for the purposes of employment in active business, and if this operation could be accompanied by the same intelligence and industry among the people which prevail with us, the result would do more toward raising the character of the laboring classes, than all reforms in Parliament, and other general political operations. It would be as if this debt had never been contracted; as if the money had never been spent, and now remained part of the active capital of the country, employed in the business of life. But this debt, sir, has created an enormous amount of private property, upon the income of which its owners live, which does not require their own active labor or that of others. We have no such debt; we have no such mode of investment; and this circumstance gives quite a different aspect and a different reality to our condition.

Now, Mr. President, what I understand by the credit system is, that which thus connects labor and capital, by giving to labor the use of capital. In other words, intelligence, good character, and good morals bestow on those who have not capital, a power, a trust, a confidence, which enables them to obtain it, and to employ it usefully for themselves and others. These active men of business build their hopes of success on their attentiveness, their economy, and their integrity. A wider theatre for useful activity is under their feet, and around them, than was ever spread before the eyes of the young and enterprising generations of men, on any other spot enlightened by the sun. Before them is the ocean. Every thing in that direction invites them to efforts of enterprise and industry in the pursuits of commerce and the fisheries. Around them, on all hands, are thriving and prosperous manufactures; an improving agriculture, and the daily presentation of new objects of internal improvement: while behind them is almost half a continent of the richest land, at the cheapest prices, under healthful climates, and washed by the most magnificent rivers that on any part of the globe pay their homage to the sea. In the midst of all these glowing and glorious prospects, they are neither restrained by ignorance, nor smitten down by the penury of personal circumstances. They are not compelled to contemplate in hopelessness and despair, all the advantages thus bestowed on their condition by Providence. Capital though they may have little or none, CREDIT supplies its place; not as the refuge of the prodigal and the reckless; not as gratifying present wants with the certainty of future absolute ruin; but as the genius of honorable trust and confidence; as the blessing, voluntarily offered to good character and to good conduct; as the beneficent agent, which assists honesty and enterprise in obtaining comfort and independence.

Mr. President, take away this credit, and what remains? I do not ask what remains to the few, but to the many? Take away this system of credit, and then tell me what is left for labor and industry, but mere manual toil and daily drudgery? If we adopt a system that withdraws capital from active employment, do we not diminish the rate of wages? If we curtail the general business of society, does not every laboring man find his condition grow daily worse? In the politics of the day, sir, we hear much said about divorces; and when we abolish credit, we shall divorce labor from capital; and, depend on it, sir, when we divorce labor from capital, capital is hoarded, and labor starves. The declaration so often quoted, that "all who trade on borrowed capital ought to break," is the most aristocratic sentiment ever uttered in this country. It is a sentiment which, if carried out by political arrangement, would condemn the great majority of mankind to the perpetual condition of mere day-laborers. It goes to take away from them all that solace and hope which arises from possessing something which they can call their own. A man loves his own; it is fit and natural that he should do so; and he will love his country and its institutions, if he have some stake in it, although it be but a very small part of the general mass of property. If it be but a cottage, an acre, a garden, its possession raises him, gives him self-respect, and strengthens his attachment to his country. It is our happy condition, by the blessings of Providence, that almost every man of sound health, industrious habits, and good morals, can ordinarily attain, at least, to this degree of comfort and respectability; and it is a result devoutly to be wished, both for its individual and its general consequences.

But even to this degree of acquisition, that credit, of which I have already said so much, (as its general effect is to raise the price of wages, and render industry productive,) is highly important. There is no condition so low, if it be attended with industry and economy, which this credit does not benefit, as any one will find, if he will examine and follow out its operations.

Such, Mr. President, being the credit system in the United States, as I understand it, I now add that the banks have been the agents, and their circulation the instrument, by which the general operations of this credit have been conducted. Much of the capital of the country, placed at interest, is vested in bank stock, and those who borrow, borrow at the banks: and discounts of bills and anticipations of payment in all its forms, the regular and appropriate duty of banks, prevail universally.

In the North, the banks have enabled the manufacturers of all classes to realize the proceeds of their industry at an early moment. The course has been, that the producers of commodities for Southern consumption, having despatched their products, draw their bills. These bills are discounted at the banks, and with the proceeds other raw material is bought, and other labor paid; and thus the general business is continued in progress. All this is well known to those who have had opportunity to be acquainted with such concerns.

But bank credit has not been more necessary to the North than to the South. Indeed, nowhere has interest been higher, or the demand for capital greater, or the full benefit of credit more indispensable, than in the new cotton and sugar-growing States. I ask gentlemen from those States if this be not so? Have not the plantations been bought, and the necessary labor procured, to a great extent, on credit? Has not this credit been obtained at the banks? Even now do they not find credits, or advances on their crops, important in enabling them to get those crops to market? And if there had been no credit—if a hard-money system had prevailed, let me ask them what would have been, at this moment, the condition of things in Alabama, Louisiana, Mississippi, and Arkansas? These States, sir, with Tennessee and the South Atlantic States, constitute the great plantation interest. That there has been a vast demand for capital to be invested in this interest is sufficiently proved by the high price paid for the use of money.

In my opinion, sir, credit is as essential to the great export of the South as to any other interest. The agriculture of the cotton and sugar-producing States partakes, in no inconsiderable degree, of the nature of commerce. The product and sale of one great staple only, is an operation essentially different from ordinary farming pursuits. The exports of the South indeed, may be considered as the aggregate result of various farms and modes of industry, carried on by various hands, and in various places, rather than as the mere product of the plantation. That product itself is local; but its indispensable aids and means are drawn from every part of the Union. What is it, sir, that enables Southern labor to apply itself so exclusively to the cultivation of these great articles for export? Certainly, it is so applied, because its own necessities for provision and clothing are supplied, meanwhile, from other quarters. The South raises to sell, and not to consume; and with the proceeds of the sales it supplies itself with whatever its own consumption demands. There are exceptions; but this is the general truth. The hat-makers, shoe-makers, furniture-makers, and carriage-makers of the North, the spinners at Lowell, and the weavers at Philadelphia, are all contributors to the general product both of cotton and sugar, for export abroad; as are the live-stock raisers of Kentucky, the grain-growing farmers, and all who produce and vend provisions, in Indiana, Ohio, and Illinois. The Northern ship-owner and the mariner, who carry these products to market, are agents acting to the same end; and so are they too who, little thinking of cotton-fields, or sugar estates, are pursuing their adventurous employment in the whale fisheries, over the whole surface, and among all the islands, of the Pacific and the Indian oceans. If we take the

annual cotton crop at sixty millions of dollars, we may, perhaps, find that the amount of forty-five millions is expended, either for interest on capital advanced, or for the expense of clothing and supporting labor, or in the charges which belong to the household, the education of families, and to the domestic expenditure of the proprietor.

Thus, sir, all the laborious classes are in truth, cotton growers and sugar makers. Each in its own way, and to the extent of its own productiveness, contributes to swell the magnitude of that enormous export, which was nothing at the commencement of this Government, and which now has run up to so many millions. Through all these operations the stream of credit has constantly flowed, and there is not one of them that will not be checked and interrupted, embarrassed, and thwarted, if this stream be now dried up. This connection of the various interests of the country with one another forms an important and interesting topic. It is one of the natural ties of the Union. The variety of production, and mutual wants mutually supplied, constitute a strong bond between different States, and long may that bond last, growing with their growth, and strengthening with their strength.

But, Mr. President, that portion of our productions which takes the form of export, becomes distinct and visible; it is prominent and striking, and is seen and wondered at, by everybody. The annual returns all show it, and every day's commercial intelligence speaks of it. We gaze at it with admiration, and the world is no less admiring than ourselves.

With other branches of industry the case is quite different. The products of these branches, being put in the train of domestic exchanges, and consumed in the country, do not get into statistical tables, are not collected in masses, and are seldom presented, in the aggregate, to the public view. They are not of the character of a few large and mighty rivers, but of a thousand little streams, meandering through all the fields of business and of life, and refreshing and fertilizing the whole.

Few of us, Mr. President, are aware of what would be the amount of the general production of the country, if it could be accurately ascertained. The Legislature of Massachusetts, under the recommendation of the intelligent Chief Magistrate of that State, has caused to be prepared and published a report on the condition and products of certain branches of its industry, for the year ending in April, 1837. The returns of the authorities of each city and town were made, apparently, with much care; and the whole has been collated by the Secretary of State, and the result distinctly presented in well arranged statistical tables. From a summary of the statements in these tables, I will take the liberty of selecting a few articles, and of adverting to them here, as instances, or specimens, of the annual product of labor and industry in that State.

And to begin with a very necessary and important article. I find, that of boots and shoes, the value of the whole amount manufactured within the year exceeds fourteen millions and a half of dollars. If the amount of other articles of the same class, or material, be added, viz: leather, saddles, trunks, harness, &c. the total will not be far from eighteen millions and a half of dollars.

I will read the names of some other articles, and state the amount of annual product belonging to each:

Cotton fabrics	$17,409,000
Woollen fabrics	10,399,000
Fisheries	7,592,000
Books and stationery, and paper	2,592,000
Soap and candles	1,620,000
Nails, brads and tacks	2,500,000
Machinery of various kinds	1,235,000
Agricultural implements	645,000
Glass	831,000
Hats	700,000
Clothing, neckcloths, &c.	2,013,000
Wool	539,000

These, sir, are samples. The grand total is ninety-one million seven hundred thousand dollars. From this, however, deductions are to be made for the cost of the raw material when imported, and for certain articles enumerated under different heads. But, then, the whole statement is confined to some branches of industry only; and to present an entire and comprehensive view, there should be added the gains of commerce within the year, the earnings of navigation, and almost the whole agricultural product of the State.

The result of all, if it could be collated and exhibited together, would show that the annual product of Massachusetts capital and Massachusetts industry exceeds one hundred millions of dollars. Now, sir, Massachusetts is a small State, in extent of territory. You may mark out her dimensions seven or eight times on the map of Virginia. Yet her population is seven hundred thousand souls; and the annual result of their laborious industry, economy, and labor, is as I have stated.

Mr. President, in looking over this result, it is most gratifying to find, that its great mass consists in articles equally essential and useful to all classes. They are not luxuries, but necessaries and comforts. They belong to food and clothing, to household conveniences, and education. As they are more and more multiplied, the great majority of society becomes more elevated, better instructed, and happier in all respects. I have looked through this whole list, sir, to find what there is in it that might be fairly classed among the higher luxuries of life, and what do I find? In the whole hundred millions, I find but one such item; and that is an item of two or three hundred thousand dollars for "jewellery, silver, and silver plate." This is all that belongs to luxury in her annual product of a hundred millions; and of this, no doubt, the far greater portion was sent abroad. And yet we hear daily, sir, of the amassing of aristocratic wealth by the progress of manufactures and the operations of the credit system! Aristocracy, it is said, is stealing upon us, and, in the form of aggregate wealth, is watching to seize political power from the hands of the people! We have been more than once gravely admonished that, in order to improve the times, and restore a metallic currency for the benefit of the poor, the rich ought to melt down their plate! Whatever such a melting process might find to act upon elsewhere, Mr. President, I assure you that in Massachusetts it would discover little. A few spoons, candlesticks, and other similar articles, some old family pitchers and tankards, and the silver porringers of our nurseries, would be about the whole.

Sir, if there be any aristocrats in Massachusetts, the people are all aristocrats; because I do not believe there is on earth, in a highly civilized society, a greater equality in the condition of men than exists there. If there be a man in the State who maintains what is called an equipage, or drives four horses in his coach, I am not acquainted with him. On the other hand, there are few who are not able to carry their wives and daughters to church in some decent conveyance. It is no matter of regret or sorrow to us that few are very rich; but it is our pride and glory that few are very poor. It is our still higher pride, and our just boast, as I think, that all her citizens possess means of intelligence and education, and that, of all her productions, she reckons among the very chiefest, those which spring from the culture of the mind and the heart.

Mr. President, one of the most striking characteristics of this age is the extraordinary progress which it has witnessed in popular knowledge. A new and powerful impulse has been acting in the social system of late, producing this effect in a striking degree.

In morals, in politics, in art, in literature, there is a vast accession to the number of readers, and to the number of proficients. The present state of popular knowledge is not the result of a slow and uniform progress, proceeding through a lapse of years, with the same regular degree of motion. It is evidently the result of some new causes, brought into powerful action, and producing their consequences rapidly and strikingly. What, sir, are these causes?

This is not an occasion, sir, for discussing such a question at length: allow me to say, however, that the improved state of popular knowledge is but the necessary result of the improved condition of the great mass of the people. Knowledge is not one of our merely physical wants. Life may be sustained without it. But, in order to live, men must be fed, and clothed, and sheltered; and in a state of things in which one's whole labor can do no more than procure clothes, food, and shelter, he can have no time nor means for mental improvement. Knowledge, therefore, is not attained, and cannot be attained, till there is some degree of respite from daily manual toil, and never ending drudgery. But whenever a less degree of labor will produce the absolute necessaries of life, then there come leisure and means, both to teach and to learn.

But if this great and wonderful extension of popular knowledge be the result of an improved condition, it may, in the next place, well be asked, what are the causes which have thus suddenly produced that great improvement? How is it that the means of food, clothing, and shelter, are now so much more cheaply and abundantly procured than formerly? Sir, the main cause I take to be the progress of scientific art, or a new extent of the application of science to art. This it is, which has so much distinguished the last half century in Europe and in America: and its effects are everywhere visible, and especially among us. Man has found new allies and auxiliaries in the powers of nature, and in the inventions of mechanism.

The general doctrine of political economy is, that wealth consists in whatever is useful or convenient to man, and that labor is the producing cause of all this wealth. This is very true. But, then, what is labor? In the sense of political writers, and in common language, it means human industry; but, in a philosophical view, it may receive a much more comprehensive meaning. It is not, in that view, human toil only—the mere action of thews and muscles; but it is any active agency which, working upon the materials with which the world is supplied, brings forth products useful or convenient to man. The materials of wealth are in the earth, in the seas, and in their natural and unaided productions. Labor obtains them, works upon them, and fashions them to human use. Now, it has been the object of scientific art, or of the application of science to art, to increase this active agency, to augment its power, by creating millions of laborers in the form of automatic machines, all to be diligently employed, and kept at work by the force of natural powers. To this end these natural powers, principally those of steam and falling water, are subsidized and taken into human employment. Spinning machines, power looms, and all the mechanical divices, acting, among other operatives, in the factories and workshops, are but so many laborers. They are usually denominated labor-*saving* machines, but it would be more just to call them labor-*doing* machines. They are made to be active agents; to have motion, and to produce effect; and though without intelligence, they are guided by those laws of science which are exact and perfect, and they produce results, therefore, in general, more accurate than the human hand is capable of producing. When we look upon one of these, we behold a mute fellow-laborer, of immense power, of mathematical exactness, and of ever-during and unwearied effort. And while he is thus a most skilful and productive laborer, he is a non-consumer—at least, beyond the wants of his mechanical being. He is not clamorous for food, raiment, or shelter, and makes no demands for the expenses of education. The eating and drinking, the reading and writing and clothes-wearing world, are benefited by the labors of these co-operatives, in the same way as if Providence had provided for their service millions of beings, like ourselves in external appearance, able to labor and to toil, and yet requiring little or nothing for their own consumption or subsistence; or rather, as if Providence had created a race of giants, each of whom, demanding no more for his support and consumption than a common laborer, should yet be able to perform the work of a hundred.

Now, sir, turn back to the Massachusetts tables of production, and you will see that it is these automatic allies and co-operators, and these powers of nature, thus employed and placed under human direction, which have come, with such prodigious effect, to man's aid, in the great business of procuring the means of living, of comfort, and of wealth, and which have so swollen the products of her skilful industry. Look at these tables once more, sir, and you will see the effects of labor, united with and acting upon capital. Look yet again, and you will see that credit, mutual trust, prompt and punctual dealings, and commercial confidence, are all mixed up as indispensable elements in the general system. I will ask you to look yet once more, sir, and you will perceive that general competence, great equality in human condition, a degree of popular knowledge and intelligence, nowhere surpassed, if anywhere equalled, and the prevalence of good moral sentiment, and extraordinary general prosperity, is the result of the whole. Sir, I have done with Massachusetts. I do not praise the old "Bay State" of the Revolution; I only present her as she is.

Mr. President, such is the state of things actually existing in the country, and of which I have now given you a sample. And yet there are persons who constantly clamor against this state of things. They call it aristocracy. They beseech the poor to make war upon the rich, while, in truth, they know not who are either rich or poor. They complain of oppression, speculation, and the pernicious influence of accumulated wealth. They cry out loudly against all banks and corporations, and all the means by which small capitals become united, in order to produce important and beneficial results. They carry on a mad hostility against all established institutions. They would choke up the fountains of industry, and dry all its streams. In a country of unbounded liberty, they clamor against oppression. In a country of perfect equality, they would move heaven and earth against privilege and monopoly. In a country where property is more equally divided than anywhere else, they rend the air with the shouting of agrarian doctrines. In a country where the wages of labor are high beyond all parallel, and where lands are cheap, and the means of living low, they would teach the laborer that he is but an oppressed slave. Sir, what can such men want? What do they mean? They can want nothing, sir, but to enjoy the fruits of other men's labor. They can mean nothing but disturbance and disorder; the diffusion of corrupt principles, and the destruction of the moral sentiments and moral habits of society. A licentiousness of feeling and of action is sometimes produced by prosperity itself. Men cannot always resist the temptation to which they are exposed by the very abundance of the bounties of Providence and the very happiness of their own condition; as the steed, full of the pasture, will, sometimes, throw himself against its enclosures, break away from its confinement, and, feeling now free needless restraint, betake himself to the moors and barrens, where want, ere long, brings him to his senses, and starvation and death close his career.

Having said so much, sir, on the general condition of the country, and explained what I understand by credit, I proceed to consider the present actual state of the currency.

The most recent Treasury estimate, which I have seen, supposes that there are eight millions of metallic money now in the country. This I believe, however, to be a good deal too high; I cannot believe it exceeds sixty, at most; and supposing one-half this sum to be in the banks, thirty millions are in circulation, or in private hands. We have seven hundred banks and branches, with capitals assigned for the security of their notes and bills, amounting to two hundred and eighty millions. The amount of bank notes in actual circulation is supposed to be one hundred millions; so that our whole circulation is about one hundred and thirty millions. The amount of debts due to the banks, or the amount of their loans and discounts, may be taken at four hundred and fifty millions.

Now, sir, this very short statement exhibits at once a general outline of our existing system of currency and credit. We see a great amount of money or property in banks as their assigned and appropriate capital, and we see a great amount due to these banks. These bank debtors generally belong to the classes of active business, or are such as have taken up credits for purposes of investment in lands or merchandise looking to future proceeds as the means of payment. If we compare this state of circulation of bank capital and bank debt, with the same things in England, important differences will not fail to strike us.

The whole paper circulation of England, by the latest accounts, is twenty-eight millions sterling—made up of eighteen millions of Bank of England notes, and ten millions of the notes of private bankers and joint-stock companies; bullion in the bank, nine and a half millions; debts due the Bank of England, twenty-two and a half millions. The amount of loans and discounts by private bankers and joint-stock companies is not usually stated, I believe, in the public accounts. If it bear the same proportion to their notes in circulation, as in the case of the Bank of England, it would exceed twelve millions. We may, therefore take the amount of bank debts in England to be thirty-five millions. But I suppose that, of the securities held by the Bank of England, exchequer notes constitute a large part; in other words, that a large part of the bank debt is due by the Government. The amount of coin in actual circulation, is estimated to be thirty and a half millions. The whole amount of circulation in England, metallic and paper, is usually stated, in round numbers, at sixty millions; which, rating the pound sterling at $4 80, is equal to two hundred and eight-eight millions of dollars.

It will be seen, sir, that our paper circulation is one-half less than that of England, but our bank debt is, nevertheless, much greater; since thirty-five millions sterling amount to only one hundred and sixty-eight millions of dollars; and this sum, too, includes the amount of exchequer bills, or Government debt in the form of such bills, which the Bank holds. These facts are very material to any just comparison of the state of things in the two countries. The whole, or nearly the whole, capital of the Bank of England, is lent to Government, not by means of exchequer notes, but on a permanent loan. And as to the private banks and joint-stock companies, though they issue bills for circulation, they have no assigned or appropriated capital whatever. The bills circulate on the private credit of the individual banker, or of those who compose the joint stock companies. In the United States, an amount of capital, supposed to be sufficient to sustain the credit of the paper and secure the public against loss, is provided by law, in the act of incorporation for each bank, and is assigned as a trust fund for the payment of the liabilities of the bank; and if this capital be fairly and substantially advanced, it is a proper security, and in most cases, no doubt, it is substantially advanced. The directors are trustees of this fund; and they are liable, both civilly and criminally, for mismanagement, embezzlement, or breach of trust.

This amount of capital, thus secured, is the basis of loans and discounts; and this is the reason why permanent, or at least long, loans are not considered so inappropriate to banking operations with us, as they are in England. With us, it is evident that the directors are agents, holding a fund intended to be loaned, and acting between lender and borrower; and this form of loan has been found exceedingly convenient, and useful in the country.

In some States, it is generally preferred to mortgages, though there are others, in which mortgages are usual. Whether exactly conformable to the true notion of banking, or not, the truth is, that the object and operation of our banks is to loan money; and this is mostly on personal security. The system, no doubt, is liable to abuse, in particular instances. There may be directors who will loan too freely to themselves and their friends. Gross cases of this kind have recently been detected and exposed, and, I hope, will be suitably treated; but, considering the great number of banks, these instances, I think, are remarkably few. In general, the banks have been well conducted, and are believed to be solvent and safe.

We have heard much, sir, in the course of this debate, of excess in the issue of bank notes for circulation. I have no doubt, sir, that there was a very improper expansion some years ago. When President Jackson, in 1832, had negatived the bill for continuing the Bank of the United States, (which act I esteem as the true original source of all the disorders of the currency,) a vast addition was immediately made to the number of State banks. In 1833, the public deposites were actually

removed from the Bank of the United States, and placed in selected State banks. And, for the purpose of showing how much better the public would be accommodated without, than with, a Bank of the United States, these banks were not only encouraged, but admonished, to be free and liberal in loans and discounts, made on the strength of the public moneys, to merchants and other individuals. The circular letter from the Treasury Department, addressed to the new deposite banks, under date of September 26, 1833, has this significant clause, which could not have been misunderstood:

"The deposites of public money will enable you to afford increased facilities to commerce, and to extend your accommodations to individuals; and as the duties which are payable to the Government arise from the business and enterprise of the merchants engaged in foreign trade, it is but reasonable that they should be preferred in the additional accommodation which the public deposites will enable your institution to give, whenever it can be done without injustice to the claims of other classes of the community."

Having read this letter, sir, I ask leave to refer the Senate to the 20th section of the bill now before us. There we find that, "if any officer, charged with the safe-keeping of the public money, shall loan the same, or any portion thereof, with or without interest, such act shall be deemed an embezzlement and a high misdemeanor, and the party convicted thereof shall be sentenced to imprisonment." Sir, what a pretty piece of consistency is here! In 1833 the depositories of the public money were not even left to their own desire for gain, or their wishes to accommodate others, as being sufficient incentives to lend it out: they were admonished and directed to afford increased facilities to commerce, and to extend their accommodations to individuals, since the public moneys in their vaults would enable them to give such additional accommodation! Now, sir, under this bill, any officer who shall do any one of the same things, instead of being praised, is to be punished: he is to be adjudged guilty of embezzlement, and of a high misdemeanor, and is to be confined, for aught I know, in cells as dark and dismal as the vaults and safes which are to contain our metallic currency. But, although I think, sir, that the acts of Government created this expansion, yet I am certainly of opinion that there was a very undue expansion created. A contraction, however, had begun; and I am of opinion, that had it not been for the specie order of July, 1836, and for the manner in which the deposite law was executed, the banks would have gone through the crisis without suspension. This is my full and firm belief. I cannot, however, discuss these points here. They were treated with very great ability, last year, by a gentleman who then occupied one of the seats of Georgia on this floor. Whomsoever he did not satisfy, I cannot convince. Still, sir, the question is, whether there was an excess in the general amount of our circulation, in May last, or whether there be now such excess.

By what standard is this to be judged? If the question be, whether there be too much paper in circulation, it may be answered by reference to the amount of coin in the banks from which the paper issues; because I am unquestionably of opinion—an opinion which I believe nothing can ever shake—that the true criterion by which to decide the question of excess, in a convertible paper currency, is the amount of that paper, compared with the gold and silver in the banks. Such excess would not be proved, absolutely and certainly in every case, by the mere fact of the suspension of specie payments; because such an event might be produced by panic, or other sudden cause, having power to disturb the best regulated system of paper circulation. But the immediate question now is, whether, taking the whole circulation together, both metallic and paper, there was an excess existing in May, or is an excess now existing? Is one hundred and thirty millions an excessive or undue amount of circulation for the United States? Seeing that one part of this circulation is coin, and the other part paper, resting upon coin, and intended to be convertible, is the whole mass more than may be fairly judged necessary to represent the property, the transactions, and the business of the country? Or, in order to sustain such an amount of circulation, and to keep that part of it which is composed of paper in a safe state, should we be obliged to attempt to draw to ourselves more than our just proportion of that metallic money, which is in the use of all the commercial nations? These questions appear to me to be but different modes of stating the same inquiry.

Upon this subject we may, perhaps, form some general idea, by comparing ourselves with others. Various things no doubt exist in different places and countries, to modify, either by enlarging or diminishing, the demand for money or currency in the transaction of business; still the amount of trade and commerce may furnish a general element of comparison between different States or nations. The aggregate of American imports and exports in 1836 was three hundred and eighteen millions; that of England, reckoning the pound sterling at $4 80, again, was four hundred and eighty millions, as near as I can ascertain; the currency of England being, as already stated, sixty millions sterling, or two hundred and eighty-eight millions of dollars. If we work out a result from these proportions, the currency of the United States, it will be found, should be one hundred and ninety millions, in order to be equal to that of England; but, according to the estimates of the Treasury, it did not, even in that year, exceed one hundred and eighty millions.

Our population is about equal to that of England and Wales. The amount of our mercantile tonnage, perhaps, one-fifth less. But then we are to consider that our country is vastly wider, and our facilities for internal exchange, by means of bills of exchange, greatly less. Indeed, there are branches of our intercourse in which remittances cannot be well made, except in currency. Take one example: the agricultural products of Kentucky are sold to the South; her purchases of commodities made at the North. There can be, therefore, very little of direct exchange between her and the places of purchase and sale. The trade goes round in a circle. Therefore, while the Bank of the United States existed, payments were made to a vast amount in the North and East by citizens of Kentucky and of the States similarly situated, not in bills of exchange, but in the notes of the Bank.

These considerations augment the demand for currency. More than all, the country is new, sir; almost the entire amount of our capital active; and the whole amount of property, in the aggregate, rapidly increasing. In the last three years thirty-seven millions of acres of land have been separated from the wilderdess, purchased, paid for, and become subject to private individual ownership, to transfer and sale, and all other dispositions to which other real estate is subject. It has thus become property, to be bought and sold for money; whereas, while in the hands of Government, it called for no expenditure, formed the basis of no transactions, and created no demand for currency. Within that short period our people have bought from Government a territory as large as the whole of England and Wales, and, taken together, far more fertile by nature. This seems incredible, yet the returns show it. Suppose all this to have been bought at the minimum price of a dollar and a quarter per acre; and suppose the value to be increased in the common ratio in which we know the value of land is increased, by such purchase, and by the preliminary steps and beginnings of cultivation; an immense augmentation, it will readily be perceived, is made, even in so short a time, of the aggregate of property, in nominal price, and, to a great extent, in real value also.

On the whole, sir, I confess I know no standard by which I can decide that our circulation is at present in excess. I do not believe it is so. Nor was there, as I think, any depreciation in the value of money, up to the moment of the suspension of specie payments by the banks, comparing our currency with the currency of other nations. An American paper dollar would buy a silver dollar in England, deducting only the charge of transporting a dollar across the ocean, because it commanded a silver dollar here. There may be excess, however, I admit, where there is no present depreciation, in the sense in which I now use the term.

It is hardly necessary to dwell, Mr. President, on the evils of a suddenly depreciated circulation. It arrests business, puts an end to it, and overwhelms all debtors, by depression and downfall of prices. And even if we reduce circulation—not suddenly, but still reduce it farther than is necessary to keep it within just and reasonable limits—we produce many mischiefs; we augment the necessity of foreign loans; we contract business, discourage enterprise, slacken the activity of capital, and restrain the commercial spirit of the country. It is very important to be remembered, sir, that, in our intercourse with other nations, we are acting on a principle of equality; that is to say, we do not protect our own shipping interest by peculiar privileges; we ask a clear field, and seek no favor. Yet, the materials for ship building are high with us, and the wages of ship builders and seamen are high also. We have to contend against these unfavorable circumstances; and if, in addition to these, we are to suffer further by unnecessary restraints on currency, and by a cramped credit, who can tell what may be the effect? Money is abundant in England, very abundant; the rate of interest, therefore, is low, and capital will be seeking its investment wherever it can hope to find it. If we derange our own currency, compulsively curtail circulation, and break up credit, how are the commerce and navigation of the United States to maintain themselves against foreign competition?

Before leaving, altogether, this subject of an excessive circulation, Mr. President, I will say a few words upon a topic which, if time would permit, I should be glad to consider at more length; I mean, sir, the proper guards and securities for a paper circulation. I have occasionally addressed the Senate on this subject before, especially in the debate on the specie circular, in December, 1836; but I wish to recur to it again, because I hold it to be of the utmost importance to prove, if it can be proved, to the satisfaction of the country, that a convertible paper currency may be so guarded as to be secure against probable dangers. I say, sir, a convertible paper currency: for I lay it down as an unquestionable truth, that no paper can be made equal and kept equal to gold and silver, but such as is convertible into gold and silver, on demand. But, I have gone farther and still go father than this; and I contend that even convertibility, though itself indispensable, is not a certain and unfailing ground of reliance. There is a liability to excessive issues of paper, even while paper is convertible at will. Of this, there can be no doubt. Where, then, shall a regulator be found? What principle of prevention may we rely on?

Now I think, sir, it is too common with banks, in judging of their condition, to set off all their liabilities against all their resources. They look to the quantity of specie in their vaults, and to the notes and bills becoming payable, as means or assets; and, with these, they expect to be able to meet their returning notes, and to answer the claims of depositors. So far as the bank is to be regarded as a mere bank of discount, all this is very well. But banks of circulation exercise another function. By the very act of issuing their own paper, they affect the amount of currency. In England, the Bank of England, and in the United States, all the banks, expand or contract the amount of circulation, of course, as they increase or curtail the general amount of their own paper. And this renders it necessary that they should be regulated and controlled. The question is, by what rule? To this I answer, by subjecting all banks to the rule which the most discreet of them always follow—by compelling them to maintain a certain fixed proportion between specie and circulation; without regarding deposites on one hand, or notes payable on the other.

There will always occur occasional fluctuations in trade, and a demand for specie, by one country on another, will arise. It is too much the practice, when such occurrences take place, and specie is leaving the country, for banks to issue more paper, in order to prevent a scarcity of money. But exactly the opposite course should be adopted. A demand for specie to go abroad should be regarded as conclusive evidence of the necessity of contracting circulation. If, indeed, in such cases, it could be certainly known that the demand would be of short duration, the temporary pressure might be relieved by an issue of paper to fill the place of departing specie. But this can never be known. There is no safety, therefore, but in meeting the case at the moment, and in conforming to the infallible index of the exchanges. Circulating paper is thus always kept nearer to the character, and to the circumstances of that, of which it is designed to be the representative—the metallic money. This subject might be pursued, I think, and clearly illustrated; but, for the present, I only express my belief that, with experience before us, and with the lights which recent discussions, both in Europe and America, hold out, a National Bank might be established, with more regard to its function of regulating currency than to its function of discount, on principles, and subject to regulations, such as should render its operations extremely useful; and I should hope that, with an example before them of plain and eminent advantage, State institutions would conform to the same rules and principles; and that, in this way, all the advantages of convertible paper might be enjoyed, with just security against its dangers.

I have detained the Senate too long, sir, with these observations upon the state of the country, and its pecuniary system and condition.

And now, when the banks have suspended payments, universally; when the internal exchanges are all deranged, and the business of the country most seriously interrupted, the questions are—

Whether the measure before us is suitable to our condition? and,

Whether it is a just and proper exercise and fulfilment of the powers and duties of Congress?

What, then, sir, will be the practical operation and effect of this measure, if it should become a law?

Like its predecessor of the last session, the bill proposes nothing for the general currency of the country; nothing to restore exchanges; nothing to bring about a speedy resumption of specie payments by the banks. Its whole professed object is the collection and disbursement of the public revenue. Some of its friends, indeed, say, that when it shall go into operation, it will, *incidentally*, produce a favorable effect on the currency, by restraining the issue of bank paper. But others press it as if its effect was to be the final overthrow of all banks, and the introduction of an exclusive metallic currency for all the uses of the country.

Are we to understand, then, that it is intended, by means, of which this is the first, to rid the country of all banks, as being but so many nuisances, and to abolish all paper currency whatever?

Or is it expected, on the contrary, that after this system shall be adopted for the use of Government, there will still be a paper currency in the country for the use of the people?

And if there shall still be a paper currency, will that currency consist of irredeemable Government paper, or of convertible bank notes, such as have circulated heretofore? These questions must be answered, before we can judge accurately of the operation of this bill.

As to an exclusive metallic currency, sir, the Administration on this point is regularly Janus-faced. Out doors, and among the people, it shows itself "all *clinquant*, all in gold." There, every thing is to be hard money—no paper rags—no delusive credits—no bank monopolies—no trust in paper of any kind. But in the Treasury Department, and in the Houses of Congress, we see another aspect—a mixed appearance, partly gold and partly paper; gold for Government, and paper for the people. The small voice which is heard here, allows the absolute necessity of paper of some sort, and to some extent. But the shouts in the community demand the destruction of all banks, and the final extermination of all paper circulation.

To the people the lion roars against paper money in all the loudness and terror of his natural voice; but to members of Congress he is more discreet. Lest he should frighten them out of their wits, he here restrains and modulates, and roars "as gently as any sucking dove, or, as it were, any nightingale." The impracticability of an exclusive metallic currency, the absurdity of attempting any such thing in a country like this, are so manifest, that nobody here undertakes to support it by any reasoning or argument. All that is said in its favor is general denunciation of paper, general outcry against the banks, and declamation against existing institutions, full of sound and fury, signifying nothing.

The moment any one considers it, he sees how ridiculous any such attempt would be. An exclusive metallic circulation for the second commercial country on earth, in the nineteenth century! Sir, you might as well propose to abolish commerce altogether.

The currency of England is estimated at sixty millions sterling: and it is Mr. McCulloch's calculation, that if this currency were all gold, allowing only one-quarter of one per cent. for wear of materials, the annual expense attending such a currency, would be three millions and a quarter a year, or nearly five per cent. upon the whole. With us, this charge would be much greater. The loss of capital would be more, owing to the higher rates of interest; and besides all this, is the cost of transportation, which, in a country so extensive as ours, would be vast, and not easily calculated. We should also require, proportionally, more specie than is requisite in England, because our system of exchange, by means of bills of exchange, is, at present, and would be, under such a system as is proposed, much less perfect and convenient than that of England. Besides, the English metallic circulation is mostly gold, gold being in England the standard metal. With us, silver and gold both are made standards, at a fixed relation; and if we should succeed to keep this relation so true as to preserve both of the precious metals among us, (which, indeed, is not very probable,) our circulation would be still more expensive and cumbrous, from the quantity of silver which it would contain. The silver in the world is estimated to be fifty times that of gold in amount, and consequently something more than three times in value. If both should circulate, therefore, equally, in proportion to value, the currency would be three parts silver, and one gold.

Now, sir, the annual expense of such a circulation, upon the basis of Mr. McCulloch's estimate, would exceed the whole annual expenditure made for our army and navy. Consider, sir, the amount of actual daily payments made in the country. It is difficult to estimate it, and quite impossible to ascertain it, with any accuracy. But we can form some notion of it, by the daily amount of payments in the banks in some of the cities. In times of prosperous business and commerce, the daily amount of payments in the banks of New York alone has been equal to eight millions. Whether we call this a tenth, a twentieth, or a fiftieth part of all the payments and receipts made daily in the country, we see to what an aggregate result the whole would rise. And how is it possible that such amount of receipt and payment could be performed by an actual passing of gold and silver from hand to hand?

Such notions, sir, hardly require serious refutation.

Mr. President, an entire metallic currency would necessarily create banks immediately. Where would the money be kept, or how could it be remitted? Banks of deposite must and would be instantly provided for it. Would the merchants of the cities be seen, in their daily walks of business, with servants behind them, with bags of gold and kegs of silver on their wheelbarrows? What folly is great enough to imagine this? If there were not now a bank note, nor a bank in the country, and if there should be an exclusive specie currency to-morrow morning at nine o'clock, there would be fifty banks before sunset. From necessity, there would be created at once places of deposite; and persons having money in such depositories would draw checks for it, and pass these checks as money, and from one hand they would pass to another; or the depositary himself would issue certificates of deposite, and these would pass as currency. And all this would do no more than just to carry us back two or three hundred years, to the infancy of banks. We should then have done nothing but

reject the experience of the most civilized nations, for some centuries, as well as all our own experience, and have returned to the rude conceptions of former times. These certificates of deposite would soon be found to be often issued without any solid capital, or actual deposite. Abuses arising from this source would call for legislative interference, and the Legislature would find it necessary to restrain the issue of paper intended for circulation, by enacting that such issue should only be made on the strength of competent capital, actually provided and assigned, placed under proper regulations, and managed by persons responsible to the laws. And this would bring us again exactly to the state of things in which we now are; that is to say, to the use of the paper of banks, established, regulated, and controlled by law. In the mean time, before this process could be carried through, half the community would be make bankrupt by the ruin of their business, and by the violent and revolutionary changes of property which the process would create. The whole class of debtors, all that live more by industry than on capital, would be overwhelmed with undistinguishing destruction.

There will then, sir, be no such thing as an exclusive paper currency. The country will not be guilty of the folly of attempting it.

I should have felt that I have occupied too much time with such a senseless and preposterous suggestion, were it not the manifest object of partisans to press such notions upon the attention of the people, in aid of the war against the banks.

We shall then, sir, have paper of some sort, forming a part of our currency. What will that paper be? The honorable gentleman from South Carolina, admitting that paper is necessary as a part of the currency, or circulation, has contended that the paper ought to be Government paper—Government paper, not convertible nor redeemable, only so far as by being receivable for debts and dues to Government. My colleague has endeavored to satisfy the Senate, that the aim of the whole system, of which he regards this bill as but part, is to establish a circulation of Government paper and a Government bank. Other gentlemen have taken the same view of it. But, as the bill itself does not profess any such purpose, I am willing to discuss it in the character in which it presents itself. I take it for what its friends say it is—a bill making further provision for collecting the revenues.

We are then, sir, still to have paper as a general medium of circulation; that paper is to be the paper of banks; but Government is to be divorced from these banks, altogether. It is not to keep its funds in them, as heretofore It is to have nothing to do with them, but is to collect and disburse its revenues by its own means, and its own officers.

The receipt of the notes of specie paying banks is to be partially allowed for some time, but it is to be gradually discontinued; and six years hence, we are to arrive at the maturity and the perfection of the system. When that auspicious day comes, Government is to receive and to pay out gold and silver, and nothing but gold and silver.

Now, Mr. President, let us anticipate this joyous epoch; let us suppose the six years to have expired; and let us imagine this bill, with its specie payments and all, to be in full operation at the present hour. What will the operation be? In the first place, disregarding all question of public convenience, or the general interests of the people, how will this system work as a mere mode of collecting and paying out revenue? Let us see.

Our receipts and expenditures may be estimated, each, at thirty millions a year. Those who think this estimate either too high or too low, may make the necessary allowance. Here, then, is the sum of thirty millions, to be collected and paid out every year; and it is all to be counted, actually told over, dollar after dollar, and gold pice after gold piece; and how many times counted? Let us inquire into that. The importing merchant, whose ship has arrived, and who has cash duties to pay, goes to the bank for his money, and the teller counts it out: that is once. He carries it to the custom-house, pays it, and the clerks count it over: that is twice. Some days afterwards, the collector takes it out of his bags and chests, carries it to the receiver general's office, and there it is counted again, and poured into the bags and chests of that office: that is the third time. Presently a warrant comes from the Treasury, in favor of some disbursing officer, and the boxes are opened, and the necessary sums counted out: this is the fourth counting. And, fifthly and lastly, the disbursing officer pays it to the persons entitled to receive it, on contracts, or for pensions, salaries, or other claims. Thirty millions of hard money are thus to be handled and told over five times in the course of the year; and if there be transfers from place to place, then, of course, it is to be counted so much oftener. Government officers, therefore, are to count over one hundred and fifty millions of dollars a year; which, allowing three hundred working days in the year, gives five hundred thousand dollars a day. But this is not all. Once a quarter, the naval officer is to count the collector's money, and the register in the land office is to count the receiver's money. And, moreover, sir, every now and then the Secretary of the Treasury is to authorize unexpected and *impromptu* countings, in his discretion, and just to satisfy his own mind!

Sir, what a money-counting, tinkling, jingling generation we shall be! All the money-changer's in Solomon's temple will be as nothing to us. Our sound will go forth into all lands. We shall all be like the king in the ditty of the nursery:

"There sat the king, a counting of his money."

You observe, sir, that these receipts and payments cannot be made in parcels, without the actual handling of each piece of coin. The marks on kegs of dollars, and the labels on bags of gold, are not to be trusted. They are a part of *credit*—and all credit, all trust, all confidence, is to be done away with. When the surveyor, for instance, at the custom-house, is to *examine the money on hand*, in possession of the collector, or receiver general, he is, of course, to count the money. No other examination can come to any thing. He cannot tell, from external appearance, nor from the weight, whether the collector has loaned out the money, and filled the bags and boxes up with sand and lead, or not. Nor can counterfeit pieces be otherwise detected than by actual handling. He must open, he must examine, he must count. And so at the land offices, the mints, and elsewhere. If these officers shall have a taste for silver sounds, they are likely to be gratified.

Mr. President, in all soberness, is not this whole operation preposterous?

It begins by proposing to *keep* the public moneys. This, itself, in the sense the word is here used, is a perfect novelty, especially in the United States. Why *keep* the public moneys; that is to say, why hoard them, why *keep* them out of use? The use of money is in the exchange. It is designed to circulate, not to be hoarded. All that Government should have to do with it, is to receive it to-day, that it may pay it away to-morrow. It should not receive it, before it needs it; and it should part with it as soon as it owes it. To *keep* it—that is, to detain it, to hold it back from general use, to hoard it, is a conception belonging to barbarous times and barbarous Governments. How would it strike us, if we should see other great commercial nations acting upon such a system? If England, with a revenue of fifty millions sterling a year, were found to be collecting and disbursing every shilling of it in hard money, through all the ramifications of her vast expenditure, should we not think her mad? But the system is worse here, because it withdraws just so much active capital from the uses of a country that requires capital, and is paying interest for capital wherever it can obtain it.

But now, sir, allow me to examine the operation of the measure upon the general interest of commerce, and upon the general currency of the country. And in this point of view, the first great question is, What amount of gold and silver will this operation subtract from the circulation of the country, and from the use of the banks?

In regard to this important inquiry, we are not without the means of forming some judgment. An official report from the Treasury, made to the other House, shows that, for the last ten years, there has been, at the end of each year, on an average, fifteen millions and four hundred thousand dollars in the Treasury. And this sum is exclusive of all that had been collected of the people, but had not yet reached the Treasury; and also of all that had been drawn from the Treasury by disbursing officers, but which had not yet been by them paid to individuals. Adding these sums together, sir, and the result is that on an average, for the last ten years, there have been at least twenty millions of dollars in the Treasury. I do not mean, of course, that this sum is, the whole of it, unappropriated. I mean that this amount has in fact been in the Treasury, either not appropriated or not called for under appropriations; so that if this Sub-Treasury scheme had been in operation in times past, of the specie in the currency twenty millions would have been constantly locked up in the safes and vaults. Now, sir, I do not believe that, for these ten years, the whole amount of silver and gold in the country has exceeded, on the average, fifty or sixty millions. I do not believe it exceeds sixty millions at the present moment; and if we had now the whole system in complete operation, it would lock up, and keep locked up, one full third of all the specie in the country. Locked up, I say—hoarded—rendered as useless to all purposes of commerce and business, as if it were carried back to its native mines. Sir, is it not inceivable that any man should fall upon such a scheme of policy as this? Is it possible that any one can fail to see the destructive effects of such a policy on the commerce and the currency of the country?

It is true the system does not come into operation all at once. But it begins its demands for specie immediately; it calls upon the banks, and it calls upon individuals, for their hard dollars, that they may be put away and locked up in the Treasury, *at the very moment when the country is suffering for want of more specie in the circulation, and the banks are suffering for means to enable them to resume their payments.* And this, it is expected, will improve the currency, and facilitate resumption.

It has heretofore been asserted, that the general currency of the country needed to be strengthened, by the introduction of more specie into the circulation. This has been insisted on for years. Let it be conceded. I have admitted it, and, indeed, contended for the proposition heretofore, and endeavored to prove it. But it must be plain to every body, that any addition of specie, in order to be useful, must either go into the circulation, as a part of that circulation, or else it must go into the banks, to enable them the better to sustain and redeem their paper. But this bill is calculated to promote neither of those ends, but exactly the reverse. It withdraws specie from the circulation and from the banks, and piles it up in useless heaps in the Treasury. It weakens the general circulation, by making the portion of specie, which is part of it, so much the less; it weakens the banks, by reducing the amount of coin which supports their circulation. The general evil imputed to our currency, for some years past, is, that paper has formed too great a portion of it. The operation of this measure must be to increase that very evil. I have admitted the evil, and have concurred in measures to remedy it. I have favored the withdrawing of small bills from circulation, to the end that specie might take their place. I discussed this policy, and supported it, as early as 1832. My colleague, who, shortly after that period, was placed in the chair of the chief magistracy of Massachusetts, pressed its consideration, at length, upon the attention of the Legislature of that State. I still think it was a right policy. Some of the States had begun to adopt it. But the measures of the Administration, and especially this proposed measure, throw this policy all aback. They undo at once all that we have been laboring. Such, and so pertinacious has been the demand of Government for specie, and such new demand does this bill promise to create, that the States have found themselves compelled again to issue small bills for the use of the people. It was a day of rejoicing, as we have lately seen, among the people of New York, when the Legislature of that State suspended the small-bill restraining law, and furnished the people with some medium for small payments, better than the miserable trash which now annoys the community.

The Government, therefore, I insist, is evidently breaking down its own declared policy; it is defeating, openly and manifestly defeating, its own professed objects.

And yet, theory, imagination, presumptuous generalization, the application of military movements to questions of commerce and finance, and the abstractions of metaphysics, offer us, in such a state of things, their panacea. And what is it? What is it? What is to cure or mitigate these evils, or what is to ward off future calamities? Why, sir, the most agreeable remedy imaginable; the kindest, tenderest, most soothing, and solacing application in the whole world! Nothing, sir, nothing upon earth, but a smart, delightful, perpetual, and irreconcilable warfare, between the Government of the United States and the State banks! All will be well, we are assured, when the Government and the banks become antagonistical! Yes, sir, "antagonistical!" that is the word. What a stroke of policy, sir, is this! It is as delicate a strategem as poor old King Lear's, and a good deal like it. It proposes that we should tread lightly along, in felt or on velvet, till we get the banks within our power, and then, "kill, kill, kill!"

Sir, we may talk as much as we please about the resumption of specie payments, but I tell you that, with Government thus warring upon the banks, if resumption should take place, another suspension I fear would follow. It is not war, successful or unsuccessful, between Government and the banks, it is only peace, trust, confidence, that can restore the prosperity of the country. This system of perpetual annoyance to the banks, this hoarding up of money which the country demands for its own necessary uses, this bringing of the whole revenue to act, not in aid and furtherance, but in direct hindrance and embarrassment of commerce and business, is utterly irreconcileable with the public interest. We shall see no return of former times till it be abandoned—altogether abandoned. The passage of this bill will create new alarm and new distress.

People begin already to fear their own Government. They have an actual dread of those who should be their protectors and guardians. There are hundreds of thousands of honest and industrious men, sir, at this very moment, who would feel relieved in their circumstances, who would see a better prospect of an honest livelihood, and feel more sure of the means of food and clothing for their wives and children, if they should hear that this measure had received its death. Let us, then, sir, away with it. Do we not see the world prosperous around us? Do we not see other Governments and other nations, enlightened by experience, and rejecting arrogant innovations and theoretic dreams, accomplishing the great ends of society?

Why, sir, why are we, why are we alone among the great commercial States? Why are we to be kept on the rack and torture of these experiments? We have powers, adequate, complete powers. We need only to exercise them; we need only to porform our constitutional duty, and we shall spread content, cheerfulness, and joy, over the whole land.

This brings me, sir, to the second inquiry.

Is this measure, Mr. President, a just exercise of the powers of Congress, and does it fulfil all our duties?

Sir, I have so often discussed this point, I have so constantly insisted, for saveral years past, on the constitutional obligation of Congress to take care of the currency, that the Senate must be already tired of the speaker, if not weary of the topic; and yet, after all, this is the great and paramount question. Until this is settled, the agitation can never be quieted. If we have not the power, we must leave the whole subject in the hands of those who have it, or in no hands; but if we have the power, we are bound to exercise it, and every day's neglect is a violation of duty. I therefore again insist that we have the power, and I again press its exercise on the two Houses of Congress. I again assert that the regulation of the general currency—of the money of the country, whatever actually constitutes that money—is one of our solemn duties.

The Constitution confers on us, sir, the exclusive power of coinage. This must have been done for the purpose of enabling Congress to establish one uniform basis for the whole money system. Congress, therefore, and Congress alone, has power over the foundation, the groundwork of the currency; and it would be strange and anomalous, having this, if it had nothing to do with the structure, the edifice, to be raised on this foundation! Convertible paper was already in circulation when the Constitution was framed, and must have been expected to continue and to increase. But the circulation of paper tends to displace coin; it may banish it altogether: at this very moment it has banished it. If, therefore, the power over the coin does not enable Congress to protect the coin, and to restrain any thing which would supersede it, and abolish its use, the whole power becomes nugatory. If others may drive out the coin, and fill the country with paper which does not represent coin, of what use, I beg to know, is that exclusive power over coins and coinage which is given to Congress by the Constitution?

Gentlemen on the other side admit that it is the tendency of paper circulation to expel the coin; but when they say, that, for that very reason, they will withdraw from all connection with the general currency, and limit themselves to the single and narrow object of protecting the coin, and providing for payments to Government. This seems to me to be a very strange way of reasoning, and a very strange course of political conduct. The coinage power was given to be used for the benefit of the whole country, and not merely to furnish a medium for the collection of revenue. The object was to secure, for the general use of the people, a sound and safe circulating medium. There can be no doubt of this intent. If any evil arises, threatening to destroy or endanger this medium or this currency, our duty is to meet it, not to retreat from it; to remedy it, not to let it alone; we are to control and correct the mischief, not to submit to it. Wherever paper is to circulate, as subsidiary to coin, or as performing, in a greater or less degree, the function of coin, its regulation naturally belongs to the hands which hold the power over the coinage. This is an admitted maxim by all writers; it has been admitted and acted upon, on all necessary occasions, by our own Government, throughout its whole history. Why will we now think ourselves wiser than all who have gone before us?

This conviction of what was the duty of Government led to the establishment of the Bank in the administration of General Washington. Mr. Madison, again, acted upon the same conviction in 1816, and Congress entirely agreed with him. On former occasions, I have referred the Senate, more than once, to the clear and emphatic opinions and language of Mr. Madison, in his messages in 1815 and 1816, and they ought to be repeated, again and again, and pressed upon the public attention.

And now let me say, sir, that no man in our history has carried the doctrine farther, defended it with more ability, or acted upon it with more decision and effect, than the honorable member from South Carolina. His speech upon the bank bill, on the 26th February, 1816, is strong, full, and conclusive. He has heretofore said that some part of what he said on that occasion does not appear in the printed speech; but, whatever may have been left out by accident, that which is in the speech could not have got in by accident. Such accidents do not happen. A close, well conducted, and conclusive constitutional argument is not the result of an accident or of chance; and his argument on that occasion, as it seems to me, was perfectly conclusive. He founds the right of regulating the paper currency directly on the coinage power. "The only object," he says, "the framers of the Constitution could have in view, in giving to Congress the power to coin money, regulate the value thereof, and of foreign coin, must have been to give a steadiness and fixed value to the currency of the United States." The state of things, he insisted, existing at the time of the adoption of the Constitution, afforded an argument in support of the construction. There then existed, he said, a depriciated paper currency, which could only be regulated and made uniform by giving a power, for that purpose to the General Government.

He proceeded to say that, by a sort of under current, the

power of Congress to regulate the money of the country had caved in, and upon its ruin had sprung up those institutions which now exercised the right of making money for and in the United States. "For gold and silver (he insisted) are not only money; but whatever is the medium of purchase and sale; in which bank paper alone was now employed, and had, therefore, become the money of the country." "The right of making money," he added, "an attribute of sovereign power, a sacred and important right, was exercised by two hundred and sixty banks, scattered over every part of the United States."

Certainly, sir, nothing can be clearer than this language; and, acting vigorously upon principles thus plainly laid down, he conducted the Bank bill through the House of Representatives. On that occasion, he was the champion of the power of Congress over the currency, and others were willing to follow his lead.

But the Bank bill was not all. The honorable gentleman went much farther. The Bank, it was hoped and expected, would furnish a good paper currency to the extent of its own issues; but there was a vast quantity of bad paper in circulation, and it was possible that the mere influence of the Bank, and the refusal to receive this bad money at the Treasury, might not both be able to banish it entirely from the country. The honorable member meant to make clean work. He meant that neither Government nor people should suffer the evils of irredeemable paper. Therefore, he brought in another bill, entitled "A bill for the more effectual collection of the public revenue." By the provisions of this bill, he proposed to lay a direct stamp tax on the bills of State banks; and all notes of non-specie-paying banks were, by this stamp, to be branded with the following words, in distinct and legible characters, at length—"NOT A SPECIE NOTE." For the tax laid on such notes, there was to be no composition, no commutation; but it was to be specifically collected, on every single bill issued, until those who issued such bills should announce to the Secretary of the Treasury, and prove to his satisfaction, that, after a day named in the bill, all their notes would be paid in specie on demand.

And now, how is it possible, sir, for the author of such a measure as this to stand up and declare that the power of Congress over the currency is limited to the mere regulation of the coin? So much for our authority, as it has heretofore been admitted and acknowledged, under the coinage power.

Nor, sir, is the other source of power, in my opinion, at all more questionable.

Congress has the supreme regulation of commerce. This gives it, necessarily, a superintendence over all the interests, agencies, and instruments of commerce. The words are general, and they confer the whole power. When the end is given, all the usual means are given. Money is the chief instrument or agent of commerce; there can, indeed, be no commerce without it, which deserves the name. Congress must, therefore, regulate it as it regulates other indispensable commercial interests. If no means were to be used to this end but such as are particularly enumerated, the whole authority would be nugatory, because no means are particularly enumerated. We regulate ships; their tonnage; their measurement; the shipping articles; the medicine chest; and various other things belonging to them; and for all this we have no authority but the general power to regulate commerce; none of these, or ther means or modes of regulation are particularly and expressly pointed out.

But is a ship a more important instrument of commerce than money? We protect a policy of insurance, because it is an important instrument of ordinary commercial contract; and our laws punish with death any master of a vessel, or others, who shall commit a fraud on the parties to this contract by casting away a vessel. For all this we have no express authority. We infer it from the general power of regulating commerce, and we exercise the power in this case, because a policy of insurance is one of the usual instruments, or means, of commerce. But how inconsiderable and unimportant is a policy of insurance, as the means or an instrument of commerce, compared with the whole circulating paper of a country?

Sir, the power *is* granted to us, and granted without any specification of means; and therefore we may lawfully exercise all the usual means. I need not particularize these means, nor state, at present, what they are, or may be. One is, no doubt, a proper regulation of receipts at the custom-houses and land offices. But this, of itself, is not enough. Another is a national bank, which, I fully believe, would, even now, answer all desired purposes, and reinstate the currency in ninety days. These, I think, are to be first tried; and if, notwithstanding these, irredeemable paper should overwhelm us, others must be resorted to. We have no direct authority over State banks; but we have power over the currency, and we must protect it, using, of course, always, such means, if they be found adequate, as shall be most gentle and mild. The great measure, sir, is a bank; because a bank is not only able to restrain the excessive issues of State banks, but it is able also to furnish for the country a currency of universal credit, and of uniform value. This is the grand desideratum. Until such a currency is established, depend on it, sir, what is necessary for the prosperity of the country can never be accomplished.

On the question of power, sir, we have a very important and striking precedent.

The members of the Senate, Mr. President, will recollect the controversy between New York and her neighbor States, fifteen or sixteen years ago, upon the exclusive right of steam navigation. New York had granted an exclusive right of such navigation over her waters to Mr. Fulton and his associates; and declared, by law, that no vessel propelled by steam should navigate the North river or the Sound, without license from these grantees, under penalty of confiscation.

To counteract this law, the Legislature of New Jersey enacted, that if any citizen of hers should be restrained, or injured, in person or property, by any party acting under the law of New York, such citizen should have remedy in her courts, if the offender could be caught within her territory, and should be entitled to treble damages and costs. New Jersey called this act a *law of retortion;* and justified it on the general ground of *reprisals.*

On the other side, Connecticut took fire, and as no steamboat could come down the Sound from New York to Connecticut, or pass up from Connecticut to New York, *without a New York license,* she enacted a law, by which heavy penalties were imposed on all who should presume to come into her ports and harbors, *having any such license.*

Here, sir, was a very harmonious state of commercial intercourse! a very promising condition of things, indeed! You could not get from New York to New Haven by steam; nor could you go from New York to New Jersey, without transshipment in the bay. And now, sir, let me remind the country, that this belligerent legislation of the States concerned was justified and defended, by exactly the same arguments as those which we have heard in this debate. Every thing which has been said here, to prove that the authority to regulate commerce does not include a power to regulate currency, was said in that case, to prove that the same authority did not include an exclusive power over steamboats or other means of navigation. I do not know a reason, a suggestion, an idea, which has been used in this debate, or which was used in the debate in September, to show that Congress has no power to control the currency of the country and make it uniform, which was not used in this steamboat controversy, to prove that the authority of this Government did not reach the matter then in dispute. Look to the forensic discussions in New York! Look to the argument in the court here! You will find it every where urged that *navigation* does not come within the general idea of regulating commerce; that steamboats are but vehicles and instruments; that the power of Congress is general, and general, only; and that it does not extend to agents and instruments.

And what, sir, put an end to this state of things? What stopped these seizures and confiscations? Nothing in the world, sir, but the exercise of the constitutional power of this Government. Nothing in the world, but the decision of the Supreme Court that the power of Congress to regulate commerce was paramount; that it overruled any interfering State laws; and that these acts of the States did interfere with acts of Congress enacted under its clear and constitutional authority.

As to the extent of the power of regulating commerce, allow me to quote a single sentence from the opinion of one of the learned judges of the Supreme Court, delivered on that occasion; a judge always distinguished for the great care with which he guarded State rights. I mean Mr. Justice Johnson. And when I have read it, sir, then say if it does not confirm every word and syllable which I have uttered on this subject, either now, or at the September session. "In the advancement of society," said the Judge, "labor, transportation, intelligence, care, and various means of exchange, become commodities, and enter into commerce; *and the subject, the vehicle, the agent, and these various operations, become the objects of commercial regulation.*"

These just sentiments prevailed. The decision of the court quieted the dangerous controversy; and satisfied, and I will add gratified, most highly gratified, the whole country.

Sir, may we not perceive at the present moment, without being suspected of looking with eyes whose sight is sharpened by too much apprehension—may we not perceive, sir, in what is now passing around us, the possible beginnings of another controversy between States, which may be of still greater moment, and followed, if not arrested, by still more deplorable consequences? Do we see no danger, no disturbance, no contests ahead? Sir, do we not behold excited commercial rivalship, evidently existing between great States and great cities? Do we not see an emulous competition for trade, external and internal? Do we not see the parties concerned enlarging and proposing to enlarge, to a vast extent, their plans of currency, evidently in connection with these objects of trade and commerce? Do we not see States themselves becoming deeply interested in great banking institutions? Do we not know that, already, the notes and bills of some States are prohibited by law from circulating in others?

Sir, I will push these questions no farther: but I tell you that it was for exactly such a crisis as this—for this very crisis—for this identical exigency now upon us—that this Constitution was framed, and this Government established. And, sir, let those who expect to get over this crisis without effort and without action, let those whose hope it is that they may be borne along on the tide of circumstances and favorable occurrences, and who repose in the denial of their own powers and their own responsibility—let all such look well to the end.

For one, I intend to clear myself from all blame. I intend, this day, to free myself of the responsibility of consequences, by warning you of the danger into which you are conducting our public affairs, by urging and entreating you, as I do now urge and entreat you, by invoking you, as I do invoke you, by your love of country, and your fidelity to the Constitution, to abandon all untried expedients; to put no trust in ingenuity and contrivance; to have done with projects which alarm and agitate the people; to seek no shelter from obligation and duty; but with manliness, directness, and true wisdom, to apply to the evils of the times their proper remedy. That Providence may guide the counsels of the country to this end, before even greater disasters and calamities overtake us, is my most fervent prayer!

Mr. President, on the subject of the power of Congress, as well as on other important topics, connected with the bill, the honorable gentleman from South Carolina has advanced opinions, of which I feel bound to take some notice.

That honorable gentleman, in his recent speech, attempted to exhibit a contrast between the course of conduct which I, and other gentlemen who act with me, at present pursue, and that which we have heretofore followed. In presenting this contrast, he said, he intended nothing personal: his only object was truth. To this I could not object. The occasion requires, sir, that I should now examine *his* opinions; and I can truly say, with him, that I mean nothing personally injurious, and that my object, also, is truth, and nothing else. Here I might stop; but I will even say something more.

It is now five and twenty years, sir, since I became acquainted with the honorable gentleman, in the House of Representatives, in which he had held a seat, I think, about a year and a half before I entered it. From that period, sir, down to the year 1824, I can say, with great sincerity, there was not, among my political contemporaries, any man for whom I entertained a higher respect, or warmer esteem. When we first met we were both young men. I beheld in him a generous character, a liberal and comprehensive mind, engrossed by great objects, distinguished talent, and particularly, great originality and vigor of thought. That he was ambitious, I did not doubt; but that there was any thing in his ambition low or sordid, any thing approaching to a love of the mere loaves and fishes of office, I did not then believe, and do not now believe. If, from that moment down to the time I have already mentioned, I differed with him on any great constitutional question, I do not know it.

But, in 1824, events well known to the Senate separated us; and that separation remained, wide and broad, until the end of the memorable session which terminated in March, 1833. With the events of that session, our occasions of difference had ceased; certainly for the time, and, as I sincerely hoped, forever. Before the next meeting of Congress, the public deposites had been removed from their lawful custody by the President. Respecting this exercise of the Executive power, the honorable gentleman and myself entertained the same opinions; and, in regard to subsequent transactions connected with that, and growing out of it, there was not, so far as I know, any difference of sentiment between us. We looked upon all these proceedings but as so many efforts to give to the Executive an unconstitutional control over the public moneys. We thought we saw, every where, proofs of a design to extend Executive authority, not only in derogation of the just powers of Congress, but to the danger of the public liberty. We acted together, to check these designs, and to arrest the march of Executive prerogative and dominion. In all this, we were but co-operating with many other gentlemen here, and with a large and intelligent portion of the whole country.

The unfortunate results of these Executive interferences with the currency had made an impression on the public mind. A revolution seemed in progress, and the people were coming in their strength, as we began to think, to support us and our principles.

In this state of things, sir, we met here at the commencement of the September session; but we met, not as we had done; we met, not as we had parted. The events of May, the policy of the President in reference to those events, the doctrines of the message of September, the principles and opinions which the honorable gentleman, both to my surprise and to my infinite regret, came forward then to support, rendered it quite impossible for us to act together, for a single moment longer. To the leading doctrines of that message, and to the policy which it recommended, I felt, and still feel, a deep, conscientious, and irreconcilable opposition. The honorable gentleman supported, and still supports, both. Here, then, we part. On these questions of constitutional power and duty, and on these momentous questions of national policy, we separate. And so broad and ample is the space which divides us, and so deep does the division run, touching even the very foundations of the Government, that, considering the time of life to which we both have arrived, it is not probable that we are to meet again. I say this with unfeigned and deep regret. Believe me, sir, I would most gladly act with the honorable gentleman. If he would but come back, now, to what I consider his former principles and sentiments; if he would place himself on those constitutional doctrines which he has sustained through a long series of years; and if, thus standing, he would exert his acknowledged ability to restore the prosperity of the country, and put an end to the mischiefs of reckless experiments and dangerous innovation, I would not only willingly act *with* him, I would act *under* him; I would follow him, I would support him, I would back him, at every step, to the utmost of my power and ability. Such is not to be our destiny. That destiny is, that we here *part;* and all I can say further is, that he carries with him the same feeling of personal kindness on my part, the same hearty good-will which have here ofore inspired me.

There have been three principal occasions, sir, on which the honorable gentleman has expressed his opinion upon the questions now under discussion. They are, his speech of the 15th September, his published letter of the 3d November, and his leading speech of the present session. These productions are all marked with his characteristic ability; they are ingenious, able, condensed, and striking. They deserve an answer. To some of the observations in the speech of September, I made a reply on the day of its delivery; there are other parts of it, however, which require a more deliberate examination.

Mr. President, the honorable gentleman declares in that speech, "that he belongs to the State Rights party; that that party, from the beginning of the Government, has been opposed to a National Bank as unconstitutional, inexpedient and dangerous; that it has ever dreaded the union of the political and moneyed power, and the central action of the Government, to which it so strongly tends; that the connection of the Government with the banks, whether it be with a combination of State banks, or with a national institution, will necessarily centralize the action of the system at the principal point of collection and disbursement, and at which the mother bank, or the head of the league of State banks, must be located. From that point, the whole system, through the connection with the Government, will be enabled to control the exchanges, both of home and abroad, and, with it, the commerce, foreign and domestic, including exports and imports."

Now, sir, this connection between Government and the banks, to which he imputes such mischievous consequences, he describes to be "the receiving and paying away their notes as cash; and the use of the public money from the time of the collection to the disbursement."

Sir, if I clearly comprehend the honorable gentleman, he means no more, after all, than this: that, while the public revenues are collected, as heretofore, through the banks, they will lie in the banks between the time of collection and the time of disbursement; that, during that period, they will be regarded as one part of the means of business and of discount possessed by the banks; and that, as a greater portion of the revenue is collected in large cities than in small ones, these large cities will, of course, derive greater benefit than the small ones from these deposites in the banks. In other words, that, as the importing merchants in a great city pay more duties to Government than those in a small one, so they enjoy an advantage to be derived from any use which the banks may make of these moneys while on deposite with them. Now, sir, I would be very glad to know, supposing all this to be true, what there is in it either unequal or unjust? The benefit is exactly in proportion to the amount of business, and to the sums paid. If individuals in large cities enjoy the incidental use of more money, it is simply because they pay more money. It is like the case of credit on duty bonds. Whoever imports goods with the benefit of giving bond for duties, instead of making present payment, enjoys a certain benefit; and this benefit, in a direct sense, is in proportion to the amount of goods imported—the large importer having credit for a large sum, the small importer having credit for a smaller sum. But the advantage, the benefit, or the indulgence, or whatever we call it, is, nevertheless, entirely equal and impartial.

How, then, does the collection of revenue through the banks "centralize" the action of the commercial system? It seems to me, sir, the cause is mistaken for the effect. The greatest amount of revenue is collected in the greatest city, because it is already the greatest city; because its local advantages, its population, its capital and enterprise, draw business towards it, constitute it a central point in commercial operations, and have made it the greatest city. It is the centralization of commerce by these just and proper causes—causes which must always exist in every country which produces a large collection of revenue in the favored spot. The amount of capital is one very import-

ant cause, no doubt; and leaving public moneys in the banks till wanted, allows to merchants, in places of large import, a degree of incidental benefit, in just proportion to the amount of capital by them employed in trade, and no more.

I suppose, sir, it is the natural course of things in every commercial country, that some place, or a few places, should go ahead of others in commercial business importance. This must ever be so until all places possess precisely equal natural advantages. And I suppose, too, that, instead of being mischievous, it is rather for the common good of all, that there should be some commercial emporium, some central point, for the exchanges of trade. Government, certainly, should not seek to produce this result by the bestowal of unequal privileges; but surely, sir, it would be a very strange and indefensible policy which should lead the Government to withhold any portion of the capital of the country from useful employment, merely because that, if employed, while all enjoyed the benefit proportionately, all would not enjoy it with the same absolute mathematical equality.

So much, sir, for concentration, arising from depositing the revenues in banks. Let us now look to the other part of the connection, viz: the receiving of bank notes for duties. How in the world does this "centralize" the commercial system? The whole tendency and effect, as it seems to me, is directly the other way. It counteracts centralization. It gives all possible advantage to local currency and local payments, and thereby encourages both imports and exports. It tends to make local money good everywhere. If goods be imported into Charleston, the duties are paid in Charleston notes. New York notes are not demanded. Nothing, certainly, can be fairer or more equal than this, and nothing more favorable to the Charleston importers.

But how would that system work, which the gentleman himself proposes?

If his plan could prevail, he would have the duties collected either in specie, or in a Government paper to be issued from the Treasury. He would reject all bank notes whatever. If the gentleman, sir, fears centralization, I am astonished that he does not see centralization in all its terrors in this very proposition of his own. Pray allow me to ask, sir, where will this Government paper, in the course of its issue and circulation, naturally centre? To what points will it tend? Certainly, most certainly, to the greatest points of collection and expenditure; to the very heart of the metropolitan city, wherever that city may be. This is as inevitable as the fall of water or the results of attraction. If two-thirds of the duties be collected in New York, it will follow, of course, that two-thirds of any Government paper received for duties will be there received; and it will be more valuable there than elsewhere. The value of such paper would consist in its receivability, and nothing else. It would always tend, therefore, directly to the spot where the greatest demand should exist for it for that purpose. Is it not so at this moment with the outstanding Treasury notes? Are they abundant in Georgia, in Mississippi, in Illinois, or in New Hampshire? No sooner issued than they commence their march toward the place where they are most valued and most in demand; that is, to the place of the greatest public receipt. If you want concentration, sir, and enough of it—if you desire to dry up the small streams of commerce, and fill more full the deep and already swollen great channels, you will act very wisely to that end, if you keep out of the receipt of the Treasury all money but such paper as the Government may furnish, and which shall be no otherwise redeemable than in receipt for debts to Government, while at the same time you depress the character of the local circulation.

Such is the scheme of the honorable member in its probable commercial effect. Let us look at it in a political point of view.

The honorable member says he belongs to the State rights party; that party professes something of an uncommon love of liberty; an extraordinary sensibility to all its dangers; and of those dangers, it most dreads the union of the political and money power. This we learn from the authentic declaration of the gentleman himself. And now, oh, transcendent consistency! oh, most wonderful conformity of means and ends! oh, exquisite mode of gratifying high desires! behold, the honorable member proposes that the political power of the State shall take to itself the whole function of supplying the entire paper circulation of the country, by notes or bills of its own, issued at its own discretion, to be paid out or advanced to whomsoever it pleases, in discharging the obligations of Government, bearing no promise to pay, and to be kept in circulation merely by being made receivable at the Treasury! The whole circulation of the country, excepting only that which is metallic, and which must always be small, will thus be made up of mere Government paper, issued for Government purposes, and redeemable only in payment of Government debts. In other words, the entire means of carrying on the whole commerce of the country will be held by Government in its own hands, and made commensurate, exactly, with its own wants, purposes, and opinions; the whole commercial business of the country being thus made a mere appendage to revenue.

But, sir, in order that I may not misrepresent the honorable member, let me show you a little more distinctly what his opinions are respecting this Government paper.

The honorable member says, sir, that to make this Sub-Treasury measure successful, and to secure it against reaction, some safe and stable medium of circulation, "to take the place of bank notes in the fiscal operations of the Government, ought to be issued;" that, "in the present condition of the world, a paper currency, in some form, if not necessary, is almost indispensable, in financial and commercial operations of civilized and extensive communities;" that "the great desideratum is to ascertain what description of paper has the requisite qualities of being free from fluctuation in value, and liability to abuse, in the greatest perfection;" that "bank notes do not possess these requisites in a degree sufficiently high for this purpose." And then he says, "I go farther. It appears to me, after bestowing the best reflection I can give the subject, that no convertible paper, that is, no paper whose credit rests upon a *promise to pay*, is suitable for currency." "On what, then, (he asks,) ought a paper currency to rest?" "I would say," he answers, "on demand and supply simply; which regulate the value of every thing else—the constant demand which Government has for its necessary supplies." He then proceeds to observe, "that there might be a sound and safe paper currency, founded on the credit of Government exclusively." "That such paper, only to be issued to those who had claims on the Government, would, in its habitual state, be at or above par with gold and silver;" that "nothing but experience can determine what amount, and of what denominations, might be safely issued; but that it might be safely assumed that the country would absorb an amount greatly exceeding its annual income. Much of its exchanges, which amount to a vast sum, as well as its banking business, would revolve about it; and many millions would thus be kept in circulation beyond the demands of the Government.

By this scheme, sir, Government, in its disbursements, is not to pay money, but to issue paper. This paper is no otherwise payable or redeemable, than as it may be received at the Treasury. It is expected to be let out much faster than it comes in, so that many millions will be kept in circulation; and its habitual character will be at or above par with gold and silver. Now, sir, if there is to be found any where a more plain and obvious project of paper money, in all its deformity, I should not know where to look for it.

In the first place, sir, I have suggested the complete union which it would form, if it were, in itself, practicable, between the political and the money power.

The whole commerce of the country, indeed, under such a state of law, would be little more than a sort of incident to Treasury operations—rather a collateral emanation of the revenue system, than a substantial and important branch of the public interest. I have referred, also, to its probable consequences, upon that which the gentleman regards as so great an evil, and which he denominates "the centralization of commercial action."

And now I pray you to consider, Mr. President, in the next place, what an admirable contrivance this would be to secure that economy in the expenses of Government which the gentleman has so much at heart. Released from all necessity of taxation, and from the consequent responsibility to the people; not called upon to regard at all the amount of annual income; having an authority to cause Treasury notes to issue whenever it pleases,

> "In multitudes, like which the populous North
> Poured never from her frozen loins, to pass
> Rhene, or the Danau;"

what admirable restraint would be imposed on Government; how doubly sure would assurance be made for it, that all its expenditures would be strictly limited to the absolute and indispensable wants and demands of the public service!

But, sir, fortunately, very fortunately, a scheme so wild, and which would be so mischievous, is totally impracticable. It rests on an assumption, for which there is not the least foundation, either in reason or experience. It takes for granted that which the history of every commercial State refutes, and our own, especially, in almost every page. It supposes that irredeemable Government paper can circulate in the business of society, and be kept at par. This is an impossibility. The honorable gentleman rejects convertible bank notes, which are equivalent to specie, since they will always command it, and adopts in their stead Government paper, with no promise to pay, but a promise only to be received for debts and taxes; and he puts forth the imagination, as I have said, so often and so long refuted, that this paper will be kept in circulation in the country, and will be able to perform the great business of currency and exchange, even though it exist in quantities exceeding, by many millions, the demands of Government.

If it be necessary, sir, at this day, to refute ideas like these, it must be because the history of all countries, our own included, is a dead letter to us. Even at the very moment in which I am speaking, the small amount of Treasury notes which has been issued by Government, hardly a fifth part of the ordinary annual revenue—though those notes bear an interest of five per cent.—though they are redeemable in cash at the Treasury, at the expiration of the year—and though, in the mean time, they are every where received in Government dues, are not only of less value than specie, but of less value, also, than the notes of non-specie-paying banks; those banks whose paper is daily denounced here as "rags—filthy rags." In my opinion, sir, the whole scheme is as visionary and impracticable as any which the genius of project ever produced.

Mr. President, toward the close of this speech of September, I find a paragraph in which several other subjects are brought together, and which I must ask permission to read.

Having commended the wise and noble bearing of the little State Rights party, of which he says it is his pride to be a member throughout the eventful period through which the country has passed since 1824, he adds:

"In that year, as I have stated, the tariff system triumphed in the councils of the nation. We saw its disastrous political bearings; foresaw its surpluses, and the extravagancies to which it would lead; we rallied on the election of the late President to arrest it through the influence of the Executive Department of the Government. In this we failed. We then fell back upon the rights and sovereignty of the States; and, by the action of a small but gallant State, and through the potency of its interposition, we brought the system to the ground, sustained, as it was, by the Opposition and the Administration, and by the whole power and patronage of the Government."

Every part of this most extraordinary statement well deserves attention.

In the first place, sir, here is an open and direct avowal that the main object for rallying on General Jackson's first election, was to accomplish the overthrow of the protecting policy of the country. Indeed! Well, this is very frank. I am glad to hear the avowal made. It puts an end to all suspicions.

It was, then, to overthrow protection, was it, that the honorable gentleman took so much pains to secure Gen. Jackson's first election? I commend his candor, in now acknowledging it. But, sir, the honorable member had allies and associates in that rally. They thronged round him from all quarters, and followed his lead. And pray, sir, was his object, as now avowed by himself, the joint object of all the party? Did he tell Pennsylvania, honest, intelligent, straight-forward Pennsylvania, that such was his purpose? And did Pennsylvania concur in it? Pennsylvania was first and foremost in espousing the cause of General Jackson. Everybody knows she is more of a tariff State than any other in the Union. Did he tell her that his purpose was to break the tariff entirely down? Did he state his objects, also, to New York? Did he state them to New Jersey? What say you, gentlemen from Pennsylvania? gentlemen from New York? and gentlemen from New Jersey? Ye who supported Gen. Jackson's election, what say you? Was it your purpose, also, by that election, to break down the protective policy? Or, if it were not your purpose, did you know, nevertheless—pray let us understand that—did you know, nevertheless, that it *was* the purpose, and the main purpose, of the honorable member from Carolina? and did you, still, co-operate with him?

The present Chief Magistrate of the country was a member of this body in 1828. He and the honorable member from Carolina were, at that time, exerting their united forces, to the utmost, in order to bring about Gen. Jackson's election. Did they work thus zealously together, for the same ultimate end and purpose? or did they mean merely to change the Government, and then each to look out for himself?

Mr. Van Buren voted for the tariff bill of that year, commonly called the "bill of abominations;" but, very luckily, and in extremely good season, *instructions* for that vote happened to come from Albany! The vote, therefore, could be given, and the member giving it could not possibly thereby give any offence to any gentleman of the State Rights party, with whom the doctrine of instructions is so authentic.

Sir, I will not do gentlemen injustice. Those who belonged to tariff States, as they are called, and who supported General Jackson for the Presidency, did not intend thereby to overthrow the protecting policy. They only meant to make Gen. Jackson President, and to come into power along with him! As to ultimate objects, each had his own. All could agree, however, in the first step. It was difficult, certainly, to give a plausible appearance to a political union, among gentlemen who differed so widely, on the great and leading question of the times—the question of the protecting policy. But this difficulty was overcome by the oracular declaration that Gen. Jackson was in favor of a "JUDICIOUS TARIFF."

Here, sir, was ample room and verge enough. Who could object to a *judicious tariff?* Tariff men and anti-Tariff men, State Rights men and Consolidationists, those who had been called prodigals, and those who had been called radicals, all thronged and flocked together here, and with all their difference in regard to ultimate objects, agreed to make common cause, till they should get into power.

The ghosts, sir, which are fabled to cross the Styx, whatever different hopes or purposes they may have beyond it, still unite, in the present wish to get over, and therefore all hurry and huddle into the leaky and shattered craft of Charon, the ferryman. And this motley throng of politicians, sir, with as much difference of final object, and as little care for each other, made a boat of "Judicious Tariff," and all rushed and scrambled into it, until they filled it, near to sinking. The authority of the master was able, however, to keep them peaceable and in order, for the time, for they had the virtue of submission, and though with occasional dangers of upsetting, he succeeded in pushing them all over with his long setting pole.

"Ratem conto subigit."

Well, sir, the honorable gentleman tells us that he expected, when General Jackson should be elected, to arrest the tariff system *through the influence of the Executive Department.* Here is another candid confession. Arrest the tariff by Executive influence! Indeed! Why, sir, this seems like hoping, from the first, for the use of the veto. How, but by the veto, could the Executive arrest the tariff acts? And is it true, sir, that, at that early day, the honorable member was looking to the veto, not with dread, but with hope? Did he expect it, and did he reply upon it? Did he make the rally of which he speaks, in order that he might choose a President who would exercise it? And did he afterwards complain of it, or does he complain of it now, only because it was ill-directed—because it turned out to be a thunderbolt, which did not fall in the right place?

In this reliance on Executive influence—sir, I declare I hardly can trust myself that I read or quote correctly, when I find, in what I read, or from what I quote, the honorable member from South Carolina, by his own confession, hoping or expecting to accomplish any thing by Executive influence; yet so was it spoken, and so is it printed—in this reliance, or this hope, or expectation, founded on Executive influence, the honorable gentleman and his friends failed; and, failing in this, he says, they fell back on the sovereignty of the States, and brought the system to the ground "through the potency of interposition;" by which he means neither more nor less than Nullification. So then, sir, according to this, that excessive fear of power which was so much cherished by the Nullifiers, was only awakened to a flame in their bosoms, when they found that they could not accomplish their own ends by the Executive power of the President.

I am no authorized commentator, sir, on the doctrines or theories of Nullification. *Non nostrum.* But, if this exposition be authentic, I must say it is not calculated to diminish my opposition to the sentiments of that school.

But the gentleman goes on to tell us that nullification, or interposition, succeeded. By means of it, he says, he did bring the protective system to the ground. And so, in his published letter of November 3d, he states that "State interposition has overthrown the protective tariff, and, with it, the American system."

We are to understand, then, sir, first, that the compromise act of 1833 was forced upon Congress by State interposition, or nullification.

Next, that its object and design, so far as the honorable gentleman was concerned in it, was to break down and destroy, forever, the whole protective policy of the country.

And lastly, that it has accomplished that purpose, and that the last vestige of that policy is wearing away.

Now, sir, I must say, that in 1833, I entertained no doubt at all that the design of the gentleman was exactly what he now states. On this point, I have not been deceived. It was not, certainly, the design of all who acted with him; but, that it was his purpose, I knew then, as clearly as I know now, after his open avowal of it; and this belief governed my conduct at the time, together with that of a great majority of those in both Houses of Congress, who, after the act of 1824, felt bound to carry out the provisions of that act, and to maintain them reasonably and fairly. I opposed the compromise act with all my power. It appeared to me every way objectionable; it looked like an attempt to make a new Constitution; to introduce another fundamental law, above the power of Congress, and which should control the authority and discretion of Congress, in all time to come. This, of itself, was a conclusive objection with me; I said so then, have often said so since, and say so now. I said, then, that I, for one, should not be bound by that law more than by any other law, except that, as it was a law passed on a very important and agitating subject, I should not be disposed to interfere with it, until a case of clear necessity should arise. On this principle I have acted since. When that case of necessity shall arise, however, should I be in public life, I shall concur in any alteration of that act, which such necessity may require. That such an occasion may come, I more than fear I entertain something stronger than a doubt upon the possibility of maintaining the manufactures and industry of this country, upon such a system as the compromise act will leave us, when it shall have gone through its processes of reduction. All this, however, I leave to the future.

Having had occasion, Mr. President, to speak of Nullification and the Nullifiers, I beg leave to say, that I have not done so for any purpose of reproach. Certainly, sir, I see no possible connection, myself, between their principles or opinions, and the support of this measure. They, however, must speak for themselves. They may have intrusted the bearing of their standard, for aught I know, to the hands of the honorable member from South Carolina; and I perceived last session, what I perceive now, that in his opinion there is a connection between these projects of Government and the doctrines of Nullification. I can only say, sir, that it will be marvellous to me if that banner, though it be said to be tattered and torn, shall yet be lowered in obeisance, and laid at the footstool of Executive power. To the sustaining of that power the passage of this bill is of the utmost importance. The Administration will regard its success as being to them, what Cromwell said the battle of Worcester was to him—"a crowning mercy." Whether gentlemen, who have distinguished themselves so much by their extreme jealousy of this Government, shall now find it consistent with their principles to give their aid in accomplishing this consummation, remains to be seen.

The next exposition of the honorable gentleman's sentiments and opinions is his letter of November 3d.

This letter, sir, is a curiosity. As a paper, describing political movements, and exhibiting political opinions, it is without a parallel. Its phrase is altogether military. It reads like a despatch, or a bulletin from headquarters. It is full of attacks, assaults and repulses. It recounts movements and countermovements, speaks of occupying one position, falling back upon another, and advancing to a third; it has positions to cover enemies, and positions to hold allies in check. Meantime, the celerity of all these operations reminds one of the rapidity of the military actions of the King of Prussia, in the seven years' war. Yesterday he was in the South, giving battle to the Austrian; to-day he is in Saxony or Silesia; instantly he is found to have traversed the Electorate, and is facing the Russian and the Swede on his northern frontier. If you look for his place on the map, before you find it he has quitted it. He is always marching, flying, falling back, wheeling, attacking, defending, surprising, fighting every where, and fighting all the time. In one particular, however, the campaigns described in this letter differ from the manner in which those of the great Frederick were conducted. I think we nowhere read in the narrative of Frederick's achievements of his taking a position to cover an enemy, or a position to hold an ally in check. These refinements in the science of tactics and of war are of more recent discovery.

Mr. President, public men must certainly be allowed to change their opinions and their associations, whenever they see fit. No one doubts this. Men may have grown wiser; they may have attained to better and more correct views of great public subjects. It would be unfortunate, if there were any code which should oblige men, in public or private life, to adhere to opinions once entertained, in spite of experience and better knowledge, and against their own convictions of their erroneous character. Nevertheless, sir, it must be acknowledged that what appears to be a sudden, as well as a great change, naturally produces a shock. I confess, for one, I was shocked when the honorable gentleman, at the last session, espoused this bill of the Administration; and when I first read this letter of November, and, in the short space of a column and a half, ran through such a succession of political movements, all terminating in placing the honorable member in the ranks of our opponents, and entitling him to take his seat, as he has done, among them, if not at their head, I confess I felt still greater surprise. All this seemed a good deal too abrupt. Sudden movements of the affections, whether personal or political, are a little out of nature.

Several years ago, sir, some of the wits of England wrote a mock play, intended to ridicule the unnatural and false feeling, the *sentimentality*, of a certain German school of literature. In this play, two strangers are brought together at an inn. While they are warming themselves at the fire, and before their acquaintance is yet five minutes old, one springs up and exclaims to the other, "A sudden thought strikes me! Let us swear an eternal friendship!"

This affectionate offer was instantly accepted, and the friendship duly sworn, unchangeable and eternal! Now, sir, how long this eternal friendship lasted, or in what manner it ended, those who wish to know may learn by referring to the play.

But it seems to me sir, that the honorable member has carried his political sentimentality a good deal higher than the flight of the German school; for he appears to have fallen suddenly in love, not with strangers, but with opponents.

Here we all had been, sir, contending against the progress of Executive power, and more particularly, and most strenuously, against the projects and experiments of the Administration, upon the currency. The honorable member stood among us, not only as an associate, but as a leader. We thought we were making some headway. The people appeared to be coming to our support and our assistance. The country had been roused; every successive election weakening the strength of the adversary, and increasing our own. We were in this career of success carried strongly forward by the current of public opinion, and only needed to hear the cheering voice of the honorable member,

"Once more unto the breach, dear friends, once more!"

and we should have prostrated, forever, this anti-constitutional, anti-commercial, anti-republican, and anti-American policy of the Administration. But, instead of these encouraging and animating accents, behold! in the very crisis of our affairs, on the very eve of victory, the honorable member cries out—to the enemy—not to us, his allies—but to the enemy—"Holloa! A sudden thought strikes me! I abandon my allies! Now I think of it, they have always been my oppressors! I adandon them, and now let *you and me* swear an eternal friendship!"

Such a proposition, from such a quarter, sir, was not likely to be long withstood. The other party was a little coy, but, upon the whole, nothing loath. After proper hesitation, and a little decorous blushing, it owned the soft impeachment, admitted an equally sudden sympathetic impulse on its own side; and, since few words are wanted where hearts are already known, the honorable gentleman takes his place among his new friends, amidst the greetings and caresses, and is already enjoying the sweets of an eternal friendship.

In this letter, Mr. President, the writer says, in substance, that he saw, at the commencement of the last session, that affairs had reached the point when he and his friends, according to the course they should take, would reap the full harvest of their long and arduous struggle, against the encroachments and abuses of the General Government, or lose the fruits of all their labors.

At that time, he says, State interposition (viz. Nullification) had overthrown the protecting tariff, and the American system, and put a stop to Congressional usurpation; that he had previously been united with the National Republicans; and that their joint attacks had brought down the power of the Executive; but that, in joining such allies, he was not insensible to the embarrassment of his position; that, with them, victory itself was dangerous; and that, therefore, he had been waiting for events; that now, (that is to say, in September last,) the joint attacks of the allies had brought down Executive power; that the Administration had become divested of power and influence, and that it had become clear that the combined attacks of the allied forces would utterly overthrow and demolish it. All this he saw. But he saw, too, as he says, that in that case the victory would enure, not to him or his cause, but to his allies and their cause. I do not mean to say that he spoke of personal victories, or alluded to personal objects, at all. He spoke of his cause.

It proceeds to say, then, that never was there before, and never, probably, will there be again, so fair an opportunity for himself and his friends to carry out *their own principles and policy*, and to reap the fruits of their long and arduous struggle. These principles and this policy, sir, be it remembered, he represents, all along, as identified with the principles and policy of nullification. And he makes use of this glorious opportunity, by refusing to join his late allies in any further attack on those in power, rallying anew the old State Rights party to hold in check their old opponents, the National Republican party. This, he says, would enable him to prevent the complete ascendancy of his allies, and to compel the Southern division of the Administration party to occupy the ground of which he proposes to take possession, to wit, the ground of the old State Rights party. They will have, he says, no other alternative.

Mr. President, stripped of its military language, what is the amount of all this, but that, finding the Administration weak, and likely to be overthrown, if the Opposition continued with undiminished force, he went over to it, to join it; to act, himself, upon nullification principles; and to compel the Southern members of the Administration to meet him on those principles?—in other words, to make a nullification Administration, and to take such part in it as should belong to him and his friends. He confesses, sir, that in thus abandoning his allies, and taking a position to cover those in power he perceived a shock would be created, which would require some degree of resolution and firmness. In this he was right. A shock, sir, has been created; yet there he is.

This Administration, sir, is represented as succeeding to the last, by an inheritance of principle. It professes to tread in the footsteps of its illustrious predecessor. It adopts, generally, the sentiments, principles, and opinions, of General Jackson—*Proclamation and all:* and yet, though he be the very prince of Nullifiers, and but lately regarded as the chiefest of sinners, it receives the honorable gentleman with the utmost complacency; to all appearance the delight is mutual: they find him an able leader, he finds them complying followers. But, sir, in all this movement, he understands himself. He means to go ahead, and to take them along. He is in the engine-car; he controls the locomotive. His hand regulates the steam, to increase or retard speed, at his own discretion. And as to the occupants of the passenger-cars, sir, they are as happy a set of gentlemen as one might desire to see, of a summer's day. They feel that they are in progress; they hope they shall not be run off the track; and when they reach the end of their journey, they desire to be thankful!

The arduous struggle is now all over. Its richest fruits are all reaped; Nullification embraces the Sub-Treasuries, and oppression and usurpation will be heard of no more.

On the broad surface of the country, sir, there is a spot called "the Hermitage." In that residence is an occupant very well known, and not a little remarkable both in person and character. Suppose, sir, the occupant of the Hermitage were now to open that door, enter the Senate, walk forward, and look over the chamber to the seats on the other side. Be not frightened, gentlemen, it is but fancy's sketch. Suppose he should thus come in among us, sir, and see into whose hands has fallen the chief support of that Administration, which was, in so great a degree, appointed by himself, and which he fondly relied on to maintain the principles of his own. If gentlemen were now to see his steady military step, his erect posture, his compressed lips, his firmly knitted brow, and his eye full of fire, I cannot help thinking, sir, they would all feel somewhat queer. There would be, I imagine, not a little awkward moving, and shifting in their seats. They would expect soon to hear the roar of the lion, even if they did not feel his paw.

I proceed, sir, to the speech of the honorable member, delivered on the 15th of February last, in which he announces propositions, respecting the constitutional power of Congress, which, if they can be maintained, must necessarily give a new direction to our legislation, and would go far towards showing the necessity of the present bill.

The honorable member, sir, insists that Congress has no right to make general deposites of the public revenue in banks; and he denies, too, that it can authorize the reception of any thing but gold and silver in the payment of debts and dues to the Government.

These questions, sir, are questions of magnitude, certainly, and, since they have been raised, ought to be answered. They may be considered together. Allow me in the first place, however, to clear them from some extraneous matter. The honorable member puts the first question thus: Have we the right to make deposites in the banks, in order to bestow confidence in them, with a view to enable them to resume specie payments? And, by way of illustration, asks the further question, whether Government could constitutionally bestow on individuals, or a private association, the same advantages, in order to enable *them* to pay their debts? But this I take not to be the question. The true inquiry is, may not Congress authorize the public revenue, in the intervening time between its receipts and its expenditure, to be deposited in banks, for the general purpose of safe-keeping, in the same way as individuals deposite their own money? And if this mode of safe-keeping be attended with incidental advantages, of considerable importance to the community, is not that a reason which may properly govern the discretion of Congress in the case? To benefit the banks, or to benefit the community, is, in this case, not the main object; it is only the incident; and as to the case put for illustration, it would not be expected of Congress, certainly, to make deposites with individuals with a view, principally, of enabling such individuals to pay their debts; it might, nevertheless, be very competent to Congress, in some cases, and a very proper exercise of its power, to deposite money, even with individuals, in such manner as that it might be advantageous to the depositary. This incidental or consequential advantage results, often, from the nature of the transaction, and is inseparable from it. It may always be enjoyed, more or less, by any one, who holds public money for disbursement. In order to the necessary exercise of any of its powers, Government doubtless may make contracts with banks or other corporations as well as with individuals. If it has occasion to buy bills of exchange, it may buy them of banks. If it has stock or Treasury notes to sell, it may sell to banks, as the Secretary of the Treasury has lately proposed. It may employ banks, therefore, at its discretion, for the keeping of the public moneys, as those moneys must be kept somewhere. It can no more need a specific grant of power in the Constitution for such a purpose, than one merchant, becoming agent for another to receive any pay out money, would need a particular clause in his authority, enabling him to use banks for these purposes as other persons use them. No question has ever been raised in this Government about the power of Congress to authorize such deposites. Mr. Madison, in opposing the first bank charter in 1791, argued, strenuously, that a Bank of the United States was not necessary to Government as a depository of the public moneys, because, he insisted, its use could be supplied by other banks. This sufficiently shows his opinion. And in 1800, Congress made it the duty of the collectors of customs to deposite bonds for duties in the bank and its branches for collection.

When the charter of the first bank expired, in 1811, almost every gentleman who opposed its renewal contended that it was not necessary for the purpose of holding deposites of revenue, because State Banks could answer all such purposes equally well. A strong and prevailing tone of argument runs through all the speeches on that occasion, tending to this conclusion, viz. that Government may derive from State banks all the benefit which a Bank of the United States could render. In 1816, when the charter of the last bank was granted, it contained, as originally presented, no provision for making the public deposites in the Bank. The bill was probably drawn, in this particular, from the model of the first charter, in which no such clause was contained, without adverting to the law of 1800; but a section was introduced, on my motion, making it the duty of collectors to deposite the public moneys in the Bank and its branches. It was this section of the law which some of us thought was violated by the removal of the deposites. The main object of the deposite bill of 1836, as we know, was to regulate deposites of the public money with the State banks; so that, from the commencement of the Government to the present time, nobody has thought of making any question of the constitutional power of Congress to make such arrangements.

The gentleman's other proposition, and which he lays down with still more confidence and emphasis, is, that Congress cannot, constitutionally, authorize the receipt of bank notes, though they be notes of specie-paying banks, in payment of debts to Government; because, he says, that would make them money; and if we make them money, then we are bound to control and regulate that money. Most certainly, sir, I agree with the honorable member, that when bank notes become money, we are bound to control and regulate them. I thank him for this admission, since it goes a great way to support that proposition, for which I have been contending. That bank notes have become money in fact, that they answer the uses of money, that, in many respects, the law treats them as money, is certain. Why, then, are we not already bound to control and regulate them? The gentleman will say, because we have not ourselves made them money. But is that any answer? If they have become money in fact, they require the same regulation, and we have the same authority to bestow it, as if they had acquired that character by any acts of our own, because our power is general; it is to take care of the money of the country, and to regulate all the great concerns of commerce.

But let us see how this opinion of the honorable member stands upon the authorities in our own history.

When the first bank was established, the right of Congress to create such a corporation was, as we all know, very much disputed. Large majorities, however, in both Houses, were of opinion that the right existed, and they therefore granted the charter; and in this charter there was an express provision that the bills of the Bank should be receivable in all payments to Government. Those who opposed the Bank did not object to this clause: on the contrary, they went even much farther; and Mr. Madison expressly insisted that Congress might grant or refuse, to State banks, the privilege of having their notes received in revenue. In 1791, therefore, men of all parties supposed that Congress, in its discretion, might authorize the receipt of bank notes. The same principle was incorporated into the Bank charter of 1816: indeed, it was in the bill which the gentleman himself reported; and it passed without objection from any quarter. But this is not all. Mr. President, let us look into the proceedings of the session of 1815-16, a little more closely. At the commencement of that session, Mr. Madison drew our attention to the state of the currency; by which he meant the paper currency of the country, which was then very much disordered, as the banks had suspended specie payment during the war, and had not resumed. Early in the progress of the session, the honorable member from South Carolina moved that this part of the message should be referred to a select committee. It was so ordered. The committee was raised, and the honorable gentleman placed at its head. As chairman of the committee, he introduced the Bank bill, explained it, defended it, and carried it triumphantly through the House, having in it the provision which I have before mentioned.

But there is something more. At the same session the gentleman introduced the bill for the further collection of the revenue, to which I have already referred, and in which bill he carried the receivability of bank notes much further, and provided that *notes of any bank or bankers which were payable and paid, on demand, in specie, might be also received and accepted in all payments to the United States.* So that the honorable gentleman himself drew, with his own pen, the very first legal enactment in the history of this Government, by which it was provided that the notes of State banks should be considered and treated as money at the Treasury. Still further, sir. The bill containing this provision did not pass the House; and as I deemed some provision necessary, indispensably necessary, for the state of things then existing, I introduced, I think the very next day after the failure of the honorable gentleman's bill, three resolutions. The two first were merely declaratory, asserting that all duties, taxes, and imposts, ought to be uniform, and that the revenues of the United States ought to be collected and

received in the legal currency, or in Treasury notes, or the notes of the Bank of the United States, as by law provided. These two resolutions I agreed to waive, as it was thought they were not essential, and that they might imply some degree of censure upon past transactions. The third resolution was in these words.

"*And resolved, further*, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as aforesiad; and that from and after the 1st day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as aforesaid."

The Senate will perceive that, in this resolution of mine, there was no provision whatever for receiving bank notes, except of the Bank of the United States, according to its charter. Well, what happened thereon? Why, sir, if you look into the National Intelligencer of a succeeding day, you will find it stated, that Mr. Calhoun moved to amend Mr Webster's resolution by "extending its provisions to the notes of all banks which should, at the time specified therein, pay their notes in specie on demand."

This amendment was opposed, and for a time defeated; but it was renewed, and finally prevailed. It was incorported into the resolution, became part of the law of the land, and so remains at this very moment. Sir, may I not now say to the honorable member, that if the Constitution of the country has been violated by treating bank notes as money—"Thou art the man!"

How is it possible, sir, the gentleman could so far forget his own agency in these most important transactions, as to stand up here, the other day, and with an air not only of confidence but of defiance, and say: "But I take a still higher ground; I strike at the root of the mischief. I deny the right of this Government to treat bank notes as money in its fiscal transactions. On this question I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions."

I will only add, sir, that this reception and payment of bank notes was expressly recognised by the act of the 14th April, 1836; by the deposite act of June of that year, and by the bill which passed both Houses in 1837, but which the President did neither approve nor return. In all these acts, so far as I know, the honorable member from South Carolina himself concurred.

So much for authority.

But now, sir, what is the principle of construction upon which the gentleman relies to sustain his doctrine? "The genius of our Constitution," he says, "is opposed to the assumption of power." This is undoubtedly true: no one can deny it. But he adds, "whatever power it gives, is expressly granted."

But I think, sir, this by no means follows from the first proposition, and cannot be maintained. It is doubtless true that no power is to be assumed; but then powers may be inferred, or necessarily implied It is not a question of assumption; it is a question of fair, just, and reasonable inference. To hold that no power is granted and no means authorized, but such as are granted or authorized by express words, would be to establish a doctrine that would put an end to the Government. It could not last through a single session of Congress. If such opinions had prevailed in the beginning, it never could have been put in motion, and would not have drawn its first breath. My friend near me, from Delaware, has gone so fully and so ably into this part of the subject that it has become quite unnecessary for me to pursue it. Where the Constitution confers on Congress a general power, or imposes a general duty, all other powers necessary for the exercise of that general power, and for fulfilling that duty, are implied, so far as there is no prohibition. We act every day upon this principle, and could not carry on the Government without its aid. Under the power to coin money, we build expensive mints—fill them with officers—punish such officers for embezzlement—buy bullion—and exercise various other acts of power.

The Constitution says that the judicial power of the United States shall be vested in certain courts. Under this general authority we not only establish such courts, but protect their records by penalties against forgery, and the purity of their administration by punishing perjuries.

The Department of the Post Office is another, and signal instance, of the extent and necessity of implied powers. The whole authority of Congress over this subject is expressed in very few words; they are merely "to establish post offices and post roads." Under this short and general grant, laws of Congress have been extended to a great variety of very important enactments, without the specific grant of any power whatever, as any one may see who will look over the post office laws. In these laws, among other provisions, penalties are enacted against a great number of offences; thus deducing the highest exercise of criminal jurisdiction, by reasonable and necessary inference, from the general authority. But forbear from traversing a field already so fully explored.

There are one or two other remarks, sir, in the gentleman's speech, which I must not entirely omit to notice.

In speaking of the beneficial effects of this measure, one, he says, would be, that "the weight of the banks would be taken from the side of the *tax consumers*, where it has been, from the commencement of the Government, and placed on the side of the *tax payers*. This great division of the community necessarily grows out of the fiscal action of the Government."

Sir, I utterly deny that there is the least foundation, in fact, for this distinction. It is an odious distinction, calculated to inspire envy and hatred; and being, as I think, wholly groundless, its suggestion, and the endeavor to maintain it, ought to be resisted, and repelled. We are all tax payers in the United States, who use articles on which imposts are laid; and who is there that is excused from this tax, or does not pay his proper part of it, according to his consumption? Certainly not one.

On the other hand, who are the tax consumers? Clearly, the army, the navy, the laborers on public works, and other persons in Government employment. But even these are not idle consumers; they are agents of the Government and of the people. Pensioners may be considered as persons who enjoy benefit from the public taxes of the country, without rendering present service in return; but the legal provision for them stands on the ground of previous merits, which none deny. If we had a vast national debt, the annual interest of which was a charge upon the country, the holders of this debt might be considered as tax consumers. But we have no such debt. If the distinction, therefore, which the gentleman states, exists anywhere, most certainly it does not exist here. And I cannot but exceedingly regret that sentiments and opinions should be expressed here, having so little foundation, and yet so well calculated to spread prejudice and dislike, far and wide, against the Government and institutions of the country.

But, sir, I have extended these remarks already to a length for which I find no justification but in my profound conviction of the importance of this crisis in our national affairs. We are, as it seems to me, about to rush madly from our proper spheres. We are to relinquish the performance of our own incumbent duties; to abandon the exercise of essential powers, confided by the Constitution to our hands, for the good of the country. This was my opinion in September; it is my opinion now. What we propose to do and what we omit to do, are, in my judgment, likely to make a fearful, perhaps a fatal, inroad upon the unity of commerce between these States, as well as to embarrass and harass the employments of the people, and to prolong existing evils.

Sir, whatever we may think of it now, the Constitution had its immediate origin in the conviction of the necessity for this uniformity or identity, in commercial regulations.

The whole history of the country, of every year and every month, from the close of the war of the Revolution to 1789, proves this. Over whatever other interests it was made to extend, and whatever other blessings it now does, or hereafter may, confer on the millions of free citizens who do or shall live under its protection; even though, in time to come, it should raise a pyramid of power and grandeur, whose apex should look down on the loftiest political structures of other nations and other ages, it will yet be true that it was itself the child of pressing commercial necessity. Unity and identity of commerce among all the States was its seminal principle. It had been found absolutely impossible to excite or foster enterprise in trade, under the influence of discordant and jarring State regulations. The country was losing all the advantages of its position. The Revolution itself was beginning to be regarded as a doubtful blessing. The ocean before us was a barren waste. No American canvass whitened its bosom—no keels of ours ploughed its waters. The journals of the Congress of the Confederation show the most constant, unceasing, unwearied, but always unsuccessful, appeals to the States and the people, to renovate the system, to infuse into that Confederation at once a spirit of union and a spirit of activity, by conferring on Congress the power over trade. By nothing but the perception of its indispensable necessity—by nothing but their consciousness of suffering from its want, were the States and the people brought, and brought by slow degrees, to invest this power, in a permanent and competent Government.

Sir, hearken to the fervent language of the old Congress, in July, 1785, in a letter addressed to the States, prepared by Mr. Monroe, Mr. King, and other great names, now transferred from the lists of living men, to the records which carry down the fame of the distinguished dead. The proposition before them, the great objects to which they so solicitously endeavored to draw the attention of the States, was this, viz: that "the United States, in Congress assembled, should have the sole and exclusive right of regulating the trade of the States, as well with foreign nations as with each other." This, they say, is urged upon the States by every consideration of local as well as of Federal policy; and they beseech them to agree to it, if they wish to promote the strength of the Union, and to connect it by the strongest ties of interest and affection. This was in July, 1785.

In the same spirit, and for the same end, was that most important resolution which was adopted in the House of Delegates of Virginia, on the 21st day of the following January. Sir, I read the resolution entire.

"*Resolved*, That Edward Randolph, and others, be appointed commissioners, who, or any five of whom, shall meet such commissioners as may be appointed by the other States in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situations and trade of the said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony, and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable the United States, in Congress assembled, effectually to provide for the same; that the said commissioners shall immediately transmit to the several States copies of the preceding resolution, with a circular letter requesting their concurrence therein, and proposing a time and place for the meeting aforesaid."

Here, sir, let us pause. Let us linger at the waters of the original fountain. Let us contemplate this, the first step, in that series of proceedings, so full of great events to us and to the world. Notwithstanding the embarrassment and distress of the country, the recommendation of the old Congress had not been complied with. Every attempt to bring the State Legislatures into any harmony of action, or any pursuit of a common object, had signally and disastrously failed. The exigency of the case called for a new movement; for a more direct and powerful attempt to bring the good sense and patriotism of the country into action upon the crisis. A solemn assembly was therefore proposed—a general convention of delegates from all the States. And now, sir, what was the exigency? What was the crisis? Look at the resolution itself; there is not an idea in it but trade. Commerce! commerce! is the beginning and end of it. The subject to be considered and examined was "the relative situation of the trade of the States;" and the object to be obtained was the "establishment of a uniform system in their commercial regulations, as necessary to the common interest and their permanent harmony." This is all. And, sir, by the adoption of this ever-memorable resolution, the House of Delegates of Virginia, on the 21st day of January, 1786, performed the first act in the train of measures which resulted in that Constitution, under the authority of which you now sit in that chair, and I have now the honor of addressing the members of this body.

Mr. President, I am a Northern man. I am attached to one of the States of the North, by the ties of birth and parentage, education, and the associations of early life; and by sincere gratitude for proofs of public confidence early bestowed. I am bound to another Northern State by adoption, by long residence, by all the cords of social and domestic life, and by an attachment and regard, springing from her manifestation of approbation and favor, which grapple me to her with hooks of steel. And yet, sir, with the same sincerity of respect, the same deep gratitude, the same reverence, and hearty good-will, with which I would pay a similar tribute to either of these States, do I here acknowledge the Commonwealth of Virginia to be entitled to the honor of commencing the work of establishing this Constitution. The honor is hers; let her enjoy it; let her forever wear it proudly; there is not a brighter jewel in the tiara that adorns her brow. Let this resolution stand, illustrating her records, and blazoning her name through all time!

The meeting, sir, proposed by the resolution was holden. It took place, as all know, in Annapolis, in May of the same year; but it was thinly attended, and its members very wisely adopted measures to bring about a fuller and more general convention. Their letter to the States on this occasion is full of instruction. It shows their sense of the unfortunate condition of the country. In their meditations on the subject, they saw the extent to which the commercial power must necessarily extend. The sagacity of New Jersey had led her, in agreeing to the original proposition of Virginia, to enlarge the object of the appointment of commissioners, so as to embrace not only commercial regulations, *but other important matters*. This suggestion the commissioners adopted, because they thought, as they inform us, "that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, might require a correspondent adjustment of other parts of the Federal system." Here you see, sir, that other powers, such as are now in the Constitution, were expected to branch out of the necessary commercial power; and, therefore, the letter of the commissioners concludes with recommending a general convention "to take into consideration the *whole situation of the United States*, and to devise such further provisions as should appear necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

The result of the convention was the present Constitution. And yet, in the midst of all this flood of light, respecting its original objects and purposes, and with all the adequate powers which it confers, we abandon the commerce of the country, we betray its interests, we turn ourselves away from its most crying necessities. Sir, it will be a fact, stamped in deep and dark lines upon our annals; it will be a truth, which in all time can never be denied or evaded, that if this Constitution shall not, now and hereafter, be so administered as to maintain a uniform system in all matters of trade; if it shall not protect and regulate the commerce of the country, in all its great interests, in its foreign intercourse, in its domestic intercourse, in its navigation, in its currency, in every thing which fairly belongs to the whole idea of commerce, either as an end, an agent, or an instrument, then that Constitution will have failed, utterly failed to accomplish the precise, distinct, original object, in which it had its being.

In matters of trade, we were no longer to be Georgians, Virginians, Pennsylvanians, or Massachusetts men. We were to have but one commerce, and that the commerce of the United States. There were not to be separate flags, waving over separate commercial systems. There was to be one flag, the E PLURIBUS UNUM; and toward that was to be that rally of united interests and affections, which our fathers had so earnestly invoked.

Mr. President, this unity of commercial regulation is, in my opinion, indispensable to the safety of the union of the States themselves. In peace it is strongest tie. I care not, sir, on what side, or in which of its branches, it may be attacked. Every successful attack upon it, made anywhere, weakens the whole, and renders the next assault easier and more dangerous. Any denial of its just power is an attack upon it. We attack it, most fiercely attack it, whenever we say we will not exercise the powers which it enjoins. If the court had yielded to the pretensions of respectable States upon the subject of steam navigation, and to the retaliatory proceedings of other States; if retreat and excuse, and disavowal of power had been prevailing sentiments then, in what condition, at this moment, let me ask, would the steam navigation of the country be found? To us, sir, to us, his countrymen, to us, who feel so much admiration for his genius, and so much gratitude for his services, Fulton would have lived almost in vain. State grants and State exclusions would have covered over all our waters.

Sir, it is in the nature of such things, that the first violation, or the first departure from true principles, draws more important violations or departures after it; and the first surrender of just authority will be followed by others more to be deplored. If commerce be a unit, to break it in one part is to decree its ultimate dismemberment in all. If there be made a first chasm, though it be small, through that the whole wild ocean will pour in, and we may then throw up embankments in vain.

Sir, the spirit of union is particularly liable to temptation and seduction, in moments of peace and prosperity. In war, this spirit is strengethened by a sense of common danger, and by a thousand recollections of ancient efforts and ancient glory in a common cause. In the calms of a long peace, and the absence of all apparent causes of alarm, things near gain an ascendency over things remote. Local interests and feelings overshadow national sentiments. Our attention, our regard, and our attachment, are every moment solicited to what touches us closest, and we feel less and less the attraction of a distant orb. Such tendencies, we are bound by true patriotism, and by our love of union, to resist. This is our duty; and the moment, in my judgment, has arrived when that duty is summoned to action. We hear, every day, sentiments and arguments, which would become a meeting of envoys, employed by separate Governments, more than they become the common Legislature of a united country. Constant appeals are made to local interests, to geographical distinctions, and to the policy and the pride of particular States. It would sometimes appear that it was, or as if it were, a settled purpose to convince the people that our Union is nothing but a jumble of different and discordant interests, which must, ere long, be all returned to their original state of separate existence; as if, therefore, it was of no great value while it should last, and was not likely to last long. The process of disintegration begins, by urging the fact of different interests.

Sir, is not the end obvious, to which all this leads us? Who does not see that, if convictions of this kind take possession of the public mind, our Union can hereafter be nothing, while it remains, but a connection without harmony; a bond without affection; a theatre for the angry contests of local feelings, local objects, and local jealousies? Even while it continues to exist, in name, it may, by these means, become nothing but the mere form of a united Government. My children, and the children of those who sit around me, may meet, perhaps, in this chamber, in the next generation; but if tendencies, now but too obvious, be not checked, they will meet as strangers and aliens. They will feel no sense of common interest or common country: they will cherish no common object of patriotic love. If

the same Saxon language shall fall from their lips, it may be the chief proof that they belong to the same nation. Its vital principle exhausted and gone, its power of doing good terminated, now productive only of strife and contention, and no longer sustained by a sense of common interest, the Union itself must ultimately fall, dishonored and unlamented.

The honorable member from Carolina himself, habitually indulges in charges of usurpation and oppression against the Government of his country. He daily denounces its important measures, in the language in which our revolutionary fathers spoke of the oppressions of the mother country. Not merely against Executive usurpation, either real or supposed, does he utter these sentiments, but against laws of Congress, laws passed by large majorities, laws sanctioned, for a course of years, by the people. These laws he proclaims, every hour, to be but a series of acts of oppression. He speaks of them as if it were an admitted fact, that such is their true character. This is the language which he utters, these the sentiments he expresses, to the rising generation around him. Are they sentiments and language which are likely to inspire our children with the love of union, to enlarge their patriotism, or to teach them, and to make them feel, that their destiny has made them common citizens of one great and glorious republic. A principal object, in his late political movements, the gentleman himself tells us, was to *unite the entire South;* and against whom, or against what, does he wish to unite the entire South? Is not this the very essence of local feeling and local regard? Is it not the acknowledgment of a wish and object, to create political strength, by uniting political opinions geographically? While the gentleman thus wishes to unite the entire South, I pray to know, sir, if he expects me to turn toward the polar star, and, acting on the same principle, to utter a cry of Rally! to the whole North? Heaven forbid? To the day of my death, neither he nor others shall hear such a cry from me.

Finally, the honorable member declares that he shall now march off, under the banner of State Rights! March off from whom? March off from what? We have been contending for great principles. We have been struggling to maintain the liberty and to restore the prosperity of the country; we have made these struggles here, in the national councils, with the old flag, the true American flag, the Eagle, and the Stars and Stripes, waving over the chamber in which we sit. He now tells us, however, that he marches off under the State Rights banner!

Let him go. I remain. I am where I ever have been, and ever mean to be. Here, standing on the platform of the general Constitution—a platform broad enough, and firm enough, to uphold every interest of the whole country—I shall still be found. Intrusted with some part in the administration of that Constitution, I intend to act in its spirit, and in the spirit of those who framed it. Yes, sir, I would act as if our fathers, who formed it for us, and who bequeathed it to us, were looking on us—as if I could see their venerable forms bending down to behold us, from the abodes above. I would act, too, sir, as if that long line of posterity were also viewing us, whose eye is hereafter to scrutinize our conduct.

Standing thus, as in the full gaze of our ancestors, and our posterity, having received this inheritance from the former, to be transmitted to the latter, and feeling that if I am born for any good, in my day and generation, it is for the good of the whole country, no local policy, or local feeling, no temporary impulse, shall induce me to yield my foothold on the Constitution and the Union. I move off, under no banner not known to the whole American people, and to their Constitution and laws. No, sir, these walls, these columns

"fly
From their firm base as soon as I."

I came into public life, sir, in the service of the United States. On that broad altar my earliest, and all my public vows, have been made. I propose to serve no other master. So far as depends on any agency of mine, they shall continue united States; united in interest and in affection; united in every thing in regard to which the Constitution has decreed their union; united in war, for the common defence, the common renown, and the common glory; and united, compacted, knit firmly together in peace, for the common prosperity and happiness of ourselves and our children.

THE END.